

CITY OF OAKLAND
Agenda Report

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2007 NOV 29 PH 7:50

To: Office of the City Administrator
Attn.: Deborah Edgerly
From: Office of the City Clerk
Date: December 11, 2007

RE.: Resolution Authorizing The City Administrator To Execute A Two (2) Year Professional Service Contract Between The City Of Oakland And Aberdeen Captioning To Provide Stenography Services For Real-Time Off-Site Closed Captioning Of All Regularly Scheduled And Special Concurrent Oakland Redevelopment Agency / Oakland City Council, And City Council Committee Meetings In A Total Amount Not To Exceed Seventy Thousand Dollars (\$70,000) Per Year For The Period From January 1, 2008 Through December 31, 2010 And Authorizing The Extension Of The Contract For Up To Two (2) Years For An Additional Amount Not To Exceed Seventy Thousand Dollars (\$70,000) Per Year

SUMMARY

A resolution has been prepared for City Council approval authorizing the City Administrator to enter into a two (2) year professional services contract with Aberdeen Captioning in a total amount not to exceed seventy thousand dollars (\$70,000) per year to provide stenography services for real-time off-site closed captioning of all regularly scheduled and special Concurrent Oakland Redevelopment Agency / Oakland City Council, and City Council Committee meetings for the period from January 1, 2008 through December 31, 2010 and authorizing the extension of the contract for up to two (2) years for an additional amount not to exceed seventy thousand dollars (\$70,000) per year.

FISCAL IMPACT

The funding for this contract is included in the Office of the City Clerk's Adopted FY2007-09 Budget: General Purpose Fund (1010), Organization (03121), Service Contract Account (54919), Agenda Management (IP14). No matching fund is required.

BACKGROUND

Under Title II of the Americans with Disabilities Act (ADA) 42 U.S.C. 12101 *et seq.*, state and local governments must ensure that communications with people with disabilities are as effective as communications with others. The U.S. Department of Justice regulations implementing Title II of the ADA require the provision of auxiliary aids and services where necessary to ensure effective communication with people with disabilities. For individuals with hearing impairments, auxiliary aids and services include qualified interpreters, closed captioning, and computer aided real-time captioning.

Item: _____
Finance & Management Comte.
December 11, 2007

The ADA effective communications requirement extends to City cable television programming. Page 35712 of the Title II regulation discusses this concept:

A number of comments raised questions about the extent of a public entity's obligation to provide access to television programming for persons with hearing impairments. Television and videotape programs produced by public entities are covered by the ADA. Access to audio portions of such programming may be provided by closed captioning.

The U.S. Department of Justice advises public entities to close caption audio portions of television programming unless doing so would result in a fundamental alteration in the nature of the television programming or in an undue financial and administrative burden. Closed captioning does not fundamentally alter the nature of television programming since it is only visible to those viewers who activate the captioning option on their television. The City's entire budget and staffing should be considered when determining if the City is qualified to make undue financial and administrative burden claims related to Closed Captioning of city television cablecasts.

In order to ensure that these laws and policies are met, the City Council had elected to provide real-time Closed Captioning of all regularly scheduled and special Concurrent Oakland Redevelopment Agency / Oakland City Council, and City Council Committee meetings. Since there are no City employees capable of providing real-time closed captioning or an existing classification within the Civil Service to provide these services, the services must be contracted. Our current contract with Rapidtext, Resolution No. 78268 C.M.S., for Closed Captioning services, expired on June 30, 2005 and was extended to December 31, 2007.

KEY ISSUES AND IMPACTS

Since January 2, 1996, real-time captioning and live closed captioning cablecast of joint meetings of the Oakland Redevelopment Agency and City Council and other special meetings of the full Council have been provided. Real-time captioning is provided during Committee and Council meetings and is routinely broadcasted on the City Government Television station. The Americans with Disabilities Act (ADA) 42 U.S.C. 12101 *et seq.* and Administrative Instruction Number 123 require that the City provide reasonable accommodation to those with disabilities in order to facilitate access to City services.

On May 9, 2007, the Office of the City Clerk issued a competitive Request for Proposal (RFP) for real-time closed captioning services. Five copies of the RFPs were mailed.

The following four companies responded to the RFP listed by the lowest bidder order:

	Firm Name	Address	Hourly Rate	Annual	Add'l cost compared to lowest bidder
1	Aberdeen Captioning Matthew Cook 800-688-6621	22362 Gilberto, Ste# 230 Rancho Santa Margarita, CA, 92688	\$104.95	\$ 62,970	Lowest Bidder
2	LNS Captioning Carol Studemund 800-366-6201	1123 SW Yamill Street Portland, OR 97205	115.00	69,000	\$ 6,030
3	Cart Providers/Captioners Jennifer M. Rodrigues 510-888-9825	P.O. Box 20278 Castro Valley, CA 94546	150.00	90,000	27,030
4	Captioning Agency Professionals Jane E. James 510-530-3989	6031 Girvin Drive Oakland, CA 94611	295.00	177,000	114,030

Based on the RFP responses received, KTOP and Office of the City Clerk conducted interviews with the above four (4) firms and recommend Aberdeen Captioning for the needed stenography services for real-time off-site closed captioning of all regularly scheduled and special Concurrent Oakland Redevelopment Agency / Oakland City Council, and City Council Committee meetings.

SUSTAINABLE OPPORTUNITIES

Economic: There are no sustainable economic opportunities that apply to the professional services agreement.

Environmental: There are no sustainable environmental opportunities that apply to the contract.

Social Equity: There are no sustainable social equity opportunities that apply to the contract.

DISABILITY AND SENIOR CITIZEN ACCESS

Aberdeen has executed a declaration of compliance with the American with Disabilities Act.

RECOMMENDATION(S) AND RATIONALE

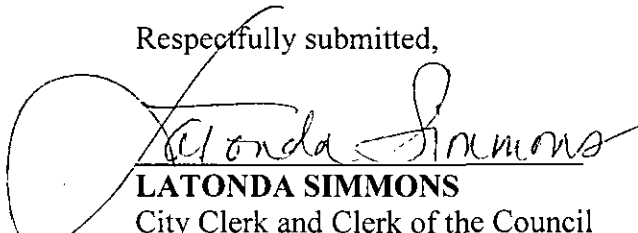
Staff recommends approval of the attached resolution that authorizes the City of Oakland to enter into a contract with Aberdeen Captioning to perform the real-time captioning service for \$70,000 per year for a period of two years from January 1, 2008 through December 31, 2010, with an option to extend the contract for up to two (2) years for an additional amount not to exceed \$70,000 per year.

Item: _____
Finance & Management Comte.
December 11, 2007

ACTION REQUESTED OF THE CITY COUNCIL

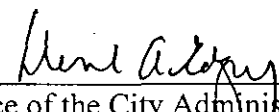
Approve the attached resolution authorizing the City of Oakland to enter into a contract with Aberdeen Captioning to perform the real-time captioning service for \$70,000 per year for a period of two years from January 1, 2008 through December 31, 2010, with an option to extend the contract for up to two (2) years for an additional amount not to exceed \$70,000 per year.

Respectfully submitted,

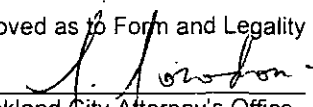

LATONDA SIMMONS
City Clerk and Clerk of the Council

Report Prepared by: Fendy Guan
Management Assistant
Office of the City Clerk

**APPROVED AND FORWARDED TO THE
FINANCE AND MANAGEMENT COMMITTEE:**


Office of the City Administrator

FILED
OFFICE OF THE CITY CLERK
OAKLAND

Approved as to Form and Legality

Oakland City Attorney's Office

2007 NOV 29 PM 7:50

OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

Introduced by Councilmember _____

Resolution Authorizing The City Administrator To Execute A Two (2) Year Professional Service Contract Between The City Of Oakland And Aberdeen Captioning To Provide Stenography Services For Real-Time Off-Site Closed Captioning Of All Regularly Scheduled And Special Concurrent Oakland Redevelopment Agency / Oakland City Council, And City Council Committee Meetings In A Total Amount Not To Exceed Seventy Thousand Dollars (\$70,000) Per Year For The Period From January 1, 2008 Through December 31, 2010 And Authorizing The Extension Of The Contract For Up To Two (2) Years For An Additional Amount Not To Exceed Seventy Thousand Dollars (\$70,000) Per Year

WHEREAS, the City of Oakland intends to enter into a contract agreement with Aberdeen Captioning to provide stenography services for real-time off-site closed captioning of all regularly scheduled and special Concurrent Oakland Redevelopment Agency / Oakland City Council, and City Council Committee meetings during the period of January 1, 2008 through December 31, 2010; and

WHEREAS, the contract agreement is due to the requirement of the Americans with Disabilities Act (ADA) 42 U.S.C. § 12101 et seq. and City of Oakland Administrative Instruction No. 123, the City's Equal Access Policy; and

WHEREAS, the City Council finds that the service is professional in nature; and

WHEREAS, the City Council finds that the service is temporary, for the period of January 1, 2008 through December 31, 2010, with an option to extend the contract for up to two (2) additional years under the same terms and conditions; and

WHEREAS, the City Council finds that the contract shall not result in the loss of salary or employment by any person having permanent status in the competitive service; and

WHEREAS, funds have been included in the Office of the City Clerk's adopted FY 2007 - 2009 budget in the General Purpose Fund (1010), Organization (03121), Service Contract Account (54919), Agenda Management (IP14); No matching fund is required; and

WHEREAS, the Office of the City Clerk issued competitive request for proposals in June 2007 and received four responses to the request for proposals; and

WHEREAS, of the four bids received Aberdeen Captioning responded as the lowest bidder to provide remote captioning; and

WHEREAS, the City of Oakland desires that Aberdeen Captioning provide the required services to the City of Oakland during City Council, Committee / Council meetings and all special meetings of the City Council; now, therefore, be it

RESOLVED: That the City Administrator is hereby authorized to enter into a contract agreement with Aberdeen Captioning to provide stenography services for real-time off-site closed captioning of all regularly scheduled and special Concurrent Oakland Redevelopment Agency / Oakland City Council, and City Council Committee meetings in a total amount not to exceed seventy thousand dollars (\$70,000) per year for the period from January 1, 2008 through December 31, 2010; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to approve extensions of said agreement to provide stenography services for real-time off-site closed captioning of all regularly scheduled and special Concurrent Oakland Redevelopment Agency / Oakland City Council, and City Council Committee meetings for up to two (2) additional years (January 1, 2010 through December 31, 2012) with the terms and conditions remaining the same; and be it

FURTHER RESOLVED: That the agreement or extension authorized hereunder are subject to City Attorney approval for form and legality and shall be placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2007

PASSED BY THE FOLLOWING VOTE:

AYES - BRUNNER, KERNIGHAN, NADEL, QUAN, BROOKS, REID, CHANG, AND
PRESIDENT DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

ATTEST:

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