



THE CITY OF SAN DIEGO

CITIZENS' EQUAL OPPORTUNITY COMMISSION

SPECIAL MEETING

**CD of Recorded Minutes available upon request*

MINUTES

**Wednesday, June 8, 2010 - 8 - 10
Metro Operations Center (MOC)
Council Committee Room
9192 Topaz Way
San Diego, CA 92123**

Commissioners Present:

Brad Barnum
Eileen Chaske
Stamp Corbin (Vice Chair)

Debbie Day
Sarah Young

Maurice Wilson
Dr. Shirley Weber (Chair)

Absent Commissioners: Ron Cho, Juan Gallegos

MAYOR'S STAFF:

Debra Fischle-Faulk, Director Administration
Christian Silva, Associate Analyst;

I. CALL TO ORDER: The meeting was called to order at 8:06 by Chairperson Shirley Weber.

II. DISCUSSION ITEMS: Debra Fischle-Faulk provided the Commissioners with background information regarding the SCOPe Audit Request. The Audit encompassed the time frame of 11/2008 through October 2009. Debra expressed the following concerns:

- The use of the regression analysis to determine whether achievements of the advisory goals were reasonable.
- The use of the availability analysis they conducted to make a determination.
- The need to raise the cost of Disparity Study.

Debra also informed the Commissioners of the different elements that make up the Equal Opportunity Contracting Program; including outreach, federal requirements Small Local Business Program, Labor Compliance, Certified Payrolls, Pre Bids, and Pre Cons. These are different elements of the EOC Program.

Vice Chair Corbin asks the budget amount of the Program (EOCP)?

Answer: The total budget for the administration department is a little over 1 million but, the amount of budget encumbered by the EOC Program is about ½ of that.

Vice Chair Corbin: Expressed his concern of the money spent vs. the money generated.

Debra Fischle-Faulk: I will give you the statistics on the dollars for construction and consultants and Purchasing & Contracting Departments information.

The Audit Report was very incomplete and did not address some issues. They took a limited look at the information. The report was based on 1 year of information, they didn't look at the SCOPE documents or interview the Primes or Subs and they didn't provide a gender breakdown. They did a limited regression analysis. They are not experts in the items that they are auditing.

Next meeting is Monday June 14, 2010.

Based on the old Disparity Study we developed the SCOPE program.

As of July 1st, 2010, if you are not certified with the Small Local Business Program you cannot bid on the jobs. The Minor Construction Program is going away as of July 1st, 2010 and will be replaced by the SLBE; we have notified the Minor's.

On page 23 of the report it inaccurately states that the default race is Male/ Caucasian, again this is inaccurate and it is stated as inaccurate in the report.

The annual report will reflect breakdowns of gender & race. The new software will be helpful in the sorting of the information

***Motion made and vote taken of those who disagree with the SCOPE/DVBE issue.**

4 - In Favor

2 - Abstained

***Motion made and vote taken in favor of the Disparity Study.**

4 - In Favor

2 - Opposed

***Motion made and requests the following to occur in regards to the Local Hiring Preference:**

1. A letter to be written to Council President Hueso and to address issues.
2. Further discussion and dialogue is proposed to better understand all issues.
3. The Commission understands the good intentions of the program but would like to discuss the Implications and adverse affects it could have on current programs.
4. Chair Shirley Weber to draft the letter of concern and forward to Debra Fischle-Faulk.

Action: Chair Shirley Weber to draft the letter to Councilmember DeMaio inviting him to one of the regularly scheduled meeting in July to examine his initiative.

The Green Initiative

Brad Barnum mentioned that his group was addressed by the Center for Policy Initiative and the IBA did a report that brought a lot of discussion. They are basically requesting that 70 % of all Journeymen working on Public Works projects in California have to have graduated from an apprenticeship program. The unions believe that since they are training you that you will join the union. It drives membership to the unions.

This policy will impact Disabled Veterans, Small Companies and diversity.

***Motion was made and vote was taken to oppose the Green Initiative program.**

In favor - 4

Opposed - 0

Abstained - 2

STAFF REPORT: Debra Fischle-Faulk handed out her report to the Commissioners Review, all highlighted issues. We have a workshop coming up.

Mentor Protégé Program went very well, current Mentors are automatically in the program (SLBE).

VI. ADJOURNMENT: 9:58 A.M.

I. Staff Report

CITY OF SAN DIEGO
Equal Opportunity Contracting
Director's Program Update for Citizens Equal Opportunity Commission
June 8, 2010

Small Local Business Enterprise Program – Effective 7/01/10

•Application workshops:

- 4/08/10, Mayor's Initial Announcement Balboa Park Club*
- 5/19/2010, Balboa Park Club Bidders Symposium*
- 5/25/10 Tubman Chavez Multicultural Center*
- 6/01/10 DVBE Meeting, Balboa Park Veterans Building*
- 6/02/10 Subs for Subs, Balboa Park Club*
- 6/03/10 Turner School of Construction Management Airport Authority Facilities Maintenance Building*
- 6/04/10 City protégés, War Memorial Building*

- ▶ *69 applications received, 34 approved 32 pending 3 denied*
- ▶ *Announcement with application to be posted on City's website*
- ▶ *Application posted on P&Cs vendor website 6/07/10*
- ▶ *Several notices sent out to City's database and several Caltrans certified firms*
- ▶ *2 notices with application sent out to Minor Construction Program participants*

•Program Presentations:

- Radio coverage on SBAs station*
- 4/09/10 Consultant Group Presentation*
- 4/14/10 Public Agency Consortium (PAC) meeting*
- 5/26/10 Consultant Group Presentation*
- 5/27/10 Mtg. w/ President SD Regional Minority Supplier Development Council*
- 6/10/10 Presentation to Construction Industry*
- 7/28/10 Supplier Diversity Week*

- Goal Setting Committee established***
- Bid discount application spreadsheet developed being reviewed by P&C***
- Bid specifications drafted and approved***
- good faith documents finalized – using Caltrans forms***
- A&E consultant input meetings 4/09/10,***
- General Requirements Contracts – additional smaller contracts identified for SLBEs only***
- Joint Effort with Asian Business Association – How to do Business with City and SLBE Application Workshop – 5/18/10, Scripps Ranch Library – rescheduled for July at request of Asian Business Association***

Contract Compliance Software Package

- Historical data loaded, working on FY2010 data***
- Labor Compliance, Contract Compliance, and Vendor Compliance modules loaded***
- Training scheduled 6/15 & 6/16***
- Contractor training mid to late July (firm searches, payroll submittals, monthly report submittals)***

- ***Certification module to be loaded in August***
- Loaded data demonstration – 04/08/10
- Weekly conference calls and data sharing
- Configuration complete

Internal Audit

- Complete, corrective actions begun.
- ***Presenting at 6/14/10 Audit Committee meeting***

Federal/State Funded Projects

- ***Caltrans, SCOPe goal calculation review meeting 6/16/10***
- ***Several reports due July and August – gathering data***
- Prepared and submitted required program, annual and project-by-project goals to FAA
- EPA, CDBG, FHWA, CALTRANS, FEMA and Clean Water State Revolving Fund (CWSRF) programmatic goals have updated and included in bid specs.
- HUD Annual Report for period 1 submitted to CDBG staff

Labor /Contract Compliance

- ***fine assessed \$2,695 – unlisted sub***
- ***Recovered \$60,000 sub payment based on final summary report review***
- ***Identified & investigating potential documentation falsification issues***
- Weekly staff meetings to review projects, site visits, etc.
- Issues being identified and addressed (i.e. missing payrolls, recent employee complaint)
- Conducting compliance audit on large project – identified underpaid employees