

CITY OF OAKLAND
AGENDA REPORT

2007 APR - 5 PM 4:41

TO: Office of the City Administrator
ATTN: Deborah A. Edgerly
FROM: Finance and Management Agency
DATE: April 17, 2007

RE: **A Report and Resolution Awarding a Contract to Mason Tillman Associates, Ltd., in an Amount Not-to-Exceed One Hundred Forty-nine Thousand Nine Hundred Ten Dollars (\$149,910.00) for Completion of the Fairness in Hiring and Employment Disparity Study ("Workforce Disparity Study") for the City of Oakland**

SUMMARY

In 2005, the Council directed the City Administrator to conduct Request for Proposal (RFP) processes to engage consultants to complete two studies: 1) Fairness in Purchasing and Contracting Study ("Disparity Study"), and 2) Fairness in Hiring and Employment (Disparity Study) and return to Council for authorization prior to executing the contract(s). Additionally, the City Council requested that the results of the two studies be presented concurrently.

This report provides information on the Fairness in Hiring and Employment Disparity Study (hereinafter referred to as the "Workforce Disparity Study") RFP process and seeks City Council's approval of the resolution to authorize the City Administrator to award a contract to Mason Tillman Associates, Ltd., in an amount not-to-exceed, \$149,910 to complete the Workforce Disparity Study for the City of Oakland.

FISCAL IMPACT

Funds for this project are available within the General Purpose Fund (1010), City-wide Activities Organization (90591) and Croson Race and Gender Disparity Study Project (P277210). The project cost will not exceed \$149,910.

BACKGROUND

The City Charter, Article IX, Section 900(a), requires the City to conduct a race and gender disparity evaluation and "study its workforce in comparison to the relevant labor pool to determine if there are manifest racial or gender imbalances in traditionally segregated job classifications."

In July 2005, the Finance and Management Agency (FMA) assumed the lead on the Workforce Disparity Study contract. FMA's outreach/advertisement efforts included the following: Placed

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announcements in the Oakland Tribune, Oakland Post, Asian Weekly and El Mundo; posted the entire RFP on the City's website and mailed copies to nine (9) firms throughout the country (including three local firms). Two firms responded: Mason Tillman Associates, Ltd., Oakland, California, and the Boston Research Group in association with Holland and Knight, LLP of Atlanta, Georgia. The two firms were interviewed by a review panel consisting of staff from the Finance Management Agency (FMA), FMA-Personnel, Port of Oakland's Equal Opportunity Office, City Administrator's Equal Opportunity Office and the Public Works Agency. Based on the proposals and interviews, the panel recommended Mason Tillman Associates, Ltd. Mason Tillman Associates' strengths include: clear methodology and approach, extensive experience, reasonable costs and local business.

Shortly after selecting the contractor, the Finance and Management Agency's project manager left the City and the project stalled. From the records available, staff has been unable to determine why the contract was never forwarded to the City Council for approval and implementation.

KEY ISSUES AND IMPACTS

In February 2007, the Rules and Legislation Committee requested an update on the progress of both disparity studies. The City Administrator's Contract Compliance Office reported that the results of the contracting disparity study would be available for scheduling in April 2007. At that time, Contract Compliance staff reported that the Workforce Disparity Study would be presented after the contracting portion was presented to the City Council. The Rules Committee members indicated their preference to hear the findings for both studies at a committee meeting prior to the August recess. Subsequently, the Contracting Disparity Study was placed on the March 15, 2007 Rules and Legislation Committee agenda for scheduling.

At the March 15, 2007, Rules and Legislation Committee Meeting, the Finance and Management Agency Director reiterated that staff intended to provide the results of the Workforce Disparity Study findings after the contracting portion was presented to Council and prior to the City Council recess. However, the Rules and Legislation Committee again expressed their desire to hear the results of both studies together. At that meeting, staff indicated that the contract for the workforce portion of the study was being finalized for sign-off and approval by the City Administrator. Staff also indicated that data was being provided to the consultant, Mason Tillman Associates, Ltd. to begin evaluation and analysis even though a resolution awarding the contract to Mason Tillman Associates has not yet been approved by Council.

While reviewing the contract for approval, the City Attorney's Office advised staff that the original 2005 City Council resolution (Resolution No. 79108 C.M.S.) directed staff to "return to Council for award of the Workforce Disparity Study contract." Therefore the City Administrator

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is returning to Council for award of the contract even though the cost of the contract now falls within the City Administrator's purchasing authority (Oakland Municipal Code Ch. 2.04).

At the March 29, 2007, Rules and Legislation Committee, the two studies were scheduled for Community and Economic Development Committee meetings as follows: The Fairness in Purchasing and Contracting (Disparity Study), April 24, 2007, and the Workforce Disparity Study, June 12, 2007. In order to achieve results in this short time frame, the City's project team has begun and will continue to work closely with the consultant on the Workforce Disparity Study.

PROJECT DESCRIPTION

In accordance with Section 900 - Personnel Policy of the Oakland City Charter, the consultant, Mason Tillman Associates, Ltd., will perform the following:

- Identify the required data. Collaborate with City of Oakland in data collection and review adequacy of data to perform required statistical analysis for the three previous years ending 2006.
- Identify the number of employees in each of the City's job classifications by race and gender as defined by the Federal Census Bureau.
- Identify the relevant labor pool for the City.
- Compare the race and gender composition of all City employees (full-time and part-time) to the race and gender composition of the City, County of Alameda and the San Francisco-Oakland Metropolitan Statistical Area.
- Identify the underutilization of available workers by ethnicity and gender in each Equal Employment Opportunity (EEO) job classification.
- Identify any manifestations of racial or gender imbalances in traditionally segregated job classifications.
- Provide statistical analysis with a minimum of 95 percent validity and explain the methodology behind the statistical analysis (formulas) used.
- Work with the City Administrator, Finance and Management Agency and City Attorney throughout the data collection and analysis phases; explain study findings and methodology to the City Council and Council Committees as requested.

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- Identify the federal equal-opportunity requirements that are triggered by specific disparity or discrimination related findings and determine whether the available data supports or does not support such a finding.
- Examine the effectiveness of the City's existing remedial measures by analyzing existing race and gender neutral remedial measures and discuss the effectiveness of each.
- Develop a race and gender neutral remedial program that the City can use if the study demonstrates an imbalance.
- Evaluate the outreach methods used by the Finance and Management Agency, Office of Personnel Resource Management to fill vacancies.
- Assist in managing the presentation of public testimony relative to underutilization.
- Testify in any litigation relating to the study or otherwise assist the City Attorney in any litigation related to the consultant's work on the project.
- Submit status reports to the City Administrator per a schedule that will be developed.

SUSTAINABLE OPPORTUNITIES

Economic and Social Equity: The City of Oakland is establishing economic opportunities and social justice for its relevant labor pool by ensuring and promoting a fair employment and hiring process.

Environmental: There are no environmental opportunities associated with this report.

DISABILITY AND SENIOR CITIZEN ACCESS

This report has no affect on disability and senior citizen access.

RECOMMENDATION AND RATIONALE

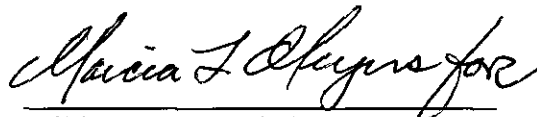
Staff recommends that the City Council award a contract to Mason Tillman Associates, Ltd. in an amount not-to-exceed \$149,910 to complete the Fairness in Hiring and Employment Disparity Study in accordance with the City Charter.

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ACTION REQUESTED OF THE CITY COUNCIL

Authorize the City Administrator to award a contract to Mason Tillman Associates, LTD., in an amount not-to-exceed \$149,910 for completion of the Fairness in Hiring and Employment Disparity Study ("Workforce Disparity Study").

Respectfully submitted,



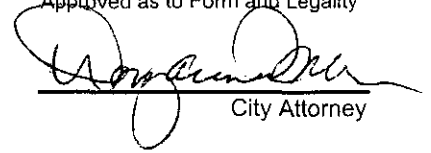
William E. Noland, Agency Director
Finance and Management Agency

Prepared by:
Jeanette B. Edgerly, ASM, II
Finance and Management - Administration

APPROVED AND FORWARDED TO THE
CITY COUNCIL


Office of the City Administrator

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City Attorney

OFFICE OF THE CITY CLERK
CITY OF OAKLAND

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RESOLUTION No. _____ C.M.S.

RESOLUTION AWARDING A CONTRACT TO MASON TILLMAN ASSOCIATES, LTD. IN AN AMOUNT NOT-TO-EXCEED ONE HUNDRED FORTY-NINE THOUSAND NINE HUNDRED TEN DOLLARS (\$149,910.00) TO COMPLETE THE FAIRNESS IN HIRING AND EMPLOYMENT DISPARITY STUDY (“WORKFORCE DISPARITY STUDY”) FOR THE CITY OF OAKLAND

WHEREAS, the City of Oakland Charter, Article IX, Section 900 requires the City to “study its workforce in comparison to the relevant labor pool to determine if there are manifest racial or gender imbalances in traditionally segregated job classifications”; and

WHEREAS, a detailed request for proposals (RFP) was prepared and announcements were placed in the Oakland Tribune, Oakland Post, Asian Weekly and El Mundo, the entire RFP was posted on the City’s website and nine (9) copies were mailed to firms throughout the country (including three local firms); and

WHEREAS, two firms submitted proposals in response to the RFP and both firms were invited to participate in the interview process that was conducted by a review panel consisting of staff from Finance and Management Agency Administration and Personnel units, Port of Oakland’s Equal Opportunity Office, City Administrator’s Equal Opportunity Office and the Public Works Agency; and

WHEREAS, Mason Tillman Associates was determined the most qualified responder and is recommended to be selected for the work; and

WHEREAS, the Finance and Management Agency will appropriate funds in an amount not-to-exceed \$149,910.00 under funding code General Purpose Fund (1010, Organization 90591, Project P277210); and

WHEREAS, the City Council finds and determines that the services provided under the agreement hereunder are of a professional and temporary nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive civil service; now, therefore, be it

RESOLVED: That the City Council hereby awards the contract for completion of the Fairness in Hiring and Employment Disparity Study (“Workforce Disparity Study”) for the City of Oakland to Mason Tillman Associates, Ltd., in an amount not-to-exceed one hundred forty-nine thousand nine hundred ten dollars (\$149,910.00); and be it

FURTHER RESOLVED: That the contract shall be reviewed and approved by the City Attorney for form and legality and a copy placed on file in the office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID,
and PRESIDENT DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

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