

1 [Contract Requirements - SF Access Paratransit Program - Prevailing Wage and Worker  
Retention Requirements]

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3 **Ordinance authorizing the Municipal Transportation Agency to include, in the next**  
4 **contract it executes for brokerage services for the SF Access Paratransit Program after**  
5 **issuing a competitive solicitation, provisions that require the contractor and**  
6 **subcontractors to pay prevailing wages to drivers, dispatchers and reservationists**  
7 **providing services for the SF Access program, and to provide transitional employment**  
8 **and retention to the prior contractor's employees performing such services; and**  
9 **setting the prevailing wage rates for individuals providing services for the SF Access**  
10 **program.**

11 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
12 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
13 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
14 **Board amendment additions** are in double-underlined Arial font.  
15 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
16 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
17 subsections or parts of tables.

18 Be it ordained by the People of the City and County of San Francisco:

19 Section 1. Findings.

20 (a) San Francisco Administrative Code Section 21C.7 requires, for certain types of  
21 City contracts, that contractors pay prevailing wages to individuals performing services under  
22 the contract, and provide transitional employment and retention for the prior contractor's  
23 employees.

24 (b) The requirement to pay prevailing wages includes wage rates for overtime and  
25 holiday work and fringe benefits as paid for similar work performed in the City by private  
employers.

1 (c) In adopting worker retention ordinances, the Board of Supervisors has  
2 previously determined that the turnover of experienced workers resulting from a change in  
3 City contractors for certain types of services jeopardizes the quality, efficiency and cost-  
4 effectiveness provided under the successor contract.

5 (d) The Municipal Transportation Agency (SFMTA) intends to issue a request for  
6 proposals (RFP) for paratransit brokerage services in the fall of 2015 because the existing  
7 contract will expire on June 30, 2016.

8 (e) Under its contract with the SFMTA, the paratransit broker operates the SF  
9 Access program, which provides door-to-door, shared-ride van services for people who,  
10 because of a disability, are unable to use Muni's accessible buses, trains, and streetcars  
11 some or all of the time. Because the possibility of turnover of experienced workers resulting  
12 from a potential change in contractors will jeopardize the quality, efficiency and cost-  
13 effectiveness of the SF Access program provided under a successor contract, the SFMTA is  
14 seeking authorization from the Board of Supervisors to include, in any contract for paratransit  
15 brokerage services the SFMTA executes in 2016 after issuing an RFP, provisions that would  
16 require: (1) payment of prevailing wages by both the contractor and subcontractors to any  
17 individual providing driving, dispatching, or reservation services for the SF Access program  
18 under the contract; and (2) transitional employment and retention for the prior contractor's SF  
19 Access employees performing such services.

20 (f) Similar to the requirements in Section 21.C.7 of the Administrative Code, the  
21 SFMTA intends to include, in its new contract, requirements that the successor contractor:  
22 (1) retain, for a six-month period, employees who have worked at least 15 hours per week and  
23 have been employed by the prior contractor or its subcontractors, if applicable, for the  
24 preceding 12 months; (2) retain employees of the prior contractor by seniority within job  
25 classifications if fewer employees are required to perform the new contract; (3) maintain a

1 preferential hiring list of eligible employees that were not retained by the successor contractor;  
2 (4) not discharge any retained employee without cause during the retention period; and (5)  
3 offer continued employment to retained employees, if the employee’s performance is  
4 satisfactory, under the terms and conditions established by the successor contractor  
5 (collectively, Retention Requirements).

6 7. Based on information provided by the SFMTA, the Board of Supervisors finds that  
7 the greatest number of workers providing the subject SF Access services in San Francisco  
8 are paid prevailing wages at the rates set forth in the tables entitled “Summary of Wages and  
9 Benefits for SF Paratransit -- SF Access Service” on file with the Clerk of the Board of  
10 Supervisors in File No. 151003. Accordingly, the Board of Supervisors sets the prevailing  
11 wage rates for the subject workers in accordance with the rates in the table.

12 Section 2. The SFMTA is authorized to include, in any contract for paratransit  
13 brokerage services it executes within the next year after issuing an RPF, provisions that would  
14 require: (1) payment of prevailing wages by both the contractor and subcontractors to any  
15 individual providing driving, dispatching, or reservation services for the SF Access program  
16 under the contract; and (2) transitional employment and retention for the prior contractor’s SF  
17 Access employees performing such services, in accordance with the Retention Requirements  
18 set forth above. Such provisions are subject to compliance with all applicable federal, state  
19 and local laws and other requirements, including, but not limited to, State licensing  
20 requirements, federal drug and alcohol testing rules, and SFMTA-required background  
21 checks.

22 Section 3. Effective Date. This ordinance shall become effective 30 days after  
23 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
24 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
25 of Supervisors overrides the Mayor’s veto of the ordinance.

1 APPROVED AS TO FORM:  
2 DENNIS J. HERRERA, City Attorney

3 By: \_\_\_\_\_  
4 ROBIN M. REITZES  
5 Deputy City Attorney

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