



AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Michele Byrd
Director, HCD

SUBJECT: PolicyLink Professional
Services Agreement RFP/Q Waiver

DATE: January 11, 2016

City Administrator
Approval

Date

1/13/16

RECOMMENDATION

Staff Recommends that the City Council Adopt a Resolution Waiving the Competitive Request for Proposal/Qualification Selection Requirement for a Professional Services Agreement in the amount of \$50,000 with PolicyLink for the Oakland Sustainable Neighborhood Initiative.

EXECUTIVE SUMMARY

Adoption of the proposed resolution would allow a waiver of the competitive RFP/Q selection requirement for the Professional Services Agreement with PolicyLink for its services on behalf of Oakland Sustainable Neighborhood Initiative (OSNI), which is funded by a \$999,836 three-year grant from the California Department of Conservation Strategic Growth Council grant. The waiver will allow the City to execute a contract with PolicyLink in the amount of \$50,000 as compensation for Promise Zone¹ application narrative, housing and anti-displacement strategy recommendations, business impact mitigation strategy support related to the Bus Rapid Transit project, and OSNI facilitation and documentation services rendered during Fiscal Years 2014-2015 and 2015-2016. The contractor provided services under the assumption of a contract beginning in July 2014. With City Council approval of a waiver of the competitive selection requirement, the contract will be back-dated to July 1, 2014.

BACKGROUND/LEGISLATIVE HISTORY

¹ The U.S. Department of Housing and Urban Development (HUD) Promise Zone initiative seeks to revitalize high-poverty communities across the country by creating jobs, increasing economic activity, improving educational opportunities, reducing crime, leveraging private capital, and assisting local leaders in navigating federal programs. HUD-designated Promise Zones have the opportunity to 1) engage the services of five AmeriCorps/VISTA members in the Promise Zone; 2) receive assistance from a federal liaison to navigate federal programs; 3) receive preference points for certain competitive federal programs; and 4) receive Promise Zone tax incentives, if enacted by Congress.

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BACKGROUND/LEGISLATIVE HISTORY

As part of a growing movement to integrate equity and sustainability principles into economic development and prosperity plans, the City launched the OSNI. Its work focuses on International Boulevard (IB) and is grounded in the 2011 Transit Oriented Development Plan (TOD) that was prepared in anticipation of AC Transit's Bus Rapid Transit (BRT) project and the opportunities that a new major transit system offers for sustainable economic development and growth along the entire Corridor. The City and its dozens of public and private partners have assumed shared leadership on the IB Corridor project, which stretches from 1st Avenue to the San Leandro border.

OSNI's purpose is to ensure that merchants and residents along the International Boulevard Corridor receive equitable benefits from the expected growth resulting from the BRT project. PolicyLink is a renowned national research action institute founded by Angela Glover Blackwell that advances economic and social equity through support of projects such as OSNI. PolicyLink provides specialized expertise in areas such as economy, health, and infrastructure equity, Promise Neighborhoods, transportation equity, and civic engagement. As the work of OSNI evolved around the Corridor initiative, the Director of Strategic Initiatives at the time determined that the project needed PolicyLink's expertise to assist with special projects related to the Promise Zone application, housing equity, business sustainability, and support for the OSNI Collaborative. With regard to housing equity, PolicyLink has done extensive work with the City of San Francisco on its policies and brought a substantial amount of that work to bear on Oakland's Housing Equity Road Map project.

Initially, the plan was to enter into a \$20,000 contract with PolicyLink, which could have been accomplished through an informal Notice Inviting Bids process. The proposed Scope of Work, however, expanded to \$50,000, and fell under the definition of a Professional Services Agreement. Based on a Scope of Work that was finalized in writing in June 2014, PolicyLink provided support for OSNI under the assumption of a Professional Services Agreement by the Director of PolicyLink and the City's Director of Strategic Initiatives. The presumed service agreement was procured using an informal Request for Proposal process. The Director of the Department of Housing and Community Development was not willing to sign the contract once she determined that the Scope of Work negotiated with and performed by PolicyLink fit the definition of the Professional Services Agreement, which requires a formal Request for Proposals/ Qualifications (RFP/Q) process for any contract exceeding \$25,000 per OMC Title 2, Chapter 2, Article A, Section 2.04.101. The contract with PolicyLink, therefore, has not been executed to date.

OSNI is funded by a \$999,863 State Department of Conservation Strategic Growth Council Sustainable Communities Planning Grant (Resolution No. 83714 and 85486 C.M.S.). The grant budget will be modified to cover the cost of the Professional Services Agreement with PolicyLink, as stated in the Fiscal Impact section of this report.

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ANALYSIS

PolicyLink, which has a headquarters in Oakland, specializes in equitable development and civic engagement, which are core values of OSNI. Bringing PolicyLink on board as a contractor to assist with the Promise Zone application, equitable housing policy formulation, strategies for non-displacement of local businesses and support for OSNI's Community Planning Leaders program was a natural fit for the Initiative. PolicyLink was also funded by the San Francisco Foundation to assist with the development of the Equity Roadmap.

City policy requires that all Professional Services Agreements \$25,000 or higher be procured through a formal competitive RFP/Q selection process. A \$50,000 contract was prepared with an effective start date of July 2014 and signed by PolicyLink. That contract was not signed, however, by the Director of the Department of Housing and Community Development or the City Administrator's Office because the formal RFP process had not been completed. PolicyLink was unaware of the delay in executing the contract and performed tasks per the Scope of Work (**Attachment A**) under the direction of the Office of Strategic Initiatives starting July 1, 2014, as follows:

1. Provided extensive support for Oakland 2015 Promise Zone application, including more than 20 pages of narrative with extensive data and analysis as required by the US Department of Housing and Urban Development;
2. Prepared an extensive report with recommendations on anti-displacement strategies for Oakland residents, including those residing in the Corridor;
3. Developed an Economic Development policy framework for the OSNI collaborative that included extensive data on demographics specific to the IB Corridor in partnership with the Urban Strategies Council as well as prepared a report of best practices on three Transit Oriented Development projects to inform policy decisions regarding Oakland's BRT project; and
4. Gathered data to assist in the preparation of summary reports on OSNI accomplishments, best practices, and sustainability strategies.

FISCAL IMPACT

Funding for the \$50,000 contract with PolicyLink will be set-up within the State Department of Conservation Strategic Growth Council grant with the City as follows:

- CA Department of Conservation Strategic Growth Council Grant Fund 2159
- City Housing Administration Organization 89919
- Oakland Sustainable Neighborhood Initiative (OSNI) Project G466110

The work PolicyLink has and will continue to provide for OSNI is consistent with the goals and tasks of the State grant, which was accepted and appropriated by the City Council by

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way of Resolution No. 83714 C.M.S. Tasks articulated in the State Grant Workplan include development of strategies to improve housing, public transit and economic revitalization, and promotion of community planning leadership structure and development strategies. The work performed by PolicyLink is consistent with the State Grant Work Plan and Schedule of Deliverables.

PUBLIC OUTREACH/INTEREST

Inclusion is a primary guiding principle of OSNI. There are more than 40 community and faith-based, philanthropic, investment, and public organizations that are signatory to the Memorandum of Understanding regarding the International Boulevard Corridor project. PolicyLink is one of OSNI's valued partners.

COORDINATION

To correct the procurement oversight, staff coordinated efforts with the Office of Contracts and Compliance, which conferred with the City Attorney's Office. The Controller's Bureau also assisted with the set-up of the contract funds.

SUSTAINABLE OPPORTUNITIES

Economic: OSNI's goal is to revitalize the IB Corridor while minimizing to the greatest extent possible displacement of residents and businesses.

Environmental: The focal point of OSNI is around transit oriented development, which is a proven effective strategy of sustainable development. In addition, energy and water-efficient features are being incorporated in every development project to the extent possible.

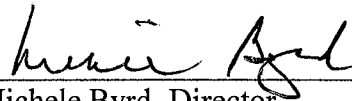
Social Equity: OSNI's primary focus is on enabling residents and commercial businesses operations in low-income, under-served communities to benefit from the economic growth opportunities that the Bay Area is experiencing.

ACTION REQUESTED OF THE CITY COUNCIL

Staff requests that the City Council adopt the Resolution waiving the competitive RFP/Q selection requirement for a Professional Services Agreement with PolicyLink for the Oakland Sustainable Neighborhood Initiative.

For questions regarding this report, please contact Al Auletta, Project Manager, at 238-3752.

Respectfully submitted,



Michele Byrd, Director
Department of Housing
and Community Development

Prepared by:
Al Auletta, Manager
International Boulevard Corridor Project

Attachment A: Scope of Work

**CITY OF OAKLAND
PROFESSORIAL SERVICES CONTRACTOR
SCOPE OF WORK/OUTLINE OF SERVICES TO BE PERFORMED**

TASKS AND ESTIMATED COMPLETION DATES

1. Support City of Oakland in Development of Promise Zones application to the US Department of Housing and Urban Development.

To be completed by February 2015.

2. Develop best practice policy recommendations regarding housing issues and anti-displacement strategies for residents.

To be completed July 2015.

- o PolicyLink will help the Housing Working Group develop its housing and anti-displacement priorities for the International Blvd corridor; utilize data on the corridor to inform strategy; conduct best practice research related to the strategy; and help the working group develop policy agenda based on translation of best practice research for the International Blvd context. PolicyLink will develop a document the OSNI Housing Working Group, the County Public Health and Healthy Homes Departments, EBHO, City Housing & Building Departments, and nonprofit developers that identifies: 1) potential sites for building new affordable housing & priority community needs in that area; and 2) potential areas for healthy housing intervention strategies. This document will be presented to inform implementation and policy. August 2014-September 2015
- o The Housing/anti-displacement policy was part of and builds on the Roadmap, and memo to OSNI leadership and Housing Workgroup about how to participate in policy implementation specifically for OSNI outcomes, e.g. Prioritize vacant property dispensation along International Blvd corridor on properties that nonprofits want to develop for affordable ownership in progress, waiting for adoption of Roadmap.

3. Develop best practice policy recommendations regarding economic development issues, including mitigation of negative development impacts on local businesses.

To be completed by June 2016.

- o PolicyLink will help the OSNI Commercial and Economic Development (CED) working group develop its economic development priorities for the International Blvd corridor; utilize data on the corridor to inform strategy; conduct best practice research related to the strategy; and help the working group develop policy agenda based on translation of best practice research for the International Blvd context.

4. Documentation and dissemination of OSNI meeting notes and policy initiatives.

To be completed by June 2016.

- PolicyLink will document the best practices and lessons learned of the working groups; the progress of the initiative; and the outcomes realized in the arc of the initiative. This will form a case study that can be utilized by peer efforts in other cities; by philanthropy; and by policymakers to replicate successes and avoid challenges faced by OSNI.
- Gather documentation from developers investing in projects along the corridor who serve on OSNI committees and other OSNI leadership; gather BRT policy documents, BRT business mitigation brief; gather priorities from mapping processes; interview key organizations for reflections on accomplishments and challenges; gather Promise Zone, SGC, TCE grant proposals.
- Draft outline of case study, vet with OSNI leadership, highlighted organizations.
- Revise outline from feedback.
- Draft case.
- Vet with OSNI leadership, highlighted organizations
- Disseminate via blog post, America's Tomorrow newsletter, post on PolicyLink website
- Assist with dissemination of other OSNI leadership produced information
- Develop press release and disseminate to local media

Consultant:

(Print)

(Signature)

(Date)

City Representative:

(Print)

(Signature)

(Date)

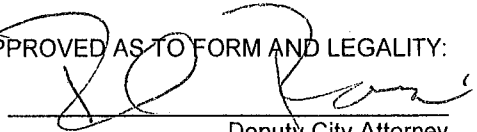
POLICYLINK
PERFORMANCE BASED
PROFESSIONAL SERVICES AGREEMENT
BUDGET
Budget by Deliverables

Task Descriptions	Contract Period 7/1/2014- 6/30/2016
1. Support City of Oakland in Development of Promise Zones application to the US Department of Housing and Urban Development.	\$9,000
2. Develop best practice policy recommendations regarding housing issues and anti-displacement strategies for residents.	\$15,000
3. Develop best practice policy recommendations regarding economic development issues, including mitigation of negative development impacts on local businesses.	\$9,000
4. Documentation and dissemination of OSNI meeting notes and policy initiative case studies and articles.	\$17,000
TOTAL	\$50,000

Payments shall be disbursed based upon completion of Tasks set forth above and upon the City's receipt and approval of (1) an invoice requesting payment for the completion of one or more Tasks; and (2) timely and accurate performance reporting and other work product or documents fully substantiating completion of the Task(s) for which Contractor is requesting payment; and (3) Contractor's attestation that actual time and material costs met or exceeded amount being invoiced for delivery of each Task.

The City will only pay invoices once Contractor has submitted a complete and accurate performance report in the form mutually agreed upon by Contractor and the City for the appropriate period of performance. The report must demonstrate that performance to date is on pace to complete all Tasks set forth above by the end of the contract period.

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APPROVED AS TO FORM AND LEGALITY:

Deputy City Attorney

OAKLAND CITY COUNCIL
RESOLUTION No. _____ C.M.S.

A RESOLUTION WAIVING THE FORMAL REQUEST FOR PROPOSAL/QUALIFICATION SOLICITATION REQUIREMENT FOR A PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$50,000 WITH POLICYLINK FOR THE OAKLAND SUSTAINABLE NEIGHBORHOOD INITIATIVE

WHEREAS, the Oakland Sustainable Neighborhood Initiative (OSNI) was created around the International Boulevard Transit Oriented Development project to ensure that merchants and residents along the International Boulevard Corridor receive equitable benefits from the expected growth resulting from the Bus Rapid Transit project; and

WHEREAS, PolicyLink is a nationally renowned consulting firm with more than 15 years of experience in engaging multiple stakeholders in equity-focused planning processes, performing place-based work, and utilizing data-driven approaches that are race and poverty-conscious; and

WHEREAS, PolicyLink responded to an informal Request for Proposals for a service agreement in June 2014 to provide data and best practices analysis and research support for OSNI; and

WHEREAS, PolicyLink provided said services with the understanding that a service agreement would be forthcoming effective July 1, 2014; and

WHEREAS, the informal procurement process used was based on the understanding that the services being solicited through an informal notice inviting bids process fell under the definition of a Service Agreement per OMC Section 2.04.040.B.2., which has a formal competitive Request for Proposals/Qualifications (RFP/Q) solicitation requirement threshold of \$50,000; and

WHEREAS, the Scope of Work as shown in Exhibit A changed from the original submission, putting the agreement under the definition of a Professional Services Agreement per OMC Section 2.04.040.B.5, which thus requires staff to conduct a formal RFP/Q solicitation process for the procurement of professional services exceeding \$25,000; and

WHEREAS, OMC Section 2.04.051.B permits the City Council to waive the competitive RFP/Q competitive solicitation requirement upon a finding and determination that it is in the best interests of the City to do so; and

WHEREAS, staff recommends that it is in the City's best interests to waive the competitive RFP/Q selection requirement for this contract because PolicyLink provided services consistent with the Scope of Work (Exhibit A) in the contract documents, which it had signed and assumed would be executed retroactive to July 1, 2014; and

WHEREAS, staff recently became aware of the procurement misunderstanding and is committed to properly executing this agreement and ensuring that Policy Link is reimbursed for services it rendered in good faith;

WHEREAS, the Professional Services Agreement is funded by State of California Grant Fund 2159, Housing Administration Organization 89919, and Oakland Sustainable Neighborhood Initiative Project G466110; now, therefore, be it

RESOLVED: That pursuant to OMC Section 2.04.051.B and for reasons stated above and in the City Administrator's report accompanying this Resolution, the City Council hereby finds and determines that it is in the best interests of the of the City to waive the competitive RFP/Q competitive solicitation process requirements for the above agreement, and hereby waives such requirement.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

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