



AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Michele Byrd
Director, HCD

SUBJECT: BRT Business Technical Assistance
Professional Services Agreement

DATE: August 22, 2016

City Administrator Approval

Date:

9/1/16

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator To Negotiate And Enter Into A Professional Services Agreement Not-To-Exceed \$1,000,000 With AnewAmerica Community Corporation To Provide Technical Assistance For Businesses Along The Bus Rapid Transit Route In Oakland Effective September 21, 2016 Through September 30, 2018.

EXECUTIVE SUMMARY

Staff released a formal Request for Proposals (RFP) June 24, 2016 to procure professional services of a qualified lead consultant and team to provide technical assistance for businesses along the Bus Rapid Transit (BRT) route. The responsive proposals were from AnewAmerica Community Corporation and Mason Tillman Associates, LTD. The reviewers' average score favored the AnewAmerica Community Corporation team. Staff concurs with the reviewers' overall evaluations and recommends that the City enter into a Professional Services Agreement with AnewAmerica not-to-exceed \$1,000,000. The award of this contract is contingent upon AC Transit Board approval of a scope of work modification of an existing MOU for a \$2,000,000 grant awarded to the City by the AC Transit Board of Directors on September 16, 2015.

BACKGROUND / LEGISLATIVE HISTORY

The East Bay BRT spans a total of 9.5 miles from 20th Street in Uptown Oakland to the San Leandro BART station, with 8.5 miles of the route in Oakland, including all of International Boulevard and parts of East 12TH Street. The BRT is among many major transit-oriented development projects throughout the country and the world intended to increase the use of mass transit, reduce greenhouse gases and pollutants, and promote economic revitalization.

The BRT will transform International Boulevard from a four-lane thoroughfare to a two-lane street with two bus-dedicated lanes. Curbside and median stations, along with new medians and no-left-turn zones will result in new circulation patterns for cars and trucks accustomed to the Corridor's current configuration. Businesses highly dependent on cars and trucks will likely be impacted because of less convenient turning and parking availability.

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The BRT project has gone through 12 years of planning and faced opposition from community and business leaders who were and remain concerned about business and resident impacts and displacement. The Oakland City Council listened to the concerns raised by the Community and, with staff, worked with AC Transit on developing a comprehensive Business Sustainability Program (BSP)SP. The focus of the BSP goes beyond the mitigation measures required under the Final Environmental Impact Statement/Report (FEIS/R) for the BRT project. The City Council adopted the FEIS/R in 2012 and placed local Conditions of Approval (CoA) on the BRT project that include additional parking and business impact mitigation requirements, local hiring provisions, and design requirements, such as curb-to-curb repaving and pedestrian lighting and safety measures.

In 2013, AC Transit and the City entered into a Master Cooperation Agreement (MCA), which included \$22,700,000 for implementing the CoA for Business and Parking Impact Mitigation activities and roadway, bicycle and pedestrian improvements. Resolution No. 84570 C.M.S. urged AC Transit to set aside sufficient dollars to implement a comprehensive BRT – Business Impact Mitigation Fund, which ultimately resulted in a \$2,000,000 grant to the City from AC Transit as part of a BSP. In November 2014, the City Council unanimously adopted Resolution No. 85284 C.M.S. to accept and appropriate AC Transit's contribution for the development and implementation of the City's BRT project BSP.

During its November 18, 2014 meeting, the City Council adopted five BRT-related Resolutions (No. 85282 through No. 85286) for the following purposes: 1) to appropriate AC Transit funding for the City to support final design and construction phase activities; 2) to approve the Business Impact Mitigation Plan for the Fruitvale by-pass and off-street parking loss construction; 3) to appropriate up to \$2,500,000 from AC Transit to support the BSP; 4) to approve a \$500,000 business technical assistance start-up phase contract with Oakland Business Development Corporation (OBDC); and 5) to allocate \$1,000,000 in FY 2015-2016 Community Development Block Grant (CDBG) funding for the Business Assistance and Sustainability Fund (BAF). These City Council actions were interwoven and established the City's commitment to support existing businesses along the BRT route before, during and after construction, with AC Transit's assistance.

AC Transit and City project staff and consultants worked diligently together to revise BRT design features to mitigate impacts to businesses and residents to the greatest extent possible, with extensive input from business owners, community members, and community advocates. Despite these best efforts, the Oakland City Council concluded that the FEIS/R and CoAs would not be sufficient to protect some businesses from adverse permanent impacts from BRT infrastructure changes, and thus created the \$2,000,000 BAF. Resolution No. 85085 C.M.S. appropriated \$1,000,000 of General Purpose Funds for the Business Assistance and Sustainability Fund—now referred to as the Business Assistance Fund (BAF). Resolution No. 85286 C.M.S. appropriated an additional \$1,000,000 of Community Development Block Grant (CDBG) funds for the BAF, and explicitly directed that these funds not be dispensed until guidelines are in place. On July 19, 2016, the City Council approved the BAF Eligibility Criteria and Disbursement Guidelines by way of Resolution No. 86321 C.M.S. Please refer to **Attachment A** for the approved criteria and guidelines.

Subsequent to the adoption of Resolution No. 85285 C.M.S. on November 18, 2014, which included a waiver of the competitive RFP/Q selection process, City staff entered into a contract with the Oakland Business Development Corporation (OBDC), now doing business as "Main Street Launch," with an appropriation of \$500,000 in CDBG funds. The Scope of Work in the OBDC/Main Street Launch "start-up phase" contract included ramping up to provide technical assistance for businesses along the entire BRT route in Oakland, with the assumption of getting additional funding for ongoing business technical assistance services before, during and for one year after BRT construction. OBDC/Main Street Launch hired a team with language capacity in Cantonese, Mandarin, Spanish, and Vietnamese. The team verified the existence of 929 businesses, performed 288 detailed business needs assessments, began developing a multi-layered GIS map of the BRT Corridor, and laid the ground-work for creating a Corridor-wide business directory.

On May 10, 2016, staff presented to the Community and Economic Development (CED) Committee a recommendation to enter into another contract with Main Street Launch to continue to build off of its start-up phase contract and provide technical assistance for businesses into the operations phase of the BRT. The CED Committee rejected staff's recommendation based upon concerns its members heard from community advocates and business owners regarding Main Street Launch's approach to business technical assistance. In response, staff issued a formally advertised RFP on June 24, 2016 to procure the services of a lead BRT Business Technical Assistance consultant, with a timeline to return to the City Council in September for consideration of a recommendation.

Since the AC Transit Board had originally approved a \$2,000,000 grant to the City in September 2015 based upon a Scope of Work with Main Street Launch (then OBDC), the reallocation of the \$2,000,000 grant must go back to the AC Transit Board, which is scheduled to consider this matter during its September 14, 2016 meeting.

ANALYSIS AND POLICY ALTERNATIVES

On July 22, 2016, the City received three proposals to the advertised RFP it had issued on June 24, 2016 from the following firms: AnewAmerica Community Corporation; Main Street Launch; and Mason Tillman Associates, LTD

Main Street Launch proposed developing a directory of businesses along the BRT route only, and did not respond to performing any other tasks as presented in the RFP Scope of Work. While staff supports the development of a directory and knows that most businesses along the Corridor are very interested in such a directory, this RFP was not advertised to fund that discrete task. The proposal, therefore, was not responsive to the requested scope of work.

Review of Responsive Proposals

City staff relied on three reviewers to evaluate submissions using a rubric consistent with the Evaluation Criteria articulated in the RFP. One of the reviewers is an Urban Economic Analyst who works directly with businesses for the City's Office of Project Implementation (formerly Redevelopment). One of the outside reviewers is a Director with TransForm, a leading sustainable development and social justice advocacy organization, which has been intimately

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involved in the BRT project. The other outside reviewer is a highly regarded businessman and advocate for Oakland businesses. Following is a summary of the reviewers' ratings:

Proposer	Rater 1 Score	Rater 2 Score	Rater 3 Score	Average Score	Compliance Preference Points ¹	Total
AnewAmerica	90.5	100.0	92.0	94.2	2.5	96.7
Mason Tillman	70.0	85.0	96.0	83.6	7.5	91.1

AnewAmerica (ANA): The reviewers' average ranking for this proposal was 94.2 out of a possible 105 points. All three reviewers commented on the strength of the ANA team and its experience in working with small businesses. One reviewer did express concern about the ANA team structure.

Mason Tillman Associates, LTD: The reviewers' average ranking for this proposal was 83.6 out of a possible 105 points. While the reviewers acknowledged Mason Tillman's extensive experience and organizational strengths, two felt that what it proposed was more germane to the Community Outreach and Public Engagement services AC Transit recently procured than to the business technical assistance services the City is seeking. The other reviewer commented on the strength of Mason Tillman's proposal.

Mason Tillman is a nationally renowned firm with 38 years of experience working primarily with governmental organizations in support of, among other areas of expertise, major transportation projects and contracting equity studies. As a firm, it is particularly strong in serving low-income constituents to ensure to the greatest extent possible equitable distribution of opportunities and non-displacement of people of color. The Mason Tillman team, which includes Chaves and Associates, R Sinclair Group, and Prime Financial Group, appears qualified to provide high level business and organizational development services.

Rationale for Recommending AnewAmerica

Staff agrees with the reviewers' overall evaluations. ANA, its sub-consultants, and referral partners are familiar with the BRT project and have intimate knowledge of several of the sub-districts along the route that will be impacted by construction and operations of the BRT. The ANA team has a broad mix of partner agencies capable of communicating with and providing comprehensive services to the diverse array of businesses along the Corridor. The ANA team includes the following agencies:

- Bay Area Local Initiatives Support Corporation (LISC): Its primary role will be to provide project management services for the AnewAmerica team and serve as a convener and facilitator for the diverse mix to stakeholders involved in the BRT project and the BSP. LISC will also provide ongoing assessments of services effectiveness (Quality Assurance), and brings the potential of additional resources to the project given its history of investment and attracting funding directed towards International Boulevard.

¹ Preference points are awarded to respondents based upon a formal Compliance Analysis of their organizations' and teams' standing regarding Small/Local Business Enterprise Participation and the number of years operating in Oakland. The analysis is conducted by the City's Office of Contracts and Compliance.

- Centro Community Partners: It will serve as a technical assistance member organization and provide one-on-one TA and group training sessions for businesses. Its focus will be on business growth and capacity building, and will grow its language capacity to serve Cantonese and Vietnamese, as well as Spanish and English speaking clients.
- Lawyers' Committee for Civil Rights of the San Francisco Bay Area (LCCR): Through its Legal Service for Entrepreneurs program, LCCR focuses on supporting small businesses in low-income neighborhoods where gentrification is a force for displacement. As part of the ANA team, LCCR will work with existing businesses that need help negotiating lease contract terms. LCCR is a partner of the City's Business Assistance Center.
- Renaissance Entrepreneurship Center: Through its Technology Acceleration Program (TAP), Renaissance will provide technology support services and industry specific support for restaurants along the BRT route. Renaissance brings expertise in helping food businesses expand their market through catering using TAP tools, such as Square, Weebly, Xero, and Quickbooks. This partnership is particularly valuable given the large number of food-oriented businesses along the BRT route.
- The Unity Council: It will facilitate communication, education and outreach among business owners, leveraging its 50 years of experience as a Community Development Corporation, founder of the Fruitvale Transit Village, operator of the Peralta Community Development Corporation, and lead of the Fruitvale Business Improvement District, among many other services and accomplishments. The Unity Council also brings language capacity in Spanish, Cantonese, Thai, Tagalog, Laotian, and Cambodian.
- Oakland Digital: Business owners will be able to post projects with local designers, which can be completed in up to seven days, and at a cost of \$50 to \$250. The Oakland Digital team will perform door-to-door outreach to promote its social enterprise services, as well as using its bridegood.com portal.
- Referral Partners: ANA also has ties with a variety of established community-based and business service organizations, which include the East Bay Asian Youth Center (EBAYC), Inner City Advisors, KIVA Oakland, Pacific Community Ventures, Southeast Asian Community Partners, and Working Solutions.

Ready to Go Project Knowledge

ANA, LISC, the Unity Council, and EBAYC have been extensively involved in the design of the BRT BSP, and thus can "hit the ground running" once given the notice to proceed. Since time is of the essence given the construction schedule, their project knowledge is an extremely important factor to take into account. Please see **Attachment B** for the Scope of Services the ANA team is being recommended to perform on behalf of the City.

ANA stated in its proposal that it will seek the services of an additional Client Manager should it be awarded this contract. In contract negotiations with ANA, staff will work to ensure its team includes members familiar with the sub-districts throughout the span of the Corridor, particularly south of Fruitvale. Staff will also work with ANA and its partners to ensure that its organizational structure is functional and effective.

Billing Rate

The ANA team average billing rate is \$50.88/hour, which is substantially lower than that of most consultants.

FISCAL IMPACT

Funding for this recommended contract has been accepted and approved for appropriation by the City Council by way of Resolution No. 85284 C.M.S., adopted November 18, 2014. The funding block for this one-time AC Transit \$2,000,000 grant shall be appropriated as follows:

Fund Source	Organization	Project	Program	Amount
Fund 2999, Miscellaneous Grants Fund	Org 89919, Dept. of Housing & Community Development Administration	Project P472240, (to be renamed BRT BIM)	Program W985, AC Transit BRT	<u>\$2,000,000</u>

Funding for the \$2,000,000 BRT Business Technical Assistance grant from AC Transit by way of an award from the Alameda County Transportation Commission was originally approved by the AC Transit Board of Directors in September 2015. Since the City is proposing a re-allocation of these funds, funding for this contract must be approved by the AC Transit Board of Directors, which is scheduled to meet September 14, 2016.

PUBLIC OUTREACH / INTEREST

For more than three years, staff has consulted with numerous organizations and individuals who informed the development of the BSP for the BRT, including the following: the BRT Community Outreach Work Group, which was comprised of the East Bay Asian Local Development Corporation (EBALDC), the Unity Council, the Downtown Oakland/Lake Merritt Community Benefit District, the East Bay Asian Youth Center (EBAYC), Oakland Citizens Committee for Urban Renewal (OCCUR), Allen Temple Baptist Church, Transform, and the City of San Leandro.

In December 2015, staff convened a BRT/BSP Technical Advisory Committee (TAC) to develop eligibility criteria recommendations for the use of a \$2,000,000 BAS-f appropriated by the City Council in 2014 for the express purpose of providing financial support for businesses facing adverse permanent impacts as a result of BRT infrastructure that are not covered by AC Transit's FEIS/R requirements. Members of the TAC represent the Oakland Chinatown Chamber of Commerce, the Lake Merritt/Uptown Business Association, the Eastlake Merchants, the San Antonio District merchants, the Fruitvale Business Improvement District, the Havenscourt/Lockwood District, the Hegenberger District, and Allen Temple Baptist Church in the Elmhurst District.

COORDINATION

The Business Sustainability Program is a joint effort among the following entities:

- AC Transit
- The Public Works Agency
- The Department of Economic and Workforce Development
- The Department of Housing and Community Development
- The Office of Contracts and Compliance

The Office of the City Attorney and the Controller's Bureau reviewed and signed off on this report and Resolution. The Office of the City Administrator was instrumental in negotiating funding agreements with AC Transit.

SUSTAINABLE OPPORTUNITIES

Economic: The sustainability of small businesses are essential for Oakland's economic health. While the BRT project offers hope for a vibrant transit oriented commercial corridor, its construction and permanent infrastructure will disrupt some business operations. The BSP provides critically needed services and resources to businesses along the BRT route that will experience permanent adverse impacts as a result of the BRT infrastructure changes.

Environmental: The BRT is a major transit oriented development project that will reduce greenhouse gas emissions by significantly improving access to mass transportation.

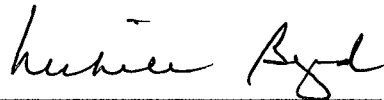
Social Equity: The businesses that will receive services represent the ethnic diversity of Oakland. The majority of the businesses along the BRT route are very small, with annual gross receipts of less than \$100,000. The technical assistance services are designed and aligned to assist all businesses equitably regardless of size.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Requests that the City Council adopt a Resolution authorizing the City Administrator to negotiate and enter into a Professional Services Agreement not-to-exceed \$1,000,000 with AnewAmerica Community Corporation to provide technical assistance for businesses along the BRT route in Oakland effective September 21, 2016 through September 30, 2018.

For questions regarding this report, please contact Al Auletta, International Boulevard Corridor Program Manager, at 238-3752.

Respectfully submitted,



MICHELE BYRD
Director, Department of Housing and
Community Development

Prepared by:
Al Auletta, Program Manager
International Boulevard Corridor Project

Attachments (2):

- A: Business Assistance Fund Eligibility Criteria and Disbursement Guidelines*
- B: Business Technical Assistance Contract Scope of Work*

Business Assistance Fund Eligibility Criteria and Disbursement Guidelines

1	Entity: Must be a for-profit business.
2	Location: On BRT route frontage or one block from front face curb of route.
3	Licenses: Must have Oakland Business Tax License and all required permits, etc.
4	Liens: No property or income tax liens against business.
5	Annual revenues: a) 3-year average annual revenues less than \$3 million; or b) if in business less than 3 years, annual revenues less than \$3 million.
6	Years in operation: Be in operation in current location 3 years prior to start of construction, or be in a current 3-year lease.
7	Technical Assistance: Must take advantage of Business Technical Assistance services (TA).
8	Distance of impact from BRT features: Up to 2 blocks away from business.
9	Feasible plan: Must develop a feasible impact mitigation plan with TA provider.
10	Eligible uses of funds: Building renovations, facade improvement, acquisition/creation of private parking, business model alterations, product offerings, business lines, customer base, etc.) and, absent a feasible retention plan, relocation.
11	Oversight: To establish an administrative oversight and appeals process for businesses denied support, including the creation of an Ombudsperson role.
12	Non-eligible uses: a) For mitigations that come under the FEIR/S and AC Transit's responsibilities; and b) fund administration costs.
13	Term of BAF program: From start of construction until one year after BRT operations begins.

Business Assistance Fund Eligibility Criteria and Disbursement Guidelines

14	Structure and terms of assistance: Grants not to exceed \$100,000 per business to be disbursed on a reimbursement basis to business/property owners or directly to contractors; and up to 25% of funds can be used for relocation costs within Oakland.
15	Equitable Distribution Model: Based upon business type and proximity to BRT infrastructure (stations, medians, left-turn restrictions) and significant parking loss. Must ensure that businesses in each impacted sub-district receive equitable proportions of funding.

**City of Oakland BRT Business Sustainability Program
Technical Assistance Services Program**

Program Description: The City of Oakland has planned the implementation of a comprehensive Business Sustainability Program (BSP) to supplement AC Transit's Community Outreach and Public Engagement Services for the East Bay Bus Rapid Transit (BRT) project. The BSP is a City of Oakland program designed to support business development, mitigate temporary and permanent construction impacts, and promote long-term economic development, which support a successful transit system and commercial corridor revitalization goals. One of the BSP's major elements is the Technical Assistance services program. The City's BRT Business Technical Assistance (TA) contractor will work in collaboration with AC Transit's Community Outreach team to ensure timely, comprehensive and effective support to BRT corridor communities before, during and after BRT construction.

AC Transit's Community Outreach and Public Engagement services (separate from this RFP but included for information purposes) are focused on and limited to direct outreach to community members, merchants and stakeholders regarding construction schedule and project updates, BRT project presentations, production and distribution of BRT project informational materials such as construction notifications and project updates, and onsite monitoring for compliance with the Construction Impact Mitigation Plan.

The City's TA Services program is funded by AC Transit through a funding agreement with the City of Oakland and will be managed by the City's Department of Housing and Community Development. The services the City is seeking via this RFP are critical to achieving the goals of retention of businesses along the BRT route and the economic revitalization of the International Boulevard Corridor. Parking is a critical concern of corridor communities and the TA services consultant must be well-versed in the City's Parking Improvement Plan and be able to explain it to business constituents.

The Business TA Services Contractor will be required to work with Community Stakeholders to help identify the various needs affecting businesses and address concerns related to the location of BRT stations, dedicated bus lanes, medians, left-turn rules, and changes to street parking. Another critical task will be to conduct operational and logistical assessments of each enterprise in order to develop a customized plan for business sustainability during BRT construction and to promote growth after the BRT is operational. The TA services will also help prepare businesses to apply for and secure additional City resources or financial assistance through the City's Business Assistance and Sustainability Program Fund (BAF) subject to meeting eligibility criteria.

Cultural Competency and Understanding of BRT Sub-Direct Business Needs: The BRT route, particularly along International Boulevard and E. 12th Street, is among the most culturally diverse commercial corridors in the nation. The selected Contractor must have the capacity to assemble a team of business services and community-based organizations with intimate knowledge of the Sub-Districts through which the BRT will travel.¹ Language proficiency is

¹ The sub-districts include, from north to south, Downtown, Uptown, Eastlake, San Antonio, Fruitvale, Havenscourt-Lockwood, Hegenberger, and Elmhurst.

essential, with capacity at a minimum in Cantonese, Mandarin, Spanish, and Vietnamese. Members of the Business TA Contractor team must have experience working with immigrant and minority communities and building their trust.

I. SCOPE OF SERVICES

The City's BRT BSP strategy is comprised of two components:

1. Business TA Services, which will work in conjunction with AC Transit's Community Outreach and Public Engagement services, which AC Transit will provide and manage before, during and after construction; and examine the indirect effects of the BRT infrastructure on corridor communities including, but not limited to, concerns related to the location of BRT stations, dedicated bus lanes, left-turn rules, and changes to street parking; and
2. The City's BAF, which will provide financial assistance provided by the City of Oakland, directly to businesses that experience permanent adverse impacts due to BRT infrastructure and meet the eligibility criteria set by the City Council for the distribution of those funds. Note that the administration of the BAF is not part of this RFP.

Objectives: The objectives of the BSP – Business TA Services are intended to accomplish the following objectives:

1. Enable businesses along the BRT route to stay in business and take advantage of the economic revitalization of the BRT commercial corridor;
2. Minimize impacts on business operations during BRT construction;
3. Prepare impacted businesses to apply for and access additional resources or financial assistance, through the City of Oakland, if they meet the eligibility criteria;
4. Prevent business displacement and/or closure; and
5. Provide businesses with accurate information about the BRT Project, its benefits, and its impacts.

Strategies: In order to fulfil the objectives listed above, the selected Contractor will provide the following services, achieve stated and implied tasks, complete requested deliverables and meet all required deadlines. Collaboration with project stakeholders, including but not limited to the City of Oakland staff, AC Transit Community Outreach staff, Community stakeholders and local business services organizations is expected and is essential to achieve success:

1. Identify and address Indirect Impacts due to BRT infrastructure;
2. Establish positive relationships with businesses along the BRT corridor through frequent visits, timely follow-up, patronage, and by incorporating team members experienced in working with small and minority owned businesses;

3. Present and explain the City's Parking Improvement Plan;
4. Gather and then build upon the information compiled by the previous consultant. to provide customized Business TA Services based on thorough understanding of each business type, distinct needs, and location along the route in relation to BRT infrastructure;
5. Coordinate efforts with other community-based and business services organizations that are working with organizations along the BRT corridor;
6. Categorize businesses based on commercial type and proximity to BRT stations, street changes that create new left turn rules, and changes to street parking; and
7. Determine if businesses are eligible for BAF assistance based upon the eligibility and disbursement guidelines approved by the Oakland City Council.

Business TA Services Contractor Roles and Responsibilities: The selected Contractor will be responsible for implementing and managing the BRT technical assistance program in coordination with City staff. Its roles and responsibilities include the following tasks:

1. Designing and delivering the Business TA Services before, during and after BRT construction;
2. Helping businesses understand the facts of the BRT project;
3. Developing informational materials specific to the TA services provided under this contract (materials to be approved by both City of Oakland and AC Transit)
4. Coordinating Business TA Services and other BRT Corridor services to businesses, this could include coordinating with AC Transit Community Outreach staff to maximize and leverage efficiencies;
5. Recruiting, hiring and managing highly qualified Business TA staff including any specialists and sub-contractors needed to provide subject matter expertise and cultural and linguistic experience and skills;
6. Providing TA Services grounded in experience working with small and minority owned businesses;
7. Documenting all services in a Salesforce platform Customer Relations tracking system to be shared with AC Transit, which includes, but may not be limited to, the following:
 - a. Registering businesses requesting and/or receiving services
 - b. Tracking the number and type of TA services requested and provided
 - c. Recording consulting sessions and workshop attendance
 - d. Capturing Business TA impact and performance data
 - e. Measuring business satisfaction
 - f. Documenting mitigations from beginning to end, including a summary of the outcomes of those efforts

8. Customizing its current technical assistance curriculum and designing new curriculum as appropriate to assist the diverse business types and owners/operators along the BRT route;
9. Matching businesses with additional resources to help meet their specific business needs;
10. Identifying and serve businesses based on type (wholesale and large goods distributors, auto servicing, destination retail, restaurants, and other auto dependent merchants) that are within one block of BRT stations, medians that affect left turns, and substantial parking loss to determine if they are eligible for BAF assistance based upon the eligibility and disbursement guidelines approved by the Oakland City Council; and
11. Ensuring contracted services are in full compliance with fiscal, reporting, invoicing, and other administrative procedures as required by the City, AC Transit and the Alameda County Transportation Commission.

The Contractor shall provide detailed monthly reports that include, but may not be limited to, the following activities and outcomes:

1. Public outreach and communication
2. Technical assistance services requested and/or provided
3. Requests for business assistance and responses
4. Number of business openings, expansions, closings, relocations
5. Number of and detailed list of referrals to AC Transit
6. Number of and detailed list of referrals to other programs with explanation of reason for the referral
7. Number of and detailed list of referrals for consideration of financial support through the Business Assistance and Sustainability Fund (BAF).

Contract Terms: The contract is not to exceed \$1,000,000 for a two-year period beginning approximately September 21, 2016 and ending by September 31, 2018.

FILED
OFFICE OF THE CITY CLERK
OAKLAND

R. P. ...
Deputy City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND ENTER INTO A PROFESSIONAL SERVICES AGREEMENT NOT-TO-EXCEED \$1,000,000 WITH ANEWAMERICA COMMUNITY CORPORATION TO PROVIDE TECHNICAL ASSISTANCE FOR BUSINESSES ALONG THE BUS RAPID TRANSIT ROUTE IN OAKLAND EFFECTIVE SEPTEMBER 21, 2016 THROUGH SEPTEMBER 30, 2018

WHEREAS, as a Condition of Approval for the East Bay Bus Rapid Transit ("BRT") project, the Oakland City Council and the AC Transit Board of Directors adopted and committed to fund a Business Sustainability Program ("BSP") to support businesses along the BRT route during construction and when the BRT goes operational; and

WHEREAS, the agreement between the City and AC Transit includes the establishment of a Business Technical Assistance Element as part of the BSP; and

WHEREAS, the City Council authorized the appropriation of up to \$2,500,000 from AC Transit by Resolution No. 85284 C.M.S. on November 18, 2014 to support the City's BSP; and

WHEREAS, staff conducted a formal, advertised Request for Proposal ("RFP") process to procure the services of a qualified consultant team to provide extensive Technical Assistance for businesses along the BRT route in Oakland; and

WHEREAS, staff received two responsive proposals, which were reviewed in accordance with the Evaluation Criteria articulated in the RFP; and

WHEREAS, the reviewers recommend the services of AnewAmerica Community Corporation as the lead consultant, and its team that includes the Bay Area Local Initiatives Support Corporation (LISC), Centro Community Partners, the Lawyers' Committee for Civil Rights of the San Francisco Bay Area, Renaissance Entrepreneurship Center, The Unity Council, and Oakland Digital; and

WHEREAS, the AnewAmerica consultant team also includes in-kind services from the East Bay Asian Youth Center (EBAYC), Inner City Advisors (ICA), KIVA Oakland, Pacific Community Ventures, Southeast Asian Community Partners, and Working Solutions; and

WHEREAS, staff also intends to support AnewAmerica and its partners through the Oakland Business Assistance Center and the Department of Housing and Community Development; and

WHEREAS, the AnewAmerica consultant team will work closely with AC Transit's External Affairs Representative and BRT Community Relations and Public Engagement consultants; and

WHEREAS, the AnewAmerica Professional Services Agreement Scope of Work, attached as **Exhibit A** and incorporated herein by this reference, includes direct support for businesses interested in applying for financial assistance through the City's Business Assistance Fund based upon the Eligibility Criteria and Disbursement Guidelines adopted by the City Council by Resolution No. 86321 C.M.S. on July 19, 2016, attached as **Exhibit B** and incorporated herein by this reference; and

WHEREAS, the recommended Professional Services Agreement with AnewAmerica is contingent upon the approval by the AC Transit Board of Directors of the allocation of a \$2,000,000 grant from the Alameda County Transportation Commission (ACTC); and

WHEREAS, the City Administrator has determined that this contract is 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 authorizes the City Administrator to negotiate and enter into a Professional Services Agreement with AnewAmerica Community Corporation in an amount not to exceed \$1,000,000 to provide technical assistance for businesses along the Bus Rapid Transit route in Oakland effective September 21, 2016 through September 30, 2018; and be it

FURTHER RESOLVED: That based on information provided by the City Administrator, the Council finds that this contract is 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; and be it

FURTHER RESOLVED: That the City Administrator or his or her designee is hereby authorized to spend funds and take other action with respect to the adopted budget and authorized contracts consistent with this Resolution and its basic purposes.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

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

**City of Oakland BRT Business Sustainability Program
Technical Assistance Services Program**

Program Description: The City of Oakland has planned the implementation of a comprehensive Business Sustainability Program (BSP) to supplement AC Transit's Community Outreach and Public Engagement Services for the East Bay Bus Rapid Transit (BRT) project. The BSP is a City of Oakland program designed to support business development, mitigate temporary and permanent construction impacts, and promote long-term economic development, which support a successful transit system and commercial corridor revitalization goals. One of the BSP's major elements is the Technical Assistance services program. The City's BRT Business Technical Assistance (TA) contractor will work in collaboration with AC Transit's Community Outreach team to ensure timely, comprehensive and effective support to BRT corridor communities before, during and after BRT construction.

AC Transit's Community Outreach and Public Engagement services (separate from this RFP but included for information purposes) are focused on and limited to direct outreach to community members, merchants and stakeholders regarding construction schedule and project updates, BRT project presentations, production and distribution of BRT project informational materials such as construction notifications and project updates, and onsite monitoring for compliance with the Construction Impact Mitigation Plan.

The City's TA Services program is funded by AC Transit through a funding agreement with the City of Oakland and will be managed by the City's Department of Housing and Community Development. The services the City is seeking via this RFP are critical to achieving the goals of retention of businesses along the BRT route and the economic revitalization of the International Boulevard Corridor. Parking is a critical concern of corridor communities and the TA services consultant must be well-versed in the City's Parking Improvement Plan and be able to explain it to business constituents.

The Business TA Services Contractor will be required to work with Community Stakeholders to help identify the various needs affecting businesses and address concerns related to the location of BRT stations, dedicated bus lanes, medians, left-turn rules, and changes to street parking. Another critical task will be to conduct operational and logistical assessments of each enterprise in order to develop a customized plan for business sustainability during BRT construction and to promote growth after the BRT is operational. The TA services will also help prepare businesses to apply for and secure additional City resources or financial assistance through the City's Business Assistance and Sustainability Program Fund (BAF) subject to meeting eligibility criteria.

Cultural Competency and Understanding of BRT Sub-Direct Business Needs: The BRT route, particularly along International Boulevard and E. 12th Street, is among the most culturally diverse commercial corridors in the nation. The selected Contractor must have the capacity to assemble a team of business services and community-based organizations with intimate knowledge of the Sub-Districts through which the BRT will travel.¹ Language proficiency is

¹ The sub-districts include, from north to south, Downtown, Uptown, Eastlake, San Antonio, Fruitvale, Havenscourt-Lockwood, Hegenberger, and Elmhurst.

essential, with capacity at a minimum in Cantonese, Mandarin, Spanish, and Vietnamese. Members of the Business TA Contractor team must have experience working with immigrant and minority communities and building their trust.

I. SCOPE OF SERVICES

The City's BRT BSP strategy is comprised of two components:

1. Business TA Services, which will work in conjunction with AC Transit's Community Outreach and Public Engagement services, which AC Transit will provide and manage before, during and after construction; and examine the indirect effects of the BRT infrastructure on corridor communities including, but not limited to, concerns related to the location of BRT stations, dedicated bus lanes, left-turn rules, and changes to street parking; and
2. The City's BAF, which will provide financial assistance provided by the City of Oakland, directly to businesses that experience permanent adverse impacts due to BRT infrastructure and meet the eligibility criteria set by the City Council for the distribution of those funds. Note that the administration of the BAF is not part of this RFP.

Objectives: The objectives of the BSP – Business TA Services are intended to accomplish the following objectives:

1. Enable businesses along the BRT route to stay in business and take advantage of the economic revitalization of the BRT commercial corridor;
2. Minimize impacts on business operations during BRT construction;
3. Prepare impacted businesses to apply for and access additional resources or financial assistance, through the City of Oakland, if they meet the eligibility criteria;
4. Prevent business displacement and/or closure; and
5. Provide businesses with accurate information about the BRT Project, its benefits, and its impacts.

Strategies: In order to fulfil the objectives listed above, the selected Contractor will provide the following services, achieve stated and implied tasks, complete requested deliverables and meet all required deadlines. Collaboration with project stakeholders, including but not limited to the City of Oakland staff, AC Transit Community Outreach staff, Community stakeholders and local business services organizations is expected and is essential to achieve success:

1. Identify and address Indirect Impacts due to BRT infrastructure;
2. Establish positive relationships with businesses along the BRT corridor through frequent visits, timely follow-up, patronage, and by incorporating team members experienced in working with small and minority owned businesses;

3. Present and explain the City's Parking Improvement Plan;
4. Gather and then build upon the information compiled by the previous consultant. to provide customized Business TA Services based on thorough understanding of each business type, distinct needs, and location along the route in relation to BRT infrastructure;
5. Coordinate efforts with other community-based and business services organizations that are working with organizations along the BRT corridor;
6. Categorize businesses based on commercial type and proximity to BRT stations, street changes that create new left turn rules, and changes to street parking; and
7. Determine if businesses are eligible for BAF assistance based upon the eligibility and disbursement guidelines approved by the Oakland City Council.

Business TA Services Contractor Roles and Responsibilities: The selected Contractor will be responsible for implementing and managing the BRT technical assistance program in coordination with City staff. Its roles and responsibilities include the following tasks:

1. Designing and delivering the Business TA Services before, during and after BRT construction;
2. Helping businesses understand the facts of the BRT project;
3. Developing informational materials specific to the TA services provided under this contract (materials to be approved by both City of Oakland and AC Transit)
4. Coordinating Business TA Services and other BRT Corridor services to businesses, this could include coordinating with AC Transit Community Outreach staff to maximize and leverage efficiencies;
5. Recruiting, hiring and managing highly qualified Business TA staff including any specialists and sub-contractors needed to provide subject matter expertise and cultural and linguistic experience and skills;
6. Providing TA Services grounded in experience working with small and minority owned businesses;
7. Documenting all services in a Salesforce platform Customer Relations tracking system to be shared with AC Transit, which includes, but may not be limited to, the following:
 - a. Registering businesses requesting and/or receiving services
 - b. Tracking the number and type of TA services requested and provided
 - c. Recording consulting sessions and workshop attendance
 - d. Capturing Business TA impact and performance data
 - e. Measuring business satisfaction
 - f. Documenting mitigations from beginning to end, including a summary of the outcomes of those efforts

8. Customizing its current technical assistance curriculum and designing new curriculum as appropriate to assist the diverse business types and owners/operators along the BRT route;
9. Matching businesses with additional resources to help meet their specific business needs;
10. Identifying and serve businesses based on type (wholesale and large goods distributors, auto servicing, destination retail, restaurants, and other auto dependent merchants) that are within one block of BRT stations, medians that affect left turns, and substantial parking loss to determine if they are eligible for BAF assistance based upon the eligibility and disbursement guidelines approved by the Oakland City Council; and
11. Ensuring contracted services are in full compliance with fiscal, reporting, invoicing, and other administrative procedures as required by the City, AC Transit and the Alameda County Transportation Commission.

The Contractor shall provide detailed monthly reports that include, but may not be limited to, the following activities and outcomes:

1. Public outreach and communication
2. Technical assistance services requested and/or provided
3. Requests for business assistance and responses
4. Number of business openings, expansions, closings, relocations
5. Number of and detailed list of referrals to AC Transit
6. Number of and detailed list of referrals to other programs with explanation of reason for the referral
7. Number of and detailed list of referrals for consideration of financial support through the Business Assistance and Sustainability Fund (BAF).

Contract Terms: The contract is not to exceed \$1,000,000 for a two-year period beginning approximately September 21, 2016 and ending by September 31, 2018.

Business Assistance Fund Eligibility Criteria and Disbursement Guidelines

1	Entity: Must be a for-profit business.
2	Location: On BRT route frontage or one block from front face curb of route.
3	Licenses: Must have Oakland Business Tax License and all required permits, etc.
4	Liens: No property or income tax liens against business.
5	Annual revenues: a) 3-year average annual revenues less than \$3 million; or b) if in business less than 3 years, annual revenues less than \$3 million.
6	Years in operation: Be in operation in current location 3 years prior to start of construction, or be in a current 3-year lease.
7	Technical Assistance: Must take advantage of Business Technical Assistance services (TA).
8	Distance of impact from BRT features: Up to 2 blocks away from business.
9	Feasible plan: Must develop a feasible impact mitigation plan with TA provider.
10	Eligible uses of funds: Building renovations, facade improvement, acquisition/creation of private parking, business model alterations, product offerings, business lines, customer base, etc.) and, absent a feasible retention plan, relocation.
11	Oversight: To establish an administrative oversight and appeals process for businesses denied support, including the creation of an Ombudsperson role.
12	Non-eligible uses: a) For mitigations that come under the FEIR/S and AC Transit's responsibilities; and b) fund administration costs.
13	Term of BAF program: From start of construction until one year after BRT operations begins.

Business Assistance Fund Eligibility Criteria and Disbursement Guidelines

14	Structure and terms of assistance: Grants not to exceed \$100,000 per business to be disbursed on a reimbursement basis to business/property owners or directly to contractors; and up to 25% of funds can be used for relocation costs within Oakland.
15	Equitable Distribution Model: Based upon business type and proximity to BRT infrastructure (stations, medians, left-turn restrictions) and significant parking loss. Must ensure that businesses in each impacted sub-district receive equitable proportions of funding.