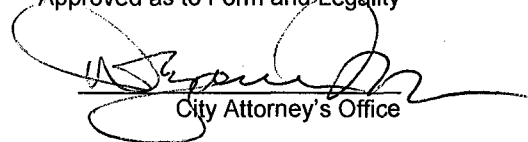


FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2019 AUG -8 PM 3: 06

Approved as to Form and Legality

  
City Attorney's Office

## OAKLAND CITY COUNCIL

RESOLUTION NO. 87779 C.M.S.

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A RESOLUTION TO AMEND RESOLUTION NUMBER 86754 C.M.S. AUTHORIZING THE CITY ADMINISTRATOR TO INCREASE THE ORIGINAL CONTRACT AMOUNT FOR MASON TILLMAN ASSOCIATES (MTA) BY NINETY-NINE THOUSAND ONE HUNDRED SIXTY-ONE DOLLARS AND TWENTY-FIVE CENTS (\$99,161.25) FOR A TOTAL CONTRACT AMOUNT NOT-TO-EXCEED FIVE HUNDRED NINETY THOUSAND THIRTY-SIX DOLLARS AND TWENTY-FIVE CENTS (\$590,036.25) TO COMPLETE THE REMAINDER OF OAKLAND'S RACE AND GENDER DISPARITY STUDY

**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 seeks 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 firms across the country and a solicitation advertisement was also placed in the East Bay Times/Oakland Tribune, El Mondo, San Francisco Chronicle, Oakland Post; and the City of Oakland's iSupplier; and

**WHEREAS**, interested firms were invited to participate in a voluntary 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 about the proposal; and

**WHEREAS**, two firms submitted proposals and one of those firms (Mason Tillman Associates, LTD) met or exceeded the City's minimum 50% local and small local business participation requirement and the other (Miller3 Consulting, Inc.) did not; and

**WHEREAS**, Mason Tillman & Associates was ranked as number one by the independent consultant (J. Rita McNeil Danish), and Miller3 Consulting, Inc. was ranked second; and

**WHEREAS**, during phase 3 of the study, Oakland Public Works (OPW) staff discovered that the initial dataset did not include all OPW projects awarded within the 5-year study period. In response to the discovery, the Finance Department extracted another dataset from Oracle for the missing projects. On January 3, 2019, the Finance Department provided Mason Tillman Associates with a comprehensive final dataset that included all prime contracts that were not previously provided, and

**WHEREAS**, it was necessary to make corrective adjustments and extend the study timelines. The time delay does not minimize the importance of the anticipated findings that are sure to impact Oakland's race and gender equity procurement policies and inform policy developments such as Community Workforce Agreements for construction. The findings and recommendations presented will assist Council in the effort to correct past inequities and to level the playing field moving forward. Moreover, the study may support race-based policies that improve the lives of populations that are unemployed, underrepresented, marginalized and excluded from opportunities to generate income, and

**WHEREAS**, additional funds in the amount of \$99,161.25 is needed to cover the cost of the amendment to the original contract. The existing contract was paid for out of the General- Purpose Fund (1010), Contract Compliance Organization (02611), Disparity Study Project (1001207), Disparity Study Task (A468576), Disparity Study Award (21407). The additional funds will be paid for out of budgeted operations and maintenance in the FY 2019 - 20 found in the General-Purpose Fund (1010), Contract Compliance Organization (02611), General Project (1000002) Contract Compliance Administration Task (IP70); 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 increase the dollar amount of the contract with Mason Tillman Ltd. by ninety-nine thousand one hundred sixty-one dollars and twenty-five cents (\$99,161.25) in an amount not-to-exceed five hundred ninety thousand thirty-six dollars and twenty-five cents (\$590,036.25) to complete the Race and Gender Disparity Study for the City of Oakland; 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.

IN COUNCIL, OAKLAND, CALIFORNIA,

**JUL 09 2019**

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND  
PRESIDENT KAPLAN — 8

NOES — 0

ABSENT — 0

ABSTENTION — 0

ATTEST:



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