



**CITY OF
OAKLAND**

**COMMUNITY JOBS
OVERSIGHT COMMISSION**

AGENDA PACKET

**FOR THE MEETING TO BE HELD ON
NOVEMBER 20, 2014**

**6:00 PM TO 8:00 PM
HEARING ROOM 3
CITY HALL - 1 FRANK H OGAWA PLAZA
OAKLAND CA 94612**

City of Oakland
City Administrator's Office
Contracts and Compliance Division
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**CITY OF OAKLAND
COMMUNITY JOBS OVERSIGHT COMMISSION
Thursday, November 20, 2014
6:00 p.m. – 8:00 p.m.
Oakland City Hall - Hearing Room 3**



Commissioners: Brian Beveridge (Vice Chairperson), George Bolton, Shirley Burnell, Andreas Cluver, Josie Camacho, Margaret Gordon, Kate O'Hara, Mark Henderson (Chairperson), Jens Hillmer, Megan Morodomi, Joe Sarapochillo

Commission Staff: Deborah Barnes, Manager Contracts and Compliance Division, City Administrator's Office, Mary Mayberry, Administrative Services Manager I, Al Auletta, Workforce Development, Urban Strategies

City Attorney Staff: Julian Gross, Counsel to the City

MEETING AGENDA

1. Roll Call and Determination of Quorum
2. Open Forum
3. Review of Agenda Action Item
4. Consideration of the Minutes for the meeting held on September 18, 2014 and October 16, 2014 Action Item
5. Proposed Amendments for Construction Jobs Policy regarding West Oakland Hiring Preference Action Item
6. Suggestions and Feedback Procedures for the West Oakland Jobs Resource Center (WOJRC) Informational
7. Compliance Reports Informational
 - Contract Compliance Update Informational
 - Workforce Update Informational
 - Job Center Update Informational
8. Steps for Addressing Non-compliance with the Jobs Policy Informational
9. Proposed Solution for Counting Local Hire Hours earned by Lower Tier Subcontractors Action Item

AGENDA ITEM 4

Minutes for 9/18/14 & 10/16/14

COMMUNITY JOBS OVERSIGHT COMMISSION

Meeting Agenda and Minutes
Thursday, September 18, 2014
6:00 p.m. - 8:00 p.m.
Oakland City Hall Hearing Room 3

Present: Brian Beveridge, Andreas Cluver, Margaret Gordon, Mark Henderson, Jens Hilmer, Megan Morodomi, Kate O’Hara, Joe Sarapochillo

Absent: George Bolton, Shirley Burnell, Josie Camacho

Call to Order: By Chair Mark Henderson at 6:07pm

1. Roll Call and Determination of Quorum (Due to the lack of quorum, no official meeting held and no action items discussed)

Chair Henderson - We do not have a quorum present; our quorum is dependent not just on having a majority of commissioners present but having sufficient representation of each group that comprises our commission. We cannot discuss any action items, only informational items. (Compliance Reports)

2. Open Forum

No items brought to the floor under open forum

3. Review of Agenda

ACTION

No quorum present – Action items cannot be discussed or moved on

MOTION:

VOTE:

4. Consideration of Minutes of Meeting held on August 21, 2014

ACTION

No quorum present – Action items cannot be discussed or moved on

MOTION:

VOTE:

5. Consideration of West Oakland Hiring Practices

ACTION

No quorum present – Action items cannot be discussed or moved on

MOTION:

VOTE:

6. Grievance policy for West Oakland Jobs Center

ACTION

No quorum present – Action items cannot be discussed or moved on

MOTION:

VOTE:

7. Compliance Reports

i. Contract Compliance Update

- Summary of OAB Workforce Report – PowerPoint presentation by Vivian Inman

ii. Workforce Update

- Workforce Report by Craft – presented by Jonathan Dumas
- Local and Small Local Participation Report – presented by Shelley Darensburg

iii. Job Center Update

- West Oakland Job Resource Center Report – presented by Susie Suafai

8. Meeting Adjournment

ACTION

No quorum present – Action items cannot be discussed or moved on

Meeting adjourned at 6:53pm

COMMUNITY JOBS OVERSIGHT COMMISSION

Meeting Agenda and Minutes

Thursday, October 16, 2014

6:00 p.m. - 8:00 p.m.

Oakland City Hall Hearing Room 3

Present: Commissioners Brian Beveridge, George Bolton, Josie Camacho, Andreas Cluver, Margaret Gordon, Mark Henderson, Megan Morodomi, Kate O'Hara.

Absent: Commissioners Shirley Burnell, Jens Hillmer, Joe Sarapochillo

Call to Order: By Chair Henderson at 6:05pm

1. Roll Call and Determination of Quorum

Chair Henderson determined a quorum present

2. Open Forum

Henry Fullmore, Oakland Resident – I've been doing my own footwork. (Referring to construction site/shipyards project at Hunter's Point in San Francisco) I've never seen that many (African-Americans) at a construction site in my life. The community has come together with a commission similar to CJOC and forced 51% instead of 50%. They monitor twice a week (Tuesdays and Thursdays) to ensure everything is being implemented. The general contractors are obeying every by-law the city (San Francisco) has established for them. I would like to see the same action taken here (in Oakland) especially at the Oakland Army Base. I would suggest that funds be set aside for the purpose of monitoring (contractors' activities/compliance). I visited a project here in Oakland, and was very disturbed to find union and non-union workers working together. I find that very odd.

Chairperson Mark Henderson – Who is doing the monitoring (at the San Francisco Hunter's point project)? Fullmore – They are using a Job resource center and a church that's also involved in hiring. Chair Henderson – So their resource center has a component that includes monitoring? Fullmore – Yes. Chair Henderson – What was the Oakland site you visited that had both union and non-union workers? Fullmore – It was on 24th street right off Grant. Chair Henderson – is that site associated with the activities at Oakland Army base? Fullmore – No, I just wanted to bring that up.

Commissioner Gordon – The project he's referring to is the San Francisco building/construction trade ordinance that was passed within San Francisco city and county. It identifies prioritization for certain communities. Five communities have been identified by zip code for prioritization: Bayview/Hunter's point, Fillmore, Ocean View, Sunnydale, and Chinatown.

3. Review of Agenda

ACTION

MOTION: Moved by Camacho and seconded by O'Hara to approve the Agenda for the 10/16/2014 CJOC meeting.

VOTE: APPROVED UNANIMOUSLY

4. Consideration of Minutes of the Meetings held on August 21, 2014 and September 18, 2014

ACTION

Al Auletta (Workforce development) clarified that the commission could not approve the minutes from the 9/18/2014 CJOC meeting due to the lack of quorum at this meeting. Commission agreed to take action on the 8/21/2014 CJOC minutes only.

MOTION: Moved Beveridge and seconded by Morodomi to accept the minutes from the 8/21/2014 CJOC meeting.

VOTE: ACCEPTED UNANIMOUSLY. Minutes of 8/21/2014 CJOC meeting accepted.

5. Consideration of West Oakland Hiring Practices

ACTION

Chair Henderson: I would ask that either Commissioners Beveridge or Gordon refresh the committee on the history of this subject and why we are considering this issue.

Commissioner Beveridge: The notion of preferences for West Oakland as a neighborhood came out of (a few years of) discussions within the working group as the Jobs policy was being developed. Many perspectives on how to provide advantage to disadvantaged neighborhoods, urban areas, and zip codes came out of those discussions. There was an understanding on many fronts that West Oakland being right next to the port and army base had suffered a legacy of problems from those institutions and had also had a great loss of employment when the army and navy supply centers closed. Through the discussions, a consensus document agreed to by all the parties (involved was produced that basically addressed "How many things can we agree on?" prior to the drafting of the Jobs Policy. The document contained a variety of elements that did not make it through the process of drafting the agreements, and West Oakland representatives as well as West Oakland works had a priority hiring opportunity for the people of West Oakland as their top priority. It would require that a West Oakland resident be considered first for a job opportunity; only if a qualified West Oakland resident was not available would the search extend to the city of Oakland. That is the genesis of this notion, from a consensus document amongst all parties involved in discussions on job policies in Oakland.

Chair Henderson - Given how important (West Oakland hiring preferences) is to you, why did you sign the agreement? Beveridge – My feeling at the time was that without an agreement of any kind we had no legal standing at all. If you don't sign the agreement you have no right to complain about how it's being executed. Ultimately, we decided that having some legal standing was better than nothing. That is why we signed it.

Commissioner Gordon: As Commissioner Beveridge said, we had a consensus amongst ourselves in the working group of a list of things we wanted to see. Having the (West Oakland priority hiring opportunity) subtracted out of the Jobs Policy of a Corporate agreement is unacceptable given the history over the last twenty years of construction jobs not being given to communities like West Oakland. Chair Henderson – I'm hearing two different things being emphasized "African American" and "Zip Code". Gordon – I always used the term zip code when I brought up the issue in the meetings. I know that (based on) proposition 209 you cannot use race as a preference. Commissioner Cluver – Even if we all support having specific targets for West Oakland hiring I think we have (at least) two logistical problems: First, if we recommend that City Council make a change then City Council will have to go back to the developer and renegotiate that with them. The other problem we have is that most of the contracts have been let for the horizontal and you can't change those, the contractual relationships have been signed. Is this something that would be applicable in the vertical construction? Even so, that is something developer would have to agree to, the developer makes the ultimate decision (on whether or not to renegotiate agreements). The City cannot unilaterally change an aspect of that agreement.

Commissioner Morodomi: If we are considering adopting a recommendation to modify the vertical construction jobs policy I would like to table this action item because Prologis is not present; that particular policy impacts their construction of the warehouses; they have made a significant commitment to the project under certain assumptions which include the policies that govern their construction work. City Attorney Julian Gross - Any contracts can be amended if the parties to it agree. For the Operation Jobs Policy and Vertical Jobs Policy the parties that would need to agree to a change would be the City Council and the other party to the LDDA. Morodomi – I'm looking at the establishing ordinates and wondering if this particular function is in the purview of the commission? I don't see modification to policy stated anywhere. Chair Henderson – I would say that (the commission) is not here to modify but we are here to recommend. We are the voice of the people; if they feel this modification is necessary we can make the recommendation.

MOTION: Amended motion moved by Camacho and seconded by Gordon: The Community Jobs Oversight Commission recommends that City staff propose amendments to the

Construction Jobs Policies to provide preference for West Oakland residents, as is included in the Operations Jobs Policies, and present those proposed amendments to parties to relevant contracts; and upon request, to report back to the Community Jobs Oversight Commission, including presentation of language under construction.

VOTE: In Favor – 6 Votes: Beveridge, Bolton, Camacho, Cluver, Gordon, O’Hara. **Opposed: 1 Vote:** Morodomi. **Abstain – 1 Vote:** Henderson.

Proposed amended motion passed by majority.

6. Grievance policy for West Oakland Jobs Center

Auletta – We’re trying to set up a client feedback system so that people feel like they can express any concerns they may have in regards to the services they are receiving. Our new program Director Jolena Bonilla will help draft that feedback system/grievance policy. It’s really to get a sense of how our clients are feeling about the services they are getting and establishing steps for them to express any concerns they might have.

Cluver – does this commission have a role in the grievance policy or is that a separate policy to be handled outside the commission? Auletta – We are always open to feedback from the members of this commission, but I think this is more administrative, an operational matter for the West Oakland Job Resource Center.

Chair Henderson – We will have staff draft a document regarding the grievance policy to bring to next meeting as discussion item for review. Henry Fullmore – I suggest you draw up the grievance policy to include the (Oakland Army Base) construction site; the developers, contractors and sub-contractors.

7. Counting local hire hours earned by lower tier subs

Cliff Kunkel (Senior Project Manager, Joint venture design/build contract at OAB) – We have two policies within the city we are trying to comply with: the Jobs Policy and the Local Business Enterprise/Small Business Enterprise Program. As we sub-contract more and more work into smaller and smaller firms, we get into situations where a sub-contractor may only have two or three employees. They are Oakland certified businesses but one or all three of their workers may not be Oakland residents. While they satisfy the spirit of hiring Oakland businesses, they don’t satisfy the Jobs Policy, which requires that every sub-contractor at every tier for every craft be in compliance with the Jobs Policy. We are asking you consider is eliminating the “at any tier” phrase within the Jobs Policy and restrict compliance to primary sub-contract level.

Commissioner Bolton - What if the term “at any tier” said “at any tier where and when practical”?

Cluver: My suggestion is that we defer to (Contracts and Compliance), have them look at this issue and draft a potential solution for us to review at the next meeting. Once again, the City has to agree to the recommendation. Chair Henderson – we will make it an action item for the next CJOC meeting.

8. Compliance Reports

Deborah Barnes (Contracts and Compliance) –I respectfully request that we place the adjustments and edits to the reporting format on hold for the moment.

i. Contract Compliance Update

- Local/Small Local Business Participation Report – presented by Shirley Darrenberg

ii. Workforce Update

- Executive Summary of Oakland Workforce Report (9/1/2014 – 10/1/2014) – presented Vivian Inman
- Workforce Report by Craft – presented by Jonathan Dumas

Chair Henderson – I would like to suggest we extend the meeting another 30 minutes so we can get to the Job center update.

MOTION: Moved by Bolton and seconded by Gordon to extend 10/16/2014 CJOC meeting by 30 minutes.

VOTE: ACCEPTED UNANIMOUSLY

iii. Job Center Update

- West Oakland Job Resource Center Update – Presented By Job Center Director Jolena Bonilla

Morodomi – I just wanted to acknowledge before we adjourn that the city attorney pointed out language in the establishing ordinates that confirmed the commissions ability to review language that proposes changes to the jobs policy, so I will withdraw my request for an opinion from the city attorney's office on that matter.

9. Oversight By-laws - Addressing Quorums

To be addressed as agenda item at the next CJOC meeting

10. How to increase new apprentice numbers

To be addressed as agenda item at the next CJOC meeting

11. Review of breakdown and classification of crafts

To be addressed as agenda item at the next CJOC meeting

12. Meeting Adjournment

ACTION

MOTION: Moved by Camacho and seconded by Gordon to adjourn the CJOC 10/16/14 meeting.

VOTE: Unanimously accepted. Meeting adjourned at 8:32pm

Future Agenda Items

- **Oversight By-laws – Addressing Quorums**
- **How to increase new apprentice numbers**
- **Review of breakdown and classification of crafts**
- **Review of drafted document regarding Grievance Policy for the West Oakland Job Center**
- **Consideration of Document presenting acceptable modification of to the “at any tier” requirement of the Jobs policy – Action Item.**

Information Requested by Commission

- **Draft of document regarding grievance policy for West Oakland Job Center to bring to next meeting as discussion item for review.**
- **Draft of document from Contracts and Compliance presenting acceptable modification to the “at any tier” requirement of the Jobs Policy as action item for the next meeting**

AGENDA ITEM 6

Feedback and Procedures for WOJRC

AGENDA ITEM 7

Compliance Reports

SUMMARY OF THE OAKLAND
WORKFORCE REPORT AND
L/SLE PARTICIPATION REPORT
FOR THE OAKLAND ARMY BASE
OAKLAND ARMY BASE OVERSIGHT COMMISSION.



CONTRACTS AND COMPLIANCE, CITY OF OAKLAND

**LOCAL AND SMALL LOCAL PARTICIPATION
FOR THE MASTER PLAN, BRIDGING AND HORIZONTAL INFRASTRUCTURE
CONSTRUCTION CONTRACTS FOR THE OAKLAND ARMY BASE**

There are 9 LBE(s); 16 SLBE(s); and 7 VSLBE/LPG(s) on this phase.

PROFESSIONAL SERVICES AND CONSTRUCTION CONTRACTING LOCAL/SMALL LOCAL BUSINESS ENTERPRISE (CONTRACTING)			
City Ordinance No. 13101 Policy Goals Combined L/SLBE	Total Contracting Goal	Total Contracting	Current Delta
Local Business Enterprise (LBE)	25%	52%	37%
Small Local Business Enterprise (SLBE)	25%	33%	8%
Very Small Local Business Enterprise (VSLBE)*:	-	8%	-
Local Business Enterprise of Locally Produced Goods (LBE-LPG)	-	3%	-
Local Trucking	50%	100%	50%

For the month of October 2014, Beliveau Engineering was added to the team of subcontractors. Beliveau Engineering is a certified small local business.

**LOCAL AND SMALL LOCAL PARTICIPATION
FOR THE MASTER PLAN, BRIDGING AND HORIZONTAL
INFRASTRUCTURE CONSTRUCTION CONTRACTS FOR THE OAKLAND
ARMY BASE**

There are 10 LBE(s); 7 SLBE(s); and 1 VSLBE on this phase of the project.

<u>HORIZONTAL INFRASTRUCTURE CONSTRUCTION CONTRACTS</u>			
	Total Contracting Goal	Total Contracting	Current Delta
City Ordinance No. 15101 Policy Goals	50%	84.8%	34.8%
Combined L/SLBE	50%	54.2%	29.2%
Local Business Enterprise (LBE)	25%	28.1%	3.1%
Small Local Business Enterprise (SLBE)	-	6.5%	-
Very Small Local Business Enterprise (VSLBE)**	-	-	-
Local Business Enterprise of Locally Produced Goods (LBE-LPG)	-	2.6%	-
Local Trucking	50%	100%	50%

There have been no additional subcontractors added to this phase.

**LOCAL AND SMALL LOCAL PARTICIPATION FOR THE MASTER PLAN,
BRIDGING AND HORIZONTAL INFRASTRUCTURE CONSTRUCTION
CONTRACTS FOR THE OAKLAND ARMY BASE**

There are 11 LBE(s); 8 SLBE(s); 1 VSLBE on this phase

MASTER PLAN AND BRIDGING PHASES

	Total Contracting Goal	Total Contracting	Current Delta
City Ordinance No. 13101 Policy Goals			
Combined L/SLBE	50%	68.3%	18.3%
Local Business Enterprise (LBE)	25%	32.7%	7.7%
Small Local Business Enterprise (SLBE)	25%	35.6%	10.6%
Very Small Local Business Enterprise (VSLBE)	-	0.6%	-

There have been no additional subcontractors added to this phase

□ Total Project Hours for the Month – 15,343.15

✓ **Oakland Resident Hours** → 7,706.65 or 50.23%

✓ **Apprentice Hours** → 2,917.50 or 19.02%

✓ **Disadvantaged Hours** → 521.25 or 17.87%

New Apprentice Sponsorship Requirements for Prime Contractors

- There were twenty (20) New Apprentices hired to date, as indicated below.

Contractor Name	Total# of New Hires	Hours Worked
Alarcon Bohm Corp.	9	5,758
Columbia Electric	1	120.5
D Line	2	672.5
Goodfellow Top Grade – Roads	2	177
Mountain Cascade	3	820.5
Ray's Electric	1	113.5
Talus Construction	1	154
Turner Construction	1	1,778

In the previous reports, H.B. Wicks was given credit for New Apprentices – further review indicates that there was an error in the zip codes for the firm. No New apprentices for HB Wicks.

OAKLAND ARMY BASE WORKFORCE COMPLIANCE REPORT BY CRAFT SUMMARY- 50% RESIDENT REQUIREMENT

CRAFT	COMPLIANT	POTENTIAL NON- COMPLIANCE
Asbestos Removal Worker (Laborer)	73.46%	0.00%
Building/Construction Inspector and Field Soils & Materials Tester	98.14%	0.00%
Carpenter & Related Trades	63.37%	26.61%
Driver(On/Off-Hauling To/From Construction Site)	59.94%	37.86%
Electrical Utility Lineman	0.00%	0.00%
Electrician	49.29%	0.00%
Field Surveyor	26.10%	26.10%
Laborer & Related Classifications	13.71%	13.71%
Landscape Maintenance Laborer	0.00%	0.00%
Operating Engineer(Hvy & Hwy)	0.00%	0.00%
Operating Engineer(Landscape Construction)	0.00%	0.00%
Parking & Highway Improvement Painter (Laborer)	0.00%	0.00%
Plumber	0.00%	0.00%
Teamster	0.00%	0.00%
Traffic Control/Lane Closure(Laborer)	0.00%	0.00%

Fifteen (15) crafts, five (4)compliant; eleven (11) potential non-compliance; five (5) with zero (0%) participation and the remaining six (6) with participation ranging from 13.94% to 49.29%.

OAKLAND ARMY BASE WORKFORCE COMPLIANCE REPORT BY CRAFT SUMMARY 20% ALL APPRENTICE REQUIREMENT

8	CRAFT	COMPLIANT	POTENTIAL NON-COMPLIANCE
	Asbestos Removal Worker (Laborer)	Non-Apprenticeable	0.22%
	Building/Construction Inspector and Field Soils & Materials Tester		0.00%
	Carpenter & Related Trades	Non-Apprenticeable	9.77%
	Driver/Off-Hauling To/From Construction Site)		14.53%
	Electrical/Hvy Lineman		25.27%
	Electrician		23.16%
	Field Surveyor		27.29%
	Laborer & Related Classifications		0.00%
	Landscape Maintenance Laborer		0.00%
	Operating Engineer(Hvy & Hwy)		0.00%
	Operating Engineer(Landscape Construction)		0.00%
	Parking & Highway Improvement Painter(Laborer)		0.00%
	Plumber		0.00%
	Teamster	Non-Apprenticeable	0.00
	Traffic Control/Lane Closure (Laborer)		0.00

Fifteen crafts. Three (3) Non-apprenticeable crafts; three (3) compliant; nine (9) potential non-compliant, of that 9 three (3) had some apprentice percentages ranging from .22% to 14.53%.

**OAKLAND ARMY BASE WORKFORCE COMPLIANCE
REPORT BY CRAFT SUMMARY
25% OF THE 20% DISADVANTAGED REQUIREMENT**

CRAFT	COMPLIANT	POTENTIAL NON-COMPLIANCE
Asbestos Removal Worker (Laborer)	Non-Apprenticeable	0.00%
Building/Construction Inspector and Field Soils & Materials Tester		0.00%
Carpenter & Related Trades		0.00%
Driver(on/Off-Hauling To/From Construction Site)	Non-Apprenticeable	
Electrical Utility Lineman	95.06%	0.00%
Electrician		19.58
Field Surveyor		
Laborer & Related Classifications	36.29%	
Landscape Maintenance Laborer		0.00%
Operating Engineer(Hwy & Hwy)	38.02%	0.00%
Operating Engineer (Landscape Construction)		0.00%
Parking & Highway Improvement Painter (Laborer)		0.00%
Plumber		0.00%
Teamster	Non-Apprenticeable	
Traffic Control/Lane Closure		0.00%

Fifteen crafts, three (3) Non-apprenticeable; three (3) compliant; nine (9) non-compliant, of that 9 one (1) craft had 19.58% disadvantaged worker hours.

**LOCAL AND SMALL LOCAL PARTICIPATION FOR THE MASTER PLAN,
BRIDGING AND HORIZONTAL INFRASTRUCTURE CONSTRUCTION
CONTRACTS FOR THE OAKLAND ARMY BASE**

California Capital Investment Group and Turner/Goodfellow-Top Grade/Flatiron

<u>PROFESSIONAL SERVICES AND CONSTRUCTION CONTRACTING LOCAL /SMALL LOCAL BUSINESS ENTERPRISE (CONTRACTING)</u>			
	Project		
	Total Contracting Goal	Total Contracting	Current Delta
City Ordinance No. 13101 Policy Goals			
Combined L/SLBE	50%	85%	35%
Local Business Enterprise (LBE)	25%	52%	37%
<i>Small Local Business Enterprise (SLBE)</i>	25%	33%	8%
<i>Very Small Local Business Enterprise (VSLBE)*</i>	-	8%	-
<i>Local Business Enterprise of Locally Produced Goods (LBE-LPG)</i>	-	3%	-
<i>Local Trucking</i>	50%	100%	50%

California Capital Investment Group

<u>HORIZONTAL INFRASTRUCTURE CONSTRUCTION CONTRACTS</u>			
	Project		
	Total Contracting Goal	Total Contracting	Current Delta
City Ordinance No. 13101 Policy Goals			
Combined L/SLBE	50%	84.8%	34.8%
Local Business Enterprise (LBE)	25%	54.2%	29.2%
<i>Small Local Business Enterprise (SLBE)</i>	25%	28.1%	3.1%
<i>Very Small Local Business Enterprise (VSLBE)*</i>	-	6.5%	-
<i>Local Business Enterprise of Locally Produced Goods (LBE-LPG)</i>	-	2.6%	-
<i>Local Trucking</i>	50%	100%	50%

California Capital Investment Group

<u>MASTER PLAN AND BRIDING PHASES</u>			
	Project		
	Total Contracting Goal	Total Contracting	Current Delta
City Ordinance No. 13101 Policy Goals			
Combined L/SLBE	50%	68.3%	18.3%
Local Business Enterprise (LBE)	25%	32.7%	7.7%
<i>Small Local Business Enterprise (SLBE)</i>	25%	35.6%	10.6%
<i>Very Small Local Business Enterprise (VSLBE)*</i>	-	0.6%	-

**This is the double counted participation and included in the SLBE participation percentage*

**CITY OF OAKLAND
SUMMARY OF THE OAKLAND WORKFORCE REPORT FOR THE
OAKLAND ARMY BASE
From 09/01/2014 - 10/1/2014**

JOBS POLICIES

Company Name	By Craft and Comments	Total Work Hours by Contractor	Total Craft Hours	50% Oakland Resident Hours	20% All Apprentice Hours	255 of 20% Disadvantaged Hours	New Apprentice Hours To Date	Number of New Apprentices to Date
¹ Alarcon Bohm Corp		2,009.25						
75.0% complete							5,758	9
		Labors	1,677.75	1,307.50	378.50	29.25		
				77.93%	22.56%	7.73%		
		Operating Engineers (Heavy & Highway)	288.50	180.75	0.00	0.00		
				62.65%	0.00%	0.00%		
		Operating Engineer (Landscape)	43.00	43.00	0.00	0.00		
				100.00%	0.00%	0.00%		

Shortfalls/Notes
Labors - Disadvantaged

Operating Engineers - Apprentice and Disadvantaged

² Gallagher & Burk, Inc.
64% complete

HOURS WORKED	582	390.50	134.50	18.50	0.00
Labors					
			34.44%	4.74%	0.00%
Operating Engineers (Heavy & Highway)		191.50	54.50	10.00	0.00
			28.46%	5.22%	0.00%

Shortfalls/Notes
Labors - Oakland Resident, Apprentice, and Disadvantaged
Operating Engineers - Oakland Resident, Apprentice and Disadvantaged

³ Goodfellow Top Grade
Construction - Roads
62.7% complete

HOURS WORKED	2,693.00	2,101.00	1,820.00	236.50	0.00
Labors					
			86.63%	11.26%	0.00%
*Operating Engineers (Heavy & Highway Work)		546.00	280.00	107.00	0.00
			51.28%	19.60%	0.00%
Teamster		46.00	0.00	0.00	0.00
			0.00%	0.00%	0.00%

Shortfalls/Notes
Laborer - Apprentice and Disadvantaged
Operating Engineer - Apprentice and Disadvantaged
Teamster - Oakland Resident

⁴ HB Wick Drains a
Division of Hayward
Baker, Inc.

HOURS WORKED	1,005.50	1,005.50	0.00	543.00	0.00
Operating Engineer (Heavy & Highway)					
			0.00%	54.00%	0.00%

Shortfalls/Notes
Operating Engineers - Oakland Resident and Disadvantaged

⁵ Hotline Construction, Inc.

HOURS WORKED	208.00

CITY OF OAKLAND
SUMMARY OF THE OAKLAND WORKFORCE REPORT FOR THE
OAKLAND ARMY BASE
 From 09/01/2014 - 10/1/2014

JOBS POLICIES

Company Name	By Craft and Comments	Total Work Hours by Contractor	Total Craft Hours	50% Oakland Resident Hours	20% All Apprentice Hours	255 of 20% Disadvantaged Hours	New Apprentice Hours To Date	Number of New Apprentices to Date
50.0% complete	Electrical Utility Lineman	208.00	0.00	0.00%	0.00%	0.00%		
Shortfalls/Notes								
Electrical Utility Lineman - Oakland Resident, Apprentice and Disadvantaged								
6 Mountain Cascade		3,451.25	2,000.50	1208.50	303.50	0.00	820.5	3
46% complete								
Shortfalls/Notes								
Operating Engineer (Heavy & Highway)			1,427.50	299.50	417.50	0.00		
				20.98%	29.25%	0.00%		
Teamster			23.25	0.00	0.00	0.00		
				0.00%	0.00%	0.00%		

Shortfalls/Notes
 Laborers - Apprentice and Disadvantaged
 Operating Engineer - Oakland Resident and Disadvantaged
 Teamster - Oakland Resident

7 Aliquot Associates, Inc.

HOURS WORKED	Field Surveyor	0.00	50.00	0.00
45.9% complete	107.50	0.00	50.00	0.00
Shortfalls/Notes		0.00%	46.51%	0.00%
Field Surveyor - Oakland Resident, and Disadvantaged				

8 Berlogar Stevens
 Building/Construction Inspector and Field Soils and Material Tester
Shortfalls/Notes
 Building/Construction Inspector and Field Soils and Material Tester - Oakland Resident, Apprentice and Disadvantaged

HOURS WORKED	618.50	0.00	0.00	0.00
36.50 % complete	618.50	0.00	0.00	0.00
Shortfalls/Notes		0.00%	0.00%	0.00%
Morrow Meadows				

Shortfalls/Notes
 Electrician - Apprentice and Disadvantaged

HOURS WORKED	352.00	216.00	16.00	8.00
32.2% complete	352.00	216.00	16.00	8.00
Shortfalls/Notes		61.36%	4.55%	2.27%
Turner Construction				

Shortfalls/Notes
 No Shortfalls

HOURS WORKED	298.50	144.00	144.00	144.00
Alarcon Bohm Special Proj	298.50	144.00	144.00	144.00
		48.24%	48.24%	100.00%
				1,778.00
				1

CITY OF OAKLAND
SUMMARY OF THE OAKLAND WORKFORCE REPORT FOR THE
OAKLAND ARMY BASE
 From 09/01/2014 - 10/1/2014

Company Name	By Craft and Comments	Total Work Hours by Contractor	Total Craft Hours	50% Oakland Resident Hours	20% All Apprentice Hours	255 of 20% Disadvantaged Hours	New Apprentice Hours To Date	Number of New Apprentices to Date

16 Farwest Safety

On call
 Traffic Control/Lane Closure (Laborer)

HOURS WORKED	16.00	16.00	0.00	0.00	0.00	0.00	0.00	0.00
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Shortfalls/Notes

Traffic Control/Lane Closure - Oakland Resident Apprentice and Disadvantaged

17 Advanced Pipeline

On Call

HOURS WORKED	8.00	8.00	0.00	0.00	0.00	0.00	0.00	0.00
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Shortfalls/Notes

Laborers - Oakland Resident, Apprentice and Disadvantaged

18 Dillard Environmental

On call

HOURS WORKED	44.75	10.50	0.00	0.00	0.00	0.00	0.00	0.00
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		34.25	0.00	0.00	0.00	0.00	0.00	0.00
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Shortfalls/Notes

Laborers - Oakland Resident, Apprentice and Disadvantaged

Teamsters - Oakland Resident

19 Marshall Trucking - Sub

to MC
 On call

HOURS WORKED	41.4	41.40	41.4	100.00%	0.00	0.00	0.00	0.00
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Shortfalls/Notes

No Shortfalls

20 Chrisp Co.

On call

HOURS WORKED	76	76.00	9.5	12.50%	0.00	0.00	0.00	0.00
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Shortfalls/Notes

Parking & Highway Improvement Painter/Laborer - Oakland Resident, Apprentice and Disadvantaged

Talus Construction

HOURS WORKED	0	0	0.00	0.00%	0.00	0.00	0.00	0.00
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Shortfalls/Notes

Did not work for the month of October

JOB POLICIES

OAKLAND ARMY BASE WORK FORCE REPORT

Requirement 1: 50% Craft by Craft to be worked by an Oakland Resident

Requirement 2: 20% Craft by Craft to be worked by an Apprentice (No Local Requirement)

Requirement 3: 25% of the 20% Apprentice Hours to be worked by an Oakland Disadvantaged Apprentice

Contractor Name	Craft	Total Employee Hours	All Oakland Hours	All Apprentice Hours	Oakland Disadvantaged Hours	Oakland Apprentice Hours	West Oakland Hours
Advanced Pipeline Services							
	Laborer and Related Classifications	360.50	0.00	0.00	0.00	0.00	0.00
	Percentage of Each Craft Total Hours		0.00%	0.00%	0.00%	0.00%	
	Sub Total	360.50	0.00	0.00	0.00	0.00	0.00
	Percentage of Required Hours		50%	20%	25%		
	Percentage of Contract Completion	<u>ON CALL</u>					
	Total New Hires	<u>3</u>					
	Oakland New Hires	<u>0</u>					

Contractor Name	Craft	Total Employee Hours	All Oakland Hours	All Apprentice Hours	Oakland Disadvantaged Hours	Oakland Apprentice Hours	West Oakland Hours
Advanced Pipeline Services- Sub to MCI							
	Laborer and Related Classifications	306.00	0.00	0.00	0.00	0.00	0.00
	Percentage of Each Craft Total Hours		0.00%	0.00%	0.00%	0.00%	
	Sub Total	306.00	0.00	0.00	0.00	0.00	0.00
	Percentage of Required Hours		50%	20%	25%		
	Percentage of Contract Completion	<u>1%</u>					
	Total New Hires	<u>0</u>					
	Oakland New Hires	<u>0</u>					

Contractor Name	Craft	Total Employee Hours	All Oakland Hours	All Apprentice Hours	Oakland Disadvantaged Hours	Oakland Apprentice Hours	West Oakland Hours
ALARCON BOHM CORP							
	Laborer and Related Classifications	37,028.75	23,742.00	12,121.00	2,861.00	8,406.25	1,382.00
	Percentage of Each Craft Total Hours		64.12%	32.73%	23.60%	22.70%	
	Operating Engineer (Heavy & Highway work)	1,973.75	1,596.75	0.00	0.00	0.00	0.00
	Percentage of Each Craft Total Hours		80.90%	0.00%	0.00%	0.00%	
	Operating Engineer (Landscape Construction)	43.00	43.00	0.00	0.00	0.00	0.00
	Percentage of Each Craft Total Hours		100.00%	0.00%	0.00%	0.00%	
	Sub Total	39,045.50	25,381.75	12,121.00	2,861.00	8,406.25	1,382.00
	Percentage of Required Hours		50%	20%	25%		
	Percentage of Contract Completion	<u>57%</u>					
	Total New Hires	<u>41</u>					
	Oakland New Hires	<u>26</u>					

OAKLAND ARMY BASE WORK FORCE REPORT

Contractor Name	Craft	Total Employee Hours	All Oakland Hours	All Apprentice Hours	Oakland Disadvantaged Hours	Oakland Apprentice Hours	West Oakland Hours
Alarcon Bohm Special Projects							
Operating Engineer (Heavy & Highway work)		2,054.50	1,335.00	717.00	0.00	717.00	717.00
Percentage of Each Craft Total Hours			64.98%	34.90%	0.00%	34.90%	
Sub Total		2,054.50	1,335.00	717.00	0.00	717.00	717.00
Percentage of Required Hours			50%	20%	25%		
Percentage of Contract Completion		75%					
Total New Hires		2					
Oakland New Hires		0					

Contractor Name	Craft	Total Employee Hours	All Oakland Hours	All Apprentice Hours	Oakland Disadvantaged Hours	Oakland Apprentice Hours	West Oakland Hours
Aliquot Associates, Inc.							
FIELD SURVEYOR		1,177.00	325.50	309.00	60.50	106.00	53.50
Percentage of Each Craft Total Hours			27.66%	26.25%	19.58%	9.01%	
Sub Total		1,177.00	325.50	309.00	60.50	106.00	53.50
Percentage of Required Hours			50%	20%	25%		
Percentage of Contract Completion		45.90%					
Total New Hires		6					
Oakland New Hires		2					

Contractor Name	Craft	Total Employee Hours	All Oakland Hours	All Apprentice Hours	Oakland Disadvantaged Hours	Oakland Apprentice Hours	West Oakland Hours
BAY LINE CUTTING & CORING, INC.							
Laborer and Related Classifications		4.50	0.00	0.00	0.00	0.00	4.50
Percentage of Each Craft Total Hours			0.00%	0.00%	0.00%	0.00%	
Sub Total		4.50	0.00	0.00	0.00	0.00	4.50
Percentage of Required Hours			50%	20%	25%		
Percentage of Contract Completion		1%					
Total New Hires		0					
Oakland New Hires		0					

Contractor Name	Craft	Total Employee Hours	All Oakland Hours	All Apprentice Hours	Oakland Disadvantaged Hours	Oakland Apprentice Hours	West Oakland Hours
Berlogar Stevens & Associates Inc							
BUILDING / CONSTRUCTION INSPECTOR AND FIELD SOILS AND MATERIAL TESTER		3,631.50	0.00	8.00	0.00	0.00	0.00
Percentage of Each Craft Total Hours			0.00%	0.22%	0.00%	0.00%	

OAKLAND ARMY BASE WORK FORCE REPORT

Contractor Name	Craft	Total Employee Hours	All Oakland Hours	All Apprentice Hours	Oakland Disadvantaged Hours	Oakland Apprentice Hours	West Oakland Hours
Berlogar Stevens & Associates Inc							
	Sub Total	3,631.50	0.00	8.00	0.00	0.00	0.00
	Percentage of Required Hours		50%	20%	25%		
	Percentage of Contract Completion	42.5%					
	Total New Hires	2					
	Oakland New Hires	0					

Contractor Name	Craft	Total Employee Hours	All Oakland Hours	All Apprentice Hours	Oakland Disadvantaged Hours	Oakland Apprentice Hours	West Oakland Hours
CHRISP COMPANY							
	PARKING AND HIGHWAY IMPROVEMENT PAINTER (LABORER)	76.00	9.50	0.00	0.00	0.00	0.00
	Percentage of Each Craft Total Hours		12.50%	0.00%	0.00%	0.00%	
	Sub Total	76.00	9.50	0.00	0.00	0.00	0.00
	Percentage of Required Hours		50%	20%	25%		
	Percentage of Contract Completion	1%					
	Total New Hires	0					
	Oakland New Hires	0					

Contractor Name	Craft	Total Employee Hours	All Oakland Hours	All Apprentice Hours	Oakland Disadvantaged Hours	Oakland Apprentice Hours	West Oakland Hours
CHRISP COMPANY (Sub to Top Grade)							
	PARKING AND HIGHWAY IMPROVEMENT PAINTER (LABORER)	48.00	7.50	0.00	0.00	0.00	0.00
	Percentage of Each Craft Total Hours		15.63%	0.00%	0.00%	0.00%	
	Sub Total	48.00	7.50	0.00	0.00	0.00	0.00
	Percentage of Required Hours		50%	20%	25%		
	Percentage of Contract Completion	ON CALL					
	Total New Hires	0					
	Oakland New Hires	0					

Contractor Name	Craft	Total Employee Hours	All Oakland Hours	All Apprentice Hours	Oakland Disadvantaged Hours	Oakland Apprentice Hours	West Oakland Hours
Clean Sweep Services							
	TEAMSTER	21.00	0.00	0.00	0.00	0.00	0.00
	Percentage of Each Craft Total Hours		0.00%	0.00%	0.00%	0.00%	

OAKLAND ARMY BASE WORK FORCE REPORT

Contractor Name	Craft	Total Employee Hours	All Oakland Hours	All Apprentice Hours	Oakland Disadvantaged Hours	Oakland Apprentice Hours	West Oakland Hours
Clean Sweep Services							
	Sub Total	21.00	0.00	0.00	0.00	0.00	0.00
	Percentage of Required Hours		50%	20%	25%		
	Percentage of Contract Completion	<u>1%</u>					
	Total New Hires	<u>1</u>					
	Oakland New Hires	<u>0</u>					

Contractor Name	Craft	Total Employee Hours	All Oakland Hours	All Apprentice Hours	Oakland Disadvantaged Hours	Oakland Apprentice Hours	West Oakland Hours
COLUMBIA ELECTRIC							
	ELECTRICIAN	754.00	89.00	7.00	0.00	7.00	0.00
	Percentage of Each Craft Total Hours		11.80%	0.93%	0.00%	0.93%	
	Laborer and Related Classifications	763.00	266.50	245.00	0.00	120.50	0.00
	Percentage of Each Craft Total Hours		34.93%	32.11%	0.00%	15.79%	
	Operating Engineer (Heavy & Highway work)	250.50	0.00	0.00	0.00	0.00	0.00
	Percentage of Each Craft Total Hours		0.00%	0.00%	0.00%	0.00%	
	Sub Total	1,767.50	355.50	252.00	0.00	127.50	0.00
	Percentage of Required Hours		50%	20%	25%		
	Percentage of Contract Completion	<u>ON CALL</u>					
	Total New Hires	<u>4</u>					
	Oakland New Hires	<u>2</u>					

Contractor Name	Craft	Total Employee Hours	All Oakland Hours	All Apprentice Hours	Oakland Disadvantaged Hours	Oakland Apprentice Hours	West Oakland Hours
D - LINE CONSTRUCTORS							
	Operating Engineer (Heavy & Highway work)	409.50	266.50	110.50	0.00	110.50	0.00
	Percentage of Each Craft Total Hours		65.08%	26.98%	0.00%	26.98%	
	Sub Total	409.50	266.50	110.50	0.00	110.50	0.00
	Percentage of Required Hours		50%	20%	25%		
	Percentage of Contract Completion	<u>100%</u>					
	Total New Hires	<u>3</u>					
	Oakland New Hires	<u>1</u>					

Contractor Name	Craft	Total Employee Hours	All Oakland Hours	All Apprentice Hours	Oakland Disadvantaged Hours	Oakland Apprentice Hours	West Oakland Hours
DAL Technology, Inc - Sub to Morrow Meadows							
	ELECTRICIAN	128.00	109.00	51.00	0.00	51.00	27.00
	Percentage of Each Craft Total Hours		85.16%	39.84%	0.00%	39.84%	

OAKLAND ARMY BASE WORK FORCE REPORT

Contractor Name	Craft	Total Employee Hours	All Oakland Hours	All Apprentice Hours	Oakland Disadvantaged Hours	Oakland Apprentice Hours	West Oakland Hours
DAL Technology, Inc - Sub to Morrow Meadows							
	Sub Total	128.00	109.00	51.00	0.00	51.00	27.00
	Percentage of Required Hours		50%	20%	25%		
	Percentage of Contract Completion	<u>ON CALL</u>					
	Total New Hires	0					
	Oakland New Hires	0					

Contractor Name	Craft	Total Employee Hours	All Oakland Hours	All Apprentice Hours	Oakland Disadvantaged Hours	Oakland Apprentice Hours	West Oakland Hours
De Kay Demolition & Clearing							
	Laborer and Related Classifications	549.50	350.50	158.00	0.00	158.00	0.00
	Percentage of Each Craft Total Hours		63.79%	28.75%	0.00%	28.75%	
	Operating Engineer (Landscape Construction)	592.00	273.00	0.00	0.00	0.00	0.00
	Percentage of Each Craft Total Hours		46.11%	0.00%	0.00%	0.00%	
	Sub Total	1,141.50	623.50	158.00	0.00	158.00	0.00
	Percentage of Required Hours		50%	20%	25%		
	Percentage of Contract Completion	<u>100%</u>					
	Total New Hires	0					
	Oakland New Hires	0					

Contractor Name	Craft	Total Employee Hours	All Oakland Hours	All Apprentice Hours	Oakland Disadvantaged Hours	Oakland Apprentice Hours	West Oakland Hours
DEKAY DEMOLITION AND CLEARING , INC							
	Laborer and Related Classifications	542.00	409.00	220.00	220.00	220.00	12.00
	Percentage of Each Craft Total Hours		75.46%	40.59%	100.00%	40.59%	
	LANDSCAPE MAINTENANCE LABORER	171.00	102.50	0.00	0.00	0.00	0.00
	Percentage of Each Craft Total Hours		59.94%	0.00%	0.00%	0.00%	
	Operating Engineer (Heavy & Highway work)	244.00	244.00	244.00	244.00	244.00	0.00
	Percentage of Each Craft Total Hours		100.00%	100.00%	100.00%	100.00%	
	Operating Engineer (Landscape Construction)	559.00	48.00	0.00	0.00	0.00	0.00
	Percentage of Each Craft Total Hours		8.59%	0.00%	0.00%	0.00%	
	Sub Total	1,516.00	803.50	464.00	464.00	464.00	12.00
	Percentage of Required Hours		50%	20%	25%		
	Percentage of Contract Completion	<u>97.2%</u>					
	Total New Hires	1					
	Oakland New Hires	1					

OAKLAND ARMY BASE WORK FORCE REPORT

Contractor Name	Craft	Total Employee Hours	All Oakland Hours	All Apprentice Hours	Oakland Disadvantaged Hours	Oakland Apprentice Hours	West Oakland Hours
Dillard Environmental Services							
	Laborer and Related Classifications	1,139.25	0.00	0.00	0.00	0.00	0.00
	Percentage of Each Craft Total Hours		0.00%	0.00%	0.00%	0.00%	
	TEAMSTER	1,483.50	0.00	0.00	0.00	0.00	0.00
	Percentage of Each Craft Total Hours		0.00%	0.00%	0.00%	0.00%	
	Sub Total	2,622.75	0.00	0.00	0.00	0.00	0.00
	Percentage of Required Hours		50%	20%	25%		
	Percentage of Contract Completion	<u>ON CALL</u>					
	Total New Hires	<u>8</u>					
	Oakland New Hires	<u>0</u>					

Contractor Name	Craft	Total Employee Hours	All Oakland Hours	All Apprentice Hours	Oakland Disadvantaged Hours	Oakland Apprentice Hours	West Oakland Hours
Dillard Environmental Services - Sub to Mountain Cascade, INC							
	Laborer and Related Classifications	80.00	0.00	0.00	0.00	0.00	0.00
	Percentage of Each Craft Total Hours		0.00%	0.00%	0.00%	0.00%	
	TEAMSTER	115.00	0.00	0.00	0.00	0.00	0.00
	Percentage of Each Craft Total Hours		0.00%	0.00%	0.00%	0.00%	
	Sub Total	195.00	0.00	0.00	0.00	0.00	0.00
	Percentage of Required Hours		50%	20%	25%		
	Percentage of Contract Completion	<u>1%</u>					
	Total New Hires	<u>0</u>					
	Oakland New Hires	<u>0</u>					

Contractor Name	Craft	Total Employee Hours	All Oakland Hours	All Apprentice Hours	Oakland Disadvantaged Hours	Oakland Apprentice Hours	West Oakland Hours
D-Line Constructors							
	Laborer and Related Classifications	2,951.00	2,474.00	370.50	370.50	370.50	0.00
	Percentage of Each Craft Total Hours		83.84%	12.56%	100.00%	12.56%	
	Operating Engineer (Heavy & Highway work)	3,433.00	1,877.50	715.50	715.50	715.50	0.00
	Percentage of Each Craft Total Hours		54.69%	20.84%	100.00%	20.84%	
	Sub Total	6,384.00	4,351.50	1,086.00	1,086.00	1,086.00	0.00
	Percentage of Required Hours		50%	20%	25%		
	Percentage of Contract Completion	<u>1%</u>					
	Total New Hires	<u>14</u>					
	Oakland New Hires	<u>11</u>					

OAKLAND ARMY BASE WORK FORCE REPORT

Contractor Name	Craft	Total Employee Hours	All Oakland Hours	All Apprentice Hours	Oakland Disadvantaged Hours	Oakland Apprentice Hours	West Oakland Hours
FARWEST SAFETY, INC							
	TRAFFIC CONTROL/LANE CLOSURE (LABORER)	60.00	0.00	0.00	0.00	0.00	0.00
	Percentage of Each Craft Total Hours		0.00%	0.00%	0.00%	0.00%	
	Sub Total	60.00	0.00	0.00	0.00	0.00	0.00
	Percentage of Required Hours		50%	20%	25%		
	Percentage of Contract Completion		<u>ON CALL</u>				
	Total New Hires		<u>0</u>				
	Oakland New Hires		<u>0</u>				

Contractor Name	Craft	Total Employee Hours	All Oakland Hours	All Apprentice Hours	Oakland Disadvantaged Hours	Oakland Apprentice Hours	West Oakland Hours
Flatiron West, Inc.							
	Carpenter and Related Trades	5.00	0.00	0.00	0.00	0.00	0.00
	Percentage of Each Craft Total Hours		0.00%	0.00%	0.00%	0.00%	
	Laborer and Related Classifications	2,378.50	1,281.50	0.00	0.00	0.00	0.00
	Percentage of Each Craft Total Hours		53.88%	0.00%	0.00%	0.00%	
	Operating Engineer (Heavy & Highway work)	2,037.00	576.00	138.00	130.00	130.00	0.00
	Percentage of Each Craft Total Hours		28.28%	6.77%	94.20%	6.38%	
	Operating Engineer (Landscape Construction)	106.00	0.00	0.00	0.00	0.00	0.00
	Percentage of Each Craft Total Hours		0.00%	0.00%	0.00%	0.00%	
	Sub Total	4,526.50	1,857.50	138.00	130.00	130.00	0.00
	Percentage of Required Hours		50%	20%	25%		
	Percentage of Contract Completion		<u>ON CALL</u>				
	Total New Hires		<u>4</u>				
	Oakland New Hires		<u>1</u>				

Contractor Name	Craft	Total Employee Hours	All Oakland Hours	All Apprentice Hours	Oakland Disadvantaged Hours	Oakland Apprentice Hours	West Oakland Hours
FOCON, INC.							
	Laborer and Related Classifications	1,296.00	1,248.00	48.00	0.00	0.00	465.00
	Percentage of Each Craft Total Hours		96.30%	3.70%	0.00%	0.00%	
	Operating Engineer (Heavy & Highway work)	669.00	669.00	0.00	0.00	0.00	0.00
	Percentage of Each Craft Total Hours		100.00%	0.00%	0.00%	0.00%	
	Sub Total	1,965.00	1,917.00	48.00	0.00	0.00	465.00
	Percentage of Required Hours		50%	20%	25%		
	Percentage of Contract Completion		<u>57%</u>				
	Total New Hires		<u>0</u>				
	Oakland New Hires		<u>0</u>				

OAKLAND ARMY BASE WORK FORCE REPORT

Contractor Name	Craft	Total Employee Hours	All Oakland Hours	All Apprentice Hours	Oakland Disadvantaged Hours	Oakland Apprentice Hours	West Oakland Hours
FONSECA MCELROY GRINDING CO, INC							
Operating Engineer (Heavy & Highway work)		32.00	0.00	0.00	0.00	0.00	0.00
	Percentage of Each Craft Total Hours		0.00%	0.00%	0.00%	0.00%	
	Sub Total	32.00	0.00	0.00	0.00	0.00	0.00
	Percentage of Required Hours		50%	20%	25%		
	Percentage of Contract Completion	<u>ON CALL</u>					
	Total New Hires	0					
	Oakland New Hires	0					

Contractor Name	Craft	Total Employee Hours	All Oakland Hours	All Apprentice Hours	Oakland Disadvantaged Hours	Oakland Apprentice Hours	West Oakland Hours
GALLAGHER & BURK, INC.							
Laborer and Related Classifications		1,128.50	704.00	343.50	0.00	334.50	238.00
	Percentage of Each Craft Total Hours		62.38%	30.44%	0.00%	29.64%	
Operating Engineer (Heavy & Highway work)		2,061.00	932.00	522.50	0.00	450.00	25.50
	Percentage of Each Craft Total Hours		45.22%	25.35%	0.00%	21.83%	
	Sub Total	3,189.50	1,636.00	866.00	0.00	784.50	263.50
	Percentage of Required Hours		50%	20%	25%		
	Percentage of Contract Completion	<u>64%</u>					
	Total New Hires	1					
	Oakland New Hires	0					

Contractor Name	Craft	Total Employee Hours	All Oakland Hours	All Apprentice Hours	Oakland Disadvantaged Hours	Oakland Apprentice Hours	West Oakland Hours
Gerco Contractors, Inc.							
Laborer and Related Classifications		16.00	0.00	0.00	0.00	0.00	0.00
	Percentage of Each Craft Total Hours		0.00%	0.00%	0.00%	0.00%	
Operating Engineer (Heavy & Highway work)		8.00	0.00	0.00	0.00	0.00	0.00
	Percentage of Each Craft Total Hours		0.00%	0.00%	0.00%	0.00%	
	Sub Total	24.00	0.00	0.00	0.00	0.00	0.00
	Percentage of Required Hours		50%	20%	25%		
	Percentage of Contract Completion	<u>ON CALL</u>					
	Total New Hires	1					
	Oakland New Hires	0					

Contractor Name	Craft	Total Employee Hours	All Oakland Hours	All Apprentice Hours	Oakland Disadvantaged Hours	Oakland Apprentice Hours	West Oakland Hours
Goodfellow Top Grade Construction - Earthwork (Oakland Army Base project only)							

OAKLAND ARMY BASE WORK FORCE REPORT

Contractor Name	Craft	Total Employee Hours	All Oakland Hours	All Apprentice Hours	Oakland Disadvantaged Hours	Oakland Apprentice Hours	West Oakland Hours
Goodfellow Top Grade Construction - Earthwork (Oakland Army Base project only)							
	Laborer and Related Classifications	2,525.00	1,849.00	541.00	269.00	519.00	434.00
	Percentage of Each Craft Total Hours		73.23%	21.43%	49.72%	20.55%	
	Operating Engineer (Heavy & Highway work)	4,024.00	1,306.50	410.50	276.50	410.50	60.50
	Percentage of Each Craft Total Hours		32.47%	10.20%	67.36%	10.20%	
	TEAMSTER	96.00	0.00	0.00	0.00	0.00	0.00
	Percentage of Each Craft Total Hours		0.00%	0.00%	0.00%	0.00%	
	Sub Total	6,645.00	3,155.50	951.50	545.50	929.50	494.50
	Percentage of Required Hours		50%	20%	25%		
	Percentage of Contract Completion	<u>27.70%</u>					
	Total New Hires	<u>9</u>					
	Oakland New Hires	<u>1</u>					

Contractor Name	Craft	Total Employee Hours	All Oakland Hours	All Apprentice Hours	Oakland Disadvantaged Hours	Oakland Apprentice Hours	West Oakland Hours
Goodfellow Top Grade Construction- Roads (Oakland Army Base project)							
	Laborer and Related Classifications	14,623.50	12,204.00	1,790.00	1,183.50	1,788.00	1,256.50
	Percentage of Each Craft Total Hours		83.45%	12.24%	66.12%	12.23%	
	Operating Engineer (Heavy & Highway work)	12,189.50	5,781.00	2,347.50	1,900.00	2,210.50	672.50
	Percentage of Each Craft Total Hours		47.43%	19.26%	80.94%	18.13%	
	Operating Engineer (Landscape Construction)	29.00	0.00	0.00	0.00	0.00	0.00
	Percentage of Each Craft Total Hours		0.00%	0.00%	0.00%	0.00%	
	TEAMSTER	448.50	0.00	0.00	0.00	0.00	0.00
	Percentage of Each Craft Total Hours		0.00%	0.00%	0.00%	0.00%	
	Sub Total	27,290.50	17,985.00	4,137.50	3,083.50	3,998.50	1,929.00
	Percentage of Required Hours		50%	20%	25%		
	Percentage of Contract Completion	<u>62.70%</u>					
	Total New Hires	<u>20</u>					
	Oakland New Hires	<u>9</u>					

Contractor Name	Craft	Total Employee Hours	All Oakland Hours	All Apprentice Hours	Oakland Disadvantaged Hours	Oakland Apprentice Hours	West Oakland Hours
HB Wick Drains a Division of Hayward Baker, Inc							
	Operating Engineer (Heavy & Highway work)	10,691.00	2,454.50	6,495.00	1,640.50	1,640.50	0.00
	Percentage of Each Craft Total Hours		22.96%	60.75%	25.26%	15.34%	

OAKLAND ARMY BASE WORK FORCE REPORT

Contractor Name	Craft	Total Employee Hours	All Oakland Hours	All Apprentice Hours	Oakland Disadvantaged Hours	Oakland Apprentice Hours	West Oakland Hours
HB Wick Drains a Division of Hayward Baker, Inc							
	Sub Total	10,691.00	2,454.50	6,495.00	1,640.50	1,640.50	0.00
	Percentage of Required Hours		50%	20%	25%		
	Percentage of Contract Completion	<u>62.50%</u>					
	Total New Hires	<u>22</u>					
	Oakland New Hires	<u>4</u>					

Contractor Name	Craft	Total Employee Hours	All Oakland Hours	All Apprentice Hours	Oakland Disadvantaged Hours	Oakland Apprentice Hours	West Oakland Hours
HOTLINE CONSTRUCTION, INC.							
	Electrical Utility Lineman	2,681.50	0.00	262.00	0.00	0.00	0.00
	Percentage of Each Craft Total Hours		0.00%	9.77%	0.00%	0.00%	
	Sub Total	2,681.50	0.00	262.00	0.00	0.00	0.00
	Percentage of Required Hours		50%	20%	25%		
	Percentage of Contract Completion	<u>50%</u>					
	Total New Hires	<u>8</u>					
	Oakland New Hires	<u>0</u>					

Contractor Name	Craft	Total Employee Hours	All Oakland Hours	All Apprentice Hours	Oakland Disadvantaged Hours	Oakland Apprentice Hours	West Oakland Hours
INDUSTRIAL RAILWAYS CO.							
	Laborer and Related Classifications	699.00	435.00	112.00	0.00	112.00	54.00
	Percentage of Each Craft Total Hours		62.23%	16.02%	0.00%	16.02%	
	Sub Total	699.00	435.00	112.00	0.00	112.00	54.00
	Percentage of Required Hours		50%	20%	25%		
	Percentage of Contract Completion	<u>1%</u>					
	Total New Hires	<u>2</u>					
	Oakland New Hires	<u>2</u>					

Contractor Name	Craft	Total Employee Hours	All Oakland Hours	All Apprentice Hours	Oakland Disadvantaged Hours	Oakland Apprentice Hours	West Oakland Hours
INNOVATIVE CONSTRUCTION SOLUTIONS-NORCAL							
	Laborer and Related Classifications	167.50	167.50	0.00	0.00	0.00	0.00
	Percentage of Each Craft Total Hours		100.00%	0.00%	0.00%	0.00%	
	Operating Engineer (Landscape Construction)	118.00	118.00	0.00	0.00	0.00	0.00
	Percentage of Each Craft Total Hours		100.00%	0.00%	0.00%	0.00%	

OAKLAND ARMY BASE WORK FORCE REPORT

Contractor Name	Craft	Total Employee Hours	All Oakland Hours	All Apprentice Hours	Oakland Disadvantaged Hours	Oakland Apprentice Hours	West Oakland Hours
INNOVATIVE CONSTRUCTION SOLUTIONS-NORCAL							
	Sub Total	285.50	285.50	0.00	0.00	0.00	0.00
	Percentage of Required Hours		50%	20%	25%		
	Percentage of Contract Completion	<u>52.30%</u>					
	Total New Hires	<u>2</u>					
	Oakland New Hires	<u>2</u>					

Contractor Name	Craft	Total Employee Hours	All Oakland Hours	All Apprentice Hours	Oakland Disadvantaged Hours	Oakland Apprentice Hours	West Oakland Hours
Marshall Trucking							
	DRIVER (ON/OFF-HAULING TO/FROM CONSTRUCTION SITE)	38.50	38.50	0.00	0.00	0.00	0.00
	Percentage of Each Craft Total Hours		100.00%	0.00%	0.00%	0.00%	
	Sub Total	38.50	38.50	0.00	0.00	0.00	0.00
	Percentage of Required Hours		50%	20%	25%		
	Percentage of Contract Completion	<u>ON CALL</u>					
	Total New Hires	<u>1</u>					
	Oakland New Hires	<u>1</u>					

Contractor Name	Craft	Total Employee Hours	All Oakland Hours	All Apprentice Hours	Oakland Disadvantaged Hours	Oakland Apprentice Hours	West Oakland Hours
Marshall Trucking- Sub to Mountain Cascade, Inc.							
	DRIVER (ON/OFF-HAULING TO/FROM CONSTRUCTION SITE)	2,491.63	314.10	0.00	0.00	0.00	0.00
	Percentage of Each Craft Total Hours		12.61%	0.00%	0.00%	0.00%	
	Sub Total	2,491.63	314.10	0.00	0.00	0.00	0.00
	Percentage of Required Hours		50%	20%	25%		
	Percentage of Contract Completion	<u>ON CALL</u>					
	Total New Hires	<u>17</u>					
	Oakland New Hires	<u>2</u>					

Contractor Name	Craft	Total Employee Hours	All Oakland Hours	All Apprentice Hours	Oakland Disadvantaged Hours	Oakland Apprentice Hours	West Oakland Hours
MORROW MEADOWS							
	ELECTRICIAN	8,283.00	4,303.50	1,279.00	1,271.00	1,279.00	518.00
	Percentage of Each Craft Total Hours		51.96%	15.44%	99.37%	15.44%	

OAKLAND ARMY BASE WORK FORCE REPORT

Contractor Name	Craft	Total Employee Hours	All Oakland Hours	All Apprentice Hours	Oakland Disadvantaged Hours	Oakland Apprentice Hours	West Oakland Hours
MORROW MEADOWS							
	Sub Total	8,283.00	4,303.50	1,279.00	1,271.00	1,279.00	518.00
	Percentage of Required Hours		50%	20%	25%		
	Percentage of Contract Completion	<u>36.50%</u>					
	Total New Hires	<u>12</u>					
	Oakland New Hires	<u>11</u>					

Contractor Name	Craft	Total Employee Hours	All Oakland Hours	All Apprentice Hours	Oakland Disadvantaged Hours	Oakland Apprentice Hours	West Oakland Hours
Mountain Cascade, Inc							
	Laborer and Related Classifications	9,581.00	5,448.50	1,297.00	0.00	1,035.00	0.00
	Percentage of Each Craft Total Hours		56.87%	13.54%	0.00%	10.80%	
	Operating Engineer (Heavy & Highway work)	6,790.50	641.50	1,269.00	0.00	562.50	0.00
	Percentage of Each Craft Total Hours		9.45%	18.69%	0.00%	8.28%	
	TEAMSTER	156.25	0.00	0.00	0.00	0.00	0.00
	Percentage of Each Craft Total Hours		0.00%	0.00%	0.00%	0.00%	
	Sub Total	16,527.75	6,090.00	2,566.00	0.00	1,597.50	0.00
	Percentage of Required Hours		50%	20%	25%		
	Percentage of Contract Completion	<u>46%</u>					
	Total New Hires	<u>11</u>					
	Oakland New Hires	<u>7</u>					

Contractor Name	Craft	Total Employee Hours	All Oakland Hours	All Apprentice Hours	Oakland Disadvantaged Hours	Oakland Apprentice Hours	West Oakland Hours
NCM Contracting Group LP							
	Asbestos Removal Worker (Laborer)	4,048.00	2,974.00	0.00	0.00	0.00	0.00
	Percentage of Each Craft Total Hours		73.47%	0.00%	0.00%	0.00%	
	Laborer and Related Classifications	3,238.00	786.00	120.00	120.00	120.00	60.00
	Percentage of Each Craft Total Hours		24.27%	3.71%	100.00%	3.71%	
	Operating Engineer (Heavy & Highway work)	160.00	0.00	0.00	0.00	0.00	0.00
	Percentage of Each Craft Total Hours		0.00%	0.00%	0.00%	0.00%	
	Sub Total	7,446.00	3,760.00	120.00	120.00	120.00	60.00
	Percentage of Required Hours		50%	20%	25%		
	Percentage of Contract Completion	<u>100%</u>					
	Total New Hires	<u>35</u>					
	Oakland New Hires	<u>26</u>					

Contractor Name	Craft	Total Employee Hours	All Oakland Hours	All Apprentice Hours	Oakland Disadvantaged Hours	Oakland Apprentice Hours	West Oakland Hours
PLS SURVEYS, INC							

OAKLAND ARMY BASE WORK FORCE REPORT

Contractor Name	Craft	Total Employee Hours	All Oakland Hours	All Apprentice Hours	Oakland Disadvantaged Hours	Oakland Apprentice Hours	West Oakland Hours
PLS SURVEYS, INC							
	FIELD SURVEYOR	46.00	0.00	0.00	0.00	0.00	0.00
	Percentage of Each Craft Total Hours		0.00%	0.00%	0.00%	0.00%	
	Sub Total	46.00	0.00	0.00	0.00	0.00	0.00
	Percentage of Required Hours		50%	20%	25%		
	Percentage of Contract Completion	<u>100%</u>					
	Total New Hires	<u>0</u>					
	Oakland New Hires	<u>0</u>					

Contractor Name	Craft	Total Employee Hours	All Oakland Hours	All Apprentice Hours	Oakland Disadvantaged Hours	Oakland Apprentice Hours	West Oakland Hours
RAY'S ELECTRIC							
	ELECTRICIAN	32.00	32.00	0.00	0.00	0.00	0.00
	Percentage of Each Craft Total Hours		100.00%	0.00%	0.00%	0.00%	
	Laborer and Related Classifications	501.00	291.00	113.50	113.50	113.50	0.00
	Percentage of Each Craft Total Hours		58.08%	22.65%	100.00%	22.65%	
	Operating Engineer (Heavy & Highway work)	120.00	120.00	0.00	0.00	0.00	0.00
	Percentage of Each Craft Total Hours		100.00%	0.00%	0.00%	0.00%	
	Sub Total	653.00	443.00	113.50	113.50	113.50	0.00
	Percentage of Required Hours		50%	20%	25%		
	Percentage of Contract Completion	<u>50%</u>					
	Total New Hires	<u>1</u>					
	Oakland New Hires	<u>1</u>					

Contractor Name	Craft	Total Employee Hours	All Oakland Hours	All Apprentice Hours	Oakland Disadvantaged Hours	Oakland Apprentice Hours	West Oakland Hours
Selby's Soil Erosion Control Co. Inc							
	Laborer and Related Classifications	5.00	0.00	0.00	0.00	0.00	0.00
	Percentage of Each Craft Total Hours		0.00%	0.00%	0.00%	0.00%	
	Sub Total	5.00	0.00	0.00	0.00	0.00	0.00
	Percentage of Required Hours		50%	20%	25%		
	Percentage of Contract Completion	<u>ON CALL</u>					
	Total New Hires	<u>0</u>					
	Oakland New Hires	<u>0</u>					

Contractor Name	Craft	Total Employee Hours	All Oakland Hours	All Apprentice Hours	Oakland Disadvantaged Hours	Oakland Apprentice Hours	West Oakland Hours
TALUS CONSTRUCTION INC.							
	Laborer and Related Classifications	80.50	25.00	6.00	6.00	6.00	0.00
	Percentage of Each Craft Total Hours		31.06%	7.45%	100.00%	7.45%	

OAKLAND ARMY BASE WORK FORCE REPORT

Contractor Name	Craft	Total Employee Hours	All Oakland Hours	All Apprentice Hours	Oakland Disadvantaged Hours	Oakland Apprentice Hours	West Oakland Hours
TALUS CONSTRUCTION INC.							
Operating Engineer (Heavy & Highway work)		33.50	6.00	0.00	0.00	0.00	0.00
	Percentage of Each Craft Total Hours		17.91%	0.00%	0.00%	0.00%	
Operating Engineer (Landscape Construction)		14.00	0.00	0.00	0.00	0.00	0.00
	Percentage of Each Craft Total Hours		0.00%	0.00%	0.00%	0.00%	
	Sub Total	128.00	31.00	6.00	6.00	6.00	0.00
	Percentage of Required Hours		50%	20%	25%		
	Percentage of Contract Completion	<u>19%</u>					
	Total New Hires	<u>0</u>					
	Oakland New Hires	<u>0</u>					

Contractor Name	Craft	Total Employee Hours	All Oakland Hours	All Apprentice Hours	Oakland Disadvantaged Hours	Oakland Apprentice Hours	West Oakland Hours
Talus Construction, Inc (Oakland Army Base-Morrow Meadows only)							
Laborer and Related Classifications		1,624.50	465.50	441.50	229.50	424.50	0.00
	Percentage of Each Craft Total Hours		28.65%	27.18%	51.98%	26.13%	
Operating Engineer (Heavy & Highway work)		488.50	242.00	40.00	40.00	40.00	0.00
	Percentage of Each Craft Total Hours		49.54%	8.19%	100.00%	8.19%	
Operating Engineer (Landscape Construction)		386.00	0.00	0.00	0.00	0.00	0.00
	Percentage of Each Craft Total Hours		0.00%	0.00%	0.00%	0.00%	
	Sub Total	2,499.00	707.50	481.50	269.50	464.50	0.00
	Percentage of Required Hours		50%	20%	25%		
	Percentage of Contract Completion	<u>13.50%</u>					
	Total New Hires	<u>8</u>					
	Oakland New Hires	<u>6</u>					

Contractor Name	Craft	Total Employee Hours	All Oakland Hours	All Apprentice Hours	Oakland Disadvantaged Hours	Oakland Apprentice Hours	West Oakland Hours
TAP MASTER, INC.							
	PLUMBER	33.75	0.00	0.00	0.00	0.00	0.00
	Percentage of Each Craft Total Hours		0.00%	0.00%	0.00%	0.00%	
	Sub Total	33.75	0.00	0.00	0.00	0.00	0.00
	Percentage of Required Hours		50%	20%	25%		
	Percentage of Contract Completion	<u>ON CALL</u>					
	Total New Hires	<u>0</u>					
	Oakland New Hires	<u>0</u>					

OAKLAND ARMY BASE WORKFORCE REPORT BY CRAFT

Requirement 1: 50% Craft by Craft to be worked by an Oakland Resident

Requirement 2: 20% Craft by Craft to be worked by an Apprentice (No Local Requirement)

Requirement 3: 25% of the 20% Apprentice Hours to be worked by an Oakland Disadvantaged Apprentice

Craft	All Employee Hours	Oakland Hours and Percentage	All Apprentice Hours and Percentage	Oakland Disadvantaged Apprentice Hours and Percentage	Oakland Apprentice Hours and Percentage
Asbestos Removal Worker (Laborer)	4,048.00	2,974.00 73.47%	0.00 0.00%	0.00 0.00%	0.00 0.00%
BUILDING / CONSTRUCTION INSPECTOR AND FIELD SOILS AND MATERIAL TESTER	3,631.50	0.00 0.00%	8.00 0.22%	0.00 0.00%	0.00 0.00%
Carpenter and Related Trades	269.00	264.00 98.14%	0.00 0.00%	0.00 0.00%	0.00 0.00%
DRIVER (ON/OFF-HAULING TO/FROM CONSTRUCTION SITE)	2,530.13	352.60 13.94%	0.00 0.00%	0.00 0.00%	0.00 0.00%
Electrical Utility Lineman	2,681.50	0.00 0.00%	262.00 9.77%	0.00 0.00%	0.00 0.00%
ELECTRICIAN	9,197.00	4,533.50 49.29%	1,337.00 14.54%	1,271.00 95.06%	1,337.00 14.54%
FIELD SURVEYOR	1,223.00	325.50 26.61%	309.00 25.27%	60.50 19.58%	106.00 8.67%
Laborer and Related Classifications	85,093.00	53,925.00 63.37%	19,705.00 23.16%	7,151.00 36.29%	15,505.75 18.22%
LANDSCAPE MAINTENANCE LABORER	171.00	102.50 59.94%	0.00 0.00%	0.00 0.00%	0.00 0.00%
Operating Engineer (Heavy & Highway work)	47,669.25	18,048.25 37.86%	13,009.50 27.29%	4,946.50 38.02%	7,231.00 15.17%
Operating Engineer (Landscape Construction)	1,847.00	482.00 26.10%	0.00 0.00%	0.00 0.00%	0.00 0.00%
PARKING AND HIGHWAY IMPROVEMENT PAINTER (LABORER)	124.00	17.00 13.71%	0.00 0.00%	0.00 0.00%	0.00 0.00%
PLUMBER	33.75	0.00 0.00%	0.00 0.00%	0.00 0.00%	0.00 0.00%
TEAMSTER	2,320.25	0.00 0.00%	0.00 0.00%	0.00 0.00%	0.00 0.00%
TRAFFIC CONTROL/LANE CLOSURE (LABORER)	60.00	0.00 0.00%	0.00 0.00%	0.00 0.00%	0.00 0.00%

Requirement 1: 50% Craft by Craft to be worked by an Oakland Resident

Requirement 2: 20% Craft by Craft to be worked by an Apprentice (No Local Requirement)

Requirement 3: 25% of the 20% Apprentice Hours to be worked by an Oakland Disadvantaged Apprentice

Craft	All Employee Hours	Oakland Hours and Percentage	All Apprentice Hours and Percentage	Oakland Disadvantaged Apprentice Hours and Percentage	Oakland Apprentice Hours and Percentage
Grand Total	160,898.38	81,024.35	34,630.50	13,429.00	24,179.75
Total Percentage		50.36%	22.41%	38.78%	15.65%

All Employee Wages \$5,488,619.91

Oakland Wages and Percentage \$2,449,887.14 44.64%

Oakland Disadvantaged Wages and Percentage \$307,095.96 5.60%

Non-Apprenticeable Hours

Asbestos Hours 4,048.00

Teamster Hours 2,320.25

Total 6,368.25

AGENDA ITEM 8

Steps for Addressing Non Compliance

CITY OF OAKLAND



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November 13, 2014

To: Community Jobs Oversight Commission

Re: Army Base Public Improvements - Construction Jobs Policy

Dear Commission Members:

Pursuant to the Commission's request, the City Attorney's Office is pleased to attach a memorandum describing the City's general enforcement options if a contractor fails to comply with the Public Improvements Construction Jobs Policy at the Oakland Army Base.

Very truly yours,

BARBARA J. PARKER
City Attorney

By:

A handwritten signature in cursive script, appearing to read "Diane M. Millner", written over a horizontal line.

Diane M. Millner
Special Counsel

Attachment:

DMM/lr

1510833

law office of julian gross

memorandum

To: Community Jobs Oversight Commission

From: Julian Gross

Date: November 6, 2014

re: *City's compliance options for Oakland Army Base Jobs Policies*

Pursuant to the request from the Community Jobs Oversight Commission, this memorandum provides an overview of the City's legal options in cases of noncompliance with the Construction Jobs Policy for Public Improvements ("Jobs Policy") for the Oakland Army Base Project (the "Project").¹

This memo covers only the primary legal options available to the City; additional legal options may be available in certain cases.

The Jobs Policy and the Project's Design-Build Contract contain several important provisions regarding compliance.

- (1) Compliance is determined for each contractor working on the Project, regardless of tier.** If a contractor has completed its work on a contract on the Project, then a compliance determination is made for that work. (See Jobs Policy Section III.A.1; the definition of "Contractor"; and inclusion of Jobs Policy as a material term of each contract and subcontract.)

¹This memorandum does *not* address the following matters:

- compliance mechanisms regarding violations of other Project jobs policies, including policies covering vertical construction and operational jobs;
- compliance mechanisms regarding violations of the Project Labor Agreement for the Project;
- compliance mechanisms for violations of the Project's Property Management Agreement;
- monitoring and reporting systems for the Jobs Policy;
- operations or activities of the West Oakland Jobs Resource Center;
- role of the Community Jobs Oversight Commission;
- operations or activities of the Contracts & Compliance Unit of the City Administrator's Office; or
- compliance mechanisms for violations of the Project's Design-Build Contract *other than* violations of the Jobs Policy (such as the local business utilization requirements).

- (2) **Compliance regarding local and disadvantaged hiring requirements is determined for each trade in which a contractor works.** Hours a contractor works in one trade may not be aggregated with the contractor's work hours in another trade. (See Jobs Policy Sections III.C.1 and III.C.2, establishing targeted percentages "For each construction trade in which a Contractor performs Project Construction Work...")
- (3) **The City is empowered to take certain types of direct action against a contractor that is out of compliance, rather than having to take action against its construction manager or the design-build contractor.** (See Jobs Policy section IV.E, "Third Party Beneficiaries.")
- (4) **For failure of a contractor to either satisfy the percentage goals or follow the required processes, the City's primary legal remedy is assessment of liquidated damages.** The Jobs Policy establishes that in each trade, each contractor must either meet the specified percentage goals for local and for disadvantaged workers, or utilize specified recruitment procedures for all hiring. (See Jobs Policy sec. III.A.)
- If a contractor does not attain compliance through one of these alternative approaches, the City may assess liquidated damages against the contractor, in the amount of \$20 for each hour by which the contractor was short of the percentage requirements. (See Jobs Policy sec. IV.F.1.)
 - Liquidated damages are assessed through **withholding of payment to a contractor** that has not complied. (See Design-Build Contract sec. A.9.5.1 ("The City may withhold a payment ... due to their determination that ... the Design-Builder or any subcontractor has not complied with the Construction Jobs Policy."); see also sec. 5.1.4.)
- (5) **For failure to follow other requirements of the Jobs Policy, the City has several remedies available.**
- The City may withhold payment for work performed by a subcontractor that is not in compliance with the Jobs Policy. (See Design-Build Contract sec. A.9.5.1.)
 - The City can require its construction manager or the design-build contractor to bring the contractor into compliance. The Design-Build Contract includes several statements requiring contractor and subcontractor compliance with the Jobs Policy. (See Design-Build Contract, Articles ii.2, 5.5.1, A.9.3.1.) The City may also take direct legal action against a subcontractor to obtain compliance, including pursuit of a court order requiring compliance, if necessary. (See Jobs Policy sec. IV.F.2.)