



Meeting: **Reservoir Committee & Authority Board
Agenda Item 3.1**

February 20, 2026

Subject: **Construction Manager At Risk's (CMAR) Project Labor Agreement
(PLA)**

Requested Action:

Receive an update on the Reservoir Package CMAR Project Labor Agreement negotiations.

Background and Overview:

On January 16, 2026, the Sites Reservoir Committee and Authority Board unanimously approved the award of the Reservoir Package Construction Manager at Risk contract to Barnard Construction Company. The contract was executed by all parties on January 27, 2026 and the preconstruction services were initiated. As part of the Board's action, staff was directed to ensure that a Project Labor Agreement meeting all requirements of the Sites Authority's Construction Workforce Policy (CWP) would be completed expeditiously and was told to provide a report to the Board on progress during the February 20 Board meeting.

PLA Development Status

Barnard Construction has been actively engaged in PLA negotiations since award of the contract, including outreaching with NCCU. Key developments include:

- **General Status:** Barnard continues to negotiate a draft PLA with the applicable trades. Those currently participating in the discussions are the State Building and Construction Trades Council of California (BTC), the Mid Valley Building and Construction Trades Council, and their affiliated craft councils and unions (Attachment C), which represent approximately 90% of the craft hours for this CMAR contract. Staff and Legal Counsel are in the process of reviewing the draft PLA to confirm it conforms to the Construction Workforce Policy. We already know certain aspects of the PLA related to local contracting and local area coverage will need to be reviewed with the Local Community Working Group (LCWG) and the Board. This was an anticipated element of the Policy that required further refinement once the contractor and trade unions were involved.

- **Northern California Carpenters Union (NCCU) Engagement:** Despite repeated outreach by Barnard (Attachment A), NCCU continues to decline to participate directly in PLA negotiations. Barnard has committed to proactively incorporating provisions that NCCU has historically accepted in other PLAs, including: inclusion of the Career Connections pre-apprentice program, special arbitrator provisions for jurisdictional disputes involving carpenters, and a separate signature block for NCCU.
- **Carpenter Work Commitment:** If the NCCU is going to be signing the PLA, their engagement will need to occur very soon and prior to the full execution of the PLA by the affiliates, BTC and Barnard. Time is of the essence. Neither the Authority nor Barnard are in a position to force the NCCU to engage in PLA negotiations. As an alternative to NCCU providing carpenters pursuant to signing the PLA, Barnard has identified subcontracting as a means to achieving the same outcomes. Ames, whose scope of work includes most, if not all, of carpentry work on the Project, is fully committed to being a signatory to the master labor agreement with NCCU. Also, Ames plans to be signatory to NCCU whether or not NCCU executes the PLA. Ames summary of its commitment is attached to this staff report (Attachment B). Ames, as a listed Key Subcontractor of Barnard, is bound by the PLA and the Construction Workforce Policy. Therefore, even if NCCU chooses not to sign the PLA, carpenter work on the project will be performed in a manner that aligns with the PLA. While not preferred, this approach serves an equivalent purpose and outcome to an NCCU signature on the PLA from the project's perspective. Also, Barnard has committed that any remaining work within Carpenter jurisdiction will be bid to subcontractors' signatory to the carpenter master agreement, including Ames, ensuring NCCU carpenters will be employed on the project and ensuring labor stability.

California Water Commission Interest in this Matter

A general project update was provided by Authority staff to the Commissioners at their January 21, 2026 meeting. This included a briefing and public comment on the concerns raised by the NCCU to this Board about Barnard's capabilities and the Governor's January 16, 2026 letter expressing concerns about the uncertainties these issues raise. Like this Board, the CWC requested to be kept informed of developments related to the Project Labor Agreement negotiations. Staff provided another update on the PLA development to the CWC on February 18, 2026 similar to what is being provided in this report."

PLA Terms and Compliance with Construction Workforce Policy

The PLA under negotiation includes all elements required by the Board and will be confirmed on the record at the February 20, 2026 meeting, including:

- Binding all subcontractors to PLA terms.

- Hiring through union halls with strong apprenticeship and local-hire provisions.
- "Helmets to Hardhats" program and full compliance with master labor agreements.
- Pre-job conferences and regular labor-management meetings.
- Drug-free workplace standards and just-cause discipline requirements.
- Jurisdictional dispute resolution through nationally recognized building trades procedures. Acknowledgement and Commitment to achieving local area and project area hiring goals.

Timeline and Next Steps

Barnard anticipates the final PLA will be negotiated by all parties within the next three weeks. Staff will provide the Board with an updated, comprehensive report confirming PLA compliance with the Construction Workforce Policy requirements once the agreement is finalized.

Pre-construction activities under Task Order 1 (not to exceed \$1,000,000) are proceeding, including constructability reviews, cost validation, and community engagement, positioning the project to move forward expeditiously upon completion of the investor commitment period.

Prior Action:

January 2026: Approved the Reservoir Package Construction Manager at Risk and execution of CMAR Contract, Task Order 1 and authorization to commence preliminary preconstruction services extending through December 31, 2026, as articulated in Task Order 1, including the following Board actions:

1. Assign the Reservoir Package CMAR responsibilities to Barnard Construction Company, Inc. (Barnard).
2. Authorize the Executive Director to execute the CMAR Contract, including the General Conditions and Task Order 1, for a fixed lump sum amount of \$1,000,000, pending final legal review.

Fiscal Impact/Funding Source: None

Staff Contact: JP Robinette

Primary Service Provider: NA

Attachments: Attachment A - Chronology of Outreach to NCCU
Attachment B - Ames Letter
Attachment C – Mid Valley Building Trades Affiliates

Attachment A - Barnard Construction Company (Barnard) and Northern California Carpenters Union (NCCU) Project Labor Agreement (PLA) Communication Timeline

November 20, 2025 - Barnard spoke with NCCU's representative, Mr. Belperio, letting him know Barnard had been selected as the preferred proponent and provided him with an update on the status of the Project. Barnard informed him that they wanted to begin discussions regarding a PLA. Mr. Belperio inquired about whether Barnard would be signatory to the NCCU and Barnard replied that they would follow the PLA process set forth by the Sites Authority. Mr. Belperio stated that if Barnard was awarded the contract, NCCU would consider a PLA and that he wanted NCCU's carpenters to be working on the Project.

November 25, 2025 - Barnard again spoke with Mr. Belperio. Barnard informed him that they would not be signatory to the NCCU but wanted to continue discussions regarding a PLA. Barnard informed him that they would be entering into a PLA with the State Building and Construction Trades Council and wanted the NCCU to be part of that process and the PLA. Mr. Belperio stated that he wanted NCCU's carpenters to work on the Project, but that NCCU would continue its protests.

December 11, 2025 - Barnard sent a Letter of Intent to NCCU committing to negotiate in good faith a PLA with NCCU.

December 18, 2025 - Mr. Belperio stated that NCCU would not enter into the Letter of Intent as drafted. Barnard inquired what changes NCCU wanted, but NCCU has never proposed any changes to the Letter of Intent.

January 13, 2026 - Barnard shared an updated Letter of Intent, eliminating "support of Barnard" as a condition. Mr. Belperio advised that this would not change NCCU's willingness to engage on a PLA.

January 23, 2026 - Barnard's Counsel, Steve Araiza, had a brief conversation with Mr. Belperio. Mr. Araiza requested that Mr. Belperio provide any language which the NCCU would like to include in the Sites PLA. Mr. Belperio politely declined to provide any language.

January 27, 2026 - Barnard sent the Draft PLA with redlines to Mr. Belperio and stated Barnard looked forward to working with NCCU on the project. Barnard has received no response from the NCCU.

**Other than the letter of intent, these were verbal communications.*



Ames Construction

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February 13, 2026

LTR-250507-001
via e-mail

Barnard Construction Company, Inc.
701 Gold Avenue
Bozeman, Montana

Attention: Mike Fuller
Vice President

Reference: Sites Reservoir Construction Management at Risk (CMAR) Project

Subject: Union Representation

Mr. Fuller,

Ames Construction (“Ames”) appreciates the opportunity to participate in the construction of the historical Sites Reservoir Project (“Project”). It is Ames understanding there may be concern or confusion regarding Ames intentions related to craft labor work assignments on the Project, specifically as it relates to union carpenter work. In California, Ames is currently a member of the Western States Regional Council of Carpenters (WSRCC) who represents members across twelve different states. This Project resides as of February 2026, within the union jurisdictional boundaries of North Coast States Regional Council of Carpenters (NCSRCC), including the Nor Cal Carpenters Union (NCCU). As a signatory union contractor in California, Ames has contacted NCCU, along with other affiliated signatory union representatives, with a commitment towards signing the applicable collective bargaining agreements providing union representation and is committed towards being signatory to NCCU. This letter is to affirm Ames intentions in regards to labor assignments for Ames entire scope of work on the Project.

To clear any confusion, Ames hereby represents that Ames intends to perform the entirety of its scope of work pursuant to the applicable local collective bargaining agreements for the Project. As the project progresses throughout the pre-construction and design phasing of the project predicated more definable features and work scopes as it relates to performance of union work, Ames will immediately enter into negotiations for the execution of labor agreements and fully intends to perform its entire scope with collectively bargained employees.

Ames has a long history as an employer who supports local craft unions and has executed bargaining agreements across the country. In fact, Ames currently performs all its work under collectively bargained agreements in Southern California and does not perform non-union work under separate entities like many other competitors in the market.

February 13, 2026

Ames is, and continues to be committed to its collectively bargained partners and co-workers in the trades and has every intention of performing its entire scope of work under collectively bargained agreements.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tim Wilson".

Tim Wilson, P.E.
Senior Vice President

Attachment C - **Mid Valley Building Trades Affiliates**

- Sheet Metal Workers Local 104
- Sprinkler Fitters Local 669
- Teamsters Local 137
- Plumbers & Pipefitters Local 228
- Northern CA District Council of Laborers
- Operating Engineers Local 3
- OPCMIA Local 300
- BAC 3 Brick & Tile
- Boilermakers Local 549
- Cement Masons Local 400
- DC16 International Union of Painters and Allied Trades
- International Union of Elevator Contractors Local 8
- Iron Workers Local 118
- Insulators Local 16
- IBEW Local 340