



FEDERAL AID ARCHITECTURAL AND ENGINEERING CONTRACT

Contract Number:	Federal-Aid Number:	Date:
Solicitation Date:	Statement of Qualifications Due Date:	
Contract Bid Amount:	Contract Duration:	to
Description of Project:		
Labor Compliance Contact Information:		
Prime Consultant:		
Contract Manager:	Pre-job performed by:	

CONSULTANT REQUIREMENTS

All consultant(s) and subconsultant(s) will comply with State and Federal employment laws including, but not limited to, prevailing wage laws and DIR registration requirements.

POSTERS/NOTICES

Consultants must post all required state and federal posters on the jobsite in an area accessible to all workers, including sub-consultants. Posters must be readable and placed in visible areas allowing workers to access the posters before, during, and after work shifts. Jobsites with multiple locations must include a portable poster board to ensure continued access to the information. Posters placed in foreman, supervisor, or employee vehicles, in an offsite job trailer, or inside a temporary restroom **do not** meet the posting requirement. Resident engineers, contract managers, and other delegated Caltrans staff will verify the prime consultant has posted the following:

State general prevailing wage determinations

General Prevailing Wage Determination:

Journeyman and Apprentice prevailing wage rates can be accessed at the CA Department of Industrial Relations (DIR) Web site:

DIR Prevailing Wage Determinations – <https://www.dir.ca.gov/oprl/DPreWageDetermination.htm> and Public Works Apprenticeship Requirements – <https://www.dir.ca.gov/Public-Works/Apprentices.html>

Reference: California Labor Code §1773.2

Federal prevailing wage determinations.

General Decision Number: **Modification Number:** **Publication Date:**

Federal prevailing wage rates can be accessed at the Department of Labor Web site:

Federal Prevailing Wage Determinations for California –

<https://sam.gov/search?index=wd&keywords=&sort=-modifiedDate&wdType=dbra&page=1>

Select the county where the work will be performed. *Reference: Davis-Bacon Act*

- Company equal employment opportunity (EEO) policy. *Reference: Contract Provisions*
- The California Civil Rights Department's poster "*California Law Prohibits Workplace Discrimination and Harassment*" CRD-E07P-ENG and CRD-E07P-SP, English and Spanish.
<https://calcivilrights.ca.gov/posters/>
- Pay Day Notice.
- Notice of Labor Compliance Program Approval, English and Spanish.
Reference: California Code of Regulations (CCR) §16429
- Equal Employment Opportunity Commission, "*Know Your Rights: Workplace Discrimination is Illegal*", English and Spanish. <https://www.eeoc.gov/poster>
- Federal Highway Administration, "*NOTICE – Federal-Aid Project*" (*False Statement Notice*) FHWA-1022.
<https://www.fhwa.dot.gov/programadmin/contracts/poster.cfm>
Reference: Contract Provisions
- Davis Bacon Act poster, "*Employee Rights Under the Davis Bacon Act*" WH 1321 and WH 1321 SPA, English and Spanish. <https://www.fhwa.dot.gov/programadmin/contracts/poster.cfm>
Federal wage rates must be posted with WH 1321. *Reference: Contract Provisions.*

Posters may be printed from the Labor Compliance page on the Caltrans Web site at:

Caltrans Division of Construction Labor Compliance Posters –

<https://dot.ca.gov/programs/construction/labor-compliance>

PREVAILING WAGE REQUIREMENTS

- All workers employed in the execution of this public works project, including sole proprietors, partners, and corporate officers, and owner operators must be paid not less than the specified prevailing wage rates for the type of work performed. *Reference: LC §1774*
- Contractors utilizing an entity for the purpose of hauling or delivery of ready-mixed concrete are required to enter into a written subcontract agreement with the entity. *Reference: LC § 1720.9*
 - ⇒ Workers employed in the hauling and delivery of ready-mixed concrete must be paid not less than the specified prevailing wage for the type of work performed in the geographic location of the plant/batch facility. *Reference: LC § 1720.9*
- Overtime must be paid for all hours over eight in a calendar day and 40 hours in a week. Violations may subject the consultant to state and federal penalties.
Reference: LC §1810-1815; Contract Work Hours & Safety Standards Act (CWHSSA)
- Saturday/Sunday premium rates are applicable as indicated on prevailing wage determinations, unless contractor submits documentation of a qualifying exception. *Reference: CCR, Title 8, §16200(F)*
- When required, shift differential rates must be paid for classifications which include a shift determination.
- For building contracts, state and federal building wage rates are applicable.
- State Prevailing Wages**
 - * Single asterisk indicates that the wage determination can be used for the life of the contract.
 - ** Double asterisk indicates that the wage determination includes predetermined increases.
- Federal Prevailing Wages** – in effect for the life of the contract with the exception of Directors Order work, which will require an updated federal determination and payment of federal wages. *Reference 29 CFR 1.6*

- If there is a difference between the predetermined federal prevailing wage rates and the state prevailing wage rates for similar classifications of labor, the higher rate must be paid.
Reference: CCR §16001(b)
- Caltrans will not accept state wage classifications not specifically included in the federal minimum wage determinations. This includes “helper” or other classifications based on hours of experience. *Reference: Contract Provisions*
- Subsistence/Zone pay must be shown on the fringe benefit statement.
 - ⇒ The consultant must make applicable travel, subsistence and zone payments in accordance with information on file with DIR for classifications utilized. **For more information contact the Prevailing Wage Unit at (415) 703-4774 or visit DIR’s Web site at:**
[DIR Prevailing Wage Determinations – https://www.dir.ca.gov/oprl/DPreWageDetermination.htm](https://www.dir.ca.gov/oprl/DPreWageDetermination.htm)
Reference: Labor Code §1773.1
- Consultants violating prevailing wage requirements are subject to a penalty to be paid in addition to any wage underpayments. Liquidated damages in the amount of the wage underpayments may also apply.
Reference: LC §1775 and LC §1742.1

PAYROLL REQUIREMENTS

- All labor compliance documents submitted must be complete, accurate, and require the correct Caltrans contract number: _____.
- Certified payrolls must include ALL information as required by California Labor Code Section 1776, and all other elements contained in Caltrans form CEM-2502, *Contractor/Subcontractor Payroll*.
Reference: 8 CCR §16404; LC §1776
- Classification and group numbers are required on all payrolls (i.e., Laborer-Group 1, Plumber-Pipefitter, etc.). When work classification is not shown, or a misclassification is identified, Caltrans will determine the wage rate based on duties performed. *Reference: Contract Provisions; LC §1776*
- Payrolls must clearly show how gross and net wages are calculated, including fringe benefits.
- Caltrans form CEM-2503, *Statement of Compliance*, is due with each weekly payroll. Boxes must be marked indicating if benefits are paid to a fund and/or to the employee/employees). *Reference: Contract Provisions; LC §1776*
- All deductions marked “other” (i.e. garnishments, tools, etc.) must be explained on the payroll or the Statement of Compliance. Documents to confirm the “other” deduction that meet requirements of an authorized deduction are to be submitted with the first payroll on which the deduction appears. *Reference: CCR §16432*
- Caltrans form CEM-2501, *Fringe Benefit Statement*, must be completed and signed showing hourly rates and the name and address of plan/plans whenever any portion of the fringe benefits are paid to a plan, fund, or program. The form must be submitted with the first payroll and when fringe benefits or subsistence amounts change. Fringe Benefit Statements must be specific to the contract. *Reference: LC §1773.1*
- All consultants are required to provide itemized wage statements (check stubs) to employees.
- Failure by the prime to submit the required reports or documents will result in all payments due to the contractor withheld. Withholds will be released after compliance. *Reference: California Labor Code §1771.5*
- Whenever an entity is used in the hauling or delivery of ready-mix concrete the following documentation must be provided:
 - ⇒ A copy of the written agreement between the entity hauling/delivering ready-mix concrete and the contractor is required to be submitted with the first payroll which the entity performed work.

- ⇒ The contractor is required to submit a copy the driver's certified time records to Caltrans with the payroll submission. *Reference: LC § 1720.9*
- Certified payrolls may be maintained and submitted electronically. *Reference: CCR §16404*
 - ⇒ Submissions must be in an unmodifiable PDF format and contain all information required by California Labor Code Section 1776. The prime consultant and each subconsultant must complete a *Contractor's Acknowledgement Form* prior to submitting electronic payroll records.
The form can be downloaded at: Caltrans Division of Construction Labor Compliance – <https://dot.ca.gov/programs/construction/labor-compliance>
 - ⇒ **Instructions for electronic submittal of certified payroll records can be downloaded at:** Caltrans Division of Construction Labor Compliance – <https://dot.ca.gov/programs/construction/labor-compliance>
 - ⇒ The prime consultant should require all subconsultants to notify the prime when submitting electronic payroll records.
- Payroll records must be preserved for three years after the final voucher.
Reference: Contract Provisions

APPRENTICES

- All requirements of California Labor Code, Section 1777.5 apply for classifications which DIR has identified as an apprenticeable craft, including the following:
 - ⇒ Submit DIR's Division of Apprenticeship Standards (DAS) form DAS-140, *Public Works Contract Award Information*, and DAS-142, *Request for Dispatch of Apprentice*, to the applicable apprenticeship committee, and a copy to Caltrans, prior to start of work. **The form may be downloaded from DIR's Web site at:** DAS Public Works Information – <https://www.dir.ca.gov/das/publicworks.html>
 - ⇒ Training fees MUST be sent to a state-approved apprenticeship program or the California Apprenticeship Council and identified on the fringe benefit statement.
 - ⇒ Apprentices must be paid the prevailing wage rate applicable to the classification in which they are registered and employed.
- Complaints or violations regarding apprentice ratios will be referred to the Division of Labor Standards Enforcement (DSLE). *Reference 8 CCR 230.1(b) Reference: 8 CCR §16434*
- Proof of registration in a state and federally approved apprenticeship program will be required and must be submitted with the first payroll on which apprentices appear.
Reference: LC §1777.5; Contract Provisions; 29 CFR §5.5

DISABLED VETERAN BUSINESS ENTERPRISE (DVBE)

- Is there a DVBE participation goal for this contract? Yes No
 - ⇒ There is a DVBE participation goal of percent for this project. *Reference: Contract Provisions*
 - ⇒ Ensure DVBE performs a commercially useful function as defined in the California Military Veterans Code Section (MVC) 999.
 - ⇒ If a substitution is needed and is permitted in the contract provisions, the DVBE **must be replaced with another DVBE**. *Reference: MVC §999.5 (e)*
 - ⇒ Submit a written request to the contract manager, citing one of the allowable reasons for substitution.

- ⇒ Written approval from the contract manager and the California Department of General Services (DGS) is required prior to a change of a DVBE. Do not substitute until final approval is received from Caltrans. *Reference: Contract Provisions*
- ⇒ Caltrans will provide the request to DGS for approval.
- ⇒ Caltrans form CEM-2402(S), *Final Report – Utilization of DVBE State Funded Projects Only*, must be submitted at the completion of work. Failure to provide the report will result in a withholding of invoice payment. Withholds will be released on the next payment after compliance.
Reference: California Labor Code §1771.5
- ⇒ Maintain records of subcontracts made with certified DVBEs. *Reference: Contract Provisions*

SUB-CONSULTANTS

- Sub-consultant substitutions must be requested in writing and approved in writing by the contract manager **before** assigning work to a substitute sub-consultant.
Reference: Contract Provisions
- The prime consultant is responsible for work performed and compliance met by owner-operators.
Reference: Contract Provisions
- Any sub-agreements entered into for more than \$25,000 must contain all the provisions of the consultant's agreement. *Reference: Contract Provisions*

ADDITIONAL CONTRACT INFORMATION

- Will any of the following work be performed on the project?
 - ⇒ Special/Night Shifts: Yes No
 - ⇒ Multiple Shifts: Yes No
 - ⇒ Weekends: Yes No
 - ⇒ Shift differential rates must be paid for classifications with a shift determination.
- Caltrans Labor Compliance routinely conducts audits of contractor and sub-contractor payroll records as indicated in the contract provisions.

I acknowledge that I have been informed and am aware of the Caltrans Public Works requirements listed above and that I am authorized to make this certification.

PRIME CONSULTANT'S SIGNATURE BELOW

PHYSICAL ADDRESS

Print Name & Title

Date

 Signature (If joint venture, make sure both sign)

PAYROLL CONTACT NAME, EMAIL ADDRESS AND FAX NUMBER
(to receive Labor Compliance Letters/Notices)

Print Name: _____ Title: _____

Email Address: _____ Phone Number: _____

Fax Number: _____

ADDITIONAL LABOR COMPLIANCE INFORMATION/SUBSISTENCE INFORMATION: