



London Breed
Mayor

Carol Isen
Human Resources Director

Date: July 29, 2022

To: The Honorable Civil Service Commission

Through: Carol Isen
Human Resources Director

From: Cynthia Avakian, AIR
Joan Lubamersky / Lynn Khaw, GSA
Amy Nuque, MTA
Stephanie Tang, PRT
Shawndrea Hale / Daniel Kwon, PUC
Kate Howard, DHR
Vincent Lee, POL
Kelly Hiramoto, DPH

Subject: **Personal Services Contracts Approval Request**

This report contains twelve (12) 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 Fiscal Year 22/23 to date:

Total of this Report	YTD Expedited Approvals FY2022-2023	Total for FY2022-2023
\$562,570,310	\$38,944,377	\$740,516,526

Cynthia Avakian
Airport Commission
Contracts Administration Unit
P.O. Box 8097
San Francisco, CA 94128
(650) 821-2014

Joan Lubamersky / Lynn Khaw
City Administrator
1 Dr. Carlton B. Goodlett Pl., Rm. 362
San Francisco, CA 94102
JL: (415) 554-4859
LK: (415) 554-6296

Amy Nuque
Municipal Transportation Agency
1 South Van Ness Ave., 6th Floor
San Francisco, CA 94103
(415) 646-2802

Stephanie Tang
Port
Pier 1
San Francisco, CA 94105
(415) 274-0483

Shawndrea Hale / Daniel Kwon
Public Utilities Commission
525 Golden Gate Ave., 8th Floor
San Francisco, CA 94102
SH: (415) 551-4540
DK: (415) 934-5722

Kate Howard
Human Resources
1 South Van Ness Ave., 4th Floor
San Francisco, CA 94103
(415) 557-4944

Vincent Lee
Police
1245 3rd St., 6th Floor
San Francisco, CA 94158
(415) 837-7127

Kelly Hiramoto
Public Health
1380 Howard St.,
San Francisco, CA 94103
(415) 206-4168

Table of Contents
PSC Submissions

Regular PSCs	Department	Page
41258 - 21/22	Airport Commission	1
43127 - 21/22	City Administrator	15
46036 - 21/22	Municipal Transportation Agency	20
46707 - 21/22	Municipal Transportation Agency	29
49819 - 21/22	Port	37
47607 - 21/22	Public Utilities Commission	70
49847 - 21/22	Public Utilities Commission	83
Modification PSCs		
46925 - 18/19	Human Resources	98
31195 - 21/22	Municipal Transportation Agency	164
48738 - 18/19	Police	174
42303 - 18/19	Public Health	183
49013 - 16/17	Public Health	193

POSTING FOR

August 15, 2022

PROPOSED PERSONAL SERVICES CONTRACTS – REGULAR

CPSC No	Dept Designation	PSC Amount	Description of Work	PSC Estimated Start Date	PSC Estimated End Date	Type of Approval
41258 - 21/22	AIRPORT COMMISSION	\$12,000,000.00	San Francisco International Airport (Airport) seeks to replace its legacy system used to manage work orders and inventory with a new, comprehensive Enterprise Facilities Management (EFM) system that will help the Airport manage its assets and infrastructure including building, gates, runways, parking garages, roadways, wastewater and industrial waste treatment plants. Contractor shall provide and implement an EFM Software-as-a-Solution (SaaS) system along with hosting, support, and maintenance services for the system. Contractor shall also provide guidance and support during system implementation and rollout with the goal of maximizing user adoption by Airport staff. Contractor shall also provide SaaS platform configurations, "train-the-trainer" training of Airport staff in the use of the software, as well as troubleshooting and diagnostic services.	July 19, 2022	December 31, 2029	REGULAR
43127 - 21/22	GENERAL SERVICES AGENCY - CITY ADMIN	\$1,750,000.00	Servicing a wide array of City vehicles and equipment, such as ride-on mowers, trailers, etc., for tire services including replacing, repairing, mounting and dismounting, balancing, rotating, aligning, and disposing of wheels and tires. Services may take place where equipment or vehicles are in the field, at the vendor's premises, or at a City yard location.	September 1, 2022	August 31, 2027	REGULAR

CPSC No	Dept Designation	PSC Amount	Description of Work	PSC Estimated Start Date	PSC Estimated End Date	Type of Approval
46036 - 21/22	MUNICIPAL TRANSPORTATION AGENCY	\$360,000,000.00	Provide separate professional parking garage operational services for 21 parking facilities organized into two groups as follows: Group A – 9 Facilities (Ellis O’Farrell Garage, Fifth & Mission Garage, Kezar Lot, Mission Bartlett Garage, Moscone Center Garage, 7th & Harrison Lot, Zuckerberg SF General Hospital Garage, 16th & Hoff Garage, Union Square Garage); Group B – 12 Facilities (Japan Center Garage, Civic Center Garage, Golden Gateway Garage, Lombard Garage, North Beach Garage, Performing Arts Garage, Pierce Garage, Polk Bush Garage, Portsmouth Square Garage, St. Mary’s Square Garage, Sutter Stockton Garage, Vallejo Garage). Services include providing qualified and experienced parking personnel for parking operations, customer service, janitorial, maintenance, and security. The Operator shall provide oversight of all aspects of administrative functions including, but not limited to, collection, reconciliation, and deposit of all parking and non-parking revenue; repair and maintenance of facilities and revenue control equipment; compliance with insurance and bond requirements; providing valet or valet-assist parking services, as needed, during special events. The term is for just under five years, thereafter on a month-to-month basis, not to exceed 48 months. The amount of \$200 million represents the total operating expenses projected at all 21 garages over the nearly five-year period starting on February 1, 2023, and ending on January 15, 2028.	February 1, 2023	January 15, 2028	REGULAR
46707 - 21/22	MUNICIPAL TRANSPORTATION AGENCY	\$4,000,000.00	Request for proposal (RFP) is under development. The second contract with a consultant firm experienced in communications, marketing, and public outreach to raise awareness of and support for	January 1, 2023	December 31, 2027	REGULAR

CPSC No	Dept Designation	PSC Amount	Description of Work	PSC Estimated Start Date	PSC Estimated End Date	Type of Approval
			SFMTA's Vision Zero policy and other SFMTA (San Francisco Municipal Transportation Agency) related programs on an as-needed basis.			
49819 - 21/22	PORT	\$16,000,000.00	The Port intends to establish establish a pool of qualified consultant teams capable of providing a wide range of engineering and construction management on an as-needed basis for Port capital and on-going projects. Such projects may be maritime related for maintenance and improvements of the Port's aging infrastructure. Multiple as-needed contracts will be immediately awarded to the highest ranked respondents.	October 1, 2022	September 30, 2026	REGULAR
47607 - 21/22	PUBLIC UTILITIES COMMISSION	\$4,000,000.00	The SFPUC is committed to maintaining ratepayer affordability by maximizing low-cost grant and loan financing for capital improvement and other SFPUC projects. Towards that the end, the agency has developed a Grants and Loans Program to maximize its access to low-cost financing options inclusive of State Revolving Fund (SRF) loans, the Water Infrastructure and Innovation Financing program (WIFIA) and other opportunities such as those emerging from the Infrastructure Investment and Jobs Act of 2021 (IIJA) and FEMA/ CalOES emergency grants. The SFPUC has already captured \$1.8 billion in federal and state low interest funding which requires on-going management and administration and the agency continues to seek opportunities for further funding. This program seeks consultant support to evaluate grant and loan opportunities, develop engagement across the SFPUC, advocate with state and federal agencies, implement acquisition strategies to capture low-cost financing for SFPUC capital and other projects, and coordinate end-	January 1, 2023	January 1, 2028	REGULAR

CPSC No	Dept Designation	PSC Amount	Description of Work	PSC Estimated Start Date	PSC Estimated End Date	Type of Approval
			to-end implementation of all grants and loans from application, to award, through close out.			
49847 - 21/22	PUBLIC UTILITIES COMMISSION	\$160,000,000.00	<p>PSC 49783-19/20 was approved by the Civil Service Commission on June 15, 2020 for the scope of work in this request. PSC 49783-19/20 expired on June 15, 2021 for the scope of work in this request and was subsequently renewed with PSC 45071-21/22 which expires on July 19, 2022, before execution of the SFPUC Contract DB-132. This new request will allow the SFPUC to complete execution of Contract DB-132.</p> <p>The San Francisco Public Utilities Commission (SFPUC) intends to award a \$160 million (\$7 million design and \$153 million construction) Design Build (DB) agreement to support SFPUC civil, structural, electrical, process, mechanical engineering staff, and for other specialized engineering services, such as grit removal, membrane bioreactor (MBR), wetland, solids handling, disinfection, and odor control, needed to assist in the execution and delivery of SFPUC's new Treasure Island (TI) Wastewater Treatment Plant (WWTP) and Recycled Water Facility (RWF).</p> <p>The \$7,000,000 design portion of the DB procurement will complete the detailed design utilizing the bridging documents (~10 to 15% level) provided in the RFP. The duration of the design portion is approximately 12 months. The duration of the engineering support during construction is approximately 2.5 to 3 years.</p>	August 16, 2022	December 31, 2026	REGULAR

TOTAL AMOUNT \$557,750,000

POSTING FOR

August 15, 2022

PROPOSED PERSONAL SERVICES CONTRACTS – Modification

PSC Number	Commission Hearing Date	Department	Additional Amount	Cumulative Total	Description	Start Date	End Date	Approval Type
46925 - 18/19 - MODIFICATIONS	August 15, 2022	HUMAN RESOURCES -- HRD	\$1,011,000	\$2,961,000	Contractor will provide maintenance, support services, development for new interfaces, training, and software hosting, and software system improvement to the Workers' Compensation Division's (WCD) Claims management web-based platform.	07/01/2023	09/13/2024	REGULAR
31195 - 21/22 - MODIFICATIONS	August 15, 2022	MUNICIPAL TRANSPORTATION AGENCY -- MTA	\$13,310	\$112,310	Modification to proprietary software delivered by Penta	07/13/2022	02/01/2023	REGULAR

PSC Number	<u>Commission Hearing Date</u>	Department	Additional Amount	Cumulative Total	Description	Start Date	End Date	Approval Type
					<p>Corporation in 2017.</p> <p>This software update is required to updated the subway station sign system to support new operational scenarios for Central Subway.</p>			
48738 - 18/19 - MODIFICATIONS	August 15, 2022	POLICE -- POL	\$3,196,000	\$8,500,000	<p>The San Francisco Police Department has been awarded a grant from the Bureau of Justice Statistics to help fund its transition to the National Incident-Based Reporting System standard. The grant does not allow for personnel costs, but does allow the use of contractors. This Personal Services</p>	09/20/2022	12/31/2024	REGULAR

PSC Number	<u>Commission Hearing Date</u>	Department	Additional Amount	Cumulative Total	Description	Start Date	End Date	Approval Type
					Request will allow the City to hire a contractor(s) to develop a scoping plan to help identify the business processes impacted, design and implement project requirements and strategies. Activities may include costs in hardware and software to implement the new data and interfaces, a replacement of the department's Incident Report Writing System, and updates to other external systems that either feed in or receive data elements required by the NIBRS standard.			

PSC Number	<u>Commission Hearing Date</u>	Department	Additional Amount	Cumulative Total	Description	Start Date	End Date	Approval Type
42303 - 18/19 - MODIFICATIONS	August 15, 2022	PUBLIC HEALTH -- DPH	\$0	\$10,000,000	Contractor(s) will provide as-needed, short-term, intermittent services to assist with the EPIC EHR (Electronic Health Record) and EPIC MyChart Patient Portal Go-Live activation, adoption, logistical administration, surge user support, technology customer service desk functions, information technology incidents, web related problem management, strategic planning, training and implementation.	10/01/2022	12/31/2026	REGULAR

PSC Number	<u>Commission Hearing Date</u>	Department	Additional Amount	Cumulative Total	Description	Start Date	End Date	Approval Type
49013 - 16/17 - MODIFICATIONS	August 15, 2022	PUBLIC HEALTH -- DPH	\$600,000	\$1,400,000	To perform annual physical inventory counts of pharmaceuticals in all pharmacy areas (inpatient pharmacy, satellite pharmacies, outpatient pharmacy, pharmacy warehouse and storeroom) of the Zuckerberg San Francisco General Hospital (ZSFGH). This includes physical counts of pharmaceuticals and generation of detailed price reports by specific pharmaceutical item and location.	10/01/2022	12/31/2028	REGULAR
					Scope Change:			

PSC Number	<u>Commission Hearing Date</u>	Department	Additional Amount	Cumulative Total	Description	Start Date	End Date	Approval Type
					<p>**** ADDITIONAL SCOPE FOR 2017 --- To modify the current PSC to include access to a web based application which is an automated, web-based kit checking technology will allow the Pharmacy Department at Zuckerberg San Francisco General Hospital to safely and effectively manage kit/tray ("kits") inventory. Kits provided by the department currently include: adult, pediatric, and neonatal crash cart trays, anesthesia/OR trays, anesthesia/OB trays,</p>			

PSC Number	<u>Commission Hearing Date</u>	Department	Additional Amount	Cumulative Total	Description	Start Date	End Date	Approval Type
					<p>and intubation kits. These kits allow providers to have ready access to critical, life-saving medications when a patient is in cardiac arrest, undergoing a procedure in the operating room, or needing intubation to protect their airway in a variety of circumstances. Accuracy in filling these kits is essential, as the providers are treating the most emergent patient populations at these times and a medication error would most likely be fatal. ***</p>			

PSC Number	<u>Commission Hearing Date</u>	Department	Additional Amount	Cumulative Total	Description	Start Date	End Date	Approval Type
					ADDITIONAL SCOPE FOR 2022 --- For the procurement of additional web based applications that track pharmaceutical recalls and Drug Supply Chain Security Act (DSCSA) compliance which regulates and monitor the manufacturing of compounded drugs.			
TOTAL AMOUNT \$4,820,310								

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

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: AIRPORT COMMISSION -- AIR

Dept. Code: AIR

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

Type of Approval: Expedited Regular Annual Continuing (Omit Posting)

Type of Service: Airport Enterprise Facilities Management System

Funding Source: Airport Capital and Operating Funds

PSC Amount: \$12,000,000

PSC Est. Start Date: 07/19/2022

PSC Est. End Date
12/31/2029

1. Description of Work

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

San Francisco International Airport (Airport) seeks to replace its legacy system used to manage work orders and inventory with a new, comprehensive Enterprise Facilities Management (EFM) system that will help the Airport manage its assets and infrastructure including building, gates, runways, parking garages, roadways, wastewater and industrial waste treatment plants. Contractor shall provide and implement an EFM Software-as-a-Solution (SaaS) system along with hosting, support, and maintenance services for the system. Contractor shall also provide guidance and support during system implementation and rollout with the goal of maximizing user adoption by Airport staff. Contractor shall also provide SaaS platform configurations, "train-the-trainer" training of Airport staff in the use of the software, as well as troubleshooting and diagnostic services.

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

The Airport's current maintenance management system is over 20 years old and provides only part of the functionality that the Airport requires. This new EFM system will include features such as mobile access, improved inventory management, warranty tracking, integration with the City's financial system, and integration with the Airport's Geographic Information System. A new, modern EFM system will allow the Airport to manage its maintenance work more efficiently, reducing costs for the City, and the ability to tie existing warranties to work orders in the system will allow the Airport to better identify opportunities to leverage equipment warranties, resulting in additional cost savings. Denial of this service will limit the Airport to an older, less efficient, and more functionally limited system, which will result in loss of productivity and hinder the ability of the Airport to effectively manage its assets.

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, however some of the work such as management of work orders and inventory management was provided under PSC 37012-18/19.

D. Will the contract(s) be renewed?

Yes, if there is a continued need for this service.

- 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.
The anticipated contract includes two years of implementation services as well as five years of post-implementation support, hosting, and maintenance.

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 implementation is a one-time capital project. Hosting, support, maintenance and other services require specialized knowledge of proprietary systems.

3. Description of Required Skills/Expertise

- A. Specify required skills and/or expertise: Ability to provide an EFM system that is specific to the operational needs of a major airport. Experience and expertise with implementation of EFM systems in an airport setting; project management skills; knowledge of systems configuration, data migration, data integration, asset management, and facilities inventory management; expertise with driving user adoption.

- B. Which, if any, civil service class(es) normally perform(s) this work? 1042, IS Engineer-Journey; 1043, IS Engineer-Senior; 1044, IS Engineer-Principal; 1053, IS Business Analyst-Senior; 1054, IS Business Analyst-Principal; 1070, IS Project Director; 1404, Clerk; 1406, Senior Clerk; 1820, Junior Administrative Analyst; 1822, Administrative Analyst; 1929, Parts Storekeeper; 1931, Senior Parts Storekeeper; 1942, Asst Materials Coordinator; 1944, Materials Coordinator; 7205, Chief Stationary Engineer; 7262, Maintenance Planner; 7287, Sprv Electronic Main Tech; 7313, Automotive Machinist; 7334, Stationary Engineer; 7335, Senior Stationary Engineer; 7336, Electr Instrmntn Tech Wtr Poll; 7342, Locksmith; 7344, Carpenter; 7345, Electrician; 7346, Painter; 7347, Plumber; 7355, Truck Driver; 7372, Stationary Eng, Sewage Plant; 7376, Sheet Metal Worker; 7457, Sign Worker; 0923, Manager II; 9976, 9976;

- 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?

None. Commercially available EFM solutions that meet the Airport's needs are proprietary systems and require proprietary services that can only be provided by the vendor. Furthermore, the Airport requires an EFM system that meets facilities management needs of major airports, and this cannot be provided through existing resources within the City.

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

- A. Explain why civil service classes are not applicable.

Existing civil service classes are not authorized to develop or maintain the proprietary systems that are available as EFM solutions. The Airport intends to have existing City staff trained to perform lower-level system administration support and basic troubleshooting in-house.

- 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. Implementation is a one-time effort, and only the vendor can provide services for these proprietary systems.

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.

Yes. Training will be offered to a variety of classifications within the Airport's Facilities Division (72XX, 73XX and 74XX classifications such as Materials Coordinators, Maintenance Planners, Stationary Engineers, Electricians, Plumbers, Painters, Carpenters, Automotive Machinists, Locksmiths, Truck Drivers, Sheet Metal Workers, Sign Workers, Electronic Instrumentation Technicians, Electronic Maintenance Technicians), to help develop Airport staff as subject matter experts (SMEs) on how to use the EFM system. The Airport SMEs will in turn provide hands-on training on how to use the EFM system to system users throughout the Airport's Facilities Division. The Airport intends for this user training be offered to Airport Facilities Division employees including the classifications listed above, as well as 14XX Clerks, 18XX Analysts, 19XX Parts Storekeepers, and 09XX Managers. SME training is anticipated to be approximately 16 hours per SME, and system user training is anticipated to be approximately 4-6 hours per user. The Airport may also offer training for providing lower-level system administration support to 7219 Maintenance Scheduler, 7262 Maintenance Planner, Administrative Analyst, and Manager classifications, should the Airport determine that training will be beneficial.

- 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 04/21/2022, the Department notified the following employee organizations of this PSC/RFP request:

Automotive Machinists, Local 1414; Carpenters, Local 22; Electrical Workers, Local 6; Laborers, Local 261; Municipal Executive Association; Plumbers, Local 38; Prof & Tech Eng, Local 21; SEIU Local 1021; Sheet Metal Workers, Local 104; Stationary Engineers, Local 39

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@flysfo.com

Address: Po Box 8097 San Francisco, CA 94128

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 41258 - 21/22

DHR Analysis/Recommendation:

Civil Service Commission Action:

Commission Approval Required

DHR Approved for 08/15/2022

Receipt of Union Notification(s)

From: dhr-psccordinator@sfgov.org on behalf of cynthia.avakian@flysfo.com
To: [Cynthia Avakian \(AIR\)](mailto:Cynthia.Avakian@AIR); seichenberger@local39.org; MRainsford@local39.org; grojo@local39.org; sarah.wilson@seiu1021.org; thomas.vitale@seiu1021.org; Ricardo.lopez@sfgov.org; [RECEIPT for Union Notification for PSC 41258 - 21/22 more than \\$100k](mailto:Basconcillo,Katherine(PUC);Sandeep.lal@seiu1021.me;pcamarillo_seiu@sbcglobal.net;Wendy.Frigillana@seiu1021.org;pscreview@seiu1021.org;ted.zarzecki@seiu1021.net;leah.berlanga@seiu1021.org;davidmkersten@gmail.com;xiumin.li@seiu1021.org;Poon,SinYee(HSA);david.canham@seiu1021.org;jtanner940@aol.com;WendyWong26@yahoo.com;wendywong26@yahoo.com;tmathews@ifpte21.org;kschumacher@ifpte21.org;pkim@ifpte21.org;amakayan@ifpte21.org;L21PSCReview@ifpte21.org;Laxamana,Junko(BOS);Criss@sfmea.com;camaquey@sfmea.com(contact);Christina@sfmea.com;staff@sfmea.com;laborers261@gmail.com;oashworth@ibew6.org;khughes@ibew6.org;smcgarry@nccrc.org;Mjayne@iam1414.org;agonzalez@iam1414.org;speedy4864@aol.com;SungKim(AIR);DHR-PSCCoordinator,DHR(HRD)
Subject: Receipt of Notice for new PCS over $100K PSC # 41258 - 21/22
Date: Thursday, April 21, 2022 11:48:33 AM</p><hr/></div><div data-bbox=)

The AIRPORT COMMISSION -- AIR has submitted a request for a Personal Services Contract (PSC) 41258 - 21/22 for \$12,000,000 for Initial Request services for the period 07/19/2022 – 12/31/2029. 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/18355> 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

From: [Janelle Dung-Sapantay \(AIR\)](mailto:Janelle.Dung-Sapantay@sf.gov)
To: jchiarenza@ualocal38.org; [Richard Koenig](mailto:Richard.Koenig@sf.gov)
Subject: Receipt of Notice for new PCS over \$100K PSC # 41258 - 21/22
Date: Thursday, April 21, 2022 2:25:58 PM

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

From: dhr-psccordinator@sfgov.org <dhr-psccordinator@sfgov.org> On Behalf Of cynthia.avakian@flysfo.com
Sent: Thursday, April 21, 2022 11:38 AM
To: Cynthia Avakian (AIR) <cynthia.avakian@flysfo.com>; seichenberger@local39.org; MRainsford@local39.org; grojo@local39.org; sarah.wilson@seiu1021.org; thomas.vitale@seiu1021.org; Ricardo.lopez@sfgov.org; Basconcillo, Katherine (PUC) <kbasconcillo@sfgwater.org>; Sandeep.lal@seiu1021.me; pcamarillo_seiu@sbcglobal.net; Wendy.Frigillana@seiu1021.org; pscreview@seiu1021.org; ted.zarzecki@seiu1021.net; leah.berlanga@seiu1021.org; davidmkersten@gmail.com; xiumin.li@seiu1021.org; Poon, Sin Yee (HSA) <sin.yee.poon@sfgov.org>; david.canham@seiu1021.org; jtanner940@aol.com; WendyWong26@yahoo.com; wendywong26@yahoo.com; tmathews@ifpte21.org; kschumacher@ifpte21.org; pkim@ifpte21.org; amakayan@ifpte21.org; L21PSCReview@ifpte21.org; Laxamana, Junko (BOS) <junko.laxamana@sfgov.org>; Criss@sfmea.com; camaguey@sfmea.com (contact) <camaguey@sfmea.com>; Christina@sfmea.com; staff@sfmea.com; laborers261@gmail.com; oashworth@ibew6.org; khughes@ibew6.org; smcgarry@nccrc.org; Mjayne@iam1414.org; agonzalez@iam1414.org; speedy4864@aol.com; Sung Kim (AIR) <sung.kim@flysfo.com>; DHR-PSCCoordinator, DHR (HRD) <dhr-psccordinator@sfgov.org>
Subject: Receipt of Notice for new PCS over \$100K PSC # 41258 - 21/22

RECEIPT for Union Notification for PSC 41258 - 21/22 more than \$100k

The AIRPORT COMMISSION -- AIR has submitted a request for a Personal Services Contract (PSC) 41258 - 21/22 for \$12,000,000 for Initial Request services for the period 07/19/2022 – 12/31/2029. 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/18355> 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

Sung Kim (AIR)

From: Sung Kim (AIR)
Sent: Friday, June 24, 2022 1:16 PM
To: dharrington@teamsters853.org; dhart@teamsters853.org; dougbia@comcast.net; cityworker@sfcwu.org
Cc: Cynthia Avakian (AIR); DHR-PSCCoordinator, DHR (HRD)
Subject: FW: Receipt of Notice for new PCS over \$100K PSC # 41258 - 21/22

RECEIPT for Union Notification for PSC 41258 - 21/22 more than \$100k

The AIRPORT COMMISSION -- AIR has submitted a request for a Personal Services Contract (PSC) 41258 - 21/22 for \$12,000,000 for Initial Request services for the period 07/19/2022 – 12/31/2029. Notification of 30 days (60 days for SEIU) is required.

The PSC can be viewed at <http://apps.sfgov.org/dhrdrupal/node/18355>

Sung Kim
Manager, Contracts Administration
San Francisco International Airport | P.O. Box 8097 | San Francisco, CA 94128 Tel 650-821-2026 | Email sung.kim@flysfo.com (preferred pronouns: he/him/his)

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

From: dhr-psccordinator@sfgov.org <dhr-psccordinator@sfgov.org> On Behalf Of cynthia.avakian@flysfo.com
Sent: Thursday, April 21, 2022 11:38 AM
To: Cynthia Avakian (AIR) <cynthia.avakian@flysfo.com>; seichenberger@local39.org; MRainsford@local39.org; grojo@local39.org; sarah.wilson@seiu1021.org; thomas.vitale@seiu1021.org; Ricardo.lopez@sfgov.org; Basconciello, Katherine (PUC) <kbasonciello@sfgwater.org>; Sandeep.lal@seiu1021.me; pcamarillo_seiu@sbcglobal.net; Wendy.Frigillana@seiu1021.org; pscreview@seiu1021.org; ted.zarzecki@seiu1021.net; leah.berlanga@seiu1021.org; davidmkersten@gmail.com; xiumin.li@seiu1021.org; Poon, Sin Yee (HSA) <sin.yee.poon@sfgov.org>; david.canham@seiu1021.org; jtanner940@aol.com; WendyWong26@yahoo.com; wendywong26@yahoo.com; tmathews@ifpte21.org; kschumacher@ifpte21.org; pkim@ifpte21.org; amakayan@ifpte21.org; L21PSCReview@ifpte21.org; Laxamana, Junko (BOS) <junko.laxamana@sfgov.org>; Criss@sfmea.com; camaguey@sfmea.com (contact) <camaguey@sfmea.com>; Christina@sfmea.com; staff@sfmea.com; laborers261@gmail.com; oashworth@ibew6.org; khughes@ibew6.org; smcgarry@nccrc.org; Mjayne@iam1414.org; agonzalez@iam1414.org; speedy4864@aol.com; Sung Kim (AIR) <sung.kim@flysfo.com>; DHR-PSCCoordinator, DHR (HRD) <dhr-psccordinator@sfgov.org>
Subject: Receipt of Notice for new PCS over \$100K PSC # 41258 - 21/22

RECEIPT for Union Notification for PSC 41258 - 21/22 more than \$100k

The AIRPORT COMMISSION -- AIR has submitted a request for a Personal Services Contract (PSC) 41258 - 21/22 for \$12,000,000 for Initial Request services for the period 07/19/2022 – 12/31/2029. 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:

Additional Attachment(s)

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: AIRPORT COMMISSIONDept. Code: AIRType of Request: Initial Modification of an existing PSC (PSC # 37012 - 18/19)Type of Approval: Expedited Regular Annual Continuing (Omit Posting)Type of Service: Cloud-based Software Support for Work Orders and Inventory ManagementFunding Source: Airport Operating FundsPSC Original Approved Amount: \$100,000PSC Original Approved Duration: 02/01/19 - 06/30/22 (3 years 21 weeks)PSC Mod#1 Amount: \$100,000PSC Mod#1 Duration: 06/30/22-12/31/22 (26 weeks 2 days)PSC Mod#2 Amount: \$100,000PSC Mod#2 Duration: 01/01/23-06/30/23 (25 weeks 5 days)PSC Cumulative Amount Proposed: \$300,000PSC Cumulative Duration Proposed: 4 years 21 weeks**1. Description of Work****A. Scope of Work/Services to be Contracted Out:**

San Francisco International Airport (SFO or Airport) has a legacy software license which is now cloud-based to support the Airport's business processes in our Facilities Maintenance division. The Airport has a need to supplement that system to include an additional module for asset tracking with work orders to include some software configuration and training of staff. Additional functionality is required to be able to track the receiving, storing and issuing of all purchased inventory at any given time. This module will enable the Airport to track purchased items within a computerized maintenance management system.

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

This module is needed for the Airport to track purchased items. If denied, SFO will not be able to effectively track inventory.

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.
37012-18/19**D. Will the contract(s) be renewed?**

Yes, if the services are still needed at the Airport.

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**

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

Explain the qualifying circumstances:

Services will be as-needed for training of staff once the new modules are procured.

B. Reason for the request for modification:

Need to add money and extend for time

3. Description of Required Skills/Expertise

- A. Specify required skills and/or expertise: Must have access to the proprietary system software to address issues with hosting, troubleshooting, and software configuration.
- B. Which, if any, civil service class(es) normally perform(s) this work? 1053, IS Business Analyst-Senior; 1054, IS Business Analyst-Principal; 1404, Clerk; 1406, Senior Clerk; 1820, Junior Administrative Analyst; 1822, Administrative Analyst; 1929, Parts Storekeeper; 1931, Senior Parts Storekeeper; 1942, Asst Materials Coordinator; 7205, Chief Stationary Engineer; 7262, Maintenance Planner; 7335, Senior Stationary Engineer; 0923, Manager II;
- 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 do not have access to the proprietary software code to do 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, not at this time.

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.
Contractor will provide 4-8 hours of training on particular software modules to the staff using the system from the following classifications: 1404, 1406, 1820, 1822, 1929, 1931, 1942, 7205, 7262, 7335, and 0923.
- 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.
JB Systems dba Mainsaver

7. Union Notification: On 07/23/21, the Department notified the following employee organizations of this PSC/RFP request:
Stationary Engineers, Local 39; SEIU Local 1021; Professional & Tech Engrs, Local 21; Municipal Executive Association;

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@flysfo.com

Address: P.O. Box 8097, San Francisco, CA 94128

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 37012 - 18/19

DHR Analysis/Recommendation:

Commission Approval Not Required

Approved by DHR on 09/21/2021

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: AIRPORT COMMISSION

Dept. Code: AIR

Type of Request: Initial Modification of an existing PSC (PSC # 37012 - 18/19)

Type of Approval: Expedited Regular Annual Continuing (Omit Posting)

Type of Service: Cloud-based Software Support for Work Orders and Inventory Management

Funding Source: Airport Operating Funds

PSC Original Approved Amount: \$100,000 PSC Original Approved Duration: 02/01/19 - 06/30/22 (3 years 21 weeks)

PSC Mod#1 Amount: \$100,000 PSC Mod#1 Duration: 06/30/22-12/31/22 (26 weeks 2 days)

PSC Cumulative Amount Proposed: \$200,000 PSC Cumulative Duration Proposed: 3 years 47 weeks

1. Description of Work

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

San Francisco International Airport (SFO or Airport) has a legacy software license which is now cloud-based to support the Airport's business processes in our Facilities Maintenance division. The Airport has a need to supplement that system to include an additional module for asset tracking with work orders to include some software configuration and training of staff. Additional functionality is required to be able to track the receiving, storing and issuing of all purchased inventory at any given time. This module will enable the Airport to track purchased items within a computerized maintenance management system.

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

This module is needed for the Airport to track purchased items. If denied, SFO will not be able to effectively track inventory.

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.
37012-18/19

D. Will the contract(s) be renewed?

Yes, if the services are still needed at the Airport.

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

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

Explain the qualifying circumstances:

Services will be as-needed for training of staff once the new modules are procured.

B. Reason for the request for modification:

Need to add money and extend for time

3. Description of Required Skills/Expertise

A. Specify required skills and/or expertise: Must have access to the proprietary system software to address issues with hosting, troubleshooting, and software configuration.

B. Which, if any, civil service class(es) normally perform(s) this work? 1053, IS Business Analyst-Senior; 1054, IS Business Analyst-Principal; 1404, Clerk; 1406, Senior Clerk; 1820, Junior Administrative Analyst; 1822, Administrative Analyst; 1929, Parts Storekeeper; 1931, Senior Parts Storekeeper; 1942, Asst Materials

Coordinator; 7205, Chief Stationary Engineer; 7262, Maintenance Planner; 7335, Senior Stationary Engineer; 0923, Manager II;

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 do not have access to the proprietary software code to do 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, not at this time.

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.

Contractor will provide 4-8 hours of training on particular software modules to the staff using the system from the following classifications: 1404, 1406, 1820, 1822, 1929, 1931, 1942, 7205, 7262, 7335, and 0923.

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.

JB Systems dba Mainsaver

7. Union Notification: On 04/21/20, the Department notified the following employee organizations of this PSC/RFP request:

Stationary Engineers, Local 39; SEIU Local 1021; Professional & Tech Engrs, Local 21; Municipal Executive Association;

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@flysfo.com

Address: P.O. Box 8097, San Francisco, CA 94128

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 37012 - 18/19

DHR Analysis/Recommendation:

07/20/2020

Commission Approval Required

Approved by Civil Service Commission

07/20/2020 DHR Approved for 07/20/2020

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: GENERAL SERVICES AGENCY - CITY ADMIN -- ADM

Dept. Code: ADM

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

Type of Approval: Expedited Regular Annual Continuing (Omit Posting)

Type of Service: Tire Services for City Vehicles and Equipment

Funding Source: General Fund

PSC Duration: 5 years

PSC Amount: \$1,750,000

1. Description of Work

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

Servicing a wide array of City vehicles and equipment, such as ride-on mowers, trailers, etc., for tire services including replacing, repairing, mounting and dismounting, balancing, rotating, aligning, and disposing of wheels and tires. Services may take place where equipment or vehicles are in the field, at the vendor's premises, or at a City yard location.

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

The Central Shops has limited space with limited vehicle bays where vehicles can be lifted up to get serviced. The current bays are all fully utilized for vehicle repairs and maintenance work, which takes hours each to complete. There are no open bays to stage to work on tire services. There could be up to two dozen tire repair orders a day. It is impractical, costly, unsafe, and detrimental to shop performance to try to accommodate tire services. To accommodate, mechanics would have to spend the time to take vehicles that are in the middle of repairs off the lifts, move them to the parking lot, then move the other vehicle onto the lift to do the work. After that, the switching of vehicles needs to be taken place all over again. These switching of vehicle tasks poses needless safety risks. The alternative would be to have the tire service work wait until ongoing vehicle repair jobs finish. That would add hours to a simple tire service that may be finished at a vendor's site in a relatively short amount of time. Furthermore, the parking lots at Central Shops are very limited, thus departments would have trouble booking an appointment for work to take place on the same day. Services are essential for road safety in general and safe driving or travel for vehicle drivers. Denial of these services would result in driving unsafe vehicles or operating unsafe equipment, which may cause accidents and hazards.

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 currently provided by other procurement methods.

D. Will the contract(s) be renewed?

The solicitation document will have a contract term of 5 years only with no renewal clause, but the needs of services are unknown.

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

B. Explain the qualifying circumstances:

The Central Shops has limited space with limited vehicle bays where vehicles can be lifted up to get serviced. The current bays are all fully utilized for vehicle repairs and maintenance work, which takes hours each to complete. There are no open bays to stage to work on tire services. There could be up to two dozen tire repair orders a day. It is impractical, costly, unsafe, and detrimental to shop performance to try to accommodate tire services. To accommodate, mechanics would have to spend the time to take vehicles that are in the middle of repairs off the lifts, move them to the parking lot, then move the other vehicle onto the lift for the tire work. After that, the switching needs to be taken place all over again. These switching of vehicle tasks poses needless safety risks. The alternative would be to have the tire service work wait until ongoing vehicle repair jobs finish. That would add hours to a simple tire service that may be finished at a vendor's site in a relatively short amount of time. Furthermore, the parking lots at Central Shops are very limited, thus departments would have trouble booking an appointment for work to take place on the same day.

3. Description of Required Skills/Expertise

A. Specify required skills and/or expertise: Automotive/equipment repair professionals with knowledge of changing, repairing, rotating, balancing, and aligning tires are required.

B. Which, if any, civil service class(es) normally perform(s) this work? 7313, Automotive Machinist; 7381, Automotive Mechanic; 7410, Automotive Service Worker;

C. Will contractor provide facilities and/or equipment not currently possessed by the City? If so, explain: Contractors will provide facilities where City drivers can take their vehicles or equipment for services. As required, contractors will have mobile trucks with necessary equipment or tools, e.g., generator, compressor, etc., to mount tires in the field. Currently, the City's various shops do not have that capability.

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

The City does not have facilities and mobile trucks with equipment to perform services.

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

A. Explain why civil service classes are not applicable.

The City's employees in the classifications of 7410, 7381 or 7313 can do the work, but the Central Shops has limited space with limited vehicle bays where vehicles can be lifted up to get serviced.

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 Central Shops has limited space with limited vehicle bays to perform 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.
No. No training will be provided.
- 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 06/21/2022, the Department notified the following employee organizations of this PSC/RFP request:
Automotive Machinists, Local 1414; TWU - Automotive Service Worker; TWU Local 250A

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

Name: Lynn Khaw Phone: 4155546296 Email: lynn.khaw@sfgov.org

Address: City Hall, Room 430 San Francisco, CA

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 43127 - 21/22

DHR Analysis/Recommendation:

Civil Service Commission Action:

Commission Approval Required

DHR Approved for 08/15/2022

Receipt of Union Notification(s)

From: dhr-psccordinator@sfgov.org on behalf of lynn.khaw@sfgov.org
To: [Khaw, Lynn \(ADM\); mdennis@twusf.org; roger.marenco; pwilson@twusf.org; Mjayne@iam1414.org; agonzalez@iam1414.org; speedy4864@aol.com; Khaw, Lynn \(ADM\); DHR-PSCCoordinator, DHR \(HRD\)](mailto:Khaw,Lynn(ADM);mdennis@twusf.org;roger.marenco;pwilson@twusf.org;Mjayne@iam1414.org;agonzalez@iam1414.org;speedy4864@aol.com;Khaw,Lynn(ADM);DHR-PSCCoordinator,DHR(HRD))
Subject: Receipt of Notice for new PCS over \$100K PSC # 43127 - 21/22
Date: Tuesday, June 21, 2022 3:51:11 PM

RECEIPT for Union Notification for PSC 43127 - 21/22 more than \$100k

The GENERAL SERVICES AGENCY - CITY ADMIN -- ADM has submitted a request for a Personal Services Contract (PSC) 43127 - 21/22 for \$1,750,000 for Initial Request services for the period 09/01/2022 – 08/31/2027. 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/18677> 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: MUNICIPAL TRANSPORTATION AGENCY -- MTA

Dept. Code: MTA

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

Type of Approval: Expedited Regular Annual Continuing (Omit Posting)

Type of Service: Parking Garage Management for 21 Off-Street Parking Facilities

Funding Source: Garage Revenues

PSC Duration: 4 years 49 weeks

PSC Amount: \$.360,000,000

1. Description of Work

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

Provide separate professional parking garage operational services for 21 parking facilities organized into two groups as follows: Group A – 9 Facilities (Ellis O’Farrell Garage, Fifth & Mission Garage, Kezar Lot, Mission Bartlett Garage, Moscone Center Garage, 7th & Harrison Lot, Zuckerberg SF General Hospital Garage, 16th & Hoff Garage, Union Square Garage); Group B – 12 Facilities (Japan Center Garage, Civic Center Garage, Golden Gateway Garage, Lombard Garage, North Beach Garage, Performing Arts Garage, Pierce Garage, Polk Bush Garage, Portsmouth Square Garage, St. Mary’s Square Garage, Sutter Stockton Garage, Vallejo Garage). Services include providing qualified and experienced parking personnel for parking operations, customer service, janitorial, maintenance, and security. The Operator shall provide oversight of all aspects of administrative functions including, but not limited to, collection, reconciliation, and deposit of all parking and non-parking revenue; repair and maintenance of facilities and revenue control equipment; compliance with insurance and bond requirements; providing valet or valet-assist parking services, as needed, during special events. The term is for just under five years, thereafter on a month-to-month basis, not to exceed 48 months. The amount of \$200 million represents the total operating expenses projected at all 21 garages over the nearly five-year period starting on February 1, 2023, and ending on January 15, 2028.

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

These services are necessary to provide public parking and operational service at parking facilities in the most efficient and cost-effective manner possible. The results of a benchmarking survey of comparable California cities and throughout the nation conducted by the San Francisco Municipal Transportation Agency (SFMTA) staff concluded that the typical business model is to contract out the day-to-day operations of city-owned, off-street parking facilities. Consequences of denial could include closing down all SFMTA-owned or operated facilities since there are no CCSF job classifications that can assume parking operation duties. In addition, denial of professional parking garage management will result in higher costs and therefore reduced net income to support services provided by the SFMTA.

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 service is currently being provided by contracting out to professional parking operations firms. The most recent PSC approved is PSC No. 4033-11/12.

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):

Circumstances where there is a demonstrable potential conflict of interest (e.g., independent appraisals, audits, inspections, third party reviews and evaluations).

B. Explain the qualifying circumstances:

The contracted parking operators are responsible for collecting and depositing parking revenues generated at city-owned parking garages. City staffs are responsible for overseeing the contracted parking operators, including reviewing and approving invoices for operating expenses, reviewing and reconciling parking revenue deposits against revenue reports generated by garages' access-control equipment, and auditing/assuring parking operators' compliance with operational and revenue-collection policies and procedures included in their contracts.

3. Description of Required Skills/Expertise

A. Specify required skills and/or expertise: The successful operation of each parking facility requires technical knowledge and experience in the use of automated pay stations; automated parking access and revenue control equipment and software; including such functions as information retrieval and report writing; managing parking operations staff working multiple shifts; maintenance of all facility equipment, including elevators, fire panels, and lighting; valet parking operations; cash handling, accounting, reconciliation, and financial reporting, including operations and capital improvement budgets; conducting rate surveys; targeted marketing to increase volume and customer base; maintenance and security of each parking facility. In addition, understanding and implementation of credit card data security is needed as defined by Visa MasterCard which requires a high-level understanding of compliance protocols that guard against fraud. Furthermore, as an integrated system, expertise in programming, precise calculations, logic, and compliance of all the above will be vital to the successful operation and management of the parking facilities.

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?

No such efforts have been made. There is no applicable Civil Service Classification that can provide complete professional operational services as described for SFMTA- or City-owned parking facilities.

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

A. Explain why civil service classes are not applicable.

There is no applicable Civil Service Classification that can provide complete professional operational services as described for SFMTA- or City-owned parking facilities.

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 SFMTA plans to contract out for the complete professional operational services of each parking facility, which is the most efficient, cost-effective, and successful approach to providing public parking at SFMTA-owned or operated facilities.

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. No training of city staff is required. Operations of city-owned parking garages have always been contracted out to professional parking operations companies who specialize in the many and varied tasks required to operate and manage parking facilities. The SFMTA plans to continue indefinitely with contracting out for these services.

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 05/16/2022, 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: Amy NUQUE Phone: 415-646-2802 Email: amy.nuque@sfmta.com

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

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 46036 - 21/22

DHR Analysis/Recommendation:

Civil Service Commission Action:

Commission Approval Required

DHR Approved for 08/15/2022

Receipt of Union Notification(s)

Nuque, Amy

From: dhr-psccordinator@sfgov.org on behalf of amy.nuque@sfmta.com
Sent: Monday, May 16, 2022 4:32 PM
To: Nuque, Amy; kennethlomba@gmail.com; snaranjo@cirseiu.org; mdennis@twusf.org; roger marengo; Pete Wilson - Union 250A VP; cmoyer@nccrc.org; noah.frigault@sfgov.org; sfdpoa@icloud.com; Mjayne@iam1414.org; Emanuel, Rachel (DEM); laborers261@gmail.com; Laxamana, Junko (BOS); jennifer.esteen@seiu1021.org; emathurin@cirseiu.org; abush@cirseiu.org; sbabaria@cirseiu.org; anthony@dc16.us; mlobre@sfpoa.org; @sfpoa.org; tracym@sfpoa.org; mleach@ibt856.org; rooferslocal40@gmail.com; sal@local16.org; Criss@sfmea.com; Julie.Meyers@sfgov.org; seichenberger@local39.org; Camaguey@sfmea.com; ablood@cirseiu.org; kcartermartinez@cirseiu.org; ecassidy@ifpte21.com; WendyWong26@yahoo.com; wendywong26@yahoo.com; sarah.wilson@seiu1021.org; kschumacher@ifpte21.org; kpage@ifpte21.org; tjenkins@uapd.com; eerbach@ifpte21.org; tmathews@ifpte21.org; amakayan@ifpte21.org; jb@local16.org; Ricardo.lopez@sfgov.org; Basconcillo, Katherine (PUC); Sandeep.lal@seiu1021.me; pcamarillo_seiu@sbcglobal.net; MRainsford@local39.org; Wendy.Frigillana@seiu1021.org; pscreview@seiu1021.org; pkim@ifpte21.org; agonzalez@iam1414.org; ted.zarzecki@seiu1021.net; leah.berlanga@seiu1021.org; gail@sffdlocal798.org; cityworker@sfcwu.org; davidmkersten@gmail.com; djohnson@opcmialocal300.org; ramonliuna261@gmail.com; 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; bart@dc16.us; david.canham@seiu1021.org; jtanner940@aol.com; Osha Ashworth; L21PSCReview@ifpte21.org; laborers261@gmail.com; local200twu; speedy4864@aol.com; Christina@sfmea.com; ecdemvoter@aol.com; thomas.vitale@seiu1021.org; Nuque, Amy; dhr-psccordinator@sfgov.org
Subject: Receipt of Notice for new PCS over \$100K PSC # 46036 - 21/22

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

RECEIPT for Union Notification for PSC 46036 - 21/22 more than \$100k

The MUNICIPAL TRANSPORTATION AGENCY -- MTA has submitted a request for a Personal Services Contract (PSC) 46036 - 21/22 for \$360,000,000 for Initial Request services for the period 02/01/2023 – 01/15/2028. 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/18465> 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 Dept. Code: MTA

Type of Request: [] Initial [x] Modification of an existing PSC (PSC # 4033 - 11/12)

Type of Approval: [] Expedited [x] Regular [] Omit Posting

Type of Service: Parking Garage Management Services for 13 Parking Facilities

Funding Source: garage revenues

Table with 2 columns: Amount and Duration. Rows include PSC Original Approved Amount (\$1,770,000), PSC Mod#1-4 amounts, and PSC Cumulative Amount Proposed (\$4,540,084).

1. Description of Work

A. Scope of Work:

Provide separate professional parking garage operational services for 19 parking facilities organized into three groups as follows: Group A - 8 Facilities (Civic Center, Lombard, Mission Bartlett, Performing Arts, Pierce, Sutter Stockton and 16th & Hoff garages, and 7th & Harrison lot); Group B - 3 Facilities (Golden Gateway and St. Mary's Square garages, and Kezar Lot); Group C - 7 Facilities (SF General Hospital, Moscone Center, North Beach, Vallejo St., Ellis O'Farrell, Union Square and Polk Bush garages). In addition to the three groups, there is a standalone contract for 5th & Mission Garage. Services include: providing qualified and experienced parking personnel for cashiering, janitorial and security. The Operator shall provide oversight of all aspects of administrative functions including, but not limited to, collection, reconciliation and deposit of all parking and non-parking revenue; repair and maintenance of facilities and revenue control equipment; compliance with B. Explain why this service is necessary and the consequence of denial:

These services are necessary to provide public parking and operational service of parking facilities in the most efficient and cost-effective manner possible. The results of a benchmarking survey of comparable California cities and throughout the nation conducted by SFMTA staff concluded that the typical business model is to contract out the day-to-day operations of city-owned, off-street parking facilities. Consequences of denial will result in closing down all SFMTA-owned or operated facilities since there are no CCSF job classifications that can assume parking operation duties. In addition, denial of professional parking garage management will result in higher costs, and therefore reduced net income to support services provided by the SFMTA.

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. No

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

2. Union Notification: On 10/09/20, the Department notified the following employee organizations of this PSC/RFP request: all unions were notified

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 4033 - 11/12

DHR Analysis/Recommendation:

12/07/2020

Commission Approval Required

Approved by Civil Service Commission

DHR Approved for 12/07/2020

3. Description of Required Skills/Expertise

A. Specify required skills and/or expertise:

The successful operation of each parking facility requires technical knowledge and experience in the use of automated pay stations; automated parking access and revenue control equipment and software; including such functions as information retrieval and report writing; managing parking operations staff working multiple shifts; maintenance of all facility equipment, including elevators, fire panels, and lighting; valet parking operations; cash handling, accounting, reconciliation and financial reporting, including operations and capital improvement budgets; conducting rate surveys; target marketing to increase volume and customer base; maintenance and

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 yes, explain:

No.

4. Why Classified Civil Service Cannot Perform

A. Explain why civil service classes are not applicable:

There is no applicable Civil Service Classification that can provide complete professional operational services as described for SFMTA- or City-owned parking facilities

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

No, the SFMTA is contracting out for the complete professional operational services of each parking facility, which is the most efficient, cost-effective and successful approach to provide public parking at SFMTA owned or operated facilities.

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
No, the contractor will be managing day-to-day operations of city-owned pa
- 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? No YES NO
- E. Has a board or commission determined that contracting is the most effective way to provide this service? No YES NO
- F. Will the proposed work be completed by a contractor that has a current PSC contract with your department? Yes, three separate contractors YES NO

THE ABOVE INFORMATION IS SUBMITTED AS COMPLETE AND ACCURATE ON BEHALF OF THE DEPARTMENT HEAD ON 10/09/20 BY:

Name: Amy NUQUE Phone: 415-646-2802 Email: _____

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

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 Annual Continuing (Omit Posting)

Type of Service: As-Needed On-Call Contract for 2nd Vision Zero Education & Communications Program

Funding Source: Local Funds

PSC Duration: 5 years

PSC Amount: \$4,000,000

1. Description of Work

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

Request for proposal (RFP) is under development.

The second contract with a consultant firm experienced in communications, marketing, and public outreach to raise awareness of and support for SFMTA's Vision Zero policy and other SFMTA (San Francisco Municipal Transportation Agency) related programs on an as-needed basis.

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

The SFMTA requires assistance to deliver communications, education, and public outreach in support of Vision Zero and SFMTA projects that are critical to achieving the agency's strategic plan goals and that support the city's Transit-First and Vision Zero policies. The services needed under and provided by this contract include a number of specialized disciplines: research, focus groups, message development, creative design, public outreach, and media purchasing. This work is episodic with large, intermittent peaks in need and SFMTA does not have the appropriate staff resources or expertise to provide such work in-house. Through as-needed contracts with various qualified consultants and sub-consultants, the SFMTA can utilize unique skill sets as appropriate to help plan and deliver communications, education, and public outreach services that incorporate best practices and are culturally competent with respect to agency stakeholder communities and the public at large. If denied, SFMTA will not have the capacity in-house to deliver critical projects to achieve the agency's strategic plan goals and the city's Transit-First and Vision Zero policies.

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 service was previously approved by the Civil Service Commission for the first Vision Zero Education and Communications Program 201- Local As Needed Contract. PSC #: 45799-15/16

D. Will the contract(s) be renewed?

At the conclusion of this contract if further services are required a new RFP would be required and a new PSC process would be initiated.

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).

B. Explain the qualifying circumstances:

Services are required on an as-needed, intermittent, or periodic basis in order to address the need for Vision Zero marking, communication, and outreach within San Francisco.

3. Description of Required Skills/Expertise

A. Specify required skills and/or expertise: Contracted staff must have a core level of broad experience with communications, marketing, and public outreach around Vision Zero and other SFMTA transportation safety projects as well as knowledge of behavior change approaches. In addition, a contractor must be able to provide support to general planning and strategy, facilitation, graphic design, research, focus groups, message development, marketing, and campaign design, public outreach, and media purchasing.

B. Which, if any, civil service class(es) normally perform(s) this work? 5277, Planner 1; 5288, Transportation Planner II; 5289, Transportation Planner III; 5290, Transportation Planner IV; 5320, Illustrator and Art Designer; 5330, Graphics Supervisor;

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 work will be overseen by a team of existing staff in these classifications; however, additional services are required on an as-needed, intermittent basis and require more specific expertise and access to communication services not available through existing resources.

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

A. Explain why civil service classes are not applicable.

This work will be overseen by a team of existing staff in these classifications; however, additional services are required on an as-needed, intermittent basis and require more specific expertise and access to technology services not available through existing resources.

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. Not applicable. Existing civil service classes encompass the types of work that will be conducted through this contract.

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. No training is planned for city staff.
- 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 06/15/2022, the Department notified the following employee organizations of this PSC/RFP request:
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: Amy NUQUE Phone: 415-646-2802 Email: amy.nuque@sfmta.com

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

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 46707 - 21/22

DHR Analysis/Recommendation:

Civil Service Commission Action:

Commission Approval Required

DHR Approved for 08/15/2022

Receipt of Union Notification(s)

Nuque, Amy

From: dhr-psccordinator@sfgov.org on behalf of amy.nuque@sfmta.com
Sent: Wednesday, June 15, 2022 10:48 AM
To: Nuque, Amy; WendyWong26@yahoo.com; wendywong26@yahoo.com; tmathews@ifpte21.org; kschumacher@ifpte21.org; pkim@ifpte21.org; amakayan@ifpte21.org; L21PSCReview@ifpte21.org; Nuque, Amy; dhr-psccordinator@sfgov.org
Subject: Receipt of Notice for new PCS over \$100K PSC # 46707 - 21/22

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

RECEIPT for Union Notification for PSC 46707 - 21/22 more than \$100k

The MUNICIPAL TRANSPORTATION AGENCY -- MTA has submitted a request for a Personal Services Contract (PSC) 46707 - 21/22 for \$4,000,000 for Initial Request services for the period 01/01/2023 – 12/31/2027. 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/18645> 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 Dept. Code: MTA

Type of Request: [] Initial [x] Modification of an existing PSC (PSC # 45799 - 15/16)

Type of Approval: [] Expedited [x] Regular ([] Omit Posting)

Type of Service: Vision Zero Communications Development

Funding Source: City Safety Funds

PSC Original Approved Amount: \$2,000,000 PSC Original Approved Duration: 09/22/15 - 12/30/16 (1 year 14 weeks)
PSC Mod#1 Amount: no amount added PSC Mod#1 Duration: 12/31/16-07/31/17 (30 weeks 2 days)
PSC Mod#2 Amount: \$2,000,000 PSC Mod#2 Duration: 08/01/17-07/31/21 (4 years 1 day)
PSC Mod#3 Amount: \$2,000,000 PSC Mod#3 Duration: 05/31/20-12/31/24 (3 years 22 weeks)
PSC Mod#4 Amount: PSC Mod#4 Duration:
PSC Cumulative Amount Proposed: \$6,000,000 PSC Cumulative Duration Proposed: 9 years 14 weeks

1. Description of Work

A. Scope of Work:

The Contractor will develop a campaign strategy and messaging for roadway safety campaigns. The contractor will research and develop strategies, creative work and social media campaigns based on best-practices for safety campaigns that have shown actual reductions in collision rates and changes in people's behavior.

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

This work will provide the necessary strategies, designs and communications campaigns for ensuring that the City's Vision Zero efforts attain a high level of buy-in and behavior change based on national and international best practices. If this service is denied, then the goal to reduce roadway fatalities and severe collisions by implementing needed safety campaigns will not be met.

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.

45799 15-16 approved 04/03/2017

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

2. Union Notification: On 03/13/20, the Department notified the following employee organizations of this PSC/RFP request: Professional & Tech Engrs, Local 21;

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 45799 - 15/16

DHR Analysis/Recommendation:

05/18/2020

Commission Approval Required

Approved by Civil Service Commission

DHR Approved for 05/18/2020

3. Description of Required Skills/Expertise

A. Specify required skills and/or expertise:

The consultant must possess expert knowledge of communications strategy and messaging development, including the use of research and data collection to ensure a successful campaign design. Experience in developing multi-lingual behavior-change outreach programs. Demonstrated ability to create educational and communications campaigns that result in measurable changes in behavior.

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

5289,5290,5502,

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:

This service is necessary to develop a new communications strategy and messaging plan. It is very specialized and cannot be completed by a single person, but relies on multiple expert competencies. Due to the temporary nature of each task, it is more efficient and effective to use a contractor with the necessary expertise and experienced staffing to perform the required work

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

No. Civil service classes already exist. Once the study and report are developed, existing city staff will be able to ensure that its implementation occurs and that the strategy continues to provide safety benefits. The required safety campaign development and educational message development services are not work that is normally

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
N/A
- 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
No
- E. Has a board or commission determined that contracting is the most effective way to provide this service? YES NO
45799 15-16 approved 04/03/2017
- F. Will the proposed work be completed by a contractor that has a current PSC contract with your department? YES NO
MIG, Inc., 510-845-7549 x 108, dchowtrotter@migcom.com

THE ABOVE INFORMATION IS SUBMITTED AS COMPLETE AND ACCURATE ON BEHALF OF THE DEPARTMENT HEAD ON 03/13/20 BY:

Name: Amy NUQUE Phone: 415-646-2802 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: PORT--PRT

Dept. Code: PRT

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

Type of Approval: Expedited Regular Annual Continuing (Omit Posting)

Type of Service: As Needed Engineering and Related Services

Funding Source: Port Operating Budget

PSC Duration: 4 years

PSC Amount: \$16,000,000

1. Description of Work

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

The Port intends to establish a pool of qualified consultant teams capable of providing a wide range of engineering and construction management on an as-needed basis for Port capital and on-going projects. Such projects may be maritime related for maintenance and improvements of the Port's aging infrastructure. Multiple as-needed contracts will be immediately awarded to the highest ranked respondents.

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

The Port intends to establish a pool of qualified consultant teams capable of providing a wide range of engineering and construction management on an as-needed basis for Port capital and on-going projects. Such projects may be maritime related for maintenance and improvements of the Port's aging infrastructure. Denial will likely affect the infrastructure and may result in some failures. With the influx of temporary federal dollars, we have the ability to increase the capacity and volume of work at a capacity we do not expect to be able to maintain on an on-going basis.

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.

These services have been provided in the past under PSC 45417 - 18/19, PSC 4081 - 02/03, PSC 4101 - 08/09, PSC 4120 - 11/12, and PSC 41969 - 15/16.

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 proposed services for this project are short-term, as-needed, and specifically relate to engineering projects located along the waterfront on Port property. The work associated with this project is as-needed and generally performed on less than a full-time basis. Although some of the work may be performed by Port and other City staff, the timing of the services needs does not always align with staff workloads and availability to perform the work. In some cases, the expertise is highly specialized and otherwise not available.

3. Description of Required Skills/Expertise

A. Specify required skills and/or expertise: Training, knowledge, license (as applicable), skill and ability in performing advanced Structural Engineering, Dredging Inspection, Marine Structures Engineering, Plumbing design including sump, force-main systems. Marine structures under-piping, Coastal Engineering including shoreline protection, sediment transport, evaluation of sea level rise, Architecture, Geotechnical Engineering (on land), Historic Preservation, Marine Geotechnical Engineering, ADA Design, Inspections, and ADA Transition Plan, Civil Engineering, CAD Support Services, Mechanical Engineering, Facility Inspection, Construction Management, Constructability Reviews including Value Engineering and Peer Review, Electrical Engineering including high voltage, electrical systems and equipment design, Cost Estimating, Fire Protection Engineering, Specification Writing (Construction and Professional Services), Environmental Engineering including hazardous material evaluation and monitoring, Special Inspection and Testing, Permit/Building Construction Inspection Services, Utility Location Services, Naval Architecture including Mooring and Berthing Analysis and Design, Project Management, Cruise Terminal Operations, Project Programming and Planning, Economic Studies, Demolition Engineering, Life-Cycle Cost Analysis, Numerical Modeling, Utilities Piping and Metering, Corrosion Engineering, Pile Driving Barge Design, Railroad Engineering Consulting, Shoreside power Design, Marina Design, Dry Dock Inspection and Design, Resilience Planning, Building Occupancy Resumption Program, Crane Inspection, Testing and Certification Services, Forensic Investigation, Materials Testing, Construction Litigation Support, Facility Security, Evaluation Services, Code Development, Grant Application Support, Environmental Support Services including CEQA and NEPA, Building Permit Plan Review, Physical Modeling, Archeology, Elevator/Escalator Consulting, Envision Review, Enterprise Asset Management System Development, LEED Certification and Standards, Transportation and Traffic Engineering, Utility and Energy Efficiency, Green Building Design, Interpretive Sign Design and Reproduction.

B. Which, if any, civil service class(es) normally perform(s) this work? 5207, Assoc Engineer; 5211, Eng/Arch/Landscape Arch Sr; 5218, Structural Engineer; 5241, Engineer; 5268, Architect; 5274, Landscape Architect; 5314, Survey Associate; 6318, Construction Inspector; 6331, Building Inspector;

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?

Because the expertise in specific discipline sought through the as-needed contracts are highly specialized and required occasionally for specific tasks, that expertise generally is not with the scope of existing civil service classifications and is not available from existing City staff. Many of the services sought through the as-needed contracts involve resources are not available with the City. In the past, Port staff notify other City Departments who have staff with related skills before we issued each task order to see if existing City staff could perform any or all of the services needed. We do evaluate staff

and Public Works when there is a skills match for street, sewer, and waterline work with a City Department and request proposals from departments.

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

A. Explain why civil service classes are not applicable.

The services will be required on an as-needed and generally less than full-time basis. Although some of the work can be performed by Port and other City staff, the timing of the service needs does not always align with staff workloads and availability to perform the work. In some cases, the expertise is highly specialized and otherwise not available.

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 would not be practical to adopt new civil service classifications for work that will be sporadically needed or only needed for a single 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 contact? If so, please explain what that will entail; if not, explain why not.

No. There is no training that will be provided by the consultant.

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 05/13/2022, the Department notified the following employee organizations of this PSC/RFP request:

Architect & Engineers, Local 21; Building Inspectors - 6331, 6333; Management & Superv Local 21; Prof & Tech Eng, 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: Stephanie Tang Phone: 415-274-0483 Email: stephanie.tang@sfport.com

Address: Pier 1 San Francisco, CA 94111

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 49819 - 21/22

DHR Analysis/Recommendation:

Civil Service Commission Action:

Commission Approval Required

DHR Approved for 08/15/2022

Receipt of Union Notification(s)

From: dhr-psccordinator@sfgov.org on behalf of stephanie.tang@sfport.com
To: [Tang, Stephanie \(PRT\); Laxamana, Junko \(BOS\); amakayan@ifpte21.org; ecassidy@ifpte21.com; WendyWong26@yahoo.com; wendywong26@yahoo.com; tmathews@ifpte21.org; kschumacher@ifpte21.org; kpage@ifpte21.org; eerbach@ifpte21.org; pkim@ifpte21.org; L21PSCReview@ifpte21.org; Alexander Tut, Alysabeth \(PRT\); DHR-PSCCoordinator, DHR \(HRD\)](mailto:Tang, Stephanie (PRT); Laxamana, Junko (BOS); amakayan@ifpte21.org; ecassidy@ifpte21.com; WendyWong26@yahoo.com; wendywong26@yahoo.com; tmathews@ifpte21.org; kschumacher@ifpte21.org; kpage@ifpte21.org; eerbach@ifpte21.org; pkim@ifpte21.org; L21PSCReview@ifpte21.org; Alexander Tut, Alysabeth (PRT); DHR-PSCCoordinator, DHR (HRD)@sfport.com)
Subject: Receipt of Notice for new PCS over \$100K PSC # 49819 - 21/22
Date: Friday, May 13, 2022 10:44:13 AM

RECEIPT for Union Notification for PSC 49819 - 21/22 more than \$100k

The PORT -- PRT has submitted a request for a Personal Services Contract (PSC) 49819 - 21/22 for \$16,000,000 for Initial Request services for the period 10/01/2022 – 09/30/2026. 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/18482> 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

From: [Tang, Stephanie \(PRT\)](#)
To: Mleach@ibt856.org; [Donnelly, Edward \(DBI\)](#)
Subject: Receipt of Notice for new PCS over \$100K PSC # 49819 - 21/22
Date: Friday, May 13, 2022 10:48:47 AM

Please see attached for RECEIPT for Union Notification for PSC 49819 - 21/22 more than \$100k

The PORT -- PRT has submitted a request for a Personal Services Contract (PSC) 49819 - 21/22 for \$16,000,000 for Initial Request services for the period 10/01/2022 – 09/30/2026. 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/18482> 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: PORT--PRT

Dept. Code: PRT

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

Type of Approval: Expedited Regular Annual Continuing
(Omit Posting)

Type of Service: Professional Services

Funding Source: Port Operating Budget

PSC Amount: \$4,000,000

PSC Est. Start Date: 07/01/2019

PSC Est. End Date
07/01/2023

1. Description of Work

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

The Port intends to establish a pool of four qualified micro-LBE consultant teams capable of providing a wide range of engineering and construction management on an as-needed basis for Port capital and on-going projects. Such projects may be maritime related for maintenance and improvements of the Port's aging infrastructure.

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

These services are necessary because although the Port's engineering division provides multi-disciplinary engineering services to all Port divisions, at times, the required services exceeded the available staff resources. The need for consultant services is sporadic and the required expertise is often highly specialized. Denial would impact revenues and 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.

These services have been provided in the past under PSC #4101-08/09 and PSC #41969-15/16.

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 proposed services for this project are short-term, as-needed, and specifically relate to engineering projects located along the waterfront on Port property. The work associated with this project is as-needed and generally performed on less than a full-time basis. Although some of the work may be performed by Port and other City staff, the timing of the service needs does not always align with staff workloads and availability to perform the work. In some cases, the expertise is highly specialized and otherwise not available. This work is specifically set-aside for micro-LBE firms.

3. Description of Required Skills/Expertise

A. Specify required skills and/or expertise: Training, knowledge, license (as applicable), skill and ability to perform civil engineering, planning, design, preparation of plans and cost estimates, traffic engineering, structural design, code compliance reviews, project management, construction management/inspecting.

B. Which, if any, civil service class(es) normally perform(s) this work? 5207, Assoc Engineer; 5211, Eng/Arch/Landscape Arch Sr; 5218, Structural Engineer; 5241, Engineer; 5268, Architect; 5274, Landscape Architect; 5314, Survey Associate; 6318, Construction Inspector; 6331, Building Inspector;

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?

Because the expertise in specific disciplines sought through the as-needed contracts are highly specialized and required occasionally for specific tasks, that expertise generally is not with the scope of existing civil service classifications and is not available from existing City staff. Many of the services sought through the as-needed contracts involve resources are not available with the City. In the past, Port staff notify other City departments who have staff with related skills before we issued each task order to see if existing City staff could perform any or all of the services needed.

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

A. Explain why civil service classes are not applicable.

The services will be required on an as-needed and generally less than full-time basis. Although some of the work can be performed by Port and other City staff, the timing of the service needs does not always align with staff workloads and availability to perform the work. In some cases, the expertise is highly specialized and otherwise not available.

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 would not be practical to adopt new civil service classifications for work that will be sporadically needed or only needed for a single 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 contact? If so, please explain what that will entail; if not, explain why not.
No. The contractor will not train employee. They will perform on-call engineering services with a single scope of work.
- 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.
Yes.
- 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 03/06/2019, the Department notified the following employee organizations of this PSC/RFP request:
Architect & Engineers, Local 21; Building Inspectors - 6331, 6333

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

Name: Lavena Holmes Phone: 415-274-0305 Email: lavena.holmes@sfport.com

Address: Pier 1 San Francisco, CA

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 41597 - 18/19

DHR Analysis/Recommendation:

action date: 08/05/2019

Commission Approval Required

Approved by Civil Service Commission

08/05/2019 DHR Approved for 08/05/2019

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: PORT -- PRT Dept. Code: PRT

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

Type of Approval: Expedited Regular (Omit Posting)

Type of Service: As-Needed Engineering and Related Professional Services

Funding Source: Operating, Capital, & Bond Prog PSC Duration: 5 years
PSC Amount: \$6,000,000 PSC Est. Start Date: 04/01/2016 PSC Est. End Date: 03/31/2021

1. Description of Work

A. Scope of Work:

The Port intends to issue a Request for Qualifications to establish a pool of four (4) qualified consultant teams capable of providing a wide range of engineering and related services on an as-needed basis for Port capital and on-going projects. Such projects are usually maritime related for maintenance and improvements of the Port's aging infrastructure.

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

These services are necessary because although the Port's engineering division provides multi-disciplinary engineering services to all Port divisions, at times, the required services exceeded the available staff resources. The need for consultant services is sporadic and the required expertise is often highly specialized. Denial would impact revenues and services.

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.
These services have been provided in the past under PSC #4101 - 08/09, CSC Action 03/02/2009.

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

2. Union Notification: On 10/07/2015, the Department notified the following employee organizations of this PSC/RFP request: Architect & Engineers, Local 21; Bldg Mtl & Constr Teamsters, L 853; Building Inspectors - 6331, 6333

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 41969 - 15/16

DHR Analysis/Recommendation:

03/07/2016

Commission Approval Required

Approved by Civil Service Commission

DHR Approved for 03/07/2016

3. Description of Required Skills/Expertise

- A. Specify required skills and/or expertise:
Training, knowledge, license (as applicable), skill and ability in performing civil, structural, marine, electrical, mechanical, geotechnical and/or soils engineering, coastal engineering, cruise terminal operations, maritime security, historic preservation architecture, landscape architecture, surveying, building inspecting, plan checking, project management, construction management/inspecting, dredging support services, material testing, special inspections and testing, etc.
- B. Which, if any, civil service class(es) normally perform(s) this work?
6318,6331,5314,5207,5218,5241,5211,5268,5274,
- C. Will contractor provide facilities and/or equipment not currently possessed by the City? If yes, explain:
None anticipated.

4. Why Classified Civil Service Cannot Perform

- A. Explain why civil service classes are not applicable:
The services will be required on an as-needed and generally less than full-time basis. Although some of the work can be performed by Port and other City staff, the timing of the service needs does not always align with staff workloads and availability to perform the work. In some cases, the expertise is highly specialized and otherwise not available.
- B. Would it be practical to adopt a new civil service class to perform this work? Explain.
It would not be practical to adopt new Civil Service Classifications for work that will be sporadically needed or only needed for a single project.

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? No. The consultants perform highly specialized sporadic work in the design	<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 01/08/2016 BY:

Name: Lavena Holmes Phone: 415-274-0305 Email: lavena.holmes@sfport.com
 Address: Pier 1, The Embarcadero San Francisco, CA 94111

City and County of San Francisco

Department of Human Resources

PERSONAL SERVICES CONTRACT SUMMARY

DATE: March 7, 2012

DEPARTMENT NAME: Port of San Francisco DEPARTMENT NUMBER 39

TYPE OF APPROVAL: EXPEDITED REGULAR (OMIT POSTING _____)
 CONTINUING ANNUAL

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

TYPE OF SERVICE: As-Needed Engineering & Related Services

FUNDING SOURCE: Port Operating, Capital Budget and Bond Program

PSC AMOUNT: \$4,500,000.00 PSC DURATION: 07/01/2012 - 06/30/2016

1. DESCRIPTION OF WORK

A. Concise description of proposed work:

The Port intends to issue a Request for Qualifications to establish a pool of three (3) qualified consultant teams capable of providing a wide range of engineering and related services on an as-needed basis for Port capital and on-going projects. Such projects are usually Maritime related for maintenance and improvements of the Port's aging infrastructure.

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

These services are necessary because although the Port's Engineering Division provides multi-disciplinary engineering services to all Port Divisions, at times, the required services exceed the available staff resources. The need for consultant services is sporadic and the required expertise is often highly specialized. Denial would impact revenues and services.

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):

These services have been provided in the past under PSC #4101-08/09.

D. Will the contract(s) be renewed: The RFQ will provide a one-year option to renew.

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

IFPTE, Local 21 [Signature] 03/07/2012
Union Name Signature of person mailing/faxing form Date

Union Name Signature of person mailing/faxing form Date

RFP sent to _____, on _____
Union Name Date Signature

RFP sent to _____, on _____
Union Name Date Signature

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# A120 - 11/12 CSC 05/07/2012 ; approved!

STAFF ANALYSIS/RECOMMENDATION:

CIVIL SERVICE COMMISSION ACTION:

City and County of San Francisco

Department of Human Resources

3. DESCRIPTION OF REQUIRED SKILLS/EXPERTISE

A. Specify required skills and/or expertise:

Training, knowledge, license (as applicable), skill and ability in performing civil, structural, marine, electrical, mechanical, geotechnical and/or soils engineering, coastal engineering, cruise terminal operations, maritime security, historic preservation architecture, landscape architecture, surveying, project management, special testing and inspections; etc.

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

- 5203 Assistant Engineer (Local 21) 5241 Engineer (Local 21)
5207 Associate Engineer (Local 21) 5268 Architect (Local 21)
5211 Engineer/Architect/Landscape Architect Senior (Local 21) 5274 Landscape Architect (Local 21)
5218 Structural Engineer (Local 21)

... and various classes in the Engineering and Architectural Assistant and Associate series.

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

None anticipated.

4. WHY CLASSIFIED CIVIL SERVICE CANNOT PERFORM

A. Explain why civil service classes are not applicable:

The services will be required on an as-needed and generally less than full-time basis. Although some of the work can be performed by Port and other City staff, the timing of the service needs does not always align with staff workloads and availability to perform the work. In some cases, the expertise is highly specialized and otherwise not available.

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

It would not be practical to adopt new civil service classifications for work that will be sporadically needed or only needed for a single project.

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

A. Will the contractor directly supervise City and County employees?

Yes No
[] [x]
[] [x]

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?

[] [x]
[] [x]
[x] []

D. Are there federal or state grant requirements regarding the use of contractual services?

E. Has a board or commission determined that contracting is the most effective way to provide this service? Under previous PSCs and pending March 13, 2012 action at the Port Commission.

F. Will the proposed work be completed by a contractor that has a current personal services contract with your department? This will be a competitive procurement and thus unknown.

[] []

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

[Signature]
Signature of Departmental Personal Services Contract Coordinator

Lavena Holmes
Print or Type Name

(415) 274-0305
Telephone Number

Pier 1 - The Embarcadero
San Francisco, CA 94111
Address



CIVIL SERVICE COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

E. DENNIS NORMANDY
PRESIDENT

KATE FAVETTI
VICE PRESIDENT

SCOTT R. HELDFOND
COMMISSIONER

MARY Y. JUNG
COMMISSIONER

ANITA SANCHEZ
EXECUTIVE OFFICER

MINUTES

Regular Meeting

May 7, 2012

2:00 p.m.
ROOM 400, CITY HALL
1 Dr. Carlton B. Goodlett Place

CALL TO ORDER

2:02 p.m.

ROLL CALL

President E. Dennis Normandy	Present
Vice President Kate Favetti	Present
Commissioner Scott R. Heldfond	Present
Commissioner Mary Y. Jung	Not Present (Notified absence)

President E. Dennis Normandy presided.

REQUEST TO SPEAK ON ANY MATTER WITHIN THE JURISDICTION OF THE CIVIL SERVICE COMMISSION AND NOT APPEARING ON TODAY'S AGENDA

None.

APPROVAL OF MINUTES

Regular Meeting of April 16, 2012

Action: Adopted. (Vote of 3 to 0)

Civil Service Commission Meeting Minutes**Regular Meeting of May 7, 2012****COMMENDATIONS AGENDA**

0114-12-1 Commendation for Morgan R. Gorrone for his dedicated service to the City and County of San Francisco as a Civil Service Commissioner from February 4, 2000 through August 30, 2011; and his leadership as President of the Civil Service Commission from June 3, 2003 through May 31, 2004 and June 2, 2009 through June 7, 2010. (Item No. 5)

Speakers: Anita Sanchez, Executive Officer

Action: Adopted. (Vote of 3 to 0)

HUMAN RESOURCES DIRECTOR'S REPORT (Item No. 6)

Micki Callahan, Human Resources Director stated that she is back and is mostly done with all the labor negotiations. In the last week, they have settled most of the labor contracts for Spring 2012. They settled over a week ago with IFPTE Local 21 and finished with SEIU, a combined settlement and arbitration award last Friday. She also stated that hopefully they have carefully navigated all the civil service issues.

There is one item with SEIU Local 1021 dealing with the as-needed/exempt Category 16 employees and their desire to be permanent and the alleged misuse of as-needs by departments throughout the City over the years. They were unable to reach an agreement with the Union on that proposal so the Arbitrator issued an award which has some civil service implications. The Department of Human Resources and the Unions will jointly be approaching the Commission for some problem-solving to help find ways that these individuals can be positioned to obtain permanent employment after appropriately passing whatever merit processes that are developed. She or Martin Gran may be contacted for any questions the Commissioners may have.

EXECUTIVE OFFICER'S REPORT (Item No. 7)

Report included in Item No. 11.

0115-12-8 Review of request for approval of proposed personal services contracts. (Item No. 8)

PSC#	Department	Amount	Type of Service	Type of Approval	Duration
4116-11/12	Art Commission	\$192,780	Contract for artist to design, fabricate, transport, and install artwork 28 for Daggett Park.	Regular	12/31/15
4117-11/12	Environment	\$150,000	To provide financial and other analysis of the refuse rate application and related projects as needed during the rate process which will take place between September of 2012 and September of 2014. This will include general financial analysis of the rate adjustment application to determine if costs are reasonable and appropriate, performing various rate-related surveys, preparing estimates of effects on rates and miscellaneous preparation and follow-up work.	Regular	09/30/13

Civil Service Commission Meeting Minutes

Regular Meeting of May 7, 2012

4118-11/12	Municipal Transportation Agency	\$400,000	Provide a full service, work-site based, Employee Assistance Program (EAP) to provide clinical supervision of the staff of 3 full-time paid Peer Assistants, and up to 8 volunteer Peer Assistants. The contractor will also manage San Francisco Municipal Transportation Agency's (SFMTA) Trauma Response Program for SFMTA employees involved in on-the-job critical incidents, such as an accident in a Muni vehicle that results in serious injuries or fatalities; crisis support and counseling for assaults and threats. The program is designed to assist in the identification and resolution of productivity problems associated with employees impaired by personal concerns, which adversely affect job performance.	Regular	03/31/13
4119-11/12	Municipal Transportation Agency	\$32,500,000	The contractor will provide a Vendor Managed Inventory (VMI) Services two-year pilot program to manage, support staff, and supply parts for its Rail Fleet maintenance program. Four materials storerooms are operated in support of the Rail Fleet: Green, Muni Metro East (MME), Cable Car, and Overhead Lines. The San Francisco Municipal Transportation Agency (SFMTA) has developed the following objectives for management of parts for the Rail Fleet only that consists of 151 Breda LRVs, 39 historic streetcars, and 31 cable cars: Supply vehicle parts, with strict performance guidelines requiring defined response times and fill rates; Ensure parts provided allow SFMTA to meet its objectives in terms of reliability (i.e., Mean Distance Between Failures MDBF, service interruptions); and ensure SFMTA safety standards are met in any program activity.	Regular	09/30/17
4120-11/12	Port Commission	\$4,500,000	The Port intends to issue a Request of Qualifications to establish a pool of three (3) qualified consultant teams capable of providing a wide range of engineering and related services on an as-needed basis for Port capital and on-going projects. Such projects are usually Maritime related for maintenance and improvements for the Port's aging infrastructure.	Regular	06/30/16
4121-11/12	Public Utilities Commission	\$400,000	Provide file conversation/file relocation services between San Francisco Public Utilities Commission (SFPUC) staff, contractors, vendors, etc. for the SFPUC's move to its new headquarters at 525 Golden Gate Avenue.	Regular	12/31/12
4111-10/11	District Attorney	Increase Amount \$72,500 New Amount \$145,000	This contract will provide services to women and transgender individuals who have experienced sexual exploitation and violence and professional services coordinating monthly FOPP classes as a diversion model for men arrested for their first prostitution offense. The proposed contract would include speakers, logistics, training and support of FOPP speakers. This program also acts as a diversion model for women, providing them an opportunity to receive counseling and education as an alternative to incarceration. This modification is to extend the grant period and add funding for continuation of the same services.	Modification	06/30/13

Civil Service Commission Meeting Minutes

Regular Meeting of May 7, 2012

4017-10/11	Environment	Increase Amount \$105,000 New Amount \$180,000	<p>The GreenFinanceSF program still has funds available to continue the program. In order to continue the program, the Department needs to extend the services of the contractor who administers the website, processes applications and payments, and provides required program reporting. Not to continue to provide these services would mean that the program would have to be cancelled. GreenFinanceSF is a City sponsored Clean Energy Loan Program ("PACE" program) which will allow property owners (residential and commercial) to install electric and thermal solar systems and make energy efficiency improvements to their buildings and pay for the cost of such improvements over 20 years through a special tax on their property tax bills.</p> <p>The contractor will administer (and finance) the program. The administrative services include program design services; program implementation services, including: web portal with online application interface, project data tracking; program marketing and communications (web, print, in person, training materials); program administration services including: application processing, request, and payment; program reporting, program documentation, and customer services; special tax administrative services (special tax apportionment method, data collection, boundary map preparation and recordation, contributions to disclosure documents, annual special; tax levy calculation and enrollment, annual CFD administration report preparation, delinquent special tax reporting, repayments of special tax liens).</p>	Modification	12/31/18
4068-08/09	Airport Commission	Increase Amount \$750,000 New Amount \$2,150,000	<p>SFO needs support of consultant on the Noise Insulation Program, particularly on tasks such as: review of County records & updated noise impact boundaries to identify properties that may qualify for noise insulation improvements; coordination of aircraft noise easement acquisition & recording; coordination of noise insulation design & construction work; handling of inquires from property owners regarding eligibility for noise insulation improvements funded by the FAA and the Airport; and, preparation of outlay reports for grant reimbursements. The budget for the 3-yr period was increased to \$950,000 since FAA awarded additional grants, allowing Airport to increase the scope of work and provide acoustic treatment to a larger number of properties than originally planned.</p>	Modification	12/31/16
4086-10/11	Art Commission	Increase Amount \$1,000,000 New Amount \$1,500,000	<p>Fine Art handling services for artworks in the collection of the City and County of San Francisco, including transportation, packing, storing of fine art; de-installation of artworks including those of monumental scale, design and fabrication of pedestals and cases. Scope includes major installations of monumental work at S.F. International Airport and other large scale projects, including transporting, storing, framing and installing major art program at PUC Headquarters. The Arts Commission will also be installing monumentally scaled artwork at the Public Safety Building and General Hospital, to name a few.</p>	Modification	01/01/15

Civil Service Commission Meeting Minutes

Regular Meeting of May 7, 2012

4046-11/12	Public Utilities Commission	Increase Amount \$50,000 New Amount \$400,000	Develop a comprehensive training program for Hetch Hetchy Water and Power (HHWP) Control Room Operations System Operators to meet North American Electric Reliability Corporation (NERC) PER-002 and PER-005 regulatory requirements. Consultant will work with HHWP staff to implement a Systematic Approach to Training (SAT) process that will ensure the validity and reliability of the operator training program. The approach will utilize the following five phase SAT model: Analysis, Design, Development, Implementation, and Evaluation (ADDIE).	Modification	04/01/15
4097-08/09	Public Utilities Commission	Increase Amount \$950,000 New Amount \$4,620,900	SFPUC has partnered with a utility company to market and process regional water and energy washing machine rebate program. The program includes over 30 Bay Area water agencies and continued to build on a highly successful, grant funded regional partnership a utility company. For the first time, the partners are collaborating with a utility company to offer customers a joint rebate in order to streamline the process for the customer and in order to capitalize on the joint marketing capacities of the water and energy utilities. The contract is being modified to accommodate the increased demand for the program. This modification is necessary because washing machine rebates are a fundamental component of the SFPUC's water conservation program and replacing older models with efficient ones is essential to the program's ability to meet long term demand reduction goals. The greater Bay Area region received a grant from the CA Dept. of Water resources to implement this program and the SFPUC expects to receive \$630,000 of this funding.	Modification	12/31/20
4102-09/10	Public Utilities Commission	Increase Amount \$150,000 New Amount \$225,000	Contract work consists of the following: 1) Sorting benthic invertebrate samples into major taxonomic groups in preparation for identification and identifying and sorting Polychaeta to families as needed. 2) Performing quality control (QC) on staff taxonomists by re-identifying random samples and working with staff taxonomists to resolve differences. 3) Performing taxonomic identification on samples as needed. 4) Providing training to identify freshwater aquatic invertebrates as needed. This modification is necessary because marine invertebrate taxonomy is a requirement of the Oceanside WPCP NPDES discharge permit and freshwater invertebrate taxonomy is essential for assessing the biological integrity of the SFPUC's watershed lakes and streams. Training of in-house staff on freshwater taxonomy is an as-needed task, last provided by a training workshop in 2005.	Modification	07/30/22

Speakers:

Guillermo Rodriquez, Department of the Environment spoke on PSC #4117-11/12.

Angela Carmen, Municipal Transportation Agency spoke on PSC #4119-11/12.

Action:

Adopted the report; Approved the request for proposed personal services contracts. Notified the Office of the Controller and the Office of Contract Administration. (Vote of 3 to 0)

Civil Service Commission Meeting Minutes**Regular Meeting of May 7, 2012****0116-12-5 Secondary Criteria for H-20 Lieutenant and H-40 Battalion Chief Selection Processes. (Item No. 9)****Speakers:** Jaye Erickson, Department of Human Resources**Action:** Accepted the recommendation of the Human Resources Director and approved the proposed Secondary Criteria for H-20 Lieutenant and H-40 Battalion Chief; When making appointments, the Appointing Officer will consider the following secondary criteria: length and variety of Fire Department experience, training and education, completion of State Fire Marshall courses or equivalent, and disciplinary record.
(Vote of 3 to 0)**0117-12-7 Municipal Transportation Agency's Response to Commissioners' Request for a Report on Separations and Resignations of Permanent Civil Service (PCS) and Exempt employees with Future Employment Restrictions for Calendar Year 2011 that were imposed or appealed; and the restrictions subsequently reduced or rescinded, and the appeal withdrawn. (Item No. 10)****Speakers:** Chris Iborra, Municipal Transportation Agency**Action:** Accepted the report. The Commission further directed the Municipal Transportation Agency to submit a corrected report to include the type of restrictions recommended and its status; this will be regular reports for both Department of Human Resources and the Municipal Transportation Agency; the corrected 2011 MTA report and the 6-month 2012 (January to June) report to be submitted by MTA and DHR for the meeting of August 20, 2012; and; bi-annually thereafter (1st meeting in March and 2nd meeting in August). (Vote of 3 to 0)**0118-12-5 Department of Human Resources' Report on Proposed Redevelopment-Only "Priority" Eligible List and Promotive Points Rule(s). (Item No. 11)****Speakers:** Ted Yamasaki, Department of Human Resources
Ging Louie, IFPTE Local 21
Chris Harris, former Redevelopment Agency employee
Amy Dawson, former Redevelopment Agency employee
Edith Horner, former Redevelopment Agency employee
Micki Callahan, Human Resources Director
Anita Sanchez, Executive Officer**Action:** The Department of Human Resources requests that the Civil Service Commission support the proposal to develop and adopt a rule(s) to provide for a Redevelopment-Only Eligible List and Promotive Points and recommends the following actions:
(1) Direct the Executive Officer to work with interested parties to draft the proposed rule(s) for posting and adoption by the Civil Service Commission;

Civil Service Commission Meeting Minutes**Regular Meeting of May 7, 2012****0118-12-5 (continued)**

- (2) Upon finalization of the proposed rule(s), require the Department of Human Resources to provide the following status reports, in writing, to the Commission:
 - a.) Priority Eligible Lists for all examined citywide classifications, including the names and rank order of former Redevelopment Agency employees.
 - b.) A report at the meeting of August 20, 2012 and annual reports thereafter of all appointments made from the Priority Eligible List for Fiscal Years 2011-2012; 2012-2013, and; 2013-2014.
- (3) Require the Department of Human Resources to provide a final report to the Commission, in writing, at the close of the proposed rule sunset date of January 31, 2014, (or sooner if applicable.) (Vote of 3 to 0)

0345-11-2 Certification of Salary of Elected Officials (Mayor, City Attorney, District Attorney, Public Defender, Assessor-Recorder, Treasurer, and Sheriff) of the City and County of San Francisco for a five (5) year cycle, effective July 1, 2012 through June 30, 2017, in accordance with Charter Section A8.409-1. (Item No. 12)

January 9, 2012: Accepted the report.

February 6, 2012: Accepted the report.

March 19, 2012: Accepted the report.

April 16, 2012: Accepted the report.

Speakers: Luz Morganti, Civil Service Commission

Action: Accepted the report; Certified the salary of Elected Officials in accordance with Charter Section A8.409-1; Transmitted to the Controller for inclusion in the Fiscal Year 2012-13 Budget. (Vote of 3 to 0)

COMMISSIONERS' ANNOUNCEMENTS/REQUESTS (Item No. 13)

Vice President Favetti thanked the Executive Officer for the report on the flag raising charges by the Department of Public Works.

ADJOURNMENT (Item No. 14)

3:30 p.m.

City and County of San Francisco

Department of Human Resources

PERSONAL SERVICES CONTRACT SUMMARY

copy

DATE: February 4, 2009

DEPARTMENT NAME: Port of San Francisco

DEPARTMENT NUMBER 39

TYPE OF APPROVAL: EXPEDITED REGULAR (OMIT POSTING _____) CONTINUING ANNUAL

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

TYPE OF SERVICE: As-Needed Engineering & Related Services

FUNDING SOURCE: Port Operating, Capital Budget and Bond Program

PSC AMOUNT: \$4,500,000 PSC DURATION: 7/1/09 - 6/30/14

1. DESCRIPTION OF WORK

A. Concise description of proposed work:

The Port intends to issue a Request for Qualifications to establish a pool of three qualified consultant teams capable of providing a wide range of engineering and related services on an as-needed basis for Port capital and on-going projects. Such projects are usually maritime related for maintenance and improvements of the Port's aging infrastructure.

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

These services are necessary because although the Port's engineering division provides multi-disciplinary engineering services to all Port divisions, at times, the required services exceed the available staff resources. The need for consultant services is sporadic and the required expertise is often highly specialized. Denial would impact revenues and services.

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):

These services have been provided in the past under PSC #4021-05/06

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

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

<u>IFPTE, Local 21</u> Union Name	<u><i>Bernie P. ...</i></u> Signature of person mailing/faxing form	<u><i>2/5/09</i></u> Date
_____ Union Name	_____ Signature of person mailing/faxing form	_____ Date
RFP sent to <u>IFPTE, Local 21</u> Union Name	on <u>February 20, 2009</u> Date	_____ Signature

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 4101-08/09 *approved 3/2/09*
STAFF ANALYSIS/RECOMMENDATION:

CIVIL SERVICE COMMISSION ACTION:

sent - 2/6/09

City and County of San Francisco

Department of Human Resources

3. DESCRIPTION OF REQUIRED SKILLS/EXPERTISE

A. Specify required skills and/or expertise:

Training, knowledge, license(as applicable), skill and ability in performing civil, structural, marine, electrical, mechanical, geotechnical and/or soils engineering, coastal engineering, cruise terminal operations, maritime security, historic preservation architecture, landscape architecture, surveying, project management, special testing and inspections; etc.

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

5207 Associate Engineer; 5218 Structural Engineer; 5241 Engineer; 5211 Senior Engineer; 5268 Architect, 5274 Landscape Architect and various classes in the engineering and architectural assistant and associate series.

C. Will contractor provide facilities and/or equipment not currently possessed by the City? If yes, explain: None anticipated.

4. WHY CLASSIFIED CIVIL SERVICE CANNOT PERFORM

A. Explain why civil service classes are not applicable:

The services will be required on an as-needed and generally less than full-time basis. Although some of the work can be performed by Port and other City staff, the timing of the service needs does not always align with staff workloads and availability to perform the work. In some cases, the expertise is highly specialized and otherwise not available.

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

It would not be practical to adopt new civil service classifications for work that will be sporadically needed or only needed for a single project.

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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> • 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"/>
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 personal services contract with your department?	<input type="checkbox"/>	<input type="checkbox"/>

This will be a competitive procurement and thus unknown.

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

Lavena Holmes-Williams
Signature of Departmental Personal Services Contract Coordinator

Lavena Holmes-Williams
Print or Type Name

415-274-0421
Telephone Number

Pier 1 - The Embarcadero
San Francisco, CA 94111
Address

Jun. 10. 2009 3:06PM civil service comm

No. 1079 P. 2



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 4098-08/09 THROUGH 4113-08/09; 4068-07/08; 4172-07/08 AND 4114-08/09.

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) PSC #4112-08/09 withdrawn at the request of the Department of Emergency Management.
- (2) Adopt the Human Resources Director's report on all remaining contracts. 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

- c: Parveen Boparai, Municipal Transportation Agency
Micki Callahan, Human Resources Director
Gordon Choy, Department of Public Works
Kahala Drain, Children & Families Commission
Jacquie Hale, Department of Public Health
Lavena Holmes-Williams, San Francisco Port
Shamica Jackson, Public Utilities Commission
Jennifer Johnston, Department of Human Resources
Naomi Kelly, Office of Contract Administration
William Lee, Emergency Communications Department
Julian Low, Mayor's Office of Business & Economic Development
Joan Lubamersky, Administrative Services
Christine Martin, Department of Technology
Mary Ng, Department of Human Resources
Brigitte Rockett, Department of Human Resources
Ben Rosenfield, Controller
Commission File
Chron

**POSTING FOR
March 02, 2009**

RECOMMENDED APPROVAL OF PROPOSED PERSONAL SERVICES CONTRACTS

PSC No.	Destiny	Department	Approval Type	Contract Budget	Description of Work	Duration
4098-08/09	35	San Francisco Municipal Transportation Agency	Regular	\$98,000.00	Will provide technical assistance with the procurement of a new Closed Circuit Television (CCTV) system to be installed in subway stations and other SFMTA facilities.	30-Mar-12
4099-08/09	35	San Francisco Municipal Transportation Agency	Regular	\$250,000.00	Will provide services to conduct a three part Newus study to support existing and proposed transportation related development impact and mitigation fees.	15-Nov-08
4100-08/09	35	San Francisco Municipal Transportation Agency	Regular	\$3,000,000.00	Will provide as-needed specialized professional and technical engineering services in transit engineering specialties including systems hazard analysis, mechanical, electrical, analysis and mitigation of noise and vibration in transit operations.	01-Mar-14
4101-08/09	30	Port of San Francisco	Regular	\$4,500,000.00	Will establish a pool of three qualified consultant teams capable of providing a wide range of engineering and related services on an as-needed basis for Port capital and on-going projects.	30-Jun-14
4102-08/09	40	San Francisco Public Utilities Commission	Regular	\$1,000,000.00	Will provide financial advisory services in connection with general financial planning and transaction-specific activities related to the Water, Wastewater and Power Enterprises.	01-Aug-12
4103-08/09	40	San Francisco Public Utilities Commission	Regular	\$14,000,000.00	Will provide professional construction management services to oversee the Water System Improvement Program (WSIP) construction project of the New Inlet/In Tunnel, on behalf of the SFPUC.	31-Jul-14
4104-08/09	40	San Francisco Public Utilities Commission	Regular	\$600,000.00	Will evaluate effects of climate change on San Francisco's natural and built environment and on City departments and their missions and/or infrastructure in particular.	31-Dec-10
4105-08/09	40	San Francisco Public Utilities Commission	Regular	\$5,000,000.00	Will provide either a liquidity facility and/or an irrevocable direct-pay letter of credit to secure the payment of principal and interest on the subordinated lien tax-exempt commercial paper (TCP) program.	01-Apr-14
4106-08/09	64	Children and Families Commission	Regular	\$600,000.00	Will provide materials, training, and support to parents and preschool, classroom staff to effect early literacy and family engagement, cognitive and language skills.	01-Aug-12
4107-08/09	70	GSA-Medical Examiner	Regular	\$100,000.00	Will design, develop and implement a Case Management System to automatically generate daily case and work list, track case progress, and related tasks.	01-Jan-12
4108-08/09	75	Department of Technology	Regular	\$1,725,000.00	Will provide enhancements or modifications to its software that runs the dispatch program for E911 calls. The modifications/enhancements improve the data collected by or displayed to E911 call takers and dispatchers.	01-Mar-12
4109-08/09	75	Department of Technology	Regular	\$435,000.00	Will provide as-needed modifications to ICAD, a proprietary software system used to run the Police Message Switch.	01-Mar-12

City and County of San Francisco

Department of Human Resources

PERSONAL SERVICES CONTRACT SUMMARY

DATE: December 9, 2002

DEPARTMENT NAME: PORT OF SAN FRANCISCO DEPARTMENT NUMBER 39

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

[] CONTINUING [] ANNUAL

TYPE OF REQUEST:

[X] INITIAL REQUEST [] MODIFICATION (PSC # [])

TYPE OF SERVICE : As Needed Engineering, Architectural and Environmental Services

FUNDING SOURCE Port Operating and Capital Budgets

PSC AMOUNT: \$ 2,000,000 PSC DURATION: 2/1/03 - 1/31/06

1. DESCRIPTION OF WORK:

A. Concise description of proposed work:

The Port is seeking qualified consultants capable of providing a wide range of specialized engineering and architectural services on an as-needed basis. The consultants may work in conjunction with the Port's technical staff as part of a project team or provide professional services to be reviewed and approved by Port staff. The requested services may be required either for an entire project, for a portion of projects or for any project phase.

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

The Port's Engineering Department provides multi-disciplinary engineering services to all Port divisions. At times, the services requested exceed available staff resources and, therefore, consultant services are necessary to address the additional workload. These services will supplement Port engineering and architect staff in project analysis and design. If not approved, critical engineering, architectural and environmental work may not be completed in a timely manner.

C. Explain how this service has been provided in the past (if this service was previously approved by the Service Commission, indicate most recent personal services contract approval number): Civil PSC 4086-97/98.

D. Will the contract(s) be renewed: Unknown at this time

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

IFPTE, Local 21 Union Name

Belen C. Atable Signature of person mailing/faxing form

12/10/02 Date

Union Name

Signature of person mailing/faxing form

IFPTE, Local 21

Will be sent when finalized

RFP sent to:

Union Name

Date

Signature

RECEIVED BY DEPARTMENT OF HUMAN RESOURCES 02 DEC 13 AM 7:54

FOR DEPARTMENT OF HUMAN RESOURCES USE

SC# 4081-02/03

GAFF ANALYSIS/RECOMMENDATION:

Approved [Signature] 02/06/2003

CIVIL SERVICE COMMISSION ACTION:

Handwritten initials and stamps: JOA, [Signature]

3. DESCRIPTION OF REQUIRED SKILLS/EXPERTISE

A. Specify required skills and/or expertise

Expertise in civil, structural, marine, electrical, mechanical, environmental and geotechnical engineering; expertise in architecture, including landscape architecture; skill in AutoCAD drafting.

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

Classes in the following engineering occupational series:

Civil, Structural, Electrical and Mechanical Engineer, Engineering Associate and Engineering Assistants Architect, Architectural Associate, and Architectural Assistant.

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:

The number of projects and the amount of work continue to exceed Port staffing resources. The requested contractual services are intended to supplement existing Port staff and staff from other City agencies. In addition, the services will be required on an as-needed and generally less-than-full-time basis.

B. Would it be practical to adopt a new civil service class to perform this work? Explain?
No, classes already exist to perform this work.

5. ADDITIONAL INFORMATION (IF "yes", attach explanation

A. Will the contractor directly supervise City and County employees

Yes

No

B. Will the contractor train City and County employees?

- Describe training and indicate approximate number of hours.
- Indicate occupational type of City and County employees to receive training (e.g., 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?

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 contract with your department?

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

Kathy Mallegni
Signature of Departmental Personal Services Coordinator

Kathy Mallegni
Print or Type Name

415.274-0421
Telephone Number

Pier 1
San Francisco, CA 94111
Address

c: Tom Trimbur

10B

~~57~~

Sellen

CIVIL SERVICE COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO
PORT COMMISSION
03 JAN 10 PM 2:37
PERSONNEL OFFICE

January 9, 2003

NOTICE OF CIVIL SERVICE COMMISSION ACTION

SUBJECT: REVIEW OF REQUEST FOR APPROVAL OF PROPOSED PERSONAL SERVICES CONTRACT NUMBERS 2001-02/03; 4076-02/03 THROUGH 4088-02/03; AND 4024-02/03.

At its meeting of January 6, 2003 the Civil Service Commission had for its consideration the above matter.

It was the decision of the Commission to: Postpone PSC #2001-02/03 to the meeting of February 3, 2003 at the request of the Department of Public Health; Adopt Human Resources Director's report on all remaining contracts. Notify the offices of the Controller and the Purchaser.

If this matter is subject to the 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

KATE FAVETTI
Executive Officer

Attachment

cc: Shawn Allison, Department of Telecommunications & Information Services
David Assman, Department of the Environment
Sholanda Baldwin, Mayor's Office
Parveen Boparai, Municipal Transportation Agency
Gordon Choy, Department of Public Works
Jim Horan, Department of Public Works
Gabe Karol, Airport Commission
Kerry Ko, Department of Human Resources
Galen Leung, Department of Public Health
Kathy Mallegni, Port Commission
Jonathan Nelly, Department of Human Resources
Vernon Nulph, Department of Human Resources
Commission File
Chron

**POSTING FOR
December 20, 2002**

RECOMMENDED APPROVAL OF PROPOSED PERSONAL SERVICES CONTRACTS

Contract Number	Department	Amount	Description of Work	Term	Expiration Date
2001-02/03	Public Health	\$30,113,795	Will provide services in Comprehensive Primary/Clinical Care, Tuberculosis, STD/HIV, Asthma, Immunization, and Cancer; Training & Consultation regarding Research and Evaluation, Prevention, Education, and Intervention; and other Ancillary Health Care.	Continuing	12/31/2007
4076-02/03	Public Health	\$950,000	Will provide Inspector of Record services, facility evaluation surveys and reports, strategic and space accessibility planning reviews and analyses, and progress reports, for a series of time sensitive projects for SFGH, LHH and associated facilities.	Regular	12/31/2006
4077-02/03	Mayor's Office	\$196,250	Will serve as the lead agent in the California State Legislature working with the Mayor's Office of Legislative Affairs in determining legislative and budget priorities for the City and County of San Francisco.	Regular	12/31/2003
4078-02/03	Mayor's Office	\$312,000	Will serve as Federal Legislative representative.	Regular	12/31/2003

**POSTING FOR
December 20, 2002**

RECOMMENDED APPROVAL OF PROPOSED PERSONAL SERVICES CONTRACTS

Contract Number	Agency	Amount	Description of Work	Frequency	Start Date
4079-02/03	Airport Commission	\$1,334,000	Will work with staff to implement the direct leasing model, space development, concept planning, tenant outreach and tenant construction oversight to insure that food and beverage service to the traveling public is not disrupted.	Regular	12/31/2005
4080-02/03	Environment	\$300,000	Will provide technical assistance to businesses and institutions for source reduction, reuse, recycling, composting and other program participation efforts for the diversion of organic and non-organic materials from the landfill.	Regular	6/30/2004
4081-02/03	Port	\$2,000,000	Will provide a wide range of as-needed specialized engineering and architectural services.	Regular	1/31/2006
4082-02/03	Municipal Transportation Agency	\$200,000	Will analyze the exhaust emission data that were collected on a rolling chassis dynamometer and set up a computer modeling program to predict the on-road bus emissions and fuel economy over San Francisco's unique driving conditions and terrain.	Regular	12/31/2003
4083-02/03	Telecommunication & Information Services	\$500,000	Will administer a technical training program and provide training in personal computer software and other information technologies used in City government.	Regular	6/30/2003

**POSTING FOR
December 20, 2002**

RECOMMENDED APPROVAL OF PROPOSED PERSONAL SERVICES CONTRACTS

PSC#	Department	Amount	Description of Work	Frequency	End Date
4084-02/03	Telecommunication & Information Services	\$287,325	Will build a secure Geographical Information System (GIS) for the Police Department. Will provide essential GIS software development and integration, and train City staff to completely manage the system once it is in place.	Regular	9/30/2003
4085-02/03	Public Works	\$200,000	Will organize community support; prepare educational and outreach materials; assist in developing and conducting outreach and education efforts; conduct neighborhood cleaning projects.	Regular	2/1/2006
4086-02/03	Public Works	\$900,000	Will perform and analyze computer existing sewer network simulations; propose projects to minimize flooding and adverse water quality impacts; conduct physical modes tests.	Regular	2/1/2006
4087-02/03	Public Works	\$1,800,000	Will provide construction management services to supplement City staff personnel during the construction phase of the Juvenile Hall Replacement Project.	Regular	3/1/2006
4088-02/03	Human Resources	\$60,000	Will coordinate and manage collective bargaining negotiations for one or more bargaining units; consult and advise on labor strategies and related labor issues; and consult and advise on research in preparation for and during negotiations.	Regular	6/30/2003

POSTING FOR

December 20, 2002

RECOMMENDED APPROVAL OF PERSONAL SERVICES CONTRACT

MODIFICATION TO INCREASE CONTRACT AMOUNT

ID	Department	New Amount	Old Amount	Description	Effective Date
4024-02/03	Human Resources	\$150,000	\$400,000	Will provide as-needed claims processing, membership enrollment and benefit services to cover Health Service System employees performing these duties during emergency and unforeseen peaks in workload.	6/30/2003

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: PUBLIC UTILITIES COMMISSION -- PUC

Dept. Code: PUC

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

Type of Approval: Expedited Regular Annual Continuing (Omit Posting)

Type of Service: Professional Services

Funding Source: Water, Wastewater and Power Capital Projec PSC Duration: 5 years 1 day

PSC Amount: \$4,000,000

1. Description of Work

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

The SFPUC is committed to maintaining ratepayer affordability by maximizing low-cost grant and loan financing for capital improvement and other SFPUC projects. Towards that end, the agency has developed a Grants and Loans Program to maximize its access to low-cost financing options inclusive of State Revolving Fund (SRF) loans, the Water Infrastructure and Innovation Financing program (WIFIA) and other opportunities such as those emerging from the Infrastructure Investment and Jobs Act of 2021 (IIJA) and FEMA/ CalOES emergency grants. The SFPUC has already captured \$1.8 billion in federal and state low interest funding which requires on-going management and administration and the agency continues to seek opportunities for further funding. This program seeks consultant support to evaluate grant and loan opportunities, develop engagement across the SFPUC, advocate with state and federal agencies, implement acquisition strategies to capture low-cost financing for SFPUC capital and other projects, and coordinate end-to-end implementation of all grants and loans from application, to award, through close out.

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

Here are some facts to illustrate the criticality of this program and the opportunity for significant savings for the SFPUC as a result of this work: - SFPUC has already captured and is managing \$1.8B in state and federal low interest funding resulting in an estimated savings of \$1.2B over the 30-year term of the loans. - SFPUC continually applies for the SRF and WIFIA loans and we are anticipating executing another \$1B in 2022 yielding an additional estimated savings of over \$300M across our capital projects in those same programs. - The bi-partisan federal infrastructure legislation passed in 2021 will greatly increase the funding capacity of multiple funding programs accessible to SFPUC. Consultant support for the Grants and Loans Program is critical for enabling the SFPUC to maintain compliance with awarded grants and loans and pursue additional funds as we currently do not have the resources, the political relationships, or the breadth of experience for the pursuit, capture and management of current and future funding opportunities. Denial of this program / contract may result in a loss of significant savings for the PUC if we miss out on the emerging grants and loans opportunities. Furthermore, bringing on a consultant to support these efforts will allow us to apply for federal infrastructure funds sooner and increase our likelihood of success while funds are not yet depleted.

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.
EPC Consultants has provided this service as a capital financing strategy implemented through CS-165, Program Management Services, Sewer System Improvement Program, and also through PRO.0019.A, Specialized and Technical Services, Water Enterprise (PSC# 44258 - 15/16.)

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.
This contract term is for five years as we expect the funding opportunities and the compliance requirements for grants and loans from the Infrastructure Investment and Jobs Act of 2021 (IIJA), the State Revolving Fund (SRF) loans and the Water Infrastructure and Innovation Financing program (WIFIA) among other funding entities to extend for at least that long. It is important to have continuity with the consultant engaging with this project as there are many details and moving parts that require management over long timeframes.

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.

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

B. Explain the qualifying circumstances:

The bi-partisan federal infrastructure legislation passed in 2021 will greatly increase the funding capacity of multiple funding programs accessible to SFPUC. We anticipate a significant push over the course of the next 3-5 years to gain access to that funding as it rolls out through federal and state programs. Therefore, there will be a workload peak that we don't have existing staffing for, and we seek consulting support for this interim time.

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

A. Specify required skills and/or expertise: • Grants and loans acquisition and management for large utilities including familiarity with the Infrastructure Investment and Jobs Act of 2021 (IIJA) • Identifying emerging grant and loan opportunities and working with senior management to develop long-term acquisition strategies to support 5- to 10-year capital investments • End-to-end implementation of grants and loans from application, to award, through close out, including coordination with agency staff to ensure compliance and development of necessary documentation and reports • Familiarity with the structure and management of large-scale capital programs • Leading and managing relationships with state and federal funding partners for all aspects of grants and loans including pursuit, capture, execution, and ongoing administration / compliance • Working with legal counsel to negotiate funding agreements and facilitate adoption with SFPUC leadership • Coordinating complex audits for grants and loans programs

B. Which, if any, civil service class(es) normally perform(s) this work? 1822, Administrative Analyst; 1823, Senior Administrative Analyst; 1824, Pr Administrative Analyst; 1825, Prnpl

Admin Analyst II; 5602, Utility Specialist;

- 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?

The SFPUC engaged consultant support at the beginning of the Sewer System Improvement Program as a pilot effort to access low-interest loans as an alternative capital financing strategy. That pilot program has proven effective and SFPUC is currently working to hire an 0933 Manager V to expand and manage this work going forward. However, even with the added position, our staff do not have the relationships with the state and federal funding agencies or the bandwidth to effectively identify and pursue the most significant grants and loans opportunities without consultant support. These opportunities do not only have lengthy applications processes but require negotiation skills with the funding entities to successfully advocate for funding opportunities and develop final agreements.

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

- A. Explain why civil service classes are not applicable.

The pursuit, management and capture of evolving state and federal funding opportunities requires a breadth of understanding of the funding landscape across utilities and existing relationships with state and federal funding agencies - a specialization that runs beyond the typical civil service classes. There are some positions for instance within our External Affairs teams that have the advocacy skills but the deep knowledge of opportunities and long term relationships that aid in the negotiation of funding agreements do not currently exist among our staff.

- 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 SFPUC has recently proposed a 0933 Grants and Loans Manager during the budget process for the next two fiscal years to support the overall Grants and Loans Program and build this competency among our staff, but it is still critical that we supplement this position with consultants who specialize in the identification and pursuit of grants and loans opportunities and compliance with award requirements. These opportunities require a breadth of understanding of the funding landscape across utilities - a specialization that runs beyond managing the program alone.

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.
No. Consultant will engage in knowledge transfer with newly hired Grants and Loans Manager.
- 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 05/25/2022, the Department notified the following employee organizations of this PSC/RFP request:
Prof & Tech Eng, Local 21; Professional & Tech Engrs, Local 21; SEIU 1021 Miscellaneous; SEIU Local 1021

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

Name: Shawndrea Hale Phone: (415) 551-4540 Email: shale@sfgwater.org

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

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 47607 - 21/22

DHR Analysis/Recommendation:

Civil Service Commission Action:

Commission Approval Required

DHR Approved for 08/15/2022

Receipt of Union Notification(s)

From: dhr-psccordinator@sfgov.org on behalf of shale@sfgwater.org
To: [Hale, Shawndrea M.](mailto:Hale,Shawndrea.M.); sarah.wilson@seiu1021.org; Sandeep.lal@seiu1021.me; leah.berlanga@seiu1021.org; noah.frigault@sfgov.org; Julie.Meyers@sfgov.org; thomas.vitale@seiu1021.org; Ricardo.lopez@sfgov.org; [Basconcello, Kathy](mailto:Basconcello,Kathy); pcamarillo_seiu@sbcglobal.net; Wendy.Frigillana@seiu1021.org; pscreview@seiu1021.org; ted.zarzecki@seiu1021.net; davidmkersten@gmail.com; xiumin.li@seiu1021.org; Sin.Yee.Poon@sfgov.org; david.canham@seiu1021.org; jtanner940@aol.com; [Laxamana, Junko \(BOS\)](mailto:Laxamana,Junko(BOS)); WendyWong26@yahoo.com; [wendywong26@yahoo.com](mailto>wendywong26@yahoo.com); tmathews@ifpte21.org; kschumacher@ifpte21.org; pkim@ifpte21.org; amakayan@ifpte21.org; L21PSCReview@ifpte21.org; [Hale, Shawndrea M.](mailto:Hale,Shawndrea.M.); dhr-psccordinator@sfgov.org
Subject: Receipt of Notice for new PCS over \$100K PSC # 47607 - 21/22
Date: Wednesday, May 25, 2022 9:29:11 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

RECEIPT for Union Notification for PSC 47607 - 21/22 more than \$100k

The PUBLIC UTILITIES COMMISSION -- PUC has submitted a request for a Personal Services Contract (PSC) 47607 - 21/22 for \$4,000,000 for Initial Request services for the period 01/01/2023 – 01/01/2028. 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/18541> 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: PUBLIC UTILITIES COMMISSION

Dept. Code: PUC

Type of Request: Initial Modification of an existing PSC (PSC # 44258 - 15/16)

Type of Approval: Expedited Regular Annual Continuing (Omit Posting)

Type of Service: Specialized and Technical As-Needed Services, Water Enterprise (PRO.0019/CS-1053)

Funding Source: SFPUC Water Enterprise

PSC Original Approved Amount: \$20,000,000 PSC Original Approved Duration: 05/01/16 - 04/30/21 (5 years)

PSC Mod#1 Amount: \$208,000 PSC Mod#1 Duration: no duration added

PSC Mod#2 Amount: \$600,000 PSC Mod#2 Duration: no duration added

PSC Mod#3 Amount: \$10,000,000 PSC Mod#3 Duration: 05/01/21-11/29/21 (30 weeks 3 days)

PSC Mod#4 Amount: no amount added PSC Mod#4 Duration: 11/30/21-12/31/22 (1 year 4 weeks)

PSC Cumulative Amount Proposed: \$30,808,000 PSC Cumulative Duration Proposed: 6 years 35 weeks

1. Description of Work

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

This PSC will be made up of four (4) contracts, each at a value of \$5 million. Work will consist of specialized and technical as-needed services in the areas of water supply, storage, and transport services; water quality services; natural resources services; water treatment services; and enterprise operations and management services for the San Francisco Public Utilities Commission (SFPUC).

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

Federal and State environmental and regulatory agencies require reporting and compliance in numerous areas including water quality, water treatment, water supply and storage, natural resources, hazardous materials, and health and safety. The as-needed services provided by these contracts include, but are not limited to: water supply development to meet contractual obligations, Occupational Safety & Health Administration (OSHA) policies and procedures interpretation and compliance, hazardous materials and waste management and planning; soils and groundwater sampling and testing, and natural resources management and species monitoring. Denial of these contracted services could lead to fines from the regulatory agencies and other civil penalties.

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.

Services have been provided in the past through earlier PSC request. See 44258 - 15/16

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:

A seven-month increase in the PSC End Date is requested to reflect the five-year duration of Contract PRO.0019 from November 30, 2016 to November 29, 2021. The duration for contract PRO.0019 is unchanged at five years.

2. Reason(s) for the Request

A. Display all that apply

- 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).

Explain the qualifying circumstances:

The scope of work is highly specialized requiring specialized skills, expertise and/or knowledge not found within the SFPUC or other City departments, and the work to be done under the PSC is required only on a short term as-needed basis and not on a regular basis. Therefore, long term staffing is not required.

B. Reason for the request for modification:

Currently, we are working towards developing the next As-Needed Specialized and Technical Services, Water Enterprise Contract. That process is taking more time than anticipated because the COVID pandemic delayed our planning process, and we are approaching this next phase with lots of thought and intention, not just simply copying this current PRO.0019 contract version. Also, likely because of the COVID pandemic, we have more capacity remaining at this time than originally forecasted. Therefore, so there can be some overlap between contracts, it's imperative that the time be extended on this PRO.0019 contract. We are asking for an additional 1 year, 1 month to the contract end date. Each Division within the Water Enterprise relies on this contract in order to get important projects and work completed. Without this extension, it's possible that there will be no overlap on these As-Needed Specialized and Technical Services, Water Enterprise Contracts, and thus, there will be no way for SFPUC project managers to access contract capacity for projects that cannot be delayed, and this could have a negative impact on on-going and future work that is important to the Water Enterprise.

3. Description of Required Skills/Expertise

- A. Specify required skills and/or expertise: Specialized and technical skills related to water utility operations and management including hydrological modeling, hydroelectric systems expertise, regulatory compliance, laboratory services, water quality studies, species monitoring, process optimization, risk assessment, business planning, asset management, performance assessment and health and safety services.
- B. Which, if any, civil service class(es) normally perform(s) this work? 5148, Water Operations Analyst; 5211, Eng/Arch/Landscape Arch Sr; 5602, Utility Specialist; 5620, Regulatory Specialist; 6138, Industrial Hygienist;
- 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 contract is needed because the work is short term, technical, highly specialized, and may require a third party to maintain transparency with the public. For example, it would not be practical for the City to permanently hire a technically-specialized expert in naturally occurring asbestos to do one time studies that are necessary to meet regulatory requirements and protect worker health.
- 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 to perform this work because it is as-needed for short-term, technical and highly specialized work.

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.
No. Training is not apart of this PSC because of the short term and highly specialized work that it will consist of.
- 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 10/05/20, the Department notified the following employee organizations of this PSC/RFP request:
Stationary Engineers, Local 39; 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: Bill Irwin Phone: 415-934-3975 Email: wirwin@sfgwater.org

Address: 525 Golden Gate Ave 8th floor, San Francisco, CA 94102

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 44258 - 15/16

DHR Analysis/Recommendation:

Commission Approval Not Required

Approved by DHR on 10/19/2020

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: PUBLIC UTILITIES COMMISSION

Dept. Code: PUC

Type of Request: Initial Modification of an existing PSC (PSC # 44258 - 15/16)

Type of Approval: Expedited Regular Annual Continuing (Omit Posting)

Type of Service: Specialized and Technical As-Needed Services, Water Enterprise (PRO.0019/CS-1053)

Funding Source: SFPUC Water Enterprise

PSC Original Approved Amount: \$20,000,000 PSC Original Approved Duration: 05/01/16 - 04/30/21 (5 years)

PSC Mod#1 Amount: \$208,000 PSC Mod#1 Duration: no duration added

PSC Mod#2 Amount: \$600,000 PSC Mod#2 Duration: no duration added

PSC Mod#3 Amount: \$10,000,000 PSC Mod#3 Duration: 05/01/21-11/29/21 (30 weeks 3 days)

PSC Cumulative Amount Proposed: \$30,808,000 PSC Cumulative Duration Proposed: 5 years 30 weeks

1. Description of Work

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

This PSC will be made up of four (4) contracts, each at a value of \$5 million. Work will consist of specialized and technical as-needed services in the areas of water supply, storage, and transport services; water quality services; natural resources services; water treatment services; and enterprise operations and management services for the San Francisco Public Utilities Commission (SFPUC).

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

Federal and State environmental and regulatory agencies require reporting and compliance in numerous areas including water quality, water treatment, water supply and storage, natural resources, hazardous materials, and health and safety. The as-needed services provided by these contracts include, but are not limited to: water supply development to meet contractual obligations, Occupational Safety & Health Administration (OSHA) policies and procedures interpretation and compliance, hazardous materials and waste management and planning; soils and groundwater sampling and testing, and natural resources management and species monitoring. Denial of these contracted services could lead to fines from the regulatory agencies and other civil penalties.

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.

Yes. See PSC 4162-08/09 attached

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:

A seven-month increase in the PSC End Date is requested to reflect the five-year duration of Contract PRO.0019 from November 30, 2016 to November 29, 2021. The duration for contract PRO.0019 is unchanged at five years.

2. Reason(s) for the Request

A. Display all that apply

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).

Explain the qualifying circumstances:

The scope of work is highly specialized requiring specialized skills, expertise and/or knowledge not found within the SFPUC or other City departments, and the work to be done under the PSC is required only on a short term as-needed basis and not on a regular basis. Therefore, long term staffing is not required.

B. Reason for the request for modification:

There is very high demand for as-needed technical and professional services in the Water Enterprise. 50% of the contract duration remains at this time, while there is much less capacity remaining percentage-wise. The workload in each Water Enterprise Division that utilizes the Water As-Needed Contract is not slowing down. Therefore, the demand for these services is expected to remain very high, and more capacity is required in order to keep projects under the Water Enterprise functioning.

3. Description of Required Skills/Expertise

- A. Specify required skills and/or expertise: Specialized and technical skills related to water utility operations and management including hydrological modeling, hydroelectric systems expertise, regulatory compliance, laboratory services, water quality studies, species monitoring, process optimization, risk assessment, business planning, asset management, performance assessment and health and safety services.
- B. Which, if any, civil service class(es) normally perform(s) this work? 5148, Water Operations Analyst; 5211, Eng/Arch/Landscape Arch Sr; 5602, Utility Specialist; 5620, Regulatory Specialist; 6138, Industrial Hygienist;
- 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 contract is needed because the work is short term, technical, highly specialized, and may require a third party to maintain transparency with the public. For example, it would not be practical for the City to permanently hire a technically-specialized expert in naturally occurring asbestos to do one time studies that are necessary to meet regulatory requirements and protect worker health.
- 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 to perform this work because it is as-needed for short-term, technical and highly specialized work.

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.
No. Training is not apart of this PSC because of the short term and highly specialized work that it will consist of.
- 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 07/26/19, the Department notified the following employee organizations of this PSC/RFP request:

Stationary Engineers, Local 39; 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: Bill Irwin Phone: 415-934-3975 Email: wirwin@sfgwater.org

Address: 525 Golden Gate Ave 8th floor, San Francisco, CA 94102

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 44258 - 15/16

DHR Analysis/Recommendation:

09/16/2019

Commission Approval Required

Approved by Civil Service Commission

09/16/2019 DHR Approved for 09/16/2019

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: PUBLIC UTILITIES COMMISSION -- PUC

Dept. Code: PUC

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

Type of Approval: Expedited Regular Annual Continuing (Omit Posting)

Type of Service: Wastewater Treatment Plant Design Build Project Delivery

Funding Source: Capital Funding

PSC Duration: 4 years 19 weeks

PSC Amount: \$160,000,000

1. Description of Work

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

PSC 49783-19/20 was approved by the Civil Service Commission on June 15, 2020 for the scope of work in this request. PSC 49783-19/20 expired on June 15, 2021 for the scope of work in this request and was subsequently renewed with PSC 45071-21/22 which expires on July 19, 2022, before execution of the SFPUC Contract DB-132. This new request will allow the SFPUC to complete execution of Contract DB-132.

The San Francisco Public Utilities Commission (SFPUC) intends to award a \$160 million (\$7 million design and \$153 million construction) Design Build (DB) agreement to support SFPUC civil, structural, electrical, process, mechanical engineering staff, and for other specialized engineering services, such as grit removal, membrane bioreactor (MBR), wetland, solids handling, disinfection, and odor control, needed to assist in the execution and delivery of SFPUC's new Treasure Island (TI) Wastewater Treatment Plant (WWTP) and Recycled Water Facility (RWF).

The \$7,000,000 design portion of the DB procurement will complete the detailed design utilizing the bridging documents (~10 to 15% level) provided in the RFP. The duration of the design portion is approximately 12 months. The duration of the engineering support during construction is approximately 2.5 to 3 years.

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

The existing Treasure Island Wastewater Treatment Plant is well past its useful life. Due to the redevelopment of Treasure Island, a new wastewater treatment plant is needed as soon as possible to provide reliable wastewater services for the island and provide for the growing population. The urgent schedule presents a huge challenge for SFPUC. The DB procurement method will deliver a facility faster than the traditional design-bid-build method and provide the necessary services for the island. The consequence of denial is that the project will be constructed on a slower schedule and force the existing wastewater treatment plant, which is well past its' useful life, to remain in operation longer than necessary. In addition, a slower schedule slows down the delivery of the new wastewater treatment plant, which will also produce recycled water for the new development. The SFPUC advertised the RFQ in 2020 and advertised the RFP for this project in Dec 2021.

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.
N/A

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.
N/A

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).

B. Explain the qualifying circumstances:

As stated in Section 1B, this project requires special expertise in wastewater treatment engineering design for the DB, which is not available from City employees. The project is also on a tight schedule for completion due to the redevelopment of Treasure Island, the aging and failing existing wastewater treatment plant, and requirement to produce recycled water for use within the new development. City resources will lead the project, including project management, technical design oversight, and construction management. City staff will and oversee the DB design team to ensure compliance with SFPUC-Infrastructure standards and procedures.

3. Description of Required Skills/Expertise

A. Specify required skills and/or expertise: Support with structural, electrical, instrumentation and control, process, mechanical and civil engineering, during the detailed design and construction phases of the new wastewater treatment plant and recycled water facility are needed. The need for this support will be a short duration and short term hiring of individuals for these specialized areas is not feasible. Areas of specialized engineering expertise, such as grit removal, MBR, wetland, solids handling, disinfection, odor control are required.

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?

Engineers are needed to perform engineering design for this project; however, this level of resources is not a long-term need that warrants hiring personnel. In addition, specialized wastewater engineering expertise, such as grit removal, MBR, wetland, solids handling, disinfection, and odor control, is also required which is not normally needed for projects and hiring individuals for these specialized areas is not feasible.

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

A. Explain why civil service classes are not applicable.

City resources will lead the project, including project management, technical design oversight, and construction management. This project requires specialized engineering expertise, such as grit removal, MBR, wetland, solids handling, disinfection, and odor control, which is not available from City employees.

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's not practical. Engineers are needed to perform engineering design for projects, but this level of resources is not a long-term need that warrants hiring personnel. In addition, specialized engineering is also required which is not normally needed for projects and hiring individuals for these specialized areas is not feasible.

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.

Yes. The project will include training for our engineering staff. Trainings may include workshops on new technology, BIM, and asset management

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.

Yes. The SFPUC Commission

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 06/17/2022, the Department notified the following employee organizations of this PSC/RFP request:

Prof & Tech Eng, 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: Shawndrea Hale Phone: (415) 551-4540 Email: shale@sfgwater.org

Address: 525 Golden Gate Avenue San Francisco, CA 94102

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 49847 - 21/22

DHR Analysis/Recommendation:

Civil Service Commission Action:

Commission Approval Required

DHR Approved for 08/15/2022

Receipt of Union Notification(s)

From: dhr-psccordinator@sfgov.org on behalf of shale@sfwater.org
To: [Hale, Shawndrea M.](mailto:Hale,Shawndrea.M.); [Laxamana, Junko \(BOS\)](mailto:Laxamana,Junko(BOS)); WendyWong26@yahoo.com; wendywong26@yahoo.com;
tmathews@ifpte21.org; kschumacher@ifpte21.org; pkim@ifpte21.org; amakayan@ifpte21.org;
L21PSCReview@ifpte21.org; [Hale, Shawndrea M.](mailto:Hale,Shawndrea.M.); dhr-psccordinator@sfgov.org
Subject: Receipt of Notice for new PCS over \$100K PSC # 49847 - 21/22
Date: Friday, June 17, 2022 12:04:31 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

RECEIPT for Union Notification for PSC 49847 - 21/22 more than \$100k

The PUBLIC UTILITIES COMMISSION -- PUC has submitted a request for a Personal Services Contract (PSC) 49847 - 21/22 for \$160,000,000 for Initial Request services for the period 08/16/2022 – 12/31/2026. 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/18682> 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)

PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO. 19-0082

WHEREAS, In 1997, when the U.S. Department of Defense closed the Naval Station Treasure Island (NSTI), the City and County of San Francisco (City) entered into a Base Caretaker Cooperative Agreement with the U.S. Navy; and

WHEREAS, The Treasure Island Development Authority (TIDA) currently operates and maintains NSTI, including both properties transferred by the U.S. Navy to TIDA and properties that remain under the jurisdiction of the U.S. Navy; and

WHEREAS, TIDA's responsibilities generally include, among other matters: (1) operation and maintenance (O&M) services for all the existing utility systems on Treasure Island/Yerba Buena Island (TI/YBI), (2) grounds and street maintenance and repair, (3) property management, and (4) public health, security, and safety services; and

WHEREAS, The San Francisco Public Utilities Commission (SFPUC) has been operating and maintaining water, wastewater, electric, and gas utility systems on TI/YBI since 1997, as requested by TIDA; and

WHEREAS, The Treasure Island Community Development (TICD) has initiated a phased 15 to 20-year development project which includes demolition of existing buildings and utilities, geotechnical improvements, construction of 8,000 new homes, and construction of new wastewater and stormwater infrastructure on Treasure Island; and

WHEREAS, The TICD is obligated to design, construct and complete the infrastructure for TI/YBI, including new, separate wastewater and stormwater collection and conveyance systems, and stormwater management controls; and

WHEREAS, The SFPUC will assume ownership of the new wastewater and stormwater infrastructure upon its completion and acceptance by the Board of Supervisors; and

WHEREAS, The new wastewater treatment plant (WWTP) is not part of TICD's infrastructure construction obligations and will be planned, designed, constructed, and owned by the SFPUC under Project No. CWP11001, New Treasure Island Wastewater Treatment Plant; and

WHEREAS, The SFPUC staff evaluated four project delivery methods, traditional Design-Bid-Build (DBB), Design-Build (DB), Design-Build-Operate (DBO), and Construction Manager/General Contractor (CM/GC) for this complex, multi-design discipline, treatment facility project; and

WHEREAS, For the reasons set forth in the memorandum dated April 1, 2019 titled "SFPUC New Treasure Island Wastewater Treatment Plant Project – Project Delivery Determination," a copy of which is on file with this Commission SFPUC staff and the General Manager recommend the DBO project-contract delivery method in order to provide a single point of accountability for the design, construction, operation, maintenance, and training of the new WWTP while the SFPUC develops an operation and maintenance staffing plan for the new facility; and

WHEREAS, Following the Commissions's approval of this resolution, the SFPUC will seek approval from the Board of Supervisors through a project-specific ordinance to use this alternate project delivery method and customize the procurement to deliver the project in a manner that is most efficient and cost-effective; and

WHEREAS, If approved by the Board of Supervisors, the proposed DBO procurement process will involve the advertisement of a Request for Qualifications (RFQ) and Request for Proposals (RFP); and

WHEREAS, The evaluation of the non-cost criteria for the proposal will constitute not less than 60% of the overall evaluation for the RFP, and evaluation of cost criteria will constitute a maximum of 40% of the overall evaluation, consistent with other alternative delivery methods in Administrative Code Chapter 6; and

WHEREAS, The cost evaluation will be evaluated based on a Fixed Price (FP) Net Present Value (NPV) analysis that incorporates the fixed design-build cost and annual O&M/R&R costs over a 20-year analysis period. O&M and R&R costs for the operations and maintenance of the WWTP and collections system will be based on the DBO team's guaranteed Year 1 pricing, then adjusted for inflation annually; and

WHEREAS, The non-cost criteria will include qualifications, safety, team integration, training opportunities, approach to the transfer of operations, team structure and management, and technical strategy; and

WHEREAS, It is anticipated that the duration for the design-build portion of the contract will be three (3) years at a cost of \$110-\$130 million, and that the duration for the operations, maintenance, and training portion for the WWTP and collection system will be up to 20 years at a cost of up to \$50-\$60 million (based on 20-year duration); and

WHEREAS, The Final Environmental Impact Report for Treasure Island and Yerba Buena Island ("FEIR"), prepared pursuant to the California Environmental Quality Act (Cal. Pub. Resources Code §§ 21000 et seq.) was certified by the Treasure Island Development Authority ("TIDA") and the Planning Commission on April 21, 2011, by Resolution No. 11-34-0/21 and Motion No. 8325, respectively, relating to the Treasure Island and Yerba Buena Island Project ("Project"), including the WWTP, which certifications are incorporated herein by reference; and

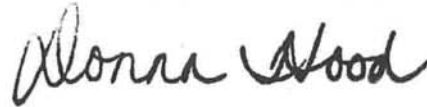
WHEREAS, The Planning Commission also adopted environmental findings for the Project pursuant to CEQA Section 21081, including a Mitigation Monitoring and Reporting Plan, in Resolution No. 246-11, on file with the Clerk of the Board of Supervisors (File No. 110328) and incorporated herein by reference; and

WHEREAS, The Planning Department has considered this Resolution and found that no substantial changes are proposed to the Project or the WWTP, or to the circumstances under which the Project or the WWTP will be undertaken, which would require major changes to the FEIR, nor is there significant new information, which was not known and could not have been known at the time the FEIR was certified as complete, which would require major changes to the FEIR; and

WHEREAS, This Commission has reviewed the FEIR and the environmental findings, and adopts these findings as its own; now therefore, be it

RESOLVED, That this Commission hereby approves the project delivery method of Design-Build-Operate for Project No. CWP11001, New Treasure Island Wastewater Treatment Plant and the operation, maintenance, and training of the Treasure Island collection system, and authorizes the General Manager to seek approval by ordinance from the Board of Supervisors to use this alternative project delivery method for the proposed design, build, operations, maintenance, training and transfer of the project, and to customize the procurement to deliver the project in a manner that is most efficient and cost-effective.

I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of April 23, 2019.

A handwritten signature in black ink that reads "Alonna Wood". The signature is written in a cursive style with a large initial "A".

Secretary, Public Utilities Commission

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: PUBLIC UTILITIES COMMISSION -- PUC

Dept. Code: PUC

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

Type of Approval: Expedited Regular Annual Continuing (Omit Posting)

Type of Service: Wastewater Treatment Plant Design Build Project Delivery

Funding Source: Capital Funding

PSC Duration: 5 years

PSC Amount: \$160,000,000

1. Description of Work

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

PSC 49783-19/20 was approved by the Civil Service Commission on June 15, 2020 for the scope of work in this request. PSC 49783-19/20 expires on June 15, 2021, before execution of the SFPUC Contract DB-132. This request will allow the SFPUC to complete execution of Contract DB-132.

The San Francisco Public Utilities Commission (SFPUC) intends to award a \$160 million (\$5 million design and \$155 million construction) Design Build (DB) agreement to support SFPUC civil, structural, electrical, process, mechanical engineering staff, and for other specialized engineering services, such as grit removal, membrane bioreactor (MBR), wetland, solids handling, disinfection, and odor control, needed to assist in the execution and delivery of SFPUC's new Treasure Island (TI) Wastewater Treatment Plant (WWTP) and Recycled Water Facility (RWF).

The \$5,000,000 design portion of the DB procurement will complete the detailed design utilizing the bridging documents (~10 to 15% level) provided in the RFP. The duration of the design portion is approximately 6 to 12 months.

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

The existing Treasure Island Wastewater Treatment Plant is well past its useful life. Due to the redevelopment of Treasure Island, a new wastewater treatment plant is needed as soon as possible to provide reliable wastewater services for the island and provide for the growing population. The urgent schedule presents a huge challenge for SFPUC. The DB procurement method will deliver a facility faster than the traditional design-bid-build method and provide the necessary services for the island. The consequence of denial is that the project will be constructed on a slower schedule and force the existing wastewater treatment plant, which is well past its' useful life, to remain in operation longer than necessary. In addition, a slower schedule slows down the delivery of the new wastewater treatment plant, which will also produce recycled water for the new development. The SFPUC advertised the RFQ in 2020 and will advertise the RFP for this project in 2021.

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.
PSC 49783-19/20 was approved by the Civil Service Commission on June 15, 2020 for the scope of work in this request. PSC 49783-19/20 expires on June 15, 2021, before execution of the SFPUC Contract DB-132. This request will allow the SFPUC to complete execution of Contract DB-132. Similar design-build services have been provided in the past for projects that have an accelerated delivery schedule with specialized and complex engineering and construction services, including the Bay Corridor Transmission and Distribution Phase 1 Design-Build Services PSC No.43386-15/16 (DB 128 approved on August 1, 2016. The scope of services for that project was different, however it was also complex and utilized the same project delivery method. Under Agreement No. PUC.PRO.0073, Carollo Engineers is currently assisting SFPUC with the project's planning phase development (CER). A PSC was completed for Agreement No. PUC.PRO.0073. With the DB procurement, instead of finishing the detailed design, Carollo Engineers will assist with DB bridging documents.

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).

B. Explain the qualifying circumstances:

As stated in Section 1B, this project requires special expertise in wastewater treatment engineering design for the DB, which is not available from City employees. The project is also on a tight schedule for completion due to the redevelopment of Treasure Island, the aging and failing existing wastewater treatment plant, and requirement to produce recycled water for use within the new development. City resources will lead the project, including project management, technical design oversight, and construction management. City staff will and oversee the DB design team to ensure compliance with SFPUC-Infrastructure standards and procedures.

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

A. Specify required skills and/or expertise: Support with structural, electrical, instrumentation and control, process, mechanical and civil engineering, during the detailed design and construction phases of the new wastewater treatment plant and recycled water facility are needed. The need for this support will be a short duration and short term hiring of individuals for these specialized areas is not feasible. Areas of specialized engineering expertise, such as grit removal, MBR, wetland, solids handling, disinfection, odor control are required.

B. Which, if any, civil service class(es) normally perform(s) this work? 5207, Assoc Engineer; 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?

Engineers are needed to perform engineering design for this project; however, this level of resources is not a long-term need that warrants hiring personnel. In addition, specialized wastewater engineering expertise, such as grit removal, MBR, wetland, solids handling, disinfection, and odor control, is also required which is not normally needed for projects and hiring individuals for these specialized areas is not feasible.

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

- A. Explain why civil service classes are not applicable.
City resources will lead the project, including project management, technical design oversight, and construction management. This project requires specialized engineering expertise, such as grit removal, MBR, wetland, solids handling, disinfection, and odor control, which is not available from City employees.
- 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's not practical. Engineers are needed to perform engineering design for projects, but this level of resources is not a long-term need that warrants hiring personnel. In addition, specialized engineering is also required which is not normally needed for projects and hiring individuals for these specialized areas is not feasible.

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.
Yes. The project will include training for our engineering staff. Training may include workshops on new technology, BIM, and asset management.
- 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.
Yes. SFPUC Commission
- 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 05/20/2021, the Department notified the following employee organizations of this PSC/RFP request:
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: Shawndrea Hale Phone: (415) 551-4540 Email: shale@sfgwater.org

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

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 45071 - 20/21

DHR Analysis/Recommendation:

action date: 07/19/2021

Commission Approval Required

Approved by Civil Service Commission

07/19/2021 DHR Approved for 07/19/2021

Modification

Personal Services Contracts

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: HUMAN RESOURCES

Dept. Code: HRD

Type of Request: Initial Modification of an existing PSC (PSC # 46925 - 18/19)

Type of Approval: Expedited Regular Annual Continuing (Omit Posting)

Type of Service: Maintenance, Support, Hosting, Manage, Train, & Improvement for Workers' Comp Claims Software

Funding Source: Workers' Compensation Admin Budget

PSC Original Approved Amount: \$1,300,000 PSC Original Approved Duration: 09/01/19 - 06/30/23 (3 years 43 weeks)

PSC Mod#1 Amount: \$650,000 PSC Mod#1 Duration: no duration added

PSC Mod#2 Amount: \$1,011,000 PSC Mod#2 Duration: 07/01/23-09/13/24 (1 year 10 weeks)

PSC Cumulative Amount Proposed: \$2,961,000 PSC Cumulative Duration Proposed: 5 years 2 weeks

1. Description of Work

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

Contractor will provide maintenance, support services, development for new interfaces, training, and software hosting, and software system improvement to 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 must be current with City, State, & Federal requirements in order 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 updated & supplied to avoid obsolescence & discontinuance of manufacturer support. DHR needs this service in order to electronically adjust workers' compensation claims in a timely and efficient manner, and comply with requirements under the California Labor Code. This PSC will allow the department to implement enhanced data reporting for citywide departments. Denial of this PSC 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.

Services have been provided in the past through earlier PSC request. See 46925 - 18/19

D. Will the contract(s) be renewed?

Possible depending on the need of the service.

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:

DHR is planning an amendment for an additional 2 years of service.

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 add time and money.

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, financial system programming and enablement of complex payment disbursement and reconciliation functions, 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; 1071, IS Manager;
- 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?

Not Applicable

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

- A. Explain why civil service classes are not applicable.
There are civil service classes that can do the scope of work. However the City does not have access to the source code to the proprietary software programs and the necessary documentation and training material 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, there are already Civil Service Classes. 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 contract? If so, please explain what that will entail; if not, explain why not.
The contractor will provide training to front-end users who interact with the software, for example, to enter, modify, or retrieve claim-related information, as well as to back-end system administrators to perform a limited set of daily software administration duties.
- 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 07/13/22, the Department notified the following employee organizations of this PSC/RFP request: Professional & Tech Engrs, SFAPP; Professional & Tech Engrs, Local 21; Prof & Tech Eng, Local 21; Municipal Executive Association; Management & Superv 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: Ian Hart Phone: 415-557-4912 Email: Ian.Hart@sfgov.org

Address: 1 South Van Ness Ave; 4th Floor , San Francisco, CA 94103

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 46925 - 18/19

DHR Analysis/Recommendation:

Civil Service Commission Action:

Commission Approval Required

DHR Approved for 08/15/2022

Receipt of Union Notification(s)

Choi, Suzanne (HRD)

From: dhr-psccordinator@sfgov.org on behalf of Ian.Hart@sfgov.org
Sent: Wednesday, July 13, 2022 1:22 PM
To: Hart, Ian (HRD); amakayan@ifpte21.org; Laxamana, Junko (DBI); Criss@sfmea.com; camaguey@sfmea.com (contact); christina@sfmea.com; staff@sfmea.com; ecassidy@ifpte21.com; WendyWong26@yahoo.com; wendywong26@yahoo.com; tmathews@ifpte21.org; kschumacher@ifpte21.org; kpage@ifpte21.org; eerbach@ifpte21.org; pkim@ifpte21.org; l21pscreview@ifpte21.org; Choi, Suzanne (HRD); DHR-PSCCoordinator, DHR (HRD)
Subject: Receipt of Modification Request to PSC # 46925 - 18/19 - 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 \$1,011,000 for services for the period July 1, 2023

– September 13, 2024. 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/14266>

Email sent to the following addresses: L21PSCReview@ifpte21.org pkim@ifpte21.org eerbach@ifpte21.org kpage@ifpte21.org kschumacher@ifpte21.org tmathews@ifpte21.org wendywong26@yahoo.com WendyWong26@yahoo.com ecassidy@ifpte21.com staff@sfmea.com Christina@sfmea.com Camaguey@sfmea.com Criss@SFMEA.com junko.laxamana@sfgov.org amakayan@ifpte21.org

Additional Attachment(s)

California Labor Code Sections

California Labor Code Sections

The relevant California Labor Code Sections include but are not limited to:

1. 129
2. 129.5
3. 138.4
4. 138.6
5. 138.7
6. 4060 et seq.
7. 4600
8. 4610 et seq.
9. 4616 et seq.
10. Plus all applicable regulations that further define and enforce those Labor Code sections

129. (a) To make certain that injured workers, and their dependents in the event of their death, receive promptly and accurately the full measure of compensation to which they are entitled, the administrative director shall audit insurers, self-insured employers, and third-party administrators to determine if they have met their obligations under this code. Each audit subject shall be audited at least once every five years. The audit subjects shall be selected and the audits conducted pursuant to subdivision (b). The results of audits of insurers shall be provided to the Insurance Commissioner, and the results of audits of self-insurers and third-party administrators shall be provided to the Director of Industrial Relations. Nothing in this section shall restrict the authority of the Director of Industrial Relations or the Insurance Commissioner to audit their licensees.

(b) The administrative director shall schedule and conduct audits as follows:

(1) A profile audit review of every audit subject shall be conducted once every five years and on additional occasions indicated by target audit criteria. The administrative director shall annually establish a profile audit review performance standard that will identify the poorest performing audit subjects.

(2) A full compliance audit shall be conducted of each profile audited subject failing to meet or exceed the profile audit review performance standard. The full compliance audit shall be a comprehensive and detailed evaluation of the audit subject's performance. The administrative director shall annually establish a full compliance audit performance standard that will identify the audit subjects that are performing satisfactorily. Any full compliance audit subject that fails to meet or exceed the full compliance audit performance standard shall be audited again within two years.

(3) A targeted profile audit review or a full compliance audit may be conducted at any time in accordance with target audit criteria adopted by the administrative director. The target audit criteria shall be based on information obtained from benefit notices, from information and assistance officers, and from other reliable sources providing factual information that indicates an insurer, self-insured employer, or third-party administrator is failing to meet its obligations under this division or Division 4 (commencing with Section 3200) or the regulations of the administrative director.

(c) If, as a result of a profile audit review or a full compliance audit, the administrative director determines that any compensation,

California Labor Code Sections

interest, or penalty is due and unpaid to an employee or dependent, the administrative director shall issue and cause to be served upon the insurer, self-insured employer, or third-party administrator a notice of assessment detailing the amounts due and unpaid in each case, and shall order the amounts paid to the person entitled thereto. The notice of assessment shall be served personally or by registered mail in accordance with subdivision (c) of Section 11505 of the Government Code. A copy of the notice of assessment shall also be sent to the affected employee or dependent.

If the amounts are not paid within 30 days after service of the notice of assessment, the employer shall also be liable for reasonable attorney's fees necessarily incurred by the employee or dependent to obtain amounts due. The administrative director shall advise each employee or dependent still owed compensation after this 30-day period of his or her rights with respect to the commencement of proceedings to collect the compensation owed. Amounts unpaid because the person entitled thereto cannot be located shall be paid to the Workers' Compensation Administration Revolving Fund. The Director of Industrial Relations shall promulgate rules and regulations establishing standards and procedures for the payment of compensation from moneys deposited in the Workers' Compensation Administration Revolving Fund whenever the person entitled thereto applies for compensation.

(d) A determination by the administrative director that an amount is or is not due to an employee or dependent shall not in any manner limit the jurisdiction or authority of the appeals board to determine the issue.

(e) Annually, commencing on April 1, 1991, the administrative director shall publish a report detailing the results of audits conducted pursuant to this section during the preceding calendar year. The report shall include the name of each insurer, self-insured employer, and third-party administrator audited during that period. For each insurer, self-insured employer, and third-party administrator audited, the report shall specify the total number of files audited, the number of violations found by type and amount of compensation, interest and penalties payable, and the amount collected for each violation. The administrative director shall also publish and make available to the public on request a list ranking all insurers, self-insured employers, and third-party administrators audited during the period according to their performance measured by the profile audit review and full compliance audit performance standards.

These reports shall not identify the particular claim file that resulted in a particular violation or penalty. Except as required by this subdivision or other provisions of law, the contents of individual claim files and auditor's working papers shall be confidential. Disclosure of claim information to the administrative director pursuant to an audit shall not waive the provisions of the Evidence Code relating to privilege.

(f) A profile audit review of the adjustment of claims against the Uninsured Employers Fund by the claims and collections unit of the Division of Workers' Compensation shall be conducted at least every five years. The results of this profile audit review shall be included in the report required by subdivision (e).

129.5. (a) The administrative director may assess an administrative penalty against an insurer, self-insured employer, or third-party administrator for any of the following:

(1) Failure to comply with the notice of assessment issued pursuant to subdivision (c) of Section 129 within 15 days of receipt.

(2) Failure to pay when due the undisputed portion of an indemnity payment, the reasonable cost of medical treatment of an injured worker, or a charge or cost implementing an approved vocational rehabilitation plan.

(3) Failure to comply with any rule or regulation of the administrative director.

(b) The administrative director shall promulgate regulations establishing a schedule of violations and the amount of the administrative penalty to be imposed for each type of violation. The schedule shall provide for imposition of a penalty of up to one hundred dollars (\$100) for each violation of the less serious type and for imposition of penalties in progressively higher amounts for the most serious types of violations to be set at up to five thousand dollars (\$5,000) per violation. The administrative director is authorized to impose penalties pursuant to rules and regulations which give due consideration to the appropriateness of the penalty with respect to the following factors:

(1) The gravity of the violation.

(2) The good faith of the insurer, self-insured employer, or third-party administrator.

(3) The history of previous violations, if any.

(4) The frequency of the violations.

(5) Whether the audit subject has met or exceeded the profile audit review performance standard.

(6) Whether a full compliance audit subject has met or exceeded the full compliance audit performance standard.

(7) The size of the audit subject location.

(c) The administrative director shall assess penalties as follows:

(1) If, after a profile audit review, the administrative director determines that the profile audit subject met or exceeded the profile audit review performance standard, no penalties shall be assessed under this section, but the audit subject shall be required to pay any compensation due and penalties due under subdivision (d) of Section 4650 as provided in subdivision (c) of Section 129.

(2) If, after a full compliance audit, the administrative director determines that the audit subject met or exceeded the full compliance audit performance standards, penalties for unpaid or late paid compensation, but no other penalties under this section, shall be assessed. The audit subject shall be required to pay any compensation due and penalties due under subdivision (d) of Section 4650 as provided in subdivision (c) of Section 129.

(3) If, after a full compliance audit, the administrative director determines that the audit subject failed to meet the full compliance audit performance standards, penalties shall be assessed as provided in a full compliance audit failure penalty schedule to be adopted by the administrative director. The full compliance audit failure penalty schedule shall adjust penalty levels relative to the size of the audit location to mitigate inequality between total penalties assessed against small and large audit subjects. The penalty amounts provided in the full compliance audit failure penalty schedule for the most serious type of violations shall not be limited by

California Labor Code Sections

subdivision (b), but in no event shall the penalty for a single violation exceed forty thousand dollars (\$40,000).

(d) The notice of penalty assessment shall be served personally or by registered mail in accordance with subdivision (c) of Section 11505 of the Government Code. The notice shall be in writing and shall describe the nature of the violation, including reference to the statutory provision or rule or regulation alleged to have been violated. The notice shall become final and the assessment shall be paid unless contested within 15 days of receipt by the insurer, self-insured employer, or third-party administrator.

(e) In addition to the penalty assessments permitted by subdivisions (a), (b), and (c), the administrative director may assess a civil penalty, not to exceed one hundred thousand dollars (\$100,000), upon finding, after hearing, that an employer, insurer, or third-party administrator for an employer has knowingly committed or performed with sufficient frequency so as to indicate a general business practice any of the following:

(1) Induced employees to accept less than compensation due, or made it necessary for employees to resort to proceedings against the employer to secure compensation.

(2) Refused to comply with known and legally indisputable compensation obligations.

(3) Discharged or administered compensation obligations in a dishonest manner.

(4) Discharged or administered compensation obligations in a manner as to cause injury to the public or those dealing with the employer or insurer.

Any employer, insurer, or third-party administrator that fails to meet the full compliance audit performance standards in two consecutive full compliance audits shall be rebuttably presumed to have engaged in a general business practice of discharging and administering its compensation obligations in a manner causing injury to those dealing with it.

Upon a second or subsequent finding, the administrative director shall refer the matter to the Insurance Commissioner or the Director of Industrial Relations and request that a hearing be conducted to determine whether the certificate of authority, certificate of consent to self-insure, or certificate of consent to administer claims of self-insured employers, as the case may be, shall be revoked.

(f) An insurer, self-insured employer, or third-party administrator may file a written request for a conference with the administrative director within seven days after receipt of a notice of penalty assessment issued pursuant to subdivision (a) or (c). Within 15 days of the conference, the administrative director shall issue a notice of findings and serve it upon the contesting party by registered or certified mail. Any amount found due by the administrative director shall become due and payable 30 days after receipt of the notice of findings. The 30-day period shall be tolled during any appeal. A writ of mandate may be taken from the findings to the appropriate superior court upon the execution by the contesting party of a bond to the state in the principal sum that is double the amount found due and ordered by the administrative director, on the condition that the contesting party shall pay any judgment and costs rendered against it for the amount.

(g) An insurer, self-insured employer, or third-party

California Labor Code Sections

administrator may file a written request for a hearing before the Workers' Compensation Appeals Board within seven days after receipt of a notice of penalty assessment issued pursuant to subdivision (e). Within 30 days of the hearing, the appeals board shall issue findings and orders and serve them upon the contesting party in the manner provided in its rules. Any amount found due by the appeals board shall become due and payable 45 days after receipt of the notice of findings. Judicial review of the findings and order shall be had in the manner provided by Article 2 (commencing with Section 5950) of Chapter 7 of Part 4 of Division 4. The 45-day period shall be tolled during appellate proceedings upon execution by the contesting party of a bond to the state in a principal sum that is double the amount found due and ordered by the appeals board on the condition that the contesting party shall pay the amount ultimately determined to be due and any costs awarded by an appellate court.

(h) Nothing in this section shall create nor eliminate a civil cause of action for the employee and his or her dependents.

(i) All moneys collected under this section shall be deposited in the State Treasury and credited to the Workers' Compensation Administration Revolving Fund.

California Labor Code Sections

138.4. (a) For the purpose of this section, "claims administrator" means a self-administered workers' compensation insurer; or a self-administered self-insured employer; or a self-administered legally uninsured employer; or a self-administered joint powers authority; or a third-party claims administrator for an insurer, a self-insured employer, a legally uninsured employer, or a joint powers authority.

(b) With respect to injuries resulting in lost time beyond the employee's work shift at the time of injury or medical treatment beyond first aid:

(1) If the claims administrator obtains knowledge that the employer has not provided a claim form or a notice of potential eligibility for benefits to the employee, it shall provide the form and notice to the employee within three working days of its knowledge that the form or notice was not provided.

(2) If the claims administrator cannot determine if the employer has provided a claim form and notice of potential eligibility for benefits to the employee, the claims administrator shall provide the form and notice to the employee within 30 days of the administrator's date of knowledge of the claim.

(c) The administrative director, in consultation with the Commission on Health and Safety and Workers' Compensation, shall prescribe reasonable rules and regulations, including notice of the right to consult with an attorney, where appropriate, for serving on the employee (or employee's dependents, in the case of death), the following:

(1) Notices dealing with the payment, nonpayment, or delay in payment of temporary disability, permanent disability, supplemental job displacement, and death benefits.

(2) Notices of any change in the amount or type of benefits being provided, the termination of benefits, the rejection of any liability for compensation, and an accounting of benefits paid.

(3) Notices of rights to select the primary treating physician, written continuity of care policies, requests for a comprehensive medical evaluation, and offers of regular, modified, or alternative work.

(d) The administrative director, in consultation with the Commission on Health and Safety and Workers' Compensation, shall develop, make fully accessible on the department's Internet Web site, and make available at district offices informational material written in plain language that describes the overall workers' compensation claims process, including the rights and obligations of employees and employers at every stage of a claim when a notice is required.

(e) Each notice prescribed by the administrative director shall be written in plain language, shall reference the informational material described in subdivision (d) to enable employees to understand the context of the notices, and shall clearly state the Internet Web site address and contact information that an employee may use to access the informational material.

California Labor Code Sections

138.6. (a) The administrative director, in consultation with the Insurance Commissioner and the Workers' Compensation Insurance Rating Bureau, shall develop a cost-efficient workers' compensation information system, which shall be administered by the division. The administrative director shall adopt regulations specifying the data elements to be collected by electronic data interchange.

(b) The information system shall do the following:

(1) Assist the department to manage the workers' compensation system in an effective and efficient manner.

(2) Facilitate the evaluation of the efficiency and effectiveness of the delivery system.

(3) Assist in measuring how adequately the system indemnifies injured workers and their dependents.

(4) Provide statistical data for research into specific aspects of the workers' compensation program.

(c) The data collected electronically shall be compatible with the Electronic Data Interchange System of the International Association of Industrial Accident Boards and Commissions. The administrative director may adopt regulations authorizing the use of other nationally recognized data transmission formats in addition to those set forth in the Electronic Data Interchange System for the transmission of data required pursuant to this section. The administrative director shall accept data transmissions in any authorized format. If the administrative director determines that any authorized data transmission format is not in general use by claims administrators, conflicts with the requirements of state or federal law, or is obsolete, the administrative director may adopt regulations eliminating that data transmission format from those authorized pursuant to this subdivision.

(d) (1) The administrative director shall assess an administrative penalty against a claims administrator for a violation of data reporting requirements adopted pursuant to this section. The administrative director shall promulgate a schedule of penalties providing for an assessment of no more than five thousand dollars (\$5,000) against a claims administrator in any single year, calculated as follows:

(A) No more than one hundred dollars (\$100) multiplied by the number of violations in that year that resulted in a required data report not being submitted or not being accepted.

(B) No more than fifty dollars (\$50) multiplied by the number of violations in that year that resulted in a required report being late or accepted with an error.

(C) Multiple errors in a single report shall be counted as a single violation.

(D) No penalty shall be assessed pursuant to Section 129.5 for any violation of data reporting requirements for which a penalty has been or may be assessed pursuant to this section.

(2) The schedule promulgated by the administrative director pursuant to paragraph (1) shall establish threshold rates of violations that shall be excluded from the calculation of the assessment, as follows:

(A) The threshold rate for reports that are not submitted or are submitted but not accepted shall not be less than 3 percent of the number of reports that are required to be filed by or on behalf of the claims administrator.

California Labor Code Sections

(B) The threshold rate for reports that are accepted with an error shall not be less than 3 percent of the number of reports that are accepted with an error.

(C) The administrative director shall set higher threshold rates as appropriate in recognition of the fact that the data necessary for timely and accurate reporting may not be always available to a claims administrator or the claims administrator's agents.

(D) The administrative director may establish higher thresholds for particular data elements that commonly are not reasonably available.

(3) The administrative director may estimate the number of required data reports that are not submitted by comparing a statistically valid sample of data available to the administrative director from other sources with the data reported pursuant to this section.

(4) All penalties assessed pursuant to this section shall be deposited in the Workers' Compensation Administration Revolving Fund.

(5) The administrative director shall publish an annual report disclosing the compliance rates of claims administrators.

California Labor Code Sections

138.7. (a) Except as expressly permitted in subdivision (b), a person or public or private entity not a party to a claim for workers' compensation benefits may not obtain individually identifiable information obtained or maintained by the division on that claim. For purposes of this section, "individually identifiable information" means any data concerning an injury or claim that is linked to a uniquely identifiable employee, employer, claims administrator, or any other person or entity.

(b) (1) (A) The administrative director, or a statistical agent designated by the administrative director, may use individually identifiable information for purposes of creating and maintaining the workers' compensation information system as specified in Section 138.6.

(B) The administrative director may publish the identity of claims administrators in the annual report disclosing the compliance rates of claims administrators pursuant to subdivision (d) of Section 138.6.

(2) (A) The State Department of Public Health may use individually identifiable information for purposes of establishing and maintaining a program on occupational health and occupational disease prevention as specified in Section 105175 of the Health and Safety Code.

(B) (i) The State Department of Health Care Services may use individually identifiable information for purposes of seeking recovery of Medi-Cal costs incurred by the state for treatment provided to injured workers that should have been incurred by employers and insurance carriers pursuant to Article 3.5 (commencing with Section 14124.70) of Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code.

(ii) The Department of Industrial Relations shall furnish individually identifiable information to the State Department of Health Care Services, and the State Department of Health Care Services may furnish the information to its designated agent, provided that the individually identifiable information shall not be disclosed for use other than the purposes described in clause (i). The administrative director may adopt regulations solely for the purpose of governing access by the State Department of Health Care Services or its designated agents to the individually identifiable information as defined in subdivision (a).

(3) (A) Individually identifiable information may be used by the Division of Workers' Compensation and the Division of Occupational Safety and Health as necessary to carry out their duties. The administrative director shall adopt regulations governing the access to the information described in this subdivision by these divisions. Any regulations adopted pursuant to this subdivision shall set forth the specific uses for which this information may be obtained.

(B) Individually identifiable information maintained in the workers' compensation information system and the Division of Workers' Compensation may be used by researchers employed by or under contract to the Commission on Health and Safety and Workers' Compensation as necessary to carry out the commission's research. The administrative director shall adopt regulations governing the access to the information described in this subdivision by commission researchers. These regulations shall set forth the specific uses for

California Labor Code Sections

which this information may be obtained and include provisions guaranteeing the confidentiality of individually identifiable information. Individually identifiable information obtained under this subdivision shall not be disclosed to commission members. No individually identifiable information obtained by researchers under contract to the commission pursuant to this subparagraph may be disclosed to any other person or entity, public or private, for a use other than that research project for which the information was obtained. Within a reasonable period of time after the research for which the information was obtained has been completed, the data collected shall be modified in a manner so that the subjects cannot be identified, directly or through identifiers linked to the subjects.

(4) The administrative director shall adopt regulations allowing reasonable access to individually identifiable information by other persons or public or private entities for the purpose of bona fide statistical research. This research shall not divulge individually identifiable information concerning a particular employee, employer, claims administrator, or any other person or entity. The regulations adopted pursuant to this paragraph shall include provisions guaranteeing the confidentiality of individually identifiable information. Within a reasonable period of time after the research for which the information was obtained has been completed, the data collected shall be modified in a manner so that the subjects cannot be identified, directly or through identifiers linked to the subjects.

(5) (A) This section shall not operate to exempt from disclosure any information that is considered to be a public record pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) contained in an individual's file once an application for adjudication has been filed pursuant to Section 5501.5.

(B) However, individually identifiable information shall not be provided to any person or public or private entity who is not a party to the claim unless that person identifies himself or herself or that public or private entity identifies itself and states the reason for making the request. The administrative director may require the person or public or private entity making the request to produce information to verify that the name and address of the requester is valid and correct. If the purpose of the request is related to preemployment screening, the administrative director shall notify the person about whom the information is requested that the information was provided and shall include the following in 12-point type:

"IT MAY BE A VIOLATION OF FEDERAL AND STATE LAW TO DISCRIMINATE AGAINST A JOB APPLICANT BECAUSE THE APPLICANT HAS FILED A CLAIM FOR WORKERS' COMPENSATION BENEFITS."

(C) Any residence address is confidential and shall not be disclosed to any person or public or private entity except to a party to the claim, a law enforcement agency, an office of a district attorney, any person for a journalistic purpose, or other governmental agency.

(D) Nothing in this paragraph shall be construed to prohibit the use of individually identifiable information for purposes of identifying bona fide lien claimants.

California Labor Code Sections

(c) Except as provided in subdivision (b), individually identifiable information obtained by the division is privileged and is not subject to subpoena in a civil proceeding unless, after reasonable notice to the division and a hearing, a court determines that the public interest and the intent of this section will not be jeopardized by disclosure of the information. This section shall not operate to restrict access to information by any law enforcement agency or district attorney's office or to limit admissibility of that information in a criminal proceeding.

(d) It shall be unlawful for any person who has received individually identifiable information from the division pursuant to this section to provide that information to any person who is not entitled to it under this section.

(e) This section shall remain in effect only until January 1, 2017, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.

138.7. (a) Except as expressly permitted in subdivision (b), a person or public or private entity not a party to a claim for workers' compensation benefits may not obtain individually identifiable information obtained or maintained by the division on that claim. For purposes of this section, "individually identifiable information" means any data concerning an injury or claim that is linked to a uniquely identifiable employee, employer, claims administrator, or any other person or entity.

(b) (1) (A) The administrative director, or a statistical agent designated by the administrative director, may use individually identifiable information for purposes of creating and maintaining the workers' compensation information system as specified in Section 138.6.

(B) The administrative director may publish the identity of claims administrators in the annual report disclosing the compliance rates of claims administrators pursuant to subdivision (d) of Section 138.6.

(2) The State Department of Public Health may use individually identifiable information for purposes of establishing and maintaining a program on occupational health and occupational disease prevention as specified in Section 105175 of the Health and Safety Code.

(3) (A) Individually identifiable information may be used by the Division of Workers' Compensation and the Division of Occupational Safety and Health as necessary to carry out their duties. The administrative director shall adopt regulations governing the access to the information described in this subdivision by these divisions. Any regulations adopted pursuant to this subdivision shall set forth the specific uses for which this information may be obtained.

(B) Individually identifiable information maintained in the workers' compensation information system and the Division of Workers' Compensation may be used by researchers employed by or under contract to the Commission on Health and Safety and Workers' Compensation as necessary to carry out the commission's research. The administrative director shall adopt regulations governing the access to the information described in this subdivision by commission researchers. These regulations shall set forth the specific uses for

California Labor Code Sections

which this information may be obtained and include provisions guaranteeing the confidentiality of individually identifiable information. Individually identifiable information obtained under this subdivision shall not be disclosed to commission members. No individually identifiable information obtained by researchers under contract to the commission pursuant to this subparagraph may be disclosed to any other person or entity, public or private, for a use other than that research project for which the information was obtained. Within a reasonable period of time after the research for which the information was obtained has been completed, the data collected shall be modified in a manner so that the subjects cannot be identified, directly or through identifiers linked to the subjects.

(4) The administrative director shall adopt regulations allowing reasonable access to individually identifiable information by other persons or public or private entities for the purpose of bona fide statistical research. This research shall not divulge individually identifiable information concerning a particular employee, employer, claims administrator, or any other person or entity. The regulations adopted pursuant to this paragraph shall include provisions guaranteeing the confidentiality of individually identifiable information. Within a reasonable period of time after the research for which the information was obtained has been completed, the data collected shall be modified in a manner so that the subjects cannot be identified, directly or through identifiers linked to the subjects.

(5) (A) This section shall not operate to exempt from disclosure any information that is considered to be a public record pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) contained in an individual's file once an application for adjudication has been filed pursuant to Section 5501.5.

(B) However, individually identifiable information shall not be provided to any person or public or private entity who is not a party to the claim unless that person identifies himself or herself or that public or private entity identifies itself and states the reason for making the request. The administrative director may require the person or public or private entity making the request to produce information to verify that the name and address of the requester is valid and correct. If the purpose of the request is related to preemployment screening, the administrative director shall notify the person about whom the information is requested that the information was provided and shall include the following in 12-point type:

"IT MAY BE A VIOLATION OF FEDERAL AND STATE LAW TO DISCRIMINATE AGAINST A JOB APPLICANT BECAUSE THE APPLICANT HAS FILED A CLAIM FOR WORKERS' COMPENSATION BENEFITS."

(C) Any residence address is confidential and shall not be disclosed to any person or public or private entity except to a party to the claim, a law enforcement agency, an office of a district attorney, any person for a journalistic purpose, or other governmental agency.

(D) Nothing in this paragraph shall be construed to prohibit the use of individually identifiable information for purposes of identifying bona fide lien claimants.

California Labor Code Sections

(c) Except as provided in subdivision (b), individually identifiable information obtained by the division is privileged and is not subject to subpoena in a civil proceeding unless, after reasonable notice to the division and a hearing, a court determines that the public interest and the intent of this section will not be jeopardized by disclosure of the information. This section shall not operate to restrict access to information by any law enforcement agency or district attorney's office or to limit admissibility of that information in a criminal proceeding.

(d) It shall be unlawful for any person who has received individually identifiable information from the division pursuant to this section to provide that information to any person who is not entitled to it under this section.

(e) This section shall become operative on January 1, 2017.

California Labor Code Sections

4060. (a) This section shall apply to disputes over the compensability of any injury. This section shall not apply where injury to any part or parts of the body is accepted as compensable by the employer.

(b) Neither the employer nor the employee shall be liable for any comprehensive medical-legal evaluation performed by other than the treating physician, except as provided in this section. However, reports of treating physicians shall be admissible.

(c) If a medical evaluation is required to determine compensability at any time after the filing of the claim form, and the employee is represented by an attorney, a medical evaluation to determine compensability shall be obtained only by the procedure provided in Section 4062.2.

(d) If a medical evaluation is required to determine compensability at any time after the claim form is filed, and the employee is not represented by an attorney, the employer shall provide the employee with notice either that the employer requests a comprehensive medical evaluation to determine compensability or that the employer has not accepted liability and the employee may request a comprehensive medical evaluation to determine compensability. Either party may request a comprehensive medical evaluation to determine compensability. The evaluation shall be obtained only by the procedure provided in Section 4062.1.

(e) The notice required by subdivision (d) shall be accompanied by the form prescribed by the administrative director for requesting the assignment of a panel of qualified medical evaluators.

California Labor Code Sections

4600. (a) Medical, surgical, chiropractic, acupuncture, and hospital treatment, including nursing, medicines, medical and surgical supplies, crutches, and apparatuses, including orthotic and prosthetic devices and services, that is reasonably required to cure or relieve the injured worker from the effects of his or her injury shall be provided by the employer. In the case of his or her neglect or refusal reasonably to do so, the employer is liable for the reasonable expense incurred by or on behalf of the employee in providing treatment.

(b) As used in this division and notwithstanding any other law, medical treatment that is reasonably required to cure or relieve the injured worker from the effects of his or her injury means treatment that is based upon the guidelines adopted by the administrative director pursuant to Section 5307.27.

(c) Unless the employer or the employer's insurer has established or contracted with a medical provider network as provided for in Section 4616, after 30 days from the date the injury is reported, the employee may be treated by a physician of his or her own choice or at a facility of his or her own choice within a reasonable geographic area. A chiropractor shall not be a treating physician after the employee has received the maximum number of chiropractic visits allowed by subdivision (c) of Section 4604.5.

(d) (1) If an employee has notified his or her employer in writing prior to the date of injury that he or she has a personal physician, the employee shall have the right to be treated by that physician from the date of injury if the employee has health care coverage for nonoccupational injuries or illnesses on the date of injury in a plan, policy, or fund as described in subdivisions (b), (c), and (d) of Section 4616.7.

(2) For purposes of paragraph (1), a personal physician shall meet all of the following conditions:

(A) Be the employee's regular physician and surgeon, licensed pursuant to Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code.

(B) Be the employee's primary care physician and has previously directed the medical treatment of the employee, and who retains the employee's medical records, including his or her medical history. "Personal physician" includes a medical group, if the medical group is a single corporation or partnership composed of licensed doctors of medicine or osteopathy, which operates an integrated multispecialty medical group providing comprehensive medical services predominantly for nonoccupational illnesses and injuries.

(C) The physician agrees to be predesignated.

(3) If the employee has health care coverage for nonoccupational injuries or illnesses on the date of injury in a health care service plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code, and the employer is notified pursuant to paragraph (1), all medical treatment, utilization review of medical treatment, access to medical treatment, and other medical treatment issues shall be governed by Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code. Disputes regarding the provision of medical treatment shall be resolved pursuant to Article 5.55 (commencing with Section 1374.30) of Chapter 2.2 of Division 2 of the Health and Safety Code.

(4) If the employee has health care coverage for nonoccupational

California Labor Code Sections

injuries or illnesses on the date of injury in a group health insurance policy as described in Section 4616.7, all medical treatment, utilization review of medical treatment, access to medical treatment, and other medical treatment issues shall be governed by the applicable provisions of the Insurance Code.

(5) The insurer may require prior authorization of any nonemergency treatment or diagnostic service and may conduct reasonably necessary utilization review pursuant to Section 4610.

(6) An employee shall be entitled to all medically appropriate referrals by the personal physician to other physicians or medical providers within the nonoccupational health care plan. An employee shall be entitled to treatment by physicians or other medical providers outside of the nonoccupational health care plan pursuant to standards established in Article 5 (commencing with Section 1367) of Chapter 2.2 of Division 2 of the Health and Safety Code.

(e) (1) When at the request of the employer, the employer's insurer, the administrative director, the appeals board, or a workers' compensation administrative law judge, the employee submits to examination by a physician, he or she shall be entitled to receive, in addition to all other benefits herein provided, all reasonable expenses of transportation, meals, and lodging incident to reporting for the examination, together with one day of temporary disability indemnity for each day of wages lost in submitting to the examination.

(2) Regardless of the date of injury, "reasonable expenses of transportation" includes mileage fees from the employee's home to the place of the examination and back at the rate of twenty-one cents (\$0.21) a mile or the mileage rate adopted by the Director of Human Resources pursuant to Section 19820 of the Government Code, whichever is higher, plus any bridge tolls. The mileage and tolls shall be paid to the employee at the time he or she is given notification of the time and place of the examination.

(f) When at the request of the employer, the employer's insurer, the administrative director, the appeals board, or a workers' compensation administrative law judge, an employee submits to examination by a physician and the employee does not proficiently speak or understand the English language, he or she shall be entitled to the services of a qualified interpreter in accordance with conditions and a fee schedule prescribed by the administrative director. These services shall be provided by the employer. For purposes of this section, "qualified interpreter" means a language interpreter certified, or deemed certified, pursuant to Article 8 (commencing with Section 11435.05) of Chapter 4.5 of Part 1 of Division 3 of Title 2 of, or Section 68566 of, the Government Code.

(g) If the injured employee cannot effectively communicate with his or her treating physician because he or she cannot proficiently speak or understand the English language, the injured employee is entitled to the services of a qualified interpreter during medical treatment appointments. To be a qualified interpreter for purposes of medical treatment appointments, an interpreter is not required to meet the requirements of subdivision (f), but commencing March 1, 2014, shall meet any requirements established by rule by the administrative director that are substantially similar to the requirements set forth in Section 1367.04 of the Health and Safety Code, notwithstanding any other effective date established in regulations. The administrative director shall adopt a fee schedule

California Labor Code Sections

for qualified interpreter fees in accordance with this section. Upon request of the injured employee, the employer or insurance carrier shall pay for interpreter services. An employer shall not be required to pay for the services of an interpreter who is not certified or is provisionally certified by the person conducting the medical treatment or examination unless either the employer consents in advance to the selection of the individual who provides the interpreting service or the injured worker requires interpreting service in a language other than the languages designated pursuant to Section 11435.40 of the Government Code.

(h) Home health care services shall be provided as medical treatment only if reasonably required to cure or relieve the injured employee from the effects of his or her injury and prescribed by a physician and surgeon licensed pursuant to Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code, and subject to Section 5307.1 or 5703.8. The employer shall not be liable for home health care services that are provided more than 14 days prior to the date of the employer's receipt of the physician's prescription.

4600.1. (a) Subject to subdivision (b), any person or entity that dispenses medicines and medical supplies, as required by Section 4600, shall dispense the generic drug equivalent.

(b) A person or entity shall not be required to dispense a generic drug equivalent under either of the following circumstances:

(1) When a generic drug equivalent is unavailable.

(2) When the prescribing physician specifically provides in writing that a nongeneric drug must be dispensed.

(c) For purposes of this section, "dispense" has the same meaning as the definition contained in Section 4024 of the Business and Professions Code.

(d) Nothing in this section shall be construed to preclude a prescribing physician, who is also the dispensing physician, from dispensing a generic drug equivalent.

4600.2. (a) Notwithstanding Section 4600, when a self-insured employer, group of self-insured employers, insurer of an employer, or group of insurers contracts with a pharmacy, group of pharmacies, or pharmacy benefit network to provide medicines and medical supplies required by this article to be provided to injured employees, those injured employees that are subject to the contract shall be provided medicines and medical supplies in the manner prescribed in the contract for as long as medicines or medical supplies are reasonably required to cure or relieve the injured employee from the effects of the injury.

(b) Nothing in this section shall affect the ability of employee-selected physicians to continue to prescribe and have the employer provide medicines and medical supplies that the physicians deem reasonably required to cure or relieve the injured employee from the effects of the injury.

(c) Each contract described in subdivision (a) shall comply with standards adopted by the administrative director. In adopting those standards, the administrative director shall seek to reduce pharmaceutical costs and may consult any relevant studies or practices in other states. The standards shall provide for access to

California Labor Code Sections

a pharmacy within a reasonable geographic distance from an injured employee's residence.

4600.3. (a) (1) Notwithstanding Section 4600, when a self-insured employer, group of self-insured employers, or the insurer of an employer contracts with a health care organization certified pursuant to Section 4600.5 for health care services required by this article to be provided to injured employees, those employees who are subject to the contract shall receive medical services in the manner prescribed in the contract, providing that the employee may choose to be treated by a personal physician, personal chiropractor, or personal acupuncturist that he or she has designated prior to the injury, in which case the employee shall not be treated by the health care organization. Every employee shall be given an affirmative choice at the time of employment and at least annually thereafter to designate or change the designation of a health care organization or a personal physician, personal chiropractor, or personal acupuncturist. The choice shall be memorialized in writing and maintained in the employee's personnel records. The employee who has designated a personal physician, personal chiropractor, or personal acupuncturist may change their designated caregiver at any time prior to the injury. Any employee who fails to designate a personal physician, personal chiropractor, or personal acupuncturist shall be treated by the health care organization selected by the employer. If the health care organization offered by the employer is the workers' compensation insurer that covers the employee or is an entity that controls or is controlled by that insurer, as defined by Section 1215 of the Insurance Code, this information shall be included in the notice of contract with a health care organization.

(2) Each contract described in paragraph (1) shall comply with the certification standards provided in Section 4600.5, and shall provide all medical, surgical, chiropractic, acupuncture, and hospital treatment, including nursing, medicines, medical and surgical supplies, crutches, and apparatus, including artificial members, that is reasonably required to cure or relieve the effects of the injury, as required by this division, without any payment by the employee of deductibles, copayments, or any share of the premium. However, an employee may receive immediate emergency medical treatment that is compensable from a medical service or health care provider who is not a member of the health care organization.

(3) Insured employers, a group of self-insured employers, or self-insured employers who contract with a health care organization for medical services shall give notice to employees of eligible medical service providers and any other information regarding the contract and manner of receiving medical services as the administrative director may prescribe. Employees shall be duly notified that if they choose to receive care from the health care organization they must receive treatment for all occupational injuries and illnesses as prescribed by this section.

(b) Notwithstanding subdivision (a), no employer which is required to bargain with an exclusive or certified bargaining agent which represents employees of the employer in accordance with state or federal employer-employee relations law shall contract with a health care organization for purposes of Section 4600.5 with regard to

California Labor Code Sections

employees whom the bargaining agent is recognized or certified to represent for collective bargaining purposes pursuant to state or federal employer-employee relations law unless authorized to do so by mutual agreement between the bargaining agent and the employer. If the collective bargaining agreement is subject to the National Labor Relations Act, the employer may contract with a health care organization for purposes of Section 4600.5 at any time when the employer and bargaining agent have bargained to impasse to the extent required by federal law.

(c) (1) When an employee is not receiving or is not eligible to receive health care coverage for nonoccupational injuries or illnesses provided by the employer, if 90 days from the date the injury is reported the employee who has been receiving treatment from a health care organization or his or her physician, chiropractor, acupuncturist, or other agent notifies his or her employer in writing that he or she desires to stop treatment by the health care organization, he or she shall have the right to be treated by a physician, chiropractor, or acupuncturist or at a facility of his or her own choosing within a reasonable geographic area.

(2) When an employee is receiving or is eligible to receive health care coverage for nonoccupational injuries or illnesses provided by the employer, and has agreed to receive care for occupational injuries and illnesses from a health care organization provided by the employer, the employee may be treated for occupational injuries and diseases by a physician, chiropractor, or acupuncturist of his or her own choice or at a facility of his or her own choice within a reasonable geographic area if the employee or his or her physician, chiropractor, acupuncturist, or other agent notifies his or her employer in writing only after 180 days from the date the injury was reported, or upon the date of contract renewal or open enrollment of the health care organization, whichever occurs first, but in no case until 90 days from the date the injury was reported.

(3) For purposes of this subdivision, an employer shall be deemed to provide health care coverage for nonoccupational injuries and illnesses if the employer pays more than one-half the costs of the coverage, or if the plan is established pursuant to collective bargaining.

(d) An employee and employer may agree to other forms of therapy pursuant to Section 3209.7.

(e) An employee enrolled in a health care organization shall have the right to no less than one change of physician on request, and shall be given a choice of physicians affiliated with the health care organization. The health care organization shall provide the employee a choice of participating physicians within five days of receiving a request. In addition, the employee shall have the right to a second opinion from a participating physician on a matter pertaining to diagnosis or treatment from a participating physician.

(f) Nothing in this section or Section 4600.5 shall be construed to prohibit a self-insured employer, a group of self-insured employers, or insurer from engaging in any activities permitted by Section 4600.

(g) Notwithstanding subdivision (c), in the event that the employer, group of employers, or the employer's workers' compensation insurer no longer contracts with the health care organization that has been treating an injured employee, the employee may continue treatment provided or arranged by the health care organization. If

California Labor Code Sections

the employee does not choose to continue treatment by the health care organization, the employer may control the employee's treatment for 30 days from the date the injury was reported. After that period, the employee may be treated by a physician of his or her own choice or at a facility of his or her own choice within a reasonable geographic area.

4600.35. Any entity seeking to reimburse health care providers for health care services rendered to injured workers on a capitated, or per person per month basis, shall be licensed pursuant to the Knox-Keene Health Care Service Plan Act of 1975 (Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code).

4600.4. (a) A workers' compensation insurer, third-party administrator, or other entity that requires, or pursuant to regulation requires, a treating physician to obtain either utilization review or prior authorization in order to diagnose or treat injuries or diseases compensable under this article, shall ensure the availability of those services from 9 a.m. to 5:30 p.m. Pacific coast time of each normal business day.

(b) For purposes of this section "normal business day" means a business day as defined in Section 9 of the Civil Code.

4600.5. (a) Any health care service plan licensed pursuant to the Knox-Keene Health Care Service Plan Act, a disability insurer licensed by the Department of Insurance, or any entity, including, but not limited to, workers' compensation insurers and third-party administrators authorized by the administrative director under subdivision (e), may make written application to the administrative director to become certified as a health care organization to provide health care to injured employees for injuries and diseases compensable under this article.

(b) Each application for certification shall be accompanied by a reasonable fee prescribed by the administrative director, sufficient to cover the actual cost of processing the application. A certificate is valid for the period that the director may prescribe unless sooner revoked or suspended.

(c) If the health care organization is a health care service plan licensed pursuant to the Knox-Keene Health Care Service Plan Act, and has provided the Managed Care Unit of the Division of Workers' Compensation with the necessary documentation to comply with this subdivision, that organization shall be deemed to be a health care organization able to provide health care pursuant to Section 4600.3, without further application duplicating the documentation already filed with the Department of Managed Health Care. These plans shall be required to remain in good standing with the Department of Managed Health Care, and shall meet the following additional requirements:

(1) Proposes to provide all medical and health care services that may be required by this article.

(2) Provides a program involving cooperative efforts by the

California Labor Code Sections

employees, the employer, and the health plan to promote workplace health and safety, consultative and other services, and early return to work for injured employees.

(3) Proposes a timely and accurate method to meet the requirements set forth by the administrative director for all carriers of workers' compensation coverage to report necessary information regarding medical and health care service cost and utilization, rates of return to work, average time in medical treatment, and other measures as determined by the administrative director to enable the director to determine the effectiveness of the plan.

(4) Agrees to provide the administrative director with information, reports, and records prepared and submitted to the Department of Managed Health Care in compliance with the Knox-Keene Health Care Service Plan Act, relating to financial solvency, provider accessibility, peer review, utilization review, and quality assurance, upon request, if the administrative director determines the information is necessary to verify that the plan is providing medical treatment to injured employees in compliance with the requirements of this code.

Disclosure of peer review proceedings and records to the administrative director shall not alter the status of the proceedings or records as privileged and confidential communications pursuant to Sections 1370 and 1370.1 of the Health and Safety Code.

(5) Demonstrates the capability to provide occupational medicine and related disciplines.

(6) Complies with any other requirement the administrative director determines is necessary to provide medical services to injured employees consistent with the intent of this article, including, but not limited to, a written patient grievance policy.

(d) If the health care organization is a disability insurer licensed by the Department of Insurance, and is in compliance with subdivision (d) of Sections 10133 and 10133.5 of the Insurance Code, the administrative director shall certify the organization to provide health care pursuant to Section 4600.3 if the director finds that the plan is in good standing with the Department of Insurance and meets the following additional requirements:

(1) Proposes to provide all medical and health care services that may be required by this article.

(2) Provides a program involving cooperative efforts by the employees, the employer, and the health plan to promote workplace health and safety, consultative and other services, and early return to work for injured employees.

(3) Proposes a timely and accurate method to meet the requirements set forth by the administrative director for all carriers of workers' compensation coverage to report necessary information regarding medical and health care service cost and utilization, rates of return to work, average time in medical treatment, and other measures as determined by the administrative director to enable the director to determine the effectiveness of the plan.

(4) Agrees to provide the administrative director with information, reports, and records prepared and submitted to the Department of Insurance in compliance with the Insurance Code relating to financial solvency, provider accessibility, peer review, utilization review, and quality assurance, upon request, if the administrative director determines the information is necessary to verify that the plan is providing medical treatment to injured

California Labor Code Sections

employees consistent with the intent of this article.

Disclosure of peer review proceedings and records to the administrative director shall not alter the status of the proceedings or records as privileged and confidential communications pursuant to subdivision (d) of Section 10133 of the Insurance Code.

(5) Demonstrates the capability to provide occupational medicine and related disciplines.

(6) Complies with any other requirement the administrative director determines is necessary to provide medical services to injured employees consistent with the intent of this article, including, but not limited to, a written patient grievance policy.

(e) If the health care organization is a workers' compensation insurer, third-party administrator, or any other entity that the administrative director determines meets the requirements of Section 4600.6, the administrative director shall certify the organization to provide health care pursuant to Section 4600.3 if the director finds that it meets the following additional requirements:

(1) Proposes to provide all medical and health care services that may be required by this article.

(2) Provides a program involving cooperative efforts by the employees, the employer, and the health plan to promote workplace health and safety, consultative and other services, and early return to work for injured employees.

(3) Proposes a timely and accurate method to meet the requirements set forth by the administrative director for all carriers of workers' compensation coverage to report necessary information regarding medical and health care service cost and utilization, rates of return to work, average time in medical treatment, and other measures as determined by the administrative director to enable the director to determine the effectiveness of the plan.

(4) Agrees to provide the administrative director with information, reports, and records relating to provider accessibility, peer review, utilization review, quality assurance, advertising, disclosure, medical and financial audits, and grievance systems, upon request, if the administrative director determines the information is necessary to verify that the plan is providing medical treatment to injured employees consistent with the intent of this article.

Disclosure of peer review proceedings and records to the administrative director shall not alter the status of the proceedings or records as privileged and confidential communications pursuant to subdivision (d) of Section 10133 of the Insurance Code.

(5) Demonstrates the capability to provide occupational medicine and related disciplines.

(6) Complies with any other requirement the administrative director determines is necessary to provide medical services to injured employees consistent with the intent of this article, including, but not limited to, a written patient grievance policy.

(7) Complies with the following requirements:

(A) An organization certified by the administrative director under this subdivision may not provide or undertake to arrange for the provision of health care to employees, or to pay for or to reimburse any part of the cost of that health care in return for a prepaid or periodic charge paid by or on behalf of those employees.

(B) Every organization certified under this subdivision shall operate on a fee-for-service basis. As used in this section, fee for service refers to the situation where the amount of reimbursement

California Labor Code Sections

paid by the employer to the organization or providers of health care is determined by the amount and type of health care rendered by the organization or provider of health care.

(C) An organization certified under this subdivision is prohibited from assuming risk.

(f) (1) A workers' compensation health care provider organization authorized by the Department of Corporations on December 31, 1997, shall be eligible for certification as a health care organization under subdivision (e).

(2) An entity that had, on December 31, 1997, submitted an application with the Commissioner of Corporations under Part 3.2 (commencing with Section 5150) shall be considered an applicant for certification under subdivision (e) and shall be entitled to priority in consideration of its application. The Commissioner of Corporations shall provide complete files for all pending applications to the administrative director on or before January 31, 1998.

(g) The provisions of this section shall not affect the confidentiality or admission in evidence of a claimant's medical treatment records.

(h) Charges for services arranged for or provided by health care service plans certified by this section and that are paid on a per-enrollee-periodic-charge basis shall not be subject to the schedules adopted by the administrative director pursuant to Section 5307.1.

(i) Nothing in this section shall be construed to expand or constrict any requirements imposed by law on a health care service plan or insurer when operating as other than a health care organization pursuant to this section.

(j) In consultation with interested parties, including the Department of Corporations and the Department of Insurance, the administrative director shall adopt rules necessary to carry out this section.

(k) The administrative director shall refuse to certify or may revoke or suspend the certification of any health care organization under this section if the director finds that:

(1) The plan for providing medical treatment fails to meet the requirements of this section.

(2) A health care service plan licensed by the Department of Managed Health Care, a workers' compensation health care provider organization authorized by the Department of Corporations, or a carrier licensed by the Department of Insurance is not in good standing with its licensing agency.

(3) Services under the plan are not being provided in accordance with the terms of a certified plan.

(1) (1) When an injured employee requests chiropractic treatment for work-related injuries, the health care organization shall provide the injured worker with access to the services of a chiropractor pursuant to guidelines for chiropractic care established by paragraph

(2). Within five working days of the employee's request to see a chiropractor, the health care organization and any person or entity who directs the kind or manner of health care services for the plan shall refer an injured employee to an affiliated chiropractor for work-related injuries that are within the guidelines for chiropractic care established by paragraph (2). Chiropractic care rendered in accordance with guidelines for chiropractic care established pursuant

California Labor Code Sections

to paragraph (2) shall be provided by duly licensed chiropractors affiliated with the plan.

(2) The health care organization shall establish guidelines for chiropractic care in consultation with affiliated chiropractors who are participants in the health care organization's utilization review process for chiropractic care, which may include qualified medical evaluators knowledgeable in the treatment of chiropractic conditions. The guidelines for chiropractic care shall, at a minimum, explicitly require the referral of any injured employee who so requests to an affiliated chiropractor for the evaluation or treatment, or both, of neuromusculoskeletal conditions.

(3) Whenever a dispute concerning the appropriateness or necessity of chiropractic care for work-related injuries arises, the dispute shall be resolved by the health care organization's utilization review process for chiropractic care in accordance with the health care organization's guidelines for chiropractic care established by paragraph (2).

Chiropractic utilization review for work-related injuries shall be conducted in accordance with the health care organization's approved quality assurance standards and utilization review process for chiropractic care. Chiropractors affiliated with the plan shall have access to the health care organization's provider appeals process and, in the case of chiropractic care for work-related injuries, the review shall include review by a chiropractor affiliated with the health care organization, as determined by the health care organization.

(4) The health care organization shall inform employees of the procedures for processing and resolving grievances, including those related to chiropractic care, including the location and telephone number where grievances may be submitted.

(5) All guidelines for chiropractic care and utilization review shall be consistent with the standards of this code that require care to cure or relieve the effects of the industrial injury.

(m) Individually identifiable medical information on patients submitted to the division shall not be subject to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).

(n) (1) When an injured employee requests acupuncture treatment for work-related injuries, the health care organization shall provide the injured worker with access to the services of an acupuncturist pursuant to guidelines for acupuncture care established by paragraph (2). Within five working days of the employee's request to see an acupuncturist, the health care organization and any person or entity who directs the kind or manner of health care services for the plan shall refer an injured employee to an affiliated acupuncturist for work-related injuries that are within the guidelines for acupuncture care established by paragraph (2). Acupuncture care rendered in accordance with guidelines for acupuncture care established pursuant to paragraph (2) shall be provided by duly licensed acupuncturists affiliated with the plan.

(2) The health care organization shall establish guidelines for acupuncture care in consultation with affiliated acupuncturists who are participants in the health care organization's utilization review process for acupuncture care, which may include qualified medical evaluators. The guidelines for acupuncture care shall, at a minimum, explicitly require the referral of any injured employee who so

California Labor Code Sections

requests to an affiliated acupuncturist for the evaluation or treatment, or both, of neuromusculoskeletal conditions.

(3) Whenever a dispute concerning the appropriateness or necessity of acupuncture care for work-related injuries arises, the dispute shall be resolved by the health care organization's utilization review process for acupuncture care in accordance with the health care organization's guidelines for acupuncture care established by paragraph (2).

Acupuncture utilization review for work-related injuries shall be conducted in accordance with the health care organization's approved quality assurance standards and utilization review process for acupuncture care. Acupuncturists affiliated with the plan shall have access to the health care organization's provider appeals process and, in the case of acupuncture care for work-related injuries, the review shall include review by an acupuncturist affiliated with the health care organization, as determined by the health care organization.

(4) The health care organization shall inform employees of the procedures for processing and resolving grievances, including those related to acupuncture care, including the location and telephone number where grievances may be submitted.

(5) All guidelines for acupuncture care and utilization review shall be consistent with the standards of this code that require care to cure or relieve the effects of the industrial injury.

4600.6. Any workers' compensation insurer, third-party administrator, or other entity seeking certification as a health care organization under subdivision (e) of Section 4600.5 shall be subject to the following rules and procedures:

(a) Each application for authorization as an organization under subdivision (e) of Section 4600.5 shall be verified by an authorized representative of the applicant and shall be in a form prescribed by the administrative director. The application shall be accompanied by the prescribed fee and shall set forth or be accompanied by each and all of the following:

(1) The basic organizational documents of the applicant, such as the articles of incorporation, articles of association, partnership agreement, trust agreement, or other applicable documents and all amendments thereto.

(2) A copy of the bylaws, rules, and regulations, or similar documents regulating the conduct of the internal affairs of the applicant.

(3) A list of the names, addresses, and official positions of the persons who are to be responsible for the conduct of the affairs of the applicant, which shall include, among others, all members of the board of directors, board of trustees, executive committee, or other governing board or committee, the principal officers, each shareholder with over 5 percent interest in the case of a corporation, and all partners or members in the case of a partnership or association, and each person who has loaned funds to the applicant for the operation of its business.

(4) A copy of any contract made, or to be made, between the applicant and any provider of health care, or persons listed in paragraph (3), or any other person or organization agreeing to

California Labor Code Sections

perform an administrative function or service for the plan. The administrative director by rule may identify contracts excluded from this requirement and make provision for the submission of form contracts. The payment rendered or to be rendered to the provider of health care services shall be deemed confidential information that shall not be divulged by the administrative director, except that the payment may be disclosed and become a public record in any legislative, administrative, or judicial proceeding or inquiry. The organization shall also submit the name and address of each provider employed by, or contracting with, the organization, together with his or her license number.

(5) A statement describing the organization, its method of providing for health services, and its physical facilities. If applicable, this statement shall include the health care delivery capabilities of the organization, including the number of full-time and part-time physicians under Section 3209.3, the numbers and types of licensed or state-certified health care support staff, the number of hospital beds contracted for, and the arrangements and the methods by which health care will be provided, as defined by the administrative director under Sections 4600.3 and 4600.5.

(6) A copy of the disclosure forms or materials that are to be issued to employees.

(7) A copy of the form of the contract that is to be issued to any employer, insurer of an employer, or a group of self-insured employers.

(8) Financial statements accompanied by a report, certificate, or opinion of an independent certified public accountant. However, the financial statements from public entities or political subdivisions of the state need not include a report, certificate, or opinion by an independent certified public accountant if the financial statement complies with any requirements that may be established by regulation of the administrative director.

(9) A description of the proposed method of marketing the organization and a copy of any contract made with any person to solicit on behalf of the organization or a copy of the form of agreement used and a list of the contracting parties.

(10) A statement describing the service area or areas to be served, including the service location for each provider rendering professional services on behalf of the organization and the location of any other organization facilities where required by the administrative director.

(11) A description of organization grievance procedures to be utilized as required by this part, and a copy of the form specified by paragraph (3) of subdivision (j).

(12) A description of the procedures and programs for internal review of the quality of health care pursuant to the requirements set forth in this part.

(13) Evidence of adequate insurance coverage or self-insurance to respond to claims for damages arising out of the furnishing of workers' compensation health care.

(14) Evidence of adequate insurance coverage or self-insurance to protect against losses of facilities where required by the administrative director.

(15) Evidence of adequate workers' compensation coverage to protect against claims arising out of work-related injuries that might be brought by the employees and staff of an organization

California Labor Code Sections

against the organization.

(16) Evidence of fidelity bonds in such amount as the administrative director prescribes by regulation.

(17) Other information that the administrative director may reasonably require.

(b) (1) An organization, solicitor, solicitor firm, or representative may not use or permit the use of any advertising or solicitation that is untrue or misleading, or any form of disclosure that is deceptive. For purposes of this chapter:

(A) A written or printed statement or item of information shall be deemed untrue if it does not conform to fact in any respect that is or may be significant to an employer or employee, or potential employer or employee.

(B) A written or printed statement or item of information shall be deemed misleading whether or not it may be literally true, if, in the total context in which the statement is made or the item of information is communicated, the statement or item of information may be understood by a person not possessing special knowledge regarding health care coverage, as indicating any benefit or advantage, or the absence of any exclusion, limitation, or disadvantage of possible significance to an employer or employee, or potential employer or employee.

(C) A disclosure form shall be deemed to be deceptive if the disclosure form taken as a whole and with consideration given to typography and format, as well as language, shall be such as to cause a reasonable person, not possessing special knowledge of workers' compensation health care, and the disclosure form therefor, to expect benefits, service charges, or other advantages that the disclosure form does not provide or that the organization issuing that disclosure form does not regularly make available to employees.

(2) An organization, solicitor, or representative may not use or permit the use of any verbal statement that is untrue, misleading, or deceptive or make any representations about health care offered by the organization or its cost that does not conform to fact. All verbal statements are to be held to the same standards as those for printed matter provided in paragraph (1).

(c) It is unlawful for any person, including an organization, subject to this part, to represent or imply in any manner that the person or organization has been sponsored, recommended, or approved, or that the person's or organization's abilities or qualifications have in any respect been passed upon, by the administrative director.

(d) (1) An organization may not publish or distribute, or allow to be published or distributed on its behalf, any advertisement unless

(A) a true copy thereof has first been filed with the administrative director, at least 30 days prior to any such use, or any shorter period as the administrative director by rule or order may allow, and

(B) the administrative director by notice has not found the advertisement, wholly or in part, to be untrue, misleading, deceptive, or otherwise not in compliance with this part or the rules thereunder, and specified the deficiencies, within the 30 days or any shorter time as the administrative director by rule or order may allow.

(2) If the administrative director finds that any advertisement of an organization has materially failed to comply with this part or the rules thereunder, the administrative director may, by order, require the organization to publish in the same or similar medium, an

California Labor Code Sections

approved correction or retraction of any untrue, misleading, or deceptive statement contained in the advertising.

(3) The administrative director by rule or order may classify organizations and advertisements and exempt certain classes, wholly or in part, either unconditionally or upon specified terms and conditions or for specified periods, from the application of subdivision (a).

(e) (1) The administrative director shall require the use by each organization of disclosure forms or materials containing any information regarding the health care and terms of the workers' compensation health care contract that the administrative director may require, so as to afford the public, employers, and employees with a full and fair disclosure of the provisions of the contract in readily understood language and in a clearly organized manner. The administrative director may require that the materials be presented in a reasonably uniform manner so as to facilitate comparisons between contracts of the same or other types of organizations. The disclosure form shall describe the health care that is required by the administrative director under Sections 4600.3 and 4600.5, and shall provide that all information be in concise and specific terms, relative to the contract, together with any additional information as may be required by the administrative director, in connection with the organization or contract.

(2) All organizations, solicitors, and representatives of a workers' compensation health care provider organization shall, when presenting any contract for examination or sale to a prospective employee, provide the employee with a properly completed disclosure form, as prescribed by the administrative director pursuant to this section for each contract so examined or sold.

(3) In addition to the other disclosures required by this section, every organization and any agent or employee of the organization shall, when representing an organization for examination or sale to any individual purchaser or the representative of a group consisting of 25 or fewer individuals, disclose in writing the ratio of premium cost to health care paid for contracts with individuals and with groups of the same or similar size for the organization's preceding fiscal year. An organization may report that information by geographic area, provided the organization identifies the geographic area and reports information applicable to that geographic area.

(4) Where the administrative director finds it necessary in the interest of full and fair disclosure, all advertising and other consumer information disseminated by an organization for the purpose of influencing persons to become members of an organization shall contain any supplemental disclosure information that the administrative director may require.

(f) When the administrative director finds it necessary in the interest of full and fair disclosure, all advertising and other consumer information disseminated by an organization for the purpose of influencing persons to become members of an organization shall contain any supplemental disclosure information that the administrative director may require.

(g) (1) An organization may not refuse to enter into any contract, or may not cancel or decline to renew or reinstate any contract, because of the age or any characteristic listed or defined in subdivision (b) or (e) of Section 51 of the Civil Code of any contracting party, prospective contracting party, or person

California Labor Code Sections

reasonably expected to benefit from that contract as an employee or otherwise.

(2) The terms of any contract shall not be modified, and the benefits or coverage of any contract shall not be subject to any limitations, exceptions, exclusions, reductions, copayments, coinsurance, deductibles, reservations, or premium, price, or charge differentials, or other modifications because of the age or any characteristic listed or defined in subdivision (b) or (e) of Section 51 of the Civil Code of any contracting party, potential contracting party, or person reasonably expected to benefit from that contract as an employee or otherwise; except that premium, price, or charge differentials because of the sex or age of any individual when based on objective, valid, and up-to-date statistical and actuarial data are not prohibited. Nothing in this section shall be construed to permit an organization to charge different rates to individual employees within the same group solely on the basis of the employee's sex.

(3) It shall be deemed a violation of subdivision (a) for any organization to utilize marital status, living arrangements, occupation, gender, beneficiary designation, ZIP Codes or other territorial classification, or any combination thereof for the purpose of establishing sexual orientation. Nothing in this section shall be construed to alter in any manner the existing law prohibiting organizations from conducting tests for the presence of human immunodeficiency virus or evidence thereof.

(4) This section shall not be construed to limit the authority of the administrative director to adopt or enforce regulations prohibiting discrimination because of sex, marital status, or sexual orientation.

(h) (1) An organization may not use in its name any of the words "insurance," "casualty," "health care service plan," "health plan," "surety," "mutual," or any other words descriptive of the health plan, insurance, casualty, or surety business or use any name similar to the name or description of any health care service plan, insurance, or surety corporation doing business in this state unless that organization controls or is controlled by an entity licensed as a health care service plan or insurer pursuant to the Health and Safety Code or the Insurance Code and the organization employs a name related to that of the controlled or controlling entity.

(2) Section 2415 of the Business and Professions Code, pertaining to fictitious names, does not apply to organizations certified under this section.

(3) An organization or solicitor firm may not adopt a name style that is deceptive, or one that could cause the public to believe the organization is affiliated with or recommended by any governmental or private entity unless this affiliation or endorsement exists.

(i) Each organization shall meet the following requirements:

(1) All facilities located in this state, including, but not limited to, clinics, hospitals, and skilled nursing facilities, to be utilized by the organization shall be licensed by the State Department of Health Services, if that licensure is required by law. Facilities not located in this state shall conform to all licensing and other requirements of the jurisdiction in which they are located.

(2) All personnel employed by or under contract to the organization shall be licensed or certified by their respective board or agency, where that licensure or certification is required by law.

California Labor Code Sections

(3) All equipment required to be licensed or registered by law shall be so licensed or registered and the operating personnel for that equipment shall be licensed or certified as required by law.

(4) The organization shall furnish services in a manner providing continuity of care and ready referral of patients to other providers at any time as may be appropriate and consistent with good professional practice.

(5) All health care shall be readily available at reasonable times to all employees. To the extent feasible, the organization shall make all health care readily accessible to all employees.

(6) The organization shall employ and utilize allied health manpower for the furnishing of health care to the extent permitted by law and consistent with good health care practice.

(7) The organization shall have the organizational and administrative capacity to provide services to employees. The organization shall be able to demonstrate to the department that health care decisions are rendered by qualified providers, unhindered by fiscal and administrative management.

(8) All contracts with employers, insurers of employers, and self-insured employers and all contracts with providers, and other persons furnishing services, equipment, or facilities to or in connection with the workers' compensation health care organization, shall be fair, reasonable, and consistent with the objectives of this part.

(9) Each organization shall provide to employees all workers' compensation health care required by this code. The administrative director shall not determine the scope of workers' compensation health care to be offered by an organization.

(j) (1) Every organization shall establish and maintain a grievance system approved by the administrative director under which employees may submit their grievances to the organization. Each system shall provide reasonable procedures in accordance with regulations adopted by the administrative director that shall ensure adequate consideration of employee grievances and rectification when appropriate.

(2) Every organization shall inform employees upon enrollment and annually thereafter of the procedures for processing and resolving grievances. The information shall include the location and telephone number where grievances may be submitted.

(3) Every organization shall provide forms for complaints to be given to employees who wish to register written complaints. The forms used by organizations shall be approved by the administrative director in advance as to format.

(4) The organization shall keep in its files all copies of complaints, and the responses thereto, for a period of five years.

(k) Every organization shall establish procedures in accordance with regulations of the administrative director for continuously reviewing the quality of care, performance of medical personnel, utilization of services and facilities, and costs. Notwithstanding any other provision of law, there shall be no monetary liability on the part of, and no cause of action for damages shall arise against, any person who participates in quality of care or utilization reviews by peer review committees that are composed chiefly of physicians, as defined by Section 3209.3, for any act performed during the reviews if the person acts without malice, has made a reasonable effort to obtain the facts of the matter, and believes that the

California Labor Code Sections

action taken is warranted by the facts, and neither the proceedings nor the records of the reviews shall be subject to discovery, nor shall any person in attendance at the reviews be required to testify as to what transpired thereat. Disclosure of the proceedings or records to the governing body of an organization or to any person or entity designated by the organization to review activities of the committees shall not alter the status of the records or of the proceedings as privileged communications.

The above prohibition relating to discovery or testimony does not apply to the statements made by any person in attendance at a review who is a party to an action or proceeding the subject matter of which was reviewed, or to any person requesting hospital staff privileges, or in any action against an insurance carrier alleging bad faith by the carrier in refusing to accept a settlement offer within the policy limits, or to the administrative director in conducting surveys pursuant to subdivision (o).

This section shall not be construed to confer immunity from liability on any workers' compensation health care organization. In any case in which, but for the enactment of the preceding provisions of this section, a cause of action would arise against an organization, the cause of action shall exist notwithstanding the provisions of this section.

(l) Nothing in this chapter shall be construed to prevent an organization from utilizing subcommittees to participate in peer review activities, nor to prevent an organization from delegating the responsibilities required by subdivision (i) as it determines to be appropriate, to subcommittees including subcommittees composed of a majority of nonphysician health care providers licensed pursuant to the Business and Professions Code, as long as the organization controls the scope of authority delegated and may revoke all or part of this authority at any time. Persons who participate in the subcommittees shall be entitled to the same immunity from monetary liability and actions for civil damages as persons who participate in organization or provider peer review committees pursuant to subdivision (i).

(m) Every organization shall have and shall demonstrate to the administrative director that it has all of the following:

- (1) Adequate provision for continuity of care.
- (2) A procedure for prompt payment and denial of provider claims.

(n) Every contract between an organization and an employer or insurer of an employer, and every contract between any organization and a provider of health care, shall be in writing.

(o) (1) The administrative director shall conduct periodically an onsite medical survey of the health care delivery system of each organization. The survey shall include a review of the procedures for obtaining health care, the procedures for regulating utilization, peer review mechanisms, internal procedures for assuring quality of care, and the overall performance of the organization in providing health care and meeting the health needs of employees.

(2) The survey shall be conducted by a panel of qualified health professionals experienced in evaluating the delivery of workers' compensation health care. The administrative director shall be authorized to contract with professional organizations or outside personnel to conduct medical surveys. These organizations or personnel shall have demonstrated the ability to objectively evaluate the delivery of this health care.

California Labor Code Sections

(3) Surveys performed pursuant to this section shall be conducted as often as deemed necessary by the administrative director to assure the protection of employees, but not less frequently than once every three years. Nothing in this section shall be construed to require the survey team to visit each clinic, hospital, office, or facility of the organization.

(4) Nothing in this section shall be construed to require the medical survey team to review peer review proceedings and records conducted and compiled under this section or in medical records. However, the administrative director shall be authorized to require onsite review of these peer review proceedings and records or medical records where necessary to determine that quality health care is being delivered to employees. Where medical record review is authorized, the survey team shall ensure that the confidentiality of the physician-patient relationship is safeguarded in accordance with existing law and neither the survey team nor the administrative director or the administrative director's staff may be compelled to disclose this information except in accordance with the physician-patient relationship. The administrative director shall ensure that the confidentiality of the peer review proceedings and records is maintained. The disclosure of the peer review proceedings and records to the administrative director or the medical survey team shall not alter the status of the proceedings or records as privileged and confidential communications.

(5) The procedures and standards utilized by the survey team shall be made available to the organizations prior to the conducting of medical surveys.

(6) During the survey, the members of the survey team shall offer such advice and assistance to the organization as deemed appropriate.

(7) The administrative director shall notify the organization of deficiencies found by the survey team. The administrative director shall give the organization a reasonable time to correct the deficiencies, and failure on the part of the organization to comply to the administrative director's satisfaction shall constitute cause for disciplinary action against the organization.

(8) Reports of all surveys, deficiencies, and correction plans shall be open to public inspection, except that no surveys, deficiencies or correction plans shall be made public unless the organization has had an opportunity to review the survey and file a statement of response within 30 days, to be attached to the report.

(p) (1) All records, books, and papers of an organization, management company, solicitor, solicitor firm, and any provider or subcontractor providing medical or other services to an organization, management company, solicitor, or solicitor firm shall be open to inspection during normal business hours by the administrative director.

(2) To the extent feasible, all the records, books, and papers described in paragraph (1) shall be located in this state. In examining those records outside this state, the administrative director shall consider the cost to the organization, consistent with the effectiveness of the administrative director's examination, and may upon reasonable notice require that these records, books, and papers, or a specified portion thereof, be made available for examination in this state, or that a true and accurate copy of these records, books, and papers, or a specified portion thereof, be furnished to the administrative director.

California Labor Code Sections

(q) (1) The administrative director shall conduct an examination of the administrative affairs of any organization, and each person with whom the organization has made arrangements for administrative, or management services, as often as deemed necessary to protect the interest of employees, but not less frequently than once every five years.

(2) The expense of conducting any additional or nonroutine examinations pursuant to this section, and the expense of conducting any additional or nonroutine medical surveys pursuant to subdivision (o) shall be charged against the organization being examined or surveyed. The amount shall include the actual salaries or compensation paid to the persons making the examination or survey, the expenses incurred in the course thereof, and overhead costs in connection therewith as fixed by the administrative director. In determining the cost of examinations or surveys, the administrative director may use the estimated average hourly cost for all persons performing examinations or surveys of workers' compensation health care organizations for the fiscal year. The amount charged shall be remitted by the organization to the administrative director.

(3) Reports of all examinations shall be open to public inspection, except that no examination shall be made public, unless the organization has had an opportunity to review the examination report and file a statement or response within 30 days, to be attached to the report.

4600.7. (a) The Workers' Compensation Managed Care Fund is hereby created in the State Treasury for the administration of Sections 4600.3 and 4600.5 by the Division of Workers' Compensation. The administrative director shall establish a schedule of fees and revenues to be charged to certified health care organizations and applicants for certification to fully fund the administration of these provisions and to repay amounts received as a loan from the General Fund. All fees and revenues shall be deposited in the Workers' Compensation Managed Care Fund and shall be used when appropriated by the Legislature solely for the purpose of carrying out the responsibilities of the Division of Workers' Compensation under Section 4600.3 or 4600.5.

(b) On and after July 1, 1998, no funds received as a loan from the General Fund shall be used to support the administration of Sections 4600.3 and 4600.5. The loan amount shall be repaid to the General Fund by assessing a surcharge on the enrollment fee for each of the next five fiscal years. In the event the surcharge does not produce sufficient revenue over this period, the surcharge shall be adjusted to fully repay the loan over the following three fiscal years, with the final assessment calculated by dividing the balance of the loan by the enrollees at the end of the final fiscal year.

California Labor Code Sections

4610. (a) For purposes of this section, "utilization review" means utilization review or utilization management functions that prospectively, retrospectively, or concurrently review and approve, modify, delay, or deny, based in whole or in part on medical necessity to cure and relieve, treatment recommendations by physicians, as defined in Section 3209.3, prior to, retrospectively, or concurrent with the provision of medical treatment services pursuant to Section 4600.

(b) Every employer shall establish a utilization review process in compliance with this section, either directly or through its insurer or an entity with which an employer or insurer contracts for these services.

(c) Each utilization review process shall be governed by written policies and procedures. These policies and procedures shall ensure that decisions based on the medical necessity to cure and relieve of proposed medical treatment services are consistent with the schedule for medical treatment utilization adopted pursuant to Section 5307.27. These policies and procedures, and a description of the utilization process, shall be filed with the administrative director and shall be disclosed by the employer to employees, physicians, and the public upon request.

(d) If an employer, insurer, or other entity subject to this section requests medical information from a physician in order to determine whether to approve, modify, delay, or deny requests for authorization, the employer shall request only the information reasonably necessary to make the determination. The employer, insurer, or other entity shall employ or designate a medical director who holds an unrestricted license to practice medicine in this state issued pursuant to Section 2050 or Section 2450 of the Business and Professions Code. The medical director shall ensure that the process by which the employer or other entity reviews and approves, modifies, delays, or denies requests by physicians prior to, retrospectively, or concurrent with the provision of medical treatment services, complies with the requirements of this section. Nothing in this section shall be construed as restricting the existing authority of the Medical Board of California.

(e) No person other than a licensed physician who is competent to evaluate the specific clinical issues involved in the medical treatment services, and where these services are within the scope of the physician's practice, requested by the physician may modify, delay, or deny requests for authorization of medical treatment for reasons of medical necessity to cure and relieve.

(f) The criteria or guidelines used in the utilization review process to determine whether to approve, modify, delay, or deny medical treatment services shall be all of the following:

- (1) Developed with involvement from actively practicing physicians.
- (2) Consistent with the schedule for medical treatment utilization adopted pursuant to Section 5307.27.
- (3) Evaluated at least annually, and updated if necessary.
- (4) Disclosed to the physician and the employee, if used as the basis of a decision to modify, delay, or deny services in a specified case under review.
- (5) Available to the public upon request. An employer shall only be required to disclose the criteria or guidelines for the specific procedures or conditions requested. An employer may charge members of

California Labor Code Sections

the public reasonable copying and postage expenses related to disclosing criteria or guidelines pursuant to this paragraph. Criteria or guidelines may also be made available through electronic means. No charge shall be required for an employee whose physician's request for medical treatment services is under review.

(g) In determining whether to approve, modify, delay, or deny requests by physicians prior to, retrospectively, or concurrent with the provisions of medical treatment services to employees all of the following requirements shall be met:

(1) Prospective or concurrent decisions shall be made in a timely fashion that is appropriate for the nature of the employee's condition, not to exceed five working days from the receipt of the information reasonably necessary to make the determination, but in no event more than 14 days from the date of the medical treatment recommendation by the physician. In cases where the review is retrospective, a decision resulting in denial of all or part of the medical treatment service shall be communicated to the individual who received services, or to the individual's designee, within 30 days of receipt of information that is reasonably necessary to make this determination. If payment for a medical treatment service is made within the time prescribed by Section 4603.2, a retrospective decision to approve the service need not otherwise be communicated.

(2) When the employee's condition is such that the employee faces an imminent and serious threat to his or her health, including, but not limited to, the potential loss of life, limb, or other major bodily function, or the normal timeframe for the decisionmaking process, as described in paragraph (1), would be detrimental to the employee's life or health or could jeopardize the employee's ability to regain maximum function, decisions to approve, modify, delay, or deny requests by physicians prior to, or concurrent with, the provision of medical treatment services to employees shall be made in a timely fashion that is appropriate for the nature of the employee's condition, but not to exceed 72 hours after the receipt of the information reasonably necessary to make the determination.

(3) (A) Decisions to approve, modify, delay, or deny requests by physicians for authorization prior to, or concurrent with, the provision of medical treatment services to employees shall be communicated to the requesting physician within 24 hours of the decision. Decisions resulting in modification, delay, or denial of all or part of the requested health care service shall be communicated to physicians initially by telephone or facsimile, and to the physician and employee in writing within 24 hours for concurrent review, or within two business days of the decision for prospective review, as prescribed by the administrative director. If the request is not approved in full, disputes shall be resolved in accordance with Section 4610.5, if applicable, or otherwise in accordance with Section 4062.

(B) In the case of concurrent review, medical care shall not be discontinued until the employee's physician has been notified of the decision and a care plan has been agreed upon by the physician that is appropriate for the medical needs of the employee. Medical care provided during a concurrent review shall be care that is medically necessary to cure and relieve, and an insurer or self-insured employer shall only be liable for those services determined medically necessary to cure and relieve. If the insurer or self-insured employer disputes whether or not one or more services offered

California Labor Code Sections

concurrently with a utilization review were medically necessary to cure and relieve, the dispute shall be resolved pursuant to Section 4610.5, if applicable, or otherwise pursuant to Section 4062. Any compromise between the parties that an insurer or self-insured employer believes may result in payment for services that were not medically necessary to cure and relieve shall be reported by the insurer or the self-insured employer to the licensing board of the provider or providers who received the payments, in a manner set forth by the respective board and in such a way as to minimize reporting costs both to the board and to the insurer or self-insured employer, for evaluation as to possible violations of the statutes governing appropriate professional practices. No fees shall be levied upon insurers or self-insured employers making reports required by this section.

(4) Communications regarding decisions to approve requests by physicians shall specify the specific medical treatment service approved. Responses regarding decisions to modify, delay, or deny medical treatment services requested by physicians shall include a clear and concise explanation of the reasons for the employer's decision, a description of the criteria or guidelines used, and the clinical reasons for the decisions regarding medical necessity. If a utilization review decision to deny or delay a medical service is due to incomplete or insufficient information, the decision shall specify the reason for the decision and specify the information that is needed.

(5) If the employer, insurer, or other entity cannot make a decision within the timeframes specified in paragraph (1) or (2) because the employer or other entity is not in receipt of all of the information reasonably necessary and requested, because the employer requires consultation by an expert reviewer, or because the employer has asked that an additional examination or test be performed upon the employee that is reasonable and consistent with good medical practice, the employer shall immediately notify the physician and the employee, in writing, that the employer cannot make a decision within the required timeframe, and specify the information requested but not received, the expert reviewer to be consulted, or the additional examinations or tests required. The employer shall also notify the physician and employee of the anticipated date on which a decision may be rendered. Upon receipt of all information reasonably necessary and requested by the employer, the employer shall approve, modify, or deny the request for authorization within the timeframes specified in paragraph (1) or (2).

(6) A utilization review decision to modify, delay, or deny a treatment recommendation shall remain effective for 12 months from the date of the decision without further action by the employer with regard to any further recommendation by the same physician for the same treatment unless the further recommendation is supported by a documented change in the facts material to the basis of the utilization review decision.

(7) Utilization review of a treatment recommendation shall not be required while the employer is disputing liability for injury or treatment of the condition for which treatment is recommended pursuant to Section 4062.

(8) If utilization review is deferred pursuant to paragraph (7), and it is finally determined that the employer is liable for treatment of the condition for which treatment is recommended, the

California Labor Code Sections

time for the employer to conduct retrospective utilization review in accordance with paragraph (1) shall begin on the date the determination of the employer's liability becomes final, and the time for the employer to conduct prospective utilization review shall commence from the date of the employer's receipt of a treatment recommendation after the determination of the employer's liability.

(h) Every employer, insurer, or other entity subject to this section shall maintain telephone access for physicians to request authorization for health care services.

(i) If the administrative director determines that the employer, insurer, or other entity subject to this section has failed to meet any of the timeframes in this section, or has failed to meet any other requirement of this section, the administrative director may assess, by order, administrative penalties for each failure. A proceeding for the issuance of an order assessing administrative penalties shall be subject to appropriate notice to, and an opportunity for a hearing with regard to, the person affected. The administrative penalties shall not be deemed to be an exclusive remedy for the administrative director. These penalties shall be deposited in the Workers' Compensation Administration Revolving Fund.

4610.1. An employee shall not be entitled to an increase in compensation under Section 5814 for unreasonable delay in the provision of medical treatment for periods of time necessary to complete the utilization review process in compliance with Section 4610. A determination by the appeals board or a final determination of the administrative director pursuant to independent medical review that medical treatment is appropriate shall not be conclusive evidence that medical treatment was unreasonably delayed or denied for purposes of penalties under Section 5814. In no case shall this section preclude an employee from entitlement to an increase in compensation under Section 5814 when an employer has unreasonably delayed or denied medical treatment due to an unreasonable delay in completion of the utilization review process set forth in Section 4610.

4610.3. (a) Regardless of whether an employer has established a medical provider network pursuant to Section 4616 or entered into a contract with a health care organization pursuant to Section 4600.5, an employer that authorizes medical treatment shall not rescind or modify that authorization after the medical treatment has been provided based on that authorization for any reason, including, but not limited to, the employer's subsequent determination that the physician who treated the employee was not eligible to treat that injured employee. If the authorized medical treatment consists of a series of treatments or services, the employer may rescind or modify the authorization only for the treatments or services that have not already been provided.

(b) This section shall not be construed to expand or alter the benefits available under, or the terms and conditions of, any contract, including, but not limited to, existing medical provider network and health care organization contracts.

(c) This section shall not be construed to impact the ability of

California Labor Code Sections

the employer to transfer treatment of an injured employee into a medical provider network or health care organization. This subdivision is declaratory of existing law.

(d) This section shall not be construed to establish that a provider of authorized medical treatment is the physician primarily responsible for managing the injured employee's care for purposes of rendering opinions on all medical issues necessary to determine eligibility for compensation.

4610.5. (a) This section applies to the following disputes:

(1) Any dispute over a utilization review decision regarding treatment for an injury occurring on or after January 1, 2013.

(2) Any dispute over a utilization review decision if the decision is communicated to the requesting physician on or after July 1, 2013, regardless of the date of injury.

(b) A dispute described in subdivision (a) shall be resolved only in accordance with this section.

(c) For purposes of this section and Section 4610.6, the following definitions apply:

(1) "Disputed medical treatment" means medical treatment that has been modified, delayed, or denied by a utilization review decision.

(2) "Medically necessary" and "medical necessity" mean medical treatment that is reasonably required to cure or relieve the injured employee of the effects of his or her injury and based on the following standards, which shall be applied in the order listed, allowing reliance on a lower ranked standard only if every higher ranked standard is inapplicable to the employee's medical condition:

(A) The guidelines adopted by the administrative director pursuant to Section 5307.27.

(B) Peer-reviewed scientific and medical evidence regarding the effectiveness of the disputed service.

(C) Nationally recognized professional standards.

(D) Expert opinion.

(E) Generally accepted standards of medical practice.

(F) Treatments that are likely to provide a benefit to a patient for conditions for which other treatments are not clinically efficacious.

(3) "Utilization review decision" means a decision pursuant to Section 4610 to modify, delay, or deny, based in whole or in part on medical necessity to cure or relieve, a treatment recommendation or recommendations by a physician prior to, retrospectively, or concurrent with the provision of medical treatment services pursuant to Section 4600 or subdivision (c) of Section 5402.

(4) Unless otherwise indicated by context, "employer" means the employer, the insurer of an insured employer, a claims administrator, or a utilization review organization, or other entity acting on behalf of any of them.

(d) If a utilization review decision denies, modifies, or delays a treatment recommendation, the employee may request an independent medical review as provided by this section.

(e) A utilization review decision may be reviewed or appealed only by independent medical review pursuant to this section. Neither the employee nor the employer shall have any liability for medical treatment furnished without the authorization of the employer if the

California Labor Code Sections

treatment is delayed, modified, or denied by a utilization review decision unless the utilization review decision is overturned by independent medical review in accordance with this section.

(f) As part of its notification to the employee regarding an initial utilization review decision that denies, modifies, or delays a treatment recommendation, the employer shall provide the employee with a one-page form prescribed by the administrative director, and an addressed envelope, which the employee may return to the administrative director or the administrative director's designee to initiate an independent medical review. The employer shall include on the form any information required by the administrative director to facilitate the completion of the independent medical review. The form shall also include all of the following:

(1) Notice that the utilization review decision is final unless the employee requests independent medical review.

(2) A statement indicating the employee's consent to obtain any necessary medical records from the employer or insurer and from any medical provider the employee may have consulted on the matter, to be signed by the employee.

(3) Notice of the employee's right to provide information or documentation, either directly or through the employee's physician, regarding the following:

(A) The treating physician's recommendation indicating that the disputed medical treatment is medically necessary for the employee's medical condition.

(B) Medical information or justification that a disputed medical treatment, on an urgent care or emergency basis, was medically necessary for the employee's medical condition.

(C) Reasonable information supporting the employee's position that the disputed medical treatment is or was medically necessary for the employee's medical condition, including all information provided to the employee by the employer or by the treating physician, still in the employee's possession, concerning the employer's or the physician's decision regarding the disputed medical treatment, as well as any additional material that the employee believes is relevant.

(g) The independent medical review process may be terminated at any time upon the employer's written authorization of the disputed medical treatment.

(h) (1) The employee may submit a request for independent medical review to the division no later than 30 days after the service of the utilization review decision to the employee.

(2) If at the time of a utilization review decision the employer is also disputing liability for the treatment for any reason besides medical necessity, the time for the employee to submit a request for independent medical review to the administrative director or administrative director's designee is extended to 30 days after service of a notice to the employee showing that the other dispute of liability has been resolved.

(3) If the employer fails to comply with subdivision (f) at the time of notification of its utilization review decision, the time limitations for the employee to submit a request for independent medical review shall not begin to run until the employer provides the required notice to the employee.

(4) A provider of emergency medical treatment when the employee faced an imminent and serious threat to his or her health, including, but not limited to, the potential loss of life, limb, or other major

California Labor Code Sections

bodily function, may submit a request for independent medical review on its own behalf. A request submitted by a provider pursuant to this paragraph shall be submitted to the administrative director or administrative director's designee within the time limitations applicable for an employee to submit a request for independent medical review.

(i) An employer shall not engage in any conduct that has the effect of delaying the independent review process. Engaging in that conduct or failure of the employer to promptly comply with this section is a violation of this section and, in addition to any other fines, penalties, and other remedies available to the administrative director, the employer shall be subject to an administrative penalty in an amount determined pursuant to regulations to be adopted by the administrative director, not to exceed five thousand dollars (\$5,000) for each day that proper notification to the employee is delayed. The administrative penalties shall be paid to the Workers' Compensation Administration Revolving Fund.

(j) For purposes of this section, an employee may designate a parent, guardian, conservator, relative, or other designee of the employee as an agent to act on his or her behalf. A designation of an agent executed prior to the utilization review decision shall not be valid. The requesting physician may join with or otherwise assist the employee in seeking an independent medical review, and may advocate on behalf of the employee.

(k) The administrative director or his or her designee shall expeditiously review requests and immediately notify the employee and the employer in writing as to whether the request for an independent medical review has been approved, in whole or in part, and, if not approved, the reasons therefor. If there appears to be any medical necessity issue, the dispute shall be resolved pursuant to an independent medical review, except that, unless the employer agrees that the case is eligible for independent medical review, a request for independent medical review shall be deferred if at the time of a utilization review decision the employer is also disputing liability for the treatment for any reason besides medical necessity.

(l) Upon notice from the administrative director that an independent review organization has been assigned, the employer shall provide to the independent medical review organization all of the following documents within 10 days of notice of assignment:

(1) A copy of all of the employee's medical records in the possession of the employer or under the control of the employer relevant to each of the following:

- (A) The employee's current medical condition.
- (B) The medical treatment being provided by the employer.
- (C) The disputed medical treatment requested by the employee.

(2) A copy of all information provided to the employee by the employer concerning employer and provider decisions regarding the disputed treatment.

(3) A copy of any materials the employee or the employee's provider submitted to the employer in support of the employee's request for the disputed treatment.

(4) A copy of any other relevant documents or information used by the employer or its utilization review organization in determining whether the disputed treatment should have been provided, and any statements by the employer or its utilization review organization explaining the reasons for the decision to deny, modify, or delay the

California Labor Code Sections

recommended treatment on the basis of medical necessity. The employer shall concurrently provide a copy of the documents required by this paragraph to the employee and the requesting physician, except that documents previously provided to the employee or physician need not be provided again if a list of those documents is provided.

(m) Any newly developed or discovered relevant medical records in the possession of the employer after the initial documents are provided to the independent medical review organization shall be forwarded immediately to the independent medical review organization. The employer shall concurrently provide a copy of medical records required by this subdivision to the employee or the employee's treating physician, unless the offer of medical records is declined or otherwise prohibited by law. The confidentiality of medical records shall be maintained pursuant to applicable state and federal laws.

(n) If there is an imminent and serious threat to the health of the employee, as specified in subdivision (c) of Section 1374.33 of the Health and Safety Code, all necessary information and documents required by subdivision (l) shall be delivered to the independent medical review organization within 24 hours of approval of the request for review.

(o) The employer shall promptly issue a notification to the employee, after submitting all of the required material to the independent medical review organization, that lists documents submitted and includes copies of material not previously provided to the employee or the employee's designee.

4610.6. (a) Upon receipt of a case pursuant to Section 4610.5, an independent medical review organization shall conduct the review in accordance with this article and any regulations or orders of the administrative director. The organization's review shall be limited to an examination of the medical necessity of the disputed medical treatment.

(b) Upon receipt of information and documents related to a case, the medical reviewer or reviewers selected to conduct the review by the independent medical review organization shall promptly review all pertinent medical records of the employee, provider reports, and any other information submitted to the organization or requested from any of the parties to the dispute by the reviewers. If the reviewers request information from any of the parties, a copy of the request and the response shall be provided to all of the parties. The reviewer or reviewers shall also review relevant information related to the criteria set forth in subdivision (c).

(c) Following its review, the reviewer or reviewers shall determine whether the disputed health care service was medically necessary based on the specific medical needs of the employee and the standards of medical necessity as defined in subdivision (c) of Section 4610.5.

(d) The organization shall complete its review and make its determination in writing, and in layperson's terms to the maximum extent practicable, within 30 days of the receipt of the request for review and supporting documentation, or within less time as prescribed by the administrative director. If the disputed medical

California Labor Code Sections

treatment has not been provided and the employee's provider or the administrative director certifies in writing that an imminent and serious threat to the health of the employee may exist, including, but not limited to, serious pain, the potential loss of life, limb, or major bodily function, or the immediate and serious deterioration of the health of the employee, the analyses and determinations of the reviewers shall be expedited and rendered within three days of the receipt of the information. Subject to the approval of the administrative director, the deadlines for analyses and determinations involving both regular and expedited reviews may be extended for up to three days in extraordinary circumstances or for good cause.

(e) The medical professionals' analyses and determinations shall state whether the disputed health care service is medically necessary. Each analysis shall cite the employee's medical condition, the relevant documents in the record, and the relevant findings associated with the provisions of subdivision (c) to support the determination. If more than one medical professional reviews the case, the recommendation of the majority shall prevail. If the medical professionals reviewing the case are evenly split as to whether the disputed health care service should be provided, the decision shall be in favor of providing the service.

(f) The independent medical review organization shall provide the administrative director, the employer, the employee, and the employee's provider with the analyses and determinations of the medical professionals reviewing the case, and a description of the qualifications of the medical professionals. The independent medical review organization shall keep the names of the reviewers confidential in all communications with entities or individuals outside the independent medical review organization. If more than one medical professional reviewed the case and the result was differing determinations, the independent medical review organization shall provide each of the separate reviewer's analyses and determinations.

(g) The determination of the independent medical review organization shall be deemed to be the determination of the administrative director and shall be binding on all parties.

(h) A determination of the administrative director pursuant to this section may be reviewed only by a verified appeal from the medical review determination of the administrative director, filed with the appeals board for hearing pursuant to Chapter 3 (commencing with Section 5500) of Part 4 and served on all interested parties within 30 days of the date of mailing of the determination to the aggrieved employee or the aggrieved employer. The determination of the administrative director shall be presumed to be correct and shall be set aside only upon proof by clear and convincing evidence of one or more of the following grounds for appeal:

(1) The administrative director acted without or in excess of the administrative director's powers.

(2) The determination of the administrative director was procured by fraud.

(3) The independent medical reviewer was subject to a material conflict of interest that is in violation of Section 139.5.

(4) The determination was the result of bias on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, or disability.

(5) The determination was the result of a plainly erroneous

California Labor Code Sections

express or implied finding of fact, provided that the mistake of fact is a matter of ordinary knowledge based on the information submitted for review pursuant to Section 4610.5 and not a matter that is subject to expert opinion.

(i) If the determination of the administrative director is reversed, the dispute shall be remanded to the administrative director to submit the dispute to independent medical review by a different independent review organization. In the event that a different independent medical review organization is not available after remand, the administrative director shall submit the dispute to the original medical review organization for review by a different reviewer in the organization. In no event shall a workers' compensation administrative law judge, the appeals board, or any higher court make a determination of medical necessity contrary to the determination of the independent medical review organization.

(j) Upon receiving the determination of the administrative director that a disputed health care service is medically necessary, the employer shall promptly implement the decision as provided by this section unless the employer has also disputed liability for any reason besides medical necessity. In the case of reimbursement for services already rendered, the employer shall reimburse the provider or employee, whichever applies, within 20 days, subject to resolution of any remaining issue of the amount of payment pursuant to Sections 4603.2 to 4603.6, inclusive. In the case of services not yet rendered, the employer shall authorize the services within five working days of receipt of the written determination from the independent medical review organization, or sooner if appropriate for the nature of the employee's medical condition, and shall inform the employee and provider of the authorization.

(k) Failure to pay for services already provided or to authorize services not yet rendered within the time prescribed by subdivision (l) is a violation of this section and, in addition to any other fines, penalties, and other remedies available to the administrative director, the employer shall be subject to an administrative penalty in an amount determined pursuant to regulations to be adopted by the administrative director, not to exceed five thousand dollars (\$5,000) for each day the decision is not implemented. The administrative penalties shall be paid to the Workers' Compensation Administration Revolving Fund.

(l) The costs of independent medical review and the administration of the independent medical review system shall be borne by employers through a fee system established by the administrative director. After considering any relevant information on program costs, the administrative director shall establish a reasonable, per-case reimbursement schedule to pay the costs of independent medical review organization reviews and the cost of administering the independent medical review system, which may vary depending on the type of medical condition under review and on other relevant factors.

(m) The administrative director may publish the results of independent medical review determinations after removing individually identifiable information.

(n) If any provision of this section, or the application thereof to any person or circumstances, is held invalid, the remainder of the section, and the application of its provisions to other persons or circumstances, shall not be affected thereby.

California Labor Code Sections

4616 a) (1) On or after January 1, 2005, an insurer, employer, or entity that provides physician network services may establish or modify a medical provider network for the provision of medical treatment to injured employees. The network shall include physicians primarily engaged in the treatment of occupational injuries. The administrative director shall encourage the integration of occupational and nonoccupational providers. The number of physicians in the medical provider network shall be sufficient to enable treatment for injuries or conditions to be provided in a timely manner. The provider network shall include an adequate number and type of physicians, as described in Section 3209.3, or other providers, as described in Section 3209.5, to treat common injuries experienced by injured employees based on the type of occupation or industry in which the employee is engaged, and the geographic area where the employees are employed.

(2) Medical treatment for injuries shall be readily available at reasonable times to all employees. To the extent feasible, all medical treatment for injuries shall be readily accessible to all employees. With respect to availability and accessibility of treatment, the administrative director shall consider the needs of rural areas, specifically those in which health facilities are located at least 30 miles apart and areas in which there is a health care shortage.

(3) Commencing January 1, 2014, a treating physician shall be included in the network only if, at the time of entering into or renewing an agreement by which the physician would be in the network, the physician, or an authorized employee of the physician or the physician's office, provides a separate written acknowledgment in which the physician affirmatively elects to be a member of the network. Copies of the written acknowledgment shall be provided to the administrative director upon the administrative director's request. This paragraph shall not apply to a physician who is a shareholder, partner, or employee of a medical group that elects to be part of the network.

(4) Commencing January 1, 2014, every medical provider network shall post on its Internet Web site a roster of all treating physicians in the medical provider network and shall update the roster at least quarterly. Every network shall provide to the administrative director the Internet Web site address of the network and of its roster of treating physicians. The administrative director shall post, on the division's Internet Web site, the Internet Web site address of every approved medical provider network.

(5) Commencing January 1, 2014, every medical provider network shall provide one or more persons within the United States to serve as medical access assistants to help an injured employee find an available physician of the employee's choice, and subsequent physicians if necessary, under Section 4616.3. Medical access assistants shall have a toll-free telephone number that injured employees may use and shall be available at least from 7 a.m. to 8 p.m. Pacific Standard Time, Monday through Saturday, inclusive, to respond to injured employees, contact physicians' offices during regular business hours, and schedule appointments. The administrative director shall promulgate regulations on or before July 1, 2013, governing the provision of medical access assistants.

(b) (1) An insurer, employer, or entity that provides physician network services shall submit a plan for the medical provider network

California Labor Code Sections

to the administrative director for approval. The administrative director shall approve the plan for a period of four years if he or she determines that the plan meets the requirements of this section. If the administrative director does not act on the plan within 60 days of submitting the plan, it shall be deemed approved. Commencing January 1, 2014, existing approved plans shall be deemed approved for a period of four years from the most recent application or modification approval date. Plans for reapproval for medical provider networks shall be submitted at least six months before the expiration of the four-year approval period. Upon a showing that the medical provider network was approved or deemed approved by the administrative director, there shall be a conclusive presumption on the part of the appeals board that the medical provider network was validly formed.

(2) Every medical provider network shall establish and follow procedures to continuously review the quality of care, performance of medical personnel, utilization of services and facilities, and costs.

(3) Every medical provider network shall submit geocoding of its network for reapproval to establish that the number and geographic location of physicians in the network meets the required access standards.

(4) The administrative director shall at any time have the discretion to investigate complaints and to conduct random reviews of approved medical provider networks.

(5) Approval of a plan may be denied, revoked, or suspended if the medical provider network fails to meet the requirements of this article. Any person contending that a medical provider network is not validly constituted may petition the administrative director to suspend or revoke the approval of the medical provider network. The administrative director may adopt regulations establishing a schedule of administrative penalties not to exceed five thousand dollars (\$5,000) per violation, or probation, or both, in lieu of revocation or suspension for less severe violations of the requirements of this article. Penalties, probation, suspension, or revocation shall be ordered by the administrative director only after notice and opportunity to be heard. Unless suspended or revoked by the administrative director, the administrative director's approval of a medical provider network shall be binding on all persons and all courts. A determination of the administrative director may be reviewed only by an appeal of the determination of the administrative director filed as an original proceeding before the reconsideration unit of the workers' compensation appeals board on the same grounds and within the same time limits after issuance of the determination as would be applicable to a petition for reconsideration of a decision of a workers' compensation administrative law judge.

(c) Physician compensation may not be structured in order to achieve the goal of reducing, delaying, or denying medical treatment or restricting access to medical treatment.

(d) If the employer or insurer meets the requirements of this section, the administrative director may not withhold approval or disapprove an employer's or insurer's medical provider network based solely on the selection of providers. In developing a medical provider network, an employer or insurer shall have the exclusive right to determine the members of their network.

(e) All treatment provided shall be provided in accordance with

California Labor Code Sections

the medical treatment utilization schedule established pursuant to Section 5307.27.

(f) No person other than a licensed physician who is competent to evaluate the specific clinical issues involved in the medical treatment services, when these services are within the scope of the physician's practice, may modify, delay, or deny requests for authorization of medical treatment.

(g) Commencing January 1, 2013, every contracting agent that sells, leases, assigns, transfers, or conveys its medical provider networks and their contracted reimbursement rates to an insurer, employer, entity that provides physician network services, or another contracting agent shall, upon entering or renewing a provider contract, disclose to the provider whether the medical provider network may be sold, leased, transferred, or conveyed to other insurers, employers, entities that provide physician network services, or another contracting agent, and specify whether those insurers, employers, entities that provide physician network services, or contracting agents include workers' compensation insurers.

(h) On or before November 1, 2004, the administrative director, in consultation with the Department of Managed Health Care, shall adopt regulations implementing this article. The administrative director shall develop regulations that establish procedures for purposes of making medical provider network modifications.

4616.1. (a) An insurer, employer, or entity that provides physician network services that offers a medical provider network under this division and that uses economic profiling shall file with the administrative director a description of any policies and procedures related to economic profiling utilized. The filing shall describe how these policies and procedures are used in utilization review, peer review, incentive and penalty programs, and in provider retention and termination decisions. The insurer, employer, or entity that provides physician network services shall provide a copy of the filing to an individual physician, provider, medical group, or individual practice association.

(b) The administrative director shall make each approved medical provider network economic profiling policy filing available to the public upon request. The administrative director may not publicly disclose any information submitted pursuant to this section that is determined by the administrative director to be confidential pursuant to state or federal law.

(c) For the purposes of this article, "economic profiling" shall mean any evaluation of a particular physician, provider, medical group, or individual practice association based in whole or in part on the economic costs or utilization of services associated with medical care provided or authorized by the physician, provider, medical group, or individual practice association.

4616.2. (a) An insurer, employer, or entity that provides physician network services that arranges for care for injured employees

California Labor Code Sections

through a medical provider network shall file a written continuity of care policy with the administrative director.

(b) If approved by the administrative director, the provisions of the written continuity of care policy shall replace all prior continuity of care policies. The insurer, employer, or entity that provides physician network services shall file a revision of the continuity of care policy with the administrative director if it makes a material change to the policy.

(c) The insurer, employer, or entity that provides physician network services shall provide to all employees entering the workers' compensation system notice of its written continuity of care policy and information regarding the process for an employee to request a review under the policy and shall provide, upon request, a copy of the written policy to an employee.

(d) (1) An insurer, employer, or entity that provides physician network services that offers a medical provider network shall, at the request of an injured employee, provide the completion of treatment as set forth in this section by a terminated provider.

(2) The completion of treatment shall be provided by a terminated provider to an injured employee who, at the time of the contract's termination, was receiving services from that provider for one of the conditions described in paragraph (3).

(3) The insurer, employer, or entity that provides physician network services shall provide for the completion of treatment for the following conditions subject to coverage through the workers' compensation system:

(A) An acute condition. An acute condition is a medical condition that involves a sudden onset of symptoms due to an illness, injury, or other medical problem that requires prompt medical attention and that has a limited duration. Completion of treatment shall be provided for the duration of the acute condition.

(B) A serious chronic condition. A serious chronic condition is a medical condition due to a disease, illness, or other medical problem or medical disorder that is serious in nature and that persists without full cure or worsens over an extended period of time or requires ongoing treatment to maintain remission or prevent deterioration. Completion of treatment shall be provided for a period of time necessary to complete a course of treatment and to arrange for a safe transfer to another provider, as determined by the insurer, employer, or entity that provides physician network services, in consultation with the injured employee and the terminated provider and consistent with good professional practice. Completion of treatment under this paragraph shall not exceed 12 months from the contract termination date.

(C) A terminal illness. A terminal illness is an incurable or irreversible condition that has a high probability of causing death within one year or less. Completion of treatment shall be provided for the duration of a terminal illness.

(D) Performance of a surgery or other procedure that is authorized by the insurer, employer, or entity that provides physician network services as part of a documented course of treatment and has been recommended and documented by the provider to occur within 180 days of the contract's termination date.

(4) (A) The insurer, employer, or entity that provides physician network services may require the terminated provider whose services are continued beyond the contract termination date pursuant to this

California Labor Code Sections

section to agree in writing to be subject to the same contractual terms and conditions that were imposed upon the provider prior to termination. If the terminated provider does not agree to comply or does not comply with these contractual terms and conditions, the insurer, employer, or entity that provides physician network services is not required to continue the provider's services beyond the contract termination date.

(B) Unless otherwise agreed by the terminated provider and the insurer, employer, or entity that provides physician network services, the services rendered pursuant to this section shall be compensated at rates and methods of payment similar to those used by the insurer, employer, or entity that provides physician network services for currently contracting providers providing similar services who are practicing in the same or a similar geographic area as the terminated provider. The insurer, employer, or entity that provides physician network services is not required to continue the services of a terminated provider if the provider does not accept the payment rates provided for in this paragraph.

(5) An insurer or employer shall ensure that the requirements of this section are met.

(6) This section shall not require an insurer, employer, or entity that provides physician network services to provide for completion of treatment by a provider whose contract with the insurer, employer, or entity that provides physician network services has been terminated or not renewed for reasons relating to a medical disciplinary cause or reason, as defined in paragraph (6) of subdivision (a) of Section 805 of the Business and Profession Code, or fraud or other criminal activity.

(7) Nothing in this section shall preclude an insurer, employer, or entity that provides physician network services from providing continuity of care beyond the requirements of this section.

(e) The insurer, employer, or entity that provides physician network services may require the terminated provider whose services are continued beyond the contract termination date pursuant to this section to agree in writing to be subject to the same contractual terms and conditions that were imposed upon the provider prior to termination. If the terminated provider does not agree to comply or does not comply with these contractual terms and conditions, the insurer, employer, or entity that provides physician network services is not required to continue the provider's services beyond the contract termination date.

4616.3. (a) If the injured employee notifies the employer of the injury or files a claim for workers' compensation with the employer, the employer shall arrange an initial medical evaluation and begin treatment as required by Section 4600.

(b) The employer shall notify the employee of the existence of the medical provider network established pursuant to this article, the employee's right to change treating physicians within the network after the first visit, and the method by which the list of participating providers may be accessed by the employee. The employer's failure to provide notice as required by this subdivision or failure to post the notice as required by Section 3550 shall not be a basis for the employee to treat outside the network unless it is

California Labor Code Sections

shown that the failure to provide notice resulted in a denial of medical care.

(c) If an injured employee disputes either the diagnosis or the treatment prescribed by the treating physician, the employee may seek the opinion of another physician in the medical provider network. If the injured employee disputes the diagnosis or treatment prescribed by the second physician, the employee may seek the opinion of a third physician in the medical provider network.

(d) (1) Selection by the injured employee of a treating physician and any subsequent physicians shall be based on the physician's specialty or recognized expertise in treating the particular injury or condition in question.

(2) Treatment by a specialist who is not a member of the medical provider network may be permitted on a case-by-case basis if the medical provider network does not contain a physician who can provide the approved treatment and the treatment is approved by the employer or the insurer.

4616.4. (a) (1) The administrative director shall contract with individual physicians, as described in paragraph (2), or an independent medical review organization to perform independent medical reviews pursuant to this section.

(2) Only physicians licensed pursuant to Chapter 5 (commencing with Section 2000) of the Business and Professions Code may be independent medical reviewers.

(3) The administrative director shall ensure that the independent medical reviewers or those within the review organization shall do all of the following:

(A) Be appropriately credentialed and privileged.

(B) Ensure that the reviews provided by the medical professionals are timely, clear, and credible, and that reviews are monitored for quality on an ongoing basis.

(C) Ensure that the method of selecting medical professionals for individual cases achieves a fair and impartial panel of medical professionals who are qualified to render recommendations regarding the clinical conditions consistent with the medical utilization schedule established pursuant to Section 5307.27, or the American College of Occupational and Environmental Medicine's Occupational Medicine Practice Guidelines.

(D) Ensure that confidentiality of medical records and the review materials, consistent with the requirements of this section and applicable state and federal law.

(E) Ensure the independence of the medical professionals retained to perform the reviews through conflict-of-interest policies and prohibitions, and ensure adequate screening for conflicts of interest.

(4) Medical professionals selected by the administrative director or the independent medical review organizations to review medical treatment decisions shall be physicians, as specified in paragraph (2) of subdivision (a), who meet the following minimum requirements:

(A) The medical professional shall be a clinician knowledgeable in the treatment of the employee's medical condition, knowledgeable about the proposed treatment, and familiar with guidelines and protocols in the area of treatment under review.

(B) Notwithstanding any other provision of law, the medical

California Labor Code Sections

professional shall hold a nonrestricted license in any state of the United States, and for physicians, a current certification by a recognized American medical specialty board in the area or areas appropriate to the condition or treatment under review.

(C) The medical professional shall have no history of disciplinary action or sanctions, including, but not limited to, loss of staff privileges or participation restrictions taken or pending by any hospital, government, or regulatory body.

(b) If, after the third physician's opinion, the treatment or diagnostic service remains disputed, the injured employee may request independent medical review regarding the disputed treatment or diagnostic service still in dispute after the third physician's opinion in accordance with Section 4616.3. The standard to be utilized for independent medical review is identical to that contained in the medical treatment utilization schedule established in Section 5307.27, or the American College of Occupational and Environmental Medicine's Occupational Medicine Practice Guidelines, as appropriate.

(c) Applications for independent medical review shall be submitted to the administrative director on a one-page form provided by the administrative director entitled "Independent Medical Review Application." The form shall contain a signed release from the injured employee, or a person authorized pursuant to law to act on behalf of the injured employee, authorizing the release of medical and treatment information. The injured employee may provide any relevant material or documentation with the application. The administrative director or the independent medical review organization shall assign the independent medical reviewer.

(d) Following receipt of the application for independent medical review, the employer or insurer shall provide the independent medical reviewer, assigned pursuant to subdivision (c), with all information that was considered in relation to the disputed treatment or diagnostic service, including both of the following:

(1) A copy of all correspondence from, and received by, any treating physician who provided a treatment or diagnostic service to the injured employee in connection with the injury.

(2) A complete and legible copy of all medical records and other information used by the physicians in making a decision regarding the disputed treatment or diagnostic service.

(e) Upon receipt of information and documents related to the application for independent medical review, the independent medical reviewer shall conduct a physical examination of the injured employee at the employee's discretion. The reviewer may order any diagnostic tests necessary to make his or her determination regarding medical treatment. Utilizing the medical treatment utilization schedule established pursuant to Section 5307.27, or the American College of Occupational and Environmental Medicine's Occupational Medicine Practice Guidelines, as appropriate, and taking into account any reports and information provided, the reviewer shall determine whether the disputed health care service was consistent with Section 5307.27 or the American College of Occupational and Environmental Medicine's Occupational Medicine Practice Guidelines based on the specific medical needs of the injured employee.

(f) The independent medical reviewer shall issue a report to the administrative director, in writing, and in layperson's terms to the maximum extent practicable, containing his or her analysis and

California Labor Code Sections

determination whether the disputed health care service was consistent with the medical treatment utilization schedule established pursuant to Section 5307.27, or the American College of Occupational and Environmental Medicine's Occupational Medicine Practice Guidelines, as appropriate, within 30 days of the examination of the injured employee, or within less time as prescribed by the administrative director. If the disputed health care service has not been provided and the independent medical reviewer certifies in writing that an imminent and serious threat to the health of the injured employee may exist, including, but not limited to, serious pain, the potential loss of life, limb, or major bodily function, or the immediate and serious deterioration of the injured employee, the report shall be expedited and rendered within three days of the examination by the independent medical reviewer. Subject to the approval of the administrative director, the deadlines for analyses and determinations involving both regular and expedited reviews may be extended by the administrative director for up to three days in extraordinary circumstances or for good cause.

(g) The independent medical reviewer's analysis shall cite the injured employee's medical condition, the relevant documents in the record, and the relevant findings associated with the documents or any other information submitted to the reviewer in order to support the determination.

(h) The administrative director shall immediately adopt the determination of the independent medical reviewer, and shall promptly issue a written decision to the parties.

(i) If the determination of the independent medical reviewer finds that the disputed treatment or diagnostic service is consistent with Section 5307.27 or the American College of Occupational and Environmental Medicine's Occupational Medicine Practice Guidelines, the injured employee may seek the disputed treatment or diagnostic service from a physician of his or her choice from within or outside the medical provider network. Treatment outside the medical provider network shall be provided consistent with Section 5307.27 or the American College of Occupational and Environmental Medicine's Occupational Practice Guidelines. The employer shall be liable for the cost of any approved medical treatment in accordance with Section 5307.1 or 5307.11.

4616.5. For purposes of this article, "employer" means a self-insured employer, joint powers authority, or the state.

4616.6. No additional examinations shall be ordered by the appeals board and no other reports shall be admissible to resolve any controversy arising out of this article.

4616.7. (a) A health care organization certified pursuant to Section 4600.5 shall be deemed approved pursuant to this article if the requirements of this article are met, as determined by the administrative director.

(b) A health care service plan, licensed pursuant to Chapter 2.2

California Labor Code Sections

(commencing with Section 1340) of Division 2 of the Health and Safety Code, shall be deemed approved for purposes of this article if it has a reasonable number of physicians with competency in occupational medicine, as determined by the administrative director.

(c) A group disability insurance policy, as defined in subdivision (b) of Section 106 of the Insurance Code, that covers hospital, surgical, and medical care expenses shall be deemed approved for purposes of this article if it has a reasonable number of physicians with competency in occupational medicine, as determined by the administrative director. For the purposes of this section, a group disability insurance policy shall not include Medicare supplement, vision-only, dental-only, and Champus-supplement insurance. For purposes of this section, a group disability insurance policy shall not include hospital indemnity, accident-only, and specified disease insurance that pays benefits on a fixed benefit, cash-payment-only basis.

(d) Any Taft-Hartley health and welfare fund shall be deemed approved for purposes of this article if it has a reasonable number of physicians with competency in occupational medicine, as determined by the administrative director.

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: HUMAN RESOURCES

Dept. Code: HRD

Type of Request: Initial Modification of an existing PSC (PSC # 46925 - 18/19)

Type of Approval: Expedited Regular Annual Continuing (Omit Posting)

Type of Service: Maintenance, Support, Hosting, Manage, Train, & Improvement for Workers' Comp Claims Software

Funding Source: Workers' Compensation Admin Budget

PSC Original Approved Amount: \$1,300,000 PSC Original Approved Duration: 09/01/19 - 06/30/23 (3 years 43 weeks)

PSC Mod#1 Amount: \$650,000 PSC Mod#1 Duration: no duration added

PSC Cumulative Amount Proposed: \$1,950,000 PSC Cumulative Duration Proposed: 3 years 43 weeks

1. Description of Work

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

Contractor will provide maintenance, support services, development for new interfaces, training, and software hosting, and software system improvement to 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 must be current with City, State, & Federal requirements in order 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 updated & supplied to avoid obsolescence & discontinuance of manufacturer support. DHR needs this service in order to electronically adjust workers' compensation claims in a timely and efficient manner, and comply with requirements under the California Labor Code. This PSC will allow the department to implement enhanced data reporting for citywide departments. Denial of this PSC 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.

Services have been provided in the past through earlier PSC request. See 46925 - 18/19

D. Will the contract(s) be renewed?

Possible depending on the need of the service.

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. 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:

Add funds

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,

financial system programming and enablement of complex payment disbursement and reconciliation functions, 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; 1071, IS Manager;
- 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?

Not Applicable

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

- A. Explain why civil service classes are not applicable.
There are civil service classes that can do the scope of work. However the City does not have access to the source code to the proprietary software programs and the necessary documentation and training material 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, there are already Civil Service Classes. 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 contract? If so, please explain what that will entail; if not, explain why not.
The contractor will provide training to front-end users who interact with the software, for example, to enter, modify, or retrieve claim-related information, as well as to back-end system administrators to perform a limited set of daily software administration duties.
- 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 12/03/19, the Department notified the following employee organizations of this PSC/RFP request: Professional & Tech Engrs, SFAPP; Professional & Tech Engrs, Local 21; Prof & Tech Eng, Local 21; Municipal Executive Association; Management & Superv 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: Kate Howard Phone: 415-557-4944 Email: kate.howard@sfgov.org

Address: 1 South Van Ness Ave; 4th Floor , San Francisco, CA 94103

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 46925 - 18/19

DHR Analysis/Recommendation:

Commission Approval Not Required

Approved by DHR on 12/11/2019

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 Annual Continuing
(Omit Posting)

Type of Service: Maintenance, Support, Hosting, Manage, Train, & Improvement for Workers' Comp Claims Software

Funding Source: Workers' Compensation Admin Budget

PSC Amount: \$1,300,000

PSC Est. Start Date: 09/01/2019

PSC Est. End Date
06/30/2023

1. Description of Work

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

Contractor will provide maintenance, support services, development for new interfaces, training, and software hosting, and software system improvement to 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 must be current with City, State, & Federal requirements in order 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 updated & supplied to avoid obsolescence & discontinuance of manufacturer support. DHR needs this service in order to electronically adjust workers' compensation claims in a timely and efficient manner, and comply with requirements under the California Labor Code. This PSC will allow the department to implement enhanced data reporting for citywide departments. Denial of this PSC 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.

This particular scope of work is new.

D. Will the contract(s) be renewed?

Possible depending on the need of the service.

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 software is proprietary software.

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, financial system programming and enablement of complex payment disbursement and reconciliation functions, 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; 1071, IS Manager;
- 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?

Not Applicable

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

- A. Explain why civil service classes are not applicable.
There are civil service classes that can do the scope of work. However the City does not have access to the source code to the proprietary software programs and the necessary documentation and training material 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, there are already Civil Service Classes. 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 contract? If so, please explain what that will entail; if not, explain why not.
Yes. The contractor will provide training to front-end users who interact with the software, for example, to enter, modify, or retrieve claim-related information, as well as to back-end system administrators to perform a limited set of daily software administration duties.
- 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 11/08/2018, the Department notified the following employee organizations of this PSC/RFP request:
Architect & Engineers, Local 21; Management & Superv Local 21; Municipal Executive Association; Prof & Tech Eng, Local 21; Professional & Tech Engrs, Local 21; Professional & Tech Engrs, SFAPP

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

Name: Kate Howard Phone: 415-557-4944 Email: kate.howard@sfgov.org

Address: 1 South Van Ness Ave; 4th Floor San Francisco, CA 94103

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 46925 - 18/19

DHR Analysis/Recommendation:

action date: 01/07/2019

Commission Approval Required

Approved by Civil Service Commission

01/07/2019 DHR Approved for 01/07/2019

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: MUNICIPAL TRANSPORTATION AGENCYDept. Code: MTAType of Request: Initial Modification of an existing PSC (PSC # 31195 - 21/22)Type of Approval: Expedited Regular Annual Continuing (Omit Posting)Type of Service: Software Devs Svcs from the vendor that provided the software of our subway station sign sysFunding Source: Federal FundsPSC Original Approved Amount: \$99,000PSC Original Approved Duration: 02/01/22 - 02/01/23 (1 year)PSC Mod#1 Amount: \$13,310PSC Mod#1 Duration: no duration addedPSC Cumulative Amount Proposed: \$112,310PSC Cumulative Duration Proposed: 1 year**1. Description of Work**

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

Modification to proprietary software delivered by Penta Corporation in 2017. This software update is required to updated the subway station sign system to support new operational scenarios for Central Subway.

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

These modifications are required by SFMTA management in order to place Central subway into passenger revenue service . Denial of this service will cause incorrect passenger information to be displayed.

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.

Services have been provided in the past through earlier PSC request. See 31195 - 21/22

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:

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:

This is a short term project to implement a software update to enable the opening of Central Subway for passenger revenue service. Once Central Subway is opened the scope of the task will

be completed. A new PSC will be submitted if additional work is required from Penta Corporation.

- B. Reason for the request for modification:
Increase to amount to align with the proposal.

3. Description of Required Skills/Expertise

- A. Specify required skills and/or expertise: Specialty programming of a vendor's sole source technology and intellectual property.
- B. Which, if any, civil service class(es) normally perform(s) this work? 1043, IS Engineer-Senior; 1044, IS Engineer-Principal;
- 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.
No city resources can modify the vendor's intellectual property.
- 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 city resources can modify the vendor's intellectual property.

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 as it is specialty programming of a vendor's sole source technology and intellectual property.
- 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. Specialty programming of a vendor's

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 07/21/22, the Department notified the following employee organizations of this PSC/RFP request:
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: Amy NUQUE Phone: 415-646-2802 Email: amy.nuque@sfmta.com

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

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 31195 - 21/22

DHR Analysis/Recommendation:

Civil Service Commission Action:

Commission Approval Required

DHR Approved for 08/15/2022

Receipt of Union Notification(s)

Nuque, Amy

From: Timothy Mathews <tmathews@ifpte21.org>
Sent: Friday, July 22, 2022 9:58 AM
To: Nuque, Amy
Subject: RE: Receipt of Modification Request to PSC # 31195 - 21/22 - MODIFICATIONS - Waiver request

EXT

Amy,

Considering the information below, IFPTE Local 21 waives its remaining review period for the Modification of PSC 31195 - 21/22.

For the Union,

-Timothy

Timothy Mathews
Pronouns: He/him/his
Research Specialist

IFPTE Local 21
1167 Mission Street, 2nd Floor
San Francisco, CA 94103

Office: 415-914-7345

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

From: Nuque, Amy <Amy.Nuque@sfmta.com>
Sent: Thursday, July 21, 2022 8:43 PM
To: Timothy Mathews <tmathews@ifpte21.org>
Subject: FW: Receipt of Modification Request to PSC # 31195 - 21/22 - MODIFICATIONS - Waiver request

Hi Timothy: Please waive 7-day union review for PSC 31195 21/22 Modification 1.

On 07/13/22, Union notification was sent but the end date was not entered. We corrected the service date below: July 13, 2022 – February 1, 2023.

Thank you in advance for your kind consideration and we look forward to hearing from you.

Sincerely,

Amy Nuque
HR ELR - PSC Coordinator
Office 415-646-2802

San Francisco Municipal Transportation Agency
1 South Van Ness Avenue, 6th floor
San Francisco, CA 94103

Confidentiality Notice: The information contained in this electronic message may be confidential and may be subject to the attorney client privilege and/or the attorney work product doctrine. This email message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and/or privileged information. Any review, use disclosure or distribution by persons or entities other than the intended recipient(s) is prohibited. If you are not the intended recipient, please notify the sender by reply and destroy all copies (electronic or otherwise) of the original message. Thank you.

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

From: dhr-psccordinator@sfgov.org <dhr-psccordinator@sfgov.org> On Behalf Of amy.nuque@sfmta.com
Sent: Thursday, July 21, 2022 3:18 PM
To: Nuque, Amy <Amy.Nuque@sfmta.com>; junko.laxamana@sfgov.org; WendyWong26@yahoo.com; wendywong26@yahoo.com; tmathews@ifpte21.org; kschumacher@ifpte21.org; pkim@ifpte21.org; L21PSCReview@ifpte21.org; dhr-psccordinator@sfgov.org
Subject: Receipt of Modification Request to PSC # 31195 - 21/22 - MODIFICATIONS

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

PSC RECEIPT of Modification notification sent to Unions and DHR

The MUNICIPAL TRANSPORTATION AGENCY -- MTA has submitted a modification request for a Personal Services Contract (PSC) for \$13,310 for services for the period July 13, 2022 – February 1, 2023. 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/18945>

Email sent to the following addresses: L21PSCReview@ifpte21.org pkim@ifpte21.org kschumacher@ifpte21.org tmathews@ifpte21.org wendywong26@yahoo.com WendyWong26@yahoo.com junko.laxamana@sfgov.org

This message is from outside of the SFMTA email system. Please review the email carefully before responding, clicking links, or opening attachments.

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 Annual Continuing (Omit Posting)

Type of Service: Software Devs Svcs from the vendor that provided the software of our subway station sign sys

Funding Source: Federal Funds

PSC Duration: 1 year

PSC Amount: \$99,000

1. Description of Work

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

Modification to proprietary software delivered by Penta Corporation in 2017. This software update is required to updated the subway station sign system to support new operational scenarios for Central Subway.

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

These modifications are required by SFMTA management in order to place Central subway into passenger revenue service . Denial of this service will cause incorrect passenger information to be displayed.

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.

These services were provided in the past by Penta Corporation as a subcontractor to a general construction contractor , Blocka Corporation. Blocka Corporation was responsible for the delivery of an integrated subway sign, including hardware and software, in 2017. Penta Corporation was a subcontractor to Blocka Corporation at that time. At that time, since the software development work was subcontracted to a construction contractor, approval by the Civil Service Commission was not relevant.

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:

This is a short term project to implement a software update to enable the opening of Central Subway for passenger revenue service. Once Central Subway is opened the scope of the task will be completed. A new PSC will be submitted if additional work is required from Penta Corporation.

3. Description of Required Skills/Expertise

A. Specify required skills and/or expertise: Specialty programming of a vendor's sole source technology and intellectual property.

B. Which, if any, civil service class(es) normally perform(s) this work? 1043, IS Engineer-Senior; 1044, IS Engineer-Principal;

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?

None. No city resources can modify the vendor's intellectual property.

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

A. Explain why civil service classes are not applicable.
No city resources can modify the vendor's intellectual property.

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 city resources can modify the vendor's intellectual property.

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. City engineers managing integration of several systems (including this one) will be providing training to SFMTA's transit operations impacted by this technology.

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 01/19/2022, the Department notified the following employee organizations of this PSC/RFP request:
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: Amy NUQUE Phone: 415-646-2802 Email: amy.nuque@sfmta.com

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

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 31195 - 21/22

DHR Analysis/Recommendation:

Commission Approval Not Required

Approved by DHR on 02/02/2022

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: POLICE

Dept. Code: POL

Type of Request: Initial Modification of an existing PSC (PSC # 48738 - 18/19)

Type of Approval: Expedited Regular Annual Continuing (Omit Posting)

Type of Service: Systems Development for IBR/NIBRS Compliance

Funding Source: OJP Special Data Collections and Statistic

PSC Original Approved Amount: \$5,304,000

PSC Original Approved Duration: 10/01/18 - 09/30/21 (3 years)

PSC Mod#1 Amount: no amount added

PSC Mod#1 Duration: 10/01/21-03/31/22 (26 weeks)

PSC Mod#2 Amount: no amount added

PSC Mod#2 Duration: 04/01/22-03/31/23 (1 year)

PSC Mod#3 Amount: \$3,196,000

PSC Mod#3 Duration: 09/20/22-12/31/24 (1 year 39 weeks)

PSC Cumulative Amount Proposed: \$8,500,000

PSC Cumulative Duration Proposed: 6 years 13 weeks

1. Description of Work

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

The San Francisco Police Department has been awarded a grant from the Bureau of Justice Statistics to help fund its transition to the National Incident-Based Reporting System standard. The grant does not allow for personnel costs, but does allow the use of contractors. This Personal Services Request will allow the City to hire a contractor(s) to develop a scoping plan to help identify the business processes impacted, design and implement project requirements and strategies. Activities may include costs in hardware and software to implement the new data and interfaces, a replacement of the department's Incident Report Writing System, and updates to other external systems that either feed in or receive data elements required by the NIBRS standard.

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

The Federal Bureau of Investigation's (FBI) Uniform Crime Reporting (UCR) Program was designed in the 1920s to create a uniform set of crime statistics for use in crime analysis. The FBI is transitioning the standard being used for the UCR Program from the traditional Summary Reporting System (SRS) standard to the National Incident-Based Reporting System (NIBRS). Crime information reported using the SRS standard is organized using a hierarchical rule, wherein only the most severe offense within an incident is reported, even if multiple offenses are tied to the same incident. The newer NIBRS standard collects information using an incident-based approach and reports all offenses involved in a particular incident. The FBI will discontinue the use of SRS in 2021 and expects all partner agencies to submit incident data using the NIBRS standard from that time forward. If this request is denied, the City will be unable to report UCR crime statistics to the FBI when it switches over to the NIBRS standard.

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.

No

D. Will the contract(s) be renewed?

It is unknown at this time if the contract(s) 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:

The original request was for 10/01/18 but due to the significant amount of time that was needed to complete the RFP and to select a vendor for the new RMS system, a significant amount of time in the original PSC was not in use.

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

A. Display all that apply

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

Regulatory or legal requirements, or requirements or mandates of funding source(s) which limit or preclude the use of Civil Service Employees. Include a copy of the applicable requirement or mandate.

Explain the qualifying circumstances:

In the original PSC, it was explained (1a) that the grant terms do not pay for personnel costs. A copy of the grant solicitation was included in the original PSC

B. Reason for the request for modification:

Department has completed the RFP for a new records management system(RMS). SFPD is negotiating a multi-year contract with the selected vendor. This PSC is being increased to reflect the anticipated amount of the contract.

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

A. Specify required skills and/or expertise: Systems/application development, expertise in Uniform Crime Reporting (UCR) and National Incident-Based Reporting System (NIBRS) standards.

B. Which, if any, civil service class(es) normally perform(s) this work? 1044, IS Engineer-Principal; 1054, IS Business Analyst-Principal; 1064, IS Prg Analyst-Principal; 1070, IS Project Director; 1095, IT Operations Support Admin V; 1095, IT Operations Support Administrator V;

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 terms of the funding do not allow for personnel costs.

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. Existing civil service classifications are available.

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.
It is unknown at this time what, if any, training will occur between the contractor(s) and City employees

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.
Grant conditions does not allow personnel costs.

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 07/07/22, the Department notified the following employee organizations of this PSC/RFP request:
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: Vincent Lee Phone: 4158377127 Email: vincent.lee@sfgov.org

Address: 1245 3rd Street, San Francisco, CA 94158

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 48738 - 18/19

DHR Analysis/Recommendation:

Civil Service Commission Action:

Commission Approval Required

DHR Approved for 08/15/2022

Receipt of Union Notification(s)

From: dhr-psccordinator@sfgov.org on behalf of vincent.lee@sfgov.org
To: [Lee, Vincent \(POL\); ecassidy@ifpte21.com; WendyWong26@yahoo.com; wendywong26@yahoo.com; tmathews@ifpte21.org; kschumacher@ifpte21.org; kpage@ifpte21.org; eerbach@ifpte21.org; pkim@ifpte21.org; L21PSCReview@ifpte21.org; Wong, Genie \(POL\); DHR-PSCCoordinator, DHR \(HRD\)](mailto:Lee,Vincent(POL);ecassidy@ifpte21.com;WendyWong26@yahoo.com;wendywong26@yahoo.com;tmathews@ifpte21.org;kschumacher@ifpte21.org;kpage@ifpte21.org;eerbach@ifpte21.org;pkim@ifpte21.org;L21PSCReview@ifpte21.org;Wong,Genie(POL);DHR-PSCCoordinator,DHR(HRD))
Subject: Receipt of Modification Request to PSC # 48738 - 18/19 - MODIFICATIONS
Date: Thursday, July 7, 2022 12:03:48 PM

PSC RECEIPT of Modification notification sent to Unions and DHR

The POLICE -- POL has submitted a modification request for a Personal Services Contract (PSC) for \$3,196,000 for services for the period September 20, 2022 – December 31, 2024. 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/15881>

Email sent to the following addresses: L21PSCReview@ifpte21.org
pkim@ifpte21.org
eerbach@ifpte21.org kpage@ifpte21.org kschumacher@ifpte21.org
tmathews@ifpte21.org wendywong26@yahoo.com WendyWong26@yahoo.com
ecassidy@ifpte21.com

Additional Attachment(s)

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: POLICE -- POL

Dept. Code: POL

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

Type of Approval: Expedited Regular Annual Continuing (Omit Posting)

Type of Service: Systems Development for IBR/NIBRS Compliance

Funding Source: OJP Special Data Collections and Statistic

PSC Duration: 3 years

PSC Amount: \$5,304,000

1. Description of Work

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

The San Francisco Police Department has been awarded a grant from the Bureau of Justice Statistics to help fund its transition to the National Incident-Based Reporting System standard. The grant does not allow for personnel costs, but does allow the use of contractors. This Personal Services Request will allow the City to hire a contractor(s) to develop a scoping plan to help identify the business processes impacted, design and implement project requirements and strategies. Activities may include costs in hardware and software to implement the new data and interfaces, a replacement of the department's Incident Report Writing System, and updates to other external systems that either feed in or receive data elements required by the NIBRS standard.

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

The Federal Bureau of Investigation's (FBI) Uniform Crime Reporting (UCR) Program was designed in the 1920s to create a uniform set of crime statistics for use in crime analysis. The FBI is transitioning the standard being used for the UCR Program from the traditional Summary Reporting System (SRS) standard to the National Incident-Based Reporting System (NIBRS). Crime information reported using the SRS standard is organized using a hierarchical rule, wherein only the most severe offense within an incident is reported, even if multiple offenses are tied to the same incident. The newer NIBRS standard collects information using an incident-based approach and reports all offenses involved in a particular incident. The FBI will discontinue the use of SRS in 2021 and expects all partner agencies to submit incident data using the NIBRS standard from that time forward. If this request is denied, the City will be unable to report UCR crime statistics to the FBI when it switches over to the NIBRS standard.

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?

It is unknown at this time if the contract(s) 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.

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.

Regulatory or legal requirements, or requirements or mandates of funding source(s) which limit or preclude the use of Civil Service Employees. Include a copy of the applicable requirement or mandate.

B. Explain the qualifying circumstances:

In the original PSC, it was explained (1a) that the grant terms do not pay for personnel costs. A copy of the grant solicitation was included in the original PSC

3. Description of Required Skills/Expertise

A. Specify required skills and/or expertise: Systems/application development, expertise in Uniform Crime Reporting (UCR) and National Incident-Based Reporting System (NIBRS) standards.

B. Which, if any, civil service class(es) normally perform(s) this work? 1044, IS Engineer-Principal; 1054, IS Business Analyst-Principal; 1064, IS Prg Analyst-Principal; 1070, IS Project Director; 1095, IT Operations Support Admin V; 1095, IT Operations Support Administrator V;

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?

The terms of the funding do not allow for personnel costs.

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

A. Explain why civil service classes are not applicable.
The terms of the funding do not allow for personnel costs.

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. Existing civil service classifications are available.

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.
No. It is unknown at this time what, if any, training will occur between the contractor(s) and City employees

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.
Yes. Grant conditions does not allow personnel costs.
- 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 10/01/2018, the Department notified the following employee organizations of this PSC/RFP request:
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: Genie Wong Phone: (415) 837-7208 Email: Genie.Wong@sfgov.org

Address: 1245 3rd Street San Francisco, CA 94158

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 48738 - 18/19

DHR Analysis/Recommendation:

action date: 01/07/2019

Commission Approval Required

Approved by Civil Service Commission

01/07/2019 DHR Approved for 01/07/2019

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: PUBLIC HEALTH

Dept. Code: DPH

Type of Request: Initial Modification of an existing PSC (PSC # 42303 - 18/19)

Type of Approval: Expedited Regular Annual Continuing (Omit Posting)

Type of Service: EHR Epic Mychart Support Staff Augmentation

Funding Source: General Fund

PSC Original Approved Amount: \$10,000,000 PSC Original Approved Duration: 10/01/18 - 09/30/22 (4 years)

PSC Mod#1 Amount: no amount added PSC Mod#1 Duration: 10/01/22-12/31/26 (4 years 13 weeks)

PSC Cumulative Amount Proposed: \$10,000,000 PSC Cumulative Duration Proposed: 8 years 13 weeks

1. Description of Work

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

Contractor(s) will provide as-needed, short-term, intermittent services to assist with the EPIC EHR (Electronic Health Record) and EPIC MyChart Patient Portal Go-Live activation, adoption, logistical administration, surge user support, technology customer service desk functions, information technology incidents, web related problem management, strategic planning, training and implementation.

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

These services are critical for the San Francisco Department of Public (SFDPH) Health EHR Project to be successful, and must be available and ready as the City transitions to this new EPIC E H R System. Denial will compromise the Department's ability to deliver high-quality care to patients and clients during this vital transition to EPIC E H R, and hinder the Department's ability to remain competitive in the healthcare marketplace, resulting in decline in patient care, revenue losses, project cost overruns, and regulatory fines.

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.

Services have been provided in the past through earlier PSC request. See 42303 - 18/19

D. Will the contract(s) be renewed?

The contract will only be renewed if there is a continued need for 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:

The duration is longer than five years in order to account for additional conversions of legacy applications into Epic. During the transitions the department will need to continue the services of a contractor in order to minimize and or eliminate any impacts to service.

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:

Contractor will only provide as-needed, short-term, intermittent assistance services.

B. Reason for the request for modification:

A no cost extension to extend the term of the PSC to account for the planned transition of additional clinical systems into Epic.

3. Description of Required Skills/Expertise

- A. Specify required skills and/or expertise: Contractor(s) must have experience working with technological customer service support augmentation projects for customers similar in size and complexity as the Department, the Contractor(s) must be flexible, scalable, cost effective, and meet all applicable healthcare regulatory requirements including Health Insurance Portability and Accountability Act(HIPAA).
- B. Which, if any, civil service class(es) normally perform(s) this work? 1011, IS Technician Assistant; 1021, IS Administrator 1; 1022, IS Administrator 2; 1091, IT Operations Support Admin I; 1092, IT Operations Support Admin II; 2320, Registered Nurse; 2588, Health Worker 4; 0922, Manager I; 1091, IT Operations Support Administrator I; 1092, IT Operations Support Administrator II;
- 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.
Although civil service classes are applicable, the Department will require time to complete the Civil Service hiring process. The timeliness of onboarding services is critical, and delays can result in failure of system implementation, and inefficient client and patient care.
- 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, because we have existing staff supporting the requested services, the Contractor(s) will only provide staff augmentation during the transitional go-live phase of the new EPIC EHR system.

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.
No, the contractor will not be training any City employees. The contractor will only provide as-needed, short-term, intermittent assistance services based on demand.
- 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 05/16/22, the Department notified the following employee organizations of this PSC/RFP request:

SEIU, Local 1021 (Staff Nurse & Per Diem Nurse); SEIU Local 1021; SEIU 1021 Miscellaneous; Professional & Tech Engrs, Local 21; Prof & Tech Eng, Local 21; Municipal Executive Association;

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

Name: Kelly Hiramoto Phone: 415-255-3492 Email: kelly.hiramoto@sfdph.org

Address: 1380 Howard Street, Room 421b, San Francisco, CA 94103

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 42303 - 18/19

DHR Analysis/Recommendation:

Civil Service Commission Action:

Commission Approval Required

DHR Approved for 08/15/2022

Receipt of Union Notification(s)

Receipt of Modification Request to PSC # 42303 - 18/19 - MODIFICATIONS

dhr-psccordinator@sfgov.org <dhr-psccordinator@sfgov.org>

on behalf of

kelly.hiramoto@sfdph.org <kelly.hiramoto@sfdph.org>

Mon 5/16/2022 2:13 PM

To: Hiramoto, Kelly (DPH) <kelly.hiramoto@sfdph.org>;snaranjo@cirseiu.org <snaranjo@cirseiu.org>;jennifer.esteen@seiu1021.org <jennifer.esteen@seiu1021.org>;emathurin@cirseiu.org <emathurin@cirseiu.org>;abush@cirseiu.org <abush@cirseiu.org>;sbabaria@cirseiu.org <sbabaria@cirseiu.org>;kcartermartinez@cirseiu.org <kcartermartinez@cirseiu.org>;ablood@cirseiu.org <ablood@cirseiu.org>;sarah.wilson@seiu1021.org <sarah.wilson@seiu1021.org>;Sandeep.lal@seiu1021.me <Sandeep.lal@seiu1021.me>;leah.berlanga@seiu1021.org <leah.berlanga@seiu1021.org>;Frigault, Noah (HRC) <noah.frigault@sfgov.org>;Meyers, Julie (HSA) <Julie.Meyers@sfgov.org>;thomas.vitale@seiu1021.org <thomas.vitale@seiu1021.org>;Ricardo.lopez@sfgov.org <Ricardo.lopez@sfgov.org>;Basconcillo, Katherine (PUC) <kbasconcillo@sfgwater.org>;pcamarillo_seiu@sbcglobal.net <pcamarillo_seiu@sbcglobal.net>;Wendy.Frigillana@seiu1021.org <Wendy.Frigillana@seiu1021.org>;pscreview@seiu1021.org <pscreview@seiu1021.org>;ted.zarzecki@seiu1021.net <ted.zarzecki@seiu1021.net>;davidmkersten@gmail.com <davidmkersten@gmail.com>;xiumin.li@seiu1021.org <xiumin.li@seiu1021.org>;Poon, Sin Yee (HSA) <sin.yee.poon@sfgov.org>;david.canham@seiu1021.org <david.canham@seiu1021.org>;jtanner940@aol.com <jtanner940@aol.com>;WendyWong26@yahoo.com <WendyWong26@yahoo.com>;WendyWong26@yahoo.com <WendyWong26@yahoo.com>;tmathews@ifpte21.org <tmathews@ifpte21.org>;kschumacher@ifpte21.org <kschumacher@ifpte21.org>;pkim@ifpte21.org <pkim@ifpte21.org>;amakayan@ifpte21.org <amakayan@ifpte21.org>;L21PSCReview@ifpte21.org <L21PSCReview@ifpte21.org>;Laxamana, Junko (BOS) <junko.laxamana@sfgov.org>;Criss@sfmea.com <Criss@sfmea.com>;camaguey@sfmea.com (contact) <camaguey@sfmea.com>;Christina@sfmea.com <Christina@sfmea.com>;staff@sfmea.com <staff@sfmea.com>;Longhitano, Robert (DPH) <robert.longhitano@sfdph.org>;DHR-PSCCoordinator, DHR (HRD) <dhr-psccordinator@sfgov.org>

PSC RECEIPT of Modification notification sent to Unions and DHR

The PUBLIC HEALTH -- DPH has submitted a modification request for a Personal Services Contract (PSC) for \$0 for services for the period October 1, 2022

–
December 31, 2026. 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/18457>

Email sent to the following addresses: staff@sfmea.com Christina@sfmea.com Camaguey@sfmea.com Criss@SFMEA.com junko.laxamana@sfgov.org L21PSCReview@ifpte21.org amakayan@ifpte21.org pkim@ifpte21.org kschumacher@ifpte21.org tmathews@ifpte21.org wendywong26@yahoo.com WendyWong26@yahoo.com jtanner940@aol.com david.canham@seiu1021.org Sin.Yee.Poon@sfgov.org xiumin.li@seiu1021.org davidmkersten@gmail.com ted.zarzecki@seiu1021.net pscreview@seiu1021.org Wendy.Frigillana@seiu1021.org pcamarillo_seiu@sbcglobal.net Kbasconcillo@sfgwater.org Ricardo.lopez@sfgov.org thomas.vitale@seiu1021.org Julie.Meyers@sfgov.org noah.frigault@sfgov.org leah.berlanga@seiu1021.org Sandeep.lal@seiu1021.me sarah.wilson@seiu1021.org

ablood@cirseiu.org kcartermartinez@cirseiu.org sbabaria@cirseiu.org
abush@cirseiu.org emathurin@cirseiu.org jennifer.esteen@seiu1021.org
snaranjo@cirseiu.org

Additional Attachment(s)

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: PUBLIC HEALTH -- DPH

Dept. Code: DPH

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

Type of Approval: Expedited Regular Annual Continuing (Omit Posting)

Type of Service: EHR Epic Mychart Support Staff Augmentation

Funding Source: General Fund

PSC Duration: 4 years

PSC Amount: \$10,000,000

1. Description of Work

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

Contractor(s) will provide as-needed, short-term, intermittent services to assist with the EPIC EHR (Electronic Health Record) and EPIC MyChart Patient Portal Go-Live activation, adoption, logistical administration, surge user support, technology customer service desk functions, information technology incidents, web related problem management, strategic planning, training and implementation.

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

These services are critical for the San Francisco Department of Public (SFDPH) Health EHR Project to be successful, and must be available and ready as the City transitions to this new EPIC E H R System. Denial will compromise the Department's ability to deliver high-quality care to patients and clients during this vital transition to EPIC E H R, and hinder the Department's ability to remain competitive in the healthcare marketplace, resulting in decline in patient care, revenue losses, project cost overruns, and regulatory fines.

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?

The contract will only be renewed if there is a continued need for 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.

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).

B. Explain the qualifying circumstances:

Contractor will only provide as-needed, short-term, intermittent assistance services.

3. Description of Required Skills/Expertise

- A. Specify required skills and/or expertise: Contractor(s) must have experience working with technological customer service support augmentation projects for customers similar in size and complexity as the Department, the Contractor(s) must be flexible, scalable, cost effective, and meet all applicable healthcare regulatory requirements including Health Insurance Portability and Accountability Act(HIPAA).
- B. Which, if any, civil service class(es) normally perform(s) this work? 1011, IS Technician Assistant; 1021, IS Administrator 1; 1022, IS Administrator 2; 1091, IT Operations Support Admin I; 1092, IT Operations Support Admin II; 2320, Registered Nurse; 2588, Health Worker 4; 0922, Manager I; 1091, IT Operations Support Administrator I; 1092, IT Operations Support Administrator II;
- 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?

In an effort to prepare and support existing City employees through the EPIC EHR Implementation Project, as of June 2018, a total of 132 EPIC certifications have been presented to City employees. The Department has supported and continues to encourage educational advancement for the 2320 Registered Nurse classification relevant to the Epic EHR Project. Since the EHR Project began, a total of 18 nurses have transitioned from business, and are currently becoming Epic Certified 2320 Registered Nurses. Becoming Epic Certified is one of many tools The Department has to familiarize nurses with the EHR Epic Implementation. Incoming contractors and vendors will be a part of this initiative, to inject and transfer knowledge to City Registered Nurses. The Department anticipates an ongoing demand for IT resources to ensure the EHR is fully supported during its implementation and go-live phase.

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

- A. Explain why civil service classes are not applicable.
Although civil service classes are applicable, the Department will require time to complete the Civil Service hiring process. The timeliness of onboarding services is critical, and delays can result in failure of system implementation, and inefficient client and patient care.
- 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, because we have existing staff supporting the requested services, the Contractor(s) will only provide staff augmentation during the transitional go-live phase of the new EPIC EHR system.

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.
No. No, the contractor will not be training any City employees. The contractor will only provide as-needed, short-term, intermittent assistance services based on demand.

- 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 09/21/2018, the Department notified the following employee organizations of this PSC/RFP request:
Municipal Executive Association; Prof & Tech Eng, Local 21; Professional & Tech Engrs, Local 21; SEIU 1021 Miscellaneous; SEIU Local 1021; SEIU, Local 1021 (Staff Nurse & Per Diem Nurse)

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: 1380 Howard Street, Room 421b San Francisco, CA 94103

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 42303 - 18/19

DHR Analysis/Recommendation:

action date: 12/17/2018

Commission Approval Required

Approved by Civil Service Commission

12/17/2018 DHR Approved for 12/17/2018

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: PUBLIC HEALTH

Dept. Code: DPH

Type of Request: Initial Modification of an existing PSC (PSC # 49013 - 16/17)

Type of Approval: Expedited Regular Annual Continuing (Omit Posting)

Type of Service: Physical Inventory of Pharmaceuticals at Zuckerberg San Francisco General Hospital

Funding Source: General Funds

PSC Original Approved Amount: \$150,000 PSC Original Approved Duration: 01/01/17 - 12/31/21 (5 years)

PSC Mod#1 Amount: \$650,000 PSC Mod#1 Duration: 12/01/17-12/31/22 (1 year)

PSC Mod#2 Amount: \$600,000 PSC Mod#2 Duration: 10/01/22-12/31/28 (6 years 2 days)

PSC Cumulative Amount Proposed: \$1,400,000 PSC Cumulative Duration Proposed: 12 years 2 days

1. Description of Work

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

To perform annual physical inventory counts of pharmaceuticals in all pharmacy areas (inpatient pharmacy, satellite pharmacies, outpatient pharmacy, pharmacy warehouse and storeroom) of the Zuckerberg San Francisco General Hospital (ZSFGH). This includes physical counts of pharmaceuticals and generation of detailed price reports by specific pharmaceutical item and location.

Scope Change

**** ADDITIONAL SCOPE FOR 2017 --- To modify the current PSC to include access to a web based application which is an automated, web-based kit checking technology will allow the Pharmacy Department at Zuckerberg San Francisco General Hospital to safely and effectively manage kit/tray ("kits") inventory. Kits provided by the department currently include: adult, pediatric, and neonatal crash cart trays, anesthesia/OR trays, anesthesia/OB trays, and intubation kits. These kits allow providers to have ready access to critical, life-saving medications when a patient is in cardiac arrest, undergoing a procedure in the operating room, or needing intubation to protect their airway in a variety of circumstances. Accuracy in filling these kits is essential, as the providers are treating the most emergent patient populations at these times and a medication error would most likely be fatal.

*** ADDITIONAL SCOPE FOR 2022 --- For the procurement of additional web based applications that track pharmaceutical recalls and Drug Supply Chain Security Act (DSCSA) compliance which regulates and monitor the manufacturing of compounded drugs.

B. Explain why this service is necessary and the consequence of denial:
Physical inventories are requirements for State Board Pharmacy licensure and for annual fiscal year reporting. Annual inventories of pharmaceuticals are necessary to meet standard business, accounting and hospital accreditation requirements. An accurate inventory must be known so the hospital can properly account for its assets and evaluate the fiscal performance of the Department. The hospital pharmacies cannot operate without a valid State Board of Pharmacy License and physical inventories are a requirement for licensure.

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.
Services have been provided in the past through earlier PSC request. See 49013 - 16/17

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:
The Duration of the PSC is in excess of five years because the pharmacy will need to have continued access to this low volume services that are critical to operate a modern pharmacy in compliance with all federal, state and local regulations.

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:

Task is performed once a year and experience in conducting hospital inventories in large teaching hospitals, with a familiarity with drug names and pharmaceutical packaging is needed.

B. Reason for the request for modification:

to extend the current approval to continue the services for the Pharmacy and to procure additional web based applications for the management of pharmaceuticals

3. Description of Required Skills/Expertise

A. Specify required skills and/or expertise: Ability to take annual physical inventory by specific item number and location, apply pricing to automated inventory reports and provide final inventory reports to the Department. Experience in conducting hospital inventories in large teaching hospitals and a familiarity with drug names and pharmaceutical packaging.

B. Which, if any, civil service class(es) normally perform(s) this work? 2409, Pharmacy Technician; 2450, Pharmacist;

C. Will contractor provide facilities and/or equipment not currently possessed by the City? If so, explain: Yes. Contractor will utilize specialized electronic inventory recording devices and off site computer facilities to accept data and produce specialized reports.

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 task is performed once a year and the highly skilled positions are not required during the remaining days of the year. This is a short term project. In addition, conducting an extensive physical inventory without the

necessary resources (devices, databases) would require a large amount of labor and manpower. It is not feasible for pharmacy staff to conduct this type of inventory in a reasonable time.

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 inventory is done once a year.

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. Formal training of civil service staff is not a component of this contract.

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 05/17/22, the Department notified the following employee organizations of this PSC/RFP request:
SEIU 1021 Miscellaneous;

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

Name: Kelly Hiramoto Phone: 415-255-3492 Email: kelly.hiramoto@sfdph.org

Address: 101 Grove, #307, San Francisco, CA 94103

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 49013 - 16/17

DHR Analysis/Recommendation:

Civil Service Commission Action:

Commission Approval Required

DHR Approved for 08/15/2022

Receipt of Union Notification(s)

Receipt of Modification Request to PSC # 49013 - 16/17 - MODIFICATIONS

dhr-psccordinator@sfgov.org <dhr-psccordinator@sfgov.org>

on behalf of

kelly.hiramoto@sfdph.org <kelly.hiramoto@sfdph.org>

Tue 5/17/2022 2:35 PM

To: Hiramoto, Kelly (DPH) <kelly.hiramoto@sfdph.org>;Frigault, Noah (HRC) <noah.frigault@sfgov.org>;Meyers, Julie (HSA) <Julie.Meyers@sfgov.org>;thomas.vitale@seiu1021.org <thomas.vitale@seiu1021.org>;Ricardo.lopez@sfgov.org <Ricardo.lopez@sfgov.org>;Basconcello, Katherine (PUC) <kbasconcello@sfgwater.org>;pcamarillo_seiu@sbcglobal.net <pcamarillo_seiu@sbcglobal.net>;Wendy.Frigillana@seiu1021.org <Wendy.Frigillana@seiu1021.org>;pscreview@seiu1021.org <pscreview@seiu1021.org>;ted.zarzecki@seiu1021.net <ted.zarzecki@seiu1021.net>;davidmkersten@gmail.com <davidmkersten@gmail.com>;xiumin.li@seiu1021.org <xiumin.li@seiu1021.org>;Poon, Sin Yee (HSA) <sin.yee.poon@sfgov.org>;david.canham@seiu1021.org <david.canham@seiu1021.org>;jtanner940@aol.com <jtanner940@aol.com>;Longhitano, Robert (DPH) <robert.longhitano@sfdph.org>;DHR-PSCCoordinator, DHR (HRD) <dhr-psccordinator@sfgov.org>

PSC RECEIPT of Modification notification sent to Unions and DHR

The PUBLIC HEALTH -- DPH has submitted a modification request for a Personal Services Contract (PSC) for \$600,000 for services for the period October 1, 2022

– December 31, 2028. 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/10231>

Email sent to the following addresses: jtanner940@aol.com
david.canham@seiu1021.org Sin.Yee.Poon@sfgov.org xiumin.li@seiu1021.org
davidmkersten@gmail.com ted.zarzecki@seiu1021.net pscreview@seiu1021.org
Wendy.Frigillana@seiu1021.org pcamarillo_seiu@sbcglobal.net
Kbasconcello@sfgwater.org Ricardo.lopez@sfgov.org thomas.vitale@seiu1021.org
Julie.Meyers@sfgov.org noah.frigault@sfgov.org

Additional Attachment(s)

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: PUBLIC HEALTH

Dept. Code: DPH

Type of Request: Initial Modification of an existing PSC (PSC # 49013 - 16/17)

Type of Approval: Expedited Regular Annual Continuing (Omit Posting)

Type of Service: Physical Inventory of Pharmaceuticals at Zuckerberg San Francisco General Hospital

Funding Source: General Funds

PSC Original Approved Amount: \$150,000 PSC Original Approved Duration: 01/01/17 - 12/31/21 (5 years)

PSC Mod#1 Amount: \$650,000 PSC Mod#1 Duration: 12/01/17-12/31/22 (1 year)

PSC Cumulative Amount Proposed: \$800,000 PSC Cumulative Duration Proposed: 6 years

1. Description of Work

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

To perform annual physical inventory counts of pharmaceuticals in all pharmacy areas (inpatient pharmacy, satellite pharmacies, outpatient pharmacy, pharmacy warehouse and storeroom) of the Zuckerberg San Francisco General Hospital (ZSFGH). This includes physical counts of pharmaceuticals and generation of detailed price reports by specific pharmaceutical item and location.

Scope Change

To modify the current PSC to include access to a web based application which is an automated, web-based kit checking technology will allow the Pharmacy Department at Zuckerberg San Francisco General Hospital to safely and effectively manage kit/tray ("kits") inventory. Kits provided by the department currently include: adult, pediatric, and neonatal crash cart trays, anesthesia/OR trays, anesthesia/OB trays, and intubation kits. These kits allow providers to have ready access to critical, life-saving medications when a patient is in cardiac arrest, undergoing a procedure in the operating room, or needing intubation to protect their airway in a variety of circumstances. Accuracy in filling these kits is essential, as the providers are treating the most emergent patient populations at these times and a medication error would most likely be fatal.

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

Physical inventories are requirements for State Board Pharmacy licensure and for annual fiscal year reporting. Annual inventories of pharmaceuticals are necessary to meet standard business, accounting and hospital accreditation requirements. An accurate inventory must be known so the hospital can properly account for its assets and evaluate the fiscal performance of the Department. The hospital pharmacies cannot operate without a valid State Board of Pharmacy License and physical inventories are a requirement for licensure.

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.

Services have been provided in the past through earlier PSC request. See 49013 - 16/17

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:

The inclusion of access to a web based application for inventory management of pharmaceutical kits is proposed for a five year term. The addition of this access, will increase the currently approved PSC beyond five year. The Department has determined that a five year subscription is most effective for this

type of access, because the Department will need to standardized processes of pharmaceutical kit creation and storage and invest in RFID tags for the kits.

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:

Task is performed once a year and experience in conducting hospital inventories in large teaching hospitals, with a familiarity with drug names and pharmaceutical packaging is needed.

B. Reason for the request for modification:

To modify the current PSC to include access to a web based application which is an automated, web-based kit checking technology will allow the Pharmacy Department at Zuckerberg San Francisco General Hospital to safely and effectively manage kit/tray ("kits") inventory. Kits provided by the department currently include: adult, pediatric, and neonatal crash cart trays, anesthesia/OR trays, anesthesia/OB trays, and intubation kits. These kits allow providers to have ready access to critical, life-saving medications when a patient is in cardiac arrest, undergoing a procedure in the operating room, or needing intubation to protect their airway in a variety of circumstances. Accuracy in filling these kits is essential, as the providers are treating the most emergent patient populations at these times and a medication error would most likely be fatal. Currently, kits are filled manually by pharmacy technicians and double-checked by pharmacists. This is an outdated, cumbersome, error-prone and costly method. Industry leading solutions use RFID tags to identify specific drugs (including lot numbers and expiration dates) to match each kit's master inventory list with the newly-filled kit's inventory. The technology allows for much more rapid and accurate checking of kit contents, allowing pharmacists to focus on other patient care activities. Drug recalls are an increasing burden on the pharmacy department, as the FDA becomes more stringent on manufacturing practices and manufacturers increase their vigilance on product quality. A drug can be recalled for a variety of reasons, including reasons that could lead to patient harm. Thus, swift action on drug recalls is essential for patient safety and regulatory compliance. Similarly, drug shortages have increased dramatically and it is critical that the department is able to respond rapidly in order to preserve existing stock and prioritize use in situations where there is no alternative. The application also provides analytics that will allow the department to track utilization, expiration patterns and inventory and make informed decisions regarding kit inventory optimization. The department currently holds more than \$200,000 worth of drug inventory in these kits, so optimizing their contents is fiscally prudent. Finally, since the application will inventory in real time, dependence of the physical inventory will be minimized.

3. Description of Required Skills/Expertise

A. Specify required skills and/or expertise: Ability to take annual physical inventory by specific item number and location, apply pricing to automated inventory reports and provide final inventory reports to the Department. Experience in conducting hospital inventories in large teaching hospitals and a familiarity with drug names and pharmaceutical packaging.

B. Which, if any, civil service class(es) normally perform(s) this work? 2409, Pharmacy Technician; 2450, Pharmacist;

C. Will contractor provide facilities and/or equipment not currently possessed by the City? If so, explain: Yes. Contractor will utilize specialized electronic inventory recording devices and off site computer facilities to accept data and produce specialized reports.

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 task is performed once a yer and the highly skilled positions are not required during the remaining days of the year. This is a short term project. In addition, conducting an extensive physical inventory without the necessary resources (devices, databases) would require a large amount of labor and manpower. It is not feasible for pharmacy staff to conduct this type of inventory in a reasonable time.

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 inventory is done once a year.

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 new system does not require extensive end-user training.

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 10/17/17, the Department notified the following employee organizations of this PSC/RFP request:
SEIU 1021 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, #307, San Francisco, CA 94103

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 49013 - 16/17

DHR Analysis/Recommendation:

01/22/2018

Commission Approval Required

Approved by Civil Service Commission

01/22/2018 DHR Approved for 01/22/2018