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CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. 89058 C.M.S.

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RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO AWARD A PROFESSIONAL SERVICES CONTRACT TO MASON TILLMAN ASSOCIATES TO CONDUCT A DISPARITY STUDY FOR AN AMOUNT NOT TO EXCEED SIX HUNDRED THOUSAND DOLLARS (\$600,000) TO STUDY THE CITY'S PROFESSIONAL SERVICES, PROCUREMENT AND CONSTRUCTION CONTRACTING ACTIVITIES FOR THE PERIOD OF JULY 1, 2016 THROUGH JUNE 30, 2021, AND WAIVING THE COMPETITIVE REQUEST FOR PROPOSAL/QUALIFICATIONS (RFP/Q) PROCESS AND LOCAL AND SMALL LOCAL BUSINESS ENTERPRISE (L/SLBE) PROGRAM REQUIREMENTS

**WHEREAS**, the City of Oakland seeks to ensure equal opportunity in its contracting activities, and as contracting market participants, to ensure the City is not actively or passively discriminating on the basis of race or gender against minority-owned or women-owned businesses; and

**WHEREAS**, the City of Oakland Charter was amended in 1996, adding Section 808(b), which requires the City to conduct a race and gender disparity evaluation periodically to ascertain whether the City "has been an active or passive participant in actual, identifiable discrimination within its relevant [contracting] market place", and to "establish a narrowly tailored race and/or gender business participation program, if discrimination is demonstrated and substantiated by the disparity evaluation, for the bidding and awarding of purchases and contracts for so long as necessary to remedy such discrimination; and

**WHEREAS**, consistent with the City's policy and Charter mandate the City wishes to undertake a disparity study as required by Charter Section 808(b) to implement programs and policies that address race and gender disparities that exist in the City's procurement processes and outcomes; and

**WHEREAS**, it is necessary to complete a disparity study to gather and analyze the City's business market and recent contracting activities to determine if disparities exist in participation rates of businesses that are minority and women-owned businesses in City contracts for services, goods, materials and construction, and, if so, to establish a foundation for tailored remedial programs to address any such disparities; and

**WHEREAS**, Mason Tillman Associates, MTA, has conducted disparity studies for agencies across the country, as well as the City of Oakland, County of Alameda and Port of Oakland and, therefore, has extensive experience working with and studying the

Oakland business market, working with City of Oakland staff and familiarity with City of Oakland contracting policies, programs, procedures and practices; and

**WHEREAS**, MTA is prepared to conduct the Charter-required disparity study to review the City's professional services, procurement and construction contracting activities for the period of July 1, 2016 through June 30, 2021, and to recommend actions, programs, policies, procedures and practices to address race and gender based disparities that are documented, for an amount not to exceed six hundred thousand dollars (\$600,000); and

**WHEREAS**, for the foregoing reasons and in order to expedite the Charter-required disparity study, the City administrator recommends, pursuant to Oakland Municipal Code section 2.04.051, that it is in the City's best interests for the City Council to waive the professional services RFP/Q process and authorize award of the contract to MTA to conduct the disparity study; and

**WHEREAS**, the City Administrator has determined that the contract is of a professional, scientific or technical and temporary, and shall not result in the loss of employment or salary by any person having permanent status in the competitive civil service; now, therefore, be it

**RESOLVED:** That, based on the City Administrator's recommendation above and pursuant to Oakland Municipal Code section 2.04.051, the Council hereby finds that it is in the best interests of the City to waive the competitive RFP/Q process for the disparity study and so waives the requirement; and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to award a professional services contract to Mason Tillman Associates to conduct a disparity study to review the City's professional services, procurement and construction contracting activities for the period of July 1, 2016 through June 30, 2021 in an amount not to exceed six hundred thousand dollars (\$600,000); and be it

**FURTHER RESOLVED:** That based on the City Administrator's representations, the Council finds that the disparity study contract is of a professional, scientific or technical and temporary, and shall not result in the loss of employment or salary by any person having permanent status in the competitive civil service.

IN COUNCIL, OAKLAND, CALIFORNIA,

**MAR 01 2022**

PASSED BY THE FOLLOWING VOTE:

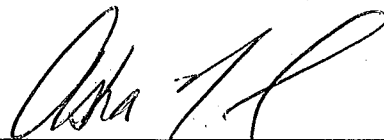
AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND PRESIDENT FORTUNATO BAS — 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:



ASHA REED

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