



AGENDA REPORT

TO: City Administrator

FROM: Jamie Turbak
Director of Library Services

SUBJECT: OPL Resolution for Purchase
Authorization and Waiver

DATE: February 3, 2023

City Administrator Approval

Date:

Mar 2, 2023

RECOMMENDATION

Staff Recommends That The City Council Approve A Resolution Authorizing The City Administrator To Purchase Oakland Public Library Materials And Specialized Services Necessary To Facilitate and Support Staff In Lending Materials To Library Patrons, Such As Books, E-books, DVDs, Newspapers, Periodicals, Database Subscriptions, Tools, And Toys In An Amount Not To Exceed The Budget Available In Designated Library Funds For July 1, 2023 through June 30, 2028 And Waiving The Competitive Procurement Process For Such Purchases.

EXECUTIVE SUMMARY

This resolution authorizes the City Administrator to purchase library materials and specialized services necessary to facilitate and support staff in lending materials to Oakland Public Library (“OPL” or “Library”) patrons for a period of five years through 2028. This resolution also waives the competitive processes for such purchases. Library materials for lending include but are not limited to books, newspapers, magazines, DVDs, CDs, streaming movies, downloadable music, Wi-Fi hotspots, tools, toys, databases, e-books, audiobooks, museum passes, government documents, microfilm, maps, manuscripts, scores, digitized photographs, video games, musical instruments, word processing and educational software.

Specialized services necessary to lend materials to OPL patrons include but are not limited to database subscriptions, e-book software platforms, Internet connectivity for Wi-Fi hotspots, software licenses, bibliographic records in multiple languages, annual maintenance for digitization software, bindery for periodicals, and protective packaging for books and DVDs.

Due to the complexities and volume of purchasing such materials and specialized services necessary to facilitate and support staff in lending materials to Library patrons, the calling of formal bids, conducting a request for proposal/qualifications (“RFP/Q”) process, and/or conducting a multi-step solicitation process is impractical or impossible to provide library materials to patrons in a timely and efficient manner.

Life Enrichment Committee
March 14, 2023

BACKGROUND / LEGISLATIVE HISTORY

Thirty-seven years ago, in 1986, Oakland City Council determined in Resolution No. 63882 C.M.S., and as amended by Resolution No. 64204 C.M.S., that, due to complexities and circumstances of purchasing library materials for OPL, it was not in the best interest of the City to require formal bids for items such as books, magazines, newspaper subscriptions, other publications, and video programming and other cable programming materials, and authorized the City Purchasing Manager to acquire library materials as may be required, in an amount not to exceed the budget available for such materials.

On July 30, 1991, Oakland City Council passed Resolution No. 68254 C.M.S. amending Resolution No. 63882 C.M.S. to extend this authorization. Resolution No. 87498 C.M.S. passed on January 10, 2019, provided further authority to acquire library materials and specialized services without a competitive procurement process until the end of June 30th, 2023. For the last thirty-seven years, OPL has acquired library materials for public use under these resolutions.

ANALYSIS AND POLICY ALTERNATIVES

To provide timely and useful materials and resources to Library patrons and because it is in the best interest of the City to do so, staff recommends that City Council authorize the City Administrator to purchase OPL materials and specialized services necessary to facilitate and support staff in lending materials to Library patrons in an amount not to exceed the budget available in designated Library funds for fiscal years 2024 through 2028 and waive the competitive procurement process, per OMC sections 2.04.050.I, 2.04.051.B and 2.04.042.D, for such purchases.

OPL patrons borrow over 2.3 million items each year and the Library owns over 2 million discrete physical items, such as books, magazines, DVDs, tools, and provides electronic access to 38 databases of digitized articles, manuscripts, photographs and educational, interactive software to learn to read, speak another language, practice a citizenship test, fix a car, plan a career, and perform genealogical research to name a few. OPL lent over 727,952 electronic versions of e-books, e-audiobooks, e-magazines, streaming movies and downloadable music in fiscal year 2021-22. Books and other materials are purchased in multiple languages and 54,844 non-English items were lent last year.

To meet the wide variety of needs and expectations of OPL patrons, it is essential to provide the large quantity and variety of materials and resources available for Library patrons to borrow in a timely and efficient manner.

In contrast to generic, bulk purchases like office supplies, library books and other materials are distinct and each title is a separate purchase. In addition, many materials are unique and not available to purchase on the open market like other general commodities. For example, manuscripts, self-published books, archival photographs, and government documents can only be acquired from a single supplier or the creator of the work.

As noted in 1986 and still true today, the timing of a particular book or non-book item is often essential to its value to the public. For example, a best seller about a breaking news story or a just released movie is requested and popular immediately and for a short window of time. Versions of titles are purchased in multiple formats to provide accessibility to different constituencies, such as those who speak languages other than English or patrons with disabilities. For instance, Library patrons borrow books in 17 non-English languages and most of these titles can only be acquired from a sole supplier or from the county of creation. "Large Type" books, audiobooks or descriptive DVDs serve patrons with vision challenges, for instance, and are available from a limited number of publishers.

Specialized services necessary to facilitate and support staff in lending materials to Oakland Library patrons are intertwined and can't be separated from the provision of the physical or electronic versions of materials. For instance, in order to provide e-books, the Library must purchase the software platform on which the e-books reside. Internet connectivity service is necessary to lend activated Wi-Fi hotspots. Books and DVDs are purchased with protective mylar or packaging that allows them to withstand heavy public use. Bibliographic records translated into other languages allow non-English speaking patrons to search the catalog and magazines and music scores are bound for storage and archival preservation.

Adoption of the proposed resolution advances the citywide priority of trustworthy government by ensuring that Oakland Public Library provides services and materials in an efficient and comprehensive manner.

Waiver of Request for Proposal/Quote (RFP/Q), Multi-Step Solicitation and Competitive Bidding Process

To provide timely, useful and accessible materials to lend to Library patrons and to make electronic resources available, it is in the best interest of the City to waive the request for proposal/quote ("RFP/Q") requirements and the multi-step solicitation process for these types of services and technology.

As a result of the large quantities of materials and resources purchased, the Library currently receives deep discounts from book and other vendors, often as much as forty percent off the retail price. A competitive procurement process, if it could be done at all, offers no fiscal advantage to the thousands of distinct titles or unique acquisitions purchased each month and, in fact, would cause significant delay and expense of City staff time and reduce the value and usefulness of materials available to lend to Library patrons.

The Oakland Municipal Code ("OMC") sections 2.04.040 and 2.04.050 require that the City Administrator conduct a competitive bid process for purchases of supplies, however, OMC section 2.04.050.I provides exceptions to the competitive bidding upon a finding by the City Council that the requirement is impracticable, unavailing or impossible (OMC section 2.04.050.I.2) or in cases when specifically authorized by the City Council after a finding and determination that it is in the best interests of the City (OMC section 2.04.050.I.5).

OMC section 2.04.051.B provides that the City Council may waive RFP/Q requirements for contracts involving professional or specialized services upon a finding that it is in the best

interests of the City. OMC section 2.04.042.D provides that the Council may waive the requirements for a multi-step solicitation process for the acquisition of "Computerized or Information Technology (IT) Systems", defined as software, computer hardware, and/or equipment and/or technical support and maintenance services, upon a recommendation of the City Administrator and finding and determination by the City Council that it is in the best interests of the City to waive solicitation processes.

Based on the reasons stated in this report, staff recommends waiving the RFP/Q requirements, the competitive bidding requirements, and the multi-step solicitation process for the purchase of library materials and specialized services necessary to facilitate and support staff in lending materials to Library patrons.

FISCAL IMPACT

The Library's annual budget for materials to lend to Library patrons is approximately \$3 million in Fund 2241 (Measure Q) and \$0.5 million in Fund 2243 (Measure D) for a total of \$3.5 million dollars. In addition, the Library occasionally receives grants or private donations for materials that are reflected in Fund 7540 (grants and donations). The proposed resolution authorizes the City Administrator to purchase OPL materials and specialized services necessary to facilitate and support staff in lending materials to Library patrons in an amount not to exceed the budget available in designated Library funds for July 1, 2023 through June 30, 2028. Waiving the competitive procurement process for such purchases ensures that Library patrons will benefit from these annual allocations in a timely and accessible manner and that funds will be used for the purchases and services themselves and not spent on overhead costs of staff time attempting to get bids on individual book titles or engaged in vain procurement attempts.

PUBLIC OUTREACH / INTEREST

No outreach was deemed necessary for this report beyond the standard City Council agenda noticing procedures.

COORDINATION

In preparation of this staff report, staff coordinated with the Departments of Contracts & Compliance, Budget Bureau and the Office of the City Attorney.

SUSTAINABLE OPPORTUNITIES

Economic: No specific, additional economic opportunities have been identified.

Environmental: Borrowing Oakland Public Library materials reduces waste because items are shared and negates the need for individuals to purchase or own items, such as books, newspapers, magazines, DVDs, tools, musical instruments, public computers, toys, games, printers, etc. In addition, e-materials borrowed by Library patrons, such as e-books, e-

magazines, e-audiobooks, streaming movies, downloadable music, do not require the depletion of natural resources to produce and consume.

Race & Equity: The services of the Oakland Public Library are available at no charge to all residents of all ages to acquire knowledge and develop skills they need to assure equity in educational, employment, housing, and community opportunities. Approval of this resolution will increase the programs and resources provided by Oakland Public Library to decrease disparities in life outcomes of marginalized communities and to facilitate equity of opportunity throughout Oakland.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve a resolution authorizing the City Administrator to purchase Oakland Public Library materials and specialized services necessary to facilitate and support staff in lending materials to Library patrons, such as books, e-books, DVDs, newspapers, periodicals, database subscriptions, tools, and toys in an amount not to exceed the budget available in designated Library funds for July 1, 2023 through June 30, 2028 and waiving the competitive procurement process for such purchases.

For questions regarding this report, please contact Jamie Turbak, Library Director, at 510-238-6610.

Respectfully submitted,



Jamie Turbak
Director of Library Services