



# AGENDA REPORT

**TO:** Edward D. Reiskin  
City Administrator

**FROM:** Erin Roseman  
Director of Finance

**SUBJECT:** EMC Research, Inc.  
Professional Services Agreement

**DATE:** January 12, 2022

City Administrator Approval 

Date Jan 12, 2022

## **RECOMMENDATION**

**Staff Recommends That The City Council Adopt A 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.**

## **EXECUTIVE SUMMARY**

On October 29, 2021, staff released a Request for Proposal (RFP) seeking assistance from a consultant to provide polling services, data analysis, report creation, ballot measure development, and community engagement strategy services in anticipation of possible 2022 revenue ballot measures where the City may request voter approval to:

- support transportation, parks, storm water, municipal facilities, information technology, libraries and affordable housing infrastructure needs through a general obligation bond;
- support a more progressive business license tax structure that would generate increased revenue to support general City services;
- support continued investment in public safety through a renewal of the 2014 Oakland Public Safety and Services Violence Prevention Act (Measure Z);
- support continued investment in library services through a renewal of the 2004 Library Services Retention and Enhancement Act (Measure Q); and/or
- support general or specific City needs via other revenue measure(s).

Upon evaluation of the two (2) submitted proposals, both firms were deemed non-responsive to a primary service in the scope of work and subsequently re-advertised the RFP on November 26, 2021. Upon review of the submitted proposals for the re-advertised RFP, staff evaluated and selected primary consultant, EMC Research Inc., and subconsultant, Clifford Moss, as the most qualified consultants to perform the services. The Department of Workplace & Employment Standards (DWES) evaluated the proposal and indicated that the proposal failed to meet the minimum 50% Local and Small Local Business Enterprise (L/SLBE) due to Clifford Moss' SLBE certification which expired on October 31, 2021. Clifford Moss is currently working with DWES to recertify as a SLBE and, as such, the proposal will ultimately satisfy the L/SLBE.

City Council  
January 18, 2022

Due to a limited availability of consultants who perform this type of consulting work needed for this contract, staff seeks approval from City Council to waive the L/SLBE requirements and authorize the City Administrator to negotiate and execute a professional services agreement with EMC Research, Inc. in an amount not to exceed two hundred thousand dollars (\$200,000.00) to provide polling, data analysis, ballot measure development, and community engagement strategy services.

### **BACKGROUND/LEGISLATIVE HISTORY**

On May 4, 2021, the Oakland City Council adopted Ordinance No. 13647, which revised Oakland's Local and Small Local Business Enterprise (L/SLBE) program, removed language regarding waiver of Small Local Business Enterprise (SLBE) subcontracting requirements, and revised the SLBE certification criteria.

On June 24, 2021, the Oakland City Council approved Resolution No. 88717 which adopted the biennial budget for fiscal years 2021-23. In this resolution City Council amended the proposed budget to add funding for polling for 2022 ballot measures. The Council directive to the City Administration was to conduct analysis and community engagement regarding a possible new Infrastructure Bond ballot measure in 2022 for public infrastructure and affordable housing.

### **ANALYSIS AND POLICY ALTERNATIVES**

On October 29, 2021, the City of Oakland issued an RFP/Q inviting qualified consultant teams to submit proposal to conduct polling, data analysis, report creation, ballot measure development, and community engagement services. The RFP resulted in the submission of two (2) proposals from Probolsky Research and FM3 Research, respectively.

The City formed an evaluation panel to assess the proposals based upon a standard scoring system for compliance and with the criteria of meeting the scope of services to achieve a possible maximum score of twenty-four (24). The evaluation panel identified that both firms were non-responsive to at least one major service area in the scope of work.

Consequently, staff re-advertised the RFP/Q on November 26, 2021, and received one (1) resubmitted proposal from Probolsky Research and one (1) new proposal from EMC Research, Inc. The evaluation panel again scored the proposals and identified that the proposal submitted by EMC Research, Inc. met most of the criteria in the scope of services and determined that EMC Research, Inc. was the most responsive and qualified consultant to perform all of the requested services. The evaluation panel scored EMC Research, Inc. with an average score of 21.5 out of a possible 24 points.

On May 04, 2021, City Council adopted Ordinance No. 13647 C.M.S that amended the L/SLBE program requirements. Specifically, revisions to Part III.2.3 of the L/SLBE program required that SLBE certification must be valid and in place twelve (12) months prior to the closing date of a competitive process.

On December 20, 2021, DWES informed staff that the RFP submitted by EMC Research, Inc. failed to meet the minimum 50% L/SLBE participation requirement and as such were non-

responsive to the L/SLBE program. Specifically, EMC Research’s proposal did not meet the SLBE requirement, although, it was intended that subconsultant Clifford Moss would meet that requirement. Upon further review, it was found that Clifford Moss’ SLBE certification expired on October 31, 2021 and is currently seeking recertification as an SLBE with DWES.

Pursuant to Part I of the L/SLBE program, due to the limited availability of consultants who perform this type of consultant work, staff is requesting that City Council waive the L/SLBE requirement. This waiver is in the best interest of the City because EMC Research, Inc. is the best and most qualified respondent to the RFP and the value of the information that will be obtained by the services this consultant will provide certainly is beneficial to the residents of Oakland. Staff also desires to adhere to the City Council’s policy directive under the Clean, Healthy, and Sustainable Neighborhoods Council budget priority by working with the most qualified firm to provide the highest level of service for the Infrastructure Bond ballot measure and meet the April 2022 deadline set by City Council.

**FISCAL IMPACT**

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

Funding for the proposed contract is available in the Fiscal Year (FY) 2021-2023 Biennial Adopted Budget in the following funding sources:

**Table 1: Funding Sources**

| <b>Fund</b>            | <b>Organization</b>         | <b>Project</b>          | <b>Account</b>                 | <b>Program</b>                          | <b>Amount</b>    |
|------------------------|-----------------------------|-------------------------|--------------------------------|---|------------------|
| 1010 – General Purpose | 02111 – City Administration | 1000002 – Admin Project | 54011 – Contract Contingencies | IP15 – Elections & Political Compliance | \$200,000        |
| <b>Total Funding</b>   |                             |                         |                                |   | <b>\$200,000</b> |

**PUBLIC OUTREACH / INTEREST**

Staff provided notice to labor representatives, per the terms and conditions of the current Memorandums of Understanding with Local 21, Service Employee International (SEIU) 1021, and International Brotherhood of Electrical Workers (IBEW).

The RFP/Q was formally advertised in four (4) newspapers including the Oakland Tribune, SF Chronicle, Oakland Post, and El Mundo. The City’s web-based procurement system, iSupplier, was utilized to distribute the RFP/Q with documents available free of charge online. Additionally, on November 10, 2022, staff, Contract Services, and Contract Compliance staff held a pre-

proposal teleconference to further promote participation and answer questions related to the RFQ.

During the ballot measure development phase of the project, staff will be partnering heavily with local community organizations for input, feedback, and recommendations for the measure. Additionally, during the community outreach phase of the project, the consultant along with the community partners will intensely engage the community for involvement for the ballot measure. This effort will primarily focus and intentionally seek the participation of members in our underserved Oakland communities.

### **COORDINATION**

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

### **SUSTAINABLE OPPORTUNITIES**

***Economic:*** The identification of potential revenue opportunities may fund the City's infrastructure including affordable housing, transportation, storm water, libraries, and parks. The various projects and programs have numerous economic opportunities for Oakland businesses, including contracts for construction and professional services, and the development of key sites to grow existing and attract new businesses.

***Environmental:*** The professional services agreement is in direct support of the City's goal to develop a "Sustainable and Healthy Environment" as the services provided by the consultants will identify the possibility of an Infrastructure Bond ballot measure which would include investments in Oakland's infrastructure and affordable housing. Infrastructure projects will incorporate as many "environmental sustainability" features into the design and construction of the project as are practical and financially feasible.

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

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends That The City Council Adopt A Resolution Waiving The City's 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.

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

Respectfully submitted,



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ERIN ROSEMAN  
Director of Finance

Prepared By:  
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Finance Department

