

Procurement Services Department Equal Opportunity Contracting Public Works

Requirements & Forms

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The public works requirements are:

(A) the appropriate number of apprentices are on the job site, as set forth in Labor Code Section 1777.5.

(B) worker's compensation coverage, as set forth in Labor Code Sections 1860 and 1861.

(C) keep accurate records of the work performed on the public works project, as set forth in Labor Code Section 1812.

(D) inspection of payroll records pursuant to Labor Code Section 1776, and as set forth in Section 16400 (e) of these regulations.

(E) and other requirements imposed by law.

(5) Withhold monies. See Labor Code Section 1727.

(6) Ensure that public works projects are not split or separated into smaller work orders or projects for the purpose of evading the applicable provisions of Labor Code Section 1771.

(7) Deny the right to bid on public work contracts to contractors or subcontractors who have violated public work laws, as set forth in Labor Code Section 1777.7.

(8) Not permit workers on public works to work more than eight hours a day or 40 hours in any one calendar week, unless compensated at not less than time and a half as set forth in Labor Code Section 1815.

EXCEPTION: If the prevailing wage determination requires a higher rate of pay for overtime work than is required under Labor Code Section 1815, then that higher overtime rate must be paid, as specified in subsection 16200(a)(3)(F) of these regulations.

(9) Not take or receive any portion of the workers' wages or accept a fee in connection with a public works project, as set forth in Labor Code Sections 1778 and 1779.

(10) Comply with those requirements as specified in Labor Code Sections 1776(g), 1777.5, 1810, 1813, and 1860.

(c) Contractor-subcontractor.

The contractor and subcontractor shall:

(1) Pay not less than the prevailing wage to all workers, as defined in Section 16000 of these regulations, and as set forth in Labor Code Sections 1771 and 1774;

(2) Comply with the provisions of Labor Code Sections 1773.5, 1775, and 1777.5 regarding public works jobsites;

(3) Provide workers' compensation coverage as set forth in Labor Code Section 1861;

- (4) Comply with Labor Code Sections 1778 and 1779 regarding receiving a portion of wages or acceptance of a fee;
- (5) Maintain and make available for inspection payroll records, as set forth in Labor Code Section 1776;
- (6) Pay workers overtime pay, as set forth in Labor Code Section 1815 or as provided in the collective bargaining agreement adopted by the Director as set forth in Section 16200 (a) (3) of these regulations; and
- (7) Comply with Section 16101 of these regulations regarding discrimination.
- (8) Be subject to provisions of Labor Code Section 1777.7 which specifies the penalties imposed on a contractor who willfully fails to comply with provisions of Section 1777.5.
- (9) Comply with those requirements as specified in Labor Code Sections 1810 and 1813.
- (10) Comply with other requirements imposed by law.

The contractor and subcontractor shall:

Apprentices on public work projects

Summary of requirements

California Labor Code Section 1777.5 requires all public works contractors and subcontractors to:

1. Submit contract award information
2. Employ registered apprentices
3. Make training fund contributions.

Submit contract award information

Contractors who are not already participating in an approved program and who did not receive sufficient number of apprentices from their initial request must request dispatch of apprentices from at least one other apprenticeship committee, if more than one exists in the area of the public works project

1. Submit the contract award information in writing to each of the apprenticeship program sponsors in the area of your public works project within 10 days of the prime execution of the contract or subcontract, but in no event later than the first day in which the contractor has workers employed on the public work. You may use form DAS 140. This is simply a notification of award; it is not automatically a request for dispatch of a registered apprentice.

Employ registered apprentices

A contractor on a public works project must employ one (1) hour of apprentice work for every five (5) hours performed by a journeyman.

All contractors must request for dispatch of an apprentice from an apprenticeship program (for each apprenticable craft or trade) by giving the program actual notice of at least 48 hours (business days only) before the date on which apprentices are required. Contractors who are not already participating in an approved program and who did not receive sufficient number of apprentices from their initial request must dispatch of apprentices from at least one other apprenticeship committee, if more than one exists in the area of the public works project.

Make training fund contributions

Contractors who are awarded public works jobs must make training fund contributions in the amount established in the prevailing wage rate publication for journeymen and apprentices. This nominal fee contributes to the assurance that new apprentices coming into the craft will be guaranteed the highest level of training and as those skilled craftsmen retire, the trade will survive.

Contractors who contribute to an apprenticeship program are entitled to a full credit in the amount of those contributions. Contractors who do not contribute to an apprenticeship program must submit their contributions to the California Apprenticeship Council, PO Box 420603, San Francisco, CA 94142-0603.

Training fund contributions to the Council are due and payable on the 15th day of the month for work performed during the preceding month. The contribution should be paid by check and be accompanied by a completed training fund contribution form (CAC – 2) or a letter containing the following information:

1. The name, address and telephone number of the contractor making the contribution.
2. The contractor's license number.
3. The name and address of the public agency that awarded the contract.
4. The jobsite location, including the county where the work was performed.
5. The contract or project number.
6. The time period covered by the enclosed contributions.
7. The contribution rate and total hours worked by apprenticeable occupation.
8. The name of the program(s) that provide apprentices if any.
9. The number of apprentice hours worked, by apprenticeable occupations and by program.

Note:

What are the instances in which a contractor on a public works project is considered exempt from the requirements of LC 1777.5?

They are:

- **LC 1777.5 does not apply to general contractors whose contract is under \$30,000.**
- **When the craft or trade is not apprenticeable.**
- **When the contractor holds a sole proprietor license and no workers were employed by the contractor. In other words, the contractor performed the entire work from start to finish and worked alone. However the contractor must still pay training funds for the hours he worked because they are part of the prevailing wage rate.**
- **When the project is a federal project and the funding of the project does not contain any city, county, and/or state monies.**
- **When the project is a private project not covered by the definition of public works as found in LC 1720.**

PUBLIC WORKS CONTRACT AWARD INFORMATION

Contract award information must be sent to your Apprenticeship Committee if you are approved to train. If you are not approved to train, you must send the information (which may be this form) to ALL applicable Apprenticeship Committees in your craft or trade in the area of the site of the public work. Go to www.dir.ca.gov/das/PublicWorksForms.htm for information about programs in your area and trade. You may also consult your local Division of Apprenticeship Standards (DAS) office whose telephone number may be found in your local directory under California, State of, Industrial Relations, Division of Apprenticeship Standards.

Do not send this form to the Division of Apprenticeship Standards.

Name of Contractor:	Contractor's State License No.:
Contractor's Mailing Address -- Number & Street, City, Zip Code:	Area Code & Telephone No.:
Name & Location of Public Works Project:	Date of Contract Award:
Name & Address of Public Agency Awarding Contract	Date of expected or actual start of proj.
This form is being sent to: (Name & Address of Apprenticeship Programs)	Estimated Number of Journeymen Hours:
	Occupation of Apprentice
	Estimated # of Apprentice Hours
	Approximate dates to be employed

This is not a request for dispatch of apprentices.

Contractors must make a separate request for actual dispatch, in accordance with Section 230.1 (a) California Code of Regulations

Check One Of The Boxes Below

- Box 1 We are already approved to train apprentices by the _____ Apprenticeship Committee. We will employ and train under their standards.
- Box 2 We will comply with the standards of _____ Apprenticeship Committee for the duration of this job only.
- Box 3 We will employ and train apprentices in accordance with the California Apprenticeship Council regulations, including 230.1(C) which requires that apprentices employed on public projects can only be assigned to perform work of the craft or trade to which the apprentice is registered and that the apprentices must at all times work with or under the supervision of journeyman/men

Signature: _____

Typed Name: _____

Title: _____ Date: _____

**State of California -- Department of Industrial Relations
DIVISION OF APPRENTICESHIP STANDARDS**

Please use a separate form for each jobsite, listing the occupations for the jobsite. One check, payable to the California Apprenticeship Council, may be submitted for all jobsites and/or occupations. Training fund contributions are not accepted by the California Apprentice Council for federal public works projects, or for non-apprenticable occupations such utility technicians, teamsters, etc.

TRAINING FUND CONTRIBUTIONS

California Apprenticeship
Council

Name and Address of Contractor/Subcontractor making Contribution	Contractor's License Number		
	Contract or Project Number		
Name and Address of Public Agency Awarding Contract	Jobsite Location (Including County)		
	Period Covered by Contribution		
Classification(s) or Workers (Carpenter, Plumber, Electrician, Etc.)	Hours	Cont. Rate per Hour	Amount
Signature	Date		
Title	Area Code & Telephone Number		

Authorized Signatory

Port Project#: _____
Port Project Name: _____
Your Company Name: _____
Address: _____
City, State & Zip: _____
Date: _____

Unified of Port San Diego
Equal Opportunity Contracting
PO Box 120488
San Diego, CA 92112-0488
Telephone: (619) 686-6242 ♦ Fax: (619) 686-6565
E-mail: mtello@portofsandiego.org

Dear Mr. /Mrs.

This correspondence is to affirm that the person(s) identified below have the authority under penalty of perjury to so affirm, that the records are originals or are full, true and correct copies of the original and depict truly, fully and correctly the craft or type of work performed, hours and days worked, and the amounts by category listed, disbursed by way of cash, check, or in whatever form or manner to each person by job classification and/or skill pursuant to a public works contract. **The persons identified below must be owners or officers of the company.**

(1)

(2)

Print Name of Authorized Signatory

Print Name of Authorized Signatory

Signature of Authorized Signatory

Signature of Authorized Signatory

Title of Authorized Signatory

Title of Authorized Signatory

STATEMENT OF COMPLIANCE

Date: _____

I, _____ do hereby state:
(Name of Signatory Party and Title)

That I pay or supervise the payment of the persons employed by _____
(Contractor or Subcontractor)

on the _____, That during the payroll period
(Project Number and Name)

commencing on the _____ day of _____, 2003 and ending the _____ day of _____ 2003, all persons employed on said project have been paid the full weekly wages earned, that no rebates have been or will be made either directly or indirectly to or

on behalf of said _____ from the full weekly wages earned by any
(Contractor or Subcontractor)

person and no deductions have been made either or indirectly from the full wages earned by any person, other than permissible deduction as describe below:

Federal, Social Security, Medicare, State, SDI Taxes, Vacation, 401 K, Union, Uniform, etc

Federal, Social Security, Medicare, State, SDI

(1) That any payrolls otherwise under this contract required to be submitted for the above period are corrected and complete; that the wage rates for laborers or mechanics contained therein are not less than the applicable wage rates contained in any wage determination incorporated into the contract that the classifications set forth there in for each laborer or mechanic conform with the work performed.

(2) That any apprentices employed in the above period are duly registered in a bona fide apprenticeship program registered with a State apprenticeship agency.

(3) That:

(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS OR PROGRAMS

In addition to the basic hourly wage rates paid to each laborer or mechanic listed in the above referenced payroll, payments of fringe benefits as listed in the contract have been or will be made to appropriate programs for the benefit of such employees, except as noted in Section 4 (c) below:

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH (*Must Provide Fringe Benefits Statement with First Payroll*)

Each laborer or mechanic listed in the above referenced payroll has been paid as indicated on the payroll, an amount not less than the sum of the applicable basic hourly wage rate plus the amount of the required fringe benefit as listed in the contract, except as noted in Section 4(c) below:

(c) EXCEPTIONS (*No Fringe Benefits Statement needed*)

EXCEPTION (CRAFT)	EXPLANATION
Remarks:	
Name & Title:	Signature:

On federally funded projects, permissible deductions are defined in Regulations. Part 3 (29 CFR Subtitle A) issued by the Secretary of Labor under the Copeland Act, as amended (48 State. 948 63 State. 967. 76 State. 357. 40 USC 276c).

Also, the willful falsification of any of the above statements may subject the contractor or subcontractor to civil or criminal prosecution (see Section 1001 of Title 18 and Section 231 of Title 31 of the United States Code).

PORT OF SAN DIEGO – EQUAL OPPORTUNITY CONTRACTING CONTRACTOR FRINGE BENEFIT STATEMENT

Contract Number: 2007-16	Contract Name: 10th Avenue Marine Terminal, San Diego	Today's Date:
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Contractor / Subcontractor Name: Bullhead Construction, Inc	Business Address: 2763 Bullhead Street, San Diego 92115
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In order that the proper Fringe Benefit rates can be verified when checking payrolls on the above contract, the hourly rates for fringe benefits, subsistence and/or travel allowance payment made for employees on the various classes of work are tabulated below.

Classification: Laborer	Effective Date: 06/01/03	Subsistence or Travel Pay: \$ _____
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FRINGE BENEFITS	Health & Welfare	\$ 2.70	PAID TO:	Name: San Diego Laborer Benefit Fund Address: P.O. Box 81020, San Diego, CA 92138
	Pension	\$ 3.00	PAID TO:	Name: _____ Address: _____
	Vacation/ Holiday	\$ 3.00	PAID TO:	Name: _____ Address: _____
	Training and/or Other	\$ 1.50	PAID TO:	Name: _____ Address: _____

Classification: Carpenter	Effective Date: 06/01/03	Subsistence or Travel Pay: \$ _____
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FRINGE BENEFITS	Health & Welfare	\$ 2.50	PAID TO:	Name: Associates Builders & Contractors Address: 4449 Ruffin Road, San Diego 92123
	Pension	\$ 1.05	PAID TO:	Name: _____ Address: _____
	Vacation/ Holiday	\$ 3.00	PAID TO:	Name: _____ Address: _____
	Training And/or Other	\$.34	PAID TO:	Name: _____ Address: _____

Classification: Operating Engineer	Effective Date: 06/01/03	Subsistence or Travel Pay: \$ _____
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FRINGE BENEFITS	Health & Welfare	\$ 4.70	PAID TO:	Name: Associates Builder & Contractors Address: _____
	Pension	\$ 3.75	PAID TO:	Name: _____ Address: _____
	Vacation/ Holiday	\$ 2.75	PAID TO:	Name: _____ Address: _____
	Training And/or Other	\$.65	PAID TO:	Name: _____ Address: _____

Supplemental statements must be submitted during the progress of work should a change in rate of any of the classifications be made.

Submitted: Contractor / Subcontractor Bullhead Construction	By: Name / Title Nancy Bullhead
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PORT OF SAN DIEGO – EQUAL OPPORTUNITY CONTRACTING CONTRACTOR FRINGE BENEFIT STATEMENT

Contract Number:	Contract Name:	Today's Date:
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Contractor / Subcontractor Name:	Business Address:
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In order that the proper Fringe Benefit rates can be verified when checking payrolls on the above contract, the hourly rates for fringe benefits, subsistence and/or travel allowance payment made for employees on the various classes of work are tabulated below.

Classification:	Effective Date:	Subsistence or Travel Pay: \$ _____
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FRINGE BENEFITS	Health & Welfare	\$ _____	PAID TO: Name: _____	Address: _____
	Pension	\$ _____	PAID TO: Name: _____	Address: _____
	Vacation/ Holiday	\$ _____	PAID TO: Name: _____	Address: _____
	Training and/or Other	\$ _____	PAID TO: Name: _____	Address: _____

Classification:	Effective Date:	Subsistence or Travel Pay: \$ _____
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FRINGE BENEFITS	Health & Welfare	\$ _____	PAID TO: Name: _____	Address: _____
	Pension	\$ _____	PAID TO: Name: _____	Address: _____
	Vacation/ Holiday	\$ _____	PAID TO: Name: _____	Address: _____
	Training And/or Other	\$ _____	PAID TO: Name: _____	Address: _____

Classification:	Effective Date:	Subsistence or Travel Pay: \$ _____
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FRINGE BENEFITS	Health & Welfare	\$ _____	PAID TO: Name: _____	Address: _____
	Pension	\$ _____	PAID TO: Name: _____	Address: _____
	Vacation/ Holiday	\$ _____	PAID TO: Name: _____	Address: _____
	Training And/or Other	\$ _____	PAID TO: Name: _____	Address: _____

Supplemental statements must be submitted during the progress of work should a change in rate of any of the classifications be made.

Submitted: Contractor / Subcontractor	By: Name / Title
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EMPLOYEE AUTHORIZATION FOR PAYROLL DEDUCTION

Employee's Name: _____
(Please print)

I hereby authorize. _____
(Name of Company)

to deduct the following from my payroll check:

Amount of deduction: _____

Start date of deduction: _____

Frequency of deduction: _____

Termination date of deduction: _____

Reason for deduction:

Employee's Signature: _____

Date Signed: _____