Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2021-2022 Civil Grand Jury Report, entitled “Shovel Ready: Best Practices and Collaboration to Improve San Francisco’s Capital Construction Program;” and urging the Mayor to cause the implementation of accepted findings and recommendations through her department heads and through the development of the annual budget.

WHEREAS, Under California Penal Code, Section 933 et seq., the Board of Supervisors must respond, within 90 days of receipt, to the Presiding Judge of the Superior Court on the findings and recommendations contained in Civil Grand Jury Reports; and

WHEREAS, In accordance with California Penal Code, Section 933.05(c), if a finding or recommendation of the Civil Grand Jury addresses budgetary or personnel matters of a county agency or a department headed by an elected officer, the agency or department head and the Board of Supervisors shall respond if requested by the Civil Grand Jury, but the response of the Board of Supervisors shall address only budgetary or personnel matters over which it has some decision making authority; and

WHEREAS, Under San Francisco Administrative Code, Section 2.10(a), the Board of Supervisors must conduct a public hearing by a committee to consider a final report of the findings and recommendations submitted, and notify the current foreperson and immediate past foreperson of the Civil Grand Jury when such hearing is scheduled; and

WHEREAS, In accordance with San Francisco Administrative Code, Section 2.10(b), the Controller must report to the Board of Supervisors on the implementation of
recommendations that pertain to fiscal matters that were considered at a public hearing held by a Board of Supervisors Committee; and

WHEREAS, The 2021-2022 Civil Grand Jury Report, entitled “Shovel Ready: Best Practices and Collaboration to Improve San Francisco’s Capital Construction Program” (“Report”) is on file with the Clerk of the Board of Supervisors in File No. 220505, which is hereby declared to be a part of this Resolution as if set forth fully herein; and

WHEREAS, The Civil Grand Jury has requested that the Board of Supervisors respond to Finding Nos. F1, F2, F3, F4, F5, F6, and F8, as well as Recommendation Nos. R1, R2, R3, R4, R5, R6, R7, R8, and R9, contained in the subject Report; and

WHEREAS, Finding No. F1 states: “Without a clear project manager with full responsibility and authority, the contractor performance evaluation database project lacked sufficient momentum to be completed, fully adopted and used;” and

WHEREAS, Finding No. F2 states: “The existing project team and Chapter 6 departments failed to implement the database in a timely manner, delaying the benefits it could provide in improving construction quality, meeting budgets and timelines, and improving contractor relationships;” and

WHEREAS, Finding No. F3 states: “Chapter 6 departments failed to enter performance evaluations into the database, thus negating its value;” and

WHEREAS, Finding No. F4 states: “Prior updates to Section 6.26 of the Administrative Code excluded language that the database must be used to evaluate contractors going forward;” and

WHEREAS, Finding No. F5 states: “In designing and developing the database, the project team neglected to add the technical capability to see who consults the database, making it difficult to hold departments accountable for using the database;” and
WHEREAS, Finding No. F6 states: "When evaluators omit 'Lessons Learned' entries in that data field, the evaluations lack the most critical information to help inform future contractor selections;" and

WHEREAS, Finding No. F8 states: "The database fails to provide a way for non-Chapter 6 departments to provide feedback on both contractors and Chapter 6 department performance, resulting in no accountability for either the contracting department or the contractor;" and

WHEREAS, Recommendation No. R1 states: "We recommend that by 6/15/22 the Mayor specify which department shall manage and have responsibility and authority for the contractor performance evaluation database to improve compliance, monitoring and consistent use. We further recommend that the director of the specified department appoint the project manager by 6/30/22;" and

WHEREAS, Recommendation No. R2 states: "We recommend that by 9/30/22, the database project manager specified in R1 complete implementation, training sessions and 'go live' workshops with all Chapter 6 departments;" and

WHEREAS, Recommendation No. R3 states: "We recommend that by 12/31/2022, the Mayor require that all Chapter 6 departments to begin submitting evaluations into the database;" and

WHEREAS, Recommendation No. R4 states: "We recommend that by 12/31/2022, the Mayor explicitly directs all Chapter 6 departments to consult the database when selecting contractors;" and

WHEREAS, Recommendation No. R5 states: "We recommend that by 6/30/2023 the project manager update the database technology to include the capability to hold evaluators accountable by observing who is using the database and when," and
WHEREAS, Recommendation No. R6 states: “We recommend that by 6/30/2023, the project manager update the database technology to require the ‘Lessons Learned’ data field be filled out before an evaluation can be marked ‘complete;’” and

WHEREAS, Recommendation No. R7 states: “We recommend that by 6/30/2023, the project manager include sections in the database to cover contractor compliance with the SIP program;” and

WHEREAS, Recommendation No. R8 states: “We recommend that by 6/30/2023, the project manager expand the database to include input from non-Chapter 6 departments receiving construction services from Chapter 6 departments;” and

WHEREAS, Recommendation No. R9 states: “We recommend that starting in FY 2022-2023, the City Services Auditor Department within the Controller’s Office conduct performance audits of the City construction program every two years focusing on use of best practices, collaboration, and other successes and challenges. The Controller’s report from 2014 can serve as a template;” and

WHEREAS, In accordance with California Penal Code, Section 933.05(c), the Board of Supervisors must respond, within 90 days of receipt, to the Presiding Judge of the Superior Court on Finding Nos. F1, F2, F3, F4, F5, F6, and F8, as well as Recommendation Nos. R1, R2, R3, R4, R5, R6, R7, R8, and R9 contained in the subject Report; now, therefore, be it

RESOLVED, That the Board of Supervisors reports to the Presiding Judge of the Superior Court that they agree with Finding No. F1; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports to the Presiding Judge of the Superior Court that they agree with Finding No. F2; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports to the Presiding Judge of the Superior Court that they agree with Finding No. F3; and, be it
FURTHER RESOLVED, That the Board of Supervisors reports to the Presiding Judge of the Superior Court that they agree with Finding No. F4; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports to the Presiding Judge of the Superior Court that they agree with Finding No. F5; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports to the Presiding Judge of the Superior Court that they agree with Finding No. F6; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports to the Presiding Judge of the Superior Court that they agree with Finding No. F8; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation No. R1 will not be implemented by the Board of Supervisors because the Board does not have jurisdiction, and that the Board hereby urges the Department of Public Works to assign a project manager by December 31, 2022; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation No. R2 will not be implemented by the Board of Supervisors because the Board does not have jurisdiction, and that the Board hereby urges the Department of Public Works to hold necessary outreach and training sessions with all Chapter 6 departments by December 31, 2022 and to present an implementation report to the Board by March 31, 2023; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation No. R3 will not be implemented by the Board of Supervisors because the Board does not have jurisdiction, and that the Board hereby urges all Chapter 6 departments to begin submitting evaluations into the database by December 31, 2022; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation No. R4 has not been implemented but will be implemented and that the Board of Supervisors will introduce an ordinance by December 31, 2022 amending the Administrative Code to
1 require all Chapter 6 departments to consult contractor performance evaluations when
2 selecting contractors; and, be it

   FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
3 No. R5 requires further analysis and urges the Department of Public Works to report to the
4 Board of Supervisors by March 31, 2023 on the feasibility of updating the database
5 technology to include the capability to observe who is using the database and when or to
6 present alternative methods of increasing accountability for evaluators in using the database;
7 and, be it

   FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
8 No. R6 requires further analysis and urges the Department of Public Works to report to the
9 Board of Supervisors by March 31, 2023 on the feasibility of updating the database
10 technology to require the “Lessons Learned” field to be filled out before the evaluation can be
11 marked complete or to present alternative methods of collecting this information from Chapter
12 6 departments; and, be it

   FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
15 No. R7 the recommendation will not be implemented because the maintenance of a
16 customized database by the Public Utilities Commission for Social Impact Partnership (SIP)
17 projects does not impede that or other Chapter 6 departments’ ability to also submit entries to
18 the Contractor Performance Evaluation Database for those and other applicable public works
19 projects; and, be it

   FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
21 No. R8 will not be implemented because the Contractor Performance Evaluation Database is
22 designed to collect information about construction contractors that are managed directly by
23 Chapter 6 departments, and because other forums including the Capital Planning Committee
25
are available for Chapter 6 and non-Chapter 6 departments to coordinate and improve
construction management practices; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
No. R9 has been implemented by the Controller's City Services Auditor in its FY22-23 work
plan; and, be it

FURTHER RESOLVED, That the Board of Supervisors urges the Mayor to cause the
implementation of the accepted findings and recommendations through her department heads
and through the development of the annual budget.
Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2021-2022 Civil Grand Jury Report, entitled "Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program;" and urging the Mayor to cause the implementation of accepted findings and recommendations through her department heads and through the development of the annual budget.

July 21, 2022 Government Audit and Oversight Committee - CONTINUED

September 15, 2022 Government Audit and Oversight Committee - AMENDED, AMENDMENT OF THE WHOLE BEARING SAME TITLE

September 15, 2022 Government Audit and Oversight Committee - RECOMMENDED AS AMENDED AS A COMMITTEE REPORT

September 20, 2022 Board of Supervisors - ADOPTED

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

September 27, 2022 Board of Supervisors - ADOPTED

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton
I hereby certify that the foregoing Resolution was ADOPTED on 9/27/2022 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

London N. Breed
Mayor

10/0/22
Date Approved