



California Uniform Construction Cost Accounting Commission

State Controller's Office – Division of Accounting & Reporting

3301 C Street, Suite 500, Sacramento, California 95816

http://www.sco.ca.gov/ard_cuccac.html

Mr. John Donlevy Jr.
City Manager
City of Winters
318 First Street
Winters, CA 95694

August 31, 2015

SUBJECT: Notice of Review

Dear Mr. Donlevy,

The purpose of this letter is to advise you that the California Uniform Construction Cost Accounting Commission (CUCCAC or Commission) has received the attached complaint from the Construction Industry Force Account Council (CIFAC) alleging that your agency has violated section 22031(e) of the Public Contract Code (PCC) on the Railroad Avenue Sirte Project.

As discussed in our phone conversation on August 24th, PCC section 22043 requires the CUCCAC to review all complaints filed. The CUCCAC has scheduled a hearing on this matter at our Commission meeting in Sacramento on September 9, 2015. The Commission hearing will be held during the Commission meeting scheduled to begin at 10:00 a.m. and be held at the following location:

California State Controller's Office
300 Capitol Mall
6th Floor, Terrace Room
Sacramento, CA 95814

In order to adequately review this matter and consider all relevant facts, I request that you provide a response to the Commission regarding this CIFAC complaint. Your response should include the value of all contracts awarded as part of this demolition project as well as the value of all force account work performed by your employees (see CUCCAC Cost Accounting Policies and Procedures Manual for an outline of relevant information available as a link on the State Controllers webpage http://www.sco.ca.gov/ard_cuccac.html). You may provide your response in writing, or through oral testimony at the Commission hearing, or both. Please provide your response prior to the close of the September 9, 2015 hearing on this item.

If you have any questions regarding this item, please feel free to contact State Controller/Commission staff member Mr. Robert Szabo at (916)327-8905 or by email at RSzabo@sco.ca.gov. Thank you in advance for your cooperation in resolving this matter.

Sincerely,



George Hicks
Chairman, CUCCAC

Cc: Mr. Dan Maguire, Economic Development Director, City of Winters
Robert Szabo, SCO



Steve Harris, President

Dave Thomas, Vice President

Bill Koponen, Secretary

Mike Hester, Treasurer

August 21, 2015

George Hicks, Chair
 California Uniform Construction Cost Accounting Commission
 c/o State Controller's Office
 Local Government Policies Section
 P.O. Box 942850
 Sacramento, CA 94250

Re: City of Winters
 Railroad Avenue Project

Dear Chairperson Hicks and Commissioners:

The Construction Industry Force Account Council (CIFAC) is a non-profit organization that represents various members of the public works construction industry throughout California. We work to ensure compliance with the California Public Contract Code by public entities. Thus, we qualify as an interested party per the California Uniform Construction Cost Accounting Act requirements.

We request that the Commission review the City of Winters, Railroad Avenue Projects. They have been referred to as Railroad Avenue, Hotel site, and old fire house property. They are all one project by definition, but have been done in various phases this year. We believe that the City has exceeded its force account limit on this work. They have given projects to various contractors without using correct informal bidding procedures and also done work with force account labor. This constitutes a violation of public Contract Code 22034 (b) and makes a reviewable complaint under PCC 22042 (b).

INFORMAL BIDDING:

PCC 22034:

(b) All contractors on the list for the category of work being bid or all construction trade journals specified in Section 22036, or both all contractors on the list for the category of work being bid and all construction trade journals specified in Section 22036, shall be mailed a notice inviting informal bids unless the product or service is proprietary.

The City of Winters did not advertise, nor did they notice those people on their informal bidders list. Please see the attachments to this letter. We have included their informal bidders list, their staff reports for March and April. They state that they contacted certain contractors to get prices and /or bids on the work. This did not afford an open opportunity for contractors to bid on the work. As these contractors were not on the informal bidders list, which is short, they were then required to advertise for the work.

EXCEEDED FORCE ACCOUNT

Referencing the staff report from March 3, 2015 which is attached, you will see that they estimated at that time the project was valued at \$60,000. They also state in that report that City crews would be

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



doing work on the project to save funds. The Act is clear that if a project's value exceeds \$45,000, it must be bid in its entirety. We have been unable to obtain detailed costs of work done by City crews. We have no objection to bidding all of the work using the informal process, as none of our research has indicated that they exceeded the \$175,000 cap.

We have also attached a copy of our notice to file a complaint, to the City of Winters, which was sent via certified mail as required. Please feel free to contact me at (800) 755-3354 or Sally Riley, Senior Field Representative at (530) 549-3805, should you have any questions. We appreciate the Commission's attention to this complaint.

Sincerely,

A solid black rectangular box redacting the signature of Cathryn Hilliard.

Cathryn Hilliard
Executive Director

Attachments: 5



Steve Harris, President

Dave Thomas, Vice President

Bill Koponen, Secretary

Mike Hester, Treasurer

August 21, 2015

John Donlevy, Jr., City Manager
City of Winters
318 First Street
Winters, CA 95694

Sent Via Certified Mail

Re: Railroad Avenue Site Project

Dear Mr. Donlevy,

This letter is to serve as notice to the City of Winters, that the Construction Industry Force Account Council (CIFAC) is filing a formal complaint with the California Uniform Construction Cost Accounting Commission (CUCCAC) in reference to the work being done on the Railroad Avenue Site Project. We assert that you are in violation of Public Contract Code 22034 (b), exceeded force account limits. The value of the project exceeds \$45,000. You have failed to properly advertise all phases and have self-performed portions of the work with knowledge that the value of the project was in excess of the \$45,000.

The Construction industry Force Account Council is a non-profit organization that represents members of the construction industry.

Sincerely,

A handwritten signature in blue ink that reads "Cathy - Hilliard". The signature is written in a cursive, flowing style.

Cathryn Hilliard
Executive Director





CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Council Members
 DATE: March 3, 2015
 THROUGH: John W. Donlevy, Jr., City Manager
 FROM: Eric Lucero, Public Works Superintendent
 SUBJECT: Concrete Slab Demo Under Old Firehouse Building (10 Abbey St)

RECOMMENDATION: Council approval to execute contract agreement with VacaValley Excavating & Trucking, Inc. to remove approximately 22,750 sq ft of concrete slab at 10 Abbey St.

BACKGROUND: As Council is aware, the old firehouse building needs to be removed from 10 Abbey St to be replaced by a new hotel. After the building is taken down, the concrete slab needs to be removed from the property as part of the agreement with the hotel developers. Staff has taken bids from three different contractors to do the demo work of removing the slab, two local and one from Vacaville. VacaValley Excavating & Trucking was the lowest bidder at \$33,159.00. The other two bids came in at \$70,705.00 and \$108,694.00. Public Works staff will also be a part of demoing the inside portion of the old office buildings on this site to keep the cost down but will need funding for equipment rental and unforeseen obstacles. This budget will cover the concrete demo and the building demo.

FISCAL IMPACT: Total amount not to exceed \$60,000.00



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Council Members
 DATE: April 7, 2015
 THROUGH: John W. Donlevy, Jr., City Manager
 FROM: Dan Maguire, Economic Development and Housing Manager *nfa*
 SUBJECT: Authorize City Manager to execute a Contract for Construction Services Agreement with Solano Construction for Demolition of the building and property at 314 Railroad Avenue and 318 Railroad Avenue for the Downtown Hotel Project (APN #s 003 204 005 & 003 204 006)

RECOMMENDATIONS:

1) Receive the report from staff recommending the issuance of a Construction Services Contract to Solano Construction for Demolition Services of City-owned buildings at 314 & 318 Railroad Avenue (formerly known as JJ's and Cody's) for the Downtown Hotel project, and 2) Authorize the City Manager to execute a contract with Solano Construction for the Construction Services Agreement.

BACKGROUND:

As part of the City's Development Agreement with AKM Railroad LLC for the Downtown Hotel project, the City is required to provide a "clean site" as a condition of the sale of the property. The buildings at 314 & 318 Railroad need to be demolished as part of the City's obligation under the Development Agreement. The City received bids from 3 different contractors to remove the buildings and the concrete slabs, 2 from Vacaville and 1 from Winters. Solano Construction was the low responsive bidder at \$25,695.00. The other bids came in at \$51,027.50 and \$52,995.00. The contract will cover the building demolition and concrete removal.

FISCAL IMPACTS:

Total contract amendment cost is not to exceed \$25,695.00.

ATTACHMENTS:

Informal Bid Request for Proposals and Related Documents

City of Winters Contractor's Pre-Qualification Applications

Ample Electric	19 Main Street	Winters	CA	95694
JBN Electrical Construction	26 E. Main Street/P.O.Box 833	Winters	CA	95694
PCD	1032 Maxwell Drive	Santa Rosa	CA	95401
Vintage Paving Co., Inc.	1119 Main Street	Winters	CA	95694

List provided by City of Winters - August 2015

The demolition of City-owned properties for the hotel site is actually being done in parts, with the project broken into two phases. In the first phase, the City sold the vacant buildings (3) that were formerly the location of the Fire Department to a local farmer for a nominal price (\$1). The farmer contracted with Solano Construction to remove a building and reassemble it at his farm operation. Solano also salvaged "skin" from two adjacent buildings and demoed the remainder as part of his contract with the farmer. Once the buildings were gone, the concrete pad was demoed by Vaca Valley Excavation. The concrete demolition contract was awarded by City Council at the March 3'd meeting. The bid process for concrete demolition was coordinated by Eric Lucero.

Prior to phase one, the City filed the appropriate demolition paperwork with the Yolo Solano Air Quality Management District and solicited bids for asbestos and lead testing from a list of licensed testers provided on their (YSAQMD) website. The asbestos and lead testing was contracted to Anderson Environmental Consulting Group out of Sacramento. They utilized the Lead Detection Agency (Sacramento) as a subcontractor for the lead based paint survey. Once the surveys were received, on 2/17/2015, the City solicited bids from licensed abatement contractors from the list of abatement contractors on the YSAQMD website, with Select Environmental out of Sacramento contracted to provide environmental remediation. The remediation was completed prior to the start of each phase of demolition.

The two city-owned buildings on Railroad Avenue are the second phase of the demolition project. Five (5) local contractors (Hearn Construction, Vaca Valley Excavation, Cal-Inc, K.O. Underground, and Solano Construction) were invited to bid via an email sent on March 20, 2015. I have attached a copy of the bid invitation with this email. Three of the five contractors invited to bid submitted bids (additional attachment) and the City Council awarded the contract to Solano Construction as the low responsive bidder at the City Council meeting on April 7, 2015.

We are in the process of executing the contract with Solano Construction, with demolition to begin on April 24 and expected to be completed around April 30th. I will forward the executed contract once it is available. It should be noted

the City Manager authorized the removal of the requirement for Payment and Performance bonds due to the anticipated small nature of the contract. This was communicated to all invited bidders via an email sent on 3/24/2015. Please feel free to contact me with any questions you may have, or any additional information you need.

Dan

Dan Maguire
 Economic Development & Housing Manager
 City of Winters
 530-794-6718 (direct line)
 530-400-1999 (cell)

RECEIVED

APR 17 2015

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