

FILED OFFICE OF THE CITY CLERK OAKLAND

2012 HAY 10 ... 5: 45 AGENDA REPORT

TO: DEANNA J. SANTANA CITY ADMINISTRATOR

FROM: Deborah Barnes

SUBJECT: Supplemental Single Audit Report for Fiscal Year Ended June 30, 2011 DATE: May 9, 2012.

City Administrator Date Approval 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

Staff recommends that the Council accept the supplemental information to the Informational Report Presenting the Single Audit Report For The Fiscal Year Ended June 30, 2011.

REASON FOR SUPPLEMENTAL OR REPLACEMENT

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.

OUTCOME

Because of the many active projects and contracts requiring Oakland residency, staff provided a description and samples of real time validation of Oakland residency. The random selection of Oakland residents occurs on the job site and the Field Technician interviews all Oakland residents if time permits. If there are many Oakland residents on site, the Field Technician randomly selects at least a representative sample of Oakland residents to interview and validate residency and wages. The sample size depends upon the number of available workers.

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

Leading up to validating Oakland residency (see step #6 below) the other steps reflect the process from the point of notifying the successful contractor to the close out of a project including the most recent change in the certified payroll submission process.

The steps are as follows:

- 1. The successful contractors are issued a formal Notice to Proceed (NTP) by the agency using that service. If it is a construction project as opposed to professional services, it is typically the Public Works Agency.
- 2. The assigned Compliance Officer, Employment Services Supervisor and Compliance Field Technician are copied on the NTP and the Assigned Compliance Officer and the Employment Services Supervisor work as a team to conduct a post-award meeting with the contractor and all subcontractors. *Attachment A* is a copy of an actual Notice to Proceed (NTP) to the prime contractor.

3. During the Post Award Meeting the following key topics are covered:

- a. Local/Small Local Business Enterprise Program and Local Trucking
- b. Prompt Payment Ordinance
- c. L/SLBE Exit Affidavit for project closeouts
- d. Subletting And Subcontracting Fair Practices Act (Substitution of sub contractors)
- e. Labor Compliance Program Tracker (LCP Tracker) certified payroll requirements
- f. Prevailing wages
- g. Local Employment Program (See Attachment A-1)
- h. Anticipated Workforce Projection (See Attachment A-1)
- i. Existing workforce and estimated new hires (See Attachment A-1)
- i. Core Employees (DE6)
- k. Local Construction Employment Referral Program (LCERP)
- 1. Worker Request & Referral Form

m. 15% Apprenticeship Program (See attachment A-1)

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The Post Award Checklist is provided as *Attachment B*. At the end of the post-award meeting, contractors and subcontractors are asked to sign the Post Award Checklist denoting their understanding of city policies and procedures and acceptance of them.

- 4. Compliance staff set projects and contractors and subcontractors in the Labor Compliance Program Tracker (LCPTracker), the web-based "Real-Time" labor compliance monitoring system. The prime contractor and all subcontractors are assigned a "user id" to input certified payrolls through LCPTracker and are reminded to immediately commence compiling certified payrolls and to submit those payrolls on a weekly basis.
- 5. Copies of certified payroll reports are provided as *Attachment C and C-1*. Certified payrolls serve as the foundation of the validation of residency, and each payroll report includes the following information:

Worker's name, address, contact information, ethnicity, gender, work classification, hours worked, total hours, hourly rate of pay, gross amount earned on the existing project as well as non-city funded projects, deductions, contributions and payments, net wages for the week and pay check number.

6. Once the project starts, the Comphance Field Technician begins site visits to each active project at least once per month. While on site, the preference is to interview all workers, however, if that is not feasible, the Field Technician randomly selects Oakland residents available on site that day to conduct employment and prevailing wage interviews. The Field Technician also will review driver's licenses and compare that information to the certified payrolls as well as other validating documentation. *Attachment D* provides copies of Labor Compliance Site Visitation Reports reflecting information collected from selected employees as well as interview notes. Confidential information such as names and addresses were redacted to protect the workers.

7. A most recent feature to LCP Tracker is that now contractors and subcontractors are afforded the ability to upload residency documentation as attachments to the certified payrolls. Moving forward, this feature is a requirement before a contractor may report an Oakland resident on the certified payroll report. *Attachment E* shows the type of information submitted as proof of residency. Confidential information has been redacted to protect the Oakland residents. Residency verification includes reviewing copies of driver's licenses and other pertinent documents to demonstrate residency such as utility bills, telephone bills, and bank statements.

8. To keep the contractor informed throughout the life of a project Compliance sends out monthly notices advising primes and subs of their compliance status. *Attachment F* is a copy of that notice indicating monthly status of compliance and non-compliances.

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deficiencies (i.e. non submittal of certified payroll reports, off-site hours to offset local

employment or Oakland Apprenticeship shortfalls). Attachment G is a copy of the ROC and notice to contractors.

> 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.

- 10. 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.
- 11. If non-compliances are identified, retainage and final payments are withheld until compliance shortfalls have been satisfied.

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. 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.

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.

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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-Bames, Manager, Contracts and Compliance, at (510) 238-6270.

Respectfully submitted,

DEBORAH'LUSK-BARNES Manager, Contracts and Compliance

Prepared by:

Shelley Darensburg, Sr. Compliance Officer Jonothan Dumas, Local Employment Supervisor

Attachments:

Attachment A - Notice to Proceed (NTP) to the prime contractor.

Attachment B - Post Award Checklist

Attachment C and C-1 - Certified payroll reports

Attachment D - Labor Compliance Site Visitation Reports

Attachment E - Information uploaded in LCPTracker as proof of residency Attachment F - Notice of monthly compliance and non-compliance status Attachment G - Roport of Completion

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Attachment A -

CITY OF OAKLAND



250 FRANK IL OGAWA PLAZA • SUITE 4344 • OAKLAND, CALIFORNIA 94612-2033

Public Works Agency	•		(510) 238-3051
Department of Engineering and Construction		•	FAX (510) 238-6633
Project Delivery Division	-	-	TDD (510) 238-3254
		•	•

June 6, 2011

Dan Mayorga Andes Construction, Inc. 5305 12th Street Oakland, CA 94601

CERTIFIED MAIL#: 7009 2250 0001 8638 8807

NOTICE TO PROCEED

RE: Rehabilitation of Sanitary Sewers in the Easement by Knowland Park Zoo. Project No. C329116

Dear Mr. Mayorga:

The Contract time for this project shall commence upon the date of this Notice to Proceed and shall be completed within 60 working days from the date of this notice.

Enclosed for your records is a copy of the executed contract for the mentioned project.

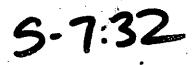
Sincerely,

Michael Neary, P.E

Assistant Director Public Works Agency

Jimmy Mach, Engineering & Design Julius Kale, Project Delivery Carla Reed, PWA Fiscal

Jonathan Dumas, Employment Services Supervisor, DCP Shelley Darensburg, Contract Compliance Supervisor DCP Gwen McCornick, Contract Administration Supervisor, DCP Office of the City Clerk



MEETING OF THE OAKLAND CITY COUNCIL

MAY 1 5 2012

Attachment A-1



FORMS

Local Employment and Apprenticeship Programs

City Administrator's Office Contracts and Compliance Division

250 Frank H. Ogawa Plaza, Suite 3341 Oakland, CA 94612



Cily of Oakland Local Employment Program ANTICIPATED PROJECT WORKFORCE

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Guidelines for Job Request, Oakland Resident Referrals and Waivers"

To ensure the timely process for referrals and dispatching of Oakland resident workers, contractors must adhere to the following guidelines prior to contacting the Local Employment Program (LEP) for waivers, or the issuance of waivers.

1. JOB REQUEST AND REFERRALS

Open Shop Contractors

Contractor shall contact at least two (2) state certified apprenticeship programs when more than one has jurisdiction where the work is being performed. If the programs have no Oakland apprentices available for dispatch, secure a written response to the request or produce documentation indicating the submittal of the Oakland apprentice request to the appropriate apprentice training program(s) and send this documentation along with the completed Job Request & Referral Form (located on the reverse side) to the LEP office.

> Apprentices

State Approved Local Apprenticeship Programs

 The Golden Gate Chapter of Associated Builders and Contractors, Inc. (ABC) Telephone: (925) 474-1300
 Contact ABC for apprentices in the following trades:

Carpenter Electrician Laborer Painter Plumber

2. The Local Union Hall

Open Shop contractors must contact the local union hall for registered apprentices, if an apprentice carmot be obtained hy following steps 1 and 2 (above). If the union is resolute on dispatching a non-Oakland resident, contact the LEP office before accepting the dispatch order.

Journeypersons

Contact the LEP office and submit a Job Request & Referral Form to access the Local Construction Employment Referral Program (LCERP) database for a journey level worker.

Union Shop Contractors

Contractors working under a collective bargaining agreement shall contact the local union hall for Oakland resident apprentices and journeypersons. If the union has no Oakland resident available for dispatch, secure a written response to the request or produce documentation indicating the submittal of the request for an Oakland resident and send this documentation along with the Job Request & Referral Form (located on the reverse side) to the LEP office. If the union is unable to dispatch an Oakland resident, contact the LEP office before accepting the dispatch order.

It is imperative that contractors provide written documentation from the resonce contact person. This information is required for the LEP to respond to the Job Request & Referral Form, and for our files. After following the above procedures and an Oakland resident is not available, a limited waiver from the LCERP will be generated to allow the contractor to hire a non-Oakland worker.

II. WAIVERS

Waivers are granted in increments of 160 hours per worker request, although waiver request may exceed 160 hours.

The LEP office will issue a Certification of Compliance Hours certificate (waiver) when contractors have made good faith efforts to hire Oakland residents. This allows the contractor to hire a non-Oakland resident in increments of 160 hours or until an Oakland resident is available.

If the initial waiver request exceeds 160 hours, contractors must renew their request for an Oakland resident by following the procedures in Section I until the number of hours initially requested are fulfilled or an Oakland resident is hired. However, if an Oakland resident remains unavailable, the non-Oakland resident initially hired may continue to be identified as the hired apprentice or journey level worker for subsequent Job Request & Referral Form submittals.

Apprentices must be registered with the State of California or be able to produce indenture documentation from the state certified apprenticeship training program with which they have indentured, or a Federal apprenticeship program. Waivers issued for apprentice utilization from the City of Oakland only apply to City of Oakland requirements. Contractors still need to satisfy the State of California requirements for apprentice utilization on public works projects.

Submit Job Request & Referral Forms and applicable documentation to the City of Oakland's Local Employment Program (LEP): Renée Abraham, Job Developer Phone: (510) 238-7313 Fax: (510) 238-3363 Email: <u>rabraham@oaklandnet.com</u>

(1)



City of Oakland Local Employment Program Job Request & Referral Form

Dear Successful Contractor/Subcontractor:

The "Job Request & Referral" Form helps contractors and subcontractors hire Oakland residents and achieve compliance with the Local Employment Program (LEP) goals. It also serves to document requests, referrals and track placements of Oakland residents. An added feature is the documentation of waivers where availability of Oakland residents for a particular trade may be zero. This form guides compliance determinations at project end. PLEASE NOTE: The Job Request & Referral form must be either FAXED, E-Mailed or Hand Delivered and date stamped by LEP staff only. Third party requests by phone and/or informally on job sites will not count as a documented request. Please complete the form as indicated below, date, sign and forward as appropriate. (Please verify receipt of referral form.)

PLEASE READ GUIDELINES ON PAGE 2, PRIOR TO COMPLETING THIS FORM

To be Completed by PRIME /	SUBCONTRACTOR	To be Completed by CITY OF OAKLAND
(a) Project Name and City of Oakland Project No.:	(b) Date of Request:	A. The LCERP IS FORMALLY REFERRING THE FOLLOWING INDIVIDUALS:
(c) Work Start Date: End Date:	(d) Estimated # of Work Hours:	Date/Name:
(e) Job Requests By Classification, Skill Level and Experience :	· ·	Address:
CLASSIFICATION: SKILL LEVEL:	SKILL LEVEL:	Phone: Last 4 SS#
1. Trade:# Journey:# H	rs: # Apprentice: # Hrs:	Skill Trade and Level:
2. Trade:# Journey:# I	Irs:# Apprentice:# Hrs:	Date/Name:
3. Trade:# Journey:# H	Irs:# Apprentice:# Hrs:	Address:
Experience Required For Classifications Listed Above:		Phone: Last 4 SS#
1. Trade:		Skill Trade and Level:
2. Trade:	<u> </u>	Date/Name:
3. Trade:		Address:
(f) <u>Client Selection Criteria</u> : (please check one or more as needed)	· · · · · · · · · · · · · · · · · · ·	Phone: Last 4 SS#
Military Service: Union: D	river's Lie: Other:	
Oakland Resident: Non-Union:	DL Class: Specify:	Skill Trade and Level:
(g) Check if Subcontractor, Name of Prime:		Date/Name:
CONTRACTOR'S COMPANY NAME:		Address:
Phone: (Include extension)	Fax:	Phone: Last 4 SS#
Email		Skill Trade and Level:
CONTRACTOR'S NAME (Please Print):		
CONTRACTOR'S SIGNATURE:		
A waiver applies for hours provided SECT COMPLIANCE HOURS CERTIFICATE IS COMPLETED Program (LEP). Please complete and return this form Phone: (510) 238-7313 Fax: 510-238-3363 Emajl: rai	and returned to the Local Employment and attachments to Renée Abraham.	B. Referrals ARE NOT available at this time. Date STAFF SIGNATURE PAGE 1 OF 2

City of Oakland

Certification of Compliance Hours

Local Employment & Apprenticeship Programs

THIS WAIVER APPLIES TO:

TO:

PROJECT / CODE #	· · · ·	•	· * · · ·	
CRAFT/S:	· · · · · · · · · · · · · · · · · · ·			
NUMBER OF HOURS:			· ·	,
DATES WAIVER APPLIES	From_		То	
·	· .		•	

Jonothan Dumas, Supervisor LCERP/LEP

Linda Jones, Job Developer

SECTION C TO BE COMPLETED BY CONTRACTOR/SUBCONTRACTOR: -- PLEASE NOTE -- WAIVERS ARE NOT VALID UNLESS THIS PORTION IS COMPLETED AND RETURNED TO THE CITY OF OAKLAND.

NAME	ADDRESS	TELEPHONE	LAST 4 SS #		
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Jonothan Dumas, Supervisor LCERP/LEP, 250 Frank Ogawa Plaza, Suite 334, Oakland, CA 94607, Phone 510-238-7359; jdumas@oaklandnet.com CC: Contract Compliance Officer; City's Project Manager. Prime Contractor, please call to confirm receipt of referral form.

Page 2 of 2

Local Employment Program

CITY OF OAKLAND

Compliance Analysis Packet Checklist

(This page must accompany required documentation)

General Contractor	/	·:
Subcontractor	<u> </u>	
Project Name	, , ,	
City of Oakland's Project #		
The following checklist is a summary of required reports for the LE corresponding to reports attached and include the section where e		
Refer to the Compliance Analysis Requirements Chart for completing	n g reports	1 through 4.
Reports		Section
1. List of Core Employees / Quarterly Wage & Withholding (DE 6	5)	
2. Proof of Apprenticeship		
3. Proof of Oakland Residency		
4. Proof of Oakland Resident Offsite Hours	• • •	
5. Copy of Job Request and Referral Form (if applicable)		
6. Copy of LEP Contractor Waiver (<i>i</i> f applicable)	·	
7. Copy of 15% Apprenticeship Program Waiver (if applicable)		
Note: Do not submit copy of employees' social security of		vide only the

Note: Do not submit copy of employees' social security card. Provide only the last 4 digits of the social security card number.

Prepared By:		•	, , <i>.</i>	•	<u>.</u>	• •
Name	· · ·	•	··· ·	· .	· · ·	
Title	·	<u> </u>	``	 		
Telephone		·				
Extension				、		4-9
Email			Pg. 1			O ct 2011 rev

CITY OF OAKLAND

Local Employment Program (LEP)

Compliance Analysis Requirements

SEE AT A GLANCE CHART

The following 'See At a Glance Chart' outlines documents that are required when submitting a <u>complete</u> Compliance Analysis Packet. This information must be submitted as one report; organized with sectional dividers in binders or folders.

L	ocal				Progran e Ana	lysis	l 15% Req	6 App uir e m	ents	-		ogran	n	· · · ·		
REQUIREO REPORTS	Employee Name	Current Street Address	Valid CA State Photo ID Card / Driver's License	trade Classifcation	Skin Level Journey / Apprentice	Core Employee Yes / No	Date of Hire	D Total Hours Worked Per Employee On Project	d Payrofl iker	Quarterly Wage and Withholding Report (DE6)	Last 4 SSN (ONLY)	Project Name and City	California Division of Apprenticeship Standards Certification	Trade Work Referral / Dispatch Notice	City of Oakland Project Number on Document	City of Oakland Project Name on Document
List of Core Employees*	 ✓ 	~		~	~		~	1	· ·	~	~			· ·	~	~
Proof of Apprenticeship	·	:v		✓			· · · · · · · · · · · · · · · · · · ·				· ·	-	✓			· · ·
Proof of Oakland Residency	~	<	<u> </u>	<		1	✓				✓					·
Proof of Oakland Resident Offsite Hours**		~	1	~	1		, ,	√ .	~		1	√ .	£			

(Where "\" appears, eategory must be included)____

*Core Employee: "An apprentice or journey-level employee who was on the contractor's active payroll for at least 60 out of the 180 calendar days prior to the contract award." Refer to the Post Award Handout for complete definition.

**Proof of Oakland Resident Offsite Hours on Non-City of Oakland funded projects:

If contractor has an "ONSITE" shortfall of hours on City funded project, provide Oakland resident offsite hours that are within I year post project to clear or mitigate shortfall.

• If contractor has an "OFFSITE" shortfall of hours on non-City funded project, provide Oakland resident offsite hours that are within 1 year prior to award date of the project, and/or offsite hours that are concurrent to the project, and/or offsite hours that are within 1 year post project to clear or mitigate shortfall.

Pg. 2 of 2

roject Name:			Compliance Officer:		
			Deter	•	·····
roject No.	J	1	Date:		
Initial to Acknowledge Receipt	Check Box if Materials Have Been Distributed		Form or Instructions	· ·	City of Oakland Public Work Requirements
					20% Local and Small Local Business Enterprise Program and 20% Local Trucking
	· · · · · · · · · · · · · · · · · · ·			` •	Prompt Payment Ordinance
					USLBE Exit Affidavit
					Subletting and Subcontracting Fair Practices Act (Public Contract Code 4107)
					Public Works Notification of Contract
					Training Fund Contributions (CAC 2)
				•	Labor Compliance Program Tracker (LCP)/Certified Payroll Requirements
					Fringe Benefit Statement
					Prevailing Wages
•		• ,	· · · · · · · · · · · · · · · · · · ·		50% Local Employment Program
					Anticipated Workforce Projection
·.		· .			List of Core Employees (DE-6)
					Worker Request & Refen al Form
·					15% Oakland Apprenticeship Prog
					Anticipated Utilization Plan Form
hereby certify that I am	authorized to mensore 4	he decre	al contractor or subcest	ractor for	the project and that I have received the
irm Name:	autionzed to reqpresent th	ne yenrei			

Attachment C

WEEKLY CERTIFIED PAYROLL REPORTING FORM (PUBLIC)

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Date Friday, December 9, 2011

I, VANESSA OROZCO the undersigned, am the OFFICE MANAGER with the authority to act for and on behalf of ANDES CONSTRUCTION, INC. 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: 11/27/2011. I herein certify under penalty of perjury that all of the above is true and correct as submitted.

REMARKS:

NAME: <u>VANESSA OROZCO</u> TITLE: <u>OFFICE MANAGER</u>

Electronic Signature Code: 528021-C329116-11/27/2011 12:00:00 AM-0-129679245545338595

Atlachment D

LABOR COMPLIANCE SITE VISITATION REPORT

Visit date: Thursday, September 22, 2011

Project: Rehabiliation of Sanitary Sewers in the Easement by Knowland Park Zoo - $\Lambda/77$ · Io'// / gellSite: REHABILITATION OF SANITARY SEWERS IN THE EASEMENT BY KNOWLAND PARK ZOO Owner: CITY OF OAKLAND Contractor: ANDES CONSTRUCTION, INC.

Subcontractor: ANDES CONSTRUCTION, INC.

INTERVIEWS:

Employee: EMPLOYEE NOT FOUND IN CERTIFIED PAYROLL REPORT.

Base pay: \$31.50 RATE NOT AVAILABLE FOR COMPARISON.

Classification: Operating Engineer Apprentice 5th level

Task being performed at time of interview: Waiting for welding pipe/pulling pipe up hill (pictures) Was worker believable? YES

Interview notes:

Working 8 hours per day onsite. Operating Engineers local 3.

Employee: LIMA, OVIDIO E

Base pay: \$29.00 Classification: Laborer and Related Classifications - Group 3 Area I Task being performed at time of interview: Preparing pipe (pictures) Was worker believable? YES

Interview notes:

6214 E. (211 Street Stitting CA.

DL verified. Started on project site 5 days ago (from interview date). Laborers local union 304. Working 8 hours per day on project site.

Employee: CUADROWShipBui8DO

Base pay: \$29.17 Classification: Laborer and Related Classifications - Group 3 Area 1 Task being performed at time of interview: Putting pipe/digging/shoveling (pictures) Was worker believable? YES

Interview notes:

Add 53 79th A control Octome Octomed Color 94602. DL verified residency. Started on project site 9/21/2011. Working 8 hours per day on project site.

Laborers local union 304.

Employee: DEDEZ, HERMAN

Base pay: \$20.85

Classification: LABORER AND RELATED CLASSIFICATIONS - APPRENTICE LABORER 3 Task being performed at time of interview: Digging/moving-installing pipe (pictures) Was worker believable? YES

Interview notes:

Will Law working on project site. Working 8 hours on 1st day onsite. Laborers local union 304.

SUMMARY:

Total workers observed on site: 4.00 CPR SHOWS 7 WORKERS ON VISIT'S DATE.

Interviewer: Matt Berens

Site visitation notes:

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LABOR COMPLIANCE SITE VISITATION REPORT

Visit date: Thursday, September 29, 2011

Project: Rehabiliation of Sanitary Sewers in the Easement by Knowland Park Zoo Site: REHABILITATION OF SANITARY SEWERS IN THE EASEMENT BY KNOWLAND PARK ZOO Owner: CITY OF OAKLAND Contractor: ANDES CONSTRUCTION, INC. Subcontractor: ANDES CONSTRUCTION, INC.

INTERVIEWS:

Employee: Point Manual TonrotoCO

Base pay: \$29.00 Classification: Laborer and Related Classifications - Group 3 Area 1 Task being performed at time of interview: Concrete manholes all day (pictures) Was worker believable? YES

Interview notes:

Working on project 3 days, started 9/26/2011. Working 8 hours per day.

Employee: Called and a second second

Base pay: \$29.00

Classification: Laborer and Related Classifications - Group 3 Area 1 Task being performed at time of interview: Fixing manholes all day (pictures) Was worker believable? YES

Interview notes:

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Started on project site 9/23/2011. Working 40 hours per week. Laborers local union 304.

Employee: Contraction and Contraction

Base pay: \$29.17 Classification: Laborer and Related Classifications - Group 3 Area 1 Task being performed at time of interview: Rehabilitating manholes (pictures) Was worker believable? YES

Interview notes: Difficient August Oakland CA 94621. DL verified Oakland residency. Working between 28 and 36 hours per week. Laborers local union 304.

5/9/2012

Employee: MORENO, FORGE E

Base pay: \$29.00 Classification: Laborer and Related Classifications - Group 3 Area 1 Task being performed at time of interview: Excavating pipe (pictures) Was worker believable? YES

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Interview notes:

210 Eachily Gand CA 94601. DL license verified Oakland residency. Started on project site 9/28/2011. Laborers local union 304.

SUMMARY:

Total workers observed on site: 6.00

Interviewer: Matt Berens

Site visitation notes:

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CPR SHOWS 12 WORKERS ON VISIT'S DATE.

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LABOR COMPLIANCE SITE VISITATION REPORT

Visit date: Thursday, October 27, 2011

Project: Rehabiliation of Sanitary Sewers in the Easement by Knowland Park Zoo Site: REHABILITATION OF SANITARY SEWERS IN THE EASEMENT BY KNOWLAND PARK ZOO Owner: CITY OF OAKLAND Contractor: ANDES CONSTRUCTION, INC. Subcontractor: ANDES CONSTRUCTION, INC.

INTERVIEWS:

Employee: dull (in a Different

Base pay: \$29.37 Classification: LABORER AND RELATED CLASSIFICATIONS - GROUP 3 AREA 1 Task being performed at time of interview: Rehab of manhole trees (pictures) Was worker believable? YES

Interview notes:

Working on project site 1 month. Working 40 hours per week/also paid OT. Laborers local union 304-Oakland.

Employee: Difference of the design of the design of the second second in certified payroll report.

Base pay: \$29.37 RATE NOT AVAILABLE FOR COMPARISON. Classification: LABORER AND RELATED CLASSIFICATIONS - GROUP 3 AREA 1 Task being performed at time of interview: Rehabing of manhole trees (pictures) Was worker believable? YES

3.00

Interview notes:

Working I month on project site. Working 40 hours per week/paid OT when applicable. Laborers local union 304-Oakland.

SUMMARY:

Total workers observed on site:

CPR SHOWS 7 WORKERS ON VISIT S DATE.

Interviewer: Matt Berens

Site visitation notes:

City of Oakland

WEEKLY CERTIFIED PAYROLL REPORTING FORM

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OAKLAND, CA. 94601	EXEMPT	APPRENTICE LABORER (\vdash	9/19/11 M	ћ⁄зо-н Т	9/21/11 W	9/22/11 TH	423-11 F	9/24/11	9/15/11 S	TOTAL	ROURLY RATE OF PAY	PROJECT	ALL, PRO/ECTS	Federal Tax	Social Security	Medicare	State Tax	Local Taxes /SDJ	Other	Serving*	Net l'uid Week	Cheel No.
	1		5	0,00	8.00	0,00	0.00	6.00	aaa		6.00	\$21,05	1.	284.68	3,00 Dues	11,94	4.12 行 Heidin 选。	0 00	34L	33,48	0 00 ∵All Othér∰	228 23 Total	15947
DL: HISPANIC	-	WO	0	0.00	0,00	0.00	0.00	0.00	. 0,00	0.00	0.00	S a oo	S126.30		Units	Subs	Welline	Trension The Alternation The Alternation	Heliday	Section 1	1000 F	Deductions	
	Ľ		D	0,00	0,00	0,00	0,00	0,00	0 00	<u> </u>	0.00	\$0,00	ļ		0.00 Voluntary	0.00 Voluntary	SO.00	\$0.00	50.00	\$197.91	50.00	\$55,95	[]
All or Part of Frinzes Paid to Employee; NO NOTES:		Vacation, Holiday and Dues in Gro Voluntary Contributions in Gross P		w: NO						Rate in Lity	i ol Fringes:	H}:00]		Pension	Medical	of Fringes D.00		 	<u> </u>			
		-												ļ			0.00		Ļ	L	L	<u> </u>	J
	Ę	LADORER AND RELATED CLASSIFICA DOXS / ORGUP 3 AREA 1	Ľ	9/19/11	9/24/1	9/21/11	9/22/11	9723/11	9/24/11	925/11	TOTAL HOURS	HOURLY RATE	TIUS	ALL PROJECTS	Federal Tax	Sociel Security	Medicare	State Text	Local Tarun /SDI	Other	Savings	Net Paid Work	Check No.
OAKLAND, CA. 94621	EXEMPT			<u>м</u>	<u>т</u>	W	TH	F		S		OF PAY \$29,37	4	822 97	52.00	34 54	11.92	6.39	9.87	69.44	0.00	638 21	15949
DL:	└	wo:	0	0.00 0,00	8,00 0.00	7.50	0,00	0.00	0.00	0,00	15.50 0,00	\$0.00	5455.24	⁶²⁴ .37	Duex	Trav. Subu	2 # Welfare :	tz Pension g	Vacabos ; 1 24 Holiday	C. Training	All Other	Total Deductions	
HISPANIC Male	0.	ALAMEDA COUNTY	6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00			0,00	0.00	50 DD	50.00	\$0.00	10 48	\$0.00	\$184,16	
All or Part of Frinzes Paid to Employee: NO		Vacation. Holiday and Dues in Gro		v: YES						Rate in Live	of Fringent	\$0.00	1		Volumbary Persaiton	Voluntary Medical	Paul in Loca of Fringes						
NOTES:		Voluntary Coroributions in Gross P	ay:												[0.00	l	1 1	1 1	1 l		I

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December 09, 2011 Page 1 of 2

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	E	LABORER AND RELATED CLASSIFICATIONS / GROUP 3 AREA I		9/19/11	9/20/11	9/21/11	9/22/11	9/23/11	9/24/11	9/25/11	TOTAL	. HOURLY	THIS PROJECT	ALL	Federal Tax	Social Security	Medicare	Sinle Tux	Local Taxes	Other	Savinga	, Net Paid Week	Check
OAKLAND, CA, 94605	EXEMPT	,		м	т	w	тн	F	s	S٠	HOURS	RATE OF PAY	PROJECT	PROJECTS .	136,00	55 02	18.99	33.09	15.72	196 64		944,50	Nu.
	13	wo.	s	0,00	0,00	0.00	8.00	8,00	0.00	0.00	16.00	. \$29.37] : .	1,309,96		Tiay,	Tealth 22	Persion	Streetion 21	Training	CAll Other	944,30 Total	15953
DL: HISPANIC		ALAMEDA COUNTY +	0	0.00	0.00	0.00	2 00	0,50	0,00	0,00	2.50	\$42.81	\$576,95			Suba	A Welfero	325(2)	Holiday	1997 - 19 - N	90 i 26	Deductions	
Male]°		D	U,00	0.00	0.00	0.00	0.00	0.00	0,00	0.00	\$0.00	ļ	·	0.00	0,00	²¹ 2 S 0.00 -	SO 00	\$0.00	\$630.38	\$0.00	\$365.46	
All or Part of Fringes Paid to Employee: NO		Vacation, Holiday and Dues in Gra	oss Pa	Y: YES						Rate in Lie	u of Fringes:	. \$0.00	,		Voluntary Pension	Valuntary Medical	Paid in Lieu of Fringes] —				
NOTES.		Voluntary Contributions in Gross P	'ay:-			-		•	•		••	• .					8 00						
		· · ·			•				_					· · · ·	·					<u></u>			
		LABORER AND RELATED CLASSIFICATIONS /								•						Social	•	State Tax			. —		
UNIT #248, OAKLAND, CA, 94601	EX	APPRENTICE LABORER J			_		9/22/11		9/24/11		TOTAL HOURS	HOURLY RATE	THIS PROJECT ,	ALL PROJECTS	Federal Tax	Security	Medicare	Sumerax	Local Taxes / SDI	Other	Sovings	Net Paid Week	Check No.
	EXEMPT		Н	м	т	· W	тн	F	5	S		OF PAY \$21,00			115,00	. 36.59	12,63	32.76	10,46	36.08	0,00	627 56	15955
		wo	<u>s</u>	0.00	0,00 -	0.00	0,00	8,00	0.00	0.00	8.00	- \$0.00		87L08	· Dues	Tray, Subs.	Health & Welfare	Pension	Vacetion	Training	All Other	Total	(5555
DL: HISPANIC		ALAMEDA COUNTY	呁	0.00	0,00	00,0 00 N	0.0h 0.00	0.00 9,00	0.00	0.00	0.00	\$0.00	\$168,00	• •	0.00		\$0.00	14000 301 1912 \$ 0,00	\$0,00	Contract of the second	\$0,00	Deductions	
Male	1		D	0,00	0,00	0.00	0,00	0,00	0.00	Rate in Lies	0.00		<u> </u>	<u> </u>	Voluntary	0.00 Voluntary	Paid in Licu	19 30 AU	3°0 02 30 ,00	\$291.51*	<u></u> \$0,00	\$243,52	<u>.</u>
All or Part of Fringes Paid to Employee: NO NOTES:		 Vacation. Holiday and Dues in Gro Voluntary Contributions in Gross Press 		NO				-		in the	a tangen	' \$ 0 00	· .		. Pension	Medical	of Fringen		<u> </u>			<u> </u>	1
											'				L		0.00			l	<u> </u>	<u> </u>	
PROVIDE.	T	LABORER AND RELATED	<u> </u>	<u> </u>						r—–		<u> </u>			· · · -					· · · ·		·	
T 12TH STREET.		CLASSIFICATIONS / GROUP 3 AREA 1		9/19/11 9	9/20/11	9/21/11	9/22/11	9/23/11	9/24/11	9/25/11	TOTAL	HOURLY	TIIIS	ALL	Federal Tax	Social	Medicare	State Tax	Local Taxes	Other	Smings	Net Paul Week	Check
OAKLAND. CA. 94601	EXEMPT	AAGA I	Г	м	т	w	тн	F	s	s	HOURS	RATE OF PAY	PROJECT	PROJECTS	125,00	Security 52.04		28.41	/ SDI		<u> </u>		No.
	3	wo:	s	8.00	8,00	8,00	8.00	8,00	0,00	0.00	40.00	\$29.37		1,239,02		52,04 Tav,	17,96 紊了Health 护心	28 4 I	14.87	102,92	0,00 GAR Oiltér 7	897.82 Total	15965
DL:	<u> </u>	ALAMEDA COUNTY	0	0,00	0,00	0,00	1.50	0.00	0.00	0.00	1.50	\$42.81	\$1,239.02			Suba.	& Welfare	Content of the second second	Haliday	1 minung 5	All Other	Deductions	
HISPANIC Maic	0	ALAMEDA COUNTY	5	0.00	0,00	0,00	0,00	0.00	0.00	0.00	0.00	\$ 0.00			0.00	0,00	\$0 .00	\$0.00	s.,	5608 39	\$0.00	\$341.20	
All or Part of Fringes Paid to Employee: NO		Vacation, Holiday and Ducs in Gro	ss Pav	YES					•	Role in Lieu	of Fringes:	\$0.00			Voluntary Pension	Veluetary Medical	Paid in Lieu of Fringes					7	
NOTES:		Voluntary Contributions in Gross P.			•	•				• •							0.00	·					
																	<u> </u>		• <u> </u>	I	(
				<u> </u>									•				-			<u>.</u>			<u> </u>
TOTAL STANDARD HOURS :		139.50 T(DTAL	1.\$ OT	HOURS	: 	5.50				<u>. </u>	тот	AL 2.0 OT HO	URS:	0,00		<u> </u>	GR/	ND TOTAL	HOURS	136.00)	
Tan an a							•											•					
							•				• .												
									-										•				
Date Friday, December	9, 2	011				•					-								,				
••	•																		•				•

I, VANESSA OROZCO the undersigned, am the OFFICE MANAGER with the authority to act for and on behalf of ANDES CONSTRUCTION, INC.

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: 9/25/2011.

I herein certify under penalty of perjury that all of the above is true and correct as submitted.

Signature _____

REMARKS:

NAME: <u>VANESSA OROZCO</u> TITLE: <u>OFFICE MANAGER</u>

Electronic Signature Code: 528021-C329116-9/25/2011 12:00:00 AM-0-129679231882108921

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		LABORER AND RELATED CLASSIFICATIONS / GROUP 3 AREA 1		10'24'11	10/25/11	10/25/11	10/27/11	10/21/11	10/29/11	18/30/11	TOTÁL	IIOURLY RATE	TIUS	ALL PROJECTS	Federal Tax	Social Security	Medicare	State Tax	Local Taxes	Other	Savings	Net Puid Week	Check
DANCAND. CA. 01011	EXEMPT			м	т	w	тн	F	S	s	10013	OF PAY	(RULEO)	, NORECTO	94 00	46.26	15.97	18 66	13,22	93 00	0,00	820,27	
	14	wo	S	4.00	8.00	0.00	5,50	0.00	0,00	0.00	17,50	\$29.37		1,101,38	Dues	Trav.	Henith 23	Peruson	Vacation 75	D Tailang 🕃	All Other	Tetal	16104
DL: HISPANIC	0	ALAMEDA COUNTY	0	0.00	0.00	0.00	0,00	0.00	0,00	0.00	0,00	\$0.00	\$513,98	1		Subx.	de Wellace	depart for	T Holiday	و به دوی در سرد. برز منبع در م	5e	Deductions	1
Male	ľ		D	0.00	0,00	0.00	0,00	0,00	0.00	0,00	0,00	\$0.00	·		0.00	0.00	50.00	0.00	2. S U.00	\$549.75	50 0 0	\$281.11	
All or Part of Frinzes Paid to Employee: NO		Vacation. Holiday and Dues in Gro	oss Pa	v: YES						Rute in Lie	a of Fringes	\$0.00]		Voluntary Pension	Voluntary Medical	Paul in Lieu of Fringes		•			_	ľ
NOTES:		Valuntary Contributions in Cross P															0,00		1				1
																			•				•
	1	LABORER AND RELATED	Т	<u> </u>	Γ	· ·				T									,				-
1. OAKLAND, CA. 94621	8	CLASSIFICATIONS/ GROUP 3 AREA (<u> </u>	10/24/11	10/25/11	10/26/11	1027/11	10/28/11	10/29/11	10/30/11	HOURS	ROURLY RATE	THIS	ALL PROJECTS	Federal Tex	Social Security	Medicare	- State Tex	Local Texes / SDI	Other	Sevines	Net Paid Week	Check No
41. UAKLAND. CA. 94621	EXEMPT			м	т	w	тн	F	5	s		OF PAY			113.00	48,67	16 80	23,29	13,91	96,72	11 00	846-19	
	17	wo:	5	0.00	8.00	0.00	6.00	0.00	0.00	0,00	14,00	\$29.37		1,158,88	Dues	Tav.	Bealth H	Pension F	-Vacation F	2 Training 2)	All Other	Total	16116
DL: {ISPANIC		ALAMEDA COUNTY	0	00.0	0,50	0.00	0,00	0,00	0,00	0,00	0,50	\$42,81	\$432.59		<u> </u>	Subs.				型17-第		Deductions	l I
Male	Ľ.		D	0 00	0.00	0.00	0.00	0.00	0,00	0.00	0,00	\$0.00			0.00	0.00	\$0.00	\$0.00	\$0.00	5571.14	\$50,00	\$312.39	
										Rate in Lie					Voluntary	Votuetary	Paid in Lieu		I .				
All or Part of Fringes Paid to Employee: NO		Vacation, Holiday and Dues in Gro		V: YES						KARI BULAR	e ol Fringer,	\$0,00			Pension	Medical	of Fringes					•	
NOTES:		Vacation, Hollday and Dues In Gro Voluntary Contributions in Gross Pi		V; YES	-		-		<i>,</i>	Kane ni Lie	e ol Fringe s.	\$0,00				Medizal	of Fringes 0,00					`	
				v; YES	•		-		(u ol Fringer,	\$0.00				Medical							
NOTES:	<u> </u>	Voluntary Commbutions in Gross P	ay:		-		-		{ 	<u>.</u>	1				Penaion		0,00						
NOTES:	EX	Voluntary Contributions in Gross P.	ay:	10:24/11	(0/25/1)	·		1028/11	(19/30/11	TOTAL HOURS	JIOURLY RATE	THIS PROJECT	ALL. PROJECTS		Medical Social Social		Sinte Tax	Local Taxes	Other	Savings	Net Paid Week	Check Nu.
NOTES:	EXEMP	Voluntary Contributions in Gross P LABORER AND RELATED CLASSIFICATIONS / GROUP 3	ay:		т	w	тн	F	(10/29/11 S	10/30/11 S	* TOTAL HOURS	HOURLY RATE OF PAY		PROJECTS	Penaion	Social	0,00	State Tax 18 82		Other 89 28		Net Paid Week 778-80	
NOTES: MARINE LITH STREET., DAKLAND, CA. 94611	EXEMPT	Voluntary Contributions in Gross P LABORER AND RELATED CLASSIFICATIONS / GROUP 3	ay:	10/24/11 M 5.00	T 0,00	W 0.00	ТН 0,00	F 0,00	(10/29/11 5 0.00	19/30/11	TOTAL HOURS	INOURLY RATE OF PAY \$29.37		PROJECTS 1,057.32	Pension Federal Tax	Social Social 44,41 Trav,	0,00 Medicare 15.33		/ SD1 12,68			778 80 Total	
NOTES:	EXEMPT	Voluntary Contributions in Gross P. LABORER AND RELATED CLASSIFICATIONS / GROUP 3 AREA 1	ay:	10/24/11 M	т	W 0.00 11.00	тн	F 0,00 0,00	(10/29/11 S	10/30/11 S	* TOTAL HOURS	HOURLY RATE OF PAY		PROJECTS	Pension Federal Tax 98 (00 Dues	Social Social 44,41	0,00 Medscare 15.33 Health 1 Welfare 3	JS 82	/ SDI 12.68 Vacation Holiday	89 28	0,00	778 80	Na.
NOTES: DAKLAND, CA, 94601	ļ	Voluntary Contributions in Gross P. LABORER AND RELATED CLASSIBICATIONS / GROUP 3 AREA 1 WO:	ay:	10/24/11 M 5.00	T 0,00	W 0.00	ТН 0,00	F 0,00	(10/29/11 S 0.00 0.00 0.00	19/30/11 S 0,00 0,00 0,00	TOTAL HOURS 5,00 0,00 0 00	INOURLY RATE OF PAY \$29.37	PROJECT	PROJECTS 1,057.32	Pension Federal Tax 98 00 Dues 0 00	Social Sociarity 44,41 Trav. Subs 0.00	0,00 Medseare 15.33 Heath & Welface	JB 82	/ SD1 12,68	89 28	0,00	778 80 Total	Na.
NOTES: SAKLAND. CA. 94611 SL: SISPANIC 4de Ml or Part of Frinces Paid to Employee; NO	ļ	Voluntary Contributions in Gross P. LABORER AND RELATED CLASSIFICATIONS/GROUP3 AREA 1 WO: ALAMEDA COUNTY Vacrition, Holiday and Dues in Gro	ay:	10/24/11 M 5.00 0.00 0.00	T 0,00 0.00	W 0.00 11.00	TH 0,00 0.00	F 0,00 0,00	(10/29/11 S 0.00 0.00 0.00	10/30/11 S 0.00 0.00	TOTAL HOURS 5,00 0,00 0 00	IIOURLY RATE OF IAY \$29.37 \$0,00	PROJECT	PROJECTS 1,057.32	Pension Federal Tax 98 (00 Dues	Social Socurity 44,41 Trev. Suba	0,00 Medscare 15.33 Health 1 Welfare 3	JS 82	/ SDI 12.68 Vacation Holiday	89 28 Training	0.110	778 80 Total Deductions	Na.
NOTES: DAKLAND, CA, 946111 DAKLAND, CA, 946111 DL: 1/SPANIC ////	ļ	Voluntary Contributions in Gross P. LABORER AND RELATED CLASSIFICATIONS / GROUP 3 ARDA 1 WO: ALAMEDA COUNTY	ay:	10/24/11 M 5.00 0.00 0.00	T 0,00 0.00	W 0.00 11.00	TH 0,00 0.00	F 0,00 0,00	(10/29/11 S 0.00 0.00 0.00	19/30/11 S 0,00 0,00 0,00	TOTAL HOURS 5,00 0,00 0 00	IIOURLY RATE OF PAY \$29.37 \$0,00 \$0 (ki	PROJECT	PROJECTS 1,057.32	Pension Foderal Tax 98 (00 Dues 0 (00 Voluntary	Social Sociarity 44,41 Trav. Subs 0.00 Voluntary	0,00 Medseare 15.33 Health Welfare \$0.00	JS 82	/ SDI 12.68 Vacation Holiday	89 28 Training	0.110	778 80 Total Deductions	Na.
NOTES: SAKLAND. CA. 94611 SL: SISPANIC 4de Ml or Part of Frinces Paid to Employee; NO	ļ	Voluntary Contributions in Gross P. LABORER AND RELATED CLASSIFICATIONS/GROUP3 AREA 1 WO: ALAMEDA COUNTY Vacrition, Holiday and Dues in Gro	ay:	10/24/11 M 5.00 0.00 0.00	T 0,00 0.00	W 0.00 11.00	TH 0,00 0.00	F 0,00 0,00	(10/29/11 S 0.00 0.00 0.00	19/30/11 S 0,00 0,00 0,00	TOTAL HOURS 5,00 0,00 0 00	IIOURLY RATE OF PAY \$29.37 \$0,00 \$0 (ki	PROJECT	PROJECTS 1,057.32	Pension Foderal Tax 98 (00 Dues 0 (00 Voluntary	Social Sociarity 44,41 Trav. Subs 0.00 Voluntary	0,00 Medseare 15.33 Health S0.60 Faid in Linu of Fringes	JS 82	/ SDI 12.68 Vacation Holiday	89 28 Training	0.110	778 80 Total Deductions	Nu.
NOTES: SAKLAND. CA. 94611 SL: SISPANIC 4de Ml or Part of Frinces Paid to Employee; NO	ļ	Voluntary Contributions in Gross P. LABORER AND RELATED CLASSIFICATIONS / GROUP 3 AREA 1 WO: ALAMEDA COUNTY Vacation, Holiday and Dues in Gro Voluntary Contributions in Gross Pa	ay: S O D ss Pav ay:	10-24/11 M 5.00 0.00 0.00	T 0,00 0.00	W 0.00 0.00 0.00	TH 0,00 0.00	F 0.00 0.00	(10/29/11 S 0.00 0.00 0.00	19/30/11 S 0,00 0,00 0,00	TOTAL HOURS 5,00 0,00 0 00	110URLY RATE OF PAY \$29.37 \$0.00 \$0.00 \$0.00 \$0.00	PROJECT	PROJECTS 1,057,32	Pension Foderal Tax 98 (00 Dues 0 (00 Voluntary	Social Sociarity 44,41 Trav. Subs 0.00 Voluntary	0,00 Medseare 15.33 Health S0.60 Faid in Linu of Fringes	18 82	/ SDI 12.68 Vacation Holiday	89 28	0.110	778.80 Tread Deductions \$278.52	Na.

Date Friday, December 9, 2011

I, VANESSA OROZCO the undersigned, am the OFFICE MANAGER with the authority to act for and on behalf of ANDES CONSTRUCTION, INC. 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: 10/30/2011. I herein certify under penalty of perjury that all of the above is true and correct as submitted.

REMARKS:

NAME: <u>VANESSA OROZCO</u> TITLE: <u>OFFICE MANAGER</u>

Electronic Signature Code: S28021-C329116-10/30/2011 12:00:00 AM-0-129679242122005591



December 09, 2011

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WEEKLY CERTIFIED PAYROLL REPORTING FORM

I												·+			<u>.</u>			— —					
NAME OF CONTRACTOR : ANDES CON	STRUC	TION, INC.					RSTICE		528021			ADDRES	SS : 5305 EAS	T 12TH STREE	T,OAKLÂND.	CA 94601	<u>.</u>	AL AMED A		329116 / Reh		milary Sewers in He	¢
PAYROLL No. 8		FOR WEEK ENDING: SUBMITTED ON: Dece				мот	OR CAL	RRIER P	ERMIT I	No.	UNION Union		SURED CERT	IFICATE No.	1-04			•	Knowland Pat				
NAME ADDRESS, SSN, DRIVER LICENSE, ETHNICITY GENDER		WORX CLASSIFICATION. LOCATION			н	OUR\$ V	VORKED	EACH	DAY		TOT AL HOUR S	HOURLY RATE OF PAY		AMOUNT RNED		DEO	אסזזסע. כס	NTRIBUTIO	N AND PAYN	MENTS	· .	NET WGS PAJD FOR WEEK	CHECK No
DUCHAS ALCHER	S	OPERATING ENGINEER (HEAVY & HIGHWAY WORK) APPRENTICE OPERATING ENGINEER I	Ţ	+		10/26/11	10/27/31	10/28/1	10/29/11	+	TOTAL	HOURLY	THIS PROJECT	ALL PROJECTS	Federal Tax	Social Security	Modicare	State Tax	Local Texes /SOI	Other	Savings	Net Paid Week	Check No.
	EXEMPT		5	M 0.00	т 0.00	₩	TH 0.00	F 0.00	5 0,00	\$ 0.00	2 00	OF PAY \$31,53	-	630.60	48.00	26.48	9.15	10.75	7,56	0.00	0.00	528 66	16097
DL:	\vdash	ALAMEDA COUNTY	6	0.00	0.00	0.00	0,00	0,00	0.00	0,00	0.00	\$0,00	\$63.06*		Dues	Tnev. Subs	a Welfare -	Pension	Vecation 4	Training	All Ober 54	Total Deductions	
HISPANIC Male			D	0.00	0.00	0,00	0.00	0.00	0.00	0.00	0,00	\$0,00	1		0.00	0,00	\$0.00	1 FT \$0.00	12 t \$63.20	\$413.20	20° \$0.00	\$101.94	1
All or Part of Frinzes Paid to Employee: NO		Vacation. Holiday and Dues in Gr		NO NO						Rate in Lies	a of Fringer:	\$0.00	j ·		Voluntury Pension	Voluntary Medical	Pand in Lice of Fringes		L				
NOTES:		Voluitary Contributions in Gross I	Payr												L	[0,00	Ĺ	Ĺ	L	L]
	-1		—	<u>r</u>	- 	<u> </u>	-	1 ····	<u> </u>	1	, 1		1	<u> </u>	r	m		г— —	r	r	r		· · · · · ·
94603	EXE	LABORER AND RELATED CLASSIFICATIONS / GROUP 3 AREA 1	Ĺ	10/24/11		10/26/11	10/27/11	10/28/11	10/29/11	+	TOTAL HOURS	HOURLY RATE	THIS PROJECT	ALL PROJECTS	Federal Tax	Social Security	Medicare	State Tax	Local Taxes / SDI	Other	Savings	Net Paid Week	Check No.
· · · · · · · · · · · · · · · · · · ·	EXEMPT		-	м	T 2.50	W 0.00	ТН 0,00	F 0,00	S 0,00	S 0,00	2.50	OF PAY \$29,37	-	1,165.61	171.00	48.95	16 91	59.39	13.99	96.72	0.00	758,65	16098
DL:	 	wo:	S O	0.00	0.00	0.00	0.00	0,00	0.00	0.00	0.00	\$0.00	\$ 73,43	1,100.01	Dues	Trav. Subs	Health #	Penvion	Vacenon 2	1. Thinks	All Other	Total Deductions	
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Hach ment E Carpenters Local Union #713 Carpenters Local Union #713 1050 Mattox Road Hayward, CA 94541 Phone: (510) 581-7817 Fax: (510) 581-1267 Work Referral 11/7/2011 Dispatch Date: 11/7/2011 Start Date: Terence Employee: Type: Request Carpenters #713 Local: Journeyman - Scaffold Job Class: Certifications: Non ADR Employer Employer: Report To: Location: Affordable Apartments (NEGOTIATED) 2011002224 Project. 720 E 11 Address: Oakland, CA City Dispatching Union Representative. 'lame Industry Promotion: 0.29 Health & Welfare 10.80 0.05 Work Preservation: 37:65 9:10 Wages: 0.00 Pension

Wages. Vacation: Work Fee:

2.15 Travel 1:60 Annuity: 2.15 Travel 1:60 Apprenticeship: 0.72 Subsistence:

0.00

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Note: By accepting this referral, the individual employer recognizes the Union and each of its affiliated local-unions and district councils as the majority collective bargaining representative of his or its employee employed in the 46-Northern California counties performing work covered by the Carpenters employee employed in the 46-Northern California and/or the Piledrivers Master Agreement(s) and/or the Master Agreement(s) for Northern California and/or the Piledrivers Master Agreement(s) and/or the Drywall/Lathing Master Agreement and recognizes the Union as the exclusive collactive bargaining agent for such employees and further agrees that he or it is bound to said Master Agreement(s) including all the wages, hours, and all other terms and conditions of such Master Agreement(s) the payment of all wage scales, and all Trust Fund contributions required by said agreement(s)

In case of industrial injury, I hereby designate as my physician. 3BDACA4100 Carpenters Union Local #713 1050 Mattox Road Hayward, CA 94541 Phone: 510 581-7817 Fax: 510 581-1267

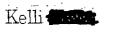
November 4, 2011

To Whom It May Concern,

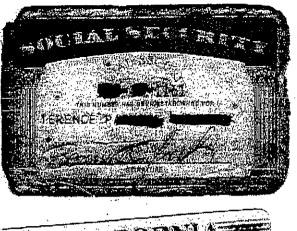
This letter is to service as notice of **Constant Social Security #CONTINUES Social Security #CONTIN**

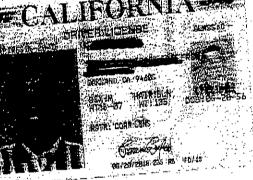
Please Fax his dispatch to my attention at

Respectfully,



レート







Customer Service Center P.O. Box \$42000 Omaha NE 58154/8000



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OAKLAND CA 94605-4127

MONTHLY STATEMENT EN(FACTURA MENSUAL INCLUIDA

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ADDRESS SE

Attachment F

CITY OF OAKLAND

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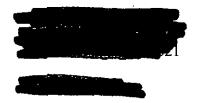


DALZIEL BUILDING • 250 FRANK H. OGAWA PLAZA, SUITE 3341 • OAKLAND, CALIFORNIA 94612

Department of Contracting and Purchasing

May 9, 2012

(510) 238-3970 FAX (510) 238-3363 TDD (510) 238-2007



This letter is to remind you of your responsibilities under your contract with the City of Oakland or Oakland Redevelopment Agency to comply with the City of Oakland's 50% Local Employment Program (LEP) and 15% Oakland Apprenticeship Program. Enclosed is a workforce report detailing the utilization of Oakland apprentices and journeymen.

The 50% LEP establishes a goal of 50% of the work hours be performed by Oakland residents on a craft-by-craft basis and a minimum of 50% of all new hires on the project be Oakland residents, and the first new hire must be an Oakland resident.

Compliance with the 50% LEP requires all contractors and subcontractors to meet or exceed the 50% work force and new hire requirements or submit the following documentation for an exemption:

- Subcontractor work performed by an Owner Operator
- Subcontractor work performed was less than 40 hours
- Subcontractor's core work force includes 50% Oakland employees; no new hires

_____ Subcontractor requires no more than two craft employees to perform subcontractor's work; the subcontractor will not have any new hires; and the subcontractor is a Small Local Business Enterprise (SLBE)

The 15% Oakland Apprenticeship Program establishes a goal of 15% of total work hours be performed by Oakland apprentices.

Compliance with the 15% Oakland Apprenticeship Program requires all contractors and subcontractors to meet or exceed the 15% Oakland apprenticeship requirement and/or submit the following documentation:

15% of total work hours performed by Oakland apprentices

_ 7.5% of total work hours performed by Oakland resident apprentices on City project and 7.5% of total work hours performed by Oakland resident apprentices on non-City projects.

it is your responsibility to review the enclosed Oakland Hours utilization report and to ensure that you have met and/or exceeded the 50% LEP and the 15% Oakland Apprenticeship on a craft-by-craft basis.

521

If the goals have not been achieved, you must contact me at (510) 238-7735 to address any deficiencies. Failure to achieve the program requirements will result in penalties as outlined in the programs.

Respectfully,

MATT BERENS

Contract Compliance Field Technician

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Attachment G.





REPORT OF COMPLETION AND ACCEPTANCE

PRU.	JECT NO.	<u>C443710</u>	• •		. 1	
					· .	<u> </u>
i here	eby certify	that	Downrite Corpor	ation		
has c	completed	<u>711</u>	<u>– 71st Avenue Den</u>	nolition Projec	<u>t</u>	
plans	s and spe	cifications p	med and material prepared by the <i>i</i>	Assistant Dir	ector of P	ublic Work
Agen	ncy and 1 re	ecommend a	cceptance of this v	work on <u>Ma</u>	<u>ch 13, 2</u>	<u>012</u> .
Reco	mmended	for Approval b	by: <u>Jun Osalbo </u> jy Resident Engin	two Jalla eer	ع Date	13-12
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			Date of Contrac	t October 3	3, 2011	
			Resolution Nun	nber# <u>83370</u>	CMS	
	Bu	id la			3/14	12-
APF	PROVED	BY CONST	RUCTION ENGI	NEER	Date	

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CITY OF OAKLAND

Via Facsimile and Certified Mail



DALZIEL BUILDING • 250 FRANK H. OGAWA PLAZA, SUITE 3341 • OAKLAND, CALIFORNIA 94612

Department of Contracting and Purchasing

May 4, 2012

(510) 238-3970 FAX (510) 238-3363 TDD (510) 238-2007

RE:

This letter is to inform you that the City of Oakland is in receipt of the Notice of Completion (NOC) for the above referenced project. Please be advised that upon receipt of this NOC, the City of Oakland starts its closeout procedures for the project. We are hereby noticing you of any deficiencies on your project in an attempt to process your final payment as quickly as possible when received.

There are a number of steps in the City's closeout procedures as indicated below:

- Check for the input of all certified payroll reports into the City's LCP Tracker.
- Retrieve exit affidavits for all certified local businesses
- Review the project for compliance with the City's Local Employment Program (LEP) and 15% Apprenticeship requirements
- •----Proof of payment-of-all-LCP-traeker-fees----

Input of Certified Payroll Reports

The City's Local and Small Local Business Enterprise, Part III, Local Employment states in part:

"The developer or contractor must submit reports for compliance with the LEP as required by the City. These reports may include weekly certified payroll records for all crafts covered under these Program provisions within five (5) working days of the end of each payroll period. Certified payrolls must be electronically submitted using the LCPtracker".

Review of the LCP tracker indicated that your subcontractor XYZ Trucking failed to input certified payroll reports into the LCP tracker. Please have your subcontractor input the payroll



reports immediately. Failure to do so will result in your firm and/or its subcontractor being placed in noncompliance with the City's Program. The penalty for non-compliance with the certified payroll requirement is one percent (1%) of the contract amount or one thousand dollars (\$1,000) per day (whichever is less) if records or documents are not provided within the specified time.

Exit Affidavits

Firms are required to submit an exit affidavit(s) (Schedule F) for all Local and Small Local Business Enterprises (L/SLBE) at the end of each project. Our records indicate that there have been no exit affidavits submitted for XYZ Trucking, Subcontractor Company One and Subcontractor Company Two.

Local Employment and 15% Apprenticeship Requirements

The LEP Program requires that 50% of the workforce hours be performed by Oakland residents on a craft by craft basis. The LEP Program, Incentives and Penalties, states in part:

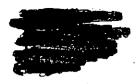
"When a contractor finishes its contract without meeting the LEP requirements, and a penalty is warranted, the City will withhold from final payment up to 150% of the wages for the deficient hours of the non-complying contractor's contract. The contractor will have one year to work off the hours owed by working Oakland residents on non-City projects. If at the end of this period all the deficient hours that have not been eliminated, the contractor will forfeit 150% of the wages for any remaining deficient hours to the City as a fine.

The chart below indicates the contractor/subcontractors that are in noncompliance with the LEP program requirements as well as the shortfall hours, hourly wage rate used to calculate the penalties owed and the penalty amount.

LEP Violation

Contractor/Subcontractor	Classification	Shortfall Hrs.	Hourly Rate	Penalty Amount
	Carpenter	86.63	60.83	5,269.70
	Cement Mason	75.75	47.21	3,567.16
	Operating Engineer	161.63	61.10	9,875.29
	Total Penalty An	· · ·	\$18,712.15	

The total penalty amount for noncompliance with the LEP program requirements is \$18,712.15.



15% OAWDPS Apprenticeship Program

The 15% Apprenticeship Program is a program with a policy requiring contractors meet a 15% participation resident apprenticeship hire goal that is based on total hours worked and on a craft-by-craft basic. The hours worked may be performed on City of Oakland projects, or 7.5% of the 15% hours worked may be performed by residents apprentices on a non-City of Oakland or Oakland Redevelopment Agency projects. The Apprenticeship Program states in part:

"If the City determines that a contractor or subcontractor has not complied, it will notify the contractor or subcontractor in writing of the shortfall hours, on a craft by craft basis. The number of shortfall hours will be multiplied by a factor of 1.5. From the time of written notice of non-compliance, the non-compliant contractor or subcontractor will be allowed six months to work off these hours by employing Oakland resident apprentices for the affected craft on any other non-City project, or by applying banked hours. In the event the contractor or subcontractor is unable to achieve the work hours to ehminate the penalty, the contractor or subcontractor may make a request in writing for an extension not to exceed six months, such that the total time allotted does not exceed a twelve-month period. Each request will be reviewed on a case-by-case basis and extensions will only be considered where the contractor presents evidence of good-faith efforts to discharge its shortfall hours within the original six-month period. The City will review on a case-by- case basis and reply within 30 days. The City will hold penalty dollars until the shortfall has been satisfied".

The chart below indicates the contractors/subcontractors that are in noncompliance with the 15% Oakland Apprenticeship program requirements and the shortfall hours, hourly wage rate used to calculate the shortfall and the penalty amount.

Contractor/Subcontractor	Classification	Shortfall Hrs.	Hourly Rate	Penalty
· · ·				Amount
	Carpenter	25.99	34.38	893.45
· · · ·	Laborer	• 240.08	24.02	5,766.60
	To	tal Penalty Amou	nt	\$6,660.05_

15% Apprenticeship Violations

The total penalty amount for noncompliance with the 15% Oakland Apprenticeship program requirements is \$6,660.05.

When a contractor employs Oakland residents on non-City projects during the year prior to issuance of a notice to proceed on the City contract, those hours will apply toward the 50% workforce hour requirement.

In order to address these shortfalls with the LEP or Apprenticeship Program requirements your firm may submit off site hours worked by Oakland residents as indicated above. This will assist you in your efforts to reduce or eliminate the existing penahies.



LCP Tracker Fees

The project specifications, Section 7-2.2.1 Electronic Payroll Submittals states in part: Electronic Payroll Submission: The Contractor shall register for the City's selected electronic certified payroll tracking system—LCPtracker..." The Contractor shall contract with LCPtracker for the entire duration of the project construction."

Our records indicate that your firm has not paid LCP tracker fees as required above. The Notice to Proceed date for this project was June 15, 2011 and the last certified payroll reports entered was for week ending September 25, 2011. Total fees due for LCPtracker use are \$480.00.

You have ten (10) days from the date of this letter to address the deficiencies outlined above. Failure to do so may result in your final payment being withheld. Should you have any questions or concerns you may contact Jonothan Dumas, Local Employment Supervisor at (510) 238-6419, Vivian hunan, Contract Compliance Officer at (510) 238-6261 or me at (510) 238-7325.

Very truly yours,

Shelley Darensburg Senior Contract Compliance Officer

Cc: LEP Supervisor, City of Oakland Treva Avery, City of Oakland Resident Engineer, City of Oakland Project Manager, City of Oakland Contract Compliance Officer, City of Oakland

> 5-7.32 MEETING OF THE

> > MAY 1 5 2012

OAKLAND CITY COUNCII

