



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

CIVIL SERVICE COMMISSION REPORT TRANSMITTAL (FORM 22MTA) Applicable to Municipal Transportation Agency Service-Critical Classes

Refer to Civil Service Commission Procedure for Staff - Submission of
Written Reports MTA for Instructions on completing and processing this Form

1. Civil Service Commission Register Number: _____ - _____ -
2. For Civil Service Commission Meeting of: February 3, 2020
3. Check One: Ratification Agenda
 Consent Agenda X
 Regular Agenda
4. Subject: Report on MTA Service-Critical Appointment Exempt from Civil Service under Charter Sections 10.104-16 through 10.104-18.
5. Recommendation: Adopt the report.
6. Report prepared by: William Miles II Telephone number: 415-646-2863
7. Notifications: **(Attach a list of the person(s) to be notified in the format described in IV. Commission Report Format -A**
8. Reviewed and approved for Civil Service Commission Agenda:

Municipal Transportation Agency Director:

Date: 1/23/20

9. Submit the original time-stamped copy of this form and person(s) to be notified (see Item 7 above) along with the required copies of the report to:

**Executive Officer
Civil Service Commission
25 Van Ness Avenue, Suite 720
San Francisco, CA 94102**

10. Receipt-stamp this form in the ACSC RECEIPT STAMP box to the right using the time-stamp in the CSC Office.

<u>CSC RECEIPT STAMP</u>

Attachment

CSC-22MTA (9/00)



London Breed, Mayor

Malcolm Heinicke, Chair
Gwyneth Borden, Vice Chair
Cheryl Brinkman, Director
Amanda Eaken, Director

Steve Heminger, Director
Cristina Rubke, Director
Art Torres, Director

Jeffrey Tumlin, Director of Transportation

MEMORANDUM

DATE: January 22, 2020

TO: Honorable Civil Service Commission

THROUGH: Kimberly Ackerman *KAT*
Director, SFMTA Human Resources

FROM: William Miles II *WEM*
Merit and Examinations Manager, SFMTA Human Resources

SUBJECT: **Report on MTA Service-Critical Appointments Exempt from Civil Service under Charter Sections 10.104-16 through 10.104.18**

Background

Charter Sections 10.104-16, 10.104-17 and 10.104-18 provide that certain part-time, seasonal, temporary and substitute positions may be exempt from civil service selection, appointment and removal procedures subject to approval of the Civil Service Commission. On June 3, 1996, the Civil Service Commission established and adopted procedures and guidelines for the processing and approval of such appointments and authorized the Human Resources Director to act on written requests for exemptions, and provide the Commission with reports of transactions processed under the guidelines.

Exempt Category	Description
10.104-16 (16)	Temporary and seasonal appointments not to exceed the equivalent of half-time during any fiscal year, except that such positions may be filled through regular civil service procedures
10.104-17 (17)	Appointments, which shall not exceed two year and shall not be renewable, as substitutes for civil service employees on leave, except that such positions may be filled through regular civil service procedures
10.104-18 (18)	Appointments, which shall not exceed three years and shall not be renewable, for special projects and professional services with limited term funding, except that such positions may be filled through regular civil service procedures

Charter Section 8A.104 provides that, as of July 1, 2000, except for the administration of health services, the Municipal Transportation Agency (MTA) assumed all powers and duties vested in the Department of Human Resources (DHR) and the Human Resources Director under Articles X



and XI of the Charter in connection with job classifications within the Municipal Transportation Agency performing service-critical functions.

Analysis

Attachment A reflects requisitions with projects titles for MTA service-critical positions approved in exempt categories 16, 17 and 18 for the period from January 1, 2019 through December 31, 2019. **Attachment B** indicates the total number of exempt appointments in service-critical positions within these categories with individual appointment date, estimated expiration date and project title as of 12/31/2019.

As of 12/31/2019, there were a total of 279 appointments for MTA service-critical positions in exempt categories 16, 17 and 18. The following table provides a breakdown of the number of appointments compared to the total workforce of 6,037 employees.

Exempt Category	Number of Appointments	Percent of Workforce
10.104-16 (16)	78	1.29%
10.104-17 (17)	7	0.16%
10.104-18 (18)	194	3.21%

Also, attached is a graph [**Attachment C**] showing the total number of reported exempt appointments for service-critical positions since 2015, including total number of appointments for the current report period. [Note: A report was not found for 2018 data.]

Recommendation

Adopt the report.

ATTACHMENT A

Requisitions for SFMTA Service-Critical Positions
Exempt from Civil Service under Charter Sections 10.104-16 through 10.104-18
Approved from 1/1/2019 through 12/31/2019

CLASS	TITLE	SERVICE CRITICAL	DIVCODE	JOB REQ	PROJECT TITLE	CAT	Status	APPROVE
1312	Public Information Officer	Y	CO	01144298	Short Term - special projects with duration less than 1 year	16	Filled	8/2/2019
1314	Public Relations Officer	Y	CO	01128644	Sporadic – Irregular and unanticipated	16	Vacant	10/15/2019
1654	Principal Accountant	Y	FIT	01143002	Seasonal – work may be continuous but for short periods of time	16	Filled	1/17/2019
1823	Senior Administrative Analyst	Y	FIT	01143166	Short-term - Special Projects w/durations less than 1 yr	16	Vacant	2/27/2019
5380	Student Engineer Trainee I, Arch., Engr., & Plan.	Y	SS	01143277	Training and Apprenticeships	16	Filled	3/14/2019
5380	Student Engineer Trainee I, Arch., Engr., & Plan.	Y	SS	01143278	Training and Apprenticeships	16	Filled	3/14/2019
5380	Student Engineer Trainee I, Arch., Engr., & Plan.	Y	SS	01143279	Training and Apprenticeships	16	Filled	3/14/2019
5380	Student Engineer Trainee I, Arch., Engr., & Plan.	Y	SS	01143280	Training and Apprenticeships	16	Filled	3/14/2019
5380	Student Engineer Trainee I, Arch., Engr., & Plan.	Y	SS	01143281	Training and Apprenticeships	16	Filled	3/14/2019
5380	Student Engineer Trainee I, Arch., Engr., & Plan.	Y	SS	01143282	Training and Apprenticeships	16	Filled	3/14/2019
5380	Student Engineer Trainee I, Arch., Engr., & Plan.	Y	SS	01143283	Training and Apprenticeships	16	Filled	3/14/2019
5380	Student Engineer Trainee I, Arch., Engr., & Plan.	Y	SS	01143284	Training and Apprenticeships	16	Filled	3/14/2019
5380	Student Engineer Trainee I, Arch., Engr., & Plan.	Y	SS	01143285	Training and Apprenticeships	16	Filled	3/14/2019
5380	Student Engineer Trainee I, Arch., Engr., & Plan.	Y	SS	01143286	Training and Apprenticeships	16	Filled	3/14/2019
5380	Student Engineer Trainee I, Arch., Engr., & Plan.	Y	SS	01143287	Training and Apprenticeships	16	Filled	3/14/2019
5380	Student Engineer Trainee I, Arch., Engr., & Plan.	Y	SS	01143288	Training and Apprenticeships	16	Vacant	3/14/2019
5380	Student Engineer Trainee I, Arch., Engr., & Plan.	Y	SS	01143289	Training and Apprenticeships	16	Vacant	3/14/2019
5380	Student Engineer Trainee I, Arch., Engr., & Plan.	Y	SS	01143290	Training and Apprenticeships	16	Vacant	3/14/2019
5380	Student Engineer Trainee I, Arch., Engr., & Plan.	Y	SS	01143291	Training and Apprenticeships	16	Vacant	3/14/2019
5380	Student Engineer Trainee I, Arch., Engr., & Plan.	Y	CPC	01143292	Training and Apprenticeships	16	Filled	3/14/2019
5380	Student Engineer Trainee I, Arch., Engr., & Plan.	Y	CSUB	01143430	Seasonal – work may be continuous but for short periods of time	16	Filled	3/18/2019
5380	Student Engineer Trainee I, Arch., Engr., & Plan.	Y	CSUB	01143431	Seasonal – work may be continuous but for short periods of time	16	Filled	3/18/2019
5381	Student Engineer Trainee II, Arch., Engr., & Plan.	Y	SS	01143293	Training and Apprenticeships	16	Filled	3/13/2019
5381	Student Engineer Trainee II, Arch., Engr., & Plan.	Y	SS	01143294	Training and Apprenticeships	16	Filled	3/13/2019
5381	Student Engineer Trainee II, Arch., Engr., & Plan.	Y	SS	01143295	Training and Apprenticeships	16	Filled	3/13/2019
5381	Student Engineer Trainee II, Arch., Engr., & Plan.	Y	SS	01143296	Training and Apprenticeships	16	Filled	3/13/2019
5381	Student Engineer Trainee II, Arch., Engr., & Plan.	Y	SS	01143297	Training and Apprenticeships	16	Filled	3/13/2019
5381	Student Engineer Trainee II, Arch., Engr., & Plan.	Y	SS	01143298	Training and Apprenticeships	16	Filled	3/13/2019
5381	Student Engineer Trainee II, Arch., Engr., & Plan.	Y	SS	01143300	Training and Apprenticeships	16	Filled	3/13/2019
5381	Student Engineer Trainee II, Arch., Engr., & Plan.	Y	SS	01143301	Training and Apprenticeships	16	Filled	3/13/2019
5381	Student Engineer Trainee II, Arch., Engr., & Plan.	Y	SS	01143302	Training and Apprenticeships	16	Filled	3/13/2019
5381	Student Engineer Trainee II, Arch., Engr., & Plan.	Y	SS	01143303	Training and Apprenticeships	16	Filled	3/13/2019
5381	Student Engineer Trainee II, Arch., Engr., & Plan.	Y	SS	01143304	Training and Apprenticeships	16	Filled	3/13/2019
5381	Student Engineer Trainee II, Arch., Engr., & Plan.	Y	SS	01143305	Training and Apprenticeships	16	Filled	3/13/2019
5381	Student Engineer Trainee II, Arch., Engr., & Plan.	Y	SS	01143306	Training and Apprenticeships	16	Filled	3/13/2019
5381	Student Engineer Trainee II, Arch., Engr., & Plan.	Y	SS	01143307	Training and Apprenticeships	16	Filled	3/13/2019
5381	Student Engineer Trainee II, Arch., Engr., & Plan.	Y	SS	01143308	Training and Apprenticeships	16	Filled	3/13/2019

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CLASS	TITLE	SERVICE CRITICAL	DIVCODE	JOB REQ	PROJECT TITLE	CAT	Status	APPROVE
5382	Student Engineer Trainee III, Arch., Engr., & Plan.	Y	SS	01143248	Training & Apprenticeships	16	Vacant	3/14/2019
9139	Transit Supervisor	Y	TS	01126459	Short-term (special projects with durations less than 1 year	16	Filled	5/21/2019
9139	Transit Supervisor	Y	TS	01126460	Short-term (special projects with durations less than 1 year	16	Filled	5/21/2019
9139	Transit Supervisor	Y	TS	01126478	Short-term (special projects with durations less than 1 year	16	Filled	5/21/2019
9139	Transit Supervisor	Y	TS	01126461	Short Term - special projects with durations less than 1 year	16	Filled	5/31/2019
9139	Transit Supervisor	Y	TS	01126462	Short Term - special projects with durations less than 1 year	16	Filled	5/31/2019
9139	Transit Supervisor	Y	TS	01126463	Short Term - special projects with durations less than 1 year	16	Filled	5/31/2019
9139	Transit Supervisor	Y	TS	01126464	Short Term - special projects with durations less than 1 year	16	Filled	5/31/2019
9139	Transit Supervisor	Y	TS	01126465	Short Term - special projects with durations less than 1 year	16	Filled	5/31/2019
9139	Transit Supervisor	Y	HR	01126468	Short Term - special projects with durations less than 1 year	16	Filled	5/31/2019
9139	Transit Supervisor	Y	TS	01126469	Short Term - special projects with durations less than 1 year	16	Filled	5/31/2019
9139	Transit Supervisor	Y	TS	01126474	Short Term - special projects with durations less than 1 year	16	Filled	5/31/2019
9139	Transit Supervisor	Y	TS	01126483	Short Term - special projects with durations less than 1 year	16	Filled	5/31/2019
9139	Transit Supervisor	Y	TS	01126486	Short Term - special projects with durations less than 1 year	16	Filled	5/31/2019
9139	Transit Supervisor	Y	TS	01126487	Short Term - special projects with durations less than 1 year	16	Filled	5/31/2019
9139	Transit Supervisor	Y	TS	01126470	Short Term - special projects with durations less than 1 year	16	Filled	5/31/2019
9139	Transit Supervisor	Y	HR	01137683	Short Term - special projects with durations less than 1 year	16	Vacant	5/31/2019
9139	Transit Supervisor	Y	TS	01144747	Seasonal - work may be continuous but for short periods of time	16	Filled	9/4/2019
9139	Transit Supervisor	Y	TS	01144748	Seasonal - work may be continuous but for short periods of time	16	Filled	9/4/2019
9139	Transit Supervisor	Y	TS	01144749	Seasonal - work may be continuous but for short periods of time	16	Filled	9/4/2019
9940	Pre-Apprentice Automotive Mechanic	Y	TS	01143638	Training and Apprenticeships	16	Filled	4/8/2019
9940	Pre-Apprentice Automotive Mechanic	Y	TS	01143639	Training and Apprenticeships	16	Filled	4/8/2019
9940	Pre-Apprentice Automotive Mechanic	Y	TS	01144162	Training and Apprenticeships	16	Filled	8/9/2019
9940	Pre-Apprentice Automotive Mechanic	Y	TS	01144163	Training and Apprenticeships	16	Filled	8/9/2019
9940	Pre-Apprentice Automotive Mechanic	Y	TS	01144164	Training and Apprenticeships	16	Filled	8/9/2019
9940	Pre-Apprentice Automotive Mechanic	Y	TS	01144165	Training and Apprenticeships	16	Filled	8/9/2019
9940	Pre-Apprentice Automotive Mechanic	Y	TS	01144166	Training and Apprenticeships	16	Filled	8/9/2019
9940	Pre-Apprentice Automotive Mechanic	Y	TS	01144168	Training and Apprenticeships	16	Filled	8/9/2019
9940	Pre-Apprentice Automotive Mechanic	Y	TS	01144169	Training and Apprenticeships	16	Filled	8/9/2019
9940	Pre-Apprentice Automotive Mechanic	Y	TS	01144170	Training and Apprenticeships	16	Filled	8/9/2019
9940	Pre-Apprentice Automotive Mechanic	Y	TS	01144171	Training and Apprenticeships	16	Filled	8/9/2019
9940	Pre-Apprentice Automotive Mechanic	Y	TS	01144172	Training and Apprenticeships	16	Filled	8/9/2019
9139	Transit Supervisor	Y	TS	01087964		17	Vacant	5/7/2019
9139	Transit Supervisor	Y	TS	01080881		17	Filled	9/10/2019
9139	Transit Supervisor	Y	TS	01104975		17	Filled	11/15/2019
9139	Transit Supervisor	Y	TS	01095597		17	Filled	11/15/2019
9139	Transit Supervisor	Y	TS	01128392		17	Filled	11/15/2019

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CLASS	TITLE	SERVICE CRITICAL	DIVCODE	JOB REQ	PROJECT TITLE	CAT	Status	APPROVE
9139	Transit Supervisor	Y	TS	01049239		17	Filled	11/25/2019
1044	IS Engineer - Principal	Y	FIT	01128665	SharePoint Consolidation/Migrator	18	Filled	3/18/2019
1044	IS Engineer - Principal	Y	FIT	01128668	SFMTA Information Technology Services Infrastructure Project	18	Filled	3/18/2019
1044	IS Engineer - Principal	Y	FIT	01128671	Radio Project/Trapeze Integration	18	Filled	8/1/2019
1044	IS Engineer - Principal	Y	FIT	01120721	Radio Project Transit Management Center Integration	18	Vacant	9/18/2019
1052	IS Business Analyst	Y	FIT	01128552	Share Point Migration to Office 365, SharePoint architecture and redesign of the	18	Filled	3/29/2019
1053	IS Business Analyst - Senior	Y	FIT	01094876	SharePoint Migration to Office 365, SharePoint architecture and redesign of the	18	Filled	3/29/2019
1053	IS Business Analyst - Senior	Y	FIT	01113537	Radio Project Systems integration and implementation	18	Filled	3/29/2019
1091	IT Operations Support Administrator I	Y	FIT	01143834	Desktop Refresh Project	18	Vacant	5/7/2019
1094	IT Operations Support Administrator IV	Y	FIT	01128672	Computer Refresh and VoIP Implementation Project	18	Vacant	9/18/2019
1241	Human Resources Analyst	Y	HR	01144751	CBA/MOU Implementation Project	18	Filled	9/13/2019
1241	Human Resources Analyst	Y	HR	01145445	The Transit Operator Exam Optimization Project	18	Vacant	11/14/2019
1241	Human Resources Analyst	Y	HR	01145289	License & Medical Digitalization Project	18	Vacant	11/26/2019
1314	Public Relations Officer	Y	CO	01143889	CCSF Construction Mitigation Program	18	Vacant	6/4/2019
1314	Public Relations Officer	Y	CO	01143890	L Taraval Improvement Project & Better Market Street Project	18	Vacant	6/4/2019
1314	Public Relations Officer	Y	CO	01132949	TMC Integration Project	18	Filled	8/2/2019
1314	Public Relations Officer	Y	SS	01144981	Vision Zero Quick-Build Implementation Project	18	Vacant	9/23/2019
1823	Senior Administrative Analyst	Y	FIT	01143163	Street Coordination Improvements	18	Filled	3/14/2019
1823	Senior Administrative Analyst	Y	FIT	01110851	Earned Value Management (EVM) Project	18	Vacant	8/14/2019
1824	Principal Admin Analyst	Y	SS	01124428	6th Street Safety Improvements Project	18	Filled	1/7/2019
1824	Principal Admin Analyst	Y	FIT	01125148	Commercial Retail and Wireless Facilities Capital Improvement Project Phase II	18	Filled	3/29/2019
1942	Assistant Materials Coordinator	Y	FIT	01128565	Enterprise Asset Management Project (EAM)	18	Filled	10/30/2019
5201	Junior Engineer	Y	SS	01143925	Folsom-Howard Streetscape	18	Filled	5/31/2019
5201	Junior Engineer	Y	SS	01144752	Vision Zero Quick-Build Implementation Project	18	Vacant	9/4/2019
5201	Junior Engineer	Y	SS	01144753	Vision Zero Quick-Build Implementation Project	18	Filled	9/4/2019
5201	Junior Engineer	Y	TS	01128482	The LRV 4 Procurement Project	18	Vacant	12/26/2019
5203	Assistant Engineer	Y	FIT	01143434	Automatic Train Control System (ATCS) capital projects	18	Vacant	3/14/2019
5203	Assistant Engineer	Y	TS	01143829	TO50 Surface Signaling	18	Vacant	9/4/2019
5203	Assistant Engineer	Y	SS	01145092	Spot Sewer #38 Project	18	Vacant	10/8/2019
5203	Assistant Engineer	Y	SS	01145273	Geary Rapid Transit, Phase II	18	Vacant	10/30/2019
5207	Associate Engineer	Y	SS	01144173	Western Addition Traffic Signal Upgrade Project	18	Filled	7/20/2019
5207	Associate Engineer	Y	SS	01144754	Vision Zero Quick-Build Implementation Project	18	Vacant	9/4/2019
5207	Associate Engineer	Y	SS	01145005	Candlestick/Hunters Point Shipyard Development Project	18	Filled	9/23/2019
5207	Associate Engineer	Y	FIT	01143164	System Integration & Train Control Management System Projects	18	Vacant	12/26/2019
5211	Senior Engineer	Y	SS	01143321	Muni Forward Transit Projects	18	Filled	3/9/2019
5277	Planner I	Y	SS	01143276	Bayview Community Based Transportation Plan & Neighborhood Transportation	18	Vacant	3/15/2019
5277	Planner I	Y	SS	01143659	Existing Resident TDM Project, Existing Business TDM Project, and Vision Zero	18	Filled	4/17/2019

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CLASS	TITLE	SERVICE CRITICAL	DIVCODE	JOB REQ	PROJECT TITLE	CAT	Status	APPROVE
5277	Planner I	Y	SS	01144015	Ocean Beach Redevelopment, E-Moped Program permit work, Vehicle Share permit	18	Filled	8/10/2019
5288	Transit Planner II	Y	TS	01128458	T2030	18	Filled	2/1/2019
5288	Transit Planner II	Y	TS	01143441	Overrsight of Transit Fleet and Fixed Guideway Capital Programs	18	Filled	4/13/2019
5288	Transit Planner II	Y	TS	01143992	Motorola Metrocom system	18	Vacant	6/8/2019
5288	Transit Planner II	Y	SS	01145274	Vision Zero Quick-Build Implementation Project	18	Vacant	10/30/2019
5289	Transit Planner III	Y	SS	01142929	Safe Routes to School (SRTS) Non-Infrastructure Project	18	Filled	1/7/2019
5289	Transit Planner III	Y	SS	01143926	Prop B Streets, Bond Projects	18	Filled	6/4/2019
5289	Transit Planner III	Y	SS	01145275	Various bicycle and pedestrian safety projects, 6th Street, Upper Market and	18	Filled	10/30/2019
5290	Transit Planner IV	Y	SS	01143675	T2030	18	Filled	4/15/2019
5290	Transit Planner IV	Y	SS	01145435	SFMTA Bicycle Strategy Capital Projects	18	Vacant	11/14/2019
5302	Traffic Survey Technician	Y	SS	01145026	Vision Zero Quick-Build Implementation Project	18	Vacant	9/23/2019
5302	Traffic Survey Technician	Y	SS	01145446	Bicycle Parking Program & Bicycle Wayfinding Signs Pgm	18	Vacant	11/14/2019
5320	Illustrator and Art Designer	Y	CO	01128465	Capital Corridor Projects	18	Filled	2/11/2019
5364	Engineering Associate 1	Y	SS	01144689	Vision Zero Quick-Build Implementation Project	18	Vacant	8/30/2019
5502	Project Manager I	Y	CPC	01121336	Muni's fixed guideway systems	18	Filled	5/28/2019
5502	Project Manager I	Y	TS	01128517	Cable Car Vehicle Overhaul and Facilities Equipment Procurement Projects	18	Vacant	6/17/2019
5502	Project Manager I	Y	CSUB	01128674	Third Street Light Rail Program	18	Vacant	6/19/2019
5502	Project Manager I	Y	FIT	01144986	Infrastructure and System Integration Project	18	Vacant	9/18/2019
5502	Project Manager I	Y	FIT	01144978	Intelligent Transportation System Projects	18	Vacant	9/18/2019
5502	Project Manager I	Y	SS	01145453	19th Ave/M Ocean View Project	18	Filled	11/14/2019
5504	Project Manager II	Y	FIT	01132245	Radio & Data Communications Project	18	Filled	4/18/2019
5504	Project Manager II	Y	FIT	01123107	Automatic Train Control System	18	Filled	4/18/2019
5504	Project Manager II	Y	CPC	01119461	Facilities Program	18	Vacant	7/11/2019
5504	Project Manager II	Y	CPC	01133939	Transit Fixed Guideway/Muni Forward	18	Vacant	7/23/2019
5506	Project Manager III	Y	CPC	01117183	Van Ness BRT Project	18	Vacant	4/20/2019
5506	Project Manager III	Y	CPC	01127185	Track & Railway Replacement Projects	18	Vacant	6/4/2019
7242	Painter Supervisor	Y	SS	01144982	Vision Zero Quick-Build Implementation Project	18	Vacant	12/26/2019
7327	Apprentice Maintenance Machinist 1	Y	TS	01131045	CCSF APPRENTICESHIP PROGRAM	18	Vacant	2/27/2019
7327	Apprentice Maintenance Machinist 1	Y	TS	01131046	CCSF APPRENTICESHIP PROGRAM	18	Filled	2/27/2019
7346	Painter	Y	SS	01145056	Vision Zero Quick-Build Implementation Project	18	Vacant	10/1/2019
7346	Painter	Y	SS	01145057	Vision Zero Quick-Build Implementation Project	18	Vacant	10/1/2019
7346	Painter	Y	SS	01145058	Vision Zero Quick-Build Implementation Project	18	Vacant	10/1/2019
7346	Painter	Y	SS	01145059	Vision Zero Quick-Build Implementation Project	18	Vacant	10/1/2019
7346	Painter	Y	SS	01145060	Vision Zero Quick-Build Implementation Project	18	Vacant	10/1/2019
7346	Painter	Y	SS	01145061	Vision Zero Quick-Build Implementation Project	18	Vacant	10/1/2019
7457	Sign Worker	Y	SS	01143960	Valencia Bikeway Improvement Project	18	Filled	5/30/2019
7457	Sign Worker	Y	SS	01143961	Valencia Bikeway Improvement Project	18	Filled	5/30/2019

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CLASS	TITLE	SERVICE CRITICAL	DIVCODE	JOB REQ	PROJECT TITLE	GAT	Status	APPROVE
7457	Sign Worker	Y	SS	01144983	Vision Zero Quick-Build Implementation Project	18	Vacant	9/23/2019
7457	Sign Worker	Y	SS	01144984	Vision Zero Quick-Build Implementation Project	18	Vacant	9/23/2019
7457	Sign Worker	Y	SS	01144985	Vision Zero Quick-Build Implementation Project	18	Vacant	9/23/2019
7457	Sign Worker	Y	SS	01144986	Vision Zero Quick-Build Implementation Project	18	Vacant	9/23/2019
8214	Parking Control Officer	Y	SS	01143265	Chase Center Opening Pilot Project	18	Filled	2/27/2019
8214	Parking Control Officer	Y	SS	01143266	Chase Center Opening Pilot Project	18	Filled	2/27/2019
8214	Parking Control Officer	Y	SS	01143267	Chase Center Opening Pilot Project	18	Filled	2/27/2019
8214	Parking Control Officer	Y	SS	01143268	Chase Center Opening Pilot Project	18	Filled	2/27/2019
8214	Parking Control Officer	Y	SS	01143269	Chase Center Opening Pilot Project	18	Vacant	2/27/2019
8214	Parking Control Officer	Y	SS	01143270	Chase Center Opening Pilot Project	18	Filled	2/27/2019
8214	Parking Control Officer	Y	SS	01143271	Chase Center Opening Pilot Project	18	Filled	2/27/2019
8214	Parking Control Officer	Y	SS	01143272	Chase Center Opening Pilot Project	18	Filled	2/27/2019
8214	Parking Control Officer	Y	SS	01143273	Chase Center Opening Pilot Project	18	Filled	2/27/2019
8214	Parking Control Officer	Y	SS	01143274	Chase Center Opening Pilot Project	18	Filled	2/27/2019
8214	Parking Control Officer	Y	SS	00906142	SFHA Transition	18	Filled	9/24/2019
8214	Parking Control Officer	Y	SS	00002324	SFHA Transition	18	Filled	9/24/2019
8214	Parking Control Officer	Y	SS	00906078	SFHA Transition	18	Vacant	9/24/2019
9126	Transit Traffic Checker	Y	TS	01060942		18	Filled	9/25/2019
9139	Transit Supervisor	Y	TS	01145282	Construction Projects	18	Filled	10/15/2019
9139	Transit Supervisor	Y	TS	01145283	Construction Projects	18	Filled	10/15/2019
9139	Transit Supervisor	Y	TS	01145284	Construction Projects	18	Filled	10/15/2019
9139	Transit Supervisor	Y	TS	01145285	Construction Projects	18	Filled	10/15/2019
9139	Transit Supervisor	Y	TS	01145286	Construction Projects	18	Filled	10/15/2019
9139	Transit Supervisor	Y	TS	01145287	Construction Projects	18	Filled	10/15/2019
9139	Transit Supervisor	Y	TS	01126459	New Transit Operators Training	18	Vacant	12/21/2019
9139	Transit Supervisor	Y	TS	01126460	New Transit Operators Training	18	Filled	12/21/2019
9139	Transit Supervisor	Y	TS	01126461	New Transit Operators Training	18	Filled	12/21/2019
9139	Transit Supervisor	Y	TS	01126462	New Transit Operators Training	18	Filled	12/21/2019
9139	Transit Supervisor	Y	TS	01126463	New Transit Operators Training	18	Filled	12/21/2019
9139	Transit Supervisor	Y	TS	01126464	New Transit Operators Training	18	Filled	12/21/2019
9139	Transit Supervisor	Y	TS	01126465	New Transit Operators Training	18	Filled	12/21/2019
9139	Transit Supervisor	Y	TS	01126469	New Transit Operators Training	18	Filled	12/21/2019
9139	Transit Supervisor	Y	TS	01126474	New Transit Operators Training	18	Filled	12/21/2019
9139	Transit Supervisor	Y	TS	01126478	New Transit Operators Training	18	Filled	12/21/2019
9139	Transit Supervisor	Y	TS	01126483	New Transit Operators Training	18	Filled	12/21/2019
9139	Transit Supervisor	Y	TS	01126486	New Transit Operators Training	18	Filled	12/21/2019
9139	Transit Supervisor	Y	TS	01126487	New Transit Operators Training	18	Filled	12/21/2019

ATTACHMENT A

Requisitions for SFMTA Service-Critical Positions
Exempt from Civil Service under Charter Sections 10.104-16 through 10.104-18
Approved from 1/1/2019 through 12/31/2019

CLASS	TITLE	SERVICE CRITICAL	DIVCODE	JOB REQ	PROJECT TITLE	CAT	Status	APPROVE
9139	Transit Supervisor	Y	TS	01126470	New Transit Operators Training	18	Filled	12/21/2019
9140	Transit Manager I	Y	TS	01126488	Training a large number of new Transit Operators	18	Filled	2/28/2019
9140	Transit Manager I	Y	TS	01126488	Training a large number of new Transit Operators	18	Filled	2/28/2019
9140	Transit Manager I	Y	TS	01094974	Transit Operations Employee Engagement, Operator Communications and Labor	18	Filled	8/1/2019
9145	Traffic Signal Electrician	Y	SS	01144987	Vision Zero Quick-Build Implementation Project	18	Filled	9/23/2019
9145	Traffic Signal Electrician	Y	SS	01145673	The Customer First Project	18	Vacant	12/26/2019
9145	Traffic Signal Electrician	Y	SS	01145674	The Customer First Project	18	Vacant	12/26/2019
9152	Transportation Controller Trainee	Y	TS	01128615	Transit Management Center(TMC) Project	18	Filled	3/18/2019
9152	Transportation Controller Trainee	Y	TS	01128612	Transit Management Center (TMC) Project	18	Filled	5/7/2019
9152	Transportation Controller Trainee	Y	TS	01128613	Transit Management Center (TMC) Project	18	Filled	5/7/2019
9152	Transportation Controller Trainee	Y	TS	01036539	Transit Management Center (TMC) Project	18	Filled	5/7/2019
9152	Transportation Controller Trainee	Y	TS	01104530	Transit Management Center(TMC) Project	18	Filled	11/14/2019
9152	Transportation Controller Trainee	Y	TS	01098108	Transit Management Center(TMC) Project	18	Filled	11/14/2019
9160	Transit Operations Specialist	Y	TS	01089672	Transit Management Center(TMC) Project	18	Filled	1/23/2019
9160	Transit Operations Specialist	Y	TS	01143828	Transit Management Center(TMC) Project	18	Filled	5/7/2019

ATTACHMENT B
 Exempt Appointments from Civil Service under Charter Sections 10.104-16 through 10.104-18
 for SFMTA Service-Critical Positions as of 12/31/2019

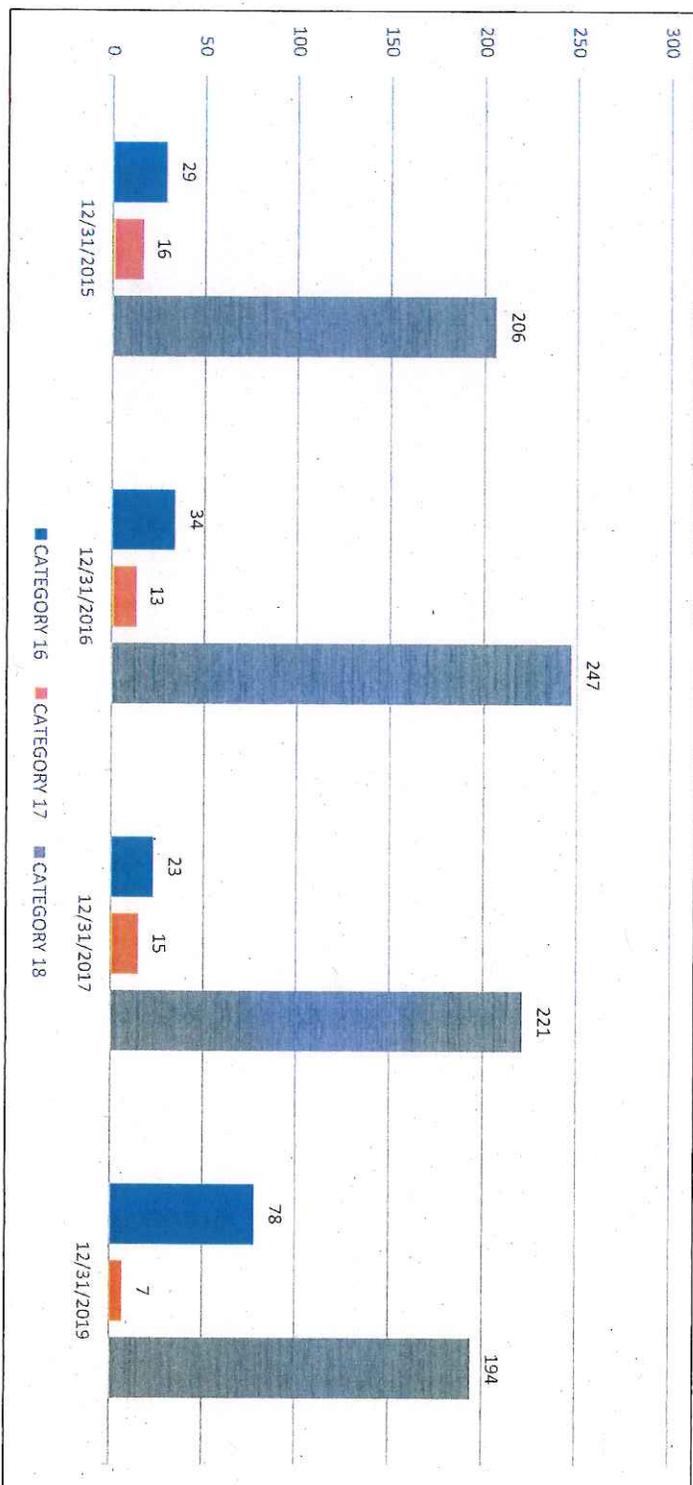
CLASS	TITLE	APPT. TYPE	CAT.	APPT. DATE	PROJECT TITLE	ESTIMATED EXPIRATION DATE	COMMENTS
1824	Principal Admin Analyst	PE	18	3/24/2018	Capital Program Controls Systems and Implementation Phase I, Integrated Systems Replacement Project	3/23/2021	
1824	Principal Admin Analyst	PE	18	4/21/2018	Enterprise Asset Management	4/20/2021	
1824	Principal Admin Analyst	PE	18	8/25/2018	Enterprise Asset Management	8/24/2021	
1824	Principal Admin Analyst	PE	18	6/1/2019	Commercial Retail and Wireless Facilities Capital Improvement Project Phase II	5/31/2022	
1824	Principal Admin Analyst	PE	18	1/27/2018	Parking Revenue Bond/Renovation & Retain of Multiple Parking Facilities	1/26/2021	
1824	Principal Admin Analyst	PE	18	7/1/2018	Automated Vehicle Project	6/30/2021	
1824	Principal Admin Analyst	PE	18	4/7/2019	Capital Construction & Procurement Project	4/6/2021	
1824	Principal Admin Analyst	PE	18	1/14/2019	Capital Construction & Procurement Project	1/13/2021	
1824	Principal Admin Analyst	PE	18	10/22/2018	MM Procurement and EAM Integration Project	10/22/2019	Project rescope, under review
1824	Assistant Materials Coordinator	PE	18	12/14/2019	Enterprise Asset Management	12/13/2022	
1950	Assistant Purchaser	TE	18	12/31/2016	Consolidated Purchasing Backlog and Immediate Maintenance Purchasing Support Project	12/31/2019	Waiting for division to take appropriate action
5177	Senior Engineer	PE	18	3/24/2018	Central Subway Project	3/23/2021	
5201	Junior Engineer	TE	18	5/21/2016	New Light Rail Vehicles (LRVs) Procurement Project	5/21/2019	Project rescope, to be processed with a new effective date
5201	Junior Engineer	TE	18	12/30/2017	Muni Forward Project	12/29/2020	
5201	Junior Engineer	TE	18	1/18/2019	Poison-Toward Streetscape	1/18/2022	
5201	Junior Engineer	TE	18	1/18/2019	New Light Rail Procurement	1/18/2021	
5203	Assistant Engineer	TE	18	3/24/2018	Construction & Design Project	3/23/2021	
5203	Assistant Engineer	TE	18	6/15/2019	Walkered Quick & Effective Pedestrian Improvements Program	6/14/2022	
5203	Assistant Engineer	TE	18	3/29/2019	Muni Metro Surface System and The Subway	3/22/2022	
5207	Associate Engineer	TE	18	10/21/2017	Central Subway Project	10/20/2020	
5207	Associate Engineer	TE	18	9/7/2019	Western Addition Traffic Signal Upgrade Project	9/6/2022	
5207	Associate Engineer	TE	18	11/6/2019	Candlestick/Hunters Point Shipyard Development Project	11/5/2022	
5207	Associate Engineer	TE	18	12/14/2019	Traffic routing support of private building construction and development and redevelopment	12/13/2022	
5211	Senior Engineer	PE	18	2/23/2019	SFMTA Rolling Stock of rubber-tired fleet procurement	2/22/2022	
5211	Senior Engineer	PE	18	2/29/2019	Van Ness Bus Rapid Transit (BRT) Project	2/18/2022	
5241	Engineer	PE	18	5/18/2018	Rehabilitate Historic Streets/Milan and Village Program	2/18/2021	
5241	Engineer	TE	18	6/15/2019	The Sater Streets Project	6/14/2022	
5277	Planner I	TE	18	2/24/2018	The TP Works	2/23/2021	
5277	Planner I	TE	18	5/19/2018	Essential Parking Evaluation and Reform Project	5/18/2021	
5277	Planner I	TE	18	10/6/2019	Ocean Beach Redevelopment, E-Mode Program permit work, Vehicle Share permit work	10/4/2022	
5277	Planner I	TE	18	1/28/2019	Existing Resident TDM Project, Existing Business TDM Project, and Vision Zero Education & Outreach Project	1/27/2022	
5283	Planner V	TE	18	5/20/2017	Muni Forward Implementation	5/19/2020	
5286	Transit Planner II	PE	18	4/7/2018	Traffic Regulations Fund for Rides Services, Transportation Data Suite, Transportation Field Sheet	4/6/2021	
5286	Transit Planner II	PE	18	3/10/2018	JIP & CACS Projects	3/9/2021	
5286	Transit Planner II	TE	18	1/28/2019	Sub Management Strategy, Valencia Streetscape & South Downtown Activation Plan Project	1/28/2022	
5286	Transit Planner II	TE	18	1/28/2019	Saler Streets Project	1/28/2022	
5286	Transit Planner II	TE	18	3/6/2019	Several Customer Information System	3/6/2022	
5286	Transit Planner II	TE	18	9/21/2019	Several of Transit Fleet and Fixed Sideway/Capital Programs	9/20/2022	
5286	Transit Planner II	TE	18	7/19/2019	44K TRB Project	7/19/2021	
5286	Transit Planner II	TE	18	7/19/2019	44K Street Pedestrian Safety Project	7/19/2021	
5286	Transit Planner II	TE	18	2/11/2019	Transit Management Center (TMC) Project	2/11/2020	
5286	Transit Planner II	TE	18	4/21/2018	Muni Forward	4/20/2021	
5286	Transit Planner II	TE	18	1/13/2018	and Use and Transportation Integration Planner	1/12/2021	
5289	Transit Planner III	TE	18	6/15/2019	Saler Routes to School (SRS) Non-Infrastructure Project	6/14/2022	
5289	Transit Planner III	TE	18	7/13/2019	Upper Market Street Safety Project	7/12/2022	
5289	Transit Planner III	TE	18	7/13/2019	7th B Streets, Bond Projects	7/12/2022	
5289	Transit Planner III	TE	18	12/14/2019	Various bicycle and pedestrian safety projects, 8th Street, Upper Market and Folsom-Howard complete streets projects	12/13/2022	
5289	Transit Planner III	TE	18	6/17/2017	Transit Signal Priority Implementation	6/16/2020	
5290	Transit Planner IV	TE	18	3/10/2018	Muni Forward Projects	3/9/2021	
5290	Transit Planner IV	PE	18	2/23/2019	Jurter Pl. Pwr Plant and Storetown Gall Dev Agreement Proj	2/22/2022	
5290	Transit Planner IV	PE	18	7/28/2018	Stratcast Contract & Service Monitoring	7/27/2021	
5290	Transit Planner IV	TE	18	7/28/2018	The TTV	7/27/2021	
5290	Transit Planner IV	TE	18	10/6/2018	Saler Streets Project	10/6/2021	
5290	Transit Planner IV	TE	18	5/18/2019	TP230	5/17/2022	
5302	Traffic Survey Technician	TE	18	4/21/2019	Projects in Field Ops - Meter Shop	4/20/2021	
5302	Illustrator and Art Designer	PE	18	5/4/2019	Capital Corridor Projects	5/3/2022	
5302	Project Manager I	PE	18	5/5/2018	The Facilities Program	5/4/2021	
5302	Project Manager I	PE	18	7/14/2018	Sideway Systems	7/13/2021	
5302	Project Manager I	PE	18	7/28/2018	Sideway Systems	7/27/2021	
5302	Project Manager I	PE	18	9/22/2018	Transit Optimization Program	9/21/2021	
5302	Project Manager I	PE	18	7/13/2019	The Facilities Program	7/12/2022	
5302	Project Manager I	PE	18	7/27/2019	Muni's fixed sideway systems	7/26/2022	
5302	Project Manager I	PE	18	2/24/2018	SFMTA REAL ESTATE AND FACILITY VISION PROJECT	2/23/2021	
5302	Project Manager I	PE	18	3/19/2018	The Gary Rapid Project	3/18/2022	
5302	Project Manager I	TE	18	7/27/2018	Advanced Control and Vision Zero Corridor	7/26/2022	
5302	Project Manager I	TE	18	12/14/2019	9th Avenal Ocean View Project	12/13/2022	

ATTACHMENT B
 Exempt Appointments from Civil Service under Charter Sections 10.104-16 through 10.104-18
 for SFMTA Service-Critical Positions as of 12/31/2019

CLASS	TITLE	APPT TYPE	CAT	Transit Management Center (TMC) Project	PROJECT TITLE	ESTIMATED EXPIRATION DATE	COMMENTS
9152	Transportation Controller Trainee	PE	18	11/19/2017	Transit Management Center (TMC) Project	11/17/2020	
9152	Transportation Controller Trainee	PE	18	11/19/2017	Transit Management Center (TMC) Project	11/17/2020	
9152	Transportation Controller Trainee	PE	18	2/24/2018	Transit Management Center (TMC) Project	2/23/2021	
9152	Transportation Controller Trainee	PE	18	2/24/2018	Transit Management Center (TMC) Project	2/23/2021	
9152	Transportation Controller Trainee	PE	18	2/24/2018	Transit Management Center (TMC) Project	2/23/2021	
9152	Transportation Controller Trainee	PE	18	2/24/2018	Transit Management Center (TMC) Project	2/23/2021	
9152	Transportation Controller Trainee	PE	18	3/24/2018	Transit Management Center (TMC) Project	3/23/2021	
9152	Transportation Controller Trainee	PE	18	3/8/2018	Transit Management Center (TMC) Project	3/8/2020	
9152	Transportation Controller Trainee	PE	18	10/8/2018	Transit Management Center (TMC) Project	4/5/2020	
9152	Transportation Controller Trainee	PE	18	12/1/2018	Transit Management Center (TMC) Project	11/30/2021	
9152	Transportation Controller Trainee	PE	18	5/1/2019	Transit Management Center (TMC) Project	4/30/2022	
9152	Transportation Controller Trainee	PE	18	5/4/2019	Transit Management Center (TMC) Project	5/3/2022	
9152	Transportation Controller Trainee	PE	18	6/16/2019	Transit Management Center (TMC) Project	6/15/2022	
9152	Transportation Controller Trainee	PE	18	10/16/2019	Transit Management Center (TMC) Project	10/15/2022	
9152	Transportation Controller Trainee	PE	18	10/20/2019	Transit Management Center (TMC) Project	10/19/2022	
9160	Transit Operations Specialist	PE	18	1/28/2019	Transit Management Center (TMC) Project	7/23/2020	
9160	Transit Operations Specialist	TE	18	6/15/2019	Transit Management Center (TMC) Project	12/13/2020	

ATTACHMENT C

SFMTA Service-Critical Exempt Appointments under Charter Sections 10.104-16 through 10.104-18
From 2015 through 2019*



	12/31/2015	12/31/2016	12/31/2017	12/31/2019
CATEGORY 16	29	34	23	78
CATEGORY 17	16	13	15	7
CATEGORY 18	206	247	221	194

*Note: No report found to provide 2018 data



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

LONDON N. BREED
MAYOR

Sent Via Electronic Mail

January 23, 2020

ELIZABETH SALVESON
PRESIDENT

KATE FAVETTI
VICE PRESIDENT

DOUGLAS S. CHAN
COMMISSIONER

F. X. CROWLEY
COMMISSIONER

JACQUELINE P. MINOR
COMMISSIONER

NOTICE OF CIVIL SERVICE COMMISSION MEETING

SUBJECT: UPDATE OF PROPOSED PERSONAL SERVICES CONTRACTS NUMBER 40794-19/20 TO CORRECT UNION NOTIFICATION AND MODIFY DURATION TO FIVE YEARS.

The above matter will be considered by the Civil Service Commission at a meeting to be held on **February 3, 2020 at 2:00 p.m. in Room 400**, Fourth Floor, City Hall, 1 Dr. Carlton B. Goodlett Place.

This item will appear on the Consent Agenda. Please refer to the attached Notice for procedural and other information about Commission hearings.

Attendance by you or an authorized representative is welcome. Should you or your representative not attend, the Commission will rule on the information previously submitted and testimony provided at its meeting. All calendared items will be heard and resolved at this time unless good reasons are presented for a continuance.

All non-privileged materials being considered by the Civil Service Commission for this item are available for public inspection and copying at the Civil Service Commission office Monday through Friday from 8:00 a.m. to 5:00 p.m.

SANDRA ENG
ACTING EXECUTIVE OFFICER

CIVIL SERVICE COMMISSION


SANDRA ENG
Acting Executive Officer

Attachments

Cc: Joan Lubamersky, Office of the City Administrator
Theresa Foglio, Laborers Local 261
Teamsters 853
Timothy Mathews, IFPTE Local 21
Christina Fong, MEA
Commission File
Commissioners' Binder
Chron

THIS DOCUMENT SUPPORTS
CALENDAR ITEM 9

PSC SUBMISSION



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

CIVIL SERVICE COMMISSION REPORT TRANSMITTAL (FORM 22)

Refer to Civil Service Commission Procedure for Staff - Submission of
Written Reports for Instructions on Completing and Processing this Form

1. Civil Service Commission Register Number: _____ - _____ - _____
2. For Civil Service Commission Meeting of: February 3, 2020

3. Check One: Ratification Agenda _____
 Consent Agenda ✓
 Regular Agenda _____
 Human Resources Director=s Report _____

4. Subject: update of PSC 40794 19.20 to correct union notification and modify duration to five years
5. Recommendation: Approve

6. Report prepared by: Joan Lubamarsky Telephone number: 415 554-4859

7. Notifications: (Attach a list of the person(s) to be notified in the format described in IV. Commission Report Format -A).

8. Reviewed and approved for Civil Service Commission Agenda:

Human Resources Director: _____
 Date: _____

9. Submit the original time-stamped copy of this form and person(s) to be notified (see Item 7 above) along with the required copies of the report to:

Executive Officer
Civil Service Commission
25 Van Ness Avenue, Suite 720
San Francisco, CA 94102

10. Receipt-stamp this form in the ACSC RECEIPT STAMP box to the right using the time-stamp in the CSC Office.

Attachment

CSC-22 (11/97)

<u>CSC RECEIPT STAMP</u>

PSC 40794 19.20

Update reflecting corrected union notification

Unions to be notified:

Laborers 261. Theresa Foglio-Ramirez, laborers261@gmail.com

Teamsters 853, lpinedo@teamsters853.org and
connections@teamsters853.org

Local 21, Timothy Mathews, tmathews@ifpte21.org

MEA, Christina Fong, christina@sfmea.com

Department to be notified:

Joan Lubamersky, Office of the City Administrator,
joan.lubamersky@sfgov.org



OFFICE OF THE
CITY ADMINISTRATOR



London N. Breed, Mayor
Naomi M. Kelly, City Administrator

January 6, 2020

Memorandum

TO: Honorable Members, Civil Service Commission
FROM: *Joan Lubamersky*
Joan Lubamersky, Contract Coordinator
Office of the City Administrator

SUBJECT: Update - Moving Services Personal Services Contract (PSC)
PSC 40794 19.20

At the Civil Service Commission meeting of December 2, 2019, the Commission pointed out that all appropriate unions had not been notified for this PSC. Thank you for bringing this to our attention. You directed that we correct those errors and return to the Commission.

Attached are emails with IFPTE Local 21, the Municipal Executives Association and Laborers 261 in which they agreed to waive the 30 day notice. We reported to them that we will request a duration of five rather than seven years for this PSC. We have also attached the original notice to Teamsters 853 and the original PSC Form 1 request.

We look forward to this being calendared at an upcoming Civil Service Commission meeting.

Thank you for your consideration.

Attachments: Emails with L21, MEA, Laborers
December 2, 2019 Notice to Teamsters and PSC Form 1

Copy to: Daniel J. Sanchez, Office of Contract Administration

4

**PSC 40794 19.20 Moving Services
General Services Agency**

IFPTE Local 21

Agreement to waive 30 Day Notice

Five Year Duration

L21

Lubamersky, Joan (ADM)

From: Lubamersky, Joan (ADM)
Sent: Tuesday, December 10, 2019 3:07 PM
To: Timothy Mathews
Subject: RE: PSC 40794 19.20 PSC Notification and Request to Waive Notice

Timothy:

Update: FYI, we are reducing the requested duration from seven to five years.

Best regards,

Joan

From: Timothy Mathews [mailto:tmathews@ifpte21.org]
Sent: Sunday, December 08, 2019 2:22 PM
To: Lubamersky, Joan (ADM) <joan.lubamersky@sfgov.org>
Cc: DHR-PSCCoordinator, DHR (HRD) <dhr-psccordinator@sfgov.org>
Subject: Re: PSC 40794 19.20 PSC Notification and Request to Waive Notice

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

Hi Joan,

Yes I was there. I appreciated the questions raised by the commissioners.

While the duration seems long, the Union agrees to waive our review period for this PSC.

Thank you.

For the Union,
Timothy

Get [Outlook for Android](#)

From: Lubamersky, Joan (ADM) <joan.lubamersky@sfgov.org>
Sent: Wednesday, December 4, 2019 1:33:01 PM
To: Timothy Mathews <tmathews@ifpte21.org>
Cc: DHR <dhr-psccordinator@sfgov.org>
Subject: PSC 40794 19.20 PSC Notification and Request to Waive Notice

Hello Tim.

I believe you were at the Civil Service Commission meeting on Monday, December 2, 2019 when Commissioner Favetti pointed out that we should have notified L21 on the attached Personal Services Contract request (PSC). She was correct. This email is notification to L21 of the PSC.

6

As we stated in the PSC, the vendor will perform as-needed and intermittent, move coordination, project management and planning. We believe this will be one individual who will serve as the vendor's Project Lead for each move. The Project Lead will be in charge of all communication with City departments, will attend meetings with City departments, help departments plan the move, and will coordinate and supervise the drivers and movers. This kind of work might be performed by Principal Administrative Analyst, Class 1824, as that classification performs similar work. However, that individual would be on the staff of the vendor.

The department has a fairly short time line to initiate this contract. A number of department moves are planned for 2020. I am writing to request that Local 21 waive the 30 day notice on this PSC to allow this work to continue.

If you agree, please Reply All to this email to indicate you agree to the waiver of 30 day notice.

Please let me know if you have any questions. I am best reached via email.

Thank you for your consideration.

Best regards,

Joan

Joan Lubamensky
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

**PSC 40794 19.20 Moving Services
General Services Agency**

Municipal Executive Association

Agreement to waive 30 Day Notice

Five Year Duration

MEA

Lubamersky, Joan (ADM)

From: Lubamersky, Joan (ADM)
Sent: Tuesday, December 10, 2019 2:39 PM
To: Christina Fong
Cc: 'DHR-PSCCoordinator, DHR (dhr-psccordinator@sfgov.org)'
Subject: RE: PSC 40794 19.20 PSC Notification and Request to Waive Notice

Christina: FYI, we are reducing the duration request, from seven to five years.

Best regards,

Joan

From: Christina Fong [mailto:christina@sfmea.com]
Sent: Monday, December 09, 2019 11:42 AM
To: Lubamersky, Joan (ADM) <joan.lubamersky@sfgov.org>
Cc: DHR-PSCCoordinator, DHR (HRD) <dhr-psccordinator@sfgov.org>
Subject: Re: PSC 40794 19.20 PSC Notification and Request to Waive Notice

Hi Joan,

MEA waives the 30-days notice for PSC #40794.

Christina

On Mon, Dec 9, 2019 at 11:18 AM Lubamersky, Joan (ADM) <joan.lubamersky@sfgov.org> wrote:
Thank you Christine.

I understand that MEA agrees to waive the 30 day notice. Would you please confirm.

Joan

Sent from my iPhone

On Dec 9, 2019, at 11:00 AM, Christina Fong <christina@sfmea.com> wrote:

Hi Joan,

MEA has no further questions about this PSC.

Thanks for your clarification,
Christina

On Sun, Dec 8, 2019 at 3:33 PM Lubamersky, Joan (ADM) <joan.lubamersky@sfgov.org> wrote:

Hi Christine.

Checking back on this. Please call me on my cell if you would like to talk. I'd be happy to answer your questions.

Thanks very much.

Best regards

Joan Lubamersky
Mobile.1-415-305-2399

Sent from my iPhone

Begin forwarded message:

From: "Lubamersky, Joan (ADM)" <joan.lubamersky@sfgov.org>
Date: December 5, 2019 at 8:42:53 PM PST
To: Christina Fong <christina@sfmea.com>
Cc: "DHR-PSCCoordinator, DHR (HRD)" <dhr-psccordinator@sfgov.org>
Subject: Re: PSC 40794 19.20 PSC Notification and Request to Waive Notice

The PSC covers all the work the vendor is doing. Including driving trucks and moving furniture. I referenced the management/coordinator role since that is work that, if performed by a City employee, might be done by a City employee.

Please call me on my cell if this is not clear. 415-305-2399

Thank you.

Joan

Sent from my iPhone

On Dec 5, 2019, at 8:17 PM, Christina Fong <christina@sfmea.com> wrote:

Hi Joan,

It's still not clear to me.....then if this is the coordinator for the vendor, why isn't the vendor hiring/paying for their coordinator to manage their work? Why is the department requesting additional general funds to provide the vendor with the coordinator to manage their work? Why didn't the vendor take this into account when they agreed to perform the work as outlined in the PSC? Shouldn't the vendor have someone already employed or included it when they bid for the PSC to manage their work which is services they are paid/providing to the department?

Thanks in advance for the clarification,
Christina

On Wed, Dec 4, 2019 at 3:14 PM Lubamersky, Joan (ADM)
<joan.lubamersky@sfgov.org> wrote:

Hi Christina.

The tasks for this contract are to be performed by the vendor – the coordinator will be working for the vendor, managing that side of the work. The City will have employees working on the City side – like the role Brian O'Connor had. Does that reply to your question?

Best regards,

Joan

From: Christina Fong [<mailto:christina@sfmea.com>]
Sent: Wednesday, December 04, 2019 2:58 PM
To: Lubamersky, Joan (ADM) <joan.lubamersky@sfgov.org>
Cc: DHR-PSCCoordinator, DHR (HRD) <dhr-psccordinator@sfgov.org>
Subject: Re: PSC 40794 19.20 PSC Notification and Request to Waive Notice.

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

Hi Joan,

Thanks for contacting MEA about this PSC. At one time, I thought that Real Estate had Brian O'Connor who was in a position that helped coordinate moves; I recall he was coordinating moves for Retirement, GSA/ADM/DPW HR, etc. Does this position no longer exist to help with coordinating moves of City departments?

Best,

Christina

On Wed, Dec 4, 2019 at 1:20 PM Lubamersky, Joan (ADM)
<joan.lubamersky@sfgov.org> wrote:

Dear Christina:

The attached Personal Services Contract (PSC) was on the Civil Service Commission calendar Monday, December 2, 2019. The Commission pointed out that we should have notified the Municipal Executive Association (MEA) of the PSC because management/supervision tasks would be performed. This email is notification to MEA of the PSC request.

As we stated in the PSC, the vendor will perform as-needed and intermittent, move coordination, project management and planning. We believe this will be one individual who will serve as the vendor's Project Lead for each move. The Project Lead will be in charge of all communication with City departments, will attend meetings with City departments, help departments plan the move, and will coordinate and supervise the drivers and movers. This kind of work might be performed by Manager I Class 0922 or Manager II Classification 0923, as those classification perform similar work. However, that individual would be on the staff of the vendor.

If you agree, please Reply All to this email to waive the 30 day notice.

Please let me know if you have any questions.

Thank you for your consideration.

Best regards,

**PSC 40794 19.20 Moving Services
General Services Agency**

Laborers Local 261

Agreement to waive 30 Day Notice

Five Year Duration

Laborers 261

Lubamersky, Joan (ADM)

From: Lubamersky, Joan (ADM)
Sent: Monday, December 09, 2019 2:18 PM
To: Theresa Foglio
Cc: DHR-PSCCoordinator, DHR (HRD); Ramon Hernandez
Subject: Re: PSC 40794 19.20 Notification and Request to Waive Notice - DURATION OF 7 YEARS CAN REDUCE

Thank you very much

Best regards

Joan

Sent from my iPhone

On Dec 9, 2019, at 2:16 PM, Theresa Foglio <laborers261@gmail.com> wrote:

Hello Joan,

Thank you for your response and yes, that addresses our concern. The Union hereby waives the 30 day notice requirement.

On Mon, Dec 9, 2019 at 1:41 PM Lubamersky, Joan (ADM) <joan.lubamersky@sfgov.org> wrote:

Hello Theresa.

You asked about the 7 year duration. I have consulted with the department, and they can reduce it to 5 years. This is the standard that CSC uses.

Please let me know if this meets your concern by responding Reply All.

Thank you for your consideration.

Best regards,

Joan

From: Theresa Foglio [mailto:laborers261@gmail.com]
Sent: Monday, December 09, 2019 7:53 AM
To: Lubamersky, Joan (ADM) <joan.lubamersky@sfgov.org>
Cc: DHR-PSCCoordinator, DHR (HRD) <dhr-psccordinator@sfgov.org>
Subject: Re: PSC 40794 19.20 Notification and Request to Waive Notice

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

Greetings,

Thank you for the email. There is a question as to the length of the contract of 7 years. If this is an urgent contract to move numerous departments in 2020, why so lengthy?

On Sun, Dec 8, 2019 at 3:38 PM Lubamersky, Joan (ADM) <joan.lubamersky@sfgov.org> wrote:

Hello. I am following up on my email below.

Several departments are beginning the move process.

Please let me know if you have any questions at all.

Best regards

Joan Lubamersky

Office of the City Administrator

1-415-554-4859

Sent from my iPhone

Begin forwarded message:

From: "Lubamersky, Joan (ADM)" <joan.lubamersky@sfgov.org>
Date: December 4, 2019 at 1:50:24 PM PST
To: "laborers261@gmail.com" <laborers261@gmail.com>
Cc: "DHR-PSCCoordinator, DHR (dhr-psccordinator@sfgov.org)" <dhr-psccordinator@sfgov.org>
Subject: PSC 40794 19.20 Notification and Request to Waive Notice

Dear Ms. Foglio-Ramirez

The attached Personal Services Contract (PSC) was on the Civil Service Commission calendar Monday, December 2, 2019. The Commission pointed out that we should have notified Laborers Union Local.261 about the PSC because some of the tasks performed are similar to those performed by members of the union. This email is notification to Local 261 of the PSC request.

As we stated in the PSC, the vendor will perform as-needed and intermittent, moving services including moving items such as office furniture, documents, equipment and related articles and set up and breakdown cubicle walls and furniture. Their work will be supervised. This kind of work is performed on City projects by General Laborer Classification 7514 and General Laborer Supervisor Classification 7215.

The department has a fairly short time line to initiate this contract. A number of department moves are planned for 2020. I am writing to request that Local 21 waive the 30 day notice on this PSC to allow this work to continue.

If you agree, please Reply All to this email to waive the 30 day notice of the PSC.

Please let me know if you have any questions. I am best reached via email.

Thank you for your consideration.

Best regards,

Joan

Joan Libamersky

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

--

Theresa Foglio-Ramirez

City Representative/Business Agent

LiUNA!, Local 261

3271 18th Street

San Francisco, CA 94110

(415) 823-7566 cell

(415) 826-4550 office

(415) 826-1948 fax

<http://twitter.com/theresafoglio>

--

Theresa Foglio-Ramirez

City Representative/Business Agent

LiUNA!, Local 261

3271 18th Street

San Francisco, CA 94110

(415) 823-7566 cell

(415) 826-4550 office

(415) 826-1948 fax

<http://twitter.com/theresafoglio>

**PSC 40794 19.20 Moving Services
General Services Agency**

Teamsters Local 853

Union Notification for

December 2, 2019

Civil Service Commission Meeting

Teamsters

Lubamersky, Joan (ADM)

From: Lubamersky, Joan (ADM)
Sent: Thursday, September 26, 2019 3:01 PM
To: connections@teamsters853.org; lpinedo@teamsters853.org
Subject: City of San Francisco Proposed Personal Services Contract
Attachments: PSC 40794 19.20 to send to Teamsters 853.pdf; Union notice email PSC 40794 19.20 not delivered to Teamsters 853.pdf

To: Teamsters Local 853

The Office of Contract Administration of the City and County of San Francisco proposes to do a Personal Services Contract (PSC) to contract for Intermittent, as-needed moving services. Information on this PSC is attached.

City departments are required by the Department of Human Resources and the Civil Service Commission to notify employee organizations when requesting to contract for services that City employees could possibly perform. In this case, Class 7355 Teamster could possibly perform some of the duties of the PSC. Your union is listed as one that would be notified through the City's on line system, however it appears that you were not. Typically, unions have seven or 30 days to raise questions about a PSC.

If you should have any questions, please let me know at Joan.Lubamersky@sfgov.org or contact the Department of Human Resources, DHR-PSC coordinator at dhr-psccordinator@sfgov.org

Thank you.

Attachments: Proposed PSC 40794 19.20
Email sent through online PSC system

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

Lubamersky, Joan (ADM)

From: dhr-psccordinator@sfgov.org on behalf of joan.lubamersky@sfgov.org
Sent: Wednesday, September 25, 2019 3:57 PM
To: Lubamersky, Joan (ADM); Lubamersky, Joan (ADM); DHR-PSCCoordinator, DHR (HRD)
Subject: Receipt of Notice for new PCS over \$100K PSC # 40794 - 19/20

RECEIPT for Union Notification for PSC 40794 - 19/20 more than \$100k

The GENERAL SERVICES AGENCY - CITY ADMIN -- ADM has submitted a request for a Personal Services Contract (PSC) 40794 - 19/20 for \$8,000,000 for Initial Request services for the period 11/01/2019 – 10/31/2026. Notification of 30 days (60 days for SEIU) is required.

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

<http://apps.sfgov.org/dhrdrupal/node/13996> 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.

PSC 40794 19.20 Moving Services
General Services Agency

PSC Form 1

December 2, 2019

Civil Service Commission Meeting

12/2/19 psc request

City and County of San Francisco

Department of Human Resources

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 (Omit Posting)

Type of Service: Moving services

Funding Source: General fund PSC Duration: 7 years 1 day
PSC Amount: \$8,000,000 PSC Est. Start Date: 11/01/2019 PSC Est. End Date: 10/31/2026

1. Description of Work

A. Scope of Work:

The contractor will provide moving services for City and County of San Francisco departments on an intermittent, as-needed basis. These services will include, but not be limited to, moving items such as office furniture, documents, equipment, and related articles; the set-up and breakdown of cubicle walls and furniture; and move coordination/project management and planning, as may be required by departments.

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

Moving services are necessary to help departments relocate entire agencies or groups, relocate employees, and to relocate furniture, equipment, and materials whenever the need arises. Several City departments will be relocating to different work locations in early 2020 and other departments will have intermittent needs for such services on a smaller scale. Consequences of denial would be the City performing tasks without the expertise of moves from work stations, equipment, and animals (Animal Care & Control upcoming new location move, resulting in inefficiency, incurring potential additional costs and potential damage to City property and equipment.

C. Has this service been provided in the past. If so, how? If the service was provided via a PSC, provide the most recently approved PSC # and upload a copy of the PSC.
These services were provided by Purchase Order or individual moving contracts.

D. Will the contract(s) be renewed? Yes:

2. Union Notification: On 09/25/2019, the Department notified the following employee organizations of this PSC/RFP request: Bldg Mil & Constr Teamsters, L 853

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 40794 - 19/20

DHR Analysis/Recommendation:

3. Description of Required Skills/Expertise

A. Specify required skills and/or expertise:

Experience in moving large organizations, relocation coordination, and move logistics. The Contractor will also be required to provide all moving staff, vehicles, equipment, and supplies necessary for the moves.

B. Which, if any, civil service class(es) normally perform(s) this work?
7355,

C. Will contractor provide facilities and/or equipment not currently possessed by the City? If yes, explain:
Yes. The contractor has the vehicles, facilities, and equipment necessary to efficiently move and relocate departments and their furniture and equipment.

4. Why Classified Civil Service Cannot Perform

A. Explain why civil service classes are not applicable:

No civil service class is licensed to perform this work and this type of work is only required intermittently on an as-needed basis.

B. Would it be practical to adopt a new civil service class to perform this work? Explain.
No. Work is intermittent and as-needed.

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

	<u>YES</u>	<u>NO</u>
A. Will the contractor directly supervise City and County employee?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B. Will the contractor train City and County employee? No training will be provided.	<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 _____ BY:

Name: Joan Lubamersky Phone: 4155544859 Email: joan.lubamersky@sfgov.org

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

**(10) Appeal of the Rejection of Application by Daniel Boreen for
7251 Track Maintenance Supervisor I – Cable Car Specialty.
(File No. 0241-19-4) – Action Item**

Recommendation: Postpone to the meeting of
March 16, 2020 at the request of
Daniel Boreen.



London Breed, Mayor

Malcolm Heinicke, Chair
Gwyneth Borden, Vice Chair
Cheryl Brinkman, Director
Amanda Eaken, Director



Steve Heminger, Director
Cristina Rubke, Director
Art Torres, Director

Jeffrey Tumlin, Director of Transportation

MEMORANDUM

DATE: January 21, 2020

TO: Honorable Civil Service Commission

THROUGH: Kimberly Ackerman *KMA*
Director, SFMTA Human Resources

THROUGH: Derek Kim *DK*
People Analytics and HR Chief of Staff, SFMTA Human Resources

FROM: William Miles II *WEM*
Merit and Examinations Manager, SFMTA Human Resources

SUBJECT: **Annual Review of Exempt and Non-Exempt Classifications at the San Francisco Municipal Transportation Agency**

INTRODUCTION

City Charter Section 8A.104 governs the personnel and merit system at the San Francisco Municipal Transportation Agency (SFMTA). This report is submitted to provide the Civil Service Commission with information in compliance with the following specific subsection of 8A.104:

- Section 8A.104(h) authorizes the SFMTA to create new classifications of Agency employees. These classifications are to be subject to the civil service provisions of the Charter unless exempted pursuant to Section 10.104 or Section 8A.104(i).
- Section 8A.104(i) authorizes the Agency to create new classifications and positions in those classifications exempt from the civil service system for managerial employees in SFMTA bargaining units M and EM in addition to those exempt positions provided in Section 10.104; provided, however that the total number of such exempt managerial positions within the Agency shall not exceed 2.75 percent of the Agency’s total workforce, exclusive of the exempt positions provided in Section 10.104. This provision shall not be utilized to eliminate personnel holding existing permanent civil service managerial positions on November 2, 1999.
- Section 8A.104(j) provides for an annual review by the Civil Service Commission of both exempt and non-exempt classifications for the Agency to ensure compliance with the provisions of subsections (h) and (i).



This report includes information about classifications utilized by SFMTA, and information regarding the number of exempt positions under Charter Section 8A.104(i) since FY2016-2017 and up to the current reporting period.

SFMTA CLASSIFICATIONS

Attachment A provides a list of classifications active for use at SFMTA. There is a total of 262 classifications utilized by the Agency. Of these classifications, 172 are citywide classes also used by other departments and 90 are utilized only by the SFMTA.

EXEMPT POSITIONS AUTHORIZED UNDER SECTION 8A.104(i)

Charter Section 8A.104(i) authorizes exempt appointments for SFMTA managerial employees in addition to those exempt positions identified in Charter Section 10.104, provided that the total number of the additional exempt positions does not exceed 2.75 percent of the Agency's total workforce. The SFMTA workforce as of 12/31/2019 was 6,037. As of 12/31/2019, there was a total of 131 appointments under Charter Section 8A.04(i), representing 2.17% of our total workforce.

Attachment B provides a complete listing of all 8A.104(i) exempt appointments at SFMTA. This listing also compares this count with the previous reports from Fiscal Years 2016-2017 and 2017-2018.

CONCLUSION

No major changes in SFMTA's classification plan have occurred since our last report. The number of exempt appointments we have made pursuant to Charter Section 8A.104(i) remains below the charter-imposed limit, and we continue to monitor these appointments to ensure of compliance with this Charter section.

RECOMMENDATION

MTA respectfully requests that this report be due to the Civil Service Commission in February of each calendar year. This will allow the time period for this report to align with MTA's CSC report on appointments under Charter Section 10.104-16 and 10.104-18. This will make reporting more efficient for the Agency as all exempt data can be researched and provided to the Commission at the same time and will also ensure consistent information when reporting on the size of the Agency's workforce.

MTA recommends the Commission adopt this report and amend reporting requirements to a February meeting of the Commission each calendar year.

ATTACHMENT A

SFMTA CLASSIFICATIONS

CLASS	TITLE	SFMTA ONLY
0114	Public Transportation Commissioner	X
1023	IS Administrator III	
1024	IS Administrator - Supervisor	
1033	IS Trainer-Senior	
1041	IS Engineer-Assistant	
1042	IS Engineer-Journey	
1043	IS Engineer-Senior	
1044	IS Engineer - Principal	
1051	IS Business Analyst-Assistant	
1052	IS Business Analyst	
1053	IS Business Analyst-Senior	
1054	IS Business Analyst-Principal	
1070	IS Project Director	
1091	IT Operations Support Admin I	
1093	IT Operations Support Admin III	
1094	IT Operations Support Admin IV	
1202	Personnel Clerk	
1203	Personnel Technician	
1204	Senior Personnel Clerk	
1220	Payroll Clerk	
1222	Senior Payroll & Personnel Clerk	
1224	Principal Payroll & Personnel Clerk	
1231	Assistant Manager, EEO Programs	
1233	EEO Programs Specialist	
1241	Personnel Analyst	
1244	Senior Personnel Analyst	
1246	Principal Personnel Analyst	
1310	Public Relations Assistant	
1312	Public Information Officer	
1314	Public Relations Officer	
1402	Junior Clerk	
1404	Clerk	
1406	Senior Clerk	
1408	Principal Clerk	
1410	Chief Clerk	
1424	Clerk Typist	
1426	Senior Clerk Typist	
1444	Secretary I	
1446	Secretary II	
1450	Executive Secretary I	
1452	Executive Secretary II	

ATTACHMENT A

SFMTA CLASSIFICATIONS

CLASS	TITLE	SFMTA ONLY
1454	Executive Secretary III	
1630	Account Clerk	
1632	Senior Account Clerk	
1634	Principal Account Clerk	
1649	Accountant Intern	
1652	Senior Accountant	
1654	Principal Accountant	
1657	Senior Systems Accountant	
1670	Financial Systems Supervisor	
1704	Communications Dispatcher I	
1705	Communications Dispatcher 2	
1708	Senior Telephone Operator	
1760	Offset Machine Operator	
1770	Photographer	
1774	Head Photographer	
1820	Junior Administrative Analyst	
1822	Administrative Analyst	
1823	Senior Administrative Analyst	
1824	Principal Admin Analyst	
1840	Junior Management Assistant	
1842	Management Assistant	
1844	Senior Management Assistant	
1920	Inventory Clerk	
1929	Parts Storekeeper	
1931	Senior Parts Storekeeper	
1934	Storekeeper	
1935	Principal Parts Storekeeper	
1936	Senior Storekeeper	
1937	Supervising Parts Storekeeper	X
1942	Assistant Materials Coordinator	
1950	Assistant Purchaser	
2708	Custodian	
2716	Custodial Assistant Supervisor	
2719	Janitorial Services Assistant Supervisor	
2978	Contract Compliance Officer II	
2992	Contract Compliance Officer I	
3417	Gardener	
3554	Associate Museum Registrar	
3630	Librarian	
4320	Cashier 1	
4334	Investigator, Tax Collector	

ATTACHMENT A

SFMTA CLASSIFICATIONS

CLASS	TITLE	SFMTA ONLY
5177	Safety Officer	
5201	Junior Engineer	
5203	Assistant Engineer	
5207	Associate Engineer	
5211	Eng/Arch/Landscape Arch Senior	
5212	Principal Engineer	
5241	Engineer	
5277	Planner I	
5283	Planner V	
5288	Transit Planner II	
5289	Transit Planner III	
5290	Transit Planner IV	
5293	Planner IV	
5298	Planner III-Environmental Review	
5301	Manager, Traffic Painting Program	X
5302	Traffic Survey Technician	
5303	Supv, Traffic & Signs	
5306	Traffic Sign Manager	
5320	Illustrator and Art Designer	
5330	Graphics Supervisor	
5362	Civil Engineer Assistant	
5364	Civil Engineering Associate I	
5366	Engineering Associate II	
5380	Student Engineer Trainee I,Arch.,Engr., & Plan.	
5381	Student Engineer Trainee II,Arch., Engr., & Plan.	
5382	Student Engineer Trainee III,Arch., Engr., & Plan.	
5408	Coordinator of Citizen Involvement	
5502	Project Manager I	
5504	Project Manager II	
5506	Project Manager III	
6130	Safety Analyst	
6138	Industrial Hygienist	
6231	Senior Street Inspector	
6235	Heating & Ventilating Inspector	
6252	Line Inspector	
6318	Construction Inspector	
6319	Senior Construction Inspector	
7110	Mobile Equipment Assistant Supervisor	
7120	Building & Grounds Maintenance Supervisor	
7126	Mechanical Shop & Equip Superintendent	
7205	Chief Stationary Engineer	

ATTACHMENT A

SFMTA CLASSIFICATIONS

CLASS	TITLE	SFMTA ONLY
7215	General Laborer Supervisor I	
7216	Electrical Transit Shop Supervisor I	X
7219	Maintenance Estimator & Scheduler	
7223	Cable Machinery Supervisor	X
7225	Transit Paint Shop Supervisor I	X
7226	Carpenter Supervisor	
7228	Automotive Transit Shop Supervisor I	X
7235	Transit Power Line Supervisor I	X
7238	Electrician Supervisor I	
7241	Senior Maintenance Controller	X
7242	Painter Supervisor	
7243	Parking Meter Repairer Sprv 1	X
7244	Power Plant Supervisor I	X
7249	Auto Mechanic Supervisor I	
7251	Track Maintenance Worker Supervisor I	X
7253	Electrical Transit Mechanical Supervisor I	X
7254	Auto Machinist Supervisor I	
7255	Powerhouse Electrician Supervisor I	
7256	Electric Motor Repair Supervisor I	X
7258	Maintenance Machinist Supervisor I	
7262	Maintenance Planner	
7264	Auto Body & Fender Worker Supervisor I	X
7274	Transit Power Line Worker Supervisor II	X
7276	Electrician Supervisor 2	
7279	Powerhouse Electrician Supervisor II	X
7283	Track Maintenance Superintendent	X
7286	Wire Rope Cable Maintenance Supervisor	X
7287	Supervising Electronic Maintenance Technician	
7305	Metal Fabricator	X
7306	Auto Body & Fender Worker	
7308	Cable Splicer	
7309	Car & Auto Painter	
7310	Transit Power Cable Splicer	X
7313	Automotive Machinist	
7315	Auto Machinist Asst Supervisor	
7318	Electronic Maintenance Technician	
7319	Electric Motor Repairer	
7320	Apprentice Automotive Machinist I	
7322	Auto Body & Fender Worker Asst Supv.	X
7326	Glazier	
7327	Apprentice Maint Machinist I	

ATTACHMENT A

SFMTA CLASSIFICATIONS

CLASS	TITLE	SFMTA ONLY
7328	Operating Engineer	
7329	Electronic Maintenance Technician, Assistant Supv	
7332	Maintenance Machinist	
7333	Apprentice Stationary Engineer	
7334	Stationary Engineer	
7335	Senior Stationary Engineer	
7340	Maintenance Controller	X
7342	Locksmith	
7344	Carpenter	
7345	Electrician	
7346	Painter	
7347	Plumber	
7355	Truck Driver	
7358	Patternmaker	
7364	Powerhouse Operator	X
7365	Senior Powerhouse Operator	X
7366	Transit Power Line Worker	X
7371	Electrical Transit System Mechanic	X
7376	Sheet Metal Worker	
7380	Electrical Transit Mechanic Assistant Supervisor	X
7381	Automotive Mechanic	
7382	Automotive Mechanic Assistant Supervisor	X
7390	Welder	X
7408	Assistant Powerhouse Operator	X
7410	Automotive Service Worker	
7412	Automotive Service Worker Assist Supervisor	X
7430	Assistant Electronic Maintenance Technician	
7432	Electrical Line Helper	
7444	Parking Meter Repairer	X
7454	Traffic Signal Operator	X
7457	Sign Worker	
7458	Switch Repairer	X
7472	Wire Rope Cable Maintenance Mechanic	X
7473	Wire Rope Maintenance Mechanic Trainee	X
7510	Lighting Fixture Maintenance Worker	
7514	General Laborer	
7540	Track Maintenance Worker	X
8121	Fare Inspections Supervisor/Investigator	X
8167	Administrative Hearing Examiner	X
8168	Administrative Hearing Supervisor	X
8201	School Crossing Guard	X

ATTACHMENT A

SFMTA CLASSIFICATIONS

CLASS	TITLE	SFMTA ONLY
8214	Parking Control Officer	X
8216	Senior Parking Control Officer	X
8219	Parking Enforcement Admin	X
9102	Transit Car Cleaner	X
9104	Transit Car Cleaner, Assistant Supervisor	X
9110	Fare Collections Receiver	X
9116	Senior Fare Collect Receiver	X
9117	Principal Fare Collect Receiver	X
9118	Transit Revenue Supervisor	X
9122	Transit Information Clerk	X
9124	Senior Transit Information Clerk	X
9126	Transit Traffic Checker	X
9128	Senior Transit Traffic Checker	X
9131	Station Agent	X
9132	Transit Fare Inspector	X
9136	Transit Training Specialist	X
9139	Transit Supervisor	X
9140	Transit Manager I	X
9141	Transit Manager II	X
9143	Senior Operations Manager	X
9144	Investigator, Taxi & Accessible Services	X
9145	Traffic Signal Electrician	X
9147	Traffic Signal Electrician Supervisor I	X
9149	Traffic Signal Electrician Supervisor II	X
9150	Train Controller	X
9152	Transportation Controller Trainee	X
9153	Transportation Controller	X
9160	Transit Operations Specialist	X
9163	Transit Operator	X
9172	Manager II, Municipal Transportation Agency	X
9174	Manager IV, Municipal Transportation Agency	X
9177	Manager III, Municipal Transportation Agency	X
9179	Manager V, Municipal Transportation Agency	X
9180	Manager VI, Municipal Transportation Agency	X
9181	Manager VII, Municipal Transportation Agency	X
9182	Manager VIII, Municipal Transportation Agency	X
9183	Deputy Director I, Municipal Transportation Agency	X
9185	Chief Operating Officer, Public Transportation Department	X
9186	General Manager, Municipal Railway	X
9187	Deputy Director II, Municipal Transportation Agency	X
9190	Board Secretary, Municipal Transportation Agency	X

ATTACHMENT A

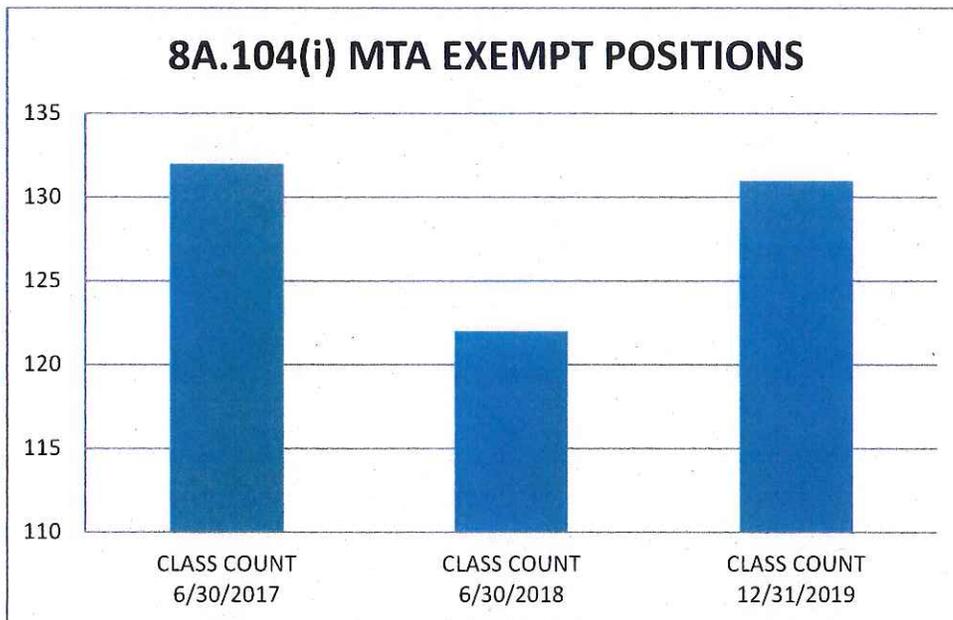
SFMTA CLASSIFICATIONS

CLASS	TITLE	SFMTA ONLY
9195	LRV Equipment Engineer	X
9196	Senior LRV Engineer	X
9197	Signal & Systems Engineer	X
9504	Permit and Citation Clerk	X
9506	Senior Permit and Citation Clerk	X
9508	Principal Permit and Citation Clerk	X
9520	Transportation Safety Specialist	X
9704	Employment & Training Specialist III	
9706	Employment & Training Spec 5	
9708	Employment & Training Specialist VI	
9910	Public Service Trainee	
9914	Public Service Aide-Administration	
9916	Public Service Aide	
9920	Publ Svc Aide-Asst to Prof	
9940	Pre-Apprentice Automotive Mechanic	
9976	Technology Expert I	

ATTACHMENT B

San Francisco Municipal Transportation Agency 8A.104(i) Exempt Position Count

CLASS	TITLE	CLASS COUNT 6/30/2017	CLASS COUNT 6/30/2018	CLASS COUNT 12/31/2019
9172	Manager II, Municipal Transportation Agency	34	32	32
9174	Manager IV, Municipal Transportation Agency	29	26	28
9177	Manager III, Municipal Transportation Agency	10	10	10
9179	Manager IV, Municipal Transportation Agency	17	19	25
9180	Manager VI, Municipal Transportation Agency	16	15	18
9181	Manager VII, Municipal Transportation Agency	4	4	3
9182	Manager VIII, Municipal Transportation Agency	15	10	10
9183	Deputy Director I, Municipal Transportation Agency	7	6	5
TOTAL		132	122	131





CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

LONDON N. BREED
MAYOR

Sent Via Electronic Mail

January 23, 2020

ELIZABETH SALVESON
PRESIDENT

KATE FAVETTI
VICE PRESIDENT

DOUGLAS S. CHAN
COMMISSIONER

F. X. CROWLEY
COMMISSIONER

JACQUELINE P. MINOR
COMMISSIONER

NOTICE OF CIVIL SERVICE COMMISSION MEETING

**SUBJECT: FIVE-YEAR UPDATE ON PAYBYPHONE SMARTPHONE
PARKING APPLICATION AGREEMENT PSC NUMBER
48657-14/15.**

The above matter will be considered by the Civil Service Commission at a meeting to be held on **February 3, 2020 at 2:00 p.m. in Room 400**, Fourth Floor, City Hall, 1 Dr. Carlton B. Goodlett Place.

This item will appear on the Regular Agenda. Please refer to the attached Notice for procedural and other information about Commission hearings.

Attendance by you or an authorized representative is welcome. Should you or your representative not attend, the Commission will rule on the information previously submitted and testimony provided at its meeting. All calendared items will be heard and resolved at this time unless good reasons are presented for a continuance.

All non-privileged materials being considered by the Civil Service Commission for this item are available for public inspection and copying at the Civil Service Commission office Monday through Friday from 8:00 a.m. to 5:00 p.m.

SANDRA ENG
ACTING EXECUTIVE OFFICER

CIVIL SERVICE COMMISSION


SANDRA ENG
Acting Executive Officer

Attachments

Cc: Kimberly Ackerman, Municipal Transportation Agency
Parveen Boparai, Municipal Transportation Agency
Commission File
Commissioners' Binder
Chron

THE DOCUMENT SUPPORTS
CALENDAR ITEM 12

PSC Submission



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

CIVIL SERVICE COMMISSION REPORT TRANSMITTAL (FORM 22MTA)

Applicable to S.F. Municipal Transportation Agency Service-Critical Classes
Refer to Civil Service Commission Procedure for Staff - Submission of
Written Reports for Instructions on Completing and Processing this Form

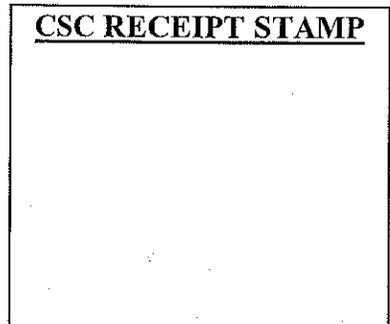
1. Civil Service Commission Register Number: PSC# 48657-14/15
2. For Civil Service Commission Meeting of: February 3, 2020
3. Check One:
 - Ratification Agenda
 - Consent Agenda
 - Regular Agenda X
 - Separation Agenda
4. Subject: Five-Year Update on PaybyPhone Smartphone Parking Application Agreement
5. Recommendation: Not Applicable
6. Report prepared by: Lorraine R. Fuqua Telephone number: 415.701.4678
7. Notifications: [Signature] (Attach a list of the person(s) to be notified in the format described in IV. Commission Report Format -A).
8. Reviewed and approved for Civil Service Commission Agenda:
Municipal Transportation Agency Director: [Signature] for KA
Kimberly W. Ackerman/Designee
Date: 1/23/2020
9. Submit the original time-stamped copy of this form and person(s) to be notified (see Item 7 above) along with the required copies of the report to:

Executive Officer
Civil Service Commission
25 Van Ness Avenue, Suite 720
San Francisco, CA 94102

10. Receipt-stamp this form in the ACSC RECEIPT STAMP box to the right using the time-stamp in the CSC Office.

Attachment

CSC RECEIPT STAMP



LIST OF PERSONS TO BE NOTIFIED

Parveen Boparai
Employee & Labor Relations, HR
1 South Van Ness Ave. 6th Floor
San Francisco, CA 94103

Kimberly W. Ackerman
Director of Human Resources
1 South Van Ness Ave. 6th Floor
San Francisco, CA 94103



London Breed, Mayor

Malcolm Heinicke, Chair
Gwyneth Borden, Vice Chair
Cheryl Brinkman, Director
Amanda Eaken, Director

Steve Heminger, Director
Cristina Rubke, Director
Art Torres, Director

Jeffrey Tumlin, Director of Transportation

January 23, 2020

Sandra Eng
Deputy Director
Civil Service Commission
25 Van Ness Avenue, Suite 720
San Francisco, CA 94102

RE: Five-year Update of Contact Award PSC# 48657-14/15 – PayByPhone Smartphone Application to allow customers to pay for metered parking for on-street and City-managed garages and lots.

Dear Ms. Eng and Commissioners:

On January 5, 2015, the San Francisco Municipal Transportation (SFMTA) requested approval to move forward on providing the public with an additional option to pay for metered parking via the smartphone application provided by PayByPhone Technologies, Inc (PBP). Existing options were by coin, credit card or pre-paid SFMTA meter parking card. The application, using PBP's proprietary software, would allow SFMTA Enforcement staff to confirm payment for parking space use as part of their regular enforcement duties.

Because training of Enforcement PCOs was required, and because the potential term of the agreement would be up to nine years (five-year base term with the option to extend for up to four additional years) the Commission requested that the SFMTA report back at the five-year mark to update them on how the contract was progressing. The following summarizes the current status of the agreement and plans at the end of the current five-year term, which expires June 30, 2020.

- **Training:** Enforcement reports that, while initially provided by the vendor in 2015, training is now part of general citation issuance training of Enforcement Parking Control Officers. Per Enforcement, there have been no complaints submitted with regard to using the application.
- **IT Status:** SFMTA's IT division has no plans to develop a smartphone application to pay for parking at this time, because application development is not a current function within the group, and the division is focused on other priorities.



- Usage: Currently, public adoption of the PBP application is at approximately 18%. Adoption of the PBP pay option under the pay-by-space parking model has increased steadily since contract award, and the SFMTA anticipates that adoption will continue to grow as additional parking payment models, such as pay-by-license-plate and pay-and-display are added, as well as a potential increase of paystation deployment as part of the next citywide meter procurement within the next few years.
- Contract Cost: The requested amount at the time of the CSC review was \$9.5 million, including extension years. The final not-to-exceed amount of the agreement was \$4.7 million, due to a lower than expected per transaction fee submitted by the contractor. To date the contract has come in under projections.
- Next Steps: The SFMTA plans to extend the agreement for two additional years, to allow the SFMTA time to determine whether to continue to provide a smartphone parking application with one vendor, or to go out to bid for a vendor to facilitate multiple remote payment options (e.g. allowing various smartphone applications to be used for parking payment).

Should you have additional questions, please feel free to contact me at 415.701.4678 or Lorraine.Fuqua@sfmta.com.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Lorraine R. Fuqua', is written over the typed name.

Lorraine R. Fuqua
Manager – Contract Administrator
SFMTA, Finance and Information Technology (FIT) Division
Financial Services and Administration Unit

cc: Steven Lee, SFMTA Senior Manager
FIT Division, Financial Service and Administration Unit

Attachments:



CIVIL SERVICE COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

Sent via Electronic Mail

January 13, 2015

E. DENNIS NORMANDY
PRESIDENT

DOUGLAS S. CHAN
VICE PRESIDENT

KATE FAVETTI
COMMISSIONER

SCOTT R. HELDFOND
COMMISSIONER

GINA M. ROCCANOVA
COMMISSIONER

MICHAEL L. BROWN
EXECUTIVE OFFICER

NOTICE OF CIVIL SERVICE COMMISSION ACTION

SUBJECT: REVIEW OF REQUEST FOR APPROVAL OF PROPOSED PERSONAL SERVICES CONTRACTS NUMBERS 41036-14/15; 44680-14/15; 48657-14/15; 44709-14/15; 45542-14/15; 41501-14/15; 45873-14/15; AND 43213-14/15.

At its meeting of January 5, 2015 the Civil Service Commission had for its consideration the above matter.

The Commission:

- 1) Postponed PSC #44680-14/15 to the meeting of February 2, 2015.
- 2) Approved PSC #48657-14/15 with the condition that the Municipal Transportation Agency has to report back to the Commission at the end of the 5th year period.
- 3) Approved PSC #44709-14/15.
- 4) Approved PSC #41501-14/15.
- 5) Approved PSC #43213-14/15.
- 6) Adopted the report. Approved the remainder of the request for proposed Personal Services Contracts.
- 7) Notify 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 Commission
 Parveen Boparai, Municipal Transportation Agency
 Micki Callahan, Department of Human Resources
 Jolie Gines, Department of Technology
 Jacquie Hale, Department of Public Health
 Cynthia Hamada, Municipal Transportation Agency
 Shamica Jackson, Public Utilities Commission
 Stacey Lo, Public Utilities Commission
 Sean McFadden, Recreation and Parks Department
 Genie Wong, Police Department
 Commission File
 Chron

PERSONAL SERVICES CONTRACT SUMMARY

DATE: October 8, 2014

DEPARTMENT NAME: San Francisco Municipal Transportation Agency DEPARTMENT NUMBER: 68

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

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

TYPE OF SERVICE: Pay-By-Phone Software and Support Services

FUNDING SOURCE: Operating Budget

PSC AMOUNT: \$9,500,000.00 PSC DURATION: April 1, 2015 through May 30, 2024

1. **DESCRIPTION OF WORK**

A. **Concise description of proposed work:**

The Pay-by-Phone (PBP) application contractor will provide software administration, maintenance, and support for the payment processing of credit cards to pay for parking meter usage. This service allows the public via the PBP payment method on personal smart phones (or other comparable devices) to pay for use at all metered spaces in the City, including those spaces under the jurisdiction of the Port of San Francisco ("Port").

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

The San Francisco Municipal Transportation Agency would like to continue providing the PBP payment method and sees it as a necessary service for the public in order to provide a convenient alternative to coin and smart card parking meter payment methods. Denial of this service would discontinue the PBP payment option for the public's use.

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 service was provided by PayByPhone (formerly Verrus) since April 11, 2011. Since the current contract model had no costs for the City and the contractor was paid through the assessment of a convenience fee, a personal services contract was not initiated.

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

Yes. It is the SFMTA's intent to provide the Pay-by-Phone service beyond the current agreement through the City's Request for Proposal process.

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

<u>IFPTE, Local 21</u> Union Name	<u><i>[Signature]</i></u> Signature of person mailing / faxing form	<u>10/8/14</u> Date
<u>SEIU, Local 1021 Misc.</u> Union Name	<u><i>[Signature]</i></u> Signature of person mailing / faxing form	<u>10/8/14</u> Date

RFP sent to _____, on _____
Union Name Date Signature

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 48657-14/15
STAFF ANALYSIS/RECOMMENDATION:
CIVIL SERVICE COMMISSION ACTION:

SFMTA Approved
10/8/14 emh

3. DESCRIPTION OF REQUIRED SKILLS/EXPERTISE

A. Specify required skills and/or expertise:

The service provider shall have demonstrated success with providing PBP Services for a minimum of three years prior to the date of submission of the proposal. The service provider shall currently provide PBP Services for a minimum of 10,000 metered spaces in North America markets of which at least 2 contracts are for 5,000 metered spaces. The service provider must have expertise in delivering highly customized software to meet the needs of the SFMTA. Must be able to provide training to greater than 300 end users.

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

The civil service classifications 1043 IS Engineer - Senior and 1070 IS Project Director perform similar services, but do not possess the specific knowledge and permissions required to work with the vendor's proprietary software.

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 do not possess the knowledge and would not be able to perform the work due to the proprietary nature of the software.

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

No. The PBP software used for parking meters is proprietary.

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

	<u>Yes</u>	<u>No</u>
A. Will the contractor directly supervise City and County employees?	()	(X)
B. Will the contractor train City and County employees?	(X)	()
- Describe training and indicate approximate number of hours.		
- Indicate occupational type of City and County employees to receive training (e.g., clerks, civil engineers, etc.) and approximate number to be trained.		
See attached.		
C. Are there legal mandates requiring the use of contractual services?	()	(X)
D. Are there federal or state grant requirements regarding the use of contractual services?	()	(X)
E. Has a board or commission determined that contracting is the most effective way to provide this service?	()	(X)
F. Will the proposed work be completed by a contractor that has a current personal services contract with your department?	()	(X)

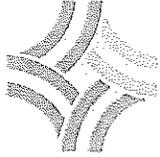
THE ABOVE INFORMATION IS SUBMITTED AS COMPLETE AND ACCURATE ON BEHALF OF THE DEPARTMENT HEAD:



 Signature of Departmental Personal Services Contract Coordinator
 Parveen Boparal _____ (415) 701-5377
 Print or Type Name Telephone Number

 San Francisco Municipal Transportation Agency, Human Resources

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



SFMTA
Municipal
Transportation
Agency

Edward M. Lee, Mayor
Eric Mitchell, Director
Gwendolyn Gordon, Deputy
Jenny Lee, Director
Christina Ruckel, Director
Edward D. Reardon, Deputy Director
Cheryl E. Adams, Deputy Director
Marilyn Hernandez, Director
Joel Santos, Director

Date: October 8, 2014
To: The Honorable Civil Service Commission
From: Lorraine Fuqua *L.F./CML*
SFMTA Contract Administrator
Financial Services and Contracts
Subject: Attachment for PSC #48657-14/15

Please see the additional information provided below.

PSC DURATION

The SFMTA requests that the contract term be for five years with the option to extend for up to four additional years because the agency has experienced that a longer contract term for necessary services may result in a lower contract cost to the City. This is due to the benefits a longer duration offers to the contractor. Additionally, because the Pay-By-Phone smart phone application's software is proprietary, civil service classifications do not have access to and cannot maintain or support the application software.

Item 5.B. Will the contractor train City and County Employees?

- **Describe training and indicate approximate number of hours.**
Two (2) hours of hands-on training for each 8214 Parking Control Officer, 8216 Senior Parking Control Officer, and 8219 Parking Enforcement Administrator on the Enforcement Component.

Eight (8) hours of hands-on training for the 1823 Senior Administrative Analyst and 1824 Principal Administrative Analyst at their computer workstations on the PBP backend system to perform payment verification and statistical research when needed.
- **Indicate occupational type of City and County employee to receive training.**
(290) 8214 Parking Control Officers, (34) 8216 Senior Parking Control Officers, (3) 8219 Parking Enforcement Administrators will be trained on the Enforcement Component. (1) 1823 Senior Administrative Analyst and (2) 1824 Principal Administrative Analysts trained to use the PBP's backend system.



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

LONDON N. BREED
MAYOR

Sent Via Electronic Mail

ELIZABETH SALVESON
PRESIDENT

January 24, 2020

KATE FAVETTI
VICE PRESIDENT

NOTICE OF CIVIL SERVICE COMMISSION MEETING

DOUGLAS S. CHAN
COMMISSIONER

SUBJECT: REQUEST TO GRANT CONTINUING APPROVAL FOR OR EXCLUDE FROM CSC REVIEW PROPRIETARY SOFTWARE MAINTENANCE, SOFTWARE AS A SERVICE AND EQUIPMENT MAINTENANCE.

F. X. CROWLEY
COMMISSIONER

JACQUELINE P. MINOR
COMMISSIONER

The above matter will be considered by the Civil Service Commission at a meeting to be held on **February 3, 2020 at 2:00 p.m. in Room 400**, Fourth Floor, City Hall, 1 Dr. Carlton B. Goodlett Place.

This item will appear on the Regular Agenda. Please refer to the attached Notice for procedural and other information about Commission hearings.

Attendance by you or an authorized representative is welcome. Should you or your representative not attend, the Commission will rule on the information previously submitted and testimony provided at its meeting. All calendared items will be heard and resolved at this time unless good reasons are presented for a continuance.

SANDRA ENG
ACTING EXECUTIVE OFFICER

All non-privileged materials being considered by the Civil Service Commission for this item are available for public inspection and copying at the Civil Service Commission office Monday through Friday from 8:00 a.m. to 5:00 p.m.

CIVIL SERVICE COMMISSION

SANDRA ENG
Acting Executive Officer

Attachments

Cc: All Unions
Commission File
Commissioners' Binder
Chron

THIS DOCUMENT SUPPORTS
CALENDAR 13

Staff Report

MEMORANDUM

Date: January 14, 2020

To: Elizabeth Salveson, President, Civil Service Commission
Sandra Eng, Acting Executive Officer, Civil Service Commission
Members of the Civil Service Commission

From: Alaric Degrafinried, Director and Purchaser
Office of Contract Administration

Re: Request to Grant Continuing Approval for or Exclude from CSC Review Proprietary Software Maintenance, Software as a Service and Equipment Maintenance

-
- I. **Introduction**
 - II. **Civil Service Policy on Personal Service Contracts**
 - III. **Definitions**
 - IV. **Applicable Laws**
 - V. **Analysis**
 - VI. **Conclusion**
 - VII. **Recommendation**
-

I. Introduction

On April 30, 2019, Civil Service Commission (CSC) issued an email stating that "all personal service contracts should be reviewed by the Commission even if the contract pertains to proprietary systems or software". OCA is in agreement with this conclusion. However, we respectfully request that the CSC provide additional clarification regarding the application of this policy statement as it pertains to Proprietary Software Maintenance, Cloud-Based Software and Proprietary Equipment Maintenance. Specifically, OCA requests that CSC grant OCA a Continuing Approval or otherwise exclude from its review contracts that fall into these three categories, *so long as the contract meets the strict definition of each category*, as set forth below.

II. Civil Service Policy on Personal Service Contracts

In its *Policy and Procedures on Personal Services Contract Memo*, dated November 5, 2014 (CSC No. 2014-20, hereinafter "2014 Policy Memo"), CSC states that when reviewing a request for a PSC, the initial three questions that are addressed are:

- 1) Is there an existing civil service class that can perform the required work?
- 2) Is it feasible or practical for civil service employees to perform the work?
- 3) If there is no current class, should one be created?

For reasons set forth below, the answer to each of the above considerations is an indisputable "No" when applied to Proprietary Software Maintenance, Proprietary Cloud-Based Software and

Proprietary Equipment Maintenance, *as those terms are strictly and narrowly defined below*. It is on this basis that OCA requests a Continuing Approval from CSC for contracts that fall into one of these three categories.

III. Definitions

A. Proprietary Software Maintenance

Virtually all technology-related purchases involve the procurement of software. More often than not, such software is a closed-source, Commercial Off-The-Shelf (COTS) software, for which the software's manufacturer (or an entity other than the City) retains all intellectual property rights. Whether sold as a stand-alone software solution or integrated into a piece of hardware that uses the software to operate, COTS software is commercially produced, ready to use without any form of modification by the user, and accessible to everyone to whom a license is granted.

To ensure their software runs as intended, COTS software manufacturers generally offer standard software maintenance/support based on a fixed annual fee or as part of an annual subscription fee. The primary purpose of purchasing software maintenance is to ensure access to the manufacturer's fixes, patches and corrections related to bugs and other errors that may prevent the software from operating correctly. Software maintenance may also entitle the license holder to software updates and revisions that allow the software to remain compatible and/or interoperable with the systems with which it must interact.

Proprietary Software Maintenance Definition

For the purposes of this memo, Proprietary Software Maintenance refers to standard software maintenance purchased to support a non-custom, Commercial Off-The-Shelf software for which an entity other than the City retains all intellectual property rights.

Proprietary Software Maintenance does not include technical services that go beyond the standard software maintenance offered to ensure the proper operation of its software. As such, Proprietary Software Maintenance, for the purposes of this memo, does not include implementation, integration, and customization services, as well as any other service requested by and formulated exclusively for a specific license-holder, all of which may be proprietary in nature but shall, nevertheless, be subject to CSC review and not affected by this memo.

B. Proprietary Cloud-Based Software

Traditionally, software was purchased on a perpetual or limited term basis and installed on the license-holder's own hardware. The data captured by the software was also stored on the license-holder's servers, or servers under its direct control. This software delivery model is often referred to as "on-premise".

As technology has evolved, so too have software delivery models and the data storage options available to end users. Instead of storing software and data "on-premise", users are increasingly

moving towards “cloud-computing” solutions. In many cases, the transition is not optional but required by the software’s manufacturer. Unlike the more traditional “on premise” software which is housed on the user’s own computers, cloud software and the data it holds is hosted by the software manufacturer on the software manufacturer’s own servers and/or the servers of a third party with whom it has contracted.

Cloud-computing solutions come in many forms. Software as a Service (SaaS), for example, is a software model that incorporates the delivery of a software application to a remote client via the Internet. Other forms of cloud computing include Platform as a Service (PaaS) and Infrastructure as a Service (IaaS). Below are examples of common cloud computing solutions:

- **SaaS:** Microsoft Office 365, Salesforce, Cisco WebEx, Google Apps, Citrix GoToMeeting.
- **PaaS:** Facebook, LinkedIn, Windows Azure.
- **IaaS:** Amazon Web Services (AWS), Cisco Metapod.

Proprietary Cloud-Based Software Definition

For the purposes of this memo, Proprietary Cloud-Based Software refers to any non-custom, cloud-based Commercial Off-The-Shelf software for which an entity other than the City retains all intellectual property rights, including any support services related to the software’s standard operability, delivery and data storage.

Proprietary Cloud-Based Software does not include technical services that go beyond the software’s standard operability, its delivery and its data storage including implementation, integration, and customization services, as well as any other service requested by and formulated exclusively for a specific license-holder, all of which may be proprietary in nature but shall, nevertheless, be subject to CSC review and not affected by this memo.

C. Proprietary Equipment Installation and Maintenance

Proprietary equipment is produced and marketed under exclusive legal rights of the equipment’s manufacturer. The purchase of proprietary equipment is generally accompanied with the option to purchase installation and maintenance services from the equipment manufacturer or an entity authorized by it. While often deemed as being “optional,” failure to purchase installation and maintenance services from the equipment manufacturer, or an entity authorized by it, will often result in voiding the manufacturer’s warranties for the equipment.

Proprietary Equipment Installation and Maintenance Definition

For the purposes of this memo, Proprietary Equipment Installation and Maintenance refers to those installation and maintenance services which must be performed exclusively by the equipment manufacturer or an entity authorized by the manufacturer, to ensure the warranties associated with the proprietary equipment are not voided.

IV. Applicable Laws

Proprietary software and equipment consist of intellectual property (IP) rights. IP rights are at the foundation of a technology-oriented industry and refer to a range of intangible rights of ownership in an asset such as a software program or equipment. Manufacturers take great steps to mitigate the misuse and infringement of their IP rights. As such, the purchase of non-custom, proprietary software and equipment does not transfer the manufacturer's proprietary IP rights to the end-user. Rather, such purchase only entitles the user to "use" the software and equipment in accordance with the manufacturer's terms and conditions.

Software and equipment manufacturers rely on federal and international copyright, trademark, patent and trade secret laws to protect their IP rights. Recognizing this reality, the San Francisco Administrative Code specifically states that "Software licensing procurements are not subject to the contracting requirements of the Administrative or Environment Code [S]oftware licensing procurements shall be deemed to include both the licensed software product and support services for such product where support for that product is available only from the licensor." (San Francisco Administrative Code Section 21.30(b)).

The Code further states "Where a vendor has proprietary rights to software or where maintenance of equipment by a particular vendor is required to preserve a warranty, software support and equipment maintenance agreements entered into with that vendor shall be treated as a sole source for the purposes of any contract requirements included in the Municipal Code. (San Francisco Administrative Code Section 21.30(d), emphasis added).

Lastly, the Rules and Regulations associated with Section 21.5(d) of the San Francisco Administrative Code deem as "proprietary" all "[r]epairs for equipment, including service and parts when repairs must be done by the manufacturer, the installer of equipment or system, or when repairs by others would void the warranty." (San Francisco Rules and Regulations 21.5(d)(Prop 12)).

V. Analysis

The San Francisco Administrative Code, its accompanying Rules and Regulations and the laws that protect copyrights, trademarks, trade secrets, and patents, support a finding that contracts that meet the clear and strict definitions set forth in this memo for Proprietary Software Maintenance, Cloud-Based Software and Proprietary Equipment Maintenance should be granted a Continuing Approval.

A. Proprietary Software Maintenance

This memo defines Proprietary Software Maintenance as "standard software maintenance purchased to support a non-custom, Commercial Off-The-Shelf software for which an entity other than the City retains all intellectual property rights." Under this definition, such

maintenance services fall under Section 21.30(b) of the San Francisco Administrative Code which specifically states that "support services" for "software license procurements" are not subject to the Code's contracting requirements. Further, pursuant to Section 21.30(d) of the San Francisco Administrative Code, such maintenance services must be treated as a "sole source" for the purposes of any contract requirements and, as such, can never be performed by Civil Service employees without violating the software manufacturer's copyrights, trademarks, trade secrets, and/or patents.

B. Proprietary Cloud-Based Software

This memo defines Proprietary Cloud-Based Software as "any non-custom, cloud-based Commercial Off-The-Shelf software for which an entity other than the City retains all intellectual property rights, including any support services related to the software's standard operability, delivery and data storage." Under this definition, cloud-based software falls under Section 21.30(b) of the San Francisco Administrative Code which precludes "licensing procurements" from the contracting requirements of the Administrative Code. That cloud-based solutions are delivered via the internet and may transfer the responsibility for storing and securing the end-user's data to the software manufacturer does not negate the fact that they are a form of "software licensing" under Section 21.30(b) of the San Francisco Administrative Code. As such, Proprietary Cloud-Based Software, much like the more traditional on-premise software, is not subject to the contracting requirements of the Administrative Code. Further, Civil Service employees may not legally engage in the services related to the Proprietary Cloud-Based Software's operability, delivery and data storage without violating the software manufacturer's copyrights, trademarks, trade secrets, and/or patents.

C. Proprietary Equipment Installation and Maintenance

This memo defines Proprietary Equipment Installation and Maintenance as "those installation and maintenance services which must be performed exclusively by an entity other than the City, such as the equipment manufacturer or an entity authorized by the manufacturer, to ensure the warranties associated with the proprietary equipment are not voided." Based on this definition, such services meet the thresholds set forth by Sections 21.30(d) of the San Francisco Administrative Code and the Rules and Regulations associated with Section 21.5(d) of the San Francisco Administrative Code to be deemed "sole source" and "proprietary", respectively. Accordingly, such services can never be performed by Civil Service employees without violating the equipment manufacturer's copyrights, trademarks, trade secrets, and/or patents and without voiding the manufacturer's warranties.

VI. Conclusion

As discussed above, OCA is requesting Continuing Approval for contracts involving: (i) Proprietary Software Maintenance, (ii) Cloud-Based Software or (iii) Proprietary Equipment Maintenance the because:

- 1) No existing Civil Service classes can perform the services defined by each category without violating copyright, trademark, trade secret, or patent laws and/or voiding the manufacturer's warranties.
- 2) It is neither feasible nor practical for Civil Service Classes to perform the services defined by each category without violating copyright, trademark, trade secret, or patent laws and/or voiding the manufacturer's warranties.
- 3) The City may not, as a practical or legal matter, create a Civil Service Class that can perform the services defined by each category without violating some copyright, trademark, trade secret, or patent law and/or voiding the manufacturer's warranties.

This finding is further supported by the San Francisco Administrative Code which exempts software licensing procurements from the contracting requirements of the Administrative Code, deems as a sole source support services for software license procurements, and deems as a sole source equipment maintenance services by a particular vendor to preserve a warranty.

A. Periodic Reporting

Although the OCA is requesting Continuing Approval for the three categories of contracts referenced above, OCA fully understands and supports the need for transparency regarding the City's civil service process. That said, consistent with the CSC Policy and Procedures on Personal Services Contracts, if granted Continuing Approval, OCA will report back to CSC no less than annually regarding the City's utilization of this Continuing Approval. Specifically, the OCA annual report will include the name of the contractor, type of service, amount and duration of the contract. In addition, if at any time the CSC has any questions or concerns regarding the utilization of the Continuing Approval, OCA will work with the contracting department(s) and facilitate a meeting to address any issues and/or concerns in the most expeditious manner possible.

Therefore, for reasons set forth above, and in the interest of redirecting City resources to matters that clearly require CSC review, OCA respectfully requests that Proprietary Software Maintenance, Proprietary Cloud-Based Software and Proprietary Equipment Maintenance, as strictly defined in this memo, be granted Continuing Approval.

VII. Recommendation

Accept the report and, subject to the reporting requirements referenced above, grant Continuing Approval for City contracts involving: (i) Proprietary Software Maintenance, (ii) Proprietary Cloud-Based Software; or (iii) Proprietary Equipment Maintenance.



CIVIL SERVICE COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

MEMORANDUM
CSC No. 2014 - 20

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PRESIDENT

DOUGLAS S. CHAN
VICE PRESIDENT

KATE FAVETTI
COMMISSIONER

SCOTT R. HELDFOND
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COMMISSIONER

SANDRA ENG
ACTING EXECUTIVE OFFICER

Date: November 5, 2014

To: Department Heads
Personnel Officers
Departmental Contract Coordinators

From: Sandra Eng
Acting Executive Officer

Subject: **Policy and Procedures on Personal Services Contracts**

The purpose of this memorandum is to serve as a comprehensive guide on the Civil Service Commission's ("Commission") Rules and policies on Personal Services Contracts ("PSCs") as updated and adopted by the Commission at its meeting on November 3, 2014. This memorandum shall serve to supersede all previously-issued memorandums on PSCs.

The Commission has delegated to the Department of Human Resources ("DHR") the authority to update and reissue the instructions for PSC submissions, consistent with the Commission's policies. DHR's updated PSC submission guidelines issued on October 25, 2013 are attached to this memorandum for reference, though they may be updated by DHR as needed. The most current submission guidelines may be located on the Commission's website at www.sfgov.org/Civil_Service.

Authority

Consistent with its Charter authority to oversee the merit system, the Commission sets policy on the review of proposed PSCs. This authority is underscored through case law and City Attorney's Opinions. The policy is that where there is a merit system, services to the public are to be provided by public employees hired through that merit system. Based on criteria specified in this memorandum, the Commission *determines if the scope of service is appropriate for contracting out.*

Longstanding Policy and Procedures

The Commission has adopted a number of policies and procedures on PSCs over the years. On December 5, 1994, the Commission issued revised policies and procedures that clarified the roles of the Commission and DHR, streamlined and expedited the processing of PSCs, and provided for monitoring and auditing of the contracting procedure. The Commission and DHR jointly issued updated PSC policy and procedures on September 16, 1996, and the Commission reiterated its policies in a memorandum on May 30, 2007. Those policies and procedures remained in place unchanged until the Commission updated and reissued its policy with the launch of the City's PSC database on October 25, 2013. The Commission updated its policy again with the issuance of this memorandum, primarily to provide more guidance on reporting and notice requirements for contracts executed during the preceding year under approved PSCs.

Although the Commission has updated its policies and procedures on PSCs, it is important to note that they continue to include the following critical components: a streamlined Commission approval process; notice requirements to ensure transparency and accountability; an appeal procedure to ensure merit system oversight; an approval option consistent with the City and County's budgetary time frames and process; and a list of compelling circumstances that may be considered in approving the use of personal services contracts.

Personal Services Contract Review Criteria

When reviewing a request for a PSC, the initial questions that are addressed are: 1) Is there an existing civil service class that can perform the required work? 2) Is it feasible or practical for civil service employees to perform the work? 3) If there is no current class, should one be created?

When there is no current class with the duties and responsibilities needed to perform the required work, a determination is made as to the feasibility of establishing a new class. If services are short-term and non-repetitive or so specialized and unique that they could not be appropriately performed by city personnel, establishing a new class may not be practical and the use of a contract may be appropriate.

If there are civil service classes that can perform the work, examples of compelling factors that may be considered as appropriate reasons for contracting out are:

- 1) Immediately needed services to address unanticipated or transitional situations, or services needed to address emergency situations. "Transitional situations" are those instances when contracting out is needed to bridge relatively short periods of time, such as during organizational restructuring that may be mandated by law or policy, or to facilitate a department's efforts to contract in services.

- 2) Short-term or capital projects requiring diverse skills, expertise and/or knowledge.
- 3) Services required on an as-needed, intermittent, or periodic basis (e.g., peaks in workload).
- 4) Regulatory or legal requirements, or requirements or mandates of funding source(s) which limit or preclude the use of Civil Service Employees.
- 5) Services that require resources that the City lacks (e.g., office space, facilities or equipment with an operator).
- 6) Circumstances where there is a demonstrable potential conflict of interest (e.g., independent appraisals, audits, inspections, third party reviews and evaluations).
- 7) Cases where future funding is so uncertain that the establishment of new civil service positions, classes or programs is not feasible (including situations where there is grant funding).

Provided that there are compelling circumstances such as those listed above, the Commission may approve the use of a PSC even if there is an existing class.

The Role of the Department of Human Resources

DHR reviews all requests for PSCs and modifications to previously approved PSCs submitted by departments to determine if the request complies with the Commission's policies. DHR then posts and forwards to the Commission requests for PSCs in excess of \$100,000 and those requests for PSC modifications that require Commission approval pursuant to this policy.

Requests for PSCs of \$100,000 or less do not require Commission approval. Instead, these PSCs, referred to as "Expedited PSCs," are reviewed and approved by DHR (PSCs in excess of \$100,000 are referred to as "Regular PSCs").

Misuse of Expedited PSCs is prohibited. For example, the use of PSCs for multiple vendors for the same scope of services in the same department that cumulatively exceed \$100,000 require DHR and Commission approval. Expedited PSCs where funding is added so that the total exceeds \$100,000 and requests to modify an approved Expedited PSC so that the amount exceeds \$100,000, must also be submitted to DHR and then the Commission for approval.

Departmental Personal Services Contract Coordinator

Each City and County department that regularly utilizes PSCs must designate a departmental PSC coordinator. The PSC coordinator works closely with DHR and Commission staff to expedite the review of proposed contracts by explaining the evaluation criteria to departmental

personnel and by ensuring that the proper documentation is sent to the Commission through DHR in a timely manner.

Requests for Personal Services Contracts

1) Timing of PSC Approval Submissions

In order to facilitate and streamline the PSC approval process, departments are required to utilize the Citywide Personal Services Contract Database ("PSC Database") for all PSC submissions. Departments must submit one request for a specific service regardless of the number of vendors.

Departments may submit proposed PSCs for approval as soon as the need arises and prior to the award of contract. (This is particularly important since most if not all of the City's Collective Bargaining Agreements have advance notice requirements of thirty to sixty days.) Early submittals will expedite the PSC review and approval processes to ensure that the needed services can be performed as soon as possible.

2) PSC Approval Durations

Under the Commission's previous policies and procedures, departments were required to indicate specific effective and expiration dates for PSC approvals. However, there may be unanticipated delays in the contracting process, such that the actual contract award may occur several months to a year after the PSC was approved. Therefore, departments now have the option of requesting PSC approval by duration (e.g., one year, 18 months, three years, etc.) instead of by specific effective and expiration dates, in order to provide departments with more flexibility and time to conclude the often time-consuming contracting process. Any request for PSC approval in terms of duration (instead of specific effective and expiration dates) must be specifically and explicitly stated on the department's PSC submission.

Again, this is at the department's option and will depend on the circumstances; however, the first contract(s) under an approved PSC measured in terms of duration must be executed within one calendar year of the Commission meeting date at which the PSC was approved (or date of DHR approval, if it is an Expedited PSC). In the event that the department still wishes to contract out those personal services, but fails to execute a contract under the PSC within one year of approval, the department must submit a new request for PSC approval. Such request must include a copy of the previously approved PSC, and an explanation as to why the department was unable to execute a contract under that PSC within the one-year deadline.

3) Retroactive Requests for Extensions

The Commission also recognizes that there may be rare circumstances when a PSC for an active contract must unexpectedly be extended for a period of time without enough notice for the department to request the Commission's approval to modify the duration

prior to its expiration. In such event, departments may submit a retroactive request to extend the duration of an approved but expired PSC, provided that it is within one year of the PSC's expiration, and with adequate justification as to why the department was unable to submit a timely request for modification. Requests beyond the one-year expiration date require the submission of a new request for PSC approval (and assignment of a new PSC number), irrespective of whether the contract under the PSC is still active.

4) Deadlines for PSC Submissions

Departments must comply with all applicable DHR and Commission PSC deadlines as stated in DHR's PSC guidelines. All deadlines are necessary to allow sufficient time for DHR staff review, report preparation, and distribution of reports to the Civil Service Commissioners. Cover letters are generally not necessary, except in instances when there are unusual circumstances requiring an explanation to expedite or facilitate the review process. Departments must either upload the cover letter and/or explanatory memorandums into the PSC Database directly, or include the text of any such document(s) in the appropriate PSC Database field.

PSC requests submitted after a deadline will be considered at a subsequent Commission meeting. In emergency or urgent situations when it becomes necessary for PSC Coordinators to submit PSC approval requests after a deadline, the PSC Coordinator must obtain the Human Resources Director's approval (for DHR deadlines) and/or the Executive Officer's approval (for Commission deadlines). For requests to waive a Commission deadline, the department must provide a written memorandum to the Commission outlining the reason(s) why it could not meet the applicable deadline and the likely consequences of denying the request.

5) Content of PSC Submissions

PSC requests must be comprehensive and thorough, and each question in the PSC Form 1 should be answered. When drafting the PSC request, departments should keep in mind the purpose of the Commission's review and focus the information appropriately. Information must be brief, but specific. Background material and information must be included to clearly and sufficiently describe the specific service to be provided. It is crucial to clearly and adequately explain why City employees cannot perform the services being requested in the PSC. Accompanying memoranda are not required but are recommended if there are circumstances that require further explanation or if additional background information is needed.

Departments should also remember that, in the interest of transparency, the description of the scope of work to be performed should be clear and specific so that a member of the public can understand what services will be contracted out by the notice of posting (this includes spelling out all acronyms).

Requests citing a legal or regulatory authority must cite that authority and include an excerpt of the applicable provision. In the event that a board or commission determines that contracting out is the most effective way to provide the services to be performed under a PSC, the department must include a copy of the resolution or other legislative action of such decision. Additionally, requests to contract out services for which the Commission has previously approved a PSC must include a copy of the prior PSC.

Personal Services Contract Submissions and Scope of Approvals

A department may only contract out personal services for the duration, amount, and type and scope of services specified in the approved PSC. Departments are required to resubmit a PSC request (either as a request for a new PSC, or as a request for a "Modification" to change existing PSC, as noted below) when the circumstances of the original request change.

The following are changes that require Commission approval. All other changes require only DHR approval.

1. Changes to the type or scope of service provided under a PSC approved by the Commission; or
2. Changes in legal or grant requirements for contracting under a PSC approved by the Commission; or
3. Increases over fifty percent (50%) of the Regular PSC contract amount last approved by the Commission or the Expedited PSC contract amount if the requested increase amount will exceed the \$100,000 threshold; or
4. Extensions beyond the estimated term approved by the Commission for any length of time greater than fifty (50%) of the original duration approved by the Commission. As indicated above, departments may request a modification to extend a PSC that has expired in order to allow completion of the contracted services, provided that it is within one year of the expiration of the approved PSC duration.

Generally, any changes to an existing PSC must be submitted as a request for a Modification (as opposed to as a new PSC), with the following exceptions:

1. At its discretion, a department may submit a request for a new PSC (as opposed to a request for a Modification) to continue contracting out the same or substantially same services if it will extend the total duration of the PSC beyond ten (10) years. If it will not extend the total duration of the PSC beyond ten years, the department must submit the request as a modification to an existing PSC.

2. Departments must submit a request for a new PSC approval any time a department is seeking to include new or materially different services not contained in the approved PSC.

Any request for Commission PSC approval under either circumstance must include sufficient background information on the history of the PSC(s) under which the services have been provided, a copy of the Form 1 for last approved PSC and any documentation attached thereto, any changes in circumstances since the last time the PSC was reviewed (e.g., if any of the services have already been completed and therefore no longer require contracting out; if the training component has already been satisfied), and explanation of the reason(s) for the requested modification(s).

Union Notice

Departments are required to notify affected employee organizations of a department's request for new PSCs (both Regular and Expedited PSCs) or modification thereto, prior to or at the time of forwarding the request for DHR review. A copy of the notice from the department to the applicable employee organization must be attached with the department's submission to the Commission. Some Collective Bargaining Agreements have additional requirements that must be considered in this process. Departments must refer to the applicable Collective Bargaining Agreement to determine the additional requirements.

Posting

All requests for new or modified Expedited or Regular PSCs must be posted on the DHR website for seven (7) calendar days. The posting must include the PSC number, the estimated amount, the scope of work to be considered, and the estimated duration.

If the department is requesting an annual amount for a multi-year request, the posting must specify either the total of the multi-year request or reflect that the amount is an annual amount. For example, a request indicating \$1,000,000 estimated annual amount for five (5) years will be listed on the Commission Agenda as "\$5,000,000" or "\$1,000,000 annually" with the duration clearly posted as five (5) years.

Affected employee organizations must also be notified of the posting.

In limited circumstances and with sufficient justification, the Commission may grant a department's request to omit the posting process and go directly from DHR review to Commission review. Again, the department must provide a memorandum detailing the reasons for the request to waive posting requirements and the consequences of denying that request. PSCs for which an "Omit Posting" has been approved shall be placed on the Regular Agenda.

Protests and Appeals (Civil Service Commission Rule Series 05.12)

Expedited PSCs: Protests of a posted proposed Expedited PSC must be received by the Human Resources Director by close of business on the seventh calendar day of posting. In the absence of any timely protest, approval of an Expedited PSC becomes final on close of business of the seventh calendar day of posting. An appeal of the Human Resources Director's action on a timely protest of a proposed Expedited PSC may be appealed to the Commission, provided such appeal is received by the Executive Officer by close of business on the fifth working day (excluding Saturdays, Sundays, and holidays) following the postmarked mailing/email date of notification of the Human Resources Director's action.

Regular PSCs: An appeal of a posted proposed Regular PSC may be appealed to the Commission, provided such appeal is received by the Executive Officer by close of business of the seventh day of posting.

Timely appeals will generally be considered by the Commission at its next regularly scheduled meeting. DHR forwards Personal Services Contracts submissions over \$100,000 where no appeal has been filed to the Executive Officer to calendar on the Ratification Agenda.

PSCs that are appealed will be placed on the Commission's Regular Agenda and will be considered by the Commission separately. Departments are required to have representatives present to respond to questions or provide clarification on the need for contractual services. If a department representative is not present, consideration of the PSC will be postponed to another meeting.

Ratification Agenda

The Ratification Agenda is essentially a Consent Agenda used exclusively for expediting the processing of uncontested proposed PSCs and will precede the Consent Agenda on the Commission's calendar. Although they may provide public comment on a proposed PSC, individuals seeking to sever a proposed PSC from the Ratification Agenda must provide adequate justification to the Commission for their request and why they did not protest or appeal the item when they had the opportunity to do so.

Civil Service Commission Approval

The Commission determines whether the circumstance pertaining to the need to provide services warrants the use of a PSC or contractors in lieu of civil service employees. PSCs include agreements for services paid by the City and County of San Francisco with individuals, companies, corporations, non-profit organizations, and other public agencies.

The Commission's role is distinguished from the roles of City departments, other commissions and the City Administrator. It is not the Commission's role to be involved in the selection of

individual contractors or the cost of such services. Again, the role of the Commission is to determine whether contracting is warranted; the selection of the individual contractor is done by City departments, with oversight and final decision making authority exercised as appropriate by commissions and the City Administrator.

Nor is it the Commission's role to determine positions where work or services can be performed by contract at a lesser cost than similar work performed by City and County employees. By Charter definition (Section 10.104-15), this function, often called "Prop J" contracting, is performed by the Controller and the Board of Supervisors.

The Commission retains final authority to approve PSCs after DHR review and posting. The Commission strongly recommends that a department representative attend the Commission meeting at which the department's request for PSC approval will be heard in order to answer any questions the Commission may have regarding that PSC. Failure to appear and/or sufficiently respond to the Commission's questions may result in only conditional approval, postponement or denial of the PSC. However, as noted above, attendance is required in the event that a PSC request is appealed; failure to attend will result in automatic postponement.

The Commission recommends that departments come forward to the Commission as soon as possible in the contracting process, in recognition of the fact that the actual contract award may occur months, and, for multiple year contracts, as much as a year after the Commission's approval.

Generally, unopposed PSCs in an amount greater than \$100,000 are placed on the Commission's Ratification Agenda for either regular, continuing, annual, or qualified approval:

The Commission may grant an annual approval so that a proposed contract may be included in a department's annual budget consistent with the City and County's budgetary timeframes and process. These approvals occur simultaneously with the budget process and must be submitted to DHR by March 1st. In the event the Mayor's budget deadlines are changed, the Human Resources Director is authorized to change the submission dates to conform to the revised schedule, provided that the PSC instructions are updated accordingly and the Executive Officer is notified of any changes to the schedule.

Continuing approval is granted by the Commission to comply with policy, funding or legal mandates. For example, those instances where: legal mandates direct the use of contractual services; or State or Federal funding requirements specify use of contractual services; or a City board, commission, the City Administrator, an elected official, or the Controller has determined that contracting is the most effective way to provide health and human welfare services; or the Retirement Board, consistent with its Charter and State constitutional authority, has determined that contracting is the most effective way to

deliver investment management and actuarial services. Continuing approval is valid until revoked by the Commission. Unless otherwise authorized by the Commission, in the event that the Commission revokes its continuing approval for a PSC, the department may not execute any new contracts under that PSC; nor may the department increase the duration or amount of, or expand upon the scope of personal services contracted out under, any contracts executed under the authority of that PSC. However, revocation of continuing approval shall not serve to nullify contracts executed under that PSC, nor otherwise conflict with the City's contractual obligations.

Regular approvals may be granted for those circumstances where annual or continuing approvals do not apply.

The Commission may also grant an interim, conditional approval known as "qualified approval" pending consideration of alternatives, requirements to report back to the Civil Service Commission or submission of additional information. Typically included with a qualified approval will be a request to the department to examine the feasibility of either budgeting positions in appropriate classification or obtaining a Proposition J contract certification.

Commission staff will issue a notice of the Commission's action to the departmental PSC Coordinator, the Controller's Office and the Office of Contract Administration. The PSC coordinator will also receive separate notifications whenever a Qualified Approval is granted by the Commission. Departments must maintain copies of Commission notifications for their files, as well as upload them into the PSC Database.

Reporting and Additional Requirements

PSCs with Regular and Annual Approval

Departments are required to submit information to DHR regarding the names, contract amounts and durations for all personal services contracts issued under an approved PSC at the time that those contracts are processed for award. DHR, in turn, is required to submit that information for all PSCs awarded during the preceding year to the Commission no later than August 1st each year. Such DHR PSC contract award reports shall be made available for public inspection in the Commission's offices and on its website.

PSCs with Continuing Approval

For all PSCs for which the Commission approves a request for continuing approval, the requesting department must provide the Commission with annual reports listing the contracts awarded under the continuing approval. The annual report must include a memorandum providing a brief history of the PSC(s) that are being submitted in accordance with this reporting requirement and an overview of the services contracted out under the PSC(s), and attached thereto must be: the Form 1(s) for any PSC(s) with Continuing approval covered under that report; supporting documentation relevant to the PSCs (e.g., copies of any

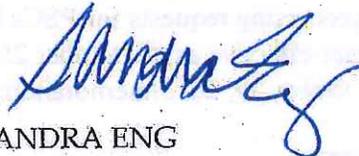
applicable policy, funding or legal mandates); and the name(s) of the contractor(s), type(s) of service(s), amount(s), and duration(s) of the contract(s). The annual reports must also indicate if there have been any changes to the affected classes or unions since the last report was given. The annual reports are to be submitted to the Commission with a Transmittal Form 22 (which must also identify all affected unions) no later than August 1st of each year for the prior fiscal year. Once received, the Executive Officer shall place the reports on the Consent Agenda for the following Commission meeting, and forward a copy to the affected union(s) identified on the Transmittal Form 22. Such reports shall be made available for public inspection in the Commission's offices and on its website.

In addition, departments are required to notify the affected union(s) each time that a Request for Proposal ("RFP")/Request for Quote ("RFQ") is issued for a contract under the authority of a PSC with continuing approval, and provide the affected union(s) with a link to that RFP/RFQ.

QUESTIONS

Questions on Civil Service Commission Rules or policies regarding PSCs as detailed herein may be directed to Commission staff at (415) 252-3247. Questions regarding the procedures for submitting PSCs as detailed in DHR's instructions and guidelines may be directed to the DHR PSC Coordinator at DHR-PSCcoordinator@sfgov.org.

CIVIL SERVICE COMMISSION



SANDRA ENG
Acting Executive Officer

Attachment (1)

Cc: E. Dennis Normandy, President
Douglas S. Chan, Vice President
Kate Favetti, Commissioner
Scott R. Heldfond, Commissioner
Gina Roccanova, Commissioner
Micki Callahan, Human Resources Director

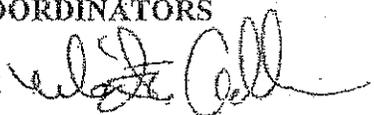


Edwin M. Lee
Mayor

Micki Callahan
Human Resources Director

DATE: October 25, 2013

TO: DEPARTMENT PERSONNEL OFFICERS
DEPARTMENT PERSONAL SERVICES CONTRACT COORDINATORS

FROM: MICKI CALLAHAN, HUMAN RESOURCES DIRECTOR 

SUBJECT: INSTRUCTIONS FOR PROCESSING PROPOSED PERSONAL
SERVICE CONTRACTS

On May 6, 2013, the Civil Service Commission ("Commission") approved revisions to its policies, procedures and guidelines for approving requests by City departments for personal services contracts ("PSCs"). Those revisions are fully explained in the Commission's October 25, 2013 memorandum. Among its actions, the Commission delegated to the Department of Human Resources ("DHR") the responsibility for updating and reissuing instructions for PSC submissions consistent with the Commission's policies.

The purpose of this memorandum is to provide departments with detailed instructions for submitting and processing requests for PSCs before the Commission and the City's Human Resources Director effective as of October 25, 2013. This memo is an attachment to the Commission's October 25, 2013 memorandum on PSC policies.

1) OVERVIEW

PSCs are contracts paid for by the City and County of San Francisco ("City") for services provided by individuals, companies, corporations, nonprofit organizations and other public agencies. A PSC request covers a specific service regardless of the number of vendors.

The Commission determines the City's policy on the review and approval of proposed PSCs. The Commission's policy provides that, as a general rule, services are to be provided to the public by public employees hired through the merit system. However, the Commission's policy also recognizes that there are circumstances that may warrant the use of personal services contracts as a mechanism for the City to provide some of its services.

DHR reviews all requests for new or modified PSCs to determine whether they comply with the Commission's policies. DHR then posts all PSC requests and transmits those PSC requests that require Commission approval to the Commission.

The Commission has established a list of factors, which it revised on May 6, 2013, that it considers to be among the compelling factors for contracting out even when there are existing civil service classes that can perform the work of the proposed PSC. The Commission's list of factors, however, is not intended to be exhaustive, but rather to be demonstrative of the types of circumstances that may warrant the contracting out of personal services that could potentially otherwise be performed by civil service employees. For specific information on the factors pre-identified by the Commission, please refer to the Commission's policy (see attached, or go to the Commission's website at www.sfgov.org/Civil_Service).

2) PSC BASICS

- **Department PSC Coordinator:** Each City department that utilizes PSCs must have a department PSC coordinator. The department PSC coordinators are responsible for the submission of their departments' PSC requests. They are authorized by the department head/appointing authority to determine when their departments' PSC requests are ready for review by either the Human Resources Director or the Civil Service Commission. The department PSC coordinator works closely with DHR and Commission staff to expedite the review of proposed contracts, including explaining the evaluation criteria to department personnel and ensuring that the proper documentation is sent to the Commission through DHR in a timely manner. Each City department must notify DHR of the name, email address and telephone number of its departmental PSC coordinator.
- **Scheduling a PSC request before the Commission:** Departments may submit proposed PSCs for Commission or DHR approval as soon as the need arises, and must do so prior to the award of a contract. The practice of early submittal will expedite startup of the desired service(s).
- **Entering PSC requests into the PSC Database:** The PSC database collects the contents of the PSC Form 1 and PSC Award Notice ("PSC Form 2"), as well as additional relevant documents and information. Departments must submit all PSC requests through the PSC database.
- **Notifying affected union(s) of a PSC request:** Departments must notify the union(s) that represents City employees who could potentially perform the work of the proposed PSC through the PSC database. Please check each relevant Memorandum of Understanding (MOU) for the appropriate notice requirements.
- **Posting PSCs publicly:** DHR generally posts regular PSC requests to its website on a bi-monthly basis. DHR posts expedited PSC requests to its website at the time that a department submits the PSC request to DHR for review and approval. The DHR website is located at www.sfdhr.org.
- **Processing a PSC request through DHR:** Once a PSC is ready for review, the department PSC coordinator must notify the DHR PSC coordinator through the PSC database by changing the PSC request's status to "Ready for Review by DHR."
- **Appealing a PSC request:** All PSC requests (regular and expedited) are appealable.

3) TYPES OF PSCs

DHR staff review all PSC requests. PSC requests are either regular or expedited. Regular PSCs are approved by the Civil Service Commission and expedited PSCs are approved by the Human Resources Director.

- Expedited PSCs – PSC requests that are less than or equal to \$100,000
- Regular PSCs – PSC requests that exceed \$100,000 (May be approved under one of three subcategories):
 - Continuing
 - Annual
 - Qualified

EXPEDITED PSCs - \$100,000 AND UNDER

- The Human Resources Director has the authority to approve all requests for expedited PSCs.
- DHR will complete its review of each expedited PSC request within seven (7) calendar days concurrently with the posting period.
- Expedited PSCs must contain the same information required of regular PSCs, and they are reviewed based on the same criteria as regular PSCs.
- The DHR PSC Coordinator will notify the department PSC Coordinator of the result of DHR's review once the seven-day review period has ended.
- Departments may not circumvent the \$100,000 expedited PSC threshold amount by submitting multiple PSCs for the same vendor to provide the same type of service for approximately the same period of time.
- When an expedited PSC is modified for less than 50% of its originally-approved amount or duration, but exceeds the \$100,000 threshold amount for expedited PSC requests, it goes to the Commission for approval through the procedures for regular PSC requests.
- Expedited PSCs that are modified to the extent that they require Commission approval will retain the same PSC reference number.

REGULAR PSCs – OVER \$100,000

- The Commission has the authority to approve all requests for regular PSCs.
- The DHR PSC Coordinator will review all regular PSC requests and notify the department PSC Coordinator when a PSC request is ready to be scheduled before the Commission.

4) SCHEDULING A PSC REQUEST BEFORE THE COMMISSION

- Scheduling a PSC request before the Commission may vary based on the type of PSC approval required, advance notification requirements in the applicable memoranda of understanding (MOU(s)) with the union(s) representing classifications potentially affected by

the PSC request, or whether a union initiates discussions with a department about a proposed PSC, as well as the Commission's schedule.

- The PSC database includes a reference chart of deadlines for document submission before each regularly scheduled Civil Service Commission meeting. Please ensure that your department's PSC submission conforms to the submission deadlines. The chart is also located on the DHR website at <http://www.sfdhr.org/index.aspx?page=419>.
- Submission and notice deadlines are necessary to allow sufficient time for DHR staff review, to ensure MOU compliance, and to allow for the preparation and distribution of the report packet to the Civil Service Commissioners before each Commission meeting.
- In rare circumstances, the Human Resources Director may waive DHR deadlines and/or the Commission's Executive Officer may waive Commission deadlines if a department misses a submission deadline for inclusion on a particular Commission meeting agenda. When a department requests a deadline waiver, a cover letter with an explanation for the request must be submitted for the request to be considered. If a deadline waiver request is not granted, the PSC request will proceed according to the regular timelines.

5) ENTERING PSC REQUESTS INTO THE PSC DATABASE

The City's new PSC database has improved capabilities for DHR, City departments, the City's unions, and the public to monitor PSC requests, approvals and conditional approvals; to access information on specific PSC requests; and to generate several types of reports on PSCs.

Departments will no longer need to submit the PSC Form 1 as a Microsoft Word document; rather, departments will be able to directly enter the required information into the PSC database¹ and the database will automatically populate the PSC Form 1 with all required information into a pdf format. After the information is entered by the department, the database will generate required notifications by email on behalf of the requesting department, DHR or the Commission. The PSC database can be accessed at <http://apps.sfgov.org/dhrdrupal/>.

When completing the PSC database fields, please keep in mind the following instructions:

- Provide brief but specific information to assist the Commission in determining whether the circumstances requiring the PSC request are compelling enough to contract out work when civil services class(es) exist to perform work within the same scope;
- Include background material and information to clearly and completely describe the specific services or work to be provided;
- Clearly explain the reasons why City employees cannot perform the services or work being requested;
- Spell out all words before using an acronym for the first time;
- Do not simply use "not applicable" or "N.A." The department must explain why there is no response to a particular item; and

¹ The City and its unions have agreed to add additional fields in the database to collect information of interest to the unions with the intent of expediting discussions between the requesting department and affected unions on a specific PSC request. Populating the additional fields in the database may facilitate a department's request for a waiver by the union(s) of the advance notification requirements in the MOUs.

- Departments are not required to provide specific contract effective and expiration dates; rather, departments will provide the duration of contracts (e.g., the number of years or months the department seeks to contract out the work). Departments must begin the contract within a calendar year of the Commission's approval of the PSC. The PSC database will capture the number of years and months and the estimated start and end dates.
- PSC requests do not require cover letters. However, a department may submit a cover letter in the event unusual circumstances arise and an explanation may be necessary to expedite the review process.
- PSC requests that cite a legal or regulatory authority must include a copy of such authority (PSC Form 1 Question #5c or 5d). Likewise, if applicable, departments must include a copy of the board or commission action determining that contracting is the most effective way to provide the service (PSC Form 1 Question #5e). These documents can be uploaded to the PSC database.
- The Commission is critical of PSC requests of five years or greater since circumstances can change so greatly in such a significant amount of time. Therefore, the Commission asks the department to provide an explanation in support of such a request, either in a separate attached memorandum or indicated somewhere on the PSC Form.
- Always view and proofread the PDF of the PSC Form 1 produced by the PSC database prior to notifying the affected unions/submitting to DHR. Substantial revisions to the PSC request may result in delays of the PSC request's processing.

6) NOTIFYING AFFECTED UNION(S) OF A PSC REQUEST

- Departments must notify the union(s) representing classifications of employees potentially affected by a regular PSC request: Most MOUs require greater notice than the notice requirement in the Commission's policy—generally thirty (30) days' notice prior to the PSC request's submission to DHR, or at the time the department issues a Request for Proposals ("RFP")/Request for Qualifications ("RFQ"), whichever occurs first. One notable exception is the SEIU Local 1021 MOU, which requires notice to the union sixty (60) days prior to the PSC request's submission to DHR, or at the time the department issues a Request for Proposals ("RFP")/Request for Qualifications ("RFQ"), whichever occurs first. However, notification requirements differ depending on the specific terms negotiated with the affected union(s), and departments must check the relevant MOUs when processing a PSC request.
- Expedited PSC requests: Departments must notify affected unions of the department's expedited PSC request no later than the date of the submission of the request to DHR.
- Modifications of PSC requests: Departments must notify affected unions of a modification to an expedited or regular PSC request no later than the date of the submission of the request to DHR.
- The PSC database generates an email notification to affected unions identified by the department requesting the PSC at the same time the department sets the PSC request's status to "Start Union Notification."

- If a PSC request requires union notification, the PSC database automatically fills in the date the department notified the affected unions of the PSC request and the name of the person submitting the PSC request.
- If there are questions about which classes of employees are impacted by the department's PSC request, please work with your department's personnel unit and/or your assigned DHR Client Services representative. The online Classification and Compensation Database is also a resource for identifying the union that covers the civil service classification(s) affected by the PSC request's scope of work: <http://sfdhr.org/index.aspx?page=32>.
- If the PSC request is substantively changed in terms of scope of work, affected civil service classifications, duration or amount since the union notification, the department must provide affected unions and DHR with the final PSC Form 1 by email. Be aware that the MOU advance notification requirements may be triggered if the changes made to the PSC request were not a product of discussions with affected unions.
- If a PSC request does not identify a civil service classification potentially affected by the PSC request, the departments must notify all of the City's exclusive labor organizations through the PSC database. The MOU advance notification requirements are not required when no civil service classifications are potentially affected. However, departments are strongly advised to identify all potentially affected civil service classifications and to notify the respective unions of the PSC request so as not to delay the PSC unnecessarily. Failure to notify the affected unions could result in a grievance and/or delay in processing a PSC request.

7) PROCESSING A PSC REQUEST THROUGH DHR

- To initiate a PSC request, a department must enter all information required by the PSC Form 1 into the PSC database. When a PSC request is ready for review by DHR, the department PSC Coordinator will change the status of the PSC in the PSC database to "Ready for Review by DHR."
- Once the DHR PSC Coordinator receives notice that a PSC is ready for review, the DHR PSC Coordinator will review the information submitted by the department. If necessary, the DHR PSC Coordinator will contact the department PSC coordinator for additional required information or clarification.
- After the posting period is complete and the advance notice required by the affected unions expires, the DHR PSC Coordinator will schedule the PSC at the next scheduled Commission meeting and will prepare the PSC request's packet for the Commission's review. Each PSC packet must include the names of the individuals notified of the PSC request by the department because they represent unions affected by the PSC request.

8) POSTING PSCs PUBLICLY

- DHR generally posts PSC requests on its website at www.sfdhr.org every other Friday for seven (7) calendar days. The DHR PSC Coordinator emails a copy of the posted PSC requests to the Commission, department PSC Coordinators and affected unions on the day of the posting.

- DHR also posts all expedited PSC requests to its website for seven (7) calendar days once they are submitted to DHR for review.
- In the rare situation when a department may need to expedite a PSC request and omit the DHR posting process, the department must have approval from the CSC Executive Officer prior to submitting the PSC request to DHR for review. In requesting approval to omit posting, the department must provide the Executive Officer with sufficient information in support of the request, as well as the consequence of denial. The PSC request must be entered into the PSC database and the department PSC coordinator must change the PSC request's status to "Start Union Notification" prior to changing its status to "Ready for DHR Review." The PSC request must indicate that the posting process is to be omitted in the PSC database.

9) APPEALING A PSC REQUEST

- PSC requests may be protested and/or appealed in accordance with the Commission's PSC policy.
 - Regular PSCs: An appeal of a posted regular PSC must be filed in the Commission's office by close of business on the seventh (7th) day of posting by mail or hand-delivery with the appellant's original signature and email address. Appeal forms and instructions are located on the Commission's website at <http://www.sfgov3.org/index.aspx?page=267>.
 - Expedited PSCs: Protests of a proposed expedited PSC must be filed with the Human Resources Director via email to DHR-PSCCoordinator@sfgov.org by close of business on the seventh day of posting. The Human Resources Director's decision on a PSC protest is appealable to the Commission within five (5) business days after notice of such decision.
- DHR will notify the affected department of any timely protests it receives on an expedited PSC during the seven-day posting period. The Executive Officer will notify DHR and the affected department of any appeal it receives on a regular PSC or on the decision of the Human Resources Director on an expedited PSC protest.
- **Note:** If a union objects to a PSC request directly to the requesting department at any point, the department must inform DHR of the parties' dispute and the reasons cited for the union's objection to the PSC. If the department and the objecting union have not resolved all issues related to the PSC request before it is placed on a Commission agenda, the department must inform DHR and the Commission that the request is still in dispute.
- Uncontested expedited PSCs become final on close of business of the seventh day of posting; uncontested regular PSCs are placed on the Commission's Ratification Agenda for the Commission's review and approval.
- PSC appeals are placed on the Regular Agenda as a separate item for the Commission's consideration at the next regularly scheduled meeting following receipt of the appeal, in accordance with the Commission's timelines.
- Departments must send representatives to the Commission meeting to speak on any PSC appeal. Departments should approach PSC appeals as they would any other type of appeal—they should submit a staff report if possible and appropriate (along with any additional supporting documentation or materials, if applicable), and they should be prepared to

provide the Commission with a presentation in support of their PSC request. Please contact the Executive Officer for guidance on applicable staff report submission deadlines and other requirements.

- **Note:** Department representatives must attend the Commission meeting even in the absence of an appeal, in the event that the Commission severs a PSC from the Ratification Agenda to scrutinize it and/or obtain additional information.

10) REGULAR PSC APPROVAL CATEGORIES: CONTINUING

- The Commission may, at its discretion, grant "Continuing Approval" for a regular PSC request in situations where:
 - a. Legal mandates direct the use of contractual services;
 - b. State or Federal funding requirements specify use of contractual services;
 - c. A City board or commission, the City Administrator, an elected official, or the Controller has determined that contracting is the most effective way to provide health and human welfare services; or
 - d. The Retirement Board, consistent with its Charter and State constitutional authority, has determined that contracting is the most effective way to deliver investment management and actuarial services.
- Continuing Approval is valid until revoked by the Commission.
- If the Commission approves a request for Continuing Approval, the requesting department must provide the Commission with an annual report listing the contracts awarded under the Continuing Approval. The department's annual report must include the name of the contractor, type of service, amount, and duration of the contract.

11) REGULAR PSC APPROVAL CATEGORIES: ANNUAL

- The Commission may grant "Annual Approval" for a regular PSC request in situations where a proposed contract is included in a department's annual budget.
- Appeals of PSC requests seeking Annual Approval will be considered by the Commission not later than its first meeting in April.
- In the event the Mayor's budget deadlines are changed, the Human Resources Director is authorized to change the deadlines for PSC requests seeking Annual Approval to conform to the revised budget schedule. DHR will notify the Commission's Executive Officer of any changes to the schedule.

12) REGULAR PSC APPROVAL CATEGORIES: QUALIFIED

- The Commission may grant a PSC request "Qualified Approval." This conditional approval is generally an interim measure with direction to the contracting department to consider other alternatives for providing the service if the need for the service is expected to be ongoing, and/or to provide the Commission with additional information, and/or to report back to the Commission on the status of performance under the contract, and/or to continue discussions with the affected labor union(s).

- When approving a PSC request with a Qualified Approval, the Commission may recommend that the department examine the feasibility of either budgeting positions in appropriate classifications or obtaining a Proposition J contract certification.
- When a PSC request is granted Qualified Approval, the department's PSC coordinator must work directly with Commission staff to meet the terms of the conditions the Commission placed on the PSC.

13) MODIFICATION OF AN EXISTING PSC (See attached chart)

- Departments are required to resubmit a request when the circumstances of the original request substantively change (e.g., changes to the type or scope of services provided, changes in legal or grant requirements for contracting, and any increases to the amount or duration of the PSC). This type of request is considered a "Modification."
- DHR reviews all modification requests and approves those requests that do not require Commission approval. Modifications which require Commission approval include:
 - Changes to the type or scope of services provided under a regular PSC; or
 - Changes in legal or grant requirements for contracting under a regular PSC; or
 - Increases of fifty percent (50%) or more over the current existing (last approved) regular PSC amount; or
 - Increases of fifty percent (50%) or more over the expedited PSC amount if it will increase the total amount of the PSC above the \$100,000 threshold.
 - Changes in the approved regular PSC contract duration that would increase the duration of the PSC by fifty percent (50%) or more above the original estimated duration approved by the Commission.
- In the event a department must request the Commission's approval to retroactively extend a PSC's duration, the department can do so within a year of the PSC's duration end date and retain its original PSC reference number. However, in such cases the department must provide the Commission with adequate justification for why it was unable to submit a timely request for modification, and it must not request to extend the PSC's duration for more than five years. DHR will not accept a request to modify a PSC more than one year after the PSC's approved duration. The department must submit a new PSC request.

14) AFTER PSC APPROVAL

- After a Commission meeting, Commission staff will enter the outcome of each PSC request into the PSC database. The Commission will email a "Notice of Civil Service Commission Action" to the DHR PSC Coordinator and the department's PSC coordinator. In the event the Commission grants a "Qualified Approval," Commission staff will include any conditions placed on the PSC's approval in its Notice of Civil Service Commission Action to the department PSC coordinator.
- After the Commission approves a PSC request, the department must include a copy of the PSC Form 1 and a copy of the notice of the Commission's action when processing the PSC through the Office of Contract Administration. The Commission separately provides a copy of its notice of action to the Office of Contract Administration and the Controller's Office.

- At the time PSCs are processed for award, the department must enter the information required by the PSC Form 2 (contractor name, contract amount and the contract's actual start and end dates) into the PSC database. The database will generate reminders to the department to input the information required by the PSC Form 2 beginning six months after the PSC's approval.
- DHR will generate a report of contract awards (PSC Form 2 information) for the Commission no later than August 1 of each year for the preceding fiscal year.

QUESTIONS?

If you have any questions about PSC procedures, the DHR PSC Coordinator can be emailed at DHR-PSCCoordinator@sfgov.org and the Civil Service Commission staff can be emailed at civilservice@sfgov.org.

ATTACHMENT - DHR PSC Memorandum October 25, 2013

PSC Types & Union Notification Guidelines	Requires: 30-Days Advance Notice to All Other Unions	Requires: 60-Days Advance Notice to SEIU	Requires: 7-Days Advance Notification to All Unions	Types of Approval Required
Initial PSCs:				
Regular (> \$100K)	X	X		CSC
Expedited (≤ \$100K)			X	DHR
Modify - Regular PSCs:				
> 50% of Initial Duration			X	CSC
> 50% of Last CSC Cumulative Approval Amount			X	CSC
≤ 50% of Last CSC Cumulative Amount			X	DHR
≤ 50% of Initial Duration			X	DHR
Modify - Expedited PSCs:				
> 50% of Last CSC Cumulative Approval Amount (after the \$100K threshold)			X	CSC
Cumulative Amount ≤ \$100K			X	DHR
Change in Duration (prior to the \$100K threshold)			X	DHR

CHAPTER 21:
ACQUISITION OF COMMODITIES AND SERVICES
(Effective August 28, 2016)

- Sec. 21.01. Scope of Chapter.
- Sec. 21.02. Definitions.
- Sec. 21.03. General Authority of the Purchaser of Supplies.
- Sec. 21.04. Direct Purchasing Authority of Departments.
- Sec. 21.05. Powers of Departments.
- Sec. 21.06. Electronic Transactions.
- Sec. 21.1. Competitive Solicitation Required.
- Sec. 21.2. Advertising Solicitations.
- Sec. 21.3. Competitive Sealed Bidding.
- Sec. 21.4. Invitations for Competitive Proposals or Qualifications.
- Sec. 21.5. Other Purchases.
- Sec. 21.6. When No Valid Offers Are Received; Multiple Low Offers.
- Sec. 21.7. Rejection and Readvertising for Proposals.
- Sec. 21.8. Multiple Award Contracts.
- Sec. 21.9. Multiple Year Contracts; Options to Extend or Renew.
- Sec. 21.10. Bond May Be Required.
- Sec. 21.11. Bid Security.
- Sec. 21.12. Approval of Sureties.
- Sec. 21.13. Procedure upon Failure to File Required Bond.
- Sec. 21.14. Contractors Required to Obtain Business Tax Registration Certificate.
- Sec. 21.15. Emergency Procurement Procedures.
- Sec. 21.16. Use of Purchasing Agreements of and Reciprocal Agreements with Other Public and Non-Profit Agencies; Solicitations for Multiple Departments.
- Sec. 21.17. Contracts to Be in Writing.
- Sec. 21.18. Contracts to Be in Triplicate; Disposition of Contracts.
- Sec. 21.19. Contract Terms – Guaranteed Maximum Costs.
- Sec. 21.20. Contract Terms – Insurance.
- Sec. 21.21. Contract Terms – Infringement Indemnity.
- Sec. 21.22. Contract Terms – Assignment.
- Sec. 21.23. Contract Terms – Incidental Damage Waivers; Liability Caps.
- Sec. 21.26. Contract Terms – In-Home Supportive Service Requirements.
- Sec. 21.27. Contract Terms – Quantities.
- Sec. 21.28. Contract Terms – Upgraded Products.
- Sec. 21.29. Contract Terms – Pricing.
- Sec. 21.30. Software Licenses, Support, Escrow, Finance, and Equipment Maintenance Agreements.
- Sec. 21.31. Articles Not to Be Prison Made; Exception.
- Sec. 21.32. Price Adjustment for Anticipated Local Tax Revenue.
- Sec. 21.33. Procedure upon Contractor's Failure to Deliver.
- Sec. 21.34. Audit of Contractor's Records.
- Sec. 21.35. Submitting False Claims; Monetary Penalties.
- Sec. 21.36. Contract Dispute Resolution.
- Sec. 21.37. Disqualification of Irresponsible Contractors.
- Sec. 21.38. Effect of Disqualification of Irresponsible Contractors.
- Sec. 21.39. Collusion in Contracting.
- Sec. 21.40. Construction Against Implicit Repealer.
- Sec. 21.41. Severability.
- Sec. 21.42. Professional Services Contracts for Health and Behavioral Health Services and Support.

SEC. 21.01. SCOPE OF CHAPTER.

Chapter 21 governs the acquisition of Commodities and Services. Chapter 21 shall not apply to contracts for public works or improvements or to contracts for the purchase, sale or lease of any interest in real property.

(Added by Ord. 156-99, File No. 990743, App. 6/2/99)

SEC. 21.02. DEFINITIONS.

As used in this Chapter the following words shall have the following respective meanings:

"Bid" shall mean a bid, quotation, or other offer, other than a Proposal, from a person or entity to sell a Commodity or Service to the City at a specified price.

"Bidder" shall mean any person or entity which submits a Bid.

"City" shall mean the City and County of San Francisco.

"Code" or "this Code" shall mean the most current version of the San Francisco Charter and the San Francisco Municipal Code.

"Commodity" shall mean products, including materials, equipment and supplies, purchased by the City. "Commodity" shall specifically exclude legal and litigation related contracts or contracts entered into pursuant to settlement of legal proceedings, and employee benefits, including, without limitation, health plans, retirement or deferred compensation benefits, insurance and flexible accounts, provided by or through the City's Human Resources Department or the Retirement Board.

"Contractor" shall mean any corporation, partnership, individual, sole proprietorship, joint venture or other legal entity which enters into a contract to sell Commodities or Services to the City.

"Contracting Officer" shall mean the City employee who is authorized to execute a contract, which may be either the Department head or a person designated in writing by the Department head, board or commission as having the authority to sign contracts for the Department. A designation of authority to sign contracts on behalf of a Department may specify authority to sign a single contract, specified classes of contracts, or all contracts entered into by a Department.

"Electronic" shall mean electrical, digital, magnetic, optical, electromagnetic or other similar technology for conveying documents or authorizations, excluding facsimile.

"General Services" shall mean those services that are not Professional Services. General Services include, but are not limited to, janitorial, security guard, pest control, parking lot management, and landscaping services.

"Minimum Competitive Amount" shall mean (i) for the procurement of Commodities and Professional Services, the "Minimum Competitive Amount" as defined in Section 6.40(a) of the Administrative Code, which shall be \$110,000 and (ii) for the procurement of General Services, an amount equivalent to the "Threshold Amount" as defined in Section 6.1 of the Administrative Code which shall be \$600,000, provided that on January 1, 2020 and every five years thereafter, the Controller shall recalculate the Minimum Competitive Amount (and the Threshold Amount from which the Minimum Competitive Amount for General Services is calculated) to reflect any proportional increase in the Urban Regional Consumer Price Index from January 1, 2015, rounded to the nearest \$1,000.

"Offer" shall mean a Bid or Proposal submitted to the City in response to an invitation for Bids or a Request for Proposals. "Offer" may include a response to a request for qualifications if no further ranking prior to Contractor selection is contemplated by the procurement process.

"Offeror" shall mean a person or entity that submits an Offer to the City to provide Commodities or Services.

"Professional Services" shall mean those services which require extended analysis, the exercise of discretion and independent judgment in their performance, and/or the application of an advanced, specialized type of knowledge, expertise, or training customarily acquired either by a prolonged course of study or equivalent experience in the field. Professional service providers include, but are not limited to, licensed professionals such as architects, engineers, and accountants, and non-licensed professionals such as software developers and financial

consultants.

"Proposal" shall mean a response to a request for Proposals issued by the City for Commodities or Services, or a response to a request for qualifications if no further ranking prior to Contractor selection is contemplated by the procurement process.

"Proposer" shall mean a person or entity that submits a Proposal in response to a request for Proposals issued by the City.

"Purchase Order" shall mean an authorization document designated as such by the Purchaser for the procurement of Commodities or Services, whether issued in a paper or electronic format, including blanket purchase orders for purchases involving multiple payments.

"Purchaser" shall mean the Purchaser of Commodities or Services of the City and County of San Francisco, or his or her designee(s).

"Quotation" shall mean an Offer to supply Commodities or Services to the City for a specified price (and possibly subject to other terms and conditions) which is acquired without the use of advertising to solicit Bids.

"Services" shall mean Professional Services and General Services. "Services" shall specifically exclude grants to a nonprofit entity to provide services to the community, which may include incidental purchases of commodities; legal and litigation related services or contracts entered into pursuant to settlement of legal proceedings; and services related to employee benefits, including, without limitation, health plans, retirement or deferred compensation benefits, insurance and flexible accounts, provided by or through the San Francisco Health Service System, the Retirement Board or the Retiree Health Care Trust Fund.

"Solicitation" shall mean an invitation for Bids, request for Quotations, request for qualifications, or request for Proposals issued by the City for the purpose of soliciting Bids, Quotations, or Proposals to perform a City contract.

"Technology Store" shall mean the City-wide, multiple award contract for the procurement of certain Commodities and Services awarded pursuant to the "Request for Proposal for Computer Hardware, Software, Peripherals and Appropriate Network, Consulting, Maintenance, Training and Support Services," and any successor contracts thereto.

(Added by Ord. 156-99, File No. 990743, App. 6/2/99; amended by Ord. 9-11, File No. 101007, App. 1/7/2011; Ord. 3-12, File No. 111246, App. 1/12/2012, Eff. 2/11/2012; Ord. 46-15, File No. 131122, App. 4/17/2015, Eff. 5/17/2015; Ord. 108-15, File No. 150175, App. 7/2/2015, Eff. 8/1/2015)

SEC. 21.03. GENERAL AUTHORITY OF THE PURCHASER OF SUPPLIES.

(a) **Approval of Purchases.** The Purchaser shall purchase all Commodities or Services required by City departments and offices of the City, except as otherwise provided in this Code. The Purchaser shall, by regulation, designate and authorize appropriate department personnel to exercise the Purchaser's approval authority for contracts approved as provided in this section.

(b) **Purchases to be Made on Requisitions; Exception for Large Quantities or Common Use.** All purchases made by the Purchaser shall be made on the basis of requisitions of ordering departments; except that Commodities and Services in common use by more than one department, or used in large quantities by a department may be purchased on the basis of the total of such requisitions or estimates previously filed from the various departments. The Purchaser is authorized to enter into City-wide requirements contracts for the purchase of indefinite quantities of Commodities or Services for the period of time and at prices set forth in the contract, under which any department may elect to order such Commodities or Services.

(c) **Standardization of Purchases.** The Purchaser may establish specifications, terms and conditions, and product tests to cover all Commodities and Services purchases of (i) large quantities, or (ii) recurring purchases, or (iii) Commodities or Services in common use by more than one department. The Purchaser may, as far as is practicable, standardize Commodities according to the use to which they are to be put, when two or more types, brands or kinds are specified or requested by individual departments.

(d) **Purchases of Commodities.** Purchases of Commodities shall be made in accordance with selection criteria or specifications furnished by the department requiring such Commodities

whenever the need for particular selection criteria or specifications is peculiar to such department. For patented or proprietary Commodities sold by brand name, the Purchaser may require each department requisitioning same by such brand name to furnish specifications of the Commodity requisitioned, and may advertise for Offers on the basis of such specifications, under conditions permitting manufacturers of, or dealers in other products made and sold for the same purpose, to make Offers on such specifications or on the specifications of their own product. If the Purchaser recommends the acceptance of the lowest or best Offer, stating the Purchaser's reasons in writing therefor, and if the department head concerned recommends the acceptance of any other Offer on such proprietary Commodities, stating the department's reasons in writing therefor, the award shall be determined by the Controller.

(e) **Procurement of Vehicles for Use of City Officials And Employees.**

(1) When purchasing, leasing, or otherwise procuring passenger vehicles, including passenger cars, passenger vans, sport utility vehicles, cargo vans and pickup trucks up to and including one ton in payload, departments shall request vehicles of the same functional type and passenger capacity approved by the Board of Supervisors in the budget.

(2) In evaluating vehicle purchase requests, the Purchaser is authorized to consider the price, durability, fuel efficiency, resale value, expected repair and maintenance cost, and all other factors, including options and accessories that may among other considerations enhance the safety and resale value of the vehicle and that bear directly on the total cost to the City of the vehicle in relationship to the service it will render.

(3) The Purchaser may develop sets of general specifications, including optional equipment, for purchases of compact, mid-size and full-size passenger cars or may specify vehicles by proprietary brand name when purchasing additional vehicles for an existing fleet. The specifications shall note the major items of standard equipment of such vehicles and may include, in the Purchaser's discretion, optional equipment which the Purchaser has determined should be ordered on City passenger cars. When procuring passenger cars, the purchaser shall include this group of options, to the extent possible, even if the department which will use the car does not request them.

If a department requests optional equipment that is not part of the Purchaser's group of options and which would cost in excess of a dollar limit to be set by the Purchaser in regulations, the department must either:

(A) Itemize the equipment in the description of the vehicle itself, when the vehicle purchase is reviewed as part of the City's annual budget process, and obtain the Board's approval of the vehicle as equipped; or

(B) Obtain the approval of the Mayor's Budget Office before submitting a requisition to the Purchaser.

(4) If a department desires to procure a passenger vehicle that is upgraded in terms of the functional type or capacity from what was approved in the budget, then the department must first obtain the approval of the Mayor's Budget Office before submitting a requisition to the Purchaser.

(5) This section shall not apply to the procurement of mass transit vehicles over one ton or other specialized vehicles as defined in the Purchaser's regulations.

(f) **Payment procedures.** The Purchaser and Controller shall establish procedures to approve all bills and vouchers for Commodities and Services. All approvals required pursuant to such procedures must be obtained before the Controller shall draw and approve warrants therefor.

(g) **Storerooms and Garages.** The Purchaser shall have charge of a garage and shop for the repair of City equipment, and of the Purchaser's storerooms and warehouses for the City and the personnel assigned thereto.

(h) **Leasing Of Equipment From Non-profit Corporations Without Competitive Bidding.** Notwithstanding any other provisions of this Code, the Purchaser is authorized to award a Contract, without issuing Solicitations, to a non-profit corporation for the leasing of equipment; provided, that the non-profit corporation has been formed for the purpose of aiding and assisting the City, and the formation of the non-profit corporation has been approved by resolution of the Board of Supervisors.

(i) **Disposal of Surplus.** Commodities which have been determined to be surplus to City needs

shall be disposed of in a manner which will best serve the interests of the City. For the purposes of this section, the interests of the City shall include the City's ability to maximize the City's economic return on surplus Commodities, the City's interest in maximizing the re-use of surplus Commodities by public entities, non-profit organizations and schools, and the City's interest in avoiding any unnecessary additions to the waste stream by maximizing the re-use and recycling of surplus Commodities. Disposal of surplus Commodities may include sales to, exchanges with, or donation to public entities, non-profit organizations, and private organizations for a public purpose, or donation to private entities for recycling of parts or materials. The Purchaser may maintain lists of all known local resources for transfer of surplus Commodities to public entities, non-profit organizations, and private organizations for a public purpose, and for the recycling of parts. The Purchaser shall have the authority to require the transfer of surplus property in any department to the Purchaser's stores or to other departments.

(1) The Purchaser shall have the authority to exchange used Commodities to the advantage of the City, to advertise for Bids, and to sell Commodities belonging to the City on the recommendation of a department head that such Commodities are surplus to the needs of the department.

(2) The Purchaser shall have the authority to donate obsolete, used or surplus Commodities if a department head states in writing that such Commodities are surplus to the needs of the department. The Purchaser shall document in writing each donation.

(A) Donations of Commodities meeting the criteria listed above may be offered to public entities, non-profit organizations, or private organizations serving the public. The order of priority for donations shall be to entities or organizations:

(i) Engaged in distributing the surplus Commodities offered at no cost or for a nominal fee to non-profit organizations, schools, or low-income individuals or families that are physically located in San Francisco;

(ii) Engaged in distributing the surplus Commodities offered at no cost or for a nominal fee to non-profit organizations, schools, or low-income individuals or families that are physically located in the Bay Area;

(iii) Engaged in distributing the surplus Commodities offered at no cost or for a nominal fee to non-profit organizations, schools, or low-income individuals or families that are physically located in the United States;

(iv) Engaged in distributing the surplus Commodities offered at no cost or for a nominal fee to non-profit organizations, schools, or low-income individuals or families that are physically located in foreign countries;

(v) Engaged in recycling the surplus Commodities, including parts or materials.

(B) Surplus medical supplies that are no longer in compliance with Federal Drug Administration regulations may be offered to entities and organizations which are engaged in distributing or administering the surplus medical supplies at no cost or for a nominal fee to low-income individuals or families in foreign countries.

(C) To the extent that more than one organization meets the criteria in a category listed above, surplus Commodities shall be made available on a rotational basis to entities and organizations in the same category. If there is a need to dispose of surplus Commodities and no entity or organization meeting the criteria noted in Section 21.03(i)(2)(A) can be located to receive a donation, the Purchaser is authorized to utilize other means that may be available to dispose of such Commodities in a manner that will best serve the interests of the City.

(j) **Information Technology Purchases.** All contracts for the acquisition of information technology Commodities or Services shall be made by the Purchaser.

(k) **Rules And Regulations.** The Purchaser, with the approval of the Director of Administrative Services and the Controller, shall establish rules and regulations for the purpose of implementing the provisions of this Chapter.

SEC. 21.04. DIRECT PURCHASING AUTHORITY OF DEPARTMENTS.

(a) Department heads shall be authorized to purchase Commodities or Services directly and without the approval of purchasing, as provided in the Charter or Municipal Code of San Francisco, or in the following circumstances:

(1) When such purchase is recommended by a department head and is approved by the Purchaser. The Purchaser's approval of direct department purchases may be for individual contracts or for classes of contracts anticipated to be required by the department.

(2) Departments may directly enter into contracts with other public entities for the purpose of fulfilling their governmental functions, which may include the provision or exchange of Commodities or Services incidental to the purpose of the contract.

(3) Departments may directly enter into contracts for the investment of trust moneys and agreements relating to the management of trust assets.

(4) Purchases of works of art or artifacts for museums or to display in public areas, specialized art restoration, insuring, transport, storage, curation and conservation services.

(5) The Risk Manager is authorized to purchase insurance and expert services in forms, amounts and by procedures as approved by the Board of Supervisors in the annual Risk Management Budget.

(6) The General Manager of the Public Utilities Commission may directly purchase water, power or natural gas, the conveyance or transmission of same, or ancillary services such as spinning reserve, voltage control, or load scheduling, as required for assuring reliable services in accordance with good utility practice, to or on behalf of the San Francisco Public Utilities Commission.

(7) Officers and employees of the City may contract directly for the provision of services related to travel required for official City business, subject to compliance with rules and regulations established by the approving department and the Controller for reimbursement of such expenses.

(b) Nothing in this section is intended to affect the authorities granted to departments elsewhere in this Code or in the Charter.

(Added by Ord. 156-99, File No. 990743, App. 6/2/99)

SEC. 21.05. POWERS OF DEPARTMENTS.

(a) **Estimates of Requirements.** All departments shall file estimates of required Commodities and services at such time and in such manner as shall be determined by the Purchaser.

(b) **Procurement of Professional Services.** Departments shall be responsible for defining the scope of a project for contracting purposes, establishing fair evaluation criteria and selection processes for Solicitations, and for the negotiation and award of contracts for Professional Services, with the assistance of the Purchaser and the City Attorney, provided, however, that:

(1) If a proposed contract for Professional Services includes the procurement of Commodities, then the department shall seek prior Purchasing approval of the Solicitation document; and

(2) The Director of Purchasing shall be the Contracting Officer for Professional Service contracts unless a Contracting Officer other than the Purchaser is authorized to enter into the contract directly.

(c) **Cancellation of Purchase Contracts.** The Contracting Officer shall be the only person authorized to terminate a contract for cause or convenience.

(d) **Inspection of Purchases.** Departments shall make adequate inspection of all purchases.

(Added by Ord. 156-99, File No. 990743, App. 6/2/99)

SEC. 21.06. ELECTRONIC TRANSACTIONS.

(a) **Electronic Notification.** For purposes of this Chapter, if a requirement exists that a City official notify another City official of an event, or send a report to another City official, the official with that responsibility may use Electronic notification, rather than a physical document, to effect the notice.

(b) **Electronic Filing.** For purposes of this Charter, if a requirement exists that a City official keep a copy of a form or a document, the official may keep an Electronic record rather than a

physical document, provided that the electronic record contains at least as much information as the physical form or document would have contained. Any departmental record retention policies applicable to physical records also apply to the corresponding Electronic records.

(c) **Other Electronic Transactions.** Where the Purchaser, in consultation with the Department of Telecommunications and Information Services and COIT, determines that the technology exists to provide assurance of authentication, message integrity, and nonrepudiation through secure and reliable Electronic transactions, the Purchaser may establish regulations for the use of Electronic transactions under this Chapter, including authorization, approval or execution of documents, placing orders with Contractors, receiving Offers, making determinations, or providing notice. Such regulations shall include appropriate security to prevent unauthorized access to the Solicitation, Offer, approval and award processes, and accurate retrieval and/or conversion of Electronic forms of such information into a medium that permits inspection and copying.

(Added by Ord. 156-99, File No. 990743, App. 6/2/99)

SEC. 21.1. COMPETITIVE SOLICITATION REQUIRED.

All City contracts for Commodities and/or Services shall be procured through competitive solicitation, except as otherwise authorized in this Code.

(Added by Ord. 156-99, File No. 990743, App. 6/2/99)

SEC. 21.2. ADVERTISING SOLICITATIONS.

Notices inviting Offers under the provisions of Sections 21.3 and 21.4 of this Chapter must be published in accordance with the Charter and Municipal Code of San Francisco. At least five calendar days must intervene between the date of last publication and the time for filing such sealed Offers. The published notice must contain a general description of the Commodity or Service, the due date for Offers, and a City contact phone number.

(Added by Ord. 156-99, File No. 990743, App. 6/2/99)

SEC. 21.3. COMPETITIVE SEALED BIDDING.

(a) **Invitation for Bids.** Except as otherwise authorized in this Code, for any Commodity or General Services purchase estimated to cost in excess of the Minimum Competitive Amount, an invitation for Bids shall be issued to solicit Bids and shall include a purchase description and all contractual terms and conditions applicable to the procurement, including a reservation of the City's right to reject all Offers.

(b) **Bid Opening.** Bids shall be opened publicly by the Contracting Officer at the time and place designated in the Invitation for Bids in the presence of all Bidders who attend. Relevant information as the Purchaser may specify by regulation shall be recorded. Except for materials protected from disclosure pursuant to Administrative Code Section 67.24, the record and each Bid shall be open to public inspection following Bid opening.

(c) **Bid Evaluation.** Bids shall be evaluated based on the requirements and specifications set forth in the Invitation for Bids, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. Those criteria that will affect the Bid price and be considered in evaluation for award shall be objectively measurable, such as discounts, transportation costs, conversion costs and total or life cycle costs.

(d) **Correction, Withdrawal, or Rejection of Bids; Cancellation of Awards.** Correction or withdrawal of inadvertently erroneous Bids before or after award, or cancellation of awards or contracts based on such Bid mistakes, shall be permitted in accordance with regulations promulgated by the Purchaser. After Bid opening, no changes in Bid prices or other provisions of Bids prejudicial to the interest of the City or fair competition shall be permitted. Except as otherwise provided by regulation, all decisions to permit the correction or withdrawal of Bids, or to cancel awards or Contracts based on Bid mistakes, shall be supported by a written determination made by the Purchaser. The Purchaser may reject all Bids at any time prior to award.

(e) **Award.** Except for a showing of good cause, a Contract shall be awarded not less than five (5)-working days after Bid opening by written notice to the lowest responsible and responsive Bidder whose Bid meets the requirements and criteria set forth in the Invitation for Bids. In the event that all Bids exceed available funds and the lowest responsible and responsive Bidder does

not exceed such funds by more than ten percent (10%), the Purchaser is authorized in situations where time and economic considerations preclude resolicitation of work of a reduced scope to negotiate an adjustment of the Bid price, including changes in the Bid requirements, with the low responsive and responsible Bidder, in order to bring the Bid within the amount of available funds.

(f) **Awards in the Public Interest.** If the Purchaser finds that the public interest would be best served by accepting other than the lowest total or unit price the Purchaser is authorized to accept the Bid(s) that in the Purchaser's opinion will best serve the public interest, to make the awards and to enter into the necessary contracts. Prior to making an award to a Bidder other than the lowest Bidder(s), the Purchaser shall submit a written statement of the basis for the finding to the Director of Administrative Services.

(g) **Additional Purchases.** Where the quantity of Commodities or General Services to be provided under a contract is fixed, the Contracting Officer may, within one year after award and subject to the Contractor's consent, purchase additional quantities of the specific Commodities or General Services for which award was made at the award price or a lower price, in accordance with the Purchaser's regulations.

(h) **Multi-step Bidding.** A Contracting Officer may prequalify Bidders prior to issuing an Invitation for Bids based on prequalification criteria set forth in a Solicitation.

(i) **Bid Protests.** The procedure for resolving Bid protests shall be established by regulations adopted by the Purchaser.

(Added by Ord. 156-99, File No. 990743, App. 6/2/99; Ord. 9-11, File No. 101007, App. 1/7/2011)

SEC. 21.4. INVITATIONS FOR COMPETITIVE PROPOSALS OR QUALIFICATIONS.

(a) **Authorization; Evaluation Criteria.** A Contracting Officer may issue a request for Proposals, or request for qualifications, for the selection of Professional Service Contractors following consideration of the evaluation factors set forth in the request for Proposals, which may include cost, except as prohibited by law. If a department determines that it would be in the best interests of the City to acquire combined Commodities and Services or General Services by means of a request for Proposals or qualifications, rather than an invitation for Bids, such request for Proposals or qualifications shall be issued by the Purchaser. A request for Proposals or qualifications for Professional Services may be issued directly by the department.

(b) **Negotiation.** The Contracting Officer is authorized to negotiate terms and conditions, including price, with the highest ranked Proposer. If the Contracting Officer cannot conclude a contract that, in the opinion of the Contracting Officer is in the City's best interest, the Contracting Officer may terminate negotiations with the highest ranked Proposer. In the event that the Contracting Officer cannot conclude negotiations with the next highest ranked Proposer on terms acceptable to the City, then the Contracting Officer may negotiate with each successively ranked proposer.

(c) **Requests for Qualifications.** The Purchaser may issue a request for qualifications ("RFQ") to determine the qualifications of prospective Contractors for particular types of Commodities and/or Services to the City. A department may issue a RFQ to determine the qualifications of prospective Contractors for Professional Services to be provided to that department. In addition, the Purchaser may maintain City-wide lists of prequalified contractors for Commodities and Services. Prequalification may be for the purpose of issuing a further Solicitation to select from among the prequalified entities for a particular contract, or it may be for the purpose of maintaining a list from which Contractors will be selected for future contracts as needed by the City, or the City may select Contractor(s) based on ranking of responses to the request for qualifications.

(1) For the procurement of Commodities and Services for which lists of prequalified entities are created by the City, selection of a Contractor for a particular contract may be made without the use of a further Solicitation if the list is maintained by issuing a new request for qualifications at least once every two years.

(2) Notwithstanding the two-year limitation in subsection (c)(1), the City may select a Contractor for a particular contract from a list of prequalified entities without the use of a further Solicitation using a list that is up to four years old, if both the following two conditions are met:

(A) The City re-opens the list by re-issuing the same RFQ within two years of the original RFQ; and,

(B) The City uses the same panel of evaluators to score the responses to the RFQ.

The City may not proceed under this subsection (c)(2) if it does not use the same RFQ and the same scoring panel. Entities included on the list of prequalified entities pursuant to the original RFQ shall not be required to re-qualify under the re-issued RFQ, but may choose to submit updated information regarding their qualifications when the RFQ is re-issued. A list of pre-qualified entities may only be extended once under this subsection (c)(2) and may not be used for more than four years from the issuance of the original RFQ.

(d) **Content of Requests for Proposals.** A request for Proposals shall specify evaluation criteria for selection, and shall reserve the right to reject or cancel the request for Proposals in whole or in part.

(e) **Mass-transit Vehicles.** Notwithstanding any other provision of the charter or laws of the City, the Public Transportation Department, through its department head and through the Purchaser is authorized to include among its purchasing specifications the use of negotiated procurement procedures for the purchase of mass-transit vehicles.

(Added by Ord. 156-99, File No. 990743, App. 6/2/99; amended by Ord. 142-16, File No. 160667, App. 7/29/2016, Eff. 8/28/2016)

SEC. 21.5. OTHER PURCHASES.

Notwithstanding any other provision of this Code, procurement of the following shall be made in accordance with the Purchaser's regulations:

(a) Commodities or services where the total amount of the purchase does not exceed the Minimum Competitive Amount. It shall constitute official misconduct to divide any proposed procurement in excess of the Minimum Competitive Amount into two or more units for the purpose of evading this Code's competitive solicitation requirements.

(b) Commodities or services available only from a sole source.

(c) Perishable foods.

(d) Proprietary articles.

(e) Contracts involving a pilot project with a term not to exceed two years; provided, however, that any further procurement beyond the pilot project phase shall be subject to all applicable competitive procurement requirements.

(f) Contracts set aside for competitive award to Micro-LBEs in accordance with Chapter 14B.7(K) of the Administrative Code.

(g) Commodities or Services purchased with federal grant funds when an informal solicitation is consistent with Federal contracting requirements. Federal grant funds include federal monies awarded to the City through the state or other governmental entities. This subsection does not cover Commodities or Services identified by the grant as an administrative or management cost or expense.

(Added by Ord. 156-99, File No. 990743, App. 6/2/99; Ord. 296-04, File No. 041450, App. 12/24/2004; Ord. 17-10, File No. 091162, App. 2/10/2010; Ord. 35-10, File No. 091231, App. 2/18/2010; Ord. 9-11, File No. 101007, App. 1/7/2011)

SEC. 21.6. WHEN NO VALID OFFERS ARE RECEIVED; MULTIPLE LOW OFFERS.

When a Contracting Officer issues a Solicitation for Commodities and/or Services and no responsive and responsible Offers are received, the Contracting Officer shall review the Solicitation to determine whether the Solicitation could be altered and reissued in a manner that would be likely to attract responsive offers. If the Contracting Officer determines that the lack of responsive Offers is not due to the content of the Solicitation, the Contracting Officer may purchase the Commodities or Services called for from any source. If two or more Bids received are for the same amount or unit price and Such Bids are the lowest Bids from responsive and responsible Bidders, then the Contracting Officer may award a contract to either of the lowest responsive and responsible Bidders in accordance with the Purchaser's regulations.

(Added by Ord. 156-99, File No. 990743, App. 6/2/99)

SEC. 21.7. REJECTION AND READVERTISING FOR PROPOSALS.

The Contracting Officer, in his or her sole discretion, is authorized to cancel any Solicitation or reject any and all Offers, in whole or in part, prior to award, and may readvertise under such terms as the Contracting Officer deems to be in the City's best interests.

(Added by Ord. 156-99, File No. 990743, App. 6/2/99)

SEC. 21.8. MULTIPLE AWARD CONTRACTS.

(a) **Generally.** A Contracting Officer may award contracts to more than one Offeror if the Contracting Officer determines that it is in the City's best interest to have more than one Contractor provide one or more similar Commodities and/or Services and the Solicitation states that the contract may be subject to multiple award. The Contracting Officer may either require all multiple award contractors to do business with the City under a single set of terms and conditions, or if the Solicitation is made by means of a request for Proposals, may negotiate separate terms and conditions with each Offeror for specified Commodities and/or Services. Following multiple award and in the administration of multiple award contracts, the Contracting Officer shall use best efforts to fulfill the policies of Chapter 14B of this Code.

(b) **Technology Store.** Any department or other entity ordering Commodities or Services through the Technology Store shall pay an administrative fee of up to one and nine tenths percent (1.9%) of the total purchase price of Commodities and Services purchased through the Technology Store. Such administrative fee shall be used solely to pay the City's actual costs of administering the Technology Store contracts for the benefit of City departments.

(Added by Ord. 156-99, File No. 990743, App. 6/2/99; Ord. 9-11, File No. 101007, App. 1/7/2011)

SEC. 21.9. MULTIPLE YEAR CONTRACTS; OPTIONS TO EXTEND OR RENEW.

(a) A contract for multiple years or with options to extend the term or renew the contract may be used when:

(1) The City anticipates that the need for acquisition of the Commodities or Services that are the subject of the contract will extend beyond a single fiscal year in the case of multiple year contracts, or beyond the initial contract period in the case of renewals or extensions of contracts; and

(2) The initial term of the contract and conditions for renewal or extension are included in the Solicitation, which Solicitation shall not provide for renewals or extensions of the contract for a period in excess of 10 years from the date of the initial contract; and

(3) Funds are available for the first fiscal year at the time of contracting; and

(4) Payment and performance obligations for succeeding fiscal years are made subject to the appropriation of funds for the contract.

(b) Departments are prohibited from entering into contracts involving expenditure of City funds with provisions that would automatically renew the contract term without further action by the City.

(Added by Ord. 156-99, File No. 990743, App. 6/2/99)

SEC. 21.10. BOND MAY BE REQUIRED.

Prior to the initiation of performance, the Contracting Officer may require labor, materials or fidelity bonds, or a corporate surety bond conditioned for the faithful performance of any contract for the purchase of Commodities or services.

(Added by Ord. 156-99, File No. 990743, App. 6/2/99)

SEC. 21.11. BID SECURITY.

If required by the Contracting Officer in the Solicitation, an Offer shall be accompanied by a deposit in the form of a certified or cashier's check on a solvent bank, or money order, or bid bond, payable on sight to the City in the amount fixed in the Solicitation, which amount shall not exceed 10 percent of the estimated cost of the Commodities or Services to be furnished. However, any regular or continual offeror may, in lieu of the deposit above mentioned, file a corporate surety bond in an amount to be fixed by the Controller to serve as security for a period of at least one year

that the Offeror will enter into the contract, and during the contract period, furnish any required performance bond for any and all contracts awarded to that Offeror, with provision for forfeiture under the surety bond in any case of failure, neglect, or refusal to do so. The Controller may delegate to the Risk Manager the authority to fix the amount of corporate surety bonds for such types of Commodities or Services contracts and in such amounts as the Controller deems appropriate.

(Added by Ord. 156-99, File No. 990743, App. 6/2/99; amended by Ord. 165-13, File No. 130540, App. 8/2/2013, Eff. 9/1/2013)

SEC. 21.12. APPROVAL OF SURETIES.

The Controller shall approve the sufficiency of assets and qualifications of all sureties submitting any bond or security which is required under the provisions of Section 21.10 and 21.11 of this Chapter. The Controller may delegate to the Risk Manager the authority to approve the sufficiency of assets and qualifications of sureties for such types or classes of agreements requiring surety or security bonds and in such amounts as the Controller deems appropriate.

(Added by Ord. 156-99, File No. 990743, App. 6/2/99; amended by Ord. 165-13, File No. 130540, App. 8/2/2013, Eff. 9/1/2013)

SEC. 21.13. PROCEDURE UPON FAILURE TO FILE REQUIRED BOND.

If any Offeror to whom a contract is awarded under the provisions of this Charter shall fail to file any required bond within 10 working days after receiving notice to file such bond, the Purchaser may deposit any security required to be filed under the provisions of Section 21.11 of this Chapter in the treasury for collection. The amount thereof shall be retained by the City as liquidated damages for failure of the Offeror to file such bond. Neither the deposit nor the proceeds thereof shall be returned to such defaulting Offeror; provided, however, that upon the recommendation of the department utilizing the Commodities or Services to be provided under the contract, the Purchaser may approve the return of the amount of the Bid security to excuse a forfeiture under such Bid security.

Demand upon an Offeror to file a bond, as hereinbefore set forth, may, at the option of the Purchaser, be made by mail or by facsimile, addressed to the Offeror on whom it is to be served, at his or her mailing address or facsimile number, as set forth by the Offeror in the Offer. The service is complete at the time of deposit in the mail or machine confirmation of the facsimile, and the 10-day period shall commence on the first day following such deposit in the mail.

The Purchaser shall have the authority to extend the period for the deposit of any required bond, except a Bid bond, whenever in the Purchaser's judgment, circumstances warrant an extension.

In all cases of forfeiture hereunder, the amount of the forfeiture after collection by the City shall be entered as a credit to the General Fund.

(Added by Ord. 156-99, File No. 990743, App. 6/2/99)

SEC. 21.14. CONTRACTORS REQUIRED TO OBTAIN BUSINESS TAX REGISTRATION CERTIFICATE.

If an Offeror must possess a Business Tax Registration Certificate issued by the Tax Collector, but has failed to obtain one, the Contracting Officer shall not execute the contract, except in case of emergency as defined in Section 21.15 of this Chapter.

(Added by Ord. 156-99, File No. 990743, App. 6/2/99)

SEC. 21.15. EMERGENCY PROCUREMENT PROCEDURES.

(a) The Board of Supervisors hereby declares that an actual emergency shall exist when it becomes necessary to immediately procure Commodities or Services to make repairs, to safeguard the lives or property of the citizens or the property of the City or to maintain public health or welfare as a result of extraordinary conditions created by war, epidemic, weather, fire, flood, earthquake or other catastrophe, or the breakdown of any plant equipment, structure, street or public work.

(b) For any Commodities or Services that would normally be procured by the Purchaser, a contract may be executed by the Purchaser in the most expeditious manner, and shall be promptly

committed by issuance of a regular purchase order.

(c) The department head responsible for the operations for which Commodities or Services are needed may also enter into a contract directly in the most expeditious manner necessary in order to respond to the emergency; however, if the emergency permits, the department head shall first secure the written approval of the president of the board or commission concerned, or from the Mayor or the Mayor's designee for any department under the Mayor's jurisdiction, and in all cases the approval of the Board of Supervisors must be obtained for any contract in excess of \$100,000. If the emergency does not permit such approvals to be obtained before the contract is executed, such approvals shall be obtained as soon thereafter as it is possible to do so.

(d) The Purchaser or the department, as the case may be, shall attempt to obtain at least three Bids for emergency purchases.

(e) The Board of Supervisors hereby declares that an actual emergency shall exist during a period of material shortages when goods meeting the exact specifications as ordered are not procurable. When such goods are immediately required, the Purchaser, with the approval of the Director of Administrative Services, shall have authority to accept satisfactory substitutes and to make proper price adjustments therefor; provided, that if such price adjustment should increase the contractual obligation by more than 10 percent, the Purchaser shall first obtain approval by the Controller, who shall reserve the additional amount of money required to meet the increased obligation.

(Added by Ord. 156-99, File No. 990743, App. 6/2/99)

SEC. 21.16. USE OF PURCHASING AGREEMENTS OF AND RECIPROCAL AGREEMENTS WITH OTHER PUBLIC AND NON-PROFIT AGENCIES; SOLICITATIONS FOR MULTIPLE DEPARTMENTS.

(a) Notwithstanding any other provisions of this Municipal Code, in cases where the Purchaser deems that it is in the City's best interests to do so, the Purchaser is authorized, subject to the Board of Supervisors' approval by Resolution, to sell to, acquire from, participate in, sponsor, conduct or administer cooperative purchasing agreements with or made available by any public agency or non-profit made up of multiple public agencies in California or elsewhere, and may enter into reciprocal agreements with such agencies for the cooperative use of Commodities or Services or the common use or lease of facilities, under the terms agreed upon between the parties.

(b) Notwithstanding any other provisions in this Municipal Code, the Purchaser may utilize the competitive procurement process of any other public agency or non-profit made up of multiple public agencies to make purchases of Commodities or Services for the use of the City under the terms established in that agency's competitive procurement process and as agreed upon by the City and the procuring agency, upon making a determination that (i) the other agency's procurement process was competitive or the result of a sole source award, and (ii) the use of the other agency's procurement would be in the City's best interests.

(c) Departments may utilize the results of competitive Solicitation by other City departments if such potential use by other City departments is specified in the Solicitation.

(Added by Ord. 156-99, File No. 990743, App. 6/2/99; amended by Ord. 115-05, File No. 050595, App. 6/17/2005)

SEC. 21.17. CONTRACTS TO BE IN WRITING.

All purchases in excess of \$2,500 shall be by written contract or other instrument.

(Added by Ord. 156-99, File No. 990743, App. 6/2/99)

SEC. 21.18. CONTRACTS TO BE IN TRIPLICATE; DISPOSITION OF CONTRACTS.

At a minimum, all Purchasing contracts, excluding Purchase Orders and contracts executed electronically, shall be executed in triplicate. One original shall be retained by the ordering department, one original shall be retained by the Purchaser, and one original shall be provided to the contractor.

SEC. 21.19. CONTRACT TERMS – GUARANTEED MAXIMUM COSTS.

All contracts entered into on behalf of the City for Commodities or Services to be purchased at the expense of the City shall contain a paragraph stating all of the following:

- (a) The City's obligation hereunder shall not at any time exceed the amount certified by the Controller for the purpose and period stated in such certification.
- (b) Except as may be provided by laws governing emergency procedures, officers and employees of the City are not authorized to request, and the City is not required to reimburse the Contractor for, Commodities or Services beyond the agreed upon contract scope unless the changed scope is authorized by amendment and approved as required by law.
- (c) Officers and employees of the City are not authorized to offer or promise, nor is the City required to honor, any offered or promised additional funding in excess of the maximum amount of funding for which the contract is certified without certification of the additional amount by the Controller.
- (d) The Controller is not authorized to make payments on any contract for which funds have not been certified as available in the budget or by supplemental appropriation.

(Added by Ord. 156-99, File No. 990743, App. 6/2/99)

SEC. 21.20. CONTRACT TERMS – INSURANCE.

All City contracts subject to this Chapter must conform to the insurance requirements established by the Risk Manager. The Risk Manager shall develop uniform insurance requirements for City contracts subject to this Chapter and shall publish such requirements in the Risk Manager's Manual. The Risk Manager shall review and update said insurance requirements annually.

(Added by Ord. 156-99, File No. 990743, App. 6/2/99)

SEC. 21.21. CONTRACT TERMS – INFRINGEMENT INDEMNITY.

Each Contractor entering into a contract with the City that could involve the Contractor's provision of intellectual property to the City must save, keep, hold harmless and fully indemnify the City and any of its officers or agents from all damages, or claims for damages, costs or expenses in law or equity that may at any time arise or be set up for infringement of the patent rights, copyright, trademark or other intellectual property claims of any person in consequence of the use by the City, or any of its officers or agents, of articles to be supplied under such contract and of which the contractor is not the patentee or assignee or has not the lawful right to sell the same.

(Added by Ord. 156-99, File No. 990743, App. 6/2/99)

SEC. 21.22. CONTRACT TERMS – ASSIGNMENT.

No contract shall be assigned, except by written instrument executed and approved in the same manner as the original contract, which instrument shall include the signature of the assignee. The Contracting Officer shall notify the Controller in writing of such assignments.

(Added by Ord. 156-99, File No. 990743, App. 6/2/99)

SEC. 21.23. CONTRACT TERMS – INCIDENTAL DAMAGE WAIVERS; LIABILITY CAPS.

In any contract for Commodities or Services, the Contracting Officer is hereby authorized, with the approval of the City Attorney, to waive future City rights to incidental and consequential damages arising from the performance of the contract, or to agree to limit damages caused by the contractor's negligence to a specified amount. The factors to be evaluated in determining whether damages should be waived or capped in a particular case shall include but are not limited to:

- (a) Whether, in light of insurance and bond requirements, the performance of the contract is likely to create undue risk of damages to the City;
- (b) Whether the language proposed in the contract waiving future claims to incidental and consequential damages or limiting the contractor's liability for damages caused by the contractor's negligence is standard in the industry to which the contract relates;

(c) THE BEST INTERESTS OF THE CITY.

(Added by Ord. 156-99, File No. 990743, App. 6/2/99)

SEC. 21.24. RESERVED.

(Added by Ord. 156-99, File No. 990743, App. 6/2/99; Repealed by Ord. 9-11, File No. 101007, App. 1/7/2011)

SEC. 21.25. RESERVED.

(Added by Ord. 156-99, File No. 990743, App. 6/2/99; Repealed by Ord. 9-11, File No. 101007, App. 1/7/2011)

SEC. 21.25-1. RESERVED.

(Added by Ord. 222-99, File No. 990877, App. 8/6/99; Repealed by Ord. 9-11, File No. 101007, App. 1/7/2011)

SEC. 21.25-2. RESERVED.

(Added by Ord. 3-03, File No. 021504, App. 1/24/2003; Repealed by Ord. 9-11, File No. 101007, App. 1/7/2011)

SEC. 21.25-3. RESERVED.

(Added by Ord. 76 04, File No. 021505, App. 5/6/2004; Repealed by Ord. 9-11, File No. 101007, App. 1/7/2011)

SEC. 21.25-5. RESERVED.

(Added by Ord. 299-06, File No. 061468, App. 12/12/2006; Ord. 5-07, File No. 061584, App. 1/19/2007; Repealed by Ord. 9-11, File No. 101007, App. 1/7/2011)

SEC. 21.25-x. RESERVED.

(Added by Ord. 169-04, File No. 040540, App. 7/22/2004; Repealed by Ord. 9-11, File No. 101007, App. 1/7/2011)

SEC. 21.26. CONTRACT TERMS – IN-HOME SUPPORTIVE SERVICE REQUIREMENTS.

In the case of any contract for homemaker and chore Services to be awarded pursuant to California Welfare and Institutions Code Sections 12300 et seq., the Purchaser, on the recommendation of the department head concerned and the approval of the board or commission in charge of such department, upon the ground that the public interest would be best served by requiring the inclusion of such provisions in the contract, shall require that each Offeror, as part of its Offer, submit a certified semi-annual audit, and further shall require each offeror to give preference to those homemakers employed under the previous contract to ensure continuity of wages, fringe benefits and seniority rights.

(Added by Ord. 156-99, File No. 990743, App. 6/2/99)

SEC. 21.27. CONTRACT TERMS – QUANTITIES.

- (a) **Quantities.** Contracts may be made for definite or indefinite quantities of Commodities or Services.
- (b) **Record Keeping.** Any requirements contract shall include a mechanism for maintaining records of all City orders made pursuant to the contract, including inventories of any Commodity subject to a maintenance service agreement.

(Added by Ord. 156-99, File No. 990743, App. 6/2/99)

SEC. 21.28. CONTRACT TERMS – UPGRADED PRODUCTS.

Whenever a contract for the acquisition of Commodities specifies a particular product, the contract shall allow acquisition of any upgraded comparable equivalent product at an equal or lesser price in lieu of the specified product.

(Added by Ord. 156-99, File No. 990743, App. 6/2/99)

SEC. 21.29. CONTRACT TERMS – PRICING.

- (a) Pricing specifications during the term of a contract for Commodities may require fixed pricing, unspecified pricing, or may combine fixed prices for some Commodities and unspecified pricing for others, as is determined to be in the best interests of the City by the Contracting Officer.

(b) If fixed prices are required by the Solicitation, such fixed prices shall represent the maximum price that the contractor may charge for the Commodities specified in the contract, and the Solicitation shall specify that the contractor must provide for price reductions as a Commodity becomes less expensive and the contractor's costs for that Commodity are reduced.

(c) Contracting Officers are encouraged to include price warranties or "most-favored customer" clauses in contracts, as appropriate, to give the City consistent access to the contractor's lowest prices.

(Added by Ord. 156-99, File No. 990743, App. 6/2/99)

SEC. 21.30. SOFTWARE LICENSES, SUPPORT, ESCROW, FINANCE, AND EQUIPMENT MAINTENANCE AGREEMENTS.

(a) The Board of Supervisors hereby approves the execution of perpetual, nonexclusive software licensing agreements which warrant performance of the software according to specifications and which are for an amount of less than ten million dollars, including any associated escrow agreement for source code or finance agreement, without further Board approval.

(b) Software licensing procurements are not subject to the contracting requirements of the Administrative or Environment Code, but shall be subject to the requirements established by Section 21.03(j) and Chapter 67. For the purpose of this section, software licensing procurements shall be deemed to include both the licensed software product, any escrow agreement for source code, finance agreements, and support services for such product where support for that product is available only from the licensor.

(c) Agreements for the development of software shall include acceptance testing of the software and/or performance criteria, and shall condition payments on successful completion of the acceptance test or satisfaction of the performance criteria specified in the contract.

(d) Where a vendor has proprietary rights to software or where maintenance of equipment by a particular vendor is required to preserve a warranty, software support and equipment maintenance agreements entered into with that vendor shall be treated as a sole source for the purposes of any contract requirements included in the Municipal Code.

(e) A Contracting Officer is authorized to make payment for software license fees and software support, equipment maintenance and associated escrow and finance fees in advance of receiving services under a contract.

(Added by Ord. 156-99, File No. 990743, App. 6/2/99; amended by Ord. 115-05, File No. 050595, App. 6/17/2005)

SEC. 21.31. ARTICLES NOT TO BE PRISON MADE; EXCEPTION.

No Commodity furnished under any contract made under the provisions of this chapter shall have been made in a prison or by convict labor, except for Commodities made in a prison or by convicts under the supervision and control of the California Department of Corrections and limited to Commodities for use by the City's detention facilities.

(Added by Ord. 156-99, File No. 990743, App. 6/2/99)

SEC. 21.32. PRICE ADJUSTMENT FOR ANTICIPATED LOCAL TAX REVENUE.

(a) **Local Bidder Defined.** For the purposes of determining eligibility for the price adjustment set forth in this Section 21.32 only, "Local Bidder" shall mean a business that is physically located at, and registered with the Office of the Treasurer & Tax Collector's Business Registration records as at, an address located within the geographic limits of the City.

(b) Bids for the purchase of Commodities with an estimated value in excess of \$1,000 submitted by Local Bidders shall be reduced by an amount equal to 1.25% of the Bid amount for the purpose of determining the lowest responsible Bidder.

(c) For Bids from Local Bidders for purchase of Commodities of an indefinite quantity, the Purchaser shall select a fixed quantity of the identified Commodity based on the minimum amount of the Commodity the Purchaser estimates, in his or her sole discretion, the City will purchase over the term of the contract, and apply the 1.25% price adjustment required by Paragraph (b) to Bids from Local Bidders to that same fixed quantity for the purpose of comparing prices offered.

(d) For Bids from Local Bidders for General or Professional Services which include the purchase of Commodities with an estimated value of Commodities in excess of \$1,000, the Purchaser shall reduce the Bid price of the included Commodities only by 1.25% for the purpose of determining the lowest responsible bidder. No bid adjustment shall be made for Services Contracts that will be awarded according to criteria other than lowest price.

(e) The Bid adjustment required by Paragraph (b) shall be in addition to any other discounts, preferences, or adjustments required by City law.

(f) **Exception.** The following Commodities purchases shall not be subject to the 1.25% price adjustment: (1) purchases paid for with City Retirement or Health Services System trust funds; (2) purchases where the City is entering into a cooperative procurement with one or more other jurisdiction; and (3) purchases where the price adjustment would conflict with conditions contained in federal or state grants or violate preemptive federal or state law or the City Charter.

(Added by Ord. 156-99, File No. 990743, App. 6/2/99; Ord. 9-11, File No. 101007, App. 1/7/2011)

Cross reference

Duties of the Sealer of Weights and Measures assumed by the Director of the Department of Consumer Assurance, Regulatory Compliance and Agricultural Standards, see Administrative Code Section 16.3-7.5.

SEC. 21.33. PROCEDURE UPON CONTRACTOR'S FAILURE TO DELIVER.

When a contractor fails to deliver a Commodity or Service of the quality, in the quantity, or in the manner specified in the contract within the time specified in the contract, the Contracting Officer may terminate the contract and/or purchase such Commodity or Service from any source; and if a greater price than that named in the contract be paid for such Commodity or Service, the excess price will be charged to and collected from the Contractor or the sureties on the Contractor's bond(s). All items supplied shall be subject to inspection or rejection by the Purchaser, by the County Agricultural Commissioner-Sealer of Weights and Measures upon the Purchaser's request, or by the department receiving the Commodity or Service. The Purchaser's authority to procure Commodities or services from other sources as herein specified shall not preclude the City's exercise of any other remedies, including termination of the contract.

(Added by Ord. 156-99, File No. 990743, App. 6/2/99; amended by Ord. 187-04, File No. 040759, App. 7/22/2004)

SEC. 21.34. AUDIT OF CONTRACTOR'S RECORDS.

The City may, at reasonable places and times, audit the books and records of a City contractor under any contract to the extent that such books and records relate to the performance of such contract. Such books and records shall be maintained by the contractor for three years from the date of final payment under the contract, unless a shorter period is otherwise authorized in writing.

(Added by Ord. 156-99, File No. 990743, App. 6/2/99)

SEC. 21.35. SUBMITTING FALSE CLAIMS; MONETARY PENALTIES.

(a) The covenant of good faith and fair dealing is contained in every City Commodities or Services Contract, and Contractors and subcontractors shall at all times deal in good faith with the City and shall submit claims, requests for equitable adjustments, requests for change orders, requests for contract modifications or requests of any kind seeking increased compensation on a City contract only upon a good-faith, honest evaluation of the underlying circumstances and a good-faith, honest calculation of the amount sought. Any Contractor, subcontractor, or consultant who commits any of the following acts shall be liable to the City for three times the amount of damages which the City sustains because of the act of that Contractor, subcontractor or consultant. A Contractor, subcontractor or consultant who commits any of the following acts shall also be liable to the City for the costs, including attorney's fees, of a civil action brought to recover any of those penalties or damages, and may be liable to the City for a civil penalty of up to \$10,000 for each false claim:

(1) Knowingly presents or causes to be presented to an officer or employee of the City a false

claim or request for payment or approval;

(2) Knowingly makes, uses, or causes to be made or used a false record or statement to get a false claim paid or approved by the City;

(3) Conspires to defraud the City by getting a false claim allowed or paid by the City;

(4) Knowingly makes, uses, or causes to be made or used a false record or statement to conceal, avoid, or decrease an obligation to pay or transmit money or property to the City;

(5) Is a beneficiary of an inadvertent submission of a false claim to the City, subsequently discovers the falsity of the claim, and fails to disclose the false claim to the City within a reasonable time after discovery of the false claim.

(b) This Section does not apply to any controversy involving an amount of less than \$500 in value. For purposes of this Section, "controversy" means any one or more false claims submitted by the same Contractor, subcontractor, or consultant in violation of this Section.

(c) Every Contractor for Commodities or Services performed at the expense of the City or the cost of which is paid for out of monies deposited in the treasury of City, whether directly awarded or indirectly by or under subcontract, subpartnership, day labor, station work, piece work, or any other arrangement whatsoever, is subject to the requirements of Subdivision (a).

(d) Liability under this Section shall be joint and several for any act committed by two or more persons.

(e) For purposes of this Section, the terms "Contractor" and "subcontractor" shall have the same definitions as found in Section 14B of the San Francisco Administrative Code. The term "consultant" shall be broadly defined to include any person or entity that provides services to the City.

(f) For purposes of this Section, "claim" includes any request or demand for money, property, or services made to any employee, officer, or agent of the City, or to any Contractor, subcontractor, grantee, or other recipient, whether under contract or not, if any portion of the money, property, or services requested or demanded issued from, or was provided by the City.

(g) For purposes of this Section, "knowingly" means that a Contractor, subcontractor, or consultant, with respect to information, does any of the following:

(1) Has actual knowledge of the information;

(2) Acts in deliberate ignorance of the truth or falsity of the information;

(3) Acts in reckless disregard of the truth or falsity of the information.

Proof of specific intent is not required and reliance on the claim by the City is also not required.

(Added by Ord. 156-99, File No. 990743, App. 6/2/99; Ord. 23-10, File No. 091233, App. 2/11/2010; Ord. 9-11, File No. 101007, App. 1/7/2011)

SEC. 21.36. CONTRACT DISPUTE RESOLUTION.

With respect to any dispute which arises under or by virtue of a contract between the City and a contractor, including disputes based on breach of contract, mistake, misrepresentation, or other cause for contract modification or revision, the Contractor may submit to the Contracting Officer a written request for administrative review and documentation of the contractor's claims. Upon such request, the Contracting Officer shall promptly issue an administrative decision in writing, stating the reasons for the action taken and informing the Contractor of its right to judicial review. A copy of the Contracting Officer's decision shall be mailed or otherwise promptly delivered to the Contractor. The Contracting Officer's decision shall be final unless appealed to a court of competent jurisdiction by the Contractor. If the Contracting Officer does not issue a written decision within 120 days after written request for a final decision, or within such longer period as may be agreed upon by the parties, then the contractor may proceed as if an adverse decision had been received.

(Added by Ord. 156-99, File No. 990743, App. 6/2/99)

SEC. 21.37. DISQUALIFICATION OF IRRESPONSIBLE CONTRACTORS.

When charges are brought for violation of Sections 21.35 or 21.38 of this Chapter, the Contractor or subcontractor shall be given notice of the charges and of all evidence supporting such charges. The Contractor or subcontractor or its attorney shall be entitled to offer rebuttal evidence and any

other evidence in support of its position. The Purchaser and the Controller shall conduct a hearing, where the charges and all evidence shall be presented. In the alternative, the Purchaser and the Controller may appoint a hearing officer to conduct such a hearing and make written findings of fact to be submitted to them to render the final decision. Violation of Sections 21.35 or 21.38 by a Contractor may serve as the basis for finding that Contractor or subcontractor irresponsible and subject to the penalties listed in those sections. Following any decision finding a Contractor or subcontractor irresponsible, the Purchaser and the Controller shall retain authority to modify the decision.

(Added by Ord. 156-99, File No. 990743, App. 6/2/99)

SEC. 21.38. EFFECT OF DISQUALIFICATION OF IRRESPONSIBLE CONTRACTORS.

Any Contractor who fails to comply with the terms of its contract with the City may be declared an irresponsible Contractor through the procedures listed in Section 21.37. Upon such determination, the Contractor shall not be permitted to act as a Contractor or subcontractor on any City contract for a period of up to five years as determined by the Purchaser and the Controller. The contract of any such person may, at the option of the Purchaser and the Controller, be canceled and in the event of such cancellation, no recovery shall be had thereon by the contractor.

(Added by Ord. 156-99, File No. 990743, App. 6/2/99)

SEC. 21.39. COLLUSION IN CONTRACTING.

If any party or parties to whom a contract has been awarded participates in collusion with any representative of the City or any other party or parties in the submission of any Offer or for the purpose of preventing an offer from being made, or in knowingly receiving preferential treatment by any officer or employee of the City, then any contract so awarded, if not completed, may be declared null and void by the Board of Supervisors on the recommendation of the Contracting Officer, and the Contracting Officer shall thereupon reissue a Solicitation for the uncompleted portion of such contract. If the work under such contract shall have been completed, the matter shall be referred to the City Attorney for such action as may be necessary. Any party or parties determined to have participated in such collusion shall be deemed an irresponsible Contractor.

(Added by Ord. 156-99, File No. 990743, App. 6/2/99)

SEC. 21.40. CONSTRUCTION AGAINST IMPLICIT REPEALER.

No part of this Chapter shall be deemed to be impliedly repealed by subsequent legislation if such construction of the subsequent legislation can be reasonably avoided.

(Added by Ord. 156-99, File No. 990743, App. 6/2/99)

SEC. 21.41. SEVERABILITY.

If any provisions of this Chapter or any application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of this Chapter which can be given effect without the invalid provision or application, and to this end the provisions of this Chapter are declared to be severable.

(Added by Ord. 156-99, File No. 990743, App. 6/2/99)

SEC. 21.42. PROFESSIONAL SERVICES CONTRACTS FOR HEALTH AND BEHAVIORAL HEALTH SERVICES AND SUPPORT.

(a) The Board of Supervisors hereby authorizes the San Francisco Health Commission to designate as sole source, professional services contracts for health and behavioral health services and support, where such services are provided by non-profit organizations and a sole source designation is recommended by the San Francisco Department of Public Health.

(b) Prior to the expiration of an existing contract, the Director of the Department of Public Health will survey the availability of providers for the health and behavioral health services and support services required by the Department of Public Health where such services are (1) unique to the Department of Public Health, (2) consistent with its mission and goals, and (3) require

specialized knowledge, training, personnel, facilities or other resources that are known to be provided by a limited number of non-profit contractors. Based upon the results of such surveys, the Director of the Department of Public Health may recommend a sole source designation to the San Francisco Health Commission for those services.

(c) Nothing herein limits the ability of the Department of Public Health to engage in a competitive process for services provided by non-profit providers.

(d) The Board of Supervisors authorizes the Department of Public Health to contract for behavioral health services to children in the foster care system under the jurisdiction of the City and County of San Francisco and located outside of San Francisco utilizing contracting language and forms mandated by the State of California under California Welfare and Institutions Code section 5777.7.

(Added by Ord. 309-06, File No. 061569, App. 12/18/2006; Ord. 243-10, File No. 100922, App. 10/6/2010)

SEC. 21.43. [REDESIGNATED.]

(Added as Sec. 15.104 by Ord. 29-97, App. 2/7/97; amended by Ord. 337-99, File No. 992043, App. 12/30/99; redesignated and amended by Ord. 176-14, File No. 140596, App. 8/7/2014, Eff. 9/6/2014; redesignated as Sec. 21A.2 and amended by Ord. 142-15, File No. 150567, App. 8/6/2015, Eff. 9/5/2015)

SEC. 21.44. [REDESIGNATED.]

(Added by Ord. 245-14, File No. 141097, App. 12/4/2014, Eff. 1/3/2015; redesignated as Sec. 21A.3 and amended by Ord. 151-16, File No. 160634, App. 8/1/2016, Eff. 8/31/2016)

Degrafinried, Alaric (ADM)

From: Degrafinried, Alaric (ADM)
Sent: Monday, December 2, 2019 4:51 PM
To: Timothy Mathews; xiumin.li@seiu1021.org; david.canham@seiu1021.org
Cc: Isen, Carol (HRD); Moayed, Taraneh (ADM); Kurella, Sailaja (ADM); Eng, Sandra (CSC); DHR-PSCCoordinator, DHR (HRD); pscreview@seiu1021.org; L21PSC Review
Subject: RE: Meeting to Discuss CSC Rules and How the City Procures Proprietary Software Maintenance, Cloud-Based Software & Proprietary Equipment Maintenance Services

Hi Timothy,

I hope this message finds you well. In response to your request for a Meet & Confer Meeting I wanted to let you know that I don't have the authority to schedule such a meeting nor am I the right person you should be speaking to regarding such a request (for concerns regarding a Meet & Confer I'd recommend speaking with my colleague, Carol Isen, who I've cc'd here). In my role as the Director of the Office of Contract Administration (OCA) I am simply extending an offer to meet with you to discuss application of the Civil Service Commission (CSC) policies and procedures as they relate to City contracts. In particular, I'm extending an invitation to discuss the CSC review process for contracts involving a relatively narrow subset of services involving proprietary and/or highly specialized subject matter.

That all said, my schedule is currently open to meeting during any of the time slots referenced below. Please let me know if you'd be interested in meeting during any of these time slots.

- 12/10/2019 – Morning
- 12/16/2019 – Afternoon
- 12/20/2019 – Afternoon
- 12/23/2019 – Afternoon

If none of these times work for you please suggest a few alternative time slots and I'll do my best to accommodate your schedule. Thanks in advance for your time and I'm looking forward to speaking with you soon.

Regards,
Alaric

Alaric Degrafinried
Office of Contract Administration
(415) 554-6714

From: Timothy Mathews <tmathews@ifpte21.org>
Sent: Tuesday, November 26, 2019 5:08 PM
To: Degrafinried, Alaric (ADM) <alaric.degrafinried@sfgov.org>; xiumin.li@seiu1021.org; david.canham@seiu1021.org
Cc: Isen, Carol (HRD) <carol.isen@sfgov.org>; Moayed, Taraneh (ADM) <taraneh.moayed@sfgov.org>; Kurella, Sailaja (ADM) <sailaja.kurella@sfgov.org>; Eng, Sandra (CSC) <sandra.eng@sfgov.org>; DHR-PSCCoordinator, DHR (HRD) <dhr-psccordinator@sfgov.org>; pscreview@seiu1021.org; L21PSC Review <L21PSCReview@ifpte21.org>
Subject: RE: Meeting to Discuss CSC Rules and How the City Procures Proprietary Software Maintenance, Cloud-Based Software & Proprietary Equipment Maintenance Services

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

All,

We just concluded contract negotiations. The Union very much desired to discuss the issue of Subcontracting and Personal Services Contracts process/language. Unfortunately, our attempt to engage in a productive negotiation was simply met with a "NO," by the City's (subcontracted via Sloan Sakai) Lead Negotiator.

The process between the Union and the City around the issuance and submission of Personal Services Contracts is subject to our MOU.

For clarification, are you offering a **meet and confer**, subject to the obligations and requirements enshrined in the MMBA?

Please advise.

Thank you.

-Timothy

Timothy Mathews
Research Specialist

IFPTE Local 21
1167 Mission Street, 2nd Floor
San Francisco, CA 94103

Office: [415-914-7345](tel:415-914-7345)

From: Degrafinried, Alaric (ADM) <alaric.degrafinried@sfgov.org>
Sent: Monday, November 25, 2019 3:43 PM
To: Timothy Mathews <tmathews@ifpte21.org>; xiumin.li@seiu1021.org; david.canham@seiu1021.org
Cc: Isen, Carol (HRD) <carol.isen@sfgov.org>; Moayed, Taraneh (ADM) <taraneh.moayed@sfgov.org>; Kurella, Sailaja (ADM) <sailaja.kurella@sfgov.org>; Eng, Sandra (CSC) <sandra.eng@sfgov.org>; DHR <dhr-psccordinator@sfgov.org>; pscreview@seiu1021.org; L21PSC Review <L21PSCReview@ifpte21.org>
Subject: RE: Meeting to Discuss CSC Rules and How the City Procures Proprietary Software Maintenance, Cloud-Based Software & Proprietary Equipment Maintenance Services

Timothy, Xiumin and David –

Hello, I hope this message finds you all well. I'd like to follow-up on the email referenced below. To date, I have not heard back from you regarding my request to meet and discuss a series of proposed changes to Civil Service Commission (CSC) rules regarding the limited/highly specialized contracts referenced below (see highlighted section). That said, assuming you don't have any objections, I would like to work with CSC and schedule a time to appear before them to present a series of procedural changes that would streamline the contracting process when dealing with these contracts without comprising the need for transparency and public review/discussion regarding these items.

In light of the fact that that holiday season is upon us I'm assuming that the earliest we'll be able to have this item calendared will be sometime in January 2020 and as soon as a date has been set I'll make sure to let you know. In the meantime, please don't hesitate letting me know if you would like to meet and discuss my proposal and/or if you have any other questions.

Thanks in advance for your consideration and I'm looking forward to working with you all on this matter.

Regards,
Alaric

Alaric Degrafinried
Office of Contract Administration
(415) 554-6714

From: Degrafinried, Alaric (ADM)
Sent: Friday, October 25, 2019 1:25 PM
To: tmathews@ifpte21.org; xiumin.li@seiu1021.org; david.canham@seiu1021.org
Cc: Brown, Michael (CSC) <michael.brown@sfgov.org>; Isen, Carol (HRD) <Carol.Isen@sfgov.org>; Moayed, Taraneh (ADM) <Taraneh.Moayed@sfgov.org>; Kurella, Sailaja (ADM) <sailaja.kurella@sfgov.org>
Subject: Meeting to Discuss CSC Rules and How the City Procures Proprietary Software Maintenance, Cloud-Based Software & Proprietary Equipment Maintenance Services

Timothy, Xiumin and David –

Hello, my name is Alaric Degrafinried and I'm the City Purchaser/Director of the Office of Contract Administration (OCA). In this capacity, I am tasked with the responsibility of setting up numerous contracts across the City to ensure the goods and services that are needed are provided in a timely and efficient manner. As you well know, while establishing these contracts I must also be mindful of the various Civil Service classifications and not improperly approve contracts that could/should be performed by City employees without securing all the necessary approvals. This is not always an easy task. However, I sincerely believe we generally do a fairly good job balancing these demands.

That being said, I would like to meet with each of you (Local 21 and SEIU 1021) to discuss a few City contracting scenarios and how we might be able to collectively streamline the contracting process associated with those agreements. For example, I'd like to discuss scenarios/contracts involving the following situations:

- Proprietary equipment requiring one-time maintenance or repair of equipment;
- Installation or set-up of equipment by a manufacturer's technician in order to receive/preserve the manufacturer's warranty;
- On-going (intermittent, as-needed) maintenance of equipment that is critically needed for the operations of a department and not something that could practically be performed by City-staff; and
- Periodic check-up/updates of systems and equipment by non-City technicians that is performed remotely.

I know you all are extremely busy but I'm hoping we can meet sometime over the next several weeks. That said, would you mind providing me a few dates/times when you are available and I'll do my best to juggle my calendar around to accommodate your schedules.

Thanks in advance for your time/consideration and I look forward to meeting with you soon.

Regards,
Alaric

Alaric Degrafinried
Office of Contract Administration
1 Dr. Carlton B. Goodlett Place
City Hall, Room 430
San Francisco, CA 94102
(415) 554-6714
www.sfgov.org

Degrafinried, Alaric (ADM)

From: Degrafinried, Alaric (ADM)
Sent: Monday, December 2, 2019 4:51 PM
To: Timothy Mathews; xiumin.li@seiu1021.org; david.canham@seiu1021.org
Cc: Isen, Carol (HRD); Moayed, Taraneh (ADM); Kurella, Sailaja (ADM); Eng, Sandra (CSC); DHR-PSCCoordinator, DHR (HRD); pscreview@seiu1021.org; L21PSC Review
Subject: RE: Meeting to Discuss CSC Rules and How the City Procures Proprietary Software Maintenance, Cloud-Based Software & Proprietary Equipment Maintenance Services

Hi Timothy,

I hope this message finds you well. In response to your request for a Meet & Confer Meeting I wanted to let you know that I don't have the authority to schedule such a meeting nor am I the right person you should be speaking to regarding such a request (for concerns regarding a Meet & Confer I'd recommend speaking with my colleague, Carol Isen, who I've cc'd here). In my role as the Director of the Office of Contract Administration (OCA) I am simply extending an offer to meet with you to discuss application of the Civil Service Commission (CSC) policies and procedures as they relate to City contracts. In particular, I'm extending an invitation to discuss the CSC review process for contracts involving a relatively narrow subset of services involving proprietary and/or highly specialized subject matter.

That all said, my schedule is currently open to meeting during any of the time slots referenced below. Please let me know if you'd be interested in meeting during any of these time slots.

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- 12/23/2019 – Afternoon

If none of these times work for you please suggest a few alternative time slots and I'll do my best to accommodate your schedule. Thanks in advance for your time and I'm looking forward to speaking with you soon.

Regards,
Alaric

Alaric Degrafinried
Office of Contract Administration
(415) 554-6714

From: Timothy Mathews <tmathews@ifpte21.org>
Sent: Tuesday, November 26, 2019 5:08 PM
To: Degrafinried, Alaric (ADM) <alaric.degrafinried@sfgov.org>; xiumin.li@seiu1021.org; david.canham@seiu1021.org
Cc: Isen, Carol (HRD) <carol.isen@sfgov.org>; Moayed, Taraneh (ADM) <taraneh.moayed@sfgov.org>; Kurella, Sailaja (ADM) <sailaja.kurella@sfgov.org>; Eng, Sandra (CSC) <sandra.eng@sfgov.org>; DHR-PSCCoordinator, DHR (HRD) <dhr-psccordinator@sfgov.org>; pscreview@seiu1021.org; L21PSC Review <L21PSCReview@ifpte21.org>
Subject: RE: Meeting to Discuss CSC Rules and How the City Procures Proprietary Software Maintenance, Cloud-Based Software & Proprietary Equipment Maintenance Services

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Please advise.

Thank you.

-Timothy

Timothy Mathews
Research Specialist

IFPTE Local 21
1167 Mission Street, 2nd Floor
San Francisco, CA 94103

Office: [415-914-7345](tel:415-914-7345)

From: Degrafinried, Alaric (ADM) <alaric.degrafinried@sfgov.org>

Sent: Monday, November 25, 2019 3:43 PM

To: Timothy Mathews <tmathews@ifpte21.org>; xiumin.li@seiu1021.org; david.canham@seiu1021.org

Cc: Isen, Carol (HRD) <carol.isen@sfgov.org>; Moayed, Taraneh (ADM) <taraneh.moayed@sfgov.org>; Kurella, Sailaja (ADM) <sailaja.kurella@sfgov.org>; Eng, Sandra (CSC) <sandra.eng@sfgov.org>; DHR <dhr-psccordinator@sfgov.org>; pscreview@seiu1021.org; L21PSC Review <L21PSCReview@ifpte21.org>

Subject: RE: Meeting to Discuss CSC Rules and How the City Procures Proprietary Software Maintenance, Cloud-Based Software & Proprietary Equipment Maintenance Services

Timothy, Xiumin and David –

Hello, I hope this message finds you all well. I'd like to follow-up on the email referenced below. To date, I have not heard back from you regarding my request to meet and discuss a series of proposed changes to Civil Service Commission (CSC) rules regarding the limited/highly specialized contracts referenced below (see highlighted section). That said, assuming you don't have any objections, I would like to work with CSC and schedule a time to appear before them to present a series of procedural changes that would streamline the contracting process when dealing with these contracts without comprising the need for transparency and public review/discussion regarding these items.

In light of the fact that that holiday season is upon us I'm assuming that the earliest we'll be able to have this item calendared will be sometime in January 2020 and as soon as a date has been set I'll make sure to let you know. In the meantime, please don't hesitate letting me know if you would like to meet and discuss my proposal and/or if you have any other questions.

Thanks in advance for your consideration and I'm looking forward to working with you all on this matter.

Regards,
Alaric

Alaric Degrafinried
Office of Contract Administration
(415) 554-6714

From: Degrafinried, Alaric (ADM)
Sent: Friday, October 25, 2019 1:25 PM
To: tmathews@ifpte21.org; xiumin.li@seiu1021.org; david.canham@seiu1021.org
Cc: Brown, Michael (CSC) <michael.brown@sfgov.org>; Isen, Carol (HRD) <Carol.Isen@sfgov.org>; Moayed, Taraneh (ADM) <Taraneh.Moayed@sfgov.org>; Kurella, Sailaja (ADM) <sailaja.kurella@sfgov.org>
Subject: Meeting to Discuss CSC Rules and How the City Procures Proprietary Software Maintenance, Cloud-Based Software & Proprietary Equipment Maintenance Services

Timothy, Xiumin and David –

Hello, my name is Alaric Degrafinried and I'm the City Purchaser/Director of the Office of Contract Administration (OCA). In this capacity, I am tasked with the responsibility of setting up numerous contracts across the City to ensure the goods and services that are needed are provided in a timely and efficient manner. As you well know, while establishing these contracts I must also be mindful of the various Civil Service classifications and not improperly approve contracts that could/should be performed by City employees without securing all the necessary approvals. This is not always an easy task. However, I sincerely believe we generally do a fairly good job balancing these demands.

That being said, I would like to meet with each of you (Local 21 and SEIU 1021) to discuss a few City contracting scenarios and how we might be able to collectively streamline the contracting process associated with those agreements. For example, I'd like to discuss scenarios/contracts involving the following situations:

- Proprietary equipment requiring one-time maintenance or repair of equipment;
- Installation or set-up of equipment by a manufacturer's technician in order to receive/preserve the manufacturer's warranty;
- On-going (intermittent, as-needed) maintenance of equipment that is critically needed for the operations of a department and not something that could practically be performed by City-staff; and
- Periodic check-up/updates of systems and equipment by non-City technicians that is performed remotely;

I know you all are extremely busy but I'm hoping we can meet sometime over the next several weeks. That said, would you mind providing me a few dates/times when you are available and I'll do my best to juggle my calendar around to accommodate your schedules.

Thanks in advance for your time/consideration and I look forward to meeting with you soon.

Regards,
Alaric

Alaric Degrafinried
Office of Contract Administration
1 Dr. Carlton B. Goodlett Place
City Hall, Room 430
San Francisco, CA 94102
(415) 554-6714
www.sfgov.org