

**FIRST SOURCE HIRING PROGRAM FOR DESIGN & CONSTRUCTION RELATED  
PROFESSIONAL SERVICES ON PUBLIC CONTRACTS**

**1.1 SUMMARY**

This Section incorporates the requirements of the First Source Hiring Program pursuant to San Francisco Administrative Code Chapter 83 (entitled “First Source Hiring Program”). Contractor agrees to participate and comply with the provisions of the First Source Hiring Program for all design & construction related professional services related work. As part of the Contractor’s Agreement with the City, the Contractor shall incorporate provisions of the First Source Hiring Program into any Joint Venture Partnership and shall require subcontractors to do the same.

The Mayor’s Office of Economic and Workforce Development is the Contractor’s main contact for the First Source Hiring Program.

**1.2 DEFINITIONS**

For the purposes of this Document 00 73 79 only, the following definitions shall apply:

1. Entry Level Position: Any non-managerial position that requires either: (a) no education above a high school diploma or certified equivalency; or (b) less than two years training or specific preparation; and (c) shall include temporary positions by special exception. Positions requiring additional education or experience that happen to be filled via referrals from the First Source Hiring Program may also count toward the First Source Hiring Goal.
2. Referral: An economically disadvantaged worker identified by the First Source Hiring Program that has either: (a) graduated from OEWD’s Entry Level Professional Services Training Program; or (b) has the appropriate training, employment background and skill set for any new and available Entry Level Position specified by the Contractor; or (c) an otherwise qualified candidate.

**1.3 FIRST SOURCE HIRING GOALS**

1. Over the life of the contract, the Contractor shall make good faith efforts (as described herein) to hire a minimum number of Referrals from the First Source Hiring Program to fulfill all new and available Entry Level Positions. Contractor may decline to hire a Referral if the Contractor considers the Referral in good faith and deems the Referral is not qualified. The final decision to hire a Referral shall be made by the Contractor. The number of Referrals to be hired is based on the Construction Management Fee Schedule below:

Design and Management Related Fees	Number of Full-Time Employment Years (FTE) to be targeted (over the life of the contract)
\$0 – \$499,999	0
\$500,000 – \$899,999	1

\$900,000 – \$1,999,999	2
\$2,000,000 – \$4,999,999	3
\$5,000,000 – \$7,999,999	4
\$8,000,000 – \$10,999,999	5
\$11,000,000 – \$13,999,999	6
(> = \$14M, for each additional \$3 million in non-construction related fees, add one additional FTE)	

2. The Contractor shall hire a Referral on a full-time basis for at least 12 months, or by exception, on part-time basis for 24 months.
3. Referrals must be obtained through the First Source Hiring Program and the Contractor must consider all Referrals fairly and equally and comply with the non-discrimination provisions pursuant to local, state and federal laws.
4. Contractor is required to notify CityBuild of all *Entry Level Positions* that become available in the San Francisco metropolitan area throughout the life of the contract and evaluate referrals for the relevant position.

#### 1.4 DOCUMENT REQUIREMENTS

Contractor will complete, sign and submit a First Source Hiring Agreement with the Contractor’s bid or proposal. Failure to submit a completed and signed First Source Hiring Agreement with the Contractor’s bid or proposal will result in a rejected bid or proposal.

#### 1.5 GOOD FAITH EFFORT PROCEDURES

1. *Hiring Plan*: Within thirty (30) days of award of contract, the Contractor will establish contact the First Source Hiring Program Administrator and schedule a meeting. At the meeting, the Contractor will provide CityBuild with a *Hiring Plan* for addressing the FTE goals as determined under section 1.3. The hiring plan will also contain information on new, available, and future planned Entry Level Positions, number of Referrals expected to be hired, job description, start date and rate of pay. The *Hiring Plan* can be revised in cooperation with the First Source Hiring Program in the event of changing business needs, but must comply with all other *Hiring Plan* requirements. To amend the *Hiring Plan*, the Contractor must schedule a compliance meeting with the First Source Hiring Program and present an updated workforce plan of good faith efforts towards the First Source Hiring Goals.
2. Contractors are required to notify the First Source Hiring Program of all new and available Entry Level Positions within their firm that become available throughout the course of the contract.
3. Contractor will designate a representative to monitor all employment related activity and be the main contact for the First Source Hiring Program.

4. Contractor will maintain documentation and records supporting good faith efforts toward the First Source Hiring Program.
5. Contractor will present names of all sub-contractors along with relevant contact information for each subcontractor to the First Source Hiring Program.

#### **1.6 RETENTION FOR HIRED REFERRALS**

Contractors must provide constructive feedback for all Referrals hired through the First Source Hiring Program. Contractor also agrees to provide an update on the Referral's employment status within 30, 60 and 90 days of the Referral's start date. Contractor will provide timely notification to the First Source Hiring Program on the termination of any hired Referral.

Should an employee hired under the FSHP be terminated or otherwise cease working for the Contractor prior to the designated term as outlined within the *Hiring Plan*, the contractor is required to notify the FSHP of the event within 30 days. The contractor is also responsible for either scheduling a meeting with the FSHP to present an amended *Hiring Plan* or to submit a Job Notice Request for an additional referral to replace departed employee.

#### **1.7 AS-NEEDED CONTRACTS**

Contractors awarded As-Needed contracts shall follow the provisions of the First Source Hiring Program. However, the First Source Hiring Goals will not be based on each individual Contract Service Order (CSO) but rather from the total expected number of CSOs issued to the Contractor. Since a Contractor does not know when or how many CSOs will be issued, the Contractor shall hire Referrals only if the increase in CSOs creates entry-level employment opportunities.

#### **1.8 NONCOMPLIANCE**

Failure to meet the criteria of the First Source Hiring Program does not necessarily impute bad faith but rather will trigger a review for compliance. If the City deems a Contractor is noncompliant and acted in bad faith towards the First Source Hiring Program, then the City may withhold progress payments and assess liquidated damages as defined in San Francisco Administrative Code Chapter 83.

**END OF DOCUMENT**