



**MAINE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
FEDERAL LABOR STANDARDS HANDBOOK**



"BUILDING MAINE COMMUNITIES"

**Department of Economic & Community Development
Office of Community Development
111 Sewall Street, 3rd Floor, 59 State House Station
Augusta, Maine 04333-0059
(207) 624-7484 (Voice) (207) 287-6556 (TTY)**

DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

FEDERAL LABOR STANDARDS GUIDEBOOK

The purpose of this Guidebook is to create a “user friendly” resource for implementing Federal Labor Standards Compliance on Community Development Block Grant funded construction projects. This Guidebook is not intended to replace HUD Handbook 1344.1. This Handbook will still be found in the CDBG Administrator’s Guide and should be consulted for a more in-depth explanation of implementing Federal Labor Standards Compliance.

Take the time to read through this Guidebook and familiarize yourself with it during the planning process of your CDBG financed construction project. By doing so, you will have a good idea of what will be expected of you prior to contract award and once construction has begun.

Just What Are Labor Standards?

Federal Labor Standards are statutory provisions dealing with Federally funded construction projects. A summary of their contents is as follows:

Davis-Bacon Act (40 U.S.C. 276a-5)

This act provides that contracts in excess of **\$2,000** for construction related activities to public buildings or public works, which employ laborers and/or mechanics, shall contain provisions with respect to minimum wages, fringe benefits, payments without reductions or rebates, possible withholding of payments from contractors to ensure compliance, and contract termination and debarment provisions. These provisions are extended to HUD finances programs by a series of Related Acts, referred to as DBRA.

Contract Work Hours and Safety Standards Act (40 U.S.C 327 – 333)

This act states that all work in excess of 40 hours per week shall be compensated for at rates at least one and one-half times the basic hourly rate of pay. Further, the act contains provisions for rendering contractors and subcontractors liable for damages.

Copeland Act (Anti-Kickback Act) (40 U.S.C. 276c)

This act makes it a crime for any worker to be forced to give up any part of their compensation while working on a construction related project. Submission of weekly payrolls and statements of compliance by contractors and subcontractors which meets the requirements of 29 CFR Section 5.5, is required for contracts exceeding **\$2,000**. This act also permits only permissible deductions from employee paychecks.

GENERAL INFORMATION

Does Davis-Bacon and Related Acts Apply to My CDBG Project?

The answer to this question is almost certainly yes! Very few activities are exempted from Labor Standard Regulations. These are noted below:

- 1. Prime Contracts Below \$2,000.** These are exempted from Davis-Bacon Regulations no matter what their nature.
- 2. Certain Demolition Projects.** In instances where a blighted structure is to be demolished with no Federally financed construction to follow, the demolition is exempted. If, however, the demolition is a phase of a construction project to be financed by CDBG or other Federal monies, Davis-Bacon will apply to the demolition.
- 3. Housing Rehabilitation.** Contracts for the rehabilitation of **less than 8 units** of housing (either in one building or scattered site) are exempted.
- 4. Supply and Installation Contracts.** Materials contracts are not covered if they are to be installed by bona fide force account labor. Contracts that include only incidental installation of a material such as draperies are exempted.

Call OCD for assistance if you the slightest uncertainty about your project.

What do I have to do?

As a grantee, you will be responsible for assuring that your project complies with all aspects of Federal Labor Standards Compliance. Someone must be selected as the Labor Standards Compliance Officer. The Officer will work closely with the contractor in explaining the necessary procedures relating to Labor Standards Regulations required by law. This GuideBook has broken down the compliance process into 3 sections, which are presented in the order in which they occur. All necessary forms and instructions are included in the forms section which follows the text. If handled in a timely and efficient manner, Labor Standards Compliance will not cause an undue burden on your project.

REQUESTING A WAGE DETERMINATION

What is a Wage Determination?

A Wage Determination is a document issued by the U.S. Department of Labor that will inform you of the minimum wage rate that must be paid by the prime contractor and all subcontractors to each job classification (trade) that will work on your construction project.

Some rates will also have a required Fringe Benefit that must be paid to approved plans or as cash payments. Fringe Benefits are such things as health insurance, vacation time or retirement plans. Uniform allowances, travel time or worker's compensation are not fringe benefits and cannot count towards the total. For a more detailed description of Fringe Benefits, consult the 1344.1 HUD Manual or contact the Office of Community Development.

These Rates are issued for 4 different types of work, **Building Construction, Residential Construction, Heavy Construction and Highway Construction.** Detailed descriptions of each type are contained in the instruction pages in the forms section.

Are any Trades or Individuals Not Required to Receive a Minimum Rate?

Certain exceptions do exist, but they are limited. A brief explanation of some of these:

1. **Summer Youth.** Youths who are bona fide students and part of a bona fide "Youth Opportunity Program" may be paid lower rates on a temporary basis. Applicable stipulations must be met prior to their employment on the project. An application for use of Summer Youth on a Davis-Bacon project is available from OCD upon request.
2. **Force Account.** Use of municipal employees for such things as street paving or laying sewer lines is exempted. However, a contractor who works on a regular basis for a community, must comply when doing the same work.
3. **Self-Employed Owners.** Refer to the HUD Labor Relations letter on the Self-Employed (LR 96-01). It can be found at:
http://www.hud.gov/offices/olr/olr_9601.cfm
4. **Project Superintendents.** These individuals are not covered however, if they do work in listed trades, they must be paid the appropriate wage listed on the Wage Determination.
5. **Apprentices and Trainees.** May be paid less than wage rate if they are employed in a bona fide program registered with the U.S. Department of Labor.
6. **Project Foremen.** May not work more than 20% of his/her time performing duties covered by the Determination; if they do, they are working foremen and must be paid the applicable rate for work done.
7. **Project Engineers.**
8. **Watchmen, Water Carriers, Messengers, Clerical Workers.**

- 9. Volunteers.** Volunteers may work without pay on a construction project to which Davis-Bacon and Related Acts apply. An individual may not however, be paid for some work and volunteer for other. It is permissible to cover reasonable costs of volunteers such as travel or other incidental benefits. They must be approved by OCD in advance. Forms covering the use of volunteers are available from OCD upon request.

To Request a Wage Determination, Do the Following:

1. Turn to the forms in this section of the Guidebook and fill out the Request for Wage Determination. Use the attached Instructions for Completion to direct you step by step in deciding what type of rate(s) you need and in completing the form properly. In certain instances, depending on your project(s), you may have to request more than one type of rates, such as Heavy and Highway. This will result in the issuance of a Dual Determination. Mail the request to:

**Terry Ann Holden, Labor Standards Compliance Officer
Office of Community Development
111 Sewall Street, 3rd Floor, 59 State House Station
Augusta, Maine 04333
Phone: (207) 624-9814 Fax Copies: (207) 287-8070
E-mail: TerryAnn.Holden@maine.gov**

The Office of Community Development will process your request and return the appropriate Rates. Expect it to take approximately 10 days before you have the Rates in your hand and ready to use. **Remember that you can't go out to bid until you have the Rates!**

PRECONSTRUCTION RESPONSIBILITIES

Bidding

As soon as OCD has provided the Wage Determination, you are ready to go out to bid. Your Wage Determination will have a list of minimum wage rates to which your project's contractors and subcontractors must comply. Your community and the project engineer or architect should already have the bid documents in place which include terms and conditions, specifications and applicable State and Federal Contract Provisions, but 2 specific Labor Standards Documents must be included in all bid documents made available to prospective bidders. These documents are:

1. A complete copy of your approved Wage Determination(s).
2. Federal Labor Standards Provisions. (HUD-4010)

(In certain instances, a Modification to one or more of the rates on your Determination may be issued before the bid opening. OCD will forward this to you and depending on the timeframe, it may have to be included in the bid documents. This is rare in Maine.)

Inclusion of these documents will allow bidders to see the minimum wages they will have to pay and all regulations they must comply with.

After the Bid Opening

Once you have selected a contractor, there are 4 steps left in Labor Standards Compliance prior to awarding the contract. These steps are:

1. Include the Wage Determination, Federal Labor Standards Provisions in the actual body of the contract bid documents. "By Reference" is not allowed.
2. Be sure to check on the eligibility of the proposed contractor. You must complete this step as part of the Contract Information Reporting form. Some contractors (even in Maine) have been debarred for past Labor Standards violations from participating in federally funded programs. You will find the Debarred Contractor List at: **www.sam.gov/**
(You DO NOT need to register or log-in to perform a debarment check. Simply type in the name of the entity that you want to check in the search box on the right-hand side of the SAM home page and click on the red search icon (magnifying glass on right). The results will appear in a new window.)
3. Before work commences, a preconstruction conference with your contractor and all available subcontractors must be held. Your Labor Standards Compliance Officer should conduct the meeting where the responsibilities of the contractor and subcontractors should be outlined. The contractor should be also be apprised of Civil Rights, Equal Employment Opportunity and Section 3 requirements. An attendance list as well as a written record of the conference minutes must be maintained. A good sample of an attendance list and preconstruction minutes record is contained in the forms section.
4. Sometimes a Wage Determination will not contain a wage rate for a trade needed on the construction project. When this occurs, an additional classification may be added. This is submitted by OCD to the U.S. Department of Labor.

Whenever an Additional Classification is needed, a Request for Additional Classification Form located in the forms section must be filled out and emailed to OCD. OCD will process the Request and promptly issue the additional classification. **Failure to do so could cause a delay in the project or result in underpayments.**

RESPONSIBILITIES DURING CONSTRUCTION

After the contract award, certain responsibilities for Labor Standards Compliance exist for both the contractor and the Compliance Officer. These responsibilities are outlined below.

Contractor's Responsibilities

1. Must post a complete copy of the Wage Determination in a conspicuous place at the job site.
2. Must post a Notice to All Employees Poster in a conspicuous place at the job site. The Labor Standards Compliance Officer's name, address and phone number must appear on the poster. This poster explains basic rights to workers under Labor Standards Law and allows the worker an avenue to examine suspected violations.
3. Must post the Equal opportunity Poster in a conspicuous place at the job site. This poster highlights the Contractor's responsibilities in assuring that discrimination does not take place on this project.
4. Must submit weekly payrolls for his/her employees and have all subcontractor's submit payrolls for their employees. The payroll form must be complete, including the Statement of Compliance on the back, and be signed by an officer of the company or a predetermined designee. A computerized payroll or other form is permissible as long as it contains the same information as the payroll form. A Statement of Compliance with authorized signature is still required. All payrolls must be submitted no more than 7 days following the completing of the workweek and be numbered sequentially, with the last one marked "final".
5. Must correct any violations in an appropriate manner as directed by the Labor Standards Compliance Officer. These violations include but are not limited to underpayments, improper deductions, and improper payment of overtime and fringe benefits. In addition to repayment to affected workers, all contractors are liable for liquidated damages to the United States Government for violations in the payment of overtime. Payment shall be fixed at a rate to \$25 per calendar day for which each individual was required or permitted to work over a 40-hour week.
6. Must assure that only bona fide deductions are taken from employees' pay. (Check 1344.1 HUD Manual or contact OCD.)
7. Must comply with all Federal labor Standards Provisions. Copies of all posters and forms are provided by OCD prior to the start of work.

Responsibilities of Labor Standards Compliance Officer

1. Submit a Contract Information Reporting Form to OCD that lists the Prime Contractor's name, and address, project and wage decision numbers, and contract amount. Failure to submit this form will prevent processing payment of CDBG funds.
2. Assure that all contractors comply with the Federal Labor Standards Provisions.
3. Establish and maintain an adequate Construction Contract Management System.
4. Maintain a Labor Standards Compliance File for each contract to which Labor Standards apply. This file must contain:
 - Signed copies of all Contracts
 - Name and address of Prime Contractor
 - Name and addresses of all Subcontractors
 - Applicable Performance and Payment Bonds
 - Contractors' Proof of Insurance
 - Preconstruction Conference Minutes and Attendance list
 - Weekly Payrolls
 - Copy of Wage Determination (Including any Modifications)
 - Records of Additional Classifications
 - Notices of Start of Construction
 - On-site Inspection Reports
 - Employee Interviews
 - Records of Enforcement and Wage Restitution
 - Record of any Volunteer Labor
 - Records of Summer Youth or Apprentices on Job
5. Review weekly payrolls against the Wage Determination for completeness, proper payment of wages and fringe benefits, payment of overtime, inclusion of only listed classifications, use of proper deductions, and any disproportionate employment of laborers, helpers, trainees, and apprentices. The signature on the Statement of Compliance should also be checked to make sure that it is authorized. A sample Weekly Compliance Review form is found in the forms section of the handbook. If the project is subject to Section 3 then you must begin tracking the labor hours for each employee over the life of the contract/project. A total number of labor hours for Targeted Section 3 Workers, Section 3 Workers, and all workers will be required at the final drawdown of funds.
6. Assure that all underpayments are corrected, and full restitution made to affected employees. This also requires informing OCD of any underpayment in excess of \$10.00. A Receipt of Payment of Back Wages

form is included in the forms section. The contractor must also submit a corrected certified payroll upon payment of restitution. Copies of these forms must be forwarded to OCD whenever an underpayment occurs.

7. Cooperate fully with OCD and/or HUD as well as the United States Department of Labor in any potential Labor Standards Investigation.
8. Conduct on-site interviews of project employees and record them on the Record of Employee Interview Form. These interviews should be sufficient to ensure compliance and to indicate the nature and extent of any violations. A review of pay stubs is recommended. On a small project, every effort should be made to interview all employees, while on larger projects, a representative sample of all trades should be interviewed. A summary of interviews should be maintained.
9. Assure that the contractor properly posts at the job site the Notice to All Employees, and the applicable Wage Determination, and the EEO Poster.
10. If volunteers are to be utilized on your construction project, you must receive prior permission from OCD. Contact OCD for the required forms to assure compliance.
11. Assure compliance by project contractor and subcontractors regarding the use of apprentices and trainees.



STATE OF MAINE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM REQUEST FOR WAGE DETERMINATION

1. Project Information

Community:		Date:	
Grant Type:		Grant Year:	
Contact Person:		Telephone:	
Fax:		E-mail:	
Address:		Prior Determination #:	
		Contract Dollar Value \$:	
State and Zip:		Proposed Advertising Date:	
County:		Proposed Bid Opening Date:	

Type of Work: Building Residential Highway Heavy

2. Project Description

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3. Design Professional Information:

Name:	Phone:
Address:	Fax:
	E-mail:
State:	Zip:

SUBMIT TO:
Terry Ann Holden, Labor Standards Compliance Officer
Office of Community Development
111 Sewall Street, 3rd Floor, 59 State House Station
Augusta, Maine 04333
Phone: (207) 624-9814 Fax Copies: (207) 287-8070
E-mail: TerryAnn.Holden@maine.gov

Instructions for Completing Your Wage Determination Request

1. Project Information

1. Fill out all information completely in this section.
2. If an exact contract dollar amount is not available, give the best estimate possible.
3. If a prior determination number was issued, don't forget to list it, if not, enter N/A.
4. Check the type(s) of work the wage rates will apply to. This is important to assure correct rates. If more than one type applies, don't forget to check each. Use the following guide to determine the classification of your construction project.

Building Construction

Building construction generally is the construction of sheltered enclosures with walk-in access for the purpose of housing persons, machinery, equipment, or supplies. It includes all construction of such structures, the installation of utilities, and the installation of equipment, both above and below grade.

Generally, for wage determination purposes, a project consists of all construction necessary to complete a facility regardless of the number of contracts involved so long as all contracts awarded are closely related in purpose, time, and place. For example, demolition or site work preparatory to building construction is considered a part of the building project for wage determination purposes. When a project, such as a water and sewer treatment plant, includes construction items that by themselves would be otherwise classified, a multiple classification may be justified if the construction items are a substantial part of the project. However, a separate classification would not apply if such construction items were merely incidental to the total project to which they are closely related in function. For example, water and sewer line work, which is a part of a building project, would not generally be separately classified. When construction is "incidental" in function, 20% of project cost is used as a rough guide for determining when construction is also "incidental" in amount to the overall project level, as well as incidental grading, utilities, and paving.

The following are examples of Building Construction in the CDBG program:

- Alterations and additions to buildings
- Apartment buildings over 4 stories
- Civic & Community Centers
- Commercial & industrial buildings
- Fire stations
- Water & sewage treatment plants (buildings only)

Residential Construction

Residential projects for Davis-Bacon purposes are those involving the construction, alteration, or repair of single-family houses or apartment buildings of no more than four stories in height. This includes all incidental items such as site work, parking areas, utilities, streets, and sidewalks. Some examples are:

- Town or row houses
- Apartment buildings (4 stories or less)
- Single family houses
- Mobile home developments
- Multi-family housing

Heavy Construction

Heavy projects are those projects that are not properly classed as “buildings”, “highway”, or “residential.” Unlike these classifications, heavy construction is not a homogeneous classification. Because of its catchall nature, projects within the heavy classification may sometimes be distinguished based on their particular project characteristics, and separate schedules issued. Examples are:

- Dredging projects
- Water and sewer line projects
- Dams
- Demolition (non construction related)
- Drainage projects
- Electrification projects (outdoor)
- Flood control projects
- Land reclamation
- Marine Construction
- Pipelines
- Pumping stations (prefab units - not buildings)
- Reservoirs
- Sewage collection and disposal lines
- Sewers (sanitary, storm, etc.)
- Shoreline maintenance
- Storage tanks
- Water mains
- Water supply lines (not incidental to building)
- Water & sewage treatment plants (other than buildings)
- Well

Highway Construction

Highway projects include the construction, alteration or repair of roads, streets, highways, runways, and related areas not incidental to building or heavy construction. Examples are:

- Base courses
- Bituminous treatments
- Concrete pavement
- Excavation - embankment (for road construction)
- Fencing (highway)



- Guard Rails
- Highway signs
- Bridges
- Parking lots
- Resurfacing streets & highways
- Roadbeds
- Storm sewers (incidental to road construction)
- Street paving

2. Project Description

Give an accurate, detailed narrative of the proposed project. If the project is multifaceted, describe each specific section. Also, indicate what the projected use of the project will be. Attach an additional page if needed.

3. Check List for Crafts Needed

Check all crafts that will be needed for the completion of your project. If you're not sure, it is better to check it than be held up by having to request it later! Remember that the more information you supply to DECD, the smoother the process will be.

REMEMBER!

- **Submit your request at least 10 days prior to the proposed bid solicitation date.** This is essential to allow the necessary time for the request to go through the system.
- All requests for wage determinations should be sent to:

Terry Ann Holden, Labor Standards Compliance Officer
Office of Community Development
111 Sewall Street, 3rd Floor, 59 State House Station
Augusta, Maine 04333
Phone: (207) 624-9814 Fax Copies: (207) 287-8070
E-mail: TerryAnn.Holden@maine.gov

REQUEST FOR ADDITIONAL CLASSIFICATIONS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering, and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the FAR Secretariat (MVP), Office of Acquisition Policy, GSA, Washington DC 20405; and to the Office of Management and Budget, Paperwork Reduction Project (9000-0089), Washington, DC 20503.

INSTRUCTIONS: THE CONTRACTOR SHALL COMPLETE ITEMS 3 THROUGH 16, KEEP A PENDING COPY, AND SUBMIT THE REQUEST TO THE CONTRACTING OFFICER.

1. TO: ADMINISTRATOR, Employment Standards Administration WAGE AND HOUR DIVISION U.S. DEPARTMENT OF LABOR WASHINGTON, D.C. 20210	2. FROM: (REPORTING OFFICE) Terry Ann Holden Maine Office of Community Development, SHS 59 Augusta ME 04333-0059
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3. CONTRACTOR	4. DATE OF REQUEST
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5. CONTRACT NUMBER	6. DATE BID OPENED (SEALED BIDDING)	7. DATE OF AWARD	8. DATE CONTRACT WORK STARTED	9. DATE OPTION EXERCISED (IF APPLICABLE) (SCA ONLY)
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10. SUBCONTRACTOR (IF ANY)

11. PROJECT AND DESCRIPTION OF WORK (ATTACH ADDITIONAL SHEET IF NEEDED)

12. LOCATION (CITY, COUNTY AND STATE)

13. IN ORDER TO COMPLETE THE WORK PROVIDED FOR UNDER THE ABOVE CONTRACT, IT IS NECESSARY TO ESTABLISH THE RATE(S) FOR THE INDICATED CLASSIFICATION(S) NOT INCLUDED IN THE DEPARTMENT OF LABOR DETERMINATION NUMBER: _____ DATED: _____

a. LIST IN ORDER: PROPOSED CLASSIFICATION TITLES(S); JOB DESCRIPTION(S); DUTIES; AND RATIONALE FOR PROPOSED CLASSIFICATIONS	b. WAGE RATE(S)	c. FRINGE BENEFITS PAYMENTS

14. SIGNATURE AND TITLE OF SUBCONTRACTOR REPRESENTATIVE (IF ANY)	15. SIGNATURE AND TITLE OF PRIME CONTRACTOR REPRESENTATIVE
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16. SIGNATURE OF EMPLOYEE OR REPRESENTATIVE	TITLE	CHECK APPROPRIATE BOX-REFERENCING BLOCK 13. <input type="checkbox"/> AGREE <input type="checkbox"/> DISAGREE
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TO BE COMPLETED BY CONTRACTING OFFICER (CHECK AS APPROPRIATE - SEE FAR 22.1019 (SCA) OR FAR 22.406-3 (DBA))

THE INTERESTED PARTIES AGREE AND THE CONTRACTING OFFICER RECOMMENDS APPROVAL BY THE WAGE AND HOUR DIVISION. AVAILABLE INFORMATION AND RECOMMENDATIONS ARE ATTACHED.

THE INTERESTED PARTIES CANNOT AGREE ON THE PROPOSED CLASSIFICATION AND WAGE RATE. A DETERMINATION OF THE QUESTION BY THE WAGE AND HOUR DIVISION IS THEREFORE REQUESTED. AVAILABLE INFORMATION AND RECOMMENDATIONS ARE ATTACHED.

SIGNATURE OF CONTRACTING OFFICER OR REPRESENTATIVE	TITLE AND COMMERCIAL TELEPHONE NO.	DATE SUBMITTED
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**DEPARTMENT OF ECONOMIC & COMMUNITY DEVELOPMENT
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
PRE-CONSTRUCTION CONFERENCE MINUTES
(Attendance List Attached)**

Date: _____ CDBG Project Number: _____
Project Name: _____ Community: _____
Conducted By: _____ Amount of Contract: _____
Contractor: _____ Telephone: _____
Address: _____
Minority Contractor: ___ Yes ___ No
Female Contractor: ___ Yes ___ No
Section 3 Contractor: ___ Yes ___ No

LABOR STANDARDS ACTS
(Check off Items as Covered in Conference)

Wage Decision Number: _____

- Posting of Wage Decision at Job Site (Copy distributed to Contractor)

Davis-Bacon Acts

- If a contract exceeds \$2,000, all laborers and mechanics employed by the Contractor and any Subcontractor on construction work pursuant to this Contract shall be paid wages at rates not less than the prevailing wages contained in the Wage Determination for _____ County, Maine, as determined by the United States Department of Labor. Furthermore, each Contractor or Subcontractor shall submit to the Town/City of _____ weekly payrolls for each week from the time the work is started on the project until it is completed. Weekly payrolls shall be submitted promptly, preferably, no later than seven working days following completion of the workweek and shall be numbered sequentially, and the final payroll marked "Final."
- Exceptions to minimum wage requirements
- Fringe Benefit Payments Discussed
- Payroll forms explained and distributed
- Underpayments and Restitution explained
- Employee interviews explained
- Posting of "Notice to all Employees" poster (Poster distributed to Contractor)

Contract Work Hours and Safety Standards Act

- All laborers and mechanics employed by the Contractor or any Subcontractor shall receive overtime compensation at rates not less than one and one-half times the basic rate of pay for work in excess of 40 hours per week.

- Underpayments and Liquidated Damages explained

Copeland Anti-Kickback Act

- The Contractor or any Subcontractor shall be prohibited from inducing, by any means, any person employed in the construction, completion or repair of any public building or public work to give up any part of the compensation to which he or she is otherwise entitled.
- Violations explained
- Permissible deductions explained

Use of Volunteers

- Check here if any Contractor or Subcontractor intends to utilize volunteer labor on this project.
- Permissible use of volunteers explained
- Need of OCD notification and approval

Title VI of the Civil Rights Act of 1964

- No person shall be excluded from participation in, be denied benefits of, or otherwise be subjected to discrimination on the grounds of race, handicap, color, sex, sexual orientation, national origin, or familial status

Equal Employment Opportunity

- All contractors and Subcontractors must comply with Executive Order 11246, entitled "Equal Employment Opportunity", as contained in the Construction Contract.
- Posting of the EEO Poster at the jobsite (Copy distributed to Contractor)
- Certification of Contractor and Subcontractors Regarding Nonsegregated Facilities as required by the May 19, 1967, Order 32F.R. 74390
- Certification of Bidder Regarding Equal Employment Opportunity as required by the Construction Contract and all subcontracts

Section 3 of the Housing and Urban Development Act of 1964

- Contractor must submit a completed Section 3 Affirmative Action Plan as required in the Construction Contract.
- Contractor and all subcontractors must complete Section 3 Income Worksheet for all new hires and existing employees.
- Contractor must submit a completed Section 3 Utilization Report prior to receiving final payment.

Contractor fully understands his/her obligations as presented above.

Signature: _____

Title: _____



DEPARTMENT OF ECONOMIC & COMMUNITY DEVELOPMENT
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

CONTRACT INFORMATION REPORTING FORM

COMMUNITY: _____

GRANT YEAR & TYPE: _____

PROJECT NAME & NUMBER: _____

FEDERAL WAGE DECISION NUMBER (S): _____

DATE CONTRACT SIGNED: _____

TOTAL CONTRACT AMOUNT: \$ _____ **CDBG AMOUNT: \$** _____

MINORITY CONTRACTOR: ___ Yes ___ No

SECTION 3 BUSINESS: ___ Yes ___ No

FEMALE CONTRACTOR: ___ Yes ___ No

**SERVICE-DISABLED VETERAN OWNED
SMALL BUSINESS:** ___ Yes ___ No

NAME & ADDRESS OF PRIME CONTRACTOR:

Employer (IRS) Number _____

**ATTACH PROOF THAT THE CONTRACTOR LISTED ABOVE IS NOT ON THE FEDERAL
DEBARRED LIST - Refer to: www.sam.gov Save your search as a PDF.**

**** IMPORTANT NOTICE ****

This form must be submitted for each prime contract within 7 days of contract signing:

SUBMIT TO:

**Terry Ann Holden, Labor Standards Compliance Officer
Office of Community Development**

**111 Sewall Street, 3rd Floor, 59 State House Station
Augusta, Maine 04333**

Phone: (207) 624-9814 Fax Copies: (207) 287-8070

E-mail: TerryAnn.Holden@maine.gov



EXCLUDED PARTIES LISTING SYSTEM (EPLS) ON SAM

CONTRACTOR ELIGIBILITY VERIFICATION

Project Name: _____

Name of Prime Contractor: _____

Address: _____

NOT LISTED on SAM: _____

LISTED on SAM No Exclusions: _____

LISTED on SAM with Exclusions: _____

Actions taken if Exclusions listed:

On-Line access at: www.sam.gov

Date: _____ **STATEMENT OF COMPLIANCE**

I, _____, _____, do hereby state:
 (Name of Signatory Party) (Title)

(1) That I pay or supervise the payment of the persons employed by _____
 (Contractor or Subcontractor)
 on the _____; that during the payroll period commencing on the _____ day
 (Name of Project)
 of _____, 2000, all persons employed on said project have been paid the full weekly wages earned, that no rebates have been or will be
 made either directly or indirectly to or on behalf of said _____
 (Contractor or Subcontractor)
 from the full weekly wages earned by any person and that no deductions have been made either directly or indirectly from the full wages earned by
 any person, other than permissible deductions as defined in Regulations, Part 3, (29 CFR Subtitle A), issued by the Secretary of Labor under the
 Copeland Act, as amended (48 Stat. 948.63 Stat. 108, 72 Stat. 357: 40 U>S> C> 276c) and described below:

(2) That any payrolls otherwise under this contract required to be submitted for the above period are correct and complete; that the wage rates for laborers and mechanics contained therein are not less than the applicable wage rates contained in any wage determination incorporated into this contract; that the classifications set forth therein for each laborer or mechanic conform with the work he or she performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide apprenticeship program registered with a State apprenticeship agency recognized by the Bureau of Apprenticeship and Training, United States Department of Labor, or if no such recognized agency exists in a State, are registered with the Bureau of Apprenticeship and Training, United States Department of labor.

(4) That:

(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS

In addition to the basic hourly wage rates paid to each laborer or mechanic listed in the above referenced payroll, payments of fringe benefits as listed in the contract have been or will be made to appropriate programs for the benefit of such employees, except as noted in Section 4(c) below.

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

Each laborer or mechanic listed in the above referenced payroll has been paid as indicated on the payroll an amount not less than the sum of the applicable basic hourly wage rate plus the amount of the required fringe benefits as listed on the contract, except as listed in Section 4(c) below.

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION
Name and Title	Signature

THE WILFUL 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 OF TITLE 31 OF THE UNITED STATES CODE.

INSTRUCTIONS FOR COMPLETING PAYROLL FORM, WH-347

General: The use of WH-347, payroll form, is not mandatory. This form has been made available for the convenience of contractors and subcontractors required by their Federal or Federally aided construction type contracts and subcontracts to submit weekly payrolls. Properly filled out, 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 Davis-Bacon and related Acts.

This form meets needs resulting from the amendment of the Davis-Bacon Act to include fringe benefits provisions. Under this amended law, the contractor is required to pay not less than fringe benefits as predetermined by the Department of Labor, in addition to payment of not less than the predetermined rates. The contractor's obligation to pay fringe benefits may be met either by payment of the fringes to the various plans, funds, or programs or by making this payment to the employees as cash in lieu to fringes.

The payroll provides for the contractor's showing on the face of the payroll all monies paid to the employee, whether as basic rates or as cash in lieu of fringes and provides for the contractor's representation in the statement of compliance on the rear of the payroll that he is paying to employees' fringes required by the contract and not paid as cash in lieu of fringes. Detailed instructions concerning the preparation of the payroll follow.

Contractor or Subcontractor: Fill in your firm's name and check appropriate box.

Address: Fill in your firm's address.

Column 1 – Name, Address and Social Security number of Employee: The employee's full name must be shown on each payroll submitted. The employee's address must also be shown on the payroll covering the first week in which the employee works on the project. The address need not be shown on subsequent weekly payrolls unless his address changes. Although not required by Regulations, Parts 3 and 5, space is available in the name and address section so that Social Security numbers may be listed.

Column 2 – Withholding Exemptions: This column is merely inserted for the employer's convenience and is not a requirement of Regulations, Parts 3 and 5.

Column 3 – Work Classifications: List classifications descriptive of work actually performed by employees. Consult classifications and minimum wage schedule set forth in contract specifications. If additional classifications are deemed necessary, see Contracting Officer or Agency representative. Employee may be shown as having worked in more than one classification provided accurate breakdown of hours so worked is maintained and shown on submitted payroll by use of separate line entries.

Column 4 – Hours Worked: On all contracts subject to the Contract Work Hours Standards Act enter as overtime all hours worked in excess of 8 hours per day and 40 hours a week.

Column 5 – Total: Self-explanatory

Column 6 – Rate of Pay, Including Fringe Benefits: In straight time box, list actual hourly rate paid the employee for straight time worked plus any cash in lieu of fringes paid the employee. When recording the straight time hourly rate, any cash in lieu of fringes may be shown separately from the basic rate thus 13.25/. 40. This is of assistance in correctly computing overtime. See "Fringe Benefits" below. In overtime box show overtime-hourly rate paid, plus any cash in lieu of fringes paid the employee. See "Fringe Benefits" below. Payment of not less than time and one-half the basic or regular rate paid is required for overtime under the Contract Work Hours Standards Act of 1962. In addition to paying not less than the predetermined rate for the classification in which the employee works, the contractor shall pay to approved plans, funds, or programs or shall pay as cash in lieu of fringes amounts predetermined as fringe benefits in the wage decision made part of the contract. See "FRINGE BENEFITS" below.

FRINGE BENEFITS – Contractors who pay all required fringe benefits: A contractor who pays fringe benefits to approved plans, funds, or programs in amount not less than were determined in the applicable wage decision of the Secretary of Labor, shall continue to show on the face of the payroll the basic cash hourly rate and overtime rate paid to his employees just as he has always done. Such a contractor shall check paragraph 4(a) of the statement on the reverse of the payroll to indicate that he is also paying to approved plans, funds, or programs not less than the amount predetermined as fringe benefits for each craft. Any exceptions shall be noted in Section 4(c).

Contractors who pay no fringe benefits: A contractor who pays no fringe benefits shall pay to the employees and insert the straight time hourly rate column of the payroll, an amount not less than the predetermined rate for each classification plus the amount of fringe benefits determined for each classification in the applicable wage decision. Inasmuch as it is not necessary to pay time and a half on cash paid in lieu of fringes, the overtime rate shall be not less than the sum of the basic predetermined rate, plus the half time premium on basic or regular rate, plus the required cash in lieu of fringes at the straight time rate. In addition, the contractor shall check paragraph 4(b) of the statement on the reverse of the payroll to indicate that he is paying fringe benefits in cash directly to his employees. Any exceptions shall be noted in Section 4(c).

Use of Section 4(c) Exceptions: Any contractor who is making payment to approved plans, funds, or programs in amount less than the wage determination requires, is obligated to pay the deficiency directly to his employees as cash in lieu of fringes. Any exception to Section 4(a) or 4(b), whichever the contractor may check, shall be entered in Section 4(c). Enter in the Exception column the craft and enter in the Exception column the hourly amount paid the employee as cash in lieu of fringes and the hourly amount paid to plans, funds, or programs as fringes. The contractor shall pay and shall show that he is paying to each such employee for all hours (unless otherwise provided by applicable determination) worked on Federally assisted project an amount not less than the predetermined rate plus cash in lieu of fringes as shown in Section 4(c). The rate paid and amount of cash paid in lieu of fringe benefits per hour should be entered in column 6 on the payroll. See paragraph on "Contractors who pay no fringe benefits" for computation of overtime rate.

Column 7 – Gross Amount Earned: Enter gross amount earned on this project. If part of the employees' weekly wage was earned on projects other than the project described on this payroll, enter in column 7 first the amount earned on the Federal or Federally assisted project and then the gross amount earned during the week on all projects, thus \$63.00/120.00.

Column 8 – Deductions: Five columns are provided for showing deductions made. If more than five deductions should be involved, use first 4 columns; show the balance of deductions under "Other" column;

show actual total under "Total Deductions" column; and in the attachment to the payroll describe the deductions contained in the "Other" column. All deductions must be in accordance with the provisions of the Copeland Act Regulations 29 CFR, Part 3. If the employee worked on other jobs in addition to this project show actual deductions from his weekly gross wage but indicate that deductions are based on his gross wages.

Column 9 – Net Wages Paid for Week: Self-explanatory.

Totals: Space has been left at the bottom of the columns so that totals may be shown if the contractor desires.

Statement Required by Regulations, Parts 3 and 5: While this form need not be notarized, the statement of the back of the payroll is subject to the penalties provided by 18 USC 1001, namely possible imprisonment for 5 years or \$10,000.00 fine or both. Accordingly, the party signing this required statement should have knowledge of the facts represented as true.

Space has been provided between items (1) and (2) of the statement for describing any deductions made. If all deductions made are adequately described in the "Deductions" column above, state "See Deductions column in the payroll." See paragraph entitled "FRINGE BENEFITS" above for instructions concerning filling out paragraph 4 of the statement.

INSTRUCTIONS FOR PREPARATION OF STATEMENT OF COMPLIANCE

This statement of compliance meets needs resulting from the amendment of the Davis-Bacon Act to include fringe benefits provisions. Under this amended law, the contractor is required to pay fringe benefits as predetermined by the Department of Labor, in addition of payment of the minimum rates. The contractor's obligation to pay fringe benefits may be met by payment of fringes to the various plans, funds, or programs or by making these payments to the employees as cash in lieu of fringes.

The contractor should show on the face of his payroll all monies paid to the employees whether as basic rates or as cash in lieu of fringes. The contractor shall represent in the statement of compliance that he is paying to employees fringes required by the contract and not paid as cash in lieu of fringes. Detailed instructions follow:

Contractors who pay all required fringe benefits:

A contractor who pays fringe benefits to approved plans, funds, or programs in amounts not less than were determined in the applicable wage decision of the Secretary of Labor shall continue to show on the face of his payroll the basic cash hourly rate and overtime rate paid to his employees, just as he has always done. Such a contractor shall check paragraph 4(a) of statement to indicate that he is also paying to approved plans, funds, or programs not less than the amount predetermined as fringe benefits for each craft. Any exception shall be noted in Section 4(c).

Contractors who pay no fringe benefits:

A contractor who pays no fringe benefits shall pay to the employee and insert in the straight time hourly rate column of his payroll an amount not less than the predetermined rate for each classification plus the amount of fringe benefits determined for each classification in the applicable wage decision. Inasmuch as it is not necessary to pay time and a half on cash paid in lieu of fringes, the overtime rate shall be not less than the sum of the basic predetermined rate, plus the half time premium on the basic or regular rate plus the required cash in lieu of fringes at the straight time rate. To simplify computation of overtime, it is suggested that the straight time basic rate and cash in lieu of fringes be separately stated in the hourly rate column, thus \$3.25/.40. In addition, the contractor shall check paragraph 4(b) of the statement to indicate that he is paying fringe benefits in cash directly to his employees. Any exceptions shall be noted in Section 4(c).

Use of Section 4(c), Exceptions

Any contractor who is making payment to approved plans, funds, or programs in amounts less than the wage determination requires is obligated to pay the deficiency directly to the employees as cash in lieu of fringes. Any exceptions to Section 4(a) or 4(b), whichever the contractor may check, shall be entered in Section 4(c). Enter in the Exception column the craft and enter in the Explanation column the hourly amount paid the employees as cash in lieu of fringes, and the hourly amount paid to plans, funds, or programs as fringes.



**DEPARTMENT OF ECONOMIC & COMMUNITY DEVELOPMENT
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
RECEIPT OF PAYMENT FOR BACK WAGES
(As approved by the Maine Office of Community Development)**

Wage Determination Number: _____ CDBG Project Number: _____

Project Name: _____ Grantee: _____

I, _____, hereby acknowledge receipt of payment in full from
(Name of Employee)

_____, for the period beginning with the work week ending
(Name of Contractor or Subcontractor)

_____ through the work week ending _____ of unpaid wages due me
(as shown in the column below on the right) under the Act(s) indicated in the marked space(s) below:

The Davis-Bacon and Related Acts Gross Amount: \$ _____

The Contract Work Hours Standards Act Legal Deductions: \$ _____

Net Amount Received: \$ _____

NOTICE TO EMPLOYEES:

DO NOT SIGN THIS RECEIPT UNLESS YOU HAVE ACTUALLY RECEIVED PAYMENT OF BACK WAGES DUE

Date: _____ Signature of Employee: _____

Employee Social Security Number: _____ - _____ - _____

Employee Address: _____

EMPLOYER'S CERTIFICATION

I hereby certify that on this date _____, paid the above-named employee in full covering unpaid wages as stated above.

Authorized Contractor Signature: _____ Title: _____

Address: _____

_____ Telephone: _____

PENALTIES ARE PRESCRIBED FOR FALSE STATEMENTS AND FALSE RECORDS



TOWN/CITY OF _____
Community Development Block Grant Program
Weekly Payroll Labor Standards Compliance Review

Name of Prime Contractor: _____

Subcontractor (if applicable): _____

IRS Employers ID Number: _____

Payroll Period: From _____ to _____

Date Submitted: _____

Date Reviewed : _____

Reviewed By: _____

Payroll and Statement of Compliance Properly Completed: _____ Yes _____ No

Findings: _____

<u>Job Classification</u>	<u>Wage and Fringe Paid</u>	<u>Determination Rate</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Compliance Determination: _____ Yes _____ No Follow-up Actions: _____

 Signature of Reviewer

 Date