

CITY OF OAKLAND

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Jason Mitchell
Director, OPW

SUBJECT: Supplemental Security Services Contract

DATE: September 14, 2017

City Administrator Approval

Date: 9/14/17

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Awarding A Security Services Contract To ABC Security Services Inc. For A Term Period Of Three (3) Years With An Option To Extend The Contract Upon Satisfactory Completion Of The Initial Term In Increments Of One (1) Year; For Up To A Total Of Two (2) Consecutive Additional Years; In An Amount Not-To-Exceed Two Million, Five Hundred Thousand Dollars (\$2,500,000) For Each Year Of The Contract.

ALTERNATIVE RECOMMENDATIONS

- A. Staff Recommends That The City Council Adopt A Resolution Awarding A Security Services Contract To Cypress Security Services Inc. For A Term Period Of Three (3) Years With An Option To Extend The Contract Upon Satisfactory Completion Of The Initial Term In Increments Of One (1) Year; For Up To A Total Of Two (2) Consecutive Additional Years; In An Amount Not-To-Exceed Two Million, Five Hundred Thousand Dollars (\$2,500,000) For Each Year Of The Contract.**
- B. Staff Recommends That The City Council Adopt A Resolution Awarding A Security Services Contract To A-1 Protective Services Inc. For A Term Period Of Three (3) Years With An Option To Extend The Contract Upon Satisfactory Completion Of The Initial Term In Increments Of One (1) Year; For Up To A Total Of Two (2) Consecutive Additional Years; In An Amount Not-To-Exceed Two Million, Five Hundred Thousand Dollars (\$2,500,000) For Each Year Of The Contract.**

REASON FOR SUPPLEMENTAL OR REPLACEMENT

At the September 12, 2017 Public Works Committee (PWC), staff was directed to provide a supplemental report with two (2) additional alternative recommendations for City Council's consideration for the award of the security contract.

The Committee also requested the following additional items:

- A one (1) year extension of employment status for all incumbents with the firm approved for award of the security contact.

Typically, when there is a change in security firms, the new firm provides the previous firm's employees an opportunity to apply for positions. Security guards that take advantage of the offer, and possess a current guard card or other required licensing are usually hired.

This item will be included in the final negotiations with the selected security firm.

- Schedule L or Past Performance evaluations for all three companies. (See **Attachment A**)

A Schedule L (Consultant Performance Evaluation Form) was completed at the end of the contract period for Cypress Security Services for the period of 2011 to 2013 and 2013 to 2017. There are no records of performance evaluations for ABC Security Services Inc. (which held a month to month contract with the City from 2001 to 2011) or A-1 Protective Services Inc. (which has not provided services to the City of Oakland)

- Description of what consists of Substantial Presence of Office as related to Local/small Local Business Enterprises (L/SLBE) Certification.

As identified in the PART III of the City Administrator's Contracts and Compliance Unit's Local/ Small Local Business Enterprise Program it specifies the requirements for L/SLBE certification. (See **Attachment B**)

The definition of substantial presence is defined in the L/SLBE program glossary, pg. 33 (See **Attachment C**)

- Copy of Scoring Summary

Staff was directed to examine the staff reports from previous security contracts to review the scoring matrix provided to the public. Staff reviewed past security contract reports and determined that the current scoring matrix provides more information than in previous reports. The full scoring analysis can be provided after the contract process is complete via the California Public Records Act.

Please see **Attachment D** for the scoring summary for the six firms that participated in the Request for Proposals process.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council adopt a resolution awarding a security services contract to ABC Security Services Inc. for a term period of three (3) years with an option to extend the contract upon satisfactory completion of the initial term in increments of one (1) year; for up to a total of two (2) consecutive additional years; in an amount not-to-exceed two million, five hundred thousand dollars (\$2,500,000) for each year of the contract.

- or -

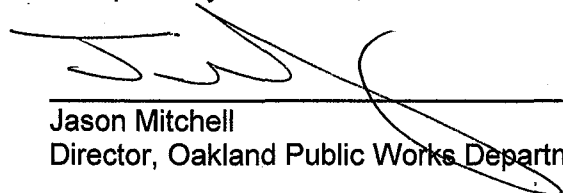
Adopt a resolution awarding a security services contract to Cypress Security Services for a term period of three (3) years with an option to extend the contract upon satisfactory completion of the initial term in increments of one (1) year; for up to a total of two (2) consecutive additional years; in an amount not-to-exceed two million, five hundred thousand dollars (\$2,500,000) for each year of the contract.

-or-

Adopt a resolution awarding a security services contract to A-1 Protective Services Inc. for a term period of three (3) years with an option to extend the contract upon satisfactory completion of the initial term in increments of one (1) year; for up to a total of two (2) consecutive additional years; in an amount not-to-exceed two million, five hundred thousand dollars (\$2,500,000) for each year of the contract.

For questions regarding this report, please contact Derin Minor, Building Services Manager, Facility Services Division at (510) 238-3998.

Respectfully submitted,



Jason Mitchell
Director, Oakland Public Works Department

Reviewed by:
Susan Kattchee, Assistant Director,
OPW, Bureau of Facilities and Environment

Prepared by:
Derin Minor, Building Services Manager
OPW, Bureau of Facilities and Environment,
Facility Services Division

Attachments:

Attachment A - Schedule L, Past Performance Information

Attachment B - L/SLBE Description pages 17 - 22

Attachment C - L/SLBE Program Glossary page 33

Attachment D - Copy of Scoring Summary

Attachment A



SCHEDULE L CITY OF OAKLAND CONSULTANT PERFORMANCE EVALUATION FORM

Consultant Name & Address: Cypress Security

452 Tehema Street, San Francisco, CA 94103

Type of Services/Work Provided: Security Guard Services at various City Facilities Locations

Project Complexity (Standard or Difficult): Standard

Consultant Lead Project Manager: Carl Cunningham

Project Name: Security Service Contract

City Project No: Not applicable

Final Value of Consultant Contract: 4 millions for 2 years with each year not to exceed 2 millions

Duration of Consultant Contract (Start & end dates): 6/1/2011-6/1/2013, currently month-to-month

Final Value of Contract: \$2,876,389.40 (6/1/2011-6/1/2013)

City Construction Resident Engineer (with phone #): not applicable

Date of Evaluation: August 30, 2013

City Project Manager/Evaluator (with phone #): Gregory Johnson (238-6355) – Acting Civic Center Mgr

Reviewed and Approved By (with phone #): Derin Minor (238-3988) – Building Services Manager

Ratings Guidelines:

- **Poor** - Work required extensive revisions, included numerous & significant errors; consultant was unable or unwilling to perform consistently, required an inordinate amount of supervision, and/or failed to meet professional standards/project objectives.
- **Needs to Improve** – Performance was marginal; work required more review and included more errors than would normally be anticipated; level of service or expertise below average.
- **Average** – Performance and work were satisfactory; services provided were at least of industry standard; no significant errors or problems; professional service objectives met.
- **Excellent** – Performance was clearly above standard; expectations exceeded; objectives were met with an added level of service and/or with a higher level of professional expertise.

Consultant Performance Evaluation

Please rate the Consultant on the following topics by checking the appropriate box:

<u>QUESTIONS</u>	<u>Poor</u>	<u>Needs to Improve</u>	<u>Average</u>	<u>Excellent</u>	<u>Not Applicable</u>
1. Quality of Work	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Ability to meet the Project Objectives	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Knowledge and Expertise	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Innovation of Work	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Thoroughness of Work	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Quality Control of Work	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Ability to React and Respond to Problems/Issues	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Ability to Maintain to the Project Schedule and to Time Commitments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Ability to Maintain to the Project Budget	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Accuracy of Cost Estimating	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Constructibility of the Design/Work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. Quality of Construction Support Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. Accuracy and Timeliness of Billings and other Documents	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. Sufficient and Appropriate Staffing of the Project by the Consultant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
15. Ability to Manage and Coordinate Sub-Consultants	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultant Performance Evaluation

QUESTIONS	Poor	Needs to Improve	Average	Excellent	Not Applicable
16. Ability and Ease of Communicating with City Staff	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Ability to Communicate with the Community	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. Willingness, Flexibility, and Attitude in Working with the City	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Ability to Follow City Directives)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
OVERALL RATING	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Additional Comments (attach additional information, as necessary):

Note: The Project Coordinator/Manager shall complete this evaluation form for each primary consultant within 60 days upon the completion of an individual project or assignment. Interim evaluations shall also be prepared for projects of a long duration (i.e. over one year) or if the consultant's performance merits notification of any deficiencies.

Information is to be submitted to and kept on file by the PWA Contract Administration Division for five (5) years. A copy of the evaluation shall also be provided to the consultant. These forms may be used, in part, as a reference to evaluate the consultant for future City professional services contracts.

Consultants with an overall evaluation of "Poor" or "Needs to Improve" are given an opportunity to 1) appeal the evaluation to the Assistant Director of Public Works, or his designee, and/or 2) append the evaluation with a one-page statement that explains or refutes the City's finding.

To the extent permitted by law, the City shall treat the evaluations as confidential information.



**SCHEDULE L
CITY OF OAKLAND
PUBLIC WORKS AGENCY
CONSULTANT PERFORMANCE EVALUATION FORM**

Consultant Name & Address: Cypress Security
478 Tehama Street, San Francisco, CA 94103

Type of Services/Work Provided: Security services

Project Complexity (Standard or Difficult): Standard

Consultant Lead Project Manager: _____

Project Name: Security Services

City Project No: _____

Final Value of Consultant Contract: \$2.25 Million annually

Duration of Consultant Contract (Start & end dates): 2013-2017

Final Value of Construction Contract: N/A

City Construction Resident Engineer (with phone #): N/A

Date of Evaluation: 6/07/2017

City Project Manager/Evaluator (with phone #): Marco Torres 510-238-6355

Reviewed and Approved By (with phone #): Derin Minor 510-238-3998

Ratings Guidelines:

- **Poor - Work required extensive revisions, included numerous & significant errors; consultant was unable or unwilling to perform consistently, required an inordinate amount of supervision, and/or failed to meet professional standards/project objectives.**
- **Needs to Improve – Performance was marginal; work required more review and included more errors than would normally be anticipated; level of service or expertise below average.**
- **Average – Performance and work were satisfactory; services provided were at least of industry standard; no significant errors or problems; professional service objectives met.**
- **Excellent – Performance was clearly above standard; expectations exceeded; objectives were met with an added level of service and/or with a higher level of professional expertise.**

Consultant Performance Evaluation

Please rate the Consultant on the following topics by checking the appropriate box:

<u>QUESTIONS</u>	<u>Poor</u>	<u>Needs to Improve</u>	<u>Average</u>	<u>Excellent</u>	<u>Not Applicable</u>
1. Quality of Design/Work	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Ability to meet the Project Objectives	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Knowledge, Expertise, and State-of-the Art Technologies	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Innovation of Design/Work	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Thoroughness of Design/Work	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Quality Control of Work	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Ability to React and Respond to Problems/Issues	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Ability to Maintain to the Project Schedule and to Time Commitments	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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10. Accuracy of Cost Estimating	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Constructability of the Design/Work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. Quality of Construction Support Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Consultant Performance Evaluation

QUESTIONS	Poor	Needs to Improve	Average	Excellent	Not Applicable
16. Ability and Ease of Communicating with City Staff	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Ability to Communicate with the Community and to Make Presentations	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. Willingness, Flexibility, and Attitude in Working with the City	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19. Ability to Follow City Directives (i.e. Architectural Design Concept, other Requirements, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
OVERALL RATING	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Additional Comments (attach additional information, as necessary): Contractor has struggled with quality of their security guards that are assigned to City posts. Some of the regular issues that we have encountering are guards sleeping at their post, listening to music using headphones during their shift, guard playing or using smartphones (texting, browsing internet, etc.) while on post, guards not projecting a professional manner while on duty (frequently seen with sunglasses and carrying soft drinks during their post). Guards are often caught leaning back on their chairs at City Hall as if it was a lounge chair which is not appropriate. Contractor has responded when these things were brought to their attention, but it's been one thing after another one and most of those issues can still be seen taking place at Civic Center Complex. It

Note: The Project Coordinator/Manager shall complete this evaluation form for each primary consultant within 60 days upon the completion of an individual project or assignment. Interim evaluations shall also be prepared for projects of a long duration (i.e. over one year) or if the consultant's performance merits notification of any deficiencies.

Consultant Performance Evaluation

Information is to be submitted to and kept on file by the PWA Contract Administration Division for five (5) years. A copy of the evaluation shall also be provided to the consultant. These forms may be used, in part, as a reference to evaluate the consultant for future City professional services contracts.

Consultants with an overall evaluation of "Poor" or "Needs to Improve" are given an opportunity to 1) appeal the evaluation to the Assistant Director of Public Works, or his designee, and/or 2) append the evaluation with a one-page statement that explains or refutes the City's finding.

To the extent permitted by law, the City shall treat the evaluations as confidential information.

Attachment B

PART III: CERTIFICATION

CERTIFICATION CATEGORIES	CERTIFICATION CRITERIA
Local Business Enterprise (LBE)	<ul style="list-style-type: none"> • substantial presence in Oakland • operational for at least twelve (12) consecutive months • valid business tax license • fixed office space • employees in fixed office • permits and fines and fees are current • documents certifying the existence of the business (contracts, leases bills, etc) • registration in the City's iSupplier system
Small Local Business Enterprise (SLBE)	All of the above plus: <ul style="list-style-type: none"> • Documentation of 3 years average annual gross receipts that are less than 30% of the SBA's size standard for the firm's industry sector.
Very Small Local Business Enterprise (VSLBE)	All of the above except: <ul style="list-style-type: none"> • Fully operational for six consecutive months • Average annual gross receipts at or below \$375,000
Local Business Enterprise –Locally Produced Goods (LBE-LPG)	Same as LBE except: <ul style="list-style-type: none"> • Business must manufacture goods within the Oakland geographic boundaries
Not for Profit Local Business Enterprise (NPLBE)	Same as LBE plus: <ul style="list-style-type: none"> • Business must produce documentation of nonprofit status
Not for Profit Small Local Business Enterprise (NPSLBE)	Same as SLBE plus: <ul style="list-style-type: none"> • Business must produce documentation of nonprofit status

Certification Categories

The City of Oakland has added two new certification categories. In addition to Local Business Enterprise (LBE) Small Local Business Enterprises (SLBE), Very Small Local Business Enterprise (VSLBE) and Local Produced Goods Local Business Enterprise (LPG-LBE) were added in order to enhance opportunities for small emerging firms and firms that produce goods locally.

Certification Criteria

Certification criteria apply to both for profit and not-for-profit organizations as follows:

1. An established operation with a substantial presence located and doing business or operating within the geographical boundaries of the City of Oakland.
2. Fully operational for at least twelve (12) consecutive months prior to applying for certification. (or six (6) consecutive months for VSLBE)
3. A valid City of Oakland Business Tax certificate issued no less than twelve (12) consecutive months prior to applying for certification. All payments must be current and the certificate must reflect the address of the local business.
4. A fixed office that reflects a substantial presence in the geographical boundaries of the City of Oakland. Post Office boxes, temporary locations, and moveable work sites will not establish status as a local business. In the case of trucking firms, the truck inventory must be located within the city limits. A fixed office is a 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 all levels of SLBE certification, the fixed office shall be the primary business location of the business. A residence may qualify as a fixed office provided 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.
5. The owner or employees (person hired and paid directly by the local business to conduct work solely on behalf of the business at its fixed office or distribution point) shall be available during normal operating hours.
6. The business must comply with all applicable Federal, State and local regulations, including, but not limited to the City of Oakland Zoning Regulations.
7. All taxes, fees, permit fees, and fines shall be current.
8. Upon request by the City's certifying officer, the business must possess and make available for inspection the following documentation citing the Oakland business street address:
 - Executed (i.e. signed by all parties) copies of past/current contracts;
 - Oakland Business Tax Certificate and federal tax identification number;
 - Executed lease or other written agreement for occupancy of the Oakland office;
 - Business cards and Utility bills (including but not limited to telephone, gas, electric, or water bills)
9. A business requesting certification shall supply the City with all such additional information, as the City may deem relevant to make a determination on its eligibility for

certification. The City may wish to review additional documents that may include, but may not be limited to:

- Commercial advertising
- On-site signage
- Letterhead
- Previous Lease Agreements
- Marketing materials
- Listing in the telephone book.

Small local businesses must present or make available copies of federal tax returns showing gross revenues for the three most recent fiscal years in order for the City to determine compliance with established business size standards.

Certification Eligibility Standards

Ownership and Control for Small Local Business Enterprise

The following standards shall be used by the City to determine if a firm is owned and controlled by one or more owners or businesses and eligible for certification as a Small Local Business Enterprise:

An eligible small local business shall be an independent business. The ownership and control of the SLBE shall be real, substantial and continuing and shall go beyond the pro forma ownership of the firm as reflected in its ownership documents. The small local business owner shall enjoy the customary incidents of ownership and shall share in the risks and profits commensurate with their ownership interests, as demonstrated by an examination of the substance rather than form of arrangements. Recognition of the business as a separate entity for tax, corporate or local status purposes is not necessarily sufficient for recognition as an SLBE. In determining whether a potential SLBE is an independent business, the City shall consider all relevant factors, including the date the business started, the adequacy of its resources for the work of the contract, and the degree to which financial, equipment leasing and other relationships with non-local firms.

The owner(s) of the small local business must also possess the power to direct or cause the direction of the management and policies of the firm. Also, the owner shall make the day-to-day, as well as major decisions on matters of management, policy and operations. The firm shall not be subject to any formal or informal restrictions, which limit the customary discretion of the owners. There shall be no restrictions that would prevent the local business owners, without the cooperation or vote of any non-local owners, from making a business decision of the firm. (i.e. bylaws provisions, partnership agreements or charter requirements for cumulative voting rights)

Where the actual management of the firm is contracted out to individuals other than the owners, those persons who have the ultimate power to hire and fire the managers are, for the purposes of this part, considered controlling the business. The contribution of capital or expertise by the local owner(s) to acquire their interests in the firm shall be real and substantial. Newly formed firms and firms whose ownership and/or control have changed since the date of the advertisement of the contract are closely scrutinized to determine the reasons for the timing of the formation of or change in the firm.

A previous and/or continuing employer-employee relationship between or among present owners are carefully reviewed to ensure that the employee-owner has management responsibilities and capabilities. Any relationship between a SLBE and non- SLBE, which has an interest in the SLBE, is carefully reviewed to determine if the interest of the non-SLBE conflicts with the ownership and control requirements.

SLBEs will be considered bona fide if the ownership interests are real and continuing, and not created solely to meet the City goals for SLBEs participation. The SLBEs included in the contract must perform commercially useful services and/or supplies and not merely act as a passive conduit. In the event the City has reason to question the ownership of SLBEs, the burden of proof is on the claimant and/or contractor to provide documentation to substantiate the SLBE business enterprise status.

Size Standards for Small Businesses

The City defines a small business as thirty percent (30%) of the most recently published United States Small Business Administration's Small Business Size standards (U.S. SBA). Size is based on the average gross revenues for the three most recent years in doing business. The City of Oakland will adjust its small business size standards according to the most recently published U. S. SBA size standards.

LBE/SLBE Certification Process

Step 1 – The Application:

Down load Applications from the website maintained by Contracts and Compliance through the City's website. Go to <http://www.oaklandnet.com>, and select Contracting Opportunities under the "Jobs and Contracts" link. Then click on Certification and select the form and the appropriate supporting documents. Requests for certification applications can be made by phone, facsimile, electronic mail, in writing or in person. When submitting the application, remember to attach a copy of the most recent Business Tax Certificate and have the application notarized. If you are applying as a small business, attach the last three most recent business tax returns.

Step 2 – The Review Process:

All new certification applicants must undergo a desk audit and site visit. The desk audit and site visit will be conducted within 15 working days or upon submission of complete documentation. All parties are asked to cooperate fully with the investigation. Failure or refusal to furnish requested information or failure to cooperate voids the application. If the audit and review results in a satisfactory determination, analysis, recommendation and notification as to the status of the application to certify or deny certification will be conducted within 10 working days after the site visit.

During the process of certification, the City may review any documentation or information it deems necessary to determine whether the applicant meets the definition of a local business as found in the glossary in the Appendix of this document..

To ensure complete and accurate determination in a timely fashion, it is requested that all potential applicants submit an application for certification a minimum of three (3) weeks prior to a bid opening or submittal of a proposal. In order to receive credit for listed subcontractors and suppliers certifications must be complete and existing at the date and time of bid opening or submittal due dates.

Certification with another agency does not constitute certification with the City of Oakland. The City reserves the right to approve LBE/SLBE status from other government or City agencies. Firms or individuals who knowingly submit false information concerning their certification status are subject to action or actions for fraud under the State and Federal False Claims Act and will be debarred from bidding on future City work for a period of three (3) years.

Other Considerations

In addition to the above the City shall give special consideration to the following circumstances in determining eligibility:

Newly formed firms and firms whose ownership and/or control have changed since the date of the advertisement of the contract are closely scrutinized to determine the reasons for the timing of the formation of or change in the firm.

Previous and/or continuing employer-employee relationships between or among present owners are carefully reviewed to ensure that the employee-owner has management responsibilities and capabilities.

Any relationship between an LBE/SLBE and a business that is not an LBE/SLBE, which has an interest in the LBE, is carefully reviewed to determine if the interest of the non-LBE conflicts with the ownership and control requirements.

A joint venture is eligible for certification if the LBE/SLBE partner of the joint venture meets the standards for an eligible LBE. The LBE partner is responsible for a clearly defined portion of the work to be performed and shares in the ownership, control, management responsibilities, risks and profits of the joint venture. The City Attorney's office must approve joint venture agreements.

The mentor and protégé must be certified prior to the submittal of a mentor-protégé agreement for approval.

Re-Certification

A City of Oakland certification is valid for a period of two years, unless otherwise specified. At the end of the certification period the business must apply for re-certification. Notwithstanding

the above, the City may require re-submittal of current documentation and information in the event a LBE/SLBE certification is challenged.

Appeal

Any firm that believes that it has been wrongfully denied certification as an LBE/SLBE or joint venture may file an appeal in writing. The written appeal must be signed and dated.

The appeal shall be filed no later than 30 days after the date of denial. The City may extend the time for filing, or waive the time limit in the interest of justice. The City may specify in writing the reason for so doing.

Third parties, who have reason to believe that another firm has been wrongfully denied or granted certification as an LBE/SLBE or joint venture, may advise the City in writing. This information is not considered an appeal.

The City ensures a prompt investigation, and may at its discretion; decertify the LBE/SLBE or joint venture pending the outcome of the investigation.

Subsidiary/Affiliate - Part of a larger company with national offices located in other cities outside Oakland, and controlled by a home office or headquarters outside Oakland.

Subsidy - A grant, loan, credit, tax rebate, or any other way that provides a measure of value to the developer from the City.

Substantial Presence – A fixed and established place where work is carried on of a clerical, administrative, and 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. Criteria for consideration include:

- The local office is not merely a sham operation set up by a non-local business for the purpose of gaining L/SLBE certification;
- 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;
- 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;
- 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;
- 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.

Tier - The level of the relationship between the prime contractor and subcontractors, or between subcontractors.

Trucking – The transport of any bulk material such as steel, lumber, rebar, sheetrock, equipment, spoils, gravel, base course, excess, excavated materials, asphalt, imported fill and any other type of manufactured or fabricated bulk material that is imported and/or exported to and from the job site.

Very Small Local Business Enterprise - A business with (a) a substantial presence in the city of Oakland's geographic boundaries (b) a full operation conducting business for six (6) consecutive months and (c) a valid business tax certificate, and (d) is an independent business headquartered in Oakland. (e) gross receipts that do not exceed \$375,000

Waiver - An intentional action by City Council, excusing a contractor or a department from (1) adhering to and/or complying with a City policy.

Security Contract RFP Interview Scoring Summary

Ranking	American Guard Services Inc.	Subtotal	Final Score
1	Score	80.14	80.14
	Preference Points	0.00	
Ranking	ABC Security Services, Inc.	Subtotal	Final Score
2	Score	70.29	79.79
	Preference Points	9.50	
Ranking	Pro Guard Security Services	Subtotal	Final Score
3	Score	75.65	75.65
	Preference Points	0.00	
Ranking	A-1 Protective Services, Inc.	Subtotal	Final Score
4	Score	74.79	74.79
	Preference Points	0.00	
Ranking	Cypress Security Services LLC	Subtotal	Final Score
5	Score	66.24	72.74
	Preference Points	6.50	
Ranking	ANI Private Security & Patrol Inc.	Subtotal	Final Score
6	Score	45.51	53.51
	Preference Points	8.00	

OAKLAND CITY COUNCIL

Approved as to Form and Legality

RESOLUTION No. _____ C.M.S.

DRAFT
City Attorney

Introduced by Councilmember _____

RESOLUTION AWARDING A SECURITY SERVICES CONTRACT TO ABC SECURITY SERVICES INC. FOR A TERM PERIOD OF THREE (3) YEARS WITH AN OPTION TO EXTEND THE CONTRACT UPON SATISFACTORY COMPLETION OF THE INITIAL TERM IN INCREMENTS OF ONE (1) YEAR; FOR UP TO A TOTAL OF TWO (2) CONSECUTIVE ADDITIONAL YEARS; IN AN AMOUNT NOT-TO-EXCEED TWO MILLION, FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000) FOR EACH YEAR OF THE CONTRACT

WHEREAS, The City of Oakland has various municipal facilities and properties that require unarmed security personnel to provide security services to protect the public, city personnel, officials and property; and

WHEREAS, the City solicited proposals for unarmed security services from qualified firms to provide security services for City facilities and six firms responded and submitted proposals; and

WHEREAS, ABC Security Services Inc., a certified L/SLBE bidding as a prime, participated in an interview and screening process and was ranked number two (2) through that process and deemed the most qualified and responsive bidder for the project; and

WHEREAS, The City Council finds and determines that the performance of this contract is in the public interest because of the importance of security for Oakland's citizens, employees, facilities and property and;

WHEREAS, Funding for this contract for Security Guard Services is available in the following; the Facilities Services Fund (4400) the Library Services Retention and Enhancement Fund (2240) and the Multipurpose Reserve Fund (1750) and;

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work, that the performance of this contract is in the public interest because of economy or better performance and that this contract is of a professional, scientific or technical nature; and

WHEREAS, the City Council finds and determines that the performance of this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive service now, therefore, be it

RESOLVED: ABC Security Services Inc. complies with all LBE/SLBE requirements; and

RESOLVED: That the City Administrator is authorized to award a security services contract for security guard services at various locations to ABC Security Services Inc., in

the amount not to exceed two million five hundred thousand (2,500,000) per year and in accord with the request for proposals specifications for the project initiated by the City in October 2016; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized on behalf of the City of Oakland to execute any amendments or modifications of the contract for security guard service within the limitations of the project specifications; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to execute two, one year extension options at the end of the initial three-year contract term period, upon satisfactory completion with ABC Security Services Inc.; and be it

FURTHER RESOLVED: That the City Administrator or designee is hereby authorized to conduct all negotiations, execute and submit all documents, including but not limited to; agreements, amendments, extensions, modifications, payment requests and related actions which may be necessary for the completion of the agreement in accordance with its basic purpose; and be it

FURTHER RESOLVED: That the contract shall be reviewed and approved by the City Attorney for form and legality prior to execution and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, AND PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

OAKLAND CITY COUNCIL

DRAFT
City Attorney

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AWARDING A SECURITY SERVICES CONTRACT TO CYPRESS SECURITY SERVICES FOR A TERM PERIOD OF THREE (3) YEARS WITH AN OPTION TO EXTEND THE CONTRACT UPON SATISFACTORY COMPLETION OF THE INITIAL TERM IN INCREMENTS OF ONE (1) YEAR; FOR UP TO A TOTAL OF TWO (2) CONSECUTIVE ADDITIONAL YEARS; IN AN AMOUNT NOT TO EXCEED TWO MILLION, FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000) FOR EACH YEAR OF THE CONTRACT

WHEREAS, The City of Oakland has various municipal facilities and properties that require unarmed security personnel to provide security services to protect the public, city personnel, officials and property; and

WHEREAS, the City solicited proposals for unarmed security services from qualified firms to provide security services for City facilities and six firms responded and submitted proposals; and

WHEREAS, Cypress Security Services, a certified L/SLBE bidding as a prime, participated in an interview and screening process and was ranked number five (5) through that process and deemed responsive; and

WHEREAS, The City Council finds and determines that the performance of this contract is in the public interest because of the importance of security for Oakland’s citizens, employees, facilities and property and;

WHEREAS, Funding for this contract for Security Guard Services is available in the following; the Facilities Services Fund (4400) the Library Services Retention and Enhancement Fund (2240) and the Multipurpose Reserve Fund (1750) and;

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work, that the performance of this contract is in the public interest because of economy or better performance and that this contract is of a professional, scientific or technical nature; and

WHEREAS, the City Council finds and determines that the performance of this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive service now, therefore, be it

RESOLVED: Cypress Security Services complies with all LBE/SLBE requirements; and

RESOLVED: That the City Administrator is authorized to award a security services contract for security guard services at various locations to Cypress Security Services, in the

amount not to exceed two million, five hundred thousand dollars (2,500,000) per year and in accord with the request for proposals specifications for the project initiated by the City in October 2016; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized on behalf of the City of Oakland to execute any amendments or modifications of the contract for security guard service within the limitations of the project specifications; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to execute two, one year extension options at the end of the initial three-year contract term period, upon satisfactory completion with Cypress Security Services; and be it

FURTHER RESOLVED: That the City Administrator or designee is hereby authorized to conduct all negotiations, execute and submit all documents, including but not limited to; agreements, amendments, extensions, modifications, payment requests and related actions which may be necessary for the completion of the agreement in accordance with its basic purpose; and be it

FURTHER RESOLVED: That the contract shall be reviewed and approved by the City Attorney for form and legality prior to execution and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, AND PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

OAKLAND CITY COUNCIL

DRAFT
City Attorney

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AWARDING A SECURITY SERVICES CONTRACT TO A-1 PROTECTIVE SERVICES INC. FOR A TERM PERIOD OF THREE (3) YEARS WITH AN OPTION TO EXTEND THE CONTRACT UPON SATISFACTORY COMPLETION OF THE INITIAL TERM IN INCREMENTS OF ONE (1) YEAR; FOR UP TO A TOTAL OF TWO (2) CONSECUTIVE ADDITIONAL YEARS; IN AN AMOUNT NOT-TO-EXCEED TWO MILLION, FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000) FOR EACH YEAR OF THE CONTRACT

WHEREAS, The City of Oakland has various municipal facilities and properties that require unarmed security personnel to provide security services to protect the public, city personnel, officials and property; and

WHEREAS, the City solicited proposals for unarmed security services from qualified firms to provide security services for City facilities and six firms responded and submitted proposals; and

WHEREAS, A-1 Protective Services Inc., bidding as a prime, participated in an interview and screening process and was ranked number four (4) through that process and;

WHEREAS, The City Council finds and determines that the performance of this contract is in the public interest because of the importance of security for Oakland's citizens, employees, facilities and property and;

WHEREAS, Funding for this contract for Security Guard Services is available in the following; the Facilities Services Fund (4400) the Library Services Retention and Enhancement Fund (2240) and the Multipurpose Reserve Fund (1750) and;

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work, that the performance of this contract is in the public interest because of economy or better performance and that this contract is of a professional, scientific or technical nature; and

WHEREAS, the City Council finds and determines that the performance of this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive service now, therefore, be it

RESOLVED: Council will need to waive the L/SLBE requirement for A-1 Protective Services Inc. to execute a contract because their L/SLBE certification was revoked for failure to satisfy a substantial presence in Oakland requirement;

RESOLVED: That the City Administrator is authorized to award a security services contract for security guard services at various locations to A-1 Protective Services Inc., in

the amount not to exceed two million, five hundred thousand dollars (2,500,000) per year and in accord with the request for proposals specifications for the project initiated by the City in October 2016; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized on behalf of the City of Oakland to execute any amendments or modifications of the contract for security guard service within the limitations of the project specifications; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to execute two, one year extension options at the end of the initial three-year contract term period, upon satisfactory completion with A-1 Protective Services Inc.; and be it

FURTHER RESOLVED: That the City Administrator or designee is hereby authorized to conduct all negotiations, execute and submit all documents, including but not limited to; agreements, amendments, extensions, modifications, payment requests and related actions which may be necessary for the completion of the agreement in accordance with its basic purpose; and be it

FURTHER RESOLVED: That the contract shall be reviewed and approved by the City Attorney for form and legality prior to execution and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, AND PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

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