Riehle, Dorothy C

From: Anna Clark <anna@thetorresfirm.com>
Sent: Tuesday, August 12, 2014 4:53 PM
To: Riehle, Dorothy C
Cc: Jessica Fotinos
Subject: FOIA Requests - U.S DOE - Certified Payroll Records
Attachments: FOIA Request -8.12.14 - RCS payrolls - 2nd.pdf; FOIA Request -8.12.14 - RAM Mechanical payrolls.pdf; Fee Waiver.pdf

Project Name: Field Route Injection & Extraction Well Equipment
Location: Hanford Nuclear Site
Prime Contract: DE-AC06-08RL14788
Contract: #53553 Release 001 Project Name: Field Route Injection & Extraction Well Equipment
Location: Hanford Nuclear Site
Prime Contract: DE-AC06-08RL14788
Contract: #53553 Release 001
TCLG Case No.: UA-9

RE: Certified Payroll Records for Real Centric Solutions, LLC **and**
Certified Payroll Records for RAM Mechanical

Good afternoon Ms. Riehle,

Please consider this email a formal request along with the attached FOIA Requests and Fee Waiver Justification.

Your time and attention in consideration of these requests is appreciated. Should you have any questions please contact me.

Thank you.

Sincerely,

Anna L. Clark
Senior Compliance Specialist
Torres Consulting & Law Group, LLC
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Tempe, AZ 85283
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Torres
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Via Electronic Mail – Delivery and Read Receipt Requested

August 13, 2014

Dorothy Riehle
Richland Operations Office FOIA Officer
P.O. Box 550
Richland, Washington 99352
Dorothy_C_Riehle@rl.gov

RE: FREEDOM OF INFORMATION ACT REQUEST

Project Name:	Field Route Injection & Extraction Well Equipment
Location:	Hanford Nuclear Site
Prime Contract:	DE-AC06-08RL14788
Contract:	#53553 Release 001
TCLG Case No.:	UA-9

Dear Ms. Riehle:

Torres Consulting and Law Group, LLC (TCLG) submits this FOIA Request on behalf of the United Association of Plumbers, Fitters, Welders, and HVAC Service Techs, a recognized 501(c)(5) non-profit organization. Accordingly, we respectfully request a waiver of all search, printing, and duplication costs (please see attached fee waiver justification). A fee waiver is appropriate when disclosing the information requested "is in the public interest because it is likely to contribute significantly to public understanding of the operations of the government and is not primarily in the commercial interest of the requester" (5 U.S.C. § 552(a)(4)(a)(iii)).

To achieve the goals promulgated under the Davis-Bacon and Related Acts (DBRA), an analysis of the pertinent project information, including contract information and certified payrolls, is performed to ensure that compliance with DBRA is mandated and enforced.

We formally request the following information for the above-referenced project:

- All certified payroll records for RAM Mechanical covering when this contractor started work on this project to current.

TCLG strongly believes that a fee waiver is appropriate for this specific request. Disclosure of the requested information would enable the public to evaluate the wisdom and efficiency of federal programs and expenditures as well as the contractor and subcontractor's compliance with federal laws. However, if there is an assessment of fees

for the processing of this request, please inform me prior to fees being incurred. Please send all requested information by email or to our office.

If you have any questions or concerns regarding any aspect of this request, please do not hesitate to contact me directly. Thank you in advance for your prompt attention and help in regards to this request.

Sincerely,

Anna L. Clark
Senior Compliance Specialist

Attachment: Fee Waiver Justification

Torres
Consulting & Law Group, LLC

Via Electronic Mail – Delivery and Read Receipt Requested

August 13, 2014

Dorothy Riehle
Richland Operations Office FOIA Officer
P.O. Box 550
Richland, Washington 99352
Dorothy_C_Riehle@rl.gov

RE: FREEDOM OF INFORMATION ACT REQUEST

Project Name:	Field Route Injection & Extraction Well Equipment
Location:	Hanford Nuclear Site
Prime Contract:	DE-AC06-08RL14788
Contract:	#53553 Release 001
TCLG Case No.:	UA-9

Dear Ms. Riehle:

Torres Consulting and Law Group, LLC (TCLG) submits this FOIA Request on behalf of the United Association of Plumbers, Fitters, Welders, and HVAC Service Techs, a recognized 501(c)(5) non-profit organization. Accordingly, we respectfully request a waiver of all search, printing, and duplication costs (please see attached fee waiver justification). A fee waiver is appropriate when disclosing the information requested "is in the public interest because it is likely to contribute significantly to public understanding of the operations of the government and is not primarily in the commercial interest of the requester" (5 U.S.C. § 552(a)(4)(a)(iii)).

To achieve the goals promulgated under the Davis-Bacon and Related Acts (DBRA), an analysis of the pertinent project information, including contract information and certified payrolls, is performed to ensure that compliance with DBRA is mandated and enforced.

We formally request the following information for the above-referenced project:

- Certified payroll records for Real Centric Solutions, LLC, covering the time period from June 30, 2014 to current.

TCLG strongly believes that a fee waiver is appropriate for this specific request. Disclosure of the requested information would enable the public to evaluate the wisdom and efficiency of federal programs and expenditures as well as the contractor and subcontractor's compliance with federal laws. However, if there is an assessment of fees

for the processing of this request, please inform me prior to fees being incurred. Please send all requested information by email or to our office.

If you have any questions or concerns regarding any aspect of this request, please do not hesitate to contact me directly. Thank you in advance for your prompt attention and help in regards to this request.

Sincerely,

Anna L. Clark
Senior Compliance Specialist

Attachment: Fee Waiver Justification

Torres
Consulting & Law Group, LLC

Fee Waiver Justification

We appreciate your time and consideration regarding a fee waiver on behalf of the United Association of Plumbers, Fitters, Welders, and HVAC Service Techs ("UA") a non-profit organization. Our office is requesting this information on behalf of UA to enable them to effectively assist federal agencies in ensuring that established federal labor laws are complied with on construction sites throughout the western United States. The UA's objective is to support public oversight of federal agency operations in regards to compliance with federal labor laws. We appreciate the volume of work that the federal government is undertaking and would like to work with the federal contracting agencies to ensure that contractors comply with the Davis Bacon and Related Acts (DBRA).

In interpreting the applicability of the fee waiver appeal language, we acknowledge that there are four factors. We submit that our fee waiver meets the factors considered in the public interest prong.

I. The subject matter of the requested records, in the context of the request, must specifically concern identifiable "operations or activities of the government."

The documents requested are federal documents, containing new time-sensitive information, that have not been previously made available to the public. In overseeing compliance with the aforementioned labor laws, public oversight is predicated on release of the requested federal documents.

The information requested will indicate to what extent the contractors performing work for the federal government are abiding by the DBRA. In situations where resources are inadequately provided to effectively oversee federal labor laws, the disclosed information has the potential to expose fraudulent contractors that misclassify tradespeople to evade federal regulations designed to protect workers.

II. In order for the disclosure to qualify as "likely to contribute" to an understanding of specific government operations or activities, the disclosable portions of the requested information must be meaningfully informative in relation to the subject matter of the request.

The requested information, along with the process of acquiring the information, will be meaningfully informative about government operations and activities, and is likely to contribute to an increased public understanding of these operations or activities. The requested information, and the ease by which it is disclosed, will prove meaningful by

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providing transparency to the relationship between agencies of the federal government and its contracting companies that are awarded public construction contracts. These documents i.e. certified payroll, schedules, etc., will likely contribute to the understanding of weekly payroll and legal compliance.

Requested Documents:

More specifically, the information requested will be analyzed to determine whether workers are being misclassified, proper wages are being paid (according to the designated wage determination), apprentices are properly registered to a bona-fide apprenticeship program, and numerous other factors that exist within the federal labor regulations previously referenced.

Even more specifically, it is critical to set up a timeline for a particular job in order for us to know when certain crafts are performing their trade. Once we establish an approximate time that the craft is performing their work we can issue our FOIA requests for certified payrolls according to the timeline that a particular trade is being performed.

General information for a job is critical to understanding what type of work is being performed. It is essential to know what the summary of work is in order to deduce what crafts will be performing their work. We also confirm the name of the general contractor and the names of the subcontractors along with their state license numbers so that we can locate the names of the company officers and run their names through the Excluded Parties List System. By referencing this system, we ensure that there are no companies doing business for the federal government that are currently debarred from such privileges.

The particular wage decision and modification is requested to compare with bid open dates and award dates to verify that the correct decision was chosen, and to compare wages against the acceptable prevailing wage in the area. We also want to ensure that 60 days or more have not passed between the bid closing date and the time of award for sealed bids without resubmitting a newer wage modification.

The names of the bona fide apprenticeship program to which apprentices are registered is requested to verify that it is an acceptable program in the eyes of the Department of Labor and not a cause to evade prevailing wage requirements; the same reasoning exists for the evidence of the formal certification of a bona fide trainee program.

Certified payroll records are requested to verify that the corresponding contracted project's wage determination is the rate set forth on the paychecks for pay and fringe

rates. Personal contact information is used to verify from the worker that he/she is performing the work that they are classified. Payroll compliance records are also essential on awarded jobs to verify the journeymen and apprentice ratios that are described in the summary plan documents of the designated apprenticeship program.

Why will the disclosure of these records serve the public interest? The disclosure will serve the public interest in a number of ways, the most basic being the general compliance to the rule of law. Those that disregard one facet of the law will undoubtedly overlook others. When it pertains to the highly competitive world of construction where contractors are constantly trying to gain a competitive edge over one another we have historically seen that they will try to evade compliance requirements. This affects the broad public within the construction industry, and we would argue that providing the requested information will help to ensure that working families are compensated correctly. Compliance with the rule of law will also encourage an environment where honest contractors can bid work in a fair and just process; this most definitely serves the public interest.

III. Disclosure must contribute to the understanding of the public at large, as opposed to the individual understanding the requester or a narrow segment of interested persons.

The UA is committed to ensuring that all workers, union and non-union, are compensated per DBRA. The UA has access to workers throughout the western United States, and it is through this wide public audience that the UA meets the burden of disclosing the requested information to a very broad audience.

The UA has sponsored labor summits across the country where we have invited the DOL to educate trades people and contractors regarding labor regulations that are enforced by the Wage and Hour Division. The face-to-face method in these summits has proven very effective in informing the public about existing laws and will continue to be used as a platform to educate the industry of any violations that may be uncovered through the Freedom of Information Act Requests.

Secondly, each individual within our organization receives a monthly or quarterly newsletter that includes news of appropriate prevailing wage information, as well as an update to DOL enforcement activities.

In conclusion, by holding periodic labor summits, distributing newsletters to trades people in the region, and by utilizing media services for strategic press releases, the UA,

not only has the ability to disseminate information quickly, they also clearly have the intent to reach out and educate the broader public.

IV. Disclosure is likely to contribute "significantly" to the public's understanding of government operations or activities

Within Factor II, in this letter, we have accounted for, with specificity, the reasoning behind the need for specific articles of information. The sole source of information needed to contribute to the public's understanding of how well labor compliance regulations are being monitored is through being granted access to the requested information by a federal agency.

In the end, through additional monitoring provided by the UA, its intent to help create an environment that pays workers according to the minimum federally mandated wages, allows honest contractors an opportunity to bid in a fair environment and thereby creating an environment that is far less likely for dishonest employers to take advantage of their workers. Far too often in today's environment, contractors can and do beat out their competition through unscrupulous bidding practices at the expense of the worker's compensation. All of these objectives would enhance public understanding to a significant extent.

Why will the disclosure of these records serve the public interest? The disclosure will serve the public interest in a number of ways, the most basic being the general compliance to the rule of law. Those that disregard one facet of the law will undoubtedly overlook others. When it pertains to the highly competitive world of construction where contractors are constantly trying to gain a competitive edge over one another, we have historically seen that they will try to beat the system at the workers' expense. This "system" is the broad public within the construction industry, and we would argue that providing the requested information will help to ensure that working families are compensated correctly, and will encourage an environment where honest contractors can bid work in a fair and just process; this most definitely serves the public interest.

Under the second and final prong of 5 U.S.C. § 552(a)(4)(A)(iii):

V. Whether or not the requester has a commercial interest

The UA is a non-profit organization that will not gain any additional revenue for pursuing non-compliant companies. UA's sole interest is to monitor federally funded projects for compliance so that all working families are treated fairly and are compensated according to the DBRA.

Because construction projects occur in a defined period of time and there is a timeline set forth by the Department of Labor as to when they can enforce back wages for the workers, we would very much appreciate a timely decision.

In closing, we would again like to take this opportunity to thank you for this opportunity to further our position for a fee waiver. The UA appreciates your agencies assistance in helping to create a fair and equitable environment for both the construction workers in the field and for all honest contractors.

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