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OAKLAND  
2012 MAY 31 PM 3:31

## AGENDA REPORT

**TO:** DEANNA J. SANTANA  
CITY ADMINISTRATOR

**FROM:** Osborn K. Solitei

**SUBJECT:** Supplemental Report-Single Audit

**DATE:** May 22, 2012

City Administrator

Date

Approval

5/31/12

**COUNCIL DISTRICT:** City-Wide

**SUBJECT:** Supplemental Report on FY 2010-2011 Single Audit Information Report as requested by the Finance and Management Committee

### REASON FOR SUPPLEMENTAL

At the May 8, 2012 Finance and Management Committee meeting, staff was directed to provide a supplemental report that includes the following:

1. A copy of the random testing on compliance issues with respect to certified payroll and hiring.
2. Information regarding the forgiven debt of \$13 million between the City and the former Redevelopment Agency.
3. Schedule at Rules Committee a report on the formulation of policy to ensure compliance with OMB Circular A-133.
4. A future report on developing real time data regarding local hiring and prevailing wages.

### RECOMMENDATION

Staff recommends that the City Council accept this supplemental report.

Item:

City Council  
June 5, 2012

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**DISCUSSION**

***A. Random testing of certified payroll***

The City is responsible for enforcing compliance with the Davis-Bacon Act that requires all laborers and mechanics employed by contractors or sub-contractors that work on construction contracts in excess of \$2,000 financed by federal assistance funds are paid prevailing wages.

The Contracts and Compliance Division in the City Administrator's Office is tasked with monitoring contract compliance, including the collection of certified payrolls from the contractors. The City's current practice allows progress payments to contractors by the administering departments, but withholds the final retention until all required documents are received at the completion of the project.

***Attachment A*** is a supplemental report dated May 15, 2012 that discusses the Oakland residency verification and hiring process.

***Attachment B*** is a memorandum dated April 19, 2012, describing the certified payroll reports, the revised procedures and corrective action to ensure compliance with the Davis-Bacon Act requirements.

***Attachment C*** is the labor compliance site visitation report.

***B. Information regarding the forgiven debt of \$13 million***

On July 20, 2010, City Council approved Council Resolution No. 82915 C.M.S. forgiving the \$13,293,024 in principal and interest on the Oak Center Repayment contract.

The City Attorney's Office will prepare a legal opinion regarding the possibility of the Successor Agency, acting on behalf of the City's former Redevelopment Agency, including this debt in the Recognized Obligations Payment Schedule (ROPS) for possible repayment to the City.

***C. Future Report on policies to ensure compliance with OMB Circular A133.***

The Office of Management and Budget (OMB) Circular A-133 Compliance Supplement requires the primary recipient for each grant over \$200,000 that involves housing rehabilitation and housing construction to submit form HUD 60002, *Section 3 Summary Report, Economic Opportunities for Low and Very Low Income Persons*. The purpose of this form is to report annual accomplishments regarding employment and other economic opportunities provided to low and very low income persons under the Housing and Urban Development Act of 1968. This report is due by January 10 each year or with the submission of the annual performance report by the direct grant recipients only. Non-compliance with this requirement may result in increased

Item: \_\_\_\_\_  
City Council  
June 5, 2012

oversight by the U.S. Department of Housing and Urban Development (HUD) and may also lead to a reduction or discontinuance of federal assistance under these programs in future grant awards.

The single audit found that the City did not submit the required HUD 60002 Reports for the Home Investment Partnership Program covering the period July 1, 2010 to June 30, 2011.

The Housing and Community Development Department is working with the Contracts and Compliance Division to incorporate questions on the local hiring form which will provide all the information required in completing HUD 60002 forms. The Housing and Community

Development Department will contact HUD to obtain guidance on the proper procedure to submit the past due reports.

The City will establish a policy to ensure compliance with OMB Circular A133 that mandates HUD 60002 form to be submitted within the prescribed timeframe. An agenda report will be scheduled at the Rules Committee to provide the City Council with a copy of the new proposed policy.

***D. Future Report on developing real time wage data for local hiring and prevailing wages***

The City currently uses Labor Compliance Program Tracker (LCPT) for real time reporting of prevailing wages. An agenda report will be scheduled describing the City's real time data reporting of prevailing wages and how City departments will submit invoices for verification prior to release of payments.

**OUTCOME**

This informational report is being presented in response to the request of the Finance and Management Committee.

**PUBLIC OUTREACH/INTEREST**

This item did not require any additional outreach other than the required posting in the City's website.

**COORDINATION**

This report was prepared in coordination with the Department of Contracting and Purchasing, Office of Neighborhood Investment and Housing and Community Development Department.

Item: \_\_\_\_\_  
City Council  
June 5, 2012

**COST SUMMARY/IMPLICATIONS**

**FISCAL IMPACT:** This is an informational report only; there is no fiscal impact.

**SUSTAINABLE OPPORTUNITIES**

***Economic:*** No direct economic opportunities have been identified

***Environmental:*** No environmental opportunities have been identified


***Social Equity:*** No social equity opportunities have been identified

**CEQA**

This report is not a project under CEQA.

For questions regarding this report, please contact Osborn K. Solitei, Controller at (510) 238-3809.

Respectfully submitted,



OSBORN K. SOLITEI  
Controller

Attachments

- A- Supplemental Report on Oakland Residency Verification Process***
- B- Memorandum on Certified Payroll, Compliance Procedures and Corrective Action***
- C- Labor Compliance Site Visitation Report and Weekly Certified Payroll Forms***

Item: \_\_\_\_\_  
City Council  
June 5, 2012

# *Attachment A*

## *Supplemental Report on Oakland Residency Verification Process*



*Attachment A*

**AGENDA REPORT**

**TO: DEANNA J. SANTANA  
CITY ADMINISTRATOR**

**FROM: Deborah Barnes**

**SUBJECT: Oakland Residency Verification  
Process**

**DATE: May 15, 2012**

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City Administrator  
Approval

Date

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**COUNCIL DISTRICT: City-Wide**

**SUBJECT:** Supplemental Report to describe how random sampling is applied in the process of verifying Oakland residency on City of Oakland construction projects.

**RECOMMENDATION**

This is the second supplemental report outlining the residency verification process. Staff recommends that the Council accept the second supplemental information to the Informational Report Presenting the Single Audit Report for the Fiscal Year Ended June 30, 2011.

**REASON FOR SUPPLEMENTAL**

On May 8, 2012, the Finance and Management Committee requested additional information regarding the method in which random samples are used to confirm Oakland residency for selected city funded projects as found on page 131, finding #2011-01 – Davis Bacon Act Requirements of the Single Audit Report for Fiscal Year Ended June 30, 2011. The Finance and Management Committee also requested information regarding the “real-time” certified payroll collection process and administrative process to ensure using agencies will request validation of certified payroll submission and prevailing wage compliance prior to release of invoice payments.

In addition to the above, the Office of Contracts and Compliance will schedule a separate agenda report describing the City's real time reporting of prevailing wages through the current Labor Compliance Program Tracker (LCPTracker) and how using agencies will submit invoices to Compliance for verification prior to release of invoice payments. Please note that as a result of the most recent Single Audit Report for Fiscal Year Ended June 30, 2011, moving forward; departments are required to submit invoices to Compliance before issuing payments.

Item: \_\_\_\_\_  
City Council  
June 5, 2012

An internal memo is forthcoming to establish that mandate. Compliance staff will review and confirm submission of required certified payrolls and prevailing wage compliance and Finance and Management will not release those payments without confirmation from Compliance. **Attachment A** is a copy of the memo outlining the process.

## OUTCOME

This second Supplemental report clarifies that random sampling of residency occurs within the context of actual site visits, and represents one part of the verification of residency process.

The foundation of the Oakland residency verification is based on a process that includes at its core; project site visits an average of 3 days per week in the field, covering two to three projects per day and two days in the office. The first step to verifying residency occurs when the City's Field Technician goes out to construction project sites to interview Oakland residents and non-Oakland residents for prevailing wages and work classifications and to conduct interviews and check the documents of Oakland residents to verify residency.

Random sampling is not the foundation of residency verifications but is a step taken in the verification process when the number of on-site workers exceeds the time to conduct on site interviews. The Field Technician will then randomly select a representative sample of available Oakland residents during that site visit and seek to capture remaining workers on subsequent site visits.

The primary proof of residency viewed on project sites is the driver's license. Once the Field Technician checks driver's licenses he cross checks that information with the certified payrolls submitted through LCP Tracker, the City's real time web based payroll collection system. If there are discrepancies, the Field Technician, assigned Compliance Officer or the Local Employment Supervisor will collect additional documents such as utility bills and bank statements. Evidence of on site residency verifications rests with three documents: (1) Weekly Certified Payroll Reporting Forms (2) Labor Compliance Visitation Reports and (3) Records of Employee Interview.

## EXECUTIVE SUMMARY

Under the direction of the assigned Compliance Officer, the Contract Compliance Field Technician is responsible for visiting all active project sites. Site visits include interviews with Oakland and non-Oakland workers. While on site visits, the Field Technician verifies residency and prevailing wage rates as reported on certified payroll reports. The Field Technician seeks to interview all available Oakland residents. However, if time does not permit or workers are not

Item: \_\_\_\_\_  
City Council  
June 5, 2012

available, the Field Technician randomly selects at least a representative sample of available workers.

The Field Tech and Assistant Compliance Officer set-up projects in the Labor Compliance Program Tracker (LCPTracker). Prime and subcontractors are issued a password.

To demonstrate the validation process, three separate sets of records are provided to include (1) Weekly Certified Payroll Reporting Forms (2) Labor Compliance Visitation Reports and (3) Records of Employee Interviews.

The "Lincoln Square-Alice Street Recreational Corridor Project" was chosen because of the size of the project and the duration of the project. McGuire and Hester is the prime, the total contract amount to date including change orders is \$839,263. The Notice to Proceed was issued on 4/4/11 and the project has not yet closed out.

**Attachment B includes:** B-1 Labor Compliance Site Visitation Report, Weekly Certified Payroll report and site visit notes for date Tuesday, April 12, 2011.

B-1 (1) shows labor compliance site visit reports reflecting interviews with five workers. Their names have been redacted however you will see that of the five, three workers were Oakland residents. Page B-1 (2) at the bottom shows a summary of total workers observed as 5 and of the 5, three Oakland residents. Certified Payroll Reports show 14 workers on the day of that site visit. B-1 (3) demonstrates the certified payrolls submitted week ending 4/17/11. The final pages B-1 (6) and (7) show of residency checked as noted on #5 "Residente de Oakland".

To validate Oakland residency as a final action prior to close-out, contractors submit a comprehensive list of documents validating compliance with the 50% Local Employment Program and 15% Apprenticeship Program to the Employment Supervisor. Compliance is verified. If non-compliances are determined, contractors are informed of options to correct shortfalls. Retention and final payments are withheld or the contractor may opt to secure a bond in the amount of the shortfall dollars. If shortfalls are not corrected penalties are collected and deposited in the General Fund.

Prior to the release of the final payment to contractors Compliance staff confirm full compliance with all city policies to include Local/Small Local Business Enterprise Program, prevailing wages, certified payroll reports, Local Employment and Oakland Apprenticeship. If non-compliances are identified, retainage and final payments are withheld until compliance shortfalls have been satisfied.

Item: \_\_\_\_\_  
City Council  
June 5, 2012



## ANALYSIS

A combination of certified payroll reviews, on-going collection of residency documentation and site visit interviews are used to verify Oakland residency. The Field Technician visits project sites on a weekly basis. Due to the number of active projects, there are occasions when site visits occur within a three to four week period. The Field Technician stays on-site for approximately one hour per visit per project and as needed to follow up with the project superintendent and City Inspector.

## SUSTAINABLE OPPORTUNITIES

There are no economic, environmental or social equity opportunities resulting from this informational report.

For questions regarding this report, please contact Deborah Lusk-Barnes, Manager, Contracts and Compliance, at (510) 238-6270.

Respectfully submitted,

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DEBORAH LUSK-BARNES  
Manager, Contracts and Compliance

Prepared by:  
Shelley Darensburg, Sr. Compliance Officer  
Matt Berens, Compliance Field Technician

Attachments:

**Attachment A -**

**Attachment B - Post Award Checklist**

Item: \_\_\_\_\_  
City Council  
June 5, 2012

## *Attachment B*

*Memorandum on Certified Payroll, Compliance  
Procedures and Corrective Action*



*Attachment B*

**MEMORANDUM**

**TO:** HONORABLE MAYOR &  
CITY COUNCIL

**FROM:** Scott Johnson

**SUBJECT:** Certified Payroll Compliance  
Procedures

**DATE:** April 19, 2012

City Administrator  
Approval

Date

**INFORMATION**

On March 28, 2012, the City received the results of the Single Audit Report for the year ending June 30, 2011. This memo identifies corrective procedures to be implemented immediately to address the Single Audit Report results specific to the timely submission of certified payroll reports prior to the release of progress payments on projects funded by Home Investment Partnership Program and Highway Planning and Construction Program grants.

The results of the Single Audit Report determined that while many contractors submitted certified payrolls prior to the submission of an invoice, the City failed to withhold progress payments in instances where certified payrolls were not submitted prior to the submission of an invoice.

Certified Payroll Reports - Certified payroll reports are the City's official record of a worker's hours and wages. Certified payroll reports are submitted to the City via the City's web-based labor compliance program, "LCP Tracker". Certified payroll reports are submitted by prime and sub-contractors under penalty of perjury and represent evidence of the payment of prevailing wages. The City's LCP Tracker system automatically alerts prime and sub-contractors and the City's Compliance staff of potential prevailing wage non-compliances throughout the life of a project. Compliance staff investigates those alerts to determine if they are due to errors or actual prevailing wage non-compliances. In addition, Compliance staff conducts site visits on all active projects and interviews workers as to residency, prevailing wages and working conditions. Actions are taken as appropriate to their findings.

Item: \_\_\_\_\_  
City Council  
June 5, 2012

The audit did not find Davis Bacon prevailing wage non-compliances but rather the contractor's timely submission of certified payrolls. Heretofore, contractors and sub-contractors were able to submit certified payrolls up to project close-out. Final payments were then withheld until final compliance was determined or violations corrected.

Effective immediately, all using agencies that are funding projects under the federal funds noted above are required to submit invoices to Contracts and Compliance for validation that all required certified payrolls have been entered and prevailing wages have been paid. In addition, Contractors are required to enter certified payrolls in LCP Tracker for each pay period preceding the submission of an invoice or progress payment. In turn, the City must have a record of those certified payrolls prior to the release of progress payments.

Davis Bacon Act -The Davis-Bacon Act governs the prevailing wage rates and requires all laborers and mechanics employed by contractors or subcontractors working on construction contracts (valued at \$2,000 or more) and financed by the Home Investment Partnership Program and the Highway Planning and Construction Program grants to be paid the proper prevailing wage rates.

Specific Corrective Action - Effective immediately, progress payments will not be released until certified payrolls have been submitted and prevailing wage compliance has been determined. The auditor agrees that the best corrective action moving forward is to validate submission of certified payrolls and prevailing wage compliance before each vendor payment is released. In order to validate receipt of certified payrolls and prevailing wage compliance before each vendor payment is released; the City Administrator's Office of Contracts and Compliance, contractors and sub-contractors and the affected City agency or department releasing payments must take the following steps:

1. Contractors and sub-contractors must submit certified payroll reports for each pay period preceding the submission of an invoice or progress payment. These reports are available and readily accessible to prime and subcontractors in the City's web-based certified payroll reporting system "LCP Tracker".
  - a. When submitting a progress payment or invoice to the City, contractors and sub-contractors must attach a copy of the LCP Tracker "Payroll Summary Reports" (PSRs) to the progress payment request/invoice.
2. Departments must not accept invoices as "valid" unless the PSRs have been included with the progress payment/invoice.
3. All affected City departments must submit a Work Order attached to the progress payments/invoices and PSRs to the attention of Shelley Darensburg, Sr. Contract Compliance Officer.
  - a. Electronic copies or hard copies are acceptable
  - b. Compliance staff will verify receipt of all required payroll reports and verify that all payroll reports are compliant with Davis Bacon prevailing wage requirements.

Item: \_\_\_\_\_  
City Council  
June 5, 2012

- c. Compliance staff will review requests, sign the invoices as "validated" and return to the department point person of the originating department.
  - d. If non-compliances are determined, the contractor, sub-contractor and department point person will be informed immediately and Compliance staff will take actions to correct the wage shortfall, pay the affected worker and asses a penalty if appropriate.
4. Operationally, Contracts and Compliance will edit contract boilerplate language and RFP/RFQ that include labor subject to prevailing wage standards - to include the following
- a. *"As a condition to receiving progress payments, ifinal payment and payment of retention on any and all projects on which the payment of prevailing wages is required, the contractor shall have provided to the City, along with its request for payment, all applicable and necessary certified payrolls and other required documents for the time period covering such payment request. The City shall withhold any portion of a payment, including the entire payment amount, until certified payroll forms and other required LCP documents are properly submitted. In the event that certified payroll forms do not comply with the requirements of Labor Code Section 1720 et seq., or wage violations are identified by the City, the City will continue to hold sufficient funds to cover estimated wages and penalties under the contract."*<sup>1</sup>
5. Operationally, affected departments are required to insert the following language into hard and electronic copies of construction bid specifications and agreements including Disposition and Development Agreements.
- a. *"As a condition to receiving progress payments, ifinal payment and payment of retention on any and all projects on which the payment of prevailing wages is required, the contractor shall have provided to the City, along with its request for payment, all applicable and necessary certified payrolls and other required documents for the time period covering such payment request. The City shall withhold any portion of a payment, including the entire payment amount, until certified payroll forms and other required LCP documents are properly submitted. In the event that certified payroll forms do not comply with the requirements of Labor Code Section 1720 et seq., or wage violations are identified by the City, the City will continue to hold sufficient funds to cover estimated wages and penalties under the contract."*<sup>2</sup>

For questions regarding the contents of this memo, please contact Deborah Barnes, Manager, Contracts and Compliance, at 238-6270 or dbarnes@oaklandnet.com.

<sup>1</sup> Labor Compliance Program – LCP ID No. 2011.00662

<sup>2</sup> Labor Compliance Program – LCP ID No. 2011.00662

Item: \_\_\_\_\_  
City Council  
June 5, 2012

Respectfully submitted,

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SCOTT JOHNSON  
Assistant City Administrator,  
City Administrator's Office

Item: \_\_\_\_\_  
City Council  
June 5, 2012

# *Attachment C*

## *Labor Compliance Site Visitation Report*

# LABOR COMPLIANCE SITE VISITATION REPORT

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Visit date: Tuesday, April 12, 2011

Project: Lincoln Square-Alice Street Recreational Corridor Project  
Site: LINCOLN SQUARE-ALICE STREET RECREATIONAL CORRIDOR PROJECT  
Owner: CITY OF OAKLAND  
Contractor: MCGUIRE & HESTER  
Subcontractor: MCGUIRE & HESTER

## INTERVIEWS:

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1 Employee: ~~REDACTED~~ **A**  
Base pay: \$33.00  
Classification: OPERATING ENGINEER (HEAVY & HIGHWAY WORK) - GROUJP 4 AREA 1  
Task being performed at time of interview: Excavating/installation manhole-pipe (pictures)  
Was worker believable? YES

✓ Interview notes:  
~~2001 22nd St~~ Oakland CA 94619.  
1st day working on project site.  
Working 8 hours on 1st day.  
Operating Engineers local 3.

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2 Employee: ~~REDACTED~~ **B**  
Base pay: \$20.17  
Classification: LABORER AND RELATED CLASSIFICATIONS - APPRENTICE LABORER I  
Task being performed at time of interview: Pipe install/shoveling (pictures)  
Was worker believable? YES

✓ Interview notes:  
10928 Acalanes Dr. Oakland CA 94603.  
1st day working on project site.  
Indicated working 8 hours on 1st day.  
1st period apprentice laborer.  
Laborers local union 304.

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3 Employee: ~~REDACTED~~ **C**  
Base pay: \$27.84  
Classification: LABORER AND RELATED CLASSIFICATIONS - CONSTRUCTION SPECIALISTS AREA 1  
Task being performed at time of interview: Pipe installation (pictures)  
Was worker believable? YES

Interview notes:  
868 Billing Rd. San Leandro CA 94577.  
1st day working on project.  
Working 8 hours on 1st day on project.  
Laborers local union 304.

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D-1

4 Employee: ~~XXXXXXXXXX~~ ✓  
Base pay: \$29.14 BASIC RATE IN CPR (\$27.14) LOWER THAN INTERVIEW.  
Classification: LABORER AND RELATED CLASSIFICATIONS - GROUP 1 AREA 1  
Task being performed at time of interview: Pipe installation (pictures)  
Was worker believable? YES

✓ Interview notes:  
5999 Linden Street Oakland CA 94621.  
1st day on project site.  
Working 8 hours on project site.  
Laborers local union 304.

5 Employee: ~~XXXXXXXXXX~~ E  
Base pay: \$45.00  
Classification: LABORER AND RELATED CLASSIFICATIONS - CONSTRUCTION SPECIALISTS AREA 1  
Task being performed at time of interview: Foreman/running crew (pictures)  
Was worker believable? YES

Interview notes:  
1624 Alameda Dr. Woodland CA 95695.  
1st day working on project site.  
Working 5 hours on 1st day.  
On 1st day, indicated OT might be worked.  
Laborers local union 304.

**SUMMARY:**

Total workers observed on site: 5.00 CPR SHOWS 14 WORKERS ON VISIT'S DATE.

Interviewer: Matt Berens

Site visitation notes:

WEEKLY CERTIFIED PAYROLL REPORTING FORM

NAME OF CONTRACTOR : MCOUIRB & HESTER			CONTRACTOR'S LICENSE No. 93879 SPECIALTY LICENSE No.				ADDRESS : 9009 RAILROAD AVENUE, OAKLAND, CA 94603				PROJECT LOCATION / CODE / NAME : ALAMEDA COUNTY / C329610 / Lincoln Square-Alice Street Recreational Corridor Project WACB DECISION : 2010-2												
PAYROLL No. 5		FOR WEEK ENDING: 04/17/2011 SUBMITTED ON: May 6, 2011 1:32 pm		MOTOR CARRIER PERMIT No.		UNION Union		SELF-INSURED CERTIFICATE No. ICOS0132501 WORKERS' COMP. POLICY : ICWS0132701															
NAME, ADDRESS, SSN, DRIVER LICENSE, ETHNICITY, GENDER	EXEMPT	WORK CLASSIFICATION, LOCATION	HOURS WORKED EACH DAY								TOTAL HOURS	HOURLY RATE OF PAY	GROSS AMOUNT EARNED		DEDUCTION, CONTRIBUTION AND PAYMENTS							NST WGS PAID FOR WEEK	CHECK No.
			4/11/11	4/12/11	4/13/11	4/14/11	4/15/11	4/16/11	4/17/11	TOTAL HOURS	HOURLY RATE OF PAY	THIS PROJECT	ALL PROJECTS	Federal Tax	Social Security	Medicare	State Tax	Local Taxes / SDI	Other	Savings	Net Paid Week	Check No.	
[REDACTED] OAKLAND, CA, 94621 Emp: ID 996T HISPANIC Male	X	LABORER AND RELATED CLASSIFICATIONS / GROUP 1 AREA 1  WO: ALAMEDA COUNTY	M	T	W	TH	F	S	S	10.00	\$27.14	\$746.23	740.33	51.47	42.17		6.11	8.96	57.00		637.64	181548	
			S	0.00	8.00	8.00	4.00	0.00	0.00	0.00	20.00	\$27.14											
			O	0.00	2.00	3.00	0.00	0.00	0.00	0.00	5.00	\$40.71	\$746.23										
			D							0.00													
All or Part of Primes Paid to Employee: NO NOTES:			Vacation, Holiday and Days in Gross Pay: NO Voluntary Contributions in Gross Pay: NO								Rate in Lieu of Primes: \$0.00												

[REDACTED] CA, 94945 Emp: ID S CAUCASIAN Male			EXEMPT	LABORER AND RELATED CLASSIFICATIONS / CONSTRUCTION SPECIALIST AREA 1  WO: ALAMEDA COUNTY	M	T	W	TH	F	S	S	3.00	\$43.34	\$130.02	866.80	73.10	48.00		26.10	10.40	45.64		708.15	181576
			S	1.00	0.00	0.50	0.50	1.00	0.00	0.00	0.00	3.00	\$43.34											
			O	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00	\$130.02										
			D									0.00												
All or Part of Primes Paid to Employee: NO NOTES:			Vacation, Holiday and Days in Gross Pay: NO Voluntary Contributions in Gross Pay:								Rate in Lieu of Primes: \$0.00													

[REDACTED] PETALUMA, CA, 94954 Emp: ID 9460 CAUCASIAN Male			EXEMPT	LABORER AND RELATED CLASSIFICATIONS / GROUP 1 AREA 1  WO: ALAMEDA COUNTY	M	T	W	TH	F	S	S	8.00	\$38.84	\$262.72	1,215.08	111.11	68.65		24.74	14.30	84.36		996.00	882622
			S	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	8.00	\$38.84											
			O	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00	\$262.72										
			D									0.00												
All or Part of Primes Paid to Employee: NO NOTES:			Vacation, Holiday and Days in Gross Pay: NO Voluntary Contributions in Gross Pay:								Rate in Lieu of Primes: \$0.00													

[REDACTED] FREMONT, CA, 94538 Emp: ID S CAUCASIAN Male			EXEMPT	LABORER AND RELATED TRADES / CARPENTER  WO: ALAMEDA COUNTY	M	T	W	TH	F	S	S	4.00	\$47.30	\$190.00	1,900.00	270.19	307.35		81.51	22.80	156.80		1,418.15	882620
			S	2.00	0.00	0.00	0.00	0.00	2.00	0.00	0.00	4.00	\$47.30											
			O	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00	\$190.00										
			D									0.00												
All or Part of Primes Paid to Employee: NO NOTES:			Vacation, Holiday and Days in Gross Pay: NO Voluntary Contributions in Gross Pay: NO								Rate in Lieu of Primes: \$0.00													

LEONARDO, RODRIGO 189-244-1111 FAIRFIELD, CA, 94534 Emp: ID S HISPANIC Male	EXEMPT	LABORER AND RELATED CLASSIFICATIONS / CONSTRUCTION SPECIALISTS AREA 1	Rate in Lieu of Prizes:							TOTAL HOURS	HOURLY RATE OF PAY	THIS PROJECT	ALL PROJECTS	Federal Tax	Social Security	Medicare	State Tax	Local Taxes / FDI	Other	Savings	Net Paid Week	Check No.
			4/1/11	4/12/11	4/13/11	4/14/11	4/15/11	4/16/11	4/17/11													
	0		M	T	W	TH	F	S	16.00	\$45.34	2,153.65	449.84	121.68	163.56	25.84	102.60	1,394.53	181579				
	0		S	0.00	8.00	8.00	0.00	0.00	0.00	\$68.01	\$1,065.49	0.00	102.60	163.56	25.84	102.60	1,394.53	181579				
	0		O	0.00	3.00	2.00	0.00	0.00	0.00	\$0.00	\$0.00	0.00	102.60	163.56	25.84	102.60	1,394.53	181579				
	0		D						0.00	\$0.00	0.00	102.60	163.56	25.84	102.60	1,394.53	181579					

SANTOS, CARLOS 189-244-1111 SAN PABLO, CA, 94806 Emp: ID S HISPANIC Male	EXEMPT	CARPENTER AND RELATED TRADES / CARPENTER	Rate in Lieu of Prizes:							TOTAL HOURS	HOURLY RATE OF PAY	THIS PROJECT	ALL PROJECTS	Federal Tax	Social Security	Medicare	State Tax	Local Taxes / FDI	Other	Savings	Net Paid Week	Check No.
			4/1/11	4/12/11	4/13/11	4/14/11	4/15/11	4/16/11	4/17/11													
	0		M	T	W	TH	F	S	24.00	\$37.30	1,500.00	153.85	84.75	43.54	18.00	156.80	1,199.86	181584				
	0		S	0.00	0.00	8.00	8.00	0.00	0.00	\$0.00	\$900.00	0.00	84.75	43.54	18.00	156.80	1,199.86	181584				
	0		O	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00	\$0.00	0.00	84.75	43.54	18.00	156.80	1,199.86	181584				
	0		D						0.00	\$0.00	0.00	84.75	43.54	18.00	156.80	1,199.86	181584					

LEONARDO, RODRIGO 189-244-1111 OAKLAND, CA, 94603 Emp: ID S HISPANIC Male	EXEMPT	LABORER AND RELATED CLASSIFICATIONS / APPRENTICES/LABORER 1	Rate in Lieu of Prizes:							TOTAL HOURS	HOURLY RATE OF PAY	THIS PROJECT	ALL PROJECTS	Federal Tax	Social Security	Medicare	State Tax	Local Taxes / FDI	Other	Savings	Net Paid Week	Check No.
			4/1/11	4/12/11	4/13/11	4/14/11	4/15/11	4/16/11	4/17/11													
	0		M	T	W	TH	F	S	32.00	\$20.17	796.72	96.78	43.01	36.22	9.56	22.31	619.15	181597				
	0		S	0.00	8.00	8.00	0.00	0.00	0.00	\$30.23	\$796.72	0.00	43.01	36.22	9.56	22.31	619.15	181597				
	0		O	1.00	2.00	2.00	0.00	0.00	0.00	\$0.00	\$0.00	0.00	43.01	36.22	9.56	22.31	619.15	181597				
	0		D						0.00	\$0.00	0.00	43.01	36.22	9.56	22.31	619.15	181597					

LEONARDO, RODRIGO 189-244-1111 LEANDRO, CA, 94577 Emp: ID S HISPANIC Male	EXEMPT	LABORER AND RELATED CLASSIFICATIONS / CONSTRUCTION SPECIALISTS AREA 1	Rate in Lieu of Prizes:							TOTAL HOURS	HOURLY RATE OF PAY	THIS PROJECT	ALL PROJECTS	Federal Tax	Social Security	Medicare	State Tax	Local Taxes / FDI	Other	Savings	Net Paid Week	Check No.
			4/1/11	4/12/11	4/13/11	4/14/11	4/15/11	4/16/11	4/17/11													
	0		M	T	W	TH	F	S	16.00	\$77.84	612.48	31.83	34.60	3.17	7.35	43.60	535.53	181599				
	0		S	0.00	8.00	8.00	0.00	0.00	0.00	\$41.76	\$612.48	0.00	34.60	3.17	7.35	43.60	535.53	181599				
	0		O	0.00	2.00	2.00	0.00	0.00	0.00	\$0.00	\$0.00	0.00	34.60	3.17	7.35	43.60	535.53	181599				
	0		D						0.00	\$0.00	0.00	34.60	3.17	7.35	43.60	535.53	181599					

LEONARDO, RODRIGO 189-244-1111 HAYWARD, CA, 94542 Emp: ID S HISPANIC Male	EXEMPT	OPERATING ENGINEER (HEAVY & HIGHWAY WORK) / GROUP 4 AREA 1	Rate in Lieu of Prizes:							TOTAL HOURS	HOURLY RATE OF PAY	THIS PROJECT	ALL PROJECTS	Federal Tax	Social Security	Medicare	State Tax	Local Taxes / FDI	Other	Savings	Net Paid Week	Check No.
			4/1/11	4/12/11	4/13/11	4/14/11	4/15/11	4/16/11	4/17/11													
	0		M	T	W	TH	F	S	16.00	\$33.38	734.36	49.67	41.50	5.65	9.81	72.60	628.53	181607				
	0		S	0.00	8.00	8.00	0.00	0.00	0.00	\$50.07	\$734.36	0.00	41.50	5.65	9.81	72.60	628.53	181607				
	0		O	0.00	2.00	2.00	0.00	0.00	0.00	\$0.00	\$0.00	0.00	41.50	5.65	9.81	72.60	628.53	181607				
	0		D						0.00	\$0.00	0.00	41.50	5.65	9.81	72.60	628.53	181607					

LEONARDO, RODRIGO 189-244-1111 CRUZ, CA, 95062 Emp: ID S CAUCASIAN Male	EXEMPT	OPERATING ENGINEER (HEAVY & HIGHWAY WORK) / GROUP 4 AREA 1	Rate in Lieu of Prizes:							TOTAL HOURS	HOURLY RATE OF PAY	THIS PROJECT	ALL PROJECTS	Federal Tax	Social Security	Medicare	State Tax	Local Taxes / FDI	Other	Savings	Net Paid Week	Check No.
			4/1/11	4/12/11	4/13/11	4/14/11	4/15/11	4/16/11	4/17/11													
	0		M	T	W	TH	F	S	8.00	\$34.76	1,416.47	241.71	80.04	87.14	17.00	147.00	988.58	182566				
	0		S	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00	\$1,416.47	0.00	80.04	87.14	17.00	147.00	988.58	182566				
	0		O	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00	\$0.00	0.00	80.04	87.14	17.00	147.00	988.58	182566				
	0		D						0.00	\$0.00	0.00	80.04	87.14	17.00	147.00	988.58	182566					

All or Part of Prizes Paid to Employees: NO  
Voluntary Contributions in Gross Pay: NO

SEARLES, STEPHEN 2302 THISTLE WAY, STOCKTON, CA, 93212 [REDACTED] CAUCASIAN Male	EXEMPT 0	OPERATING ENGINEER (HEAVY & HIGHWAY WORKS)/GROUP 3 AREA 1 WC: ALAMEDA COUNTY												ALL PROJECTS 2,242.76	FEDERAL TAX 320.31 DUES 0.00	SOCIAL SECURITY 126.71 TRAV. SUBS. 161.54 VOLUNTARY MEDICAL 0.00	MEDICARE 111.82 FICA 58.67 FICA IN LIEU OF FRINGE 0.00	LOCAL TAXES / FDI 26.91 VACATION \$22.67	OTHER 161.56 TRAINING \$5.58	SAVINGS \$7.20	NET PAID WEEK 1,656.99 TOTAL DEDUCTIONS \$747.31	CHECK NO. BB2671
		4/1/11	4/12/11	4/13/11	4/14/11	4/15/11	4/16/11	4/17/11	TOTAL HOURS	HOURLY RATE OF PAY	THIS PROJECT	ALL PROJECTS	FEDERAL TAX									
		S	8.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	8.00	\$29.52	\$373.44	320.31	126.71	111.82	26.91	161.56	7.20	1,656.99	BB2671
		O	1.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.00	\$59.28	\$373.44	0.00	161.54	58.67	\$22.67		\$5.58	\$7.20	\$747.31	
		D									0.00	0.00	\$0.00	\$0.00	0.00	0.00	0.00					

All or Part of Fringe Paid to Employee: NO  
 NOTES:  
 Vacation, Holiday and Dues in Gross Pay: NO  
 Voluntary Contributions in Gross Pay:

SILVA, MENCY 8222 NEY AVE., OAKLAND, CA, 94603 [REDACTED] CAUCASIAN Female	EXEMPT X	GARRETER AND RELATED TRADES/COMPANER WC: ALAMEDA COUNTY												ALL PROJECTS 1,012.50	FEDERAL TAX 150.72 DUES 0.00	SOCIAL SECURITY 57.21 TRAV. SUBS. 105.84 VOLUNTARY MEDICAL 0.00	MEDICARE 45.82 FICA \$110.40 FICA IN LIEU OF FRINGE 0.00	LOCAL TAXES / FDI 12.15 VACATION \$38.40	OTHER 105.84 TRAINING \$9.28	SAVINGS \$62.40	NET PAID WEEK 246.60 TOTAL DEDUCTIONS \$371.74	CHECK NO. BB2674
		4/1/11	4/12/11	4/13/11	4/14/11	4/15/11	4/16/11	4/17/11	TOTAL HOURS	HOURLY RATE OF PAY	THIS PROJECT	ALL PROJECTS	FEDERAL TAX									
		S	8.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	16.00	\$37.40	\$600.00	150.72	57.21	45.82	12.15	105.84		\$62.40	246.60	BB2674
		O	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00	\$600.00	0.00	105.84	\$110.40	\$38.40	\$9.28	\$62.40	\$371.74	
		D									0.00	0.00	\$0.00	\$0.00	0.00	0.00	0.00					

All or Part of Fringe Paid to Employee: NO  
 NOTES:  
 Vacation, Holiday and Dues in Gross Pay: NO  
 Voluntary Contributions in Gross Pay:

TURPIN, AUTHUR 1230 KRONA LANE, CONCORD, CA, 94521 [REDACTED] CAUCASIAN Male	EXEMPT 4	OPERATING ENGINEER (HEAVY & HIGHWAY WORKS)/GROUP 1 AREA 1 WC: ALAMEDA COUNTY												ALL PROJECTS 3,004.04	FEDERAL TAX 320.31 DUES 0.00	SOCIAL SECURITY 160.73 TRAV. SUBS. 139.72 VOLUNTARY MEDICAL 0.00	MEDICARE 91.79 FICA \$30.52 FICA IN LIEU OF FRINGE 0.00	LOCAL TAXES / FDI 36.05 VACATION \$14.52	OTHER 139.72 TRAINING \$2.48	SAVINGS \$3.20	NET PAID WEEK 2,077.16 TOTAL DEDUCTIONS \$1,086.60	CHECK NO. BB2684
		4/1/11	4/12/11	4/13/11	4/14/11	4/15/11	4/16/11	4/17/11	TOTAL HOURS	HOURLY RATE OF PAY	THIS PROJECT	ALL PROJECTS	FEDERAL TAX									
		S	1.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	4.00	\$57.77	\$231.08	320.31	160.73	91.79	36.05	139.72		\$3.20	2,077.16	BB2684
		O	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00	\$231.08	0.00	139.72	\$30.52	\$14.52	\$2.48	\$3.20	\$1,086.60	
		D									0.00	0.00	\$0.00	\$0.00	0.00	0.00	0.00					

All or Part of Fringe Paid to Employee: NO  
 NOTES:  
 Vacation, Holiday and Dues in Gross Pay: NO  
 Voluntary Contributions in Gross Pay:

VILCHRIS, REGELIO 648 S. ELMHURST AVENUE, OAKLAND, CA, 94603 [REDACTED] HISPANIC Male	EXEMPT 6	TEAMSTER / GROUP 4 WC: ALAMEDA COUNTY												ALL PROJECTS 1,333.00	FEDERAL TAX 96.90 DUES 0.00	SOCIAL SECURITY 73.36 TRAV. SUBS. 108.00 VOLUNTARY MEDICAL 0.00	MEDICARE 26.29 FICA \$18.78 FICA IN LIEU OF FRINGE 0.00	LOCAL TAXES / FDI 16.01 VACATION \$4.00	OTHER 18.00 TRAINING \$1.30	SAVINGS \$5.10	NET PAID WEEK 1,209.24 TOTAL DEDUCTIONS \$233.55	CHECK NO. 181626
		4/1/11	4/12/11	4/13/11	4/14/11	4/15/11	4/16/11	4/17/11	TOTAL HOURS	HOURLY RATE OF PAY	THIS PROJECT	ALL PROJECTS	FEDERAL TAX									
		S	1.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2.00	\$28.08	\$56.16	96.90	73.36	26.29	16.01	18.00		\$5.10	1,209.24	181626
		O	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00	\$56.16	0.00	108.00	\$18.78	\$4.00	\$1.30	\$5.10	\$233.55	
		D									0.00	0.00	\$0.00	\$0.00	0.00	0.00	0.00					

All or Part of Fringe Paid to Employee: NO  
 NOTES:  
 Vacation, Holiday and Dues in Gross Pay: NO  
 Voluntary Contributions in Gross Pay:

TOTAL STANDARD HOURS	177.00	TOTAL 1.5 OT HOURS	24.00	TOTAL 2.0 OT HOURS	0.00	GRAND TOTAL HOURS	201.00
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Date Friday, May 6, 2011

I, LISA PAIVA TORO the undersigned, am the PAYROLL with the authority to act for and on behalf of MCGUIRE & HESTER certify under penalty of perjury that the records thereof submitted depict the payroll record(s) of the actual disbursement by way of cash, check, or whatever form to the Individual, or Individuals named in the electronic records submitted for week ending on: 4/17/2011. I herein certify under penalty of perjury that all of the above is true and correct as submitted.

Signature \_\_\_\_\_

REMARKS:

NAME: LISA PAIVA TORO

TITLE: PAYROLL

Electronic Signature Code: 95879-C329610-4/17/2011 12:00:00 AM-0-129491875631250478

12-1 (6)

Entrevista 4/12/11  
ENTREVISTA CON EL EMPLEADO

Fecha: 4/12/11 Hora: \_\_\_\_\_ Proyecto: Lincoln

1. Contratista Principal: MWH

2. Empleador: MWH

3. Nombre del Empleador: ~~Robert [unclear]~~

4. Dirección: ~~3000 No Apt 4 Oakland CA 94612~~

5. Residente de Oakland:  Y  N Etnicidad: \_\_\_\_\_ Sexo:  M  F

6. Prueba de domicilio: ID  DI  Other: \_\_\_\_\_

7. Fecha en que empezó a trabajar en el proyecto: Kit ch

8. Promedio de horas que trabaja por semana: 8 hours

9. Oficio (de Trabajo): Operator Eng Aprendiz: Y  N  Cuál Nivel?: \_\_\_\_\_

10. Cuánto ganas por hora?: \$ 33.00

11. Le pegán tiempo y medio después de las ocho horas? Y  N  No Aplica

12. Había trabajado previamente con éste contratista? Y  N  Cuando?: \_\_\_\_\_

13. Nuevo Empleado, referido por: LEP  Union 3 Other: \_\_\_\_\_

14. Duties observed: Excavating / installin manhole/pipe (picture)

15. Conform to classification: Y  N

16. Remarks: \_\_\_\_\_

17. Field Rep.'s Signature: Matt Burns Date: 4/12/11

Payroll Verification	
Discrepancies with certified weekly payroll information:	Y <input type="radio"/> N <input checked="" type="radio"/>
Remarks:	<u>Operator Engineer (contract)</u> <u>Account</u> <u>\$ 33.33</u>
Payroll Examiner's Signature: <u>Matt Burns</u>	Date: <u>5/15/11</u>

D-1 (1)

ENTREVISTA CON EL EMPLEADO

Fecha: 4/12/11 Hora: Proyecto: Lincoln Park

- 1. Contratista Principal: MVI
- 2. Empleador: MVI
- 3. Nombre del Empleador: Pedro ~~San~~
- 4. Dirección: ~~5351 ...~~
- 5. Residente de Oakland:  N Etnicidad: Sexo:  M  F
- 6. Prueba de domicilio: ID  OL Other:
- 7. Fecha en que empezó a trabajar en el proyecto: 1st day
- 8. Promedio de horas que trabaja por semana: 8 hours
- 9. Oficio (de Trabajo): Laborer Aprendiz: Y N Cuál Nivel?:
- 10. Cuánto ganas por hora?: \$ 29.00 H
- 11. Le pegan tiempo y medio después de las ocho horas?: Y N No Aplica
- 12. Había trabajado previamente con éste contratista?: Y N Cuando?:
- 13. Nuevo Empleado, referido por: LEP Union 304 Odién
- 14. Duties observed: Pipe installation (picture)
- 15. Conforms to classification: Y N
- 16. Remarks:
- 17. Field Rep.'s Signature: Mark Brown Date: 4/12/11

Payroll Verification	
Discrepancies with certified weekly payroll information:	Y <input checked="" type="checkbox"/> Labour Group 3 Award \$27.14
Remarks:	
Payroll Examiner's Signature: Mark Brown	Date: 5/16/11