



AGENDA REPORT

TO: Jestin D. Johnson
City Administrator

FROM: Erin Roseman
Director of Finance

SUBJECT: EMC Research, Inc.
Professional Services Agreement

DATE: February 27, 2024

City Administrator 
Approval Jestin Johnson (Feb 29, 2024 21:18 PST)

Date Feb 29, 2024

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Waiving The City's Competitive Request For Proposals/Qualifications (RFP/Q) Requirements And Awarding A Professional Services Agreement To EMC Research, Inc. In An Amount Not To Exceed Two Hundred Thousand Dollars For Polling Services

EXECUTIVE SUMMARY

The City Administration is exploring seeking assistance from a consultant to provide polling services, data analysis, report creation, ballot measure development, and community engagement strategy services in anticipation of possible 2024 revenue ballot measures where the City may request voter approval to support:

- support continued investment in public safety through a renewal and enhancement of the 2014 Oakland Public Safety and Services Violence Prevention Act (Measure Z);
- support public safety infrastructure needs through a general obligation bond; and
- support general or specific City needs via other revenue measure(s).

Authorizing this professional services agreement ensures that the residents of Oakland's voices and needs are heard, and the City can continue to explore all revenue generating opportunities to meet those needs.

BACKGROUND/LEGISLATIVE HISTORY

On July 29, 2014, the Oakland City Council adopted [Resolution No. 85149 C.M.S.](#), that submitted the 2014 Oakland Public Safety and services Violence Prevention Act (Measure Z) to the voters at the November 4, 2014 statewide general election. Measure Z passed with a vote of 77.5% and was certified via [Resolution No. 85300 C.M.S.](#)

On January 18, 2022, the Oakland City Council adopted [Resolution No. 88999 C.M.S.](#), that authorized the City Administrator to negotiate and award a professional services agreement to EMC Research, Inc. for polling services for potential 2022 ballot measures.

On July 11, 2022, the Oakland City Council adopted [Resolution No. 89314 C.M.S.](#), that submitted the 2022 Affordable Housing and Infrastructure Bond measure (Measure U) to the voters at the November 8, 2022 general election. Measure U passed with a vote of [75.33%](#) and was certified via [Resolution No. 89543 C.M.S.](#)

On June 26, 2023, the City Council adopted [Resolution No. 89804 C.M.S.](#), which adopted the FY 2023-25 Biennial Budget inclusive of the Capital Improvement Program and Policy Directives. The Budget Policy Directives instructs the City Administration to develop a plan for increased [revenue generation](#) including the polling and development of a ballot measure to replace Measure Z, the 2014 Oakland Public Safety and Services Violence Prevention Act.

ANALYSIS AND POLICY ALTERNATIVES

EMC Research Inc. (EMC) is a full-service opinion research firm known for crafting insightful research tools, collecting highly accurate data, and providing analysis that answers the key strategic questions of an organization. EMC is a certified women-owned Oakland local business enterprise (LBE) with over 30 years of experience conducting research on behalf of public agencies and governments in California on local issues and revenue measures. Subconsultant, CliffordMoss is an Oakland-based strategic communications firm and certified small-local business enterprise (SLBE). CliffordMoss specializes in tax election consulting services.

EMC and Clifford Moss collectively have a proven track record with the City of Oakland. The consultants have successfully polled and communicated the needs of the residents to gain approval on Measure D, the 2018 Oakland Public Library Preservation Act, and Measure U, the 2022 Affordable Housing and Infrastructure Bond measure (Measure U). Impressively, after two failed attempts at a violence prevention and public safety measure, EMC and CliffordMoss teamed together with stakeholders to bring forth the voter approved Measure Z, 2014 Oakland Public Safety and services Violence Prevention Act. Staff is confident in the consultant's ability to provide the feasibility analysis needed to determine the possibility of a successful Measure Z renewal given that the measure is near its expiration date. If Measure Z is not renewed, the City will lose \$31M in revenues for public safety services and this information is critical information required to confidently budget for the next biennial budget.

Oakland Municipal Code (OMC) section 2.04.051A requires that the City Administrator conduct a competitive process and requests for proposals (RFP) for professional services contracts. Staff recommends that, pursuant to OMC section 2.04.051B, the City Council finds and determines that it is in the best interest of the City to waive the competitive process for this professional services contract because the significant time constraints to make the filing deadline to place an item on the November 5, 2024 ballot. The filing deadline is August 09, 2024 which indicates that if there is a ballot measure to be placed on the November 2024 election, City Council's approval of such measure must be authorized no later than May 21, 2024. Due to these time constraints, and to thoroughly poll, analyze, and draft the ballot measure language staff requests the waiver of the RFP process to meet the filing deadline.

FISCAL IMPACT

This professional services agreement will provide the City guidance and potentially identify revenue generating opportunities for the City. Approval of the proposed resolution authorizes the City Administrator, or Designee, to award a professional services agreement to EMC Research, Inc. in an amount not to exceed two hundred thousand dollars (\$200,000.00) for polling, data analysis, report creation, ballot measure development and community services engagement services.

Funding for the proposed contract is available in the Fiscal Year (FY) 2023-2025 Biennial Adopted Budget in the following funding sources:

Table 1: Funding Sources

Fund	Organization	Project	Account	Program	Amount
1010 – General Purpose	02111 – City Admin.	1000002 – Admin Project	54011 – Contract Contingencies	IP15 – Elections & Political Compliance	\$200,000
Total Funding					\$200,000

PUBLIC OUTREACH / INTEREST

This item did not require any additional public outreach other than the required posting on the City’s website.

COORDINATION

Staff in the Finance Department worked with the Department of Workplace & Employment Standards to ensure compliance with the City’s contracting requirements. This report and resolution were submitted to the City Attorney’s Office, City Administrator’s Office and Budget Bureau for review and approval.

SUSTAINABLE OPPORTUNITIES

Economic: The identification of potential revenue opportunities may fund the City’s infrastructure specifically public safety facilities. The various projects and programs have numerous economic opportunities for Oakland businesses, including contracts for construction and professional services, and the development of key sites to grow existing and attract new businesses.

Environmental: The professional services agreement is in direct support of the City’s goal to develop a “Sustainable and Healthy Environment” as the services provided by the consultants will identify the possibility of an infrastructure bond ballot measure which would include investments

in Oakland. Infrastructure projects will incorporate as many “environmental sustainability” features into the design and construction of the project as are practical and financially feasible.

Race and Equity: A racial equity analysis has not been conducted; however, should the polling results reveal the ability for the City to be successful in a new infrastructure bond ballot measure, all projects will be subject to a race and equity analysis as the City’s efforts in achieving an equitable Oakland are priority for the Oakland City Council, Mayor’s Office, and City Administration.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt A Resolution Waiving The City’s Competitive Request For Proposals/Qualifications (RFP/Q) Requirements And Awarding A Professional Services Agreement To EMC Research, Inc. In An Amount Not To Exceed Two Hundred Thousand Dollars For Polling Services

For questions regarding this report, please contact Brittany Hines, Assistant to the Director, at (510) 238-7078.

Respectfully submitted,



[Erin Roseman \(Feb 29, 2024 16:02 PST\)](#)

ERIN ROSEMAN
Director of Finance

Prepared By:
Brittany Hines, Assistant to the Director
Finance Department