

# LABOR COMPLIANCE PROGRAM ANNUAL REPORT

Format for Approved Program that contracts with Awarding Bodies to provide labor compliance enforcement

Report for the reporting period 03/01/2009 to 02/28/2010  
(mm/dd/yyyy) (mm/dd/yyyy)

1. Name of Labor Compliance Program (LCP) : Davillier-Sloan Inc. (DSI)		
2. LCP I.D. Number (assigned by DIR): 2003.00096	3. Date of Initial Approval: 3/28/2003	
4. Contact person (include name, title, address, telephone, fax, and e-mail, if available): Jake Sloan - President 1630-12th Street Oakland, CA 94607 Phone: 510 835 7603 Fax: 510 835 7613 E-Mail: jake@davillier-sloan.com		
5. List all Awarding Bodies covered by this report as well as any other Awarding Bodies with whom the LCP currently has a contract to provide compliance enforcement. If <i>none</i> , please proceed directly to item 7 and provide all requested information. Then complete the information below, and sign and submit this form to DIR, Office of the Director, Attn: LCP Special Assistant 455 Golden Gate Avenue, 10 <sup>th</sup> Floor, San Francisco, CA 94102. <ul style="list-style-type: none"><li>▪ Peralta Community College District</li><li>▪ West Contra Costa Unified School District</li></ul>		
What suggestions do you have for the Department of Industrial Relations to better assist you with your program in the coming year? (attach additional sheets if necessary):		
<b>SUBMITTED BY:</b>		
 Signature	Jake Sloan, President Name and Title	4/28/10 Date

**LCP-AR3**

6. LC § 1771.5 enforcement activities (provide all information requested, attaching as many sheets as necessary, and *please complete separate forms for each Awarding Body covered in this report*).

Awarding Body: Peralta Community College District

A. List projects handled by LCP within the past 12 months.

Project Name	Bid Advertisement Date	Prime Contractor	Contract Amount
Beginners Inn Culinary Kitchen Modernization at Laney College	6/14/2007	NBC General Contracting	\$5,680,000.00
Building "A" Renovations College of Alameda	1/15/2008	NBC General Contracting	\$9,000,000.00
Building Out: Phase II (3 <sup>rd</sup> & 4 <sup>th</sup> Fl) at Berkeley	7/09/2009	AJF/BHMA Joint Venture	\$1,607,200.00
Carpentry Shop Refurbishment Finish Replacement at Laney	4/1/2009	Kudsk Construction, Inc.	\$200,800.00
Child Care Building Finish Replacement at Merritt	5/13/2009	Gold Spring International	\$55,494.00
College of Alameda Access Road & Pedestrian Pathway	2/21/2009	Gradetech, Inc.	\$458,550.00
College of Alameda Lighting & Minor Access Improvements, Toilet Mod	2/17/2009	Hung Construction	\$2,163,550.00
College of Alameda Phase II	4/3/2008	Hung Construction	\$1,002,800.00
Cosmetology Refurbishment at Laney College	3/21/2009	A&E Emaar	\$187,000.00
DSPS Offices Refurbishment at Laney College	4/1/2009	Eden Custom Builders, Inc. dba: Eden CDM	\$306,300.00
Electrical and Data/Telecom Related Upgrades at Bldg F & G Computer Labs at Laney	10/28/2008	DC Sousa Electric	\$138,000.00
Electrical-Related Upgrades to Tunnels at Laney College	10/6/2008	A & E Emaar	\$64,000.00
Fabrication and Installation of District Wide Interior and Exterior Signage and Wayfinding Signage	10/14/2008	Garnett Sign Studio	\$1,339,610.00
Financial Aid and Cashiers Refurbishment at Laney College	4/1/2009	Eden Custom Builders, Inc. dba: Eden CDM	\$250,441.00
GSA Site Improvements and Modular Replacement	6/28/2009	J.U.V., Inc.	\$999,700.00
HVAC for ITE Data Processing Center at	9/23/2008	Nick Stavrianopoulos Construction &	\$346,500.00

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District		Painting	
Infrastructure Upgrades of 4 New Portables, Laney College	10/10/2009	Dan Electric	\$355,000.00
Landscape Improvements Laney College	10/20/2006	Robert A. Bothman	\$1,103,940.00
Men's Restroom Refurbishment at Laney College	2/12/2009	Hung Construction	\$423,600.00
Multimedia Reconfiguration at Berkeley City College	3/18/2009	Triton Construction Company, Inc.	\$170,912.00
Parking Lots C & D Improvement at Laney	7/10/2008	Galedridge Construction	\$511,000.00
Peralta College Standby Generator Installation	10/23/2008	Sousa Electric Corporation dba: DC Sousa Electric	\$141,000.00
Roof Replace & Repair at Laney Gym, Merritt Bldg D	4/29/2009	State Roofing Systems, Inc,	\$319,000.00
Short Term Construction Project at Berkeley College	6/24/2009	AJF/BHMA Joint Venture	\$703,318.00
Tennis Court Renovations at Merritt College	2/3/2009	Interstate Grading and Paving, Inc.	\$261,900.00
Tennis Courts Renovation at College of Alameda	4/23/2009	Dryco Construction, Inc.	\$316,925.00
Theatre Room Renovation at Laney College	3/21/2009	Gold Spring International	\$12,978.00
Welding Lab Refurbishment at Laney College	4/1/2009	Mark Lee and Yong Kay, Inc,	\$542,000.00
Women's' Restroom Refurbishment at Bldg 'H', Laney College	9/23/2008	Gold Spring Construction	\$349,221.00
Total			\$ 28,591,339.00

B. Summary of all wages and penalties assessed and/or recovered.

Project Name	Affected Contractor (who directly employed the worker)	Amount Assessed	Amount Recovered	Approval of Forfeiture Requested from Labor Commissioner?	Description of Violation
Building A Renovations, COA	Orson Mechanical	\$2,027.22	\$2,027.22	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Good Faith Mistake- Misclassification of worker which resulted in a prevailing wage violation
Gateway to College, Laney	Guru Electric & G.C.	\$11,351.90	\$11,351.90	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Good Faith Mistake- Under payment of Electricians and Drywall Lather

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				<input type="checkbox"/> Yes <input type="checkbox"/> No	
				<input type="checkbox"/> Yes <input type="checkbox"/> No	
				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Total</b>		\$13,379.12	\$13,379.12		

C. For any amount identified in item B for which approval of forfeiture not requested from the Labor Commissioner, please explain below.

Project Name	Amount Assessed	Amount Recovered	Explanation
N/A			
<b>Total</b>			

D. For any amount identified in item B for which approval of forfeiture was requested from the Labor Commissioner, please provide the following:

Project Name	Amount Assessed				Amount Recovered					
	LC §1776(g)	LC § 1775	LC § 1813	Wages	Total	LC § 1776(g)	LC § 1775	LC § 1813	Wages	Total
<b>Total</b>										

E. Identify cases that are or were the subject of LC § 1742 proceedings.

Project Name	Contractor	Nature of Violation	ODL Case #	Current Status

F. Did you refer any contractor to the Labor Commissioner for debarment per LC § 1777.1?

Please check one:  Yes  No

If yes, identify affected contractor(s) or subcontractor(s) and date(s) of referral: \_\_\_\_\_

G. Did you refer any apprenticeship violation to the Division of Apprenticeship Standards (DAS)?

Please check one:  Yes  No

If yes, identify affected contractor(s) or subcontractor(s) and date(s) of referral: \_\_\_\_\_

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6. LC § 1771.5 enforcement activities (provide all information requested, attaching as many sheets as necessary, and *please complete separate forms for each Awarding Body covered in this report*).

Awarding Body: West Contra Costa Unified School District

A. List projects handled by LCP within the past 12 months.

Project Name	Bid Advertisement Date	Prime Contractor	Contract Amount
Chavez ES Exterior Wall and Window Repair	06/01/2009	Streamline Builders	\$ 258,000
Coronado ES Ceiling Tile Replacement	06/01/2009	Streamline Builders	\$ 70,000
Coronado ES Door and Hardware	07/26/2009	Nick Stavrianopoulos Construction	\$ 58,500
Coronado ES Fence and Gate	05/04/2009	Chain Link Fence and Supply Inc.	\$ 35,000
Coronado ES Plumbing and Countertop Replacement	06/18/2009	ERA Construction Inc.	\$ 22,800
Coronado ES Portable Replacement	04/19/2009	W.R. Ford and Associates	\$ 70,000
Coronado ES Window Replacement	05/04/2009	Pinguelo Construction	\$ 500,907
De Anza HS Baseball Field Improvement	06/28/2009	Bay Cities Paving and Grading	\$1,350,000
De Anza HS Portable Building Installation and Site Work	04/05/2009	Bay Cities Paving and Grading	\$ 100,000
De Anza HS Utilities Gymnasium Demo and Site Work	05/18/2008	Bay Cities Paving and Grading	\$ 2,393,000
Dover ES New Construction	03/08/2009	Alten Construction	\$ 24,500,000
Dower ES New Construction	12/18/2005	West Bay Builders	\$ 22,232,027
El Cerrito HS Portable Removal	1/11/2010	Michael Paul Company Inc.	\$ 278,000
Fairmont ES Portable Classroom and Utility Installation	06/21/2009	W.R. Ford and Associates	\$ 443,000
Ford ES Building Demo and Site Work	12/21/2008	Bay Cities Paving and Grading	\$ 697,000
Ford ES New Building	07/12/2009	Alten Construction	\$ 16,734,206
Ford ES Transitional Housing at Dower	08/17/2008	Bay Cities Paving and Grading	\$ 914,000
Helms MS New Construction	01/12/2007	West Bay Builders	\$ 50,890,000
Hercules Quad Landscape and Teachers Parking Lot	11/23/2009	Mc Nabb Construction Inc.	\$ 247,450
Juan Crespi MS Kitchen Flooring Demo and	06/12/2009	Michael G Mc Kim Company	\$ 41,334

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Replacement			
Juan Crespi MS Play Yard Resurfacing	06/28/2009	O C Jones and Sons Inc.	\$ 272,000
Juan Crespi MS Building 400 Fire Reconstruction	06/28/2009	Bollo Construction	\$ 3,080,850
Juan Crespi MS Window and Door Replacement	01/11/2010	Pinguelo Construction	\$ 44,908
Kennedy HS Campus Fire Alarm Replacement	06/07/2009	Dick Emard Electric Inc.	\$ 675,000
Kennedy HS Domestic Water Heater Replacement	08/17/2009	ERA Construction Inc.	\$171,544
Kennedy HS Restroom Improvement	08/02/2009	JDS Builders Group Inc.	\$ 1,570,000
M.L. King ES Demo and Site Work	07/08/2008	Bay Cities Paving and Grading	\$ 461,000
M. L. King ES New Construction and Demo	12/21/2008	West Bay Builders	\$ 15,595,000
Montalvin Manor ES Trash Enclosure	02/22/2009	Rosas Brothers Construction	\$ 28,647
Pinole MS Building A Demo and Hazmat Remediation	03/15/2009	Demo Masters Inc.	\$ 900,000
Pinole MS Modernization Phase 2	07/26/2009	Alpha Bay Builders Inc.	\$ 9,570,735
Pinole MS Utility Installation For Interim Kitchen	01/09/2009	A and E Emaar	\$ 160,000
Pinole Valley HS Communication System Replacement	11/01/2008	A and E Emaar	\$ 245,000
Richmond College Prep. ES Phase 1 Campus Expansion	08/11/2008	Bay Cities Paving and Grading	\$ 888,000
Richmond HS New Bleachers and Field House Facility	03/09/2008	West Bay Builders	\$ 5,556,000
Richmond HS Security Camera	10/12/2009	Walsh Electrics Systems	\$338,988
Richmond HS Security Fencing and Gates	12/13/2009	C F Contracting	\$ 750,000
Transition Learning Center Portables Ramps	12/28/2008	Streamline Builders	\$ 40,000
Transition Learning Center Fence and Gate	02/22/2009	Chain Link Fence and Supply Inc.	\$ 105,000
Various School Sites Play Yard Improvement	06/14/2009	Gold Spring International	\$ 9,357,580
Various School Sites-Multi-site Exterior Painting	06/01/2009	Color Chart Inc.	\$ 49,220
Verde ES Playground and Site Work	04/05/2009	Bay Cities Paving and Grading	\$ 726,000

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Total				\$172,420,696
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**B. Summary of all wages and penalties assessed and/or recovered.**

Project Name	Affected Contractor (who directly employed the worker)	Amount Assessed	Amount Recovered	Approval of Forfeiture Requested from Labor Commissioner?	Description of Violation
Richmond HS New Bleachers	Metaset Inc.	\$1,762.91	1,762.91	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Underpayment of Iron Workers
Helms MS	The Erection Corporation	\$1,696.12	\$1,696.12	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Underpayment of Iron Worker Travel Time
Total		\$3,459.03	\$3,459.03		

**C. For any amount identified in item B for which approval of forfeiture not requested from the Labor Commissioner, please explain below.**

Project Name	Amount Assessed	Amount Recovered	Explanation
Richmond HS New Bleachers	\$1,762.91	1,762.91	Good faith mistake – The contractor promptly and voluntary corrected the issue once it was brought to their attention.
Helms MS	\$1,696.12	\$1,696.12	Good faith mistake. Workers dispatch from different counties, not Contra Costa County. Contractor was not aware that the prevailing wage rates are based on the location of the project. The contractor promptly and voluntary corrected the issue once it was brought to their attention.
Total	\$3,459.03	\$3,459.03	

**For any amount identified in item B for which approval of forfeiture was requested from the Labor Commissioner, please provide the following:**

Project Name	Amount Assessed					Amount Recovered				
	LC §1776(g)	LC § 1775	LC § 1813	Wages	Total	LC § 1776(g)	LC § 1775	LC § 1813	Wages	Total
Total										

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E. Identify cases that are or were the subject of LC § 1742 proceedings.

Project Name	Contractor	Nature of Violation	ODL Case #	Current Status

F. Did you refer any contractor to the Labor Commissioner for debarment per LC § 1777.1?

Please check one:     Yes             No

If yes, identify affected contractor(s) or subcontractor(s) and date(s) of referral: \_\_\_\_\_

G. Did you refer any apprenticeship violation to the Division of Apprenticeship Standards (DAS)?

Please check one:     Yes             No

If yes, identify affected contractor(s) or subcontractor(s) and date(s) of referral: \_\_\_\_\_

7. On a separate sheet, provide a certificate of compliance with conflict of interest disclosure requirements by employees and consultants who participate in making governmental decisions (as defined under 2 CCR § 18701) along with the names of LCP personnel who are filing disclosure statements and the agencies with which those statements are being filed.

This does not apply, because DSI employees do not participate in making governmental decisions (as defined under 2 CCR 18701)

8. Please update the following information per 8 CCR § 16426(a)(2), (3) and (5) disclosure requirement.

A. Identify the geographical areas in which the program intends to operate and the identity of any public agencies not previously identified in this report with which the program intends to contract to provide labor compliance enforcement.

DSI intends to operate throughout the state of California. There is the possibility that DSI will contract with the Oakland Unified School District (OUSD) and the Bay Area Rapid Transit District (BART).

B. State whether the entity shares personnel, management, ownership or other close affiliation with any of the following: (1) any contractor or subcontractor that within the preceding five years has been awarded a public works contract within the geographical area in which the program operates or intends to operate or with any public agency with which the program has contracted or intends to contract to provide labor compliance enforcement; (2) any person or entity who has been the surety on such a contract; (3) any joint labor-management committee established pursuant to the Federal Labor Management Cooperation Act of 1978 (section 175a of Title 29 of the United States Code); or (4) any person or entity who has represented workers employed in the same or similar classifications as those employed for such a contract and who has been engaged in (i) an organizational campaign under the National Labor Relations Act with contractors competing for such contracts or (ii) a jurisdictional dispute with another collective bargaining representative of workers utilized for such contracts.

For each affiliation, please provide the name, address, telephone number, and principal contact person for the person or entity; please identify shared personnel, management, and ownership; and if applicable, please provide a short description of the nature and extent of any other close affiliation:

Jake Sloan, the owner of DSI, serves as co chair of the Maritime and Aviation Project Labor Agreement Trust Fund for the Port of Oakland.

Contact Person: JoAnn Yoshioka  
330 Water Street  
Oakland, CA  
510 627 1183  
jyoshioka@portoakland.com

C. Identify the attorney or law firm available to provide legal support for the LCP, and whether the persons or firms providing that support also represent any contractor, subcontractor, surety, or worker representative referred to in the preceding item.

Attorney/Law Firm Name (include address, contact person, and telephone number)

The following attorneys and law firms currently provide legal support for the DSI LCP, including advice on public works coverage under Labor Code §§1730 et seq. and representation in enforcement proceeding under Labor Code §§1742 and 1771.6 and can represent in such proceeding in accordance with the provisions of Labor Code §§1741 – 1743 and the prevailing wage hearings regulations at 8 CCR §§17201 et seq.

**Bradford W. Coupe, Esquire, Legal Counsel**

Mr. Coupe is Counsel in the Labor and Employment Law Group of Verrill Dana, LLP. He represents employers and third party consultants in all facets of labor and employment law including collective bargaining, administrative proceedings before federal and state agencies, arbitration and federal and state court litigation. The construction industry occupies a significant portion of Mr. Coupe's work. He has prepared project evaluations for use of project labor agreements on public works projects and has defended public agencies against challenges to project labor agreements and labor compliance issues. Mr. Coupe holds a master's degree in labor law from New York University Law School and earned his law degree at the Marshall-Wythe School of Law at the College of William & Mary. Additionally, he earned a Bachelor of Science in mechanical engineering from the University of Rhode Island.

Mr. Coupe can be reached either by email at [bcoupe@verrilldana.com](mailto:bcoupe@verrilldana.com) or by phone at (207) 253-4468.

**Claude Dawson Ames, Esquire, Legal Counsel**

Mr. Ames has over 15 years experience in Mediation/Arbitration Training and has facilitated and served on a variety of Arbitration/Mediation panels.

Mr. Ames holds a Juris Doctor degree from the University of California, Hastings College of Law, in San Francisco and a Bachelor of Science degree from the University of California at Berkeley.

Claude D. Ames, Esq. can be reached at PO Box 11199, Oakland, California 94611 or by phone at (510) 652-1227, fax at (510) 652-1300 or by email at [claudameas@aol.com](mailto:claudameas@aol.com).

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