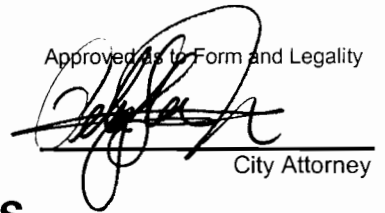


FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

# OAKLAND CITY COUNCIL

Approved as to Form and Legality



City Attorney

2009 SEP -3 PM 6:00 RESOLUTION No. 82289 C.M.S.

Introduced by Councilmember \_\_\_\_\_

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR (1) TO ACCEPT AND APPROPRIATE GRANT FUNDS IN AN AMOUNT NOT TO EXCEED FOUR HUNDRED NINETY-ONE THOUSAND THREE HUNDRED AND FIVE DOLLARS (\$491,305.00) FROM THE STATE OF CALIFORNIA, OFFICE OF TRAFFIC SAFETY, FOR THE FISCAL YEAR 2010 IMPLEMENTATION OF THE VEHICLE OCCUPANCY PROTECTION AND BICYCLE SAFETY PROGRAM, AND (2) TO APPROPRIATE SAID FUNDS TO THE POLICE DEPARTMENT; AND (3) AUTHORIZING A WAIVER OF THE COMPETITIVE REQUEST FOR PROPOSAL/QUALIFICATIONS PROCESS FOR THE PURCHASE OF SERVICES ASSOCIATED WITH THE PROGRAM FROM THE EAST BAY COMMUNITY RECOVERY PROJECT IN AN AMOUNT NOT TO EXCEED FIFTY THOUSAND DOLLARS (\$50,000.00), AND THE COMMUNITY HEALTH ACADEMY IN AN AMOUNT NOT TO EXCEED FIFTEEN THOUSAND DOLLARS (\$15,000.00)**

**WHEREAS**, it is anticipated that the Police Department shall be awarded grant funds in an amount not to exceed \$491,305 from the State of California, Office of Traffic Safety for the fiscal year 2010 implementation of the Vehicle Occupancy Protection and Bicycle Traffic Safety program; and

**WHEREAS**, the Vehicle Occupancy Protection and Bicycle Traffic Safety program is geared toward focusing public attention on seatbelt, bicycle, and pedestrian safety information; and

**WHEREAS**, the City Council previously authorized acceptance of similar grant funds by Resolution No. 81221 C.M.S. dated April 15, 2008; and

**WHEREAS**, Oakland Municipal Code Sections 2.04.051.A and 2.04.040.B require staff to conduct some type of advertising and solicitation processes to be determined by the City Administrator for the purchase of professional services; and

**WHEREAS**, Oakland Municipal Code Section 2.04.051.B authorizes the City Council to waive requests for proposal/qualification processes upon a finding that it is in the best interests of the City to do so; and

**WHEREAS**, The proposed contractual agreements with both the East Bay Community Recovery Project and the Community Health Academy were detailed by the Police Department within the context of the original proposal submission to the State of California, Office of Traffic Safety, for the Vehicle Occupancy Protection and Bicycle Safety grant program. In order for

OPD to be guaranteed receipt of the full grant award amount of \$491,305.00 the City is mandated to enter into contractual agreement with both the East Bay Community Recovery Project and Community Health Academy based upon the stipulations within the original proposal submission to utilize the services of said agencies.

**WHEREAS**, the above-described professional services agreement are otherwise within the City Administrator's purchasing authority under Oakland Municipal Code Section 2.04.020.A, provided the request for proposal/qualification waivers are granted; and

**WHEREAS**, the Police Department requests a waiver of the competitive request for proposal/ qualifications process for the purchase of professional services from the East Bay Community Recovery Project in the amount of \$50,000, and the Community Health Academy in the amount of \$15,000 for provision of services necessary to carry out the purposes of the Vehicle Occupancy Protection and Bicycle Traffic Safety program; and

**WHEREAS**, the City Administrator has determined that the services provided pursuant to said agreements with the East Bay Community Recovery Project and the Community Health Academy are of a professional, scientific or technical nature and are temporary in nature; and

**WHEREAS**, the City Administrator has determined that said agreements shall not result in a loss of employment or salary by any person having permanent status in the competitive service; now, therefore be it

**WHEREAS**, acceptance of the Vehicle Occupancy Protection and Bicycle Traffic Safety program will enable the Police Department to work in collaboration with Oakland's Office of Parks and Recreation, the Department of Human Services, KTOP, and a host of community-based organizations and the Oakland Unified School District to address the issues of bicycle traffic safety, child passenger seat safety, and pedestrian safety throughout the City of Oakland; and

**WHEREAS**, the grant does not cover Central Services Overhead charges in the amount of \$28,682 (based on a calculation rate of 13.64% for salary and wages of \$210,281), and the Department requests a waiver of said charges; now therefore be it

**RESOLVED:** That the City Council hereby authorizes the City Administrator or his designee to accept and appropriate grant funds in the amount of \$491,305.00 from the State of California, Office of Traffic Safety and to increase revenues and appropriate said funds to the Police Department; and be it

**FURTHER RESOLVED:** That the grant monies shall be maintained in the State of California Grant Fund (2999), Strategic Area Command Division Org. (107510), Traffic Operations Program (PS14), in a Project be determined; and be it

**FURTHER RESOLVED:** That pursuant to Oakland Municipal Code section 2.04.051.B and based on the reasons set forth in the City Administrator's agenda report accompanying this resolution, the City Council hereby finds and determines that it is in the best interests of the City

to waive the competitive request for proposal/ qualifications process for the purchase of services from the East Bay Community Recovery Project and the Community Health Academy relative to the delivery of vehicle occupancy, bicycle safety, and pedestrian safety services, and authorizes the City Administrator, or his designee, to waive the requirement; and, be it

**FURTHER RESOLVED:** That the City Council finds and determines based on the above determinations of the City Administrator, that the services provided pursuant to the agreements authorized hereunder are of a professional, scientific, or technical and temporary nature, and shall not result in a loss of employment or salary by any person having permanent status in the competitive service process; and be it

**FURTHER RESOLVED:** That the City Central Services Overhead costs of \$28,682 (13.64%) are hereby waived; and be it

**FURTHER RESOLVED:** That the City Council hereby authorizes the City Administrator as agent of the City, to conduct all negotiations and related actions and to sign all applications and agreements that may be necessary for the completion of the aforementioned grant; and be it

**FURTHER RESOLVED:** That the City Attorney shall review and approve said agreements as to form and legality and copies of said agreements shall be filed with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, SEP 22 2009, 20    

**PASSED BY THE FOLLOWING VOTE:**


AYES- BROOKS, ~~DE LA FUENTE~~, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER - 7

NOES- 0

ABSENT- 0

ABSTENTION- 0

*Excused- De La Fuente- 1*

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