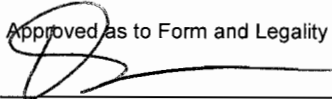


2013 JUL 26 PM 3:05

Approved as to Form and Legality

City Attorney

OAKLAND CITY COUNCIL

84586

RESOLUTION NO. ___ C.M.S.

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH SPINNAKER CONSULTING, INC. AND ALLOCATE FUNDING IN AN AMOUNT NOT TO EXCEED SEVENTY-ONE THOUSAND SEVEN-HUNDRED SIXTY DOLLARS (\$71,760) FOR PHASE I.A., SEVENTY-TWO THOUSAND SIX-HUNDRED EIGHTY DOLLARS (\$72,680) FOR PHASE I.B. AND EIGHTY-ONE THOUSAND NINE-HUNDRED THIRTY-EIGHT DOLLARS (\$81,938) FOR PHASE II FOR A TOTAL OF TWO-HUNDRED TWENTY-SIX THOUSAND THREE-HUNDRED SEVENTY-EIGHT DOLLARS (\$226,378) TO PROVIDE INVESTIGATIVE SERVICES INCLUDING INVESTIGATION, ANALYSIS AND REPORTING RELATING TO POTENTIAL DEBARMENT PROCEEDINGS AGAINST GOLDMAN SACHS MITSUI MARINE DERIVATIVE PRODUCTS, U.S., L.P. (“GOLDMAN SACHS”)

WHEREAS, at the May 21, 2013 City Council meeting, the City Council unanimously approved City Council Resolution No. 84386 C.M.S. amending Resolution No. 83962 and directing the City Administrator to negotiate the termination of the swap agreement with Goldman Sachs without termination fees and, if no such agreement was reached, to pursue all appropriate recourse to exclude them from doing business with the City;

WHEREAS, pursuant to Chapter 2.12 entitled “Debarment Program” of the Oakland, California Municipal Code of Ordinances (“OMC”), the City may debar a contractor if the City finds that the contractor has, or is engaged in, any of the grounds set forth in OMC Section 2.12.050; and

WHEREAS, pursuant to OMC Section 2.12.040, the City shall utilize City personnel and other appropriate resources to conduct the investigation and develop the documentation required by OMC Subsection 2.12.040.C; and

WHEREAS, a Request for Qualifications for investigative services was issued to five individuals and firms that would be qualified to conduct an investigation whether grounds exist to bring debarment proceedings against Goldman Sachs; and

WHEREAS, Spinnaker Consulting Inc. was the only firm to submit a proposal and is highly qualified to perform the investigation based on evaluation of expertise, experience, knowledge and resources of the proposed project team; and

WHEREAS, the City wishes to enter into an agreement for professional services with Spinnaker Consulting, Inc. to provide investigative services in an amount not to exceed \$71,760 for Phase I.A., \$72,680 for Phase I.B. and \$81,938 for Phase II, for a total of \$226,378 ; and

WHEREAS, funding for this professional services contract has not been allocated by Council, an allocation from the General Purpose Fund (Fund 1010) reserves is necessary to fund the agreement; now, therefore be it

RESOLVED, that the City Council finds and determines the forgoing recitals to be true and correct and hereby adopts and incorporates them into this Resolution; and be it

FURTHER RESOLVED, that the City Administrator or designee is hereby authorized to negotiate and execute an agreement in an amount not to exceed \$226,378 with Spinnaker Consulting, Inc. to perform investigative services relating to potential debarment proceedings against Goldman Sachs Mitsui Marine Derivative Products, U.S., L.P., including investigation, preparation and submission of a report outlining the results of such investigation for consideration of the City Administrator, and other investigative services related to debarment; and be it

FURTHER RESOLVED, that the Council allocates and authorizes from the General Purpose Fund (Fund 1010) reserve funds necessary to fund the investigative services contract with Spinnaker Consulting, Inc., in an amount not to exceed \$ 226,378.

FURTHER RESOLVED, that said professional services agreement shall be approved as to form and legality by the Office of the City Attorney and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA JUL 30 2013 , 2013

PASSED BY THE FOLLOWING VOTE:

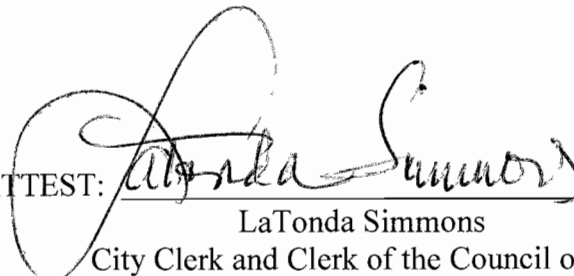
AYES - ~~Brooks~~, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, ~~Reid~~, SCHAAF, AND COUNCIL PRESIDENT KERNIGHAN - 6

NOES - 0

ABSENT - Reid - 1

ABSTENTION - 0

Excused - Brooks - 1

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