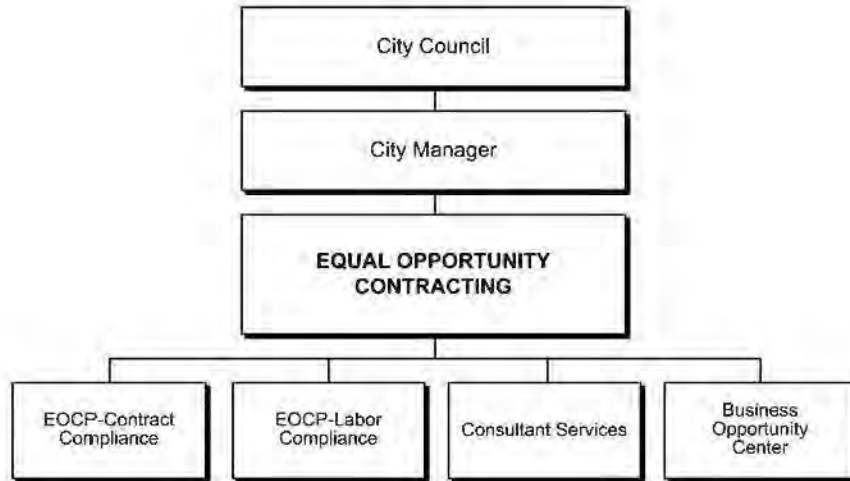


# Equal Opportunity Contracting

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# Equal Opportunity Contracting



## Mission Statement

Equal Opportunity Contracting is a leader and a partner in public works contracting for the City of San Diego and the community by promoting success in public contracting through education and an unwavering focus on the true value of equality, and honoring the public's trust by actively encouraging fair dissemination of public contracting dollars.

## Department Description

As a function of the Office of the City Manager, Equal Opportunity Contracting (EOC) serves both businesses and the labor market by working to ensure equal access to contracting opportunities with the City of San Diego. Working in partnership with City departments and other local, State, and federal agencies, EOC monitors and enforces equal opportunity and public contracting laws related to the use of construction contractors, consultants, and vendors/suppliers.

The Program:

- Enforces public contracting regulations;
- Administers federal, State, and City equal opportunity laws;
- Conducts broad outreach efforts to increase the diversity of the contracting community;
- Provides mentorships and technical assistance to small and emerging contractors;
- Develops partnerships with the contracting community, emerging businesses and our client departments;
- Respects the diverse interests of its clients and community.

## Division/Major Program Description

### Business Opportunity Center

The Business Opportunity Center includes the Minor Construction Program (MCP) and the Contractor Assistance Program. It administers and enforces the Municipal Code provisions for the award of construction

# Equal Opportunity Contracting

## Division/Major Program Description

### Business Opportunity Center (continued)

contracts under \$250,000. MCP is an award-winning program that has achieved greater than 60 percent Disadvantaged Business Enterprise participation.

The Business Opportunity Center also serves as the County-wide certification office to Disadvantaged Business Enterprises under the California Unified Certification Program.

### Consultant Services

Consultant Services (CS) is a fully cost recoverable unit. In compliance with Administrative Regulation 25.60, the CS section provides the names of qualified private architectural and engineering firms to the City of San Diego, County of San Diego and Unified Port District for use on City, County and Port projects.

### EOCP-Contract Compliance

The Contract Compliance Unit is responsible for ensuring that all construction contractors, as well as architectural and engineering consultants, comply with all City, State and federal laws regulating the use and payment of subcontractors and subconsultants. Duties include analyzing 1472s, analyzing monthly invoicing reports, conducting field inspections, conducting compliance audits, mediating disputes, enforcing contract provisions, participating on selection panels, pre-bid and pre-construction meetings.

### EOCP-Labor Compliance

The Labor Compliance Unit is responsible for ensuring compliance with labor and apprenticeship laws and guidelines. Duties include pre-bid and pre-construction meetings, review of certified payrolls and monthly employment reports, and resolution of wage and apprentice disputes/violations. Enforcement is required under such funding agencies as the TransNet State Revolving Fund Loan Program, Community Development Block Grant, Housing and Urban Development, Congestion Mitigation and Air Quality, Transportation Equity Act, Surface Transportation Program, Federal Aviation Authority and Federal Aid Urban.

## Service Efforts and Accomplishments

The State of California Department of Industrial Relations approved the City of San Diego's application for certification as a Labor Compliance Program, effective August 11, 2003. Labor compliance encompasses administration of prevailing wage and apprentice utilization requirements. The Labor Compliance Program maintains wage file records, conducts field interviews (in English and Spanish) for City public works projects, and presents trainings for contractors and City staff. Formal certification as a Labor Compliance Program allows the City to achieve more efficient settlements, to withhold contract payments for certain violations of the labor code

# Equal Opportunity Contracting

## Service Efforts and Accomplishments

and to collect and retain penalties (in the General Fund) when investigations establish occurrences of noncompliance. The City may consider providing third party services as a labor compliance program for other agencies, potentially increasing revenue. The Contract Compliance Program has recovered over \$100,000 on behalf of subcontractors, implemented a companion to the "Stop Notice" process, which incorporates mediation as a resolution tool, and continues to work diligently with our State and federal counterparts to ensure equal opportunity in contracting as a whole.

The Minor Construction Program continues to provide an essential service for the small and emerging business community. Through a public/private partnership with the Engineering General Contractors Association, the Minor Construction Program provided a series of workshops of legal and technical instruction as pertaining to public works contracting for small and emerging/diverse contractors. Over 50 local construction firms and builders received this training at a very low cost. In addition, this Program was the 2004 recipient of the Engineering General Contractor Association Public Agency Partnership Award.

The Business Opportunity Center is also instrumental in developing a Public Agency Consortium composed of the City of San Diego, Contracting Opportunities Center, County of San Diego, San Diego Association of Governments, San Diego County Regional Airport Authority, San Diego County Water Authority, San Diego Unified Port District, Centre City Development Corporation, San Diego Housing Commission and San Diego Unified School District, to develop a regional approach to outreach resulting in greater efficiencies and cost-sharing to the City and its partner agencies. The Public Agency Consortium is planning in Fiscal Year 2005 to combine training programs for small and emerging businesses, reportedly the first combination of a regional small and emerging business training course nationwide, to reduce duplication of efforts and maximize training efforts.

EOC continues to maximize resources and meet the needs of the community through such public/private partnerships as the Recruitment Consortium. The San Diego Architectural and Engineering Recruitment Consortium is comprised of the City of San Diego and a dynamic "core" of consulting firms that do business with the City. The Consortium has grown from a loosely-knit group of recruitment and diversity enthusiasts into a county-wide volunteer organization with a reputation as an industry group that is dedicated to education, diversity, and recruitment.

## Future Outlook

EOC continues to identify ways to assist local small and disadvantaged firms in the proposed Small Business Incentive Program in development. EOC will actively assist in the execution of major Capital Improvement Projects in such key Departments as Park and Recreation, Library, Water, and Metropolitan Wastewater, ensuring that the interests of the City's diverse workforce and business are represented.

## Budget Dollars at Work

Enforced federal and State regulations on:

\$205,527,579 for 149 Construction contracts

\$129,999,679 for 332 Consultant/professional service contracts

320 Architectural and Engineering consultant referrals made to client departments and client agencies

# Equal Opportunity Contracting

Equal Opportunity Contracting				
	FY 2003 BUDGET	FY 2004 BUDGET	FY 2005 FINAL	FY 2004-2005 CHANGE
Positions	28.50	26.50	<b>24.50</b>	(2.00)
Personnel Expense	\$ 1,914,158	\$ 1,883,423	\$ <b>1,954,344</b>	\$ 70,921
Non-Personnel Expense	\$ 604,612	\$ 470,598	\$ <b>339,669</b>	\$ (130,929)
<b>TOTAL</b>	\$ 2,518,770	\$ 2,354,021	\$ <b>2,294,013</b>	\$ (60,008)

## Department Staffing

	FY 2003 BUDGET	FY 2004 BUDGET	FY 2005 FINAL
<b>GENERAL FUND</b>			
<b>Equal Opportunity Contracting</b>			
Business Opportunity Center	2.00	2.00	<b>6.00</b>
Consultant Services	2.00	2.00	<b>2.00</b>
EOCP-Contract and Labor Compliance	22.50	20.50	<b>16.50</b>
Investigative Unit	2.00	2.00	<b>0.00</b>
<b>Total</b>	<b>28.50</b>	<b>26.50</b>	<b>24.50</b>

## Department Expenditures

	FY 2003 BUDGET	FY 2004 BUDGET	FY 2005 FINAL
<b>GENERAL FUND</b>			
<b>Equal Opportunity Contracting</b>			
Business Opportunity Center	\$ 162,339	\$ 172,121	\$ <b>517,109</b>
Consultant Services	\$ 132,652	\$ 139,077	\$ <b>152,384</b>
EOCP-Contract and Labor Compliance	\$ 1,974,022	\$ 1,784,144	\$ <b>1,624,520</b>
Investigative Unit	\$ 249,757	\$ 258,679	\$ -
<b>Total</b>	\$ <b>2,518,770</b>	\$ <b>2,354,021</b>	\$ <b>2,294,013</b>

## Significant Budget Adjustments

### GENERAL FUND

Equal Opportunity Contracting	Positions	Cost
<b>Salary and Benefit Adjustments</b>	0.00	\$ 185,892

Adjustments to reflect the annualization of the Fiscal Year 2004 negotiated salary compensation schedule, Fiscal Year 2005 negotiated salaries and benefits, changes to average salaries, retirement contributions and other benefit compensation.

# Equal Opportunity Contracting

## Significant Budget Adjustments

### GENERAL FUND

Equal Opportunity Contracting	Positions	Cost
<b>Non-Discretionary</b>	0.00 \$	2,954
Adjustments to reflect expenses that are determined outside of the Department's direct control. Examples of these adjustments include utilities, insurance, and rent.		
<b>Support for Information Technology</b>	0.00 \$	(49,110)
Funding has been reallocated according to a Citywide review of information technology budget requirements and priority analyses.		
<b>Reduction of Staffing and Support in Investigative Services</b>	(1.00) \$	(73,634)
Reduction of 1.00 Administrative Aide II and support in Investigative Services. The reduction of this position effectively eliminates the Investigative Services section, which handled all complaints regarding equal opportunity contract activities requiring investigation and/or enforcement above and beyond the level of responsibility of the Contract Compliance Officer.		
<b>Reduction of Staffing and Support in Contract Compliance</b>	(1.00) \$	(126,110)
Reduction of 1.00 Clerical Assistant II and support in EOCP-Contract Compliance. The reduction of this position reduces monitoring and enforcement of public contracting regulations and equal opportunity laws; delays certifying underutilized businesses seeking government contracts; and delays functions such as Subcontractor Outreach Program evaluations and business audits.		

## Expenditures by Category

	FY 2003 BUDGET	FY 2004 BUDGET	FY 2005 FINAL
<b>PERSONNEL</b>			
Salaries & Wages	\$ 1,458,404	\$ 1,390,759	\$ 1,388,920
Fringe Benefits	\$ 455,754	\$ 492,664	\$ 565,424
<b>SUBTOTAL PERSONNEL</b>	\$ 1,914,158	\$ 1,883,423	\$ 1,954,344
<b>NON-PERSONNEL</b>			
Supplies & Services	\$ 400,150	\$ 268,283	\$ 183,510
Information Technology	\$ 161,415	\$ 165,554	\$ 125,242
Energy/Utilities	\$ 25,695	\$ 19,409	\$ 13,565
Equipment Outlay	\$ 17,352	\$ 17,352	\$ 17,352

# Equal Opportunity Contracting

## Expenditures by Category

		FY 2003 BUDGET		FY 2004 BUDGET		FY 2005 FINAL
<b>SUBTOTAL NON-PERSONNEL</b>	\$	604,612	\$	470,598	\$	<b>339,669</b>
<b>TOTAL</b>	\$	2,518,770	\$	2,354,021	\$	<b>2,294,013</b>

## Revenues by Category

		FY 2003 BUDGET		FY 2004 BUDGET		FY 2005 FINAL
<b>GENERAL FUND</b>						
Charges for Current Services	\$	2,474,153	\$	1,456,539	\$	<b>2,694,923</b>
Transfers from Other Funds	\$	81,201	\$	82,013	\$	<b>87,754</b>
<b>TOTAL</b>	\$	2,555,354	\$	1,538,552	\$	<b>2,782,677</b>

## Key Performance Measures

		FY 2003 BUDGET		FY 2004 BUDGET		FY 2005 FINAL
Average cost per project monitored	(1)	N/A		N/A		<b>\$1,032</b>
Average cost per project or request for City Council Action, City Manager Action, or Manager approval requiring equal opportunity and investigative support	(2)	\$926		\$847		<b>\$526</b>
Average cost to produce the Consultant Rotation List and provide it to all project managers from the City, County, and Port District	(3)	\$133		\$282		<b>\$141</b>
Average cost per minor construction project and request processed	(4)	\$2,706		\$3,825		<b>\$2,052</b>

## Salary Schedule

### GENERAL FUND

#### Equal Opportunity Contracting

<i>Class</i>	<i>Position Title</i>	<i>FY 2004 Positions</i>	<i>FY 2005 Positions</i>	<i>Salary</i>	<i>Total</i>
1104	Account Clerk	1.00	<b>1.00</b>	\$ 34,768	\$ 34,768
1106	Sr Management Analyst	1.00	<b>1.00</b>	\$ 66,198	\$ 66,198
1107	Administrative Aide II	3.00	<b>2.00</b>	\$ 46,229	\$ 92,457
1218	Assoc Management Analyst	11.50	<b>11.50</b>	\$ 58,745	\$ 675,570
1535	Clerical Assistant II	3.00	<b>2.00</b>	\$ 32,749	\$ 65,497
1746	Word Processing Operator	2.00	<b>2.00</b>	\$ 34,857	\$ 69,714
1879	Sr Clerk/Typist	1.00	<b>1.00</b>	\$ 39,789	\$ 39,789

(1) This is a new activity due to internal reorganization and redistribution.

(2) Due to internal reorganization, part of this activity was transferred to Labor Compliance and Minor Construction.

(3) In FY 2004 output was measured by counting referrals and in FY 2005 output was measured by counting referrals, reviews and evaluations.

(4) Outputs for FY 2003 and 2004 reflect projects awarded. Output for FY 2005 reflects projects administered.



# Equal Opportunity Contracting

## Salary Schedule

### GENERAL FUND

#### Equal Opportunity Contracting

<i>Class</i>	<i>Position Title</i>	<i>FY 2004 Positions</i>	<i>FY 2005 Positions</i>	<i>Salary</i>	<i>Total</i>
1917	Supv Management Analyst	3.00	<b>3.00</b>	\$ 74,732	\$ 224,196
2214	Deputy Director	1.00	<b>1.00</b>	\$ 115,075	\$ 115,075
	Overtime Budgeted	0.00	<b>0.00</b>	\$ -	\$ 5,656
	<b>Total</b>	26.50	<b>24.50</b>		<b>\$ 1,388,920</b>

**EQUAL OPPORTUNITY CONTRACTING TOTAL** 26.50 **24.50** \$ **1,388,920**

## Five-Year Expenditure Forecast

	<b>FY 2005 FINAL</b>	FY 2006 FORECAST	FY 2007 FORECAST	FY 2008 FORECAST	FY 2009 FORECAST	FY 2010 FORECAST
Positions	<b>24.50</b>	32.00	32.00	32.00	32.00	32.00
Personnel Expense	\$ <b>1,954,344</b>	\$ 2,494,879	\$ 2,569,726	\$ 2,646,817	\$ 2,726,222	\$ 2,808,009
Non-Personnel Expense	\$ <b>339,669</b>	\$ 456,449	\$ 470,142	\$ 484,246	\$ 498,773	\$ 513,736
<b>TOTAL EXPENDITURES</b>	\$ <b>2,294,013</b>	\$ 2,951,328	\$ 3,039,868	\$ 3,131,063	\$ 3,224,995	\$ 3,321,745

### Equal Opportunity Contracting

#### Fiscal Year 2006

Addition of 3.00 positions to provide services to CIP departments, 1.50 Associate Management Analysts to support budget and other activities, and 1.00 Information Systems Administrator to process Council and Manager actions within a three day turnaround time, perform SCOPE evaluations, enforce labor laws, and enforce contract compliance.

Addition of 1.00 Administrative Aide II position that was cut in Fiscal Year 2005. Addition of 1.00 Administrative Aide II to coordinate providing consultant services of qualified private Architectural and Engineering (A&E) firms to the City of San Diego, County of San Diego and Unified Port District of San Diego. This position is fully cost recoverable.

#### Fiscal Years 2007 - 2010

No major projected requirements.