

Approved as to Form and Legality



City Attorney's Office

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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**RESOLUTION WAIVING THE CITY'S SMALL-VERY SMALL LOCAL BUSINESS ENTERPRISE PARTICIPATION REQUIREMENT AND AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND AWARD A PROFESSIONAL SERVICES AGREEMENT TO EMC RESEARCH, INC. IN AN AMOUNT NOT TO EXCEED TWO HUNDRED THOUSAND DOLLARS (\$200,000.00) FOR POLLING SERVICES**

**WHEREAS**, the City of Oakland (City) is in need of a polling consultant to provide polling services, data analysis and report services, and community engagement services for the City in anticipation of potential 2022 revenue ballot measures where the City may request voter approval to support any or all services including transportation, infrastructure, affordable housing, public safety, library, and a progressive business tax structure; and

**WHEREAS**, Oakland Municipal Code (OMC) 2.04.040.B requires the City Administrator to conduct a Request for Proposals/Qualifications (RFP/Q) for professional services contracts; and

**WHEREAS**, on October 29, 2021, the City issued a RFP/Q for a consultant to provide polling services, data analysis and report services, ballot measure development, and community engagement strategy services and received two (2) proposals; and

**WHEREAS**, the two (2) proposals were evaluated by a panel of professionals and determined that both proposals were non-responsive to at least one major service area indicated in the scope of services; and

**WHEREAS**, on November 26, 2021, the City re-advertised the RFP/Q and received one (1) resubmitted proposal and one (1) additional proposal. Both proposals were evaluated by the panel and based on the panel's evaluation and contract requirements, EMC Research Services, Inc. and Clifford Moss was recommended as the most qualified consultant to perform the services; and

**WHEREAS**, On May 17, 2021, City Council adopted Ordinance No. 13647 C.M.S that amended the Local and Small Local Business Enterprise Program; and

**WHEREAS**, the Department of Workforce & Employment Standards (DWES) evaluated both proposals for compliance for the 50% Local and Small Local Business Enterprise program (L/SLBE) participation requirement and deemed both firms were non-responsive; and

**WHEREAS**, Part III.2.3 of the L/SLBE requires that the SLBE certification must be valid and in place 12 months prior to the closing date of a competitive process; and

**WHEREAS**, Clifford Moss, the sub-consultant under prime consultant EMC Research, Inc. SLBE's certification expired on October 31, 2021 and Clifford Moss is currently seeking recertification as an SLBE with DWES; and

**WHEREAS**, the City Administrator has determined that as a result of conducting two competitive RFP/Q processes in the latter part of last year, there is limited availability of consultants who perform the type of consulting work needed for this contract; and

**WHEREAS**, the Council may waive the City's SLBE requirements for professional services due to limited availability pursuant to Part I of Oakland's Local and Small Local Business Enterprise Program guidelines adopted by under Ordinance No. 13647 C.M.S; and

**WHEREAS**, the City Administrator recommends that the SLBE requirements are waived for this contract because EMC Research, Inc. is considered the best and most qualified respondent to the RFP who will be able to provide the services listed in the scope of work in the RFP including polling, data analysis, ballot measure development, and community outreach; and

**WHEREAS**, the City Administrator has determined that this contract is for services of a professional, scientific, or technical and temporary nature; and

**WHEREAS**, the City Administrator has determined that this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive service; and

**WHEREAS**, funds are available for this Agreement in the City Administrator's org (02111), General Purpose Fund (1010) and Grant Clearing Fund (7760), administrative project (1000002) and elections & political compliance program (IP15); now, therefore, be it

**RESOLVED:** That, for the foregoing reasons, City Council finds and determines that it is in the City's best interest to waive the L/SLBE requirements, and so waives the requirements for the polling contract, and authorizes the City Administrator to negotiate and, if such negotiations are successful, award a professional services agreement to EMC Research, Inc. for polling services in an amount not to exceed two hundred thousand dollars (\$200,000.00); and be it

**FURTHER RESOLVED:** That based on the information above, the contract is of a professional, technical and temporary nature and will not result in the loss of employment or salary by any person having permanent status in the competitive process; and be it

**FURTHER RESOLVED:** That prior to execution, the professional services agreement authorized by this resolution shall be reviewed and approved for form and legality by the City Attorney and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND  
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_  
ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California

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