



“CONSTRUCTING A WAY FOR A BETTER FUTURE”

ECA NEWSLETTER

JOHNS SOAPBOX



Remember-this is an op-ed piece and I do not speak for the ECA or any of its members in this “Soapbox”. These are just my ramblings that hopefully you find thought provoking. Remember-these are my opinions, not those of the ECA or any of its member firms.

City of Santa Rosa PLA Questions

On March 25, 2024, the City of Santa Rosa met with some representatives from the ECA to discuss ways to improve the bidding and construction process on public projects. The meeting was respectful, collaborative, and direct. I have to hand it to the city staff as their intent was “how can we make it better?” as their attitude coming in and during the meeting. Our ECA representatives did a nice job of providing some ways to make the projects get out to bid quicker and get built better so we can get paid quicker.

Last week, I posted the general questions/comments the group from the ECA had for the city during our meeting. This week, I have included the question/comments I have regarding the PLA the City of Santa Rosa placed on all public works projects in excess of \$500,000 for the next five years:

- A. *There is a 30% local workforce requirement. Is that across the board for all labor? Or is it a requirement for each classification of labor? Or is it just for the GC’s workforce and each of his subcontractors individually? Also, if the work is bid in compliance with workers being signatory, but the sub or work item does not comply with the 30% local force, is the 30% requirement just as important as the signatory requirement? Will the bid be deemed non-responsive if the 30% (as clarified above) is not met?*
- B. *If there are no Union signatory subcontractors available to the General Contractor, yet the GC is responsible for compliance that all workers are bound by the provisions of Article 12, we feel we are being put into an impossible position to decide if we should bid the project in non-compliance to the PLA. Do we bid it using non-compliant subs, or do we qualify our bid (never a good idea), or could City of SR issue a variance if the prebid question is explained and asked when no union signatory subs are available, or in existence? Our “ask” is that any variance be considered before we submit our bid to the City of SR, rather than at some pre-job meeting. If answering questions prebid is not possible, we ask that assurances be clear that our ECA Contractors will not attend a prejob meeting and get issued bid clarifications that increase our costs. We need to have a means to ask for a Change Order if the original bid did not contain strict adherence to the PLA because union signatory subs are not and will not be available in certain*



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specialty areas of work. We understand this is a new process not particularly generated by City staff but rather it was a political policy put in place that we all must deal with for a few years at least. However, if we all agree that ECA firms bidding to you hate “uncertainty”, you can see how the uncertainty in question A could lead to a reduction of bidders, or a lot higher costs, or use of non-local firms that would not be in the community’s best interests. The ECA is not “anti-PLA”, nor “pro-PLA”. We just have to deal with the policy as best we can. If there is no possible accommodation to the “risk” mentioned in this paragraph, I would include a lot of “risk” dollars in my bid that may or may not be needed thereby causing project prices to increase unnecessarily. On the other hand, if the area of work is not represented by signatory subs to the GC, the GC could try and cover costs by “guessing” and if the low bidder guesses wrong and actual costs realized at the pre-con meeting have to be absorbed in excess of bid amounts for that work, that is not a fair process either.

C. *There are several areas of specialty subcontractor work scope, which are widely known to not have signatory subcontractors available to comply with Articles 12 and 13, here are a few:*

1. *sewer line videotaping*
2. *sewer pipelining subcontractors*
3. *Chip seal subs*
4. *furnish and install tack oil and fabric under asphalt*
5. *trucking deliveries of fuel, pipe, valves, fittings, bottled gas and/or precast vaults, cast products such as manhole frames and covers, purchased by GC direct from manufacturer or distributor.*
6. *trucking of local aggregates, asphalt mix, and concrete ready mix from the source to the jobsite.*
7. *We are certain there are other niche specialty areas that might come up, but the list is long enough as it is now.*

The question is: Since the City of Santa Rosa now is aware the above areas of work are not represented by any union signatory subs, nor are there any non-signatory subs in these areas that are willing to sign a project agreement (that our GC’s are aware of), will the City of Santa Rosa issue a variance from being under the PLA for these areas of work? If not, what is the GC supposed to do to bid on the project?

Some Related Questions/Comments:

- A. *Will delivery drivers be subject to certified payroll when they deliver pipe directly to the project site?*
- B. *If the GC lists a subcontractor that has the required signatory workforce, yet does not meet the requirements of article 14.2 (Local Workforce 30%), what option exists for the GC to bid the project with compliance?*
- C. *Will there be a mandatory Pre-bid conference with the proposed unions relative to trades being shown for the project, where it can be discussed on how to cover these areas where there is no Union coverage?*
- D. *Who is responsible for ensuring compliance with the PLA? Third Party or City?*
- E. *If a contractor is out of compliance, what are the purposed fees and penalties?*
- F. *If a project is awarded to a GC that is known to not have all workers on the project in compliance with the “Community Workforce Agreement”, should the other bidders protest the award?*

The ECA is not, and will not be, pro-or anti PLA. We certainly are not anti-union. Most of our workers are signatory. All we (the ECA) are trying to do, is to remove uncertainty from the bidding process so all bidders are bidding in the same manner on public works projects. Our ECA contractors have continued to tell me, regardless of the responses from the City of Santa Rosa on the PLA questions, they will bid the work according to the contract requirements. Hopefully, if and when the City of SR answers these questions, the bidders can adjust their bids before they submit them-not after the project has been awarded!

That's All Folks
John

A Special Soapbox Comment:

Remember comments in the Soapbox section are not necessarily the opinions of any of the ECA membership, but rather, they are just John's musings.

With that disclaimer, I have to make a comment on the national news.

I, along with many of you readers, paid off my student loans years ago. Nobody forgave my loans, and I never asked for those debts to be forgiven. They were mine to pay off. Tomorrow, the President of the United States, in defiance of the Supreme Court, will forgive billions of dollars of student loans. Do any of you wonder if you should be paying for the students to camp out on campuses across the nation and shout "Death to America, and Death to Jews"?

It is the insult of all insults to listen to these idiots chant "we are Hamas" and display signs calling for the "Final Solution" while we have to pay for their student loans.

Disgusting. Immoral. Unacceptable. We as a nation should not allow the idiotic, uneducated protests calling for our own nation's destruction while we pay for these nitwits.

Just sayin'





Father's Day "Show & Shine" Car Show

Sunday, June 16, 2024

Juilliard Park, Santa Rosa

Registration Flyer click [HERE!](#) To register online click [HERE!](#)

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ECA's Annual Golf Tournament

Friday, July 12, 2024
Windsor Golf Club



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SAFETY CORNER

Safety Classes-Please be sure to use ECA for your safety classes to keep up to date with all the requirements.

Contact Mary to set up any classes you may need. mary@nceca.org.

Upcoming CPR/First Aid Classes

Training includes bleeding control, strokes, seizures, broken bones and other life-threatening emergencies. Adult/child/infant CPR & airway obstruction management covered. This course is designed as both a course for first-timers and as a refresher

9 am—11 am

May 21—[Flyer](#)

June 18—[Flyer](#)

Upcoming Active Violence Emergency Response Training

Go Beyond Active Shooter Response Training. While other programs focus solely on active shooter or stop the bleed, AVERT goes beyond by combining both of these important topics in one training program.

When active violence occurs, seconds count, and you can't always wait for EMS to arrive. AVERT enables you and your team to become immediate responders.

No later than July 1, 2024, covered California employers must implement extensive workplace violence prevention plans. Click [HERE](#) to read more.

Wednesday, May 29th—[Flyer](#)

1 pm—2:30 pm

Friday, June 28—[Flyer](#)

9 am—11:30 am

Confined Space

Friday, May 10—9 am—11:30 am

This course covers proper procedures for making entry into Permit Required Confined Spaces. Participants are prepared to operate in the capacity of Entrant, Attendant or Entry Supervisor during confined space operations.

Click [HERE](#) for flyer.



From the Desk of Jim Persons

Distracted Driving Safety

Did you know that texting while driving is one of the most dangerous things you can do behind the wheel? In fact, you are six times more likely to crash while texting than you are while driving drunk.

Now, this is not an endorsement for drunk driving, rather a warning that distracted driving can be just as dangerous, especially while working on a busy construction site.

To continue reading click [HERE!](#)



Workplace Violence Program

Implementation "Target Date" – July 1, 2024

Senate Bill 553 requires employers to create, implement and maintain a Workplace Violence Program by July 1, 2024. Employers must also train their entire workforce.

The Workplace Violence Program must include a reporting mechanism (how is the employee going to report incidents), detailing who will be responsible for receiving complaints, and who will be responsible for identifying and mitigating workplace hazards.

Jim Persons has developed a Workplace Violence Program and Active Shooter Guidelines that meet the requirements of this new regulation. He can also provide training resources for your employees.

Contact Jim if you are interested in getting his help on a Workplace Violence Program, COVID-19 related issues or other health and safety programs.

email: jimpersons@safetypride.com or phone: 707-889-0881



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CALIFORNIA’S NEW WORKPLACE VIOLENCE PREVENTION REQUIREMENTS

No later than July 1, 2024, covered California employers must implement extensive workplace violence prevention plans (WVPP) and deliver specified training to employees under new legislation signed by Governor Gavin Newsom on September 30, 2023. In order to comply on time – including preparing plans that are “*specific to the hazards and corrective measures for each work area*” as required – employers will need to prepare early.

Senate Bill 533 adds section 6401.9 to the California Labor Code. The legislation is intended to help employers prevent and respond effectively to workplace violence.

Covered employers must deliver the training to all employees no later than July 1, 2024, and annually thereafter.

Click [HERE](#) to read more.



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MEMBER SPOTLIGHT



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We want to highlight a member each week in our MEMBER SPOTLIGHT. What we need from you is a short paragraph on what is happening at your company. New employees, new logo, a new move, exciting new equipment! What ever you want to share about your company with our members.

Email mary@nceca.org with your spotlight information and send in photos if you have them!

NEWS YOU CAN USE

1. Former City of Santa Rosa Department Head, Claire Hartman, sues the City of SR- [Former Santa Rosa planning chief breaks silence but sidesteps sudden City Hall shakeup - The Press Democrat](#)
2. Bay Cities settles their Stony Point Road project lawsuit for \$6.5 million!- [Santa Rosa to pay \\$2.75 million to settle public works dispute with Bay Area contractor - The North Bay Business Journal](#)
3. Hwy 37 'More Money!!'- [Highway 37 widening project gets \\$20M more - The North Bay Business Journal](#)
4. Sonoma Raceway repaving project- [Sonoma Raceway's Turn 11 repaved, again - The North Bay Business Journal](#)
5. This is old news to most of us but here is the BoDean and NorthGate Ready Mix/CRH news- [Santa Rosa quarry facing \\$8.6 million fine is being sold to international company - The North Bay Business Journal](#)
6. Feds to increase costs of Public Works projects by Davis Bacon new rules- [How the new prevailing wage calculation will impact construction labor costs \(bdcnetwork.com\)](#)
7. County of Sonoma PLA Negotiations Are at an Impasse Regarding Local Trucking-on May 21, 2024, the Board of Supervisors will have a public hearing on whether to include local trucking under their new PLA policy. As many of you know, if you want to write a letter to the Supes, or better yet, show up on May 21, your voice can be heard regarding this potential huge impact to our local work force.

WORKER'S COMPENSATION

Worker's Compensation Endorsement By ECA-

HELLO!!! HAVE YOU ASKED YOUR HUMAN RESOURCES PERSON TO CHECK OUT THE WORKERS COMP PROGRAM ECA HAS ENDORSED? Everybody likes to save money, don't they? Doesn't cost you a thing to consider this as an option! Jeff Okrepkie at 707-360-4338.
[Flyer](#)



George Petersen Insurance Agency

FIRE CLEAN UP LIST:

The Sonoma County Environmental Health Department, Transportation and Public Works, and James Gore's office are utilizing the ECA as a resource for debris testing, and debris cleanup for fire victims from the Kincade Fire. Please review the list that has been provided to the fire victims and the County, of ECA Firms that are interested and listed in various categories as being helpful in the fire aftermath. This is another benefit for ECA members and if you want to be included on the list, and are not, please contact mary@nceda.org. There is no charge for this. You can access the list by clicking [HERE](#)

EMERGENCY RESPONSE MANUAL

The updated 2023-2024 Emergency Response Manual is now available online!

In the event of an emergency, we have put together this manual to help our community receive quick service from our members.

Thank you to our sponsors for helping to get this manual completed. It is sent to city and county agencies in case of an emergency so they will know who to call for services, equipment and materials.

Click [HERE](#) for the manual.

Get Prepared Now! Here are some very useful tips from CalFire to get your own house/property "in shape" for fire season. [link](#)

Pocket Guide for CALOSHA For Contractors: Click [here](#) for the pocket guide you all need!

Roadwork in Sonoma County - Check out the County website for road info [here](#)

Labor Law Posters 2024

Click [HERE!](#)





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COMMITTEE NEWS

1. **Government Affairs Committee**—Chaired by Art Deicke, the GAC met on Monday, April 22 via Zoom to discuss expansion of the issues and candidates the GAC will vet in order to provide a more comprehensive “Voter Recommendation List” that will reflect almost everything a local voter will see on their ballot in November. The perspective of the GAC will always be “what is good for the local general engineering contracting industry” as our guidelines for vetting issues and candidates that will generate our recommended “how to vote” recommendations. The ECA Board will review the GAC recommendations and we hope to have “how to vote” recommendations for Sonoma and Marin County voters in late September, 2024.
2. **Community Relations Committee**—Chaired by Lacey Torkelson Smith, met and presented a possible new Community Relations Project for the Board to consider on Tuesday, April 23, 2024 at the Children’s Museum. Collete Michaud and Mark Setterland presented on behalf of the charity, and Lacey framed the “ask” of the Directors. After thorough discussion, it was decided to continue to assist the Children’s Museum to get permits or waivers on their project but unless and until the uncertainty of permits has been satisfied, the ECA will not move to fully adopt the project due to potential risk to those that choose to build the project. I have full confidence we will work with the Children’s Museum and the City of Santa Rosa to get the uncertainties out of the project soon!
3. **Father’s Day Show and Shine Car Show Committee**—chaired by Walt Turner, went into Sonoma Media two weeks ago and recorded a promo for the 2024 Father’s Day Car Show on June 16, 2024, at Julliard Park in Santa Rosa. Walt did a great job recording his radio ad and it will be broadcast on nine radio stations beginning around June 1, 2024. If you want to bring your car for a great day of fun and sun and music and hot classics and hot rods, please consider joining us for the biggest community event the ECA does each year. Sponsorships and raffle donations are welcome, and if you are willing to put up a flyer at your business so your workers can see it, all the better!
4. **Days of Wine and Dozers Auction Committee**—The Auction Committee met last week and is deciding on some fun aspects of the 2024 Auction night, including what “Theme” will be adopted.
5. **ECA Specifications Committee**—chaired by Dale Smith and Casey Wood, will be meeting soon to discuss new site water drainage requirements to be imposed by the North Coast Regional Water Control Board. John is trying to set up a meeting at the Regional Water Board for our next spec meeting so we can address the Regional Water Board directly with comments and questions.
6. **ECA Golf Committee**—chaired by John has no meeting scheduled but the Tournament info can be found right here, right now!! To Register Click [HERE!](#) To Sponsor Click [HERE!](#)

Save the Dates for 2024!!!

Father’s Day “Show & Shine” Car Show—Sunday, June 16th, Juilliard Park
ECA’s Golf Tournament, Windsor Golf Club—July 12, 2024
Wine & Dozers Dinner and Auction—September 28, 2024, Graton Resort & Casino



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