

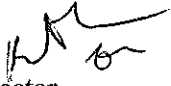


Edwin M. Lee  
Mayor

Micki Callahan  
Human Resources Director

Date: December 18, 2015

To: The Honorable Civil Service Commission

Through: Micki Callahan   
Human Resources Director

From: Bella La, CPC  
Cynthia Hamada, MTA  
Shamica Jackson/Stacey Lo, PUC  
Jacquie Hale, DPH  
Cynthia Avakian, AIR  
Brent, Lewis, DHR  
John Tsutakawa, DSS

Subject: **Personal Services Contracts Approval Request**

This report contains eleven (11) personal services contracts (PSCs) in accordance with the revised Civil Service Commission (CSC) procedures for processing PSCs that became effective on November 5, 2014.

The services proposed by these contracts have been reviewed by Department of Human Resources (DHR) staff to evaluate whether the requesting departments have complied with City policy and procedures regarding PSCs. The proposed PSCs have been posted on the DHR website for seven (7) calendar days. CSC procedures for processing PSCs require that any appeal of these contracts be filed in the office of the CSC, Executive Officer during the posting period.

No timely appeals have been filed regarding the PSCs contained in this report. These proposed PSCs are being submitted to the CSC for ratification/approval.

DHR has prepared the following cost summary for personal services contracts that have been processed through the Department of Human Resources to date:

Total of this Report	YTD Expedited Approvals FY2015-2016	Total for FY2015-2016
\$60,767,047	\$86,830,337	\$2,364,013,225

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**POSTING FOR**

January 04, 2016

**PROPOSED PERSONAL SERVICES CONTRACTS – REGULAR****Commission Hearing Date**

2016-01-04

APPLY

PSC No	Dept Designation	PSC Amount	Description of Work	PSC Estimated Start Date	PSC Estimated End Date
48959 - 15/16	CITY PLANNING	\$300,000.00	This analysis will support potential programs in the Mission and other neighborhoods where zoning controls were modified through the Eastern Neighborhoods and other recent re-zonings. In these areas other controls including height, bulk, open space, rear yard, and bedroom mix requirements determine the number of units that can be built on a site. The Planning Department is seeking digital modeling, market study, and financial feasibility analysis work to identify opportunities for San Francisco's local guidelines to encourage greater levels of affordable housing in all residential development projects in these areas.	January 1, 2016	December 31, 2017
41409 - 15/16	MUNICIPAL TRANSPORTATION AGENCY	\$9,500,000.00	The San Francisco Municipal Transportation Agency (SFMTA) recently established new standards for conducting public outreach and engagement on its capital projects and programs. The contractor must develop plans that improve the level of engagement and quality of public participation on SFMTA projects with the goal of improving both project delivery and stakeholder satisfaction. The contractor will provide specialized services to engage the public on transportation projects on an as-needed basis. This will include services such as, designing strategies and approaches that enable diverse, culturally competent public participation, arranging public events and meetings, facilitating focus groups, and compiling notes and records for follow-up and documentation.	February 1, 2016	January 31, 2020
42155 - 15/16	PUBLIC UTILITIES COMMISSION	\$30,000,000.00	The proposed work consist of designing and building the Warnerville Substation Rehabilitation project entailing replacement of the transformers, circuit breakers, disconnect switches, relays, fencing and grounding. In the Design-Build (DB) method, the Contractor will be responsible for design and construction.	July 1, 2016	May 1, 2018
45629 - 15/16	PUBLIC UTILITIES COMMISSION	\$229,447.00	In 2010, San Francisco Public Utilities Commission (SFPUC) launched its Automated Water Meter System by procuring the STAR Fixed Network Automatic Meter Reading System for which SFPUC expended more than \$60,000,000 and which SFPUC intends to retain through at least 2025. A critical component of the STAR Fixed Network Automatic Meter Reading System is the STAR software and the 6 Tb data that it collects. Since 2010, both the software and the data collected by it have been housed on SFPUC servers and storage. For financial and practical reasons, it is in the interest of the SFPUC to move from hosting the STAR software and data on its own servers to those of Aclara by utilizing Aclara's Software as a Service Services ("SaaS Services", aka cloud-based/hosted solution). Those reasons include 23% cost savings over ten years; free software upgrades; 99% system uptime, and ability to more easily comply with disaster recovery requirements. In order to migrate the STAR software and the data it collects from SFPUC's servers to those of Aclara's cloud-based/hosted solution, Aclara must first perform certain technical services which will be completed over five phases over a period of less than 12 months, including, discovery and requirements gathering; infrastructure deployment and test preparation; testing and, finally, cutover from the existing system to the new one. (See attached statement of work for complete details). Although this will be a new, ten year contract with a not-to-exceed amount of \$1,940,374, only \$229,447 of the contract amount relates to actual professional services for which Civil Service Commission review is being requested. The	January 1, 2016	December 31, 2016



PSC No	Dept Designation	PSC Amount	Description of Work	PSC Estimated Start Date	PSC Estimated End Date
			remaining \$1,710,927 portion of the contract pertains to the cost of storing SFPUC's STAR software and data on Aclara's cloud servers (instead of those of SFPUC as is the case now) for which SFPUC will be charged an annual fee.		
44722 - 15/16	MUNICIPAL TRANSPORTATION AGENCY	\$1,000,000.00	The contractor(s) will provide the necessary foreign language translation and interpretation services, American Sign Language (ASL) interpreters, oral interpretation, relay interpretation, and deaf/blind (tactile) interpretation services for the San Francisco Municipal Transportation Agency (SFMTA). The contractor(s) shall also provide court reporting services and furnish the appropriate equipment for meetings that require verbatim note taking. These services are required in order to meet the requirements of and comply with San Francisco's Language Access Ordinance and the Title VI requirements of the Federal Transit Administration (FTA). The SFMTA is also expanding its efforts so as to be able to communicate with the city's diverse population.	December 22, 2015	December 21, 2018
41837 - 14/15	PUBLIC HEALTH	\$5,500,000.00	Contractor will provide fiscal intermediary services for the Black Infant Health program, an evidence-based intervention program designed to improve African American infant and maternal health. The contractor will assist the program with fiscal administration and reporting. Program services include prenatal and postpartum courses, classes on parenting, infant and maternal health and stress reduction, referrals to community resources for education, health care, mental health care, childcare, and housing, and community outreach to African American women of child-bearing age. The target population includes African American infants, pregnant women and lactating and new mothers.	July 1, 2015	June 30, 2020
44383 - 15/16	PUBLIC HEALTH	\$5,000,000.00	The contractors will pick up and dispose of pharmaceutical and medical waste generated by Department of Public Health facilities (hospitals, clinics, satellite locations)	January 1, 2016	June 30, 2020

**TOTAL AMOUNT \$51,529,447**

EX-1

Published on *Personal Services Request Database* (<http://apps.sfgov.org/dhrdrupal>)

Home &gt;

## Posting For January 04, 2016

### Proposed Modifications to Personal Services Contracts

Commission Hearing Date

2016-01-04

APPLY

PSC Number	Commission Hearing Date	Department	Additional Amount	Cumulative Total	Description	Start Date	End Date	Approval Type
46840 - 13/14 - MODIFICATIONS	January 4, 2016	AIRPORT COMMISSION -- AIR	\$7,000,000	\$8,500,000	As-needed environmental consulting services are required for verification of compliance with environmental laws, regulations, and standards. The as-needed consulting services will assist the Airport to maintain compliance with environmental regulations in support of operations and maintenance functions and Capital Improvement Program (CIP) projects. Services will include: site investigation for contaminant characterization, planning and design of asbestos/lead abatement and demolition of Airport buildings, construction management and technical oversight of environmental remediation, air quality control permitting and monitoring services, and environmental database support services.	06/01/2019	12/31/2021	REGULAR
33469 - 14/15 - MODIFICATIONS	January 4, 2016	HUMAN RESOURCES -- HRD	\$271,000	\$521,000	The City is seeking approval to enter into a contract with Year Up, a national nonprofit organization that provides urban young adults with the skills, experience, and support necessary to build professional careers in Information Technology (IT). The Year Up model includes an education component followed by a paid work internship for its participants. The City intends to offer the paid internships at the Department of Public Health (DPH) as a program pilot.	08/01/2015	07/31/2016	REGULAR
4124 11/12 - MODIFICATIONS	January 4, 2016	HUMAN RESOURCES -- HRD	\$950,000	\$2,824,999	Contractor will provide services for software upgrades, ongoing software maintenance and support services and software hosting of the Workers' Compensation Division's (WCD) claims management web-based platform.	09/01/2012	08/30/2017	REGULAR
2006-08/09 - MODIFICATIONS	January 4, 2016	HUMAN SERVICES -- DSS	\$1,016,600	\$26,431,600	Services in support of the Agency include the following legal services such as process service, arbitration, Fair Hearing Officer services, and other specialized legal services not provided by the City Attorney, courier service, fiscal intermediary, credit checks, equipment maintenance and repairs, property management services, on- demand and supplemental translation and interpretation services, media and communications services including outreach to targeted populations served by the Agency, grant writing, program planning and evaluation, technical writing, environmental and industrial assessment services including ergonomics, mediation and dispute resolutions services, substance abuse	07/13/2015	continuing	CONTINUED

PSC Number	Commission Hearing Date	Department	Additional Amount	Cumulative Total	Description	Start Date	End Date	Approval Type
					compliance monitoring testing and paternity testing, criminal background checks, security services, population surveys, management information services, time study information system, business process mapping , one time document imaging conversion projects for archiving and transition to paperless system technology solutions for agency operations, off hours transportation services and specialized transportation including health and safety transportation and shuttle service.			

**TOTAL AMOUNT \$9,237,600**

**Regular/Continuing/Annual  
Personal Services Contracts**

## PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: CITY PLANNING – CPCDept. Code: CPCType of Request:       Initial       Modification of an existing PSC (PSC # \_\_\_\_\_)Type of Approval:       Expedited     Regular       Annual       Continuing       (Omit Posting)Type of Service: Affordable Housing Incent. Prog. in Mission and other Area Plans: Design, Market & FeasibilityFunding Source: General FundPSC Amount: \$300,000PSC Est. Start Date: 01/01/2016    PSC Est. End Date 12/31/2017**1. Description of Work****A. Scope of Work/Services to be Contracted Out:**

This analysis will support potential programs in the Mission and other neighborhoods where zoning controls were modified through the Eastern Neighborhoods and other recent re-zonings. In these areas other controls including height, bulk, open space, rear yard, and bedroom mix requirements determine the number of units that can be built on a site. The Planning Department is seeking digital modeling, market study, and financial feasibility analysis work to identify opportunities for San Francisco's local guidelines to encourage greater levels of affordable housing in all residential development projects in these areas.

**B. Explain why this service is necessary and the consequence of denial:**

The City is seeking a variety of policy ideas to address the dire need for affordable housing in different neighborhood of the city. Policies may vary by neighborhoods as the existing zoning controls as well as the housing market varies by neighborhood. Additionally, State law requires jurisdictions to provide density bonuses to private developers when affordable housing is provided. Failure of having such analysis would adversely affect these neighborhoods and the residents who are struggling to find affordable housing. The need for affordable housing in San Francisco is critical as the middle class has increasingly been shrinking and the federal and State dollars to subsidize low income housing has also dramatically decreased.

**C. Has this service been provided in the past? If so, how? If the service was provided under a previous PSC, attach copy of the most recently approved PSC.**

This is a new service.

**D. Will the contract(s) be renewed?**

No

**E. If this is a request for a new PSC in excess of five years, or if your request is to extend (modify) an existing PSC by another five years, please explain why.**

not applicable

**2. Reason(s) for the Request****A. Indicate all that apply (be specific and attach any relevant supporting documents):**

Immediately needed services to address unanticipated or transitional situations, or services needed to address emergency situations.

**B. Explain the qualifying circumstances:**

The Affordable housing project

**3. Description of Required Skills/Expertise**

- A. Specify required skills and/or expertise: The consultant should have expertise in developing design modelling (3D modelling), market study research, pro forma analysis and financial feasibility for private development
- B. Which, if any, civil service class(es) normally perform(s) this work? 5291, Planner 3;
- C. Will contractor provide facilities and/or equipment not currently possessed by the City? If so, explain: No specific facilities and equipment will be provided.

**4. If applicable, what efforts has the department made to obtain these services through available resources within the City?**

Not Applicable

**5. Why Civil Service Employees Cannot Perform the Services to be Contracted Out**

- A. Explain why civil service classes are not applicable.  
Civil Service Class is not applicable for this one time project.
- B. If there is no civil service class that could perform the work, would it be practical and/or feasible to adopt a new civil service class to perform this work? Explain. It is not practical to adopt a new civil service class for this one time project.

**6. Additional Information**

- A. Will the contractor directly supervise City and County employee? If so, please include an explanation.  
No.
- B. Will the contractor train City and County employees and/or is there a transfer of knowledge component that will be included in the contract? If so, please explain what that will entail; if not, explain why not. In conjunction with the Planning Department's relevant work conducted in the past, the Contractor will provide an analysis of the feasibility report and provide outreach materials to the public.
- C. Are there legal mandates requiring the use of contractual services?  
No.
- D. Are there federal or state grant requirements regarding the use of contractual services? If so, please explain and include an excerpt or copy of any such applicable requirement.  
No.
- E. Has a board or commission determined that contracting is the most effective way to provide this service? If so, please explain and include a copy of the board or commission action.  
No.
- F. Will the proposed work be completed by a contractor that has a current PSC contract with your department? If so, please explain.  
No.

- 7. Union Notification:** On 11/09/2015, the Department notified the following employee organizations of this PSC/RFP request:  
Architect & Engineers, Local 21, Architect & Engineers, Local 21,

I CERTIFY ON BEHALF OF THE DEPARTMENT THAT THE INFORMATION CONTAINED IN AND ATTACHED TO THIS FORM IS COMPLETE AND ACCURATE:

Name: Belle La Phone: 415-575-6833 Email: belle.la@sfgov.org

Address: 1650 Mission Street, Suite 400 San Francisco, CA 94103

\*\*\*\*\*

**FOR DEPARTMENT OF HUMAN RESOURCES USE**

PSC# 48959 - 15/16

DHR Analysis/Recommendation:

Civil Service Commission Action:

Commission Approval Required

DHR Approved for 01/04/2016

# Receipt of Union Notification(s)



**From:** [dhr-psccordinator@sfgov.org](mailto:dhr-psccordinator@sfgov.org) on behalf of [belle.la@sfgov.org](mailto:belle.la@sfgov.org)  
**To:** [La, Belle \(CPC\)](mailto:La_Belle_CPC); [richardisen@gmail.com](mailto:richardisen@gmail.com); [L21PSCReview@ifpte21.org](mailto:L21PSCReview@ifpte21.org); Garcia, Luciana (DPH); Isen, Richard (TIS); [DHR-PSCCoordinator](mailto:DHR-PSCCoordinator), DHR (HRD)  
**Subject:** Receipt of Notice for new PCS over \$100K PSC # 48959 - 15/16  
**Date:** Monday, November 09, 2015 12:09:14 PM

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RECEIPT for Union Notification for PSC 48959 - 15/16 more than \$100k

The CITY PLANNING -- CPC has submitted a request for a Personal Services Contract (PSC) 48959 - 15/16 for \$300,000 for Initial Request services for the period 01/01/2016 -- 12/31/2017. Notification of 30 days (60 days for SEIU) is required.

After logging into the system please select link below, view the information and verify receipt:

<http://apps.sfgov.org/dhrdrupal/node/6026> For union notification, please see the

TO: field of the email to verify receipt. If you do not see all the unions you

intended to contact, the PSC Coordinator must change the state back to NOT READY, make sure the classes and unions you want to notify are selected and SAVE. Then VIEW the record and verify the list of unions and emails. EDIT the document again, change the state back START UNION NOTIFICATION and SAVE. You should receive the email with all unions to the TO: field as intended

# Additional Attachment(s)

**City and County of San Francisco  
Planning Department**

**Request for Proposals for**

**Affordable Housing Incentive Program in Mission and other  
Area Plans:**

**Design, Market & Feasibility Analysis**



**SAN FRANCISCO  
PLANNING  
DEPARTMENT**

Date issued:  
Proposal due:

November 23, 2015  
December 11<sup>th</sup>, 2015 at 3p.m

**Request for Proposals for Affordable Housing Incentive Program in Mission and other Area  
Plans: Design, Market & Feasibility Analysis**

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**Appendices:**

A. Standard Forms: Listing and Internet addresses of Forms related to Taxpayer Identification Number and Certification, to Business Tax Declaration, and to Chapters 12B and 12C, and 14B of the S.F. Administrative Code.	A-1
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**Separate Appendices:**

1. Agreement for Professional Services (form P-600)
2. CMD Attachment 2: Requirements for Architecture, Engineering and Professional Services Contracts, for contacts \$55,000 and over document. Proposers must submit the following forms:
 

Form 2A	CMD Contract Participation form
Form 2B	CMD “Good Faith” Outreach Requirements form
Form 3	CMD Non-discrimination Affidavit
Form 5	CMD Employment form

**RFP for Affordable Housing Incentive Program in Mission and other Area Plans: Design, Market & Feasibility Analysis**

**Request for Proposals for  
Affordable Housing Incentive Program in Mission and other Area Plans: Design, Market & Feasibility Analysis**

**I. Introduction and Schedule**

**A. General**

The Planning Department is seeking support in ongoing policy and planning work related to residential zoning controls and affordable housing policies. The Planning Department is pursuing multiple studies to understand how the city can best encourage and facilitate more affordable housing supply, especially for low to moderate income households and middle income households. The City is interested in identifying opportunities to support and encourage the provision of housing at the low, moderate, and middle income range, in San Francisco neighborhoods such as the Mission which have higher housing costs, land costs, and market values, and where density controls have been eliminated. The goal of this analysis is to incentivize increased affordable housing production levels at deeper and wider ranges of Area Middle Income (AMI) and larger unit sizes in these areas through 100% affordable housing development as well as below market-rate units within market rate developments.

This work will be directed by the Planning Department over a 6 to 12 month period. The Department will establish an advisory committee to help provide input to the consultant's work. The advisory committee will include members with technical expertise such as nonprofit developers, market-rate developers, planners, architect(s), as well as community leaders and key stakeholders to provide community expertise.

**Project Purpose and Background:**

This analysis will support ongoing policy and planning work for the City of San Francisco's Planning Department on the Mission Action Plan 2020, as well as the development of programs and policies consistent with State of California's Housing and Community Development laws and regulations. The results of this work will inform Planning Commission programs, policies and potential changes to the Planning Code.

**Modeling greater levels of affordable housing in new residential development:**

This analysis would support potential programs in the Mission and other neighborhoods where zoning controls were modified through the Eastern Neighborhoods and other recent re-zonings. In these areas other controls including height, bulk, open space, rear yard, and bedroom mix requirements determine the number of units that can be built on a site. The Planning Department is seeking digital modeling and financial feasibility analysis work to identify opportunities for San Francisco's local guidelines to encourage greater levels of affordable housing in all residential development projects in these areas.

The contract shall have an original term of one year. In addition, the City shall have an option to extend the term for a period of 5 years each, which the City may exercise in its sole, absolute discretion.

**RFP for Affordable Housing Incentive Program in Mission and other Area Plans: Design, Market & Feasibility Analysis**

**B. Schedule**

The anticipated schedule for selecting a consultant is:

<u>Proposal Phase</u>	<u>Date</u>
RFP is issued by the City	_November 23 <sup>rd</sup> , 2015
Deadline for submission of written questions or requests for clarification	_December 4 <sup>th</sup> , 2015
Proposals due	_December 11 <sup>th</sup> , 2015 at 3p.m

## RFP for Affordable Housing Incentive Program in Mission and other Area Plans: Design, Market & Feasibility Analysis

### II. Scope of Work

The Scope of Work is to be used as a general guide and is not intended to be a complete list of all work necessary to complete the project.

This will be a two part study. Part 1 will research feasibility of two general development types: 100% affordable and mixed-income development. Part 2 will address specific sites and will result in site plans and zoning recommendations. Financial analysis will be a part of both studies.

**Part 1.** The Planning Department will provide 5-7 prototypical development scenarios (prototypes) at the commencement of the study including 100% affordable housing development and mixed-income development. The prototypes will be selected based on physical characteristics of the site and regulatory controls such as lot size or allowed height, and construction type resulting from these physical characteristics and regulatory controls. The consultant will model six or seven unique development scenarios for each prototype including the base case scenario as permitted by current controls and two to three alternates that might result in greater levels of affordable housing. The scenarios will be built on criteria including:

- additional stories
- reduction in certain planning code requirements such as rear yard, parking, exposure, and open space
- wider ranges of Area Median Income (AMI) for affordable housing units
- larger sized units for affordable housing units
- higher rates of affordable units in mixed income projects

Digital modeling will be conducted by the consultant to explore physical outcomes and limitations of various development scenarios for each prototype, including design considerations. The consultant team will complete several iterations of the digital modeling based on the guidance of the Planning Department.

**Part 2.** The Planning Department will identify 5-7 specific sites in the study area where potential height increases and other changes in the zoning controls would be explored for additional affordability.

**Market Study and Financial Feasibility Analysis** – Consultant will perform a market study of the rental and for-sale residential markets within the different neighborhoods in the study area. Consultant will also analyze the financial feasibility of new developments for a series of 5-7 prototype sites and the 7-10 specific sites. The financial feasibility analysis will include the base case scenarios, as informed by the architectural modeling above, under a mixed-income (market rate with inclusionary units) and 100% affordable scenario. The Planning Department will use this analysis for subsequent sensitivity testing of various policy options. The consultant will provide advice on market study questions related to different scenarios described above.

### III. Tasks and Deliverables

The following are work tasks assumed necessary to prepare the residential development digital modeling and financial feasibility analysis. Proposing teams may suggest a modified scope as part of their response.

The consultant team's key deliverable as outlined below is digital modeling and financial feasibility analysis to support ongoing residential zoning and policy work for the Planning Department. Additionally the consultant will be expected to participate in several meetings and briefings, as directed by the Planning Department.

**RFP for Affordable Housing Incentive Program in Mission and other Area Plans: Design, Market & Feasibility Analysis**

Task. 1 Startup and Work Program	5%
<b>Modeling New Residential Construction</b>	<b>95%</b>
Task 2. Digital modeling: Develop base case scenarios for 5-7 prototypes and 5-7 specific sites for new residential development	10%
Task 3. Digital modeling: Develop alternative scenarios for 5-7- prototypes and 7-10 specific sites	20% -30%
Task 4. Market Study and Financial Feasibility Analysis as described in Section I of this document for each prototype.	35% -45%
Task 5. Develop outreach materials to present the results of modelling and financial feasibility analysis to the community.	20%

**Task 1. Startup and Work Program (5%)**

The Planning Department and consulting team will clarify the study goals and project approach, and develop a detailed scope, work plan and budget. The Planning Department will provide 5-7 prototypical development scenarios (prototypes) and 7-10 specific sites including 100% affordable and mixed-income development prototypes. The Department will provide information about lot size, site conditions, height restrictions, land use, setbacks, average unit size, and site conditions. Prototypes will be limited to new construction that results in ten or more dwelling units.

**Deliverables:**

- 1.1 Complete and detailed work plan and budget
- 1.2 Team kick-off meeting – including advisory group

**Task 2. Digital modeling: Develop base case scenarios for 5-7 prototypes for new residential development and 7-10 specific sites (10%)**

The intent of this exercise is to illustrate the baseline permitted development potential for prototypical development sites. The consultant will develop a code conforming residential development proposal for each prototype and specific site which will represent the base case scenario. Development scenarios generated for each prototype will include three-dimensional diagrammatic drawings or renderings from the digital modeling that shows adjacent building context, massing, unit count, and other details as requested by the Planning Department. The consultant will present the base case scenario to the Departmental working group for feedback, and make appropriate changes.

**Deliverables:**

- 2.1 Draft Base Case scenario for development on 5-7 prototypes and 7-10 specific sites
- 2.2 Present draft Base Case scenarios to Department working group
- 2.3 Modify and Finalize Base case scenarios for 5-7 prototypes and 7-10 specific sites
- 2.4 Draft financial feasibility model for the base case scenario both for in-lieu fee to satisfy inclusionary requirements and on-site provision of Below Market Rate (BMR) units

**Task 3. Digital modeling: Develop alternative scenarios for 5-7 prototypes and 7-10 specific sites (20-30%)**

The consultant will develop alternative development scenarios for each prototype and specific sites. The consultant will be directed to model five or six alternative scenarios for each



## RFP for Affordable Housing Incentive Program in Mission and other Area Plans: Design, Market & Feasibility Analysis

prototype or sites. For example, the consultant may be directed to model each prototype with additional one, two, or three stories for each scenario along with different affordability goals. Development scenarios generated for each prototype and specific sites will include three-dimensional diagrammatic drawings or renderings from the digital modeling that shows adjacent building context, massing, unit-count, and other details as requested by the Planning Department.

The consulting team will note what if any exemptions are suggested to meet the additional affordability and density allowance scenarios. Exemptions may include variances, rear yard exceptions, or other changes to Planning Code requirements for each prototype. For the specific sites the consultant team will note what changes in height, bedroom mix, rear yard, or other requirements are necessary to achieve higher percentage of affordable housing. The consultant will be expected to consider potential financial implications when developing alternative scenarios, for example changes in construction types which would influence a private party's pursuit of alternative densities.

The consulting team will present the alternative scenarios to the Department working group for comment. Specifically, the Department will provide comment on the exemptions or the changes in the Code utilized. The consultant will revise the alternative scenarios based on input of the working group. The consultant will present final alternative scenarios to the interdepartmental and community working group. The consultant will provide a memo summarizing task two and three, which may include an equivalency chart for preferred exemptions.

### Deliverables:

- 3.1 Draft alternative scenarios for development on 5-7 prototypes and 7-10 specific sites
- 3.2 Present draft alternative scenarios to Department working group
- 3.3 Modify alternative scenarios for 5-7 prototypes and 7-10 specific sites
- 3.4 Present alternative scenarios to Department working group
- 3.5 Finalize alternative scenarios and develop a memo summarizing the methodology for establishing the base case scenario, a list of preferred exemptions and or changes in the Code, and outcomes of alternatives modeling. The consultant shall provide digital 3D model files for all scenarios.

### **Task 4. Market Study and Financial Feasibility Analysis: Develop a financial model for each of the 5-7 prototypes and 5-7 specific sites which predicts which alternatives are more favorable, and potential financial impacts of various alternatives (35-45%)**

Consultant will perform a market study of the rental and for-sale residential markets and submarkets within the neighborhoods in the study area to gather current real estate market data, including rental rates, sale prices, trends in unit size and bedroom mix, vacancy and absorption rates, and prevailing land acquisition costs. Consultant will also analyze the financial feasibility of new development for a series of 5-7 prototype sites and the 7-10 identified specific sites. The Consultant will develop pro formas for these prototypes and specific sites for the base case scenarios, as defined in Task 2. Consultant will provide current estimates of hard and soft project costs, with particular attention to the variation in hard costs related to building above relevant height thresholds. The Department will use this analysis for subsequent sensitivity testing of various policy options informed by the digital modeling defined in Task 3. Consultant will provide additional market analysis as necessary and requested by the Department for the scenarios established in Section II (part I) of this document. The Consultant shall provide digital files (spreadsheets) for the pro formats or other tables used in this analysis to facilitate subsequent feasibility testing.

The Planning Department will provide copies of relevant work conducted in the past. The Planning Department will also provide government fees, impact fees, and related information.

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about processing time for each scenario. However, the Consultant will be expected to provide updated inputs about development costs in San Francisco, with particular attention to land acquisition costs in selected areas of the City.

The final memo will document the findings of the market study and financial feasibility analysis of the base case scenarios for each prototype site.

**Deliverables:**

- 4.1 Present comparable analysis for market rate developments
- 4.2 Present market study findings and cost estimate research to department working group for comment
- 4.3 Deliver financial feasibility analysis for each prototype and specific for the different base case scenarios to department working group for comment
- 4.4 Finalize feasibility analysis and findings memo which documents approach to analysis, inputs and assumptions
- 4.5 Provide Digital copies (spreadsheets) of pro formas and other tables used in analysis

**Task 5. Develop outreach materials to present the results of modelling and financial feasibility analysis to the community. (20%)**

Consultant will create materials such as graphics, 3-D models and presentations for outreach throughout the work as needed for meetings with the advisory committee as well as public outreach events.

**Deliverables:**

- 5.1 Graphics presenting different scenarios including 3-D modelling
- 5.2 Graphics summarizing the results of the market study and financial feasibility analysis
- 5.3 Other outreach materials as needed for public meetings and workshops

**IV. Contract**

**Contract Term:**

The contract shall have an original term of one year. In addition, the City shall have an option to extend the term for a period of one year, which the City may exercise in its sole, absolute discretion.

**Estimated Budget:**

The total estimated amount of the contract is \$225,000, which may increase or decrease depending on funding available.

**V. Submission Requirements**

**A. Time and Place for Submission of Proposals**

Please submit written questions or requests for clarification on proposal by **December 4<sup>th</sup>, 2015.**

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Proposals must be received by **3:00p.m.**, on **December 11<sup>th</sup>, 2015**. Postmarks will not be considered in judging the timeliness of submissions. Proposals may be delivered in person and left with Belle La or mailed to:

Belle La  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

*Hand delivery is recommended.*

Proposers shall submit **three** copies of the proposal and two copies, separately bound, of required CMD Forms in a sealed envelope clearly marked **Affordable Housing Incentive Program in Mission and other Area Plans: Design, Market & Feasibility Analysis** to the above location. Proposals that are submitted by fax will not be accepted. Late submissions will not be considered.

**You must also submit an electronic version of the proposal.** Please submit a complete electronic version on either a CD/DVD or USB flash drive.

**B. Format**

Please use recycled paper, print double-sided to the maximum extent practical, and bind the proposal with a binder clip, rubber band, or single staple, or submit it in a three-ring binder. Please do not bind your proposal with a spiral binding, glued binding, or anything similar. You may use tabs or other separators within the document.

For word processing documents, the department prefers that text be unjustified (i.e., with a ragged-right margin) and use a serif font (e.g., Times Roman, and not Arial), and that pages have margins of at least 1" on all sides (excluding headers and footers).

If your response is lengthy, please include a Table of Contents.

**C. Content**

Firms interested in responding to this RFP must submit the following information, in the order specified below:

**1. Introduction and Executive Summary (up to 2 pages)**

Submit a letter of introduction and executive summary of the proposal. The letter must be signed by a person authorized by your firm to obligate your firm to perform the commitments contained in the proposal. Submission of the letter will constitute a representation by your firm that your firm is willing and able to perform the commitments contained in the proposal.

**2. Project Approach (up to 3 pages)**

Describe the services and activities that your firm proposes to provide to the City. Include the following information:

- a. Overall scope of work tasks; and
- b. Schedule and ability to complete the project within the City's required time frame; and
- c. Assignment of work within your firm's work team.

**3. Firm Qualifications (up to 10 pages)**

Provide information on your firm and any other participating firm's background and qualifications which addresses the following:

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- a. Name, address, and telephone number of a contact person; and
- b. A brief description of your firm, as well as how any joint venture or association would be structured; and
- c. A description of not more than four projects similar in size and scope prepared by your firm including client, reference and telephone numbers, staff members who worked on each project, budget, schedule and project summary. Descriptions should be limited to one page for each project. If joint consultants or subconsultants are proposed provide the above information for each.

**4. Team Qualifications (up to 10 pages)**

- a. Provide a list identifying: (1) each key person on the project team, (2) the project manager(s), (3) the role each will play in the project, and (4) a written assurance that the key individuals listed and identified will be performing the work and will not be substituted with other personnel or reassigned to another project without the City's prior approval.
- b. Provide a description of the experience and qualifications of the project team members, including brief resumes if necessary.

**5. References (up to 2 pages)**

Provide references for the consulting firm(s), lead project manager(s), and all sub consultants, including the name, address and telephone number of at least **two** but no more than **five** recent clients (preferably other public agencies).

**6. Fee Proposal**

The City intends to award this contract to the firm that it considers will provide the best overall program services. The City reserves the right to accept other than the lowest priced offer and to reject any proposals that are not responsive to this request.

Please provide a fee proposal in a sealed envelope that includes the following:

- a. Total fee for each of the disciplines identified in the Scope of Work with a not-to-exceed figure; and
- b. Hourly rates for all team members. Hourly rates and itemized costs may be used to negotiate changes in the Scope of Work if necessary.

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**VI. Evaluation and Selection Criteria**

**A. Minimum Qualifications**

**Any proposer must include the minimum qualifications:**

Experience with residential development in San Francisco including architecture, design modelling, entitlements, and financial feasibility (5-7 years). Experience in market analysis for residential buildings for rental and sales in different neighborhood contexts (minimum five years).

Any proposal that does not demonstrate that the proposer meets these minimum requirements by the deadline for submittal of proposals will be considered non-responsive and will not be eligible for award of the contract.

**B. Selection Criteria**

The proposals will be evaluated by a selection committee comprised of parties with expertise in financial feasibility of development projects, market analysis, design modelling and architecture. The City intends to evaluate the proposals generally in accordance with the criteria itemized below. The City reserves the right not to conduct oral interviews and select a firm based on the written scores.

<b>Criteria:</b>	<b>Points:</b>
1. The team's experience in digital modeling of new residential construction of different scales	<b>30points</b>
2. The team's knowledge and experience working with the San Francisco Planning and Building Code.	
3. The team's experience in market study and financial feasibility modeling of new residential construction.	<b>30 points</b>
4. The proposed overall work program to approach the project tasks	<b>40 points</b>
5. Proposed project staff, project team organizations, work schedule, and budget for the services listed above including staff capacity to prioritize and dedicate staff members to this project within the time period.	
6. A list of or statement describing experience with similar projects, with references and images. General qualifications about your firm.	
<b>TOTAL</b>	<b>100 points</b>

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**VII. Pre-proposal conference and Contract award**

**A. Contract Award**

The Planning Department will select a proposer with whom Planning Department staff shall commence contract negotiations. The selection of any proposal shall not imply acceptance by the City of all terms of the proposal, which may be subject to further negotiations and approvals before the City may be legally bound thereby. If a satisfactory contract cannot be negotiated in a reasonable time the Planning Department, in its sole discretion, may terminate negotiations with the highest ranked proposer and begin contract negotiations with the next highest ranked proposer.

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**VIII. Terms and Conditions for Receipt of Proposals**

**A. Errors and Omissions in RFP**

Proposers are responsible for reviewing all portions of this RFP. Proposers are to promptly notify the Department, in writing, if the proposer discovers any ambiguity, discrepancy, omission, or other error in the RFP. Any such notification should be directed to the Department promptly after discovery, but in no event later than five working days prior to the date for receipt of proposals. Modifications and clarifications will be made by addenda as provided below.

**B. Inquiries Regarding RFP**

Inquiries regarding the RFP and all oral notifications of intent to request written modification or clarification of the RFP must be directed to:

Belle La via email at Belle.la@sfgov.org

Substantive questions received will be posted on the website in a Questions and Answers document.

**C. Objections to RFP Terms**

Should a proposer object on any ground to any provision or legal requirement set forth in this RFP, the proposer must, not more than ten calendar days after the RFP is issued, provide written notice to the Department setting forth with specificity the grounds for the objection. The failure of a proposer to object in the manner set forth in this paragraph shall constitute a complete and irrevocable waiver of any such objection.

**D. Change Notices**

The Department may modify the RFP, prior to the proposal due date, by issuing Bid Addendum(s), which will be posted on the website. The proposer shall be responsible for ensuring that its proposal reflects any and all Bid Addendum(s) issued by the Department prior to the proposal due date regardless of when the proposal is submitted. Therefore, the City recommends that the proposer consult the website frequently, including shortly before the proposal due date, to determine if the proposer has downloaded all Bid Addendum(s).

**E. Term of Proposal**

Submission of a proposal signifies that the proposed services and prices are valid for 120 calendar days from the proposal due date and that the quoted prices are genuine and not the result of collusion or any other anti-competitive activity.

**F. Revision of Proposal**

A proposer may revise a proposal on the proposer's own initiative at any time before the deadline for submission of proposals. The proposer must submit the revised proposal in the same manner as the original. A revised proposal must be received on or before the proposal due date.

In no case will a statement of intent to submit a revised proposal, or commencement of a revision process, extend the proposal due date for any proposer.

At any time during the proposal evaluation process, the Department may require a proposer to provide oral or written clarification of its proposal. The Department reserves the right to make an award without further clarifications of proposals received.

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### **G. Errors and Omissions in Proposal**

Failure by the Department to object to an error, omission, or deviation in the proposal will in no way modify the RFP or excuse the vendor from full compliance with the specifications of the RFP or any contract awarded pursuant to the RFP.

### **H. Financial Responsibility**

The City accepts no financial responsibility for any costs incurred by a firm in responding to this RFP. Submissions of the RFP will become the property of the City and may be used by the City in any way deemed appropriate.

### **I. Proposer's Obligations under the Campaign Reform Ordinance**

Proposers must comply with Section 1.126 of the S.F. Campaign and Governmental Conduct Code, which states:

No person who contracts with the City and County of San Francisco for the rendition of personal services, for the furnishing of any material, supplies or equipment to the City, or for selling any land or building to the City, whenever such transaction would require approval by a City elective officer, or the board on which that City elective officer serves, shall make any contribution to such an officer, or candidates for such an office, or committee controlled by such officer or candidate at any time between commencement of negotiations and the later of either (1) the termination of negotiations for such contract, or (2) three months have elapsed from the date the contract is approved by the City elective officer or the board on which that City elective officer serves.

If a proposer is negotiating for a contract that must be approved by an elected local officer or the board on which that officer serves, during the negotiation period the proposer is prohibited from making contributions to:

- the officer's re-election campaign
- a candidate for that officer's office
- a committee controlled by the officer or candidate.

The negotiation period begins with the first point of contact, either by telephone, in person, or in writing, when a contractor approaches any city officer or employee about a particular contract, or a city officer or employee initiates communication with a potential contractor about a contract. The negotiation period ends when a contract is awarded or not awarded to the contractor. Examples of initial contacts include: (1) a vendor contacts a city officer or employee to promote himself or herself as a candidate for a contract; and (2) a city officer or employee contacts a contractor to propose that the contractor apply for a contract. Inquiries for information about a particular contract, requests for documents relating to a Request for Proposal, and requests to be placed on a mailing list do not constitute negotiations.

Violation of Section 1.126 may result in the following criminal, civil, or administrative penalties:

1. **Criminal.** Any person who knowingly or willfully violates section 1.126 is subject to a fine of up to \$5,000 and a jail term of not more than six months, or both.
2. **Civil.** Any person who intentionally or negligently violates section 1.126 may be held liable in a civil action brought by the civil prosecutor for an amount up to \$5,000.
3. **Administrative.** Any person who intentionally or negligently violates section 1.126 may be held liable in an administrative proceeding before the Ethics Commission held pursuant to the Charter for an amount up to \$5,000 for each violation.

For further information, proposers should contact the San Francisco Ethics Commission at (415) 581-2300.



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**J. Sunshine Ordinance**

In accordance with S.F. Administrative Code Section 67.24(e), contractors' bids, responses to RFPs and all other records of communications between the City and persons or firms seeking contracts shall be open to inspection immediately after a contract has been awarded. Nothing in this provision requires the disclosure of a private person's or organization's net worth or other proprietary financial data submitted for qualification for a contract or other benefits until and unless that person or organization is awarded the contract or benefit. Information provided which is covered by this paragraph will be made available to the public upon request.

**K. Public Access to Meetings and Records**

If a proposer is a non-profit entity that receives a cumulative total per year of at least \$250,000 in City funds or City-administered funds and is a non-profit organization as defined in Chapter 12L of the S.F. Administrative Code, the proposer must comply with Chapter 12L. The proposer must include in its proposal (1) a statement describing its efforts to comply with the Chapter 12L provisions regarding public access to proposer's meetings and records, and (2) a summary of all complaints concerning the proposer's compliance with Chapter 12L that were filed with the City in the last two years and deemed by the City to be substantiated. The summary shall also describe the disposition of each complaint. If no such complaints were filed, the proposer shall include a statement to that effect. Failure to comply with the reporting requirements of Chapter 12L or material misrepresentation in proposer's Chapter 12L submissions shall be grounds for rejection of the proposal and/or termination of any subsequent Agreement reached on the basis of the proposal.

**L. Reservations of Rights by the City**

The issuance of this RFP does not constitute an agreement by the City that any contract will actually be entered into by the City. The City expressly reserves the right at any time to:

1. Waive or correct any defect or informality in any response, proposal, or proposal procedure;
2. Reject any or all proposals;
3. Reissue a Request for Proposals;
4. Prior to submission deadline for proposals, modify all or any portion of the selection procedures, including deadlines for accepting responses, the specifications or requirements for any materials, equipment or services to be provided under this RFP, or the requirements for contents or format of the proposals;
5. Procure any materials, equipment or services specified in this RFP by any other means; or
6. Determine that no project will be pursued.

**M. No Waiver**

No waiver by the City of any provision of this RFP shall be implied from any failure by the City to recognize or take action on account of any failure by a proposer to observe any provision of this RFP.

**N. Local Business Enterprise Goals and Outreach**

The requirements of the Local Business Enterprise and Non-Discrimination in Contracting Ordinance set forth in Chapter 14B of the San Francisco Administrative Code as it now exists or as it may be amended in the future (collectively the "LBE Ordinance") shall apply to this RFP.

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Prime contractors and all subcontractors who are awarded contracts as a result of the bid process are required to use the Elation secure web-based Local Business Enterprise Utilization Tracking System (LBEUTS) to submit payment information including invoices and other related information. The Contract Monitoring Division (CMD) will use this information to monitor compliance with the 14B LBE Ordinance.

### 1. LBE Subconsultant Participation Goals

**The LBE sub consulting goal for this project is 20 % of the total value of the goods and/or services to be procured.**

Each firm responding to this solicitation shall demonstrate in its response that it has used good-faith outreach to select LBE subcontractors as set forth in S.F. Administrative Code §§14B.8 and 14B.9, and shall identify the particular LBE subcontractors solicited and selected to be used in performing the contract. For each LBE identified as a subcontractor, the response must specify the value of the participation as a percentage of the total value of the goods and/or services to be procured, the type of work to be performed, and such information as may reasonably be required to determine the responsiveness of the proposal. LBEs identified as subcontractors must be certified with the San Francisco Contract Monitoring Division at the time the proposal is submitted, and must be contacted by the proposer (prime contractor) prior to listing them as subcontractors in the proposal. Any proposal that does not meet the requirements of this paragraph will be non-responsive.

In addition to demonstrating that it will achieve the level of subconsulting participation required by the contract, a proposer shall also undertake and document in its submittal the good faith efforts required by Chapter 14B.8(C) & (D) and CMD Attachment 2, Requirements for Architecture, Engineering and Professional Services Contracts.

**Proposals which fail to comply with the material requirements of S.F. Administrative Code §§14B.8 and 14B.9, CMD Attachment 2 and this RFP will be deemed non-responsive and will be rejected. During the term of the contract, any failure to comply with the level of LBE subcontractor participation specified in the contract shall be deemed a material breach of contract. Subconsulting goals can only be met with CMD-certified LBEs located in San Francisco.**

### 2. LBE Participation

The City strongly encourages proposals from qualified LBEs. Pursuant to Chapter 14B, the following rating discount will be in effect for the award of this project for any proposers who are certified by CMD as a LBE, or joint ventures where the joint venture partners are in the same discipline and have the specific levels of participation as identified below. Certification applications may be obtained by calling CMD at (415) 252-2500. The rating discount applies at each phase of the selection process. The application of the rating discount is as follows:

- a. A 10% bid discount shall be applied to Small LBEs and Micro-LBEs bidding as primes; or
- b. A 2% bid discount will be applied to an SBA-LBE, except that the 2% discount shall not be applied at any stage if it would adversely affect a Small LBE or Micro-LBE bidder.

If applying for a rating discount as a joint venture: The LBE must be an active partner in the joint venture and perform work, manage the job and take financial risks in proportion to the required level of participation stated in the proposal, and must be responsible for a clearly defined portion of the work to be performed and share in the ownership, control, management responsibilities, risks, and profits of the joint venture. The portion of the LBE joint venture's work shall be set forth in detail separately from the work to be performed by the non-LBE joint venture partner. The LBE joint venture's portion of the contract must be assigned a commercially useful function.

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**3. CMD Forms to be Submitted with Proposal**

a. All proposals submitted must include the following Contract Monitoring Division (CMD) Forms contained in the CMD Attachment 2: 1) CMD Contract Participation Form, 2) CMD "Good Faith Outreach" Requirements Form, 3) CMD Non-Discrimination Affidavit, 4) CMD Joint Venture Form (if applicable), and 5) CMD Employment Form. If these forms are not returned with the proposal, the proposal may be determined to be non-responsive and may be rejected.

b. Please submit only two copies of the above forms with your proposal. The forms should be placed in a separate, sealed envelope labeled CMD Forms.

If you have any questions concerning the CMD Forms, you may call Lupe Arreola, the Contract Monitoring Division Contract Compliance Officer for The Planning Department at 415-581-2306.

**O. Communications Prior to Contract Award**

Only the employee(s) identified in the RFP as the contact(s) for this competitive solicitation are authorized to respond to comments or inquiries from Proposers or potential Proposers seeking to influence the contractor selection process or the award of the contract. This prohibition extends from the date the RFP is issued until the date when the notice of tentative award is issued.

All firms and subcontractor(s) responding to this RFP are prohibited from contacting any Commissioner, elected official, City staff member, other than the contact person listed in this RFP or as otherwise expressly authorized herein, from the date the RFP is issued to the date when the notice of tentative award is issued. This prohibition does not apply to communications with a Commissioner, elected official, City staff member regarding normal business not regarding or related to this RFP.

Additionally, the firms and subcontractor(s) will not provide any gifts, meals, transportations, materials or supplies or any items of value or donations to or on behalf of any Commissioner, elected official, and City staff member from the date the RFP is issued to the date when the notice of tentative award is issued.

All lobbyists or any agents representing the interests of proposing prime contractors and subcontractor(s) shall also be subject to the same prohibitions.

Any Proposer who violates this section, directly or through an agent, lobbyist or subcontractor will be disqualified from the selection process.

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**IX. Contract Requirements**

**A. Standard Contract Provisions**

The successful proposer will be required to enter into a contract substantially in the form of the Agreement for Professional Services, attached separately. Failure to timely execute the contract, or to furnish any and all insurance certificates and policy endorsement, surety bonds or other materials required in the contract, shall be deemed an abandonment of a contract offer. The City, in its sole discretion, may select another firm and may proceed against the original selectee for damages.

Proposers are urged to pay special attention to the requirements of Administrative Code Chapters 12B and 12C, Nondiscrimination in Contracts and Benefits, 34 in the Agreement); the Minimum Compensation Ordinance (§43 in the Agreement); the Health Care Accountability Ordinance (§44 in the Agreement); the First Source Hiring Program (§45 in the Agreement); and applicable conflict of interest laws (§23 in the Agreement), as set forth in paragraphs B, C, D, E and F below.

**B. Nondiscrimination in Contracts and Benefits**

The successful proposer will be required to agree to comply fully with and be bound by the provisions of Chapters 12B and 12C of the San Francisco Administrative Code. Generally, Chapter 12B prohibits the City and County of San Francisco from entering into contracts or leases with any entity that discriminates in the provision of benefits between employees with domestic partners and employees with spouses, and/or between the domestic partners and spouses of employees. The Chapter 12C requires nondiscrimination in contracts in public accommodation. Additional information on Chapters 12B and 12C is available on the CMD's website at <http://sfgov.org/CMD>.

**C. Minimum Compensation Ordinance (MCO)**

The successful proposer will be required to agree to comply fully with and be bound by the provisions of the Minimum Compensation Ordinance (MCO), as set forth in S.F. Administrative Code Chapter 12P. Generally, this Ordinance requires contractors to provide employees covered by the Ordinance who do work funded under the contract with hourly gross compensation and paid and unpaid time off that meet certain minimum requirements. For the contractual requirements of the MCO, see §43.

For the amount of hourly gross compensation currently required under the MCO, see [www.sfgov.org/olse/mco](http://www.sfgov.org/olse/mco). Note that this hourly rate may increase on January 1 of each year and that contractors will be required to pay any such increases to covered employees during the term of the contract.

Additional information regarding the MCO is available on the web at [www.sfgov.org/olse/mco](http://www.sfgov.org/olse/mco).

**D. Health Care Accountability Ordinance (HCAO)**

The successful proposer will be required to agree to comply fully with and be bound by the provisions of the Health Care Accountability Ordinance (HCAO), as set forth in S.F. Administrative Code Chapter 12Q. Contractors should consult the San Francisco Administrative Code to determine their compliance obligations under this chapter. Additional information regarding the HCAO is available on the web at [www.sfgov.org/olse/hcao](http://www.sfgov.org/olse/hcao).

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**E. First Source Hiring Program (FSHP)**

If the contract is for more than \$50,000, then the First Source Hiring Program (Admin. Code Chapter 83) may apply. Generally, this ordinance requires contractors to notify the First Source Hiring Program of available entry-level jobs and provide the Workforce Development System with the first opportunity to refer qualified individuals for employment.

Contractors should consult the San Francisco Administrative Code to determine their compliance obligations under this chapter. Additional information regarding the FSHP is available on the web at <http://www.workforcedevelopmentsf.org/> and from the First Source Hiring Administrator, (415) 401-4960.

**F. Conflicts of Interest**

The successful proposer will be required to agree to comply fully with and be bound by the applicable provisions of state and local laws related to conflicts of interest, including Section 15.103 of the City's Charter, Article III, Chapter 2 of City's Campaign and Governmental Conduct Code, and Section 87100 et seq. and Section 1090 et seq. of the Government Code of the State of California. The successful proposer will be required to acknowledge that it is familiar with these laws; certify that it does not know of any facts that constitute a violation of said provisions; and agree to immediately notify the City if it becomes aware of any such fact during the term of the Agreement.

Individuals who will perform work for the City on behalf of the successful proposer might be deemed consultants under state and local conflict of interest laws. If so, such individuals will be required to submit a Statement of Economic Interests, California Fair Political Practices Commission Form 700, to the City within ten calendar days of the City notifying the successful proposer that the City has selected the proposer.

**G. San Francisco Business Tax Certificate**

San Francisco Ordinance No. 345-88 requires that, in order to receive an award, a firm located in San Francisco or doing business in San Francisco must have a current Business Tax Certificate. Since the work contemplated under the proposed Agreement will be performed in San Francisco, a San Francisco Business Tax Certificate will be required.

**H. Statement of Economic Interest**

Depending on the final scope of the Contract, the Consultant to whom this Contract is awarded, as well as all of its subconsultants, may be required to file a Statement of Economic Interest, California Fair Political Practices Commission Form 700, under the requirements of California Government Code Sections 7300 et seq. and San Francisco Campaign and Governmental Code Section 3.1-102. A copy of the Form 700 can be downloaded from the following website: <http://www.fppc.ca.gov>

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**X. Protest Procedures**

**A. Protest of Non-Responsiveness Determination**

Within five working days of the City's issuance of a notice of non-responsiveness, any firm that has submitted a proposal and believes that the City has incorrectly determined that its proposal is non-responsive may submit a written notice of protest. Such notice of protest must be received by the City on or before the fifth working day following the City's issuance of the notice of non-responsiveness. The notice of protest must include a written statement specifying in detail each and every one of the grounds asserted for the protest. The protest must be signed by an individual authorized to represent the proposer, and must cite the law, rule, local ordinance, procedure or RFP provision on which the protest is based. In addition, the protestor must specify facts and evidence sufficient for the City to determine the validity of the protest.

**B. Protest of Contract Award**

Within five working days of the City's issuance of a notice of intent to award the contract, any firm that has submitted a responsive proposal and believes that the City has incorrectly selected another proposer for award may submit a written notice of protest. Such notice of protest must be received by the City on or before the fifth working day after the City's issuance of the notice of intent to award.

The notice of protest must include a written statement specifying in detail each and every one of the grounds asserted for the protest. The protest must be signed by an individual authorized to represent the proposer, and must cite the law, rule, local ordinance, procedure or RFP provision on which the protest is based. In addition, the protestor must specify facts and evidence sufficient for the City to determine the validity of the protest.

**C. Delivery of Protests**

All protests must be received by the due date. If a protest is mailed, the protestor bears the risk of non-delivery within the deadlines specified herein. Protests should be transmitted by a means that will objectively establish the date the City received the protest. Protests or notice of protests made orally (e.g., by telephone) will not be considered. Protests must be delivered to:

Belle La  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

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**Appendix A**

**Standard Forms**

Before the City can award any contract to a contractor, that contractor must file three standard City forms (items 1-3 on the chart). Because many contractors have already completed these forms, and because some informational forms are rarely revised, the City has not included them in the RFP package. Instead, this Appendix describes the forms, where to find them on the Internet (see bottom of page 2), and where to file them. If a contractor cannot get the documents off the Internet, the contractor should call (415) 554-6248 or e-mail Purchasing (purchasing@sfgov.org) and Purchasing will fax, mail or e-mail them to the contractor.

If a contractor has already filled out items 1-3 (see note under item 3) on the chart, **the contractor should not do so again unless the contractor's answers have changed.** To find out whether these forms have been submitted, the contractor should call Vendor File Support in the Controller's Office at (415) 554-6702.

If a contractor would like to apply to be certified as a local business enterprise, it must submit item 4. To find out about item 4 and certification, the contractor should call Contract Monitoring Division at (415) 252-2500.

Item	Form name and Internet location	Form	Description	Return the form to; For more info
1.	Request for Taxpayer Identification Number and Certification  <a href="http://sfgsa.org/index.aspx?page=4762">http://sfgsa.org/index.aspx?page=4762</a>  <a href="http://www.irs.gov/pub/irs-fill/fw9.pdf">www.irs.gov/pub/irs-fill/fw9.pdf</a>	W-9	The City needs the contractor's taxpayer ID number on this form. If a contractor has already done business with the City, this form is not necessary because the City already has the number.	Controller's Office Vendor File Support City Hall, Room 484 San Francisco, CA 94102  (415) 554-6702
2.	Business Tax Declaration  <a href="http://sfgsa.org/index.aspx?page=4762">http://sfgsa.org/index.aspx?page=4762</a>	P-25	All contractors must sign this form to determine if they must register with the Tax Collector, even if not located in San Francisco. All businesses that qualify as "conducting business in San Francisco" must register with the Tax Collector	Controller's Office Vendor File Support City Hall, Room 484 San Francisco, CA 94102  (415) 554-6702
3.	S.F. Administrative Code Chapters 12B & 12C Declaration: Nondiscrimination in Contracts and Benefits  <a href="http://sfgsa.org/index">http://sfgsa.org/index</a>	CMD-12B-101	Contractors tell the City if their personnel policies meet the City's requirements for nondiscrimination against protected classes of people, and in the provision of benefits between employees with	Contract Monitoring Division 30 Van Ness, Suite 200 San Francisco, CA 94102-6020 (415) 581-2310

**RFP for Affordable Housing Incentive Program in Mission and other Area Plans: Design, Market & Feasibility Analysis**

Item	Form name and Internet location	Form	Description	Return the form to; For more info
	asp?page=4762  In Vendor Profile Application		spouses and employees with domestic partners. Form submission is not complete if it does not include the additional documentation asked for on the form. Other forms may be required, depending on the answers on this form. Contract-by-Contract Compliance status vendors must fill out an additional form for each contract.	
4.	CMD LBE Certification Application  <a href="http://www.sfgsa.org/index.aspx?page=6058">http://www.sfgsa.org/index.aspx?page=6058</a>  In Vendor Profile Application		Local businesses complete this form to be certified by CMD as LBEs. Certified LBEs receive a rating bonus pursuant to Chapter 14B when bidding on City contracts. To receive the bid discount, you must be certified by CMD by the proposal due date.	Contract Monitoring Unit 30 Van Ness Avenue, Suite 200 San Francisco, CA 94102  (415) 581-2310

**Where the forms are on the Internet**

**Office of Contract Administration**

Homepage: <http://sfgov.org/OCA>  
 Purchasing forms: Click on "Required Vendor Forms" under the "Information for Vendors and Contractors" banner.

**Contract Monitoring Division**

CMD's homepage: <http://sfgov.org/CMD>  
 Equal Benefits forms: <http://sfgsa.org/index.aspx?page=5359>  
 LBE certification form: <http://sfgsa.org/index.aspx?page=5364>



## PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: MUNICIPAL TRANSPORTATION AGENCY -- MTADept. Code: MTAType of Request:  Initial  Modification of an existing PSC (PSC # \_\_\_\_\_)Type of Approval:  Expedited  Regular  Annual  Continuing  (Omit Posting)Type of Service: Develop and Implement Specialized Public Participation and Information ServicesFunding Source: Federal Grants and Local FundsPSC Amount: \$9,500,000PSC Est. Start Date: 02/01/2016 PSC Est. End Date 01/31/2020**1. Description of Work****A. Scope of Work/Services to be Contracted Out:**

The San Francisco Municipal Transportation Agency (SFMTA) recently established new standards for conducting public outreach and engagement on its capital projects and programs. The contractor must develop plans that improve the level of engagement and quality of public participation on SFMTA projects with the goal of improving both project delivery and stakeholder satisfaction. The contractor will provide specialized services to engage the public on transportation projects on an as-needed basis. This will include services such as, designing strategies and approaches that enable diverse, culturally competent public participation, arranging public events and meetings, facilitating focus groups, and compiling notes and records for follow-up and documentation.

**B. Explain why this service is necessary and the consequence of denial:**

The as-needed, specialized public participation services from this contract will support existing SFMTA staff to involve, engage and inform the public on important projects and programs. Denial of this service will not allow the SFMTA to provide the extensive public participation and information necessary for a number of projects that would improve the City's transportation systems and, therefore, cause them to be delayed.

**C. Has this service been provided in the past? If so, how? If the service was provided under a previous PSC, attach copy of the most recently approved PSC.**

The SFMTA PSC #38945-14/15 reflects only a very small portion of this type of service. The SFMTA hasn't performed this exclusive and in-depth type of service in the past.

**D. Will the contract(s) be renewed?**

No.

**E. If this is a request for a new PSC in excess of five years, or if your request is to extend (modify) an existing PSC by another five years, please explain why.**

not applicable

**2. Reason(s) for the Request****A. Indicate all that apply (be specific and attach any relevant supporting documents):**

Short-term or capital projects requiring diverse skills, expertise and/or knowledge.

Services required on an as-needed, intermittent, or periodic basis (e.g., peaks in workload).

Cases where future funding is so uncertain that the establishment of new civil service positions, classes or programs is not feasible (including situations where there is grant funding).

B. Explain the qualifying circumstances:

This work is highly specialized and relies on expert teams in both transportation planning and public participation. This particular degree and field of public participation is an important niche outside of typical civil service classes. This higher standard set forth by the SFMTA needs industry experts and leaders to engage on an as-needed basis to lend specialized expertise during the planning process for the most challenging projects.

**3. Description of Required Skills/Expertise**

- A. Specify required skills and/or expertise: The consultant must possess demonstrated expertise in developing and implementing plans and strategies that result in a greater level of general public participation and information dissemination in a similar metropolitan area. Must possess specialized expertise in meeting facilitation, public participation planning, collateral development, digital media, public outreach and communications related to transportation projects.
- B. Which, if any, civil service class(es) normally perform(s) this work? 1312, Public Information Officer; 1314, Public Relations Officer; 5277, Planner 1; 5288, Transportation Planner II; 5289, Transportation Planner III; 5290, Transportation Planner IV;
- C. Will contractor provide facilities and/or equipment not currently possessed by the City? If so, explain: No.

**4. If applicable, what efforts has the department made to obtain these services through available resources within the City?**

Classifications 5277 Planner I, 5288 Transportation Planner II, 5289 Transportation Planner III, 5290 Transportation Planner IV, 1312 Public Information Officer, and 1314 Public Relations Officer can perform only a portion of this work.

**5. Why Civil Service Employees Cannot Perform the Services to be Contracted Out**

- A. Explain why civil service classes are not applicable.  
This work is highly specialized and relies on expert teams in both transportation planning and public participation. This particular degree and field of public participation is an important niche outside of typical civil service classes. This higher standard set forth by the SFMTA needs industry experts and leaders to engage on an as-needed basis to lend specialized expertise during the planning process for the most challenging projects.
- B. If there is no civil service class that could perform the work, would it be practical and/or feasible to adopt a new civil service class to perform this work? Explain. No. This work will be performed on a project-by-project, as-needed basis, and is best delivered when provided by an outside team of various specialized staff working in close coordination with City staff.

**6. Additional Information**

- A. Will the contractor directly supervise City and County employee? If so, please include an explanation.  
No.
- B. Will the contractor train City and County employees and/or is there a transfer of knowledge component that will be included in the contract? If so, please explain what that will entail; if not, explain why not.  
This service will not include a training component.
- C. Are there legal mandates requiring the use of contractual services?  
No.

D. Are there federal or state grant requirements regarding the use of contractual services? If so, please explain and include an excerpt or copy of any such applicable requirement.

No.

E. Has a board or commission determined that contracting is the most effective way to provide this service? If so, please explain and include a copy of the board or commission action.

No.

F. Will the proposed work be completed by a contractor that has a current PSC contract with your department? If so, please explain.

No.

7. **Union Notification:** On 10/26/2015, the Department notified the following employee organizations of this PSC/RFP request:  
Professional & Tech Engrs, Local 21, Professional & Tech Engrs, Local 21,

I CERTIFY ON BEHALF OF THE DEPARTMENT THAT THE INFORMATION CONTAINED IN AND ATTACHED TO THIS FORM IS COMPLETE AND ACCURATE:

Name: Cynthia Hamada Phone: 415.701.5381 Email: cynthia.hamada@sfmta.com

Address: 1 South Van Ness Avenue, 6th Floor San Francisco, CA 94103

\*\*\*\*\*

**FOR DEPARTMENT OF HUMAN RESOURCES USE**

PSC# 41409 - 15/16

DHR Analysis/Recommendation:

Civil Service Commission Action:

Commission Approval Required

DHR Approved for 01/04/2016

# **Receipt of Union Notification(s)**

## Hamada, Cynthia

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**From:** dhr-psccordinator@sfgov.org on behalf of cynthia.hamada@sfmta.com  
**Sent:** Monday, October 26, 2015 4:21 PM  
**To:** Hamada, Cynthia; L21PSCReview@ifpte21.org; Hamada, Cynthia; Isen, Richard; DHR-PSCCoordinator, DHR  
**Subject:** Receipt of Notice for new PCS over \$100K PSC # 41409 - 15/16

RECEIPT for Union Notification for PSC 41409 - 15/16 more than \$100k

The MUNICIPAL TRANSPORTATION AGENCY -- MTA has submitted a request for a Personal Services Contract (PSC) 41409 - 15/16 for \$9,500,000 for Initial Request services for the period 02/01/2016 – 01/31/2020. Notification of 30 days (60 days for SEIU) is required.

After logging into the system please select link below, view the information and verify receipt:

<http://apps.sfgov.org/dhrdrupal/node/5994> For union notification, please see the TO: field of the email to verify receipt. If you do not see all the unions you intended to contact, the PSC Coordinator must change the state back to NOT READY, make sure the classes and unions you want to notify are selected and SAVE. Then VIEW the record and verify the list of unions and emails. EDIT the document again , change the state back START UNION NOTIFICATION and SAVE. You should receive the email with all unions to the TO: field as intended

# Additional Attachment(s)

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: MUNICIPAL TRANSPORTATION AGENCY – MTA Dept. Code: MTA

Type of Request:  Initial  Modification of an existing PSC (PSC # \_\_\_\_\_)

Type of Approval:  Expedited  Regular ( Omit Posting)

Type of Service: Bicycle Parking Outreach and Siting Work

Funding Source: Grant Funds PSC Duration: 1 year 21 weeks

PSC Amount: \$100,000 PSC Est. Start Date: 08/01/2015 PSC Est. End Date: 12/31/2016

**1. Description of Work**

**A. Scope of Work:**

The contractor will provide short-term support to the San Francisco Municipal Transportation Agency's (SFMTA) Bicycle Parking Program during a greater than expected growth in the interest in bicycle parking in order to reduce response time to customers that directly results in bicycle parking rack installations. The program currently installs approximately 500 bicycle parking racks per year. The contractor will provide: public outreach and notification; field surveys; identify parking rack locations (siting); bicycle parking rack request processing and verification; data entry and database management; and, monthly written reports.

**B. Explain why this service is necessary and the consequence of denial:**

This service is necessary so that the SFMTA can respond more efficiently to the public's high demand for bicycle parking, reduce the accumulation of requests, and result in an increase in bicycle parking rack installations. Denial will lead to increased and continued wait times that the public will be subjected to until the SFMTA can address their bicycle parking rack requests and inquiries, and delays in parking rack installations.

**C. Has this service been provided in the past. If so, how? If the service was provided via a PSC, provide the most recently approved PSC # and upload a copy of the PSC.**

In 2012 and 2013, this service was provided through a purchase order with the San Francisco Conservation Corps. More recently, services of this nature were provided using temporary, summer interns.

**D. Will the contract(s) be renewed? No.**

**2. Union Notification:** On 06/11/2015, the Department notified the following employee organizations of this PSC/RFP request: Professional & Tech Engrs, Local 21,

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**FOR DEPARTMENT OF HUMAN RESOURCES USE**

PSC# 38945 - 14/15

DHR Analysis/Recommendation:

Commission Approval Not Required

Approved by DHR on 06/15/2015

3. Description of Required Skills/Expertise

A. Specify required skills and/or expertise:

Must be able to interact professionally and cordially in person, by telephone and via written word with members of the public and City staff; interpret written and graphical guidelines and standards and apply them to the built environment; be able to stand and walk outdoors for extended periods and operate a measuring tape and/or measuring wheel to record measurements; be able to plan and prioritize tasks to maximize efficiency of travel; and work independently. The consultant must possess familiarity with operational requirements of bicycles and

B. Which, if any, civil service class(es) normally perform(s) this work?  
5380,5382,

C. Will contractor provide facilities and/or equipment not currently possessed by the City? If yes, explain:  
No.

4. Why Classified Civil Service Cannot Perform

A. Explain why civil service classes are not applicable:

Civil service staff can perform this work, but these classifications are available only in the summer months and the public demand for service is surpassing expectations requiring work beyond those months.

B. Would it be practical to adopt a new civil service class to perform this work? Explain.

No. Civil services classes exist, however due to temporal constraints and the urgency to respond to public demands, this short-term solution is necessary. This work is neither full-time work, nor ongoing. It is best delivered on an as-needed basis working in close coordination with the SFMTA.

5. Additional Information (if "yes", attach explanation)

YES NO

A. Will the contractor directly supervise City and County employee?  YES  NO

B. Will the contractor train City and County employee?  YES  NO

C. Are there legal mandates requiring the use of contractual services?  YES  NO

D. Are there federal or state grant requirements regarding the use of contractual services?  YES  NO

E. Has a board or commission determined that contracting is the most effective way to provide this service?  YES  NO

F. Will the proposed work be completed by a contractor that has a current PSC contract with your department?  YES  NO

THE ABOVE INFORMATION IS SUBMITTED AS COMPLETE AND ACCURATE ON BEHALF OF THE DEPARTMENT HEAD

ON 06/11/2015 BY:

Name: Cynthia Hamada Phone: 415.701.5381 Email: cynthia.hamada@sfmta.com

Address: 1 South Van Ness Avenue, 6th Floor San Francisco, CA 94103



## PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: PUBLIC UTILITIES COMMISSION -- PUCDept. Code: PUCType of Request:  Initial  Modification of an existing PSC (PSC # \_\_\_\_\_)Type of Approval:  Expedited  Regular  Annual  Continuing  (Omit Posting)Type of Service: Warnerville Substation Rehabilitation Design-Build Services (DB-127)Funding Source: Hetch Hetchy 10-Yr Capital PlanPSC Duration: 1 year 43 weeksPSC Amount: \$30,000,000**1. Description of Work**

A. Scope of Work/Services to be Contracted Out:

The proposed work consist of designing and building the Warnerville Substation Rehabilitation project entailing replacement of the transformers, circuit breakers, disconnect switches, relays, fencing and grounding. In the Design-Build (DB) method, the Contractor will be responsible for design and construction.

B. Explain why this service is necessary and the consequence of denial:

This service is needed to meet California Independent System Operators (CAISO) requirements to increase the capacity of the Warnerville substation to mitigate overloads that can affect the City's ability to provide reliable electric service to its customers, and to increase the system reliability with the replacement of aging equipment. If the contract is denied, critical improvements to the City's power system may be out of regulatory compliance and suffer operations failure.

C. Has this service been provided in the past? If so, how? If the service was provided under a previous PSC, attach copy of the most recently approved PSC.

Engineers in civil service classes 5207, 5241 and 5211 perform routine engineering work. However, the scope of this project requires engineers with specialized experience in design and rehabilitation of high voltage substations.

D. Will the contract(s) be renewed?

No.

E. If this is a request for a new PSC in excess of five years, or if your request is to extend (modify) an existing PSC by another five years, please explain why.  
not applicable**2. Reason(s) for the Request**

A. Indicate all that apply (be specific and attach any relevant supporting documents):

 Short-term or capital projects requiring diverse skills, expertise and/or knowledge.

B. Explain the qualifying circumstances:

The scope of this project requires engineers with specialized experience in design and rehabilitation of high voltage substations.

**3. Description of Required Skills/Expertise**

- A. Specify required skills and/or expertise: Expertise required includes design and construction of high voltage electrical substations. The designers shall have 15 years of experience on high voltage substations.
- B. Which, if any, civil service class(es) normally perform(s) this work? 5207, Assoc Engineer; 5211, Eng/Arch/Landscape Arch Sr; 5241, Engineer;
- C. Will contractor provide facilities and/or equipment not currently possessed by the City? If so, explain:  
No.

**4. If applicable, what efforts has the department made to obtain these services through available resources within the City?**

This is the first substation rehabilitation project to include replacement of transformers. The specialized experience needed to perform this work is not available with the City.

**5. Why Civil Service Employees Cannot Perform the Services to be Contracted Out**

- A. Explain why civil service classes are not applicable.  
Civil service classes do not have the in-depth knowledge and specialized expertise to provide the design and professional support services for projects that involve high voltage substation. The City does not routinely perform this type of project. This work happens about every 30 to 40 years.
- B. If there is no civil service class that could perform the work, would it be practical and/or feasible to adopt a new civil service class to perform this work? Explain. No. Design and construction of high voltage substations is specialized.

**6. Additional Information**

- A. Will the contractor directly supervise City and County employee? If so, please include an explanation.  
No.
- B. Will the contractor train City and County employees and/or is there a transfer of knowledge component that will be included in the contract? If so, please explain what that will entail; if not, explain why not.  
None. Design and construction of high voltage substations is specialized.
- C. Are there legal mandates requiring the use of contractual services?  
No.
- D. Are there federal or state grant requirements regarding the use of contractual services? If so, please explain and include an excerpt or copy of any such applicable requirement.  
No.
- E. Has a board or commission determined that contracting is the most effective way to provide this service? If so, please explain and include a copy of the board or commission action.  
No.
- F. Will the proposed work be completed by a contractor that has a current PSC contract with your department? If so, please explain.  
No.

7. **Union Notification:** On 11/09/2015, the Department notified the following employee organizations of this PSC/RFP request:  
Professional & Tech Engrs, Local 21, Prof & Tech Eng, Local 21, Architect & Engineers, Local 21, Professional & Tech Engrs, Local 21, Prof & Tech Eng, Local 21, Architect & Engineers, Local 21,

I CERTIFY ON BEHALF OF THE DEPARTMENT THAT THE INFORMATION CONTAINED IN AND ATTACHED TO THIS FORM IS COMPLETE AND ACCURATE:

Name: Shamica Jackson Phone: 415-554-0727 Email: SJackson@sfgwater.org

Address: 525 Golden Gate Avenue, 8th Floor San Francisco, CA 94102

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**FOR DEPARTMENT OF HUMAN RESOURCES USE**

PSC# 42155 - 15/16

DHR Analysis/Recommendation:

Civil Service Commission Action:

Commission Approval Required

DHR Approved for 01/04/2016

# **Receipt of Union Notification(s)**

**From:** [dhr-psccordinator@sfgov.org](mailto:dhr-psccordinator@sfgov.org) on behalf of [SJackson@sfgwater.org](mailto:SJackson@sfgwater.org)  
**To:** [Jackson, Shamica; amakayan@fpte21.org; richardisen@gmail.com; L21PSCReview@fpte21.org; Jackson, Shamica; Isen, Richard; DHR-PSCCoordinator, DHR](mailto:Jackson, Shamica; amakayan@fpte21.org; richardisen@gmail.com; L21PSCReview@fpte21.org; Jackson, Shamica; Isen, Richard; DHR-PSCCoordinator, DHR)  
**Subject:** Receipt of Notice for new PCS over \$100K PSC # 42155 - 15/16  
**Date:** Monday, November 09, 2015 2:56:54 PM

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RECEIPT for Union Notification for PSC 42155 - 15/16 more than \$100k

The PUBLIC UTILITIES COMMISSION -- PUC has submitted a request for a Personal Services Contract (PSC) 42155 - 15/16 for \$30,000,000 for Initial Request services for the period 07/01/2016 - 05/01/2018. Notification of 30 days (60 days for SEIU) is required.

After logging into the system please select link below, view the information and verify receipt:

<http://apps.sfgov.org/dhrdrupal/node/6042> For union notification, please see the

TO: field of the email to verify receipt. If you do not see all the unions you

intended to contact, the PSC Coordinator must change the state back to NOT READY, make sure the classes and unions you want to notify are selected and SAVE. Then VIEW the record and verify the list of unions and emails. EDIT the document again, change the state back START UNION NOTIFICATION and SAVE. You should receive the email with all unions to the TO: field as intended

## PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: PUBLIC UTILITIES COMMISSION -- PUCDept. Code: PUCType of Request:  Initial  Modification of an existing PSC (PSC # \_\_\_\_\_)Type of Approval:  Expedited  Regular  Annual  Continuing  (Omit Posting)Type of Service: Move software and data for SPUC's Automated Water Meter System to a Cloud/Hosted SolutionFunding Source: Non General FundPSC Duration: 1 yearPSC Amount: \$229,447**1. Description of Work****A. Scope of Work/Services to be Contracted Out:**

In 2010, San Francisco Public Utilities Commission (SFPUC) launched its Automated Water Meter System by procuring the STAR Fixed Network Automatic Meter Reading System for which SFPUC expended more than \$60,000,000 and which SFPUC intends to retain through at least 2025.

A critical component of the STAR Fixed Network Automatic Meter Reading System is the STAR software and the 6 Tb data that it collects. Since 2010, both the software and the data collected by it have been housed on SFPUC servers and storage. For financial and practical reasons, it is in the interest of the SFPUC to move from hosting the STAR software and data on its own servers to those of Aclara by utilizing Aclara's Software as a Service Services ("SaaS Services", aka cloud-based/hosted solution). Those reasons include 23% cost savings over ten years; free software upgrades; 99% system uptime, and ability to more easily comply with disaster recovery requirements.

In order to migrate the STAR software and the data it collects from SFPUC's servers to those of Aclara's cloud-based/hosted solution, Aclara must first perform certain technical services which will be completed over five phases over a period of less than 12 months, including, discovery and requirements gathering; infrastructure deployment and test preparation; testing and, finally, cutover from the existing system to the new one. (See attached statement of work for complete details).

Although this will be a new, ten year contract with a not-to-exceed amount of \$1,940,374, only \$229,447 of the contract amount relates to actual professional services for which Civil Service Commission review is being requested. The remaining \$1,710,927 portion of the contract pertains to the cost of storing SFPUC's STAR software and data on Aclara's cloud servers (instead of those of SFPUC as is the case now) for which SFPUC will be charged an annual fee.

**B. Explain why this service is necessary and the consequence of denial:**

If Aclara is not permitted to perform the technical services required to migrate the STAR software and the data it collects from SFPUC's servers to those of Aclara, then SFPUC will not be able to utilize Aclara's cloud-based/hosted solution. This will increase SFPUC's costs related to the Automated Water Meter System by 23% over the next ten years, while simultaneously not allowing SFPUC to benefit from the free upgrades, 99% up-time and disaster recovery preparedness a cloud-based/hosted solution from Aclara will provide.

C. Has this service been provided in the past? If so, how? If the service was provided under a previous PSC, attach copy of the most recently approved PSC.  
NA.

D. Will the contract(s) be renewed?  
No.

E. If this is a request for a new PSC in excess of five years, or if your request is to extend (modify) an existing PSC by another five years, please explain why.  
not applicable

**2. Reason(s) for the Request**

A. Indicate all that apply (be specific and attach any relevant supporting documents):

Short-term or capital projects requiring diverse skills, expertise and/or knowledge.

B. Explain the qualifying circumstances:

The STAR software, along with Aclara's cloud-based/hosted solution, are proprietary to Aclara who has the sole legal authority to access the software and system in order to move SFPUC from its existing system to Aclara's cloud-based/hosted solution.

**3. Description of Required Skills/Expertise**

A. Specify required skills and/or expertise: The STAR software, along with Aclara's cloud-based/hosted solution, are proprietary to Aclara who has the sole legal authority to access the software and system in order to move SFPUC from its existing system to Aclara's cloud-based/hosted solution.

B. Which, if any, civil service class(es) normally perform(s) this work? none

C. Will contractor provide facilities and/or equipment not currently possessed by the City? If so, explain: No.

**4. If applicable, what efforts has the department made to obtain these services through available resources within the City?**

Not Applicable

**5. Why Civil Service Employees Cannot Perform the Services to be Contracted Out**

A. Explain why civil service classes are not applicable.

The STAR software, along with Aclara's cloud-based/hosted solution, are proprietary to Aclara who has the sole legal authority to access the software and system in order to move SFPUC from its existing system to Aclara's cloud-based/hosted solution.

B. If there is no civil service class that could perform the work, would it be practical and/or feasible to adopt a new civil service class to perform this work? Explain. The STAR software, along with Aclara's cloud-based/hosted solution, are proprietary to Aclara who has the sole legal authority to access the software and system in order to move SFPUC from its existing system to Aclara's cloud-based/hosted solution.

**6. Additional Information**

- A. Will the contractor directly supervise City and County employee? If so, please include an explanation.  
No.
- B. Will the contractor train City and County employees and/or is there a transfer of knowledge component that will be included in the contact? If so, please explain what that will entail; if not, explain why not.  
Aclara will provide end-user training to SFPUC IT staff's using Aclara's cloud-based/hosted solution.
- C. Are there legal mandates requiring the use of contractual services?  
No.
- D. Are there federal or state grant requirements regarding the use of contractual services? If so, please explain and include an excerpt or copy of any such applicable requirement.  
No.
- E. Has a board or commission determined that contracting is the most effective way to provide this service? If so, please explain and include a copy of the board or commission action.  
No.
- F. Will the proposed work be completed by a contractor that has a current PSC contract with your department? If so, please explain.  
SFPUC and Aclara are currently negotiating the terms of a new contract (BPUC15000058, PSC 41426-14/15) for as-needed repair and diagnostic services related to certain hardware that comprises the STAR Fixed Network Automatic Meter Reading System. That contract has not been completed as of the date of this submission.

7. **Union Notification:** On 10/13/2015, the Department notified the following employee organizations of this PSC/RFP request:  
all unions were notified

I CERTIFY ON BEHALF OF THE DEPARTMENT THAT THE INFORMATION CONTAINED IN AND ATTACHED TO THIS FORM IS COMPLETE AND ACCURATE:

Name: Taraneh Moayed Phone: 415-551-4377 Email: tmoayed@sfgwater.org

Address: 525 Golden Gate Avenue, 5th Floor San Francisco, CA 94102

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**FOR DEPARTMENT OF HUMAN RESOURCES USE**

PSC# 45629 - 15/16

DHR Analysis/Recommendation:

Civil Service Commission Action:

Commission Approval Required

DHR Approved for 01/04/2016



# **Receipt of Union Notification(s)**

**From:** [dhr-psccordinator@sfgov.org](mailto:dhr-psccordinator@sfgov.org) on behalf of [tmoayed@sfgwater.org](mailto:tmoayed@sfgwater.org)  
**To:** [RECEIPT for Union Notification for PSC 45629 - 15/16 more than \\$100k](mailto:Moayed_Taraneh; jb@local16.org; Lopez, Ricardo; Basconcillo, Kathy; Sandeep.lak@seiu1021.me; pcamarillo_seiu@sbcglobal.net; Carey.dall@seiu1021.org; richardisen@gmail.com; Wendy.Frigillana@seiu1021.org; pscreview@seiu1021.org; joe.brenner@seiu1021.org; agonzalez@iam1414.org; ted.zarzecki@seiu1021.net; leah.berlanga@seiu1021.org; gail@sfflocal798.org; cityworker@sfcwu.org; davidmkersten@gmail.com; djohnson@opcnialocal300.org; hodlocal@pacbell.net; ablood@cirseiu.org; pkarjnen@nccrc.org; tony@dc16.us; stevek@bac3-ca.org; xiumin.li@seiu1021.org; Sin.Yee.Poon@sfgov.org; smcgarry@nccrc.org; rmitchell@twusf.org; grojo@local39.org; iduritz@uapd.com; staff@sfmea.com; mike@dc16.us; khughes@ibew6.org; L21PSCReview@ifpte21.org; sfsmsa@gmail.com; mshelley@dc16.us; david.canham@seiu1021.org; jtanner940@aol.com; Larry.Bradshaw@seiu1021.org; L21PSCReview@ifpte21.org; LIUNA.local261@gmail.com; local200twu@sbcglobal.net; speedy4864@aol.com; camaguey@sfmea.com; ecdemvoter@aol.com; tiva.thlang@seiu1021.org; Moayed_Taraneh; Iseh, Richard; DHR-PSCCoordinator, DHR</a><br/><b>Subject:</b> Receipt of Notice for new PCS over $100K PSC # 45629 - 15/16<br/><b>Date:</b> Tuesday, October 13, 2015 11:53:35 AM</p><hr/></div><div data-bbox=)

The PUBLIC UTILITIES COMMISSION -- PUC has submitted a request for a Personal Services Contract (PSC) 45629 - 15/16 for \$229,447 for Initial Request services for the period 01/01/2016 -- 12/31/2016. Notification of 30 days (60 days for SEIU) is required.

After logging into the system please select link below, view the information and verify receipt:

<http://apps.sfgov.org/dhrdrupal/node/5930> For union notification, please see the

TO: field of the email to verify receipt. If you do not see all the unions you

intended to contact, the PSC Coordinator must change the state back to NOT READY, make sure the classes and unions you want to notify are selected and SAVE. Then VIEW the record and verify the list of unions and emails. EDIT the document again, change the state back START UNION NOTIFICATION and SAVE. You should receive the email with all unions to the TO: field as intended

# **Additional Attachment(s)**

**BPUC16000037**  
**Breakdown of Contract Costs**

**A. Professional Services Fees:**

<b>One-Time Implementation Services</b>	<b>One Time Fee</b>
<b>Production, Back-up, and Test Environments Set-Up Fee</b>	<b>83,073</b>
<b>Hosting Transition and Upgrade to STAR 7.5.6 or Higher Version Fee</b>	<b>146,374</b>
<b>Total</b>	<b>229,447</b>

**B. Software and Cloud Data Storage Fees:**

<b>Annual Fees for STAR© Software Subscription and Cloud Data Storage</b>	
<b>Fee Frequency</b>	<b>Total</b>
<b>Annual Increase</b>	
<b>Year 1*</b>	<b>149,245**</b>
<b>Year 2</b>	<b>153,722</b>
<b>Year 3</b>	<b>158,334</b>
<b>Year 4</b>	<b>163,084</b>
<b>Year 5</b>	<b>167,977</b>
<b>Year 6</b>	<b>173,016</b>
<b>Year 7</b>	<b>178,206</b>
<b>Year 8</b>	<b>183,553</b>
<b>Year 9</b>	<b>189,059</b>
<b>Year 10</b>	<b>194,731</b>
<b>Total</b>	<b>\$1,710,927</b>

**BPUC1600037**

**Implementation and Training Services Statement of Work**

*\*This has been excerpted from the agreement currently being negotiated between SFPUC and Aclara*

Prior to the commencement of the SaaS Services (aka cloud-based/hosted solution), Service Provider will perform certain Implementation and Training Services (hereinafter referred to as "Project") as further detailed under this Statement of Work.

**1.0 Project Environments**

Service Provider will implement software configurations and modules on:

- A) One production environment ("Primary Data Center");
- B) One backup environment ("Back-Up Data Center") which shall have the same data storage and processing capacities as the Primary Data Center; and
- C) One test environment ("Test Environment"), which shall have a full dataset but be a scaled-down version with respect to processing capacities of the Primary Data Center.

Each environment described above will be provided and hosted by Service Provider.

Service Provider shall cooperate with Subscriber's requests in managing the Test Environment such as refreshing Subscriber Data upon request.

**2.0 Modifications**

No modifications to the core product will be made under this SOW.

**3.0 Custom Interfaces and Reports**

Service Provider supplied software interfaces and reports currently installed in Subscriber's on-premise environment will be migrated to the Service Provider's SaaS environment. Such migrations and required software modifications will be provided as part of this SOW.

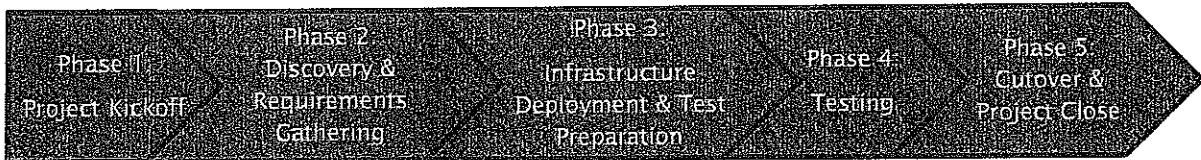
At the request of Subscriber, Service Provider must permit the installation and configuration of third party applications such that their operation and access have been qualified and accepted by Service Provider for use in Service Provider's SaaS environment. However, use of such third party applications may be restricted within Service Provider's SaaS environment and may not be fully supported if elevated access rights or controls of systems violate Service Provider's standards.

Identification and evaluation of such third party applications will initially be conducted under this SOW.

Identification and evaluation of such third party applications after the conclusion of this SOW will be performed under separate agreement at Subscriber's cost.

## 4.0 Project Phases

The Service Provider delivery approach can be described within the below project phases. Each phase will begin at the conclusion of the phase directly before it and is described with an objective, general team responsibilities and deliverables.



### 4.1 Phase 1: Project Kickoff

#### 4.1.1 Objective:

Phase 1 includes introductions between the Service Provider and Subscriber Project Teams (as defined under Sections 4.1.2 and 4.1.3) and review of the Project Plan and Communication Plan (as defined under 4.1.3 Deliverables). Entry criteria for this phase are defined as: the acceptance of the contract, the assignment of a Service Provider Project Manager and a mutually agreed upon start date.

#### 4.1.2 Responsibilities:

**Service Provider:** The Service Provider team (“Service Provider Project Team”) will be identified during this phase and will be led by a primary Service Provider Project Manager, but may also include additional management leads when needed. The Service Provider Project Team and Service Provider Project Manager are responsible for leading the implementation efforts. This includes managing timeline, cost, scope and required resources and subcontractors.

The Service Provider Project Manager is expected to maintain a Project Plan and manage the deliverable responsibilities of the Service Provider Project Team. The Service Provider Project Manager will review the Project Plan with the Subscriber and coordinate and conduct the Project Kickoff meeting. During this onsite meeting, the Service Provider Project Manager will introduce the key members of the Service Provider Project Team and their roles and responsibilities. A communication plan will be furnished to Subscriber to capture this information for ongoing activities.

**Subscriber:** The Subscriber will be responsible for identifying a project team (“Subscriber Project Team”) led by a single point of contact (“Subscriber Project Manager”) that will assist in making decisions during the project. The Subscriber Project Manager will work with the Service Provider Project Manager on at least a weekly basis to review the project progress and status.

#### 4.1.3 Deliverables:

**4.1.3.1 Project Plan** -- By the end of the Project Kickoff Phase, the Service Provider Project Team will identify and list the different phases and tasks, important milestones, approximate duration for each task, resource requirements and projected start/end dates. This document will be known as the "Project Plan".

**4.1.3.2 Communication Plan** -- By the end of the Project Kickoff Phase, the Service Provider Project Team will create a living document that will share the contact information for key members of the Service Provider and Subscriber Project Teams. This document will be known as the "Communication Plan".

## **4.2 Phase 2: Discovery and Requirements Gathering**

### **4.2.1 Objective:**

The purpose of Phase 2 is to document and finalize the design of the Subscriber's SaaS requirements. The Service Provider and Subscriber Project Teams will work jointly to finalize and understand details on the current network architecture and infrastructure of the Subscriber. They will also finalize a complete mapping of current integration with any NCC data in the Subscriber's existing production and test systems. This mapping is to include investigating and obtaining complete knowledge of the DCU traffic and dataflow in order to support a custodial transfer of the link from these devices.

In addition to functional data gathering, this phase will also serve as the opportunity for the Service Provider and Subscriber Project Teams to finalize the methods that will be followed for SaaS operational continuity (e.g., High Availability Disaster Recovery (HADR), backups) configuration, cutover activities, and rollback procedures.

### **4.2.2 Responsibilities:**

**Service Provider:** The Service Provider Project Team will work closely with Subscriber's technical resources to identify and map out a complete physical and data architecture of Subscriber's existing production and test environments. The Service Provider Project Team will document all processes, interfaces, custom reports and existing dependencies on STAR data (database or otherwise). The Service Provider Project Team will document the physical architecture of Subscriber's current server environment for purposes of identifying potential gaps between it and the proposed hosted solution. The Service Provider Project Team will provide leadership and oversight of any interface requirements elicitation or joint design sessions that may be required to satisfy migration of Subscriber operations in to the Service Provider SaaS environment.

**Subscriber:** The Subscriber Project Team will provide technical resources to assist in the data gathering and discovery exercises of this phase. Access to systems, data and subject matter experts may be required. The Subscriber Project

Team will also be required to provide assistance in communicating with any third party providers currently contracted directly with Subscriber (Verizon or other) as needed and applicable to the discovery exercise.

#### **4.2.3 Deliverables:**

**4.2.3.1 System Architecture Mapping** – Provides physical server architectures, logical data connections, software interfaces and other elements pertinent to understanding and documenting the existing Subscriber environment and operational state.

**4.2.3.2 Interface and Report Configuration Requirements** (if needed) – As needed documentation capturing the list of interfaces, reports that will be transferred to the hosted environment. Included will be any modifications to functional and non-functional requirements needed to support a hosted operation.

**4.2.3.3 DCU Traffic Transfer and Cutover Approach** – Information regarding how the DCU traffic will be ported from Subscriber's network to Service Provider's operations.

**4.2.3.4 Cutover Procedure** – The steps that will be followed during the formal cutover of Subscriber's operations to Service Provider SaaS environment. Will include a *Cutover Validation Checklist* to be used to validate the steps taken during the cutover.

**4.2.3.5 Rollback Procedure** – The steps that will be followed in the event of operational failures, significant data loss or loss of functionality post cutover to restore operation to the Subscriber environment.

### **4.3 Phase 3: Infrastructure Deployment and Test Preparation**

#### **4.3.1 Objective:**

The purpose of Phase 3 is to complete all tasks needed to support the remainder of the project and to prepare the Subscriber and Service Provider resources for testing the SaaS Application. Primary, backup and test environments will be built out, configured and staged for operation. This will include a complete stand-up of all-required server and storage environments. Backup processes and configurations will be finalized and implemented. Test cases will be authored and finalized by both the Service Provider and Subscriber Project Teams. The Service Provider Project Team will provide necessary test harnesses and test data to the extent it will be required to satisfy the various test cases supplied. Entry criteria for this phase are completion of the *SaaS Application Architecture Mapping* documentation and an appropriate gap analysis review.



#### **4.3.2 Responsibilities:**

**Service Provider:** Service Provider's Project Manager is responsible and accountable for the successful execution of Phase 3. The Service Provider Project Team will ensure all tasks are completed and that the SaaS Application will be ready to support all software installations and subsequent testing. All SaaS environments will be built, configured and made available for access by Service Provider and Subscriber, as needed. The appropriate versions of STAR and accompanying software packages will be installed and configured, as needed. All test cases will be drafted, shared and reviewed with the Subscriber Project Team. The Service Provider Project Team, including its technical resources, will also be developing, loading and configuring test harnesses, simulators and test data, as needed, for Phase 4.

**Subscriber:** The Subscriber Project Team will provide assistance and input where requested by the Service Provider Project Team during the infrastructure configuration. The Subscriber Project Team will also be responsible for providing User Acceptance Test plans as required by Subscriber to satisfy their internal functional test requirements.

#### **4.3.3 Deliverables:**

**4.3.3.1 Service Provider SaaS and Hosted Services Test Plan –** Documentation and test cases of the performance, scalability and reliability tests as they apply to the overall operation of the Service Provider SaaS Application.

### **4.4 Phase 4: Testing**

#### **4.4.1 Objective:**

The purpose of Phase 4 is to exercise product functionality, performance, scalability and reliability. The Service Provider Project Team will provide lead in supplying and directing test plans related to performance, scalability and data reliability. This phase may include the Subscriber Project Team when needed for operational evaluation or review of test results. The primary goal of this phase is to showcase a parallel processing and operation of the SaaS Application while the existing Subscriber Production Environment is operational. Results between environments will be compared for data reliability and integrity, as well as for operational readiness.

In addition, the Subscriber Project team will draft and execute their own User Acceptance Test (UAT) to ensure the latest version of SaaS Software meets Subscriber needs and operational expectations. The Service Provider Project Team will support Subscriber's UAT testing to ensure all functionality is made available to Subscriber as expected.

With the Subscriber's involvement, Service Provider will also failover to the backup datacenter including redirecting the DCU feed. Note: In the event of an actual situation where the Production Environment cannot function in Primary Data Center, the Service Provider Project Team will be responsible for failing over to the Backup Data Center and insuring that the SaaS Application becomes fully functional, including redirecting the DCU feed.

#### **4.4.2 Responsibilities:**

**Service Provider:** The Service Provider Project Manager is responsible and accountable for the successful execution of all SaaS Application testing. The Service Provider Project Manager will coordinate and schedule all testing and deployment activities and will be responsible for maintaining status, managing issues through to resolution and communicating test progress and results.

**Subscriber:** The Subscriber Project Team will be responsible for providing UAT documentation or plans, processes and resources. It will be up to Subscriber Project Team to ensure timelines are acceptable for completion of their UAT process. Subscriber will also participate in verifying results from SaaS Application integration, performance, reliability and parallel operation testing as defined and conducted by the Service Provider Project Team which remains accountable for the successful execution of all SaaS Application.

#### **4.4.3 Deliverables:**

**4.4.3.1 SaaS Application Test Results** - Results documenting the various Service Provider driven test cases.

### **4.5 Phase 5: Cutover and Production Support**

#### **4.5.1 Objective:**

This Phase will begin by executing the steps laid out in the Cutover Procedure completed in the Discovery and Requirements phase. This will include a staged approach toward migrating DCU traffic from Subscriber's custody and control to the SaaS Application. The Service Provider Project Team will provide on-site go live support of the SaaS Application and will provide two (2) weeks of post-production support. All support issues will be managed by individuals identified by Service Provider as Service Provider's Production Support Team while the Service Provider Project Team will provide coordination between Subscriber and the Service Provider Production Support Team for data questions and any issue resolution.

#### **4.5.2 Responsibilities:**

**Service Provider:** The Service Provider Project Team will actively lead and assist in this Phase per the Cutover Approach authored and agreed to as part of the Project Plan. The Service Provider Project Team will perform a cutover of all

DCU traffic from Subscriber's custody and operations to the SaaS Application. All data import, export activities as required for operation will be ported to execute out of the SaaS Application. All production backups and backup procedures will be enabled. User access to SaaS Software modules will be redirected from Subscriber's servers to the SaaS Application. A Cutover Validation Checklist (defined under Section 4.5.3) will be completed by the Service Provider Project Team and validated with the Subscriber Project Team.

**Subscriber:** The Subscriber Project Team is responsible for leading cutover activities with their IT and business users, as required. Proper internal communication to Subscriber's Authorized Users will be required. The Subscriber Project Team will be required to assist Service Provider in its cutover activities related to DCU traffic, redirection of interfaces and backups. It will be expected that the Subscriber Project Team will be made completely available to the extent required to assist in this process.

**4.5.3 Deliverables:**

**4.5.3.1 Cutover Validation Checklist** – A final checklist provided to qualify the cutover as successful and all steps of the Cutover Approach has been completed with no SaaS Severity Level 1 or SaaS Severity Level 2 issues (as defined in Appendix B) remaining open.

**2.0 Project Timeline**

The Service Provider Project Team will provide the Subscriber Project Team an actual start date and finalized Project Plan details once Phase 1 for this Project has occurred. An estimate of tasks and related timelines has been furnished below for general planning purposes. Start dates to be mutually agreed upon after Agreement execution.

Task Name	Duration
<b>SFPUC - Hosting Migration and Upgrade<sup>1</sup></b>	<b>99 days</b>
Project Start	13 days
Infrastructure Discovery	12 days
Prepare SaaS Environment and Infrastructure	24 days
Prod NOC Build	35 days
Test NOC Build	18 days
Backup NOC Build	19 days
<b>System Acceptance Testing</b>	<b>74 days</b>
Test Preparation	37 days
Test Execution	47 days

<sup>1</sup> Total days identified for each Migration action item may be concurrent with other Migration action items.

<b>Cutover</b>	<b>12 days</b>
Go Live	2 days
2 Weeks Support Assistance	10 days.

### **3.0 Project Organization and Resources**

Subscriber agrees to provide appropriate resources including but not limited to, data, information, remote access, workspace and appropriate and cooperative personnel, all as necessary to facilitate Service Provider's performance of each Phase described herein. On-site workspace may be needed during travel to Subscriber's premises for up to 3 Service Provider resources and data access should be provided for up to 8 Service Provider resources.

Subscriber will allocate personnel to the Subscriber Project Team Project with the appropriate knowledge of the indicated area and the skills identified below who can perform the tasks attributed to Subscriber herein:

1. Project Manager or single point of contact;
2. Current and 'To-be' system administrators; and
3. Escalation Resources

### **4.0 Project Governance**

The Project will have sponsorship from Subscriber's senior management who will be available on a timely and regular basis to monitor the Project's progress and to act as a decision maker for policy decisions.

### **5.0 Change Order Procedure**

Any change to this Statement of Work, whether requested by the Subscriber Project Team or the Service Provider Project Team, must be agreed upon in writing by both parties and shall be submitted by the appropriate project managers. Each request will contain the following information:

- The requested change;
- The impact, if any, on the existing work product;
- Estimated impact, if any, on project schedule; and
- Estimated change, if any, in Services fees.

The Project Managers for both the Service Provider and Subscriber Project Teams shall review and accept or reject the request for change. If rejected, the request for change shall be returned to the submitting party with written reasons for rejection and, as appropriate, any alternatives. Any request for change that requires an increase in service fees, must be done through a written modification to this Agreement pursuant to Section 41 (Modification of Agreement) of this Agreement. All approved requests for change will be incorporated into a formal change order to this Statement of Work. Service Provider will not perform any services outside of this Statement of Work until the request for change has been signed by both parties and a formal change order to this Statement of Work has been issued.

## PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: MUNICIPAL TRANSPORTATION AGENCY -- MTADept. Code: MTAType of Request:  Initial  Modification of an existing PSC (PSC # \_\_\_\_\_)Type of Approval:  Expedited  Regular  Annual  Continuing  (Omit Posting)Type of Service: Foreign language translation and interpretation, sign language and court reporting servicesFunding Source: General Funds and GrantsPSC Amount: \$1,000,000PSC Est. Start Date: 12/22/2015PSC Est. End Date: 12/21/2018**1. Description of Work****A. Scope of Work/Services to be Contracted Out:**

The contractor(s) will provide the necessary foreign language translation and interpretation services, American Sign Language (ASL) interpreters, oral interpretation, relay interpretation, and deaf/blind (tactile) interpretation services for the San Francisco Municipal Transportation Agency (SFMTA). The contractor(s) shall also provide court reporting services and furnish the appropriate equipment for meetings that require verbatim note taking. These services are required in order to meet the requirements of and comply with San Francisco's Language Access Ordinance and the Title VI requirements of the Federal Transit Administration (FTA). The SFMTA is also expanding its efforts so as to be able to communicate with the city's diverse population.

**B. Explain why this service is necessary and the consequence of denial:**

The SFMTA must fully comply with the city's Language Access Ordinance and Title VI of the Federal Transit Administration. The consequences of denial of these services would result in non-compliance with both the local and federal mandates.

**C. Has this service been provided in the past? If so, how? If the service was provided under a previous PSC, attach copy of the most recently approved PSC.**

Translation and interpretations services were provided in the past and procured on an ongoing basis by purchase order.

**D. Will the contract(s) be renewed?**

Yes.

**E. If this is a request for a new PSC in excess of five years, or if your request is to extend (modify) an existing PSC by another five years, please explain why.**

not applicable

**2. Reason(s) for the Request****A. Indicate all that apply (be specific and attach any relevant supporting documents):**

Services required on an as-needed, intermittent, or periodic basis (e.g., peaks in workload).

Services that require resources that the City lacks (e.g., office space, facilities or equipment with an operator).

**B. Explain the qualifying circumstances:**

The SFMTA will need a contractor with a team of experts in a variety of skill sets involving languages, knowledge, and suitable experience for immediate availability on an as-needed basis. The contractor must provide the necessary equipment, headsets, transmitters, and court reporting recorders.

**3. Description of Required Skills/Expertise**

- A. Specify required skills and/or expertise: Contractors must possess a professional staff of: Licensed foreign language interpreters and translators, and, Licensed American sign language interpreters and translators with experience working in community, civic, and formal settings. Must be immediately available as needed. The court reporter must possess expertise in court reporting in community, civic, and formal settings and be available as needed.
- B. Which, if any, civil service class(es) normally perform(s) this work? 1424, Clerk Typist; 1428, Unit Clerk; 2905, Senior Eligibility Worker; 8138, Court Reporter;
- C. Will contractor provide facilities and/or equipment not currently possessed by the City? If so, explain:  
Contractor must provide the necessary equipment, headsets, transmitters, and court reporting recorders.

**4. If applicable, what efforts has the department made to obtain these services through available resources within the City?**

This is a sample of civil service classes that can perform some of this work: 8138 Court Reporter; 2905 Human Services Agency Senior Eligibility Worker; 1428 Unit Clerk; and, 1424 Clerk Typist. There are many positions in the City and County that perform translation or interpretation duties, but this service is as-needed and used for a variety of projects all different in nature. As an example, these services may be required in formal meetings, official presentations, community/town hall meetings, and developing document translation and postings for outreach.

**5. Why Civil Service Employees Cannot Perform the Services to be Contracted Out**

- A. Explain why civil service classes are not applicable.  
Civil service classes may perform some of this range of services, but the SFMTA will need a contractor with a team of experts in a variety of skill sets involving languages, knowledge, and suitable experience for immediate availability on an as-needed basis.
- B. If there is no civil service class that could perform the work, would it be practical and/or feasible to adopt a new civil service class to perform this work? Explain. No. Civil service classes already exist that can perform some of this work. This service is best provided by a contractor due to the diversity of the types of services required on an as-needed basis.

**6. Additional Information**

- A. Will the contractor directly supervise City and County employee? If so, please include an explanation.  
No.
- B. Will the contractor train City and County employees and/or is there a transfer of knowledge component that will be included in the contract? If so, please explain what that will entail; if not, explain why not.  
No training will be provided as this is an as-needed service requiring diverse knowledge and skill sets.
- C. Are there legal mandates requiring the use of contractual services?  
No.
- D. Are there federal or state grant requirements regarding the use of contractual services? If so, please explain and include an excerpt or copy of any such applicable requirement.  
No.
- E. Has a board or commission determined that contracting is the most effective way to provide this service? If so, please explain and include a copy of the board or commission action.  
No.

F. Will the proposed work be completed by a contractor that has a current PSC contract with your department? If so, please explain.  
No.

7. **Union Notification:** On 10/13/2015, the Department notified the following employee organizations of this PSC/RFP request:  
all unions were notified

I CERTIFY ON BEHALF OF THE DEPARTMENT THAT THE INFORMATION CONTAINED IN AND ATTACHED TO THIS FORM IS COMPLETE AND ACCURATE:

Name: Cynthia Hamada Phone: 415.701.5381 Email: cynthia.hamada@sfmta.com

Address: 1 South Van Ness Avenue, 6th Floor San Francisco, CA 94103

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**FOR DEPARTMENT OF HUMAN RESOURCES USE**

PSC# 44722 - 15/16

DHR Analysis/Recommendation:

Civil Service Commission Action:

Commission Approval Required

DHR Approved for 01/04/2016

# **Receipt of Union Notification(s)**



## Hamada, Cynthia

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**From:** Hamada, Cynthia  
**Sent:** Tuesday, October 13, 2015 1:51 PM  
**To:** [jb@local16.org](mailto:jb@local16.org); Lopez, Ricardo; Basconcello, Katherine A; [Sandeep.lal@seiu1021.me](mailto:Sandeep.lal@seiu1021.me); [pcamarillo\\_seiu@sbcglobal.net](mailto:pcamarillo_seiu@sbcglobal.net); [Carey.dall@seiu1021.org](mailto:Carey.dall@seiu1021.org); [richardisen@gmail.com](mailto:richardisen@gmail.com); [Wendy.Frigillana@seiu1021.org](mailto:Wendy.Frigillana@seiu1021.org); [pscreview@seiu1021.org](mailto:pscreview@seiu1021.org); [joe.brenner@seiu1021.org](mailto:joe.brenner@seiu1021.org); [agonzalez@iam1414.org](mailto:agonzalez@iam1414.org); [ted.zarzecki@seiu1021.net](mailto:ted.zarzecki@seiu1021.net); [leah.berlanga@seiu1021.org](mailto:leah.berlanga@seiu1021.org); [gail@sffdlocal798.org](mailto:gail@sffdlocal798.org); [cityworker@sfcwu.org](mailto:cityworker@sfcwu.org); [davidmkersten@gmail.com](mailto:davidmkersten@gmail.com); [djohnson@opcmialocal300.org](mailto:djohnson@opcmialocal300.org); [hodlocal@pacbell.net](mailto:hodlocal@pacbell.net); [ablood@cirseiu.org](mailto:ablood@cirseiu.org); [pkarinen@nccrc.org](mailto:pkarinen@nccrc.org); [tony@dc16.us](mailto:tony@dc16.us); [stevek@bac3-ca.org](mailto:stevek@bac3-ca.org); [xiumin.li@seiu1021.org](mailto:xiumin.li@seiu1021.org); [Sin.Yee.Poon@sfgov.org](mailto:Sin.Yee.Poon@sfgov.org); [smcgarry@nccrc.org](mailto:smcgarry@nccrc.org); [rmitchell@twusf.org](mailto:rmitchell@twusf.org); [grojo@local39.org](mailto:grojo@local39.org); [jduritz@uapd.com](mailto:jduritz@uapd.com); [staff@sfmea.com](mailto:staff@sfmea.com); [mike@dc16.us](mailto:mike@dc16.us); [khughes@ibew6.org](mailto:khughes@ibew6.org); [L21PSCReview@ifpte21.org](mailto:L21PSCReview@ifpte21.org); [sfmsa@gmail.com](mailto:sfmsa@gmail.com); [mshelley@dc16.us](mailto:mshelley@dc16.us); [david.canham@seiu1021.org](mailto:david.canham@seiu1021.org); [jtanner940@aol.com](mailto:jtanner940@aol.com); [Larry.Bradshaw@seiu1021.org](mailto:Larry.Bradshaw@seiu1021.org); [L21PSCReview@ifpte21.org](mailto:L21PSCReview@ifpte21.org); [LiUNA.local261@gmail.com](mailto:LiUNA.local261@gmail.com); [local200twu@sbcglobal.net](mailto:local200twu@sbcglobal.net); [speedy4864@aol.com](mailto:speedy4864@aol.com); [camaguey@sfmea.com](mailto:camaguey@sfmea.com); [ecdenvoter@aol.com](mailto:ecdenvoter@aol.com); [tiya.thlang@seiu1021.org](mailto:tiya.thlang@seiu1021.org); Isen, Richard; DHR-PSCCoordinator, DHR  
**Cc:** Feliciano, Lulu; Desedas, Deanna J; Patel, Ashish; Kwok, Katherine; Helms, Mike  
**Subject:** RE: Receipt of Notice for new PCS over \$100K PSC # 44722 - 15/16  
**Attachments:** PSC \$1M Language Access Ordinance Compliance Services and Court Reporter.AMENDED.pdf

DHR-PSC Coordinator and Unions - Please note this PSC was submitted on September 22, 2015 and since that date if was determined that amount of the PSC was insufficient. Therefore, only the contract amount has changed and was amended. Everything else remains the same.

Cynthia Hamada  
Senior Personnel Analyst  
Employee and Labor Relations  
San Francisco Municipal Transportation Agency  
415.701.5381

-----Original Message-----

**From:** [dhr-psccordinator@sfgov.org](mailto:dhr-psccordinator@sfgov.org) [<mailto:dhr-psccordinator@sfgov.org>] On Behalf Of [cynthia.hamada@sfmta.com](mailto:cynthia.hamada@sfmta.com)  
**Sent:** Tuesday, September 22, 2015 1:58 PM  
**To:** Hamada, Cynthia; [jb@local16.org](mailto:jb@local16.org); Lopez, Ricardo; Basconcello, Katherine A; [Sandeep.lal@seiu1021.me](mailto:Sandeep.lal@seiu1021.me); [pcamarillo\\_seiu@sbcglobal.net](mailto:pcamarillo_seiu@sbcglobal.net); [Carey.dall@seiu1021.org](mailto:Carey.dall@seiu1021.org); [richardisen@gmail.com](mailto:richardisen@gmail.com); [Wendy.Frigillana@seiu1021.org](mailto:Wendy.Frigillana@seiu1021.org); [pscreview@seiu1021.org](mailto:pscreview@seiu1021.org); [joe.brenner@seiu1021.org](mailto:joe.brenner@seiu1021.org); [agonzalez@iam1414.org](mailto:agonzalez@iam1414.org); [ted.zarzecki@seiu1021.net](mailto:ted.zarzecki@seiu1021.net); [leah.berlanga@seiu1021.org](mailto:leah.berlanga@seiu1021.org); [gail@sffdlocal798.org](mailto:gail@sffdlocal798.org); [cityworker@sfcwu.org](mailto:cityworker@sfcwu.org); [davidmkersten@gmail.com](mailto:davidmkersten@gmail.com); [djohnson@opcmialocal300.org](mailto:djohnson@opcmialocal300.org); [hodlocal@pacbell.net](mailto:hodlocal@pacbell.net); [ablood@cirseiu.org](mailto:ablood@cirseiu.org); [pkarinen@nccrc.org](mailto:pkarinen@nccrc.org); [tony@dc16.us](mailto:tony@dc16.us); [stevek@bac3-ca.org](mailto:stevek@bac3-ca.org); [xiumin.li@seiu1021.org](mailto:xiumin.li@seiu1021.org); [Sin.Yee.Poon@sfgov.org](mailto:Sin.Yee.Poon@sfgov.org); [smcgarry@nccrc.org](mailto:smcgarry@nccrc.org); [rmitchell@twusf.org](mailto:rmitchell@twusf.org); [grojo@local39.org](mailto:grojo@local39.org); [jduritz@uapd.com](mailto:jduritz@uapd.com); [staff@sfmea.com](mailto:staff@sfmea.com); [mike@dc16.us](mailto:mike@dc16.us); [khughes@ibew6.org](mailto:khughes@ibew6.org); [L21PSCReview@ifpte21.org](mailto:L21PSCReview@ifpte21.org); [sfmsa@gmail.com](mailto:sfmsa@gmail.com); [mshelley@dc16.us](mailto:mshelley@dc16.us); [david.canham@seiu1021.org](mailto:david.canham@seiu1021.org); [jtanner940@aol.com](mailto:jtanner940@aol.com); [Larry.Bradshaw@seiu1021.org](mailto:Larry.Bradshaw@seiu1021.org); [L21PSCReview@ifpte21.org](mailto:L21PSCReview@ifpte21.org); [LiUNA.local261@gmail.com](mailto:LiUNA.local261@gmail.com); [local200twu@sbcglobal.net](mailto:local200twu@sbcglobal.net); [speedy4864@aol.com](mailto:speedy4864@aol.com); [camaguey@sfmea.com](mailto:camaguey@sfmea.com); [ecdenvoter@aol.com](mailto:ecdenvoter@aol.com); [tiya.thlang@seiu1021.org](mailto:tiya.thlang@seiu1021.org); Hamada, Cynthia; Isen, Richard; DHR-PSCCoordinator, DHR  
**Subject:** Receipt of Notice for new PCS over \$100K PSC # 44722 - 15/16

RECEIPT for Union Notification for PSC 44722 - 15/16 more than \$100k

The MUNICIPAL TRANSPORTATION AGENCY -- MTA has submitted a request for a Personal Services Contract (PSC) 44722 - 15/16 for \$300,000 for Initial Request services for the period 12/22/2015 – 12/21/2018. Notification of 30 days (60 days for SEIU) is required.

After logging into the system please select link below, view the information and verify receipt:

<http://apps.sfgov.org/dhrdrupal/node/5872> For union notification, please see the TO: field of the email to verify receipt. If you do not see all the unions you intended to contact, the PSC Coordinator must change the state back to NOT READY, make sure the classes and unions you want to notify are selected and SAVE. Then VIEW the record and verify the list of unions and emails. EDIT the document again , change the state back START UNION NOTIFICATION and SAVE. You should receive the email with all unions to the TO: field as intended

City and County of San Francisco

Department of Human Resources

PERSONAL SERVICES CONTRACT SUMMARY

DATE: September 22, 2015 (Amended October 13, 2015)

DEPARTMENT NAME: San Francisco Municipal Transportation Agency DEPARTMENT NUMBER 68

TYPE OF APPROVAL: ( ) EXPEDITED (X) REGULAR (OMIT POSTING)

( ) CONTINUING ( ) ANNUAL

TYPE OF REQUEST: (X) INITIAL REQUEST ( ) MODIFICATION (PSC#)

TYPE OF SERVICE: Foreign language translation and interpretation, sign language and court reporting services

FUNDING SOURCE: General Fund, Grants, and Project Funds

PSC AMOUNT: \$1,000,000.00 PSC DURATION: December 22, 2015 - December 21, 2018

1. DESCRIPTION OF WORK

A. Concise description of proposed work:

The contractor(s) will provide the necessary foreign language translation and interpretation services, American Sign Language (ASL) interpreters, oral interpretation, relay interpretation, and deaf/blind (tactile) interpretation services for the San Francisco Municipal Transportation Agency (SFMTA). The contractor(s) shall also provide court reporting services and furnish the appropriate equipment for meetings that require verbatim note taking. These services are required in order to meet the requirements of and comply with San Francisco's Language Access Ordinance and the Title VI requirements of the Federal Transit Administration (FTA). The SFMTA is also expanding its efforts so as to be able to communicate with the city's diverse population.

B. Explain why this service is necessary and the consequences of denial:

The SFMTA must fully comply with the city's Language Access Ordinance and Title VI of the Federal Transit Administration. The consequences of denial of these services would result in non-compliance with both the local and federal mandates.

C. Explain how this service has been provided in the past (if this service was previously approved by the Civil Service Commission, indicate most recent personal services contract approval number):

Translation and interpretations services were provided in the past and procured on an ongoing basis by purchase order.

D. Will the contract(s) be renewed:

Yes.

2. UNION NOTIFICATION: Copy of this summary is to be sent to employee organizations as appropriate (refer to instructions for specific procedures):

All Unions Union Name Signature of person mailing / faxing form Date 10/13/15

Union Name Signature of person mailing / faxing form Date

RFP sent to Union Name, on Date Signature

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 44722-15/16

STAFF ANALYSIS/RECOMMENDATION: CIVIL SERVICE COMMISSION ACTION:

3. **DESCRIPTION OF REQUIRED SKILLS/EXPERTISE**

**A. Specify required skills and/or expertise:**

Contractors must possess a professional staff of: Licensed foreign language interpreters and translators, and, Licensed American sign language interpreters and translators with experience working in community, civic, and formal settings. Must be immediately available as needed. The court reporter must possess expertise in court reporting in community, civic, and formal settings and be available as needed.

**B. Which, if any, civil service class normally performs this work?**

This is a sample of civil service classes that can perform some of this work: 8138 Court Reporter; 2905 Human Services Agency Senior Eligibility Worker; 1428 Unit Clerk; and, 1424 Clerk Typist. There are many positions in the City and County that perform translation or interpretation duties, but this service is as-needed and used for a variety of projects all different in nature. As an example, these services may be required in formal meetings, official presentations, community/town hall meetings, and developing document translation and postings for outreach.

**C. Will contractor provide facilities and/or equipment not currently possessed by the City? If yes, explain:**

Contractor must provide the necessary equipment, headsets, transmitters, and court reporting recorders.

4. **WHY CLASSIFIED CIVIL SERVICE CANNOT PERFORM**

**A. Explain why civil service classes are not applicable:**

Civil service classes may perform some of this range of services, but the SFMTA will need a contractor with a team of experts in a variety of skill sets involving languages, knowledge, and suitable experience for immediate availability on an as-needed basis.

**B. Would it be practical to adopt a new civil service class to perform this work? Explain.**

No. Civil service classes already exist that can perform some of this work. This service is best provided by a contractor due to the diversity of the types of services required on an as-needed basis.

5. **ADDITIONAL INFORMATION** (if "yes", attach explanation)

Yes      No

- A. Will the contractor directly supervise City and County employees?      ( )      (x)
- B. Will the contractor train City and County employees?      ( )      (x)
  - Describe training and indicate approximate number of hours.
  - Indicate occupational type of City and County employees to receive training (i.e., clerks, civil engineers, etc.) and approximate number to be trained.
- C. Are there legal mandates requiring the use of contractual services?      ( )      (x)
- D. Are there federal or state grant requirements regarding the use of contractual services?      ( )      (x)
- E. Has a board or commission determined that contracting is the most effective way to provide this service?      ( )      (x)
- F. Will the proposed work be completed by a contractor that has a current personal services contract with your department?      ( )      (x)

THE ABOVE INFORMATION IS SUBMITTED AS COMPLETE AND ACCURATE ON BEHALF OF THE DEPARTMENT HEAD:

*Cynthia Hamada*  
\_\_\_\_\_  
Signature of Departmental Personal Services Contract Coordinator

Cynthia Hamada      415.701.5381  
\_\_\_\_\_  
Print or Type Name      Telephone Number

\_\_\_\_\_  
San Francisco Municipal Transportation Agency

\_\_\_\_\_  
1 S. Van Ness Avenue, 6<sup>th</sup> Floor, San Francisco, CA 94103  
Address

## Hamada, Cynthia

---

**From:** dhr-psccordinator@sfgov.org on behalf of cynthia.hamada@sfmta.com  
**Sent:** Tuesday, September 22, 2015 1:58 PM  
**To:** Hamada, Cynthia; jb@local16.org; Lopez, Ricardo; Basconcillo, Katherine A; Sandeep.lal@seiu1021.me; pcamarillo\_seiu@sbcglobal.net; Carey.dall@seiu1021.org; richardisen@gmail.com; Wendy.Frigillana@seiu1021.org; pscreview@seiu1021.org; joe.brenner@seiu1021.org; agonzalez@iam1414.org; ted.zarzecki@seiu1021.net; leah.berlanga@seiu1021.org; gail@sffdlocal798.org; cityworker@sfcwu.org; davidmkersten@gmail.com; djohnson@opcmialocal300.org; hodlocal@pacbell.net; ablood@cirseiu.org; pkarinen@nccrc.org; tony@dc16.us; stevek@bac3-ca.org; xiumin.li@seiu1021.org; Sin.Yee.Poon@sfgov.org; smcgarry@nccrc.org; rmitchell@twusf.org; grojo@local39.org; jduritz@uapd.com; staff@sfmea.com; mike@dc16.us; khughes@ibew6.org; L21PSCReview@ifpte21.org; sfsmsa@gmail.com; mshelley@dc16.us; david.canham@seiu1021.org; jtanner940@aol.com; Larry.Bradshaw@seiu1021.org; L21PSCReview@ifpte21.org; LiUNA.local261@gmail.com; local200twu@sbcglobal.net; speedy4864@aol.com; camaguey@sfmea.com; ecdemvoter@aol.com; tiya.thlang@seiu1021.org; Hamada, Cynthia; Isen, Richard; DHR-PSCCoordinator, DHR  
**Subject:** Receipt of Notice for new PCS over \$100K PSC # 44722 - 15/16  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

RECEIPT for Union Notification for PSC 44722 - 15/16 more than \$100k

The MUNICIPAL TRANSPORTATION AGENCY -- MTA has submitted a request for a Personal Services Contract (PSC) 44722 - 15/16 for \$300,000 for Initial Request services for the period 12/22/2015 – 12/21/2018. Notification of 30 days (60 days for SEIU) is required.

After logging into the system please select link below, view the information and verify receipt:

<http://apps.sfgov.org/dhrdrupal/node/5872> For union notification, please see the TO: field of the email to verify receipt. If you do not see all the unions you intended to contact, the PSC Coordinator must change the state back to NOT READY, make sure the classes and unions you want to notify are selected and SAVE. Then VIEW the record and verify the list of unions and emails. EDIT the document again , change the state back START UNION NOTIFICATION and SAVE. You should receive the email with all unions to the TO: field as intended

# **Additional Attachment(s)**

**Choi, Suzanne (HRD)**

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**From:** DHR-PSCCoordinator, DHR (HRD)  
**Subject:** FW: PSC 44722-15/16

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**From:** Hamada, Cynthia [<mailto:Cynthia.Hamada@sfmta.com>]  
**Sent:** Tuesday, December 15, 2015 9:59 AM  
**To:** DHR-PSCCoordinator, DHR (HRD)  
**Subject:** Re: PSC 44722-15/16

Please proceed with posting. Thank you.

Sent from my iPhone

On Dec 14, 2015, at 1:26 PM, DHR-PSCCoordinator, DHR (HRD) <[dhr-psccoordinator@sfgov.org](mailto:dhr-psccoordinator@sfgov.org)> wrote:

Hi Cynthia,

How was the meeting?

Thank you,  
*Suzanne Choi*  
Citywide PSC Coordinator  
415-557-4886

Note: For all inquiries/correspondences regarding Personal Services Contracts (PSCs) please send requests directly to [DHR-PSCCoordinator@sfgov.org](mailto:DHR-PSCCoordinator@sfgov.org) for record keeping and review processing. Please do not send them to my email address because it may be overlooked. Thank you

---

**From:** DHR-PSCCoordinator, DHR (HRD)  
**Sent:** Thursday, December 10, 2015 4:05 PM  
**To:** Hamada, Cynthia (MTA); DHR-PSCCoordinator, DHR (HRD)  
**Cc:** DHR-PSCCoordinator, DHR (HRD)  
**Subject:** RE: PSC 44722-15/16

Hi Cynthia,

Thank you. Please update me regarding the outcome.

Cheers,  
Suzanne

---

**From:** Hamada, Cynthia [<mailto:Cynthia.Hamada@sfmta.com>]  
**Sent:** Thursday, December 10, 2015 3:59 PM  
**To:** DHR-PSCCoordinator, DHR (HRD)

**Cc:** DHR-PSCCoordinator, DHR (HRD)  
**Subject:** RE: PSC 44722-15/16

Our meeting is scheduled for tomorrow, Friday, December 11, 2015, from 2-3PM. Thank you!

*Cynthia Hamada*  
Senior Personnel Analyst  
Employee and Labor Relations  
San Francisco Municipal Transportation Agency  
415.701.5381

---

**From:** DHR-PSCCoordinator, DHR (HRD) [<mailto:dhr-psccordinator@sfgov.org>]  
**Sent:** Thursday, December 10, 2015 3:46 PM  
**To:** Hamada, Cynthia  
**Cc:** DHR-PSCCoordinator, DHR  
**Subject:** RE: PSC 44722-15/16

Hi Cynthia,

I hope this week is going well for you. I just want to touch base with you regarding meeting with the unions. I just wanted to know if you were able to make an appointment with the union to answer their questions.

Thank you,  
*Suzanne Choi*  
Citywide PSC Coordinator  
415-557-4886

Note: For all inquiries/correspondences regarding Personal Services Contracts (PSCs) please send requests directly to [DHR-PSCCoordinator@sfgov.org](mailto:DHR-PSCCoordinator@sfgov.org) for record keeping and review processing. Please do not send them to my email address because it may be overlooked. Thank you



**Attachments for PSC 44722-15/16**

1. SF Language Access Ordinance 2015

Page 70

2. Federal Transit Admin. Title VI for Limited English Proficient Persons.

Page 95

1 [Administrative Code - Language Access Requirements for Departments]

2  
3 **Ordinance amending the Administrative Code to expand the scope of the Language**  
4 **Access Ordinance to apply to all City Departments that provide information or services**  
5 **directly to the public, revise complaint procedures, and enhance the annual**  
6 **departmental compliance plan requirement.**

7 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
8 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
9 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
10 **Board amendment additions** are in double-underlined Arial font.  
11 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
12 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
13 subsections or parts of tables.

14 Be it ordained by the People of the City and County of San Francisco:

15 Section 1. Chapter 91 of the Administrative Code is hereby amended by adding new  
16 Sections 91.3 and 91.134, revising existing Sections 91.1-91.18, and renumbering those  
17 Sections so that the Chapter consists of Sections 91.1-91.189, to read as follows:

18 **SEC. 91.1\_ PURPOSE AND FINDINGS.**

19 (a) Title. This Chapter 91 shall be known as the "Language Access Ordinance."

20 (b) Findings.

21 (1) The Board of Supervisors finds that San Francisco provides an array of  
22 services that can be made accessible to persons who are not proficient in the English  
23 language. The City of San Francisco is committed to improving the accessibility of these  
24 services and providing equal access to them.

1 (2) The Board finds that despite a long history of commitment to language  
2 access as embodied in federal, state and local law, beginning with the landmark Civil Rights  
3 Act of 1964, there is a still a significant gap in the provision of governmental services to  
4 limited-English language speakers.

5 (3) In 1973, the California State Legislature adopted the Dymally-Alatorre  
6 Bilingual Services Act, which required state and local agencies to provide language services  
7 to non-English speaking people who comprise 5% or more of the total state population and to  
8 hire a sufficient number of bilingual staff.

9 (4) In 1999, the California State Auditor concluded that 80% of state agencies  
10 were not in compliance with the Dymally-Alatorre Act, and many of the audited agencies were  
11 not aware of their responsibility to translate materials for non-English speakers.

12 (5) In 2001, in response to these findings, the San Francisco Board of  
13 Supervisors enacted the Equal Access to Services Ordinance, which required major  
14 departments to provide language translation services to limited-English proficiency individuals  
15 who comprise 5% or more of the total city population.

16 (6) *Eight years later, The Board enacted a number of significant changes to the*  
17 *Ordinance in 2009 and renamed it the Language Access Ordinance. Since the Language Access*  
18 *Ordinance was amended in 2009, City Departments have made significant progress in providing*  
19 *improved access to services. The Board finds, however, that differential access to City services still*  
20 *exists due to significant gaps remain in language access consistency, quality, budgeting and*  
21 *implementation across Departments. in language services, lack of protocols for departments to*  
22 *procure language services, low budgetary prioritization by departments for language services.*

23 (7) The Board finds that *the lack of gaps in language services access can seriously*  
24 *affects San Francisco's ability to serve all of its residents. A 2006 survey by the United States*  
25 *Census Bureau's 2008-2012 American Community Survey found reveals that 4536% of San*

1 Franciscans are foreign-born and 45.2% over the age of five speak a language other than English at  
2 home. City residents speak more than 28 different languages. More than 112 languages are spoken in  
3 the San Francisco Bay Area, with at least 28 different languages spoken in the City alone. Three  
4 languages currently have at least 10,000 or more Limited English Persons: Chinese, Spanish and  
5 Tagalog. Among the 2421% of the total City population who self-identify as limited-English  
6 speakers, 5057% are Chinese speakers, 23.7% are Spanish speakers, 6% are Tagalog  
7 speakers, 5% are Russian speakers, and 3.8% are Vietnamese speakers. 4% speak Tagalog.  
8

9 **SEC. 91.2. DEFINITIONS.**

10 As used in this Chapter 91, the following capitalized terms shall have the following  
11 meanings:

12 "Advisory Body" shall mean a body other than a City Board or City Commission that is  
13 created by ordinance for the purpose of providing policy advice to the Board of Supervisors,  
14 the Mayor, or City Departments.

15 (a) "Annual Compliance Plan" is set forth in Section 91.1110 of this Chapter.

16 (b) "Bilingual Employee" shall mean a City employee who is proficient in the English  
17 language and in one or more non-English Language; who is fluent in both English and a second  
18 language and who is able to conduct the department's business in both languages. A bilingual  
19 employee shall include a City employee who (i) is in a classification that provides information or direct  
20 services to the public requiring language proficiency in English and a second language; or (ii) is either  
21 a certified interpreter or translator by the Department of Human Resources or accredited training or  
22 academic institution; or (iii) receives premium pay and regularly and continuously uses the second  
23 language in his or her city employment; or (iv) is self-designated as competent in a second language  
24 for purposes of sporadic translation services.

25 (c) "City" shall mean the City and County of San Francisco.

1           "City Boards" shall mean all boards listed in Campaign and Governmental Conduct  
2 Code section 3.1-103(a)(1).

3           "City Commissions" shall mean all commissions listed in Campaign and Governmental  
4 Conduct Code section 3.1-103(a)(1).

5           ~~(d)~~ "Commission" shall mean the Immigrant Rights Commission.

6           ~~(e)~~ "Concentrated Number of Limited English Speaking Persons" shall mean either  
7 5% percent of the population of the District in which a Covered Department Facility is located  
8 or 5% percent of those persons who use the services provided by the Covered Department  
9 Facility. The Office of Civic Engagement and Immigrant Affairs ("OCEIA") shall determine  
10 annually whether 5% percent or more of the population of any District in which a Covered  
11 Department Facility is located are Limited English Speaking Persons who speak a shared  
12 language other than English. ~~The Office of Civic Engagement and Immigrant Affairs OCEIA~~ shall  
13 make this determination by referring to the best available data from the United States Census  
14 Bureau or other reliable source and shall certify its determination to all City Departments and  
15 the Commission no later than ~~December 4~~ January 31st of each year. Each Department shall  
16 determine annually whether 5% percent or more of those persons who use the Department's  
17 services at a Covered Department Facility are Limited English Speaking Persons who speak a  
18 shared language other than English ~~using either of the following methods specified in Section~~  
19 91.2(f) of this Chapter and report that determination in the Department's Annual Compliance Plan.  
20 Departments shall make this determination using one of the following methods:

21           (1) Conducting an annual survey of all contacts with the public made by the  
22 Department during a period of at least two weeks, at a time of year in which the Department's public  
23 contacts are to the extent possible typical or representative of its contacts during the rest of the year,  
24 but before developing its Annual Compliance Plan required by Section 91.11 of this Chapter; or

25           (2) Analyzing information collected during the Department's intake process for  
all clients, including walk-ins and scheduled appointments. The information gathered using either  
method shall also be broken down by Covered Department Facility to determine whether 5% percent

1 or more of those persons who use the Department's services at a Covered Department Facility are  
2 Limited English Speaking Persons who speak a shared language other than English; or

3 (3) Analyzing and calculating the total annual number of requests for telephonic  
4 language translation services categorized by language that Limited English Speaking Persons make to  
5 the Department based on the Department's telephonic translation services monthly bills, official  
6 telephone logs, or any other reasonable method used for data collection.

7 ~~(f)~~ "Covered Department Facility" shall mean any Department building, office, or  
8 location that provides direct services to the public and serves as the workplace for 5 or more  
9 full-time City employees.

10 ~~(g)~~ "Department(s)" ~~shall mean both Tier-1 Departments and Tier-2 Departments. shall mean~~  
11 any City Department, agency or office with a service or program that provides information or services  
12 directly to the public, or interacts with the public.

13 ~~(h)~~ "Department's ~~s~~Service or ~~p~~Program" shall mean anything a City Department, agency, or  
14 office provides that involves direct services to the public as part of ongoing operations and those direct  
15 services directly administered by the Department, agency, or office for program beneficiaries and  
16 participants. Activities include, but are not limited to, information provided to or communication with  
17 the public, spaces or department facilities used by the public, and programs that provide direct services  
18 to the public.

19 "Direct Services to the Public" shall mean any service that requires City employees to provide  
20 responses to inquiries about official documents, licenses, financial matters, and benefits that are  
21 related to the public's health, safety, and general welfare.

22 "Districts" shall refer to the 11 geographical districts by which the people of the City  
23 elect the members of the City's Board of Supervisors. ~~If the City should abandon the district~~  
24 ~~election system, the Commission shall have the authority to draw 11 district boundaries for the~~  
25 ~~purposes of this Chapter that are approximately equal in population.~~

1 "Emerging Language Population" shall mean at least 2.5% percent but less than 5 %percent  
2 of the population who use a Department's services, or at least 5,000 but less than 10,000 City  
3 residents, who speak a shared language other than English.

4 "Language Access Services" shall mean translation and interpretation services for both verbal  
5 and written communication.

6 ~~(f)~~ "Limited English Speaking Person" shall mean an individual who does not speak  
7 English well or is otherwise unable to communicate effectively in English because English is  
8 not the individual's primary language.

9 ~~(f)~~ "OCEIA" shall mean the Office of Civic Engagement & Immigrant Affairs or any  
10 successor agency.

11 ~~(f)~~ "Public Contact Position" shall mean a position, a primary job responsibility of which,  
12 consists of meeting, contacting, and dealing with the public in the performance of the duties of  
13 that position.

14 ~~(f)~~ "Substantial Number of Limited English Speaking Persons" shall mean ~~either~~  
15 ~~10,000 Limited English Speaking City residents, who speak a shared language other than English,~~  
16 ~~or 5 percent of those persons who use the Department's services. The Office of Civic Engagement and~~  
17 ~~Immigrant Affairs-OCEIA shall determine annually whether at least 10,000 Limited English~~  
18 ~~speaking City residents speak a shared language other than English. OCEIA The Office of~~  
19 ~~Civic Engagement and Immigrant Affairs shall make this determination by referring to the best~~  
20 ~~available data from the United States Census Bureau or other reliable source and shall certify~~  
21 ~~its determination to Departments and the Commission no later than December 1 January 31st of~~  
22 ~~each year. Each Department shall determine annually whether 5 percent or more of those Limited~~  
23 ~~English Speaking Persons who use the Department's services Citywide speak a shared language other~~  
24 ~~than English. Prior to certifying any new language as set forth in this subsection, OCEIA shall comply~~

1 ~~with the provisions in Chapter 91.161516(e). Departments shall make this determination using one of~~  
2 ~~the following methods:~~

3 ~~————— (1) Conducting an annual survey of all contacts with the public made by the~~  
4 ~~Department during a period of at least two weeks, at a time of year in which the Department's public~~  
5 ~~contacts are to the extent possible typical or representative of its contacts during the rest of the year,~~  
6 ~~but before developing its Annual Compliance Plan required by Section 91.1110 of this Chapter; or~~

7 ~~————— (2) Analyzing information collected during the Department's intake process. The~~  
8 ~~information gathered using either method shall also be broken down by Covered Department Facility~~  
9 ~~to determine whether 5 percent or more of those persons who use the Department's services at a~~  
10 ~~Covered Department Facility are Limited English Speaking Persons who speak a shared language~~  
11 ~~other than English for purposes of Section 91.2(e) of this Chapter; or~~

12 ~~————— (3) Analyzing and calculating the total annual number of requests for telephonic~~  
13 ~~language translation services categorized by language that Limited English Speaking Persons make to~~  
14 ~~the Department garnered from monthly bills generated by telephonic translation services vendors~~  
15 ~~contracted by Department.~~

16 ~~(4) "Tier 1 Departments" shall mean the following City departments: Adult Probation~~  
17 ~~Department, Department of Elections, Department of Human Services, Department of Public Health,~~  
18 ~~District Attorney's Office, Department of Emergency Management, Fire Department, Human Services~~  
19 ~~Agency, Juvenile Probation Department, Municipal Transportation Agency, Police Department, Public~~  
20 ~~Defender's Office, Residential Rent Stabilization and Arbitration Board, Sheriff's Office. Beginning~~  
21 ~~July 1, 2010, the following departments shall be added to the list of Tier 1 Departments: San Francisco~~  
22 ~~International Airport, Office of the Assessor Recorder, City Hall Building Management, Department of~~  
23 ~~Building Inspection, Department of the Environment, San Francisco Public Library, Mayor's Office of~~  
24 ~~Economic and Workforce Development, Planning Department, Department of Public Works, Public~~



1 ~~Utilities Commission, Recreation and Park Department, Office of the Treasurer and Tax Collector, and~~  
2 ~~the San Francisco Zoo.~~

3 ~~(n) "Tier 2 Departments" shall mean all City departments not specified as Tier 1 Departments~~  
4 ~~that furnish information or provide services directly to the public.~~

5  
6 **SEC. 91.3. SCOPE.**

7 This Chapter 91 ordinance shall apply to any Department, agency, or office program or  
8 service that provides direct services to the public.

9  
10 **SEC. 91.43. ACCESS TO LANGUAGE SERVICES. UTILIZATION OF BILINGUAL**  
11 **EMPLOYEES.**

12 (a) Utilizing sufficient Bilingual Employees in ~~P~~ublic ~~C~~ontact ~~P~~ositions, ~~Tier-1~~  
13 Departments shall provide information and services to the public in each language spoken by  
14 a Substantial Number of Limited English Speaking Persons or to the public served by a  
15 Covered Department Facility in each language spoken by a Concentrated Number of Limited  
16 English Speaking Persons. ~~Tier-1~~ Departments comply with their obligations under this  
17 Section 91.4 if they provide the same level of service to Limited English Speaking Persons as  
18 they provide English speakers.

19 (b) ~~Tier-1~~ Departments need only may consider implement the hiring Bilingual  
20 Employees for public contact positions made available through retirement or normal  
21 attrition requirements in the Language Access Ordinance by filling public contact positions  
22 made vacant by retirement or normal attrition. Nothing herein shall be construed to authorize  
23 the dismissal of any City employee in order to carry out the Language Access Ordinance.

24 ~~(c) All Departments shall inform Limited English Speaking Persons who seek services, in their~~  
25 ~~native tongue, of their right to request translation services from all City Departments.~~

1           (c) Prior to July 1, 2016, this Section 91.4 shall not apply to Departments that are  
2 required under Section 91.12(a) to submit their initial Compliance Plans on October 1, 2016.  
3 Thereafter, this Section shall apply to all City Departments.  
4

5 **SEC. 91.54. TRANSLATION OF MATERIALS AND SIGNAGE.**

6           (a) ~~Tier 1~~ Except as provided in subsection 91.5(g), Departments shall translate the  
7 following written materials that provide vital information to the public about the Department's  
8 services or programs into the language(s) spoken by a Substantial Number of Limited English  
9 Speaking Persons: applications or forms to participate in a Department's program or activity  
10 or to receive its benefits or services; written notices of rights to, determination of eligibility  
11 ~~foref~~, award of, denial of, loss of, or decreases in benefits or services, including the right to  
12 appeal any Department's decision; written tests that do not assess English language  
13 competency, but test competency for a particular license or skill for which knowledge of  
14 written English is not required; notices advising Limited English Speaking Persons of free  
15 language assistance; materials, including publicly-posted documents, explaining a Department's  
16 services or programs; complaint forms; ~~or any other written documents~~ related to direct services  
17 to the public that could impact that have the potential for important consequences for the community or  
18 an individual seeking services from or participating in a program of a City Department.  
19 Notwithstanding the requirements of this subsection 91.5(a), translation of public hearing  
20 notices, agendas, and minutes shall be governed by Section 91.7 of this Chapter.

21           (b) ~~Tier 2 Departments shall translate all publicly posted documents that provide information~~  
22 ~~(1) regarding Department services or programs, or (2) affecting a person's rights to, determination of~~  
23 ~~eligibility of, award of, denial of, loss of, or decreases in benefits or services into the language(s)~~  
24 ~~spoken by a Substantial Number of Limited English Speaking Persons.~~  
25

1            (be) Departments that post signage that provides information to the public with respect to the  
2 Department's Service or Program shall make good faith efforts to translate those materials in the  
3 languages as prescribed by a Substantial Number of Limited English Speaking Persons;  
4 elsewhere in this Chapter 91;

5            ~~(cd) Departments required to translate materials under this Section 91.5 shall prioritize~~  
6 ~~the translation of written materials by giving highest priority to materials that affect public safety and~~  
7 ~~critical services.~~

8            ~~(de) Departments required to translate materials under the provisions of this Section~~  
9 91.5 shall post notices in the public areas of their facilities in the relevant language(s)  
10 indicating that written materials in the language(s) and staff who speak the language(s) are  
11 available. The notices shall be posted prominently and shall be readily visible to the public.

12            ~~(ed) Departments required to translate materials under the provisions of this Section~~  
13 91.5 shall ensure that their translations are accurate and appropriate for the target audience.  
14 Translations should match literacy levels of the target audience.

15            ~~(fe) Each Department shall designate a staff member with responsibility responsible for~~  
16 ensuring that all translations of the Department's written materials meet the accuracy and  
17 appropriateness standard set in Subsection ~~(efa)~~ of this Section 91.5. Departments are  
18 encouraged to have their staff check the quality of written translations, but where a  
19 Department lacks biliterate personnel, the responsible staff member shall obtain quality  
20 checks from external translators. Departments may contact OCEIA for assistance in locating a  
21 qualified translator or translation equipment. Departments are also encouraged to solicit  
22 feedback on the accuracy and appropriateness of translations from bilingual staff at  
23 community groups whose clients receive services from the Department.

24            ~~(f) The newly added Tier 1 Departments as set forth in Section 91.2(f) shall comply with the~~  
25 ~~requirements of this Section by January 31, 2011.~~

1 (g) Prior to July 1, 2016, subsection 91.5(a) shall not apply to Departments that are  
2 required under Section 91.12(a) to submit their initial Compliance Plans on October 1, 2016.  
3 Thereafter, Section 91.5(a) shall apply to all City Departments. But prior to July 1, 2016, any  
4 Department not subject to subsection 91.5(a) shall translate into the language(s) spoken by a  
5 Substantial Number of Limited English Speaking Persons all publicly-posted documents that  
6 provide information (1) regarding the Department's services or programs, or (2) affecting a  
7 person's rights to, determination of eligibility of, award of, denial of, loss of, or decreases in  
8 benefits or services.

9  
10 **SEC. 91.65. DISSEMINATION OF TRANSLATED MATERIALS FROM THE STATE AND**  
11 **FEDERAL GOVERNMENT.**

12 If the State or federal government or any agency thereof makes available to a  
13 Department written materials in a language other than English, the Department shall maintain  
14 an adequate stock of the translated materials and shall make them readily available to  
15 persons who use the Department's services.

16  
17 **SEC. 91.76. PUBLIC MEETINGS AND HEARINGS.**

18 (a) City Boards, City Commissions, advisory bodies and City Departments shall ~~not~~  
19 automatically translate meeting notices, agendas, ~~or~~ and minutes upon written request. When a  
20 City Boards, City Commissions, and advisory bodies receives a written request for translated  
21 meeting minutes, the body shall translate the meeting minutes only after the body adopts them and  
22 within a reasonable time thereafter.

23 (b) City Boards, City Commissions, advisory bodies, and City Departments shall provide  
24 oral interpretation or translation services in the language the member of the public requests at of any  
25 public meeting or hearing, if requested at least 48 hours in advance of the meeting or hearing.

1 ~~(e) City Boards, City Commissions and City Departments shall translate meeting minutes if: (1)~~  
2 ~~requested; (2) after the legislative body adopts the meeting minutes; and (3) within a reasonable time~~  
3 ~~period thereafter.~~

4  
5 **SEC. 91.78. RECORDED TELEPHONIC MESSAGES.**

6 All Departments with recorded telephonic messages about the Department's operation  
7 or services shall maintain such messages in each language spoken by a Substantial Number  
8 of Limited English Speaking Persons, or where applicable, a Concentrated Number of Limited  
9 English Speaking Persons. Such Departments are encouraged to include in the telephonic  
10 messages information about business hours, office location(s), services offered and the  
11 means of accessing such services, and the availability of language assistance. ~~If the~~  
12 ~~Department is governed by a Commission, the messages shall include the time, date, and~~  
13 ~~place of the Commission's meetings.~~ The requirements of this Section 91.8 shall apply only  
14 to recordings prepared by a Department to provide general information to the public about the  
15 Department's operations and services, and shall not apply to voicemail recordings on City  
16 employees' telephone lines.

17  
18 **SEC. 91.89. CRISIS SITUATIONS.**

19 All ~~Tier 1~~ Departments involved in health-related emergencies, refugee relief, disaster-  
20 related activities, and all other crisis situations shall work with OCEIA the Office of Civic  
21 ~~Engagement and Immigrant Affairs~~ to include language service protocols in the Department's  
22 Annual Compliance Plan:

23 During crisis, emergency, and public safety situations, all Departments involved shall prioritize  
24 Language Access Services and to the extent feasible ensure bilingual staff are present and available to  
25 assist Limited English Speaking Persons with critical needs. If the crisis, emergency or public safety

1 situations require the posting of warning signs, the Department shall translate those signs in the  
2 required languages.

3  
4 **SEC. 91.910. COMPLAINT PROCEDURE.**

5 (a) Complaint Process. OCEIA shall be responsible for accepting, investigating, and resolving  
6 complaints from persons alleging violations of this Chapter 91. A person alleging that a Department  
7 violated a provision of this Chapter may submit a complaint to OCEIA by either: (1) completing and  
8 submitting a complaint form; or (2) calling OCEIA and speaking with an employee who will document  
9 the complaint. Within 5 days of receiving the complaint, OCEIA shall notify the Department and  
10 commence an investigation. OCEIA shall resolve all complaints within 30 days of their receipt unless  
11 OCEIA finds good cause to extend the time resolving the complaint. OCEIA shall make a record of the  
12 resolution of the complaint and what action, if any, was undertaken by the Department in response to  
13 the complaint to ensure the Department's compliance with this Chapter 91.

14 ~~Departments shall allow persons to make complaints alleging violation of this Chapter to the~~  
15 ~~Department in each language spoken by a Substantial Number of Limited English Speaking Persons.~~  
16 ~~The Complaints may be made by telephone or by completing a complaint form.~~

17 ~~(b) Departments shall document actions taken to resolve each complaint and maintain copies~~  
18 ~~of complaints and documentation of their resolution for a period of not less than 5 years. A copy of~~  
19 ~~each complaint shall be forwarded to the Commission and the Office of Civic Engagement and~~  
20 ~~Immigrant Affairs within 30 days of its receipt.~~

21 ~~(b) Department's and City Board, City Commission, and Advisory Body's eComplaint~~  
22 ~~Procedure. If a Department or a City Board, a City Commission or a Advisory Body receives a~~  
23 ~~complaint from an individual, it shall immediately forward a copy of the complaint to OCEIA. The~~  
24 ~~Department In addition, it shall cooperate in good faith with OCEIA in resolving the complaint within~~  
25 ~~the applicable time frame.~~

1            (c) Annual Tracking of Complaints. OCEIA shall track the number of complaints received each  
2 year and maintain copies of all complaints and documentation of their resolution for a period of not  
3 less than 5 years.

4            (d) Quarterly Reports. On a quarterly basis, OCEIA shall submit a report to the Commission  
5 containing the following information: (1) the number of complaints filed during that quarter, including  
6 an analysis of individual cases with departmental trends; (2) the number of complaints filed for  
7 the year-to-date; (3) a comparison of those numbers with the filings for the previous year; and (4) a  
8 brief description of the nature of each complaint filed, including the Department named in the  
9 complaint, the violation alleged, the proposed intervention, whether the complaint was resolved or  
10 remains open, and what, if any, measures were implemented by the Department in response to the  
11 complaint.

12  
13 **SEC. 91.1011. ANNUAL COMPLIANCE PLAN.**

14            Using information collected during the preceding fiscal year beginning July 1 and ending June  
15 30, ~~Each Tier 1~~ Department shall draft an Annual Compliance Plan containing including all of  
16 the following information, as well as any additional information OCEIA requires:

17            (a) A description of the Department's language access policy;

18            (b) The language services offered by the Department;

19            (ca) The number and percentage of people who are Limited English Speaking Persons  
20 who actually use the ~~Tier 1~~ Department's services Citywide, listed by language other than  
21 English, using either one a method described in the definition of Concentrated Number of Limited  
22 English Speaking Persons in ~~Section 91.2(b)~~ of this Chapter. Departments must include a  
23 description of the methodology or data collection system used to make this determination;

24            (b) The number and percentage of limited English speaking residents of each District in which  
25 a Covered Department Facility is located and persons who use the services provided by a Covered

1 ~~Department Facility, listed by language other than English, using either method in Section 91.2(k) of~~  
2 ~~this Chapter;~~

3 ~~(c) A demographic profile of the Tier 1 Department's clients;~~

4 ~~(d) The number of Public Contact Positions in the Tier 1 Department;~~

5 ~~(de) The number A roster of Bilingual Employees in Public Contact Positions, their titles,~~  
6 ~~certifications of bilingual capacity, office locations, the language(s) other than English that the~~  
7 ~~persons speak; excluding those bilingual employees who are self-designated as competent in a~~  
8 ~~second language other than English;~~

9 ~~(ef) The name and contact information of the Tier 1 Department's language access~~  
10 ~~coordinator liaison;~~

11 ~~(fe) A description of any use of telephone-based interpretation services, including the~~  
12 ~~number of times telephone-based interpretation such services were used, and the language(s) for~~  
13 ~~which they were used, and the number of times bilingual employees provided in-person~~  
14 ~~interpretation services;~~

15 ~~(gH) An narrative explanatory assessment of the procedures used to facilitate~~  
16 ~~communication with Limited English Speaking Persons, which shall include, but is not limited~~  
17 ~~to, an evaluation assessment of the adequacy of the following procedures (1) the content of recorded~~  
18 ~~telephonic messages provided to the public and the language of the message; (2) telephone requests for~~  
19 ~~translation or interpretation services; (3) in-person requests for translation or interpretation services;~~  
20 ~~and (4) public notices of the availability of translation or interpretation services upon request;~~

21 ~~(h#) Ongoing employee development and training strategy to maintain well trained~~  
22 ~~bilingual employees and general staff. Employee development and training strategy should~~  
23 ~~include a description of quality control protocols for bilingual employees; and a description of~~  
24 ~~language service protocols for Limited English Speaking Persons individuals in crisis situations~~  
25 ~~as outlined in Section 91.28;~~



1 ~~(f) A numerical assessment of the additional Bilingual Employees in Public Contact Positions~~  
2 ~~needed to meet the requirements of Section 91.3 of this Chapter;~~

3 ~~(i) If the Department determines that additional bilingual employees are needed assessments~~  
4 ~~indicate a need for additional Bilingual Employees in Public Contact Positions to meet the~~  
5 ~~requirements of Section 91.43 of this Chapter, the Department must provide a description of the~~  
6 ~~Tier I Department's its plan for meeting those requirements the positions, including the number of~~  
7 ~~estimated vacancies in Public Contact Positions;~~

8 (i) The name, title, and language(s) other than English spoken, (if any,) by the staff  
9 member designated with responsibility for ensuring the accuracy and appropriateness of  
10 translations for each language in which services must be provided under this Chapter 91;

11 (k) A list of the Tier I Department's written materials ~~required to be that have been~~  
12 translated under this Chapter 91, the language(s) into which they have been translated, and  
13 the persons who have reviewed the translated material for accuracy and appropriateness;

14 ~~(n) A description of the Tier I Department's procedures for accepting and resolving complaints~~  
15 ~~of an alleged violation of this Chapter consistent with Section 91.9;~~

16 (o) A copy of the The Department's written policies on providing services to Limited  
17 English Speaking Persons, which Departments are annually obligated to review and to  
18 provide an updated copy to OCEIA;

19 (p) A list of goals for the upcoming year and, for all Annual Compliance Plans except  
20 the first, an assessment of the Tier I Department's success at meeting last year's goals;

21 (q) ~~Annual budget allocation and strategy, including the total a~~ Annual expenditures from  
22 ~~the previous fiscal year~~ for services that are related to language access including:

23 (1) Compensatory pay for bilingual employees who perform bilingual services,  
24 excluding regular annual salary expenditures;

25 (2) Telephonic ~~translation~~ interpretation services provided by City vendors;

- 1 (3) Document translation services provided by City vendors;  
2 (4) On-site language interpretation services provided by City vendors;  
3 (5) The total projected budget to support progressive implementation of the  
4 Department's language service plan;

5 (or) A Summary of changes between the Department's previous Annual Compliance  
6 Plan submittal and the current submittal, including but not limited to: (1) an explanation of  
7 strategies and procedures that have improved the Department's language services from the  
8 previous year; and (2) an explanation of strategies and procedures that did not improve the  
9 Department's language services and proposed solutions to achieve the overall goal of this  
10 Language Access Ordinance; and

11 (or) Any other information *requested by the Commission OCEIA deems appropriate*  
12 *necessary* for the implementation of this Chapter 91.

13  
14 **SEC. 91.112. COMPLIANCE PLANS SUBMITTALS, LANGUAGE ACCESS ORDINANCE**  
15 **SUMMARY REPORT, AND RECOMMENDATIONS FOR EMERGING LANGUAGE**  
16 **POPULATIONS.**

17 (a) Compliance Plans Submittals. *The Director of each Tier 1 Department shall approve*  
18 *and electronically file an annually file electronic copies of the Annual Compliance Plan by December*  
19 *31st with the Mayor's Office, the Commission, and the Office of Civic Engagement and Immigrant*  
20 *Affairs. All of the following entities shall submit their 2014-2015 Annual Compliance Plan on*  
21 *October 1, 2015, and thereafter October 1st of each year: Adult Probation Department, City Hall*  
22 *Building Management, Department of Building Inspection, Department of Elections, Department of the*  
23 *Environment, Department of Emergency Management, Department of Human Services, Department of*  
24 *Public Health, Department of Public Works, District Attorney's Office, Fire Department, Human*  
25 *Services Agency, Juvenile Probation Department, Mayor's Office of Economic and Workforce*

1 Development, Municipal Transportation Agency, Office of the Assessor Recorder, Office of the  
2 Treasurer and Tax Collector, Planning Department, Police Department, Public Defender's Office,  
3 Public Utilities Commission, Recreation and Park Department, Residential Rent Stabilization and  
4 Arbitration Board, San Francisco International Airport, San Francisco Public Library, San Francisco  
5 Zoo, and Sheriff's Office shall submit their 2014-2015 Annual Compliance Plan on October 1,  
6 2015, and thereafter October 1st of each year. All other Departments shall file their initial  
7 Compliance Plan on October 1, 2016, and thereafter October 1st of each year. The Director of each  
8 Department or his or her designee shall approve and electronically file submit an Annual Compliance  
9 Plan that includes the required data and budget information with OCEIA.

10 (b) Language Access Ordinance Summary Report. Inclusion of Emerging Language  
11 Populations in a written report to the Board. By March 1st of each year, the Office of Civic  
12 Engagement and Immigrant Affairs Beginning on February 1, 2016, and annually thereafter, OCEIA  
13 shall submit to the Commission and the Clerk of the Board of Supervisors a Language Access  
14 Ordinance Summary Report which compiles and summarizes in a written report to the Clerk of the  
15 Board of Supervisors all departmental Annual Compliance Plans. OCEIA shall also include in the  
16 Language Access Ordinance Summary Report a current determination of: (1) the total number of  
17 Limited English Speaking Persons in the City; (2) the number of Limited English Speaking Persons in  
18 the City delineated according to language spoken; and (3) the number of Limited English Speaking  
19 Persons for each District delineated according to language spoken.

20 (c) OCEIA may include in the Summary Report In the written report of the Clerk of the Board,  
21 the Office of Civic Engagement and Immigrant Affairs may recommended appropriate changes to all  
22 departmental Annual Compliance Plans in order to meet the needs of Emerging Language  
23 Populations. Emerging language populations is defined as at least 2.5 percent of the population who  
24 use the Department's services or 5,000 City residents who speak a shared language other than English.

1            ~~(de)~~ By June 30<sup>th</sup> of each year, ~~OCEIA~~~~the Office of Civic Engagement and Immigrant~~  
2 ~~Affairs~~ may request a joint public hearing with the Board of Supervisors and the Commission  
3 to assess the adequacy of the City's ability to provide the public with access to language  
4 services.

5            ~~(d) The Office of Civic Engagement of Immigrant Affairs shall keep a log of all complaints~~  
6 ~~submitted and report quarterly to the Commission.~~

7            (e) By October 1, 2015, each Department required under subsection 91.12(a) to file an  
8 initial Compliance Plan on October 1, 2016 shall provide a written update to OCEIA regarding  
9 the Department's plans to ensure future compliance with Section 91.4 and Section 91.5(a) of  
10 this Chapter. The written update shall be in a format prescribed by OCEIA and shall include  
11 any information requested by OCEIA regarding the Department's plans.

12  
13 **SEC. 91.1213. RECRUITMENT.**

14            It shall be the policy of the City to publicize job openings for Departments' Public  
15 Contact Positions as widely as possible including, but not limited to, in ethnic and non-English  
16 language media.

17  
18 **SEC. 91.14. DEPARTMENT RESPONSIBILITIES.**

19            In addition to the duties and responsibilities provided elsewhere in this Chapter 91,  
20 Departments shall:

21            (a) Inform Limited English Speaking Persons who seek services, in their native tongue, of their  
22 right to request translation services;

23            (b) Create and maintain a language access policy and review it annually;

24            (c) Designate a language access coordinator; and  
25

1           ~~(d) Cooperate with OCEIA in the investigation of all alleged violations of this~~  
2 Chapter; and

3           ~~(de) Use good faith efforts to comply with the provisions of this Chapter 91 Ordinance.~~  
4 Departments shall prioritize Language Access Services and comply with the provisions of this Chapter  
5 91 Ordinance that are readily achievable. Over time, Departments shall fully comply with the  
6 provisions of this Chapter 91 Ordinance.

7  
8 **SEC. 91.1315. COMMISSION RESPONSIBILITIES.**

9           The Commission ~~is shall be~~ responsible for evaluating the requirements set forth in this  
10 Chapter 91. The Commission's duties monitoring and facilitating compliance with this Chapter. Its  
11 duties shall include: (a) reviewing all OCEIA reports; (b) reviewing complaints and OCEIA's  
12 resolution of them; (c) recommending policy changes, including revisions to this Chapter or to the  
13 Rules and Regulations adopted under Section 91.16 of this Chapter; (d) identifying new trends that  
14 may present new challenges for language access; (e) identifying new practices that further the  
15 objectives of this Chapter; and (f) conducting public hearings related to items (a) through (e).  
16 conducting outreach to Limited English Speaking Persons about their rights under this Chapter;  
17 reviewing complaints about alleged violations of this Chapter forwarded from Departments; working  
18 with Departments to resolve complaints; maintaining copies of complaints and their resolution for not  
19 less than 8 years, organized by Department; coordinating a language bank for Departments that  
20 choose to have translation done outside the Department and need assistance in obtaining translators;  
21 and reviewing Annual Compliance Plans.

22  
23 **SEC. 91.1416. OFFICE OF CIVIC ENGAGEMENT AND IMMIGRANT AFFAIRS'**  
24 **RESPONSIBILITIES.**

1 Subject to the budgetary and fiscal provisions of the Charter, ~~the City may adequately~~  
2 ~~fund the OCEIA Office of Civic Engagement and Immigrant Affairs to may~~ provide a centralized  
3 infrastructure for the City's language services and monitor and facilitate Departmental compliance  
4 with this Chapter 91. OCEIA may ~~The Office of Civic Engagement shall:~~ ~~responsibilities include the~~  
5 ~~following:~~

6 (a) Provide technical assistance for language services for all Departments, including  
7 yearly trainings for department staff;

8 (b) Coordinate language services across Departments, including but not limited to  
9 maintaining a directory of qualified language service providers for ~~the~~ City Departments to  
10 utilize and carry out their responsibilities under this Chapter 91, maintaining Language Access  
11 Services, translations, and interpretations contracts for all City Departments, maintaining an  
12 inventory of translation equipment, and providing assistance to Departments, the Board of  
13 Supervisors, and the Mayor's Office in identifying bilingual staff;

14 (c) ~~Compileing and maintainng~~ a central repository for all Departments' translated  
15 documents;

16 (d) ~~Providing~~ Departments with model Annual Compliance Plans; ~~and~~

17 (e) If OCEIA determines that at least 10,000 City residents who are Limited English Speaking  
18 Persons share a language other than English and makes its determination pursuant to Section 91.2, it  
19 shall notify all affected Departments and post that determination on its website for 120 days prior to  
20 certifying the new language. During that time period, OCEIA may conduct a study to confirm that at  
21 least 10,000 City residents who are Limited English Speaking Persons share a language other than  
22 English. If OCEIA conducts such a study, the 120 days shall commence the day the study is published.  
23 The certification of a ~~No~~ new language as a language spoken by a Substantial Number of  
24 Limited English Speaking Persons shall take effect until after the conclusion of the process  
25 described in this subsection(e).

1            (f) Maintain a complaint form on OCEIA's website in all certified languages spoken by a  
2 Substantial Number of Limited English Speaking Persons; and

3            (g) Investigate potential violations of this Chapter;

4            ~~(he) Investigate/Reviewing complaints of alleged Departmental violations of this~~  
5 ~~Chapter, with quarterly reports to the Commission working with Departments to resolve such~~  
6 ~~complaints, and notifying complainants of the resolution;~~

7            ~~(i) Maintain copies of complaints and their resolution for 5 years;~~

8            ~~(j) Prepare a quarterly report regarding complaints for submission to the Commission;~~  
9 and

10           ~~(k) Prepare an Annual Summary Compliance Plan Report that summarizes the~~  
11 ~~complaints and resolutions for submission to the Commission.~~

12           ~~///~~

13           ~~///~~

14           **SEC. 91.1517. RULES AND REGULATIONS.**

15           In order to effectuate the terms of this Chapter, the Commission may adopt rules and  
16 regulations consistent with this Chapter.

17  
18           **SEC. 91.1618. ENFORCEMENT.**

19           OCEIA shall be responsible for enforcement of this Chapter. OCEIA may investigate potential  
20 violations of this Chapter. OCEIA may attempt to resolve noncompliance with this Chapter by any  
21 Department through informal processes, including mediation and conference and conciliation. If after  
22 an investigation and attempt to resolve an incidence of Department non-compliance, OCEIA  
23 the Commission is unable to resolve the matter, it shall transmit a written finding of non-  
24 compliance, specifying the nature of the non-compliance and the recommended corrective  
25

1 *measures*, to the Department, the Department of Human Resources, *the Commission*, the  
2 Mayor, and the Board of Supervisors.

3  
4 **SEC. 91.1719. SEVERABILITY.**

5 ~~\_\_\_\_\_ If any of the provisions of this Chapter 91 or the application thereof to any person or~~  
6 ~~circumstance is held invalid, the remainder of this Chapter, including the application of such~~  
7 ~~part or provisions to persons or circumstances other than those to which it is held invalid, shall~~  
8 ~~not be affected thereby and shall continue in full force and effect. To this end, the provisions~~  
9 ~~of this Chapter are severable.~~

10  
11 **SEC. 91.182019. DISCLAIMERS.**

12 (a) By providing the public with equal access to language services, the City and  
13 County of San Francisco is assuming an undertaking only to promote the general welfare. It is  
14 not assuming, nor is it imposing on its officers and employees, an obligation for breach of  
15 which it is liable in money damages to any person who claims that such breach proximately  
16 caused injury.

17 (b) The obligations set forth in the Language Access Ordinance are directory and the  
18 failure of the City to comply shall not provide a basis to invalidate any City action.

19 (c) The Language Access Ordinance shall be interpreted and applied so as to be  
20 consistent with Title VI and VII of the Civil Rights Act of 1964, California's Fair Employment  
21 and Housing Act, and Article X of the San Francisco Charter and so as not to impede or  
22 impair the City's obligations to comply with any court order or consent decree.

23  
24 Section 2. Effective Date. This ordinance shall become effective 30 days after  
25 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the



1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
2 of Supervisors overrides the Mayor's veto of the ordinance.

3  
4 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
5 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
6 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
7 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
8 additions, and Board amendment deletions in accordance with the "Note" that appears under  
9 the official title of the ordinance.

10 APPROVED AS TO FORM:  
11 DENNIS J. HERRERA, City Attorney

12 By:

  
13 ALICIA CABRERA  
Deputy City Attorney

14 n:\legana\as2014\1400476\00990243.doc



City and County of San Francisco  
Tails  
Ordinance

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

File Number: 141149

Date Passed: March 03, 2015

Ordinance amending the Administrative Code to expand the scope of the Language Access Ordinance to apply to all City Departments that provide information or services directly to the public, revise complaint procedures, and enhance the annual departmental compliance plan requirement.

February 12, 2015 Rules Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

February 12, 2015 Rules Committee - RECOMMENDED AS AMENDED

February 24, 2015 Board of Supervisors - AMENDED

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

February 24, 2015 Board of Supervisors - PASSED ON FIRST READING AS AMENDED

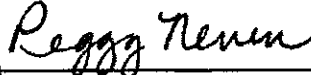
Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

March 03, 2015 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

File No. 141149

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 3/3/2015 by the Board of Supervisors of the City and County of San Francisco.

  
for Angela Calvillo  
Clerk of the Board

  
Mayor

3/12/15  
Date Approved



U.S. Department  
of Transportation

Federal Transit  
Administration

# CIRCULAR

FTA C 4702.1B

October 1, 2012

**Subject: TITLE VI REQUIREMENTS AND GUIDELINES FOR FEDERAL  
TRANSIT ADMINISTRATION RECIPIENTS**

---

1. **PURPOSE.** The purpose of this Circular is to provide recipients of Federal Transit Administration (FTA) financial assistance with guidance and instructions necessary to carry out U.S. Department of Transportation ("DOT" or "the Department") Title VI regulations (49 CFR part 21) and to integrate into their programs and activities considerations expressed in the Department's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient ("LEP") Persons (70 FR 74087, December 14, 2005).
2. **CANCELLATION.** This Circular supersedes FTA Circular 4702.1A "Title VI and Title VI-Dependent Guidelines for Federal Transit Administration Recipients," dated May 13, 2007.
3. **AUTHORITY.**
  - a. Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.
  - b. Federal Transit Laws, Title 49, United States Code, Chapter 53.
  - c. 49 CFR § 1.51.
  - d. 49 CFR part 21.
  - e. 28 CFR § 42.401 et seq.
4. **WAIVER.** FTA reserves the right to waive any requirements of this Circular to the extent permitted by law.
5. **FEDERAL REGISTER NOTICE.** In conjunction with publication of this Circular, FTA published a notice in the *Federal Register* on August 28, 2012, addressing comments received during development of the Circular.
6. **AMENDMENTS TO THE CIRCULAR.** FTA reserves the right to update this Circular to reflect changes in other revised or new guidance and regulations that undergo notice and comment, without further notice and comment on this Circular. FTA will post updates on our

website at [www.fta.dot.gov](http://www.fta.dot.gov). The website allows the public to register for notification when FTA issues *Federal Register* notices or new guidance. Please visit the website and click on "Sign Up For Email Updates" for more information.

7. ACCESSIBLE FORMATS. This document is available in accessible formats upon request. To obtain paper copies of this Circular as well as information regarding these accessible formats, call FTA's Administrative Services Help Desk, at 202-366-4865. Individuals with hearing impairments may contact the Federal Relay Service at 1-800-877-8339 for assistance with the call.

/s/  
Peter Rogoff  
Administrator

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## CHAPTER I

### INTRODUCTION AND BACKGROUND

1. THE FEDERAL TRANSIT ADMINISTRATION (FTA). FTA is one of ten operating administrations within the U.S. Department of Transportation (DOT). Headed by an Administrator who is appointed by the President of the United States, FTA functions through a Washington, DC, headquarters office, ten regional offices, and five metropolitan offices that assist transit agencies in all 50 States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, Northern Mariana Islands, and American Samoa.

Public transportation includes buses, subways, light rail, commuter rail, monorail, passenger ferry boats, trolleys, inclined railways, people movers, and vans. Public transportation can be either fixed route or demand response service.

The Federal Government, through FTA, provides financial assistance to develop new transit systems and improve, maintain, and operate existing systems. FTA oversees thousands of grants to hundreds of State and local transit providers, primarily through its ten regional offices. These grant recipients are responsible for managing their programs in accordance with Federal requirements, and FTA is responsible for ensuring that recipients follow Federal statutory and administrative requirements.

2. AUTHORIZING LEGISLATION. Most Federal transit laws are codified at title 49 U.S.C. Chapter 53. Authorizing legislation is substantive legislation enacted by Congress that establishes or continues the legal operation of a Federal program or agency. FTA's most recent authorizing legislation is the Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21), Public Law 112-141, signed into law on July 6, 2012, and effective October 1, 2012.
3. HOW TO CONTACT FTA. FTA's regional and metropolitan offices are responsible for providing financial assistance to FTA recipients and oversight of grant implementation for most FTA programs. Certain specific programs are the responsibility of FTA headquarters. Inquiries should be directed to either the regional or metropolitan office responsible for the geographic area in which the recipient is located. See FTA's website for more information.

Visit FTA's website, <http://www.fta.dot.gov>, or contact FTA Headquarters at the following address and phone number:

Federal Transit Administration  
Office of Communications and Congressional Affairs  
1200 New Jersey Avenue SE  
East Building  
Washington, DC 20590  
Phone: 202-366-4043; Fax: 202-366-3472

4. GRANTS.GOV. FTA posts all competitive grant opportunities on Grants.gov. Grants.gov is the one website for information on all discretionary Federal grant opportunities. Led by the U.S. Department of Health and Human Services (DHHS) and in partnership with Federal grant-making agencies, including 26 agencies, 11 commissions, and several States,

Grants.gov is one of 24 government-wide E-government initiatives. It is designed to improve access to government services via the Internet. More information about Grants.gov is available at <http://www.grants.gov/>.

5. DEFINITIONS. All definitions in chapter 53 of title 49, United States Code, and in 49 CFR part 21 apply to this Circular, as well as the following definitions:
- a. Applicant means a person or entity that submits an application, request, or plan required to be approved by the FTA Administrator or by a primary recipient, as a condition of eligibility for financial assistance from FTA, and "application" means such an application, request, or plan.
  - b. Demand response system: Any non-fixed route system of transporting individuals that requires advanced scheduling including services provided by public entities, non-profits, and private providers. An advance request for service is a key characteristic of demand response service.
  - c. Designated recipient means an entity designated, in accordance with the planning process under sections 5303 and 5304, by the Governor of a State, responsible local officials, and publicly owned operators of public transportation, to receive and apportion amounts under section 5336 to urbanized areas of 200,000 or more in population; or a State or regional authority, if the authority is responsible under the laws of a State for a capital project and for financing and directly providing public transportation.
  - d. Direct recipient means an entity that receives funding directly from FTA. For purposes of this Circular, a direct recipient is distinguished from a primary recipient in that a direct recipient does not extend financial assistance to subrecipients, whereas a primary recipient does.
  - e. Discrimination refers to any action or inaction, whether intentional or unintentional, in any program or activity of a Federal aid recipient, subrecipient, or contractor that results in disparate treatment, disparate impact, or perpetuating the effects of prior discrimination based on race, color, or national origin.
  - f. Disparate impact refers to a facially neutral policy or practice that disproportionately affects members of a group identified by race, color, or national origin, where the recipient's policy or practice lacks a substantial legitimate justification and where there exists one or more alternatives that would serve the same legitimate objectives but with less disproportionate effect on the basis of race, color, or national origin.
  - g. Disproportionate burden refers to a neutral policy or practice that disproportionately affects low-income populations more than non-low-income populations. A finding of disproportionate burden requires the recipient to evaluate alternatives and mitigate burdens where practicable.
  - h. Disparate treatment refers to actions that result in circumstances where similarly situated persons are intentionally treated differently (i.e., less favorably) than others because of their race, color, or national origin.

- i. Fixed guideway means a public transportation facility—using and occupying a separate right-of-way for the exclusive use of public transportation; using rail; using a fixed catenary system; for a passenger ferry system; or for a bus rapid transit system.
- j. Fixed route refers to public transportation service provided in vehicles operated along pre-determined routes according to a fixed schedule.
- k. Federal financial assistance refers to
  - (1) grants and loans of Federal funds;
  - (2) the grant or donation of Federal property and interests in property;
  - (3) the detail of Federal personnel;
  - (4) the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and
  - (5) any Federal agreement, arrangement, or other contract that has as one of its purposes the provision of assistance.
- l. Limited English Proficient (LEP) persons refers to persons for whom English is not their primary language and who have a limited ability to read, write, speak, or understand English. It includes people who reported to the U.S. Census that they speak English less than very well, not well, or not at all.
- m. Low-income person means a person whose median household income is at or below the U.S. Department of Health and Human Services (HHS) poverty guidelines.
 

Recipients are encouraged to use a locally developed threshold, such as the definition found in 49 U.S.C. 5302 as amended by MAP-21: “refers to an individual whose family income is at or below 150 percent of the poverty line (as that term is defined in Section 673(2) of the Community Services Block Grant Act (42 U.S.C 9902(2)), including any revision required by that section) for a family of the size involved” or another threshold, provided that the threshold is at least as inclusive as the HHS poverty guidelines.
- n. Low-income population refers to any readily identifiable group of low-income persons who live in geographic proximity, and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed FTA program, policy or activity.
- o. Metropolitan planning organization (MPO) means the policy board of an organization created and designated to carry out the metropolitan transportation planning process.

- p. Metropolitan transportation plan (MTP) means the official multimodal transportation plan addressing no less than a 20-year planning horizon that is developed, adopted, and updated by the MPO through the metropolitan transportation planning process.
- q. Minority persons include the following:
- (1) American Indian and Alaska Native, which refers to people having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.
  - (2) Asian, which refers to people having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
  - (3) Black or African American, which refers to people having origins in any of the Black racial groups of Africa.
  - (4) Hispanic or Latino, which includes persons of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.
  - (5) Native Hawaiian or Other Pacific Islander, which refers to people having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- r. Minority population means any readily identifiable group of minority persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient populations (such as migrant workers or Native Americans) who will be similarly affected by a proposed DOT program, policy, or activity.
- s. Minority transit route means a route that has at least 1/3 of its total revenue mileage in a Census block or block group, or traffic analysis zone(s) with a percentage of minority population that exceeds the percentage of minority population in the transit service area. A recipient may supplement this service area data with route-specific ridership data in cases where ridership does not reflect the characteristics of the census block, block group, or traffic analysis zone.
- t. National origin means the particular nation in which a person was born, or where the person's parents or ancestors were born.
- u. Noncompliance refers to an FTA determination that the recipient is not in compliance with the DOT Title VI regulations, and has engaged in activities that have had the purpose or effect of denying persons the benefits of, excluding from participation in, or subjecting persons to discrimination in the recipient's program or activity on the basis of race, color, or national origin.
- v. Non-profit organization: A corporation or association determined by the Secretary of the Treasury to be an organization described by 26 U.S.C. 501(c) which is exempt from taxation under 26 U.S.C. 501(a) or one which has been determined under State law to be

non-profit and for which the designated State agency has received documentation certifying the status of the non-profit organization.

- w. Predominantly minority area means a geographic area, such as a neighborhood, Census tract, block or block group, or traffic analysis zone, where the proportion of minority persons residing in that area exceeds the average proportion of minority persons in the recipient's service area.
- x. Primary recipient means any FTA recipient that extends Federal financial assistance to a subrecipient.
- y. Provider of fixed route public transportation (or "transit provider") means any entity that operates public transportation service, and includes States, local and regional entities, and public and private entities. This term is used in place of "recipient" in chapter IV and is inclusive of direct recipients, primary recipients, designated recipients, and subrecipients that provide fixed route public transportation service.
- z. Public transportation means regular, continuing shared-ride surface transportation services that are open to the general public or open to a segment of the general public defined by age, disability, or low income; and does not include Amtrak, intercity bus service, charter bus service, school bus service, sightseeing service, courtesy shuttle service for patrons of one or more specific establishments, or intra-terminal or intra-facility shuttle services. Public transportation includes buses, subways, light rail, commuter rail, monorail, passenger ferry boats, trolleys, inclined railways, people movers, and vans. Public transportation can be either fixed route or demand response service.
- aa. Recipient as used in this Circular, means any public or private entity that receives Federal financial assistance from FTA, whether directly from FTA or indirectly through a primary recipient. This term includes subrecipients, direct recipients, designated recipients, and primary recipients. The term does not include any ultimate beneficiary under any such assistance program.
- bb. Secretary means the Secretary of the U.S. Department of Transportation.
- cc. Service area refers either to the geographic area in which a transit agency is authorized by its charter to provide service to the public, or to the planning area of a State Department of Transportation or Metropolitan Planning Organization.
- dd. Service standard/policy means an established service performance measure or policy used by a transit provider or other recipient as a means to plan or distribute services and benefits within its service area.
- ee. Statewide transportation improvement program (STIP) means a statewide prioritized listing/program of transportation projects covering a period of four years that is consistent with the long-range statewide transportation plan, metropolitan transportation plans, and TIPs, and required for projects to be eligible for funding under title 23 U.S.C. and title 49 U.S.C. Chapter 53.

- ff. Subrecipient means an entity that receives Federal financial assistance from FTA through a primary recipient.
  - gg. Title VI Program refers to a document developed by an FTA recipient to demonstrate how the recipient is complying with Title VI requirements. Direct and primary recipients must submit their Title VI Programs to FTA every three years. The Title VI Program must be approved by the recipient's board of directors or appropriate governing entity or official(s) responsible for policy decisions prior to submission to FTA. For State DOTs, the appropriate governing entity is the State's Secretary of Transportation or equivalent.
  - hh. Transportation improvement program (TIP) means a prioritized listing/program of transportation projects covering a period of four years that is developed and formally adopted by an MPO as part of the metropolitan transportation planning process, consistent with the metropolitan transportation plan, and required for projects to be eligible for funding under title 23 U.S.C. and title 49 U.S.C. Chapter 53.
  - ii. Transportation management area (TMA) means an urbanized area with a population over 200,000, as defined by the Bureau of the Census and designated by the Secretary of Transportation, or any additional area where TMA designation is requested by the Governor and the MPO and designated by the Secretary of Transportation.
6. ENVIRONMENTAL JUSTICE. Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," was signed by President Clinton on February 11, 1994. Subsequent to issuance of the Executive Order, the U.S. Department of Transportation (DOT) issued a DOT Order for implementing the Executive Order on environmental justice (EJ). The DOT Order (Order 5610.2(a), "Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," 77 FR 27534, May 10, 2012) describes the process the Department and its modal administrations (including FTA) will use to incorporate EJ principles into programs, policies, and activities.

The Presidential memorandum accompanying EO 12898 identified Title VI of the Civil Rights Act of 1964 as one of several Federal laws that should be applied "to prevent minority communities and low-income communities from being subject to disproportionately high and adverse environmental effects." According to the U.S. Department of Justice, "...the core tenet of environmental justice—that development and urban renewal benefitting a community as a whole not be unjustifiably purchased through the disproportionate allocation of its adverse environmental and health burdens on the community's minority—flows directly from the underlying principle of Title VI itself."<sup>1</sup>

Title VI prohibits discrimination by recipients of Federal financial assistance on the basis of race, color, and national origin, including the denial of meaningful access for limited English proficient (LEP) persons. Under DOT's Title VI regulations, recipients of Federal financial assistance are prohibited from, among other things, using "criteria or methods of administering its program which have the effect of subjecting individuals to discrimination based on their race, color, or national origin." For example, facially neutral policies or

<sup>1</sup> See Title VI Legal Manual, U.S. Department of Justice Civil Rights Division (2001), page 59.

practices that result in discriminatory effects or disparate impacts violate DOT's Title VI regulations, unless the recipient can show the policies or practices are substantially justified and there is no less discriminatory alternative. In addition, Title VI and DOT regulations prohibit recipients from intentionally discriminating against people on the basis of race, color, and national origin.

The overlap between the statutory obligation placed on Federal agencies under Title VI to ensure nondiscrimination in federally assisted programs administered by State and local entities, and the administrative directive to Federal agencies under the Executive Order to address disproportionate adverse impacts of Federal activities on minority and low-income populations explain why Title VI and environmental justice are often paired. The clear objective of the Executive Order and Presidential memorandum is to ensure that Federal agencies promote and enforce nondiscrimination as one way of achieving the overarching objective of environmental justice—fair distribution of the adverse impacts of, or burdens associated with, Federal programs, policies, and activities.

Over the years, U.S. DOT has encouraged a proactive approach to the implementation of environmental justice principles in its programs, policies, and activities. This is reflected in the DOT Order on Environmental Justice (DOT Order 5610.2(a)) which, consistent with E.O. 12898, sets forth a process by which DOT and its Operating Administrations, including FTA, will integrate the goals of environmental justice into their existing operations to ensure that consideration of EJ principles is an integral part of all programs, policies, and activities, from the inception of the planning process through to project completion, operations, and evaluation.

FTA has developed policy guidance in the form of a Circular (Circular 4703.1), "Environmental Justice Policy Guidance for Federal Transit Administration Recipients," in order to provide recipients with a distinct framework to assist them as they integrate principles of environmental justice into their public transportation decision-making processes. FTA expects the clarification provided by the EJ Circular and the updated Title VI Circular will provide recipients with the guidance they need to properly incorporate both Title VI and environmental justice into their public transportation decision-making.

Because of the connection between EJ and Title VI, the consideration of EJ principles has sometimes been confused with the requirements of Title VI. Here is a summary of the key differences between the two:

Key Aspects of the Authorities	Title VI	Environmental Justice
<b>What is the basis for the authority?</b>	Title VI is a Federal statute and provides that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving	The basis for addressing environmental justice is an Executive Order: EO 12898 directs each Federal agency to "make achieving environmental justice part of its mission." The EO is intended to improve the internal management of the

Key Aspects of the Authorities	Title VI	Environmental Justice
	Federal financial assistance.	executive branch and not to create legal rights enforceable by a party against the U.S.
<b>What is the purpose of the authority?</b>	Title VI prohibits recipients of Federal financial assistance (e.g., states, local governments, transit providers) from discriminating on the basis of race, color, or national origin in their programs or activities, and it obligates Federal funding agencies to enforce compliance.	EO 12898 calls on each Federal agency to achieve "environmental justice...by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations...."
<b>To whom does the authority apply?</b>	Title VI is a Federal law that applies to recipients and subrecipients of Federal financial assistance (e.g., States, local governments, transit providers), and not to DOT itself.	EO 12898 applies to Federal agency actions, including DOT's and FTA's actions. Title VI is one of the tools used by Federal agencies to implement this directive.
<b>What does the authority require, and of whom?</b>	Under Title VI, DOT has the responsibility to provide oversight of recipients and to enforce their compliance with Title VI, to ensure that recipients do not use DOT funds to subsidize discrimination based on race, color, or national origin.	EO 12898 is a directive from the President of the United States to Federal agencies intended to improve the internal management of the Federal government. DOT issued its own Order implementing EO 12898, and updated the Order in May 2012 (Order 5610.2(a)).
<b>What does the authority say with regard to negative effects or impacts?</b>	In accordance with 49 CFR part 21 and Title VI case law, if an otherwise facially neutral program, policy, or activity will have a discriminatory impact on minority populations, that program, policy, or activity may only be carried out if (1) the recipient can demonstrate a substantial legitimate justification for the program, policy, or activity; (2) there are	In accordance with EO 12898 and the DOT Order on EJ, if a DOT program, policy, or activity will have a disproportionately high and adverse effect on minority or low-income populations, that program, policy, or activity may only be carried out if further mitigation measures or alternatives that would reduce the disproportionately high and



Key Aspects of the Authorities	Title VI	Environmental Justice
	no comparably effective alternative practices that would result in less-disparate impacts; and (3) the justification for the program, policy or activity is not a pretext for discrimination.	adverse effects are not practicable. In determining whether a mitigation measure or an alternative is "practicable," the social, economic (including costs) and environmental effects of avoiding or mitigating the adverse effects will be taken into account.
<b>Does the authority create any rights or remedies?</b>	Title VI allows persons alleging discrimination based on race, color, or national origin by recipients of Federal funds to file administrative complaints with the Federal departments and agencies that provide financial assistance. Persons alleging intentional discrimination (i.e., disparate treatment) may bring a court action seeking to enforce Title VI but cannot do so with regard to allegations of discrimination based on agency disparate impact regulations. Disparate impact claims may be filed with the Federal agency.	EO 12898 establishes the Executive Branch policy on environmental justice; it is not enforceable in court and does not create any rights or remedies.

Thus, while Title VI is one tool for agencies to use to achieve the principles of environmental justice, it is important to recognize that Title VI imposes statutory and regulatory requirements that are broader in scope than environmental justice. Recipients are cautioned that while there may be overlap, engaging in an EJ analysis under Federal transportation planning and NEPA provisions will not satisfy Title VI requirements, as outlined in this Title VI Circular. Similarly, a Title VI analysis will not necessarily satisfy environmental justice, given that Title VI does not include low-income populations. Moreover, Title VI applies to all activities of Federal recipients, not solely those which may have disproportionately high and adverse human health or environmental effects on EJ populations.

For example, while a bus rehabilitation project may not impose disproportionately high or adverse health or environmental effects on minority or low-income populations, the *use* of those buses subsequent to the rehabilitation may be subject to a Title VI analysis to ensure that vehicles assigned to a particular area do not result in a disparate impact on the basis of

race, color, or national origin. In addition, if there are substantive changes to the service levels for which the rehabilitated or other buses will be used, i.e., the vehicles are deployed in such a way that the nature and quantity of service in a particular area is changed, then a service equity analysis must be conducted to determine whether this change results in a disparate impact on the basis of race, color, or national origin. The requirements for that particular analysis are part of the compliance determinations made for Federal transit recipients under chapter IV of this Circular.

## CHAPTER II

### PROGRAM OVERVIEW

1. PROGRAM OBJECTIVES. The direction, guidance and procedures in this document will help FTA recipients to:
  - a. Ensure that the level and quality of public transportation service is provided in a nondiscriminatory manner;
  - b. Promote full and fair participation in public transportation decision-making without regard to race, color, or national origin;
  - c. Ensure meaningful access to transit-related programs and activities by persons with limited English proficiency.
2. STATUTORY AUTHORITY. Section 601 of Title VI of the Civil Rights Act of 1964 states the following:

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

The Civil Rights Restoration Act of 1987 clarified the broad, institution-wide application of Title VI. Title VI covers all of the operations of covered entities without regard to whether specific portions of the covered program or activity are Federally funded. The term "program or activity" means all of the operations of a department, agency, special purpose district, or government; or the entity of such State or local government that distributes such assistance and each such department or agency to which the assistance is extended, in the case of assistance to a State or local government.

Therefore, compliance with this Circular does not relieve a recipient from the requirements and responsibilities of the DOT Title VI regulation at 49 CFR part 21, or any other requirements under other Federal agencies' Title VI regulations, as applicable. This Circular only provides guidance on the transit-related aspects of an entity's activities. Recipients are responsible for ensuring that all of their activities are in compliance with Title VI. In other words, a recipient may engage in activities not described in the Circular, such as ridesharing programs, roadway incident response programs, or other programs not funded by FTA, and those programs must also be administered in a nondiscriminatory manner.

3. REGULATORY AUTHORITY. The U.S. Department of Justice ("DOJ") Title VI regulations can be found at 28 CFR § 42.401 *et seq.*, and 28 CFR § 50.3. The U.S. Department of Transportation ("DOT") Title VI implementing regulations can be found at 49 CFR part 21.

All programs receiving financial assistance from FTA are subject to Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and DOT's implementing regulations. In addition, DOJ's regulations require agencies such as DOT to issue guidelines to recipients to provide

detailed information on the requirements of Title VI. In order to assist recipients in carrying out the provisions of DOT's Title VI regulations, each of the requirements in this Circular includes a reference to the corresponding provision of 49 CFR part 21.

4. **ADDITIONAL DOCUMENTS.** In addition to the above-listed statute and regulations the following documents incorporate Title VI principles:
  - a. The Department's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient Persons ("DOT LEP Guidance"), 70 FR 74087, (December 14, 2005). This guidance is based on the prohibition against national origin discrimination in Title VI of the Civil Rights Act of 1964, as it affects limited English proficient persons.
  - b. Section 12 of FTA's Master Agreement, which provides, in pertinent part, that recipients agree to comply, and assure the compliance of each subrecipient, lessee, third party contractor, or other participant at any tier of the Project, with all provisions prohibiting discrimination on the basis of race, color, or national origin of Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000d *et seq.*, and with U.S. DOT regulations, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act," 49 CFR part 21. Except to the extent FTA determines otherwise in writing, recipients agree to follow all applicable provisions of the most recent edition of FTA Circular 4702.1B, "Title VI Requirements and Guidelines for Federal Transit Administration Recipients," and any other applicable Federal directives that may be issued. Unless FTA states otherwise in writing, the Master Agreement requires all recipients to comply with all applicable Federal directives.
5. **REPORTING REQUIREMENTS.** Title 49 CFR Section 21.9(b) requires recipients to "keep such records and submit to the Secretary timely, complete, and accurate compliance reports at such times, and in such form and containing such information, as the Secretary may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with [49 CFR part 21]." FTA requires that all direct and primary recipients document their compliance by submitting a Title VI Program to their FTA regional civil rights officer once every three years. The Title VI Program must be approved by the direct or primary recipient's board of directors or appropriate governing entity or official(s) responsible for policy decisions prior to submission to FTA. For State DOTs, the appropriate governing entity is the State's Secretary of Transportation or equivalent. Recipients shall submit a copy of the Board resolution, meeting minutes, or similar documentation with the Title VI Program as evidence that the board of directors or appropriate governing entity or official(s) has approved the Title VI Program. FTA will review and concur or request the recipient provide additional information.

Subrecipients shall submit Title VI Programs to the primary recipient from whom they receive funding, in order to assist the primary recipient in its compliance efforts, on a schedule to be determined by the primary recipient. In the event an entity receives funds from more than one primary recipient, the subrecipient shall submit Title VI Programs to all primary recipients from which it receives funds. Chapters III, IV, V, and VI and appendices

detail the specific information that shall be included in Title VI Programs, based on recipient characteristics.

6. APPLICABILITY TO CONTRACTORS. Contractors and subcontractors are responsible for complying with the Title VI Program of the recipient with whom they are contracting. Contractors are not required to prepare or submit Title VI Programs. Recipients are responsible for ensuring that contractors are following the Title VI Program, and complying with Title VI.



**CHAPTER III****GENERAL REQUIREMENTS AND GUIDELINES**

1. **INTRODUCTION.** This chapter describes requirements that all FTA recipients must follow to ensure that their programs, policies, and activities comply with DOT's Title VI regulations.
2. **REQUIREMENT TO PROVIDE TITLE VI ASSURANCES.** In accordance with 49 CFR Section 21.7(a), every application for financial assistance from FTA must be accompanied by an assurance that the applicant will carry out the program in compliance with DOT's Title VI regulations. This requirement shall be fulfilled when the applicant/recipient submits its annual certifications and assurances to FTA. Primary recipients shall collect Title VI assurances from subrecipients prior to passing through FTA funds. The text of FTA's annual certifications and assurances is available on FTA's website.
3. **REQUIREMENTS FOR FIRST-TIME APPLICANTS.** First-time applicants must submit a Title VI Program that is compliant with this Circular, and submit an assurance (as noted in Section 2 above) that it will comply with Title VI. In addition, and consistent with 28 CFR § 50.3, entities applying for FTA funding for the first time shall provide information regarding their Title VI compliance history if they have previously received funding from another Federal agency. This shall include a copy of any Title VI compliance review activities conducted in the previous three years. The summary shall include:
  - a. The purpose or reason for the review.
  - b. The name of the agency or organization that performed the review.
  - c. A summary of the findings and recommendations of the review.
  - d. A report on the status and/or disposition of such findings and recommendations. This information shall be relevant to the organizational entity actually submitting the application, not necessarily the larger agency or department of which the entity is a part.

In addition, first-time applicants shall submit a brief description of any pending applications to other Federal agencies for assistance, and whether any Federal agency has found the applicant to be in noncompliance with any civil rights requirement.

4. **REQUIREMENT TO PREPARE AND SUBMIT A TITLE VI PROGRAM.** Title 49 CFR Section 21.9(b) requires recipients to "keep such records and submit to the Secretary timely, complete, and accurate compliance reports at such times, and in such form and containing such information, as the Secretary may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this [rule]." FTA requires that all direct and primary recipients document their compliance with DOT's Title VI regulations by submitting a Title VI Program to their FTA regional civil rights officer once every three years or as otherwise directed by FTA. For all recipients (including subrecipients), the Title VI Program must be approved by the recipient's board of directors or appropriate governing entity or official(s) responsible for policy decisions prior to submission to FTA. For State

DOTs, the appropriate governing entity is the State's Secretary of Transportation or equivalent. Recipients shall submit a copy of the board resolution, meeting minutes, or similar documentation with the Title VI Program as evidence that the board of directors or appropriate governing entity or official(s) has approved the Title VI Program. FTA will review and concur or request the recipient provide additional information.

Subrecipients shall submit Title VI Programs to the primary recipient from whom they receive funding in order to assist the primary recipient in its compliance efforts. Such Programs may be submitted and stored electronically at the option of the primary recipient. Subrecipients may choose to adopt the primary recipient's notice to beneficiaries, complaint procedures and complaint form, public participation plan, and language assistance plan where appropriate. Operational differences between the primary recipient and subrecipient may require, in some instances, that the subrecipient tailor its language assistance plan. Subrecipients shall develop and submit to the primary recipient a list of complaints, investigations, or lawsuits. Subrecipients that have transit-related non-elected planning boards, advisory councils, or committees, the membership of which is selected by the subrecipient, must provide a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees. Subrecipients must submit all the above information to the primary recipient on a schedule requested by the primary recipient. Collection and storage of subrecipient Title VI Programs may be electronic at the option of the primary recipient.

a. Contents. Every Title VI Program shall include the following information:

- (1) A copy of the recipient's Title VI notice to the public that indicates the recipient complies with Title VI, and informs members of the public of the protections against discrimination afforded to them by Title VI. Include a list of locations where the notice is posted. A sample Title VI notice is in Appendix B.
- (2) A copy of the recipient's instructions to the public regarding how to file a Title VI discrimination complaint, including a copy of the complaint form. Sample complaint procedures are in Appendix C, and a sample Title VI complaint form is in Appendix D.
- (3) A list of any public transportation-related Title VI investigations, complaints, or lawsuits filed with the recipient since the time of the last submission. See Appendix E for an example of how to report this information. This list should include only those investigations, complaints, or lawsuits that pertain to allegations of discrimination on the basis of race, color, and/or national origin in transit-related activities and programs and that pertain to the recipient submitting the report, not necessarily the larger agency or department of which the recipient is a part.
- (4) A public participation plan that includes an outreach plan to engage minority and limited English proficient populations, as well as a summary of outreach efforts made since the last Title VI Program submission. A recipient's targeted public participation plan for minority populations may be part of efforts that extend more broadly to



include other constituencies that are traditionally underserved, such as people with disabilities, low-income populations, and others.

- (5) A copy of the recipient's plan for providing language assistance to persons with limited English proficiency, based on the DOT LEP Guidance.
  - (6) Recipients that have transit-related, non-elected planning boards, advisory councils or committees, or similar bodies, the membership of which is selected by the recipient, must provide a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees or councils.
  - (7) Primary recipients shall include a narrative or description of efforts the primary recipient uses to ensure subrecipients are complying with Title VI, as well as a schedule of subrecipient Title VI program submissions.
  - (8) If the recipient has constructed a facility, such as a vehicle storage facility, maintenance facility, operation center, etc., the recipient shall include a copy of the Title VI equity analysis conducted during the planning stage with regard to the location of the facility.
  - (9) Additional information as specified in chapters IV, V, and VI, depending on whether the recipient is a fixed route transit provider, a State, or an MPO.
- b. Upload Title VI Program to TEAM. Direct and primary recipients must upload their Title VI Program into FTA's Transportation Electronic Award Management (TEAM) system, or other tracking system as directed by FTA. The Title VI Program shall be attached via the paper clip function on the Civil Rights screen, and not attached to a particular grant. Recipients must also notify their FTA Regional Civil Rights Officer via email that they have uploaded their Title VI Program to TEAM. The Title VI Program must be uploaded to TEAM no fewer than sixty calendar days prior to the date of expiration of the Title VI Program.
- c. Determinations. The status of a direct or primary recipient's Title VI Program will be noted in TEAM. The three status determinations are:
- (1) Concur. This status indicates that the recipients' Title VI Program meets the requirements as set out in this Circular. The recipient may receive grant funds.
  - (2) In review. This status indicates that the recipient's Title VI Program is being reviewed by FTA staff and a determination as to sufficiency has not yet been made. "In review" status is only effective for sixty days and grants may be processed while a Title VI Program has an "in review" status.
  - (3) Expired/Expiration. This status indicates that the recipients' Title VI Program has expired and that an updated Title VI Program must be submitted. A recipient with an expired Title VI Program may have its draw-down privileges suspended and grants may not be processed.

- d. Reporting Requirement Exemptions. Recipients whose only FTA funding is through FTA's University Transportation Center Program, National Research and Technology Program, Transportation Cooperative Research Program, Over the Road Bus Accessibility program, or the Public Transportation on Indian Reservations program are exempt from submitting a Title VI Program to FTA. In addition, FTA may exempt a recipient, upon receipt of a request for a waiver submitted to the Director of the Office of Civil Rights, from the requirement to submit a Title VI Program, or from some elements of the Title VI Program. The absence of the requirement to submit a Title VI Program does not obviate the underlying obligations to comply with DOT's Title VI regulations. Furthermore, with the exception of the Public Transportation on Indian Reservation program, FTA may, at any time, request information from an exempt recipient in order to determine compliance with Title VI regulations and statutes.
5. REQUIREMENT TO NOTIFY BENEFICIARIES OF PROTECTION UNDER TITLE VI. Title 49 CFR Section 21.9(d) requires recipients to provide information to the public regarding the recipient's obligations under DOT's Title VI regulations and apprise members of the public of the protections against discrimination afforded to them by Title VI. At a minimum, recipients shall disseminate this information to the public by posting a Title VI notice on the agency's website and in public areas of the agency's office(s), including the reception desk, meeting rooms, etc. Recipients should also post Title VI notices at stations or stops, and/or on transit vehicles. A sample Title VI notice to the public is provided in Appendix B.
- a. Contents. The Title VI notice shall include:
- (1) A statement that the agency operates programs without regard to race, color, or national origin.
  - (2) A description of the procedures that members of the public should follow in order to request additional information on the recipient's Title VI obligations.
  - (3) A description of the procedures that members of the public shall follow in order to file a Title VI discrimination complaint against the recipient.
- b. Effective Practices for Fulfilling the Notification Requirement.
- (1) Dissemination. Agencies shall inform the public of their rights under Title VI through such measures as posting the Title VI notice on posters, comment cards, or flyers placed at stations, bus shelters, and in transit vehicles. The type, timing, and frequency of these measures are at the recipient's discretion, as long as the type, timing, and frequency are sufficient to notify passengers and other interested persons of their rights under DOT's Title VI regulations with regard to the recipient's program.
  - (2) Document translation. Notices detailing a recipient's Title VI obligations and complaint procedures shall be translated into languages other than English, as needed and consistent with the DOT LEP Guidance and the recipient's language assistance plan.

- (3) Subrecipients. In order to reduce the administrative burden associated with this requirement, subrecipients may adopt the Title VI Notice developed by the primary recipient; however, subrecipients shall notify passengers and other interested persons that they may file discrimination complaints directly with the subrecipient.
6. REQUIREMENT TO DEVELOP TITLE VI COMPLAINT PROCEDURES AND COMPLAINT FORM. In order to comply with the reporting requirements established in 49 CFR Section 21.9(b), all recipients shall develop procedures for investigating and tracking Title VI complaints filed against them and make their procedures for filing a complaint available to members of the public. Recipients must also develop a Title VI complaint form, and the form and procedure for filing a complaint shall be available on the recipient's website. FTA requires direct and primary recipients to report information regarding their complaint procedures in their Title VI Programs in order for FTA to determine compliance with DOT's Title VI regulations. In order to reduce the administrative burden associated with this requirement, subrecipients may adopt the Title VI complaint investigation and tracking procedures and complaint form developed by the primary recipient. Sample complaint procedure and complaint forms are located in Appendices C and D. See Chapter IX of this Circular for more information on complaints.
7. REQUIREMENT TO RECORD AND REPORT TRANSIT-RELATED TITLE VI INVESTIGATIONS, COMPLAINTS, AND LAWSUITS. In order to comply with the reporting requirements of 49 CFR Section 21.9(b), FTA requires all recipients to prepare and maintain a list of any of the following that allege discrimination on the basis of race, color, or national origin: active investigations conducted by entities other than FTA; lawsuits; and complaints naming the recipient. This list shall include the date that the investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient in response, or final findings related to, the investigation, lawsuit, or complaint. This list shall be included in the Title VI Program submitted to FTA every three years. See Appendix E for an example of how to report this information.
8. PROMOTING INCLUSIVE PUBLIC PARTICIPATION. The content and considerations of Title VI, the Executive Order on LEP, and the DOT LEP Guidance shall be integrated into each recipient's established public participation plan or process (i.e., the document that explicitly describes the proactive strategies, procedures, and desired outcomes that underpin the recipient's public participation activities). Recipients have wide latitude to determine how, when, and how often specific public participation activities should take place, and which specific measures are most appropriate. Recipients should make these determinations based on a demographic analysis of the population(s) affected, the type of plan, program, and/or service under consideration, and the resources available. Efforts to involve minority and LEP populations in public participation activities can include both comprehensive measures, such as placing public notices at all transit stations, stops, and vehicles, as well as targeted measures to address linguistic, institutional, cultural, economic, historical, or other barriers that may prevent minority and LEP persons from effectively participating in a recipient's decision-making process. FTA has developed a Circular, 4703.1, "Environmental Justice Policy Guidance for Federal Transit Administration Recipients," that includes many examples of effective strategies for engaging minority and low-income populations. FTA

encourages recipients to review that Circular for ideas when developing their public engagement strategy. Some of those effective practices include:

- a. Scheduling meetings at times and locations that are convenient and accessible for minority and LEP communities.
- b. Employing different meeting sizes and formats.
- c. Coordinating with community- and faith-based organizations, educational institutions, and other organizations to implement public engagement strategies that reach out specifically to members of affected minority and/or LEP communities.
- d. Considering radio, television, or newspaper ads on stations and in publications that serve LEP populations. Outreach to LEP populations could also include audio programming available on podcasts.
- e. Providing opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments.

Grant recipients are required to comply with the public participation requirements of 49 U.S.C. Sections 5307(b) (requires programs of projects to be developed with public participation) and 5307(c)(1)(I) (requires a locally developed process to consider public comment before raising a fare or carrying out a major reduction in transportation service). FTA/FHWA (Federal Highway Administration) joint planning regulations (23 CFR part 450) require States and MPOs engaged in planning activities to seek out and consider the needs and input of the general public, including interested parties and those traditionally underserved by existing transportation systems, such as minority and LEP persons, who may face challenges accessing employment and other services, as States and MPOs develop and conduct their public involvement activities. Recipients engaged in planning and other decision-making activities at the local level should consider the principles embodied in the planning regulations, and develop and use a documented public participation plan or process that provides adequate notice of public participation activities, as well as early and continuous opportunities for public review and comment at key decision points.

9. REQUIREMENT TO PROVIDE MEANINGFUL ACCESS TO LEP PERSONS. Consistent with Title VI of the Civil Rights Act of 1964, DOT's implementing regulations, and Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency" (65 FR 50121, Aug. 11, 2000), recipients shall take reasonable steps to ensure meaningful access to benefits, services, information, and other important portions of their programs and activities for individuals who are limited-English proficient (LEP). This Circular contains only a summary of the LEP requirements as they apply to FTA recipients; recipients are encouraged to review DOT's LEP guidance for additional information (70 FR 74087, Dec. 14, 2005) <http://www.gpo.gov/fdsys/pkg/FR-2005-12-14/pdf/05-23972.pdf>. Recipients are also encouraged to review DOJ's guidelines on self-assessment, Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs (May 2011), as well as other materials, available at [www.lep.gov](http://www.lep.gov).

- a. **Four Factor Analysis.** In order to ensure meaningful access to programs and activities, recipients shall use the information obtained in the Four Factor Analysis to determine the specific language services that are appropriate to provide. A careful analysis can help a recipient determine if it communicates effectively with LEP persons and will inform language access planning. The Four Factor Analysis is an individualized assessment that balances the following four factors:

- (1) **The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient.** This population will be program-specific. In addition to the number or proportion of LEP persons served, the recipient's analysis should, at a minimum, identify:

- (a) How LEP persons interact with the recipient's agency;
- (b) Identification of LEP communities, and assessing the number or proportion of LEP persons from each language group to determine the appropriate language services for each language group;
- (c) The literacy skills of LEP populations in their native languages, in order to determine whether translation of documents will be an effective practice; and
- (d) Whether LEP persons are underserved by the recipient due to language barriers.

- (2) **The frequency with which LEP persons come into contact with the program.** Recipients should survey key program areas and assess major points of contact with the public, such as:

- (a) Use of bus and rail service;
- (b) Purchase of passes and tickets through vending machines, outlets, websites, and over the phone;
- (c) Participation in public meetings;
- (d) Customer service interactions;
- (e) Ridership surveys;
- (f) Operator surveys.

- (3) **The nature and importance of the program, activity, or service provided by the program to people's lives.** Generally speaking, the more important the program, the more frequent the contact and the likelihood that language services will be needed. The provision of public transportation is a vital service, especially for people without access to personal vehicles. An MPO's regional planning activities will impact every person in a region. Development of a coordinated plan to meet the specific

transportation needs of seniors and people with disabilities will often also meet the needs of LEP persons. A person who is LEP may have a disability that prevents the person from using fixed route service, thus making the person eligible for ADA complementary paratransit. Transit providers, States, and MPOs must assess their programs, activities and services to ensure they are providing meaningful access to LEP persons. Facilitated meetings with LEP persons are one method to inform the recipient on what the local LEP population considers to be an essential service, as well as the most effective means to provide language assistance.

- (4) **The resources available to the recipient for LEP outreach, as well as the costs associated with that outreach.** Resource and cost issues can often be reduced by technological advances, reasonable business practices, and the sharing of language assistance materials and services among and between recipients, advocacy groups, LEP populations and Federal agencies. Large entities and those entities serving a significant number of LEP persons should ensure that their resource limitations are well substantiated before using this factor as a reason to limit language assistance.
- b. Developing a Language Assistance Plan. After completing the Four Factor Analysis, the recipient shall use the results of the analyses to determine which language assistance services are appropriate. Additionally, the recipient shall develop an assistance plan to address the identified needs of the LEP population(s) it serves. The DOT LEP Guidance recognizes that certain recipients, such as those serving very few LEP persons or those with very limited resources, may choose not to develop a written plan. However, FTA has determined it is necessary to require its recipients to develop an assistance plan in order to ensure compliance. A recipient may formally request an exemption from this requirement if it believes it fits within the exception described.

Recipients have considerable flexibility in developing a Language Assistance Plan, or LEP Plan. An LEP Plan shall, at a minimum:

- (a) Include the results of the Four Factor Analysis, including a description of the LEP population(s) served;
- (b) Describe how the recipient provides language assistance services by language;
- (c) Describe how the recipient provides notice to LEP persons about the availability of language assistance;
- (d) Describe how the recipient monitors, evaluates and updates the language access plan; and
- (e) Describe how the recipient trains employees to provide timely and reasonable language assistance to LEP populations.

FTA will solely determine, at the time the recipient submits its Title VI Program or subsequent to a complaint investigation or compliance review, whether a recipient's plan is sufficient to ensure meaningful access and thus ensure the recipient is not engaging in discrimination on the basis of national origin.

After completing the Four Factor Analysis, a recipient may determine that an effective LEP plan for its community includes the translation of vital documents into the language of each frequently encountered LEP group eligible to be served and/or likely to be affected by the recipient's programs and services. Vital written documents include, but are not limited to, consent and complaint forms; intake and application forms with the potential for important consequences; written notices of rights; notices of denials, losses, or decreases in benefits or services; and notices advising LEP individuals of free language assistance services. Examples of vital documents include an ADA complementary paratransit eligibility application, a Title VI complaint form, notice of a person's rights under Title VI, and other documents that provide access to essential services. Failure to translate these vital documents could result in a recipient denying an eligible LEP person access to services and discrimination on the basis of national origin.

- c. Safe Harbor Provision. DOT has adopted DOJ's Safe Harbor Provision, which outlines circumstances that can provide a "safe harbor" for recipients regarding translation of written materials for LEP populations. The Safe Harbor Provision stipulates that, if a recipient provides written translation of vital documents for each eligible LEP language group that constitutes five percent (5%) or 1,000 persons, whichever is less, of the total population of persons eligible to be served or likely to be affected or encountered, then such action will be considered strong evidence of compliance with the recipient's written translation obligations. Translation of non-vital documents, if needed, can be provided orally. If there are fewer than 50 persons in a language group that reaches the five percent (5%) trigger, the recipient is not required to translate vital written materials but should provide written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

These safe harbor provisions apply to the translation of written documents only. They do not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable. A recipient may determine, based on the Four Factor Analysis, that even though a language group meets the threshold specified by the Safe Harbor Provision, written translation may not be an effective means to provide language assistance measures. For example, a recipient may determine that a large number of persons in that language group have low literacy skills in their native language and therefore require oral interpretation. In such cases, background documentation regarding the determination shall be provided to FTA in the Title VI Program.

10. MINORITY REPRESENTATION ON PLANNING AND ADVISORY BODIES. Title 49 CFR Section 21.5(b)(1)(vii) states that a recipient may not, on the grounds of race, color, or national origin, "deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program." Recipients that have transit-related, non-elected planning boards, advisory councils or committees, or similar committees, the membership of which is selected by the recipient, must provide a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees.

11. **PROVIDING ASSISTANCE TO SUBRECIPIENTS.** Title 49 CFR Section 21.9(b) states that if “a primary recipient extends Federal financial assistance to any other recipient, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this part.” See Appendix L for clarification of reporting responsibilities by recipient category. Primary recipients should assist their subrecipients in complying with DOT’s Title VI regulations, including the general reporting requirements. Assistance shall be provided to the subrecipient as necessary and appropriate by the primary recipient. Primary recipients should provide the following information to subrecipients; such information, forms, and data may be kept in a central repository and available for all subrecipients:
- a. Sample notices to the public informing beneficiaries of their rights under DOT’s Title VI regulations, procedures on how to file a Title VI complaint, and the recipient’s Title VI complaint form.
  - b. Sample procedures for tracking and investigating Title VI complaints filed with a subrecipient, and when the primary recipient expects the subrecipient to notify the primary recipient of complaints received by the subrecipient.
  - c. Demographic information on the race and English proficiency of residents served by the subrecipient. This information will assist the subrecipient in assessing the level and quality of service it provides to communities within its service area and in assessing the need for language assistance.
  - d. Any other recipient-generated or obtained data, such as travel patterns, surveys, etc., that will assist subrecipients in complying with Title VI.
12. **MONITORING SUBRECIPIENTS.** In accordance with 49 CFR 21.9(b), and to ensure that subrecipients are complying with the DOT Title VI regulations, primary recipients must monitor their subrecipients for compliance with the regulations. Importantly, if a subrecipient is not in compliance with Title VI requirements, then the primary recipient is also not in compliance.
- a. In order to ensure the primary and subrecipient are in compliance with Title VI requirements, the primary recipient shall undertake the following activities:
    - (1) Document its process for ensuring that all subrecipients are complying with the general reporting requirements of this circular, as well as other requirements that apply to the subrecipient based on the type of entity and the number of fixed route vehicles it operates in peak service if a transit provider.
    - (2) Collect Title VI Programs from subrecipients and review programs for compliance. Collection and storage of subrecipient Title VI Programs may be electronic at the option of the primary recipient.
    - (3) At the request of FTA, in response to a complaint of discrimination, or as otherwise deemed necessary by the primary recipient, the primary recipient shall request that subrecipients who provide transportation services verify that their level and quality of



service is provided on an equitable basis. Subrecipients that are fixed route transit providers are responsible for reporting as outlined in Chapter IV of this Circular.

- b. When a subrecipient is also a direct recipient of FTA funds, that is, applies for funds directly from FTA in addition to receiving funds from a primary recipient, the subrecipient/direct recipient reports directly to FTA and the primary recipient/designated recipient is not responsible for monitoring compliance of that subrecipient. The supplemental agreement signed by both entities in their roles as designated recipient and direct recipient relieves the primary recipient/designated recipient of this oversight responsibility. See Appendix L for clarification of reporting responsibilities by recipient category.

13. DETERMINATION OF SITE OR LOCATION OF FACILITIES. Title 49 CFR Section 21.9(b)(3) states, "In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination under any program to which this regulation applies, on the grounds of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act or this part." Title 49 CFR part 21, Appendix C, Section (3)(iv) provides, "The location of projects requiring land acquisition and the displacement of persons from their residences and businesses may not be determined on the basis of race, color, or national origin." For purposes of this requirement, "facilities" does not include bus shelters, as these are transit amenities and are covered in Chapter IV, nor does it include transit stations, power substations, etc., as those are evaluated during project development and the NEPA process. Facilities included in this provision include, but are not limited to, storage facilities, maintenance facilities, operations centers, etc. In order to comply with the regulations:

- a. The recipient shall complete a Title VI equity analysis during the planning stage with regard to where a project is located or sited to ensure the location is selected without regard to race, color, or national origin. Recipients shall engage in outreach to persons potentially impacted by the siting of facilities. The Title VI equity analysis must compare the equity impacts of various siting alternatives, and the analysis must occur before the selection of the preferred site.
- b. When evaluating locations of facilities, recipients should give attention to other facilities with similar impacts in the area to determine if any cumulative adverse impacts might result. Analysis should be done at the Census tract or block group where appropriate to ensure that proper perspective is given to localized impacts.
- c. If the recipient determines that the location of the project will result in a disparate impact on the basis of race, color, or national origin, the recipient may only locate the project in that location if there is a substantial legitimate justification for locating the project there, and where there are no alternative locations that would have a less disparate impact on the basis of race, color, or national origin. The recipient must show how both tests are met; it is important to understand that in order to make this showing, the recipient must consider and analyze alternatives to determine whether those alternatives would have less

of a disparate impact on the basis of race, color, or national origin, and then implement the least discriminatory alternative.

14. REQUIREMENT TO PROVIDE ADDITIONAL INFORMATION UPON REQUEST. FTA may request, at its discretion, information other than that required by this Circular from a recipient in order for FTA to investigate complaints of discrimination or to resolve concerns about possible noncompliance with DOT's Title VI regulations.

**CHAPTER IV****REQUIREMENTS AND GUIDELINES FOR FIXED ROUTE TRANSIT PROVIDERS**

1. **INTRODUCTION.** The requirements described in this chapter apply to all providers of fixed route public transportation (also referred to as transit providers) that receive Federal financial assistance, inclusive of States, local and regional entities, and public and private entities. Contractors are responsible for following the Title VI Program(s) of the transit provider(s) with whom they contract. Transit providers that are subrecipients will submit the information required in this chapter to their primary recipient (the entity from whom they directly receive transit funds) every three years on a schedule determined by the primary recipient. Direct and primary recipients will submit the information required in this chapter to FTA every three years. See Appendix L for clarification of reporting responsibilities by recipient category.

All transit providers—whether direct recipients, primary recipients or subrecipients—that receive financial assistance from FTA are also responsible for following the general requirements in Chapter III of this circular. The requirements in this chapter are scaled based on the size of the fixed route transit provider.

Providers of public transportation that only operate demand response service are responsible only for the requirements in Chapter III. Demand response includes general public paratransit, Americans with Disabilities Act complementary paratransit, vanpools, and Section 5310 non-profits that serve only their own clientele (closed door service). Providers of public transportation that operate fixed route and demand response service, or only fixed route service, are responsible for the reporting requirements in this chapter, but these requirements only apply to fixed route service.

<b>Requirement</b>	<b>Transit Providers that operate fixed route service</b>	<b>Transit Providers that operate 50 or more fixed route vehicles in peak service and are located in a UZA of 200,000 or more in population</b>
Set system-wide standards and policies	Required	Required
Collect and report data	Not required	Required: <ul style="list-style-type: none"> <li>• Demographic and service profile maps and charts</li> <li>• Survey data regarding customer demographic and travel patterns</li> </ul>
Evaluate service and fare equity changes	Not required	Required
Monitor transit service	Not required	Required

a. If a transit provider:

- (1) Operates 50 or more fixed route vehicles in peak service and is located in an Urbanized Area (UZA) of 200,000 or more in population; or
- (2) Has been placed in this category at the discretion of the Director of Civil Rights in consultation with the FTA Administrator,

Then the transit provider's Title VI Program must contain all of the elements described in this chapter.

- b. If a fixed route transit provider does not meet the threshold in paragraph a, then the transit provider is only required to set system-wide standards and policies, as further described below.
  - c. Threshold. FTA requires all transit providers to submit a Title VI Program to comply with DOT Title VI regulations; the threshold provides a distinction regarding the degree of evidence a fixed route transit provider must provide to demonstrate compliance with those regulations.
  - d. Determination. As of the effective date of this circular (4702.1B), those transit providers that operate 50 or more fixed route vehicles in peak service and are located in a UZA of 200,000 or more in population, are required to meet all requirements of this chapter (i.e., setting service standards and policies, collecting and reporting data, monitoring transit service, and evaluating fare and service changes).
2. IMPLEMENTATION. Fixed route transit providers with Title VI Programs due between October 1, 2012 and March 31, 2013 must submit a Title VI Program that is compliant with this Circular by March 31, 2013. On or about October 1, 2012, FTA will publish a list of recipients that are in this group, and FTA will also reach out to each recipient to ensure awareness of the requirement.
- a. All fixed route transit providers with Title VI Programs that do not expire between October 1, 2012, and March 31, 2013, are required to develop or update their system-wide standards and policies and submit them into TEAM by March 31, 2013.
  - b. Title VI Programs due to expire on or after April 1, 2013, must comply with the reporting requirements of this Circular, 4702.1B.
  - c. Service Equity Analyses. Transit providers with 50 or more vehicles in fixed route service that are located in large UZAs and have major service changes scheduled between October 1, 2012 and March 31, 2013, may follow the service equity analysis guidance provided in FTA Circular 4702.1A. A transit provider may conduct a service equity analysis consistent with the new Circular for major service changes occurring prior to April 1, 2013, but is not required to do so. All major service changes occurring on or after April 1, 2013 must be analyzed with the framework outlined in section 7 of this chapter.

- d. Surveys. Transit providers with 50 or more vehicles in fixed route service that are located in large UZAs and that have not conducted passenger surveys in the last five years will have until December 31, 2013, to conduct these surveys.
3. REQUIREMENT TO PREPARE AND SUBMIT A TITLE VI PROGRAM. As stated in Chapter III of this Circular, in order to ensure compliance with the reporting requirements of 49 CFR Section 21.9(b), FTA requires that all direct and primary recipients document their compliance by submitting a Title VI Program to their FTA regional civil rights officer once every three years or as otherwise directed by FTA. For all transit providers (including subrecipients), the Title VI Program must be approved by the transit provider's board of directors or appropriate governing entity or official(s) responsible for policy decisions prior to submission to FTA. For State DOTs, the appropriate governing entity is the State's Secretary of Transportation or equivalent. Transit providers shall submit a copy of the board resolution, meeting minutes, or similar documentation with the Title VI Program as evidence that the board of directors or appropriate governing entity or official(s) has approved the Title VI Program. FTA will review and concur or request the recipient provide additional information. Subrecipients shall submit Title VI Programs to the primary recipient from whom they receive funding, on a schedule to be determined by the primary recipient, in order to assist the primary recipient in its compliance efforts. Collection and storage of subrecipient Title VI Programs may be electronic at the option of the primary recipient.
- a. Contents of the Title VI Program. Providers of fixed route public transportation shall include the following information in their Title VI Program.
- (1) All fixed route transit providers shall submit:
    - (a) All general requirements set out in Section 4 of Chapter III of this Circular; and
    - (b) System-wide service standards and system-wide service policies, whether existing or new (i.e., adopted by the transit provider since the last submission) as described in this chapter.
  - (2) Transit providers that operate 50 or more fixed route vehicles in peak service and are located in a UZA of 200,000 or more in population shall include the information in paragraph a(1) above, and will also include:
    - (a) A demographic analysis of the transit provider's service area. This shall include demographic maps and charts completed since submission of the last Title VI Program that contains demographic information and service profiles;
    - (b) Data regarding customer demographics and travel patterns, collected from passenger surveys;
    - (c) Results of the monitoring program of service standards and policies and any action taken, including documentation (e.g., a resolution, copy of meeting minutes, or similar documentation) to verify the board's or governing entity or official(s)'s consideration, awareness, and approval of the monitoring results;

- (d) A description of the public engagement process for setting the “major service change policy” and disparate impact policy;
- (e) A copy of board meeting minutes or a resolution demonstrating the board’s or governing entity or official(s)’s consideration, awareness, and approval of the major service change policy and disparate impact policy.
- (f) Results of equity analyses for any major service changes and/or fare changes implemented since the last Title VI Program submission; and
- (g) A copy of board meeting minutes or a resolution demonstrating the board’s or governing entity or official(s)’s consideration, awareness, and approval of the equity analysis for any service or fare changes required by this circular.

4. REQUIREMENT TO SET SYSTEM-WIDE SERVICE STANDARDS AND POLICIES.

These requirements apply to all fixed route providers of public transportation service. Title 49 CFR Section 21.5 states the general prohibition of discrimination on the grounds of race, color, or national origin. Section 21.5(b)(2) specifies that a recipient shall not “utilize criteria or methods of administration which have the effect of subjecting persons to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, or national origin.” Section 21.5(b)(7) requires recipients to “take affirmative action to assure that no person is excluded from participation in or denied the benefits of the program or activity on the grounds of race, color, or national origin.” Finally, Appendix C to 49 CFR part 21 provides in Section (3)(iii) that “[n]o person or group of persons shall be discriminated against with regard to the routing, scheduling, or quality of service of transportation service furnished as a part of the project on the basis of race, color, or national origin. Frequency of service, age and quality of vehicles assigned to routes, quality of stations serving different routes, and location of routes may not be determined on the basis of race, color, or national origin.”

All fixed route transit providers shall set service standards and policies for each specific fixed route mode of service they provide. Fixed route modes of service include but are not limited to, local bus, express bus, commuter bus, bus rapid transit, light rail, subway, commuter rail, passenger ferry, etc. These standards and policies must address how service is distributed across the transit system, and must ensure that the manner of the distribution affords users access to these assets.

These system-wide service standards differ from any standards set by the APTA Standards Development Program and other standards development organizations (SDOs), in that they will be set by individual transit providers and will apply agency-wide rather than industry-wide.

Providers of fixed route public transportation shall also adopt system-wide service policies to ensure service design and operations practices do not result in discrimination on the basis of race, color, or national origin. Service policies differ from service standards in that they are not necessarily based on a quantitative threshold.

- a. Effective Practices to Fulfill the Service Standard Requirement. FTA requires all fixed route transit providers to develop quantitative standards for all fixed route modes of operation for the indicators listed below. Providers of public transportation may set additional standards as appropriate or applicable to the type of service they provide. See Appendix G for an example of how to report this information.
- (1) Vehicle load for each mode. Vehicle load can be expressed as the ratio of passengers to the total number of seats on a vehicle. For example, on a 40-seat bus, a vehicle load of 1.3 means all seats are filled and there are approximately 12 standees. A vehicle load standard is generally expressed in terms of peak and off-peak times. Transit providers that operate multiple modes of transit must describe the specific vehicle load standards for peak and off-peak times for each mode of fixed route transit service (i.e., bus, express bus, bus rapid transit, light rail, heavy rail, commuter rail, passenger ferry, etc., as applicable), as the standard may differ by mode.
  - (2) Vehicle headway for each mode. Vehicle headway is the amount of time between two vehicles traveling in the same direction on a given line or combination of lines. A shorter headway corresponds to more frequent service. Vehicle headways are measured in minutes (e.g., every 15 minutes); service frequency is measured in vehicles per hour (e.g., 4 buses per hour). Headways and frequency of service are general indications of the level of service provided along a route. Vehicle headway is one component of the amount of travel time expended by a passenger to reach his/her destination. A vehicle headway standard is generally expressed for peak and off-peak service as an increment of time (e.g., peak: every 15 minutes; and off peak: every 30 minutes). Transit providers may set different vehicle headway standards for different modes of transit service. A vehicle headway standard might establish a minimum frequency of service by area based on population density. For example, service at 15-minute peak headways and 30-minute off-peak headways might be the standard for routes serving the most densely populated portions of the service area, whereas 30-minute peak headways and 45-minute off-peak headways might be the standard in less densely populated areas. Headway standards are also typically related to vehicle load. For example, a service standard might state that vehicle headways will be improved first on routes that exceed the load factor standard or on routes that have the highest load factors.
  - (3) On-time performance for each mode. On-time performance is a measure of runs completed as scheduled. This criterion first must define what is considered to be "on time." For example, a transit provider may consider it acceptable if a vehicle completes a scheduled run between zero and five minutes late in comparison to the established schedule. On-time performance can be measured against route origins and destinations only, or against origins and destinations as well as specified time points along the route. Some transit providers set an on-time performance standard that prohibits vehicles from running early (i.e., ahead of schedule) while others allow vehicles to run early within a specified window of time (e.g., up to five minutes ahead of schedule). An acceptable level of performance must be defined (expressed as a percentage). The percentage of runs completed system-wide or on a particular route or line within the standard must be calculated and measured against the level of

performance for the system. For example, a transit provider might define on-time performance as 95 percent of all runs system-wide or on a particular route or line completed within the allowed "on-time" window.

- (4) Service availability for each mode. Service availability is a general measure of the distribution of routes within a transit provider's service area. For example, a transit provider might set a service standard to distribute routes such that a specified percentage of all residents in the service area are within a one-quarter mile walk of bus service or a one-half mile walk of rail service. A standard might also indicate the maximum distance between stops or stations. These measures related to coverage and stop/station distances might also vary by population density. For example, in more densely populated areas, the standard for bus stop distance might be a shorter distance than it would be in less densely populated areas, and the percentage of the total population within a one-quarter mile walk of routes or lines might be higher in more densely populated areas than it would be in less densely populated areas. Commuter rail service or passenger ferry service availability standards might include a threshold of residents within a certain driving distance as well as within walking distance of the stations or access to the terminal.

- b. Effective Practices to Fulfill the Service Policy Requirement. FTA requires fixed route transit providers to develop a policy for each of the following service indicators. Transit providers may set policies for additional indicators as appropriate. See Appendix H for an example of how to report this information.

- (1) Distribution of transit amenities for each mode. Transit amenities refer to items of comfort, convenience, and safety that are available to the general riding public. Fixed route transit providers must set a policy to ensure equitable distribution of transit amenities across the system. Transit providers may have different policies for the different modes of service that they provide. Policies in this area address how these amenities are distributed within a transit system, and the manner of their distribution determines whether transit users have equal access to these amenities. This subparagraph is not intended to impact funding decisions for transit amenities. Rather, this subparagraph applies after a transit provider has decided to fund an amenity.

This policy does not apply to transit providers that do not have decision-making authority over the siting of transit amenities. Transit providers are not responsible for setting a policy for transit amenities that are solely sited by a separate jurisdiction (e.g., a city, town, or county) unless the transit provider has the authority to set policies to determine the siting of these amenities. Transit providers are responsible for setting a policy for transit amenities that are installed under a contract between the transit provider and a private entity. In these cases, the transit provider shall communicate its service policy to the private entity.

Transit providers shall submit their siting policy where the definition of transit amenities includes but is not limited to:

- (a) Seating (i.e., benches, seats at stops/stations)



- (b) Bus and rail shelters and rail platform canopies
- (c) Provision of information:
  - i. Printed signs, system maps, route maps, and schedules.
  - ii. Digital equipment such as next vehicle arrival time signs along bus routes and at fixed guideway stations (i.e., electronic signage that depicts when a transit vehicle will next arrive at the station or stop).
- (d) Escalators
- (e) Elevators
- (f) Waste receptacles (including trash and recycling)

(2) Vehicle assignment for each mode. Vehicle assignment refers to the process by which transit vehicles are placed into service in depots and on routes throughout the transit provider's system. Policies for vehicle assignment may be based on the age of the vehicle, where age would be a proxy for condition. For example, a transit provider could set a policy to assign vehicles to depots so that the age of the vehicles at each depot does not exceed the system-wide average. The policy could also be based on the type of vehicle. For example, a transit provider may set a policy to assign vehicles with more capacity to routes with higher ridership and/or during peak periods. The policy could also be based on the type of service offered. For example, a transit provider may set a policy to assign specific types of vehicles to express or commuter service. Transit providers deploying vehicles equipped with technology designed to reduce emissions could choose to set a policy for how these vehicles will be deployed throughout the service area.

5. REQUIREMENT TO COLLECT AND REPORT DEMOGRAPHIC DATA. This requirement applies only to transit providers that operate 50 or more fixed route vehicles in peak service and are located in Urbanized Areas (UZA) of 200,000 or more in population or that otherwise meet the threshold in the Introduction section of this chapter. Title 49 CFR Section 21.9(b) requires recipients to keep records and submit compliance reports (a Title VI Program) to FTA. Title VI Programs shall contain "such information, as the Secretary may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this part." In addition, 49 CFR 21.9(b) states that recipients "should have available for the Secretary racial and ethnic data showing the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance." In order to ensure compliance with the regulation, FTA requires these transit providers to prepare data regarding demographic and service profile maps and charts as well as customer demographics and travel patterns.

In order to comply with the reporting requirements in 49 CFR Section 21.9(b), transit providers that operate 50 or more fixed route vehicles in peak service and are located in a UZA of 200,000 or more in population shall collect and analyze racial and ethnic data as described below in order to determine the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance from FTA.

- a. Demographic and Service Profile Maps and Charts. Transit providers shall prepare demographic and service profile maps and charts after each decennial census and prior to proposed service reductions or eliminations. Transit providers may use decennial census

data to develop maps and charts until the next decennial census or they may use American Community Survey (ACS) data between decennial censuses. These maps and charts will help the transit provider determine whether and to what extent transit service is available to minority populations within the transit provider's service area. These maps may be prepared using Geographic Information System (GIS) technology, although transit providers without access to GIS technology may prepare the maps in alternative formats. FTA requires transit providers to prepare the following maps and charts:

- (1) A base map of the transit provider's service area that overlays Census tract, Census block or block group, traffic analysis zone (TAZ), or other locally available geographic data with transit facilities—including transit routes, fixed guideway alignments, transit stops and stations, depots, maintenance and garage facilities, and administrative buildings—as well as major activity centers or transit trip generators, and major streets and highways. Major activity centers and transit trip generators can include, but are not necessarily limited to, the central business district, outlying high employment areas, schools, and hospitals. This map shall overlay Census tract, block or block group data depicting minority populations with fixed transit facilities, such as bus shelters, transit stations, and fixed guideways. Another map shall highlight those transit facilities that were recently replaced, improved or are scheduled (projects identified in planning documents) for an update in the next five years.
  - (2) A demographic map that plots the information listed in (1) above and also shades those Census tracts, blocks, block groups, TAZs, or other geographic zones where the percentage of the total minority population residing in these areas exceeds the average percentage of minority populations for the service area as a whole. Transit providers may elect to produce maps that highlight separately the presence of specific minority populations if this information will assist the transit provider in determining compliance with Title VI and/or LEP. Transit providers shall also prepare a GIS or alternative map overlaying minority populations with fixed transit facilities, such as bus shelters, transit stations, and fixed guideways.
  - (3) For purposes of addressing environmental justice, and in order to evaluate the impacts of major service changes on low-income populations, demographic maps shall also depict those Census tracts, blocks, block groups, TAZs, or other geographic zones where the percentage of the total low-income population residing in these areas exceeds the average percentage of low-income populations for the service area as a whole.
- b. Demographic Ridership and Travel Patterns. Fixed route providers of public transportation that meet the threshold in the Introduction section of this chapter shall collect information on the race, color, national origin, English proficiency, language spoken at home, household income and travel patterns of their riders using customer surveys. Transit providers shall use this information to develop a demographic profile comparing minority riders and non-minority riders, and trips taken by minority riders and non-minority riders. Demographic information shall also be collected on fare usage by fare type amongst minority users and low-income users, in order to assist with fare equity

analyses. The demographic information shall be displayed in tabular format. An example of this analysis is depicted in Appendix I.

The information required in this subparagraph may be integrated into passenger surveys employed by transit providers on a schedule determined by the transit provider but no less than every five years and may be collected at the time that such surveys are routinely performed, such as customer satisfaction surveys and origin and destination surveys used to update travel demand models. Transit providers should contact FTA for further guidance on survey sample sizes, data expansion procedures, and data collection methods suitable to the transit provider's specific situation.

Transit providers shall take steps to translate customer surveys into languages other than English as necessary, or to provide translation services in the course of conducting customer surveys consistent with the DOT LEP guidance and the recipient's language assistance plan.

6. REQUIREMENT TO MONITOR TRANSIT SERVICE. This requirement applies only to providers of public transportation that operate 50 or more fixed route vehicles in peak service and are located in a UZA of 200,000 or more in population or that otherwise meet the threshold in the Introduction section of this chapter. In order to ensure compliance with DOT's Title VI regulations, FTA requires these transit providers to monitor the performance of their transit system relative to their system-wide service standards and service policies (i.e., vehicle load, vehicle assignment, transit amenities, etc.) not less than every three years using the following method:

- a. Transit providers shall use the minority transit route definition to implement this monitoring program. Transit providers shall select a sample of minority and non-minority routes from all modes of service provided, e.g., local bus, bus rapid transit, light rail, etc. The sample shall include routes that provide service to predominantly minority areas and non-minority areas. Transit providers should bear in mind that the greater the sample size, the more reliable the results.

As defined in Chapter I, a minority transit route is one in which at least one-third of the revenue miles are located in a Census block, Census block group, or traffic analysis zone where the percentage minority population exceeds the percentage minority population in the service area. Transit providers may supplement this with ridership data and adjust route designations accordingly. For example, a commuter bus that picks up passengers in generally non-minority areas and then travels through predominantly minority neighborhoods but does not pick up passengers who live closer to downtown might be more appropriately classified as a non-minority route, even if one-third of the route mileage is located in predominantly minority Census blocks or block groups. On the other hand, a light rail line may carry predominantly minority passengers to an area where employment centers and other activities are located, but the minority population in the surrounding Census blocks or block groups does not meet or exceed the area average. This route may be more appropriately classified as a minority transit route. Transit providers should ensure they have

adequate ridership data before making these determinations, and include that data in their analyses.

- b. Transit providers shall assess the performance of each minority and non-minority route in the sample for each of the transit provider's service standards and service policies.
- c. Transit providers shall compare the transit service observed in the assessment to the transit provider's established service policies and standards.
- d. For cases in which the observed service for any route exceeds or fails to meet the standard or policy, depending on the metric measured, the transit provider shall analyze why the discrepancies exist, and take steps to reduce the potential effects.
- e. Transit providers shall evaluate their transit amenities policy to ensure amenities are being distributed throughout the transit system in an equitable manner.
- f. Transit providers shall develop a policy or procedure to determine whether disparate impacts exist on the basis of race, color, or national origin, and apply that policy or procedure to the results of the monitoring activities;
- g. Transit providers shall brief and obtain approval from the transit providers' policy-making officials, generally the board of directors or appropriate governing entity responsible for policy decisions regarding the results of the monitoring program;
- h. Submit the results of the monitoring program as well as documentation (e.g., a resolution, copy of meeting minutes, or similar documentation) to verify the board's or governing entity or official(s)'s consideration, awareness, and approval of the monitoring results to FTA every three years as part of the Title VI Program. See Appendix J for an example of how to report this information.

Transit providers shall undertake these periodic service monitoring activities to compare the level of service provided to predominantly minority areas with the level of service provided to predominantly non-minority areas to ensure the end result of policies and decision-making is equitable. A transit provider at its discretion may choose to conduct service monitoring more frequently than every three years.

If a transit provider determines, based on its monitoring activities, that prior decisions have resulted in a disparate impact on the basis of race, color, or national origin, the transit provider shall take corrective action to remedy the disparities to the greatest extent possible, and shall discuss in the Title VI Program these disparate impacts and actions taken to remedy the disparities.

7. REQUIREMENT TO EVALUATE SERVICE AND FARE CHANGES. This requirement applies only to transit providers that operate 50 or more fixed route vehicles in peak service and are located in a UZA of 200,000 or more in population or that otherwise meet the threshold in the Introduction section of this chapter. These transit providers are required to prepare and submit service and fare equity analyses as described below. Transit providers not

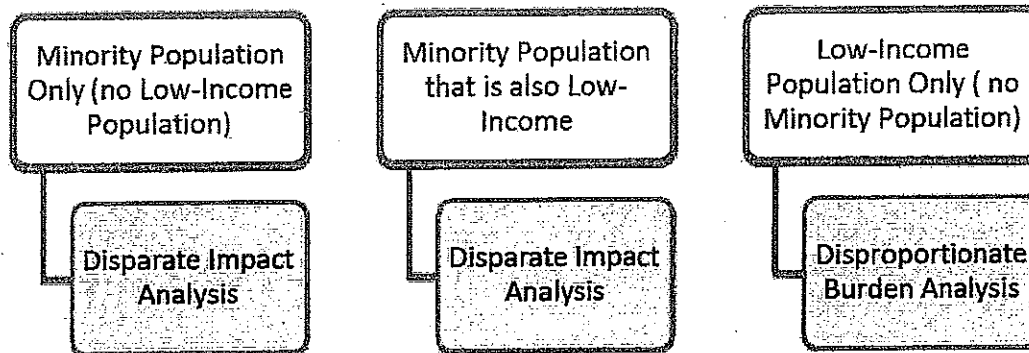
subject to this requirement are responsible for complying with the DOT Title VI regulations which prohibit disparate impact discrimination, and therefore should review their policies and practices to ensure their service and fare changes do not result in disparate impacts on the basis of race, color, or national origin.

To further ensure compliance with 49 CFR Section 21.5(b)(2), 49 CFR Section 21.5(b)(7), and Appendix C to 49 CFR part 21, all providers of public transportation to which this Section applies shall develop written procedures consistent with this Section to evaluate, prior to implementation, any and all service changes that exceed the transit provider's major service change threshold, as well as all fare changes, to determine whether those changes will have a discriminatory impact based on race, color, or national origin. The written procedures and results of service and/or fare equity analyses shall be included in the transit provider's Title VI Program.

One purpose of conducting service and fare equity analyses prior to implementing service and/or fare changes is to determine whether the planned changes will have a disparate impact on the basis of race, color, or national origin.

The typical measure of disparate impact involves a comparison between the proportion of persons in the protected class who are adversely affected by the service or fare change and the proportion of persons not in the protected class who are adversely affected. The comparison population for a statistical measure of disparate impact is all persons who are either affected by the service or fare changes or who could possibly be affected by the service or fare change (e.g., potential passengers). When a transit provider uses ridership as the comparison population, the transit provider will compare the ridership of the affected route(s) with the ridership of the system. For example, if the ridership of affected route(s) is 60 percent minority and the system ridership is 40 percent minority, then changes to the route(s) may have a disparate impact. When a transit provider uses the population of the service area as the comparison population, it will compare the population in Census blocks or block groups served by the affected route(s) with the population in the service area. For example, if affected route(s) serves Census blocks that are 40 percent minority and the service area is 45 percent minority, there would likely not be a disparate impact. Examples of this analysis are provided in Appendix K.

Low-income populations are not a protected class under Title VI. However, recognizing the inherent overlap of environmental justice principles in this area, and because it is important to evaluate the impacts of service and fare changes on passengers who are transit-dependent, FTA requires transit providers to evaluate proposed service and fare changes to determine whether low-income populations will bear a disproportionate burden of the changes. As depicted below, when a minority population is present, the correct analysis is a disparate impact analysis:



Transit providers shall use tables similar to those provided in Appendix K to depict the results of the service and/or fare equity analysis. Transit providers should refer to the checklist and examples in the Appendix for additional technical assistance with service and fare equity analyses.

Upon completion of a service or fare equity analysis, the transit provider shall brief its board of directors, top executive, or appropriate governing entity or official(s) responsible for policy decisions regarding the service and/or fare change(s) and the equity impacts of the service and/or fare change(s). The transit provider shall submit documentation such as a board resolution, copy of meeting minutes, or similar documentation with the Title VI Program as evidence of the board or governing entity or official's consideration, awareness, and approval of the analysis.

a. Service Equity Analysis

FTA encourages transit providers to contact their FTA Regional Civil Rights Officer for technical assistance when they have determined that a service equity analysis is necessary. Upon request, FTA can provide technical assistance related to methodology and analysis prior to a transit provider's board of directors taking action.

Transit providers shall evaluate the impacts of their proposed service changes on minority and low-income populations separately, using the following methods:

(1) Service Equity Analysis for Minority Populations:

- (a) Major Service Change Policy. In order to begin the analysis, the transit provider must first identify what constitutes a "major service change" for its system, as only "major service changes" are subject to a service equity analysis. The transit provider must conduct a service equity analysis for those service changes that meet or exceed the transit provider's "major service change policy."

A major service change policy is typically presented as a numerical standard, such as a change that affects "x" percent of a route, "x" number of route miles or hours, or some other route-specific or system-wide change, or the number or concentration of people affected. The major service change policy will include

adding service and reducing service. The threshold for analysis shall not be set so high so as to never require an analysis; rather, agencies shall select a threshold most likely to yield a meaningful result in light of the transit provider's system characteristics.

A transit provider may exempt a temporary addition of service (e.g., demonstration projects), including those that would otherwise qualify as a major service change, from its definition of major service change. If a temporary service addition or change lasts longer than twelve months, then FTA considers the service addition or change permanent and the transit provider must conduct a service equity analysis if the service otherwise qualifies as a major service change.

- (b) Adverse Effects. The transit provider shall define and analyze adverse effects related to major changes in transit service. The adverse effect is measured by the change between the existing and proposed service levels that would be deemed significant. Changes in service that have an adverse effect and that may result in a disparate impact include reductions in service (e.g., elimination of route, shortlining a route, rerouting an existing route, increase in headways). Elimination of a route will generally have a greater adverse impact than a change in headways. Additions to service may also result in disparate impacts, especially if they come at the expense of reductions in service on other routes. Transit providers shall consider the degree of adverse effects, and analyze those effects, when planning their service changes.
- (c) Disparate Impact Policy. The transit provider shall develop a policy for measuring disparate impacts. The policy shall establish a threshold for determining when adverse effects of service changes are borne disproportionately by minority populations. The disparate impact threshold defines statistically significant disparity and may be presented as a statistical percentage of impacts borne by minority populations compared to impacts borne by non-minority populations. The disparate impact threshold must be applied uniformly, regardless of mode, and cannot be altered until the next Title VI Program submission.

For illustrative purposes only, here is an example: a transit provider adopts a disparate impact policy that provides any time there is a difference in adverse impacts between minority and non-minority populations of plus or minus ten percent, this is statistically significant, and such differences in adverse impacts are disparate. For example, if minorities make up 30 percent of the overall population, but would bear 45 percent of the impacts, and the non-minority group would bear 55 percent, there may be a disparate impact insofar as the minority group bears 15 percent more than its expected share, from 45 percent of the burden to 30 percent of the population; while the non-minority group bears 15 percent less than its expected share of 55 percent of burden compared to 70 percent of population—even though the absolute majority of the burden rests with the non-minority group. Applying the ten percent disparate impact policy, the provider will find a disparate impact and must therefore consider

modifying the proposed changes in order to avoid, minimize, or mitigate the disparate impacts of the proposed changes. [NOTE: Ten percent is not a suggested baseline or standard, and is used here solely as an example. As described above, each transit provider will adopt a disparate impact policy.]

- (d) Public Participation. The transit provider shall engage the public in the decision-making process to develop the major service change policy and disparate impact policy.
- (e) Data Analysis. The transit provider shall describe the dataset(s) the transit provider will use in the service equity analysis, i.e., whether the provider is using American Community Survey (ACS), Census blocks, block groups, traffic analysis zone (TAZ) level, or using ridership data. The transit provider shall also describe what techniques and/or technologies were used to collect the data. When relying on population data instead of ridership data, the choice of dataset should be the smallest geographic area that reasonably has access to the bus or rail stop or station. For example, passengers will generally walk up to one-quarter mile to a bus stop or one-half mile to a light or heavy rail station, or drive up to three miles to a commuter rail station. The demographics of the neighborhoods within those distances should be the datasets used. Transit providers may use the data from an entire Census block or block group when a portion of the area is within the walking or driving distance described above.
- (f) Assessing Service Impacts. Transit providers shall evaluate the impacts of proposed service changes on minority populations using the following framework:
  - (i) The typical measure of disparate impact involves a comparison between the proportion of persons in the protected class who are adversely affected by the service or fare change and the proportion of persons not in the protected class who are adversely affected. The population for a statistical measure of disparate impact is all persons that are either affected by the service or fare changes or that could possibly be affected by the service or fare change (e.g., potential passengers), thus the comparison population may vary depending on the type of change under evaluation. The transit provider shall include in the analysis the reason for the comparison population selected.

For example, when making headway changes, eliminating a route, or increasing service to an area currently served by the transit system, the appropriate comparison population would likely be ridership, and the transit provider would compare the ridership of the affected route(s) with the ridership of the system.

On the other hand, when proposing to provide new service to a neighborhood or corridor not served by the transit system, the appropriate comparison population would likely be the population of the service area, and the transit



provider would compare the population in Census blocks or block groups served by the proposed route(s) with the population in the service area.

Further, if a transit provider is proposing a major service change that involves both headway changes and new service to a neighborhood or corridor not served by the transit system, the transit provider would not have to use different comparison populations for the different types of changes. The transit provider would select either ridership or population of the service area and conduct an analysis using the same comparison population.

Transit providers are cautioned not to “mix and match” their comparison populations. Ridership of affected route(s) should be compared to ridership of the system, and Census blocks or block groups should be compared with the population of the service area.

In instances where a transit provider does not have adequate ridership data or is otherwise uncertain as to which population to use for comparison purposes, the transit provider should contact their FTA regional office for technical assistance.

- (ii) Ridership Data. When the transit provider determines that the correct population base is ridership, the transit provider shall document the reasons for selecting this population base and analyze any available information generated from ridership surveys to determine the minority and non-minority population ridership of the affected route(s) and the minority and non-minority ridership of the entire system.
- (iii) GIS or Alternative Maps. When the transit provider determines that the correct population base is Census blocks or block groups, the transit provider shall document the reasons for selecting this population base and shall prepare maps of the routes that would be reduced, increased, eliminated, added, or restructured, overlaid on a demographic map of the service area, in order to study the affected population. Transit providers may also find it helpful to prepare these maps when doing an analysis based on ridership.
- (iv) Determination of Disparate Impact. Each service change analysis must compare existing service to proposed changes, and calculate the absolute change as well as the percent change. The transit provider shall use its adverse effects definition and disparate impact threshold to determine whether the proposed major service change will result in adverse effects that are disproportionately borne by minority populations, by comparing the proportion of minorities adversely affected to the proportion of non-minorities adversely affected. The transit provider shall consider the degree of the adverse effects when doing this analysis. Any service change analysis shall be expressed as a percent change in tabular format. See Appendix K for an example of how to report this data.

(v) Analysis of Modifications. If the transit provider finds potential disparate impacts and then modifies the proposed changes in order to avoid, minimize, or mitigate potential disparate impacts, the transit provider must reanalyze the proposed changes in order to determine whether the modifications actually removed the potential disparate impacts of the changes.

(vi) Finding a Disparate Impact on the Basis of Race, Color, or National Origin. If a transit provider chooses not to alter the proposed service changes despite the potential disparate impact on minority populations, or if the transit provider finds, even after the revisions, that minority riders will continue to bear a disproportionate share of the proposed service change, the transit provider may implement the service change *only* if:

- the transit provider has a substantial legitimate justification for the proposed service change, **and**
- the transit provider can show that there are no alternatives that would have a less disparate impact on minority riders but would still accomplish the transit provider's legitimate program goals.

It is important to understand that in order to make this showing, the transit provider must consider and analyze alternatives to determine whether those alternatives would have less of a disparate impact on the basis of race, color, or national origin, and then implement the least discriminatory alternative.

(vii) Examining Alternatives. If the transit provider determines that a proposed service change will have a disparate impact, the transit provider shall analyze the alternatives (identified in the second bullet above) to determine whether alternatives exist that would serve the same legitimate objectives but with less of a disparate effect on the basis of race, color, or national origin. The existence of such an alternative method of accomplishing the transit provider's substantial and legitimate interests demonstrates that the disparate effects can be avoided by adoption of the alternative methods without harming such interests. In addition, if evidence undermines the legitimacy of the transit provider's asserted justification - that is, that the justification is not supported by demonstrable evidence - the disparate effects will violate Title VI, as the lack of factual support will indicate that there is not a substantial legitimate justification for the disparate effects. At that point, the transit provider must revisit the service changes and make adjustments that will eliminate unnecessary disparate effects on populations defined by race, color, or national origin. Where disparate impacts are identified, the transit provider shall provide a meaningful opportunity for public comment on any proposed mitigation measures, including the less discriminatory alternatives that may be available.

(2) Service Equity Analysis for Low-Income Populations. As noted above, low-income populations are not a protected class under Title VI. However,

recognizing the inherent overlap of environmental justice principles in this area, and because it is important to evaluate the impacts of service and fare changes on passengers who are transit-dependent, FTA requires transit providers to evaluate proposed service and fare changes to determine whether low-income populations will bear a disproportionate burden of the changes.

- (a) Major Service Change Policy. As described under the Service Equity Analysis for Minority Populations, the transit provider must first identify what constitutes a “major service change” for its system, as only “major service changes” are subject to a service equity analysis. The transit provider’s major service change policy will apply to both analyses.
- (b) Adverse Effects. As described under the Service Equity Analysis for Minority Populations, the transit provider shall define and analyze adverse effects related to major changes in transit service. The transit provider’s adverse effects policy will apply to both analyses.
- (c) Disproportionate Burden Policy. The transit provider shall develop a policy for measuring disproportionate burdens on low-income populations. The policy shall establish a threshold for determining when adverse effects of service changes are borne disproportionately by low-income populations. The disproportionate burden threshold defines statistically significant disparity and may be presented as a statistical percentage of impacts borne by low-income populations as compared to impacts borne by non-low-income populations. The disproportionate burden threshold must be applied uniformly, regardless of mode.
- (d) Public Participation. The transit provider shall engage the public in the decision-making process to develop the disproportionate burden policy.
- (e) Selection of Comparison Population. Transit providers may use ridership data or population of the service area for the comparison population. If a transit provider uses ridership as the comparison population for the Title VI (minority populations) service equity analysis, the transit provider should use ridership as the comparison population for the low-income equity analysis. Similarly, if the transit provider uses the service area as the comparison population for the Title VI (minority populations) analysis, the provider should use the service area as the comparison population for the low-income analysis.
- (f) Data Analysis. The transit provider shall describe the dataset(s) the transit provider will use in the service equity analysis, i.e., whether the provider is using American Community Survey (ACS), Census blocks, block groups, or traffic analysis zone (TAZ) level, or using ridership data. The transit provider shall also describe what techniques and/or technologies were used to collect the data. When relying on population data instead of ridership data, the choice of dataset should be the smallest geographic area that reasonably has access to the bus or rail stop or station. [NOTE: Census tract level may be used if that is the smallest geographic area available for income data]. For example,

passengers will generally walk up to one-quarter mile to a bus stop or one-half mile to a light or heavy rail station, or drive up to three miles to a commuter rail station. The demographics of the neighborhoods within those distances should be the datasets used. Transit providers may use the data from an entire Census block or block group when a portion of the area is within the walking or driving distance described above.

- (g) Assessing Service Impacts. Transit providers shall evaluate the impacts of proposed service changes on low-income populations using the following method:
- (i) Ridership Data. When the transit provider determines that the correct comparison population is ridership, the transit provider shall document the reasons for selecting this comparison population and analyze any available information generated from ridership surveys to determine the low-income and non-low-income population ridership of the affected route(s) and the low-income and non-low-income ridership of the entire system.
  - (ii) GIS or Alternative Maps. When the transit provider determines that the correct population base is Census blocks or block groups, the transit provider shall document the reasons for selecting this population base and shall prepare maps of the routes that would be reduced, increased, eliminated, added, or restructured/rerouted, overlaid on a demographic map of the service area, in order to study the affected population. Transit providers may also find it helpful to prepare these maps when doing an analysis based on ridership.
  - (iii) Determination of Disproportionate Burden. Each service change analysis must compare existing service to proposed service, and calculate the absolute change as well as the percent change. The transit provider shall use its disproportionate burden threshold to determine whether the proposed change will result in adverse effects that are disproportionately borne by low-income populations, by comparing the proportion of low-income persons adversely affected to the proportion of non-low-income persons adversely affected. Any service change analysis shall be expressed as a percent change in tabular format. See Appendix K for an example of how to report this data.
  - (iv) Avoid, Minimize, Mitigate. At the conclusion of the analysis, if the transit provider finds that low-income populations will bear a disproportionate burden of the proposed major service change, the transit provider should take steps to avoid, minimize, or mitigate impacts where practicable. The provider should also describe alternatives available to low-income passengers affected by the service changes.
  - (v) FTA considers the disproportionate burden analysis for low-income populations described above to be important for planning and environmental justice analysis purposes; however, since low-income populations are not a protected class under Title VI, failure to complete this analysis will not result in a finding of noncompliance under Title VI.

b. Fare Equity Analysis

(1) Fare Changes. The fare equity analysis requirement applies to all fare changes regardless of the amount of increase or decrease. As with the service equity analysis, FTA requires transit providers to evaluate the effects of fare changes on low-income populations in addition to Title VI-protected populations.

(a) Exceptions.

(i) "Spare the air days" or other instances when a local municipality or transit agency has declared that all passengers ride free.

(ii) Temporary fare reductions that are mitigating measures for other actions. For example, construction activities may close a segment of a rail system for a period of time and require passengers to alter their travel patterns. A reduced fare for these impacted passengers is a mitigating measure and does not require a fare equity analysis.

(iii) Promotional fare reductions. If a promotional or temporary fare reduction lasts longer than six months, then FTA considers the fare reduction permanent and the transit provider must conduct a fare equity analysis.

(2) Data Analysis. For proposed changes that would increase or decrease fares on the entire system, or on certain transit modes, or by fare payment type or fare media, the transit provider shall analyze any available information generated from ridership surveys indicating whether minority and/or low-income riders are disproportionately more likely to use the mode of service, payment type, or payment media that would be subject to the fare change. Notably, Census data will not be effective data for fare analyses, since it is impossible to know, based on Census data, what fare media people are using. The transit provider shall describe the dataset(s) the transit provider will use in the fare change analysis. This section shall also describe what techniques and/or technologies were used to collect the data. The transit provider shall—

- (i) Determine the number and percent of users of each fare media being changed;
- (ii) Review fares before the change and after the change;
- (iii) Compare the differences for each particular fare media between minority users and overall users; and
- (iv) Compare the differences for each particular fare media between low-income users and overall users.

Please see Appendix K for a sample analysis.

(3) Assessing Impacts. Transit providers shall evaluate the impacts of their proposed fare changes (either increases or decreases) on minority and low-income populations separately, using the following framework:

- (a) Minority Disparate Impact Policy. The transit provider shall develop a policy for measuring disparate impact to determine whether minority riders are bearing a disproportionate impact of the change between the existing cost and the proposed cost. The impact may be defined as a statistical percentage. The disparate impact threshold must be applied uniformly, regardless of fare media, and cannot be altered until the next Title VI Program submission.
- (b) Public Participation Process. The transit provider shall engage the public in the decision-making process to develop the disparate impact threshold.
- (c) Modification of Proposal. If the transit provider finds potential disparate impacts and then modifies the proposed changes in order to avoid, minimize or mitigate those impacts, the transit provider must reanalyze the proposed changes in order to determine whether the modifications actually removed the potential disparate impacts of the changes.
- (d) Finding a Disparate Impact on the Basis of Race, Color, or National Origin. If a transit provider chooses not to alter the proposed fare changes despite the disparate impact on minority ridership, or if the transit provider finds, even after the revisions, that minority riders will continue to bear a disproportionate share of the proposed fare change, the transit provider may implement the fare change only if:
- the transit provider has a substantial legitimate justification for the proposed fare change, **and**
  - the transit provider can show that there are no alternatives that would have a less disparate impact on minority riders but would still accomplish the transit provider's legitimate program goals.

It is important to understand that in order to make this showing, the transit provider must consider and analyze alternatives to determine whether those alternatives would have less of a disparate impact on the basis of race, color, or national origin, and then implement the least discriminatory alternative.

- (e) Examining Alternatives. If the transit provider determines that a proposed fare change will have a disparate impact, the transit provider shall analyze the alternatives (identified in the second bullet above) to determine whether alternatives exist that would serve the same legitimate objectives but with less of a disparate effect on the basis of race, color, or national origin. The existence of such an alternative method of accomplishing the transit provider's substantial and legitimate interests demonstrates that the disparate effects can be avoided by adoption of the alternative methods without harming such interests. In addition, if evidence undermines the legitimacy of the transit provider's asserted justification—that is, that the justification is not supported by demonstrable evidence—the disparate effects will violate Title VI, as the lack of factual support will indicate that there is not a substantial legitimate justification for the disparate effects. At that point, the transit provider must revisit the fare changes and make

adjustments that will eliminate unnecessary disparate effects on populations defined by race, color, or national origin. Where disparate impacts are identified, the transit provider shall provide a meaningful opportunity for public comment on any proposed mitigation measures, including any less discriminatory alternatives that may be available.

- (f) Low-Income Disproportionate Burden Policy. The transit provider shall develop a policy for measuring the burden of fare changes on low-income riders to determine when low-income riders are bearing a disproportionate burden of the change between the existing fare and the proposed fare. The impact may be defined as a statistical percentage. The disproportionate burden threshold must be applied uniformly, regardless of fare media, and cannot be altered until the next program submission.
  - (i) The transit provider shall engage the public in the decision-making process to develop the disproportionate burden threshold.
  - (ii) At the conclusion of the analysis, if the transit provider finds that low-income populations will bear a disproportionate burden of the proposed fare change, the transit provider should take steps to avoid, minimize or mitigate impacts where practicable. The transit provider should describe alternatives available to low-income populations affected by the fare changes.
- c. Service and Fare Equity Analysis for New Starts and Other New Fixed Guideway Systems. Transit providers that have implemented or will implement a New Start, Small Start, or other new fixed guideway capital project shall conduct a service and fare equity analysis. The service and fare equity analysis will be conducted six months prior to the beginning of revenue operations, whether or not the proposed changes to existing service rise to the level of "major service change" as defined by the transit provider. All proposed changes to parallel or connecting service will be examined. If the entity that builds the project is different from the transit provider that will operate the project, the transit provider operating the project shall conduct the analysis. The service equity analysis shall include a comparative analysis of service levels pre-and post- the New Starts/Small Starts/new fixed guideway capital project. The analysis shall be depicted in tabular format and shall determine whether the service changes proposed (including both reductions and increases) due to the capital project will result in a disparate impact on minority populations. The transit provider shall also conduct a fare equity analysis for any and all fares that will change as a result of the capital project.





CHAPTER VREQUIREMENTS FOR STATES

1. INTRODUCTION. This chapter provides requirements for States. States that receive financial assistance from FTA are also responsible for following:
  - a. The general requirements in Chapter III of this Circular; and
  - b. The requirements in Chapter IV of this Circular if the State is a provider of fixed route public transportation.
2. REQUIREMENT TO PREPARE AND SUBMIT A TITLE VI PROGRAM. Title 49 CFR Section 21.9(b) requires recipients to submit reports to FTA in order for FTA to ascertain whether the recipient is in compliance with the DOT Title VI regulations, and recipients must have available "racial and ethnic data showing the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance." As stated in Chapter III of this Circular, FTA requires that all direct and primary recipients document their compliance by submitting a Title VI Program to their FTA regional civil rights officer once every three years, or as otherwise directed by FTA.

For all recipients (including subrecipients), the Title VI Program must be approved by the recipient's board of directors or appropriate governing entity or official(s) responsible for policy decisions prior to submission to FTA. For State DOTs, the appropriate governing entity is the State's Secretary of Transportation or equivalent. States shall submit a copy of the appropriate documentation demonstrating that the State's Secretary of Transportation or equivalent official has approved the Title VI Program. FTA will review and concur or request the recipient provide additional information. Subrecipients, including MPOs that receive planning money from the State, shall submit Title VI Programs to the State as the primary recipient from whom they receive funding, in order to assist the State in its compliance efforts, on a schedule determined by the State. Collection and storage of subrecipient Title VI Programs may be electronic at the option of the State. See Appendix L for clarification of reporting responsibilities by recipient category.

States shall include the following information in their Title VI Program:

- a. All general requirements set out in section 4 of Chapter III of this Circular;
- b. All requirements for transit providers set out in Chapter IV of this Circular if the State is a provider of fixed route public transportation services;
- c. A demographic profile of the State that includes identification of the locations of minority populations in the aggregate;
- d. Demographic maps that overlay the percent minority and non-minority populations as identified by Census or American Community Survey data at Census tract or block group level, and charts that analyze the impacts of the distribution of State and Federal funds in

the aggregate for public transportation purposes, including Federal funds managed by the State as a designated recipient;

- e. An analysis of impacts identified in paragraph d that identifies any disparate impacts on the basis of race, color, or national origin, and, if so, determines whether there is a substantial legitimate justification for the policy that resulted in the disparate impacts, and if there are alternatives that could be employed that would have a less discriminatory impact.
  - f. A description of the statewide transportation planning process that identifies the transportation needs of minority populations;
  - g. A description of the procedures the State uses to pass through FTA financial assistance to subrecipients in a non-discriminatory manner; and
  - h. A description of the procedures the State uses to provide assistance to potential subrecipients applying for funding, including its efforts to assist applicants that would serve predominantly minority populations.
3. **PLANNING.** All States are responsible for conducting planning activities that comply with 49 U.S.C. Section 5304, Statewide Transportation Planning, as well as subpart B of 23 CFR part 450, Statewide Transportation Planning and Programming. Since States "pass through" planning funds to the MPO, the State as primary recipient is responsible for collecting Title VI programs from MPOs on a schedule to be determined by the State. Collection and storage of subrecipient Title VI Programs may be electronic at the option of the State. The State is thus responsible for monitoring the Title VI compliance of the MPO for those activities for which the MPO is a subrecipient.

Self-certification of compliance with all applicable Federal requirements is required of all States, which is reviewed by FTA and the Federal Highway Administration (FHWA) in the joint Statewide Planning Finding, rendered at the time of update or amendment of the Statewide Improvement Program (STIP). The joint FTA/FHWA planning certification review includes a review of Title VI compliance. The self-certification and joint FTA/FHWA "Finding" include a review of Title VI compliance. As part of the planning certification review, FTA/FHWA review State-developed documentation to determine whether States have:

- a. Analyzed regional demographic data to identify minority populations within the non-urbanized areas of the State.
- b. Where necessary, provided local service providers and agencies with data to assist them in identifying minority populations in their service area.
- c. Ensured that members of minority communities are provided with full opportunities to engage in the Statewide Transportation Planning process. This includes actions to eliminate language, mobility, temporal, and other obstacles to allow these populations to participate fully in the process.

- d. Monitored the activities of subrecipients with regard to Title VI compliance, where the State passes funds through to subrecipients.
4. REQUIREMENTS FOR PROGRAM ADMINISTRATION. In order to comply with 49 CFR Section 21.5, the general nondiscrimination provision, States shall document that they pass through FTA funds under the Enhanced Mobility for Seniors and Individuals with Disabilities (Section 5310) program, the Formula Grants for Rural Areas (Section 5311) program, and any other FTA funds, to subrecipients without regard to race, color, or national origin, and assure that minority populations are not being denied the benefits of or excluded from participation in these programs.

States shall prepare and maintain, but not report unless requested by FTA, the following information:

- a. A record of funding requests received from private non-profit organizations, State or local governmental authorities, and Indian tribes. The record shall identify those applicants that would use grant program funds to provide assistance to predominantly minority populations. The record shall also indicate which applications were rejected and accepted for funding.
- b. A description of how the agency develops its competitive selection process or annual program of projects submitted to FTA as part of its grant applications. This description shall emphasize the method used to ensure the equitable distribution of funds to subrecipients that serve predominantly minority populations, including Native American tribes, where present. Equitable distribution can be achieved by engaging in outreach to diverse stakeholders regarding the availability of funds, and ensuring the competitive process is not itself a barrier to selection of minority applicants.
- c. A description of the agency's criteria for selecting entities to participate in an FTA grant program.

When a subrecipient is also a direct recipient of FTA funds, that is, applies for funds directly from FTA in addition to receiving funds from a State, the subrecipient/direct recipient reports directly to FTA and the State as designated recipient is not responsible for monitoring compliance of that subrecipient/direct recipient. The supplemental agreement signed by both entities in their roles as designated recipient and direct recipient relieves the State as designated recipient of this oversight responsibility. See Appendix L for clarification of reporting responsibilities by recipient category.



## CHAPTER VI

### REQUIREMENTS FOR METROPOLITAN TRANSPORTATION PLANNING ORGANIZATIONS

1. INTRODUCTION. This chapter describes the procedures that metropolitan planning organizations (MPOs) shall follow in order to comply with the DOT's Title VI regulations. MPOs are also responsible for following the general requirements in Chapter III of this circular.

An MPO may serve many different roles depending on its "recipient" status, i.e., designated recipient, direct recipient, primary recipient, or subrecipient. This chapter describes the many roles an MPO may fill, and provides guidance on Title VI compliance for each of those roles.

2. REQUIREMENT TO PREPARE AND SUBMIT A TITLE VI PROGRAM. Title 49 CFR Section 21.9(b) requires recipients to submit reports to FTA in order for FTA to ascertain whether the recipient is in compliance with the DOT Title VI regulations, and recipients must have available "racial and ethnic data showing the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance." As stated in Chapter III of this Circular, FTA requires that all direct and primary recipients document their compliance by submitting a Title VI Program to their FTA regional civil rights officer once every three years, or as otherwise directed by FTA.

For all recipients (including subrecipients), the Title VI Program must be approved by the recipient's board of directors or appropriate governing entity or official(s) responsible for policy decisions prior to submission to FTA. FTA will review and concur or request the recipient provide additional information. Subrecipients, including MPOs that receive Federal planning money from the State, shall submit Title VI Programs to the State as the primary recipient from whom they receive funding, on a schedule to be determined by the State, in order to assist the State in its compliance efforts. Collection and storage of subrecipient Title VI Programs may be electronic at the option of the State. See Appendix L for clarification of reporting responsibilities by recipient category.

MPOs shall include the following information in their Title VI Programs.

- a. In its regional transportation planning capacity, the MPO shall submit to the State as the primary recipient, and also to FTA:
  - (1) All general requirements set out in section 4 of Chapter III of this Circular;
  - (2) A demographic profile of the metropolitan area that includes identification of the locations of minority populations in the aggregate;
  - (3) A description of the procedures by which the mobility needs of minority populations are identified and considered within the planning process;

- (4) Demographic maps that overlay the percent minority and non-minority populations as identified by Census or ACS data, at Census tract or block group level, and charts that analyze the impacts of the distribution of State and Federal funds in the aggregate for public transportation purposes, including Federal funds managed by the MPO as a designated recipient;
  - (5) An analysis of impacts identified in paragraph (4) that identifies any disparate impacts on the basis of race, color, or national origin, and, if so, determines whether there is a substantial legitimate justification for the policy that resulted in the disparate impacts, and if there are alternatives that could be employed that would have a less discriminatory impact.
- b. In its capacity as a direct recipient, the MPO shall submit to FTA:
- (1) The information required under section 2a of this chapter; and
  - (2) If the MPO is a provider of fixed route public transportation service, the information required under section 2 of chapter IV (Requirements and Guidelines for Fixed Route Transit Providers). The reporting requirements that the MPO must follow for the provision of public transportation service will be based on whether the MPO serves a large UZA with 200,000 or more in population and whether the number of fixed route vehicles in peak service is 50 or more.
- c. In its capacity as a primary recipient, the MPO shall submit to FTA:
- (1) The information required under section 2a of this chapter;
  - (2) A description of the procedures the MPO uses to pass through FTA financial assistance to subrecipients in a nondiscriminatory manner; and
  - (3) A description of the procedures the MPO uses to provide assistance to potential subrecipients applying for funding, including its efforts to assist applicants that would serve predominantly minority populations.

See Appendix L for clarification of reporting responsibilities by recipient category.

3. **PLANNING.** All MPOs are responsible for conducting planning activities that comply with 49 U.S.C. Section 5303, Metropolitan Transportation Planning, as well as subpart C of 23 CFR part 450, Metropolitan Transportation Planning and Programming, for a specified metropolitan planning area. Since States "pass through" planning funds to the MPO, MPOs are subrecipients of the State and must submit Title VI compliance reports for planning activities to the State in order to assist the State in demonstrating compliance with Title VI. The State is thus responsible for monitoring the Title VI compliance of the MPO for those activities for which the MPO is a subrecipient. If the MPO passes planning funds through to one or more subrecipients, the MPO is responsible for ensuring those subrecipients comply with Title VI.

All MPOs are required to self-certify compliance with all applicable Federal requirements. Planning certification reviews conducted jointly by FTA and FHWA of the metropolitan transportation planning processes of transportation management areas include a review of Title VI compliance. As part of the planning certification review, FTA/FHWA review MPO-developed documentation to determine whether MPOs have:

- a. Analyzed regional demographic data to identify minority populations within the region.
  - b. Where necessary, provided member agencies with regional data to assist them in identifying minority populations in their service area.
  - c. Ensured that members of minority communities are provided with full opportunities to engage in the transportation planning process. This includes actions to eliminate language, mobility, temporal, and other obstacles to allow these populations to participate fully in the process.
  - d. Monitored the activities of subrecipients with regard to Title VI compliance, where the MPO passes funds through to subrecipients.
4. DESIGNATED RECIPIENT. MPOs sometimes serve the role of designated recipient. FTA apportions funds each year to the MPO as designated recipient, and the MPO, in turn, suballocates funds (without receiving the actual funds from FTA) to various entities and/or retains funds to carry out its own projects or activities, or to pass through to subrecipients. If the MPO as designated recipient simply suballocates the funds to other entities, and those entities apply to FTA directly for the funds, the MPO and each entity to which it suballocates funds enter into a "supplemental agreement." Under a supplemental agreement, the direct recipient is responsible for demonstrating compliance with Federal law, including Title VI, and the MPO is not in any manner subject to or responsible for the direct recipient's compliance with the DOT Title VI regulations.

However, the MPO as designated recipient is responsible for suballocating FTA funds without regard to race, color, or national origin. Suballocations must be based on project implementation priorities in the MTP, which includes a robust public participation process. Each MPO must have a locally developed process that establishes criteria for making determinations of funding priorities in a nondiscriminatory manner.

5. DIRECT RECIPIENT. An MPO that receives funding directly from FTA for its own activities is a direct recipient, and therefore must develop a Title VI Program and report Title VI compliance to FTA for those activities for which it is a direct recipient. As a direct recipient, an MPO may also pass through funds to subrecipients. When an MPO receives funds directly from FTA and then passes funds through to subrecipients, the MPO becomes a primary recipient under the DOT Title VI regulations and is responsible for monitoring the compliance of its subrecipients with Title VI, unless that subrecipient is also an FTA direct recipient. Refer to Appendix L for clarification of reporting responsibilities by recipient category.
6. REQUIREMENTS FOR PROGRAM ADMINISTRATION. In order to comply with 49 CFR Section 21.5, the general nondiscrimination provision, MPOs shall document that they pass

through FTA funds under any FTA programs (e.g., 49 U.S.C. 5310, Enhanced Mobility for Seniors and Individuals with Disabilities), to subrecipients without regard to race, color, or national origin, and assure that minority populations are not being denied the benefits of or excluded from participation in these programs.

MPOs shall prepare and maintain, but not report unless requested by FTA, the following information:

- a. A record of funding requests received from private non-profit organizations, State or local governmental authorities, and Indian tribes. The record shall identify those applicants that would use grant program funds to provide assistance to predominantly minority populations. The record shall also indicate which applications were rejected and accepted for funding.
- b. A description of how the MPO develops its competitive selection process or annual program of projects submitted to FTA as part of its grant applications. This description shall emphasize the method used to ensure the equitable distribution of funds to subrecipients that serve predominantly minority populations, including Native American tribes, where present. Equitable distribution can be achieved by engaging in outreach to diverse stakeholders regarding the availability of funds, and ensuring the competitive process is not itself a barrier to selection of minority applicants.
- c. A description of the MPO's criteria for selecting entities to participate in an FTA grant program.



## PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: PUBLIC HEALTH -- DPHDept. Code: DPHType of Request:  Initial  Modification of an existing PSC (PSC # \_\_\_\_\_)Type of Approval:  Expedited  Regular  Annual  Continuing  (Omit Posting)Type of Service: Fiscal Intermediary for the Black Infant Health (BIH) ProgramFunding Source: General Fund, Fed & State GrantPSC Amount: \$5,500,000PSC Est. Start Date: 07/01/2015PSC Est. End Date: 06/30/2020**1. Description of Work****A. Scope of Work/Services to be Contracted Out:**

Contractor will provide fiscal intermediary services for the Black Infant Health program, an evidence-based intervention program designed to improve African American infant and maternal health. The contractor will assist the program with fiscal administration and reporting. Program services include prenatal and postpartum courses, classes on parenting, infant and maternal health and stress reduction, referrals to community resources for education, health care, mental health care, childcare, and housing, and community outreach to African American women of child-bearing age. The target population includes African American infants, pregnant women and lactating and new mothers.

**B. Explain why this service is necessary and the consequence of denial:**

The black infant mortality rate in San Francisco is one of the largest in the country, an estimated 16.2 deaths per 1,000 births, six times the rate for white infants of 2.5 deaths per 1,000 births. The Black Infant Health Program focuses on ameliorating factors which contribute to poor birth outcomes in this population, including chronic stress, social isolation, limited access to services, and economic hardship. Without these services, the infant mortality rate will continue to increase, resulting in preventable deaths and adverse outcomes. The fiscal intermediary services provided enable the program to continue to provide services.

**C. Has this service been provided in the past? If so, how? If the service was provided under a previous PSC, attach copy of the most recently approved PSC.**  
4150-09/10

**D. Will the contract(s) be renewed?**  
Yes, if funding is available.

**E. If this is a request for a new PSC in excess of five years, or if your request is to extend (modify) an existing PSC by another five years, please explain why.**  
Contract under this PSC is for 5 years and one day, 7/1/2015 to 6/30/2020 for continuity of services.

**2. Reason(s) for the Request**

**A. Indicate all that apply (be specific and attach any relevant supporting documents):**

Services that require resources that the City lacks (e.g., office space, facilities or equipment with an operator).

**B. Explain the qualifying circumstances:**

As a community-based organization, this program has the resources needed to provide the highest quality of care to this very vulnerable population, complementing civil service staff resources with its place of trust in the community and its intimate and focused knowledge of those needs of African American women that prevent them from accessing resources necessary for improved maternal and infant health.

**3. Description of Required Skills/Expertise**

- A. Specify required skills and/or expertise: Contractor must have at least four years experience in providing fiscal intermediary services, in working with the African American community and/or programs that support health goals in the African American community, and knowledge of implementation of community based health programs.
- B. Which, if any, civil service class(es) normally perform(s) this work? 1654, Accountant III; 1823, Senior Administrative Analyst; 2585, Health Worker 1; 2593, Health Program Coordinator 3; 2910, Social Worker;
- C. Will contractor provide facilities and/or equipment not currently possessed by the City? If so, explain: As a community-based organization, this program has the resources needed to provide the highest quality of care to this very vulnerable population, complementing civil service staff resources with its place of trust in the community and its intimate and focused knowledge of those needs of African American women that prevent them from accessing resources necessary for improved maternal and infant health.

**4. If applicable, what efforts has the department made to obtain these services through available resources within the City?**

Not Applicable

**5. Why Civil Service Employees Cannot Perform the Services to be Contracted Out**

- A. Explain why civil service classes are not applicable:  
Civil service classes exist and are complemented by this highly focused program which leverages State funding and its highly scripted program mandates to provide the highest quality of care for program participants.
- B. If there is no civil service class that could perform the work, would it be practical and/or feasible to adopt a new civil service class to perform this work? Explain. No, these services complement and maximize the effectiveness of civil service staff who rely on them to provide the highest quality of care for this population.

**6. Additional Information**

- A. Will the contractor directly supervise City and County employee? If so, please include an explanation.  
No.
- B. Will the contractor train City and County employees and/or is there a transfer of knowledge component that will be included in the contract? If so, please explain what that will entail; if not, explain why not.  
This program is focused on providing education to the community, specifically, African American women and their infant children.
- C. Are there legal mandates requiring the use of contractual services?  
No.
- D. Are there federal or state grant requirements regarding the use of contractual services? If so, please explain and include an excerpt or copy of any such applicable requirement.  
No.
- E. Has a board or commission determined that contracting is the most effective way to provide this service? If so, please explain and include a copy of the board or commission action.  
No.

F. Will the proposed work be completed by a contractor that has a current PSC contract with your department? If so, please explain.  
No.

7. **Union Notification:** On 03/21/2015, the Department notified the following employee organizations of this PSC/RFP request:  
SEIU Local 1021,SEIU 1021 Miscellaneous,Professional & Tech Engrs, SFAPP,Professional & Tech Engrs, Local 21,Prof & Tech Eng, Local 21,SEIU Local 1021,SEIU 1021 Miscellaneous,Professional & Tech Engrs, SFAPP,Professional & Tech Engrs, Local 21,Prof & Tech Eng, Local 21,

I CERTIFY ON BEHALF OF THE DEPARTMENT THAT THE INFORMATION CONTAINED IN AND ATTACHED TO THIS FORM IS COMPLETE AND ACCURATE:

Name: Jacquie Hale Phone: (415) 554-2609 Email: jacquie.hale@sfdph.org

Address: 101 Grove Street, Room 307 San Francisco, CA 94102

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**FOR DEPARTMENT OF HUMAN RESOURCES USE**

PSC# 41837 - 14/15

DHR Analysis/Recommendation:

Civil Service Commission Action:

Commission Approval Required

DHR Approved for 01/04/2016

# **Receipt of Union Notification(s)**

**From:** [dhr-psccordinator@sfgov.org](mailto:dhr-psccordinator@sfgov.org) on behalf of [jacquie.hale@sfdph.org](mailto:jacquie.hale@sfdph.org)  
**To:** [Hale, Jacquie \(DPH\)](mailto:Hale, Jacquie (DPH)); [Sandeep.lal@seiu1021.net](mailto:Sandeep.lal@seiu1021.net); [Wendy.Frigillana@seiu1021.org](mailto:Wendy.Frigillana@seiu1021.org); [leah.berlanga@seiu1021.org](mailto:leah.berlanga@seiu1021.org); [davidmkersten@gmail.com](mailto:davidmkersten@gmail.com); [tiya.thiang@seiu1021.org](mailto:tiya.thiang@seiu1021.org); [Lopez, Ricardo \(PDR\)](mailto:Lopez, Ricardo (PDR)); [Basconcillo, Katherine \(PUC\)](mailto:Basconcillo, Katherine (PUC)); [pcamarillo\\_seiu@shglobal.net](mailto:pcamarillo_seiu@shglobal.net); [Carey.dall@seiu1021.org](mailto:Carey.dall@seiu1021.org); [pscreview@seiu1021.org](mailto:pscreview@seiu1021.org); [joe.brenner@seiu1021.org](mailto:joe.brenner@seiu1021.org); [ted.zarzecki@seiu1021.net](mailto:ted.zarzecki@seiu1021.net); [ablood@cirseiu.org](mailto:ablood@cirseiu.org); [xiumin.li@seiu1021.org](mailto:xiumin.li@seiu1021.org); [Poon, SinYee \(HSA\) \(DSS\)](mailto:Poon, SinYee (HSA) (DSS)); [david.canham@seiu1021.org](mailto:david.canham@seiu1021.org); [joe.tanner@seiu1021.net](mailto:joe.tanner@seiu1021.net); [Larry.Bradshaw@seiu1021.org](mailto:Larry.Bradshaw@seiu1021.org); [L21PSCReview@ifote21.org](mailto:L21PSCReview@ifote21.org); [brenda.mendieta@sfdph.org](mailto:brenda.mendieta@sfdph.org); [Isen, Richard \(TIS\)](mailto:Isen, Richard (TIS)); [DHR-PSCCoordinator, DHR \(HRD\)](mailto:DHR-PSCCoordinator, DHR (HRD))  
**Subject:** Receipt of Notice for new PCS over \$100K PSC # 41837 - 14/15  
**Date:** Saturday, March 21, 2015 2:54:59 PM

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RECEIPT for Union Notification for PSC 41837 - 14/15 more than \$100k

The PUBLIC HEALTH -- DPH has submitted a request for a Personal Services Contract (PSC) 41837 - 14/15 for \$5,500,000 for Initial Request services for the period 07/01/2015 – 06/30/2020. Notification of 30 days (60 days for SEIU) is required.

After logging into the system please select link below, view the information and verify receipt:

<http://apps.sfgov.org/dhrdrupal/node/4607> For union notification, please see the

TO: field of the email to verify receipt. If you do not see all the unions you intended to contact, the PSC Coordinator must change the state back to NOT READY, make sure the classes and unions you want to notify are selected and SAVE. Then VIEW the record and verify the list of unions and emails. EDIT the document again , change the state back START UNION NOTIFICATION and SAVE. You should receive the email with all unions to the TO: field as intended

## **Additional Attachment(s)**

PSC 41837-09/10

We met with the SEIU on 11/20/15 to answer all their questions regarding this PSC and that they have no further questions. The PSC is ready to be calendared for 1/4/16 CSC Meeting

Attachment to 41837-14/15 Fiscal Intermediary for the Black Infant Health (BIH) Program

In response to a request from SEIU Local 1021, the Department of Public Health with SEIU on November 20, 2015, to provide additional information on the services under this PSC.

The Department explained that the Black Infant Health in San Francisco, under the sole contract of the Department of Public Health's Maternal and Child Health Division, is funded by the State and based on a specific State model.

It provides family advocacy services by highly responsive, flexible, and State-qualified advocates with relevant lived experience to help women and their children in the community to have healthy pregnancies, births, and early childhood care in order to work to reduce the dramatic and continuing disparity in the health of black infants.

Services provided include targeted and specialized outreach and referral and training and help provided to participating mothers in health, life planning, and financial management through individual and group education.





# CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

GAVIN NEWSOM  
MAYOR

E. DENNIS NORMANDY  
PRESIDENT

DONALD A. CASPER  
VICE PRESIDENT

MORGAN R. GORRONO  
COMMISSIONER

MARY Y. JUNG  
COMMISSIONER

ANITA SANCHEZ  
EXECUTIVE OFFICER

June 24, 2010

## NOTICE OF CIVIL SERVICE COMMISSION ACTION

**SUBJECT: REVIEW OF REQUEST FOR APPROVAL OF PROPOSED  
PERSONAL SERVICES CONTRACT NUMBER 4148-09/10  
THROUGH 4162-09/10.**

At its meeting of June 21, 2010 the Civil Service Commission had for its consideration the above matter.

**PLEASE NOTE:** *It is important that a copy of this action be kept in the department files as you will need it in the future as proof of Civil Service Commission approval. Please share it with everyone responsible for follow-up.*

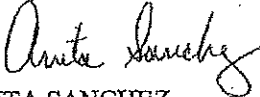
It was the decision of the Commission to:

- (1) Adopt the report; Approve request for approval of PSC #s 4150-09/10 through 4153-09/10; 4156-09/10; 4160-09/10; and 4161-09/10 on the condition that the Department of Public Health make every reasonable effort to create requisitions for those 2819 Assistant Health Educators laid off in 2009 and other Local 21 represented positions that are subject to reduction or layoff; and that the Department of Public Health report every six (6) months to the Civil Service Commission on its progress in meeting this condition. Notify the Office of the Controller and the Office of Contract Administration.
- (2) Adopt the report; Approve request for approval of PSC #4155-09/10 on the condition that 1) the Department of Public Health will meet with IFPTE Local 21 to discuss and evaluate whether and to what extent work to be performed in this PSC is work which could be performed by Real Property Managers; 2) If at the conclusion of these discussions, it turns out that work in this PSC is not work which could be performed by Real Property Managers, then the matter is closed; 3) If at the conclusion of these discussions, it turns out that work in this PSC is work which could be performed by Real Property Managers, then the Department of Public Health and Local 21 will endeavor to utilize CCSF Real Property Managers to perform this work, and make appropriate modifications to the contract(s) in the PSC accordingly. Notify the Office of the Controller and the Office of Contract Administration.
- (3) Adopt the report; Approve request for approval of PSC #4158-09/10 for a duration of two years, to June 30, 2012. Notify the Office of the Controller and the Office of Contract Administration.
- (4) Adopt the report; Approve request for approval of all remaining contracts. Notify the Office of the Controller and the Office of Contract Administration.

CSC Notice of Action  
June 24, 2010  
Page 2

If this matter is subject to Code of Civil Procedure (CCP) Section 1094.5, the time within which judicial review must be sought is set forth in CCP Section 1094.6.

CIVIL SERVICE COMMISSION

  
ANITA SANCHEZ  
Executive Officer

Attachment

c: Micki Callahan, Human Resources Director  
Jacquie Hale, Department of Public Health  
Naomi Kelly, Office of Contract Administration  
Ben Rosenfield, Controller  
Commission File  
Chron

POSTING FOR  
6/7/2010

PROPOSED PERSONAL SERVICES CONTRACTS - Regular

PSC No	Dept No	Dept Name	Approval Type	Contract Amount	Description of Work	Duration
4147-09/10	25	Mayor	Regular	\$400,000	Contractor will customize their proprietary software known as the Total Grants Solution (TGS) to add housing development process and data tracking functionality. The TGS system is a technology solution that meets the City's strategy of collecting and managing data for the Federal Department of Housing and Urban Development (HUD) grant programs including the Community Development Block (CDBG), and Emergency Shelter Grants (ESG.) The solution is the primary tool MOH uses to ensure programmatic and fiscal compliance and accountability while providing a direct and immediate link between the City and its grantees that allows for the tracking of programmatic outcomes and clients served as well as the ability of the grantee to invoice the City for contractual services rendered. Finally, the system incorporates the audit requirements of local, state and federal funding sources.	6/30/2012
4148-09/10	81	Public Health	Regular	\$2,000,000	The contractor (State of California) will coordinate and provide genetic testing services on blood samples taken from newborn babies from San Francisco General Hospital, in accordance with State law.	6/30/2020
4149-09/10	81	Public Health	Regular	\$1,250,000	Assistance to and training of Department Information Technology staff in the installation and building of an ambulatory Electronic Medical Record (EMR) system for San Francisco General Hospital and DPH community-based primary care and specialty clinics. Technical support to the Department's IT staff upon live activation of the new system. Please note that the amount shown above is a current best estimate of the value of only the professional services required, not software.	6/30/2015
4150-09/10	81	Public Health	Regular	\$136,000,000	Culturally appropriate mental health and substance abuse services for children, youth, and their families will be provided by multiple contractors, which together form a System of Care to address the broad continuum of needs and illnesses presented by these clients. Services will include mental health assessment, therapy, collateral and wraparound services, community-based violence and trauma recovery services, community-based day treatment services, residentially-based day treatment services, intensive/day rehabilitative services, primary and secondary substance abuse prevention services, therapeutic behavioral services, therapeutic visitation services, and targeted case management.	6/30/2015

PERSONAL SERVICES CONTRACT SUMMARY

DATE: April 27, 2010 rev. May 17, 2010

DEPARTMENT NAME: Public Health DEPARTMENT NUMBER 81, 82

TYPE OF APPROVAL: [ ] EXPEDITED [x] REGULAR (OMIT POSTING ) [ ] CONTINUING [ ] ANNUAL

TYPE OF REQUEST: [x] INITIAL REQUEST [ ] MODIFICATION (PSC# )

TYPE OF SERVICE: Children, Youth and Families Mental Health and Substance Abuse Services

FUNDING SOURCE: State Realignment, Medi-Cal, General Funds, Grants, Work Orders

PSC AMOUNT: \$136,000,000 PSC DURATION: 7/1/2010 - 6/30/2015

1. DESCRIPTION OF WORK

A. Concise description of proposed work:

Culturally appropriate mental health and substance abuse services for children, youth, and their families will be provided by multiple contractors, which together form a System Of Care to address the broad continuum of needs and illnesses presented by these clients. Services will include mental health assessment, therapy, collateral and wraparound services, community-based violence and trauma recovery services, community-based day treatment services, residentially-based day treatment services, intensive/day rehabilitative services, primary and secondary substance abuse prevention services, therapeutic behavioral services, therapeutic visitation services, and targeted case management.

B. Explain why this service is necessary and the consequences of denial:

Without these services, children, youth, and their families will be exposed to increased levels of addiction, anxiety, depression, post-traumatic stress disorder, violence, trauma, post-trauma, and other symptoms. There may also be a generalized sense of increased collective helplessness throughout the community when related to significant numbers the community with untreated mental illness, leading to communities which feel besieged and victimized. Not providing the services may result in increased lawsuits and related costs, as well as disallowance of State and Federal funding for failing to expend funds within regulatory guidelines.

C. Explain how this service has been provided in the past (if this service was previously approved by the Civil Service Commission, indicate most recent personal services contract approval number):

2013-04/05 and 2012-08/09

D. Will the contract(s) be renewed: Yes, if funding is available.

2. UNION NOTIFICATION: Copy of this summary is to be sent to employee organizations as appropriate (refer to instructions for specific procedures):

SEIU Local 1021; IFPTE Local 21; UAPD (Unit 8-CC) Union Name, Jacquie Hale Signature of person mailing/faxing form, April 30, 2010 Date

RFP sent to SEIU Local 1021; IFPTE Local 21, on July 30, 2009 Date, Mahlet Girma Signature

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FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 4150-09/10

STAFF ANALYSIS/RECOMMENDATION:

CIVIL SERVICE COMMISSION ACTION: approved 6/21/10

3. DESCRIPTION OF REQUIRED SKILLS/EXPERTISE

A. Specify required skills and/or expertise:

The contractors must have appropriately trained, licensed or certified staff and facilities which comply with applicable State laws and regulations, chiefly, California Welfare and Institutions Code Sect. 5000.

B. Which, if any, civil service class normally performs this work?

If these services were to be performed by Civil Service classes, they might be provided by a combination of any or all the following: UAPD (Unit 8-CC): 2230 Physician-Specialist, 2232 Senior Physician Specialist, (Psychiatrist); IFPTE Local 21: 2589/2591/2593 Health Program Coordinators I, II, and III, 2822 Senior Medical Social Worker; SEIU Local 1021: 2110 Medical Records Clerk, 2305 Psychiatric Technician, 2320 Registered Nurse, 2328 Nurse Practitioner, 2552 Director of Activities, Therapy and Volunteer Services (Recreational Therapist), 2574 Psychologist, 2585/86/87/88 Health worker I, II, III, IV, 2910 Social Worker, 2930 Psychiatric Social Worker, 2706 Housekeeper/Food Service Cleaner. 2908 Hospital Eligibility Worker, 2913 Program Specialist, 2915 Program Supervisor, 2920 Medical Social Worker, 2930 Psychiatric Social Worker, 2935 Senior Marriage, Family and Child Counselor.

C. Will contractor provide facilities and/or equipment not currently possessed by the City? If yes, explain:

Yes, contractors will maintain appropriate community facilities that are licensed and otherwise compliant with external funding and regulatory requirements for provision of contracted services.

4. WHY CLASSIFIED CIVIL SERVICE CANNOT PERFORM

A. Explain why civil service classes are not applicable:

Community-based behavioral health contractors provide cultural expertise and linkages otherwise unavailable through Civil Service classifications. Civil Service staff work in partnership with contractors, which are mostly non-profit organizations, and through these collaborations the City is able to offer higher quality, more accessible mental health and substance abuse treatment services to its residents.

The mental health and substance abuse treatment services System Of Care is best performed by community-based service providers which have the required expertise, often specific to the target population they serve, and who have the trust of and credibility in the community, as well as linkages and resources unavailable to the City at a comparable level, and they are able to operate the small, flexible, community-based programs required by State law and found to be most effective in treating our residents who are mentally ill.

B. Would it be practical to adopt a new civil service class to perform this work? Explain.

No. Current existing classifications perform this work. However, demand exceeds the capacity at City facilities to provide these services, so that City uses contractors to meet as many of the clients' needs as possible.

5. ADDITIONAL INFORMATION (if "yes," attach explanation)

Yes No

A. Will the contractor directly supervise City and County employees?

B. Will the contractor train City and County employees?

- Describe the training and indicate approximate number of hours.
Indicate occupational type of City and County employees to receive training (i.e., clerks, civil engineers, etc.) and approximate number to be trained.

C. Are there legal mandates requiring the use of contractual services?

D. Are there federal or state grant requirements regarding the use of contractual services? California Welfare and Institutions Code, Sect. 5652.5 (please see attached)

E. Has a board or commission determined that contracting is the most effective way to provide this service?

F. Will the proposed work be completed by a contractor that has a current personal services

THE ABOVE INFORMATION IS SUBMITTED AS COMPLETE AND ACCURATE ON BEHALF OF THE DEPARTMENT HEAD:

Signature of Departmental Personal Services Contract Coordinator
Jacquie Hale 554-2609
Print or Type Name Telephone Number
101 Grove St. Rm. 307, San Francisco, CA 94102
Address

## PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: PUBLIC HEALTH -- DPHDept. Code: DPHType of Request:  Initial  Modification of an existing PSC (PSC # \_\_\_\_\_)Type of Approval:  Expedited  Regular  Annual  Continuing  (Omit Posting)Type of Service: Pharmacy and Medical Waste Management and Disposal ServicesFunding Source: General FundsPSC Duration: 4 years 25 weeksPSC Amount: \$5,000,000**1. Description of Work****A. Scope of Work/Services to be Contracted Out:**

The contractors will pick up and dispose of pharmaceutical and medical waste generated by Department of Public Health facilities (hospitals, clinics, satellite locations)

**B. Explain why this service is necessary and the consequence of denial:**

This service is necessary in order to continue the day to day operations of the Department of Public Health. As a generator of various streams of medical waste the Department is mandated to dispose of such waste in approved manners. Denial will result in the department being subject to fines and sanctions that will impact the day to day operation of the Department and the provision of medical services to our patients and clients.

**C. Has this service been provided in the past? If so, how? If the service was provided under a previous PSC, attach copy of the most recently approved PSC.**

The services are provided under contract (term contract) administered by the Office of Contract Administration.

**D. Will the contract(s) be renewed?**

Yes

**E. If this is a request for a new PSC in excess of five years, or if your request is to extend (modify) an existing PSC by another five years, please explain why.**

not applicable

**2. Reason(s) for the Request****A. Indicate all that apply (be specific and attach any relevant supporting documents):**

Services required on an as-needed, intermittent, or periodic basis (e.g., peaks in workload).

Services that require resources that the City lacks (e.g., office space, facilities or equipment with an operator).

**B. Explain the qualifying circumstances:**

The City does not have the permitted waste disposal facilities and lacks the full range of equipment to handle and dispose of medical and pharmaceutical waste to provide these as-needed services.

**3. Description of Required Skills/Expertise**

- A. Specify required skills and/or expertise: Licensed disposal facilities, proper licenses and experience to handle and transport medical / pharmaceutical wastes, thorough knowledge of federal and state requirements pertaining to the transportation and disposal of medical and pharmaceutical wastes. The work must be done by persons meeting OSHA training and medical monitoring requirements.
- B. Which, if any, civil service class(es) normally perform(s) this work? 6122, Sr Environmental Hlth Insp;
- C. Will contractor provide facilities and/or equipment not currently possessed by the City? If so, explain:  
Yes. The contractor will provide permitted and specialized vehicles not possessed by the City. The contractor will maintain a store of containers and packaging materials not possessed by the City. Disposal sites operate a broad range of waste treatment, incineration, and landfill facilities not possessed by the City.

**4. If applicable, what efforts has the department made to obtain these services through available resources within the City?**

The Department uses City staff to manage the overall program, however it is not practical to have dedicated resources (i.e. an new class) for the disposal of medical and pharmaceutical waste.

**5. Why Civil Service Employees Cannot Perform the Services to be Contracted Out**

- A. Explain why civil service classes are not applicable.  
Due to the intermittent and as-needed nature of the work, civil service classes are not applicable.
- B. If there is no civil service class that could perform the work, would it be practical and/or feasible to adopt a new civil service class to perform this work? Explain. No, the actual volume of labor required to administer this services is small. That labor is primarily for work necessary for the final loading and removal of medical and pharmaceutical waste from City work sites.

**6. Additional Information**

- A. Will the contractor directly supervise City and County employee? If so, please include an explanation.  
No.
- B. Will the contractor train City and County employees and/or is there a transfer of knowledge component that will be included in the contact? If so, please explain what that will entail; if not, explain why not.  
The contractor will only pick up and dispose medical waste. Training on how to handle medical waste and its proper disposal is obtained through Departmental training programs. Through the employment of contractors, there may be knowledge transfer between entities on the subject matter.
- C. Are there legal mandates requiring the use of contractual services?  
No.
- D. Are there federal or state grant requirements regarding the use of contractual services? If so, please explain and include an excerpt or copy of any such applicable requirement.  
No.
- E. Has a board or commission determined that contracting is the most effective way to provide this service? If so, please explain and include a copy of the board or commission action.  
No.

F. Will the proposed work be completed by a contractor that has a current PSC contract with your department? If so, please explain.  
Stericycle, Inc. and Clean Harbors Environmental, Inc. currently hold contracts with the Department and the City for the disposal of hazardous waste or medical waste.

7. **Union Notification:** On 10/26/2015, the Department notified the following employee organizations of this PSC/RFP request:  
TWU - Miscellaneous, TWU - Miscellaneous,

I CERTIFY ON BEHALF OF THE DEPARTMENT THAT THE INFORMATION CONTAINED IN AND ATTACHED TO THIS FORM IS COMPLETE AND ACCURATE:

Name: Jacquie Hale Phone: (415) 554-2609 Email: jacquie.hale@sfdph.org

Address: 101 Grove St., Rm. 307 San Francisco, CA 94102

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**FOR DEPARTMENT OF HUMAN RESOURCES USE**

PSC# 44383 - 15/16

DHR Analysis/Recommendation:

Civil Service Commission Action:

Commission Approval Required

DHR Approved for 01/04/2016



# Receipt of Union Notification(s)

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**From:**  
**Sent:**  
**To:**  
**Subject:**

-----Original Message-----

From: dhr-psccordinator@sfgov.org [mailto:dhr-psccordinator@sfgov.org] On Behalf Of jacquie.hale@sfdph.org  
Sent: Monday, October 26, 2015 4:54 PM  
To: Hale, Jacquie (DPH) <jacquie.hale@sfdph.org>; ritchell@twusf.org; Longhitano, Robert (DPH) <robert.longhitano@sfdph.org>; Isen, Richard (TIS) <richard.isen@sfgov.org>; DHR-PSCCoordinator, DHR (HRD) <dhr-psccordinator@sfgov.org>  
Subject: Receipt of Notice for new PCS over \$100K PSC # 44383 - 15/16

RECEIPT for Union Notification for PSC 44383 - 15/16 more than \$100k

The PUBLIC HEALTH -- DPH has submitted a request for a Personal Services Contract (PSC) 44383 - 15/16 for \$5,000,000 for Initial Request services for the period 01/01/2016 – 06/30/2020. Notification of 30 days (60 days for SEIU) is required.

After logging into the system please select link below, view the information and verify receipt:

<http://apps.sfgov.org/dhrdrupal/node/5984> For union notification, please see the TO: field of the email to verify receipt. If you do not see all the unions you intended to contact, the PSC Coordinator must change the state back to NOT READY, make sure the classes and unions you want to notify are selected and SAVE. Then VIEW the record and verify the list of unions and emails. EDIT the document again , change the state back START UNION NOTIFICATION and SAVE. You should receive the email with all unions to the TO: field as intended

**Modification**  
**Personal Services Contracts**

## PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: AIRPORT COMMISSIONDept. Code: AIRType of Request:  Initial  Modification of an existing PSC (PSC # 46840 - 13/14)Type of Approval:  Expedited  Regular  Annual  Continuing  (Omit Posting)Type of Service: As-Needed Environmental Consulting ServicesFunding Source: Airport Operating & Capital FundPSC Original Approved Amount: \$1,500,000PSC Original Approved Duration: 06/01/14 - 06/01/19 (5 years 1 day)PSC Mod#1 Amount: \$7,000,000PSC Mod#1 Duration: 06/01/19-12/31/21 (2 years 30 weeks)PSC Cumulative Amount Proposed: \$8,500,000PSC Cumulative Duration Proposed: 7 years 30 weeks**1. Description of Work****A. Scope of Work/Services to be Contracted Out:**

As-needed environmental consulting services are required for verification of compliance with environmental laws, regulations, and standards. The as-needed consulting services will assist the Airport to maintain compliance with environmental regulations in support of operations and maintenance functions and Capital Improvement Program (CIP) projects. Services will include: site investigation for contaminant characterization, planning and design of asbestos/lead abatement and demolition of Airport buildings, construction management and technical oversight of environmental remediation, air quality control permitting and monitoring services, and environmental database support services.

**B. Explain why this service is necessary and the consequence of denial:**

The as-needed services are required to avoid potential penalties for failure to comply with environmental laws and regulations. The Airport requires an expedited response for hazardous material response and cleanup. Denial of the technical resources could hamper this response.

**C. Has this service been provided in the past? If so, how? If the service was provided under a previous PSC, attach copy of the most recently approved PSC.**

46840-13/14

**D. Will the contract(s) be renewed?**

Yes, if there continues to be a need for such services.

**E. If this is a request for a new PSC in excess of five years, or if your request is to extend (modify) an existing PSC by another five years, please explain why:**

Since this request is for as-needed contracts, we need to align the PSC approval with the resulting contracts.

**2. Reason(s) for the Request**

A. Display all that apply

Services required on an as-needed, intermittent, or periodic basis (e.g., peaks in workload).

Explain the qualifying circumstances:

This request is for as-needed work.

B. Reason for the request for modification:

Increase amount and time.

**3. Description of Required Skills/Expertise**

A. Specify required skills and/or expertise: Professionals with experience in environmental services are required for verification of compliance with air and water quality monitoring, peer review of on-going environmental work, and investigation and remediation of emergency hazardous spills and leaks.

B. Which, if any, civil service class(es) normally perform(s) this work? 5211, Eng/Arch/Landscape Arch Sr; 5241, Engineer; 5640, Environmental Spec; 5642, Sr. Environmental Spec; 5644, Principal Environ Specialist;

C. Will contractor provide facilities and/or equipment not currently possessed by the City? If so, explain: Yes, contractor may provide specially equipped trailers, equipment and materials for on-site investigation and/or remediation of hazardous materials/hazardous materials, leaks, and spills.

**4. If applicable, what efforts has the department made to obtain these services through available resources within the City?**

A Notice of Intent was sent to City departments on 1/2/14 and no responses were received by the deadline of 1/10/14.

**5. Why Civil Service Employees Cannot Perform the Services to be Contracted Out**

A. Explain why civil service classes are not applicable.

Current civil service classifications are able to handle small spills; however, for larger projects the Airport requires the services of outside resources to handle this work.

B. If there is no civil service class that could perform the work, would it be practical and/or feasible to adopt a new civil service class to perform this work? Explain: No, as the work will be on an intermittent and as-needed basis.

**6. Additional Information**

A. Will the contractor directly supervise City and County employee? If so, please include an explanation.

No.

- B. Will the contractor train City and County employees and/or is there a transfer of knowledge component that will be included in the contract? If so, please explain what that will entail; if not, explain why not.  
There will be no training for this PSC.
- C. Are there legal mandates requiring the use of contractual services?  
No.
- D. Are there federal or state grant requirements regarding the use of contractual services? If so, please explain and include an excerpt or copy of any such applicable requirement.  
No.
- E. Has a board or commission determined that contracting is the most effective way to provide this service? If so, please explain and include a copy of the board or commission action.  
No.
- F. Will the proposed work be completed by a contractor that has a current PSC contract with your department? If so, please explain.  
Yes, Haley and Aldrich, Ninyo and Moore, SCA Env.

7. **Union Notification:** On 11/30/15, the Department notified the following employee organizations of this PSC/RFP request:  
Prof & Tech Eng, Local 21; Prof & Tech Eng, Local 21;

I CERTIFY ON BEHALF OF THE DEPARTMENT THAT THE INFORMATION CONTAINED IN AND ATTACHED TO THIS FORM IS COMPLETE AND ACCURATE:

Name: Cynthia Avakian Phone: 650-821-2014 Email: cynthia.avakian@flysfso.com

Address: P.O. Box 8097, San Francisco, CA 94128

\*\*\*\*\*

**FOR DEPARTMENT OF HUMAN RESOURCES USE**

PSC# 46840 - 13/14

DHR Analysis/Recommendation:

Civil Service Commission Action:

Commission Approval Required

DHR Approved for 01/04/2016

# Receipt of Union Notification(s)

## Cynthia Avakian (AIR)

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**From:** dhr-psccordinator@sfgov.org on behalf of cynthia.avakian@flysfo.com  
**Sent:** Monday, November 30, 2015 8:27 PM  
**To:** Cynthia Avakian (AIR); amakayan@ifpte21.org; L21PSCReview@ifpte21.org; Cynthia Avakian (AIR); DHR-PSCCoordinator, DHR (HRD); Isen, Richard (TIS)  
**Subject:** Receipt of Modification Request to PSC # 46840 - 13/14 - MODIFICATIONS

PSC RECEIPT of Modification notification sent to Unions and DHR

The AIRPORT COMMISSION -- AIR has submitted a modification request for a Personal Services Contract (PSC) for \$7,000,000 for services for the period June 1, 2019 – December 31, 2021. For all Modification requests, there is a 7-Day noticed to the union(s) prior to DHR Review.

If SEIU is one of the unions that represents the classes you identified in the initial PSC and the cumulative amount of the request is over \$100,000, there is a 60 day review period for SEIU

After logging into the system please select link below:

<http://apps.sfgov.org/dhrdrupal/node/6114>

Email sent to the following addresses: L21PSCReview@ifpte21.org amakayan@ifpte21.org



# **Additional Attachment(s)**

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: AIRPORT COMMISSION -- AIR Dept. Code: AIR

Type of Request: [X] Initial [ ] Modification of an existing PSC (PSC # \_\_\_\_\_)

Type of Approval: [ ] Expedited [X] Regular ([ ] Omit Posting)

Type of Service: As-Needed Environmental Consulting Services

Funding Source: Airport Operating & Capital Fund PSC Duration: 5 years 1 day
PSC Amount: \$1,500,000 PSC Est. Start Date: 06/01/2014 PSC Est. End Date: 06/01/2019

1. Description of Work

A. Scope of Work:

As-needed environmental consulting services are required for verification of compliance with environmental laws, regulations, and standards. The as-needed consulting services will assist the Airport to maintain compliance with environmental regulations in support of operations and maintenance functions and Capital Improvement Program (CIP) projects. Services will include: site investigation for contaminant characterization, planning and design of asbestos/lead abatement and demolition of Airport buildings, construction management and technical oversight of environmental remediation, air quality control permitting and monitoring services, and environmental database support services.

B. Explain why this service is necessary and the consequence of denial:

The as-needed services are required to avoid potential penalties for failure to comply with environmental laws and regulations. The Airport requires an expedited response for hazardous material response and cleanup. Denial of the technical resources could hamper this response.

C. Has this service been provided in the past. If so, how? If the service was provided via a PSC, provide the most recently approved PSC # and upload a copy of the PSC. This service was previously provided through PSC #4078-06/07. However, a new PSC request is needed for a new RFP.

D. Will the contract(s) be renewed? Yes, if there continues to be a need for such services.

2. Union Notification: On 01/17/2014, the Department notified the following employee organizations of this PSC/RFP request: Prof & Tech Eng, Local 21,

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FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 46840 - 13/14

DHR Analysis/Recommendation:

03/17/2014

Commission Approval Required

Approved by Civil Service Commission

DHR Approved for 03/17/2014

03/17/2014

July 2013

**3. Description of Required Skills/Expertise**

A. Specify required skills and/or expertise:  
 Professionals with experience in environmental services are required for verification of compliance with air and water quality monitoring, peer review of on-going environmental work, and investigation and remediation of emergency hazardous spills and leaks.

B. Which, if any, civil service class(es) normally perform(s) this work?  
 5211,5241,5640,5642,5644,

C. Will contractor provide facilities and/or equipment not currently possessed by the City? If yes, explain:  
 Yes, contractor may provide specially equipped trailers, equipment and materials for on-site investigation and/or remediation of hazardous materials/hazardous materials, leaks, and spills.

**4. Why Classified Civil Service Cannot Perform**

A. Explain why civil service classes are not applicable:  
 Current civil service classifications are able to handle small spills; however, for larger projects the Airport requires the services of outside resources to handle this work.

B. Would it be practical to adopt a new civil service class to perform this work? Explain:  
 No, as the work will be on an intermittent and as-needed basis.

**5. Additional Information (if "yes", attach explanation)**

	<u>YES</u>	<u>NO</u>
A. Will the contractor directly supervise City and County employee?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B. Will the contractor train City and County employee?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C. Are there legal mandates requiring the use of contractual services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D. Are there federal or state grant requirements regarding the use of contractual services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
E. Has a board or commission determined that contracting is the most effective way to provide this service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
F. Will the proposed work be completed by a contractor that has a current PSC contract with your department?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

THE ABOVE INFORMATION IS SUBMITTED AS COMPLETE AND ACCURATE ON BEHALF OF THE DEPARTMENT HEAD  
 ON 02/19/2014 BY:

Name: Cynthia Avakian Phone: 650-821-2014 Email: cynthia.avakian@flysfso.com

Address: P.O. Box 8097 San Francisco, CA 94128

## PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: HUMAN RESOURCESDept. Code: HRD

Type of Request:  Initial  Modification of an existing PSC (PSC # 33469 - 14/15)

Type of Approval:  Expedited  Regular  Annual  Continuing  (Omit Posting)

Type of Service: Young Adult Internship Program (Year Up)Funding Source: General FundPSC Original Approved Amount: \$250,000PSC Original Approved Duration: 08/01/15 - 07/31/16 (1 year)PSC Mod#1 Amount: \$271,000PSC Mod#1 Duration: no duration addedPSC Cumulative Amount Proposed: \$521,000PSC Cumulative Duration Proposed: 1 year**1. Description of Work****A. Scope of Work/Services to be Contracted Out:**

The City is seeking approval to enter into a contract with Year Up, a national nonprofit organization that provides urban young adults with the skills, experience, and support necessary to build professional careers in Information Technology (IT). The Year Up model includes an education component followed by a paid work internship for its participants. The City intends to offer the paid internships at the Department of Public Health (DPH) as a program pilot.

**B. Explain why this service is necessary and the consequence of denial:**

The Year Up organization provides educational and internship opportunities for young adults, who may not otherwise have access, to prepare them for a career in IT. In March 2014, Year Up Bay Area enrolled 40 students from the Southeastern corridor of San Francisco and successfully placed 31 students in paid internships in the private sector: Facebook, Salesforce, JPMorgan Chase. The City is interested in offering IT internships in the public sector to prepare these young adults for a possible career in public service. It is necessary for DPH to engage the expertise of a non-profit organization that provides six months of learning and development prior to a six month internship at DPH. If approval is denied, DPH would be unable to offer the program.

**C. Has this service been provided in the past? If so, how? If the service was provided under a previous PSC, attach copy of the most recently approved PSC.**

By Initial PSC

**D. Will the contract(s) be renewed?**

Renewal is subject to contract performance and department needs.

**E. If this is a request for a new PSC in excess of five years, or if your request is to extend (modify) an existing PSC by another five years, please explain why:****2. Reason(s) for the Request**

A. Display all that apply

- Short-term or capital projects requiring diverse skills, expertise and/or knowledge.

Explain the qualifying circumstances:

The services are highly specialized, intermittent and short-term in duration.

B. Reason for the request for modification:

To increase money and duration

**3. Description of Required Skills/Expertise**

- A. Specify required skills and/or expertise: Proven expertise in providing an internship training program; ability to identify, recruit, engage and screen qualified individuals into the applicant pool and expertise in providing requested services.
- B. Which, if any, civil service class(es) normally perform(s) this work? 1002, IS Operator-Journey; 1003, IS Operator-Senior; 1004, IS Operator-Analyst; 1005, IS Operator-Supervisor; 1011, IS Technician Assistant; 1012, IS Technical-Journey; 1013, IS Technician-Senior; 1014, IS Technician-Supervisor; 1021, IS Administrator 1; 1022, IS Administrator 2; 1232, Training Officer; 1250, Recruiter;
- C. Will contractor provide facilities and/or equipment not currently possessed by the City? If so, explain: No.

**4. If applicable, what efforts has the department made to obtain these services through available resources within the City?**

Not Applicable

**5. Why Civil Service Employees Cannot Perform the Services to be Contracted Out**

- A. Explain why civil service classes are not applicable.  
Civil service classes are not applicable because the services require: established contacts, expert outreach to a unique population, and demonstrated success in developing and executing an educational IT curriculum and design and implementation of a comprehensive IT internship program. The services are highly specialized, intermittent and short-term in duration.
- B. If there is no civil service class that could perform the work, would it be practical and/or feasible to adopt a new civil service class to perform this work? Explain: No. It would not be practical to adopt a new civil service class because this is a specialized program.

**6. Additional Information**

- A. Will the contractor directly supervise City and County employee? If so, please include an explanation.  
No.
- B. Will the contractor train City and County employees and/or is there a transfer of knowledge component that will be included in the contact? If so, please explain what that will entail; if not, explain why not.

Training is proprietary.

C. Are there legal mandates requiring the use of contractual services?

No.

D. Are there federal or state grant requirements regarding the use of contractual services? If so, please explain and include an excerpt or copy of any such applicable requirement.

No.

E. Has a board or commission determined that contracting is the most effective way to provide this service? If so, please explain and include a copy of the board or commission action.

No.

F. Will the proposed work be completed by a contractor that has a current PSC contract with your department? If so, please explain.

No.

7. **Union Notification:** On 11/24/15, the Department notified the following employee organizations of this PSC/RFP request:

Architect & Engineers, Local 21; Architect & Engineers, Local 21;

I CERTIFY ON BEHALF OF THE DEPARTMENT THAT THE INFORMATION CONTAINED IN AND ATTACHED TO THIS FORM IS COMPLETE AND ACCURATE:

Name: Brent Lewis Phone: 557-4944 Email: brent.lewis@sfgov.org

Address: 1 South Van Ness Avenue, 4th Floor, San Francisco, CA 94103

\*\*\*\*\*

**FOR DEPARTMENT OF HUMAN RESOURCES USE**

PSC# 33469 - 14/15

DHR Analysis/Recommendation:

Civil Service Commission Action:

Commission Approval Required

DHR Approved for 01/04/2016

# **Receipt of Union Notification(s)**

**Choi, Suzanne (HRD)**

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**From:** dhr-psccordinator@sfgov.org on behalf of brent.lewis@sfgov.org  
**Sent:** Tuesday, November 24, 2015 5:26 PM  
**To:** Lewis, Brent (HRD); richardisen@gmail.com; L21PSCReview@ifpte21.org; Choi, Suzanne (HRD); DHR-PSCCoordinator, DHR (HRD); Isen, Richard (TIS)  
**Subject:** Receipt of Modification Request to PSC # 33469 - 14/15 - MODIFICATIONS

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

PSC RECEIPT of Modification notification sent to Unions and DHR

The HUMAN RESOURCES-- HRD has submitted a modification request for a Personal Services Contract (PSC) for \$271,000 for services for the period August 1, 2015

-- July 31, 2016. For all Modification requests, there is a 7-Day noticed to the union(s) prior to DHR Review.

If SEIU is one of the unions that represents the classes you identified in the initial PSC and the cumulative amount of the request is over \$100,000, there is a 60 day review period for SEIU

After logging into the system please select link below:

<http://apps.sfgov.org/dhrdrupal/node/6095>

Email sent to the following addresses: [L21PSCReview@ifpte21.org](mailto:L21PSCReview@ifpte21.org) [richardisen@gmail.com](mailto:richardisen@gmail.com)



## **Additional Attachment(s)**

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: HUMAN RESOURCES -- HRD Dept. Code: HRD

Type of Request:  Initial  Modification of an existing PSC (PSC # \_\_\_\_\_)

Type of Approval:  Expedited  Regular ( Omit Posting)

Type of Service: Young Adult Internship Program (Year Up)

Funding Source: General Fund PSC Duration: 1 year  
PSC Amount: \$250,000 PSC Est. Start Date: 08/01/2015 PSC Est. End Date: 07/31/2016

**1. Description of Work**

**A. Scope of Work:**

The City is seeking approval to enter into a contract with Year Up, a national nonprofit organization that provides urban young adults with the skills, experience, and support necessary to build professional careers in Information Technology (IT). The Year Up model includes an education component followed by a paid work internship for its participants. The City intends to offer the paid internships at the Department of Public Health (DPH) as a program pilot.

**B. Explain why this service is necessary and the consequence of denial:**

The Year Up organization provides educational and internship opportunities for young adults, who may not otherwise have access, to prepare them for a career in IT. In March 2014, Year Up Bay Area enrolled 40 students from the Southeastern corridor of San Francisco and successfully placed 31 students in paid internships in the private sector: Facebook, Salesforce, JPMorgan Chase. The City is interested in offering IT internships in the public sector to prepare these young adults for a possible career in public service. It is necessary for DPH to engage the expertise of a non-profit organization that provides six months of learning and development prior to a six month internship at DPH. If approval is denied, DPH would be unable to offer the program.

**C. Has this service been provided in the past. If so, how? If the service was provided via a PSC, provide the most recently approved PSC # and upload a copy of the PSC.**  
This service was not provided in the past.

**D. Will the contract(s) be renewed? Renewal is subject to contract performance and department needs.**

**2. Union Notification:** On 05/13/2015, the Department notified the following employee organizations of this PSC/RFP request: Architect & Engineers, Local 21,

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**FOR DEPARTMENT OF HUMAN RESOURCES USE**

PSC# 33469 - 14/15

DHR Analysis/Recommendation:

06/15/2015

Commission Approval Required

Approved by Civil Service Commission

DHR Approved for 06/15/2015

**3. Description of Required Skills/Expertise**

A. Specify required skills and/or expertise:

Proven expertise in providing an internship training program; ability to identify, recruit, engage and screen qualified individuals into the applicant pool and expertise in providing requested services.

B. Which, if any, civil service class(es) normally perform(s) this work?  
1232,1002,1003,1004,1005,1011,1012,1013,1014,1021,1022,1250,

C. Will contractor provide facilities and/or equipment not currently possessed by the City? If yes, explain:  
No.

**4. Why Classified Civil Service Cannot Perform**

A. Explain why civil service classes are not applicable:

Civil service classes are not applicable because the services require: established contacts, expert outreach to a unique population, and demonstrated success in developing and executing an educational IT curriculum and design and implementation of a comprehensive IT internship program. The services are highly specialized, intermittent and short-term in duration.

B. Would it be practical to adopt a new civil service class to perform this work? Explain.

No. It would not be practical to adopt a new civil service class because this is a specialized program.

**5. Additional Information (if "yes", attach explanation)**

	<u>YES</u>	<u>NO</u>
A. Will the contractor directly supervise City and County employee?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B. Will the contractor train City and County employee? Training is proprietary.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C. Are there legal mandates requiring the use of contractual services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D. Are there federal or state grant requirements regarding the use of contractual services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
E. Has a board or commission determined that contracting is the most effective way to provide this service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
F. Will the proposed work be completed by a contractor that has a current PSC contract with your department?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

THE ABOVE INFORMATION IS SUBMITTED AS COMPLETE AND ACCURATE ON BEHALF OF THE DEPARTMENT HEAD  
ON 05/21/2015 BY:

Name: Brent Lewis Phone: 557-4944 Email: brent.lewis@sfgov.org

Address: 1 South Van Ness Avenue, 4th Floor San Francisco, CA 94103

## PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: HUMAN RESOURCESDept. Code: HRD

Type of Request:  Initial  Modification of an existing PSC (PSC # 4124 11/12)

Type of Approval:  Expedited  Regular  Annual  Continuing  (Omit Posting)

Type of Service: Maintenance, Support & Hosting for Workers' Compensation Claims SoftwareFunding Source: Workers Compensation AdminBudgetPSC Original Approved Amount: \$1,250,000PSC Original Approved Duration: 09/01/12 - 08/30/17 (4 years 52 weeks)PSC Mod#1 Amount: \$100,000PSC Mod#1 Duration: no duration addedPSC Mod#2 Amount: \$524,999PSC Mod#2 Duration: no duration addedPSC Mod#3 Amount: \$950,000PSC Mod#3 Duration: no duration addedPSC Cumulative Amount Proposed: \$2,824,999PSC Cumulative Duration Proposed: 4 years 52 weeks**1. Description of Work****A. Scope of Work/Services to be Contracted Out:**

Contractor will provide services for software upgrades, ongoing software maintenance and support services and software hosting of the Workers' Compensation Division's (WCD) claims management web-based platform.

**B. Explain why this service is necessary and the consequence of denial:**

WCD's claims management web based platform is required to stay current with City, State, & Federal requirements that the City must meet to provide worker's compensation claims services. The claims management software, a proprietary product for which the City does not have access to the source code, must be upgraded & supported to avoid obsolescence & discontinuance of manufacturer support. Denial of this mod will severely impact the City's ability to meet benefit requirements of the CA Labor Code (Please see attachment).

**C. Has this service been provided in the past? If so, how? If the service was provided under a previous PSC, attach copy of the most recently approved PSC.**

4124-11/12 Mod 2

**D. Will the contract(s) be renewed?**

Yes, the contract will be renewed.

**E. If this is a request for a new PSC in excess of five years, or if your request is to extend (modify) an existing PSC by another five years, please explain why:**

n/a

**2. Reason(s) for the Request**

A. Display all that apply

Short-term or capital projects requiring diverse skills, expertise and/or knowledge.

Explain the qualifying circumstances:

The software is proprietary software.

B. Reason for the request for modification:

To increase the amount of the PSC.

**3. Description of Required Skills/Expertise**

A. Specify required skills and/or expertise: Contractor must have computer and information systems personnel who have knowledge of California workers' compensation laws, claims handling systems & practices, legal requirements for self-insured & self-administered public agencies & employers, risk management information system operations, and familiarity with City and departmental requirements for customized reports and services.

B. Which, if any, civil service class(es) normally perform(s) this work? 1041, IS Engineer-Assistant; 1042, IS Engineer-Journey; 1043, IS Engineer-Senior; 1052, IS Business Analyst; 1053, IS Business Analyst-Senior; 1054, IS Business Analyst-Principal; 1063, IS Programmer Analyst-Senior;

C. Will contractor provide facilities and/or equipment not currently possessed by the City? If so, explain: Yes. The Contractor will host the claims management software.

**4. If applicable, what efforts has the department made to obtain these services through available resources within the City?**

The Department utilize resources within the City because the software is proprietary software.

**5. Why Civil Service Employees Cannot Perform the Services to be Contracted Out**

A. Explain why civil service classes are not applicable.

Civil services are applicable, but the City does not have access to the source code to the proprietary software programs and the necessary documentation and training materials to perform the work.

B. If there is no civil service class that could perform the work, would it be practical and/or feasible to adopt a new civil service class to perform this work? Explain: No. Civil Service Classes already exist. The software is proprietary, and only the Contractor has the expertise and knowledge required to provide the upgrade and implementation services as well as the software maintenance and support services.

**6. Additional Information**

A. Will the contractor directly supervise City and County employee? If so, please include an explanation.

No.

- B. Will the contractor train City and County employees and/or is there a transfer of knowledge component that will be included in the contact? If so, please explain what that will entail; if not, explain why not.  
There will be no training because the software is proprietary software.
- C. Are there legal mandates requiring the use of contractual services?  
No.
- D. Are there federal or state grant requirements regarding the use of contractual services? If so, please explain and include an excerpt or copy of any such applicable requirement.  
No.
- E. Has a board or commission determined that contracting is the most effective way to provide this service? If so, please explain and include a copy of the board or commission action.  
No.
- F. Will the proposed work be completed by a contractor that has a current PSC contract with your department? If so, please explain.  
The services are currently provided by Ventiv Technology.

7. **Union Notification:** On 12/08/15, the Department notified the following employee organizations of this PSC/RFP request:  
Professional & Tech Engrs, Local 21; Professional & Tech Engrs, Local 21;

I CERTIFY ON BEHALF OF THE DEPARTMENT THAT THE INFORMATION CONTAINED IN AND ATTACHED TO THIS FORM IS COMPLETE AND ACCURATE:

Name: Brent Lewis Phone: 557-4944 Email: brent.lewis@sfgov.org

Address: 1 South Van Ness Avenue, 4th Floor, San Francisco, CA, 94103

\*\*\*\*\*

**FOR DEPARTMENT OF HUMAN RESOURCES USE**

PSC# 4124 11/12

DHR Analysis/Recommendation:

Civil Service Commission Action:

Commission Approval Required

DHR Approved for 01/04/2016

# Receipt of Union Notification(s)

**Choi, Suzanne (HRD)**

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**From:** dhr-psccordinator@sfgov.org on behalf of brent.lewis@sfgov.org  
**Sent:** Tuesday, December 08, 2015 4:31 PM  
**To:** Lewis, Brent (HRD); L21PSCReview@ifpte21.org; Brusaca, Christina; DHR-PSCCoordinator, DHR (HRD); Isen, Richard (TIS)  
**Subject:** Receipt of Modification Request to PSC # 4124 11/12 - MODIFICATIONS

PSC RECEIPT of Modification notification sent to Unions and DHR

The HUMAN RESOURCES -- HRD has submitted a modification request for a Personal Services Contract (PSC) for \$950,000 for services for the period September 1, 2012 – August 30, 2017. For all Modification requests, there is a 7-Day noticed to the union(s) prior to DHR Review.

If SEIU is one of the unions that represents the classes you identified in the initial PSC and the cumulative amount of the request is over \$100,000, there is a 60 day review period for SEIU

After logging into the system please select link below:

<http://apps.sfgov.org/dhrdrupal/node/2030>

Email sent to the following addresses: [L21PSCReview@ifpte21.org](mailto:L21PSCReview@ifpte21.org)



## **Additional Attachment(s)**

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: HUMAN RESOURCES Dept. Code: HRD

Type of Request:  Initial  Modification of an existing PSC (PSC # 4124 11/12)

Type of Approval:  Expedited  Regular ( Omit Posting)

Type of Service: Maintenance, Support & Hosting for Workers' Compensation Claims Software

Funding Source: Workers Compensation AdminBudget

PSC Original Approved Amount: \$1,250,000 PSC Original Approved Duration: 09/01/12 - 08/30/17 (4 years 52 w

PSC Mod#1 Amount: \$100,000 PSC Mod#1 Duration: no duration added

PSC Mod#2 Amount: \$524,999 PSC Mod#2 Duration: no duration added

PSC Cumulative Amount Proposed: \$1,874,999 PSC Cumulative Duration Proposed: 4 years 52 weeks

**1. Description of Work**

**A. Scope of Work:**

Contractor will provide services for software upgrades, ongoing software maintenance and support services and software hosting of the Workers' Compensation Division's (WCD) claims management web-based platform.

**B. Explain why this service is necessary and the consequence of denial:**

WCD's claims management web based platform is required to stay current with City, State, & Federal requirements that the City must meet to provide worker's compensation claims services. The claims management software, a proprietary product for which the City does not have access to the source code, must be upgraded & supported to avoid obsolescence & discontinuance of manufacturer support. Denial of this mod will severely impact the City's ability to meet benefit requirements of the CA Labor Code (Please see attachment).

**C. Has this service been provided in the past. If so, how? If the service was provided via a PSC, provide the most recently approved PSC # and upload a copy of the PSC.**

Services have been provided in the past through earlier PSC request. See 4124 11/12

**D. Will the contract(s) be renewed? Yes, the contract will be renewed.**

**2. Union Notification:** On 02/06/15, the Department notified the following employee organizations of this PSC/RFP request: Professional & Tech Engrs, Local 21;

\*\*\*\*\*

**FOR DEPARTMENT OF HUMAN RESOURCES USE**

PSC# 4124 11/12

DHR Analysis/Recommendation:

Commission Approval Not Required

Approved by DHR on 02/20/2015

Civil Service Commission Action:

**3. Description of Required Skills/Expertise**

A. Specify required skills and/or expertise:

Contractor must have computer and information systems personnel who have knowledge of California workers' compensation laws, claims handling systems & practices, legal requirements for self-insured & self-administered public agencies & employers, risk management information system operations, and familiarity with City and departmental requirements for customized reports and services.

B. Which, if any, civil service class(es) normally perform(s) this work?

1041,1042,1043,1052,1053,1054,1063,

C. Will contractor provide facilities and/or equipment not currently possessed by the City? If yes, explain:

Yes. The Contractor will host the claims management software.

**4. Why Classified Civil Service Cannot Perform**

A. Explain why civil service classes are not applicable:

Civil services are applicable, but the City does not have access to the source code to the proprietary software programs and the necessary documentation and training materials to perform the work.

B. Would it be practical to adopt a new civil service class to perform this work? Explain.

No. Civil Service Classes already exist. The software is proprietary, and only the Contractor has the expertise and knowledge required to provide the upgrade and implementation services as well as the software maintenance and support services.

**5. Additional Information (if "yes", attach explanation)**

	<u>YES</u>	<u>NO</u>
A. Will the contractor directly supervise City and County employee?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B. Will the contractor train City and County employee?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C. Are there legal mandates requiring the use of contractual services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D. Are there federal or state grant requirements regarding the use of contractual services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
E. Has a board or commission determined that contracting is the most effective way to provide this service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
F. Will the proposed work be completed by a contractor that has a current PSC contract with your department? The services are currently provided by Ventiv Technology.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

THE ABOVE INFORMATION IS SUBMITTED AS COMPLETE AND ACCURATE ON BEHALF OF THE DEPARTMENT HEAD ON 02/06/15 BY:

Name: Brent Lewis Phone: 557-4944 Email: brent.lewis@sfgov.org

Address: 1 South Van Ness Avenue, 4th Floor San Francisco, CA, 94103

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: HUMAN RESOURCES Dept. Code: HRD

Type of Request:  Initial  Modification of an existing PSC (PSC # 4124 11/12)

Type of Approval:  Expedited  Regular ( Omit Posting)

Type of Service: Maintenance, Support & Hosting for Workers' Compensation Claims Software

Funding Source: Workers Compensation AdminBudget

PSC Original Approved Amount: \$1,250,000 PSC Original Approved Duration: 09/01/12 - 08/30/17 (4 years 52 w

PSC Mod#1 Amount: \$100,000 PSC Mod#1 Duration: no duration added

PSC Mod#2 Amount: \_\_\_\_\_ PSC Mod#2 Duration: \_\_\_\_\_

PSC Cumulative Amount Proposed: \$1,350,000 PSC Cumulative Duration Proposed: 4 years 52 weeks

1. Description of Work

A. Scope of Work:

Contractor will provide services for software upgrades, ongoing software maintenance and support services and software hosting of the Workers' Compensation Division's (WCD) claims management web-based platform.

B. Explain why this service is necessary and the consequence of denial:

WCD's claims management web based platform is required to stay current with City, State, & Federal requirements that the City must meet to provide worker's compensation claims services. The claims management software, a proprietary product for which the City does not have access to the source code, must be upgraded & supported to avoid obsolescence & discontinuance of manufacturer support. Denial of this mod will severely impact the City's ability to meet benefit requirements of the CA Labor Code (Please see attachment).

C. Has this service been provided in the past. If so, how? If the service was provided via a PSC, provide the most recently approved PSC # and upload a copy of the PSC.

Yes, provided under PSC4124 11/12

D. Will the contract(s) be renewed? Yes, the contract will be renewed.

2. **Union Notification:** On 05/09/14, the Department notified the following employee organizations of this PSC/RFP request: Professional & Tech Engrs, Local 21;

\*\*\*\*\*

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 4124 11/12

DHR Analysis/Recommendation:

Commission Approval Not Required

Approved by DHR on 06/06/2014

Civil Service Commission Action:

**3. Description of Required Skills/Expertise**

A. Specify required skills and/or expertise:

Contractor must have computer and information systems personnel who have knowledge of California workers' compensation laws, claims handling systems & practices, legal requirements for self-insured & self-administered public agencies & employers, risk management information system operations, and familiarity with City and departmental requirements for customized reports and services.

B. Which, if any, civil service class(es) normally perform(s) this work?

1041,1042,1043,1052,1053,1054,1063,

C. Will contractor provide facilities and/or equipment not currently possessed by the City? If yes, explain:

Yes. The Contractor will host the claims management software.

**4. Why Classified Civil Service Cannot Perform**

A. Explain why civil service classes are not applicable:

Civil services are applicable, but the City does not have access to the source code to the proprietary software programs and the necessary documentation and training materials to perform the work.

B. Would it be practical to adopt a new civil service class to perform this work? Explain.

No. Civil Service Classes already exist. The software is proprietary, and only the Contractor has the expertise and knowledge required to provide the upgrade and implementation services as well as the software maintenance and support services.

**5. Additional Information (if "yes", attach explanation)**

**YES NO**

- A. Will the contractor directly supervise City and County employee?  YES  NO
- B. Will the contractor train City and County employee?  YES  NO
- C. Are there legal mandates requiring the use of contractual services?  YES  NO
- D. Are there federal or state grant requirements regarding the use of contractual services?  YES  NO
- E. Has a board or commission determined that contracting is the most effective way to provide this service?  YES  NO
- F. Will the proposed work be completed by a contractor that has a current PSC contract with your department? The services are currently provided by Aon eSolutions.  YES  NO

THE ABOVE INFORMATION IS SUBMITTED AS COMPLETE AND ACCURATE ON BEHALF OF THE DEPARTMENT HEAD  
ON 05/09/14 BY:

Name: Brent Lewis Phone: 557-4944 Email: brent.lewis@sfgov.org

Address: 1 South Van Ness Avenue, 4th Floor San Francisco, CA, 94103



# CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE  
MAYOR

May 23, 2012

## NOTICE OF CIVIL SERVICE COMMISSION ACTION

E. DENNIS NORMANDY  
PRESIDENT

KATE FAVETTI  
VICE PRESIDENT

SCOTT R. HELDFOND  
COMMISSIONER

MARY Y. JUNG  
COMMISSIONER

ANITA SANCHEZ  
EXECUTIVE OFFICER

**SUBJECT: REVIEW OF REQUEST FOR APPROVAL OF PROPOSED PERSONAL SERVICES CONTRACT NUMBERS 4122-11/12 THROUGH 4125-11/12; 4040-09/10; 4085-07/08; 4155-05/06; AND 3035-11/12.**

At its meeting of May 21, 2012 the Civil Service Commission had for its consideration the above matter.

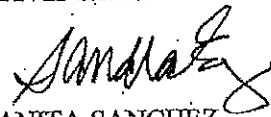
**PLEASE NOTE:** *It is important that a copy of this action be kept in the department files as you will need it in the future as proof of Civil Service Commission approval. Please share it with everyone responsible for follow-up.*

The Commission:

- (1) Postponed PSC #4085-07/08 to the meeting of June 4, 2012 at the request of the Public Utilities Commission.
- (2) Adopted the report; Approved the request for PSC #4125-11/12 as a modification. Notified the Office of the Controller and the Office of Contract Administration.
- (3) Adopted the report; Approved the request for all remaining contracts. Notified the Office of the Controller and the Office of Contract Administration.

If this matter is subject to Code of Civil Procedure (CCP) Section 1094.5, the time within which judicial review must be sought is set forth in CCP Section 1094.6.

CIVIL SERVICE COMMISSION

  
ANITA SANCHEZ For  
Executive Officer

### Attachment

- c:
- Cynthia Avakian, Airport Commission
  - Parveen Boparai, Municipal Transportation Agency
  - Micki Callahan, Human Resources Director
  - Aleric Degrafrinied, Public Utilities Commission
  - Maureen Gannon, Office of the Sheriff
  - Marie de Vera, Department of Human Resources
  - Jaci Fong, Office of Contract Administration
  - Jacque Hale, Department of Public Health
  - Shamica Jackson, Public Utilities Commission
  - LaWan Jones, Public Utilities Commission
  - Brent Lewis, Department of Human Resources
  - Joan Lubamersky, General Services Agency
  - Ben Rosenfield, Controller
  - Maria Ryan, Department of Human Resources
  - Commission File
  - Chron

POSTING FOR  
5/21/2012

PROPOSED PERSONAL SERVICES CONTRACTS - Regular

PSC No	Dept No.	Dept Name	Approval Type	Contract Amount	Description of Work	Duration
4122-11/12	27	Airport Commission	Regular	\$1,000,000	Services include implementation of a Job-Order-Contract (JOC) program. The JOC contract is a unique, variable-quantity type of contract that will enable Airport Design and Construction to accomplish a number of smaller repairs, maintenance and critical construction projects under a single contract, decreasing overall project duration and cost. Services will include: 1) Prepare and update a unit price book containing at least 60,000 to 100,000 unit prices covering material, equipment and labor costs for various units of construction; 2) Provide procurement support, execution procedures and Windows compatible software to manage the controls for construction; 3) Conduct outreach to maximize contractor participation in biddings; 4) Conduct/attend orientation meetings, program review conferences, and program briefings as needed.	6/1/2012 - 6/1/2017
4123-11/12	70	General Services Agency	Regular	\$300,000	Specialized toxicology analyses performed by an accredited laboratory.	6/1/2012 - 5/31/2017
4124-11/12	33	Human Resources	Regular	\$1,250,000	Contractor will provide services for software upgrades, ongoing software maintenance and support services and software hosting of the Workers' Compensation Division's ("WCD") claims management web-based platform.	9/1/2012 - 8/30/2017
4125-11/12	06	Sheliff	Regular	\$400,000	Services are needed to provide electronic home detention monitoring and case management services for inmates who qualify for home detention as an alternative to jail incarceration. Program participants wear electronic bracelets that communicate via radio frequency to land line telephone, or via cellular transmission, to a centralized system that monitors the participants. Services include adjunct case management to monitor inmates' attendance in outpatient substance abuse and/or mental health programs, and urinalysis test to monitor sobriety.	1/1/2012 - 3/31/2013

Total Amount - Regular: \$3,450,000

PERSONAL SERVICES CONTRACT SUMMARY

DATE: April 4, 2012 (Revision)

DEPARTMENT NAME: Human Resources DEPARTMENT NUMBER 33

TYPE OF APPROVAL: [ ] EXPEDITED [x] REGULAR (OMIT POSTING )
[ ] CONTINUING [ ] ANNUAL

TYPE OF REQUEST: [x] INITIAL REQUEST [ ] MODIFICATION (PSC# )

TYPE OF SERVICE: Maintenance, Support and Hosting for Workers' Compensation Claims Software

FUNDING SOURCE: Administration budget of Workers' Compensation Division

PSC Amount: \$ 1,250,000 PSC DURATION: 9/1/12 to 8/30/17

1. DESCRIPTION OF WORK

A. Concise description of proposed work:

Contractor will provide services for software upgrades, ongoing software maintenance and support services and software hosting of the Workers' Compensation Division's ("WCD") claims management web-based platform.

B. Explain why this service is necessary and the consequences of denial:

WCD's claims management web based platform is required to stay current with City, State, and Federal requirements that the City must meet to provide workers' compensation claims services. The claims management software, a proprietary product for which the City does not have access to the source code, must be upgraded and supported to avoid obsolescence and discontinuance of manufacturer support. Denial of this modification will severely impact the City's ability to meet benefit requirements of the California Labor Code.

C. Explain how this service has been provided in the past (if this service was previously approved by the Civil Service Commission, indicate most recent personal services contract approval number):

The services are currently provided by Aon eSolutions, formerly known as Valley Oaks Systems, Inc., under PSC# 4112-06/07, previously approved May 5, 2011.

D. Will the contract(s) be renewed:

2. UNION NOTIFICATION: Copy of this summary is to be sent to employee organizations as appropriate (refer to instructions for specific procedures):

Local 21
Union Name

Signature of person mailing/faxing form

4/5/12 Revision
Date
3/16/12 Original

Union Name

Signature of person mailing/faxing form

Date

RFP sent to N/A, on

Union Name

Date

Signature

\*\*\*\*\*

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 4124-11/12

STAFF ANALYSIS/RECOMMENDATION:

Original received 3/16/12
Revision received 4/5/12

CIVIL SERVICE COMMISSION ACTION:



3. DESCRIPTION OF REQUIRED SKILLS/EXPERTISE

A. - Specify required skills and/or expertise:

Contractor must have computer and information systems personnel who have knowledge of California workers' compensation laws, claims handling systems & practices, legal requirements for self-insured & self-administered public agencies & employers, risk management information system operations, and familiarity with City and departmental requirements for customized reports and services.

B. Which, if any, civil service class normally performs this work?

Limited aspects of the work could potentially be performed by Civil Service Class 1041, IS Engineer, Asst.; 1042, IS Engineer, Journey; 1043, IS Engineer, Sr.; 1052, IS Business Analyst; 1053, IS Business Analyst, Sr.; 1054, IS Business Analyst, Principal; 1063, IS Programmer Analyst, Sr. However, there are no City employees currently trained and available for this one-time implementation.

C. Will contractor provide facilities and/or equipment not currently possessed by the City? If yes, explain:

Yes. The Contractor will host the claims management software.

4. WHY CLASSIFIED CIVIL SERVICE CANNOT PERFORM

A. Explain why civil service classes are not applicable:

Civil Services are applicable, but the City does not have access to the source codes to the proprietary software programs and the necessary documentation and training materials to perform the work.

B. Would it be practical to adopt a new civil service class to perform this work? Explain.

No. Civil Service Classes already exist. The software is proprietary, and only the Contractor has the expertise and knowledge required to provide the upgrade and implementation services as well as the software maintenance and support services.

5. ADDITIONAL INFORMATION (if "yes," attach explanation)

A. Will the contractor directly supervise City and County employees?

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

B. Will the contractor train City and County employees?

<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	-------------------------------------

- Describe the training and indicate approximate number of hours.
- Indicate occupational type of City and County employees to receive training (i.e., clerks, civil engineers, etc.) and approximate number to be trained.

C. Are there legal mandates requiring the use of contractual services?

<input type="checkbox"/>	<input checked="" type="checkbox"/>
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D. Are there federal or state grant requirements regarding the use of contractual services?

<input type="checkbox"/>	<input checked="" type="checkbox"/>
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E. Has a board or commission determined that contracting is the most effective way to provide this service?

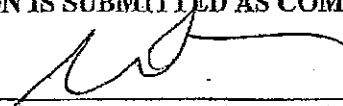
<input type="checkbox"/>	<input checked="" type="checkbox"/>
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F. Will the proposed work be completed by a contractor that has a current personal services

<input checked="" type="checkbox"/>	<input type="checkbox"/>
-------------------------------------	--------------------------

contract with your department? *Aon eSolutions, Inc., formerly known as Valley Oaks Systems, Inc.*

THE ABOVE INFORMATION IS SUBMITTED AS COMPLETE AND ACCURATE ON BEHALF OF THE DEPARTMENT HEAD:

  
Signature of Departmental Personal Services Contract Coordinator

Brent Lewis

(415) 557-4944

Print or Type Name

Telephone Number

1 South Van Ness Ave., 4<sup>th</sup> Floor

San Francisco, CA 94103

Address

## PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: HUMAN SERVICESDept. Code: DSSType of Request:  Initial  Modification of an existing PSC (PSC # 2006-08/09)Type of Approval:  Expedited  Regular  Annual  Continuing  (Omit Posting)Type of Service: Services that support all of the programs under the Human Services AgencyFunding Source: County, State and FederalPSC Original Approved Amount: \$25,415,000PSC Original Approved Duration: 07/01/2009 - continuousPSC Mod#1 Amount: \$1,016,600PSC Mod#1 Duration: 07/13/15 - continuousPSC Cumulative Amount Proposed: \$26,431,600PSC Cumulative Duration Proposed: 07/01/2009 - continuous**1. Description of Work****A. Scope of Work/Services to be Contracted Out:**

Services in support of the Agency include the following legal services such as process service, arbitration, Fair Hearing Officer services, and other specialized legal services not provided by the City Attorney, courier service, fiscal intermediary, credit checks, equipment maintenance and repairs, property management services, on- demand and supplemental translation and interpretation services, media and communications services including outreach to targeted populations served by the Agency, grant writing, program planning and evaluation, technical writing, environmental and industrial assessment services including ergonomics, mediation and dispute resolutions services, substance abuse compliance monitoring testing and paternity testing, criminal background checks, security services, population surveys, management information services, time study information system, business process mapping , one time document imaging conversion projects for archiving and transition to paperless system technology solutions for agency operations, off hours transportation services and specialized transportation including health and safety transportation and shuttle service.

See attached document(s).

**B. Explain why this service is necessary and the consequence of denial:**

These services are required to process client and court mandated information, and are necessary for the day to day operation of the Agency. Without these services, operations would be interrupted and the Agency could not fulfill welfare and institutions code compliance.

**C. Has this service been provided in the past? If so, how? If the service was provided under a previous PSC, attach copy of the most recently approved PSC.**  
2000 05/06

D. Will the contract(s) be renewed?

Yes, based upon funding, performance and procurement

E. If this is a request for a new PSC in excess of five years, or if your request is to extend (modify) an existing PSC by another five years, please explain why:

PSC'S dates as continuous until further revoked by the Civil Service Commission.

## 2. Reason(s) for the Request

A. Display all that apply

Immediately needed services to address unanticipated or transitional situations, or services needed to address emergency situations.

Explain the qualifying circumstances:

Work is performed 24 hours a day, seven days a week. These services are often crisis driven, do not involve predictable tasks and serve fluctuating and transient populations

B. Reason for the request for modification:

This PSC covers a range of ancillary services required by the department but not provided by Civil Service positions. In addition to the services specified in the original PSC, this modification includes media and communications services including outreach to targeted populations served by the Human Service Agency, mediation and dispute resolutions services, substance abuse compliance monitoring testing and paternity testing, criminal background checks, security services, population surveys, management information services, time study information system, business process mapping, one-time document imaging conversion projects for archiving and transition to paperless system technology solutions for agency operations, off-hours transportation services and specialized transportation including health and safety transportation and shuttle service. To align the PSC with contracted services we request this modification for an additional amount of \$1,016,600 to PSC 2006-08/09.

## 3. Description of Required Skills/Expertise

A. Specify required skills and/or expertise: legal services including process service, mediation, arbitration, Fair Hearing Officer services, and other specialized legal services not provided by the City Attorney, courier service, fiscal intermediary, credit checks, equipment maintenance and repairs, property management services including pre-move inspections and survey of conditions, records management (i.e. recycling, shredding, destruction, removal, document imaging), translation, media and communications services including outreach to targeted populations served by the Agency, grant writing, program planning and evaluation, technical writing, environmental and industrial assessment services including ergonomics, mediation and counseling services, security services, substance abuse monitoring and paternity testing, criminal background checks, population surveys, transportation services, management information services, time study services, business process mapping, technology solutions for agency operations.

B. Which, if any, civil service class(es) normally perform(s) this work? 1823, Senior Administrative Analyst; 1824, Pr Administrative Analyst; 6139, Senior Industrial Hygienist; 8106, Legal Process Clerk;

- C. Will contractor provide facilities and/or equipment not currently possessed by the City? If so, explain: Yes, contractor will provided facilities and equipment to perform the services

**4. If applicable, what efforts has the department made to obtain these services through available resources within the City?**

Under the human service commission it has been determined that the best practice is to provide services through community based organization.

**5. Why Civil Service Employees Cannot Perform the Services to be Contracted Out**

- A. Explain why civil service classes are not applicable.  
These are very specialized services. There are no current civil services classification to provided theses services.
- B. If there is no civil service class that could perform the work, would it be practical and/or feasible to adopt a new civil service class to perform this work? Explain: No, it would not be practical to create a new class because of the immediate, short-term and on demand need for these services.

**6. Additional Information**

- A. Will the contractor directly supervise City and County employee? If so, please include an explanation.  
No.
- B. Will the contractor train City and County employees and/or is there a transfer of knowledge component that will be included in the contact? If so, please explain what that will entail; if not, explain why not.  
Fraud detection, contract development and management, child welfare training, , employee development, civil rights training, sexual harassment training, program specific and operational trainings, staff development Hours vary based upon course curriculum, 2-4 hours per session. • Indicate occupational type of City and County employees to receive training (i.e., clerks, civil engineers, etc.) and approximate number to be trained. Occupations vary depending upon course curriculum 20-30 participants per training
- C. Are there legal mandates requiring the use of contractual services?  
Court mandated substance abuse monitoring and paternity testing
- D. Are there federal or state grant requirements regarding the use of contractual services? If so, please explain and include an excerpt or copy of any such applicable requirement.  
No.
- E. Has a board or commission determined that contracting is the most effective way to provide this service? If so, please explain and include a copy of the board or commission action.  
Board of Supervisors, ordinance 185-95
- F. Will the proposed work be completed by a contractor that has a current PSC contract with your department? If so, please explain.  
No.

7. **Union Notification:** On 07/24/15, the Department notified the following employee organizations of this PSC/RFP request:  
SEIU Local 1021; SEIU 1021 Miscellaneous; Professional & Tech Engrs, Local 21; Prof & Tech Eng, Local 21; SEIU Local 1021; SEIU 1021 Miscellaneous; Professional & Tech Engrs, Local 21; Prof & Tech Eng, Local 21;

I CERTIFY ON BEHALF OF THE DEPARTMENT THAT THE INFORMATION CONTAINED IN AND ATTACHED TO THIS FORM IS COMPLETE AND ACCURATE:

Name: David Curto Phone: 415-557-5581 Email: david.curto@sfgov.org

Address: 1650 Mission Street Suite 300, San Francisco, CA 94103

\*\*\*\*\*

**FOR DEPARTMENT OF HUMAN RESOURCES USE**

PSC# 2006-08/09

DHR Analysis/Recommendation:

Civil Service Commission Action:

Commission Approval Required

DHR Approved for 01/04/2016

# Receipt of Union Notification(s)

**Broussard, Alicia (HSA) (DSS)**

**From:** Broussard, Alicia (HSA) (DSS)  
**Sent:** Wednesday, November 18, 2015 3:57 PM  
**To:** 'jpfinn@ibt856.org'; 'dlawson@ibt856.org'; 'jlanthier@ibt856.org'  
**Subject:** FW: Receipt of Modification Request to PSC # 2006-08/09 - MODIFICATIONS

Please note this is a continued PSC  
Please see the notification dated 7/24/15.

Alicia Broussard  
Human Services Agency  
Office of Contract Management  
1650 Mission Street Suite 300  
San Francisco, CA 94103  
[Alicia.Broussard@sfgov.org](mailto:Alicia.Broussard@sfgov.org)  
415-557-5140

-----Original Message-----

**From:** [dhr-psccordinator@sfgov.org](mailto:dhr-psccordinator@sfgov.org) [mailto:[dhr-psccordinator@sfgov.org](mailto:dhr-psccordinator@sfgov.org)] On Behalf Of [david.curto@sfgov.org](mailto:david.curto@sfgov.org)  
**Sent:** Friday, July 24, 2015 7:10 AM  
**To:** Curto, David (HSA) (DSS); [jb@local16.org](mailto:jb@local16.org); Lopez, Ricardo (PDR); Basconcillo, Katherine (PUC); [Sandeep.lal@seiu1021.me](mailto:Sandeep.lal@seiu1021.me); [pcamarillo\\_seiu@sbcglobal.net](mailto:pcamarillo_seiu@sbcglobal.net); [Carev.dall@seiu1021.org](mailto:Carev.dall@seiu1021.org); [richardisen@gmail.com](mailto:richardisen@gmail.com); [Wendy.Frigillana@seiu1021.org](mailto:Wendy.Frigillana@seiu1021.org); [pscreview@seiu1021.org](mailto:pscreview@seiu1021.org); [ioe.brenner@seiu1021.org](mailto:ioe.brenner@seiu1021.org); [agonzalez@lam1414.org](mailto:agonzalez@lam1414.org); [ted.zarzecki@seiu1021.net](mailto:ted.zarzecki@seiu1021.net); [leah.berlana@seiu1021.org](mailto:leah.berlana@seiu1021.org); [gail@sfflocal798.org](mailto:gail@sfflocal798.org); [cityworker@sfcwu.org](mailto:cityworker@sfcwu.org); [davidmkersten@gmail.com](mailto:davidmkersten@gmail.com); [djohnson@opcmialocal300.org](mailto:djohnson@opcmialocal300.org); [hodlocal@pacbell.net](mailto:hodlocal@pacbell.net); [ablood@ncrc.org](mailto:ablood@ncrc.org); [pkarinen@ncrc.org](mailto:pkarinen@ncrc.org); [tony@dc16.us](mailto:tony@dc16.us); [stevek@bac3-ca.org](mailto:stevek@bac3-ca.org); [xiumin.li@seiu1021.org](mailto:xiumin.li@seiu1021.org); Poon, SinYee (HSA) (DSS); [smcarray@ncrc.org](mailto:smcarray@ncrc.org); [mitchell@twusf.org](mailto:mitchell@twusf.org); [grojo@local39.org](mailto:grojo@local39.org); [iduritz@uappd.com](mailto:iduritz@uappd.com); [staff@sfmea.com](mailto:staff@sfmea.com); [mike@dc16.us](mailto:mike@dc16.us); [khughes@ibew6.org](mailto:khughes@ibew6.org); [L21PSCReview@ifpte21.org](mailto:L21PSCReview@ifpte21.org); [sfmsa@gmail.com](mailto:sfmsa@gmail.com); [mshelley@dc16.us](mailto:mshelley@dc16.us); [david.sanhaim@seiu1021.org](mailto:david.sanhaim@seiu1021.org); [ioe.fanner@seiu1021.net](mailto:ioe.fanner@seiu1021.net); [Larry.Bradshaw@seiu1021.org](mailto:Larry.Bradshaw@seiu1021.org); [L21PSCReview@ifpte21.org](mailto:L21PSCReview@ifpte21.org); [LiUNA.local251@gmail.com](mailto:LiUNA.local251@gmail.com); [local200twu@sbcglobal.net](mailto:local200twu@sbcglobal.net); [speedy4864@aol.com](mailto:speedy4864@aol.com); [camaguey@sfmea.com](mailto:camaguey@sfmea.com); [edemvoter@aol.com](mailto:edemvoter@aol.com); [tiva.thiang@seiu1021.org](mailto:tiva.thiang@seiu1021.org); Broussard, Alicia (HSA) (DSS); DHR-PSCCoordinator, DHR (HRD); Isen, Richard (TIS)  
**Subject:** Receipt of Modification Request to PSC # 2006-08/09 - MODIFICATIONS

PSC RECEIPT of Modification notification sent to Unions and DHR

The HUMAN SERVICES — DSS has submitted a modification request for a Personal Services Contract (PSC) for \$1,016,600 for services for the period July 13, 2015

— June 30, 2019. For all Modification requests, there is a 7-Day noticed to the union(s) prior to DHR Review.

If SEIU is one of the unions that represents the classes you identified in the initial PSC and the cumulative amount of the request is over \$100,000, there is a 60 day review period for SEIU

After logging into the system please select link below:

<http://apps.sfgov.org/dhrrdupal/node/5593>

Email sent to the following addresses: [L2:PSCReview@ifpte21.org](mailto:L2:PSCReview@ifpte21.org) Larry Bradshaw@seiu1021.org tiva.thiang@seiu1021.org joe.tanner@seiu1021.net david.carham@seiu1021.org Sin.Yee.Poon@sfgov.org xiumin.li@seiu1021.org ablood@cirseiu.org ted.zarzecki@seiu1021.net joe.brenner@seiu1021.org pscreview@seiu1021.org Carey.dall@seiu1021.org pcamarillo\_seiu@sbcglobal.net Kbasconillo@swater.org Ricardo.lopez@sfgov.org davidmkersten@gmail.com leah.berlenga@seiu1021.org Wendy.Frigillana@seiu1021.org Sandeep.lal@seiu1021.me



# **Additional Attachment(s)**



Edwin M. Lee, Mayor

Department of Human Services  
Department of Aging and Adult Services

Trent Rhorer, Executive Director

MEMORANDUM

Date: December 7, 2015

To: Suzanne Choi, DHR-PSC Coordinator  
Department of Human Resources (Dept. 33)

From: John Tsutakawa, PSC Coordinator } & |  
Human Services Agency (Dept. 45)

RE: Request Approval of PSC Modification #2006-08/09 contains contracts related Support Services for the Human Services Agency

HSA met with the union to discuss the PSC's modifications to PSC's 2003 08/09, 2004 08/09, and 2006/08/09 on the following dates 8/26/15, 10/6/15, 10/29/15 and 11/12/15.

We are pleased to advise the Commissioners that we are in agreement with the modifications to the PSC 2006 08/09.

PSC No: 2006-08/09

Approval Date: March 16, 2009

Original Type of Service: Support Services for the Human Services Agency.

Modification Type of Service: Services that support all of the programs under the Human Services Agency

Original Description Of Work: Support services to the Agency include but not are limited to the following: legal process service, courier service, fiscal intermediary (employer agent/payroll services for welfare to work clients), credit checks, equipment maintenance and repairs, files and records management (i.e. recycling, shredding, destruction, removal), translation, consultants for grant writing, planning and evaluation

Modification Description of Work: Services in support of the Agency include the following legal services such as process service, arbitration, Fair Hearing Officer services, and other specialized legal services not provided by the City Attorney, courier service, fiscal intermediary, credit checks, equipment maintenance and repairs, property management services, on-demand and supplemental translation and interpretation services, media and communications services including outreach to targeted populations served by the Agency, grant writing, program planning and evaluation, technical writing, environmental and industrial assessment services including ergonomics, mediation and dispute resolutions services, substance abuse compliance monitoring testing and paternity testing, criminal background checks, security services, population surveys, management information services, time study information system, business process mapping, one time document imaging conversion projects for archiving and transition to paperless system technology solutions for agency operations, off hours transportation services and specialized transportation including health and safety transportation and shuttle service.

Reason for the modification: To align the PSC with the contracted services

We can provide any additional information as requested.

Thank you

6F. VENDORS

2006-08/09					
Agency	Contract	PSC	Budget Name	Term Start Date	Term End Date
ACF TECHNOLOGIES	Appointments and Lobby Management System	2006-08/09	Lobby	07/01/2014	06/30/2015
BULLSEYE TRANSLATION	Oral Translation	2006-08/09	Misc.	07/01/2014	06/30/2015
CITYSPAN TECHNOLOGIES	CARBON Development	2006-08/09	CARBON	07/01/2014	06/30/2015
CIVICACTIONS	Eatfresh.org	2006-08/09	Eatfresh.org launch	07/01/2014	09/30/2015
CIN SOLUTIONS	Document Management	2006-08/09	MISC	07/01/2014	02/28/2015
GUARDSMARK	Security Renewal	2006-08/09	MISC	02/01/2014	01/31/2015
INTERNATIONAL EFFECTIVENESS CENTER	Oral Interpretation and Written Translation Services	2006-08/09	MISC	07/01/2014	06/30/2015
KATE BRISTOL CONSULTING	Grant Writing and Technical Services Renewal	2006-08/09	MISC	07/01/2014	06/30/2015
KLW CONSTRUCTION INC DBA WEST BAY PROPERTY MANAGEMENT	Property Management Services	2006-08/09	Misc	07/01/2014	06/30/2015
MICROBIZ SECURITY CO INC	Security	2006-08/09	MISC	07/01/2014	06/30/2015
PANORAMIC SOFTWARE INC	Licensing Agreement-IT Renewal	2006-08/09	MISC	07/01/2014	06/30/2015
PARTNERS IN COMMUNICATION	Oral Interpretation Services	2006-08/09	MISC	07/01/2014	06/30/2015
SOCIAL SOLUTIONS	H&H HMIS	2006-08/09	MISC	07/01/2014	06/30/2015
SOCIAL SOLUTIONS	CatWORKs HMIS	2006-08/09	MISC	07/01/2014	06/30/2015
TOM EUOT FISCH ARCHITECTS	Space Planning	2006-08/09	Space Planning	03/01/2014	02/28/2015
TRUSTFORTE LANGUAGE SERVICES	Written Translation	2006-08/09	MISC	07/01/2014	06/30/2015

1 [In-Home Supportive Services Public Authority]

2 AMENDING THE SAN FRANCISCO ADMINISTRATIVE CODE BY ADDING CHAPTER 70,  
3 CONSISTING OF SECTIONS 70.1 THROUGH 70.10, TO ESTABLISH A PUBLIC  
4 AUTHORITY PURSUANT TO CALIFORNIA WELFARE AND INSTITUTIONS CODE  
5 SECTION 12301.6 TO PROVIDE FOR THE DELIVERY OF IN-HOME SUPPORTIVE  
6 SERVICES.

7  
8 Note: the entire section is new.

9  
10 Be it ordained by the People of the City and County of San Francisco:

11  
12 Section 1. The San Francisco Administrative Code is hereby  
13 amended by adding Chapter 70, consisting of Sections 70.1 through  
14 70.10, to read as follows:

15 Chapter 70

16 SEC. 70.1. PURPOSE.

17 The Board of Supervisors for the City and County of San  
18 Francisco (hereinafter, City) by this Chapter establishes a public  
19 authority whose powers are derived from and consistent with the  
20 provisions of Welfare and Institutions Code Section 12301.6. The  
21 name of this public authority shall be the In-Home Supportive  
22 Services Public Authority, and shall be referred to in this Chapter  
23 as the "Authority." Its purpose is to provide assistance in finding

24  
25 SUPERVISORS SHELLEY, BIERMAN, AMMIANO, ALIOTO,  
TENG, KENNEDY, MIGDEN, HALLINAN, HSIEH, LEAL, KAUFMAN

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1 personnel for the In-Home Supportive Services Program (IHSS) through  
2 the establishment of a central registry, and related functions, and  
3 to perform any other functions, as may be necessary for the  
4 operation of the Authority, or related to the delivery of IHSS in  
5 San Francisco, subject to all applicable federal and state laws and  
6 regulations, and to the limitations set forth in this Chapter.

7 SEC. 70.2. MEMBERSHIP OF GOVERNING BODY.

8 (a) The governing body of the Authority shall be composed of  
9 eleven members appointed by the Board of Supervisors. The Board of  
10 Supervisors shall solicit recommendations for appointment of  
11 qualified members through a fair and open process, including  
12 reasonable written notice to, and affording reasonable response time  
13 from, members of the general public and interested persons and  
14 organizations. No fewer than 50 percent of the membership shall be  
15 individuals, who are current or past users of personal assistance  
16 services paid for through public or private funds or who are  
17 recipients of IHSS, referred to in this Chapter as "consumers."

18 (b) Membership categories on the governing body shall be as  
19 follows:

20 (1) two consumers over the age of 60 years, each  
21 authorized to represent organizations that advocate for aging people  
22 with disabilities;

23 / / /

24 SUPERVISORS SHELLEY, BIERMAN, AMMIANO, ALIOTO,  
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1 (2) two consumers between the ages of 18 and 60 years,  
2 each authorized to represent organizations that advocate for younger  
3 people with disabilities;

4 (3) one consumer at-large over the age of 60 years;

5 (4) one consumer at-large between the ages of 18 and 60  
6 years;

7 (5) one worker who provides personal assistance  
8 services to a consumer;

9 (6) one Commissioner from the Social Services  
10 Commission, recommended to the Board by the Commission;

11 (7) one Commissioner from the Commission on the Aging,  
12 recommended to the Board by the Commission;

13 (8) one Commissioner from the Health Commission,  
14 recommended to the Board by the Commission;

15 (9) one member of the Mayor's Disability Council,  
16 recommended to the Board by the Council.

17 (c) For purposes of Government Code Sec. 87103, and 2 Cal.  
18 Code of Regulations 18703.3, it is hereby found and declared that  
19 the persons appointed to this governing body are appointed to  
20 represent and further the interests of the specific economic  
21 interest which an individual member is appointed to represent.

22 (d) Initial appointment of both the consumer and worker  
23 members shall be made from a list of recommendations based on

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1 applications designed by, and submitted to, the IHSS Task Force of  
2 Planning for Elders in the Central City. Succeeding appointments of  
3 consumer and worker members shall be based on a procedure developed  
4 by the the governing body of the Authority, within the first six (6)  
5 months of operation, after receiving recommendations from the IHSS  
6 Task Force of Planning for Elders in the Central City. Every  
7 attempt shall be made to assure that each appointee will be able to  
8 serve the full term to which he or she has been appointed, in order  
9 to ensure continuity in the work of the Authority.

10 (e) If during his or her term as a member of the governing  
11 body of the Authority, a Social Services, Aging, or Health  
12 Commissioner or member of the Mayor's Disability Council, no longer  
13 serves on the Commission or Council, the body from which that member  
14 came shall make another recommendation for appointment to the Board  
15 of Supervisors within sixty (60) days of the end of that member's  
16 formal service on their respective commission or on the Council.

17 (f) After the terms of the initial period are complete, each  
18 appointment to the governing body shall thereafter be for a  
19 three-year term. A member may be reappointed, but may not serve  
20 more than a total of nine consecutive years on the governing body.  
21 The initial appointment periods shall be staggered as follows:

22 (1) three one year terms;

23 (2) four two year terms; and

24 SUPERVISORS SHELLEY, BIERMAN, AMMIANO, ALIOTO,  
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(3) four three year terms.

1 Upon appointment, members shall draw lots to determine the length of  
2 each member's initial term. Members shall serve without  
3 compensation.

4 (g) Qualified applicants must reside in San Francisco and  
5 have: familiarity with, or knowledge of, personal assistance  
6 services; the capacity to understand their role to aid and assist  
7 the Authority in the administration of its duties; and the ability  
8 to attend regularly scheduled meetings, which shall occur only in  
9 facilities which meet disability access requirements. Those City  
10 departments from which Authority members are drawn shall provide  
11 appropriate assistance to their respective representative in  
12 fulfilling his or her duties to the Authority. Within the first  
13 ninety (90) days, the members of the governing body of the Authority  
14 shall receive orientation and training from the IHSS Task Force of  
15 Planning for Elders in the Central City and the Department of Social  
16 Services regarding the functions and duties of the Authority,  
17 current issues related to delivery of IHSS and the responsibilities  
18 of the Authority's governing body. Each subsequent new member shall  
19 receive similar orientation and training from Authority staff within  
20 sixty (60) days of appointment.

22 (h) Regulations governing the grounds for removal from, and  
23 use of alternates on, the governing body shall be proposed by the

24 SUPERVISORS SHELLEY, BIERMAN, AMMIANO, ALIOTO,  
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1 governing body and submitted to the Board of Supervisors within  
2 ninety (90) days of the date of the first meeting of the governing  
3 body. These regulations and any proposed amendments shall be  
4 initiated exclusively by the governing body and submitted to the  
5 Board of Supervisors for review, and shall become effective within  
6 ninety (90) days of the date of receipt by the Board, unless  
7 disapproved by the Board by resolution. In exercising these review  
8 powers, the Board of Supervisors may only approve or disapprove, it  
9 may not modify such regulations and proposed amendments.

10 SEC. 70.3. POWERS.

11 (a) The Authority shall be an entity separate from the City  
12 and County of San Francisco and shall file the Statement of Fact for  
13 the Roster of Public Agencies required by Section 53051 of the  
14 Government Code.

15 (b) The Authority shall be a corporate public body,  
16 exercising public and essential governmental functions with all  
17 powers necessary and convenient to carry out the delivery of IHSS,  
18 including the power to contract for services pursuant to Sections  
19 12302 and 12302.1 of the Welfare and Institutions Code, subject to  
20 any limitations set forth in this Chapter.

21 (c) The Authority shall only engage in the following duties  
22 and functions involving IHSS until such time that the requirements  
23 for the transferring of additional functions, as set forth in

24 SUPERVISORS SHELLEY, BIERMAN, AMMIANO, ALIOTO,  
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1 Section 70.6, are met: planning and advocacy for IHSS consumers and  
2 personnel; operation of a registry, including investigation of the  
3 qualifications and background of potential personnel, and referral  
4 of potential personnel to consumers; and acting as the employer of  
5 IHSS personnel in conformance with Sec. 70.3(g) of this Article.

6 (d) Any obligation or legal liability of the Authority,  
7 whether statutory, contractual or otherwise, shall be the obligation  
8 or liability solely of the Authority and shall not be the obligation  
9 or the liability of the City. All contracts between the Authority  
10 and third parties shall contain an express provision advising the  
11 contractor that the Authority is a separate governmental entity and  
12 that such agreement does not bind the City.

13 (e) All contracts, leases, or other agreements of any nature,  
14 including collective bargaining agreements, between the Authority  
15 and any party, except those with the City, shall contain the  
16 following statement: "The Authority is an independent legal entity,  
17 separate and apart from the City and County of San Francisco. The  
18 Authority has no power to bind the City to any contractual or legal  
19 obligations. Nor may the obligees of the Authority seek recourse  
20 against the City for any financial or legal obligation of the  
21 Authority."

22 (f) Employees of the Authority shall not be employees of the  
23 City for any purpose.

24 SUPERVISORS SHELLEY, BIERMAN, AMMIANO, ALIOTO,  
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1 (g) The Authority shall be deemed to be the employer of IHSS  
2 personnel referred to consumers, under paragraph (3) of subdivision  
3 (d) within the meaning of Chapter 10 (commencing with Section 3500)  
4 of Division 4 of Title 1 of the Government Code, commonly known as  
5 the Meyers-Miliias-Brown Act. The Authority shall not be deemed to  
6 be the employer of IHSS personnel referred to consumers under this  
7 Chapter for purposes of liability due to the negligence or  
8 intentional torts of the IHSS personnel.

9 (h) Nothing in these enumerated powers shall be construed to  
10 limit or interfere with the consumers' right to retain, select,  
11 terminate, and direct the work of any worker providing services to  
12 them.

13 (i) Nothing in these enumerated powers shall be construed to  
14 alter, require the alteration of, or interfere with the state's  
15 payroll system and other provisions of Section 12302.2 of the  
16 Welfare and Institutions Code for independent providers of IHSS, or  
17 to affect the state's responsibilities with respect to unemployment  
18 insurance, or workers' compensation for providers of IHSS.

19 (j) The Authority shall maintain general liability insurance  
20 in an amount determined to be adequate by the City's Risk Manager,  
21 and shall name the City as an additional insured.

22 (k) The governing body of the Authority shall hire staff, and  
23 adopt rules and regulations, not inconsistent with the provisions of  
24

25 SUPERVISORS SHELLEY, BIERMAN, AMMIANO, ALIOTO,  
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1 this Chapter, in order to implement and interpret this Chapter.

2 SEC. 70.4. FISCAL PROVISIONS.

3 (a) In order to facilitate the implementation of the  
4 Authority in a timely manner, the City Treasurer and the City  
5 Controller may enter into contracts with the Authority for the  
6 provision of fiscal services, with or without compensation from the  
7 Authority, under such terms and conditions as the Treasurer and  
8 Controller may require. If any such contract is executed, the  
9 Controller shall establish and maintain a specific account or  
10 accounts for this purpose. In addition, other City departments may  
11 enter into contracts with the Authority, with or without  
12 compensation, for the provision of various services that may be  
13 needed by the Authority. All such contracts are subject to the  
14 applicable approval process as required by the San Francisco  
15 Charter, the San Francisco Administrative Code and the respective  
16 department regulation and policy.

17 (b) In adopting this Chapter, the Board recognizes that the  
18 funding of IHSS is the product of a complex relationship of federal,  
19 state and City financing, and that the ability of the Authority to  
20 operate and to negotiate the wages and benefits of the providers of  
21 IHSS is contingent upon the availability of adequate funding from  
22 all sources. Nothing in this Chapter is intended to require the  
23 City to appropriate any funds for the operation of the Authority or

24 SUPERVISORS SHELLEY, BIERMAN, AMMIANO, ALIOTO,  
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1 for the payment of wages or benefits to the providers of IHSS.

2 (c) The Department of Social Services shall be the financial  
3 liaison between the City and County of San Francisco and the  
4 Authority. The Department of Social Services shall take appropriate  
5 action in order to procure all available federal and state funds for  
6 the administration and delivery of IHSS, and by contract, grant or  
7 agreement, transfer monies procured from these sources and from any  
8 funds that the City may appropriate, to the Authority for the  
9 operation of its designated functions, subject to the budgetary and  
10 fiscal provisions of the San Francisco Charter and the San Francisco  
11 Administrative Code. The Authority shall submit its annual funding  
12 request to the Department of Social Services no later than the  
13 deadline determined by the Department of Social Services to enable  
14 the Department to prepare and submit its budget to the Mayor's  
15 office. The Authority shall comply with all claiming and reporting  
16 deadlines set by the Department of Social Services.

17 The total of all operating costs, wages and benefits proposed  
18 or established by the Authority must be consistent with the  
19 provisions of the final City budget.

20 The Authority may not establish a payment rate that includes  
21 the costs of wages, benefits and operation, until the governing body  
22 of the Authority makes a finding that the funds necessary for  
23 payment of that rate are legally available.

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1 (d) If and when the federal or state agencies responsible for  
2 IHSS promulgate regulations that authorize and create direct funding  
3 mechanisms for the Authority, the Authority and the Department of  
4 Social Services may modify their agreements to facilitate that  
5 direct financial relationship.

6 SEC. 70.5. ANNUAL REPORT AND PLAN.

7 The Authority shall submit annually a report to the Board of  
8 Supervisors detailing its functions and evaluating its operation for  
9 that year. In addition, such report shall present the Authority's  
10 specific goals and objectives for the coming year and its plan for  
11 meeting those goals and objectives. If, for any coming year, the  
12 Authority intends to expand its duties, the Authority shall present  
13 a detailed plan and budget for the implementation of that expansion  
14 of duties. Such plan shall be circulated to all interested City  
15 departments and community groups prior to presentation to the Board  
16 of Supervisors.

17 SEC. 70.6. TRANSITION OF FUNCTIONS.

18 Prior to any transfer of federal or state mandated IHSS  
19 functions from City responsibility to the Authority, all affected  
20 Commissions, by resolution, and the Board of Supervisors, by  
21 ordinance, must approve such relinquishment by the City to the  
22 Authority of responsibility with respect to IHSS services. Further,  
23 the Authority, through its applicable process, must accept all legal

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1 liability for those legally mandated responsibilities transferred by  
2 the City to the Authority.

3 SEC. 70.7. TERMINATION.

4 By repeal of this Chapter, the Board of Supervisors may  
5 abolish the Authority.

6 SEC. 70.8. ENUMERATION OF POWERS.

7 The enumeration of powers in this Chapter of some of the  
8 provisions of Welfare and Institutions Code Section 12301.6 shall  
9 not be interpreted as manifesting an intent of the Board of  
10 Supervisors to subject either the City or the Authority to duties or  
11 liabilities not imposed by that statute.

12 SEC. 70.9. DISCLAIMERS.

13 By establishing the Authority, the City and County of San  
14 Francisco is assuming an undertaking only to promote the general  
15 welfare. It is not assuming, nor is it imposing on its officers and  
16 employees, an obligation for breach of which it is liable in money  
17 damages to any person who claims that such breach proximately caused  
18 injury.

19 Section 70.10. SEVERABILITY.

20 (a) If any provision of this Chapter, or the application of  
21 any such provision to any person or circumstance, shall be held  
22 invalid, the remainder of this Chapter, to the extent it can be  
23 given effect, or the application of those provisions to persons or

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1 circumstances other than those to which it is held invalid, shall  
2 not be affected thereby, and to this end the provisions of this  
3 Chapter are severable.

4 (b) Notwithstanding the provisions of subsection (a), if any  
5 provision of this Chapter imposing limitations or restrictions on  
6 the Authority, or the powers or duties of the Authority, including  
7 the ability of the Authority to propose or establish payment rates,  
8 shall be held invalid, the provisions of this Chapter shall not be  
9 deemed severable and this Chapter shall be held invalid in its  
10 entirety.

11  
12 APPROVED AS TO FORM:

13 LOUISE H. RENNE, City Attorney

14 By:   
15 Deputy City Attorney

16  
17  
18  
19  
20  
21  
22  
23  
24  
25 SUPERVISORS SHELLEY, BIERMAN, AMMIANO, ALIOTO,  
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Board of Supervisors, San Francisco

Passed for Second Reading  
 May 22, 1995

Ayes: Supervisors Alioto Ammiano  
 Bierman Hallinan Kaufman Migden  
 Shelley Teng

Absent: Supervisors Hsieh Kennedy  
 Leal

§ Finally Passed  
 §  
 § May 30, 1995  
 §  
 §  
 §  
 § Ayes: Supervisors Alioto Ammiano  
 § Bierman Hallinan Kaufman Kennedy  
 § Leal Migden Shelley Teng  
 §  
 § Absent: Supervisor Hsieh  
 §

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

*Jean Lum*  
 \_\_\_\_\_  
 Acting Clerk

*Frank R. Jordan*  
 \_\_\_\_\_  
 Mayor

File No.  
97-95-20

JUN 9 1995  
 \_\_\_\_\_  
 Date Approved



# CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

GAVIN NEWSOM  
MAYOR

March 5, 2009

## NOTICE OF CIVIL SERVICE COMMISSION ACTION

**SUBJECT: REVIEW OF REQUEST FOR APPROVAL OF PROPOSED PERSONAL SERVICES CONTRACT NUMBERS 2000-08/09 THROUGH 2009-08/09.**

At its meeting of March 2, 2009 the Civil Service Commission had for its consideration the above matter.

**PLEASE NOTE:** *It is important that a copy of this action be kept in the department files as you will need it in the future as proof of Civil Service Commission approval.*

It was the decision of the Commission to:

- (1) Postpone PSC #2002-08/09; 2003-08/09 and 2005-08/09 to the meeting of March 16, 2009 at the request of SEIU Local 1021. The Commission stipulated this will be the last continuance granted.
- (2) Adopt the Human Resources Director's report on PSC #2000-08/09; 2001-08/09; 2004-08/09 and 2007-08/09 through 2009-08/09 on the condition that: 1) IFPTE Local 21 and the Human Services Agency meet to discuss their concerns regarding funding options for the transition of work performed by Class 2819 and 2822 Health Educators and Assistant Health Educators back to the City, in conjunction with the Department of Public Health; 2) a written report on the progress submitted to the Civil Service Commission no later than six (6) months (September 7, 2009) and 3) Human Services Agency continue to meet and discuss in good faith with IFPTE Local 21 other classifications, the work of which could possibly be transitioned back to the City. Notify the offices of the Controller and the Purchaser.
- (3) Adopt the Human Resources Director's report on PSC #2006-08/09. Notify the offices of the Controller and the Purchaser.

If this matter is subject to Code of Civil Procedure (CCP) Section 1094.5, the time within which judicial review must be sought is set forth in CCP Section 1094.6.

CIVIL SERVICE COMMISSION

ANITA SANCHEZ  
Executive Officer

### Attachment

- cc: Micki Callahan, Human Resources Director
- David Curto, Human Services Agency
- Jennifer Johnson, Department of Human Resources
- Naomi Kelly, Office of Contract Administration
- Brigette Rockett, Department of Human Resources
- Ben Rosenfield, Controller
- Alexis Torres, IFPTE Local 21, 1182 Market Street, Ste. 425, SF, CA 94102
- Margot Reed, SEIU Local 1021, 350 Rhode Island St., Ste. 100 South Bldg. SF, CA 94103
- Commission File
- Chron

POSTING FOR  
February 02, 2009

RECOMMENDED APPROVAL OF PROPOSED PERSONAL SERVICES CONTRACTS

PSC No.	Dept/Title	Approval Type	Contract Amount	Description of work	Duration
2000-08/09	Human Services Agency	Continuing	\$ 7,500,000.00	Will provide orientation, instruction training, home studies, and post-adoption services to the families, and facilitating the matching of adoptive families to San Francisco children in the foster care system. Will provide training, respite care, counseling, crisis intervention, childcare and reunification efforts to help maintain foster children in their communities.	30-Jun-14
2001-08/09	Human Services Agency	Continuing	\$ 55,000,000.00	Will provide services to Community-based family resource centers that operate to serve all parents for specific parenting skills, parenting classes, crisis counseling and intervention.	30-Jun-14
2002-08/09	Human Services Agency	Continuing	\$ 26,500,000.00	Will provide childcare services to low-income and CalWorks families through partnerships with other state licensed providers in various identified target neighborhoods.	30-Jun-14
2003-08/09	Human Services Agency	Continuing	\$ 180,000,000.00	Will provide supportive housing services including case management, money management and tenant support to individuals and families living in shelters, single resident occupancy hotels and transitional or permanent housing.	30-Jun-14
2004-08/09	Human Services Agency	Continuing	\$ 250,000,000.00	Will provide outreach, counseling, employment services, vocational training, work readiness, referral and placement services, job retention support and follow-up to CalWorks and PAES/Personal Assisted Employment Services) and other low-income individuals.	30-Jun-14
2005-08/09	Human Services Agency	Continuing	\$ 38,500,000.00	Will provide support services to the Agency include but not are limited to the following: legal process services, courier services, fiscal intermediacy (employer agent/payroll services for welfare to work clients), credit checks, and equipment maintenance.	30-Jun-14
2006-08/09	Human Services Agency	Continuing	\$ 25,416,000.00	Will provide a central registry, enrollment in a comprehensive health benefit system, advocacy and support services for 16,000 homeless workers. Provides the contract mode HSS as mandated.	30-Jun-14
2007-08/09	Human Services Agency	Continuing	\$ 927,750,000.00	Will provide homeless individuals and families with emergency shelter services and meals. Services may include sleeping facilities (bed, bedding and storage space), meals/groceries, laundry facilities, and voluntary case management.	30-Jun-14
2008-08/09	Human Services Agency	Continuing	\$ 75,750,000.00	Will provide individuals and families who are homeless or at-risk for homelessness with drop-in access to services, shelter bed reservations and respite from the streets.	30-Jun-14
2009-08/09	Human Services Agency	Continuing	\$ 14,850,000.00	Will provide Charter bus transportation for the School Education Program's environmental field trips for grades K-12 students.	30-Jun-14
4008-08/09	Department of the Environment	Regular	\$ 80,000.00	Will provide consulting to develop long-term strategy for Clean Air Program, advice on latest technology, and support and outline funding options for Clean Air projects.	31-Dec-13
4007-08/09	Department of the Environment	Regular	\$ 284,000.00		30-Jun-13

PERSONAL SERVICES CONTRACT SUMMARY

DATE: JANUARY 5, 2009

DEPARTMENT NAME: HUMAN SERVICES DEPARTMENT NUMBER: 45
TYPE OF APPROVAL: [ ] EXPEDITED [ ] REGULAR (OMIT POSTING)

[X] CONTINUING [ ] ANNUAL

TYPE OF REQUEST: [X] INITIAL REQUEST [ ] MODIFICATION (PSC# )

TYPE OF SERVICE: Support Services for the Human Services Agency.

FUNDING SOURCE: County, State and Federal

PSC AMOUNT: \$4,420,000 est annual/ \$25,415,000 term PSC DURATION: 7/1/09-6/30/14

1. DESCRIPTION OF WORK

A. Concise description of proposed work:

Support services to the Agency include but not are limited to the following: legal process service, courier service, fiscal intermediary (employer agent/payroll services for welfare to work clients), credit checks, equipment maintenance, files and records management (i.e. recycling, shredding, destruction, removal), translation, consultants for grant writing, planning and evaluation.

B. Explain why this service is necessary and the consequences of denial:

These services are required to process client and court mandated information, and are necessary for the day to day operation of the Agency. Without these services, operations would be interrupted and the Agency could not fulfill welfare and institutions code compliance.

C. Explain how this service has been provided in the past (if this services was previously approved by the Civil Service Commission, indicate most recent personal services contract approval number):

PSC# 2000-05/06.

D. Will the contract be renewed:

Contracts may be renewed based upon funding availability and contract performance and competitive procurement process.

2. UNION NOTIFICATION: Copy of this summary is to be sent to employee organizations as appropriate (refer to instructions for specific procedures):

Table with 3 columns: Union Name, Signature of person mailing/faxing form, Date. Rows for Local 1021 and Local 21. Includes RFP sent to: 1021, 21 November 2008.

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 2006-08/09
STAFF ANALYSIS/RECOMMENDATION:

CIVIL SERVICE COMMISSION ACTION:

3. DESCRIPTION OF REQUIRED SKILLS/EXPERTISE

- A. Specify required skills and/or expertise:  
**Expertise in providing the listed services in these specialized areas.**
- B. Which, if, any, civil services class normally performs this work?  
**None.**
- C. Will contractor provide facilities and/or equipment not currently possessed by the City?  
**Yes, contractor will provide facilities and equipment to perform the services.**

4. WHY CLASSIFIED CIVIL SERVICE CANNOT PERFORM

- A. Explain why civil service classes are not applicable:  
**These are very specialized services. There are no current civil service classification to provide these services.**
- B. Would it be practical to adopt a new civil service class to perform this work? Explain:  
**No. It would not be practical to create a new class because of the immediate, short-term and on demand need for these services.**

5. ADDITIONAL INFORMATION (if yes, attach explanation)

- |   | Yes                                 | No                                  |
|---|-------------------------------------|-------------------------------------|
| A. Will the contractor directly supervise City and County employees?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| B. Will the contractor train City and County employees?<br>- Describe training and indicate approximate number of hours.<br>- Indicate occupational type of City and County employees to receive training (e.g., clerks, civil engineers, etc.) and approximate number to be trained. | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| C. Are there legal mandates requiring the use of contractual services?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| D. Are there federal and state grant requirements regarding the use of contractual services?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| E. Has a board or commission determined that contracting is the most effective way to provide this service?<br>Human Services Commission  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| F. Will the proposed work be completed by a contractor that has a current personal services contract with your department? See attached   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

THE ABOVE INFORMATION IS SUBMITTED AS COMPLETE AND ACCURATE ON BEHALF OF THE DEPARTMENT HEAD:

 12-9-08

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Signature of Departmental Personal Services Contract Coordinator

David Curto, Director, Office of Contract Management  
Department of Human Services, PO Box 7988, S.F. CA 94120

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(415) 557-5581