



**PORT OF OAKLAND
AGENDA REPORT**

5/25/2023

PROPOSED ACTION: Resolution: Approve and Authorize the Executive Director to Enter into an Agreement with Davillier-Sloan, Inc. for Construction Workforce Development and Labor Compliance Consulting Services for Projects Covered by the Maritime and Aviation Project Labor Agreement, for a Term of Five (5) Years with Two (2) One-Year Options to Extend, in a Total Amount Not to Exceed \$3,380,608 **(SRD)**

Submitted By: Amy Tharpe, Director of Social Responsibility; Danny Wan, Executive Director

Parties Involved: Davillier-Sloan, Inc., Oakland, CA

Amount: \$3,380,608 not-to-exceed contract authority (Capital Expense)

EXECUTIVE SUMMARY:

In March 2023, the Port of Oakland (Port) issued a Request for Proposals (RFP) for Construction Workforce Development and Labor Compliance Services for projects covered by the Port’s Maritime and Aviation Project Labor Agreement (MAPLA). Based on proposals received and evaluated in April 2023, Davillier-Sloan, Inc. (DSI) is ranked as the top proposer. DSI is the firm currently providing these services under contracts set to expire on May 31, 2023.

BACKGROUND & ANALYSIS

The Port of Oakland adopted MAPLA in 2000, which was one of the earliest project labor agreements adopted in the San Francisco Bay Area. MAPLA was revised and restated in 2016 to include:

- an increase in construction workforce local hire provisions;
- an increase in contractor hourly contributions to the Social Trust Fund, which supports placement of Disadvantaged Workers into apprenticeship programs;
- a decrease in the number of “Core Workers” permitted on projects,
- various other revisions

In 2021, the revised MAPLA term was extended for an additional five (5) years, expiring on January 31, 2026.

Since 2000, the Port has selected a MAPLA Administrator through a competitive procurement process to oversee the implementation of and compliance with the agreement. The current Consultant serving as the Port’s MAPLA Administrator is DSI, and the contract will expire on May 31, 2023.

Port Staff prepared a request for proposal that reflects concise language and clear deliverables aligned with key elements of the MAPLA Administration that include Labor Compliance, Construction Workforce Development, MAPLA Administration, and MAPLA Trucking. Labor compliance services to ensure enforcement of all elements of prevailing

wages for MAPLA were previously held as a separate contract. In addition to the compliance and administration services, the Consultant will engage in day-to-day activities that promote local hire participation from the Port's local impact area (Alameda, Emeryville, Oakland, San Leandro). These activities include but are not limited to facilitating referrals of pre-apprenticeship, apprentice, and journey level workers to contractors for MAPLA covered projects. The RFP also includes specific language from MAPLA to ensure a "boots-on-the-ground" approach to increase and strengthen outreach efforts with key local workforce intermediaries, including but not limited to: the Oakland Workforce Development Board, OUSD, Helmet to Hardhats (Veterans workforce program), and local pre-apprenticeship training programs. The services proposed under this RFP map out a defined set of tasks that help to strengthen the Port's overall administration of the MAPLA with requirements that include technical assistance in local, State and federal agency reporting.

On March 3, 2023, the Port issued RFP 22-23/23 for Construction Workforce Development and Labor Compliance Consulting Services for MAPLA covered projects. Staff conducted extensive outreach to a broad range of firms and organizations that included workforce development intermediaries, construction management firms, and labor compliance firms. Outreach efforts for the RFP process included the following:

- RFP posting on the Port Website <https://www.portoakland.com/business/bids-rfps/>
- 61 RFP Downloads from the Port's Website
- Email blast to qualified Port certified firms
- Email blast to local area agencies
- Email blast to over 100 chambers
- Port Purchasing Department email notification to approximately 175 firms
- RFP Advertised in the Oakland Tribune

On March 14, 2023, the Port held a non-mandatory pre-proposal meeting where 28 firms and 30 attendees participated to receive an overview of the RFP process and to address clarifying questions.

The Port received five proposals. To evaluate the proposals received, the Port established an Evaluation Committee (Committee) that consisted of one staff from Social Responsibility, two individuals from local construction firms and two workforce construction training providers--all possessing significant levels of experience in elements of MAPLA administration, PLA negotiations, oversight, and management.

Selection Process and Criteria

The Committee evaluated each proposal based on the criteria set forth in the RFP:

RFP Evaluation Weights

Item	Criteria	Weights
	<u>Adherence to Port Policy and Other Requirements and Debarment Statement</u> Proposals from companies who have not or will not adhere to the Port Policy and Other Requirements or who have been debarred and have not provided sufficient reasons/justification for the Port to review the circumstances surrounding the debarment will not be forwarded to the evaluation committee for review.	Pass/Fail
	<u>Contractor Certifications and Minimum Qualifications</u> Proposals from companies that have not demonstrated they clearly meet the Minimum Qualifications listed in the RFP, will not be forwarded to the evaluation committee for review.	Pass/Fail
1	<u>Company Information, Client References, Litigation and Other Information, and Required Forms</u> Respondent's capacity to provide professional services as evidenced by past performance, company information, reference checks, litigation and other information and required forms.	10%
2	<u>Knowledge and Experience</u> Respondent's knowledge and experience in providing in the scope of services listed in the RFP.	10%
3	<u>Plan and Approach</u> Respondent's plan and approach (including an overview and visual graphics) describing the general approach and methodology to provide the scope of services listed in the RFP and any additional services they wish to propose.	50%
4	<u>Cost Proposal Worksheet</u> Respondent's proposed cost for this service.	15%
5	<u>Non-Discrimination and Small Local Business Utilization Policy (NDSLBU)</u> Does your company meet the Port's definition of Small Local Business and/or make a commitment to the Port's values and programs {e.g., mentoring small and/or very small local businesses and providing meaningful work for small and/or very small local sub-consultants; utilization of college and high school interns from the Local Impact Area (LIA); participation in job fairs and trade fairs targeted to LIA residents and businesses; and other work showing the consultant's efforts to contribute to the economic development of the LIA}? The Port will evaluate companies that have provided substantiating documentation to prove they meet the Port's NDSLBU program and award points accordingly to qualifying companies.	15%
	Total	100%

Evaluation and Rankings

The Committee selected the top three highest ranking firms based on the written proposals – Davillier-Sloan, Inc., Workforce Integrity and Training Solution, LLC, and The Labor Compliance Managers – to participate in a subsequent oral presentation. The final scores and ranking of all five proposers are:

Rank	Proposers	Final Score	Location	Certified LIA/LBA
1	Davillier-Sloan, Inc. (DSI)	77.89	Oakland	Yes
2	Workforce Integrity and Training Solution, LLC (WITS)	74.50	Oakland	No
3	The Labor Compliance Managers (TCLM)	59.14	Oakland	Yes
4	Labor Compliance Pros, LLC	43.36	Ohio	No
5	Luster National, Inc.	40.50	Oakland	Yes

The Committee ranked Davillier-Sloan, Inc. (DSI) with the highest final score based on the following evaluation:

Company Information: The Committee members rated the proposers equally and consistently under this criterion.

Knowledge and Experience: Each of the top three proposers provided examples of prior projects and related experience related to managing and administering project labor agreements (PLA). DSI ranked the highest based knowledge of PLA negotiations, administration, and a long-standing history of working with the Building Trades.

Plan and Approach: The two top firms submitted strong plans and approaches, however DSI's plan includes bringing on additional subconsultants/partners with expertise in construction workforce and labor compliance. Construction Trades Workforce Initiative (CTWI), is a local CBO that provides test prep for entry into apprenticeship, serves as MC3 train-the-trainer, and conducts recruitment, and placement of underrepresented communities into the construction trades. The DSI plan also includes Lowe Consulting Group, a minority- and women-owned business that provides contract compliance, PLA, and labor compliance administration.

Cost Proposal: DSI's cost proposal was evaluated against the project's scope of work and compared to the other proposer's cost for this work and was valued reasonably.

Non-Discrimination and Small Local Business Utilization Policy (NDSLBU): The Social Responsibility Division reviewed and evaluated each proposal and allocated preference points in accordance with the Port's NDSLBU. DSI received the highest points as a local, very small company operating in Oakland since 1994.

The following are the proposed costs for the top three proposers:

Year	DSI	WITS	TLCM
1	\$377,460.00	\$145,247.40	\$535,800.00
2	\$396,333.00	\$149,604.81	\$690,450.00
3	\$416,149.65	\$154,092.96	\$690,450.00
4	\$436,957.13	\$158,715.74	\$690,450.00
5	\$458,804.99	\$163,477.20	\$690,450.00
Total	\$2,085,704.77	\$771,138.11	\$3,297,600.00

Budget and Funding

DSI proposed not to exceed annual cost for year one of \$377,460, year two \$396,333, year three \$416,149, year four \$436,957, and year five \$458,80 for a total of \$2,085,704 and a not to exceed annual cost for year six of \$481,745, and year seven of \$505,832 for a total of \$987,577. Total cost for the seven-year contract is \$3,073,280. Staff is recommending that the professional services agreement not exceed \$3,380,608, which contains a 10% contingency allowance should the oversight of the projects necessitate additional services. Contingency is based on the current estimated number of Capital Improvement projects and may require additional funds if the number of projects increases in number or value in the future. This cost will be included in the capital expenditure budgeted in the Port’s Capital Improvement Plan (CIP).

OTHER FINDINGS AND PROVISIONS

ENVIRONMENTAL REVIEW

The proposed action was analyzed under the California Environmental Quality Act (CEQA) and was found to be:

- Categorically exempt under the following CEQA Guidelines Section:

Choose an item.

- Not a "Project" under CEQA, as defined in Public Resources Code § 21065.

- Other/Notes:

BUDGET

- Administrative (No Impact to Operating, Non-Operating, or Capital Budgets); OR

- Operating Non-Operating Capital

Analysis: Costs will be included in the capital expenditure budgeted in the Port's Capital Improvement Plan (CIP).

STAFFING

- No Anticipated Staffing Impact.

- Anticipated Change to Budgeted Headcount.

Reason:

- Other Anticipated Staffing Impact (e.g., Temp Help).

Reason:

MARITIME AND AVIATION PROJECT LABOR AGREEMENT (MAPLA):

Applies? No (Not Aviation or Maritime CIP Project) – proposed action is not covered work on Port's Capital Improvement Program in Aviation or Maritime areas above the threshold cost.

- Additional Notes:

LIVING WAGE (City Charter § 728):

Applies?

No (Not Covered Entity) – proposed action involves entity not covered by Living Wage requirements because it is not a covered service provider or tenant, does not employ at least 21 employees, or receive from or pay to Port at least \$50,000.

- Additional Notes:

SUSTAINABLE OPPORTUNITIES:

Applies? **No.**

GENERAL PLAN (City Charter § 727):

Conformity Determination:

Reason: Port staff have reviewed the Port's 2000 Sustainability Policy and did not complete the Sustainability Opportunities Assessment Form. There are no sustainability opportunities related to this proposed action because it does not involve a development project, purchasing of equipment, or operation that presents sustainability opportunities, including adaptation to sea level rise.

No Project – conformity determination not required because proposed action does not change use of or make alterations to an existing facility, or create a new facility.

STRATEGIC PLAN. The proposed action would help the Port achieve the following goal(s) and objective(s) in the Port's Strategic Business Plan:

- | | |
|--|--|
| <input type="checkbox"/> Grow Net Revenues | <input type="checkbox"/> Modernize and Maintain Infrastructure |
| <input checked="" type="checkbox"/> Improve Customer Service | <input type="checkbox"/> Pursue Employee Excellence |
| <input type="checkbox"/> Strengthen Safety and Security | <input checked="" type="checkbox"/> Serve Our Community |
| <input type="checkbox"/> Care for Our Environment | |