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CITY OF OAKLAND

MEMORANDUM

TO: HONORABLE MAYOR &
CITY COUNCIL

FROM: Angela Robinson Piñon
Deputy City Administrator

SUBJECT: Status of Current Efforts in
Support of Contracting
Equity

DATE: August 17, 2022

City Administrator
Approval

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INFORMATION

EXECUTIVE SUMMARY

This document is intended to provide a brief summary of the status of various programs and initiatives being undertaken by the City in support of increasing the participation of local and diverse vendors in the City's contracting process. This document is intended to provide a brief update on actions taken since a report was presented to the [Oakland City Council Finance & Management Committee on October 11, 2021](#).

BACKGROUND/LEGISLATIVE HISTORY

On October 11, 2021, the Finance & Management Committee received an update on several items that the City is working on to increase contracting opportunities for local and diverse firms. Items referenced in the document includes the Oakland Disparity study as required under City Charter Section 808 (b); actions to improve the City's Local/Small Local Business Enterprise (L/SLBE) Program as directed under [Council Resolution No. 88483 C.M.S.](#); progress on City staff's engagement with local businesses regarding L/SLBE program enhancements as required under [Council Resolution No. 88680 C.M.S.](#); activities of the Contracting Disparity Action Teams; and other items noted in the report.

Oakland Disparity Study

Pursuant to City Council direction, the City has contracted with Mason Tillman Associates to conduct a new Disparity Study for the City of Oakland. At a kick-off meeting held in July, Mason Tillman provided an overview of the scope of work with executive staff and those persons who will be responsible for data collection in their respective departments. The work is expected to be completed in July 2023, after which time, staff will submit recommended L/SLBE program changes to the City Council for its consideration.

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Improvements to the City's L/SLBE Program

As directed under Resolution No. 88483 C.M.S., City staff continues to work with external partners to develop recommendations on how to improve the City's L/SLBE Program. Mary Mayberry, Interim Director of the Department of Workplace and Employment Standards (DWES), continues to meet regularly with representatives from the L/SLBE Program Enhancements" group. Based on the directive received from the Council at the meeting held on July 26, 2022, the Subcommittee will continue its work on the Program document and return to Council at a later date with revisions, to include input from community stakeholders.

Engagement with L/SLBE Firms

Council Resolution No. 88680 C.M.S. provided direction to City staff to conduct two or more focus groups per year and to conduct an annual survey of local businesses regarding L/SLBE program enhancements. DWES staff will conduct these focus groups to obtain the anecdotal data that will serve to inform the policy changes to be made to the L/SLBE program. Staff will also develop a schedule of meetings and topics for discussion moving forward.

Contractor Development Program

City staff worked with the members of the Contractor Development Program to develop a request for proposal (RFP) for contractor business assistance and bonding support. These two areas have been highlighted in previous reports as areas of concern for local and diverse vendors. This work of the consultant is being supported by a grant from the Federal Economic Development Administration that was obtained by the Department of Economic and Workforce Development (EWD). EWD has finalized an agreement with Merriweather & Williams Insurance Services (MW). MW has extensive knowledge and expertise in this subject area and has performed similar work throughout the state of California. The MW scope of work has been finalized, and an internal kick-off meeting with City staff has occurred. MW's first course of work is to conduct an analysis of the City's current procedures. In addition to the work of MW, the City Council authorized a direct grant in the amount of \$400,000 towards the Contractor Resource Center (CRC) as part of the fiscal year (FY) 2022-2023 Mid-Cycle Budget. Staff from EWD will work to develop a scope of work and execute an agreement on behalf of the City. For information about other business support programs that the City is launching, please refer to this recent press release from EWD: <https://www.oaklandca.gov/news/2022/minority-contracting-bipoc-owned-business-support-programs-launched>.

Improvements to iSupplier

As a part of its enhanced outreach plan, DWES will develop and hold a training for contractors on how to effectively use iSupplier. A webinar will also be developed and uploaded to the City's website for future use.

City Contracting Workshops

DWES staff is working on updating the Standardized Contract Training manual for use in workshops for internal staff and external stakeholders. The manual will be made available to users via the City's website.

Additional Staffing for the Department of Workplace and Employment Standards (DWES)

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The City Council authorized three positions be added to the DWES to support the work of the Department. DWES has completed the recruitment and testing processes and are waiting for a list of eligible candidates from HRM to initiate the interview process.

Community Workforce Agreement (CWA)

On August 17, 2018, the City Council passed [Resolution No. 87293 C.M.S.](#) calling for an equity impact analysis and public process to advise the creation of a general Community Workforce Agreement (CWA) for the City of Oakland. The City convened the CWA Task Force to identify racial and social equity provisions that should be taken into consideration as part of a potential CWA (or Project Labor Agreement as it is more widely known). Working together, DWES and the Department of Race and Equity, conducted multiple community sessions on the topic. In June, 2022 the City released a summary report of the recommendation from the CWA Task Force, those recommendations may be on the City's [website](#). The City has since entered into negotiations with the Alameda County Building Trades. Once an agreement has been negotiated, staff will present the proposed agreement to the CWA Task Force, after which staff will submit it to the City Council for its consideration. A Council hearing date will be requested via the Rules Committee once a proposed agreement is ready for Council deliberation.

Development of a Workplan and Long-Term Strategy to Increase Diverse and Local Participation

The 2020 Disparity Study and the feedback received through engagement with stakeholder groups have informed the actions identified in this memorandum. The City expects that the update to the Disparity Study may inform more race-conscious approaches to improving the participation of minority businesses in City contracting. A formal work plan has not yet been developed; however, the analysis included in the Oakland Disparity Study will inform any plan that is put forward. In addition, to the Oakland Disparity Study, the City will be contracting with Management Partners to conduct an analysis of the City's purchasing process and to make recommendations as to how to make those processes more streamlined and transparent to prospective contractors/vendors. Lastly, any workplan that is devised should be informed by ongoing community engagement and data collection to assess the impacts of those strategies and to ensure that the outcomes are as intended.

Contracting Disparity Action Team Website

Staff is creating a website to document the work of the Contracting Disparity Action Team. That website should be posted by September 2022.

NEXT STEPS

City staff will continue to meet on a bi-weekly basis with external partners to keep them informed on the activities described in the preceding section and to solicit their feedback on City policies.

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For questions, please contact Mary Mayberry, Interim Director, Department of Workplace and Employment Standards at (510) 238-7324 or mmayberry@oaklandca.gov.

Respectfully submitted,

Angela Robinson Piñon

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