

PERALTA COMMUNITY COLLEGE DISTRICT
Board of Trustees Agenda Report
For the Trustee Meeting Date of March 25, 2014

ITEM TITLE:

Consider Approval of Amendment No. 4 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. 4 to the agreement for Project Labor Agreement (PLA) Management Services with Davillier-Sloan, Inc. (DSI), in the not-to-exceed amount of \$42,000, for the period of March 1, 2014 to February 28, 2015.

ITEM SUMMARY:

Under this Amendment, DSI will continue to provide a full range of services related to the Project Labor Agreement (PLA) for the District. DSI will provide comprehensive labor relations and dispute resolution services with main emphasis on local hiring. The company will use outside consultants, Bradford Coupe and Ed Manning, on an as needed basis to support their services. This extension is for one year in the amount not-to-exceed \$42,000. DSI has continued to perform their work satisfactorily and it is recommended that this amendment be extended for an additional one-year period.

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

- Complete data collection management;
- Conduct workforce development and compliance enforcement;
- Coordinate labor relations activities;
- Participate in District relations and attend meetings; and
- Report progress of local hiring to the District.

This is the fifth and final year that the vendor may continue this contract for services with the District. In compliance with the Education Code Section 81644 and the District's Administrative Procedures 6340, a vendor may only continue a contract for services not to exceed five (5) years. As required by California Public Contract Code Sections 20651-20660 and Board Policy 6330, the District will solicit for a new Request for Proposal (RFP) to procure this services at the expiration of this contract period.

Jake Sloan is the President of DSI; the business is located in Oakland, California. The Chancellor recommends approval.

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 of Trustees approved entering into an agreement with DSI at the meeting of March 23, 2010. Thereafter, the Board of Trustees approved the following contract extensions to the original agreement:

- \$72,000 for Amendment No. 1 for the period of March 2011 through February 2012, approved on March 15, 2011;
- \$72,000 for Amendment No. 2 for the period of March 2012 through February 2013, approved on February 14, 2012;
- \$40,000 for Amendment No. 3 for the period of March 1, 2013 to February 28, 2014, approved on February 28, 2013;
- Including this Amendment No. 4, their service contract to date will be \$258,000 for all contracts.

DELIVERABLES AND SCOPE OF WORK:

Under this Amendment No. 4, DSI will provide the services outlined in the Item Summary and in their proposal dated March 3, 2014.

ANTICIPATED COMPLETION DATE:

This contractual extension will end in February 28, 2015.

ALTERNATIVES/OPTIONS:

Not Applicable

EVALUATION AND RECOMMENDED ACTION:

Approval is recommended for Amendment No. 4 to the original agreement for Project Labor Agreement (PLA) Management services.

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 Ikharo

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

DOCUMENT PREPARED BY:

Prepared by: Dr. Sadiq B. Ikharo
Vice Chancellor of General Services

Date: March 12, 2014

DOCUMENT PRESENTED AND APPROVED BY:

Presented and approved by: Dr. Sadiq B. Ikharo
Vice Chancellor of General Services

Date: March 12, 2014

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: Susan Rinne
Susan Rinne, Interim Vice Chancellor for Finance and Administration

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

Legal review required Legal review *not* required

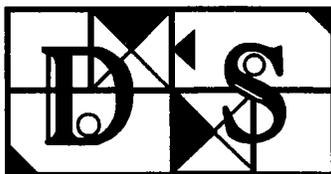
If Legal review is required, determination is: Approved Not Approved

Signature: Thuy Thi Nguyen
Thuy Thi Nguyen, General Counsel

CHANCELLOR'S OFFICE APPROVAL

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

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



DAVILLIER-SLOAN
Labor Management Consultants

Date: March 3, 2014
To: Dr. Sadiq Ikharo, Peralta Community College District (The District)
From: Jake Sloan, Davillier-Sloan, Inc. (DSI)
Subject: Proposal to Update Certain Provisions of the Project Labor Agreement

Background:

In July, 2009, DSI, working as agent of The District, completed the negotiation of a Project Labor Agreement (PLA) with the Alameda County Building and Construction Trades Council (BTC). The result was a PLA with both traditional and non-traditional components. The traditional components included project stability in the form of no strike no lock-out provisions and the commitment of BTC to provide a skilled and well trained workforce. The non-traditional “community benefits” or “capacity building” provisions were, specifically, goals for the hiring of local residents from The District’s service area. The goals were:

- That at least 50% of all the hours worked on PLA covered projects would be worked by residents of The District services area; and
- That at least 20% of all the hours worked on PLA covered projects would be worked by apprentices; and
- That 100% of the apprentice hours worked on PLA covered projects would be worked by residents of The District’s service area.

All the goals were to be met by the participating contractors making a good faith effort as described in the PLA and using the normal union hiring hall procedures, if the local workers were “available, capable and willing to work on PLA covered projects”. One of the key words here is available.

Performance to date:

- Project stability has been maintained. There have been no strikes, work slow-downs or lock-outs since the PLA was adopted. In addition, all disputes/grievances have been resolved at the lowest level possible and none have gone to official arbitration.
- The local hiring goals have not been met. Over the course of the implementation of the PLA, local residents have worked 28% of all hours worked; apprentices have worked

17% of all hours worked; and **local apprentices have worked 6% of all hours worked and 33% of the total apprentice hours worked.**

Analysis:

There is an issue of current local capacity to supply adequate numbers of residents to meet the established goals. There are several other agencies that have negotiated PLAs with essentially the same goals for local hiring as The District. For example, the Bay Area Rapid Transit District, the Port of Oakland and the Oakland Unified School District all have goals of 50% and 20%, as does the City of Oakland. Other cities in Alameda County also have negotiated PLAs with local hiring goals. **There simply are not enough construction union workers living in Alameda County to allow the contractors to meet all the local hiring goals established by the various cities and agencies.** With BTC cooperation, this could provide an opportunity to increase the number of local residents in the construction trades over time.

Also, some adjustments should be made at the committee level to make the process more effective. Currently, the committee structure is either inadequate or too cumbersome and requires volunteer citizen or professional participation that is not always available.

The District should be aware that BTC desires to change the “core worker” language in the existing PLA to allow **only** local residents to be counted in the five (5) that are currently allowed to work without becoming a member of the various unions

All three of the issues identified above can be addressed by meeting with BTC to either negotiate a new PLA or a Side Letter to augment what has already been negotiated.

Recommendations

1. Local Hiring - Since it has proven to be very difficult and nearly impossible to reach the local hiring goals, the best long term method for increasing the participation of local residents to focus on increasing the number of local apprentices. DSI recommends insisting that the unions directly place the District’s construction related program or academy graduates in union apprenticeship programs, along with The District’s student who may be enrolled in other pre-apprenticeship programs such as the Cypress Mandela Training Center.

The BTC may agree that the focus of local hiring will be on increasing the number of apprentices through the “direct placement” of new apprentices and that there will be a focus on graduates of any District construction related programs or academies. We recommend that The District negotiate specific language. We suggest language to be negotiated such as the following:

- a. For each PLA covered project, the contractors will be responsible to ensure that it and/or its subcontractors hire at least one (1) new apprentice for the first \$1 million of construction value and for each succeeding \$5 million of construction contract value, the contractors and/or their subcontractors will be required to hire at least one (1) additional new apprentice to be provided by the Unions. All such apprentices should be graduates of any construction related programs at Laney College or Laney graduates who have completed pre-apprenticeship training at

programs with a known and successful track record of apprentice placement into jobs. All the pre-apprenticeship program graduates must be residents of The District service area.

- b. Contractors will be required to prove a good faith effort was made to maximize the project work hours for the new hire apprentices, and shall report those hours to a newly formed Joint Administrative Committee (JAC), as described below, which will evaluate those good faith efforts.
- c. Each Signatory Union will be responsible for dispatching/referring such local resident apprentices to the contractor if they are available, capable and willing to work on the covered projects. No one trade can be used to satisfy the goal by the provision of more than two (2) such first stage apprentices, unless required by the nature of the work and or agreed upon by the JAC.
- d. The Signatory Unions and contractors shall exercise, to the extent of their authority, their best efforts to recruit apprenticeship program applicants from local residents. Further, for apprentices hired, there will be no limitation on where such apprentices will work subsequent to being hired for the covered projects. Contractors will be allowed to receive credit when utilizing apprentices for non-Project work during the life of the covered project, regardless of the location of the work.
- e. The contractor shall request dispatch of apprentices in writing from the local Unions and/or Joint Apprenticeship Training Committee in which the contractor participates. Copies of the written requests shall be provided to the District PLA Manager within ten (10) days of request by the District PLA Manager. The Unions shall honor all contractor dispatch requests for such apprentices.

2. Committees:

- a. Joint Administrative Committee - Currently, there is no provision in the PLA for a JAC, which have proven to be productive in other Alameda County PLAs. The JAC would assist The District in reviewing the implementation of the PLA and the progress of the projects in traditional and non-traditional areas.

The BTC has indicated a willingness to agree to establish a six (6) person JAC. This committee shall be comprised of two (2) representatives selected by the District, two (2) representatives selected by the Union(s), one (1) contractor representative and one (1) community representative to be approved by mutual agreement. Each representative would designate an alternate who shall serve in his or her absence. The JAC shall meet as required to review compliance with PLA policies including but not limited to local hire and grievance issues.

- b. Social Justice/Local Hire Committee - Currently, the PLA has two committees: the current Social Justice/Local Hiring Committee (SJ/LHC) and a Grievance Committee. SJ/LHC composition is eleven (11) members and the Grievance Committee is four (4) members. It has proven to be very difficult and nearly impossible to find enough qualified and willing people to serve on both

committees. To remedy this, the current SJ/LHC and Grievance Committee could be folded into the JAC and become two subcommittees of the JAC, if needed, each with smaller composition.

The BTC has indicated a willingness to agree that the JAC would also serve as the SJ/LHC and Grievance Committee. The BTC will also agree that two separate subcommittees would be formed, as needed. One subcommittee would review and hear traditional labor/management related issues and the other subcommittee would review and hear local hire issues.

The composition of the grievance subcommittee would be one (1) representative from labor, one (1) representative from District and one (1) representative from The District's PLA Manager. Similarly to the SJ/LHC Committee structure, the subcommittee representatives would be approved by mutual agreement.

The composition of the local hire subcommittee would be one (1) representative from labor, one (1) representative from management and one (1) representative from a Community Based Organization. The District shall evaluate and select a community representative with related experience. Similarly to the SJ/LHC Committee structure, the subcommittee representatives would be approved by mutual agreement.

3. Core Workers:

The BTC believes local hiring could be encouraged by including residency as criteria for core worker. They believe this will assure that local contractors are also employing local core workers. BTC wishes to redefine the definition of a core worker with the following five criteria. A core worker will be defined as a contractor employee who:

- possesses any license and/or certifications required by the state or federal law for the project work to be performed;
- has worked at least one thousand hours in the construction craft during the prior three years
- was on the contractor's active payroll for at least sixty out of the one hundred and forty calendar days prior to the contract award;
- has the ability to perform safely the basic functions of the applicable trade and
- was a resident of the District's service area at least six months prior to the hire date that is Alameda, Albany, Berkeley, Emeryville, Oakland or Piedmont. DSI would recommend that The District consider such a change as a way of increasing the number of local workers on projects covered by the PLA.

4. Cost Proposal;

We propose to provide these services and ongoing PLA management services for \$3,500 per month, totaling \$42,000 for one year.

CAPITAL PROJECTS



DEPARTMENT OF GENERAL SERVICES—PROJECT EVALUATION FORM

Vendor: Davillier-Sloan

Vendor No.: _____

Date: March 17, 2014

This evaluation form is to be used by the Department of General Services and external Project Managers and Construction Managers to evaluate all projects including Consultants contracts.

The Department of General Services recognizes that Consultant cannot improve or sustain good performance without project-specific constructive feedback. This evaluation is to provide constructive feedback and will be kept on file for review for future consultant selection.

Interim evaluations are used to give timely performance feedback, and allows opportunity for performance modification to ensure the project's success.

Final evaluation is used for future Consultant selection, and helps the District's General Services Department develop and hire the best possible firms.

PROJECT INFORMATION

Project No:	<u> various </u>	Project Name:	<u> various </u>
Project Start Date:	<u> Various </u>	Location of Project:	<u> Various Locations </u>
% Complete: <u> :100 </u>			
Scope of Work: Monitor compliance and provide assistance with administration and compliance with the District Project Labor agreement.. Make site visits as required. Provide local Hire reports. Overall monthly reports and Step 2 grievance meetings as required.			
Type of Work:	<u> PLA Compliance </u>	Facilities Project Manager:	<u> Johnnie Fudge </u>
Firm Name:	<u> Davillier-Sloan </u>	Consultant Project Manager:	<u> </u>
Evaluation Date:	<u> March 17, 2014 </u>	Evaluation Type: (Check one)	<input type="checkbox"/> Interim or <input checked="" type="checkbox"/> Final

RATING SYSTEM DEFINITIONS

Scale	Rating Name	Rating Description
5	Outstanding	Deliverables exceed standards with minimal District General Service's direction; seeks opportunities for self-improvement; models, coaches and inspires excellent service; owns project problems and offers analysis of resolution options.
4	Great	Deliverables exceed standards with some District General Service's direction; frequently checks in on status of service and provides consistent quality service; identifies project problems in advance and offers timely alternative options.
3	Good	Deliverables meet standards with some District General Service's direction; provides expected service and quality checks required by the contract; helps to analyze and resolve problems as they occur.
2	Improvement Needed	A comment is required. Deliverables eventually meet minimum standards with frequent District General Service's coaching required; provides mediocre service, rarely checking for feedback; unaware of problems until discovery by others, then provides weak solution analysis.
1	Unacceptable	A comment is required. Deliverables are substandard even with frequent District General Service's coaching; rarely provides expected service and no quality service checks are evident; unaware of

CAPITAL PROJECTS

	problems until discovery by others, then unable to provide analysis or resolution options.
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GENERAL MANAGEMENT

Complete this section for all services

	Score	Comment
1) RESOURCES —Manages resources effectively including, sub-consultants, schedules meetings and provides progress reports, and milestones.	4	
2) QUALITY CONTROL —Provides quality control throughout the project. Follows the District's standards. Implements a quality control/assurance plan for the project.	4	
3) COMMUNICATION — Communicates effectively with the Project Team, Sub-consultants, Stakeholders, District Management, and at meetings.	4	
4) BUDGET —Manages budgets effectively. Brings projects in within budget. Reviews all invoices and makes sure proper scope of work is addressed on invoices, and submits invoices on time.	4	
5) MANAGEMENT —Manages the contract and modifications. Negotiates change orders in a fair collaborative and open manner.	4	
6) POLICY —Understands and conforms to the District's General Services policies, procedures, standards, manuals of instruction, and if applicable any State-Aid requirements.	4	
7) SCHEDULE —Develops and meets a realistic schedule for the project and scope of services.	4	
8) OPERATION —Reviews drawings/specifications and works with Project Manager to mitigate exposure to change orders. Understands the entire project scope and work to makes sure sub-consultants understand the scope.	4	
9) PROVIDES SOLUTIONS —Proposes innovative solutions to Design & Construction Challenges.	4	
10) TEAMWORK —Works effectively with project team members and stakeholders.	4	
TOTAL FOR GENERAL MANAGEMENT	40	

ENVIRONMENTAL SERVICES

Complete this section if this contract is for environmental services.

	Score	Comment
1) QUALITY —Prepares quality environmental documents.		
2) FOLLOWS THE LAW —Understands and conforms with state and local laws regarding environmental services.		
3) COLLEGE INVOLVEMENT —Involves the Colleges with regard to environmental issues. Makes sure Colleges are informed.		

CAPITAL PROJECTS

TOTAL FOR ENVIRONMENTAL SERVICES		
DESIGN SERVICE		
<i>Complete this section if this contract is for design services.</i>		
	<u>Score</u>	<u>Comment</u>
1) DESIGN PROCESS —Follows the District's General Services Design Process and is knowledgeable of Federal/State/Industry design standards.		
2) DESIGN GOALS —Design to the District's needs, and fulfills project mitigation commitments for any environmental, right of way, utility, etc. requirements.		
3) CONTENT SOLUTION —Design connect with the College values and the build environment. Design meets the Districts Standards.		
4) DELIVERABLES —Develops quality plans, specifications, estimates, reports, meeting minutes.		
5) INNOVATION —Delivers a product that effectively applies innovative solutions to project challenges within the project requirements (scope, schedule, and budget).		
6) OUTSIDE AGENCIES —Works effectively with State & Local Agencies.		
TOTAL FOR DESIGN SERVICES		

CONSTRUCTION ENGINEERING MANAGEMENT

Complete this section if this contract is for construction engineering management.

	<u>Score</u>	<u>Comment</u>
1) PARTNERS —Effectively partners with Contractor, District General Services, District Consultants (AOR, IOR), State (DSA), Local Agency, Utility Firms, and adjacent property owners to work solutions to Design & Construction Challenges.		
2) INSPECTION AND TESTING —Performs and documents in a timely manner quality materials testing and inspections consistent with District's General Services standards.		
3) OVERSIGHT —Ensures Contractors complies with the construction contract.		
4) WORKING ENVIRONMENT —Monitors and supports a SAFE work environment for project personnel and the public.		
5) CONTRACT ADMINISTRATION —Provides timely and accurate contract administration. Processes change orders, and payments on-time, reviews project documentation.		
6) CLOSEOUTS —Provides timely and accurate closeout process with state and local agencies.		
TOTAL FOR CONSTRUCTION ENGINEERING SERVICES		

CAPITAL PROJECTS

OVERALL EVALUATION COMMENTS/FEEDBACK

Director of Capital Projects Comments/Feedback:

Check One: Very Likely Likely Maybe Unlikely (Explain) Very Unlikely (Explain) _____

Facilities Project Manager Feedback:

How likely is it you will select this consultant for future projects?

Check One: Very Likely Likely Maybe Unlikely (Explain) Very Unlikely (Explain)

Consultant Project Manager Comments/Feedback:

Overall Evaluation Score:

APPROVAL SIGNATURES

1. Project Manager

X

Signature

Johnnie Fudge

Print Name

Date

Phone

2. Director of Capital Projects

X

Signature

Johnnie Fudge

Print Name

Date

510 466-7213

Phone

3. Vice Chancellor of General Services

X

Signature

Dr. Sadiq B. Ikharo

Print Name

Date

510 466-7336

Phone