# SAN DIEGO CONVENTION CENTER CORPORATION "SPECIAL" BOARD OF DIRECTORS MEETING

WEDNESDAY, MAY 22, 2024, 12:30 P.M. 111 W. Harbor Drive, 2<sup>nd</sup> Floor, Executive Boardroom San Diego, California 92101

# **AGENDA**

Telephone number for members of the public to observe, listen, and address the meeting telephonically: 1(888) 251-2909 – Access code is 6724115#

- 1. Call to Order Jeff Gattas, Chair
- 2. Non-Agenda Public Comments

This portion of the agenda provides an opportunity for members of the public to address the Board on items of interest within the jurisdiction of the Board that are not on the posted agenda. Pursuant to the Brown Act, no discussion or action shall be taken by the Board on items not posted on the agenda.

- 3. Board Committee Reports and Board Action Items
  - A. Authorization to Ratify Contract Change Orders and to Approve Additional Change Order for West Kitchen Construction
  - B. Authorization to Approve Aramark Contract for Temporary Staffing
- 4. **Board Comment** [Govt. Code § 54954.2(a)(2)]
- 5. Urgent non-agenda items (must meet the requirements of Government Code, Section 54954.2)
- 6. Closed Session
  - A. CONFERENCE WITH LEGAL COUNSEL---ANTICIPATED LITIGATION Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2) with facts and circumstances pursuant to 54956.9(e)(2) Cancellation/Rescheduling of Future Events (1 case)
  - B. CONFERENCE WITH LEGAL COUNSEL---EXISTING LITIGATION Pursuant to Government Code section 54956.9(d)(1) (1 case) Case No. 37-2020-00008111-CU-WT-CTL
  - C. EMPLOYEE PERFORMANCE EVALUATION Government Code Section 54957 Title: President & CEO

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# Adjournment

This information is available in alternative formats upon request. To request an agenda in an alternative format, or to request a sign language, oral interpreter, an Assistive Listening Devise ("ALD"), or other reasonable accommodation for the meeting, please call Pat Evans at (619) 525-5131 at least two working days prior to the meeting to ensure availability. Audio copies of Board of Director meetings are available upon request. Please contact Pat Evans at (619)525-5131 or pat.evans@visitsandiego.com to request a copy.

In compliance with Government Code section 54957.5, non-exempt written material that is distributed to the Board prior to the meeting will be available at the meeting or it may be viewed in advance of the meeting online at <u>visitsandiego.com</u>. Materials distributed to the board after the posting of this agenda also will be available. Please contact Pat Evans at (619)525-5131 or pat.evans@visitsandiego.com if you would like to receive a copy of any material related to an item on this agenda.

Action items on this agenda may be consolidated for voting purposes into a single vote of the Board, to the extent they are routine or otherwise do not require further deliberation. A Board member may comment on an action item before it is voted upon as part of the consolidated vote; however, if a Board member wishes to discuss an action item, that item will not be included in the consolidated vote. If a member of the public wishes to comment upon an action item, they should so advise the Board chair at or before the public comment portion of the meeting, in which case that item will not be included in any consolidated vote.

# Agenda Item 3.A

# SAN DIEGO CONVENTION CENTER CORPORATION MEMORANDUM

TO: Board of Directors

FROM: Corey Albright, Chief Operating Officer

DATE: For the Agenda of May 22, 2024

RE: Authorization to Ratify Contract Change Orders and to Approve

Additional Change Order for West Kitchen Construction

# BACKGROUND

There are two commercial kitchens within the San Diego Convention Center. One is located in the East Building and the other in the West Building. The West Building kitchen, which opened in 1989, is original to the building. Commercial kitchens have an approximate lifespan of 15 to 20 years, whereas the existing space had items well beyond this timeframe. In addition to functionality benefits, this renovation project will allow the Corporation's food and beverage partner to gain efficiencies, increase production, and increase revenues with the renovated 10,956 square foot commercial kitchen space.

In October 2022, staff contracted for the design and engineering of the west kitchen. Subsequently, Staff issued Requests for Proposals (RFPs) for the kitchen construction and separately for the kitchen equipment in June 2023. The resulting Staff recommendation was reviewed and approved by the Board in August 2023.

The original contract budgets were as follows:

- Costa Azul Contracting Group (Construction): \$2,500,000.00, with an additional contingency of \$254,000.00, for a combined construction budget of \$2,754,000.00.
- San Diego Restaurant Supply (Equipment): \$1,823,311.38, with an additional contingency of \$182,331.14, for a combined equipment purchase budget of \$2,005,642.52.

# **DISCUSSION**

Over the course of demolition, preliminary inspections, and further infrastructure reviews, it was determined the drawings and scope of work needed to be revised to account for supporting infrastructure replacement needs and upsizing for increased equipment demand. These adjustments are essential to ensure the project's success and functionality.

Staff approved three change orders totaling \$384,677.00 to the current construction contract to address various project needs. Below is a summary of the change orders:

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<b>Change Order</b>	Amount	Description					
1	\$8,800.00	Additional field investigations to explore moving the					
1	\$6,000.00	restrooms and locker rooms associated with the kitchen.					
2	\$213,877.00	Added plumbing replacement to the scope of work.					
2	¢1.62.000.00	Switched the design and engineering responsibilities to a					
3	\$162,000.00	subconsultant of Costa Azul.					

Change orders 2 and 3 exceed the original contract amount and contingency by \$163,927.00.

In change order 2, Staff added plumbing replacement to the scope of the contract, although not part of the original design, it became necessary for permitting requirements to keep the project on track. Staff identified a narrow window of opportunity to complete this plumbing work overhead in Exhibit Hall A and authorized Costa Azul to proceed to avoid disrupting our event schedule.

In change order 3, Staff switched design teams to ensure a thorough assessment of existing conditions and to capture all major mechanical, electrical, and plumbing system requirements that were not fully addressed initially.

Furthermore, I have authorized constructive change orders for work amounting to an additional \$113,467.00. This work has been performed but has not yet been formally executed in the contract. As a result, Staff is recommending the ratification of change orders 2, 3, and constructive change orders which exceed the original contract amount and contingency by \$277,394.00.

Separately, Staff is recommending an additional change order. As a result of our internal review and the new design team's thorough evaluation of the project, scope, code and permitting requirements, significant scope gaps have been identified that are necessary to address. Costa Azul and their design team have identified necessary revisions to the scope. These primarily include substantial upgrades to mechanical (e.g. installation of new make-up air unit on roof and other necessary adjustments to ventilation) and electrical (e.g. distribution and panel replacement and capacity improvements). Staff thoroughly vetted the additional scope components and agree with the necessity to proceed with the additions. The proposed change order to Costa Azul's contract is for \$2,284,246.00 and has not been authorized or executed yet. Staff is recommending approval of the change order with an additional \$456,849.20 for contingency to finish out the West Kitchen construction.

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## FINANCIAL OVERVIEW

The financial implications of these changes on the project budget are as follows:

Contract	Original Amount	Revised Total
Costa Azul Contracting Group	\$2,754,000.00	\$5,315,640.00
San Diego Restaurant Supply	\$2,005,642.52	\$2,005,642.52
Design/Permits/Contingency	\$162,091.89	\$618,941.09

The construction budget with Costa Azul will increase from the original board approved total of \$2,754,000.00 to a revised total of \$5,315,640.00. The San Diego Restaurant Supply budget remains at \$2,005,642.52. Including the additional costs for design, permitting, and networking, which total \$162,091.89, the cumulative total of the project budget with the inclusion of \$456,849.20 (20% contingency based on amended contract value) of these changes will be as follows:

• Board Approved Project Budget: \$4,759,642.52

• Revised Project Budget: \$7,940,223.61

# STAFF RECOMMENDATION

Authorize ratification of the second, third, and constructive change orders, which exceed the original contract amount and contingency by \$277,394.

Approve the proposed change order amounting to \$2,397,713.00 with an additional \$456,849.20 in project contingency, bringing the total not to exceed project cost total to \$7,940,223.61.

/s/
Corey Albright,
Chief Operating Officer

Attachment - Exhibit "A": Costa Azul Contracting Group Work Force Report (attached hereto and incorporated herein by reference)



# **EQUAL OPPORTUNITY CONTRACTING (EOC)**

1200 Third Avenue, Suite 200 · San Diego, CA 92101 Phone: (619) 236-6000 · Fax: (619) 236-5904

# WORK FORCE REPORT

The objective of the *Equal Employment Opportunity Outreach Program*, San Diego Municipal Code Sections 22.3501 through 22.3517, is to ensure that contractors doing business with the City, or receiving funds from the City, do not engage in unlawful discriminatory employment practices prohibited by State and Federal law. Such employment practices include, but are not limited to unlawful discrimination in the following: employment, promotion or upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rate of pay or other forms of compensation, and selection for training, including apprenticeship. Contractors are required to provide a completed *Work Force Report (WFR)*.

# NO OTHER FORMS WILL BE ACCEPTED

		CON	TRACTOR I	DENTIFICATIO	N		
Type of Contractor:	✓ Constructio □ Consultant	n □ Ver □ Gra	dor/Suppliont Recipien	er □ Financial I t □ Insurance	nstitutio Compan	on [ y [	•
Name of Company: Cos	<u>ta Azul Contra</u>	cting G	oup				
ADA/DBA: Costa A	zul Contractino	g Group					
Address (Corporate Head	quarters, where ap	plicable):	1420 Ke	ettner Blvd, Sui	te 100		
City: San Diego		County: _	San Dieg	0	_ State:	CA	zip: <u>92101</u>
Telephone Number:	619-240-506	57		Fax Number:		N/A	
Name of Company CEO:	_Jay Munoz						
Address(es), phone and f	ax number(s) of co	mpany fac	ilities located	in San Diego County	(if differe	ent from a	bove):
Address: 6245 Broa	dmoor Drive						
CONTRACTOR IDENTIFICATION  Type of Contractor:							
Telephone Number: 6	19-346-5388	Fax N	ımber:	N/A	_ Email:	jay@cc	ostaazulcg.com
				_ Type of License:	B, C6	61/D63, C	C61/D12, C21, C27
	•						
				•	•	lish, dissei	minate and enforce equal
	-			EOO may be contact	ed at:		
				NI/A			
Telephone Number: 2	40-848-0815	Fax N	umber:	N/A	Email:	alex@cc	ostaazulcg.com
	,	🗸 One S	an Diego Co	ounty (or Most I	ocal Cou	ınty) Wo	ork Force - Mandatory
		□ Branc	h Work For	ce *			
		□ Mana	ging Office	Work Force			
				• •			
*Submit a separa	te Work Force Rep	ort for all	participating i	branches. Combine	WFRs if m	ore than c	one branch per county.
I, the undersigned repres	entative of Cos	sta Azul C	ontracting G	roup			
		,	Califor	nia	hereby c	ertify that	information provided
	•		•	•	, l-		
_	This document w	as execute	a on this	JOUII day	ot Jai	nuary	, 20. <u>24</u>

Jay Munoz

(Print Authorized Signature Name)

NAME OF FIRM: Costa Azul	Contra	cting (	Group							DA	ATE:	01/30/	2024	
OFFICE(S) or BRANCH(ES): 14	20 Ket	tner B	lvd, St	e 100,	San D	iego, (	CA 921	01 (	COUNT	 Y:	San [	Diego		
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Management & Financial			1	2				   			1			
Professional										 				
A&E, Science, Computer										 				
Technical														
Sales														
Administrative Support			2	1										
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WORK FORCE REPORT – Page 3 NAME OF FIRM: Costa Azul Cont	racting	g Grou	р							DAT	'E:	01/30	)/2024	
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Carpenters														
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Cement Masons, Concrete Finishers														
Construction Laborers			17	3							1			
Drywall Installers, Ceiling Tile Inst														
Electricians														
Elevator Installers														
First-Line Supervisors/Managers														
Glaziers														
Helpers; Construction Trade														
Millwrights														
Misc. Const. Equipment Operators														
Painters, Const. & Maintenance														
Pipelayers, Plumbers, Pipe & Steam Fitters														
Plasterers & Stucco Masons														
Roofers														
Security Guards & Surveillance Officers														
Sheet Metal Workers														
Structural Metal Fabricators & Fitters														
Welding, Soldering & Brazing Workers														
Workers, Extractive Crafts, Miners														
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# **Work Force Report**

#### **HISTORY**

The Work Force Report (WFR) is the document that allows the City of San Diego to analyze the work forces of all firms wishing to do business with the City. We are able to compare the firm's work force data to County Labor Force Availability (CLFA) data derived from the United States Census. CLFA data is a compilation of lists of occupations and includes the percentage of each ethnicity we track (American Indian or Alaska Native, Asian, Black or African-American, Native Hawaiian or Pacific Islander, White, and Other) for each occupation. Currently, our CLFA data is taken from the 2010 Census. In order to compare one firm to another, it is important that the data we receive from the consultant firm is accurate and organized in the manner that allows for this fair comparison.

#### **WORK FORCE & BRANCH WORK FORCE REPORTS**

When submitting a WFR, especially if the WFR is for a specific project or activity, we would like to have information about the firm's work force that is actually participating in the project or activity. That is, if the project is in San Diego and the work force is from San Diego, we want a San Diego County Work Force Report<sup>1</sup>. By the same token, if the project is in San Diego, but the work force is from another county, such as Orange or Riverside County, we want a Work Force Report from that county<sup>2</sup>. If participation in a San Diego project is by work forces from San Diego County and, for example, from Los Angeles County and from Sacramento County, we ask for separate Work Force Reports representing your firm from each of the three counties.

# **MANAGING OFFICE WORK FORCE**

Equal Opportunity Contracting may occasionally ask for a Managing Office Work Force (MOWF) Report. This may occur in an instance where the firm involved is a large national or international firm but the San Diego or other local work force is very small. In this case, we may ask for both a local and a MOWF Report<sup>1, 3</sup>. In another case, when work is done only by the Managing Office, only the MOWF Report may be necessary.<sup>3</sup>

#### Types of Work Force Reports:

Please note, throughout the preceding text of this page, the superscript numbers one <sup>1</sup>, two <sup>2</sup> & three <sup>3</sup>. These numbers coincide with the types of work force report required in the example. See below:

- One San Diego County (or Most Local County)
   Work Force Mandatory in most cases
- <sup>2</sup> Branch Work Force \*
- <sup>3</sup> Managing Office Work Force
- \*Submit a separate Work Force Report for all participating branches. Combine WFRs if more than one branch per county.

## **RACE/ETHNICY CATEGORIES**

American Indian or Alaska Native – A person having origins in any of the peoples of North and South America (including Central America) and who maintains tribal affiliation or community attachment.

Asian – A person having origins in any of the peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

**Black or African American** – A person having origins in any of the Black racial groups of Africa.

Native Hawaiian or Pacific Islander – A person having origins in any of the peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

**White** – A person having origins in any of the peoples of Europe, the Middle East, or North Africa.

**Hispanic or Latino** – A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin.

# Exhibit A: Work Force Report Job Categories – Administration

Refer to this table when completing your firm's Work Force Report form(s).

# **Management & Financial**

Advertising, Marketing, Promotions, Public Relations, and Sales Managers **Business Operations Specialists** Financial Specialists **Operations Specialties Managers** Other Management Occupations Top Executives

#### **Professional**

Art and Design Workers Counselors, Social Workers, and Other Community and Social Service Specialists Entertainers and Performers, Sports and Related Workers Health Diagnosing and Treating Practitioners Lawyers, Judges, and Related Workers Librarians, Curators, and Archivists Life Scientists Media and Communication Workers Other Teachers and Instructors **Postsecondary Teachers** Primary, Secondary, and Special Education School **Teachers Religious Workers** Social Scientists and Related Workers

## **Architecture & Engineering, Science, Computer**

Architects, Surveyors, and Cartographers **Computer Specialists Engineers Mathematical Science Occupations Physical Scientists** 

#### Technical

Drafters, Engineering, and Mapping Technicians Health Technologists and Technicians Life, Physical, and Social Science Technicians Media and Communication Equipment Workers

### Sales

Other Sales and Related Workers **Retail Sales Workers** Sales Representatives, Services Sales Representatives, Wholesale and Manufacturing Supervisors, Sales Workers

# **Administrative Support**

Financial Clerks Information and Record Clerks **Legal Support Workers** 

Material Recording, Scheduling, Dispatching, and Distributing Workers Other Education, Training, and Library **Occupations** Other Office and Administrative Support Workers Secretaries and Administrative Assistants Supervisors, Office and Administrative Support Workers

#### **Services**

**Building Cleaning and Pest Control Workers Cooks and Food Preparation Workers Entertainment Attendants and Related** Workers

Fire Fighting and Prevention Workers First-Line Supervisors/Managers, Protective Service Workers

Food and Beverage Serving Workers **Funeral Service Workers** Law Enforcement Workers

Nursing, Psychiatric, and Home Health Aides Occupational and Physical Therapist Assistants and Aides

Other Food Preparation and Serving Related

Other Healthcare Support Occupations Other Personal Care and Service Workers Other Protective Service Workers **Personal Appearance Workers** Supervisors, Food Preparation and Serving Workers Supervisors, Personal Care and Service

Workers Transportation, Tourism, and Lodging

Attendants

# Crafts

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**Construction Trades Workers** Electrical and Electronic Equipment Mechanics, Installers, and Repairers **Extraction Workers Material Moving Workers** Other Construction and Related Workers Other Installation, Maintenance, and Repair Occupations **Plant and System Operators** Supervisors of Installation, Maintenance, and **Repair Workers** Supervisors, Construction and Extraction Vehicle and Mobile Equipment Mechanics,

Form Number: BB05

Installers, and Repairers Woodworkers

# **Operative Workers**

Assemblers and Fabricators
Communications Equipment Operators
Food Processing Workers
Metal Workers and Plastic Workers
Motor Vehicle Operators
Other Production Occupations
Printing Workers
Supervisors, Production Workers
Textile, Apparel, and Furnishings Workers

# **Transportation**

Air Transportation Workers Other Transportation Workers Rail Transportation Workers Supervisors, Transportation and Material Moving Workers Water Transportation Workers

#### Laborers

Agricultural Workers
Animal Care and Service Workers
Fishing and Hunting Workers
Forest, Conservation, and Logging Workers
Grounds Maintenance Workers
Helpers, Construction Trades
Supervisors, Building and Grounds Cleaning
and Maintenance Workers
Supervisors, Farming, Fishing, and Forestry
Workers

# **Exhibit B: Work Force Report Job Categories-Trade**

# **Brick, Block or Stone Masons**

Brickmasons and Blockmasons Stonemasons

# **Carpenters**

# Carpet, floor and Tile Installers and Finishers

**Carpet Installers** 

Floor Layers, except Carpet, Wood and Hard Tiles

Floor Sanders and Finishers Tile and Marble Setters

## **Cement Masons, Concrete Finishers**

Cement Masons and Concrete Finishers Terrazzo Workers and Finishers

#### **Construction Laborers**

# **Drywall Installers, Ceiling Tile Inst** Drywall and Ceiling Tile Installers Tapers

# Electricians

## **Elevator Installers and Repairers**

# First-Line Supervisors/Managers

First-line Supervisors/Managers of Construction Trades and Extraction Workers

# **Glaziers**

## **Helpers, Construction Trade**

Brickmasons, Blockmasons, and Tile and
Marble Setters
Carpenters
Electricians
Painters, Paperhangers, Plasterers and Stucco
Pipelayers, Plumbers, Pipefitters and
Steamfitters
Roofers
All other Construction Trades

# Millwrights

Heating, Air Conditioning and Refrigeration Mechanics and Installers Mechanical Door Repairers Control and Valve Installers and Repairers Other Installation, Maintenance and Repair Occupations

# Misc. Const. Equipment Operators

Paving, Surfacing and Tamping Equipment Operators Pile-Driver Operators Operating Engineers and Other Construction Equipment Operators

## Painters, Const. Maintenance

Painters, Construction and Maintenance Paperhangers

# **Pipelayers and Plumbers**

Pipelayers Plumbers, Pipefitters and Steamfitters

## **Plasterers and Stucco Masons**

#### Roofers

**Security Guards & Surveillance Officers** 

**Sheet Metal Workers** 

Structural Iron and Steel Workers

# Welding, Soldering and Brazing Workers

Welders, Cutter, Solderers and Brazers Welding, Soldering and Brazing Machine Setter, Operators and Tenders

**Workers, Extractive Crafts, Miners** 

# Agenda Item 3.B

# SAN DIEGO CONVENTION CENTER CORPORATION MEMORANDUM

**TO:** Board of Directors

FROM: Mardeen Mattix, Chief Financial Officer

DATE: For the Agenda of May 22, 2024

RE: Authorization to Approve Aramark Contract for Temporary Staffing

## **BACKGROUND**

The San Diego Convention Center Corporation (SDCC) hires temporary workers to support the Comic-Con event each year. This has traditionally been accomplished through a hybrid strategy involving internal recruitment efforts and external assistance. Over the past few years, SDCC has partnered with Aramark for temporary staffing needs to facilitate specialized cleaning tasks required for rapid refresh of bathrooms during the event, ensuring efficient crowd management.

Beginning in 2024, the staff aims to transition to a fully outsourced model for temporary workers as a fresh staffing strategy in the short term. Aramark has pledged to provide up to 120 part-time temporary workers who have received specialized training to facilitate cleaning operations. Additionally, a separate Request for Proposal (RFP) has been initiated to secure an additional 92 cleaning personnel and 33 guest services staff for broader support, resulting in a total of 245 temporary staff members.

# **DISCUSSION**

Staff comprised of members from the Human Resources and Venue Operations departments reviewed the scope of work and staffing levels to properly service the event. Aramark shall ensure all personnel have cleared a background check and have received the necessary safety training for the position before arriving onsite. All hiring, discipline, and termination are the responsibility of Aramark. Conduct issues or concerns may be elevated to a representative available 24/7 during the term of the contract. Personnel will attend an on-site orientation conducted by SDCC staff to review the tasks for the role and Corporation guidelines.

Aramark shall comply with the City of San Diego Living Wage Ordinance (San Diego Municipal Code Article 2, Division 42, §§22.4201 through 22.4245) and issue payment to their employees accordingly. Corporation shall pay Aramark a \$29.92 hourly wage for straight time or \$44.32 for overtime. This remains competitive with SDCC's fully burdened rate for internal candidates.

Aramark is regarded as an independent contractor. Aramark and its employees are not eligible for Corporation benefits and are not authorized to function as agents on behalf of the Corporation.

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# STAFF RECOMMENDATION

Approve authorization to award contract to Aramark for temporary staffing for a not-to-exceed value of \$144,000 as budgeted in FY2025.

/s/ Mardeen Mattix, Chief Financial Officer