



AGENDA REPORT

TO: FRED GLOVER-BLACKWELL
CITY ADMINISTRATOR

FROM: SEAN WHENT
INTERIM CHIEF OF POLICE

SUBJECT: Professional Services Contract
With Michael Palmertree, MFT

DATE: May 5, 2014

City Administrator
Approval

Date

5-12-14

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Staff recommends that the City Council accept this report and adopt the resolution authorizing the City Administrator to waive the competitive Request For Proposals / Qualifications (RFP/RFQ) process, the advertising and bidding requirements, and Local and Small Local Business (L/SLB) Enterprise Program provisions, and enter into a Professional Services Agreement with Michael Palmertree to provide behavioral science consultation and training services to the Oakland Police Department to meet the objectives of the Personnel Management System (PAS) policy, as required by Tasks 40 and 41 of the Memorandum of Understanding (formerly Negotiated Settlement Agreement) with the Oakland Police Officers' Association (OPOA) for the period of July 1, 2014 to June 30, 2017, with an option to extend for an additional two years, in an amount of seventy-five thousand dollars (\$75,000) per year, with a total contract amount of three hundred seventy-five thousand dollars (\$375,000).

OUTCOME

Approval of this resolution will waive the competitive Request for Proposal/Qualification (RFP/Q) process, as well as the Local and Small Local Business (L/SLB) Enterprise Program provisions and will authorize the City Administrator to enter into a three-year Professional Services Agreement with Michael Palmertree, Marriage Family Therapist (MFT), for the period of July 1, 2014 to June 30, 2017, followed by an option to extend for an additional two (2) years (to June 30, 2019).

BACKGROUND/LEGISLATIVE HISTORY

As part of the decision made by the US District Court in relation to the lawsuit brought forth in the case *Delphine Allen, et al vs. City of Oakland, et al*, the Police Department entered into a Negotiated Settlement Agreement (NSA). Tasks 40 and 41 of the NSA require the Department to

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establish an early identification and intervention program to detect and address police personnel engaged in at-risk behavior and substandard performance.

In compliance with this requirement, the Department conducted extensive research of existing early identification and intervention programs to develop and implement General Order D-17, **Personnel Assessment System (PAS)** (Rev. 20 FEB 2012). This policy, reviewed and approved as compliant by the Independent Monitoring Team (IMT), requires the Department to use the services of, and consult with, a behavioral science specialist. This specialist assists staff in establishing a methodology for identifying at-risk behavior and substandard performance such as training of supervisors, managers and commanders in intervention techniques, and conducting assessments of the effectiveness of intervention efforts.

Waiver of Bidding and Advertising Requirement and the Local and Small Local Business Enterprise Program Provisions

Section 2.04.050.1.5 of the Oakland Municipal Code (OMC) authorizes the City Council to waive the advertising and competitive bidding requirements of OMC Section 2.04.050 after a finding and determination that it is in the best interests of the City to do so. It is in the best interest of the City to waive the advertising and bidding process as no other vendors have been found that offer the combination of services offered by Michael Palmertree, MFT.

The Police Department conducted a Request for Proposal/Qualification (RFP/Q) process in June 2008, inviting qualified service providers to submit proposals to render behavioral science consultation and training services to the Police Department. At that time, Mr. Palmertree was the only vendor to submit a proposal, and the contract was awarded to Michael Palmertree, MFT. The initial two-year contract has been extended by the City Council several times. A second RFP/Q process was conducted in December 2012 and, again, Mr. Palmertree was the only vendor to submit a proposal. Renewing the contract with Michael Palmertree will prevent disruption of clinical sessions for OPD employees as well as reap the benefits of the long-time association, relationship and trust established. Staff also ask that the Local and Small Local Business (L/SLB) Enterprise Program provisions be waived as Mr. Palmertree lives and works in San Francisco.

ANALYSIS

As mandated by the Oakland Police Officers' Association (OPOA) Memorandum of Understanding (MOU), effective July 2006 to June 2015 (formerly the Negotiated Settlement Agreement, Tasks 40 and 41), the Police Department is required to develop and implement an early identification and intervention program designed to identify and address police personnel who are engaged in at-risk behavior or display substandard work performance.

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This report and proposed resolution request that the City Council waive the competitive RFP/Q process and the L/SLB Enterprise Program provisions and authorize the City Administrator to enter into a Professional Services Agreement with Michael Palmertree, MFT, to continue providing behavioral consultation and training services to sworn and civilian members of the Oakland Police Department for the period of July 1, 2014 to June 30, 2017, in an amount not to exceed \$75,000 per year. The current contract expires June 30, 2014.

Since 2005, Michael Palmertree has been providing professional behavioral science consultation services and training to employees of the Police Department. To prevent disruption of current clinical sessions and to reap the benefits of the long-time association, relationship and trust established between Mr. Palmertree and the employees of the Police Department, it is recommended that the competitive RFP/Q process and L/SLB Enterprise Program provisions be waived and that a Professional Services Agreement be entered into with Mr. Palmertree, MFT, for the period of July 1, 2014 to June 30, 2017, followed by an option to extend the contract for an additional two (2) years (to June 30, 2019).

PUBLIC OUTREACH/INTEREST

This item did not require any additional public outreach other than the required posting on the City's website.

COORDINATION

Staff worked with the Budget Office, the Office of the City Attorney, and the Contract Compliance Manager in the preparation of this request.

COST SUMMARY/IMPLICATIONS

Funding in the amount of \$225,000 is included as part of the Police Department's 2013-15 budget appropriation and will be drawn from General Fund (1010), Personnel Section Organization (106210), Miscellaneous Contract Services Account (54919), Project (0000000), Program (PS01).

SUSTAINABLE OPPORTUNITIES

Economic: No economic opportunities are identified in this report. However, professional advice and counseling services, including stress debriefing, may enhance the City's risk management strategies.

Environmental: No environmental opportunities are identified in this report.

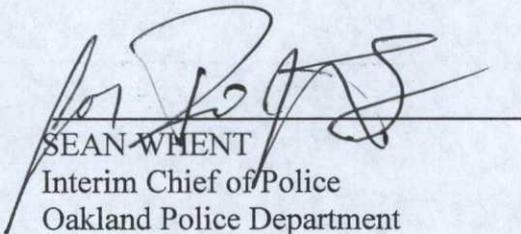
Social Equity: Professional advice and counsel related to mental health and behavioral science issues provided to the command staff of the Police Department, as well as psychological counseling

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services provided to sworn and civilian employees following traumatic events benefit the entire community served by all employees of the Police Department.

For questions regarding this report, please contact Cee Belue, Personnel Manager, at (510) 238-6971.

Respectfully submitted,



SEAN WHENT
Interim Chief of Police
Oakland Police Department

Reviewed by:

A/Capt. Donna Hoppenhauer, Personnel & Training Division

Prepared by:

Cee Belue, Personnel Manager

Bureau of Risk Management, Personnel & Training Division

-- Resolution

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FILED
OFFICE OF THE CITY CLERK
OAKLAND

2014 MAY 14 AM 10:05

Approved as to form and Legality

Priscia Hynes
City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO WAIVE THE COMPETITIVE REQUEST FOR PROPOSALS / QUALIFICATIONS (RFP/Q) PROCESS, THE ADVERTISING AND BIDDING REQUIREMENTS, AND LOCAL AND SMALL LOCAL BUSINESS (L/SLB) ENTERPRISE PROGRAM PROVISIONS, AND ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH MICHAEL PALMERTREE TO PROVIDE BEHAVIORAL SCIENCE CONSULTATION AND TRAINING SERVICES TO THE OAKLAND POLICE DEPARTMENT TO MEET THE OBJECTIVES OF THE PERSONNEL ASSESSMENT SYSTEM (PAS) POLICY, AS REQUIRED BY TASKS 40 AND 41 OF THE MEMORANDUM OF UNDERSTANDING (FORMERLY NEGOTIATED SETTLEMENT AGREEMENT) WITH THE OAKLAND POLICE OFFICERS' ASSOCIATION (OPOA) FOR THE PERIOD OF JULY 1, 2014 TO JUNE 30, 2017, WITH AN OPTION TO EXTEND FOR AN ADDITIONAL TWO YEARS, IN AN AMOUNT OF SEVENTY-FIVE THOUSAND DOLLARS (\$75,000) PER YEAR, WITH A TOTAL CONTRACT AMOUNT OF THREE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$375,000)

WHEREAS, the Oakland Police Officers' Association (OPOA) Memorandum of Understanding (MOU) with the City of Oakland required the Police Department to develop and implement an early identification and intervention program to address police personnel engaged in at-risk behavior or who display substandard work performance; and

WHEREAS, on June 19, 2007, in Resolution No. 80647 C.M.S., the City Council awarded a contract for Fiscal Year 2007-08 to Michael Palmertree, Marriage Family Therapist ("MFT"), for behavioral science consultation and training services as part of the requirements established in the Negotiated Settlement Agreement (NSA) arising from the case *Delphine Allen, et al. vs. City of Oakland, et al.*; and

WHEREAS, following an RFP/Q process in 2008, in which Mr. Palmertree was the only vendor to submit a proposal, City Council has renewed and extended the contract with Mr. Palmertree in Resolution Nos. 82835 C.M.S. and 83305 C.M.S. and by Amendment No. 1 to said agreement; and

WHEREAS, the current agreement with Mr. Palmertree, MFT, will expire on June 30, 2014; and

WHEREAS, OPD policy requires the participation of a behavioral science consultant in the conduct of the review process to identify officers and employees engaged in at-risk behavior, substandard performance and exceptional achievement; and

WHEREAS, Mr. Palmertree, MFT, has over thirty years of experience counseling personnel in areas of at-risk behavior and substandard performance and has been closely associated with the design, development, implementation, and ongoing improvements to OPD's early identification and intervention program that was approved by the United States Federal Court as being compliant with the NSA; and

WHEREAS, once again, Mr. Palmertree was the only vendor to reply to the City's 2012 RFP/Q seeking behavioral science consultation and training services, Oakland Municipal Code section 2.04.051.B permits the Council to waive advertising and the Request For Proposal / Qualifications ("RFP/Q") requirements upon a finding that it is in the best interest of the City to do so, and staff recommends that the Council waive advertising and RFP/Q requirements for the purchase of behavioral science and consultation services necessary for compliance with the MOU; and

WHEREAS, Oakland Municipal Code section 2.04.051.C permits the City, when deemed by the City Administrator to be in the best interests of the City, to waive Local / Small Local Business (L/SLB) Enterprise Program provisions, and staff recommends that the Council waive the L/SLB provisions as Mr. Palmertree resides and maintains his practice in San Francisco, California; and

WHEREAS, the services to be provided under said contract are of a professional, scientific or technical and temporary nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive service; now, therefore, be it

RESOLVED: That for the reasons stated above and in the City Administrator's report accompanying this item and pursuant to Oakland Municipal Code section 2.04.051.B, the Council finds that it is in the best interests of the City to waive advertising and the Request for Proposal / Qualifications, and the Local / Small Local Business requirements for the purchase of services from a behavioral science specialist for continued implementation of the early identification and intervention program required by the Memorandum of Understanding with the Oakland Police Officers' Association, and so waives the requirements; and be it

FURTHER RESOLVED: The contract for behavioral sciences consulting in support of the OPOA MOU is awarded to Michael Palmertree, MFT, for the term July 1, 2014 to June 30, 2017, followed by an option to extend for an additional two years, to June 30, 2019, in an amount of \$75,000 per year, with a total contract amount of \$375,000; and be it

FURTHER RESOLVED: That funds are available in the Department's budget appropriation and will be drawn from General Fund (1010), Personnel Section Organization (106210), Miscellaneous Contracts Account (54919), Project (0000000), and Program (PS01); and be it

FURTHER RESOLVED: That the City Administrator, or 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 contract with Mr. Palmertree, MFT, 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, _____

PASSED BY THE FOLLOWING VOTE:

AYES – BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF
and PRESIDENT KERNIGHAN

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

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