




THE CITY OF SAN DIEGO

M E M O R A N D U M

DATE: November 15th, 2018

TO: Honorable Council President Cole and Members of the City Council

FROM: Patrick Bouteller, Director of Government Affairs 

SUBJECT: Pure Water San Diego – Proposed Construction Contract Requirements

On April 23rd, 2018, Council President Myrtle Cole and Councilmembers Bry, Ward, and Gomez sent a memo to Mayor Faulconer and City Attorney Mara Elliot outlining proposed job quality standards for the Pure Water Project. If Council wishes to include requirements related to job quality standards, the following conditions (specific to the contract(s) identified in parentheses) have been developed in consultation with various stakeholders and the City Attorney's Office.

We believe this framework balances the priorities outlined by City Councilmembers in the April 23rd memo along with the priorities of this administration. It is critical that we proceed with this world class water recycling project on-time, on-budget, and with maximum assistance in the form of resources from the state government and other agencies.

Skilled and Trained Workforce (all Pure Water construction contracts):

The Contractor and its subcontractors at every tier shall use a skilled and trained workforce to perform all work on the project or contract that falls within an apprenticeable occupation in the building and construction trades, as set forth in California Public Contract Code section 2601, including the exceptions in sections 2601(d)(5) and 2601(d)(6). Contractor shall provide to the City a report demonstrating compliance with this section on a monthly basis, to be included with monthly pay requests. The City may withhold progress payments or retention in accordance with California Public Contract Code section 2602(b) if the Contractor fails to provide the monthly report required by this section, provides a report that is incomplete, or provides a report that does not demonstrate compliance with this section. Payment may be withheld until the Contractor provides a plan to achieve substantial compliance with this section prior to completion of the contract, that is acceptable to the City, with respect to the relevant apprenticeable occupation.

This section references provisions of the California Public Contract Code for convenience only. The City is not electing to incorporate other provisions of Chapter

2.9 of the California Public Contract Code not referenced herein, including but not limited to provisions for State enforcement. Instead, failure to comply with this section is considered a material breach of this contract which could affect the Contractor's ability to perform future work for the City pursuant to Chapter 2, Article 2, Division 8 of the San Diego Municipal Code regarding debarment.

Joint Labor Management Apprenticeship Program (NCWRP expansion and AWTF):

Notwithstanding [the contract section requiring a skilled and trained workforce], all apprentices used on the Project shall be registered in Joint Labor Management Apprenticeship Programs approved by the State of California. Apprentices shall only be assigned to perform work of the craft or trade to which the apprentice is registered. In addition, apprentices employed on the Project must at all times work with or under the direct supervision of a qualified journey person who is a "graduate of an apprenticeship program," as defined in California Public Contract Code section 2601(c), in the same craft or trade. This section does not apply to apprentices employed by certified SLBE, ELBE, DVBE or federally certified SDVOSB, WBE, MBE or DBE firms awarded subcontracts of \$400,000 or less each. All Bidders shall submit documents with their bids demonstrating compliance with this section to the satisfaction of the City.

Specialty License Requirement (NCWRP expansion and AWTF):

All plumbing or pipefitting work that falls within the classification of a C-36 License shall be performed under a contract or subcontract with a contractor with a C-36 License. All electrical work that falls within the classification of a C-10 License shall be performed under a contract or subcontract with a contractor with a C-10 License.

Veterans (all Pure Water construction contracts)

Military veterans bring unique skills to City projects due to their mission-oriented training and experience, and dedication to the job. The City desires to facilitate the entry into the building and construction trades for veterans interested in careers in the industry. Within thirty (30) days after notice that it is the apparent low bidder, Contractor shall contact "Helmets to Hardhats" or "VA Veterans in Piping" on behalf of itself and its subcontractors, for potential job referrals and employment of veterans on the project. Contractor may contact other veterans programs in its discretion, but if neither of the above referenced programs are contacted, the Contractor must receive prior written approval from the City that it is an equivalent veterans program. Contacting multiple veterans programs is highly encouraged, but not required. Within ninety (90) days after issuance of a Notice to Proceed for construction of the project, Contractor shall provide the City with a written report detailing the veterans programs contacted, opportunities offered by the Contractor and its subcontractors, applications received and for what construction trades, and how many veterans were hired through the programs. Hiring veterans to work on the project is not mandatory, but information received from the Contractor may be used by the City in the future to develop a veterans outreach program for City contracting.