

SKILLED AND TRAINED WORKFORCE REQUIREMENTS

AWARDING BODY RESPONSIBILITIES PURSUANT TO PCC 2600 – 2603

- Obtain an enforceable commitment that a bidder, contractor, or other entity will use a skilled and trained workforce to complete a contract or project. Subcontractors at every tier will comply with the above statutes.
- Contractor will provide to the awarding body on a monthly basis a report demonstrating compliance with the above statutes.
- Awarding body shall withhold due to delinquent or non-compliant reports submitted by contractor and/or subcontractors. The amount withheld shall be equal to 150 percent of the value of the monthly billing for the relevant subcontractor.
- Awarding body may release withholding upon accepting from the non-compliant contractor or subcontractor a “plan to achieve substantial compliance” with the above statutes.
- Retention of monies withheld may continue if the awarding body rejects the plan as insufficient and explains the reasons for the rejection within a reasonable time.
- Awarding body shall resume making payments to contractor including all previously withheld payments, if a contractor substitutes a non-compliant subcontractor pursuant to PCC 4104 with a subcontractor that provides an enforceable commitment that a skilled and trained workforce will be used (PCC 2602 © (1) (B)).
- Forward a copy of the monthly report to the Labor Commissioner for issuance of a civil wage and penalty assessment in accordance with Section 2603.
- Forward a copy of a “plan to achieve substantial compliance” and any response to the plan by the awarding body to the Labor Commissioner.
- A monthly report provided to the awarding body shall be a public record under California Public Records Act and shall be open to public inspection.