

**REDEVELOPMENT AGENCY
OF THE CITY OF OAKLAND**
AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2008 JUL 10 PM 6:07

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Community and Economic Development Agency
DATE: July 22, 2008

RE: **A Supplemental Report Regarding Issuance of a Request for Proposals
(RFP) for Business Retention Expansion and Attraction Services**

SUMMARY

The following Supplemental Report is a follow up to a Report and Resolution presented to the Community and Economic Development Committee on June 10, 2008. The June 10th report recommended two actions:

Authorize the City Administrator to enter into a contract with the Oakland Commerce Corporation ("OCC") on a month-to-month basis, in an amount not to exceed \$150,000, for business retention and support service for a period not to exceed December 31, 2008; and,

Issue a Request for Proposals for a Consultant or Consultants to conduct the following activities on behalf of the City: a) Business Retention and Expansion Services, b) Business Retention and Expansion Survey, c) Commercial Security/Business Alert, d) Business Attraction activities.

All such services will support existing CEDA staff efforts to retain, grow and attract business to Oakland.

Over the past 16 years the Business Retention and Expansion, Survey and Business Alert programs have been conducted by a single consultant working with CEDA staff. Staff clarified for the CED Committee that the RFP would solicit and encourage multiple responses to the four programs. The CED Committee asked staff to return to Committee in July with a revised RFP based on comments and discussion from the June 10th meeting. The following items and/or revisions are included in this report:

- 1) A description of consultant services for Business Attraction, including the use of industry experts as on-call consultants, using a budget source to be determined.
- 2) Additional detail on the tasks of the consultant(s).
- 3) A plan for the evaluation of the services by the consultant(s) to the business community and to the City.
- 4) Information on the purpose of the survey and how it will be used by staff.
- 5) Separation of the RFP into four programs, the fourth being the Business Attraction contract, for an amount not yet specified.

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FISCAL IMPACTS

There is currently \$300,000 identified in the Coliseum and Central Redevelopment Area District accounts to be used for Business Development support services contracts, shown as follows, all within Entity 5 (ORA):

Fund	Org	Project	Amount
ORA 9450	88559	Coliseum (S82600)	\$ 200,000
ORA 9510	88559	Central District (S00800)	\$ 100,000

An annual Contract Compliance fee of \$9,000 will be drawn from the sources below, amounting to 3% of the annual allocation of \$300,000, less that amount allocated for services provided by OCC prior to award of the final RFP. The fee would be allocated as follows:

Fund	Org	Project	Amount
ORA 9450	88559	Coliseum (S82600)	\$ 5,850
ORA 9510	88559	Central District (S00800)	\$ 3,150

Staff will return to Council in Fall with recommendations for further funding recommendations, in particular for new business attraction activities, should the responses to the RFP require such action.

BACKGROUND

Business Retention, an important activity of urban municipalities, emerged with the departure, off-shoring or closure of many manufacturing firms during the 1970's, and continues today in an increasingly competitive global environment. Municipal business retention and attraction programs generally have four broad goals:

1. Address immediate issues of "at risk" businesses which could face closure or relocation due to circumstances that can be positively affected by municipal action, such as crime prevention, infrastructure improvement, tenant improvement programs, encouraging networking among suppliers for efficiency, co-marketing etc. Attributes of "at risk" business could include any of the following: 1) at risk of closure; 2) downsizing and thereby losing local jobs; 3) being unable to meet regulatory standards- either local state or federal; 4) lack of skilled workforce; 5) limited access to suppliers-lack of local network; and 6) out of date equipment or technology.
2. Market the opportunities within the local economy by communicating the City's positive attributes.
3. Develop strategic economic development plans designed to improve the local business climate and empower the residential population through increased employment, access to services and goods, and self-employment opportunities.

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4. Foster local action through the creation of business improvement districts and/or organizing councils or trade associations.

The City of Oakland has seen many changes in its community development organization in the last ten years. Business Development was directed through a targeted cluster approach during the late nineties which was abandoned after the dot-com boom and resulting "bust". The economic development strategy of the former mayor was focused on the development of housing as an economic catalyst, particularly focused on downtown.

With no other economic development strategy in place, CEDA staff has pursued business retention growth and attraction within four sectors: retail, office, industry, and "green" businesses, the latter of which is incorporated generally as one of the former three types but has specific characteristics related to environmental goals of zero waste and climate change. An economic study of Oakland's strengths and opportunities conducted for the Oakland Metropolitan Chamber of Commerce by McKinsey and Company identified four principal areas and various ongoing efforts (including retail recruitment) for Oakland's retention and attraction efforts. The McKinsey Study and related cluster initiatives support and inform ongoing efforts by the Economic Development Division to promote business in Oakland.

PROGRAM DESCRIPTION

Business Retention and Expansion (BRE) Activities and the Need for Consultants

Municipalities often conduct business retention and expansion outreach through the assistance of volunteers who approach the business community for information through surveys and direct inquiries to augment professional staff efforts. Business volunteers lend testimonials and aid staff's attraction efforts by meeting as peers to vouch for the positive business climate of a community. These volunteers may include local small business owners, who participate in business owner leadership groups, CEO's of well-known local companies, or leaders in the Chamber of Commerce. However in the busy urban setting, such volunteerism is difficult to maintain because of the demands on the time of business owners and leaders, leading to a need to augment staff's activities with an "on-the-street" professional.

The Economic Development Division has a unit devoted to BRE activities, known as Business Development Services. The activities conducted by staff include direct support services to businesses that approach the unit via the website www.business2oakland.com or by direct referrals from other businesses, brokers or business non-profit support providers, and through internal referrals. Staff routinely provide oversight to consulting contracts, coordinate work with other CEDA divisions on behalf of the business, direct and respond to follow-up work that is initiated by BRE consultants, engage in programmatic work such as formation of business improvement districts, engage in lending programs, trade show participation and conduct other activities which preclude a constant presence on the street among the business community.

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Therefore, Oakland has found it valuable to maintain internal BRE staff and augment the work of staff with outside business consultants who are familiar with Oakland's business climate, as well as municipal activities, and who can clearly communicate with businesses from that vantage. The June 10th CED report noted that the current proposed BRE Contract budget of \$300,000 is less than the equivalent staffing budget required for two full-time CEDA staff: an Urban Economic Coordinator and an Urban Economic Analyst III position.

There are several discrete benefits to maintaining internal business development staffing:

1. Continuity: Internal staffing for BRE programs provides continuity provides delivery and working knowledge of interdepartmental coordination. While an internal BRE unit can provide continuity for service to business, the work of maintaining contact can be interrupted by the conducting of programmatic and administrative work demanded of City employees. Relationships with businesses built over the years through staff contact can easily be broken if direct communication is not maintained.
2. Consistency of Information to Business: Procedures and regulations that affect business operations and expansion activities routinely change. It is important for BRE outreach work that the information passed on to businesses is current.
3. Uniformity of Vision: It is important for BRE work and attraction work to be able to clearly communicate the City's vision of economic development strategies and plans. This may be difficult for an outside contractor to communicate and is better communicated by those within the City's Economic Development Division.

KEY ISSUES AND IMPACTS

At the June 10th CED Committee, members asked for additional detail on the following issues:

1. Business Attraction Consultants

Historically, Oakland's economic foundation has rested on strong manufacturing, transportation and healthcare industries. Today, these sectors continue to be important pillars of Oakland's economy. However, given the global economy and market trends, Oakland's economic sectors are transitioning and new industries are emerging. Consultants are needed in order to maintain a close watch on contemporary business trends and link staff to major attraction opportunities through direct introductions to company CEO's, in addition to aiding trade show promotions.

A recent year-long comprehensive analysis studied industry and economic trends and recommended that the City of Oakland strategically build on the City's historical and emerging strengths by: 1) strengthening and expanding its existing key sectors, and 2) better leverage the City's central location and business opportunities to grow new economic industry clusters. These emerging industries can provide new revenues, business and employment opportunities for Oakland residents and complement existing businesses.

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In order to build upon the recent McKinsey and Company analysis of Oakland's strengths and opportunities, and to assist staff with the competitive business attraction marketplace, there may be a need for outside expert advisors to promote Oakland's advantages to new companies and enhance Oakland's business climate for existing companies. A major activity for expert consultants support is in the development of a stronger Oakland business support environment through the development of a modern interactive business contact website and a media campaign to promote Oakland. Other forms of expert consultant assistance may include the development of industry strategy formulation and implementation, policy, and market analysis. Experts to assist staff in the development of policy recommendations in targeted industries may be required; in particular: International Trade, Health Care and Life Sciences, Digital Arts and Media, and Green Industries support.

2. Additional Detail on Specific Consultant Tasks for BRE and Business Alert

The Draft RFP (Attachment A) describes the proposed Scope of Work for the BRE Consultant(s). The selected contractor(s) will be expected to conduct the following tasks, among others:

PROGRAM I: BUSINESS RETENTION AND EXPANSION

- A. Help companies access City and other services and support, in order to retain and grow their business in Oakland.
- B. Respond to business retention requests for assistance from individual firms and to referrals from the City activities in a prompt and efficient manner.
- C. Create an outreach strategy for industrial businesses that documents contact of the business, categorized by sector, and communicated to and approved by CEDA staff. In coordination with City staff, categorize each retention client strategy by type of service required.
- D. Provide at least 100 businesses with service and assistance, which the business considers valuable or important over the course of the year, with such services evaluated by the City staff.
- E. Advise City staff on strategies and programs that the City could initiate to retain and grow business and provide research on best practices from other municipalities.
- F. Support the activities of other local business support programs, including but not limited to the Oakland Merchant Leader Forum (OMLF), Inner City Advisors, Oakland Business Development Corporation.
- G. Partner with other organizations within the City that are engaged in business retention and support activities, such as: the Coliseum Commerce Center Advisory Committee, the West Oakland Commerce Association, local chambers of commerce, the Airport Area Business Association, the Industrial and Labor Alliance of Oakland, Coliseum Construction Corridor Marketing Association, the Emergency Management Board

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and Disaster Preparedness Council (EMADPC), the Economic Development Alliance for Business, and neighborhood business associations.

- H. Provide the City with a detailed quarterly report of its retention and service work, including but not limited to: a) name and number of businesses contacted; b) type of assistance offered to each business, categorized by a rating type that reflects the intervention required to retain; c) number of jobs attracted or retained as a result of consultant intervention assistance; and d) a narrative description of the performance of each business contacted in the areas of jobs, sales, and/or the expansion of facilities.

PROGRAM II: BUSINESS ALERT

- A. Staff the Business Alert Program in the Coliseum Redevelopment Area, including coordination of business-focused service delivery of the Enhanced Police Patrol with the Oakland Police Department, staffing at least 10 meetings of the Coliseum Area Neighborhood Crime Prevention Council (NCPC).
- B. Refer businesses to the Oakland Redevelopment Agency's contracted commercial security professional. Monitor work performed and the outcomes for the clients. Include the results and actions resulting from such referrals to the City of Oakland on a monthly basis, including names of businesses served, type of business, and nature of problem to be addressed, type of intervention by the security professional and Oakland Police Department.
- C. Expand the Business Alert program into West Oakland commercial industrial districts, if directed by staff.

3. Business Research Surveys

The City has had an annual business survey conducted, through its current business retention service contract, to measure how well businesses are doing relative to the context of the local environment. Staff will seek responses to the RFP from an experienced, local research firm to design and implement an effective survey that will solicit responses from businesses regarding the businesses own needs, identifying ways the City could improve the environment for business activity expansion and evaluate services provided by City staff and the BRE consultant. The Survey Consultant(s) will create the survey instrument, quantify and analyze the data responses, but will rely on staff and the BRE Consultant to solicit responses to the survey and conduct follow-up. The Survey Consultant may also be called upon to conduct particular market research, depending on the qualifications of the Consultant and the direction of the City regarding targeted business attraction.

The survey results will provide staff with the data needed to develop and propose implementation of an Oakland Business Retention and Expansion Plan. BRE programs, when effectively implemented, are designed to demonstrate a city's appreciation for its businesses, and

identify immediate needs, future plans, and opportunities for the city to deliver programs and services, as identified through the business survey process.

Professional market research and survey services are offered by companies that offer experience in designing and implementing research studies. Oakland's RFP seeks expertise regarding the following research study elements:

- Study and sample design
- Questionnaire development
- Data collection using a variety of tools, including multilingual focus groups, web-based surveys, computer-assisted personal interview ("CATI") surveys, etc.
- Data analysis
- Proven ability to obtain survey responses

Staff will work with the consultant to ensure that the data collected crosses Oakland's key industries, as identified through its economic strategic plans. The surveys will focus on data collection that serves one or more of the following purposes:

- Evaluate City staff and the BRE consultant's efforts to provide assistance
- Demonstrate Oakland's appreciation for its existing businesses
- Identify immediate concerns of the business
- Identify business community perceptions of the City as a good place to do business
- Identify the training, technical assistance and financial needs of the business
- Identify future plans of the business

The overarching purpose of these research studies is to provide staff with the data needed to develop an effective BRE plan that will improve Oakland's business climate. A friendly business climate, in turn, will encourage the retention and expansion of existing Oakland businesses. The perception of a friendly business environment will also support the efforts of staff and Oakland's real estate brokers to attract new businesses.

4. BRE Consultant(s) Evaluation

The evaluation of the Business Retention Expansion Consultant(s) will quantify the number of businesses served through one-on-one contact and in group meetings, and the number of follow-up visits required. The outcome of such visits would be documented in narrative Economic Development Activity reports and include the following:

1. Number and names of businesses served including contact name at business (includes attraction)
2. Type of interaction, broken down into common activities, such as: Municipal Code regulation clarification and or referral to appropriate department; Blight or graffiti abatement referral to the Public Works Agency; financial service provider

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- referral; expansion service provider referral; introduction to CEDA Business Development staff.
3. Number of follow-ups to businesses surveyed, in coordination with Survey Consultant, categorized by sector or type of business.
 4. Documentation of trade or multi-business group meetings, with presentation issues and participants identified by meeting agendas and sign in sheets
 5. Number of employees affected by such interactions

In addition to evaluation of the Consultant(s) based on the above, the CEDA evaluation of the BRE Consultant(s) will be made by direct interviews of businesses served, with descriptive narratives of the actions that did or did not benefit their business activities, to the extent that the issues can be tangibly affected by City action.

SUSTAINABLE OPPORTUNITIES

Economic: The RFP will support business growth, retention and attraction, and thereby may increase revenue through business sales and property tax. The prospective consultant(s) can provide assistance to local businesses in order to retain and create jobs with an emphasis on jobs that can be filled by low and moderate-income Oakland residents.

Environmental: The RFP scope of work calls for the contractor to cooperate and work with the City's "Green Business" initiatives to evaluate and develop projects/programs to support green business in Oakland.

Social Equity: The RFP Consultants will support job growth in Oakland, including entry level through skilled employment opportunities for Oakland residents..

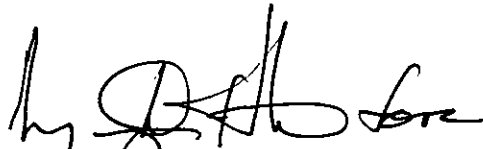
DISABILITY AND SENIOR CITIZEN ACCESS

This report does not raise any issues directly impacting disability and senior citizen access.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council authorize staff to issue the Request for Proposals (RFP) for Business Retention and Expansion, Commercial Security/Business Alert, Business Survey, and Attraction Consultant(s); and direct staff to return to Council in Fall with recommendations for consultant(s) selection, and including funding recommendations as appropriate.

Respectfully Submitted,

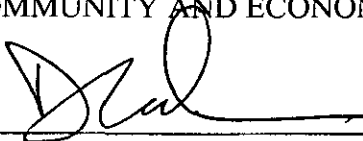


Dan Lindheim, Director
Community and Economic Development Agency

Reviewed by Gregory Hunter, Director
Economic Development and Redevelopment

Prepared by:
Margot Lederer Prado, AICP
Business Development Unit

APPROVED AND FORWARDED TO THE
COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE:



Office of the Agency Administrator

Attachment A: Revised Draft Request for Proposals: Contract for Business Expansion and Retention, Commercial Security/Business Alert, and Attraction Consultant(s)

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ATTACHMENT A

REQUEST FOR PROPOSALS

**CONTRACT FOR BUSINESS EXPANSION
RETENTION AND SUPPORT SERVICES
FOR FISCAL YEAR 2008-2010**

Date of Issue: Friday August 1, 2008
Due Date: Friday September 5, 2008
Pre-Bid Conference: Monday August 18 2008
Economic Development Division
COMMUNITY AND ECONOMIC DEVELOPMENT AGENCY



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ATTACHMENTS AND SCHEDULES

ATTACHMENTS

- A Industrial Sub-Area Map
- B Summary of Oakland Partnership Strategy May 2008

SCHEDULES

- C-1 Declaration of Compliance with the Americans with Disabilities Act
- D Ownership, Ethnicity and Gender Questionnaire
- E Project Consultant Team
- M Parts A & B: Independent Contractor Questionnaire
- N Declaration of Compliance – Living Wage Ordinance
- N-1 Equal Benefits – Declaration of Nondiscrimination
- O Contractor Acknowledgement of City of Oakland Campaign Contribution Limits
- P Nuclear Free Zone Disclosure Form – S
- Q Insurance Requirements, Professional and Specialized Services Agreements
- S Audit, Inspection and Fiscal Reporting Requirements
- U Compliance Commitment Agreement
- V Affidavit of Non-Disciplinary or Investigatory Action

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I. INTRODUCTION AND PROJECT OVERVIEW

A. Introduction

The City of Oakland is seeking written proposals from interested and qualified economic development professionals and or organizations, hereafter referred to as the Business Retention & Expansion Consultant ("BRE Consultant"), experienced in business retention, expansion and support service delivery, to provide direct service to individual businesses and facilitate trade and commerce meetings on behalf of the City. The City's Economic Development Division and Redevelopment Divisions provide assistance to business in facility and site location searches, guidance on City's permit processes and regulations, make referrals to technical assistance providers, provide economic data and track economic trends affecting business-generated revenue, and work on specific initiatives to support business growth in the City. The BRE Consultant will work directly with these Divisions to achieve the City's goals relative to business retention, growth and expansion.

B. PROJECT OVERVIEW

The City is soliciting proposals from firms and or individuals to respond to one or all of the following principal tasks:

- 1) Provide direct business retention, expansion and support activities to existing businesses in Oakland, and facilitate trade and commerce association meetings for commercial and industrial sectors;
- 2) Conduct an annual business survey and compile results, and transmit such data to staff. The purpose of such survey is a) to take an inventory of business and jobs in the City and increase the ability of staff to identify potential businesses at risk of closure or relocation out of Oakland, and to identify business that can benefit from active and appropriate city support; and b) evaluate service of City staff and BRE Consultants; and
- 3) Implement the City's Business Alert Commercial Security program.
- 4) Provide expertise and consulting for Business Attraction to enhance city efforts.

In addition to these ongoing tasks, the BRE Consultant shall work with staff towards the goals of the Oakland Partnership, including support for the City's business attraction efforts.

A panel of City staff will review all submissions to this RFP. The selected individual or firms will enter into a year-long contract for Fiscal Year 2008-2009,

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pending approval by the City Council, with a two-year renewal option for Fiscal Year 2009-2010.

C. Program Location

The program focuses on the commercial and industrial districts throughout the City of Oakland where business is encouraged to locate. Occasionally on staff direction, the Consultant will conduct specific retail support activities.

D. Program Goals

The goals of the BRE, Commercial Security, Survey, and Attraction Programs are to enhance, grow, expand and sustain business in Oakland through the provision of support services, linking business with local programs, informing businesses about city services and guiding business on regulatory procedures. The Consultant shall help business connect to the Oakland Business Development Services staff as well as other divisions, to improve businesses crime prevention measures.

E. Performance Measures and Other Requirements

The following are specific performance measures to be met by the BRE Consultant on an annual basis:

E1. Survey

The annual business survey shall survey no less than 3,000 commercial and industrial businesses, and shall have a return rate of 30%, with follow up to the mailed or electronic survey provided by the Consultant with direct contact with business clients. The survey shall include but not be limited to questions about the constraints and challenges the business has faced in the past year in its growth relative to location, security, infrastructure, employee attraction, retention and training, regulatory barriers and any other measures that could be an appropriate area for the City to provide referrals and or support services. The Survey shall be used by the Consultant to quantify the number and types of jobs in the City on a descriptive basis, and shall be used in conjunction with analysis of other data obtained from state and private data sources for staff reporting on an annual basis. The survey itself shall be confidential and clearly indicated as such for the businesses, and shall not constitute data subject to public records requests, due to private proprietary needs. The Survey firm reports to staff shall be in summary format, with exceptions for companies that have requested follow-up contact by City staff or BRE Consultant.

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E 2. Public Presence and Publicizing of City Programs

The Consultant shall maintain an office in the commercial industrial area of the City so as to enhance the street presence of municipally-led BRE services in Oakland. The Consultant shall be responsible for maintaining an adequate supply of city materials used for business retention and attraction such as Tenant Improvement Program, Commercial Security Assessment, Enterprise Zone information and other business materials that are regularly distributed by Economic Development Staff in their retention efforts. Such materials shall be made available and distributed at all meetings managed by the Consultant, with materials provided in sufficient quantities upon request by the Consultant.

E3. Business Alert and Commercial Security Program

The BRE Consultant will be responsible for soliciting interest and securing participation in the Commercial Security Program. The Consultant is responsible for making referrals to the City/Redevelopment Agency's Commercial Security Assessment contractor, and shall provide a background memo to staff with the justification for the referral of such services. The City and Agency will perform the following tasks relative to the Commercial Security Program:

1. Provide project oversight and budget
2. Coordinate and facilitate Security Consultant Contract;
3. Approve commercial security contracts above \$5,000;

The Consultant shall conduct the monthly meeting of the Business Alert program, shall confirm with other city staff including Oakland Police Department, their attendance, and shall arrange a location for the meeting, with rotation from hosting businesses. The Consultant shall engage no less than ten businesses' participation in each Business Alert meeting and strive to have no less than five business representatives at each session. The Consultant shall produce a quarterly Business Alert newsletter with editorial control, print and design provided by the City and quarterly summary of services provided.

E 4. Monthly Economic Development Report

The Consultant shall provide a monthly report which shall describe the clients provided with direct retention expansion services, shall describe the number of employees of the company, the type of intervention, and shall describe the prescribed follow up in the following month(s) as needed.

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Other Performance Measures shall be developed by the City and described in the *Scope of Services for the Contract*.

F. Timeline for Submittal of Responses

Economic Development/ Business Support Specialists or firms who wish to respond to this request for qualifications must submit five copies of their proposal by **4:00 p.m. on Friday September 5, 2008** to:

Margot Lederer Prado, AICP
City of Oakland, Community and Economic Development Agency
250 Frank Ogawa Plaza, Suite 3315
Oakland, CA 94612
(510) 238-6766 mprado@oaklandnet.com

A Pre-proposal Conference Workshop will be held at **10 a.m. on Monday August 18, 2008**.

Interviews of finalist firms are scheduled for the week of September 15th, 2008.

G. General Information: Pre-Proposal Conference

All RFP responses must be complete and contain all information required to immediately enter into a contract with the City and/or Agency and commence work.

A Pre-proposal Conference is scheduled for **10 a.m. on Friday August 15, 2008 in the Dunsmuir Conference Room, 250 Frank Ogawa Plaza, 3rd Floor, Oakland, California**. Although this Pre-proposal Conference is not mandatory, it is recommended that all interested parties attend. The Pre-proposal Conference will be an open forum for the following information:

- City/Agency contracting requirements
- Introduction to the Business Development Services Retention, Expansion and Support goals and to the small business-related goals of the Mayor for FY 2008-2010
- Consultant selection process
- Q & A

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H. Consultant Qualifications

The selected business support specialist or firm must be able to demonstrate a proven track record in the practical application of local economic development principles, must have direct private or municipal experience with business outreach, organization, and supporting technical assistance. The firm must have knowledge of commercial real estate practices, and be familiar with basic business planning, promotion and marketing. The BRE Consultant will not be responsible for marketing or financial planning for any particular business, but should be familiar with the process of such activities.

The BRE Consultant must be willing and fully capable of working closely with the City and the Redevelopment Agency as well as other agencies including but not limited to the East Bay Economic Development Alliance, the Alameda County Environmental Health Agency and utilities such as Pacific Gas & Electric and other agencies which may be involved in business regulatory or support actions. In addition, the Consultant shall demonstrate the following competencies:

- The Consultant shall have experience in the creation and implementation, and statistical analysis of business surveys.
- The selected Consultant must show competency in commercial security and or site design related to crime prevention in order to implement and facilitate the Business Alert program on behalf of the City.
- The Consultant must demonstrate the ability to meet project budget and deadlines, and be willing to work within the guidelines of an existing program.
- The Consultant must have an established track record in working with diverse clientele on challenging small and large-scale projects.
- The Consultant must have the ability to establish contact and form relationships with new businesses, meet performance measures, and be able to communicate such information with city staff through a shared database program as initiated by the City.
- The Consultant shall contribute to the pursuit of the Mayor's economic goals as directed by the Economic Development Director, and any specific programs including cluster programs, initiated by staff.

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II. Program Description

A. Background

Business Retention Support and Expansion is a core activity of the City's Economic Development Division and Redevelopment program. The program was initiated to provide direct support services to business, provide a presence "on the street" for commercial industrial and retail businesses, provide better linkage and make referrals for business to city programs and staff services.

B. CEDA Economic Development Division

The CEDA Economic Development Division is comprised of approximately 12 individuals representing the following sectors and services

Retail & Commercial Corridors	Business Improvement Districts Office
Enterprise Zone	Industrial
Brownfields Loans & Grants	Green/Clean tech and Green Building
Recycling Market Development Zone	International Relations/World Trade
Business Access Center Development	Mayor's Summer Jobs Program

The selected BRE Consultant shall work primarily with the staff involved in the Industrial and Commercial (non-office and non-retail) clients base of the City. As directed, the Consultant shall also aid the CEDA retail coordinator and conduct particular activities, including involvement with the commercial security assessment program in the neighborhood commercial corridors.

C. Recent City Economic Development Activities

In the last seven years, Oakland has experienced a surge of private investment. More than 75 major development projects are completed or in the pipeline. In the Downtown area alone, over 8,000 new residential units have been constructed or are in planning stages, attracting more than 12,000 new residents. The City is also experiencing major residential development in its neighborhoods, where over 3,000 new residential units, ranging from single family homes to multi-unit developments have been built.

In addition, Oakland is also making public investments in major streetscape and sidewalk improvements throughout the City and through a grant from the US Economic Development Administration, is conducting an assessment of industrial area infrastructure and creating a plan for the improvement of those areas

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through the Oakland Industrial Strategy. There are several Specific Plans in the planning stages, include Upper Broadway/ Auto Row and the Estuary Specific Plan revision. Development planning is active at four Transit Villages. Oakland's labor force of 195,000 is diverse from educated skilled professionals to skilled and semi-skilled technicians and trades people. In addition to the thousands of new Downtown residents, the area's daytime workforce population exceeds 70,000.

The Economic Development Division supports the development of business improvement districts by providing financing and technical assistance to neighborhood business or property owners groups for formation activities. There are six BIDs operating and two BIDS are in the early stages of formation. The BRE Consultant shall concentrate its retail activity, as directed by staff, in the Central East Oakland commercial corridors of International Boulevard, Foothill Boulevard, E 12th Street and Hegenberger and other areas as directed by staff to support neighborhood-serving businesses through the Commercial Security and other programs.

D. Identified Business Issues

Issues, which have been identified by commercial/industrial businesses as making it difficult for them to locate and thrive in Oakland, include:

- Limited availability of suitable modern facilities/buildings
- High price of land and lack of large available parcels
- Proximity of sites to residential neighborhoods hindrance to growth
- Perceived and actual crime and blight
- Lack of trained employees
- Perceived lack of City support for industry

The BRE Consultant shall work with staff to support specific business attraction efforts, but shall concentrate on retention of such businesses and continue to inform BDS staff of businesses needs especially those with potential to support quality jobs for Oakland residents.

E. Oakland Partnership Cluster Initiative

The BRE Consultant may be engaged by staff in assisting in attraction and support activities specifically directed to the clusters identified by the Oakland Partnership Initiative, including:

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- Green Tech/ Green Building
- Healthcare
- Biotech
- Arts & Digital Media
- Trade and Logistics

III. COMMUNITY & ECONOMIC DEVELOPMENT AGENCY

CEDA's Economic Development Unit provides a variety of support services to businesses.

A. Business Development Staff Support For Industrial and Green Businesses

Staff provides a one-stop place for the industrial community to get the help they need to do business in Oakland:

- Information and referrals on incentives, financing, regulations, technical assistance, etc.
- *CoStar opportunity site database*
- Business Alert & Commercial Security Assessments
- Enterprise Zone Tax Credit program & Industrial Bond Program referral
- Industrial Infrastructure Assessment study
- Marketing through the Industrial District program
- Permits & Zoning guidance; and
- Broker referrals

Industrial Sub-Area Analysis and Marketing Collateral

Staff updates and produces the Industrial District "West Oakland Works", "Oakland Access" (Central and East Oakland business district), and the Oakland Waterfront Food Trail marketing profiles, and supports the Coliseum Construction Corridor trade association. These marketing materials feature a description of the area and workforce demographics, support business network, support local business councils and provide updates on major capital projects being undertaken by the City and State such as Caltrans freeway improvements.

B. Tenant Improvement Grants

The City Redevelopment Agency offers tenant improvement matching grants combined with limited free architectural service in many commercial districts. Hundreds of grant-funded projects have been completed citywide. The BDS

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staff makes referrals to this program and implements specific budgeted incentive programs.

C. Enterprise Zone Hiring Tax Credits

Stores located in the City's designated Enterprise Zone—roughly 71% of the City—can claim hiring tax credits for employees who live in the zone. This can amount to more than \$31,000 per employee in state income tax savings over a five year period.

D. Redevelopment Incentives

The Redevelopment Agency can enter into development agreements with retailers and developers to provide financial incentives for locating within a redevelopment area.

E. Miscellaneous Services

The following services or information are provided through CEDA:

- How To Start A Business In Oakland – Resources for businesses and background information on the City are available at the website of www.Business2Oakland.com.
- Property Data, Ownership, Demographic Information – Available at www.OaklandExplorer.com.
- Marketing Assistance For Business Grand Openings – Available from the Marketing Division in the City Administrators office, which provides logistics consultation, vendor referrals, and examples invitations lists. Staff also assists with press releases and can provide a list of media to help attract people to a grand opening.

See www.Business2Oakland.com/main/marketprofile.htm for more information on Oakland's market profile, including:

- Oakland as a business location
- Local economy
- Major employers
- Citywide demographics
- Labor force
- Quality of life
- Local business costs

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IV. SCOPE OF SERVICES

The BRE, Business Alert, Business Survey and Attraction Consultant(s) will carry out the mission of working to retain and expand businesses and jobs in Oakland under contract with the Community & Economic Development Agency. The Consultant will play a crucial role in supporting the business sector through its visibility and credibility as a commerce organization, supporting and augmenting staff work to attract, retain and support Oakland-based businesses and will perform the following services for the City:

Program Goal: To contribute to the formation and support of a citywide business retention and attraction programs in cooperation with the City of Oakland and local business associations.

Program I. Conduct business retention, expansion and support program citywide, under independent initiation as well as actions directed by Economic Development staff;

Program II. Continue the implementation of the Business Alert Program in the Coliseum Redevelopment Area and evaluate the expansion of the program to Central and West Oakland; Continue staffing of the Coliseum Commerce Center Advisory Committee;

Program III. Conduct the Annual Business Survey, analyze results and transmit data to staff.

Work products

The following are example of expected work products to be delivered to staff relevant to some or all programs:

1. Monthly Spreadsheet of direct business service calls, direct interventions on behalf of the business in regard to security, blight, employment needs, zoning questions and other matters. Ongoing cumulative interventions shall be recorded separately unless the intervention activity for that month is substantial.
2. Monthly report on meetings facilitated and activity described (agenda and notification preparation and distribution, agenda creation invitation to guest speakers and facilitation of the meeting).

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3. Monthly report on meetings attended (chronological listing only) with topics of importance to the City and any follow up action required of the Consultant noted.
4. Annual Business Survey. Draft survey instrument presented to staff for review, along with a draft cover letter with City signatories. Current database of businesses to be surveyed submitted to staff with an outreach plan for the follow up, prioritized either by sector or by geographic area as recommended by Consultant.
5. Business Alert. Notices of meeting agendas to be provided by staff as part of general notification. Meeting minutes should be summarized and provided to staff within one week of the meeting.
6. Quarterly research report on current trends of business retention and or attraction, examples and or techniques shall be provided to staff, employing inquiries of other jurisdictions or municipalities to keep up with the latest BRE best practices.

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PROGRAM I BUSINESS RETENTION & EXPANSION SERVICES

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PROGRAM I BUSINESS RETENTION & EXPANSION SERVICES

Citywide Business Retention Program

1. Assist companies to access city and other services, and support in order to retain and grow their business in Oakland through weekly visits to 3-5 businesses, including at least three new introductory visits to businesses each month.
2. Respond to business retention requests for assistance from individual firms, as well as referrals from the City activities in a prompt and efficient manner. Report back to staff on such interventions.
3. Create an outreach strategy for industrial business; categorize each retention client strategy by Type, in coordination with City staff.
4. Provide at least 100 businesses with service and assistance that the business considers valuable or important.
5. Advise City staff on strategies and programs that the City could initiate to retain and grow business.
6. Support the activities of other city-contracted programs, including but not limited to the Oakland Merchant Leader Forum (OMLF), the Oakland Business Access Center and other activities.
7. Partner with other organizations within the city that are engaged in business retention and support activities, such as: the Coliseum Commerce Center Advisory Committee, the West Oakland Commerce Association, local chambers of commerce, the Airport Area Business Association, the Industrial and Labor Alliance of Oakland, Coliseum Construction Corridor Marketing Association, the Emergency Management Board, the Economic Development Alliance for Business, and neighborhood business associations.
8. Provide the Agency with a detailed quarterly report of its retention and service work, including but not limited to:
 1. Name and number of businesses contacted;
 2. Type of assistance offered to each business, categorized by a rating type to be devised by OCC reflecting the intervention required to retain;
 3. Number of jobs attracted or retained as a result of OCC assistance; and

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4. Narrative description of the performance of each business contacted in the areas of jobs, sales, and/or the expansion of facilities.

PROGRAM II BUSINESS ALERT PROGRAM

PROGRAM II BUSINESS ALERT PROGRAM

1. Staff the Business Alert Program in the Coliseum Redevelopment Area to enhance the safety and security of the businesses, their employees, customers and suppliers. This work will include the coordination of business-focused service delivery of the Enhanced Police Patrol with the Oakland Police Department. The work will further include staffing at least 10 meetings of the Coliseum Area Crime Prevention Council (NCPC). Continue reporting on a monthly basis regular activity, major issues arising from Business Alert program as well as other association meetings, and report on changes in existing businesses operations and growth.
2. Refer businesses to a commercial security professional, under their separate contract to the City of Oakland. Monitor work performed and the outcomes for the clients. Include the results and actions resulting from such referrals to the City of Oakland on a monthly basis, including name of business served, type of business, and nature of problem to be addressed, type of intervention by the security professional and Oakland Police Department.
3. Expand the Business Alert program into West Oakland commercial industrial districts, as directed by staff.

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PROGRAM III ANNUAL BUSINESS SURVEY

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PROGRAM III ANNUAL BUSINESS SURVEY

1. Conduct the Annual Business Survey. The survey instrument will be presented to staff for comment and edits no later than February of each calendar year and shall be distributed by March of each year, coincident with the renewal of business licenses. The survey should be updated and should include information to ascertain the current and future needs and changes in the market for production (manufacturing), food production and distribution, construction materials & services, distribution, repair-oriented and other industrial services. Contractor will be prepared to provide detailed methodology of how the business survey was developed, distributed and analyzed. The survey shall contribute to a common inventory of existing businesses. The survey data will be summarized and presented to the City. The survey responses will also be made available to the City, if requested.

2. The Annual Business Survey shall include a minimum of 1,500 responses in total. A return rate of 30% is expected and evidence of such shall be provided to staff. The full list of businesses to be surveyed and the list of respondents shall be provided to the City. A full copy of each completed survey response will be provided in a timely manner to staff. Such survey's will be held in confidence per the Public Records Act clause provisions protecting privacy issues of company financial matters.

3. The BRE Consultant will present an Action Plan to City for follow up on issues identified by survey respondents. The Consultant will be responsible for ensuring that responses are provided and will keep the City informed on a regular basis. In some, cases the Consultant will coordinate follow up with designated organizations as directed by the City. It is expected that the Consultant will make every effort to visit those businesses that express a need for assistance.

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V. SELECTION CRITERIA & SUBMITTAL REQUIREMENTS

A. Selection Criteria

The City of Oakland will utilize the following criteria in its review and final selection of a restaurant broker/consultant.

1. Direct business to business service provision experience – 50%
 - a. Overall experience of the consultant team in working one-on-one in successful business activities.
 - b. Experience in successfully supporting business with commercial programs that have helped companies to remain and grow
 - c. Demonstrated relationships with a diverse pool of industry leaders
 - d. Ability to generate and utilize site-specific commercial data
 - e. Experience working within ethnically diverse business communities
 - f. Ability to create, modify, implement, follow up and analyze survey data
 - g. Knowledge of infrastructure systems, working knowledge of utility district programs for business.
2. Proposed approach – 25%
 - a. Innovative and realistic project concept
 - b. Demonstration and understanding of current market conditions

In addition, the following criteria will be used to evaluate and rate the submittals (25%):

- Overall quality, completeness and responsiveness of the proposal.
- Project approach and organization; understanding of the complexity of the project; cohesiveness of the project team; ability shown to control costs, schedules and quality.
- Previous experience on similar projects by prime consultant and team members; knowledge of applicable codes, regulations and standards.
- Qualifications and relevant experience of key project personnel and commitment of key personnel.

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- Special relevant resources and skills of prime consultant and team members.
- Ability to meet requirements set forth in the Living Wage Ordinance.

B. SUBMITTAL REQUIREMENTS

Each party responding to this RFP is required to submit a proposal in the format listed below.

In order to facilitate review, please submit **ten (10) copies of a fully responsive submittal/proposal package no later than 2:00 p.m., September 5, 2008 to the following address:**

Margot Lederer Prado	(510) 238-6766
Industrial Specialist	mprado@oaklandnet.com
Business Development Services	
Community & Economic Development Agency	
City of Oakland	
250 Frank Ogawa Plaza, Suite 3315	
Oakland, CA 94612	

A fully responsive proposal package/submittal will contain the following items:

- Description of how your team would carry out the scope, and any alternative ideas that could be added on to the contract.
- Roles and responsibilities of the team principals.
- Project timeline indicating when—within 12-months or less—the different project components will be completed.
- Budget for each of the three main scope categories
- Price schedule outlining fees and timing of payments
- Three (3) examples of industrial or commercial analysis your team has conducted. This should include a description of the actual role of your team in the transactions.
- City schedules (see attached).

The City reserves the right to reject any or all submittals. A submittal may be rejected for any of the following reasons:

- Submittal received at designated location after designated time.

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- Submittal not in compliance with the City of Oakland Professional Service Contract Program and/or any of the required schedules is missing.
- Submittal not containing the required elements nor organized in the required format.
- Submittal considered not fully responsive to this RFP.

No oral, emailed, telegraphic, telephonic or faxed proposals or modifications of submitted proposals will be considered. All proposals submitted shall become the property of the City and will not be returned to the Proposer.

Applicants should be aware that under the California Public Records Act and the City's Sunshine Ordinance, all documents that they submit in response to this RFP, including financial information, are considered public records and will be made available to the public upon request following the RFP/Q deadline.

The Request for Proposals does not commit the City to pay any costs incurred in the submission of a proposal or in making any necessary studies or designs for the preparation thereof, nor to purchase or contract for the services.

C. SUBMITTAL ELEMENTS

The proposal may contain recommended changes or alternatives, and the cost of services not specifically identified in the RFP, in addition to the required items. However, it is important to note that the evaluation will be based upon responses to the specified requirements and failure to respond completely and fully to such requirements will result in deduction of rating points.

Proposer should submit a proposal package containing the information below.

D. Transmittal letter

- a. Please address letter to Margot Lederer Prado, AICP, Business Development Services/CEDA, City of Oakland.
- b. State the name and address of the Proposer.
- c. List names and telephone numbers of persons authorized to represent the Proposer.
- d. State whether the vendor is an individual, partnership, corporation, joint venture, or some form of team arrangement.
- e. Letter must be signed by an officer of the prime consultant. In case of joint venture or other joint-prime relationship, an officer of each venture partner shall sign.

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Pagination

The proposal shall have page numbers.

Project team members

The Proposer must submit a detailed description of key staff of Prime Consultant(s) and Sub-Consultant(s) staff involved in the performance of the services described, along with resumes of key management.

E. Consultant experience

- a. The Proposer should demonstrate its experience, demonstrated capability, and availability of qualified key personnel who will be assigned to this project.
- b. Duration and extent of the Proposer's experience in providing services described in the Scope of Services.
- c. Submit a list of firms for whom you currently or have previously provided services.
- d. Give names and addresses of at least three references. Reference letters from responsible persons may be submitted.
- e. Accomplishments

F. Sustainability measures

Proposer shall describe any measures it employs to be more sustainable in the realms of environment, economy, and/or social equity. Examples include use of use of recycled products, use of chlorine- and toxic-ink free paper products, energy efficient workplaces, and environmental operating policies. This item will not be used in the evaluation of proposals, however, it is something which City staff is required to furnish to the City Council.

G. Local Business Enterprise/Small Local Business Enterprise (LBE/SLBE) Program

City of Oakland's Local and Small Local Business Enterprise Program describes the objectives, goals and policies of the city regarding the participation of certified for profit or not for profit local or small local entities in the City's contracts and purchasing opportunities.

There is a twenty percent (20%) minimum participation requirement for all professional services contracts valued at one hundred thousand dollars (\$100,000.00) or more. Compliance may be achieved at a rate of ten percent (10%) local and an additional 10% small local certified business participation. The requirement may be satisfied by a certified prime and/or sub-Consultants (s) or a small local certified business might meet the twenty percent requirement. The City

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of Oakland's Office of the City Administrator, Contract Compliance & Employment Services Division must certify a business before a proposal is submitted in order to earn credit toward meeting the twenty percent requirement. The twenty percent local business participation requirement will be considered a material term of every proposal. Proposals that fail to meet the 20% minimum will be deemed non-responsive. Schedule-E- Project Consultant Team must be submitted with the proposal.

If a consultant is able to develop a Joint Venture or "Mentor-Protégé" relationship with an Oakland certified for profit or not for profit entity, the Mentor-Protégé or Joint Venture partners will enjoy the benefit of credits against the participation requirement. In order to earn credits, the Agreement must be submitted to Contract Compliance and Employment Services at least three weeks before the proposal due date. Joint Venture Applications and examples of the basic elements of a City approved Mentor Protégé Agreement are available upon request to the project manager.

For tracking and reporting purposes only, the consultant team is asked to show the percentage and dollar amount of Minority Business Enterprise/ Women Business Enterprise (MBE/WBE) participation on all sub-consultant listings. Consultant teams are asked to provide data regarding the racial, ethnic, and gender make up of listed sub-consultants and be prepared to provide documentation that demonstrates the methodology used to select all sub-consultants. The City Administrator will track MBE/WBE utilization to ensure the absence of unlawful discrimination on the basis of race or gender, and will make periodic reports to the City Council concerning such utilization. The City will report any discrimination in contracting to the appropriate Federal and State agencies, and will take appropriate action against consultants that are found to be engaging in discriminatory acts or practices up to and including termination or debarment of the responsible entity.

See also Attachment G Contract Compliance Program Guide.

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VI. CITY SCHEDULES

The following City schedules must be filled out and submitted with the proposal (see attached):

Schedule A: Scope of Services

Schedules C-1 and E: Non-Discrimination/Equal Employment Practices – Declaration of Compliance with the Americans with Disabilities Act (ADA), and Project Consultant Team

Consultant shall not discriminate or permit discrimination against any person or group of persons in any manner prohibited by federal, state or local laws. During the performance of this Agreement, Consultant agrees as follows:

- a. Consultant and Consultant's Sub-consultants, if any, shall not discriminate against any employee or applicant for employment because of age, marital status, religion, gender, sexual preference, race, creed, color, national origin, Acquired-Immune Deficiency Syndrome (AIDS), AIDS-Related Complex (ARC) or disability. This nondiscrimination policy shall include, but not be limited to, the following: employment, upgrading, failure to promote, demotion or transfer, recruitment advertising, layoffs, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.
- b. Consultant and Consultant's Sub-consultants shall state in all solicitations or advertisements for employees placed by or on behalf of Consultant that all qualified applicants will receive consideration for employment without regard to age, marital status, religion, gender, sexual preference, race, creed, color, national origin, Acquired-Immune Deficiency Syndrome (AIDS), AIDS-Related Complex (ARC) or disability.
- c. Consultant shall make its goods, services, and facilities accessible to people with disabilities and shall verify compliance with the Americans with Disabilities Act by executing Schedule C-1 attached hereto and incorporated herein.
- d. If applicable, Consultant will send to each labor union or representative of workers with whom Consultant has a collective bargaining agreement or contract or understanding, a notice advising the labor union or workers' representative of Consultant's commitments under this nondiscrimination clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

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- e. Consultant shall submit information concerning the ownership and workforce composition of Consultant's firm as well as its sub Consultants and suppliers, by completing Schedule E ("Project Consultant Team"), attached and incorporated herein and made a part of this Agreement.
- f. All affirmative action efforts of Consultants are subject to tracking by the City. This information or data shall be used for statistical purposes only. All Consultants are required to provide data regarding the make-up of their sub Consultants and agents who will perform City contracts, including the race and gender of each employee and/or Consultant and his or her job title or function and the methodology used by Consultant to hire and/or contract with the individual or entity in question.
- g. In the recruitment of Sub-consultants, the City of Oakland requires all Consultants to undertake nondiscriminatory and equal outreach efforts, which include outreach to minorities and women-owned businesses as well as other segments of Oakland's business community. The City Administrator will track the City's MBE/WBE utilization to ensure the absence of unlawful discrimination on the basis of age, marital status, religion, gender, sexual preference, race, creed, color, national origin, Acquired-Immune Deficiency Syndrome (AIDS), AIDS-Related Complex (ARC) or disability.
- h. In the use of such recruitment, hiring and retention of employees or Sub-consultants, the City of Oakland requires all Consultants to undertake nondiscriminatory and equal outreach efforts which include outreach to minorities and women as well as other segments of Oakland's business community.

Schedule D: Ownership, Ethnicity and Gender Questionnaire

Schedule M: Parts A & B: Independent Contractor Questionnaire

Schedule N: Declaration of Compliance – Living Wage Ordinance

- a. Overview: The contract for this project will be subject to the Living Wage Ordinance (No. 12050 C.M.S.) of the Oakland Municipal Code and its implementing regulations. The Ordinance requires that, unless specific exceptions apply or a waiver is granted, all service contractors who receive contracts for \$25,000 or more in any twelve month period, and recipients of City financial assistance of \$100,000 or more in any twelve month period shall provide payment of a minimum level of compensation to employees who perform services under or related to the contract project or program of \$9.90 per hour if health benefits of at least \$1.25 per hour are offered, or \$11.39 per hour if no health

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benefits are offered. Such rates shall be adjusted annually pursuant to the terms of the Ordinance. Under the provisions of the Living Wage Ordinance, the City shall have the authority, under appropriate circumstances, to terminate this contract and seek other remedies as set forth therein for violations of the Ordinance. See Schedule N, Living Wage Ordinance.

- b. **Compensated days off :** Said employees shall be entitled to twelve compensated days off per year for sick leave, vacation or personal necessity at the employee's request, and ten uncompensated days off per year for sick leave. Employees shall accrue one compensated day off per month of full-time employment. Part-time employees shall accrue compensated days off in increments proportional to that accrued by full-time employees. The employees shall be eligible to use accrued days off after the first six months of employment or consistent with company policy, whichever is sooner. Paid holidays, consistent with established employer policy, may be counted toward provision of the required 12 compensated days off. Ten uncompensated days off shall be made available, as needed, for personal or immediate family illness after the employee has exhausted his or her accrued compensated days off for that year.
- c. **Federal Earned Income Credit (EIC):** Consultant shall inform said employees who earn less than \$12.00 per hour that he or she may be eligible for EIC and shall provide forms to apply for advance EIC payments to eligible employees.
- d. **Communication with employees:** Consultant shall provide to all employees and to the Office of Contract Compliance, written notice of its obligation to eligible employees under the City's Living Wage requirements. Said notice shall be posted prominently in communal areas of the work site(s) and shall include the above-referenced information. Consultant shall provide all written notices and forms required above in English, Spanish or other languages spoken by a significant number of employees within 30 days of employment under this Agreement.
- e. **Reporting:** Consultant shall maintain a listing of the name, address, hire date, occupation classification, rate of pay and benefits for each of its employees. Consultant shall provide a copy of said list to the Office of Contract Compliance, on a quarterly basis, by March 31, June 30, September 30 and December 31 for the applicable compliance period. Failure to provide said list within five days of the due date will result in liquidated damages of five hundred dollars (\$500.00) for each day that

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the list remains outstanding. Consultant shall maintain employee payroll and related records for a period of four (4) years after expiration of the compliance period.

- f. Subcontractors: Consultant shall require Sub-consultants that provide services under or related to this Agreement to comply with the above Living Wage provisions. Consultant shall include the above-referenced sections in its subcontracts. Copies of said subcontracts shall be submitted to the Office of the City Administrator, Contract Compliance & Employment Services Division.

Schedule N-1: Equal Benefits – Declaration of Nondiscrimination

This agreement subject to the Equal Benefits Ordinance of Chapter 2.232.010 of the Oakland Municipal Code and its implementing regulations. The purpose of this Ordinance is to protect and further the public, health, safety, convenience, comfort, property and general welfare by requiring that public funds be expended in a manner so as to prohibit discrimination in the provision of employee benefits by City Consultants (consultants) between employees with spouses and employees with domestic partners, and/or between domestic partners and spouses of such employees. (Ord. 12394 (part), 2001)

Entities which enter into a "contract" with the City for an amount of twenty-five thousand dollars (\$25,000.00) or more for public works or improvements to be performed, or for goods or services to be purchased or grants to be provided at the expense of the City or to be paid out of moneys deposited in the treasury or out of trust moneys under the control of or collected by the city; and Entities which enter into a "property contract" pursuant to Section 2.32.020(D) with the City in an amount of twenty-five thousand dollars (\$25,000.00) or more for the exclusive use of or occupancy (1) of real property owned or controlled by the city or (2) of real property owned by others for the city's use or occupancy, for a term exceeding twenty-nine (29) days in any calendar year.

The Ordinance shall only apply to those portions of a Consultant's operations that occur (1) within the city; (2) on real property outside the city if the property is owned by the city or if the city has a right to occupy the property, and if the contract's presence at that location is connected to a contract with the city; and (3) elsewhere in the United States where work related to a city contract is being performed. The requirements of this chapter shall not apply to subcontracts or sub Consultants.

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Schedule O: Contractor Acknowledgement of City of Oakland Campaign Contribution Limits

This Agreement is subject to the City of Oakland Campaign Reform Act of Chapter 3.12 of the Oakland Municipal Code and its implementing regulations if it requires Council approval. The City of Oakland Campaign Reform Act prohibits Consultants that are doing business or seeking to do business with the City of Oakland from making campaign contributions to Oakland candidates between commencement of negotiations and either 180 days after completion of, or termination of, contract negotiations. If this Agreement requires Council approval, Consultant must sign and date an Acknowledgment of Campaign Contribution Limits Form attached hereto and incorporated herein as Schedule O.

Schedule P: Nuclear Free Zone Disclosure Form – S

The prospective service provider must have on file with the City of Oakland a Nuclear Free Zone disclosure Form- S stating that neither the service provider nor any of its subsidiaries, affiliate or agents engages in nuclear weapons work or anticipate entering into such work for the duration of its contract with the City of Oakland. Such disclosure forms enable the City to determine whether the contractor is in compliance with Ordinance No. 11062 C.M.S., adopted December 16, 1988. The prohibition against contracting with a nuclear weapons maker may be waived if the City Council determines, after a public hearing, that a specific contract is essential to the proper functioning of the city government and that no reasonable alternative exists.

Schedule Q: Insurance Requirements, Professional and Specialized Services Agreements**Schedule S: Audit, Inspection and Fiscal Reporting Requirements****Schedule U: Compliance Commitment Agreement****Schedule V: Affidavit of Non-Disciplinary or Investigatory Action****DRAFT CITY OF OAKLAND**

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VII. SUBMITTAL AND SELECTION PROCESS

A. SCHEDULE

The following is the anticipated timeline for this RFP process:

Issue RFP	August 1, 2008
Pre-Proposal conference	August 18, 2008
Submission deadline	September 5, 2008
Initial selection process and interviews	September 15, 2008
Final selection	September 25, 1008
Committee approval	October 7, 2008
City Council approval	October 14, 2008
Commence contract	November 1, 2008

B. PRE-PROPOSAL MEETING

All prospective Proposers are strongly encouraged to attend a **pre-proposal meeting**:

August 15, 2008
 10:30 a.m.
 City of Oakland
 Dunsmuir Conference Room
 250 Frank Ogawa Plaza, Third Floor
 Oakland, CA 94612

The purpose of this conference is to review, discuss and make any necessary clarifications relating to the RFP, and for prospective Proposers to learn about the City's Living Wage ordinance and the City's Equal Benefits Ordinance.

While Proposers are encouraged to be in attendance at the above referenced meeting, attendance is not a mandatory requirement.

Responses to questions at the conference will be for clarification only and such verbal response will not be considered binding upon the City. Only information contained in the original Request for Proposals and applicable written addenda, which may be issued by the City, will be considered binding upon the City.

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C. QUESTIONS

Inquiries concerning this RFP must be submitted in writing by July 10, 2008 to the appropriate individuals listed below.

If necessary, replies to inquiries will be published in the form of an addendum to the RFP, which will be distributed to all prospective Proposers. The City will not be responsible for oral interpretation of the documents.

Should any error appear in the RFP documents, Proposers should notify the City at the address below as soon as possible. If the error is such that it becomes necessary to revise any part of this RFP, an addendum to the RFP will be provided to all Proposers.

Questions concerning RFP, process, timeline, etc.

Margot Lederer Prado, AICP	mprado@oaklandnet.com
CEDA Business Development Services	510 238 6766 ph
City of Oakland	510 238 2226 fax
250 Frank Ogawa Plaza, Suite 3315	
Oakland, CA 94612	

Questions concerning insurance, schedules, process

Mary Miller	mmiller@oaklandnet.com
CEDA	510 238 4787 ph
City of Oakland	510 238 2226 fax
250 Frank Ogawa Plaza, Suite 3315	
Oakland, CA 94612	

Questions concerning Living Wage and Local/Small Local Business Enterprise programs

Shelley Darensburg	sdarensburg@oaklandnet.com
Contract Compliance office	510 238 7325 ph
City of Oakland	510 238 3363 fax
250 Frank Ogawa Plaza, Suite 3341	
Oakland, CA 94612	

D. INTERVIEWS WITH SHORT-LISTED FIRMS

Two to three firms may be invited for an interview. The firms selected to be interviewed will be notified in writing. Interviews will be held in person at the City of Oakland offices in Frank Ogawa Plaza, Oakland.

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The interviews will last approximately 60 minutes, with time allocated equally between the consultant's presentation and a question-and-answer period. The finalist firms shall be prepared to discuss at the interview their concepts for the site, and are encouraged to discuss and bring examples of their work.

D. CONTRACT NEGOTIATION

After completion of the interview process, the top-ranked firm will be invited to participate in negotiations for contract terms and fee amount. If agreement cannot be reached within a reasonable time frame, the City may terminate the negotiations and begin negotiations with the second ranked firm.

E. CITY COUNCIL APPROVAL

Following contract negotiation, City staff will forward to City of Oakland City Council a recommendation to award the contract. City Council approval is required to award the contract.

G. CONTRACT AWARD

Award will be by written agreement with the selected Consultant. A written agreement signed by both parties and mailed or otherwise delivered to the selected Proposer, shall result in a binding agreement without further action by either party. The agreement shall be interpreted, construed and given effect in all respects according to the laws of the State of California and the ordinances of the City of Oakland. The agreement shall not be assigned by the Consultant, in whole or in part, without the express written consent of the City.

VII. TERMS OF THE PROPOSAL AND AGREEMENT

A. LIMITATIONS ON THIS REQUEST FOR PROPOSALS

1. The City of Oakland reserves the right to reject any or all proposals submitted; to request clarification of information submitted and/or to request additional information of one or more competitors; and the right to waive any irregularity on the proposal submission and review process. An award, if decided, will be made to the firm/individual best qualified and whose proposal is deemed to be in the best interest for Oakland.
2. All responses to the RFP become the property of the City of Oakland.
3. This RFP does not commit the City of Oakland to award a contract or to pay any cost incurred in the preparation of the proposal.
4. The City of Oakland reserves the sole right to evaluate each acceptable proposal and to accept or reject any or all proposals received as a result of this RFP.
5. The City of Oakland reserves the right to cancel in part, or in its entirety, this RFP and to waive any minor irregularities in the RFP procedure.
6. The City of Oakland may require Proposers selected to participate in negotiations and to submit such price, fee technical, or other revisions of their proposals as may result from negotiations.
7. The proposal must remain valid for 180 days after submission.
8. Should the proposal be accepted by the City Council, the City and the successful Proposer will enter into a contract within thirty (30) days.
9. Once a final award is made, all proposals submitted in response to the RFP become a matter of Public Record and shall be regarded by the City as Public Records. The City of Oakland shall not in any way be liable or responsible for the disclosure of any such records or portions thereof if the disclosure is made pursuant to a request under the Public Records Act.

B. CONFIDENTIALITY

1. Under no circumstances will the Consultant use, publish, sell or otherwise disclose to any third parties any information or the contents of any record submitted to him by the City for processing, except as reasonably necessary to accomplish performance of contractual obligations.
2. The Consultant shall hold confidential all data, information, documents, and records given by the City. Adequate steps will be taken to guarantee the security and confidentiality of all data submitted and in the possession of the Contractor.

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3. The records and information submitted to the consultant by the City shall be protected by locked facilities when unattended. Protection of records and information shall include the prevention from unauthorized use and disclosure by the Consultant, the Consultant's personnel, or other persons.
4. No report, information data, files, or tapes furnished or prepared by the Consultant or its subcontractors, successors, or agents shall be made available to any individual or organization without the prior written approval of the City Administrator, Director of Finance, or City Attorney, other than to individuals or organizations necessary for the effectuation of the terms and conditions of the agreement.
5. The Consultant shall not, however, be required to keep confidential any data or information, which is or becomes publicly available, is already rightfully in the consultant's possession, independently developed by the Consultant outside the scope of the agreement, or is rightfully, obtained from third parties.

C. CONFLICT OF INTEREST

The City of Oakland may not contract with a Proposer if the Proposer or an employee, officer, or director of Proposer's firm or any immediate family member of the preceding, serves as an elected officer or employee of the City or a City Board/Commission member, who may influence the awarding of the contract.

D. BUSINESS TAX REGISTRATION

Proposer must possess a valid City of Oakland Business Tax Registration at the time of contract award.

E. LENGTH OF CONTRACT

The resulting agreement will be a renewable one-year contract FY 2008-2009, with possible extensions at the discretion of the City for an additional year FY 2009-2010. Extensions may be executed by letter from the City Administrator.

F. PERFORMANCE/AUDIT

Performance standards measurement will be quantified by an independent auditor as selected by the City.

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G. FAIR POLITICAL PRACTICES ACT

The Fair Political Practices Act and/or California Government Code Section 1090, among other statutes and regulations may prohibit the City from contracting with a service provider if the service provider or an employee, officer or director of the service providers' firm, or any immediate family of the preceding, or any sub Consultant or consultant of the service provider, is serving as a public official, elected official, employee, board or commission member of the City who will award or influence the awarding of the contract or otherwise participate in the making of the contract. The making of a contract includes actions that are preliminary or preparatory to the selection of a Consultant such as, but not limited to, involvement in the reasoning, planning and/or drafting of solicitations for bids and RFPs, feasibility studies, master plans or preliminary discussions or negotiations.

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ATTACHMENTS AND SCHEDULES**ATTACHMENTS**

- A Industrial Sub-Area Map
- B. Summary of Oakland Partnership

SCHEDULES

- A Scope of Services
- C-1 Declaration of Compliance with the Americans with Disabilities Act
- D Ownership, Ethnicity and Gender Questionnaire
- E Project Consultant Team
- M Parts A & B: Independent Contractor Questionnaire
- N Declaration of Compliance – Living Wage Ordinance
- N-1 Equal Benefits – Declaration of Nondiscrimination
- O Contractor Acknowledgement of City of Oakland Campaign Contribution Limits
- P Nuclear Free Zone Disclosure Form – S
- Q Insurance Requirements, Professional and Specialized Services Agreements
- S Audit, Inspection and Fiscal Reporting Requirements
- U Compliance Commitment Agreement
- V Affidavit of Non-Disciplinary or Investigatory Action