



FORTY NINERS STADIUM MANAGEMENT COMPANY

Date: November 7, 2022

To: Rajeev Batra
Executive Director
Santa Clara Stadium Authority

From: Jenti Vandertuig
Procurement Director
Forty Niners Stadium Management Company LLC

Subject: Recommendation for Award for Labor Compliance Software Subscription
Services with LCPtracker, Inc. for Levi's Stadium

Recommendation

1. Recommend approval and award of an agreement with LCPtracker, Inc., (LCPtracker) for a cloud based labor compliance software subscription service, for a one year period beginning December 15, 2022 through December 14, 2023, in the amount of \$13,090.
2. Authorize annual renewal of subscription services for an additional two-years from December 15, 2023 through December 14, 2025. Since the renewal term extends beyond a single fiscal year, the term for subsequent fiscal years shall be conditioned upon approval of the Santa Clara Stadium Authority (SCSA) budget for the applicable fiscal year that includes the amounts due under the agreement.

Reasons for Recommendation

In support of the Forty Niners Stadium Management Company (Stadium Manager) and SCSA's shared objective of ensuring payment of prevailing wage rates and compliance with all applicable state prevailing wage requirements for Levi's Stadium public works projects, the Stadium Manager seeks SCSA Board approval of the LCPtracker software-as-a-service (SAAS) solution. LCPtracker is an advanced labor compliance software solution providing an automated means for collecting and checking certified payroll reports including fringe benefit statements and associated statements of compliance and statements of non-performance, apprenticeship records, and implementing other public works compliance management obligations. Employing this solution provides both the owner (Stadium Manager and SCSA) and contractors a streamlined process for ensuring prevailing wage compliance through the easy-to-use LCPtracker platform, which can be customized to provide instantaneous automated notifications to the contractor when there are any inconsistencies in the uploaded certified payroll reports and other prevailing wage compliance records. These automated notifications allow for contractors to efficiently address any prevailing wage compliance issues in real time, avoids the delay and administrative burden of iterative manual review, and most importantly,

results in workers being paid the appropriate prevailing wage rates required under state prevailing wage law in a timelier manner.

LCPtracker itself is a proven dynamic labor compliance SAAS solution utilized throughout the construction industry by both public owners and contractors alike to ensure labor compliance on public works projects. Many of the contractors working on Levi's Stadium public works projects have experience with LCPtracker thus reducing onboarding time that might pose an issue with alternative platforms. It is also our understanding the City of Santa Clara employs LCPtracker on its own public works projects. City staff's familiarity with the platform will facilitate providing direct access to prevailing wage compliance documentation submitted by contractors on Levi's Stadium public works projects and further the objective of ensuring contractors, subcontractors and workers are appropriately and timely paid.

Proposed Agreement

LCPtracker is extensively used in the public sector both at the federal, state, and local levels. LCPtracker offers public entities the opportunity to utilize the federal General Services Administration (GSA) schedule cooperative agreement without an option to negotiate nor include any additional terms or enter into a commercial master subscription software as a service agreement with mutually agreed upon terms. Stadium Manager selected the latter by negotiating provisions to ensure additional protections under the risk allocation terms of the agreement (i.e., limitation of liability and indemnity) and a 15% discount off the list price.

Stadium Manager recommends approval of a one year agreement with LCPtracker. Based on the anticipated spend, Stadium Manager has opted for Bulk Project Pricing annual fees for construction capacity of up to \$10 million in the first year. At each annual renewal period, Stadium Manager's usage will be assessed and trued up to the actual spend. The master subscription service also includes one-time standard web based start-up fees and travel expenses for onsite training. Stadium Manager will continue to receive the 15% discount off the list price for years two and three.

Stadium Manager recommends approval to renew the software subscription service on an annual basis for two additional years. The annual Bulk Project Pricing fee will vary based on the new subscription rates and the construction capacity needed by Stadium Manager. Since the renewal term extends beyond a single fiscal year, the term for subsequent fiscal years shall be conditioned upon approval of the SCSA budget for the applicable fiscal year that includes the amounts due under the agreement.

Therefore, approval is sought to enter into an agreement with LCPtracker for a one year period beginning December 15, 2022 in the amount of \$13,090, with an option to extend for two additional one year periods.

The cost for this purchase is covered in the FY22/23 SCSA Budget, Stadium Operations, as a shared expense.

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Submitted By: _____ Date: 11/7/2022
Jenti Vandertuig, Procurement Director