

APPROVED AS TO FORM AND LEGALITY


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION WAIVING THE REQUEST FOR PROPOSAL OR REQUEST FOR QUALIFICATIONS PROCESS FOR THE OAKLAND POLICE COMMISSION'S PROFESSIONAL SERVICES CONTRACT WITH RAHEEM.

WHEREAS, the Oakland City Council adopted Ordinance No. 13547 C.M.S. on July 9, 2019, amending Oakland Municipal Code (OMC) Chapter 2.04, Purchasing System, to add section 2.04.022 to authorize the Police Commission to enter into professional services contracts necessary to fulfill its duties as defined in section 604 of the City Charter; and

WHEREAS, all Police Commission contract approvals require an affirmative vote of four (4) or more members of the Commission who are eligible to participate in the vote (according to OMC section 2.45.070(S)) at the time action is taken to approve the contract; and

WHEREAS, all contracts approved by the Police Commission are subject to the competitive and other processes and procedures required under OMC Chapter 2.04, Purchasing System; and

WHEREAS, the Community Police Review Agency (CPRA) Executive Director is authorized, on behalf of the City of Oakland, to enter into professional services contracts properly approved by the Commission; and

WHEREAS, OMC section 2.04.051(B) is ambiguous as to the authority of the City Administrator or the Police Commission to waive, on behalf of the Police Commission, the RFP/Q process for professional services contracts up to fifty thousand dollars (\$50,000) upon a finding that it is in the best interest of the City to do so; and

WHEREAS, as set forth in OMC section 2.04.022(F), the City Council intended that, in addition to the City Council, the City Administrator retain the authority to waive the RFP/Q process for professional services contracts up to fifty thousand dollars (\$50,000) on behalf of the Police Commission; and

WHEREAS, OMC section 2.04.051(B) authorizes the City Council to waive the RFP/Q process for professional services contracts in any amount, upon a finding that it is in the best interests of the City to do so; and

WHEREAS, on October 10, 2019, Raheem, an Oakland-based nonprofit and independent service for reporting police conduct in the United States, presented a proposal to the Police Commission regarding its unique qualifications in gathering community feedback necessary to adequately inform the Police Commission’s work in proposing revisions to the Oakland Police Department’s Use of Force policy; and

WHEREAS, on October 24, 2019, the Police Commission voted to direct the CPRA Executive Director to negotiate and finalize a professional services contract 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); and

WHEREAS, given the ambiguity of OMC section 2.04.051(B), the waiver for the Raheem contract is presented to the Council, which has broad authority to approve RFP/Q waivers and can resolve the waiver issue; now, therefore, be it

RESOLVED: That the City Council finds that, due to its unique qualifications as described herein, it was in the City’s best interests for the Police Commission to retain Raheem, without first engaging in the RFP/Q process, to gather the community feedback necessary to adequately inform the Police Commission’s work in proposing revisions to the Oakland Police Department’s Use of Force policy.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

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