

**City of Oakland  
Council Agenda Report**

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND  
2003 OCT -2 PM 1:50

TO: Office of the City Manager  
ATTN.: Deborah Edgerly  
FROM: Office of the City Clerk  
DATE: October 14,2003

RE: RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH RAPIDTEXT FOR OFF-SITE REAL, TIME CLOSED CAPTIONING STENOGRAPHY SERVICES FOR THE CONCURRENT REDEVELOPMENT AGENCY/OAKLAND CITY COUNCIL AND COMMITTEE MEETINGS IN AN AMOUNT NOT TO EXCEED NINETY THOUSAND DOLLARS (\$90,000) PER YEAR FOR THE PERIOD FROM NOVEMBER 1,2003 THROUGH JUNE 30,2005 AND AUTHORIZING THE CITY MANAGER TO EXECUTE A TWO YEAR EXTENSION OF THE CONTRACT FOR AN ADDITIONAL AMOUNT NOT TO EXCEED NINETY THOUSAND DOLLARS (\$90,000) PER YEAR

---

**SUMMARY**

A resolution has been prepared authorizing the City Manager to award a professional services contract to Rapidtext in an amount not to exceed ninety thousand dollars (\$90,000) per year for the provision of real-time off-site Closed Captioning services during all Regular City Council Meetings, Regular City Council Committee Meetings, and other special meetings of the City Council through June 30, 2005.

**FISCAL IMPACT**

The funding for this contract is included in the Office of the City Clerk's Proposed FY 2003-05 Budget in Fund 1010, Organization 03121, and Account 54919.

**BACKGROUND**

Under Title II of the Americans with Disabilities Act (ADA) 42 U.S.C. 12101 et seq., state and local governments must ensure that communications with people with disabilities are as effective as communications with others. The U.S. Department of Justice regulations implementing Title II of the ADA require the provision of auxiliary aids and services where necessary to ensure effective communication with people with disabilities. For individuals with hearing impairments, auxiliary aids and services include qualified interpreters, *closed captioning, and computer aided real-time captioning.*

**3**  
**FINANCE & MANAGEMENT CMTE.**  
**OCT 14 2003**

The ADA effective communications requirement extends to city cable television programming. Page 35712 of the Title II regulation discusses this concept:

*A number of comments raised questions about the extent of a public entity's obligation to provide access to television programming for persons with hearing impairments. Television and videotape programs produced by public entities are covered by the ADA. Access to audio portions of such programming may be provided by closed captioning.*

The U.S. Department of Justice advises public entities to close caption audio portions of television programming unless doing so would result in a fundamental alteration in the nature of the television programming or in an undue financial and administrative burden. Closed captioning does not fundamentally alter the nature of television programming since it is only visible to those viewers who activate the captioning option on their television. The City's entire budget and staffing should be considered when determining if the City is qualified to make undue financial and administrative burden claims related to Closed Captioning of city television cablecasts.

In order to ensure that these laws and policies are met, the City Council had elected to provide real-time Closed Captioning of all City Council Meetings. Since there are no City employees capable of providing real-time closed captioning nor does there currently exist a classification within the Civil Service to provide these services, we must contract for these services. Our contract with Jane James DBA Captioning Agency Professional for Closed Captioning services expired on June 30, 2003 and was extended to October 31, 2003.

## **DISCUSSION**

Since January 2, 1996, real-time captioning and live closed captioning cablecast of joint meetings of the Oakland Redevelopment Agency and City Council and other special meetings of the full Council have been provided. Real-time captioning is provided during Committee and Council meetings and is routinely broadcasted on the City Government Television station. The Americans with Disabilities Act (ADA) 42 U.S.C. 12101 et seq. and Administrative Instruction Number 123 require that the City provide reasonable accommodation to those with disabilities in order to facilitate access to City services.

In July 2000, the Office of the City Clerk installed computer-aided real time captioning equipment in City Hall Hearing Rooms 1 and 2. In addition to providing caption on the KTOP cablecast, real-time captioning of City Council Committees are displayed in Hearing Rooms 1 and 2 for the benefit of members of the live audience with hearing impairments.

Only highly trained and experienced professionals can provide the captioning services required during City Council Meetings and City Council Committee Meetings. The current contract for these services expired on June 30, 2003 and was extended to October 31, 2003. It is imperative that captioning of City Council Meetings and City Council Committee Meetings continue uninterrupted.

On April 3, 2003, the Office of the City Clerk issued a competitive Request for Proposal (RFP) for real time closed captioning services. Nine copies of the RFPs were mailed.

The following six companies responded to the RFP. They are listed by the lowest bidder first:

[REDACTED]				
1	<b>Rapidtext</b> 1801 Dove St. #101 Newport Beach, CA 92660	Off-site	\$ 86,181	<b>Lowest Bidder</b>
2	Jennifer M. Rodrigues P.O. Box 20278 Castro Valley, CA 94546-8278	On-site	\$ 88,248	\$2,067
3	Caption Max 5355 Cartwright Avenue North Hollywood, CA 91601	Off-site	\$ 121,778	\$35,597
4	Captioning Agency Professional 6031 Girvin Dr. Oakland, CA 94611-2458	On-site	\$ 150,575	\$64,394
5	Official Realtime Captioning Agency 1106 Second Street #282	Off-site	\$164,803	\$ 78,622
6	Certified Realtime Reporter 49 Lyell Street Los Altos, CA 94022	On-site & Off-site	\$247,375	\$161,194

Please refer to **Attachment 1** for the bid summary and **Attachment 2** for analysis of the Local/Small Local Business Enterprise Program provided by the City Manager's Contract Compliance and Employment Services Division.

Based on the responses received, staff recommends the lowest bidder **Rapidtext**. **Rapidtext** advises that they can provide remote (offsite) captioning to the City of Oakland using existing equipment on site. However, in order to caption meetings remotely, the City of Oakland would need to install (2) phone lines in each meeting location. Additionally, the City would be required to purchase one (1) Link PDR885 encoder with a built-in modem & one (1) audio coupler. The total cost to purchase the required equipment per meeting location is approximately twelve hundred dollars (\$1,200). Per **Rapidtext's** proposal, the initial cost to equip Hearing Room one and Council Chamber is approximately twenty four hundred dollars (\$2,400).

Based on the above information, remote captioning appears to be a viable alternative to the City of Oakland's current on-site closed captioning service. **Rapidtext** is the lowest bidder and they appear to be the most responsive and cost effective. In addition, the City has already purchased some **Rapidtext** equipment and software to support our current on-site captioning activity. The purchase of an encoder with built-in modem and one audio coupler for each meeting location is a minimal cost compared to the annual savings for providing off-site captioning versus on-site captioning of approximately sixty thousand dollars (\$60,000) a year.

In May 2003, the City Manager requested that the vendor (**Rapidtext**) and the City test the off-site captioning function prior to presenting a recommendation to the City Council. The Council recess, August 2003, was chosen as the most appropriate time to test the viability and reliability of off-site captioning.

The current captioning provider, Jane James, DBA Captioning Agency Professionals, professional services contract expired on June 30, 2003. Council approved Resolution 77874 C.M.S. on June 17, 2003 authorizing the City Manager to extend the term of the professional services contract for real-time closed captioning stenography services with Jane James DBA Captioning Agency Professionals for 90 days (July, September, October 2003) for an amount not to exceed fifty thousand dollars (\$50,000.00) to provide ample time for testing.

On August 26 & 27, 2003 KTOP and **Rapidtext, Inc.** conducted a test in order to evaluate the off-site closed captioning system proposed to replace the on-site closed captioning service. The result of KTOP's test is included as Attachment A. In short, the off-site test was successful.

## **SUSTAINABLE OPPORTUNITIES**

Economic: No sustainable opportunities or impacts have been identified.

Environmental: No environmental opportunities or impacts have been identified

Social Equity: No social equity opportunities or impacts have been identified

## **DISABILITY AND SENIOR CITIZEN ACCESS**

As referenced above, approval of this action will comply with Title II of the Americans with Disabilities Act (ADA) 42 U.S.C. 12101 et seq., which requires that state and local governments ensure that communications with people with disabilities are as effective as communications with others.

**RECOMMENDATION**

Staff requests that the Finance and Management Committee approve the accompanying resolution for ninety thousand dollars (\$90,000) per year for captioning services with **Rapidtext** for off-site real time closed captioning stenography services for a period of two years from November 1,2003 through June 30, 2005 with an option to extend the contract for an additional amount not to exceed ninety thousand dollars (\$90,000)per year.

Respectfully submitted,



**Ceda Floyd,**  
**Ceda Floyd,**  
City Clerk and  
Clerk of the Council

Report Prepared by:  
Annie To  
Manager,  
Support Services  
Office of the City Clerk

**APPROVED AND FORWARDED TO THE  
FINANCE AND MANAGEMENT COMMITTEE**

---

Office of the City Manager

**3**

**FINANCE & MANAGEMENT CMTE.**

**OCT 14 2003**

# Supplementary

## Remote Captioning Report

### Introduction

This is a supplementary report of the results of a test KTOP requested of Rapidtext, Inc. in order to evaluate the remote dosed captioning system proposed to replace the on-site dosed captioning service used during legislative meetings of the City of Oakland. Although the test was conducted using only the City Council Chambers closed captioning devices routed to KTOP Master Control, the results of the test are indicative of remote captioning capabilities that will be activated in Hearing Room 1 and, when appropriately equipped, Hearing Room 2 in City Hall.

### Background

The City of Oakland requires remote captioning of its legislative meetings to satisfy requirements dictated by the American for Disabilities Act. That service has heretofore been provided by onsite services provided by Jane James Associates. The proposed remote captioning service would replace the onsite service at a per year cost savings. Although an initial report by KTOP and the Office of the City Clerk verified the use of remote captioning in other cities, we required that the proposed vendor, RapidText, Inc of Los Angeles, CA conduct a test of the system in Oakland before KTOP could fully recommend the replacement of proven onsite services. That test was successfully conducted on August 26 & 27.

The following depicts the method tested by the KTOP-TV staff with the assistance of Rapidtext, Inc.

### Method Tested: Connectivity via Analog Modem

#### Overview:

Rapidtext's system will provide remote captioning with data feeds to encoders driving LED display devices located in Hearing Room-1, eventually Hearing Room-2 and a large screen projector located within the Council Chambers. Captioning data will also be fed to an encoder located in the KTOP-TV Master Control room. Program audio from televised meeting will be accessible to the remote captioner via an analog telephone line and audio coupler device.

In this test the Council Chambers caption workstation was configured with a modem and assigned a dedicated analog phone line suitable for long-distance modem communication. The remote captioning stenographer (in this test, located in Connecticut but subsequent captioners will be all over the U.S.) placed a call to the Council Chambers captioning workstation via the modem, and activated the Rapidtext software.

After some initial challenges caused by the temporary analog telephone lines the test proceeded using audio from a previously videotaped City Council meeting. We were particularly interested in how the remote captioner responded to speech that had heavy accents or dialects since Oakland has a very diverse community that attend meetings.. The captioner in this test did have problems with some of the dialeds used and when audio was not understood the Screen showed a "speech unintelligible" prompt in

place of some of the actual dialogue. Other than this occasional lapse in the following of the speech the Rapidtext equipment system performed well.

03 SEP 25 11:12:26

**Equipment & Requirements for each room ( est. costs)**

- Dedicated phone line at each computer

a. Initial Installation 3-required @\$60.00/line	Sub-Total .....	\$180.00
b. Re-occurring monthly \$16.00 X 3	Sub-Total .....	\$48.00/mon

- Analog voice coupler:

a. COMREX Model TBC2A	Sub-Total .....	\$500.00
b. Analog modem; 2 required @ \$55.00ea	Sub-Total ...	\$110.00

<b>Total one time charge</b> .....	\$228.00
<b>Total equipment cost</b> .....	\$610.00
<b>Total Re-occurring cost</b> .....	\$48.00 /m

**Total activation cost EACH ROOM .....** **\$886.00**

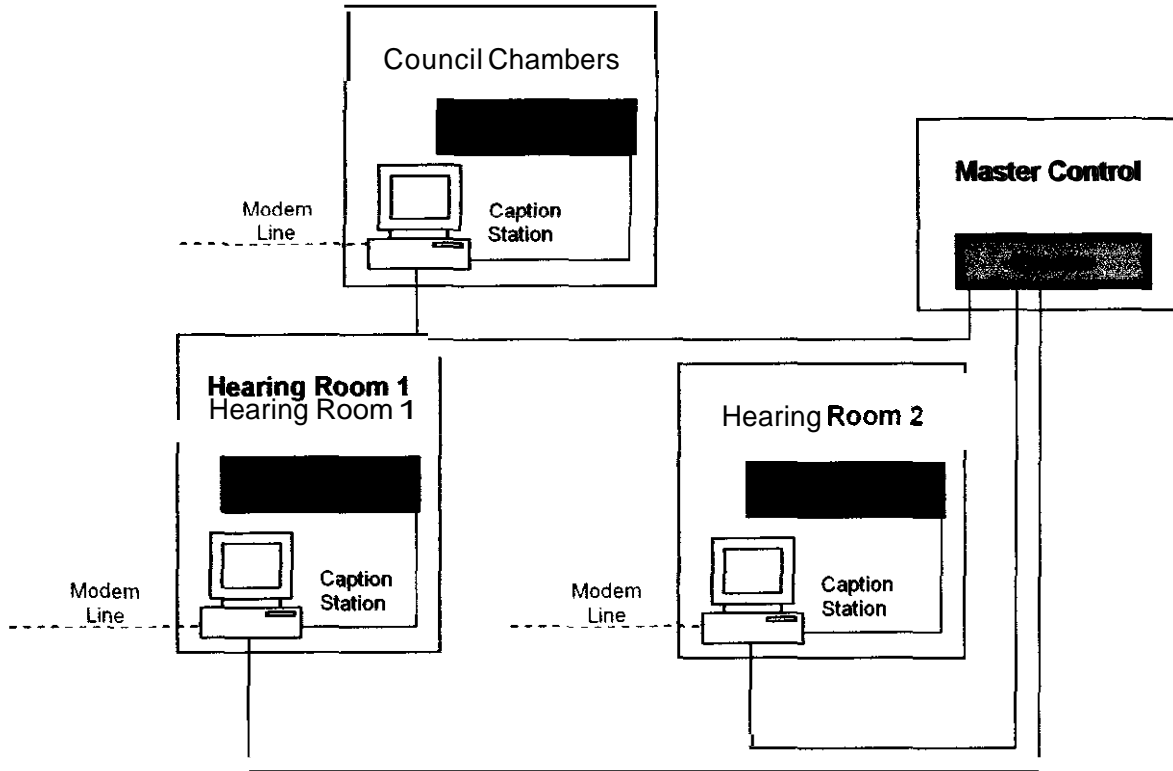
**Benefits:**

- Does not require public IP address

**Restrains:**

- Less flexibility in remote device selection than IP solution
- May require more City personnel intervention to set up remote captioning

### Overview Diagram of Modem Connectivity



### Summary

When configured in the manner depicted above, the equipment performed well. However, it should be noted that there is no single point of tech support or quality control. The equipment selection and configuration is in an "unattended" mode with no assigned telephone technician to address problems. OIT could assign an on-call technician to be available should there be problems with the telephone lines. KTOP staff has no ability to affect the quality of the transmission, execution or reception of this service. KTOP has no ability to service the technical areas of the service. There will be issues around identifying speakers since remote captioner cannot visually identify. Most speakers will not be identified, including Councilmembers. Certain dialects and speech affectations will not be translatable. With these caveats, the Rapidtext remote system can be considered to be a reasonable alternative to an onsite closed captioning service.

Respectfully submitted

Ashley James, Station Manager

Will Washington, Chief Television Engineer.

3

FINANCE & MANAGEMENT CMTE.

OCT 14 2003



# OAKLAND CITY COUNCIL



OFFICE OF THE CITY CLERK  
RESOLUTION NO. \_\_\_\_\_ C.M.S

2003 OCT 2 11 1-51

**RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH RAPIDTEXT FOR OFF-SITE REAL TIME CLOSED CAPTIONING STENOGRAPHY SERVICES FOR THE CONCURRENT REDEVELOPMENT AGENCY/OAKLAND CITY COUNCIL AND COMMITTEE MEETINGS IN AN AMOUNT NOT TO EXCEED NINETY THOUSAND DOLLARS (\$90,000) PER YEAR FOR THE PERIOD FROM NOVEMBER 1, 2003 THROUGH JUNE 30, 2005 AND AUTHORIZING THE CITY MANAGER TO EXECUTE A TWO YEAR EXTENSION OF THE CONTRACT FOR AN ADDITIONAL AMOUNT NOT TO EXCEED NINETY THOUSAND DOLLARS (\$90,000) PER YEAR.**

**WHEREAS**, the City of Oakland intends to enter into an Agreement with Rapidtext as of November 1, 2003 to provide off-site closed captioning services for City Council meetings during the period of November 1, 2003 through June 30, 2005; and

**WHEREAS**, the Agreement is required due to the requirements of the Americans with Disabilities Act (ADA) 42 U.S.C. § 12101 et seq. and Administrative Instruction No. 123, the City's Access Policy; and

**WHEREAS**, the City Council finds that the service is professional; and

**WHEREAS**, the City Council finds that the service is temporary for the period of November 1, 2003 through June 30, 2005; 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**, the Office of the City Clerk issued nine competitive requests for proposal in April 2003 and received six responses to the requests for proposal; and

**WHEREAS**, Rapidtext responded as the lowest bidder to provide remote (offsite) captioning of the six bids received; and

**WHEREAS**, Off-site captioning will result in a savings of approximately \$60,000 a year as compared to our traditional on site captioning contract; and

**WHEREAS**, neighboring jurisdictions utilize offsite captioning to support their legislative process; and

**WHEREAS**, the City of Oakland desires that Rapidtext provide the required services to the City of Oakland during City Council, Committee/Council meetings and all special meetings of the City Council; and therefore, be it

**RESOLVED:** that the City Manager is authorized to negotiate and extend the agreement between Rapidtext and the City of Oakland to provide closed captioning services during City Council meetings, City Council Committee Meetings, and all special meetings of the City Council for the period from November 1, 2003 through June 30, 2005; be it

3  
FINANCE & MANAGEMENT CMTE.  
OCT 14 2003

**FURTHER RESOLVED:** that the City Council authorizes the City Manager to extend all or part of this term contract with Rapidtext for an additional two year period, with the terms and conditions remaining the same, in the annual amount not to exceed ninety thousand dollars (\$90,000), provided that such amendments or extensions shall be filed with the Office of the City Clerk, and be it

**FURTHER RESOLVED:** that the City Attorney shall review and approve as to form and legality all documentation with respect to this Agreement.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2003

**PASSED BY THE FOLLOWING VOTE:**

AYES- Brooks, Brunner, Chang, President De La Fuente, Nadel, Quan, Reid, and Wan

NOES-

ABSENT-

ABSTENTION-

EXCUSED-

**3**  
**FINANCE & MANAGEMENT CMTE.**  
**OCT 14 2003**

ATTEST: \_\_\_\_\_  
CEDA FLOYD  
CITY CLERK AND CLERK OF THE COUNCIL  
OF THE CITY OF OAKLAND, CALIFORNIA