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OAKLAND

OCT -2 PM 6:11

**CITY OF OAKLAND**  
**AGENDA REPORT**

TO: Office of the City Administrator

ATTN: Dan Lindheim

FROM: Office of Personnel and Resource Management

DATE: October 7, 2008

**RE: Resolution Authorizing the City Administrator to Waive the Competitive Request For Proposals Process and Execute a One (1) Year Professional Services Contract Between the City of Oakland and Renne Sloan Holtzman Sakai, LLP, Public Law Group to Conduct Negotiations with Miscellaneous Employees' Unions in an Amount Not to Exceed Two Hundred and Thirteen Thousand Dollars (\$213,000) for One (1) Year Beginning October 7, 2008 and Ending October 6, 2009**

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**SUMMARY**

Staff has prepared a Resolution authorizing the City Administrator to waive the competitive Request For Proposals (RFP) process and execute a one (1) year Professional Services Contract between the City of Oakland and Renne Sloan Holtzman Sakai, LLP, Public Law Group ("Public Law Group") to conduct negotiations with miscellaneous employees' unions in an amount not to exceed two hundred and thirteen thousand dollars (\$213,000) for one year beginning October 7, 2008.

The Memoranda of Understanding with miscellaneous employees' unions (SEIU Local 1021 and IFPTE Local 21) expired on June 30, 2008 and are currently in a holdover status. Waiver of the RFP process and timely execution of the contract are required to allow the Public Law Group to meet and confer with the affected unions in compliance with the "good faith" provisions of the *Meyers-Milias-Brown Act* (California Government Code Section 3500 et seq.) for timely communications. The Public Law Group is uniquely qualified to conduct negotiations on the City's behalf in that they have worked on other projects in the City with the PFM Group this year and are aware of key financial issues that impact the City's bargaining capacity. They also assisted the City in negotiating the recent revision of its Civil Service Rules with miscellaneous employees' unions and therefore are particularly qualified to provide the link between employee rights under the new rules and development of proposed terms for new Memoranda of Understanding with the affected unions.

**FISCAL IMPACT**

The Office of Personnel and Resource Management (OPRM) has identified funds in its budget to cover the cost of the proposed contract. Funds are available in the General Purpose Fund (1010), Employment and Classification Unit Organization (05211) through salary savings derived from vacant and underfilled positions.

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City Council  
October 7, 2008

## **BACKGROUND**

The City has been engaged in contract negotiations with SEIU Local 1021 and IFPTE Local 21, both of which represent the City's miscellaneous employees, for the last year regarding the expiration of existing Memoranda of Understanding (MOUs) and the development of new MOUs. The City's Chief Negotiator on those contracts, Wayne Heine, recently retired and OPRM does not have anyone on staff with the experience, knowledge, and bargaining skills to represent the City adequately in the negotiations discussions.

## **KEY ISSUES AND IMPACTS**

Staff recommends waiving the competitive RFP process because it is in the City's best interest to do so for timely procurement of the services of a Chief Negotiator who has recently served the City in negotiating with bargaining units for the City's miscellaneous employees. The Public Law Group's recent experience on the City's behalf and staff's prior experience working with them will help ensure that the City's interests are clearly known and well-represented at the bargaining table.

Waiver of the RFP process and timely execution of the contract are required to allow the Public Law Group to meet and confer with the affected unions in compliance with the "good faith" provisions of the *Meyers-Milias-Brown Act* (California Government Code Section 3500 et seq.) for timely communication.

The Public Law Group, and in particular, Mr. Jonathan Holtzman, is uniquely qualified to conduct negotiations on the City's behalf because Mr. Holtzman worked on other projects in the City with the PFM Group this year and is aware of key financial issues that impact the City's bargaining capacity. Mr. Holtzman also assisted the City in negotiating the recent revision of its Civil Service Rules with miscellaneous employees' unions and therefore is well known to them. His experience over the last year allows him to negotiate the necessary bridge between employee rights under the new rules and development of proposed terms for new Memoranda of Understanding with the affected unions.

The proposed contract includes all of the language and exhibits of a standard Professional Services Contract with the City. Under the proposed Scope of Work, Jonathan Holtzman would be the Chief Negotiator for the City in negotiating MOUs with miscellaneous employees' unions. He would be responsible for developing a negotiating strategy; communicating with elected officials and City management for direction and input throughout negotiations; leading the bargaining team at the table, including proposal and counterproposal development and costing; preparing the final negotiated contracts; providing training to City management and departments on new and revised provisions in the adopted contract; and conducting impasse processes, if necessary.

## **SUSTAINABLE OPPORTUNITIES**

There are no direct economic opportunities or environmental and social equity impacts resulting from this action.

**DISABILITY AND SENIOR CITIZEN ACCESS**

The proposed contract does not impact disability and senior citizen access.

**RECOMMENDATION AND RATIONALE**

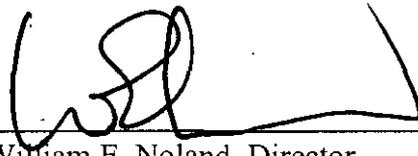
Staff recommends that the City Council authorize the City Administrator to waive the competitive Request For Proposals process and execute a one (1) year Professional Services Contract between the City of Oakland and Renne Sloan Holtzman Sakai, LLP, Public Law Group to conduct negotiations with miscellaneous employees' unions in an amount not to exceed two hundred and thirteen thousand dollars (\$213,000) for one year beginning October 7, 2008 and ending October 6, 2009.

Staff makes its recommendation based on its assessment that the proposed contract will provide the best available service for the City's labor negotiations process.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff requests that the City Council approve the Resolution.

Respectfully submitted,



William E. Noland, Director  
Finance and Management Agency

Reviewed by:  
Marcia Meyers, Director of Personnel  
**OFFICE OF PERSONNEL RESOURCE  
AND MANAGEMENT**

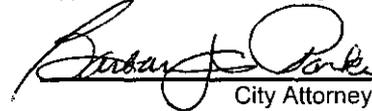
Prepared by:  
Kip Walsh, Administrative Services Manager II  
FMA Administration

**APPROVED AND FORWARDED TO THE  
CITY COUNCIL:**



**OFFICE OF THE CITY ADMINISTRATOR**

Item: \_\_\_\_\_  
City Council  
October 7, 2008

  
City Attorney

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND  
2008 OCT -2 PM 6:11

# OAKLAND CITY COUNCIL

RESOLUTION No. \_\_\_\_\_ C.M.S.

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

**RESOLUTION WAIVING THE COMPETITIVE REQUEST FOR PROPOSALS PROCESS AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A PROFESSIONAL SERVICES CONTRACT BETWEEN THE CITY OF OAKLAND AND RENNE SLOAN HOLTZMAN SAKAI, LLP, PUBLIC LAW GROUP TO CONDUCT NEGOTIATIONS WITH MISCELLANEOUS EMPLOYEES' UNIONS IN AN AMOUNT NOT TO EXCEED TWO HUNDRED AND THIRTEEN THOUSAND DOLLARS (\$213,000) FOR A TERM OF ONE YEAR BEGINNING OCTOBER 7, 2008 AND ENDING OCTOBER 6, 2009**

**WHEREAS**, the City of Oakland wishes to enter into a contract agreement with Renne Sloan Holtzman Sakai, LLP, Public Law Group ("Holtzman Group") to conduct negotiations with miscellaneous employees' unions; and

**WHEREAS**, the Memoranda of Understanding with miscellaneous employees' unions expired on June 30, 2008 and are currently in a holdover status; and

**WHEREAS**, the City's previous negotiator, recently retired; and

**WHEREAS**, the City's Purchasing Ordinance, (Oakland Municipal Code ("OMC") Chapter 2.04) requires that the City conduct a competitive process (Request for Proposals/Request for Qualifications) for professional services contracts in excess of \$25,000 (OMC section 2.04.051(A)); and

**WHEREAS**, the completion of the competitive Request for Proposals process would delay the negotiations; and

**WHEREAS**, the City's Purchasing Ordinance provides that upon a finding by the City Council that it is in the best interests of the City, the City Council may waive the requirement for an RFP or RFQ process (OMC section 2.04.051(B)); and

**WHEREAS**, it is necessary that the City enter into a contract immediately so that the City will be able to meet and confer with the affected unions in order to be in compliance with the "good faith" provisions of the *Meyers-Milias-Brown Act* (California Government Code Section 3500 et seq.) for timely communication; and

**WHEREAS**, based on the foregoing, it is in the City's best interests to waive the competitive Request for Proposals process so as to obtain the services of a Chief Negotiator who has recently served the City in negotiating with bargaining units for the City's miscellaneous employees thereby ensuring that the City's interests are clearly known and well-represented at the bargaining table and that the City complies with its obligations under the Meyers-Milias Brown Act to conduct negotiations in good faith; and

**WHEREAS**, the Holtzman Group, and specifically, Mr. Jonathan Holtzman, is uniquely qualified to conduct negotiations on the City's behalf in that Mr. Holtzman has worked on

organizational development projects with the PFM Group, a firm that the City retained for that purpose this year and is knowledgeable about key financial issues that impact the City's bargaining capacity; and

**WHEREAS**, the Holtzman Group assisted the City in negotiating the recent revision of its Civil Service Rules with miscellaneous employees' unions and is well known to them; and

**WHEREAS**, the City Council finds that the services are professional in nature; and

**WHEREAS**, the City Council finds that the services are temporary, for the period of October 7, 2008 through October 6, 2009; 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 identified in the Office of Personnel Resource Management's adopted FY 2007-2009 budget in the General Purpose Fund (1010), Organization (05211); now, therefore, be it

**RESOLVED:** that pursuant to the Oakland Municipal Code Section 2.04.51.B and based on the information set forth in the City Administrator's report accompanying this item and the provisions of this resolution, the City Council finds and determines that it is in the City's best interest to waive the competitive Request for Proposals process for procurement of a professional services contract to conduct negotiations with the City's miscellaneous employees' unions; and be it

**FURTHER RESOLVED:** that the City Administrator is hereby authorized to execute a Professional Service Contract between the City of Oakland and Renne Sloan Holtzman Sakai, LLP, Public Law Group to conduct negotiations with miscellaneous employees' unions in an amount not to exceed two hundred and thirteen thousand dollars (\$213,000) for one year beginning October 7, 2008 and ending October 6, 2009; and be it

**FURTHER RESOLVED:** that the agreement authorized hereunder is 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, \_\_\_\_\_, 2008

**PASSED BY THE FOLLOWING VOTE:**

AYES -

NOES -

ABSENT -

ABSTENTION -

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