



California
**Department of
Conservation**
Performance Review Unit

Public Works Contracting Information

Performance Review Unit

Course Objectives

- ▶ Discuss administrative contract requirements
- ▶ Identify the Contractor requirements for Public Works contracts
- ▶ Ensure attendees have the tools and knowledge to successfully submit Public Work bidding packages to the Department of Conservation



Public Works Information

▶ Definitions

- ▶ An agreement for the erection, construction, alteration, repair, or improvement of any public structure, building, road, or other public improvement of any kind,” (PCC § 1101)
- ▶ A project, for purposes of the State Contract Act (PCC § 10100 et seq.), is defined as the “erection, construction, alteration, repair, or improvement of any State-owned structure, building, road, or other State improvement of any kind with a total cost exceeding an amount periodically adjusted by the Director of Finance (PCC § 10105). The current amount is \$291,000*. Note: Some contracts meet the definition of “public works” under Labor Code section 1720, thereby requiring prevailing wages, but may not meet the definition of public works under Public Contract Code § 1101 and/or the State Contract Act and, therefore, may not be subject to other provisions of the Public Contract Code and this Chapter 10. (See 95 Ops. Cal. Atty. Gen. 102 (2012).)

Administrative Requirements

- ▶ Public Works Requirements:
 - ▶ Prevailing Wages
 - ▶ Submit Certified Payroll Records
 - ▶ Attending Mandatory Pre-Bid Meeting/Site Inspection
 - ▶ Labor Code Certifications
 - ▶ Compliance Requirements
 - ▶ Antitrust Claims
 - ▶ DIR Registration
 - ▶ Payment and Performance Bonds (if applicable)
 - ▶ Additional STD Forms
 - ▶ Additional Federal Special Terms and Conditions

Contractor Requirements

- ▶ Department of Industrial Relations Registration
 - ▶ Greater than \$25,000 for construction, alteration, demolition, installation, or repair work
 - ▶ Greater than \$15,000 for maintenance work
 - ▶ Registration: \$400 and can apply for one, two, or three year fiscal periods
 - ▶ Active registration must be active when bidding, being listed on a bid proposal, contract award, and while working on contract at all times
 - ▶ Violations can range anywhere from \$100 to \$10,000 and also being found guilty of a misdemeanor punishable by imprisonment in county jail not exceeding 60 days

Contractor Requirements Cont.

- ▶ Paying Prevailing Wages to Employees on Contracts Greater than \$1,000 (Labor Code Sections 1771, 1774, and 1813)
 - ▶ Must pay prevailing wages based on current effective date
 - ▶ Rates updated by DIR twice a year on 2/22 and 8/22
 - ▶ Rates go into effective 10 days later on 3/3 for leap years or 3/4 for non leap years and 9/1
 - ▶ Rates decided upon which effective date is current when the bid is advertised

Contractor Requirements Cont...

- ▶ Division of Apprenticeship Standards
 - ▶ Contractor needs to comply with DAS requirements and within the correct apprenticeable craft
 - ▶ Apprentices must be employed in a minimum ration of 1 apprentice hour for every 5 journeyman hours for each separate craft employed on the project
 - ▶ Contactor must pay appropriate training fund contributions to the California Apprenticeship Council as required under Labor Code Sections 1174 and 1775.5
 - ▶ Penalties are \$100 per violation per day for first time violations and \$300 per violation per day for subsequent violation

Contractor Requirements Cont...

- ▶ Maintain and Furnish Certified Payroll Records (Labor Code 1771.4(a)(3) and 1776)
 - ▶ All contractor and subcontractor(s) must keep accurate payroll records
 - ▶ Records must have required information as shown on DSLE A-1-131 Public Works Payroll Form
 - ▶ All contractor and subcontractor(s) must furnish electronic certified payroll records directly to the Labor Commissioner

Contractor Compliance Requirements

- ▶ Posting of current Prevailing Wage Rates at jobsite
- ▶ Posting of other documents:
 - ▶ Pay Day Notice ([DLSE 8](#))
 - ▶ “California Law Prohibits Workplace Discrimination and Harassment” Poster ([DFEH E07P\(A\)](#))
 - ▶ Equal Employment Opportunity is THE LAW ([EEOC-P/E-1](#))
 - ▶ Job Safety and Health – It’s the law! ([OSHA 3165](#))
 - ▶ Employee Rights Under the Davis-Bacon Act ([WH 1321](#))

Helpful Resources

- ▶ Department of Industrial Relations (DIR) Website
 - ▶ [Prevailing Wage Requirements and Information](#)
 - ▶ [Prevailing Wage Journeyman Rates](#)
 - ▶ [Prevailing Wage Apprentice Rates](#)
 - ▶ [Prevailing Wage Frequently Asked Questions](#)
 - ▶ [Contractor Responsibilities](#)
 - ▶ [Contractor Registration](#)
 - ▶ [Certified Payroll Record Submission](#)
- ▶ [SB/DVBE Certification](#)
- ▶ [DIR Prevailing Wage Training and Tutorials](#)



If you have any questions, please contact:
ServiceContracts@conservation.ca.gov