

MEMORANDUM

October 23, 2020

- TO: MEMBERS, PORT COMMISSION Hon. Kimberly Brandon, President Hon. Willie Adams, Vice President Hon. John Burton Hon. Gail Gilman Hon. Doreen Woo Ho
- FROM: Elaine Forbes Executive Director
- Subject: Report on Contracting Activity for Fiscal Year 2019-2020 (July 1, 2019 through June 30, 2020) and the Local Business Enterprise Strategy for 2020-2021

DIRECTOR'S RECOMMENDATIONS: Information Only - No Action Required

EXECUTIVE SUMMARY

This report provides the Port Commission with information on contracting activity for Fiscal Year ("FY") 2019-20 (July 1, 2019 through June 30, 2020) and the Contract and Procurement team strategy for Local Business Enterprise ("LBE") engagement through FY 2020-21.

Total Value of New Contracts: \$24.2 million (13 contracts). During FY 2019-20, the Port approved three construction contracts, nine as-needed contracts and one professional services contract for a cumulative value of \$24,188,504. Eight of the 13 (62%) contracts were awarded to an LBE or a Joint Venture ("JV") with an LBE partner and the aggregate value of these awards was \$8,258,929 (34%).¹ Contracts awarded to LBE firms exceeds the Port Commission's informal policy to award a minimum of 20% of contracts to LBE firms.

THIS PRINT COVERS CALENDAR ITEM NO. 10B

¹ The contract to Cazadoro Construction Inc. is not eligible to participate in the LBE program. This contract was counted towards the number of contracts awarded to an LBE prime, but the value of the contract was not counted towards LBE dollars.

Eleven of the 13 contracts awarded during the reporting period were formal contracts with values that exceeded the minimum competitive amount.² Two of the 11 formal contracts were awarded as Micro-LBE Set Aside contracts for which competition was limited to Contract Monitoring Division ("CMD") certified micro-local business enterprises. Two contracts awarded through informal processes, contacts with values below the minimum competitive amount, were both awarded to LBEs.

Total Payments to Active and Open Port Contracts with LBE requirements: \$30.9 million, including \$12.4 million (40%) to LBE Primes and LBE subcontractors. During FY 2019-20, payments to LBE prime contractors was \$4,784,754 (15%) and payments to LBE subcontractors \$7,574,177 (24%). Total payments to LBE contractors was \$12,358,931.

Port Projects continue to meet Local Hire Ordinance compliance

requirements. The Port currently manages seven contracts, both public works and private development contracts, subject to the Local Hire Ordinance. The Office of Workforce and Economic Development ("OEWD") has deemed all projects compliant with this Ordinance.

In FY 2020-21, the Port will engage a comprehensive LBE strategy to embed the LBE program and values more strongly in the systems and practices of the Port. The Port seeks to advance the LBE program as one of numerous equity tools and to collaborate with staff, small businesses and other stakeholders to advance opportunities and benefits for the small business and diverse contractor community.

I. BACKGROUND

The Port engages in a variety of contractual transactions that includes leases, developer agreements, construction contracts, general service contracts and professional services contracts.

The Port must comply with federal, state and local laws concerning nondiscrimination in contracting. Construction contracts, general services contracts, and professional services contracts are subject to the San Francisco Administrative Code Chapter 14B LBE subcontracting participation requirements. The LBE program applies to City and County of San Francisco ("City") contracts, including many Port contracts.

Prior to the adoption of Chapter 14B, the City and County of San Francisco implemented Chapter 12D, Minority/Women/Local Business Utilization Ordinance between 1989 until 2006. In 2006, the City and County of San Francisco was enjoined by the San Francisco Superior Court from enforcing certain provisions of Chapter 12D due to conflicts with California Proposition 209, a proposition that amended the state constitution to prohibit state government from considering race, sex, or ethnicity in areas of public employment, public contracting and public education. The City and County

² Formal contracts have a not to exceed value greater than the minimum competitive amount as established by the Controller. The minimum competitive amount was increased on January 1, 2020.

then ended benefits and preferences for minority and women businesses in contracting.³

The successor ordinance to Chapter 12D is Chapter 14B, the Local Business Enterprise Utilization and Non-Discrimination in Contracting Ordinance. This ordinance expanded contracting opportunities and benefits for certified small San Francisco based firms, which are defined based on gross receipts by type of industry. The Contract Monitoring Division ("CMD"), a division of the City Administrator's Office, oversees adherence to Chapter 14B. CMD accepts and reviews applications and certifies qualifying local firms as LBEs. Once a business is certified as an LBE, it is also classified as a Minority Owned Enterprise ("LBE-MBE"), Woman Owned Enterprise ("LBE-WBE"), Other Business Enterprise ("LBE-OBE") or Non-Profit Enterprise ("LBE-NPE"). As summarized in Chart 1, as of June 30, 2020 there were 1,233 certified LBE firms.



Chart 1: Certified LBEs as of June 30, 2020

Chart 2: Certified Minority Owned as of June 30, 2020



CMD reviews the scope of a project and the nature of the work compared to available City-certified LBEs to set a required LBE subcontracting requirement. CMD determines the compliance with the subcontracting requirement at the time the contract is closed out. ⁴ When bidding as a prime contractor or as part of a joint venture, LBE firms receive bid discounts for construction bids and bonuses in the case of professional service Requests for Proposals (RFP) and Request for Qualifications (RFQ).

³ Chapter 14B: Local Business Enterprise Utilization and Non-Discrimination in Contracting Ordinance, 14.5.1.(B)(5) ⁴ LBE subcontracting requirements are calculated based on the contract amount. Following CMD Policy, contract allowances, alternates or contingencies are not factored into calculating final LBE participation rates. CMD reviews on a case-by-case basis contract amendments that result in a cumulative increase in the total contract amount of 30% or more. CMD may apply LBE subcontracting goals to these contract amendments based on a review of the additional work.

Not all City contracts include a LBE subcontracting requirement. If 1) the contract value is less than the threshold amounts of \$64,500 for professional service contracts and \$353,000 for construction contracts, or 2) Federal law prohibits the use of local preferences, or 3) a waiver is obtained from CMD (such as in the case of an emergency contract, a sole source contract, lack of subcontracting opportunities, or lack of LBE availability for the specific scopes of work) then an LBE requirement is not included.⁵

Prior to soliciting bids and/or responses to requests for proposals/qualifications, Port staff engage CMD to review the availability of LBE firms and CMD independently determines an LBE subcontracting requirement.

II. Contract Activity Update

During FY 2019-20, The Port awarded 13 new contracts totaling \$24,188,504. LBE prime contracts or Joint Ventures with LBE partners were awarded to seven of thirteen (54%) contracts. The Port paid contractors \$33,365,817 on active contracts during the reporting period with \$7,319,512 (22%) paid to LBEs.

A. <u>New Contracts (\$24,188,504, 13 contracts)</u>: As summarized in Table 1 and detailed in Attachment 1, in FY 2019-20, the Port issued nine as-needed, three construction, and one professional services contract for a cumulative value of \$24,188,504. Seven of the 13 (54%) were awarded to Local Business Enterprises and one of the 13 (8%) was awarded to a Joint Venture with an LBE partner. The aggregate value of contracts subject to the LBE program awarded to an LBE prime or JV partner is \$8,258,929. Twelve of the 13 newly awarded contracts are governed by the LBE Ordinance. Three of the 13 contracts were awarded as micro-LBE set aside contracts, which are small contracts that the Port reserves for competition among certified micro-local business enterprises.

Type of Contracts	Total Contract	Total Dollar Amount	LBE Award Amount (Prime & Subs)	Total LBE% Awarded
As-needed	9	\$9,200,000	\$5,270,000	57%
Construction	3	\$14,729,575	\$2,563,614 ⁶	17%
Professional Services	1	\$9,999	\$9,999	100%
Total	13	\$24,188,504	\$7,843,613	32%

Table 1. Contracts	Awarded from	Julv 1.	. 2018-June 30.	2019
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1. Use of Delegated Authority (\$258,929; 2 contracts): The Port awarded two contracts totaling \$258,929 in FY 2018-2019 through the Executive Director and Delegated Departmental Authority.

⁵ The LBE program threshold amounts were adjusted effective January 1, 2020 when the Chapter 6 and Chapter 21 minimum competitive amounts were adjusted by the Controller.

⁶ The contract value of Cazadoro Construction Inc., LBE-WBE, is not counted towards the LBE award dollar amount as this contract is not eligible to participate in the LBE program.

On June 19, 2019, The Port awarded M H Construction Management Co a \$248,930 contract for construction of the Downtown Ferry Terminal Gate B Float Canopy Repair. The contract was awarded as a micro-LBE set aside.

On March 19, 2019, the Port awarded Edgar Lopez & Associates, LBE-MBE, a \$9,999 contract for professional services for the Mission Bay Ferry Landing project.

2. *Port Commission Approved (\$23,929,575; 11 contracts)* The Port Commission awarded 11 contracts valued at \$23,929,575 in FY 2019-20. All contracts were issued through formal contracting guidelines under Administrative Code Chapter 6, 21, and 14B.

On July 9, 2019, the Port Commission awarded two contracts for as-needed construction management services, each in an amount not to exceed \$1 million as follows:

- Dabri, Inc, an LBE-WBE, will self-perform 70% of the work and subcontract 5% to other LBEs resulting in 75% of the contract to be performed by certified LBE firms.
- Joe Hill Consulting Engineers, an LBE-OBE, will self-perform 65% of the contract and subcontract 35% to other LBE firms, resulting in 100% of the contract work to be performed by certified LBE firms.

On August 13, 2019, the Port Commission awarded three contracts for as-needed environmental and related professional services, each in the amount not to exceed \$2,000,000 as follows:

- ESA/CDIM Joint Venture has CDIM as an LBE-OBE partner. CDIM will selfperform 21.5% of the contract work and the joint venture will subcontract 18.5% of the work to LBEs. The overall LBE participation of this contract is 40%.
- SCA Environmental, LBE-WBE, will self-perform 55% of the contract work and proposes to subcontract 12% of the work to LBE subconsultants. The overall LBE participation for this contract is 67%.
- AEW Engineering, LBE-MBE, will self-perform 52% of the contract work and proposes to subcontract 17% of the contract services to subconsultants. The LBE participation including the Prime and subconsultants for this contract is 69%.

On September 10, 2019, the Port Commission awarded four as-needed hazardous waste disposal contracts, marine vessel salvage, and related professional services each in an amount not to exceed \$300,000 as follows:

• Clean Harbors, non-LBE firm, will subcontract 6.75% of the contract work to Ideal Restoration, an LBE-WBE firm.

- Environmental Logistics, a non-LBE firm, will subcontract 6.75% of the contract work to CES, an LBE-OBE firm.
- NRC Environmental Services, a non-LBE firm, will subcontract 6.75% of the work to Aurora Environmental an LBE-WBE firm, SF Boat, an LBE-WBE firm, and AEW Engineering, an LBE-MBE firm.
- Silverado Contractors, a non-LBE firm, will subcontract 7% of the work to Yerba Buena Engineering, an LBE-MBE firm, SF Boat, an LBE-WBE firm, Baird Trucking, an LBE-OBE firm, CES, an LBE-OBE firm, SCA Environmental, an LBE-MBE firm, and Bay Line Cutting and Coring, an LBE-MBE firm.

On April 28, 2020 the Port Commission awarded a \$11,920,300 contract to The Dutra Group, a non-LBE firm, for the Mission Bay Ferry Landing Dredging and Site Preparation contract. The Dutra Group committed to a 16.84% participation through subcontracts to Hoseley Corporation (LBE-OBE) and PCH Survey (LBE-OBE).

On April 28, 2020 the Port Commission awarded a \$2,809,275 contract to Cazadoro Construction Inc, a LBE-WBE firm, for the 19th Street Extension and Georgia Street construction contract. There is no LBE goal as the federal funding precludes this project from participation in the LBE program.

B. <u>Contract Payments:</u> As shown in Table 2, during FY 2019-20, Port contract payments totaled \$30,901,297 for contracts governed by the LBE program. \$12,358,932 (40%) was paid to LBE firms, including \$4,784,754 (15%) to LBE Prime contractors and \$7,574,177 (24%) to LBE subcontractors. The Port and CMD staffs monitor payments to LBEs to ensure that Port contractors honor their contract commitments.⁷

Туре	Total Payments	Prime LBE Payments	Sub LBE Payments	Total LBE Payment	Overall	Sub %
As-Needed	\$4,988,186	\$1,254,207	\$1,023,227	\$2,277,434	46%	21%
Construction	\$16,056,559	\$472,000	\$4,615,790	\$5,087,790	32%	29%
Professional Services	\$9,856,552	\$3,058,547	\$1,935,161	\$4,993,708	51%	19%
Grand Total	\$30,901,297	\$4,784,754	\$7,574,177	\$12,358,932	40 %	24%
Non-14B Contracts	\$2,440,334					

1. As Needed contracts: The Port managed 22 active as-needed contracts that received \$4,988,186 in payments in FY 2019-20. As detailed in Attachment 2, LBE contractors received 44% of all as-needed contract payments. The as-needed real estate contracts paid 52% of contract dollars to LBE contracts while the as-needed

⁷ The contract for Maintenance Dredging and Asbestos Hazardous Materials Disposal both have waivers from LBE subcontracting requirements and have no payments to LBEs. These contracts are reported in Attachment 5.

engineering contracts paid 44% of overall funds during the reporting period to LBEs. The as-needed environmental contracts paid 50% of contract dollars to LBEs and the as-needed public relations paid 49% of overall funds to LBEs.

- Real Estate Payments made on the as-needed real estate contracts totaled \$333,611. Three contracts, at over 10% completion, are surpassing the LBE requirements. Two contracts are at the initial stages of completion and are not yet meeting the LBE goal; however, the Port staff anticipate greater LBE participation in future scopes of work.
- Engineering Payments made on the as-needed engineering contracts totaled \$3,371,601 during the reporting period. Combined, payments made to LBEs during the reporting period were 44%. The strategy over the past few years to encourage joint venture partners has resulted in a continued upward trend towards higher LBE dollars in engineering as-needed contracts.
- Environmental Services Payments made on the as-needed environmental services contracts in FY 2019-20 totaled \$917,320. During the reporting period 50% of payments went to LBEs consultants with 30% going to LBE subconsultants.
- Public Relations Payment made on the as-needed public relations contracts in FY 2019-20 totaled \$365,654 and total payments to LBEs is 49%. Both micro set-aside contracts continue to exceed the 25% LBE requirement.

2. Construction Contracts. In FY 2019-20, the Port managed six contracts with LBE requirements.

- Port Public Restroom (Various Locations): The Port Public Restroom contract is 100% complete. G.Y. Engineering, LBE-OBE, exceeded the 20% LBE subcontracting requirement with 22% of subcontractor payments to LBEs.
- Pier 29/Beltline: The Pier 29 Beltline Building Repair is 100% complete. CF Contracting, LBE-OBE, exceeded the LBE requirement of 24% with 31% of subcontractor payments to LBEs.
- Crane Cove Park Improvements: The Crane Cove Park improvements project was 94% complete during the reporting period. Gordon N. Ball, the project's non-LBE contractor achieved 34% in payments to LBE subcontractors during this reporting period and has 26% in total payments to LBE subcontractors over the life of the contract. The Port expects this project to be completed with Gordon N. Ball exceeding the LBE requirement.
- Pier 23 Restroom Update: The Restroom Project is 100% complete. Hoi's Construction, LBE-MBE, completed this micro-LBE set aside project and

exceeded the requirement by self-performing 75% of the work resulting in 80% of total payments made to LBEs.

- Downtown Ferry Gate B Canopy Repair: This micro LBE set-aside contract was awarded to MH Construction Management, LBE-MBE, and is 100% complete. During the reporting period MH Construction Management exceeded the requirement to self-perform 25% of the contract by self-performing 100% of the work.
- Pier 29 & 31.5 Marine Structural Projects: This Pier substructure repair project is 100% complete. Power Engineering, non-LBE, exceeded the 3% LBE subcontracting requirement with 5% of subcontractor payments to LBEs.
- 3. Professional Services Contracts. During the reporting period, the Port managed 9 open and professional services projects governed by the LBE Ordinance. As detailed in Attachment 4, LBE contractors received \$9,856,552 in total payments, including \$4,993,708 (51%) to LBE firms during the reporting period.
 - *Crane Cove Park Design*: The Crane Cove Design Project led by AECOM, a non-LBE firm, has a 19% subcontracting requirement. 19% of its contract payments went to LBE subcontractors. AECOM is currently exceeding its goal with 25% of all payments going to LBE subcontractors over the term of the contract.
 - Seawall Communications: The Seawall Earthquake Safety Program Public Relations and Media Services contract led by Civic Edge Consulting an LBE-WBE firm has a 21% subcontracting goal and 48% of payments went to LBE subconsultants in the reporting period.
 - Seawall Earthquake Safety Program: CH2M Hill, non-LBE project lead for the Seawall Earthquake Safety Program, has committed 21% LBE subcontracting requirement and payments to LBE subconsultants was 16% during the reporting period.
 - Mission Bay Ferry Landing: The Mission Bay Ferry Landing Design Project led by COWI/OLMM Joint Venture, a JV-MBE, has a 25% LBE subcontracting goal. During the reporting period, 11% of payments were made to LBE subcontractors. When the LBE prime's participation is included, 19% of payments were made to LBEs.
 - Financial Advisors: The Municipal Financial Advisory contract led by Public Financial Management, a non-LBE firm, has a 20% LBE subcontracting goal. This contract is used for a proprietary software and for services related to issuing a bond. Port did not require professional services paid from Port proceeds from this contract during the reporting period. LBE payments for financial services over the life of the contract are 50% of payments to LBEs.

- *Mission Rock Economic Analysis:* The economic analysis for Mission Rock contract with Economic & Planning Systems, a non-LBE firm, has a 5% goal. There were no payments made to LBEs during the reporting period.
- *Heron's Head Park Shoreline Stabilization*: The Heron's Head stabilization project is led by Environmental Science Associates, a non-LBE. The LBE subcontracting goal is 4%. During the reporting period 27% of payments were made to LBE subconsultants.
- Waterfront Land Use Plan and Environmental Review: The Environmental review of the Waterfront Lane Use Plan has an 18% LBE goal and is less than 8% complete. There were no payments to LBEs during the reporting period. However, the LBE scopes of works and payments will occur in FY 2020-21.
- *Technical Support for Pier 70:* The technical support for private developments at Pier 70 and Mission Rock contract led by Hollins Consulting, LBE-MBE, has a 24% LBE subcontracting goal and 53% of payments going to LBE subcontractors.

4. Exempt Contracts. The Port has seven contracts that are exempt from the provisions of the LBE Ordinance due to their contract size, funding source requirements, or LBE subcontracting waiver granted by CMD. While these contracts are exempt from LBE subcontracting requirements, these contracts are presented to provide a complete outlook into the overall contracting activity of the Port. Attachment 5 provides additional information.

C. <u>Port Development Agreements</u>: The Port oversees two development projects at Pier 70 and Mission Rock. Each project is now in the implementation phase and will be going through extensive planning, engineering, and constriction in the coming year. Each project also has committed to a specialized LBE utilization plan that governs the project's local business inclusion and participation.

1. Pier 70: The Pier 70 project led by Brookfield has a 17% LBE participation goal. Attachment 6 outlines the contracts awarded through FY 2019-20 including Phase 1 horizontal improvements and Building 12. Through FY 2019-20, Pier 70 has awarded \$192.7 million in contracts, of which \$48.2 million (25%) has been awarded to small, micro or SBA-LBEs.

2. Mission Rock: The Mission Rock Development Project led by Mission Rock Development Partners has a 10% participation goal for pre-construction work and a 20% participation goal for construction. In FY 2019-20, construction work began with site preparation. Attachment 7 shows Mission Rock has awarded \$91.3 million in contracts, of which \$17.4 million (19%) has been awarded to small, micro or SBA-LBEs. D. <u>Compliance with Local Hire Requirements</u>: The San Francisco Local Hire Policy for Construction applies to construction projects advertised for bid after March 25, 2011, for public works or improvements that are City funded with an engineer's estimate above the threshold amount, \$706,000 as of January 1, 2020. The Local Hire Ordinance is in Chapter 82 of the San Francisco Administrative Code and requires contractors and their subcontractors to attain a minimum of 30% work hours by trade per project using San Francisco residents.⁸ The Ordinance also requires that 50% of apprentice hours per trade be performed by disadvantaged San Francisco residents. The program is managed by the Office of Economic and Workforce Development. The Port currently maintains four active construction contracts that are subject to the requirements of the Local Hire Ordinance and three private development projects. OEWD staff advises that the projects are compliant and the overall total works hours for all active Port projects is 29% and total apprentice hours is 48%. See Attachment 7 for additional information.

In some instances, Local Hire estimates have been below the requirements due to conditional waivers and exemptions that OEWD reviewed and approved. In those cases, the prime contractors have requested conditional waivers and exemptions, including exemptions for marine related pile driving, asbestos removal and operating engineering work, and specialized trades that are excluded from the City's Local Hire Policy. For example, the majority of the work in the Pier 39 and 31.5 Structural Marine project is exempt from the Local Hire Ordinance given the project's unique over water and under-deck structural repair.

III. Outreach and Community Engagement

In addition to the formal administration of Port contracts, during FY 2019-20 Port staff continued its efforts to increase opportunities and technical services to local businesses.

July 2019 – August 2019 – Port staff conducted a seven-week community listening tour in supervisorial District 10 focusing on contracting at the Port. Twelve community-based organizations participated and provided insight in activities the Port should stop, initiate or improve related to contracting and Port practices. The feedback from this listening tour informs the 2020-2021 LBE strategy.

October 2019 – The Port hosted expanded pre-bid meetings for the Mission Bay Ferry Landing project. The meeting included dedicated time for networking, extended question and answer sessions, and one-on-one matchmaking sessions between potential prime and subcontractors.

March 2020 – The Port's 4th Annual Contract Open house was to be held on March 19, 2020. This event was cancelled due to the health emergency. Port staff are planning to bring this event to a virtual platform in FY 2020-21.

⁸ Local Hire Requirements increased from 20% to 25% on applicable contracts solicited after March 2012, and to 30% for contracts solicited after March 2013.

March 2020 – The Port was one of the first Chapter 6 departments to move the contract solicitation process online. The bidding process for Mission Bay Ferry Landing Dredging and 19th and Georgia Roadway Improvements projects used new technology and systems. Staff working remotely advertised the contract, conducted outreach and hosted a virtual pre-bid and virtual public bid opening. For the 19th and Georgia Roadway Improvement project, the Port received eight bidders, an unusually large number of bidders. As an early adopter of virtual solicitation practices, the Port shared best practices on contract solicitation during shelter-in-place on two City-wide meetings with Chapter 6 contracting teams.

April 2020 – The Port was one of two featured speakers in a webinar of the LBE Co-Op Organizing Committee. The Port discussed how the City was adapting to virtual contracting processes during the pandemic. A speaker from the Small Business Association presented tips for accessing the federal Payroll Protection Program. Over sixty LBEs participated in this webinar.

FY 2019-20 – The Port became the hosting department for the Mentor Protegee Steering Committee meetings. This CMD program pairs Micro-LBEs for two years with large contractors for mentorship in business planning and strategy. The Port worked with CMD staff to develop a model for City departments to host the mentors and protegees.

IV. LBE Strategic Thinking for 2020-2021 and Beyond

In FY 2020-21, the Port will work to embed the LBE program and values more deeply in the systems and practices of the Port. The Port seeks to advance the LBE program as one of numerous equity tools and to collaborate with the staff, small businesses and other stakeholders to advance opportunities to the small business community and the region's diverse contractors.

1. This section provides background on the economic and political landscape, LBE legislation, and internal Port goals that inform the Port's LBE work and serve as the foundation for a broader and comprehensive LBE strategy.

<u>LBEs are situated within the larger economy</u>: LBEs make business choices considering the opportunities of the Port, but also within the larger economy of San Francisco, the state and nation. Prior to the pandemic, Bay Area commercial real estate had the highest cost per square foot in the United State and also had the lowest vacancy rate.⁹ Small businesses competed for office and warehouse space with industries like tech and biotech industries.¹⁰ Tensions between light-industrial and housing priorities created uncertainty for existing businesses.¹¹ Since March, all businesses have faced

⁹ <u>https://www.bizjournals.com/sanfrancisco/news/2019/12/03/why-thebay-area-retains-the-title-of-nations-top.html</u>

https://www.sfchronicle.com/business/article/SF-office-rents-soar-to-fresh-record-amid-supply-14070073.php ¹⁰ The San Francisco Chamber of Commerce lists the top sectors for San Francisco as IT & Software, social & Digital Media, Life Sciences & Biotech, Environmental & Cleantech, and International Business.

https://sfchamber.com/resources/economic-development/key-sectors-2/

¹¹ https://sfplanning.org/sites/default/files/documents/citywide/bayview_industrial_triangle_presentation-011620.pdf

the challenges of the pandemic, uncertainty of the duration, and shape of the eventual economic recovery.

Opportunities for the Port as a Chapter 6 department and as a landlord: As a Chapter 6 department, the Port uses its construction and professional service contracts as required implement the LBE program. Additionally, the Port Commission and staff have had the vision to use the Port's role as a landlord to expand the reach of the LBE program, applying its principles on private development projects through a negotiated opt-in process. The Port can continue to build on this model embedding the LBE program in the activities of the Port and collaborating with stakeholders, including tenants and developers to apply the LBE program as broadly as possible.

<u>LBE Program Design and Goals</u>: The design of Chapter 14B is to create economic stimulus for local businesses. The program recognizes the need for the City to prevent discrimination, but the program must conform with California law. The LBE program as designed today is most effective in achieving outcomes based on geography alone and has few enforcement powers for compliance based on race, ethnicity, or gender. The majority of LBEs have owners who are women or members of a minority group, but the LBE program is not a perfect proxy to achieve race or gender-based equity.

<u>Review of the Port's Implementation Practices</u>: The Port implements the LBE program widely and across divisions. This broad approach is effective in engaging many Port staff in this high priority program, but requires cross-division discussion for continued learning and implementing best practices. The Port must learn from the process established in the Engineering Division, the outreach perfected in Contracts team and the forecasting initiated by the Resiliency, Mission Rock and Pier 70 teams. The Contracts and Procurement Team's recent expansion to include a Senior Community Developer increases Port capacity to meet demands of the inter-divisional collaboration.

<u>Barriers to Bidding - A City Wide Concern</u>: The barriers to becoming a City supplier, bidding, and meeting City contract requirements are significant at both a City and Port level. Many businesses choose to learn the City systems if and only if there is an expectation of sufficient business. This is a business choice LBEs make by weighing barriers and costs against potential benefits and profits. The Port can and should ensure that it is providing technical assistance and referrals to limit the barriers and clarify the opportunities. This is especially necessary given the specialized scopes of work for maritime construction and the barriers to over-water work.

<u>Equity at Every Step</u>: The Port's commitment to equity is prioritized in its strategic plan and demonstrated in its allocation of resources. The addition of the Port's manager of diversity, equity and opportunity allows for increased focus on the equity initiatives of the Port. The LBE strategy will be one of many equity strategies in the Port's larger equity framework including workforce, hiring, and other initiatives to be set forth in the Port Race Equity Framework.

1. Lines of Effort for LBE Program in FY 2020-21

In Fiscal Year 2020-21, the Port expects to organize its LBE work in the lines of effort identified below.

<u>Improve internal practices</u>: The Port will work within the divisions to build on strengths, identify challenges and make short, medium and long-term plans for improvement. The Contracts and Procurement Team will convene internal stakeholders to identify the common needs for tools and provide central support.

Listen and partner with the LBEs, community, City and regional stakeholders: The Port's efforts and impact are amplified when the engagement includes asking questions, listening to answers, and acting together. The LBE strategy will evolve as engagement supports new opportunities and projects.

<u>Partner to mitigate barriers for LBEs</u>: The barriers to the small business community can be actively addressed through technical assistance workshops, a robust network of referrals, and a continued recognition of obstacles and solutions.

<u>Merge work of LBE strategy with Economic Impact Policy Team and Racial Equity</u> <u>Workgroup through Racial Equity Workplan</u>. The Racial Equity Workplan will include the various equity efforts of the LBE strategy, Economic Impact Policy Team and the Racial Equity COVID-19 response workgroup to provide a unified and comprehensive approach to equity practices across the Port. Staff will present the Racial Equity Workplan to the Port Commission in late Fall 2020.

2. **Expected Deliverables.** The Contracts and Procurement Team commits to these deliverables in January 1, 2021 and July 1, 2021.

January 1, 2021 Deliverables.

- Convene Engineering and Professional Services teams to implement five process improvements to contracting process.
- Meet with the Real Estate and Resiliency team to create and implement an LBE engagement plan.
- Recommend and implement LBE report formatting for Commission Briefings.
- Brief stakeholders such as the LBE Advisory Committee on Port Engagement strategy.
- One technical assistance workshop for the diverse business community.

July 1, 2021 Deliverables

- Develop Phase 1 LBE Engagement Toolkit for use internally in divisions. Include on-boarding on procurement and LBE engagement.
- Implement three supports to divisions in research, engagement, or process.
- Improve monitoring of LBE payment data with divisions.

- Set and develop specific deliverables with leasing, development, and maritime teams.
- Engage 5 community stakeholders (new or existing relationships).
- Develop conceptual and implementable framework for LBE Loan Program (long-term).

Conclusion

CC:

In FY 2019-20, the Port awarded thirteen contracts totaling \$24.2 million of which \$11.1 million was awarded to LBEs. The Port made \$30.9 million in contract payments, of which \$11.96 million were paid to LBEs. Most contracts are meeting or exceeding their contractually obligated CMD requirements based on overall contract spending to date.

In FY 2020-21, the Port will expand the LBE program strategy through efforts to improve internal operations, expand stakeholder engagement, mitigate barriers to small businesses, and partner with the equity projects of the Port.

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Appendix A:	General Contract Terms & Port Thresholds

- Attachment 1: Contracts Awarded Fiscal Year 2019-2020
- Attachment 2: As-Needed Contracts, Fiscal Years 2019-2020
- Attachment 3: Construction Contracts, Fiscal Year 2019-2020
- Attachment 4: Professional Service Contract, Fiscal Year 2019-2020
- Attachment 5: Non-Chapter 14-B Contracts, Fiscal Year 2019-2020
- Attachment 6: Pier 70 Development LBE Participation
- Attachment 7: Mission Rock LBE Participation
- Attachment 8:Office of Economic and Workforce Development Local Hire
Participation, January 1, 2020 September 30, 2020

APPENDIX A General Contract Terms and Port Thresholds

A. Use of Professional Services Contracts: Professional Services are those services which require the exercise of discretion and independent judgment in their performance, and/or the application of an advanced, specialized type of knowledge, expertise, or training. Examples of professional service providers include architects, engineers, and software developers. The City's Civil Service Commission must review all Professional Services contracts to determine whether City employees could perform the requested services and, if so, whether the Department can justifiably contract out the services. The Port contracts for professional services only when Port employees or other City employees cannot perform the work because of the limited nature of the work, peak workload obligations, lack of specific expertise, or other unusual circumstances such as mitigation of financial risk, funding or other legal requirements.

B. As-Needed Contracts: As-Needed contracts are Professional Services contracts which the Port uses for services that recur but are not consistent or predictable enough to justify full time staff. Currently the Port maintains as-needed services contracts for architecture and design services, economic analysis, environmental services, and hazardous materials disposal. Master Agreements for as-needed services are negotiated upon Contractor prequalification through formal, competitive RFQ processes. These agreements usually have a three-year term.

As-needed services are typically construction-related professional services, such as engineering services. Following the requirements of Administrative Code Chapter 6.64, the Port tasks contractors with individual projects through the issuance of Contract Service Orders (CSO). LBE subcontracting requirements may apply to each Master Agreement or for each CSO. The Port's practice is to have an overall goal for the as-needed contracts and to manage individual CSOs to ensure overall compliance.

C. Delegated Authority: To streamline the Port's contract approval process and to be consistent with the San Francisco Administrative Code and the practice of other City departments, the Port Commission has delegated the following authority to the Executive Director (Resolution Nos. 09-29, 09-37 and10-60):

- Contract Service Orders \$500,000
- Construction contracts \$600,000
- Professional services contracts \$100,000

Delegated authority allows the Port's Executive Director to execute and award public works and improvement and professional services CSOs and contracts at or under the threshold limits without Port Commission review and approval.

Attachment 1 Awarded Contracts, FY 2019-20 (July 1, 2019 – June 30, 2020)

Project Title	Vendor Name	Contract Amount	LBE Sub Req %	LBE Prime Contract	Total LBE Sub Awarded	Total LBE Awarded
As-Needed Construction Management Services	Dabri, Inc (LBE-WBE)	\$1,000,000	Micro	\$700,000	\$50,000	\$750,000
As-Needed Construction Management Services	Joe Hill Consulting & Engineering (LBE-OBE)	\$1,000,000	Micro	\$650,000	\$350,000	\$1,000,000
As-Needed Environmental and Related Professional Services	AEW Engineering (LBE-MBE)	\$2,000,000	12%	\$1,040,000	\$340,000	\$1,380,000
As-Needed Environmental and Related Professional Services	ESA/CDIM Joint Venture (LBE-OBE Partner)	\$2,000,000	12%	\$430,000	\$370,000	\$800,000
As-Needed Environmental and Related Professional Services	SCA Environmental Inc (LBE-WBE)	\$2,000,000	12%	\$1,100,000	\$240,000	\$1,340,000
As-Needed Hazardous Waste Disposal	Clean Harbors Environmental Services (Non-LBE)	\$300,000	5%	\$0	\$202,500	\$202,500
As-Needed Hazardous Waste Disposal	Environmental Logistics, Inc. (Non-LBE)	\$300,000	5%	\$0	\$202,500	\$202,500
As-Needed Hazardous Waste Disposal	NRC Environmental Services, Inc. (Non-LBE)	\$300,000	5%	\$0	\$202,500	\$202,500
As-Needed Hazardous Waste Disposal	Silverado Contractors (Non-LBE)	\$300,000	5%	\$0	\$202,500	\$202,500
Total As-Needed		\$9,200,000		\$3,920,000	\$1,350,000	\$5,270,000
Construction]		
19th Street Extension and Georgia Street	Cazadoro Construction (LBE-WBE)	\$2,809,275	N/A			
Downtown Ferry Terminal Gate B Float Canopy Repair	M H Construction (LBE-MBE)	\$248,930	Micro	\$226,300	\$0	\$226,300
Mission Bay Ferry Landing Dredging and Site Preparation	The Dutra Group (Non-LBE)	\$11,920,300	11%	\$0	\$1,311,233	\$0
Total Construction		\$14,978,505				

 Professional Services

 Mission Bay Ferry Landing Construction Services
 Edgar Lopez & Associates (LBE-MBE)
 \$9,999
 n/a

 Total Professional Services
 \$9,999
 \$9,999

Attachment 2 As Needed Annual Contracts, FY 2019-20 (July 1, 2019 – June 30, 2020)

									l
					Total Pave	nents in FY 201	19-20		
As-Needed Contracts	Total Contract Amount	LBE Req %	Total LBE Payments Total Non- in FY LBE Payments Prime Payments Total Non-						Sub LBE%
Real Estate	Amount	70		LDL	Tuymonto	Tuymente	Tuymon	LBL /0	
BAE Urban Economic (Non-LBE)	\$500,000	21%	\$79,559	\$52,284	\$0	\$27,275	\$27,275	34%	34%
Century Urban LLC (LBE-OBE)	\$500,000	21%	\$61,157	\$21,264	\$10,149	\$29,745	\$39,894	65%	49%
Economics & Planning System INC (Non-LBE)	\$500,000	21%	\$11,198	\$10,124	\$0	\$1.074	\$1.074	10%	10%
Economics & Planning System INC (Non-LBE)	\$750,000	13%	\$61,507	\$61,507	\$0	\$0	\$0	0%	0%
Seifel Consulting Inc (LBE-WBE)	\$500,000	13%	\$120,190	\$13,782	\$69,154	\$37,255	\$106,408	89%	31%
Subtotal, Real Estate Services	\$2,750,000		\$333,611	\$158.960	\$79,303	\$95.348	\$174,651	52%	29%
Engineering & Related									
Arcadis Lotus Water (JV-OBE)	\$3,000,000	20%	\$864,315	\$667,591	\$112,020	\$84,704	\$196,724	23%	10%
COWI OLMM JV (JV-MBE)	\$1,500,000	25%	\$197,082	\$65,941	\$20,364	\$110,778	\$131,142	67%	56%
GHD-Telamon JV (JV-MBE)	\$1,500,000	20%	\$173,244	\$113,509	\$46,735	\$13,000	\$59,735	34%	8%
Moffatt & Nichol & NICHOL & AGS JV (JV-MBE)	\$1,500,000	20%	\$88,631	\$71,739	\$3,998	\$12,895	\$16,893	19%	15%
Parsons-Lotus Water JV (JV-OBE)	\$1,500,000	26%	\$123,315	\$100,827	\$0	\$22,488	\$22,488	18%	18%
Parsons RJSD (JV-OBE)	\$3,000,000	20%	\$175,337	\$156,717	\$0	\$18,620	\$18,620	11%	11%
Stantec McGovern Macdonald (JV-MBE)	\$3,000,000	19%	\$857,668	\$225,382	\$403,745	\$228,541	\$632,286	74%	27%
Terra Engineers (LBE-WBE)	\$3,000,000	19%	\$892,008	\$500,716	\$250,349	\$140,944	\$391,293	44%	16%
Subtotal, Engineering & Related	\$18,000,000		\$3,371,601	\$1,902,422	\$837,210	\$631,970	\$1,469,179	44%	19%
Environmental & Related									
AEW Engineering (LBE-MBE)	\$1,000,000	22%	\$316,443	\$130,122	\$122,198	\$64,123	\$186,321	59%	20%
AEW Engineering (LBE-MBE)	\$2,000,000	22%	\$126,198	\$102,924	\$14,895	\$8,379	\$23,274	18%	7%
ESA CDIM Joint Venture (JV-OBE)	\$2,000,000	22%	\$7,080	\$0	\$7,080	\$0	\$7,080	100%	0%
Northgate & AGS (JV-LBE)	\$1,000,000	22%	\$198,756	\$49,477	\$0	\$149,279	\$149,279	75%	75%
SCA Environmental (LBE-MBE)	\$2,000,000	12%	\$75,367	\$47,927	\$14,960	\$12,480	\$27,440	36%	17%
SCA Environmental (LBE-MBE)	\$1,000,000	22%	\$193,476	\$132,265	\$22,586	\$38,626	\$61,212	32%	20%
Subtotal, Environmental & Related	\$9,000,000		\$917,320	\$462,714	\$181,718	\$272,887	\$454,605	50%	30%
Public Relations									
Bonner Communications (LBE-WBE)	\$300,000	Micro	\$224,189	\$109,824	\$114,365	\$0	\$114,365	51%	0%
Davis & Associates (LBE-MBE)	\$300,000	21%	\$99,854	\$76,832	\$0	\$23,022	\$23,022	23%	23%
Next Steps Marketing INC (LBE-WBE)	\$300,000	Micro	\$41,611	\$0	\$41,611	\$0	\$41,611	100%	0%
Subtotal, Public Relations	\$900,000		\$365,654	\$186,656	\$155,976	\$23,022	\$178,999	49%	6%
	••••		• · · · · · · · ·		•··	•••••	••••••••		
Total As-Needed Contracts	\$30,650,000		\$4,988,186	\$2,710,752	\$1,254,207	\$1,023,227	\$2,277,434	44%	20%

Attachment 3 Construction Contracts, FY 2019-20 (July 1, 2019 – June 30, 2020)

					Total Payments in FY						
	Project Title	Total Contract Amount	LBE Req %	LBE Goal \$	Total Payments in FY	Total Non- LBE	LBE Prime Payments	LBE Sub Payments	Total LBE Payment	Overall LBE%	Sub LBE%
Construction Contracts											
G.Y. Engineering Inc (LBE-OBE)	Port Public Restrooms	\$843,260	20%	\$168,652	\$17,126	\$15,528	\$0	\$1,598	\$1,598	9%	9%
CF Contracting (LBE-OBE)	Pier 29/Beltline Building Repair	\$935,318	24%	\$224,476	\$871,961	\$584,155	\$0	\$287,806	\$287,806	33%	33%
Gordon N Ball (Non-LBE)	19th Street. Parking Lot/Crane Cove Park	\$18,824,251	21%	\$3,953,093	\$11,690,234	\$7,667,773	\$0	\$4,022,461	\$4,022,461	34%	34%
Hoi's Construction (LBE-MBE)	Pier 23/19 Restroom Upgrade	\$560,156	Micro	N/A	\$560,156	\$534,916	\$402,000	\$25,240	\$427,240	75%	5%
MH CONSTRUCTION MANAGEMENT (LBE-MBE)	Downtown Ferry Terminal Gate B Canopy Repair	\$239,669	Micro	N/A	\$239,669	\$169,669	\$70,000	\$0	\$70,000	29%	0%
POWER ENGINEERING CONSTRUCTION CO (Non-LBE)	Pier 29 & 31 Substructure Repair	\$12,258,886	3%	\$367,767	\$2,677,412	\$2,398,727	\$0	\$278,685	\$278,685	10%	10%
Subtotal, 14B Contracts		\$33,661,541			\$16,056,559	\$11,370,769	\$472,000	\$4,615,790	\$5,087,790	32%	29%

Attachment 4 Professional Service Contracts, FY 2019-20 (July 1, 2019 – June 30, 2020)

							Total P	ayments in FY			
	Project Títle	Total Contract Amount	LBE Req %	LBE Goal \$	Total Payments in FY	Total Non- LBE	LBE Prime Payments	LBE Sub Payments	Total LBE Payment	Overall LBE%	Sub LBE%
Professional Service Contracts											
AECOM TECHNICAL SVC (Non-LBE)	Crane Cove Park Design & Planning	\$4,079,396	19%	\$775,085	\$203,610	\$164,118	\$0	\$39,492	\$39,492	19%	19%
CH2M HILL ENGINEERS, INC (Non-LBE)	Seawall Resiliency Design	\$55,684,130	21%	\$11,693,667	\$8,113,815	\$4,279,889	\$2,569,366	\$1,264,561	\$3,833,926	47%	16%
CIVIC EDGE CONSULTING LLC (PRIME LBE)	Seawall Communications	\$1,695,205	21%	\$355,993	\$331,801	\$0	\$138,779	\$193,022	\$331,801	100%	58%
COWI OLMM JV (JV-MBE)	Mission Bay Ferry Landing	\$4,766,535	25%	\$1,191,634	\$173,900	\$140,040	\$15,569	\$18,291	\$33,860	19%	11%
ECONOMIC & PLANNING SYSTEM (Non-LBE)	Mission Rock Economic Analysis	\$98,000	20%	\$19,600	\$8,326	\$8,326	\$0	\$0	\$0	0%	0%
ENVIRONMENTAL SCIENCE ASSOCIATES (Non-LBE)	Waterfront Plan	\$1,000,000	18%	\$180,000	\$77,357	\$77,357	\$0	\$0	\$0	0%	0%
ENVIRONMENTAL SCIENCE ASSOCIATES IN (Non-LBE)	Heron's Head Park Design and Planning	\$440,000	4%	\$17,600	\$144,618	\$106,106	\$0	\$38,511	\$38,511	27%	27%
HOLLINS CONSULTING (LBE-MBE)	Technical Support Pier 70/Mission Rock	\$2,400,000	24%	\$576,000	\$716,117	\$0	\$334,833	\$381,284	\$716,117	100%	53%
PUBLIC FINANCIAL MANAGEMENT, INC (Non-LBE)	Financial Advisory Services	\$700,000	20%	\$140,000	\$87,008	\$87,008	\$0	\$0	\$0	0%	0%
Subtotal, 14B Contracts		\$70,863,266			\$9,856,552	\$4,862,844	\$3,058,547	\$1,935,161	\$4,993,708	51%	19%

Attachment 5 Non-Chapter 14B Contracts FY 2019-20 (July 1, 2019 – June 30, 2020)

							Total Pa	yments in FY			
	Project Title	Total Contract Amount	LBE Req %	LBE Goal \$	Total Payments in FY	Total Non- LBE	LBE Prime Payments	LBE Sub Payments	Total LBE Payment	Overall LBE%	Sub LBE%
Non-Chapter 14B Contracts					•						
Asbestos Management Group (Non-LBE)	Hazardous Waste Removal	\$289,754	N/A	N/A	207,553.82	207,553.82	\$0	\$0	\$0	0%	0%
COCHRAN MARINE	Testing & Re-commissioning Pier 27 Shore Power System	\$280,000	N/A	N/A	\$57,013	\$57,013	\$0	\$0	\$0	0%	0%
Dutra Dredging (Non-LBE)	Dredging	\$25,875,000	N/A	N/A	\$1,891,246	\$1,891,246	\$0	\$0	\$0	0%	0%
Edgar Lopez & Associates (LBE-MBE)	Mission Bay Ferry Landing Professional Services	\$9,999	N/A	N/A	\$8,699	\$8,699	\$0	\$0	\$0	0%	0%
Goodwin Consulting Group Inc (Non-LBE)	SWL337 Mission Rock - Special Tax Consultant Services	\$99,000	N/A	N/A	\$24,595	\$24,595	\$0	\$0	\$0	0%	0%
Goodwin Consulting Group Inc (Non-LBE)	SWL337 Mission Rock & Pier 70 - Special Tax Consultant	\$50,000	N/A	N/A	\$7,043	\$7,043	\$0	\$0	\$0	0%	0%
Natalie Macris (LBE-WBE)	Waterfront Land Use Plan Edit	\$50,000	N/A	N/A	\$24,185	\$0	\$24,185	\$0	\$24,185	100%	
San Francisco Bay Area Water Emergency WETA (Non-LBE)	South Basin Improvements	\$1,100,000	N/A	N/A	\$220,000	\$220,000	\$0	\$0	0%	0%	0%
Total Non 14-B Contracts		\$27,753,753			\$2,440,335						

Attachment 6

Pier 70 Development Contract Awards Through July 1, 2020

Amount Awarded	\$192,654,372	Percentage
Awarded to Small & Micro LBE	\$44,030,869	23%
Awarded to SBA-LBE	\$4,189,231	2%
Awarded to Non-LBE	\$144,434,273	75%
LBE Award by Size	\$ 48,220,100	
Awarded to Micro-LBE	\$ 18,174,628	9%
Awarded to Small-LBE	\$ 25,856,240	13%
Awarded to SBA-LBE	\$ 4,189,231	2%
LBE Award by Type	\$ 48,220,100	
Awarded to MBE-LBE	\$ 11,551,568	6%
Awarded to WBE-LBE	\$ 3,749,903	2%
Awarded to OBE-LBE	\$ 32,918,629	17%

Pier 70 Development Contract Awards to Minority-Owned LBEs Through July 1, 2020

	Amount Awarded		
African-American	\$2,184,856		
Arab-American	\$17,000		
Asian-American	\$5,373,934		
Iranian-American	\$2,944,020		
Latino-American	\$2,381,035		
Native-American	\$312,000		

Attachment 7

Mission Rock Development Contract Awards Through July 1, 2020

Amount Awarded	\$91,344,382	Percentage		
Awarded to Small & Micro LBE	\$ 16,942,189	19%		
Awarded to SBA-LBE	\$480,660	0.5%		
Awarded to Non-LBE	\$73,921,534 81%			
LBE Award by Size	\$17,422,949			
Awarded to Micro-LBE	\$8,354,385	9%		
Awarded to Small-LBE	\$8,587,804	9%		
Awarded to SBA-LBE	\$480,660	0.5%		
LBE Award by Type	\$17,422,949			
Awarded to MBE-LBE	\$5,714,119	6%		
Awarded to WBE-LBE	\$5,287,446	5%		
Awarded to OBE-LBE	\$8,314,421	9%		

Mission Rock Development Contract Awards to Minority-Owned LBEs Through July 1, 2020

	Amount Awarded		
African-American	\$2,629,239		
Arab-American	\$6,968		
Asian-American	\$2,541,577		
Latino-American	\$536.336		

Attachment 8 Office of Economic Workforce and Development Data. Active Port Projects as of September 30, 2020.

	Total Work Hours			Total Apprentice Hours		
	30% Requirement			50% Requirement		
Project	Total Hours	Local Hours	Local %	Total App Hours	Total Local App Hours	Local App %
Marine Structural IV Project	11,997	2,392	20%	4,935	2,392	48%
Pier 29 Utilities	1,823	1,028	56%	83	81	98%
Crane Cove park Construction Package 2	86,601	19,738	22%	14,322	6,794	47%
MBFL Dredging and Site Preparation	1,793	237	13%	162	5	3%
TOTAL (public works projects awarded by the Port)	102,247	23,394	22.90%	19,500	9,271	48%
Pier 70 Forest Cities Development: Horizontal Development	176,462	52,125	30%	11,033	4,837	44%
Pier 70 Forest Cities Development: Building 12	86,306	33,187	38%	8,617	5,002	58%
Mission Rock	13,796	1,681	12%	838	210	25%
Private Development Total Hours	276,563	86,993	31%	20,488	10,048	49%
TOTAL (including private developments)	378,810	110,388	29%	39,988	19,319	48%