

## CHAPTER 9 – CONSTRUCTION AND LABOR STANDARDS

The purpose of this chapter is to provide information about the federal requirements for construction and labor standards.

### STATUTORY PROVISIONS

The five statutory provisions that must be followed for construction and labor standards on all CDBG funded projects are as follows:

- **Section 110, Chapter 69, Title 42, Housing and Community Development Act of 1974 (42 USC 5310)**  
Provides that “All laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed in whole or in part with assistance received under this chapter shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 USC 276a-276a-5): Provided that this section shall apply to the rehabilitation of residential property only if such property contains not less than 8 units.”
- **Davis-Bacon Act (DBA) (40 USC 276A-276A-5)**  
Provides that contracts in excess of \$2,000 to which the United States is a party for the construction, alteration, and/or repair, including painting and decorating of public buildings or public works, which involve the employment of laborers and/or mechanics, shall contain provisions with respect to minimum wages, fringe benefits, payments without deductions or rebates, withholding funds from contractors to ensure compliance with the wage provisions, and termination of the contract or debarment for failure to adhere to the required provisions.
- **Contract Work Hours and Safety Standards Act (CWHSSA) (40 USC 327-333).**  
CWHSSA provides that work in excess of 40 hours per week, which occurs on the job site, shall be compensated for at rates not less than one and one-half times the basic rate of pay. CWHSSA **applies** to both direct federal contracts and indirect federally-assisted contracts except where the assistance is solely in the nature of a loan guarantee or insurance. CWHSSA applies to prime contracts valued above \$100,000. CWHSSA also applies to maintenance laborers and mechanics employed by public housing authorities.
- **Copeland Act (Anti-Kickback Act) (40 USC 276c)**  
Makes it a criminal offense for any person to induce, by any manner whatsoever, any person employed in the construction, prosecution, completion, or repair of any public building, public work, or building or work financed in whole or in part by loans or grants from the United States, to give up any part of the compensation to which he/she is entitled under his contract of employment. The Act also requires contractors on covered projects to submit weekly a “Statement of Compliance” certifying that the contract has paid the required wages.
- **Fair Labor Standards Act of 1938, as Amended (FLSA), (29 USC 201, et.seq.)**  
Establishes minimum wage, overtime pay (40 hour workweek), recordkeeping, and child labor standards. When prevailing rates apply, in general all the above statutory provisions apply except to the rehabilitation of residential property only if such property contains no less than eight (8) units.

- **Davis-Bacon (DBA) Compliance**

Davis-Bacon applies when:

- CDBG funds are used to fund “in whole or in part” construction contracts of more than \$2,000
- Demolition activities to be followed by on-site construction
- Installation of equipment that is considered more than an incidental amount (12%) of the overall project cost

Davis-Bacon does **NOT** apply:

- CDBG funds used to fund non-construction “soft costs” (land and building acquisition, equipment, engineering services, etc.)
- CDBG-funded demolition with no on-site construction contemplated

### **LABOR STANDARDS PROCEDURES OVERVIEW**

Grantees must develop a compliance and enforcement program that ensures all applicable labor standard requirements are met. The grantee, the grant administrator, and the engineer must work together to ensure compliance with Davis-Bacon and related acts. The grantee must designate someone as the Labor Standards Compliance Officer (LSCO) with the overall responsibility to coordinate and ensure compliance with all appropriate labor standards regulations and maintenance of an accurate filing system. The final responsibility for compliance rests with the grantee.

#### ***Labor Standards Compliance Officer (LSCO) Responsibilities:***

- Secure applicable general wage determination
- Ensure all applicable wage rates and labor standard provisions are included in the bid specifications and contract documents
- Monitor contractor compliance, to include (but not limited to):
  - Receive and review weekly payrolls submitted by contractor and subcontractors
  - Assure all federal and state posters are properly displayed at the project work site
  - Conduct employee interviews with all wage classifications
- System for Award Management (SAM) (<https://www.sam.gov/>)

### ***Establish Construction and Labor Standards Filing System***

The following list contains major steps for the grantee to take in properly organizing construction and labor standards documents.

- 1) All land and/or easement acquisition documentation, if applicable.
- 2) Preliminary design and cost estimates
- 3) Wage determination
- 4) Final design and cost estimates
- 5) Construction bid package
- 6) Approval of bid documents by authorities having jurisdiction over the project
- 7) Proof of publication for bid advertising. This file may also include letters utilized to specifically solicit for minority/women contractor participation.
- 8) Wage determination verification 10 days prior to bid opening
- 9) Bid opening minutes and bid tabulations
- 10) All bids submitted
- 11) Verification of contractor and/or owner eligibility through SAM (<https://www.sam.gov/>)
- 12) Construction contractors are expected to meet all applicable requirements of the Nebraska Contractor Registration Act and provide a current valid certificate of registration to the Grantee for the Grantee's records.
- 13) Written recommendation for award of contract
- 14) Executed construction contract(s). **MUST include contracts with subcontractors.**
- 15) Pre-construction conference minutes or evidence of meeting with contractor
- 16) Notification to the Department of contract award (LSE7 Notice of Award due within **10 days after award**)
- 17) Contractors/subcontractors weekly payrolls and evidence of review.
- 18) Verification of posters at job site
- 19) Other related correspondence

### ***Bid Requirements, Procedures, Provisions***

The regulations to be followed in the bid process include the following:

- HUD CPD 570.502 Retention and Access Requirements for Records
- Code of Federal Regulations 2CFR Part 200 Chapter 300 Procurement
- 2 CFR Part 200 Subpart E- Cost Principles/ General Provisions for Selected Items of Cost Section 200.427 (allowable costs)
- Safe Construction in Nebraska Brochure

### ***Acquisition Procedures***

The grantee must have finalized all land acquisition, right-of-ways and easements necessary for carrying out the project prior to bid advertising. The grantee or architect/engineer must also notify all public utilities, gas, water, electrical, sewer or drainage services that might have any underground installations within the project area. A copy of any such plat/diagram received must be included in the bid and contract document.

### ***Bid Package Procedures***

The architect/engineer will normally prepare the technical bid specifications. These specifications must provide a clear and accurate description of the technical requirements for materials, products and/or services to be provided and under which the work is to be performed. The plans and specifications must be stamped by an architect/engineer registered by the state and in accordance with Nebraska statutes.

Refer to the Safe Construction in Nebraska brochure, which is located at <http://www.ea.ne.gov/PDFs/scbrochure.pdf>. It is important that the grantee and certified grant administrator be involved in the bid process.

### **Cost Estimate Format**

The bid package must include cost and pricing formats. Generally the street, water, sewer, utility and landscaping project will be unit price contracts, while building type contracts will be lump sum. For unit cost contracts, the bid specifications should delineate each type of item, estimating quantity, unit price and estimated total cost.

### **Wage Determinations**

The grantee should determine, at least 30 days prior to advertising for bids, if a general wage determination is required for the specific project.

### **General Wage Determination**

A general wage determination generally applies to heavy construction (such as public facilities), highway construction, building, and residential.

The grantee, through the certified grant administrator, is responsible for obtaining the correct wage determination for their project. The wage determinations can be accessed at <http://www.wdol.gov>.

### **Steps to Access Wage Determinations**

- 1) Website: <http://www.wdol.gov>
- 2) Select State
- 3) Select County where project is located
- 4) Select Construction Type (heavy, highway, building, residential). Description of construction types are located at:  
[http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/administration/hudclips/handbooks/sech/13441](http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hudclips/handbooks/sech/13441)
- 5) Print wage determination to be included in bid documents and a copy for the file
- 6) Ten (10) days prior to bid opening, check and print the wage determination to make sure it has not been update and to demonstrate that it was reviewed 10 days prior.

It is recommended that the grantee sign up for “Alerts” to ensure that the correct wage determination is in effect at the time of bid opening. Updates to wage decisions are typically published on Fridays. If a wage determination is updated 10 days prior to bid opening, an addendum to the bid documents will be required and all entities who have received a bid package will need to be provided with the updated wage determination.

The general wage determination is in effect for the life of the project unless a contract is not awarded within 90 days of the bid opening. If a contract is not awarded within 90 days of bid opening, then a new wage determination is required.

### **Bid Package Requirements**

The below items must be included in the bid package, a copy is located at the end of the chapter:

- Attachment 1 Bonding and Insurance Requirements;
- Attachment 3 Civil Rights and Equal Opportunity Provisions;

- Attachment 3a Certification of Bidder Regarding Section 3 and Segregated Facilities;
- Attachment 3b Contractor Section 3 Plan;
- Attachment 4 Special Equal Opportunity Provisions;
- Attachment 5 Access to and Maintenance of Records; and
- Attachment 6 Clean Air and Water Acts Required Clauses. In addition,
- HUD 4010 must also be included; this form can be found at:  
<http://www.hud.gov/offices/adm/hudclips/forms/files/4010.pdf>,
- Wage Determination, can be found at: <https://www.wdol.gov/aam.aspx>

The below items are submitted to the Department once the contract is award:

- LSE 7 – Submitted 10 Days after the contract is executed.
- Additional Wage Determination Classification Request and HUD Form 4230A – Report of Additional Classification and Rate
- Final Wage Compliance Report

### ***Attorney Review***

The Department recommends that the grantee’s attorney review the bid package in its entirety to ensure compliance with applicable state and local laws. If the project falls under the jurisdiction of a state or other outside agency (i.e. State Fire Marshal, Health Department, etc.), the bid package should also be reviewed by the appropriate agency.

### ***Bids Advertised***

Once bid documents are prepared and the current wage determination is secured, the grantee must solicit bids through public advertising. Bid advertisements must conform to state law and local ordinance, with respect to schedule and number of times advertised. In addition, the grantee may also solicit bids from firms, if it maintains a list of bidders.

### ***Verification of Wage Determination***

Ten days prior to the opening bid date, the grantee must check online at <http://www.wdol.gov> to determine if there have been any modifications or replacement of the general wage determination previously issued. The grantee must print the wage determination as documentation that the verification has been made in the allotted time. This is important because if the wage determination has changed, the grantee is liable for any difference in the increased wages for the project if the contractor is not provided with the new wage determination. Updates to wage decisions are typically published on Fridays.

### ***Bid Amendments***

If bid documents are amended during the advertisement period, an addendum to the bid documents must be included in the bid documents and sent to all bidders who have received bid documents. If a wage determination modification or new wage determination is published prior to bid opening, the grantee must send them as an addendum to all contractors who received the original bid package.

### ***Bid Opening and Evaluation***

All bids received must remain sealed and in a safe place until the bid opening. All bids received should be logged in with the time, date of receipt, name of offeror, and procurement number.

The public bid opening should be conducted in a business-like manner. The bids should be read aloud during the bid opening meeting. The apparent low bidder will be determined during the bid opening. However, the bids also must be reviewed for both technical and legal responsiveness. In addition, the

bidders must be evaluated as having the capacity to furnish products and/or services required. Minutes of the bid opening, a tabulation of the bids, and copies of all bids received should be placed in the contract file.

## **WHEN BIDS ARE HIGHER THAN COST ESTIMATES**

### ***Negotiation Procedures***

When the lowest bid exceeds the amount allocated for the project, the grantee may negotiate with the low bidder in accordance with Nebraska statutes to bring the contract within the available funding level. The grantee can reject all bids or provide needed funds from other sources or through reallocation of CDBG funds. If the grantee has reason to believe available funds are likely to be inadequate for the full scope of work proposed, the grantee should request deductible alternatives in the bid document so that the project can proceed in a timely fashion and not require a second solicitation.

### ***Deductible Alternatives***

If deductible alternatives are requested, the bid document must specify the method and order in which alternatives will be applied in determining the low bid. Drawings also must clearly show the alternative. For example, if the project was for 1,500 linear feet of street construction, sidewalks, street lighting, and replacement of sanitary sewer lines, 300 linear feet of sidewalks might be a deductible alternative. The desirability of using this method when cost estimates are very close to the amount of available funds (or if cost estimates are based on roughly comparable projects) cannot be overestimated. Failure to do so may require modification of bid packages and a repetition of the entire process with delays in project implementation.

If this method is not used and the bid exceeds the amount allocated, the grantee can provide the additional funds from other sources.

## **CONTRACT AWARD/CONTRACTOR RESPONSIBILITIES/NOTICE TO PROCEED**

### **Citation**

- Code of Federal Regulations 2 CFR 200 Chapter 300 Procurement, 2 CFR 200.325 (Bonding Requirements)
- Code of Federal Regulations 2 CFR 200.318 (i) (Retention and access requirements for records)
- HUD CPD 570.502(a)(16) (Retention of Records)

### ***Verifying Contractor***

Prior to award of the contract, the grantee must check the System for Award Management (<http://sam.gov>) to make sure the proposed prime contractor and all subcontractors are not on the federal list of debarred, suspended, or ineligible contractors. The grantee must check the company, as well as the owner of the construction company. The grantee must print the result(s) of the search and retain in their files.

As identified in Section 4.10 of the contract between the Department and the grantee, any such subrecipient or contractor of the Grantee must be authorized to transact business in the State of Nebraska. All subrecipients and contractors are expected to comply with all Nebraska Secretary of State and Department of Revenue registration requirements, including any registration requirements pertaining to types of business entities. **Construction contractors are expected to meet all applicable**

**requirements of the Nebraska Contractor Registration Act and provide a current valid certificate of registration to the Grantee for the Grantee's records.**

### ***Contract Award Procedures***

The contract must be awarded to the lowest responsible bidder. The successful bidder must have employees who will perform activities on the project. If the contract is awarded to other than the low bidder, the grantee must prepare a written statement explaining why each lower bidder was deemed non-responsible or nonresponsive. To be responsive, the bidder must have submitted a written Section 3 plan, if the contract equals or exceeds \$100,000.

Following award of the contract, the contract documents and applicable bonding and insurance must be completed and executed. Contract documents include all the items contained in the bid package, as well as the executed contract, bid proposal, contractor certifications, and bond and insurance forms.

### ***The Notice of Contract Award (LSE 7) Must Be Sent To The Department Within 10 Days Of Award.***

The Notice of Contract Award includes the project name and location, the number of the applicable wage determination, the name of the business awarded the contract, the contract amount, and the name of the person identified by the municipality as responsible for labor standards compliance. If there are multiple contracts with the grantee, a separate LSE7 must be submitted for each contractor.

### ***Meet with Contractor***

Prior to the start of construction, the grantee must meet with the principal contractor and all available subcontractors to instruct them on their responsibilities under the Labor Standards provisions. This meeting can take place at the preconstruction conference. Written documentation of the meeting must be placed in the file. Attachment 10 (Pre-Construction Conference) is a sample of the items to be discussed at the meeting.

Below is a list, not all-inclusive, of items to be discussed:

- Davis Bacon (including submission of weekly payrolls)
- Employee interviews, using the HUD-11 Form (Spanish or English)
- Posters for the job site including, but not limited to the Employee Rights Under the Davis-Bacon Act (WH1321), Job Safety and Health Protection (OSHA 3165), and Equal Opportunity Employment, other posters as required by the Department of Labor
- Copy of the wage determination and additional classification approvals, which **MUST** be posted at the job site
- Written contract(s) between prime contractor and all subcontractors
- Written contract(s) between subcontractors and subcontractors and any independent contractors

### ***Additional Worker Classifications and Wage Rates***

The preconstruction conference or similar meeting provides a time to review the wage determination to see if any additional classifications and wage rates will be required. If any wage classification(s) is not listed in the wage determination, and are to be used, an additional wage classification request (HUD 4230A) must be submitted to the Department. The request is to include:

- 1) A letter from the awarded contractor stating what is paid hourly; generally, you will want to select the employee who is receiving the lowest wage rate for the classification being added (wages and bona fide fringe benefits) to the employees in the needed classifications (this work cannot be performed just in any classification in the wage determination)
- 2) A description of the work to be performed for each wage classification,

- 3) A statement on whether employees are union or non-union, and
- 4) Documentation that the interested parties and contractors, agree on the proposed classification and wage rate.

The request cannot involve wage rates for apprentices or trainees. The Department will forward the information to DOL. Once the Department receives confirmation, the grantee will be notified. In the interim, the contractor and/or subcontractor(s) must continue to pay the employee the rate outlined in the request. If the DOL approval rate is higher than the recommended rate, the contractor must pay restitution to all workers impacted by the DOL approval.

### ***Wage Rate Exceptions***

Apprentices and trainees may work at less than prevailing wage rates only if they are registered in an apprenticeship program that has been approved by DOL. If you have apprentice(s) listed on the payroll, please review page 2-6 in *Davis-Bacon Labor Standards: A Contractors Guide to Prevailing Wage Requirements for Federally Assisted Construction Projects*. Nebraska does not have a State Apprenticeship Council (SAC). If apprentices are used on the job site, each apprentice is required to be registered for an U.S. DOL-approved apprenticeship program. Apprenticeship programs can be verified at: <http://oa.doleta.gov/bat.cfm>

### ***Notice to Proceed***

Following execution of the contract documents and completion of the preconstruction conference, the grantee will issue a "Notice to Proceed" to each prime contractor to begin work. The Notice to Proceed must establish the construction start date, scheduled completion date, and the basis for assessing liquidated damages. The construction period and basis for assessing liquidated damages must be consistent with these sections of the contract documents.

## **COMPLIANCE/MONITORING/PAYMENTS**

### **Citation**

- Code of Federal Regulations 2 CFR 200.328. "Monitoring and reporting program performance," except paragraphs (b) through (D) and paragraph (f)
- Code of Federal Regulations 2 CFR 200.420 (allowable costs)
- Labor Standards Regulations (HUD 4010)
- Contract Work Hours and Safety Standards Act (CWHSSA)
- Davis-Bacon Act & Related Acts
- Copeland Act (Anti-Kickback)

### ***Monitoring***

Construction contracts are monitored to ensure compliance with technical specifications and federal standards. Grantees are to maintain adequate cost and budget controls and process necessary contract changes to bring the contract to completion.

### ***Progress Procedures***

Upon receiving the Notice to Proceed, the contractor must submit a cost breakdown showing the amount assigned to each portion of work. This breakdown is not required when per unit prices form the basis of payment under the contract. This breakdown must be reviewed by the grantee and architect/engineer and used as the basis for requests for payment. The breakdown should be submitted within ten days of the Notice of Proceed.

### ***Payroll Verification***

The grantee must obtain **original signed weekly payrolls (no pencil)** from all general contractor(s) and subcontractor(s) accompanied by the statement of compliance (WH347). Payrolls should be submitted within seven working days of the end date on the payroll form.

Local labor compliance officer responsibilities (as outlined in HUD Handbook 1344-1, Rev. 2):

- 1) Review payrolls against the wage determination for the project; request correction of any errors that may be encountered
- 2) Ensure correct wage classification and wage rates are being used
- 3) Ensure proper payment of overtime compensated at one and one-half times the basic rate of pay or current rate of pay if it is higher than the Davis-Bacon Rate + Standard Hourly Fringe Benefit.
- 4) Review deductions for non-permissible deductions
- 5) Ensure that the ratio of laborers to mechanics is in sync
- 6) Statement of compliance is signed by the owner or a documented owner approved official of the company
- 7) Ensure contractor is paying weekly
- 8) Ensure payrolls are being provided weekly
- 9) Local labor compliance officer should initial for verification
- 10) Ensure original payroll's (with original signatures) are on file
- 11) Ensure compliance with the DBRA Checklist

The checklist for payroll review, based on DBRA, is included in the attachments at the end of this chapter. This should be used to check compliance on each payroll.

### ***Clarification Concerning Laborers/Mechanics***

The local labor compliance officer should be cognizant of the number of laborers reported on a payroll. If there is a high ratio of laborers on the payroll(s) and you have not visited the job site, you should visit the site to verify that the laborers are classified correctly. It is also advisable to be cognizant of a high ratio of a mechanic classification. Request list of duties for workers and if warranted ensure workers are reclassified and restitution is paid.

The Occupational Outlook Handbook is the government's leading source of career information including job descriptions. You can access the occupational handbook here: <http://www.bls.gov/ooh/>

"O"Net Online (<http://online.onetcenter.org/>), which is sponsored by the U.S. Department of Labor, is another good source for researching job duties in relation to worker classification. For example, "O"Net summarizes the Construction Laborer 47-2061.00 as such: Perform tasks involving physical labor at construction sites. May operate hand and power tools of all types: air hammers, earth tampers, cement mixers, small mechanical hoists, surveying and measuring equipment, and a variety of other equipment and instruments. May clean and prepare sites, dig trenches, set braces to support the sides of excavations, erect scaffolding, and clean up rubble, debris and other waste materials. May assist other craft workers.

### ***Clarification Concerning Payroll Deductions***

When reviewing submitted payrolls it is important to look at the type of deductions. If there are deductions for either miscellaneous or other categories, these categories must be explained on the Statement of Compliance form. If the deductions do not fall into the categories listed below, there should

be a written, dated authorization letter signed by the employee stating what the deduction is for and the amount of the deduction.

The following information can be found on page 2-11 of the Davis-Bacon Labor Standards: A Contractor's Guide to Prevailing Wage Requirements for Federally-Assisted Construction Projects:

g. Deductions - Show the amounts of any deductions from the gross earnings. "Other" deductions should be identified (for example, Savings Account or Loan Repayment). Any voluntary deduction (that is, not required by law or by an order of a proper authority) must be authorized in writing and dated by the employee or provided for in a collective bargaining (union) agreement. A written letter dated and signed by the employee is required and must accompany the first payroll on which the 'other' deduction appears.

Only one employee authorization is needed for recurring (e.g., weekly) other deductions. Written employee authorization is not required for income tax and Social Security deductions.

The following is quoted from 29 CFR 3.5 (<http://law.justia.com/cfr/title29/29-1.1.1.1.4.0.1.5.html>)

(d) Any deduction constituting a contribution on behalf of the person employed to funds established by the employer or representatives of employees, or both, for the purpose of providing either from principal or income, or both, medical or hospital care, pensions or annuities on retirement, death benefits, compensation for injuries, illness, accidents, sickness, or disability, or for insurance to provide any of the foregoing, or unemployment benefits, vacation pay, savings accounts, or similar payments for the benefit of employees, their families and dependents: *Provided, however,* That the following standards are met: (1) The deduction is not otherwise prohibited by law; (2) It is either: (i) Voluntarily consented to by the employee in writing and in advance of the period in which the work is to be done and such consent is not a condition either for the obtaining of or for the continuation of employment, or (ii) provided for in a bona fide collective bargaining agreement between the contractor or subcontractor and representatives of its employees.

### ***On-Site Visits/Interviews***

Site visits should be made to confirm that all required posters, the correct wage determination(s) and additional wage classifications and wage rates, are prominently posted and accessible to all employees at the job site.

In addition, a site visit provides the opportunity to observe the employee performing the wage classification listed for that specific time period and conduct on-site interviews. HUD-11, Record of Employee Interview (<http://portal.hud.gov/hudportal/documents/huddoc?id=11.pdf>), is to be used for all interviews. The Department encourages the labor compliance officer or another appropriate person to visit the construction site a minimum of three (3) times to verify that the posters and wage determination(s) are posted and to conduct the employee interviews. Documentation must be provided to reflect the appropriate display of all posters and wage determinations. All information received from

the on-site interviews must be compared to the information contained in the applicable contractor's payrolls. The reviewer must sign and date the interview form for proper verification of review.

The Labor Standards Compliance Officers in the field will complete the Department's Davis Bacon & its Related Acts checklist for every payroll they review. Original forms will be retained in the grantee file.

### ***Construction Management***

During construction, the grantee is responsible for construction management. This may be done by the architect/engineer, and if so, should be included in the scope of services identified in the professional services contract. Construction management must include inspection and general supervision of construction, in order to check the contractor's work for compliance with the drawings and specifications and quantity and quality control. Written inspection reports must accompany the contractor's requests for partial payment.

- General Supervision must include monitoring construction to alert the grantee as to need for adjustments in design as dictated by actual field conditions and the preparation of contract amendments affecting alignment, detail, or dimensions shown on drawings.
- Quality Control must include quality tests as necessary to verify conformity with technical specifications concerning minimum quality requirements.
- Quantity Control must include verification of in-place quantities and other records reflecting the as-built facility.
- Certification of Pay Estimates - Inspection reports, copies of field measurement notes, and test results used to verify contractor's periodic pay estimate for partial payment should be attached to and filed with the periodic estimate for partial payment.
- General construction management may include other responsibilities, not limited to providing horizontal and vertical control in the form of benchmarks and baselines to be used by the contractor in staking the construction, reviewing and approving of shop drawings, and coordinating the project.

### ***Payment Procedures***

On completion of agreed upon quantities of work, the contractor may submit to the grantee, requests for partial or progress payments. Written inspection reports must accompany the contractor's requests for partial payment. Inspection reports, copies of field measurement notes, and test results used to verify contractor's periodic pay estimate for partial payment should be attached to and filed with the periodic estimate for partial payment.

On receipt of Certificates for Partial Payment and necessary documentation, the grantee must check Equal Opportunity and Labor Standards compliance files to ensure that all payrolls have been received and checked and any necessary restitution paid and that employee interviews (Form HUD-11) have been conducted and all discrepancies corrected. The grantee may then pay the contractor the amount requested, or up to 90% of the amount requested, depending on contract (the 10% would be retained until final completion and acceptance of the work).

### ***Change Orders***

The construction inspector and/or architect/engineer must prepare change orders. Change orders are generally permissible under state law. The cumulative cost of all such orders should not exceed 25 percent of the original contract price and these changes are not to constitute a major alteration of the original scope of work. Each change order must be accompanied by a supporting statement that describes why the change is necessary, cost estimates, and any needed plans and specifications. The grantee must

approve and authorize change orders before they are given to the contractor. Change orders should be kept to an absolute minimum.

### ***Acceptance of Work***

Before final payment approval, the contractor must complete the conditions in the bid contracts. The contract may request an acceptance of work from the grantee that indicates the work has been completed according to the contract. The grantee must place the acceptance of work in the contract file. Change orders and receipts for project payments must be filed. The files must be reviewed by the grantee for completeness before the acceptance of work form is approved. The contractor must file an as-built plan with the grantee to receive project approval. The grantee can then issue an acceptance of work and final payment less any funds retained after the contractor has completed the project and files are complete.

The contractor should file the acceptance of work from the grantee at the designated location. The grantee should require the contractor to submit lien waivers from all subcontractors, if any. The lien waivers must be submitted from the materials and labor subcontractor so the contractor prior to filing an acceptance of work form. The subcontract lien waivers must be placed in the grantee's contract files after the filing of the acceptance and upon submission of a clean lien certificate by the contractor; the grantee may release the retained funds to the contractor. If any claims or liens remain, the grantee must take appropriate action for disposition of retained funds and all claims against the bonds in accordance with state law. A completion of the project, the grantee must also prepare and submit to the Department a final Wage Compliance report.

### ***Project Closeout***

The Department will not sign-off or approve project closure if the project has outstanding labor issues. It must be ensured that the grantee/sub-recipient has all payrolls, restitution payments, HUD bills and/or discrepancies resolved prior to close out of any CDBG project.

### ***Complaints***

Complaints for violations of labor standards that occur on the prevailing wage job sites of any projects should be documented in an interview with the worker who has suffered the violation being documented. The HUD-4731 Complaint Intake Form, which is filled out by the labor compliance officer or the grant administrator, is to accompany the interview that cites the violation. The complaint will then be reviewed by the Department and by HUD. This information should be sent by the grant administrator to the program representative from the Department. The worker's option to file a complaint should be made publically known on the job site, in the area where the wage determinations have been posted. The contact information of the grant administrator and the labor compliance officer should also be made easily accessible, in the event that workers may have labor standards related questions.

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HUD Request for Authorization of Additional Classification.....	HUD-4230a

<b>Labor Standards Enforcement Forms</b>	<b>Number</b>
Notice of Contract Award.....	LSE 7
Employee Interview Form.....	HUD-11
Employee Interview Form (Spanish).....	HUD-11 SP
Final Wage Compliance Report.....	LSE 9

<b>DOL/HUD Forms</b>	<b>Number</b>
Payroll Form.....	WH-347
Record of Employee Interview.....	HUD-11
Federal Labor Standards Complaint Intake Form.....	HUD-4731

## DBRA Checklist

### DOL/HUD Documentation

- Making Davis-Bacon Work: Contractor’s Guide to Prevailing Wage Requirements for Federally-Assisted Construction
- Instructions for WH-347

### Federal Posters:

- Notice to All Employees WH-1321
- Instructions for “Notice to All Employees” Poster
- Job Safety and Health Protection OSHA 3165\* (English) (Spanish)
- Instructions for Posting “Job Safety and Health Protection Poster (English) (Spanish)  
*\*The OSHA 3165 poster also contains Whistleblower protections that must also be posted*
- Equal Employment Opportunity (English) (Spanish)
- Instructions for “Equal Opportunity” Poster (English) (Spanish)
- Employee Polygraph Protection Act (English) (Spanish)
- Instructions for EPPA Poster (English) (Spanish)
- Uniformed Services Employment and Reemployment Rights Act (English)  
*(Not currently available in Spanish)*
- Instructions for USERRA Poster (English) *(Not currently available in Spanish)*
- E-Verify Participation (English) (Spanish)
- Right to Work (English) (Spanish)

### State Posters:

- “Notice to All Employees” – Nebraska Department of Labor (English) (Spanish)

- Discrimination in Employment Housing, Public Accommodations is Prohibited by State Law (English) (Not currently available in Spanish)
- Unemployment Insurance Advisement of Benefit Rights (English) (Spanish)
- 3-in-1 State Labor Law Poster (English) (Spanish)

## Index of Hyperlinks

All links below may not be up to date. Go to the HUD Portal (<https://www.hudexchange.info/>) or the US Department of Labor website (<http://www.dol.gov/>) to verify that you are utilizing the most up to date information and documents.

**Contract Documents** ..... **Link**  
HUD-4010 ..... [http://portal.hud.gov/hudportal/documents/huddoc?id=DOC\\_12586.pdf](http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_12586.pdf)

### Labor Standards Enforcement Forms

SF-308 ..... [www.gsa.gov/portal/forms/download/116162](http://www.gsa.gov/portal/forms/download/116162)

### DOL/HUD Forms

..... <https://www.hudexchange.info/>  
DOL WH-347 ..... [www.dol.gov/whd/forms/wh347.pdf](http://www.dol.gov/whd/forms/wh347.pdf)  
DOL WH-347 (Instructions) ..... [www.dol.gov/whd/forms/wh347instr.htm](http://www.dol.gov/whd/forms/wh347instr.htm)  
HUD-11 SP (Spanish) ..... [http://portal.hud.gov/hudportal/documents/huddoc?id=DOC\\_12571.doc](http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_12571.doc)  
HUD-4230a Instructions .....  
[http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/administration/hudclips/forms/hud4](http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hudclips/forms/hud4)

HUD-4230a ..... [http://portal.hud.gov/hudportal/documents/huddoc?id=DOC\\_12573.doc](http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_12573.doc)

HUD-4731 ..... <http://portal.hud.gov/huddoc/4731.doc>

### DOL/HUD Documentation

DOL Davis-Bacon Wage Determinations ..... [www.wdol.gov](http://www.wdol.gov)

DOL Field Operations Handbook ..... [www.dol.gov/whd/FOH/index.htm](http://www.dol.gov/whd/FOH/index.htm)

DOL Prevailing Wage Resources ..... <https://www.dol.gov/whd/govcontracts/PrevailingWageResources.htm>

System for Award Management ..... [www.sam.gov](http://www.sam.gov)

HUD Making Davis-Bacon Work .....  
<http://portal.hud.gov/hudportal/documents/huddoc?id=4812-LRguide.pdf>

HUD Labor Relations Letters .....  
[http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/labor\\_standards\\_enforcement/olr\\_lrl](http://portal.hud.gov/hudportal/HUD?src=/program_offices/labor_standards_enforcement/olr_lrl)

HUD "On the Mark!" .....  
[http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/labor\\_standards\\_enforcement/olr\\_otm](http://portal.hud.gov/hudportal/HUD?src=/program_offices/labor_standards_enforcement/olr_otm)

HUD Labor Relations .....  
[http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/labor\\_standards\\_enforcement](http://portal.hud.gov/hudportal/HUD?src=/program_offices/labor_standards_enforcement)

HUD Streamlining Davis-Bacon ..... [portal.hud.gov/hudportal/documents/huddoc?id=DOC\\_16463.ppt](http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_16463.ppt)

### Posters

Equal Employment Opportunity ..... [www.dol.gov/ofccp/regs/compliance/posters/ofccpost.htm](http://www.dol.gov/ofccp/regs/compliance/posters/ofccpost.htm)

OSHA 3165 (English) ..... [www.osha.gov/Publications/osha3165.pdf](http://www.osha.gov/Publications/osha3165.pdf)

OSHA 3165 (Spanish) ..... [www.osha.gov/Publications/osha3167.pdf](http://www.osha.gov/Publications/osha3167.pdf)

WH-1321 ..... <http://www.dol.gov/whd/programs/dbra/wh1321.htm>

EPPA (English) ..... <https://www.dol.gov/whd/regs/compliance/posters/eppa.htm>

EPPA (Spanish) ..... <http://www.dol.gov/whd/regs/compliance/posters/eppaspan.pdf>

USERRA..... [http://www.dol.gov/vets/programs/userra/USERRA\\_Federal.pdf](http://www.dol.gov/vets/programs/userra/USERRA_Federal.pdf)

E-Verify Participation (English).....  
[http://www.uscis.gov/sites/default/files/USCIS/Verification/E-Verify/E-Verify\\_Native\\_Documents/E-Verify\\_Participation\\_Poster.pdf](http://www.uscis.gov/sites/default/files/USCIS/Verification/E-Verify/E-Verify_Native_Documents/E-Verify_Participation_Poster.pdf)

E-Verify Participation (Spanish).....  
[http://www.uscis.gov/sites/default/files/USCIS/Verification/E-Verify/E-Verify\\_Native\\_Documents/E-Verify\\_Participation\\_Poster\\_ES.pdf](http://www.uscis.gov/sites/default/files/USCIS/Verification/E-Verify/E-Verify_Native_Documents/E-Verify_Participation_Poster_ES.pdf)

Right to Work (English).....  
[http://www.uscis.gov/sites/default/files/USCIS/Verification/E-Verify/E-Verify\\_Native\\_Documents/OSC\\_Right\\_to\\_Work\\_Poster.pdf](http://www.uscis.gov/sites/default/files/USCIS/Verification/E-Verify/E-Verify_Native_Documents/OSC_Right_to_Work_Poster.pdf)

Right to Work (Spanish).....  
[http://www.uscis.gov/sites/default/files/USCIS/Verification/E-Verify/E-Verify\\_Native\\_Documents/OSC\\_Right\\_to\\_Work\\_Poster\\_ES.pdf](http://www.uscis.gov/sites/default/files/USCIS/Verification/E-Verify/E-Verify_Native_Documents/OSC_Right_to_Work_Poster_ES.pdf)

Fair Labor Standards Act (FLSA)-Min. Wage.....  
<http://www.dol.gov/whd/regs/compliance/posters/flsa.htm>

Nebraska Department of Labor Posters..... <https://dol.nebraska.gov/LaborStandards/RequiredPosters>

# Bid Package Requirements

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**BONDING AND INSURANCE REQUIREMENTS**  
**CODE OF FEDERAL REGULATIONS 2 CFR 200.325**  
**Community Development Block Grant Regulations**

**(h)** Bonding requirements. For construction or facility improvement contracts or subcontracts exceeding the *simplified acquisition threshold\**, the awarding agency may accept the bonding policy and requirements of the grantee or subgrantee provided the awarding agency has made a determination that the awarding agency's interest is adequately protected. If such a determination has not been made, the minimum requirements shall be as follows:

- (1)** A bid guarantee from each bidder equivalent to five percent of the bid price. The "bid guarantee" shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of his bid, execute such contractual documents as may be required within the time specified.
- (2)** A performance bond on the part of the contractor for 100 percent of the contract price. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.
- (3)** A payment bond on the part of the contractor for 100 percent of the contract price. A "payment bond" is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

\*fixed at 41 U.S.C. 403(11) (currently set at \$150,000)

## **CIVIL RIGHTS AND EQUAL OPPORTUNITY PROVISIONS**

### **Public Law 88-352, Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000(d), et. seq.) (24 CFR part 1).**

The law provides that, “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

### **Section 109 of the Housing and Community Development Act of 1974, As Amended.**

The law requires that, “[n]o person in the United States shall on the ground of race, color, national origin, religion, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this chapter. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 [42 U.S.C. 6101 et seq.] or with respect to an otherwise qualified handicapped individual as provided in section 794 of Title 29 also shall apply to any such program or activity.”

### **Age Discrimination Act of 1975, As Amended (42 U.S.C. 6101, Et, seq.).**

The law provides that, “no person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance.”

### **Section 504 of the Rehabilitation Act of 1973, As Amended (29 U.S.C. 794).**

“Section 504 provides that no otherwise qualified individual with a disability shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

### **Section 3 of the Housing and Urban Development Act of 1968, As Amended (12 U.S.C. 1701u).**

The law provides that, “to the greatest extent feasible, recipients of HUD funds (and their contractors and subcontractors) provide jobs and other economic opportunities to low-income persons, particularly public housing residents. Section 3 helps create employment for low-income persons and contracting opportunities for businesses that are owned by low-income people or that provide employment to low-income people.”

**CERTIFICATION OF BIDDER REGARDING SECTION 3 AND SEGREGATED FACILITIES**

\_\_\_\_\_  
**Name of Prime Contractor**

\_\_\_\_\_  
**Project Name and Number**

The undersigned hereby certifies that:

- (a) Section 3 provisions are included in the contract.
- (b) A written Section 3 plan was prepared and submitted as part of the bidding proceedings (if bid equals or exceeds \$100,000).
- (c) No segregated facilities will be maintained.

\_\_\_\_\_  
**Name & Title of Signer (Print or Type)**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

**CONTRACTOR**

## Section 3 Plan

\_\_\_\_\_ agrees to implement the following specific affirmative action steps directed at increasing the utilization of lowest income residents and businesses within the Village/City/County of \_\_\_\_\_.

- A. To ascertain from the locality's CDBG program official the exact boundaries of the Section 3 covered project area and where advantageous, seek the assistance of local officials in preparing and implementing the affirmative action plan.
- B. To attempt to recruit from within the city the necessary number of lower income residents through local advertising media; signs placed at the proposed site for the project; and community organizations and public or private institutions operating within or serving the project area, such as Service Employment and Redevelopment (SER), Opportunities Industrialization Center (OIC), Urban League, Concentrated Employment Program, Hometown Plan, or the U.S. Employment Service.
- C. To maintain a list of all lower income residents who have applied either on their own or on referral from any source, and to employ such persons, if otherwise eligible and if a vacancy exists.
- D. \*To insert this Section 3 plan in all bid documents, and to require all bidders and subcontracts to submit a Section 3 affirmative action plan that includes utilization goals and the specific steps planned to accomplish these goals.
- E. \*To insure that subcontracts (typically let on a negotiated rather than bid basis in areas other than Section 3 covered project areas), also are let on a negotiated basis, where feasible, when let in a Section 3 covered project area.
- F. To formally contact unions, subcontractors and trade associations to secure their cooperation for this program.
- G. To insure that all appropriated project area business concerns are notified of pending sub contractual opportunities.
- H. To maintain records, including copies of correspondence, memoranda, etc., that document all above affirmative action steps have been taken.
- I. To appoint or recruit an executive official of the company or agency as Equal Opportunity Officer to coordinate the implementation of the Section 3 plan.

\*Loans, grants, contracts and subsidies for less than \$100,000 will be exempt.

**SPECIAL EQUAL OPPORTUNITY PROVISIONS**

- A. Activities and Contracts Not Subject to Executive Order 11246, As Amended  
(Applicable to Federally assisted construction contracts and related subcontracts \$10,000 and under)  
During the performance of this contract.
- (1) The Contractor shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor shall take affirmative action to ensure that applicants for employment are employed, and that employees are treated during employment, without regard to their race, color, religion, or national origin. Such action shall include, but not be limited to: employment upgrade, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay, or other forms of compensation; and selection for training, including apprenticeship.
  - (2) The contractor shall post in conspicuous places, available to employees and applicants for employment, notices to be provided by contracting officer setting forth the provisions of the nondiscrimination clause. The contractor shall state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.
  - (3) Contractors shall incorporate foregoing requirements in all subcontracts.
- B. Executive Order 11246 (contract/subcontracts above \$10,000)
1. SEC. 202. Except in contracts exempted in accordance with Section 204 of this order, all Government contracting agencies shall include in every government contract hereafter entered into the following:  
During the performance of this contract:
    - (1) The contractor will not discriminate against any employee a applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin. Such action shall include, but not be limited to: employment upgrade, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay, or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of the nondiscrimination clause.
    - (2) The contractor will, in all solicitations or advancements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.
    - (3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the [Contract Compliance Officer], advising the labor union or workers' representative of the contractor's commitments under Section 202 of Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
    - (4) The contractor will comply with all provisions of Executive Order No. 11246 of Sept. 24, 1965, and the rules, regulations, and relevant orders of the U.S. Secretary of Labor.

- (5) The contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to their books, records, and accounts by the [Department] and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
- (6) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract, or with any of such rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further government contracts in accordance with procedures authorized in Executive Order No. 11246 of Sept. 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.
- (7) The contractor will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor *will* take such action with respect to any subcontract or purchase order as may be directed by the [Department and the] Secretary of Labor as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, that in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction [by the Department], the contractor may request the United States to enter into such litigation to protect the interests of the United States [*italics added*]."

**ACCESS TO AND MAINTENANCE OF RECORDS**

The Consultant/Contractor agrees to maintain such records and follow such procedures as may be required under HUD Community Planning and Development (CPD) subpart J, 570.502 (paragraph a. 16.) and 2 CFR 200.318(i) and any such procedures that the Department may prescribe. In general such records will include information pertaining to the contract, obligations and unobligated balances, assets and liabilities, outlays, equal opportunity, labor standards (as appropriate), and performance.

All such records and all other records pertinent to this contract and work undertaken under this contract shall be retained by the Consultant/Contractor or grantee for a period of three years after the final audit of the grantee's CDBG project, unless a longer period is required to resolve audit findings or litigation. In such cases, the grantee shall request a longer period for record retention.

The grantee, the Department and duly authorized officials of the state and federal government shall have full access and the right to examine any pertinent documents, papers, records and books of the Consultant/Contractor involving transactions to this local program and contract.

**Conflict of Interest**

From 2 CFR 200.318(c)(1)., no officer, employee or agent of the grantee who will participate in the selection, the award, or the administration of this grant, may obtain a personal or financial interest or benefit from the activity or have an interest in any contract, subcontract or agreement with respect thereto, or the proceeds thereunder either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter. It is further required that this stipulation be included in all subcontracts to this contract. Upon written request, exceptions may be granted on a case-by-case basis when it is determined that such an exception will serve to further the purposes of the Act and the effective and efficient administration of the recipient's program or project. These exceptions are granted by the Department.

**CLEAN AIR AND WATER ACTS – REQUIRED CLAUSES**

This clause is required in all third-party contracts involving projects subject to the Clean Air Act (42 U.S.C. s/s 7401 et seq. (1970)), the Federal Water Pollution Control Act (33 U.S.C. 1251 et. seq.), and the regulation of the Environmental Protection Agency with respect to 40 CFR32 as amended. It also should be mentioned in the bid document.

During the performance of this contract:

- (1) The CONTRACTOR will certify that any facility to be utilized in the performance of any nonexempt contract or subcontract is not listed on the List of Violating Facilities issued by the Environmental Protection Agency pursuant to 48 CFR 9.40 and 40CFR32.20.
- (2) The CONTRACTOR agrees to comply with all the requirements of Section 114 of the Clean Air Act, as amended, (42 U.S.C. 7414) and Section 308 of the Clean Water Act, as amended (33 U.S.C. 1318) relating to inspection, monitoring, entry, reports, and information, as well as all other requirements specified in said Section 114 and Section 308, and all regulations and guidelines issued thereunder.
- (3) The CONTRACTOR agrees that as a condition for the award of the contract, prompt notice will be given of any notification received from the Director, Office of Federal Activities, and Environmental Protection Agency, indicating that a facility utilized, or to be utilized for the contract is under consideration to be listed on the Environmental Protection Agency List of Violating Facilities.
- (4) The CONTRACTOR agrees that it will include or cause to be included the criteria and requirements in Paragraphs (1) through (4) of this section in every nonexempt subcontract and require every subcontractor to take such action as the government may direct as a means of enforcing such provisions.

# Davis Bacon & Related Acts Checklist

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## Davis Bacon & its Related Acts (DBRA) Checklist

Preparation			
Checklist Items	Yes	No	Comments
Have all Contractors (Prime & Sub(s)) had their eligibility verified?	<input type="checkbox"/>	<input type="checkbox"/>	If no, go to <a href="http://www.sam.gov">www.sam.gov</a> to verify and print results for file
Do you have a list showing all Contractors and Subs on file?	<input type="checkbox"/>	<input type="checkbox"/>	
Have Prime and Sub contractors verified the work eligibility of each worker?	<input type="checkbox"/>	<input type="checkbox"/>	E-verify or I-9 paper based verification must be performed and documented. Work eligibility should be on file.
Is there a construction start date letter on file for the Prime and Subcontractor?	<input type="checkbox"/>	<input type="checkbox"/>	
Have you received the first set of payrolls within 7 to 10 days of the contract start date?	<input type="checkbox"/>	<input type="checkbox"/>	This applies to contractors and sub-contracts
If the Prime contractor had Subs- did the Prime contractor review the Sub payrolls before submitting them to you?	<input type="checkbox"/>	<input type="checkbox"/>	
Are payrolls for ALL contractors received weekly and within 7 days from the completed work week?	<input type="checkbox"/>	<input type="checkbox"/>	
Have payrolls been reviewed to ensure the following:			
Checklist Items	Yes	No	Comments
The top portion of the WH347 is totally completed	<input type="checkbox"/>	<input type="checkbox"/>	
Are there no work week payrolls?	<input type="checkbox"/>	<input type="checkbox"/>	If there are no work week payrolls you will need a signed statement from the contractor of those dates not worked.
Are payrolls sequentially numbered?	<input type="checkbox"/>	<input type="checkbox"/>	
Is the work ending week date block inclusive of dates in column 4?	<input type="checkbox"/>	<input type="checkbox"/>	
Is there a name for each worker (on job site) transcribed in column 1?	<input type="checkbox"/>	<input type="checkbox"/>	
Is there a 4-digit ID number for each worker?	<input type="checkbox"/>	<input type="checkbox"/>	

Checklist Items	Yes	No	Comments
Is the work ending week date block inclusive of dates in column 4?	<input type="checkbox"/>	<input type="checkbox"/>	
Is there a name for each worker (on job site) transcribed in column 1?	<input type="checkbox"/>	<input type="checkbox"/>	
Is there a 4-digit ID number for each worker?	<input type="checkbox"/>	<input type="checkbox"/>	
Does the work classification in column 2 match a classification on the wage decision?	<input type="checkbox"/>	<input type="checkbox"/>	If employee is not classified as one of the approved classifications found on the wage decision they will need to change/conform to a trade on the wage decision. If it is not possible to change or conform the trade, then you must submit the HUD 4230A form (in word format) to the Department in order to request the needed classification for the job.
Does column 4 reflect correct pay and dates worked for each worker?	<input type="checkbox"/>	<input type="checkbox"/>	
Does column 4 reflect the correct standard (s) hours and overtime (o) hours for each worker for this job site?	<input type="checkbox"/>	<input type="checkbox"/>	NOTE: Overtime for prevailing wage jobs are based on "where" the worker hit the 41 <sup>st</sup> hour. Overtime for the prevailing wage jobs is paid for 40+ hours on the prevailing wage job site.
Are total hours calculated and entered in column 5?	<input type="checkbox"/>	<input type="checkbox"/>	
Are the workers hourly rates of pay entered in column 6?	<input type="checkbox"/>	<input type="checkbox"/>	Check to see if the company pays fringe benefits. If they do- has the company provided an itemized fringe list for each worker that shows the hourly value of each fringe benefit per worker and have they provided the details of who provides any fringe benefits that are paid into plans?
Is the rate of pay equal to and/or in excess of the total prevailing wage?	<input type="checkbox"/>	<input type="checkbox"/>	
Does the rate of pay X hours = total in the top half of column 7?	<input type="checkbox"/>	<input type="checkbox"/>	
Did worker work other jobs during this pay period?	<input type="checkbox"/>	<input type="checkbox"/>	If yes, is the total gross amount entered in the bottom half of column 7
<b>Deductions-</b> are there "other" deductions reflected on the sheet?  If yes, has the company submitted written descriptions of the deductions, with letters signed and dated by the worker and/or court-ordered documents for child support, garnishments, etc.? This documentation must be included.	<input type="checkbox"/>	<input type="checkbox"/>	Some deductions are not allowable regardless of employee authorization; please call Rebecca Schademann if you have questions 402/471-3172

Checklist Items	Yes	No	Comments
Does entry in column 9 equal the result of the total deductions subtracted from the 2 <sup>nd</sup> half of column 7 (gross amount from all jobs)	<input type="checkbox"/>	<input type="checkbox"/>	
Is there a statement of compliance for each weekly payroll?	<input type="checkbox"/>	<input type="checkbox"/>	
Is the statement of compliance complete?	<input type="checkbox"/>	<input type="checkbox"/>	Box 4a and/or 4b must be marked. Description of other deductions and bona-fide plans listed.
Is the statement of compliance signed by the owner or another authorized person?	<input type="checkbox"/>	<input type="checkbox"/>	If it is not signed by the owner, there must be a written statement on file that is signed and dated by the owner, authorizing signage of such documents.
If the payroll form and SOC are company-created, was the WH348 language used verbatim?	<input type="checkbox"/>	<input type="checkbox"/>	The statement of compliance language needs to be duplicated exactly as is found on the WH348.
Are there whiteouts, scratches, or markups on the payroll forms?	<input type="checkbox"/>	<input type="checkbox"/>	If yes – not acceptable
Has the payroll been completed using non-erasable ink?	<input type="checkbox"/>	<input type="checkbox"/>	If no—not acceptable
Are the signatures on the Statement of Compliance original?	<input type="checkbox"/>	<input type="checkbox"/>	If no—not acceptable
Are there more laborers (non-skilled workers) reflected on payroll for work requiring skilled labor?	<input type="checkbox"/>	<input type="checkbox"/>	If yes—question via written correspondence and get clarification on the duties of each worker.
Are there 1099 workers on payrolls?	<input type="checkbox"/>	<input type="checkbox"/>	If yes— contracts with those workers inclusive of all CDBG language need to be on file. Get copies of contracts between subs and these workers.
Do all Prime and sub-contractor contracts hold the required CDBG language?	<input type="checkbox"/>	<input type="checkbox"/>	Example: scope of work defined, implementation schedule, proper wage decision included, and the HUD 4010
	<input type="checkbox"/>	<input type="checkbox"/>	
Did you perform an on-site interview with workers and record the responses on the HUD-11?	<input type="checkbox"/>	<input type="checkbox"/>	

Checklist Items	Yes	No	Comments
Did you compare interview data to the applicable payroll where the given worker is reflected?	<input type="checkbox"/>	<input type="checkbox"/>	
Did you correct any discrepancies in interview and payroll data and sign the HUD-11?	<input type="checkbox"/>	<input type="checkbox"/>	
Are there apprentices on the project?	<input type="checkbox"/>	<input type="checkbox"/>	
If yes, are all of the appropriate documents on file?	<input type="checkbox"/>	<input type="checkbox"/>	This documentation includes the payroll classification of the apprentice, the individual registration form for each apprentice, and the following pages from the Apprenticeship Program Standards: title page, pages for appropriate apprentice ratios, apprentice levels and percentages of pay and fringe benefits, and the Signatory Page.
Were apprentices paid properly?	<input type="checkbox"/>	<input type="checkbox"/>	If they were not paid according to the standards outlined in their program, then they may be owed restitution or must be paid journeyman's wages.