



CHARGEPOINT AMERICA INSTALLATION COMPLIANCE SUMMARY

OVERVIEW

ChargePoint America is a Federal Grant provided by the Department of Energy (DOE) funded through the American Recovery and Reinvestment Act (ARRA). As such, certain requirements must be met by all Grant recipients, contractors and subcontractors working to install electric vehicles station equipment (EVSE) as part of the Grant. Two primary requirements for ChargePoint America are 1) Cost Reporting and 2) Davis Bacon and Related Acts (DBRA) compliance. ChargePoint America is a “cost match” Grant. Coulomb (CTI) requires all recipients to report the cost incurred for each station installation. DBRA requires all non-exempt contractors and subcontractors performing work on federal or District of Columbia construction contracts or federally assisted contracts to pay their laborers and mechanics not less than the prevailing wage rates and fringe benefits for corresponding classes of laborers and mechanics employed on similar projects in the area. The prevailing wage rates and fringe benefits are determined by the Secretary of Labor.

In addition to the Davis Bacon Act itself, Congress added Davis-Bacon prevailing wage provisions to approximately 60 laws—“Related Acts”—under which federal agencies assist construction projects through grants, loans, loan guarantees, and insurance. Generally, the application of prevailing wage requirements to projects receiving federal assistance under any particular “related” Act depends on the provisions of that law. Some examples of related acts:

The Contract Work Hours and Safety Standards Act (CWHSSA) requires payment at time and one-half of the basic hourly rate of pay for overtime (OT) hours (over 40 hours in any seven day work week) worked on covered project(s).

The Copeland (Anti-Kickback) Act makes it a crime for anyone to require any laborer or mechanic employed on a federally funded project to pay back any part of his or her wages. In addition, the Act prohibits any deductions from pay other than those specifically listed as permissible. The Copeland Act also requires that contractors and subcontractors at all tiers submit weekly certified payrolls.

The Fair Labor Standards Act (FLSA) requires payment of the federal minimum wage rates and overtime premium. FLSA applies to most employers in the U.S. These requirements generally apply to any work performed and may be superseded by other federal standards such as DBA prevailing wage requirements and CWHSSA O/T provisions.

WORKSITE/JOBSITE DEFINITION

For the ChargePoint America program, construction includes all alterations, improvements and/or repair, including painting and decorating, performed on a site in performance of the installation of EVSE.

APPLICABLE LAWS AND REGULATIONS

Below is a summary list of compliance regulations for ChargePoint America:

Davis-Bacon Act (DBA) - Requires payment of prevailing wages to laborers and mechanics employed on federal and federally assisted construction projects.

Reorganization Plan of 1950

29 CFR Part 1 - Regulations describing the procedures for predetermination of wage rates.



29 CFR Part 3 - Regulations regarding contractors and subcontractors on public building or public work financed in whole or in part by loans or grants from the United States.

29 CFR Part 5 - Regulations regarding labor standards provisions applicable to contracts covering federally financed and assisted construction.

29 CFR Part 6 - Regulations describing the Rules of Practice for administrative proceedings enforcing labor standards in federal and federally assisted construction contracts and federal service contracts.

29 CFR Part 7 - Regulations describing practice before the Administrative Review Board with regard to federal and federally assisted construction contracts.

RECORDKEEPING

Under the Davis-Bacon and Related Acts (DBRA), covered contractors must maintain payrolls and basic records and submit certified weekly payrolls. Although use of Form WH-347 is optional, the form will satisfy the requirements of Regulations, Parts 3 and 5 (29 CFR, Subtitle A), as to payrolls submitted in connection with contracts subject to the DBRA. Records to be maintained include:

- Name, address, and social security number of each employee;
- Each employee's work classification(s);
- Hourly rate(s) of pay (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof);
- Daily and weekly numbers of hours worked;
- Deductions made; and
- Actual wages paid.

See 29 CFR 5.5(a)(3) for further information.

CONTRACTOR COMPLIANCE OVERVIEW

The following briefly outline the construction steps required for contractors and sub-contractors to comply with DBRA and ChargePoint America program. Reporting for a job is site specific. **YOU MUST TRACK AND REPORT SEPARATELY FOR EACH INSTALLATION LOCATION.**

CONTRACTOR REQUIREMENTS

Contractors and subcontractors performing EVSE installation work for the ChargePoint America must have 1) Authorization to perform work by Coulomb or its authorized agents 2) Ability to pay labor through a certified payroll system on a weekly basis and 3) Maintain a minimum insurance coverage as outlined below. If you are interested in learning more about becoming a Coulomb authorized contractor. Contact your local distributor or Coulomb for details.

CONTRACTOR INSURANCE REQUIREMENTS

General Liability \$ 2,000,000
Automobile Liability \$ 1,000,000
Workers Compensation \$ 500,000

Min. combined Single Limit and Annual Aggregate \$ 1,000,000

PRE-CONSTRUCTION STEPS

1. **Contractor Acknowledgement:** The authorized Contractor performing work should review and submit acknowledgement of this Summary to Grant Recipient, Coulomb or Authorized Partner.
2. **Wage Determination:** The Contractor and/or Subcontractor shall download the applicable DOL Davis-Bacon Wage Determination for the work from the DOL website: <http://www.wdol.gov/>
3. **Worksite Poster:** The contractor shall maintain posted on site a copy of the Davis-Bacon and Related Acts poster (form WH-1321) containing a copy of the wage determination and the contact number of the Coulomb or DOE representative.

The poster is available at:

<http://www.dol.gov/whd/regs/compliance/posters/davis.htm>

CONSTRUCTION STAGE STEPS

1. **Weekly Payroll Reports:** Covered Contractors must submit weekly Certified Payroll Reports (CPR's). Review the CPRs for payment of correct wage and fringe benefit amounts, copy for record and forward the originals to the Coulomb. Contractors have the option to use form WH-347 to report payroll. This can be submitted in lieu of Certified Payroll Reports (CPR), but does NOT exempt the contractor from retaining CPR records. This form has been made available for the convenience of contractors and subcontractors required to comply with the Recovery Act. This form will satisfy the requirements of Regulations, Parts 3 and 5 (29 CFR, Subtitle A), as to payrolls submitted in connection with contracts subject to the DBRA. These documents are to be filled out and submitted to Coulomb or its authorized agent for the duration of construction. Where a short duration installation exists (1 to 2 weeks) retain and submit the documents as a complete package.
2. **On-Site Inspection:** Coulomb or DOE may perform periodic on-site wage-compliance monitoring during the course of construction. The contractor must make their employees available for interview at the job site by Coulomb, or DOE representatives. The interviews are confidential, and the employee will be asked about the duties performed, hours worked and compensation paid.

POST CONSTRUCTION STAGE STEPS

1. **Complete ChargePoint America Installation Summary Report**
Grant Recipient and/or Contractor MUST submit within (5) days of work completion to Coulomb or authorized agent a copy of the Installation Summary Report (next page) outlining the costs incurred for each installation site with supporting documentation. Fill out the form completely, including:
 - A) Name, Address and License Number of Contractor or Subcontractor.
 - B) Location of the installation (address).
 - C) Itemized breakdown of labor and materials, including permit costs.
2. **Copies of receipt(s) or Invoice(s):**
Attach copies of all receipts, invoices, certified payroll or WH-347 form supporting claims made on the Installation Summary Report
3. **Submit Form and Documentation to Coulomb or Distributor**
Mail, Fax or Email completed installation cost documentation to Coulomb or Authorized Partner.



EXEMPTIONS / SPECIAL CASES

State and Local governments whose own employees perform the work do not have to report weekly DBRA compliance. Only workers employed directly by State and Local governments qualify. In this case, check the exemption box on the cost reporting form and fill out rest of the form as instructed. Weekly labor documentation will not be required.

Federal employees, Subcontractors, or other government agencies DO NOT qualify and will be subject to DBRA reporting requirements.

If you are uncertain about status, provide a letter from the entity stating they are a qualified exempt government entity and will use their own employees. This should be attached to the cost reporting form.

Bona fide owners who own a minimum of 20% of a business and are actively engaged in management are exempt when they perform work. A bona fide business owner, who is a contractor and works with his/her employees, is not required to pay him/herself DBA wages. DOE recommends that owners of a business who also perform construction work list themselves on the certified payroll and under the column for "Work Classification" insert the word "owner." The owner does not have to put in his/her hours or wage rate. In this case, check the exemption box on the cost reporting form and fill out rest of the form as instructed. Coulomb or its authorized agents must have proof of ownership (e.g. copies of the annual business filing to the State or like document) on file.

If the business owner is a sole proprietor, Coulomb or its authorized agent must determine that the person they are contracting with is truly a bona fide sole proprietor of a company. Coulomb or its authorized agent must maintain a record of the company Federal Tax ID number and a copy of the business license in the contracting file.

Workers classified as "self-employed" or "independent contractors" or "1099 workers" are covered by the DBRA and must be paid the DBRA wages and listed on the contractor's certified payroll record.

STATEMENT OF FEDERAL STEWARDSHIP

The Department of Energy (the "DOE") will exercise normal Federal stewardship activities in connection with overseeing the project activities performed under the Grant. Under the DOE's stewardship, the DOE, as well as certain authorized representatives, including Coulomb Technologies, Inc. ("Coulomb"), as the Prime Contractor/Prime Recipient, is authorized to engage in certain activities including, without limitation: (1) conducting site visits; (2) reviewing performance reports; (3) auditing financial reports; and (4) providing technical assistance and/or temporary intervention in unusual circumstances to correct deficiencies.

NON-COMPLIANCE

Failure to comply with Recovery Act requirements can result in debarment, revocation of funds, repayment of funds, or other actions from the Federal Government. If you are uncertain about reporting requirements or other activities, you should ask your Coulomb Project Manager or the DOE for clarification.



DEPARTMENT OF LABOR CONTACTS

Wage and Hour Division
200 Constitution Avenue, NW
Room S-3502
Washington, DC 20210
Contact WHD
Tel: 1-866-4USWAGE (1-866-487-9243)

For questions on other DOL laws:

Call DOL's Toll-Free Help Line at 1-866-4-USA-DOL (1-866-487-2365). Live assistance is available in English and Spanish, Monday through Friday from 8:00 a.m. to 8:00 p.m. Eastern Time. Additional service is available in more than 140 languages through a translation service.
Tel: 1-866-4-USA-DOL (1-866-487-2365)

CONTRACTOR ACKNOWLEDGEMENT

I, the undersigned below, do hereby state that 1) I have read and understand the ChargePoint America Installation Compliance Summary 2) I am qualified to work on the ChargePoint America program as described 3) I will comply with the program instructions and provide the required installation documentation to Coulomb Technologies or its authorized agent 4) the information provided is accurate and I understand the willful falsification of any of the above statements may subject the contractor or subcontractor to civil or criminal prosecution. See Section 1001 of Title 18 and Section 231 or title 31 of the United States Code.

SIGNATURE

NAME (PRINT): _____

TITLE: _____

SIGNATURE: _____

DATE: _____



CHARGEPOINT AMERICA INSTALLATION COST REPORT FORM

SECTION A: LOCATION INFORMATION

NAME OF GRANT RECIPIENT: _____

PROJECT NAME AND LOCATION: _____

NAME OF CONTRACTOR: _____ CONTRACTOR LICENSE #: _____

ADDRESS: _____

PHONE: _____ EMAIL: _____

SECTION B: INSTALLATION EXPENSES

MATERIAL EXPENSES SUBTOTAL \$ _____

LABOR EXPENSES SUBTOTAL \$ _____

PERMIT EXPENSES SUBTOTAL \$ _____

TOTAL INSTALLATION EXPENSES \$ _____

I, the undersigned below, do hereby state that the information provided is accurate and I understand the willful falsification of any of the above statements may subject the contractor or subcontractor to civil or criminal prosecution. See Section 1001 of Title 18 and Section 231 or title 31 of the United States Code.

___ (Check Here) I further indicate that we are exempt from DBRA weekly wage reporting requirements as a State or Local Government whose own employees performed the work or 29 CFR Part 541 qualified exemption.

SECTION C: SIGNATURE

NAME (PRINT): _____

TITLE: _____

SIGNATURE: _____

DATE: _____

INSTRUCTIONS: Complete all information on this form and attach any supporting documentation.

Mail, Fax or Email documents to: Coulomb Technologies Attn: ChargePoint America Program, 1692 Dell Ave, Campbell, CA 95008. Fax: (408) 370-3847 Email: info@chargepointamerica.com