




AGENDA REPORT

TO: DEANNA J. SANTANA
CITY ADMINISTRATOR

FROM: Kelley Kahn

SUBJECT: Day Laborer Program Contract

DATE: June 12, 2013

City Administrator
Approval 

Date

6/26/13

COUNCIL DISTRICT: All

RECOMMENDATION

Staff recommends that City Council adopt:

A RESOLUTION AUTHORIZING A CONTRACT WITH CAUSA JUSTA FOR ONE YEAR WITH A ONE-YEAR OPTION TO RENEW IN AN AMOUNT NOT TO EXCEED A TOTAL OF \$320,000 TO ADMINISTER THE OAKLAND DAY LABOR PROGRAM

OUTCOME

Adoption of the proposed resolution will authorize the City Administrator to enter into a contract with Causa Justa to manage the day-to-day operation of the Day Laborer Program, including providing employment services, maintaining a database of employers and laborers served for reporting purposes, preparing monthly reports for staff and an annual report for City Council, and developing funding sources that will supplement and eventually supplant City funding. The Day Laborer Program will be located in the Fruitvale community, and is specifically designed to provide employment and just working conditions for the 200 plus day laborers who congregate at and around the corner of Fruitvale and Foothill Boulevard.

BACKGROUND/LEGISLATIVE HISTORY

Beginning July 19, 1999 through June 30, 2005 the City Council authorized funding for a Day Laborer Program whose funding was subsequently extended through June 30, 2010. The program ceased operation on July 1, 2010 due to lack of funding.

More recently, businesses near the Fruitvale and Foothill Boulevard area have expressed concerns about the impact of the congregation of large numbers of day laborers on their

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businesses. Resolution No. 83943 C.M.S. amended the City of Oakland's FY2011-13 Biennial Budget, and appropriated \$170,000. for a one-year contract to provide employment and employment-related services to day laborers in order to reduce the numbers of day laborers physically locating near these businesses and to improve employment and income prospects for day laborers.

On November 19, 2012, the Department of Economic and Workforce Development released a Request For Proposals ("RFP") (#4262), seeking proposals to administer a Day Laborer Program for Fiscal Year 2013-2014. Three proposals were submitted in response to the RFP.

City Council is considering approval of an additional \$170,000 for Fiscal Year 2013-2014 for the Oakland Day Laborer Program, for a total amount of \$340,000.

ANALYSIS

A competitive RFP process was undertaken to identify service providers who could support a hiring hall model for linking contractors and day laborers, track outcomes and include key supportive services to the day laborer population. A RFP was released November 2012. A Bidder's Conference was held December 4, 2012. Questions regarding the RFP received from the bidders via email were posted on the City's website to ensure that all potential applicants received the same information. Three proposals were received from the following organizations: Causa Justa, Multicultural Institute, and Community Initiatives (fiscal agent for Day Labor Center).

A committee was selected to review the proposals and rank them according to the following criteria: Experience, Capacity and Past Performance; Program Design; Innovation; Partnerships; and Budget and Financial Information. A second committee was convened to interview the three candidate organizations. The scoring system was as follows: Written Proposals (25 points – proportional allocation); Presentation (up to 40 points); Interview (up to 35 points).

Total points awarded were as follows: Causa Justa 84.5; Community Initiatives 75; Multicultural Institute 74. Included in the above scores are the Local/Small Local Business Enterprise (L/SLBE) Participation ratings, under which Causa Justa received an additional five points as a certified L/SLBE, and 0.5 preference points for years in Oakland. Attachment A

The rationale for this program is:

- Day labor work, by its nature, places workers in potentially challenging and vulnerable circumstances with regards to negotiating payment for and hours of work, and workplace safety.
- The persistent congregation at and around Fruitvale Avenue and Foothill Boulevard of day laborers seeking work has raised concern about public safety by local area businesses.

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- Causa Justa and its partners for this project have deep knowledge of the day laborer community and geographic area which will be served by this program

PUBLIC OUTREACH/INTEREST

Neighborhood stakeholders have expressed that the numbers and constant presence of day laborers congregating near Fruitvale Avenue and Foothill Boulevard created a perception that public safety and local businesses were negatively impacted. The City conducted outreach for the RFP through its Contract Compliance procurement processes and to agencies which provide a range of relevant services to this population.

COORDINATION

The Day Laborer Program contract procurement process was supported by the Office of Contracts and Compliance. This report and resolution have also been reviewed by the Office of the City Attorney and by the City Administrator's Budget Office

COST SUMMARY/IMPLICATIONS PER YEAR

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT:
Project Delivery \$160,000.00
Contract Administration 10,000.00

Total Project Costs \$160,000.00
2. COST ELEMENTS OF AGREEMENT/CONTRACT:
Personnel \$59,288.00
Fringe (@ 21%) \$12,450.00
Operating (includes equipment, rent, general office supplies, program materials and supplies, telephone/internet, transportation, participant meals \$30,228.00
Contract Services \$42,500.00
Administration Fee (3%) \$4,334.00
Fiscal Sponsor Fee (7%) \$11,200.00

TOTAL AGREEMENT/CONTRACT AMOUNT \$160,000.00
3. SOURCE OF FUNDING: General Purpose Fund (1010), Citywide Activities Org (90591) Day Laborer Project (A139610).

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4. **FISCAL IMPACT:** The impact of this contract is a total of \$170,000 of City General Purpose funds. The City is retaining \$10,000 for administration of the Day Laborer Program contract, which will offset Workforce Development staff time.

SUSTAINABLE OPPORTUNITIES

Economic: Short-term opportunities include consistent employment opportunities for day laborers, thereby providing consistent and increased wages and access by employers to day laborers who are integrated into the City's Day Laborer program and who have received basic safety training, thereby limiting on-the-job injuries.

Environmental: There are no environmental impacts related to this project.

Social Equity: Increased awareness of workers' rights and access to a range of social services provided by contractor and its partners to improve working conditions for day laborers as well as access to legal services for those needing information and assistance with immigration.

For questions regarding this report, please contact Lorraine Giordano, Program Analyst, at 238.3630.

Respectfully submitted,



Kelley Kahn, Director
Department of Economic and Workforce
Development

Reviewed by:
John R. Bailey, Executive Director
Workforce Investment Board

Prepared by:
Lorraine Giordano, Program Analyst
Workforce Development

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INTER OFFICE MEMORANDUM

TO: John Bailey

FROM: Deborah Barnes *Deborah Barnes*

SUBJECT: Compliance Analysis
Workforce Investment Board Day Laborer Program

DATE: May 30, 2013

The City Administrator's Office, Contracts and Compliance Unit conducted a compliance review of three (3) proposals in response to the above referenced project. Below is the outcome of the compliance evaluation for the minimum 50% Local and Small Local Business Enterprise (L/SLBE) participation requirement. Effective February, 2012, the City waived the 25% Small Local Business Enterprise (SLBE) requirement for certified local prime contractors competing for professional services contracts. In addition, firms are reviewed for compliance with the Equal Benefits Ordinance (EBO).

Responsive to EBO and L/SLBE Policies		Proposed Participation					Earned Credits and Discounts		Oakland Workforce Preference Points	EBO Compliant? Y/N
Company Name SLBE/VSLBE/LPG Certified Firms	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	*VSLBE	Total Credited participation	L/SLBE Participation Preference Points	Years in Oakland Preference Points		
Cuasa Justa: Just Cause	NA	96.88%	0.00%	96.88%	0%	96.88%	5 points	5 points	0 pts	Y

Non-Responsive to EBO and L/SLBE Policies		Proposed Participation					Earned Credits and Discounts		Oakland Workforce Preference Points	EBO Compliant? Y/N
Company Name Non-Local and Non-LBE Certified Firms	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	*VSLBE	Total Credited participation	L/SLBE Participation Preference Points	Years in Oakland Preference Points		
Community Initiatives	NA	0.00%	0.00%	0.00%	0.00%	0.00%	0 points	0 points	0 pts	Y
Multicultural Institute	NA	0.00%	0.00%	0.00%	0.00%	0.00%	0 points	0 points	0 pts	N

Comments: As noted above, two (2) firms failed to meet the minimum 50% L/SLBE participation requirement. Therefore, they are deemed non-responsive at this point in the process. As this is a negotiated agreement, the firms could revise its team and meet L/SLBE participation requirements. Multicultural Institute is not EBO compliant. They will have to come into compliance prior to contract execution.

Should you have any questions you may contact Vivian hman at (510) 238-6261.

City Administrator's Office



CONTRACTS AND COMPLIANCE UNIT

Compliance Division

PROJECT EVALUATION FORM

RE: Day Labor Program

CONSULTANT/CONTRACTOR: Cuasa Justa: Just Cause

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
NA	NA	NA

<u>Bid discounted amount:</u>	<u>Discount/Preference Points:</u>
N/A	5 points

1. Did the 50% local/small local requirement apply: YES
2. Did the contractor meet the 50% requirement YES
- | | |
|-----------------------------|---------------|
| a) % of LBE participation | <u>0.00%</u> |
| b) % of SLBE participation | <u>96.88%</u> |
| c) % of VSLBE participation | <u>0.00%</u> |
3. Did the contractor receive bid discount/preference points? NA
- (If yes, list the points received) 0 points

5. Additional Comments:

6. Date evaluation completed and returned to Contract Admin./Initiating Dept.

5/30/2013
Date

Reviewing Officer: *Vivian Juma*

Date: 5/30/2013

Approved By: *Shelley Darenburg*

Date: 5/30/2013

LBE/SLBE Participation Cuasa Justa: Just Cause

Project Name: Day Labor Program

Project No.:		Engineer's Estimate					Untier/Over Engineers Estimate:				
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	*VSLBE	Total		For Tracking Only		
							LBE/SLBE/VSLBE %	Percentages	Ethn.	MBE	WBE
Prime Know Your Rights Training 3 Soft Skill Employment	Cuasa Justa: Just Cause	Oakland	CB		82.82%		82.82%	82.82%	O		82.83%
	Centro Legal De La Raza	Oakland	CB		14.06%		14.06%	14.06%	H		
	Unity Council	Oakland	UB					3.12%	O		
Project Totals				0.00%	96.88%	0.00%	96.88%	100.00%		0.00%	82.83%
Requirements: The 50% requirement can be satisfied by a combination of 25% LBE and 25% SLBE. The SLBE requirement is waived for Oakland certified prime consultants. A VSLBE's participation is double counted toward meeting the requirement.				LBE 25% or 50%	SLBE 25%	*VSLBE	TOTAL LBE/SLBE/VSLBE 50%	TOTAL	Ethnicity AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed		
Legend LBE = Local Business Enterprise SLBE = Small Local Business Enterprise VSLBE = Very Small Local Business Enterprise Total LBE/SLBE/VSLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise											



CONTRACTS AND COMPLIANCE UNIT

Compliance Division

PROJECT EVALUATION FORM

RE: Day Labor Program

CONSULTANT/CONTRACTOR: Community Initiatives

<u>Engineer's Estimate:</u> NA	<u>Contractors' Bid Amount</u> NA	<u>Over/Under Engineer's Estimate</u> NA
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<u>Bid discounted amount:</u> N/A	<u>Discount/Preference Points:</u> 0 points
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1. Did the 50% local/small local requirement apply: YES
2. Did the contractor meet the 50% requirement NO
 - a) % of LBE participation 0.00%
 - b) % of SLBE participation 0.00%
 - c) % of VSLBE participation 0.00%
3. Did the contractor receive bid discount/preference points? NO
(If yes, list the points received) 0 points

5. Additional Comments.

Firm failed to meet the minimum 50% L/SLBE participation requirement. However, as this is a negotiated contract and not a low bid the firm may revise its team during negotiations in order to meet the 50% requirement. The firm has a 50% L/SLBE shortfall.

6. Date evaluation completed and returned to Contract Admin./Initiating Dept.

5/30/2013
Date

Reviewing Officer: *Vivian [Signature]*

Date: 5/30/2013

Approved By: *Shelley Darenburg*

Date: 5/30/2013

LBE/SLBE Participation Community Initiatives

Project Name: Day Labor Program

Project No.:		Engineer's Estimate					Under/Over Engineers Estimate:				
Discipline	Prime & Subs	Location	Cert Status	LBE	SLBE	*VSLBE	Total		For Tracking Only		
							LBE/SLBE/VSLBE %	Total Percentages	Ethn	MBE	WBE
PRIME	Community Initiatives	San Francisco	UB					10.00%	C		
Job Development	CI-Day Labor Center	Hayward	UB					74.00%	H		
Job Training	Spanish Speaking Citizens Foundation	Oakland	UB					16.00%	H		
Project Totals				0.00%	0.00%	0.00%	0.00%	100.00%			
Requirements: The 50% requirement can be satisfied by a combination of 25% LBE and 25% SLBE. The SLBE requirement is waived for Oakland certified prime consultants. A VSLBE's participation is double counted toward meeting the requirement				LBE/25% or 50%	SLBE/25%	*VSLBE	TOTAL LBE/SLBE/SLBE 50%	TOTAL	Ethnicity AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed		
Legend		LBE = Local Business Enterprise SLBE = Small Local Business Enterprise VSLBE = Very Small Local Business Enterprise Total LBE/SLBE/VSLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise					

City Administrator's Office



CONTRACTS AND COMPLIANCE UNIT

Compliance Division

PROJECT EVALUATION FORM

RE: Day Labor Program

CONSULTANT/CONTRACTOR: Multicultural Institute

<u>Engineer's Estimate:</u> NA	<u>Contractors' Bid Amount</u> NA	<u>Over/Under Engineer's Estimate</u> NA
<u>Bid discounted amount:</u> N/A	<u>Discount/Preference Points:</u> 0 points	

1. Did the 50% local/small local requirement apply: YES
2. Did the contractor meet the 50% requirement NO
- a) % of LBE participation 0.00%
- b) % of SLBE participation 0.00%
- c) % of VSLBE participation 0.00%
3. Did the contractor receive bid discount/preference points? NO
- (If yes, list the points received) 0 points

5. Additional Comments.

Firm failed to meet the minimum 50% L/SLBE participation requirement. However, as this is a negotiated contract and not a low bid the firm may revise its team during negotiations in order to meet the 50% requirement. The firm has a 50% L/SLBE shortfall

6. Date evaluation completed and returned to Contract Admin./Initiating Dept.

5/30/2013
Date

Reviewing Officer: *Nina J...*

Date: 5/30/2013

Approved By: *Shelley Darenburg*

Date: 5/30/2013

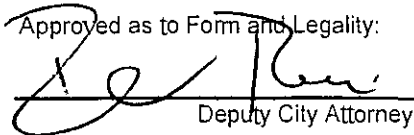
LBE/SLBE Participation Multicultural Institute

Project Name: Day Labor Program

Project No.:		Engineer's Estimate					Under/Over Engineers Estimate:				
Discipline	Prime & Subs	Location	CerL Status	LBE	SLBE	*VSLBE	Total		For Tracking Only		
							LBE/SLBE/SLBE %	Total Percentages	Ethn	MBE	WBE
PRIME	Multicultural Institute	Berekeley	UB					100.00%	O		
Project Totals				0.00%	0.00%	0.00%	0.00%	100.00%		0.00%	0.00%
Requirements: The 50% requirement can be satisfied by a combination of 25% LBE and 25% SLBE. The SLBE requirement is waived for Oakland certified prime consultants. A VSLBE's participation is double counted toward meeting the requirement.				LBE-25% or 50%	SLBE-25%	*VSLBE	TOTAL LBE/SLBE/VSLBE 50%	TOTAL	Ethnicity AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed		
Legend		LBE = Local Business Enterprise SLBE = Small Local Business Enterprise VSLBE - Very Small Local Business Enterprise Total LBS/SLBE/VSLBE = All Certified Local and Small Local Businesses NPLBE = Non Profit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise					

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2013 JUN 27 PM 3: 34

Approved as to Form and Legality:

Deputy City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

**A RESOLUTION AUTHORIZING A CONTRACT WITH CAUSA JUSTA
FOR ONE YEAR WITH A ONE-YEAR OPTION TO RENEW IN AN
AMOUNT NOT TO EXCEED A TOTAL OF \$320,000 TO ADMINISTER
THE OAKLAND DAY LABOR PROGRAM**

WHEREAS, on June 28, 2012 the City Council approved Resolution No. 83943 C.M.S. amending the City of Oakland's FY 2011-13 Biennial Budget and appropriating certain funds to provide for the expenditures proposed by the said budget; and

WHEREAS, the City Council identified \$170,000 for the Oakland Day Labor Program in its budget for Fiscal Year 2012-13 Mid Cycle Budget Amendment, and said funds are available in the General Purpose Fund (1010), Citywide Activities (90591) and Day Laborer Project (A139610); and

WHEREAS, City Council approved an additional \$170,000 for the Oakland Day Labor Program in its budget for Fiscal Year 2013-14; and

WHEREAS, funds will be allocated to a professional services contract to administer the Oakland Day Labor Program totaling \$320,000, and contract administration by City staff for the Program totaling \$20,000; and

WHEREAS, staff have selected Causa Justa through a competitive process and are recommending a contract with Causa Justa to administer the Oakland Day Labor Program; and

WHEREAS, the City finds that this contract is of a professional nature; and

WHEREAS, the City finds that this contract will not result in a loss of employment or salary by any person having a permanent status in the competitive service; now, therefore, be it

RESOLVED: That the City Administrator is hereby authorized to negotiate and execute a contract for professional services with Causa Justa to operate the Oakland Day Labor Program from July 1, 2013 through June 30, 2014, with the option to renew for one

additional year, from July 1, 2014 through June 30, 2015 in an amount not to exceed \$320,000; and be it

FURTHER RESOLVED: That the City Administrator and her designees are hereby authorized to take whatever action is necessary with respect to said contract, funds and budget consistent with this Resolution and its basic purposes.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, GALLO, GIBSON McELHANEY, KALB, KAPLAN, REID, SCHAAF, and
PRESIDENT KERNIGHAN

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California