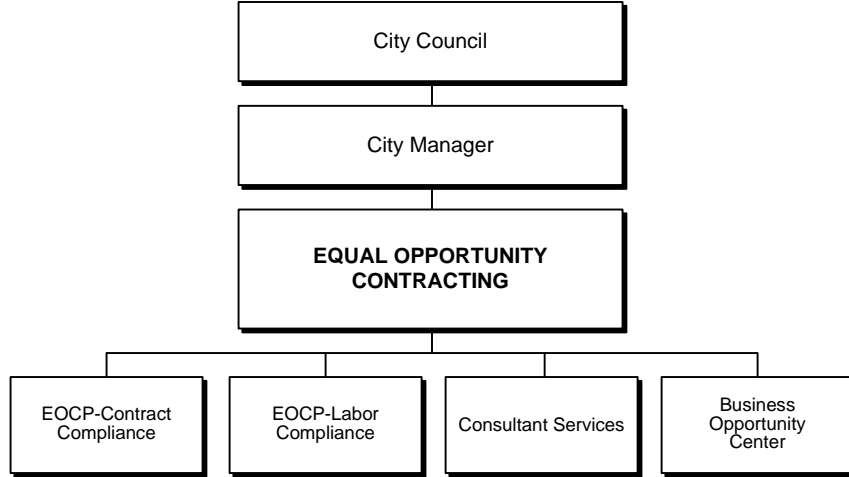


EQUAL OPPORTUNITY CONTRACTING





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 public works, 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)

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 of San Diego 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 requests for council actions, analyzing monthly invoicing reports, conducting field inspections, conducting compliance audits, mediating disputes, enforcing contract provisions and 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 attendance at 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 sources 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 Program.

Service Efforts and Accomplishments

Consultant Services provides an essential service to the City of San Diego, the County of San Diego and the Unified Port of San Diego. Consultant Services acts as a liaison, through the Consultant Rotation List (List), between these agencies and 339 consultant firms. The List is a comprehensive, pre-qualified information bank of consultants categorized in architecture, engineering and related professional disciplines. With a simple e-mail request, Consultant Services will provide a pre-screened list of firms to interview for contracts up to \$250,000. Currently, there are 613 entries on the List in 32 different disciplines. For larger projects, Consultant Services is an expert in advertising, coordinating, reviewing and ranking requests for qualification.

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Service Efforts and Accomplishments

The Business Opportunity Center was established to aid small and emerging contracting businesses in gaining entry to public contracting through two major programs and two services:

1) The Minor Construction Program awarded 34 projects at \$5,169,207 with 44% or \$3.2 million to disadvantaged and/or disabled veteran business enterprises while adding six companies to the 62 firms enrolled in the program. The program also "graduated" 15 firms with nine of those moving from the emerging list to the small list and the other six growing completely out of the program.

2) The Contractor Assistance Program creates partnerships for the growth of local firms. In its second year, the public/private partnership with the Engineering and General Contractors Association continued the contractor's business and technical instruction workshops.

3) The Outreach service, in conjunction with the Public Agency Consortium (PAC), which consists of ten San Diego public agencies, developed a database to provide contractors with one stop access to subcontractors and suppliers ready, willing and able to work on projects for the 10 member agencies. The PAC also continues to offer business assistance seminars and workshops.

4) The Disadvantaged Business Certification service staff continues to be the only tri-county certification center for small and emerging firms.

The Contract Compliance Program has recovered over \$250,000 in penalties and underpayments on behalf of subcontractors, vendors, suppliers, expanded the City's Prompt Payment contract language, streamlined project monitoring and close-out procedures. Additionally, program staff created and implemented procedures to facilitate hearings administered by the State of California on behalf of the City of San Diego.

The State of California's Department of Industrial Relations Certified Labor Compliance Program 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 and to collect and retain penalties (in the General Fund) when investigations establish occurrences of non-compliance. The City may consider providing third party services as a labor compliance program for other agencies, potentially increasing revenue.

The Contract-Compliance Program has responsibility for oversight of City contracts and agreements from inception to project completion. This Program monitors and enforces federal, State and local laws relative to contractors, developers, consultants, vendors and suppliers doing business with the City. When violations are discovered that cannot be resolved through mediation, staff coordinates and acts as expert witnesses in Administrative Hearings so that appropriate settlement can be achieved. Additionally, staff provides training for contractors, consultants, developers and City staff on all areas of contract compliance.

Future Outlook

The Equal Opportunity Program (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.

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Future Outlook

In our continuing effort to develop public/private partnerships, in Fiscal Year 2006, EOC will be partnering with the Community and Economic Development Department and Southwestern College to combine existing workshops and design new ones. With Risk Management, a new low-cost insurance program for contractors unable to provide insurance was introduced.

Budget Dollars at Work

- 612 Architectural and Engineering consultant Statements of Qualification reviewed for client departments and client agencies
Enforced federal and State regulations on:
- \$541,797,200 for 401 Construction contracts
- \$78,672,437 for 350 Consultant/Professional Service contracts
- \$25,607,618 for 15 Design/Build contracts

Equal Opportunity Contracting				
	FY 2004 BUDGET	FY 2005 BUDGET	FY 2006 FINAL	FY 2005-2006 CHANGE
Positions	26.50	24.50	22.50	(2.00)
Personnel Expense	\$ 1,883,423	\$ 1,954,344	\$ 2,029,968	\$ 75,624
Non-Personnel Expense	\$ 470,598	\$ 326,020	\$ 423,890	\$ 97,870
TOTAL	\$ 2,354,021	\$ 2,280,364	\$ 2,453,858	\$ 173,494

Department Staffing

	FY 2004 BUDGET	FY 2005 BUDGET	FY 2006 FINAL
GENERAL FUND			
Equal Opportunity Contracting			
Business Opportunity Center	2.00	6.00	5.00
Consultant Services	2.00	2.00	2.00
EOCP-Contract and Labor Compliance	20.50	16.50	15.50
Investigative Unit	2.00	0.00	0.00
Total	26.50	24.50	22.50

Equal Opportunity Contracting

Department Expenditures

	FY 2004 BUDGET	FY 2005 BUDGET	FY 2006 FINAL
GENERAL FUND			
Equal Opportunity Contracting			
Business Opportunity Center	\$ 172,121	\$ 514,298	\$ 504,631
Consultant Services	\$ 139,077	\$ 152,384	\$ 165,930
EOCP-Contract and Labor Compliance	\$ 1,784,144	\$ 1,613,682	\$ 1,783,297
Investigative Unit	\$ 258,679	\$ -	\$ -
Total	\$ 2,354,021	\$ 2,280,364	\$ 2,453,858

Significant Budget Adjustments

GENERAL FUND

Equal Opportunity Contracting	Positions	Cost
Salary and Benefit Adjustments	0.00	\$ 187,587
Adjustments to reflect the annualization of the Fiscal Year 2005 negotiated salary compensation schedule, changes to average salaries, retirement contributions, and retiree health contributions. Position adjustments, if applicable, reflect the City Manager's restructuring of Executive Team assignments.		
Support for Information Technology	0.00	\$ 97,740
Funding is allocated according to a zero based annual review of information technology funding requirements and priority analyses.		
Non-Discretionary	0.00	\$ (199)
Adjustments to reflect expenses that are determined outside of the Department's direct control. Examples of these adjustments include utilities, insurance, and rent.		
Reduction in Business Opportunity Center	(1.00)	\$ (53,973)
The reduction of 1.00 Clerical Assistant II would lead to the reduced enforcement of minor construction contracts, longer turnaround time for contractor payments, extend waiting periods for businesses applying for Disadvantaged Business Enterprise certification under the California Unified Certification Program, and reduce support for Equal Opportunity Contracting's Outreach program(s).		
Reduction in Labor Compliance Program	(1.00)	\$ (57,661)
The reduction of 1.00 Word Processing Operator would lead to reduced compliance monitoring and review of City contracts' labor and apprenticeship law compliance, and extend turn-around time for compliance reviews and audits.		

Equal Opportunity Contracting

Expenditures by Category

	FY 2004 BUDGET	FY 2005 BUDGET	FY 2006 FINAL
PERSONNEL			
Salaries & Wages	\$ 1,390,759	\$ 1,388,920	\$ 1,379,066
Fringe Benefits	\$ 492,664	\$ 565,424	\$ 650,902
SUBTOTAL PERSONNEL	\$ 1,883,423	\$ 1,954,344	\$ 2,029,968
NON-PERSONNEL			
Supplies & Services	\$ 268,283	\$ 183,510	\$ 183,839
Information Technology	\$ 165,554	\$ 111,593	\$ 204,107
Energy/Utilities	\$ 19,409	\$ 13,565	\$ 18,592
Equipment Outlay	\$ 17,352	\$ 17,352	\$ 17,352
SUBTOTAL NON-PERSONNEL	\$ 470,598	\$ 326,020	\$ 423,890
TOTAL	\$ 2,354,021	\$ 2,280,364	\$ 2,453,858

Revenues by Category

	FY 2004 BUDGET	FY 2005 BUDGET	FY 2006 FINAL
GENERAL FUND			
Charges for Current Services	\$ 1,456,539	\$ 2,694,923	\$ 2,124,566
Transfers from Other Funds	\$ 82,013	\$ 87,754	\$ 91,145
TOTAL	\$ 1,538,552	\$ 2,782,677	\$ 2,215,711

Key Performance Measures

	FY 2004 BUDGET	FY 2005 BUDGET	FY 2006 FINAL
Cost per City construction project monitored for Labor Compliance ⁽¹⁾	N/A	\$1,032	\$ 1,163
Cost per project/review requested for City Council Action, City Manager action, and Manager Approval requiring equal opportunity support ⁽²⁾	\$847	\$522	\$ 427
Cost per review/evaluation of firms evaluated for selection ⁽³⁾	\$151	\$168	\$ 179
Average cost per minor construction project and request processed ⁽⁴⁾⁽⁵⁾	\$3,825	\$2,041	\$ 2,346

(1) Reduction of 1.00 Word Processing Operator and 1.00 Associate Management Analyst will reduce output by 20% in this measure.

(2) Reduction of 1.00 Clerical Assistant II will reduce output by 16% in this measure.

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

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

(5) Reduction of 1.00 Clerical Assistant II will reduce output by 20% in this measure.

Equal Opportunity Contracting

Salary Schedule

GENERAL FUND

Equal Opportunity Contracting

<i>Class</i>	<i>Position Title</i>	<i>FY 2005 Positions</i>	<i>FY 2006 Positions</i>	<i>Salary</i>	<i>Total</i>
1104	Account Clerk	1.00	1.00	\$ 36,329	\$ 36,329
1106	Sr Management Analyst	1.00	1.00	\$ 68,677	\$ 68,677
1107	Administrative Aide II	2.00	2.00	\$ 48,630	\$ 97,260
1218	Assoc Management Analyst	11.50	11.50	\$ 61,400	\$ 706,104
1535	Clerical Assistant II	2.00	1.00	\$ 33,827	\$ 33,827
1746	Word Processing Operator	2.00	1.00	\$ 36,284	\$ 36,284
1879	Sr Clerk/Typist	1.00	1.00	\$ 41,523	\$ 41,523
1917	Supv Management Analyst	3.00	3.00	\$ 77,660	\$ 232,980
2214	Deputy Director	1.00	1.00	\$ 120,169	\$ 120,169
	Overtime Budgeted	0.00	0.00	\$ -	\$ 5,913
	Total	24.50	22.50	\$	\$ 1,379,066
EQUAL OPPORTUNITY CONTRACTING TOTAL		24.50	22.50	\$	\$ 1,379,066