



CIFAC Progress and Accomplishments

FEBRUARY 1 THROUGH FEBRUARY 28, 2017

NORTHERN CALIFORNIA

INVESTIGATIONS

Eastern Sierra Tri-Counties Fair MH170201 (\$25,000) Inyo County

As part of the ongoing investigation into California state fairs, Hunt looked into the Eastern Sierra Tri-Counties Fair, which is the 18th District Agricultural Association and is a state owned fair. After looking over the agendas and minutes posted online, Hunt had questions about deferred maintenance projects the District is working on. Some of the projects mentioned included a bathroom remodel, as well as a water efficiency project. She will be sending the District a public records request to make sure the District complies with the Public Contract Code.

Approximate Value: Unknown

Status: Ongoing

Trinity Alps Unified School District MH170202 (\$15,000) Trinity County

Hunt received a phone call regarding concerns about the Trinity Alps Unified School District mixing paid workers with volunteers. According to the caller, at the pre-bid meeting, the Director of Facilities and Maintenance requested volunteers for the framing portion from the contractors looking to bid the Life Skills Building Project. Hunt pulled information about the project, including the bid advertisement, and saw framing was included. She then reached out to the Director and asked for clarification. He said he was not sure where the misunderstanding had come from, but the framing was being put out to bid and they were not asking for volunteers. Hunt said she was available should any additional questions arise, and found the school district to be in compliance.

Approximate Value: Over \$200,000

Status: Resolved

Weed Parks and Recreation District MH170203 (\$25,000) Siskiyou County

The Weed Parks and Recreation District contacted Hunt regarding the re-building of the Weed Community Center. The new community center will be a 14,000-square-foot metal building with a main event hall, recreation room, exercise gym, recreation/exercise pool and spa, dance studio, commercial kitchen, classrooms, conference rooms, physical therapy rooms, and 140 parking spaces. According to the tipster, a recent newspaper article made it sound like the entire project might be put

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out to bid, have parts of it bid, or built entirely using the District's force account. Hunt contacted the District and asked for clarification. She was told the project would be sent out to bid in March and that they would look over the newspaper article before reaching out to the reporter to help clarify the information. Hunt doubled checked, and the article was edited to add the bidding information.

Approximate Value: Over \$750,000

Status: Resolved

Yreka Union High School District MH161202 (\$15,000) Siskiyou County

After concerns in December about the Yreka Union High School District sending an expansion/new gymnasium project at Yreka High School to bid correctly, Hunt started investigating. She looked over available documents online before sending a public records request for more information. Hunt received those documents at the beginning of February, and learned the District placed the bid advertisement in March of 2016. She looked over the additional documentation provided and found the District to be in compliance.

Approximate Value: \$5,091,977.56

Status: Resolved

NETWORKING/OTHER

Hunt met with staff and agents from the OE3 office in Fairfield. Hunt was able to learn more about how charter cities in the area are taking matters into their own hands and using their force accounts to self-perform. Hunt took notes and is looking into the agencies to familiarize herself with the types of projects they are self-performing.

Hunt attended the AGC, Shasta District Crab Feed in Palo Cedro. She met staff members, as well as people in the membership. She was given tips about upcoming projects to watch for. From there, Hunt attended the OE3 Crab Feed in Eureka. She helped sell raffled tickets and met a number of agents and staff from all over Northern California. Hunt was able to ask about projects of concern, especially because of all the emergency declarations passed by the counties and cities.

Hunt also attended the UCON Crab Feed in San Ramon. She met Mark Breslin, UCON's director, as well as OE3 agents from Oakland. Hunt was able to learn about the social media campaign about fixing California roads, as well as other issues contractors want to see tackled.

INVESTIGATIONS

Caltrans District 1, Eureka MT170201 (\$25,000) Humboldt County

A contractor, who was awarded an emergency contract due to a rockslide, contacted Tucker. He mentioned that his company had installed some barricades around a rockslide area on the coast. Within the barricaded area, Caltrans crews were supposedly doing some rockslide cleanup work. She was asked if

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Caltrans crews could work within a designated job site awarded to a contractor. Tucker researched the contract manual and other related documents but found no specific reference to this issue. There was nothing that says that they can but nothing that prohibits them from doing so. She also talked to one of her Caltrans Maintenance Directors in another District and asked for a response. He said it does happen occasionally, when there is a public safety concern and the contractor is not responsive or delayed. Caltrans can step in and assist to the extent needed until the contractor can perform the necessary tasks. In addition, the contracts are as directed by Caltrans. They can ask them to do as much or as little as required. No guarantees to how much work they will get.

Approximate Value: \$25,000

Status: Resolved

City of Jackson MT170202 (\$5,000) Amador County

Tucker was contacted regarding a road repair project that was not competitively bid. Upon research, Tucker found an item on the City Council agenda to declare an emergency due to road washout from the heavy winter rains. One hundred feet of the service road to the Waste Water Treatment Plant was heavily damaged and is sliding into the adjacent creek bed, preventing delivery of chemicals, removal of waste and staff from maintenance activities. Additionally, the WWTP upgrades project is slated to start on February 28. An emergency exists when life, property or health is threatened and this work meets the requirements. Tucker concluded that the City is in compliance and may proceed without bidding.

Approximate Value: \$650,000

Status: Resolved

City of Gustine MT170203 (CUCCAA-\$45,000) Merced County

Tucker was contacted regarding the Petersen shelter reroof project located in Schmidt Park and asked to review the bid procedures used to ensure compliance with state law, as no bid notice was recently noted. Tucker researched the project and found the bid advertisement dated November 2016. The work was delayed due to the wet weather. The contract was awarded to the one contractor that bid the project. The contractor was appropriately licensed and registered. No issues were noted in the bid documents.

Approximate Value: \$46,000

Status: Resolved

Oakdale Joint Union School District MT170102 (CUCCAA-\$45,000) Stanislaus County

Tucker was contacted about some general concerns of the procurement practices used by the District. Private bid openings, no PWC 100's reported and incorrect advertising are some of the issues relayed to Tucker. The OJUSD School Farm Barn 2 project was recently bid and the District allegedly failed to publicly open bids. Tucker submitted records requests for the barn project and documents relating to the procurement practices and is waiting for a response.

Approximate Value: \$200,000

Status: Ongoing

Stanislaus County Office of Education MT170103 (CUCCAA-\$45,000)

Tucker was contacted amid concerns that the agency is not following the Public Contract Code. The complaint stemmed from a lease leaseback contract issued that did not require the use of a skilled and

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trained workforce or the use of a prequalification procedure prior to contract award. CIFAC partners requested this information and was told by the District's legal counsel that as a standalone agency that is not considered a school district, they can contract however they want but do not necessarily have to follow the Education Code or Public Contract Code requirements, even when using certain sections of each Code. Tucker is in the process of gathering additional information for a possible legislative fix.

Approximate Value: \$300,000

Status: Resolved/Monitor

Groveland Community Services District MT170104 (CUCCAA-\$45,000) Tuolumne County

Tucker was notified of work in progress on the lift-station #16. Concerns expressed to Tucker included whether the contractor was appropriately licensed and registered and if the project was correctly bid. Tucker submitted a records request as no information was available online. This project was bid in April 2016 and only one contractor submitted a bid. The contractor holds the appropriate licensing and registration to perform the work. Tucker concluded that no further action was necessary.

Approximate Value: \$344,000

Status: Resolved

Town of Corte Madera MT161203 (CUCCAA-\$45,000) Marin County

Tucker was contacted regarding the construction and renovation of the town hall building amid concerns that no bidding was used to secure the contractor. Tucker performed extensive research and found no project information available nor a PWC 100. She was able to find a request for payment to a contractor that she believes pertains to the project in question. Tucker submitted a records request for information. She is in the process of reviewing the documents received.

Approximate Value: \$120,000

Status: Ongoing

West Sacramento Flood Control Agency MT161205 (JPA) Sacramento County

Tucker was notified of the Southport Levee Improvement project amid concerns of an unfair bidder's advantage, and subcontractor listing violations. Tucker reviewed documents available online and submitted a records request for additional information including the joint powers agreement that the agency operates under. Upon review of extensive documents, the alleged listing violation was inapplicable, as the subcontractor was not required to be listed due to the portion of the performance of work being less than the 1/2 of one percent. The alleged unfair bidder's advantage did not appear to fit the legal definitions. The agency followed correct bid procedures and Tucker concluded that no further action was necessary.

Approximate Value: \$65 million

Status: Resolved

City of Stockton MT161102 (Charter-\$75,000) San Joaquin County

Tucker was contacted regarding an on-call plumbing contract requiring a C-36 licensure but awarded to a contractor with an A license only. She was asked if the A licensure can perform the work and what ramifications if any, would apply. The City is required to specify the type of license required in the bid solicitation. In this case, a C-36 was listed. One A licensed contractor submitted a bid, with several C-36 licensures also submitting bids. It is important to note that the scope of work requires no engineering or

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Tucker attended the UCON crab feed in San Ramon.

Tucker met with CIFAC Board Member Lee Howard and CIFAC's Executive Director in Ukiah to discuss ongoing investigations and agency concerns. Tucker, Howard and Hilliard visited several job sites in the area of concern.

Tucker attended the AGC Installation of Officers Conference in Napa.

Tucker has been active in the training of CIFAC's Norther Regional Compliance Manager, Maghan Hunt.

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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