

OTHER REQUIREMENTS UNDER THE SAFE DRINKING WATER STATE REVOLVING FUND

The following is a partial list of significant State and federal requirements and limitations that apply to projects which obtain funding from the Safe Drinking Water State Revolving Fund (SDWSRF). The list is not meant to be comprehensive. It merely highlights some of the major requirements for the use of SDWSRF funds.

A. LABOR COMPLIANCE PROGRAM

SDWSRF projects must comply with Public Resources Code Section 75075 regarding labor compliance programs (as such term is defined in California Labor Code Section 1771.5(c), "Labor Compliance Programs"), and all applicable implementing guidelines and regulations adopted by California Department of Industrial Relations (DIR). This Code requires an awarding body to initiate and enforce a Labor Compliance Plan (LCP) for any public works project that receives funding from Proposition 84 (Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006). (The LCP requirements apply as the current State matching funds for the SDWSRF program are from this source.) The LCP is used to ensure that workers employed by contractors on these projects are paid according to minimum labor standards. DIR is the agency enforcing the requirements of the Labor Code. Entities receiving SDWSRF funding **must** contact DIR for information on how to comply with the Labor Code requirements. Information can be found at: <http://www.dir.ca.gov/lcp.asp>

B. FEDERAL WAGE REQUIREMENTS (DAVIS-BACON ACT)

The SDWSRF requires payment of federal prevailing wages. Specifically, Davis-Bacon Act wage rules apply to all assistance agreements made in whole or in part with SDWSRF funds. Section 1606 of the Act states as follows:

"WAGE RATE REQUIREMENTS SEC. 1606. Notwithstanding any other provision of law and in a manner consistent with other provisions in this Act, all laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the Federal Government pursuant to this Act shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code. With respect to the labor standards specified in this section, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code."

Water systems may want to hire a consultant to assist in the implementation, tracking and reporting required for conformance with the Davis Bacon Act. Information regarding the Davis-Bacon provisions can be found at the following web site:

<http://www.dol.gov/whd/contracts/dbra.htm>