

SURGE & DIR Informational Webinar Q&A Document

The following document contains questions asked during the **SURGE & DIR Informational Webinar on 5/29/24**.

To access the webinar PPT slides, click here: [SURGE & DIR Informational Webinar PPT](#)

To access the webinar video, click here: [SURGE & DIR Informational Webinar Video](#)

Upcoming DIR Events:

DIR:

1. **Upcoming DIR Training:** [Prevailing Wage/Labor Compliance Webinar](#)

Speakers from the following agencies:

- The Labor & Workforce Development Agency - Department of Industrial Relations (OD-Legal and the California Labor Commissioner's Office)
- US Department of Labor

SURGE Reminders:

JULY 1ST DEADLINE ALERT: Contractors with a project that began after December 31, 2023, are subject to prevailing wage requirements and must upload copies of Certified Payroll Reports no later than **July 1, 2024**. Failure to meet this deadline may result in interconnection application processing delays.

Click here to register/submit copies of certified payroll reports: [SURGE Compliance Portal](#)

Have Questions?

Contact us at 1-800-549-2143 or email us at info@cpucsurge.org.

For additional information, please visit our website at www.cpucsurge.org.

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SURGE-Related Questions

Q: When will the questions from the last seminar be posted?

A: The questions from the April 29th SURGE Informational Webinar have been posted on the [SURGE Website](#). Please go to the Education Tab and select “Presentations.” The PDF, recording, and Q&A document are all posted here.

Q: What payroll submission responsibility does a contractor have in SURGE if the subcontractor is doing all the prevailing wage work? And can I get copies of the prevailing wage reports that our sub submits?

A: As a Prime contractor, you would be required to register the project with SURGE and provide your subcontractor with the Project Identification Number (PIN). If the work was subcontracted out, you are not required to submit payroll records. Prime contractors will not be able to access their subcontractors’ certified payrolls through SURGE; however, a report can be generated showing if the subcontractor(s) have submitted or not. To obtain copies of a subcontractors’ certified payroll records, a prime contractor can submit a Public Records Request as per Labor Code Section 1776 (b) (3) or pull the eCPRs from the DIR’s system.

Q: So, if we are the project developer and contract out ALL labor we still need to register, but will not submit certified payroll?

A: The project developer, or owner, must register the project with the [DIR](#). Correct, if the prevailing wage labor was contracted out, you do not need to submit certified payrolls; however, the contractor(s) performing the work do.

Contractor registration is required for both prime contractors and subcontractors with the DIR and SURGE. When you register as a Public Works Contractor with the DIR, you will receive a Public Works Contractor Registration (PWCR) number. When you register as a contractor with SURGE, you will receive a Contractor Identification Number (CIN).

For project registration: The Awarding Body, defined by the DIR as “the entity that awards the contracts for public works and is sometimes known as the project owner”, is required to register the project with the DIR. In SURGE, the Prime Contractor is responsible for registering the project.

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Q: From my understanding, SURGE serves as a resource for online support. As a subcontractor, if we handle our registration(s) and all weekly or monthly certify payroll through DIR, why would it be necessary to reenter this through the surge website?

A: The DIR and SURGE are two separate entities, each of which have statutory requirements that need to be complied with. The compliance requirements for SURGE are stated in Public Utilities Code Section 769.2 (b) (1) (2) and (3). The code states: “(b) A contractor who enters into a contract to perform work on a renewable electrical generation facility or associated battery storage described in subdivision (a) shall do all of the following:

- (1) The contractor shall pay each construction worker employed in the execution of the public work, at minimum, the general prevailing rate of per diem wages, except that an apprentice registered in a program approved by the Chief of the Division of Apprenticeship Standards shall be paid, at minimum, the applicable apprentice prevailing rate.
- (2) The contractor shall maintain and verify payroll records pursuant to Section 1776 of the Labor Code and make those records available for inspection and copying as provided in that section. Notwithstanding Section 1776 of the Labor Code, the contractor shall not be required to provide copies of certified payroll records to any entity other than the Department of Industrial Relations and the commission.
- (3) The contractor shall biannually, on July 1 and December 31 of each year, submit to the commission digital copies of its certified payroll records for projects subject to this section. The commission shall retain these records as public records for five years.

Q: Where do the payroll reports submitted on the SURGE Compliance Portal end up? I.E., Who is reviewing them, are they secure? What actions result from uploaded payroll reports.

A: The SURGE team will be reviewing the payroll reports for completion (I.E., ensuring all required fields are filled out, payrolls are accompanied by the Statement of Compliance, etc.). SURGE is not responsible for auditing and/or enforcing wage violations. The SURGE platform is a secure database that will house the payroll submissions for five years as per Public Utilities Code 769.2. The information is only accessible to SURGE Support, the CPUC, and the IOUs. (b). Upon completion of the review, the SURGE team reports the contractor compliance status to the IOUs following each of the AB 2143 deadlines (July 1st and December 31st). If a contractor is found to not have completed the payroll submission to SURGE, the project/property owner is subject to losing the NEM Tariff. (3). Once a certified payroll is submitted in SURGE, contractors will receive a notification if any adjustments or corrections need to be made. Otherwise, there is no further action you need to take.

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Q: Could you please clarify whether the contractor is allowed to submit redacted CPRs to SURGE after completing the DIR upload? SURGE may not require our workers' personal information, or does SURGE require a copy of the full completed A-131 form?

A: Contractors must submit the A-1-131 payroll reporting form and Statement of Compliance to SURGE. The eCPRs from the DIR website will not be sufficient as they do not show all of the required information. For additional information on payroll reporting requirements, please review Labor Code Section 1776.

Q: I am looking at AB 1243 and I cannot find a single thing about "regulatory" compliance for SURGE. Please provide the exact line from AB 1243.

A: The compliance requirements are stated in Public Utilities Code Section 769.2 (b) (1) (2) and (3). The code states: "(b) A contractor who enters into a contract to perform work on a renewable electrical generation facility or associated battery storage described in subdivision (a) shall do all of the following:

- (4) The contractor shall pay each construction worker employed in the execution of the public work, at minimum, the general prevailing rate of per diem wages, except that an apprentice registered in a program approved by the Chief of the Division of Apprenticeship Standards shall be paid, at minimum, the applicable apprentice prevailing rate.
- (5) The contractor shall maintain and verify payroll records pursuant to Section 1776 of the Labor Code and make those records available for inspection and copying as provided in that section. Notwithstanding Section 1776 of the Labor Code, the contractor shall not be required to provide copies of certified payroll records to any entity other than the Department of Industrial Relations and the commission.
- (6) The contractor shall biannually, on July 1 and December 31 of each year, submit to the commission digital copies of its certified payroll records for projects subject to this section. The commission shall retain these records as public records for five years.

Additionally, AB2143 states: "Existing law imposes various requirements on public works projects, as defined, including a requirement that, at minimum, all workers employed on a public works project be paid the general prevailing rate of per diem wages for work of a similar character in the locality in which a public work is performed, as specified. **This bill would apply those public works project requirements** to the construction of any renewable electrical generation facility, and any associated battery storage, after December 31, 2023, that receives service pursuant to the 2nd standard contract or tariff..."

For a comprehensive list of public works requirements, please visit the DIR's Public Works page.

<https://www.dir.ca.gov/Public-Works/PublicWorks.html>

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Q: The requirement to submit certified payroll records is not specified in AB 2143. Where do you find that requirement?

A: The compliance requirements are stated in Public Utilities Code Section 769.2 (b) (1) (2) and (3). The code states: “(b) A contractor who enters into a contract to perform work on a renewable electrical generation facility or associated battery storage described in subdivision (a) shall do all of the following:

- (1) The contractor shall pay each construction worker employed in the execution of the public work, at minimum, the general prevailing rate of per diem wages, except that an apprentice registered in a program approved by the Chief of the Division of Apprenticeship Standards shall be paid, at minimum, the applicable apprentice prevailing rate.
- (2) The contractor shall maintain and verify payroll records pursuant to Section 1776 of the Labor Code and make those records available for inspection and copying as provided in that section. Notwithstanding Section 1776 of the Labor Code, the contractor shall not be required to provide copies of certified payroll records to any entity other than the Department of Industrial Relations and the commission.
- (3) The contractor shall biannually, on July 1 and December 31 of each year, submit to the commission digital copies of its certified payroll records for projects subject to this section. The commission shall retain these records as public records for five years.

Additionally, AB2143 states: “Existing law imposes various requirements on public works projects, as defined, including a requirement that, at minimum, all workers employed on a public works project be paid the general prevailing rate of per diem wages for work of a similar character in the locality in which a public work is performed, as specified. **This bill would apply those public works project requirements** to the construction of any renewable electrical generation facility, and any associated battery storage, after December 31, 2023, that receives service pursuant to the 2nd standard contract or tariff...”

For a comprehensive list of public works requirements, please visit the DIR’s Public Works page: <https://www.dir.ca.gov/Public-Works/PublicWorks.html>

Q: Can you please explain what SURGE does?

A: The Solar-Utilities Reporting, Guidance, and Education (SURGE) initiative is directed by the California Public Utilities Commission (CPUC) to develop a system to collect copies of certified payroll records from renewable electrical generation facilities and any associated battery storage projects pursuant to Public Utilities Code Section 769.2 (SURGE Compliance Portal). SURGE also provides guidance to contractors and other stakeholders to help them smoothly navigate and meet compliance requirements. SURGE offers educational materials, interactive workshops, and informative webinars to help this effort. SURGE also provides support and assistance to contractors and stakeholders through the SURGE hotline (1-800-549-2143) or via email at info@cpucsurge.org.

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Q: Once the prime contractor registers in SURGE, as a sub, will we be able to find the project and connect to upload our CPRs?

A: When a Prime contractor registers a project in SURGE, a Project Identification Number (PIN) will be generated. Prime contractors must share this PIN number with their subcontractors so that the subcontractors can submit their certified payroll records. If you do not have the PIN as a subcontractor, please reach out to the Prime.

Q: What if I'm the subcontractor?

A: As a subcontractor in SURGE, you are required to 1) Complete the Contractor Registration so you will receive your Contractor Identification Number (CIN) and 2) Submit Certified Payroll Records biannually on July 1 and December 31. Subcontractors are not required to register a project in SURGE.

[Payroll Reporting Requirements \(SURGE and DIR\)](#)

Q: Do we submit payroll to the DIR weekly or every 6 months like SURGE?

A: Contractors are required to submit certified payrolls to the DIR monthly as per [Labor Code Section 1771.4 \(3\) \(A\) \(i\) \(ii\)](#).

Q: Update on requirements to report to SURGE and DIR. Do we have to report wages to DIR and comply with all prevailing wage requirements (i.e., apprentice requirements?)

A: Yes, contractors must submit payrolls to both SURGE and the DIR and comply with all public works project requirements. AB 2143 states: "Existing law imposes various requirements on public works projects, as defined, including a requirement that, at minimum, all workers employed on a public works project be paid the general prevailing rate of per diem wages for work of a similar character in the locality in which a public work is performed, as specified. **This bill would apply those public works project requirements** to the construction of any renewable electrical generation facility, and any associated battery storage, after December 31, 2023, that receives service pursuant to the 2nd standard contract or tariff..."

For a comprehensive list of public works requirements, including apprentice requirements, please visit the DIR's Public Works page: <https://www.dir.ca.gov/Public-Works/PublicWorks.html>

Q: Do payroll records have to go to both the DIR and the SURGE Compliance Portal, or will they share and only have to be uploaded once?

A: Payrolls must be submitted to the DIR through the eCPR system and must also be submitted separately to SURGE through the [SURGE Compliance Portal](#).

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DIR Related Questions

Awarding Body Requirements

Q: It is really the DIR's determination that the solar customer needs to register as an awarding body and register their project? How is a laundromat or a carwash supposed to know the various classifications of work that go into solar project? Or do contractors need to register as awarding bodies?

A: Labor Code section 1722 defines “awarding body” as the department, board, authority, officer, or agent awarding a contract for public work. Labor Code section 1773.3 requires an awarding body to register the Project with DIR.

There are various resources available to Awarding Bodies:

- DIR’s Awarding Bodies Page: <https://www.dir.ca.gov/public-works/awarding-bodies.html>
- SB 854 – Important Information for Awarding Bodies: <https://www.dir.ca.gov/public-works/sb854.html>
- Labor Code Section 1722: [Law section](#)
- Labor Code Section 1773: [Law section \(ca.gov\)](#)
- Labor Code Section 1773.2: [Law section \(ca.gov\)](#)
- Labor Code Section 1773.3: [Law section \(ca.gov\)](#)

Additionally, the DIR hosts free prevailing wage trainings and tutorials every year:

https://www.dir.ca.gov/Public-Works/Training_and_Tutorials.html

Lastly, for Awarding Body questions, please email publicworks@dir.ca.gov or call the Labor Commissioner’s Office at 833-526-4626.

Q: Since the DIR has confirmed that contractors can't/shouldn't register a project on behalf of an awarding body. How does that project get a DIR project ID if the customer is not receiving funds from the state/a grant/etc. and prevailing wages are only being paid as a result of AB2143? A project ID is required in order to submit eCPRs to the DIR.

A: Labor Code section 1722 defines “awarding body” as the department, board, authority, officer or agent awarding a contract for public work. Labor Code section 1773.3 requires an awarding body to register the Project with DIR. Once registered, a DIR Project ID will be generated. The Awarding Body is responsible for communicating this information to the Prime Contractor, who in turn, is responsible for communicating the DIR Project ID to all lower-tier subcontractors (as applicable). The fact that there is no public funding (state and/or federal) does not exempt the Awarding Body from the registration requirement because AB 2143 deems these projects as public works project for purposes of Article 2 (commencing with Section 1770) of Chapter 1 of Part 7 of Division 2 of the Labor Code.

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Q: It appears that in the context of AB 2143, the "awarding body" is any business owner in California. E.G., this isn't a public agency. It is every business in California who wants to install solar. That business owner is the contractor's customer. They mostly likely won't have experience with prevailing wage compliance. It would be helpful to provide a way for the contractors to assist the business owners with project registration with the DIR.

A: There are various resources available to Awarding Bodies:

- DIR's Awarding Bodies Page: <https://www.dir.ca.gov/public-works/awarding-bodies.html>
- SB 854 – Important Information for Awarding Bodies: <https://www.dir.ca.gov/public-works/sb854.html>
- Labor Code Section 1773: [Law section \(ca.gov\)](#)
- Labor Code Section 1773.2: [Law section \(ca.gov\)](#)
- Labor Code Section 1773.3: [Law section \(ca.gov\)](#)

Additionally, the DIR hosts free prevailing wage trainings and tutorials every year:

https://www.dir.ca.gov/Public-Works/Training_and_Tutorials.html

Lastly, for Awarding Body questions, please email publicworks@dir.ca.gov or call the Labor Commissioner's Office at 833-526-4626.

Q: As an example, does a homeowner installing >15 kW system need to go on this site as an awarding body and register their project? That seems to be what your slides indicate.

A: Labor Code section 1722 defines "awarding body" as the department, board, authority, officer or agent awarding a contract for public work. Labor Code section 1773.3 requires an awarding body to register the Project with DIR. Review Public Utilities Code section 769.2, subdivision (f), for applicable exemption relating to single-family home.

Q: We signed several AB 21423 eligible contracts with customers months ago. This slideshow said, "Project owner must register the project within 30 days of project award". Does this mean that we are already late?

A: Labor Code section 1773.3 requires project registration no later than the first day in which a contractor has workers employed upon the public work. For more information, visit:

<https://www.dir.ca.gov/Public-Works/Awarding-Bodies.html>

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[Project Registration \(SURGE and DIR\)](#)

Q: Who is required to register a job with the DIR and SURGE? As a contractor, I attempted to register our company to register a DIR job and I received an email 3 weeks later stating "It is not common to find awarding body users with your email domain. We ask that you please confirm that you are an agent or representative of an awarding body." What does this mean?

A: The Awarding Body, defined by the DIR as “the entity that awards the contracts for public works and is sometimes known as the project owner”, is required to register the project with the DIR. In SURGE, the Prime Contractor is responsible for registering the project.

Regarding the email, the DIR is likely trying to determine if you are an Awarding Body as contractors do not register the project with the DIR.

Q: Can a contractor register a project on behalf of the awarding body?

A: Labor Code section 1722 defines “awarding body” as the department, board, authority, officer or agent awarding a contract for public work. The awarding body is required to register the project with DIR.

Q: The major question that needs to be addressed is how do we submit certified payroll records to the DIR and how do projects get registered with the DIR when they are only subject to prevailing wages due to AB2143 and not due to being paid for by gov't funds/public funds. One of the first questions in the DIR portal when submitting payroll is what the Project ID is; however, in order to register a project for a Project ID, you need to provide the applicable public works funding that applies. Will contractors be able to register a project on behalf of their customers? How will we register that project since there isn't a government grant/monies involved?

A: Labor Code section 1722 defines “awarding body” as the department, board, authority, officer or agent awarding a contract for public work. The awarding body is required to register the project with DIR. Typically, the awarding body may be the project owner. Once registered, the awarding body or project owner will provide the prime contractor with the Project ID. The Prime Contractor is responsible for communicating the DIR Project ID to all lower-tier subcontractors (as applicable). Contractors are not allowed to register the project on behalf of the Project Owner. The fact that there is no public funding (state and/or federal) does not exempt the Project Owner from the registration requirement, as AB 2143 deems these projects as public works project for purposes of Article 2 (commencing with Section 1770) of Chapter 1 of Part 7 of Division 2 of the Labor Code.

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Q: Does the prime need to register the project with SURGE and DIR?

A: Labor Code section 1722 defines “awarding body” as the department, board, authority, officer or agent awarding a contract for public work. The awarding body is required to register the project with DIR. In SURGE, the Prime Contractor is responsible for registering the project.

Q: Will the project owner register the project on DIR as a public work?

A: Labor Code section 1722 defines “awarding body” as the department, board, authority, officer or agent awarding a contract for public work. The awarding body is required to register the project with DIR. In SURGE, the Prime Contractor is responsible for registering the project.

Q: You've said that the contractor registers with SURGE, and the project owner registers with the DIR. Does this mean that the contractor doesn't register with DIR, only with SURGE?

A: **Contractor Registration** is required for both prime contractors and subcontractors with the DIR and SURGE. When you register as a Public Works Contractor with the DIR, you will receive a Public Works Contractor Registration (PWCR) number. When you register as a contractor with SURGE, you will receive a Contractor Identification Number (CIN).

For **Project Registration**: Labor Code section 1722 defines “awarding body” as the department, board, authority, officer or agent awarding a contract for public work. The awarding body is required to register the project with DIR. In SURGE, the Prime Contractor is responsible for registering the project.

Q: Question for the DIR. If a project is federally funded does the Awarding Body require registering their project with the DIR? If not, how does a contractor submit certified payroll without the project assigned DIR number?

A: Per the DIR’s Frequently Asked Questions on Public Works page:

“7: If an awarding body is awarded a contract directly by a federal agency, must it comply with California public works law?”

A: The awarding body must pay careful attention to whether the project is administered and controlled by the federal agency, or the federal agency is only providing financial support or assistance to a project under the direction and control of a state or local agency. California's prevailing wage requirements do not apply to projects awarded by and under the complete control of the federal government. However, federally funded, or assisted projects that are controlled or carried out by awarding bodies in California, including most highway construction projects, are subject to the state's prevailing wage laws. Those projects must comply with state requirements, including contractor and project

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registration, reporting certified payroll records, and payment of California's prevailing wage rates, if they exceed corresponding Davis-Bacon rates.”

To visit the FAQ Page please use the link below and see item 7 under “Awarding Bodies”:

[Public Works Frequently Asked Questions \(ca.gov\)](#)

Apprenticeship Questions:

Q: What apprentice requirements are there?

A: An A.B. 2143 project is a “public works project for purposes of Article 2 (commencing with Section 1770) of Chapter 1 of Part 7 of Division 2 of the Labor Code.” The apprenticeship requirements for public works projects are in Labor Code section 1777.5, within Article 2. Projects for less than \$30,000 are exempt from the public works apprenticeship requirements. (Lab. Code, § 1777.5, subd. (o).)

For a comprehensive list of apprenticeship requirements on public works projects please visit the links below:

- DIR’s Public Works Apprenticeship Page: <https://www.dir.ca.gov/das/publicworks.html>
- DIR’s Apprenticeship FAQ Page: <https://www.dir.ca.gov/DAS/PublicWorksFAQ.html>
- Labor Code Section 1777.5: [Law section \(ca.gov\)](#)

Lastly, for questions regarding apprenticeship, you may email the DIR at DASpublicworks@dir.ca.gov or for general public works questions, publicworks@dir.ca.gov.

Q: Will contractors be required to hire apprentices on projects that are applicable to AB 2143?

A: An A.B. 2143 project is a “public works project for purposes of Article 2 (commencing with Section 1770) of Chapter 1 of Part 7 of Division 2 of the Labor Code.” The apprenticeship requirements for public works projects are in Labor Code section 1777.5, within Article 2. Projects for less than \$30,000 are exempt from the public works apprenticeship requirements. (Lab. Code, § 1777.5, subd. (o).)”

For a comprehensive list of apprenticeship requirements on public works projects please visit the links below:

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- DIR’s Apprenticeship FAQ Page: <https://www.dir.ca.gov/DAS/PublicWorksFAQ.html>
- Labor Code Section 1777.5: [Law section \(ca.gov\)](#)

Lastly, for questions regarding apprenticeship, you may email the DIR at DASpublicworks@dir.ca.gov or for general public works questions, publicworks@dir.ca.gov.

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Q: Does AB 2143 require that solar contractors (most of us small firms with less than 20 employees) create an apprentice program for AB2143 projects?

A: An A.B. 2143 project is a “public works project for purposes of Article 2 (commencing with Section 1770) of Chapter 1 of Part 7 of Division 2 of the Labor Code.” The apprenticeship requirements for public works projects are in Labor Code section 1777.5, within Article 2. Projects for less than \$30,000 are exempt from the public works apprenticeship requirements. (Lab. Code, § 1777.5, subd. (o).)

For a comprehensive list of apprenticeship requirements on public works projects please visit the links below:

- DIR’s Public Works Apprenticeship Page: <https://www.dir.ca.gov/das/publicworks.html>
- DIR’s Apprenticeship FAQ Page: <https://www.dir.ca.gov/DAS/PublicWorksFAQ.html>
- Labor Code Section 1777.5: [Law section \(ca.gov\)](http://www.dir.ca.gov/law/section1777.5.html)

Lastly, for questions regarding apprenticeship, you may email the DIR at DASpublicworks@dir.ca.gov or for general public works questions, publicworks@dir.ca.gov.

Q: Hi. Will we be required to comply with DAS 140 and 142 notification requirements? And will we have to pay training fund contributions to the apprenticeship councils?

A: An A.B. 2143 project is a “public works project for purposes of Article 2 (commencing with Section 1770) of Chapter 1 of Part 7 of Division 2 of the Labor Code.” The apprenticeship requirements for public works projects are in Labor Code section 1777.5, within Article 2. Projects for less than \$30,000 are exempt from the public works apprenticeship requirements. (Lab. Code, § 1777.5, subd. (o).)

For a comprehensive list of apprenticeship requirements on public works projects please visit the links below:

- DIR’s Public Works Apprenticeship Page: <https://www.dir.ca.gov/das/publicworks.html>
- DIR’s Apprenticeship FAQ Page: <https://www.dir.ca.gov/DAS/PublicWorksFAQ.html>
- Labor Code Section 1777.5: [Law section \(ca.gov\)](http://www.dir.ca.gov/law/section1777.5.html)

Lastly, for questions regarding apprenticeship, you may email the DIR at DASpublicworks@dir.ca.gov or for general public works questions, publicworks@dir.ca.gov.

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Q: If a contractor isn't signatory to a labor agreement for the craft called for by the DIR wage determination- but pays that wage to employees for prevailing wage work- what is the minimum documentation required to prove that apprentices were sought out, but none were delivered by the programs where requests were made? Are we to NOT WORK if no apprentices are available and no documentation of that is made available?

A: An A.B. 2143 project is a “public works project for purposes of Article 2 (commencing with Section 1770) of Chapter 1 of Part 7 of Division 2 of the Labor Code.” The apprenticeship requirements for public works projects are in Labor Code section 1777.5, within Article 2. Projects for less than \$30,000 are exempt from the public works apprenticeship requirements. (Lab. Code, § 1777.5, subd. (o).)

For a comprehensive list of apprenticeship requirements on public works projects please visit the links below:

- DIR’s Public Works Apprenticeship Page: <https://www.dir.ca.gov/das/publicworks.html>
- DIR’s Apprenticeship FAQ Page: <https://www.dir.ca.gov/DAS/PublicWorksFAQ.html>
- Labor Code Section 1777.5: [Law section \(ca.gov\)](#)

Lastly, for questions regarding apprenticeship, you may email the DIR at DASpublicworks@dir.ca.gov or for general public works questions, publicworks@dir.ca.gov.

Q: DAS 140 / DAS 142: You don't have a classification for SOLAR, how can you possibly make it required to have apprentices....

A: Please review the scope of work listed on the wage determinations and select the classification that most closely aligns with yours.

Prevailing wage rates and classifications depend on the scope of work, location of the project, and bid advertised date of the project and can be found here:

<https://www.dir.ca.gov/opr/DPreWageDetermination.htm>

Per the Labor Commissioner’s Public Works Manual Section 3.2.4, if an awarding body does not advertise the public works project for bid, other benchmark events, including the first written memorialization of the agreement concerning the public works elements of project or the contract governing the award of public funds will be utilized instead.

You may also visit the DIR's FAQ Page for more information on determining the prevailing wage rates and classifications.

https://www.dir.ca.gov/opr/FAQ_PrevailingWage.html

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Additionally, you may email statistics@dir.ca.gov for questions regarding prevailing wages and classifications. Please include the bid advertised date (or contract date), location of the project, and detailed scope of work.

Lastly, An A.B. 2143 project is a “public works project for purposes of Article 2 (commencing with Section 1770) of Chapter 1 of Part 7 of Division 2 of the Labor Code.” The apprenticeship requirements for public works projects are in Labor Code section 1777.5, within Article 2. Projects for less than \$30,000 are exempt from the public works apprenticeship requirements. (Lab. Code, § 1777.5, subd. (o).)

For a comprehensive list of apprenticeship requirements on public works projects please visit the links below:

- DIR’s Public Works Apprenticeship Page: <https://www.dir.ca.gov/das/publicworks.html>
- DIR’s Apprenticeship FAQ Page: <https://www.dir.ca.gov/DAS/PublicWorksFAQ.html>
- Labor Code Section 1777.5: [Law section \(ca.gov\)](http://www.ca.gov/law)

For questions regarding apprenticeship, you may email the DIR at DASpublicworks@dir.ca.gov or for general public works questions, publicworks@dir.ca.gov.

Q: Since DAS 140 & 142 are both required, please confirm there are no local hire or ethnic/race, or gender related minimum hire requirements.

A: The Labor Commissioner's Office is unable to answer this question. Please direct this question to the Division of Apprenticeship Standards.

[Classification Questions:](#)

Q: What classification does Solar fall under to determine prevailing wage for a solar project?

A: Prevailing wage rates depend on the scope of work, location of the project, and bid advertised date of the project and can be found here: <https://www.dir.ca.gov/oprl/DPreWageDetermination.htm>

Per the Labor Commissioner’s Public Works Manual Section 3.2.4, if an awarding body does not advertise the public works project for bid, other benchmark events, including the first written memorialization of the agreement concerning the public works elements of project or the contract governing the award of public funds will be utilized instead.

Additionally, workers can perform work during the same workday that fall under two different classifications and must be paid accordingly. Please reference Section 3.2.7.1 of the Labor Commissioner’s Public Works Manual for additional information.

Contact Us

www.cpucsurge.org

info@cpucsurge.org

1-800-549-2143

<https://www.dir.ca.gov/dlse/pwmanualcombined.pdf>

You may also visit the DIR's FAQ Page for more information on determining the prevailing wage rates: https://www.dir.ca.gov/oprl/FAQ_PrevailingWage.html

The DIR also hosts free prevailing wage trainings and tutorials every year:
https://www.dir.ca.gov/Public-Works/Training_and_Tutorials.html

Lastly, you may email statistics@dir.ca.gov for questions regarding prevailing wages and classifications. Please include the bid advertised date (or contract date), location of the project, and detailed scope of work.

Q: How to determine prevailing wage for solar projects in Lake County, CA?

A: Prevailing wage rates depend on the scope of work, location of the project, and bid advertised date of the project and can be found here:

<https://www.dir.ca.gov/oprl/DPreWageDetermination.htm>

Per the Labor Commissioner's Public Works Manual Section 3.2.4, if an awarding body does not advertise the public works project for bid, other benchmark events, including the first written memorialization of the agreement concerning the public works elements of project or the contract governing the award of public funds will be utilized instead.

Additionally, workers can perform work during the same workday that fall under two different classifications and must be paid accordingly. Please reference Section 3.2.7.1 of the Labor Commissioner's Public Works Manual for additional information.

<https://www.dir.ca.gov/dlse/pwmanualcombined.pdf>

You may also visit the DIR's FAQ Page for more information on determining the prevailing wage rates: https://www.dir.ca.gov/oprl/FAQ_PrevailingWage.html

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Lastly, you may email statistics@dir.ca.gov for questions regarding prevailing wages and classifications. Please include the bid advertised date (or contract date), location of the project, and detailed scope of work.

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Q: There are multiple DIR classifications that list solar work in the prevailing wage work scopes. How do we know which one to choose?

A: Please review the scope of work listed on the wage determinations and select the classification that most closely aligns with yours.

Prevailing wage rates depend on the scope of work, location of the project, and bid advertised date of the project and can be found here: <https://www.dir.ca.gov/oprl/DPreWageDetermination.htm>

Per the Labor Commissioner’s Public Works Manual Section 3.2.4, if an awarding body does not advertise the public works project for bid, other benchmark events, including the first written memorialization of the agreement concerning the public works elements of project or the contract governing the award of public funds will be utilized instead.

Additionally, workers can perform work during the same workday that fall under two different classifications and must be paid accordingly. Please reference Section 3.2.7.1 of the Labor Commissioner’s Public Works Manual for additional information.

<https://www.dir.ca.gov/dlse/pwmanualcombined.pdf>

You may also visit the DIR's FAQ Page for more information on determining the prevailing wage rates.

https://www.dir.ca.gov/oprl/FAQ_PrevailingWage.html

The DIR also hosts free prevailing wage trainings and tutorials every year:

https://www.dir.ca.gov/Public-Works/Training_and_Tutorials.html

Lastly, you may email statistics@dir.ca.gov for questions regarding prevailing wages and classifications. Please include the bid advertised date (or contract date), location of the project, and detailed scope of work.

[Submitting Payrolls to the Labor Commissioner \(eCPRs\)](#)

Q: Will the DIR's website update include the criteria for the A-1-131 form? In the interim, will SURGE accept the ECPR reporting currently in use for public works reporting?

A: Contractors are required to submit the A-1-131 form to SURGE. The eCPR is not sufficient and will not be accepted as it does not show all of the required information per Labor Code Section 1776.

The new eCPR upload system launched by DIR does not have the same criteria as the A-1-131 form. The eCPR and A-1-131 forms remain two distinct, different forms of documentation.

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Q: How do I submit Form A-1-131 on DIR site? Can the form be submitted electronically?

A: The A-1-131 form does not get submitted electronically to the Labor Commissioner. There are two separate requirements. Labor Code Section 1776(a) requires that public works contractors and subcontractors keep accurate payroll records including the name, address, social security number, work classification, straight time and overtime hours worked each day and week, and the actual wages paid to each worker. This is the A-1-131 form and Statement of Compliance. These records must be kept and made available for inspection upon the Labor Commissioner's written request. There is a *separate* requirement, as per Labor Code Section 1771.4, that requires each contractor and subcontractor to submit Electronic Certified Payroll Records (eCPRs) to the Labor Commissioner through the online portal. The eCPRs do not contain all the information required by the A-1-131 form.

For additional clarification, please reference Section 3.1, 3.1.1, 3.1.5, 3.1.6, 3.1.6.1, and 3.1.7 of the Labor Commissioner's Public Works Manual.

<https://www.dir.ca.gov/dlse/pwmanualcombined.pdf>

Q: Why isn't the A-1-131 available for completion on the DIR's site if it's required by labor section 1776?

A: These are two separate requirements. Labor Code Section 1776(a) requires that public works contractors and subcontractors keep accurate payroll records including the name, address, social security number, work classification, straight time and overtime hours worked each day and week, and the actual wages paid to each worker. This is the A-1-131 form and Statement of Compliance. These records must be kept and made available for inspection upon the Labor Commissioner's written request. There is a *separate* requirement, as per Labor Code Section 1771.4, that requires each contractor and subcontractor to submit Electronic Certified Payroll Records (eCPRs) to the Labor Commissioner through the online portal. The eCPRs do not contain all the information required by the A-1-131 form.

For additional clarification, please reference Section 3.1, 3.1.1, 3.1.5, 3.1.6, 3.1.6.1, and 3.1.7 of the Labor Commissioner's Public Works Manual.

<https://www.dir.ca.gov/dlse/pwmanualcombined.pdf>

Q: When the payroll is submitted, will there be an ID number that the contractor needs to associate so DIR knows which project the payroll is for?

A: Yes, contractors will need the DIR Project ID number to submit their payrolls to the DIR via the eCPR system. The DIR Project ID is generated when the Awarding Body registers the project with the DIR.

Contact Us

www.cpucsurge.org

info@cpucsurge.org

1-800-549-2143

General Public Works/Prevailing Wage Questions:

Q: We just need clarification on the requirements and what we need to do to comply with them, step by step, starting with the reports we need to generate from our Online Payroll System (QuickBooks payroll).

A: Please visit the DIR's Public Works Page for a comprehensive list of public works requirements.

<https://www.dir.ca.gov/Public-Works/PublicWorks.html>

The DIR also hosts free prevailing wage trainings and tutorials every year:

https://www.dir.ca.gov/Public-Works/Training_and_Tutorials.html

You may also reference the Labor Commissioner's Public Works Manual for additional information:

<https://www.dir.ca.gov/dlse/pwmanualcombined.pdf>

Q: How to set up payroll and navigate the Certified Prevailing wage requirements?

A: Please visit the DIR's Public Works Page for a comprehensive list of public works requirements.

<https://www.dir.ca.gov/Public-Works/PublicWorks.html>

The DIR also hosts free prevailing wage trainings and tutorials every year:

https://www.dir.ca.gov/Public-Works/Training_and_Tutorials.html

You may also reference the Labor Commissioner's Public Works Manual for additional information:

<https://www.dir.ca.gov/dlse/pwmanualcombined.pdf>

Q: With maintenance, alternation, and repairs all listed under the AB 2143 compliance, can you provide clarification on how this compliance is handled such as awarding notices, craft determinations, and ratios? Based on this presentation all activities throughout the lifecycle of a solar plant will require prevailing wage compliance, but need clarity to accurately support the administration requirements so we as contractors can properly follow the guidelines.

A: Please visit the DIR's Public Works Page for a comprehensive list of public works requirements.

<https://www.dir.ca.gov/Public-Works/PublicWorks.html>

The DIR also hosts free prevailing wage trainings and tutorials every year:

https://www.dir.ca.gov/Public-Works/Training_and_Tutorials.html

You may also reference the Labor Commissioner's Public Works Manual for additional information:

<https://www.dir.ca.gov/dlse/pwmanualcombined.pdf>

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Q: I work for a Solar installation and workforce development non-profit, and we commonly have job trainees attend our installs and participate in the labor portion of the install. They are usually paid through stipends or previously set federal wages via AmeriCorps funding. Will they be allowed onsite if they are not paid prevailing wage?

A: Labor Code § 1777.5(b) and (c) authorize contractors to pay certain workers at "the prevailing rate of per diem wages for apprentices." If a prevailing rate for apprentices is included in the Director's published wage determinations for a particular craft or trade, it is always less than the journeymen rate. The lower apprentice rates serve as a monetary incentive for contractors to satisfy the required minimum ratio of apprentice hours to journeymen hours before the end of the contract. To be paid at the lower apprentice rates, a worker must be "registered" (i.e., be party to a written apprenticeship agreement confirming that the worker is "in training under apprenticeship standards that have been approved by the Chief" of the DAS). A worker's eligibility to be paid at an apprenticeship rate may be verified by referring to the online database maintained on the DAS website for each craft or trade. However, investigators generally require the contractor to provide a copy of the worker's written apprenticeship agreement to establish eligibility. Regardless of the perceived level of skills (or lack thereof) that a worker in a particular craft or trade may actually possess, he or she must be enrolled in a DAS-approved apprenticeship training program at the time the work was performed. If not, hours worked in that craft or trade must be paid at the higher journeymen rate.

Regarding the AmeriCorps funding. If these are characterized as "federal funds" and used to pay for all or a portion of the solar construction, the project will likely be public works project, notwithstanding AB 2143, and therefore exempt from AB 2143.

Q: Is the form A-1-1-131 shown just an example of the information that should be submitted, along with a copy of the Notice to Public Entity? Are these forms not actually available on the DIR portal?

A: The form is on the DIR website: [PUBLIC WORKS PAYROLL REPORTING FORM \(ca.gov\)](https://www.dir.ca.gov/PUBLICWORKSPAYROLLREPORTINGFORM). Please keep in mind that you may use some other document, as long as it contains all information from the A-1-1-131 form and includes a Statement of Compliance as per Labor Code Section 1776.

Q: If I'm the owner of the construction company and I work on the project, am I required to pay myself prevailing wages?

A: Yes. Here is information regarding Owner-Operators and Sole Proprietors from the DIR's Frequently Asked Questions on Public Works Page:

"8. I am an owner/operator, sole proprietor, or business owner, and I do not receive payroll checks or pay myself an hourly salary. How do I handle certified payroll reporting for my own work, and how do I determine how much I am being paid for that work?"

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Even if you are paid by salary, draw, or contract payments, you still should be able to provide the following information for any work you perform on public works projects: (a)

your name, address, and SSN (or FEIN, if you have no SSN); (b) the work classification for your prevailing wage work; (c) the hourly rate for that classification; (d) the number of hours that you performed that work; and (e) the estimated amount paid to you for your labor for that work. To calculate how much you were paid for your own labor, subtract all your other expenses (including materials, pro rata share of business overhead, and payments to other workers or subcontractors) from the gross contract price. The net amount should be your labor cost, and it should be equal to or higher than the compensation required for your work classification (determined by multiplying your work hours by the applicable rates) in order to comply with prevailing wage requirements.”

To visit the FAQ Page please use this link and see item 8 under “Certified Payroll Reporting”.

[Public Works Frequently Asked Questions \(ca.gov\)](#)

Q: Are small subcontractor owners, if they work on the installation themselves, required to pay themselves prevailing wages and include those wages as part of the certified reports?

A: Yes. Here is information regarding Owner-Operators and Sole Proprietors from the DIR’s Frequently Asked Questions on Public Works Page:

“8. I am an owner/operator, sole proprietor, or business owner, and I do not receive payroll checks or pay myself an hourly salary. How do I handle certified payroll reporting for my own work, and how do I determine how much I am being paid for that work?”

Even if you are paid by salary, draw, or contract payments, you still should be able to provide the following information for any work you perform on public works projects: (a) your name, address, and SSN (or FEIN, if you have no SSN); (b) the work classification for your prevailing wage work; (c) the hourly rate for that classification; (d) the number of hours that you performed that work; and (e) the estimated amount paid to you for your labor for that work. To calculate how much you were paid for your own labor, subtract all your other expenses (including materials, pro rata share of business overhead, and payments to other workers or subcontractors) from the gross contract price. The net amount should be your labor cost, and it should be equal to or higher than the compensation required for your work classification (determined by multiplying your work hours by the applicable rates) in order to comply with prevailing wage requirements.”

To visit the FAQ Page please use this link and see item 8 under “Certified Payroll Reporting”.

[Public Works Frequently Asked Questions \(ca.gov\)](#)

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info@cpucsurge.org

1-800-549-2143

Eligibility Related Questions

Q: Would solar carports fall under AB2143, and does the carport sub-tier subcontractor need to pay their workers Prevailing Wage?

A: Project eligibility is ascertained by applicable Investor-Owned Utility (IOU), when the contractor applies for Interconnectivity. During the Interconnectivity Application process, the IOU (SCE, PG&E, SDGE), will ask the contractor a series of questions to determine whether the project is eligible for the “tariff” (NEM, etc.) If the project is deemed “eligible”, it is subject to AB 2143 requirements.

Q: Does the 15-KW size apply to just the PV system, or do you include the energy storage system size?

A: The storage would not be considered as adding capacity to the renewable energy facility because it would have to be an addition or an enhancement to that facility. So, the capacity question is really focused on the renewable energy facility. For that storage, the NEM or NBT tariff would not be utilized because the state law requires the facilities that have access to those tariffs a prescribed set of type of renewable energy that are permissible, and storage alone is not part of that equation. Typically, a storage system alone would have a non-export agreement with the utility, but please follow up with your utility.

Q: What if the property owner opts not to participate in Net Energy Metering (NEM) and simply chooses to forgo it? It is entirely plausible that a commercial property owner might decide against feeding excess electricity back to the grid. Given that we have equipped them with more battery capacity than they will ever generate, there is no incentive for them to supply electricity to the grid. Consequently, they may choose not to register with the DIR, especially if they wish to keep their information private.

A: If the property owner opts to not participate in the NEM and forgoes the tariff, the project and contractor would not be subject to AB 2143.

Q: If Federal Davis Bacon and AB2143 apply to a project, which prevailing wage rates apply to the project?

A: Per the DIR’s Frequently Asked Questions on Public Works page:

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“7. If an awarding body is awarded a contract directly by a federal agency, must it comply with California public works law?”

The awarding body must pay careful attention to whether the project is administered and controlled by the federal agency, or the federal agency is only providing financial support or assistance to a project under the direction and control of a state or local agency. California's prevailing wage requirements do not apply to projects awarded by and under the complete control of the federal government. However, federally funded, or assisted projects that are controlled or carried out by awarding bodies in California, including most highway construction projects, are subject to the state's prevailing wage laws. Those projects must comply with state requirements, including contractor and project registration, reporting certified payroll records, and payment of California's prevailing wage rates, if they exceed corresponding Davis-Bacon rates.”

To visit the FAQ Page please use this link and see item 7 under “Awarding Bodies”.

[Public Works Frequently Asked Questions \(ca.gov\)](#)

Additionally, if the project is federally funded, then it would *already be considered a public work* and would be exempted from AB 2143 because all of the public works requirements *already apply*.

Q: Does the following exemption mean, if the project would already be subject to prevailing wage requirements via state funding and or a PLA, that subcontractors on the project are exempt from AB2143 requirements? Please provide more clarification.

"A project that is a public work, as defined in Section 1720 of the Labor Code, and that is subject to Article 2 (commencing with Section 1770) of Chapter 1 of Part 7 of Division 2 of the Labor Code.

A: If a project is already considered a public work, it is exempted from AB 2143 because all of the public works requirements *already apply*.

Q: Just to clarify, just the solar project will need to be reported and considered a public works? So, if the contract is new construction for a building, just the solar install is public works not the entire building? Or if it is a roof and solar, just the solar installation is public works not the roof?

A: Only that portion of the project subject to the NEM tariff is subject to AB 2143. When a contractor files their Interconnectivity application with the applicable Investor-Owned Utility (IOU), the IOU (SCE, PG&E, SDGE), they are applying for Interconnectivity of the “solar” portion of the construction.

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Subcontractor-Related Questions

Q: How can a contractor know if their subcontractor is compliant?

A: Per Labor Code Section 1775 (b) (2), Prime contractors must monitor the payment of the specified general prevailing wage rate of per diem wages by the subcontractor to the employees, by periodic review of the certified payroll records of the subcontractor. This can be done by submitting a Public Records Request as per Labor Code Section 1776 (b) (3) or by viewing the eCPRs submitted to the DIR. Contractors will not be able to view their subcontractors' payrolls in SURGE; however, a report can be generated showing if they have submitted or not.

General contractors can be held liable for subcontractors not paying prevailing wages; however, there are steps that can be taken to ensure safe harbor. Please refer to Labor Codes Section 1775 (b) (1), (2), (3), (4) and Section 4.3.1.1 of the Public Works Manual: Limited Prime Contractor Safe Harbor for more information.

<https://www.dir.ca.gov/dlse/pwmanualcombined.pdf>

Q: How do we monitor those subcontractor records? Can we access our subcontractors' submissions on Surge or the DIR?

A: Per Labor Code Section 1775 (b) (2), Prime contractors must monitor the payment of the specified general prevailing wage rate of per diem wages by the subcontractor to the employees, by periodic review of the certified payroll records of the subcontractor. This can be done by submitting a Public Records Request as per Labor Code Section 1776 (b) (3) or by viewing the eCPRs submitted to the DIR. Contractors will not be able to view their subcontractors' payrolls in SURGE; however, a report can be generated showing if they have submitted or not.

General contractors can be held liable for subcontractors not paying prevailing wages; however, there are steps that can be taken to ensure safe harbor. Please refer to Labor Codes Section 1775 (b) (1), (2), (3), (4) and Section 4.3.1.1 of the Public Works Manual: Limited Prime Contractor Safe Harbor for more information.

<https://www.dir.ca.gov/dlse/pwmanualcombined.pdf>

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1-800-549-2143

Certified Payroll-Related Questions

Q: We have our payroll administered by an outside payroll company. Will their weekly payroll statements suffice for AB2143 reporting requirements?

A: Contractors may use their own in-house payroll reporting form as long as it shows all of the required information as per Labor Code Section 1776. Per Labor Code Section 1776, contractors and subcontractors must keep accurate payroll records showing the name, address, social security number, work classification, 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 contractor or subcontractor in connection with the public work. Each payroll record shall contain or be verified by a written declaration that is made under penalty of perjury, stating that the information contained in the payroll is true and correct and that the employer has complied with the requirements of Sections 1771, 1811, and 1815 for any work performed by that person's employees on the public works project.

Q: Is PTO [Permission to Operate] contingent on payroll records being verified? That seems like it will add a significant amount of time to the process. Are we required to submit CPR to the utility?

A: PTO, in most cases, is not contingent on payroll records being submitted and verified first. However, if a contractor has previous outstanding deficiencies (from a previous July or December deadline) in payroll records submissions to SURGE, IOUs may delay or deny PTO access on new projects submitted by that contractor.

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Miscellaneous Questions

Q: Please clarify ALL of the appropriate tariffs that apply to this program - there are multiple versions of the "Standard Tariff"

A: The payment of prevailing wages is a state law, as is providing the CPUC copies of payroll records. SURGE is the program by which the copies of records are collected to support implementation of the state law.

- Applicable tariffs:
 - Net Energy Metering tariffs
 - Virtual Net Energy Metering tariff, including MASH and SOMAH versions
 - Net Billing Tariff otherwise known as Solar Billing Plan
 - Net Billing Tariff Aggregation, also known as the Solar Billing Plan (Aggregation)
 - Virtual Net Billing Tariff, may be referred to as the Solar Billing Plan (Multi-tenant or Virtual)

This is not an exhaustive list as tariffs subject to the prevailing wage law are subject to change (closed, amended or added) in the future. Check with your utility for the latest.

Q: For Electrical work on Multi-Family Projects 4-stories or less can the RESIDENTIAL Prevailing Wage rates for "Electrician - Inside Wireman" rates be used instead of the COMMERCIAL Prevailing Wage rates for "Electrician - Inside Wireman"? This for example, would be used for Non-PW GC run Projects where it has been determined that it is a Non-PW project, but where PW would apply under AB 2143.

A: Prevailing wage rates and classifications depend on the scope of work, location of the project, and bid advertised date of the project and can be found here:
<https://www.dir.ca.gov/oprl/DPreWageDetermination.htm>

Please review the scope of work listed on the wage determinations and select the classification that most closely aligns with yours.

Regarding the proper version of the Wage Determination rates, the Public Works Manual Section 3.2.4, states that if an awarding body does not advertise the public works project for bid, other benchmark events, including the first written memorialization of the agreement concerning the public works elements of project or the contract governing the award of public funds will be utilized instead.

You may also visit the DIR's FAQ Page for more information on determining the prevailing wage rates and classifications.

https://www.dir.ca.gov/oprl/FAQ_PrevailingWage.html

Contact Us

www.cpucsurge.org

info@cpucsurge.org

1-800-549-2143

Lastly, you may email statistics@dir.ca.gov for questions regarding prevailing wages and classifications. Please include the bid advertised date (or contract date), location of the project, and detailed scope of work.

Q: Can a C-10 holding owner RMO self-perform?

A: This is a question best posed to DIR or CSLB. The utility interconnection portal does not ask for specific license types.

Circumventing state laws by falsely doing work as a self-installer is likely to result in fines and penalties. However, performing work on your own property is generally considered acting as a self-installer.

Q: Are existing commercial projects (above 15kW) with maintenance and repair work contract over \$25,000 required to:

- 1. re-submit their interconnection application* to the IOU again?**
- 2. pay prevailing wage**

***i.e., interconnection application originally submitted and received PTO 2019**

A: This may depend on the contract. If there is a new contract issued for the maintenance and repair work and the interconnectivity date was after 1/1/24, then AB2143 would apply. However, if the maintenance and repair work was done under the original contract and the interconnection application ID was issued prior to 1/1/24, AB2143 would not apply.

Q: Please clarify the reporting requirement for engineering, design, permitting management for those not stepping on the project.

A: Public Works requirements only apply to covered work being performed onsite. You may refer to Section 2.3 of the Public Works Manual for additional information:
<https://www.dir.ca.gov/dlse/pwmanualcombined.pdf>

To determine if your work is covered, please review the scopes of work for the different classifications listed on the wage determinations:
<https://www.dir.ca.gov/oprl/DPreWageDetermination.htm>

You may also visit the DIR's FAQ Page for more information on determining the prevailing wage rates and classifications: https://www.dir.ca.gov/oprl/FAQ_PrevalingWage.html

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Lastly, you may email statistics@dir.ca.gov for questions regarding prevailing wages and classifications. Please include the bid advertised date (or contract date), location of the project, and detailed scope of work.

Q: Please verify EV charging stations only projects follow the same requirements

A: Project eligibility is ascertained by applicable Investor-Owned Utility (IOU), when the contractor applies for Interconnectivity. During the Interconnectivity Application process, the IOU (SCE, PG&E, SDGE), will ask the contractor a series of questions to determine whether the project is eligible for the “tariff” (NEM, etc.) If the project is deemed “eligible”, it is subject to AB 2143 requirements.

Q: So, if I install a 10-KW residential system and add a 10-KW battery, is that over 15-KW or are you just calculating the PV system? an energy storage system is not generating energy and putting it on the grid

A: The size of a renewable energy generation facility is measured by the number of kilowatt-hours generated by the PV system. The size of a battery should not be factored into calculating the size of such a system. Storage is considered to be an addition or an enhancement to the PV system, so its capacity is not additive to that of the renewable capacity.

Q: Is that 15kWAC (inverter output) or 15kWDC (total solar panel kw)?

A: Please check with your utility.

Q: We are an O&M (maintenance) company (we do not perform new construction projects). We have O&M projects larger than the small project exemptions. Maintenance is ongoing throughout the year and is not a single project. It is work continued twice year, quarterly etc. Please explain how this would be handled in the DIR and Surge compliance as neither website explains.

A: Maintenance work will require compliance with prevailing wage rules under AB 2143 if it requires submission of an interconnection application dated January 1, 2024, or beyond. If maintenance work is done on a project/facility that was interconnected before that date, and no new interconnection application is submitted, then the maintenance work will be exempt from prevailing wage rules.

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Q: If the Solar System was non export, would AB2143 still apply?

A: If the solar system is non export, then the energy metering or net billing tariff would not be utilized. Therefore, AB2143 would not apply.

Q: Is it possible to do an in-person meeting with representatives of DIR, CPUC and GCAP Services to address more questions?

A: An in-person meeting is unlikely due to location and logistical challenges; however, the SURGE team is available by email at info@cpucsurge.org or phone at (800) 549-2143. Similarly, the DIR has several email addresses and phone numbers available for the public's use:

<https://www.dir.ca.gov/Public-Works/ContactUs.htm>

DIR Apprenticeship Questions: DASpublicworks@dir.ca.gov

General Public Works Questions: publicworks@dir.ca.gov or call the Labor Commissioner's Office at (833-526-4636).

Prevailing Wages and Classifications: statistics@dir.ca.gov or call the Prevailing Wage Unit at (415) 703-4774

Lastly, the CPUC, has contact information available to the public: [Contact the CPUC \(ca.gov\)](http://www.cpuc.ca.gov)

Q: The bill says it would not hold up PTO but could be revoked if not submitted.

A: If contractors fail to submit payroll records to SURGE by the applicable deadlines, that contractor cannot be named for other qualifying facilities applying for access to a tariff under PUC 2827 or 2827.1. Contractor's AB2143-qualifying active interconnection applications will be paused. Applications that have already received PTO will not be affected.

Contact Us

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