

OAKLAND CITY COUNCIL

Valley 2/2/09
City Attorney

OFFICE OF THE CITY CLERK
OAKLAND

RESOLUTION No. 81765 C.M.S.

09 FEB -9 AM 10:21
Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO WAIVE THE REQUEST FOR PROPOSALS PROCESS AND EXECUTE A PROFESSIONAL SERVICE CONTRACT BETWEEN THE CITY OF OAKLAND AND BURKE, WILLIAMS & SORENSEN, LLP TO CONDUCT LABOR NEGOTIATIONS WITH THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS IN AN AMOUNT NOT TO EXCEED TWO HUNDRED AND FIFTY THOUSAND DOLLARS (\$250,000) BEGINNING JUNE 1, 2008

WHEREAS, the City of Oakland wishes to enter into a contract agreement with Burke, Williams & Sorensen, LLP to conduct negotiations with the International Association of Firefighters (IAFF Local 55); and

WHEREAS, the Memoranda of Understanding with IAFF Local 55 expired on June 30, 2008 and is currently in a holdover status; 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; 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 union 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 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, Burke, Williams & Sorensen, LLP, and specifically, Ms. Carol Stevens, is uniquely qualified to conduct negotiations on the City's behalf because of her experience working with and for the City during previous negotiations; and

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

WHEREAS, the City Council finds that the service is temporary, for the period of June 1, 2008 through completion of negotiations, which are expected to conclude within one year of the contract start date; 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 adopted FY 2007-2009 budget in the General Purpose Fund (1010), Citywide Activities Organization (90591), Miscellaneous Services Account (54929); now, therefore, be it

RESOLVED: pursuant to the Oakland Municipal Code Section 2.04.51.B and based on the information set forth in this resolution and in the City Administrator's report accompanying this item, 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 labor negotiations with the International Association of Firefighters; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to execute a Professional Service Contract between the City of Oakland and with Burke, Williams & Sorensen, LLP to conduct labor negotiations with the International Association of Firefighters in an amount not to exceed two hundred and fifty thousand dollars (\$250,000) beginning June 1, 2008; 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.

JAN 20 2009

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2009

PASSED BY THE FOLLOWING VOTE:

AYES - ~~BRUNNER, BRUNNER, KING, KERNIGHAN, NADEL,~~
~~REID, QUAN, AND PRESIDENT DE LA FUENTE~~ - 6

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Brooks, Reid - 2

ATTEST:

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