



City Attorney's Office

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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**RESOLUTION WAIVING ADVERTISING AND THE REQUEST FOR PROPOSALS/QUALIFICATIONS PROCESS AND AUTHORIZING THE CITY ADMINISTRATOR TO EXTEND THE AGREEMENT UNDER THE SAME TERMS AND CONDITIONS WITH EAST BAY SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS ("EBSPCA") FOR AS-NEEDED SPAY/NEUTER AND OTHER VETERINARY SERVICES FROM DECEMBER 31, 2019 THROUGH JUNE 30, 2020, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED EIGHTY THREE THOUSAND FIVE HUNDRED SIX DOLLARS (\$183,506.00), FOR A TOTAL CONTRACT AMOUNT OF FOUR HUNDRED THIRTY THREE THOUSAND FIVE HUNDRED FIVE DOLLARS AND NINETY NINE CENTS (\$433,505.99)**

**WHEREAS**, Oakland Animal Services ("OAS") largely serves Oakland citizens who lack the financial resources to provide veterinary care for their pets; and

**WHEREAS**, with limited exceptions, Oakland Municipal Code ("OMC") sections 6.04.120 and 6.04.241 require OAS to spay/neuter animals prior to adoption or release of animals to owners; and

**WHEREAS**, 65% of animals entering the OAS shelter need to be spayed/neutered or receive other veterinary services; and

**WHEREAS**, the City of Oakland has contracted with EBSPCA to provide spay/neuter and other veterinary services since May 1, 2015, with the most recent contract period being January 1, 2018 to December 31, 2019; and

**WHEREAS**, in 2017 when the City conducted the request for proposal/qualifications process for the 2018-2019 contract for spay/neuter and other veterinary services, East Bay Society for the Prevention of Cruelty to Animals ("EBSPCA") was the sole responder, and the City subsequently entered into a contract with EBSPCA for the services, as-needed, for the period January 1, 2018 through December 31, 2019, in the amount of \$249,999.99; and

**WHEREAS**, all funds were expended on the 2018-2019 contract before December 31, 2019, but EBSPCA continued to render veterinary services until January 31, 2020; in the amount of \$33,506 for services; and

**WHEREAS**, the City of Oakland needs to provide to spay/neuter and other veterinary services and the City Administrator recommends extending the contract with EBSPCA for those services, under the terms and conditions of the 2018-2019 contract, in an amount not to exceed \$183,506.00, which would include the costs of work done in excess of the 2018-2019 contract cap and \$150,000.00 for additional services, as-needed, through June 30, 2021; and

**WHEREAS**, the funding source for the contract extension with EBSPCA is in the FY 2019-2020 budget and the FY 2020-2021 budget in General Fund (1010) Organization 02491 – Animal Services, Account 54311 – Medical and Veterinary Services; and

**WHEREAS**, OMC section 2.04.051.A. requires the City Administrator to conduct a requests for proposals/qualifications (“RFP/Q”) process for professional services contracts and OMC section 2.04.051.B. allows Council to waive the RFP/Q requirements upon a finding by the Council that it is in the best interest of the City to do so; and

**WHEREAS**, the City Administrator recommends waiving advertising and RFP/Q requirements for this contract extension with EBSPCA to enable the City to resume necessary veterinary services required to comply with OMC requirements without disruption, and allow sufficient time for the issuance of a RFP/Q for a long term contract, which will be delayed due to state and Alameda County orders requiring temporary closure of businesses, shelter-in-place and affecting City operations and employee schedules; and

**WHEREAS**, the City Administrator has determined that this contract extension is of a professional and temporary nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive civil service; now, therefore, be it

**RESOLVED:** That pursuant to OMC section 2.04.051.B. and for the reasons stated above and in the City Administrator’s report accompanying this item, the City Council finds that it is in the best interest of the City to waive advertising and RFP/Q requirements for this contract extension and so waives the requirements; and be it

**FURTHER RESOLVED:** That the City Council hereby authorizes the City Administrator to extend the contract with EBSPCA for as-needed, spay/neuter and other veterinary services from December 31, 2019 through June 30, 2021 in an amount not to exceed \$183,506.00 for a total contract amount of four hundred thirty three thousand five hundred five dollars and ninety nine cents (\$433,505.99); and be it

**FURTHER RESOLVED:** That based on the information provided by the City Administrator, the City Council finds that this contract is of a professional and temporary nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive civil service; and be it

**FURTHER RESOLVED:** That the City Attorney shall review the contract extension as to form and legality and a copy shall be filed 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

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