FEDERAL-AID MAINTENANCE CONTRACT

Contract #:	**Federal-Aid #:**	**Date:**
Date Advertised for Bids:	**Bid Opening 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 Contractor:	NAME ADDRESS CITY, STATE ZIP	
Contract Manager:	**Prejob performed by: LCO or CM Name**	

POSTERS/NOTICES

Contract Managers and other delegated staff are responsible for verifying the prime contractor has posted all required state and federal posters on the jobsite in areas accessible to all workers. Contractors must place the posters in visible areas on the construction site where all workers or all employees have access to the posters at any time. Posters must be readable and accessible to workers before, during, and after work shifts. Posters placed in a supervisor's vehicle, in an offsite job trailer, or inside a temporary restroom **do not** meet posting requirements. Posters must include 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*
- ❑ Federal Highway Administration (FHWA)-1022, *NOTICE - False Notice Statement*
  Reference: Contract Provision

Initials of Prime: _____

- ❑ 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 8 in a calendar day and 40 hours in a week. Violations may subject the contractor 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 which 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** – wage determination 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 contractor must make applicable travel and subsistence payments in accordance with information on file with the Department of Industrial Relations (DIR) for classifications utilized. Select 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*
- ❑ Contractors 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 (including electronic) not previously submitted are due on or before the 15th of the month for the previous month's work.
  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 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 contractors are required to provide itemized wage statements (check stubs) to employees.
- ❑ Failure by the prime contractor 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 1771.5; 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 contractor employing an equipment owner-operator must complete the owner-operator listing. Forms will not be accepted from the equipment owner-operator unless the hiring contractor 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.
- ❑ 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 Labor Code Section 1776.
  - ⇨ The prime contractor and each subcontractor must complete a Contractor's Acknowledgement form prior to submitting electronic payroll records. The form may be downloaded at: http://www.dot.ca.gov/hq/construc/LaborCompliance/index.htm
  - ⇨ Submissions must be encrypted prior to transmittal to Caltrans.
  - ⇨ Electronic payrolls must be submitted to: **SELECT DISTRICT EMAIL** and must contain only one week ending per submittal.
  - ⇨ The following format must be used in the subject line:
    Contract Number, Week Ending Date (i.e. 01-000001, W/E 07/11/09).
  - ⇨ The prime contractor should require that all subcontractors send an email copy to the prime when submitting electronic payroll records.
- ❑ 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 the 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.
- ⇨ 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

SUBCONTRACTING

❑ The Subletting and Subcontracting Fair Practices Act requires prime contractors to list, at bid time, all subcontractors who will perform work in excess of one-half of one percent of the total bid amount or $10,000, whichever is greater. For building projects, subcontractors who will perform work in excess of one-half of one percent must be listed. The prime must use those subcontrators as listed at bid time unless a written substitution is requested and approved in writing by the contract manager **before** substitution. *References: Public Contract Code 4100-4114; Contract Provisions*

❑ The prime contractor is responsible for work performed and compliance met by subcontractors and owner-operators.

❑ Failure to comply with the requirements of the Subletting and Subcontracting Fair Practices Act may result in a penalty of 0-10 percent of the subcontract involved and a referral to the Contractors State License Board. *Reference: Public Contract Code 4110-4111*

DISADVANTAGED BUSINESS ENTERPRISE (DBE)

❑ All DBEs must perform a commercially useful function to count for contract participation.

❑ Compliance with Subletting and Subcontracting Fair Practices Act applies for all listed DBE subcontractors.

❑ The prime contractor must notify the contract manager in writing of anticipated substitutions of listed DBEs before starting the affected work.

❑ There is no DBE goal for this project.

❑ There is a DBE goal of _____ percent applicable to this project:
Reference: Contract Provisions

- ⇨ Contractor must ensure that the listed DBE performs the item(s) of work specified.
- ⇨ If prime contractor fails to achieve committed DBE participation, the dollar value of the proposed DBE participation to date is withheld from payment.
- ⇨ Prime must submit a request for substitution in writing, citing one of reasons listed in the contract. Caltrans will not allow improper substitutions. *Reference: 49 CFR Part 26*
- ⇨ Replace listed DBE with another certified DBE or perform a good faith effort.
- ⇨ If replaced without approval, payment for item(s) of work committed to the DBE is withheld.

- ❑ Submit Caltrans form CEM-2402(F), *Final Report-Utilization of Disadvantaged Business Enterprises (DBE), First-Tier Subcontractors*.
- ❑ If applicable, must submit form CEM-2403(F), *Disadvantaged Business Enterprises (DBE), Certification Status Change*, and CEM-2404(F), *Monthly DBE/DBE Trucking Verification*. Failure to submit this report will result in a $10,000 withhold.

EQUAL EMPLOYMENT OPPORTUNITY (EEO) REQUIREMENTS

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

TRUCKING

- ❑ Are the trucking items/materials coming from a commercial source? Yes ❑ No ❑
  - ⇨ Was the commercial source established prior to bid opening? Yes ❑ No ❑

    Who will pick up or deliver items/material? _____
  - ⇨ Will there be stockpile(s) for this project? Yes ❑ No ❑

    If so, location(s) _____
  - ⇨ Caltrans form CEM-2510, *Truck Owner-Operator Certification of Ownership* is required for truck owner-operators hauling to/from the jobsite and must be resubmitted if there is a change in information. For truck owner-operators hauling onsite, CEM-2502, *Contractor/Subcontractor Payroll* or CEM-2505, *Owner-Operator Listing*, must be submitted.

ADDITIONAL CONTRACT INFORMATION

- ❑ Will there be Plant Establishment on this project? Yes ❑ No ❑
  - ⇨ Type:
  - ⇨ Start Date:

  ***NOTE:** The subtrade Plumber: Landscape Tradesman classification cannot be used in some counties.
- ❑ Are there any lane closure restrictions that prevent the prime contractor or any subcontractors from working a normal work week? Yes ❑ No ❑
- ❑ 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 contractor and subcontractor payroll records as indicated in the project 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 CONTRACTOR'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.