

Farah Hussein
CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION:

- 1) WAIVING THE CITY'S REQUEST FOR PROPOSAL REQUIREMENTS UNDER OAKLAND MUNICIPAL CODE (O.M.C) SECTION 2.04.051(B), AND THE LOCAL AND SMALL LOCAL BUSINESS ENTERPRISE (L/SLBE) PROGRAM REQUIREMENTS,**
- 2) AWARDING A THREE-YEAR PROFESSIONAL SERVICES AGREEMENT TO DAUPLER INC. IN AN AMOUNT OF EIGHT HUNDRED AND TEN THOUSAND DOLLARS (\$810,000) FOR THE PERIOD OF OCTOBER 16, 2025, THROUGH OCTOBER 15, 2028, FOR EMERGENCY CALL MANAGEMENT SERVICES WITH TWO ONE-YEAR OPTIONS TO EXTEND THE CONTRACT FOR THE AMOUNT OF TWO HUNDRED SEVENTY THOUSAND DOLLARS (\$270,000) ANNUALLY, FOR A GRAND TOTAL CONTRACT AMOUNT OF ONE MILLION THREE HUNDRED FIFTY THOUSAND DOLLARS (\$1,350,000), WITHOUT RETURNING TO COUNCIL; AND**
- 3) MAKING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS.**

WHEREAS, Oakland Public Works (OPW) and the Department of Transportation (DOT) provide a variety of public infrastructure services for which after-hours emergency calls for assistance are received. Such after-hour calls for service include, but are not limited to general needs such as down traffic signs/flooding/ property board-ups/items lost in storm drains/etc., sewer/wastewater, tree-related calls, traffic sign and signals, lighting, issues reported regarding City facilities and vehicles, etc.; and

WHEREAS, the City of Oakland is responsible for answering these calls for service from businesses and residents, assessing the situation and determining if there is an immediate hazard, performing field investigations as required, dispatching city crews for after-hours call-outs and generating call documentation. These call-outs include time-sensitive life-safety, threats to the environment, and loss of basic service issues. These after-hour emergency call management services must be provided from 7:00 p.m. to 7:00 a.m. Monday through Friday and for twenty-four (24) hours every Saturday, Sunday, and City of Oakland holidays; and

WHEREAS, Oakland Municipal Code (OMC) 2.04.051(A) requires a competitive Request For Proposals/Qualifications (“RFP/Q”) selection process for the purchase of professional services which exceed \$50,000.00; and

WHEREAS, 2.04.051(B) provides an exception to the competitive RFP/Q selection requirement when specifically authorized by the City Council after a finding and determination that it is in the best interest of the City; and

WHEREAS, Daupler Inc. offers specialized services not readily available in the market and has developed custom tools for City integration, justifying the waiver of competitive bidding under OMC 2.04.051(B); and

WHEREAS, the City Council finds and determines based on the representations set forth in the City Administrator’s report accompanying this Resolution that the professional services contract approved hereunder is temporary in nature; and

WHEREAS, the City Council finds and determines that the performance of this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive services; and

WHEREAS, Ordinances No.13101 C.M.S., No.13640 C.M.S., and No.13647 C.M.S. require a minimum 50-percent (50%) Local Business Enterprise/Small Local Business Enterprise (LBE/SLBE) participation for all purchase of commodities, goods and associated services for contracts valued at or over fifty thousand dollars (\$50,000) when there are at least three certified business listed in the industry, trade, or profession that constitutes a major category of work; and

WHEREAS, the City Council may waive the City’s LBE/SLBE requirements for the purchase of commodities, goods, services, supplies or combination thereof due to a lack or limited availability of SLBEs or LBEs pursuant to Part I of Oakland’s Local and Small Local Business Enterprise Program guidelines adopted by Ordinance No. 13647 C.M.S.; and

WHEREAS, in 2019, the City conducted a Request for Proposal (RFP) and Daupler Inc. was the sole bidder and there was no local business participation received; and

WHEREAS, on October 20, 2020, the City Council adopted Resolution No. 88317 awarding Daupler Inc. a three-year contract with an option to renew for two additional years while waiving the City’s Request For Proposal Requirements Under OMC Section 2.04.051.B. This contract expires on October 19, 2025; and

WHEREAS, Daupler Inc. has been managing the City’s after-hours emergency call management services since 2020. Daupler Inc. provides a 24-hour live person phone call center service and features a web-based portal system that integrates with the OAK311 and OPW/OakDOT database, Cityworks; and

WHEREAS, over the years, Daupler Inc. has developed a modified web-based application to accommodate the needs of multiple departments (OPW, DOT, Oak311, OPD, and OFD) and streamlined the after-hours process that is becoming very efficient; and

WHEREAS, waiving the competitive RFP/Q selection and LBE/SLBE requirements is in the best interests of the City as by doing so the City of Oakland will continue to ensure consistent and equitable delivery and documentation of after-hours emergency call dispatch and response, provide the capability for enhanced on-demand call-center support, digital dispatch, and process management including GPS directions, and will enable possible future email or online portal emergency reporting capabilities, save City the RFP/advertising cost, and City Purchasing/Contracting staff time; and

WHEREAS, due to critical emergency response services needed by the City and time and cost savings City will benefit from adopting this resolution, in accordance with OMC Section 2.04.050.I.5, staff recommends entering into a three-year professional services agreement to Daupler Inc.- in an amount of eight hundred and ten thousand dollars (\$810,000), with two one-year options to extend the contract for the amount of two hundred seventy thousand dollars (\$270,000) annually, for a grand total contract amount of one million three hundred fifty thousand dollars (\$1,350,000), without returning to council; and

WHEREAS, the total five years contract in the amount of \$1,350,000 (\$270,000 annually) is available in Fund 3100 - Sewer Service Fund, 30533 - Infrastructure Maintenance: Sewer System, Contract Services Accounts (54XXX – to be determined), Project 1000010 and 1001676; now, therefore, be it

RESOLVED: That the Council hereby finds and determines that waiver of advertising, competitive bidding and the LBE/SLBE requirements are in the best interests of the City to do so per the reasons set forth in this Resolution and the staff report that accompanies it, and thus so waives these requirements; and be it

FURTHER RESOLVED: That pursuant to OMC 2.04.051 B the City Council finds and determines that it is in the best interest to waive the competitive RFP/Q selection requirement because of the reasons stated above and in the City Administrator's report accompanying this Resolution, and therefore so waives this requirement; and be it

FURTHER RESOLVED: That the Council awards a three-year professional services agreement to Daupler Inc. in an amount of eight hundred and ten thousand dollars (\$810,000) for the period of October 16, 2025, through October 15, 2028, for emergency call management services; and be it

FURTHER RESOLVED: That the City Administrator or its designee is authorized to extend the contract for the amount of two hundred seventy thousand dollars (\$270,000) annually, for a grand total contract amount of one million three hundred fifty thousand dollars (\$1,350,000), without returning to council; and be it

FURTHER RESOLVED: That the agreements and the action being undertaken to implement them are exempt from the California Environmental Quality Act (CEQA) under the following CEQA Guideline Sections: Section 15060(c)(2) (no direct or reasonably foreseeable indirect physical change in the environment); Section 15061(b)(3) (no significant effect on the environment); Section 15301 (existing facilities); Section 15307 (protection of natural resources); Section 15308 (protection of the environment); and Section 15309 (inspections), each of which provides a separate and independent basis for CEQA clearance and when viewed collectively provide an overall basis for CEQA clearance; and be it

FURTHER RESOLVED: That City Administrator must report back to Council on any contract adjustments and any further increases beyond this amount require additional Council's approval; and be it

FURTHER RESOLVED: That the City Administrator or their designee is authorized to complete all required negotiations, execute the agreements, and take any other action consistent with this Resolution and its basic purpose except with respect to any increase in compensation or contract amount; and be it

FURTHER RESOLVED: That the Agreement will be reviewed for form and legality by the City Attorney and a copy filed with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG, AND
PRESIDENT JENKINS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____
ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California

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