



OUR 59TH YEAR

CONTRA COSTA CHAPTER

September 2022

## **BLUEBEAM REVU WORKSHOP**

We want to make you aware of a BlueBeam virtual workshop that our Electrical Industry Trust will be co-sponsoring with the Northern California Chapter on September 27<sup>th</sup> - 30<sup>th</sup>. The format will be "at your desk," Tuesday through Friday, 9:00 a.m. - noon, allowing attendees to take in the information in small doses over the course of four days. The cost is free to Solano, Napa, & Contra Costa Electrical Industry Trust Contributors (signatory contractors in Locals 180 and 302).

BlueBeam Revu is a best-in-class PDF mark-up and collaboration tool that is used by architects, engineers and contractors throughout the lifecycle of a building project. Most general contractors use BlueBeam because it saves time, boost efficiency and allows them to do more, better and faster. Plus, its powerful collaboration tool, allowing people all over the world to view and makeup a document together at the same time, as if they were sitting in one room.



### **In addition to collaboration, there are other useful features of BlueBeam:**

- Estimation tasks are sped up while improving accuracy, ultimately leading to better profit margins.
- Simplified workflows while aligning and disseminating accurate project information across its teams.
- Revu allows estimators to work in one platform, allowing more work, which results in higher revenue for the company.
- Used by prefab teams to ensure accurate assemblies for on-site installations, reducing costly rework errors.
- Bluebeam Streamlines and eliminates human error within process of comparing change orders and an original contract - no more missing change orders.
- Clearer and more accurate As-Built drawings

If you would like to register for the workshop, click [here](#) to view the Workshop Flyer and scroll down to the bottom of the page where you may complete the registration form on-line.



*Attendees should have the latest Revu software installed on their desktops. If you do not already have the software installed on your computer, you may download a free 30-day trial [here](#).*

Check out the links below to see more about how you may apply Revu BlueBeam to your job tasks:

- [Learn about an Electrician's Favorite Bluebeam Revu Features](#)
- [Bluebeam Revu - Quickly Create a Request For Information \(RFI\)](#)
- [How to do an Electrical take off with Bluebeam Revu](#)

# POLITICO ALERT

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## **CALIFORNIA CONSTRUCTION EMPLOYERS RECEIVE SPECIAL TREATMENT IN COVID-19 PAID LEAVE RELIEF PACKAGE THE GOOD, THE BAD AND THE UGLY OF THE PROGRAM**

The California legislature is poised to pass budget trailer bill language ([AB 152](#)) to implement the COVID-19 Supplemental Paid Sick Leave Relief Grant Program that we have been advocating for over the past six months. The bill will be sent to the Governor for his signature in the next few days. Securing funding and launching this program is a major achievement by the industry. The grassroots and direct lobbying efforts we deployed had a significant effect in providing specific relief for construction employers. While not perfect, the program is the positive result of our contractor's efforts. As with all major legislative endeavors, the process necessitates negotiation and compromise. Many additional industries engaged in the negotiations with differing priorities after we had secured the original program funding in the CA state budget, which was signed by the Governor on June 13<sup>th</sup>.

To be clear, we worked tirelessly to achieve a high level of success for the industry on this issue and the industry should be proud of the effort it put forward. We must remember that we started with nothing but a paid leave mandate in March of this year and now, while we too are disappointed that we couldn't assist our largest contractors, we have secured real relief for many of our members.

Below is a summary of "The Good, The Bad and The Ugly" of the program.

### **The Good:**

Due to the specific efforts of the union construction industry, California will be implementing a quarter of a billion-dollar COVID-19 Supplemental Paid Sick Leave Relief Grant Program to help employers recoup cost associated with providing mandatory paid leave under the COVID-19 Supplemental Paid Sick Leave (SPSL) program. An additional \$70 million dollars may be added to the grant program if federal relief funds are secured by the state. Qualifying employers will be eligible to be reimbursed up to \$50,000.00 for costs incurred to provide COVID-19 SPSL, pursuant to Sections 248.6 and 248.7 of the California Labor Code. In addition, those labor code sections will be updated, to the benefit of employers, as it relates to testing. The program details are as follows:

- Secured, at a minimum, \$250 million for a grant program to help employers recoup cost associated with providing mandatory paid COVID-19 leave.
- The grant program will be administered by the California Office of Small Business Advocate within the Governor's Office of Business and Economic Development (GO-Biz).
- Qualifying employers will be eligible to receive up to \$50,000.
- Any grant funds received by an employer will not be subject to state tax.
- Construction employers are specifically provided expanded qualification status based on "core employees." (More on that below)

Under existing law, if an employee is receiving COVID-19 SPSL due to a positive test, then an employer may require the employee to submit to a second diagnostic test on or after the fifth day following the first positive test, and may require the employee to provide documentation of those results. AB 152 further authorizes the employer to require, if that second diagnostic test for COVID-19 is also positive, the employee to submit to a third diagnostic test within no less than 24 hours. Finally, the measure specifies that the employer has no obligation to provide COVID-19 SPSL to any employee who refuses to submit to these aforementioned tests.

### **The Bad:**

During negotiations, both the Governor's office and the California Chamber of Commerce were extremely concerned with oversubscription of the COVID-19 Supplemental Paid Sick Leave Relief Grant Program. As such, both pushed to limit grant access to employers with less than 50 employees. Employers with 25 or less employees are not subject to the requirement to provide the paid leave. While we pushed back hard on any suggested eligibility limit, the Administration's fear that the program money would run out in the first days that the grants became available was insurmountable. In the end, unfortunately only employers with between 26 to 49 employees will qualify for access to the grant program.

It is important to note that California construction employers were the only employers who were provided a variance when calculating the less than 50 employee threshold.

While the grant program contains the less than 50 employee qualifier to access grant funds for all other employers in the state, we were able to secure industry specific language to allow construction employers to count only "core employees" towards the less than 50 employee threshold. That exemption reads as follows:

*"For purposes of calculating the number of employees to determine if the employer meets the 26 to 49 employees requirement for access to the grant program, an employer covered by Industrial Welfare Commission Order No. 16-2001, shall calculate their number of employees as the number of full-time employees that have worked for the employer, without any break in employment, for the past 24 months."*

**This language should significantly increase the number of contractors who will qualify for access to the grant program.**

### **The Ugly:**

A primary focus of the industry efforts surrounding the promotion of a COVID-19 Supplemental Paid Sick Leave Relief Grant Program was to also thwart any attempt to implement another round of COVID-19 SPSL. While we have been successful in that effort, the budget language that establishes the grant program also extends the sunset for the current COVID-19 SPSL from September 30, 2022 to December 31, 2022.

The industry is and continues to be opposed to any extension of the existing or implementation of a new COVID-19 SPSL.

The hostile language that the California Labor Federation placed into AB 152, in the eleventh hour, to extend the current COVID-19 SPSL is not a reset of the program. Any employee who has already exhausted their 80 hours under the current COVID-19 SPSL is not eligible for any additional paid leave.

# Project Labor Agreement Update

The City of El Cerrito is the latest public entity in Contra Costa County to adopt a Project Labor Agreement requirement for construction exceeding \$1,000,000.

The Building Trades in Contra Costa County have always been very aggressive in this regard, with the County itself being the first County in California to adopt a PLA. The IBEW has been and still is a big part of that push through their political outreach programs. Below we have updated the list of entities and thresholds for the benefit of our members that pursue public works projects.

## Project Labor Agreements In Contra Costa County

Awarding Body	Thresholds	Notes
<b>BART</b>	All Projects \$10 Million & Above	Lower project values can be subject to the PLA if the Board decides.
<b>CITY OF CONCORD</b>	All Projects \$750K & Above	
<b>CITY OF EL CERRITO</b>	All Projects \$1 Million & Above	
<b>CITY OF RICHMOND</b>	All Projects \$1 Million & Above	
<b>CONTRA COSTA COMMUNITY COLLEGE DIST</b>	All Projects \$1 Million & Above	
<b>CONTRA COSTA COUNTY</b>	All Projects \$1 Million & Above	
<b>CONTRA COSTA WATER DISTRICT</b>	Project to Project Basis	
<b>WEST CONTRA COSTA USD</b>	All Projects \$ 1 Million & Above	
<b>JOHN SWETT USD</b>	All Projects \$1 Million & Above	
<b>MARTINEZ USD</b>	All Projects \$1 Million & Above	
<b>PITTSBURG USD</b>	Projects \$1 Million & Above	This PLA is subject to certain bond monies, all projects over \$1 Million are not covered.
<b>WEST COUNTY WASTEWATER DISTRICT</b>	All Projects \$1 Million & Above	



# NECA Alert

Breaking News from the National Electrical Contractors Association

## Biden Administration Releases

## Proposed Rule on Project Labor Agreements (PLAs)



Today, the Biden Administration published a [proposed rule](#) in the Federal Register that would require every contractor or subcontractor engaged in a federal construction project valued over \$35 million to agree, for that project, to negotiate or become a party to a Project Labor Agreement (PLA). This action builds upon President Obama's [Executive Order 13502](#), which encouraged using PLAs for large-scale Federal construction projects valued at \$25 million or more. That policy continued through the entirety of the Trump Administration.

NECA has long been an advocate for the use of PLAs and NECA Government Affairs has been actively championing the successful implementation of the Biden Administration's [Executive Order 14063](#) throughout all federal agencies. PLAs are widely used across both the public and private sectors. For example, major corporations such as Disney, Intel, Google, NFL, and Toyota have successfully utilized PLAs for large-scale construction projects. Based on the Executive Order, this could affect \$262 billion in federal government construction contracting opportunities for NECA contractors and create nearly 200,000 jobs.

On February 4, NECA Vice President of Government and Public Relations, Marco Giamberardino, [attended the signing](#) of President Biden's PLA Executive Order.

NECA Government Affairs is currently analyzing the proposed rule and will issue public comments by the October 18 deadline.

[Read More](#)

# Sweeney Mason

LIMITED LIABILITY PARTNERSHIP

## **LEGAL NOTICE:**

### **California Assembly Bill AB 2173 Limits Public Works Project Retention Amounts Indefinitely**

By: Joseph M. Sweeney, Esq., Christopher J. Olson, Esq., Scott A. Mangum, Esq.,  
William M. Kaufman, Esq. and M. Jonathan Robb, Jr., Esq.

In 2012, retention proceeds became the subject of new law when California Governor Jerry Brown ratified Senate Bill ("SB") 293, amending Public Contract Code section 7201. Senate Bill 293 restricts retention proceeds for public works construction to five percent (5%). This summer, Governor Gavin Newsom announced he signed Assembly Bill 2173 into law, which places the 5% public works retention cap policy into California law for perpetuity. The retention cap was set to expire at the end of 2023 until AB 2173 was enacted.

Retention proceeds are often used on progress payments to ensure that projects are completed in a timely and satisfactory manner. Since most costs in a public works projects are incurred in the beginning of the project, the retention percentage helps ensure that the contractor does not abandon the project in an unfinished state but completes the project to acquire the retained funds.

Senate Bill 293's reduction in retention cap had a significant effect on the leverage public entities had to ensure completion of public works construction contracts and AB 2173 makes this effect permanent. Because public entities are required to accept the lowest bidder for public works contracts, the retention cap is the main tool that public entities have to ensure that contractors are willing to complete their projects. Still, the retention rate is subject to some exceptions as specified by Public Contracts Code section 7201(b)(4). The retention rate may only exceed the specified five percent (5%) where before putting a project out on bid: (1) the governing board of the agency approves a finding during a regular and properly noticed governing board meeting that the proposed project is "substantially complex" and requires a retention amount greater than 5%; and (2) the public entity includes both the finding and the designated retention amount set by the governing board during meeting in the bid documents.

Now is a good time to review your form contracts, especially terms like retention percentages, and your insurance. Are your contracts up to date and do they contain terms and conditions (including indemnity, scope of work and payment provisions) that adequately protect your business and serve your specific needs? Moreover, do you have adequate insurance to protect your company when something inevitably goes wrong—including coverage for your subcontractors' work (if applicable)? What exclusions and exemptions does your insurance policy contain? Have appropriate additional-insured endorsements been issued for particular projects and, if so, does that coverage continue or terminate when the subcontractor (or contractor) completes its work? Do you have an adequate attorney's fees clause if it becomes necessary to pursue legal action in the event you are not paid?

All of these important questions must be addressed in advance of contracting to mitigate against potential catastrophic results. Contractors are encouraged to have their contracts reviewed by counsel, including to make sure to comply with changes to the Public Contracts Code!





*New Class of  
Inside Apprentices  
Available*

We are pleased to announce that the Inside JATC is in the process of putting a new class of apprentices to work over the course of the next several months. The committee agreed to a class of 24 apprentices this year. It appears that the occupation of a union electrician has made a remarkable comeback, and now is held in pretty much the same esteem it was many years ago.

This year we had more than 700 people come by to apply for the program. After screening for minimum requirements, and utilizing the national test, the committee interviewed 221 that passed to distill it down to the class selected. Because of the caliber of individuals was so impressive, we will utilize the same list for next years' class.

One of the things that both our Inside Apprenticeship Committee and our Sound and Communication Committee do a little differently than most of the other training committees is the interview process. The entire committee interviews each applicant (usually taking between 10 and 15 minutes). While not all members can make every single interview, the process tends to produce more consistent results.

At this point , we would like to say a special thank you to Tom Tatro of Contra Costa Electric, and Sean McPeak of McPeak Electric for giving up more than eleven days over the past three months to conduct interviews.

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## **NECA Review of Budget Reconciliation: The Inflation Reduction Act of 2022**

NECA has put together a Memo on the Inflation Reduction Act of 2022. On July 27, Senator Manchin and Senator Schumer announced a new agreement on a budget reconciliation package that includes addressing inflation, healthcare, climate/energy policy, and tax issues. This new agreement came as a surprise because of Senator Manchin's previous statements less than a month ago that he could not support a package outside of the healthcare provisions. [Click here](#) to read the full summary.

# Registration For NECA 2022 Austin is Open!



NECA is excited to announce that registration is open for the 2022 NECA Convention & Trade Show in Austin, TX! This is the electrical construction industry's premier event. Attendees will gain access to industry-leading education, top-notch speakers, networking, entertainment & North America's largest Electrical Construction trade show.



**SYNERGY**  
eLinks

**[2022 Q2 Compliance Report](#)**

**[California Bay Area Region](#)**  
**[CE/CW Wage & Fringe Benefits Effective June 1, 2022](#)**

**[Market Advancement Memorandum of Understanding](#)**

**[Notice of Summary Plan Information for the National Electrical Benefit Fund](#)**



# September 2022



<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thur</i>	<i>Fri</i>	<i>Sat</i>
				1	2 Off-Day (Inside Wiremen)	3
4	5 Holiday Labor Day (Inside and	6	7	8	9	10
11	12	13	14	15	16 Health & Welfare Trust Local 302 11:00 a.m.	17
18	19	20	21	22 Happy First Day of Fall	23	24
25	26	27	28	29	30	

[Revu BlueBeam Workshop](#)



**CONTRA COSTA CHAPTER**  
**National Electrical Contractors Association**  
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