



AGENDA REPORT

TO: DEANNA J. SANTANA
CITY ADMINISTRATOR

FROM: Sean Whent

SUBJECT: Amended Ammunition Purchasing Contract DATE: October 25, 2013

City Administrator Approval *Deanna Santana* Date *11/19/13*

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Staff recommends that the City Council approve the resolution authorizing the City Administrator to amend the awarded contract amounts to San Diego Police Equipment, a corporation, Contract Purchase Order (CPO) No. 2013014316, by increasing the award amount from four hundred twenty-four thousand, four hundred thirteen dollars (\$424,413) to an amount not to exceed five hundred eighty-seven thousand, nine hundred fourteen dollars (\$587,914), and to Adamson Police Products, a corporation, CPO No. 2013014320, by increasing the award amount from eighty thousand, two hundred seventy-nine dollars (\$80,279) to an amount not to exceed one hundred forty-five thousand, six hundred seventy-nine dollars (\$145,679) per year for the three year period of July 1, 2013 to June 30, 2016 to provide duty and practice ammunition to the City of Oakland (City) Police Department in accordance with Specification No. 13-680-04/Request for Quote (RFQ) No. 4449.

OUTCOME

If approved, the City will amend the awarded amounts of the CPOs to San Diego Police Equipment up to \$587,914 and Adamson Police Products up to \$145,679 per year for the three year period of July 1, 2013 to June 30, 2016, to provide duty and practice ammunition for use by the Oakland Police Department (OPD). In total, the City will be increasing the amounts for duty and practice ammunition from the original amount of \$504,692 to an amount not to exceed \$733,593.

BACKGROUND/LEGISLATIVE HISTORY

Specification No.13-680-04/RFQ No. 4449 to provide duty and practice ammunition was sent to six non-local business enterprises on March 2013. The City's Purchasing Department advertised

Item: _____
Finance and Management Committee
December 3, 2013

this requirement in the *Oakland Tribune* in accordance with Oakland Municipal Code (OMC) 2.04.050 and posted it on the City's website. On February 25, 2013, the City received four bids from non-local business enterprises. Based on the information provided in response to RFQ No. 4449; San Diego Police Equipment and Adamson Police Products were and continue to be the lowest responsible bidders.

ANALYSIS

The amended amount is required by OPD for three reasons: 1) this expenditure puts in place what OPD expected based on increased recruitment efforts 2) the necessity to pre-order ammunition for future academies a year in advance; and 3) the considerable delay when receiving ammunition shipment requires OPD to purchase ammunition earlier.

Training mandates are driven by the following:

- The Compliance Director's Benchmark Plan, 7.1.13 (19), which directs the Training Division as follows: Develop needed training programs – Increase Patrol level use of force training for Officers by 20 hours per year. (Note: Training hours defined by the Compliance Director are in addition to the 20 baseline force options training already provided, bringing the total up to 40 hours per year per patrol officer.);
- The Negotiated Settlement Agreement Independent Monitoring Team (IMT) – compliance with required training identified in the reform provision tasks or reports;
- Department General Orders;
- California Commission of Peace Officer Standards and Training (POST)
- Case decisions-
 - *Harris v. City of Canton* – Liabilities for failure to train
 - *Popow v. City of Margate* – Realistic training has to be conducted;
- Federal statute (42 U.S. Code Section 1983) and case decisions (i.e., *Monell v. City of New York Department of Social Services* and *Monroe v. Pape*) can hold individuals and municipal governments liable if deliberate indifference by not providing adequate training can be proven.

Training requirements include on-going firearms training and qualifications for the following:

- In-service members;
- Trainees in the basic academy;
- Trainees in the lateral academy;
- Tactical team members;
- Schools (e.g., SWAT [Specialized Weapons and Tactics], Patrol Rifle Program);
- Testing and evaluation of firearms.

Item: _____
Finance and Management Committee
December 3, 2013

Thousands of repetitions are necessary to establish a baseline level of proficiency in firearms training. Experience has shown that proficiency will automatically begin to degrade once training is stopped; hence, firearms training is recognized by POST as a "perishable skill."

Unsatisfactory results can be predicted when training is inadequate. To maintain acceptable levels of proficiency, frequent training needs to be conducted.

OPD issues duty ammunition to its members to carry in the field. It is currently an industry standard for police agencies to provide duty and practice ammunition to their members.

PUBLIC OUTREACH/INTEREST

This item did not require any additional public outreach other than the required posting on the City's website and in the City's official newspaper.

COORDINATION

The City Attorney's Office and the Budget Office were consulted in preparation of this report.

COST SUMMARY/IMPLICATIONS

1. ORIGINAL CONTRACT AMOUNT: \$504,692
2. AMENDED ANNUAL AMOUNT OF RECOMMENDATION/COST OF PROJECT: \$733,593

3. COST ELEMENTS OF AGREEMENT/CONTRACT:

Duty and Practice Ammunition – San Diego Police Equip.	\$539,370
Sales Tax	\$48,544
Duty and Practice Ammunition – Anderson Police Products	\$133,650
Sales Tax	\$12,029
ANNUAL TOTAL AGREEMENT/CONTRACT AMOUNT	\$733,593

4. SOURCE OF FUNDING: 1.1010.103430.52919.0000000.PS09 - \$733,593
5. FISCAL IMPACT: Funds will be encumbered by the requesting department and are available in the General Purpose Fund (1010), the Police Training Unit Organization (103430), Police Training Program (PS09) and Supplies Account (52919).

SUSTAINABLE OPPORTUNITIES

Economic: These vendors have valid City business tax licenses. The amendment of this contract will yield approximately \$610 per year in business tax revenues to the City.

Environmental: No environmental impacts have been identified.

Social Equity: No social equity opportunities have been identified.

For information regarding this report, you may contact Sergeant Bryan Hubbard at (510) 238-3552.

Respectfully submitted,



Sean Whent
Interim Chief of Police

Prepared by:
Sergeant Bryan Hubbard
Training Division
Oakland Police Department

Item: _____
Finance and Management Committee
December 3, 2013

2013 NOV 21 AM 9:17 **OAKLAND CITY COUNCIL**

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR HER DESIGNEE: TO AMEND THE AWARDED CONTRACT AMOUNTS TO SAN DIEGO POLICE EQUIPMENT, A CORPORATION, CONTRACT PURCHASE ORDER (CPO) NO. 2013014316, BY INCREASING THE AWARD AMOUNT FROM FOUR HUNDRED TWENTY-FOUR THOUSAND, FOUR HUNDRED THIRTEEN DOLLARS (\$424,413) TO AN AMOUNT NOT TO EXCEED FIVE HUNDRED EIGHTY-SEVEN THOUSAND, NINE HUNDRED FOURTEEN DOLLARS (\$587,914) AND TO ADAMSON POLICE PRODUCTS, A CORPORATION, CPO NO. 2013014320, BY INCREASING THE AWARD AMOUNT FROM EIGHTY THOUSAND, TWO HUNDRED SEVENTY-NINE DOLLARS (\$80,279) TO AN AMOUNT NOT TO EXCEED ONE HUNDRED FORTY-FIVE THOUSAND, SIX HUNDRED SEVENTY-NINE DOLLARS (\$145,679) PER YEAR FOR THE THREE YEAR PERIOD OF JULY 1, 2013 TO JUNE 30, 2016 TO PROVIDE DUTY AND PRACTICE AMMUNITION TO THE CITY OF OAKLAND (CITY) POLICE DEPARTMENT IN ACCORDANCE WITH SPECIFICATION NO. 13-680-04/REQUEST FOR QUOTE (RFQ) NO. 4449.

WHEREAS, The Oakland Police Department (OPD) awarded a contract to San Diego Police Equipment, a corporation, CPO No. 2013014316 for \$424,413 for the three year period of July 1, 2013 to June 30, 2016 to provide duty and practice ammunition to the City in accordance with Specification No. 13-680-04/Request For Quote (RFQ) No. 4449; and

WHEREAS, OPD awarded a contract to Adamson Police Products, a corporation, under CPO No. 2013014320, for \$80,279 for the three year period of July 1, 2013 to June 30, 2016 to provide duty and practice ammunition to the City in accordance with Specification No. 13-680-04/RFQ No. 4449; and

WHEREAS, OPD seeks to amend the awarded contract amount to San Diego Police Equipment, a corporation, CPO No. 2013014316, by increasing the amount from July 1, 2013 to June 30, 2016 not to exceed five hundred eighty seven thousand, nine hundred fourteen dollars (\$587,914) per year for the three year period of July 1, 2013 to June 30, 2016 to provide duty and practice ammunition to the City in accordance with Specification No. 13-680-04/RFQ No. 4449; and

WHEREAS, OPD seeks to amend the awarded contract amount to Adamson Police Products, a corporation, CPO No. 2013014320, by increasing the amount from \$80,279 not to exceed one hundred forty-five thousand, six hundred seventy-nine dollars (\$145,679) per year for the three year period of July 1, 2013 to June 30, 2016 to provide duty and practice ammunition to the City of Oakland in accordance with Specification No. 13-680-04/Request For Quote (RFQ) No. 4449; now, therefore, be it

RESOLVED: That pursuant to Oakland Municipal Code section 2.04.051.B, and information set forth in the agenda report accompanying this item, the City Council finds and determines that it is in the City's best interests to amend the aforementioned contracts; and be it

FURTHER RESOLVED: That the City will amend the awarded amounts of the purchase order contract to San Diego Police Equipment to \$587,914 per year and Adamson Police Products to \$145,679 per year for the three year period of July 1, 2013 to June 30, 2016, to provide duty and practice ammunition for use by OPD; and be it

FURTHER RESOLVED: That the City Administrator or her 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.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES – BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and
PRESIDENT KERNIGHAN

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California