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OFFICE OF THE CITY CLERK
OAKLAND

2012 MAR 22 PM 1:58
AGENDA REPORT

TO: DEANNA J. SANTANA

FROM: Howard A. Jordan

SUBJECT: Frazier Group, LLC Contract

DATE: March 9, 2012

City Administrator
Approval

Date

3/19/12

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Staff recommends that the Council approve a resolution authorizing the City Administrator to 1) waive the Advertising, Competitive Bid and Request for Proposals/Qualifications Requirements (RPF/Q) Process, and 2) increase the existing contract with Frazier Group, LLC in the amount of two hundred fifty thousand dollars (\$250,000) for conducting administrative misconduct investigations related to police complaints received during *Occupy Oakland* events in the City of Oakland.

EXECUTIVE SUMMARY

Since October 25, 2011¹, the Oakland Police Department Internal Affairs Division has received numerous misconduct complaints against members of the Oakland Police Department (OPD) as a result of *Occupy Oakland* protests and events. Due to the volume, sensitivity, and complexity of these complaints as well as mandates outlined in the Negotiated Settlement Agreement (NSA), the need exists to increase the Department's investigative capacity to ensure compliance with the NSA. The City entered into a contract with Frazier Group, LLC, in the amount of \$100,000 for the time period of February 13, 2012 to March 1, 2013, to conduct administrative investigations related to police misconduct complaints received during *Occupy Oakland* events, assist with the development of a crowd control training curriculum, and provide general support and technical assistance to the Chief of Police. Given the high number of misconduct complaints related to *Occupy Oakland*, the City Administrator seeks Council's authority to increase this contract in the amount of \$250,000, for a total contract amount not to exceed \$350,000. These efforts have been coordinated appropriately and in compliance with the Federal Court Order relative to independent contracts and investigations.

¹ On Tuesday, October 25th, the Oakland Police Department removed the *Occupy Oakland* encampment due to public safety concerns surrounding bio hazardous materials, fire safety, and violations associated with unlawful camping in a public place, which resulted in numerous reports of uses of force.

Item: _____
City Council
April 3, 2012

OUTCOME

Administrative investigations of misconduct complaints related to Occupy Oakland will be conducted thoroughly, objectively, and in a timely manner.

BACKGROUND/LEGISLATIVE HISTORY

On October 25, 2011, the City removed the initial *Occupy Oakland* encampment from Frank Ogawa Plaza which resulted in numerous protests, a general strike, and a port shut down. During the course of these *Occupy* events, numerous misconduct complaints were filed against members of the Department. As mandated by the NSA, internal investigations of misconduct complaints shall be thoroughly completed within 180 days. With the increase in the number of complaints related to *Occupy Oakland* and the complexities of the allegations, additional investigative capacity is needed to ensure the investigation timelines are met and NSA compliance is maintained.

As of January 26, 2012, the City of Oakland was directed by the Court to expand the monitoring services of Police Performance Solutions, LLC. Police Performance Solutions has been consulted concerning the hiring of Frazier Group, LLC to conduct the misconduct investigations and, supports the Department's efforts.

The City executed a \$100,000 contract with the Frazier Group to conduct administrative misconduct investigations related to *Occupy Oakland*, assist with the development of a crowd control training curriculum, and provide general support and technical assistance to the Chief of Police. Given the high number of misconduct complaints related to *Occupy Oakland*, the City Administrator seeks Council's authority to increase this contract in the amount of \$250,000 for a total amount not to exceed \$350,000.

ANALYSIS

The City needs additional capacity to ensure that misconduct complaints related to *Occupy Oakland* are investigated thoroughly and within NSA required timelines. Frazier Group, LLC is already familiar with many of the misconduct complaints and has a global understanding of the *Occupy Oakland* events as well as the City's response, and currently has a contract to conduct administrative misconduct investigations related to *Occupy Oakland* events.

Due to the urgency of ensuring that NSA timelines are met, the Frazier Group, LLC is best poised to continue investigating misconduct complaints associated with *Occupy Oakland* events.

Item: _____
City Council
April 3, 2012

Waiver of the Request for Proposal/Qualifications Process

They City Council is authorized under Oakland Municipal Code Section 2.04.051.B to dispense with the City's standard RFP/Q process for the award of professional services contracts upon a finding that it is in the City's best interest to do so.

On December 12, 2011, the City of Oakland hired the Frazier Group, LLC to conduct an investigation of the City's response to *Occupy Oakland* events. During the course of its investigation, the Frazier Group became familiar with Department policy and procedures, complaints associated with *Occupy Oakland* events, and action taken by police personnel involved in the *Occupy Oakland* operations.

To ensure that complaints related to *Occupy Oakland* are investigated thoroughly and in a timely manner, the Department solicited proposals in an effort to identify a qualified vendor to perform these services. The Frazier Group was determined to have the best knowledge base and experience needed to perform the required services in a timely manner.

Staff finds that it is in the City's best interest to waive the RFP/Q process and enter into an agreement with the Frazier Group, LLC which will prevent delays in the investigations potentially jeopardizing the Department's ability to meet NSA mandated timelines.

PUBLIC OUTREACH/INTEREST

It is in the City's best interest and that of the Oakland residents to comply with the NSA and to ensure that all citizen complaints are investigated thoroughly and timely.

COORDINATION

Other City Agencies affiliated with this request include: The Office of Contracts and Compliance, the City Attorney's Office, the Budget Office, and the Office of the City Administrator.

COST SUMMARY/IMPLICATIONS

AMOUNT OF RECOMMENDATION/COST OF PROJECT: \$250,000

SOURCE OF FUNDING:

Funds for this contract shall be drawn from the General Fund (1010), Emergency Contingency Reserve (9061 i), Contingency Fund (P404410), and Program (OCCO).

Item: _____
City Council
April 3, 2012

SUSTAINABLE OPPORTUNITIES

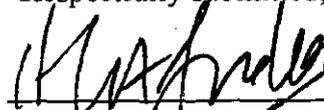
Economic: Investigating citizen complaints and holding police personnel accountable for violations of the law and serious misconduct increases public confidence and improves public relations with the community, and reduces liability and risk for the City.

Environmental: There are no environmental opportunities.

Social Equity: Citizens deserve to have a Police Department that provides highly professional services in ensuring the public safety of the residents of Oakland. Complaints filed against police personnel must be investigated thoroughly and timely to ensure public confidence and good relations with the community.

For questions concerning this report, please contact Deputy Chief Sean Whent at extension 3568.

Respectfully submitted,



Howard A. Jordan
Chief of Police

Prepared by:
Ms. Kristin Burgess
Policy Program and Performance Auditor
Office of Inspector General

Item: _____
City Council
April 3, 2012

DRAFT

City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____

FILED
OFFICE OF THE CITY CLERK
OAKLAND, CALIF. C.M.S.

2012 MAR 22 PM 1:59

RESOLUTION 1) WAIVING THE ADVERTISING AND REQUEST FOR PROPOSALS/QUALIFICATIONS REQUIREMENTS AND 2) AUTHORIZING THE CITY ADMINISTRATOR ON BEHALF OF THE CITY TO INCREASE THE EXISTING CONTRACT WITH FRAZIER GROUP, LLC IN THE AMOUNT OF TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000) FOR CONDUCTING ADMINISTRATIVE MISCONDUCT INVESTIGATIONS RELATED TO POLICE COMPLAINTS RECEIVED DURING OCCUPY OAKLAND EVENTS IN THE CITY OF OAKLAND

WHEREAS, the City has received numerous misconduct complaints related to Occupy Oakland events in the City of Oakland and the City must complete misconduct investigations within 180 days to maintain compliance with the Negotiated Settlement Agreement; and

WHEREAS, the City needs additional capacity to conduct these investigations and ensure they are completed thoroughly and within required timelines; and

WHEREAS, the City has an existing contract with Frazier Group, LLC to conduct administrative misconduct investigations related to police complaints received during Occupy Oakland events in the City of Oakland; and

WHEREAS, additional funding is necessary to conduct investigations; and

WHEREAS, the City Council is authorized under Oakland Municipal Code Section 2.04.051.B to dispense with City's standard request for proposal/qualification (RFP/Q) process for award of professional services contracts upon a finding that it is in City's best interests to do so; and,

WHEREAS, staff recommends that it is in the City's best interests to waive the RFP/Q process because Frazier Group, LLC has been investigating the City's Response to the Occupy Oakland Events and is knowledgeable about the complaints, personnel involved and OPD policies and procedures; is currently being hired to conduct misconduct complaints related to Occupy Oakland; and delays in the investigation will jeopardize the ability to meet NSA mandated timelines; now, therefore, be it

RESOLVED, That the City Council authorizes the City Administrator to increase the existing contract with Frazier Group, LLC in the amount of \$250,000 for conducting administrative misconduct investigations related to police complaints received during Occupy Oakland events in the City of Oakland, and to take all actions necessary to complete the contract; and be it

FURTHER RESOLVED, That the City Council finds and determines, for the reasons stated in this Resolution and in the City Administrator’s report accompanying this resolution, that pursuant to Oakland Municipal Code, Section 2.04.051.B it is in the City’s best interests to waive the RFP/Q process for services to be purchased under this contract, and the City Council hereby waives these requirements; and be it

FURTHER RESOLVED, That the City Administrator is authorized to take all actions that may be necessary to further amend or modify the Frazier Group, LLC contract, including entering into negotiations, certifications, assurances, and executing relevant contract documents required to accept, modify, extend or further amend the contract, except for any increases in the contract amount, without returning to the City Council; and be it

FURTHER RESOLVED, That the City Administrator or her designee will provide regular updates to the City Council concerning any changes or modifications made to the contract with Frazier Group, LLC; and be it

FURTHER RESOLVED, That the City Attorney shall review and approve, for form and legality, any and all contract amendments and modifications; and the City Administrator or her designee shall ensure that copies of fully executed contracts and amendments are placed on file with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE: BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF, and PRESIDENT REID

AYES-
NOES-

ABSENT-

ABSTENTION-

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