



THE CITY OF SAN DIEGO

**CITIZENS' EQUAL OPPORTUNITY COMMISSION  
REGULAR BUSINESS MEETING**

**\*CD of Recorded Minutes available upon request**

**MINUTES**

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**Wednesday, November 4, 2009 - 6 P.M. – 10 P.M.  
City Administration Building  
Council Committee Room  
202 C Street – 12<sup>th</sup> Floor  
San Diego, CA 92101**

**Commissioners Present:**

Shirley Weber, Ph.D. (Interim Chair)  
Eileen Chaske  
Stampf Corbin

Debbie Day  
Alden Salcedo

**Excused/absent Commissioners: Rebecca Llewellyn, Dan Salas, Sarah Young, Maurice Wilson, and Brad Barnum**

**MAYOR'S STAFF:**

Debra Fischle-Faulk, Director Administration  
Hildred Pepper, Director, Purchasing & Contracting  
Terrell Breaux, EOC Supervisor;  
Laura Davis, EOC, WPO

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- I. CALL TO ORDER:** The meeting was called to order at 6:02 p.m. by Chairperson Dr. Shirley Weber.
  
  - II. APPROVAL OF MINUTES AND AGENDA:** Minutes of October 12, 2009 and Today's Agenda were unanimously approved.
  
  - III. PUBLIC COMMENT: NONE**

**IV. ACTION ITEMS:**

**Review Small Local Business Enterprises Program Update**  
*Debra Fischle-Faulk, Director of Administration*

- Proposed program was presented to Rules Committee October 28, 2009
- IBA had some suggested language to incorporate
- Motioned to move forward to council by Councilmember Tony Young with the following additions:
  - Incorporate language in the draft proposal that requires SLBE goals to be reported to Council annually. If there are changes there must be an explanation why.
  - Include examples to the draft proposal to clarify what is expected of the Mentors.
  - Add language to include an audit and report of the SLBE Program on an annual basis
- Expect to go to council December 8<sup>th</sup>, (Council President docket items) Commissioners will be informed via email.

***Commissioner Weber:***

- Attended Rules Committee. Staffing level comments were voice at the meeting due to the City's current budget issues. Adequate staff is necessary to implement the proposed program. Committee members were assured them that there were opportunities to accrue staff.
- Requested an update on a regular basis regarding staffing levels.

***Commissioner Day:***

- Inquired about the two staff members who will be assisting with the SLBE Program certification process from Engineering & Capital Projects. Requested their names and background. Staff identified them- Dave Stuckey and Michelle Haines. Both currently review and approve the City's prequalification applications.

**V. DISCUSSION ITEMS: NONE**

**VI. STAFF REPORT: *Presented by Terrell Breaux. (For Details Refer to Handout)***

- ***Contracting Activities for October 2009***
  - ***No Construction contract were awarded for the Month of October 2009.***
  - ***3 consultants were issued Notices to Proceed letters: Geologic, Alta Land Surveying, and Infrastructure Engineering.***
  - ***No SCOPE contracts closed. Nine Final Summary Reports conducted.***
  - ***There were no waiver or complaints filed by businesses.***
  - ***A brief general summary of compliance violations were found by staff during routine site visits.***

**Question & Answers:**

- *What happens when contractors don't pay their subs?*  
We will call them and give them verbal warning first and the second time we will take the necessary action. Records are kept.
- *When you say "not certified" does that mean non DBE?*  
This is just to let you know that these are the contracts awarded to non certified specific companies, "0".
- *Is the information of when prime are paid still being posted online?*  
Hildred Pepper Director of Purchasing and Contracting responded that they were still available and that Engineering and Capital Projects is the department that puts that information together. Future compliance software (1-2 months) will allow us to show certification status as our short term goal due to the availability of the software and the entry of customer information.
- *How difficult is the City's certification process compared to Cal Trans difficult certification process?*  
We are currently looking at a couple of Cities and Counties certification process who have similar programs. The intent is for it to be less cumbersome than Cal Trans. IRS tax forms and a workforce report will be requested.

**DIRECTOR'S PROGRAM UPDATE FOR CITIZENS EQUAL OPPORTUNITY COMMISSION: Presented by Debra Fischle-Faulk (For Details Refer to Handout Provided)**

- *Small Local Business Enterprise Program Proposal*
- *Contract Compliance Software Package*
- *Internal Audit*
- *Certificate*
- *Upcoming Caltrans Project*
- *SBA Agreement*

**VII. SUBCOMMITTEE REPORT: NONE**

**VII. COMMISSIONERS ANNOUNCEMENTS:**

**Commissioner Corbin:** Announced he met with the Director of Purchasing and Contracting, Hildred Pepper, Commissioner Corbin will be making a formal report at a later date.

**Commissioner Chaske:** Announced the Celebration for Native American Month, there is a program and children will be dancing. (See Flyer)

**Commissioner Weber:** Announce that she attended the Rules Committee and a request was made by the Committee that the Commission be provided a list of potential Contractors. She committed to ensuring the list is provided to the Council.

**IX. INTERIM CHAIR'S REPORT: NONE**

**X. ADJOURNMENT: 6:55 P.M Vote: Passed Unanimously (5-0)**

**\*\*\*Materials Provided**

- I. Minutes of October 12, 2009
- II. Staff Monthly Report
- III. Director's Monthly Report
- IV. Native American Month Celebration Program

**\*\*\*Attached are the EOC Staff Reports and Native American Month Celebration Program\*\*\***



REPORT TO CITIZENS EQUAL OPPORTUNITY COMMISSION

DATE: November 4, 2009  
TO: CEOC Chair and Commissioners  
FROM: Terrell Breaux, Equal Opportunity Contracting  
SUBJECT: Contracting activities for October 2009

- 1) The names and number of contracts awarded (including amendments) by type: Construction, consultant/professional services.
- 2) Dollar values and funding source for each contract awarded.
- 3) Type of contract: Design/Build, Minor Construction, General Requirement Contract, SCOPE for construction; RFO or RFP for consultants.
- 4) Committed dollar value and certification type (D/DV/M/WBE) for each contract award (prime & subs).

No construction contracts have been awarded for the month of October 2009.

3 consultants were issued Notice to Proceed letters - all City funded.

1. Geologic (Not certified) for As Needed Landfill Groundwater Monitoring \$650K  
Subs: Precision Wood Processing (Not certified) \$36K  
Bryan A. Shirat & Assoc. (Not certified) \$90K
  2. Alta Land Surveying (Not certified) Citywide Pump Station Upgrades \$3,110  
Subs: None
  3. Infrastructure Engineering (Not certified) Carmel Valley Recy Water Pipeline Project \$48,755  
Subs: None
- 5) Number of SCOPE contracts closed-out and number of Final Summary Reports received in last 30 days.  
No SCOPE contracts closed. Nine (9) Final Summary Reports and verification of payments completed.
- 6) A brief description of any waivers issued or complaints files by firms or individuals doing business with The City of San Diego.  
None.
- 7) A brief, general summary of any compliance violations found by staff during EOC's routine monitoring activities.  
As a result of our review and payment verification process on the Final Summary reports received, staff identified subcontractor payment issues which resulted in expedited payments of over \$ 3,000 due to listed subcontractors.  
Two (2) Labor violations have been identified that require additional investigation.

CITY OF SAN DIEGO  
Equal Opportunity Contracting  
Director's Program Update for Citizens Equal Opportunity Commission  
November 4, 2009

**Small Local Business Enterprise Program Proposal**

- 9 public meetings requesting feedback
- Rules Committee moved item to Council, requested IBA recommendations be included
- E&CP Prequalification review staff to be loaned to BOCP to assist with review of financials for certification documents if program approved by Council

**Contract Compliance Software Package**

- Intent to Award Letter issued
  - Vendor Management:* self-registration, detailed profiles, searchable online directory, correspondence tracking
  - Contract Management:* solicitation announcements, contract goal setting, contract details, change orders
  - Payment Compliance:* on-line payment reporting, commitment vs actual, noncompliance alerts, US DOT Part 26 Reporting
  - Labor Management:* on-line payroll submission, certified payroll audit, prevailing wage, workforce utilization
  - Certification Management:* on-line application submission, custom approval workflow, on-site visit documents

**Internal Audit**

- Independent Auditor conducting audit on SCOPs and Labor Compliance as requested
- Insurance Conference held 05/01/09
- Ongoing- anticipate completion 12/09

**Certification**

- Met with Caltrans Chief Office of Certification and San Francisco's DBE Program Manager 6/02/09 to discuss training City staff to initially review certification packets with a goal of the City becoming a certifying agent.
- Certification and DBELO training 11/09

**Upcoming Caltrans Project**

- Otay Truck Route Widening Phase 2
  - 7.5% Underutilized DBE Race Conscious Goal
  - 3.8% DBE Race Neutral Goal

**SBA Agreement**

- Strategic Alliance to help small businesses with bonding required on Caltrans & Federal projects

# Native American Month Celebration

**The Soaring Eagles  
Kumeyaay Frybread  
Circling Hawk Creations Arts & Crafts**

Friday, November 13, 2009

11 a.m. to 1 p.m.



Civic Center Plaza  
1200 3rd Avenue  
San Diego, CA 92101

Program Starts at Noon:  
Welcome —  
Councilmember Todd Gloria  
"Tlingit"  
Soaring Eagles Dance Group

**FOR MORE INFORMATION CONTACT : NANCY at 619-533-6277 OR LYDIA at 619-236-6539**



Sponsored by:  
Councilmember Todd Gloria, City of San Diego Diversity Commitment, Indian  
Human Resource Center, and Council of American Indian Organizations of  
San Diego County.





**≡ Native American Month Celebration**

**Friday, November 13, 2009**

**11 a.m. to 1 p.m.**

# Kumeyaay Frybread

**Indian Taco - \$5.00**

(ground beef with beans, onions, cheese, tomatoes, and lettuce)

**Frybread—\$4.00**

(Powder Sugar, Honey, and Cinnamon available)

**Soda & Bottled Water — \$1.00**



**Civic Center Plaza  
202 C Street  
San Diego, CA 92101**



**Come and Celebrate with us!**

**Enjoy your lunch while watching the Soaring Eagles perform. This is also a chance to pick up some unique Holiday gifts.**



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