

File No. 170205

Committee Item No. 22

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight

Date: June 20, 2018

Board of Supervisors Meeting:

Date: _____

Cmte Board

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
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| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
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Prepared by: John Carroll

Date: June 15, 2018

Prepared by: John Carroll

Date: _____

1 [Administrative Code - Citywide Project Labor Agreement for Public Work or Improvement
2 Projects]

3 **Ordinance amending the Administrative Code to require a citywide project labor**
4 **agreement applicable to certain public work or improvement projects with projected**
5 **costs over \$1,000,000 or where delay in completing the project may interrupt or delay**
6 **services or use of facilities that are important to the City's essential operations or**
7 **infrastructure.**

8
9 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
10 **Additions to Codes** are in *single-underline italics Times New Roman font*.
11 **Deletions to Codes** are in ~~*striketrough italics Times New Roman font*~~.
12 **Board amendment additions** are in double-underlined Arial font.
13 **Board amendment deletions** are in ~~striketrough Arial font~~.
14 **Asterisks (* * * *)** indicate the omission of unchanged Code
15 subsections or parts of tables.

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

17 Section 1. The Administrative Code is hereby amended by adding Section 6.27, to
18 read as follows:

19 **SEC. 6.27 CITYWIDE PROJECT LABOR AGREEMENT ORDINANCE.**

20 (a) Short Title. This Section 6.27 shall be known and may be cited as the Citywide Project
21 Labor Agreement Ordinance.

22 (b) Findings and Purpose.

23 (1) Certain public work and improvement projects can involve numerous contractors
24 and employees in different trades, have critical timelines for completion, and require a skilled and
25 properly-trained workforce to successfully complete the work in a proper and timely manner. To avoid
costly delays and additional expense to the City, it is essential that construction on such projects
proceed without the labor disruptions that can occur on long-term projects, both from external labor

1 relations problems and from the frictions that often arise when a large number of contractors and their
2 employees and subcontractors work in proximity to one another on a job site.

3 (2) Additionally, in a complex and highly developed urban environment such as San
4 Francisco, many smaller projects can be of substantial importance to City residents, whether through
5 provision of basic services or through the establishment or maintenance of conditions for economic,
6 physical, or emotional well-being, such that it is highly desirable and even essential to avoid the delay
7 in their completion that might result from labor disruptions.

8 (3) In the private sector, project labor agreements have been used for many years on
9 numerous construction projects to achieve satisfactory performance and the economic benefits that
10 result from having a guaranteed source of skilled workers and from avoiding work disruptions.

11 (4) In San Francisco, project labor agreements have been and are being used
12 successfully by public entities including the San Francisco Public Utilities Commission, the San
13 Francisco Community College District, the San Francisco Unified School District, the Transbay Joint
14 Powers Authority, and the United States General Services Administration, as well as by many private
15 entities, for construction in both large and small scale projects, including hospitals, reservoirs, water
16 treatment and transmission facilities, schools, offices, and residences, and for the retrofit and remodel
17 of existing buildings and facilities. Such agreements have been a major factor in producing quality
18 construction work and projects completed on time, within budget, without labor strife or disruptions.

19 (5) Beyond San Francisco, throughout the Bay Area and Northern California, project
20 labor agreements have been used successfully on numerous public and private construction projects,
21 and public entities such as the County of Contra Costa, the Bay Area Rapid Transit District, the
22 Oakland Unified School District, the City of Berkeley, and others, maintain Project Labor Agreement
23 Ordinances and Policies requiring the use of project labor agreements on their publicly funded
24 construction projects. The same is true of the San Francisco International Airport, a City entity
25 located in the County of San Mateo.

1 (6) The cyclical nature of our economy has led and will lead to high levels of
2 unemployment and underemployment of San Francisco residents, particularly in certain neighborhoods
3 and communities. Statistics also indicate that high levels of unemployment or underemployment
4 correlate to a higher number of families living at or near the poverty line and to a higher crime rate. As
5 a result, it is the policy of the City to increase and improve the employment of persons living in San
6 Francisco in an attempt to counteract the grave economic and social ills associated with the
7 unemployment and underemployment levels that have existed and will exist within San Francisco.

8 (7) There is a need to provide San Francisco residents with more opportunities to
9 participate in workforce development and pre-apprenticeship programs that include life skills training
10 and job readiness training, and to this end the City has funded the CityBuild Academy established by
11 the Office of Economic and Workforce Development. Such pre-apprenticeship programs increase the
12 capacity of San Francisco residents to succeed later in formal apprenticeship programs and hence
13 reduce unemployment and underemployment and accompanying poverty and crime conditions.

14 (8) The construction crafts that work on City-funded projects require a supply of new
15 apprentices to perpetuate the crafts into the future. Through their apprenticeships, these crafts provide
16 genuine opportunities for long-term, well-paid careers in the construction industry. Entry into and
17 employment through these apprenticeships can be facilitated by formal understandings between the
18 City and the labor organizations affiliated with the San Francisco Building and Construction Trades
19 Council.

20 (9) In addition, large numbers of returning veterans will be seeking employment on
21 City-funded construction projects and training opportunities for entrance into the construction
22 industry. Such training opportunities are available through a program known as "Helmets to
23 Hardhats," a program that current City project labor agreements require contractors and
24 subcontractors to use.

1 (10) The use of project labor agreements has proven to be a valuable vehicle for
2 accomplishing all of the goals set out above.

3 (c) Definitions. For purposes of this Section 6.27, the following definitions shall apply:

4 "Covered Project" means a project involving Public Work or Improvement as defined in
5 Administrative Code Section 6.1, if either: (1) the Department Head projects the cost of the project to
6 exceed \$1,000,000, or (2) the Department Head has determined that delay in completing the project
7 may lead to interruption or delay of services or use of facilities that are important to the essential
8 operations or infrastructure of the City. Notwithstanding the foregoing sentence, "Covered Project"
9 does not include any Public Work or Improvement projects undertaken by the San Francisco
10 International Airport, the San Francisco Public Utilities Commission, the Port of San Francisco, or the
11 San Francisco Municipal Transportation Agency. "Covered Project" also does not include any Public
12 Work or Improvement project where application of the citywide PLA would violate the conditions of a
13 state, federal, or other public funding source.

14 "Project Labor Agreement" or "PLA" means a multi-craft collective bargaining agreement
15 between the City and the relevant trade councils and craft and labor unions that will refer workers to
16 Covered Projects, and which governs the construction services on the Covered Project.

17 "Subcontractor" means any person, firm, partnership, owner-operator, limited liability
18 company, corporation, joint venture, proprietorship, trust, association, or other entity providing
19 services to a Contractor or other Subcontractor in fulfillment of the Contractor's or other
20 Subcontractor's obligations arising from a contract with the City for construction work on a Covered
21 Project.

22 "Unions" means the relevant trade councils, craft and labor unions that become signatories to
23 the citywide Project Labor Agreement.

24 (d) Project Labor Agreement Requirement. Not later than September 1, 2017, the City
25 Administrator shall negotiate with the Unions and sign on behalf of the City, a citywide Project Labor

1 Agreement that shall apply to all Covered Projects. For all Covered Projects advertised after
2 September 1, 2017, each Department Head shall set as a precondition to the award of the contract that
3 the Contractor and its Subcontractors sign an agreement to be bound by the Project Labor Agreement.
4 The Contractor shall execute the Project Labor Agreement on file with the City Administrator. Nothing
5 in this provision shall impact or otherwise impair the terms of any existing Project Labor Agreement.

6 (e) Required Terms for citywide Project Labor Agreement. The citywide Project Labor
7 Agreement shall include the following terms:

8 (1) The Project Labor Agreement is binding on all Contractors and Subcontractors
9 at all tiers of a Covered Project;

10 (2) Unions, Contractors, and Subcontractors are bound by the requirements of
11 Administrative Code Chapters 6, 14B, and 83, as they may be amended from time to time, including but
12 not limited to the provisions addressing Local Hire and Local Business Enterprise;

13 (3) Contractors will condition the engagement of each Subcontractor on the
14 Subcontractor agreeing to be bound by and comply with all the terms of the Project Labor Agreement;

15 (4) Contractors and Subcontractors to whom construction services are awarded for
16 a Covered Project will use the hiring halls operated by signatory Unions for all labor on the Covered
17 Project except for the services provided by non-craft managerial, executive, and clerical employees,
18 and supervisory employees above the level of general foreman;

19 (5) Contractors and Subcontractors will hire apprentices indentured in the State-
20 approved joint apprenticeship program for the applicable craft or trade for work on the Covered
21 Project in accordance with the apprentice ratios contained in California Labor Code Section 1777.5,
22 as it may be amended from time to time;

23 (6) Unions will use the "Helmets to Hardhats" Program to assist returning veterans
24 in obtaining employment and training opportunities on the project;

1 (7) a mechanism for the expedited resolution of jurisdictional disputes between
2 Unions;

3 (8) an agreement by all Unions to refrain from strikes, picketing, and other labor
4 disruptions related to the Covered Project, and that Union members will continue work on a Covered
5 Project despite the expiration of any applicable collective bargaining agreement;

6 (9) the PLA's coverage does not extend to the Contractors' or Subcontractors'
7 parent companies, subsidiaries, or affiliates;

8 (10) the PLA does not apply to any work performed on or near or leading to or into
9 the Covered Project site by federal, state, local, or other governmental entities or their contractors or
10 subcontractors, or by utilities or their contractors or subcontractors, or by the City or its contractors
11 or subcontractors if that work that is not part of the Covered Project; and

12 (11) a prohibition against discrimination on any and all bases that City, state or
13 federal law prohibits.

14 (f) Severability. If any subsection, sentence, clause, phrase, or word of this Section 6.27, or
15 any application thereof to any person or circumstance, is held to be invalid or unconstitutional by a
16 decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining
17 portions or applications of the Section. The Board of Supervisors hereby declares that it would have
18 passed this Section and each and every subsection, sentence, clause, phrase, and word not declared
19 invalid or unconstitutional without regard to whether any other portion of this Section or application
20 thereof would be subsequently declared invalid or unconstitutional.

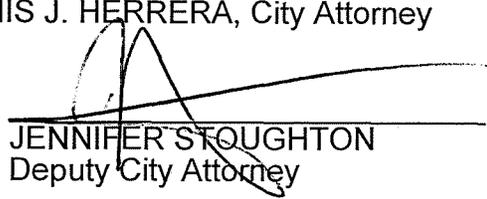
21 (g) No Conflict with Federal or State Law. Nothing in this Section 6.27 shall be interpreted
22 or applied so as to create any requirement, power, or duty in conflict with any federal or state law.

23 Section 3. Effective Date. This ordinance shall become effective 30 days after
24 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
25

1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
2 of Supervisors overrides the Mayor's veto of the ordinance.

3
4 APPROVED AS TO FORM:
5 DENNIS J. HERRERA, City Attorney

6 By:


7 JENNIFER STOUGHTON
8 Deputy City Attorney

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REVISED LEGISLATIVE DIGEST
(Substituted, 4/25/2017)

[Administrative Code - Citywide Project Labor Agreement for Public Work or Improvement Projects]

Ordinance amending the Administrative Code to require a citywide project labor agreement applicable to certain public work or improvement projects with projected costs over \$1,000,000.

Existing Law

There is no existing legal requirement for the City to use a Project Labor Agreement (“PLA”) on its public work and improvement projects. Currently, City departments negotiate PLAs for certain large public work projects on a case-by-case basis, when the department determines that a PLA will protect the City’s proprietary and fiscal interests.

Amendments to Current Law

The proposed Ordinance would amend the Administrative Code to add Section 6.27 to require the City to negotiate a master PLA to apply to all City public work and improvement projects with estimated project costs over \$1,000,000. The proposed Ordinance would exempt projects under the jurisdiction of the San Francisco Airport, the San Francisco Public Utilities Commission, the Port of San Francisco, and the San Francisco Municipal Transportation Agency from the PLA. And the PLA would not apply to a particular project if its application would violate the conditions of a local, state, or federal funding source for that project.

The proposed Ordinance would require that no later than September 1, 2017, the City Administrator negotiate with the relevant trade councils, craft and labor unions, and sign on behalf of the City, a PLA that shall: (1) apply to all contractors and subcontractors on a project and be a bidding prerequisite; (2) incorporate San Francisco Administrative Code Chapters 6, 14B and 83; (3) require the use of hiring halls, joint apprenticeship programs, and the Helmets to Hardhats program; (4) prohibit work stoppages; and (5) establish a method to resolve jurisdictional disputes between trade unions that are parties to the PLA. Finally, City Department heads could apply the PLA to projects under \$1,000,000 in their discretion.

Background Information

The purpose of the citywide PLA under the proposed Ordinance is to avoid costly delays and additional expenses associated with public works and improvement projects that involve numerous contractors and employees in different trades, have critical timelines for completion, and require a skilled and properly-trained workforce to successfully complete the work in a

timely manner. Similar PLAs have been used in both the public and private sector to achieve the economic benefit that results from long-term projects proceeding without labor disruptions.

This digest reflects the changes made in the substitute Ordinance, introduced on April 25, 2017, exempting projects falling under the jurisdiction of the San Francisco Municipal Transportation Agency from the PLA requirement.

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CITY AND COUNTY OF SAN FRANCISCO
BOARD OF SUPERVISORS
BUDGET AND LEGISLATIVE ANALYST

1390 Market Street, Suite 1150, San Francisco, CA 94102 (415) 552-9292
 FAX (415) 252-0461

June 15, 2018

TO: Government Audit and Oversight Committee
FROM: Budget and Legislative Analyst 
SUBJECT: June 20, 2018 Government Audit and Oversight Committee Meeting

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<p>Item 22 File 17-0205</p>	<p>Departments City Administrator Department of Public Works</p>
<p>EXECUTIVE SUMMARY</p>	
<p style="text-align: center;">Legislative Objectives</p>	
<ul style="list-style-type: none"> ▪ The proposed ordinance would amend the Administrative Code to require a citywide project labor agreement applicable to certain public work or improvement projects with projected costs over \$1,000,000 or where delay in completing the project may interrupt or delay services or use of facilities that are important to the City’s essential operations or infrastructure. 	
<p style="text-align: center;">Key Points</p>	
<ul style="list-style-type: none"> ▪ A project labor agreement is a collective bargaining agreement with one or more labor organizations that establishes the terms and conditions of employment for specific construction projects. California Senate Bill (SB) 922 prohibits local governments (other than charter cities) from banning project labor agreements; charter cities such as San Francisco are not prohibited from banning project labor agreements but the State may withhold state funding from these cities’ projects. ▪ According to the League of California Cities, arguments supporting project labor agreements include reducing the risk of construction delays and associated costs caused by a shortage of workers or labor disputes due to no-strike provisions in the agreement and use of centralized hiring systems. Arguments against project labor agreements include limits to competition, preference for union over non-union labor, and potential increased costs. 	
<p style="text-align: center;">Fiscal Impact</p>	
<ul style="list-style-type: none"> ▪ The City Services Auditor’s March 2016 report on the <i>Risk-Benefit Assessment of a Citywide Project Labor Agreement</i> found that, among other findings, the potential effects of a project labor agreement on the City’s construction costs are unclear. Based on the report’s findings, the City Services Auditor did not find “compelling evidence to suggest that the City would realize significant benefits from a mandated citywide PLA and recommends that departments are instead encouraged to consider the use of PLAs when appropriate for their needs, as in the case of the Airport and the SFPUC.” ▪ According to the Budget and Legislative Analyst’s 2017 survey, approximately 40 public works and capital improvement projects overseen by the Department of Public Works and the Recreation Department, with total project costs of approximately \$180 million, would be subject to project labor agreements if the proposed ordinance were to be approved by the Board of Supervisors. 	
<p style="text-align: center;">Recommendation</p>	
<p>Approval of the proposed ordinance is a policy matter for the Board of Supervisors.</p>	

MANDATE STATEMENT

Charter Section 2.105 requires that legislative acts in San Francisco be by ordinance, subject to approval by a majority of the Board of Supervisors.

DETAILS OF PROPOSED LEGISLATION

The proposed ordinance would amend the Administrative Code to require a citywide project labor agreement applicable to certain public work or improvement projects with projected costs over \$1,000,000 or where delay in completing the project may interrupt or delay services or use of facilities that are important to the City's essential operations or infrastructure.

Project Labor Agreements

A project labor agreement is a collective bargaining agreement with one or more labor organizations that establishes the terms and conditions or employment for specific construction projects. California Senate Bill (SB) 922 prohibits local governments (other than charter cities) from banning project labor agreements; charter cities such as San Francisco are not prohibited from banning project labor agreements but the State may withhold state funding from these cities' projects.

According to the League of California Cities, arguments supporting project labor agreements include reducing the risk of construction delays and associated costs caused by a shortage of workers or labor disputes due to no-strike provisions in the agreement and use of centralized hiring systems. Arguments against project labor agreements include limits to competition, preference for union over non-union labor, and potential increased costs.

Proposed Ordinance

Under the proposed ordinance, public works and capital improvement projects exceeding \$1 million in project costs, or determined to be essential, as noted above, would require project labor agreements. These would include Department of Public Works and Recreation and Park Department projects, but not Airport, Port, San Francisco Public Utilities Commission (SFPUC), or San Francisco Municipal Transportation Agency (SFMTA) projects. These projects would still be subject to Administrative Code provisions pertaining to public works contracts, Local Business Enterprise, and First Source Hiring.

The proposed ordinance would require the City Administrator to negotiate a project labor agreement with labor unions on behalf of the City prior to September 2017. If the Board of Supervisors were to approve the proposed ordinance, the date of the required negotiations would need to be revised. For public works and capital projects that begin after the revised start date, labor unions, contractors, and subcontractors would be bound by the terms of the project labor agreement. The project labor agreements would cover craft workers, but not supervisors above the foreman, managers, and clerical staff.

Under the project labor agreements, contractors and subcontractors would be required to hire union workers, and apprentices in the State-approved joint apprenticeship program for the

applicable crafts and trades. Unions would be required to use the Helmets to Hardhats program to assist returning veterans in obtaining training and employment on the projects.

The project labor agreements would provide a mechanism to resolve jurisdictional disputes between the labor unions. Labor unions would be required to refrain from strikes, and other work actions related to the project, and union workers would be required to continue working on the project despite in the event that the respective collective bargaining agreement(s) expired without a successor agreement.

FISCAL IMPACT

The City Services Auditor's March 2016 report on the *Risk-Benefit Assessment of a Citywide Project Labor Agreement* found that, among other findings, the potential effects of a project labor agreement on the City's construction costs are unclear. Based on the report's findings, the City Services Auditor did not find "compelling evidence to suggest that the City would realize significant benefits from a mandated citywide PLA and recommends that departments are instead encouraged to consider the use of PLAs when appropriate for their needs, as in the case of the Airport and the SFPUC."

According to the Budget and Legislative Analyst's 2017 survey, approximately 40 public works and capital improvement projects overseen by the Department of Public Works and the Recreation Department, with total project costs of approximately \$180 million, would be subject to project labor agreements if the proposed ordinance were to be approved by the Board of Supervisors.

RECOMMENDATION

Approval of the proposed ordinance is a policy matter for the Board of Supervisors.

Carroll, John (BOS)

From: Carroll, John (BOS)
Sent: Friday, June 08, 2018 2:59 PM
To: 'john@zenviba.org'; Kim, Jane (BOS); Peskin, Aaron (BOS); ashai.safai@sfgov.org; Johnson, Sharon (BOS); Yan, Calvin (BOS); Bruss, Andrea (BOS); Sandoval, Suhagey (BOS); aliya.christie@sfgov.org; 'Calvillo, Angela (angela.calvillo@sfgov.org)'; Somera, Alisa (BOS); Duong, Noelle (BOS)
Cc: matt@sfaacc.com; frederickjordan@aol.com; epaterson@equaljusticesociety.org; wperry@cornerstoneconcilium.com
Subject: RE: Testimony for Monday hearing on project labor agreement
Attachments: gao061118_agenda.pdf
Categories: 170205

Thank you for the letter. I will add the letter to the official file for the matter.

However, I must note that the Project Labor Agreement ordinance is not on agenda for Monday June 11, 2018. I have attached a copy of the agenda for Monday's special meeting to this message for your review.

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 170205](#)

John Carroll
Assistant Clerk
Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
(415)554-4445



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation and archived matters since August 1998.

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From: john@zenviba.org [mailto:john@zenviba.org]
Sent: Friday, June 08, 2018 2:49 PM
To: Carroll, John (BOS) <john.carroll@sfgov.org>; Kim, Jane (BOS) <jane.kim@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; ashai.safai@sfgov.org; Johnson, Sharon (BOS) <sharon.p.johnson@sfgov.org>; Yan, Calvin (BOS) <calvin.yan@sfgov.org>; Bruss, Andrea (BOS) <andrea.bruss@sfgov.org>; Sandoval, Suhagey (BOS) <suhagey.sandoval@sfgov.org>; aliya.christie@sfgov.org
Cc: matt@sfaacc.com; frederickjordan@aol.com; epaterson@equaljusticesociety.org; wperry@cornerstoneconcilium.com
Subject: Testimony for Monday hearing on project labor agreement

Please consider and review the attached extended testimony with regard to the project labor agreement proposal coming before the Government Audit and Operations Committee Monday morning.

John William Templeton

Community Activist Award 2017 San Francisco NAACP

Wanadu Aroo (history advisor) Songhoy People (guardians of UNESCO World Heritage Sites in Mali)

Board Member, Stillman College, Tuscaloosa, AL affiliated with Presbyterian Church U.S.A.

Overture Advocate, 11-03 Social Justice Committee June 18, 2018 General Assembly in St. Louis, Presbyterian Church U.S.A.

Featured author, Frederick Douglass' birthday, African-American Civil War Museum

Re-enactor, Rev. Henry Highland Garnet

Creator, California African-American Freedom Trail

Publisher, Journal of Black Innovation

Visionary Award, 2016, California Black Chamber of Commerce

Contributor, The Hill, PRWeek, SF Chronicle, SJ Mercury News

Executive Producer, ReUNION: Education-Arts-Heritage, the African-American children's television channel

Co-founder, 15th annual National Black Business Month

TESTIMONY
GOVERNMENT AUDIT AND OVERSIGHT
COMMITTEE
SAN FRANCISCO BOARD OF SUPERVISORS
JUNE 11, 2018 10 A.M.

JOHN WILLIAM TEMPLETON

author, *Come This Far By Faith: African-Americans 1980-2020*

Come to the Water: Sharing the Rich Black Experience in San Francisco

*"African-Americans in the West" Oxford Encyclopedia of African-American
History, Vol. 1 The Age of Frederick Douglass*

Opportunity from Disaster: State of Black Business, 15th edition

producer, **The King Behind King, Bridges, Chavez and Mandela**

Who Was Tracy Sims

Supervisor Jane Kim, Chair

Supervisor Aaron Peskin

Supervisor London Breed, Board President

Extended Testimony

In my remarks during public comment in the June 5 Board of Supervisors, I noted the externality of San Francisco being the most segregated construction labor market for African-Americans and the implications for public policy, most specifically the proposed project labor agreement covering \$35 billion in public construction over the next eight years.

A united response from local business enterprises representing women, Asian-American, Latino American and African-American communities and the reservations of city staff all argue for an extended review of this monumental change.

Personally, I wrote the closing opinion piece before the 1996 election which resulted in the approval of Proposition 209 (Connerly's Big Lie, *San Francisco Chronicle*, Oct. 28, 1996). My own objections to this proposal are as strenuous as my opposition to the anti-affirmative action initiative was then. In the hindsight of history, my fears were borne out.

Ten years later, Eva Jefferson Patterson commissioned me to conduct a 10-year analysis of that initiative. Ramifications spread from the obliteration of small business enterprises to declines in kindergarten enrollment.

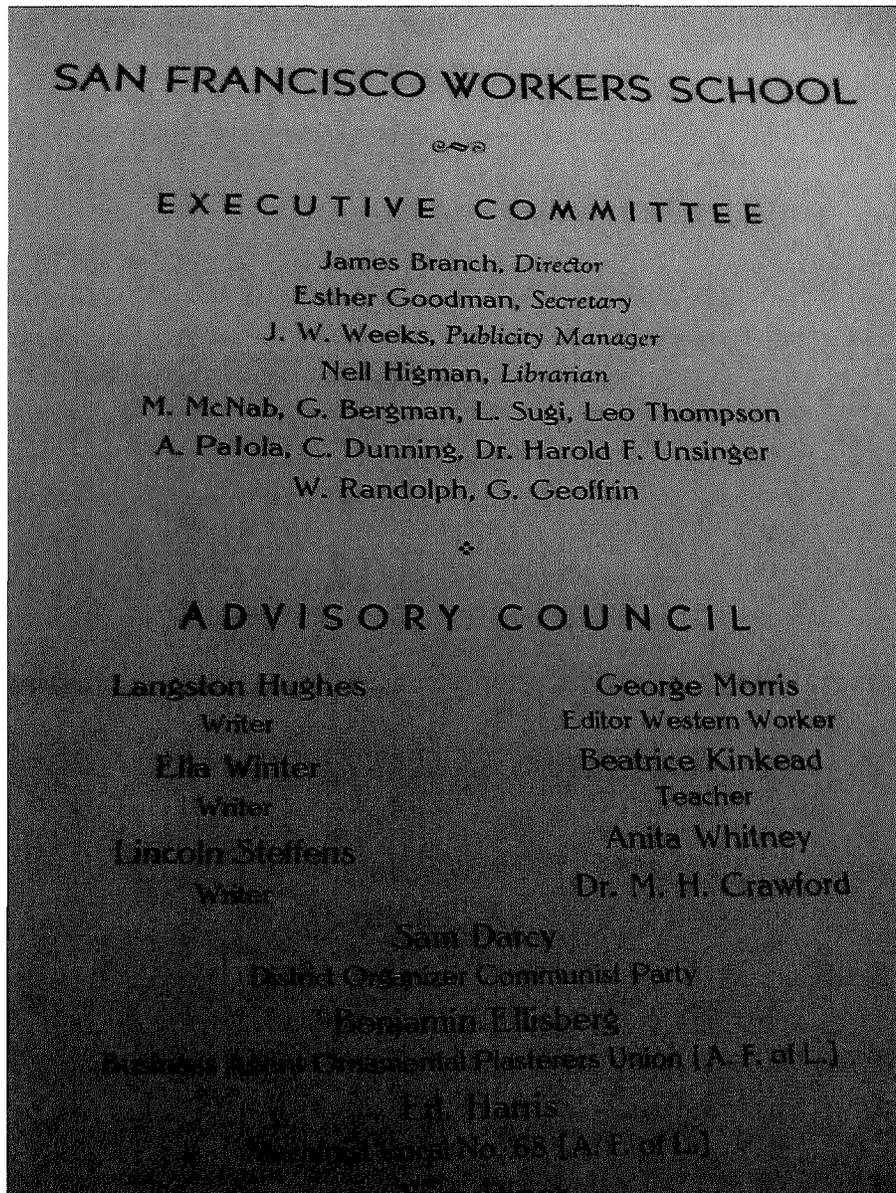
Irregardless of that legislation, the City and County of San Francisco is still bound to carry out the federal Civil Rights Act of 1964 and the state Unruh Civil Rights Act of 1959, which will mark its 60th year in 2019.

That later bill is the direct result of the efforts of African-Americans to overcome segregation in labor unions, most specifically by C.L. Dellums, vice president of the Brotherhood of Sleeping Car Porters.

His close friend, A. Philip Randolph, gave the speech at the Hotel Whitcomb in 1935, the former temporary City Hall, which gained certification as a labor union by the AFL-CIO and a commitment to integrate labor.

There was the recognition that the success of the general strike of 1934 had been because of the decision by Harry Bridges to integrate the longshore union by offering blacks the same wages and benefits as

whites. The strike led to the creation of the National Labor Relations Act. Among the organizers and supporters was Langston Hughes, who lived at 2335 Hyde Street in 1934 and 1935 as a guest of Noel Sullivan.



LeRoy King would come from Fresno in 1938 to begin work on the docks, joining Revels Cayton, Bill Chester and others to integrate the union leadership. After World War II, they teamed with ministers such as Drs. F.D. Haynes and Howard Thurman to form the church-labor coalition

which transformed San Francisco from a conservative Republican

The Department for Professional Employees, AFL-CIO
with co-sponsors
DCLabor Film Fest
International Longshore and Warehouse Union
A. Philip Randolph Institute
and
The Coalition of Black Trade Unionists
invite you to join us for
a brown-bag lunch and documentary film screening.

LeRoy King
A documentary film
The King Behind King
Bridges, Chavez and Mandela



For more than a half century LeRoy King has been the man telling the 20th century's greatest heroes. "I've got your back." in this film King describes the critical role of a group of pioneers who organized the first national union, the International Longshore and Warehouse Union (ILWU) where King was a member and used that position to fund with money and volunteers the Montgomery bus boycott in 1955; the Amato Row sit-ins in San Francisco in 1963; the inception of the United Farm Workers in Delano in the 1960's; and the divestment of pension funds from businesses active in South Africa.

King was Northern California director of the ILWU when dockworkers refused to load ships bound for apartheid-ruled South Africa, an incident seen as the turning point in international condemnation of the segregated regime.

Film Producers William Hammond and John William Templeton will answer questions after the film.

Friday, March 16, 2012
Noon to 1:30 pm
Presidents Room, 1st Floor, AFL-CIO
815 Sixteenth Street, NW
Please RSVP to Marcie Lawrence, mlawrence@dpeaflcio.org.

Bay Area broadcast sponsors on ReUNION: Education-Arts-Heritage
Westside Community Services San Francisco Chapter, A. Philip Randolph Institute

DPE will provide beverages. For additional information, contact DC Labor Filmfest Director Chris Garlock, 202-974-8153, cgarlock@dclabor.org or DPE Researcher and Representative Jennifer Downing, 202-638-0320 extension 114, jdowning@dpeaflcio.org.

stronghold to Democratic electoral success by the early 1960s. The ability of African-Americans to have secure middle-class jobs with benefits fueled middle class communities in the Western Addition, Bayview-Hunters Point and Ocean-Merced-Ingleside. It also had global consequences because their relative affluence allowed ILWU to be a prime supporter with volunteers and funding for the Montgomery bus boycott.

As early as the 1930s, there were close ties between San Francisco labor organizers such as John Pittman and African anti-colonial movements, culminating in the birth of the divestment movement as the result of the refusal of San Francisco dockworkers to unload a South African ship in the 1980s.

New scholarship is beginning to see the interrelationships between this global impact and the subsequent outmigration of African-Americans from a city which has traditionally been a magnet for in-migration for Arkansan Marguerite Johnson, who became Maya Angelou in San Francisco.

Opposing forces which designed such covert programs as Cointelpro against the United San Francisco Freedom Movement and Black Panthers also had a broader approach in public policy not unlike the pacification programs of the Vietnam War.

The original form of the proposed project labor agreement has origins in the Workingmen's Party of the late 1870s, which led to African-Americans, Asian-Americans and Native Americans being excluded from most jobs in the city for 50 years.

This historical context is important to understand the data which should alarm you as elected officials.

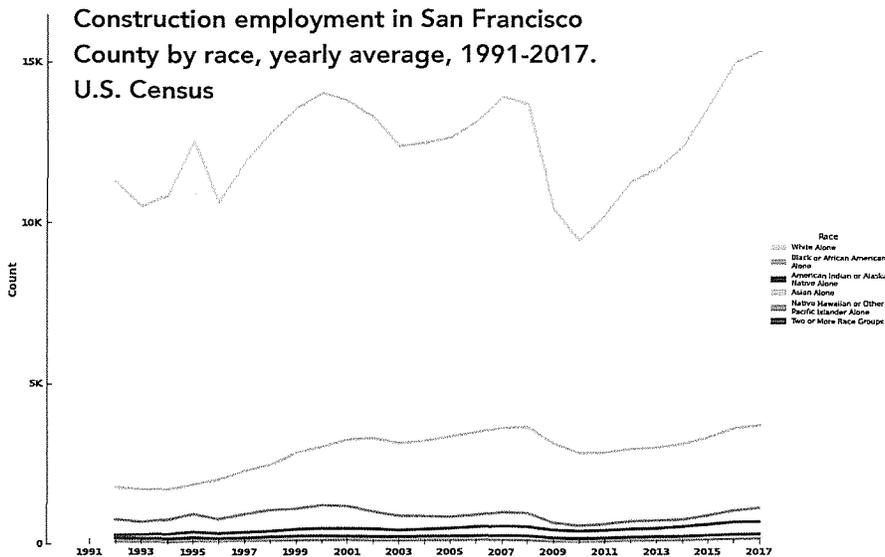
Emily Chang's new book, *Brotopia*, explains in detail when a small group of white men design an employment system. Within ten years, the field of computing, which was synonymous with women, was the domain of anti-social whites from selected colleges.

When the interim mayor and other white men created this agreement, it was guaranteed to leave out the interests of the large majority of San Franciscans.

By no stretch of the imagination could this proposal be considered "progressive," when it seeks to choke off the very well-spring of progressive policies in San Francisco.

In the same way that the "Twitter tax break" was designed behind closed doors to benefit an exclusive elite, the project labor agreement would guarantee lavish access to public funds, without requiring the inclusion of the 14th Amendment and civil rights laws.

THE REAL PROBLEM



From hoteliers to transit riders, San Franciscans are concerned about “quality of life” issues created by the vast disparities in income.

Because the

poorest San Franciscans are limited in their ability to tell their own stories, the narrative is shaped by those who see them as the problem.

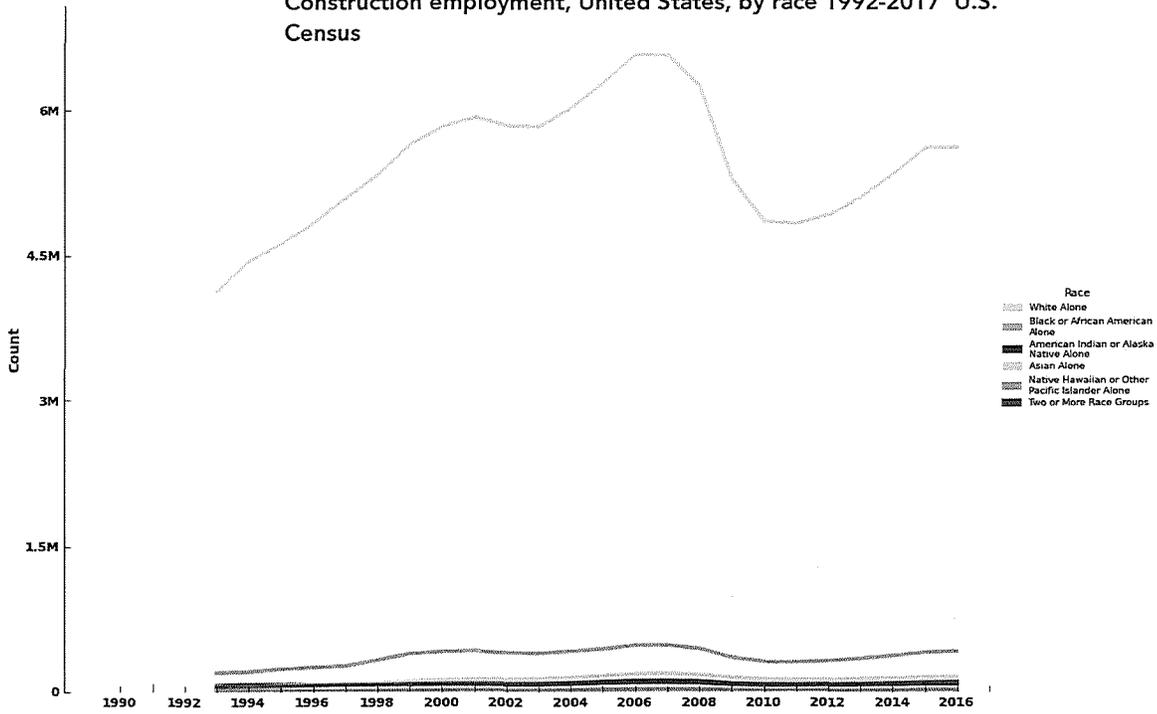
The real issue is employment discrimination, aptly illustrated in what the Bureau of Labor Statistics described as the second lowest market for unemployment in the nation in April.

With construction wages 37 percent above the national average, and minimal incidence of wage theft or less than prevailing wages, the rationale for such a far-reaching project labor agreement is to freeze existing discriminatory labor patterns.

From 1991 to 2017, there has been no growth in African-American construction employment in San Francisco. That occurred despite more than 400,000 blacks in the industry nationally.

Using the special EEOC files for San Francisco for 2000 and 2010, we are able to view the scope of discrimination by construction specialty.

Construction employment, United States, by race 1992-2017 U.S. Census



Between 2000 and 2010, such projects as Mission Bay, mid-Market, Transbay and six new hospitals transformed the landscape of San Francisco even before a wave of skyscrapers and the Chase Center.

African-American construction workers, San Francisco County,

EEOC File 2000 U.S. Census, EEOC, Civil Rights Division, USDOJ				
Occupation	Sex	Total	Black200	All Others
Boilermakers	Total	45	0	43
Brickmasons	Total	270	0	270
Carpenters	Total	7850	175	7674
Carpet, Floor, and Tile	Total	1105	10	1104
Cement Masons,	Total	135	20	114
Construction Laborers	Total	6910	270	6635
Paving, Surfacing,	Total	25	4	29
Miscellaneous Construction Equipment	Total	525	44	485
Drywall Installers, Ceiling Tile Installers	Total	395	40	353
Electricians	Total	2790	119	2673
Glaziers	Total	285	15	270
Insulation Workers	Total	50	20	35
Painters, Construction and Maintenance	Total	4690	185	4503
Paperhangers	Total	55	0	55
Pipelayers, Plumbers, Pipefitters	Total	2265	90	2174
Plasterers and Stucco Masons	Total	160	10	155
Roofers	Total	770	0	770
Sheet Metal Workers	Total	835	10	814
Iron and Steel Workers	Total	235	10	225
Helpers, Construction Trades	Total	140	10	130

African-American construction workers, San Francisco County,

Construction and Building Inspectors	Total	425	25	399
Elevator Installers and Repairers	Total	265	25	245
Fence Erectors	Total	65	0	57
Hazardous Materials Removal Workers	Total	40	4	35
Highway Maintenance Workers	Total	145	20	119
Rail-Track Laying and Maintenance Equ	Total	15	0	15
Septic Tank Servicers and Sewer Pipe C	Total	40	0	39
Miscellaneous Construction and Related	Total	95	0	83
Derrick, Rotary Drill, and Service Unit O	Total	0	0	0
Earth Drillers, Except Oil and Gas	Total	60	10	50
~	Total	30685	1116	29553
~	Male	29763	1044	28719
~	Female	906	72	834

Neither is there aggregate growth, nor growth in individual specialties. As suggested in meetings with Supervisor's staff, these anomalies point to a serious flaw in public policy and the city's tradition of labor inclusion. African-Americans are the most likely Americans to join unions. Their exclusion in a hot market from a traditional field is the kind of disparity that caselaw would consider *prima facie*.

Recommended Remedies

The 375 employment agreements created by the United San Francisco Freedom Movement between 1963 and 1965 are the gold standard for equal opportunity.

Many of the key figures of that era are still engaged in the fight for equal justice such as Dr. Oba T'Shaka, Tamam Tracy Moncur, Wil Ussery, Norman Brown and John Handy.

African-American construction employment, San Francisco 2006-2010

Occupation Code	Total,, both sexes	Black both sexes
First-line supervisors of construction tr	2930	115
Boilermakers 6210 (SOC 47-2011)	4	0
Brickmasons, blockmasons, and stone	315	0
Carpenters 6230 (SOC 47-2031)	4665	135
Carpet, floor, and tile installers and fini	625	0
Cement masons, concrete finishers, ar	155	50
Construction laborers 6260 (SOC 47-2	7110	455
Paving, surfacing, and tamping equipm	15	0
Construction equipment operators exc	325	10
Drywall installers, ceiling tile installers,	795	0
Electricians 6355 (SOC 47-2111)	2440	115
Glaziers 6360 (SOC 47-2121)	305	30
Insulation workers 6400 (SOC 47-2130	60	0
Painters, construction and maintenanc	2550	70
Paperhangers 6430 (SOC 47-2142)	10	0
Pipelayers, plumbers, pipefitters, and s	1625	140
Plasterers and stucco masons 6460 (S	140	0
Reinforcing iron and rebar workers 650	40	0
Roofers 6515 (SOC 47-2181)	415	0
Sheet metal workers 6520 (SOC 47-22	345	0
Structural iron and steel workers 6530	270	4
Helpers, construction trades 6600 (SO	35	0
Construction and building inspectors 6	410	50
Elevator installers and repairers 6700 (180	0
Fence erectors 6710 (SOC 47-4031)	20	0

Before any such project labor agreement is entered, there should be a

working group on ending construction discrimination drawn from such veterans, along with employment economists and legal experts in consultation with the relevant unions.

The controller and city administrator should also do a review of the impact of city policies on equal opportunity during the period from 2000 to 2017 in the construction industry.

Both should be done in advance, but at a minimum, be part of the implementation steps.

Suggested Amendment

After reviewing the most current draft of the project labor agreement with key experts, I'd suggest adding a section 6(a) to take the same kind of proactive response to inequity that Dr. Carlton B. Goodlett was known for.

His run for governor in 1966 was policy based and all of his 10 platform planks were eventually carried out. He was my grad school advisor and, when he passed, I had the obligation to retrieve his personal effects and newspaper library from the abandoned building. Some of those artifacts are now in the South Light Court.

But the real memorial is to protect the inclusion he spent his life fighting for.

As a publisher of a black newspaper and owner of a radio station, we should make sure that the underrepresented black workers we documented in the meeting actually know about the opportunities. For instance, the Aboriginal Black Men use KPOO-FM extensively for outreach. San Francisco is the only city to have both a African-American independent public radio and television station, plus a black press dating from 1854.

6 (a). To achieve the City and County of San Francisco's obligations under the Civil Rights Act of 1964 and the Unruh Civil Rights Act, any union and contractor covered by this agreement must show evidence of efforts to address underrepresentation by a protected class in construction employment, when such class shows declines in representation in the previous two years. The City Administrator and Controller will measure quarterly whether such declines continue. Efforts shall include advertising, public media sponsorships and publicity on media which reach the targeted population, engagement with City College of San Francisco, San Francisco

Public Library, Department of Homelessness and San Francisco Unified School District as well as community-based job training and education initiatives.

Conclusion

I was honored to be the bicentennial speaker on the occasion of Frederick Douglass' 200th birthday Feb. 14 at the African-American Civil War Museum in Washington, D.C.

He wrote:

“Denied the means of learning useful trades we are pressed into the narrowest limits to obtain a livelihood. In times past we have been the hewers of wood and drawers of water for American society, and we once enjoyed a monopoly in menial employments, but this is so no longer. Even these employments are rapidly passing away out of our hands. The fact is (every day begins with the lesson, and ends with the lesson) that colored men must learn trades; must find new employments; new modes of usefulness to society, or that they must decay under the pressing wants to which their condition is rapidly bringing them.

We must become mechanics; we must build as well as live in houses; we must make as well as use furniture; we must construct bridles as well as pass over them, before we can properly live or be respected by our fellow men. We need mechanics as well as ministers. We need workers in iron, clay, and leather. We have orators, authors, and other professional men, but these reach only a certain class, and get respect for our race in certain select circles. To live here as we ought we must fasten ourselves to our countrymen through their every day cardinal wants. We must not only be able to *black* boots, but to *make* them.”
As Douglass alluded, such a momentous policy change must be a vehicle for addressing the fact that median income for African-Americans in San Francisco is less than it was in 1970, Half of the 18,000 black households make less than \$30,000.

As Supervisor Fewer noted on June 5, such objectives as placing re-entry populations in gainful employment are market-based solutions to the misery all San Franciscans see on a daily basis.

In Chicago, an effort is using jobs to address an epidemic of urban violence.
<http://www.chicagotribune.com/news/local/breaking/ct-met-chicago-violence-heartland-alliance-20180522-story.html>

San Francisco, in recent years, has been more concerned with photo ops than results. In a neighborhood like mine in the Western Addition, we rarely see African-Americans in construction jobs in our own community, most notably on refurbishing of affordable housing.

Douglass' contemporaries in San Francisco, the pastors of First A.M.E. Zion and Bethel A.M.E. Church, wrote in 1855:

“Dear friends, we are living in an age when, and in a country where the light of knowledge is spreading, is abounding more and more, stimulating activity in the arts, in science, philosophy and general literature. As a people, we are in the midst of these activities, having a common interest in their results.

We are engaged in a great work; it is this, we aim to render ourselves equal with the most favored, not simply nominally equal, but truly and practically, in knowledge, energy, practical skill and enterprise. The past has been to us full of wrong and suffering; we are not content with our present condition; it remains for us to say whether we will continue in this position.”



LOCAL BUSINESS ENTERPRISE ADVISORY COMMITTEE

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May 30, 2018

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Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4682

Dear Honorable Members of the Board of Supervisors:

The Local Business Enterprise Advisory Committee ("LBEAC") is composed of representatives of CMD-LBE Certified firms and City Departments. The LBEAC advises the City Administrator and the Director of the Contract Monitoring Division on implementation of and proposed amendments to the Chapter 14B Local Business Enterprise Utilization and Non-Discrimination in Contracting Ordinance.

The LBEAC has met several times to discuss the possible impacts of the proposed Citywide Project Labor Agreement ("PLA") for Public Works or Improvement Projects. On May 30, 2018, the LBEAC held a Special Meeting regarding the proposed Citywide PLA. At this meeting, the LBEAC approved the attached seven recommendations to the proposed legislation. The purpose of the LBEAC's recommendations reflect the LBEAC's intent of increasing the pool of bidders and continuing Mayor Ed Lee's legacy of providing opportunities to the City's local businesses. Moreover, the LBEAC is deeply concerned about potential impacts and possible discrimination against minority-, women-, and immigrant-, owned businesses.

Please feel free to contact me directly at mgalarza@yerba-buena.net regarding any questions or concerns you have about the LBEAC's recommendations to the proposed PLA legislation.

Sincerely,

Miguel Galarza
Committee Chair
Local Business Enterprise Advisory Committee

**LBE Advisory Committee's Recommendations
on the Proposed Citywide Project Labor Agreement Ordinance**

Item	Section	As is in Draft of Proposed Section 6.27	Committee's Recommendation:	Committee Vote:
1	Definitions 6.27(c)	<p><i>"Covered Project" means a project involving Public Work or Improvement as defined in Administrative Code Section 6.1, if either: (1) the Department Head estimates the Cost of the project to exceed the following threshold amounts: \$5,000,000 for Covered Projects where the Advertisement for Bid is released in fiscal year 2018-2019, \$3,000,000 for Covered Projects where the Advertisement for Bid is released in fiscal year 2019-2020, and \$1,000,000 thereafter, or (2) the Department Head has determined that delay in completing the project may lead to interruption or delay of services or use of facilities that are important to the essential operations or infrastructure of the City. Notwithstanding the foregoing sentence, "Covered Project" does not include any Public Work or Improvement projects undertaken by the San Francisco International Airport, the San Francisco Public Utilities Commission, the Port of San Francisco, or the San Francisco Municipal Transportation Agency. "Covered Project" also does not include; or any Public Work or Improvement project where application of the citywide PLA would violate the conditions of a state, federal, or other public funding source.</i></p>	<p>The committee recommends that there should be no increase or decrease to the threshold amount unless there is a compelling justification for said increase/decrease that is supported by a study conducted by an independent party. The study will examine any potential discriminatory impacts as well as the effects on the Local Hire and Local Business Enterprise Programs due to the PLA. Accordingly, the items highlighted in yellow should be revisited.</p> <p>The abovementioned study should be a separate assessment from the evaluation mentioned in 6.27(f), which is fiscal in its subject focus and would not address all of the City's interests.</p>	<p>Unanimously approved by all members present.</p>

2	Definitions 6.27(c)	<p><i>"Covered Project" means a project involving Public Work or Improvement as defined in Administrative Code Section 6.1, if either: (1) the Department Head estimates the Cost of the project to exceed the following threshold amounts: \$5,000,000 for Covered Projects where the Advertisement for Bid is released in fiscal year 2018-2019, \$3,000,000 for Covered Projects where the Advertisement for Bid is released in fiscal year 2019-2020, and \$1,000,000 thereafter, or (2) the Department Head has determined that delay in completing the project may lead to interruption or delay of services or use of facilities that are important to the essential operations or infrastructure of the City. Notwithstanding the foregoing sentence, "Covered Project" does not include any Public Work or Improvement projects undertaken by the San Francisco International Airport, the San Francisco Public Utilities Commission, the Port of San Francisco, or the San Francisco Municipal Transportation Agency. "Covered Project" also does not include; or any Public Work or Improvement project where application of the citywide PLA would violate the conditions of a state, federal, or other public funding source.</i></p>	<p>The Committee recommends that the dates referenced in the legislation be deleted because the dates as stated do not feasibly allow for implementation.</p>	<p>Unanimously approved by all members present.</p>
3	6.27 (d)		<p>The Committee recommends that the legislation include the following:</p> <p>In the interest of increasing bid competition, the Department Head/Awarding Department must rebid the project without the PLA where the submitted bids are 25% over the estimated cost of the project.</p>	<p>Unanimously approved by all members present.</p>

4			<p>The Committee recommends that any subcontractor with a subcontract valued at less than one million dollars not be bound by the PLA.</p>	<p>Unanimously approved by all members present.</p>
5	<p>Definitions 6.27(c)</p>	<p>“Core Employee” means an employee of a Contractor that has not previously had a relationship with the Unions that demonstrates the following qualifications: (1) possesses any license required by state or federal law for the Project work to be performed; (2) has worked a total of at least 1,000 hours in the construction craft during the prior three years; (3) has been on the Contractor's active payroll for a substantial portion of the calendar year immediately prior to the contract award; and (d) has the ability to perform safely the basic functions of the applicable trade.</p>	<p>The Committee recommends that there be no reference to the Contractor’s active payroll in the definition of “Core Employee” and to allow up to 75% of the contractor’s workforce to be made up of core employees.</p> <p>Accordingly, the Committee proposes the following definition:</p> <p>“Core Employee” means an employee of a Contractor that has not previously had a relationship with the Unions that demonstrates the following qualifications: (1) possesses any license required by state or federal law for the Project work to be performed; (2) has worked a total of at least 1,000 hours in the construction craft during the prior three years; and (3) has the ability to perform safely the basic functions of the applicable trade.</p>	<p>Unanimously approved by all members present.</p>

	6.27(e)(4)	<i>(4) Contractors and Subcontractors to whom construction services are awarded for a Covered Project will use the hiring halls operated by signatory Unions for all labor on the Covered Project except for (A) the services provided by non-craft managerial, executive, and clerical employees;; (B) and supervisory employees above the level of general foreman; or (C) at least two Core Employees per Covered Project.</i>	<p>The Committee proposes the following language for Section 6.27(e)(4):</p> <p>Contractors and Subcontractors to whom construction services are awarded for a Covered Project will use the hiring halls operated by signatory Unions for all labor on the Covered Project except for (A) the services provided by non-craft managerial, executive, and clerical employees;; (B) and supervisory employees above the level of general foreman; or (C) the services provided by Core Employees where 75% or less of the Project workforce is made up of Core Employees.</p>	
6	6.27(e)(5)	(5) Contractors and Subcontractors will hire apprentices indentured in the State-approved joint apprenticeship program for the applicable craft or trade for work on the Covered Project in accordance with the apprentice ratios contained in California Labor Code Section 1777.5, as it may be amended from time to time;	<p>In order to increase opportunities, the Committee recommends removing the limiting language and proposes the following:</p> <p>(5) Contractors and Subcontractors will hire apprentices indentured in any State-approved apprenticeship program for the applicable craft or trade for work on the Covered Project in accordance with the apprentice ratios contained in California Labor Code Section 1777.5, as it may be amended from time to time;</p>	Unanimously approved by all members present.

7	6.27(e)(2)	(2) Unions, Contractors, and Subcontractors are bound by the requirements of Administrative Code Chapters 6, 14B, 82, and 83, as they may be amended from time to time, including but not limited to the provisions addressing Local Hire and Local Business Enterprise;	<p>Chapter 12B of the San Francisco Administrative Code is not mentioned in the draft. The Committee recommends that Chapter 12B be included in the list of Administrative Code Chapters:</p> <p>(2) Unions, Contractors, and Subcontractors are bound by the requirements of Administrative Code Chapters 6, 12B, 14B, 82, and 83, as they may be amended from time to time, including but not limited to the provisions addressing Local Hire and Local Business Enterprise;</p>	Unanimously approved by all members present.
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LOCAL BUSINESS ENTERPRISE ADVISORY COMMITTEE

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April 21, 2017

Supervisor Mark Farrell
 San Francisco Board of Supervisors
 1 Dr. Carlton B. Goodlett Place, Room 244
 San Francisco, Ca 94102-4689

Re: Proposed City-Wide Project Labor Agreement Legislation

I am the Chair of the mayoral appointed San Francisco Local Business Enterprise Advisory Committee ("LBEAC"), whose members are responsible for advising the Mayor and the City Administrator regarding pending legislation that would affect our local small disadvantaged businesses' ability to contract with The City. It is the position of the LBEAC that the proposed legislation attempts to fix a problem that does not exist and should not be enacted in its current form (if at all).

A City-wide Project Labor Agreement ("PLA"), especially one with such a low \$1 Million Dollar minimum threshold, would create, yet another barrier for LBEs to effectively compete on City Projects on a level playing field. A PLA would force our local small disadvantaged businesses to cover increased labor costs due to the typically higher union wage rates compared to the state prevailing wage rates set by the California Department of Industrial Relations (DIR). PLAs, by their very nature, would unfairly force LBEs to pay into union trust funds without any guaranteed return benefits—which is in addition to the retirement/other benefits our firms provide their staff. PLAs would adversely impact LBE contractors' efforts to comply with San Francisco's Local Hire ordinance requirements, forcing them to use union members that predominately live outside of San Francisco. Worse yet, the labor movement's lack of inclusion continues, as even when an LBE contractor does become a union signatory, some are still targeted for labor compliance violations due to simply inter-union jurisdictional disputes. Likewise, our local small, non-union owner-operator trucking firms are forced to pay a "tax" just so that the teamsters do not harass and shut them down.

In fact, our concerns are similar to the conclusions of San Francisco Controller's Office recent PLA report, noting:

"PLAs have had a "chilling effect" on competition because some nonunion contractors will not bid on PLA-governed projects for different reasons including potential increased costs and political disagreements. Decreased competition in bidding could result in higher project costs....The PLA should be designed as to not conflict with any existing City ordinances such as preferences for local businesses and resident workers....(and that the PLA threshold should only) be applicable at a level where there are no LBE preferences at a minimum, above \$20 million. Additionally, the PLA should provide ample opportunity for LBEs and non-union contractors to compete for awards by establishing a threshold that is high enough to allow LBEs and non-union contractors to compete for meaningful awards"

Furthermore, this drive to create of a City-wide PLA is duplicitous and wholly unnecessary. The Board of Supervisors and the Mayor continue to lead the nation in creating nationally recognized programs such as the City's Mandatory Local Hiring Requirement to ensure its local residents (with special emphasis on those living in our most disadvantaged communities) have a pathway to construction employment through the City Build program. Likewise, the City also requires all contractors comply with the City's Prevailing Wage (for field labor), Minimum Compensation (for office/professional staff), and Health Care Accountability requirements to ensure all contractor employees are paid the proper wage rates (set for San Francisco) and have adequate covered health care.

Finally, the City has never had any construction delays due to work/labor issues in over 30 years. While SF Public Utilities Commission and San Francisco International Airport have Project Labor Agreements ("PLAs") on select capital building programs where any delays may negatively impact the budget, DPW, nor any other construction contracting departments have needed PLAs. Again, there have been no work stoppages or disputes for decades.

In spring of 2016, your legislative aide Jess Montejano, came to our committee to request feedback on the then proposed legislation to enact a citywide Project Labor Agreement ("PLA"). The committee members expressed our deep concerns, many highlighted above, regarding the proposed legislation and the deleterious effect that a proposed city-wide PLA would have on small business in San Francisco. Mr. Montejano assured this committee that he understood the community's concerns, reassured us that our concerns would be conveyed to your office, and that any changes would be made to the legislation that would not affect small business. However, the PLA legislation was recently introduced without notifying/consulting us or making any promised substantive changes.

We recommend, at a minimum, amending the legislation to only cover single contracts estimated to cost \$25 Million or above, exclude all LBE subcontracts valued \$1 Million and below, allow the City to control all apprenticeship training requirements, class schedules and processes and require ALL TRADES (incl. list-trades) to sign MOUs with City Build.

All the problems the proposed PLA legislation claims to handle, are, in fact, already addressed in current City Policy and law. In addition, there are already existing studies documenting PLAs severe negative effects on small contractors. Most importantly, the City has not experienced ANY DELAYS due to labor/work stoppages in decades. However, this committee looks forward to the opportunity to work with your office in developing legislation that would better assist both our residents and local small business – especially those from our most disadvantaged communities – in participating on public works contracts.

Should you have any questions, please do not hesitate to contact me at 415 730-1900 or mgalarza@yerba-buena.net

Respectfully,



Miguel Galarza
Chair LBE Advisory Committee

CC: Mayor Edwin M. Lee
Board of Supervisors
City Administrator

Wong, Linda (BOS)

From: Wong, Linda (BOS)
Sent: Thursday, June 22, 2017 5:54 PM
To: Wong, Linda (BOS)
Subject: FW: File 170205: Administrative Code - Citywide Project Labor Agreement for Public Work or Improvement Projects

From: Montejano, Jess (BOS)
Sent: Friday, June 16, 2017 10:58 AM
To: Somera, Alisa (BOS) <alisa.somera@sfgov.org>; Lopez, Barbara (BOS) <barbara.lopez@sfgov.org>; Wong, Linda (BOS) <linda.wong@sfgov.org>
Subject: RE: File 170205: Administrative Code - Citywide Project Labor Agreement for Public Work or Improvement Projects

Thanks!

Thanks,

Jess

Jess Montejano
Legislative Aide
Office of Supervisor Mark Farrell
City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Phone: (415) 554-7752
Fax: (415) 554-7843

From: Somera, Alisa (BOS)
Sent: Thursday, June 15, 2017 6:09 PM
To: Lopez, Barbara (BOS) <barbara.lopez@sfgov.org>; Montejano, Jess (BOS) <jess.montejano@sfgov.org>; Wong, Linda (BOS) <linda.wong@sfgov.org>
Subject: RE: File 170205: Administrative Code - Citywide Project Labor Agreement for Public Work or Improvement Projects

Linda... please process Sup. Kim's request for co-sponsorship.

Thank you.

Alisa Somera

Legislative Deputy Director
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
415.554.7711 direct | 415.554.5163 fax
alisa.somera@sfgov.org

 Click [HERE](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

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---

**From:** Lopez, Barbara (BOS)

**Sent:** Thursday, June 15, 2017 5:39 PM

**To:** Montejano, Jess (BOS) <[jess.montejano@sfgov.org](mailto:jess.montejano@sfgov.org)>; Somera, Alisa (BOS) <[alisa.somera@sfgov.org](mailto:alisa.somera@sfgov.org)>

**Subject:** File 170205: Administrative Code - Citywide Project Labor Agreement for Public Work or Improvement Projects

Hi Jess,

Please kindly add our name as a co-sponsor to file 170205.

-Bobbi Lopez

## Carroll, John (BOS)

---

**From:** Carroll, John (BOS)  
**Sent:** Monday, July 10, 2017 1:54 PM  
**To:** Peskin, Aaron (BOS)  
**Cc:** BOS Legislation, (BOS); Montejano, Jess (BOS); Angulo, Sunny (BOS); Hepner, Lee (BOS); Rubenstein, Beth (BOS)  
**Subject:** RE: Sup. Peskin to Co-Sponsor File no. 170205 - Citywide Project Labor Agreement  
**Categories:** 170205

Thanks, Supervisor.

The thing is done.

JEC

---

**From:** Peskin, Aaron (BOS)  
**Sent:** Monday, July 10, 2017 1:51 PM  
**To:** Carroll, John (BOS) <[john.carroll@sfgov.org](mailto:john.carroll@sfgov.org)>; Montejano, Jess (BOS) <[jess.montejano@sfgov.org](mailto:jess.montejano@sfgov.org)>; Angulo, Sunny (BOS) <[sunny.angulo@sfgov.org](mailto:sunny.angulo@sfgov.org)>; Hepner, Lee (BOS) <[lee.hepner@sfgov.org](mailto:lee.hepner@sfgov.org)>; Rubenstein, Beth (BOS) <[beth.rubenstein@sfgov.org](mailto:beth.rubenstein@sfgov.org)>  
**Cc:** BOS Legislation, (BOS) <[bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)>  
**Subject:** RE: Sup. Peskin to Co-Sponsor File no. 170205 - Citywide Project Labor Agreement

Confirmed.  
Aaron

---

**From:** Carroll, John (BOS)  
**Sent:** Monday, July 10, 2017 1:22 PM  
**To:** Montejano, Jess (BOS) <[jess.montejano@sfgov.org](mailto:jess.montejano@sfgov.org)>; Angulo, Sunny (BOS) <[sunny.angulo@sfgov.org](mailto:sunny.angulo@sfgov.org)>; Hepner, Lee (BOS) <[lee.hepner@sfgov.org](mailto:lee.hepner@sfgov.org)>; Rubenstein, Beth (BOS) <[beth.rubenstein@sfgov.org](mailto:beth.rubenstein@sfgov.org)>  
**Cc:** Peskin, Aaron (BOS) <[aaron.peskin@sfgov.org](mailto:aaron.peskin@sfgov.org)>; BOS Legislation, (BOS) <[bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)>  
**Subject:** RE: Sup. Peskin to Co-Sponsor File no. 170205 - Citywide Project Labor Agreement

I'll take care of this, since Mr. Montejano messaged me direct.

**Can District 3 staff confirm the co-sponsorship?**

**John Carroll**  
**Assistant Clerk**  
Board of Supervisors  
San Francisco City Hall, Room 244  
San Francisco, CA 94102  
(415)554-4445 - Direct | (415)554-5163 - Fax  
[john.carroll@sfgov.org](mailto:john.carroll@sfgov.org) | [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)

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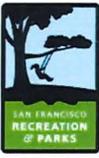
**From:** Montejano, Jess (BOS)  
**Sent:** Monday, July 10, 2017 12:25 PM  
**To:** BOS Legislation, (BOS) <[bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)>; Carroll, John (BOS) <[john.carroll@sfgov.org](mailto:john.carroll@sfgov.org)>  
**Cc:** Peskin, Aaron (BOS) <[aaron.peskin@sfgov.org](mailto:aaron.peskin@sfgov.org)>  
**Subject:** Sup. Peskin to Co-Sponsor File no. 170205 - Citywide Project Labor Agreement

Emailing the Clerk's team to please add Sup. Aaron Peskin as a co-sponsor to our item, file no. 170205 – Citywide Project Labor Agreement.

Thanks,

Jess

Jess Montejano  
Legislative Aide  
Office of Supervisor Mark Farrell  
City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4689  
Phone: (415) 554-7752  
Fax: (415) 554-7843



RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2017 SEP -8 AM 8:44

BY

Edwin M. Lee, Mayor  
Mohammed Nuru, Director San Francisco Public Works  
Philip A. Ginsburg, General Manager, San Francisco Recreation and Parks

BoS-11

September 7, 2017

President Breed & Members of the Board of Supervisors  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

Re: Proposed ordinance revising Administrative Code Ch. 6 to require Project Labor Agreement (PLA) (File No. 170205)

To: Honorable Members of the Board of Supervisors

The Board of Supervisors is presently considering legislation that would mandate implementation of a Project Labor Agreement (PLA) for essentially all San Francisco Public Works and Recreation and Park Department construction projects. As the Controller's Office noted in its March 18, 2016 report, *Risk-benefit Assessment of a Citywide Project Labor Agreement*, PLAs can serve a useful and stabilizing function for large capital projects with multiple trades, or when covering a large geographic area. In its current form, the proposed legislation is significantly broader and we believe it would have a detrimental impact on the delivery of capital projects. As drafted, the legislation would drive up costs and reduce capital investment in our neighborhoods.

The proposed legislation would conflict with and impede social contracting policies this Board of Supervisors has traditionally supported, potentially impacting local women- and minority-owned businesses and job opportunities for communities that historically have faced barriers to employment.

It is difficult to find other jurisdictions that have executed a PLA this way. According to the Controller's research, some jurisdictions have passed legislation "recommending" negotiation of a PLA for certain types of projects. Some jurisdictions "require" a PLA when certain conditions are present and significant thresholds met. In many jurisdictions, a detailed PLA is negotiated *before* it is ratified by ordinance. The federal government, through an executive order by President Obama, *recommends* that federal agencies *consider* forming PLAs on projects over \$25 million. But we can find no example of another major municipality in the country that passed a law requiring a PLA for all projects in perpetuity without drafting the content of the agreement.

For these reasons, and as explained in further detail below, we encourage the Board to continue its work with our labor partners to craft stronger legislation that supports workforce development, training and effective project delivery, but without these serious unintended impacts.

**A. In its current form, the PLA Legislation would negatively impact the cost and scope of capital project delivery.**

This legislation currently requires a PLA- mandating pre-negotiated wage and benefit packages, union trust fund fees, and restricted labor sources – on all construction work in excess of \$1 million. In its present form, this one-size-fits-all approach would apply regardless of the size and type of contractor and subcontractors, the size or scope of the project, project budget, or desired community outcomes. As noted by the Controller, this type of PLA can result in a chilling effect on bid competition because some contractors are not large enough to afford or administer the negotiated requirements. Almost all of our projects are procured through a competitive process and a higher number of bidders usually equates to a lower price. In an up-market such as the current one, many construction firms avoid public sector work. Our departments are already challenged by projects that receive only one, two, or even no bids. Because of construction cost escalation and diminishing competition, over the last two years we have seen bids come in as high as 140 percent over initial engineer estimates and our organizations are struggling to deliver projects on budget and as scoped.

According to the Controller, no other major City in the United States has a law mandating a cookie-cutter PLA at a \$1 million-trigger threshold that has been proposed. One reason for this is that not all projects are suitable for a PLA. Our construction portfolio spans from billion-dollar hospitals to fences, tree-trimming and curb cuts. The Recreation and Park Department has successfully been able to leverage public investment with millions of dollars of philanthropic support contingent on creative and collaborative construction management strategies. The successful execution of our work depends on working closely with a pool of hundreds of contractors.

As general fund departments, we fear that the time and financial costs of a PLA would diminish our ability to deliver projects to the public effectively.

**B. In its current form, the PLA legislation would negatively impact the Board of Supervisors' longstanding social contracting goals.**

The proposed PLA legislation potentially undercuts San Francisco's long-standing and successful programs that support workers and promote the growth of local businesses.

For decades, the Board of Supervisors has pioneered and promoted protections for workers, equality in contracting and local economic development. The purpose of these programs is to take on the complex challenges of unemployment, educating workforces and opening industries that traditionally have been closed to women and minorities. No city in the United States has initiatives – prevailing wage, paid parental leave, equal benefits, local hire, workforce training and apprenticeship programs and promotion of local businesses – as robust and effective as ours.

It takes decades of commitment to address equity-focused contracting reforms. Over time, we have heled to develop a healthy pool of certified Local Business Enterprises (LBEs). Indeed, San Francisco is home to more than 1,400 LBE firms. Of those, 83 percent are micro-LBEs – the smallest and up-and-coming construction companies. In Fiscal Year 2016, our two departments alone awarded more than 50 construction contracts worth more than \$220 million to LBEs. When small, owner-operated businesses are forced to be a party to a PLA, they may literally be legislated out of contracts.

On Public Works projects estimated between \$10,000 and \$10 million, LBEs received a 10 percent bid discount. This means their bids are reduced by 10 percent to provide them with competitive advantage over non-LBE bidders. The bid discount is advantageous because most of the City's Public Works projects are awarded to the lowest responsive, responsible bidder. On projects estimated between \$10 million and \$20 million, LBEs receive a 2 percent bid discount. Setting a PLA threshold at \$1 million undercuts this contracting preference.

**C. The current PLA legislation should be refined.**

According to the Controller's report, there is no compelling evidence that the public would realize significant benefits from a mandatory citywide PLA. The report notes that a PLA is not likely to help City residents with wages, benefits or employment, or is it likely to improve the City's ability to deliver on-time and on-budget projects and spend public money wisely. In short, this legislation feels not only like a solution without a problem, but a solution that exacerbates problems that City policies are trying to solve.

If the Board of Supervisors chooses to proceed, we strongly encourage the Board of Supervisors to significantly increase the thresholds for project covered under a PLA and limit their application to large projects with multiple trades or projects covering a large geographic area where it would be useful to have a single source for skilled labor.

The legislation should exempt philanthropic gifts, which would be foolish to discourage with higher construction costs and administrative burdens. We also encourage the Board to draft legislation that ensures the continued success of our LBE programs and does not diminish bid competition.

While we are unable to support the proposed legislation in its current form because of the issues we've addressed, we look forward to working with you to refine the proposal.

Sincerely,



Naomi M. Kelly  
City Administrator



Mohammed Nuru  
Director, Public Works



Phil Ginsburg  
General Manager, Recreation and Parks Department

cc: Angela Calvillo, Clerk  
San Francisco Board of Supervisors

BOARD of SUPERVISORS



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

## MEMORANDUM

TO: Mohammed Nuru, Director, Public Works  
Todd Rufo, Director, Office of Economic and Workforce Development  
Harlan Kelly, Jr., General Manager, Public Utilities Commission  
Elaine Forbes, Executive Director, Port of San Francisco  
Naomi Kelly, City Administrator, Office of the City Administrator  
Ed Reiskin, Executive Director, Municipal Transportation Agency

FROM: Linda Wong, Assistant Clerk, Budget and Finance Sub-Committee

DATE: May 2, 2017

SUBJECT: LEGISLATION INTRODUCED

---

The Board of Supervisors' Budget and Finance Sub-Committee has received the following substitute legislation:

**File No. 170205**

**Ordinance amending the Administrative Code to require a citywide project labor agreement applicable to certain public work or improvement projects with projected costs over \$1,000,000 or where delay in completing the project may interrupt or delay services or use of facilities that are important to the City's essential operations or infrastructure.**

If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Jennifer Blot, Public Works  
John Thomas, Public Works  
Ken Rich, Office of Economic and Workforce Development  
Lisa Pagan, Office of Economic and Workforce Development  
Juliet Ellis, Public Utilities Commission  
Daley Dunham, Port of San Francisco  
Janet Martinsen, Municipal Transportation Agency  
Kate Breen, Municipal Transportation Agency  
Dillon Auyoung, Municipal Transportation Agency

BOARD of SUPERVISORS



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

## MEMORANDUM

TO: Mohammed Nuru, Director, Public Works  
Todd Rufo, Director, Office of Economic and Workforce Development  
Harlan Kelly, Jr., General Manager, Public Utilities Commission  
Elaine Forbes, Executive Director, Port of San Francisco  
Naomi Kelly, City Administrator, Office of the City Administrator  
Ed Reiskin, Executive Director, Municipal Transportation Agency

FROM: Linda Wong, Assistant Clerk, Budget and Finance Committee

DATE: March 15, 2017

SUBJECT: LEGISLATION INTRODUCED

---

The Board of Supervisors' Budget and Finance Committee has received the following proposed legislation:

**File No. 170205**

**Ordinance amending the Administrative Code to require a citywide project labor agreement applicable to certain public work or improvement projects with projected costs over \$1,000,000 or where delay in completing the project may interrupt or delay services or use of facilities that are important to the City's essential operations or infrastructure.**

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c: Jennifer Blot, Public Works  
John Thomas, Public Works  
Ken Rich, Office of Economic and Workforce Development  
Lisa Pagan, Office of Economic and Workforce Development  
Juliet Ellis, Public Utilities Commission  
Daley Dunham, Port of San Francisco  
Janet Martinsen, Municipal Transportation Agency  
Kate Breen, Municipal Transportation Agency  
Dillon Auyoung, Municipal Transportation Agency

## Wong, Linda (BOS)

---

**From:** Wong, Linda (BOS)  
**Sent:** Wednesday, March 15, 2017 3:11 PM  
**To:** Nuru, Mohammed (DPW); Rufo, Todd (ECN); Kelly, Jr, Harlan (PUC); Forbes, Elaine (PRT); Kelly, Naomi (ADM); Reiskin, Ed (MTA)  
**Cc:** Blot, Jennifer (DPW); Thomas, John (DPW); Rich, Ken (ECN); Pagan, Lisa (ECN); Ellis, Juliet (PUC); Dunham, Daley (PRT); 'Martinsen, Janet'; Breen, Kate (MTA); Auyoung, Dillon  
**Subject:** File No. 170205 - REFERRAL FROM BOARD OF SUPERVISORS (Budget & Finance Committee)  
**Attachments:** 170205.pdf

Good afternoon,

Attached is a referral for BOS File No. 170205, which is being sent to you for informational purposes. If you have any comments or reports to be included with the file, please respond to this email or forward them to me at the address listed below.

### **File No. 170205**

Ordinance amending the Administrative Code to require a citywide project labor agreement applicable to certain public work or improvement projects with projected costs over \$1,000,000 or where delay in completing the project may interrupt or delay services or use of facilities that are important to the City's essential operations or infrastructure.

Sincerely,  
Linda Wong  
Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244  
San Francisco, CA 94102-4689  
Phone: 415.554.7719 | Fax: (415) 554-5163  
[Linda.Wong@sfgov.org](mailto:Linda.Wong@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

**Please complete a Board of Supervisors Customer Service Satisfaction form by clicking [here](#).**

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## Wong, Linda (BOS)

---

**From:** Somera, Alisa (BOS)  
**Sent:** Thursday, June 15, 2017 6:09 PM  
**To:** Lopez, Barbara (BOS); Montejano, Jess (BOS); Wong, Linda (BOS)  
**Subject:** RE: File 170205: Administrative Code - Citywide Project Labor Agreement for Public Work or Improvement Projects

Linda... please process Sup. Kim's request for co-sponsorship.

Thank you.

*Alisa Somera*

Legislative Deputy Director  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102  
415.554.7711 direct | 415.554.5163 fax  
[alisa.somera@sfgov.org](mailto:alisa.somera@sfgov.org)

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From: Lopez, Barbara (BOS)
Sent: Thursday, June 15, 2017 5:39 PM
To: Montejano, Jess (BOS) <jess.montejano@sfgov.org>; Somera, Alisa (BOS) <alisa.somera@sfgov.org>
Subject: File 170205: Administrative Code - Citywide Project Labor Agreement for Public Work or Improvement Projects

Hi Jess,

Please kindly add our name as a co-sponsor to file 170205.

-Bobbi Lopez

President, District 5
BOARD of SUPERVISORS



*BoS-11, Aides, COB
Deputies, B&F Clerk, G&O Clerk
Mayor's Office, Dep. City Atty
City Hall*

1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-7630
Fax No. 554-7634
TDD/TTY No. 544-5227

London Breed

PRESIDENTIAL ACTION

Date: 5/17/18

To: Angela Calvillo, Clerk of the Board of Supervisors

Madam Clerk,
Pursuant to Board Rules, I am hereby:

Waiving 30-Day Rule (Board Rule No. 3.23)

File No. _____ (Primary Sponsor)

Title. _____

Transferring (Board Rule No 3.3)

File No. 170205 Farrell
(Primary Sponsor)

Title. Administrative Code - Citywide Project Labor Agreement for Public Work or Improvement Projects

From: Budget & Finance Sub Committee

To: Government Audit & Oversight Committee

Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor _____

Replacing Supervisor _____

For: _____ Meeting
(Date) (Committee)

London Breed, President
Board of Supervisors

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2018 MAY 17 AM 10:58
BY _____

Introduction Form

By a Member of the Board of Supervisors or the Mayor

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2017 APR 25 11:43
Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.

Sponsor(s):

Supervisor Mark Farrell

Subject:

Ordinance - Administrative Code - Citywide Project Labor Agreement for Public Work or Improvement Projects.

The text is listed below or attached:

Attached.

Signature of Sponsoring Supervisor: 

For Clerk's Use Only:

Introduction Form

By a Member of the Board of Supervisors or the Mayor

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2017 FEB 28 PM 4: 54

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
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Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.

Sponsor(s):

Supervisor Mark Farrell; Jeff Sheehy, Ahsha Safai, Malia Cohen, Hillary Ronen, Norman Yee

Subject:

Administrative Code - Citywide Project Labor Agreement for Public Work on Improvement Projects

The text is listed below or attached:

Attached.

Signature of Sponsoring Supervisor: 

For Clerk's Use Only: