

  
CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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**RESOLUTION AUTHORIZING: (1) THE CITY ADMINISTRATOR TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH THE EAST BAY RENTAL HOUSING ASSOCIATION FOR THE PROVISION OF REPRESENTATION SERVICES AT RENT ADJUSTMENT PROGRAM PETITION PROCEEDINGS AND HOUSING, RESIDENTIAL RENT AND RELOCATION BOARD APPEAL PROCEEDINGS AND PROVISION OF TECHNICAL ASSISTANCE TO SMALL PROPERTY OWNERS TO COMPLY WITH THE CITY'S RENT ADJUSTMENT AND EVICTION LAWS FOR A ONE YEAR TERM, FROM OCTOBER 1, 2025 THROUGH SEPTEMBER 30, 2026, IN THE AMOUNT OF \$150,000, RENEWABLE AT THE CITY ADMINISTRATOR'S OPTION FOR UP TO THREE ADDITIONAL YEARS FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$600,000; AND (2) WAIVING THE COMPETITIVE RFP/Q PROGRAM REQUIREMENTS**

**WHEREAS**, on November 19, 2013, the City Council approved Resolution No. 84706, which authorized the City Administrator to negotiate and contract with an agency to deliver representation services to landlords with residential property in the City with incomes of 100% of median income or less; and

**WHEREAS**, on January 31, 2019, through the City's Administrator's procurement process, the City last contracted for owner services with Housing and Economic Rights Advocates (HERA) for an amount not to exceed \$50,000 per year. That contract ended in January of 2022; and

**WHEREAS**, on June 10, 2022, staff released a RFP for legal representation services for small property owners for a twelve-month contract in the amount of \$100,000. Staff received only one response from the East Bay Rental Housing Association (EBRHA). Staff reviewed the proposal and found it to be compliant and responsive to the requirements set forth in the RFP; and

**WHEREAS**, on October 25, 2022, the City Council's Community and Economic Development Committee expressed concerns related to which property owners would benefit from this program and how the City would define small property ownership. The Committee directed staff to bring a revised proposal for consideration; and

**WHEREAS**, on January 13, 2023, staff released a newly revised RFP for representation services for small property owners for a 14-month contract in the amount of \$150,000; and

**WHEREAS**, on January 27, 2023 at RFP submission deadline, staff received only one response from EBRHA. Staff reviewed the proposal and found it to be compliant and responsive to the requirements set forth in the RFP; and

**WHEREAS**, the representation services sought through this contract aim to refocus the Program's resources dedicated to representation services and to increase the number of small property owners who can get access to representation in Rent Adjustment Program (RAP) petition and Housing, Residential Rent and Relocation Board (HRRRB) appeal proceedings; and

**WHEREAS**, on June 20, 2023, Council adopted Resolution No. 89790 C.M.S. authorizing the City Administrator or their designee to contract with EBRHA for the provision of outreach and representation services to small property owners at RAP Proceedings in the amount of \$150,000 from July 1, 2023, through August 31, 2024; and

**WHEREAS**, on November 12, 2024, Council adopted Resolution No. 90486 C.M.S. authorizing an amendment to the professional services agreement with EBRHA for provision of representation services to extend the time for performance of the agreement from August 31, 2024 to March 31, 2025; and

**WHEREAS**, funding for the contract and the first option year in the amount of \$300,000 is included in the FY 2025-27 Adopted Biennial budget in Rent Adjustment Program Fund (2413), Residential Rent Arbitration Organization (89969), Third Party: Grant Contracts Earned Account (54912), Rent Arbitration P180020 Project (1001110), and that funding for the second option year in the amount of \$150,000 is contingent upon funding availability and the adoption of the future budget cycle; and

**WHEREAS**, the total contract amount of \$600,000 are to be charged to the Rent Adjustment Program Fund (2413), which is restricted to use by the RAP by Ordinance No. 12517 C.M.S.; and

**WHEREAS**, RAP has an ongoing need for representation services of small property owners at RAP Proceedings; and

**WHEREAS**, Oakland Municipal Code (OMC) Section 2.04.051 generally requires a competitive Request for Proposals/Qualifications (RFP/Q) process for professional services agreements exceeding \$50,000; and

**WHEREAS**, OMC Section 2.04.051.B allows 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**, waiving the RFP/Q requirements for a contract extension for technical assistance to comply with the City's rent adjustment and just cause laws and representation services to small property owners at RAP Proceedings will secure the continuity of services offered by EBRHA, which has the capacity and experience assisting property owners to understand and comply with the City's requirements and will increase property owners compliance with those laws including rent registration and RAP Fee requirements; and

**WHEREAS**, for the reasons set forth above, the City Administrator recommends waiving the RFP/Q requirements for the professional services agreement with EBRHA and authorizing a one-year contract, with an option to renew for up to three years, in the amount not to exceed \$150,000 per year starting on October 1, 2025 and through September 30, 2026 for the first year; and

**WHEREAS**, the City Administrator has determined that the services to be provided pursuant to the agreement authorized hereunder are of a professional, scientific or technical nature and are temporary and shall not result in the loss of salary or employment by any person having permanent status in the competitive civil service; now, therefore, be it

**RESOLVED:** That the City Administrator or their designee is authorized to negotiate and enter into a professional services agreement with EBRHA for one year with an option to renew for up to three years for the provision of technical assistance and representation services to small property owners at RAP Proceedings in the amount of one hundred fifty thousand dollars (\$150,000) per year starting on October 1, 2025 through September 30, 2026 for the first year for a total contract amount not to exceed four hundred fifty thousand dollars (\$600,000); and be it

**FURTHER RESOLVED:** That pursuant to OMC section 2.04.051 and, for the reasons provided herein and in the accompanying staff report, the City Council finds that it is in the best interests of the City to waive the competitive RFP/Q requirements for the agreement and hereby waives the requirements; and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to adjust and/or reallocate the per contract year amount of one hundred fifty thousand dollars (\$150,000) based on operational needs and to modify, extend or amend the professional services agreement without increasing the total contract cost without return to Council.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG, AND  
PRESIDENT JENKINS

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_  
ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California