



City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION: 1) AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO AN ADMINISTRATIVE SERVICES AGREEMENT WITH MANAGED HEALTH NETWORK (MHN) SERVICES, LLC, TO CONTINUE PROVIDING SUBSTANCE ABUSE COUNSELING SERVICES FOR MEMBERS OF THE OAKLAND POLICE DEPARTMENT (OPD) AND THEIR DEPENDENTS, FOR THE PERIOD OF JULY 1, 2021 TO JUNE 30, 2022, WITH FOUR ONE-YEAR AUTOMATIC RENEWAL PERIODS UNLESS TERMINATED BY EITHER PARTY FOR A TOTAL CONTRACT PERIOD OF JULY 1, 2021 THROUGH JUNE 30, 2026, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED FIFTY THOUSAND DOLLARS ANNUALLY FOR A TOTAL CONTRACT NOT TO EXCEED SEVEN HUNDRED FIFTY THOUSAND DOLLARS (\$750,000)

WHEREAS, law enforcement personnel face challenging work conditions that can become incredibly stressful when intense and traumatic encounters occur; and these conditions can intensify an already challenging and dangerous work environment for personnel as well as for their family; and

WHEREAS, stress and trauma experienced in the line of duty can have negative impacts on officers' health and well-being; therefore, counseling support is imperative to help officers maintain psychological well-being so as to be prepared to perform their duties efficiently, and for their family who play a vital role in an officer's wellbeing; and

WHEREAS, the MOU between the City and Oakland Police Officers' Association (OPOA) requires the City to continue to pay for the annual cost of providing psychological counseling services to its members and/or dependents; and

WHEREAS, MHN has provided a program of counseling services to the members of the OPOA and their dependents since July 1982, in accordance with the contractual provisions of the Memorandum of Understanding (MOU) between the City and OPOA, and continues to be a leader in providing such services to law enforcement agencies in the Bay Area; and

WHEREAS, the City Council adopted Resolution No.78180 C.M.S. on November 4, 2003 authorizing a professional services agreement with MHN in an amount not to exceed \$94,552 for the period of July 1, 2003 to June 30, 2005; and

WHEREAS, the City Council adopted Resolution No. 79189 C.M.S. on May 3, 2005, which authorized a professional services agreement with MHN, in an amount not to exceed \$52,940 for the period of July 1, 2004 to June 30, 2005; and

WHEREAS, the City Council adopted Resolution No. 79593 C.M.S. on November 15, 2005, which authorized a professional services agreement with MHN, in an amount not to exceed \$66,173.28 for the period of July 1, 2005 to June 30, 2006; and

WHEREAS, the City Council adopted Resolution No. 80868 C.M.S. on October 2, 2007, which authorized a professional services agreement with MHN, in an amount not to exceed \$105,000 for the period of July 1, 2006 to June 30, 2007; and

WHEREAS, the City Council adopted Resolution 82077 C.M.S. authorizing the City Administrator to exercise the option to extend the contract with MHN for the period of July 1,2009 to December 31, 2010, in an amount of \$105,000; and

WHEREAS, the City Council adopted Resolution No. 83362 C.M.S. on May 17, 2011, which authorized a professional services agreement with MHN, in an amount not to exceed \$105,000 for the period of May 1, 2011 to November 30, 2012; and

WHEREAS, the City Council adopted Resolution No. 84152 C.M.S. on December 18, 2012, which authorized a professional services agreement with MHN, in an amount not to exceed \$100,000 for the period of December 1, 2012 to June 30, 2014; and

WHEREAS, the City Council adopted Resolution No. 85141 C.M.S. on July 29, 2014, authorizing a contract with MHN for counseling services, from July 1, 2014 to June 30, 2017, for: 1) a psychological counseling services contract in an amount not to exceed \$315,000, with an option to extend for an additional two years, for a total contract amount of \$525,000; and 2) a substance abuse counseling contract for January 1, 2015 to June 30,2017, for an amount not to exceed \$210,00, with an option to extend for an additional two years, in amount of \$84,000 per year, for a total contract amount of \$378,000; and an overall total contract amount of \$903,000; and

WHEREAS, the City issued a new request for proposal (RFP) for “Employee Assistance Program and Substance Abuse Benefit for Oakland Police Department” in June 2019, due August 9, 2019, and upon conclusion, MHN was the only responder; MHN therefore was selected for a new provider contract with OPD; and

WHEREAS, the City Council adopted Resolution No. 87997 C.M.S. on January 21, 2020 which authorized a contract with MHN to continue providing psychological substance abuse counseling services for sworn members and professional staff of the police department and their dependents, in the amount of \$185,000 per year, for the

period of July 1, 2019 to June 30, 2022, for a contract of five hundred fifty five thousand dollars (\$555,000), with a contract renewal option of one hundred eighty five thousand dollars (\$185,000) per year for an additional two years, for a total contract amount not to exceed nine hundred twenty five thousand dollars (\$925,000); and 2) waiving the city's competitive advertising and bidding requirements; and

WHEREAS, until December 31, 2020, MHN provided OPD with two functions: Employee Assistance Program (counseling services) and a Substance Abuse Program; however MHN since ceased to operate a substance abuse program and would not renew the substance abuse program with a new contract; ; and

WHEREAS, OPD conducted an RFP/Q for a substance abuse program provider in the fall of 2020; however the vendor that provided the sole responsive proposal later withdrew their proposal because they could not comply with all of the City's required schedules and insurance items; and

WHEREAS, an MHN subsidiary named "MHN Services, LLC" provides substance abuse services through an Administrative Services Agreement ("Agreement") whereby they manage 3rd party substance abuse program providers, and

WHEREAS, OPD has established a self-funded Employee Health Benefits Plan that includes the direct payment of certain health benefits on behalf of sworn personnel and professional staff, and their dependents where MHN will provide administrative services in connection with the provision of substance abuse services covered under self-funded plans; and

WHEREAS, the Agreement stipulates plan covered persons, services, administrative protocols, claims processing, confidentiality terms; therefore be it

RESOLVED: That the City Council hereby authorizes the City Administrator to enter into an Administrative Services Agreement with MHN Services, LLC to provide substance abuse program administration for OPD personnel and their dependents for the period of July 1, 2021 to June 30, 2022 with four one-year automatic renewal periods unless terminated by either party, for a total contract period of July 1, 2021 through June 30, 2026; and be it

FURTHER RESOLVED: that the contract will not exceed \$150,000 annually or \$750,000 over a five-year period; and be it

FURTHER RESOLVED: that Funding will be drawn from General Fund (1010), Personnel Section Organization (106210), Services Account (54919), Miscellaneous Contract, Administrative Project: (1000008 – DP1000). Program: PS01 Agency-Wide Administration; and be it

FURTHER RESOLVED: That in accordance with Article IV, Section 401(6) of the City Charter, the agreements authorized by this resolution shall be approved by the City Attorney's Office as to form and legality before execution, and a copy of the fully executed agreements shall be placed on file with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

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

NOES –

ABSENT –

ABSTENTION –

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