

## AGENDA REPORT

**Resolution:** Approve and Authorize the Executive Director to Execute an Agreement with Davillier-Sloan, Inc. for Maritime and Aviation Project Labor Agreement Consulting Services for a Term of Three (3) Years with Two (2) One-Year Options, in a Total Amount Not to Exceed \$1,177,000 **(SRD)**

**MEETING DATE:** 4/26/2018

**AMOUNT:** \$1,177,000 (for five years)  
Capital Expenditure

**PARTIES INVOLVED:** Davillier-Sloan, Inc.  
Jake Sloan, Principal-in-Charge

**SUBMITTED BY:** Amy Tharpe, Director of Social Responsibility

**APPROVED BY:** J. Christopher Lytle, Executive Director

**ACTION TYPE:** Resolution

### **EXECUTIVE SUMMARY**

In February 2018, the Port of Oakland ("Port") issued a Request for Proposals ("RFP") for Maritime and Aviation Project Labor Agreement ("MAPLA") Consulting Services. Based on proposals received and evaluated in March 2018, Port staff ("Staff") requests approval and authorization from the Board of Port Commissioners ("Board") for the Executive Director to execute an Agreement with Davillier-Sloan, Inc. (DSI) for MAPLA Consulting services for a term of three years with two one-year options (for a total term not to exceed five years). DSI is the firm currently providing MAPLA services under a contract set to expire on May 31, 2018.

### **BACKGROUND**

MAPLA is a project labor agreement designed to ensure project labor stability, employ local residents, and support the Port's small local business utilization program. In general, MAPLA applies to construction work in the Aviation and Maritime areas that appear in the Port's Capital Improvement Plan (CIP) or which are performed by a Port tenant in accordance with a Port development permit. MAPLA typically applies to numerous projects throughout the Port and therefore requires a dedicated MAPLA administrator. Additionally, MAPLA requires a Trucking Coordinator to administer MAPLA's specific trucking provisions.

DSI initially served as a party (along with Parsons Constructors Inc.) to the negotiation of the original MAPLA, which was adopted by the Board in 2000 and subsequently served as a subconsultant (to Parsons) administering the MAPLA. DSI also helped negotiate the revised MAPLA adopted in 2016.

As of 2011, DSI has served as the Port's prime MAPLA administrator. DSI possesses a wealth of project labor agreement and social justice management experience, including over 17 years of experience with the Port of Oakland.

DSI has provided MAPLA administration services, including coordination of all aspects of MAPLA's program requirements, which consist of monitoring, compliance and enforcement, data management, labor relations, on- and off-site trucking oversight, and Social Justice Trust Fund oversight and administration.

DSI's original contract term was five years for an amount not to exceed \$1,000,000. This contract was set to expire May 31, 2016 but was extended by the Board for an additional year.

On January 28, 2016, the Board approved a new revised MAPLA. Given the complexity of administering the newly revised MAPLA with its new and updated program requirements, staff recommended an extension of the existing contract to ensure the continuity and quality of MAPLA administration and to follow with an RFP process. The current contract will expire on May 31, 2018.

On February 9, 2018, staff released an RFP for MAPLA Consulting Services. Outreach efforts for the RFP process included the following:

- RFP was posted on the Port Website  
(<http://www.portofoakland.com/business/bids-rfps/>)
- Five companies downloaded the RFP from the Port's website
- Email blast was conducted to qualified Port certified firms
- Email blast to all locally surrounding agencies
- Port's Purchasing Department sent email notification to 15 companies
- RFP advertised in the Oakland Tribune

Additionally, Staff sent solicitation notifications to 143 recipients subscribed through public agencies, Community Based Organizations and Chamber of Commerce branches.

Six companies attended the mandatory preproposal meeting held on February 14, 2018.

## **ANALYSIS**

Three firms submitted proposals by the due date of March 5, 2018. To evaluate the proposals received, the Port established an Evaluation Committee (the "Committee") consisted of staff from the Engineering, Social Responsibility, and Legal divisions, all with significant experience

in various aspects of MAPLA administration, negotiations, oversight, and management. The evaluation resulted in the following ranking:

Rank	Proposers	Location	Certified LIA/LBA*
1	Davillier-Sloan, Inc.	Oakland	Yes
2	A Squared Venture, Inc.	Oakland	Yes
3	The Labor Compliance Managers	San Jose	No
* Local Impact Area ("LIA"): Oakland, San Leandro and Emeryville; Local Business Area ("LBA") Alameda and Contra Costa Counties			

The Committee evaluated each proposal based on criteria set forth in the RFP, as listed below:

Item	Criteria	Weights
	<u>Adherence to Port Policy and Other Requirements and Debarment Statement</u> Completion of forms attached to the RFP	Pass/Fail
	<u>Minimum Qualifications Requirements</u> A minimum of five years California Project Labor Agreement (PLA) administration experience and a minimum of one year experience of California PLA trucking administration and field oversight.	Pass/Fail
1	<u>Company Information (Client References, Litigation and Other Information, and Required Forms)</u>  Company Information, Client References, Litigation and Other Information, and Required Forms	10%
2	<u>Knowledge and Experience</u> Proposer's knowledge and experience in providing PLA consulting services of similar size and scope as services in RFP	35%
3	<u>Plan and Approach</u> Details of proposed plan/approach to address the requirements of the RFP.	20%
4	<u>Proposed Costs</u> Best value fee proposal.	20%
5	<u>Non-Discrimination and Small Local Business Utilization Policy</u> Ability to provide substantiating documentation to show company meets the Port's definition of Small Local Business	15%
	<b>Total</b>	<b>100%</b>

Ratings were assigned to each of the five criteria based on the sub-set of indicators noted above. A Squared Ventures, Davillier-Sloan, Inc., and The Labor Compliance Managers each submitted a complete proposal that qualified for a Committee review and a subsequent oral

presentation. Each proposer ranked Davillier-Sloan, Inc. (DSI) highest for the reasons summarized below.

- **Company Information** – The Committee rated the proposers equally and consistently across under this criterion.
- **Knowledge and Experience** – Each proposer provided examples of prior project and experience in different relationship capacities and with different agency types, including managing and administering project specific PLAs to agency-wide PLAs applicable to all construction projects. DSI's accomplishments, knowledge and experience ranked the highest because they had the greatest depth and breadth of experience of negotiating and managing both traditional and non-traditional PLAs coupled with the longevity of over 30 years in working with the Alameda County Building & Construction Trades (BTC), local area construction unions, contractors, and community based organizations. Additionally, DSI had the most experience with solely and primarily administering a PLA, as opposed to merely advising on or assisting with PLA administration. Trucking administration and coordination is currently performed by DSI and is proposed to remain in-house offering the best efficiency. A Squared Ventures proposed to perform trucking oversight and coordination, in addition to having a subconsultant perform the trucking administration.
- **Plan and Approach** – The top two ranked firms submitted thoughtful plans and approaches. However, DSI's plan differed in that they offered a comprehensive approach regarding coordinating with other (PLA) agencies to increase the recruitment and retention of workers from underserved communities, while also growing the current workforce. DSI also had an astute plan for oversight and management of on-going Port projects under the original MAPLA 2000 and the August 2016 revised MAPLA. They offered creative solutions to address PLA issues and cutting-edge management features. Finally, DSI also received the highest ranking based upon its experience with PLA negotiations and offering approaches that built upon this knowledge to effectively manage current PLA administration key issues.
- **Cost** – DSI's cost proposal was evaluated against the project's scope of work and compared to other proposer's costs for this work and was best valued, reasonable, and less than their current annual contract amount.
- **Non-Discrimination and Small Local Business Utilization Policy (NDSLBUP)** – The Social Responsibility Division has reviewed and evaluated each proposal and allocated preference points in accordance with the Port's NDSLBUP. DSI, a local, very small company in Oakland since 1994 received the most points, with A Squared Ventures also a local very small company in Oakland receiving the next highest points, with The Labor Compliance Managers in San Jose receiving very minimal points.

Following is a detailed breakdown of scoring for each proposal across the criteria rated.

	Company Info	Knowledge and Experience	Plan and Approach	Proposed Costs*	NDSLBP	Total
<b>Weights</b>	10	35	20	20	15	100
<b>A Squared Ventures, Inc.</b>	9	31.25	15.75	18.72	12.94	87.66
<b>Davillier-Sloan, Inc.</b>	9	34.25	17.75	20	13.50	94.50
<b>The Labor Compliance Managers</b>	8	14.25	3.25	18.93	.20	44.63

Following are the proposed costs of each proposer.

	Year 1	Year 2	Year 3	Year 4	Year 5	Total for 5 Years
<b>A Squared Ventures, Inc.</b>	\$234,400	\$215,393	\$221,855	\$228,565	\$235,450	\$1,135,663
<b>Davillier-Sloan, Inc.</b>	\$209,739	\$209,739	\$209,739	\$220,158	\$220,158	\$1,069,533
<b>The Labor Compliance Managers</b>	\$221,600	\$221,600	\$221,600	\$232,803	\$232,803	\$1,130,416

## **BUDGET & STAFFING**

DSI proposed a not to exceed annual cost of \$209,739 for the first three years for a total of \$629,217, and a not to exceed annual cost of \$220,158 for years four and five for a total of \$440,316. Total costs for the proposed five-year contract is \$1,069,533. Staff is recommending that the professional services agreement not exceed \$1,177,000, which contains a 10% contingency allowance should oversight of MAPLA construction projects necessitate additional services. These costs will be included in the capital expenditures budgeted in the Port's Capital Improvement Plan (CIP).

The proposed action does not have any staffing impact.

## **MARITIME AVIATION PROJECT LABOR AGREEMENT (MAPLA)**

The matters included in this Agenda Report do not fall within the scope of the Port of Oakland Maritime and Aviation Project Labor Agreement (“MAPLA”) and the provisions of the MAPLA do not apply.

## **STRATEGIC PLAN**

The action described herein would help the Port achieve the following goals and objectives in the Port’s Strategic Business Plan (2018–2022).

<https://www.portofoakland.com/wp-content/uploads/Port-of-Oakland-Strategic-Plan.pdf>

- Goal: Serve our Community

## **LIVING WAGE**

Living wage requirements, in accordance with the Port’s Rules and Regulations for the Implementation and Enforcement of the Port of Oakland Living Wage Requirements (the “Living Wage Regulations”), do not apply to this agreement as the service provider does not employ 21 or more employees working on Port-related work. However, the service provider will be required to certify that should living wage obligations become applicable, the service provider shall comply with the Living Wage Regulations.

## **SUSTAINABILITY**

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 is a Professional Services Agreement and does not involve a development project, purchasing of equipment, or operations that presents sustainability opportunities.

## **ENVIRONMENTAL**

California Environmental Quality Act (CEQA) Guidelines Section 15061(b) (3) states that CEQA applies only to activities that have a potential for causing a significant effect on the environment. The requested action will not result in a physical change in the environment, and therefore is exempt from CEQA and no further environmental review is required.

## **GENERAL PLAN**

This project is for professional services and will not directly include any alteration of property. No development project is foreseen as part of these professional services. Were any development project to result from these professional services, such a project would be subject

to a separate Board action including separate findings of conformity with the City of Oakland General Plan in accordance with Section 727 of the Charter.

### **OWNER-CONTROLLED INSURANCE PROGRAM (OCIP)**

Professional service agreements are not subject to the Port's Owner Controlled Insurance Program ("OCIP") as professional services are not construction activities.

### **OPTIONS**

Staff has identified the following options for the Board's consideration:

Option 1: Authorize the Executive Director to execute a professional services agreement with Davillier-Sloan, Inc. as described herein. This is the recommended action.

Option 2: Do not authorize the Executive Director to enter into an agreement Davillier-Sloan, Inc. and direct Staff to (a) select another respondent to the RFP for reasons that may be determined by the Board, or (b) conduct a new RFP process and extend the current contract with DSI in the interim.

### **RECOMMENDATION**

Staff recommends that the Board adopt a resolution approving and authorizing the Executive Director to execute an agreement with Davillier-Sloan, Inc to perform MAPLA Consulting Services for a term of three years with two, one-year options in a total amount not to exceed \$1,177,000, subject to approval as to form and legality by the Port Attorney, and as further described in the Agenda Report.