

*Amador Soto*  
City Attorney

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2018 MAY 31 PM 5:34

# OAKLAND CITY COUNCIL

RESOLUTION No. 87253 C.M.S.

**RESOLUTION: (1) AUTHORIZING THE CITY ADMINISTRATOR, OR HER DESIGNEE, TO: (A) APPROPRIATE FUND BALANCE FROM THE ACCRUED BALANCE IN THE FIRST RESPONDER ADVANCED LIFE SUPPORT (FRALS) FUND 2160 IN AN AMOUNT NOT TO EXCEED FOUR HUNDRED TWELVE THOUSAND AND THIRTY-TWO DOLLARS AND FORTY-EIGHT CENTS (\$412,032.48); (2) EXTEND THE AGREEMENT WITH PHYSIO-CONTROL, INC. FROM JULY 1, 2018 TO JUNE 30, 2021 FOR THE PURCHASE, MAINTENANCE AND REPAIR OF ADVANCED LIFE SUPPORT EQUIPMENT (ALS) IN AN AMOUNT NOT TO EXCEED FOUR HUNDRED AND SEVENTY-ONE EIGHT HUNDRED AND NINETEEN DOLLARS AND SIXTY CENTS (\$471,819.60); AND (2) WAIVING THE ADVERTISING AND BIDDING PROCESS REQUIREMENTS, AND LOCAL AND SMALL BUSINESS (L/SB) ENTERPRISE PROGRAM PROVISIONS FOR THE CONTRACT WITH PHYSIO-CONTROL, INC.**

**WHEREAS**, the funds necessary to execute a three-year extension to the current service agreement with Physio-Control Inc. are not available in the Paramedic Services Act of 1997 (Measure N Fund); and

**WHEREAS**, this purchase is required by the City of Oakland to ensure that it is able to meet the obligations required by Alameda County Emergency Medical Services to resuscitate a patient in ventricular fibrillation (cardiac arrest) per Alameda County Defibrillation Policy 10104, as well as, the Scope of Practice, contained in the California Code of Regulations, Title 22, Division 9, chapters 2 and 4 for Emergency Medical Service (EMS) delivery; and

**WHEREAS**, accrued First Responder Advanced Life Support (FRALS) fund balance will be used to increase, enhance and support paramedic emergency services in the City of Oakland, particularly those offered by the Oakland Fire Department; and

**WHEREAS**, the FRALS fund balance is maintained to ensure that monies are available to support paramedic services in Oakland; and

**WHEREAS**, funding for this agreement has been identified in the FRALS fund balance and may be appropriated from Fund 2160 (FRALS), Organization 20913 (EMS Training), various accounts, Project (1001312), and Program PS19 (Emergency Medical Response); and

**WHEREAS**, in 2011, the City Council approved Resolution No. 83579 C.M.S. which authorized the City Administrator to purchase equipment and execute a five-year service agreement with Physio-Control Inc; and

**WHEREAS**, in 2017, an agreement in the amount of fifty-nine thousand seven hundred and eighty-seven dollars and twelve cents (\$59,787.12) with Physio-Control was authorized under the City Administrator's purchasing authority; and

**WHEREAS**, in the past seven (7) years of this business relationship, the vendor has consistently met and exceeded expectations around equipment servicing; and

**WHEREAS**, Physio-Control only guarantees their products, and affirmatively verifies warranty status, if the repairs are made by Physio-Control Technicians; and

**WHEREAS**, there is only one vendor—Physio-Control—that can reliably service OFD's proprietary, Physio-Control Inc. ALS equipment cache; and

**WHEREAS**, Oakland Municipal Code Section 2.04.050.1.5, authorizes the City Council to waive the City's advertising and bidding process upon a finding that it is in the best interests of the City to do so; now, therefore, be it

**RESOLVED**, that pursuant to Oakland Municipal Code Section 2.04.050.1.5, and based on the reasons stated above and in the City Administrator's report accompanying this item, the City Council finds and determines that it is in the best interests of the City to waive the advertising and bidding process, and the local and small business (L/SB) enterprise program provisions, and so waives such requirements; and be it

**FURTHER RESOLVED**, that funding, not to exceed \$412,032.48, shall be drawn from the First Responder Advanced Life Support (FRALS) Fund (2160), EMS Training (20913), Various Accounts, Project (1001312), Emergency Medical Response (PS19) for the proposed contract extension; and be it

**FURTHER RESOLVED**, that the City Administrator is authorized to extend the current agreement with Physio-Control to purchase, service, and maintain cardiac monitors, chest compression devices, automatic external defibrillators, and all necessary accessories in an amount not to exceed four hundred and seventy-one eight hundred and nineteen dollars and sixty cents (\$471,819.60) through June 30, 2021; and be it

**FURTHER RESOLVED**, that the City Administrator or her designee is hereby authorized to complete all required negotiations, certifications, assurances, and documentation required to accept, modify, extend and/or amend this agreement; and be it

**FURTHER RESOLVED**, that the services provided pursuant to the contract authorized hereunder are for a professional, scientific, or technical nature and are temporary in nature, and will not result in the loss of employment or loss of salary by any person having permanent status in the competitive service; and be it

**FURTHER RESOLVED**, that the City Attorney shall review and approve said agreement as to form and legality and a copy of said agreement shall be filed with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, JUN 19, 20 18

**PASSED BY THE FOLLOWING VOTE:**


~~XXXXXXXXXX~~, CAMPBELL-WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLÉN, KALB, KAPLAN ~~XXXX~~ 10  
~~XXXXXXXXXX~~

NOES- 0

ABSENT- 0

ABSTENTION- 0

Excused - Reid & Brooks

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