



AGENDA REPORT

TO: Edward D. Reiskin
City Administrator

FROM: Alexa Jeffress
Director, Economic &
Workforce Development

SUBJECT: Oakland Day Laborer Program
Contract

DATE: October 14, 2021

City Administrator Approval 

Date: Nov 2, 2021

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Authorizing (1) The City Administrator To Enter Into A Professional Services Agreement With Causa Justa::Just Cause And Its Partners (Street Level Health And Centro Legal De La Raza) To Administer The Oakland Day Laborer Program For Fiscal Years 2021-2023 In An Amount Not To Exceed \$220,000 Per Year For A Total Amount Not To Exceed \$440,000; And (2) Waiving The Formal Request For Proposals / Qualifications Process For The Professional Services Agreement.

EXECUTIVE SUMMARY

Adoption of the proposed resolution will authorize the City Administrator to enter into a professional services agreement for fiscal years (FY) 2021-23, with Causa Justa::Just Cause and its partners, Street Level Health and Centro Legal de la Raza (collectively, Causa Justa), to manage the day-to-day operations of the Day Laborer Program. Under this agreement, Causa Justa will provide employment and employment-related services, maintain a database of employers and laborers served, prepare quarterly reports and annual reports for staff and City Council, and develop additional funding sources that will augment and supplement City funding.

Since 2012, the City of Oakland Economic and Workforce Development Department (EWDD) has administered the Day Laborer Program on behalf of the City. These funds have historically been awarded to a local community-based organization through a Request For Proposals (RFP) process. For the past three (3) RFP funding cycles conducted in 2012, 2015, and 2017 for fiscal years 2013 to 2019, Causa Justa has either been the only applicant and/or has received the highest-ranking score for their application. To ensure continuity, maintain the momentum of the program and based on their historically satisfactory performance, staff recommends that the City to enter into an agreement with Causa Justa to waive the formal request for proposal process to avoid any delays in providing the needed services to businesses and day laborers in the Fruitvale Avenue and Foothill Boulevard community.

City Council
November 16, 2021

BACKGROUND / LEGISLATIVE HISTORY

A day laborer program was previously funded through Resolution No. 82256 C.M.S. (July 1, 2009 – June 30, 2010), which provided funding to Volunteers of America Bay Area, Inc., to provide employment and employment-related services. No subsequent funding was provided, and the program was discontinued.

In 2010, businesses near the Fruitvale Avenue and Foothill Boulevard area expressed concerns about the public safety impacts of the congregation of large numbers of day laborers in the area. As a result, funding was reauthorized by the City Council to help redirect workers congregating near these businesses by providing employment and employment-related services and to improve employment and income prospects for day laborers.

The Oakland Day Laborer Program is specifically designed to:

- Improve public safety through outreach to day laborers congregating in the Fruitvale Avenue and Foothill Boulevard area (Council District 5);
- Provide employment and employment-related services;
- Provide access to legal support for immigration laws, labor rights and self-employment regulation;
- Build self-awareness in the community at-large regarding the benefits of a structured day laborer program;
- Empower day laborers participating in the program to move closer to self-sufficiency.

ANALYSIS AND POLICY ALTERNATIVES

Day labor work, by nature, places workers in potentially challenging and vulnerable circumstances with regards to negotiating work hours, payments, and workplace safety. The persistent congregation at and around Fruitvale Avenue and Foothill Boulevard of day laborers seeking work has also resulted in public safety concerns from local area businesses. Through Resolution No. 88717 C.M.S., the City Council approved the City of Oakland's FY 2021-23 Biennial Budget and appropriated \$440,000 (\$220,000 in FY 2021-2022 and \$220,000 in FY 2022-23) to provide employment and employment-related services and to improve employment and income prospects for day laborers.

Since 2013, Causa Justa has made a significant impact in the business community and for Oakland day laborers; however, much more work is needed to ensure equitable work conditions and pay. See **Attachment A** for Causa Justa's Cumulative Performance Report, which provides a detailed description and analysis of the challenges, activities, and project goals and progress of the Day Laborer Program for the FY 2020-21 grant period.

Oakland Municipal Code (OMC) Section 2.04.050 requires advertising and competitive bidding for contracts that exceed \$50,000.00. Section 2.04.050.1.5 provides an exception to the advertising and competitive bidding requirements upon a finding and determination by the City Council that it is in the best interests of the City to waive the requirements. Causa Justa received the Day Laborer funding in each of the past three RFP funding cycles conducted in 2012, 2015, and 2017 for fiscal years 2013 to 2019. Causa Justa received the highest-ranking

score for their application in 2012 and was the only applicant in 2015 and 2017. On March 27, 2020, City Council waived the RFP process for fiscal years 2019 to 2021.

Staff recommends that City Council exercise its authority to waive the RFP process and enter into a professional services agreement with Causa Justa for FY 2021-2023. This recommendation is in the best interests of the City for the following reasons:

- Past history of satisfactory performance, as documented in quarterly reports.
- Limited to no competition as several community organizations have aligned under one organization, Causa Justa::Just Cause.
- Deep knowledge of the Program, the businesses and the day laborer community.
- Established delivery system and community of practice.
- Extensive relationships, partnerships and resources.
- Responsiveness of Program team and partners.
- Experience and expertise of the Program team and partners.

Waiving the formal RFP process and entering into an agreement with Causa Justa will ensure continuity, maintain the momentum of the program and avoid delays in providing the needed services to businesses and day laborers in the Fruitvale Avenue and Foothill Boulevard community. This action and the continuation of Oakland's Day Laborer Program support and advance the Citywide Priorities of **holistic community safety** and **housing, economic and cultural security**.

FISCAL IMPACT

The impact of an agreement with Causa Justa is a total of \$440,000 of the City's General Purpose Fund (1010), Workforce Development Organization (85311), Day Laborers Project (1000167) over fiscal years 2021-23.

Causa Justa has leveraged resources for this program through private grants from the California Endowment and the San Francisco Foundation, as well as funds from their reserves to increase their capacity to provide services to Oakland day laborers and businesses in the Fruitvale Avenue and Foothill Boulevard Community in Council District 5. **Table 1** below provides more detail on the total program budget for FY 2021-22.

Table 1 – FY 2021-22 Causa Justa Budget Proposal

	Leveraged Resources Share of Cost	City-funded Share of Cost	Total Program Cost
Personnel	\$136,611	\$107,808	\$244,419
Fringe Benefit Calculated @ 30%	\$40,983	\$32,342	\$73,326
Operating	\$54,610	\$23,650	\$78,260
Training	\$0	\$0	\$0
Support Services	\$0	\$0	\$0
Other (Please Specify)	\$0	\$0	\$0
Contract Services	\$0	\$32,000	\$32,000
SLHP - Administration Fee 5%	\$6,650	\$11,000	\$17,650
Fiscal Sponsor Fee 6%	\$0	\$13,200	\$13,200
Total	\$238,854	\$220,000	\$458,854

A budget similar to the budget provided in **Table 1**, above, will be provided in year 2.

PUBLIC OUTREACH / INTEREST

Neighborhood stakeholders have expressed that both the number and constant presence of day laborers congregating near Fruitvale Avenue and Foothill Boulevard have created a perception that public safety has been jeopardized and local businesses have been negatively impacted by this perception. The City has previously conducted outreach for the RFP through its Contract Compliance procurement processes to identify agencies which provide a range of relevant services to this population and Causa Justa: Just Cause and its partners Street Level Health and Centro de la Raza have been identified as the most capable of addressing the needs of both the businesses and the day laborers in the community for the past three (3) RFP cycles.

COORDINATION

The Day Laborer Program contract is supported by the Department of Workplace and Employment Standards (formerly Contracts and Compliance). This report and resolution have also been reviewed by the Office of the City Attorney and by the Budget Bureau.

PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

Causa Justa submits quarterly reports detailing programming activities, challenges and solutions to the Oakland Workforce Development Board. They are required to provide a

cumulative report along with the fourth quarter report. **Attachment A** is the fourth quarter and cumulative report that provides insight into the work that Causa Justa provides to Oakland day laborers and businesses in Council District 5.

SUSTAINABLE OPPORTUNITIES

Economic: Short-term opportunities include fair pay and work hours, workplace safety, and consistent employment opportunities for day laborers; thereby providing access to employers who are integrated into the City's Day Laborer program. Consistent management and services for the day laborers in the Fruitvale Avenue and Foothill Boulevard also improves conditions in that Fruitvale commercial corridor which supports local businesses.

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

Race & Equity: The City's Day Laborer Program primarily benefits the Spanish-speaking and immigrant populations in the Fruitvale Avenue and Foothill Boulevard community (Council District 5) by increasing awareness of workers' rights and providing access to a range of social services provided by the 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.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt A Resolution Authorizing (1) The City Administrator To Enter Into A Professional Services Agreement With Causa Justa::Just Cause And Its Partners (Street Level Health And Centro Legal De La Raza) To Administer The Oakland Day Laborer Program For Fiscal Years 2021-2023 In An Amount Not To Exceed \$220,000 Per Year For A Total Amount Not To Exceed \$440,000; And (2) Waiving The Formal Request For Proposals / Qualifications Process For The Professional Services Agreement.

For questions regarding this report, please contact Tamara Walker, Program Analyst II, at 510-238-3630.

Respectfully submitted,



ALEXA JEFFRESS

Director, Economic & Workforce Development

Reviewed by:

Honorata Lindsay, Acting Executive Director
Oakland Workforce Development Board

Prepared by:

Tamara Walker, Program Analyst II
Oakland Workforce Development Board

Attachment (1):

A: Oakland Day Laborer Cumulative Performance Report