



VIA EMAIL: NALBARRAN@SJUSD.ORG

December 10, 2020

Nancy Albarran, Superintendent
San Jose Unified School District
855 Lenzen Avenue
San Jose, CA 95126

RE: SKILLED AND TRAINED WORKFORCE
SUBCONTRACTOR: MASTERCRAFT WATERPROOFING, INC.
PRIME CONTRACTOR: CALIFORNIA COMMERCIAL POOLS
AGENCY: SAN JOSE UNIFIED SCHOOL DISTRICT
PROJECT: 80049 – DESIGN BUILD CONSTRUCTION OF
MULTIPLE POOL MODERNIZATIONS
FFC CASE NO.: 778SJ

Dear Ms. Albarran:

A formal complaint has been filed on the above noted **subcontractor, Mastercraft Waterproofing, Inc.**, for failure to comply with Skilled and Trained Workforce (STW) obligations under Public Contract Code §2600-2603. The State of California, Division of Labor Standards Enforcement (DLSE), Labor Commissioner has been duly notified formally of said complaint and is being copied of this correspondence.

Please be advised, if a monthly report does not demonstrate compliance with the STW requirements the Awarding Body (AB) is required to do **ALL** of the following:

- Withhold further payments until the contractor provides a plan to achieve “substantial compliance” with regard to the relevant trade/craft prior to contract completion.
- Withholding amount equal to 150 percent (150%) of the value of the monthly billing for the entity or subcontractor that failed to comply with the STW requirements.
- Contractor may withhold the same amount from the subcontractor.
- Awarding Body is required to immediately resume making payments to the contractor (including all previously withheld payments) if the contractor substitutes a subcontractor for its failure to demonstrate compliance.
- Awarding Body is required to immediately resume making payments to the contractor (including all previously withheld payments) if the contractor submits a plan to achieve substantial compliance with the STW requirements UNLESS the AB rejects the plan as insufficient and explains the reasons for the rejection within a reasonable time.

Nancy Albarran – Superintendent
San Jose Unified School District
December 10, 2020
Page 2

- Forward a copy of the monthly report to the Labor Commissioner for issuance of a Civil Wage and Penalty Assessment.
- Forward a copy of the plan to achieve “substantial compliance” (if any), and its response to that plan (if any) to the Labor Commissioner.

Please contact our office with questions, comments, or clarifications.

Sincerely,



Bryan Berthiaume
Executive Director

Case: 778SJ