



Office of the City Manager

CONSENT CALENDAR
May 7, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Margot Ernst, Interim Deputy Director, Health, Housing, and Community Services

Subject: Contract: The Labor Compliance Managers for Labor Compliance Consultant for the HARD HATS Ordinance

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with The Labor Compliance Managers (TLCM) to develop a comprehensive program for enforcing the provisions of the HARD HATS Ordinance for the Department of Health, Housing, and Community Services (HHCS) from August 1, 2024 to July 31, 2027, in an amount not to exceed \$150,000.

FISCAL IMPACTS OF RECOMMENDATION

The personal services contract with TLCM in an amount not to exceed \$150,000. Resources for the contract will be provided from General Fund #011 allocated to the Department of Health, Housing, and Community Services' Housing and Community Services Division (HHCS/HCS).

CURRENT SITUATION AND ITS EFFECTS

On December 20, 2023, the City released a Request for Proposals (RFP) seeking a qualified firm with expertise in labor standards compliance to design and implement a program to enforce the provisions outlined in Berkeley Municipal Code Chapter 13.107, also known as the Helping Achieve Responsible Development with Healthcare and Apprenticeship Standards ("HARD HATS") ordinance.

The City received one response to the RFP from The Labor Compliance Managers (TLCM), a qualified firm with broad experience supporting local governments in fulfilling their federal, state, and municipal labor standards requirements. TLCM is currently working with the City of Berkeley to implement the Fair Workweek Ordinance.

City staff seeks to partner with The Labor Compliance Managers to create necessary documents, forms, and templates to implement the ordinance; to prepare educational materials and a communications plan for contactors, applicants, and construction workers; to design a streamlined process for contractors and applicants to submit

required reports and to track compliance; and to propose a data management system that allows for secure storage and access to records related to compliance, health care expenditures, and apprenticeship participation.

BACKGROUND

On May 23, 2023, the City Council adopted ordinance No. 7,861-N.S. to add Chapter 13.107, known as the Helping Achieve Responsible Development with Healthcare and Apprenticeship Training Standards (“HARD HATS”) Ordinance, to the Berkeley Municipal Code. The HARD HATS Ordinance aims to address the shortage of qualified construction workers and rising labor costs, to refine labor standards in the local construction industry, and to improve the recruitment, training, and retention of skilled construction workers. The ordinance requires that contractors on larger development projects in Berkeley to provide high quality health care to construction workers and participate in industry-proven apprenticeship programs.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects, climate impacts, or sustainability opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

The Labor Compliance Managers responded to the RFP “Labor Compliance Consultant for the HARD HATS Ordinance – Spec # 24-11631-C” and were selected as part of the competitive solicitation process. TLCM has broad experience supporting local governments in fulfilling their federal, state, and municipal labor standards requirements. TLCM is currently working with the City of Berkeley to implement the Fair Workweek Ordinance. HHCS and the Planning Department do not have sufficient staffing capacity to implement HARD HATS requirements without the support of TLCM.

ALTERNATIVE ACTIONS CONSIDERED

No alternative actions were considered. Partnering with a labor compliance consultant will allow City staff to fulfill their obligations to prepare for and enforce the HARD HATS ordinance.

CONTACT PERSON

Margot Ernst, Interim Deputy Director, HHCS, 510-981-5427

Attachments:

1: Resolution

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

CONTRACT: THE LABOR COMPLIANCE MANAGERS FOR LABOR COMPLIANCE
CONSULTANT FOR HARD HATS ORDINANCE

WHEREAS, on May 23, 2023, the City Council adopted Ordinance No. 7,861-N.S. to add Chapter 13.107, known as the Helping Achieve Responsible Development with Healthcare and Apprenticeship Training Standards (“HARD HATS”) Ordinance, to the Berkeley Municipal Code; and

WHEREAS, labor compliance consulting services are necessary to implement and enforce the HARD HATS Ordinance; and

WHEREAS, in January 2023, the City issued a Request for Proposals for “Labor Compliance Consultant for the HARD HATS Ordinance – Spec # 24-11631-C”; and

WHEREAS, The Labor Compliance Managers were selected by the RFP panel as part of the competitive bidding process.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is authorized to execute a contract and any amendments with The Labor Compliance Managers to provide labor compliance services to implement and enforce the HARD HATS Ordinance from August 1, 2024 to July 31, 2027 in an amount not to exceed \$150,000.

.

