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190826

Emergency Ordinance

***Amend contract with Rosenbaum & Associates, LLP for Compliance Office Community Liaison services to extend term, increase compensation, revise Statement of Work to be more specific, identify key personnel, and provide for further extensions in an amount not to exceed \$2,506,297 (amend Contract No. 30007128)**

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. In July 2015, the United States District Court for the District of Oregon entered the Order Entering Settlement Agreement between the City and the U.S. Department of Justice (DOJ) in the matter of The United States of America v. The City of Portland, Case No. 12-cv-02265-SI ("Settlement Agreement").
2. In accordance with the Settlement Agreement, under Ordinance No. 186966, the City Council authorized a contract with Rosenbaum & Watson, LLP, for an independent Compliance Officer Community Liaison (COCL). Contract No. 30004378.
3. Since January 15, 2020, Dr. Dennis Rosenbaum and other key personnel on the COCL team have performed such services under Contract No. 30007128, which contract has been amended three times: 1) to extend the term to March 31, 2021 and amend the not-to-exceed amount to \$499,526.55; 2) to extend the term to June 30, 2022 and amend the not-to-exceed amount to \$1,016,412.04; and 3) to identify three additional key personnel on the COCL team and to move the contract management function to the City Attorney's Office.
4. The COCL contract is set to expire on June 30, 2022. The City remains under the terms of the Settlement Agreement and must continue to contract for services with the COCL. This fourth amendment to Contract No. 30007128 will extend its term for one year and provide that the city has the option to extend the contract twice, each time for one year, at its sole discretion.

Introduced by

[Mayor Ted Wheeler](#)

Bureau

[City Attorney](#)

Contact

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Deputy City Attorney

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Monday - Friday, 8:00am -
7:00pm

Requested Agenda Type

Consent

5. The amendment increases the compensation for services to \$440,000 in the initial year of the contract, and potentially by an inflationary factor annually thereafter, and increases the not-to-exceed amount to \$2,506,297, inclusive of services and travel and reimbursable expenses.
6. The amendment further revises the Statement of Work to comprise the obligations provided for in the Settlement Agreement, rather than incorporating the 187-paragraph Settlement Agreement into the Statement of Work by reference.
7. Finally, the amendment recognizes a change in the COCL's key personnel, with Capt. Michael Pfeiffer, J.D., of the New Orleans Police Department replacing the prior law enforcement expert on the team.

NOW, THEREFORE, the Council directs:

- A. The Chief Procurement Officer is authorized to execute on behalf of the City an amendment to Contract No. 30007128 with Rosenbaum & Associates, LLP substantially in accordance with Exhibit A, to extend the contract for a maximum of an additional three years, for a total term of five years, five-and-one-half months; to restate the scope of work; and to increase the total contract amount by \$1,489,885 for a gross not-to-exceed amount of \$2,506,297.
- B. The Mayor and City Auditor are hereby authorized to pay for the contract from the Special Appropriation Fund.

Section 2. The Council declares that an emergency exists because the contract is due to expire on June 30, 2022 and the Settlement Agreement requires consistent and uninterrupted services by the Compliance Officer Community Liaison as a matter of compliance; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Documents and Exhibits

 [Exhibit A](#) (319.88 Kb)

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed by Council
May 18, 2022

Auditor of the City of Portland
Mary Hull Caballero

Impact Statement

Purpose of Proposed Legislation and Background Information

Under the City's Settlement Agreement with the U.S. Department of Justice, the City must retain the services of a Compliance Officer Community Liaison ("COCL"). Dennis Rosenbaum and other key personnel have served as COCL since 2015, and Rosenbaum & Associates, LLP entered into this contract in 2020. The contract would terminate after June 30, 2022 if not extended, leaving the City without the services of a COCL and out of compliance with the Settlement Agreement. This is the fourth contract amendment, and extends the term for up to three years, increases compensation, and revises the statement of work to be more specific.

Financial and Budgetary Impacts

The contract amendment increases the annual payment to \$440,000 for services plus reimbursable travel and other expenses, which will impact the Special Appropriation for COCL services starting in FY2022-23.

Community Impacts and Community Involvement

Selection of the COCL required a community engagement process in the original hiring. The scope of work involves reports to the community about the City's progress in implementing the Settlement Agreement and policing reforms to decrease use of force, particularly for individuals in mental health crisis.

100% Renewable Goal

Not applicable.

Budget Office Financial Impact Analysis

This ordinance authorizes a contract that projects to total \$495,000 in costs (not to exceed amounts of \$440,000 for services and \$55,000 for travel/reimbursable expenses) within the COCL Program in Special Appropriations for FY 2022-23. There currently exists just \$462,584 in appropriation for this contract in the FY 2022-23 Approved Budget. Unless the bureau is able to encumber \$32,416 in purchase orders for costs related to this contract before year-end (and Council adopt a relevant encumbrance carryover in a supplemental budget), the program will have to submit a budget request for new General Fund discretionary resource during a supplemental budget to remedy the funding gap and prevent over-expenditure in FY 2022-23

Agenda Items

397 Consent Agenda in [May 18-19, 2022 Council Agenda](#)

Passed

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Mayor Ted Wheeler Yea