

PERALTA COMMUNITY COLLEGE DISTRICT
Board of Trustees Agenda Report
For the Trustee Meeting Date of February 14, 2012

ITEM #

ITEM TITLE:

Consider Approval of Amendment No. 2 to the Agreement for PLA (Project Labor Agreement) Management Services, Davillier-Sloan, Inc

SPECIFIC BOARD ACTION REQUESTED:

Approval is requested for Amendment No. 2 to the agreement for PLA (Project Labor Agreement) Management Services with Davillier-Sloan, Inc. (DSI), in the not-to-exceed amount of \$72,000 for a one-year period (\$6,000 per month) from March 2012 through February 2013.

ITEM SUMMARY:

These administration services are required for the implementation, enforcement, management and operation of the District's Project Labor Agreement. The Board approved entering into an agreement with DSI at the meeting of March 23, 2010. DSI was selected through a formal Request for Qualifications process. The agreement was prepared for a one-year term, at a not-to-exceed fee of \$72,000. It was stipulated and noted in the Board report that the agreement could be extended for two additional one-year periods at the same fee based on a favorable annual performance review and Board of Trustees' approval. The first one-year extension, for the period of March 2011 through February 2012, was approved by the Board at the meeting of March 15, 2011. DSI has continued to perform satisfactorily, and it is recommended that the contract be extended for an additional one-year period.

SOURCE OF FUNDS (AND FISCAL/BUDGETARY IMPACT):

Measure A, as approved by the voters in Peralta's constituency and authorized under Resolution 05/06-45, Exhibit A-1, District-Wide Projects, "Classrooms and facilities to enhance the community outreach capabilities of the District among the numerous ethnic communities living and served by the District," and all bond projects under Measures A.

BACKGROUND/ANALYSIS:

Attached is the Proposal from DSI, including an Executive Summary of Services Proposed. At the Board of Trustees meeting of October 25, 2011, Vice Chancellor Ikhara and DSI presented an update on PLA/Local Hiring. A Performance Evaluation for services performed and deliverables attained is also attached.

DELIVERABLES/SCOPE OF WORK:

See attached Executive Summary of Services Proposed.

ANTICIPATED COMPLETION DATE:

This amendment will extend services through February 2013.

ALTERNATIVES/OPTIONS:

Not applicable.

EVALUATION AND RECOMMENDED ACTION:

Approval is recommended for Amendment No. 2 to the agreement for PLA (Project Labor Agreement) Management Services with Davillier-Sloan, Inc. (DSI), in the not-to-exceed amount of \$72,000 for a one-year period (\$6,000 per month) from March 2012 through February 2013.

OTHER DEPARTMENTS IMPACTED BY THIS ACTION (E.G. INFORMATION TECHNOLOGY):

YES _____ No X

COMMENTS:

No additional comments.

WHO WILL BE PRESENTING THIS ITEM AT THE BOARD MEETING? (VICE CHANCELLOR)

Vice Chancellor Ikhara

(*****Board contract approval is subject to negotiation and execution by the Chancellor.)

DOCUMENT PREPARED BY:

Prepared by: Dr. Sadiq B. Ikharo Date: February 2, 2012
Vice Chancellor for General Services

DOCUMENT PRESENTED AND APPROVED BY:

Presented and approved by: Dr. Sadiq B. Ikharo Date: February 2, 2012
Vice Chancellor for General Services

FINANCE DEPARTMENT REVIEW

Finance review required Finance review *not* required

If Finance review is required, determination is: Approved Not Approved

If not approved, please give reason: _____

Signature: _____
Ron Gerhard, Chief Financial Officer

GENERAL COUNSEL (Legality and Format/adherence to Education Codes):

Legal review required Legal review *not* required

If Legal review is required, determination is: Approved Not Approved

Signature: _____ Date: _____
General Counsel

CHANCELLOR'S OFFICE APPROVAL

Approved, and Place on Agenda Not Approved, but Place on Agenda

Signature: _____ Date: _____
Wise E. Allen, Chancellor



**Proposal to Provide Continuing
Consulting Services for
Project Labor Agreement Compliance
For
Peralta Community College District**

Submitted By



LABOR MANAGEMENT CONSULTANTS

DAVILLIER-SLOAN, INC.

1630 12TH STREET
OAKLAND, CA 94607
PHONE: (510) 835-7603
FAX: (510) 835-7613
WWW.DAVILLIER-SLOAN.COM

JANUARY 2012

Table of Contents

Letter of Interest	3
Executive Summary	5
Data Collection and Management	5
Workforce Development and Compliance Enforcement	6
Labor Relations Activities	6
Statement of Qualifications	8
References and Past Projects	10



LABOR MANAGEMENT CONSULTANTS

Letter of Interest

January 1, 2012

Dr. Sadiq Ikharo
Peralta Community College District
501 5th Avenue
Oakland, CA 94606

Subject: Request for Extension of Contract
Consulting Services for Project Labor Agreement Compliance

Dear Dr Ikharo:

Davillier-Sloan, Inc. (DSI) is pleased to submit its request for a one (1) year extension of the contract for a full range of program management services related to the Project Labor Agreement (PLA) for the Peralta Community College District (District). Based on our experience and knowledge of the program, in addition to, extensive experience in the industry, DSI is prepared to continue to provide labor relations and dispute resolution services, along with monitoring the innovative local hiring program. DSI is the only locally based firm with experience managing both traditional and non-traditional PLAs. Currently, DSI manages PLAs for the Oakland Unified School District, BART and the Port of Oakland. DSI co-managed the Vista College PLA for the District and is currently the manager of the District wide PLA, for which it was the lead negotiator. DSI has also been part of the team that managed a PLA for the San Diego County Water Authority. All of these PLAs contained provisions and goals for the hiring of local area residents. DSI is firmly committed to negotiating and managing PLAs that provide community benefits.

As needed, DSI will be supported in providing these services by outside consultants Bradford Coupe and Ed Manning. Mr. Coupe is Counsel in the Labor and Employment Law Group of Verrill Dana, LLP. The construction industry occupies a significant portion of Mr. Coupe's work, involving frequent negotiations with construction, local and international unions and with the Building and Construction Trade Department, AFL-CIO. For most of

the 1970s, he devoted more than half of his practice to the negotiation and administration of the PLA applied to the construction of the Trans-Alaska Pipeline. Mr. Coupe was part of the team that negotiated the ground breaking PLA for the Port of Oakland and assisted DSI in negotiating the District's PLA. Mr. Manning of E.F. Manning Consultants has extensive local experience, including but not limited to, the managing the Port of Oakland, the Oakland Unified School District and the San Francisco Public Utilities Commission PLAs. Mr. Manning and DSI work in association on the Port and OUSD PLAs. Mr. Manning provided support to DSI in negotiating the District's PLA. However, all work for this program will be the responsibility of DSI, which can be reached at:

1630 12th Street

Oakland, CA 94607

510-835-7603 (Telephone)

510-835-7613 (Fax)

info@davillier-sloan.com (Email)

Federal Tax ID number:

94-3206493

We look forward to continuing our relationship with the District and to providing collaborative, user friendly and cost efficient services. If you have any questions about our proposal or qualifications, please do not hesitate to contact me.

Sincerely,

Jake Sloan,

Executive Summary Of Services Proposed

DSI proposes to provide the following services to assure the efficient operation and administration of the Peralta Community College District (District) Project Labor Agreement (PLA), which is hereby incorporated by reference.

DSI firmly believes that the District's Project Labor Agreement can serve as a catalyst for not only stimulating local employment but also serve as a vehicle for maintaining sound and cooperative labor relations and to ensuring project labor stability. To this end, DSI anticipates providing the following services in support of this objective.

DATA COLLECTION AND MANAGEMENT

1. Certified payrolls will be used to monitor compliance with the goals for local hiring contained in the PLA. As certified payrolls are received, they will be reviewed to determine if the required data and fields are completed. If DSI discovers missing or incomplete information, the contractor will be notified in writing to correct the problem. Once the payrolls are deemed acceptable, they will be logged into a local hire database, reviewed and reports will be generated on a weekly basis, monthly or as needed basis.
2. All apprentices listed on the certified payroll reports will be verified to ensure that they are registered and approved by the State of California Division of Apprenticeship Standards. The status of each state approved apprentice will be maintained in the system for the accuracy of the local hire reports.
3. On a monthly basis, DSI will perform a detailed audit to ensure that the contractors have submitted all certified payroll reports and required PLA forms. Notices requesting missing documents will be distributed to the affected contractors.
4. The reporting system will be updated with new project, contractor and worker information, as received. As directed and needed, DSI will modify and develop new local hire reports.
5. DSI will collect the Letter of Assent (LOA) from all contractors performing work on the projects. The LOA will be tracked in the system and monthly reports will be generated and provided to the

appropriate persons. If a contractor has not submitted the signed LOA, the District will be advised to withhold payments as appropriate.

WORKFORCE DEVELOPMENT AND COMPLIANCE ENFORCEMENT

1. DSI will conduct project site visits, as needed, to confer with contractors about the ratio of projected local hiring status and to compare what is on site with what is submitted in certified payrolls.
2. DSI will work with participating contractors involved in project work who may be having local hire problems to secure local residents and local apprentices. The cities of Alameda, Albany, Berkeley, Emeryville, Oakland and Piedmont will be considered the local area for the District. In this regard, DSI will coordinate with the relevant craft union and apprenticeship program to secure the worker dispatches.
3. DSI will make participating contractors aware of the community-based organizations that are involved in pre-apprenticeship training and the provision of supportive services as potential hiring resources. Local community organizations that can provide contractor assistance may include, but not limited to, the Cypress Mandela/Women in Skilled Trades Pre-Apprenticeship Program, Youth Employment Partnership, Men of Valor Program, TradesWomen, Inc. and the Allen J Temple Alfred Smith Training Center.
4. DSI will work closely with the unions and the District construction training related programs to make staff and students aware of opportunities and requirements for careers in construction.
5. DSI will work closely with the unions to use District students and graduates as a first source for recruiting and indenturing new apprentices.
6. When there is apparent non-compliance, DSI will request a meeting with the contractor(s) in apparent non-compliance to discuss issues and agree on a resolution plan to increase local hiring either on District and non-District projects for local hiring.
7. Contractors who ignore meeting requests and or do not meet the resolution plan will either be referred to the Social Justice Committee, to the District or directly to arbitration.

LABOR RELATIONS ACTIVITIES

1. DSI will coordinate with the participating contractors for the scheduling of pre-job meetings prior to the initiation of project activity. The pre-job meetings will serve as the venue for which contractors will be further acquainted with the provisions of the PLA and in which union work jurisdictional claims will be made and potentially resolved. Additionally, the contractor will have the opportunity to interact with crafts about the dispatch of skilled workers to his particular project.

2. DSI will work with the District and various unions to process grievances through the PLA's established and standardized dispute resolution procedures. Craft jurisdiction remains a key interest of labor but disputes can be resolved away from the construction projects, thereby insuring no work disruptions.
3. DSI will work with the unions to ensure the dispatch of skilled workers needed to ensure sound and on time construction of District's projects.
4. DSI will work closely with non-union contractors working under the PLA to ensure that those contractors will be able to use both their "core" employees and to integrate skilled union members into their work crews.

DISTRICT RELATIONS/MEETINGS

1. DSI will attend the pre bid meetings for all PLA covered projects and explain the PLA provisions for contractors in attendance.
2. DSI will regularly attend District Project Manager meetings, as needed or directed.
3. DSI will participate in District's Construction training programs and Advisory Committees, as requested or directed.
4. DSI will schedule, chair and record minutes of all meetings scheduled to address issues related to local hiring.
5. DSI will attend progress meetings with District, as requested or required.

REPORTING

1. DSI will make weekly, monthly and as needed reports on the progress of local hiring to the District project manager and the contractor project manager or superintendent.
2. DSI will provide monthly and special reports as requested on local hiring, social justice and related issues to District management.
3. DSI will provide payment verification letter compliance with submitting the LOA, as requested or needed.
4. DSI will, as requested, make special reports to the District's Board and Bond Oversight Committee on the overall progress and status of the PLA.

Statement of Qualifications

DSI has extensive experience in negotiating and administering Project Labor Agreements (PLAs) and with related Labor Compliance Programs (LCPs). In addition to the traditional PLA components, such as prohibition of strikes, work stoppages and lockouts, DSI's particular area of expertise is negotiating and administering PLAs that contain provisions for maximizing the hiring of local workers and the utilization of local area businesses. For more than 10 years, DSI has been at the cutting edge in working independently or on teams to negotiate and manage innovative PLAs that maximize community benefits: The services have included but not been limited to:

- Full service negotiations representing public agencies for major programs and projects
- Presenting PLA requirements at pre-bid, pre-construction, and pre-job meetings
- Monitoring and reporting on compliance with any local hiring program goals
- Dispute Resolution
- Establishing and chairing related working committees
- Establishing and administering related Trust Funds, as applicable

For all of these PLAs (see project descriptions below), DSI has had either full management responsibility or responsibility for managing the local hiring components. For all, DSI has had full responsibility for data collection and management for assuring compliance with local hiring goals.

As an example of DSI data collection and management approach, over the last few years, DSI has worked with West Contra Costa Unified School District to increase local hiring and local business participation. DSI has put in place electronic systems and databases to facilitate efficient tracking of certified payroll report and Labor Compliance Program related documents. The database generates a variety of reports based on our clients needs. For example, a local hiring report is submitted on a weekly basis to the general contractor and district's program manager detailing which projects are in

compliance with the local hiring goals. In order to help the contractor achieve the District's goals, DSI has developed a database of local workers and business available, capable and willing to perform work on the district projects.

As an organization or as individual staff and consultants, DSI has more the 30 years experience in working with the Alameda, Contra Costa and San Francisco Building Trades Councils and their affiliates.

Project Assignments:

- Jake Sloan, Principal in Charge
- Gene Johnson, Project Manager
- Maribel Alejandre, Analyst
- Shanika Ratcliff, Analyst
- Bradford Coupe, Outside Legal Counsel
- Ed Manning, Outside Labor Consultant

References and Past Projects

OAKLAND UNIFIED SCHOOL DISTRICT – MODERNIZATION PROGRAM

DSI is the administrator for the Oakland Unified School District Project Labor Agreement (PLA), covering more than \$500 million in school modernization projects. This is an innovative PLA that includes a Social Justice Program focused on the hiring of local residents. DSI is responsible for managing the Social Justice Program and assisting the District in monitoring prevailing wages on an as needed basis. Monitoring the utilization of local resident apprentices is an important element of the program.

Larry Bridges, Division of Facilities, Planning and Management
Oakland Unified School District
955 High Street, Oakland, CA 94601
Phone: (510) 879-8387
Email: larry.bridges@secmail.ousd.k12.ca.us

PORT OF OAKLAND – MARITIME AND AVIATION PROJECT LABOR AGREEMENT

In association with Parsons Constructors Inc., DSI negotiated and is administering a PLA for the Port of Oakland, covering over \$1 billion in construction for more than 180 projects. This is an innovative PLA that includes a Social Justice Program focused on the hiring of local area residents. DSI is responsible for managing the Social Justice Program and assisting the Port in monitoring prevailing wages on an as needed basis. Monitoring the utilization of local resident apprentices is an important element of the program. DSI co-chairs a Trust Fund established to provide financial support for local area pre-apprenticeship and related programs.

Chris Chan, Engineering Administration
Port of Oakland
530 Water Street, Oakland, CA 94607
Phone: (510) 627-1331
Email: cchan@portoakland.com

SAN DIEGO COUNTY WATER AUTHORITY – OLIVENHEIM DAM PROJECT

As a sub-consultant to Parsons Constructors Inc., DSI negotiated and administered a PLA for the San Diego County Water Authority's \$1 billion Olivenheim Dam project. DSI was responsible for managing a local hiring program and periodically monitoring prevailing manages on an as needed basis.

Ed Manning, President
E.F. Manning Consultants, Inc.
Phone: (510) 867-7477
Email: ed@efmanningconsultants.com

Professional Services

PROFESSIONAL SERVICES PERFORMANCE EVALUATION FORM

To be completed by College President and Business Manager for consideration of contract renewal.

Location District BCC COA Laney Merritt

Vendor B-G Consult

ICC # 14225 Exp 6/30/12

Vendor Number 725808

Date: _____

CONTRACT INFORMATION

Contract Title	Capital Projects Bond Program Consultant
Funding	Measure A
Term of Performance	July 1, 2011 thru June 30, 2012
Vendor's key personnel	

Original contract amount	78,500
Amendments	----
Change Orders and Percentages (%)	----
Final contract amount	78,500

SCHEDULE & BUDGET – Did vendor meet realistic schedules and was deliverables within budget? Yes No (Explain)

PERFORMANCE RATING SCORE

Provide a score for each criteria with 5 being the highest and 1 the lowest.

1 = Outstanding 2 = Great 3 = Good 4 = Improvement Needed 5 = Unacceptable

Work performed in compliance with contract terms, scope of work and Peralta's expectations	3
Deliverables provided, as required	2
Staff availability and accessibility	2
Staff professionalism	2
Customer service	3
Verbal Communication – understood directions and instructions clearly	3
Prompt and effective correction of situations and conditions	3
Documentation records, receipts, invoices and computer generated reports received in a timely manner and in compliance with contract specifications	2
TOTAL SCORE:	20

OVERALL PERFORMANCE: Outstanding Great Good Improvement Needed Unacceptable

Professional Services



Peralta Community College District, Department of General Services
(510) 466-7346 • sikharo@peralta.edu

Would you recommend this Vendor again? Yes No (Explain)

Deliverables –Contract deliverables were met? Yes No (Explain)

COMMENTS

Please provide on a summary or any unusual circumstances affecting this consultant's performance. (Include extra sheets if, necessary.)

Consult has contributed to working with finance in balancing the capital projects construction budgets.

Please provide on overall performance summary. (Include extra sheets if, necessary.)

Consultant assisted with Measure A budget resolution between Finance and the Department of General Services. Overall performance is great.

SIGNATURE

Sadiq B. Ikharo

Signature

Dr. Sadiq B. Ikharo

Print Name

Vice Chancellor

Title

January 31, 2012

Date

510-466-7336

Phone