

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

**OAKLAND CITY COUNCIL**

  
City Attorney

**RESOLUTION No. 84249 C.M.S.**  
2013 MAR -7 PM 12:09  
Introduced by Councilmember \_\_\_\_\_

**RESOLUTION WAIVING ADVERTISING AND THE REQUEST FOR PROPOSALS PROCESS, AND AUTHORIZING THE CITY ADMINISTRATOR TO AMEND THE SEPTEMBER 2012 SERVICES CONTRACT WITH RENNE SLOAN HOLTZMAN SAKAI, LLP, PUBLIC LAW GROUP, FOR ASSISTANCE WITH MISCELLANEOUS EMPLOYEES UNION NEGOTIATIONS, TO INCREASE THE AMOUNT OF NEGOTIATIONS WORK, EXTEND THE TERM OF THE CONTRACT TO MARCH 31, 2014, AND INCREASE THE CONTRACT BY AN AMOUNT NOT TO EXCEED ONE HUNDRED THOUSAND DOLLARS (\$100,000.00), FOR A TOTAL CONTRACT AMOUNT OF ONE HUNDRED NINETY THOUSAND DOLLARS (\$190,000)**

**WHEREAS**, in September, 2012, the City of Oakland solicited proposals for the services of labor negotiators up to an amount of one hundred thousand dollars (\$100,000) to assist with bargaining, Renne Sloan Holtzman Sakai, LLP, Public Law Group (“Public Law Group”) was selected, and City entered into a professional services agreement with the firm in September, 2012, in the amount of ninety thousand dollars (\$90,000) for services through July 2013; and

**WHEREAS**, the City of Oakland wishes to amend the agreement with Renne Sloan Holtzman Sakai, LLP, Public Law Group (“Public Law Group”) to increase the negotiation work, extend the contract to March 31, 2014 and increase the contract amount by one hundred thousand dollars (\$100,000); and

**WHEREAS**, the Public Law Group has the qualifications and skills necessary to adequately represent the City in negotiations as it has a long history of bargaining miscellaneous agreements, including for governmental entities, and has necessary knowledge of the fact finding process now required by Assembly Bill 646; and

**WHEREAS**, the Public Law Group, and specifically, Mr. Jonathan Holtzman, is uniquely qualified to conduct negotiations on the City’s behalf in that Mr. Holtzman has this year worked on organizational development projects with the PFM Group, group of companies that provide independent financial advice and investment advisory, management and consulting services to local, state, and regional government and non-profit clients nationwide, and is knowledgeable about key financial issues that impact the City’s bargaining capacity; and

**WHEREAS**, the Public Law 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**, because the additional work is significantly above the amount of work advertised in the September 2012 solicitation, it is new work and City must conduct a new solicitation unless the Council waives the competitive process upon a finding that it is in the best interests of the City (OMC section 2.04.051(B) to do so; and

**WHEREAS**, the Memoranda of Understanding with all miscellaneous employees' unions expire on June 30, 2013; and

**WHEREAS**, the City had previously contracted another consultant to assist with these labor negotiations, however, the consultant will not be able to perform this work; and

**WHEREAS**, it is necessary that the City hire another consultant to assist with labor negotiations immediately to timely meet and confer with affected unions in accord with the "good faith" requirements of the *Meyers-Milias-Brown Act* (Cal. Gov. Code §3500, et seq.), and advertising and soliciting proposals for the new work would significantly delay negotiations; and

**WHEREAS**, funds have been identified in 1010.02311.54919.0000000.IP07 for the new work; now, therefore, be it

**RESOLVED**: Pursuant to Oakland Municipal Code Section 2.04.51.B and based on the information in the City Administrator's report accompanying this item and above, 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 additional labor bargaining services, and so waives the requirement; and, be it

**FURTHER RESOLVED**: That the City Administrator is hereby authorized to amend the September, 2012, agreement with Renne Sloan Holtzman Sakai, LLP, Public Law Group for labor negotiations with miscellaneous employees' unions to increase the scope of work for labor negotiations, extend the term of the contract until March 31, 2014 and increase the contract by an amount not to exceed one hundred thousand dollars (\$100,000.00), for a total contract amount of one hundred ninety thousand dollars (\$190,000); and, be it

**FURTHER RESOLVED**: That the City Council finds that the services to be contracted hereunder are of a professional and temporary nature, and shall not result in the loss of salary or employment by any person having permanent status in the competitive service; 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, MAR 19 2013

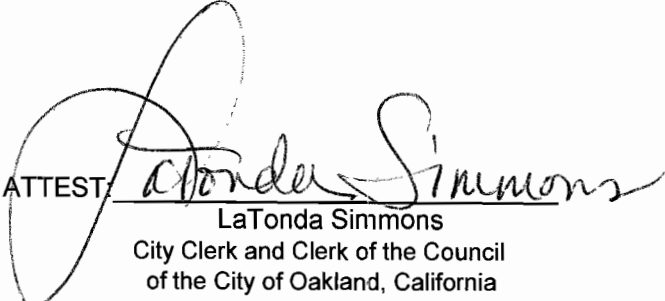
**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

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