

Department of Industrial Relations Labor Commissioner's Office

SB 854 – Public Works Contractor Registration Program

State of California



Benefits of SB 854

- Public Owners will not be billed $\frac{1}{4}$ of one percent of their bond proceeds or pay $\frac{1}{4}$ of one percent on certain design build projects
- Labor Commissioner will focus enforcement activities on egregious behaving contractors
 - Increase Debarments and criminal actions against bad acting contractors
- Law abiding contractors will be able to compete
- Technical opportunities
 - New electronic Certified Payroll Records
 - Website Portal to allow Public Works Stakeholders to see redacted CPRs
 - Data driven wage determination system
 - Enhanced PWC 100 that is easier to use
 - Use of Electronic Data Interfaces



SB 854- Public Works Contractor Registration

- Law went into **effect on June 20, 2014**
- Funding Bill to pay for Public Works Enforcement for the Labor Commissioner's office and other Department of Industrial Relations public works functions: **Authority set at \$11.4 million**
- Address the Underground Economy
 - Estimated between \$100-\$200 billion in California
- SB 854 requires contractors to be in good standing
- DLSE emphasis will be going after the bad acting contractor hurting the industry as a whole



Who is DIR and How Does the Labor Commissioner Fit in with DIR?

- Director's Office
 - Office of Policy, Research and Legislation, formerly known as the Division of Labor Statistics and Research
 - Legal Unit
- **Labor Commissioner's Office**, also known as Division of Labor Standards Enforcement
- Division of Apprenticeship Standards
- Cal-OSHA, also known as the Division of Occupational Safety and Health
- Division of Workers' Compensation
- Other various offices, boards and commissions

Labor Commissioner's Office

- Wage Claim Adjudication Unit
- Retaliation Complaint Investigations
- Bureau of Field Enforcement
 - Field Enforcement- all industries
 - **Public Works Enforcement**
 - Criminal Enforcement
- Licensing and Registration Unit



Public Works

Division of Labor Standards Enforcement (aka Labor Commissioner)

- Public Works Contractor Registration [New]
- Project Registration (PWC-100)
- Field Monitoring (Certified Payroll review, Confirmation, Site Visits)
- Enforcement of Prevailing Wage and Apprenticeship Requirements and other Labor Laws





Worker Misclassification



Refinery Safety

Workers' Comp Reform

Fighting the Underground Economy

Heat Illness Prevention

Misclassification of Workers

Workers

- [File a claim for unpaid wages](#)
- [Report unsafe work conditions](#)
- [Request benefits for a work injury](#)
- [Work permits](#)
- [Apply to be an apprentice](#)
- [Information for young workers](#)

[More for Workers](#)

Employers

- [Keep your workplace safe](#)
- [Workers' compensation requirements](#)
- [Help for small businesses](#)
- [Workplace postings](#)
- [Licensing, registrations, certifications & permits](#)
- [Public works projects](#)
- [Set up an apprenticeship program](#)

[More for Employers](#)

SB 863 [Workers' Comp Reform](#)

[Public Works projects](#)

[Divisions, Boards and Commissions at DIR](#)

- ▶ [Public Safety](#)
- ▶ [Get DIR email updates](#)
- ▶ [Industrial Relations Databases](#)

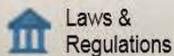
- ▶ [Title 8 Regulations](#)
- ▶ [New Laws - Industrial Relations](#)

Office of Governor
Edmund G. Brown Jr.
[Visit his Website](#)



Secretary
David M. Lanier
Labor & Workforce Development Agency

Director of Industrial Relations
Christine Baker
[View her Biography](#)



Laws & Regulations



Public Participation



Clean Energy Jobs



Public Works

Home page for Public Works

[Contractor Debarment](#)

[Public Works Enforcement](#)

[Laws, Regulations,
Determinations & Decisions](#)

[Forms & Publications](#)

[File a public works complaint](#)

Public Works

Public works refers to construction, alteration, demolition, installation, or repair work (including maintenance) done under contract and paid by public funds. Public works projects do not include those done by a public agency with its own employees.

With minor exceptions, all workers employed on public works projects must be paid the prevailing wage determined by the Director of the Department of Industrial Relations according to the type of work and location. The [prevailing wage rates](#) are usually based on rates specified in collective bargaining agreements.

The Director of DIR also makes coverage determinations, hears enforcement appeals, and oversees labor compliance programs, while the Labor Commissioner is responsible for all compliance monitoring, investigations, and enforcement.

- ▶ [Contractor Registration](#)
- ▶ [Awarding Body - Electronic Certified Payroll Records](#)
- ▶ [Contractor - Electronic Certified Payroll Records](#)
- ▶ [Public Works Projects Registration \(PWC-100\)](#)
- ▶ [Public Works Manual](#) 
- ▶ [Contact Us](#)

Contractor Registration

Beginning July 1, 2014, contractors must register and meet requirements using the [online application](#) before bidding on public works contracts in California. The application also provides agencies that administer public works programs with a [searchable database](#) of qualified contractors. Application and renewal are completed online with a non-refundable fee of \$300. Read the [fact sheet](#) for a complete list of requirements.



[Instructions for completing the form](#)

Project Registration

The agency awarding the contract for a public works project must notify DIR within five days by completing the [PWC-100 form](#) online. This requirement now applies to all public works projects that are subject to the prevailing wage requirements of the Labor Code, regardless of size or funding source.

Registration

- ▶ [Contractor Registration](#)
- ▶ [Electronic Certified Payroll Records for Awarding Body](#)
- ▶ [Electronic certified payroll records\(eCPR\) for contractors](#)
- ▶ [Public Works projects registration](#)

 **SB 854**
[Important Information for Awarding Bodies](#)

 **Awarding Bodies** learn more about the
[Labor Compliance Program](#)

 **Apprentices** learn more about the
[Apprenticeship Public Works Program](#)

 **Contact Us**
[For questions about Public Works](#)

Databases

- ▶ [Civil wage and penalty assessments and judgments database](#)
- ▶ [Contractor debarments databases](#)
- ▶ [Contractor registration searchable database](#)
- ▶ [Public works projects searchable database](#)

Department of Industrial Relations (DIR)

Public Works

[Home page for Public Works](#)

[Contractor Debarment](#)

[Public Works Enforcement](#)

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Project Registration

Public Works under the Labor Code

Under the California Labor Code,

“[P]ublic works means: Construction, alteration, demolition, installation, or repair work done under contract and paid for in whole or in part out of public funds, . . .” (Section 1720(a)(1))



Public Works under the Labor Code

“Except for public works projects of one thousand dollars (\$1,000 or less, not less than the general prevailing rate of per diem wages for work of a similar character in the locality in which the public work is performed...

“This section is applicable only to work performed under contract, and is not applicable to work carried out by a public agency with its own forces. This section is applicable to contracts let for **maintenance work.**” (Section 1771)

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The new registration program applies to all public works, as defined by the Labor Code



New Public Works Contractor Registration Law



- The Labor Commissioner's office will be responsible for registering contractors for public works
- Annual fees began on July 1, 2014, at the initial rate of \$300
- Registration good for fiscal year (through 6/30/15); renewed annually
- Contractors will need to meet minimum qualification standards



Public Works Contractor Requirements

In order to register with DLSE, contractors must:

- Certify or provide proof of workers compensation insurance
- Have no outstanding liabilities for wages, damages, interest, fines or penalties due to an employee or the state
- Good Standing: Cannot be under federal or state debarment from performing public works
- Have a valid Contractor's license if necessary for your trade
- After registration becomes mandatory (*next slide*) no bids or work without registration – for first violation in 12 month period may pay \$2000 penalty to register



Timing of the New Registration Law

July 1, 2014 – Registration and fees began

March 1, 2015 – Contractors must be registered in order to bid on public works projects

April 1, 2015 – Contractors must be registered to be awarded a public works project and to submit certified payroll records to the Labor Commissioner

January 1, 2016 -- All public works contractors must furnish certified payroll records (online) to the Labor Commissioner with some exceptions



Timing of the New Registration Law- ABs

June 20, 2014 – Awarding bodies must provide Notice to DIR on all projects (PWC-100)



January 1, 2015- All bid/contract documents must contain language found in Labor Code Section 1771.1(a)



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Labor Code Section 1771.1(a)

A contractor or subcontractor shall not be qualified to bid on, be listed in a bid proposal, subject to the requirements of Section 4104 of the Public Contract Code, or engage in the performance of any contract for public work, as defined in this chapter, unless currently registered and qualified to perform public work pursuant to Section 1725.5. It is not a violation of this section for an unregistered contractor to submit a bid that is authorized by Section 7029.1 of the Business and Professions Code or by Section 10164 or 20103.5 of the Public Contract Code, provided the contractor is registered to perform public work pursuant to Section 1725.5 at the time the contract is awarded.



Public Works Contractor Registration Affidavit

Contractor Information

Legal Entity Information

Workers Compensation

Contractor Certification

Payment Method

Contractor Legal Name:

Contractor Legal Entity:

Please Select One

Contractor Trade Name or doing business as (DBA)

Rows 1 to 1 of 1	
Trade Name	
<input type="text"/>	<input type="button" value="Add Another"/> <input type="button" value="Remove"/>

CSLB and/or Professional License Number(s)

Rows 1 to 1 of 1	
License Type	License Number
Please Select One	<input type="text"/>
	<input type="button" value="Add Another"/> <input type="button" value="Remove"/>

Contractor Mailing Address

Street Address

City

State

Select State

Zip Code

Contractor Physical Address

Same as mailing address:

Street Address

City

State

Select State

Zip Code

Email Address



Public Works Contractor Registration Search

This is a listing of current and active contractor registrations pursuant to Division 2, Part 7, Chapter 1(commencing with section 1720) of the California Labor Code.

Enter at least one search criteria to display active registered public works contractor(s) matching your selections.

Registration Number:

Contractor Legal Name:

[Contractor License Lookup](#)

License Number:

Public Works Contractor Registration Web Search Results

No Registered Contractors to display



What if a contractor fails to register?

- Ineligible to bid on public works (with exceptions for joint ventures and federally-funded projects if qualified at time of award)
- Ineligible to work on public works
- For first violation in 12-month period, may pay \$2000 to register if otherwise qualified
- For inadvertent lapsed renewal, 90 day grace period to pay double fee to re-register



Failure to register (continued)

- Right to appeal if registration denied or revoked [procedure still in development]
- Inadvertent listing of unregistered subcontractor on bid doesn't invalidate bid and may be cured
- Failure to register is grounds for substituting subcontractors
- Contract with unregistered contractor or subcontractor subject to cancellation but not void
- Where project bid as private work but later found to be public work, may register without penalty

PWC-100 Project Award Notice

- On-line Notice application used by Awarding Bodies to provide the Department of Industrial Relations (DIR) Notice of Public Works Projects at <https://www.dir.ca.gov/pwc100ext/>
- New Law: Awarding Bodies will be required to provide notice to DIR on all projects within five days of project award

Electronic Certified Payroll Uploads for Contractors

- On DIR website at <https://apps.dir.ca.gov/eCPR/DAS/altlogin>
- Contractors must upload on all new public works projects beginning April 1, 2015
- Contractors must upload on all public works projects, new or ongoing, beginning January 1, 2016
- Exceptions for projects monitored by:
 - DIR-approved legacy Labor Compliance Programs
 - Project Labor or Stabilization Agreements





Electronic Certified Payroll Records - Contractors

Welcome to the new online CMU Payroll Records Application.

- First time users will need to setup their account using the "First Time User button".
- You will need your Contractor ID (CSLB# or Professional #) to create an account.

The PWC 100 is an online notification system that requires public agencies to submit detailed public works project information (Awards) to the Department of Industrial Relations (DIR). Once the Award is in the system, Contractors will need to report their Certified Payroll Records.

Contractors will be able to upload Certified Payroll Records (CPRs) and Statements of Employer Payments (PW 26) through the eCPR application using PDF format. Prime contractors will be able to add their subcontractors to an Award so that subcontractors can upload their CPRs using the eCPR application. In order to upload CPRs and other payroll documents, contractors must be associated with one or more Awards.

If you have any questions, please contact CMU at PWC100@dir.ca.gov

Sign In

Email Address:

Password:

Remember me on this computer

To create an account please select the First Time User button above.