

BOARD of SUPERVISORS



City Hall
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October 31, 2022

The Honorable Susan M. Breall
Presiding Judge
Superior Court of California, County of San Francisco
400 McAllister Street
San Francisco, CA 94102

Subject: 2021-2022 Civil Grand Jury Report, "Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program." (Board File No. 220506)

Dear Judge Breall:

The following is a response to the 2021-2022 Civil Grand Jury Report, entitled "Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program."

The Board of Supervisors' Government Audit and Oversight Committee conducted a public hearing on September 15, 2022, to discuss the findings and recommendations of the Civil Grand Jury and the departments' responses to the report.

The following City departments submitted a response to the Civil Grand Jury (copies enclosed):

Required responses:

- Board of Supervisors, dated September 27, 2022, submitted a response for Finding Nos. F1, F2, F3, F4, F5, F6, and F8 and Recommendation Nos. R1, R2, R3, R4, R5, R6, R7, R8, and R9.
- Office of the Mayor, dated June 1, 2022, submitted a response for Finding Nos. F1, F2, F3, F5, F6, F7, F8, and F9 and Recommendation Nos. R1, R2, R3, R4, R5, R6, R7, R8, and R9

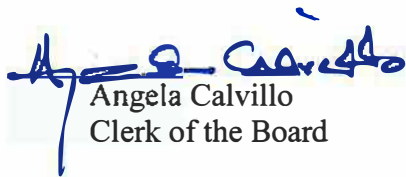
Invited responses:

- Office of the Controller, dated July 25, 2022, submitted a response for Recommendations Nos. R7 and R9.

The Report was heard in Committee and a Resolution was prepared for the Board of Supervisors' approval that formally accepted or rejected the findings and recommendations requiring the Board of Supervisors response (copy of Resolution No. 409-22 enclosed).

If you have any questions, please contact me at (415) 554-5184.

Sincerely,



Angela Calvillo
Clerk of the Board

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cc:

| | |
|--|---|
| Members, Board of Supervisors | Helen Vo, Office of the Controller |
| Tom Paulino, Office of the Mayor | Todd Rydstrom, Office of the Controller |
| Alisa Somera, Legislative Deputy | Michelle Allersma, Office of the Controller |
| Anne Pearson, Office of the City Attorney | Carol Lu, Office of the Controller |
| Carla Short, Interim Director, Public Works | Natasha Mihal, Office of the Controller |
| John Thomas, Public Works | Mark dela Rosa, Office of the Controller |
| Lena Liu, Public Works | Ted Egan, Office of the Controller |
| David Steinberg, Public Works | Brian Strong, Program Director, Office of Resilience and Capital Planning |
| Ian Schneider, Public Works | Dennis Herrera, General Manager, Public Utilities Commission |
| Harvey Rose, Budget Analyst, Budget and Legislative Analyst's Office | Masood Ordikhani, Public Utilities Commission |
| Severin Campbell, Budget and Legislative Analyst's Office | Jeremy Spitz, Public Utilities Commission |
| Nicholas Menard, Budget and Legislative Analyst's Office | John Scarpulla, Public Utilities Commission |
| Dan Goncher, Budget and Legislative Analyst's Office | Donna Hood, Public Utilities Commission |
| Amanda Guma, Budget and Legislative Analyst's Office | Michael B. Hofman, Foreperson, San Francisco Civil Grand Jury 2021-2022 |
| Ben Rosenfield, City Controller, Office of the Controller | Will McCaa, San Francisco Civil Grand Jury 2021-2022 |
| Janice Levy, Office of the Controller | |

1 [Board Response - Civil Grand Jury Report - Shovel Ready: Best Practices and Collaboration
2 to Improve San Francisco's Capital Construction Program]

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

9
10 WHEREAS, Under California Penal Code, Section 933 et seq., the Board of
11 Supervisors must respond, within 90 days of receipt, to the Presiding Judge of the Superior
12 Court on the findings and recommendations contained in Civil Grand Jury Reports; and

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

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

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

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

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

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

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

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

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

22 WHEREAS, Finding No. F5 states: "In designing and developing the database, the
23 project team neglected to add the technical capability to see who consults the database,
24 making it difficult to hold departments accountable for using the database;" and
25

1 WHEREAS, Finding No. F6 states: “When evaluators omit ‘Lessons Learned’ entries in
2 that data field, the evaluations lack the most critical information to help inform future
3 contractor selections;” and

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

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

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

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

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

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

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

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

10 WHEREAS, Recommendation No. R9 states: “We recommend that starting in FY
11 2022-2023, the City Services Auditor Department within the Controller’s Office conduct
12 performance audits of the City construction program every two years focusing on use of best
13 practices, collaboration, and other successes and challenges. The Controller’s report from
14 2014 can serve as a template;” and

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

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

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

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

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

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

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

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

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

13 FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
14 No. R2 will not be implemented by the Board of Supervisors because the Board does not
15 have jurisdiction, and that the Board hereby urges the Department of Public Works to hold
16 necessary outreach and training sessions with all Chapter 6 departments by December 31,
17 2022 and to present an implementation report to the Board by March 31, 2023; and, be it

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

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

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

9 FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
10 No. R6 requires further analysis and urges the Department of Public Works to report to the
11 Board of Supervisors by March 31, 2023 on the feasibility of updating the database
12 technology to require the “Lessons Learned” field to be filled out before the evaluation can be
13 marked complete or to present alternative methods of collecting this information from Chapter
14 6 departments; and, be it

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

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

1 are available for Chapter 6 and non-Chapter 6 departments to coordinate and improve
2 construction management practices; and, be it

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

6 FURTHER RESOLVED, That the Board of Supervisors urges the Mayor to cause the
7 implementation of the accepted findings and recommendations through her department heads
8 and through the development of the annual budget.

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City and County of San Francisco
Tails
Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 220506

Date Passed: September 27, 2022

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, AN 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

File No. 220506

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

10/6/22

Date Approved



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Certified Copy
Resolution

220506

[Board Response - Civil Grand Jury Report - Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program]

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. (Clerk of the Board)

9/20/2022 Board of Supervisors - ADOPTED

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

9/27/2022 Board of Supervisors - ADOPTED

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

10/6/2022 Mayor - APPROVED

STATE OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO

CLERK'S CERTIFICATE

I do hereby certify that the foregoing Resolution is a full, true, and correct copy of the original thereof on file in this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City and County of San Francisco.

November 01, 2022
Date

[Handwritten signature]
Angela Calvillo
Clerk of the Board



June 10, 2022

The Honorable Samuel K. Feng
Presiding Judge, Superior Court of California, County of San Francisco
400 McAllister Street, Room 008
San Francisco, CA 94102-4512

Dear Judge Feng,

In accordance with Penal Code 933 and 933.05, the following is in response to the 2021-2022 Civil Grand Jury Report, *Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program*. We would like to thank the members of the 2021-2022 Civil Grand Jury for their interest in the City's capital procedures, especially regarding the review and hiring of contractors. It is important for the City to maintain accountability and reflect on lessons learned in order to better deliver capital projects in the future.

We agree with many of the Jury's findings that the contractor performance evaluation database has been underutilized. In the coming year, the Mayor's Office will direct Chapter 6 departments to better utilize the database and to consider evaluation data in the selection of contractors, in consultation with the City Attorney. The City will also evaluate the effectiveness of the database to ensure it is producing the desired results of improving construction quality, budget, and schedule adherence.

We appreciate the opportunity to comment on the Civil Grand Jury report findings and recommendations. Moving forward, and as appropriate, the City plans to continue working with the Chapter 6 departments to improve on these procedures.

A detailed response from the Mayor's Office is attached.

Sincerely,

A handwritten signature in cursive script that reads "London Breed".

London N. Breed
Mayor

2021-22 CIVIL GRAND JURY FINDINGS, RECOMMENDATIONS, AND RESPONSES TO FINDINGS AND RECOMMENDATIONS

| Report Title [Publication Date] | F# | Finding | Respondent Assigned by CGJ [Response Due Date] | Finding Response (Agree/ Disagree) | Finding Response Text |
|--|----|---|---|---------------------------------------|--|
| Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program [April 11, 2022] | F1 | 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. | Mayor [June 10, 2022] | Disagree partially | The Project Manager did not have full authority to compel contributions to, and use of, the contractor performance evaluation database, which was a significant barrier to successful completion of the project. A larger contributing factor is the fact that contracting agencies were not able to develop a defensible means to interpret and apply the performance data within the contract procurement process--that is, how evaluations are to be scored and weighted along side other important selection criteria. Without being able to tie information contained in the database directly, departments and contractors alike did not feel the effort was worth the investment of time. |
| Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program [April 11, 2022] | F2 | 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. | Mayor [June 10, 2022] | Disagree partially | The Mayor agrees that implementation of the database was not delivered in a timely basis for a number of reasons, diversion of resources due to the pandemic amongst them. The Mayor also agrees that potential benefits from having a fully implemented database have been deferred because of this delay. Because the efficacy of a fully functional and populated database has not been tested, the Mayor believes that an evaluation of the program should be made starting one year after go-live, to ensure the resources being put to the project are producing promised results of improved construction quality, budget and schedule adherence and improved contractor relationships. |
| Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program [April 11, 2022] | F3 | Chapter 6 departments failed to enter performance evaluations into the database, thus negating its value. | Mayor [June 10, 2022] | Agree | |

2021-22 CIVIL GRAND JURY FINDINGS, RECOMMENDATIONS, AND RESPONSES TO FINDINGS AND RECOMMENDATIONS

| Report Title [Publication Date] | F# | Finding | Respondent Assigned by CGJ [Response Due Date] | Finding Response (Agree/ Disagree) | Finding Response Text |
|---|----|--|---|---------------------------------------|---|
| Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program [April 11, 2022] | F5 | 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. | Mayor [June 10, 2022] | Agree | |
| Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program [April 11, 2022] | F6 | When evaluators omit “Lessons Learned” entries in that data field, the evaluations lack the most critical information to help inform future contractor selections. | Mayor [June 10, 2022] | Disagree partially | It makes sense that Lessons Learned entries would be valuable in assisting evaluators in selecting contractors for construction jobs. However, there is a myriad of selection criteria that evaluators are required to consider, so it is not clear that it is the most critical information for contractor selection. The program evaluation discussed in F2 will help elucidate the importance of lessons learned data. |
| Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program [April 11, 2022] | F7 | The Controller's Office inadvertently complicated matters by recommending the creation of a second performance evaluation database to note how well PUC contractors comply with its Social Impact Partnership (“SIP”) program. | Mayor [June 10, 2022] | Disagree wholly | While streamlining collection of performance evaluation data is a worthy goal, the PUC data on contractor compliance with its SIP program is not relevant to five of the six Chapter 6 contracting departments. Including this data in the contractor performance evaluation database is likely introduce an element of confusion for these departments which, in turn, will make it more difficult for these agencies to adopt and utilize the database. |

2021-22 CIVIL GRAND JURY FINDINGS, RECOMMENDATIONS, AND RESPONSES TO FINDINGS AND RECOMMENDATIONS

| Report Title [Publication Date] | F# | Finding | Respondent Assigned by CGJ [Response Due Date] | Finding Response (Agree/ Disagree) | Finding Response Text |
|---|----|---|---|---------------------------------------|---|
| Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program [April 11, 2022] | F8 | 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. | Mayor [June 10, 2022] | Disagree partially | It is true that the contractor performance evaluation database did not provide an avenue for non-Chapter 6 departments to provide feedback. It is not clear that this is the best avenue for providing this feedback to the contracting department or the contractor. |
| Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program [April 11, 2022] | F9 | Construction audit reports are a helpful way to provide oversight of the City's capital construction program. | Mayor [June 10, 2022] | Agree | |

2021-22 CIVIL GRAND JURY FINDINGS, RECOMMENDATIONS, AND RESPONSES TO FINDINGS AND RECOMMENDATIONS

| Report Title [Publication Date] | R# [for F#] | Recommendation | Respondent Assigned by CGJ [Response Due Date] | Recommendation Response (Implementation) | Recommendation Response Text |
|--|----------------|--|---|--|--|
| Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program [April 11, 2022] | R1 [for F1] | 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. | Mayor [June 10, 2022] | Has not yet been implemented but will be implemented in the future | By June 15, 2022, the Mayor will designate Public Works as the department that shall manage and have responsibility and authority for the contractor performance evaluation database, and to expedite implementation of the the project. Furthermore, the Mayor will direct departments to work with the City Attorney to identify a defensible way to incorporate performance evaluation data in the Chapter 6 contractor procurement process. The appointment of a Project Manager by 6/15/22 is not realistic considering there are currently no available project managers available for this assignment, so a recruitment process will have to be undertaken. |
| Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program [April 11, 2022] | R2 [for F2] | 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. | Mayor [June 10, 2022] | Requires further analysis | Implementation of Civil Grand Jury recommendations are a high priority for the Mayor. Because the role of Project Manager is unfilled and the challenges the City is facing filling positions, the timeline recommended by the CGJ is probably unrealistic. To help speed the implementation process, the Mayor intends to ask Chapter 6 departments to find opportunities to streamline the implementation of the database by adapting existing contract evaluations for inclusion in the database. |
| Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program [April 11, 2022] | R3 [for F3] | We recommend that by 12/31/2022, the Mayor require all Chapter 6 departments to begin submitting evaluations into the database. | Mayor [June 10, 2022] | Has not yet been implemented but will be implemented in the future | By December 31, 2022, the Mayor plans to direct all Chapter 6 departments to begin submitting evaluations for inclusion in the contractor performance evaluation database. As stated in response to R3, the Mayor intends to ask Chapter 6 departments to find opportunities to streamline the implementation of the database by incorporating evaluation data that is currently collected by departments as part of their project close out process. |

2021-22 CIVIL GRAND JURY FINDINGS, RECOMMENDATIONS, AND RESPONSES TO FINDINGS AND RECOMMENDATIONS

| Report Title [Publication Date] | R# [for F#] | Recommendation | Respondent Assigned by CGJ [Response Due Date] | Recommendation Response (Implementation) | Recommendation Response Text |
|--|----------------|---|---|--|---|
| Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program [April 11, 2022] | R4 [for F4] | We recommend that by 12/31/2022, the Mayor explicitly directs all Chapter 6 departments to consult the database when selecting contractors. | Mayor [June 10, 2022] | Has not yet been implemented but will be implemented in the future | By December 31, 2022, or when the database has gone live, the Mayor plans to direct all Chapter 6 departments to consider evaluations of contractor performance evaluation database when selecting contractors. As stated in response to F1, departments will need to work with the City Attorney to identify a defensible way to incorporate performance evaluation data in the Chapter 6 contractor selection process. As stated in response to F2, the Mayor believes that an evaluation of the program should be made starting one year after go-live, to ensure the resources being put to the project are producing promised results of improved construction quality, budget and schedule adherence and improved contractor relationships. |
| Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program [April 11, 2022] | R5 [for F5] | 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. | Mayor [June 10, 2022] | Requires further analysis | The Mayor agrees that departments should be held accountable for knowing and considering information in the database when evaluating contractor proposals. Because the software platform on which the original database was built is no longer supported by the vendor, it will be up to the Project Manager to determine how best to provide the needed accountability. |
| Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program [April 11, 2022] | R6 [for F6] | 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." | Mayor [June 10, 2022] | Requires further analysis | The Mayor agrees that information in the database, including "lessons learned" is valuable to evaluators selecting contractors, as well as to those preparing construction bid documents and contracts. Rather than dictate software requirements, Chapter 6 departments participating in the project should work together with the Project Manager to identify the best way to insure this data is available to contract evaluators. |

2021-22 CIVIL GRAND JURY FINDINGS, RECOMMENDATIONS, AND RESPONSES TO FINDINGS AND RECOMMENDATIONS

| Report Title [Publication Date] | R# [for F#] | Recommendation | Respondent Assigned by CGJ [Response Due Date] | Recommendation Response (Implementation) | Recommendation Response Text |
|--|----------------|--|---|--|--|
| Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program [April 11, 2022] | R7 [for F7] | We recommend that by 6/30/2023, the project manager include sections in the database to cover contractor compliance with the SIP program. | Mayor [June 10, 2022] | Will not be implemented because it is not warranted or is not reasonable | PUC data on contractor compliance with its SIP program is not relevant to five of the six Chapter 6 contracting departments. Including this data in the contractor performance evaluation database is likely introduce an element of confusion which would make it more difficult for these agencies to adopt and utilize the database. |
| Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program [April 11, 2022] | R8 [for F8] | 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. | Mayor [June 10, 2022] | Requires further analysis | Improving capital project delivery in San Francisco is a high priority of the Mayor. In addition to the Civil Grand Jury, the issue is receiving attention from the Office of Resilience and Capital Planning, the Controller's City Services Auditor and the Transportation Authority. The Capital Planning Committee is probably the best forum to receive input from non-Chapter 6 departments. |
| Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program [April 11, 2022] | R9 [for F9] | 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. | Mayor [June 10, 2022] | Will not be implemented because it is not warranted or is not reasonable | This is a sound recommendation, but it is under the purview of the Controller's Office to prioritize their audit work plan. |



OFFICE OF THE CONTROLLER
CITY AND COUNTY OF SAN FRANCISCO

Ben Rosenfield
Controller
Todd Rydstrom
Deputy Controller

July 25, 2022

The Honorable Samuel K. Feng
Presiding Judge
Superior Court of California, County of San Francisco
400 McAllister Street, Room 008
San Francisco, CA 94102

Dear Judge Feng,

Pursuant to California Penal Code §933(c), the following is in response to the 2021-2022 Civil Grand Jury report, *Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program*. The Office of the Controller would like to thank the members of the Civil Grand Jury for their work.

Thank you for the opportunity to comment on this Civil Grand Jury report. If you have any questions, please contact me at Todd.Rydstrom@sfgov.org.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Todd Rydstrom".

Todd Rydstrom
Deputy Controller

cc: Ben Rosenfield
Mark de la Rosa

| Report Title [Publication Date] | R# [for F#] | Recommendation | Respondent Assigned by CGJ [Response Due Date] | Recommendation Response (Implementation) | Recommendation Response Text |
|--|----------------|--|--|--|--|
| Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program [April 11, 2022] | R9 [for F9] | 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. | Controller, Office of the Controller [June 10, 2022] | Implemented | In its FY22-23 work plan, the Controller's City Services Auditor included a number of performance and compliance audits and assessments to assess whether City departments comply with relevant requirements and leading practices, including capital bond expenditures, interdepartmental coordination, construction close-out procedures, and other construction risk areas. |
| Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program [April 11, 2022] | R7 [for F7] | We recommend that by 6/30/2023, the project manager include sections in the database to cover contractor compliance with the SIP program. | Controller, Office of the Controller [June 10, 2022] | Will not be implemented because it is not warranted or is not reasonable | The Controller's Office agrees with the Mayor's Office that this recommendation is not warranted because the SFPUC data on contractor compliance with its SIP program is not applicable to five of the six Chapter 6 departments so adding this section may confuse other agencies. |