



CIFAC Progress and Accomplishments

MARCH 1 through MARCH 31, 2013

NORTHERN CALIFORNIA

INVESTIGATIONS

City of Kerman MT130301 (CUCCAA-\$45,000) Fresno County

While reviewing City Council agenda's online, Tucker found that the City had rejected all bids for the Katie's Kids Nature Park Landscape Project, with the intent to self-perform the work. After review of the project documents, she found that the City failed to advertise properly and notify the low bid contractor as required by the California Uniform Construction Cost Accounting Act. Tucker contacted the City and was told that the City had elected not to use the provisions of the Act; rather they chose to use the provisions of the Public Contract Code that pertains to general law cities. Per section 22030, an agency that elects to participate in the Act must follow those provisions alone and may not toggle back and forth. After discussions with the City, they decided to rebid the project per Tucker's suggestion to ensure compliance with the Public Contract Code requirements.

Approximate Value: \$70,000

Status: Resolved/Monitor/Influenced

City of Monterey MT130302 (Charter-\$60,000) Monterey County

Tucker was contacted regarding road work near Scholze Park. Tucker researched the internet and found several references to the work in progress. The project was called the Scholze Park Streetscape Improvements Project. Scope of work was for the installation of pavers, plant boxes, ADA ramps and a new retaining wall and the replacement of damaged curb, gutter and sidewalk. The work was part of an on-call contract for municipal improvements. The contract was competitively bid in 2012 with the only bidder on the project, awarded the contract. Tucker inquired as to how the City advertises their projects. The City advertises in the local newspaper and ebidboard. Tucker suggested the City expand their advertising to include the local builders exchange and McGraw Hill Construction Dodge. In addition, it was Tucker's understanding that the contractor may not be required to pay prevailing wages, so she forwarded the information to the Foundation for Fair Contracting.

Approximate Value: \$100,000

Status: Resolved

Modesto Irrigation District MT130303 (All contracts paid with bonds or assessments) Stanislaus County

Tucker was contacted regarding the Membrane Basin Building Contract project. It appears that this project was not competitively bid. She is in the process of researching project details.

Approximate Value: \$6 million

Status: On-Going

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Riverbank Unified School District MT130304 (\$15,000) Stanislaus County

Tucker noticed a construction project in process at the Riverbank Community Gymnasium on Santa Fe Street, while passing by the area. Tucker contacted the District for project information. The project in question was for the construction of an 1800 square foot building to be used as a Science Center at Cardoza Middle School. The district elected to use the lease lease-back method of construction rather than traditional design-bid-build.

Approximate Value: \$1 million Status: Resolved/Identified

City of Los Gatos MT130305 (General law-\$5,000) Santa Clara County

While reviewing the City's Municipal Code online, Tucker found that the City was using the provisions of the California Uniform Construction Cost Accounting Act, however, was not recognized by the state controller's office as participant of the Act. Tucker requested a copy of the resolution adopting the Act for her records. The City adopted the Act on October 4, 1993. Upon receipt, she informed the City that they must send a copy of the resolution to the State for inclusion on the list of participants. The City thanked Tucker for working with them.

Approximate Value: Unknown Status: Resolved

City of San Anselmo MT130306 (General law-\$5,000) Marin County

While reviewing the City's Municipal Code online, Tucker found that the City was using the provisions of the California Uniform Construction Cost Accounting Act, however, was not recognized by the State Controller's Office as a participant. Tucker requested a copy of the resolution adopting the Act for her records. The City adopted the Act on August 8, 1995. Upon receipt, she informed the City that they must send a copy of the resolution to the State for inclusion on the list of participants. The City thanked Tucker for working with them.

Approximate Value: Unknown Status: Resolved

City of Atherton MT130307 (General law-\$5,000) San Mateo County

While reviewing the City's Municipal Code online, Tucker found that the City was using the provisions of the California Uniform Construction Cost Accounting Act, however, was not recognized by the State Controller's Office as a participant. Tucker requested a copy of the resolution adopting the Act for her records. The City adopted the Act in April 2012. Upon receipt, she informed the City that they must send a copy of the resolution to the State for inclusion on the list of participants.

Approximate Value: Unknown Status: Resolved

City of Fairfax MT130308 (General law-\$5,000) Marin County

While reviewing the City's Municipal Code online, Tucker found that the City was using the provisions of the California Uniform Construction Cost Accounting Act, however, was not recognized by the State Controller's Office as a participant. Tucker requested a copy of the resolution adopting the Act for her records. The City adopted the Act on July 10, 1995. Upon receipt, she informed the City that they must send a copy of the resolution to the State for inclusion on the list of participants. The City thanked Tucker for working with them.

Approximate Value: Unknown Status: Resolved

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City of Los Altos MT130309 (General law-\$5,000) Santa Clara County

While reviewing the City's Municipal Code online, Tucker found that the City was using the provisions of the California Uniform Construction Cost Accounting Act, however, was not recognized by the State Controller's Office as a participant. Tucker requested a copy of the resolution adopting the Act for her records. The City adopted the Act in July, 1987. Upon receipt, she informed the City that they must send a copy of the resolution to the State for inclusion on the list of participants.

Approximate Value: Unknown Status: Resolved

OTHER

The City of Grover Beach has an item on the April 2, 2013 City Council agenda to discuss how the City intends on proceeding with a proposed charter initiative. Tucker will continue to monitor the City's actions, as their proposed draft charter includes the exemption of the Public Contract Code and Labor Code.

Tucker is in the process of reviewing City Municipal Codes within her coverage area to ensure Public Contract Code Compliance.

NETWORKING

Tucker attended and operated a CIFAC booth at the Operating Engineers, Local 3 semi-annual meeting in Vallejo. She had the opportunity to talk to union staff and members about CIFAC.

Tucker attended the Foundation for Fair Contracting Underground Economy/Labor Compliance seminar in Sacramento.

Tucker continues to maintain contact with her network, answer Public Contract Code questions and search for new bidding opportunities for the industry within her coverage area.

INVESTIGATIONS

City of Redding SR130301 (\$45,000-CUCCAA) Shasta County

City of Redding crews were observed digging out for sidewalk. The area had already been cleared of trees. Riley contacted the Public Works Director who said that he would gather information. He found that the trees had caused root problems with the sidewalk. The City was going to put the work on their annual contract to have the sidewalk replaced. The new property owner requested that the City do the work immediately as he was doing remodel work and didn't want a conflict with the ADA structures he was installing. The City complied with this request.

Approximate Value: \$30,000 Status: Resolved

Gateway Unified SR 130302 (\$15,000) Shasta County

Riley received information that the School District was planning on using a suppliers list maintained by the State of California to do certain public works projects. They had been told by a contractor that if they used contractors on the list, they would not need to bid out work. Riley researched the program. The program does not allow public works to be done, rather states that if labor is insignificant it could be performed. Riley contacted the District and explained the problem from CIFAC's point of view. They stated that they

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would not do any work without bidding it and would work with Riley in the future. This work included the track at the high school and the tennis courts.

Approximate Value: \$250,000

Status: Resolved/Influenced

Marysville Unified School District SR130303 (\$17,000) Yolo County

A concerned contractor contacted Riley about a remodel/construction project at Oliverhurst Elementary School District. His work on the project was completed and the larger part of the work still remained. He wanted to know if CIFAC had any knowledge on retention. The District was withholding 13% from him. He was concerned because that was over the contract amount and also because the project has at least another year before it will be complete. Riley provided him the Public Contract Code (PCC) information showing that the maximum retention that could be held was 5%. He then reported back that the District said that 5% was retention, 4% was for receiving “as-builts” from their general and another 4% was for the finalization of the entire contract. After quoting the current PCC to the District and General, he was told that he would receive his funds without delay. The contractor thanked Riley and said that he would be contacting her in the future.

Approximate Value: \$80,000

Status: Resolved

Mendocino County SR130304 (\$45,000-CUCCAA)

The Department of General Services contacted Riley about a remodel project. They had recently had some staff changes and needed to clarify bidding requirements on a project. They had bid out the majority of the remodel work and were preparing to go to the Board of Supervisors for award of the contract. A staff member from one of the areas mentioned that they needed some other drywall and window work done and were going to call maintenance to do the work. The Department of General Services told them they couldn't do that and then contacted Riley. At first it appeared that they would have to bid out the additional work as a separate contract. Then after discussion it was determined that there was like work in the contract being awarded and the value of the additional work was very low. This would allow them to write a contract change order. The County thanked Riley for her help.

Approximate Value: \$145,000

Status: Resolved/Influenced

Mendocino County SR130305 (\$45,000-CUCCAA)

A review of the Board of Supervisor's Agenda found an item from the Director of Transportation/Road Commissioner asking for a blanket declaration from the Board allowing force account work up to the limit set by legislation under AB720, which CIFAC sponsored. The law requires a declaration prior to a project being done. It does not allow for a blanket declaration covering all work. The resolution being presented to the Board, also quoted the wrong sections of the Public Contract Code. Riley drafted a memo which was sent to the CEO and two Board members. The item was removed from the agenda. Riley is monitoring the County.

Approximate Value: \$1 million

Status: Monitor/Influenced

Caltrans District 4 SR130306 (\$25,000-new work) Sonoma County

Riley has been attempting to get information from the public information officer in Sonoma County for Caltrans. They had always responded quickly and then about nine months ago the responses stopped. After many unreturned emails and phone calls she and the Executive Director Hilliard decided to send a letter to the Director of District 4. They have not received a response as of the end of March. Riley has noticed that

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there appears to be some notifications coming from a different person. The information officers allow CIFAC field staff to find out about work that may not have bid.

Approximate Value: \$ 250,000 Status: On-Going

Modoc County SR130307 (\$4,000)

A contractor called Riley with concerns about possible bid-shopping on a building project in Modoc County. She then received a call from a field representative of the industry about the same project. There were concerns that a contractor had listed themselves as a General Contractor on the project, when in fact they performed only some sub-trade work. The concern was that they asked for subcontractor prices and then used those prices to figure out their estimate and submitted a bid to the general contractor. Though this seems unethical, there isn't anything in the Public Contract Code that would prevent it from being done.

Riley suggested that if this was a concern, that they only send subcontractor quotes to those that they trust.

Approximate Value: \$4.5 million Status: Resolved

Redwood Empire Fair District SR130203 (\$25,000) Mendocino County

This entity is being monitored for work on the request of an interested person. (Please see February 2013 Recap). Riley was asked to review the February minutes from the Fair's Board of Directors meeting. She had been told earlier that the Fair did not have the funds to do any projects and that none were anticipated. The minutes indicated that the Board had been presented with a cost breakdown of a new RV shelter. The work will be done in the future when funds are available. Riley sent a public records request to the fair asking for agendas and minutes on an on-going basis. She received a phone call stating that they would be sent. The CEO also stated that she would prefer Riley acted as a resource and not monitor her activities.

Approximate Value: \$285,000 (revised) Status: Resolved/Monitor

NETWORKING

Riley attended a contractor's information meeting arranged by Laborers Local 185 in Sacramento. The meeting was to give contractors information on the services that are available to signatory contractors that they may not be aware of. This included presentations by the Laborers Training Center, LECET, FFC and CIFAC. Many of the contractors asked for cards from Riley, and expressed interest in what CIFAC does.

Riley submitted an article to Local 185 for their April 2013 newsletter. The article explains CIFAC's functions and also urges members to get involved in reporting possible force account violations.

Riley attended the North Eastern Building Trades meeting. She reported on CIFAC activities and was able to get information on work taking place in her area of coverage. She also was thanked for the work she has done in regards to Cal Fire. They are now promising to put their work out to bid. In the Shasta area they plan on two major projects.

Riley was in contact with various network members throughout the month. She urged people to report any possible violations to CIFAC. She also reported on CIFAC activities.

Riley assisted the other field representatives as needed to aid in efficient and timely resolution of investigations.

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