



FILED
OFFICE OF THE CITY CLERK
OAKLAND

2015 SEP 2 AM 11:46
AGENDA REPORT

TO: Sabrina B. Landreth
CITY ADMINISTRATOR

FROM: Mark Sawicki

SUBJECT: Day Laborer Program Contract

DATE: August 24, 2015

City Administrator
Approval

Date

9/2/15

COUNCIL DISTRICT: All

RECOMMENDATION

Staff recommends that City Council adopt:

A Resolution Authorizing A Contract With Causa Justa::Just Cause For Fiscal Year 2015-16 In The Amount Of \$132,000 With A One-Year Option To Renew For Fiscal Year 2016-17 In The Amount Of \$160,000 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

The City Council authorized funding for a Day Laborer Program beginning in July 19, 1999 through June 30, 2005 to address the concerns identified below. 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 businesses. Resolution No. 85672 C.M.S. approved in the City of Oakland's FY 2015-17

Item: _____
CED Committee
September 15, 2015

biennial budget, and appropriated \$142,000 for Fiscal Year 2015-16 with a one-year option to renew the contract through FY 2016-17. City Council approved \$170,000 for FY 2016-17 for a contract total not to exceed \$312,000. The contractor selected would provide employment and employment-related support to improve the prospects for day laborers and help reduce the numbers of day laborers physically locating near area businesses.

ANALYSIS

On August 1, 2015, the Department of Economic and Workforce Development released a Request For Proposals (“RFP #5683”), seeking proposals to administer a Day Laborer Program for FY 2015-2016 with a one-year option to renew the contract through FY 2016-17. A Pre-Proposal Bidder’s Conference was held August 6, 2015. Questions regarding the RFP received from the bidders via email were posted on the City’s iSupplier website to ensure that all potential applicants received the same information. One proposal was received from the following organization: Causa Justa (fiscal agent for Day Labor Center).

A committee of three raters with extensive workforce development experience was selected to review the proposals and rank them according to the following criteria: Experience, Capacity, and Past Performance (20 points maximum); Program Design (40 points maximum); Innovation (10 points maximum); Partnerships (10 points maximum); and Budget and Financial Information (20 point maximum). Total awarded points of 300 possible (100 per rater) was as follows: Causa Justa 272 points (Rater #1: 95, Rater #2: 97 and Rater #3: 80). The committee determined by consensus based on review of the proposal, partnerships, supporting documentation, and past performance that Causa Justa met the requirements of the RFP, and that in the absence of additional applicants, an interview was not necessary to move forward with a recommendation to fund Causa Justa for FY2015-16.

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.
- 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.
- A Compliance Analysis is provided as **Attachment A** and shows 96 percent local participation.

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 to identify 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 Controller Bureau.

COST SUMMARY/IMPLICATIONS FOR YEAR ONE

1. CONTRACTOR COST ELEMENTS OF AGREEMENT/CONTRACT:

Personnel	\$57,931.00
Fringe (@ 21%)	\$12,166.00
Operating (includes equipment, rent, general office supplies, program materials and supplies, telephone/internet, transportation, participant meals	\$16,377.00
Contract Services	\$31,500.00
Administration Fee (3%)	\$4,786.00
Fiscal Sponsor Fee (7%)	\$9,240.00
TOTAL AGREEMENT/CONTRACT AMOUNT	\$132,000.00
CONTRACT ADMINISTRATION	\$10,000.00
TOTAL PROJECT COSTS FOR YEAR ONE	\$142,000.00

2. SOURCE OF FUNDING: General Purpose Fund (1010), Citywide Activities Org (90591) Day Laborer Project (A139610).

3. FISCAL IMPACT: The impact of this contract is a total of \$312,000 of City General Purpose funds. The City is retaining \$20,000 for administration of the Day Laborer Program contract, which will offset Workforce Development staff time.

Item: _____
CED Committee
September 15, 2015

SUSTAINABLE OPPORTUNITIES

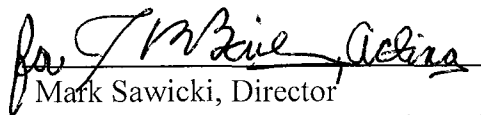
Economic: Short-term opportunities include consistent employment opportunities for day laborers, thereby providing consistent and increased wages and access by employers to day laborers who are integrated into the City’s Day Laborer program and who have received basic safety training, thereby limiting 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 Ricardo Quezada, Program Analyst II, at 238.7902.

Respectfully submitted,



Mark Sawicki, Director
Department of Economic and Workforce
Development

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

Prepared by:
Ricardo Quezada, Program Analyst II
Workforce Development

Attachment (1)

A: Compliance Analysis

Item: _____
CED Committee
September 15, 2015



INTER OFFICE MEMORANDUM

TO: John Bailey

FROM: Deborah Barnes, Director, *S. Owensburg*
Contracts & Compliance *for*

SUBJECT: Compliance Analysis

DATE: August 19, 2015

Request for Proposal (RFP) for Day Laborer Program 2015 (RFQ 5683)

The City Administrator's Office, Contracts and Compliance Unit conducted a compliance review of one (1) proposal 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. In addition, firms are reviewed for compliance with the Equal Benefits Ordinance (EBO).

Below is the outcome of our findings:

Responsive to EBO and L/SLBE Policies		Proposed Participation					Earned Credits and Discounts			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	Oakland Workforce Preference Points	
Cuasa Justa: Just Cause	NA	95.66%	0%	95.66%	0%	95.66%	0 points	0 points	0 pts	Y

Comments: As noted above, Cuasa Justa: Just Cause met the minimum 50% L/SLBE participation requirement. The firm is EBO compliant.

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

City Administrator's Office



CONTRACTS AND COMPLIANCE UNIT

Compliance Division

PROJECT EVALUATION FORM

RE: Request for Proposal (RFP) for Day Laborer Program 2015 (RFQ 5683)

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	0 points

- 1. Did the 50% local/small local requirement apply: YES
- 2. Did the contractor meet the 50% requirement YES
 - a) % of LBE participation 0.00%
 - b) % of SLBE participation 95.66%
 - c) % of VSLBE participation 0.00%

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.

8/19/2015
Date

Reviewing Officer: *Vivian J. Amara*

Date: 8/19/2015

Approved By: *Shelley Darenburg*

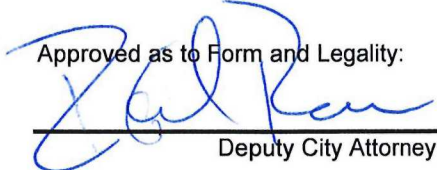
Date: 8/19/2015

LBE/SLBE Participation Cuasa Justa: Just Cause

Project Name: Request for Proposal (RFP) for Day Laborer Program 2015 (RFQ 5683)

Project No.:		Engineer's Estimate					Under/Over Engineers Estimate:				
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	*VSLBE	Total	Total	For Tracking Only		
							LBE/SLBE/VSLBE %	Percentages	Ethn.	MBE	WBE
Prime	Cuasa Justa: Just Cause	Oakland	UB					0.55%	H		0.55%
Legal Representation	Centro Legal De La Raza	Oakland	CB		18.39%		18.39%	18.39%	H		18.39%
Job Skills Trainings	Unity Council	Oakland	UB					3.79%	H	3.79%	
Job Referrals	Street Level Health	Oakland	CB		77.27%			77.27%	H	77.27%	
Project Totals				0.00%	95.66%	0.00%	18.39%	100.00%		81.06%	18.94%
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 N = 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				

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2015 SEP -2 AM 11:47

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::JUST CAUSE FOR FISCAL YEAR 2015-16 IN THE AMOUNT OF \$132,000 WITH A ONE-YEAR OPTION TO RENEW FOR FISCAL YEAR 2016-17 IN THE AMOUNT OF \$160,000 TO ADMINISTER THE OAKLAND DAY LABOR PROGRAM

WHEREAS, on June 30, 2015, the City Council adopted Resolution No. 85672 C.M.S. . authorizing the City of Oakland's Fiscal Year (FY) 2015-17 biennial budget and appropriating certain funds to provide for the expenditures proposed by the said budget; and

WHEREAS, the City Council identified \$142,000 for the Oakland Day Labor Program in the FY 2015-16 budget, 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 FY 2016-17; and

WHEREAS, funds will be allocated to a professional services contract to administer the Oakland Day Labor Program totaling \$292,000, and contract administration by City staff for the Program totaling \$20,000; and

WHEREAS, staff have selected Causa Justa::Just Cause through a competitive process and are recommending a contract with Causa Justa::Just Cause 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::Just Cause to operate the Oakland Day Labor Program from December 1, 2015, through June 30, 2016, for an amount not to exceed \$132,000, with an option on the part of the parties to renew for one additional year, from July 1, 2016

through June 30, 2017, in an amount not to exceed \$160,000; and be it

FURTHER RESOLVED: That the City Administrator is authorized in her discretion to exercise the City's option to renew the contract for the second year within the amount budgeted without returning to Council; 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 and the Oakland Day Labor Program consistent with this Resolution and its basic purposes.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID
and PRESIDENT GIBSON McELHANEY

NOES-

ABSENT-

ABSTENTION-

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