


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO (1) WAIVE THE ADVERTISING, BIDDING, AND REQUEST FOR PROPOSALS/QUALIFICATIONS PROCESS; (2) WAIVE THE LOCAL AND SMALL LOCAL BUSINESS ENTERPRISE REQUIREMENTS; AND (3) ENTER INTO A CONTRACT WITH PETHEALTH SERVICES, INC., FOR THE PERIOD JANUARY 1, 2025 THROUGH DECEMBER 31, 2029 FOR AN AMOUNT NOT TO EXCEED TWO HUNDRED FIFTY THOUSAND DOLLARS AND ZERO CENTS (\$250,000.00) FOR THE PROVISION OF PETHEALTH MICROCHIPS TO OAKLAND ANIMAL SERVICES

WHEREAS, Oakland Animal Services (OAS) provides microchips for all dogs and cats who enter the shelter without them, as required by State law (California Food and Agriculture Code, sections 31108.3 and 31752.1) for the purpose of assisting with locating the animal's guardian should the animal become lost; and

WHEREAS, OAS has utilized microchips from PetHealth Services, Inc. (PetHealth) and its related PetPoint database (PetPoint) for over fifteen years, with the first contract in 2007; and

WHEREAS, OAS utilizes PetPoint for all of its records related to animals, people and Animal Control cases; and

WHEREAS, Oakland Municipal Code (OMC) section 2.04.040 B 2 imposes a formal advertising and competitive bidding requirements where the cost of services, supplies, or combination for purchase orders or contracts required by the City exceeds fifty thousand dollars (\$50,000.00); and

WHEREAS, OMC Sections 2.04.040 B 5 and 2.04.051 A, respectively, require the City to conduct a formal Request for Proposals/Qualifications (RFP/Q) selection process for professional services agreements over \$25,000.00; and

WHEREAS, OMC Section 2.04.050 I. 5 and 2.04.051 B, respectively, authorizes the City Council to waive the advertising, bidding, and competitive RFP/Q selection requirements if it finds that it is in the City’s best interests to do so; and

WHEREAS, Per the last Request for Quotations (RFQ) process in 2022 (RFQ #270066 Microchips for Animal Services), other vendors have offered microchips at a cost lower than PetHealth, but without access to a database and when OAS purchases PetHealth microchips, it is allowed to utilize PetPoint at no cost, as compared to a cost of \$9,000 annually were OAS to use microchips from another vendor, making PetHealth the lowest cost for the two services; and

WHEREAS, Ordinances No.13101 C.M.S., No.13640 C.M.S., and No.13647 C.M.S. require a minimum 50-percent (50%) Local Business Enterprise/Small Local Business Enterprise (LBE/SLBE) participation for all purchase of commodities, goods and associated services for contracts valued at or over fifty thousand dollars (\$50,000) when there are at least three certified business listed in the industry, trade, or profession that constitutes a major category of work; and,

WHEREAS, the City Council may waive the City’s LBE/SLBE requirements for the purchase of commodities, goods, services, supplies, or combination thereof due to a lack or limited availability of SLBEs or LBEs pursuant to Part I of Oakland’s Local and Small Local Business Enterprise Program guidelines adopted by Ordinance No. 13647 C.M.S.; and

WHEREAS, Following RFQ #270066, four businesses responded to the request, but none were local; and

WHEREAS, following RFQ #270066, the contract was awarded to PetHealth, through Contract Purchase Agreement #2023006740, for the period December 1, 2022, through November 30, 2023; and

WHEREAS, on November 7, 2023, the City Administrator approved a Competitive Process Waiver to allow OAS to enter into contract No. 2024004088, from December 1, 2023 to December 31, 2024, for an amount not to exceed \$40,000.00; and

WHEREAS, at the time the waiver was signed, OAS intended to enter into contract to utilize a new database, which would have eliminated the need to be restricted to utilization of PetHealth microchips, but the City’s financial crisis has made it necessary to eliminate the database purchase from the OAS budget; and

WHEREAS: the funding for this contract is contained in the FY 2024-25 adopted budget in the General Fund (1010); Organization 62111 – Animal Services, Account 52913 – Supplies: Technical and Scientific; and

WHEREAS, staff have determined the purchase of PetHealth microchips is the most cost effective option; now therefore be it

RESOLVED: That the City Council finds and determines that that pursuant to OMC Section 2.04.050.1.5 and based upon the reasons stated above and in the City Administrator's

report accompanying this resolution it is in the best interest of the City to waive the advertising, bidding, and RFP/Q requirements of the OMC for the purchase of PetHealth microchips; and

FURTHER RESOLVED: That the City Council waives the City’s LBE/SLBE requirements due to a lack or limited availability of SLBEs or LBEs pursuant to Part I of Oakland’s Local and Small Local Business Enterprise Program guidelines adopted by Ordinance No. 13647 C.M.S; and

FURTHER RESOLVED: That the City Administrator is authorized to waive advertising and bidding requirements of the OMC and enter into a contract with PetHealth Services, Inc. for the period January 1, 2025, through December 31, 2029, for an amount not to exceed two hundred fifty thousand dollars (\$250,000.00) for the provision of PetHealth microchips: and

FURTHER RESOLVED: That the City Administrator is authorized to complete all negotiations and complete all contracts, amendments, modifications and extensions consistent with this resolution and its basic purposes.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

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

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

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