



Mark Farrell
Mayor

Micki Callahan
Human Resources Director

Date: March 16, 2018
To: The Honorable Civil Service Commission

Through: Micki Callahan
Human Resources Director

From: Joan Lubamersky, ADM
Brett Conner, CHF
Elena Baranoff, JUV
Lavena Holmes, PRT
Chanda Ikeda, DHR
Cynthia Avakian, AIR
Belle La, CPC
Jacquie Hale, DPH

Subject: **Personal Services Contracts Approval Request**

This report contains fourteen (14) personal services contracts (PSCs) in accordance with the revised Civil Service Commission (CSC) procedures for processing PSCs that became effective on November 5, 2014.

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

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

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

Total of this Report	YTD Expedited Approvals FY2017-2018	Total for FY2017-2018
\$113,109,400	\$807,770,941	\$2,653,667,130

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POSTING FOR

April 02, 2018

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

2018-04-02

APPLY

PSC No	Dept Designation	PSC Amount	Description of Work	PSC Estimated Start Date	PSC Estimated End Date	Type of Approval
41380 - 17/18	GENERAL SERVICES AGENCY - CITY ADMIN	\$3,000,000.00	Provide Clearinghouse services, working with publications posting various City public announcements, notices, and advertising. Contractor will work closely with the Clerk of the Board of Supervisors. Contractor will follow all official advertising procedures, scheduling and deadlines and all other City posting procedures. Contractor will furnish the City a copy notice within two (2) hours of the publication's submission deadline and provide the Clerk of the Board of Supervisors documentation of publications to ensure published notice requirements were met and confirming meetings are still on schedule. Contractor will provide intermediary services between newspapers, and the Clerk of the Board of Supervisors and other City Departments. Contractor provides special holiday scheduling deadlines weeks prior to affected holiday. Contractor provides emergency contact during weekends and non-business hours.	July 1, 2018	June 30, 2023	REGULAR
49331 - 17/18	GENERAL SERVICES AGENCY - CITY ADMIN	\$5,000,000.00	Contractor(s) will provide 1) a single, toll-free 800 telephone number for participating City departments to access telephonic language interpretation services in Core Languages and must be available 24 hours a day, 365 days of the year; 2) document translation or other non-telephonic language services; and/or 3) Community Interpreter Training and language proficiency assessment. All language services will be performed by individuals who are certified by the State of California Certified and/or American Standards for Testing and Materials or for legal and medical interpretation. Core Languages will be defined as Chinese (Cantonese and Mandarin), Spanish, Filipino (Tagalog), Russian, and Vietnamese. Additionally, other languages may be included as needs emerge. Contractor services will only be used when a City employee is not available to conduct the interpretation/translation work or when legal needs require an interpreter/translator who is certified and therefore less open to potential legal challenges.	June 1, 2018	June 30, 2022	REGULAR
41526 - 17/18	CHILDREN; YOUTH & THEIR FAMILIES	\$500,000.00	At the request of its Oversight and Advisory Committee, the Department of Children, Youth and Their Families seeks to engage a professional event planner to help in the coordination and logistics of multiple community engagement events and focus groups to be held throughout the 2018-2023 funding cycle. These events will be an important department outreach initiative to connect directly with San Francisco citizens and gain feedback from key stakeholders. They will allow the department to confer directly with the nonprofit organizations providing youth services in the city, as well as the direct recipients of these services.	July 1, 2018	June 30, 2023	REGULAR
44694 - 17/18	CHILDREN; YOUTH & THEIR FAMILIES	\$13,500,000.00	This request is for professional evaluation of the department's grant-funded programs providing services to children, youth and their families. Evaluation services will measure the quality of services provided and the effectiveness of programs and inform strategic planning with respect to the department's goals listed in our authorizing legislation and results identified through the department's planning process.	July 1, 2018	June 30, 2023	REGULAR
45330 - 17/18		\$375,000.00		April 1, 2018	June 30, 2023	REGULAR

PSC No	Dept Designation	PSC Amount	Description of Work	PSC Estimated Start Date	PSC Estimated End Date	Type of Approval
	CHILDREN; YOUTH & THEIR FAMILIES		The Department of Children, Youth and Their Families wishes to engage photographers and video producers to record the work of the nonprofit organizations it supports. The work created by these artists will be used by the department in print and online for community engagement and education.			
46296 - 17/18	CHILDREN; YOUTH & THEIR FAMILIES	\$20,000,000.00	This request is for professional technical assistance and capacity building for department grant-funded nonprofit programs providing services to children, youth and their families. Technical assistance and capacity building will be provided broadly to address issues of program quality and administrative capability.	July 1, 2018	June 30, 2023	REGULAR
47035 - 17/18	CHILDREN; YOUTH & THEIR FAMILIES	\$3,000,000.00	The Department of Children, Youth and Their Families seeks a fiscal intermediary to provide fiscal and human resources support the Youth Empowerment Allocation's youth-led initiatives and projects. The Youth Empowerment Allocation is a funding stream established in the San Francisco City Charter, which states the department's annual Children and Youth Fund support must "include funding for youth-initiated projects totaling at least 3 percent of the total proposed expenditures from the Fund for the cycle." These funds are referred to as the Youth Empowerment Allocation. The department seeks a contract with a fiscal intermediary that can provide fiscal management to youth-initiated projects, manage annual events, hire and support youth interns to act in an advisory capacity to the implementation of the Youth Empowerment Allocation.	July 1, 2018	June 30, 2023	REGULAR
46103 - 17/18	JUVENILE PROBATION	\$554,400.00	Contractor will provide electronic monitoring services and necessary equipment for eligible Juvenile Probation Department youth. Service will allow the department to track youth released to the program in lieu of detention.	February 1, 2018	June 30, 2022	REGULAR
45871 - 17/18	PORT	\$2,100,000.00	The Port of San Francisco is seeking technical support services on an as-needed basis in the review and implementation of various maps, infrastructure systems design, and facilitation and coordination of various approval processes. The services are related to the development of two master planned Port projects at Pier 70 and Mission Rock. Pier 70 is a 28 acre mixed use development along the San Francisco Central Waterfront, adjacent to the Dogpatch neighborhood. Mission Rock is a 20 acre mixed use, master planned development near Pier 58-50 in the City's Mission Bay Redevelopment project area. The selected consultant will provide technical support to the Port consistent with Interagency Cooperation Agreements (ICA) and entitlement documents including but not limited to the: Final Environmental Impact Reports Design for Development and Design Control documents Project Infrastructure Plan and Supplements Subdivision Code and Regulations Streetscape Master Plan Master Utility Plan In addition, the selected consultant will facilitate the ICA process on behalf of the Port, review submissions with respect to the Port's proprietary role and authority for permitting, advising the Port on infrastructure issues, and providing constructive feedback recommendations, troubleshooting, and resolving plan review comments.	June 1, 2018	May 31, 2022	REGULAR
42562 - 17/18	HUMAN RESOURCES	\$2,500,000.00	The Contractor will negotiate collective bargaining agreements on behalf of the Department of Human Resources(DHR). As a chief negotiator, the Contractor will review the current Memoranda of Understanding, review past grievances and past proposals from the City and the Union, meet with the City's bargaining team, develop opening proposals, negotiate with Labor unions, and coordinate with DHR.	March 1, 2018	December 31, 2022	REGULAR

TOTAL AMOUNT \$50,529,400

257

Posting For April 02, 2018**Proposed Modifications to Personal Services Contracts****Commission Hearing Date**

2018-04-02

APPLY

PSC Number	Commission Hearing Date	Department	Additional Amount	Cumulative Total	Description	Start Date	End Date	Approval Type
47898 - 13/14 - MODIFICATIONS	April 2, 2018	AIRPORT COMMISSION -- AIR	\$62,000,000	\$110,000,000	<p>Project Management Support Services (PMSS) teams with design, design-build, construction manager/general contractor (CM/GC), and design-bid-build experience at airports to manage the design and construction of the Terminal 1 Redevelopment Program Boarding Area B and Terminal 1 Redevelopment Projects. Work will include project planning, controls, reporting, scheduling, budgeting, document control, coordination, design management, contracts management and constructability review for the following elements: 1) new interior spaces; 2) construction of a program-wide common use baggage handling system; 3) relocation and/or installation of new passenger loading areas and new foundations and fixed walkways; 4) site work for pavement grade modifications, installation of a garbage collection area, aircraft apron lighting, ground service equipment charging stations; 5) installation of utilities and ancillary systems and equipment; 6) modifications and/or relocations of utility, technology, and mechanical/electrical/plumbing systems; and 7) passenger amenities.</p> <p>Scope Change: The scope of work under this PSC hasn't changed but the work under the related construction project has been increased and this PSC supports that added work.</p>	12/31/2020	12/31/2024	REGULAR
37643 - 13/14 - MODIFICATIONS	April 2, 2018	CITY PLANNING -- CPC	\$350,000	\$650,000	<p>The Exploratorium will place a new approximately 3,000 sq. ft. temporary Living Innovation Zone in UN Plaza for two (2) years; Lead design process from concept sketches to design build; Solicit community feedback with district stakeholders; Produce 2D site plan and 3D site renderings for presentations and permit; Design and construct temporary Living Innovation Zone features; and Develop and fabricate 3-4 site-specific zones.</p> <p>Scope Change: To include a new installation exhibit for Alford Lake for three (3) years. The project is part of the Stanyan Street Frontage Improvement plan; Lead design process from concept sketches to design build; Solicit community feedback with district stakeholders; Produce 2D site plan and</p>	03/01/2018	12/31/2022	REGULAR

PSC Number	Commission Hearing Date	Department	Additional Amount	Cumulative Total	Description	Start Date	End Date	Approval Type
					3D site renderings for presentations and permit; Design and construct architectural features such as platforms and walls as appropriate; Develop and fabricate site-specific installations; Design and construct seating as relevant for the exhibition design and site considerations; Design and produce graphics and signage.			
3070-12/13 - MODIFICATIONS	April 2, 2018	PUBLIC HEALTH -- DPH	\$135,000	\$175,000	Contractor will provide specially training medical clowns to provide comfort and support to patients, their families and / or their caregivers. Medical clown services are a specialized form of patient support services that some studies have shown to be an effective part of the overall treatment plan for a patient. Medical clowns may utilize music, humor, magic tricks, and other techniques to entertain and relax patients.	03/01/2018	12/31/2022	REGULAR
3094 - 12/13 - MODIFICATIONS	April 2, 2018	PUBLIC HEALTH -- DPH	\$95,000	\$125,000	The Contractor will provide as needed expert consultation and training on the very complex issues and procedures related to the City and DPH receiving reimbursement for services provided to patients/clients receiving services paid for by Federal monies administered through the State- medical Administrative Activities (MAA) and Targeted case Management (TCM) Programs. These programs allow DPH to receive approximately \$10 million dollars in revenue annually. This consultation consists of advising on validating staff time survey documentation, new issues anticipated from the programs transition to electronic claims submissions, and the expanded need and potential revenue possible with the advent of health care reform.	03/01/2018	02/28/2021	REGULAR

TOTAL AMOUNT \$62,580,000

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

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: Clearinghouse for City Official and Outreach Advertising

Funding Source: General fund

PSC Duration: 5 years

PSC Amount: \$3,000,000

1. Description of Work

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

Provide Clearinghouse services, working with publications posting various City public announcements, notices, and advertising.

Contractor will work closely with the Clerk of the Board of Supervisors. Contractor will follow all official advertising procedures, scheduling and deadlines and all other City posting procedures. Contractor will furnish the City a copy notice within two (2) hours of the publication's submission deadline and provide the Clerk of the Board of Supervisors documentation of publications to ensure published notice requirements were met and confirming meetings are still on schedule. Contractor will provide intermediary services between newspapers, and the Clerk of the Board of Supervisors and other City Departments. Contractor provides special holiday scheduling deadlines weeks prior to affected holiday. Contractor provides emergency contact during weekends and non-business hours.

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

The City is required by law to post public announcements, notices, and advertisements to make meetings and legislation legally binding. There are numerous publications, specifically used by the Clerk of the Board of Supervisors and other City Departments, and it is imperative that the City goes through a Clearinghouse to ensure that publications are posted correctly and by legally mandated deadlines. If publications are not posted, per required law, legislation, meetings, and decisions made by the City will not be in legally binding. The City depends on Clearinghouse services for all commission, committee, Board of Supervisors meetings. Denial of these services may cause the City to not be in accordance with City public notification laws.

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 provided by commodities/services purchase order type service. It was the understanding at that time that it was the appropriate way to procure the services. We have now been advised to use a Personal Services Contract.

D. Will the contract(s) be renewed?

Yes, if needed.

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 is an ongoing requirement, for public disclosure and transparency. We request a five year duration to be consistent with fiscal year dates, for ease in administration.

2. Reason(s) for the Request

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

- Services required on an as-needed, intermittent, or periodic basis (e.g., peaks in workload).
- Services that require resources that the City lacks (e.g., office space, facilities or equipment with an operator).

B. Explain the qualifying circumstances:

Services are needed when announcements, advertising, is required. The Clearinghouse has an internet portal advertising service.

3. Description of Required Skills/Expertise

A. Specify required skills and/or expertise: Contractor must have current and updated knowledge of all City and County of San Francisco advertising and outreach sources, deadlines and legal requirements and an internet portal ad service.

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

C. Will contractor provide facilities and/or equipment not currently possessed by the City? If so, explain: Yes, an internet portal advertising service.

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

These services are not available through 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.

The Contractor brings expertise and ability in clearinghouse services, working with multiple publications to successfully post public notifications for weekend, holiday, and emergency Board of Supervisors, City meeting, and legislative deadlines, besides regular schedules. These services require working with various newspapers on public postings with rapid turnaround deadlines; which legally impact City business and legislation. These services are intermittent and must be available and responsive 24 hours a day. Civil service classes might be able to do some aspects of the work required, they don't have the range of knowledge and abilities required.

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 skills required for this work are too specialized and specific needs in regards to publication that may change. These services are intermittent and must be available and responsive 24 hours a day.

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 02/05/2018, 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: Joan Lubamersky Phone: 4155544859 Email: joan.lubamersky@sfgov.org

Address: One Carlton B. Goodlett Place Room 362 San Francisco, CA 94102

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 41380 - 17/18

DHR Analysis/Recommendation:

Civil Service Commission Action:

Commission Approval Required

DHR Approved for 04/02/2018

Receipt of Union Notification(s)

Lubamersky, Joan (ADM)

From: dhr-pescoordinator@sfgov.org on behalf of joan.lubamersky@sfgov.org
Sent: Monday, February 05, 2018 3:30 PM
To: Lubamersky, Joan (ADM); tmathews@ifpte21.org; kschumacher@ifpte21.org;
kpage@ifpte21.org; eerbach@ifpte21.org; pkim@ifpte21.org;
L21PSCReview@ifpte21.org; Lubamersky, Joan (ADM); DHR-PSCCoordinator, DHR (HRD)
Subject: Receipt of Notice for new PCS over \$100K PSC # 41380 - 17/18

RECEIPT for Union Notification for PSC 41380 - 17/18 more than \$100k

The GENERAL SERVICES AGENCY - CITY ADMIN -- ADM has submitted a request for a Personal Services Contract (PSC) 41380 - 17/18 for \$3,000,000 for Initial Request services for the period 07/01/2018 – 06/30/2023. 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/10662> 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: 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: Telephonic and interpreter/translation services available 24/7/365

Funding Source: General fund

PSC Duration: 4 years 4 weeks

PSC Amount: \$5,000,000

1. Description of Work

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

Contractor(s) will provide 1) a single, toll-free 800 telephone number for participating City departments to access telephonic language interpretation services in Core Languages and must be available 24 hours a day, 365 days of the year; 2) document translation or other non-telephonic language services; and/or

3) Community Interpreter Training and language proficiency assessment. All language services will be performed by individuals who are certified by the State of California Certified and/or American Standards for Testing and Materials or for legal and medical interpretation. Core Languages will be defined as Chinese (Cantonese and Mandarin), Spanish, Filipino (Tagalog), Russian, and Vietnamese. Additionally, other languages may be included as needs emerge. Contractor services will only be used when a City employee is not available to conduct the interpretation/translation work or when legal needs require an interpreter/translator who is certified and therefore less open to potential legal challenges.

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

These services are required by Federal and State Law, Title V1 of the Civil Rights Act of 1964, and specifically by the San Francisco Language Access Ordinance (LAO), which was adopted by the Board of Supervisors and signed into law by the Mayor on June 15 2001, and amended by the Board and approved by the Mayor in August 2009 and in February of 2015. Chapter 91 of the City's Administrative Code requires all city departments to provide the same level of service to Limited English Speaking Persons (LESP) as they provide to English Speakers in each language that meets certain language thresholds. Requirements cover access, translation of materials, interpreter and translated notices for public meetings and hearings, interpretation, protocols for crisis and emergency situations, complaints bilingual services and staffing, and other requirements. Denial would result in non-compliance with Federal, State, and local laws, additionally making implementation of Chapter 91 very difficult for most City departments, and departments doing so without these services may incur significant costs or be subject to liability.

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.

They have been provided by Personal Services Contract.

D. Will the contract(s) be renewed?

Yes.

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

2. Reason(s) for the Request

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

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

- B. Explain the qualifying circumstances:

Specialized expertise in multiple languages required Services are as needed Legal/regulatory requirements for certification in some cases Vendor may provide dual-handset analog phones, video-conferencing equipment, listening devices and other language translation equipment

3. Description of Required Skills/Expertise

- A. Specify required skills and/or expertise: (1) Certification by the State of California Certified and/or American Standards for Testing and Materials; (2) Trained in customer service skills; (3) Certified for legal and medical interpretation; and, (4) Trained in specific knowledge areas specified by the City of San Francisco, including cultural and linguistic competency.
- B. Which, if any, civil service class(es) normally perform(s) this work? 1324, Customer Service Agent; 1326, Customer Service Agent Supv; 1408, Principal Clerk; 1410, Chief Clerk; 1823, Senior Administrative Analyst; 1840, Junior Management Assistant; 1842, Management Assistant; 2586, Health Worker 2; 2903, Eligibility Worker; 8177, Attorney (Civil/Criminal); 0922, Manager I;
- C. Will contractor provide facilities and/or equipment not currently possessed by the City? If so, explain:
Yes, this may include dual-handset analog phones, video-conferencing equipment, listening devices and other language interpretation or translation equipment.

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

Bilingual employees are used by departments for day-to-day, regular operations. Contracted language services will be used only when a City employee is unavailable. We are not aware of any civil service classes that require certification. State of California-certified interpreters may be required for cases with legal or court concerns, or where there is an emergency or medical service involved.

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

A. Explain why civil service classes are not applicable.

Work is sporadic, as needed or emergency. Additionally, bilingual certification by the Department of Human Resources (DHR) is only a test for basic oral and written fluency in select language categories. DHR certification is not accepted by the State and subject to legal challenge if interpretation is subpoenaed or challenged in legal proceedings. There is currently no single civil service class that can perform all of the required work with the combination of skills, expertise and knowledge. This work requires expert skill and sensitivities. A small number of qualified contractors can perform the work and achieve economies of scale.

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 skills required for this work are too specialized and specific needs or languages may change.

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 01/05/2018, the Department notified the following employee organizations of this PSC/RFP request:
Architect & Engineers, Local 21; Municipal Attorney's Association; Municipal Executive Association; 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: Joan Lubamersky Phone: 4155544859 Email: joan.lubamersky@sfgov.org

Address: One Carlton B. Goodlett Place Room 362 San Francisco, CA 94102

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 49331 - 17/18

DHR Analysis/Recommendation:
Commission Approval Required
DHR Approved for 04/02/2018

Civil Service Commission Action:

Receipt of Union Notification(s)

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

From: dhr-psccordinator@sfgov.org [mailto:dhr-psccordinator@sfgov.org] On Behalf Of joan.lubamersky@sfgov.org

Sent: Friday, January 05, 2018 6:44 AM

To: Lubamersky, Joan (ADM) <joan.lubamersky@sfgov.org>; peter.masiak@seiu1021.org;
Ricardo.lopez@sfgov.org; Basconcillo, Katherine (PUC) <kbasconcillo@sfgwater.org>;
pcamarillo_seiu@sbcglobal.net; Wendy.Frigillana@seiu1021.org; pscreview@seiu1021.org;
ted.zarzecki@seiu1021.net; davidmkersten@gmail.com; ablood@cirseiu.org; xiumin.li@seiu1021.org;
Poon, Sin Yee (HSA) <sin.yee.poon@sfgov.org>; david.canham@seiu1021.org; jtanner940@aol.com;
camaguey@sfmea.com (contact) <camaguey@sfmea.com>; staff@sfmea.com;
kschumacher@ifpte21.org; kpage@ifpte21.org; eerbach@ifpte21.org; pkim@ifpte21.org;
L21PSCReview@ifpte21.org; Lubamersky, Joan (ADM) <joan.lubamersky@sfgov.org>; DHR-
PSCCoordinator, DHR (HRD) <dhr-psccordinator@sfgov.org>
Subject: Receipt of Notice for new PCS over \$100K PSC # 49331 - 17/18

RECEIPT for Union Notification for PSC 49331 - 17/18 more than \$100k

The GENERAL SERVICES AGENCY - CITY ADMIN -- ADM has submitted a request for a Personal Services Contract (PSC) 49331 - 17/18 for \$5,000,000 for Initial Request services for the period 06/01/2018 – 06/30/2022. 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/10545> 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

Lubamersky, Joan (ADM)

From: Lubamersky, Joan (ADM)
Sent: Tuesday, January 09, 2018 3:45 PM
To: SEAN CONNOLLY (CAT) (Sean.Connolly@sfcityatty.org)
Subject: Notice to Employee Organization PSC 49331 17.18
Attachments: PSC 49331 17.18 OCEIA Language Translation Services Form 1.htm

January 9, 2018

MEMORANDUM

TO: Sean Connolly, President, Municipal Attorneys Association (MAA)
FROM: Joan Lubamersky, Contract Coordinator
Office of the City Administrator
SUBJ: Notice of Personal Services Contract (PSC) 49331 17.18

The Office of Civic Engagement and Immigrant Affairs (OCEIA) of the General Services Agency proposes to a do Personal Services Contract (PSC) to contract for 24/7/365 telephonic translation services.

We are required by the Department of Human Resources and the Civil Service Commission to notify employee organizations when contracting out is requested to do work that City employees could conceivably perform. The translators would not be attorneys, however some of the specialized translations may concern legal matters.

Please see the PSC Form 1 attached that is posted on the City website. Because your union is not listed to be notified via the online system, I am reaching out to you directly to advise you of this PSC request.

If you should have any questions or concerns about this PSC, please let me know at Joan.Lubamersky@sfgov.org or contact the Department of Human Resources, DHR-PSC Coordinator, DHR (HRD), dhr-psccoordinator@sfgov.org

Thank you for your consideration.

Attachment, PSC Form 1

Joan Lubamersky
General Services Agency-Office of the City Administrator
City Hall
One Carlton B. Goodlett Place, Room 362
San Francisco, CA 94102
Direct: 1-415-554-4859
Direct: Main 1-415-554-4148 or 1-415-554-4851
Fax: 1-415-554-4849

Additional Attachment(s)

Language Access Ordinance Amendments 2015

1 [Administrative Code - Language Access Requirements for Departments]

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

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

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

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

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

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

20 (b) Findings.

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

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

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

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

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

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

23 (7) The Board finds that ~~the lack of gaps in~~ language services access can seriously
24 affect San Francisco's ability to serve all of its residents. ~~A 2006 survey by t~~The United States
25 Census Bureau's 2008-2012 American Community Survey found reveals that 4536% of San

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

9 **SEC. 91.2. DEFINITIONS.**

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

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

15 (a) "Annual Compliance Plan" is set forth in Section 91.~~1140~~ of this Chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 ~~(4) "Tier 1 Departments" shall mean the following City departments: Adult Probation~~
17 ~~Department, Department of Elections, Department of Human Services, Department of Public Health,~~
18 ~~District Attorney's Office, Department of Emergency Management, Fire Department, Human Services~~
19 ~~Agency, Juvenile Probation Department, Municipal Transportation Agency, Police Department, Public~~
20 ~~Defender's Office, Residential Rent Stabilization and Arbitration Board, Sheriff's Office. Beginning~~
21 ~~July 1, 2010, the following departments shall be added to the list of Tier 1 Departments: San Francisco~~
22 ~~International Airport, Office of the Assessor Recorder, City Hall Building Management, Department of~~
23 ~~Building Inspection, Department of the Environment, San Francisco Public Library, Mayor's Office of~~
24 ~~Economic and Workforce Development, Planning Department, Department of Public Works, Public~~
25

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 ~~(k) If the Department determines that additional bilingual employees are needed assessments~~
4 ~~indicate a need for additional Bilingual Employees in Public Contact Positions to meet the~~
5 ~~requirements of Section 91.43 of this Chapter, the Department must provide a description of the~~
6 ~~Tier 1 Department's its plan for meeting those requirements the positions, including the number of~~
7 ~~estimated vacancies in Public Contact Positions;~~

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

11 ~~(m) A list of the Tier 1 Department's written materials required to be that have been~~
12 ~~translated under this Chapter 91, the language(s) into which they have been translated, and~~
13 ~~the persons who have reviewed the translated material for accuracy and appropriateness;~~

14 ~~(n) A description of the Tier 1 Department's procedures for accepting and resolving complaints~~
15 ~~of an alleged violation of this Chapter consistent with Section 91.9;~~

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

19 ~~(p) A list of goals for the upcoming year and, for all Annual Compliance Plans except~~
20 ~~the first, an assessment of the Tier 1 Department's success at meeting last year's goals;~~

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

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

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

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

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

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

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

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

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

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

20 (c) OCEIA may include in the Summary Report In the written report of the Clerk of the Board,
21 the Office of Civic Engagement and Immigrant Affairs may recommended appropriate changes to all
22 departmental Annual Compliance Plans in order to meet the needs of Emerging Language
23 Populations. Emerging language populations is defined as at least 2.5 percent of the population who
24 use the Department's services or 5,000 City residents who speak a shared language other than English.
25

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (g) Investigate potential violations of this Chapter.;

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

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

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

9 and

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

12 *///*

13 *///*

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

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

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

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

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

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

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

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

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

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

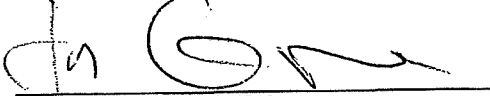
19 (c) The Language Access Ordinance shall be interpreted and applied so as to be
20 consistent with Title VI and VII of the Civil Rights Act of 1964, California's Fair Employment
21 and Housing Act, and Article X of the San Francisco Charter and so as not to impede or
22 impair the City's obligations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

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

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

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

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

12 By: 
13 ALICIA CABRERA
Deputy City Attorney

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

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City and County of San Francisco

Tails
Ordinance

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

File Number: 141149

Date Passed: March 03, 2015

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

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

February 12, 2015 Rules Committee - RECOMMENDED AS AMENDED

February 24, 2015 Board of Supervisors - AMENDED

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

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

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

March 03, 2015 Board of Supervisors - FINALLY PASSED

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

File No. 141149

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

Reggy Nevin
for Angela Calvillo
Clerk of the Board

[Signature]
Mayor

3/12/15
Date Approved

Language Access Ordinance 2009

CHAPTER 91: City and County of San Francisco Administrative Code
LANGUAGE ACCESS ORDINANCE

Sec. 91.1. Purpose and Findings.

Sec. 91.2. Definitions.

Sec. 91.3. Access to Language Services.

Sec. 91.4. Translation of Materials.

Sec. 91.5. Dissemination of Translated Materials From the State and Federal Government.

Sec. 91.6. Public Meetings and Hearings.

Sec. 91.7. Recorded Telephonic Messages.

Sec. 91.8. Crisis Situations.

Sec. 91.9. Complaint Procedure.

Sec. 91.10. Annual Compliance Plan.

Sec. 91.11. Compliance Plans Submittals and Emerging Language Populations.

Sec. 91.12. Recruitment.

Sec. 91.13. Commission Responsibilities.

Sec. 91.14. Office of Civic Engagement and Immigrant Affairs' Responsibilities.

Sec. 91.15. Rules and Regulations.

Sec. 91.16. Enforcement.

Sec. 91.17. Severability.

Sec. 91.18. Disclaimers.

SEC. 91.1 PURPOSE AND FINDINGS.

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

(b) **Findings.**

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

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

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

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

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

(6) Eight years later, the Board finds that differential access to City services still exists due to significant gaps in language services, lack of protocols for departments to procure language services, low budgetary prioritization by departments for language services.

(7) The Board finds that the lack of language services seriously affects San Francisco's ability to serve all of its residents. A 2006 survey by the United States Census Bureau found that 45% of San Franciscans are foreign-born and City residents speak more than 28 different languages. Among the 24% of the total population who self-identify as limited-English speakers, 50% are Chinese speakers, 23% are Spanish speakers, 5% are Russian speakers and 4% speak Tagalog.

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001; Ord. 202-09, File No. 090461, App. 8/28/2009)

SEC. 91.2. DEFINITIONS.

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

- (a) "Annual Compliance Plan" is set forth in Section 91.10 of this Chapter.
- (b) "Bilingual Employee" shall mean a City employee who is proficient in the English language and in one or more non-English language.
- (c) "City" shall mean the City and County of San Francisco.
- (d) "Commission" shall mean the Immigrant Rights Commission.
- (e) "Concentrated Number of Limited English Speaking Persons" shall mean either 5 percent of the population of the District in which a Covered Department Facility is located or 5 percent of those persons who use the services provided by the Covered Department Facility. The Office of Civic Engagement and Immigrant Affairs shall determine annually whether 5 percent or more of the population of any District in which a Covered Department Facility is located are Limited English Speaking Persons who speak a shared language other than English. The Office of Civic Engagement and Immigrant Affairs shall make this determination by referring to the best available data from the United States Census Bureau or other reliable source and shall certify its determination to all City Departments and the Commission no later than December 1 of each year. Each Department shall determine annually whether 5 percent or more of those persons who use the Department's services at a Covered Department Facility are Limited English Speaking Persons who speak a shared language other than English using either of the following methods specified in Section 91.2(k) of this Chapter.
- (f) "Covered Department Facility" shall mean any Department building, office, or location that provides direct services to the public and serves as the workplace for 5 or more full-time City employees.
- (g) "Department(s)" shall mean both Tier 1 Departments and Tier 2 Departments.
- (h) "Districts" shall refer to the 11 geographical districts by which the people of the City elect the members of the City's Board of Supervisors. If the City should abandon the district election system, the Commission shall have the authority to draw 11 district boundaries for the purposes of this Chapter that are approximately equal in population.
- (i) "Limited English Speaking Person" shall mean an individual who does not speak English well or is otherwise unable to communicate effectively in English because English is not the individual's primary language.
- (j) "Public Contact Position" shall mean a position, a primary job responsibility of which, consists of meeting, contacting, and dealing with the public in the performance of the duties of that position.
- (k) "Substantial Number of Limited English Speaking Persons" shall mean either 10,000 City residents, or 5 percent of those persons who use the Department's services. The Office of Civic Engagement and Immigrant Affairs shall determine annually whether at least 10,000 limited English speaking City residents speak a shared language other than English. The Office of Civic Engagement and Immigrant Affairs shall make this

determination by referring to the best available data from the United States Census Bureau or other reliable source and shall certify its determination to Departments and the Commission no later than December 1 of each year. Each Department shall determine annually whether 5 percent or more of those Limited English Speaking Persons who use the Department's services Citywide speak a shared language other than English. Departments shall make this determination using one of the following methods:

(1) Conducting an annual survey of all contacts with the public made by the Department during a period of at least two weeks, at a time of year in which the Department's public contacts are to the extent possible typical or representative of its contacts during the rest of the year, but before developing its Annual Compliance Plan required by Section 91.10 of this Chapter; or

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

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

(l) "Tier 1 Departments" shall mean the following City departments: Adult Probation Department, Department of Elections, Department of Human Services, Department of Public Health, District Attorney's Office, Department of Emergency Management, Fire Department, Human Services Agency, Juvenile Probation Department, Municipal Transportation Agency, Police Department, Public Defender's Office, Residential Rent Stabilization and Arbitration Board, Sheriff's Office. Beginning July 1, 2010, the following departments shall be added to the list of Tier 1 Departments: San Francisco International Airport, Office of the Assessor Recorder, City Hall Building Management, Department of Building Inspection, Department of the Environment, San Francisco Public Library, Mayor's Office of Economic and Workforce Development, Planning Department, Department of Public Works, Public Utilities Commission, Recreation and Park Department, Office of the Treasurer and Tax Collector, and the San Francisco Zoo.

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

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001; amended by Ord. 187-04, File No. 040759, App. 7/22/2004; Ord. 202-09, File No. 090461, App. 8/28/2009)

SEC. 91.3. ACCESS TO LANGUAGE SERVICES.

(a) Utilizing sufficient Bilingual Employees in Public Contact Positions, Tier 1 Departments shall provide information and services to the public in each language spoken by a Substantial Number of Limited English Speaking Persons or to the public served by a Covered Department Facility in each language spoken by a Concentrated Number of Limited English Speaking Persons. Tier 1 Departments comply with their obligations under this Section if they provide the same level of service to Limited English Speaking Persons as they provide English speakers.

(b) Tier 1 Departments need only implement the hiring requirements in the Language Access Ordinance by filling public contact positions made vacant by retirement or normal attrition. Nothing herein shall be construed to authorize the dismissal of any City employee in order to carry out the Language Access Ordinance.

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

(Added by Ord. 128-01, File No. 011051, App. 6/15/2001; Ord. 202-09, File No. 090461, App. 8/28/2009)

SEC. 91.4. TRANSLATION OF MATERIALS.

(a) Tier 1 Departments shall translate the following written materials that provide vital information to the public about the Department's services or programs into the language(s) spoken by a Substantial Number of Limited English Speaking Persons: applications or forms to participate in a Department's program or activity or to receive its benefits or services; written notices of rights to, determination of eligibility of, award of, denial of, loss of, or decreases in benefits or services, including the right to appeal any Department's decision; written tests that do not assess English language competency, but test competency for a particular license or skill for which knowledge of written English is not required; notices advising Limited English Speaking Persons of free

language assistance; materials explaining a Department's services or programs; complaint forms; or any other written documents that have the potential for important consequences for an individual seeking services from or participating in a program of a city department.

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

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

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

(e) Each Department shall designate a staff member with responsibility for ensuring that all translations of the Department's written materials meet the accuracy and appropriateness standard set in Subsection (d) of this Section. Departments are encouraged to have their staff check the quality of written translations, but where a Department lacks biliterate personnel, the responsible staff member shall obtain quality checks from external translators. Departments are also encouraged to solicit feedback on the accuracy and appropriateness of translations from bilingual staff at community groups whose clients receive services from the Department.

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

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001; Ord. 202-09, File No. 090461, App. 8/28/2009)

SEC. 91.5. DISSEMINATION OF TRANSLATED MATERIALS FROM THE STATE AND FEDERAL GOVERNMENT.

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

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001)

SEC. 91.6. PUBLIC MEETINGS AND HEARINGS.

(a) City Boards, City Commissions and City Departments shall not automatically translate meeting notices, agendas, or minutes.

(b) City Boards, City Commissions and City Departments shall provide oral interpretation of any public meeting or hearing if requested at least 48 hours in advance of the meeting or hearing.

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

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001; Ord. 202-09, File No. 090461, App. 8/28/2009)

SEC. 91.7. RECORDED TELEPHONIC MESSAGES.

All Departments with recorded telephonic messages about the Department's operation or services shall maintain such messages in each language spoken by a Substantial Number of Limited English Speaking Persons or where applicable a Concentrated Number of Limited English Speaking Persons. Such Departments are encouraged to include in the telephonic messages information about business hours, office location(s), services offered and the means of accessing such services, and the availability of language assistance. If the Department is governed by a Commission, the messages shall include the time, date, and place of the Commission's meetings.

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001)

SEC. 91.8 CRISIS SITUATIONS.

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

(Added by Ord. 202-09, File No. 090461, App. 8/28/2009)

SEC. 91.9 COMPLAINT PROCEDURE.

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

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

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001; Ord. 202-09, File No. 090461, App. 8/28/2009)

SEC. 91.10 ANNUAL COMPLIANCE PLAN.

Each Tier 1 Department shall draft an Annual Compliance Plan containing all of the following information:

(a) The number and percentage of Limited English Speaking Persons who actually use the Tier 1 Department's services Citywide, listed by language other than English, using either method in Section 91.2(k) of this Chapter;

(b) The number and percentage of limited English speaking residents of each District in which a Covered Department Facility is located and persons who use the services provided by a Covered Department Facility, listed by language other than English, using either method in Section 91.2(k) of this Chapter;

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

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

(e) The number of Bilingual Employees in Public Contact Positions, their titles, certifications of bilingual capacity, office locations, the language(s) other than English that the persons speak;

(f) The name and contact information of the Tier 1 Department's language access liaison;

(g) A description of any use of telephone-based interpretation services, including the number of times such services were used and the language(s) for which they were used;

(h) A narrative assessment of the procedures used to facilitate communication with Limited English Speaking Persons, which shall include an assessment of the adequacy of the procedures;

(i) Ongoing employee development and training strategy to maintain well trained bilingual employees and general staff. Employee development and training strategy should include a description of quality control protocols for bilingual employees; and description of language service protocols for Limited English Speaking individuals in crisis situations as outlined in Section 91.8;

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

(k) If assessments indicate a need for additional Bilingual Employees in Public Contact Positions to meet the requirements of Section 91.3 of this Chapter, a description of the Tier 1 Department's plan for filling the positions, including the number of estimated vacancies in Public Contact Positions;

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

(m) A list of the Tier 1 Department's written materials required to be translated under this Chapter, the language(s) into which they have been translated, and the persons who have reviewed the translated material for accuracy and appropriateness;

(n) A description of the Tier 1 Department's procedures for accepting and resolving complaints of an alleged violation of this Chapter consistent with Section 91.9;

(o) A copy of the written policies on providing services to Limited English Speaking Persons;

(p) A list of goals for the upcoming year and, for all Annual Compliance Plans except the first, an assessment of the Tier 1 Department's success at meeting last year's goals;

(q) Annual budget allocation and strategy, including the total annual expenditure for services that are related to language access:

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

(2) Telephonic translation services provided by City vendors;

(3) Document translation services provided by City vendors;

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

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

(s) Any other information requested by the Commission necessary for the implementation of this Chapter. (Added by Ord. 126-01, File No. 010409, App. 6/15/2001; Ord. 202-09, File No. 090461, App. 8/28/2009)

SEC. 91.11 COMPLIANCE PLANS SUBMITTALS AND EMERGING LANGUAGE POPULATIONS.

(a) **Compliance Plans Submittals.** The Director of each Tier 1 Department shall approve and annually file electronic copies of the Annual Compliance Plan by December 31st with the Mayor's Office, the Commission, and the Office of Civic Engagement and Immigrant Affairs.

(b) **Inclusion of Emerging Language Populations in a written report to the Board.** By March 1st of each year, the Office of Civic Engagement and Immigrant Affairs shall compile and summarize in a written report to the Clerk of the Board of Supervisors all departmental Annual Compliance Plans. In the written report of the Clerk of the Board, the Office of Civic Engagement and Immigrant Affairs may recommend appropriate changes to all departmental Annual Compliance Plans in order to meet the needs of emerging language populations. Emerging language populations is defined as at least 2.5 percent of the population who use the Department's services or 5,000 City residents who speak a shared language other than English.

(c) By June 30th of each year, the Office of Civic Engagement and Immigrant Affairs may request a joint public hearing with the Board of Supervisors and the Commission to assess the adequacy of the City's ability to provide the public with access to language services.

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

(Added by Ord. 202-09, File No. 090461, App. 8/28/2009)

SEC. 91.12 RECRUITMENT.

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

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001; Ord. 202-09, File No. 090461, App. 8/28/2009)

SEC. 91.13 COMMISSION RESPONSIBILITIES.

The Commission shall be responsible for monitoring and facilitating compliance with this Chapter. Its duties shall include: conducting outreach to Limited English Speaking Persons about their rights under this Chapter; reviewing complaints about alleged violations of this Chapter forwarded from Departments; working with Departments to resolve complaints; maintaining copies of complaints and their resolution for not less than 8 years, organized by Department; coordinating a language bank for Departments that choose to have translation done outside the Department and need assistance in obtaining translators; and reviewing Annual Compliance Plans.

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001; Ord. 202-09, File No. 090461, App. 8/28/2009)

SEC. 91.14 OFFICE OF CIVIC ENGAGEMENT AND IMMIGRANT AFFAIRS' RESPONSIBILITIES.

Subject to the budgetary and fiscal provisions of the Charter, the City may adequately fund the Office of Civic Engagement and Immigrant Affairs to provide a centralized infrastructure for the City's language services. The Office of Civic Engagement responsibilities include the following:

- (a) Provide technical assistance for language services for all Departments;
- (b) Coordinate language services across Departments, including but not limited to maintaining a directory of qualified language service providers for the City, maintaining an inventory of translation equipment, providing assistance to Departments, Board of Supervisors, and the Mayor's Office in identifying bilingual staff;
- (c) Compiling and maintaining a central repository for all Departments translated documents;
- (d) Providing Departments with model Annual Compliance Plans; and
- (e) Reviewing complaints of alleged violations with quarterly reports to the Commission.

(Added by Ord. 202-09, File No. 090461, App. 8/28/2009)

☐ SEC. 91.15 RULES AND REGULATIONS.

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

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001; Ord. 202-09, File No. 090461, App. 8/28/2009)

☐ SEC. 91.16 ENFORCEMENT.

If after an investigation and attempt to resolve an incidence of Department non-compliance, the Commission is unable to resolve the matter, it shall transmit a written finding of non-compliance, specifying the nature of the non-compliance, to the Department, the Department of Human Resources, the Mayor, and the Board of Supervisors.

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001; Ord. 202-09, File No. 090461, App. 8/28/2009)

☐ SEC. 91.17 SEVERABILITY.

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

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001; Ord. 202-09, File No. 090461, App. 8/28/2009)

☐ SEC. 91.18 DISCLAIMERS.

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

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

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

(Added by Ord. 202-09, File No. 090461, App. 8/28/2009)

Dymally Alatorre Biligual Services Act

CAL. GOV'T CODE § 7290 et seq.

The Dymally-Alatorre Bilingual Services Act.

§ 7290. Citation

This chapter may be known and cited as the Dymally-Alatorre Bilingual Services Act.

§7291. Legislative declarations and intent

The Legislature hereby finds and declares that the effective maintenance and development of a free and democratic society depends on the right and ability of its citizens and residents to communicate with their government and the right and ability of the government to communicate with them.

The Legislature further finds and declares that substantial numbers of persons who live, work **and** pay taxes in this state are unable, either because they do not speak or write English, at all, or because their primary language is other than English, effectively to communicate with their government. The Legislature further finds and declares that state and local agency employees frequently are unable to communicate with persons requiring their services because of this language barrier. As a consequence, substantial numbers of persons presently are being denied rights and benefits to which they would otherwise be entitled.

It is the intention of the Legislature in enacting this chapter to provide for effective communication between all levels of government in this state and the people of this state who are precluded from utilizing public services because of language barriers.

§7292. Required employment of qualified bilingual persons by state agencies Every state agency, as defined in Section 11000, except the State Compensation Insurance Fund, directly involved in the furnishing of information or the rendering of services to the public whereby contact is made with a substantial number of non-English-speaking people, shall employ a sufficient number of qualified bilingual persons in public contact positions to ensure provision of information and services to the public, in the language of the non-English-speaking person.

§7293. Required employment of qualified bilingual persons by local agencies Every local public agency, as defined in Section 54951, serving a substantial number of non-English-speaking- people, shall employ a sufficient number of qualified bilingual persons in public contact positions or as interpreters to assist those in such positions, to ensure provision of information and services in the language of the non-English-speaking person. The determination of what constitutes a substantial number of non-English-speaking people and a sufficient number of qualified bilingual persons shall be made by the local agency.

§7294. Implementation of chapter by retirement or normal attrition

An employee of a state or local agency, as defined by Sections 11000 and 54951, may not be dismissed to carry out the purposes of this chapter. A state or local public agency need only implement this chapter by filling employee public contact positions made vacant by retirement or normal attrition.

§7295. Translation of materials explaining services available

Any materials explaining services available shall be translated into any non-English language spoken by a substantial number of the public served by the agency. Whenever notice of the availability of materials explaining services available is given, orally or in writing, it shall be given in English and in the non-English language into which any materials have been translated. The determination of when these materials are necessary when dealing with local agencies shall be left to the discretion of the local agency.

§7295.2. Translation of state agency materials explaining services

Every state agency which serves a substantial number of non-English speaking people and which provides materials in English explaining services shall also provide the same type of materials in any non-English language spoken by a substantial number of the public served by the agency. Whenever notice of the availability of materials explaining services available is given, orally or in writing, it shall be given in English and in the non-English language into which any materials have been translated. This section shall not be interpreted to require verbatim translations of any materials provided in English by a state agency.

§7295.4. Distribution of written materials in non-English language by state agency

Whenever a state agency finds that the factors listed in both subdivisions (a) and (c) or (b) and (c) exist, it shall distribute the applicable written materials in the appropriate non-English language through its local offices or facilities to non-English-speaking persons, or, as an alternative, the state agency may instead elect to furnish translation aids, translation guides, or provide assistance at such local offices in completing English forms or questionnaires and in understanding English forms, letters or notices.

- (a) The written materials, whether forms, applications, questionnaires, letters or notices, solicit or require the furnishing of information from an individual or provide that individual with information.
- (b) The information solicited, required or furnished affects or may affect the individual's rights, duties or privileges with regard to that agency's services or benefits.
- (c) The local office or facility of the agency with which the individual is dealing, serves a substantial number of non-English-speaking persons.

§7296. "Bilingual person"

As used in this chapter, a "bilingual person" is a person who is proficient in both the English language and the foreign language to be used.

§7296.2. "Substantial number of non-English-speaking people"

As used in Sections 7292 and 7295.2, a "substantial number of non-English-speaking people" are members of a group who either do not speak English, or who are unable to effectively communicate in English because it is not their native language, and who comprise 5 percent or more of the people served by any local office or facility of a state agency.

§7296.4. "A sufficient number of qualified bilingual persons in public contact positions"

As used in Section 7292, "a sufficient number of qualified bilingual persons in public contact positions" is the number required to provide the same level of services to non-English-speaking persons as is available to English-speaking persons seeking such services; provided, however, that where the local office or facility of the state employs the equivalent of 25 or fewer regular, full-time employees, it shall constitute compliance with the requirements of this chapter if a sufficient number of qualified bilingual persons are employed in public contact positions, or as interpreters to assist those in such positions, to provide the same level of services to non-English-speaking persons as is available to English-speaking persons seeking such services from such office or facility.

§7297. "Public contact position"

As used in this chapter, a "public contact position" is a position determined by the agency to be one which emphasizes the ability to meet, contact and deal with the public in the performance of the agency's functions.

§7298. Exclusion of school districts and officers

The provisions of this chapter are not applicable to school districts, county boards of education, or the office of a county superintendent of schools.

§7299. Implementation consistent with public funds, federal law, and civil service

The provisions of this act shall be implemented to the extent that local, state or federal funds are available, and to the extent permissible under federal law and the provisions of civil service law governing the state and local agencies.

§7299.1. Telephone based interpretation services

State agencies may, utilizing existing funds, contract for telephone based interpretation services in addition to employing bilingual persons in public contact positions.

§7299.2. Responsibilities of State Personnel Board

The State Personnel Board shall be responsible for informing state agencies of their responsibilities under this chapter and providing state agencies with technical assistance, upon request on a reimbursable basis.

§7299.4. Survey by state agencies

Each state agency shall conduct a survey of each of its local offices every two years to determine all of the following:

- (a) The number of public contact positions in each local office.
- (b) The number of bilingual employees in public contact positions, and the languages they speak, other than English.
- (c) The number and percentage of non-English-speaking people served by each local office, broken down by native language.

- (d) The number of anticipated vacancies in public contact positions.
- (e) Whether the use of contracted telephone based interpretation services in addition to bilingual persons in public contact positions is serving the language needs of the people served by the agency.
- (f) Any other relevant information requested by the State Personnel Board. Each agency shall calculate the percentage of non-English-speaking people served by each local office by rounding the percentage arrived at to the nearest whole percentage point.

The survey results shall be reported on forms provided by the State Personnel Board, and delivered to the board not later than March 31 of every even-numbered year beginning with 1992.

§7299.5. Exemptions

The State Personnel Board may exempt state agencies from the requirements of Section 7299.4, where the State Personnel Board determines that any of the following conditions apply:

- (a) The agency does not furnish information or render services to the public.
- (b) The agency has consistently received such limited public contact with the non-English speaking public that it has not been required to employ bilingual staff under Section 7292.

In order to receive an exemption, each state agency must annually petition the State Personnel Board for the exemption and receive approval in writing. An agency may not receive an exemption for more than three consecutive years.

§7299.6. Delivery of survey results and plan of compliance to State Personnel Board

The results of the survey required to be made by Section 7299.4 shall be compiled by the State Personnel Board and provided in a report to the Legislature every two years.

§7299.8. Establishment of bilingual positions where less than specified percent of people are non-English speaking; Filling public contact positions

It is not the intent of the Legislature in enacting this chapter to prohibit the establishment of bilingual positions, or printing of materials, or use of interpreters, where less than 5 percent of the people served do not speak English or are unable to communicate effectively, as determined appropriate by the state or local agency. It is not the intent of the Legislature in enacting this chapter to require that all public contact positions be filled with bilingual persons.

Title VI Civil Rights Act 1964

TITLE VI OF THE 1964 CIVIL RIGHTS ACT

42 U.S.C §§ 2000d - 2000d-7

TITLE 42 - The Public Health and Welfare

SUBCHAPTER V - FEDERALLY ASSISTED PROGRAMS

- Sec. 2000d. Prohibition against exclusion from participation in, denial of benefits of, and discrimination under federally assisted programs on ground of race, color, or national origin
- Sec. 2000d-1. Federal authority and financial assistance to programs or activities by way of grant, loan, or contract other than contract of insurance or guaranty; rules and regulations; approval by President; compliance with requirements; reports to Congressional committees; effective date of administrative action
- Sec. 2000d-2. Judicial review; administrative procedure provisions
- Sec. 2000d-3. Construction of provisions not to authorize administrative action with respect to employment practices except where primary objective of Federal financial assistance is to provide employment
- Sec. 2000d-4. Federal authority and financial assistance to programs or activities by way of contract of insurance or guaranty
- Sec. 2000d-4a. "Program or activity" and "program" defined
- Sec. 2000d-5. Prohibited deferral of action on applications by local educational agencies seeking Federal funds for alleged noncompliance with Civil Rights Act
- Sec. 2000d-6. Policy of United States as to application of nondiscrimination provisions in schools of local educational agencies
- Sec. 2000d-7. Civil rights remedies equalization

CROSS REFERENCE

Age discrimination in employment, see section 621 et seq. of title 29, Labor.

Age discrimination in federally assisted programs, see section 6101 et seq. of this title.

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 290cc-34, 300w-7, 300x- 7, 708, 1437l, 1988 , 2000d-6, 2000d-7, 2000h, 3608, 3608a, 4621, 5057, 5309, 5891, 6709, 6870, 8625, 9906, 10406, of this title; title 15 sections 719o, 775, 3151; title 20 sections 1231e, 1232i, 1717, 3022, 3291; title 23 sections 117, 324; title 29 sections 794a, 1577; title 40 section 476; title 43 section 1863; title 49 section 306; title 49 App. sections 1604, 1615, 2208, 2219.

Sec. 2000d. Prohibition against exclusion from participation in, denial of benefits of, and discrimination under federally assisted programs on ground of race, color, or national origin

No person in the United States shall, on the ground of race, color, or national origin, be excluded

from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

(Pub. L. 88-352, title VI, Sec. 601, July 2, 1964, 78 Stat. 252.)

COORDINATION OF IMPLEMENTATION AND ENFORCEMENT OF PROVISIONS

For provisions relating to the coordination of implementation and enforcement of the provisions of this subchapter by the Attorney General, see section 1-201 of Ex. Ord. No. 12250, Nov. 2, 1980, 45 F.R. 72995, set out as a note under section 2000d-1 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2000d-1 of this title; title 39 section 410.

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Sec. 2000d-1. Federal authority and financial assistance to programs or activities by way of grant, loan, or contract other than contract of insurance or guaranty; rules and regulations; approval by President; compliance with requirements; reports to Congressional committees; effective date of administrative action

Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of section 2000d of this title with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken. No such rule, regulation, or order shall become effective unless and until approved by the President. Compliance with any requirement adopted pursuant to this section may be effected

(1) by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding on the record, after opportunity for hearing, of a failure to comply with such requirement, but such termination or refusal shall be limited to the particular political entity, or part thereof, or other recipient as to whom such a finding has been made and, shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found, or

(2) by any other means authorized by law:

Provided, however, That no such action shall be taken until the department or agency concerned has advised the appropriate person or persons of the failure to comply with the requirement and has determined that compliance cannot be secured by voluntary means. In the case of any action terminating, or refusing to grant or continue, assistance because of failure to comply with a requirement imposed pursuant to this section, the head of the Federal department or agency shall file with the committees of the House and Senate having legislative jurisdiction

over the program or activity involved a full written report of the circumstances and the grounds for such action. No such action shall become effective until thirty days have elapsed after the filing of such report.

(Pub. L. 88-352, title VI, Sec. 602, July 2, 1964, 78 Stat. 252.)

DELEGATION OF FUNCTION

Function of the President relating to approval of rules, regulations, and orders of general applicability under this section, delegated to the Attorney General, see section 1-101 of Ex. Ord. No. 12250, Nov. 2, 1980, 45 F.R. 72995, set out as a note below.

EQUAL OPPORTUNITY IN FEDERAL EMPLOYMENT

Nondiscrimination in government employment and in employment by government contractors and subcontractors, see Ex. Ord. No. 11246, eff. Sept. 24, 1965, 30 F.R. 12319, and Ex. Ord. No. 11478, eff. Aug. 8, 1969, 34 F.R. 12985, set out as notes under section 2000e of this title.

EXECUTIVE ORDER NO. 11247

Ex. Ord. No. 11247, eff. Sept. 24, 1965, 30 F.R. 12327, which related to the enforcement of coordination of nondiscrimination in federally assisted programs, was superseded by Ex. Ord. No. 11764, eff. Jan. 21, 1974, 39 F.R. 2575, formerly set out as a note below.

EXECUTIVE ORDER NO. 11764

Ex. Ord. No. 11764, Jan. 21, 1974, 39 F.R. 2575, which related to coordination of enforcement of the provisions of this subchapter, was revoked by section 1-501 of Ex. Ord. No. 12250, Nov. 2, 1980, 45 F.R. 72996, set out as a note below.

EX. ORD. NO. 12250. LEADERSHIP AND COORDINATION OF IMPLEMENTATION AND ENFORCEMENT OF NONDISCRIMINATION LAWS
[Body of Executive Order No. 12250]

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2000d-2, 2000d-5, 5057, 9821, 9849, 10406 of this title; title 39 section 410.

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Sec. 2000d-2. Judicial review; administrative procedure provisions

Any department or agency action taken pursuant to section 2000d-1 of this title shall be subject to such judicial review as may otherwise be provided by law for similar action taken by such department or agency on other grounds. In the case of action, not otherwise subject to judicial review, terminating or refusing to grant or to continue financial assistance upon a finding of failure to comply with any requirement imposed pursuant to section 2000d-1 of this title, any person aggrieved (including any State or political subdivision thereof and any agency of either)

may obtain judicial review of such action in accordance with chapter 7 of title 5, and such action shall not be deemed committed to unreviewable agency discretion within the meaning of that chapter.

(Pub. L. 88-352, title VI, Sec. 603, July 2, 1964, 78 Stat. 253.)

CODIFICATION

"Chapter 7 of title 5" and "that chapter" were substituted in text for "section 10 of the Administrative Procedure Act" and "that section", respectively, on authority of Pub. L. 89-554, Sec. 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees. Prior to the enactment of Title 5, section 10 of the Administrative Procedure Act was classified to section 1009 of Title 5.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2930c, 2971c, 2985g, 5057, 9821, 9849, 10406 of this title; title 39 section 410.

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Sec. 2000d-3. Construction of provisions not to authorize administrative action with respect to employment practices except where primary objective of Federal financial assistance is to provide employment

Nothing contained in this subchapter shall be construed to authorize action under this subchapter by any department or agency with respect to any employment practice of any employer, employment agency, or labor organization except where a primary objective of the Federal financial assistance is to provide employment.

(Pub. L. 88-352, title VI, Sec. 604, July 2, 1964, 78 Stat. 253.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 39 section 410.

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Sec. 2000d-4. Federal authority and financial assistance to programs or activities by way of contract of insurance or guaranty

Nothing in this subchapter shall add to or detract from any existing authority with respect to any program or activity under which Federal financial assistance is extended by way of a contract of insurance or guaranty.

(Pub. L. 88-352, title VI, Sec. 605, July 2, 1964, 78 Stat. 253.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 39 section 410.

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Sec. 2000d-4a. "Program or activity" and "program" defined

For the purposes of this subchapter, the term "program or activity" and the term "program" mean all of the operations of -

(1)

(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

(2)

(A) a college, university, or other postsecondary institution, or a public system of higher education; or

(B) a local educational agency (as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

(3)

(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship -

(i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

(ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

(B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3);

any part of which is extended Federal financial assistance.

(Pub. L. 88-352, title VI, Sec. 606, as added Pub. L. 100-259, Sec. 6, Mar. 22, 1988, 102 Stat. 31.)

REFERENCES IN TEXT

Section 198(a)(10) of the Elementary and Secondary Education Act of 1965, referred to in par. (2)(B), is section 198 of Pub. L. 89-10, title I, as added by Pub. L. 95-561, title I, Sec. 101(a), Nov. 1, 1978, 92 Stat. 2198, which was classified to section 2854 of Title 20, Education, prior to the complete revision of Pub. L. 89-10 by Pub. L. 100-297, Apr. 28, 1988, 102 Stat. 140. For definitions, see section 2891 of Title 20.

EXCLUSION FROM COVERAGE

This section not to be construed to extend application of Civil Rights Act of 1964 [42 U.S.C. 2000a et seq.] to ultimate beneficiaries of Federal financial assistance excluded from coverage before Mar. 22, 1988, see section 7 of Pub. L. 100-259, set out as a Construction note under section 1687 of Title 20, Education.

ABORTION NEUTRALITY

This section not to be construed to force or require any individual or hospital or any other institution, program, or activity receiving Federal funds to perform or pay for an abortion, see section 8 of Pub. L. 100-259, set out as a note under section 1688 of Title 20, Education.

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Sec. 2000d-5. Prohibited deferral of action on applications by local educational agencies seeking Federal funds for alleged noncompliance with Civil Rights Act

The Secretary of Education shall not defer action or order action deferred on any application by a local educational agency for funds authorized to be appropriated by this Act, by the Elementary and Secondary Education Act of 1965 [20 U.S.C. 2701 et seq.], by the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) [20 U.S.C. 236 et seq.], by the Act of September 23, 1950 (Public Law 815, Eighty-first Congress) [20 U.S.C. 631 et seq.], or by the Cooperative Research Act [20 U.S.C. 331 et seq.], on the basis of alleged noncompliance with the provisions of this subchapter for more than sixty days after notice is given to such local agency of such deferral unless such local agency is given the opportunity for a hearing as provided in section 2000d-1 of this title; such hearing to be held within sixty days of such notice, unless the time for such hearing is extended by mutual consent of such local agency and the Secretary, and such deferral shall not continue for more than thirty days after the close of any such hearing unless there has been an express finding on the record of such hearing that such local educational agency has failed to comply with the provisions of this subchapter:

Provided, That, for the purpose of determining whether a local educational agency is in compliance with this subchapter, compliance by such agency with a final order or judgment of a

Federal court for the desegregation of the school or school system operated by such agency shall be deemed to be compliance with this subchapter, insofar as the matters covered in the order or judgment are concerned.

(Pub. L. 89-750, title I, Sec. 182, Nov. 3, 1966, 80 Stat. 1209; Pub. L. 90-247, title I, Sec. 112, Jan. 2, 1968, 81 Stat. 787; Pub. L. 96-88, title III, Sec. 301(a)(1), title V, Sec. 507, Oct. 17, 1979, 93 Stat. 677, 692.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 89-750, Nov. 3, 1966, 80 Stat. 1191, as amended, known as the Elementary and Secondary Education Amendments of 1966. For complete classification of that Act to the Code, see Short Title of 1966 Amendment note set out under section 2701 of Title 20, Education, and Tables.

The Elementary and Secondary Education Act of 1965, referred to in text, is Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27, as amended generally by Pub. L. 100-297, Apr. 28, 1988, 102 Stat. 140, which is classified generally to chapter 47 (Sec. 2701 et seq.) of Title 20. For complete classification of this Act to the Code, see Short Title note set out under section 2701 of Title 20 and Tables.

Act of September 30, 1950, referred to in text, is act Sept. 30, 1950, ch. 1124, 64 Stat. 1100, as amended, popularly known as the Educational Agencies Financial Aid Act, which is classified generally to chapter 13 (Sec. 236 et seq.) of Title 20. For complete classification of this Act to the Code, see Short Title note set out under section 236 of Title 20 and Tables.

Act of September 23, 1950, referred to in text, is act Sept. 23, 1950, ch. 995, as amended generally by Aug. 12, 1958, Pub. L. 85-620, title I, 72 Stat. 548, which is classified generally to chapter 19 (Sec. 631 et seq.) of Title 20. For complete classification of this Act to the Code, see Tables.

The Cooperative Research Act, referred to in text, is act July 26, 1954, ch. 576, 68 Stat. 533, which was classified generally to chapter 15 (Sec. 331 et seq.) of Title 20, and terminated on July 1, 1975, under provisions of section 402(c)(1) of Pub. L. 93-380, title IV, Aug. 21, 1974, 88 Stat. 544. See section 1851 et seq. of this title. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was enacted as part of the Elementary and Secondary Education Amendments of 1966, and not as part of the Civil Rights Act of 1964, title VI of which comprises this subchapter.

AMENDMENTS

1968 - Pub. L. 90-247 inserted proviso.

EFFECTIVE DATE

Section 191 of Pub. L. 89-750 provided that: "The provisions of this title [enacting this section and sections 241m, 871 to 880, and 886 of Title 20, Education, amending sections 241b, 241c,

241e, 241f, 241g, 241h, 241j, 241k, 241l, 244, 331a, 332a, 332b, 821, 822, 823, 841, 842, 843, 844, 861, 862, 863, 864, 883, and 884 of Title 20, repealing section 241d of Title 20, and enacting provisions set out as notes under sections 241a, 241b, and 241c of Title 20] shall be effective with respect to fiscal years beginning after June 30, 1966, except as specifically provided otherwise."

TRANSFER OF FUNCTIONS

"Secretary of Education" and "Secretary" substituted in text for "Commissioner of Education" and "Commissioner", respectively, pursuant to sections 301(a)(1) and 507 of Pub. L. 96-88, which are classified to sections 3441(a)(1) and 3507 of Title 20, Education, and which transferred all functions of Commissioner of Education of Department of Health, Education, and Welfare to Secretary of Education.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2000d-6 of this title.

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Sec. 2000d-6. Policy of United States as to application of nondiscrimination provisions in schools of local educational agencies

(a) Declaration of uniform policy

It is the policy of the United States that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.] and section 182 of the Elementary and Secondary Education Amendments of 1966 [42 U.S.C. 2000d-5] dealing with conditions of segregation by race, whether de jure or de facto, in the schools of the local educational agencies of any State shall be applied uniformly in all regions of the United States whatever the origin or cause of such segregation.

(b) Nature of uniformity

Such uniformity refers to one policy applied uniformly to de jure segregation wherever found and such other policy as may be provided pursuant to law applied uniformly to de facto segregation wherever found.

(c) Prohibition of construction for diminution of obligation for enforcement or compliance with nondiscrimination requirements

Nothing in this section shall be construed to diminish the obligation of responsible officials to enforce or comply with such guidelines and criteria in order to eliminate discrimination in federally assisted programs and activities as required by title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.].

(d) Additional funds

It is the sense of the Congress that the Department of Justice and the Secretary of Education should request such additional funds as may be necessary to apply the policy set forth in this section throughout the United States.

(Pub. L. 91-230, Sec. 2, Apr. 13, 1970, 84 Stat. 121; Pub. L. 96-88, title III, Sec. 301, title V, Sec. 507, Oct. 17, 1979, 93 Stat. 677, 692.)

REFERENCES IN TEXT

The Civil Rights Act of 1964, referred to in subsecs. (a) and (c), is Pub. L. 88-352, July 2, 1964, 78 Stat. 241, as amended. Title VI of the Civil Rights Act of 1964 is classified generally to this subchapter (Sec. 2000d et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 2000a of this title and Tables.

CODIFICATION

Section was enacted as part of the Elementary and Secondary Education Amendments of 1969, and not as part of the Civil Rights Act of 1964, title VI of which comprises this subchapter.

TRANSFER OF FUNCTIONS

"Secretary of Education" substituted for "Department of Health, Education, and Welfare" in subsec. (d) pursuant to sections 301 and 507 of Pub. L. 96-88, which are classified to sections 3441 and 3507 of Title 20, Education, and which transferred functions and offices (relating to education) of Department and Secretary of Health, Education, and Welfare to Secretary of Education.

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Sec. 2000d-7. Civil rights remedies equalization

(a) General provision

(1) A State shall not be immune under the Eleventh Amendment of the Constitution of the United States from suit in Federal court for a violation of section 504 of the Rehabilitation Act of 1973 [29 U.S.C. 794], title IX of the Education Amendments of 1972 [20 U.S.C. 1681 et seq.], the Age Discrimination Act of 1975 [42 U.S.C. 6101 et seq.], title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.], or the provisions of any other Federal statute prohibiting discrimination by recipients of Federal financial assistance.

(2) In a suit against a State for a violation of a statute referred to in paragraph (1), remedies (including remedies both at law and in equity) are available for such a violation to the same extent as such remedies are available for such a violation in the suit against any public or private entity other than a State.

(b) Effective date

The provisions of subsection (a) of this section shall take effect with respect to violations that occur in whole or in part after October 21, 1986.

(Pub. L. 99-506, title X, Sec. 1003, Oct. 21, 1986, 100 Stat. 1845.)

REFERENCES IN TEXT

The Education Amendments of 1972, referred to in subsec. (a)(1), is Pub. L. 92-318, June 23, 1972, 86 Stat. 235, as amended. Title IX of the Education Amendments of 1972 is classified principally to chapter 38 (Sec. 1681 et seq.) of Title 20, Education. For complete classification of this Act to the Code, see Short Title of 1972 Amendment note set out under section 1001 of Title 20 and Tables.

The Age Discrimination Act of 1975, referred to in subsec. (a)(1), is title III of Pub. L. 94-135, Nov. 28, 1975, 89 Stat. 728, as amended, which is classified generally to chapter 76 (Sec. 6101 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6101 of this title and Tables.

The Civil Rights Act of 1964, referred to in subsec. (a)(1), is Pub. L. 88-352, July 2, 1964, 78 Stat. 241, as amended. Title VI of the Civil Rights Act of 1964 is classified generally to this subchapter (Sec. 2000d et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 2000a of this title and Tables.

CODIFICATION

Section was enacted as part of the Rehabilitation Act Amendments of 1986, and not as part of the Civil Rights Act of 1964, title VI of which comprises this subchapter.

Lau v. Nichols

LAU V. NICHOLS

No. 72 - 6520.

SUPREME COURT OF THE UNITED STATES

414 U.S. 56

Argued December 10, 1973

Decided January 21, 1974

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

483 F.2d 791, reversed and remanded.

The failure of the San Francisco school system to provide English language instruction to approximately 1,800 students of Chinese ancestry who do not speak English, or to provide them with other adequate instructional procedures, denies them a meaningful opportunity to participate in the public educational program and thus violates § 601 of the Civil Rights Act of 1964, which bans discrimination based "on the ground of race, color, or national origin," in "any program or activity receiving Federal financial assistance," and the implementing regulations of the Department of Health, Education, and Welfare. Pp. 565 - 569.

Edward H. Steinman argued the cause for petitioners. With him on the brief were Kenneth Hecht and David C. Moon.

Thomas M. O'Connor argued the cause for respondents. With him on the brief were George E. Krueger and Burk E. Delventhal.

Assistant Attorney General Pottinger argued the cause for the United States as amicus curiae urging reversal. With him on the brief were Solicitor General Bork, Deputy Solicitor General Wallace, Mark L. Evans, and Brian K. Landsberg. *

Douglas, J., delivered the opinion of the court, in which Brennan, Marshall, Powell, and Rehnquist, JJ., joined. Stewart, J., filed an opinion concurring in the result, in which Burger, C. J., and Blackmun, J., joined, post, p. 569. White, J., concurred in the result.

Blackmun, J., filed an opinion concurring in the result, in which Burger, C. J., joined, post, p. 571.

MR. JUSTICE DOUGLAS delivered the opinion of the court.

The San Francisco, California, school system was integrated in 1971 as a result of a federal court decree, *339 F.Supp. 1315*. See *Lee v. Johnson, 404 U.S. 1215*. The district court found that there are 2,856 students of Chinese ancestry in the school system who do not speak English. Of those who have that language deficiency, about 1,000 are given supplemental courses in the English language. (1) About 1,800 however, do not receive that instruction.

This class suit brought by non-English-speaking Chinese students against officials responsible for the operation of the San Francisco Unified School District seeks relief against the unequal educational opportunities, which are alleged to violate, inter alia, the Fourteenth Amendment. No specific remedy is urged upon us. Teaching English to the students of Chinese ancestry who do not speak the language is one choice. Giving instructions to this group in Chinese is another. There may be others. Petitioners ask only that the board of education be directed to apply its expertise to the problem and rectify the situation.

The district court denied relief. The court of appeals affirmed, holding that there was no violation of the Equal Protection Clause of the Fourteenth Amendment or of § 601 of the Civil Rights Act of 1964, 78 Stat. 252, *42 U.S.C. § 2000d*, which excludes from participation in federal financial assistance, recipients of aid which discriminate against racial groups, *483 F.2d 791*. One judge dissented. A hearing en banc was denied, two judges dissenting. *Id., at 805*.

We granted the petition for certiorari because of the public importance of the question presented, *412 U.S. 938*.

The Court of Appeals reasoned that "every student brings to the starting line of his educational career different advantages and disadvantages caused in part by social, economic and cultural background, created and continued completely apart from any contribution by the school system," *483 F.2d, at 797*. Yet in our view the case may not be so easily decided. This is a public school system of California and § 71 of the California Education Code states that "English shall be the basic language of instruction in all schools." That section permits a school district to determine "when and under what circumstances instruction may be given bilingually." That section also states as "the policy of the state" to insure "the mastery of English by all pupils in the schools." And bilingual instruction is authorized "to the extent that it does not interfere with the systematic,

sequential, and regular instruction of all pupils in the English language."

Moreover, § 8573 of the Education Code provides that no pupil shall receive a diploma of graduation from grade 12 who has not met the standards of proficiency in "English," as well as other prescribed subjects. Moreover, by § 12101 of the Education Code (Supp. 1973.) children between the ages of six and 16 years are (with exceptions not material here) "subject to compulsory full-time education."

Under these state-imposed standards there is no equality of treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum; for students who do not understand English are effectively foreclosed from any meaningful education.

Basic English skills are at the very core of what these public schools teach. Imposition of a requirement that, before a child can effectively participate in the educational program, he must already have acquired those basic skills is to make a mockery of public education. We know that those who do not understand English are certain to find their classroom experiences wholly incomprehensible and in no way meaningful.

We do not reach the Equal Protection Clause argument which has been advanced but rely solely on § 601 of the Civil Rights Act of 1964, *42 U.S.C. § 2000d* to reverse the court of appeals.

That section bans discrimination based "on the ground of race, color, or national origin," in "any program or activity receiving federal financial assistance." The school district involved in this litigation receives large amounts of federal financial assistance. The Department of Health, Education, and Welfare (HEW), which has authority to promulgate regulations prohibiting discrimination in federally assisted school systems, *42 U.S.C. § 2000d-1*, in 1968 issued one guideline that "(school systems are responsible for assuring that students of a particular race, color, or national origin are not denied the opportunity to obtain the education generally obtained by other students in the system." *33 Fed. Reg. 4956*. In 1970 HEW made the guidelines more specific, requiring school districts that were federally funded "to rectify the language deficiency in order to open " the instruction to students who had "linguistic deficiencies," *35 Fed. Reg. 11595*.

By § 602 of the act HEW is authorized to issue rules, regulations, and orders (2) to make sure that recipients of federal aid under its jurisdiction conduct any federally financed projects consistently with § 601. HEW's regulations, 45 CFR § 80.3(b)(1), specify that the recipients may not:

"(ii) provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program;

....

"(iv) restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program."

Discrimination among students on account on race on national origin that is prohibited includes "discrimination ... in the availability or use of any academic . . . or other facilities of the grantee or other recipient." *Id.*, § 80.5(b).

Discrimination is barred which has that effect even though no purposeful design is present: a recipient "may not ... utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination" or have "the effect of defeating or substantially impairing accomplishment of the objectives of the program as respect individuals of a particular race, color or national origin." *Id.*, § 80.3(b)(2).

It seems obvious that the Chinese-speaking minority receives fewer benefits than the English-speaking majority from respondents' school system which denies them a meaningful opportunity to participate in the educational program--all earmarks of the discrimination banned by the regulations. (3) In 1970 HEW issued clarifying guidelines, 35 *Fed. Reg.* 11595, which include the following:

"Where inability to speak and understand the English language excludes national origin-minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students."

"Any ability grouping or tracking system employed by the school system to deal with the special language skill needs of national origin minority group children must be designed to meet such language skill needs as soon as possible and must not operate as an educational deadend or permanent track."

Respondent school district contractually agreed to "comply with title VI of the Civil Rights Act of 1964 ... and all requirements imposed by or pursuant to the regulation" of HEW (45 CFR pt. 80) which are "issued pursuant to that title ... " and also immediately to "take any measures necessary to effectuate this agreement." The federal government has power to fix the terms on which its money allotments to the states shall be disbursed. *Oklahoma v. CSC*, 330 U.S. 127, 142-143. Whatever may be the limits of that power, *Steward Machine Co. v. Davis*, 301 U.S. 548, 590 et seq., they have not been reached here. Senator Humphrey, during the floor debates on the Civil Rights Act of 1964, said: (4)

"Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes, or results in racial

discrimination."

We accordingly reverse the judgment of the court of appeals and remand the case for the fashioning of appropriate relief.

Reversed and remanded.

MR. JUSTICE WHITE concurs in the result.

MR. JUSTICE STEWART, with whom THE CHIEF JUSTICE and MR. JUSTICE BLACKMUN join, concurring in the result.

It is uncontested that more than 2,800 school children of Chinese ancestry attend school in the San Francisco unified school district system even though they do not speak, understand, read, or write the English language, and that as to some 1,800 of these pupils the respondent school authorities have taken no significant steps to deal with this language deficiency, the petitioners do not contend, however, that the respondents have affirmatively or intentionally contributed to this inadequacy, but only that they failed to act in the face of changing social and linguistic patterns. Because of this laissez-faire attitude on the part of the school administrators, it is not entirely clear that § 601 of the Civil Rights Act of 1964, *42 U.S.C. § 2000d*, standing alone, would render illegal the expenditure of federal funds on these schools. For that section provides that "(no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

On the other hand, the interpretive guidelines published by the Office for Civil Rights of the Department of Health, Education, and Welfare in 1970, *35 Fed. Reg. 11595*, clearly indicate that affirmative efforts to give special training for non-English-speaking pupils are required by Tit. VI as a condition to receipt of federal aid to public schools:

"Where inability to speak and understand the English language excludes national origin-minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students." (1)

The critical question is, therefore, whether the regulations and guidelines promulgated by HEW go beyond the authority of § 601. (2) Last term, in *Mourning v. Family Publications Service, Inc.*, *411 U.S. 356, 369*, we held that the validity of a regulation promulgated under a general authorization provision such as § 602 of Tit. VI (3) "Will be sustained so long as it is 'reasonably related to the purpose of the enabling legislation.' *Thorpe v. Housing Authority of the City of Durham*, *390 U.S. 268, 280 - 281 (1969)*." I think the

guidelines here fairly meet that test. Moreover, in assessing the purposes of remedial legislation we have found that departmental regulations and "consistent administrative construction" are "entitled to great weight." *Trafficante v. Metropolitan Life Insurance Co.*, 409 U.S. 205, 210; *Griggs v. Duke Power Co.*, 401 U.S. 424, 433 - 434; *Udall v. Tallman*, 380 U.S. 1. The department has reasonably and consistently interpreted § 601 to require affirmative remedial efforts to give special attention to linguistically deprived children.

For these reasons I concur in the result reached by the court.

MR. JUSTICE BLACKMUN, with whom THE CHIEF JUSTICE JOINS, concurring in the result.

I join MR. JUSTICE STEWART'S opinion and thus I, too, concur in the result. Against the possibility that the Court's judgment may be interpreted too broadly, I stress the fact that the children with whom we are concerned here number about 1,800. This is a very substantial group that is being deprived of any meaningful schooling because they cannot understand the language of the classroom. We may only guess as to why they have had no exposure to English in their preschool years. Earlier generations of American ethnic groups have overcome the language barrier by earnest parental endeavor or by the hard fact of being pushed out of the family or community nest and into the realities of broader experience.

I merely wish to make plain that when, in another case, we are concerned with a very few youngsters, or with just a single child who speaks only German or Polish or Spanish or any language other than English, I would not regard today's decision, or the separate concurrence, as conclusive upon the issue whether the statute and the guideline require the funded school district to provide special instruction. For me, numbers are at the heart of this case and my concurrence is to be understood accordingly.

NOTES

* Briefs of amici curiae urging reversal were filed by Stephen J. Pollak, Ralph J. Moore, jr., David Rubin, and Peter T. Galiano for the National Education Assn. et al.; by W. Reece Bader and James R. Madison for the San Francisco Lawyers' Committee for Urban Affairs; by J. Harold Flannery for the Center for Law and Education, Harvard University; by Herbert Teitelbaum for the Puerto Rican Legal Defense and Education Fund, Inc.; by Mario G. Obledo, Sanford J. Rosen, Michael Mendelson, and Alan Exelrod for the Mexican American Legal Defense and Educational Fund et al.; by Samuel Rabinove, Joseph B. Robison, Arnold Forster, and Elliot C. Rathenberg for the American Jewish Committee et al.; by F. Raymond Marks for the Childhood and Government Project; by

Martin Glick for Efrain Tostado et al.; and by the Chinese Consolidated Benevolent Assn. et al. ...

COURT OPINION:

1. A report adopted by the human rights commission of San Francisco and submitted to the court by respondents after oral argument shows that, as of April 1973, there were 3,457 Chinese students in the school system who spoke little or no English. The document further showed 2,136 students enrolled in Chinese special instruction classes, but at least 429 of the enrollees were not Chinese but were included for ethnic balance. Thus, as of April 1973, no more than 1,707 of the 3,457 Chinese students needing special English instruction were receiving it.

2. Section 602 provides:

"Each federal department and agency which is empowered to extend federal financial assistance to any program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken...." *42 U.S.C. § 2000d - 1*.

3. And see report of the Human Rights Commission of San Francisco, Bilingual Education in the San Francisco Public Schools, Aug. 9, 1973.

4. 110 Cong. Rec. 6543 (sen. Humphrey, quoting from president Kennedy's message to Congress, June 19, 1963).

CONCURRING OPINION

1. These guidelines were issued in further clarification of the department's position as stated in its regulations issued to implement tit. Vi, 45 CFR pt. 80. The regulations provide in part that no recipient of federal financial assistance administered by HEW may

"Provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program; (or)

"Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program." 45 CFR § 80.3 (b)(1)(ii), (iv).

2. The respondents do not contest the standing of the petitioners to sue as beneficiaries of the federal funding contract between the Department of Health, Education, and Welfare and the San Francisco Unified School District.

3. Section 602, *42 U.S.C. § 2000d - 1*, provides in pertinent part: "Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken...."

The United States as amicus curiae asserts in its brief, and the respondents appear to concede, that the guidelines were issued pursuant to § 602.

Executive Order 13166 Language Access

Federal Register

Vol. 65, No. 159

Wednesday, August 16, 2000

Presidential Documents

Title 3—

Executive Order 13166 of August 11, 2000

The President

Improving Access to Services for Persons With Limited English Proficiency

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to improve access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency (LEP), it is hereby ordered as follows:

Section 1. Goals.

The Federal Government provides and funds an array of services that can be made accessible to otherwise eligible persons who are not proficient in the English language. The Federal Government is committed to improving the accessibility of these services to eligible LEP persons, a goal that reinforces its equally important commitment to promoting programs and activities designed to help individuals learn English. To this end, each Federal agency shall examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services consistent with, and without unduly burdening, the fundamental mission of the agency. Each Federal agency shall also work to ensure that recipients of Federal financial assistance (recipients) provide meaningful access to their LEP applicants and beneficiaries. To assist the agencies with this endeavor, the Department of Justice has today issued a general guidance document (LEP Guidance), which sets forth the compliance standards that recipients must follow to ensure that the programs and activities they normally provide in English are accessible to LEP persons and thus do not discriminate on the basis of national origin in violation of title VI of the Civil Rights Act of 1964, as amended, and its implementing regulations. As described in the LEP Guidance, recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.

Sec. 2. Federally Conducted Programs and Activities.

Each Federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency's programs and activities. Agencies shall develop and begin to implement these plans within 120 days of the date of this order, and shall send copies of their plans to the Department of Justice, which shall serve as the central repository of the agencies' plans.

Sec. 3. Federally Assisted Programs and Activities.

Each agency providing Federal financial assistance shall draft title VI guidance specifically tailored to its recipients that is consistent with the LEP Guidance issued by the Department of Justice. This agency-specific guidance shall detail how the general standards established in the LEP Guidance will be applied to the agency's recipients. The agency-specific guidance shall take into account the types of services provided by the recipients, the individuals served by the recipients, and other factors set out in the LEP Guidance. Agencies that already have developed title VI guidance that the Department of Justice determines is consistent with the LEP Guidance shall examine their existing guidance, as well as their programs and activities, to determine if additional guidance is necessary to comply with this order. The Department of Justice shall consult with the agencies in creating their guidance and, within 120 days of the date of this order,

each agency shall submit its specific guidance to the Department of Justice for review and approval. Following approval by the Department of Justice, each agency shall publish its guidance document in the **Federal Register** for public comment.

Sec. 4. Consultations.

In carrying out this order, agencies shall ensure that stakeholders, such as LEP persons and their representative organizations, recipients, and other appropriate individuals or entities, have an adequate opportunity to provide input. Agencies will evaluate the particular needs of the LEP persons they and their recipients serve and the burdens of compliance on the agency and its recipients. This input from stakeholders will assist the agencies in developing an approach to ensuring meaningful access by LEP persons that is practical and effective, fiscally responsible, responsive to the particular circumstances of each agency, and can be readily implemented.

Sec. 5. Judicial Review.

This order is intended only to improve the internal management of the executive branch and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers or employees, or any person.



THE WHITE HOUSE,
August 11, 2000.

[FR Doc. 00-20938
Filed 8-15-00; 8:45 am]
Billing code 3195-01-P

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: CHILDREN; YOUTH & THEIR FAMILIES -- CHF

Dept. Code: CHF

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

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

Type of Service: Community Engagement Planning

Funding Source: Children and Youth Fund

PSC Amount: \$500,000

PSC Est. Start Date: 07/01/2018

PSC Est. End Date: 06/30/2023

1. Description of Work

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

At the request of its Oversight and Advisory Committee, the Department of Children, Youth and Their Families seeks to engage a professional event planner to help in the coordination and logistics of multiple community engagement events and focus groups to be held throughout the 2018-2023 funding cycle. These events will be an important department outreach initiative to connect directly with San Francisco citizens and gain feedback from key stakeholders. They will allow the department to confer directly with the nonprofit organizations providing youth services in the city, as well as the direct recipients of these services.

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

The Children and Youth Fund is a voter-approved initiative, most recently reauthorized in 2014. Increasingly the department has sought to make stronger connections with the voters whose support is necessary to sustain the Fund. Through community events held across San Francisco it will be able to outreach effectively to citizens. In addition, focus groups with nonprofit organizations and program participants will allow the department to understand on a continuous basis the needs of San Francisco's young people. These events will be vital elements of the department's ongoing work to provide the best possible services to young people and their families.

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 department has not utilized these services in the past.

D. Will the contract(s) be renewed?

Contracts will not be renewed following the end of the new funding cycle on June 30, 2023.

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.

In November 2014 the voters of San Francisco approved Proposition C, which extended the Children and Youth Fund for another 25 years. An additional component of this legislation increased the length of the department's grant cycle to five years. The department wishes to establish a PSC for these services to cover the entire 2018-2023 cycle.

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:

The department is planning a relatively small number of community events and focus groups spread out over a five-year period.

3. Description of Required Skills/Expertise

A. Specify required skills and/or expertise: Event planning, logistics, budgeting, community engagement, focus group organizing, knowledge of San Francisco's diverse neighborhoods

B. Which, if any, civil service class(es) normally perform(s) this work? 1312, Public Information Officer; 3374, Volunteer/Outreach Coord; 4119, Events & Facilities 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?

Not Applicable

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

A. Explain why civil service classes are not applicable.

Due to the intermittent nature of the work is not feasible for civil service classes to perform it.

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 community events the department will host require a significant commitment of time and resources, as well as in-depth knowledge of the City. These intense periods of work will be sparsely distributed throughout the five-year funding cycle. It is not practical to adopt new civil service classes to perform it.

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. The contractor will not provide training to staff, who will serve in a supervisory capacity only.

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 11/22/2017, 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: Brett Conner Phone: 415.554.8427 Email: brett.conner@dcyf.org

Address: 1390 Market Street, Suite 900 San Francisco, CA 94102

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 41526 - 17/18

DHR Analysis/Recommendation:

Civil Service Commission Action:

Commission Approval Required

DHR Approved for 04/02/2018

Receipt of Union Notification(s)

Conner, Brett (CHF)

From: dhr-psccordinator@sfgov.org on behalf of brett.conner@dcyf.org
Sent: Wednesday, November 22, 2017 4:49 PM
To: Conner, Brett (CHF); sarah.wilson@seiu1021.org; thomas.vitale@seiu1021.org; Sandeep.lal@seiu1021.me; leah.berlanga@seiu1021.org; peter.masiak@seiu1021.org; Ricardo.lopez@sfgov.org; Basconcillo, Katherine (PUC); pcamarillo_seiu@sbcglobal.net; Wendy.Frigillana@seiu1021.org; pscreview@seiu1021.org; ted.zarzecki@seiu1021.net; davidmkersten@gmail.com; ablood@cirseiu.org; xiumin.li@seiu1021.org; Poon, Sin Yee (HSA); david.canham@seiu1021.org; jtanner940@aol.com; kschumacher@ifpte21.org; pkim@ifpte21.org; amakayan@ifpte21.org; L21PSCReview@ifpte21.org; Conner, Brett (CHF); DHR-PSCCoordinator, DHR (HRD)
Subject: Receipt of Notice for new PCS over \$100K PSC # 41526 - 17/18

[This sender failed our fraud detection checks and may not be who they appear to be. Learn about spoofing at <http://aka.ms/LearnAboutSpoofing>]

RECEIPT for Union Notification for PSC 41526 - 17/18 more than \$100k

The CHILDREN; YOUTH & THEIR FAMILIES -- CHF has submitted a request for a Personal Services Contract (PSC) 41526 - 17/18 for \$500,000 for Initial Request services for the period 07/01/2018 – 06/30/2023. 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/10369> 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: CHILDREN; YOUTH & THEIR FAMILIES -- CHF

Dept. Code: CHF

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

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

Type of Service: Evaluation of City Funded Programs

Funding Source: Children and Youth Fund

PSC Amount: \$13,500,000

PSC Est. Start Date: 07/01/2018

PSC Est. End Date 06/30/2023

1. Description of Work

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

This request is for professional evaluation of the department's grant-funded programs providing services to children, youth and their families. Evaluation services will measure the quality of services provided and the effectiveness of programs and inform strategic planning with respect to the department's goals listed in our authorizing legislation and results identified through the department's planning process.

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

The department expects to support hundreds of nonprofit programs providing services to children and youth over the coming five-year funding cycle. Section 16.108 of the San Francisco City Charter states the department "shall provide for the evaluation on a regular basis of all services funded through the [Children and Youth] Fund, and shall prepare on a regular basis an Evaluation and Data Report for the Oversight and Advisory Committee." If denied, the department will not be in compliance with the evaluation requirement mandated in the Charter.

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 department has engaged evaluation service providers continuously over many years as part of its normal operations. Most recently the services were provided under PSC 4041 - 12/13.

D. Will the contract(s) be renewed?

Contracts will not be renewed following the end of the new funding cycle on June 30, 2023.

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.

In November 2014 the voters of San Francisco approved Proposition C, which extended the Children and Youth Fund for another 25 years. An additional component of this legislation increased the length of the department's grant cycle to five years. The department wishes to establish a PSC for these services to cover the entire 2018-2023 cycle.

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).

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 evaluation work performed under the PSC occurs intermittently over the course of the five-year funding cycle. There are times of significant activity followed by extended lulls. In addition, third-party evaluation of our grants eliminates the perception of any conflict of interest between department staff and its grantees. These relationships are by necessity very close, with staff constantly striving for supportive, positive connections to those nonprofits receiving funding. Independent, objective appraisal of grant-support work is most reliably done at arm's length by a disinterested party.

3. Description of Required Skills/Expertise

- A. Specify required skills and/or expertise: Data matching and manipulation of large data sets; survey work, including design, administration, collection and analysis; mixed-methods evaluation of youth development and capacity building, technical assistance and professional development services; strategic planning; stakeholder facilitation.
- 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;
- 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?

Evaluation is not normally performed by a civil service class at the department. However, the planning and oversight of these services are managed by staff in the 1824 and 1825 Administrative Analyst series.

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

- A. Explain why civil service classes are not applicable.
The department uses staff in the 1800 Administrative Analyst series to analyze grants, but the skill set required for the analyst position is not the same as that used by a professional evaluator. In addition, the close monitoring relationship between grantees and department staff introduces the potential for bias into an evaluation and could bring into question its integrity. The department has historically relied upon contractors for these services.
- B. If there is no civil service class that could perform the work, would it be practical and/or feasible to adopt a new civil service class to perform this work? Explain. No, evaluations of the magnitude required by the City Charter should be conducted by an independent body.

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. Staff training is not part of the scope of the department's evaluation contracts.
- C. Are there legal mandates requiring the use of contractual services?
Yes. While not a legal mandate, the City Charter states: "Subject to the budgetary and fiscal provisions of the Charter, DCYF may contract with consultants and outside experts for such services as the department may require to conduct such evaluations and to prepare the Evaluation and Data Report."
- D. Are there federal or state grant requirements regarding the use of contractual services? If so, please explain and include an excerpt or copy of any such applicable requirement.
No.

- E. Has a board or commission determined that contracting is the most effective way to provide this service? If so, please explain and include a copy of the board or commission action.
No.
- F. Will the proposed work be completed by a contractor that has a current PSC contract with your department? If so, please explain.
Yes. It is not known at this time what contractors will be providing these services in the next funding cycle. It is possible that some current contractors will successfully apply to the RFQ and ultimately be awarded contracts.

7. **Union Notification:** On 11/22/2017, the Department notified the following employee organizations of this PSC/RFP request:
Management & Superv Local 21; 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: Brett Conner Phone: 415.554.8427 Email: brett.conner@dcyf.org

Address: 1390 Market Street, Suite 900 San Francisco, CA 94102

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 44694 - 17/18

DHR Analysis/Recommendation:

Civil Service Commission Action:

Commission Approval Required

DHR Approved for 04/02/2018

Receipt of Union Notification(s)

Conner, Brett (CHF)

From: dhr-psccordinator@sfgov.org on behalf of brett.conner@dcyf.org
Sent: Wednesday, November 22, 2017 4:33 PM
To: Conner, Brett (CHF); amakayan@ifpte21.org; kschumacher@ifpte21.org; pkim@ifpte21.org; L21PSCReview@ifpte21.org; Conner, Brett (CHF); DHR-PSCCoordinator, DHR (HRD)
Subject: Receipt of Notice for new PCS over \$100K PSC # 44694 - 17/18

[This sender failed our fraud detection checks and may not be who they appear to be. Learn about spoofing at <http://aka.ms/LearnAboutSpoofing>]

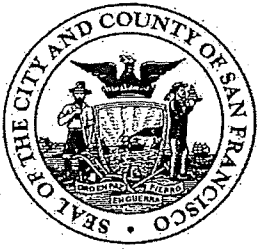
RECEIPT for Union Notification for PSC 44694 - 17/18 more than \$100k

The CHILDREN; YOUTH & THEIR FAMILIES -- CHF has submitted a request for a Personal Services Contract (PSC) 44694 - 17/18 for \$13,500,000 for Initial Request services for the period 07/01/2018 – 06/30/2023. 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/10362> 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)



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

Sent Via Electronic Mail

February 5, 2016

NOTICE OF CIVIL SERVICE COMMISSION ACTION

SUBJECT: REVIEW OF REQUEST FOR APPROVAL OF PROPOSED PERSONAL SERVICES CONTRACTS NUMBERS 42703-15/16; 46615-15/16; 44102-15/16; 42498-15/16; 43243-15/16; 4090-11/12; 4091-11/12; 4127-08/09; 4041-12/13; 4130-12/13; 4112-11/12; 2000-07/08; 4150-09/10; 4152-09/10; 4153-09/10; 4156-09/10 AND 35131-15/16.

At its meeting of February 1, 2016 the Civil Service Commission had for its consideration the above matter.

The Commission:

- 1) Approved PSC #4130-12/13 with the condition that the ending dates are corrected on the PSC forms. (Vote of 4 to 0)
- 2) Approved PSC #s 2000-07/08, 4150-09-10; 4152-09/10, 4153-09/10 and 35131-15/16 with the condition that the Department of Public Health work with the Executive Officer and submit additional missing attachments. (Vote of 4 to 0)
- 3) Adopted the report. Approved the request for proposed Personal Services Contracts; Notify the Office of the Controller and the Office of Contract Administration. (Vote of 4 to 0)

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.

PLEASE NOTE: *It is important that a copy of this action be kept in the department files as you will need it in the future as proof of Civil Service Commission approval. Please share it with everyone responsible for follow-up.*

CIVIL SERVICE COMMISSION

MICHAEL L. BROWN
Executive Officer

Attachment

Cc: Cynthia Avakian, Airport Commission
Rachel Buerkle, Department of the Environment
Stacey Canilo, Department of Public Works
Suzanne Choi, Department of Human Resources
Brett Conner, Children, Youth & their Families
Theodor Conrad, Mayor's Office
Henry Gong, Sheriff
Jacquie Hale, Department of Public Health
Cynthia Hamada, Municipal Transportation Agency
Deedra Jackson, Children, Youth & their Families
Sheila Layton, Juvenile Probation
Genie Wong, Police
Commission File
Chron

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

Home >

Posting For February 01, 2016**Proposed Modifications to Personal Services Contracts****Commission Hearing Date**

2016-02-01

APPLY

PSC Number	Commission Hearing Date	Department	Additional Amount	Cumulative Total	Description	Start Date	End Date	Approval Type
4090 - 11/12 - MODIFICATIONS	February 1, 2016	POLICE -- POL	\$100,000	\$240,000	The veterinarian (vet) will provide routine and emergency medical care for up to twenty horses assigned to the San Francisco Police Department (SFPD) Mounted Unit. This service averages fifteen visits per year. The veterinarian will also perform pre-purchase horse examinations.	07/01/2016	06/30/2019	REGULAR
4091 - 11/12 - MODIFICATIONS	February 1, 2016	POLICE -- POL	\$100,000	\$240,000	Horses must have properly maintained hooves in order to be ridden. Contractor will shoe and trim the hooves of each of the twenty San Francisco Police Department (SFPD) horses approximately once every six weeks. Contractor must be available for emergency calls to replace thrown shoes, and to provide consultation regarding special or corrective needs.	07/01/2016	06/30/2019	REGULAR
4127 - 08/09 - MODIFICATIONS	February 1, 2016	POLICE -- POL	\$100,000	\$500,000	Drug testing will be expanded to include screening for Adderall.	07/01/2016	06/30/2019	REGULAR
* 4041 12/13 - MODIFICATIONS	February 1, 2016	CHILDREN; YOUTH & THEIR FAMILIES -- CHF	\$3,000,000	\$7,000,000	This request is for professional evaluation and technical assistance for DCYF grant-funded programs providing services to children, youth and their families. Evaluation services will measure the quality of services provided and the effectiveness of programs with respect to the department's strategic goals. As needed, technical assistance will be provided to address issues of program quality. Contractors conducting evaluation may differ from contractors providing technical assistance.	07/01/2016	06/30/2018	REGULAR
4130-12/13 - MODIFICATIONS	February 1, 2016	MUNICIPAL TRANSPORTATION AGENCY -- MTA	\$15,000,000	\$25,000,000	There is a surge in project demands creating peak needs for this service. If these professional services cannot be provided when they are needed, it will adversely impact and delay the delivery of projects which will in turn have a negative impact on providing service to the public as well as loss of time-sensitive funding.	01/05/2016	06/30/2021	REGULAR
4112-11/12 - MODIFICATIONS	February 1, 2016	JUVENILE PROBATION -- JUV	\$225,000	\$675,000	The scope of work was created to allow the contractor to work with the department in two phases. The first phase is the planning phase and the second phase is the implementation	04/30/2017	06/30/2019	REGULAR

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: CHILDREN; YOUTH & THEIR FAMILIES -- CHF

Dept. Code: CHF

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

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

Type of Service: Photography and Video Production Services

Funding Source: Children and Youth Fund

PSC Amount: \$375,000

PSC Est. Start Date: 04/01/2018

PSC Est. End Date 06/30/2023

1. Description of Work

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

The Department of Children, Youth and Their Families wishes to engage photographers and video producers to record the work of the nonprofit organizations it supports. The work created by these artists will be used by the department in print and online for community engagement and education.

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

The Children and Youth Fund is a voter-approved initiative, most recently reauthorized in 2014. Increasingly the department has sought to make stronger connections between the work advanced by the Fund and the voters whose support is necessary to sustain it. In the coming 2018-2023 funding cycle the department will contract with photographers to capture images of programs in action. In addition, it will collaborate with video producers to make films highlighting the work young people are engaged in throughout San Francisco. The photos and videos will be the main tool used to demonstrate to the community the value of the Fund. Without these resources, the City risks a reduction in funding for these vital 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 never been employed by the department.

D. Will the contract(s) be renewed?

Contracts will not be renewed following the end of the new funding cycle on June 30, 2023.

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.

In November 2014 the voters of San Francisco approved Proposition C, which extended the Children and Youth Fund for another 25 years. An additional component of this legislation increased the length of the department's grant cycle to five years. The department wishes to establish a PSC for these services to cover the entire 2018-2023 cycle.

2. Reason(s) for the Request

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

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

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

- B. Explain the qualifying circumstances:
These services will be required intermittently throughout the five-year funding cycle and require specialized equipment not held by the department.

3. Description of Required Skills/Expertise

- A. Specify required skills and/or expertise: Technical photography skills, video production, editing
- B. Which, if any, civil service class(es) normally perform(s) this work? 1766, Media Production Tech; 1769, Media Production Supv; 1770, Photographer; 1771, Media Production Specialist; 1774, Head Photographer;
- C. Will contractor provide facilities and/or equipment not currently possessed by the City? If so, explain:
Yes. Contractors will have specialized equipment and software utilized in photo and video production.

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.
These services will be employed intermittently throughout the five-year funding cycle. It is not feasible to utilize civil service classes to engage in 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. There already exist civil service classes in photography and video production. Their use is not feasible given the intermittent need for the work and the unique nature of the services required, especially in working with minors.

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. Staff training will not be part of the scope of these contracts, as the department does not maintain the specialized equipment necessary for photography and video production.
- 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 11/22/2017, the Department notified the following employee organizations of this PSC/RFP request:
SEIU 1021 Miscellaneous; SEIU Local 1021; Theatrical Stage Employees, L16

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

Name: Brett Conner Phone: 415.554.8427 Email: brett.conner@dcyf.org

Address: 1390 Market Street, Suite 900 San Francisco, CA 94102

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 45330 - 17/18

DHR Analysis/Recommendation:

Civil Service Commission Action:

Commission Approval Required

DHR Approved for 04/02/2018

Receipt of Union Notification(s)

Conner, Brett (CHF)

From: Conner, Brett (CHF)
Sent: Thursday, December 07, 2017 1:56 PM
To: 'dhr-psccordinator@sfgov.org'; jb@local16.org; sarah.wilson@seiu1021.org; thomas.vitale@seiu1021.org; Sandeep.lal@seiu1021.me; leah.berlanga@seiu1021.org; peter.masiak@seiu1021.org; Ricardo.lopez@sfgov.org; Basconcillo, Katherine (PUC); pcamarillo_seiu@sbcglobal.net; Wendy.Frigillana@seiu1021.org; pscreview@seiu1021.org; ted.zarzecki@seiu1021.net; davidmkersten@gmail.com; ablood@cirseiu.org; xiumin.li@seiu1021.org; Poon, Sin Yee (HSA); david.canham@seiu1021.org; jtanner940@aol.com; DHR-PSCCoordinator, DHR (HRD)
Subject: RE: Receipt of Notice for new PCS over \$100K PSC # 45330 - 17/18

This is a notice of a change in PSC 45330 - 17/18. The start date of the PSC has now been set at April 1, 2018 (it was previously set at July 1, 2018). That is the only edit.

Sincerely,

Brett Conner



Brett Conner

Grants Manager

City and County of San Francisco

Department of Children, Youth & Their Families

1390 Market Street, Suite 900 | San Francisco | CA 94102

P: 415-554-8427 | F: 415-554-8965 | brett.conner@dcyf.org | www.dcyf.org

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

From: dhr-psccordinator@sfgov.org [mailto:dhr-psccordinator@sfgov.org]

Sent: Wednesday, November 22, 2017 4:47 PM

To: jb@local16.org; sarah.wilson@seiu1021.org; thomas.vitale@seiu1021.org; Sandeep.lal@seiu1021.me; leah.berlanga@seiu1021.org; peter.masiak@seiu1021.org; Ricardo.lopez@sfgov.org; Basconcillo, Katherine (PUC) <kbasconcillo@sfgov.org>; pcamarillo_seiu@sbcglobal.net; Wendy.Frigillana@seiu1021.org; pscreview@seiu1021.org; ted.zarzecki@seiu1021.net; davidmkersten@gmail.com; ablood@cirseiu.org; xiumin.li@seiu1021.org; Poon, Sin Yee (HSA) <sin.yee.poon@sfgov.org>; david.canham@seiu1021.org; jtanner940@aol.com; Conner, Brett (CHF) <brett.conner@dcyf.org>; DHR-PSCCoordinator, DHR (HRD) <dhr-psccordinator@sfgov.org>

Subject: Receipt of Notice for new PCS over \$100K PSC # 45330 - 17/18

RECEIPT for Union Notification for PSC 45330 - 17/18 more than \$100k

The CHILDREN; YOUTH & THEIR FAMILIES -- CHF has submitted a request for a Personal Services Contract (PSC) 45330 - 17/18 for \$375,000 for Initial Request services for the period 07/01/2018 – 06/30/2023. 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/10368> 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: CHILDREN; YOUTH & THEIR FAMILIES -- CHF

Dept. Code: CHF

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

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

Type of Service: Technical Assistance and Capacity Building Services for City Funded Programs

Funding Source: Children and Youth Fund

PSC Amount: \$20,000,000

PSC Est. Start Date: 07/01/2018 PSC Est. End Date 06/30/2023

1. Description of Work

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

This request is for professional technical assistance and capacity building for department grant-funded nonprofit programs providing services to children, youth and their families. Technical assistance and capacity building will be provided broadly to address issues of program quality and administrative capability.

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

The department expects to support hundreds of nonprofit programs providing services to children and youth over the coming five-year funding cycle. The San Francisco City Charter maintains "Technical assistance and capacity-building for service providers and community-based partners" as designated uses of the Children and Youth Fund in recognition of the importance of providing dedicated, ongoing support to the nonprofits working in service to the city's most vulnerable citizens.

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 department has provided these services continuously over many years as part of normal support activities. Most recently they operated under PSC 4041 - 12/13.

D. Will the contract(s) be renewed?

Contracts will not be renewed following the end of the new funding cycle on June 30, 2023.

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.

In November 2014 the voters of San Francisco approved Proposition C, which extended the Children and Youth Fund for another 25 years. An additional component of this legislation increased the length of the department's grant cycle to five years. The department wishes to establish a PSC for these services to cover the entire 2018-2023 cycle.

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).

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 technical assistance work performed for the department occurs intermittently over the course of the funding cycle. There are times of significant activity followed by extended lulls.

3. Description of Required Skills/Expertise

- A. Specify required skills and/or expertise: Subject matter expertise in: early care & education; out of school time; educational support; enrichment, leadership & skill building; justice services; youth workforce development; mentorship; emotional well-being; and family empowerment; In-depth knowledge of the youth services sector both locally and nationally; Understanding of the elements necessary for a successful youth program; Expertise in nonprofit management, including fiscal practices, resource development, leadership, and governance; Ability to provide one on one coaching, group trainings and cohort convenings
- B. Which, if any, civil service class(es) normally perform(s) this work? 9772, Community Development Spec; 9774, Sr. Community Devl Spc 1; 9775, Sr Community Dev Spec 2;
- 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 City does not maintain sufficient skilled resources to meet the department's need.

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

- A. Explain why civil service classes are not applicable.
The department utilizes civil service classes in the 9700 Community Development Specialist series for the ongoing monitoring and administration of grants. However these classes do not have the capacity to provide technical assistance at scale over a five-year period. In addition, due to the sensitive nature of some technical assistance engagements an independent third party is required. The department has historically relied upon contractors for these services.
- B. If there is no civil service class that could perform the work, would it be practical and/or feasible to adopt a new civil service class to perform this work? Explain. No; the scale and breadth of the services required do not lend themselves to civil service classes.

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. Staff training is not part of the scope of the department's capacity building contracts.
- C. Are there legal mandates requiring the use of contractual services?
No.
- D. Are there federal or state grant requirements regarding the use of contractual services? If so, please explain and include an excerpt or copy of any such applicable requirement.
No.
- E. Has a board or commission determined that contracting is the most effective way to provide this service? If so, please explain and include a copy of the board or commission action.
No.
- F. Will the proposed work be completed by a contractor that has a current PSC contract with your department? If so, please explain.
Yes. It is not known at this time which contractors will be providing these services in the next funding cycle. It is possible that some current suppliers will successfully apply to the RFQ and ultimately be awarded contracts.

7. **Union Notification:** On 11/22/2017, 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: Brett Conner Phone: 415.554.8427 Email: brett.conner@dcyf.org

Address: 1390 Market Street, Suite 900 San Francisco, CA 94102

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 46296 - 17/18

DHR Analysis/Recommendation:

Civil Service Commission Action:

Commission Approval Required

DHR Approved for 04/02/2018

Receipt of Union Notification(s)

Conner, Brett (CHF)

From: dhr-psccordinator@sfgov.org on behalf of brett.conner@dcyf.org
Sent: Wednesday, November 22, 2017 4:39 PM
To: Conner, Brett (CHF); sarah.wilson@seiu1021.org; thomas.vitale@seiu1021.org; Sandeep.lal@seiu1021.me; leah.berlanga@seiu1021.org; peter.masiak@seiu1021.org; Ricardo.lopez@sfgov.org; Basconcillo, Katherine (PUC); pcamarillo_seiu@sbcglobal.net; Wendy.Frigillana@seiu1021.org; pscreview@seiu1021.org; ted.zarzecki@seiu1021.net; davidmkersten@gmail.com; ablood@cirseiu.org; xiumin.li@seiu1021.org; Poon, Sin Yee (HSA); david.canham@seiu1021.org; jtanner940@aol.com; kschumacher@ifpte21.org; pkim@ifpte21.org; amakayan@ifpte21.org; L21PSCReview@ifpte21.org; Conner, Brett (CHF); DHR-PSCCoordinator, DHR (HRD)
Subject: Receipt of Notice for new PCS over \$100K PSC # 46296 - 17/18

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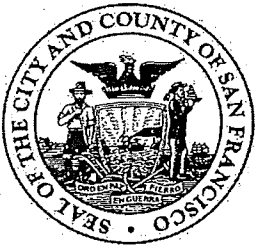
RECEIPT for Union Notification for PSC 46296 - 17/18 more than \$100k

The CHILDREN; YOUTH & THEIR FAMILIES -- CHF has submitted a request for a Personal Services Contract (PSC) 46296 - 17/18 for \$20,000,000 for Initial Request services for the period 07/01/2018 – 06/30/2023. 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/10321> 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)



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

Sent Via Electronic Mail

February 5, 2016

NOTICE OF CIVIL SERVICE COMMISSION ACTION

SUBJECT: REVIEW OF REQUEST FOR APPROVAL OF PROPOSED PERSONAL SERVICES CONTRACTS NUMBERS 42703-15/16; 46615-15/16; 44102-15/16; 42498-15/16; 43243-15/16; 4090-11/12; 4091-11/12; 4127-08/09; 4041-12/13; 4130-12/13; 4112-11/12; 2000-07/08; 4150-09/10; 4152-09/10; 4153-09/10; 4156-09/10 AND 35131-15/16.

At its meeting of February 1, 2016 the Civil Service Commission had for its consideration the above matter:

The Commission:

- 1) Approved PSC #4130-12/13 with the condition that the ending dates are corrected on the PSC forms. (Vote of 4 to 0)
- 2) Approved PSC #s 2000-07/08, 4150-09-10, 4152-09/10, 4153-09/10 and 35131-15/16 with the condition that the Department of Public Health work with the Executive Officer and submit additional missing attachments. (Vote of 4 to 0)
- 3) Adopted the report. Approved the request for proposed Personal Services Contracts; Notify the Office of the Controller and the Office of Contract Administration. (Vote of 4 to 0)

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.

PLEASE NOTE: *It is important that a copy of this action be kept in the department files as you will need it in the future as proof of Civil Service Commission approval. Please share it with everyone responsible for follow-up.*

CIVIL SERVICE COMMISSION

MICHAEL L. BROWN
Executive Officer

Attachment

Cc: Cynthia Avakian, Airport-Commission
Rachel Buerkle, Department of the Environment
Stacey Camilo, Department of Public Works
Suzanne Choi, Department of Human Resources
Brett Conner, Children, Youth & their Families
Theodor Conrad, Mayor's Office
Henry Gong, Sheriff
Jacquie Hale, Department of Public Health
Cynthia Hamada, Municipal Transportation Agency
Deedra Jackson, Children, Youth & their Families
Sheila Layton, Juvenile Probation
Genie Wong, Police
Commission File
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POSTING FOR

February 01, 2016

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

2016-02-01

APPLY

PSC No	Dept Designation	PSC Amount	Description of Work	PSC Estimated Start Date	PSC Estimated End Date
42703 - 15/16	MAYOR	\$600,000.00	The contractor will assist the Mayor's Office of Public Policy and Finance staff in making decisions on a wide variety of layout, content, design, and production issues related to the annual Mayor's Proposed Budget Book.	February 1, 2016	August 31, 2020
46615 - 15/16	SHERIFF	\$180,000.00	Operate a shuttle service from Civic Center BART station, Balboa Park BART station, and possibly San Bruno BART station to the San Bruno Jail Facility. The shuttle service will operate on weekends and pre-selected Holidays from 7:00 am to 2:30 pm. The shuttle service will provide a large bus with the passenger capacity of 29; 1 driver and 28 riders.	April 1, 2016	March 31, 2019
44102 - 15/16	GENERAL SERVICES AGENCY - PUBLIC WORKS	\$1,500,000.00	Develop construction documents, including plans and specifications, for the seismic rehabilitation of San Francisco General Hospital Building 5 (Former Main Hospital and M-Wing) to enhance seismic performance and to satisfy the UC Seismic Safety Policy standards for leased buildings to be occupied by UC employees. This will be procured as a Sole Source contract to be awarded to SOHA Engineers.	December 7, 2015	December 6, 2019
42498 - 15/16	AIRPORT COMMISSION	\$16,000,000.00	Planning of airport facilities and resources to serve the core aviation business of San Francisco International Airport (SFO). Scopes of projects range from project-specific planning to integrated facilities master planning and report output, including, but not limited to: (1) forecasting future aviation activity and passenger levels, (2) developing common use standards for airport facilities and systems, (3) recommending facility improvements to enhance level of service and asset utilization, (4) updating the Airport Layout Plan, land use plans, and production of the long term Airport Development Plan and related documents, (5) planning support for airfield development projects, (6) airfield and airspace simulation modeling of NextGen and other advanced navigation technologies, (7) terminal and roadway simulation modeling in support of terminal and ground access planning projects, and (8) technical noise analysis in support of broader land use planning.	January 4, 2016	January 31, 2022
43243 - 15/16	ENVIRONMENT	\$3,000,000.00	Contractor will prepare and conduct periodic as needed solid waste disposal, diversion and litter studies, audits, characterizations, analyses, rate calculations, reports, documentation, submittals, focus groups, user surveys, and other related tasks. Contractor will also conduct specialized as needed technical assistance for waste generators to develop and implement customized waste reduction, reuse, recycling and composting programs to meet the City's increasingly challenging zero waste goals. Technical assistance will include on-site waste audits and assessment, hands-on manager and staff/tenant multi-lingual training, logistics set-up and implementation assistance, follow-up monitoring, trouble-shooting, data collection and evaluation. This assistance will be provided as needed, potentially around the clock, and requiring teams of multiple individuals working in different languages at the same time.	July 1, 2016	October 31, 2022

TOTAL AMOUNT \$21,280,000

PSC

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Posting For February 01, 2016**Proposed Modifications to Personal Services Contracts****Commission Hearing Date**

2016-02-01

APPLY

PSC Number	Commission Hearing Date	Department	Additional Amount	Cumulative Total	Description	Start Date	End Date	Approval Type
4090 - 11/12 - MODIFICATIONS	February 1, 2016	POLICE -- POL	\$100,000	\$240,000	The veterinarian (vet) will provide routine and emergency medical care for up to twenty horses assigned to the San Francisco Police Department (SFPD) Mounted Unit. This service averages fifteen visits per year. The veterinarian will also perform pre-purchase horse examinations.	07/01/2016	06/30/2019	REGULAR
4091 - 11/12 - MODIFICATIONS	February 1, 2016	POLICE -- POL	\$100,000	\$240,000	Horses must have properly maintained hooves in order to be ridden. Contractor will shoe and trim the hooves of each of the twenty San Francisco Police Department (SFPD) horses approximately once every six weeks. Contractor must be available for emergency calls to replace thrown shoes, and to provide consultation regarding special or corrective needs.	07/01/2016	06/30/2019	REGULAR
4127 - 08/09 - MODIFICATIONS	February 1, 2016	POLICE -- POL	\$100,000	\$500,000	Drug testing will be expanded to include screening for Adderall.	07/01/2016	06/30/2019	REGULAR
* 4041 12/13 - MODIFICATIONS	February 1, 2016	CHILDREN; YOUTH & THEIR FAMILIES -- CHF	\$3,000,000	\$7,000,000	This request is for professional evaluation and technical assistance for DCYF grant-funded programs providing services to children, youth and their families. Evaluation services will measure the quality of services provided and the effectiveness of programs with respect to the department's strategic goals. As needed, technical assistance will be provided to address issues of program quality. Contractors conducting evaluation may differ from contractors providing technical assistance.	07/01/2016	06/30/2018	REGULAR
4130-12/13 - MODIFICATIONS	February 1, 2016	MUNICIPAL TRANSPORTATION AGENCY -- MTA	\$15,000,000	\$25,000,000	There is a surge in project demands creating peak needs for this service. If these professional services cannot be provided when they are needed, it will adversely impact and delay the delivery of projects which will in turn have a negative impact on providing service to the public as well as loss of time-sensitive funding.	01/05/2016	06/30/2021	REGULAR
4112-11/12 - MODIFICATIONS	February 1, 2016	JUVENILE PROBATION -- JUV	\$225,000	\$675,000	The scope of work was created to allow the contractor to work with the department in two phases. The first phase is the planning phase and the second phase is the implementation	04/30/2017	06/30/2019	REGULAR

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: CHILDREN; YOUTH & THEIR FAMILIES -- CHF

Dept. Code: CHF

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

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

Type of Service: Fiscal Intermediary Services for Youth Empowerment Allocation

Funding Source: Children and Youth Fund

PSC Amount: \$3,000,000

PSC Est. Start Date: 07/01/2018

PSC Est. End Date 06/30/2023

1. Description of Work

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

The Department of Children, Youth and Their Families seeks a fiscal intermediary to provide fiscal and human resources support the Youth Empowerment Allocation's youth-led initiatives and projects. The Youth Empowerment Allocation is a funding stream established in the San Francisco City Charter, which states the department's annual Children and Youth Fund support must "include funding for youth-initiated projects totaling at least 3 percent of the total proposed expenditures from the Fund for the cycle." These funds are referred to as the Youth Empowerment Allocation. The department seeks a contract with a fiscal intermediary that can provide fiscal management to youth-initiated projects, manage annual events, hire and support youth interns to act in an advisory capacity to the implementation of the Youth Empowerment Allocation.

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

The City Charter requires that 3% of the Children and Youth Fund goes to youth-initiated projects. If this request is denied, the department will seek to grant the funds to a nonprofit to develop and run youth-initiated programs.

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.

Currently the Youth Empowerment Allocation fiscal intermediary services are provided under PSC 4054 13/14. The department uses a personal service contract to maintain strategic development and design of the activities and services provided through the Youth Empowerment Allocation. The strategic development and oversight for the Youth Empowerment Allocation will be a senior planner in the 9700 Community Development Specialist series.

D. Will the contract(s) be renewed?

The contract will not be renewed following the end of the new funding cycle on June 30, 2023.

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.

In November 2014 the voters of San Francisco approved Proposition C, which extended the Children and Youth Fund for another 25 years. An additional component of this legislation increased the length of the department's grant cycle to five years. The department wishes to establish a PSC for these services to cover the entire 2018-2023 cycle.

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:
This work is required on a part-time, temporary basis only.

3. Description of Required Skills/Expertise

- A. Specify required skills and/or expertise: The department is seeking a contractor with strong fiscal and human resource systems to manage the disbursement of the Youth Empowerment Allocation's funds and to hire and manage youth advisors. The contractor must have expertise running youth-led events.
- B. Which, if any, civil service class(es) normally perform(s) this work? 9774, Sr. Community Devl Spc 1;
- 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 youth advisory work is not normally done by a civil service class.

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

- A. Explain why civil service classes are not applicable.
The department is not structured to house and support large scale youth-led programming, which would require hiring and supporting youth advisors that meet after business hours. The youth advisor positions range from 1-2 year appointment. Youth work 10-15 hours per week in their advisory roles.
- 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, due to the part-time, temporary nature of youth advisor roles. The youth-led projects and initiatives of the Youth Empowerment Allocation will be conducted by part-time, temporary youth advisors that are managed by contractor staff.

6. Additional Information

- A. Will the contractor directly supervise City and County employees? 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. The scope of this contract will not include training 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 11/22/2017, the Department notified the following employee organizations of this PSC/RFP request:
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: Brett Conner Phone: 415.554.8427 Email: brett.conner@dcyf.org

Address: 1390 Market Street, Suite 900 San Francisco, CA 94102

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 47035 - 17/18

DHR Analysis/Recommendation:

Civil Service Commission Action:

Commission Approval Required

DHR Approved for 04/02/2018

Receipt of Union Notification(s)

Conner, Brett (CHF)

From: dhr-psccordinator@sfgov.org on behalf of brett.conner@dcyf.org
Sent: Wednesday, November 22, 2017 4:43 PM
To: Conner, Brett (CHF); sarah.wilson@seiu1021.org; thomas.vitale@seiu1021.org; Sandeep.lal@seiu1021.me; leah.berlanga@seiu1021.org; peter.masiak@seiu1021.org; Ricardo.lopez@sfgov.org; Basconcillo, Katherine (PUC); pcamarillo_seiu@sbcglobal.net; Wendy.Frigillana@seiu1021.org; pscreview@seiu1021.org; ted.zarzecki@seiu1021.net; davidmkersten@gmail.com; ablood@cirseiu.org; xiumin.li@seiu1021.org; Poon, Sin Yee (HSA); david.canham@seiu1021.org; jtanner940@aol.com; Conner, Brett (CHF); DHR-PSCCoordinator, DHR (HRD)
Subject: Receipt of Notice for new PCS over \$100K PSC # 47035 - 17/18

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RECEIPT for Union Notification for PSC 47035 - 17/18 more than \$100k

The CHILDREN; YOUTH & THEIR FAMILIES -- CHF has submitted a request for a Personal Services Contract (PSC) 47035 - 17/18 for \$3,000,000 for Initial Request services for the period 07/01/2018 – 06/30/2023. 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/10365> 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)



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

Sent Via Electronic Mail

GINA M. ROCCANOVA
PRESIDENT

October 7, 2016

KATE FAVETTI
VICE PRESIDENT

NOTICE OF CIVIL SERVICE COMMISSION ACTION

DOUGLAS S. CHAN
COMMISSIONER

SCOTT R. HELDFOND
COMMISSIONER

SUBJECT: REVIEW OF REQUEST FOR APPROVAL OF PROPOSED PERSONAL SERVICES CONTRACTS NUMBERS 42341-15/16; 49038-16/17; 44135-16/17; 41886-16/17; 43992-16/17; 44125-15/16; ~~4054-13/14~~; 4013-09/10; AND 4034-07/08.

At its meeting on **October 3, 2016** the Civil Service Commission had for its consideration the above matter.

The Commission took the following actions:

- 1) Approved PSC #43992-16/17 with the proviso that the Public Utilities Commission report back every five years with an update.
- 2) Approved PSC #44125-15/16 with the amendment that the contract end date is corrected to five years, to June 30, 2021.
- 3) Approved PSC #4013-09/10 with the amendment that the clarification is provided on the funding source.
- 4) Adopted the report and approved the remaining request for proposed Personal Services Contracts. This shall serve to notice the Office of the Controller and the Office of Contract Administration.

If this matter is subject to Code of Civil Procedure (CCP) Section 1094.5, the time within which judicial review must be sought is set forth in CCP Section 1094.6.

PLEASE NOTE: *It is important that a copy of this action be kept in the department files as you will need it in the future as proof of Civil Service Commission approval. Please share it with everyone responsible for follow-up.*

CIVIL SERVICE COMMISSION



MICHAEL L. BROWN
Executive Officer

Attachment

Cc: Cynthia Avakian, Airport
Stacey Camillo, Department of Public Works
Brett Conner, Children, Youth and Their Families
Jacquie Hale, Department of Public Health
Layena Holmes, Port
Shamica Jackson, Public Utilities Commission
Stacey Lo, Public Utilities Commission
Ben Rosenfield, Controller's Office
Jaci Fong, Contract Administration
Commission File
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Posting For October 03, 2016

Proposed Modifications to Personal Services Contracts

Commission Hearing Date

2016-10-03

APPLY

PSC Number	Commission Hearing Date	Department	Additional Amount	Cumulative Total	Description	Start Date	End Date	Approval Type
4054 13/14 - MODIFICATIONS	October 3, 2016	CHILDREN; YOUTH & THEIR FAMILIES -- CHF	\$1,400,000	\$2,700,000	The Department of Children, Youth and Their Families (DCYF) seeks a fiscal intermediary to provide fiscal and human resources support for the Youth Empowerment Fund. The Youth Empowerment Fund is a funding stream established by the Children's Amendment. The Children's Amendment states that a minimum of three percent of the Children's Fund must be spent on youth-initiated projects. These funds are referred to as the Youth Empowerment Fund. DCYF seeks to contract with a fiscal intermediary that can provide fiscal management to youth-initiated projects, hire and support youth interns to act in an advisory capacity to the Fund and to manage annual events.	07/01/2016	06/30/2018	REGULAR
4013 09/10 - MODIFICATIONS	October 3, 2016	PUBLIC HEALTH -- DPH	\$197,200	\$500,000	DPH's Laguna Honda Hospital (LHH) administers various programs under its Gift Fund to "add comfort, welfare, pleasure and happiness to the residents" who make their homes at LHH. One of these is the Art with Elders program, a fine arts program in painting which allows residents to develop their painting art and to display their works publicly in major venues such as the De Young Museum and Yerba Buena Center. The contractor provides 15-20 hours of instruction for a maximum of 100 residents, and develops and coordinates art exhibits. (Note: This program is not art, crafts, nor recreation therapy, but rather a fine arts program, often for residents with extant skills, allowing them to develop their existing skills further and to have significant opportunities to show their paintings.) (Note: Historically and for the purposes of this request, all funding for this program has been provided by the LHH Gift Fund and that is expected to continue. "General Fund" is listed under Funding Source above to allow for meeting an unanticipated future needs which may require supplemental funding from the General Fund.)	07/01/2016	06/30/2021	REGULAR
4034 07/08 - MODIFICATIONS	October 3, 2016	PUBLIC HEALTH -- DPH	\$350,000	\$1,437,500	Specialized hazardous materials handling and emergency response training for the City's Hazardous Materials Team (HazMat Team). Approximately 40 Fire Department and Public Health Personnel will receive 160 hours of training to qualify them as Hazardous Materials	01/01/2017	12/31/2026	REGULAR

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: JUVENILE PROBATION -- JUV

Dept. Code: JUV

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

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

Type of Service: Electronic Monitoring

Funding Source: State Grant and General Fund

PSC Amount: \$554,400

PSC Est. Start Date: 02/01/2018

PSC Est. End Date: 06/30/2022

1. Description of Work

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

Contractor will provide electronic monitoring services and necessary equipment for eligible Juvenile Probation Department youth. Service will allow the department to track youth released to the program in lieu of detention.

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

Youth are placed on electronic monitoring through court order, allowing them to remain in their communities and to continue in school and other programs while serving their probation or awaiting trial service is a better utilization of detention alternative programming in lieu of detention in Juvenile Hall.

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 No:4017-13/14 was approved on 5/31/17 for similar services; contract is expiring on 12/31/17. A new Request for Proposals (RFP) for this service was released in November 2017, with a proposal due date of December 12, 2017. A new PSC is being requested, as there was a new solicitation for this service and a new prospective contractor will be selected.

D. Will the contract(s) be renewed?

No. A new contract will be established from the RFP released in November 2017.

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 department does not have the equipment or infrastructure to provide electronic monitoring.

3. Description of Required Skills/Expertise

A. Specify required skills and/or expertise: Contractor will provide and install all necessary electronic and Global Positioning System (GPS) equipment, and will monitor the equipment and provide daily reports on the whereabouts of program participants.

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:
The equipment provided is specific to the needs of the program. Equipment includes GPS system, alcohol testing/monitoring, and electronic transmitters worn by the program participants.

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

There is no civil service class that provides these services; it is necessary to contract these services.

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 civil service class that provides these services.

B. If there is no civil service class that could perform the work, would it be practical and/or feasible to adopt a new civil service class to perform this work? Explain. It would not be practical to create a position in order to provide these services. The City does not have the equipment or training in place to provide these services at this time and it might be more expensive to create a title than it would be to contract the 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. Contractor will show JPD's Project Manager/Lead how to put the electronic equipment on juveniles and how to access reporting modules in a web-based application. Contractor's Case Manager will be putting on the electronic equipment on participants. JPD Lead is trained in the event there is a need for immediate enrollment, replacement of faulty equipment or removal of devices.

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 12/07/2017, 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: Elena Baranoff Phone: 415-753-7560 Email: Elena.Baranoff@sfgov.org

Address: 375 Woodside Avenue, Room 206 San Francisco, CA, 94127

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 46103 - 17/18

DHR Analysis/Recommendation:

Civil Service Commission Action:

Commission Approval Required

DHR Approved for 04/02/2018

Receipt of Union Notification(s)

From: DHR-PSCCoordinator, DHR (HRD)
To: Baranoff, Elena (JUV)
Subject: FW: Receipt of Notice for new PCS over \$100K PSC # 46103 - 17/18
Date: Thursday, December 07, 2017 3:29:17 PM

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

From: dhr-psccoordinator@sfgov.org [mailto:dhr-psccoordinator@sfgov.org] On Behalf Of Elena.Baranoff@sfgov.org

Sent: Thursday, December 07, 2017 3:26 PM

To: Baranoff, Elena (JUV); sarah.wilson@seiu1021.org; kschumacher@ifpte21.org; kpage@ifpte21.org; peter.masiak@seiu1021.org; eerbach@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; hodlocal@pacbell.net; ablood@cirseiu.org; pkarinen@nccrc.org; tony@dc16.us; stevek@bac3-ca.org; xiumin.li@seiu1021.org; Poon, Sin Yee (HSA); smcgarry@nccrc.org; rmitchell@twusf.org; grojo@Local39.org; jduritz@uapd.com; staff@sfnea.com; mike@dc16.us; khughes@ibew6.org; L21PSCReview@ifpte21.org; sfsmsa@gmail.com; mshelley@dc16.us; david.canham@seiu1021.org; jtanner940@aol.com; oashworth@ibew6.org; L21PSCReview@ifpte21.org; LiUNA.local261@gmail.com; local200twu@sbcglobal.net; speedy4864@aol.com; camaguey@sfnea.com (contact); ecdemvoter@aol.com; thomas.vitale@seiu1021.org; Wilson, Robbie (JUV); DHR-PSCCoordinator, DHR (HRD)
Subject: Receipt of Notice for new PCS over \$100K PSC # 46103 - 17/18

RECEIPT for Union Notification for PSC 46103 - 17/18 more than \$100k

The JUVENILE PROBATION -- JUV has submitted a request for a Personal Services Contract (PSC) 46103 - 17/18 for \$554,400 for Initial Request services for the period 02/01/2018 – 06/30/2022. 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/10408> For union notification, please see the TO: field of the email to verify receipt. If you do not see all the unions you intended to contact, the PSC Coordinator must change the state back to NOT READY, make sure the classes and unions you want to notify are selected and SAVE. Then VIEW the record and verify the list of unions and emails. EDIT the document again, change the state back START UNION NOTIFICATION and SAVE. You should receive the email with all unions to the TO: field as intended

Additional Attachment(s)

City and County of San Francisco

Request for Proposals #JUV2017-01

for

**Electronic Monitoring Services and
Case Management for Juveniles**



REVISED

(November 28, 2017)

Date issued:
Pre-proposal conference:
Proposal due:

Thursday, November 2, 2017
Tuesday, November 14, 2017 10:00 a.m.
Tuesday, December 12, 2017 5:00 p.m. (revised)

Request for Proposals (RFP) JUV2017-01 for **Electronic Monitoring Services and Case Management for Juveniles**

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Appendix A

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

Appendix B

San Francisco Juvenile Probation Department RFP Cover Page

I. Introduction and Schedule

a) General

The City and County of San Francisco Juvenile Probation Department (JPD) seeks responses to Request for Proposals for Electronic Monitoring Services and Case Management for San Francisco juveniles under the supervision of the Juvenile Court. The Department estimates 140-170 participants will go through the program per year, with an average of 20-45 participating at any one time. On average, detainees participate in the program from forty to ninety days (1 to 3 months). JPD has provided these services for a number of years as an alternative to detention for juveniles who can be supervised out of custody where they are able to continue to attend school and work, and remain in their homes and communities. GPS (global positioning systems) tracking and transdermal monitoring are the preferred types of electronic monitoring for juveniles requested in this RFP.

The contract shall have an original term of three (3) years. In addition, the City shall have two options to extend the term for a period of one year each, which the City may exercise in its sole, absolute discretion. In the event such extension right is exercised, all terms and conditions, requirements and specifications of the Agreement shall remain the same and apply during the renewal term. The maximum contract period is not anticipated to be more than five (5) years. Should the contract reach five full years, the contract may continue for a short period, not to exceed six (6) months, to allow for a smooth transition to a new contract.

The contract total compensation for the 3-year period is expected to not exceed \$504,000. The annual funding amount is \$168,000. Should the contract be extended, the annual compensation will increase at a rate similar to the per year costs of the original 3-year term. Proposers may submit proposals with greater or lesser value, and cost and reasonableness of rates will be considered as part of the evaluation.

b) Schedule

The anticipated schedule for selecting a consultant is:

<u>Proposal Phase</u>	<u>Date</u>
RFP is issued by the City	Thursday, November 2, 2017
Pre-proposal conference	Tuesday, November 14, 2017
Deadline for submission of written questions or requests for clarification	Tuesday, November 21, 2017
Proposals due	Tuesday, December 12, 2017 (revised)
Oral Presentations/Demonstrations with firms selected for further consideration	Tuesday, December 19, 2017 (revised)

Dates and times subject to change

c) **Definitions**

TERM	DEFINITION
Agreement	The binding legal document resulting from this RFP process. Also known as Contract.
JPD or Department	City and County of San Francisco Juvenile Probation Department, also known as SFJPD.
Case Management	The total provision of services including assessment, planning and coordination, monitoring and evaluation of services provided for each youth and their family.
Case Manager	A case manager supervises, monitors, and facilitates the delivery of services to offenders involved with the juvenile justice system. Services can include, but are not limited to mental health, educational, health care, vocational, housing, transportation, advocacy, behavioral modification, and recreational services, as needed. The case manager makes sure that the changing needs of the youth participant and family are met.
City or CCSF	City and County of San Francisco.
Contract	The binding legal document resulting from this RFP process. Also known as Agreement.
Contractor	Any Proposer awarded contract(s) for services under this RFP.
Counselor	A person who supervises juveniles at a youth detention facility.
Electronic Monitoring (EM)	Electronic monitoring is a general term referring to forms of surveillance with which to monitor the location, movement, and specific behavior of juveniles through the use of an electronic monitoring device.
Electronic Monitoring (EM) Equipment	Continuously signaling, or 'active' Electronic Monitoring systems have three essential parts: a transmitter, a receiver/dialer and a central computer. The transmitter is strapped to the participant and broadcasts a coded signal over a telephone line at regular intervals. The receiver/dialer picks up signals from the participant's transmitter and reports to a central computer when the signals stop and start. The computer compares any signal interruptions with the participant's curfew schedule (inconsistent, pre-determined movement or geographical locations) and alerts correctional officials to unauthorized absences.

TERM	DEFINITION
FCC	Federal Communications Commission is an independent U.S. government agency responsible for regulating interstate and international communications by radio, television, wire, satellite and cable in all 50 states, the District of Columbia and U.S. territories.
GPS	A Global Positioning System (GPS) is a system that uses signals from satellites to find out the position of an object.
LBE	City and County of San Francisco-certified Local Business Enterprise.
Log Cabin Ranch	SFJPD's post adjudication facility for delinquent male juveniles.
Officer	Deputy Probation Officer of SFJPD. Also known as DPO.
Proposal	The submission packet, including all its attachments, presented by a Proposer in response to this RFP.
Proposer	Any entity submitting a proposal in response to this RFP.
Request for Proposals (RFP)	This document, which is the City and County of San Francisco's request for proposals to provide the goods and/or services being solicited herein. Also known as RFP. The Request for Proposals is the only mechanism by which a contract for electronic monitoring services to juveniles will be issued.
Transdermal Alcohol Testing	Technological means of testing and reporting alcohol consumption via absorption and excretion, i.e. through the skin.
WIC	Welfare and Institutions Code 786 and 781 pertain to Article 20. Wards – Modification of Juvenile Court Judgements and Orders [775-787].

d) Contractors Unable to do Business with the City

1. Generally

Contractors that do not comply with laws set forth in San Francisco's Municipal Codes may be unable to enter into a contract with the City. Some of the laws are included in this RFP, or in the sample terms and conditions attached.

2. Companies Headquartered in Certain States

This Contract is subject to the requirements of Administrative Code Chapter 12X, which prohibits the City from entering into contracts with companies headquartered in states with laws that perpetuate discrimination against LGBT populations or where any or all of the work on the

contract will be performed in any of those states. Proposers are hereby advised that Proposers which have their United States headquarters in a state on the Covered State List, as that term is defined in Administrative Code Section 12X.3, or where any or all of the work on the contract will be performed in a state on the Covered State List may not enter into contracts with the City. A list of states on the Covered State List is available at the website of the City Administrator.

II. Scope of Work

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

The following are work tasks assumed necessary to an electronic monitoring services program. Proposing teams may suggest a modified scope as part of their proposal.

To minimize duplication of effort and to allow the City to coordinate data requests and data available for the services requested within this RFP, as well as for previous and future projects, the selected Contractor's findings and data may be shared by the City with other City contractors, as deemed appropriate by the City.

Each Proposer should demonstrate its capabilities by providing summaries of representative projects in response to this RFP. The City will negotiate the specific scope of services, budget, deliverables, and timeline during contract negotiations with the successful Proposer. There is no guarantee of a minimum amount of work or compensation for any Proposer(s) selected for contract negotiations.

The following are work tasks determined necessary to provide electronic monitoring and alcohol monitoring services to youth who are referred by JPD. JPD determines which program participants may be supervised via electronic monitoring and/or home detention. Contractor must provide central computer hardware and software necessary for the operation and 24-hour continuous monitoring of the GPS tracking and secure data storage (including cloud).

1. Referrals

Referrals are made Monday through Friday, 8:30 a.m. to 5:30 p.m. Upon court order for the electronic monitoring and/or alcohol monitoring, JPD will refer participants by submitting a referral form via fax or secure email. Minors under the supervision of JPD, who reside outside of San Francisco, are eligible for Electronic Monitoring Services. All referred participants will be accepted.

2. Orientation and Equipment Installation/Maintenance

JPD will notify the Contractor of a new enrollment by submitting a referral form. Upon receipt of the referral, the Contractor will provide electronic monitoring/alcohol monitoring equipment, installation, and orientation. Services must be available to start within 24 hours of the referral, except for referrals made on Friday or the day before a designated Holiday. The enrollment and equipment maintenance services may be provided at any mutually agreed upon location.

Contractor trained JPD staff may install the equipment in the event there is a need for immediate enrollment/re-enrollment or replacement of faulty equipment. Contractor trained JPD staff may remove equipment

- a) Contractor will provide personal orientation of the program, including written materials, to the juvenile and their parent. The contractor, upon enrollment, would explain the rules and regulations of the program to the juvenile and their parent. including instructions regarding use, relevant restrictions, safeguards for proper use and charging requirements.
- b) Contractor will install and activate the electronic monitoring/alcohol monitoring equipment.
- c) Contractor will provide any necessary auxiliary equipment (ex. charger, beacon, etc.). Auxiliary equipment that requires installation in participant's home may be installed by trained JPD staff.
- d) Following installation, the Contractor shall confirm that the electronic monitoring equipment is activated and operational and will notify JPD electronically.
- e) In the event the participant's equipment is malfunctioning the Contractor must have replacement equipment available within 24 hours. Contractor trained JPD staff may replace malfunctioning equipment.
- f) Contractor staff will provide equipment inspections on an as-needed basis at the contractor's office or on-site at JPD. Contractor trained JPD staff may perform equipment inspections.
- g) Contractor staff must be available on-site at JPD at least three times per week for a minimum of 4 (four) hours each day to do the following
 - Enroll new participants on-site and orient them to the program
 - Resolve malfunctioning equipment issues including testing chargers
 - Conduct transdermal alcohol testing device downloads
 - Remove equipment devices upon a juvenile's discharge from the program

3. Case File

Upon enrollment, Contractor shall create and maintain an electronic case file for each participant. The case file must be made available at any time upon JPD's request. At a minimum the electronic record shall include the following:

- a) Personal Data
 - Name, address, telephone numbers, emergency contacts
- b) Program Data
 - Referral
 - Orientation checklist
 - Start/End Dates
 - Inclusion and Exclusion Zones

- Program schedules (ex. curfew, school, work, etc.)
- Violations including date, time, and type
- Restrictions or sanctions imposed
- Participant's Probation Officer

JPD will communicate any changes to participant's file. Contractor will update all changes in the file within 24 hours of the notification.

Contractor trained JPD staff will have the ability to make changes to the case file on the web-based interface. JPD staff will communicate any changes made to the case file to the Contractor via secure email or telephone.

4. Client Monitoring

- a) **24-Hour Client Monitoring** - Contractor shall monitor all participants 24 hours a day, seven days a week.
 - a. Contractor must provide JPD access to participant's whereabouts 24 hours a day, seven days a week. Contractor will provide JPD with a web-based interface to access monitoring data. All data will be stored on secure servers/cloud that belong to the Contractor.
 - b. Contractor must provide JPD with access to all of participants' location data during the program period and after participant's termination.
- b) **Alcohol Use Monitoring** – Contractor shall provide transdermal monitoring of alcohol consumption 24 hours a day. Regular data downloading schedule shall exist for all participants.
- c) **Reports** - Contractor shall submit written reports in a timely fashion, as requested, and in the format determined by JPD. Mapping displays and reports should include participant location, zone violations, tampering and battery status. At minimum, the following is required:
 - Daily Violations Reports that lists the participant's name, date, time, and type of violation, including violations of movement and/or curfew restrictions, equipment malfunctions/tampers, battery status and any other problem related to the status of the participants.
 - Daily Charging Reports that lists the participant's name, date, and detailed charging data.
 - Location Correlation Reports must be provided at JPD's request. JPD may request a comprehensive detailed report to confirm whether a particular participant was present at a specified location within a specified time frame.
 - Investigative Reports must be provided at JPD's request. JPD may request a comprehensive detailed report of a particular participant's whereabouts during a specified time frame.
 - Proximity Reports must be available on the web-based interface.

- Statistical Reports must be provided at JPD's request. JPD may request a comprehensive annual statistical report of program participants. The report at the minimum shall include participants' names, program start dates and program end dates.
- Master List Report must be made available on a weekly basis. At the minimum the report will include:
 - Participant's name and address
 - Participant's schedules
 - Start date in the program
 - Program violations including date, time, and type

5. Meetings and Trainings

- a) Contractor will meet with JPD staff at the Juvenile Justice Center on dates and times, to be determined collaboratively, to review program status and implementation, for scheduled trainings on using the equipment, for troubleshooting, and for dealings with probation officers.
- b) Contractor will provide trainings for JPD staff on a quarterly basis and to judges bi-annually.
- c) Contractor will also provide trainings to Log Cabin Ranch (LCR) staff, in order to utilize electric monitoring for youth on LCR home passes. Youth will be outfitted with a bracelet by Contractor-trained LCR staff before leaving LCR.

6. Equipment

- a) Contractor will provide JPD with at least two electronic devices capable of utilizing Contractor's web-based interface to track all participants. The devices will be returned to the Contractor at the conclusion of the contract. The contractor is responsible for upgrading/replacing the electronic devices if they become obsolete or incompatible. The contractor is responsible for replacing the electronic devices if they malfunction and JPD staff did not cause the malfunction.
- b) Contractor is responsible for providing all electronic monitoring equipment and consumables, (including incidental tools and supplies, transmitter straps and clips), and for all maintenance of the equipment, including that resulting from damage, destruction, or loss of equipment by participants. Contractor shall provide new technology upgrades to equipment under contract with JPD as it becomes readily available in the electronic monitoring industry. Contractor is responsible for equipment removal, but Contractor trained JPD staff may do so, and are responsible for contacting Contractor to return equipment.
 - Active Ankle Transmitters: Must be FCC certified body-attached devices housing the receiver and transmitter into a single unit. All participant equipment must report all information exclusively through the cellular network. Devices must be as small and inconspicuous as possible - Dimensions must be consistent in size and weight with the latest industry standards.
 - Transmitters must be attached to participants in such a manner that they cannot be removed. If transmitters are tampered with or removed, transmitters must have a tilt alarm, or other similar system that notifies the organization, in real time, that the unit has been tampered.

- All devices shall be capable of being attached to the participant so that efforts to tamper with or remove the bracelet are obvious upon visual inspection and provide immediate tamper detection and alert reporting.
 - All devices shall remain in “tamper” until a Case Worker has inspected the device and cleared the alert. In the event a tamper does occur, the device shall not terminate the signal, shut down, or “reset” itself in any way.
 - All devices shall be shock resistant, waterproof to at least 30 feet, and function reliably under normal atmospheric and environmental conditions. The GPS device casing must be waterproof and must be able to withstand environmental factors.
 - All devices must be capable of tracking indoors and outdoors. Proposals shall define specifically how indoor tracking is achieved.
- Alcohol Monitoring Devices: Must be compatible with transdermal alcohol testing and be FCC compliant.
 - Devices must be body-attached.
 - Devices must be attached to participants in such a manner that they cannot be removed.
 - All efforts to remove the bracelet should be obvious upon visual inspection.
 - All devices shall be shock resistant and function reliably under normal atmospheric and environmental conditions.

Devices shall not pose a safety hazard or unduly restrict the activities of the participant.

- c) All devices must provide alternative location tracking using the cellular network in the absence of GPS at no additional cost.
 - Devices proposing methods of secondary tracking in addition to GPS must specify the timing interval at which the secondary tracking technology is occurring (Example: Secondary tracking via cellular triangulation occurring every thirty (30) minutes) and must also specify how the web based system reflects the secondary tracking versus GPS mapping and whether the two tracking technologies are integrated as part of the mapping or if they require caseworkers to compare two separate indicators such as mapping for GPS with a separate cellular zone for secondary tracking.
 - JPD prefers integrated systems with both GPS and secondary tracking.
- d) Other criteria:
 - No automatic reset of equipment. Proposer must demonstrate that equipment has a documented successful use performance.
 - Must be equipped with technology that minimizes drift.
 - Must have internal, rechargeable, non-removable battery power.
 - Must provide a low power signal, visual indicator, and vibrating alarm to indicate that the device should be recharged.
 - The Contractor shall provide any replacement power sources for use with the GPS device that fail under normal use.
 - Must have an audible alarm for participant communication.
 - Must have a vibrating alarm for participant communication.

- Device must be remotely controlled through the web based system to perform at multiple status levels including but not limited to a) Passive, b) Active, c) Others and shall enable the Case Worker to increase or decrease the status intensity without needing to change equipment, come in contact with the equipment or the participant, and without alerting the participant to such a change in supervision.
 - Active GPS must collect a tracking point at least once every minute and must report tampering and zone violations immediately. Devices proposed for Active GPS that utilize less frequent intervals shall be rejected and not evaluated.
 - Optional - Capability of the proposed Active GPS to automatically increase tracking and reporting intervals at times when in zone breach violation mode and return to the primary Active intervals when leaving zone breach/violation mode. Any such optional capabilities must be at no additional cost and included in the base Active GPS price proposed.
- e) **Equipment Replacement** - Proposer will be responsible for all maintenance of the equipment, including that required from damage, destruction, or loss of equipment by participants. The Department will not require the participant(s) to replace or pay for any lost or damaged equipment. JPD and any other San Francisco City and County employees are not responsible for damaged and/or lost equipment.

7. General Requirements

- a) **Invoicing** – Contractor will submit invoices by secure email as specified by JPD for the previous month's service by the 15th day of the current month, and the invoice must contain all necessary documentation to verify validity. Invoices must state, but may not be limited to the following:
- i. First initial, last name, and PFN (personal file number) of client
 - ii. Individual services provided with the corresponding charge per service
 - iii. Number of days client participated per service
- b) **Contractor and Contractor Employee Requirements** – All Contractor employees working with youth must clear a CACI (Child Abuse Central Index) criminal background check required in order to work with youth. The Contractor is responsible for the cost of the background check. Contractor shall provide its employees with a CORI (Criminal Offender Record Information) form to sign, regarding confidentiality of the information in juvenile records. Contractor shall retain original CORI forms and provide verification as requested by JPD. Attestation that all contractor's employees maintain criminal and background check clearances required to work with youth shall be submitted with monthly invoices.
- c) **Lost Units** – Contractor will incorporate inventory shrinkage due to lost or damaged devices into total contract pricing and will indicate the number of devices that may be replaced without cost to JPD in the response.
- d) **Equipment Availability** – Contractor will provide JPD with a number of GPS bracelets, transdermal alcohol monitoring devices and auxiliary equipment to maintain on-site at JPD. The equipment will be used for new enrollments and device replacement on-site. The number of available units and auxiliary pieces for each program must be at the

minimum at 20% of program enrollment. There must be an additional, mutually agreed upon, number of units provided to LCR to maintain on-site.

- e) **Data Expungement** – Contractor must have the ability to expunge any and all of participant’s data at the request of JPD in the event a court order to seal participant’s entire case is made in accordance with 786 WIC or 781 WIC. Contractor should provide JPD with notification/proof of expungement via secure email.
- f) **Integration** – Proposer must be willing to explore integration of Proposer’s reporting tools/data sharing with JPD’s Case Management System in the future.
- g) **Support** – Contractor staff will be available Monday through Friday 8:30am to 5:30pm to provide email and telephone support to JPD staff at no additional cost. The support will cover:
 - i. Monitoring difficulties
 - ii. Web interface navigation questions
 - iii. Equipment questions
 - iv. Report requests

Please note in Section III, Submission Requirements, D - Content, you are asked to provide a line-by-line response to the Specifications outlined in Scope of Work above.

III. Submission Requirements

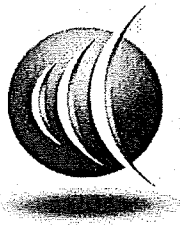
A. Time and Place for Submission of Proposals

Proposals must be received by **5:00 p.m., on Tuesday, December 12, 2017 (Revised)**. Late submissions will not be considered. Postmarks will not be considered in judging the timeliness of submissions. Proposals may be delivered in person and left with Elena Baranoff, or mailed to:

Elena Baranoff
City and County of San Francisco
Juvenile Probation Department - Administration
375 Woodside Avenue, Room 202
San Francisco, CA 94127

For hardcopy deliveries, Proposers shall submit **six (6)** bound copies of the proposal. (Note: “Bound” may mean 3-hole punched and in a binder. Please do not submit stapled or rubber banded proposals.) One copy shall be marked “Original” and the other three marked “Copy”.

Two (2) copies of required CMD Forms must be separately bound and in a sealed envelope clearly marked Electronic Monitoring and Case Management and submitted along with the proposals. Please provide response to the fee proposal in a separate, sealed and clearly marked envelope, and submit with your proposal packet, as described above.



SCRAM[®]
G P S



SCRAM GPS[®]

Quick Reference Guide

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INTRODUCTION

This guide contains the core activities that you might perform when logging into SCRAMNET GPS, setting up the site, or adding and managing an offender who has been enrolled in the SCRAM Systems® Program. A *Glossary of Terms* and *Alert/Event Definitions* are also included for easy reference.

GLOSSARY OF TERMS

Alerts – A generic term that refers to events that can potentially generate notifications. This term is often used interchangeably with events.

Events – A generic term that is used to describe any bracelet-related occurrence that can be displayed in the Event Details window. Events can be informational, such as plugs and unplugs, or they can represent a critical incident that needs immediate attention.

Messages – Refers to the actual data that is sent by a bracelet to the system. Messages include a variety of information including location, battery status, bracelet status, and event information.

Notifications – Notifications are emails and/or text messages that are sent to recipients when designated events are generated.

Onboard Zones vs. Exclusion/Inclusion Zones – Onboard zones can only be circular. Eight exclusion zones and two inclusion zones can be established for each offender.

Violations – Violations refer to events where the offender has entered or exited a zone when a schedule required him to be either in (inclusion zones) or out (exclusion zones) of the zone. Exclusion zones always have a 24/7 schedule. Neutral zones automatically generate alerts, but have no schedules and therefore no violations.

LOG ON SCRAMNET GPS

To log on to the SCRAMNET GPS website:

1. Go to <https://optix.scramnetwork.com>.
 - Internet Explorer - v11 or later
 - Firefox - Versions released in last 6 months
 - Chrome - Versions released in last 6 months
2. Enter the user name in the User Name field.
3. Enter the password in the Password field.
Note: The Password is case sensitive.
4. Click the **Login** button.
The SCRAMNET Optix Dashboard page appears.
5. Click the **Active Clients** link on the GPS tile.

SYSTEM SETUP

ADD USERS

To add a user:

1. Click the **Optix** top-navigation option.
2. Select the top-right person icon/**My Profile** option.
3. Select the **Manage Users** icon.
4. Click the **Add a New User** button.
5. Enter/select all information in the fields and drop-down lists in the Personal Information section.
6. Select an option in the *Account* drop-down list.
7. Select an option in the *Account Access* drop-down list.
8. Click the **Add New User** button.

ADD ADDITIONAL RECIPIENTS

By default, all users added in SCRAMNET GPS are automatically designated as notification recipients. To add an additional recipient:

-
1. Click the **Add Recipient** button.
 2. Enter/select all information in the fields and drop-down lists with the light-blue background.
 3. Enter the user's cell phone number in the Cell Phone field.
 4. Click the **Save** button.

ADD ACCOUNT ZONES

Account zones can be used for multiple offenders. To add an account zone:

1. Click the **Add Zone** button.
2. Select the type of account zone being added.
3. Enter the account zone name in the Name field.
4. Select the zone shape (circle or rectangle) in the *Shape* drop-down list.
5. Enter/select address information.
6. Click the **Apply Changes** button.
The map moves to the address entered.
7. Click the **Save** button.

INITIAL SCRAM GPS OFFENDER SETUP

ADD NEW OFFENDER

PROFILE

To set up the offender profile:

1. Enter the offender's first and last name and any additional information.
2. In the Manage Photos panel, click the **Select** button to add a photograph of the offender.
3. Click the **Address** tab and enter the offender's home address.
4. Click the **Save** button.

SUPERVISION PLAN

The SCRAM GPS Bracelet being assigned to the offender is selected while establishing the supervision plan that will be used. To perform these steps:

1. Click the **Supervision Plan** tab.
2. Select the bracelet being assigned in the *Locator* drop-down list.
3. Click the **Add** button in the Assign Locator section.
4. Select the supervision plan being used for this offender in the *Supervision Plan* drop-down list.
5. Click the **Apply** button.

OFFENDER ZONES

To create an offender zone:

1. Select the **Zones** tab.
2. Click the **Create Zone** button.
3. Select the type of zone being created.
4. Enter the zone name in the Name field.
5. Select the zone shape (circle, polygon, or rectangle) in the *Shape* drop-down list.
6. Select an option in the *Location Type* drop-down list.
The 'Home' and 'Work/School' options are only available for Onboard Inclusion zones. The 'Other' option can be used for any type of zone.
7. Enter/select address information.
8. Select the **Enters** and/or **Exits** check boxes if you want to view when the offender enters or exits this zone.
9. Click the **Apply Changes** button.
The map moves to the address entered.
10. Click the **Save** button.

ZONE SCHEDULES

To establish the schedule for an offender:

-
1. Click the **Schedules** button.
The 'Zones and Schedule' pop-up window appears.
 2. Double-click the date/time field where the schedule will begin.
The 'Schedule Details' pop-up window appears.
 3. In the pop-up window:
 - a. Select the zone that you want to schedule.
 - b. Name the schedule.
 - c. Select the schedule start date.
 - d. Select the allowed out time.
 - e. Select the the days in which the schedule applies.
 - f. Select travel time and/or grace period.
 - g. Click the **Save** button.
The schedule windows now appear in the 'Zones and Schedule' pop-up window.
 4. Close the 'Zones and Schedule' pop-up window.
 5. Click the **Save** button.

USERS AND RECIPIENTS

To select users who will be managing the offender and recipients who will receive notifications:

1. Select the **Users and Recipients** tab.
2. Select the appropriate personnel in the All Users field.
3. Click the upper **Right Arrow** icon.
The selected users now appear in the Assigned Users By Account ID field.
4. Select the appropriate personnel in the All Recipients field.
5. Click the lower **Right Arrow** icon.
The selected recipients now appear in the Assigned Recipients By Account ID field.

NOTIFICATIONS

To select the events that will result in a notification being sent to designated individuals:

1. Select the **Notifications** tab.
2. Select an individual in the *User/Recipient* drop-down list.
3. In the Critical, Serious, Warning, and Message panels, select the appropriate **Text Message** and/or **Email** check boxes.
4. Click the **Save** button.

INSTALL SCRAM GPS BRACELET

PRE-INSTALLATION

1. Connect the external charger by sliding the terminal into the housing slot. AMS Best Practices for charging recommend that the device be charged until the **Green** light stops blinking.
 - Charging - Flashing **Green** Light
 - Charge Complete - Solid **Green** Light
2. Ensure that the teeth on the back plate are not missing or damaged.
3. Ensure that the indicator lights on the bracelet are facing up and are visible by the offender while wearing.
4. Note the proper orientation of the back plate on the strap prior to wrapping the strap around the offender's ankle.

BRACELET INSTALLATION

To install the bracelet on the offender's lower leg:

1. Place the back plate flat against the offender's lower leg.
2. Wrap the bracelet around the leg to overlap the loose end.
3. Locate the tabs on the bracelet near the anchor point and insert the tabs into the slots on the back plate.

-
4. Being careful not to push the bracelet flush with the back plate, push the bracelet until you hear a soft click.
 5. Ensure that the fit is correct and readjust if necessary.
 6. Ensure that the tabs are securely in the slots.
 7. Push the bracelet flush with the back plate.
You should hear two distinct clicks as the bracelet is secured.
One finger should fit between the strap and leg.
If the installation is successful, a Device Tamper event will be generated.

ONGOING OFFENDER MANAGEMENT

PROCESS EVENTS

To process events in SCRAMNET GPS:

1. On the Dashboard page, click the **Details** link.
The 'Events/Alerts' pop-up window appears.
2. Select the check boxes for each event being processed.
Note: Select the top-left check box to process all events at once.
3. Click the **Clear Selected** button.
The 'Enter Exception Notes' pop-up window appears.
4. Enter a note and click the **Submit** button.
All selected events are removed.

To add an event note:

1. In the 'Events/Alerts' pop-up window, select an event.
2. Click the **Add Event Note** button.
An 'Enter Exception Notes' pop-up window appears.
3. Enter a note in the field.
4. Click the **Submit** button.

A **Note** icon appears in the Notes column for the selected event.

Map Features

- **Map Views**

- » **Map** - Typical view shown when a map is accessed in SCRAMNET GPS.
 - » **Satellite** - Image view from overhead. By default, the image is displayed at a 45° angle with street labels shown.
 - » **Street Level** - Displays a panoramic view of an exact location and its surrounding area.
-

- **Zone Colors**

- » **Red** - Exclusion Zone
 - » **Green** - Inclusion Zone
 - » **Purple** - Neutral Zone
-

UTILIZE GPS ANALYTICS

1. Select the **GPS Analytics** top-navigation option.
The GPS Analytics page appears.
2. Select a report in the *Report Types* drop-down list.

OFFENDER STOP PATTERNS REPORT

1. Select the offender.
2. Select a start and end date.
3. Select the minimum number of points at the location.
4. Click the **Run Report** button.
The GPS Analytics chart and map are displayed.

OFFENDER SHARED LOCATIONS REPORT

1. Select at least two offenders.
 2. Select a start and end date.
 3. Select the minimum number of points at the location.
 4. Click the **Only Locations Visited at Same Time** check box (optional).
 5. Click the **Run Report** button.
Locations that at least two offenders visited are listed.
-

VIEW OFFENDER'S CURRENT LOCATION

1. On the Dashboard page, highlight the offender.
2. Click the **Locate Now** icon.

A 'Command Sent' pop-up window appears, then the pop-up window is date and time stamped, and then the offender's current location is shown.

VIEW OFFENDER'S LAST KNOWN LOCATION

1. On the Dashboard page, click the **Map** icon for the offender.

The Location History panel appears with the offender's last known location shown on the map.

VIEW OFFENDER'S MOVEMENT - PAST 24 HOURS

1. On the Dashboard page, click the **Map** icon for the offender.

The Location History panel appears.

2. Click the **Show** button.

All points visited during the last 24 hours are listed.

VIEW OFFENDER'S MOVEMENT - CUSTOM

1. On the Dashboard page, click the **Map** icon for the offender.

The Location History panel appears.

2. Select the 'Custom' option in the left drop-down list.

3. Click in the From field, select a date and time in the calendar, and click the **Done** button.

4. Click in the To field, select a date and time in the calendar, and click the **Done** button.

5. Click the **Show** button.

All points visited during the selected time period are listed.

CLOSING TASKS

INACTIVATE OFFENDER/UNASSIGN SCRAM GPS BRACELET

1. On the Dashboard page, click the link of the offender's name.
The 'Profile Summary' pop-up window appears.
2. Click the **Device Information** link.
3. In the Device Configuration section, click the **Unassign** button.
A message box appears.
4. Click the **OK** button to close the message box.
5. Click the **Profile** tab.
The offender's Profile panel appears.
6. Select the 'Inactive' option in the *Status* drop-down list.
An 'Inactivation Reason' pop-up window appears.
7. Select the reason for inactivation and click the **Inactivate Offender** button.
8. Click the **Save** button.

REMOVE SCRAM GPS BRACELET

To remove the bracelet from the offender's lower leg:

1. Fully insert a 5/16 inch flat-blade screwdriver into one of the tab-release slots, located on the back plate, to tear through the thin plastic partition.
2. Twist the screw driver at least 180 degrees until you hear a loud click, indicating that the back plate tab has broken.
3. Repeat steps 1 and 2 on the other tab-release slot.
4. With both tabs broken, pull the bracelet away from the back plate.
5. Remove the back plate and strap from the offender's ankle area.

CLEAN/DISINFECT SCRAM EQUIPMENT

To avoid damaging SCRAM equipment, use only cleaning and disinfecting products approved by SCRAM Systems as listed below. **NEVER USE CITRUS/PINE-BASED CLEANING PRODUCTS OR ALCOHOL AND/OR ALCOHOL-CONTAINING CLEANING PRODUCTS.**

APPROVED PRODUCTS

- Sporicidin® Disinfectant (USA)
- SporeClear™ Disinfectant (outside of USA)
- Windex® Multisurface Disinfectant Cleaner (yellow Windex)

SPORICIDIN/SPORECLEAR

Sporicidin (USA) is available to order online or from SCRAM Systems, SporeClear (outside of USA) is only available online. Both products are strongly recommended for disinfecting all SCRAM ankle bracelets. These are medical-grade disinfectants that do NOT contain alcohol and kill 100% of disease and odor-causing organisms*.

To disinfect a SCRAM bracelet using either of these products:

1. If the situation warrants, remove the faceplate and bracelet straps.
2. Spray on and allow surfaces to remain wet for 10 minutes.
3. Rinse with water or wipe surfaces.
4. Dry with a paper towel or cloth.
5. If the bracelet straps were removed, install bracelet straps and faceplate.

WINDEX

Windex Multisurface Disinfectant Cleaner (yellow Windex) is readily available at most department stores and home improvement stores. It does not contain alcohol, is approved for all SCRAM Systems products, and kills

99.9% of all germs and bacteria*. To clean device using this product, spray on and wipe off with a paper towel or cloth.

To disinfect device using this product:

1. Spray on and allow surfaces to remain wet for 10 minutes.
2. Wipe surfaces dry with a paper towel or cloth.

GENERAL INFORMATION

Handle all previously worn SCRAM ankle bracelets with gloves and a facemask prior to disinfecting.

If you feel a piece of SCRAM equipment may pose a specific health hazard, minimize the number of people who come into contact with the device and dispose of it in a sealed, plastic bag.

Contact SCRAM Systems Customer Services at 303.785.7879 or support@scramsystems.com with the serial number of the device being removed and/or decremented from your inventory. **DO NOT return the device to SCRAM Systems.**

*According to manufacturer's published claims

INVENTORY MANAGEMENT

MOVE SCRAM GPS BRACELETS TO ANOTHER ACCOUNT

1. Select the check box for each bracelet being moved.
2. Select the receiving account in the *Move Devices To* drop-down list.
3. Click the **Move** button.

The transferred SCRAM GPS equipment will now appear in the receiving account.

RETURN EQUIPMENT

Contact AMS Customer Services at 303.785.7879 to request an RMA so the GPS equipment can be shipped and replaced.

E-mail: gpssupport@scramsystems.com

ALERT/ EVENT DEFINITIONS

BRACELET ALERTS/ EVENTS

Critical Alerts	Description
Exclusion Zone Violation	Generated when an offender enters an exclusion zone and the system determines that one or more location points are inside the zone.
Exclusion Zone Violation Clear	Generated when the offender exits the exclusion zone.
Device Tamper	Generated when an offender separates or damages the back plate that secures the bracelet to the offender. User clears this alert from Dashboard page after entering note.
Strap Tamper	Generated when an offender cuts, damages, or removes the strap from the bracelet. User clears this alert from Dashboard page after entering note.

Serious Alerts	Description
Battery Critical	Generated when the bracelet battery reaches a pre-defined low point, which is approximately 30 minutes of battery life left.
Battery Low Clear	Generated when the bracelet is plugged into an AC outlet and reaches a pre-defined charge level.
Communication Failure	Generated when the bracelet fails to communicate with the system for a period that exceeds the transmission frequency interval of the offender's supervision plan, and the user-defined buffer period for communication failures.
Communication Failure Clear	Generated when the bracelet re-establishes communication with the system.

Serious Alerts	Description
Location Failure	Generated when the bracelet is unable to transmit a valid location within the communication interval established by the offender's supervision plan and a user defined buffer period.
Location Failure Clear	Generated when the bracelet receives a valid location point after there has been a location failure and that location point is successfully communicated to the system.
Inclusion Zone Violation	Generated when an offender moves outside the boundaries of an inclusion zone during a schedule period.
Inclusion Zone Violation Clear	Generated when the offender enters an inclusion zone for which there was an inclusion zone violation.
Exclusion Zone Buffer Entry	Generated when the offender enters a user-defined buffer area surrounding an exclusion zone.
Exclusion Zone Buffer Exit	Generated when the offender exits the exclusion zone buffer area by moving away from the exclusion zone.

Warning Events	Description
Battery Low	Generated when the bracelet battery level reaches a predefined low level.
Battery Low Clear	Generated after the bracelet has been plugged into an AC outlet for a period of time needed to give the battery a sufficient amount of charge.

Message Events	Description
AC Plugin	Indicates that the bracelet has been plugged into an AC outlet and is currently being charged.
AC Unplug	Indicates that the bracelet has been unplugged from an AC outlet and is currently running on battery power only.
Exclusion Zone Entry	Indicates that the offender has entered an exclusion zone. If user chooses, this event is generated independent of the Exclusion Zone Violation Event that would also be generated when an offender enters an exclusion zone.
Exclusion Zone Exit	Indicates that the offender has exited an exclusion zone.
Inclusion Zone Entry	Indicates that the offender has entered an inclusion zone.

Message Events	Description
Inclusion Zone Exit	Indicates that the offender has exited an inclusion zone.
Neutral Zone Entry	Indicates that the offender has entered a neutral zone.
Neutral Zone Exit	Indicates that the offender has exited a neutral zone.
Audible - Command Sent	Indicates that the user sent an audible alarm to the bracelet.
Audible - Device Received	Sent by the bracelet to indicate that it received the audible command from the system.
Vibrate - Command Sent	Indicates that the user sent a vibrate alarm to the bracelet.
Vibrate - Device Received	Sent by the bracelet to indicate that it received the vibrate command from the system.
Acknowledgement	Indicates that the offender has responded to the audible or vibrate command by pressing the button on the bracelet.
Exclusion Zone Buffer Exit	Generated when the offender exits the exclusion zone buffer area by moving away from the exclusion zone.
Battery Low Vibrate - Offender did not push button	Generated when a user sends a vibrate command to the bracelet and the offender does not acknowledge by pushing the button on the bracelet.
Battery Low Vibrate - Offender pushed button	Generated when a user sends a vibrate command to the bracelet and the offender pushes the button on the bracelet.
End Of Service	Indicates that the offender has been inactivated.

TROUBLESHOOTING

Issue	Indication	Recommended Action
No Communication	Indicates that the bracelet is unable to communicate with cell tower. On the Dashboard page, a solid red icon appears in the Equipment column for the client.	Instruct offender to plug device in for 15 minutes. If communication failure does not clear, instruct offender to stand outside for 15 minutes in an attempt to communicate with cell tower.

Issue	Indication	Recommended Action
No Location	Indicates that the satellites are unable to acquire the offender's bracelet to give a current location point. On the Dashboard page, a solid red icon appears in the Location column for the client.	Instruct offender to step outside for 15 minutes and send a 'Locate Now' command to the offender's bracelet through the software.
"NA" Battery Status	Indicates that the bracelet battery voltage has not updated within the last 2 hours. On the Dashboard page, the Battery icon in the Locator Battery column will display "NA" inside the battery.	<p>Check the 'Events Detail' window to determine if the offender let the bracelet battery completely deplete due to lack of charging. If so, have offender charge the bracelet.</p> <p>If the bracelet has been in communication failure for over 2 hours then the bracelet will go into "NA" battery status.</p> <p>Follow the recommended actions to clear the communication failure.</p>
Bracelet Tamper	Indicates that there was a potential back plate tamper. On the Dashboard page, a blinking red icon appears in the Equipment column for the client.	<p>Visually inspect the bracelet for signs of a tamper around the back plate.</p> <p>If there are no signs of a tamper, replace the back plate.</p> <p>If the back plate fails to secure completely or the bracelet regenerates a tamper alert shortly after replacing the back plate, replace the bracelet and request an RMA from AMS.</p>
Strap Tamper	Indicates that there was a potential strap tamper. On the Dashboard page, a blinking red icon appears in the Equipment column for the client.	<p>Visually inspect the bracelet for signs that the strap has been cut or compromised by a heat source.</p> <p>If there are no signs of a tamper, replace the bracelet and request an RMA from AMS.</p>

Issue	Indication	Recommended Action
<p>Battery Critical Low Battery</p>	<p>May indicate that the bracelet is not charging properly or the bracelet is not holding a charge. The 'Event Details' window will display the charging history.</p>	<p>For a bracelet that is not charging, ensure that a green flashing light turns on when the bracelet is placed on a charger.</p> <p>If no lights turn on, replace the charger.</p> <p>If replacing the charger does not correct the issue, replace the bracelet and request an RMA from AMS.</p> <p>For a bracelet that is not holding a charge, check the 'Event Details' window to ensure that the offender is charging the bracelet as instructed.</p> <p>If the offender appears to be charging the bracelet as instructed and the battery is depleting faster than normal, replace the bracelet and request an RMA from AMS.</p>

PRODUCT SPECIFICATIONS

BRACELET

Dimensions:	8.3 cubic inches (3.37" tall x 2.75" wide x 0.90" deep)
Weight:	5.5 oz (156 grams)
Waterproof:	IP68 military standard (2 meters)
Strap Material:	Hypoallergenic, industrial-grade plastic, embedded fiber optic cable
Cellular Network:	3G GSM (AT&T)
GPS Monitoring Options:	Active, Hybrid, Passive
Primary Location Technology:	Autonomous GPS, Assisted GPS
Secondary Location Technology:	Cell tower triangulation and tower location-based services (LBS); RF base station
Memory (storage):	On-board, up to 3,600 events
Battery Life:	50+ hours
Battery Recharging Time:	AMS Best Practices for charging recommend that the device be charged until the light stops blinking
Two-way Communication:	Audible tone and vibrate notifications; client acknowledge button
Zones:	Inclusion, Exclusion, and Neutral. On-board and on-server zone storage
Tamper Detection:	Cut strap and device tamper (backplate removal)
Alert Notification:	User configurable e-mail or text

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: JUVENILE PROBATION

Dept. Code: JUV

Type of Request: Initial Modification of an existing PSC (PSC # 4017 - 13/14)

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

Type of Service: Electronic Monitoring

Funding Source: General Fund

PSC Original Approved Amount: \$540,000

PSC Original Approved Duration: 01/01/14 - 12/31/17 (4 years)

PSC Mod#1 Amount: \$60,000

PSC Mod#1 Duration: no duration added

PSC Mod#2 Amount: \$45,000

PSC Mod#2 Duration: 01/01/18-03/31/18 (12 weeks 5 days)

PSC Cumulative Amount Proposed: \$645,000

PSC Cumulative Duration Proposed: 4 years 12 weeks

1. Description of Work

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

Contractor will provide electronic monitoring services and necessary equipment for eligible Juvenile Probation Department youth. Service will allow the department to track youth released to the program in lieu of detention.

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

Youth are placed on electronic monitoring through court order, allowing them to remain in their communities and to continue in school and other programs while serving their probation or awaiting trial service is a better utilization of detention alternative programming in lieu of detention in Juvenile Hall.

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 4017 - 13/14

D. Will the contract(s) be renewed?

Yes, there will be the possibility to renew.

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

Explain the qualifying circumstances:

The department does not have the equipment or infrastructure to provide electronic monitoring.

B. Reason for the request for modification:

To extend term of contract for an additional three months in order to not disrupt services between end of existing contract on 12/31/17 and start of new contract from RFP JUV 2017-01 for Electronic Monitoring proposals due on 12/12/17.

3. Description of Required Skills/Expertise

A. Specify required skills and/or expertise: Contractor will provide and install all necessary electronic and Global Positioning System (GPS) equipment, and will monitor the equipment and provide daily reports on the whereabouts of program participants.

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: The equipment provided is specific to the needs of the program. Equipment includes GPS systems, alcohol testing/monitoring, and electronic monitoring transmitters worn by the program participants.

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 is not a civil service class that provides these services.

B. If there is no civil service class that could perform the work, would it be practical and/or feasible to adopt a new civil service class to perform this work? Explain: It would not be practical to create a position in order to provide these services. The city does not have the equipment or training in place to provide these services at this time and it might be more expensive to create a title than it would be to contract the 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.

Explanation of training has not been provided by the department

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 12/07/17, 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: Elena Baranoff Phone: 415-753-7560 Email: Elena.Baranoff@sfgov.org

Address: 375 Woodside Ave Rm 206, San Francisco, CA 94127

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 4017 - 13/14

DHR Analysis/Recommendation:

Commission Approval Not Required

Approved by DHR on 12/15/2017

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: Technical Support Services - Pier 70 & Mission Rock

Funding Source: Port Operating Budget

PSC Duration: 4 years

PSC Amount: \$2,100,000

1. Description of Work

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

The Port of San Francisco is seeking technical support services on an as-needed basis in the review and implementation of various maps, infrastructure systems design, and facilitation and coordination of various approval processes. The services are related to the development of two master planned Port projects at Pier 70 and Mission Rock. Pier 70 is a 28 acre mixed use development along the San Francisco Central Waterfront, adjacent to the Dogpatch neighborhood. Mission Rock is a 20 acre mixed use, master planned development near Pier 58-50 in the City's Mission Bay Redevelopment project area. The selected consultant will provide technical support to the Port consistent with Interagency Cooperation Agreements (ICA) and entitlement documents including but not limited to the:

Final Environmental Impact Reports

Design for Development and Design Control documents

Project Infrastructure Plan and Supplements

Subdivision Code and Regulations

Streetscape Master Plan

Master Utility Plan

In addition, the selected consultant will facilitate the ICA process on behalf of the Port, review submissions with respect to the Port's proprietary role and authority for permitting, advising the Port on infrastructure issues, and providing constructive feedback recommendations, troubleshooting, and resolving plan review comments.

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

Port staff does not have the expertise or staffing capacity necessary to complete this work. If not contracted out, the permitting and approvals required by the Port through respective ICA for the developments at Pier 70 and Mission Rock could delay the projects creating a loss of revenue to the Port and City.

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 not been provided in the past.

D. Will the contract(s) be renewed?

No.

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

2. Reason(s) for the Request

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

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

B. Explain the qualifying circumstances:

The proposed services for this project are short-term, as-needed, and specifically relate to the development projects located at Pier 70 and Mission Rock. The Port and the City do not possess the expertise necessary to provide as needed technical support services to review and implement various maps, infrastructure systems design, and facilitation and coordination of approval processes for the development projects located at Pier 70 and Mission Rock.

3. Description of Required Skills/Expertise

A. Specify required skills and/or expertise: Specific skills include knowledge of entitlement documents, planning of infrastructure systems, master utility planning, conditions of approval related to Tentative Maps, Tentative Transfer Maps, Final Maps, Parcel Maps, developing conceptual level planning for utility services, knowledge of land transfers, coordination of document transmittal for ICA approvals, knowledge of acquisition agreements and Disposition and Development Agreements.

B. Which, if any, civil service class(es) normally perform(s) this work? 5207, Assoc Engineer; 5211, Eng/Arch/Landscape Arch Sr; 5241, Engineer; 5268, Architect; 5506, Project Manager 3; 6318, Construction 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?

The Port has discussed these services with members of the Interagency Cooperation Agreement (ICA) which include the San Francisco Municipal Transportation Agency, San Francisco Public Works, San Francisco Public Utilities Commission, and the San Francisco Fire Department.

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

A. Explain why civil service classes are not applicable.

The services sought through this contract are unique, highly specialized, and short-term duration.

B. If there is no civil service class that could perform the work, would it be practical and/or feasible to adopt a new civil service class to perform this work? Explain. No, the services sought through this contract are unique, highly specialized, and short-term duration and relate specifically to two development projects located on Port 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 contact? If so, please explain what that will entail; if not, explain why not.
No. The contractor will not train employees. They will provide support and assistance with the development of permits and maps for approval processes related to mixed use projects at Pier 70 and Mission Rock.
- 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 01/10/2018, the Department notified the following employee organizations of this PSC/RFP request:
Architect & Engineers, 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: Lavena Holmes Phone: 415-274-0305 Email: lavena.holmes@sfport.com

Address: Pier 1, The Embarcadero San Francisco, CA 94111

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 45871 - 17/18

DHR Analysis/Recommendation:
Commission Approval Required
DHR Approved for 04/02/2018

Civil Service Commission Action:

Receipt of Union Notification(s)

From: dhr-psccordinator@sfgov.org on behalf of lavena.holmes@sfoport.com
To: [Holmes, Lavena \(PRT\); amakayan@ifpte21.org; tmathews@ifpte21.org; kschumacher@ifpte21.org; kpage@ifpte21.org; eerbach@ifpte21.org; pkim@ifpte21.org; L21PSCReview@ifpte21.org; Braganza, Lorceli \(PRT\); DHR-PSCCoordinator, DHR \(HRD\)](mailto:Holmes, Lavena (PRT); amakayan@ifpte21.org; tmathews@ifpte21.org; kschumacher@ifpte21.org; kpage@ifpte21.org; eerbach@ifpte21.org; pkim@ifpte21.org; L21PSCReview@ifpte21.org; Braganza, Lorceli (PRT); DHR-PSCCoordinator, DHR (HRD)@ifpte21.org)
Subject: Receipt of Notice for new PCS over \$100K PSC # 45871 - 17/18
Date: Wednesday, January 10, 2018 9:36:53 AM

[This sender failed our fraud detection checks and may not be who they appear to be. Learn about spoofing at <http://aka.ms/LearnAboutSpoofing>]

RECEIPT for Union Notification for PSC 45871 - 17/18 more than \$100k

The PORT -- PRT has submitted a request for a Personal Services Contract (PSC) 45871 - 17/18 for \$2,100,000 for Initial Request services for the period 06/01/2018 – 05/31/2022. 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/10558> 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: 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: Labor Negotiation Services

Funding Source: General Fund

PSC Duration: 4 years 43 weeks

PSC Amount: \$2,500,000

1. Description of Work

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

The Contractor will negotiate collective bargaining agreements on behalf of the Department of Human Resources(DHR). As a chief negotiator, the Contractor will review the current Memoranda of Understanding, review past grievances and past proposals from the City and the Union, meet with the City's bargaining team, develop opening proposals, negotiate with Labor unions, and coordinate with DHR.

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

This PSC is necessary because DHR does not have sufficient staff to manage all contracts. If this PSC is denied, it will impede the success of the City's collective bargaining. The need for staff is cyclical, so it would be inappropriate to hire civil service staff for this duty.

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.

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):

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

B. Explain the qualifying circumstances:

DHR needs specialized chief negotiators to assist during collective bargaining.

3. Description of Required Skills/Expertise

A. Specify required skills and/or expertise: Contractor must have extensive practical experience in labor negotiations.

B. Which, if any, civil service class(es) normally perform(s) this work? 1280, Employee Relations Representat; 1281, Senior Emp Relations Repres; 1282, Manager,Employee Relations Div;

- 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?

DHR does not have sufficient staff to manage all contracts.

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

- A. Explain why civil service classes are not applicable.
Employees can and do perform the tasks. However, DHR is negotiating more contracts than there is staff available to negotiate successfully.
- 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 a new class because classes already exist and the work is as-needed.

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. Due to the nature of the services provided, the Contractor will not provide any formal 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 02/13/2018, 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: Chanda Ikeda Phone: 415-557-4944 Email: chanda.ikeda@sfgov.org

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

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 42562 - 17/18

DHR Analysis/Recommendation:
Commission Approval Required
DHR Approved for 04/02/2018

Civil Service Commission Action:

Receipt of Union Notification(s)

Choi, Suzanne (HRD)

From: dhr-psccordinator@sfgov.org on behalf of chanda.ikeda@sfgov.org
Sent: Tuesday, February 13, 2018 1:48 PM
To: Ikeda, Chanda (HRD); sarah.wilson@seiu1021.org; kschumacher@ifpte21.org; kpage@ifpte21.org; peter.masiak@seiu1021.org; 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@sfflocal798.org; cityworker@sfcwu.org; davidmkersten@gmail.com; djohnson@opcmialocal300.org; hodlocal@pacbell.net; ablood@cirseiu.org; pkarinen@nccrc.org; tony@dc16.us; stevek@bac3-ca.org; xiumin.li@seiu1021.org; Poon, Sin Yee (HSA); smcgarry@nccrc.org; rmitchell@twusf.org; grojo@Local39.org; jduritz@uapd.com; staff@sfmea.com; mike@dc16.us; khughes@ibew6.org; L21PSCReview@ifpte21.org; sfsmsa@gmail.com; mshelley@dc16.us; david.canham@seiu1021.org; jtanner940@aol.com; oashworth@ibew6.org; L21PSCReview@ifpte21.org; LiUNA.local261@gmail.com; local200twu@sbcglobal.net; speedy4864@aol.com; camaguey@sfmea.com (contact); ecdemvoter@aol.com; thomas.vitale@seiu1021.org; Choi, Suzanne (HRD); DHR-PSCCoordinator, DHR (HRD)
Subject: Receipt of Notice for new PCS over \$100K PSC # 42562 - 17/18

RECEIPT for Union Notification for PSC 42562 - 17/18 more than \$100k

The HUMAN RESOURCES -- HRD has submitted a request for a Personal Services Contract (PSC) 42562 - 17/18 for \$2,500,000 for Initial Request services for the period 03/01/2018 – 12/31/2022. 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/10626> For union notification, please see the TO: field of the email to verify receipt. If you do not see all the unions you intended to contact, the PSC Coordinator must change the state back to NOT READY, make sure the classes and unions you want to notify are selected and SAVE. Then VIEW the record and verify the list of unions and emails. EDIT the document again , change the state back START UNION NOTIFICATION and SAVE. You should receive the email with all unions to the TO: field as intended

Modification
Personal Services Contracts

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: AIRPORT COMMISSION

Dept. Code: AIR

Type of Request: Initial Modification of an existing PSC (PSC # 47898 - 13/14)

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

Type of Service: Project Management Support Services for Boarding Area B & Terminal 1 Redevelopment

Funding Source: Airport Capital Funds

PSC Original Approved Amount: \$48,000,000

PSC Original Approved Duration: 06/01/14 - 12/31/20 (6 years 30 weeks)

PSC Mod#1 Amount: \$62,000,000

PSC Mod#1 Duration: 12/31/20-12/31/24 (4 years 1 day)

PSC Cumulative Amount Proposed: \$110,000,000

PSC Cumulative Duration Proposed: 10 years 30 weeks

1. Description of Work

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

Project Management Support Services (PMSS) teams with design, design-build, construction manager/general contractor (CM/GC), and design-bid-build experience at airports to manage the design and construction of the Terminal 1 Redevelopment Program Boarding Area B and Terminal 1 Redevelopment Projects. Work will include project planning, controls, reporting, scheduling, budgeting, document control, coordination, design management, contracts management and constructability review for the following elements: 1) new interior spaces; 2) construction of a program-wide common use baggage handling system; 3) relocation and/or installation of new passenger loading areas and new foundations and fixed walkways; 4) site work for pavement grade modifications, installation of a garbage collection area, aircraft apron lighting, ground service equipment charging stations; 5) installation of utilities and ancillary systems and equipment; 6) modifications and/or relocations of utility, technology, and mechanical/electrical/plumbing systems; and 7) passenger amenities.

Scope Change

The scope of work under this PSC hasn't changed but the work under the related construction project has been increased and this PSC supports that added work.

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

The Airport must replace existing Terminal 1 and Boarding Area B due to significant infrastructure and gate capacity deficiencies. After the completion of the enabling projects, the Boarding Area B Redevelopment and Terminal 1 Central Area will begin the construction of the new facilities. If the PMSS for these projects are denied, the T1 Program cannot proceed and existing facilities may need to close due to unsafe facilities and airlines may cease operations at SFO.

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 47898-13/14

D. Will the contract(s) be renewed?

Yes, if there continues to be a need for such services.

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

The additional duration is needed to address the scope of work on the Terminal 1 Redevelopment project that will be started sooner than initially planned.

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:

As stated, existing staff does not have the required expertise and specialized skills related to this type of project.

B. Reason for the request for modification:

Need to increase amount and duration.

3. Description of Required Skills/Expertise

A. Specify required skills and/or expertise: Project design and construction management skills with direct and current experience related to: airport terminals and associated facilities; demolition and hazardous material abatement; utility infrastructure upgrades; security and special systems; redevelopment of interior spaces; and airfield and landside site work. Project schedule development and analysis, project controls, regulatory compliance, analysis of claims and delays to support this project through programming, design, and construction.

B. Which, if any, civil service class(es) normally perform(s) this work? 1044, IS Engineer-Principal; 1070, IS Project Director; 5201, Junior Engineer; 5203, Asst Engr; 5207, Assoc Engineer; 5209, Industrial Engineer; 5211, Eng/Arch/Landscape Arch Sr; 5216, Chief Surveyor; 5310, Survey Assistant I; 5312, Survey Assistant II; 5502, Project Manager 1; 5504, Project Manager 2; 5506, Project Manager 3; 5508, Project Manager 4; 6318, Construction Inspector; 6319, Senior Const 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?

Not Applicable

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

A. Explain why civil service classes are not applicable.

Existing staff does not have the required expertise and specialized skills related to the proposed services. The Airport will use experienced project and construction management staff integrated with the consultant staff to provide the required services. Depending on the projects, current Airport staff will perform the following duties: project management, construction management, construction inspection and surveying, and information technology/engineering/architectural design and oversight.

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: Classifications exist but not with the specialized knowledge of airport requirements. Major construction and terminal projects do not occur frequently enough to justify permanent staffing, with the exception of project management staff.

6. Additional Information

A. Will the contractor directly supervise City and County employee? If so, please include an explanation.
No.

B. Will the contractor train City and County employees and/or is there a transfer of knowledge component that will be included in the contact? If so, please explain what that will entail; if not, explain why not.
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.
Yes, ACJV and T1 Cubed JV will continue to support this work.

7. Union Notification: On 02/22/18, 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: 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# 47898 - 13/14

DHR Analysis/Recommendation:

Civil Service Commission Action:

Commission Approval Required

DHR Approved for 04/02/2018

Receipt of Union Notification(s)

Choi, Suzanne (HRD)

From: dhr-psccordinator@sfgov.org on behalf of cynthia.avakian@flyso.com
Sent: Thursday, February 22, 2018 11:36 AM
To: Cynthia Avakian (AIR); tmathews@ifpte21.org; kschumacher@ifpte21.org; pkim@ifpte21.org; L21PSCReview@ifpte21.org; DHR-PSCCoordinator, DHR (HRD)
Subject: Receipt of Modification Request to PSC # 47898 - 13/14 - MODIFICATIONS

PSC RECEIPT of Modification notification sent to Unions and DHR

The AIRPORT COMMISSION -- AIR has submitted a modification request for a Personal Services Contract (PSC) for \$62,000,000 for services for the period December 31, 2020 – 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/10748>

Email sent to the following addresses: L21PSCReview@ifpte21.org pkim@ifpte21.org kschumacher@ifpte21.org tmathews@ifpte21.org

Additional Attachment(s)

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: AIRPORT COMMISSION -- AIR Dept. Code: AIR

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

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

Type of Service: Project Management Support Services for Boarding Area B & Terminal 1 Redevelopment

Funding Source: Airport Capital Funds PSC Duration: 6 years 30 weeks
PSC Amount: \$48,000,000 PSC Est. Start Date: 06/01/2014 PSC Est. End Date: 12/31/2020

1. Description of Work

A. Scope of Work:

Project Management Support Services (PMSS) teams with design, design-build, construction manager/general contractor (CM/GC), and design-bid-build experience at airports to manage the design and construction of the Terminal 1 Redevelopment Program Boarding Area B and Terminal 1 Redevelopment Projects. Work will include project planning, controls, reporting, scheduling, budgeting, document control, coordination, design management, contracts management and constructability review for the following elements: 1) new interior spaces; 2) construction of a program-wide common use baggage handling system; 3) relocation and/or installation of new passenger loading areas and new foundations and fixed walkways; 4) site work for pavement grade modifications, installation of a garbage collection area, aircraft apron lighting, ground service equipment charging stations; 5) installation of utilities and ancillary systems and equipment; 6) modifications and/or relocations of utility, technology, and mechanical/electrical/plumbing systems; and 7) passenger amenities.

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

The Airport must replace existing Terminal 1 and Boarding Area B due to significant infrastructure and gate capacity deficiencies. After the completion of the enabling projects, the Boarding Area B Redevelopment and Terminal 1 Central Area will begin the construction of the new facilities. If the PMSS for these projects are denied, the T1 Program cannot proceed and existing facilities may need to close due to unsafe facilities and airlines may cease operations at SFO.

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

D. Will the contract(s) be renewed? Yes, if there continues to be a need for such services.

2. Union Notification: On 03/24/2014, the Department notified the following employee organizations of this PSC/RFP request: Professional & Tech Engrs, Local 21,

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 47898 - 13/14

DHR Analysis/Recommendation:

05/19/2014

Commission Approval Required

Approved by Civil Service Commission

DHR Approved for 05/19/2014

-17 05/19/2014

3. Description of Required Skills/Expertise

A. Specify required skills and/or expertise:

Project design and construction management skills with direct and current experience related to: airport terminals and associated facilities; demolition and hazardous material abatement; utility infrastructure upgrades; security and special systems; redevelopment of interior spaces; and airfield and landside site work. Project schedule development and analysis, project controls, regulatory compliance, analysis of claims and delays to support this project through programming, design, and construction.

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

1044,1070,5201,5211,5216,5310,5312,5502,5508,6318,6319,5203,5207,5209,5504,5506,

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:

Existing staff does not have the required expertise and specialized skills related to the proposed services. The Airport will use experienced project and construction management staff integrated with the consultant staff to provide the required services. Depending on the projects, current Airport staff will perform the following duties: project management, construction management, construction inspection and surveying, and information technology/engineering/architectural design and oversight.

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

Classifications exist but not with the specialized knowledge of airport requirements. Major construction and terminal projects do not occur frequently enough to justify permanent staffing, with the exception of project management staff.

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

	<u>YES</u>	<u>NO</u>
A. Will the contractor directly supervise City and County employee?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B. Will the contractor train City and County employee?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C. Are there legal mandates requiring the use of contractual services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D. Are there federal or state grant requirements regarding the use of contractual services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
E. Has a board or commission determined that contracting is the most effective way to provide this service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
F. Will the proposed work be completed by a contractor that has a current PSC contract with your department?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

ON 04/21/2014 BY:

Name: Cynthia Avakian Phone: 650-821-2014 Email: cynthia.avakian@flysfo.com

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

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: CITY PLANNING

Dept. Code: CPC

Type of Request: Initial Modification of an existing PSC (PSC # 37643 - 13/14)

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

Type of Service: Living Innovation Zone Grant

Funding Source: State Grant

PSC Original Approved Amount: \$300,000

PSC Original Approved Duration: 08/01/14 - 06/30/18 (3 years 47 weeks)

PSC Mod#1 Amount: \$350,000

PSC Mod#1 Duration: 03/01/18-12/31/22 (4 years 26 weeks)

PSC Cumulative Amount Proposed: \$650,000

PSC Cumulative Duration Proposed: 8 years 22 weeks

1. Description of Work

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

The Exploratorium will place a new approximately 3,000 sq. ft. temporary Living Innovation Zone in UN Plaza for two (2) years; Lead design process from concept sketches to design build; Solicit community feedback with district stakeholders; Produce 2D site plan and 3D site renderings for presentations and permit; Design and construct temporary Living Innovation Zone features; and Develop and fabricate 3-4 site-specific zones.

Scope Change

To include a new installation exhibit for Alvord Lake for three (3) years. The project is part of the Stanyan Street Frontage Improvement plan; Lead design process from concept sketches to design build; Solicit community feedback with district stakeholders; Produce 2D site plan and 3D site renderings for presentations and permit; Design and construct architectural features such as platforms and walls as appropriate; Develop and fabricate site-specific installations; Design and construct seating as relevant for the exhibition design and site considerations; Design and produce graphics and signage.

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

Service is necessary to further implement the Living Innovation Zone Program, which makes it possible to use public space in new and exciting ways, making it easier for people and organizations to utilize City-owned property for creative projects and innovative technologies. Denial would set back the program by preventing the use of a major project partner, the Exploratorium.

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 37643 - 13/14

D. Will the contract(s) be renewed?

This could be renewed, based on outcome and additional grant funding.

- 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 installation exhibit will be displayed for three (3) years and does not include the time to develop the project.

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 that needs diverse skills, expertise and knowledge.

- B. Reason for the request for modification:

The modification is to extend, increase funding and add scope to the project. The additional scope of work includes an installation exhibit for Alvord Lake.

3. Description of Required Skills/Expertise

- A. Specify required skills and/or expertise: Skills and/or expertise required include community engagement, design renderings, design build, and public outreach.
- B. Which, if any, civil service class(es) normally perform(s) this work? 5277, Planner 1; 5278, Planner 2; 5291, Planner 3;
- C. Will contractor provide facilities and/or equipment not currently possessed by the City? If so, explain: No.

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

Not Applicable

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

- A. Explain why civil service classes are not applicable.
Civil service classes are not applicable for this temporary Living Innovation Zone project, which requires a very diverse set of skills, with an anticipated duration of two years.
- B. If there is no civil service class that could perform the work, would it be practical and/or feasible to adopt a new civil service class to perform this work? Explain: It would not be practical to adopt a new civil service class for a specific, unique, and temporary 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.
none
- 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 02/26/18, the Department notified the following employee organizations of this PSC/RFP request:
Professional & Tech Engrs, Local 21; Prof & Tech Eng, Local 21; 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: Belle La Phone: 415-575-6833 Email: belle.la@sfgov.org

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

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 37643 - 13/14

DHR Analysis/Recommendation:

Civil Service Commission Action:

Commission Approval Required

DHR Approved for 04/02/2018

Receipt of Union Notification(s)

From: dhr-psccordinator@sfgov.org
To: La, Belle (CPC); amakayan@ifpte21.org; tmathews@ifpte21.org; kschumacher@ifpte21.org; kpage@ifpte21.org; eerbach@ifpte21.org; pkim@ifpte21.org; L21PSCReview@ifpte21.org; DHR-PSCCoordinator, DHR (HRD)
Subject: Receipt of Modification Request to PSC # 37643 - 13/14 - MODIFICATIONS
Date: Monday, February 26, 2018 2:40:31 PM

PSC RECEIPT of Modification notification sent to Unions and DHR

The CITY PLANNING -- CPC has submitted a modification request for a Personal Services Contract (PSC) for \$350,000 for services for the period March 1, 2018

– December 31, 2022. 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/10762>

Email sent to the following addresses: L21PSCReview@ifpte21.org
pkim@ifpte21.org
eerbach@ifpte21.org kpage@ifpte21.org kschumacher@ifpte21.org
tmathews@ifpte21.org amakayan@ifpte21.org

Additional Attachment(s)

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: CITY PLANNING -- CPC Dept. Code: CPC

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

Type of Approval: Expedited Regular (Omit Posting)

Type of Service: Living Innovation Zone Grant

Funding Source: State Grant PSC Duration: 3 years 47 weeks
PSC Amount: \$300,000 PSC Est. Start Date: 08/01/2014 PSC Est. End Date: 06/30/2018

1. Description of Work

A. Scope of Work:

The Exploratorium will place a new approximately 3,000 sq. ft. temporary Living Innovation Zone in UN Plaza for two (2) years; Lead design process from concept sketches to design build; Solicit community feedback with district stakeholders; Produce 2D site plan and 3D site renderings for presentations and permit; Design and construct temporary Living Innovation Zone features; and Develop and fabricate 3-4 site-specific zones.

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

Service is necessary to further implement the Living Innovation Zone Program, which makes it possible to use public space in new and exciting ways, making it easier for people and organizations to utilize City-owned property for creative projects and innovative technologies. Denial would set back the program by preventing the use of a major project partner, the Exploratorium.

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

D. Will the contract(s) be renewed? This could be renewed, based on outcome and additional grant funding.

2. Union Notification: On 09/19/2014, the Department notified the following employee organizations of this PSC/RFP request: Professional & Tech Engrs, Local 21, Prof & Tech Eng, Local 21, Management & Superv Local 21, Architect & Engineers,

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 37643 - 13/14

DHR Analysis/Recommendation:

11/17/2014

Commission Approval Required

DHR Approved for 11/17/2014

Approved by Civil Service Commission

3. Description of Required Skills/Expertise

A. Specify required skills and/or expertise:

Skills and/or expertise required include community engagement, design renderings, design build, and public outreach.

B. Which, if any, civil service class(es) normally perform(s) this work?
5278,5291,5277,

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

4. Why Classified Civil Service Cannot Perform

A. Explain why civil service classes are not applicable:

Civil service classes are not applicable for this temporary Living Innovation Zone project, which requires a very diverse set of skills, with an anticipated duration of two years.

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

It would not be practical to adopt a new civil service class for a specific, unique, and temporary 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?	<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 09/22/2014 BY:

Name: Danny Yeung Phone: 415-575-9042 Email: Danny.Yeung@sfgov.org

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

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: PUBLIC HEALTH

Dept. Code: DPH

Type of Request: Initial Modification of an existing PSC (PSC # 3070-12/13)

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

Type of Service: Medical Clowning

Funding Source: General Funds

PSC Original Approved Amount: \$0

PSC Original Approved Duration: 03/01/13 - 12/31/22 (9 years 43 weeks)

PSC Mod#1 Amount: \$40,000

PSC Mod#1 Duration: no duration added

PSC Mod#2 Amount: \$135,000

PSC Mod#2 Duration: no duration added

PSC Cumulative Amount Proposed: \$175,000

PSC Cumulative Duration Proposed: 9 years 43 weeks

1. Description of Work

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

Contractor will provide specially training medical clowns to provide comfort and support to patients, their families and / or their caregivers. Medical clown services are a specialized form of patient support services that some studies have shown to be an effective part of the overall treatment plan for a patient. Medical clowns may utilize music, humor, magic tricks, and other techniques to entertain and relax patients.

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

Denial of this request will result in patients not being able to experience the beneficial effects of this form of treatment. They may experience increased stress, depression, or anxiety related to their illness as a result.

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 3070-12/13

D. Will the contract(s) be renewed?

Only if there is a need.

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:

Need for these services is ongoing and continuous.

2. Reason(s) for the Request

A. Display all that apply

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

Explain the qualifying circumstances:

These health and wellness services require training and expertise the city cannot provide.

B. Reason for the request for modification:

Total amount of this PSC is being increased from \$40,000 to \$175,000. This increase is necessitated by the ongoing need for and prior success of these services in positively impacting the health and well-being of residents of Laguna Honda Hospital.

3. Description of Required Skills/Expertise

A. Specify required skills and/or expertise: Contractor must have experience providing therapeutic medical clowning to skilled nursing facility residents, including persons with dementia. Contractor must provide clowns who have completed or are actively participating in a therapeutic medical clowning training program.

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

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

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

Not Applicable

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

A. Explain why civil service classes are not applicable.

No current civil service class offers the required training and expertise for these specialized services.

B. If there is no civil service class that could perform the work, would it be practical and/or feasible to adopt a new civil service class to perform this work? Explain: No, these services require specialized training.

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.

City employees will receive no training. These services require formal training and outside instruction.

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.
Medical Clown Project, Inc.

7. **Union Notification:** On 02/26/18, 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: Jacquie Hale Phone: (415) 554-2609 Email: jacquie.hale@sfdph.org

Address: 101 Grove St. Rm. 307, San Francisco, CA 94102

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 3070-12/13

DHR Analysis/Recommendation:

Civil Service Commission Action:

Commission Approval Required

DHR Approved for 04/02/2018

Receipt of Union Notification(s)

Receipt of Modification Request to PSC # 3070-12/13 - MODIFICATIONS

dhr-psccordinator@sfgov.org on behalf of jacquie.hale@sfdph.org

Mon 2/26/2018 10:10 AM

To: Hale, Jacquie (DPH) <jacquie.hale@sfdph.org>; sarah.wilson@seiu1021.org <sarah.wilson@seiu1021.org>; kschumacher@ifpte21.org <kschumacher@ifpte21.org>; kpage@ifpte21.org <kpage@ifpte21.org>; peter.masiak@seiu1021.org <peter.masiak@seiu1021.org>; eerbach@ifpte21.org <eerbach@ifpte21.org>; tmathews@ifpte21.org <tmathews@ifpte21.org>; amakayan@ifpte21.org <amakayan@ifpte21.org>; jb@local16.org <jb@local16.org>; Ricardo.lopez@sfgov.org <Ricardo.lopez@sfgov.org>; Basconciello, Katherine (PUC) <kbasconciello@sfgov.org>; Sandeep.lal@seiu1021.me <Sandeep.lal@seiu1021.me>; pcamarillo_seiu@sbcglobal.net <pcamarillo_seiu@sbcglobal.net>; MRainsford@Local39.org <MRainsford@Local39.org>; Wendy.Frigillana@seiu1021.org <Wendy.Frigillana@seiu1021.org>; pscreview@seiu1021.org <pscreview@seiu1021.org>; pkim@ifpte21.org <pkim@ifpte21.org>; agonzalez@iam1414.org <agonzalez@iam1414.org>; ted.zarzecki@seiu1021.net <ted.zarzecki@seiu1021.net>; leah.berlanga@seiu1021.org <leah.berlanga@seiu1021.org>; gail@sffdlocal798.org <gail@sffdlocal798.org>; cityworker@sfcwu.org <cityworker@sfcwu.org>; davidmkersten@gmail.com <davidmkersten@gmail.com>; djohnson@opcmialocal300.org <djohnson@opcmialocal300.org>; hodlocal@pacbell.net <hodlocal@pacbell.net>; ablood@cirseiu.org <ablood@cirseiu.org>; pkarinen@nccrc.org <pkarinen@nccrc.org>; tony@dc16.us <tony@dc16.us>; stevek@bac3-ca.org <stevek@bac3-ca.org>; xiumin.li@seiu1021.org <xiumin.li@seiu1021.org>; Poon, Sin Yee (HSA) <sin.yee.poon@sfgov.org>; smcgarry@nccrc.org <smcgarry@nccrc.org>; rmitchell@twusf.org <rmitchell@twusf.org>; grojo@Local39.org <grojo@Local39.org>; jduritz@uapd.com <jduritz@uapd.com>; staff@sfmea.com <staff@sfmea.com>; mike@dc16.us <mike@dc16.us>; khughes@ibew6.org <khughes@ibew6.org>; L21PSCReview@ifpte21.org <L21PSCReview@ifpte21.org>; sfsmsa@gmail.com <sfsmsa@gmail.com>; mshelley@dc16.us <mshelley@dc16.us>; david.canham@seiu1021.org <david.canham@seiu1021.org>; jtanner940@aol.com <jtanner940@aol.com>; oashworth@ibew6.org <oashworth@ibew6.org>; L21PSCReview@ifpte21.org <L21PSCReview@ifpte21.org>; LiUNA.local261@gmail.com <LiUNA.local261@gmail.com>; local200twu@sbcglobal.net <local200twu@sbcglobal.net>; speedy4864@aol.com <speedy4864@aol.com>; camaguey@sfmea.com (contact) <camaguey@sfmea.com>; ecdemvoter@aol.com <ecdemvoter@aol.com>; thomas.vitale@seiu1021.org <thomas.vitale@seiu1021.org>; Rossi, Ron (DPH) <ron.rossi@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 \$135,000 for services for the period March 1, 2018

– December 31, 2022. 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/6381>

Email sent to the following addresses: Please check the record to see if you selected a union where a corresponding email in the TO: field isn't present. Either you selected none or there is no email entered in the system by that particular union

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 # 3070-12/13)

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

Type of Service: Medical Clowning

Funding Source: General Funds

PSC Original Approved Amount: \$0

PSC Original Approved Duration: 03/01/13 - 12/31/22
(9 years 43 weeks)

PSC Mod#1 Amount: \$40,000

PSC Mod#1 Duration: no duration added

PSC Cumulative Amount Proposed: \$40,000

PSC Cumulative Duration Proposed: 9 years 43 weeks

1. Description of Work

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

Contractor will provide specially training medical clowns to provide comfort and support to patients, their families and / or their caregivers. Medical clown services are a specialized form of patient support services that some studies have shown to be an effective part of the overall treatment plan for a patient. Medical clowns may utilize music, humor, magic tricks, and other techniques to entertain and relax patients.

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

Denial of this request will result in patients not being able to experience the beneficial effects of this form of treatment. They may experience increased stress, depression, or anxiety related to their illness as a result.

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 3070-12/13

D. Will the contract(s) be renewed?

Only if there is a need.

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:

Need for these services is ongoing and continuous.

2. Reason(s) for the Request

A. Display all that apply

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

Explain the qualifying circumstances:

These health and wellness services require training and expertise the city cannot provide.

B. Reason for the request for modification:

Total amount of this PSC is being increased from \$0 to \$40,000. This increase is necessitated by the contractor's decision to move away from donations and other outside funding streams and to charge the City directly for these services.

3. Description of Required Skills/Expertise

A. Specify required skills and/or expertise: Contractor must have experience providing therapeutic medical clowning to skilled nursing facility residents, including persons with dementia. Contractor must provide clowns who have completed or are actively participating in a therapeutic medical clowning training program.

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

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

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

Not Applicable

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

A. Explain why civil service classes are not applicable.

No current civil service class offers the required training and expertise for these specialized services.

B. If there is no civil service class that could perform the work, would it be practical and/or feasible to adopt a new civil service class to perform this work? Explain: No, these services require specialized training.

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.

City employees will receive no training. These services require formal training and outside instruction.

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.
Medical Clown Project, Inc.

7. **Union Notification:** On 05/02/17, 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: Jacquie Hale Phone: (415) 554-2609 Email: jacquie.hale@sfdph.org

Address: 101 Grove St. Rm. 307, San Francisco, CA 94102

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 3070-12/13

DHR Analysis/Recommendation:

Civil Service Commission Action:

Commission Approval Not Required

Approved by DHR on 05/15/2017

PERSONAL SERVICES CONTRACT SUMMARY

DATE: FEB 25 2013

DEPARTMENT NAME: Public Health DEPARTMENT NUMBER 81

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

TYPE OF REQUEST: [] INITIAL REQUEST [] MODIFICATION (PSC#)

TYPE OF SERVICE: Hospital patient and family care - services of medical clowns.

FUNDING SOURCE: None

PSC AMOUNT: \$0 PSC DURATION: March 1, 2013 - December 31, 2022

1. DESCRIPTION OF WORK

A. Concise description of proposed work:

The contractor will provide specially trained medical clowns to provide comfort and support to patients, their families and / or their caregivers. Medical clown services are a specialized form of patient support services that some studies have shown to be effective part in the overall treatment plan of a patient. Medical clowns may utilize music, humor, magic tricks, and other techniques to entertain and relax patients. (URL's listed below & Articles attached)

(http://www.sfgate.com/bayarea/cityexposed/article/Medical-clowns-deliver-healthy-dose-of-laughter-2518704.php)

(http://www.sfgate.com/news/article/Clown-sees-serious-benefits-to-therapeutic-work-2367321.php)

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

Denial of the request will result in patients not being able to experience the beneficial effects of this form of treatment of and they may experience increased stress, depression, or anxiety related to their illness as a result.

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):

This is a new service.

D. Will the contract(s) be renewed: Only if there is a need.

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

Union Name Signature of person mailing/faxing form Date

Union Name Signature of person mailing/faxing form Date

RFP sent to Union Name, on Date Signature

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 3070-12/13

Approval Date: 2/27/2013

By: Micki Callahan, Human Resources Director

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: PUBLIC HEALTH

Dept. Code: DPH

Type of Request: Initial Modification of an existing PSC (PSC # 3094 - 12/13)

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

Type of Service: As needed consulting/training for Medi-cal Administrative Activities (MAA) and Targeted case m

Funding Source: General Fund

PSC Original Approved Amount: \$20,000

PSC Original Approved Duration: 07/01/13 - 12/31/18 (5 years 26 weeks)

PSC Mod#1 Amount: \$10,000

PSC Mod#1 Duration: no duration added

PSC Mod#2 Amount: \$95,000

PSC Mod#2 Duration: 03/01/18-02/28/21 (2 years 8 weeks)

PSC Cumulative Amount Proposed: \$125,000

PSC Cumulative Duration Proposed: 7 years 34 weeks

1. Description of Work

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

The Contractor will provide as needed expert consultation and training on the very complex issues and procedures related to the City and DPH receiving reimbursement for services provided to patients/clients receiving services paid for by Federal monies administered through the State-medical Administrative Activities (MAA) and Targeted case Management (TCM) Programs. These programs allow DPH to receive approximately \$10 million dollars in revenue annually. This consultation consists of advising on validating staff time survey documentation, new issues anticipated from the programs transition to electronic claims submissions, and the expanded need and potential revenue possible with the advent of health care reform.

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

Cursory review of these programs shows the potential to increase claims significantly if they are submitted to the State in conformance with the States extremely detailed and very complex requirements. Otherwise, instructions on how to meet these requirements is only with the States outdated and very basic State manual which since its last publication has been amended by more than 50 complex policies. Access to this consultant will enable DPH to submit better claims, resulting in expected increases in revenues as well as avoiding costly paybacks due to disallowed claims and knowledge transfer to the incumbent Civil Service employee.

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 3094 - 12/13

D. Will the contract(s) be renewed?

If there is a need.

- 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 City and DPH continues to require expert consultation and training on complex issues and procedures relating to the City and DPH receiving reimbursement for services provided to patients/clients receiving services paid for by Federal monies administered through the State-Medical Administrative Activities (MAA) and Targeted Case Management (TCM) Programs. These services are as-needed and intermittent. The usage for the services are very low, if any.

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:

Training less than 20 hours per year on an as needed basis for State Manual and reporting understanding of the MAa/TCM Program

- B. Reason for the request for modification:

The City and DPH continues to require expert consultation and training on complex issues and procedures relating to the City and DPH receiving reimbursement for services provided to patients/clients receiving services paid for by Federal monies administered through the State-Medical Administrative Activities (MAA) and Targeted Case Management (TCM) Programs. These services are as-needed and intermittent. The usage for the services are very low, if any.

3. Description of Required Skills/Expertise

- A. Specify required skills and/or expertise: Sufficient significant and broad experience in the MAA and TCM programs within California at the County level and Nationally to add value to the work of the current Civil Service Staff and to transfer knowledge to staff to reduce the need for consultants in the future.
- B. Which, if any, civil service class(es) normally perform(s) this work? 1823, Senior Administrative Analyst;
- 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 need for these services is intermittent and as-needed and very low volume.
- 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 is not sufficient enough work to justify one FTE. The primary purpose of the contract is to augment the expertise of existing staff and provide knowledge transfer to existing staff.

6. Additional Information

- A. Will the contractor directly supervise City and County employee? If so, please include an explanation.
No.
- B. Will the contractor train City and County employees and/or is there a transfer of knowledge component that will be included in the contact? If so, please explain what that will entail; if not, explain why not.
20 hours per year on State Manual. 1823 Senior Admin Analysts.
- 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.
Current vendor

7. Union Notification: On 02/27/18, 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: Jacquie Hale Phone: (415) 554-2609 Email: jacquie.hale@sfdph.org

Address: Jacquie.Hale@sfdph.org, San Francisco, CA

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 3094 - 12/13

DHR Analysis/Recommendation:

Civil Service Commission Action:

Commission Approval Required

DHR Approved for 04/02/2018

Receipt of Union Notification(s)

Lee, Arlene (DPH)

From: DHR-PSCCoordinator, DHR (HRD) on behalf of Hale, Jacquie (DPH)
Sent: Tuesday, February 27, 2018 9:34 AM
To: Hale, Jacquie (DPH); tmathews@ifpte21.org; kschumacher@ifpte21.org;
kpage@ifpte21.org; eerbach@ifpte21.org; pkim@ifpte21.org;
L21PSCReview@ifpte21.org; kelly.rojas@sfdph.org; DHR-PSCCoordinator, DHR (HRD)
Subject: Receipt of Modification Request to PSC # 3094 - 12/13 - MODIFICATIONS

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 \$95,000 for services for the period March 1, 2018 – February 28, 2021. For all Modification requests, there is a 7-Day noticed to the union(s) prior to DHR Review.

If SEIU is one of the unions that represents the classes you identified in the initial PSC and the cumulative amount of the request is over \$100,000, there is a 60 day review period for SEIU

After logging into the system please select link below:

<http://apps.sfgov.org/dhrdrupal/node/6685>

Email sent to the following addresses: L21PSCReview@ifpte21.org pkim@ifpte21.org eerbach@ifpte21.org
kpage@ifpte21.org kschumacher@ifpte21.org tmathews@ifpte21.org

Additional Attachment(s)

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: PUBLIC HEALTH Dept. Code: DPH

Type of Request: [] Initial [x] Modification of an existing PSC (PSC # 3094 - 12/13)

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

Type of Service: As needed consulting/training for Medi-cal Administrative Activities (MAA) and Targeted case m

Funding Source: General Fund
PSC Original Approved Amount: \$20,000 PSC Original Approved Duration: 07/01/13 - 12/31/18 (5 years 26 w
PSC Mod#1 Amount: \$10,000 PSC Mod#1 Duration: no duration added
PSC Mod#2 Amount: PSC Mod#2 Duration:
PSC Cumulative Amount Proposed: \$30,000 PSC Cumulative Duration Proposed: 5 years 26 weeks

1. Description of Work

A. Scope of Work:

The Contractor will provide as needed expert consultation and training on the very complex issues and procedures related to the City and DPH receiving reimbursement for services provided to patients/clients receiving services paid for by Federal monies administered through the State- medical Administrative Activities (MAA) and Targeted case Management (TCM) Programs. These programs allow DPH to receive approximately \$10 million dollars in revenue annually. This consultation consists of advising on validating staff time survey documentation, new issues anticipated from the programs transition to electronic claims submissions, and the expanded need and potential revenue possible with the advent of health care reform.

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

Cursory review of these programs shows the potential to increase claims significantly if they are submitted to the State in conformance with the States extremely detailed and very complex requirements. Otherwise, instructions on how to meet these requirements is only with the States outdated and very basic State manual which since its last publication has been amended by more than 50 complex policies. Access to this consultant will enable DPH to submit better claims, resulting in expected increases in revenues as well as avoiding costly paybacks due to disallowed claims and knowledge transfer to the incumbent Civil Service employee.

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

Yes

D. Will the contract(s) be renewed? If there is a need.

2. Union Notification: On 05/20/16, the Department notified the following employee organizations of this PSC/RFP request: Architect & Engineers, Local 21;

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 3094 - 12/13

DHR Analysis/Recommendation:

Commission Approval Not Required

Approved by DHR on 06/08/2016

3. Description of Required Skills/Expertise

A. Specify required skills and/or expertise:

Sufficient significant and broad experience in the MAA and TCM programs within California at the County level and Nationally to add value to the work of the current Civil Service Staff and to transfer knowledge to staff to reduce the need for consultants in the future.

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

1823,

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 need for these services is intermittent and as-needed and very low volume.

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

No. There is not sufficient enough work to justify one FTE. The primary purpose of the contract is to augment the expertise of existing staff and provide knowledge transfer to existing staff.

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

YES NO

- | | | |
|---|-------------------------------------|-------------------------------------|
| A. Will the contractor directly supervise City and County employee? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| B. Will the contractor train City and County employee?
Training is only for a few hours but allows City to collect millions in revenue | <input checked="" type="checkbox"/> | <input 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? no | <input checked="" type="checkbox"/> | <input 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? Current vendor | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

THE ABOVE INFORMATION IS SUBMITTED AS COMPLETE AND ACCURATE ON BEHALF OF THE DEPARTMENT HEAD ON 05/20/16 BY:

Name: Jacquie Hale Phone: (415) 554-2609 Email: jacquie.hale@sfdph.org

Address: Jacquie.Hale@sfdph.org San Francisco, CA

PERSONAL SERVICES CONTRACT SUMMARY

DATE: MAR 06 2013

DEPARTMENT NAME: Public Health DEPARTMENT NUMBER 81

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

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

TYPE OF SERVICE: As-needed consulting/training for Medi-Cal Administrative Activities (MAA) and Targeted Case Management (TCM) Claiming

FUNDING SOURCE: General Fund

PSC AMOUNT: \$ 20,000 (\$4,000/yr.) PSC DURATION: 07/01/13 - 12/31/18 (5 years)

1. DESCRIPTION OF WORK

A. Concise description of proposed work:

The Contractor will provide as-needed expert consultation and training on the very complex issues and procedures related to the City and DPH receiving reimbursement for services provided to patients/clients receiving services paid for by Federal monies administered through the State Medi-Cal Administrative Activities (MAA) and Targeted Case Management (TCM) programs. This consultant's services are very limited (for 2011/12, DPH paid this contractor only \$1,700 through a purchase order), essentially enabling the DPH's current MAA/TCM Administrator (an 1823 Senior Administrative Analyst) access to the consultant's broader and more historical expertise on new aspects of the program. These programs enable DPH to receive approximately \$10 million in revenue annually. Past consultation has involved assistance with reviewing claims documentation for its acceptability by the State. Future work may include advising on validating staff time survey documentation, new issues anticipated from the program's transition to electronic claims submissions, and the expanded need and potential revenue possible with the advent of health care reform.

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

Cursory review of these programs shows the potential to increase claims significantly if they are submitted to the State in conformance with the State's extremely detailed and very complex requirements. Otherwise, instructions on how to meet these requirements is only available by reading a significantly outdated and very basic State manual which since its last publication has been amended by more than 50 complex policy letters. Access to this consultant will enable DPH to submit better claims, resulting in expected increases in revenues, as well as avoiding costly pay-backs due to disallowed claims and knowledge transfer to the incumbent Civil Service employee.

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): *This is a new contract.*

D. Will the contract(s) be renewed: *Only if there is a need.*

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 Jacquie Hale March 6, 2013
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

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 3094-12/13

Approval Date: 4/11/2013

By: Micki Callahan, Human Resources Director

LEORAH DHR

APR 8 2013
PSC FORM 1 (9/96)

3. DESCRIPTION OF REQUIRED SKILLS/EXPERTISE

A. Specify required skills and/or expertise:
 Sufficient significant and broad experience in the MAA and TCM programs within California at the county level and nationally to add value to the work of current Civil Service staff and to transfer knowledge to staff to reduce the need for consultants in the future.

B. Which, if any, civil service class normally performs this work?
 1823 Senior Administrative Analyst

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 need for these services is intermittent and as-needed and very low volume, depending on the level of complexity of the claiming work involved and changes to the program made at the State and Federal levels. The consultant will essentially be on call to answer questions as needed from the existing Civil Service staff, an 1823 Senior Administrative Analyst. Current staff already manage all aspects of MAA/TCM claiming. Occasional assistance from the consultant, who has significant historical knowledge and both California and national experience specific to the MAA/TCM programs, is needed to support staff in addressing extreme technical aspects of the complex program in order to ensure the very maximum in accurate claims are submitted.

B. Would it be practical to adopt a new civil service class to perform this work? Explain.
 No. There is not sufficient work to justify even one FTE. The primary purpose of the contract is to augment the expertise of existing staff and provide knowledge transfer to existing staff.

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

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

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

B. Will the contractor train City and County employees?

Yes	No
<input checked="" type="checkbox"/>	<input type="checkbox"/>

- Describe the training and indicate approximate number of hours.
 Hours will be determined on a case-by-case basis, but are not expected to total more than 20 hours per year.
- Indicate occupational type of City and County employees to receive training (i.e., clerks, civil engineers, etc.) and approximate number to be trained.
 One 1823 Senior Administrative Analyst, the current DPH MAA/TCM Coordinator

C. Are there legal mandates requiring the use of contractual services?

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

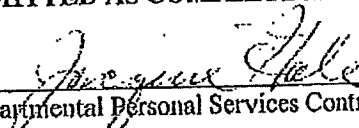
E. Has a board or commission determined that contracting is the most effective way to provide this service?

Yes	No
<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?

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

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



 Signature of Departmental Personal Services Contract Coordinator

 Jacquie Hale
 Print or Type Name

 554-2609
 Telephone Number

 101 Grove St. Rm. 307
 San Francisco, CA 94102
 Address