

# VTA-BART-Phase II Public Works Checklist



## BART Silicon Valley Phase II Extension Project



Have your company ready for the many contracting opportunities at  
Santa Clara Valley Transportation Authority and  
BART Silicon Valley Phase II

# PUBLIC WORKS CONTRACTOR CHECKLIST

**THE CHECKLIST** includes information on how to prepare for public works contracts with local and state agencies. Below is information on registration, certification and compliance regulations with the following agencies:

- Valley Transportation Authority (VTA)
- California Department of Relations (DIR)
- California Unified Certification Program (CUCP)
- California State Water Resources Board (Storm Water Program)

## LIST OF REQUIREMENTS (for an overview of each requirement see below)

REGISTER (or RE-REGISTER) AS A VENDOR WITH VTA <https://www.vta.org/business-center>

GET CERTIFIED <https://www.vta.org/business-center/business-diversity-programs>

REGISTER AS A PUBLIC WORKS CONTRACTOR WITH DEPARTMENT OF INDUSTRIAL RELATIONS (DIR) <https://www.dir.ca.gov/public-works/contractor-registration.html>

COMPLIANCE <https://www.dir.ca.gov/public-works/Contractors.html>

STORMWATER [https://www.waterboards.ca.gov/water\\_issues/programs/stormwater/](https://www.waterboards.ca.gov/water_issues/programs/stormwater/)

### **REGISTER (or RE-REGISTER) AS A VENDOR WITH VTA** <https://www.vta.org/business-center>

**Vendor Supplier Registration (or Re-Registration)** To do business with VTA, you must be registered as a vendor, **If you were registered with VTA in the past, you will need to re-register with the new portal** (effective Dec 1, 2020). It is a simple process which takes less than a minute. [Click here to register or re-register.](#)

Registration provides you notices for upcoming construction bids, bid documents, industry focused meetings, pre-bid conferences and more. Make sure to subscribe for notifications and add users/administrators for others to receive email notification.

### **GET CERTIFIED** <https://www.vta.org/business-center/business-diversity-programs>

Certification provides your business with the opportunity to be listed in electronic directories of certified firms which is used by agencies and contractors to identify your firm's certification for participation on contracts. Only firms listed in the various directories are eligible to be utilized for credit on VTA contracts. Being a certified SBE, DBE, M/WBE, DVBE or LGBTE firm may also open the door to opportunities for growing your business by making it easier for you to market your firm to Primes.

It is not required that you get certified to bid or be awarded a contract with any VTA project, including the BART Phase II Project, but there is a big advantage to getting certified and it doesn't cost anything to file (you will have to pay to get it notarized and mailed).

Becoming a certified firm does not guarantee a contract award, but it could mean greater subcontracting opportunities through prime contractors that are dedicated to helping VTA achieve its overall program goals.

VTA contracts have goals for participation by Disadvantaged Business Enterprises (DBE) and Small Business Enterprises (SBE). There will also be some contracts (under \$150K) that will only be open for bidding to certified Small Business Enterprises.

**NOTE:** If you get certified as a DBE you will automatically qualify for SBE contracts. You don't have to register for both.

**If you are not currently certified, you can start the process for either a DBE certification or SBE certification online through the VTA Department of Business Opportunity. (see links below)**

**IMPORTANT:** Any certification process takes time. The form is simple. Along with general information about your business, you will be asked for financial records for the last three years to establish the size of your business, the percentage of ownership and control of operations, and you will need documentation establishing your “group” identification. After submittal a site visit will be conducted before final approval. If your business is outside of the South Bay, it will be faster to get certified with a [certifying agency near your business](#).

### **[DBE - Disadvantaged Business Certification Program](#)**

- [Apply for certification as a Disadvantaged Business Enterprise \(DBE\) with VTA \(online\)](#)
- [DBE Booklet](#)
- [DBE Policy](#)
- [Search for DBEs](#)
- [DBE Certification FAQs](#)
- [Roster of DBE Certifying Agencies](#)
- [49 CFR Part 26 \(hosted by the U.S. Government Publishing Office\)](#)

If you live outside the south bay, there may be a certification agency (other than VTA) nearer your business. This could help expedite the site visit process. A full list of certifying agencies through California is available on the certification website at: <https://dot.ca.gov/programs/civil-rights/dbe>

### **What are the main eligibility requirements?**

- **Social and Economic Disadvantage:**  
A disadvantaged owner must be a U.S. Citizen (or resident alien) and meet the federal definition of socially and economically disadvantaged as defined in 49 CFR, Part 26.67. Presumptive groups include women, African Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, Subcontinent Asian Americans, or any individual found to be socially and economically disadvantaged on a case-by-case basis.
- **Personal Net Worth:**  
Only disadvantaged persons having personal net worth (PNW) of less than \$1.32 million can be considered as a potential qualified DBE.
- **Business Size Standard:**  
A firm (including affiliates) must be a small business as defined by the United States Small Business Administration. The average annual gross receipts over the previous three fiscal years may not exceed an amount set by SBA. See [Table of Small Business Size Standards matched to North American Industry Classification System Codes](#) for current size standards.
- **Ownership:**  
Must be a for-profit small business concern, where socially and economically disadvantaged individuals own at least 51 percent interest in the firm.
- **Management and Control:**  
The DBE owner(s) must possess the power to direct or cause the direction of the management and policies of the firm and to make day-to-day decisions, as well as long-term decisions on matters of management, policy, and operations.
- **Independence:**  
The business must not be affiliated with another firm in such a way as to compromise its independence and control.
- **On-Site Visit:**  
The Federal regulations require an On-Site Review be conducted for all DBE applicants.

For Frequently Asked Questions about DBE Certification [click here](#).

## [SBE - Small Business Enterprise Program](#)

- [Apply for certification as a Small Business Enterprise \(SBE\) with VTA \(online\)](#)
- [Small Business Program Policy / Plan](#)
- [Small Business Program Booklet](#)
- [Table of Small Business Size Standards](#), to determine if your business meets small business standards
- Search for SBE's

**Minority-owned, Woman-owned, LGBTQ business certifications** are useful for locally funded contracts and subcontracts but are not required for the VTA BART Phase II Project. Your DBE certification covers your status as a disadvantaged business. For more information about certifying as an MBE, WBE, LGBE entity [click here](#).

## **REGISTER AS A PUBLIC WORKS CONTRACTOR WITH DEPARTMENT OF INDUSTRIAL RELATIONS (DIR)** <https://www.dir.ca.gov/public-works/contractor-registration.html>

### **Who is a Public Works Contractor?**

If you work or bid on a public works project subject to the prevailing wage requirements of the state of California, then you are considered a public works contractor. The term “public works contractor” includes subcontractors. (for a few minor exceptions see [DIR Frequently Asked Questions](#))

To bid or work on any public works contract, contractors must register with the State of California’s Department of Industrial Relations (DIR) [To register click here](#).

Registration fee is \$400 per year. You can register or re-register for one (\$400), two (\$800), or three (\$1200) fiscal years (July 1-June 30).

If you were registered but have not created a new account since April 3, 2019, you may re-register by linking your old account. Just click on “Link Existing Registration”. NOTE: There are penalties if you bid or worked on a public works contract without being registered as a public works contract.

**Who Is Eligible to Register?** Contractors must meet the following requirements to register:

- Have workers’ compensation coverage for any employees and only use subcontractors who are registered as public works contractors.
- Have Contractors State License Board license if applicable to trade.
- Not have any delinquent unpaid wage or penalty assessments owed to any employee or agency.
- Not be under federal or state debarment.
- Not be in prior violation of this registration requirement once it becomes effective. However, for the first violation in a 12-month period, a contractor may still qualify for registration by paying an additional penalty.
- If you have not created a new account since April 3, 2019, you must follow the steps below:
  - Create a log in account on the contractor registration system.
  - To link your account to a previous public works registration, click “Link Existing Registration” on My Dashboard.
  - Search for your previous registration number at: Public Works Contractor Registration Search
  - Please note: credit card payments can be processed within 24 hours while other forms of payment may delay registration up to eight weeks. See below for consequences of failing to register.

To learn more about public works contractor registration, go online to the [frequently asked questions](#), or for more information [contact DIR directly](#).



## **COMPLIANCE** <https://www.dir.ca.gov/public-works/Contractors.html>

### **Prevailing Wages**

To help you bid, remember that Public Works contracts require you to pay the basic hourly rate that is being paid to a majority of workers engaged in a particular craft, classification or type of work within the locality and in the nearest labor market area. General determinations for rates is set twice a year (Feb 22 and August 22) by the Director of the Department of Industrial Relations.

All bidders are required to use the same wage rates when bidding on a public works project. California law requires that not less than the general prevailing rate of per diem wages be paid to all workers employed on a public works project.

To see a list of General Prevailing Wages for commercial building, highway, heavy construction and dredging projects for Northern California (established Feb 22, 202). [Click here](#). For all contracts impacted by prevailing wages [Click here](#). For answers to [Frequently Asked Questions about prevailing wages for our area click here](#).

### **Certified Payroll Reports**

#### **DIR Reporting**

Contractors and subcontractors on most public works projects are required to submit certified payroll records (CPRs) within a month after the end of the payroll period to the Labor Commissioner using DIR's [electronic certified payroll reporting system](#).

The awarding body registers the project with DIR and will receive a DIR Project #. As a contractor or subcontractor you are required to submit your certified payroll records to the Labor Commissioner/DIR, even if you also are submitting your certified payroll records to other agencies/unions/prime contractor etc. For Frequently Asked Questions on Certified Payroll Reporting [click here](#).

**VTA Reporting** - In addition to reporting to DIR, VTA requires that each contractor and subcontractor electronically submit weekly certified payrolls and labor compliance documentation using LCPTracker.

LCPTracker is a cloud-based software system that allows VTA to manage multiple contract levels – from prime contractors to subcontractors, to second tier subcontractors, and so on, ensuring that each level maintains compliance and tracks workforce demographics. Each contractor and each subcontractor will be given a Log On identification and password to access the reporting system. Contractors shall be responsible for managing and certifying all lower tier subcontractors certified payroll submittals.

### **Apprentice Requirements (when applicable)**

**Benefits** The benefits of hiring an apprentice registered in a state approved program are:

- Lower pay rate than the journeyman pay rate.
- Elimination of recruitment programs for workers who are already trained.
- Creates a diversified and flexible workforce and larger pool of employees with specific skills.
- Increases productivity; employees in a structured training program are motivated to achieve.

### **Summary of Requirements**

- Employ Registered Apprentices
  - A contractor on a public works project must employ one (1) hour of apprentice work for every five (5) hours performed by a journeyman for each separate craft or trade at the end of a project. [For apprentice wage rates for each applicable craft or trade in Santa Clara County. Click here.](#)
  - For exceptions applied to a particular trade or craft. [Click here.](#)

- Submit Contract Award Information
  - Submit in writing within 10 days of the date of the prime or subcontract award for each applicable craft or trade you intend to employ on the project.
  - If you are approved to train apprentices notify the Apprenticeship Committee of the contract award.
  - If you are not approved to train apprentices notify every apprenticeship program in the geographic area of the public works project, for each craft you intend to employ on the project. [For approved apprenticeship programs click here.](#)
- Make Training Fund Contributions
  - Nominal monthly fee - [For fee rates in Santa Clara County. Click here.](#)
  - Contributions assure that new apprentices receive the highest level of training for the trade to survive.
  - Contractors who contribute to an apprenticeship program are entitled to a full credit in the amount of those contributions. Others may submit their monthly contributions directly to: DIR California Apprenticeship Council
  - Click her for [Frequently Asked Questions about Apprenticeship Requirements.](#)

## Stormwater Management

**Overview:** Stormwater runoff from construction sites can cause significant harm to our rivers, lakes, and coastal waters. A Storm Water Pollution Prevention Plan (SWPPP) may be required (by your construction general permit) and will help prevent stormwater pollution. An SWPPP is more than just a sediment and erosion control plan. it describes all the construction site operator's activities to prevent stormwater contamination, control sedimentation and erosion, and comply with the requirements of the Clean Water Act.

**Sources:** The Clean Water Act of the Environmental Protection Agency (EPA) and EPA's Construction General Permit

**When does this apply?** Construction activity resulting in a land disturbance of one acre or more, or less than one acre but part of a larger common plan of development or sale must obtain the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit).

**Who creates the SWPPP?** Construction site operators (generally, the person who has operational control over construction plans and/or the person who has day-to-day supervision and control of activities occurring at the construction site).

**Activities covered?** Construction activity subject to this permit includes clearing, grading and disturbances to the ground such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility.

### Additional resources

- [Frequently Asked Questions on Construction Stormwater General Permit \(CA Water Board\)](#)
- [Guide for Construction Sites Developing and Implementing a Stormwater Pollution Prevention Plan.](#)
- [Stormwater Fact Sheet](#)

**VTA** Procurement has a Stormwater Management Department that conducts site visits to make sure all contractors and subcontractors are in compliance with regulations.