STATE ARCHITECTURAL & ENGINEERING CONTRACT

Contract #:	**Solicitation Date:**	**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 posters on the jobsite in an area accessible to all workers, including subconsultants. 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 website:
  http://www.dir.ca.gov/dlsr/DPreWageDetermination.htm *Reference: Labor Code 1773.2*
- ❑ Company EEO policy *Reference: Contract Provisions*
- ❑ Department of Fair Employment and Housing (DFEH) Forms 162 (English) and 162(S) (Spanish), *Discrimination and Harassment in Employment are Prohibited by Law*
- ❑ Pay Day Notice
- ❑ Notice of Labor Compliance Program Approval (English and Spanish) *Reference: CCR 16429*

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 a 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 8 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. *Reference: Labor Code 1810-1815*

- ❑ Saturday/Sunday premium rates are applicable as indicated on prevailing wage determinations.
- ❑ When required, shift differential rates must be paid for classifications which include a shift determination
- ❑ For building contracts, state 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.
- ❑ Subsistence/Zone pay must be shown on the Fringe Benefit Statement if not shown 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 be submitted weekly and documents not previously submitted are due with invoice. *Reference: Labor Code 1771.5*
- ❑ 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 the 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 to submit the required reports or documents will result in non-payment of the invoice or, if submission is inadequate, a withhold will be taken from the invoice.
  References:; Labor Code 1771.5
- ❑ Payroll records must be preserved for 3 years after completion of the project.
  Reference: Contract Provisions

APPRENTICES

- ❑ All requirements of the State Labor Code, Section 1777.5 apply including the following:
  - ⇨ Submit DIR form DAS-140, *Public Works Contract Award Information* to the applicable apprenticeship committee prior to start of work. Find form at: 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 and step in which they are registered and employed.
- ❑ Complaints or violations regarding apprentice ratios will be referred to the DAS. *Reference: CCR 16434*
- ❑ Proof of registration in a state-approved apprenticeship program is required and must be submitted with the first payroll on which apprentices are listed.
  References: Labor Code 1777.5; Contract Provision

SUBCONSULTANTS

- ❑ Subconsultant substitution must be requested in writing, and approved in writing by the contract manager **before** assigning work to a substitute subconsultant.
  References: Contract Provisions
- ❑ The prime consultant is responsible for work performed and compliance met by subconsultants.
  References: Contract Provisions
- ❑ Any subagreements entered into in excess of $25,000 must contain all the provisions of the consultant's Agreement. *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 on the project during working hours.
- ❑ Consultant's EEO Officer must be listed in posted policy. Name: _____
- ❑ Caltrans provides consultant employees a *Discrimination Complaint Procedures* (DFEH-151) brochure 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 ❑
- ❑ Caltrans Labor Compliance routinely conducts audits of consultant and subconsultant payroll records.

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

_____

Date

PHYSICAL ADDRESS

_____

_____

(If Joint Venture, both signatures are required)_____

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

Print Name: _____ Title: _____

E-mail Address: _____ Phone Number: _____

Fax Number:_____

SUBSISTENCE INFORMATION

Please add additional details in box below.