

# California Uniform Construction Cost Accounting Commission

## Meeting Agenda

**March 30, 2011  
10:30 AM to 2:00 PM**

**Office of the State Controller  
300 Capitol Mall  
Room 635  
Sacramento, California 95814**

### Invitees:

Commissioners: Jeffery Armstrong, Chairperson; Guiselle Carreon, Vice Chairperson; Linda Clifford, Secretary; Eddie Bernacchi, Cesar Diaz, William R. Dildine, Lisa Ekers, George Hicks, David McCosker, Lisa Miller-Strunk, Rod Moresco, Phillip Nelson, Josie Ripoly

State Controller's Office Staff: Priscilla Moss, Bureau Chief; Michael Adams, Manager; Jutta Wiechec, Manager; Scott Taylor, Fiscal Analyst

### **1. Call to Order**

### **2. Introductions**

### **3. Oath of Office**

### **4. Approval of the Minutes for the June 8, 2010**

### **5. Commission Update**

- a. Report on New Participating Agencies
- b. Funding Update

### **6. 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.)

### **7. Staff Comments/Requests**

Staff Update

AB 720

Recent Changes to the UPCCAA

Ethics Training

FPPC filing requirements

Terms of Office

Commission Vacancies

# California Uniform Construction Cost Accounting Commission

## **8. Commissioners' Comments/Requests/Questions**

## **9. Old Business**

## **10. New Business**

- a. Request for Account Review: The Commission will review the request for an account review of the City of Atwater's Veterans Park Play Equipment Project and consider further action.
- b. Request for Account Review: The Commission will review the request for an account review of the Groveland Community Services District Lift Stations Improvement Project and consider further action.
- c. Review and Approval of Proposed Amendments to the *Cost Accounting Policies and Procedures Manual*: The Commission will discuss and consider adopting amendments to the *Cost Accounting Policies and Procedures Manual*.
- d. Review and Approval of an Increase in the Force Account and Informal Bid Limits: The Commission will discuss the current force account and informal bid limits and consider adopting a new limit.
- e. Review and Approval of the Commission's Position on AB 720: The Commission will discuss AB 720 and consider taking action regarding the bill.
- f. Review of Public Contract Code Section 22013: The Commission will review PCC 22013 and consider further action.

## **11. Election of New Officers – Chairperson, Vice Chairperson, and Secretary**

## **12. Annual Report to the Legislature**

## **13. Next Meeting**

## **14. Adjournment**

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

State Controller's Office  
Local Government Programs and Services Divisions  
Local Government Policy Section  
[LocalGovPolicy@sco.ca.gov](mailto:LocalGovPolicy@sco.ca.gov)

## New Participating Agencies

COUNTY	AGENCY	TYPE OF AGENCY	DATE OPTED IN
Contra Costa	Orinda	City	8/3/2010
El Dorado	Pollack Pines Elementary School District	School District	3/8/2011
El Dorado	Silver Fork School District	School District	3/1/2011
Fresno	Clovis Unified School District	School District	1/5/2011
Inyo	Big Pine Unified School District	School District	11/9/2010
Los Angeles	Lancaster School District	School District	12/7/2010
Los Angeles	San Marino Unified School District	School District	9/14/2010
Los Angeles	Santa Clarita Redevelopment Agency	Special District	8/4/2010
Los Angeles	Santa Monica-Malibu Unified School District	School District	11/18/2010
Modoc	Joint Union School District	School District	1/18/2011
Monterey	Gonzales	City	6/21/2010
Napa	County of Napa	County	11/1/2010
Riverside	San Jacinto Unified School District	School District	8/17/2010
Sacramento	Folsom Cordova Unified School District	School District	11/18/2010
San Diego	Miracosta Community College District	Community College	11/16/2010
San Joaquin	Jefferson School District	School District	6/22/2010
San Mateo	Belmont	City	1/11/2011
San Mateo	Redevelopment Agency of the City of Belmont	Special District	1/11/2011
Santa Clara	Campbell Union School District	School District	9/23/2010
Santa Clara	Campbell Union School District	School District	9/23/2010
Santa Clara	Cupertino Sanitary District	Special District	7/7/2010
Santa Cruz	Santa Cruz Harbor District	Special District	9/21/2010
Shasta	Shasta-Tehama-Trinity Joint Community College Distr	Community College	10/13/2010
Solano	Rio Vista	City	7/15/2010
Tulare	Liberty Elementary School District	School District	11/9/2010
Tulare	Richgrove Elementary School District	School District	10/14/2010
Tuolumne	Jamestown Sanitary District	Special District	9/9/2010

COUNTY	AGENCY	TYPE OF AGENCY	DATE OPTED IN
Ventura	Ocean View School District	School District	11/9/2010
Ventura	Oxnard School District	School District	6/16/2010
Ventura	Santa Paula Elementary School District	School District	8/10/2010

**Total New Participating Agencies: 30**

**Total Participating Agencies: 755**



**California Uniform Construction Cost Accounting Commission**  
**Financial Activity and Status Report**  
for the period 06/08/2010 to 03/30/2011

Cash Activity				
		Conditional (1)	Unconditional	Total
Beginning Balance:	6/8/2010	\$ -	2,597.77	2,597.77
Receipts		-	-	-
Expenditures			209.27	209.27
Ending Balance:	3/30/2011	\$ -	2,388.50	2,388.50

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

<b>Cash Receipts</b>				
	<b>Donor Type</b>	<b>Conditional</b>	<b>Unconditional</b>	<b>Total</b>
City		\$ -	-	-
Community College District		-	-	-
Contractor		-	-	-
County		-	-	-
School District		-	-	-
Special District		-	-	-
Union		-	-	-
<b>Total</b>	<b>3/30/2011</b>	<b>\$ -</b>	<b>-</b>	<b>-</b>

<b>Cash Expenditures</b>			
	<b>Expenditures</b>		
Accounting Review			-
Services		-	-
Travel Expense Claims		-	209.27
<b>Total</b>	<b>3/30/2011</b>	<b>\$ -</b>	<b>209.27</b>



*construction industry force account council*

D. A. McCosker, President

Steve Harris, Vice President

Dave Thomas, Secretary

Michael Hester, Treasurer

March 17, 2011

Jeff Armstrong, Chair  
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

Sent Certified Mail: March 17, 2011

Re: Complaint against the City of Atwater

Dear Commissioner Armstrong,

This letter shall serve as a formal complaint against the City of Atwater. We believe that they have violated the California Public Contract Code, Section 22042 (b). We request that the Commission review the work as required. The work in question is described as:

**Veterans Park Play Equipment Project**

**Scope of work:** Furnish, design and installation of new play structures, concrete curbing, ADA ramps and wood fiber chips. City removed three existing play structures, cement curbing and rubber chips.

Force account work completed January 10-17, 2011

Contract work not yet completed

**Low bid:** \$74,690.86

**Force account value:** \$2,999.31

**Total project value:** \$77,690.17

City of Atwater

760 East Bellevue Road

Atwater, CA 95301

(209) 357-6310

**Agency Contact:** Patrick E. Faretta, Parks and Community Services  
Director

Dennis L. Myers, City Attorney

Gregory B. Wellman, City Manager

Attached please find supporting documentation. We have mailed a copy of our complaint to the City of Atwater. We have attached a copy of that letter for your records.

The Construction Industry Force Account Council (CIFAC) is a non-profit organization that represents contractors, contractor associations and the various building trades. As such we meet the definition of an "interested party" per Public contract Code Section 22042, II.

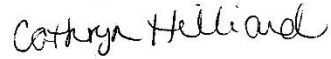
Please feel free to contact Cathryn Hilliard, Executive Director if you should have any questions. Michelle Tucker, Central Region Representative conducted this investigation and is also

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



available to answer any detailed questions you may have in regards to this complaint. We request that you notify us in writing of the findings of the Commission.

Sincerely,



Cathryn Hilliard, Executive Director

[chilliard@cifac.org](mailto:chilliard@cifac.org)

(925) 957-1700

837 Arnold Drive, Suite 200

Martinez, CA 94553

Enclosures: Copy of CUCCAC complaint letter to City of Atwater  
Copies of letters and emails to City of Atwater  
Copies of response letters from City of Atwater  
Copy of informal bid advertisement  
Copy of contractors bid  
Copy of bid results  
Copy of contract  
Notice to Proceed  
Copy of city employee payroll records

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*construction industry force account council*

D. A. McCosker, President

Steve Harris, Vice President

Dave Thomas, Secretary

Michael Hester, Treasurer

March 17, 2011

**COPY**

Gregory B. Wellman, City Manager  
City of Atwater  
750 Bellevue Road  
Atwater, CA 95301

Sent Via Certified Mail: March 17, 2011

Re: Veterans Park Play Equipment Project

Dear Mr. Wellman,

The Construction Industry Force Account Council (CIFAC) is a non-profit organization that monitors governmental entities to ensure they abide by the California Public Contract Code. We represent contractors, contractor organizations and labor unions.

This letter is to inform you that we have filed a complaint against the City with the California Uniform Construction Cost Accounting Commission. We believe that the city has violated Section 22042(b) of the Public Contract Code; "Exceeded the force account limit".

Sincerely,

Michelle Tucker, CIFAC Central Region Representative  
mtucker@cifac.org  
19815 Rough and Ready Trail  
Sonora, CA 95370

**Michelle Tucker**

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**From:** Patrick Faretta [pfaretta@atwater.org]  
**Sent:** Tuesday, October 12, 2010 11:35 AM  
**To:** Michelle Tucker  
**Subject:** Re: RFP for new playground equipment. project no. 10-06

October 12, 2010

Dear Ms. Tucker:

As indicated clearly in the RFP, City Staff will be looking after the removal of the existing play equipment, curbing and rubber chips.

If you do not mind me asking, why would you be concerned about who is doing the removal?

Thanks for your inquiry.

Best regards,

Patrick Faretta

Sent from my iPhone

On Oct 12, 2010, at 11:07 AM, "Michelle Tucker" <[mtucker@cifac.org](mailto:mtucker@cifac.org)> wrote:

Good morning Mr. Faretta,

I work for the Construction Industry Force Account Council as a Public Contract Code Compliance Investigator. While reviewing the City's website, I came across the above referenced RFP for the design and installation of new playground equipment at Veterans Park.

The removal of the existing play equipment, rubber chips and cement curbing was excluded from the RFP. Has this portion of the project been bid out? Who will be performing this portion of the work?

I look forward to your response.

Regards,

Michelle Tucker, CIFAC Central Region Field Representative

[mtucker@cifac.org](mailto:mtucker@cifac.org)

(209) 532-2942 Phone/Fax

19815 Rough and Ready Trail

Sonora, CA 95370



*construction industry force account council*

D. A. McCosker, President

Steve Harris, Vice President

Dave Thomas, Secretary

Michael Hester, Treasurer

October 12, 2010

Patrick E. Faretta, Director of Parks and Community Services  
City of Atwater  
760 East Bellevue Road  
Atwater, CA 95301

**COPY**

Sent Via Certified Mail: October 12, 2010  
Follow Up of October 12, 2010 Email

Re: Design, Installation and Furnishing of Playground Equipment at Veterans Park, City Project  
No. 10-06

Dear Mr. Faretta,

The Construction Industry Force Account Council (CIFAC) is a non-profit organization that monitors governmental agencies to ensure they abide by the California Public Contract Code. We represent contractors, contractor organizations and various building trades.

We have recently been in contact regarding the above referenced project. It is my understanding, per your email, that the City intends on self-performing the removal of existing playground equipment, rubber chips and cement curbing. The design, furnishing of the new equipment and installation will be performed by the contractor awarded the Request for Proposals (RFP). In addition, the contract will include the installation of new cement curbing, walkways and ADA ramps.

Request for Proposals cannot be used for construction work. They are only to be used for certain types of professional services.

Design-build procurement can only be used for public projects that have a total aggregate value that exceeds \$1 million.

The City cannot self-perform any work on this project, as the total aggregate value of the project exceeds the \$30,000 force account limit per the California Public Contract Code, Section 22032.

The City may choose to request proposals for the procurement of equipment and design of the park only. The removal of existing equipment, installation of both equipment and cement work must be competitively bid per Section 22034 or 22037.

Please inform me as to how the City intends on bringing this project into compliance with the California Public Contract Code.

As the City is signatory to the California Uniform Construction Cost Accounting Act (CUCCAA), the City you are required to adhere to those statutes.

**Michelle Tucker**

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**From:** Joe Hollstein [jhollstein@atwater.org]  
**Sent:** Saturday, October 16, 2010 8:05 AM  
**To:** Michelle Tucker  
**Cc:** Patrick Faretta; Len Guillette  
**Subject:** RE: RFP for new playground equipment. project no. 10-06, Veterans Park

Ms Tucker

As I said before, we are not trying to evade the bidding requirements as section 22033. We are bidding the purchase and installation of the play equipment. We are trying to complete a project within the funds we have.

Joe Hollstein  
City Engineer  
City of Atwater

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**From:** Michelle Tucker [mtucker@cifac.org]  
**Sent:** Friday, October 15, 2010 9:06 AM  
**To:** Joe Hollstein  
**Cc:** Patrick Faretta  
**Subject:** RE: RFP for new playground equipment. project no. 10-06, Veterans Park

Mr. Holstein,

The applicable section of the Public Contract Code is listed here:

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.

(b) Public projects of one hundred twenty-five thousand dollars (\$125,000) or less may be let to contract by informal procedures as set forth in this article.

(c) Public projects of more than one hundred twenty-five thousand dollars (\$125,000) shall, except as otherwise provided in this article, be let to contract by formal bidding procedure.

22033. It shall be unlawful to split or separate into smaller work orders or projects any project for the purpose of evading the provisions of this article requiring work to be done by contract after competitive bidding.

The bidding threshold is determined by the total aggregate value of the project. If the city chooses to use force account work on this project, the city will be in direct violation of the law.

Your response: "I disagree with you that the demolition can not be done with City forces. The law provides that the work can be done with City forces if it is determined that it would cost less and the proper records are kept." What law are you referring to?

The applicable section of the code: Force account work can only be used AFTER rejecting all bids. The city cannot reject a portion of the bid as this is one project.



22038. (a) In its discretion, the public agency may reject any bids presented, if the agency, prior to rejecting all bids and declaring that the project can be more economically performed by employees of the agency, furnishes a written notice to an apparent low bidder. The notice shall inform the bidder of the agency's intention to reject the bid and shall be mailed at least two business days prior to the hearing at which the agency intends to reject the bid. If after the first invitation of bids all bids are rejected, after reevaluating its cost estimates of the project, the public agency shall have the option of either of the following:

(1) Abandoning the project or readvertising for bids in the manner described by this article.

(2) By passage of a resolution by a four-fifths vote of its governing body declaring that the project can be performed more economically by the employees of the public agency, may have the project done by force account without further complying with this article.

(b) If a contract is awarded, it shall be awarded to the lowest responsible bidder. If two or more bids are the same and the lowest, the public agency may accept the one it chooses.

(c) If no bids are received through the formal or informal procedure, the project may be performed by the employees of the public agency by force account, or negotiated contract without further complying with this article.

I request that the city further revise the Informal Bid Invitation to include the proposed force account work.

Thank you,

Michelle Tucker, CIFAC Central Region Field Representative  
mtucker@cifac.org  
(209) 532-2942 Phone/Fax

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**From:** Joe Hollstein [mailto:jhollstein@atwater.org]  
**Sent:** Friday, October 15, 2010 8:21 AM  
**To:** Michelle Tucker  
**Cc:** Len Guillette; Patrick Faretta  
**Subject:** RE: RFP for new playground equipment. project no. 10-06, Veterans Park

The request for bids have been modified to provide the method of selecting the lowest bidder in accordance with the requirements of the Public Contract Code. The selection process is the bid amount and the number of play equipment supplied.

The bids will come in sealed envelopes and be publicly opened.

I disagree with you that the demolition can not be done with City forces. The law provides that the work can be done with City forces if it is determined that it would cost less and the proper records are kept. Please understand that we have limited funds to do this project and wish to provide the maximum amount of play equipment at the end of the project.

Joe Hollstein  
City Engineer  
City of Atwater

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**From:** Michelle Tucker [mtucker@cifac.org]  
**Sent:** Thursday, October 14, 2010 10:07 AM  
**To:** Joe Hollstein

**Cc:** Patrick Faretta

**Subject:** RE: RFP for new playground equipment. project no. 10-06, Veterans Park

Thank you for your answer. I have a couple more questions/concerns. I would appreciate clarification of the following:

This project must be awarded to the lowest responsible bidder, without any specific requirements, how does the city intend to compare what may be apples and oranges?

In addition, will the removal of existing equipment, rubber chips and cement now be included in the informal bid? This work cannot be performed by city employees, as the total aggregate value of the project exceeds the \$30,000.

Will the bids be sealed and publicly opened?

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**From:** Joe Hollstein [mailto:jhollstein@atwater.org]

**Sent:** Thursday, October 14, 2010 6:16 AM

**To:** Michelle Tucker

**Cc:** Len Guillette; Patrick Faretta

**Subject:** FW: RFP for new playground equipment. project no. 10-06, Veterans Park

**Subject:** RE: RFP for new playground equipment. project no. 10-06, Veterans Park

Ms Tucker

Your email has been forwarded to me for response. We are fully aware of the requirements of the California Uniform Cost Accounting Act. We have no intention of circumventing it. Since the cost of the project was going to be under \$125,000, we were proceeding with the informal bidding procedure. We did use the incorrect term on the bid. It should have been titled Request for Informal Bid, not Request for Proposal.

In accordance with 22034 (b) of the Public Contract Code, we notified all of the contractors on our list that were capable of performing the work. We provide significantly more than 10 days for them to bid the work.

As to the question of Design/build, the construction of park play equipment is often handled the way we are. The play equipment from the various play equipment manufacturers has different footing requirements. Therefore the City can not specify those footings. In addition, the size of the play area varies depending on the equipment selected. Since the City is trying to get the most play equipment for the lowest cost, we want to give the manufacturers as much flexibility as possible.

In order to resolve this issue, the City is revising the request to reflect that it is a Request for Informal Bid, renotifying the potential bidders and providing them with an additional 10 days to prepare their bids.

At no time was the City dispensing with the bidding requirements for this work.

If you have any questions, please contact me at [jhollstein@atwater.org](mailto:jhollstein@atwater.org) or call me at 209 357-6231.

Joe Hollstein  
City Engineer  
City of Atwater.

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**From:** Michelle Tucker [mailto:mtucker@cifac.org]

**Sent:** Tuesday, October 12, 2010 11:52 AM

**To:** Patrick Faretta  
**Cc:** citymanager; Mayor  
**Subject:** RE: RFP for new playground equipment. project no. 10-06, Veterans Park

Mr. Faretta: The City is signatory to the California Uniform Construction Cost Accounting Act, CUCCAC. This Act requires all public projects that exceed \$30,000 be competitively bid. In addition, there are specific advertising and bidding requirements that must be followed.

Request for Proposals are generally used for professional services and cannot be used for construction work.

This project is being treated as a design-build, as indicated in the language of the RFP. Design-build is only allowed for projects that exceed \$1 million.

Under what legal authority is the City dispensing with competitive bidding?

If the city goes forth with awarding the construction work in the RFP, and or self-performs any portion of this project, the City will be out of compliance with the California Uniform Construction Cost Accounting Act requirements and the California Public Contract Code.

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**From:** Patrick Faretta [mailto:pfaretta@atwater.org]  
**Sent:** Tuesday, October 12, 2010 11:35 AM  
**To:** Michelle Tucker  
**Subject:** Re: RFP for new playground equipment. project no. 10-06

October 12, 2010

Dear Ms. Tucker:

As indicated clearly in the RFP, City Staff will be looking after the removal of the existing play equipment, curbing and rubber chips.

If you do not mind me asking, why would you be concerned about who is doing the removal?

Thanks for your inquiry.

Best regards,

Patrick Faretta

Sent from my iPhone

On Oct 12, 2010, at 11:07 AM, "Michelle Tucker" <[mtucker@cifac.org](mailto:mtucker@cifac.org)> wrote:

Good morning Mr. Faretta,

I work for the Construction Industry Force Account Council as a Public Contract Code Compliance Investigator. While reviewing the City's website, I came across the above referenced RFP for the design and installation of new playground equipment at Veterans Park.

The removal of the existing play equipment, rubber chips and cement curbing was excluded from the RFP. Has this portion of the project been bid out? Who will be performing this portion of the work?

I look forward to your response.

Regards,

Michelle Tucker, CIFAC Central Region Field Representative  
[mtucker@cifac.org](mailto:mtucker@cifac.org)  
(209) 532-2942 Phone/Fax  
19815 Rough and Ready Trail  
Sonora, CA 95370



*construction industry force account council*

D. A. McCosker, President

Steve Harris, Vice President

Dave Thomas, Secretary

Michael Hester, Treasurer

October 18, 2010

**COPY**

Gregory B. Wellman, City Manager  
City of Atwater  
750 Bellevue Road  
Atwater, CA 95301

Sent Via Certified Mail: October 18, 2010

Re: Design, Installation and Furnishing of Playground Equipment at Veterans Park, City Project No. 10-06

Dear Mr. Wellman,

The Construction Industry Force Account Council (CIFAC) is a non-profit organization that monitors governmental agencies to ensure they abide by the California Public Contract Code. We represent contractors, contractor organizations and various building trades.

I have recently been in contact with the City regarding several concerns I had with City Project No. 10-06. My concerns stemmed from improper bidding procedures used on this project. It appears that all but one of my concerns has been rectified. I left you a message and sent you a detailed email on Friday, October 15 and have yet to receive a response.

It is my understanding that the City intends on self-performing the removal of existing playground equipment, rubber chips and cement curbing.

I would like to inform you that the City may not self-perform any work on this project, as the total aggregate value of the project exceeds the \$30,000 force account limit/bidding threshold per the California Public Contract Code, Section 22032. Listed below is the applicable section of the law for your reference.

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.

(b) Public projects of one hundred twenty-five thousand dollars (\$125,000) or less may be let to contract by informal procedures as set forth in this article.

(c) Public projects of more than one hundred twenty-five thousand dollars (\$125,000) shall, except as otherwise provided in this article, be let to contract by formal bidding procedure.

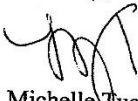
22033. It shall be unlawful to split or separate into smaller work orders or projects any project for the purpose of evading the provisions of this article requiring work to be done by contract after competitive bidding.

We request an immediate revision of the Request for Proposals to include the removal and disposal of the existing playground equipment, rubber chips and cement curbing and extension of the bid opening date.

This letter shall **not** serve as a formal complaint; it is our intention to guide the City into staying in compliance.

As we have been told, time is of the essence on this project, so we need to find a mutual remedy prior to the project bid opening. We would appreciate an immediate response to this letter. You may contact me if you have any questions at (209) 532-2942.

Sincerely,



Michelle Tucker, CIFAC Central Region Representative  
mtucker@cifac.org  
19815 Rough and Ready Trail  
Sonora, CA 95370

CC Joan Faul, Mayor



*construction industry force account council*

D. A. McCosker, President

Steve Harris, Vice President

Dave Thomas, Secretary

Michael Hester, Treasurer

November 3, 2010

**COPY**

Dennis L Myers, City Attorney  
City of Atwater  
750 Bellevue Road  
Atwater, CA 95301

Sent Via Certified Mail: November 3, 2010

Re: Design, Installation and Furnishing of Playground Equipment at Veterans Park, City Project No. 10-06

Dear Mr. Myers,

We have received the City's response letter, dated October 26, 2010. It is our understating that the City disagrees with our position regarding the use of force account work on the above referenced project. In addition, you have made it clear that the City intends on proceeding with self-performing the demolition of the existing play equipment, rubber chips and cement curbing.

This is *not* a formal complaint; however, we wish to inform the City, that if you should proceed with self-performing the work, we will file a complaint against the City, with the California Uniform Construction Cost Accounting Commission.

As this work needs to be competitively bid, it is our opinion that the City has two options;

- 1) Reject all bids and rebid the project with the demolition work
- 2) Separately bid the demolition work

Per the California Public Records Act: Government Code 6250 et. seq., we request a copy of the bid results be sent to us for review. If you feel that this document is exempt, please state the legal authority under which you claim exemption.

We would appreciate an immediate response to this letter. You may contact me if you have any questions at (209) 532-2942.

Sincerely,

Michelle Tucker, CIFAC Central Region Representative  
mtucker@cifac.org  
19815 Rough and Ready Trail  
Sonora, CA 95370

CC Joan Faul, Mayor  
CC Gregory B Wellman, City Manager



*construction industry force account council*

D. A. McCosker, President

Steve Harris, Vice President

Dave Thomas, Secretary

Michael Hester, Treasurer

January 21, 2011

**COPY**

Patrick E. Faretta, Director of Parks and Community Services  
City of Atwater  
760 East Bellevue Road  
Atwater, CA 95301

Re: Design, Installation and Furnishing of Playground Equipment at Veterans Park, City Project  
No. 10-06

Dear Mr. Faretta,

The Construction Industry Force Account Council (CIFAC) is a non-profit organization that monitors governmental agencies to ensure they abide by the California Public Contract Code. We represent contractors, contractor organizations and various building trades.

We have recently had a number of inquiries regarding the Veterans Park Playground Installation Project. This letter is to obtain clarification from you regarding these inquiries. Please provide copies of the following documents or the legal authority under which you claim exemption:

1. Copies of all change orders and/or amendments to the contract
2. Copies of certified payrolls for all city employees performing work on the project, including the amount of hours performed by each
3. Copies of all documents showing the scope of work performed by city employees

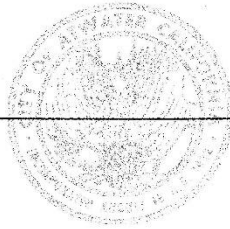
Thank you for your prompt reply to this letter. We are requesting these documents per the California Public Records Act; Government Code 6250 et. seq. and, therefore, will expect a reply by February 4, 2011. Please contact me if you have any questions at (209) 532-2942.

Sincerely,

Michelle Tucker, CIFAC Central Region Representative  
mtucker@cifac.org  
19815 Rough and Ready Trail  
Sonora, CA 95370



## CITY OF ATWATER



CIVIC CENTER  
750 BELLEVUE ROAD  
ATWATER, CALIFORNIA 95301

## OFFICE OF THE CITY ATTORNEY

October 26, 2010

Michelle Tucker,  
CIFAC Central Region Field Representative  
19815 Rough and Ready Trail  
Sonora, CA 95370

RE: RFP for new playground equipment. Project No. 10-06, Veterans Park

Ms Tucker:

The City is in receipt of your letter of October 18, 2010. The City still disagrees with your interpretation of Sections 22032 and 22033 of the Public Contract Code. Subsection 22032 provides the procedure to be used for contracting work within specified dollar amounts. The City is in compliance with that section. The proposed work will be less than \$125,000; so informal bidding is the appropriate method to proceed.

Pursuant to Section 22033, it is unlawful to split a project for the purpose of evading the provisions of this article requiring work to be done by contract after competitive bidding. The City is not trying to evade bidding the work. In fact, the City is currently bidding the work in accordance with Section 22034.

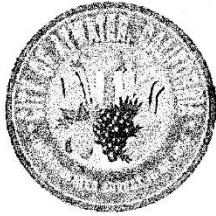
The City has a limited amount of funds for the project. Once those funds are used, no additional work can be done. All, including the demolition in the bid would do is reduce the amount of play equipment that will be installed. In order to provide the maximum benefit for the citizens, the City chose to remove the old play equipment with its own forces.

We believe the City's actions are according to the law as set forth above. Thus, we believe we have a meritorious defense to whatever action you wish to bring. Please address all further correspondence regarding this matter to this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis L. Myers", is written over a horizontal line.

Dennis L. Myers  
City Attorney  
City of Atwater



CITY OF ATWATER  
PARKS & COMMUNITY SERVICES DEPARTMENT

REQUEST FOR PROPOSAL  
REQUEST FOR INFORMAL BID

CITY PROJECT NO. 10 - 06

The City of Atwater Parks & Community Services Department invites qualified firms to submit proposals informal bids for design and installation of playground equipment in Veterans Park, located at 2680 Buhach Road in Atwater, CA.

- PROJECT:** Furnish, design and install playground equipment for two areas in Veterans Park. City of Atwater will remove existing play equipment, rubber chips and existing cement curbing. Installation will include twelve (12) inches of SoftFall Engineered Wood Fiber or equivalent throughout the entire play ground areas. Due to Atwater's sandy soil conditions, a drainage system will likely not be needed. However, an appropriate weed barrier fabric should be included. Both play areas will require the installation of a wheelchair accessible ramp(s), cement curbing and cement walkways that connect the two play areas to each other and to other facilities within the park.
- PROJECT AREA:** Veterans Park is located at 2680 Buhach Road in Atwater, CA. Enclosed with the Request For Proposal Request for Informal Bid is an overhead view of the project area, project location map and site photos of the existing play areas that will be removed by the City of Atwater.
- SPECIFICATIONS:** Playground area No. 1
- Play equipment apparatus with no swings.
  - Play equipment must conform to current U.S. Consumer Product Safety Commission Guidelines.
  - Play equipment must comply with access standards set forth by the American Disabilities Act.
  - Engineered Wood Fiber must meet all relevant ASTM standards.
  - Wheelchair accessible ramp(s) that meet access standards set forth by the American Disabilities Act.
  - ~~Design must include an appropriate balance of apparatus for ages 2 - 12 with extra emphasis on fitness and fun.~~
  - Design shall include appropriate apparatus for ages 5 - 12 with extra emphasis on fitness and fun.
  - Installation of cement walkway to create an accessible path from playground to existing picnic shelter.

**Veterans Park Playground Equipment RFP Request for Informal bid**

**Playground area No. 2**

- Swings only.
- Swings must conform to current U.S. Consumer Product Safety Commission Guidelines.
- Engineered Wood Fiber must meet all relevant ASTM standards.
- Proper use zones for swing units must be considered in design.
- Wheelchair accessible ramp(s) that meet access standards set forth by the American Disabilities Act.
- Design must include a minimum of ~~two (2) bays~~ one (1) bay for tot swings and ~~two (2) bays~~ one (1) bay for belt swings.
- Installation of cement walkway to create an accessible path from Playground area No. 1 to Playground area No. 2.

**BUDGET:**

The City of Atwater has allocated approximately \$65,124 for this project. The City also received a private donation for this project in the amount of \$10,000. The total project budget is \$75,124.

**DELIVERABLES:**

At time of submittal due date:

- 3 – D rendering of proposed design for both Playground areas that will include wheelchair accessible ramps, cement curbing and cement walkways.
- Itemized list of costs for playground apparatus, Engineered Wood Fiber, weed barrier fabric, cement curbing, wheelchair accessible ramps, cement walkways and complete installation.
- Sealed proposal.

At time firm is selected and prior to project start up:

- Performance Bond.
- Payment Bond.
- Proof of appropriate/ required insurance documents.

**SUBMITTAL DATE:** Responses to the ~~Request For Proposal~~ Request for Informal Bid must be received no later than 6:00 PM PST on Thursday, October 14, 2010 2:00 PM PST on Thursday, October 28, 2010. Responses to the RFP request for Informal Bid that are received after that time will be returned to the sender unopened. Postmarks will not be accepted.

Send or deliver responses to ~~Request For Proposal~~ Request for Informal Bid to:

City of Atwater  
Parks & Community Services Department  
Atwater Community Center  
760 East Bellevue Road  
Atwater, CA 95301  
Attn: Patrick E. Faretta, Director  
Subject: Response to ~~Request For Proposal~~ Request for Informal Bid for Veterans Park Playground Equipment

**Veterans Park Playground Equipment RFP Request for Informal Bid**

Two (2) copies of each response to the RFP request for Informal Bid are required.

Any questions should be submitted in writing, e-mailed or faxed to:

Questions in Response to ~~Request For Proposal~~ Request for  
Informal Bid for Veterans Park Playground Equipment  
Attn: Patrick E. Faretta  
Director of Parks & Community Services  
Atwater Community Center  
760 East Bellevue Road  
Atwater, CA 95301

Site visits are not required, but are encouraged and will be  
accommodated by contacting Patrick E. Faretta.

Contact Telephone Number  
Patrick E. Faretta (209) 357-6322  
E-mail: [pfaretta@atwater.org](mailto:pfaretta@atwater.org)

Fax Number: (209) 357-6325

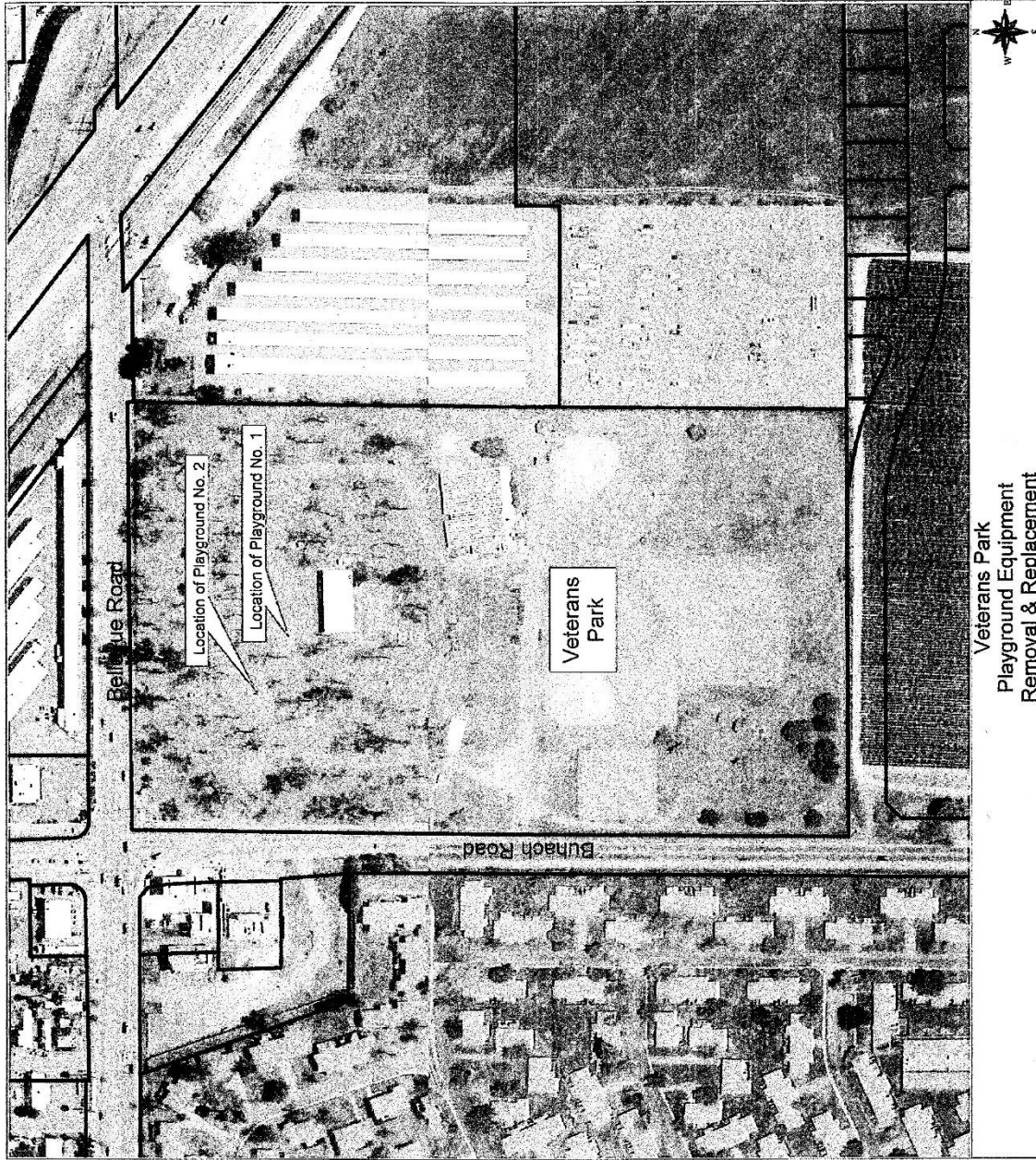
The City of Atwater's web site <http://www.atwater.org/> will have  
posted a copy of the ~~Request For Proposal~~ Request for Informal  
Bid for the Veterans Park Playground Equipment.

**SELECTION CRITERIA:**

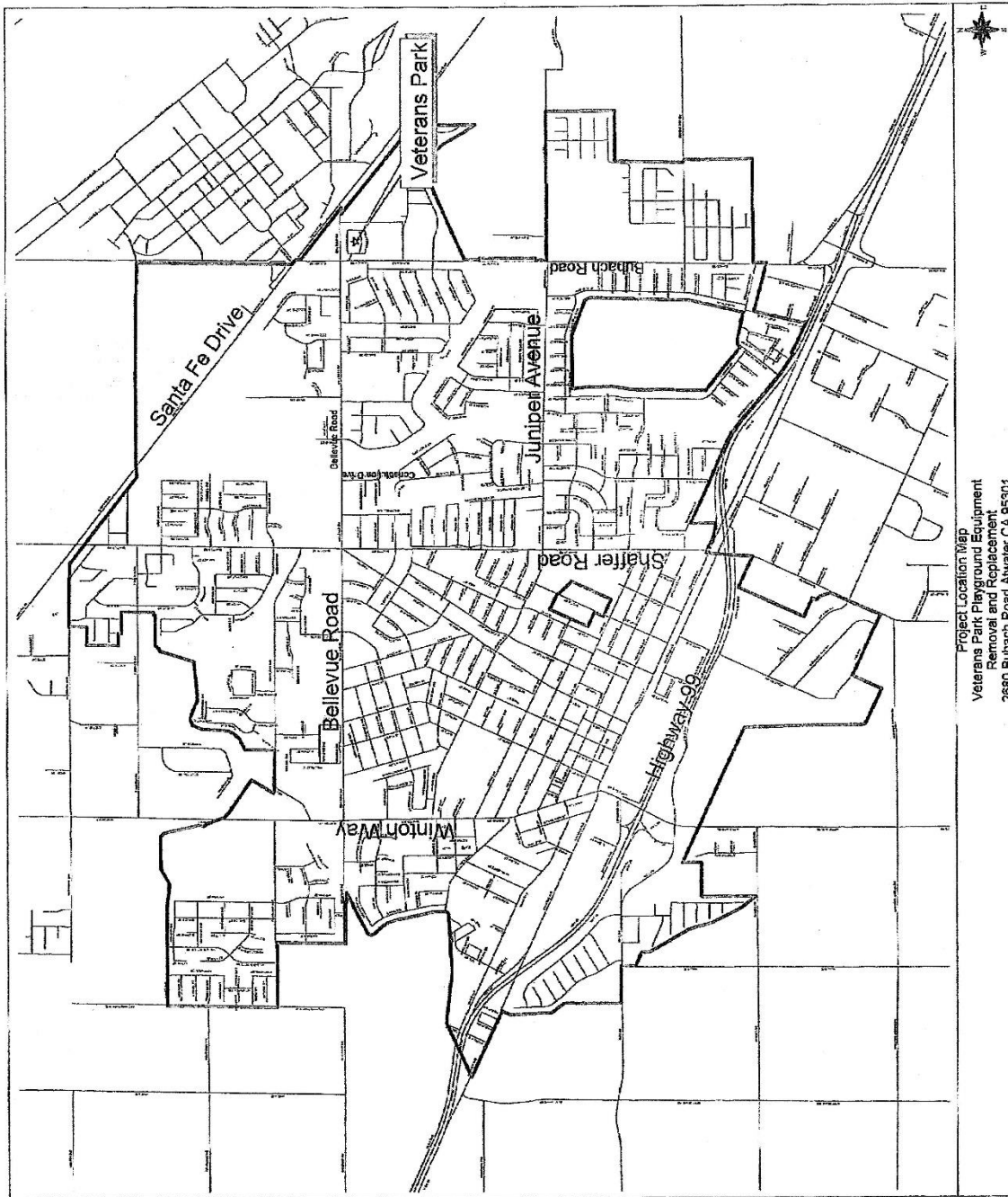
- \* Lowest total cost.
- \* The amount of individual play components that will be incorporated into the overall design of the playground equipment and to the degree in which the play structure provides an emphasis on fitness and fun.
- \* Compliance to all applicable safety rules and guidelines.

**AWARD DATE:**

Although subject to change, anticipated date of contract award will be  
Monday, ~~October 25, 2010~~. November, 8, 2010.

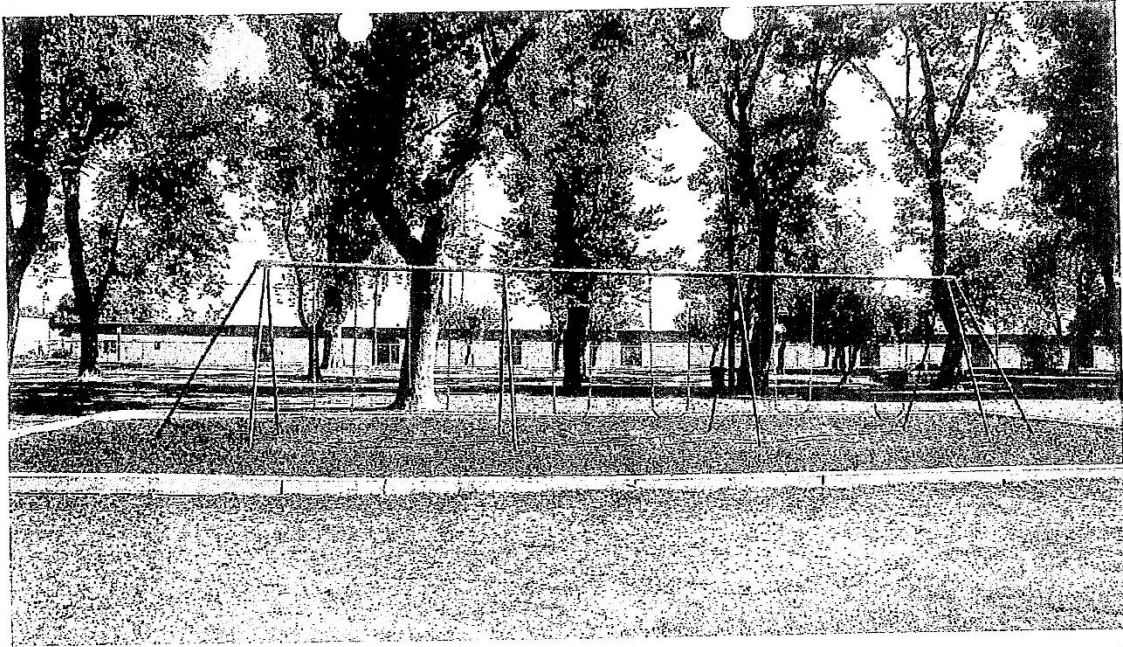


Veterans Park  
Playground Equipment  
Removal & Replacement

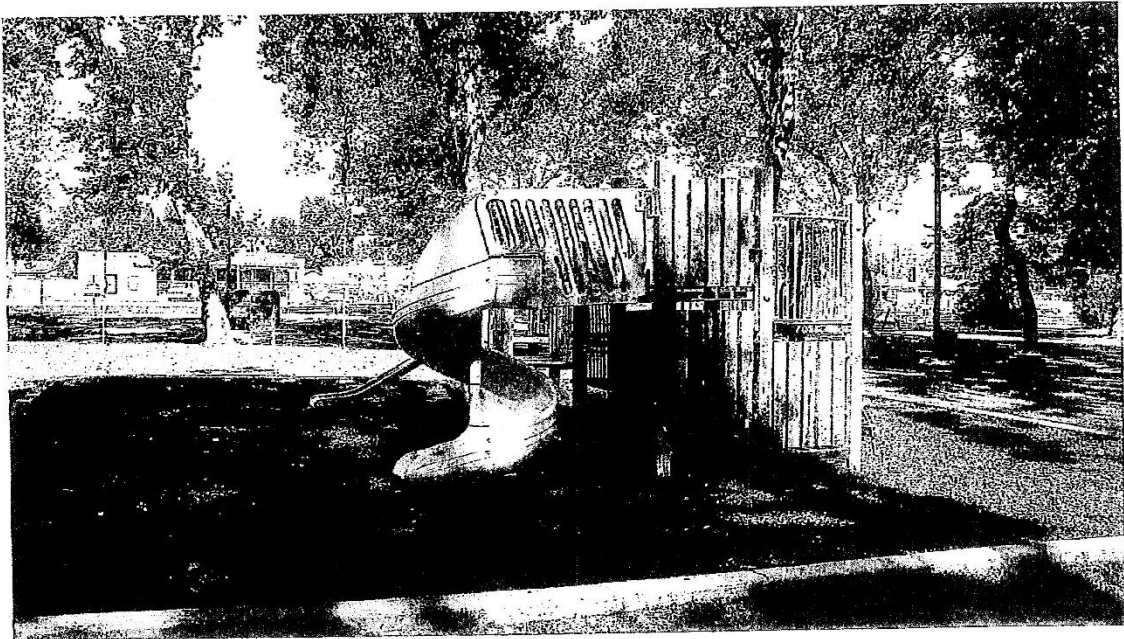


Project Location Map  
Veterans Park Playground Equipment  
Removal and Replacement  
2660 Buhach Road Alhambra, CA 95301

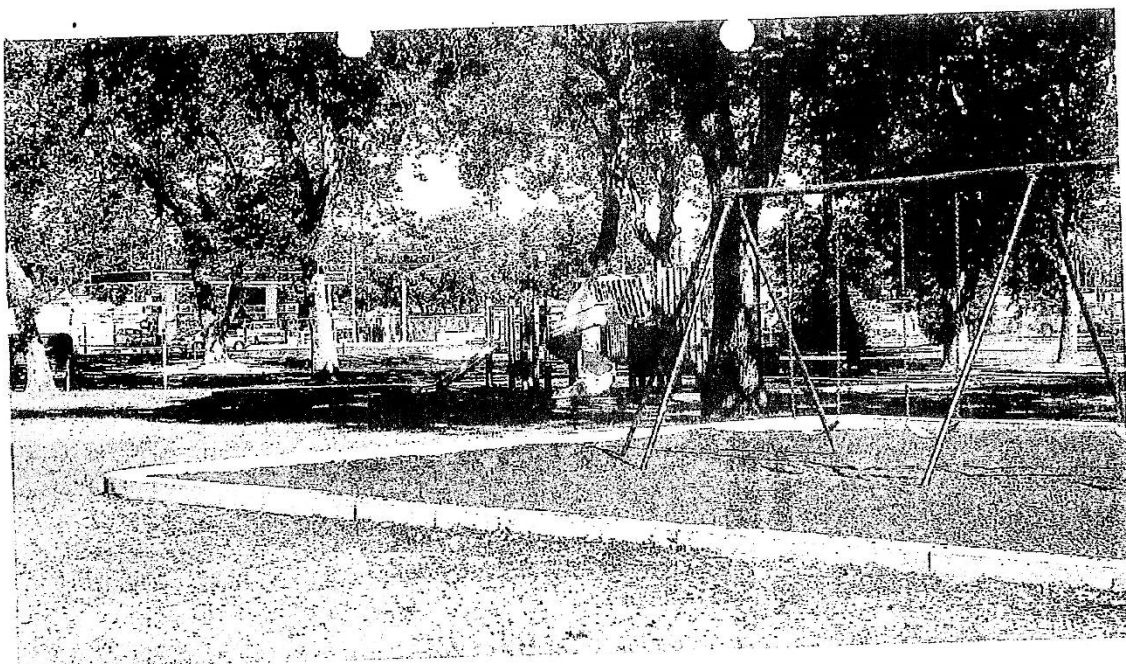




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REMOVE AND REPLACE

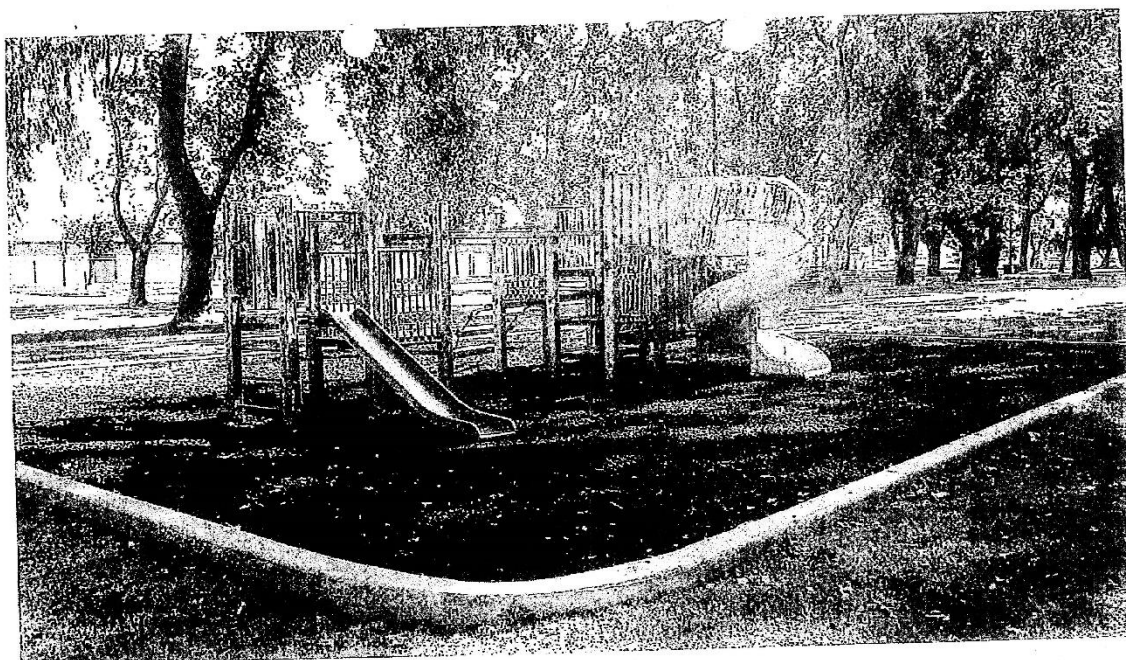


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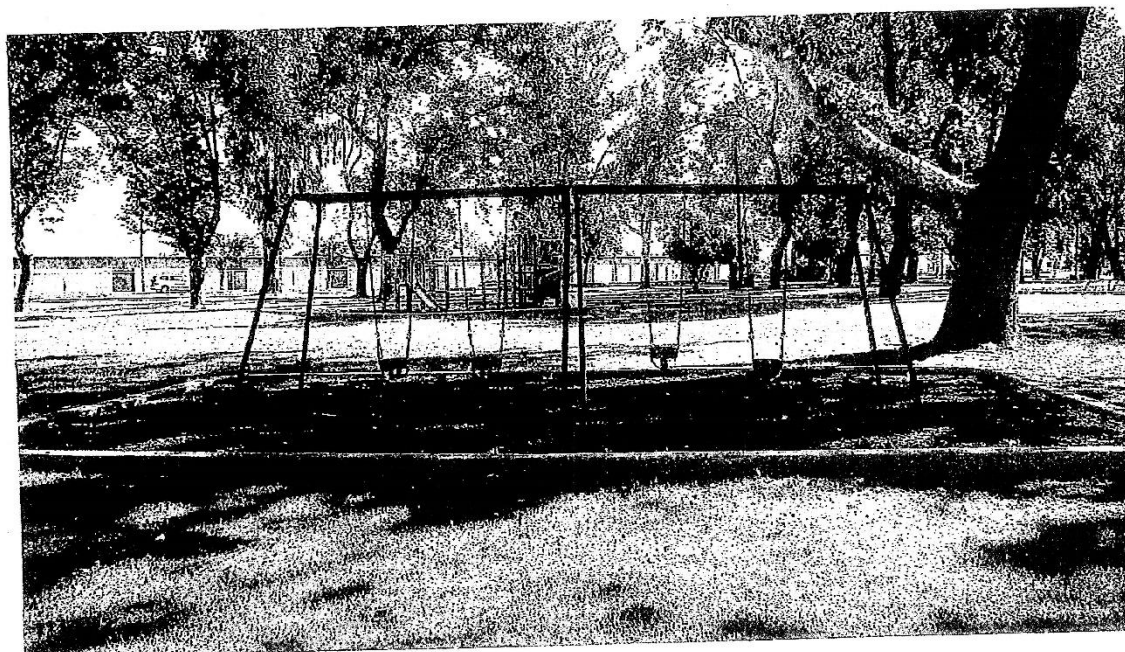


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October 26, 2010

CITY OF ATWATER  
VETERANS PARK  
2680 BUHACH RD  
ATWATER CA

Dear City of Atwater

A.I.R.S and NSP3 is delighted to provide the City of Atwater with this playground equipment proposal.

This design was developed with your specific needs in mind, and we look forward to discussing this project further with you to ensure your complete satisfaction. A.I.R.S is confident that this proposal will satisfy Veterans park functional, environmental, and safety requirements — and most importantly — bring joy and excitement to the children and families directly benefiting from your new playground.

You have our personal commitment to support this project and your organization in every manner possible, and we look forward to continue developing a long-standing relationship with the City of Atwater. We appreciate your consideration and value this opportunity to earn your business.

Sincerely,

DARIN MCCULLOUGH  
A.I.R.S #790619  
4436 SAN VITO DR  
SALIDA CA 95368

## INSTALLATION AND SUPPLIES

**Job #****A.I.R.S.**

**#790619**  
**#CPSI 7939-0909**  
**DARIN MCCULLOUGH**  
**4436 SAN VITO DRIVE**  
**SALIDA, CA 95368**  
**CELL (209)765-6594**  
**FAX (209)545-6939**  
**EMAIL INSTALLPROS@JPS.NET**

**Job Description:**

ATWATER PLAYGROUND VETERANS PARK

SERVICE	DESCRIPTION	CHARGES	TOTAL
HOURS		10 X 12	\$3,381.12
	POUR CONCRETE RETAINER AROUND STRUCTURE	10 X 12	\$2,369.74
	POUR CONCRETE RETAINER AROUND SWINGS		\$2,200.00
	EXCAVATION		\$5,600.00
	POUR CONCRETE WALKWAY 4 FT X 140 FT		
	S PATH PAST FROM SHELTER TO PLAYAREA 1 AN AREA 2		\$7,200.00
	INSTALL PLAY STRUCTURE		\$2,000.00
	INSTALL SWINGS		\$400.00
	INSTALL WEED SCREEN		\$2,000.00
	INSTALL WOOD CHIPS		\$800.00
	INSTALL ADA RAMPS LONG STYLE		\$2,200.00
	PROVIDE BONDS/ PERFORMANCE AND PAYMENT		\$7,800.00
	SUPPLY ENGINEERED WOODFIBER		\$1,200.00
	SUPPLY WEED SCREEN		
	SUPPLY SWING SET 1 AND		\$37,750.00
	SUPPLY STRUCTURE OPTION # 2		
	SHIPPING AND HANDLING INCLUDED		
	CITY TO REMOVE STRUCTURE AND ALL UNITARY SURFACE AND SAND DOWN TO 12 INCHES		
	CITY TO RECEIVE PLAYGROUND EQUIPMENT AT CORPRATE YARD		
		Total service charges:	\$74,690.86
		Price valid until:	12/26/2010





PROJECT NO. N100439	REV. -	DATE 10-8-10
SYSTEM CHALLENGERS		SCALE 1/8" = 1'-0"
SITE PLAN		DRAWN BY: Melissa

NSP<sup>3</sup>  
1555 Tahoe Court Redding CA 96003  
www.nsp3.com  
phone 1-877-473-7619



# PLAYWORLD™

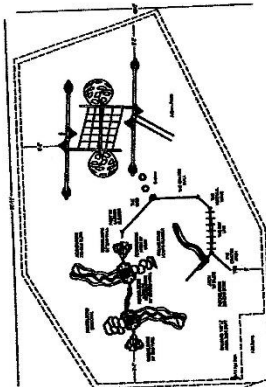
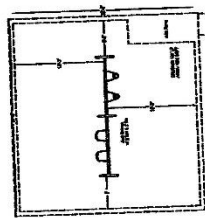
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**Veterans Park Option 2**

Atwater, CA

5-12  
5-13





CPSC  
6005

60 USERS

5'12"

**PLAYWORLD™**

© 2007 Playworld Manufacturing, Inc.  
Playworld is a registered trademark of Playworld Manufacturing, Inc.

**Veterans Park Option 2**

Anwiler, CA



8' FT.

as tested

as tested

\*Playground Supervision Required

PROJECT NO:	DATE:
N100439	10-8-10
CHALLENGERS	SCALE:
	115
SITE PLAN	OWNER:
	Melissa

NSP  
1555 Tahoe Court Redding CA 96003  
www.nsp3.com  
Phone 1-877-473-7619

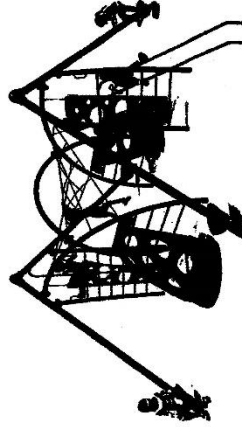
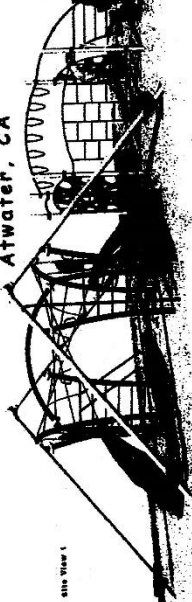
155' - 200'

# Veterans Park Option 2 Atwater, CA

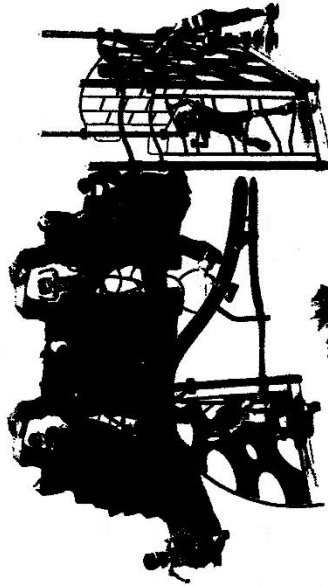
PROJECT:  
PLAY STRUCTURE  
DESIGNED BY  
THE BUREAU OF  
RECREATION  
AND PARKS  
DEPARTMENT  
ATWATER, CALIF.  
DESIGNED BY  
THE BUREAU OF  
RECREATION  
AND PARKS  
DEPARTMENT  
ATWATER, CALIF.

155' - 200'

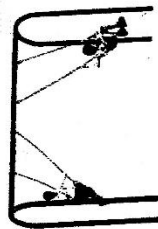
Site View 1



Aerial - Front



Site View 2



Aerial - Back



Site View 3





**EXHIBIT "C"****EXHIBIT "C"****BID SUMMARY****VETERANS PARK PLAYGROUND EQUIPMENT**

Project No. 10-6; Bid Call No. 643-10; Project No. 10-6  
 Bid Opening: October 28, 2010 at 3:00 pm

Maximum Funds Available \$75,124.00

	Contractor	Bid No.	Total Bid	No. of Play Stations	Amount Per Play Station
Low Bid	Playcraft Direct 123 N. Valley Dr. Grants Pass, OR 97526	1	\$ 73,743.65	20	\$ 3,687.18
	Edwards & Associates P.O. Box 909 Carmel Valley, CA 93924	1	\$ 73,899.19	19	\$ 3,889.43
	Game Time 1030-B Railroad Ave. Novato, CA 94945	1	\$ 73,587.49	20	\$ 3,679.37
	Game Time 1030-B Railroad Ave. Novato, CA 94945	2	\$ 74,608.53	18	\$ 4,144.92
	A.I.R.S. & N.S.P.3 4436 San Vito Dr. Salida, CA 95368	1	\$ 74,690.85	23	\$ 3,247.43
	LOWEST BID BASED ON EQUIPMENT				
	A.I.R.S. & N.S.P.3 4436 San Vito Dr. Salida, CA 95368	2	\$ 73,897.15	21	\$ 3,518.91
	BYO Playground 101 E. Town Place, Suite 650 St. Augustine, FL 32092	1	\$ 74,983.75	22	\$ 3,408.35
	BYO Playground 101 E. Town Place, Suite 650 St. Augustine, FL 32092	2	\$ 73,128.58	20	\$ 3,656.43
	Ross Recreation Equipment 101 Brush Creek Rd. Santa Rosa, CA 95404	1	\$ 73,756.54	10	\$ 7,375.65
	Ross Recreation Equipment 101 Brush Creek Rd. Santa Rosa, CA 95404	2	\$ 74,945.77	15	\$ 4,996.38
	Recreation Republic 7668 El Camino Real, Suite. 104-287 Carlsbad, CA 92009	1	\$ 73,339.60	11	\$ 6,667.24

## EXHIBIT "B"

### CONTRACT

THIS AGREEMENT, made and entered into this 8<sup>th</sup> day of November, 2010, by and between the CITY OF ATWATER, California, a municipal corporation of the General Law Class, herein called the "City", and AIRS, herein called the "Contractor".

### RECITALS

- A. The City gave notice inviting bids to be submitted by 2:00 p.m. 10/28/10 for the **Veterans Park Play Equipment Project** by published notice and/or posting in accordance with California Public Contract Code Section 20164 and other applicable law.
- B. On November 1, 2010, City representatives opened bids for the **Veterans Park Play Equipment Project**.
- C. On November 8, 2010, the City Council awarded the **Veterans Park Play Equipment Project** to the Contractor and directed City staff to send the Contractor written notice of award of the project. The City Council conditioned award of the project on the Contractor's providing executed copies of all documents specified in the contract checklist included in the bid package within ten (10) working days of receiving written notice of award of the project.
- D. The Contractor has provided the City executed copies of all documents specified in the contract checklist included in the bid package within ten (10) working days of receiving written notice of award.

### AGREEMENT TERMS

That for and in consideration of the payments and agreements hereinafter mentioned, to be made and performed by the City, the Contractor hereby agrees with the City to commence and complete the work embraced in the Plans, Technical Specifications, Special Provisions and contract documents for the **VETERANS PARK PLAY EQUIPMENT** including all extra work in connection therewith, under the terms as stated therein, and at the Contractor's own proper cost and expense to furnish all plant, labor, materials, tools, equipment, superintendence, bonds, insurance, guaranties and other accessories and services necessary therefore.

The Agreement consists of the following documents ("Contract Documents"), all of which are incorporated into and made part of this Agreement as if set forth in full:

- A. This Agreement and change orders and other amendments to this Agreement signed by authorized representatives of the City and the Contractor.
- B. The Special Provisions and any addenda to the Special Provisions signed by authorized representatives of the City and issued prior to bid opening.

- C. The Project Plans, addenda to the Project Plans signed by authorized representatives of the City and issued prior to bid opening and change orders and other amendments to the Project Plans signed by authorized representatives of the City and the Contractor.
- D. Notice to Bidders.
- E. Instructions to Bidders.
- F. The successful bidder's completed Proposal Form. (Exhibit "A")
- G. The successful bidder's completed Contractor License Information.
- H. The successful bidder's completed List of Proposed Subcontractors.
- I. The successful bidder's completed Non-collusion Affidavit
- J. The successful bidder's completed Certificates of Insurance and Endorsements.
- K. The successful bidder's executed Performance Bond.
- L. The successful bidder's executed Payment Bond.
- M. The project is subject to the requirements of Section 1770 *et seq.* of the California Labor Code requiring the payment of prevailing wages.

The Contractor hereby further agrees to commence work under this contract and to prosecute the same to completion within the time limits prescribed in the specifications and contract documents; and further agrees to pay, as liquidated damages, the sum of \$250.00 for each consecutive calendar day of delay in completing said work or any portion thereof in excess of said time limits and any authorized time extensions.

The Contractor hereby certifies that he is aware of and will comply with the wage requirements as set forth in Chapter 1 of Part 7 of Division 2 of the Labor Code, which require every employer to be insured against liability for workmen's compensation or to undertake self-insurance before commencing any of the work.

The City hereby agrees with the Contractor to employ, and does hereby employ, the Contractor for the performance of the contract according to the terms and conditions herein contained and referred to, and further agrees to pay the Contractor for the performance of the contract in accordance with the prices set forth in the Contractor's proposal, a copy of which is bound herein, subject to additions and deductions as provided in the specifications and contract documents, and to make payments on a monthly basis as provided in the specifications.

Assignment: No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and specifically but without limitation monies that may become due and monies that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

This Agreement shall inure to the benefit of, and be binding upon, the successors in interest, legal representatives, trustees, and permitted assigns of either party.

Notices: All notices permitted or required hereunder shall be addressed as follows and shall be deemed delivered upon posting the notice first class, U.S. mail, postage prepaid:

Any written notice to the City shall be sent to:

Len Guillette, Deputy Director of Engineering  
City of Atwater  
750 Bellevue Road  
Atwater, CA 95301

Any written notice to Contractor shall be sent to:

Darin McCullough  
4436 San Vito Dr.  
Salida, CA. 95368

Governing law: Venue: The laws of the State of California shall govern this Agreement, without regard for the choice of law doctrine. Venue shall be in the County of Merced.

Severability: If a court of competent jurisdiction finds or rules that any provision of this Agreement is invalid, void, or unenforceable, the provisions of this Agreement not so adjudged shall remain in full force and effect. The invalidity in whole or in part of any provision of this Agreement shall not void or affect the validity of any other provision of this Agreement.

IN WITNESS WHEREOF, the City and the Contractor have executed this contract in three counterparts, each of which shall be deemed an original, on the date first above written.

FOR THE CITY:

FOR THE CONTRACTOR:

\_\_\_\_\_  
CAROL JOAN FAUL, Mayor

ATTEST:

\_\_\_\_\_  
JEANNA DEL REAL, City Clerk

APPROVED AS TO FORM,  
SUBSTANCE AND LEGALITY:

\_\_\_\_\_  
DENNIS L. MYERS, City Attorney

City of Atwater



CIVIC CENTER  
750 BELLEVUE ROAD  
ATWATER, CALIFORNIA 95301

January 13, 2011

A.I.R.S.  
Darin McCullough  
4436 San Vito Drive  
Salida, CA 953568

## NOTICE TO PROCEED

VETERANS PARK PLAY EQUIPMENT  
City Project No. 10-6

Gentlemen:

This notice is to inform you that you are to commence work on the construction of the subject project as of January 10, 2011. You will be charged working days beginning January 10, 2011 or whenever you start work, whichever comes first.

CITY OF ATWATER

BY: Leonard P. Guillet  
Leonard P. Guillet  
Deputy Director of Engineering

Please sign and return copy.

Received by:  
A.I.R.S.

BY: \_\_\_\_\_

DATE: \_\_\_\_\_

## Veterans Park Playground Equipment Public Project Unit Employee Weekly Time Report

**Name: N. Karastathas**

**Classification: Maintenance Worker II**


**Rate: \$62.61**Recording Supervisor:

or: Emil

<b>EXHIBIT III-1</b>
<b>Veterans Park Playground Equipment Public Project Unit Employee Weekly Time Report</b>
<b>Week of: 01-10-11</b>
<b>Name: R. Bowman</b>
<b>Unit: Parks &amp; Community Services</b>
<b>Classification: Maintenance Worker I</b>
<b>Rate: \$31.57</b>


Recording Supervisor: Eric L.

<b>EXHIBIT III-1</b>								
<b>Veterans Park Playground Equipment Public Project Unit Employee Weekly Time Report</b>								
<b>Week of: 01-17-11</b>								
<b>Name: N. Karastathas</b>								
<b>Unit: Parks &amp; Community Services</b>								
<b>Classification: Maintenance Worker II</b>								
<b>Rate: \$62.61</b>								
Classification	Mon	Tues	Wed	Thurs	Fri	Sat	Sun	Total
Locating/relocating irrigation			3	8				11
								0
								0
								0
								0
								0
								0
								0
								0
								0
								0
								0
								0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>11</b>

Recording Supervisor: 



<b>EXHIBIT III-1</b>
<b>Veterans Park Playground Equipment Public Project Unit Employee Weekly Time Report</b>
<b>Week of: 01-17-11</b>
<b>Name: R. Bowman</b>
<b>Unit: Parks &amp; Community Services</b>
<b>Classification: Maintenance Worker I</b>
<b>Rate: \$31.57</b>

Recording Supervisor: 



*construction industry force account council*

D. A. McCosker, President

Steve Harris, Vice President

Dave Thomas, Secretary

Michael Hester, Treasurer

March 17, 2011

Jeff Armstrong, Chair  
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

Sent Certified Mail: March 17, 2011

Re: Complaint against the Groveland Community Services District

Dear Chair Armstrong,

This letter shall serve as a request for Commission discussion and possible action against the Groveland Community Services District (District). We would like the Commission to review the attached information regarding a possible violation of the California Public Contract Code, Section 22042 (a), work performed by a public agency after rejection of all bids, claiming work can be done less expensively by the public agency.

The District previously competitively bid this project in January 2007. All bids were rejected, with the District opting to self-perform the work as allowed by Public Contract Code, Section 22038. The original time frame allowed to the contractors, per the bid documents was for project completion within an eight (8) month period. As of March 17, 2011, the work has not yet been completed. In addition, it appears that portions of the project were performed by independent contractors and were not competitively bid. Further, it appears that they completed extra work outside the scope of the original project. This work is on-going and we suspect that the District has exceeded its force account limit.

Due to a change in the scope of work, the duration of the project and parts not self-performed, we are concerned that after rejecting all bids on this project, the District did not complete the same project.

Listed below are the approximate dates that several of the lift stations were completed. These show that the project was not completed in the original time frame required in the bid documents.

Lift station #1 was completed in November, 2008  
Lift station #3 was completed in June/July 2008  
Lift station #9 was completed in March 2008  
Lift station #10 was completed around January 2008  
Lift station #12 was completed in May 2008  
Lift station #14 was completed in October 2009  
Lift station #15 was completed in May 2010

The work in question is described as:

Lift Station Improvements Project- Phase 2

Cathryn Hilliard, Executive Director  
837 Arnold Drive, Suite 200, Martinez, CA 94553 • phone 800-755-3354 • fax 925-957-1800 • email [info@cifac.org](mailto:info@cifac.org) • web [www.cifac.org](http://www.cifac.org)



**Description of the work:** The project was for various improvements to all 16 lift stations owned and operated by the District. Included was site work, grading, new concrete pads and the installation of new flow meters and electrical panels.

**Approximate value of the entire project:** \$2-\$3 million

**Name of Agency:** Groveland Community Services District

**Address of Agency:** P.O. Box 350, Groveland Ca. 95321

**Phone Number of Agency:** (209) 962-7161

**Fax Number of Agency:** (209) 962-4943

**Contact if Applicable:** Shane Warner, Interim General Manager

Joseph Riley, President

Roy Conley, Vice-President

Vicki West, District Treasurer

Lena Spilman, Board Secretary

Herman Schaap, Director

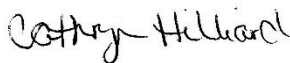
Steve Perreira, Director

John Armstrong, Director

The Construction Industry Force Account Council (CIFAC) is a non-profit organization that represents contractors, contractor associations and the various building trades. As such, we meet the definition of an "interested party" per Public Contract Code Section 22042, II.

Please feel free to contact Cathryn Hilliard, Executive Director if you should have any questions. Michelle Tucker, Central Region Field Representative is also available to answer any questions you may have in regards to this complaint. We request that you notify us in writing of the findings of the Commission.

Sincerely,



Cathryn Hilliard, Executive Director

[chilliard@cifac.org](mailto:chilliard@cifac.org)

(925) 957-1700

837 Arnold Drive, Suite 200

Martinez, CA 94553

Enclosures: Copy of complaint letter to Groveland Community Services District

Copies of letters to the Groveland Community Services District

Copies of letters from the Groveland Community Services District's legal counsel

(1a) Construction Agreement-reflects the contract completion time frame

(1b) Invitation to Bidders-reflects the scope of work

(1c) Lift Station 14 Construction Management Report, Issue 4-shows picture of finished project and states that project is now complete as of September, 2009.

(1d) Invoice #795802, payable to Contractor Lance Kirk, in the amount of \$3,300.00

(1e) Invoice #795805, payable to Contractor Lance Kirk, in the amount of \$1,200.00

(1f) Invoice 885107, payable to Contractor Glenn Gray, in the amount of \$5,875.00

(1g) Invoice #795815, payable to Contractor Lance Kirk, in the amount of \$3,020.00

(1h) Lift Station 14 Construction Management Report, Issue 1-shows picture of completed retaining wall and description of work

(1i) Lift Station 9 Construction Management Report, Issue 3-reflects paving work

- (1j) Lift Station 10 Construction Management Report, Issue 3-reflects paving work
- (1k) Lift Station 12 Construction Management Report, Issue 1-reflects driveway widening
- (1l) Lift Station 12 Construction Management Report, Issue 2-reflects paving work



*construction industry force account council*

D. A. McCosker, President

Steve Harris, Vice President

Dave Thomas, Secretary

Michael Hester, Treasurer

March 17, 2011

**COPY**

Shane Warner, Interim General Manager  
Groveland Community Services District  
P.O. Box 350  
Groveland, CA 95321-0350

Sent Via Certified Mail: March 17, 2011

Re: Lift Stations Improvement Project-Phase 2

Dear Mr. Warner,

The Construction Industry Force Account Council (CIFAC) is a non-profit organization that monitors governmental entities to ensure they abide by the California Public Contract Code. We represent contractors, contractor organizations and labor unions.

After more than a year of discussions, without satisfactory results, this letter is to inform you that we have filed a complaint against the District with the California Uniform Construction Cost Accounting Commission. We believe that the District has violated Section 22042(a) and Section 22042(b) of the Public Contract Code; "Is to be performed by a public agency after rejection of all bids, claiming work can be done less expensively by the public agency, and exceeded the force account limit".

Sincerely,

Michelle Tucker, CIFAC Central Region Representative  
mtucker@cifac.org  
19815 Rough and Ready Trail  
Sonora, CA 95370



*construction industry force account council*

D. A. McCosker, President

Cedric Porter, Vice President

Steve Harris, Secretary

Michael Hester, Treasurer

December 7, 2009

Vicki West, District Treasurer  
Groveland Community Services District  
18966 Ferretti Road  
Groveland, CA 95321

**FILE COPY**

Re: Construction work performed at the maintenance yard location

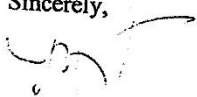
Dear Miss West,

We have recently had a number of inquiries regarding the above referenced project. This letter is to obtain clarification from you regarding these inquiries. Please provide copies of the following documents or the legal authority under which you claim exemption:

1. A copy of the bid advertisement and bid results for the concrete work performed at the maintenance yard by Glenn Gray, invoice dated 7/15/09, in the amount of \$25,500.00
2. Copies of all invoices that pertain to work performed at the maintenance yard for fiscal year 2009
3. Copies of all Board action relative to this project

Thank you for your prompt reply to this letter. We are requesting these documents per the California Public Records Act; Government Code 6250 et seq. and, therefore, will expect a reply by December 17, 2009. Please contact me if you have any questions, at (209) 532-2942.

Sincerely,

  
Michelle Tucker, CIFAC Central Region Representative  
mtucker@cifac.org  
19815 Rough and Ready Trail  
Sonora, CA 95370





*construction industry force account council*

D. A. McCosker, President

Cedric Porter, Vice President

Steve Harris, Secretary

Michael Hester, Treasurer

December 7, 2009

Vicki West, District Treasurer  
Groveland Community Services District  
18966 Ferretti Road  
Groveland, CA 95321

**FILE COPY**

Re: Lift Station Improvements Project Phase 2

Dear Miss West,

In receipt of the documents that we received from you pursuant to our initial letter dated November 6, 2009, we are seeking clarification of the procedures used on the above mentioned project.

It is our understanding that the District went to bid on this project and rejected them due to the District's intentions to self-perform the work. Please advise as to the original required time frame for completion of the work on all lift stations as listed in the original bid documents.

In addition, please provide the District's schedule of work and completion for this project.

It is our understanding that several contractors also performed work at the different lift stations. Was this work part of the original project? Was this work bid out? If so, please provide copies of the bid advertisements and bid results. Were any of these contractors hired by the District to perform this work as day labor?

Thank you for your prompt reply to this letter. Please contact me if you have any questions, at (209) 532-2942.

Sincerely,

Michelle Tucker, CIFAC Central Region Representative  
mtucker@cifac.org  
19815 Rough and Ready Trail  
Sonora, CA 95370





*construction industry force account council*

D. A. McCosker, President

Cedric Porter, Vice President

Steve Harris, Secretary

Michael Hester, Treasurer

November 25, 2009

Vicki West, District Treasurer  
Groveland Community Services District  
18966 Ferretti Road  
Groveland, CA 95321

Re: Lift Station #11 & #15

Dear Miss West,

**FILE COPY**

Sent via Fax - 11/25  
mail 11/25

The Construction Industry Force Account Council (CIFAC) is a non-profit organization that monitors public entities for compliance with the California Public Contract Code. We promote fair and competitive bidding on new public works construction projects. We represent contractors, contractor organizations and various building trades.

We have recently had a number of inquiries regarding construction work commencing at lift stations #11 and #15. This letter is to obtain clarification from you regarding these inquiries. Please provide copies of the following documents or the legal authority under which you claim exemption:

1. Copies of the bid advertisements
2. Copies of the bid results
3. Copies of all invoices that pertain to these projects
4. The total value of each project
5. Copies of all Board action relative to these projects
6. Copies of certified payrolls

The California Public Contract Code requires that all new construction projects with a total value that exceeds \$30,000 be bid.

Thank you for your prompt reply to this letter. We are requesting these documents per the California Public Records Act; Government Code 6250 et seq. and, therefore, will expect a reply by December 09, 2009. Please contact me if you have any questions, at (209) 532-2942.

Sincerely,

Michelle Tucker, CIFAC Central Region Representative  
mtucker@cifac.org  
19815 Rough and Ready Trail  
Sonora, CA 95370





*construction industry force account council*

D. A. McCosker, President

Cedric Porter, Vice President

Steve Harris, Secretary

Michael Hester, Treasurer

November 6, 2009

Vicki West, District Treasurer  
Groveland Community Services District  
18966 Ferretti Road  
Groveland, CA 95321

Re: Lift Station #14

**FILE COPY**

Dear Miss West,

The Construction Industry Force Account Council (CIFAC) is a non-profit organization that monitors public entities for compliance with the California Public Contract Code. We promote fair and competitive bidding on new public works construction projects. We represent contractors, contractor organizations and various building trades.

We have recently had a number of inquiries regarding project CIP MP-RM-CS-3-7. This letter is to obtain clarification from you regarding these inquiries. Please provide copies of the following documents or the legal authority under which you claim exemption:

1. A copy of the bid advertisement
2. A copy of the bid results
3. Copies of all invoices that pertain to this project
4. The total value of the project
5. Copies of all Board action relative to this project
6. A copy of certified payrolls

The California Public Contract Code requires that all new construction projects with a total value that exceeds \$30,000 be formally bid.

Thank you for your prompt reply to this letter. We are requesting these documents per the California Public Records Act; Government Code 6250 et seq. and, therefore, will expect a reply by November 16, 2009. Please contact me if you have any questions, at (209) 532-2942.

Sincerely,

Michelle Tucker, CIFAC Central Region Representative  
mtucker@cifac.org  
19815 Rough and Ready Trail  
Sonora, CA 95370



## construction industry force account council

D. A. McCosker, President

Steve Harris, Vice President

Mike Hester, Treasurer

Dave Thomas, Secretary

February 18, 2010

John Graham, President  
Groveland Community Services District  
18966 Ferretti Road  
Groveland, CA 95321

**COPY**

Re: Lift Station Improvements Project, Phase 2

Dear Mr. Graham,

The Construction Industry Force Account Council (CIFAC) is a non-profit organization that monitors public entities for compliance with the California Public Contract Code. We promote fair and competitive bidding on new public works construction projects. We represent contractors, contractor organizations and various building trades.

We had previously requested several documents from the District in regards to the bidding and contracting procedures used on the above referenced project.

It is our understanding that the project was formally bid out in January, 2007. The Board of Directors opted to reject all bids and pass a resolution that allowed the District's own employees to complete the work, with the understanding that the project would be completed in a more cost effective manner by force account.

The original time frame listed in the bid package for project completion was no later than October 31, 2007. It is our understanding that this project has yet to be completed.

In addition, we received several invoices from contractors that performed work on this project. The District informed us that the contracted work was not bid out.

It appears that additional work was completed that was not listed in the original bid documents. This includes the construction of two new retaining walls at lift station #14 and the enlargement of two entrance driveways at lift stations #12 and #14. Paving work was also completed at several lift stations, including #9, #10 and #12.

We believe that the information provided to you in this letter reflects a change in the original project that was bid, thus changing it to a different project, which should have been competitively bid. For the reasons stated, it is our opinion that you are out of compliance with the California Public Contract Code.

We realize that the timeline allowed by Public Contract Code §22042(a) has been exceeded and therefore we have decided not to file a complaint with the California

*Callie Hillard, Executive Director*

637 Ansel Drive, Suite 202, Martinez, CA 94553 phone 925-755-0364 fax 925-857-1000 email [info@califac.org](mailto:info@califac.org) web [www.califac.org](http://www.califac.org)



*construction industry force account council*

D. A. McCosker, President

Steve Harris, Vice President

Dave Thomas, Secretary

Michael Hester, Treasurer

June 16, 2010

John Graham, President  
Groveland Community Services District  
18966 Ferretti Road  
Groveland, CA 95321

**COPY**

Faxed 962-4943  
6/16/10

Re: Lift Station Improvements Project, Phase 2

Dear Mr. Graham,

On February 18, 2010, we sent a letter to the Groveland Community Services District and Board of Directors regarding the Lift Station Improvements Project, Phase 2. It is our belief that the district is out of compliance with the California Public Contract Code. This is based on several factors that were included in the February 18, 2010 letter.

We have not received a response from the District regarding our letter and feel that the District has had ample time to respond.

We request an immediate response from the District on the steps that will be taken to ensure compliance with the law.

Please contact me at (209) 532-2942 if you should have any questions regarding this matter.

Sincerely,

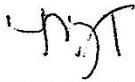
Michelle Tucker, CIFAC Central Region Field Representative  
[mtucker@cifac.org](mailto:mtucker@cifac.org)  
19815 Rough and Ready Trail  
Sonora, CA 95370

Cc Jim Goodrich, General Manager

Uniform Construction Cost Accounting Commission, at this time. We do, however, strongly advise the District to competitively bid out the remaining portion of the project.

We request an immediate response from the District on the steps that will be taken to ensure that this project becomes compliant with the law.

Sincerely,



Michelle Tucker, CIFAC Central Region Representative  
[mtucker@cifac.org](mailto:mtucker@cifac.org)  
(209) 532-2942 or (209) 770-1283  
19815 Rough and Ready Trail  
Sonora, CA 95370

Cc Gus Allegri, Vice President  
Cc Steve Perreira, Director  
Cc Joseph Riley, Director  
Cc Jim Goodrich, General Manager



2130 East Bidwell Street, Suite 2, Folsom, CA 95630 [916]983-8000

DAVID W. McMURCHIE  
dmcurchie@mcmurchie.com

VICKI E. HARTIGAN  
vhartigan@mcmurchie.com

November 11, 2009

Construction Industry Force Account Council (CIFAC)  
Attention: Michelle Tucker at [mtucker@cifac.org](mailto:mtucker@cifac.org)  
CIFAC Central Region Representative  
19815 Rough and Ready Trail  
Sonora, CA 95370

**Re: Public Records Act Request to Groveland Community Services District  
regarding Lift Station #14 dated November 6, 2009**

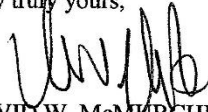
Dear Ms. Tucker:

This firm represents Groveland Community Services District. Your Public Records Act request has been forwarded to me for response. Please consider this written notice pursuant to Government Code Section 6252.6(c) of the need for the District to extend the time within which to respond to your request for a period of not more than fourteen (14) days beyond the original 10-day period allowed for response. Such additional time is necessary for District staff to locate all the records you have specified and forward them to me for review in connection with preparing a formal response to your request.

Therefore, please be advised that we will provide you a formal response to your request together with copies of all nonexempt records responsive to your request no later than November 30, 2009.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,



DAVID W. McMURCHIE

DWM:sjm

cc: Vicki West



2130 East Bidwell Street, Suite 2, Folsom, CA 95630 [916]983-8000

DAVID W. McMURCHIE  
dcmurchie@mcmurchie.com

VICKI E. HARTIGAN  
vhartigan@mcmurchie.com

November 30, 2009

Construction Industry Force Account Council (CIFAC)  
Attention: Michelle Tucker  
CIFAC Central Region Representative  
19815 Rough and Ready Trail  
Sonora, CA 95370

**Re: Public Records Act Request to Groveland Community Services District  
regarding Lift Station #14 dated November 6, 2009**

Dear Ms. Tucker:

As you are aware, this firm represents Groveland Community Services District. We previously corresponded with you by letter dated November 11, 2009 requesting an additional fourteen (14) days within which to respond to your request of November 6, 2009 pursuant to Government Code Section 6252.69(c). Please consider this letter and the attached documents as the District's response to your Public Records Act request of November 6, 2009.

Your request asks for copies of the bid advertisement, a copy of the bid results, all project invoices, all documents regarding the total value of the project, copies of all Board action relative to the project, and copies of all certified payrolls, all related to the District's project Lift Station #14.

Please be advised that the District does not have in its possession any documents responsive to your request with respect to only Lift Station #14. That is because the construction costs for Satellite Lift Station #14 were included in the bid package for a single project for upgrading District Satellite Lift Station Nos. 1, 2, 3, 4, 9, 10, 11, 12, 14, 15 and 16, as a single integrated project designated by the District as "Lift Station Improvements Project Phase 2." In an effort to produce documents that may potentially be responsive to your request, I have attached to this letter all the documentation that the District currently has in its possession regarding the bidding of the project named "Lift Station Improvements Project Phase 2." The documents itemized below describe the

Construction Industry Force Account Council (CIFAC)  
Attention: Michelle Tucker  
CIFAC Central Region Representative  
November 30, 2009  
Page 2 of 3

process that the District went through with respect to publicly bidding the Lift Station Improvements Project Phase 2 project, the evaluation of those bids, the rejection of all bids by the District's Board of Directors, the election by the Board of Directors to have the project done with the District's own employees, and a finding by the Board that the project could be performed more economically by the employees of the District than by rebidding the project pursuant to the provisions of Public Contract Code Section 22038(a)(2). That provision is part of the Uniform Public Construction Cost Accounting Act which the District has adopted, and the documents with respect to the Board's adoption of the UPCCAA are also attached.

Final construction and testing of the Lift Station #14 Improvements has not yet been completed by the District. Completion is anticipated within the next 30-60 days. At that time, the District will have available records which detail the total costs incurred by the District with respect to equipment, supplies, and District supplied labor with respect to the Lift Station #14 Improvements only. Should you desire copies of that information, please advise and the District will forward copies of that information to you when the financial records for Lift Station #14 have been finalized upon completion of that portion of the project.

I have not included a copy of the Instructions to Bidders with respect to the Lift Station Improvements Project Phase 2 project because they are voluminous. They consist of over 250 pages. Should you desire that information please contact me and I will have the District provide an estimated copying cost according to their fee schedule for your review prior to producing those records. In addition, the District does have copies of the two bid proposals received with respect to the Lift Station Improvements Project Phase 2, each of which consist of approximately 20 pages. Should you desire copies of that information, please advise and I will have the District provide you a cost estimate before providing you copies of those documents.

The documents being provided at this time in response to your request with respect to the Lift Station Improvements Project Phase 2 are as follows:

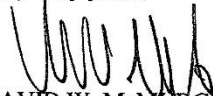
1. Invitation to Bidders;
2. List of Bid Results for Lift Station Improvement Project Phase 2;
3. Proof of Publication of Notice to Bidders in The Union Democrat dated January 17, 2007;
4. Agenda Submittal to the GCSD Board of Directors requesting Board action to reject all bids for Lift Station Improvement Project Phase 2 and to elect to perform such project by force account with the District's own employees pursuant to Public Contract Code Section 22038(a)(2);

Construction Industry Force Account Council (CIFAC)  
Attention: Michelle Tucker  
CIFAC Central Region Representative  
November 30, 2009  
Page 3 of 3

5. Minutes of the Meeting of the Board of Directors of Groveland Community Services District dated February 26, 2007 authorizing the action recommended by staff in the Agenda Submittal;
6. GCSD Resolution No. 1-06 Resolution for Adoption of the Uniform Public Construction Cost Accounting Procedures dated January 23, 2006;
7. Agenda Submittal to the GCSD Board of Directors dated April 24, 2006 regarding Second Reading and Adoption of Informal Bidding Ordinance as required by the Uniform Public Construction Cost Accounting Act;
8. GCSD Ordinance No. 1-06 providing Informal Bidding Procedures under the Uniform Public Construction Cost Accounting Act (Public Contract Code Section 22000 et seq.) dated April 24, 2006;
9. Letter from GCSD to the Office of the State Controller dated November 30, 2006 notifying the Controller of the District's adoption of UPCCAA procedures;
10. Budget for costs to complete Satellite Lift Station No. 10, an exhibit to the Agenda Submittal to the GCSD Board of Directors dated February 26, 2007;
11. Written notice to low bidder on Lift Station Improvement Project Phase 2 of the District's rejection of all bids and election to perform the work with the District's own forces.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,



DAVID W. McMURCHIE

DWM:sjm

cc: Vicki West





2130 East Bidwell Street, Suite 2, Folsom, CA 95630 [916]983-8000

DAVID W. McMURCHIE  
dcmurchie@mcsmurchie.com

VICKI E. HARTIGAN  
vhartigan@mcsmurchie.com

December 8, 2009

Construction Industry Force Account Council (CIFAC)  
Attention: Michelle Tucker at [mtucker@cifac.org](mailto:mtucker@cifac.org)  
CIFAC Central Region Representative  
19815 Rough and Ready Trail  
Sonora, CA 95370

**Re: Public Records Act Request to Groveland Community Services District  
regarding Lift Station #11 and #15 dated November 25, 2009**

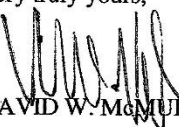
Dear Ms. Tucker:

This firm represents Groveland Community Services District. Your Public Records Act request has been forwarded to me for response. Please consider this written notice pursuant to Government Code Section 6252.6(c) of the need for the District to extend the time within which to respond to your request for a period of not more than fourteen (14) days beyond the original 10-day period allowed for response. Such additional time is necessary for District staff to locate all the records you have specified and forward them to me for review in connection with preparing a formal response to your request.

Therefore, please be advised that we will provide you a formal response to your request together with copies of all nonexempt records responsive to your request no later than December 23, 2009.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,



DAVID W. McMURCHIE

DWM:sjm

cc: Vicki West



2130 East Bidwell Street, Suite 2, Folsom, CA 95630 [916]983-8000

DAVID W. McMURCHIE  
dmcurchie@mcmurchie.com

VICKI E. HARTIGAN  
vhartigan@mcmurchie.com

December 18, 2009

Construction Industry Force Account Council (CIFAC)  
Attention: Michelle Tucker at [mtucker@cifac.org](mailto:mtucker@cifac.org)  
CIFAC Central Region Representative  
19815 Rough and Ready Trail  
Sonora, CA 95370

**Re: Public Records Act Request to Groveland Community Services District  
regarding Lift Station Improvements Project Phase 2**

Dear Ms. Tucker:

This firm represents Groveland Community Services District. Your Public Records Act request has been forwarded to me for response. Please consider this written notice pursuant to Government Code Section 6252.6(c) of the need for the District to extend the time within which to respond to your request for a period of not more than fourteen (14) days beyond the original 10-day period allowed for response. Such additional time is necessary for District staff to locate all materials which may be responsive to the questions you have raised in your correspondence and forward them to me for review in connection with preparing a formal response to your request.

Therefore, please be advised that we will provide you a formal response to your request together with copies of all nonexempt records responsive to your request no later than January 4, 2010.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,



DAVID W. McMURCHIE

DWM:sjm  
cc: Vicki West



2130 East Bidwell Street, Suite 2, Folsom, CA 95630 [916]983-8000

DAVID W. McMURCHIE  
dmcurchie@mcmurchie.com

VICKI E. HARTIGAN  
vhartigan@mcmurchie.com

December 18, 2009

Construction Industry Force Account Council (CIFAC)  
Attention: Michelle Tucker at [mtucker@cifac.org](mailto:mtucker@cifac.org)  
CIFAC Central Region Representative  
19815 Rough and Ready Trail  
Sonora, CA 95370

**Re: Public Records Act Request to Groveland Community Services District  
regarding Construction Work Performed at Maintenance Yard Location**

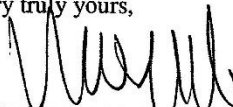
Dear Ms. Tucker:

This firm represents Groveland Community Services District. Your Public Records Act request has been forwarded to me for response. Please consider this written notice pursuant to Government Code Section 6252.6(c) of the need for the District to extend the time within which to respond to your request for a period of not more than fourteen (14) days beyond the original 10-day period allowed for response. Such additional time is necessary for District staff to locate all the records you have specified and forward them to me for review in connection with preparing a formal response to your request.

Therefore, please be advised that we will provide you a formal response to your request together with copies of all nonexempt records responsive to your request no later than January 4, 2010.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,



DAVID W. McMURCHIE

DWM:sjm  
cc: Vicki West



*McMurchie Law*

2130 East Bidwell Street, Suite 2, Folsom, CA 95630 [916]983-8000

DAVID W. McMURCHIE  
dwmurchie@mcmurchie.com

VICKI E. HARTIGAN  
vhartigan@mcmurchie.com

December 23, 2009

Construction Industry Force Account Council (CIFAC)  
Attention: Michelle Tucker at [mtucker@cifac.org](mailto:mtucker@cifac.org)  
CIFAC Central Region Representative  
19815 Rough and Ready Trail  
Sonora, CA 95370

**Re: Public Records Act Request for Records from Groveland Community  
Services District Regarding Lift Stations #11 and #15**

Dear Ms. Tucker:

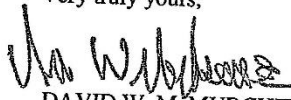
Please find enclosed the documents in the District's possession which are responsive to your request regarding projects known as Lift Station #11 and Lift Station #15. These records consist of the following:

1. Lift Station #11 - vendor invoices (13 pages); and
2. Lift Station #15 - vendor invoices (19 pages).

Please be advised that the District has not commenced construction on either Lift Station #11 or Lift Station #15 as of this date.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,

  
DAVID W. McMURCHIE

DWM:sjm

cc: Vicki West



2130 East Bidwell Street, Suite 2, Folsom, CA 95630 [916]983-8000

DAVID W. McMURCHIE  
dmcurchie@mcurchie.com

VICKI E. HARTIGAN  
vhartigan@mcurchie.com

January 4, 2010

Construction Industry Force Account Council (CIFAC)  
Attention: Michelle Tucker at [mtucker@cifac.org](mailto:mtucker@cifac.org)  
CIFAC Central Region Representative  
19815 Rough and Ready Trail  
Sonora, CA 95370

**Re: Response to Public Records Act Request to Groveland Community Services  
District regarding Construction Work Performed at Maintenance Yard  
Location**

Dear Ms. Tucker:

As you are aware, this firm represents Groveland Community Services District. We previously corresponded with you by letter dated December 18, 2009 specifying an additional fourteen (14) days within which to respond to your request of December 7, 2009 pursuant to Government Code Section 6252.6(c). Please consider this letter and the attached documents as the District's response to your Public Records Act request of December 7, 2009.

Your letter asks for the following information:

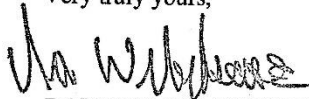
1. A copy of the bid advertisement and bid results for the concrete work performed by Glenn Gray, invoice dated 7/15/09. The District has no documents regarding bid advertisements or bid results responsive to your request. The work performed by Mr. Gray was "maintenance work" pursuant to Public Contract Code Section 22002(d)(5) in that it was work necessary to continue operating the District's publicly owned wastewater treatment system in compliance with the requirements of the California Regional Water Quality Control Board and the terms of its National Pollutants Discharge Elimination System (NPDES) permit.

Construction Industry Force Account Council (CIFAC)  
Attention: Michelle Tucker  
January 4, 2010  
Page 2 of 2

2. You have also requested copies of all invoices that pertain to work performed at the maintenance yard for fiscal year 2009. The work performed at the maintenance yard consisted of three distinct projects as follows: (a) lining of storage reservoir #1; (b) construction of a concrete slab underlying the bio-solid storage area; and (c) addition of new valves to the irrigation system conveying wastewater from the treatment plant to the District's spray fields. Copies of all invoices that pertain to these three projects are attached. Each of these projects constituted "maintenance work" pursuant to Public Contract Code Section 22002(d)(5).
3. You have also requested copies of all Board action relative to these projects. In that regard, please find enclosed copies of the following: (a) Notice of Exemption of Wastewater Regulatory Compliance Projects prepared by Kennedy/Jenks Consultants dated October 6, 2008; (b) Agenda Submittal to the Board of Directors regarding the request for approval to conduct these Wastewater Regulatory Compliance Projects dated April 13, 2009; (c) Minutes of the Meeting of the Board of Directors dated April 13, 2009 with respect to these projects.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,



DAVID W. McMURCHIE

DWM:sjm

cc: Vicki West



2130 East Bidwell Street, Suite 2, Folsom, CA 95630 [916]983-8000

DAVID W. McMURCHIE  
dmcurchie@mcurchie.com

VICKI E. HARTIGAN  
vhartigan@mcurchie.com

January 4, 2010

Construction Industry Force Account Council (CIFAC)  
Attention: Michelle Tucker at [mtucker@cifac.org](mailto:mtucker@cifac.org)  
CIFAC Central Region Representative  
19815 Rough and Ready Trail  
Sonora, CA 95370

**Re: Response to Public Records Act Request to Groveland Community Services  
District regarding Lift Station Improvements Project Phase 2**

Dear Ms. Tucker:

As you are aware, this firm represents Groveland Community Services District. We previously corresponded with you by letter dated December 18, 2009 requesting an additional fourteen (14) days within which to respond to your supplemental request of December 7, 2009 pursuant to Government Code Section 6252.6(c). Please consider this letter and the attached documents as the District's response to your Public Records Act request of December 7, 2009.

Your first question asks for documents with information regarding the original required timeframe for completion of the work on all Lift Stations as listed in the original bid documents. In response to that request, please find enclosed a copy of the proposed form of Construction Agreement which was included in the bid package for the project which lists at Article 3 Contract Time the anticipated completion date of Phase 2 as October 31, 2007.

Your second question relates to the District's schedule of work and completion for this project. The District has no documents which contain this information.

Your final question asks for copies of bid advertisements and bid results with respect to the use of contractors on this project. The District does not have any documents which relate to bid advertisements and bid results with respect to contractor work on the Lift

Construction Industry Force Account Council (CIFAC)

Attention: Michelle Tucker

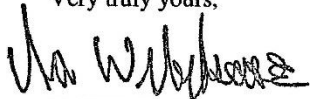
January 4, 2010

Page 2 of 2

Station Improvements Project Phase 2 other than those documents already provided to you in response to your initial request with respect to Lift Station #14. As previously indicated to you in our correspondence of November 30, 2009, the District's Board of Directors rejected all bids with respect to the Lift Station Improvements Project Phase 2 project based on its determination that the project could be more economically performed with the District's own employees pursuant to Public Contract Code Section 22038(a)(2) which specifically permits the District to have the project done "by force account without further complying with this article."

Should you have any questions, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "David W. McMurchie", written over a horizontal line.

DAVID W. McMURCHIE

DWM:sjm

cc: Vicki West





G.C.S.D. Services - 209 / 962-7161  
Fax - 209 / 962-4943  
Fire Department - 209 / 962-7891  
[www.gcsd.org](http://www.gcsd.org)

water • fire protection • parks • wastewater collection & treatment

18966 Ferretti Road P.O. Box 350 Groveland, CA 95321-0350

July 21, 2010

Construction Industry Force Account Council (CIFAC)  
Attention: Michelle Tucker at [mtucker@cifac.org](mailto:mtucker@cifac.org)  
CIFAC Central Region Representative  
19815 Rough and Ready Trail  
Sonora, CA 95370

**Re: Response to Letter of February 18, 2010 regarding Lift Station Improvements Project, Phase 2**

Dear Ms. Tucker:

The purpose of this letter is to respond to your correspondence of February 18, 2010. The District apologizes for the delay in responding to your correspondence, but we were under the impression that the written response of our legal counsel to your previous requests regarding this matter dated January 4, 2010 clearly described the District's position in this matter. However, your recent correspondence of June 16, 2010 indicates that you do not believe that your concerns have been adequately addressed.

Your correspondence of February 18, 2010 indicates that because change orders were issued with respect to improvements in several of the lift stations comprising this project that such changes in the work constituted a "different project" from the original project that was competitively bid. You go on to state that it is your opinion that the District is required by the California Public Contract Code to bid out the remainder of the project.

As reflected in prior correspondence of the District's legal counsel, McMurchie Law, to you in response to your Public Records Act request regarding the Lift Station Improvements Project, Phase 2 project, it is the District's position that it has been in compliance with the provisions of Public Contract Code Section 22038(a)(2) throughout the pendency of this project. As we have previously advised, the project is entitled "Lift Station Improvements Project, Phase 2" and comprises a single project for upgrading eleven of the District's satellite lift stations (Lift Station Nos. 1, 2, 3, 4, 9, 10, 11, 12, 14, 15 and 16). The documents previously provided to you describe the process that the District went through with respect to publicly bidding the Lift Station Improvements Project, Phase 2 project, the evaluation of those bids, the rejection of all bids by the District's Board of Directors, and the election by the Board of Directors to have the project done with the District's own employees after a specific finding by the Board at a public meeting that the project could be performed more economically by the employees

Construction Industry Force Account Council (CIFAC)

Attention: Michelle Tucker

July 13, 2010

Page 2 of 2

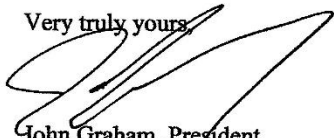
of the District than by rebidding the project pursuant to the specific provisions of Public Contract Code Section 22038(a)(2).

That section specifically permits the District's Board of Directors to reject all bids based on its determination that the project could be more economically performed with the District's own employees by a 4/5 vote of the Board of Directors. After complying with these requirements, that section specifies that the District "may have the project done by force account **without further complying with this article.**" The District has been advised by its legal counsel that this language permits the District to complete the Lift Station Improvements Project, Phase 2, by force account with its own employees and that it need not comply with the bidding requirements of the UPCCAA with respect to the use of any subcontractors needed to complete miscellaneous specialty work on that project.

The District specifically disagrees with your characterization that construction of two retaining walls at Lift Station No. 14, enlargement to two entrance driveways at Lift Station Nos. 12 and 14, and miscellaneous paving work at Lift Station Nos. 9, 10, and 12 constitute such a radical change in the description of the project as to render it a different project requiring competitive bidding. Rather, it is the District's position, in light of the broad scope of this Lift Station Improvements Project, that the minor changes in the scope of work specified in your letter are no more than ordinary change orders customary in the construction of a project of this scope and do not invalidate the application of the provisions of Public Contract Code Section 22038(a)(2) to this project.

I hope this clarifies the District's position in this matter.

Very truly yours,



John Graham, President

Board of Directors

Groveland Community Services District

10

## CONSTRUCTION AGREEMENT

THIS AGREEMENT made the \_\_\_\_\_ day of \_\_\_\_\_, 2007 by and between the Board of Directors, Groveland Community Services District, Groveland, California hereinafter designated as the Owner, and \_\_\_\_\_ hereinafter designated as the Contractor.

WITNESSETH: That the Owner and the Contractor, for the considerations hereinafter named, agree as follows:

**ARTICLE I: SCOPE OF WORK:** The Contractor agrees to provide all required materials, labor, transportation, equipment, facilities, services, incidentals necessary for LIFT STATION IMPROVEMENTS PROJECT PHASE 2, all in strict conformity with the Drawings and Contract Documents prepared by the Groveland Community Services District.

**ARTICLE II: CONSTRUCTION DOCUMENTS:** The Construction Documents consist of the Invitation to Bidders, Proposal, Construction Agreement, the Specifications, all as listed under the Table of Contents and Drawings together with all modifications and addenda included in these documents before their execution, all of which Construction Documents are attached hereto and made a part hereof.

**ARTICLE III: CONTRACT TIME:** It is hereby understood and agreed that the work under this Contract shall be completed within the following time for the work set forth in the Bid Proposal:

Phase 1: By April 30, 2007

**Phase 2:** ~~All by the end of October 31, 2007;~~ specific lift stations to be completed as shown in contract drawing plan views (see construction phasing tables on individual plan view sheets).

Phase 1&2: Lift Station by-pass operations duration shall be kept at a minimum during construction related to, and lining of the wet well. Once by-passing is initiated on a particular lift station, construction and activities shall be continued uninterrupted on the lift station until completed and lift station is back on line. Bypassing shall not be conducted on more than one lift station at a time.

**ARTICLE IV: DAMAGES FOR DELAY:** In case of failure on the part of the Contractor to complete the work within the time stipulated, plus any duly authorized extension of time, the parties hereby agree and recite that Owner's actual damages are impracticable and extremely difficult to fix, and accordingly agree that Owner shall be entitled to liquidated damages in the sum of \$500.00 for each calendar day's delay. Time is of the essence in the completion of this contract.

**ARTICLE V: CONTRACT SUM:** The Owner shall pay or cause to have paid to the Contractor, for the performance of the Contract, subject to additions and deductions provided therein, the sum of \_\_\_\_\_ (\$ \_\_\_\_\_), plus Addenda No. 1 costs, in lawful money of the United States, and shall be paid in payments in accordance with and subject to the provisions embodied in the documents made a part of this Contract. The Contract sum as herein stipulated shall include all applicable taxes.

**ARTICLE VI: CONTRACT ALTERATIONS:** Any alteration or alterations made in the Drawings and

Specifications which are a part of this Agreement, or in any provision of this Agreement, shall not operate to release any surety from liability on any bond required hereunder, and the consent to make such alterations is hereby given, and any surety on said bonds hereby waives the provisions of Section 2819 of the Civil Code.

ARTICLE VII: PRECEDENCE OF CONTRACT ELEMENTS: All parts of this Construction Agreement (also known as contract) shall be construed with each other to be consistent wherever possible, but in the event any conflict shall occur with any of the Contract Documents, then the order of precedence shall be as follows:

- a. This Construction Agreement
- b. Addenda
- c. Special Conditions of the Specifications
- d. General Requirements
- e. Plans
- f. Remaining Technical Portions of the Specifications

In this regard, if there is a conflict between the plans and the technical portions of the Specifications, quality shall be governed by the Specification. In the event of conflict within the technical portions of the Specifications, a higher quality shall govern. If there is a conflict between quantity, the higher quantity shall be provided.

ARTICLE VIII: BONDS: Contractor shall furnish and deliver to Owner for its approval upon the execution of this Construction Agreement, two good and sufficient bonds issued by a Surety Company authorized to do business in the State of California and shall maintain such bonds during the entire life of the Construction Agreement. The bonds shall be a Labor and Material Payment Bond and a Faithful Performance Bond in the sum of not less than 100 percent of the Contract sum. No prepayment or delay in payment, change, extension of time, alteration, or addition to the terms of the contract or to the work to be performed thereunder or the specifications accompanying the same, and no forbearance on the part of the Owner shall in anyway affect the obligations of the surety on the bonds, and the extension of time, alteration, or addition to the terms of the Contract or to the work or to the specifications and forbearance and said surety does hereby waive the provisions of Sections 2819 and 2845 of the California Civil Code.

ARTICLE XI: ACCEPTANCE: Final inspection shall be made by the Owner upon receipt of written notice from the Contractor, stating that the work is substantially completed and ready for such inspection. The work will be accepted in writing by the Owner when the work is found acceptable under the terms of the Contract and the Contract is fully performed and the work fully completed.

ARTICLE X: FINAL PAYMENT: Final payment shall be made 35 days after filing the Notice of Completion, provided the Contract be then fully performed and the work fully completed and duly accepted and also provided that no liens remaining unsatisfied are on file at that time. The making and acceptance of the Final Payment shall constitute a waiver of all claims by the Owner, other than those arising from unsettled liens, from defects in materials and workmanship, or from faulty work appearing after final payment, and of all claims by the Contractor, except those previously made and still unsettled. No payment or certificates issued to the Contractor shall be considered to be an acceptance of any of the work of the Contract.

ARTICLE XI: ASSIGNMENT: The Contract shall not be assigned or sublet as a whole, by either party, without the written consent of the other. The Owner and the Contractor for themselves, their heirs, successors, executors, administrators, agents, representatives, and subcontractors do hereby

agree to the full performance of the terms, conditions, provisions, and covenants herein contained.

**ARTICLE XII: ATTORNEYS' FEES:** If any legal action, including arbitration, is necessary to enforce or interpret the terms of this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees, which may be set by the Court or the Arbitrator, as the case may be, in the same action, or in a separate action brought for that purpose, in addition to any other relief to which he may be entitled.

IN WITNESS WHEREOF, the parties hereto have signed this Agreement the day and year first above written.

CONTRACTOR

By \_\_\_\_\_

BOARD OF DIRECTORS  
GROVELAND COMMUNITY SERVICES DISTRICT

By \_\_\_\_\_  
Chairman

ATTEST: \_\_\_\_\_  
Secretary

Date \_\_\_\_\_

1b

### INVITATION TO BIDDERS

NOTICE IS HEREBY GIVEN THAT SEALED PROPOSALS will be received at the office of Groveland Community Services District Office, 18966 Ferretti Road, Groveland, California 95321 until 3:00 p.m. February 7, 2007 at which time and place they will be publicly opened and read for the following described project.

**LIFT STATION IMPROVEMENTS PROJECT PHASE 2  
GROVELAND COMMUNITY SERVICES DISTRICT  
GROVELAND, CALIFORNIA 95321**

A non-mandatory job-walk for all interested bidders will be conducted on **January 24, 2007 beginning at 9:00 a.m.** at the District's office location.

BIDS shall be submitted in strict conformance with the Instructions to Bidders, and bids must be made on the Proposal Form in the Contract Documents.

Plans, specifications, and other Contract Documents will be available from Groveland Community Services District, 18966 Ferretti Road, Groveland, California 95321, telephone (209) 962-7161, on payment of Fifty Dollars and no cents (\$50.00) per set, nonrefundable.

The Contractor shall be required to conform to the County of Tuolumne Affirmative Action Plan for Equal Employment Opportunity. The Contractor interested in bidding for this project shall have completed a minimum of three lift station projects in the last five years.

In accordance with the provisions of Section 1770 to 1781 of the Labor Code, the Board of Directors of the Groveland Community Services District has ascertained the general prevailing rate of wages applicable to the work to be done as follows:

### CONTRACT WORK

In general terms, the contract work for this project shall consist of the following items of work to be completed within Groveland Community Services District:

Item No.	Item	BASE BID Item Description	Est. Quantity	Unit
1	Quick Connect Sewer Bypass	Furnish and install New Quick Connect Bypass Valves on Force Main Discharge (Lift Stations 1 and 2)	2	EA
2	Valve Boxes w/Quick Connect Bypass Connections	Furnish and install New Precast Concrete Valve Boxes w/Quick Connect Assembly including New 4" DI Force Main Discharge and Connection to Existing Sewage Line (Lift Stations 3, 9, 10, 11, 12, 14 and 15)	7	EA
3	Valve Boxes WITHOUT Quick Connect Bypass Fittings	Furnish and install New Precast Concrete Valve Boxes W/Related Appurtenances (Lift Stations 1, and 2)	3	EA
4	Lift Station Equipment Removal	Remove Existing Pumps, Valves and Related Appurtenances inside Lift Station Wet Wells (Lift Stations 1, 2, 3, 4, 9, 10, 11, 12, 14 and 15)	10	EA
5	Lift Station Rehabilitation	Rehabilitate Lift Station interior by furnishing and installing Epoxy Coating (16 total, Lift Stations 1-16).	16	EA

Item No.	Item	BASE BID Item Description	Est. Quantity	Unit
6	Retrofit	Install (E) and (N) Owner furnished Submersible Pump with (N) Discharge Elbow-Mount, (N) Guide rail system, and Related Appurtenances (Lift Stations 1, 2, 3, 4, 9, 10, 11, 12, 14 and 15)	10	EA
7A	Excavation for Bypass Manhole Structure	Excavate for the installation of the bypass manhole structure. Includes drilling and blasting. (Lift Stations 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15).	11	EA
7B	Provide-Install Bypass Manhole Structure	Provide & Install Bypass Manhole structure(s) in order to allow rehabilitation of (E) lift stations (Lift Stations 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15).	11	EA
7C	Bypass Pumping	Perform Bypass Pumping During Protective Epoxy Coating of 16 Lift Stations (Lift Stations 1 through 16)	16	EA
8	Concrete Fillet	Fillet Bottom of Lift Station 3 with Concrete (Lift Station 3)	1	LS
9	Ultrasonic Meters	Furnish and Install Ultrasonic Flow Meters with Electrical Conduit to Control Panel (Lift Stations 1, 2, 3, 9, 10, 11, 12, 14, 15 and 16)	10	EA
10	Refurbish Electrical Control Panels & Provide-Install J-boxes	Furnish and Install (N) Electrical Control Panel with Related Components and provide-install J-boxes (Lift Stations 1, 2, 3, 9, 10, 11, 12, 14, and 15)	9	EA
11	Relocate & Replace PG&E Power Pole	Coordinate with PG&E, and relocate and replace PG&E power pole to new locations (Lift Station 1, 2 and 3). Provide new conduit, vaults, and wires necessary to connect electrical panels to new pole.	3	EA
12	Relocate Transfer Switches	Relocate (E) transfer switches to new locations (Lift Stations 1 and 2)	2	EA
13	Covers and Fall Protection	Furnish and Install (N) covers for Lift Stations to have built-in secondary fall protection devices (Lift Stations 1, 2, 3, 9, 10, 11, 12, 14, and 15).	9	EA
14	New Pumps	Furnish & Install (N) submersible pump for Lift Station 10 and Lift Station 11.	2	EA
15	Mob/Demob	Mobilization/Demobilization	1	LS



**Groveland Community Services  
District  
Engineering Department  
Construction Management  
Status Report**

**LIFT STATION 14**

**CIP MP-RM-CS-3-7**

~

**GL 060-800-80-101-00**

Finished Product



**September 2009**

**Issue 4**

All data contained in this report is as of  
last day of the month reporting.

Prepared by:  
Randy Klaahsen, P.E.  
District Engineer



## CONSTRUCTION MANAGEMENT STATUS REPORT

### Project Team

GCSD: Randy Klaahsen, P.E., Construction Manager

GCSD: Raymond Albanez, Construction Superintendent

### 1.0 Schedule Status

- 1.01 The current schedule is to complete this lift station by September 30, 2009. The schedule will be updated by the District Engineer monthly.
- 1.02 The Notice to Proceed was January 15, 2009. The project has been delayed due to weather conditions and water distribution breaks. Completed.

### 2.0 Accomplishments

- 2.01 A concrete stem wall was completed. The pump hatch was installed. The final concrete pad was poured. The generator was relocated into its permanent position. The pump control pedestal was installed, started up, tested, and completed. The new pumps were installed. This project is complete.

### 3.0 Current Contract Status

- 3.01 Contract Time
- |   |                    |
|---|--------------------|
| NTP Date  | January 15, 2009   |
| Original Allowed Calendar Days                  | 60                 |
| Original Contract Completion Date               | March 15, 2009     |
| Additional Allowed Calendar Days Through C.O. 0 | 240                |
| Total Revised Allowed Calendar Days             | 240                |
| Days Completed                                  | 240                |
| Revise Contract Completion Date                 | September 30, 2009 |
| Elapsed Contract Time                           | 100%               |

## CONSTRUCTION MANAGEMENT STATUS REPORT

### 3.02 Contract Price

Original Contract Value	\$	110,000
Approved Change Order Value Through #0	\$	(0)
Revised Contract Amount	\$	110,000
Amount Payable To Date	\$	90,000
Retention To Date	\$	0
Total Invoiced To Date	\$	0
<b>Percent Invoiced To Date</b>		<b>100%</b>

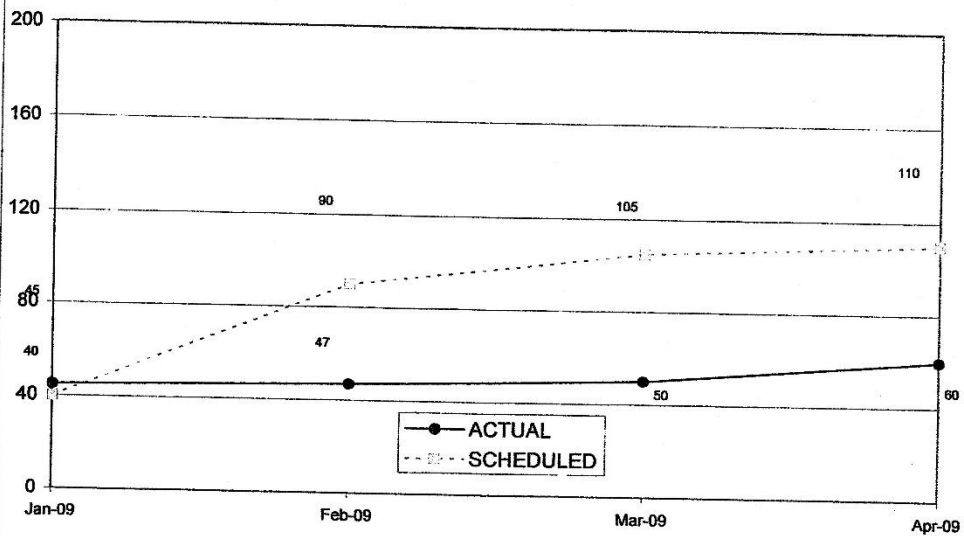
### 3.03 Change Orders

C.O. #1-A time extension change order was processed in May.  
C.O. #2-A time extension change order was processed in July.

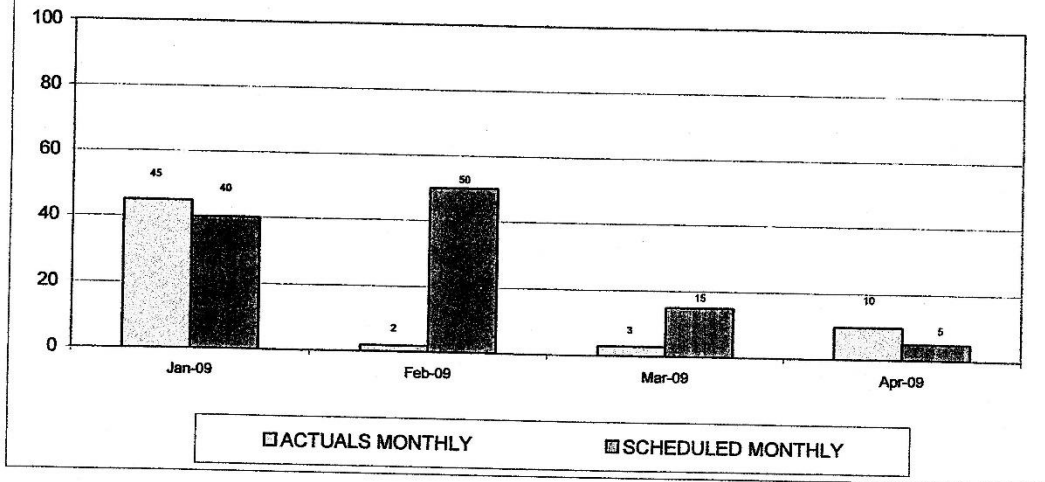
### 3.04 Shop Drawing Submittals and Requests for Information (RFIs)

Twelve shop drawing submittals have been processed to date by the District Engineer. Six RFIs have been received and were answered by the District Engineer.

**CUMULATIVE MONTHLY WIP CURVE**  
**Schedule WIP Base on Cash Flow Summary (Baseline)**  
**(in thousands)**



**MONTHLY WIP CURVE**  
**Schedule WIP Based on Cash Flow Summary (Baseline)**  
**(in thousands)**



Randy Klaahsen, P.E.  
District Engineer

Sent to LaSalle National Bank for payment 2/6/09 1d

Plu 1210  
8/14/09

795802

CUSTOMER'S ORDER NO.		DEPARTMENT		DATE	
				2-2-09	
NAME GCSD LIFT STATION #14					
ADDRESS Big FT, CT.					
CITY, STATE, ZIP					
SOLD BY		CASH	C.O.D.	CHARGE	ON ACCT.
		MDSE RETD	PAID OUT		
QUANTITY	DESCRIPTION			PRICE	AMOUNT
1	SET FORMS FOR				
2	LAKESIDE WALL				
3	TIE REBAR				
4	POUR AND FINISH WALL				
5	STRIP FORMS AND				
6	CLEAN UP JOBSITE				
7	CONCRETE PUMPING				
8	INCLUDED			3300.00	
9					
10					
11					
12					
13					
14					
15	MAKE CHECK PAYABLE				
16	LANCE KIRK				
17	P.O. Box 488				
18	GROVELAND, CA 95321				
19					
20					
RECEIVED BY					

5805

KEEP THIS SLIP FOR REFERENCE

To be sent to Lasalle National Bank - Pending

le  
Plu 12 10  
8/14/09

Approved for payment

795805

Randy Klaahsen 8/6/09

CUSTOMER'S ORDER NO.		DEPARTMENT		DATE	
06080080		10100			
NAME GCSO					
ADDRESS LIFT STATION 14					
CITY, STATE, ZIP BIG FT. CT.					
SOLD BY		CASH	C.O.D.	CHARGE	ON ACCT.
		MDSE RETD	PAID OUT		
QUANTITY	DESCRIPTION			PRICE	AMOUNT
1					
2	CUT OFF TOP OF				150.00
3	EXISTING TANK				
4					
5	PUMP CONCRETE UNDER				300.00
6	AND AROUND NEW TANK				
7					
8	CUT OUT VALVES AND				
9	PUMPS OUT OF				
10	EXISTING TANK				750.00
11					
12	TOTAL				1200.00
13	DUE				
14					
15	MAKE CHECK			\$ 1200.00	
16	PAYABLE				
17					
18	LANCE KIRK				
19	P.O. Box 488				
20	SNOWLAND, CT				
RECEIVED BY		95321			

5805

KEEP THIS SLIP FOR REFERENCE

If

To be submitted to LNB

From: Glenn Gray

885107

LIC NO 146 285

Groveland Ca 95321

(209) 962-4124

PO Box 306

CUSTOMER'S ORDER NO.		DEPARTMENT		DATE	
				9/24/09	
NAME Groveland Com. Serv. District					
ADDRESS Groveland Ca 95321					
CITY, STATE, ZIP LIFT STATION #14					
SOLD BY		CASH	C.O.D.	CHARGE	ON ACCT.
QUANTITY	DESCRIPTION			PRICE	AMOUNT
1	FORMING FOR CONCRETE SLAB				
2	POOR & FINISH, Strip Forms				
3	CLEAN-UP - TIE REBAR				
4	complete =			\$5875.00	
5					
6					
7	total due			\$5875.00	
8	Five thousand eight hundred & seventy five				
9					
10	MAKE CK PAYABLE TO				
11	Glenn Gray #5875.00				
12	Approved for payment				
13	060 800 80 10100				
14					
15	Randy Knaack				
16					
17					
18					
19					
20					
RECEIVED BY					

5805

KEEP THIS SLIP FOR REFERENCE

Approved for Payment **795815**

Signed \_\_\_\_\_

Date \_\_\_\_\_

GL# \_\_\_\_\_

CUSTOMER'S CREDIT NO.			
NAME <b>GCSO</b>			
ADDRESS <b>LIFT STATION #14</b>			
CITY STATE ZIP <b>BIG FOOT CT. 07001</b>			
COUNTRY _____			
CASH _____ C.O.D. _____ DEBIT _____ C.R. _____ MAIL METHOD _____			
QUANTITY	DESCRIPTION	PRICE	AMOUNT
1	9-15-09 CONCRETE PUMPING		300.00
2			
3	9-16-09 CONCRETE PUMPING		300.00
4			
5	FABRICATE HANDRAIL -		
6	BUILT HANDRAIL AND		
7	WELD OUT		
8	FABRICATE TWO (2)		
9	LEADERS FOR TANK		
10	ENTRANCE'S MOUNT		
11	LEADER W/ TANK		2420.00
12			
13	TOTAL DUE		3020.00
14			
15	MAKE CHECK PAYABLE		
16	LAUREL G. KIRK		
17	P.O. Box 488		
18	Greensboro, NC 27402		
19			
20	Approved for payment		
RECEIVED BY <b>Pamela Bladen 11/5/09</b>			

KEEP THIS SLIP FOR REFERENCE  
060 900 80 10100



**Groveland Community Services  
District  
Engineering Department  
Construction Management  
Status Report**

**LIFT STATION 14**

**CIP MP-RM-CS-3-7**

~

**GL 060-800-80-101-00**

Retaining Wall Construction



**January 2009**

All data contained in this report is as of  
last day of the month reporting.

**Issue 1**

Prepared by:  
Randy Klaahsen, P.E.  
District Engineer



## CONSTRUCTION MANAGEMENT STATUS REPORT

### Project Team

GCSD: Randy Klaahsen, P.E., Construction Manager

GCSD: Raymond Albanez, Construction Superintendent

GCSD: Jessie Kraft, Assistant Construction Superintendent

### 1.0 Schedule Status

- 1.01 The current schedule is to complete this lift station by March 15, 2009. The schedule will be updated by the District Engineer monthly.
- 1.02 The Notice to Proceed was January 15, 2009. The project is currently on schedule. Next month we will be excavating and installing a valve vault, installing underground utilities, finishing the site grading, and installing mechanical piping.

### 2.0 Accomplishments

- 2.01 Two new retaining walls were constructed. One on the east side of the entrance driveway to improve the width for our large vector truck. The second wall was installed on the Association property to help us enlarge the site. A grant of easement was requested and approved for that.

### 3.0 Current Contract Status

3.01	<u>Contract Time</u>	
	NTP Date	January 15, 2009
	Original Allowed Calendar Days	60
	Original Contract Completion Date	March 15, 2009
	Additional Allowed Calendar Days Through C.O. 0	0
	Total Revised Allowed Calendar Days	60
	Days Completed	15
	Revise Contract Completion Date	March 15, 2009
	Elapsed Contract Time	25%

## CONSTRUCTION MANAGEMENT STATUS REPORT

### 3.02 Contract Price

Original Contract Value	\$	110,000
Approved Change Order Value Through #0	\$	(0)
Revised Contract Amount	\$	110,000
Amount Payable To Date	\$	45,000
Retention To Date	\$	0
Total Invoiced To Date	\$	0
Percent Invoiced To Date		40%

### 3.03 Change Orders

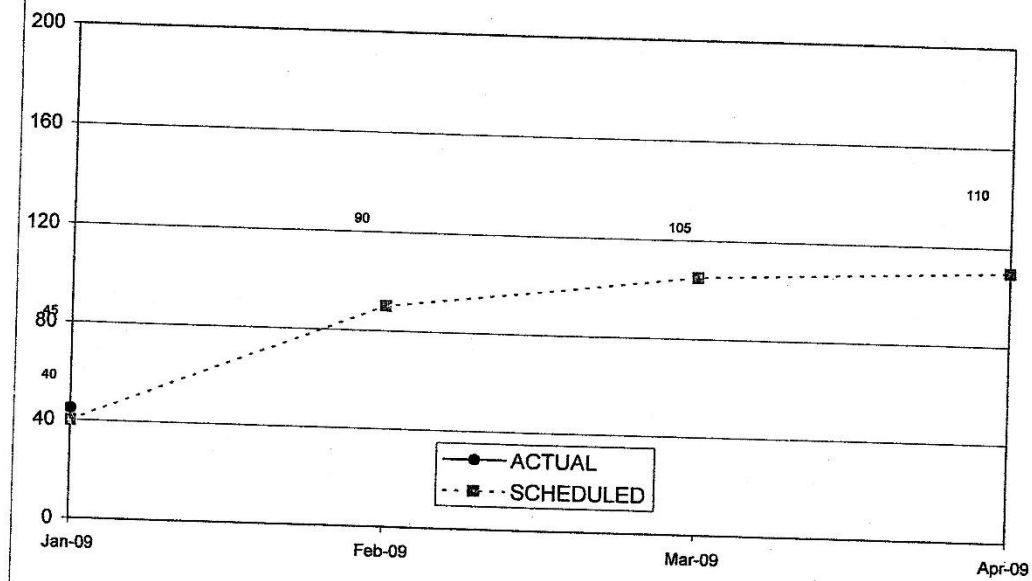
C.O. #1.

No C.O. was processed in January 2009.

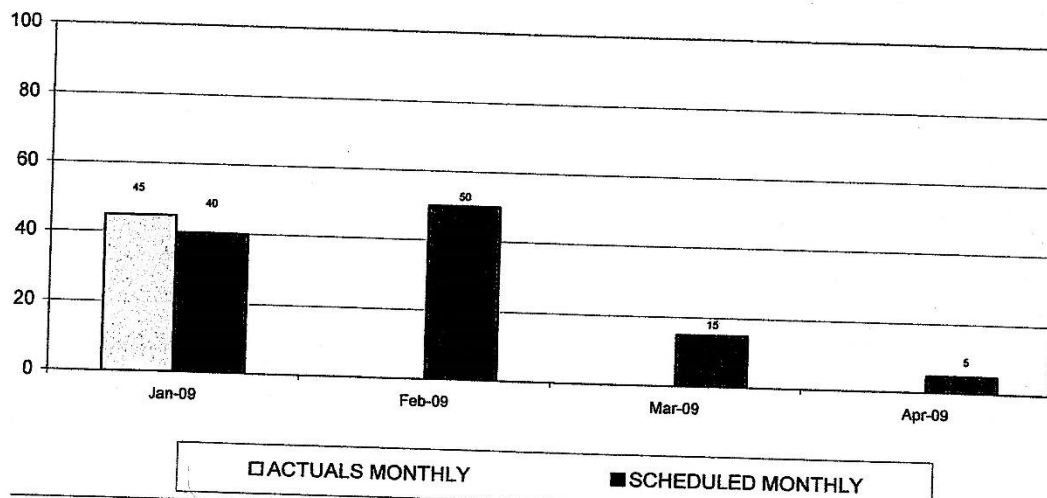
### 3.04 Shop Drawing Submittals and Requests for Information (RFIs)

Ten shop drawing submittals have been processed to date by the District Engineer. Four RFIs have been received and were answered by the District Engineer.

**CUMULATIVE MONTHLY WIP CURVE**  
**Schedule WIP Base on Cash Flow Summary (Baseline)**  
**(in thousands)**



**MONTHLY WIP CURVE**  
**Schedule WIP Based on Cash Flow Summary (Baseline)**  
**(in thousands)**



Randy Klaahsen, P.E.  
District Engineer



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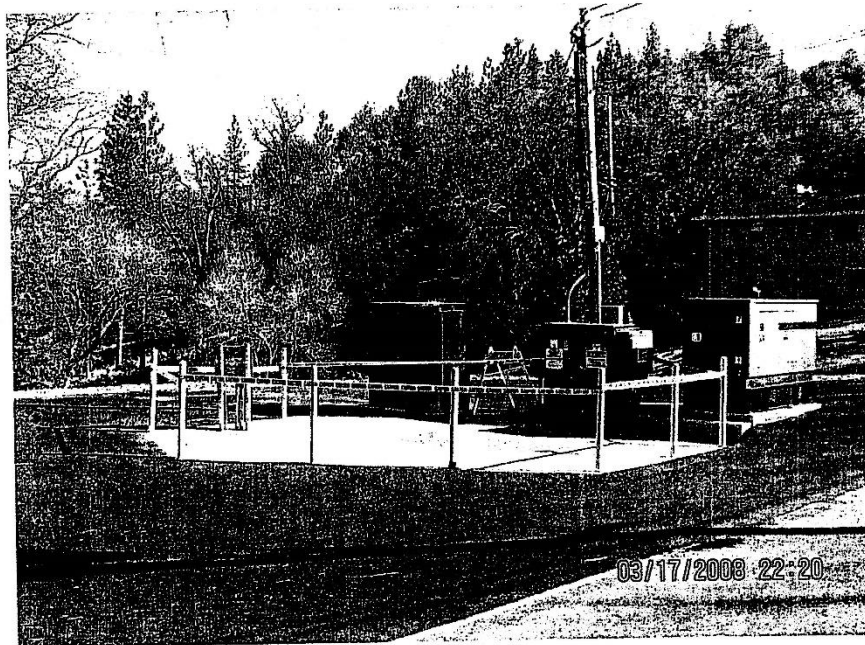
**Groveland Community Services  
District  
Engineering Department  
Construction Management  
Status Report**

**LIFT STATION 9**

**CIP MP-RM-CS-4-3**

**GL 060-800-80-109-00**

The Finished Product!



**March 2008**

**Issue 3**

All data contained in this report is as of  
last day of the month reporting.

Prepared by:  
Randy Klaahsen, P.E.  
District Engineer

## CONSTRUCTION MANAGEMENT STATUS REPORT

### Project Team

GCSD: Randy Klaahsen, P.E., Construction Manager

GCSD: Raymond Albanez, Construction Superintendent

GCSD: Jessie Kraft, Assistant Construction Superintendent

### **1.0 Schedule Status**

- 1.01 The current schedule is to complete this lift station by March 15, 2008. The schedule will be updated by the District Engineer monthly.
- 1.02 The Notice to Proceed was January 15, 2008. The project is completed.

### **2.0 Accomplishments**

- 2.01 The final electrical and instrumentation was completed. The site paving was also completed. The project turned out very good and was done for 52.5% of what was budgeted and 42% of what the low bid contractor bid on the job.

### **3.0 Current Contract Status**

- 3.01 Contract Time
- |   |                  |
|---|------------------|
| NTP Date  | January 15, 2008 |
| Original Allowed Calendar Days                  | 60               |
| Original Contract Completion Date               | March 15, 2008   |
| Additional Allowed Calendar Days Through C.O. 0 | 0                |
| Total Revised Allowed Calendar Days             | 60               |
| Days Completed                                  | 60               |
| Revise Contract Completion Date                 | March 15, 2008   |
| Elapsed Contract Time                           | 100%             |

## CONSTRUCTION MANAGEMENT STATUS REPORT

### 3.02 Contract Price

Original Contract Value	\$	200,000
Approved Change Order Value Through #0	\$	(0)
Revised Contract Amount	\$	200,000
Amount Payable To Date	\$	105,000
Retention To Date	\$	0
Total Invoiced To Date	\$	105,000
<b>Percent Invoiced To Date</b>		<b>100%</b>

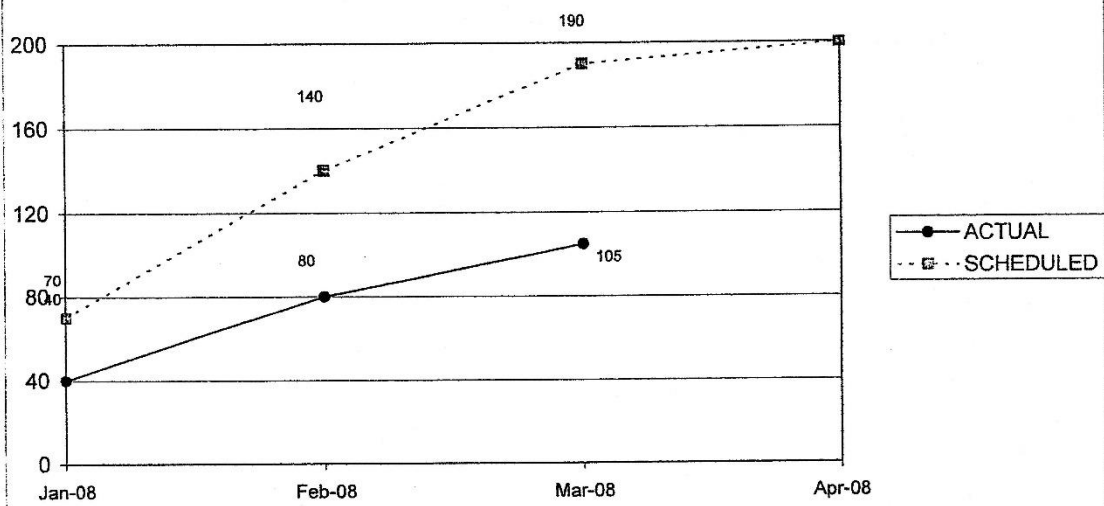
### 3.03 Change Orders

No C.O. was processed in February 2008.

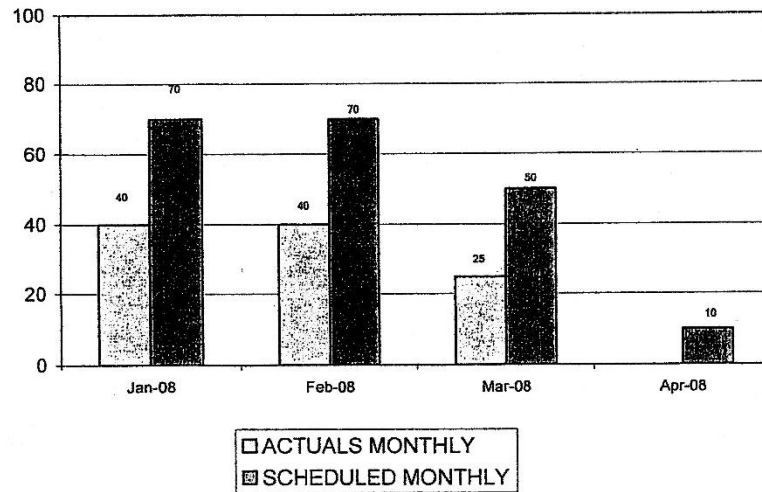
### 3.04 Shop Drawing Submittals and Requests for Information (RFIs)

No shop drawings were processed and two RFIs were answered by the District Engineer.

**CUMULATIVE MONTHLY WIP CURVE**  
**Schedule WIP Base on Cash Flow Summary (Baseline)**  
**(in thousands)**



**MONTHLY WIP CHART**  
**Schedule WIP Based on Cash Flow Summary (Baseline)**  
**(in thousands)**



Randy Klaahsen, P.E.  
 District Engineer



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**Groveland Community Services  
District  
Engineering Department  
Construction Management  
Status Report**

**LIFT STATION 10**

**CIP MP-RM-CS-4-4**

**GL 060-800-80-106-04**

The Finished Product



**December 2007**

All data contained in this report is as of  
last day of the month reporting.

**Issue 3**

Prepared by:  
Randy Klaahsen, P.E.  
District Engineer



## CONSTRUCTION MANAGEMENT STATUS REPORT

### Project Team

GCSD: Randy Klaahsen, P.E., Construction Manager  
GCSD: Raymond Albanez, Construction Superintendent  
GCSD: Jessie Kraft, Assistant Construction Superintendent

### 1.0 Schedule Status

- 1.01 The current schedule is to complete this lift station by December 31, 2007. The schedule will be updated by the District Engineer monthly.
- 1.02 The Notice to Proceed was October 22, 2007. The project is currently 99% completed. The only remaining thing that needs to be done is the control panel manufacturer needs to perform field startup and testing.

### 2.0 Accomplishments

- 2.01 The control panel was installed. The concrete slab supporting the lift station wetwell was poured. The site was paved. All electrical conduits and wiring were completed.

### 3.0 Current Contract Status

- 3.01 Contract Time
- |   |                   |
|---|-------------------|
| NTP Date  | October 22, 2007  |
| Original Allowed Calendar Days                  | 68                |
| Original Contract Completion Date               | December 31, 2007 |
| Additional Allowed Calendar Days Through C.O. 0 | 0                 |
| Total Revised Allowed Calendar Days             | 68                |
| Days Completed                                  | 68                |
| Revise Contract Completion Date                 | December 31, 2007 |
| Elapsed Contract Time                           | 100%              |

## CONSTRUCTION MANAGEMENT STATUS REPORT

### 3.02 Contract Price

Original Contract Value	\$	200,000
Approved Change Order Value Through #0	\$	(0)
Revised Contract Amount	\$	200,000
Amount Payable To Date	\$	175,000
Retention To Date	\$	0
Total Invoiced To Date	\$	175,000
Percent Invoiced To Date		100%

### 3.03 Change Orders

C.O. #1.

No C.O. was processed in December 2007.

### 3.04 Shop Drawing Submittals and Requests for Information (RFIs)

Seven RFIs have been received and were answered by the District Engineer.



**Groveland Community Services  
District  
Engineering Department  
Construction Management  
Status Report**

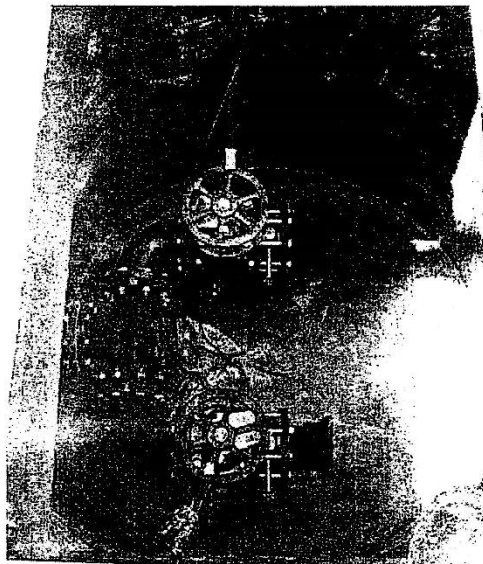
**LIFT STATION 12**

**CIP MP-RM-CS-4-3**

~

**GL 060-800-80-100-00**

Installing New Discharge Piping and Valves  
In Valve Vault



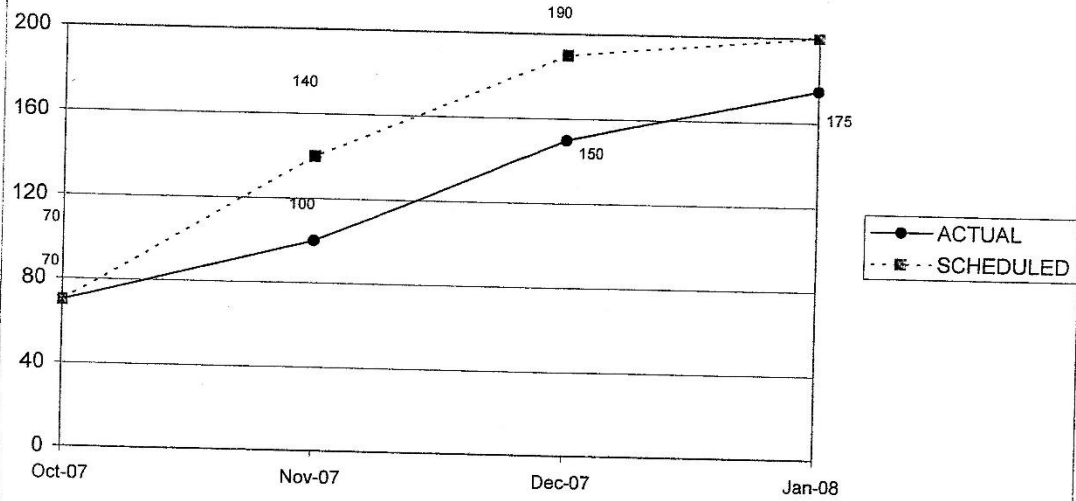
**April 2008**

**Issue 1**

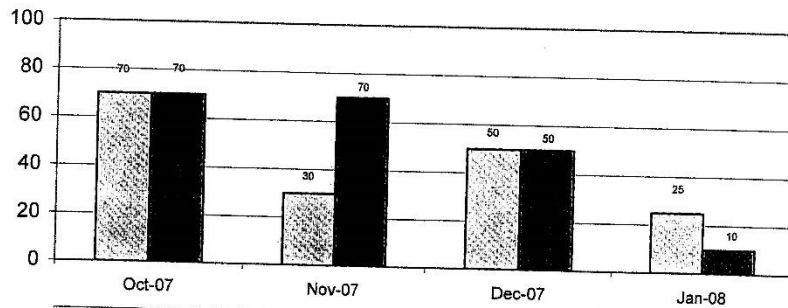
All data contained in this report is as of  
last day of the month reporting.

Prepared by:  
Randy Klaahsen, P.E.  
District Engineer

**CUMULATIVE MONTHLY WIP CURVE**  
Schedule WIP Base on Cash Flow Summary (Baseline)  
(in thousands)



**MONTHLY WIP CURVE**  
Schedule WIP Based on Cash Flow Summary (Baseline)  
(in thousands)



	Oct-07	Nov-07	Dec-07	Jan-08										
ACTUALS MONTHLY	70	30	50	25										
SCHEDULED MONTHLY	70	70	50	10										

ACTUALS MONTHLY

SCHEDULED MONTHLY

Randy Klaahsen, P.E.  
District Engineer



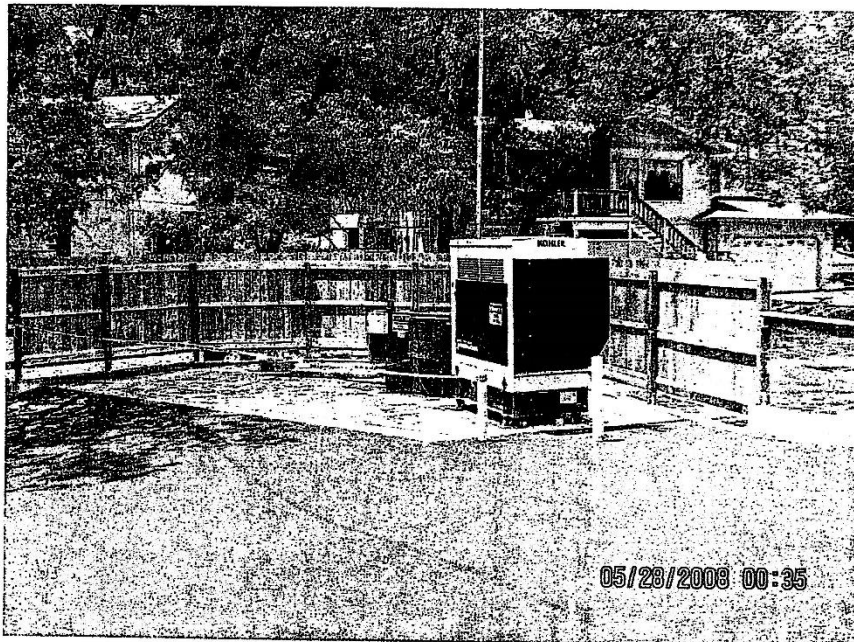
**Groveland Community Services  
District  
Engineering Department  
Construction Management  
Status Report**

**LIFT STATION 12**

**CIP MP-RM-CS-4-3**

**GL 060-800-80-100-00**

Station has been completed



**May 2008**

**Issue 2**

All data contained in this report is as of  
last day of the month reporting.

Prepared by:  
Randy Klaahsen, P.E.  
District Engineer

## CONSTRUCTION MANAGEMENT STATUS REPORT

### Project Team

GCSD: Randy Klaahsen, P.E., Construction Manager

GCSD: Raymond Albanez, Construction Superintendent

GCSD: Jessie Kraft, Assistant Construction Superintendent

### **1.0 Schedule Status**

- 1.01 The current schedule is to complete this lift station by May 30, 2008. The schedule will be updated by the District Engineer monthly.
- 1.02 The Notice to Proceed was April 1, 2008.

### **2.0 Accomplishments**

- 2.01 The valve vault, discharge piping, and guiderail assemblies were installed. The electrical conduits were installed. The site grading and stem walls were completed. The driveway was widened so that access will be maintained to the adjacent residence even when we have the vactron on-site for preventative maintenance.

### **3.0 Current Contract Status**

3.01

#### Contract Time

NTP Date	April 1, 2008
Original Allowed Calendar Days	60
Original Contract Completion Date	May 30, 2008
Additional Allowed Calendar Days Through C.O. 0	0
Total Revised Allowed Calendar Days	60
Days Completed	30
Revise Contract Completion Date	May 30, 2008
Elapsed Contract Time	50%

## CONSTRUCTION MANAGEMENT STATUS REPORT

### 3.02 Contract Price

Original Contract Value	\$	200,000
Approved Change Order Value Through #0	\$	(0)
Revised Contract Amount	\$	200,000
Amount Payable To Date	\$	30,000
Retention To Date	\$	0
Total Invoiced To Date	\$	30,000
<b>Percent Invoiced To Date</b>		<b>15%</b>

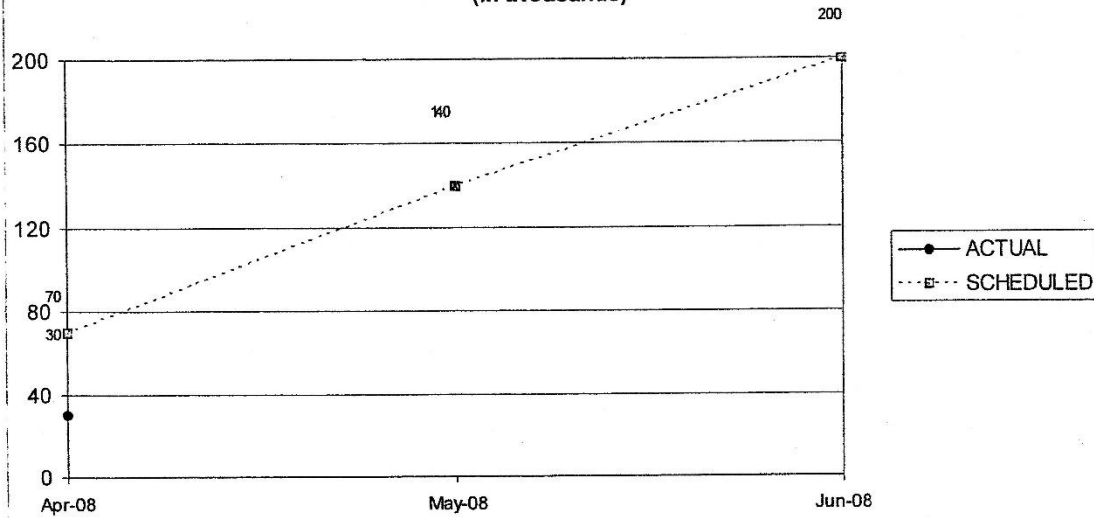
### 3.03 Change Orders

No C.O. was processed in April 2008.

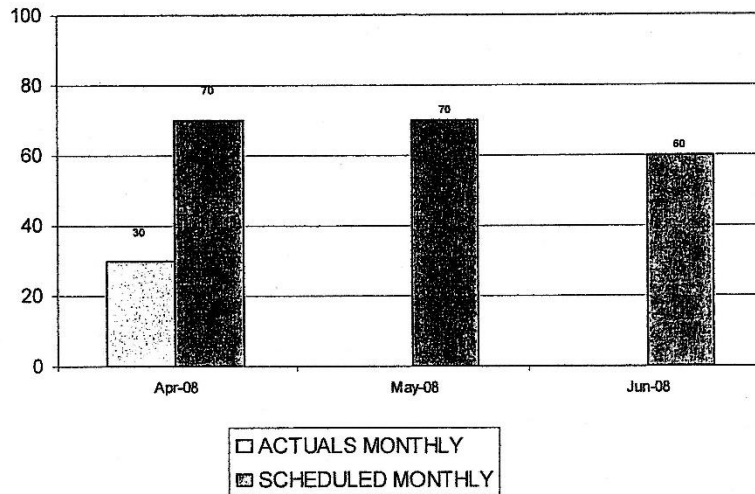
### 3.04 Shop Drawing Submittals and Requests for Information (RFIs)

Five shop drawings were processed and two RFIs were answered by the District Engineer.

**▼ CUMULATIVE MONTHLY WIP CURVE**  
**Schedule WIP Base on Cash Flow Summary (Baseline)**  
**(in thousands)**



**MONTHLY WIP CHART**  
**Schedule WIP Based on Cash Flow Summary (Baseline)**  
**(in thousands)**



Randy Klaahsen, P.E.  
 District Engineer



**COUNTY-BY-COUNTY LIST OF CONSTRUCTION TRADE JOURNALS  
WHICH SHALL RECEIVE WRITTEN NOTICE OF ALL INFORMAL  
AND FORMAL CONSTRUCTION CONTRACTS BEING BID FOR WORK  
(PER SECTION 22036 OF THE PUBLIC CONTRACT CODE)**

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The Commission has determined that all public agencies that adopt and contract under the Uniform Public Construction Cost Accounting Act shall be required to mail, e-mail or fax a notice to the following specified construction trade publications, of all informal and formal construction contracts being bid within the specified county (as provided in Sections 22034 and 22037 of the Public Contract Code); or all contractors on the list for the category of work being bid, or both all contractors and trade journals as noted herein. The numbers following the name of each county refer to the corresponding numbered publications on the List of Construction Trade Journals beginning on page 10.

Users will note that the notification of the trade journals listed in Column B is required. The user will have to notify at least two (2) of the trade journals listed in Column C, unless there is only one (1), in which case notification of the one trade journal is mandatory. The list of construction trade journals beginning on page 10 is more extensive. The Commission urges each public agency to select additional publications from its geographical area and include them on its list of publications to be notified. Sample information to be included in the mailed notice to trade journals is listed on page 9.

**Note:** You are not required to mail a notice to a trade journal if the trade journal listed under your county is now charging for its services, or is out of business. Instead, the Commission requests that you find some other method of notifying potential contractors of published jobs and how to be added to your informal bidding lists (e.g. Internet – County's web page.)

Column A	Column B	Column C
COUNTY NAME	TRADE JOURNALS <b>REQUIRED TO</b> BE NOTIFIED	NOTIFY <b>TWO OF THE TRADE</b> JOURNALS LISTED BELOW
ALAMEDA	2,3	9,15,16,17,18,19,20
ALPINE	2,3	12
AMADOR	2,3	12,14,21
BUTTE	2,3	6,7,12,13
CALAVERAS	2,3	12,20,21
COLUSA	2,3	6,7
CONTRACOSTA	2,3	9,16,17,18,20
DELNORTE	2,3	4,5,6
ELDORADO	2,3	11,12,13,14,17
FRESNO	2,3	20,22,26,27,28
GLENN	2,3	6,7,13
HUMBOLDT	2,3	4,5,6
IMPERIAL	2,3	32
INYO	2,3	28
KERN	2,3	22,27,28,29
KINGS	2,3	22,26,27,28
LAKE	2,3	5,6,8,9,17
LASSEN	2,3	4,6,12,13
LOSANGELES	2,3	32,47
MADERA	2,3	20,22,26
MARIN	2,3	8,9
MARIPOSA	2,3	22
MENDOCINO	2,3	5,8,9,17
MERCED	2,3	20,21,2

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**ASSEMBLY BILL**

**No. 720**

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**Introduced by Assembly Member Hall**

February 17, 2011

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An act to amend Section 22032 of, and to repeal Section 22031 of, the Public Contract Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

AB 720, as introduced, Hall. Public contracts: uniform construction cost accounting provisions: alternative procedures.

Existing law establishes procedures for local public agencies to follow when engaged in public works projects, and authorizes agencies to elect to become subject to uniform construction cost accounting provisions. Existing law specifies that a board of supervisors or a county road commissioner is not prohibited by those provisions from utilizing, as an alternative, other procedures governing county highway contracts.

This bill would repeal the above provision that specifies that a board of supervisors or a county road commissioner is not prohibited from using alternative procedures governing county highway contracts.

Existing law authorizes public projects of \$30,000 or less to be performed by the employees of the public agency by force account, negotiated contract, or purchase order.

This bill would increase that authorization to \$45,000.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 22031 of the Public Contract Code is  
2 repealed.
- 3 ~~22031. Nothing in this article shall prohibit a board of~~  
4 ~~supervisors or a county road commissioner from utilizing, as an~~  
5 ~~alternative to the procedures set forth in this article, the procedures~~  
6 ~~set forth in Article 25 (commencing with Section 20390) of Chapter~~  
7 ~~1.~~
- 8 SEC. 2. Section 22032 of the Public Contract Code is amended  
9 to read:
- 10 22032. (a) Public projects of ~~thirty~~ *forty-five* thousand dollars  
11 ~~(\$30,000)~~ *(\$45,000)* or less may be performed by the employees  
12 of a public agency by force account, by negotiated contract, or by  
13 purchase order.
- 14 (b) Public projects of one hundred twenty-five thousand dollars  
15 (\$125,000) or less may be let to contract by informal procedures  
16 as set forth in this article.
- 17 (c) Public projects of more than one hundred twenty-five  
18 thousand dollars (\$125,000) shall, except as otherwise provided  
19 in this article, be let to contract by formal bidding procedure.

**PUBLIC CONTRACT CODE**  
**SECTION 22013**

The commission members shall select a chairperson from among its membership. The chairperson shall serve as chair for a term of one year from the date of selection or February 1, whichever comes first. In no event shall two consecutive chairpersons be appointees representing either the construction industry or public agencies.