

## Contractor Fringe Benefit Statement

Contract # / Project Name:	Project Location:	Today's Date:
Contractor / Subcontractor Name:		Business Address:

In order that the proper Prevailing Wage Rates can be verified when checking payrolls on the above project, the **hourly rates** for fringe benefits, subsistence and/or travel allowance payments to employees, of the various classes of work, are to be tabulated below.

Classification:	Bid Advertisement Date:	Subsistence or Travel Pay:
<b>Base Rate:</b>		
Employer Payments	Health & Welfare \$	PAID TO: Name: _____ Address: _____
	Pension \$	PAID TO: Name: _____ Address: _____
	Vacation/Holiday \$	PAID TO: Name: _____ Address: _____
	Other \$	PAID TO: Name: _____ Address: _____
	Training \$	PAID TO: Name: _____ Address: _____

Classification:	Bid Advertisement Date:	Subsistence or Travel Pay:
<b>Base Rate:</b>		
Employer Payments	Health & Welfare \$	PAID TO: Name: _____ Address: _____
	Pension \$	PAID TO: Name: _____ Address: _____
	Vacation/Holiday \$	PAID TO: Name: _____ Address: _____
	Other \$	PAID TO: Name: _____ Address: _____
	Training \$	PAID TO: Name: _____ Address: _____

**Revised fringe benefit statements must be submitted during the progress of work if a change in any rate of pay for any work classification is made.**

Submitted: Contractor / Subcontractor Name	Title / Position
--	------------------

# ATTACHMENT A

## CHECKLIST OF LABOR LAW REQUIREMENTS TO REVIEW AT JOB CONFERENCE MEETINGS

(Pursuant to Title 8, Section 16421 of the California Code of Regulations)

NAME (print) \_\_\_\_\_ Date \_\_\_\_\_

COMPANY \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_ Fax # \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Project Manager \_\_\_\_\_ Superintendent/Foreman \_\_\_\_\_

Certified Payroll \_\_\_\_\_ Phone/Ext. \_\_\_\_\_

Contractor License No. \_\_\_\_\_ Exp. Date \_\_\_\_\_ Specialty License No. \_\_\_\_\_

Self-Insured Certificate No. \_\_\_\_\_ Workers Comp. Policy No. \_\_\_\_\_

Project Name \_\_\_\_\_ Project #/Bid Package# \_\_\_\_\_

School District \_\_\_\_\_ Advertisement Date: \_\_\_\_\_

If sub-contracting, list your Prime / General Contractor \_\_\_\_\_

**CONTRACT AWARD AMOUNT:** \_\_\_\_\_

The federal and state labor law requirements applicable to the contract are composed of, but not limited to, the following:

**1. Payment of Prevailing Wage Rates**

The contractor to whom the contract is awarded and its subcontractors hired for the public works project are required to pay not less than the specified general prevailing wage rates to all workers employed in the execution of the contract. Labor Code Section 1770 et seq.

The contractor is responsible for ascertaining and complying with all current general prevailing wage rates for crafts and any rate changes that occur during the life of the contract. Information on all prevailing wage rates and all rate changes are to be posted at the job site for all workers to view. Additionally, current wage rate information can be found at the DLSR web site, ([http://www.dir.ca.gov/dlsr/statistics\\_research.html](http://www.dir.ca.gov/dlsr/statistics_research.html)).

**2. Apprentices**

It is the duty of the contractor and subcontractors to employ registered apprentices on the public works project and to **comply with all aspects of Labor Code Section 1777.5, relating to Apprentices on Public Works.**

**3. Penalties**

There are penalties required for contractor's/subcontractor's failure to pay prevailing wages and for failure to employ apprentices, including forfeitures and debarment under Labor Code Sections 1775; 1776; 1777.1; 1777.7 and 1813.

**4. Certified Payroll Reports**

Under Labor Code Section 1776, contractors and subcontractors are required to keep accurate payroll records showing the name, address, social security number and work classification of each employee and owner performing work; also the straight time and overtime hours worked each day for each week, the fringe benefits, and, the actual per diem wage paid to each owner, journey person, apprentice worker or other employee hired in connection with the public works project.

Each contractor and subcontractor shall submit its certified payroll reports to the District LCPR *on a weekly basis*. The certified LCP payroll records shall be on forms provided by the Kern County Superintendent of Schools Labor Compliance Program OR the Division of Labor Standards Enforcement Form A 1-131 - <http://www.dir.ca.gov/dlse/DLSEFormA-1-131.pdf> with an enhanced Statement of Compliance.

Prime Contractors are responsible for submittal of their payrolls and those of their respective subcontractors as one package. Any payroll not submitted in the proper form will be rejected. In the event that there has been no work performed during a given week, the Certified Payroll Report shall be annotated: "No work" for that week or a Non-Performance Statement must be submitted.

Employee payroll records shall be certified and shall be made available for inspection at all reasonable hours at the principal office of the contractor/subcontractor, or shall be furnished to any employee, or his/her authorized representative on request, pursuant to Labor Code Section 1776.

Under Labor Code Section 1776(g) there are penalties required for contractor's/subcontractor's failure to maintain and submit copies of certified payroll records on request.

**5. Nondiscrimination in Employment**

There exist prohibitions against employment discrimination under Labor Code Sections 1735 and 1777.6, the Government Code, the Public Contracts Code, and Title VII of the Civil Rights Act of 1964.

**6. Kickbacks Prohibited**

Contractors and subcontractors are prohibited from recapturing wages illegally by accepting or extracting "kickbacks" from employee wages under Labor Code Section 1778.

**7. Acceptance of Fees Prohibited**

There exists a prohibition against contractor/subcontractor acceptance of fees for registering any person for public work under Labor Code Section 1779; or for filling work orders on public works contracts pursuant to Labor Code Section 1780.

**8. Listing of Subcontractors**

All prime contractors are required to list properly all subcontractors hired to perform work on the public works projects covering more than one-half of one percent, pursuant to Government Code Section 4104.

**9. Proper Licensing**

Contractors are required to be licensed properly and to require that all subcontractors be properly licensed. Penalties are required for employing workers while unlicensed under Labor Code Section 1021 and under the California Contractor License Law found at Business and Professions Code Section 7000 et seq.

**10. Unfair Competition Prohibited**

Contractors/Subcontractors are prohibited from engaging in unfair competition as specified under Business and Professions Code Sections 17200 to 17208.

**11. Workers Compensation Insurance**

Labor Code Section 1861 requires that contractors and subcontractors be insured properly for Workers Compensation.

**12. OSHA**

Contractors and subcontractors are required to abide by the Occupational, Safety and Health laws and regulations that apply to the particular construction project.

**13. Proof of Eligibility/Citizenship**

The federal prohibition against hiring undocumented workers, and the requirement to secure proof of eligibility/citizenship from all workers is required.

**14. Itemized Wage Statement**

Labor Code Section 226 requires that employees be provided with itemized wage statements.

**Certification:**

**I acknowledge that I have been informed and am aware of the foregoing requirements and that**

**I am authorized to make this certification on behalf of \_\_\_\_\_  
(Company Name)**

**I fully understand that failure to comply with any of the above requirements may subject me, or my company, to penalties as provided above.**

For the Contractor:

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

For the LCP:

\_\_\_\_\_  
Kern County Superintendent of Schools (3rd Party LCP) (Date)

## 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: <http://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 YOUR COMPANY	CONTRACTOR'S STATE LICENSE NO
MAILING ADDRESS- NUMBER & STREET, CITY, ZIP CODE	AREA CODE & TELEPHONE NO.
NAME & ADDRESS OF PUBLIC WORKS PROJECT	DATE YOUR CONTRACT EXECUTED
	DATE OF EXPECTED OR ACTUAL START OF PROJECT
NAME & ADDRESS OF PUBLIC AGENCY AWARDDING CONTRACT	ESTIMATED NUMBER OF JOURNEYMEN HOURS
	OCCUPATION OF APPRENTICE
THIS FORM IS BEING SENT TO: (NAME & ADDRESS OF APPRENTICESHIP PROGRAM(S))	ESTIMATED NUMBER 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*

1.  We are already approved to train apprentices by the \_\_\_\_\_  
Apprenticeship Committee. We will employ and train under their Standards. Enter name of the Committee
  
2.  We will comply with the standards of \_\_\_\_\_  
Apprenticeship Committee for the duration of this job only. Enter name of the Committee
  
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 direct supervision of journeyman/men.

*Signature*

*Date*

*Typed Name*

*Title*

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

## REQUEST FOR DISPATCH OF AN APPRENTICE

### Do not send this form to DAS

You may use this form to request dispatch of an apprentice from the Apprenticeship Committee in the craft or trade in the area of the public work. Go to: <http://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.

Date: \_\_\_\_\_

To Applicable Apprenticeship Committee: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Contractor Requesting Dispatch: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Person making request: \_\_\_\_\_

Number of Apprentice(s) Needed \_\_\_\_\_ Craft or Trade \_\_\_\_\_

Date Apprentice(s) to Report: \_\_\_\_\_ (48 hours notice required)

Name of Person to Report to: \_\_\_\_\_

Address to Report to  
if different from above: \_\_\_\_\_

Time to Report: \_\_\_\_\_

You may use this form, or make a verbal or written request, to ask for the dispatch of an apprentice. Please take note of California Code of Regulations, Title 8, § 230.1 (a) which says in part: *if in response to a written request an Apprenticeship Committee does not dispatch any apprentice to a contractor who has agreed to employ and train apprentices in accordance with either the Apprenticeship Committee's Standards or these regulations within 72 hours of such request (excluding Saturdays, Sundays and holidays) the contractor shall not be considered in violation of this section as a result of failure to employ apprentices ...*

# Statement of Compliance

Date: \_\_\_\_\_

Payroll Number: \_\_\_\_\_

Contract Number: \_\_\_\_\_

I, \_\_\_\_\_, under penalty of perjury, do hereby state:

(Name of Signatory Party)

(Title)

(1) That I pay or supervise the payment of the persons employed by \_\_\_\_\_ on the

\_\_\_\_\_ Public Works Project, that during the payroll period commencing

\_\_\_\_\_ and ending \_\_\_\_\_, 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 the above named construction firm/contractor/individual from the full weekly wages earned by any person and that no deductions have been made either directly or indirectly from the full wages earned by any person, other than permissible deductions as defined in the California Labor Code, Division 2, Part 7, Chapter 1 (Public Works Sections 1720 through 1861) and/or described below:

(2) That the payrolls, under this Public Works Project, required to be submitted for the above period are true, correct and complete; that the wage rates for laborers and 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 therein for each laborer or mechanic conform with the work performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide apprenticeship program registered with the state apprenticeship agency and that training contributions are/will be made pursuant to California Labor Code Section 1777.5

(4) That:

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

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 or will be made to the appropriate programs for the benefit of such employees, except as noted in Section 4 (c) below.

(b) **WHERE FRINGE BENEFITS ARE PAID IN CASH**

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 benefits as listed in the contract, except as noted in Section 4 (c) below:

(c) **EXCEPTIONS**

REMARKS

NAME AND TITLE	SIGNATURE

The willful falsification of any of the above statements may subject the Firm/Contractor/Subcontractor/Individual to civil or criminal prosecution under California Laws.

## STATEMENT OF NON-PERFORMANCE

Payroll No.: \_\_\_\_\_

Date: \_\_\_\_\_

Bid Package No.: \_\_\_\_\_

Name of Contractor: \_\_\_\_\_

I do hereby state that no persons were employed on the construction site of

Project: \_\_\_\_\_

during the payroll period commencing on the \_\_\_\_\_ day of \_\_\_\_\_, 2007

and ending on the \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Signature of authorized person

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

Final Payroll:      Yes      No

This statement is not required to be submitted until after submission of the initial payroll report. It must then be submitted by the contractor for each week, in place of a certified payroll, where no work is performed until the final certified payroll is submitted.

