

2024 SEP -6 AM 9:15 APPROVED AS TO FORM AND LEGALITY

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OAKLAND

  
CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. 90423 - C.M.S.

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RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO:

- 1) PAY OUTSTANDING INVOICES TO ABC SECURITY SERVICES INC. (ABC) FOR SERVICES RENDERED WHILE UNDER CONTRACT DURING FY 23-24 IN THE AMOUNT OF ONE MILLION FIVE HUNDRED SEVENTY-EIGHT THOUSAND THREE HUNDRED SIXTY-SEVEN DOLLARS (\$1,578,367.00) AND FOR SERVICES RENDERED AFTER THE EXPIRATION OF THE CONTRACT ON JUNE 30, 2024, FOR JULY, AUGUST AND SEPTEMBER OF FY 24-25, IN THE AMOUNT OF ONE MILLION FIVE HUNDRED EIGHTY-NINE THOUSAND ONE HUNDRED AND TWO DOLLARS (\$1,589,102.00) FOR A TOTAL AMOUNT OF THREE MILLION ONE HUNDRED SIXTY SEVEN THOUSAND FOUR HUNDRED SIXTY NINE DOLLARS (\$3,167,469.00); AND
- 2) EXTEND THE ABC CONTRACT FOR UP TO ONE YEAR TO JUNE 30, 2025 ON A MONTH-TO-MONTH BASIS FOR AN AMOUNT NOT TO EXCEED SIX MILLION DOLLARS (\$6,000,000.00) FOR THE ONE-YEAR TERM AND, TO THE EXTENT NECESSARY, WAIVING THE COMPETITIVE REQUEST FOR PROPOSAL/ QUALIFICATION PROCESS IN THE BEST INTERESTS OF THE CITY FOR SUCH EXTENSION FOR A TOTAL NOT TO EXCEED CONTRACT AMOUNT OF TWENTY-EIGHT MILLION SIX HUNDRED THIRTY THOUSAND DOLLARS (\$28,630,000.00) TO ALLOW CONTINUITY OF SERVICES WHILE STAFF CONDUCTS A NEW REQUEST FOR PROPOSAL FOR SECURITY SERVICES

WHEREAS, on July 24, 2018, the City entered into a security services contract with ABC Security Services Inc., for a term of three years with an option to extend the contract in increments of one year for up to two additional years in an amount not-to-exceed two million, five hundred thousand dollars (\$2,500,000.00) for each year of the contract, for a grand total of twelve million, five hundred thousand dollars (\$12,500,000.00) (Reso. No. 87321 C.M.S.); and

WHEREAS, on July 24, 2022, the Council authorized the City Administrator to amend the contract by one million six hundred thousand dollars (\$1,600,000.00) for four months for a

total amount not to exceed \$1,600,000.00 until the Request for Proposal (RFP) #269336 was completed and awarded (Reso. No. 89440 C.M.S.); and

**WHEREAS**, on February 21, 2023, the Council authorized the City Administrator to amend the contract by five hundred thousand dollars (500,000.00) per month for up to eight (8) months for a total amount not-to-exceed four million dollars (\$4,000,000.00) until the RFP No. 269336 is awarded (Reso. No. 89604 C.M.S.); and

**WHEREAS**, on November 21, 2023, the Council authorized the City Administrator to increase the contract spending authority to five hundred thousand dollars (500,000.00) per month for a total amount not-to-exceed three million five hundred thousand dollars (\$3,500,000.00) (Reso. No. 90025 C.M.S.); and

**WHEREAS**, the current contract expired June 30, 2024, and did not have adequate spending authority left to extend the term of the contract; and

**WHEREAS**, additional security requirements for encampment management activities support, city facilities and other various locations throughout the city have exhausted the funds sooner than anticipated; and

**WHEREAS**, the contract spending authority was exhausted in March, three months prior to the end of the contract, leaving the City unable to process invoices in the amount of one million five hundred seventy-eight thousand three hundred sixty-seven dollars (\$1,578,367.00);

**WHEREAS**, despite the expiration of the contract on June 30, 2024, ABC agreed in good faith to continue to provide critical security services for the City and invoices for services rendered for July, August and September in the amount of one million five hundred eighty-nine thousand one hundred and two dollars (\$1,589,102.00) require payment;

**WHEREAS**, the Oakland Public Works Department, Bureau of Maintenance and Internal Services Facility Services Division is responsible for the security of all City facilities; and

**WHEREAS**, the City issued RFP #269336 but was unable to award a security services contract for that RFP and staff is preparing a subsequent revised RFP for Citywide Security Services for issuance and award; and

**WHEREAS**, increasing the spending authority of the existing ABC contract by \$500,000 per month, for a not-to-exceed amount of \$6,000,000 and extending the contract on a month-to-month basis through June 30, 2025, which would result in a total contract award not to exceed twenty-eight million six hundred thirty thousand dollars (\$28,630,000.00), should allow sufficient time for staff to complete the RFP process and make a recommendation to award a new contract and to complete the contracting process with the successful vendor; and

**WHEREAS**, Oakland Municipal code 2.04.051.B allows Council to waive the RFP/Q requirement upon finding by the Council that it is in the best interests of the City to do so and it is in the best interests of the City to waive the RFP/Q requirement for this contract because the

City wishes to prevent any delay and interruption of the vital and critical security services required at City Hall, service centers and other City facilities; and

**WHEREAS** the Council finds that the services provided in this proposed contract are of a professional and temporary in nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive civil service; and

**WHEREAS**, funding is available in the Facilities Services Fund (4400) Project (1005170), and within each requesting City Department; and funds shall not be committed beyond the available budgeted amount in the Facilities Services Fund (4400) Project (1005170), without the prior identification of an alternative available funding source, in advance of securing additional services; now, therefore, be it

**RESOLVED:** That the City Council authorizes the City Administrator to pay outstanding invoices from ABC Security Services Inc. for services rendered while under contract during FY 23-24 in the amount of one million five hundred seventy-eight thousand three hundred sixty-seven dollars (\$1,578,367.00) and invoices for services rendered after the expiration of the contract on June 30, 2024, for July, August and September of FY 24-25, in the amount of one million five hundred eighty-nine thousand one hundred and two dollars (\$1,589,102.00) for a total amount of three million one hundred sixty seven thousand four hundred sixty nine dollars (\$3,167,469.00); and be it

**FURTHER RESOLVED:** That the City Council hereby authorizes the City Administrator to amend ABC Security Services Inc. contract by increasing the contract amount by five hundred thousand dollars (\$500,000.00) on a month-to-month basis for up to twelve months through June 30, 2025 for a total not to exceed increase in the amount of six million dollars (\$6,000,000.00) while a subsequent revised RFP for Citywide Security Services is prepared for issuance and award; and be it

**FURTHER RESOLVED:** That, to the extent necessary, pursuant to O.M.C. 2.04.051.B, the City Council hereby finds that it is in the best interests of the City to waive the RFP/Q requirement for this contract in order to prevent any delay and interruption of vital and critical security services at City Hall, service centers and other City facilities and thus so waives this requirement.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE: **SEP 17 2024**

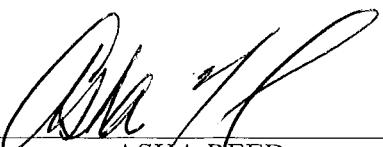
AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND  
PRESIDENT FORTUNATO BAS - *8 Ayes*

NOES - *0*

ABSENT - *0*

ABSTENTION - *0*

ATTEST:

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