



AGENDA REPORT

RECOMMENDATION

**City Administrator Recommends That The City Council Receive An Informational Report
On The 2024 City of Oakland Disparity Study Prepared By Mason Tillman Associates
(MTA) Pursuant To Resolution No. 89058 C.M.S.**

EXECUTIVE SUMMARY

Pursuant to City Council direction contained in [Resolution No. 89058 C.M.S](#), the City contracted with Mason Tilman Associates (MTA) to conduct a Disparity Study for the City of Oakland. The purpose of this informational report is to present the 2024 City of Oakland Disparity Study Final Report that includes MTA's findings on the City's Contracting Activities from July 1, 2016 until June 30, 2021.

The City Administrator recommends that the City Council Receive and File this informational report.

BACKGROUND / LEGISLATIVE HISTORY

As stated in the [Oakland Municipal Code Chapter 2.29.170](#), "the City of Oakland will intentionally integrate, on a Citywide basis, the principle of "fair and just" in all the City does in order to achieve equitable opportunities for all people and communities." The City's contracting and procurement processes represent a significant opportunity to advance this objective.

On November 5, 1996, [Proposition 209](#) passed, which amended the California Constitution to prohibit governmental entities from discriminating against or granting preferential treatment on the basis of race, sex, color, ethnicity or national origin in public contracting, education and employment. Although the Proposition did not affect federal race and gender-based contracting policies and programs, it effectively made it onerous for California public agencies either to continue or establish race or gender-based preferential contracting programs.

In response, Oakland voters added [Section 808\(b\)](#) to the City Charter in 1998, which required the City to conduct a "race and gender disparity evaluation to determine if the City has been an active or passive participant in actual, identifiable discrimination within its relevant market place." Moreover, "if such disparity evaluation evidences such discrimination, the City Council, to remedy the discrimination, shall establish a narrowly tailored race and/or gender business participation program, as substantiated by the disparity evaluation for the bidding and awarding of purchases and contracts. Any such program shall continue only until the discrimination has been remedied. The City Administrator or an authorized officer shall require all awardees and bidders to comply with the established program." The City must interpret this Charter provision consistent with state and federal anti-discrimination law.

On March 1, 2022, the City Council approved [Resolution No. 89058 C.M.S](#) authorizing the City Administrator to award a professional services contract to Mason Tillman Associates (MTA) in 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.

ANALYSIS AND POLICY ALTERNATIVES

The Study is comprised of two parts:

- **Part One** includes eight chapters that include statistical evidence that analyze the utilization, availability, and disparity of minority and woman-owned businesses as both prime contractors and subcontractors.
- **Part Two** includes three chapters that analyze components of the City's Local and Small Local Business Enterprise (L/SLBE) Program and compliance with the affirmative action provisions on the federally assisted contracts.

These findings highlight opportunities to strengthen fairness and transparency in contracting while furthering consistency with all applicable laws and regulations.

The City is committed to reviewing its processes and implementing best practices to ensure all qualified vendors have equitable access to contracting opportunities, consistent with the principle of being "fair and just" in all the City does for its people and communities. City Administration plans to present recommendations for improving its contracting systems to City Council in the coming weeks.

FISCAL IMPACT

There is no fiscal impact associated with the preparation of this informational report.

PUBLIC OUTREACH / INTEREST

MTA engaged with various stakeholders, including those who do business with the City, those who have been unsuccessful in doing business with the City, and those who have chosen not to do business with the City. MTA also conducted multiple interviews with staff from across the City. Stakeholder input is an essential element of a complete disparity study process.

COORDINATION

Preparation of this informational report was done in coordination between the City Administrator and City Attorney's Offices.

With respect to the preparation of the Disparity Study, the project team engaged with numerous City departments, including Workplace & Employment Standards, Finance, Public Works, Transportation, Housing & Community Development, Economic & Workforce Development, Police, Fire, and Human Services.

SUSTAINABLE OPPORTUNITIES

Economic: The City's volume of procurement activity provides significant opportunity for advancing City goals and supporting local and small businesses, particularly from communities that have been historically disadvantaged.

Environmental: There are no specific environmental opportunities associated with this report.

Race & Equity: Equity is the main driver of this effort. The City Charter requires this work "to determine if the City has been an active or passive participant in actual, identifiable discrimination within its relevant marketplace." The Charter goes on to say that should such discrimination be found, the City should take action to address it. This study will allow for the analysis that will support any such action.

ACTION REQUESTED OF THE CITY COUNCIL

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The 2024 City of Oakland Disparity Study Prepared By Mason Tillman Associates (MTA)
Pursuant To [Resolution No. 89058 C.M.S.](#)

For questions regarding this report, please contact me at jdjohnson@oaklandca.gov.

Respectfully submitted,


Jestin Johnson (Jan 29, 2026 10:40:47 PST)

JESTIN D. JOHNSON
City Administrator

Attachment A: 2024 City of Oakland Disparity Study Final Report