

PERALTA COMMUNITY COLLEGE DISTRICT
Board of Trustees Agenda Report
For the Trustee Meeting Date of February 26, 2012

ITEM #

ITEM TITLE:

Consider Approval of Amendment No. 3 to the Agreement for Project Labor Agreement (PLA) Management Services with Davillier-Sloan, Inc. (DSI)

SPECIFIC BOARD ACTION REQUESTED:

Approval is requested for Amendment No. 3 to the agreement for Project Labor Agreement (PLA) Management Services with Davillier-Sloan, Inc. (DSI), in the not-to-exceed amount of \$40,000 for the period of March 1, 2013 through February 28, 2014

ITEM SUMMARY:

Under this Amendment No. 3, DSI, a labor management consultant will continue to provide a full range of services related to the Project Labor Agreement (PLA) for the District with a main concentration on local hiring. Further, DSI will provide comprehensive labor relations and dispute resolution services. DSI will use outside consultants, Bradford Coupe and Ed Manning, on an as needed basis to support their services. This third one-year extension in the not-to-exceed amount of \$40,000 for a one-year period would cost \$3,333.33 per month.

DSI will provide the following services to assure the efficient operation and administration of the District's Project Labor Agreement:

- Complete data collection management will include:
 - Using certified payrolls to monitor compliance with the goals for local hiring and performing a detailed audit to ensure that contractors have submitted all certified payroll reports and PLA forms
 - Verifying all apprentices on certified payroll reports to ensure that they are registered and approved by the State of California Apprenticeship Standards
- Conduct workforce development and compliance enforcement will include:
 - Conducting project site visits, working with participating contractors involve in project work, and informing participating contractors of community based organizations involved in training
 - Working with the unions and District to make staff and students aware of opportunities and requirements and meeting with contractor(s) to discuss issues and resolution plan for non-compliance
- Coordinate labor relations activities will include:
 - Communicating with contractor(s) on schedules and collaborating with the District and various unions to process grievances

- Working with unions to ensure the dispatch of skilled workers, and using non-union contractors , “core” employees, and skilled union members
- Participate in District relations and attend meetings will include:
 - Attending pre-bid meetings for all PLA covered projects and District Project Manager meetings as needed
 - Participating in District’s Construction training programs and Advisory Committees as directed, scheduling meetings and recording meeting minutes, and attending progress meetings with the District as requested.
- Report progress of local hiring to the District will include:
 - Providing weekly, monthly, and related reports on the progress of local hiring to the District Vice Chancellor for General Services and the contractor project manager
 - Presenting monthly and special reports to the District management on social justice and related issues as requested
 - Making annual special reports to the Administration, District’s Board of Trustees, and Bond Oversight Committee on the progress and status of the PLA

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, Berkeley City College, “Science Lab upgrades,” “Remodeling classroom space,” and “Equipment, technology upgrades and facility and classroom improvements for the college’s following programs and proposed programs: American Sign Language, Biotechnology, Business, Computer Information Systems, Disaster Preparedness, Fine and Applied Arts, Global Studies, International Trade, Multimedia Arts, Social Services Paraprofessional, Travel and Tourism Industry, Foundations (Basic Skills), Network Administration, Teacher Preparation, International Studies and High School Honor’s Courses (Advanced Placement)

BACKGROUND/ANALYSIS:

The Board approved entering into an agreement with DSI at the meeting of March 23, 2010. 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. The second one-year extension, for the period of March 2012 through February 2013, was approved by the Board on February 14, 2012, in the not-to-exceed amount of \$72,000 for a one-year period (\$6,000 per month). DSI has continued to perform their work satisfactorily and it is recommended that this amendment be extended for an additional one-year period.

DELIVERABLES/SCOPE OF WORK:

Under this Amendment No. 3, DSI will provide the following services as outlined in their proposal dated February 12, 2013:

- Complete data collection management
- Conduct workforce development and compliance enforcement
- Coordinate labor relations activities

- Participate in District relations and attend meetings
- Report progress of local hiring to the District

ANTICIPATED COMPLETION DATE:

February 13, 2014

ALTERNATIVES/OPTIONS:

There is no responsible alternative to the approval of this Amendment No. 3.

EVALUATION AND RECOMMENDED ACTION:

Approval is recommended for Amendment No. 3 to the agreement for Project Labor Agreement (PLA) Management services, in the amount of \$40,000.

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 Ikhara

DID A BOARD STANDING COMMITTEE RECOMMEND THE ITEM? YES _____ No X

IF "YES", PLEASE INCLUDE THAT INFORMATION IN YOUR SUMMARY.

DOCUMENT PREPARED BY:

Prepared by: Dr. Sadiq B. Ikharo Date: Feb. 14, 2013
Vice Chancellor of General Services

DOCUMENT PRESENTED AND APPROVED BY:

Presented and approved by: Dr. Sadiq B. Ikharo Date: Feb. 14, 2013
Vice Chancellor of 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: _____ Date: _____
Ron Gerhard, Vice Chancellor for Finance and Administration

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: _____
Thuy Thi Nguyen, General Counsel

CHANCELLOR'S OFFICE APPROVAL

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

Signature: _____ Date: _____
Dr. José M. Ortiz, Chancellor



DAVILLIER-SLOAN, INC.
LABOR MANAGEMENT CONSULTANTS



February 12, 2013

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

Subject: Proposal to Provide Professional Project Labor Agreement Services

Dear Dr. Ikharo:

Davillier-Sloan, Inc. (DSI) proposes to continue to provide a full range of services related to the Project Labor Agreement (PLA) for the Peralta Community College District (District) with a primary focus on local hiring. In addition, DSI will provide a full range of labor relations and dispute resolution services, based on extensive experience in the construction industry. As needed, DSI will be supported in providing these services by outside consultants Bradford Coupe and Ed Manning. Details of the proposed scope of work are attached. We propose to provide these services for a fee not to exceed \$40,000 for the period of March 1, 2013 through February 28, 2014.

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,
President

CC: Charles Neal, PCCD



**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

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FAX: (510) 835-7613

WWW.DAVILLIER-SLOAN.COM

NOVEMBER 2012

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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 Davillier-Sloan, Inc

ICC # _____

Vendor Number _____

Date: Feb. 13, 2013

CONTRACT INFORMATION

Contract Title	Project Labor Agreement Management
Funding	Measure A
Term of Performance	Annual
Vendor's key personnel	Jake Sloan

Original contract amount	\$72,000
Amendments	\$40,000
Change Orders and Percentages (%)	None
Final contract amount	\$112,000

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.

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

Work performed in compliance with contract terms, scope of work and Peralta's expectations	4
Deliverables provided, as required	3
Staff availability and accessibility	4
Staff professionalism	4
Customer service	4
Verbal Communication – understood directions and instructions clearly	4
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	4
TOTAL SCORE:	30

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.)

Need to enforce Apprenticeship Program to train students

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

APPROVAL SIGNATURES

1. Project Manager

X

Signature

Date

Print Name

Phone

2. Director of Capital Projects

X

Signature

Date

Johnnie Fudge

510 466-7213

Print Name

Phone

3. Vice Chancellor of General Services

X

Signature

Date

Dr. Sadiq B. Ikharo

510 466-7336

Print Name

Phone