

<b>DOCKETED</b>	
<b>Docket Number:</b>	24-OPT-03
<b>Project Title:</b>	Soda Mountain Solar
<b>TN #:</b>	257938
<b>Document Title:</b>	Appendix T Labor Certifications
<b>Description:</b>	Certification the Project will comply with the prevailing wage and workforce requirements set forth in Assembly Bill 205 ("AB 205"), including compliance with Public Resources Code sections 25545.3.3 and 25545.3.5.
<b>Filer:</b>	Hannah Gbeh
<b>Organization:</b>	Resolution Environmental
<b>Submitter Role:</b>	Applicant Consultant
<b>Submission Date:</b>	7/22/2024 5:19:38 PM
<b>Docketed Date:</b>	7/23/2024

June 17, 2024

California Energy Commission

Attention: Eric Knight, Manager, Siting & Environmental Office

715 P Street Sacramento, CA 95814

**RE: AB 205 Labor Certification for Soda Mountain Solar Project**

Dear Mr. Knight,

In connection with our Application for Certification of the Soda Mountain Solar Project in unincorporated San Bernadino County, California (the “Project”), Soda Mountain Solar, LLC hereby certifies that it will comply with the prevailing wage and workforce requirements set forth in Assembly Bill 205 (“AB 205”), including compliance with Public Resources Code sections 25545.3.3 and 25545.3.5.

The following provides certification that Soda Mountain LLC, the Applicant, will meet the requirements of a covered project and understands the commission shall make these requirements a condition of certification (PRC § 25545.3.3), including the following:

1. In compliance with Pub. Resources Code, § 25545.3.3(b), I certify the construction of the covered project is not in its entirety a public work for which prevailing wages must be paid. However, all construction workers employed on the project will be paid at least the general prevailing rate of per diem wages for the type of work and geographic area, pursuant the Labor Code sections 1773 and 1773.9, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate. I, the Applicant, certify that all of the following shall apply to the Soda Mountain Solar Project:
  - The prevailing wage requirement shall be included in all contracts for the performance of all construction work. (Pub. Resources Code, § 25545.3.3(b)(1))
  - Contractors and subcontractors shall pay all construction workers employed in the construction of the project at least the general prevailing rate of per diem wages, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards shall be paid at least the applicable apprentice prevailing rate. (Pub. Resources Code, § 25545.3.3(b)(2))
  - Contractors and subcontractors performing construction work on the project shall employ apprentices at no less than the ratio required in the Labor Code section 1777.5. (Pub. Resources Code, § 25545.3.3(b)(3))
  - Except as provided in (b)(6), all contractors and subcontractors performing construction work shall maintain and verify payroll records pursuant the Labor Code section 1776, make those records available for inspection and copying, and furnish those payroll records to the Labor Commissioner pursuant to the Labor Code section 1771.4. (Pub. Resources Code, § 25545.3.3(b)(4))
  - Except as provided in (b)(6), the pay prevailing wage provisions may be enforced by the Labor Commissioner through the issuance of a civil wage and penalty assessment pursuant to the Labor Code sections 1741, 1742, 1771.2, and 1742.1. (Pub. Resources Code, § 25545.3.3(b)(5))
  - Paragraphs (b)(4) and (b)(5) do not apply if all contractors and subcontractors performing construction work on the project are subject to a project labor agreement.
    - The Project labor agreement shall include, but not be limited to, the following: (Pub. Resources Code, § 25545.3.3(b)(6))

- 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. (Pub. Resources Code, § 25545.3.3(b)(6)(A))
  - 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. (Pub. Resources Code, § 25545.3.3(b)(6)(B))
  - 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 the Labor Code section 1777.5. (Pub. Resources Code, § 25545.3.3(b)(6)(C))
  - 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 the Unemployment Insurance Code section 14005(t). (Pub. Resources Code, § 25545.3.3(b)(6)(D))
2. I hereby certify that a skilled and trained workforce shall be used to perform all construction work on the Project and all of the following shall apply: (Pub. Resources Code, § 25545.3.5)
- All contracts shall require for the performance of work that every contractor and subcontractor at every tier will individually use a skilled and trained workforce to construct the project. (Pub. Resources Code, § 25545.3.5(a))
  - Every contractor and subcontractor must use a skilled and trained workforce to construct the project. (Pub. Resources Code, § 25545.3.5(b))
  - Except as provided in (e), contractors and subcontractors that fail to use a skilled and trained workforce shall be subject to the penalties provided in the Public Contract Code section 2603. (Pub. Resources Code, § 25545.3.5(c))
  - Except as provided in (e), the applicant must retain records, including copies of monthly reports, that demonstrate compliance with the Public Contract Code section 2600 while the project or contract is being performed and for three years after completion of the project or contract. The applicant must submit these records immediately upon request of the commission. When submitted to the commission, these records shall be a public record under the California Public Records Act and shall be open to public inspection. (Pub. Resources Code, § 25545.3.5(d))
  - (c) and (d) do not apply if all contractors and subcontractors performing work on the project are subject to a project labor agreement.
    - The project labor agreement shall also include, but not be limited to, all of the following: (Pub. Resources Code, § 25545.3.5(e))
      - Provisions requiring compliance with the skilled and trained workforce requirement and for enforcement of that obligation through an arbitration procedure. (Pub. Resources Code, § 25545.3.5(e)(1))
      - 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. (Pub. Resources Code, § 25545.3.5(e)(2))
      - 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 the Labor Code section 1777.5. (Pub. Resources Code, § 25545.3.5(e)(3))
      - 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 the Unemployment Insurance Code section 14005(t). (Pub. Resources Code, § 25545.3.5(e)(4))

We are happy to discuss and answer any further questions. Thank you.

Sincerely,



Michael Cocchimiglio

CEO & Head of Development