

# Item 4.2 Competition Policy Review

## Evaluating Service Delivery

*October 20, 2009*

# Background

Based on six stakeholder meetings, staff developed 3 part recommendation to address Council direction to review competitive policies using 2009-10 case studies:

1. develop a new policy to guide service delivery evaluations, including decision on when the Public-Private Competition Policy 0-29 would be applied;
2. revise the Public-Private Competition Policy 0-29; and,
3. streamline and simplify the City's Request for Proposals process.

# Service Delivery Evaluation Policy

(What we  
are trying to  
achieve)

Use an efficient and transparent process for evaluating service delivery models which:

1. Applies consistent decision-making criteria.
2. Ensures stakeholders have opportunity to provide input to decisions.
3. Results in cost effective services that leverage unique strengths of public, private, and non-profit sectors in service delivery.

**Revised  
Public-Private  
Competition  
Policy 0-29**

Major issues outlined in original proposed revisions addressed through three part strategy.

Competition Policy primarily revised to:

1. Add provisions to ensure level playing field.
2. Expand contractor requirements when competing against a City operation.
3. Move selection of services subject to managed competition to the new Service Delivery Evaluation policy.

# Community and Economic Development Committee Recommendations

1. Accept this report
2. Adopt a resolution:
  - Approving a new Council Policy establishing a decision making framework to evaluate service delivery models.
  - Revising Council Policy 0-29 (Public Private Competition Policy)
3. Consider revising the staff recommendations

# Issues for Discussion

## As Identified in Councilmember memos

1. Service Delivery Evaluation Policy (SDE): Threshold for Business Case Analysis requirement and potential streamlining (Staff recommended 5 FTEs)
2. Competition Policy (0-29): Applicability of Public Records requirements to contractors (Staff recommended no change)
3. Other: (No Staff recommendations)
  - Public feedback mechanism (0-29)
  - Contract monitoring (0-29)
  - Cost to Taxpayers from low wage work (SDE)
  - Contractor disclosure of prior breaches (0-29)
  - Whistleblower provisions (Policy 1.1.4)
  - Methods for comparing costs (0-29)
4. Report to Council on Implementation
5. Addendum to Staff Recommendation: Remove provision that “All personnel records and other detailed information required of private sector competitive bid participants must be required of public sector bid participants.” (0-29)

# Acknowledgement of Stakeholders Engaged in Developing Recommendations

1. Albert Balagso, Parks, Recreation & Neighborhood Services
2. Bob Brownstein, Working Partnerships USA
3. Yolanda Cruz, Municipal Employees' Federation
4. Pat Dando, San Jose Silicon Valley Chamber of Commerce
5. Linda Dittes, Municipal Employees' Federation
6. Gay Gale, City Association of Management Personnel
7. Patricia Gardner, Silicon Valley Council of Nonprofits
8. Leslee Hamilton, Friends of the Guadalupe
9. Peter Jensen, General Services Dept
10. Elisa Koff-Ginsborg, Working Partnerships USA
11. Matt Morley, General Services Dept
12. Jim Ortbal, Dept of Transportation
13. Bill Pope, International Union of Operating Engineers
14. Walter Rossmann, Finance Dept/Budget Office
15. Jim/Suzanne Salata, Garden City Construction
16. Pat Sausedo, San Jose Silicon Valley Chamber of Commerce
17. John Tang, San Jose Water Company
18. Clark Williams, Silicon Valley Council of Nonprofits