



Office of the City Manager

INFORMATION CALENDAR  
May 14, 2019

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Henry Oyekanmi, Director, Finance  
Subject: Results of RFP for Availability Study for Affirmative Action in City Contracting  
(Berkeley Inclusion in Opportunity Index)

### INTRODUCTION

In response to the January 24, 2017 Council Referral to 2016-2017 budget and the subsequent June 24, 2017 revision to the 2018 and 2019 budget report wherein \$100,000 was allocated to fund an Availability Study for Affirmative Action in City Contracting (Berkeley Inclusion in Opportunity Index) this report provides the results of the request for proposals (RFP) #18-11193-C issued for the services.

### CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley and its residents have a longstanding commitment to diversity and to advancing the development of local businesses. Part of this commitment is to ensure that the City's procurement activities allow for contracting opportunities to be accessible to the entire local business community. To the extent disparities in the awarding of contracts exist, the City of Berkeley is barred by Proposition 209 from undertaking race-conscious, gender-conscious and other affirmative action-related remedies without first conducting a study to identify discrimination. Such remedies may not be undertaken based on broad notions of equity or general allegations of discrimination, however, they are permitted if the City identifies specific disparities in the awarding of contracts. The purpose of the Availability Study is to: 1) examine the City's procurement activities and identify disparities in the awarding of contracts affecting local, small, emerging, minority, and women business enterprises; 2) identify causes and impacts; and 3) provide data to support and inform strategies to remedy the effects of any historical or current discriminatory practices.

### BACKGROUND

On January 24, 2017 Council members Bartlett, Worthington and Davila referred to the 2016-2017 budget an allocation to perform an Availability Study to analyze the City's use of local, small, emerging enterprises and other enterprises with barriers to access in City construction, architecture, engineering, professional services, goods and other services contracts. On June 24, 2017 a FY 2018 & FY 2019 revised budget report was submitted to the City Council as agenda Item #47 by the Budget Manager. The report was revised to reflect the Mayor's Supplemental Budget

Recommendations presented on June 13, 2017 that included \$100,000 in FY 2018 for the Berkeley Inclusion in Opportunity Index, also referred to as the Availability Study.

Staff prepared Request for Proposal (RFP), Specification No. 18-11193-C, Availability Study for Affirmative Action in City Contracting which was released to the public in the spring of 2018. The RFP's intent was to identify and contract with a firm to conduct disparity and utilization analyses to assess the City's use of local, small, emerging, minority and women business enterprises in City construction, architecture, engineering, professional services, goods and other services contracts. Additionally, remediation recommendations to address any identified utilization gaps were requested as part of the scope of services.

Specific outreach was made to 7 firms that participated in a similar request for proposal process with the City of Oakland. The RFP was posted on the City's website and at the kiosk in front of Old City Hall. Six (6) firms submitted proposals in response to the RFP.

Respondents were required to submit the following information:

- A narrative demonstrating respondent's understanding of the City's needs as described in the Scope of Services and elaborate on the recommended approach to the work (weighted 40%)
- A statement of qualifications and previous experience of both the firm and key staff that would perform under the contract (weighted 40%)
- Client References (weighted 10%)
- Price Proposal (weighted 10%)

A panel comprised of City staff was convened to evaluate each proposal, conduct a rating and ranking process and identify the top ranked proposal (see Attachment 1). At the conclusion of the rating and ranking process the proposal submitted by Mason Tillman Associates Ltd (MTA) was deemed to provide the best overall value to the City, price and other factors considered. Particular strengths of the MTA proposal included:

- Extensive experience performing this type of work for states, cities and special districts and authorities, including the Cities of Oakland, Richmond and San Jose, San Francisco Bay Area Rapid Transit District, California High Speed Rail Authority, and Alameda County,
- Clearly defined approach and proposed project plan with an estimated duration of 8 months from start to finish,
- A detailing of data analysis tools and processes to be used, and
- Analysis of subcontractor awards.

#### ENVIRONMENTAL SUSTAINABILITY

While there are no direct environmental sustainability effects associated with the content of this report, if results of the study shows that local businesses are underrepresented in City contracting, and the City takes steps to increase its outreach

to and support for local business the number of contract awards to local business may increase. Local businesses would require fewer vehicle travel miles to meet with City staff in the delivery of services, potentially reducing greenhouse gas (GHG) emissions.

POSSIBLE FUTURE ACTION

The City Council may wish to provide direction on the next steps for achieving an Availability Study for Affirmative Action in City Contracting (Berkeley Inclusion Opportunity Index).

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

The amount of additional resources required to complete this work is \$199,620, for a total amount of \$299,620.

CONTACT PERSON

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Attachments:

1: RFP 18-11193-C Availability Study for Affirmative Action in City Contracting Proposal Rating and Ranking Table

Attachment 1

RFP #18-11193-C  
AVAILABILITY STUDY FOR AFFIRMATIVE ACTION IN CITY CONTRACTING

RATING AND RANKING OF PROPOSALS

SELECTION CRITERIA (PTS)	MGT CONSULTING GROUP	GRIFFIN & STRONG	MILLER <sup>3</sup> CONSULTING INC.	MASON TILLMAN ASSOCIATES LTD	KEEN INDEPENDENT RESEARCH	BBC RESEARCH & CONSULTING
Understanding & Approach (40)	35	32	31	35	35	34
Qualifications & Experience (40)	36	30	35	38	25	36
References (10)	9	8	8	9	7	8
Price (10)	8.89	9.17	10.00	8.89	11.43	10.00
Total Points Earned	88.89	79.17	84.00	90.89	78.43	88.00
Proposal Amounts	\$ 301,620	\$ 267,710	\$ 245,575	\$ 299,620	\$ 299,872	\$ 439,760