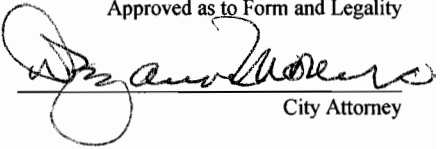


FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

Approved as to Form and Legality

  
City Attorney

2012 JUN 21 PM 4:57

**OAKLAND CITY COUNCIL**

**RESOLUTION No. 83956 C.M.S.**

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**RESOLUTION AUTHORIZING A TWO-YEAR AGREEMENT WITH CLAREMONT BEHAVIORAL SERVICES, INC. FOR EMPLOYEE ASSISTANCE PROGRAM AND RELATED SERVICES FOR ALL NON-SWORN CITY EMPLOYEES AND THE SWORN EMPLOYEES OF THE OAKLAND FIRE DEPARTMENT IN AN AMOUNT NOT-TO-EXCEED \$291,644 (\$142,997 IN CONTRACT YEAR 2012-13 AND \$148,647 IN CONTRACT YEAR 2013-14), WITH AN OPTION TO EXTEND THE AGREEMENT FOR NON-SWORN EMPLOYEES FOR SIX ADDITIONAL YEARS IN TWO-YEAR INCREMENTS IN AN AMOUNT NOT-TO-EXCEED \$123,393 IN YEAR 2014-15 ADJUSTED BY A 4% INCREASE EACH YEAR THEREAFTER THROUGH 2020, AND AN OPTION TO EXTEND THE AGREEMENT FOR FIRE SWORN EMPLOYEES FOR ONE ADDITIONAL YEAR WITH NO INCREASE IN THE CONTRACT AMOUNT, AND WAIVING THE LOCAL AND SMALL LOCAL BUSINESS ENTERPRISE PROGRAM (L/SLBE) PARTICIPATION REQUIREMENTS**

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

**WHEREAS**, after engaging in an 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 include performance measures for meeting goals specified in the contract in order to qualify for ongoing renewal of the contract within the specified terms of the contract; and

**WHEREAS**, the agreement provides that for the performance of the services Claremont Behavioral Services, Inc. will be paid a baseline fee plus fees for optional additional services at a cost equal to 20 percent of the annual baseline fee; and

**WHEREAS**, contract renewal is based on acceptable performance as determined by monthly Utilization Reports and Clinical Case Outcomes reports showing stable usage, and monthly client satisfaction ratings of at least 85 percent; 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 three options on the City's part to extend the term of the agreement for an additional two years for a total of six (6) additional years; 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 be it

**WHEREAS**, the City Council finds that this contract is for services of a professional nature; 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 City Administrator is authorized to enter into an agreement with Claremont Behavioral Services, Inc. for employee assistance program services for two years for an amount not to exceed \$291,644.00 (\$142,997 for Contract Year 2012-13 and \$148,647.00 for Contract Year 2013-14); and be it

**FURTHER RESOLVED:** That the City's Local and Small Local Business Enterprise Program (L/SLBE) participation requirements are waived for this contract because the City does not have in its database at least three certified contractors that provide the types services required for this contract; and be it

**FURTHER RESOLVED:** That beginning Fiscal Year 2014-15, there will be no rate increase in the Non-Sworn Per-Employee-Per-Month for the following year if Clinical Utilization is less than 5 percent during any contract year; and be it

**FURTHER RESOLVED:** That beginning Fiscal Year 2014-15, if Non-Sworn Clinical Utilization is 8 percent or higher during any contract year there will be a charge of an additional \$265/case for all cases thereafter; 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 percent, the City

Administrator is authorized to extend the term of the contract for services to non-sworn employees for six years in two-year increments in an amount not to exceed \$123,393 for 2014-15 and adjusted by 4% for each subsequent contract year to 2020; and be it

**FURTHER RESOLVED:** That upon acceptable performance as determined by the submission of quarterly Utilization Reports and Clinical Case Outcomes reports showing stable usage, and quarterly client satisfaction ratings of at least 85 percent, the City Administrator is authorized to extend the term of the contract for services to Fire Sworn employees for one additional one-year term with no increase in the contract amount; and be it

**FURTHER RESOLVED:** That funding for contract services to non-sworn employees is contained the Fiscal Year 2011-13 Adopted Policy Budget 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 is contained the Fiscal Year 2011-13 Adopted Policy Budget 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 3 2012.

**PASSED BY THE FOLLOWING VOTE:**

AYES – BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN,  
NADEL, SCHAAF, AND PRESIDENT REID - 7

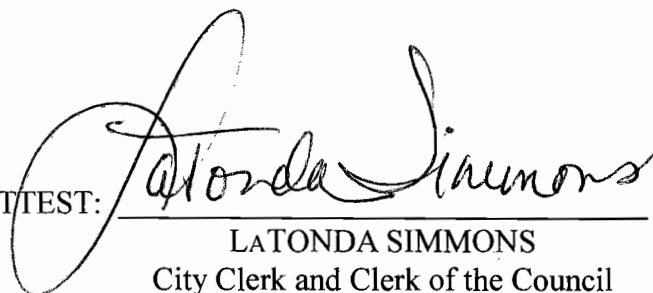
NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Kernighan - 1

ATTEST:



LATONDA SIMMONS

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