



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

Sent Via Electronic Mail

October 27, 2022

NOTICE OF CIVIL SERVICE COMMISSION MEETING

SUBJECT: REVIEW OF PERSONAL SERVICES CONTRACT 31158-22/23 FROM THE SAN FRANCISCO FIRE DEPARTMENT – OMIT POSTING.

The above matter will be considered by the Civil Service Commission at a hybrid meeting (in-person and virtual) to be held in Room 400, City Hall, 1 Dr. Goodlett Place, San Francisco, California 94102 on **November 7, 2022 at 2:00 p.m.**

This item will appear on the Regular Agenda. Please refer to the attached Notice for procedural and other information about Commission hearings.

Attendance by you or an authorized representative is welcome. Should you or your representative not attend, the Commission will rule on the information previously submitted and testimony provided at its meeting. All calendared items will be heard and resolved at this time unless good reasons are presented for a continuance.

CIVIL SERVICE COMMISSION

/s/

SANDRA ENG
Executive Officer

Attachment

Cc: dlr-psccordinator@sfgov.org
Suzanne.Choi@sfgov.org
junko.laxamana@sfgov.org
tmathews@ifpte21.org
amakayan@ifpte21.org
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Commission File
Commissioners' Binder
Chron

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

A. Commission Office

The Civil Service Commission office is located at, 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102. The telephone number is (628) 652-1100. The fax number is (628) 652-1109. The email address is civilservice@sfgov.org and the web address is www.sfgov.org/civilservice/. Office hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday.

B. Policy Requiring Written Reports

It is the policy of the Civil Service Commission that except for appeals filed under Civil Service Commission Rule 111A Position-Based Testing, all items appearing on its agenda be supported by a written report prepared by Commission or departmental staff. All documents referred to in any Agenda Document are posted adjacent to the Agenda, or if more than one (1) page in length, a available for public inspection and copying at the Civil Service Commission office. Reports from City and County personnel supporting a agenda items are submitted in accordance with the procedures established by the Executive Officer. Reports not submitted according to procedures, in the format and quantity required, and by the deadline, will not be calendared.

C. Policy on Written Submissions by Appellants

All written material submitted by appellants to be considered by the Commission in support of an agenda item shall be submitted to the Commission office, no later than 5:00 p.m. on the fourth (4th) business day preceding the Commission meeting for which the item is calendared (ordinarily, on Tuesday). An original copy on 8 1/2-inch X 11 inch paper, three-hole punched on left margin, and page numbered in the bottom center margin, shall be provided. Written material submitted for the Commission's review becomes part of a public record and shall be open for public inspection.

D. Policy on Materials being Considered by the Commission

Copies of all staff reports and materials being considered by the Civil Service Commission are a available for public view 72 hours prior to the Civil Service Commission meeting on the Civil Service Commission's website at www.sfgov.org/CivilService, and in its office located at 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102. If any materials related to an item on this agenda have been distributed to the Civil Service Commission after distribution of the agenda packet, those materials will be a available for public inspection at the Civil Service Commission's during normal office hours (8:00 a.m. to 5:00 p.m. Monday through Friday).

E. Policy and Procedure for Hearings to be Scheduled after 5:00 p.m. and Requests for Postponement

A request to hear an item after 5:00 p.m. should be directed to the Executive Officer as soon as possible following the receipt of notification of an upcoming hearing. Requests may be made by telephone at (628) 652-1100 and confirmed in writing or by fax at (628) 652-1109.

A request for a postponement (continuance) to delay an item to another meeting may be directed to the Commission Executive Officer by telephone or in writing. Before acting, the Executive Officer may refer certain requests to another City official for recommendation. Telephone requests must be confirmed in writing prior to the meeting. Immediately following the "Announcement of Changes" portion of the agenda at the beginning of the meeting, the Commission will consider a request for a postponement that has been previously denied. Appeals filed under Civil Service Commission Rule 111A Position-Based Testing shall be considered on the date it is calendared for hearing except under extraordinary circumstances and upon mutual agreement between the appellant and the Department of Human Resources.

F. Policy and Procedure on Hearing Items Out of Order

Requests to hear items out of order are to be directed to the Commission President at the beginning of the agenda. The President will rule on each request. Such requests may be granted with mutual agreement among the affected parties.

G. Procedure for Commission Hearings

All Commission hearings on disputed matters shall conform to the following procedures: The Commission reserves the right to question each party during its presentation and, in its discretion, to modify any time allocations and requirements.

If a matter is severed from the *Consent Agenda* or the *Ratification Agenda*, presentation by the opponent will be for a maximum time limit of five (5) minutes and response by the departmental representative for a maximum time limit of five (5) minutes. Requests by the public to sever items from the [*Consent Agenda* or] *Ratification Agenda* must be provided with justification for the record.

For items on the *Regular Agenda*, presentation by the departmental representative for a maximum time of five (5) minutes and response by the opponent for a maximum time limit of five (5) minutes.

For items on the *Separations Agenda*, presentation by the department followed by the employee or employee's representative shall be for a maximum time limit of ten (10) minutes for each party unless extended by the Commission.

Each presentation shall conform to the following:

1. Opening summary of case (brief overview);
2. Discussion of evidence;
3. Corroborating witnesses, if necessary; and
4. Closing remarks.

The Commission may allocate five (5) minutes for each side to rebut evidence presented by the other side.

H. Policy on Audio Recording of Commission Meetings

As provided in the San Francisco Sunshine Ordinance, all Commission meetings are audio recorded in digital form. These audio recordings of open sessions are available starting on the day after the Commission meeting on the Civil Service Commission website at www.sfgov.org/civilservice/.

I. Speaking before the Civil Service Commission

Speaker cards are not required. The Commission will take public comment on all items appearing on the agenda at the time the item is heard. The Commission will take public comment on matters not on the Agenda, but within the jurisdiction of the Commission during the "Requests to Speak" portion of the regular meeting. Maximum time will be three (3) minutes. A subsequent comment after the three (3) minute period is limited to one (1) minute. The timer shall be in operation during public comment. Upon any specific request by a Commissioner, time may be extended.

J. Public Comment and Due Process

During general public comment, members of the public sometimes wish to address the Civil Service Commission regarding matters that may come before the Commission in its capacity as an adjudicative body. The Commission does not restrict this use of general public comment. To protect the due process rights of parties to its adjudicative proceedings, however, the Commission will not consider, in connection with any adjudicative proceeding, statements made during general public comment. If members of the public have information that they believe to be relevant to a matter that will come before the Commission in its adjudicative capacity, they may wish to address the Commission during the public comment portion of that adjudicative proceeding. The Commission will not consider public comment in connection with an adjudicative proceeding without providing the parties an opportunity to respond.

K. Policy on use of Cell Phones, Pagers and Similar Sound-Producing Electronic Devices at and During Public Meetings

The ringing and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

Information on Disability Access

The Civil Service Commission normally meets in Room 400 (Fourth Floor) City Hall, 1 Dr. Carlton B. Goodlett Place. However, meetings not held in this room are conducted in the Civic Center area. City Hall is wheelchair accessible. The closest accessible BART station is the Civic Center, located 2 ½ blocks from City Hall. Accessible MUNI lines serving City Hall are 47 Van Ness Avenue, 9 San Bruno and 71 Haight/Noriega, as well as the METRO stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call (415) 923-6142. Accessible curbside parking has been designated at points in the vicinity of City Hall adjacent to Grove Street and Van Ness Avenue.

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week. For American Sign Language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact the Commission office to make arrangements for the accommodation. Late requests will be honored, if possible.

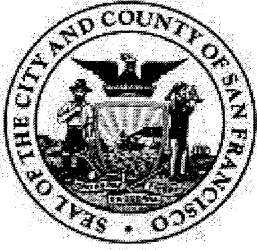
Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our ADA coordinator at (628) 652-1100 or email civilservice@sfgov.org to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals.

Know your Rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, or to obtain a free copy of the Sunshine Ordinance, contact Victor Young, Administrator of the Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102-4689 at (415) 554-7724, by fax: (415) 554-7854, by e-mail: sotf@sfgov.org, or on the City's website at www.sfgov.org/bdsupvrs/sunshine.

San Francisco Lobbyist Ordinance

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (San Francisco Campaign and Governmental Conduct Code Section 2.100) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 25 Van Ness Ave., Suite 220, San Francisco, CA 94102, telephone (415) 252-3100, fax (415) 252-3112 and web site <http://www.sfgov.org/ethics/>.



CIVIL SERVICE COMMISSION
CITY AND COUNTY OF SAN FRANCISCO
CIVIL SERVICE COMMISSION REPORT TRANSMITTAL (FORM 22)

Refer to Civil Service Commission Procedure for Staff - Submission of Written Reports for Instructions on Completing and Processing this Form

1. Civil Service Commission Register Number: -----

2. For Civil Service Commission Meeting of: November 7, 2022

3. Check One: Ratification Agenda _____

 Consent Agenda _____

 Regular Agenda XX

 Human Resources Directors Report _____

4. Subject: Review of Request for Approval of Proposed Personal Services Contract Number **Fire Department PSC # 31158 - 22/23 – Omit Posting**

1. Recommendation: Adopt the report; the request for proposed Personal Services Contracts; notify the Office of the Controller and the Office of Contract Administration.

2. Report prepared by: **Elissa Koestenbaum** Telephone number: **415-558-3200**

3. Notifications: **(Attach a list of the person(s) to be notified in the format described in IV. Commission Report Format -A).**

4. Reviewed and approved for Civil Service Commission Agenda:

Human Resources Director: _____

Date: _____

CFO Elaine Walter
10/25/22
Department Approver

5. Submit the original time-stamped copy of this form and person(s) to be notified (see Item 7 above) along with the required copies of the report to:

Executive Officer
Civil Service Commission
25 Van Ness Avenue, Suite 720
San Francisco, CA 94102

6. Receipt-stamp this form in the ACSC RECEIPT STAMP box to the right using the time-stamp in the CSC Office.

Attachment

CSC-22 (11/97)

<p><u>CSC RECEIPT STAMP</u></p>
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Notification List

PSC 31158-22/23 NOTIFICATION DISTRIBUTION LIST

Unions	FILL IN BASED ON WHO IS LISTED ON THE EMAIL NOTIFICATION FROM THE PSC SYSTEM
CSC	sandra.eng@sfgov.org ;
DHR	dh-psccordinator@sfgov.org Suzanne.Choi@sfgov.org
BOS	junko.laxamana@sfgov.org ;
IFPTE 21	tmathews@ifpte21.org amakayan@ifpte21.org ecassidy@ifpte21.com kschumacher@ifpte21.org kpage@ifpte21.org eerbach@ifpte21.org pkim@ifpte21.org l21pscreview@ifpte21.org
SFFD	mark.corso@sfgov.org elaine.walters@sfgov.org elissa.koestenbaum@sfgov.org

Justification Memo



SAN FRANCISCO FIRE DEPARTMENT
CITY AND COUNTY OF SAN FRANCISCO

To: Sandra Eng, Executive Officer, Civil Service Commission
From: Mark Corso, Deputy Director, Finance & Planning, San Francisco Fire Department
Date: October 25, 2022
Re: Omit Posting Request – PSC #31158-22/23

The Fire Department is respectfully requesting an omit posting request for PSC #31158-22/23. The Civil Service requires a contract must be issued within one year of the Civil Service approval of a PSC request at the Commission. The Fire Department has been working on a Request for Proposal (RFP) and contract process for a previously approved Professional Services Contract (PSC) and is ready to execute signatures on a contract, but the contract is currently being held by the Office of Contract Administration (OCA) due to this one-year requirement. Unfortunately, due to a variety of circumstances I will detail below, the Department was unable to complete the process within one year, and this much-needed contract is on hold.

PSC 43317-17/18 was last approved at the Civil Service Commission at the meeting of July 19, 2021. This approval was for mobile tuberculosis (TB) and hearing screening services, where our members would be tested annually for both. This is an Occupational Safety and Health Administration (OSHA) requirement and mandate, and the Department is currently not in compliance with this mandate as it has not conducted these tests due in multiple years due to the inability of the Department of Public Health (DPH) to have sufficient resources to provide these testing services. In addition, the Department is under pressure to increase its health and wellness initiatives for its members, of which the revamped TB and hearing programs would be a big part of. The PSC approval extended through December of 2024.

Since the approval of the PSC back in July of 2021, the Department has worked closely on a comprehensive and competitive solicitation process. This was delayed due to personnel shortages during the COVID pandemic, as well as allocation of other resources to comply with other directives, such as Mayoral Emergency Declarations, massive hiring initiatives to respond to staffing shortages during the pandemic, and other COVID/Emergency response efforts. In addition, the main Departmental office that would be handling this contract, the Department's Physician's Office, was overwhelmed dealing with members being off due to COVID, quarantine, and other leave during the pandemic, limiting resources available for this project.

The request for proposal process was completed earlier this year, and after some delays due to extended negotiations and review by City Attorney and Risk Management, the Department was finally able to complete the contract process and currently has that contract at the Office of Contract Administration ready for approval. However, this contract cannot be approved at this time by OCA due to the one-year limitation.

We are respectfully requesting an omit posting to a new PSC request in order to execute this incredibly important contract. These services directly impact the health and safety of first responders in the Department, and the Department is currently out of compliance with OSHA mandates. We have worked

closely with the selected supplier to plan out an implementation plan for these needed services and have set-up the infrastructure to begin rolling this out as soon as a contract is formally executed.

I have attached to this memo a copy of the PSC in question to this memo. PSC is #31158-22/23 and is attached as well along with a copy of the union notification email that was sent out and the waiver received. The scope of this new PSC is identical to what was approved previously.

Please let me know if there are any questions or if any additional information is required. I may be reached at 415-558-3417 or at mark.corso@sfgov.org. Thank you.

New Emergency PSC 31158-22/23
submitted 10/07/22

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: FIRE DEPARTMENT -- FIRDept. Code: FIRType of Request: Initial Modification of an existing PSC (PSC # _____)Type of Approval: Expedited Regular Annual Continuing
(Omit Posting)Type of Service: Mobile Hearing and Tuberculosis TestingFunding Source: General Fund Annual BudgetPSC Amount: \$1,000,000PSC Est. Start Date: 10/17/2022PSC Est. End Date
10/16/2027**1. Description of Work****A. Scope of Work/Services to be Contracted Out:**

Provide mobile hearing screening tests for all firefighters to determine if they meet NFPA (National Fire Protection Association) Standard 1582 Section 6.5.1. to be able to perform effectively as firefighters and mobile Tuberculosis (TB) screening (using Quantiferon gold TB blood test or equivalent) to ensure members have not been exposed to TB.

B. Explain why this service is necessary and the consequence of denial:

Yearly hearing tests are mandated by Occupational Safety Health Administration (OSHA) to ensure firefighters are capable of safely performing their job duties, and to reduce the risks of on the job injuries owing to hearing deficiencies. Tuberculosis (TB) tests are necessary to ensure Emergency Medical Technicians (EMT), paramedics and firefighters have not been exposed to TB in their interactions with the public. It is vital that members don't unknowingly spread the infection because of a lack of TB testing.

C. Has this service been provided in the past? If so, how? If the service was provided under a previous PSC, attach copy of the most recently approved PSC.

The service was originally performed via approved PSC 4118 08/09 by California Pacific Medical Center – Davies Campus and the contract expired on December 31, 2017. The past service did not allow for mobile or on-site screening of members so the compliance rate for testing was low. By switching to mobile testing, the department can increase compliance and the health and safety for members. Please see most recent PSC 43317 17/18 (attached) which was approved, but due to Covid-related staffing and first-responder issues, Department was not able to finish their RFP and get into a contract within a year of approval.

D. Will the contract(s) be renewed?

It is likely that the contract will be renewed if the mobile service provided is acceptable.

E. If this is a request for a new PSC in excess of five years, or if your request is to extend (modify) an existing PSC by another five years, please explain why.

Please see Historical PSC attached. Ongoing Tuberculosis (TB) and Hearing Exams for Firefighter First Responders are mandatory, per Occupational Safety and Health Administration (OSHA). We therefore expect these exams to be needed into the future.

2. **Reason(s) for the Request**

A. Indicate all that apply (be specific and attach any relevant supporting documents):

- Immediately needed services to address unanticipated or transitional situations, or services needed to address emergency situations.
- Services that require resources that the City lacks (e.g., office space, facilities or equipment with an operator).

B. Explain the qualifying circumstances:

The service was performed via approved PSC 4118 08/09 by California Pacific Medical Center – Davies Campus, but the contract expired on December 31, 2017. The past service did not allow for mobile or on-site screening of members so the compliance rate for testing was low and the department is currently out of compliance. This was intended to cover very short term service needs until a multi-year contract could be bid out via RFP. Please see most recent PSC 43317 17/18 (attached) which was approved, but due to Covid-related staffing and first-responder issues, Department was not able to finish their RFP and get into a contract within a year of approval.

3. **Description of Required Skills/Expertise**

- A. Specify required skills and/or expertise: At least 3 years' expertise in providing hearing screenings and TB testing, and ability to provide testing at Fire Department designated sites. Physician or Audiologist Board licensed in the State of California.
- B. Which, if any, civil service class(es) normally perform(s) this work? 2540, Audiologist;
- C. Will contractor provide facilities and/or equipment not currently possessed by the City? If so, explain: While the hearing tests are requested to be at pre-selected Fire Department sites defined as mobile locations, the contractor must conduct audiometric tests in a room meeting specific background levels and with calibrated audiometers that meet American National Standard Institute (ANSI) specifications of SC-1969s.

4. **If applicable, what efforts has the department made to obtain these services through available resources within the City?**

The Fire Department Physician reached out to SFGH Employee Health department to inquire about providing mobile hearing tests, and Angela Boilard, Clinic Manager, at SFGH-Zuckerberg Hospital Employee Health verified in a telephone call that they do not have the capacity to perform mobile audiometry or mobile TB testing.

5. **Why Civil Service Employees Cannot Perform the Services to be Contracted Out**

- A. Explain why civil service classes are not applicable.
City of SF Department of Public Health employees will not provide mobile audiology and TB testing services at Fire Department locations.
- B. If there is no civil service class that could perform the work, would it be practical and/or feasible to adopt a new civil service class to perform this work? Explain. City of SF Department of Public Health employees will not provide mobile audiology and Tuberculosis testing services at SFFD locations.

6. Additional Information

- A. Will the contractor directly supervise City and County employee? If so, please include an explanation.
No.
- B. Will the contractor train City and County employees and/or is there a transfer of knowledge component that will be included in the contact? If so, please explain what that will entail; if not, explain why not.
No. Training not needed
- C. Are there legal mandates requiring the use of contractual services?
No.
- D. Are there federal or state grant requirements regarding the use of contractual services? If so, please explain and include an excerpt or copy of any such applicable requirement.
No.
- E. Has a board or commission determined that contracting is the most effective way to provide this service? If so, please explain and include a copy of the board or commission action.
No.
- F. Will the proposed work be completed by a contractor that has a current PSC contract with your department? If so, please explain.
No.

7. Union Notification: On 10/07/2022, the Department notified the following employee organizations of this PSC/RFP request:
Architect & Engineers, Local 21; Prof & Tech Eng, Local 21; Professional & Tech Engrs, Local 21;
Professional & Tech Engrs, SFAPP

I CERTIFY ON BEHALF OF THE DEPARTMENT THAT THE INFORMATION CONTAINED IN AND ATTACHED TO THIS FORM IS COMPLETE AND ACCURATE:

Name: Elaine Walters Phone: (415)558-3418 Email: elaine.walters@sfgov.org

Address: 698 Second Street San Francisco, CA 94107

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 31158 - 22/23

DHR Analysis/Recommendation:

Civil Service Commission Action:

Union Notification For New
Emergency PSC 31158-22/23
submitted 10/07/22

From: dhr-psccordinator@sfgov.org on behalf of elaine.walters@sfgov.org
To: [Walters, Elaine \(FIR\)](mailto:Walters, Elaine (FIR)); [Laxamana, Junko \(DBI\)](mailto:Laxamana, Junko (DBI)); amakayan@ifpte21.org; ecassidy@ifpte21.com;
WendyWong26@yahoo.com; wendywong26@yahoo.com; tmathews@ifpte21.org; kschumacher@ifpte21.org;
kpage@ifpte21.org; eerbach@ifpte21.org; pkim@ifpte21.org; l21pscreview@ifpte21.org; [Koestenbaum, Elissa \(FIR\)](mailto:Koestenbaum, Elissa (FIR)); [DHR-PSCCoordinator, DHR \(HRD\)](mailto:DHR-PSCCoordinator, DHR (HRD))
Subject: Receipt of Notice for new PCS over \$100K PSC # 31158 - 22/23
Date: Friday, October 7, 2022 12:40:57 PM

RECEIPT for Union Notification for PSC 31158 - 22/23 more than \$100k

The FIRE DEPARTMENT -- FIR has submitted a request for a Personal Services Contract (PSC) 31158 - 22/23 for \$1,000,000 for Initial Request services for the period 10/17/2022 – 10/16/2027. Notification of 30 days (60 days for SEIU) is required.

After logging into the system please select link below, view the information and verify receipt:

<http://apps.sfgov.org/dhrdrupal/node/19275> For union notification, please see the TO: field of the email to verify receipt. If you do not see all the unions you intended to contact, the PSC Coordinator must change the state back to NOT READY, make sure the classes and unions you want to notify are selected and SAVE. Then VIEW the record and verify the list of unions and emails. EDIT the document again , change the state back START UNION NOTIFICATION and SAVE. You should receive the email with all unions to the TO: field as intended

PSC 31158-22/23
Union Waiver Approval

10/17/22, 10:15 AM Union Receipt: 31158 - 22/23

Published on *Personal Services Request Database* (<https://apps.sfgov.org/dhrdrupal>)

[Home](#) > Union Receipt: 31158 - 22/23

Union Receipt: 31158 - 22/23

Posted October 17, 2022 - 10:09 by [tmathews21](#)

30 Day waiver - PLEASE CHECK the box if you agree to waive your 30 day right: Yes, I waive my rights to the 30 day period

Union Contact (verify correct user name): [tmathews21](#)

Modified PSC Record:

Initial PSC Record: [31158 - 22/23](#)

Date Accessed: October 17, 2022
