

APPROVED AS TO FORM AND LEGALITY



CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

**RESOLUTION WAIVING THE REQUEST FOR PROPOSAL OR
REQUEST FOR QUALIFICATIONS PROCESS FOR THE OAKLAND
POLICE COMMISSION'S PROFESSIONAL SERVICES CONTRACT
WITH RANIA ADWAN.**

WHEREAS, the Oakland City Council adopted Ordinance No. 13547 C.M.S. on July 9, 2019, amending Oakland Municipal Code (OMC) Chapter 2.04, Purchasing System, to add section 2.04.022 to authorize the Police Commission to enter into professional services contracts necessary to fulfill its duties as defined in section 604 of the City Charter; and

WHEREAS, all Police Commission contract approvals require an affirmative vote of four (4) or more members of the Commission who are eligible to participate in the vote (according to OMC section 2.45.070(S)) at the time action is taken to approve the contract; and

WHEREAS, all contracts approved by the Police Commission are subject to the competitive and other processes and procedures required under OMC Chapter 2.04, Purchasing System; and

WHEREAS, the Community Police Review Agency (CPRA) Executive Director is authorized, on behalf of the City of Oakland, to enter into professional services contracts properly approved by the Commission; and

WHEREAS, OMC section 2.04.051(B) is ambiguous as to the authority of the City Administrator or the Police Commission to waive, on behalf of the Police Commission, the RFP/Q process for professional services contracts up to fifty thousand dollars (\$50,000) upon a finding that it is in the best interest of the City to do so; and

WHEREAS, as set forth in OMC section 2.04.022(F), the City Council intended that, in addition to the City Council, the City Administrator retain the authority to waive the RFP/Q process for professional services contracts up to fifty thousand dollars (\$50,000) on behalf of the Police Commission; and

WHEREAS, OMC section 2.04.051(B) authorizes the City Council to waive the RFP/Q process for professional services contracts in any amount, upon a finding that it is in the best interests of the City to do so; and

WHEREAS, at its July 23, 2020 meeting, Rania Adwan (Adwan) presented her experience and qualifications to the Police Commission, including but not limited to her prior experience with the San Francisco Police Commission and its Use of Force policy amendment process; and

WHEREAS, on July 23, 2020, the Police Commission voted to direct the CPRA Executive Director to enter into a professional services contract with Adwan to provide policy advice, project management, and community engagement and outreach services to finalize revisions to the Oakland Police Department's Use of Force policy, in an amount not to exceed thirty-seven thousand dollars (\$37,000); and

WHEREAS, given the ambiguity of OMC section 2.04.051(B), the waiver for the Adwan contract is presented to the Council, which has broad authority to approve RFP/Q waivers and can resolve the waiver issue; now, therefore, be it

RESOLVED: That the City Council finds that, due to her unique qualifications as described herein, it was in the City's best interests for the Police Commission to retain Adwan, without first engaging in the RFP/Q process, to provide policy advice, project management, and community engagement and outreach services to finalize revisions to the Oakland Police Department's Use of Force policy.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

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