

From: eric christen [mailto:██████████@gmail.com]
Sent: Wednesday, October 10, 2012 9:29 AM
To: ██████████@hancockcollege.edu
Cc: ██████████@hancockcollege.edu; ██████████@hancockcollege.edu
Subject: URGENT: REMOVE UNION REQUIREMENTS FROM BID SPECIFICATIONS ON BUILDING D REPAIRS

Mr. Hernandez and Facilities Officials at Allen Hancock College: Please Remove NECA/IBEW Requirement from Bid Specifications for Building “D” Repairs and Upgrades

Dear Mr. Hernandez:

For now, I’m just sending this email to you and others internally within the Facilities & Operations Department, to avoid making a public issue of this.

Please let me know by **Thursday morning at 10:00 a.m.** if the college will issue an addendum removing or amending Section 3.09 (on page 10610-5) of your bid specifications for the Building “D” Repairs and Upgrades for the Allan Hancock Joint Community College District.

This specification mandates that an electrical installer “must have completed an indentured IBEW/NECA apprenticeship program.” Contractors are contacting me to complain about this union requirement.

Here are reasons to remove or amend it:

1. There are state-approved electrical apprenticeship programs throughout California long operated by three organizations: the National Electrical Contractors Association/International Brotherhood of Electrical Workers (NECA/IBEW) joint apprenticeship programs, the Associated Builders and Contractors (ABC) unilateral apprenticeship programs, and the Western Electrical Contractors Association (WECA) unilateral programs. All three programs are approved and regulated by the state under the same standards. You are excluding many graduates of these programs with this requirement, for no logical, defensible reason.
2. There are numerous apprenticeship programs operated throughout the country that are approved by State Apprenticeship Councils or the U.S. Department of Labor’s Office of *Apprenticeship* Training, Employer, and Labor Services (ATELS). All of these programs (including the programs in California) ultimately

get the authority to train the future construction workforce through the federal Fitzgerald Act. You are excluding many graduates of these programs with this requirement, for no logical, defensible reason.

3. In Santa Barbara County, WECA as well as IBEW/NECA are approved for on-the-job training, although it is our belief that apprentices from neighboring counties (such as San Luis Obispo) can work at Allan Hancock Community College District. The issue is training opportunities for the future work, not union geographical jurisdictions.
4. California has an electrician certification program that has been operational for a decade. Why is state certification inadequate for the Allan Hancock Community College District? NECA/IBEW supported that certification program when it was adopted.
5. This provision in your bid specifications is a sitting target for a lawsuit under the state's competitive bidding laws or the National Labor Relations Act (NLRA).
6. We will go to the region's chambers of commerce and builders exchanges as the next step in trying to get this removed, noting this has happened before with the district. (See below, correspondence from Kevin Dayton to you in December 2009.)
7. We will go to the local news media and ask them to investigate a conspiracy involving this particular college board member (see below), plus file public records act requests to determine his potential interference with bid specifications for the project:

Tim Bennett, representative for the southeast area of Santa Maria, was elected to a four-year term in November 2004. Mr. Bennett has been a union electrician since 1981 and became a business representative for the International Brotherhood of Electrical Workers (IBEW) local union 413 in 2001. He attended Santa Maria schools, including Santa Maria High School, before completing the electrical apprenticeship training program offered through Allan Hancock College. He has taught in the apprenticeship program off and on since 1998.

My interest is ensuring that contractors who support my organization are able to bid on Allan Hancock Joint Community College District projects without regard to the current or past union affiliation of their employees. There are many fine electricians

working in California who made the choice in the past not to affiliate with a union for their training.

I see from my archives that other organizations have contacted your college district in the past regarding bid specifications that favor the International Brotherhood of Electrical Workers (IBEW). (See below.)

How can I ensure that future bid specifications will avoid union-only requirements?
This needs to end.

-----Original Message-----

From: Kevin Dayton [<mailto:████████@abc-cal.org>]

Sent: Wednesday, December 16, 2009 3:48 PM

To: ██████████ [hancockcollege.edu](mailto:████████@hancockcollege.edu)'

Cc: ██████████ [hancockcollege.edu](mailto:████████@hancockcollege.edu)'; ██████████ [hancockcollege.edu](mailto:████████@hancockcollege.edu)'

Subject: Facilities Officials at Allen Hancock College: Request for Bid Deadline DELAY - One-Stop Student Services Center

Vice President Hernandez:

On behalf of the members of Associated Builders and Contractors of California, I am asking you to delay the bid deadline for the One-Stop Student Services Center - Bid No. 09-09 - for one week so that potential bidders can evaluate the implications of Section 41 - Enhanced Safety Requirements - in the bid specifications. Or, please promptly issue an addendum removing Section 41, because contractors need further study and analysis can occur on how many contractors can fulfill this strange specification.

Today I have received multiple calls from contractors concerned about the truly unusual requirement in the bid specifications that 75 percent of the workforce for the general contractor and all subcontractors be a graduate of a California state-approved apprenticeship program. Such a requirement will require potential bidders to engage in extensive research of their existing workforce and the workforce of prospective subcontractors.

The educational background of construction workers is diverse: a worker can be trained in a government-regulated state apprenticeship program, a federally-regulated apprenticeship program, a community college, a military occupational program, a private technical college, an internal company training program, or even

from "my father, who worked in the painting trade for 48 years." In addition, people come from all over the country and even from other countries to work in the beautiful state of California, a land of opportunity.

Potential bidders need an additional week to survey their workforce. Please delay the bid or remove the Enhanced Safety Requirements section.

*Kevin Dayton
State Government Affairs Director
Associated Builders and Contractors of California
(916) [REDACTED]*

-----Original Message-----

From: Kevin Dayton [[mailto:\[REDACTED\]@abc-cal.org](mailto:[REDACTED]@abc-cal.org)]

Sent: Thursday, December 17, 2009 4:06 PM

To: [REDACTED]@hancockcollege.edu'

Cc: [REDACTED]@hancockcollege.edu'; [REDACTED]@hancockcollege.edu'

Subject: Facilities Staff at Allen Hancock College: Thank You for Bid Deadline Extension and Ditching Journeymen Mandate

Our members are pleased to hear about addenda seven and eight, which extend the bid deadline and eliminate the "enhanced safety requirement" for the One-Stop Student Services Center.

Please let me know if the college plans to consider using the "enhanced safety requirement" for future bids. My organization is opposed to this requirement and has successfully fought it when it was proposed at several local governments over the past few years. It was even passed and then repealed by the Palmdale City Council once people there found out about the true purpose of the requirement.

*Kevin Dayton
State Government Affairs Director
Associated Builders and Contractors of California
(916) [REDACTED]*

Thank you for your timely attention to this matter.

*Eric Christen
Executive Director*

Coalition for Fair Employment in Construction

858- [REDACTED]

[REDACTED].com

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"The greatest minority in the world is the individual. If you don't respect the rights of the individual you don't respect minority rights."

Ayn Rand