



City Attorney

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2008 OCT -2 PM 6:11

OAKLAND CITY COUNCIL

RESOLUTION No. 81589 C.M.S.

Introduced by Councilmember _____

RESOLUTION WAIVING THE COMPETITIVE REQUEST FOR PROPOSALS PROCESS AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A PROFESSIONAL SERVICES CONTRACT BETWEEN THE CITY OF OAKLAND AND RENNE SLOAN HOLTZMAN SAKAI, LLP, PUBLIC LAW GROUP TO CONDUCT NEGOTIATIONS WITH MISCELLANEOUS EMPLOYEES' UNIONS IN AN AMOUNT NOT TO EXCEED TWO HUNDRED AND THIRTEEN THOUSAND DOLLARS (\$213,000) FOR A TERM OF ONE YEAR BEGINNING OCTOBER 7, 2008 AND ENDING OCTOBER 6, 2009

WHEREAS, the City of Oakland wishes to enter into a contract agreement with Renne Sloan Holtzman Sakai, LLP, Public Law Group ("Holtzman Group") to conduct negotiations with miscellaneous employees' unions; and

WHEREAS, the Memoranda of Understanding with miscellaneous employees' unions expired on June 30, 2008 and are currently in a holdover status; and

WHEREAS, the City's previous negotiator, recently retired; and

WHEREAS, the City's Purchasing Ordinance, (Oakland Municipal Code ("OMC") Chapter 2.04) requires that the City conduct a competitive process (Request for Proposals/Request for Qualifications) for professional services contracts in excess of \$25,000 (OMC section 2.04.051(A)); and

WHEREAS, the completion of the competitive Request for Proposals process would delay the negotiations; and

WHEREAS, the City's Purchasing Ordinance provides that upon a finding by the City Council that it is in the best interests of the City, the City Council may waive the requirement for an RFP or RFQ process (OMC section 2.04.051(B)); and

WHEREAS, it is necessary that the City enter into a contract immediately so that the City will be able to meet and confer with the affected unions in order to be in compliance with the "good faith" provisions of the *Meyers-Milias-Brown Act* (California Government Code Section 3500 et seq.) for timely communication; and

WHEREAS, based on the foregoing, it is in the City's best interests to waive the competitive Request for Proposals process so as to obtain the services of a Chief Negotiator who has recently served the City in negotiating with bargaining units for the City's miscellaneous employees thereby ensuring that the City's interests are clearly known and well-represented at the bargaining table and that the City complies with its obligations under the Meyers-Milias Brown Act to conduct negotiations in good faith; and

WHEREAS, the Holtzman Group, and specifically, Mr. Jonathan Holtzman, is uniquely qualified to conduct negotiations on the City's behalf in that Mr. Holtzman has worked on

organizational development projects with the PFM Group, a firm that the City retained for that purpose this year and is knowledgeable about key financial issues that impact the City's bargaining capacity; and

WHEREAS, the Holtzman 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, the City Council finds that the services are professional in nature; and

WHEREAS, the City Council finds that the services are temporary, for the period of October 7, 2008 through October 6, 2009; 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, funds have been identified in the Office of Personnel Resource Management's adopted FY 2007-2009 budget in the General Purpose Fund (1010), Organization (05211); now, therefore, be it

RESOLVED: that pursuant to the Oakland Municipal Code Section 2.04.51.B and based on the information set forth in the City Administrator's report accompanying this item and the provisions of this resolution, 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 a professional services contract to conduct negotiations with the City's miscellaneous employees' unions; and be it

FURTHER RESOLVED: that the City Administrator is hereby authorized to execute a Professional Service Contract between the City of Oakland and Renne Sloan Holtzman Sakai, LLP, Public Law Group to conduct negotiations with miscellaneous employees' unions in an amount not to exceed two hundred and thirteen thousand dollars (\$213,000) for one year beginning October 7, 2008 and ending October 6, 2009; 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, OCT 7 2008, 2008

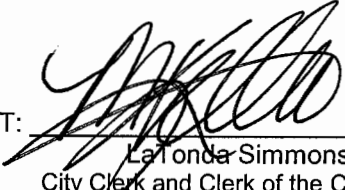
PASSED BY THE FOLLOWING VOTE:

AYES - **BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, REID, QUAN, AND PRESIDENT DE LA FUENTE - 8**

NOES - 0

ABSENT - 0

ABSTENTION - 0

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