

From: Nicole Goehring [<mailto:Nicole@abcnorcal.org>]

Sent: Tuesday, April 14, 2015 4:50 PM

To: Miriam Lens

Subject: FW: Agenda Item 1 - Request for Delay

From: Nicole Goehring

Sent: Tuesday, April 14, 2015 4:21 PM

To: 'Barbara.Halliday@hayward-ca.gov'; 'Greg.Jones@hayward-ca.gov'; 'Francisco.Zermeño@hayward-ca.gov'; 'Marvin.Peixoto@hayward-ca.gov'; 'Al.Mendall@hayward-ca.gov'; 'sara.Lamnin@hayward-ca.gov';

'Elisa.Marquez@hayward-ca.gov'

Subject: Agenda Item 1 - Request for Delay

Mayor Halliday and Hayward City Council:

Associated Builders and Contractors (ABC NorCal) Northern California Chapter is a construction trade association of nearly 500 members who perform commercial, industrial and public works construction. Many of our contractor members are located in Alameda County and have performed work for the City of Hayward. ABC NorCal also operates apprenticeship programs approved by the State in several trades.

Attached is our formal request to delay action on moving forward with a Community Benefits Agreement (CWA) for the \$60M Library and Community Learning Center Project to allow additional stakeholders to participate in the process. Please let me know if you have any questions.

Thank you for your consideration of this request.

May is Summer Intake Month!

[Click here](#) to learn more.



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Founded on the merit shop philosophy, ABC helps members develop people, win work and deliver that work safely, ethically, profitably and for the betterment of the communities in which ABC and its members work.





April 14, 2015

Mayor Barbara Halliday
City of Hayward
777 B Street
Hayward, CA 94541

Re: Oppose: LEGISLATIVE BUSINESS 1. Consideration of a Community Workforce Agreement with the Building and Construction Trades Council of Alameda County for the New Library and Community Learning Center Project

Dear Mayor Halliday:

Associated Builders and Contractors (ABC NorCal) Northern California Chapter is a construction trade association of nearly 500 members who perform commercial, industrial and public works construction. Many of our contractor members are located in Alameda County and have performed work for the City of Hayward. ABC NorCal also operates apprenticeship programs approved by the State in several trades.

Before the Council makes any decisions to move forward with a Community Workforce Agreement (CWA) for the \$60M Library and Community Learning Center Project, we kindly request the council delay action until the following questions can be addressed: Why is there a rush for an agreement that will change the way contracting has historically been done at the city? Why are you allowing the council to make a decision on a complex topic without surveying contractors who work for the city for their input and without holding a proper special study forum to give proponent and opponent presenters equal time to properly educate councilmembers? Why are you modeling your agreement after the City of Berkeley where there was a significant use of staff resources used that resulted in no significant impact on the number of Berkeley residents hired on the projects and the inability to achieve desired outcomes?

The following concerns for workers, the city and taxpayers have to be taken into consideration before a vote can take place.

Concerns for the workers

- " Union dues requirement for non-union workers on or after 8th day (less money on pay-check)
- " Companies are forced to lay off productive non-union workers
- " Requires payment into union pension programs in which workers may never vest
- " Requires payment into union health & welfare program with potential 60 day lapse in coverage
- " Non-union apprentices cannot learn their trade and work on these jobs in their own communities

Concerns for the city

- " Negotiations can take up to two years – delaying project start times
- " Negotiations cost additional money to the awarding body (legal fees)
- " Professional services to administer PLAs cost additional money to the awarding body
 - " Riverside CCD \$1,800,000

Concerns for the taxpayers

- “ Exclusion of bidders
- “ Increased costs (Three projects in CA bid with and without a PLA)
 - “ Burckhalter Elementary School in Oakland USD—eight bidders to three bidders, **low bid increased 24%**
 - “ City of Pasadena’s Glendale Power Plant— **low bid increased 15%**
 - “ Contra Costa County 2010 Discovery Bay Asphalt Rubber Cape Seal Project – two bidders, **low bid difference was 21% on a \$1.9 million dollar project**

False Promises of Local Hire

Contra Costa County New West County Health Center

- “ 81% of TOTAL hours worked OUTSIDE of West Contra Costa County
- “ 72% of TOTAL hours worked OUTSIDE of the county
- “ 75% of Contractors were located OUTSIDE of the county

We thank you for your consideration of our request to delay the discussion and look forward to working with you on the following solutions that will remove barriers and provide a more inviting environment for small businesses in the City of Hayward – including minority and women-owned businesses – to bid on the project.

Solutions for the City of Hayward

- “ Adopt **FAIR** and **OPEN** language
- “ **ALL** sides should be represented in any negotiations
- “ Allow for **ALL** state approved apprentices to work on the project
- “ Allow contractors to hire their entire **CORE** workforce
- “ Allow contractors to pay health and pension benefits into their employees’ **OWN** plans to care for them and their families
- “ Add an alternate bid approach where the PLA provides the lowest bid, or an enhanced value or community benefit with a dollar value less than or equal to 2% of the lowest bid to be determined on the project.
- “ Establish metrics for proper PLA compliance, accountability and transparency.
- “ Set a **HIGH** Local Hire goal that benefits the workers in the community

Please include this correspondence in your April 14, 2015 meeting minutes.

Sincerely,



Nicole Goehring
Government Affairs Director

CC: Kelly McAdoo, Assistant City
Manager
Mayor Pro Tempore Greg Jones
Council Member Francisco Zermeño
Council Member Marvin Peixoto
Council Member Al Mendall
Council Member Sara Lamnin
Council member Elisa Márquez