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APPROVED AS TO FORM AND LEGALITY

FILED
OFFICE OF THE CITY CLERK
OAKLAND



City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. 90149 C.M.S.

RESOLUTION WAIVING THE CITY'S COMPETITIVE REQUEST FOR PROPOSAL/QUALIFICATIONS (RFP/Q) REQUIREMENTS AND AWARDING A PROFESSIONAL SERVICES AGREEMENT TO EMC RESEARCH, INC. IN AN AMOUNT NOT TO EXCEED TWO HUNDRED THOUSAND DOLLARS FOR POLLING SERVICES

WHEREAS, the Oakland City Council adopted the FY 2023-2025 biennial budget inclusive of a budget policy directive to develop a plan for increased revenue generation including the polling and development of a ballot measure to replace Measure Z, the 2014 Oakland Public Safety and Services Violence Prevention Act; and

WHEREAS, the City of Oakland (City) needs a polling consultant to provide polling services, data analysis and report services, and community engagement services for the City in anticipation of potential 2024 revenue ballot measures where the City may request voter approval to support any or all services including public safety, infrastructure, violence prevention, and library; and

WHEREAS, Oakland Municipal Code (OMC) 2.04.051 requires the City Administrator to conduct a Request for Proposals/Qualifications (RFP/Q) process for professional services contracts involving expenditures of more than fifty thousand dollars (\$50,000.00); and

WHEREAS, OMC 2.04.051.B authorizes the City Council to waive the RFP/Q requirements upon a finding that it is in the best interest of the City to do so; and

WHEREAS, staff has reviewed the proposal provided by EMC Research Inc. with CliffordMoss as a subconsultant, to provide polling services, data analysis and report services, ballot measure development, and community engagement strategy services and determines that the consultants are qualified to perform the services; and

WHEREAS, the City Administrator recommends that, pursuant to OMC section 2.04.051.B, the City Council finds and determines that it is in the best interest of the City to waive the competitive process for this professional services contract because of the significant time constraints to make the filing deadline to place an item on the November 5, 2024 ballot; and

WHEREAS, ballot measures must be finalized and submitted for Council consideration with sufficient time for adoption and submission to the County by August 09, 2024; due to these

time constraints, and to thoroughly poll, analyze, and draft the ballot measure language staff requests the waiver of the RFP process to meet the filing deadline; and

WHEREAS, EMC Research Inc. is a women-owned qualified local business enterprise (LBE) and Clifford Moss is a Oakland-based small local business enterprise (SLBE); and

WHEREAS, the City Administrator has determined that this contract is for services of a professional, scientific, or technical and temporary nature; and

WHEREAS, the City Administrator has determined that this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive service; and

WHEREAS, funds are available for this Agreement in the City Administrator's org (02111), General Purpose Fund (1010), administrative project (1000002), and elections & political compliance program (IP15); now, therefore, be it

RESOLVED: That, for the foregoing reasons, City Council finds and determines that it is in the City's best interest to waive the RFP/Q requirements per OMC Section 2.04.051.B, and so waives the requirements; and be it

FURTHER RESOLVED: That the City Council hereby awards a professional services agreement to EMC Research, Inc. for polling services in an amount not to exceed two hundred thousand dollars (\$200,000.00); and be it

FURTHER RESOLVED: That based on the information above, the Council finds that this contract is of a professional, technical, and temporary nature and will not result in the loss of employment or salary by any person having permanent status in the competitive process.

IN COUNCIL, OAKLAND, CALIFORNIA, **MAR 19 2024**

PASSED BY THE FOLLOWING VOTE:

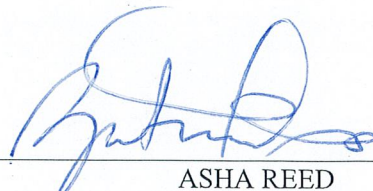
AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND
PRESIDENT FORTUNATO BAS - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:



ASHA REED

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