

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

# OAKLAND CITY COUNCIL

*U. MacFarland*  
City Attorney

2011 SEP 15 PM 1:11

RESOLUTION No. 83560 C.M.S.

**REVISED**

**RESOLUTION WAIVING THE COMPETITIVE REQUEST FOR PROPOSALS/QUALIFICATIONS (RFP/Q) PROCESS AND AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH VBS SERVICES, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED NINETEEN THOUSAND NINE HUNDRED NINETY NINE DOLLARS (\$119,999), FOR THE PERIOD OF JULY 1, 2011 TO JUNE 30, 2013, WITH TWO ONE-YEAR OPTIONS TO EXTEND, TO CONTINUE PERFORMING SEXUAL ASSAULT EXAMINATIONS AND BLOOD DRAWS FOR THE OAKLAND POLICE DEPARTMENT INVESTIGATIONS**

**WHEREAS**, upon conclusion of the Request for Proposal process conducted in April 2011 no proposals were submitted for review; and

**WHEREAS**, since May 2006, OPD has used VBS Services to perform suspect sexual assault examinations in order to obtain vital forensic evidence related to sexual assaults and blood draws; and

**WHEREAS**, only examiners who have received specialized training in evidence recovery for this process are permitted to use specific forms supplied by the Department of Justice, and can perform sexual assault examinations; and

**WHEREAS**, VBS is the only vendor in the East Bay Area that provides this service and is certified to do so; and

**WHEREAS**, the use of collected forensic evidence greatly enhances OPD's ability to identify and apprehend violent sexual offenders; and

**WHEREAS**, OPD's sexual assault investigations are strengthened by this forensic evidence, increasing the District Attorney's abilities to prosecute offenders and obtain better convictions and longer sentences; and

**WHEREAS**, the services provided pursuant to the agreement authorized hereunder are of a professional, scientific or technical nature and are temporary in nature; and

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

**WHEREAS**, Oakland Municipal Code section 2.04.051.B permits the Council to waive advertising and the request for proposal/qualifications ("RFP/Q") requirements upon finding that it is in the best

interest of the City to do so, and staff recommends that the Council waive additional advertising and RFP/Q requirements for VBS Services to continue performing sexual assault exams; now, therefore be it

**RESOLVED:** That the City Council hereby authorizes the City Administrator to enter into a two-year professional services agreement in an amount not-to-exceed \$119,999, with two-one year options to extend, with VBS Services to perform sexual assault suspect examinations and blood draws on behalf of the OPD; and be it

**FURTHER RESOLVED:** That, funds are included in the Department's baseline budget and are allocated in the General Purpose Fund: 1010, Medical and Veterinarian Services Account: 54311, Youth and Family Services Division and Traffic Division Organization Code: 102310 and 107510, and Criminal Investigations and Traffic Program: PS03 and PS14; and be it

**FURTHER RESOLVED:** That for the reasons stated above and in the City Administrator's report accompanying this item and pursuant to Oakland Municipal Code section 2.04.051.B, the Council finds that it is in the best interest of the City to waive additional advertising and request for proposal/qualifications requirements for the purchase of services from VBS Services for continued performance of sexual assault exams to OPD, and so waives the requirements; and be it

**FURTHER RESOLVED:** That the City Administrator or her 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.

SEP 20 2011

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

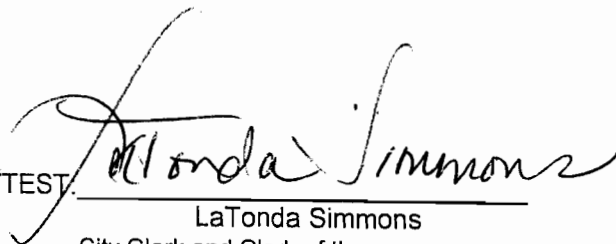
AYES- BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF, and  
PRESIDENT REID - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST



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