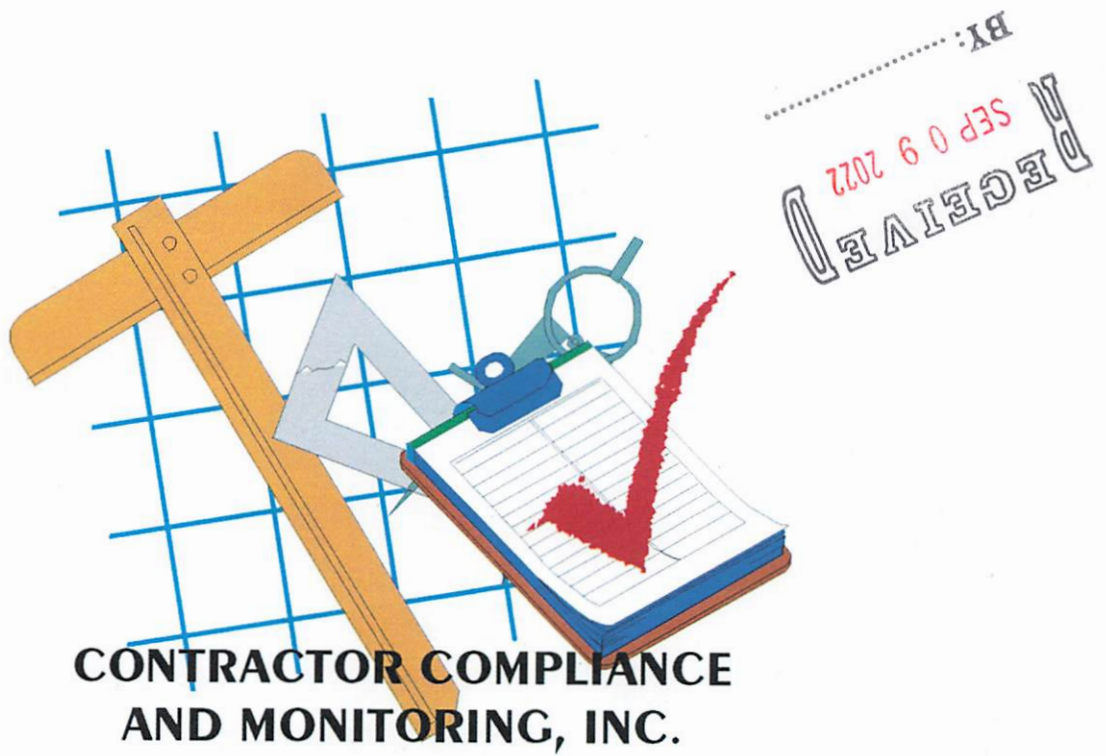


DATE SUBMITTED 09/14/2022  
 SUBMITTED BY Public Services  
 DATE ACTION REQUIRED 09/21/2022

COUNCIL ACTION ( )  
 PUBLIC HEARING REQUIRED ( )  
 RESOLUTION ( )  
 ORDINANCE 1<sup>ST</sup> READING ( )  
 ORDINANCE 2<sup>ND</sup> READING ( )  
 CITY CLERK'S INITIALS ab

**IMPERIAL CITY COUNCIL  
 AGENDA ITEM**

SUBJECT: Reject Proposals for RFP P2022-05      DISCUSSION/ACTION: 1. Discuss and reject all proposals received for RFP P2022-05 for Labor Compliance Services.	
DEPARTMENT INVOLVED: Public Services - Water	
BACKGROUND/SUMMARY:  Public Services received two proposals for Labor Compliance Services for the Clearwell Pump Station Replacement & GAC Treatment Expansion & Filter Piping Replacement Project from: <ul style="list-style-type: none"> <li>• Cumming Management Group</li> <li>• Contractor Compliance and Monitoring Inc</li> </ul> RFP was issued, requesting proposals based off engineers estimate of \$4.9 million. Bid accepted for this project is \$6,060,623.00.	
FISCAL IMPACT: n/a	FINANCE INITIALS <u>DP</u>
STAFF RECOMMENDATION: Reject Proposals	DEPT. INITIALS <u>[Signature]</u>
MANAGER'S RECOMMENDATION: <i>approve                  stay recommendation to                  reject</i>	CITY MANAGER'S INITIALS <u>[Signature]</u>
MOTION:	
SECONDED: AYES: NAYES: ABSENT:	APPROVED ( )      REJECTED ( ) DISAPPROVED ( )      DEFERRED ( )  REFERRED TO:



**Contractor Compliance and Monitoring Inc.'s**  
**Statement of Qualifications**  
**to the City of Imperial for**  
**Labor Compliance Monitoring Services**

**P-2022-05**

Contractor Compliance and Monitoring, Inc.  
Deborah Wilder, President  
635 Mariners Island Blvd. #200  
San Mateo, CA 94404  
Phone: 650-522-4403  
[www.ccmilep.com](http://www.ccmilep.com)  
[dwilder@ccmilep.com](mailto:dwilder@ccmilep.com)



# CONTRACTOR COMPLIANCE & MONITORING, INC.

www.ccmilcp.com

635 MARINERS ISLAND BLVD, SUITE 200, SAN MATEO CA 94404 - P 650-522-4403 - F 650-522-4402

## Statement of Qualifications

Contractor Compliance and Monitoring, Inc. (CCMI) is submitting this Statement of Qualifications in response to the City of Imperial's RFQ for Labor Compliance Monitoring for the Clearwell Pump Station Replacement & GAC Treatment Expansion & Filter Pipeline Replacement Project.

CCMI has been a California corporation in good standing since 2002 and has provided labor compliance services to over 100 clients covering more than 1800 projects. We are the only third-party LCP which also has a licensed attorney with over 40 years of experience in this field as its principal owner and president. Thus, we bring a full understanding of the laws and regulations of labor compliance as well as the practical understanding of the construction industry from which CCMI's staff draws its experience. We believe that CCMI is uniquely qualified to perform this work for the following reasons:

- CCMI was an approved Third-Party Labor Compliance Program by the California Department of Industrial Relations (DIR) from March 2003 until September 2011 (when the DIR ceased "approving" Third Party Labor Compliance companies).
- CCMI has assisted over 50 agencies within the State in writing and obtaining approval of their DIR approved Labor Compliance Program.
- CCMI's staff comes from the construction industry itself with years of experience in working for general contractors/subcontractors or public agencies.
- CCMI has extensive experience with both California and Federal Davis Bacon compliance.
- CCMI has worked closely with the DIR and the U.S. Department of Labor (DOL) over the last two decades so that we are able to quickly contact those in authority to receive prompt and correct clarification on issues when necessary.
- CCMI has successfully represented public agencies, developers and contractors in DIR administrative hearings as well as DOL audits.
- CCMI is fully familiar with the electronic delivery systems of labor compliance and equity documents such as LCPTracker, Elations and others. CCMI President, Deborah Wilder, has been a featured speaker at every single one of LCPTracker's annual conferences.



- CCMI believes in a proactive approach to labor compliance which is why we place special emphasis on a preconstruction conference to ensure that all contractors and subcontractors are aware of the requirements and expectations for labor compliance on the project.
- We create separate reports each month by subcontractor and then send these to the prime contractor so that the prime contractors can easily manage, direct and track the progress of its subcontractors on compliance issues.
- The depth of our knowledge also allows us to provide a contractor with the authority for our request or decision in a matter. i.e. We can reference the labor code by section which mandates overtime after 8 hours a day (disallowing a 4-10 workweek at straight time); we have a copy of the DIR decision and citation to the court case that mandates that all workers on the project (including sole proprietors and owners) be paid prevailing wages. When a contractor asks “where is it written”, we are able to respond with confidence.
- We encourage contractors to call us with questions about labor compliance before it becomes a problem and we work with contractors to seek quick correction of errors and restitution of wages, while at all times maintaining a professional demeanor seeking strict compliance of the California Labor Code, regulations and other requirements.
- As CCMI’s president, I am recognized as a leading authority in the field of prevailing wage, DBE, SBE and similar equity issues. I am the author of: *What Every Contractor Should Know About Prevailing Wages* © 3<sup>rd</sup> Edition 2021; *AGC of America’s Davis Bacon Compliance Manual* 3<sup>rd</sup> Edition 2010, 4<sup>th</sup> Edition 2012, 5<sup>th</sup> Edition 2019; and, *Davis Bacon Handbook for Public Agencies* © 2<sup>nd</sup> Edition 2016.

CCMI’s depth of knowledge and experience in prevailing wage and labor compliance cannot be met by any other labor compliance company in the country. CCMI is certified as a Small Business Enterprise (California Department of General Services) and DBE through CUCP, certified with the Supplier Clearinghouse as a WBE, and at [www.sam.gov](http://www.sam.gov) under the SBA’s 8(m) program as an Economically Disadvantaged Women Owned Small Business (EDWOSB). We will perform all work under this agreement and will not subcontract out any work.

I have reviewed the RFP specifications, terms and conditions and CCMI is capable of performing the work. I am the main point of contact for this proposal and can be contacted at the address and phone number listed on the letterhead or via email at: [dwilder@ccmilcp.com](mailto:dwilder@ccmilcp.com)

Key Team Members for this project include: Jessica Finau, Manager; Erin Stous, Analyst; Carlos Hernandez (job walks)

For the last five years. CCMI’s gross annual receipts exceeds a \$1.5 million dollars. We also maintain a credit line at our bank in case of emergencies. We have a total of 15 full time employees and 3 part time employees. This gives us the stability and flexibility to assign staff based on the needs of our clients and the number of projects that need assistance.

I have reviewed the City's standard contract agreement (Attachment 1). I seek the following clarifications. Copyright: CCMI and I already have copyright protection over some of our materials and forms. We are happy to allow the City to have a limited license to use these materials, but need to be clear that our contractual relationship with the City will not in any way act to transfer any of those copyrights to the City. Indemnification. We agree to the defense provisions of this contract and we also agree to be financially responsible for any damage as the direct result of our own action, inaction or negligence. However, we will not assume liability for any proportional liability the trier of fact may find relating to any other party to the action, including the City.

We are unaware of any current or potential conflict of interest. All of our contractor clients have all signed agreements which include a statement that should they work on a project for which CCMI has been retained to implement the Labor Compliance requirements of a public agency, that the contractor will waive any conflict of interest (real or perceived) and allow CCMI to continue to perform work for the Agency.

We are submitting a detailed proposal for your review and encourage you to contact our references as they can certainly provide you with additional insight into the quality of our work. I am authorized to bind the company to this proposal. This proposal is a firm offer and will remain valid and open for 90 days after the due date of the proposal.

We look forward to having the opportunity to work with you.

Sincerely,



Deborah E. G. Wilder, President

## **Relevant Experience and Qualifications**

**CCMI has been regularly and continuously engaged in providing prevailing wage monitoring services to public agencies, owners, developers and contractors for more than 19 years.** We have represented over 100 different public agencies on over 1,800 projects. We have performed labor compliance monitoring for local, state and federally funded prevailing wages projects as small as \$13,000 and as large as \$2 billion dollars. Our largest project had over 175 subcontractors working on it.

### **Labor Compliance Program Experience**

Contractor Compliance and Monitoring, Inc.'s staff works closely with the staff of the Department of Industrial Relations, whether through the OPRL, DLSE, DAS, Office of the Director or legal units. CCMI frequently attends meetings with the Director and DIR staff and also assists in the writing of regulations by contributing comments on proposed regulations impacting LCPs. CCMI has written over 50 Labor Compliance programs, all approved by the California Department of Industrial Relations, for public entities including the University of California, Livermore Valley Joint Unified School District, San Mateo County and the City of Campbell.

### **Experience with the Department of Industrial Relations**

A substantial part of the CCMI's experience involves the monitoring of certified payrolls, including the proper use of wage determinations published by the Department of Industrial Relations (DIR) as well as the proper understanding and use of apprenticeship requirements, i.e. DAS-140 forms, training contributions and the requirements of Labor Code Section 1777.5 regarding the training of apprentices.

The firm's experience includes being involved with over one thousand audits with the Department of Industrial Relations. This includes both a "paper audit" of the certified payroll and related forms, as well as investigation of claims or charges of impropriety brought by the DIR and/or individual third parties against a contractor. CCMI has a good reputation with the DIR and has had several hundreds of its Request for Forfeitures approved without modification.

### **Experience with the Division of Apprenticeship Standards**

CCMI is in contact with the Division of Apprenticeship Standards on a regular basis. Our staff has attended various training seminars offered by the DAS, as well as had individual meetings with them for clarification of updated regulations and procedures.

### **Experience with the Office of Policy, Research and Legislation**

CCMI staff is constantly working with the OPRL (formerly the DLSR) and the information and data it publishes. Important notices are issued by the DIR frequently and ALL CCMI staff subscribe to this information. CCMI routinely contacts OPRL for coverage clarifications. CCMI is also in frequent contact with the DIR legal team relating to coverage and clarification of issues (at least monthly).

### **Experience with the Division of Labor Standards Enforcement**

Deborah Wilder, president of CCMI, has over three decades of experience with the DLSE. This is the division which enforces the prevailing wage requirements and also conducts

Administrative Hearings on behalf of the DIR. Deborah has both prosecuted and defended hearings before the DLSE.

### **Davis-Bacon Experience**

CCMI staff has worked on over 200 Davis-Bacon funded projects and successfully completed over four dozen federal audits, with the US Departments of Energy, Interior, Housing and Urban Development, Transportation and others. CCMI is familiar with CDBG requirements relating to prevailing wages and is prepared to comply with all CDBG requirements (Section 3, semi-annual and annual reporting as it relates to prevailing wage compliance). CCMI's expertise is recognized nationwide in part to Deborah Wilder's authoring the *AGC of America's Davis-Bacon Federal Compliance Manual* and Deborah's national presentation and training on the topic of prevailing wage, Davis-Bacon and related compliance.

### **Quality Control**

CCMI staff attends all LCP training conducted by the DIR. CCMI staff regularly attends training conducted every year or two by the U.S. Department of Labor on Davis Bacon compliance. In addition, CCMI president Deborah Wilder conducts her own in-house staff training on new and updated regulations and implementations on a regular basis. Each staff member has his/her own Administrative Procedures manual (which is updated annually) to insure consistent implementation and compliance of LCP requirements.

### **Relevant Education and Staffing:**

CCMI conducts training for its clients and for the public at large through various trade associations or Builder's Exchanges. CCMI publishes a newsletter once a month of recent prevailing wage changes and updates. Deborah updates her 3 books every few years to keep the public up to date on prevailing wage changes. CCMI also attends and speaks at a variety of trade association functions: California Special District Association (CSDA); Alliance of California Water Agencies (ACWA); League of California Cities, NAHRO, PHADA and writes articles for a number of the associations' trade publications.

CCMI brings all of this expertise together to make sure we have the most up to date information relating to prevailing wage rules and enforcement.

### **Deborah Wilder, President**

Deborah Wilder has been a practicing attorney in the field of construction and prevailing wage compliance for 40 years. She has represented scores of contractors in both State and Federal prevailing wage audits, apprentice issues and pension benefit issues. Her experience includes reviewing certified payrolls, interviewing employees and subcontractors regarding potential prevailing wage violations, calculating penalties and negotiating settlements with the DIR and DOL.

She has been hired as an "expert" in the field of prevailing wages and has made dozens of educational presentations to contractors and public agencies on the issue of prevailing wage compliance, including presentations before and in conjunction with: Women Construction Owners and Executives, USA, American Subcontractors Association, California Department of

Corrections, California Department of Transportation, and the U.S. Small Business Administration. Deborah is a much sought-after instructor in the field of prevailing wages consulting, conducting over a dozen seminars and webinars on the topic each year.

Deborah served on the Board of Directors of the Construction Craft Training Center from 1995-1997. CCTC is a licensed post-secondary educational facility which provides apprenticeship and training programs to both union and open shop training programs, including such companies as PG&E.

Deborah is the author of *What Every Contractor Should Know About Prevailing Wages 3rd Edition* © 2021 focusing on federal and California prevailing wage requirements; *AGC of America's Davis-Bacon and Federal Contractor's Compliance Manual. 3rd Edition* © 2010; *4th Edition* © 2012 *5th Edition* 2019; and *Davis Bacon Handbook for Public Agencies* © 2014; *2nd Ed.* 2016.

**CCMI's employment of individuals with construction and prevailing wage experience is key to establishing good working relationships with the Client and the various contractors.**

**Jessica Finau- Manager:**

Jessica is our most tenured employee, having joined the company in 2003. Her understanding of prevailing wage and public works contracting is extensive. She has worked with numerous agencies on bond funded projects and those with mixed funding where state and federal funding have created an overlap of prevailing wage compliance requirements.

Her projects include years of work with the University of California including UCLA, Irvine, and Riverside. She has worked on project as large as \$160 million with over 175 different subcontractors.. She oversees all of our staff in our San Diego office. She is currently taking the lead on a wastewater treatment plant in eastern San Diego County. She is a graduate of California State University at San Diego

CCMI currently is auditing two desalter plants for two different Southern California cities. We have also worked on many repairs and upgrades to wastewater treatment plants throughout the state including new construction of such a plant near Davis, California.

**Erin Stous, Analyst**

While Erin has been with CCMI just a little more than a year, she comes to CCMI with over 10 years of prior experience in the field of prevailing wages. Her knowledge and experience in the field of prevailing wage is exceptional. Her attention to detail and ability to work with multiple contractors on complex prevailing wage projects is one of her strong suits.

**Carlos Hernandez – Job Walks**

Carlos conducts all onsite interviews for CCMI throughout the State each month. Carlos has previously worked in construction and is bilingual. Thus, he brings his safety conscious experience to the onsite visit as well as the ability to speak with workers in English or Spanish. He also checks the project site for required postings.



**Technicians** – Technicians typically perform routine tasks and data entry for the Analyst assigned to the project.

All of our Managers, Analysts and Technicians have completed the LCPtracker certification program relating to Labor Compliance proficiency.

## **Responsiveness to Project Requirements**

Our responsiveness to project requirements can best be confirmed by contacting our references

### **References:**

As CCMI has worked on hundreds of projects in the last three years, we are listing a sampling of public works districts for which we have performed work. The typical scope of work performed for each of these entities and project includes: Contract review, pre-construction conference, monthly interview of workers, monthly audit of prevailing wages, apprenticeship and training requirements (DAS-140, DAS-142, CAC 2), communication with the Agency/Client and contractors on a monthly basis, enforcement of deficiencies, review of all restitution and project closeout (Request for Forfeitures, Notice to Withhold, resolution of outstanding violations, etc.) and on many projects, compliance with federal Davis-Bacon requirements.

#### **City of Sacramento**

*Project Description:* 45 projects (CA and federal prevailing wage)

*Status of Project:* 2012-current

*Construction Cost:* \$250,000-\$11,000,000

*Staffing:* Yvonne Nickles, Erin Stous

*Reference:* Kirsten Wise, Labor Compliance Specialist

[KWise@cityofsacramento.org](mailto:KWise@cityofsacramento.org)

City of Sacramento, Department of Public Works

915 I Street, Room 2000

Sacramento CA 95814

P: 916.808.8195/C:916.600.7064

#### **West Valley Community Services District**

*Project Description:* 6 projects (CA, Prop 84 and Davis Bacon)

*Status of Project:* 2018-present

*Construction Cost:* \$55,000-2 million

*Staffing:* Jessica Finau

*Reference:* Christine Nguyen, Operations Manager

10104 Vista Drive.

Cupertino, CA 95014

(Direct) 408.956.6112

[christinen@wvcommunityservices.org](mailto:christinen@wvcommunityservices.org)

**City of Camarillo**

*Project Description: 1 road project and 3 pipeline projects.  
Current project \$40 million Desalter Plant.*

*Status of Project: 2013-current*

*Construction Costs: 5 projects \$1.8 - \$40 million*

*Staffing: Jessica Finau, Lynda Dubas*

*Reference: CM of Desalter Plant:*

WSC, Inc.

Justin Pickard, P.E.

[jpickard@wsc-inc.com](mailto:jpickard@wsc-inc.com)

Phone: (805) 457-8833 ext. 124

Cell: (281) 300-8392

Christopher Malejan, PE, PMP

[cmalejan@wsc-inc.com](mailto:cmalejan@wsc-inc.com)

Phone: (805) 457-8833 ext. 103

Cell: (805) 503-0611

**Affirmative Action Policy**

Contractor Compliance and Monitoring Inc. has long been an advocate of Affirmative Action and Equal Employment Opportunity. Our company AAP policy is set forth below;

CCMI through responsible managers shall recruit, hire, upgrade, train and promote in all job titles without regard to race, color, religion, ancestry, sex, gender, sexual orientation, marital status, national origin, age, handicap, physical or mental disability, medical condition, or status as a disabled veteran or a veteran of the Vietnam Era or any other prohibited category, except where sex and age are essential bona fide occupational qualifications (BFOQ) or where handicap is a bona fide occupational disqualification.

CCMI shall insure that all other personnel practices and procedures such as compensation, benefits, layoff, returns from lay off, firm-sponsored training, educational tuition assistance, social and recreational programs, shall be administered without regard to any of the classifications stated above.

CCMI shall base employment practices and policies on the principles of Affirmative Action and Equal Employment Opportunity and with the intent to further the firm's commitment.

CCMI shall take affirmative action to ensure that minority group individuals, females, veterans of the Vietnam Era, and qualified handicapped/disabled/physically and mentally challenged persons and disabled veterans are included in the workforce and that these employees are encouraged to aspire for promotion and are considered as promotional opportunities arise.

**Insurance:**

CCMI can meet the insurance requirements set forth in the RFP.

## **Proposed Scope of Work**

Our typical scope of work for project/work plan requiring California prevailing wage compliance is as follows:

1. Provide labor compliance under the requirements of the California Labor Code.
2. Review bid and contract documents as requested for California prevailing wage language.
3. Develop a project specific labor compliance plan under the requirements of California Labor Code and/or Davis Bacon Act.
4. Conduct a Preconstruction Conference meeting and provide training and information on LCP requirements including providing handout materials (labor compliance checklist) for all contractors and subcontractors.
5. Provide a phone line and e-mail contact where contractors and subcontractors can contact CCMI for clarification on prevailing wage, certified payrolls, apprenticeship and compliance issues. CCMI can also provide some assistance to contractors on the LCPtracker system.
6. License check and confirmation with California Contractor's State License Board of current and active license status, as well as worker's compensation coverage of all contractors and all listed subcontractors. Verify that contractors are registered as "public works contractors".
7. Verify contractor's eligibility to work by checking the contracting status with the California Department of Industrial Relations' ([dir.ca.gov](http://dir.ca.gov)) debarment list.
8. Review and comparison of work classifications with California prevailing wage to ensure the contractor is paying the correct prevailing wage rate.
9. Provide assistance to contractors and subcontractors on the use of labor compliance software tracking system. CCMI prefers to use LCPtracker.
10. Monitoring of all Apprenticeship Requirements. Collection and review of all DAS-140 and DAS-142 forms. Review of applicable apprenticeship ratios employed, correct wages paid, training contributions (CAC2 forms). Verification that apprentices are properly supervised and employed in approved ratios as required by California apprenticeship regulations.
11. Monthly audit of certified payrolls forms. This includes obtaining the applicable prevailing wage determinations for each project. Auditing the payrolls includes review and auditing of each weekly CPR, including but not limited to: checking proper trade classifications, checking for overtime, weekend, holiday or shift work, checking for \*\*

increases, reviewing fringe benefit contributions (PW-26), verifying that amortization is correct (when used) and review of training contributions made (CAC-2). When appropriate, travel and subsistence is also reviewed.

12. Onsite interview of workers is not mandated by California prevailing wage law, but can be required by the awarding agency or if there is any Proposition 84 funding in the project. CCMI routinely conducts onsite interviews of about 50% of its jobsites. We also verify that proper postings are on the project and prevailing wages are available to the workers.
13. Additional detailed audit of contractors through review of cancelled checks, timecards, and related records (as needed).
14. Communication to City. CCMI will provide monthly reports identifying potential violations to the City with recommended action. In the event that potential paperwork or compliance issues with a contractor cannot be resolved quickly, the Client will be notified of this potential problem and a recommendation will be made to the Client to retain a certain portion of the scheduled progress payment until the issue is resolved.
15. Communications with Contractors. CCMI will work with all contractors and subcontractors with the goal of amicable agreement on resolving issues related to violations, penalties and compliance. All meetings and calls with contractors will be documented in the project folder maintained by CCMI.
16. Third Party Requests for documents. A project with a high profile oftentimes draws the attention of certain local watchdog groups who frequently request copies of certified payrolls and related "Public Documents". CCMI will provide the appropriate redacted copies (employees names, addresses and social security numbers are not given to the general public) of certified payroll and related LCP documentation to any third party who makes an appropriate request.
17. Close Out Documentation. CCMI shall provide a close out report for each project detailing work performed, violations identified and corrected, restitution confirmed. Should a contractor have outstanding wages and/or penalties, CCMI will assist with issuing the Notice of Withholding and shall represent the City, as needed, before the DIR in an administrative hearing upon appeal by the contractor. Should additional reports be required for HUD or DOL, those reports will also be completed as needed.

As needed reporting of non-compliant contractors shall be made to the DIR- typically DAS violates and contractor registration. The City is authorized to deal with wage violations and penalties internally.

18. Maintain labor compliance files for the project for up to three years and provide to City upon request.



If the project had federal funding, we would provide the following additional services:

- Review of bid and contract documents to make sure correct federal wage determination was included (in full) in the documents as well as the federally mandated contract language;
- Confirm contractors are not listed on the federal excluded parties list (debarment list);
- Review and compare contractor's work classification with both California and federal Davis Bacon wage determinations to ensure proper classification and wage paid;
- Assist agency and contractor with conformance requests when classifications were absent from the wage determination;
- Mandated onsite interviews and verification that prevailing wage rates are available on the project site;
- Confirmation that any apprentices are also enrolled in a US DOL approved program and are properly supervised; and,
- File appropriate reports with HUD or DOL as required.

**Project Personnel is set forth above under Relevant Education and Staffing.**

Some of our employees work 7 a.m. to 4 p.m. while others work until 5 p.m.

A sample monthly report is included in this packet to demonstrate our organization and thoroughness of this process.



# CONTRACTOR COMPLIANCE & MONITORING, INC

www.ccmilcp.com

635 MARINERS ISLAND BLVD. #200, SAN MATEO, CA 94404-P 650-522-440  
Project Analyst: XXXXXXXXXXXX email: XXXXXX@ccmilcp.com

## SAMPLE MONTHLY REPORT

Date: XXX  
Public Agency: XXX  
Project: XXX  
Prevailing Wage Determination California: XXX  
Prevailing Wage Determination Davis-Bacon: XXX  
General Contractor: XXX  
Subcontractor: XXX

Contractor Compliance and Monitoring, Inc. (CCMI) is under contract with the above named agency for the purpose of monitoring labor law compliance for the above referenced project. We completed a review of your certified payrolls and other compliance information for the weeks ending:

XXXX

### We found the following items which need to be corrected:

- There appears to be a wage violation for:

**Name of Employee/Classification** for the weeks ending: **dates**.

It appears that the total hourly wage of X was paid for straight time and Y for overtime. This is less than the required prevailing wage rate for **Classification** of W for Straight Time and Q for Overtime.

- Please provide corrected certified payroll
- Please provide copy of restitution check(s) issued

-The Division of Apprenticeship Standards has posted a database showing the training contributions received within the last two years. According to the database no training contributions have been received in 2006 for this project. A copy of the letter from the DAS is included. Contact information for the DAS is listed on the bottom of their letter. Please send corrective documentation, including a copy of the canceled check or a letter of clearance from the DAS to our office. Without additional information your company may be subject to penalties. Thank you!

### We found the following items were not submitted or incomplete:

X A non-performance statement or certified payroll is required for each week since your company began work on this project.

- Please submit this documentation for the following week endings:

X DAS 1 – State Approved Verification of Apprentice

X Certification of Apprenticeship from the OOA (Office of Apprenticeship)-US DOL.

X Apprenticeship Rates

X DAS 140 – Register to Train Apprentices

X DAS 142 or equivalent – documentation that your company has requested apprentices for this project.

X CAC2 or equivalent- documentation that your company has paid the appropriate training contribution to an approved Apprentice program(s) or made the payments to the California Apprenticeship Council.

X Fringe benefit statement detailing the benefits paid to workers on this project.

X Please provide a proof of your current Public Works Registration with the DIR.

X Please provide a copy of your current Contractors License and Workers Compensation certificate of insurance.

X Other Deductions.

- Please provide the employee signed authorization for the “other” deductions.

X In reviewing the electrician’s classification on the certified payroll we are unable to determine if your electricians are certified or trainees. Please provide proof of their certification status.

X Collective Bargaining Agreement. Please provide a copy of the collective bargaining agreement for all union affiliated trades listed on your payrolls.

X Apprenticeship Standards Agreement. Please provide a copy of the Apprenticeship Standards for all trades of Apprentices onsite.

X Please provide evidence of travel/subsistence paid for employee X, week ending Y, as the trade requires travel/subsistence pay if employees have traveled outside the coverage area listed online. Please see [www.dir.ca.gov](http://www.dir.ca.gov) for further information regarding travel/subsistence regulations applicable to this trade for this determination noted above.

X Please resubmit the certified payroll certification page that states the correct language applicable for this project as it is using California as well as Davis-Bacon funding.

X In reviewing our records it was noticed that the final acknowledgement page verifying that your company received our preconstruction packet provided to you has not been returned to us.

- Please submit a signed copy of the acknowledgement form.

Please email the requested documentation to [XXXXXXXX@ccmilcp.com](mailto:XXXXXXXX@ccmilcp.com) or fax to CCMI at XXX-XXX-XXXX and also provide hard copies to the general contractor.

*Pursuant to Labor Code Section 1776, you have ten days from the date of this notice to provide this documentation to CCMI. If you fail to do so, the District is mandated by law to impose penalties of \$100 per day per worker, even if the information you eventually submit is found to be correct.*

*You may fax the information (less than 15 pages) to CCMI. If you have been asked to resubmit certified payrolls, we ask that you deliver the originals to our office as soon as possible. As progress payments may be delayed while these documents are outstanding, it would be in your best interest to see that these documents are provided as soon as possible. If you have any additional questions, please do not hesitate to call.*

*Please be informed that pursuant to the Davis Bacon guidelines, the following penalties will be applicable to this project:*

*\$27 per worker per day penalty for less than the appropriate overtime rate.*

**Each Report template is modified for each project depending on the funding source and whether only California or both California and Davis Bacon requirements apply.**



## Cost of Proposed Services

CCMI is always conscious of an agency's budget in trying to meet its labor compliance needs. Some cost saving measures should include:

- Obtaining the use of LCPtracker or similar web-based program for the delivery of CPRs. The use of LCPtracker (although a cost) actually will be offset by the efficiency and time savings it creates.
- Providing a standard audit process each month for the projects under LCP review.
- While CCMI's hourly pricing is oftentimes a bit higher than its competition, CCMI's overall fees for a project are oftentimes lower than a consultant with lesser hourly rates. This is because CCMI staff is more efficient. Over the years we have put into place protocols, created forms and processes that allow CCMI to respond to audits and questions more efficiently, so while we may bill \$115 an hour for a particular task taking us one hour, which is less expensive overall than another consultant billing 1.5 hours at \$85 per hour (total \$127.50) to address the same task.
- Many times, CCMI will bill a project on a flat fee basis versus a per hourly base. This is sometimes more palatable to an agency which may be concerned about cost overruns. CCMI's flat fee pricing includes all services on a project for one flat fee (no change orders allowed) so long as the project is completed on time and within budget.

Our Hourly rates are set forth below:

\$95 Technician  
\$115 Analyst  
\$135 Sr. Analyst  
\$150 Manager  
\$400 Principal (Wilder only)  
\$300 Onsite interviews- flat fee includes travel and interview time  
\$200 per month for LCPtracker. This cost is actually saved by the offset of more efficiency and thus less staff time.

CCMI does not perform legal work.

For a project with estimated construction costs of \$4,900.00 to be completed within 9 months, we would anticipate labor compliance costs of up to \$12,250 for a project requiring California prevailing wage only. For a project which also include federal Davis Bacon wages, we would anticipate pricing at up to \$14,700. (periodic onsite jobsite visits)



## **Other Items:**

### **Federal Requirements**

CCMI can meet all of the federal requirements set forth in the RFP

### **DBE Status**

CCMI is certified as a DBE through CUCP Certification number 38752. CCMI is certified as a Small Business Enterprise with the California Department of General Services Number 42083.

**Testimonials:** A number of CCMI clients have shared with us their opinions of the work we have performed for them. Here are two such testimonials.

“If you don't want to worry about your labor compliance, CCMI are the people for you. They go the extra mile to make sure everyone understands what is required and takes the time to work with the large customers as well as the Mom and Pop shops. They are very hands on and I feel like they always have my best interest in mind. I feel well taken care of from the start of a job to the very end.”

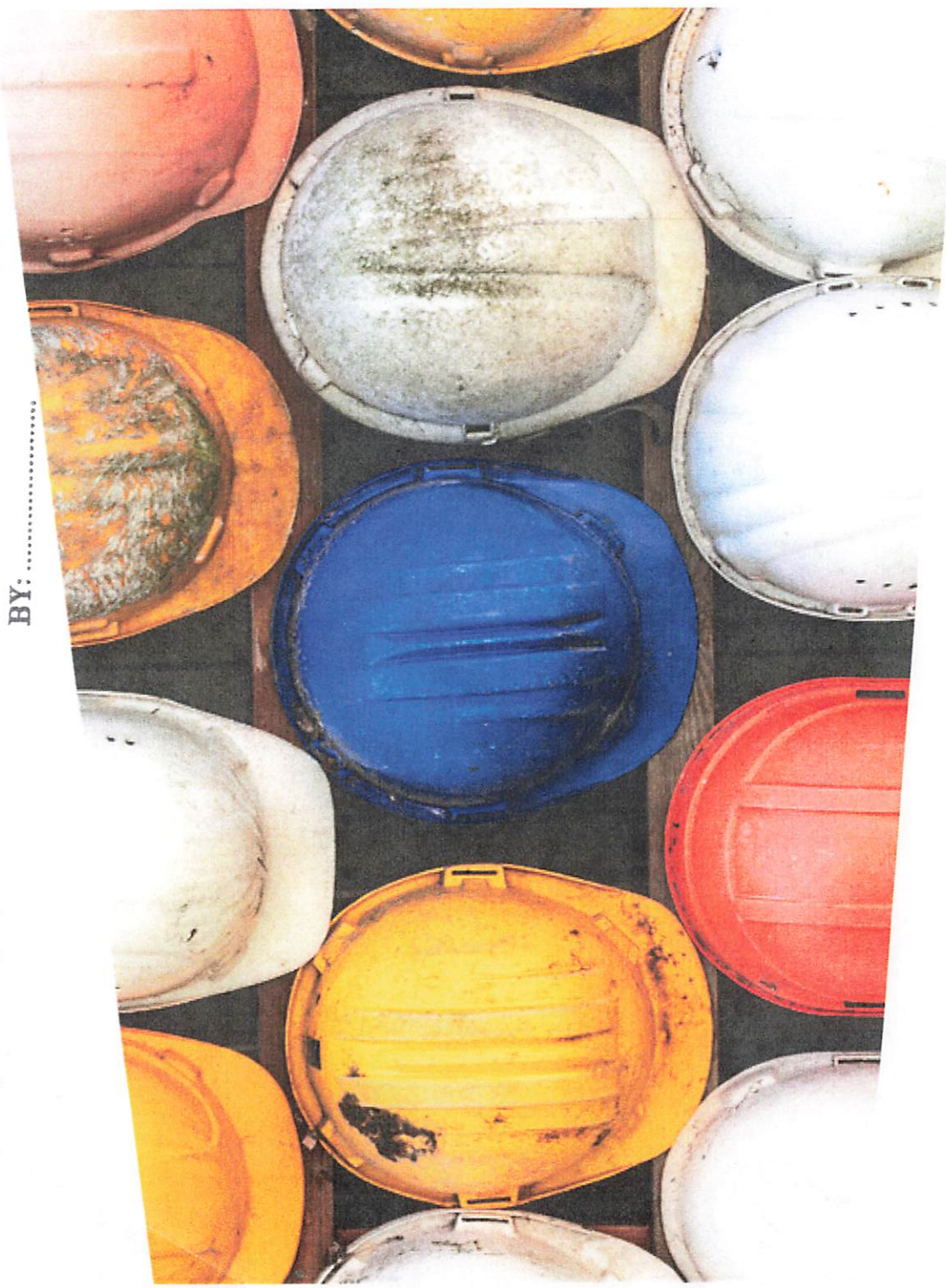
*-Jan Shipley, Construction Supervisor, Livermore Valley Joint Unified School District*

“Deborah is one of the most knowledgeable people I know when it comes to both Federal and California prevailing wage compliance. She is able to assist contractors, in a very easy to understand way, about the very complex requirements of prevailing wage. Her book, “What Every Contractor Should Know About Prevailing Wages”, should be a staple resource in every contractor's library. I know it is for me. My copy is already well used.”

*-Anne Quick, former chair of the California Apprenticeship Council.*

## **Conclusion**

Contractor Compliance and Monitoring, Inc. provides knowledgeable personnel with scores of years of experience in public works, prevailing wage and labor law compliance issues. We are a rare coalition of individuals with expertise in these areas and offer a practical and labor neutral solution for Labor Compliance. We seek to enforce full compliance with labor and employment laws with all parties regardless of union or labor affiliation. The systems we have set in place are created for quick turnaround time and communication with the Client, contractors and subcontractors to ensure both prompt compliance with the law as well as working within the Client's pay schedule and timelines to avoid hampering a contractor's ability to be paid in a timely manner. CCMI would appreciate the opportunity to work with you.



# City of Imperial

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## Public Services Department Labor Compliance Consulting Services Cost Proposal

Clearwell Pump Station Replacement & GAC Treatment Expansion  
& Filter Piping Replacement Project

Response to RFP No. P2022-05

Submitted by Cumming Management Group, Inc.

September 9, 2022





## Section 4 Cost of Proposed Services

**11.4, Cost of Proposed Services.** The cost of the Labor Compliance Services shall be based on the fee schedule proposed and work authorized. Describe your proposed fee schedule for determining the cost of the requested services for the term of the contract.

### PROPOSED HOURLY RATES

Cumming has provided hourly rates below to provide Labor Compliance Consulting Services for Clearwell Pump Station Replacement & GAC Treatment Expansion & Filter Piping Replacement Project. We acknowledge that staffing will be determined based on the CITY's needs. Cumming's fees are typically determined by our recommended staffing plan, projected level of effort, and proposed hourly rates, which are subject to approval by the CITY.

CLASSIFICATION	HOURLY RATE
Compliance Director	\$145
Compliance Officer	\$135
Compliance Manager	\$125
Compliance Analyst	\$115

### PROPOSED NOT-TO-EXCEED

Cumming proposes the following not-to-exceed fee<sup>1</sup>, based on our proposed hourly rates above and projected level-of-effort<sup>2</sup> to support the project with an estimated duration of 250 consecutive calendar days (including closeout efforts) and estimated construction value of \$4.9M:

PROJECT	EST. COST	EST. DURATION	PROPOSED FEES
CLEARWELL PUMP STATION REPLACEMENT & GAC TREATMENT EXPANSION & FILTER PIPING REPLACEMENT PROJECT	\$4.9M	250 CONSECUTIVE CALENDAR DAYS	\$39,200
<b>PROPOSED NOT-TO-EXCEED TOTAL</b>			<b>\$39,200</b>

Cumming reserves the right to amend our fees should there be substantial changes to the construction budget and/or project schedule. **It is understood that the final cost is subject to final negotiations with the CITY** - Cumming supports several local public agencies and recognizes the need for the highest quality services at economical cost. **We are flexible, willing to work within your budget to provide these services** and would be happy to engage in a future discussion with the CITY regarding our proposed fees.

<sup>1</sup> Proposed fees do not include any costs for reimbursable expenses associated in the performance of the scope of services. Reimbursable expenses are to be billed at 0% markup and are inclusive of any expenses within the scope of work that are requested and authorized in advance and in writing by the City, prior to incurring the expense. Mileage beyond 25-miles of the City is subject to the current IRS rate.

<sup>2</sup> Cumming's anticipated level-of-effort is based on the projected construction cost estimate of \$4.9M for the project, as well as the estimated service duration of 250 consecutive calendar days (including closeout efforts). Cumming reserves the right to amend our fees should there be substantial changes to the construction budget and/or project schedule.



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