

APPROVED AS TO FORM AND
LEGALITY

Farrah Hussein
CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO.

C.M.S.

AUTHORIZING THE CITY ADMINISTRATOR TO INCREASE THE CONTRACT SPENDING AUTHORITY FOR THE ABC SECURITY SERVICES INC. CONTRACT TO FIVE HUNDRED THOUSAND DOLLARS (\$500,000) PER MONTH FOR A TOTAL NOT-TO-EXCEED AMOUNT OF THREE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$3,500,000); CONTINGENT UPON AVAILABLE FUNDS TO ENSURE SERVICE CONTINUITY; AND WAIVE THE COMPETITIVE REQUEST FOR PROPOSAL/ QUALIFICATION SELECTION REQUIREMENT.

WHEREAS, On July 24, 2018, the City of Oakland (City) entered into a security services contract with ABC Security Services Inc. (Resolution No. 87321 C.M.S.) for a term of three years with an option to extend the contract in increments of one year for up to two additional years in an amount not-to-exceed two million, five hundred thousand dollars (\$2,500,000.00) for each year of the contract, for a grand total of twelve million, five hundred thousand dollars (\$12,500,000.00); and

WHEREAS, on July 24, 2022, per Resolution No. 89440 C.M.S., the City Administrator was authorized to extend and increase and amend the contract by one million six hundred thousand dollars (\$1,600,000.00) for four months in a total amount not to exceed \$1,600,000.00 until the Request for Proposal #269336 was completed and awarded; and

WHEREAS, on February 21, 2023, per Resolution No. 89604 C.M.S., the City Administrator was authorized to increase and amend the contract by five hundred thousand dollars (\$500,000) per month for up to eight (8) months in a total amount not-to-exceed four million dollars (\$4,000,000) until the Request for Proposal No. 269336 was awarded; and

WHEREAS, failure to increase the funding capacity will create a lapse in security services, compromising the safety of our employees as well as the public. The budget authority is \$4.9 million for Fiscal Year 2023-2024, and that emergency security coverage or as-needed services over the past year has pushed the cost higher than what the annual appropriation allows; and

WHEREAS, the Oakland Public Works Department, Bureau of Maintenance and Internal Services Facilities Services Division is responsible for the security of all City facilities; and

WHEREAS, the City issued a Request for Proposal #269336 to award a new security contract, and staff will be recommending the award of the security contract in a separate agenda report; and

WHEREAS, separately, this resolution recommends the City Council increase spending authority with ABC Security Inc. until the new contract has been awarded by the City Council to allow for continuity of service during any required transition period; and

WHEREAS, Oakland Municipal Code (O.M.C.) section 2.04.051. A requires the City Administrator to conduct a request for proposals/qualifications (RFP/Q) process for professional services contracts in excess of \$25,000, O.M.C. section 2.04.051.B allows the City Council to waive the RFP/Q requirement upon finding by the City Council that it is in the best interests of the City to do so; and

WHEREAS, it is in the best interests of the City for the City Council to waive the RFP/Q requirement for this contract because the City wishes to prevent any delay and interruption of the vital and critical security services required at City Hall, Municipal Service Centers, and other City facilities; and

WHEREAS, the City Council finds the services provided in this proposed contract are professional and temporary in nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive civil service; and

WHEREAS, currently, \$3.9 million of the \$4.9 million appropriation for security services is available in the Facilities Services Fund (4400) Project (1005170) for Fiscal Year 2023-2024; and now therefore be it

RESOLVED: That contract spending authority of \$500,000 per month not-to-exceed amount of \$3,500,000 through February 2024 is appropriated and allocated requested to maintain current service levels, with authorization for the City Administrator to increase contract authority contingent upon availability of funds to ensure service continuity; and

FURTHER RESOLVED: That pursuant to O.M.C. section 2.04.051.A, the City Council hereby finds it is in the best interests of the City to waive the RFP/Q requirement for this contract in order to prevent any delay and interruption of vital and critical security services at City Hall, Municipal service centers, and other City facilities and thus so waives this requirement; and be it

FURTHER RESOLVED: That ABC Security Services Inc. shall comply with all City contracting and compliance program requirements that apply to this contract, including Local

Business Enterprise and Small Local Business Enterprise participation and compliance will be verified by the Department of Workplace and Employment Standards; and be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator to increase the contract authority contingent upon available funds to ensure service continuity. Currently \$3.9 million of the \$4.9 million appropriation for security services is available in the Facilities Service Fund (4400) Project (1005170) for the 2023-2024 fiscal year; and it be

FURTHER RESOLVED: That the contract shall be reviewed and approved by the City Attorney for form and legality prior to execution and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES -

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California