File No. 220506 **Committee Item No.** 2
Board Item No.

COMMITTEE/BOARD OF SUPERVISORS

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Prepared by: Jessica Perkinson **Date:** July 14, 2022
Prepared by: **Date:**
Prepared by: **Date:**

[Board Response - Civil Grand Jury Report - Continuity Report]

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2021-2022 Civil Grand Jury Report, entitled "Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program;" and urging the Mayor to cause the implementation of accepted findings and recommendations through her department heads and through the development of the annual budget.

WHEREAS, Under California Penal Code, Section 933 et seq., the Board of Supervisors must respond, within 90 days of receipt, to the Presiding Judge of the Superior Court on the findings and recommendations contained in Civil Grand Jury Reports; and

WHEREAS, In accordance with California Penal Code, Section 933.05(c), if a finding or recommendation of the Civil Grand Jury addresses budgetary or personnel matters of a county agency or a department headed by an elected officer, the agency or department head and the Board of Supervisors shall respond if requested by the Civil Grand Jury, but the response of the Board of Supervisors shall address only budgetary or personnel matters over which it has some decision making authority; and

WHEREAS, Under San Francisco Administrative Code, Section 2.10(a), the Board of Supervisors must conduct a public hearing by a committee to consider a final report of the findings and recommendations submitted, and notify the current foreperson and immediate past foreperson of the civil grand jury when such hearing is scheduled; and

WHEREAS, In accordance with San Francisco Administrative Code, Section 2.10(b), the Controller must report to the Board of Supervisors on the implementation of

recommendations that pertain to fiscal matters that were considered at a public hearing held by a Board of Supervisors Committee; and

WHEREAS, The 2021-2022 Civil Grand Jury Report, entitled "Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program" ("Report") is on file with the Clerk of the Board of Supervisors in File No. 220505, which is hereby declared to be a part of this Resolution as if set forth fully herein; and

WHEREAS, The Civil Grand Jury has requested that the Board of Supervisors respond to Finding Nos. F1, F2, F3, F4, F5, F6, and F8, as well as Recommendation Nos. R1, R2, R3, R4, R5, R6, R7, R8, and R9, contained in the subject Report; and

WHEREAS, Finding No. F1 states: "Without a clear project manager with full responsibility and authority, the contractor performance evaluation database project lacked sufficient momentum to be completed, fully adopted and used;" and

WHEREAS, Finding No. F2 states: "The existing project team and Chapter 6 departments failed to implement the database in a timely manner, delaying the benefits it could provide in improving construction quality, meeting budgets and timelines, and improving contractor relationships;" and

WHEREAS, Finding No. F3 states: "Chapter 6 departments failed to enter performance evaluations into the database, thus negating its value;" and

WHEREAS, Finding No. F4 states: "Prior updates to Section 6.26 of the Administrative Code excluded language that the database *must* be used to evaluate contractors going forward;" and

WHEREAS, Finding No. F5 states: "In designing and developing the database, the project team neglected to add the technical capability to see who consults the database, making it difficult to hold departments accountable for using the database;" and

WHEREAS, Finding No. F6 states: "When evaluators omit 'Lessons Learned' entries in that data field, the evaluations lack the most critical information to help inform future contractor selections;" and

WHEREAS, Finding No. F8 states: "The database fails to provide a way for non-Chapter 6 departments to provide feedback on both contractors and Chapter 6 department performance, resulting in no accountability for either the contracting department or the contractor;" and

WHEREAS, Recommendation No. R1 states: "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;" and

WHEREAS, Recommendation No. R2 states: "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;" and

WHEREAS, Recommendation No. R3 states: "We recommend that by 12/31/2022, the Mayor require that all Chapter 6 departments to begin submitting evaluations into the database;" and

WHEREAS, Recommendation No. R4 states: "We recommend that by 12/31/2022, the Mayor explicitly directs all Chapter 6 departments to consult the database when selecting contractors;" and

WHEREAS, Recommendation No. R5 states: "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;" and

WHEREAS, Recommendation No. R6 states: "We recommend that by 6/30/2023, the project manager update the database technology to require the 'Lessons Leaned' data field be filled out before an evaluation can be marked 'complete;'" and

WHEREAS, Recommendation No. R7 states: "We recommend that by 6/30/2023, the project manager include sections in the database to cover contractor compliance with the SIP program;" and

WHEREAS, Recommendation No. R8 states: "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;" and

WHEREAS, Recommendation No. R9 states: "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;" and

WHEREAS, In accordance with California Penal Code, Section 933.05(c), the Board of Supervisors must respond, within 90 days of receipt, to the Presiding Judge of the Superior Court on Finding Nos. F1, F2, F3, F4, F5, F6, and F8, as well as Recommendation Nos. R1, R2, R3, R4, R5, R6, R7, R8, and R9 contained in the subject Report; now, therefore, be it

RESOLVED, That the Board of Supervisors reports to the Presiding Judge of the Superior Court that they _____ with Finding No. F1 for reason as follows: _____; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports to the Presiding Judge of the Superior Court that they _____ with Finding No. F2 for reason as follows: _____; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports to the Presiding Judge of the Superior Court that they _____ with Finding No. F3 for reason as follows: _____; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports to the Presiding Judge of the Superior Court that they _____ with Finding No. F4 for reason as follows: _____; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports to the Presiding Judge of the Superior Court that they _____ with Finding No. F5 for reason as follows: _____; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports to the Presiding Judge of the Superior Court that they _____ with Finding No. F6 for reason as follows: _____; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports to the Presiding Judge of the Superior Court that they _____ with Finding No. F8 for reason as follows: _____; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation No. R1 _____; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation No. R2 _____; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation No. R3 _____; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation No. R4 _____; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation No. R5 _____; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation No. R6 _____; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation No. R7 _____; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation No. R8 _____; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation No. R9 _____; and, be it

FURTHER RESOLVED, That the Board of Supervisors urges the Mayor to cause the implementation of the accepted findings and recommendations through her department heads and through the development of the annual budget.

Shovel Ready:

Best Practices and Collaboration to Improve San Francisco's Capital Construction Program

April 11, 2022

City and County of San Francisco
Civil Grand Jury
2021-2022

Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program

About the Civil Grand Jury

The Civil Grand Jury ("Jury") is a government oversight panel of volunteers who serve for one year. It makes findings and recommendations based on its investigations. Reports of the Civil Grand Jury do not identify individuals by name, and disclosure of individuals interviewed by the Jury is prohibited. (California Penal Code §929)

2021-2022 Jurors

Michael N. Hofman, Foreperson

Will McCaa, Foreperson Pro Tem

Sara Miles, Corresponding Secretary

Charles Lai, Recording Secretary

Mark Seielstad, Parliamentarian

Tony An

Rick Crane

Tony David

Phyllis V. Deets

Jason Golz

Cort Gross

Jeanine Jue

Leanna Louie

Tim Novacic

Cynthia Travis

Joanie van Rijn

Dylan Walker

Jeffrey D. Weitzel

Summary

The City and County of San Francisco ("City") relies on general and specialty contractors for most of its capital construction projects, budgeted at $39 billion for the 2020-2029 period. This report follows up on recommendations made in prior Jury reports, including *San Francisco's City Construction Program: It Needs Work* (2015) and *Van Ness Avenue - What Lies Beneath* (2021, "Van Ness report"), that City leaders agreed to adopt, but have yet to implement.

One such recommendation from the 2015 report focused on the need for City departments charged with managing capital construction projects to create and adopt a contractor performance evaluation database. The purpose was to find the best contractor for each job, by requiring City departments and contractors to evaluate each other's performance during and after a construction project, thus ensuring accountability, transparency and two-way communication.

Six years after the City decided to create this database, and two years after it was developed, the database remains unused. No training sessions have occurred since September 2019. No department has entered data since February 2020. As a result, there is little contractor information in the database. There is no way to confirm that the database is being consulted when departments select contractors. And there is no clear project manager with responsibility and authority to see the database project through to completion and ensure its adoption and ongoing use.

By not using the database, the City fails to benefit from lessons learned within and across departments, despite department heads' expressed opinions that the database would have a meaningful and positive impact on project quality, budgets and timelines. Therefore, this report makes additional recommendations to ensure performance evaluations happen and the database is used.

The database, however, is only one example of a construction best practice. Based on facts uncovered in this investigation, the Jury finds that the City misses opportunities to adopt other construction best practices too.

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Background

The 2021-2022 San Francisco Civil Grand Jury is undertaking a review of prior Jury reports on the City and County of San Francisco's capital construction program to understand if previous recommendations have been followed. The Jury seeks to highlight the importance of these recommendations, and is providing this report based on a new investigation into the matter.

Prior Jury reports and a Controller's Office report recommended changes to Chapter 6 of the City's Administrative Code[1], specifically sections 6.26 and 6.74, which address capital construction projects. The Controller's audit from May 2014 included 12 recommendations, focusing on the need to:

1. Create and implement a contractor performance evaluation database
2. Conduct and document performance evaluations
3. Use evaluations to help choose the right contractor for the job

Shortly after the Controller's audit was published, the 2014-15 Jury published a report called *San Francisco's City Construction Program: It Needs Work*[2]. This report included eight recommendations, also focusing on amending Chapter 6 of the Administrative Code to require contractor performance evaluations and use of past evaluations in awarding future contracts.

Then the 2020-2021 Jury published a report called *Van Ness Avenue: What Lies Beneath*[3]. This report included 11 recommendations for the City to anticipate and minimize construction problems ("derisking"[4]), adopt construction best practices[5], and incorporate "partnering."[6]

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[1] See the Glossary for more information about Chapter 6.
[2] San Francisco Civil Grand Jury, "San Francisco's City Construction Program: It Needs Work," June 2015
[3] San Francisco Civil Grand Jury, "Van Ness Avenue:What Lies Beneath," June 2021
[4] See the Glossary for more information on this phrase.
[5] See the Glossary for a definition of construction best practices
[6] Rob Reaugh, "San Francisco Partnering Field Guide," March 2021, OrgMetrics LLC – SFCPSC Partnering Facilitator See the Glossary for more information on this topic.

There are six City departments with authority to engage in capital construction projects, each of which must adhere to Chapter 6 of the City Administrative Code[7]. As such, they are often referred to as "Chapter 6 departments." These six departments are the Department of Public Works ("DPW"), the Public Utilities Commission ("PUC"), the Municipal Transportation Agency ("MTA"), San Francisco International Airport ("SFO"), the Port of San Francisco ("Port"), and the Recreation and Park Department ("Rec & Park"). Separately, numerous other "non-Chapter 6 departments" (e.g., Fire, Library, Police, Health) also require new construction projects, but they receive their construction services from Chapter 6 departments. In almost all of these cases, DPW manages these projects.

[7] See the Glossary for more information on this Chapter and the included departments.

Methodology

The Jury conducted the following research:

1. We reviewed the two prior Jury reports noted above, the report prepared by the Controller's Office "Citywide Construction: Adopting Leading Practices Could Improve the City's Construction Contractor Bid Pool" (May 20, 2014)[8], and other reports prepared by the Controller's Office and the Budget and Legislative Analyst.
2. We conducted numerous interviews with City department directors and managers, Controller's Office staff, Budget and Legislative Analyst staff, and technical staff involved in the database's development, testing and implementation.
3. We reviewed the Board of Supervisors' and others' responses to the 2014-2015[9] and the 2020-2021[10] Jury report recommendations.
4. We studied the scope and breadth of the database components and ancillary training and commissioning documents.
5. We reviewed documents related to construction partnering as used in Chapter 6 departments.
6. We studied the Chapter 6 administrative code, in particular sections 6.26 and 6.74.

[8]Office of the Controller,, "Citywide Construction:: Adopting Leading Practices Could Improve the City's Construction Contractor Bid Pool," May 20, 2014
[9] Office of the Controller, "Master Civil Grand Jury Report 2018 (FY14-15)," Office of the Controller
[10] San Francisco Board of Supervisors, "Resolution No. 496-2, [Board Response, Civil Grand Jury Report, Van News Avenue: What Lies Beneath",October 29, 2021

Discussion and Analysis

The stakes are high for the City and County of San Francisco's capital construction program.

San Francisco's built environment plays an important role in the operations of government agencies, efficiency and safety of our facilities and infrastructure, vitality of our commercial activity, appeal to visitors, environmental resilience, ability to achieve equity goals, and overall pride we feel for our city. The impression San Francisco has on its residents, workers and visitors alike is often tethered to the success of large capital construction projects. Past projects have delivered iconic bridges and public transportation, renowned museums and parks, innovative public utility infrastructure, and more.

The stakes are high also because of the budgeted $39 billion cost for the City's capital construction projects planned for the 2020-2029 period. This significant figure does not include extraordinary additions or the cost overruns that often occur. For example, according to the Van Ness report from June 2021:

> "The total cost of the [Van Ness project] has increased from $309 million (including $28 million of contingency budgets) to $346 million, an increase of 12% overall and 23% exclusive of contingencies. The duration of construction has also increased from three years to nearly six years."

Since the project is not yet finished, more costs are pending as of March 1, 2022.

San Francisco relies on general and specialty contractors for most of its capital construction projects. To ensure the greatest success, these projects require relevant experience, use of construction best practices, and close collaboration between the City and contractors. Indeed,

many City capital construction projects benefit from these features and have successful outcomes.

Too often, however, projects experience recurring problems. These include cost overruns, delays to completion, inconsistent staffing, unnecessary change orders and construction that does not "adhere to contract specification," which means work is of poor quality and sometimes requires re-doing (for example the MTA Twin Peaks tunnel project) further frustrating residents.

It doesn't have to be this way.

To achieve greater success on capital construction projects, the City must implement a more consistent application of a variety of best practices for its capital construction program.

An overall vision for planning these projects exists, branded as ONESF and created by the Office of Resilience and Capital Planning[11], which is dedicated to creating a strong, sustainable, and resilient San Francisco for generations to come.

> "The Capital Planning Program[12] coordinates resources to restore, improve, and build San Francisco's public infrastructure. Major deliverables include the 10-Year Capital Plan, the annual Capital Budget, and the administration of the Capital Planning Committee. This work helps San Francisco live up to its commitment to building a more resilient and vibrant future for the residents, workers, and visitors of San Francisco."[13]

For these projects to have a better chance of being completed on time, within budget, and be of high quality, the City must adopt more construction best practices across all Chapter 6 departments to save time and money, but also to honor the trust the public has in govenment.

Obstacles to successful outcomes persist.

[11] See the Glossary for more information on this department.
[12] See the Glossary for more information on the Capital Planning Program and Capital Planning Committee.
[13] One San Francisco information can be found at onesanfrancisco.org

Among these obstacles are communication silos and minimal collaboration among the Chapter 6 departments, and a spotty track record of adhering to construction best practices. In addition, three of six departments have faced recent leadership turnover, creating situations where these organizations lost project thrust, process know-how, and continuity of department knowledge.

Another obstacle is that there is a lack of a central knowledge base on past project information, including contractor reviews. With these omissions, City departments miss out on the ability to share lessons learned *within* departments and *among* departments.

Separately, Chapter 6 departments also manage construction projects for numerous other non-Chapter 6 departments, but no accountability or feedback loop is built into this arrangement. This situation results in inconsistent experiences during the process and on project outcomes.

Time and again, government and prior Juries point out that San Francisco's capital construction program requires substantive fixes.

This Jury's investigation is now the fourth report in the last eight years to focus on this topic and the third emphasizing the need for a central contractor performance evaluation database ("database"). It is the second report in the last 12 months to recommend the use of other construction best practices.

As a result of the 2015 Jury report and the report prepared by the Controller's Office in 2014, the Board of Supervisors updated Chapter 6 of the Administrative Code[14].

These updates were approved and incorporated in July 2016. Administrative Code Section 6.26 required the development and implementation of a contractor performance evaluation database. Administrative Code Section 6.74 added the capability to select contractors on the basis of "best value" when selecting these vendors for capital projects, rather than just the lowest bid. These updates require both *past* performance and *relevant* experience to be explicitly considered during the selection process.

[14] San Francisco Board of Supervisors, https://www.sfbos.org/ftp/uploadedfiles/bdsupvrs/ordinances16/o0094-16.pdf, Ordinance 94-15, File No. 160225

The creation of a contractor performance evaluation database was intended to help the departments improve their contractor selection process.

The desire behind these multiple Jury and Controller's Office recommendations is to help the City find the best contractor for the job, by requiring departments and contractors to evaluate each other's performance during and after a project, thus ensuring accountability, transparency and two-way communication. This is common sense. Indeed, all Chapter 6 department heads agreed with the recommendations of the Controller's audit and all agreed to collaborate to adopt these best practices to improve the contractor bid pool.

In 2017, a project team[15] was formed consisting of DPW, the Controller's Office and the Department of Technology ("DT"). Given their construction experience, DPW was selected to move the project forward, serving as the project representative for the Chapter 6 departments. In this role, however, DPW did not have overall project manager responsibility and ultimate authority to see the database through to full adoption and use, or to compel its use by other Chapter 6 departments.

In August of 2017, DPW reported to the Board of Supervisors in a letter that the database mandated by Section 6.26 of the Administrative Code was in development, in collaboration with the Controller's Office Performance Unit and DT.[16] The communication further stated that DPW was coordinating the effort among Chapter 6 departments (but without full responsibility and authority to lead those departments). All Chapter 6 departments co-signed the letter along with DPW.

Implementation of the database began in early 2018. The Controller's Office retained an IT contractor to convene Chapter 6 departments, seek their input on criteria for a database, and then build it. The development scope was well-defined, and the project team handled the planning and

[15] See the Glossary for more information about the vendor database project team.
[16] Mohammed Nuru, "Re: Report on implementation of ordinance 94-16 Best value public works procurement," Status letter to Board of Supervisors, " August 25, 2017

execution of database development. Database evaluation factors included safety, quality control, on-time performance, management effectiveness, compliance with labor standards, and other factors (including late payments to subcontractors, adherence to contract language, defective cost or pricing data, etc.). There was general consensus these are the right factors on which to measure contractor performance. Database development lasted 18 months and came in under budget.

From June to September 2019, the project team conducted training workshops with three of the six Chapter 6 departments. The team also ran pilots for the Chapter 6 departments so each could test a soft launch, by using select contractor data which was pre-loaded into the database. This data was primarily sourced from DPW, but each of the other departments submitted one of their projects into the database in order to move forward with the pilots.

Then the implementation of the database stalled. There were a few reasons for this. During this period, three of six Chapter 6 departments experienced turnover in leadership. A new City Administrator was appointed. From this Jury's investigation, newly appointed City leaders and department directors lacked awareness of the database initiative.

The project team planned a full implementation for early 2020. In March 2020, however, the pandemic arrived. To respond to the early stages of the city-wide lockdown due to the pandemic, department resources were redeployed, resulting in an indefinite pause of the project.

After spending significant time and effort creating the database, developing training materials, and conducting training workshops, Chapter 6 departments are still not creating evaluations to populate the database.

Completed evaluations are central to the ongoing use of the database. The obstacle to completing evaluations is not due to process, because it is well defined:

1. At the start of a construction project, an evaluation schedule must be prepared.

2. Department staffers working on a project receive an automated email according to the evaluation schedule, informing them they are scheduled to complete an evaluation. This action occurs at regular intervals during a project and then again after completion.
3. Evaluators are required to enter both quantitative and qualitative information. Part of the qualitative information is a data field called "Lessons Learned"[17], which is of special importance. The project team claimed in training materials that this qualitative data field "provides the most critical information to help inform future contractor selections." A separate training video suggested evaluators "think of Lessons Learned as a way to pass along useful information constructively." Entries into the Lessons Learned data field are aggregated and do not show the names of individual evaluators.
4. Once department staffers submit an evaluation, the system also invites contractors to submit evaluations based on their view of the department's performance.
5. Training videos for the database remain publicly available.

No accountability exists, however, for those who are asked to complete evaluations, but do not submit them. This is the main obstacle and clearly visible in the data. As of March 1, 2022, evaluations exist for only 11 minor projects consisting of 80 individual evaluator records. Of these records, 49% failed to include *any* quantitative or qualitative information, 29% were still "in progress" and 11% were "under review." Most of these entries were from the pre-loaded evaluation data included as part of the 2019 pilot, and the last recorded evaluation was from more than two years ago.

Only two evaluations include the important Lessons Learned information. This deficiency occurred because an evaluator is *not* required to enter Lessons Learned in order to complete an evaluation. During our investigation, we found that Lessons Learned summaries were sometimes being shared via internal department memos, but they were not being entered into the database. As a result, other users and departments are unable to benefit from these insights. These moments are missed opportunities to share important information within and across departments.

[17] See the Glossary for more information about this element

Since the database is not being populated with evaluations, it is unlikely to help during contractor selection.

For the database to have any value, it must be populated with quality data. Otherwise, why would any Chapter 6 department consult it to help find the best contractor for the job?

Moreover, even if a department were to consult the database, significant limitations exist. Only past performance information from the most recent three-year period is included in the database. This is a short shelf life for valuable information. For example, during construction of the International Terminal in the 1990's, SFO leadership often conflicted with its contractor over change orders, cost escalations, missed schedules, and several other complaints. Believing it was the contractor's standard practice to take advantage of unforeseeable conditions and leverage them, SFO litigated to recoup financial losses from the project. This same contractor is now working on the MTA Central Subway project. Whether or not this firm is the right fit for the job, SFO's experience more than 20 years ago could still be helpful in contractor selection today.

Separately, there are shortcomings in how the database is accessed: information is accessible through five downloadable report options, but *none* include the valuable Lessons Learned. Additionally, while there are ways to see quantitative inputs and entry dates, it is technically difficult to see who is consulting the database and when. As a result, holding departments accountable for using the database is difficult.

Today, the database remains unused. No additional training sessions have occurred since September 2019. No department has entered data since February 2020. There is little contractor information currently in the database. There is no way to confirm that the database is being consulted when departments select contractors. Nothing in Section 6.26 says that the database *shall be used* to evaluate contractors in the future. Without a responsible project manager in charge, nor awareness by some Chapter 6 department leaders that it even exists, it is unlikely the database will be used going forward unless something changes.

Beyond the database, San Francisco's Chapter 6 departments would benefit from formalizing other construction best practices.

If implemented correctly, the database project could serve as a template for collaboration, sharing of lessons learned, and best practices among Chapter 6 departments.

Partnering is another best practice in construction that some, but not all, Chapter 6 departments have been using since Mayor Ed Lee authorized its use in 2012. Partnering is a collaborative process that uses information and transparency to benefit all parties involved in a project, and includes project facilitators to smooth out issues as they arise.

Separately, in response to recommendations from the 2021 Van Ness report, the Board of Supervisors tasked the Budget and Legislative Analyst to prepare a report on "derisking" options. Derisking anticipates and seeks to minimize potential issues that may arise during construction. It is another way to improve construction project outcomes, but it is not as comprehensive as other types of capital project best practices.[18]

The database discussed above could also incorporate contractor compliance with the PUC Social Impact Partnership ("SIP") program. The SIP program is a way for contractors to gain extra credit during the contract bid process by promising to provide local community benefits. In their recent report on this subject,[19] the Controller's Office reported on SIP compliance issues among those contractors and recommended developing a *separate* performance evaluation database to note whether and how well PUC contractors do what they say they will do. The City, however, has not considered integrating compliance information into the *existing* database. Combining the proposed database with the existing one would simplify and streamline processes. It would also

[18] Some of the best practices used successfully by one or more of the Chapter 6 departments are described in the Glossary

[19] Office of the Controller, "Public Integrity Audit: Significant Changes Are Needed to the Design, Monitoring, and Control of the San Francisco Public Utilities Commission's Social Impact Partnership Program," December 9, 2021

serve as a single point of truth and permit other Chapter 6 departments to track how well those contractors meet their community benefits obligations and point to their overall competence.

Lastly, no forum exists for Chapter 6 departments to compare notes, share construction best practices, and learn from each other's project experiences. Given the differences in construction quality and performance among departments, it is clear that proactive collaboration and knowledge sharing and transfer would provide obvious benefits to the City. Within the Office of Resilience and Planning sits the Capital Planning Committee (CPC). This committee includes the directors of each Chapter 6 department and other City officials. While the CPC gathers regularly, this committee focuses on making recommendations to the Mayor and Board of Supervisors about the City's capital expenditures and plans. They do not meet, however, to share knowledge on construction best practices. Nevertheless, this entity appears best suited to establish and support a forum for interdepartmental collaboration.

Performance audits by the City Services Auditor Division within the Controller's Office could provide much needed oversight of San Francisco's construction practices.

In addition to adopting these best practices, the Jury believes that the City's capital construction program requires periodic performance audits to highlight successes and challenges. A retrospective analysis of the program by a highly regarded source, can serve as a catalyst to share information and improve processes. However, the Budget and Legislative Analyst's office has not prepared any reports on general construction practices for the Board of Supervisors in recent years, nor has the Controller's Office further reviewed the capital construction program since its comprehensive investigative report published in 2014.

Fortunately, San Francisco decision-makers are supportive of change.

The Mayor, Board of Supervisors and Chapter 6 department heads have shown a willingness to adopt new policies regarding construction best practices. They understand the stakes are high, and that there are opportunities available to allow future construction projects to benefit from best practices, as well as lessons learned from past outcomes on City projects.

It is time for Chapter 6 departments to finish implementing the database, start using it, and enhance collaboration within and across departments. So much work has already been done on these matters that their implementation is essentially shovel ready.

Findings and Recommendations

Finding Number	Finding	Rec. Number	Recommendations
F1	Without a clear project manager with full responsibility and authority, the contractor performance evaluation database project lacked sufficient momentum to be completed, fully adopted and used.	**R1**	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.
F2	The existing project team[20] and Chapter 6 departments failed to implement the database in a timely manner, delaying the benefits it could provide in improving construction quality, meeting budgets and timelines, and improving contractor relationships.	**R2**	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.
F3	Chapter 6 departments failed to enter performance evaluations into the database, thus negating its value.	**R3**	We recommend that by 12/31/2022, the Mayor require all Chapter 6 departments to begin submitting evaluations into the database.

[20] See the Glossary for more information.

Finding Number	Finding	Rec. Number	Recommendations
F4	Prior updates to Section 6.26 of the Administrative Code excluded language that the database *must* be used to evaluate contractors going forward.	**R4**	We recommend that by 12/31/2022, the Mayor explicitly directs all Chapter 6 departments to consult the database when selecting contractors.
F5	In designing and developing the database, the project team neglected to add the technical capability to see who consults the database, making it difficult to hold departments accountable for using the database.	**R5**	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.
F6	When evaluators omit "Lessons Learned" entries in that data field, the evaluations lack the most critical information to help inform future contractor selections.	**R6**	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."
F7	The Controller's Office inadvertently complicated matters by recommending the creation of a second performance evaluation database to note how well PUC contractors comply with its Social Impact Partnership ("**SIP**") program.	**R7**	We recommend that by 6/30/2023, the project manager include sections in the database to cover contractor compliance with the SIP program.
F8	The database fails to provide a way for *non*-Chapter 6 departments to provide feedback on both contractors and	**R8**	We recommend that by 6/30/2023, the project manager expand the database to include input from non-Chapter 6

Finding Number	Finding	Rec. Number	Recommendations
	Chapter 6 department performance, resulting in no accountability for either the contracting department or the contractor.		departments receiving construction services from Chapter 6 departments.
F9	Construction audit reports are a helpful way to provide oversight of the City's capital construction program.	**R9**	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.

Required and Invited Responses

Required Responses:

Pursuant to California Penal Code §933 and §933.05, the Jury requests the following responses from these City agencies.

From the Office of the Mayor within 60 days:

Findings 1,2,3,5,6,7,8,9

Recommendations 1,2,3,4,5,6,7,8,9

From the Board of Supervisors within 90 days:

Findings 1,2,3,4,5,6,8

Recommendations 1,2,3,4,5,6,7,8,9

Invited Responses:

The Jury requests the following responses from the following departments within 60 days.

From each of the Chapter 6 departments:

Findings 1,2,3,4,5,6,8,9

Recommendations 1,2,3,4,5,6,7,8,9

From the Controller's Office:

Findings 2,5,6,7,8,9

Recommendations 7,9

Glossary

Administrative Code Chapter 6 – The Chapter 6 of San Francisco's Administrative Code covering public works contracting policies and procedures.

Capital Planning Program – The Capital Planning Program coordinates resources to restore, improve, and build San Francisco's public infrastructure. Major deliverables include the 10-Year Capital Plan, the annual Capital Budget, and the administration of the Capital Planning Committee. This work helps San Francisco live up to its commitment to building a more resilient and vibrant future for the residents, workers, and visitors of San Francisco. Produced every other year, the Capital Plan describes the City's major sources for infrastructure and the major programs and projects planned for the next 10 years. The FY2022-31 Capital Plan was adopted by the Mayor and Board of Supervisors on April 20, 2021.

Capital Planning Committee (CPC) – makes recommendations to the Mayor and Board of Supervisors on the City's capital expenditures and plans. The CPC reviews and submits the Capital Plan, Capital Budget, and issuances of long-term debt for approval. The CPC is chaired by the City Administrator and includes the President of the Board of Supervisors, the Mayor's Budget Director, the Controller, the City Planning Director, the Director of Public Works, the Airport Director, the Executive Director of the Municipal Transportation Agency, the General Manager of the Public Utilities System, the General Manager of the Recreation and Parks Department, and the Executive Director of the Port of San Francisco.

Chapter 6 departments – There are six departments, each of which must adhere to Chapter 6 of the City's Administrative Code. As such, they are often referred to as "Chapter 6 departments." They include the Department of Public Works ("DPW"), the Public Utilities Commission ("PUC"), the Municipal Transportation Agency ("MTA"), San Francisco Airport ("SFO"), the Port of San Francisco ("Port"), and the Recreation and Park Department ("Rec & Park".)

Construction best practices – refers to a number of techniques which improve and clarify the process of conceiving, planning, initiating and completing capital construction projects. These practices might include policies, procedures, processes, communications or systems that over time reveal themselves to lead to superior outcomes. As technologies and techniques evolve, best practices must be reevaluated periodically to be sure they are indeed the best among various options. Examples of best practices used in some Chapter 6 departments include:

- Partnering - allows for agreed-upon strategies in the field, reduces litigation, saves money, improves City-contractor relations and provides a better environment to have projects completed on time. It is a collaborative process that uses information to benefit all parties involved; [21]
- Design/build – a process whereby the contractor is selected early in the project process to work with the Chapter 6 department to define the specific approach to the project and follow that approach in construction;
- Stakeholder engagement – a process where all parties involved in the construction project are included in the design to inform the process;
- Construction manager/general contractor – When the owner considers the design to be complete, the construction manager then has an opportunity to bid on the project based on the completed design and schedule. If the owner, designer and independent cost estimator agree that the contractor has submitted a fair price, the owner issues a construction contract and the construction manager then becomes the general contractor. The contractor acts as the consultant during the design process and can offer constructability and pricing feedback on design options and can identify risks based on the contractor's established means and methods. Use of this process is included in section Section 6.68 of the Administrative Code.

Derisking – a process of identifying before and during a construction project current activities which could decrease future construction issues. This term was used in response to recommendations of the 2021 Van Ness report when the Board of Supervisors tasked the Budget

[21] Rob Reaugh, "San Francisco Partnering Field Guide," March 2021, Rob Reaugh, OrgMetrics LLC – SFCPSC

and Legislative Analyst to prepare a report on the subject. Derisking is a way to anticipate potential issues that may arise during construction.

Lessons Learned – This element is in the performance evaluation database as a text box data field allowing evaluators to add comments about the project, the contractor's performance, extraordinary circumstances and other notes about the project. Based on the research performed by the project team, this field is considered to be very important in the evaluation process.

Notice to Proceed – The document representing the completion of documentation, processes and related activities prior to initiating a construction project by Chapter 6 departments.

Office of Resilience and Capital Planning – The Office of Resilience and Capital Planning is the City and County of San Francisco's program to plan and finance projects that strengthen the integrity and resilience of San Francisco's infrastructure, neighborhoods, and residents. https://onesanfrancisco.org/

Project Team – The database project team consisted of representatives from the Department of Technology, the Controller's Office and DPW.

PUC Social Impact Partnership Program – Since 2011, the Social Impact Partnership (SIP) Program is a way for contractors to gain extra credit during the contract bid process by promising local community benefits. Currently, it is difficult to track how well those contractors meet their community benefits obligations.

Contractor Performance Evaluation Database Project Team ("project team") – several departments were involved in defining, designing, overseeing and implementing the database specified in Administrative Code Section 6.26, including the Department of Technology, the Controller's Office and DPW.

References

Mohammed Nuru, "Re: Report on implementation of ordinance 94-16 Best value public works procurement," Status letter to Board of Supervisors, " August 25, 2017

Office of the Controller, "Citywide Construction: Adopting Leading Practices Could Improve the City's Construction Contractor Bid Pool," May 20, 2014

Office of the Controller, "Master Civil Grand Jury Report 2018 (FY14-15)"

Office of the Controller, "Public Integrity Audit: Significant Changes Are Needed to the Design, Monitoring, and Control of the San Francisco Public Utilities Commission's Social Impact Partnership Program," December 9, 2021

Office of the Mayor, "Executive Directive 12-01: Contractor Partnering and Prompt Payment Policies," December 18, 2012

Office of Resilience and Capital Planning, "*ONESF Build Our Future*"

Rob Reaugh, "San Francisco Partnering Field Guide," March 2021, OrgMetrics LLC – SFCPSC

San Francisco Board of Supervisors, https://www.sfbos.org/ftp/uploadedfiles/bdsupvrs/ordinances16/o0094-16.pdf, Ordinance 94-15, File No. 160225

San Francisco Board of Supervisors, "Resolution No. 496-2, [Board Response, Civil Grand Jury Report, Van News Avenue: What Lies Beneath",,October 29, 2021

San Francisco Civil Grand Jury, "San Francisco's City Construction Program: It Needs Work," June 2015

San Francisco Civil Grand Jury, "Van Ness Avenue:What Lies Beneath," June, 2021

San Francisco Chapter 6 departments, "Video Tutorials for Construction Projects Reviews"

CITY AND COUNTY OF SAN FRANCISCO

2021-2022 CIVIL GRAND JURY

April 7, 2022

Carmen Chu
City Administrator, Office of the City Administrator
City Hall, Room 362
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

RE: Continuity Report from the 2021-2022 San Francisco Civil Grand Jury

Dear City Administrator Chu,

The 2021-2022 Civil Grand Jury will release a report entitled, "Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program" to the public on April 11, 2022. Enclosed is an advance copy. By order of the Presiding Judge of the Superior Court, Hon. Samuel K. Feng, this report is to be kept confidential until the date of release.

California Penal Code §933(c) requires a response to be submitted to the Presiding Judge no later than June 10, 2022.

California Penal Code §933.05 states that as to each finding, the response must indicate one of the following:

1. The respondent agrees with the finding; or
2. The respondent disagrees with the finding, wholly or partially, with an explanation.

As to each recommendation, the response must indicate one of the following:

1. The recommendation has been implemented, with a summary of the implementation;
2. The recommendation has not yet been, but will be implemented in the future, with a timeframe for implementation;
3. The recommendation requires further analysis, with an explanation, scope, and parameters of that analysis, and a timeframe for discussion not more than six months from the publication of the grand jury report; or
4. The recommendation will not be implemented because it is not warranted or reasonable, with an explanation.

You are not required to respond to the findings and recommendations in this report but are welcome to do so. Please e-mail your response to Presiding Judge Feng at CGrandJury@sftc.org or mail to 400 McAllister Street, Room 008, San Francisco, CA 94102-4512.

Respectfully,

Michael N. Hofman, Foreperson

CITY AND COUNTY OF SAN FRANCISCO

2021-2022 CIVIL GRAND JURY

April 7, 2022

Ivar Satero
Airport Director, San Francisco International Airport
PO Box 8097
San Francisco, CA 94128

RE: Continuity Report from the 2021-2022 San Francisco Civil Grand Jury

Dear Director Satero,

The 2021-2022 Civil Grand Jury will release a report entitled, "Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program" to the public on April 11, 2022. Enclosed is an advance copy. By order of the Presiding Judge of the Superior Court, Hon. Samuel K. Feng, this report is to be kept confidential until the date of release.

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Respectfully,

Michael N. Hofman, Foreperson

CITY AND COUNTY OF SAN FRANCISCO

2021-2022 CIVIL GRAND JURY

April 7, 2022

Ben Rosenfield
Controller, Office of the Controller
City Hall, Room 316
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

RE: Continuity Report from the 2021-2022 San Francisco Civil Grand Jury

Dear Controller Rosenfield,

The 2021-2022 Civil Grand Jury will release a report entitled, "Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program" to the public on April 11, 2022. Enclosed is an advance copy. By order of the Presiding Judge of the Superior Court, Hon. Samuel K. Feng, this report is to be kept confidential until the date of release.

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Respectfully,

Michael N. Hofman, Foreperson

CITY AND COUNTY OF SAN FRANCISCO

2021-2022 CIVIL GRAND JURY

April 7, 2022

Carla Short
Interim Director, San Francisco Public Works
49 South Van Ness Avenue
San Francisco, CA 94103

RE: Continuity Report from the 2021-2022 San Francisco Civil Grand Jury

Dear Director Short,

The 2021-2022 Civil Grand Jury will release a report entitled, "Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program" to the public on April 11, 2022. Enclosed is an advance copy. By order of the Presiding Judge of the Superior Court, Hon. Samuel K. Feng, this report is to be kept confidential until the date of release.

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Respectfully,

Michael N. Hofman, Foreperson

CITY AND COUNTY OF SAN FRANCISCO

2021-2022 CIVIL GRAND JURY

April 7, 2022

Jeffrey Tumlin
Director of Transportation, San Francisco Municipal Transportation Agency
One South Van Ness Avenue, 7/F
San Francisco, CA 94103

RE: Continuity Report from the 2021-2022 San Francisco Civil Grand Jury

Dear Director Tumlin,

The 2021-2022 Civil Grand Jury will release a report entitled, "Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program" to the public on April 11, 2022. Enclosed is an advance copy. By order of the Presiding Judge of the Superior Court, Hon. Samuel K. Feng, this report is to be kept confidential until the date of release.

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Respectfully,

Michael N. Hofman, Foreperson

CITY AND COUNTY OF SAN FRANCISCO

2021-2022 CIVIL GRAND JURY

April 7, 2022

The Honorable London Breed
Mayor of San Francisco
City Hall, Room 200
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

RE: Continuity Report from the 2021-2022 San Francisco Civil Grand Jury

Dear Mayor Breed,

The 2021-2022 Civil Grand Jury will release a report entitled, "Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program" to the public on April 11, 2022. Enclosed is an advance copy. By order of the Presiding Judge of the Superior Court, Hon. Samuel K. Feng, this report is to be kept confidential until the date of release.

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Please e-mail your response to Presiding Judge Feng at CGrandJury@sftc.org or mail to 400 McAllister Street, Room 008, San Francisco, CA 94102-4512.

Respectfully,

Michael N. Hofman, Foreperson

CITY AND COUNTY OF SAN FRANCISCO

2021-2022 CIVIL GRAND JURY

April 7, 2022

Elaine Forbes
Executive Director, Port of San Francisco
Pier 1, The Embarcadero
San Francisco, CA 94111

RE: Continuity Report from the 2021-2022 San Francisco Civil Grand Jury

Dear Executive Director Forbes,

The 2021-2022 Civil Grand Jury will release a report entitled, "Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program" to the public on April 11, 2022. Enclosed is an advance copy. By order of the Presiding Judge of the Superior Court, Hon. Samuel K. Feng, this report is to be kept confidential until the date of release.

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Respectfully,

Michael N. Hofman, Foreperson

CITY AND COUNTY OF SAN FRANCISCO

2021-2022 CIVIL GRAND JURY

April 7, 2022

Dennis Herrera
General Manager, Public Utilities Commission
525 Golden Gate Avenue
San Francisco, CA 94102

RE: Continuity Report from the 2021-2022 San Francisco Civil Grand Jury

Dear General Manager Herrera,

The 2021-2022 Civil Grand Jury will release a report entitled, "Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program" to the public on April 11, 2022. Enclosed is an advance copy. By order of the Presiding Judge of the Superior Court, Hon. Samuel K. Feng, this report is to be kept confidential until the date of release.

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Respectfully,

Michael N. Hofman, Foreperson

CITY AND COUNTY OF SAN FRANCISCO

2021-2022 CIVIL GRAND JURY

April 7, 2022

Phil Ginsburg
General Manager, San Francisco Recreation and Park Department
501 Stanyan Street
San Francisco, CA 94117

RE: Continuity Report from the 2021-2022 San Francisco Civil Grand Jury

Dear General Manager Ginsburg,

The 2021-2022 Civil Grand Jury will release a report entitled, "Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program" to the public on April 11, 2022. Enclosed is an advance copy. By order of the Presiding Judge of the Superior Court, Hon. Samuel K. Feng, this report is to be kept confidential until the date of release.

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Respectfully,

Michael N. Hofman, Foreperson

CITY AND COUNTY OF SAN FRANCISCO

2021-2022 CIVIL GRAND JURY

April 7, 2022

Ms. Angela Calvillo
Clerk of the San Francisco Board of Supervisors
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

RE: Continuity Report from the 2021-2022 San Francisco Civil Grand Jury

Dear Ms. Calvillo,

The 2021-2022 Civil Grand Jury will release a report entitled, "Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program" to the public on April 11, 2022. Enclosed is an advance copy. By order of the Presiding Judge of the Superior Court, Hon. Samuel K. Feng, this report is to be kept confidential until the date of release.

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Respectfully,

Michael N. Hofman, Foreperson

CITY AND COUNTY OF SAN FRANCISCO

2021-2022 CIVIL GRAND JURY

April 7, 2022

The Honorable Connie Chan
Supervisor, San Francisco Board of Supervisors
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

RE: Continuity Report from the 2021-2022 San Francisco Civil Grand Jury

Dear Supervisor Chan,

The 2021-2022 Civil Grand Jury will release a report entitled, "Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program" to the public on April 11, 2022. Enclosed is an advance copy. By order of the Presiding Judge of the Superior Court, Hon. Samuel K. Feng, this report is to be kept confidential until the date of release.

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Respectfully,

Michael N. Hofman, Foreperson

CITY AND COUNTY OF SAN FRANCISCO

2021-2022 CIVIL GRAND JURY

April 7, 2022

The Honorable Catherine Stefani
Supervisor, San Francisco Board of Supervisors
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

RE: Continuity Report from the 2021-2022 San Francisco Civil Grand Jury

Dear Supervisor Stefani,

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Respectfully,

Michael N. Hofman, Foreperson

File No. 220506 **Committee Item No.** 2
Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight **Date:** July 7, 2022
Board of Supervisors Meeting: **Date:** _____

Cmte Board

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☐	☐	**Resolution**
☐	☐	**Ordinance**
☐	☐	**Legislative Digest**
☐	☐	**Budget and Legislative Analyst Report**
☐	☐	**Youth Commission Report**
☐	☐	**Introduction Form**
☒	☐	**2021- 2022 Civil Grand Jury Report 04/11/22**
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OTHER

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Prepared by: Jessica Perkinson **Date:** June 23, 2022
Prepared by: _____ **Date:** _____
Prepared by: _____ **Date:** _____

CITY AND COUNTY OF SAN FRANCISCO

2021-2022 CIVIL GRAND JURY

April 7, 2022

The Honorable Aaron Peskin
Supervisor, San Francisco Board of Supervisors
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

RE: Continuity Report from the 2021-2022 San Francisco Civil Grand Jury

Dear Supervisor Peskin,

The 2021-2022 Civil Grand Jury will release a report entitled, "Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program" to the public on April 11, 2022. Enclosed is an advance copy. By order of the Presiding Judge of the Superior Court, Hon. Samuel K. Feng, this report is to be kept confidential until the date of release.

California Penal Code §933(c) requires a response to be submitted to the Presiding Judge no later than July 10, 2022.

California Penal Code §933.05 states that as to each finding, the response must indicate one of the following:

1. The respondent agrees with the finding; or
2. The respondent disagrees with the finding, wholly or partially, with an explanation.

As to each recommendation, the response must indicate one of the following:

1. The recommendation has been implemented, with a summary of the implementation;
2. The recommendation has not yet been, but will be implemented in the future, with a timeframe for implementation;
3. The recommendation requires further analysis, with an explanation, scope, and parameters of that analysis, and a timeframe for discussion not more than six months from the publication of the grand jury report; or
4. The recommendation will not be implemented because it is not warranted or reasonable, with an explanation.

Please e-mail your response to Presiding Judge Feng at CGrandJury@sftc.org or mail to 400 McAllister Street, Room 008, San Francisco, CA 94102-4512.

Respectfully,

Michael N. Hofman, Foreperson

CITY AND COUNTY OF SAN FRANCISCO

2021-2022 CIVIL GRAND JURY

April 7, 2022

The Honorable Gordon Mar
Supervisor, San Francisco Board of Supervisors
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

RE: Continuity Report from the 2021-2022 San Francisco Civil Grand Jury

Dear Supervisor Mar,

The 2021-2022 Civil Grand Jury will release a report entitled, "Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program" to the public on April 11, 2022. Enclosed is an advance copy. By order of the Presiding Judge of the Superior Court, Hon. Samuel K. Feng, this report is to be kept confidential until the date of release.

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Please e-mail your response to Presiding Judge Feng at CGrandJury@sftc.org or mail to 400 McAllister Street, Room 008, San Francisco, CA 94102-4512.

Respectfully,

Michael N. Hofman, Foreperson

CITY AND COUNTY OF SAN FRANCISCO

2021-2022 CIVIL GRAND JURY

April 7, 2022

The Honorable Dean Preston
Supervisor, San Francisco Board of Supervisors
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

RE: Continuity Report from the 2021-2022 San Francisco Civil Grand Jury

Dear Supervisor Preston,

The 2021-2022 Civil Grand Jury will release a report entitled, "Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program" to the public on April 11, 2022. Enclosed is an advance copy. By order of the Presiding Judge of the Superior Court, Hon. Samuel K. Feng, this report is to be kept confidential until the date of release.

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Please e-mail your response to Presiding Judge Feng at CGrandJury@sftc.org or mail to 400 McAllister Street, Room 008, San Francisco, CA 94102-4512.

Respectfully,

Michael N. Hofman, Foreperson

CITY AND COUNTY OF SAN FRANCISCO

2021-2022 CIVIL GRAND JURY

April 7, 2022

The Honorable Matt Haney
Supervisor, San Francisco Board of Supervisors
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

RE: Continuity Report from the 2021-2022 San Francisco Civil Grand Jury

Dear Supervisor Haney,

The 2021-2022 Civil Grand Jury will release a report entitled, "Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program" to the public on April 11, 2022. Enclosed is an advance copy. By order of the Presiding Judge of the Superior Court, Hon. Samuel K. Feng, this report is to be kept confidential until the date of release.

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Please e-mail your response to Presiding Judge Feng at CGrandJury@sftc.org or mail to 400 McAllister Street, Room 008, San Francisco, CA 94102-4512.

Respectfully,

Michael N. Hofman, Foreperson

CITY AND COUNTY OF SAN FRANCISCO

2021-2022 CIVIL GRAND JURY

April 7, 2022

The Honorable Myrna Melgar
Supervisor, San Francisco Board of Supervisors
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

RE: Continuity Report from the 2021-2022 San Francisco Civil Grand Jury

Dear President Melgar,

The 2021-2022 Civil Grand Jury will release a report entitled, "Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program" to the public on April 11, 2022. Enclosed is an advance copy. By order of the Presiding Judge of the Superior Court, Hon. Samuel K. Feng, this report is to be kept confidential until the date of release.

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Please e-mail your response to Presiding Judge Feng at CGrandJury@sftc.org or mail to 400 McAllister Street, Room 008, San Francisco, CA 94102-4512.

Respectfully,

Michael N. Hofman, Foreperson

CITY AND COUNTY OF SAN FRANCISCO

2021-2022 CIVIL GRAND JURY

April 7, 2022

The Honorable Rafael Mandelman
Supervisor, San Francisco Board of Supervisors
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

RE: Continuity Report from the 2021-2022 San Francisco Civil Grand Jury

Dear Supervisor Mandelman,

The 2021-2022 Civil Grand Jury will release a report entitled, "Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program" to the public on April 11, 2022. Enclosed is an advance copy. By order of the Presiding Judge of the Superior Court, Hon. Samuel K. Feng, this report is to be kept confidential until the date of release.

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Please e-mail your response to Presiding Judge Feng at CGrandJury@sftc.org or mail to 400 McAllister Street, Room 008, San Francisco, CA 94102-4512.

Respectfully,

Michael N. Hofman, Foreperson

CITY AND COUNTY OF SAN FRANCISCO

2021-2022 CIVIL GRAND JURY

April 7, 2022

The Honorable Hillary Ronen
Supervisor, San Francisco Board of Supervisors
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

RE: Continuity Report from the 2021-2022 San Francisco Civil Grand Jury

Dear Supervisor Ronen,

The 2021-2022 Civil Grand Jury will release a report entitled, "Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program" to the public on April 11, 2022. Enclosed is an advance copy. By order of the Presiding Judge of the Superior Court, Hon. Samuel K. Feng, this report is to be kept confidential until the date of release.

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4. The recommendation will not be implemented because it is not warranted or reasonable, with an explanation.

Please e-mail your response to Presiding Judge Feng at CGrandJury@sftc.org or mail to 400 McAllister Street, Room 008, San Francisco, CA 94102-4512.

Respectfully,

Michael N. Hofman, Foreperson

CITY AND COUNTY OF SAN FRANCISCO

2021-2022 CIVIL GRAND JURY

April 7, 2022

The Honorable Shamann Walton
President, San Francisco Board of Supervisors
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

RE: Continuity Report from the 2021-2022 San Francisco Civil Grand Jury

Dear Supervisor Walton,

The 2021-2022 Civil Grand Jury will release a report entitled, "Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program" to the public on April 11, 2022. Enclosed is an advance copy. By order of the Presiding Judge of the Superior Court, Hon. Samuel K. Feng, this report is to be kept confidential until the date of release.

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4. The recommendation will not be implemented because it is not warranted or reasonable, with an explanation.

Please e-mail your response to Presiding Judge Feng at CGrandJury@sftc.org or mail to 400 McAllister Street, Room 008, San Francisco, CA 94102-4512.

Respectfully,

Michael N. Hofman, Foreperson

CITY AND COUNTY OF SAN FRANCISCO

2021-2022 CIVIL GRAND JURY

April 7, 2022

The Honorable Ahsha Safai
Supervisor, San Francisco Board of Supervisors
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

RE: Continuity Report from the 2021-2022 San Francisco Civil Grand Jury

Dear Supervisor Safai,

The 2021-2022 Civil Grand Jury will release a report entitled, "Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program" to the public on April 11, 2022. Enclosed is an advance copy. By order of the Presiding Judge of the Superior Court, Hon. Samuel K. Feng, this report is to be kept confidential until the date of release.

California Penal Code §933(c) requires a response to be submitted to the Presiding Judge no later than July 10, 2022.

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4. The recommendation will not be implemented because it is not warranted or reasonable, with an explanation.

Please e-mail your response to Presiding Judge Feng at CGrandJury@sftc.org or mail to 400 McAllister Street, Room 008, San Francisco, CA 94102-4512.

Respectfully,

Michael N. Hofman, Foreperson

BOARD of SUPERVISORS

City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

Date: April 15, 2022

To: Members, Board of Supervisors

From: Angela Calvillo, Clerk of the Board

Subject: 2021 - 2022 Civil Grand Jury Report
"Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program"

We are in receipt of the following required responses to the San Francisco Civil Grand Jury report released April 11, 2022, entitled: "Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program". Pursuant to California Penal Code, Sections 933 and 933.05, named City Departments shall respond to the report within 60 days of receipt, or no later than June 10, 2022.

For each finding the Department response shall:
1) agree with the finding; or
2) disagree with it, wholly or partially, and explain why.

As to each recommendation the Department shall report that:
1) the recommendation has been implemented, with a summary explanation; or
2) the recommendation has not been implemented but will be within a set timeframe as provided; or
3) the recommendation requires further analysis. The officer or agency head must define what additional study is needed. The Grand Jury expects a progress report within six months; or
4) the recommendation will not be implemented because it is not warranted or reasonable, with an explanation.

The Civil Grand Jury Report identified the following City Departments to submit responses:
- Airport
- Board of Supervisors
- Controller
- Public Works
- Municipal Transportation Authority
- Mayor's Office
- Port
- Public Utilities Commission
- Recreation and Parks

c: Ivar Satero - Airport Director
Cathy Widener - Airport Governmental Affairs Manager
Ben Rosenfield - Controller
Carla Short - Public Works
Bryan Dahl - Public Works Government Affairs Liaison
Jeffrey Tumlin - Municipal Transportation Agency Director
Janet Martinsen - MTA Local Government Affairs Liaison
Tom Paulino - Mayor's Legislative Liaison
Elaine Forbes - Port Director
Boris Delepine - Port Legislative Affairs Manager
Dennis Herrera - General Manager of the SFPUC
Jeremy Spitz - SFPUC Local and Regional Policy and Government Affairs Manager
Phil Ginsberg - Director of Recreation and Parks
Sarah Madland - Recreation and Parks Director of Policy and Public Affairs

From:	Mchugh, Eileen (BOS)
To:	BOS-Supervisors; BOS-Legislative Aides
Cc:	Calvillo, Angela (BOS); Somera, Alisa (BOS); Carroll, John (BOS); Ivar Satero (AIR); Cathy Widener (AIR); Rosenfield, Ben (CON); Short, Carla (DPW); Dahl, Bryan (DPW); Tumlin, Jeffrey (MTA); Martinsen, Janet (MTA); Paulino, Tom (MYR); Forbes, Elaine (PRT); Delepine, Boris (PRT); Herrera, Dennis (PUC); Spitz, Jeremy (PUC); Ginsburg, Phil (REC); Madland, Sarah (REC)
Subject:	2021 - 2022, Civil Grand Jury Report
Date:	Friday, April 15, 2022 6:17:04 PM
Attachments:	2021-2022 - CGJ Report.pdf 2022 CGJ Continuity Report_Shovel Ready - Best Practices and Collaboration to Improve San Francisco"s Capital Construction Program.pdf

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Dear Supervisors,

Please see the attached Civil Grand Jury Report. Please see the attached memo from the Clerk of the Board for more information and instructions.

Thank you,

Eileen McHugh
Executive Assistant
Office of the Clerk of the Board
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244
San Francisco, CA 94102-4689
Phone: (415) 554-5184 | Fax: (415) 554-5163
eileen.e.mchugh@sfgov.org| www.sfbos.org

OFFICE OF THE MAYOR
SAN FRANCISCO

LONDON N. BREED
MAYOR

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,

London Breed

London N. Breed
Mayor

1 DR. CARLTON B. GOODLETT PLACE, ROOM 200
SAN FRANCISCO, CALIFORNIA 94102-4681
TELEPHONE: (415) 554-6141

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 assigment, 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.

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]	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.

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]	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.

Report Title [Publication Date]	F#	Finding	R# [for F#]
Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program [April 11, 2022]	F1	Without a clear project manager with full responsibility and authority, the contractor performance evaluation database project lacked sufficient momentum to be completed, fully adopted and used.	R1 [for F1]
Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program [April 11, 2022]	F2	The existing project team and Chapter 6 departments failed to implement the database in a timely manner, delaying the benefits it could provide in improving construction quality, meeting budgets and timelines, and improving contractor relationships.	R2 [for F2]
Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program [April 11, 2022]	F3	Chapter 6 departments failed to enter performance evaluations into the database, thus negating its value.	R3 [for F3]
Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program [April 11, 2022]	F4	Prior updates to Section 6.26 of the Administrative Code excluded language that the database must be used to evaluate contractors going forward.	R4 [for F4]
Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program [April 11, 2022]	F5	In designing and developing the database, the project team neglected to add the technical capability to see who consults the database, making it difficult to hold departments accountable for using the database	R5 [for F5]
Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program [April 11, 2022]	F6	When evaluators omit “Lessons Learned” entries in that data field, the evaluations lack the most critical information to help inform future contractor selections.	R6 [for F6]
Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program [April 11, 2022]	F7	The Controller's Office inadvertently complicated matters by recommending the creation of a second performance evaluation database to note how well PUC contractors comply with its Social Impact Partnership (“SIP”) program.	R7 [for F7]

Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program [April 11, 2022]	F8	The database fails to provide a way for non-Chapter 6 departments to provide feedback on both contractors and Chapter 6 department performance, resulting in no accountability for either the contracting department or the contractor.	R8 [for F8]
Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program [April 11, 2022]	F9	Construction audit reports are a helpful way to provide oversight of the City's capital construction program.	R9 [for F9]

Recommendation	Recommendation Response Implement? Yes/No	Respondent Assigned by CGJ [Response Due Date]
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]
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]
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]
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]
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]
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]
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]

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]
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]

Recommendation Response Text

Report Title [Publication Date]	**F#**	**Finding**	**Respondent Assigned by CGJ [Response Due Date]**	**Finding Response** (Agree/ Disagree)	**Finding Response Text**
Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program [April 11, 2022]	F1	Without a clear project manager with full responsibility and authority, the contractor performance evaluation database project lacked sufficient momentum to be completed, fully adopted and used.	Mayor [June 10, 2022]	Disagree partially	The Project Manager did not have full authority to compel contributions to, and use of, the contractor performance evaluation database, which was a significant barrier to successful completion of the project. A larger contributing factor is the fact that contracting agencies were not able to develop a defensible means to interpret and apply the performance data within the contract procurement process--that is, how evaluations are to be scored and weighted along side other important selection criteria. Without being able to tie information contained in the database directly, departments and contractors alike did not feel the effort was worth the investment of time.
Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program [April 11, 2022]	F2	The existing project team and Chapter 6 departments failed to implement the database in a timely manner, delaying the benefits it could provide in improving construction quality, meeting budgets and timelines, and improving contractor relationships.	Mayor [June 10, 2022]	Disagree partially	The Mayor agrees that implementation of the database was not delivered in a timely basis for a number of reasons, diversion of resources due to the pandemic amongst them. The Mayor also agrees that potential benefits from having a fully implemented database have been deferred because of this delay. Because the efficacy of a fully functional and populated database has not been tested, 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.
Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program [April 11, 2022]	F3	Chapter 6 departments failed to enter performance evaluations into the database, thus negating its value.	Mayor [June 10, 2022]	Agree	

Report Title [Publication Date]	**F#**	**Finding**	**Respondent Assigned by CGJ [Response Due Date]**	**Finding Response** (Agree/ Disagree)	**Finding Response Text**
Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program [April 11, 2022]	F5	In designing and developing the database, the project team neglected to add the technical capability to see who consults the database, making it difficult to hold departments accountable for using the database.	Mayor [June 10, 2022]	Agree	
Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program [April 11, 2022]	F6	When evaluators omit "Lessons Learned" entries in that data field, the evaluations lack the most critical information to help inform future contractor selections.	Mayor [June 10, 2022]	Disagree partially	It makes sense that Lessons Learned entries would be valuable in assisting evaluators in selecting contractors for construction jobs. However, there is a myriad of selection criteria that evaluators are required to consider, so it is not clear that it is the most critical information for contractor selection. The program evaluation discussed in F2 will help elucidate the importance of lessons learned data.
Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program [April 11, 2022]	F7	The Controller's Office inadvertently complicated matters by recommending the creation of a second performance evaluation database to note how well PUC contractors comply with its Social Impact Partnership ("SIP") program.	Mayor [June 10, 2022]	Disagree wholly	While streamlining collection of performance evaluation data is a worthy goal, the 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 for these departments which, in turn, will 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]	F8	The database fails to provide a way for non-Chapter 6 departments to provide feedback on both contractors and Chapter 6 department performance, resulting in no accountability for either the contracting department or the contractor.	Mayor [June 10, 2022]	Disagree partially	It is true that the contractor performance evaluation database did not provide an avenue for non-Chapter 6 departments to provide feedback. It is not clear that this is the best avenue for providing this feedback to the contracting department or the contractor.

Report Title [Publication Date]	**F#**	**Finding**	**Respondent Assigned by CGJ [Response Due Date]**	**Finding Response** (Agree/ Disagree)	**Finding Response Text**
Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program [April 11, 2022]	F9	Construction audit reports are a helpful way to provide oversight of the City's capital construction program.	Mayor [June 10, 2022]	Agree	

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 assigment, 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.

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]	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.

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]	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.

BOARD of SUPERVISORS

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DATE: June 17, 2022

TO: Members of the Board of Supervisors

FROM: for Angela Calvillo, Clerk of the Board

SUBJECT: 2021-2022 Civil Grand Jury Report " Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program"

We are in receipt of the following required response to the San Francisco Civil Grand Jury report released April 11, 2022, entitled: **"Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program".** Pursuant to California Penal Code, Sections 933 and 933.05, the City Departments shall respond to the report within 60 days of receipt, or no later than June 10, 2022.

For each finding the Department response shall:

1) agree with the finding; or
2) disagree with it, wholly or partially, and explain why.

As to each recommendation the Department shall report that:

1) the recommendation has been implemented, with a summary explanation; or
2) the recommendation has not been implemented but will be within a set timeframe as provided; or
3) the recommendation requires further analysis. The officer or agency head must define what additional study is needed. The Grand Jury expects a progress report within six months; or
4) the recommendation will not be implemented because it is not warranted or reasonable, with an explanation.

The Civil Grand Jury Report identified the following City Departments to submit responses (attached):

- The Office of the Mayor
  Received June 10, 2022, for Findings F1, F2, F3, F5, F6, F7, F8, and F9 and Recommendations R1, R2, R3, R4, R5, R6, R7, R8, R9

These departmental responses are being provided for your information, as received, and may not conform to the parameters stated in California Penal Code, Section 933.05 et seq. The Government Audit and Oversight Committee will consider the subject report, along with the responses, at an upcoming hearing and will prepare the Board's official response by Resolution for the full Board's consideration.

cc: Honorable Samuel K. Feng, Presiding Judge
Michael Hofman, Foreperson, 2021-2022 San Francisco Civil Grand Jury
Xang Hang, Mayor's Office
Tom Paulino, Mayor's Office
Anne Pearson, Deputy City Attorney
Alisa Somera, Legislative Deputy
Severin Campbell, Budget and Legislative Analyst
Reuben Holober, Budget and Legislative Analyst