
November 5, 2024

North Santa Clara Resource Conservation District (NSCRCD)
Attention: Stephanie Moreno
3001 Bishop Drive, Suite 100
San Ramon, CA 94583

Subject: Request for Proposals for Labor Compliance Field Investigation and Administrative Services

Dear Ms. Moreno:

Kurey & Associates (Kurey), a Department of Industrial Relations approved contract administrator, is pleased to submit this proposal to provide Labor Compliance Field Investigation and Administrative Services to **North Santa Clara Resource Conservation District (NSCRCD)** (District). Our Team has the experience, the understanding, and the proven methodology necessary to serve your labor standards needs.

North Santa Clara Resource Conservation District is seeking the services of a qualified labor compliance provider to assist them with their labor compliance needs for the **Los Gatos Creek Watershed Restoration Project**. Specifically, the District has the requirement of monitoring the project to ensure all prevailing wage laws and regulations are adhered to per the project labor agreement. This can be accomplished by having an effective labor compliance investigation, monitoring and enforcement methodology and a proven methodology for administering a labor compliance program.

Our Team is a full-service labor compliance provider. Our services include pre-start work such as reviewing bid documents for the appropriate language, conducting pre-bid and pre-construction meetings, responding to inquiries from other parties or adjudicating agencies, periodic site visits (only if mandated by funding), auditing of documents, complete investigations as necessary to determine if violations occurred, record keeping, communication with the affected contractor and awarding body, review of payment requests, and project closeout.

With more than 60 years of labor compliance and construction experience, Kurey has developed an industry-recognized expertise in providing labor standards and compliance services to public infrastructure owners. At the core of our Team's operational philosophy is the resolution of issues before they escalate, making labor standards monitoring and enforcing worry-free for District. We work closely with the Construction Managers, Project Managers and District representatives as an extension of the team to achieve a common goal: the successful completion of the project with minimal disruptions or delays.

We look forward to discussing our services with you. Should you need any further information, please contact Kate Kurey at (209) 946-9601 or katek@kureyandassociates.com.

Sincerely,

Kate Kurey

PROPOSED SCOPE OF SERVICES

Pre-award Activity

- **Meeting** – The Team will schedule and conduct a labor law conference call at the job start meeting where we will inform contractors of applicable prevailing wage requirements, provide the labor law checklist, provide training of the Department of Industrial Relations (DIR) online submittal process (if applicable), provide the appropriate prevailing wage determination and provide clean copies of all required documents to the contractors. We'll explain how to apply the prevailing wage determinations to overtime, fringe benefits and apprentice/trainee requirements. We will also discuss our role in conducting on-site investigations. Finally, we will collect and store all signed labor law checklists.
- **Provide Technical Assistance to Contractors**–The Team will serve as a resource for contractors and contact each of them to discuss the prevailing wage requirements in an effort to minimize “human error” violations. The Team will be available by phone and email to contractors throughout the project for clarification and education on prevailing wage, certified payrolls and apprenticeship and compliance issues. Training will be provided for the DIR online submittal process for all contractors.

During Construction Phase

- **Monitor Compliance** – We will perform document intake and review all contractor-supplied Certified Payroll Records and related documents weekly. We'll conduct CPR spot audits and cross-check information with other data sources, including worker field interviews, daily inspector logs, and engineers' diaries. We will check and confirm current and active license status and initial worker's compensation coverage for all contractors through the California Contractors State License Board. We have zero tolerance for prevailing wage violations. This plan is designed to ensure that prevailing wage issues are identified and addressed early. If payrolls are not received, we'll send letters requesting the payrolls.
- **Collect and Review Contractor Submittals** – The Team will ensure that contractors meet filing requirements of Section 1776 of the California Labor Code for all documents including Certified Payroll Records (CPRs), Statements of Compliance, Fringe Benefits, and Employer Contributions for Compliance. For missing documents, we will use a two-step resolution process – first a phone call to the contractor, then a written request with a filing deadline.
- **Monitor Apprenticeships** – The Team will confirm that all apprentices working are actually registered apprentices by the State, and that contractors comply with the apprenticeship provisions of the Labor Code, including Section 1775.5. We will collect and review all DAS 140 and 142 forms.
- **Conduct Random Audits** – We will randomly audit CPRs on a monthly basis for completeness and accuracy including the following items: listing of every worker; wages; wages no less than required wages; proper calculation of overtime and straight-time hours; payment of fringe benefits; documentation of nonstandard deductions; apprenticeship employment and training trust contributions; illegal taking of wages; and work hour records. The Team will also conduct random audits and cross-check the CPRs with other documents such as interview sheets, job logs, daily inspection reports, change orders and other data. The Team will corroborate payments shown on CPRs for at least one worker per month per project.

This system has proven effective in the early detection of most violations. The Team will verify workers' compensation insurance.

Enforcement Activity

- **Investigate Worker Underpayment and Nonpayment Complaints** – Upon notification or suspicion of an apparent contractor underpayment, the Team will initiate an investigation. This investigation will include interviews with the affected workers, an audit of CPRs, trustee reports and any other relevant documents. We will recommend appropriate action to resolve the matter. If the audit identifies a wage violation, all wage discrepancies will be documented and a Restitution Demand Letter will be sent to the contractor.
- **Coordinate Activities with Adjudicating and Enforcement Agencies** – Resolution of prevailing wage violations will be dealt with swiftly and firmly, in accordance with State requirements. Where necessary, we will assist public institutions in coordinating with the State DIR, Division of Apprenticeship Standards, Division of Labor Standards Enforcement, and Division of Labor Statistics and Research.

Communication Reports to Public Works

- **Other Communication with Public Works** – The Team will maintain a close relationship with our client throughout the project construction regarding labor compliance issues. The District will be provided with all compliance and enforcement action notices and shall be entitled to copies of all documents received or generated as part of the LCP process. The Team will respond to any Requests for Public Records as notified by the District.

Anticipation of Potential Issues

- **Monitoring procedures and activities each month will be as follows** –
 - a. Review certified payrolls, fringe benefits and related apprenticeship training and contributions monthly on behalf of the District.
 - b. Send a monthly report to contractors and subcontractors requesting delinquent documents or incomplete paperwork
 - c. Report to the District by project and contractor whether labor compliance has been met or whether payment should be withheld
 - d. Meeting with contractors to resolve outstanding prevailing wage or apprenticeship issues, including a recommendation to the District regarding compliance and assessment of penalty
 - e. Be available by phone, email or in person to address questions or issues of concern relating to Labor Compliance requirements.

Firm's Organization/ Credentials/ Professional Experience

Brief Description of Qualifications and Experience:

Our company has contracted with various School Districts, Cities, Counties, Private Entities and Water Districts to administer their labor compliance programs for Federal and State bond-funded projects where labor compliance was mandated. Since our establishment in 2004, we have collectively monitored over \$1.5 Billion worth of construction projects. We have completed the City of Stockton HVAC project (ARRA Funded), Los Banos High School (State Funded), Wysteria Apartment Complex (Federal Funded), Rio Linda/ Elverta Community Water District Well Project (Prop 84 Funded) just to name a few. Currently we have a staff of 4 who perform various tasks. To start in the beginning of the project, our project manager reviews language for construction contracts that explained the labor compliance program requirements, informed contractors of their prevailing wages and labor law obligations at the pre-bid meetings and conducted a pre-job conference for the general contractor and all subcontractors for the purposes of disseminating information regarding prevailing wage laws and regulations. We collected and reviewed certified payroll records and related documents to ensure compliance with prevailing wage laws throughout the contract. Comparisons were made between certified payroll records and the Inspector's Daily Report and/or the contractor's daily reports to verify that all subcontractors and their employees were properly being reported. On-site interviews were conducted with workers of the contractor and subcontractors to substantiate the information that had been submitted on certified payroll records. We prepared weekly/ monthly reports on the status of each project and made recommendations regarding retention for delinquent and/ or inadequate certified payroll records.

Steps are also taken to verify that contractors and subcontractors were in compliance with apprenticeship laws. Each contractor and subcontractor were required to provide proof that they had sent The Public Works Contract Award Information, Form DAS 140, to the appropriate apprenticeship committee (s) prior to the start of their work. The status of apprentices listed on certified payroll records was verified via the DIR website and apprentice ratios to journeymen were checked at the conclusion of each contract. Contractors and subcontractors were also required to submit evidence that training fund contributions had been paid to either a trust fund or to the California Apprenticeship Council.

Other duties include: issuing a "Notice to Proceed" to the contractor and property owner, receive, review and maintain certified payroll records and related documents to assure compliance with prevailing wage laws, attempt to identify potential labor compliance claim issues before they arise and investigate violations and complaints of underpayment, verify registration of apprentices in the craft or trade being performed, require proof of payment of training fund contributions from contractor(s), conduct job site inspections and interview workers, provided weekly reports to District staff of the status of each project, recommend retention for delinquent and/or inadequate certified payroll records when needed, assist the property owner, contractor, and subcontractor(s) with the completion of required labor compliance documentation, review and sign off on invoices submitted by contractor assuring that all correct documentation has been received, prepare project files with all correspondence, file annual report information to the client on the filing deadline and prevailing wage documents for District archives.

Labor Compliance Project Team

Kate Kurey, President / Project Manager, Kurey & Associates

Specific Responsibilities:

- Review contract language and specifications concerning prevailing wage requirements
- Attend pre-bid meeting
- Provide contractor with prevailing wage decisions.
- Conduct pre-job conference for general contractor and all subcontractors for the purposes of disseminating information regarding prevailing wage laws and Davis Bacon regulations.
- Provide staff training on State and Federal labor and prevailing wage laws.
- Oversee the function of receiving, reviewing and maintaining certified payroll records and related documents to assure compliance with prevailing wage laws throughout the contract.
- Assist in providing monthly reports on the status of each project and recommend retention for delinquent and/ or inadequate certified payroll records.
- Conduct an investigation into any complaint filed by a third party.
- Notify contractor/ subcontractor of any wage or apprenticeship violation with a demand for corrections.
- Follow up with contractor until issue is resolved.
- Prepare investigative report on prevailing wage violations.
- Review all pay requests and notify all parties of status.
- Prepare Request for Forfeiture and represent Contractor in appeal process.
- Provide all ARRA consulting services-if needed.

Ms. Kurey has extensive labor compliance experience. Since 2001, she has served as a labor compliance technician for the Manteca Unified School District, a Public Works Payroll Technician trained under Michael Kurey, Labor Law Consultant with Employers' Advocate, Inc., a Labor Compliance Coordinator for Mascon, Inc., and served as a LCP analyst for clients such as *Brentwood Union School District, Bryon Union School District, Chowchilla Elementary School District, City of Ceres, City of Lathrop, City of Riverbank, City of Stockton, Corolla Engineering Firm, County of San Joaquin, Denair Unified School District, Escalon Unified School District, Farmington Water Company, Gerber Union School District, Keyes Community Water District, Keyes Union School District, Linden Unified School District, Lodi Unified School District, Los Banos Unified School District, Manteca Unified School District, Oakdale Joint Unified School District.*

Ms. Kurey's training includes: California Department of Health/ EPA Region 9 ARRA Training, Foundation for Fair Contracting, Department of Industrial Relations, Department of Labor, The Fresno City College Training Institute (Endorsed by the DLSE), The U.S. Department of Labor Workshop, The Underground Economy, Conference in Palm Springs and Sacramento, Associated Builders Construction Seminar (ABC), Construction Employers' Association Seminar and Personal training conducted by former Senior Deputy Labor Commissioner Michael Kurey.

Allie Konkol, Project Technician, Kurey & Associates

Ms. Allie Konkol was first employed by Kurey & Associates in August, 2018. She developed extensive knowledge of state and federal labor laws, related regulations and procedures for the monitoring and enforcement of prevailing wages. Her responsibilities include the management duties for public and private sector clients that involve renovation and new construction. These duties include but are not limited to:

Specific Responsibilities:

1. Inform contractors of their prevailing wages and labor law obligations at the pre-bid meetings.
2. Conduct pre-job conference for general contractor and all subcontractors for the purposes of disseminating information regarding prevailing wage laws and regulations.
3. Receive, review and maintain certified payroll records and related documents to assure compliance with prevailing wage laws throughout the contract.
4. Provide monthly reports on the status of each project and recommend retention for delinquent and/ or inadequate certified payroll records.
5. Compare payroll wages and benefits (where applicable) with prevailing wage determinations and construction inspection manpower reports.
6. Verify the registration of apprentices in the craft or trade being performed.
7. Require proof of payment of training fund contributions.

BILL DUNN, Construction Site Inspector/Site Interviews, Kurey & Associates

Mr. Dunn serves as a primary site inspector for Kurey & Associates. Mr. Dunn has worked as a Carpenter, Contractor and a Deputy Sheriff in San Joaquin County. Mr. Dunn's 30 years combined experience in the construction industry and law enforcement provide him with the credentials and background that are essential in order to conduct job site interviews and verify proper employment practices.

Specific Responsibilities:

- Attend pre-construction meeting to obtain the construction site work schedule.
- Provide weekly site visitations (as needed) to active Public Works Projects.
- Inspect all Contractors' trailer for required postings including the appropriate prevailing wage determination, copy of the Labor Compliance Approval Letter and manual, and our labor compliance program contact information.
- Administer worker interviews and documents all findings on the employee questionnaire form.
- Obtain a list of contractors and subcontractors working during the site visitation.
- Report back to the Local Contract Administrator all reports and findings on a weekly basis.
- Assist as a witness in a hearing proceeding.

North Santa Clara Resource Conservation District
Project: Los Gatos Creek Watershed Restoration Project
Contractor: 1

Labor Compliance Monitoring Services	Total Consultant Fee
Project Set Up	\$250.00
Hourly Rate*** \$125 per hour	
Estimate hours to review project information 16 hours	\$2,000.00
Close Out Fee:	\$250.00
Total Consultant	\$2,500.00

Project Technician/ Manager: Hourly Rate \$125

Approved: _____

Date: _____