



CIFAC Progress and Accomplishments ***APRIL 1 THROUGH APRIL 30, 2017***

NORTHERN CALIFORNIA

INVESTIGATIONS

Nevada Irrigation District MH170401 Nevada County

Hunt received a tip about the Nevada Irrigation District performing work in Penn Valley at one of their reservoirs. The District did not have the project listed on its website, so Hunt sent a public records request to get more information about the project. The District responded and said they were using force account for Phase 1 of the Penn Valley Project, which they now had posted on the website. The force account would install culvert pipe and turbines during this phase of the project. The District then contracted out the paving work to be done in Phase 2. They estimated the entire project, weather permitting, would be complete by June. After going over all the documents sent, Hunt determined that the District is in compliance.

Approximate Value: \$55,000

Status: Resolved

Yolo County Flood Control and Water Conservation District MH170402 (\$25,000) Yolo County

After being contacted about work being done in the Capay Dam area by the Yolo County Flood Control and Water Conservation District, Hunt learned it was the West Adams Canal Road Erosion and Cache Creek Bank Emergency Repair Project. Hunt sent a public request for information after not finding a PWC100 for the project. There were concerns about the contractor tying the emergency repairs into the levee's structure, as well as work being done in Cache Creek. Hunt requested documents and found the District applied for and received the proper permits from the Department of Fish and Wildlife, as well as the Army Corps of Engineers. After going over the documents, Hunt found the District to be in compliance.

Approximate Value: \$185,000

Status: Resolved

Grass Valley School District MH170403 (CUCCAA-\$45,000) Nevada County

Hunt received a phone call about concerns with a septic tank project the Grass Valley School District was doing at one of its school sites. There were two primary concerns, the first was that the project wasn't bid correctly and the second was that a contractor with the wrong license was awarded the

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contract. Hunt pulled the PWC100 and discovered there were two contractors listed - one with the incorrect license and one with the correct license. Hunt sent an email to the superintendent and the person in-charge of maintenance. Because there was no response, Hunt called the school district. After going through a phone tree, Hunt spoke to a woman, Allison, in-charge of purchasing for the district; she explained that the person who normally handled facilities and public works projects was on leave. Hunt asked if she was aware that the person who was listed first on the PWC100 was not licensed to perform the work. Allison said she had called a few different companies, explained what the district needed, and got bids. Then after one of the people who had bid the project called and complained, she learned there was a difference in licenses and reached back out to the contractor. The contractor voided the agreement because they did not realize what the actual scope of work was because nothing had been written down, just communicated verbally. She then went with the second lowest quote and made sure they were licensed to perform the scope of work. Hunt explained the informal bid process, and how a bid and quote are the same thing. She also told Allison it would be a good idea to put down any public works project the district is looking to have done in writing so that miscommunications do not happen in the future. Hunt left her contact information.

Approximate Value: \$12,000

Status: Resolved

City of Redding MH170404 (CUCCAA-\$45,000) Shasta County

Hunt received a phone call about S & L Group doing work on Victor Avenue. The person said Sunrise Excavating and Paving won the contract, but S & L Group was not listed as a subcontractor to the Victor Avenue Safety Project. Hunt looked on the City of Redding's website, found the project, and found the caller was correct. She reached out to the City's Public Works Director to see what had happened and why S & L Group was performing work. The City's Public Works Project Coordinator responded and explained that S & L Group was finishing the Victor Avenue Water Main Project, which had been delayed due to weather. The Victor Avenue Safety Project, being done in the same area, would start sometime in May. Hunt thanked him and found the City to be in compliance. She then reported to the caller with her findings.

Approximate Value: \$1,719,283

Status: Resolved

Anderson Cottonwood Irrigation District MH170405 (\$25,000) Shasta County

Hunt asked about crews with the Anderson Cottonwood Irrigation District performing work at the fish ladder area of Caldwell Park. With the storms and dam releases, the person hadn't seen any requests for bids in regards to that area and wanted to know what was going on. Hunt reached out to the District and learned workers were removing debris from the fish ladder under an emergency declaration because it had been damaged during the storms. The District wasn't certain if the project to repair the damage would be done in-house or put out to bid because they were waiting for the river levels to drop to thoroughly assess the structure and any additional damage. Hunt was sent a copy of the emergency declaration and found everything to be in order.

Approximate Value: Unknown

Status: Resolved/Monitor

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Lassen High School District MH170406 (\$15,000) Lassen County

Hunt was notified about a project the Lassen Union High School District was planning to perform by force account. According to the person, the superintendent had requested bids for a walk-in freezer project at Lassen High School and received three bids, but never brought them forward to the board. The first bidder filed a complaint because it had been two months since the bidding for the project had started, and they would have been awarded the project but the district never closed the bidding. Instead, it was kept open so the third and final bidder, could submit a bid; however, they did not have the right general contractor's license to perform the work. In order to give this contractor the work, the superintendent decided to use Public Contract Code 20114, use the force account, and then bring in this contractor to perform electrical and plumbing work. Hunt was also told this contractor was related to someone on the school board, which is why the superintendent made the decision to use force account instead of bringing the bids forward to the board. Hunt looked into the matter, and found the school district out of compliance. She sent a letter and is waiting for a response.

Approximate Value: \$33,000

Status: Ongoing

Lassen High School District MH170407 (\$15,000) Lassen County

Hunt was tipped off to a second project the Lassen Union High School District was trying to use force account to complete. According to complaint, the superintendent did not put the Lassen High School Ag Shop building out to bid, rather, he was citing Public Contract Code Section 20114 in order to self-perform. The person was concerned about this project, after learning about the walk-in freezer project. They said it sounded like a similar deal. The superintendent planned on using the force account to perform as much of the project as possible, and then using the contractor related to the board member to complete the work that force account couldn't do. They believed the reason for this was that the superintendent had learned during the walk-in freezer project what type of contractor's license they had, and that this contractor wouldn't be able to bid on this project due to the scope of work. So he decided to use force account to solve this problem. Hunt looked into the matter and found the district to be out of compliance. She sent a letter and is waiting to hear back.

Approximate Value: \$95,000

Status: Ongoing

Yolo County Flood Control and Water Conservation District MH170302 (\$25,000) Yolo County

Hunt had received a tip in March about work being done at the Capay Dam and the Chapman Reservoir, which are part of the Yolo County Flood Control and Water Conservation District. Hunt worked with Central Regional Compliance Manager Michelle Tucker to find information about the projects. After searching the PWC 100s, the district's website, and other sources, both Hunt and Tucker could find no mention of the projects. Hunt sent a PRA to the Yolo County Flood Control and Water Conservation District requesting information about the construction work being done at both locations. Hunt received a response from the district, including the emergency declaration for the work and the

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contract. After going over all the documents in regards to the Chapman Reservoir, she found them in compliance. At that time, she learned work was not being done at the Capay Dam, but rather in the area as part of another project.

Approximate Value: \$65,500

Status: Resolved

NETWORKING/OTHER

Hunt attended the SB1 Transportation Rally in Sacramento to kick off the month of April. While at the rally, Hunt was able to catch up with members and agents from Laborers and Operating Engineers.

Hunt also attended a conference put on by FCC about labor compliance. During this conference, Hunt was able to catch up with business agents for Operating Engineers, as well as Mike and Brain from the California Fair Financing Authority. By talking to CFFA, Hunt was able to learn additional information to help bring District Agriculture Associations into compliance with the public contract code.

Hunt attended the Laborers Local 185 picnic in Palo Cedro. She was able to catch up with Doyle Redford and others to make sure she was addressing any concerns they had.

Hunt also visited with OE3 District 60 and OE3 District 80. She heard different concerns and provided the agents with the information she had learned about the fairs. While visiting with District 80, Hunt got a few investigation leads she will be looking into.

Hunt wrapped up the month by attending the April UCON board meeting with CIFAC Executive Director Cathryn Hilliard and Central Regional Compliance Manager Michelle Tucker. Hunt was able to meet a few of the board members and spoke as part of the presentation.

INVESTIGATIONS

City of Stockton MT170401 (Charter-\$33,513) San Joaquin County

Tucker was contacted due to industry concerns that city staff is bid splitting projects to stay under the project labor agreement (PLA) threshold signed by the City Council. Two projects were referenced, the Citywide Reroof and the HVAC upgrades projects. CIFAC does not involve themselves in the support or opposition of PLA's. However, we do investigate to ensure agencies are in compliance with state law and their own local ordinances. Tucker is in the process of reviewing city projects contracted for individually, that should have been considered one project.

Approximate Value: \$150,000

Status: Ongoing

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County of Fresno MT170402 (CUCCAA-\$45,000) Fresno County

Tucker was contacted due to tree mitigation work performed in various county locations. The work was not formally bid, nor were prevailing wages required. Tucker was questioned on the applicability of state laws for the work in question. Per a recent Department of Industrial Relations Decision applicable to this scope of work, the work is not classified as a public work because it is not construction, alteration, demolition or improvement work upon a structure or facilities. There is current legislation that if passed, will address the issue. In regards to the Public Contract Code, the scope of work is considered maintenance and not required to bid. Upon contact with the County, Tucker was informed that some of the work will be performed by force account, contractors will perform some, and the county is creating a list of qualified people that can perform the work. Interested contractors should contact the agency for inclusion on the maintained list.

Approximate Value: \$300,000

Status: Resolved

City of Tracy MT170403 (CUCCAA-\$45,000) San Joaquin County

Tucker was contacted regarding force account work on Parker and 24th Street in downtown Tracy. City crews were seen saw cutting the road however, the scope of work was unknown. Tucker was asked to check into the work in progress so she visited the site while in the area. Cuts in the road were visible however, crews were not in the area. Tucker is waiting for a call back from the City about the work scope.

Approximate Value: Unknown

Status: Ongoing

City of Lodi MT170404 (General Law-\$5,000) San Joaquin County

Tucker was asked to review the bid process used on the 2017 Grapeline Bus Stop Accessibility and Shelter Improvements project and to ensure the apparent low bidder was properly licensed and bonded. The scope of work was for the installation of new shelters, curb, and ADA ramps. Upon review, Tucker did not note any issues with the process used nor the bids.

Approximate Value: \$325,000

Status: Resolved

County of Calaveras MT170405 (CUCCAA-\$45,000) Calaveras County

Tucker was contacted regarding allegations of the County misclassifying roadwork as maintenance. The County was previously awarded 49 million dollars from the Federal Emergency Management Agency (FEMA) for various projects that include tree hazard mitigation and fire damage clean up. There is industry concern that reconstructive roadwork will be performed via force account rather than bid. Tucker is working with industry members and County Supervisors to educate them on the different types of roadwork and the Public Contract Code requirements.

Approximate Value: Unknown

Status: Ongoing

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Livingston Community Health Center MT170406 (Private-\$) Merced County

Tucker was contacted about an advertisement for subcontractor bids based on negotiated contracts on a project classified as private. Tucker looked into the Hospital District and it appears to be a non-profit so the Public Contract Code would not apply. The applicability of prevailing wages needs to be further researched. Tucker is working with a Labor Compliance agent for further exploration on the issue.

Approximate Value: Unknown

Status: Ongoing

County of Calaveras MT170407 (CUCCAA-\$45,000) Calaveras County

Tucker was contacted regarding the Rail Road Flat Bridge project as no advertisement was noted for the project. The scope of work included bridge construction, scour prevention, road and drainage improvements. Upon research, Tucker noted the project was bid last year, with a mandatory prebid held on July 29, 2016 and a bid opening date of August 4, 2016. Tucker reviewed the bid process and did not note any violations. The project was correctly advertised however, the publication referred to by the reporting party was not on the required advertisement list for county projects. Tucker suggested that the reporting party notify them so that they can contact the County for inclusion on their plan holders list.

Approximate Value: \$2,500,000

Status: Resolved

City of Sacramento MT170408 (Charter-\$100,000) Sacramento County

Tucker was notified of an item on the City Council agenda suspending bidding and issuing contracts for various concrete work around the City. The concern was that due to the funding of the work in question, the contracts should have been formally bid. Tucker requested copies of the contracts for her review and is waiting for a response.

Approximate Value: \$100,000

Status: Ongoing

Groveland Community Services District MT170409 (CUCCAA-\$45,000) Tuolumne County

Tucker was contacted regarding several projects performed by a contractor that were not bid and may have been bid split. The reporting party is in the process of gathering documents for Tucker's review.

Approximate Value: Unknown

Status: Ongoing

California Highway Patrol MT170301 (General Law-\$25,000) Sacramento County

Tucker was contacted regarding scales sweeping work in progress at various locations including Sacramento, Elk Grove, Napa and Vallejo. The concern was that the work was being misclassified as beautification rather than maintenance, the proper wages were not paid and the work was not competitively bid. Although the Department of General Services has authority to provide the contract services for the CHP, these projects were contracted for by the CHP facilities division. Tucker submitted records requests for all current contracts and bid documentation for projects within the

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Golden Gate and Valley Divisions for her review. The records have been compiled and will be sent shortly for Tucker's review.

Approximate Value: \$250,000

Status: Ongoing

Solano Irrigation District MT170302 (General Law-\$) Sacramento County

Tucker was contacted regarding a road paving project on Pleasant Hill Road and Pleasant Hills Ranch Way that may not have bid. Tucker was asked to look into the project to ensure compliance. This portion of the work coincides with the Pleasant Hills Water Treatment Plant project that Tucker previously reported on. It appears that this work was bid and contracted for after the fact. No issues or concerns were noted.

Approximate Value: \$500,000

Status: Ongoing

Newark Unified School District MT170303 (CUCCAA-\$45,000) Alameda County

Tucker was contacted due to concerns over a possible negotiated contract for the Memorial Stadium Upgrades project at Memorial High School. Apparently, an Architectural firm contacted contracting firms requesting they perform the construction work via a piggyback agreement thus circumventing the bid process. The District previously passed a bond measure and this project was not listed, nor was it listed anywhere else. The Division of the State Architect and the District both indicated that this work is not proposed at this time. Tucker will continue to monitor the District to ensure compliance.

Approximate Value: \$2,000,000

Status: Resolved/Monitor

City of Ukiah MT170304 (CUCCAA-\$45,000) Mendocino County

Tucker was contacted about city crews performing manhole installation work at several locations within the city limits. In addition to Cal/OSHA violations due to no shoring, it appears that the City may have violated their force account limit. Tucker submitted a detailed records request and only received partial documents. It is clear that they are out of compliance with the accounting practices required by the California Uniform Construction Cost Accounting Act. Tucker is in the process of analyzing what was provided and may need to submit an additional request before deciding how to proceed.

Approximate Value: \$38,000

Status: Ongoing

Yurok Tribe MT170305 (Private-\$) Del Norte County

Tucker was contacted regarding a water storage and water line installation project on Yurok tribal land. Questions arose as to the applicability of state wages and procurement requirements. Tucker researched the project and funding information. She determined that state procurement requirements do not apply. She referred the information to a Labor Code representative for their review.

Approximate Value: \$2,300,000

Status: Resolved

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City of Union City MT170306 (General Law-\$5,000) Alameda County

Tucker was contacted regarding a gas line installation project on Volpey Way and Eigenbrodt Road within the city limits. She was asked to look into the project to ensure it was competitively bid. Tucker is in the process of gathering information before submitting a records request.

Approximate Value: \$25,000

Status: Ongoing

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 and upon review, opined that the city appears to be out of compliance with the Public Contract Code. Tucker is preparing documents for submission to the California Uniform Construction Cost Accounting Commission for a formal review of the project and a decision to sanction the city in violation of the law.

Approximate Value: \$100,000

Status: Ongoing

NETWORKING/OTHER

Tucker met with Laborer's Local 1130 agents in Modesto to discuss active projects and problem jurisdictions in the area.

Tucker met with Laborer's Local 73 agents in Stockton to discuss active projects and problem jurisdictions in the area.

Tucker met with OE3 agents in Stockton to discuss active projects and problem jurisdictions in the area.

Tucker attended the Foundation for Fair Contracting seminar in Sacramento Tucker attended the AGC, San Joaquin District crab feed in Fresno.

Tucker met with OE3 agents and their Lobbyist in Sacramento to discuss proposed legislation

Tucker, along with CIFAC's Executive Director, Cathryn Hilliard and the NorCal Compliance Manager, Maghan Hunt prepared and presented to the United Contractors Board of Directors in San Ramon.

Tucker attended the SB1 Transportation rally at the State Capital and in Corcord.

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