



The Solís Group

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Presenter: Gonzalo Armijos, TSG Project Manager



Definition of Public Works



Public works in general means:

- Construction, alteration, demolition, installation, or repair work done under contract and paid **in whole or in part out of public funds**.
- It can include preconstruction and post-construction activities related to a public works project.
- For a full definition of public works refer to Labor Code section 1720.

Anyone working on a public works project must be paid prevailing wages as determined by DIR. Projects of \$30,000 or more must meet DIR's apprenticeship requirements. Failure to comply with public works requirements can result in civil penalties, criminal prosecution, or both.

Labor Compliance/Prevailing Wage for Public Works Projects

What you should know – an overview

- Awarding body responsibilities
- Funding source requirements
- Contractor registration
- Compliance monitoring, tracking, and enforcement
- Skilled and Trained Workforce

Definition of Awarding Body



An awarding body is the entity that awards a contract for public works and is sometimes known as the project owner. The awarding body can be any kind of public agency (state, county, city, school board, water district, etc.) or a private entity using public funds (Labor Code, section 1722).

Definition of Prevailing Wage

Labor Code § 1771

Prevailing wage must be paid to all workers employed on public works projects that are:

- Over \$1,000 / Over \$2,000 (DOL Davis Bacon)
- For which the work is performed under contract
- Not applicable to work carried out by public agency with own forces (force account)
- Applies to contracts let for maintenance work

Awarding Body Responsibilities

as defined by



- Register your project with the DIR
- Obtain Prevailing Wage Rates for bid documents
- Require Proof of contractor registration
- Require jobsite postings
- Ensure prevailing wage payments to workers
- Report suspected violations to Labor Commissioner

Funding Sources

State

- Prop 84 – Storm Water Grant Program (SWGP)

https://www.waterboards.ca.gov/water_issues/programs/grants_loans/swgp/prop84/

- Labor Compliance Program Requirements

Federal

- Clean Water State Revolving Fund (CWSRF)

https://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/

- The Davis-Bacon and Related Acts, apply to contractors and subcontractors performing on federally funded or assisted contracts in excess of \$2,000 for the construction, alteration, or repair (including painting and decorating) of public buildings or public works.

Wage Determinations

State

- DIR
 - Bid Advertised Date
 - 2 determinations per year
 - <https://www.dir.ca.gov/OPRL/DPreWageDetermination.htm>

Federal

- DOL
 - Bid opening date
 - Incorporate mods beyond 10 days
 - After 90 days
 - <https://www.wdol.gov/archdba.aspx>

Compliance Monitoring, Tracking, and Enforcement

- Document Submittal Schedule
- Pre-bid activities
- Pre-construction activities
- DAS requirements
- Payroll records auditing
- Field/worker site interviews
- Skilled and Trained Workforce
- Complaints

Skilled and Trained Workforce

Public Contract Code § 2600

- All workers performing work in an **apprenticeable occupation** in the building and construction trades are either **skilled journeypersons or apprentices registered in an apprenticeship program.**
- For work performed after January 1, 2019, **at least 50 percent** of the skilled journeypersons...employed by every contractor and subcontractor at every tier **are graduates of an apprenticeship program.**

Online Resources

- Public Works definition: Labor Code § 1720
 - http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=1720.
- DIR Public Works page: <https://www.dir.ca.gov/Public-Works/PublicWorks.html>
- DIR Public Works FAQ: <https://www.dir.ca.gov/Public-Works/PublicWorksSB854FAQ.html>
- Prevailing Wage definition: Labor Code § 1771
 - http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=1771.&lawCode=LAB
- Federal Davis-Bacon & Related Acts: U.S. Dept. of Labor
 - <https://www.dol.gov/whd/govcontracts/dbra.htm>
- Skilled and Trained Workforce: Public Contract Code § 2600
 - https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=PCC&division=2.&title=&part=1.&chapter=2.9.&article=

Questions?

Give us a call or send an email.

(626) 685-6989

marketing@thesolisgroup.com

www.thesolisgroup.com

Thank you!

