

LABOR STANDARDS/ DAVIS BACON RELATED ACTS ACKNOWLEDGMENT FORM



FOR PRIME/GENERAL CONTRACTORS COMPLIANCE REPRESENTATIVES



The purpose of this document is to formally acknowledge that you have been fully informed of, and understand, the requirements related to Labor Standards and Davis-Bacon and Related Acts (DBRA) compliance for this project.

Project Name: _____

General/Prime Contractor: _____

INITIAL COMPLIANCE FORMS



I understand the following documents must be uploaded into the LCP Tracker prior to starting work at the construction site.

- ▶ The Sub-Contractor Agreement/Purchase Order-Must be fully executed and contain a copy of the Federal Labor Standards Provision (HUD 4010), a copy of the General Wage Decision (GWD), along with it's Cover Sheet, 2 party signatures, and lists any Exhibits corresponding to the agreement. (Please note: If any of the required documents are not part of the Subcontractor Agreement/Contract or Purchase Order; documents must be incorporated in a form of a Change Order.
- ▶ The Compliance Cover Sheet (This is the form where you'll list the type of contractor: Sub-contractor, Lower-tier contractor, Consultant, Supplier or Professional Services Provider)
- ▶ The Start of Work Notice (Start date on form should match start date on CPR#1)
- ▶ The Certificate of Appointing Officer (This form will list the designated person authorized to prepare and sign Certified Payrolls)
- ▶ The Request for Contractor/Subcontractor Clearance and search results from the <https://sam.gov> (Print out results must include all pages)



I understand the Labor Standards Team will conduct random Site Visits at any time during the progress of construction. Items that will be observed and monitored are:

- ▶ Employee Rights Posters in (English and Spanish) and General Wage Decisions must be posted, accessible, visible and protected by elements. (Posters must be at least 11x17 and GWD 8.5x11).
- ▶ Confidential Employee Interviews will be conducted. Employee's job duties performed will be observed and documented.
- ▶ Site Visit Logs will be reviewed. The number of employees on site will be documented.
- ▶ Pictures of employees and construction progress will be taken.

Prime/General Contractor Responsibilities



I understand as the Prime/General Contractor for this project I must:

- ▶ Designate the Compliance Administrator and/or Consultant who will be overseeing the Labor Standards/DBRA Compliance.
- ▶ Set up an account for each subcontractor in LCP.
- ▶ Verify Subcontractors and Lower-Tier Subcontractors eligibility to receive federal funds through sam.gov
- ▶ Ensure that the Labor Standards Provisions (HUD-4010) and the prescribed General Wage Decision (GWD) (s) w/Cover Sheet are incorporated in all Subcontractor Agreements or Purchase Orders.
- ▶ Audit Weekly Certified Payrolls Reports.
- ▶ Ensure that a Request for Additional Classification and Rate is submitted if a classification is not listed on the applicable GWD.
- ▶ Ensure that all Labor Standards/DBRA Compliance issues needing corrective action on the monthly Compliance Status Reports (CSR) are cleared within 15 days of receipt to avoid payment delay.
- ▶ Ensure labor records are retained for a period of three (3) years after construction completion.
- ▶ Make available upon request all Labor Records: Timesheets, Proof of Payments, deductions paid to a plan, child support orders, fringes, etc.
- ▶ Pay Underpayment Restitution, when a subcontractor is nonresponsive to pay.

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Apprenticeship Required Documentation



I understand when a Subcontractor wants to utilize Apprentice(s) on the project. They will only be able to if the following requirements are met for each worker:

- ▶ Submit a Department of Labor (DOL) issued Apprenticeship Certification
- ▶ Submit a copy of the Full Apprenticeship Program Standards
- ▶ Submit an Apprentice Information Form (HCD) must be fully complete

Please Note:

- ▶ When a Fringe Benefit is silent on the Policy Standards, please note that the approved fringes on the GWD will be applicable.
- ▶ An apprentice can only work on or after the "Date Issued" period. (Work performed prior to the date issued time will need to be paid at the Journeyman rate.
- ▶ The Department of Labor (DOL) Apprenticeship Certification is valid for 90 days. After that time, an updated Certification must be uploaded if the worker is still seeking eligible Apprenticeship status.

CERTIFIED PAYROLLS



I understand that Certified Payrolls will be reviewed and monitored for compliance.

- ▶ Certified Payrolls must be submitted on a Weekly Basis.
- ▶ Certified Payrolls must be in consecutive week ending/number sequence, unless a Work on Hold Notice has been submitted.
- ▶ A Work on Hold Notice may be submitted if a subcontractor will work on the project then take a break in-between the progress of the project (more than 4 weeks). The Work on Hold Notice should start the day after the last working date and end the day before work is scheduled to begin back on the project.
- ▶ Workers on-site (Laborers and Mechanics-Trades) must be paid the minimum Prevailing Wages and include Fringe Benefits (if applicable).
- ▶ For workers that work Overtime on a federally funded project, they are subject to The Contract Work Hours and Safety Standards Act (CWHSSA) and receive one and one-half times their basic rate of pay for all hours worked over 40 in a workweek.
- ▶ Project employees must be classified based on the Scope of Work or trade being conducted and/or tools being used.
- ▶ The "Helper" classification is not allowed on federally funded projects.
- ▶ Under the Federal Labor Standards Act (FLSA), a worker should be classified as a Worker or an Independent Contractor.

Certified Payroll Notes:

- ▶ **Please be aware that the Certified Payrolls are subject to being audited by the Department of Labor (DOL), HUD and the IRS at anytime.**
- ▶ Issues raising Red Flags:
 - Reporting excess use of laborers vs. journeyman or skilled workers,
 - Reporting laborers vs. apprentices,
 - Laborers being paid more than 50% of the requirement minimum prevailing base pay,
 - Classifications used not related to the Scope of Work the subcontractor is contracted to do,
 - Site observations do not reconcile with payrolls
- ▶ Once a FINAL CPR is submitted, a Termination Of Work Notice (TOW) should be submitted. The date listed on the TOW Notice should be the end working date on the FINAL CPR.

Technical Assistance



I understand that the Labor Standards/DBRA Team is available to provide technical assistance at any point during the progress of construction to any subcontractors and lower-tier subcontractors working on site.

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WE ARE HERE TO HELP

We look forward to working with you and your team and supporting your efforts in meeting the DBRA Compliance for this project. We are confident that we can meet the challenges ahead and stand ready to partner with you in delivering an effective working relationship. Please feel free to reach out to us with any questions.

Best Regards,

Michelle Perales
Administration Manager
Real Estate Compliance/Davis Bacon

City of Houston
Housing and Community Development Department
2100 Travis Street [9th Floor]
Houston, TX 77002
832-394-6285

Name
General Contractor's Compliance Representative

Signature
General Contractor's Compliance Representative
(to be signed via DocuSign)

Title

Name
Labor Standards/DBRA Compliance Representative

Signature
Labor Standards/DBRA Compliance Representative
(to be signed via DocuSign)