

Council Policy Prioritization: Early Consideration Response Form

Department	Public Works	Rules Date	11/17/2021	Item	G2
Department Rep. Name/Ext.	Matt Cano, 582-3884	Council Member Sponsorship	Esparza		
Policy/Ordinance Subject			Cohen		

Staff Recommendation														
<input type="checkbox"/> GREEN Adopt based on tradeoffs outlined on next page				<input checked="" type="checkbox"/> YELLOW Send to Priority Setting Process				<input type="checkbox"/> RED Recommend Council not adopt nominated idea				<input type="checkbox"/> NEEDS CLARIFICATION OR MORE TIME TO EVALUATE		
Staff Evaluation														
Is this aligned with City Roadmap?				Is this already underway in a Department work plan?				Is this time critical or an emergency?				Will this require substantial resources, staffing, budget, or strategic support?		
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Criterion to Determine Scale of Project Complexity														
Project complexity is determined by scoring the project in each of the 3 criteria below and then summing the score.														
a. Low Complexity is a sum of 6 or less. b. Medium Complexity is a sum of 7 – 9. Total Score = 10 c. High Complexity is a sum of 10 or greater.														
Scoring Criterion			Low Complexity				Medium Complexity				High Complexity			
	Estimated Duration		6 – 9 months <input checked="" type="checkbox"/> = 1				9 - 18 months <input type="checkbox"/> = 2				More than 18 months <input type="checkbox"/> = 3			
	Organizational Complexity (Internal)		Can Easily be Absorbed into Existing Work Plan <input type="checkbox"/> = 1				Planned Work (Future) <input type="checkbox"/> = 2				Work Not Currently Proposed <input checked="" type="checkbox"/> = 3			
			Have staff with required skillset/knowledge <input type="checkbox"/> = 1				Have staff with required skillset/ requires moderate research <input checked="" type="checkbox"/> = 2				Do not have staff with required skillset/requires significant research <input type="checkbox"/> = 3			
			Less than or equal 2 staff required <input checked="" type="checkbox"/> = 1				3 - 4 staff required <input type="checkbox"/> = 2				More than 5 staff required <input type="checkbox"/> = 3			
(External)		1 Additional Department <input type="checkbox"/> = 1				2 Other Departments Involved <input type="checkbox"/> = 2				3 or more Departments Involved <input checked="" type="checkbox"/> = 3				
DEPT. Required	<input checked="" type="checkbox"/> Airport	<input type="checkbox"/> Auditor	<input type="checkbox"/> CMO	<input type="checkbox"/> CMO – Communication	<input type="checkbox"/> OED/CA	<input checked="" type="checkbox"/> ESD	<input type="checkbox"/> Fire	<input type="checkbox"/> HR	<input type="checkbox"/> IT	<input checked="" type="checkbox"/> PRNS	<input type="checkbox"/> Police	<input type="checkbox"/> Retirement		
	<input checked="" type="checkbox"/> Attorney	<input type="checkbox"/> Clerk	<input type="checkbox"/> CMO – Budget	<input type="checkbox"/> CMO –	<input type="checkbox"/> Community Energy	<input checked="" type="checkbox"/> Finance	<input checked="" type="checkbox"/> Housing	<input type="checkbox"/> IPA	<input type="checkbox"/> Library	<input type="checkbox"/> PBCE	<input checked="" type="checkbox"/> PW	<input checked="" type="checkbox"/> DOT		

Analysis
<p>Explain the rationale for staff recommendation, including any mitigating factors that need to be considered (recent legislative action, significant work plan changes, etc.). Please address the following as well.</p>
<p>GREEN LIGHT: The Administration can implement this Nominated Idea under its current work plan. Item should be sent to Council to add to Department work plan. (1) How will the Idea be approached? (2) If adopted, what is its impact and/or tradeoff to the City Roadmap or to a Department work plan, including strategic support? (3) What is the minimum viable scope to move the Idea forward and reduce its complexity?</p>
<p>YELLOW LIGHT: The Administration recommends Council send this Nominated Idea to the Priority Setting Process due to (describe cost implications, workload impacts, or other factors).</p>
<p>*see next page</p>
<p>RED LIGHT: The Administration recommends Council not adopt this Nominated Idea due to (describe reason implementation would be difficult if not impossible – conflict with other laws, etc.).</p>

Analysis (Continued)

On March 28, 2019 the City of San Jose, the Santa Clara & San Benito Building Trades Council and 20 affiliated local Unions entered into a Project Labor Agreement (PLA) which is applicable to certain Public Works projects. The agreed upon term was for 5 years (until March 2024). After 5 years, the agreement has the ability to continue for an additional 5 years pending City Council approval. To date, 15 projects with a value of approximately \$297 million have entered the construction phase under the PLA.

The memorandum to the 11/17/2021 Rules & Open Government Committee requests modifying the PLA to change four terms: (1) Changing the dollar threshold; (2) Removing the CPI adjustment; (3) Removing the project exceptions; (4) Specifying only Joint apprenticeship programs.

The 4 above items (dollar threshold, project exceptions and apprenticeship programs) were all items of significant policy discussions and negotiations when the PLA was finalized in 2018 and 2019. If the PLA is "re-opened" for negotiations, it may be important to revisit other critical components/conversations as well such as local hire, targeted workers and enforcement.

Staff recommends that this issue be discussed as part of future amendments to the City Roadmap.

If the agreement is ultimately modified with these recommended changes, an ongoing staffing level increase of 2.0 FTEs (Program Manager and Analyst) may be recommended as PLAs would be part of nearly every City Public Works project. No staffing was added in 2019 when the PLA was first initiated. These new staff would focus on internal training, tracking, monitoring and adjusting. These staff would also coordinate closely with the Building Trades Council and Working Partnerships to ensure that the projects, processes and procedures are running smoothly.