

2019 JUL 15 AM 2:12

OAKLAND CITY COUNCIL

RESOLUTION NO. 87596 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, 2020, IN THE AMOUNT OF ONE HUNDRED THOUSAND DOLLARS (\$100,000)

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; and

WHEREAS, the City of Oakland has an interest in evaluating the contracted services to ensure that members of OPD are being well served by Mr. Palmertree; 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 OPD will conduct an evaluation of the services provided by Mr. Palmertree at least annually; and be it

FURTHER RESOLVED: that OPD shall conduct a new RFP/Q for behavior science consultation and training services before June 30, 2020 to choose a vendor for the next contract which would begin after the expiration of this proposed contract (duration of July 1, 2019 to June 30, 2020); 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,

APR 02 2019

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, ~~GIBSON, McELHANEY~~ KALB, REID, TAYLOR, THAO AND PRESIDENT KAPLAN - 7

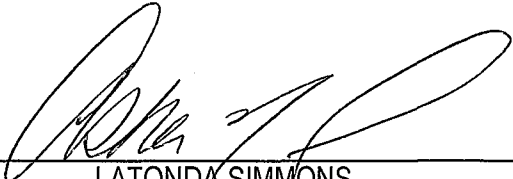
NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - 1 McElhaney

ATTEST:



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