

DEVELOPMENT OF COUNTYWIDE COMMUNITY WORKFORCE AGREEMENT RESOLUTION AND PROJECT TEMPLATE



Santa Barbara County Board of Supervisors – December 2, 2022

What is a CWA?

- A CWA is a contractually binding negotiated agreement between a project owner and the building and construction trade unions
- CWAs are used in the construction industry to set the terms and conditions of employment on large projects of long duration and design complexity
- CWAs allow for the expeditious resolution of disputes that can arise in the course of the project
- Provide benefits to the local community by including jobs and training opportunities for disadvantaged workers
- On public projects all applicable state and federal bidding statutes and regulations must be followed

Background

April 2019

Your Board directed staff to draft an ordinance governing the use of CWA on public projects

August 2021

Your board directed staff to:

- Utilize the CWA the City of Santa Barbara has finalized through negotiation with TCBT as the County's base CWA, and
- Negotiate agreement terms within that document to maximize the number of bidders on County projects in the future, maximizing competition and local labor participation

February 2022

Your Board directed staff to negotiate a CWA with the TCBT with direction to use **Option I** of four options presented

December 2022

Your negotiating team and TCBT completed a draft balanced CWA for your consideration today





Negotiation Team Recommendations

Option 1 (SELECTED FEB 2022)

Use City of SB – TCBT baseline with four modifications to enhance for County use:

- Include All Staff Agreement Point Enhancements
 - Exclusions Clarified (In All Options)
 - Rebid Provision
 - Apply to Projects \$10M and Above
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- Option 2: Use City of SB – TCBT CWA fewer modifications
 - Partial Exclusion of MLAs
 - Rebid Provision
 - Apply to Projects \$20M and Above
 - Option 3: Use a tiered CWA depending on contract estimate
 - Option 1 for projects \$10M-\$20M
 - Option 2 for projects over \$20M
 - Option 4: Use City of SB -TCBT CWA for a pilot project over \$5 million (Validation)
 - Bid pilot project with and without CWA
 - Award least expensive bid received





Negotiated CWA

- Option 1: Use City of SB – TCBT baseline with four modifications to enhance for County use
 - Include All Staff Agreement Point Enhancements
 - Exclusions Clarified (In All Options)
 - Rebid Provision
 - Apply to Projects \$10M and Above

Critical Agreement Points	Negotiated Agreement Points
Core Workforce	Use City of SB – TCBT CWA local contractor formula for all contractors
Exemptions for offsite fabrication	Exempt
Exemption for professional services	Exempt if not in construction contract
Union apprentice programs	Exclusive use of union apprenticeship programs
Union dues for non-union contractors/employees	No union dues required
Union Benefits for non-union contractors/employees	1. Union Benefits, or 2. Non-Union Benefits, or 3. Cash Benefits in lieu
Master Labor Agreements (MLA's)	Included but CWA supersedes



Other Considerations

Exclusions:

- Clarifications to work types for repair, maintenance and replacement of existing infrastructure
- Excludes disaster response and emergency work

Rebid Option:

- If Project needs to be rebid due to bid results being in excess of the Engineer/Manager's estimate it is in the department's discretion to rebid the project without the Template Countywide Community Workforce Agreement

Expiration Date:

- Staff recommends mirroring the City of SB's expiration date of a 5 year term
- Included language within resolution that staff provide annual updates to your Board on the effectiveness of the CWA during the 5 year term

Community Workforce Coordinator:

- The administration of the CWA is the responsibility of the County

Effective Date:

- Shall be effective from the date the Agreement is fully executed by the parties but no sooner than April 1, 2023



Next Steps

- TCBT delivers CWA fully executed by 100% of their affiliates
- County creates specifications for CWA-eligible projects
- County creates Community Workforce Coordinator (1 FTE) for CWA administration
- Staff reports back annually to your Board after CWA projects complete



Recommendations

- A. Receive report on the status of negotiations for the development of a Countywide Community Workforce Agreement Resolution and Project Template; and
- B. Approve and authorize the Chair to sign the Countywide Community Workforce Agreement with Tri-Counties Building and Construction Trades Council for a term of five years for County capital projects; and
- C. Adopt a Resolution establishing a policy for the use of Countywide Community Workforce Agreement for five years for County capital projects greater than \$10 million finding that said agreement furthers a legitimate governmental interest consistent with competitive bidding law by preventing costly project delays, assuring contractors access to skilled labor, and avoiding the potential for labor strife during the life of the County capital project; and
- D. Find that the proposed activities do not constitute a “Project” within the meaning of the California Environmental Quality Act, pursuant to 14 CCR §15378 (b)(5) (Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment) and 15061 (b)(3), therefore no environmental document is required.



CWA on
Public Projects

Thank You

TCBT Team

Martin Rodriguez, Joshua Medrano, Ray Vandernat

County Team

Johannah Hartley, Chris Sneddon, Patrick Zuroske

Board Temporary Ad Hoc Committee

Supervisor Joan Hartmann, Supervisor Das Williams

Seven
Negotiation
Points

