

DOCUMENT 00 90 00

LOCAL HIRING AND LOCAL BUSINESS UTILIZATION PROGRAM

1. Summary

The District is committed to ensuring equal opportunity and equitable treatment in awarding and managing its public contracts. The District recognizes that widespread unemployment and economic problems among District residents have created obstacles in the District's pursuit of its educational mission. Accordingly, the District has committed to establish a Local Capacity Building Program (LCBP) to encourage and facilitate full and equal opportunities for local and small business owners and West Contra Costa County residents.

2. Definitions

Local Business \ Local Business Enterprise: Company business or enterprise located within the priority areas as defined below.

Subcontract: For the purpose of this program, the term "subcontract" denotes an agreement between the prime contractor and an individual, firm or corporation for the performance of a particular portion(s) of the work, for which the prime contractor has obligated itself.

Subcontractor: An individual, firm, or corporation having a direct contract with the contractor for the performance of a part of the work which is proposed to be constructed or done under the contract or permit, including the furnishing of all labor, materials, or equipment.

Vendor and/or Supplier: A firm that owns operates and maintains a store, warehouse, or other establishment in which the materials or supplies required for the performance of the contract are brought, kept in stock, and regularly sold to the public in the usual course of business. The firm must engage in, as its principal business, and its own name, the purchase and sale of the products in question. A vendor and/or supplier of bulk items such as steel, cement, stone and petroleum products need not keep such products in stock, if it owns or operates distribution equipment.

Manufacturer: A firm that operates or maintains a factory or establishment that produces on the premises the materials or supplies obtained by the contractor.

Broker: A firm that charges for providing a bona fide service, such as professional, technical, consultant or managerial services and assistance in the procurement of essential personnel facilities, equipment, insurance or bonds, materials or supplies required for performance of the contract. The fee or commission is to be reasonable and not excessive as compared with fees customarily allowed for similar services.

Local Business Participation Recognition: This applies to recognition as a local business.

- a. Work performed by a prime contractor will be considered for credit in computing any desired levels of local participation established by the District for this project. The prime contractor will be required to make a good faith effort to obtain certified local business through subcontracting or purchase order to reach anticipated participation levels.

- b. A listed local business must perform a commercially useful function, i.e., must be responsible for the execution of a distinct element of the work and must carry out its responsibility by actually performing, managing and supervising the work.
- c. Recognition for materials and/or supplies is limited to 60 percent of the amount to be paid to the vendor for such materials\supplies in computing the levels of local business participation, unless the vendor manufactures or substantially alters the materials\supplies.
- d. Local business credit for brokers required for performance of the contract is limited to the reasonable fee or commission charges, as not considered excessive, as compared with fees customarily allowed for similar services.

3. Geographic Location Requirements

The residents and businesses must be located at a fixed established address located in priority areas listed below and not a temporary or moveable office, a post office box, or a telephone answering service. If residents and or business are not available, capable or willing to do the work, then the goal will default to priority area two and failing that to priority area three. The contractor is required to submit the good faith documentation if the goal is not obtained for each of the priority areas (One, Two or Three).

The local qualifying areas are defined as:

Priority Area One – West Contra Costa County: Crockett, El Cerrito, El Sobrante, Hercules, Hilltop Mall, Kensington, Montalvin, North Richmond, Pinole, Point Richmond, Richmond, Rodeo, San Pablo and Tara Hills.

Priority Area Two – Contra Costa County (including West Contra Costa County): Alamo, Antioch, Bay Point, Bethel Island, Blackhawk, Brentwood, Byron, Canyon, Clayton, Clyde, Concord, Danville, Diablo, Discovery Bay, Knightsen, Lafayette, Martinez, Moraga, Oakley, Orinda, Pacheco, Pittsburg, Pleasant Hill, Port Chicago, Port Costa, San Ramon, Walnut Creek & West Pittsburg.

Priority Area Three – Contra Costa, Northern Alameda and Southern Solano County: Alameda, Albany, American Canyon, Benicia, Berkeley, Castro Valley, Elmira, Emeryville, Fairfield, Hayward, Nut Tree, Oakland, Piedmont, San Leandro, San Lorenzo, Suisun, Travis Air Force Base, Vacaville and Vallejo.

4. Local Hiring Program

The District has established an annual overall Local Capacity Building Program (LCBP) goal for local hiring of at least.

- (1) Twenty-four percent (24%) participation by local West Contra Costa County residents.
- (2) Twenty percent (20%) participation by apprentices from state approved apprenticeship programs in all hours worked, on a craft-by craft basis.
- (3) The overall goal will be for all of the apprenticeship hours to be worked by residents of West Contra Costa County.

Contractors will be required to reach these goals or demonstrate a “Good Faith” effort to do so if the goals are not met by the end of the project.

5. Good Faith Efforts Submittals

The prime contractor must take, and require their subcontractors to take, the following good faith steps to demonstrate that they have made every effort to reach the local hiring goals of the District.

- a. The contractor shall attend scheduled pre-job meetings held by the District pertaining to work they will perform. The contractor must submit written workforce projections and projected man-hours on a craft by craft basis.
- b. Within one week of the Notice to Proceed, the prime contractor shall meet with the District to present its plan for reaching the LCBP hiring goals, using the required compliance plan.
- c. The contractor shall submit copies of hiring hall dispatch requests to the District within 30-days of such request. The contractor shall maintain documentation of union hiring hall responses and make such documentation available to the District within 30-days of request.
- d. The contractor shall contact the District, if a union hiring hall cannot, upon request of the contractor, dispatch local residents as defined herein.
- e. The contractor shall use the "Name Call," "Rehire" or other available hiring hall procedures to reach goals and shall provide documentation of such requests to the District within 30-days of request.
- f. The contractor shall use Youth Build and/or other Community Based Organizations as a resource for local labor resources, if a union cannot provide local residents as requested, and in conformity with the collectively bargained union hiring hall agreement.
- g. The contractor shall request dispatch of apprentices from the local joint apprenticeship training committee in which he/she participates by submitting a Division of Apprenticeship Standards (DAS) Form 140 to those local joint program-training apprentices in the area that the contractor will perform the work. Copies of the DAS Form 140 shall be provided to the District within 10-days of written request by the District.
- h. The contractor shall sponsor local residents as defined herein for apprenticeship, when possible.
- i. The contractor shall maintain a file for each local worker who was referred but not hired along with an explanation why the worker was not hired.
- j. The contractor shall document participation in local employment training programs.

Contractors may also achieve compliance with these local hiring goals and timelines through the employment, on a craft by craft basis, utilizing priority area 1 local resident journeyman, existing apprentices and newly indentured apprentices for work done on non-District projects during the time period they are working a District project.

Evidence of employment of local residents shall be submitted to District.

6. Local Business Program

The District may establish sliding-scale goals, for individual local businesses, which will be based on the known estimated capacity and availability, on a craft-by-craft basis.

Unless otherwise noted, the goal for all District projects is that local businesses will receive a minimum of 30% of the total dollar volume of work.

It is the policy of the District to provide all certified local businesses an equal opportunity to participate in the performance of all District contracts. Bidders must assist the District in implementing this policy by taking all reasonable steps to ensure that all qualified business enterprises, including local businesses, have an equal opportunity to compete for and participate in District contracts.

A bidder's good faith efforts to reach out to local businesses will be determined from written documentation. Failure to meet expected participation levels will not by itself be the basis for disqualification or determination of noncompliance with this policy. **However, failures to provide supporting documentation of a good faith effort, as indicated herein, and achieve a minimum of 75 out of 100 Good Faith Effort evaluation points may render the bid non-responsive and may result in its rejection.** Adequacy of a bidder's good faith effort will be determined by the District after consideration of the indicators of good faith as set forth below.

Indicator	Points
1	10
2	10
3	9
4	15
5	15
6	10
7	10
8	21
Total:	100

Each indicator is evaluated on a pass/fail basis, i.e. either full or zero points can be achieved for compliance with each item.

1	SUFFICIENT OPPURTUNITIES FOR VENDORS AND SUPPLIERS	10 Points
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The bidder has identified and selected specific materials or services to be provided by vendors and suppliers in order to provide an opportunity for participation by local businesses. Upon making this determination, the bidder subdivided the total material and service contract work requirements into smaller portions or quantities to permit maximum active participation by local businesses.

Required Documentation: Proof of this must be demonstrated in either Indicator 3 or 4.

2	SUFFICIENT WORK IDENTIFIED FOR SUBCONTRACTORS	10 Points
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The bidder has identified and selected specific work items in the project to be performed by sub-bidders/subcontractors in order to provide an opportunity for participation by local businesses. Upon making this determination, the bidder subdivided the total contract work requirements into smaller portions or quantities to permit maximum active participation by local businesses.

Required Documentation: Proof of this must be demonstrated in either Indicator 3 or 4.

3	ADVERTISEMENT	9 Points
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Not less than ten (10) calendar days prior to the submittal of bids, the bidder advertised for sub-bids from interested local business enterprises in one or more daily or weekly newspapers, trade association publications, minority or trade oriented publications, trade journals, or other media specified by the District.

Required documentation: A copy of the advertisement and a proof of publication statement or other verification, which confirms the date the advertisement was published.

Note: The advertisement must be specific to the project. It should include the project name, name of bidder, areas of work available for subcontracting, and a contact person's name and telephone number, information on the availability of plans and specifications and the bidder's policy concerning assistance to subcontractors in obtaining bonds, lines of credit and/or insurance. Consideration will be given to the wording of the advertisement to ensure that it did not exclude or seriously limit the number of potential respondents.

4	WRITTEN NOTICES TO SUBCONTRACTORS, TRUCKERS, VENDORS AND SUPPLIERS	15 Points
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The bidder has provided written notice of its interest in receiving sub-bids on the contract to those local business enterprises having an interest in participation in the selected work items. All notices of interest shall be provided not less than ten (10) calendar days prior to the date the bids are required to be submitted.

Required Documentation: A copy of each letter sent to available local businesses for each item of work to be performed. If there is only one master notification, then a copy of the letter along with a listing of all recipients will suffice. Faxed copies must include the fax transmittal confirmation slip showing the date and time of transmission. Mailed letters must include copies of the metered envelopes or certified mail receipts. Letters must contain areas of work to be subcontracted, project name, name of the bidder, and contract person's name, address, and telephone number.

* This written notice can be used to satisfy Indicators, 1, 2 and 6.

(Bidders should contact the District to obtain a current listing of Local Businesses or refer to the District Website <https://www.wccusd.net/Page/9049>).

5	FOLLOW-UP ON INITIAL SOLICITATION	15 Points
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The bidder has documented efforts to follow-up initial solicitations made in Indicator #4 by contacting the local businesses to determine with certainty whether said enterprises were interested in performing specific portions of the project work, to answer any questions from them, to record any telephone quotes, and to confirm/record the

local businesses interest in bidding on the project, not less than three (3) calendar days prior to the date the bids are required to be submitted.

Required Documentation: A copy of telephone logs or emails. These logs must include the name of the company, telephone number, contact person, the name of the person calling, time, date, and the result of the conversation. Bidder must follow-up with all subcontractors to whom they sent letters.

6	PLANS, SPECIFICATIONS AND REQUIREMENTS	10 Points
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The bidder has provided interested sub-bid enterprises with information about the plans, specifications and requirements for the selected sub-bid/subcontracting work. The District or its agent will also make this information available for review at the District facilities office in Richmond (1400 Marina Way S, Richmond, CA \ 510-307-4545 \ facilities_procurement@wccusd.net).

Required Documentation: Include in Indicator 3 or 4, information detailing how, where and when the bidder will make the required information available to interested subcontractors.

7	CONTACTED RECRUITMENT/PLACEMENT ORGANIZATIONS	10 Points
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The bidder has requested assistance from business organizations or District for the recruitment and placement of local businesses not less than ten (10) calendar days prior to the submission of bids. Any other organizations promoting local businesses contacted must also be listed in the required documentation.

Required Documentation: A copy of a letter sent to organizations or District requesting assistance in recruiting local businesses. Faxed copies must include the fax transmittal confirmation slip showing the date and time of transmission. Mailed letters must include copies of the metered envelopes or certified mail receipts. Letters must contain areas of work to be subcontracted, project name, name of the bidder, and contact person's name, address and telephone number.

8	NEGOTIATE IN GOOD FAITH	21 Points
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The bidder has negotiated in good faith with interested local businesses and did not unjustifiably reject bids or proposals as unsatisfactory, as determined by the District.

Required Documentation: a) Copies of all bids or quotes received; and b) Summary sheet organized by work area, listing the bids received, the name of the company that submitted the bid, the dollar amount of the bid and the subcontractor selected for that work area. If the bidder elects to perform a listed work area with its own forces, they must include a bid that shows their own costs for the work.

Required Documentation: Include in Indicator 3 or 4, information about the bidder's efforts to assist with bonds, lines of credit and insurance.

7. Local Business Utilization

Good Faith Efforts Submittal: The apparent low bidder shall **submit completed good faith effort documentation no later than three (3) working days following the close of business the day bids are**

received. The District in its review of the good faith effort documentation may request additional information to validate and/or clarify that the good faith effort submission was adequate. Such information shall be submitted promptly provided upon request by the District.

8. Consequence for Non-Compliance:

Local Hiring Program: The District staff shall consider allegations of non-conformance with the goals. If the District determines that a contractor has not complied with the goals or demonstrated good faith efforts to do so, it may

- a. Impose a fine of up to \$500.00 per day, or 1% of the contract, whichever is less, for each violation until the contractor has demonstrated good faith efforts to reach the goals;
- b. Require the contractor to increase the hiring of first priority residents in order to achieve the goals of the program

Contractors may appeal any determination of non-conformance by the District within 10-days notice to the contractor of the finding of non-compliance. The District shall render a decision within 30-days of the filing of an appeal.

Local Business Utilization: The District reserves the right to reject any and all bids. The award of a contract will be to the lowest responsive, responsible bidder whose proposal complies with all requirements prescribed herein. This includes compliance with the required Local Business Utilization reporting and achieving a minimum score of 75 points in the Good Faith Effort evaluation system noted above.

END OF DOCUMENT