

  
CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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**RESOLUTION: (1) AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH COBALT EQUIPMENT, INC. FOR THE PURCHASE OF OFFICE TRAILERS AND RELATED EQUIPMENT FOR THE MOBILE ASSISTANCE COMMUNITY RESPONDERS OF OAKLAND (MACRO) PROGRAM AT A COST OF THREE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$375,000); AND (2) WAIVING THE FIXED, SEALED BID, PRICE-BASED BID PROCESS AND LOCAL AND SMALL BUSINESS (LBE/SLBE) ENTERPRISE PROGRAM REQUIREMENTS**

**WHEREAS**, In March 2021, City Council directed the City Administrator to explore options for expediting the implementation of the 18-month pilot phase of the Mobile Assistance Community Responders of Oakland (MACRO) program, a community response program for non-violent, non-emergency 911 calls to be housed within the Oakland Fire Department; and

**WHEREAS**, officially launched in April 2022, The Mobile Assistance Community Responders of Oakland (MACRO) Program is a community response program seeks to meet the needs of the community with a compassionate care first response model grounded in empathy, service, and community; and

**WHEREAS**, due to the urgency to launch the MACRO program, the Oakland Fire Department was tasked with rapidly identifying office space and / or available infrastructure in which to place the staff of responders involved in the pilot phase of the program; and

**WHEREAS**, the equipment determined to be best suited to use on a temporary basis at the Fire Department are the trailers and restroom equipment provided by Cobalt Equipment, Inc. which has agreements with agencies such as Cal Fire and the State of California Office of Emergency Services; and

**WHEREAS**, since April 2022, when the MACRO program began in earnest, the Fire Department has been paying for this critical infrastructure on a month-by-month basis at a cost of approximately \$15,000 per month; and

**WHEREAS**, to save money long-term, Fire Administration inquired about an outright purchase of the equipment, an alternative approach to allow OFD to spend less money over the life span of the products, continue using the materials, and potentially repurpose the infrastructure for other department needs once MACRO relocates to a permanent headquarters in the coming years; and

**WHEREAS**, should the proposed purchase be determined to be a “public works” contract, Oakland Municipal Code authorizes the City Council to waive the advertising, the fixed, seal bid award process upon a finding that it is "in the best interests of the city” to do so (Oakland Municipal Code Section 2.04.050.1.5); and

**WHEREAS**, waiving of the lowest bid award process is recommended so that the City can continue to use the facilities that are already in place and central to the ongoing operations of the MACRO program; and

**WHEREAS**, pursuant to Oakland City Charter Section 902(e) and Oakland Municipal Code section 2.04.020.D.3, the City Administrator has determined that the services to be provided under the proposed contract are professional, scientific, or technical nature and are temporary in nature, and shall not result in the loss of employment or salary by any person having permanent status in the competitive service; and

**WHEREAS**, the Local Business Enterprise/Small Local Business Enterprise ("LBE/SLBE") Program (Ordinance No. 13647 C.M.S.) requires a minimum 50-percent (50%) and participation for all professional service contracts valued at or over fifty thousand dollars (\$50,000) when there are at least three certified businesses listed in the industry, trade, or profession that constitutes a major category of work; and if at least three L/SLBEs are not certified, then the requirement is either waived, or the 50% requirement may be set at a percentage from 50 % to 0%, but not less than 20% if at least one LBE/SLBE is certified and available; and

**WHEREAS**, the City Council may waive the City's LBE/SLBE program requirements if it is in the best interests of the City to do so; and

**WHEREAS**, staff also recommends that City Council waive the LBE/SLBE requirements due to the fact Cobalt Equipment is based in Pleasanton and the equipment in question is already set up and operated by the City via the previous lease arrangement; and

**WHEREAS**, MACRO aligns with the citywide priority of providing holistic community safety and responsive transparent government, as MACRO's goal is to reduce responses by emergency services (Fire & Police), resulting in increased access to community-based services and resources for impacted individuals and families; and

**WHEREAS**, funding for this proposed purchase is appropriated and available in the General Fund (1010), MACRO Organization (20914), MACRO Project (1005384), Fostering Safe and Healthy Communities Program (SC22).; and

**WHEREAS**, purchasing this equipment outright, rather than leasing it, will save the City of Oakland hundreds of thousands of dollars per year over the lifetime of this equipment; and

**WHEREAS,** MACRO continues to aim to meet the needs of Oakland’s most vulnerable populations with the bulk of its incident responses being in community identified as being in greatest need based on myriad existing health disparities, and low educational and economic indicators, and ensuring that MACRO staff have safe reliable and secure equipment and space to work in while ensure that there are no gaps in service; now, therefore, be it

**RESOLVED:** That the City Council authorizes the City Administrator to enter into an agreement with Cobalt Equipment, Inc. for the purchase of office trailers and related equipment for the MACRO program at a cost of three hundred and seventy-five thousand dollars (\$375,000); and be it

**FURTHER RESOLVED:** That pursuant to Oakland Municipal Code Section 2.04.050.1.5 and based upon the reasons discussed in the agenda report accompanying this resolution and provided above, the City Council finds and determines that it is in the best interests of the City to waive the advertising and the fixed, sealed bid, price-based bid process for purchase of office trailers and related equipment from Cobalt Equipment, Inc., and to the extent necessary and for good cause shown, also waives the City’s Local/Small Local Business Enterprise program requirements.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND  
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_

ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California