



CIFAC Progress and Accomplishments

JUNE 1 through JUNE 30, 2015

NORTHERN CALIFORNIA

INVESTIGATIONS

South Tahoe Public Utility District MT150601 (\$15,000) Alpine County

Tucker was contacted regarding a pre-qualification process for the Diamond Valley Ranch Irrigation Improvements Project that is currently bidding. The pre-qualification was performed back in July 2011 and bids from pre-qualified contractors are due by electronic submission no later than July 2, 2015. When a pre-qualification happens so far in advance, it can limit the bidder's pool. Some contractors that qualified years prior may not qualify now and vice versa. Tucker contacted the District about the issue and suggested that they pre-qualify contractors closer to bid due date for their projects. Apparently the bid date was postponed due to unforeseen issues. Agencies are allowed to either pre-qualify on a per project basis or on an annual basis. The agency is in compliance although the timeframe may be frowned upon. Tucker submitted a formal letter objecting to their pre-qualification process and requested that they perform another pre-qualification process as there are contractors that wish to pre-qualify and bid the project.

Approximate Value: \$5 million

Status: Resolved/Monitor

San Francisco Tourism Improvement District MT150602 (Private) San Francisco County

Tucker was contacted regarding the Moscone Center Expansion project amid concerns regarding the bid process. This project is a public-private partnership between the City, Moscone Expansion District (MED), and the San Francisco Tourism Improvement District (SFTID). Tucker found no specifics on the procurement process utilized so she submitted a Public Records Request to the agencies involved and was sent hundreds of pages of documentation. An alternate delivery method was used for this project, referred to as a Construction Manager/General Contractor (CM/GC). The District used a Request for Qualifications/Request for Proposals (RFQ/RFP) process to retain the Architect and a separate RFQ/RFP process to retain the CM/GC. The District issued an RFP/RFQ trade package for Core Trade Subcontractors to assist in the design phase of the project with subcontractor trade packages bid separately. Tucker concluded that the agencies involved are in compliance and no further action was necessary.

Approximate Value: \$500 million

Status: Resolved

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Sky High Ranch Homeowners Association MT150603 (Private) Calaveras County

Tucker was contacted regarding the Sky High Ranch Water System Improvements Project. She was given no information other than the project name. There appeared to be some concerns regarding transparency and wage requirements. Some contractors did not want to bid this project due to these concerns. Through extensive research, Tucker found project information online and was able to track down the project owner, funding mechanisms and scope of work. The project is being administered by a private homeowners association who have passed an assessment increase in order to pay back the United States Department of Agriculture Rural Development loan funding the project. Calaveras County provides some oversight due to the small size of the system which serves less than 200 residents. Due to the private status of the Association, Tucker concluded that the Public Contract Code requirements are not applicable. Questions also arose regarding the payment of Davis Bacon wages of which Tucker was able to confirm with the USDA are not applicable. Although CIFAC does not investigate wages, we do want to ensure a level playing field is present.

Approximate Value: \$3.9 million

Status: Resolved

County of Tuolumne MT150604 (CUCCAA-\$45,000)

While reviewing bid results for recent County projects, Tucker noticed that the low-bid contractor for the Animal Control and Multiple Locations Drywall Project did not appear to be registered per the Department of Industrial Relations requirements of SB 854. Tucker sent a request for information to the County and is waiting for a response. It is unclear if the contract has been awarded.

Approximate Value: \$15,000

Status: Ongoing

Jamestown Elementary School District MT150605 (\$15,000) Tuolumne County

Tucker reviewed the local newspaper and was concerned about an article indicating that the school district intended on filling a skilled trade's worker/bus driver position to perform various renovation work on site. Tucker contacted the District for more information and to ensure the work will not exceed the Public Contract Code bid threshold. She was told that only minor repairs and maintenance will be included and all construction work will be bid according to state law.

Approximate Value: Unknown

Status: Resolved

City of Stockton MT150606 (Charter-\$33,018) San Joaquin County

Tucker was contacted regarding paving work by city forces near Interstate 5 and French Camp Road. Tucker is in the process of gathering more information on the project.

Approximate Value: Unknown

Status: Ongoing

Central Valley Coalition for Affordable Housing MT150607 (Private) Merced County

Tucker was contacted regarding the private bid opening of the publicly funded New Construction of 2 Story Fourplex Project. There were concerns regarding a lack of transparency from the industry. Tucker was told that due to the informal bid process used by the Agency, bids were not required to be publicly opened. Tucker contacted the City of Merced Housing Division and was told that federal law does not require public bid openings for the small project scale. Upon further discussion, Tucker was invited to a

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Federal Labor Standards workshop put on by the City in July and asked to invite members of the industry. Tucker plans on attending to learn more about the federal requirements and has sent her contacts the workshop information.

Approximate Value: \$6.7 million

Status: Resolved/Monitor

City of Lodi MT150608 (\$5,000) San Joaquin County

Tucker was contacted regarding the 2015 Pavement Maintenance Project. The listed scope of work included asphalt rubber cape seal and slurry seal work. The calling party was concerned that the scope of work may have been misclassified as maintenance and should be construction as the contractor was seen grinding out portions of the road and doing pavement repairs. Tucker requested, received and reviewed the City's project documents. The scope of work included both maintenance and repair work. Maintenance is not required to be bid but repair work is. The City followed the correct bid process for the project. There may be a discrepancy with the prevailing wage rates applicable to the project so Tucker forwarded the information to a Labor Code Compliance organization for review.

Approximate Value: \$1 million

Status: Resolved

City of Richmond MT150609 (Charter-\$25,000) Contra Costa County

Tucker received a request for project details after city crews were seen working on the center median of San Pablo Avenue and Hilltop Road. Tucker contacted the City for information and is waiting for a response.

Approximate Value: Unknown

Status: Ongoing

County of Santa Clara MT150610 (CUCCAA-\$45,000)

Tucker was contacted regarding county crews paving a half mile section of Bloomfield Road. Tucker contacted the County and was told the project is part of the ten year pavement maintenance plan. The County does not estimate costs for maintenance work. Tucker is waiting on additional project information.

Approximate Value: Unknown

Status: Ongoing

Town of Yountville MT150501 (CUCCAA-\$45,000) Napa County

Tucker was contacted regarding the Yountville Community Center Restoration/Repairs Project amid concerns that the project was not bid. In May 2008, the City awarded a contract for the project. Due to defects with some of the work, the City filed a lawsuit against the general contractor and some of the listed subcontractors and prevailed. With the lawsuit proceeds, the City sole sourced a portion of the repair work and negotiated a contract for the remainder of the work. Tucker contacted the City and objected to this practice as Tucker believes that the work should have been competitively bid. The City is in the process of formulating a response.

Approximate Value: \$800,000

Status: Ongoing

Calaveras County Water District MT150504 (None specified) Calaveras County

Tucker was contacted regarding a water line repair project on St. Andrews Street near the La Contenta Golf Course subdivision. District crews performed the repair and had a contractor come in and patch pave the

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damaged section of road. Tucker visited the site as it was in close location to her office and noted a small 3ft by 10ft. section of new pavement. Tucker requested invoices and after review determined the work was minor and did not have to bid.

Approximate Value: \$5,000

Status: Resolved

NETWORKING/OTHER

Tucker attended the San Joaquin River Conservancy meeting regarding the Proposition 1 Water Bond Grant Guidelines. These guidelines did not specify any contracting requirements for recipients of grants. Through communications and meeting attendance, Tucker was able to influence the Conservancy to require Public Contract Code adherence for public agencies and the requirement for private entities to adhere to and list their competitive selection process when using contractors for construction work. This will help to provide oversight and ensure checks and balances in the system. This also helps to instill confidence that these projects are performed economically and by construction industry members experienced in the type of work performed. Influenced

Tucker attended the OE3 District 20 picnic at Waterfront Park in Martinez.

Tucker attended the California Uniform Construction Cost Accounting Commission meeting at the State Controller's Office in Sacramento. CIFAC requested the Commission's opinion on the use of Job Order Contracting for participating agencies.

Tucker is in the process of updating the bid thresholds of charter cities within her coverage area.

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

INVESTIGATIONS

County of Sonoma SR150601 (CUCCAA-\$45,000) Sonoma

An email sent to CIFAC's main office and forwarded to Riley prompted an investigation into three projects being done by Sonoma County road crews. The projects, located on Skaggs Springs Road, Todd Road and Westside Road all had what appeared significant work done on drainage structures and then had overlay and striping performed. California counties that are signatory to the Cost Accounting Act are allowed to do road projects up to a certain limit, as long as they are publicly declared prior to commencing work. Riley contacted the transportation department about the road declarations and the specific work performed that was in question. The projects had been declared, though one had the wrong name listed, which was a typographical error which the County was to fix. A discussion was held about storm drain work versus road work and whether it should count against the total amount allowed. The County calculations for work allowed, matches the information Riley has. Riley will continue to work with the County and industry members to facilitate increased communication.

Approximate Value: \$1 million

Status: Resolved

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City of Ukiah SR150602 (CUCCAA-\$45,000) Mendocino County

The City of Ukiah contacted Riley about some work on a crosswalk they needed to get done immediately. The work, to install barricade style flashing lights and other markings was due to a pedestrian tragedy that had taken place. The crosswalk needed to have increased temporary markings. The City is then going to put together a project to install islands, flashings warning lights and markings in an adjacent location. The permanent crosswalk will all be put out to private contract. The City called Riley to make sure that they would not be in violation of competitive bidding and force account laws. She reviewed the work and the fact that the temporary work is well below the force account limit. She thanked the City for the early discussion.

Approximate Value: \$30,000

Status: Resolved

Mendocino Unified School District SR150603 (\$15,000) Mendocino County

A contractor contacted Riley after being approached by a consultant to the District to remove a 2000 gal diesel storage tank. The contractor told the consultant that the work was in excess of the \$15,000 bid threshold. He was told that they would work with him and also not require him to pay prevailing wages. Riley, who has been working with the District on some other matters, contacted them about the work. She found that it was one part of three stages that needed to be done. All three stages are over the \$15,000 limit and do to their scope they in fact are one project when calculations are done to determine the need to bid or not. They discussed what needed to be done. The school wasn't aware that they needed to advertise the work and said that they would contact their consultant about the requirements for prevailing wages. The District also discussed the possibility of becoming signatory to the Cost Accounting Act. After the discussion, the District called Riley back and told her that all of the work would be advertised and correctly bid. They thanked Riley for being a resource.

Approximate Value: \$100,000

Status: Influenced/Resolved

West Contra Costa Unified School District SR150604 (\$15,000) Contra Costa

Riley was contacted by a contractor concerned with the bidding process in the District. He had been referred by another industry group. The District had gone out to bid on supply and install furnishings, fixtures and equipment, at one of their campus locations. The District received only one bid. He was then sent a notice of intent to award. He met with the District about the schedule and time line of getting the work done. The District then said that the materials used wouldn't meet air quality standards. He provided them with all of the certifications. The District, at their next Board meeting rejected his bid, stating that they did not have to give any reason. In the next agenda meeting they awarded the work to a different company that had not bid the work. They awarded the work under a Cooperative Purchasing Agreement out of Texas. CIFAC has seen many of these Joint Powers Agreement groups. The group included a letter that they have an open RFP that allows them to beat everyone's price. They just need to see the pricing of other groups and they will give a lower price. The District stated that they will now be using the cooperative buying system. Riley has requested certain documents from the District and is waiting for their response.

Approximate Value: \$2 million

Status: Ongoing

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Border Coast Regional Airport Authority SR150605 (JPA-\$45,000) Del Norte

The Airport Authority went out to bid on the Runway Safety Project. There were four bidders. Two of them bid well below the Engineers Estimate and two near it. The apparent low bidder contacted Riley. Their bid was being rejected by the Agency because they were below the Engineers Estimate and the District didn't believe they were qualified. The District did not have any specific qualifications listed at time of bid and the contractor had done similar projects. The District also stated that the low bidder did not list any subcontractors. The contractor said that none of his sub-contractors prices exceeded the ½ of 1 percent that was required to be listed. The District further stated they were going to award to the other bidder who was equally under the engineers estimate. Upon the Direction of Executive Director, Hilliard, Riley told the contractor that this is a contractor protest and although CIFAC could not be involved, Riley was able to give him some suggestions on points he could use. The District needs to maintain an objective process in evaluating the bids.

Approximate Value: \$7.7 million

Status: Resolved

City of Winters SR150606 (CUCCAA-\$45,000) Yolo County

After numerous attempt to obtain advertising information from the public works department in regards to the demolition and removal of concrete slabs and curbs for a future project, Riley sent a Public Records Request for complete information on the project. The City is doing the preparatory work to an area that will be developed later. She received an answer saying that they would work to find the information. It is thought that the work did not properly bid and was given to one contractor. She will continue to follow up on the work.

Approximate Value: \$125,000

Status: Ongoing

Humboldt Bay Harbor District SR150607 (\$10,000) Humboldt

Riley was contacted about some building improvement work that is being discussed for buildings owned by the Harbor District. The inquiry concerned what the bidding requirements would be. After discussion and some investigation by Riley, she found that there were no requirements. The District has decided to lease the buildings to private businesses at fair market value and require the tenants to make all improvements that they need. If it was the District leasing the buildings for themselves, the bidding rules would be applicable.

Approximate Value: \$250,000

Status: Resolved

Chico Unified School District SR150608 (CUCCAA-\$45,000) Butte

Riley was asked to look into possible Public Contract Code violations at Bidwell Jr. High School. The concern was whether the projects had bid and if the contractors were required to have bonds. The Public Contract Code requires that all projects have bonding. After she researched the projects, Riley contacted the District. The District sent her the requested information. She found that they had received the required bonding on the projects. But that there had been some problems on the method of bonding. She reported her findings to the person requesting the information.

Approximate Value: \$1.5 million

Status: Resolved

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City of Santa Rosa SR150609 (Charter-\$10,000) Sonoma County

While reviewing line items on a bid solicitation, a member of Riley's network noticed a bid item called "force account" with a dollar amount inserted. They asked Riley if she would check on it. The Biosolids Facility Repair project showed, force account, \$9,853 dollars. Riley contacted the City and asked if they could explain the line item. She found that the City knew this work on the sewer treatment plant would be done and wanted to show that it was needed for the project; it was not in the overall scope of work. The City is to pay the contractor at a time and materials rate for the work, but they are limiting to this maximum amount. The contractor will be paid actual costs, but this kept the line item as a controlled cost for the purposes of bidding.

Approximate Value: \$9,853

Status: Resolved

NETWORKING/OTHER

Riley attended the monthly Shasta District AGC Board meeting. After discussion regarding bidding problems that are occurring due to DBE Good Faith Efforts not being enough on projects and contractors having to use sub-contractors that may be bidding amounts that are extremely over the value of the work, it was decided to have a work session at the July meeting. Riley is facilitating having the District staff from the local Assembly member's office attend.

Riley worked with the California State Controller's office to get the dollar values that counties reported to the State in regarding to force account done in fiscal year 2014-2015. She then charted both the total values and the 30% cap amount signatory counties can do under the Road Commissioner allowance. She provided the chart to various staff and Board members.

Riley researched a proposal by the Mendocino County Sheriff to use jail inmates to perform public works construction projects through a training program. She notified network members to get them involved. The program which is one the County would have to pay for is currently on-hold.

Riley worked with other field representatives during the month to provide additional help as needed. This allows for faster turn-a-round on projects.

Riley interacted with her network throughout the month. She was able to answer questions for many public agencies that are working to have projects delivered correctly without having to deal with problems after the bidding has taken place.