



CIFAC Progress and Accomplishments

SEPTEMBER 1 THROUGH SEPTEMBER 30, 2016

NORTHERN CALIFORNIA

INVESTIGATIONS

Eastside Rural Fire Protection District MT160901 (\$25,000) San Joaquin County

Tucker was contacted regarding the Fire Station #12 Renovation Project amid concerns that due to the District's interagency services agreement with the City of Stockton, the project should follow skilled labor force guidelines required by Stockton. Upon review of the city charter, municipal code, skilled labor force requirements, District formation information and District procurement procedures Tucker concluded that city requirements do not apply to this project. The District, although located within the city limits and funded by the City, is a separate agency that must follow their own section of the Code. Tucker reviewed the procurement procedures used by the District and did not see any areas of concern.

Approximate Value: \$1.7 million

Status: Resolved

Tuolumne Utilities District (TUD) MT160902 (No bid threshold) Tuolumne County

Tucker was contacted regarding the Tree Hazard Mitigation project after an amendment was issued striking the requirement of prevailing wages and DIR contractor registration requirements. The industry concern included a lack of transparency and the unlevel playing field. Tucker contacted the District and was told that due to a gubernatorial executive order, all Public Contract Code and Labor Code requirements were suspended for the scope of work. Tucker was familiar with several executive orders previously issued but did not believe this work was included. The District was unable to provide the specific order number or date. Upon research she found two prior Labor Commissioner determinations that exempted tree work from the Labor Code requirements of which the project scope of work matched. Tucker concluded that although TUD staff incorrectly referenced their source, this project appears to be exempt per the Labor Commissioner.

Approximate Value: \$100,000

Status: Resolved

Stanislaus County Office of Education MT160903 (CUCCAA-\$45,000)

Tucker was contacted regarding alleged bid splitting on several electrical projects awarded to the same contractor. Upon review of PWC 100's, there are numerous projects that have been awarded and are all under the force account limit. At this time, Tucker is waiting for more information before proceeding.

Approximate Value: \$1,000-\$20,000

Status: Ongoing

This report is intended solely for the information and use of CIFAC members. Any copying, distributing, or publishing is prohibited without written permission from CIFAC Executive Director, Cathryn Hilliard. CIFAC, 837 Arnold Dr., # 200, Martinez, CA 94553; (800) 755-3354

Cathryn Hilliard, Executive Director

837 Arnold Drive, Suite 200, Martinez, CA 94553 • phone 800-755-3354 • fax 925-957-1800 • email info@cifac.org • web www.cifac.org





New Jerusalem Elementary School District MT160904 (\$15,000) San Joaquin County

Tucker was contacted regarding work in progress that may not have bid. Scope of work included new landscaping, grubbing, demolition and the installation of playground equipment. This District has been notorious for non-compliance issues in the past. Tucker submitted a records request for project information and is waiting for a response.

Approximate Value: Unknown

Status: Ongoing

City of Stockton MT160905 (Charter- \$75,000) San Joaquin County

Tucker was contacted regarding city crews paving Estates Drive and Wagner Heights Road. Tucker submitted a records request for cost information pertaining to each project and is waiting for a response.

Approximate Value: Unknown

Status: Ongoing

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 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. The District has notified Tucker that 1700 pages to date have been identified and they will contact Tucker when all documents are available.

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 that were 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. The District response indicated that the majority of these projects were not bid, as they fall under the 350-hour day labor limit per the Code. The District is actively working on gathering the remaining documents per Tucker's request.

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

Status: Ongoing

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

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

Approximate Value: Unknown

Status: Ongoing

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

This report is intended solely for the information and use of CIFAC members. Any copying, distributing, or publishing is prohibited without written permission from CIFAC Executive Director, Cathryn Hilliard. CIFAC, 837 Arnold Dr., # 200, Martinez, CA 94553; (800) 755-3354





the Agency for additional information. The Agency has refused to provide documents per Tucker's request. The County is actively working on a response. Tucker has yet to hear from the Federal Government.

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 detailed project information, specifications and procurement procedures on all District public projects for the past two years. She received documentation on three projects: Lessalt Water Treatment Plant Reduction Improvement & Fairview Transmission project, Recycled Water Line - Phase 1 project and the West Hills Water Treatment Plant project. Upon review of documents, she did not see any violations on the three projects. Tucker reviewed previous capital improvement and operational budgets and noted additional projects that should have been included in Tucker's records request. Tucker submitted an additional request to the District and is waiting for a response.

Approximate Value: \$1 million-\$25 million

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

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

This report is intended solely for the information and use of CIFAC members. Any copying, distributing, or publishing is prohibited without written permission from CIFAC Executive Director, Cathryn Hilliard. CIFAC, 837 Arnold Dr., # 200, Martinez, CA 94553; (800) 755-3354





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

Tucker was contacted regarding force account work on the Winton Avenue Bridge near Highway 880. 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 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

NETWORKING/OTHER

Tucker was contacted by the construction industry regarding Stanislaus County's Measure L to provide current Public Contract Code language, definitions and back up documentation that would prohibit agencies from self-performing construction road work should the measure pass.

IBEW agents noted an illegal emergency declaration adopted in December 2015 for the fire alarm project at Sonora High School. A contract was slated to be awarded at the next schoolboard meeting that was not competitively bid. Tucker was contacted and asked for the statutory requirements on emergency projects and whether the project fit this section of the code. Upon review of project information, this did not appear to be a true emergency project. Tucker was in Southern California at the time so she contacted the District via email and notified them of her concerns. She provided the applicable sections of the law to her network. IBEW agents attended the school board meeting and objected to the contract award. The school board rejected the item and agreed to competitively bid the project. This project was influenced via a collaborative effort.

Tucker participated in the recruitment and interview process for the Northern California Field Representative position.

Tucker traveled to Southern California to participate in the recruitment and interview process for the new Southern California Field Representative position.

Tucker participated in the orientation and training of the two new field reps at CIFAC's main office in Martinez.

Tucker participated in the AGC Bocce Ball tournament in Pleasanton.

Tucker attended the AGC/Laborers legislative conference in San Ramon with CIFAC's Executive Director and Southern Region Field Rep. CIFAC put on a presentation and discussed current projects they are working on.

Tucker attended and operated a CIFAC information booth at the OE3 semi-annual meeting in McClellan.

Tucker is training the new Northern California Field Representative, Maghan Hunt.

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

This report is intended solely for the information and use of CIFAC members. Any copying, distributing, or publishing is prohibited without written permission from CIFAC Executive Director, Cathryn Hilliard. CIFAC, 837 Arnold Dr., # 200, Martinez, CA 94553; (800) 755-3354

