

CITY OF OAKLAND
AGENDA REPORT

2011 JUN 30 PM 6:43

TO: Office of the City Administrator
ATTN: P. Lamont Ewell, Interim City Administrator
FROM: Department of Contracting and Purchasing
DATE: July 12, 2011

RE: Report and Recommendation to (1) Adopt Changes to the City of Oakland's Local and Small Local Business Enterprise (L/SLBE) Program, as Recommended by the Fairness in Purchasing and Contracting Disparity Study, and (2) Adopt an Ordinance amending Ordinance Number 12389 C. M. S. to Authorize Changes to the L/SLBE Program Including Size Standards, Local and Small Local Business Participation, Certification Categories and the Award of Bid Discounts and Preference Points.

SUMMARY

This report is written in response to questions/concerns raised at the May 24th Community and Economic Development Committee meeting regarding the implementation of the City of Oakland's Local and Small Local Business Enterprise ("L/SLBE") Program, as recommended by the Fairness in Contracting and Purchasing Disparity Study. It also discusses and recommends the adoption of an Ordinance to amend Ordinance number 12389 C.M.S., which authorizes changes to the L/SLBE Program, including using 30% of the SBA size standards, to define Oakland-certified small businesses, and to adjust those standards as SBA standards are updated; adding two new certification categories to include Very Small Local Business Enterprise and Locally Produced Goods Local Business Enterprise; increasing the level of participation from a minimum 20% requirement to a minimum 50% participation requirement (with the exception of some trade categories); awarding additional preference points for local businesses according to years in Oakland (regardless of participation) and finally, additional preference points for employing Oakland residents on professional services contracts.

FISCAL IMPACT

There are no fiscal impacts associated with the information in this report.

BACKGROUND

Currently, pursuant to Ordinance 12389 C.M.S., persons and firms who compete for purchases from the City of Oakland, or who wish to enter into construction or service contracts, may be awarded "preference points" or "percentage discount points" during the competitive bidding or proposal process if they have been certified by the City of Oakland as a Local or Small Local Business Entity. The current ordinance requires a minimum 20% total LBE and SLBE participation (with a minimum 10% SLBE participation as a subset) in order to earn maximum preference or discount points.

At its meeting on May 24, 2011, the members of the Community and Economic Development Committee asked staff to return with answers posed by members, as well as an ordinance that amends the current L/SLBE ordinance and reflects the program changes as recommended and approved.

KEY ISSUES AND IMPACTS

This report will address the questions posed by the Community and Economic Development committee and present the ordinance to codify the program. The new proposed ordinance is made as part of this report and can be found in *Attachment A*.

Specifically, the six questions include the following:

1. **What will be the maximum number of preference points that Oakland-certified business may earn under the new 50% L/SLBE Program? What is the maximum number of preference points that a non-Oakland-certified business may earn under the new 50% L/SLBE Program?**
 - As part of the evaluation phase of a Request For Proposal process, Oakland-certified business may earn up to a maximum of 16 potential preference points if a company: (a) has been in Oakland for 25 years - (+5 points), (b) has 100% Oakland resident workforce - (+5 points), (c) the company proposes to hire Oakland residents in potential vacancies - (+1 point) and (d) the company proposes up to 80% L/SLBE participation - (+5 points).
 - As part of the evaluation phase of a Request For Proposal process, a non- Oakland – certified business may earn up to a maximum of 11 potential preference points if a company has (a) has 100% Oakland resident workforce (+5 points), (b) the company proposes to hire Oakland residents in potential vacancies (+1 point) and (c) the company proposed up to 80% L/SLBE participation (+5 points).
2. **Under the new 50% L/SLBE Program, how will Oakland-certified companies earn additional preference points regardless of size?**
 - Oakland-certified companies will earn additional preference points (regardless of size) during the evaluation phase of the Request for Proposal (RFP) process. Oakland-certified companies may earn up to a maximum of 16 preference points as described in the answer question #1 above.
 - Please also see Table 1-A below “Years in Oakland” and “Oakland Resident Workforce”. Additional preference points will be awarded to Oakland-certified companies according to the number of years operating as a business in Oakland and according to the percentage of Oakland residents in the company’s workforce.
3. **Under the new 50% L/SLBE Program, will extra points be awarded to companies for employing Oakland residents?**
 - Yes, for non-construction RFPs, extra points will be awarded to companies

employing Oakland residents. See Table 1-A. Additional preference points will be awarded to Oakland certified companies for employing Oakland residents according to the percent of full-time equivalent Oakland residents in the workforce; with one point for up to 24% Oakland residents and one additional point for each 25% up to a maximum of 5 points. One additional point was added for businesses up to 25% giving a total of 5 points instead of 4 as previously reported.

Table 1-A
 Preferences Points (Apply to Requests For Proposals)

Years in Oakland		Oakland Resident Workforce	
(1) Years in Oakland	Additional Points	(2) Workforce	Additional Points
5 yrs	1 pt	Up to 24%	1 pt
10 yrs	2 pts	25%- 49%	2 pts
15 yrs	3 pts	50% -74%	3 pts
20 yrs	4 pts	75%-99%	4 pts
25 yrs	5 pts	100%	5 pts
		New Hires	1 point
Total	5 pts	Total	6 pts

Table 1-B 50% L/SLBE Participation

(3) L/SLBE Participation			Professional Services	Construction Services
LBE	SLBE	Total	Preference Points	Bid Discounts
25%	25%	50%	2 pts	2%
30%	30%	60%	3pts	3%
35%	35%	70%	4 pts	4%
40%	40%	80%	5 pts	5%

Table 1-B represents the 50% minimum participation and associated preference points and bid discounts. The minimum 50% participation is satisfied at a rate of 25% local and 25% small local business participation. When a company proposes the 50% minimum that company will earn a 2% bid discount for construction bids and an additional 2 preference points on Request for Proposals.

As noted above, a company may earn up to 5 preference points for 80% L/SLBE participation on a Request for Proposal and up to a 5% bid discount on construction contracts.

4. What policies do other entities have in place regarding local, small local and very small local businesses participation and associated goals and preferences?

- See Table 2 for a summary of the goals, preference points and bid discounts offered by other jurisdictions. Staff examined the goals, preferences and bid discounts of other entities in California including Contra Costa County, Alameda CTC, San Jose, San Francisco, San Diego, City of Los Angeles and Sacramento. For purposes of discussion, staff recommends focusing on a program that operates similar to that of the City of Oakland as a point of reference only. The Alameda County Transportation Commission (formerly referred to as the Alameda County Transportation Authority or ACTA) is similar to the City's new policies. Additional survey information is provided as Attachment B and contains notes that further explain the survey information.

Table 2-A

CONSTRUCTION SERVICES REQUIREMENTS						
	<u>LBE Required?</u>	<u>SLBK Required?</u>	<u>VSLBI/ *ELBE Program?</u>	<u>Bid Discounts?</u>	<u>Local Hire Required</u>	<u>**Sheltered Market</u>
1	Alameda CTC (Formerly ACTA)	60%	Set by project	Yes (See note)	No	Yes
2	Alameda County	No	20%	Yes (See Note)	10% (See note)	Yes
3	Contra Costa	No	50% (See notes)			
4	Long Beach	No	Yes (see note)	Yes	10%	No
5	City of Los Angeles	No	No	Yes	See note	No
6	Oakland	25% Proposed	25% Proposed	Proposed	Up to 5%	Yes
7	Port of Oakland	Set by project (See Note)	Set by project (See Note)	Yes	No	Yes
8	Sacramento	No	No	No	Yes (see note)	No
9	San Diego	Yes (see note)	Yes (see note)	Yes	5% up to \$50K	No
10	San Francisco (SF)	Yes (see note)	No	20% Increase 5% each year up to 50%. (See note)	10% for projects 10K to 10M	Yes
11	SF Re-development		50% Goal (See note)			
12	San Jose	No	No	No	Yes (See note)	No

Table 2-B

PROFESSIONAL SERVICES REQUIREMENTS						
	<u>LBE Required?</u>	<u>SLBE Required?</u>	<u>VSLBE/ *ELBE Program?</u>	<u>Preferences?</u>	<u>Local Hire Required</u>	<u>**Sheltered Market</u>
1	Alameda CTC (Formerly ACTA)	70%	30%	Yes (See note)	No	Yes
2	Alameda County	No	20%	Yes (See Note)	5 or 10 points	Yes
3	Contra Costa	No	50% (See notes)			
4	Long Beach	No	Yes (see note)	Yes	10%	No
5	City of Los Angeles	No	No (See note)	Yes	See note	No
6	Oakland	25% Proposed	25% Proposed	Proposed	Up to 5%	Yes
7	Port of Oakland	Set by project (See Note)	Set by project. (See Note)	Yes		Yes
8	Sacramento	No	No	No	No (sec note)	Yes (See note)
9	San Diego	Yes. (see note)	Yes. (see note)	Yes	5% up to \$50K	No
10	San Francisco (SF)	Yes (See note)	No	20% to increase 5% each year up to 50%. (See note)	10% for projects 10K to 10M	Yes
11	SF Re-development		50% Goal (See note)			Micro-LBE for < \$400K
12	San Jose		No	No	5% (See note)	No

4. How was preference points awarded in the past? What percent of bidders earned 5% bid discounts over a two year period?

- Preferences were previously awarded in the same fashion as they are proposed for the new L/SLBE Program. During the evaluation phase of the RFP process, preference points are awarded over and above the points earned for technical expertise and other relative criteria typically totaling 100 points. Compliance staff validates the level of participation and assign additional points according to that participation. With the additional preference points under the new L/SLBE Program, compliance staff will review the workforce data and certification records to award points. The additional points must be added to the total score which is typically 100 plus preference points.
- Under the current system, 2 preference points or two percent bid discounts are awarded for meeting the minimum 20% and one additional preference point or bid discount for each additional 10% participation up to a maximum of 50% participation and yielding a maximum of five preference points or 5% bid discounts.

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- Three years of projects history show the following bid discount activity:
 - FY 07-08 47% of the businesses earned 5% bid discounts.
 - FY 08-09, 43% of the businesses earned 5% bid discounts.
 - FY 09-10, 44% of the businesses earned 5% bid discounts.

- *Attachment C* provides details of the above referenced data.

5. How does the City monitor and enforce the use of satellite offices?

- A satellite office is defined as an office that is part of a larger organization and is some distance away from the main office which controls it. All businesses including satellite offices seeking a City of Oakland certification must satisfy the conditions of a substantial presence and a fixed office.
- A local Oakland headquarters or home office is required if seeking Small Local Business Enterprise certification (SLBE). The very same requirements will apply under the new certification categories as well.
- Substantial Presence and Fixed Office are defined as follows:
Substantial Presence – A fixed and established place where work is carried on of a clerical, administrative, professional or production nature directly pertinent to the business being certified. A temporary location or movable property or one that was established to oversee a project such as a construction project office does not qualify. Businesses with offices both within and outside of the City that seek certification as a local business must demonstrate the existence of a bona fide local office in accordance with the following criteria:
 - Independent Office Site: The local office can and does function as an independent office site. The local office is not merely a sham operation set up by a non-local business for the purpose of gaining L/SLBE certification;
 - Fixtures and Equipment: The local office contains all fixtures and/or equipment, including but not limited to, as appropriate, computer(s) software, copy machine(s), furniture, vehicle(s), tools, appliances and/or machinery necessary to operate the business for which the certification is sought;
 - Space: The local office contains all space necessary to operate the business for which certification is sought, including but not limited to, as appropriate, office space, warehouse space, parking, yard area and/or shop area;
 - Dedicated Personnel: The local office must be the main office for assigned personnel who conduct a full range of the business' activities out of the local office including but not limited to, as appropriate, professional, clerical and/or administrative staff assigned and dedicated to the local office as necessary to operate the business for which certification is sought;
 - Daily Function: The local office functions on a daily basis, or a regular basis as otherwise appropriate, providing all services to operate the business for which certification is sought.

A "Fixed Office" – is dedicated office space, owned or leased by the local business, in an established, non-portable building where regular work pertinent to the contract is conducted. For

small local business certifications, the fixed office shall be the primary business location of the business. A residence may qualify as a fixed office provided that all the following conditions are met: (a) the business conducted in the residence complies with Oakland Zoning Regulations relating to Home Occupations; and (b) the residence is the primary business location of the business and contributes not less than 51% of the gross receipts of business. A fixed distribution point is a non-portable warehouse or an outside shipping yard owned or leased by the local business, where shipping, receiving and the owner and employees regularly and exclusively conduct distribution of goods and commodities on behalf of the business.

100% site visits are conducted for new certifications and for re-certifications with substantive changes such as a change in address. A thorough review process occurs to ensure applicants satisfy the conditions as noted above.

In the previous report, staff recommended setting the participation requirement at 50% (25% LBE and 25% SLBE) and set project specific participation for housing and building of new and renovation of existing structures on a project by project basis starting with the assumption of 50% and move up or down according to availability.

The Public Works Agency expressed concern that the Architectural and Engineering Services market will not be able to bear a 25% SLBE requirement. A review of the data shows potential but is not as high as other categories of work. At the request of PWA, staff recommends applying a 50% LBE participation requirement for A&E services and similar to Alameda CTC, set project specific SLBE participation requirements.

The Public Works Agency asked that staff mention that the impact of the success of the L/SLBE program leans toward the award of certified firms and therefore may reduce the potential for non-certified firms to participate in the bidding process. While the number of bidders has increased over the years, PWA staff wanted to point out that the pool may again be limited to a smaller pool of certified firms under the new 50% L/SLBE Program.

SUSTAINABLE OPPORTUNITIES

Economic: Adoption of the L/SLBE Program will buttress the City's economic infrastructure by strengthening the viability and vitality of local and small local businesses.

Environmental: There are no environmental issues associated with this project.

Social Equity: Adoption of the L/SLBE Program will afford local and small local businesses an increased capacity to compete for city contracts.

DISABILITY AND SENIOR CITIZEN ACCESS

There are no disability or senior citizen issues associated with this report.

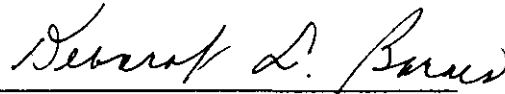
RECOMMENDATION(S) AND RATIONALE

Staff recommends approval of this report and the Ordinance.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends approval of this report and the Ordinance.

Respectfully submitted,



Deborah L. Barnes, Director
Department of Contracting and Purchasing

Prepared by:
Mary Mayo Mayberry, ASMI
Administration Unit

**APPROVED AND FORWARDED TO THE
COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE:**



Office of the City Administrator

DRAFT

Attachment A

Approved As To Form And Legality

City Attorney

INTRODUCED BY COUNCILMEMBER _____

ORDINANCE NO. _____ C.M.S.

ORDINANCE AMENDING ORDINANCE 12389 C. M. S. TO AUTHORIZE CHANGES TO THE CITY OF OAKLAND'S LOCAL AND SMALL LOCAL BUSINESS ENTERPRISE PROGRAM INCLUDING SIZE STANDARDS, LOCAL AND SMALL LOCAL BUSINESS PARTICIPATION AND BID AWARD DISCOUNTS AND PREFERENCE POINTS

WHEREAS, the City of Oakland faces the worst economic crises since the Great Depression; and

WHEREAS, it is the intent of the City of the Oakland City Council to use the power of the public purse to stimulate the local Oakland economy and to ensure Oakland businesses have equal opportunities to do business with the City of Oakland; and

WHEREAS, the Fairness in Contracting and Purchasing Disparity Study was adopted by Council as per mandate of the City Charter on September 29, 2009; and

WHEREAS, the Disparity Report identified disparities in contracting and purchasing across ethnicities and gender within the City's contracting process; and

WHEREAS, the Disparity Study in its analysis put forward recommendations for improvements and enhancements to the City's contracting policies to mitigate the disparities, and to ensure equitable contracting opportunities; and

WHEREAS, the new Local and Small Local Business Enterprise Program (L/SLBE) will include new policies and procedures to improve participation of small local businesses in the City's contracting process across ethnicities and gender, while improving the efficiencies with regard to doing business with the City of Oakland; and

WHEREAS, staff will use 30% of the most recently published Small Business Administration (SBA) size standards to define the size of certified small local Oakland businesses; and

WHEREAS, the City of Oakland will add two new certification categories in the new L/SLBE Program that will include a Very Small Local Business Enterprise (VSLBE) and a Local Business Enterprise of Locally Produced Goods (LBE-LPG) to afford those Oakland businesses

Attachment A

the opportunity to fully participate in the City's contracting process and to assist them in building capacity to compete in the market; and

WHEREAS, the new L/SLBE Program will include a 50% L/SLBE participation requirement with 25% participation for LBE's and 25% participation for SLBE's and businesses certified as VSLBE participation will earn double participation credit towards meeting the 25% SLBE participation; and

WHEREAS, for Architectural and Engineering Services (A&E) the new L/SLBE Program will include a 50% local only participation requirement; and

WHEREAS, the City reserves the right to set project specific goals based on availability when it is believed that the market will not bear 50% participation requirement with 25% LBE and 25% SLBE; and

WHEREAS, in an effort to further stimulate the participation of local Oakland businesses in City contracting of non-construction services, businesses may earn additional preference points in the Request For Proposal process such that a firm may earn 1 additional preference point for every five years of operation in Oakland up to a maximum of 25 years and 5 additional preference points; and

WHEREAS, as part of the evaluation phase of a Request For Proposal process, an Oakland business may earn up to a maximum of 16 potential preference points if a company: (a) has been in Oakland for 25 years - (5 points), (b) has 100% Oakland resident workforce - (5 points), (c) the company proposes to hire Oakland residents in potential vacancies - (1 point) and (d) the company proposes up to 80% L/SLBE participation - (5 points).

WHEREAS, as part of the evaluation phase of a Request For Proposal process, a non-Oakland business may earn up to a maximum of 11 potential preference points if a company has: (a) has 100% Oakland resident workforce (5 points), (b) the company proposes to hire Oakland residents in potential vacancies (1 point) and (c) the company proposed up to 80% L/SLBE participation (5 points); and

WHEREAS, in the case of non-compliance with the new L/SLBE Program, the City will assess a penalty at 1.5 times the amount that should have been awarded to the L/SLBE for failure to comply with maintaining subcontractor participation levels (including imposition of penalties for failure to meet requirements), and satisfying non-compliance shortfalls; and

WHEREAS, staff will consider un-bundling large procurements into small contracts where ever feasible;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION L Amend 12389 C. M. S. To Authorize Changes To The City Of Oakland's Local And Small Local Business Enterprise Program.

Attachment A

Ordinance 12389 C.M.S., which adopted the Oakland's local and small, local business enterprise participation program, apprentice and local hire programs and other programs and policies applicable to the City's purchases, agreements for development and other transactions requiring the hiring of subconsultants, subcontractors and residents, is hereby amended to revise those programs, including but not limited to changes in business size standards, local and small local business participation requirements and the bid award discounts and preference points, as set forth in Exhibit A Local/Small Local Business Enterprise Program, which is attached and incorporated by reference as is fully set forth herein.

SECTION 2. Severability.

If any section, subsection, subpart or provision of this Ordinance, or the application thereof to any person or circumstances, is held invalid, the remainder of the provisions of this Ordinance and the application of such to other persons or circumstances shall not be affected thereby.

SECTION 3. Effective Date.

This ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes on final adoption; otherwise it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA, (DATE), 20(YEAR)

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL,
 QUAN, PRESIDENT REID AND BRUNNER

NOES-

ABSENT-

ABSTENTION-

ATTEST:

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

DATE OF ATTESTATION:

ATTACHMENT B

CONSTRUCTION SERVICES REQUIREMENTS								
	<u>LBE Required?</u>	<u>SLBE Required?</u>	<u>VSLBE/ *ELBE Program?</u>	<u>Bid Discounts?</u>	<u>Local Hire Required</u>	<u>**Sheltered Market</u>	<u>Note</u>	
1	Alameda CTC (Formerly ACTIA)	60%	Set by project	Yes (See note)	No	Yes	Yes	Adopted Very Small Local Business Enterprise in 2007. Preference on contracts under \$50,000. <2M per year over most recent 3 yrs. Good Faith Effort. Contracts not awarded if goals are not met. Waivers must be approved by the Board.
2	Alameda County	No	20%	Yes (See Note)	10% (See note)	Yes		ELBE is 1/2 SBA size standard and in business for < 5yrs. Certified firms can bid discounts. Non Certified firms must subcontract with certified firms.
3	Contra Costa	No	50% (See notes)					Objective is to have at least 50% or more of the total eligible dollar base amounts be awarded to SBEs.
4	Long Beach	No	Yes (see note)	Yes	10%	No	No	The City of Long Beach adopted a Small Business Enterprise (SBE), Very Small Business Enterprise (VSBE), and Local Small Business Enterprise (LSBE) program in May 2011 to encourage more small business participation on City contracts.
5	City of Los Angeles	No	No (See note)	Proposed	See note	(See note)	No	Proposed: Newly adopted "Business Inclusion Program" (BiP) 1/011. Will be setting goals by department for small and disabled veteran businesses. Local Hiring connected to BiP.
6	Oakland	25% Proposed	25% Proposed	Proposed	Up to 5%	Yes	No (See note)	Proposed as "Contractor's Rotation Program"
7	Port	Set by project. (See Note)	Set by project. (See Note)	Yes	No	Yes	No	"Local Business Utilization" policy. The overall minimum local utilization levels are established for each Project Delivery Prime Contractor and includes an overall minimum local business utilization level and a subset overall minimum small local business utilization level. Minimum level(s) expressed as a percentage of the overall value of the contract.
8	Sacramento	No	No	No	Yes (see note)	No	Yes (See note)	SBE and ESBE programs get up to 5% bid discount; sheltered market for contracts < \$100k
9	San Diego	Yes (see note)	Yes (see note)	Yes	5% up to \$50K	No	Yes (See Note)	Project-by-project evaluation of availability. Usually 5% -25% for LBE and SLBE. \$250K-\$500K SLBE/ELBE; <\$250K ELBE
10	San Francisco (SF)	Yes (see note)	No	20% to increase 5% each year up to 50% (See note)	10% for projects 10K to 10M	Yes	Micro-LBE for < \$400K	Project-by-project evaluation of S/LBE availability. Usually 10% - 25% LBE. The Ordinance grants a 5% bid discount to a local business enterprise (LBE) and an additional 5% bid discount to a local business enterprise that is also a minority business enterprise (MBE) or a woman-owned business enterprise (WBE). The discount is available only to businesses that are economically disadvantaged. The maximum discount is 10%. Local Hire applies to city-funded construction projects worth \$400,000 or more. Local-worker participation increases 5% percent every year until it hits the 50 percent mark in seven years. Contractors who fail to meet the requirement would face financial penalties.
11	SF Re-development		50% Goal (See note)					50% Primes & 50% Sub-contracting goal with good faith effort (GFE)
12	San Jose	No	No	No	Yes (See note)	No	No	For bids on goods, local businesses will have a 2.5% cost advantage and small, local companies a 5% cost advantage. In reviewing services provided through a request for proposal process local businesses will receive a 5% point advantage and small, local companies a 10% point advantage.

ATTACHMENT B

PROFESSIONAL SERVICES REQUIREMENTS

	<u>LBE Required?</u>	<u>SLBE Required?</u>	<u>VSLBE/ *ELBE Program?</u>	<u>Preferences ?</u>	<u>Local Hire Required</u>	<u>**Sheltered Market</u>	<u>Note</u>	
1	Alameda CTC (Formerly ACTIA)	70%	30%	Yes (See note)	No	Yes	Yes	Adopted Very Small Local Business Enterprise in 2007. Preference on contracts under \$50,000, <2M per year over most recent 3 yrs. Good Faith Effort. Contracts not awarded if goals are not met. Waivers must be approved by the Board.
2	Alameda County	No	20%	Yes (See Note)	5 or 10 points	Yes		ELBE is 1/2 SBA size standard and in business for < 5yrs. Certified firms earn bid discounts. Non Certified firms must subcontract with certified firms.
3	Contra Costa	No	50% (See notes)					Objective is to have at least 50% or more of the total eligible dollar base amounts be awarded to SBEs.
4	Long Beach	No	Yes (see note)	Yes	10%	No	No	The City of Long Beach adopted a Small Business Enterprise (SBE), Very Small Business Enterprise (VSBE), and Local Small Business Enterprise (LSBE) program in May 2011 to encourage more small business participation on City contracts.
5	City of Los Angeles	No	Yes (See note)	Yes	See note	(See note)	No	Newly adopted "Business Inclusion Program" (BIP) 1/011. Will be setting goals by department for small and disabled veteran businesses. Local Hiring connected to BIP
6	Oakland	25% Proposed	25% Proposed	Proposed	Up to 5%	Yes	No (See note)	Proposed as Contractor's Rotation Program
7	Port	Set by project. (See Note)	Set by project. (See Note)	Yes		Yes		"Local Business Utilization" policy. The overall minimum local utilization levels are established for each Project Delivery Prime Contractor and includes an overall minimum local business utilization level and a subset overall minimum small local business utilization level. The minimum level(s) will be expressed as a percentage of the overall value of the Alternative Delivery Prime Contract.
8	Sacramento	No	No	No	No (see note)	No	Yes (See note)	SBE and ESBE programs get up to 5% bid discount; sheltered market for contracts < \$100k
9	San Diego	Yes (see note)	Yes (see note)	Yes	5% up to \$50K	No	Yes (See Note)	Project-by-project evaluation of availability. Usually 5% -25% for LBE and SLBE. \$250K-\$500K SLBE/ELBE; <\$250K ELBE
10	San Francisco (SF)	Yes (see note)	No	20% to increase 5% each year up to 50% (See note)	10% for projects 10K to 10M	Yes	Micro-LBE for < \$400K	Project-by-project evaluation of S/LBE availability. Usually 10% - 25% LBE. Local Hire applies to city-funded construction projects worth \$400,000 or more. Local-worker participation increases 5% percent every year until it hits the 50 percent mark in seven years. Contractors who fail to meet the requirement would face financial penalties.
11	SF Re- development		50% Goal (See note)					50% Primes & 50% Sub-contracting goal with good faith effort (GFE)
12	San Jose		No	No	5% (See note)	No	No	In reviewing services provided through a request for proposal process local businesses will receive a 5% point advantage and small, local companies a 10% point advantage.

FY 07-08

CONSTRUCTION PROJECTS						
Work Type	PROJECT NAME	Project Number	LBE %	SLBE %	Total L/SLBE	Bid Discounts Earned
1 BU	14th Street Apartments	L390420	16.94%	20.18%	37.12%	3%
2 BU	Madison Square Park Interim Renovation	B00630	0.00%	100.00%	100.00%	5%
3 BU	One Year Term Contract for As Needed Misc. General Construction Work At Various City of Oakland Facilities	C87610	0.00%	100.00%	100.00%	5%
4 BU	Rehabilitation of Trestle Glenn Stairs	C282861	0.00%	97.47%	97.47%	5%
5 BU	Sheffield Village Recreation Center ADA Improvement	C259410	0.40%	73.69%	74.09%	5%
6 BU	Studio One Art Center Rehabilitation	C244710E	16.60%	11.42%	28.01%	2%
7 BU	Construction of Slope Stabilization Piers & Drainage Improvement 6010 Castle Drive	C282850	0.00%	97.00%	97.00%	5%
8 BU	Willow Park Renovation Project	C195910	61.28%	10.56%	71.84%	5%
			<u>16.42%</u>	<u>23.81%</u>	<u>40.23%</u>	
1 HO	Coliseum Gardens, Phase III	L278410	5.74%	11.37%	17.11%	2%
2 HO	Madison & 14th Street Apartments	L278610	10.62%	4.05%	14.67%	0%
3 HO	Madela Townhomes	C230610	4.47%	38.70%	43.17%	2%
4 HO	The Orchards on Foothill	G293510	30.02%	13.95%	43.97%	4%
			<u>11.43%</u>	<u>10.98%</u>	<u>22.41%</u>	
1 OT	Clinton Park Playground Renovations	G250910	57.65%	0.00%	57.65%	0%
2 OT	Lakeside Park Central Control Irrigation Upgrade	C242114	0.00%	100.00%	100.00%	5%
3 OT	Fremont Pool Improvements	P353410	0.00%	69.96%	69.96%	5%
4 OT	Oak Center Historic District Dem	P260210	0.00%	70.58%	70.58%	5%
			<u>16.55%</u>	<u>53.52%</u>	<u>70.07%</u>	
1 SS	Construction of Sanitary Relief Sewer Along Beaumont Avenue between E. 30th Street and E. 33rd Street	C227410	0.00%	100.00%	100.00%	5%

BR = Brides; BU = Building; HO = Housing; OT = Other; SS = Sewers; ST = Streets; TR = Tree Trimming; TS = Traffic Signals

Work Type	PROJECT NAME	Project Number	LBE %	SLBE %	Total L/SLBE	Bid Discounts Earned
2 SS	Construction of Sanitary Relief Sewer Along Clay Street, 8th Street, Jefferson Street, 6th Street and MLK Jr. Way	C79310	0.00%	68.71%	68.71%	5%
3 SS	Construction of Sanitary Relief Sewers Along Wilson Ave, School St, Coolidge, Brookdale, Maple Ave and Mac Arthur Blvd.	C80010	0.00%	48.57%	48.57%	4%
4 SS	The Rehabilitation of SS in Telegraph, 24th St., Lee Street, (Sub-Basin 52-05)	C227210	0.00%	100.00%	100.23%	5%
5 SS	The Rehabilitation of SS in MacArthur Blvd., Seneca St., Dowling St., and Stems Ave. (Sub-Basin 85-212)	C72910	0.00%	49.78%	49.78%	4%
6 SS	Rehab of SS & Storm Drain in Culvert in the Easement off Butters	CI35410	0.00%	100.00%	100.00%	5%
7 SS	Rehabilitation of SS in Slater Lane between Alvarado Rd. & Evergreen Lane, and in an Easment Adjacent to Evergreen Lane	C282813	0.00%	100.00%	100.00%	5%
8 SS	Rehabilitation of Sanitary Sewers in the Area Bounded By Vallejo Ave., 67th St., San Pablo Ave., & 59th St. (SUB-BASIN 20-02)	C158310	0.00%	100.00%	100.00%	5%
9 SS	The Rehab of SS in Easements Between Amy and Heron Drive	C279310	0.00%	100.00%	100.00%	5%
10 SS	The Rehabilitation of SS in the area Bounded by Mac Arthur Blvd. 73rd Ave. Sunkist Ave. and 75th Ave. (SubBasin 84-105)	C158010	0.00%	100.00%	100.00%	5%
11 SS	Rehab of SS in 4 Locations-Margarido Dr, Acacia Ave, Estates, Mcandrew Dr, Easement Betwn Carlson Ave, Paramount Rd, 107th Ave & Malcom Ave.	C282890	0.00%	100.00%	100.00%	5%
12 SS	Replacement of SS in Various Locations Outlook Ave. & Buena Ventura Ave., Edenvale Place, Mountain Bid & Altura Place, & At Mountain Blvd. Near Keller Ave.	C262410	0.00%	100.00%	100.00%	5%

0.00% 79.79% 79.79%

1 ST	Roadway Restoration near 77989 Skyline Blvd.	C99540	0.00%	100.00%	100.00%	5%
2 ST	11th St Sidewalk Improvement Between Clay and Broadway St	C00800	24.55%	67.41%	91.96%	5%
3 ST	Broadway Sidewalk Improvement, Phase II and III	G273910		2.28%	2.28%	
4 ST	40th Street Transit Hub	G283010	23.43%	50.31%	73.74%	5%

Work Type	PROJECT NAME	Project Number	LBE %	SLBE %	Total L/SLBE	Bid Discounts Earned
5 ST	66th Avenue Oakland Waterfront Trail	C244310	0.00%	20.73%	20.73%	2%
6 ST	Bushrod Park Streetscape Improvements	B00520	0.00%	72.61%	72.61%	5%
7 ST	Citywide Street Resurfacing Project	G287610	71.36%	22.50%	93.86%	5%
8 ST	Citywide Street Resurfacing and Slurry Sealing for Fiscal Year 2006-2007	C234910	62.21%	27.48%	89.69%	5%
9 ST	Citywide Traffic Island and Bulb-Out 2005-2007	CI59720	0.00%	97.61%	98.21%	5%
10 ST	Coliseum Transit HUB Streetscape	G234510	49.69%	12.61%	62.30%	5%
11 ST	Emergency Construction of Permanent Improvements Restoring Washout Near 2333 Tunnel Rd.	C99581	0.00%	87.90%	87.90%	5%
12 ST	Oakland Bay Trail: Mandela Parkway	G199010	62.04%	1.38%	63.43%	5%
13 ST	Rehabilitation of Easement Between El Centro Avenue & Trestle Glen Road and on Fleet Road	C282815	0.00%	100.00%	100.00%	5%
14 ST	Revive Chinatown Pedestrian Oriented	G278210	12.28%	65.51%	7.78%	
15 ST	Roadway Restoration near 6741 Armour Dr.	G297010	0.00%	100.00%	100.00%	5%
16 ST	*Tunnel Road Hazard Mitigation Project	G319910	96.21%	0.00%	96.21%	0%
			38.18%	33.61%	63.56%	

1 TR	Lake Merritt Channel Tree Removal	C241613	87.24%	10.00%	97.24%	5%
2 TR	Citywide Traffic Signal Projects 2005/2006, High Street at Santa Rita Street, Piedmont Avenue at Linda Avenue, Telegraph Avenue at 66th Street, High Street at Foothill Blvd and Countdown Pedestrian	C269010,410, 710, 910, C222310, C270110	2.50%	22.90%	25.40%	2%
3 TR	Citywide Pedestrian Safety Program	C188510	0.00%	27.47%	27.47%	2%
4 TR	Citywide Tree Well cutting FY 06-07	C78062	0.00%	100.00%	100.00%	5%
5 TR	Traffic Signal Install/SR 13 Ramps & San Pablo Ave At 65th	C229110	0.00%	82.00%	82.00%	5%
6 TR	Tree Pruning At Various Locations in District 1, 2, and 3	C323620	0.00%	100.00%	100.00%	5%
7 TR	Tree Pruning at Various Locations in District 5	C323660	89.84%	10.16%	100.00%	5%
8 TR	Tree Pruning at Various Locations in District 6	C323670	90.27%	9.73%	100.00%	5%

Work Type	PROJECT NAME	Project Number	LBE %	SLBE %	Total L/SLBE	Bid Discounts Earned
9 TR	Tree Pruning of Various Locations in District 7	C323680	0.00%	100.00%	100.00%	5%
			<u>6.73%</u>	<u>47.05%</u>	<u>53.78%</u>	

FY 08-09 – CONSTRUCTION PROJECTS

1 BR	On Call Bridge Maintenance Services FY08/09	C321710	26.85%	70.67%	97.52%	5%
			<u>26.85%</u>	<u>70.67%</u>	<u>97.52%</u>	

1 BU	Demolition of Abandoned Structures Located at 2621, 2631 and 2633 Wallace Street	B273120	86.45%	6.03%	92.48%	0%
2 BU	Underground Utility District No. 233 Macarthur Underground Project Panel Conversion	C211710	12.50%	87.50%	100.00%	5%
3 BU	Oakland Museum Renovation	C239611	15.07%	12.27%	27.34%	2%
4 BU	Cleveland Cascade Rehabilitation Phase I	C242116	10.28%	34.35%	44.63%	4%
5 BU	Lake Merritt Bandstand ADA Improvements	C274270	0.00%	23.74%	23.74%	2%
6 BU	81st Avenue Branch Library	C274410	8.02%	43.55%	51.57%	5%
7 BU	One Year Term Contractor for as Needed Hazardous Materials Abatement at Various City Owned Facilities	C275019	13.72%	12.33%	26.05%	2%
8 BU	Fire Station No. 18	C328310	29.72%	14.10%	43.82%	4%
9 BU	OPD Basement Locker Room Improvements	C58695	0.00%	65.08%	65.08%	5%
10 BU	Freemont Pool Improvements	P353410	0.00%	69.96%	69.96%	5%
11 BU	Mandella Foods		0.00%	42.29%	42.29%	4%
			<u>15.07%</u>	<u>25.85%</u>	<u>40.92%</u>	

1 HO	Peralta Haciend park Phase 3B	C284510	23.65%	20.54%	44.18%	4%
2 HO	Renovate 173 Hunter Ave 2DHS Owned Signle Family House	C296820	10.05%	10.14%	20.18%	2%
3 HO	Renovation of 3501 Adeline St a DHS Owned Single Family House	C296840	11.49%	21.13%	32.62%	3%
4 HO	St. Andrews Manor, 3250 San Pablo Avenue	G256610	8.60%	11.94%	20.54%	2%
5 HO	Jack London Gateway Senior Housing	L290440	28.93%	10.83%	39.76%	2%

Work Type	PROJECT NAME	Project Number	LBE %	SLBE %	Total L/SLBE	Bid Discounts Earned
6 HO	Tassafaronga Village	L290460	10.63%	13.15%	23.78%	2%
7 HO	10800 Edes Avenue Homes Phase B	P151752	1.28%	64.50%	65.78%	5%
			<u>13.33%</u>	<u>15.25%</u>	<u>28.57%</u>	
1 OT	Shepherd Canyon Soccer Field Parking Lot	B246740	0.00%	20.36%	20.36%	2%
2 OT	Montclair Park Path Improvements	C276650	0.00%	7.78%	7.78%	0%
3 OT	Coliseum Bart Station Area Underground Utility District No. 235 Project - Panel Conversion	C332120	30.79%	69.21%	100.00%	5%
4 OT	Installation, replacement & repair of Bike Racks at Various Locations throughout the City of Oakland	C335210	0.00%	100.00%	100.00%	5%
5 OT	Install, replace & repair of Bike Racks at Various Locations	G335210	0.00%	100.00%	100.00%	5%
			<u>1.06%</u>	<u>12.74%</u>	<u>13.80%</u>	
1 SS	Rehab. SS in the area Bounded by Midvale Avenue, 1-580 Fwy, Laoreal Ave & Carlsen St.	C227310	0.00%	97.05%	97.05%	5%
2 SS	Rehab SS in the Area Bounded By Franklin St. 3rd St. Broadway & 11th St.	C227710	0.00%	11.21%	11.21%	0%
3 SS	Rehab. Of SS in various Easement Locations off Redwood Road, Tartan Way, Crestmont Drive, KimberlinHeights Drive & Elinoara Avenue	C262310	0.00%	59.13%	59.13%	5%
4 SS	Rehab SS in the Area Bounded By Embacadero, Fallon St, 12th St & Alice	C267110	0.00%	54.64%	54.64%	5%
5 SS	Rehab SS in the Area Bounded by 66th Avenue, San Leandro Street, Seminary Avenue & Intenrational Blvd.	C267310	0.25%	43.90%	44.16%	4%
6 SS	On Call Sanitary Sewers Emergency Project	C282861	0.00%	99.42%	99.42%	5%
7 SS	Rehab SS in an Easement Bounded by :Glenbrook Dr & Romany Road	C282891	0.00%	100.00%	100.00%	5%
8 SS	Rehab SS in Jean Strete & Santa Clara Avenue and in the Easement Between Hood Street & Malcolm Avenue	C282892	0.00%	100.00%	100.00%	5%

Work Type	PROJECT NAME	Project Number	LBE %	SLBE %	Total L/SLBE	Bid Discounts Earned
9 SS	Rehab SS along Mandana Blvd. in an Easement Adjacent to Palama Avenue	C329111	0.00%	100.00%	100.00%	5%
10 SS	On Call Sanitary Sewers Emergency Project FY 08/09	C329113	0.36%	99.64%	100.00%	5%
11 SS	Rehab SS in the area Bounded by Lakeside Drive, Alice St....	C59310	0.19%	72.89%	73.09%	5%
12 SS	Construction of a Relief Sewer Along 29th Avenue, International Blvd, 28th Avenue, E 16 St & 27th Ave	C79710	57.89%	10.09%	67.98%	2%
			8.57%	54.32%	62.88%	

1 ST	Broadway Streetscape Between West Grand & 24th St.	C00800	0.00%	67.16%	67.16%	5%
2 ST	park and Street Improvements fo the Municipal Boathouse a& Lakeside Drive	C242311	71.27%	15.87%	87.14%	3%
3 ST	Citywide Sidewalk repair for FY 2007 - 2008 Contract A	C269160	0.00%	100.00%	100.00%	5%
4 ST	On Call Citywide Sidewalk Repair FY 06/07	C269160	0.00%	100.00%	100.00%	5%
5 ST	107th and Sheldon street Roadway & Sidewalk Repair	C311210	0.00%	100.00%	100.00%	5%
6 ST	Citywide Sidewalk Repair Project FY 07/09	C317510	0.00%	100.00%	100.00%	5%
7 ST	Safe Routes to School Cycle 6	G305010	4.07%	85.04%	89.10%	5%
8 ST	Telegraph Avenue Streetscape Improvemtn Project - Phase I	P128840	54.90%	10.42%	65.31%	2%
9 ST	Mandela Parkway Maintenance	P347910	90.00%	10.00%	100.00%	2%
			40.01%	48.10%	88.11%	

1 TR	12th Street Median Tree Removal	C241611	81.15%	10.00%	91.15%	2%
2 TR	1st Avenue Median Tree Removal	C241612	81.39%	10.00%	91.39%	2%
3 TR	1st Avenue Median Tree Removal	C241612	81.39%	10.00%	91.39%	2%
4 TR	Lake Merritt Channel Tree Removal	C241613	87.24%	10.00%	97.24%	1%
5 TR	Traffic Signal Installation	C269510	7.39%	37.04%	44.43%	4%
6 TR	Citywide Traffic Signal Installation	C313610	2.55%	62.36%	64.91%	5%
7 TR	Tree Pruning at Various Locations in district 1, 2 & 3	C323620	0.00%	100.00%	100.00%	5%
8 TR	Tree Pruning at Various Locations in District 4 and Citywdie Parks	C323650	88.76%	10.44%	99.20%	2%

Work Type	PROJECT NAME	Project Number	LBE %	SLBE %	Total L/SLBE	Bid Discounts Earned
9 TR	Tree Pruning at Various Locations in District 6	C323670	90.27%	9.73%	100.00%	0%
10 TR	Traffic Signal Installation	C333010	6.01%	30.14%	36.16%	3%
			16.68%	50.82%	67.51%	

FY 09-10 – CONSTRUCTION PROJECTS

1 BR	On Call Bridge Maintenance FY 08-09	C321710	0.00%	100.00%	100.00%	5%
			0.00%	100.00%	100.00%	

1 HO	Renovation at 173 Hunter Ave. 2DHS Single Family House	C296820	10.05%	10.14%	20.18%	2%
2 HO	Renovation of 3501 Adeline St (DHS Single Family House)	C296840	11.48%	21.13%	32.62%	2%
3 HO	Renovation of Mathilda Cleveland Transitional Housing	G320010	0.00%	22.22%	22.22%	2%
4 HO	Tassafaronga Village	L290460	10.63%	13.15%	23.78%	2%
5 HO	100800 Edes Avenue - Phase B	P151752	1.28%	64.50%	65.78%	5%
			9.93%	16.52%	26.45%	

1 SS	Rehab of Sanitary Sewers Franklin St.; 3rd St.; Broadway; 11th	C227710	0.00%	16.06%	16.06%	2%
2 SS	Rehab of Sanitary Sewers Redwood Rd.; Tartan Way; Crestmont Dr. Kim	C262310	3.92%	7.35%	11.27%	0%
3 SS	Rehab of Sanitary Sewers Embarcadero; Fallon St; 12th St	C267110	0.00%	54.64%	54.64%	5%
4 SS	Rehab of Sanitary Sewers Glenbrook Dr.; Beechwood Dr.; Romany Rd.	C282891	0.00%	100.00%	100.00%	5%
5 SS	Rehab of Sanitary Sewers Mandana Blvd; Paloma Ave.	C329111	0.00%	100.00%	100.00%	5%
6 SS	On Call Sewers Emergency Project FY 08-09	C329113	0.36%	99.64%	100.00%	5%
7 SS	Rehab of Sanitary Sewers Betwn Saroni Drivew and Ridgewood Drive	C329114	0.00%	100.00%	100.00%	5%
8 SS	Rehab of Sanitary Sewers Doncaster Ppl; Colton Blvd; Mandana Blvd	C329118	0.00%	100.00%	100.00%	5%
9 SS	Rehab of Storm Drain Shepherd Canyon rd - Gunn Dr.; Paso Robles Dr.	C336020	5.93%	15.66%	21.59%	2%
10 SS	Rehab of Sanitary Sewer Lakeside Dr. Alice St. 20th; 11th	C59310	0.19%	72.70%	72.89%	5%
11 SS	Rehab of Sanitary Sewers E. 24th St.; 17th Ave; Internat'l Blvd	C96110	0.11%	45.34%	46.45%	4%
12 SS	Rehab of Sanitary Sewers Oak Knoll - Sage Rd; St. Andrews Rd.		0.00%	73.00%	73.00%	5%
			0.32%	49.70%	50.01%	

1 ST	Park & Street Improvements for Municipal Boathouse and Lakeside Dr.	C242311	30.37%	11.92%	42.29%	2%
2 ST	23rd Avenue Improvement Project	P233271	4.36%	95.64%	100.00%	5%
3 ST	Mandela Parkway Maintenance	P347910	90.00%	10.00%	100.00%	2%
4 ST	Safe Routes to Schools Cycle 6	G305010	4.07%	85.04%	89.10%	5%
			23.75%	38.05%	61.79%	

Work Type	PROJECT NAME	Project Number	LBE %	SLBE %	Total L/SLBE	Bid Discounts Earned
1 TS	Traffic Signal Installation	C269510	7.39%	37.04%	44.43%	3%
			7.39%	37.04%	44.43%	
1 TR	Tree Pruning at Various Locations Districts 4 and Citywide Parks	C323650	86.76%	10.44%	99.20%	2%
2 TR	Tree Pruning at Various Locations Districts 6	C323670	90.27%	9.73%	100.00%	0%
			62.83%	7.22%	70.05%	
1 BU	City Stables Paddock	C213720	0.00%	76.41%	76.41%	5%
2 BU	Cleveland Cascade Rehab Phase I	C242116	33.90%	56.86%	90.76%	5%
3 BU	Lake Merritt Bandstand ADA Improvements	C274270	0.61%	87.45%	88.06%	5%
4 BU	One Year Tem As Needed Haz Mat at Various Facilities	C275019	13.72%	12.33%	26.05%	2%
5 BU	Fire Station 18	C328310	29.72%	14.10%	43.82%	2%
6 BU	Lake Merritt Bird Islands Resoration	G323110	0.00%	22.88%	22.88%	2%
7 BU	Oakl Knoll Demolition	P331910	0.00%	38.55%	38.55%	3%
			25.61%	22.55%	48.16%	2%
1 OT	Shepherd Canyon Soccer Field Parking	B246740	0.00%	20.36%	20.36%	2%
3 OT	Jefferson Square Park Improvement	P338310	74.36%	25.64%	100.00%	2%
			11.09%	24.26%	35.35%	