

ATTACHMENT 1

EQUAL

JUSTICE

CENTER

November 18, 2019

Austin Independent School District
Attn: Sara Hildebrandt Gaspar
Contract and Procurement Services
1111 W. Sixth St., Austin, TX 78703

Sent via mail and email to: sara.hildebrandtgaspar@austinisd.org

RE: Prevailing Wage Complaint – Tex. Gov. Code § 2258.001, *et seq.*
Employer: Texas Star Fire Systems
Employees: Louis Contreras, Ryan Dunman, Zachary Harold (on behalf of themselves and other affected workers employed by Texas Star Fire Systems on AISD projects)

Dear Austin Independent School District:

The Equal Justice Center is a non-profit law office that represents workers on wage and employment matters. We are writing on behalf of our clients, Louis Contreras, Ryan Dunman, and Zachary Harold, who worked on public works projects for Austin Independent School District (AISD) as employees of Texas Star Fire Systems. Our clients worked as sprinkler fitters on the AISD construction project at Govalle Elementary School at 3601 Govalle Ave., Austin, Texas 78702 (“Govalle ES project”). These individuals as well as other employees that worked on the Govalle ES project with them were not paid the prevailing wage rates required by law and incorporated into the construction contract. Our clients present this claim on behalf of themselves as affected workers as the other employees that worked installing the sprinkler fitter system as employees of Texas Star Fire Systems that also were not paid the correct prevailing wage rate.

As this project was a public works project, their work is subject to the state prevailing wage laws, Tex. Gov. Code §§ 2258.001 – 2258.058. Our clients and their co-workers performed work in execution of the contract, and have not been paid the prevailing wage rate required for the work they performed, in violation of Tex. Gov. Code § 2258.023.

We request that AISD take cognizance of this prevailing wage complaint and issue an initial determination—a determination as to whether good cause exists to believe that prevailing wage violations occurred—“before the 31st day” after the date you receive this complaint, pursuant to Tex. Gov. Code § 2258.052(b).

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Additionally, pursuant to the Texas Public Information Act, we request copies of:

1. The applicable prevailing wage scale together with any contractual documents from these projects referencing prevailing wage requirements; and
2. Certified payroll reports maintained by the contractor and subcontractor, pursuant to Tex. Gov. Code § 2258.024, for work performed by Louis Contreras, Ryan Dunman, and Zachary Harold on the Govalle ES Project.

It is our understanding that Texas Star Fire Systems was a subcontractor on the Govalle ES Project, and that Balfour Beatty was the general contractor on the project. Throughout their employment on the Govalle ES project, our clients performed work that is properly classified under the category Sprinkler Fitter under the Davis-Bacon Act wage determinations. Sprinkler Fitter is an occupation consisting of the installation, testing, and inspection of automatic fire suppression systems in any and all types of structures. Sprinkler Fitters work with piping associated with fire sprinkler systems. Based on our understanding of the Govalle ES Project, Balfour Beatty contracted Texas Star Fire Systems, a fire protection contractor that specializes in fire sprinkler systems installation, to work as the subcontractor installing the fire sprinkler system on the project.

Throughout their time working on the Govalle ES Project, our clients and their co-workers worked installing piping for the fire sprinkler system. However, Texas Star Fire Systems paid our clients at a wage rate less than the wage rate for Sprinkler Fitters as required by the prevailing wage requirements under Chapter 2258 and incorporated into the construction contract for the Govalle ES Project.

Our clients are available to supply additional information and answer questions to help facilitate AISD's investigation. Thank you for your attention to this matter.

Respectfully Submitted,



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