FILE NO. 151003

ORDINANCE NO. 213-15

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

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

NOTE: Unchanged Code text and uncodified text are in plain Arial font. Additions to Codes are in <u>single-underline italics Times New Roman font</u>. Deletions to Codes are in <u>strikethrough italics Times New Roman font</u>. Board amendment additions are in <u>double-underlined Arial font</u>. Board amendment deletions are in <u>strikethrough Arial font</u>. Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

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

Section 1. Findings.

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

(b) The requirement to pay prevailing wages includes wage rates for overtime and holiday work and fringe benefits as paid for similar work performed in the City by private employers. (c) In adopting worker retention ordinances, the Board of Supervisors has previously determined that the turnover of experienced workers resulting from a change in City contractors for certain types of services jeopardizes the quality, efficiency and costeffectiveness provided under the successor contract.

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

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

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

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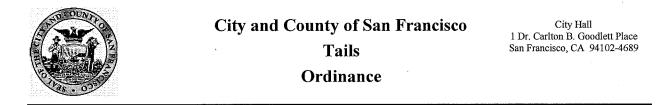
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preferential hiring list of eligible employees that were not retained by the successor contractor; (4) not discharge any retained employee without cause during the retention period; and (5) offer continued employment to retained employees, if the employee's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

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

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

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



File Number: 151003

Date Passed: December 08, 2015

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

November 18, 2015 Budget and Finance Committee - RECOMMENDED

December 01, 2015 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

December 08, 2015 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee and Peskin

File No. 151003

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 12/8/2015 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo Clerk of the Board

12/16/15

Date Approved