

2014 MAY 14 AM 10:05

Priscia Hynes
City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. 85036 C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO WAIVE THE COMPETITIVE REQUEST FOR PROPOSALS / QUALIFICATIONS (RFP/Q) PROCESS, THE ADVERTISING AND BIDDING REQUIREMENTS, AND LOCAL AND SMALL LOCAL BUSINESS (L/SLB) ENTERPRISE PROGRAM PROVISIONS, AND ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH MICHAEL PALMERTREE TO PROVIDE BEHAVIORAL SCIENCE CONSULTATION AND TRAINING SERVICES TO THE OAKLAND POLICE DEPARTMENT TO MEET THE OBJECTIVES OF THE PERSONNEL ASSESSMENT SYSTEM (PAS) POLICY, AS REQUIRED BY TASKS 40 AND 41 OF THE MEMORANDUM OF UNDERSTANDING (FORMERLY NEGOTIATED SETTLEMENT AGREEMENT) WITH THE OAKLAND POLICE OFFICERS' ASSOCIATION (OPOA) FOR THE PERIOD OF JULY 1, 2014 TO JUNE 30, 2017, WITH AN OPTION TO EXTEND FOR AN ADDITIONAL TWO YEARS, IN AN AMOUNT OF SEVENTY-FIVE THOUSAND DOLLARS (\$75,000) PER YEAR, WITH A TOTAL CONTRACT AMOUNT OF THREE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$375,000)

WHEREAS, the Oakland Police Officers' Association (OPOA) Memorandum of Understanding (MOU) with the City of Oakland required the Police Department to develop and implement an early identification and intervention program to address police personnel engaged in at-risk behavior or who display substandard work performance; and

WHEREAS, on June 19, 2007, in Resolution No. 80647 C.M.S., the City Council awarded a contract for Fiscal Year 2007-08 to Michael Palmertree, Marriage Family Therapist ("MFT"), for behavioral science consultation and training services as part of the requirements established in the Negotiated Settlement Agreement (NSA) arising from the case *Delphine Allen, et al. vs. City of Oakland, et al.*; and

WHEREAS, following an RFP/Q process in 2008, in which Mr. Palmertree was the only vendor to submit a proposal, City Council has renewed and extended the contract with Mr. Palmertree in Resolution Nos. 82835 C.M.S. and 83305 C.M.S. and by Amendment No. 1 to said agreement; and

WHEREAS, the current agreement with Mr. Palmertree, MFT, will expire on June 30, 2014; and

WHEREAS, OPD policy requires the participation of a behavioral science consultant in the conduct of the review process to identify officers and employees engaged in at-risk behavior, substandard performance and exceptional achievement; and

WHEREAS, Mr. Palmertree, MFT, has over thirty years of experience counseling personnel in areas of at-risk behavior and substandard performance and has been closely associated with the design, development, implementation, and ongoing improvements to OPD's early identification and intervention program that was approved by the United States Federal Court as being compliant with the NSA; and

WHEREAS, once again, Mr. Palmertree was the only vendor to reply to the City's 2012 RFP/Q seeking behavioral science consultation and training services, Oakland Municipal Code section 2.04.051.B permits the Council to waive advertising and the Request For Proposal / Qualifications ("RFP/Q") requirements upon a finding that it is in the best interest of the City to do so, and staff recommends that the Council waive advertising and RFP/Q requirements for the purchase of behavioral science and consultation services necessary for compliance with the MOU; and

WHEREAS, Oakland Municipal Code section 2.04.051.C permits the City, when deemed by the City Administrator to be in the best interests of the City, to waive Local / Small Local Business (L/SLB) Enterprise Program provisions, and staff recommends that the Council waive the L/SLB provisions as Mr. Palmertree resides and maintains his practice in San Francisco, California; and

WHEREAS, the services to be provided under said contract are of a professional, scientific or technical and temporary nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive service; now, therefore, be it

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 interests of the City to waive advertising and the Request for Proposal / Qualifications, and the Local / Small Local Business requirements for the purchase of services from a behavioral science specialist for continued implementation of the early identification and intervention program required by the Memorandum of Understanding with the Oakland Police Officers' Association, and so waives the requirements; and be it

FURTHER RESOLVED: The contract for behavioral sciences consulting in support of the OPOA MOU is awarded to Michael Palmertree, MFT, for the term July 1, 2014 to June 30, 2017, followed by an option to extend for an additional two years, to June 30, 2019, in an amount of \$75,000 per year, with a total contract amount of \$375,000; and be it

FURTHER RESOLVED: That funds are available in the Department's budget appropriation and will be drawn from General Fund (1010), Personnel Section Organization (106210), Miscellaneous Contracts Account (54919), Project (0000000), and Program (PS01); and be it

FURTHER RESOLVED: That the City Administrator, or designee, is authorized to complete all required negotiations, certifications, assurances, and documentation required to accept, modify, extend and/or amend this agreement 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 said contract with Mr. Palmertree, MFT, 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.

IN COUNCIL, OAKLAND, CALIFORNIA, = JUN 3 2014

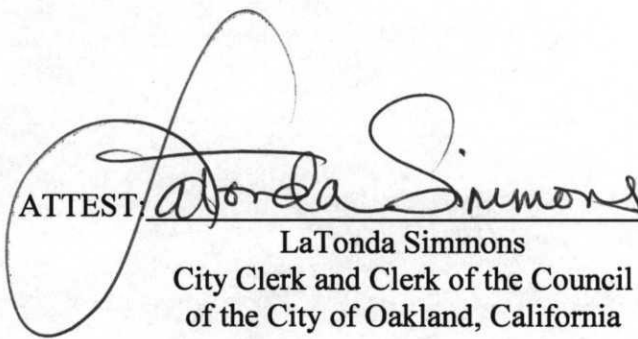
PASSED BY THE FOLLOWING VOTE:

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