

CITY OF OAKLAND
AGENCY REPORT

FILED
OFFICE OF THE CITY CLERK
2005 JUL -7 PM 7:26

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Office of the City Administrator – Contract Compliance and Employment Services Division
DATE: July 19, 2005

RE: **A REPORT AND RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A CONTRACT WITH MASON TILLMAN ASSOCIATES LTD, IN AN AMOUNT NOT TO EXCEED \$489,620 TO COMPLETE THE FAIRNESS IN CONTRACTING AND PURCHASING (DISPARITY STUDY) FOR THE CITY OF OAKLAND AND REDEVELOPMENT AGENCY**

SUMMARY

This report provides the results of the competitive process to engage a consultant to complete the “Fairness In Contracting and Purchasing (Disparity Study)” for the City of Oakland.

As directed by Council, the administrator brings forward a recommendation to engage the firm ranking first in the competitive process, Mason Tillman Associates, Ltd., a local Oakland certified firm.

FISCAL IMPACT

If this recommendation is approved, the City Administrator or her designee will move to negotiate and execute a contract in an amount not to exceed a total cost of \$489,620.

The total cost for Phase I is \$393,713. If the City opts to move to Phase II, the total cost will be in an amount not to exceed \$95,907. Funds for this project are encumbered in Fund 1010, Organization 90591, and Project P277210.

BACKGROUND

The City of Oakland plays an important role in the Oakland economy through its purchasing and contracting activities. In this role, the City seeks to ensure equal opportunity in the marketplace and to ensure that as a market participant, the City is not actively or passively discriminating against minority-owned business enterprises (MBE) or women-owned business enterprises (WBE).

Item # 17
City Council
July 19, 2005

To this end, City voters in 1996 added Section 808(b) to the City Charter. Section 808(b) obligates the City to conduct “a race and gender disparity evaluation to determine if the City has been an active or passive participant in actual, identifiable discrimination within its relevant market place.” “If such disparity evaluation evidences such discrimination the City Council, in order to remedy the discrimination, shall establish a narrowly tailored race and/or gender business participation program, as substantiated by the disparity evaluation, for the bidding and awarding of purchases and contracts. Any such program shall continue only until the discrimination has been remedied. The City Administrator or an officer authorized by him or her shall require all awardees and bidders to comply with the established program.”

Section 808(b), is not the only legislation that influences fairness in contracting and consultants were also asked to consider federal and state equal opportunity and non-discrimination laws. For example, in 1997 California voters approved Proposition 209. This law, now Article I, Section 31 of the state constitution, provides that the City “shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of . . . public contracting.”

KEY ISSUES AND IMPACTS

Data collection will begin immediately after full contract execution. City staff, including staff in Contract Compliance & Employment Services, Finance & Management Agency, Public Works Agency and the Community and Economic Development Agency will be required to assist in pulling contract data.

PROJECT DESCRIPTION

The request for Proposal was designed to meet the identified needs as described in Section 808(b).

The consultant will conduct the Section 808(b) study in two phases. In Phase I, the consultant will collect and analyze the data. Based on the results of Phase I, the City Administrator may authorize the consultant to proceed with Phase II. During Phase II, the consultant will further analyze the data and make recommendations relative to the Phase-I findings. The scope of the study and required tasks are identified by **Phase I below**:

PHASE I

1. The consultant must analyze the following categories of purchase agreements and contracts:
 - a) Procurement (products, equipment and supplies)
 - b) Construction Services
 - c) Professional Services (including technical, architecture, engineering and para-professional)
2. The consultant must classify each covered purchase agreement or contract by industry or type of activity. While covered purchase agreements and contracts are

Item # _____
 City Council
 July 19, 2005

those that can broadly be categorized as follows: (a) procurement (products, equipment and supplies); (b) construction services; and (c) professional services (including technical, architecture, engineering and para-professional), the consultant must classify the covered purchase agreements and contracts in a manner that allows the City to identify individuals and firms offering those products and services.

3. The consultant must segregate the data by purchase agreement or contract type (see *immediately preceding list of types*) and, within each type, by value in at least four categories as follows: (a) up to \$15,000 (b) \$15,001 - \$50,000 (c) 50,001 - 500,000 and (d) over \$500,000.
4. The consultant must, at a minimum, gather data from the three (3) most recent years, including fiscal years (a) 2002-2003, (b) 2003-2004 and (c) 2004-2005. If the three-year study period does not afford meaningful and reliable data, the consultant must report such determination to the City Administrator and recommend additional data-gathering measures that will ensure collection of data sufficient to conduct the Section 808(b) inquiry.
5. The consultant must identify all covered purchases by the City and all covered contracts entered by the City, regardless of the for-profit or not-for-profit status of the parties to the purchase agreement or contract. If a purchase or a contract involves the participation of a sub-contractor or sub-consultant, then the consultant must include the sub-contractor or sub-consultant in its data.
6. The consultant will recommend the most appropriate definition of “economically disadvantaged business”. The definition must take into consideration but need not be limited to the following: ethnicity, gender, location, number of years in business, personal net worth, size in terms of gross receipts, and number of employees.
7. The consultant must identify the relevant geographic market area such that the City can identify the population of those individuals and firms available in the market area.
8. The consultant must conduct an availability analysis of the number of willing and able business entities including MBEs and WBEs and non-minority/women owned businesses and include the ethnicity and gender of that population. To complete this element of work, the consultant must:
 - Identify and provide an analysis of the number and percentage of MBEs, WBEs and other businesses, whether for-profit or not- for- profit, in the geographic areas.
 - Develop an inventory of Non-Profit entities that are party to a Disposition and Development Agreement, or have received City contracts for goods or services. Grant recipients are not included.
 - The number and percentage of MBE and WBE business entities should be calculated separately for categories that may include for example the following: African Americans, Hispanic Americans, Pacific Islanders, Filipinos, Native Americans, Alaskan Natives, Chinese, Japanese, Koreans, Vietnamese,

Cambodians, Laotians, East Indians, and any other ethnic business presence in the market area for the types and sizes of contracts awarded.

- Conduct an assessment of the capacity and qualifications of all for-profit and not-for-profit entities deemed as ready, willing and able.
9. The consultant must analyze the data by category to determine whether the City's provider selection is consistent with selections that would be expected absent discrimination. In other words, the consultant must evaluate the City's purchasing and contracting activities to determine whether or not there is a statistically significant underutilization of MBEs or WBEs that are vendors and contractors and are willing and able to contract with the City.
 10. Should the consultant find a statistically significant disparity in the number of MBEs or WBEs awarded purchase agreements and contracts as compared to the number of MBEs and WBEs available as vendors and contractors, the consultant must analyze whether the disparity is likely attributable to discrimination by the City or whether the disparity is attributable to other causes such as lack of information, lack of interest, or uninsurability.
 11. The consultant must determine whether evidence other than statistical variations indicates that there are patterns of identified discrimination by the City and the extent to which identified disparities are the result of that discrimination.
 12. The consultant must determine whether patterns and/or practices (if any) of discrimination against non-minority/women-owned business enterprises, MBEs, or WBEs exists; for this, the consultant must analyze: (a) historical context, (b) oral history evidence, and (c) anecdotal data.
 - To complete this element of work, the consultant must document specific instances of conduct and/or patterns and practices in the construction, purchasing/supply, and professional service industries and markets which have been discriminatory or which have had a discriminatory impact upon non-minority/women-owned business enterprises, MBEs and WBEs and to the extent possible, upon the development of minority, non-minority, and women owned businesses in such industries and markets.
 - If data supports underutilization, the consultant must include a discussion of all potential influencing factors.
 - In the collection of anecdotal data, the consultant must interview a representative sample of non-minority/women owned business enterprises, MBEs, and WBEs, membership and trade associations, other professionals, City staff, and (where appropriate) other relevant groups in the construction, purchasing/supply, and professional industries. The proposal shall specify the target populations and number of interviews (as a representative sample) to be conducted.
 13. The consultant must examine the effectiveness of the City's existing remedial measures. In so doing, the consultant must analyze existing race-neutral and race-conscious measures and separately discuss the effectiveness of each.

14. The consultant must examine the extent to which data requires the establishment of measures to remedy past discrimination and eliminate existing discrimination. The consultant must analyze whether race neutral policies and programs are sufficient to remedy the identified discrimination and, in the event that race-neutral measures are not sufficient, the consultant must also analyze whether race-conscious measures should be employed.
15. The consultant must identify the City's obligations, if any, to implement race- or gender-based remedial measures under the federal equal-opportunity requirements.
16. The consultant must identify the federal equal-opportunity requirements that are triggered by specific disparity- or discrimination- related findings and determine whether the available data supports or does not support such a finding.
17. The consultant must work closely with the City Administrator or her designee and the City's legal counsel in the collection and analysis of data and the summary of findings. The consultant will be required to: (a) explain study findings and methodology to the City Council and Council committees as requested; (b) testify in any litigation relating to the study or otherwise assist the City Attorney in any litigation related to the consultant's work on the project; and (c) assist in managing the presentation of public testimony relative to underutilization.
18. The consultant must explain the methodology behind the statistical analysis (formulas) used and must provide a statistical analysis with a minimum of 95 percent validity.
19. The consultant must include a discussion of statistical outliers and how they were addressed in the collection and analysis of data. The consultant must exercise due diligence with regard to the collection and assessment of all data. The City's internal procedures are designed to certify businesses and screen for and exclude businesses operating as a "front" and "pass-through". As part of the process used to validate data, the successful candidate must identify a method or methods of identifying and extracting questionable data to include pass through and/or front dollars (if any) and adjusting for validity accordingly.
20. The consultant must submit a detailed plan outlining specific outreach strategies that it will employ during Phase I.
21. The consultant must submit status reports to the City Administrator per a schedule that will be developed prior to the commencement of work.
22. It is the City's expectation that Phase I work will be completed within a four-month time frame. The consultant must return with an alternative recommendation for consideration, if it is believed that the stated time frame is not feasible.

PHASE II – At the City Administrator’s Discretion.

1. The consultant must determine whether compliance with Proposition 209, Article I, Section 31 of the state constitution, has affected utilization of MBEs, WBEs and the extent to which evidence supports the establishment of remedial programs, and explain why.
2. The consultant must work closely with the City Administrator or her/his designee and the City’s legal counsel in the analysis of data and the summary of findings and recommendations. The consultant will be required to: (a) explain study findings and methodology to the City Council and Council committees as requested; (b) testify in any litigation relating to the study or otherwise assist the City Attorney in any litigation related to the consultant’s work on the project; and, (c) assist in managing the presentation of public testimony relative to underutilization.
3. The consultant must explain the methodology behind the statistical analysis (formulas) used and must provide a statistical analysis with a minimum of 95 percent validity.
4. The consultant must include a discussion of statistical outliers and how they were addressed in the collection and analysis of data.
5. The consultant must submit a detailed plan outlining specific outreach strategies that it will employ during Phase II.
6. The consultant must submit status reports to the City Administrator per a schedule that will be developed prior to the commencement of work.
7. It is the City’s expectation that Phase II work will be completed within a two-month time frame. The consultant must return with an alternative recommendation for consideration, if it is believed that the stated time frame is not feasible.

The Request for Proposal Process

A request for proposals (RFP) was developed in close concert with Meyers Nave, the legal team brought to the table by the City Attorney’s Office. The RFP was prepared and mailed out to forty-nine (49) firms across the country. An advertisement was also placed in the Oakland Tribune, Asian Week, El Mundo and Oakland Post and ran for two consecutive Sundays. A mandatory pre-proposal conference was held to explain the City’s social equity policies and answer any technical questions the consultants had with regard to the proposal. Those proposers who were not able to attend in person were afforded the opportunity to participate by teleconference. Representatives from the City Administrator’s Office, the City Attorney’s Office, and Meyers Nave were on hand to answer questions.

Four firms submitted proposals. Three firms met or exceeded the City’s minimum 20% local and small local business participation requirement and moved to the next level of review. One firm did not meet the minimum 20% requirement nor participated in the mandatory pre-proposal meeting. The compliance analysis is provided as Attachment A.

A team of subject matter experts was convened to function as the interview panel for this RFP process. Members of the panel came from Alameda County, Office of the County Administrator, the City of Oakland's Finance & Management Agency, San Francisco Muni, and the City of San Francisco's Human Relations Commission.

The subject matter experts reviewed the proposals prior to the panel interview. During the panel interview the subject matter experts incorporated follow up questions relative to each proposal. Each consultant was given thirty minutes (30) to present the salient points specific to his or her own operation. The second half of the interview process included standard questions as well as questions specific to each proposal.

After the panel interviews, panelists evaluated the proposals based on a more enhanced understanding of the submittals and based on the following criteria defined in the RFP:

- a) Methodology and Approach (30 points)
- b) Cost (20 points),
- c) Capacity (30 points), and
- d) Relevant Experience (20 points).

Subsequent to the process noted above, legal questions were raised. As a matter of due diligence, Meyers Nave, the legal firm hired by the City Attorney's Office to monitor the competitive process, researched cases relevant to each consultant. Specific questions were then prepared and forwarded to each consultant for a reply. The panelists were also given copies of the legal questions and copies of the responses. Panelists were then asked to reconsider their scoring within the context of those legal responses. Scores were not impacted.

Scores from the panel interviews and scores from the proposals were totaled and preference points were added according to the total level of proposed local and small local business participation. Each firm was ranked in ascending order according to the final total score. Mason Tillman & Associates was ranked as number one by each panelist. MGT of America was ranked second and D.J. Miller ranked third.

Results of the reference checks will be reported back if findings impact the recommendation put forward in this report to Council.

SUSTAINABLE OPPORTUNITIES

Economic

The successful completion of this project will ultimately lead to a strengthening of the economic infrastructure of the City through the viability, growth and prosperity of local, small local, minority owned and women owned businesses in the City of Oakland.

Environmental

No effect.

Social Equity

Completion of this project will afford the City a vehicle with which to understand any existing or perceived instances of discrimination against small local, minority owned and women owned businesses in the City of Oakland and allow the City of Oakland to establish, if feasible, a narrowly tailored race and/or gender based business participation program, as substantiated by the disparity evaluation, or enhance race neutral measures for the bidding and awarding of purchases and contracts

DISABILTIY AND SENIOR CITIZEN ACCESS

No effect.

RECOMMENDATION (S) AND RATIONALE

It is recommended that the City Administrator, or her designee, be authorized to award the Fairness in Contracting and Procurement (Disparity Study) to Mason Tillman Associates, Ltd. consultant in an amount not to exceed \$489,620. Approval of this report and resolution will allow the City of Oakland to come into compliance with the mandate set forth in the City Charter.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the report and the resolution.

Respectfully Submitted,



Deborah Lusk Barnes
Manager, Contract Compliance and
Employment Services Division

Prepared by:
Mary Mayberry
Administrative Services Manager
Contract Compliance and
Employment Services Division

APPROVED AND FORWARDED
TO THE OAKLAND CITY COUNCIL:



OFFICE OF THE CITY ADMINISTRATOR



OFFICE OF THE CITY ADMINISTRATOR
Contract Compliance & Employment Services Division

Memo

To: Deborah Edgerly, City Administrator
From: Vivian Inman, Contract Compliance Officer
Through: Deborah Barnes, CC&ES Manager *DBarnes*
Date: June 23, 2005
Re: RFP - Fairness in Purchasing & Contracting

Contract Compliance & Employment Services reviewed four (4) proposals received in response to the above referenced project. Below is the outcome of our compliance evaluation for the twenty percent (20%) minimum participation requirement and a preliminary review for compliance with the Equal Benefits Ordinance (EBO).

Company Name	Proposal Amount	Total L/SLBE	LBE	SLBE	Trucking	Total Credited	Preferences		Banked Credits Eligibility	EBO Compliant ? Y/N
							Bid Discounts	Adjusted Bid Amount		
Boston Research Group, Inc.	N/A	0.00%	0.00%	0.00%	NA	0.00%	0	N/A	0	N/A
D.J. Miller & Associates	\$439,250.00	20.02%	0.00%	20.02%	NA	20.00%	2	N/A	N/A	N
Mason Tillman	\$489,620.66	80.41%	0.00%	80.41%	NA	50.00%	5	N/A	2	Y
MGT of America	\$429,468.00	44.94%	15.46%	29.48%	NA	40.00%	4	N/A	N/A	N

As noted above, Boston Research Group reported no dollar amount nor L/SLBE participation, DJ Miller & Associates proposed contract amount was \$439,250 of that amount 20.02% would be awarded to certified local businesses, Mason Tillman's proposed contract amount was \$489,620.66, of that amount 80.41% would be awarded to certified local businesses and MGT of America 's proposed dollar amount was \$429,468, of that amount 44.94% would be awarded to certified local businesses. If selected Mason Tillman would be eligible to earn 2 banked credits.

Firms that are not in compliance with the EBO will have to come into compliance prior to contract execution.

Should you have any questions you may contact Vivian Inman at 238-6261.

LBE/SLBE Participation Boston Research Group, Inc.

Project Name: Fairness in Purchasing & Contracting

Project No.:		Engineers Estimate:									
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	LBE/SLBE	TOTAL	For Tracking Only			
				Dollars/Percentages	Dollars/Percentages	Dollars/Percentages	Dollars/Percentages	Ethn.	MBE	WBE	
PRIME	Boston Research Group, Inc. Holland & Knight	Atlanta	UB					NL			
		Atlanta	UB					NL			
Project Totals				\$0.00	\$0.00	\$0.00	\$0.00		0%	0%	
				0.00%	0.00%	\$0.00					
Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation or a total of 20% SLBE participation.				LBE 10%	SLBE 10%	TOTAL LBE/SLBE 20%		Ethnicity AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American NL = Not Listed			
Legend				LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = 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				

LBE/SLBE Participation D.J. Miller & Associates

Project Name: Fairness in Purchasing & Contracting

Project No.:		Engineers Estimate:									
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	LBE/SLBE	TOTAL	For Tracking Only			
				Dollars/Percentages	Dollars/Percentages	Dollars/Percentages	Dollars/Percentages	Ethn.	MBE	WBE	
PRIME	D.J. Miller & Associates	Atlanta	UB				\$307,150.00	AA	\$307,150.00		
							\$0.70		0.70%		
	Diverse Strategies	Oakland	CB		\$87,950.00 20.02%	\$87,950.00 20.02%	\$87,950.00 20.02%	A	\$87,950.00 20.02%		
	CGR Management Consultants	Piedmont	UB				\$44,150.00 10.05%	AA	\$44,150.00 10.05%		
Project Totals				\$0.00	\$87,950.20 20.02%	\$87,950.20 20.02%	\$439,250.00 100.00%		\$439,250.31 30.77%	\$0.00	
Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation or a total of 20% SLBE participation.				LBE 10%	SLBE 10%	TOTAL LBE/SLBE 20%		Ethnicity AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American NL = Not Listed			
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LBE/SLBE Participation Mason Tillman Associates

Project Name: Fairness in Purchasing & Contracting

Project No.:		Engineers Estimate:									
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	LBE/SLBE	TOTAL	For Tracking Only			
				Dollars/Percentages	Dollars/Percentages	Dollars/Percentages	Dollars/Percentages	Ethn.	MBE	WBE	
PRIME	Mason Tillman	Oakland	CB		\$393,695.66 80.41%	\$393,695.66 80.41%	\$393,695.66 80.41%	AA		\$393,695.66 80.41%	
Legal Consultant	Morrison & Foester, LLP	SF	UB				\$15,425.00 3.15%	AA		\$15,425.00 3.15%	
Legal Consultant	Christopher Edley, Jr. Esq.	Berkeley	UB				\$33,000.00 6.74%	NL			
Data Collection	Watson Enterprises	Oakland	UB				\$18,000.00 3.68%	NL			
Outreach	United Systems Const. Svcs.	Oakland	UB				\$4,800.00 0.98%	A	\$4,800	0.98%	
Outreach	Gabriela Melano	Hayward	UB				\$12,000.00 2.45%	NL			
Translator	Jungle Communications	Berkeley	UB				\$7,500.00 1.53%	H	\$7,500.00	1.53%	
Legal Consultant	Paul Anthony Elizondo	San Leandro	UB				\$5,200.00 1.06%	H	\$5,200.00	1.06%	
Project Totals				0.0%	\$393,696.46 80.41%	\$393,696.47 80.41%	\$489,620.66 100.00%		\$17,500.00 3.57%	\$409,120.66 83.56%	
Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation or a total of 20% SLBE participation.				LBE 10%	SLBE 10%	TOTAL LBE/SLBE 20%		Ethnicity AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American NL = Not Listed			
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LBE/SLBE Participation MGT of America

Project Name: Fairness in Purchasing & Contracting

Project No.:		Engineers Estimate:								
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	LBE/SLBE	TOTAL	For Tracking Only		
				Dollars/Percentages	Dollars/Percentages	Dollars/Percentages	Dollars/Percentages	Ethn.	MBE	WBE
PRIME	MGT of America	Sacramento	UB				\$236,480.00	NL		
							\$55.06			
Data Collection	Cordoba Corporation	Oakland	CB	\$66,400.00 15.46%		\$66,400.00 15.46%	\$66,400.00 15.46%	H	\$66,400.00 15.46%	
Analytical, Data	Williams Wallace	Oakland	CB		\$106,500.00 24.80%	\$106,500.00 24.80%	\$106,500.00 24.80%	AA	\$106,500.00 24.80%	
Outreach, Anecdotal	Diverse Strategies	Oakland	CB		\$20,088.00 4.68%	\$20,088.00 4.68%	\$20,088.00 4.68%	A	\$20,088.00 4.68%	
Project Totals				\$66,400.15 15.46%	\$126,588.00 29.48%	\$192,988.00 44.94%	\$429,468.00 100.00%		\$192,988.00 44.94%	0%
Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation or a total of 20% SLBE participation.				LBE 10%	SLBE 10%	TOTAL LBE/SLBE 20%		Ethnicity AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American NL = Not Listed		
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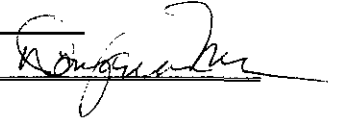
OAKLAND CITY COUNCIL

OFFICE OF THE CITY CLERK
OAKLAND

RESOLUTION No. _____ C.M.S.

2005 JUL -7 PM 7:26

INTRODUCED BY COUNCILMEMBER _____



RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A CONTRACT WITH MASON TILLMAN ASSOCIATES LTD, IN AN AMOUNT NOT-TO-EXCEED FOUR HUNDRED EIGHTY NINE THOUSAND SIX HUNDRED TWENTY DOLLARS (\$489,620.00) TO COMPLETE THE FAIRNESS IN CONTRACTING AND PURCHASING STUDY (DISPARITY STUDY) FOR THE CITY OF OAKLAND AND OAKLAND REDEVELOPMENT AGENCY

Whereas, the City of Oakland Charter was amended in 1996 adding Section 808(b) which requires the City to conduct "a race and gender disparity evaluation to determine if the City has been an active or passive participant in actual, identifiable discrimination within . . ." Oakland's marketplace; and

Whereas, the City and Redevelopment Agency seek to ensure equal opportunity in the marketplace and to ensure that as market participants, the City and Agency are not actively or passively discriminating against minority-owned business enterprises (MBE) or women-owned business enterprises (WBE) which is consistent with the mandate of City Charter Section 808(b); and

Whereas, a detailed request for proposals (RFP) was prepared and mailed to forty-nine (49) firms across the country and a solicitation advertisement was also placed in the Oakland Tribune, Asian Week, El Mundo and Oakland Post and run for two consecutive Sundays; and

Whereas, interested firms were required to participate in a mandatory pre-proposal conference the purpose of which was to explain the City's and Agency's social equity policies and answer technical questions the consultants had with regard to the proposal; and

Whereas, four firms submitted proposals and three of those firms met or exceeded the City's minimum 20% local and small local business participation requirement and moved to the next level of review, and one firm had not participated in the pre-proposal meeting and was therefore considered non-responsive; and

Whereas, an interview panel comprised of five representatives from Alameda County, Office of the County Administrator, the City of Oakland's Finance & Management Agency, San Francisco Muni, and the City of San Francisco's Human Relations Commission was convened to interview the consultants and evaluate the proposals; and

17

ORA/COUNCIL

Whereas, Mason Tillman & Associates was ranked as number one by each panelist, MGT of America was ranked second and D.J. Miller ranked third; and

Whereas, based on the ranking of the interview panel it is recommended that Mason Tillman & Associates, the highest ranking consultant, be selected for the work; and

Whereas, the City Council finds and determines that the services provided under the agreement authorized hereunder are of a professional and temporary nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive civil service; now, therefore, be it

Resolved: That the City Council hereby authorizes the City Administrator to negotiate and enter into a contract for the Fairness in Contracting and Procurement Study (Disparity Study) for the City of Oakland and Oakland Redevelopment Agency with Mason Tillman Associates, Ltd. in an amount not-to-exceed four hundred eighty nine thousand six hundred twenty dollars (\$489,620.00); and, be it

Further Resolved: That the contract shall be reviewed and approved by the City Attorney's Office for form and legality and a copy placed on file in the office of the City Clerk.

344647

In Council, Oakland, California:

Passed By The Following Vote:

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND
PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California

17
ORACOUNCIL
JUL 19 2005

OAKLAND REDEVELOPMENT AGENCY

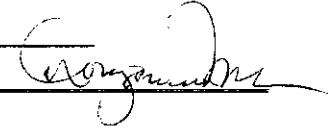
OFFICE OF THE CITY CLERK
OAKLAND

AGENCY RESOLUTION No. _____

C.M.S.

2005 JUL -7 PM 7:26

INTRODUCED BY BOARD MEMBER _____



RESOLUTION AUTHORIZING THE AGENCY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A CONTRACT WITH MASON TILLMAN ASSOCIATES LTD, IN AN AMOUNT NOT-TO-EXCEED FOUR HUNDRED EIGHTY NINE THOUSAND SIX HUNDRED TWENTY DOLLARS (\$489,620.00) TO COMPLETE THE FAIRNESS IN CONTRACTING AND PURCHASING STUDY (DISPARITY STUDY) FOR THE CITY OF OAKLAND AND OAKLAND REDEVELOPMENT AGENCY

Whereas, the City of Oakland Charter was amended in 1996 adding Section 808(b) which requires the City to conduct "a race and gender disparity evaluation to determine if the City has been an active or passive participant in actual, identifiable discrimination within . . ." Oakland's marketplace; and

Whereas, the Redevelopment Agency seeks to ensure equal opportunity in the marketplace and to ensure that as a market participant, the Agency is not actively or passively discriminating against minority-owned business enterprises (MBE) or women-owned business enterprises (WBE) which is consistent with the mandate of Charter Section 808(b); and

Whereas, a detailed request for proposals (RFP) was prepared and mailed to forty-nine (49) firms across the country and a solicitation advertisement was also placed in the Oakland Tribune, Asian Week, El Mundo and Oakland Post and run for two consecutive Sundays; and

Whereas, interested firms were required to participate in a mandatory pre-proposal conference the purpose of which was to explain City of Oakland and Redevelopment Agency social equity policies and answer technical questions the consultants had with regard to the proposal; and

Whereas, four firms submitted proposals and three of those firms met or exceeded the City's and Redevelopment Agency's minimum 20% local and small local business participation requirement and moved to the next level of review, and one firm had not participated in the pre-proposal meeting and was therefore considered non-responsive; and

Whereas, an interview panel comprised of five representatives from Alameda County, Office of the County Administrator, the City of Oakland's Finance & Management Agency, San Francisco Muni, and the City of San Francisco's Human Relations Commission was convened to interview the consultants and evaluate the proposals; and

Whereas, Mason Tillman & Associates was ranked as number one by each panelist, MGT of America was ranked second and D.J. Miller ranked third; and

Whereas, based on the ranking of the interview panel it is recommended that Mason Tillman & Associates, the highest ranking consultant, be selected for the work; and

Whereas, the Agency Board finds and determines that the services provided under the agreement authorized hereunder are of a professional and temporary nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive civil service; now, therefore, be it

Resolved: That the Agency Board hereby authorizes the Agency Administrator to negotiate and enter into a contract for the Fairness in Contracting and Procurement Study (Disparity Study) for the City of Oakland and Oakland Redevelopment Agency with Mason Tillman Associates, Ltd. in an amount not-to-exceed four hundred eighty nine thousand six hundred twenty dollars (\$489,620.00); and, be it

Further Resolved: That the contract shall be reviewed and approved by the Agency Counsel for form and legality and a copy placed on file in the office of the Clerk for the Oakland Redevelopment Agency.

344651

In Council, Oakland, California:

Passed By The Following Vote:

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND
PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

LATONDA SIMMONS
Clerk of the Redevelopment Agency
of the City of Oakland, California

17
ORA/COUNCIL