



## STATE MAINTENANCE CONTRACT

|  |                                  |              |
|--|----------------------------------|--------------|
| <b>Contract Number:</b>                      | <b>Date Advertised for Bids:</b> | <b>Date:</b> |
| <b>Contract Bid Amount:</b>                  | <b>Contract Duration:</b>        | <b>to</b>    |
| <b>Description of Project:</b>               |                                  |              |
| <b>Labor Compliance Contact Information:</b> |                                  |              |
| <b>Prime Contractor:</b>                     |                                  |              |
| <b>Contract Manager:</b>                     | <b>Pre-job performed by:</b>     |              |

### CONTRACTOR REQUIREMENTS

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

### POSTERS/NOTICES

Contractors are required to post all required state 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 contractor 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*

- Company Equal Employment Opportunity (EEO) policy. *Reference: Contract Provisions*
- Department of Fair Employment and Housing CRD-E07P-ENG (English) and CRD-E07P-SP (Spanish) - *California Law Prohibits Workplace Discrimination and Harassment.*
- Pay Day Notice.
- Notice of Labor Compliance Program Approval, English and Spanish.  
*Reference: California Code of Regulations (CCR) §16429.*

Initials of Prime:

Contract:

**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, owner operators must be paid not less than the specified prevailing wage rates for the type of work performed. *Reference: California Labor Code §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: California Labor Code §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: California Labor Code §1720.9*
- 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. *Reference: California Labor Code §1810-1815*
- 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 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.
- Subsistence/Zone pay must be shown on the fringe benefit statement if not indicated on certified payroll.
  - ⇒ The contractor 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>  
*Reference: California Labor Code §1773.1*
- Contractors 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: California Labor Code §1775 and §1742.1*

## PAYROLL REQUIREMENTS

- All labor compliance documents submitted must be complete, accurate, and require the correct Caltrans contract number:
- Certified payrolls must be completed weekly and documents, including electronic, are due with invoice.  
*Reference: California Labor Code §1771.5*
- Certified payrolls must include ALL information as required by California Labor Code 1776, and the information included on Caltrans form CEM-2502, *Contractor/Subcontractor Payroll*.  
*Reference: 8 CCR §16404; California 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, or a misclassification is identified, Caltrans will determine the wage rate based on duties performed. *Reference: California 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/employees.  
*Reference: California Labor Code §1776*
- All deductions marked “other” (i.e. garnishments, tools, etc.) must be explained on the payroll or the Statement of Compliance. Source 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: California Labor Code §1773.1*
- All contractors 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: California Labor Code §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 contractor and each subcontractor must complete a *Contractor’s Acknowledgement Form* prior to submitting electronic payroll records. **The form can be downloaded at:**  
<https://dot.ca.gov/programs/construction/labor-compliance>
  - ⇒ **Instructions for electronic submittal of certified payroll records can be downloaded at:**  
<https://dot.ca.gov/programs/construction/labor-compliance>
  - ⇒ The prime contractor should require all subcontractors to notify the prime when submitting electronic payroll records.
- Payroll records must be preserved for three years after 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 form DAS-140, *Public Works Contract Award Information*, and DAS-142 *Request for Dispatch of Apprentices* 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:** [Division of Apprenticeship Standards Public Works Information – https://www.dir.ca.gov/das/publicworks.html](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 and step in which they are registered and employed.
- Complaints or violations regarding apprentice ratios will be referred to the DAS. *Reference: 8 CCR §16434*
- Proof of registration in a state-approved apprenticeship program is required and must be submitted with the first payroll on which apprentices appear. *Reference: California Labor Code §1777.5; Contract Provisions*

### 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 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*

### TRUCKING

- On hauling of materials used for paving, grading, and fill when the individual driver's work is integrated into the flow process of construction requires the payment of prevailing wages. *Reference: Labor Code §1720.3*
- Off haul of refuse, including but not limited to soil, sand, gravel, rocks, concrete, asphalt, excavation materials, and construction debris, from the site to an outside disposal location requires the payment of prevailing wages. *Reference Labor Code §1720.3*
- 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/stockpiles for this project? Yes  No   
If so, location/locations:

### ADDITIONAL CONTRACT INFORMATION

- Are there any lane closure restrictions that prevent the prime contractor or any subcontractors from working a normal work week? Yes  No

- ⇒ 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 subcontractor payroll records as indicated in the contract provisions.

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**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

\_\_\_\_\_

Date

\_\_\_\_\_

 Signature (If joint venture, make sure both sign)

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**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:**