



CIFAC Progress and Accomplishments ***OCTOBER 1 through OCTOBER 31, 2015***

NORTHERN CALIFORNIA

INVESTIGATIONS

Modesto City School District MT151001 (CUCCAA-\$45,000) Stanislaus County

Tucker was contacted after several PWC 100 forms were found online indicating bid advertisement and award on the same dates. Tucker requested documents regarding the Johansen Fire Building B project, 2015/2016 Blanket Repairs project and High School Bleachers project and is waiting for a response.

Approximate Value: \$58,000-\$9 million Status: Ongoing

City of Angels Camp MT151002 (CUCCAA-\$45,000) Calaveras County

Tucker was contacted regarding the Aerobic Digesters Project at the Wastewater Treatment Plant amid concerns that no bid advertisement was seen. Tucker contacted the City, as she thought it may have been informally bid using the qualified contractors list to solicit bids. She was told that the project was formally advertised and sent documentation for her records. The City advertised correctly and had notified additional publications to garner as many bids as possible to ensure a competitive price. Only one contractor submitted a bid and that contractor was not registered per the DIR requirements so the project will be rebid. Tucker also obtained information regarding inclusion of contractors on the City's informal bid list and will pass it on to the concerned party so that they can be notified of future solicitations.

Approximate Value: \$100,000 Status: Resolved

Caltrans District 5 MT151003 (\$281,000) San Benito County

Tucker was contacted regarding Caltrans crews paving nine miles on Highway 156, near the town of Hollister. Tucker visited the site when in the area and noted patch paving and wheel rut grindings in several locations along the highway. This work is considered maintenance and not subject to bidding. At this time, they were unable to provide approximate cost of the work.

Approximate Value: Unknown Status: Resolved

City of Woodlake MT151004 (Charter-\$75,000) Tulare County

Tucker was contacted regarding a well project that was not competitively bid per the city charter. Tucker researched the project and found that the City passed an emergency resolution in order to procure a contractor quickly to install a test well. The City of Woodlake water system is made up of five wells that are used as the only source to provide potable water to its residents. The wells have seen a consistent drop in groundwater level due to the drought and diversion of water, which has increased ground water pumping in the area. These conditions have created a situation where city wells will need to be updated or replaced. The City Council followed the proper procedure and Tucker conclude no further action was necessary. Tucker will monitor the City and encourage bidding should they decide to perform additional work.

Approximate Value: \$750,000 Status: Resolved/Monitor

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San Joaquin County MT151005 (CUCCAA-\$45,000)

Tucker was contacted regarding road work performed by county crews on South Tracy Blvd. Tucker checked in to the work to ensure they were not exceeding the bid threshold as the project was not included in their Road Commissioner declarations she previously requested. A three mile stretch of road near Highway 4 was chip sealed. This type of work is considered maintenance and not subject to bidding.
Approximate Value: \$200,000 Status: Resolved

Caltrans District 5 MT151006 (\$281,000) San Benito County

Tucker was contacted regarding Caltrans crews paving a one mile section of Highway 101. The depth of pavement removed appeared to be approximately three inches deep. Tucker contacted Caltrans and was told that patch paving was being performed by maintenance crews and is under their force account limit. They did not have cost estimates available at this time.
Approximate Value: Unknown Status: Resolved

Central Valley Housing Coalition MT151007 (Private non-profit) Merced County

Tucker was contacted regarding a housing rehabilitation project at the Merced Golden Manor Apartment complex after a fire ravaged 11 units at the complex. There was conflicting information as to whether this was a public agency and public project. Tucker researched the complex and contacted the manager, Central Valley Housing Coalition who also owns the property. They are a non-profit organization who receive section 8 housing funds in addition to rental income. They refused to provide Tucker with project information but did say that the project was being funded through their insurance company. Tucker forwarded the information to the Foundation for Fair Contracting to explore the proper wage rates.
Approximate Value: \$400,000 Status: Resolved

St Joseph's Medical Center MT151008 (Private) San Joaquin County

Tucker was contacted regarding a painting project at the hospital that may not have been bid. Tucker was asked to research the project and procurement procedures in addition to funding mechanisms. Tucker is in the process of gathering more information
Approximate Value: Unknown Status: Ongoing

Sonora Union High School District MT150901 (CUCCAA-\$45,000) Tuolumne County

Tucker was contacted regarding bid results for the Measure J Improvements-Field and Cafeteria Project. This project was bid as a multi-prime and separated into 14 trade packages. Concerns arose regarding proper advertising, possible subcontracting listing errors and bidders who were not appropriately registered and licensed. Tucker received documents on 14 of the packages and noted several issues. She requested additional information and upon review noted numerous Public Contract Code violations. She met with the District Superintendent and Chief Business Official and objected to the process. Because of meetings, communication with staff and formal objection at the School Board meeting, the Board opted to reject all bids and rebid the project correctly. Tucker was sent the revised plans and specifications for her review that included the missing information. The projects have been modified, rebid with a bid opening date of November 5, 2015. Tucker plans to attend the opening.
Approximate Value: \$3 million Status: Ongoing/Monitor/Influenced

City of Atwater MT150902 (CUCCAA-\$45,000) Merced County

Tucker was contacted regarding an alleged illegal contract negotiation on the Atwater Blvd. /Winton Way project. Upon review of project documents, it appears that the project was appropriately bid and awarded to the lowest bidder. She was told by the City that work has not yet commenced. As the contract was awarded

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in January, Tucker questioned if there may be some changes to the contract or scope of work and was waiting for clarification from the City. She was told that on site construction has not started, they are in the submittal process, and the delay was due to the submittals from the Electrician regarding the signals. Approximate Value: \$1.9 million Status: Resolved/Monitor

Caltrans District 10 MT150903 (\$25,000 new construction) San Joaquin County

Tucker was contacted regarding two miles of new fencing installed by Caltrans crews on Frontage Road due to concerns that they exceeded their bid threshold. Tucker contacted Caltrans and was told that approximately 1,000 feet of fencing was installed by Caltrans and the rest of it was performed by contract as part of the Manteca Widening project. Caltrans was asked by a private resident to install the fencing on the right of way hence the reason it was not included in the contract.

Approximate Value: \$20,000 Status: Resolved

City of Modesto MT150905 (Charter \$50,000) Stanislaus County

Tucker was contacted regarding city crews performing water line repair and installation projects that exceed the City’s bid threshold. Tucker is working with industry members as Modesto has been notorious for misclassifying work and self-performing.

Approximate Value: Unknown Status: Ongoing

County of Santa Clara MT150701 (CUCCAA-\$45,000)

Tucker was contacted regarding road work performed by County crews on Rucker Avenue. The work is being classified by the County as maintenance and is allowed to be self-performed however, Tucker is reviewing County projects as recent road work performed in-house has failed in other locations. Quality control is an important issue as contractor performed work is warranted. Additionally, she is checking into the possible misclassification of the work scope. Tucker submitted a formal records request for this project and was sent records for her review. At this time, there appears to be some discrepancies between the scope of work and records received.

Approximate Value: \$200,000 Status: Ongoing

NETWORKING/OTHER

As the State is in the beginning of a new fiscal year, Counties signatory to the California Uniform Construction Cost Accounting Act have planned road construction and reconstruction projects that will be performed by force account. These projects must be publicly declared prior to commencement. Tucker is in the process of checking with her Counties for information on planned projects and to ensure compliance with State law.

Tucker has been actively working with other field reps on legislation review, research and industry trends.

Tucker met with Laborers Local 1130 in Modesto.

Tucker met with Laborers Local 84 in Stockton.

Tucker met with Laborers, the Sonora High School Superintendent and the Chief Business Official regarding school construction projects.

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

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INVESTIGATIONS

City of Vallejo SR151001 (\$100,000-Charter) Solano County

The City was observed doing a sizable amount of road reconstruction on various streets. Last spring Riley had worked with an interested person on looking at work being done. Though the City is a Charter City and allowed to set city rules, they do have a limit to the work. It appears that they are classifying paving work as maintenance projects when they are reconstructing certain streets. Riley decided to send them a letter asking what their street paving plans are and seeing if a policy change could be made to allow for more work to go out to bid. The Regional Transportation Authority is trying to pass a sales tax increase for street work and there is concern about how much will be spent in the private sector versus the amount that will fund work done in-house.

Approximate Value: \$500,000

Status: Ongoing

Shasta Charter School Academy SR151002 (15,000) Shasta County

Riley was contacted by the Charter School after they attended a conference at which she spoke. They had thought that they did not need to follow all of the competitive bidding laws as they were a Charter School. Charter Schools in California are public schools and must follow the Public Contract Code. They receive public monies. The school is borrowing money for a new construction project. Riley met with them and reviewed the steps they needed to take to be compliant on the project. They met for two hours and plan to have follow up meetings. They are taking a resolution to their Board to adopt the Uniform Cost Accounting Act in November. They will begin advertising the new construction project in January. They thanked CIFAC for the assistance.

Approximate Value: \$2.3 million

Status: Influenced/Resolved

City of Redding SR151003 (\$45,000-CUCCAA) Shasta County

A local news item about jobs being available at the City of Redding, prompted Riley to do some checking on the scope of work. The news report said that there were a number of jobs available to do improvements to the City's irrigation system. This included installing new sprinklers in medians. The funds to support this work were said to have come from emergency drought funds. Riley researched the issue. She found that the jobs were being offered through a program managed by the Employee Development Department (EDD). EDD received federal funds to assist those losing jobs due to the drought in California. The funds are for temporary full-time positions at a number of local agencies. It appears at this time that none of the agencies will be doing projects large enough to trigger bidding requirements, though they will be doing a number of smaller projects. Riley will continue to monitor the work.

Approximate Value: \$35,000

Status: Resolved

City of Ukiah SR151004 (\$45,000-CUCCAA) Mendocino County

Riley received a copy of a newspaper article about a project in the City of Ukiah. The article concerned a sidewalk/median project that the City had bid and that had not received any bids. The matter was discussed at a City Council meeting. If an agency signatory to the California Uniform Cost Accounting Act receives no bids on a project, they are allowed to self-perform the work or negotiate with contractors, as they wish. Riley's concerns were raised when the article stated that the City was looking at some ways to change the specifications on the work. She contacted the City and urged them to be cautious of changing the project when they offered it to contractors under negotiated pricing. The original contract had a very short completion timeline and other tight requirements. If they offered contractors a broader scope and less restrictive time limits, it would significantly change the project that contractors were allowed to bid on. The article also said that by doing it this way. Local contractors would have an opportunity to offer

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prices. Riley questioned the City on these statements, as there were not limitations imposed that would have limited local contractors on bidding the work. Riley also spoke with local contractors who questioned the correct advertising by the City on the original project. The City must follow procurement guideline in the Act. The City thanked Riley for her observations. Riley provided the specific requirements to interested contractors in the Ukiah area. She will continue to monitor this work.

Approximate Value: \$80,000

Status: Ongoing

County of El Dorado SR151005 (\$45,000-CUCCAA)

While reviewing projects out to bid, Riley found a project advertised by the County, to possibly be out of compliance with advertising requirements by the Cost Accounting Act and new public works regulations. She contacted some of her network to check on their reading of the advertising. She then contacted the County to ask about the intent and if the project would require the proper listings at time of bid. The representative told her that they would review the bid and thanked CIFAC for notifying them of the possible errors. They then notified Riley that the bidding has been postponed at this time until they can put the proper requirements into place.

Approximate Value: \$200,000

Status: Resolved

County of Lake SR151006 (\$45,000-CUCCAA)

The County is pursuing an energy savings project that they have been looking at having done for a number of years. Due to environmental and right of way issues, the generator placement project at their emergency communication system site has been delayed. The County contacted Riley to review the steps they need to take to complete the project. This is a unique project as it is located in a limited accessibility area and will require helicopter and special skilled workers. It will save the county large amounts of costs when completed.

Approximate Value: \$500,000

Status: Resolved

NETWORKING/OTHER

Riley attended the monthly meeting of the Shasta District AGC. She also helped by sending information to the District Manager of the names of public officials for the invitation to the annual public official's reception to be held in November.

Riley facilitated two sessions at the California Association of School Business Officials, (CASBO) Northern District fall meeting. She had approximately 75 participants in the sessions and covered bidding, CUCCAA, and related issues.

Riley worked with a number of school districts following the CASBO presentation mentioned above. These Districts contacted Riley after realizing that they were not following the Public Contract Code for their public works construction activities.

Riley sent a contractor alert to various network members reminding them that participating agencies of CUCCAA need to advertise for their informal bidders list and that contractors need to get on the lists.

Riley worked with other field representatives to share information and investigations to allow for better response to new types of complaints. This helps everyone increase their coverage.

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Contact with network members and agencies was carried out during the month. CIFAC's offering assistance allows problem areas to be dealt with before issues become problems with fair bidding.

Riley attended the Northeast Building and Trades Council monthly meeting. She was able to report on CIFAC activities and learn about current issues.

Riley, working with field representatives developed a template letter that can be sent to agencies that are not posting their project information on-line. Recent law changes require that public agencies post all projects over \$1,000 on-line. This posting requirement is an excellent tool for CIFAC as it provides the majority of information that we look for in a public records request. This is not for force account work. The letter that could be sent is not only a reminder that it must be done, but offers CIFAC as a good resource to the agency. Per Hilliard direction, Riley had DLSE check the letter for accuracy.

Board member Lee Howard brought information to CIFAC about legislation that was signed into law in April 2015. The legislation AB 92 allows for the public contract code in regards to advertising and bidding to be waived by State Agencies while the drought is ongoing. The law requires that any and all projects using this exemption be listed on the California Drought Web page. After a request from Howard, Executive Director Hilliard directed Riley to work on finding the list. Riley spent many hours researching this and speaking with State Assembly and Senate staff. It was almost impossible to find anyone who knew what we were talking about. Mr. Howard was eventually able to obtain some documents through his Senator's staff. He sent those contract copies to Riley. She is currently reviewing them. As of the end of October, projects for various agencies began to be posted. For further information interested parties should see <http://ca.gov/drought> and then select Department of Water Resources on the right hand side. Then click on "Contract Information New". Projects listed range from \$10,000 for sensor monitoring mounts to \$14 million for removal of a rock barrier in a river. CIFAC helped influence this part of the law being followed and thanks Lee Howard, CIFAC Board of Directors, a representative of North Coast Builder's Exchange, without his efforts this wouldn't have happened as quickly as it did.

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