

DOCKETED	
Docket Stamp Updated:	4/26/2024 11:05:42 AM
Docket Number:	24-OPT-02
Project Title:	Compass Battery Energy Storage
TN #:	255568-2
Document Title:	Appendix 1D_Labor Certification
Description:	Compliance letter for prevailing wage and workforce requirements set forth in Assembly Bill 205, and Public Resources Code Section 25545.3.3 and 25545.3.5.
Filer:	Erin Phillips
Organization:	Dudek
Submitter Role:	Applicant Consultant
Submission Date:	4/8/2024 8:34:27 AM
Docketed Date:	4/8/2024

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Filer:	Erin Phillips
Organization:	Dudek
Submitter Role:	Applicant Consultant
Submission Date:	4/5/2024 6:12:39 PM
Docketed Date:	4/8/2024

Appendix 1D

Labor Certification



APRIL 4, 2024

VIA ELECTRONIC MAIL

(Eric.Knight@energy.ca.gov)

California Energy Commission
Attention: Eric Knight, Manager, Siting & Environmental Office
715 P Street
Sacramento, CA 95814

RE: AB 205 Labor Certification

Dear Mr. Knight:

In connection with its Application for Certification of the Compass Battery Energy Storage System Project in Orange County, California (the "Project"), Compass Energy Storage, LLC certifies that it will comply with the prevailing wage and workforce requirements set forth in Assembly Bill 205 ("AB 205"), including that: (1) all construction workers employed on the Project will be paid at least the general prevailing rate of per diem wages or apprenticeship wages, as applicable, in accordance with Public Resources Code section 25545.3.3, and (2) a skilled and trained workforce will be used to perform all construction work on the Project, in accordance with Public Resources Code section 25545.3.5.

Specifically, Compass Energy Storage, LLC certifies that as to the Project only (and only as consistent with AB 205 and the California Labor Code, including its definitions) :

1. Prevailing Wages:

- a. The prevailing wage requirement of AB 205 will be included in all contracts for the performance of all construction work.
- b. All contractors and subcontractors will be required to pay to all construction workers employed in the construction of the project at least the general prevailing rate of per diem wages or the applicable apprentice prevailing rate, as applicable.
- c. All contractors and subcontractors performing construction work on the project will be required to employ apprentices at no less than the ratio required in Labor Code section 1777.5.

- d. All contractors and subcontractors performing construction work will maintain and verify payroll records pursuant to Labor Code section 1776, make those records available for inspection and copying as provided therein, and furnish those payroll records to the Labor Commissioner pursuant to Labor Code section 1771.4.
- e. The obligation of the contractors and subcontractors to pay prevailing wages and employ apprentices may be enforced by the Labor Commissioner through the issuance of a civil wage and penalty assessment pursuant to Labor Code section 1741, which may be reviewed pursuant to Labor Code section 1742, within 18 months after the completion of the project, or by an underpaid worker through an administrative complaint or civil action, or by a joint labor-management committee through a civil action under Labor Code section 1771.2. If a civil wage and penalty assessment is issued, the contractor, subcontractor, and surety on a bond or bonds issued to secure the payment of wages covered by the assessment will be liable for liquidated damages pursuant to Labor Code section 1742.1.
- f. Alternatively, all contractors and subcontractors performing construction work on the project may be subject to a project labor agreement. If the project is subject to a project labor agreement, then sections 1.d and 1.e, above, do not apply. The project labor agreement would include the following:
 - i. Provisions requiring payment of prevailing wages to all construction workers employed in the construction of the project and for enforcement of that obligation through an arbitration procedure.
 - ii. Targeted hiring provisions, including a targeted hiring plan, on a craft-by-craft basis to address job access for local, disadvantaged, or underrepresented workers, as defined by a relevant local agency.
 - iii. Apprenticeship utilization provisions that commit all parties to increasing the share of work performed by state-registered apprentices above the state-mandated minimum ratio required in Labor Code section 1777.5.
 - iv. Apprenticeship utilization provisions that commit all parties to hiring and retaining a certain percentage of state-registered apprentices that have completed the Multi-Craft Core pre-apprenticeship training curriculum referenced in Unemployment Insurance Code section 14005(t).

2. Skilled and Trained Workforce:

- a. All contracts for the performance of work will require that every contractor and subcontractor at every tier will individually use a skilled and trained workforce to construct the project.
- b. Every contractor and subcontractor will be required to use a skilled and trained workforce to construct the project.
- c. Contractors and subcontractors that fail to use a skilled and trained workforce will be subject to the penalties provided in Public Contract Code section 2603. Penalties for a contractor's or subcontractor's failure to comply with the requirement to use a skilled and trained workforce may be assessed by the Labor Commissioner within 18 months of completion of the project using the same procedures for issuance of civil wage and penalty assessments pursuant to Public Contract Code section 2603. Penalties shall be paid to the State Public Works Enforcement Fund.
- d. Compass Energy Storage, LLC will retain records, including copies of monthly reports, that demonstrate compliance with Chapter 2.9 (commencing with section 2600) of Part 1 of Division 2 of the Public Contract Code while the project or contract is being performed and for three years after completion of the project or contract. Compass Energy Storage, LLC will submit these records immediately upon request by the California Energy Commission ("Commission"). When submitted to the Commission, these records shall be a public record under the California Public Records Act (Part 1 [commencing with section 7920] of Division 10 of Title 1 of the Government Code) and shall be open to public inspection.
- e. Alternatively, all contractors and subcontractors performing work on the project may be subject to a project labor agreement. If the project is subject to a project labor agreement, then sections 2.c and 2.d, above, do not apply. The project labor agreement would include the following:
 - i. Provisions requiring compliance with the skilled and trained workforce requirement and for enforcement of that obligation through an arbitration procedure.
 - ii. Targeted hiring provisions, including a targeted hiring plan, on a craft-by-craft basis to address job access for local, disadvantaged, or underrepresented workers, as defined by a local agency.

- iii. Apprenticeship utilization provisions that commit all parties to increasing the share of work performed by state-registered apprentices above the state-mandated minimum ratio required in Labor Code section 1777.5.
- iv. Apprenticeship utilization provisions that commit all parties to hiring and retaining a certain percentage of state-registered apprentices that have completed the Multi-Craft Core pre-apprenticeship training curriculum referenced in Unemployment Insurance Code section 14005(t).

Compass Energy Storage, LLC looks forward to working with the Commission regarding its Application for Certification of the Compass Battery Energy Storage System Project.

Sincerely,



Justin Amirault
Chief Development Officer
Engie North America
Flexible Generation
Justin.amirault@engie.com