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APPROVED AS TO FORM AND LEGALITY



CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 89323 C.M.S.

INTRODUCED BY COUNCILMEMBER [IF APPLICABLE]

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH CLAREMONT BEHAVIORAL SERVICES, INC. ("CLAREMONT") FOR EMPLOYEE ASSISTANCE PROGRAM ("EAP") AND RELATED SERVICES FOR: (1) ALL NON-SWORN CITY EMPLOYEES AND THEIR RESPECTIVE ELIGIBLE DEPENDENTS AND (2) SWORN EMPLOYEES OF THE OAKLAND FIRE DEPARTMENT ("OFD") AND THEIR RESPECTIVE ELIGIBLE DEPENDENTS IN AN AMOUNT NOT TO EXCEED A TOTAL AMOUNT OF FOUR HUNDRED THOUSAND DOLLARS (\$400,000) (TWO HUNDRED THOUSAND DOLLARS PER CONTRACT YEAR 2022-2023; AND 2023-2024) WITH OPTIONS TO EXTEND THE AGREEMENT IN ONE OR TWO YEAR INCREMENTS THROUGH FISCAL YEAR 2029 IN AMOUNTS NOT TO EXCEED TWO HUNDRED EIGHT THOUSAND DOLLARS (\$208,000) IN CONTRACT YEAR 2024-2025, TWO HUNDRED SIXTEEN THOUSAND DOLLARS (\$216,000) IN CONTRACT YEAR 2025-2026, TWO HUNDRED TWENTY-TWO THOUSAND DOLLARS (\$222,000) IN CONTRACT YEAR 2026-2027, TWO HUNDRED THIRTY THOUSAND DOLLARS (\$230,000) IN CONTRACT YEAR 2027-2028, AND TWO HUNDRED FORTY THOUSAND DOLLARS (\$240,000) IN CONTRACT YEAR 2028-2029 FOR A TOTAL AMOUNT NOT TO EXCEED ONE MILLION FIVE HUNDRED SIXTEEN THOUSAND DOLLARS (\$1,516,000), AND (3) WAIVING THE LOCAL AND SMALL LOCAL BUSINESS ENTERPRISE (L/SLBE) PARTICIPATION REQUIREMENTS.

WHEREAS, the City Council desires employee assistance program and related services;
and

WHEREAS, after engaging in a request for proposal process, the City determined that Claremont Behavioral Services, Inc. provided the most efficient and effective option for the provision of employee assistance program services; and

WHEREAS, the City Council desires that the contract for services includes a baseline per employee fee schedule for ongoing services and a fee-for-service schedule for as-needed services; and

WHEREAS, the City Council desires that the City Administrator have the authority and flexibly to renew the contract on acceptable performance by Claremont Behavioral Services, Inc.; and

WHEREAS, pursuant to the City Council's motion authorizing the agreement with Claremont Behavioral Services, Inc., the agreement provides that the term thereof shall be two years, with options on the City's part to extend the term of the agreement in one-year or two-year increments through Fiscal Year 2029; and

WHEREAS, staff recommends that the City waive the L/SLBE participation requirement because the Contracting and Purchasing Division has verified that the City's database of certified contractors does not contain at least three firms that list the types of services required for this contract; and

WHEREAS, the City Council finds that this contract is for professional services; and

WHEREAS, the City Council finds that services under this contract will be temporary; and

WHEREAS, the City Council finds that this contract 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 the Local/Small Local Business Enterprise Program requirements are waived based on the Contracting and Purchasing Division's verification that the City's database of certified contractors does not contain at least three firms that list the types of services required for this contract; and be it

FURTHER RESOLVED: That the City Administrator is authorized to negotiate and execute an agreement with Claremont Behavioral Services, Inc. ("Claremont") for Employee Assistance Program ("EAP") and related services for all non-sworn City employees, the sworn employees of the Oakland Fire Department ("OFD"), and all respective eligible dependents in an amount not to exceed \$400,000 (\$200,000 in contract year 2022-2023 and \$200,000 in contract year 2023-2024); and be it

FURTHER RESOLVED: That upon acceptable performance as determined by the submission of monthly Utilization Reports and Clinical Case Outcomes reports showing stable usage, and monthly client satisfaction ratings of at least 85%, the City Administrator is authorized to negotiate and execute contract extensions in one-year or two-year increments through Fiscal Year 2029 in amounts not to exceed \$208,000 in contract year 2024-2025, \$216,000 in contract year 2025-2026, \$222,000 in contract year 2026-2027, \$230,000 in contract year 2027-2028, and \$240,000 in contract year 2028-2029, for a total not to exceed \$1,516,000; and be it

FURTHER RESOLVED: That funding for contract services to non-sworn employees be contained in the Adopted Policy Budgets for Fiscal Years 2020-21 and 2021-22 within the Fringe

Benefits Fund (1300), Undetermined Organization (00000), Accrued Health / FICA / Medicare Account (21516), Undetermined Project (0000000), Undetermined Program (0000); and be it

FURTHER RESOLVED: That funding for contract services to sworn Fire Department employees be contained in the Adopted Policy Budgets for Fiscal Years 2020-21 and 2021-22 within the General Purpose (1010), Fire Human Resources Organization (20811), Miscellaneous Contract Services Account (54919), Undetermined Project (0000000), Personnel Resource Management Program (PS16); and be it

FURTHER RESOLVED: That the City Administrator is authorized to complete all negotiations and execute all contracts, amendments, modifications, and extensions consistent with this resolution and its basic purposes.


IN COUNCIL, OAKLAND, CALIFORNIA, JUL 19 2022

PASSED BY THE FOLLOWING VOTE:

AYES - ~~WILSON~~ GALLO, KALB, ~~WILSON~~ REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS - 6

NOES - 0
ABSENT - 0
ABSTENTION - 0

2 Excused - Fife & Kaplan

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