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*Memorandum*

TO: Bay Area Headquarters Authority (BAHA)

DATE: January 18, 2012

FR: Executive Director

RE: BAHA Resolution No. 4, Project Labor Agreement

Staff recommends that the Authority adopt BAHA Resolution No. 4 which authorizes the Executive Director, or his designee, to enter into a Project Labor Agreement (“PLA”) for the 390 Main Street renovation and rehabilitation project (“Project”). The PLA is designed to provide a uniform labor policy for all construction workers in the project through standardization of work conditions and wages. The goal of the PLA is to minimize uncertainty about the cost of labor during the project, and avoid work stoppages due to labor disputes. PLAs cover both union and non-union workers and treat every worker equally.

Examples of recent programs that have used PLAs include the following:

- San Francisco Public Utilities Commission - Water System Improvement Program
- Transbay Joint Powers Authority (TJPA) - Transbay Transit Center Program
- Port of Oakland – All Capital Improvement Programs
- City of Brentwood - Civic Center Project

Preliminary discussions with the trades councils about executing a PLA for this project are underway. Additionally, the RFQ/RFP for the Construction Manager at Risk will include the requirement that all contractors sign a letter of assent agreeing to be bound by the PLA. Attachment A includes conditions to be incorporated into the PLA.

Recommendation:

Staff recommends that this Authority approve BAHA Resolution No. 4, which authorizes the Executive Director, or his designee, to negotiate and enter into a PLA with the trades councils, trade unions and contractors for the Project, consistent with the conditions outlined in the resolution.



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Steve Heminger

Attachment A  
**390 Main PLA Conditions**

- **Prevailing Wage**

All workers shall be paid in accordance with the classification and wage scales contained in the appropriate local agreements and in compliance with applicable prevailing wages made by the Director of Industrial Relations pursuant to the California Labor Code.

- **Work Rules**

All parties must agree to provisions permitting the establishment of rules, regulations and procedures that ensure a reliable supply of skilled employees, prohibit discrimination of all types, encourage balanced opportunities among all groups, promote a safe work place with standards and harmonious work site to maximize the efficiency and coordination and timely completion of the project.

- **Dispute Resolution**

All parties shall abide by dispute resolution procedures to ensure prompt, effective enforcement and abide by a no-strike provision which will prohibit any disruptions, work stoppage or lockout that might arise from such disputes.

- **Drug Testing**

All workers must be tested for controlled substances before they start work at the jobsite.

- **Union Recognition and Representation**

All workers are required to pay union initiation fees and monthly dues/representation fees while they are working on the project. Workers are also required to pay into the established labor-management vacation, pension/deferred compensation plan, apprenticeship and health benefit funds for each hour worked. The PLA will not bar non-union workers from working on the project, nor would it prevent non-union employees from joining the local union. The PLA shall ensure fair and equitable accommodations for both union and non-union workers.

- **Letter of Assent**

All contractors on the project must sign letters of assent to the PLA. The letters bind the contractors to the terms of the PLA for this project only and do not bind any contractor to a union agreement.

- **Apprentices**

The contractors will employ apprentices in their respective crafts to perform such work as is within their capabilities and which are customarily performed by the crafts, provided they are supervised properly.

The contractors will assist women, economically disadvantaged individuals and youth to pursue careers in the trades, with a commitment to recruit applicants for apprenticeship programs from appropriate community-based programs.

The contractors will comply with the City and County of San Francisco's CITYBUILD Referral Program which promotes employment opportunities for economically disadvantaged individuals of all ethnic backgrounds and genders in the construction work force.

- **Helmets to Hardhats**

The contractors and unions agree to utilize the services of the Center for Military Recruitment, Assessment and Veteran's Employment and the Center "Helmets to Hardhats" program to serve as a resource for recruiting veterans interested in employment opportunities.

- **Environmental Impact**

All work shall be conducted in a manner that minimizes adverse environmental impacts to the surrounding community.

- **Monitoring**

The contractors agree to be monitored for compliance with appropriate labor laws and regulations.

Date: January 25, 2012  
W.I. 1542

ABSTRACT

BAHA Resolution No. 4

This resolution approves the execution of a Project Labor Agreement for the 390 Main Street Renovation and Rehabilitation Project.

Discussion of this action is contained in the Executive Director's Memorandum to BAHA dated January 18, 2012.

Date: January 25, 2012  
W.I.: 1542

Re: Project Labor Agreement for 390 Main Street Renovation and Seismic Retrofit Project

BAY AREA HEADQUARTERS AUTHORITY  
RESOLUTION No. 4

WHEREAS, the Metropolitan Transportation Commission (“MTC”) and the Bay Area Toll Authority (“BATA”) have executed a joint exercise of powers agreement dated September 28, 2011 which creates and establishes the Bay Area Headquarters Authority (“BAHA”) for the purpose of acquiring and developing an office facility at 390 Main Street in San Francisco, California; and

WHEREAS, the 390 Main Street office facility requires renovation and seismic retrofit work (the “390 Main Street Project”); and

WHEREAS, it is in the collective interests of the general public, BAHA, the trades councils, unions and contractors that the 390 Main Street Project be completed safely, efficiently, within budget and without disruption due to labor disputes and other interference with work; and

WHEREAS, the BAHA desires to establish with the unions uniform standards for wages, hours and working conditions for all workers employed on the 390 Main Street Project and to foster a satisfactory, continuous and harmonious relations among the trade councils, trade unions and contractors; and

WHEREAS, BAHA desires to encourage and ensure opportunities for economically disadvantaged individuals who reside within the region to pursue careers in trade; now, therefore, be it

RESOLVED, that BAHA authorizes the Executive Director, or his designee, to negotiate and enter into a Project Labor Agreement with the trades councils, unions and contractors working on the 390 Main Street Project, consistent with the conditions set forth in Attachment A.

BAY AREA HEADQUARTERS AUTHORITY

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Adrienne J. Tissier, Chair

The above resolution was entered into by the  
Bay Area Headquarters Authority at a special meeting  
of the Authority held in Oakland, California,  
on January 25, 2012.

### **390 Main Project Labor Agreement Conditions**

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