

California Uniform Construction Cost Accounting Commission

Meeting Agenda

February 4, 2009

9:00a.m. - 2:00 p.m., Lunch Break 12:00 p.m.- 12:30 p.m.

Office of the State Controller
300 Capitol Mall, Room 635, 6th Floor
Sacramento, California 95814

Teleconference Phone Number 877-581-9247, Participant Pass Code: 221558

Invitees

Commissioners:

Jeff Armstrong, Eddie Bernacchi, Robert Byrd, Guiselle Carreon, Linda Clifford, Gene Cortright, William R. Dildine, David Gomez, Jay Hansen, David McCosker, Alec Pringle, Lisa Miler-Strunk

State Controller's Office Staff:

Nancy Valle, Bureau Chief; Michael Adams, Manager; Anita Dagan , Jeanette Cosentino, Scott Taylor

- 1. Call to Order**
- 2. Introductions**
- 3. Approval of the Minutes for the November 7, 2008 meeting.**
- 4. Commission Update**
 - a. Report on New Participating Agencies
 - b. Funding Update
- 5. Public Comment**

(Limit of five minutes, unless the item you are addressing is on the agenda. If the item is on the agenda, notify the chair and you will be recognized at that time.)
- 6. Staff Comments/Requests**
 - a. AB 1047 Update
- 7. Commissioners' Comments/Request**

California Uniform Construction Cost Accounting Commission

8. Old Business

- a. Account Review Update: Commission will discuss the matter concerning the City of Ukiah.
- b. CUCCAC By-Laws – Commissioner Clifford will present the second draft of the document for review.
- c. Reed Construction – Confirm Commissioner Clifford’s action item to call Reed Construction letting them know they will remain on the list.
- d. City of Corona – Confirm Commissioner Cortright’s action item to contact the City of Corona regarding CIFAC’s complaint.
- e. Donation Requests – Review additional donation letters that were sent in a previous solicitation.
- f. Administrative Fee –Working group, consisting of Commissioners Carreon, Clifford, Byrd, and Bernacchi, was to draft a letter or memo laying out the terms of a proposed administrative fee for participants.
- g. Manual Revisions: Staff to discuss process for approval of previous revisions.

9. New Business

- a. Lease-Lease Back (LLB): Discussion of whether school districts who are participating in the Act can procure a contract through LLB.
- b. Force Account Limits for School Districts: Commissioner Carreon will lead a discussion on increasing the force account limits for school districts.
- c. Reimbursement of SCO services: SCO staff was asked to calculate the amount of time spent in supporting the commission.
- d. Additional Manual Revision:
 1. SCO will present the commission with proposed changes to the Account Review procedures found in the manual.
 2. Discuss the use of consultants for account review.
 3. Discuss increasing force account limits
- e. Account Reviews
- f. Other

12. Next Meeting

13. Adjournment

If you would like further information regarding this meeting or require special accommodation for attending this meeting, please contact:

State Controller's Office
Jeanette Cosentino
Fiscal Analyst, Local Government Policies Section
(916) 322-9105
Jcosentino@sco.ca.gov

New Participating Agencies

COUNTY	AGENCY	TYPE OF AGENCY	DATE OPTED IN
Los Angeles	Mt. San Antonio Community College	Community College	12/17/2008
Placer	Auburn Union Elementary School District	School District	10/22/2008
Riverside	Lake Elsinore Unified School District	School District	11/20/2008
Sacramento	Arden Manor Recreation and Park District	Special District	11/20/2008
Santa Clara	Alum Rock Union Elementary School District	School District	11/13/2008
Tulare	Liberty Elementary School District	School District	11/11/2008
Tulare	Visalia Unified School District	School District	01/13/2009

Total New Participating Agencies: 7

Total Participating 678

**California Uniform Construction Cost Accounting Commission
Activity Report**

Cash Activity				
for the period 11/07/2008 to 02/04/2009				
Beginning Balance:	11/22/2008	Conditional (1)	Unconditional	Total
		\$ 885	\$ 5,853	\$ 6,738
Receipts		\$ -	\$ -	\$ -
Expenditures		\$ -	\$ 1,378	\$ 1,378
Ending Balance:	02/05/2009	\$ 885	\$ 4,475	\$ 5,360

(1) Note: Conditional donations are restricted to audit and account reviews.

Cash Receipts				
for the period 11/07/2008 to 02/04/2009				
	Donor Type	Conditional	Unconditional	Total
City		\$ -	\$ -	\$ -
Community College District		-	-	-
Contractor		-	-	-
County		-	-	-
School District		-	-	-
Special District		-	-	-
Union		-	-	-
Total	02/05/2009	\$ -	\$ -	\$ -

Cash Expenditures				
for the period 11/07/2008 to 02/04/2009				
	Expenditures			
Accounting Review		\$ -	\$ -	\$ -
Services		-	-	-
Travel Expense Claims		-	1378	1378
Total	02/05/2009	\$ -	\$ 1,378	\$ 1,378



January 22, 2009

California Uniform Construction Cost Accounting Commission
Attention: Jeanette Consentino, Fiscal Analyst, State Controller's Office
Office of the State Controller
P.O. box 942850
Sacramento, CA. 94250

VIA FAX 916-327-3162 AND UNITED STATES MAIL

Re: Construction Industry Force Account Council (CIFAC) complaint re:
City of Ukiah street repair on Alice Street

For Commission meeting on February 4, 2009

Dear Commissioners:

In this letter the City of Ukiah responds to the complaint filed by CIFAC regarding the overlay of a one block segment of Alice Street in Ukiah performed by City of Ukiah employees on August 11 and 12, 2008. CIFAC complains that the City's accounting shows that it exceeded the force account limit of \$30,000 and is incomplete because it did not include the cost of traffic cones, barricades, tack oil and tax.

As I will explain in detail below, the actual cost accounting does show that the City exceeded the force account limit. The City also concedes that the value of traffic cones, barricades, tack oil and tax were omitted in making the estimate and in the accounting of actual costs. However, the City will also show that the documents submitted by CIFAC show that the City made a good faith effort to estimate the project cost, which was below the force account limit. It will also show that the value of the omitted items was approximately \$206.17.

The City has submitted this response to the CIFAC complaint, because it is concerned that if it is subjected to the kind of scrutiny represented by the CIFAC complaint, and the Commission fails to allow some leeway in evaluating inadvertent and minor omissions or when actual costs exceed good faith estimates, the City could easily be found to have exceeded the force account limit more than three times in ten years. City employees must administer the cost accounting requirements and like all human beings, inevitably, over a 10 year period, they are going to make minor, inadvertent mistakes. Without some consideration of this fact, every local government that has agreed to the Uniform Construction Cost Accounting requirements is equally at risk.

The documents filed with the Commission by CIFAC include a spread sheet job estimate and a spread sheet showing the actual costs of the project. The Estimate projected a total cost of \$29,987.18, which included the costs of labor, equipment and material, itemized

Letter to California Uniform Cost Accounting Commission
Subject: CIFAC complaint re: City of Ukiah force account project
Date: January 22, 2009

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on the spread sheet and an additional 20% of those total costs to reflect overhead. This was a good faith estimate that attempted to project the cost in accordance with the Uniform Construction Cost Accounting Manual. The estimate included 190 tons of hot mix at \$95.50 per ton. It did not itemize sales tax separately. The City's experience has been that the cost of hot mix varies substantially almost from day-to-day, and that oil and related costs were going down at the time of this job. Consequently, the \$95.50 per ton was thought to be ample at that time to cover the net cost of hot mix plus sales tax.

The Estimate also did not include a cost for traffic barriers and traffic cones. Attached is the Cal Trans Labor Surcharge and Equipment Rental Rates, effective August 1, 2008 through March 31, 2009, showing the daily rental value of barricades and traffic cones. As you can see, barricades have a daily rental value of \$.19 each without flashers. The City used 12 barricades without flashers on this two day job for a total cost of \$4.56. The daily rental value of traffic cones is \$6.73 per 100. The City used 24 cones for a total cost of \$1.61 for this two day job. If these costs were added to the City's estimate, the projected job cost would have remained under \$30,000.

Tack oil is dispensed from a tack pot. The cost of the tack pot was not included in the estimate, but was included in the account of actual expenses at \$9. A tack pot holds approximately 500 gallons of tack oil. The tack pot is filled periodically as needed. The oil is not metered so the City does not have an accurate measure of how much oil is used on a single job. As an after-the-fact estimate, the Alice Street project may have used \$200 worth of tack oil. If so, the estimate could have exceeded the force account limit by \$193.35. Nevertheless, despite these omissions, which had a total value of approximately \$206.15, the City clearly made a good faith estimate of the project costs which were under the force account limit.

The City also tracked the actual costs in accordance with the requirements in the Cost Accounting Manual. The estimated cost for labor was actually higher than the actual cost: \$3,384.72 versus \$2,963.70. Other estimated costs were less than the actual cost. For example, the project used 194.68 tons of hot mix rather than 190 tons, but the per ton cost was \$94.00, rather than the estimated cost of \$95.50, for a total cost of \$18,299.82, as compared to an estimated cost of \$18,145.00, a \$154.82 difference. With the addition of \$1,418.23 in sales tax, the actual cost of hot mix totaled \$19,718.15, for a total difference between estimated and actual of \$1,418.33. Similarly, equipment costs were estimated at \$3,459.60, but actual costs were \$4,710.99, a \$1,251.39 difference.

If the 20% overhead charge is applied to the total actual costs, including the nominal cost of cones, barricades and tack oil, the actual cost of the Alice Street project is \$33,046.67.¹

¹ The Granite Construction hot mix bill submitted by CIFAC included a net charge of \$18,299.92 @ \$94/ton for 194.66 tons. The actual cost spread sheet prepared by the City included \$18,591.94 for 194.68 tons of hot mix @ \$95.50/ton, a difference of \$292.12. Subtracting that amount from the total actual cost on the spread sheet of \$26,266.63 results in an adjusted actual cost of \$25,914.51. When the sales tax from the Granite invoice is added to that figure along with the cost of barricades, cones and tack oil, the total actual cost of labor, equipment and supplies for this project is \$27,538.89.

Letter to California Uniform Cost Accounting Commission
Subject: CIFAC complaint re: City of Ukiah force account project
Date: January 22, 2009

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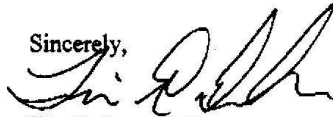
The difference between the estimated cost of \$29,987.18 and an actual cost of \$33,046.67 is less than 10%.

The Cost Accounting Act and the Cost Accounting Manual do not address this circumstance, where a good faith estimate of project cost is within the force account limit, but the actual cost turns out to modestly exceed that limit. This circumstance should be addressed, because a city decides whether to proceed with a project by force account based on the estimate. The actual cost cannot be known until the project is complete. By the time a city discovers that the actual cost will exceed the limit, it is too late to bid the project. The City contends that the Commission should not penalize a city which proceeds to perform a public project by force account based on a good faith estimate that its cost is within the force account limit, if, as is the case here, the actual cost turns out to exceed that limit by 10% or less. The Cost Accounting Act provides this leeway, when a project is bid. (See Public Contracts Code §22034(f), which allows a city to accept a bid that exceeds the limit on informal bids by 10% or less on a 4/5 vote of the City Council.) The Act apparently recognizes that a city should not be put to the inconvenience and expense of rebidding such a project as a formal bid, if the lowest bid exceeds the limit by 10% or less. In the case of force account work, the prejudice to a city is much greater, if it is not given similar consideration.

The documents filed by CIFAC demonstrate that the City was making a good faith effort to comply with the Act and the Manual. The failure to include the cost of cones, barricades, tack oil and sales tax were inadvertent and understandable under the circumstances and had a small effect on the estimated and actual costs.

For all of these reasons, the City urges the Commission to find that the City should not be considered to have knowingly or recklessly exceeded the force account limit. The Commission should reserve a determination that a city has exceeded the force account limit for situations where the city did not proceed on the basis of a good faith estimate that the project would cost less than the force account limit and where actual cost exceeds the estimate by more than 10%.

Sincerely,



Tim Eriksen, P.E.
Public Works Director/ City Engineer
City of Ukiah

cc: City Manager
City Council

State of California
Business, Transportation, and Housing Agency

Department of Transportation
Division of Construction

Labor Surcharge and Equipment Rental Rates **(Updated)**

(Cost of Equipment Ownership)



Effective August 1, 2008 through March 31, 2009



backhoe, w/ or w/o loader or dozer C \$23.91

OVER 37.3 kW (50 HP) [>50]

Including, but not limited to the following:

Bobcat-- 853, 863, 873, 943, 953, 980

Case-- 1845C

Deere-- 5300, 5400, 6200, 6300, 6400, 8875

Ford-- L783, L785, 250C, 260C

Gehl-- SL5625, SL6625, SL6635

Hydra-Mac-- 1850, 2650, 2650D

JCB-- 185Robot

Massey-Ferguson-- MF40E, MF50EX

Mustang-- 960, 2060

New Holland-- 4630, 5030, 5640, 6640, 7740, 7840, 8240, 8340,

L865, LX865, LX885, 345D, 545D

Ramrod-- 1750, 1950

Thomas-- T-173HL, T-173HLS, T173HLS II, T-203HD, T-

233HD

Trak-- 1700HD, 1700C, 1700CX, 1700XHP

Model	Code	Rate
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with loader or dozer A \$29.64

auger, w/ or w/o loader or dozer B \$30.08

backhoe, w/ or w/o loader or dozer C \$31.41

TRAFFIC CONTROL & SAFETY DEVICES [TRAF A] (HOURLY RATES)

DELAY FACTOR = 0.38 OVERTIME FACTOR = 0.66

CHANGEABLE MESSAGE SIGN [CMSN]

Model	Code	Rate
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Generator GEN1 \$12.33

Generator w/ cell remote GEN2 \$13.42

Solar SOL1 \$8.43

Solar w/ cell remote SOL2 \$9.52

FLASHING ARROW SIGN [FLAS]

Including supplies, replacements and servicing.

Model	Code	Rate
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Roof mounted RM \$0.74

Trailer mounted TM \$2.96

TRAFFIC CONTROL & SAFETY DEVICES [TRAF C] (DAILY RATES)

DELAY FACTOR = 0.73 OVERTIME FACTOR = 1.00

Includes supplies and servicing. The following allowance is entered on the extra work by using days instead of hours worked. Crash cushion barrels and K-rail sections are now listed with Non-Operated items[NONOP].

(1) BARRICADES [1BAR]

(A) 750 mm to 900 mm high & 600 mm to 900 mm wide (30 to 36 inches high & 24 to 36 inches wide)

(B) 1500 mm high by 1200 mm wide min. (60" high by 48" wide min.)

Model	Code	Rate
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each with flasher A1 \$0.37

each without flasher A2 \$0.19

each B3 \$0.84

(2) TRAFFIC CONES [2TC]

Lost or destroyed are no longer paid on invoice.

Model	Code	Rate
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450 mm (18") high, per 100 A100 \$6.73

700 mm (28") high, per 100 B100 \$11.76

700 mm (28") high w/ refl sleeve, per 100 D100 \$18.04

1,050 mm (42") high w/ refl sleeve, per 100 E100 \$30.02

(3) PORTABLE DELINEATOR [3DEL]

Lost or destroyed are no longer paid on invoice.

Model	Code	Rate
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per 100 100 \$19.25

(4) ILLUMINATED SIGNS [4SIG]

Model	Code	Rate
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incl 900 mm x900 mm (3'x3') sign & batteries 12V \$4.61

(5) FLASHING BEACON [5BEA]

Model	Code	Rate
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portable 12 volt 12V \$4.70

(6) FLAG/SIGN STAND [6FSS]

Model	Code	Rate
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incl sign, stand & 3 flags EACH \$2.14

(7) DELINEATOR DRUM [7DDR]

Model	Code	Rate
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Del. drum w/ base per 100 100 \$47.26

TRAILERS, EQUIPMENT, LOW BED [TRAIL]

DELAY FACTOR = 0.45 OVERTIME FACTOR = 0.60

Includes all attachments and accessories related to hauling. The rates cover drop deck type with and without folding/removable gooseneck or oscillating trunion. Pilot vehicles are extra. Listed in accordance with number of axles and tires per axle. Includes jacks, booster axles, and dollies. All loads shall be hauled legally or within Caltrans Permit Policy.

LOW BED A [LB-A]

Model	Code	Rate
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2 axle 100 \$12.50

4 Tires per axle 200 \$15.76

8 Tires per axle 400 \$19.39

LOW BED B [LB-B]

Model	Code	Rate
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3 axle 300 \$16.74

4 Tires per axle 400 \$19.39

8 Tires per axle 600 \$33.47

LOW BED C [LB-C]

Model	Code	Rate
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4 axle 500 \$26.95

4 Tires per axle 600 \$33.47

8 Tires per axle 600 \$33.47

STATE OF CALIFORNIA

JOHN CHIANG, California State Controller

California Uniform Construction Cost Accounting Commission



Gene Cortright
Director of Public Works
City of Fairfield-Cities
Chairman

January 20, 2009

Jeff Armstrong
Laborers Union - Labor
Vice-Chairman

Linda Clifford
Chief Financial Officer
C.C. Myers, Inc.
Secretary

Eddie Bernacchi
NECA, Politico Group
Subcontractors

Jay Hansen
Legislative Director
State Building & Construction
Trades Council of California
Labor

Robert Byrd
Auditor-Controller
County of Riverside - Counties

Guiselle Carreon
Director of Purchasing
District - Schools

William Dildine
Subcontractor

David Gomez
Director
Palmdale Water District
District - Special Districts

David A. McCosker
Chairman of the Board
Independent Construction Co.
General Contractors

Alec Pringle
Director of Engineering
Services Department
County of Ventura-Counties

Lisa Miller-Strunk
Contractors State License
Board

David J. Rapport
City Attorney
Law Offices of Rapport and Martson
405 W. Perkins Street
P.O. Box 488
Ukiah, CA 95482

Dear Mr. Rapport:

Our commission has received your letter dated January 6, 2008, stating your concerns regarding the Ukiah matter.

The commission will consider your points in our next meeting scheduled for February 4, 2009. The meeting is open to the public and can be attended in-person or by teleconference. We will send you details of the meeting two weeks prior to the date. If you have any questions regarding this matter in the mean time, please contact me at 707-428-7493.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gene S. Cortright'.

Gene S. Cortright
Chairman

CUCCAC Commission

cc: Jane Chambers, City Manager
Commissioner Armstrong
Commissioner Bernacchi
Commissioner Byrd
Commissioner Carreon
Commissioner Clifford
Commissioner Dildine
Commissioner Gomez
Commissioner Hansen
Commissioner McCosker
Commissioner Pringle
Commissioner Miller-Strunk
Catherine Hilliard, CIFAC

Law Offices Of

RAPPORT AND MARSTON

An Association of Sole Practitioners

405 W. Perkins Street
P.O. Box 488
Ukiah, California 95482
e-mail: drapport@pacbell.net

David J. Rapport
Lester J. Marston
Scott Johnson
Mary Jane Sheppard

(707) 462-6846
FAX 462-4235

January 6, 2009

Mr. Gene S. Cortright, Chairman
CUCCAC Commission
State Controller's Office
P.O. Box 942850
Sacramento, CA. 94250

SENT BY FAX: 916-327-3162 AND U.S. MAIL

Re: CIFAC complaint about City of Ukiah project on Alice Street in Ukiah

Dear Mr. Cortright:

I am the City Attorney for the City of Ukiah. City Manager Jane Chambers asked me to write to you, clarifying some issues concerning the Commission's investigation of the CIFAC complaint. The City fully intends to respond on the merits of the complaint, now that it has received the information filed by CIFAC with the Commission, but your December 18 letter contains some statements, regarding the procedure that I have been asked to address now.

In your letter, you state that the Commission did not deem it necessary to assign a commission consultant, because of the documents submitted by CIFAC. As I read Public Contract Code Section 22045, the Commission was required to submit proposed procedures for conducting these reviews to the Controller who was required to adopt or reject them. I assume that the procedures set forth in the Cost Accounting Manual were accepted and adopted by the Controller. As a result, the procedures are binding on the Commission which is required to follow them.

Section V of the Accounting Procedures Review provisions in the Manual read as follows:

V. Immediately upon receipt of a request for accounting procedures review, ***it shall be assigned by the Commission to one/or more of the prequalified consultants*** for review.

A. The consultant will review all of the information set forth in Section III(d).

B. The consultant will interview the public agency involved and submit as a part of the findings a complete statement of the public agency's position with respect to the review being conducted.

Letter to Gene S. Cortright, CUCCAC Commission Chairman
Subject: CIFAC Complaint
Date: January 6, 2009

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C. The consultant shall prepare written findings and a recommended decision within twenty (20) calendar days from the date the request for review was received by the Commission. (Emphasis added.)

Ordinarily, the use of the word "shall" means the action is mandatory; not subject to the Commission's discretion. A consultant shall be assigned immediately upon receipt of the complaint. Moreover, the consultant is required to interview the public agency and submit as a part of the proposed findings a complete statement of the public agency's position. Because the Commission did not comply with the mandatory requirement of appointing a consultant or the time requirement of doing it immediately upon receipt of the complaint from CIFAC, no findings have been prepared and certainly no findings have been prepared that contain a complete statement of the City's position with respect to the review being conducted.

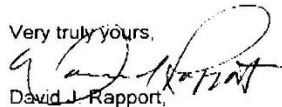
As a result, contrary to the statement in your letter, the City has yet to receive any findings from the Commission and the Commission apparently took action on the complaint at its November 7, 2008, meeting without receiving proposed findings that contained a complete statement of the City's position. It only received the information filed by CIFAC. This one sided consideration raises due process concerns as well as concerns about the Commission following its own rules.

In your December 18 letter, you state that the City should delay presentation of the Commission's findings until after the Commission's next meeting on February 4, 2009. This statement assumes that the City has received findings from the Commission. Findings are statements of fact addressing the particulars of a complaint. As recognized in the Cost Accounting Manual, the findings form the basis for the consultant's recommended decision. The only communication regarding the Commission's determination that the City has received from the Commission is your November 25 letter which states that the Commission has determined that the City violated the force account limits. However, the November 25 letter did not contain findings which support this determination or which meet the previously discussed requirements in the Cost Accounting Manual. Until the City receives findings that satisfy these requirements, it cannot present them at a public hearing before its City Council.

In undertaking this investigation, the Commission has already violated all of the time requirements in the pertinent sections of the Public Contracts Code and in the Cost Accounting Manual. I think there is a substantial likelihood that the City has been prejudiced by the Commission's failure to follow its own procedures. Apparently, the Commission has already made a decision at its November 7 meeting without affording the City an opportunity to respond to these charges. By asking the City to delay presentation of the findings the Commission has already adopted, your letter reinforces the impression that the Commission's impartiality has already been compromised.

Under these circumstances, I believe the Commission should suspend this investigation rather than attempt to correct after the fact what may be incurable procedural irregularities. In addition, the City would appreciate an acknowledgment that the Commission has not yet adopted and the City has not received findings from the Commission.

Very truly yours,


David J. Rapport,
City Attorney

cc: Jane Chambers, City Manager
City Council
John Chang, California State Controller

Cosentino, Jeanette

From: CORTRIGHT, GENE S [GCORTRIGHT@ci.fairfield.ca.us]
Sent: Friday, December 12, 2008 01:08 PM
To: 'jchambers@cityofukiah.com'
Cc: Cosentino, Jeanette
Subject: CA Uniform Construction Cost Accounting Act

Dear Ms. Chambers,

After discussing your letter dated December 9, 2008 with the State Controller's Office (SCO) staff, it has been determined that the SCO staff will prepare a letter for my signature indicating that you may delay presenting the Commission's finding to your City Council on December 17th until the Commission has had time to review any backup documentation you wish to submit regarding the Alice Street project. The Commission will be meeting on February 4th at which time, it will review the information and make a recommendation for action.

I will also call you to verify that you have received this message.

Sincerely,

Gene Cortright
Chair
CA Uniform Construction Cost Accounting Commission

12/12/2008

837 Arnold Drive #200
Martinez, CA 94553
Phone: (800) 755-3354
Fax: (925) 957-1800
Email: cifac@sbcglobal.net

**Construction Industry
Force Account Council**

Fax

To: Jeanette Cosentino	From: Lynee Runyon
Fax: 916-327-3162	Date: December 12, 2008
Phone:	Pages: 5 including cover
Re: City of Ukiah	Cc:

1. Agenda Summary Report
2. Letter to City of Ukiah

Dec 12 '08 12:04p
Dec 12 '08 11:57a

CIFAC
Sally Riley

9259571800

9259571800
5305494436

p.1
p.1



ITEM NO.: 9a

MEETING DATE: December 17, 2008

AGENDA SUMMARY REPORT

SUBJECT: PUBLIC HEARING AND CITY RESPONSE TO CALIFORNIA UNIFORM
CONSTRUCTION COST ACCOUNTING COMMISSION NOTICE OF VIOLATION

Background: On December 8, 2008 the City Manager received a letter dated November 25, 2008 from the California Uniform Construction Cost Accounting Commission (CUCCAC) outlining the fact that the commission had determined the City of Ukiah was in violation for a paving project undertaken in August 2008 on Alice Ave. This determination was made by the Commission on the basis of a complaint filed by the Construction Industry Force Account Council (CIFAC), and no other documentation from the City of Ukiah.

Although the City Manager's office had received the letter of complaint from CIFAC, city staff was waiting for contact from the CUCCAC to respond to the complaint and provide the City's position on this issue. There was no contact from the State, that reached either the City Manager or the Director of Public Works, prior to receipt of the November 25 letter, although the manual for the Commission's process does outline a series of steps that the State Commission is to take to process complaints. Attached is a letter sent to CUCCAC requesting this missing information, including the findings, in order for the City Council to have that information to review as part of the public hearing process. The information requested of CUCCAC will be provided to the Council as soon as it is received.

Public Works Staff have received training on the Uniform Cost Accounting procedures and have been endeavoring to follow all mandates. The item in question on the Alice Ave project is \$1,000 in excess of the \$30,000 limit. The project was accounted for prior to undertaking the work in conformance with the requirements, and met the \$30,000 threshold. The cost overrun was due to poor asphalt mix that was delivered from the plant, and when accounted for, exceeded the original estimate of cost for materials on that project.

It is City staff's understanding from the training received from CIFAC on Uniform Cost Accounting, where the specific question was asked, that the strict \$30,000 limit has been interpreted to allow for one-time

Continued on Page 2

Recommended Action(s): Receive the report.

Alternative Council Option(s): Provide direction to staff.

Citizens advised:

Requested by:

Prepared by: Jane Chambers, City Manager

Coordinated with: Tim Eriksen, Director of Public Works; David Rapport, City Attorney

Attachments: 1) Copy of Nov 25 Letter, 2) Copy of CIFAC letter, 3) Response from State

Approved:

Jane Chambers, City Manager

material cost overruns where these are unavoidable as a result of construction issues in the field, and that the \$1,000 cost overrun due to materials is not by itself, the cause for violation. Staff also, again, directly from the training received, will dispute CIFAC's conclusion that the accounting missed items such as tack oil, cones and barricades. Staff did include accounting for all items required in its assessment of the project.

Staff will be addressing the City's response to the complaint to CUCCAC, and request that the City's information be respectfully considered in a reversal of the violation complaint.

The purpose behind the City's use of the force account provision is to provide the residents of Ukiah with services to address cost effective and timely routine maintenance, as well as emergency response services for weather and other events. The alternative would be to bid out the work for maintenance that is now supplied by the crews for jobs amounting to less than \$30,000. Such a change would include a component of costs associated with the administration of the purchasing, contracting, and oversight necessary to have this work conducted by outside crews. The assumption cannot be made that it is more cost effective to bid out work for those projects under \$30,000 without a complete analysis of other costs that would be incurred by the City to conduct the work in this manner, or the effect of such a choice on the ability of the City crews to effectively respond to emergency and other events as needed.

Fiscal Impact:

☐ Budgeted FY 08/09 ☐ New Appropriation ☒ Not Applicable ☐ Budget Amendment Required

STATE OF CALIFORNIA

JOHN CHIANG, California State Controller

California Uniform Construction Cost Accounting Commission



December 18, 2008

Gene Cortright
Director of Public Works
City of Fairfield-Cities
Chairman

Jeff Armstrong
Laborers Union - Labor
Vice-Chairman

Linda Clifford
Chief Financial Officer
C.C. Myers, Inc.
Secretary

Eddie Bernacchi
NECA, Politico Group
Subcontractors

Jay Hansen
Legislative Director
State Building & Construction
Trades Council of California
Labor

Robert Byrd
Auditor-Controller
County of Riverside - Counties

Guiselle Carreon
Director of Purchasing
District - Schools

William Dildine
Subcontractor

David Gomez
Director
Palmdale Water District
District - Special Districts

David A. McCosker
Chairman of the Board
Independent Construction Co.
General Contractors

Alec Pringle
Director of Engineering
Services Department
County of Ventura-Counties

Lisa Miller-Strunk
Contractors State License
Board

Ms. Jane Chambers
City Manager
300 Seminary Avenue
Ukiah, CA 95842

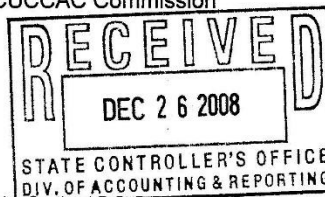
Dear Ms. Chambers:

Our commission has received your request for information regarding the city's violation of the Uniform Public Construction Cost Accounting Act. Per your request, we are sending you the notification of the California Uniform Construction Cost Accounting Commission meeting of November 7, 2008 and copies of all documentation received by the commission from the Construction Industry Force Account Council (CIFAC).

Based on the documents submitted by CIFAC, the commission did not deem it necessary to assign a commission consultant for additional account review. If you would like to submit further documentation regarding the project on Alice Street, please send it to the commission via the State Controller's Office address. In light of the extended account review, please delay presentation of the commission's findings to your city council until after the commission's next meeting on February 4, 2008. If you have any questions regarding this matter, please contact me at 707-428-7493.

Sincerely,

Gene S. Cortright
Chairman
CUCCAC Commission



State Controller's Office, Local Government Policies Section - P.O. Box 942850, Sacramento, CA 94250

Phone: 916-322-9105 * Fax: 916-327-3162



December 9, 2008

Gene Cortright, Chairman
Eddie Bernacchi,
Former Chairman
California Uniform Construction Cost
Accounting Commission
State Controller's Office
Local Government Policies Section
P.O. Box 942850
Sacramento, CA 94250

Dear Mr. Bernacchi:

The City of Ukiah respectfully requests that future correspondence from your Commission be sent to the attention of the City Manager, Jane Chambers at 300 Seminary Avenue, Ukiah, CA 95482.

This request is being made as the result of a number of recent correspondences from your Commission related to a complaint and Commission determined violation of the Uniform Public Construction Cost Accounting Act for a paving project performed on Alice Street, Ukiah, California. None of these correspondences were received by either the City Manager or the Director of Public Works.

As such, I'm requesting that you provide me with the following documents:

1. Letter from Consultant requesting information from the City.
2. Notification of Commission Hearing related to the incident described above.
3. Copies of all documentation/correspondence related to this incident, as well as Commission findings.


The City of Ukiah has concerns with the Commission's violation determination for a number of reasons. In addition to the fact that neither the City Manager nor the Director of Public Works Department received any correspondence from your office related to this allegation, to my knowledge, and that of the City's Director of Public Works, the Consultant never contacted the City to allow the City the opportunity to respond to the alleged violations of the Uniform Public Construction Cost Accounting Act.

The City takes very seriously the allegation and the Commission's violation determination of the Uniform Public Construction Cost Accounting Act. As a result of your recent correspondence dated November 25, 2008 notifying the City of the Commission's determination of violation (received on December 8, 2008), we have scheduled a public hearing at the next City Council meeting scheduled for December 17, 2008 to discuss the matter.

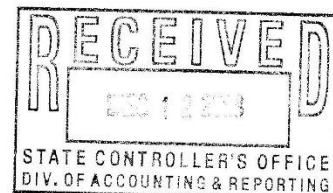
The City respectfully requests the presence of a Commission member representative and the complaining party (Construction Industry Force Account Council) at the City's next City Council meeting to discuss this allegation and the resulting violation determination. The Ukiah City Council meeting is scheduled to be held at 6:00 p.m. on December 17, 2008 at 300 Seminary Avenue, Ukiah, California.

Thank you in advance for providing the requested documentation and attendance at the upcoming City Council meeting.

Sincerely,


Jane Chambers,
City Manager

cc: Councilmembers, City of Ukiah
Catherine A. Hilliard, CIFAC
Commissioner Jeff Armstrong
Commissioner Robert Byrd
Commissioner Guiselle Carreon
Commissioner Linda Clifford, Secretary
Commissioner William R. Dildine
Commissioner Jay Hansen, Vice-Chairman
Commissioner David A. McCosker
Commissioner Alec Pringle
Commissioner Lisa Miller-Strunk



STATE OF CALIFORNIA

JOHN CHIANG, California State Controller

California Uniform Construction Cost Accounting Commission



Gene Cortright
Director of Public Works
City of Fairfield-Cities
Chairman

Jeffery W. Armstrong
Laborers Union - Labor
Vice-Chairman

Linda Clifford
Chief Financial Officer
C.C. Myers, Inc.
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Eddie Bernacchi
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William Dildine
Trojan Electric, Inc.
Subcontractors

David Gomez
Director
Palmdale Water District
District - Special Districts

David A. McCosker
Chairman of the Board
Independent Construction Co.
General Contractors

Alec Pringle
Director of Engineering
Services Department
County of Ventura-Counties

Dale Pfeiffer
Director of Public Works
City of Vacaville - Cities

Lisa Miller-Strunk
Contractors State License
Board

November 25, 2008

Honorable Douglas Crane, Mayor
City of Ukiah
C/O City Clerk's Office
300 Seminary Avenue
Ukiah, CA 95842

Dear Mayor Crane:

This letter is to inform you and the City Council Members of Ukiah that the city has been determined by our commission to be in violation of the Uniform Public Construction Cost Accounting Act (Act) for the paving project performed on Alice Street. The Construction Industry Force Account Council (CIFAC) filed a formal complaint with our commission on October 6, 2008, and sent a letter to your address on Seminary Avenue on the same date (a copy of the complaint and certified mail receipt are enclosed) stating that the City of Ukiah has violated Public Contract Code Section 22042 (b), project exceeded the force account limit of \$30,000.

The commission did not receive any counter response or additional documentation from the City of Ukiah for our consultants to review; therefore, our decision was based on the documents received by our office from CIFAC. As a signatory member of the Act, and pursuant to Public Contract Code 22044, you must agenda this item and present the commission's findings to your governing body within 30 days of receipt of this letter. Please send a copy of your minutes addressed to the commission at the address found below.

In addition, pursuant to Public Contract Code Section 22044.5, if the commission finds any one public agency out of compliance with the requirements of the Act on three separate occasions within a 10-year period, that agency will be barred from using the provisions of the act for a period of five years. This finding will be held on record as the City of Ukiah's first violation under this section of law.

State Controller's Office, Local Government Policies Section * P.O. Box 942850, Sacramento, CA 94250
Phone: 916-322-9105 * Fax: 916-327-3162

If you have any questions regarding this matter, please
contact me at 707-428-7493.

Kindest regards,



Eddie Bernacchi
Former Chairman,
CUCCAC Commission

cc: City Council Members of Ukiah
Catherine A. Hilliard, CIFAC
Commissioner Jeff Armstrong
Commissioner Gene Cortright, Elected Chairman
Commissioner Robert Byrd
Commissioner Guiselle Carreon
Commissioner Linda Clifford, Secretary
Commissioner William R. Dildine
Commissioner David Gomez
Commissioner Jay Hansen, Vice-Chairman
Commissioner David A. McCosker
Commissioner Alec Pringle
Commissioner Lisa Miller-Strunk



construction industry force account council

D. A. McCosker, President

Cedric Porter, Vice President

Steve Harris, Secretary

Michael Hester, Treasurer

October 6, 2008

Hon. Douglas Crane, Mayor
And Members of the City Council
City of Ukiah
300 Seminar Avenue
Ukiah, Ca 95482

Dear Mayor Crane and Council Members:

This letter is to serve as a formal notice of complaint against the City regarding the paving project on:

ALICE STREET

The accounting that was provided by the City shows that you exceed the force account limit allowed by law. That accounting is missing items, such as tack oil, cones and barricades, which were used.

We have attempted to resolve force account issues with staff contact over the last few years. We have been unable to resolve the problems. The City is signatory to the California Uniform Construction Cost Accounting Commission. You have a \$30,000 force account limit. The accounting provided by City staff is incomplete and already exceeds that limit.

As per Public Contract Code Section 22043, we are filing a letter of formal complaint with the California Uniform Construction Cost Accounting Commission, and requesting review of expenditures on this project.

The Construction Industry Force Account Council is a non-profit organization that monitors public entities for compliance with the California Public Contract Code. We represent contractors, contractor associations and various building trades.

Sincerely,

Cathryn A. Hilliard

Cathryn A. Hilliard
Executive Director

Cc: North Coast Builders Exchange

Cathryn Hilliard, Executive Director
837 Arnold Drive, Suite 200, Martinez, CA 94553 • phone 800-755-3354 • fax 925-957-1800 • email cifac@stcglobal.net • web www.cifac.org



NOV 14 08 11078

CIFAU

9259571800

p.2

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Hon. Douglas Crane
City of Ukiah
300 Seminar Ave
Ukiah, CA 95482

2. Article Number

(Transfer from service label)

7008 1300 0001 0074 7602

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X R. Benson

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

R. BENSON

C. Date of Delivery

- D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

- ☐ Yes



construction industry force account council

D. A. McCosker, President

Cedric Porter, Vice President

Steve Harris, Secretary

Michael Hester, Treasurer

October 6, 2008

Commissioner Eddie Bernacchi
California Uniform Construction Cost Accounting Commission
1127 11th Street, Suite 747
Sacramento, Ca 95814

Dear Mr. Bernacchi,

The Construction Industry Force Account Council, (CIFAC) is a non-profit organization that monitors public entities for compliance with the California Public Contract Code and recently investigated a complaint regarding paving work performed by City crews on Alice Street. The City's accounting shows that it exceeded the \$30,000 limit. Their accounting also shows that they did not include items that are required to be listed; traffic cones, barricades, tack oil and tax.

This letter shall serve as a formal complaint against the City of Ukiah, as per California Public Contract Code (PCC), Section 22042 (b). We hereby request a commission review per PCC Section 22043. As per this section, we request that the review commence immediately and conclude within the 30 days allowed.

As per PCC Section 22044 (b), should the commission sustain our complaint, we request that a public hearing be held within the 30 day time period required.

If you should have any questions regarding this complaint, please contact me at 1-800-755-3354. We request that a copy of your findings be sent to us and we be notified of any public hearings prior to be their being held.

Sincerely,

Cathryn A. Hilliard

Cathryn A. Hilliard
Executive Director

Cc: North Coast Builders Exchange
Mike Adams, CUCCAC



October 6, 2008

Gene Cortright, Chairman
California Uniform Construction Cost Accounting Commission
1000 Webster Street
Fairfield, Ca 94533

Dear Mr. Cortright,

The Construction Industry Force Account Council, (CIFAC) is a non-profit organization that monitors public entities for compliance with the California Public Contract Code and recently investigated a complaint regarding paving work performed by City crews on Alice Street. The City's accounting shows that it exceeded the \$30,000 limit. Their accounting also shows that they did not include items that are required to be listed; traffic cones, barricades, tack oil and tax.

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If you should have any questions regarding this complaint, please contact me at 1-800-755-3354. We request that a copy of your findings be sent to us and we be notified of any public hearings prior to be their being held.

Sincerely,

Cathryn A. Hilliard

Cathryn A. Hilliard
Executive Director

Cc: North Coast Builders Exchange

10-22-08

To: JEANETTE COSENTINO

1 of 17

FAX # 916-321-3162

From LEE HOWARD

Call 707 489-6554

Per our phone call please find:

Page

1. ESTIMATE "by City of Ukiah
Received 8-2-08

2. City of Ukiah
public work/Engineering Master project list.
Received 8-26-08

3. FAX Cover sheet 9-30-08

4. ACTUAL

NOTE NO TAX on AC. product

5 Record of Daily Job COST 8-12-08 Job 8037

Received from City of Ukiah 8-29-08

* NOTE NO TAX ON AC.

6 Record of Daily Job COST 8-11-08 Job 8037

7 Granite Invoice 10964 Alice ST

Page

8 Grande A.C. Tickets For Alice ST.

9 " " " " " "

10 " " " " " "

11 " " " " " "

12 " " " " " "

13 " " " " " "

14 " " " " " "

15 " " " " " "

Jeanette:

All paper work came from
City of Ukiah.
Hope this helps

LEE HOWARD

ESTIMATE		Estimator:	Jerry Whitaker														
PW Account #:		Description:	Overlay 615 x35x1.5														
PW Job #:	8037			Date Completed:	8/12/2008												
Date Started:	8/11/2008	Location:	Alice st	Total Job Cost:	\$24,989.32												
				Total Job Cost: + 20%	\$29,987.18												
		Dates of Work															
		S	M	T	W	T	F	S	S	S	S	S	S	S	S	Total Hrs	Labor
Employee	Emp.No.																
Darin Malmgren	6272		8	8												16	\$480.00
Forrest Narvez	8511		8	8												16	\$446.88
Greg Blanchetti			8	8												16	\$446.88
Karl Davis	8187		8	8												16	\$446.88
Horacio Mello			8	8												16	\$446.88
Rich Dale	2413		8	8												16	\$446.88
Justin Arney	618		8	8												16	\$446.88
Kevin Pierachini	8706			8												8	\$223.44
		Total Labor														\$3,384.72	
		S	M	T	W	T	F	S	S	S	S	S	S	S	S	Total Hrs	Cost
City-Owned	Equip #																
Service Truck 1	3751		8													8.00	\$108.32
6 Yard 1	2341			8												8.00	\$283.52
3 Yard Dump Truck	2235		8													8.00	\$283.52
Skidsteer Loader	1400		8													8.00	\$131.04
Trailer 2 axles	04-06		8													8.00	\$8.80
Paver Leebay	1811			8												8.00	\$1,180.16
10 Yard 1	2361			8												8.00	\$378.56
10 Yard 2	2351		4	8												12.00	\$567.84
Grinder Wirtgen	7601		4													4.00	\$504.64
Trailer 2 axles	04-06		4	8												12.00	\$13.20
		Total Hours														\$3,459.60	
		Supplies															
		ID	Description												Unit	Amount	
Quantity	190		Hot Mix												\$95.50	\$18,145.00	
		Total Materials														\$18,145.00	

**City of Ukiah
Public Works/Engineering Master Project List**

Project Number	Project Location	Description of Work	Estimate Date	Completion Date	Estimate	Actual
8029	Church St. from Highland to Thompson St.	Overlay 21X710	6/5/2008	6/10/08	\$17,989.00	\$17,989.00
8033	Main and Mill	Fix asphalt from water main break	7/7/2008	7/14/08	\$21,226.70	\$20,758.69
8037	Low Gap	Grind Out 13x154x2	8/6/2008	8/6/08		\$9,833.16
	Alice St.	Overlay 615x35x1.5	8/11/2008	8/12/08	\$29,987.18	\$26,422.43

837 Arnold Drive #200
Martinez, CA 94553
Phone: (800) 755-3354
Fax: (925) 957-1800
Email: cifac@sbcglobal.net

**Construction Industry
Force Account Council**

Fax

To: Eddie Bernacchi

From: Cathryn Hilliard

Fax: 916-442-6437

Date: 10-10-08

Phone:

Pages: 4 including cover page

Re: City of Ukiah

Cc

Dear Eddie,

Please see attached copies of letters mailed to:

Hon. Douglas Crane, Mayor
Gene Corthright

Also, a copy of letter addressed to your attention which we are mailing today via certified mail.

Thank you,

Cathryn

fax sent by : 7874636284

CITY OF UTAH

09-30-08 11:46

Page: 2/2

ACTUAL		Estimator:	Jerry Whitaker							
PW Account #:		Description:	Overlay 615 x35x1.5							
PW Job #:	8337	Location:	Alice st							
Date Started:	8/11/2008	Date Completed:	8/12/2008							
		Total Job Cost:	\$28,206.93							
		Total Job Cost + 20%:	\$31,510.86							
Employee	Emp. No.	Dates of Work							Total Hrs	Rate
Darin Madgani	8272	S	M	T	W	T	F	S	15	\$310.00
Forrest Narvez	8511		7.5	7.5					15	\$277.93
Greg Blanchard			7.5	7.5					15	\$277.93
Karl Davis	6187		7.5	7.5					15	\$277.93
Horacio Bello			7.5	7.5					15	\$277.93
Rich Dale	2413		7.5	7.5					15	\$277.93
Justin Arney	618		7.5	7.5					15	\$277.93
City-Owned Equipment	Equip #	Dates of Work							Total Labor	Cost
Service Truck 1	3751	S	M	T	W	T	F	S	15.00	\$13.54
Sweeper			4						4.00	\$84.93
6 Yard 1	2341		4	7.5					11.50	\$35.44
Truck Pool	6420			6					6.00	\$1.50
Stidmaster Loader	1400		7.5	7.5					15.00	\$16.35
Cat Roller	1611			7.5					7.50	\$21.14
Paver Loader	1811			7.5					7.50	\$147.52
10 Yard 1	2461		6	7.5					13.50	\$47.31
10 Yard 2	2351		4	7.5					11.50	\$47.32
Grinder Wirtgen	7601		4						4.00	\$126.16
Service Truck 2			1	7.5					8.50	\$13.54
Service Truck 3	3130		7.5						7.50	\$13.54
3 Yard Dump Truck			2						2.00	\$35.44
6 Yard 2				7.5					7.50	\$35.44
									Total Hours	\$4,710.98
Quantity	ID	Supplies		Description		Unit		Amount		
194.68		Hot Mix				995.90		\$18,591.94		
									Total Materials	\$18,591.94

Let's see item

Record of Daily Job Costs

Location: ALICEDate: 8-12-08 #8037Description: OVERLAY

Employee & Number	Hours	Rate	Cost
KARL DAVIS	7.5	27 ⁹³	209 ⁴⁸
JUSTIN AVERY	7.5	27 ⁹³	209 ⁴⁸
FORREST HARRIET	7.5	27 ⁹³	209 ⁴⁸
HORACIO MELLO	7.5	27 ⁹³	209 ⁴⁸
DANIN MALULANI	7.5	30 ⁰⁰	225 ⁰⁰
GREGG BLANCKETT	7.5	27 ⁹³	209 ⁴⁸
RICH DALE	7.5	27 ⁹³	209 ⁴⁸

Total Labor: 1481⁸⁸

Equipment & Number	Hours	Rate	Cost
NEW 10 YD	7.5	47 ³²	354 ⁹⁰
OLD 10 YD	7.5	47 ³²	354 ⁹⁰
SKID STEER+TRAIL	7.5	16 ³⁸	122 ⁸⁵
PAVER + TRAIL	7.5	147 ⁵³	1106 ⁴⁰
6 YD DUMP	7.5	35 ⁴³	265 ⁸⁰
6 YD DUMP	7.5	35 ⁴³	265 ⁸⁰
OLD SERVICE TRUCK	7.5	13 ⁵⁴	101 ⁵⁵
TALIC POT	6	1 ⁰⁰	6 ⁰⁰
NEW SERVICE TRUCK	7.5	13 ⁵⁴	101 ⁵⁵
Roller & TRAIL	7.5	21 ¹⁴	158 ⁵⁵

Total Equipment: 2841³⁰

Material	Quantity	Cost
1/2 A/C HOT MIX	194.68	Ton

Total Materials: 18747⁶⁸Total Daily Job Direct Costs: 26422⁴³

Record of Daily Job Cost

Location: ALICE GRINDDate: 8-11-08JOB #
8037Description: GRIND SIDES

Employee & Number	Hours	Rate	Cost
JUSTIN AVERY	7.5	27 ⁹³	209 ⁴⁸
FORREST NAVIERZ	7.5	27 ⁹³	209 ⁴⁸
KARL DAVIS	7.5	27 ⁹³	209 ⁴⁸
HORACIO MELLO	7.5	27 ⁹³	209 ⁴⁸
DANIEL MAZULANI	7.5	30 ⁰⁰	225 ⁰⁰
GREGG BLANCETT	7.5	27 ⁹³	209 ⁴⁸
RICH DALE	7.5	27 ⁹³	209 ⁴⁸

Total Labor: 1481⁸⁸

Equipment & Number	Hours	Rate	Cost
NEW 10 YD	6	47 ³²	283 ⁹²
OLD 10 YD	4	47 ³²	189 ²⁸
SKID STEER + TRAIL	7.5	16 ³⁸	122 ⁸³
GRINDER + TRAIL	4	126 ¹⁶	504 ⁶⁴
6 YD DUMP	4	35 ²³	141 ⁷²
NEW SWEEPER	4	84 ⁵³	339 ⁷²
FLAT TRUCK	1	13 ⁵⁴	13 ⁵⁴
OLD SERVICE TRUCK	7.5	13 ⁵⁴	101 ⁵³
NEW SERVICE TRUCK	7.5	13 ⁵⁴	101 ⁵³
BOOM TRUCK	2	35 ⁴⁸	70 ⁸⁸

Total Equipment: 1869⁶⁹

Material	Quantity	Cost

Total Materials:

Total Daily Job Direct Costs: _____

Oct 21 08 10:48a

CIFAC

925 957-1800

p.18

Fax sent by : 7874636284

CITY OF UKIAH

08-23-08 15:06

Pg: 2/18

**GRANITE
CONSTRUCTION
COMPANY** SINCE 1922

INVOICE

cc: Dan Jerry

PLEASE MAIL REMITTANCE TO:

 FILE 7438501
 PO BOX 80000
 SAN FRANCISCO, CA 94180-3523

INVOICE DATE: 08/12/08

 Ukiah Office
 707-467-4100

(2030)

N08081	202076	203848	109694
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202076

 Ukiah, City of
 300 Seminary Avenue
 Prsh. Ord. 038381 exp. 06/30/09
 Ukiah, CA 95482

ALICE ST.	08/12/08
-----------	----------

A LATE PENALTY OF 1.5% WILL BE APPLIED ON PAST DUE BALANCES MONTHLY.

PAGE: 1

Invoice #	Date	Description	Unit	Rate	Qty	Amount	Check #	Balance
✓34820998	08/12/08	12.5MM COMMERCIAL MIX TYPE B (	13.16	94.00	0.00	0.00	1237.04	P✓ 18
✓34820999	08/12/08	12.5MM COMMERCIAL MIX TYPE B (	13.27	94.00	0.00	0.00	1247.38	P✓ 18
✓34821014	08/12/08	12.5MM COMMERCIAL MIX TYPE B (	13.30	94.00	0.00	0.00	1250.20	P✓ 18
✓34821020	08/12/08	12.5MM COMMERCIAL MIX TYPE B (	9.34	94.00	0.00	0.00	877.96	P✓ 18
✓34821021	08/12/08	12.5MM COMMERCIAL MIX TYPE B (	13.74	94.00	0.00	0.00	1235.16	P✓ 18
✓34821027	08/12/08	12.5MM COMMERCIAL MIX TYPE B (	14.11	94.00	0.00	0.00	1326.34	P✓ 18
✓34821027	08/12/08	12.5MM COMMERCIAL MIX TYPE B (	8.09	94.00	0.00	0.00	760.46	P✓ 18
✓34821034	08/12/08	12.5MM COMMERCIAL MIX TYPE B (	13.33	94.00	0.00	0.00	1253.02	P✓ 18
✓34821042	08/12/08	12.5MM COMMERCIAL MIX TYPE B (	14.08	94.00	0.00	0.00	1323.52	P✓ 18
✓34821043	08/12/08	12.5MM COMMERCIAL MIX TYPE B (	8.03	94.00	0.00	0.00	754.82	P✓ 18
✓34821046	08/12/08	12.5MM COMMERCIAL MIX TYPE B (	14.28	94.00	0.00	0.00	1342.32	P✓ 18
✓34821052	08/12/08	12.5MM COMMERCIAL MIX TYPE B (	13.19	94.00	0.00	0.00	1239.86	P✓ 18
✓34821070	08/12/08	12.5MM COMMERCIAL MIX TYPE B (	13.12	94.00	0.00	0.00	1233.28	P✓ 18
✓34821072	08/12/08	12.5MM COMMERCIAL MIX TYPE B (	8.14	94.00	0.00	0.00	765.16	P✓ 18
✓34821075	08/12/08	12.5MM COMMERCIAL MIX TYPE B (	13.03	94.00	0.00	0.00	1224.82	P? 18
✓34821083	08/12/08	12.5MM COMMERCIAL MIX TYPE B (	13.07	94.00	0.00	0.00	1228.58	P? 18
✓34821090	08/12/08	12.5MM COMMERCIAL MIX TYPE B (	13.07	94.00	0.00	0.00	1228.58	P? 18
PRODUCT TOTAL		12.5MM COMMERCIAL MIX TYPE B (	194.68	Ton		0.00	0.00	18,299.82

100.3110.690.001.8037

TERMS: NET 30. The prevailing party shall be entitled to reasonable attorneys fees and costs in any action to collect the amounts due hereunder.

 TOTAL FREIGHT \$0.00
 SUBTOTAL \$18,299.82
 SALES TAX \$1,418.23

 Attention Accounts Payable!
 Have a Wonderful Day!

FOB: P-PLANT J-JOB

* - FOR INTERNAL USE ONLY

\$19,718.15

Thank you for your business.

 WARNING: THIS PRODUCT CONTAINS A CHEMICAL KNOWN TO THE STATE OF CALIFORNIA TO CAUSE CANCER, BIRTH DEFECTS OR OTHER REPRODUCTIVE HARM.
 MSDS SHEETS AVAILABLE AT WWW.GRANITECONSTRUCTION.COM/MSDS OR BY CONTACTING YOUR LOCAL OFFICE.

Oct 21 08 10:47a CIFAC

925 957-1800

p.17

Fax sent by : 707/467-4182

CITY OF UKIAH

08-27-08 12-00

8/12/2008

GRANITE CONSTRUCTION COMPANY
SINCE 1922

North State St. Hot Plant
4201 North State St
Ukiah, CA 95482
(707)467-4182

TICKET NO

34820998

8/12/2008

7:09:56AM

Customer: City of Ukiah
202076Order ID: N08081
Job/PO#:Location: ALICE ST.
UKIAH

Comments:

100-3110-690-001-8037

Vehicle: 15044 City of Ukiah

License: 1028137 | |

Carrier:

Product: 2020-COM-B 12.5MM COMMERCIAL MIX TYPE B

	Pounds	Metric Tons	Tons
Gross	46,940		
Tare	20,620		
Net	26,320	11.94	13.16
Scale:	3		

FOB: PICK-UP

This Load: 13.16 Ton

Load No:

Shipped: 13.16 Ton

Weighmaster: Granite Construction Company

Deputy: DUANE MORLAN

Unit Price	98.30	Net Price	1,267.31
		Other Charges:	0.00
		Tax	98.22
		Freight	0.00
		Total	1,365.53

WEIGHMASTER CERTIFICATE

THIS IS TO CERTIFY that the following described commodity was weighed, measured, or counted by a weighmaster, whose signature is on this certificate, who is a recognized authority of accuracy, as prescribed by Chapter 7 (commencing with Section 12700) of Division 5 of the California Business and Professions Code, administered by the Division of Measurement Standards of the California Department of Food and Agriculture.

Accepted by:

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WARNING: THIS PRODUCT CONTAINS CRYSTALLINE SILICA (QUARTZ). CRYSTALLINE SILICA IS A COMMON NATURALLY OCCURRING MINERAL FOUND IN SAND AND ROCK. PROLONGED AND REPEATED BREATHING OF CRYSTALLINE SILICA DUST MAY CAUSE RESPIRATORY AND OTHER HEALTH PROBLEMS INCLUDING LUNG DISEASE, SILOSIS AND CANCER, WHICH MAY RESULT IN PERMANENT INJURY OR DEATH. BEFORE USING OR HANDLING THIS PRODUCT READ THE MATERIAL SAFETY DATA SHEET FOR MORE DETAILED INFORMATION INCLUDING INFORMATION ON APPROPRIATE RESPIRATORY PROTECTION. MSDS SHEETS AVAILABLE AT WWW.GRANITECONSTRUCTION.COM/MSDS OR BY CONTACTING YOUR LOCAL OFFICE.

GRANITE CONSTRUCTION COMPANY
SINCE 1922

North State St. Hot Plant
4201 North State St
Ukiah, CA 95482
(707)467-4182

COPY

Ticket No

34820999

8/12/2008

7:11:38AM

Customer: City of Ukiah
202076Order ID: N08081
Job/PO#:Location: ALICE ST.
UKIAH

Comments:

100-3110-690-001-8037

Vehicle: 15167 CITY OF UKIAH

License: E088645 | |

Carrier:

Product: 2020-COM-B 12.5MM COMMERCIAL MIX TYPE B

	Pounds	Metric Tons	Tons
Gross	47,520		
Tare	20,980		
Net	26,540	12.04	13.27
Scale:	3		

FOB: PICK-UP

This Load: 13.27 Ton

Load No:

Shipped: 13.27 Ton

Weighmaster: Granite Construction Company

Deputy: DUANE MORLAN

Unit Price	98.30	Net Price	1,277.90
		Other Charges:	0.00
		Tax	99.04
		Freight	0.00
		Total	1,376.94

WEIGHMASTER CERTIFICATE

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Oct 21 08 10:47a CIFAC

925 957-1800

p.16

Fax sent by : 707/467-4182

CITY OF UKIAH
COPY 1

925 957-1800 10/21/08

**GRANITE
CONSTRUCTION
COMPANY** SINCE
1922North State St. Hot Plant
4201 North State St
Ukiah, CA 95482
(707)467-4182TICKET NO 34821074
8/12/2008 8:13:17AMCustomer: City of Ukiah
202076Order ID: N08081
Job/PO#:Location: ALICE ST.
UKIAH

Comments: 100-3110-690-001-8037

Vehicle: 15044 City of Ukiah

License: 1026137 | |

Carrier:

Product: 2020-COM-B 12.5MM COMMERCIAL MIX TYPE B

	Pounds	Metric Tons	Tons
Gross	47,220		
Tare	20,620 *		
Net	26,600	12.07	13.30

Scale: 3 * Predetermined Tare

FOB: PICK-UP

This Load: 13.30 Ton

Load No: 3

Shipped: 39.73 Ton

Weighmaster: Granite Construction Company
Deputy: DUANE MORLAN

Unit Price	98.30	Net Price	1,280.79
		Other Charges:	0.00
		Tax	99.26
		Freight	0.00
		Total	1,380.05

WEIGHMASTER CERTIFICATE

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**GRANITE
CONSTRUCTION
COMPANY** SINCE
1922North State St. Hot Plant
4201 North State St
Ukiah, CA 95482
(707)467-4182

COPY

Ticket No 34821020
8/12/2008 8:32:56AMCustomer: City of Ukiah
202076Order ID: N08081
Job/PO#:Location: ALICE ST.
UKIAH

Comments: 100-3110-690-001-8037

Vehicle: 16725 CITY OF UKIAH

License: 1165721 | |

Carrier:

Product: 2020-COM-B 12.5MM COMMERCIAL MIX TYPE B

	Pounds	Metric Tons	Tons
Gross	33,220		
Tare	14,540		
Net	18,680	8.47	9.34

Scale: 3

FOB: PICK-UP

This Load: 9.34 Ton

Load No: 4

Shipped: 49.07 Ton

Weighmaster: Granite Construction Company
Deputy: DUANE MORLAN

Unit Price	98.30	Net Price	899.44
		Other Charges:	0.00
		Tax	68.71
		Freight	0.00
		Total	968.15

WEIGHMASTER CERTIFICATE

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Accepted by:

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Oct 21 08 10:47a CIFAC

925 957-1800

p.15

Fax sent by : 7074636284

CITY OF UKIAH
COPY

08-29-08 15:07

Pg: 5/10

**GRANITE
CONSTRUCTION
COMPANY** SINCE 1922North State St. Hot Plant
4201 North State St
Ukiah, CA 95482
(707)467-4182Ticket No **34821021**
8/12/2008 8:34:15AMCustomer: City of Ukiah
202076

Order ID: N08081

Job/PO#:

Location: ALICE ST.
UKIAH

Comments:

100-310-690-001-8037

Vehicle: 15167 CITY OF UKIAH

License: E088645 | |

Carrier:

Product: 2020-COM-B 12.5MM COMMERCIAL MIX TYPE B

	Pounds	Metric Tons	Tons
Gross	47,260		
Tare	20,980 *		
Net	26,280	11.92	13.14
Scale:	3	* Predetermined Tare	

FOB: PICK-UP

This Load:	13.14 Ton
Load No:	5
Shipped:	62.21 Ton

Weighmaster: Granite Construction Company

Deputy: DUANE MORLAN

Unit Price	96.30	Net Price	1,285.38
		Other Charges:	0.00
		Tax	98.07
		Freight	0.00
		Total	1,363.45

WEIGHMASTER CERTIFICATE

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Accepted by: _____

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**GRANITE
CONSTRUCTION
COMPANY** SINCE 1922

COPY

North State St. Hot Plant
4201 North State St
Ukiah, CA 95482
(707)467-4182Ticket No **34821027**
8/12/2008 8:53:52AMCustomer: City of Ukiah
202076

Order ID: N08081

Job/PO#:

Location: ALICE ST.
UKIAH

Comments:

100-310-690-001-8037

Vehicle: 15044 City of Ukiah

License: 1026137 | |

Carrier:

Product: 2020-COM-B 12.5MM COMMERCIAL MIX TYPE B

	Pounds	Metric Tons	Tons
Gross	48,840		
Tare	20,620 *		
Net	28,220	12.80	14.11
Scale:	3	* Predetermined Tare	

FOB: PICK-UP

This Load:	14.11 Ton
Load No:	6
Shipped:	76.32 Ton

Weighmaster: Granite Construction Company

Deputy: DUANE MORLAN

Unit Price	96.30	Net Price	1,358.78
		Other Charges:	0.00
		Tax	105.31
		Freight	0.00
		Total	1,464.10

WEIGHMASTER CERTIFICATE

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Accepted by: _____

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Oct 21 08 10:46a CIFAC

925 957-1800

p.14

Fax sent by : 7074636284

CITY OF UKIAH

08-29-08 15:07

Pg: 6/10

GRANITE
CONSTRUCTION
COMPANY SINCE
 1922

 COPY
 North State St. Hot Plant
 4201 North State St
 Ukiah, CA 95482
 (707)467-4182

 Ticket No **34821034**
 8/12/2008 9:28:28AM
Customer: City of Ukiah
202076

Order ID: N08081

Job/PO#:

Location: ALICE ST.
UKIAH

Comments: 100-310-680-001-8037

Vehicle: 16725 CITY OF UKIAH

License: 1165721 | |

Carrier:

Product: 2020-COM-B 12.5MM COMMERCIAL MIX TYPE B

	Pounds	Metric Tons	Tons
Gross	30,720		
Tare	14,540 *		
Net	16,180	7.34	8.09
Scale:	3 * Predetermined Tare		

FOB: PICK-UP

This Load: 8.09 Ton

Load No: 7

Shipped: 84.41 Ton

Weighmaster: Granite Construction Company

Deputy: DUANE MORLAN

Unit Price 96.30

Net Price 779.07

Other Charges: 0.00

Tax 80.38

Freight 0.00

Total 839.45

WEIGHMASTER CERTIFICATE

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80 rev. 05/06

GRANITE
CONSTRUCTION
COMPANY SINCE
 1922

 COPY
 North State St. Hot Plant
 4201 North State St
 Ukiah, CA 95482
 (707)467-4182

 Ticket No **34821042**
 8/12/2008 9:51:00AM
Customer: City of Ukiah
202076

Order ID: N08081

Job/PO#:

Location: ALICE ST.
UKIAH

Comments: 100-310-680-001-8037

Vehicle: 15044 City of Ukiah

License: 1028137 | |

Carrier:

Product: 2020-COM-B 12.5MM COMMERCIAL MIX TYPE B

	Pounds	Metric Tons	Tons
Gross	47,280		
Tare	20,620 *		
Net	26,660	12.09	13.33
Scale:	3 * Predetermined Tare		

FOB: PICK-UP

This Load: 13.33 Ton

Load No: 8

Shipped: 97.74 Ton

Weighmaster: Granite Construction Company

Deputy: DUANE MORLAN

Unit Price 96.30

Net Price 1,283.68

Other Charges: 0.00

Tax 99.49

Freight 0.00

Total 1,383.17

WEIGHMASTER CERTIFICATE

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80 rev. 05/06

Oct 21 08 10:46a CIFAC

925 957-1800

p.13

Fax sent by : 707-957-5525

CITY OF UKIAH
COPY

08-23-08 13:07 Pg: 1/10

**GRANITE
CONSTRUCTION
COMPANY**
SINCE
1922North State St. Hot Plant
4201 North State St
Ukiah, CA 95402
(707)487-4182TICKET NO **34821043**
8/12/2008 10:00:49AMCustomer: City of Ukiah
202075Order ID: N08081
Job/PO#:Location: ALICE ST.
UKIAH

Comments: 100-3110-690-001-8037

Vehicle: 15167 CITY OF UKIAH

License: E088645 | |

Carrier:

Product: 2020-COM-B 12.5MM COMMERCIAL MIX TYPE B

	Pounds	Metric Tons	Tons
Gross	48,140		
Tare	20,980 *		
Net	28,160	12.77	14.08
Scale:	3	* Predetermined Tare	

FOB: PICK-UP

This Load: 14.08 Ton

Load No: 9

Shipped: 111.82 Ton

Weighmaster: Granite Construction Company

Deputy: DUANE MORLAN

Unit Price	96.30	Net Price	1,355.80
		Other Charges:	0.00
		Tax	105.08
		Freight	0.00
		Total	1,460.98

WEIGHMASTER CERTIFICATE

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Accepted by: _____

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08/12/08 05:01

**GRANITE
CONSTRUCTION
COMPANY**
SINCE
1922North State St. Hot Plant
4201 North State St
Ukiah, CA 95402
(707)487-4182

COPY

Ticket No **34821046**
8/12/2008 10:07:47AMCustomer: City of Ukiah
202075Order ID: N08081
Job/PO#:Location: ALICE ST.
UKIAH

Comments: 100-3110-690-001-8037

Vehicle: 16725 CITY OF UKIAH

License: 1165721 | |

Carrier:

Product: 2020-COM-B 12.5MM COMMERCIAL MIX TYPE B

	Pounds	Metric Tons	Tons
Gross	30,800		
Tare	14,540 *		
Net	16,060	7.28	8.03
Scale:	3	* Predetermined Tare	

FOB: PICK-UP

This Load: 8.03 Ton

Load No: 10

Shipped: 119.85 Ton

Weighmaster: Granite Construction Company

Deputy: DUANE MORLAN

Unit Price	96.30	Net Price	773.29
		Other Charges:	0.00
		Tax	59.93
		Freight	0.00
		Total	833.22

WEIGHMASTER CERTIFICATE

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Accepted by: _____

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08/12/08 05:01

Oct 21 08 10:45a CIFAC

925 957-1800

p.12

Fax sent by (707) 467-4182

CITY OF UKIAH
COPY

08-27-08 15:07

Pg: 8/18

**GRANITE
CONSTRUCTION
COMPANY**
SINCE
1922North State St. Hot Plant
4201 North State St
Ukiah, CA 95482
(707) 467-4182

TICKET NO

34821052

8/12/2008

10:33:05AM

Customer: City of Ukiah
202076Order ID: N08081
Job/PO#:Location: ALICE ST.
UKIAH

Comments: 100-3110-690-001-8037

Vehicle: 15044 City of Ukiah

License: 1026137 | |

Carrier:

Product: 2020-COM-B 12.5MM COMMERCIAL MIX TYPE B

	Pounds	Metric Tons	Tons
Gross	49,180		
Tare	20,620 *		
Net	28,560	12.95	14.28
Scale:	3	* Predetermined Tare	

FOB: PICK-UP

This Load: 14.28 Ton

Load No: 11

Shipped: 134.13 Ton

Unit Price 96.30

Net Price 1,375.18

Other Charges: 0.00

Tax 105.57

Freight 0.00

Total 1,481.73

Weighmaster: Granite Construction Company
Deputy: DUANE MORLAN

WEIGHMASTER CERTIFICATE

THIS IS TO CERTIFY that the following described commodity was weighed, measured, or counted by a weighmaster, whose signature is on this certificate, who is a recognized authority of accuracy, as prescribed by Chapter 7 (commencing with Section 12700) of Division 5 of the California Business and Professions Code, administered by the Division of Measurement Standards of the California Department of Food and Agriculture.

Accepted by:

WARNING: THIS PRODUCT CONTAINS A CHEMICAL KNOWN TO THE STATE OF CALIFORNIA TO CAUSE CANCER, BIRTH DEFECTS OR OTHER REPRODUCTIVE HARM.

WARNING: THIS PRODUCT CONTAINS CRYSTALLINE SILICA (QUARTZ). CRYSTALLINE SILICA IS A COMMON NATURALLY OCCURRING MINERAL FOUND IN SAND AND ROCK. PROLONGED AND REPEATED BREATHING OF CRYSTALLINE SILICA DUST MAY CAUSE RESPIRATORY AND OTHER HEALTH PROBLEMS INCLUDING LUNG DISEASE, SILOPPHIS AND CANCER, WHICH MAY RESULT IN PERMANENT INJURY OR DEATH. BEFORE USING OR HANDLING THIS PRODUCT READ THE MATERIAL SAFETY DATA SHEET FOR MORE DETAILED INFORMATION INCLUDING INFORMATION ON APPROPRIATE RESPIRATORY PROTECTION AND SDS SHEETS AVAILABLE AT WWW.GRANITECONSTRUCTION.COM/MSDS OR BY CONTACTING YOUR LOCAL OFFICE.

**GRANITE
CONSTRUCTION
COMPANY**
SINCE
1922North State St. Hot Plant
4201 North State St
Ukiah, CA 95482
(707) 467-4182

COPY

Ticket No

34821070

8/12/2008

11:46:12AM

Customer: City of Ukiah
202076Order ID: N08081
Job/PO#:Location: ALICE ST.
UKIAH

Comments: 100-3110-690-001-8037

Vehicle: 15044 City of Ukiah

License: 1026137 | |

Carrier:

Product: 2020-COM-B 12.5MM COMMERCIAL MIX TYPE B

	Pounds	Metric Tons	Tons
Gross	47,000		
Tare	20,620 *		
Net	26,380	11.97	13.19
Scale:	3	* Predetermined Tare	

FOB: PICK-UP

This Load: 13.19 Ton

Load No: 12

Shipped: 147.32 Ton

Unit Price 96.30

Net Price 1,270.20

Other Charges: 0.00

Tax 98.44

Freight 0.00

Total 1,368.64

Weighmaster: Granite Construction Company
Deputy: DUANE MORLAN

WEIGHMASTER CERTIFICATE

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Oct 21 08 10:45a

CIFAC

925 957-1800

p.11

GRANITE CONSTRUCTION COMPANY
 SINCE 1922

 North State St. Hot Plant
 4201 North State St
 Ukiah, CA 95482
 (707)467-4182

CITY OF UKIAH COPY

8/12/2008 15:08

Pg: 9/10

TICKET NO

34821072

8/12/2008

11:48:17AM

Customer: City of Ukiah
202076

Order ID: N08081

Job/PO#:

Location: ALICE ST.
UKIAH

Comments:

100-310-690-001-8037

Vehicle: 15167 CITY OF UKIAH

License: E088645 | |

Carrier:

Product: 2020-COM-B 12.5MM COMMERCIAL MIX TYPE B

	Pounds	Metric Tons	Tons
Gross	47,220		
Tare	20,980 *		
Net	26,240	11.90	13.12
Scale:	3	* Predetermined Tare	

FOB: PICK-UP

This Load: 13.12 Ton

Load No: 13

Shipped: 160.44 Ton

Unit Price 96.30

Net Price 1,283.46

Other Charges: 0.00

Tax 97.92

Freight 0.00

Total 1,381.38

Accepted by:

Weighmaster: Granite Construction Company

Deputy: DUANE MORLAN

WEIGHMASTER CERTIFICATE

THIS IS TO CERTIFY that the following described commodity was weighed, measured, or counted by a weighmaster, whose signature is on this certificate, who is a recognized authority of accuracy, as prescribed by Chapter 7 (commencing with Section 12700) of Division 5 of the California Business and Professions Code, administered by the Division of Measurement Standards of the California Department of Food and Agriculture.

WARNING: THIS PRODUCT CONTAINS A CHEMICAL KNOWN TO THE STATE OF CALIFORNIA TO CAUSE CANCER, BIRTH DEFECTS OR OTHER REPRODUCTIVE HARM.

WARNING: THIS PRODUCT CONTAINS CRYSTALLINE SILICA (QUARTZ). CRYSTALLINE SILICA IS A COMMON NATURALLY OCCURRING MINERAL FOUND IN SAND AND ROCK. PROLONGED AND REPEATED BREATHING OF CRYSTALLINE SILICA DUST MAY CAUSE RESPIRATORY AND OTHER HEALTH PROBLEMS INCLUDING LUNG DISEASE, SIICLOSIS AND CANCER, WHICH MAY RESULT IN PERMANENT INJURY OR DEATH. BEFORE USING OR HANDLING THIS PRODUCT READ THE MATERIAL SAFETY DATA SHEET FOR MORE DETAILED INFORMATION INCLUDING INFORMATION ON APPROPRIATE RESPIRATORY PROTECTION MEASURES SHEETS AVAILABLE AT WWW.GRANITECONSTRUCTION.COM/MSDS OR BY CONTACTING YOUR LOCAL OFFICE.

GRANITE CONSTRUCTION COMPANY
 SINCE 1922

 North State St. Hot Plant
 4201 North State St
 Ukiah, CA 95482
 (707)467-4182

COPY

Ticket No

34821075

8/12/2008

12:07:18PM

Customer: City of Ukiah
202076

Order ID: N08081

Job/PO#:

Location: ALICE ST.
UKIAH

Comments:

100-310-690-001-8037

Vehicle: 16725 CITY OF UKIAH

License: 1165721 | |

Carrier:

Product: 2020-COM-B 12.5MM COMMERCIAL MIX TYPE B

	Pounds	Metric Tons	Tons
Gross	30,820		
Tare	14,540 *		
Net	16,280	7.38	8.14
Scale:	3	* Predetermined Tare	

FOB: PICK-UP

This Load: 8.14 Ton

Load No: 14

Shipped: 188.58 Ton

Unit Price 96.30

Net Price 783.88

Other Charges: 0.00

Tax 80.75

Freight 0.00

Total 844.63

Accepted by:

Weighmaster: Granite Construction Company

Deputy: DUANE MORLAN

WEIGHMASTER CERTIFICATE

THIS IS TO CERTIFY that the following described commodity was weighed, measured, or counted by a weighmaster, whose signature is on this certificate, who is a recognized authority of accuracy, as prescribed by Chapter 7 (commencing with Section 12700) of Division 5 of the California Business and Professions Code, administered by the Division of Measurement Standards of the California Department of Food and Agriculture.

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Oct 21 08 10:41a

CIFAC

925 957 1800

925 957-1800

p.1

837 Arnold Drive #200
Martinez, CA 94553
Phone: (800) 755-3354
Fax: (925) 957-1800
Email: cifac@sbcglobal.net

**Construction Industry
Force Account Council**

Fax

To: Jeanette Cosentino

From: Lynee Runyon

Fax:

Date: October 21, 2008

Phone:

Pages: 21 including cover

Re: City of Ukiah

Cc

Per your request, please find the information for the City of Ukiah.

837 Arnold Drive #200
Martinez, CA 94563
Phone: (800) 755-3354
Fax: (925) 957-1800
Email: cifac@sbcglobal.net

**Construction Industry
Force Account Council**

Fax

To: Lee Howard

From: Cathryn Hilliard

Fax: 707-462-6944

Date: 10-10-08

Phone:

Pages: 3 including cover page

Re: City of Ukiah

Cc

Dear Lee,

Please see attached copy of letter addressed to Eddie Bernacchi and mailed via certified mail today.

Thank you,

Cathryn

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)
 For delivery information visit our website at www.usps.com.

OFFICIAL USE

Postage	\$.54
Certified Fee	5.40
Return Receipt Fee (Endorsement Required)	4.40
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 10.34

Sent to CHARTER
EDDIE BERNARDI CHARTER
 Street, Apt. No.,
 or PO Box No. 1127 11th St Ste # 747
 City, State, ZIP+4[®] Sacramento CA 95814

PS Form 3800, August 2006 See Reverse for Instructions

700A 1300 0001 0074 8500

The UPS Store - #272
 1155-C Arnold Dr.
 Martinez, CA 94553
 (925) 372-7662

10/10/08 02:26 PM

We are the one stop for all your
 shipping, postal and business needs.

We offer all the services you need
 to keep your business going.



001 000007 (022)	TO \$	0.54
First Class Letter		
002 500180 (022)	TO \$	5.40
Certified Mail		
003 500181 (022)	TO \$	4.40
Return Receipt		

SubTotal \$ 10.34

Total \$ 10.34

Cash \$ 20.34

Change \$ 10.00-

Receipt ID 82824262608855888338 003 Items
 CSH: Morgan Tran: 0099 Reg: 002

Thank you for visiting our store.
 Please come back again soon.

Whatever your business and personal
 needs, we are here to serve you.

837 Arnold Drive #200
Martinez, CA 94553
Phone: (800) 755-3354
Fax: (925) 957-1800
Email: cifac@sbcglobal.net

**Construction Industry
Force Account Council**

Fax

To: Mike Adams	From: Cathryn Hilliard
Fax: 916-327-3162	Date: 10-10-08
Phone:	Pages: 4 including cover page
Re: City of Ukiah	Cc:

Dear Mike,

Please see attached copies of letters mailed to:

Commissioner Eddie Bernacchi
Hon. Douglas Crane, Mayor
Gene Corthright

Thank you,

Cathryn

**BY-LAWS OF CALIFORNIA UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING
COMMISSION**

**under the Division of Accounting and Reporting of the Office of the State Controller,
State of California and authorized per
The Uniform Public Construction Cost Accounting Act ("Act") of 1983 and as amended.**

ARTICLE I ORGANIZATION

The name of the organization shall be California Uniform Public Construction Cost Accounting Commission (the "Commission").

ARTICLE II PURPOSES

The Commission is formed for the purposes and shall fulfill the responsibilities outlined in Article 2, Section 22017 - 22020 of the Act. The Commission shall further enforce the procedures outlined in the Act in Article 3, Sections 22030 – 22050. All notices, meetings and actions of the Commission shall be governed by the Bagley-Keene Open Meeting Act, Government Code Sections 11120-11132.

ARTICLE III MEMBERSHIP

Membership in the Commission shall be limited to the number of members of such qualifications and standing as is outlined in Article 2 – Section 22010 – 22014 of the Act. Members shall be referred to as Commissioners.

ARTICLE IV MEETINGS

The Commission shall meet no less than annually at which the next subsequent meeting date shall be set. If the meeting date is changed for any reason, it shall not be changed with less than two (2) weeks written notice to the Commissioners and the public by posting such change on the CUCCA's website and informing each Commissioner by mail, e-mail or telephone at the option of the State Controller's Office support staff. The Commission may meet more than once a year by a majority agreement of the Commissioners.

Meetings shall be held at a location as identified and provided by the State Controller's office and agreed to by the Commissioners.

The State Controller's Office support staff shall cause to be mailed or e-mailed to every member in good standing at his address as it appears in the membership roll book in this organization a notice telling the time and place of such meeting, a specific agenda, including a brief description of the items of business to be discussed in either open or closed session. In addition, notice in writing shall be provided to any person who requests notice in writing per Section 11125 of the Bagley Keene Open Meeting Act.

The presence of a majority of the members shall constitute a quorum and shall be necessary to conduct the business of this organization. A quorum as herein before set forth shall be required at any adjourned meeting.

Special meetings of this organization may be called by the Chairman when he deems it for the best interests of the organization. Notices of such meeting shall be mailed, e-mailed or provided telephonically to all members at their addresses, e-mails or telephone numbers as they appear in the membership roll book at least ten (10) days before the scheduled date set for such special meeting at the discretion of the State Controller's support staff. Such notice shall state the reasons that such meeting has been called, the business to be transacted at such meeting and by whom it was called. At the request of a majority of the members of the organization, the

Chairman shall cause a special meeting to be called but such request must be made in writing at least ten (10) days before the requested scheduled date.

No other business but that specified in the notice may be transacted at such special meeting without the unanimous consent of all present at such meeting.

ARTICLE V VOTING

At all meetings, including, if agreed by a majority as defined herein, for the election of officers, all votes shall be by voice. For election of officers, if not agreed upon to be by voice, ballots shall be provided and there shall not appear any place on such ballot that might tend to indicate the person who cast such ballot.

At any regular or special meeting, if a majority so requires, any question may be voted upon in the manner and style provided for election of officers.

At all votes by ballot the Chairman of such meeting shall, prior to the commencement of balloting, appoint a committee of three who shall act as "Inspectors of Election" and who shall, at the conclusion of such balloting, certify in writing to the Chairman the results and the certified copy shall be physically affixed in the minute book to the minutes of that meeting.

No inspector of election shall be a candidate for office or shall be personally interested in the question voted upon.

ARTICLE VI ORDER OF BUSINESS

1. Roll Call.
2. Introductions
3. Approval of the Minutes of the preceding meeting.
4. Commission Update
 - a. New Members
 - b. Funding Update
5. Public Comment
6. Staff Comments /Requests
 - a. Participating Agencies
 - i. New
 - ii. Withdrawing
 - b. Finance Report
 - c. Other Items
7. Reports of Officers
 - a. Chairman
 - b. Secretary
8. Committee Reports
9. Commissioner Comments / Request
10. Old and Unfinished Business.
11. New Business.
12. Next Meeting Date, Time & Location
13. Adjournment.

ARTICLE VII COMMISSIONERS

The business of this organization shall be managed by the Commissioners consisting of all members which also includes the officers of this organization.

The Commissioners shall have the control and management of the affairs and business of this organization. Such Commissioners shall only act in the name of the organization when it shall be regularly convened by its Chairman after due notice to all the Commissioners of such meeting.

A majority of the members of the Commissioners shall constitute a quorum.

Each Commissioner shall have one vote and such voting may not be done by proxy.

The Commissioners may make such rules and regulations covering its meetings as it may in its discretion determine necessary as long as such rules and regulations are in compliance with the Act.

Vacancies in the Commissioners shall be filled by the process outlined in the Act and in Article 3 herein.

The Commissioners shall select from one of their members a Chairman, Vice Chairman and Secretary/Treasurer and such other officers as the majority deems necessary to conduct the business of the Commission. Said officers shall serve for one (1) year or until they are removed for cause or retire, whichever is earlier. Officers may be elected for multiple years, not exceeding five (5) years in the same position.

A Commissioner may be removed when sufficient cause exists for such removal and a majority of the Commissioners vote to remove a commissioner. A majority of the then sitting Commissioners may entertain charges against any Commissioner. A Commissioner may be represented by counsel upon any removal hearing. The Commission shall adopt by majority vote such rules for this hearing as it may in its discretion consider necessary for the best interests of the organization.

ARTICLE VIII OFFICERS

The initial officers of the organization shall be as follows:

Chairman:

Vice Chairman:

Secretary/Treasurer:

The Chairman shall preside at all membership meetings.

He/She shall present at each annual meeting of the organization an annual report of the work of the organization.

He/She shall appoint all committee chairpersons, temporary or permanent after the Commission has voted by a majority to form a specific committee, temporary or permanent.

He/She shall see all books, reports and certificates required by law are properly kept or filed.

He/She shall be one of the officers who may, if required to do so or if not in conflict with the Act, sign the checks or drafts of the organization.

He/She shall have such powers as may be reasonably construed as belonging to the chief executive of any organization to the extent that such powers do not conflict with the powers granted to the State Controller under the Act.

The Vice Chairman shall in the event of the absence or inability of the Chairman to exercise his/her office become acting Chairman of the organization with all the rights, privileges and powers as if he/she had been the duly elected Chairman.

The Secretary/Treasurer shall comply with the following:

Submit to the Commission any communications which shall be addressed to him/her as Secretary of the organization.

Perform such duties as are reasonable and assigned by the Chairman

Review financial reports from the State Controller's Office assigned staff.

No officer shall for reason of his office be entitled to receive any salary or compensation, other than for expenses incurred on behalf of the organization which were approved prior to expenditure by a majority of the Commissioners.

ARTICLE IX COMMITTEES

All committees of this organization shall be appointed by the Commission and their term of office shall be for a period of one year or less if sooner terminated by the action of the Commission.

ARTICLE X - DELETED

ARTICLE XI AMENDMENTS

These By-Laws may be altered, amended, repealed or added to by an affirmative vote by a majority of the Commissioners.

Adopted by the Commissioners of the:

CALIFORNIA UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING COMMISSION

ON: _____

Commissioners:

_____ Printed Name: _____

_____ Printed Name: _____

_____ Printed Name: _____

_____ Printed Name: _____

_____ Printed Name: _____

_____ Printed Name: _____

_____ Printed Name: _____

_____ Printed Name: _____

____ Printed Name: _____
____ Printed Name: _____
____ Printed Name: _____
____ Printed Name: _____
____ Printed Name: _____
Ex-Officio Members:
____ Printed Name: _____

DRAFT

Proposal for Administrative Dues from Member Entities – CUCCAC

Caveat:

Implementation of any Administrative Fee or Dues provision for member entities appears to require a legislative act.

Initial Recommendation:

Recommend legal review to confirm there is no method for allowing the CUCCAC to implement a fee or dues in some manner without legislative action.

Proposed Process:

- Establish annual anticipated costs/budget
- Review and categorize participating agencies/entities
- Establish dues/fee structure based on both category and size of participating agencies/entities
- Establish annual anticipated revenues
- Propose for Commission Approval
- Communicate with participating agencies/entities to gain support.
- Take steps required to implement (legislative or otherwise)

Process Details:

Establish Costs/Budget -

1. Establish budget for active review of issues brought to the attention of the Commission
2. Establish budget for meetings, communications, audits, reviews and other actions anticipated and/or required by the Commission
3. Establish budget for communications that are either required by the Act or desired by the Commission to continue increasing participation and membership on the part of qualifying agencies and entities.
4. Establish reasonable allowance for unanticipated costs.

Review & Categorize Participating Agencies/Entities –Establish Dues/Fee Structure

1. Participating agencies comprise many different types and sizes. Participating agencies/entities need to be organized in an objective and logical (easily understood) manner. Special consideration needs to be paid to agencies/entities who are financially strapped because of their size or type.
2. Any dues/fees structure must consider these characteristics
3. Fees/dues should be structured to be nominal and not a barrier to entry or participation. Dues/fees are likely to range from \$100 - \$500 annually.

Propose for Commission Approval – Gain Participating Agencies/Entities Support

1. Once the budgets for costs and revenues are set and the dues/fees structure is determined by the task force a full public presentation needs to be made to the Commission and all questions, objections, challenges or concerns answered.
2. Assuming approval, a communication with participating agencies/entities establishing the support for the dues/fees structure, how it was established and the goals for implementation needs to be implemented. Participating agency/entity support is important, not only for ultimate approval if legislation is required, but also to keep participating agencies/entities as members and to continue to build participation throughout the State.

Implementation –

1. Steps required here will depend on the outcome of the legal analysis performed at the beginning of this initiative.
2. If legislation is required, which is likely, the appropriate individuals and process should be engaged timely to reduce any additional lost time in implementing the plan.
3. If legislation is not required (unlikely), implementation should take place after the successful completion of all earlier steps in the process.

ON CUCCAC LETTERHEAD
SAMPLE DRAFT LETTER TO PUBLIC AGENCIES
THAT ARE SIGNATORY TO CUCCAC

Date

First Name, Last Name, Title
Jurisdiction
Address 1
Address 2
City, State Zip

Dear:

SUBJECT: REQUEST FOR YOUR SUPPORT FOR THE CALIFORNIA UNIFORM
PUBLIC CONSTRUCTION COST ACCOUNTING COMMISSION
(CUCCAC)

Dear First Name:

Congratulations! As a CUCCAC signatory agency, the City of _____ [County of _____] has already experienced some of the benefits of membership such as; a higher force account limit and bidding threshold, and the use of a Cost Accounting Procedures Manual that includes a checklist to help you to expeditiously solicit bids, determine when to use force account or when to use your own employees to accomplish your necessary projects. You also have access to a Commission that is fairly balanced between public and private sector representatives of the public works construction industry, and can, hopefully, settle accounting disputes and keep both sides out of court. The Commission also makes recommendations to the State Controller Office to raise the force account limits and bidding thresholds as needed and just a few years ago, we were able to increase the formal bidding threshold from \$75,000 to \$100,000 --- without legislation.

As current Chair of the Commission, I am now asking you to join me, and the City of Vacaville, in supporting CUCCAC with a contribution of \$150 [per year?]. This contribution strengthens the Commissions ability to ensure the even-handed application of the California Uniform Public Construction Cost Accounting Act as intended more than 21 years ago.

Since its creation by the Legislature in 1983, except for the initial start-up costs, there has been no source of funding for the Act. All of the Commissioners have volunteered their time and haven't received travel expense reimbursement or per diem. The funds we did receive were from individual Commission members. Commissioners did this gladly, but

ON CUCCAC LETTERHEAD
SAMPLE DRAFT LETTER TO CONTRACTORS' ASSOCIATIONS
THAT ARE SIGNATORY TO CUCCAC (7-20-04)

Date

First Name, Last Name, Title
Jurisdiction
Address 1
Address 2
City, State Zip

Dear:

SUBJECT: REQUEST FOR YOUR SUPPORT FOR THE CALIFORNIA
UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING COMMISSION
(CUCCAC)

Dear First Name:

As a current Commissioner on California Uniform Construction Cost Accounting Commission (CUCCAC), I am asking you to join me on behalf of the Laborers Union and other Unions in supporting CUCCAC with a contribution of \$750. This contribution will strengthen the Commissions ability to ensure the even-handed application of the California Uniform Public Construction Cost Accounting Act as intended when it was enacted in 1983 --- more than 21 years ago.

Our Union and others through their signatory contractors have experienced the benefits as a result of past CUCCAC action. For example, the Commission created the Cost Accounting Procedures Manual that sets the limits for soliciting bids and mandates how participating local governments, special districts, and school districts use the Public Contract Code. It defines the difference between maintenance and new construction, including rules that limit their use of force account or day labor to undertake public works construction and major maintenance that contractors should be doing.

The 14-member Commission is structured to provide a fair balance between private and public sector representatives of the public works construction industry. There are six industry representatives of which two seats are held by labor. This Commission can, and does, intervene or assists in settling cost accounting disputes between industry and government representatives in order to keep both sides out of court. The Commission also makes recommendations

to the State Controller's Office to determine force account limits and bidding thresholds as needed. Just a few years ago, while the public sector was able to increase the formal bidding threshold from \$75,000 to \$100,000, we were able to hold the lower limits at \$25,000 --- providing more opportunities for bidding.

Since its creation by the Legislature in 1983, except for the initial start-up costs, there has been no source of funding for the enforcement of the Act. All the Commissioners volunteer their time and do not receive travel expense or per diem reimbursement. We now need your support in order to continue to provide your signatory contractors and hopefully your members with valuable services, such as:

- 1) updating the Cost Accounting Manual;
- 2) conducting cost accounting reviews;
- 3) hiring independent accounting consultants as complaints are filed;
- 4) maintaining a website for easy access to the rules;
- 5) working with the Legislature; and
- 6) periodically reviewing force account and bidding rules to ensure that they are relevant and keeping pace with today's industry demands.

Please help us by making your check payable to the "State of California" and note in the memo portion "for CUCCAC."

Send your contribution to:
State Controllers Office
Division of Accounting & Reporting
3301 C Street, Suite 500
Sacramento, CA 95816

Attn: Bob Stonehouse

Sincerely,

Dennis Carpenter, Commissioner

cc: Dale Pfeiffer, Chairman, CUCCAC
Bob Stonehouse, SCO

ON CUCCAC LETTERHEAD
SAMPLE DRAFT LETTER TO CONTRACTORS' ASSOCIATIONS
THAT ARE SIGNATORY TO CUCCAC (7-20-04)

Date

First Name, Last Name, Title
Jurisdiction
Address 1
Address 2
City, State Zip

Dear:

SUBJECT: REQUEST FOR YOUR SUPPORT FOR THE CALIFORNIA
UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING COMMISSION
(CUCCAC)

Dear First Name:

As a current member and past Chairman of the Commission, I am asking you to join me on behalf of the Public Works Construction Contractors in supporting CUCCAC with a contribution of \$_____. This contribution strengthens the Commissions ability to ensure the even-handed application of the California Uniform Public Construction Cost Accounting Act as intended when it was enacted in 1983 --- more than 21 years ago.

Our industry has already experienced some of the benefits of membership such as; the creation of the Cost Accounting Procedures Manual that mandates local governments use of the Public Contract Code and requires them to solicit bids. It includes rules that limit their use of force account or day labor to undertake public works construction and major maintenance that contractors should be doing.

You also have access to a Commission that is fairly balanced between private and public sector representatives of the public works construction industry, and who can, hopefully, settle accounting disputes keeping both sides out of court. The Commission also makes recommendations to the State Controller to determine force account limits and bidding thresholds as needed. Just a few years ago, while the public sector was able to increase the formal bidding threshold from \$75,000 to \$100,000, we were able to hold the lower limits at \$25,000 --- providing more opportunities for bidding.

Since its creation by the Legislature in 1983, except for the initial start-up costs, there has been no source of funding for the Act. All of the Commissioners have volunteered their time and haven't received travel expense reimbursement or per diem. The funds we did receive were from individual Commission members. Commissioners did this gladly, but we now need your support in order to continue to provide you with valuable services. These services include updating the Cost Accounting Manual, conducting cost accounting reviews, hiring independent accounting consultants as complaints are filed, maintaining a website for easy access to the rules, working with the legislature, and periodically reviewing force account and bidding rules to ensure that they are relevant and keeping pace with today's industry demands.

Please help us by making your check payable to the "State of California" and note in the memo portion "for CUCCAC."

Send your contribution to:
State Controllers Office
Division of Accounting & Reporting
3301 C Street, Suite 500
Sacramento, CA 95816

Attn: Bob Stonehouse

Sincerely,

(Northern California Associations):
David A. McCosker, Commissioner
2001 Chair, CUCCAC

(Southern California Associations):
Richard S. Greenberg
CFO, C.A. Rasmussen, Inc.
Commissioner, CUCCAC

(Both):
Dale Pfeiffer
Director of Public Works
City of Vacaville
Chair, CUCCAC

we now need your support in order to continue to provide you with valuable services. These services include updating the Cost Accounting Manual, conducting cost accounting reviews, hiring independent accounting consultants as complaints are filed, maintaining a website for easy access to the rules, working with the Legislature, and periodically reviewing force account and bidding rules to ensure that they are relevant and keeping pace with today's industry demands.

Please help us by making your check payable to the "State of California" and note in the memo portion "for CUCCAC."

Send your contribution to:
State Controllers Office
Division of Accounting and Reporting
3301 C Street, Suite 500
Sacramento, CA 95816

Attn: Bob Stonehouse

Your \$150 contribution will help us help your jurisdiction.

Sincerely,

Dale Pfeiffer
Chair, CUCCAC
Director of Public Works, City of Vacaville
Immediate Past President, League of California Cities' Public Works Department

January 23, 2009

Memorandum

TO: Guiselle Carreon
FROM: Paula C. P. de Sousa
RE: Use of the Lease-Lease Back Construction Delivery Methods by School Districts Under the Uniform Public Construction Cost Accounting Act

Pursuant to the Education Code and the Public Contract Code, School Districts may properly use LLB as a method of contracting despite having opted into the Uniform Public Construction Cost Accounting Act.

DISCUSSION

1. Public Contract Code.

A public agency which has, by resolution, elected to become subject to the Uniform Construction Cost Accounting procedures set forth in Public Contract Code section 22010 et seq., may utilize the bidding procedures set forth in Public Contract Code section 22030 when contracting for "maintenance work," or any public project as defined. Public contract code section 22030 states:

This article applies only to a public agency whose governing board has by resolution elected to become subject to the uniform construction cost accounting procedures set forth in Article 2 (commencing with Section 22010) and which has notified the Controller of that election. In the event of a conflict with any other provision of law relative to bidding procedures, this article shall apply to any public agency which has adopted a resolution and so notified the Controller. [emphasis added]

The Act's cost accounting standards and alternative bid methods are intended to promote uniformity of cost accounting standards and bidding procedures on construction, maintenance, and other work projects performed or contracted by public entities in California (Pub. Contract Code, § 22001). Local agencies that elect to become subject to the uniform construction cost accounting procedures become eligible to use the alternative bidding methods (Pub. Contract Code, § 22003 et seq.)

Under the alternative methods, projects of \$30,000 or less may be performed by the employees of a public agency by force account, by negotiated contract, or by purchase order (Pub. Contract Code, § 22032(a)). Projects of \$125,000 or less may be let to contract by informal procedures. (Pub. Contract Code, §§ 22032(b)), 22034.) . Generally, projects of more than \$125,000 must be let by formal bidding procedures. (Pub. Contract Code, § 22032(c).

2. Education Code.

Education Code section 17406, establishing the LLB construction delivery method, provides an alternative procedure to public bidding. In pertinent part, Education Code section 17406(a) states:

Notwithstanding Section 17417, the governing board of a school district, without advertising for bids, may let, for a minimum rental of one dollar (\$1) a year, to any person, firm, or corporation any real property that belongs to the district if the instrument by which such property is let requires the lessee therein to construct on the demised premises, or provide for the construction thereon of, a building or buildings for the use of the school district during the term thereof, and provides that title to that building shall vest in the school district at the expiration of that term. The instrument may provide for the means or methods by which that title shall vest in the school district prior to the expiration of that term, and shall contain such other terms and conditions as the governing board may deem to be in the best interest of the school district.

3. Reconciling the Education Code and the Public Contract Code.

Pursuant to California's rules of statutory construction, "we look first to the words themselves" when determining the legislature's intent. (*Golden State Homebuilding Assoc. v. City of Modesto* (1994) 26 Cal.App.4th 601, 608). The statutory language is given its ordinary and everyday meaning, construed in the context of statutory scheme of which the statute is a part. (*Vickco Ins. Services, Inc. v. Ohio Indemnity Company* (1999) 70 Cal.App.4th 55, 62; *Golden State Homebuilding Assoc.*, 26 Cal.App.4th at 608).

Public Contract Code section 22030 states, "[i]n the event of a conflict with any other provision of law relative to bidding procedures, this article shall apply to any public agency which has adopted a resolution and so notified the Controller." However, a plain reading of this statute clearly indicates that this language only applies to conflicts which involve bidding procedures and contracts which involve bidding. The statute makes no mention of "contracting" procedures, nor does it use any language which precludes a specific contracting method. In fact, the statute only uses the term "bidding procedures."

It seems logical that if the Legislature intended to prohibit certain contracting methods, the Legislature would not have limited the language contained in the statute to "bidding procedures." The LLB method of contracting does not involve "bidding procedures" or a competitively bid contract. By the plain language of Education Code section 17406, LLB contracts are let without advertising for bids or undertaking any other "bidding procedures." Because the LLB method of procuring contracts does not involve such bidding procedures, we believe that the Act does not conflict with or override the Education Code as it relates to the LLB method of procuring contracts.



TO: California Uniform Construction Cost Accounting Commission
FROM: Guiselle Carreon
SUBJECT: Force Account Limits
DATE: 02/02/2009

Public Contract Code Section 20114 authorizes school districts to use day labor. The Code reads as follows:

20114. (a) In each school district, the governing board may make repairs, alterations, additions, or painting, repainting, or decorating upon school buildings, repair or build apparatus or equipment, make improvements on the school grounds, erect new buildings, and perform maintenance as defined in Section 20115 by day labor, or by force account, whenever the total number of **hours** on the job does not exceed **350 hours**. Moreover, in any school district having an average daily attendance of 35,000 or greater, the governing board may, in addition, make repairs to school buildings, grounds, apparatus, or equipment, including painting or repainting, and perform maintenance, as defined in Section 20115, by day labor or by force account whenever the total number of **hours** on the job does not exceed **750 hours**, or when the cost of material does not exceed twenty-one thousand dollars (\$21,000).

(b) For purposes of this section, day labor shall include the use of maintenance personnel employed on a permanent or temporary basis.

This code does not include equipment, materials, supplies, or subcontractor contracts. However, it appears some interpret this Code intent that the 350 hours may not exceed \$15,000. The Code is not clear on this and many school districts do not interpret it this way.

Public Contract Code 22032 reads as follows:

22032. (a) Public projects of thirty thousand dollars (\$30,000) or less may be performed by the employees of a public agency by force account, by negotiated **contract**, or by purchase order.

Section II of the Cost Accounting Policies and Procedures Manual defines Force Account as: "A Force Account accurate for work performed on public projects using internal resources, including but not limited to labor, equipment, materials, supplies, and subcontracts of the public agency".

As a result, PCC 20114 **may** provide greater flexibility and higher dollar threshold than CUPCCAA. This conflicts with the Commission's statement that the program increases the force account limits.

ACCOUNTING PROCEDURES REVIEW

- I. Pursuant to the provisions of Public Contract Code Section 22042, the Commission has adopted the following Accounting Procedures Review, where an interested party presents evidence that the work undertaken by the public agency falls within any of the following categories:
 - A. It is to be performed by a public agency after rejection of all bids, claiming the work can be done less expensively by the public agency.
 - B. It exceeded the force account limit.
 - C. It has been improperly classified as maintenance.
- II. As used in the Accounting Procedures Review, "interested party" shall mean: a licensed contractor eligible to bid on the public project involved in the review; a labor organization whose members would be eligible to perform work on the public project if it were performed by contract; an association of licensed contractors and/or labor organizations; or a taxpayer of the public agency involved in the review.
- III. Request for Accounting Procedures Review
 - A. In those circumstances as set forth in section 1(A) above, a request for Commission review shall be in writing, sent to the Commission by certified or registered mail, postmarked no later than five business days from the date the public agency has rejected all bids.
 - B. In those circumstances set forth in section 1(B) or 1(C), a request for Commission review shall be in writing, sent to the Commission by certified or registered mail, postmarked no later than five business days from the date an interested party formally complains in writing to the public agency.
 - C. The address for purpose of notice herein is the: CALIFORNIA UNIFORM CONSTRUCTION COST ACCOUNTING COMMISSION, Office of the State Controller, Division of Accounting and Reporting, Local Government Policies Section, P.O. Box 942850, Sacramento, CA 94250.
 - D. Such written notice shall include the following information:
 1. The name, address, phone number of interested party as defined in (II) above, and person to be contacted presenting evidence.
 2. An indication that work undertaken by the public agency falls within one of the following categories:

- a. It is to be performed by a public agency after rejection of all bids, claiming the work can be done less expensively by the public agency.
 - b. It exceeded the force account limits.
 - c. It has been improperly classified as maintenance.
3. The name, address, and phone number of the Public Agency involved.

**ACCOUNTING PROCEDURES REVIEW
(CONTINUED)**

- 4. The project name, location, or other project identification number.
 - 5. The bid date and rejection date, if applicable.
 - 6. The low bid dollar amount, if applicable.
 - 7. The agency estimate, if available.
 - 8. Other documentation supporting the request. If requestor is unable to obtain information from the participating agency, the request should so note that fact in their request and include an explanation of the circumstances. It should be noted that the statutory time limit to complete the account review begins as of the day the request is received receipt. Incomplete review requests may affect the ability of the Commission to render a timely decision.
- E. At the time it transmits its request to the Commission for review, the interested party shall mail a copy of the request by first class mail, postage prepaid, to the public agency involved.
- IV. Immediately upon receipt of a request for an account procedures review, the Chairman shall assign it to a work group consisting of two or more of the Commissioners.
- A. The work group may contact either the interested party or the public agency involved for additional information and it may request a statement of the public agency's position with respect to the claim being set forth.

- B. The auditor or consultant shall present written findings and a decision recommendation within twenty calendar days of the date the request for review was received by the Commission.
- C. If the work group deems it is necessary, it may utilize the State Controller's audit division or a consultant deemed qualified for the purpose of this investigation. The auditor or consultant will conduct a thorough investigation of the facts surrounding the claim. This investigation may include any field work deemed necessary by the auditor or consultant. The auditor or consultant shall interview the public agency involved and submit a complete statement of the public agency's position as a part of the findings.
- V. The Commission shall review the findings of the work group and the report of the auditor or consultant, if utilized, and render its final decision within thirty (30) calendar days of the date on which the request was received by the Commission. A copy of the decision shall be mailed by first class mail, postage prepaid, to each Commission member, the interested party, and the public agency involved.
- VI. Decisions on accounting procedures reviews shall be collected and maintained at the offices of the Commission and shall be available for public inspection during regular working hours. Such decisions may be cited and relied upon by interested parties and public agencies in subsequent reviews.
- VII. Pursuant to Public Contract Code Section 22044.5 (AB 2372 – Chapter 192 of the Statutes of 2006), if the Commission makes a finding(s) on three separate occasions within a 10-year period, the Commission shall notify the public agency of the finding(s) in writing by certified mail and the public agency shall not use the bidding procedures provided by the Act. For the purposes of these review procedures, one investigation resulting in at least one finding shall equate to one occasion.

ACCOUNTING PROCEDURES REVIEW

- I. Pursuant to the provisions of Public Contract Code Section 22042, the Commission has adopted the following Accounting Procedures Review, where an interested party presents evidence that the work undertaken by the public agency falls within any of the following categories:
 - A. ~~It is~~ to be performed by a public agency after rejection of all bids, claiming ~~the~~ work can be done less expensively by the public agency.
 - B. ~~It Ex~~ceeded the force account limit.
 - C. ~~It H~~as been improperly classified as maintenance.
- II. As used in the Accounting Procedures Review, "interested party" shall mean: a licensed contractor eligible to bid on the public project involved in the review; a labor organization whose members would be eligible to perform work on the public project if it were performed by contract; an association of licensed contractors and/or labor organizations; or a taxpayer of the public agency involved in the review.
- III. Request for Accounting Procedures Review
 - A. In those circumstances as set forth in section 1(A) above, a request for Commission review shall be in writing, sent to the Commission by certified or registered mail, ~~received by the Commission~~, postmarked not later than five business days from the date the public agency has rejected all bids.
 - B. In those circumstances set forth in section 1(B) or 1(C), a request for Commission review shall be in writing, sent to the Commission by certified or registered mail, postmarked no later than five business days ~~by letter received by the Commission not later than five calendar days~~ from the date an interested party formally complains in writing to the public agency.
 - C. The address for purpose of notice herein is the: CALIFORNIA UNIFORM CONSTRUCTION COST ACCOUNTING COMMISSION, Office of the State Controller, Division of Accounting and Reporting, Local Government Policies Section, P.O. Box 942850, Sacramento, CA 94250.
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ACCOUNTING PROCEDURES REVIEW
(CONTINUED)

4. ~~The P~~project name, location, or other project identification number.
 5. ~~The B~~id date and rejection date, if applicable.
 6. ~~The L~~ow bid dollar amount, if applicable.
 7. ~~The A~~gency estimate, if available.
 8. Other documentation supporting the request. If requestor is unable to obtain information from the participating agency, the request should so note that fact in their request and include an explanation of the circumstances. It should be noted that the statutory time limit to complete the account review begins as of the day the request is received receipt. Incomplete review requests may affect the ability of the Commission to render a timely decision. Other supporting information, if available.
- E. At the time it transmits its request to the Commission for review, the interested party shall mail a copy of the request by first class mail, postage prepaid, to the public agency involved.

~~IV. The Commission shall approve and designate in writing the consultants available to investigate requests for accounting procedures review. Such consultants shall be prequalified as follows:~~

- ~~A. They shall submit resumes of experience to the Commission for prequalification.~~
- ~~B. Each applicant shall have at least five years of experience with, and be knowledgeable of, public works construction and/or accounting under contracts let by public agencies.~~
- ~~C. They shall submit their schedule of fees required to perform such service.~~

IV. Immediately upon receipt of a request for an account procedures review, the Chairman shall assign it to ~~Commission~~ a work group consisting of ~~to one~~two or more of the prequalified consultants Commissioners. ~~for review.~~

A. ~~The consultant. The work group may will interview~~contact either the interested party or the public agency involved ~~for –additional information and it may/or request as a part of the findings a complete~~ a statement of the public agency's position with respect to the ~~claim being set forth. by the interested party. review being conducted.~~

B. ~~Upon the completion of the assessment, the commission will convene and decide~~
C. ~~whether to dismiss an account review request claim that did not show merit or proceed with a further extensive review.~~ The auditor or consultant shall present written findings and a decision recommendation within twenty calendar days of the date the request for review was received by the Commission.

~~The consultant shall prepare written findings and a recommended decision within twenty (20) calendar days from the date the request for review was received by the Commission.~~

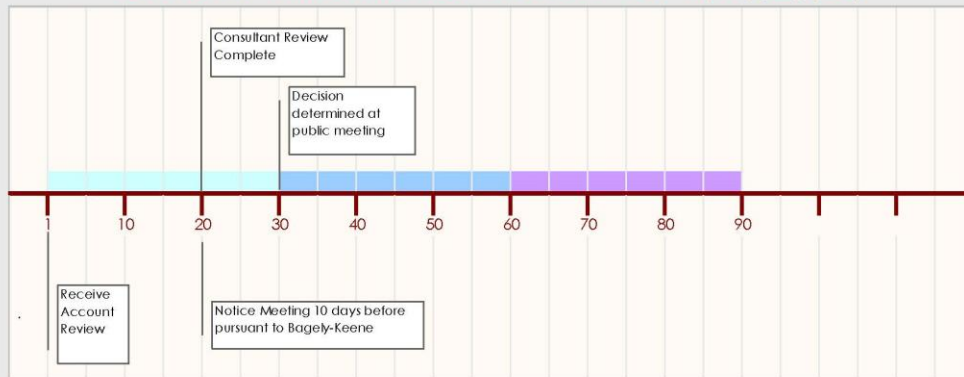
~~D. If the Commission~~work group deems it is necessary ~~to conduct a further investigation,~~
C. it may utilize the State Controller's audit division or a consultant deemed qualified for the purpose of this investigation. The auditor or consultant will conduct a thorough investigation~~review all of the facts surrounding the claim. This investigation may include any field work deemed necessary by the auditor or consultant. The auditor or consultant shall~~~~information.~~ interview the public agency involved and submit a complete statement of the public agency's position as a part of the findings.

V. ~~The Commission may appoint a subcommittee consisting of at least three (3) members to meet and review the findings of fact and recommended decision of the consultant.~~ The Commission shall review the findings of the work group and the report of the auditor or consultant, if utilized, and render its final decision within thirty (30) calendar days of the date on which the request was received by the Commission. A copy of the decision shall be mailed by first class mail, postage prepaid, to each Commission member, the interested party, and the public agency involved.

VI. Decisions on accounting procedures reviews shall be collected and maintained at the offices of the Commission and shall be available for public inspection during regular working hours. Such decisions may be cited and relied upon by interested parties and public agencies in subsequent reviews.

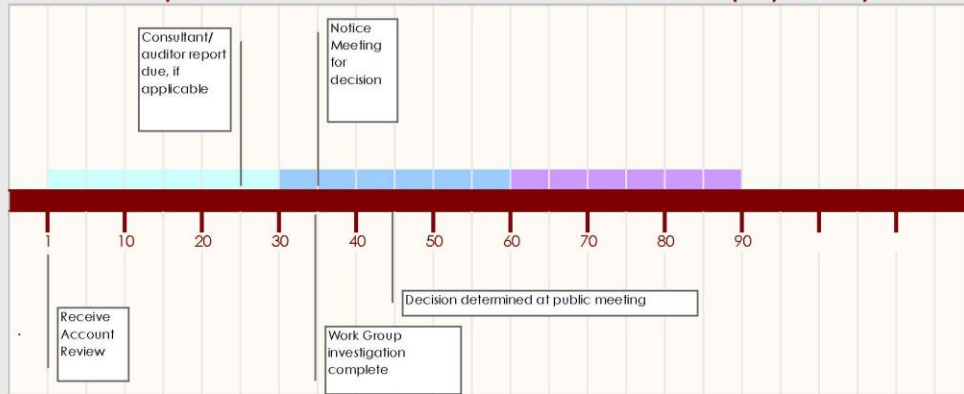
VII. Pursuant to Public Contract Code Section 22044.5 (AB 2372 – Chapter 192 of the Statutes of 2006), if the Commission makes a finding(s) on three separate occasions within a 10-year period, the Commission shall notify the public agency of the finding(s) in writing by certified mail and the public agency shall not use the bidding procedures provided by the Act. For the purposes of these review procedures, one investigation resulting in at least one finding shall equate to one occasion.

Current Timeline for Review for 1(A)(B)(C)



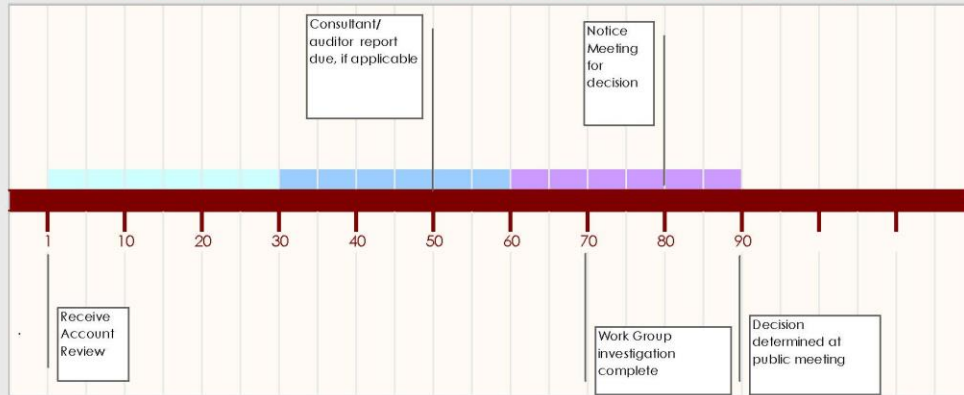
*20 day period = ~15 working days - any holidays

Proposed Timeline for Review for 1(A) Only



*Process Extended by 15 days

Proposed Timeline for Review for 1(B) or 1(C)



*There are about 22 working days in one month, state holiday calendar
* 3 months = 66 working days