


City Attorney's Office

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C.M.S.

EMERGENCY ORDINANCE AMENDING ORDINANCE NO. 13640 C.M.S., WHICH REVISED OAKLAND'S LOCAL AND SMALL LOCAL BUSINESS ENTERPRISE (L/SLBE) PROGRAM, TO MAKE CLARIFYING EDITS TO AND DELETE UNNECESSARY LANGUAGE IN THE LOCAL AND SMALL LOCAL BUSINESS ENTERPRISE PROGRAM MANUAL, INCLUDING BUT NOT LIMITED TO: DELETING LANGUAGE REGARDING WAIVER OF SMALL LOCAL BUSINESS ENTERPRISE SUBCONTRACTING REQUIREMENTS; CLARIFYING HOW BID DISCOUNTS AND PREFERENCE POINTS WILL BE AWARDED FOR VERY SMALL LOCAL BUSINESS ENTERPRISE (VSLBE) PARTICIPATION; CLARIFYING PROGRAM CERTIFICATION CRITERIA; AND DELETING DEFINITION OF SHELTERED MARKET PROGRAM AMOUNT OF BID DISCOUNT, AS SET FORTH IN EXHIBIT 1 ATTACHED HERETO.

WHEREAS, On February 24, 2021, the Council adopted No. 13640 C.M.S., which amended the Oakland's Local and Small Local Business Enterprise contracting and development programs to, among other things, change trucking participation requirements, add new local business categories and certification criteria, amend and add definitions, add and revise bid discounts, limit schedule modifications and add clarifying provisions for disposition and development agreements; and

WHEREAS, the Council wishes to further amend Oakland's Local and Small Business Enterprise programs to clarify program language and change language to ensure consistency between the program and enabling legislation; and

WHEREAS, Oakland Charter Section 213 authorizes the introduction and passage of an emergency ordinance on one reading at the same meeting with an affirmative vote of six members when the Council declares the ordinance necessary to "preserve the public peace, health, or safety in an emergency" and provides a statement of the reasons constituting such necessity; and

WHEREAS, it is recommended that the Council declare this ordinance as necessary to preserve the public peace, health, or safety in an emergency because of the need to place the

program in bid specifications and contract boilerplates for several large projects in the offing because of the City's economic recovery as the COVID pandemic nears an end, so that businesses do not to lose the opportunity to participate; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds and determines that the foregoing recitals are true and correct and are hereby incorporated herein as findings and determinations of the City Council.

SECTION 2. That pursuant to Oakland Charter Section 213 the City Council declares, for the reasons stated above and in the Agenda Report accompanying this Ordinance, that adoption of this Ordinance on one reading is necessary to preserve the public peace, health, or safety and therefore should be adopted as an emergency ordinance.

SECTION 3. Based upon all written and oral reports presented to City Council, including the Agenda Report, the City Council finds and determines that the proposed amendments to the City's Local and Small Local Business Enterprise (L/SLBE) Program as specifically set forth in on pages 4, 5, 6, 7, 14, 15, 16, 21, 22, 24 and 37 of **Exhibit 1**, attached hereto are necessary to provide clarity, remove extraneous or inapplicable language and to allow for the efficient and effective implementation of the L/SLBE program.

SECTION 4. The current L/SLBE Program Manual adopted on February 16, 2021 by Ordinance No. 13640 C.M.S. is hereby amended as set forth in **Exhibit 1**, attached hereto.

SECTION 5. The amended L/SLBE Program Manual attached hereto as **Exhibit 1**, shall be incorporated herein and made a part of this Ordinance.

SECTION 6. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

SECTION 7. Effective Date. This ordinance shall become effective immediately if it receives six or more affirmative votes.

3052653v1

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

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

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

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

Date of Attestation: _____

NOTICE AND DIGEST

EMERGENCY ORDINANCE AMENDING ORDINANCE NO. 13640 C.M.S., WHICH REVISED OAKLAND'S LOCAL AND SMALL LOCAL BUSINESS ENTERPRISE (L/SLBE) PROGRAM, TO MAKE CLARIFYING EDITS TO AND DELETE UNNECESSARY LANGUAGE IN THE LOCAL AND SMALL LOCAL BUSINESS ENTERPRISE PROGRAM MANUAL, INCLUDING BUT NOT LIMITED TO: DELETING LANGUAGE REGARDING WAIVER OF SMALL LOCAL BUSINESS ENTERPRISE SUBCONTRACTING REQUIREMENTS; CLARIFYING HOW BID DISCOUNTS AND PREFERENCE POINTS WILL BE AWARDED FOR VERY SMALL LOCAL BUSINESS ENTERPRISE (VSLBE) PARTICIPATION; CLARIFYING PROGRAM CERTIFICATION CRITERIA; AND DELETING DEFINITION OF SHELTERED MARKET PROGRAM AMOUNT OF BID DISCOUNT, AS SET FORTH IN EXHIBIT 1 ATTACHED HERETO.

This Ordinance will amend Ordinance No. 13640 C.M.S., which revised Oakland's Local and Small Local Business Enterprise (L/SLBE) program, to make clarifying edits to and delete extraneous and inapplicable language in the L/SLBE Program Manual as follows and as more specifically set forth in Exhibit 1 to the Ordinance:

- Clarify the bid discount percentage and preference points available to Very Small Local Business Enterprise (VSLBE) prime contractors that submit construction bid or applications for professional service contracts when the VSLBE meets a 50% subcontractor goal.
- Delete inapplicable language regarding City's waiver of small local business enterprise subcontracting requirements for Oakland certified local businesses that apply for professional service contracts as the prime contractor.
- Clarify how bid discounts and preference points will be awarded for meeting VSLBE participation goals.
- Clarify program certification criteria.
- Delete unnecessary definition of Sheltered Market Program.

This Ordinance is being introduced as an emergency ordinance and, therefore, will become effective immediately after one reading if it receives six or more affirmative votes of the Oakland City Council.