

FILED
 OFFICE OF THE CITY CLERK
 OAKLAND

2015 APR 16 AM 1:54

OAKLAND CITY COUNCIL

 RESOLUTION No. 85550 C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH ELITE PERFORMANCE ASSESSMENT CONSULTANTS, LLC TO PROVIDE AS-NEEDED LAW ENFORCEMENT AUDIT SERVICES FOR A ONE YEAR PERIOD BEGINNING MAY 8, 2015 AND ENDING MAY 7, 2016 IN AN AMOUNT NOT TO EXCEED FIFTY THOUSAND DOLLARS (\$50,000), WITH TWO (2) ONE-YEAR OPTIONS TO EXTEND THE CONTRACT FOR A TOTAL AMOUNT NOT TO EXCEED ONE-HUNDRED AND FIFTY THOUSAND DOLLARS (\$150,000)

WHEREAS, in 2000 plaintiffs filed *Delphine Allen et al. v. City of Oakland* (United States District Court Case no. C00-4599 TEH), commonly referred to as the “Riders Case,” alleging that Oakland police officers violated their civil rights by planting evidence, committing perjury and using excessive force; and

WHEREAS, the City terminated the officers and an arbitrator upheld the termination of the three officers who filed grievances because the officers’ testimony was found to be unreliable, and the Alameda County released a number of the plaintiffs who were in custody and previously facing criminal prosecution; and

WHEREAS, in 2003 the City Council approved the Negotiated Settlement Agreement (NSA) to resolve the Riders Case and the Court issued an order approving the NSA and retained jurisdiction to oversee compliance with the NSA; and

WHEREAS, the NSA requires that the City institute a number of reforms to assure compliance with constitutional standards, including a requirement that OPD conduct six audits annually of NSA-related areas; and

WHEREAS, OPD’s Office of Inspector General (OIG) is the Division responsible for conducting audits, and with limited staffing resources must utilize external audit services to comply with OPD and NSA audit policy mandates; and

WHEREAS, in June 2013, the Department issued a Request for Proposals for as-needed law enforcement services and entered into a contract with Elite Performance Assessment Consultants, LLC (EPAC) in September 2013 to provide as needed law enforcement audit

services in the amount of \$50,000; and

WHEREAS, in February 2014, the Department amended the contract with EPAC, extending the time period and increasing the amount by \$49,000, for a total contract amount of \$99,000; and

WHEREAS, in December 2014, the Department issued a new Request for Proposals, received two responses, and chose EPAC to continue providing as-needed law enforcement auditing services, with the Compliance Director's approval; and

WHEREAS, in January 2015, the Department amended the original contract a second time, extending the time period of the contract to April 30, 2015, allowing time to complete the final audit assigned under the contract; and

WHEREAS, the Department seeks to enter into a contract with EPAC for a one year period beginning May 8, 2015, for an amount not to exceed \$50,000, with two (2) one-year options to extend the contract for a total not to exceed amount of one-hundred fifty thousand dollars (\$150,000); and

WHEREAS, sufficient funds have been budgeted in FY 2014-2015: General Purpose Fund (1010), Office of the Inspector General (OIG) Org (101130), Contract Services Account (54919), Agency Wide Administration Program (PS01); now, therefore, be it

RESOLVED: That the City Administrator or designee is authorized to enter into a professional services contract with Elite Performance Assessment Consultants, LLC. for as-needed law enforcement auditing services for a one year period beginning May 8, 2015, in an amount not to exceed \$50,000, with two (2) one-year options to extend the contract for a total amount not to exceed amount of one-hundred and fifty thousand dollars (\$150,000); and be it

FURTHER RESOLVED: That sufficient funds have been budgeted in FY 2014-2015: General Purpose Fund (1010), Office of the Inspector General (OIG) Org (101130), Contract Services Account (54919), Agency Wide Administration Program (PS01); and be it

FURTHER RESOLVED: That the City Administrator or designee is authorized to carry out all administrative and financial actions, including negotiations, certifications, assurances, and related actions as necessary to execute, amend, or extend this contract, except for increases in the contract amount, without returning to the City Council; and be it

FURTHER RESOLVED: That in accordance with Article IV, section 401(6) of the City Charter, agreements authorized by this resolution shall be approved by the City Attorney for form and legality before execution and a copy of fully executed agreements shall be placed on file with the Office of the City Clerk.

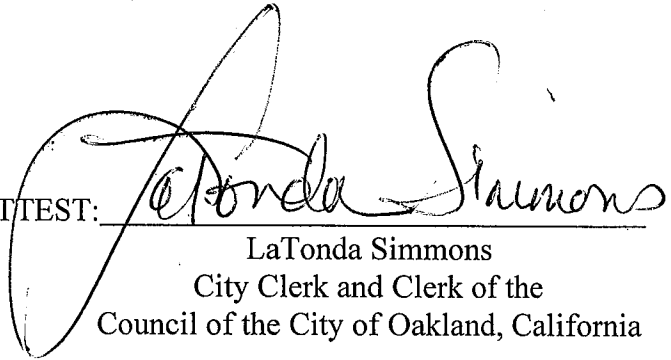
IN COUNCIL, OAKLAND, CALIFORNIA, MAY 11 2015

PASSED BY THE FOLLOWING VOTE:

AYES – ~~BRUNO~~, CAMPBELL-WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, ~~AND~~ AND PRESIDENT GIBSON MCELHANEY - 6

NOES – 0
ABSENT – 0
ABSTENTION – 0

Excused - Brooks, Reid - 2 ATTEST:



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