

FILED
OFFICE OF THE CITY CLERK
OAKLAND**OAKLAND CITY COUNCIL**
City Attorney2009 NOV 24 PM 3:49 **RESOLUTION No. 82448 C.M.S.**

RESOLUTION: 1) AUTHORIZING THE CITY ADMINISTRATOR , ON BEHALF OF THE CITY OF OAKLAND, TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH THE ALEXANDRIA GROUP OF MPRI IN AN AMOUNT NOT TO EXCEED ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000.00), FOR A TWO YEAR PERIOD BEGINNING JANUARY 21, 2010 THROUGH JANUARY 20, 2012, TO PERFORM THE SERVICES OF AN INDEPENDENT MONITOR AS REQUIRED BY THE MEMORANDUM OF UNDERSTANDING RE: POST NEGOTIATED SETTLEMENT AGREEMENT TERMS AND CONDITIONS ALLOWING FOR THE RESOLUTION OF PLAINTIFF'S CLAIMS FOR INJUNCTIVE RELIEF AND FOR DISMISSAL OF THE ACTION, 2) DISPENSE WITH THE STANDARD REQUEST FOR QUALIFICATIONS PROCESS FOR SAID AWARD AND AUTHORIZE AN INFORMAL SOLICITATION PROCESS, AND 3) APPROPRIATE SAID FUNDS TO PAY FOR THE WORK

WHEREAS, on or about January 21, 2003 the City Council approved the settlement reached in *Delphine Allen, et al. vs. City of Oakland, et al*, which settled the allegations of multiple plaintiffs that several Oakland police officers had violated their constitutional rights and that such conduct was pursuant to a pattern and practice of the City of allowing said constitutional violations to occur; and

WHEREAS, the settlement resulted in the Negotiated Settlement Agreement (“NSA”), in which the City agreed to institute police reforms and adopt contemporary police practices in the areas of use of force, field supervision, discipline and accountability measures, and training; and

WHEREAS, the Court issued an Order extending the five-year NSA for two additional years, from January 21, 2008 to January 21, 2010, finding that the City needed more time to complete its reform program due to the City’s delays in 2003 and 2004 to make measurable progress; and

WHEREAS, the City’s strong efforts to comply with the NSA over the past several years have led to significant progress and resulted in achieving high compliance levels and sustainability periods for many of the required reforms; and

WHEREAS, notwithstanding the City’s progress, compliance levels have not been reached in several reform areas thus requiring the City to continue its work in these areas; and

WHEREAS, the Court informed the City that it would be required to continue the remaining reforms under Court supervision and under the oversight of an independent monitor; and

WHEREAS, the contract for the current Independent Monitoring Team (“IMT”) ends in January 2010 and will not be renewed; and

WHEREAS, upon learning of these developments the City immediately began to negotiate a termination of the Negotiated Settlement Agreement while drafting a narrower Memorandum of Understanding (MOU) that would allow the City to focus its reform work in those areas where it has fallen short while providing that the City would no longer be required to actively monitor the reform tasks already achieved; and

WHEREAS, in addition to negotiating a new MOU the City promptly contacted experienced police monitors to determine their availability and interest in monitoring the Police Department, worked with several interested candidates in providing the relevant documents, obtained preliminary proposals, and established an interview process that was inclusive and thorough; and

WHEREAS, since none of the monitor candidates identified are located in Oakland, the City’s Department of Contracting and Purchasing conducted an availability analysis and did not find a certified firm that could provide the contract services and therefore, the City’s 20% Local and Small Business Enterprise requirements have been waived; and

WHEREAS, Oakland Municipal Code Section 2.04.051.B authorizes the City Council to dispense with the City’s standard request for proposal process for award of professional services contracts upon a finding that it is in the City’s best interests to do so; and

WHEREAS, the City’s informal RFQ process was thorough and appropriate given the nature of the services required, and conducting a formal RFQ process would have resulted in delays and hamper the City’s efforts to meet its compliance obligations with the Court; and

WHEREAS, Staff recommends that the City Council waive the City’s customary request for proposal process and authorize the City Administrator to select a contractor by the informal process described in the agenda report accompanying this item; now therefore be it

RESOLVED: that the City Council hereby authorizes the City Administrator to award a contract to the Alexandria Group of MPRI, for a two-year period of January 21, 2010 to January 20, 2012, to perform the services of an independent monitor as provided for in the Memorandum of Understanding Re: Post Negotiated Settlement Agreement Terms and Conditions Allowing for the Resolution of Plaintiffs’ Claims for Injunctive Relief and for Dismissal of the Action; and be it

FURTHER RESOLVED: that, pursuant to Oakland Municipal Code, Section 2.04.051(B), the City Council hereby finds, based on the pronouncements of this Resolution and the discussion and analysis contained in the accompanied Council report, that it is in the best interests of the City to dispense with the City’s customary RFP/RFQ process for the Independent Monitor contract, and so

dispenses with the requirement and authorizes selection of a contractor and award based on solicitation process used by staff; and be it

FURTHER RESOLVED: that the City Administrator is authorized to appropriate \$1.5 million from the General Fund (1010), Office of Inspector General Organization (101130), Miscellaneous Contracts Account (54919), and Program (PS01); and be it

FURTHER RESOLVED: that the City Administrator or his designee is authorized to carry out any financial actions necessary to carry out the intent of the resolution, including to complete all required negotiations, certifications, assurances, and documentation required to accept, modify, extend and/or amend this contract for services, except for any increase in the contract amount, without returning to the City Council; and be it

FURTHER RESOLVED: that the City Attorney shall review and approve this agreement as to form and legality and a copy of the fully executed agreement shall be placed on file with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, DEC 8 2009, 20

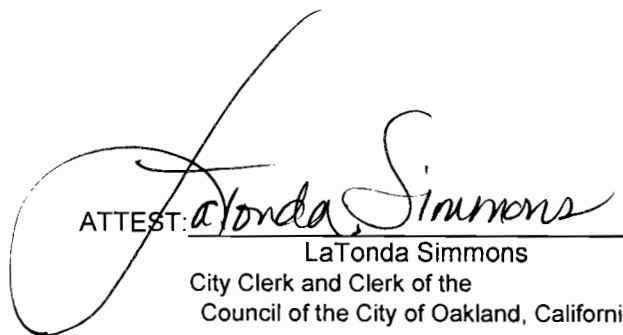
PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

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