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OFFICE OF THE CITY CLERK
OAKLAND
2019 FEB 27 PM 4:32

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Anne E. Kirkpatrick
Chief of Police

SUBJECT: Michael Palmertree Professional
Services Contract

DATE: February 4, 2019

City Administrator Approval

Date:

2/19/19

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator To:

- 1) Waive The Competitive Request For Proposals / Qualifications (RFP/Q) Process, The Advertising And Bidding Requirements, And Local And Small Business Enterprise Programs (L/SLB) Provisions For The Purchase Of Professional Services; And**
- 2) Enter Into A Professional Services Agreement With Michael Palmertree To Provide Behavior Science Consultation And Training Services To The Oakland Police Department For The Period Of July 1, 2019 To June 30, 2022, With An Option To Extend For An Additional Two Years, In The Amount Of One Hundred Thousand Dollars (\$100,000) Per Year, With A Total Contract Amount Of Five Hundred Thousand Dollars (\$500,000).**

EXECUTIVE SUMMARY

The Oakland Police Department (OPD) has a long-established relationship with Michael Palmertree for behavior science consultation and training services. Mr. Palmertree has established himself as a unique service provider for OPD and has proven himself invaluable in the services he provides. Mr. Palmertree has been working with OPD since 2007 and has been the only respondent to two RFP/Q processes conducted in the last 12 years. Renewing the professional services agreement between OPD and Mr. Palmertree will ensure that OPD personnel continue to receive critical psychological support.

Item: _____
Public Safety Committee
March 5, 2019

BACKGROUND / LEGISLATIVE HISTORY

OPD recognizes that police work can, at times, be very stressful for sworn personnel and the professional staff that support sworn personnel. Employees benefit from a wellness program that addresses stressful conditions through healthy approaches. OPD has historically suffered tragic losses such as on-the-job deaths and suicide due to work-related stressful conditions. To address work-related challenges, OPD must go beyond training officers to physically survive each day. OPD has created a wellness program, housed organizationally in the Health and Wellness Unit (HWU), to serve officers and professional staff with mental health issues that arise from work-related challenges. HWU offers resources including Peer Support, the Chaplain's Unit, Critical Incident Response Team, the OPD Medical Unit, and the Employee Assistance Program (EAP) together in one place. Counseling services are a critical component of the HWU, and OPD relies on professional providers to offer this service.

City Council approved Resolution No. 84897 C.M.S on March 18, 2014, which authorized \$200,000 in ongoing funding for OPDs wellness program. On October 13, 2015, the Public Safety Committee received an informational report about the creation of the OPD HWU.

Oakland has contracted with Michael Palmertree, Marriage Family Therapist (MFT), through several City Council-approved resolutions. Mr. Palmertree is a licensed psychotherapist who specializes in the treatment of post-traumatic stress. OPD began working with Mr. Palmertree in 2007. Resolution No. 80647 C.M.S. authorized a contract with Mr. Palmertree not to exceed \$49,999 per year from July 1, 2007 through June 30, 2008. In 2008, OPD conducted an RFP/Q for counseling services and Mr. Palmertree was the only vendor to respond to the request. The City awarded a contract to Mr. Palmertree from July 1, 2008 through June 30, 2010, for \$50,000 per year. Resolution No. 82835 C.M.S. provided authorization for the City to extend the contract with Mr. Palmertree from July 1, 2010 through June 30, 2011 for \$50,000. Resolution No. 83305 C.M.S. authorized the City Administrator's Office (CAO) to enter into a contract with Mr. Palmertree from July 1, 2011 through June 30, 2012, for \$50,000 for mental health services.

In December 2012, OPD conducted another RFP/Q for counseling services. Mr. Palmertree was the only vendor who responded to the request. Resolution No. 85036 C.M.S. authorized the CAO to enter into an agreement with Mr. Palmertree from July 1, 2014 through June 30, 2017, with a two-year extension option, for \$75,000 per year. This amount was amended in 2016 to add \$25,000 a year from the HWU budget, increasing the amount to \$100,000 per year, through Resolution No. 86213 C.M.S.

Mr. Palmertree charges \$120 per hour, as stipulated in the current contract. The \$100,000 annual amount equals approximately 833 hours per year, or 69 hours per month on average for counseling sessions. Currently, officers and professional staff call Mr. Palmertree directly to set up appointments. Sworn officer appointments usually occur at the Oakland Police Officers' Association (OPOA) facility in downtown Oakland. In recent years, OPD staff has utilized most or the full amount of available consultation services. In Fiscal Year (FY) 2014-15, Mr. Palmertree used \$71,340 of the \$75,000 annual contract amount. For FY 2015-16, Mr. Palmertree billed for the full \$75,000 of his annual contract based on staff demand. For FY 2016-17 and FY 2017-18, almost the full \$100,000 of the annual contract was utilized for services offered to OPD personnel.

ANALYSIS AND POLICY ALTERNATIVES

As part of the decision made by the United States District Court for Northern California ("the Court") in relation to the lawsuit brought forth in the case known as the Riders, the City of Oakland and OPD entered into a Negotiated Settlement Agreement (NSA). Tasks 40 and 41 of the NSA require OPD to establish an early identification and intervention program to detect and address police personnel engaged in at-risk behavior and substandard performance.

Mr. Palmertree has over thirty years of experience counseling personnel in areas of at-risk behavior and substandard performance. He has been closely associated with the design, development, implementation, and ongoing improvements to the OPD early identification and intervention program. This program was approved by the Court as being compliant with the NSA. Mr. Palmertree provides counseling services to OPD personnel through the HWU, separate from his work with OPD intervention programs. Mr. Palmertree has a deep familiarity with OPD and the nature of policing. He will provide a similar level of high-quality counseling to staff that utilize the HWU.

The new contract will maintain the same \$120 per hour rate as in the previous contract. Employees will be able to call Mr. Palmertree through the HWU, and either arrange telephone consultations and in-person meetings. Additionally, Mr. Palmertree will be working with the OPD HWU staff to develop group trainings that appeal to OPD sworn and professional employees. The goal of both the group trainings and one-on-one therapy consultations is to help all staff learn emotional and mental strategies to positively address the stresses that can easily compromise their work.

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. Mr. Palmertree has been providing his professional services to OPD since 2005 in the area of behavioral science consultation and training. Staff now believes that 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 Mr. Palmertree. OPD has conducted two RFP/Q processes in the last 11 years and Mr. Palmertree was the only respondent each time.

OPD recommends that Council waive the competitive RFP/Q process, advertising and bidding requirements, and L/SLB provisions in order to renew the professional services agreement with Mr. Palmertree for behavior science and consultation services through June 30, 2022.

FISCAL IMPACT

Funding for this proposed contract will be administered according to the table below.

| Fiscal Year | Fund Source | Organization | Account | Project | Program | Amount |
|--------------------|--------------------|---------------------|----------------|----------------|----------------|---------------|
| 2019-20 | 1010 | 103110 | 54919 | A468595 | PS01 | \$25,000 |
| 2019-20 | 1010 | 106210 | 54919 | 1000008 | PS01 | \$75,000 |
| 2020-21 | 1010 | 103110 | 54919 | A468595 | PS01 | \$25,000 |
| 2020-21 | 1010 | 106210 | 54919 | 1000008 | PS01 | \$75,000 |
| 2021-22 | 1010 | 103110 | 54919 | A468595 | PS01 | \$25,000 |
| 2021-22 | 1010 | 106210 | 54919 | 1000008 | PS01 | \$75,000 |
| 2022-23 | 1010 | 103110 | 54919 | A468595 | PS01 | \$25,000 |
| 2022-23 | 1010 | 106210 | 54919 | 1000008 | PS01 | \$75,000 |
| 2023-24 | 1010 | 103110 | 54919 | A468595 | PS01 | \$25,000 |
| 2023-24 | 1010 | 106210 | 54919 | 1000008 | PS01 | \$75,000 |

PUBLIC OUTREACH / INTEREST

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

COORDINATION

Staff collaborated with the Controller's Bureau in the production of this report. The Office of the City Attorney reviewed the Report and Resolution as to form and legality.

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.

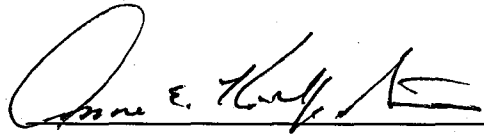
Social Equity: Professional advice and counsel related to mental health and behavioral science issues provided to OPD Command Staff and psychological counseling services provided to sworn and professional employees following traumatic events benefit the entire community.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Approve A Resolution Authorizing The City Administrator To: 1) Waive The Competitive Request For Proposals / Qualifications (RFP/Q) Process, The Advertising And Bidding Requirements, And Local And Small Business Enterprise Programs (L/SLB) Provisions For The Purchase Of Professional Services; And 2) Enter Into A Professional Services Agreement With Michael Palmertree To Provide Behavior Science Consultation And Training Services To The Oakland Police Department For The Period Of July 1, 2019 To June 30, 2022, With An Option To Extend For An Additional Two Years, In The Amount Of One Hundred Thousand Dollar (\$100,000) Per Year, With A Total Contract Amount Of Five Hundred Thousand Dollars (\$500,000).

For questions regarding this report, please contact Jennie Lim, OPD Medical Unit at (510) 238-7510.

Respectfully submitted,



Anne E. Kirkpatrick
Chief of Police
Oakland Police Department

Reviewed by:
Tim Birch, Police Services Manager I,
OPD, Office of the Chief, Research & Planning

Kiona Suttle, Police Services Manager I,
OPD, Personnel Section

Prepared by:
Jennie Lim, Administrative Analyst II
OPD, Personnel Section, Medical Unit

FILED
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OAKLAND

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Approved as to Form and Legality


City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO: 1) WAIVE THE COMPETITIVE REQUEST FOR PROPOSALS QUALIFICATIONS (RFP/Q) PROCESS, THE ADVERTISING AND BIDDING REQUIREMENTS, AND LOCAL AND SMALL LOCAL BUSINESS ENTERPRISE PROGRAMS (L/SLB) PROVISIONS FOR THE PURCHASE OF PROFESSIONAL SERVICES; AND 2) ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH MICHAEL PALMERTREE TO PROVIDE BEHAVIOR SCIENCE CONSULTATION AND TRAINING SERVICES TO THE OAKLAND POLICE DEPARTMENT FOR THE PERIOD OF JULY 1, 2019 TO JUNE 30, 2022, WITH AN OPTION TO EXTEND FOR AN ADDITIONAL TWO YEARS, IN THE AMOUNT OF ONE HUNDRED THOUSAND DOLLARS (\$100,000) PER YEAR, WITH A TOTAL CONTRACT AMOUNT OF FIVE HUNDRED THOUSAND DOLLARS (\$500,000)

WHEREAS, the Negotiated Settlement Agreement (NSA) Tasks 40 and 41 and the Oakland Police Officers' Association (OPOA) Memorandum of Understanding (MOU) with the City of Oakland require that the Police Department 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 NSA arising from the case *Delphine Allen, et al vs. City of Oakland, et al.*; and

WHEREAS, following an Request for Proposal / Qualifications (RFP/Q) process in 2008, in which Mr. Palmertree was the only vendor to submit a proposal, the City Council renewed and extended the contract with Mr. Palmertree in Resolution No. 82835 C.M.S. on June 15, 2010, for the period of July 1, 2010 through June 30, 2011; and

WHEREAS, the City Council approved Resolution No. 83305 C.M.S. on May 3, 2011, which authorized the City Administrator to enter into a contract with Mr. Palmertree from July 1, 2011 through June 30, 2012, for \$50,000.00 for continued mental health services; and

WHEREAS, the City Council approved Resolution No. 85036 C.M.S. on June 3, 2014, which authorized the City Administrator or designee to enter into an agreement with Mr. Palmertree from July 1, 2014 through June 30, 2017, with a two-year extension option, for an increased amount of \$75,000.00 per year; and

WHEREAS, OPD has historically suffered tragic losses due to on-the-job deaths and suicide as a result of work-related stressful conditions; and

WHEREAS, OPD recognizes that it is no longer sufficient to only train its officers to physically survive each day, but rather it must offer additional resources in the form of a wellness program that brings professional resources such as Peer Support, the Chaplain's Unit, Critical Incident Response Team, OPD Medical Unit, and the Employee Assistance Program (EAP); and

WHEREAS, OPD's wellness program is committed to immediately respond to issues and incidents encountered by employees from job-related and personal issues or incidents and will maintain strict confidentiality as mandated by law; and

WHEREAS, the Health and Wellness Unit requires the participation of a behavioral science consultant to provide confidential mental health services to employees who participate in the wellness program; and

WHEREAS, the Public Safety Committee on October 13, 2015, received an informational report about the creation of OPD's Health and Wellness Unit; and

WHEREAS, on March 18, 2014, City Council approved Resolution No. 84897 C.M.S., which authorized \$200,000 in ongoing funding for the wellness program; and

WHEREAS, Michael Palmertree, MFT, has over thirty (30) 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, OPD will require additional behavioral health and counseling support services to staff the Health and Wellness Unit that exceed the service level provided for in the current contract authorized by Resolution No. 85036 C.M.S.; and

WHEREAS, Oakland Municipal Code section 2.04.051.B permits the Council to waive advertising and the request for proposal / qualification (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 where Mr. Palmertree is consistently the only vendor to respond to the past RFP/Qs that the City has issued; 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 RFP/Q qualification requirements for the purchase of services from a behavioral science specialist for continued implementation of the early identification and intervention program required by the MOU with the OPOA, 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, 2019 to June 30, 2022, followed by an option to extend for an additional two years, to June 30, 2024, in an amount of \$100,000 per year, for a total contract amount of \$500,000; and be it

FURTHER RESOLVED: That funds are available in the Department's budget appropriation and will be drawn from General Fund (1010), Bureau of Services Personnel Section Organization (106210), Miscellaneous Contracts Account (54919), \$25,000 each year from the Wellness Unit Project (A468595), \$75,000 each year from Project (1000008) and Agency-Wide Program (PS01); and be it

FURTHER RESOLVED: That the City Administrator or her 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 Michael Palmertree 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 - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council of the
City of Oakland, California