

January 27, 2023



MINUTES OF THE RULES, POLICY AND INDUSTRIAL RELATIONS COMMITTEE /
COMMITTEE OF THE WHOLE

Assembly Bill 361, signed by the Governor of the State of California on September 16, 2021, amends the Ralph M. Brown Act to allow Board members, staff and the public to participate remotely in meetings, without complying with traditional teleconference meeting rules.

These minutes are supplemented by the video recording that is posted online at:
<https://www.youtube.com/user/goldengatedistrict>.

Honorable Board of Directors
Golden Gate Bridge, Highway
and Transportation District

Honorable Members:

A meeting of the Rules, Policy, and Industrial Relations Committee/Committee of the Whole (Committee) of the Golden Gate Bridge, Highway and Transportation District (District) was held virtually/remotely on Thursday, January 27, 2023, at 9:00 a.m., Chair Hernández presiding.

- (1) Call to Order:** 9:00 a.m. **[00:20 Minutes Mark on the Video Recording]**
- (2) Roll Call:** Secretary of the District Amorette M. Ko-Wong. **[01:06 Minutes Mark on the Video Recording]**

Committee Members Present (7): Chair Hernández; Vice Chair Garbarino; Directors Grosboll, Hill, Mastin and Pahre; President Thériault.

Committee Members Absent (1): Director Conroy.

Other Directors Absent (3): Directors Cochran, Snyder and Thier.

Committee of the Whole Members Present (10): Directors Garbarino, Grosboll, Hernández, Mastin, Pahre, Snyder and Thier; Second Vice President Hill; First Vice President Cochran; President Thériault.

Committee of the Whole Members Absent (5): Directors Conroy, Giudice, Rabbitt, Rodoni and Stefani.

[Note: On this date, there were four vacancies on the Board of Directors.]

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Staff Present: General Manager Denis Mulligan; Auditor-Controller Joseph Wire; District Engineer Ewa Bauer-Furbush; Secretary of the District Amorette Ko-Wong; Attorneys Madeline Chun and Kimon Manolius; Deputy General Manager/Bridge Division David Rivera; Deputy General Manager/Bus Transit Division Mona Babauta; Deputy General Manager/Administration and Development Kellee Hopper; Director of Procurement Brian Garrity; DBE Program Administrator Artemisé Davenport; Executive Administrator to the General Manager Justine Bock; Senior Board Analyst Elizabeth Eells.

Copies of all reports are available on the District's web site at <https://www.goldengate.org/district/board-of-directors/meeting-documents/> or upon request from the Office of the District Secretary.

(3) Approve Changes to the Procurement Manual to Incorporate Consideration of Social Equity in District Procurements [03:27 Minutes Mark on the Video Recording]

Director of Procurement Brian Garrity presented the staff report.

Mr. Mulligan expressed appreciation for the guidance of the Advisory Committee on Equity and Diversity Issues (Advisory Committee), Mr. Garrity, and Ms. Davenport for their contributions to the effort.

Ms. Davenport expressed appreciation for those who worked on the initiative including Mr. Garrity, his team, and the Advisory Committee.

[08:04 and 9:09 Minutes Mark on the Video Recording]

Chair Hernández thanked Mr. Garrity for his report and work on the Advisory Committee.

Director Pahre expressed appreciation for Director Hernández's leadership role on the Advisory Committee. She inquired about the possibility of delving deeper into the potential contractors' and consultants' business practices and verifying those practices. She also asked if the District would provide the definition of social equity. In addition, she inquired about additional information the District could request from contractors that could indicate that these organization could fulfill the social equity requirements.

Director Grosboll expressed appreciation for the staff recommendation. He commented about the purchasing requirements for construction contracts. He inquired about the possibility of asking bidders questions about their social equity practices, and he asked if other local municipalities are utilizing social equity criteria and have an assessment of whether or not the social equity approach is effective.

Director Thier expressed appreciation for the team including Chair Hernández, the Advisory Committee, and staff who played a role in creating the staff recommendation. She stated that she thought other agencies would implement social equity considerations into their purchasing practices in the future.

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Director Hernandez expressed appreciation for the team including Attorney Julie Sherman, Mr. Garrity, Mr. Mulligan, Ms. Davenport, Ms. Ko-Wong and all those who worked behind the scenes. She also thanked Director Pahre who created the Advisory Committee when she was the President of the Board.

Mr. Garrity responded to the Director's inquiries. He explained that, when using the request for proposals (RFP) solicitation method, staff asks proposers to provide information and context to support their assertions about their business practices, and also asks specific questions. When using the design-bid-build solicitation method for public works projects, most contracts must be awarded to the lowest responsive and responsible bidder. However, some public works contracts may be awarded on a best value basis, such as design-build contracts, and it may be possible to include consideration of the social equity as an evaluation factor for such contracts. Mr. Mulligan added that the District is able to use a Construction Manager/General Contractor (CMGC) procurement approach under the California Public Contract Code and Federal regulations.

Attorney Madeline Chun stated that there are a number of legal requirements and factors that must be considered to determine whether it is legally permissible for the District to ask bidders or proposers additional questions regarding social equity. Attorney Kimon Manolius added that the team would do its best to include additional questions in solicitations when possible.

Mr. Garrity stated that the District's new policies are modelled on the City of Portland's approach to social equity (Mr. Garrity later clarified that the District's policies were modeled after the County of Multnomah's approach to social equity). Ms. Davenport added that AC Transit might have some social equity policies and she would investigate further.

(a) Action by Committee

Staff recommended and the Committee concurred by motion made and seconded by **Directors PAHRE/GARBARINO** to forward the following recommendation to the Board of Directors for its consideration:

RECOMMENDATION

The Rules, Policy and Industrial Relations Committee/Committee of the Whole recommends that the Board of Directors authorize updates to the District's Procurement Manual that would allow for the inclusion of Social Equity as an evaluation factor in some District best value procurements.

Action by the Board at its meeting of January 27, 2023 – Resolution

AYES (10): Directors Garbarino, Grosboll, Hernández, Mastin, Pahre, Snyder and Thier; Second Vice President Hill; First Vice President Cochran; President Thériault.

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NOES (0): None.

ABSENT (5): Directors Conroy, Giudice, Rabbitt, Rodoni and Stefani.

(4) Public Comment

There were no public comments.

(5) Adjournment [20:44 Minutes Mark on the Video Recording]

All business having been concluded, **Directors GARBARINO/MASTIN** moved and seconded that the meeting be adjourned at 9:21 a.m.

Carried

Respectfully submitted,



Sabrina Hernández, Chair
Rules, Policy and Industrial Relations Committee

SH:AMK:EIE:tnm