


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION: (1) AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH AGILE OCCUPATIONAL MEDICAL CENTER TO PROVIDE ANNUAL PHYSICAL EXAMINATIONS OF SWORN OAKLAND FIRE DEPARTMENT (DEPARTMENT) EMPLOYEES FOR THE PERIOD OF MARCH 1, 2024, THROUGH FEBRUARY 28, 2026, IN AN AMOUNT NOT TO EXCEED EIGHT HUNDRED AND FIFTY THOUSAND DOLLARS (\$850,000.00), WITH AN OPTION TO EXTEND THE AGREEMENT FOR ONE YEAR UNTIL FEBRUARY 28, 2027, AT A COST OF UP TO FOUR HUNDRED TWENTY FIVE THOUSAND DOLLARS (\$425,000.00), AND WITHOUT RETURNING TO COUNCIL, FOR A TOTAL AMOUNT NOT TO EXCEED ONE MILLION TWO HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$1,275,000.00); AND (2) WAIVING THE CITY'S REQUEST FOR PROPOSALS/QUALIFICATIONS PROCESS AND PURCHASING REQUIREMENTS, AND THE LOCAL AND SMALL LOCAL BUSINESS ENTERPRISE PROGRAM REQUIREMENTS FOR THE PROPOSED AGREEMENT

WHEREAS, Article 5 of the current Memorandum of Understanding (MOU) between the City of Oakland (City) and Local 55, requires that annual physical examinations be provided to Oakland Fire Department employees in Representation Unit FQI; and

WHEREAS, in 2019, the Fire Department worked with Contract Administration and conducted a Request for Proposals/Qualifications process for the provision of annual physical fitness evaluations and health testing services and pursuant to City Council Resolution Number 88086 CMS, a two-year contract was executed with Agile Occupational Medical Center (previously known as Emeryville Occupational Medical Center) with an option to extend for two additional years, for a total contract amount of one and a half million dollars for a period that began March 1, 2020 and concluded February 28, 2024; and

WHEREAS, the previous agreement with Agile Occupational Medical Center has expired, and the Risk Management Division and the Fire Department are currently identifying criteria and a new timeline to begin a Request for Proposal Process to identify other qualified vendors; and

WHEREAS, in the meantime, the high-quality services contemplated pursuant to the proposed agreement will provide Fire Department employees with critical physical fitness assessment and health testing services aimed at improving personal health, fitness and job productivity; and

WHEREAS, the City Administrator has determined that the services to be provided under the Agile Occupational Medical Center 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; and

WHEREAS, Oakland Municipal Code Section 2.04.050.1.5 permits the City Council to waive the City's Request for Proposals/Qualifications requirements for the provision of professional services upon a finding that it is in the best interest of the City to do so; and

WHEREAS, the City Council may waive the City's Local/Small Local Business Enterprise ("L/SLBE") requirements pursuant to Part 1 of Oakland's Local and Small Local Business Enterprise Program guidelines adopted by Ordinance No. 13647 C.M.S.; and

WHEREAS, that City staff recommends that the City Council waive the City's Request for Proposals and Qualifications and competitive bidding requirements and Local/Small Local Business Enterprise (L/SLBE) requirements for the proposed contract with Agile Occupational Medical Center in order for the City to meet its requirements pursuant to its MOU with Local 55 and without further delay; and

WHEREAS, the funds are available for a new agreement that ends on February 28, 2025, and for any extensions that would take the contract through February 28, 2027, in the General Fund (1010), Human Resources Organization (20811), Administration Project (1000009), Services: Miscellaneous Contract Account (54919), and Personnel Resource Management Program (PS16); now, therefore, be it

RESOLVED: That the City Administrator or his designee is authorized to enter into a contract with Agile Occupational Medical Center to provide annual physical examinations for Oakland Fire Department employees in Representation Unit FQI for the period of March 1, 2024, through February 28, 2026, in an amount not to exceed eight hundred and fifty thousand dollars (\$850,000.00), with an option to extend the agreement for one year until February 28, 2027, at a cost of up to four hundred twenty five thousand dollars (\$425,000.00), and without returning to council, for a total amount not to exceed one million two hundred seventy-five thousand dollars (\$1,275,000.00); and be it

FURTHER RESOLVED: That for the reasons state above the City Council finds it is in the best interest of the City to waive the RFP/Q requirements and so waives such requirements as well as the Local and Small Local Business Enterprise program requirements for the proposed agreement; and be it

FURTHER RESOLVED: That any agreements authorized pursuant to this legislation shall be reviewed and approved by the office of the City Attorney for form and legality and copies shall be placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, HOUSTON, KAPLAN, RAMACHANDRAN, UNGER, AND
PRESIDENT PRO TEMPORE GALLO

NOES –

ABSENT – COUNCIL PRESIDENT JENKINS (serving as Mayor pursuant to Charter Section 303)

ABSTENTION –

ATTEST: _____
ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California

3406269/AS