



## City Council Staff Report

**From: City Manager**  
**Report Type: CONSENT CALENDAR**  
**Lead Department: City Manager**

**Meeting Date: June 19, 2023**

Report #:2306-1635

### **TITLE**

Approval and authorization to execute contract Amendment No. 2 with the OIR Group for an additional two-year period and an additional \$105,000 for a new not-to-exceed amount of \$212,500 for independent police auditing services with a new expiration date of January 1, 2025.

### **RECOMMENDATION**

Staff recommends that the City Council approve and authorize the City Manager to execute contract Amendment No. 2 with the OIR Group for an additional two-year period and an additional \$105,000 for a new not-to-exceed amount of \$212,500 for independent police auditing services with a new expiration date of January 1, 2025 (Attachment A).

### **BACKGROUND**

Since approximately 2006, Palo Alto has contracted with an outside firm to act as Independent Police Auditor (IPA). The IPA performs several functions for Palo Alto. First, the IPA provides independent review of PAPD internal affairs investigations. Department management confers with IPA periodically as investigations are opened and in process. When the Department's investigation is complete, the IPA conducts a secondary review and assesses "thoroughness, objectivity and appropriateness" of the investigation and disposition. Where appropriate, the IPA provides recommendations for training, procedural adjustments or other follow-up actions.

In 2014, the City issued a Request for Proposals for independent police auditor services. Three firms submitted proposals. The City selected the Michael Gennaco dba Office of Independent Review (OIR Group) as the most qualified to perform the services. The contract between the City and the OIR Group expired in October 2019 and was bid again at that time and OIR Group was awarded the contract again. The 2019 contract<sup>1</sup> was amended in July 2021 as a culmination of expanded contract scope for the IPA that stemmed from the City's race and equity efforts over the previous year. Link to the updated scope Amendment No. 1:

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<sup>1</sup> 2019 Contract and Staff report: <https://www.cityofpaloalto.org/files/assets/public/police-department/accountability/cmr10924-oir-contract.pdf>

<https://www.cityofpaloalto.org/files/assets/public/police-department/accountability/oir-contract-s20178065-amendment-one.pdf>).

Amendment No. 1 also intended to add travel to the contract amount, though that was inadvertently left out of the not-to-exceed total.

## **ANALYSIS**

This Amendment No. 2 corrects the not-to-exceed amount to account for travel for the two planned visits annually with OIR at City Council. It also extends the contract for two additional years with the correct base contract amount given the updated scope. Lastly, it adds an additional \$10,000 for additional services if needed by the City during the contract period.

The outline below identifies the historic and expected annual expenditures by type and amount under the Agreement, including Amendments No. 1 and 2. All dates refer to calendar years:

### **Calendar Year 2020**

- Basic services compensated at rate of \$25,000, resulting in \$25,000 in total 2020 compensation paid.

### **Calendar Year 2021** (Amendment 1 effective approximately July 1, 2021)

- January 1, 2021 through June 30, 2021, basic services compensated at rate of \$25,000 annually, resulting in \$12,500 in compensation paid for six months of services.
- July 1, 2021 through December 31, 2021, basic services rate increased to \$40,000 annually to reflect additional scope, resulting in \$20,000 in compensation paid for six months of services.

Total 2021 compensation paid: \$32,500

### **Calendar Year 2022**

- Basic services compensated at rate of \$40,000, resulting in \$40,000 in compensation paid.
- Reimbursable travel – two in-person appearances at Council in spring and fall 2022
- Additional services – Consulting project #1 (Recruitment and Hiring) initiated, with task order budgeted at \$10,000.

Total 2022 Compensation paid: \$45,000 without additional services or up to \$55,000 if additional project services are assigned.

### **Calendar Year 2023**

- Basic services compensated at rate of \$40,000, expected to result in \$40,000 in compensation paid.
- Reimbursable travel – two in-person appearances at Council expected, in spring and fall 2023.
- Additional services – Consulting project #1 (Recruitment and Hiring) completed. \$10,000 remaining for Additional Services if desired by City

Total 2023 planned Compensation: \$45,000 without additional services or up to \$55,000 if additional project services are assigned.

**Calendar Year 2024**

- Basic services compensated at rate of \$40,000, expected to result in \$40,000 in compensation paid.
- Reimbursable travel – two in-person appearances at Council expected, in spring and fall 2024

Total 2024 planned Compensation: \$45,000

**RESOURCE IMPACT**

Departmental budgets include adequate funding for this contract.

**ENVIRONMENTAL REVIEW**

Approval of this contract is not a project for the purposes of the California Environmental Quality Act. See CEQA Guidelines 15378(b)(5): administrative activities that will not result in direct or indirect physical changes in the environment.

**ATTACHMENTS**

Attachment A: Amendment No. 2 with OIR Group for IPA services

**APPROVED BY:**

Ed Shikada, City Manager