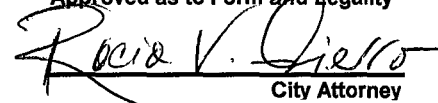


15 JAN 22 AM 10:31


City Attorney

**As Amended and Approved by City Council January 20, 2015*

OAKLAND CITY COUNCIL

RESOLUTION NO. 85369 C.M.S.

Resolution Authorizing up to a One-Year (Through January 20, 2016) Extension of the Professional Services Agreement Between the City of Oakland and Police Performance Solutions, LLC. for Monitoring and Technical Assistance Services in *Delphine Allen v. City Of Oakland*, in an Amount Not To Exceed Nine Hundred Fifty Thousand Dollars (\$950,000) and for a Total Contract Price Not to Exceed Five Million Two Hundred Forty Four Thousand Three Hundred and Twenty Dollars (\$5,244,320) and Waiving the Competitive Advertising and Request for Proposals/Qualifications Requirements

WHEREAS, in 2000 a number of plaintiffs filed *Delphine Allen et al. v. City of Oakland* (United States District Court Case no. C00-4599 TEH), which commonly is referred to as the *Riders* case, alleging that four Oakland police officers violated their civil rights by planting evidence, committing perjury and using excessive force; and

WHEREAS, the City terminated the four officers; an arbitrator upheld the terminations of the three officers who challenged their terminations; and

WHEREAS, the Alameda County District Attorney dismissed numerous cases because the officers' testimony was unreliable; released a number of the plaintiffs who were in custody and criminally prosecuted three of the officers; and a fourth officer fled and has not been located; and

WHEREAS, in 2003 the City Council approved the Negotiated Settlement Agreement ("NSA") to resolve the *Riders* case and the Court issued an order approving the NSA and retained jurisdiction to oversee compliance; and

WHEREAS, the NSA requires that the City institute police reforms to ensure that Oakland police officers exercise their powers and perform their duties in compliance with constitutional standards and that the parties to the NSA work with an independent monitor who would help the Court oversee compliance; and the parties subsequently executed a Memorandum of Understanding ("MOU") and an Amended Memorandum of Understanding ("AMOU") that superseded the NSA and the City continues to implement the remaining compliance tasks; and

WHEREAS, in 2009 the Oakland Police Department selected Robert S. Warsaw/Police Performance Solutions, LLC (formerly Alexandria Group of MPRI) to

serve as independent monitor under the NSA/MOU in accord with the City's contract procedures and laws, and in December 2009 the City Council approved the two-year contract which expired on January 20, 2012 in the amount of \$1,500,000; and

WHEREAS, in June 2010 the City Council approved a resolution presented by the City Administrator increasing the budget amount of the contract with Robert S. Warshaw/Police Performance Solutions, LLC. by the amount of \$100,320 to cover technical assistance services; and

WHEREAS, in June 2011 the City Council waived advertising and competitive processes and approved a 2-year extension of the contract with Robert S. Warshaw/Police Performance Solutions LLC for \$1,684,000, which expired on January 20, 2014; and

WHEREAS, in February 2012 the City Council approved a resolution presented by the City Administrator increasing the budget amount of the contract with Robert S. Warshaw/Police Performance Solutions, LLC. by the amount of \$100,000 to cover technical assistance services; and

WHEREAS, in December 2013 the City Council waived advertising and competitive processes and approved a one-year extension of the contract with Robert S. Warshaw/Police Performance Solutions LLC. for \$910,000 which will expire on January 20, 2015; and

WHEREAS, the City Administrator has recommended that the City Council authorize extension of the contract with Robert S. Warshaw/Police Performance Solutions LLC. for monitoring and technical assistance services for up to one year, and that the Council waive advertising and competitive processes; and

WHEREAS, sufficient funds have been budgeted in Miscellaneous Grants (2999), Office of the Chief of Police Org (101110), NSA Project (P398510), Agency Wide Administration Program (PS01) to pay for this contract; and

WHEREAS, Oakland Municipal Code sections 2.04.050 and 2.04.051 authorize the City Council to waive advertising and competitive processes for awarding contracts upon a finding that it is in the City's best interests and, here, continuing the contract with Robert S. Warshaw/Police Performance Solutions LLC. serves the City's interests by retaining monitors who are familiar with compliance standards and OPD operations and dispensing with the lengthy process of advertising, competitively bidding and selecting a new monitoring team; and

WHEREAS, the City lacks personnel to perform the work, and the City Council finds and determines that the services contract authorized hereunder is of a professional, scientific or technical and temporary nature, and shall not result in the loss of employment or salary by any person having permanent status in the

competitive services; now therefore be it

RESOLVED: That the Council authorizes the City Administrator to execute an agreement extending the contract with Robert S. Warshaw/Police Performance Solutions LLC. for monitoring services for up to one year for an amount not to exceed \$950,000 for one year, i.e., no longer than January 20, 2016, provided that the City Administrator may amend the scope of services and/or provide for earlier termination of the contract if appropriate so long as the contract amount for the extended term does not exceed \$950,000; and be it

FURTHER RESOLVED: That pursuant to Oakland Municipal Code, Chapter 2.04, sections 2.04.050 and 2.04.051 and for the reasons stated above and in the City Administrator's report accompanying this resolution, the City Council finds and determines that it is in the best interests of the City to waive the advertising and RFP/RFQ competitive process, and hereby waives these requirements; and be it

FURTHER RESOLVED: That funds have been budgeted in Miscellaneous Grants (2999), Office of the Chief of Police Org (101110), NSA Project (P398510), Agency Wide Administration Program (PS01); and be it

FURTHER RESOLVED: That the City Administrator or designee is authorized to carry out all administrative and financial actions, including negotiations, certifications, assurances, and related actions as necessary to execute, amend, or extend the contract, except for increasing the contract amount, without returning to the City Council; and be it

FURTHER RESOLVED: That in accordance with Article IV, section 401(6) of the City Charter, agreements authorized by this resolution shall be approved by the City Attorney for form and legality before execution and a copy of fully executed agreements shall be placed on file with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, JAN 20 2015

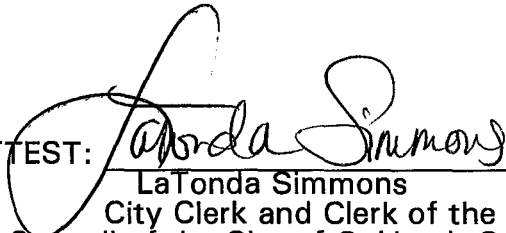
PASSED BY THE FOLLOWING VOTE:

AYES – BROOKS, CAMPBELL WASHINGTON, ~~COLE~~, GUILLEN, KALB, KAPLAN, REID and PRESIDENT GIBSON MCELHANEY -7

NOES – Gallo -1

ABSENT – Ø

ABSTENTION – Ø

ATTEST: 
LaTonda Simmons
City Clerk and Clerk of the
Council of the City of Oakland, California