

Prevailing Wage Required Provisions

- (1) The Vendor shall comply with all applicable provisions of the California Labor Code, Division 2, Part 7, Chapter 1, Articles 1 - 5, including, without limitation, the payment of the general prevailing per diem wage rates for public work projects of more than one thousand dollars (\$1,000). Copies of the prevailing rate of per diem wages are on file with the Court. In addition, the Vendor and each subcontractor shall comply with Chapter 1 of Division 2, Part 7 of the California Labor Code, beginning with section 1720, and including section 1735 forbidding discrimination, and section 1776 pertaining to payroll records, and sections 1777.5 and 1777.6 concerning the employment of apprentices by Vendor or subcontractors. Willful failure to comply may result in penalties, including loss of the right to bid on or receive public works contracts.
- (2) The Vendor and all subcontractors shall pay all workers on work performed pursuant to this Order not less than the general prevailing rate of per diem wages and the general prevailing rate for holiday and overtime work as determined by the Director of the Department of Industrial Relations, State of California, for the type of work performed and the locality in which the work is to be performed, pursuant to sections 1770 et seq. of the California Labor Code. Copies of the general prevailing rates of per diem wages for each craft, classification, or type of worker needed to execute the Order, as determined by Director of the State of California Department of Industrial Relations, are on file at the Court's principal office. Prevailing wage rates are also available from the Court or on the internet at (<http://www.dir.ca.gov>).
- (3) Vendor shall comply with the registration and compliance monitoring provisions of Labor Code section 1771.4, including furnishing its certified payroll records to the Labor Commissioner of California and complying with any applicable enforcement by the Department of Industrial Relations. Labor Code section 1771.1(a) states the following:

"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."
- (4) Vendor shall, and shall ensure that all "subcontractors" (as defined by Labor Code section 1722.1) comply with Labor Code section 1725.5, including without limitation the registration requirements with the Department of Industrial Relations that are set forth in Labor Code section 1725.5. Vendor represents to the Judicial Council that all "subcontractors" (as defined by Labor Code section 1722.1) are registered pursuant to Labor Code section 1725.5. Vendor acknowledges that, for purposes of Labor Code section 1725.5, this work is a public work to which Labor Code section 1771 applies.
- (5) This project is subject to compliance monitoring and enforcement by the Department of Industrial Relations. Vendor shall post job site notices, as prescribed by regulation. Vendor shall comply with all requirements of Labor Code section 1771.4, except the requirements that are exempted by the Labor Commissioner for the project.

- (6) Unless otherwise provided in this Order, the Vendor shall provide and pay for all labor, materials, equipment, tools, construction equipment and machinery, water, heat, utilities, transportation, and other facilities and services necessary for proper execution and completion of the work, whether temporary or permanent and whether or not incorporated or to be incorporated in the work. Materials, articles and equipment furnished by the Vendor for incorporation into the work shall be new unless otherwise specified in the Order.
- (7) Workers are limited and restricted to 8 hours during any one calendar day, and 40 hours during any one calendar week except that pursuant to Labor Code section 1815, any work performed in excess of 8 hours per day and 40 hours during any one week, shall be permitted upon compensation for all hours worked in excess of 8 hours per day at not less than 1-1/2 times the basic rate of pay. Pursuant to Labor Code section 1813, the Vendor shall pay the Court twenty five dollars (\$25) as a penalty for each worker for each calendar day worked in violation of the above limitations and restrictions.
- (8) The Vendor shall comply with the provisions of the Labor Code including sections 1770 to 1780, inclusive and specifically Section 1775. In accordance with Section 1775, the Vendor shall forfeit to the Court the statutory amount, (currently not to exceed two hundred dollars (\$200) for each calendar day, or portion thereof), for each worker paid less than the prevailing rates, as determined by the Court, for the work or craft in which that worker is employed for any work done under contract by Vendor or by any subcontractor.
 - (a) The amount of the penalty shall not be less than forty dollars (\$40) for each calendar day, or portion thereof, unless the failure of Vendor or subcontractor was a good faith mistake and, if so, the error was promptly and voluntarily corrected when brought to the attention of Vendor.
 - (b) The amount of the penalty shall not be less than eighty dollars (\$80) for each calendar day or portion thereof, if Vendor or subcontractor has been assessed penalties within the previous three (3) years for failing to meet its prevailing wage obligations on a separate contract, unless those penalties were subsequently withdrawn or overturned.
 - (c) The amount of the penalty may not be less than one hundred twenty dollars (\$120) for each calendar day, or portion thereof, if the Labor Commissioner determines the Vendor or subcontractor willfully violated Labor Code section 1775.
 - (d) The difference between such prevailing wage rates and the amount paid to each worker for each calendar day or portion thereof for which each worker was paid less than the prevailing wage rate shall be paid to each worker by Vendor or subcontractor.
- (9) Wage rates set forth are the minimum that may be paid by the Vendor. Nothing herein shall be construed as preventing the Vendor from paying more than the minimum rates set. No extra compensation whatsoever will be allowed by the Court due to the inability of the Vendor to hire labor at minimum rates, nor for necessity for payment by the Vendor of subsistence, travel time, overtime, or other added compensations, all of which possibilities are elements to be considered and ascertained to the Vendor's own satisfaction in preparing its proposal.
- (10) If it becomes necessary to employ a craft, classification or type of worker other than those listed on-line at <http://www.dir.ca.gov/opri/DPreWageDetermination.htm>, the Vendor shall contact the Division of Labor Statistics and Research to find the appropriate prevailing wage determination. If the Division of Labor Statistics and Research is unable to identify a

determination that is applicable, the Vendor shall notify the Court immediately, and the Court will request a special determination from the Division of Labor Statistics and Research. The rate thus determined shall be applicable from the commencement of the project.

- (11) The Vendor and each subcontractor shall keep an accurate payroll record showing the names, addresses, social security numbers, work classifications, straight time and overtime hours worked each day and week, and the actual per diem wages paid to each journeyman, apprentice, worker, or other employee employed by the Vendor and/or subcontractor in connection with the work. Payroll records shall be certified and shall be on forms provided by the Division of Labor Standards Enforcement, or shall contain the same information as those forms. Upon written request by the Court, the Vendor's and subcontractor's certified payroll records shall be furnished within ten (10) days. The Vendor's and subcontractor's certified payroll records shall be available for inspection at the principal office of the Vendor.
- (12) Vendor shall pay travel and subsistence payments to persons required to execute the work as travel and subsistence payments are defined in applicable collective bargaining agreements filed with the Department of Industrial Relations, pursuant to Labor Code, Sections 1773.1 and 1773.9.
- (13) Vendor acknowledges and agrees that, if this Order involves a dollar amount or any other threshold, if any, greater than those specified in Labor Code section 1777.5, then this Order is governed by the provisions of Labor Code section 1777.5. It shall be the responsibility of Vendor to ensure compliance with Labor Code section 1777.5 for all apprenticeship occupations. If Labor Code section 1777.5 applies, then:

Vendor shall only employ properly registered apprentices in the execution of the work pursuant to this Order. Every apprentice shall be paid the standard wage paid to apprentices under the regulations of the craft or trade at which the apprentice is employed, and shall be employed only at the work of the craft or trade to which the apprentice is registered.