

*Rocio V. Quiro*  
City Attorney

**OAKLAND CITY COUNCIL**

OFFICE OF THE CITY CLERK

RESOLUTION NO. 81007 C.M.S.

2007 OCT 5 PM 5:42

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR HER DESIGNEE ON BEHALF OF THE CITY OF OAKLAND TO 1) EXTEND THE FIVE-YEAR CONTRACT WITH THE INDEPENDENT ASSESSMENT & MONITORING, LLP, TO CONTINUE MONITORING THE POLICE DEPARTMENT'S REFORM EFFORTS REQUIRED BY THE NEGOTIATED SETTLEMENT AGREEMENT, FROM JANUARY 21, 2008 TO JANUARY 20, 2010 FOR AN ADDITIONAL COST OF ONE MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$1,800,000) FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$ 5,019,208.92), 2) WAIVE THE COMPETITIVE BID PROCESS, AND 3) APPROPRIATE \$ 54,000 TO COVER THE CITY MANDATED 3% CONTRACT ASSESSMENT FEE FOR THIS AGREEMENT**

**WHEREAS**, on or about January 21, 2003, the City Council approved the settlement reached in the case of *Delphine Allen, et al. vs. City of Oakland, et al* and the ensuing five-year Negotiated Settlement Agreement (hereinafter "NSA"); and

**WHEREAS**, the Oakland Police Department (hereinafter "OPD") has been subject to the reform requirements established in the NSA, and the Court has recently confirmed that the OPD is now complying with its obligations under the NSA and not failing; and

**WHEREAS**, on July 15, 2003, the City Council authorized a five-year contract with the current Independent Assessment & Monitoring Team (hereinafter "IMT") for monitoring, technical assistance and auditing services as required by the terms of the NSA; and

**WHEREAS**, notwithstanding the City's strong efforts to comply with the NSA over the past several years, the Court extended the NSA for two additional years, from January 21, 2008 to January 20, 2010, holding that the City needed more time to show compliance with the NSA due to the City's delays in 2003 and 2004, to make measurable progress in its compliance efforts; and

**WHEREAS**, in extending the NSA, the Court also required the City to enter into negotiations with the IMT to extend the contract and arrive at a new compensation package for its services during the period of the NSA extension; and

**WHEREAS**, the IMT has been providing monitoring services to OPD for the past five years, is intimately familiar with OPD's operations and personnel, and is fully informed about the achievements of the OPD in its reform efforts and the work that remains to be completed in order for OPD to become compliant with the NSA; and

**WHEREAS**, the IMT is committed to fulfilling its obligations under the NSA and to work cooperatively with OPD so as to help OPD become successful with its reform efforts; and

**WHEREAS**, conducting a competitive bid process would be detrimental to the City and potentially delay the City's efforts in reaching compliance with the NSA and, therefore, is in the best interests of the City to waive the competitive bid process; and

**WHEREAS**, the three percent (3%) City-mandated Contract Assessment Fee associated with the \$1.8 million contract totals \$54,000, and payment of said fee will result in a decrease to direct service provisions, and the Department hereby requests an appropriation of said fees; now, therefore be it

**RESOLVED:** That pursuant to the Oakland Municipal Code Title 2, Chapter 2.04, Articles 2.04.050.I.5 and 2.04.051.B, the City council finds and determines that it is in the best interests of the City to waive the competitive bid process and enter into a two-year extension of the City's contract with the IMT for monitoring, auditing and support services in an amount not to exceed \$1.8 million; and be it

**FURTHER RESOLVED:** That funds to execute the two-year extension of the IMT contract are included in the Department's FY 2007-09 baseline budget and shall be drawn from General Fund (1010), Office of Inspector General's Organization Code (101130), Miscellaneous Contract Services Account (54919), Independent Monitoring Team Project (P254210) and Agency-wide Administration Program (PS01); and be it

**FURTHER RESOLVED:** That the City Council hereby appropriates funds in the amount of \$54,000 to cover the cost of the City-mandated three percent (3%) Contract Assessment Fee associated with this contract in the Department's FY 2007-2009 baseline budget and shall be drawn from General Fund (1010), Office of Inspector General's Organization Code (101130), Miscellaneous Contract Services Account (54919), Independent Monitoring Team Project (P254210) and Agency-wide Administration Program (PS01); and be it

**FURTHER RESOLVED:** That the City Administrator or her designee is authorized to complete all required negotiations, certifications, assurances, and documentation required to accept, modify, extend and/or amend this agreement for services, except for any increase in the contract amount without returning to the City Council; and be it

**FURTHER RESOLVED:** That the City Attorney shall review and approve said agreement with Independent Assessment & Monitoring, LLP as to form and legality and a copy of the fully executed agreement shall be placed on file with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, DEC 18 2007, 20    


**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, ~~BRUNNER~~, CHANG, KERNIGHAN, NADEL, QUAN, REID, and ~~PRESIDENT DE LA FUENTE~~ - 6

NOES- Brunner, De La Fuente - 2

ABSENT- 0

ABSTENTION- 0

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