



CIFAC Progress and Accomplishments

AUGUST 1 THROUGH AUGUST 31, 2016

NORTHERN CALIFORNIA

INVESTIGATIONS

Calaveras County Water District MT160801 (No force account)

Tucker was contacted regarding the Vista Del Lago & State Route 26 Water Main Relocation Project amid concerns that the project was not advertised. A county water agency is exempt from the Public Contract Code and have no specific procurement procedures. Tucker contacted the District and requested a copy of their internal procurement policy created by the Board of Directors. The policy states that projects exceeding \$100,000 must follow a formal bid procedure that includes a one-time advertisement in the local newspaper. Upon review of project documentation received from the District, Tucker concluded that the project was bid in accordance to District policy.

Approximate Value: \$170,000

Status: Resolved

Solano Irrigation District MT160802 (None specified) Solano County

Tucker was contacted regarding the Pleasant Hills Water Treatment Plant project after bids were rejected and the District opted to self-perform the work. This project was separated into two schedules with schedule one awarded and schedule two rejected. As work had already commenced, Tucker was unable to proactively contact the District to ensure a detailed cost analysis was performed prior to beginning the work and to encourage work by contract. Tucker submitted a records request for project documentation, cost analysis and all records associated with the self-performance of the work.

Approximate Value: \$173,000

Status: Ongoing

Ballico-Cressey Unified School District MT160803 (\$15,000) Merced County

Tucker was contacted regarding several PWC 100 project registrations noted for what appeared to be the same location and time frames leading to concerns that projects were being bid split by the District. Tucker submitted a records request for project information and is waiting for a response.

Approximate Value: \$1,500 - \$3 million

Status: Ongoing

California District Agricultural Associations MT160804 (\$25,000) Statewide

Tucker was contacted regarding several Associations throughout the state that may not be following state procurement procedures on construction projects. As this is a statewide concern, Tucker and CIFAC's Southern Region Representative have partnered together and will actively pursue this investigation as a collaborative approach.

Approximate Value: Unknown

Status: Ongoing

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California Human Development Agency MT160805 (Private) Sonoma County

Tucker was contacted regarding the Ortiz Plaza apartment construction project in Santa Rosa. Funding mechanisms includes state, local and federal funds in partnership with several public agencies. This project recently broke ground and concerns arose about the applicability of the Public Contract Code and Labor Code provisions. Tucker contacted the USDA, the County, and the Agency for additional information and is waiting for a response.

Approximate Value: \$11 million

Status: Ongoing

San Benito County Water District MT160701 (CUCCAA-45,000)

Tucker was contacted regarding District bidding procedures and recent projects amid concerns that they are in violation of the Public Contract Code requirements. Tucker submitted a records request for recent project information and is waiting for a response.

Approximate Value: Unknown

Status: Ongoing

Santa Clara Unified School District MT160703 (CUCCAA-\$45,000) Santa Clara County

Tucker was contacted regarding nine floor covering installation projects awarded to the same contractor with no bidding, spurring concerns of possible bid splitting. Tucker sent a records request to the District and is waiting for a response.

Approximate Value: \$5,000 - \$75,000

Status: Ongoing

Patterson Joint Unified School District MT160704 (\$15,000) Stanislaus County

Tucker was contacted regarding several issues that included projects not going to bid, the same contractor performing all the work and no PWC 100's reported. Tucker and partners are actively working on this investigation together and submitted document requests for additional information. There appeared to be a general disregard of the law on the Districts part. Meetings with District officials proved to be unsuccessful. Tucker had not received a response to her records request within the 10-day applicable time frame so Tucker sent a violation letter to the District and Board of Trustees. This action prompted the District to contact Tucker. Upon discussions, the District notified Tucker that they are actively registering their public works projects on the DIR website, want to work with CIFAC to ensure future compliance, and will provide Tucker with all documents per Tuckers request.

Approximate Value: \$1,000 - \$75,000

Status: Ongoing/Influenced

County of Calaveras MT160706 (CUCCAA-\$45,000)

Tucker was contacted by multiple parties regarding the Butte Fire Tree Hazard Mitigation project. Questions surrounded the request for proposals process used and the County's refusal to provide documents after bid opening. Due to an emergency declaration and gubernatorial executive order, the Public Contract Code process was suspended. The project was funded primarily through FEMA which required project adherence to the Code of Federal Regulations requirements which are much less detailed and less stringent than state law. Tucker reviewed documents and concluded that the process appeared to be in compliance. There were transparency issues and feelings that the evaluation process was unfair to some of the contractors who bid the work. At the industries request, Tucker attended the Board of Supervisors meeting where the contract was slated to be awarded. The Supervisors opted to postpone the award upon further review of the process. Tucker and agents met with a Supervisor to discuss bid procedures and how to prevent concerns on future projects. A Special meeting was called and the contract was awarded to the apparent low bidder.

Approximate Value: \$10 million

Status: Resolved

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City of Napa MT160604 (Charter-\$30,000) Napa County

Tucker was contacted regarding city crews paving and installing new sidewalk, gutter and ADA ramps on various streets throughout the City. Tucker requested project documentation and upon review, noted the work was in compliance with the city charter. The use of force account may be allowed but is an industry concern when work should be performed by licensed, bonded, experienced contractors. Tucker submitted an additional records request for force account projects and is waiting for a response. Tucker is actively working on this issue with the local trades.

Approximate Value: Unknown

Status: Ongoing

City of Hayward MT160607 (Charter-\$35,000) Alameda County

Tucker was contacted regarding force account work on the Winton Avenue Bridge near Highway 880. Tucker submitted a records request for project costs and scope of work. The work in question was a water line replacement project identified by the City in 2014. A 20-inch diameter water line was replaced with a larger 30-inch diameter line. Upon review of documents and the city's procurement policies, it is Tucker's opinion that the City is out of compliance with their own charter and municipal code. Tucker notified the City of the alleged violations and is waiting for a response.

Approximate Value: \$500,000

Status: Ongoing

Liberty Fire District MT160503 (\$10,000) San Joaquin County

Tucker was contacted regarding a building dormitories construction project in Acampo that may not have bid. Tucker requested project documentation for her review and noted that no bid process was used to procure the contractor. A review of the documents caused additional concerns, Tucker submitted an additional request for information. Upon review of supplemental documentation, Tucker concluded that the District was in violation of the Code. She submitted a formal letter listing the violations and was told by the District that they are reviewing the information and will issue a response upon conclusion.

Approximate Value: \$600,000

Status: Ongoing

Vacaville Unified School District MT160508 (CUCCAA-\$45,000) Solano County

Tucker was contacted about possible bid splitting noted on reported PWC 100's. Tucker researched the DIR website and noted several projects that appear to have been contracted for separately at the same site. Tucker submitted a records request for more information and is waiting for a response.

Approximate Value: \$1,100 - \$3 million

Status: Ongoing

NETWORKING/OTHER

Tucker was on vacation during the month of August.

Tucker attended a meeting at the Laborers, local 73 meeting in Stockton to discuss current projects.

Tucker attended the UCON annual chili cook off in Pleasanton.

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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