

**Application to Director for Approval of Awarding Body's Labor Compliance Program
for Proposition 84 Funded Projects Only
(8 CCR §16425)**

Awarding Body Seeking Approval:

**City of Sunnyvale
456 West Olive Avenue
Sunnyvale, CA 94086**

Awarding Body's Contact Person:

**Kendall Braud, Administrative Aide
City of Sunnyvale
456 West Olive Avenue
Sunnyvale, CA 94086
(408) 730-7654
kbraud@sunnyvale.ca.gov**

- A. Identify the individuals who will be enforcing the Labor Compliance Program (LCP).
(Note: If using outside consultants or an approved third party contract provider, identify the awarding body personnel who will monitor or supervise the outside work as well as the individuals and affiliations of the individuals who will perform the enforcement work.)

1. Kendall Braud, Administrative Aide

Experience/training on public works/labor compliance issues (Please provide specific dates, details and examples of public works prevailing wage rate enforcement activities, including whether such experience involve federal, state, or local law. In addition, please include private sector experience on behalf of unions or contractors or on a joint labor management committee pursuant to the federal Labor Management Cooperation Act of 1978 (29 U.S.C. section 175a). Furthermore, please include participation in any public works enforcement training provided by the Division of Labor Standards Enforcement (DLSE));

Kendall Braud reviews contractor payrolls for prevailing wage compliance. The City project inspector conducts onsite interviews of workers on the project. The information is cross referenced against certified payrolls submitted by the project contractor. If an underpayment of wages is identified, the City notifies the contractor that restitution needs to be provided to workers. Kendall has been collecting and reviewing certified payrolls for over a year.

LCP duties and responsibilities to be performed including percentage of time to be devoted to LCP work:

The Agency shall be responsible for the day to day operation of the LCP. Additionally decisions relating to the withholding of funds, imposition, reduction or waiver of penalties shall rest exclusively with the Agency. The Agency shall employ the services of CCMI for Labor Compliance Consulting work in the administering of its LCP obligations and for the purpose of complying with LCP requirements on projects funded by Proposition 84.

2.

**Contractor Compliance and Monitoring Inc.
635 Mariners Island Blvd, Suite 200
San Mateo, CA 94404
650-522-4403 fax: 650-522-4402
Deborah Wilder, President
Yvonne Nickles Sr. Analyst; Lynda Dubas, Analyst**

Experience/training on public works/labor compliance issues (Please provide specific dates, details and examples of public works prevailing wage rate enforcement activities, including whether such experience involve federal, state, or local law. In addition, please include private sector experience on behalf of unions or contractors or on a joint labor management committee pursuant to the federal Labor Management Cooperation Act of 1978 (29 U.S.C. section 175a). Furthermore, please include participation in any public works enforcement training provided by the Division of Labor Standards Enforcement (DLSE)):

Contractor Compliance and Monitoring Inc. (CCMI) was approved by the California Department of Industrial Relations as a Third Party Labor Compliance Program in March 2003. CCMI personnel have a decade of experience in providing prevailing wage compliance, payroll review, apprenticeship compliance and training to contractors and public agencies. CCMI works on projects involving California prevailing wage, Federal Prevailing Wage, ARRA funded projects as well as special local public works requirements. CCMI has provided services to over 100 public agencies since its inception in 2002.

Deborah Wilder, CCMI's president and a licensed attorney, has been writing Labor Compliance Programs since the early 1990s, is a published author on California and Federal Prevailing Wages and is a nationally recognized speaker on the subject.

Yvonne Nickles has been with CCMI since 2005 and is both the Northern California Operations Manager and a Senior Analyst. She is well versed in all aspects of LCP requirements. She previously worked for the City of Dublin Public Works Department.

Lynda Dubas has spent decades in the private construction sector and is fully aware of prevailing wage and labor compliance requirements. She has been with CCMI since 2011.

LCP duties and responsibilities to be performed including percentage of time to be devoted to LCP work:

CCMI will provide assistance to the Agency on all aspects of Proposition 84 LCP requirements. CCMI has no authority to control whether or not funds are released nor the authority to withhold funds on any project. That responsibility remains with the Agency. CCMI will be under the direct day-to-day control of the Agency and its LCP Officer.

B. State the average number of public work projects the awarding body annually administers:

- C. State whether the proposed LCP is a joint or cooperative venture among awarding bodies; and, if so, how the resources and expanded responsibilities of the LCP compare to the awarding bodies involved:

The LCP will be administered solely by the Agency and will be implemented by the Agency ONLY for those projects funded by Proposition 84 or other projects which allow the use of a Third Party Labor Compliance Program. The Agency will use the Compliance Monitoring Unit (CMU) for all other State bond funded project when mandated by statute.

- D. Describe the awarding body's record of taking cognizance of Labor Code violations in the preceding five years, including any withholding of funds from public works contractors pursuant to LC 1726.

The Agency routinely requires the collection and review of certified payrolls on its projects. The Agency is small and has only 20 projects each year. In the past five years, we have not issued a Notice to Withhold or Civil Wage and Penalty Assessment by the DIR or any prevailing wage investigation of which we are aware.

- E. Identify the attorney or law firm available to provide legal support for the LCP, including handling of the LCP's responsibilities during the administrative review process set forth in Labor Code Section 1771.6.

Law Office of Deborah Wilder
625 Mariners Island Blvd, Suite 200
San Mateo, CA 94404
Ph: 650-522-4400
Fax: 650-522-4402
dwa@wilderlawfirm.com

- F. Identify the method by which the LCP will notify the Labor Commissioner of willful violations as defined in Labor Code Section 1777.1(d):

In accordance with the current requirement to provide a Request for Forfeitures to the Labor Commissioners when wages or penalties on a project exceed \$1,000, that report also provides a provision for recommendation of debarment of contractors who have willfully violated the provisions of the Labor Code. The Agency intends to use this format for such notification.

- G. Indicate whether the Awarding Body has established its own Labor Compliance Program in accordance with the requirements of Labor Code Section 1771.5(b) and subchapter 4 of chapter 8 of Title 8 of California Code of Regulations or has contracted with a third party that has been approved by the Director to operate a Labor Compliance Program in accordance with the requirements of Labor Code Section 1771.5(b) and subchapter 4 of chapter 8 of Title 8 of California Code of Regulations. If the Awarding Body has contracted with one or more persons or entities to operate all or any part of the Awarding Body's Labor Compliance Program, please identify (name, address, telephone, and principal contact) all of those persons or entities.

The Agency has applied for Proposition 84 bond funds, has received notice that the funds will be made available. The project being funded is tentatively scheduled to begin

construction in spring 2015. CCMI has been retained and will continue to provide advice and assistance throughout this project for full LCP compliance as mandated by the provisions of the Labor Code and Proposition 84.

- H. Indicate whether the Awarding Body intends to enforce labor compliance on all of its public works projects (*i.e.*, not limited to projects that are funded by bonds or other statutes that require the Awarding Body to have an LCP as a condition of funding). If not, please indicate the kinds of projects on which you intend to enforce labor compliance and whether you are required to have a labor compliance program as a condition for obtaining funding for the project or projects.

The Agency intends to enforce its LCP only on those projects funded by Proposition 84.

- I. Attach a copy of the Awarding Body's resolution adopting the LCP and, if applicable, any other resolution approving any contracts with persons or entities identified in G above.
- J. Attach the proposed manual outlining the responsibilities and procedures of the LCP.

The DIR has already reviewed and approved CCMI (Contractor Compliance and Monitoring Inc.) several times before and has reviewed its administrative manual.

Name and Signature

Date Signed

Mail two copies of this form and attachments to:

**OFFICE OF THE DIRECTOR
DEPARTMENT OF INDUSTRIAL RELATIONS
1515 CLAY ST., 17th FLOOR
OAKLAND, CA 94612
ATTENTION: EXECUTIVE ASSISTANT TO THE DIRECTOR**