



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
Public Works



Date: July 23, 2013
Board Meeting Date: September 10, 2013
Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors

From: James C. Porter, Director of Public Works

Subject: Labor Compliance Program for Proposition 84 Funded Projects

RECOMMENDATION:

A) Adopt a Resolution authorizing:

- 1) Adoption of a Labor Compliance Program for Proposition 84 Funded Projects;
and

B) The Director of Public Works to:

- 1) File an application with the Department of Industrial Relations requesting approval of the adopted Labor Compliance Program; and
- 2) Implement the adopted Labor Compliance Program following approval by the Department of Industrial Relations.

BACKGROUND:

On May 24, 2011, your Board adopted Resolution No. 071429, which authorized execution of Grant Agreement No. 10-402-550 (Grant Agreement) with the State Water Resources Control Board (SWRCB) in the amount of \$2.3 million for the James V. Fitzgerald Area of Special Biological Significance (ASBS) Pollution Reduction Program (Fitzgerald Program). The funding source for the SWRCB grant is Proposition 84, the California Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006.

The provisions of Proposition 84 require the agency receiving Proposition 84 funding to have in place or establish a Labor Compliance Program (LCP) to monitor compliance with the prevailing wage and apprenticeship requirements of the California Labor Code.

California Labor Code Section 1770, et seq., requires contractors on public works projects to pay their workers based on the prevailing wage rates, which are established and issued by the Department of Industrial Relations (DIR), Division of Labor Statistics and Research. California Labor Code Sections 1776 and 1777.5 require contractors to keep accurate payroll records for employees on all public works projects, submit copies of certified payroll records upon request, and employ registered apprentices on public works projects.

DISCUSSION:

The Fitzgerald Program project is now entering into a phase where significant construction work will be completed by contractors. The Grant Agreement for the project requires that the County have a LCP in place or contract with a third party that has been approved by the Director of the DIR to implement an LCP prior to commencement of construction.

The Department has retained Contractor Compliance Monitoring, Inc. (CCMI) to provide professional consulting services to the County for prevailing wage and labor compliance review specifically for the Fitzgerald Program. CCMI's services include the preparation of a LCP and review of construction projects for compliance with the LCP. CCMI is recognized as an expert in the field of prevailing wage compliance and was approved by DIR in February 2003 as a Third Party LCP Administrator.

CCMI has prepared a draft LCP for the County, which is attached as Exhibit A to the Resolution. An application requesting approval of the County's proposed LCP will be submitted to the DIR following your Board's approval of the Resolution.

County Counsel has reviewed and approved the Resolution as to form.

Approval of this Resolution will contribute to the Shared Vision 2025 outcome of an Environmentally Conscious Community by taking the necessary measures to comply with the requirements of the Grant Agreement to facilitate the completion of the Proposition 84 funded Fitzgerald Program. The Fitzgerald Program promotes environmental stewardship and protects beneficial uses and biological resources of the Fitzgerald ASBS through community education and outreach and collaborative pollutant management and monitoring.

FISCAL IMPACT:

The estimated cost for preparation of an application to the DIR, preparation of the LCP, and LCP monitoring of construction projects to comply with the requirements of the Grant Agreement is \$6,100 and is proposed to be financed by the Road Fund.

There is no impact to the General Fund.