

This letter is to inform you and _____ (“_____”) that the _____ has been determined by our commission to be in violation of the Uniform Public Construction Cost Accounting Act (Act) on the _____ project started on or about _____. The Construction Industry Force Account Council (CIFAC) filed a formal complaint with our commission on _____, and sent a letter to you on the same date (a copy of the complaint is enclosed) stating that the _____ had violated Public Contract Code by failing to publicly declare the work to be performed by force account prior to commencing the work which is required under PCC 22031 (e) thereby exceeding the _____ force account limit as established in PCC 22032 (a).

The commission received both testimony and a letter from the _____ however neither rebutted the facts as indicated in the CIFAC complaint; therefore, our decision was based on the facts as presented by CIFAC and after consideration of your testimony and written response. As a signatory member of the Act, and pursuant to Public Contract Code 22044, you must agenda this item and present the commission's findings in a public meeting to your governing body within 30 days of receipt of this letter. Please send a copy of your minutes for said presentation addressed to the commission at the address found below. *We request that you present a copy of this letter in the public report to your governing body so that we can confirm that your governing body is in receipt of this notice.*

In addition, pursuant to Public Contract Code Section 22044.5, if the commission finds any public agency out of compliance with the requirements of the Act on three separate occasions within a ten (10) year period, that agency will be barred from using the provisions of the Act for a period of five years. This finding will be held on record as the _____ first violation under this section of law.

STATE OF CALIFORNIABETTY T. YEE, California State ControllerCalifornia Uniform Construction Cost Accounting Commission

George Hicks
Director of Public Works
City of Fairfield
Cities
Chair-CUCCAC

Linda Clifford
Chief Financial Officer
C.C. Myers, Inc.
Contractors State License Board
Appointed
Vice Chair-CUCCAC

Guiselle Carreon
Commercial Warrants &
Accounts Payable Manager
San Diego County Office of
Education
School Districts
Secretary-CUCCAC

Jeff Armstrong
Apprenticeship Director
Northern CA Laborers' Union
Labor

Eddie Bernacchi
President
NECA, Politico Group
Subcontractors

Robert R. Campbell
Auditor-Controller
County of Contra Costa
Counties

Will Clemens
Public Works Dept. Administrator
County of San Luis Obispo
Counties

David Cruce
Area Manager
Papich Construction Inc.
General Contractors

Cesar Diaz
Legislative Director
State Building and Construction
Trades Council
Labor

Lisa Ekers
Port Director
Santa Cruz Harbor
Special Districts

Steven L. Hartwig
Director of Public Works
City of Vacaville
Cities

Michael R. Hester
President
McGuire and Hester
Subcontractors

Nathaniel Holt
Director of Purchasing and
Contracts
Pomona Unified School District
School Districts

David A. McCosker
Chairman of the Board
Independent Construction Co.
General Contractors

Date

Name

Address

City, State, Zip

RE: (Subject)

Dear Mr./Ms. _____:

The (*complainant*) filed a request with the California Uniform Construction Cost Accounting Commission (Commission) to perform an account review of the (*project*) within the (*agency name*). (*Complainant*) reported/presented evidence that the work undertaken by the public agency (*violation*), pursuant to Public Contract Code (PCC) section 22042(a)/(b)/(c).

- (a) *Is to be performed by a public agency after rejection of all bids, claiming work can be done less expensively by the public agency.*
- (b) *Exceeded the force account limits.*
- (c) *Has been improperly classified as maintenance.*

After consideration of the evidence and deliberation, the Commission determined that the (*agency*) did violate the Uniform Public Construction Cost Accounting Act (Act) by (*violation*) in performing (*project*). The Commission concluded this violation occurred due to (*reason and Public Contract Code section*). This is the (*number*) violation by the (*agency*) within a ten-year period.

Based on (*comments, testimony, or communication*), it is the Commission's understanding that this issue will be addressed by the (*agency*). Pursuant to PCC section 22044(b), the (*agency*) "...shall present the commission's findings to its governing body and that governing body shall conduct a public hearing with regard to the commission's findings within 30 days of receipt of the findings." A copy of this letter shall be made part of the record transmitted to the governing body in support of the public hearing

Upon conclusion of the public hearing on this matter, please submit a copy of the (*agency*) governing board's meeting minutes by mail to:

California Uniform Construction Cost Accounting Commission
c/o State Controller's Office
Division of Accounting and Reporting
Local Government Policy Section
P.O. Box 942850
Sacramento, California 94250

STATE OF CALIFORNIA

BETTY T. YEE, California State Controller

California Uniform Construction Cost Accounting Commission



George Hicks
Director of Public Works
City of Fairfield
Cities
Chair-CUCCAC

Linda Clifford
Chief Financial Officer
C.C. Myers, Inc.
Contractors State License Board
Appointed
Vice Chair-CUCCAC

Guiselle Carreon
Commercial Warrants &
Accounts Payable Manager
San Diego County Office of
Education
School Districts
Secretary-CUCCAC

Jeff Armstrong
Apprenticeship Director
Northern CA Laborers' Union
Labor

Eddie Bernacchi
President
NECA, Politico Group
Subcontractors

Robert R. Campbell
Auditor-Controller
County of Contra Costa
Counties

Will Clemens
Public Works Dept. Administrator
County of San Luis Obispo
Counties

David Cruce
Area Manager
Papich Construction Inc.
General Contractors

Cesar Diaz
Legislative Director
State Building and Construction
Trades Council
Labor

Lisa Ekers
Port Director
Santa Cruz Harbor
Special Districts

Steven L. Hartwig
Director of Public Works
City of Vacaville
Cities

Michael R. Hester
President
McGuire and Hester
Subcontractors

Nathaniel Holt
Director of Purchasing and
Contracts
Pomona Unified School District
School Districts

David A. McCosker
Chairman of the Board
Independent Construction Co.
General Contractors

If you have any questions regarding this matter, please contact me at
(707) 428-7493.

Sincerely,

GEORGE HICKS, Chair

cc: (Complainant) (via email)
Robert Szabo, State Controller's Office (via email)

