FEDERAL-AID ARCHITECTURAL & ENGINEERING CONTRACT

Contract #:	**Federal-Aid #:**	**Date:**
Solicitation Date:	**Statement of Qualifications Due Date:**	
Contract Bid Amount:	**Contract Duration:** to	
Description of Project: Project location, county, description		
Labor Compliance Contact Information:	NAME ADDRESS CITY, STATE ZIP Phone Number: Fax Number:	
Prime Consultant:	NAME ADDRESS CITY, STATE ZIP	
Contract Manager:	**Prejob performed by: LCO or CM Name**	

POSTERS/NOTICES

Consultants are required to post all required state and federal posters on the jobsite in an area accessible to all workers, including subcontractors. 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 in effect on date advertised**
  General Prevailing Wage Determination _____
  Journeyman and Apprentice Prevailing Wage Rates can be accessed at the following websites:
  http://www.dir.ca.gov/dlsr/DPreWageDetermination.htm and http://www.dir.ca.gov/das/publicworks.html
  Reference: Labor Code 1773.2
- ❑ **Federal Prevailing Wage Determinations in effect on bid date**
  General Decision #: _____ **Modification #**: _____ **Publication Date**: _____
  General Decision County Index for CA: http://www.wdol.gov/wdol/scafiles/davisbacon/ca.html.
  Select the county where the work will be performed. *Reference: Davis Bacon Act*
- ❑ Company EEO policy *Reference: Contract Provisions*
- ❑ Department of Fair Employment and Housing (DFEH) Forms 162 (English) and 162(S) (Spanish), *Harassment or Discrimination in Employment is Prohibited by Law*
- ❑ Pay Day Notice
- ❑ Notice of Labor Compliance Program Approval, English and Spanish *Reference: CCR 16429*
- ❑ Equal Employment Opportunity Commission (EEOC)-P/E-1, English and Spanish
  Equal Employment Opportunity is THE LAW

Initials of Prime: _____

- ❑ Federal Highway Administration (FHWA)-1022, *NOTICE - False Notice Statement*
  Reference: Contract Provision
- ❑ WH 1321 – Davis Bacon Act poster, in English and Spanish
  Employee Rights Under the Davis-Bacon Act. Federal wage rates must be posted with WH 1321.
  Reference: Contract Provisions

  Posters may be printed from the Labor Compliance page on the Caltrans website at:
  http://www.dot.ca.gov/hq/construc/LaborCompliance/posters.htm

PREVAILING WAGE REQUIREMENTS

- ❑ All workers employed in the execution of this public works project, including sole proprietors, partners, and corporate officers, must be paid not less than the specified prevailing wage rates for the type of work performed. *Reference: Labor Code 1774*
- ❑ 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 a state penalty of $25 per day per worker and a federal penalty of $10 per day per worker. *References: Labor Code 1810-1815; Contract Work Hours & Safety Standards Act (CWHSSA)*
- ❑ Saturday/Sunday premium rates are applicable as indicated on prevailing wage determinations.
- ❑ When required, shift differential rates must be paid for classifications with include a shift determination.
- ❑ For building contracts, state and federal building wage rates are applicable.
- ❑ **State Prevailing Wages**
  * Single asterisk indicates that this wage determination can be used for the life of the contract.
  **Double asterisk indicates that this wage determination includes predetermined increases.
- ❑ **Federal Prevailing Wages** – in effect for the life of the contract.
- ❑ 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.
  References: CCR 16001(b); Contract Provisions
- ❑ 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 if not indicated on certified payroll
  - ⇨ The consultant must make applicable travel and subsistence payments in accordance with information on file with the Department of Industrial Relations (DIR) for classifications utilized. Contact the Prevailing Wage Unit at (415) 703-4774 or available at:
    http://www.dir.ca.gov/dlsr/PWD/index.htm
    Reference: Labor Code 1773.1
- ❑ Consultants violating prevailing wage requirements are subject to a penalty of up to $200 per day per worker, paid in addition to any wage underpayments. Liquidated damages in the amount of the wage underpayments may also apply. *References: Labor Code 1775 and 1742.1*

PAYROLL REQUIREMENTS

- ❑ All labor compliance documents submitted must be complete and accurate, and require the correct Caltrans contract number.

- ❑ Certified payrolls must include ALL information as required by Labor Code 1776, and the information included on Caltrans form CEM-2502, *Contractor/Subcontractor Payroll*.
  Reference: CCR Section 16404; Labor Code 1776
- ❑ Classification and group numbers are required on all payrolls (i.e., Laborer-Group 1, Plumber-Pipefitter, etc.). When work classification is not shown, Caltrans will determine the wage rate based on duties performed. *Reference:Labor Code 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(s). All deductions marked "other" must be explained on the payroll or the Statement of Compliance (i.e. garnishments, tools, etc.).
  References: Labor Code 1776
- ❑ Caltrans form CEM-2501, *Fringe Benefit Statement*, must be completed and signed showing hourly rates and the name and address of plan(s) 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: Labor Code 1773.1
- ❑ All consultants are required to provide itemized wage statements (check stubs) to employees.
- ❑ Failure by the prime consultant to submit the required reports or documents will result in up to a 10 percent progress payment withhold for the month (minimum $1,000 - maximum $10,000).
  References: Labor Code 1771, Contract Provisions
- ❑ Caltrans form CEM-2502, *Contractor/Subcontractor Payroll*, or form CEM-2505, *Owner-Operator Listing*, may be used when owner-operators are performing on project.
  References: CCR Section 16404; Labor Code 1776
  - ⇨ The consultant employing an equipment owner-operator must complete the owner-operator listing. Forms will not be accepted from the equipment owner-operator unless the hiring consultant signs the owner-operator Statement of Compliance.
- ❑ Caltrans form CEM-2510, *Truck Owner-Operator Certification of Ownership*, is required for bona fide truck owner-operators hauling to/from the jobsite and must be resubmitted when information changes.
- ❑ For truck owner-operators hauling onsite, either Caltrans form CEM-2502, *Contractor/Subcontractor Payroll*, or form CEM-2505, *Owner-Operator Listing*, must be submitted.
- ❑ Payroll records must be preserved for 3 years after completion of the project.
  Reference: Contract Provisions

APPRENTICES

- ❑ All requirements of the Labor Code, Section 1777.5 apply including the following:
  - ⇨ Submit Division of Apprenticeship Standards (DAS) form DAS-140, *Public Works Contract Award Information*, to the applicable apprenticeship committee prior to start of work. http://www.dir.ca.gov/DAS/PublicWorksForms.htm
  - ⇨ 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 Apprenticeship Standards (DAS). *Reference: 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.
  References: Labor Code 1777.5; Contract Provision; 29 CFR 5.16

SUBCONSULTANTS

- ❑ Subconsultant substitution must be requested in writing and approved in writing by the contract manager **before** assigning work to a substitute subconsultant.
  Reference: Contract Provisions
- ❑ The prime consultant is responsible for work performed and compliance met by subconsultants and owner-operators. *Reference: Contract Provisions*
- ❑ Any subagreements entered into in excess of $25,000 must contain all the provisions of the consultant's agreement. *Reference: Contract Provisions*

DISADVANTAGED BUSINESS ENTERPRISE (DBE)

- ❑ All DBEs must perform a commercially useful function to count for contract participation.
- ❑ The prime consultant must notify the contract manager in writing of anticipated substitutions of listed DBEs before starting the affected work.
- ❑ Submit Caltrans form ADM-3069, *Disadvantaged Business Enterprises Utilization Report*, with the final invoice or 25 percent of the dollar value of the invoice will be withheld. *Reference: Contract Provisions*

EQUAL EMPLOYMENT OPPORTUNITY (EEO) REQUIREMENTS

- ❑ Consultant must comply with the nondiscrimination requirements provided in the contract.
- ❑ Consultant will permit interviews of employees and owner-operators on the project during working hours.
- ❑ Consultant's EEO Officer must be identified in posted policy. Name:_____
- ❑ Caltrans provides consultant employees a *Discrimination Complaint Procedures* brochure (DFEH-151) upon receipt of an EEO complaint.

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.

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 below Date

(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:_____

SUBSISTENCE INFORMATION

Please add additional details in box below.