

FILED
OFFICE OF THE CITY CLERK
OAKLAND

CITY OF OAKLAND
AGENDA REPORT

2010 JAN 28 PM 4:37

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Department of Contracting and Purchasing
DATE: February 9, 2010
RE: A Resolution Amending City Council Resolution No. 79385 C.M.S., Which Authorized a Contract With Mason Tillman, Associates to Perform a Fairness in Contracting and Purchasing Study (Disparity Study), to Increase the Contract by Fourteen Thousand One Hundred Twenty Five Dollars (\$14,125), from Four Hundred Eighty-Nine Thousand Six Hundred Twenty Dollars (\$489,620) to Five Hundred Three Thousand Seven Hundred Forty-Five Dollars (\$503,745) to Cover Additional Public Hearing Services

SUMMARY

This report requests Council's approval to appropriate funds to cover the final payment to Mason Tillman for the Fairness in Contracting and Purchasing Disparity Study. In September of 2007, Council requested that an additional series of public hearings be held in each Council district in order to collect additional anecdotal data relative to the findings from the Disparity Study. The council driven hearings were held in December of 2007 and were not included in the original contractual agreement and thus resulted in a cost overrun. All of the funds originally appropriated have been exhausted. Funds requested in this report will permit the City to pay the remainder of the Consultant's final invoice and allow closure of the project. The consultant is owed \$14,125. Staff suggests using non-governmental/city council contingency funds to cover this final invoice. Council is requested to approve the use of funds to pay the consultant.

FISCAL IMPACT

Funding for this purpose, if approved, would come from non-governmental/city council contingency funds: Fund 1010 (General Purpose Fund) Organization 90591 (citywide activities and Program 1P50 (citywide activities).

BACKGROUND

The Fairness in Purchasing and Contracting Disparity Study (also referred to as the Croson Study) was mandated by Section 808 (b) of the City Charter. The purpose of the study was to determine if there was active or passive discrimination against minority and women-owned businesses. Staff was asked to have the consultant facilitate additional public hearings under the guidance of each council member. Those hearings were held in December 2007 and the results were incorporated into the study.

Resolution No. 79385 C.M.S. provided for the appropriation to cover the cost of the report in the amount of \$489,620. The additional public hearings were not included in the original

Item: _____
CED Committee)
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Approved as to Form and Legality


Oakland City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

INTRODUCED BY COUNCILMEMBER _____

RESOLUTION AMENDING CITY COUNCIL RESOLUTION NO. 79385 C.M.S., WHICH AUTHORIZED A CONTRACT WITH MASON TILLMAN ASSOCIATES TO PERFORM A FAIRNESS IN CONTRACTING AND PURCHASING STUDY (DISPARITY STUDY), TO INCREASE THE CONTRACT BY FOURTEEN THOUSAND ONE HUNDRED TWENTY FIVE DOLLARS (\$14,125), FROM FOUR HUNDRED EIGHTY-NINE THOUSAND SIX HUNDRED TWENTY DOLLARS (\$489,620) TO FIVE HUNDRED THREE THOUSAND SEVEN HUNDRED FORTY-FIVE DOLLARS (\$503,745), TO COVER ADDITIONAL PUBLIC HEARING SERVICES

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, Resolution No. 79385 C.M.S. was passed July 19, 2005 which authorized 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 initial findings of the Disparity Study warranted the need conduct additional public hearings not in the original scope of work to collect additional anecdotal data from the public to ascertain public perception of the study findings and their impact on the business community and the City's contracting process; and

Whereas, conducting requested public hearings for the purpose of gaining citizen input into the findings of the Disparity Study necessitated the identification of additional funds to cover the cost of holding the public hearings, analyzing the data compiled and adding those findings to the Disparity; and

Resolved: That the City Council hereby authorizes the City Administrator to amend the amount of the contract with Mason Tillman Associates Ltd. In an amount not-to-exceed Fourteen thousand one hundred and forty-five dollars (\$14,125) pay for additional public hearing services, for a total contract amount not-to-exceed five hundred three thousand seven hundred forty five dollars (\$503,745); and, be it

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

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST:

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