



June 10, 2022

The Honorable Samuel K. Feng
Presiding Judge, Superior Court of California, County of San Francisco
400 McAllister Street, Room 008
San Francisco, CA 94102-4512

Dear Judge Feng,

In accordance with Penal Code 933 and 933.05, the following is in response to the 2021-2022 Civil Grand Jury Report, *Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program*. We would like to thank the members of the 2021-2022 Civil Grand Jury for their interest in the City's capital procedures, especially regarding the review and hiring of contractors. It is important for the City to maintain accountability and reflect on lessons learned in order to better deliver capital projects in the future.

We agree with many of the Jury's findings that the contractor performance evaluation database has been underutilized. In the coming year, the Mayor's Office will direct Chapter 6 departments to better utilize the database and to consider evaluation data in the selection of contractors, in consultation with the City Attorney. The City will also evaluate the effectiveness of the database to ensure it is producing the desired results of improving construction quality, budget, and schedule adherence.

We appreciate the opportunity to comment on the Civil Grand Jury report findings and recommendations. Moving forward, and as appropriate, the City plans to continue working with the Chapter 6 departments to improve on these procedures.

A detailed response from the Mayor's Office is attached.

Sincerely,

A handwritten signature in dark ink that reads "London Breed". The signature is fluid and cursive, with the first name "London" and last name "Breed" clearly distinguishable.

London N. Breed
Mayor

2021-22 CIVIL GRAND JURY FINDINGS, RECOMMENDATIONS, AND RESPONSES TO FINDINGS AND RECOMMENDATIONS

Report Title [Publication Date]	R# [for F#]	Recommendation	Respondent Assigned by CGJ [Response Due Date]	Recommendation Response (Implementation)	Recommendation Response Text
Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program [April 11, 2022]	R1 [for F1]	We recommend that by 6/15/22 the Mayor specify which department shall manage and have responsibility and authority for the contractor performance evaluation database to improve compliance, monitoring and consistent use. We further recommend that the director of the specified department appoint the project manager by 6/30/22.	Mayor [June 10, 2022]	Has not yet been implemented but will be implemented in the future	By June 15, 2022, the Mayor will designate Public Works as the department that shall manage and have responsibility and authority for the contractor performance evaluation database, and to expedite implementation of the the project. Furthermore, the Mayor will direct departments to work with the City Attorney to identify a defensible way to incorporate performance evaluation data in the Chapter 6 contractor procurement process. The appointment of a Project Manager by 6/15/22 is not realistic considering there are currently no available project managers available for this assignment, so a recruitment process will have to be undertaken.
Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program [April 11, 2022]	R2 [for F2]	We recommend that by 9/30/22, the database project manager specified in R1 complete implementation, training sessions and “go live” workshops with all Chapter 6 departments.	Mayor [June 10, 2022]	Requires further analysis	Implementation of Civil Grand Jury recommendations are a high priority for the Mayor. Because the role of Project Manager is unfilled and the challenges the City is facing filling positions, the timeline recommended by the CGJ is probably unrealistic. To help speed the implementation process, the Mayor intends to ask Chapter 6 departments to find opportunities to streamline the implementation of the database by adapting existing contract evaluations for inclusion in the database.
Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program [April 11, 2022]	R3 [for F3]	We recommend that by 12/31/2022, the Mayor require all Chapter 6 departments to begin submitting evaluations into the database.	Mayor [June 10, 2022]	Has not yet been implemented but will be implemented in the future	By December 31, 2022, the Mayor plans to direct all Chapter 6 departments to begin submitting evaluations for inclusion in the contractor performance evaluation database. As stated in response to R3, the Mayor intends to ask Chapter 6 departments to find opportunities to streamline the implementation of the database by incorporating evaluation data that is currently collected by departments as part of their project close out process.
Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program [April 11, 2022]	R4 [for F4]	We recommend that by 12/31/2022, the Mayor explicitly directs all Chapter 6 departments to consult the database when selecting contractors.	Mayor [June 10, 2022]	Has not yet been implemented but will be implemented in the future	By December 31, 2022, or when the database has gone live, the Mayor plans to direct all Chapter 6 departments to consider evaluations of contractor performance evaluation database when selecting contractors. As stated in response to F1, departments will need to work with the City Attorney to identify a defensible way to incorporate performance evaluation data in the Chapter 6 contractor selection process. As stated in response to F2, the Mayor believes that an evaluation of the program should be made starting one year after go-live, to ensure the resources being put to the project are producing promised results of improved construction quality, budget and schedule adherence and improved contractor relationships.

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Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program [April 11, 2022]	R5 [for F5]	We recommend that by 6/30/2023 the project manager update the database technology to include the capability to hold evaluators accountable by observing who is using the database and when.	Mayor [June 10, 2022]	Requires further analysis	The Mayor agrees that departments should be held accountable for knowing and considering information in the database when evaluating contractor proposals. Because the software platform on which the original database was built is no longer supported by the vendor, it will be up to the Project Manager to determine how best to provide the needed accountability.
Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program [April 11, 2022]	R6 [for F6]	We recommend that by 6/30/2023, the project manager update the database technology to require the "Lessons Learned" data field be filled out before an evaluation can be marked "complete."	Mayor [June 10, 2022]	Requires further analysis	The Mayor agrees that information in the database, including "lessons learned" is valuable to evaluators selecting contractors, as well as to those preparing construction bid documents and contracts. Rather than dictate software requirements, Chapter 6 departments participating in the project should work together with the Project Manager to identify the best way to insure this data is available to contract evaluators.
Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program [April 11, 2022]	R7 [for F7]	We recommend that by 6/30/2023, the project manager include sections in the database to cover contractor compliance with the SIP program.	Mayor [June 10, 2022]	Will not be implemented because it is not warranted or is not reasonable	PUC data on contractor compliance with its SIP program is not relevant to five of the six Chapter 6 contracting departments. Including this data in the contractor performance evaluation database is likely introduce an element of confusion which would make it more difficult for these agencies to adopt and utilize the database.
Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program [April 11, 2022]	R8 [for F8]	We recommend that by 6/30/2023, the project manager expand the database to include input from non-Chapter 6 departments receiving construction services from Chapter 6 departments.	Mayor [June 10, 2022]	Requires further analysis	Improving capital project delivery in San Francisco is a high priority of the Mayor. In addition to the Civil Grand Jury, the issue is receiving attention from the Office of Resilience and Capital Planning, the Controller's City Services Auditor and the Transportation Authority. The Capital Planning Committee is probably the best forum to receive input from non-Chapter 6 departments.

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Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program [April 11, 2022]	R9 [for F9]	We recommend that starting in FY 2022-2023, the City Services Auditor Department within the Controller's Office conduct performance audits of the City construction program every two years focusing on use of best practices, collaboration, and other successes and challenges. The Controller's report from 2014 can serve as a template.	Mayor [June 10, 2022]	Will not be implemented because it is not warranted or is not reasonable	This is a sound recommendation, but it is under the purview of the Controller's Office to prioritize their audit work plan.