



# AGENDA REPORT

**TO:** City Councilmembers

**FROM:** John Alden  
Executive Director, CPRA

**SUBJECT:** Approval of Police Commission  
Contract with RAHEEM

**DATE:** July 1, 2021

## **RECOMMENDATION**

**Staff Recommends That The City Council Adopt A Resolution Waiving the Request for Proposal or Request for Qualifications Process for the Oakland Police Commission's Professional Services Contract With RAHEEM.**

## **EXECUTIVE SUMMARY**

Pursuant to the City Council's amendments to the Oakland Municipal Code in 2019 to provide the Police Commission with the power to contract, the Police Commission entered into a contract with RAHEEM for consulting services in 2020 after waiving competitive process. Since then, staff have observed a potential ambiguity in the purchasing ordinance that calls into question the appropriate method for waiving competitive process in Police Commission contracts. Staff now recommend that the City Council also approve the Police Commission's waiver of competitive process for this contract in an abundance of caution while the City Council separately considers amendments clarifying the existing language of the ordinance.

## **BACKGROUND / LEGISLATIVE HISTORY**

Staff recommends that the City Council approve a recent Police Commission personal services contract with RAHEEM via resolution. A draft of the proposed resolution is attached as **Attachment A**.

RAHEEM is an Oakland-based nonprofit that specializes in collecting data regarding police misconduct and connecting victims with local resources necessary to support justice and healing. On October 24, 2019, the Police Commission voted to direct the CPRA Executive Director to negotiate and finalize a professional services agreement with Raheem to gather the community feedback necessary to inform the Police Commission's work in proposing revisions to the Oakland Police Department's Use of Force policy, in an amount not to exceed forty thousand dollars (\$40,000).

In July 2019, the City Council adopted Ordinance 13547 C.M.S., amending OMC Chapter 2.04 Purchasing System, to add section 2.04.022 to authorize the Police Commission to enter Professional Service Agreements necessary to fulfill its duties as defined in Measure LL, codified in section 604 of the Oakland City Charter.

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Under OMC section 2.04.022(F), “[a]ll contracts approved by the Commission are subject to the competitive and other processes and procedures required under Sections 2.04.050 and 2.04.051 [...] *unless City Administrator or City Council waiver by resolution is obtained as necessary for each of the programs/policies.*” (emphasis added).

Ordinance 13547 C.M.S. also amended OMC sections 2.05.051(A)(2) and (B) as follows (new language indicated by underline):

**2.04.051 – Competitive process and qualification-based awards for professional services contracts.**

A. Request for Qualifications or Proposal for Professional Services Contracts in Excess of Fifty Thousand Dollars (\$50,000.00).

2. Police Commission Responsibility. The CPRA Director shall conduct a request for proposal ("RFP") or request for qualifications ("RFQ") process for all contracts to be awarded by the Police Commission. The RFP/Q process shall be conducted in accordance with Section 2.04.040 B.4., above.

B. Waiver—City Administrator Authority, City Council Authority. Upon a finding by the City Administrator that it is in the best interests of the City, the City Administrator may waive said RFP/Q requirements for professional services contracts up to fifty thousand dollars (\$50,000.00). The foregoing is not applicable to the Police Commission. Upon a finding by the City Council or its designee that it is in the best interests of the City, the City Council may waive said RFP/Q requirements for contracts in any amount. OMC § 2.04.051 (B) (new language indicated by underline).

Although OMC section 2.04.022(F) clearly indicates the Council’s intent that the Commission be able to obtain a waiver from either the City Administrator or City Council, the new language in sections 2.04.051 (A)(2) and (B) can be read to create ambiguity as to the authority of the City Administrator to waive RFP/Q requirements on behalf of the Police Commission.

The above-listed contract with RAHEEM was for professional services in an amount under \$50,000. The Police Commission found this consultant to be uniquely qualified and such that waiver of the competitive process was appropriate. In particular, the Police Commission noted RAHEEM’s novel prior experience with directly gathering personal narratives and policy suggestions from people upon whom police had used force, a community particularly impacted by use of force, but who traditionally have little voice in the crafting of use of force policy.

Upon further review, staff and the Office of the City Attorney believe a waiver from the City Council is appropriate given the potential ambiguity in the language of OMC section 2.04.051(B).

**ANALYSIS AND POLICY ALTERNATIVES**

The benefits of these recommended actions are as follows:

- Approval of the Police Commission contracts by Council resolution

improves enforceability of the impacted Police Commission contract.

- Council demonstrates support of the Police Commission and its goals and efforts.

In the alternative, the Council could choose to take no action, but the potential ambiguity in the language of OMC section 2.04.051(B) leaves this contract vulnerable to challenge. A waiver by Council thus avoids this issue altogether, which is preferable to the status quo.

### **FISCAL IMPACT**

These amendments have no immediate fiscal impact, beyond staff time to memorialize the amendments appropriately in the City's Ordinances. This contract was previously authorized, the work has been completed, and the contract paid.

### **PUBLIC OUTREACH / INTEREST**

Staff have not completed any public outreach beyond the City's Sunshine Ordinance and Brown Act requirements for posting this material to the public.

### **COORDINATION**

The Police Commission, the Community Police Review Agency, and the Office of the City Attorney have all assisted in this matter.

### **SUSTAINABLE OPPORTUNITIES**

***Economic:*** None identified.

***Environmental:*** None identified.

***Race & Equity:*** None identified.

### **ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends That The City Council Adopt A Resolution Waiving the Request for Proposal or Request for Qualifications Process for the Oakland Police Commission's Professional Services Contract With RAHEEM.

For questions regarding this report, please contact John Alden, CPRA Executive Director, at 510-238-7401.

Respectfully submitted,



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JOHN ALDEN  
Executive Director, CPRA

Prepared by:  
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Attachments (1):  
Attachment A: Proposed Resolution