Dear Contractor,

When you sign a construction contract with the Port of Oakland and or one its Maritime or Aviation tenants, you agree to comply with the Maritime and Aviation Project Labor Agreement (MAPLA). A very important component of the Port of Oakland’s MAPLA is the Social Justice Program, which focuses on the hiring and retention of local area residents. This Contractor Information Packet contains important information on the goals and requirements of the program as well as information on how to comply.

Davillier Sloan, Inc. (DSI) is the administrator of the MAPLA. We believe very strongly that our goal is to guide and assist contractors in reaching and, when possible, exceeding the goals of the program. The DSI program manager is Kitty Creech and I am also available if need be. Please do not hesitate to call upon us.

Sincerely,

Jake Sloan, President
Davillier Sloan, Inc.
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WORKING UNDER THE MAPLA 2016

The Port of Oakland strongly urges all contractors working under the Maritime and Aviation Project Labor Agreement (MAPLA) 2016 to thoroughly review the full text of the MAPLA 2016 and to become familiar with all of its provisions. The complete MAPLA may be found at http://www.portofoakland.com/files/PDF/MAPLA_Agreement_2016.pdf and is also included in the Port’s project manual. The following list summarizes some of the most important MAPLA provisions, with special focus on those which differ significantly from the corresponding provisions in previous versions of MAPLA.

• Letter of Assent

All general contractors and all sub-contractors, regardless of tier, must sign a Letter of Assent (LOA) and agree to be a party to and to be bound by the total content of the MAPLA. The LOA binds the contractor to the terms of the MAPLA for the awarded project only, and does not bind any contractor to any union agreement. The original executed LOAs must be filed with the Port Attorney, with a copy sent to DSI prior to the commencement of work. It is imperative that a contractor working under MAPLA execute the LOA because the unions will not conduct a pre-job meeting or dispatch workers until a copy of the LOA is on file. The LOA applicable to the project can be found in the project manual or contact the general contractor.

• Local Hiring Provisions

Contractors are required to make a good faith effort to reach the following hiring goals.

• Overall: 50% of all hours are to be worked by Local Impact Area (LIA) residents, on a craft by craft basis, if workers are available, capable and willing to work on covered projects. The LIA consists of the cities of Oakland, Alameda, San Leandro and Emeryville.
  • Failing that, 50% of all hours are to be worked by Local Business Area (LBA) residents, on a craft by craft basis, if workers are available, capable and willing to work on covered projects. The LBA includes all cities not mentioned above in Alameda and Contra Costa Counties.
• Apprentice: 20% of all hours, on a craft by craft basis, are to be worked by apprentices:
  • 100% of all apprentice hours are to be worked by LIA residents, if such apprentices are available, capable and willing to work on covered projects. Failing that, 100% of all the apprentice hours are to be worked by LBA apprentices.
  • 25% of apprentice hours shall be worked by Disadvantaged Workers, if available.1
• New Hire: General contractor and/or its subcontractor must hire at least 1 New Hire Apprentice2 (NHA) for the first $1M of construction bid value. For each additional $5M (beyond the first $1M), at least 1 additional New Hire Apprentice shall be hired. Each NHA must work at least 500 hours, unless waived by Social Justice Committee.
• Contractors can obtain up to half credit towards the above goals by utilizing LIA apprentices “off-site” (i.e. non-MAPLA projects).

Contractors using lower tiered subcontractors are responsible for ensuring their compliance with the local workforce hiring goals. The goals apply to contractors at all tiers who work on MAPLA covered projects.

Davillier-Sloan, Inc. (DSI) requests a local hiring compliance plan prior to the pre-construction meeting. If you do not have a copy, please contact the general contractor for the local hiring compliance plan form.

• Social Justice Trust Fund

On a monthly basis, all general contractors and subcontractors must make a contribution of $0.30 cents per craft hour worked to the Social Justice Trust Fund. This money will be used to support programs that assist LIA residents to eliminate employment barriers and gain entry into and remain in the building trades. This fund is not the union’s trust funds. If contracted directly with the Port, the general contractor shall make its contributions through the progress payment application process, using the form provided in the project manual. If contracted with a Port tenant, the general contractor shall make monthly contributions directly to the East Bay Community Foundation, using the form provided in the contractor information packet.

1 “Disadvantaged Workers” shall mean those LIA residents, prior to commencing Covered Project(s), who meet at least one of the following barriers to employment: (1) is currently homeless; (2) is currently a custodial single parent; (3) is currently receiving public assistance; (4) has a criminal record or other criminal justice system involvement; (5) has been continuously unemployed for the previous one year; (6) has been emancipated from the foster care system; (7) is a veteran of the U.S. military; or (8) resides in an Economically Disadvantaged Area. “Economically Disadvantaged Area” means a zip code within the LIA and that includes a census tract or portion thereof in which the median household income is less than $40,000 per year, as measured and reported by the U.S. Census Bureau in the 2010 U.S. Census, and as updated by the U.S. Census Bureau in its Median Annual Household Income data by census tract in the American Community Survey.
2 “New Hire Apprentice” means a LIA resident who, on the date that such individual is hired or assigned to perform the applicable Covered Project(s), is newly enrolled (for fewer than two years for List Trades and fewer than one year for all other non-List Trades) in a Joint Labor-Management apprenticeship program that is currently registered with the State of California’s Division of Apprenticeship Standards.
• **Prevailing Wages**

All employees covered by the MAPLA shall be classified in accordance with work performed and paid the hourly wage rates for those classifications in compliance with the applicable prevailing rate determination. On contracts federally funded or assisted, the contractors shall pay California and/or Federal prevailing wages, whichever is higher. For current information on the prevailing wage for each craft go to the Department of Industrial Relations at [www.dir.ca.gov](http://www.dir.ca.gov). In accordance with MAPLA 2016 Article 15, Wages and Benefits, Section 2, if a wage increase negotiated in a local agreement becomes the prevailing wage under state law, the Contractor will pay that rate retroactive to the effective date of the locally negotiated wage increase.

The Port of Oakland uses a Web Accessed Monitoring System (WAMS) to monitor compliance with federal and state prevailing wage laws. All firms doing business with the Port on construction and applicable professional services must register with Elation Systems at [https://www.elationsys.com/app/registration](https://www.elationsys.com/app/registration). To ask questions concerning the Elation Systems contact the help desk at support@elationsystems.com, (925) 924-0340 or Donna Cason, Port of Oakland at (510) 627-1252. E-mail: dcason@portoakland.com

• **Using Non-Union Workers**

The MAPLA Core Employee provisions apply only to non-signatory contractors (i.e., contractors who are not a party to a current Master Labor Agreement applicable to the work of the contract). A non-signatory contractor may use up to five (5) of its own “core” employees, provided that the first worker hired comes from the applicable union. The second worker will be a core, the third worker from the union, fourth worker will be a core worker, and so forth. Lay-offs will be in the reverse order. All core employees are required to pay union initiation fees and representation fees. Non-signatory contractors should note that they are required to make payment on behalf of core employees into the established labor-management vacation, pension or other forms of deferred compensation plans, apprenticeship, and health benefit funds for each hour worked.

To be considered as a Core Employee under the MAPLA, the employee:

- Must possess any license required by state or federal law for the project work performed.
- Must have worked a total of at least one thousand (1,000) hours in the applicable construction craft during the prior three (3) years.
- Must have been on the contractor’s active payroll for at least sixty (60) days out of the one hundred eighty (180) calendar days prior to the contract award date.
- Must have the ability to perform safely the basic functions of the applicable trade.

• **Trucking**

The MAPLA covers any trucking on a construction site and performance of Construction Trucking (i.e. the delivery of ready-mix, asphalt, aggregate, sand or other fill material that are directly incorporated into the construction process of the Covered Project(s), as well as the off-hauling of debris, excess fill, material, mud, dirt, ground asphalt, or concrete rubble). The MAPLA coverage includes Owner-Operators. Truckers shall execute a LOA, unless exempted. Certified payrolls must be submitted for each vehicle hauling to, from and on the site.

• **Substance Abuse Testing**

Contractors should be aware that the cost of substance abuse testing should be factored into the bid. The MAPLA has a uniform substance abuse policy. All craft employees, including your core employees, must be tested for controlled substances before they start work at the job site. Testing is done through DISA, Inc. For information, contact Pamela Juan: (707) 750-5218 or pamela.juan@disa.com.

• **Pre-Job Conferences**

The general contractor and all lower tiered subcontractors working on-site shall attend a pre-job conference with the Building and Construction Trades Council of Alameda County prior to start of construction. Participation in the pre-job meeting is mandatory. Working with the MAPLA Administrator, the general contractor will schedule the pre-job conference at least 3 weeks prior to work beginning on-site.

**MAPLA Administration Team**

Jake Sloan, Davillier-Sloan, Inc.
T: (510) 385-1242 / F: (510) 835-7613
jake@davillier-sloan.com

Kitty Creech, Davillier-Sloan, Inc.
T: (510) 835-7603x24 / F: (510) 835-7613
kitty@davillier-sloan.com
GUIDEBOOK OVERVIEW

This MAPLA 2016 Guidebook has been developed for contractor’s reference and highlights the requirements, submittals and timeliness necessary to be compliant with the MAPLA. The complete MAPLA may be obtained from the bid specifications prior to award or prime contractor or at http://www.portofoakland.com/files/PDF/MAPLA_Agreement_2016.pdf. The Port of Oakland urges contractors working under the MAPLA to review it in its entirety and to become familiar with its provisions and should be especially aware of some important traditional and non-traditional components of the MAPLA.

Prior to Construction -

Prime contractor is ultimately responsible for submission for all lower tier subcontractors.

1. As needed or requested, attend kick off meeting. The prime contractor may be asked to meet with DSI to review MAPLA requirements. This provides an opportunity before work begins to answer questions on logistics, procedures, new hire apprentices, etc. This meeting may be scheduled in conjunction with other kick off meetings or may stand alone.

2. Prime contractor shall complete the following forms (see required forms section) and submit to DSI at least three (3) weeks prior to starting work on-site:
   a. Project Information form (PIF) and complete list of subcontractors
   b. Pre-job Conference Request form
   c. Collect and provide executed Letters of Assent (LOAs) and Local Hiring Compliance Plans (LHCP) from every tier contractor

3. Prime contractor shall attend, assure the attendance of all tier contractors and answer project related questions at the Building Trades Council (BTC) pre-job meeting. Date to be set prior to work beginning on-site.

4. As needed, non-signatory contractors shall work with applicable union(s) to sign up and dispatch qualified core employees prior to start of work.

5. Prime contractor shall set up subcontractors in the Port’s electronic web accessed monitoring system. Subcontractors, in turn, shall set up lower tier subcontractors.

6. All contractors shall set up substance abuse testing for all employees, including core employees prior to start of work on-site. Testing is done through the DISA office.

During Construction -

1. As needed, contractors shall employ Local Impact Area (LIA) residents to reach the local hiring goals. The following are the good faith steps that a contractor can take to demonstrate they have made every effort to reach the local hiring goals:
   a. Submit local hire compliance plan form;
   b. Attend pre job meeting and discuss any local hire concerns before beginning covered project;
   c. Use “Name Call” and “Rehire” or other programs to reach goals when they are available as part of the hiring hall dispatch procedures;
d. Maintain copies of all dispatch requests for LIA residents along with Union responses and submit to DSI through the prime contractor;

e. Request a worker from all currently designated Workforce Development Centers, consistent with Article 8 of the MAPLA, if the Unions cannot provide LIA residents to the contractor upon request;
f. Sponsor LIA residents and Disadvantaged Workers for apprenticeship, when possible;
g. Meet with the DSI or the Social Justice Committee (“SJC”) upon request to resolve compliance issues;
h. Submit copies of DAS form 140 to Port’s SRD and DSI upon request.

2. On a weekly basis, all contractors performing work on-site shall submit certified payroll reports (CPR), including trucking firms into the Port’s electronic web assessed monitoring system.

3. On a monthly basis, prime contractor shall make contributions to the Social Justice Trust Fund. If the prime contractor has a contract with the Port, these contributions will be deducted from the monthly progress payment application. If prime contractor has a contract with a Maritime or Aviation tenant, the prime contractor shall fill out 00825R1 form and submit on a monthly basis.

4. As needed, prime contractor shall work with DSI to schedule follow up pre-job meetings, including but not limited to providing LOAs, LHCPs and pre-job request form.

5. As needed, prime contractor shall collect and submit trucking forms to DSI for trucking firms who have performed MAPLA covered work.

6. As needed, prime contractor shall attend compliance meetings with DSI and may be invited to attend Social Justice Committee meeting(s) to discuss compliance issues.

7. As needed, DSI will conduct site visits on-site.
REQUIRED FORMS

The required forms pictured in this document are for reference only. Electronic copies of the forms will be emailed to you by MAPLA Administrator, DSI. All filled out forms for the covered work must be submitted to prime contractor and if complete, will provide to DSI project manager, Kitty Creech.

**Project Information (prior to construction)**

The Project Information Form, filled out by the prime contractor only, must be submitted within seven (7) business days of the Notice of Award. This form is utilized to collect information from the prime about the covered project, related scope of work as well as the prime contractor’s project manager and certified payroll contact.

To be filled in by prime contractor only

---

**PROJECT INFORMATION**

Please type or print clearly.

Complete Project Name ____________________________

Port Project/Contract Number ________________ Contract Amount ________________

Bid Date ________________ Awarding Date ________________ NTP ________________

Estimated Start Date ________________ Estimated Completion Date ________________

Scope of Work

________________________

________________________

________________________

(Further explanation can be attached on separate sheet of paper)

---

General Contractor ____________________________

Address, City, County, State, Zip ____________________________

________________________

Project Manager ____________________________ E-mail Address ____________________________

Phone Number (office) ____________________________ (cell) ____________________________

Certified payroll contact ____________________________ E-mail Address ____________________________

Phone Number (certified payroll) ____________________________ (fax) ____________________________

---

Please attach a subcontractor list and notify DSI when a new subcontractor (any tier) begins work on-site.

---

Please email this form to: kitty@davilliers-sloan.com or fax to: (510) 835-7613
**Subcontractor List (prior to construction)**

The Subcontractor List, filled out by the prime contractor only, must be submitted within seven (7) business days of the Notice of Award. The list must be updated by the prime contractor during construction and as needed. This form is utilized to collect information from the prime about all tiers of all subcontractors and related contact information, contractor’s license, scope of work, submission of Letter of Assent and union affiliation.

**SUBCONTRACTOR LIST**

<table>
<thead>
<tr>
<th>Subcontractor: Name, Project Manager, Address, Phone, Email</th>
<th>License # &amp; Expiration Date</th>
<th>Scope of Work</th>
<th>Letter of Assent attached? (Y/N)</th>
<th>Signatory to one or more unions? (Y/N)</th>
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Please fax to: (510) 835-7813 or
Email this form to: kitty@davillier-sloan.com
Letter of Assent (LOA) (prior to construction)

**Prime Contractor**

The prime contractor must fill out and submit a Letter of Assent for itself, and cause all lower tiers of subcontractors to do the same. This form must be submitted at least three (3) weeks prior to starting work on-site.

**Lower Tier Subs**

All tiers of all subcontractors must fill out and submit a Letter of Assent for themselves and submit the form to their prime contractor. The prime contractor is responsible for collecting the submitted LOAs and providing to DSI at least three (3) weeks prior to subcontractors starting work on-site.

**To be executed by every contractor at every tier**

### LETTER OF ASSENT

Author: 20

Subject: Port of Oakland Maritime and Aviation Project Labor Agreement – Letter of Assent

Dear Mr. Wan:

The undersigned party confirms that it agrees to be a party to and bound by the Port of Oakland Maritime and Aviation Project Labor Agreement (the “Agreement” or “MAPLA”) as entered into by and between the Port of Oakland and the Building and Construction Trades Council of Alameda County and their affiliated unions, dated February 1, 2016, as the Agreement may, from time to time, be amended by the parties or interpreted pursuant to its terms. This Agreement includes the Addendum and Memorandum of Agreement governing Construction Tracking Work.

By executing this Letter of Assent, the undersigned party subscribes to, adopts, and agrees to be bound by the written terms of the legally established trust agreements specifying the detailed basis upon which contributions are to be made into, and benefits made out of, such trust funds and notifies and accepts the trustees appointed by the parties to such trust funds.

Such obligation to be a party to and bound by this Agreement shall extend to all work covered by said Agreement undertaken by the undersigned party. The undersigned party shall require all of its subcontractors, of whatever tier, to become similarly bound for all their work within the scope of the Agreement by signing an identical Letter of Assent.

This letter shall constitute a subscription agreement, to the extent of the terms of this letter. The undersigned party agrees to execute a separate subscription agreement for those trust funds that so require.

<table>
<thead>
<tr>
<th>MAPLA Project Name:</th>
<th>Authorized Person:</th>
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<td>(Print Name)</td>
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<td>(Telephone Number)</td>
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<td>(Date)</td>
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</tbody>
</table>

cc: Jake Sloan
Davilier-Sloan, Inc.
1630 12th Street
Oakland, CA 94607

PORT OF OAKLAND MARITIME AND AVIATION PLA
317371v3
Local Hiring Compliance Plan (prior to construction)

Prime Contractor

The prime contractor must submit a Local Hiring Compliance Plan (LHCP). The LHCPs are to be submitted in conjunction with the Pre-Job Conference Request form and the LOA at least three (3) weeks prior to the prime contractor’s first day of on-site construction. The LHCP asks for pertinent covered project information, contract contact information, trades being utilized by the prime contractor, union signatory status and information used to determine potential sponsorship of new apprentices. There is information requested if the prime contractor wants to set up a follow-up meeting if necessary. There is also an overview of the good faith efforts on the back of the LHCP.

Lower Tier Subs

All tiers of all subcontractors must submit a Local Hiring Compliance Plan to the prime contractor who will review for completeness and submit to DSI.

To be executed by every tier contractor at every tier
**Pre-Job Conference Request (prior to construction)**

The Pre-Job Conference Request form, filled out by prime contractor only, must be submitted to the DSI at least three (3) weeks prior to first day of on-site construction. The prime contractor must detail the project that they are requesting the pre-job meeting for as well as the general scope, project manager name and contact information, the contract amount and start date. The prime contractor must also list all subcontractors participating in the noted pre-job, as well as information related to the project. The Prime Contractor must also provide each listed subcontractor’s contact person and related contact information, California State Licensing Board number and indicate prior or current submission of the mandatory Letter of Assent.

There may be more than one pre-job meeting requested, and therefore conducted, to meet the schedule of on-boarding subcontractors for the project. The Pre-Job Conference Request form may be submitted as many times as necessary to ensure that all tiers of all subcontractors performing covered work have described their work on the project, the trades that they assigned the work to, start and stop dates, and any other pertinent information necessary to ensure that the parameters of the MAPLA is fully delineated and understood by all parties performing covered work. As with the first Pre-Job Conference Request form, submission must be at least three (3) weeks prior to the prime contractor or any tier of subcontractor’s first day of on-site construction.

*To be filled in by prime contractor only. Include contractors at every tier and provide LOAs and LHCPs for each.*

---

**Pre Job Conference Request Template**

*Date of Pre-Job request: to be filled in by BTC*

*Time of Pre-Job Request: to be filled in by BTC*

**Name of Job:**

**General Scope of Job:**

**Project Address:**

**General Contractor:**

**Contact:**

**Contract Amount:**

**Start Date:**

**End Date:**

**List of contractors (prime contractor first):**

1. **Example**
   - Name of company: Christine Garrett's Glass
   - Address: 1234 Main St, Oakland CA 94607
   - CSLB: 123456
   - Contact Person: Oliver 510-430-8664
   - Scope: Installing glass
   - Sub to: Building Trades
   - Estimated Start Date: 9/23/18
   - Estimated Completion Date (Duration): 10/24/16 (15 days)
   - Letter of Assent (LOA) and Local Hiring Compliance Plan (LHCP) attached: Yes

2. **Name of company:**
   - Company Address:
   - CSLB:
   - Contact Person and phone number:
   - Scope of work:
   - Sub to:
   - Estimated Start Date:
   - Estimated Completion Date (Duration):
   - Letter of Assent (LOA) and Local Hiring Compliance Plan (LHCP) attached:

3. **Name of company:**
   - Company Address:

*Updated 6/17/16*
**Social Justice Trust Fund** (during construction)

$0.30 per every craft hour worked shall be collected for the Social Justice Labor Management Cooperation Trust Fund. These funds support workforce development and local organizations.

**Contract with Port**

The monthly contribution will be withheld from the progress payment application. Calculation of how much will be deducted is based on number of hours by each contractor worked during the payment application period multiplied by the $0.30. See form below for details.

---

**ATTACHMENT A**

**SOCIAL JUSTICE TRUST FUND CONTRIBUTION PROGRESS PAYMENT DEDUCTION FORM**

Date: ___________________  20___

Subject: Port of Oakland Maritime and Aviation Project Labor Agreement (MAPLA) - 2016
Social Justice Trust Fund Contribution For the Period Beginning _______ and Ending _______

Contract Title:

Contract Number:

Deduct the following contribution from the progress payment for the above period: $ ____________

The progress payment deduction amount is calculated as follows:

\[
\begin{align*}
\text{Social Justice Trust Fund Contribution} & = \text{Total Number of Hours Worked or Paid} \\
& \times \text{Number of Hours} \\
& \times 0.30 \\
& = \text{Total Contribution} \\
& \text{Progress Payment Deduction}
\end{align*}
\]

**NOTE:** You must attach a copy of the “MAPLA Program Summary by Project Goals Report” from MyLCM for the above period or complete the form on page 00825R-Attachment A-2 for the above period.

The total hours reported herein will be compared to the certified payroll reports in MyLCM.

- [ ] No hours worked or paid this period.
- [ ] This is the first payment under this contract.

I certify under penalty of perjury that the above calculation accurately reflects hours worked or paid.

I agree to this deduction from the progress payment for the period included above.

Contractor:

Name and Signature:

(Print Name)

(Signature)

(Telephone Number)

or (Progress Payment Deduction Form and MAPLA Program Summary by Project Goals Reports):

Jake Sloan
David Jones
Labor Management Consultants
1630 12th Street
Oakland, CA 94607

A properly filled-out and executed copy of this form must be submitted with each progress payment request, as per the provisions of Section 01206, Measurement and Payment, Paragraph 5.7.2.5.b.

---

**SUMMARY OF HOURS WORKED OR PAID DURING THE PERIOD LISTED ON PREVIOUS PAGE**

This page must be filled out if you do not attach a copy of the “MAPLA Program Summary by Project Goals Report” from MyLCM.

<table>
<thead>
<tr>
<th>Name of Contractor</th>
<th>Hours Worked or Paid</th>
</tr>
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<tbody>
<tr>
<td>General Contractor</td>
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</tr>
<tr>
<td>Sub-Contractor</td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL HOURS WORKED OR PAID**

(List any additional contractor and hours worked or paid on a separate sheet.)
Contract with Maritime and Aviation tenant

Prime contractors for tenant MAPLA covered work shall collect the monthly contribution from each subcontractor and submit directly to the East Bay Community Foundation with a copy to Social Responsibility Division and DSI. See form below for details.

ATTACHMENT A

SOCIAL JUSTICE TRUST FUND CONTRIBUTION
LETTER OF TRANSMITTAL

Social Justice Labor Management Cooperation Trust Fund/EBCF
c/o East Bay Community Foundation
DeDomenico Building
200 Frank H. Ogawa Plaza
Oakland, CA 94612

Subject: Port of Oakland Maritime and Aviation Project Labor Agreement (MAPLA)
Social Justice Trust Fund Contribution
Contract Title and Number: ____________________________

Enclosed is a check in the amount of $_____________ for payment of the MAPLA Social Justice Trust Fund contribution for the period beginning __________ and ending __________. Copies of the Summary Workforce Reports covering the same period are also enclosed.

The payment amount is calculated as follows:

\[
\text{Social Justice Trust Fund Contribution} = \text{Total Number of Hours Worked or Paid} \times \text{Hourly Contribution} \left(\$0.30\right)
\]

= \underline{\text{Hours}} \times \$0.30

= $\underline{\text{}} \quad \text{(Amount Due)}

Check if applicable:

No hours worked or paid this period. This is the final payment under this contract.

I certify under penalty of perjury that the above calculation accurately reflects hours worked or paid.

Contractor: ____________________________

Name and Signature: ____________________________

(Print Name)

(Signature)

(Telephone Number)

Enclosures: Payment and Summary Workforce Reports

cc (transmittal letter and Summary Workforce Reports):

Jaka Sloan
Davillier-Sloan Labor Management
1630 12th Street
Oakland, CA 94607

Port of Oakland
Social Responsibility Division
530 Water Street
Oakland, CA 94607

Attention: Public Works Unit
Disadvantaged Worker and New Hire Credit Request Form (during construction)

1) One of the local hire requirements is that 25% of all apprentice hours shall be performed by Disadvantaged Workers. To receive credit, the prime contractor shall submit the below form to DSI for each Disadvantaged Worker hired. DSI may request additional information and or perform a site visit to validate information.

Disadvantaged Workers shall mean those LIA residents, prior to commencing Covered Project(s), who meet at least one of the following barriers to employment: (1) is currently homeless; (2) is currently a custodial single parent; (3) is currently receiving public assistance; (4) has a criminal record or other criminal justice system involvement; (5) has been continuously unemployed for the previous one year; (6) has been emancipated from the foster care system; (7) is a veteran of the U.S. military; or (8) resides in an Economically Disadvantaged Area. “Economically Disadvantaged Area” means a zip code within the LIA and that includes a census tract or portion thereof in which the median household income is less than $40,000 per year, as measured and reported by the U.S. Census Bureau in the 2010 U.S. Census, and as updated by the U.S. Census Bureau in its Median Annual Household Income data by census tract in the American Community Survey.

2) An additional local hire requirement is for each construction contract, the prime contractor and/or its subcontractors must hire at least one (1) LIA resident as a New Hire Apprentice for the first one million dollars ($1 million) of construction bid value. For each additional five million dollars ($5 million) of construction bid value (beyond the first $1 million), a Contractor and/or its subcontractors must hire at least one (1) additional LIA resident as a New Hire Apprentice. To receive credit, the prime contractor shall submit the below form to DSI for each Disadvantaged Worker hired. DSI may request additional information and or perform a site visit to validate information.
MAPLA DISADVANTAGED WORKER AND/OR NEW HIRE APPRENTICE FORM [2016] V.1
To be filled out by contractor. Please type or print clearly.

Complete and send to project prime contractor and prime contractor will submit to Davillian-Sloan, Inc.

Complete MAPLA 2016 Project #/Name ____________________________
Contractor requesting credit ____________________________ Are you a Subcontractor? Y / N
Who is your Prime Contractor ____________________________ Project Prime Contractor ____________________________
Contractor Address ____________________________________________
Phone ____________________________ Email ____________________________
Prepared by ____________________________ Signature ____________________________

<table>
<thead>
<tr>
<th>Apprentice Name</th>
<th>Craft &amp; Apprentice level</th>
<th>Meets criteria for Disadvantaged Worker or New Hire?</th>
<th>Referred by</th>
<th>Date of Hire</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Example</td>
<td>Sheet Metal Worker 10% apprentice</td>
<td>Disadvantaged &amp; New Hire</td>
<td>DIF database or Sheet Metal Workers Union</td>
<td>1/5/2016</td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

NOTE: Under MAPLA 2016 Article 8.9 For each Construction Contract, a Contractor and/or its subcontractors must hire at least one (1) LIA resident as a New Hire Apprentice for the first one million dollars ($1 million) of construction bid value. For each additional five million dollars ($5 million) of construction bid value (beyond the first $1 million), a Contractor and/or its subcontractors must hire at least one (1) additional LIA resident as a New Hire Apprentice. Per Article 8.8, 25% of all apprentice hours shall be performed by Disadvantaged Workers. Disadvantaged Workers shall mean those LIA residents who meet at least one of the following barriers to employment: (1) is currently homeless; (2) is currently a custodial single parent; (3) is currently receiving public assistance; (4) has a criminal record or other criminal justice system involvement; (5) has been continuously unemployed for the previous one year; (6) has been emancipated from the foster care system; (7) is a veteran of the U.S. military; or (8) resides in an Economically Disadvantaged Area. "Economically Disadvantaged Area" means a zip code within the LIA and that includes a census tract or portion thereof in which the median household income is less than $40,000 per year, as measured and reported by the U.S. Census Bureau in the 2010 U.S. Census, and as updated by the U.S. Census Bureau in its Median Annual Household Income data by census tract in the American Community Survey.

Please attach relevant supporting documentation i.e. CA driver’s license, proof of apprenticeship, validation form.

Project prime contractor, please fax to: (510) 835-7613 or Email this form to: kitty@davillian-sloan.com

Plan.FILE NUMBER/Oracle Project Number

00828R1-1
Disadvantaged Worker Validation Form (during construction)
If DSI is unable to validate a Disadvantaged Worker during a site visit, the contractor may be asked to complete the validation form below.

PORT OF OAKLAND MAPLA 2016
DISADVANTAGED WORKER VALIDATION FORM
To be filled out by contractor. Please type or print clearly.

(To be filled out in cases when MAPLA Administrator is unable to validate DW on-site)

MAPLA 2016 Project #/Name ______________________________

Contractor requesting DR credit _____________________________ Are you a Subcontractor? Y / N

Who is your Prime Contractor ___________________________ Project Prime Contractor ___________________________

Contractor Address _____________________________ Phone ___________________________ Email ___________________________

Under penalty of perjury, by signing below, I, _____________________________ (name), an employee of _____________________________ (contractor’s name) has confirmed that _____________________________ (name of DW) fulfills the DW criteria which are:

1) currently a Local Impact Area (Alameda, Emeryville, San Leandro or Oakland) resident; is 2) enrolled in a State approved apprenticeship program for less than 2 years and 3) fulfills at least one of the disadvantaged worker criteria below:

* currently homeless;
* is currently a custodial single parent;
* is currently receiving public assistance;
* has a criminal record or other criminal justice system involvement;
* has been continuously unemployed for the previous one year;
* has been emancipated from the foster care system;
* is a veteran of the U.S. military; or
* resides in an Economically Disadvantaged Area

* Economically Disadvantaged Area* means a zip code within the LIA and that includes a census tract or portion thereof in which the median household income is less than $40,000 per year, as measured and reported by the U.S. Census Bureau in the 2010 U.S. Census, and as updated by the U.S. Census Bureau in its Median Annual Household Income data by census tract in the American Community Survey. Currently, those zip codes include: 94601, 94612, 94610, 94605 and 94607.

Signature ___________________________ Date ___________________________

Additionally, below is the most recent contact information for the DW.

Phone ___________________________ Email ___________________________

Project prime contractor, please fax to: (510) 835-7613 or Email this form to: kitty@gavilier-sloan.com
Contractor Credit Request Form (during construction)

Contractors may receive up to ½ credit towards the local hiring goals for employing LIA residents on non-MAPLA projects. In order to receive such credit, contractors shall submit the Contractor Credit Request form and supportive documentation for review and validation. As with all documentation, subcontractors shall provide to the prime contractor who will review for completeness and submit to DSI. No credit for other work will be allowed until the contractor has demonstrated good faith effort to reach the goals on covered work and received written approval from DSI.

DOCUMENT 00826R2
MARITIME AND AVIATION PROJECT LABOR AGREEMENT (MAPLA)
FORM REQUESTING OFF-SITE APPRENTICE CREDIT

PORT PROJECT: ____________________________ Reporting Period from ___/___/201_ to ___/___/201_
PORT CONTRACT NUMBER: ____________________________ PRIME CONTRACTOR: ____________________________

(If Not Prime Contractor) Check One: ☐ Subcontractor to Prime
☐ Subcontractor to: ____________________________

<table>
<thead>
<tr>
<th>Apprentice Name</th>
<th>City/State/Zip Code</th>
<th>Last four digits of SSN</th>
<th>Craft</th>
<th>Off Site Job Address</th>
<th>Phone Contact #</th>
<th>Hours worked</th>
<th>Check all that apply</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>☐ LIA Apprentice</td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>☐ New Hire LIA</td>
</tr>
<tr>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>☐ Disadvantaged Worker</td>
</tr>
<tr>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>☐ Journeyed-out</td>
</tr>
</tbody>
</table>

NOTE: This form is to be used for APPRENTICES ONLY. Under MAPLA Section 8.11, a contractor may receive credit for up to half the LIA, CW, and NM apprentice goals by employing such apprentices on non-PLA work (“off-PLA”) during its participation on the project. This credit allows the contractor to count off-PLA apprentice work for up to half the respective goals. A contractor must still satisfy the overall apprentice utilization goal on MAPLA projects, and must meet any additional requirements established by the State Division of Apprenticeship Standards (DAS). This form must be accompanied by supporting documentation, including proof of residency, proof of apprenticeship, copies of certified payroll reports, and, where applicable, copies of Document 00826R1, MAPLA Disadvantaged Worker and/or New Hire Apprentice Credit Form.

Mail or Email to: Davillier-Sloan, Inc.
1630 12th Street
Oakland, CA 94607
kitty@davillier-sloan.com

Send Copy to: Social Responsibility Division (Attn: Public Works Unit)
Port of Oakland
530 Water Street
Oakland, CA 94607

PLEASE ATTACH RELEVANT SUPPORTING DOCUMENTATION

Contractor Number/Oracle Number
00826R2-3
**TRUCKING INFORMATION & FORMS**

The MAPLA covers any trucking on a construction site and performance of Construction Trucking (i.e. the delivery of ready-mix, asphalt, aggregate, sand or other fill material that are directly incorporated into the construction process of the Covered Project(s), as well as the off-hauling of debris, excess fill, material, mud, dirt, ground asphalt, or concrete rubble). The MAPLA coverage includes Owner-Operators. Truckers shall execute a LOA, unless exempted. Certified payrolls must be submitted for each vehicle hauling to, from and on the site.

The prime contractor is responsible for collecting and submitting to DSI the applicable trucking forms within in five (5) business days after the driver first performs. Prime contractor shall assure certified payrolls are submitted on a timely basis.

Explanation of what type of driver fills out which form(s):

- Drivers who are employees of brokers = Form A
- Drivers who are not employees of brokers but still consent to being covered by the MAPLA = Forms A and B
- Drivers who seek an exemption from MAPLA = Form C

Explanation of the three (3) forms:

1. Form A = 1st page of questionnaire
2. Form B = LOA
3. Form C = full questionnaire
**Section 1: Driver**

- **Name:**
- **Years Driving Experience:**
- **Accidents:**
- **Endorsements:**

- **Driver's License No.:**
- **License Expiration:**
- **Check all that apply:**
  - [ ] Licenses revoked for driving under the influence
  - [ ] Verbal accident report in past 2 years
  - [ ] Fatality
  - [ ] Injury accident
  - [ ] Cited by law enforcement
- **Reason for reporting:**
  - [ ] Out of service by DMV or CHP in past 5 years for:
  - [ ] Excessive Hours
  - [ ] Logbook Violations
  - [ ] Equipment Violations

**Section 2: Vehicle**

- **A. Tractor**
  - **VIN:**
  - **License Plate:**
  - **Year:**
  - **Manufacturer:**
  - **Legal Owner:**
    - [ ] Driver
    - [ ] Other Owner (provide name & address)
- **Extract File Installed:**
- **Yes:**
- **No:**
  - [ ] CARB compliant?
  - [ ] Yes
  - [ ] No

- **B. Trailer**
  - **VIN:**
  - **Legal Owner:**
    - [ ] Driver
    - [ ] Other Owner (provide name & address)
  - **Extract File Installed:**
  - **Yes:**
  - **No:**
  - [ ] CARB compliant?
  - [ ] Yes
  - [ ] No

**Section 3: CHP Fit Program**

- **Terminal Owner:**
- **Driver:**
- **Name of other owner:**
- **No. of vehicles:**
- **All attendees:**
- **Final vehicle inspections performed through administrative review:**
  - [ ] Yes
  - [ ] No

**Section 4: Financing**

- **A. Tractor**
  - **Financed?**
  - [ ] Yes
  - [ ] No
  - [ ] Yes
  - [ ] No
- **B. Trailer**
  - **Financed?**
  - [ ] Yes
  - [ ] No
  - [ ] Yes
  - [ ] No

**Section 5: Work Through Broker?**

- **Yes:**
- **No:**

**Section 6: Job Performance**

- **Yes:**
- **No:**

**Section 7: Insurance & Forms**

- **Insured Name:**
- **Workers’ Comp Insurance:**
- **Business License:**
- **Yes:**
- **No:**
- **Due:**

**Signature:**

**Date:**

---

**Section 7: Insurance & Forms**

- **Insured Name:**
- **Workers’ Comp Insurance:**
- **Business License:**
- **Yes:**
- **No:**
- **Due:**

**Signature:**

**Date:**

---

**Section 7: Insurance & Forms**

- **Insured Name:**
- **Workers’ Comp Insurance:**
- **Business License:**
- **Yes:**
- **No:**
- **Due:**

**Signature:**

**Date:**
See trucking excerpts from the MAPLA below.

**MAPLA – Coverage & Duration**

2.2 **On-Site Construction Work.** “On-Site Construction Work” consists of the work described below, which shall be covered by this Agreement:

[ * * * ]

2.2.4 **Construction Trucking.** The delivery of ready-mix, asphalt, aggregate, sand, or other fill material that are directly incorporated into the construction process of the Covered Project(s), as well as the off-hauling of debris, excess fill, material, mud, dirt, ground asphalt, or concrete rubble (“Construction Trucking Work”) to the fullest extent and only as provided by law and the prevailing wage determinations of the California Department of Industrial Relations. Contractor(s), including brokers, of persons providing Construction Trucking Work shall provide certified payroll records to the Port within ten (10) days of written request or as required by bid specifications, to the fullest extent required by law or consistent with Port practice and policy. Construction Trucking Work shall also be governed by the terms of Appendix F (Addendum and Memorandum of Agreement Regarding Construction Trucking Work).

[ * * * ]

20.1.1 The following Articles or Sections shall apply only to Construction Contracts awarded, and Tenant contracts for which the Port issued a building permit, on or after August 1, 2016: Section 2.2.4 (Construction Trucking); Sections 8.8 through 8.10 and Sections 8.12 through 8.15 (regarding new hire apprentices); and Article 9 (MAPLA Small Business Enterprise Program).
APPENDIX D

Letter of Understanding Regarding Direct Owner-Operator and Owner-Operator Hardship Exemptions

February 1, 2016

Chris Lytle
Executive Director
Port of Oakland
530 Water Street
Oakland, CA 94607

Re: MAPLA Direct Owner-Operator and Owner-Operator Hardship Exemptions

Dear Mr. Lytle:

This letter clarifies the understanding of the Port of Oakland ("Port") and the Building and Construction Trades Council of Alameda County ("Council") regarding the circumstances in which an owner-operator directly contracting with the Port or with the Prime Contractor, or an owner-operator with a financial hardship, may be excluded from coverage by the Maritime and Aviation Project Labor Agreement ("MAPLA") under the MAPLA Small Business Enterprise Program ("MSBE Program"). The undersigned agree to the following understandings.

1. **Definition of Owner-Operator.** "Owner-Operator" means an individual natural person who owns and is the only driver of the power unit of a heavy duty commercial truck with a Gross Motor Vehicle Weight Rating of at least 26,001 pounds. A power unit is "owned" by a person if it is titled and registered to, insured by, and has its California Motor Carrier Permit number issued to by that person. However, a person is still considered an owner even if the power unit is titled and registered to a financial institution temporarily while the person is leasing the power unit and paying that financial institution for the purpose of eventually owning the power unit.

2. **Direct Owner-Operator Exemption.**
   a. A "Direct Owner-Operator" is defined as an Owner-Operator who directly bids with and is awarded work by the Prime Contractor or the Owner, and personally performs such work. A Direct Owner-Operator does not include a person working for or subcontracting with trucking brokers, or a person who employs, contracts, or subcontracts with any other person or entity to perform trucking work for the Port or Tenant.

   b. Direct Owner-Operators are exempted from MAPLA coverage under the MSBE Program for their work directly bid with the Prime Contractor or the Owner unless they choose to opt in to MAPLA coverage. Direct Owner-Operators shall notify the Port in writing that they are Direct Owner-Operators who are indeed exempted. Exempt Direct Owner-Operators shall remain exempted for their work...
directly bid with the Prime Contractor or the Owner until they reach the graduation limits of the MSBE Program or until they choose to opt-in to MAPLA coverage.

3. **Owner-Operator Hardship Exemption.** Owner-Operators, including those working through brokers, for whom coverage by the MAPLA will cause financial hardship may apply to the MAPLA Administrator for exemption before commencing work for a specific project. The MAPLA Administrator will then convene a meeting between one representative from the Port and one representative from the Council, which shall expeditiously decide (upon mutual agreement) if such Owner-Operators may be exempted under the MSBE Program because of the financial hardship for the specific project and/or future projects.

4. **MSBE Program Limits.** All dollar amounts of work performed by exempted Owner-Operators under this letter shall count toward the limits of the MSBE Program (such as the Program Cap, Trucking Trade Cap, and MSBE Graduation limits) as set forth in Article 9 of the MAPLA titled “MAPLA Small Business Enterprise Program.”

5. **Enforcement.** Any violation or circumvention of the terms of this letter shall be considered a violation of MAPLA and shall be referred to resolution under the terms of Article 13 (Grievances).

6. **Notification.** Within fifteen (15) business days’ request by the Union, the Port will provide information to the Union on all exempted work described in this letter and shall make available a copy of an Owner-Operator’s bid for work that has been exempted from the MAPLA.

Sincerely,

______________________________
Andreas Chuver, Secretary-Treasurer
Alameda County Building and Construction Trades Council

Acknowledged and agreed to
this ___ day of ________________, 2016

______________________________
J. Christopher Lytle, Executive Director
Port of Oakland
APPENDIX F

Addendum and Memorandum of Agreement between
International Brotherhood of Teamsters Local 853
and
The Port of Oakland
Regarding Construction Trucking Work under the
Maritime and Aviation Project Labor Agreement (MAPLA)

1. Preamble and Purpose

This Addendum is by and between the City of Oakland, a municipal corporation acting
by and through its Board of Port Commissioners, and International Brotherhood of Teamsters
Local 853, a labor organization (respectively, “Port” and “Teamsters”, together the “Parties”).
This Addendum is in addition to the Maritime and Aviation Project Labor Agreement
(“MAPLA”) negotiated between the Building and Construction Trades Council of Alameda
County and the Port. Specifically, this Addendum is intended to ensure that work covered by
MAPLA (“Covered Project(s)”) will be performed efficiently and without interruption. This
Addendum is entered into by the Port for the proprietary purposes set forth in MAPLA. In
addition, the Port has entered into this Addendum as a result of the particular concerns associated
with the utilization of heavy trucking in a densely-populated urban environment, which requires
particular attention to matters of safety, financial and environmental responsibility on the part of
trucking contractors, adherence to prevailing wage, licensing and other laws that have been
enacted for the protection of the public. Therefore, the Parties agree as follows.

2. Scope of Addendum

This Addendum shall govern the award of bids for, the contracting work for, and the
performance of Construction Trucking Work (i.e., the delivery of ready-mix, asphalt, aggregate,
sand, or other fill material that are directly incorporated into the construction process of the
Covered Project(s), as well as the off-hauling of debris, excess fill, material, mud, dirt, ground
asphalt, or concrete rubble). The MAPLA, and not this Addendum, shall apply to all other work
covered by MAPLA within the Teamsters’ jurisdiction that is not Construction Trucking Work.

The MAPLA shall not apply to any Construction Trucking Work performed by drivers
who are _bona fide_ independent contractors, and any such excluded work shall not be subject to
the limits of the MAPLA Small Business Enterprise Program set forth in Article 9 of the
MAPLA. All drivers shall perform work as initially classified notwithstanding any pending
disputes about the classification of such drivers, unless the Port determines that the drivers are
improperly classified.

Trucking brokers (including drivers who are _bona fide_ independent contractors that
subcontract with or employ other drivers to perform work for Covered Project(s)) shall be
Appendix F – Independent Contractor Exemption

required to execute a Letter of Assent to the MAPLA prior to performing any work on Covered Project(s). The MAPLA Letter of Assent shall refer to and bind Contractors to the terms of this Addendum and attachments.

The Teamsters recognize and agree that the terms of Article 12 of the MAPLA (Work Stoppages and Lockouts) apply to this Addendum and that, among other things, the Teamsters may not engage in strikes, sympathy strikes, picketing, work stoppages, slowdowns, or other disruptive activity at the site(s) of the Covered Project(s) or because of a dispute concerning Covered Project(s).

3. Bidding of Work

The Port shall incorporate the material terms of the MAPLA Trucking Requirements, attached hereto as Exhibit A, into all future bidding documents for Covered Project(s) and shall include this Addendum with any bidding documents that involve or entail Construction Trucking Work.

4. Enforcement

The parties recognize that misclassification is a serious concern in the transportation industry. Misclassification and the failure to pay wages owed have the effect of undermining sources of public revenue, prevailing wage requirements, licensing and contracting laws, financial and environmental responsibility, and may contribute to the eruption of labor disputes and work stoppages. Accordingly, the provisions respecting enforcement of these requirements is intended to ensure the safety of the public and of drivers, accomplish the Port’s environmental goals, and facilitate the timely and efficient completion of Covered Project(s).

In order to ensure the Parties and contractors are in compliance with MAPLA, state laws and regulations respecting government contracts, and this Addendum, the Port shall require all drivers engaged to perform work on Covered Project(s) to complete a questionnaire that incorporates the material terms of the MAPLA Driver Questionnaire, attached as Exhibit B, hereto. The purpose of the questionnaire is to ensure compliance with the Trucking Requirements and ensure that drivers are properly classified as independent contractors or employees. Responses to all questionnaires will be signed under penalty of perjury and will be public records, except for those portions marked confidential.

Disputes regarding whether a driver is a bona fide independent contractor and any related claim for nonpayment of wages and benefits because of misclassification shall be resolved through the MAPLA grievance procedure in Article 13, during which all applicable State law standards and burdens shall apply. Notwithstanding the provisions of Section 13.2, Step 4(b) of the MAPLA regarding equally sharing costs of arbitration, an arbitration award regarding claims about the misclassification of drivers and/or claims for nonpayment of wages and benefits because of misclassification, may include an award of reasonable attorneys’ fees and costs (but
not penalties) to the prevailing party, subject to the discretion of the arbitrator and only to the extent authorized by State law. For all disputes under this Addendum other than misclassification – including, without limitation, disputes regarding nonpayment of wages for employee drivers – the MAPLA grievance procedure in Article 13 shall be the exclusive dispute resolution mechanism.

5. Savings and Supersession

The terms contained in this Addendum and its exhibits are valid and enforceable as if they were set forth directly in MAPLA, and shall supersede any inconsistent terms contained in MAPLA. In the event that any provisions set forth in this Addendum are found by a court of law to be void, all other provisions shall continue to remain in effect and the Parties shall meet and confer in good faith to address any such ruling.

The Parties agree that the timely, efficient, and economical completion of Covered Project(s) is of utmost importance. The Parties shall, in good faith, endeavor to resolve any operational issues that arise because of the implementation of this Addendum, the MAPLA Trucking Requirements, or the MAPLA Driver Questionnaire, and may make mutually agreed upon changes.

Accepted and Agreed to this _____ day of January, 2016

City of Oakland, a municipal corporation acting by and through its Board of Port Commissioners

By: ________________________________
   J. Christopher Lytle
   Executive Director

International Brotherhood of Teamsters, Local 853

By: ________________________________
   Rome Aloise
   Secretary-Treasurer
EXHIBIT A

MAPLA Material Haul Trucking Services Requirements:

The material terms of the following requirements will be incorporated in bid specifications and/or the MAPLA Operating Procedures governing trucking services.

The following requirements apply to the delivery of ready-mix, asphalt, aggregate, sand, or other fill material that are directly incorporated into the construction process of the Covered Project(s), as well as the off-hauling of debris, excess fill, material, mud, dirt, ground asphalt, or concrete rubble (“Construction Trucking Work” or “Work”). The word “Equipment” refers to both the truck and trailer used for hauling. These requirements are intended to ensure the Work is performed in accordance with professional standards of workmanship, safety and the health of not only the drivers performing the Work, but also of those around them, including other workers and the public, while minimizing the environmental impact on the high-density urban environment in which the Work will be performed. These requirements impose standards and procedures with which the contractor and any subcontractors performing the Work must comply. The requirements contained herein may apply to the individuals performing the Work and/or Contractors awarded the Work, respectively referred to as “drivers” and “Contractors” herein. The term “driver” is used without regard to whether the individual performing the work has been classified as an employee or as an independent contractor. These requirements are in addition to those set forth under MAPLA. The term “Union” means the International Brotherhood of Teamsters, Local 853.

Equipment

1. The Contractor is responsible for ensuring that the equipment utilized in the performance of the Work complies with the requirements set forth herein. The Contractor is responsible for ensuring all subcontractors adhere to these requirements. All equipment shall be maintained in good working condition, as determined by standards set forth by the State of California Highway Patrol. At any time, the Trucking Coordinator (as described below) may require inspection or servicing of any equipment that does not comply with the requirements set forth herein. The Trucking Coordinator shall immediately notify the Contractor and any subcontractors in writing of any equipment requiring inspection or servicing. The Trucking Coordinator’s written notification shall identify: (i) the equipment requiring inspection or servicing; and (ii) the violation and/or deficiency. Failure to comply with the Trucking Coordinator’s demand shall be grounds for removal of the driver and/or equipment from the job, subject to the discretion of the General Contractor.

2. The Contractor will ensure that each driver, prior to commencing Work, shall submit a completed questionnaire attached as Exhibit B to the Addendum. The questionnaires shall be signed under penalty of perjury. The Trucking Coordinator and/or Port will provide questionnaires to all drivers, who must complete and return them directly to the Trucking Coordinator or Trucking Coordinator’s designee no later than five (5) business days after the driver first performs Work. Drivers who fail to return completed questionnaires within this five business day timeframe will not be permitted to perform Work unless they execute a Letter of Assent. Drivers who are so prohibited may be permitted to perform Work at the discretion of the
Appendix F – Independent Contractor Exemption

Trucking Coordinator only after completing the questionnaire or executing a Letter of Assent. The Contractor, its subcontractors, the Port, and/or Teamsters shall not attempt to influence the driver to answer the questionnaire in any manner.

3. Equipment utilized in the performance of the Work must meet the CARB regulations in effect for On-Road Heavy-Duty Diesel Vehicles (13 C.C.R. § 2025).

4. To the extent consistent with the Port of Oakland Standard Contract Provisions for Public Works Projects, as amended, all equipment used for performing the Work shall be road worthy and shall be fully insured with minimum Commercial Automobile Liability insurance limits of $1,000,000 combined single limit, each accident for bodily injury and property damage, from a fully bonded or reinsured insurance company licensed to do business in California. An active policy or policies for such insurance shall be maintained throughout the performance of the Work.

5. All Equipment used to perform the Work shall comply with the California Highway Patrol’s requirements regarding Biennial Inspection of Terminals (“BIT”) inspections both prior to and during the Project. The Contractor and any subcontractor shall not be permitted to use any equipment at the Project that is not maintained in accordance with the BIT Inspection regulations. Proof of compliance shall be provided to the Trucking Coordinator and furnished upon request to the Union.

6. The Contractor, any subcontractor, or driver shall not tamper with emission control equipment or the engine calibration software controlling engine performance on any equipment.

Driver

7. All drivers of heavy duty commercial trucks with a Gross Motor Vehicle Weight Rating of 26,001 pounds or more performing Work will be subject to the MAPLA’s Substance Abuse Testing Policy. All such drivers will comply with the Trucking Coordinator’s oversight or monitoring of the Substance Abuse Testing Policy. Failure to comply with such substance abuse testing shall be grounds for immediate removal from the Project.

8. All drivers performing the Work shall be required to possess, maintain and have in their possession the proper operator’s license and medical examiner’s certificate at all times, and shall present such licenses and certificates to the Trucking Coordinator upon demand.

9. To the extent required by law, all drivers must be covered by a workers compensation insurance policy. To the extent the Contractor or any subcontractor is self-insured, it must demonstrate compliance with the California Labor Code, including a copy of a current certificate of consent to self-insure issued by the Director of the California Department of Industrial Relations under Labor Code Section 3700(b), to the extent this is consistent with the Port of Oakland Standard Contract Provisions for Public Works Projects, as amended. No driver may be permitted to perform Work unless proof of such a policy is provided.

10. All drivers performing Work must register with the Trucking Coordinator and provide proof of liability insurance and workers compensation coverage or exemption therefrom. The Trucking Coordinator shall ensure union security provisions are enforced and complied with to
Appendix F – Independent Contractor Exemption

the same extent and degree as elsewhere on the Project. Contractors shall not be required to contribute to the Union’s Health & Welfare and Pension Trusts on behalf of drivers who are bona fide independent contractors. Independent Contractors may elect to participate in the Union’s Health and Welfare or Pension Trusts at their own expense. Drivers who are bona fide independent contractors shall not be required to be referred through the Union’s hiring hall. In soliciting independent contractor drivers, no Contractor or subcontractor shall discriminate against a driver based on his or her referral from the Union hiring hall or participation in benefit plans.

11. The Union shall have standing to initiate and prosecute grievances under MAPLA Article 13 (Grievances) and the Construction Trucking Addendum (attached as Appendix F to the MAPLA) for the purpose of challenging the employment classification of drivers and remedying the non-payment of wages under the MAPLA on behalf of drivers.

Prevailing Wage

12. All drivers performing Work shall be paid applicable California State prevailing wage rates and shall be compensated in accordance with California law.

13. All drivers performing Work shall be monitored on-site by an employee of the Contractor.

14. The Port shall monitor Prevailing Wage and MAPLA compliance on work performed on Covered Project(s) and shall inform the Union of any discovered violations.

Health, Safety and Financial Responsibility

15. All drivers performing Work shall participate in the Contractor’s safety training program, which shall include: (i) driving safety; (ii) hazmat training; and (iii) jobsite awareness and reporting of safety issues and suspicious or threatening activities.

16. The Contractor shall indicate whether it is currently the debtor in a bankruptcy case and whether it has filed a bankruptcy petition in the last seven (7) years.

17. Upon request by the Union, the Trucking Coordinator shall collect from the principal(s) of the Contractor the names of all prior trucking companies, proprietorships, or other entities in which they have held an ownership interest in the past three years. As used in this section, “principal(s) of the Contractor” means any person or entity holding at least a 25% ownership interest in the Contractor.

18. The Contractor shall indicate whether it, in the last five (5) years, had any civil claim filed in court, arbitration, administrative agency or other dispute resolution proceeding alleging violations of The Federal Hours of Service Rules; California Labor Code; California Public Contract Code; or alleged violation of any other rule or regulation promulgated by the Federal Motor Carrier Safety Administration, including rules regarding the proper transportation of hazardous materials.
Appendix F – Independent Contractor Exemption

19. The Contractor shall be subject to retention of progress payments to ensure performance of the Work. This retention may also be used, solely or in combination with progress payments due to the Contractor, for the purpose of securing payment of prevailing wage to all drivers employed, engaged or contracted by the Contractor or any subcontractor to perform the Work.

20. The Contractor shall be subject to audits of its books and records, including payroll, by the Port, which includes the Trucking Coordinator, for the purpose of monitoring and enforcing financial responsibility provisions and payment of prevailing wage to all drivers engaged or employed by the Contractor performing the Work whether employed or subcontracted by the Contractor.

21. In accordance with the Public Contracts Law, the Contractor must designate all subcontractors it anticipates utilizing, which shall hold valid contractors licenses issued by the State of California, as applicable.

Trucking Coordinator

22. The Trucking Coordinator shall be provided by the Port. Subject to all rules governing Port employment (including, without limitation, the City of Oakland Charter, the City of Oakland Municipal Code, and the Port’s Personnel Rules), the Port shall select the Trucking Coordinator following consideration of qualified applicants, including those referred by the Union, and following consultation with the Union regarding the minimum qualifications required of the Trucking Coordinator and the requirements of the position. The same Trucking Coordinator may oversee more than one project covered by MAPLA. Subject to all rules governing Port employment, the Trucking Coordinator shall prioritize fulfilling his/her duties required hereunder.

23. The Trucking Coordinator shall not have the power to hire or fire on behalf of the Contractor or any subcontractors, but may recommend removal of drivers from the job upon notice to the Contractor and documentation of noncompliance by such driver or subcontractor with respect to these specifications, MAPLA or State prevailing wage law.

24. Subject to the terms of these specifications, the Trucking Coordinator shall independently exercise his/her discretion. The Contractor shall not improperly influence or attempt to improperly influence the Trucking Contractor in any manner. The Trucking Coordinator’s duties shall include ensuring that these specifications, MAPLA and State prevailing wage law are enforced. The Trucking Coordinator may interact directly with drivers to ensure compliance with the duties identified above, so long as the Trucking Coordinator’s actions do not unduly disrupt the Work and comply with the Contractor’s needs and practices. Upon findings of non-compliance with these specifications, the Trucking Coordinator shall inform the Contractor in order to allow the Contractor sufficient time to correct the noncompliance. If the Contractor is not able to resolve the noncompliance, the Trucking Coordinator or the Union may refer the issue to the Joint Administrative and Social Justice Trust Committee (as described in MAPLA Article 6) for resolution.

25. The Trucking Coordinator shall exercise his/her best efforts to maintain communication with the Union and to provide notice to the Union of any discovered non-compliance with these requirements.
ELECTRONIC CERTIFIED PAYROLL

Before starting work on-site, the general contractor shall register and setup list of subcontractors for the project in the Port’s electronic web assessed monitoring system, Elation Systems. Below are instructions on how to register. Once work begins, on a weekly basis, all contractors performing work on-site shall submit certified payroll reports (CPR), including trucking firms into the Port’s electronic web assessed monitoring system, including statements of non-performance. Once a contractor’s work is complete, contractor will submit and denote ‘final’ CPR.

Elation Systems Registration Instruction

Please follow the steps described below to establish your free on-line account for the web based compliance reporting system provided by Elation Systems. For your online security, please use latest browsers such as Internet Explorer (IE) 11 or later, latest version of Chrome or Firefox.

1. The web address for registration is https://www.elationsys.com/app/registration

   The special promotional code is: PortOakland-2017

   NOTE: If your company already has an account with Elation Systems, no need to register again.

2. You will receive a confirmation email after completing registration form and the following is an example of the email. Please make sure to click on the link provided in the email to complete the registration process.

   ****************************
   Please keep this e-mail for your record.
   ****************************
   Elation Systems has received your registration. Please click the following link: https://www.elationsys.com/Registration/ConfirmRegistration.aspx?cr=CR-0710204101253-5892 to complete your registration.

   Registered For: ABC Construction, Inc.
   Registration Number: CR-0710204101253-5892 Regisration Date: 8/12/2004 Registered By: John Dow

   A subsequent account activation email will be sent once we confirmed your information.
   ****************************
   Do not reply to this e-mail. This message was sent to you using an automated system. This e-mail alias is not monitored for replies. If you need help, please contact us through one of the methods described below.

   If you have questions about your registration, contact Elation Systems through the Customer Assistance page at http://www.elationsys.com/contactus.htm, or call Elation Systems Customer Service, Monday through Friday between 8:00AM and 5:00PM PST at 1-925-924-0340, or email us at support@elationsys.com.

3. Once above steps are completed, you will receive an account activation email and following is an example.

   ****************************
   Please keep this e-mail for your record.
   ****************************
   Elation Systems has reviewed your registration.

   Registered For: ABC Construction, Inc.
   Registration Number: CR-0710204101253-5892 Registration Date: 8/12/2004 Registered By: John Dow

   Your registration has completed and your account has been activated on 8/13/2004.
   ****************************
   Do not reply to this e-mail. This message was sent to you using an automated system. This e-mail alias is not monitored for replies. If you need help, please contact us through one of the methods described below.

   If you have questions about your registration, contact Elation Systems through the Customer Assistance page at http://www.elationsys.com/contactus.htm, or call Elation Systems Customer Service, Monday through Friday between 8:00AM and 5:30PM PST at 1-925-924-0340, or email us at support@elationsys.com.

4. After receiving the activation email, you may start to use the on-line reporting services by using the “User Name” and “Password” you specified at time of your registration.

Thank you!