



Office of the City Manager

CONSENT CALENDAR  
May 24, 2016

To: Honorable Mayor and Members of the City Council  
From: *DWR* Dee Williams-Ridley, City Manager  
Submitted by: Scott Ferris, Director, Department of Parks, Recreation, and Waterfront  
Subject: Community Workforce Agreement Exemption - James Kenney Seismic Retrofit Project

RECOMMENDATION

Adopt a Resolution exempting the James Kenney Seismic Retrofit Project, from the City’s Community Workforce Agreement requirements in order to use a federal FEMA grant award of \$727,499.

FISCAL IMPACTS OF RECOMMENDATION

Construction funding is available in allocations from the Measure F Parks Tax Fund; Capital Improvement Fund; and a grant from the Federal Emergency Management Agency (FEMA).

Budget Codes:

Parks Tax Fund: 450-5850-450.65-70 14CB04 .....	\$1,485,240
Capital Improvement Fund: 610-5850-450.65-70 14CB04 .....	\$600,000
FEMA Grant: 618-5850-450.65-70 14CB04 .....	\$727,499
<b>Total Construction Budget</b>	<b>\$2,812,739</b>

CURRENT SITUATION AND ITS EFFECTS

On January 2, 2015, the City received notification of a federal FEMA grant for the James Kenney Seismic Retrofit Project in the amount of \$727,499 (FY09 Legislative Pre-Disaster Mitigation Grant #2010-0001, Project #PJ01, FIPS #001-06000, Supplement #2 16-11052-C). This grant is a key funding component of the project, and without this funding, the City would not be able to implement the project.

Pursuant to Council Resolution No. 67,111-N.S., the City’s Community Workforce Agreement (CWA) would apply to all City construction projects estimated to exceed \$500,000. However, federal regulations prohibit the “local hire” requirements contained in the City’s current CWA, and The Alameda County Building and Construction Trades Council has been advised of this. As a result, Council is being asked to exempt the James Kenney Seismic Retrofit Project from the City’s Community Workforce Agreement requirements in order to use a federal FEMA grant award of \$727,499. Project.<sup>1</sup>

<sup>1</sup> Current CWA local workforce-hiring goal is 30% of total craft hours worked, on a craft by craft basis.” Section 200.319 “Competition” of the Electronic Code of Federal Regulations states “The non-Federal entity

### BACKGROUND

The purpose of the Community Workforce Agreement (CWA) with the Alameda County Building and Construction Trades Council is to support the efforts of the City to increase employment opportunities for workers who reside in Berkeley, to help increase training and employment opportunities for the City's students in the construction trades through apprenticeship and pre-apprentice programs as the students graduate from the City's schools, to promote efficiency of construction operations performed for and within the City of Berkeley and to provide for peaceful settlement of labor disputes and grievances without strikes or lockouts, thus promoting the public interest in assuring the timely and economical completion of the projects. The CWA was originally approved on January 18, 2011 for a term of three years, then extended to January 18, 2015. Council Resolution No. 67,111 which was adopted June 23, 2015, authorized the City Manager to further extend the term of the current CWA for three years from the new effective date of June 30, 2015. The current CWA shall expire June 30, 2018.

The James Kenney Community Center currently houses day care and after-school children's programs, as well as public events during evenings and on weekends. The building is also a City-designated Care and Shelter facility in the event of a disaster or emergency. The James Kenney Seismic Retrofit Project is part of the City's Local Hazard Mitigation Plan to rehabilitate care and shelter facilities located throughout the City.

The James Kenney Community Center Seismic Retrofit Project includes seismic strengthening of the Community Center, which includes exterior framing, sheathing, and siding; as well as new windows and doors; exterior lighting; and ADA accessibility upgrades.

### RATIONALE FOR RECOMMENDATION

Applying the City's Community Workforce Agreement to this Project would render it ineligible to receive \$727,499 in Federal aid, which would effectively cancel the project at this time.

### ALTERNATIVE ACTIONS CONSIDERED

No alternative action is considered. The Project has already gone through a sequence of activities necessary for project implementation, including applying for grant funding; planning; field investigations; surveys; and the completion of the design and engineering cost estimates.

### CONTACT PERSON

Paul Kaushal, Supervising Civil Engineer, 510-981-6396  
Taylor Lancelot, Assistant Civil Engineer, 510-981-6421

### Attachments:

1: Resolution

---

must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference."

RESOLUTION NO. ##,###-N.S.

COMMUNITY WORKFORCE AGREEMENT EXEMPTION FOR THE JAMES KENNEY  
SEISMIC RETROFIT PROJECT

WHEREAS, the James Kenney Seismic Retrofit Project is part of the City's Local Hazard Mitigation Plan to rehabilitate care and shelter facilities located throughout the City; and

WHEREAS, on January 2, 2015, the City received notification of a federal FEMA grant for the James Kenney Seismic Retrofit Project in the amount of \$727,499 (FY09 Legislative Pre-Disaster Mitigation Grant #2010-0001, Project #PJ01, FIPS #001-06000, Supplement #2 16-11052-C). This grant is a key funding component of the project, and without this funding, the City would not be able to implement the project; and

WHEREAS, pursuant to Council Resolution No. 67,111, the City's Community Workforce Agreement (CWA) would apply to all City construction projects estimated to exceed \$500,000; and

WHEREAS, federal regulations prohibit the "local hire" requirements contained in the City's current CWA, and The Alameda County Building and Construction Trades Council has been advised of this; and

WHEREAS, the City has neither the in-house staff nor equipment resources required to undertake the James Kenney Seismic Retrofit Project.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the James Kenney Seismic Retrofit Project is exempted from the requirements of the Community Workforce Agreement authorized by Resolution No. 67,111-N.S.