



CIFAC Progress and Accomplishments

DECEMBER 1 through DECEMBER 31, 2015

NORTHERN CALIFORNIA

INVESTIGATIONS

Fairfield-Suisun Unified School District MT151201 (CUCCAA-\$45,000)

Tucker was contacted regarding several bid irregularities in the Exterior Painting of Various School Sites project. Sites included Dover School, Laurel Creek, Sheldon Academy, Suisun Elementary, and Tolenas Elementary. Upon review of bid documents, Tucker noted that the District failed to advertise in all applicable trade journals. Additionally, there appeared to be some discrepancies regarding the bid opening. The District called all the bidders to let them know that they found four additional bids that had been turned into the warehouse but never made it to the Office of Purchasing by the 1 p.m. bid opening deadline. They opened them privately and said that none of them were low bids, so they did not affect the open bid conducted previously, and they were calling to let everyone know so they could continue to move forward on their timeline. Tucker contacted the District and is in the process of working with them on proper procedures. Additionally, the District has updated their advertising list to ensure future compliance.

Approximate Value: \$7,480-\$58,000

Status: Ongoing/Monitor

Banta Carbona Irrigation District MT151202 (Projects funded by bonds or limited assessment) San Joaquin County

Tucker was contacted regarding the Lift Canal Pump Station 6 project as no advertising was seen during the bidding phase. Tucker contacted the Project Manager who declined to provide any project information. She also contacted the District and requested documents for her review and is waiting for a response.

Approximate Value: \$4 million

Status: Ongoing

City of Tracy MT151203 (CUCCAA-\$45,000) San Joaquin County

Tucker was contacted regarding an alleged illegal change order issued for the Joe Wilson Pool Project. Concerns arose as had the change order work been included in the original bid package, the apparent low bidder would have been different. Tucker reviewed the bid process and noted no areas of concern. Contract award was based on base bid, the change order process was followed correctly and the change order work was within the original scope. As no compliance issues were found, Tucker concluded that no further action was necessary.

Approximate Value: \$200,000

Status: Resolved

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Merced City School District MT151204 (CUCCAA-\$45,000) Merced County

Tucker was contacted regarding several projects listed on the Department of Industrial Relations website for the same school sites. Concerns arose that the District was splitting projects up to avoid bidding. Tucker requested project information for her review. The Rivera K8 Classroom project was a separate project, bid as a multiprime in September. The Rivera Kitchen floor installation, plumbing equipment and transformer installation work cumulative total falls below the bid threshold. At this time, Tucker will continue to monitor projects to ensure no bid splitting is taking place.

Approximate Value: \$3,000-\$7 million Status: Resolved/Monitor

County of Stanislaus MT151205 (CUCCAA-\$45,000)

Tucker was contacted regarding alleged bid irregularities on the Morgan Road Public Works Vehicle Maintenance Shop and Administrative Building project. Tucker contacted the Project Manager and was sent contract documents and bid submittals for her review. Tucker did not see any areas of concern regarding the bid process however noted bid irregularities with the low bidder's submittals. The original notifying party contacted the second bidder and is working with them on a possible protest as CIFAC does not represent any specific contractors.

Approximate Value: \$15 million Status: Resolved

Hollister School District MT151101 (CUCCAA-\$45,000) San Benito County

While reviewing PWC 100's online, Tucker noted two projects, the Gabilan Hills Shade Structure and the Rancho Modernization Project with the same advertisement and award date causing concerns that the projects may not have been bid correctly. Tucker requested project documents for her review. The modernization project has not yet been bid however it is unclear why the project is listed. The shade structure project was procured through the California Multiple Award Schedules (CMAS) database. CMAS may be used by agencies for select goods and services however the procedures are out of compliance with the California Uniform Construction Cost Accounting Act requirements. Tucker submitted a second request for additional information and is waiting for a response.

Approximate Value: \$76,000-\$1.5 million Status: Ongoing

City of Hollister MT151102 (\$5,000) San Benito County

During a comprehensive review of San Benito County agencies, Tucker noted the City has not reported any public works projects to the Department of Industrial Relations. She reviewed prior agendas and found several projects that should have been reported. Additionally, when agencies fail to accurately report their projects, contractors cannot upload their certified payrolls online as required by law. Tucker contacted the City Manager and is waiting for a response.

Approximate Value: Unknown Status: Ongoing

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. After several attempts, Tucker was

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finally sent the information. The Johannsen fire restoration work was publicly declared by the school board as an emergency prior to commencement and was not required to bid. Tucker did not see any areas of concern regarding the repair work. The Bleachers project was incorrectly reported to the Department of Industrial Relations, as all five PWC's reported were for the purchase of equipment and not construction work. Approximate Value: \$58,000-\$9 million Status: Resolved

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

Tucker was contacted regarding an exterior 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 was unable to find specific information regarding the painting work but was told that the St. Joseph's Foundation fundraises for and handles procurement for these projects. The Hospital declined to provide any information to Tucker via their private status. This project does not appear to be a public works project.

Approximate Value: Unknown 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. Their charter requires projects that exceed \$50,000 to be bid. Tucker is working with industry members as Modesto has been notorious for misclassifying work and self-performing road reconstruction and underground utility work. Tucker met with the Laborer's Union and the city Mayor to discuss these issues and are planning additional meetings with city staff.

Approximate Value: Unknown Status: Ongoing

NETWORKING/OTHER

Tucker previously attended the Western Fairs Association, Fall Managers Conference in Sacramento. For the past several years, the Fairs were cut from any state funding and relied upon donations, fundraisers and volunteers to stay afloat. This year, \$7 million was included in the state budget for fair construction projects. CIFAC has been working with the Fairs to ensure projects are competitively bid per state requirements. The list of allocations is now available.

Tucker met with Laborers, local 1130 agents in Modesto and discussed ongoing projects within the area.

Tucker met with a Laborers Special Representative and the Mayor of Modesto to discuss the benefits of using contractors on city public works projects rather than force account. Future meetings are in the planning stage.

Tucker notified her network of the requirement of agencies signatory to the California Uniform Construction Cost Accounting Act to advertise for contractors to be included on informal bid solicitations

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notices and include interested contractors on this list. These projects do not have to be advertised and range in price up to \$175,000. Agencies must update their lists for calendar year 2016.

The City of Santa Clara is currently requesting applications for candidates interested in serving on the charter review committee. The City has a bid threshold of \$1,000. The last proposed charter amendment, to raise the bid threshold to \$50,000 failed in 2000. Tucker will continue to monitor the City on this issue as the first committee meeting will be in January 2016.

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

INVESTIGATIONS

Caltrans District 1 SR151201 (\$125,000) Del Norte County

Riley was asked to check on work being done by Caltrans crews on Highway 101. It appeared that this might be new work and not maintenance. Riley contacted the District and found that it was maintenance work and that it had been scheduled. They were able to do the work due to unseasonably warm weather and a lack of rain. This is reoccurring pavement repairs.

Approximate Value: \$115,000

Status: Resolved

City of Redding SR151202 (CUCCAC-\$45,000) Shasta County

After finding an article in the newspaper and hearing a news report, Riley checked on a waterline project that was reported to being done by city crews. She found that the work had been put out to bid and was being done by a contractor. She also contacted the news reporter and explained the difference to them. The importance of people seeing that the proper delivery method is being used is an important part of community education.

Approximate Value: \$145,000

Status: Resolved

Orland Elementary School District SR151203 (\$15,000) Glenn County

The school district needs to resurface their school track. School tracks are constructed using a special mix of asphalt that mainly consists of recycled tires. The majority of the tracks in the northern area were done with special grants. The need to redo them has seen a lot of increased activity. When the District began looking for prices and firms to do the work, they found that all of the companies doing the work had been purchased by one company in Northern California. The next nearest one is out of state. They found that they could have the work done under a California Multiple Award Schedules (CMAS) purchase order. They checked on doing this with Riley. Though she said that CIFAC would prefer an open competitive bidding delivery method it would work to use CMAS under these circumstances as there would not be any competition. They thanked her for her help and said that the Board will not be using CMAS for other work, as they support competitive bidding.

Approximate Value: \$275,000

Status: Resolved

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

The City was observed doing a sizable amount of road reconstruction on various streets. (see Riley recap October 2015, November 2015) Riley sent a letter requesting further information. She received an email response from the Assistant City Attorney claiming that Case law from years ago on a Water project made them exempt. She replied, saying that the case cited was not on point. The City responded that they felt the matter was settled. After consulting with Executive Director Hilliard, CIFAC is now having our legal counsel review the matter. An evaluation of the matter was received in late December. It is now being reviewed by Hilliard and Riley

Approximate Value: \$500,000

Status: Ongoing

NETWORKING/OTHER

Riley attended the Northcoast Builder's Exchange, Mendocino Contractors Holiday dinner in Ukiah. The Exchange hosts the dinner for all of its contractors and invited guests. It was well attended and CIFAC was thanked for all we do for the industry.

Riley worked with Southern California Field Representative Shari Bacon on the issue of a group liability insurance company providing a sole source recommendation for saw cutting on sidewalks. Though maintenance work is not required to bid, this issue highlights the problem of not obtaining fair competitive prices and eliminates others doing the same work. Bacon will continue to follow up with those cities using the insurance companies program.

Riley interacted with her network throughout the month. The main topic of conversation in December was looking at future projects that were going to be delivered and ensuring that the proper process was being used.

Riley continued working with Hilliard on the new CIFAC ADVANTAGE marketing campaign.

Riley began reviewing legislation that had passed during the 2015 session. An update of CIFAC reference manuals will be done after the first of the year.

Riley worked with California Fair Association staff on the DBE/DVBE non-bid solicitation policies allowed by the Department of General Services. This program does not appear to be in the best interest of the local fairs and thus they are recommending it not be used.

Riley obtained and provided a copy of the list of funded projects for the California Fairs. The Fairs did not receive any funding for the past four years. This year the legislature funded them in the amount of \$7 million. Most of the projects are small, but any over \$25,000 will need to be bid.

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