


Richmond, Virginia



An Introduction to Federal Labor Standards for Public Housing Authorities

Kamaria "Mia" Taylor, Labor Standards Specialist

1

Agenda



- Section 3 Economic Empowerment Review
- Federal Statutes & Applicability
- Wage Decisions
- Contractor Responsibilities
- Work Classifications
- Pay Administration
- Compliance & Enforcement
- Agency Responsibilities

2

Section 3 - Economic Empowerment Review

**US Department of Housing and Urban Development
Office of Field Policy and Management
5.12.21**



3

The Purpose



To ensure that the employment and other economic opportunities generated by Federal financial assistance for housing and community development programs shall, to the greatest extent feasible, be directed toward low- and very low-income persons, particularly those who are recipients of government assistance for housing.

Section 3 of the Housing and Urban Development Act of 1968

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Section 3 is not just a
grantee requirement.

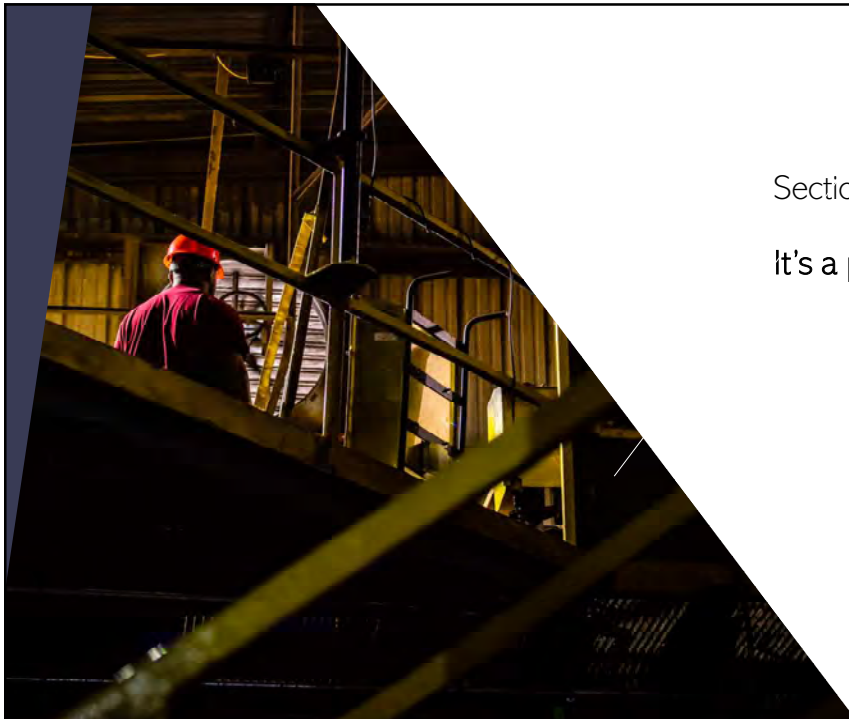
It's a path toward
self-sufficiency.



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Section 3 is not a program.

It's a provision of HUD's law.



6

Applicability

- PIH Capital Fund Program (CFP)
- PIH Operating Subsidy
- Rental Assistance Demonstration (RAD)
- Choice Neighborhoods Grants (formerly HOPE VI)
- Community Development Block Grants (CDBG)
- HOME Investment Partnership Grants
- Emergency Solutions Grants (ESG)
- Disaster Recovery Grants
- Section 202/811
- Lead Abatement Grants
- Self Help Ownership Program (SHOP)
- Certain NOFA Competitive Grants

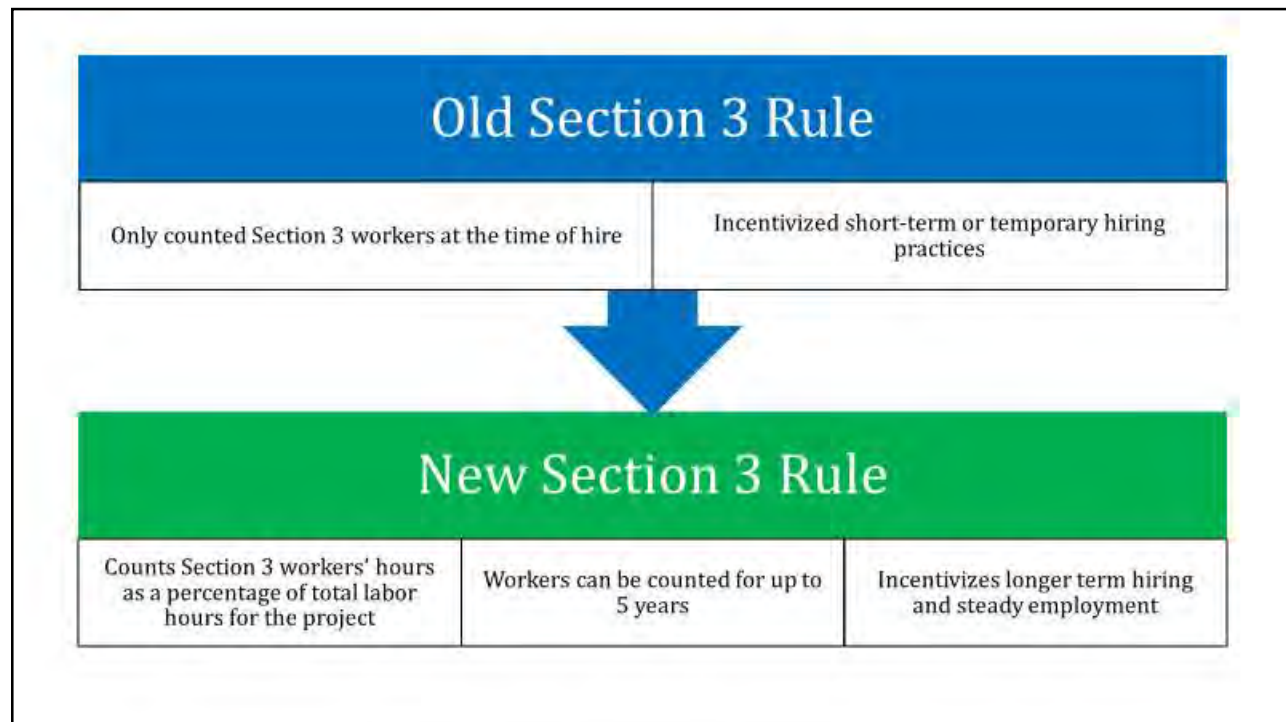
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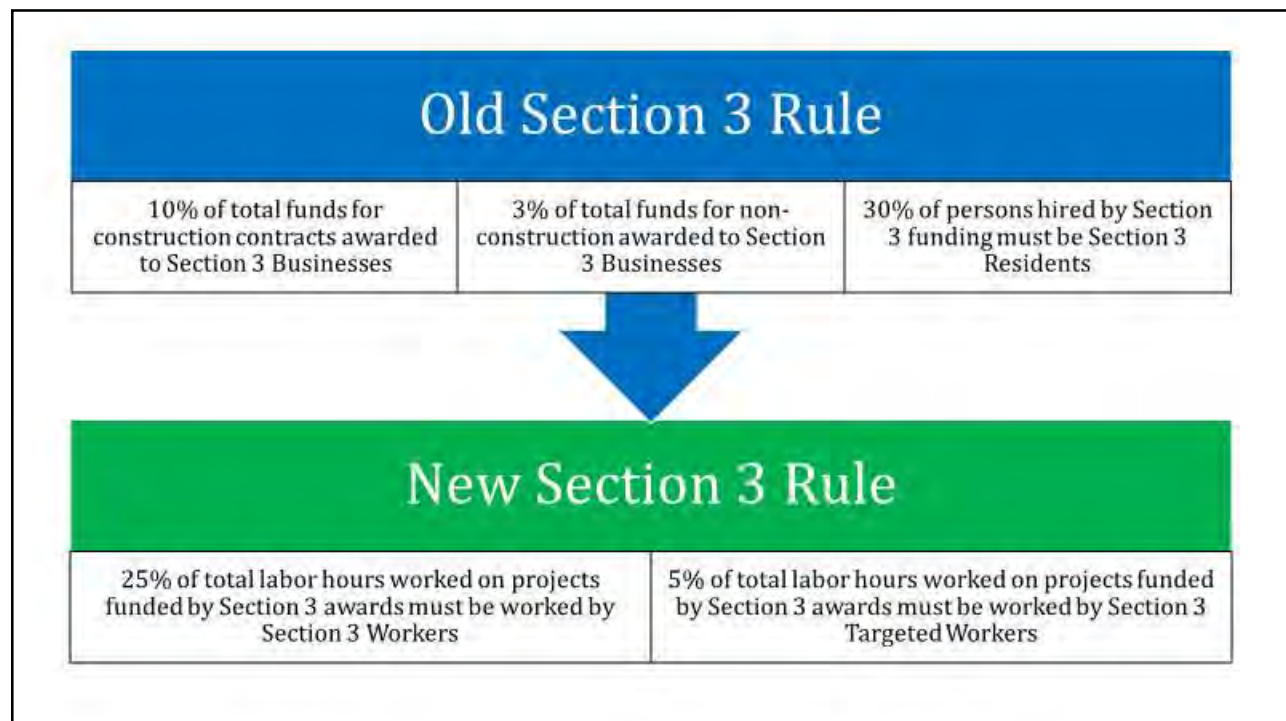
The New Rule

How things are changing
24 CFR Part 75

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Key Change

Redefining Section 3 Resident as a Section 3 Worker



A Section 3 resident is:



A public housing resident

OR



A low- or very low-income resident of the metropolitan area or nonmetropolitan county where Section 3-covered assistance is spent



A Section 3 worker is:



A low- or very low-income individual

OR



A Youthbuild participant

OR



Employed by a Section 3 business concern

11

Key Change

Redefining Section 3 businesses



A Section 3 business is:



51% or more owned by Section 3 residents

OR



30% or more permanent, full-time employees are Section 3 residents

OR



25% of subcontracts are awarded to Section 3 businesses



A Section 3 business is:



51% or more owned by **low- or very low-income persons**

OR



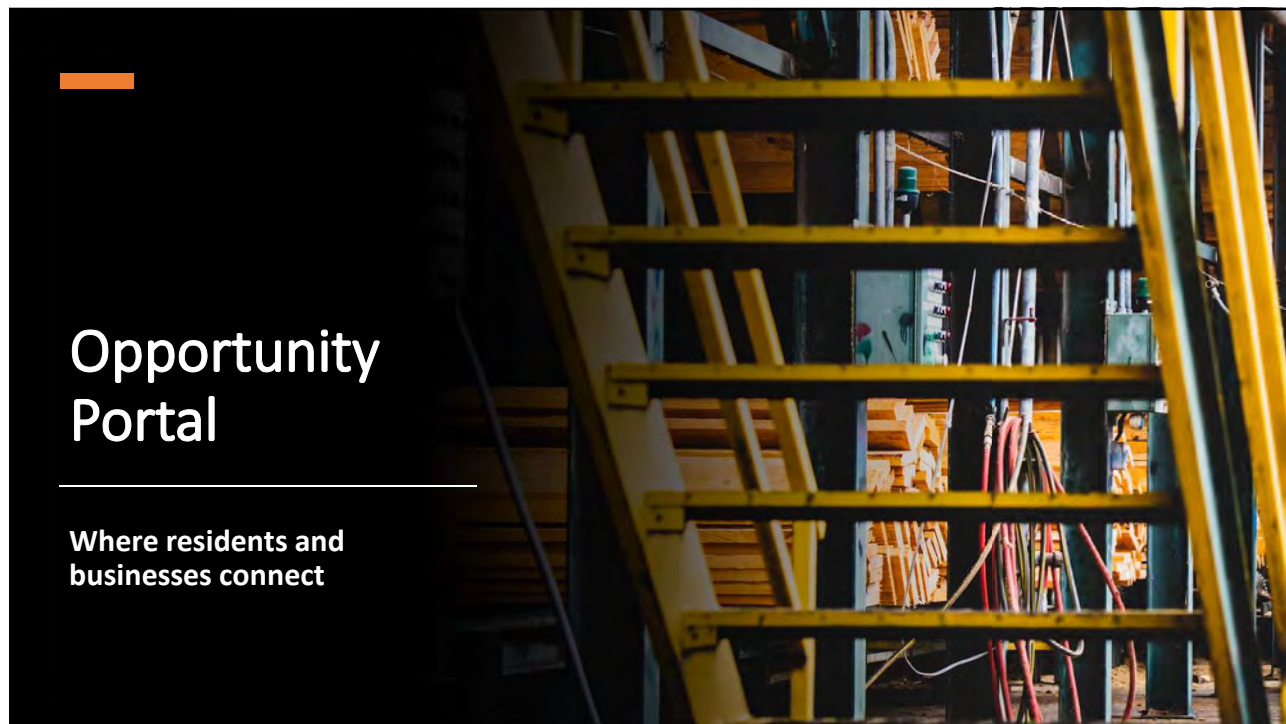
75% or more labor hours are performed by **low- or very low-income persons**

OR

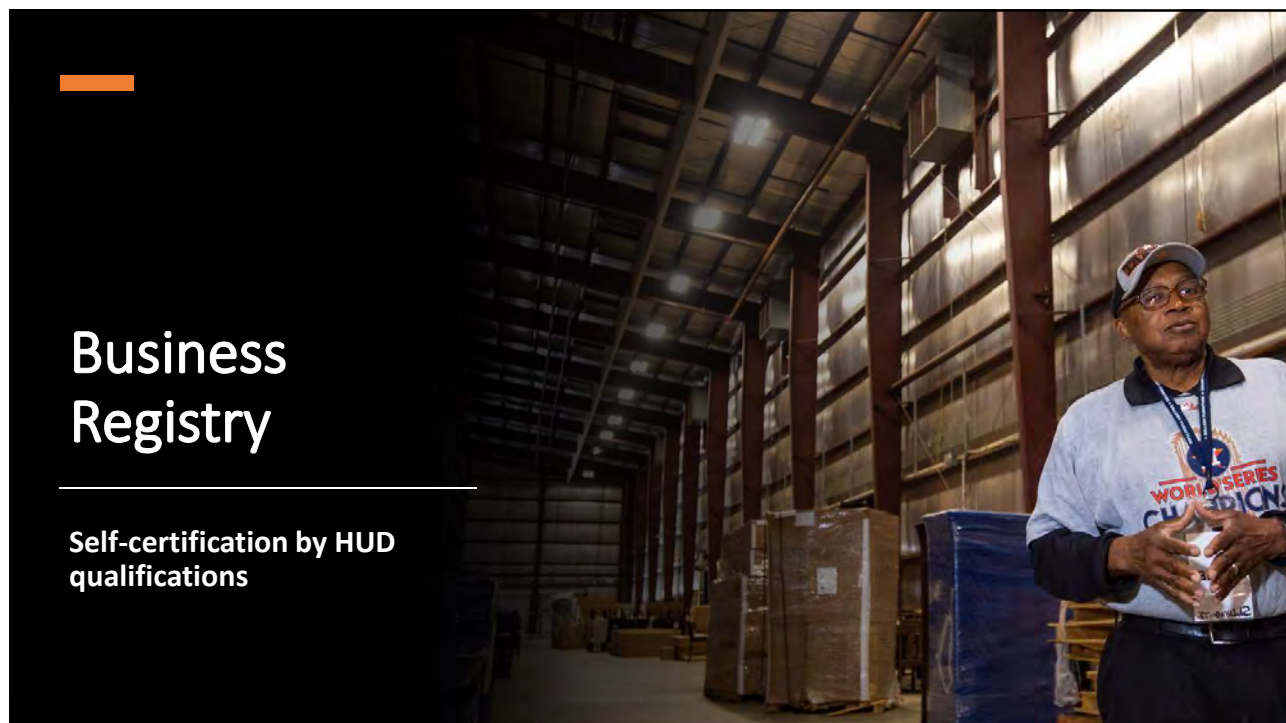


25% or more owned by **current residents of public housing or Section 8-assisted housing**

12



13



14

Questions?

Questions regarding the Section 3 New Rule, please email:

HQ Contact: Section3@hud.gov

Regional Office Contacts:

- John McLaughlin, Regional POC at John.C.McLaughlin@hud.gov
- Hidaia Salem, Program Analyst at Hidaia.A.Salem@hud.gov

Frequently Asked Questions on Section 3:



<https://www.hud.gov/sites/dfiles/FPM/documents/Section-3-FAQs.pdf>

Thank you!

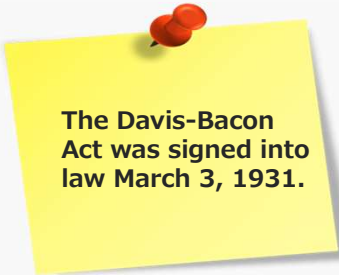
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	<h2>The Davis-Bacon Act</h2>	 <p>Senator James J. Davis, Pennsylvania</p>
	<p>Requires the payment of prevailing wage rates to all laborers and mechanics working on Federal government construction projects \$2,000 or more.</p> <p>Construction includes alteration and/or repair, including painting and decorating of public buildings or works.</p>	<p>Representative Robert L. Bacon, New York</p> 

17

	<h2>Why is the Davis-Bacon threshold only \$2000?</h2>
	<p>Cost of living averages in the 1930's:</p> <ul style="list-style-type: none"> ▪ Annual Wages \$1,850.00 ▪ New House \$6,790.00 ▪ Rent \$18.00 per month ▪ New Car \$640.00 ▪ A Gallon of Gas \$0.10 ▪ Single Vision Glasses \$3.85 ▪ Toilet Tissue \$0.09 for 2 rolls <div data-bbox="987 1459 1323 1732">  <p>The Davis-Bacon Act was signed into law March 3, 1931.</p> </div>

18

18

The Davis-Bacon Act Applicability

- Davis-Bacon wages are set federally and applied locally, “prevailing wages”.
- The Act requires all contractors working on federally funded jobs to pay laborers and mechanics wages no less than what others locally pay their workers for similar projects.
- Construction includes activities performed **on the site of the work**, such as preparation for construction (e.g., demolition of existing structures, equipment and material set-up, etc.), fabrication of materials, installation of materials, and post-construction clean-up.
- Davis-Bacon and the “Related Acts” (DBRA) are the statutes that apply to HUD programs.

19

19

Site of Work

Davis-Bacon applies to laborers and mechanics on the “site of work”.

- Physical place(s) referenced in the contract or agreement.
- The actual physical location or locations where the construction will remain when the work has been completed.
- To adjacent or nearby property used by the contractor which can reasonably be included because of proximity.
- Work performed off the “site of work” is not subject to Davis-Bacon. For example, fabrication at a contractor’s pre-existing yard or shop is not covered.

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	<h2 style="text-align: center;">The Copeland Act</h2> <p style="text-align: center;">aka "The Anti-Kickback" Act</p> <p>Prohibits contractor's from making an employee give up any part of their entitled pay.</p> <ul style="list-style-type: none"> ▪ Requires that workers be paid weekly. ▪ Requires contractors to submit weekly certified payroll with a signed "statement of compliance".
<p>Royal S. Copeland, New York.</p>	<p style="text-align: center;">Signed into law June 13, 1934</p> <p style="text-align: right;">21</p>

21

	<h2 style="text-align: center;">Contract Work Hours and Safety Standards Act</h2>
	<ul style="list-style-type: none"> ▪ Also known as CWHSSA ▪ Applies to federally assisted construction contracts over \$100,000. ▪ Requires contractors to pay laborers and mechanics overtime pay for all hours worked over 40 hours in a work week. ▪ Violations carry a liquidated damages penalty of \$27 per day. <p style="text-align: right;">22</p>

22

Related Acts

- **CDBG (UDAG/EDI/BEDI/Sec 108):** Housing and Community Development Act of 1974, as amended (HCDA); Section 110
- **HOME:** National Affordable Housing Act of 1990 (NAHA); Section 286
- **PHA:** U. S. Housing Act of 1937, as amended (USHA) Section 12
- **TDHE:** Native American Housing Assistance and Self-Determination Act of 1996, as amended, Section 104(b)
- **FHA:** Multifamily Housing Programs – National Housing Act of 1934, Section 212(a)

23

23

Rental Assistance Demonstration (RAD)

The development of project-based voucher projects with **nine (9) or more assisted units are required to comply with Davis-Bacon wage and reporting requirements.**

With respect to RAD conversions, HUD will proceed as follows:

RAD I Any Public Housing or Moderate Rehabilitation projects undergoing a RAD conversion *must comply* with Davis-Bacon wage and reporting requirements.

RAD II Rent Supplement, Rental Assistance Payment, and Moderate Rehabilitation properties converting to tenant-based voucher assistance under this component must utilize Davis-Bacon wages if they are approved after December 31, 2014.

24

24



Demolition

In most cases, demolition is not covered by Davis-Bacon unless it will be followed by a Davis-Bacon covered construction.

Davis-Bacon coverage is based on knowledge that there will be subsequent construction and that the subsequent construction work will be covered by Davis-Bacon.

25

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Public Housing

Professional services are **exempt** from Davis-Bacon requirements:

- Periodic inspections or testing of equipment
- Testing for Lead-Based Paint
- Warranty Inspections
- Installation, service or maintenance of leased equipment, fixtures or appliances
- Inspections, maintenance or service on equipment or fixtures owned by a utility

26

26

Public Housing

All construction, rehabilitation and maintenance work performed on public housing properties are covered by some type of prevailing wage requirement.

The three categories of prevailing wages are:

- Davis-Bacon (for all development work)
- HUD-Determined Maintenance Wage Rates (agency maintenance staff)
- HUD-Determined Routine/Non-Routine Maintenance Wage Rates (contracted maintenance work)

27

27

Development



- New construction
- Reconstruction
- A substantial improvement in the quality or kind of original equipment and materials
- Or remodeling that alters the nature or type of housing units falls within the purview of "development" (24 CFR 968.203).

28

28

Contract Requirements

Davis-Bacon/Development Work

Federal Labor Standards Provisions obligate the contractor to comply with the Davis-Bacon Wage Decision, reporting requirements and provide remedies and sanctions should violations occur.

Each covered Davis-Bacon bid package and contract for construction/development must contain:

- Current Wage Decision (<https://beta.sam.gov/>)
- Federal Labor Standards Provisions
 - HUD-5370-EZ (contracts under \$150,000)
 - HUD-5370 (for contracts over \$150,000)

29

29

	<p>General Contract Conditions for Small Construction/Development Contracts</p> <p>U.S. Department of Housing and Urban Development Office of Public and Indian Housing OMB Approval No. 2557-0157 (exp. 9/30/2020)</p> <p>Applicability. The following contract clauses are applicable and must be inserted into <u>small construction/development contracts greater than \$2,000 but not more than \$150,000.</u></p> <p>1. Definitions</p> <p>Terms used in this form are the same as defined in form HUD-5370</p> <p>2. Prohibition Against Liens</p> <p>The Contractor is prohibited from placing a lien on the PIA's property. This prohibition shall apply to all subcontractors, as they are and all materials suppliers. The only lien on the PIA's property shall be the Declaration of Trust or other lien approved by the PIA.</p> <p>3. Disputes</p> <p>(a) Except for disputes arising under the Labor Standards clause, all disputes arising under or relating to this contract, including any claims for damages for the alleged breach thereof which are not disposed of by agreement, shall be resolved under this clause.</p> <p>(b) All claims for the Contractor shall be made in writing and submitted to the Contracting Officer for a written decision. A claim by the PIA against the Contractor shall be subject to a written decision by the Contracting Officer.</p> <p>(c) The Contracting Officer shall, within 30 days after receipt of the request, decide the claim or notify the Contractor of the date by which the decision will be made.</p> <p>(d) The Contracting Officer's decision shall be final unless the Contractor (1) appeals in writing to a higher level in the PIA in accordance with the PIA's policy and procedures, (2) refers the appeal to an independent mediator or arbitrator, or (3) files suit in court or requests arbitration. Such appeal must be made within 30 days after receipt of the Contracting Officer's decision.</p> <p>(e) The Contractor shall proceed diligently with performance of this contract, pending final resolution of any request for relief, claim, appeal, or action pending under or relating to this contract, and comply with any decision of the Contracting Officer.</p> <p>4. Default</p> <p>(a) If the Contractor refuses or fails to prosecute the work, or any negotiable part thereof, with the diligence that will insure its completion within the time specified in this contract, or any extension thereof, or fails to complete work within this time, the Contracting Officer may, by written notice to the Contractor, terminate the right to proceed with the work in negotiable part of the work that has been delayed. In the event, the PIA may take over the work and complete it by contract or otherwise, and may take possession of and use any materials, equipment, and plant on the work site necessary for completing the work. The Contractor and its sureties shall be liable for any damages to the PIA resulting from the Contractor's refusal or failure to complete the work within the specified time, whether or not the Contractor's right to proceed with the work is terminated. This liability includes any increased costs incurred by the PIA in completing the work.</p> <p>(b) The Contractor's right to proceed shall not be terminated or the Contractor charged with damages under this clause if: (1) The delay in completing the work arises from unforeseeable causes beyond the control and without the fault or negligence of the Contractor; and (2) The Contractor, within 30 days from the beginning of such delay notifies the Contracting Officer in writing of the cause of delay. The Contracting Officer shall ascertain the facts and the extent of the delay. If, in the judgment of the Contracting Officer, the findings of fact warrant such action, time for completing the work shall be extended by written modification to the contract. The findings of the Contracting Officer shall be subject to a written decision, which shall be subject to the provisions of the Disputes clause of this contract.</p> <p>(c) If, after termination of the Contractor's right to proceed, it is determined that the Contractor may not be defaulting, or that the delay was excusable, the rights and obligations of the parties will be the same as if the termination had been for convenience of the PIA.</p> <p>5. Termination for Convenience</p> <p>(a) The Contracting Officer may terminate this contract in whole, or in part, whenever the Contracting Officer determines that such termination is in the best interest of the PIA. Any such termination shall be effected by delivery to the Contractor of a Notice of Termination specifying the extent to which the performance of the work under the contract is terminated, and the date upon which such termination becomes effective.</p> <p>(b) If the performance of the work is terminated, either in whole or in part, the PIA shall be liable to the Contractor for reasonable and proper costs resulting from such termination upon the receipt by the PIA of a properly presented claim setting out in detail: (1) the total cost of the work performed to date of termination less the total amount of contract payments made to the Contractor; (2) the cost (including reasonable profit) of orders for work performed and materials and supplies delivered to the site, payment for which has been made by the PIA to the Contractor or by the Contractor to the subcontractor or supplier; (3) the cost of procuring and paying the work already performed until the PIA or its agent takes possession thereof or assumes responsibility therefor; (4) the estimated cost of legal and accounting services reasonably necessary to prepare and present the termination claim to the PIA; and (5) an amount constituting a reasonable profit on the value of the work performed by the Contractor.</p> <p>(c) The Contracting Officer will act on the Contractor's claim within 60 days (60 days unless otherwise indicated) of receipt of the Contractor's claim.</p> <p>(d) Any dispute with regard to this clause is expressly made subject to the provisions of the Disputes clause of this contract.</p> <p>6. Insurance</p> <p>(a) Before commencing work, the Contractor and each subcontractor shall furnish the PIA with certificates of insurance showing the following insurance in its face and will mount all operations under the Contract:</p>	<h2>HUD-5370-EZ</h2> <ul style="list-style-type: none"> ■ General Contract Conditions for Small Construction/Development Contracts ■ Applicable to contracts greater than \$2,000 but not more than \$150,000. ■ Incorporate in bid specifications and contract documents.
	<p>Page 1 of 7 Form HUD-5370-EZ (1/2014)</p>	<p>https://www.hud.gov/sites/dfiles/OCHCO/documents/5370-EZ.pdf 30</p>

30

General Conditions for Construction Contracts - Public Housing Programs

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
OMB Approval No. 2577-0157 (exp. 11/30/2023)

Applicability. This form is applicable to any construction/development contract greater than \$150,000.

Public reporting burden for this collection of information is estimated to average 1 hour. This includes the time for reviewing existing information, gathering existing information, reviewing and reporting the data. The information requested is required to obtain a benefit. This form includes those clauses required by OMB's common rule on grantee procurement, implemented at HUD in 2 CFR 200, and those requirements set forth in Section 3 of the Housing and Urban Development Act of 1968 and its amendment by the Housing and Community Development Act of 1992, implemented by HUD at 24 CFR Part 135. The form is required for construction contracts awarded by Public Housing Agencies (PHAs). The form is used by Housing Authorities in solicitations to provide necessary contract clauses. If the form were not used, PHAs would be unable to enforce these contracts. There are no assurances of confidentiality. HUD may not conduct or sponsor, and an applicant is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Clause	Page	Clause	Page
1. Definitions	1	Administrative Requirements	8
2. Contractor's Responsibility for Work	2	Contract Period	9
3. Contract's Order, Amendment and Authority	3	Order of Precedence	9
4. Construction Requirements	4	Contract Modifications	10
5. Construction Conference and Notice to Proceed	5	Schedule	10
6. Construction Changes, Interruptions	6	Substitution of Work	11
7. Site Investigation and Conditions Affecting the Work	7	Disputes	11
8. Existing Site Conditions	8	Default	12
9. Access and Materials for Construction	9	Liabilities	12
10. Access to Construction	10	Assignment of Contract	12
11. Insurance	11	Insurance	12
12. Permits and Codes	12	Insurance	12
13. Safety, Health, and Accident Prevention	13	Subcontracting with Small and Minority Firms, Women's Business Enterprises, and Labor-Social Area Firms	13
14. Temporary Buildings and Transportation Materials	14	Small Employment Categories	13
15. Availability and Use of Utility Services	15	Employment, Training, and Contracting Opportunities for Low-Income Persons, Section 3 of the Housing and Urban Development Act of 1968	14
16. Protection of Existing Vegetation, Structures, Equipment, Utilities, and Improvements	16	Internal or Migration of Contractors	14
17. Temporary Buildings and Transportation Materials	17	Internal or Migration of Contractors	14
18. Access to Construction	18	Internal or Migration of Contractors	14
19. Access to Construction	19	Internal or Migration of Contractors	14
20. Access to Construction	20	Internal or Migration of Contractors	14
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100. Access to Construction	100	Internal or Migration of Contractors	14

Previous editions (2010-2019)
Replaces form HUD-5370-4

Page 1 of 75

Form HUD-5370-4 (2021)

HUD-5370

- General Conditions for Construction/Development
- Applicable to any contracts greater than \$150,000.
- Incorporate in bid specifications and contract documents.

<https://www.hud.gov/sites/dfiles/OCHCO/documents/5370.pdf>

31

31

Methods of Incorporation

The Federal labor standards provisions and prevailing wage decisions can be incorporated in bid specifications and contracts by one of the following:

- by hard copy
- Incorporated into other documents
- by reference

32

32

Routine Maintenance

Work that involves the regular upkeep and preservation of buildings, grounds, and facilities. Maintenance may include, but is not limited to:

- Grounds keeping/janitorial work
- Patching and/or finishing of interior and exterior walls and other surfaces
- The preservation, inspection and general upkeep of electrical, plumbing, and heating and air conditioning systems.



33

33

Non-Routine Maintenance

Work ordinarily performed regularly to maintain the property but has become substantial in scope.

Examples:

- Contracted Lawn Maintenance
- Contracted Snow Maintenance
- Contracted Unit Turnover
- Contracted Hazardous Material Removal (Methamphetamine Clean-Up)



34

34

Contracted Maintenance Work for Routine and Non-routine Agreements

Each covered contract for Routine or Non-Routine Maintenance must incorporate:

- A current HUD-52158 classification and wage rates for the specific contract
- Federal Labor Standards Provisions
 - HUD- 5370-C, Federal Labor Standards Provisions (General Conditions for Non-Construction Contracts – HUD-determined wage rates)

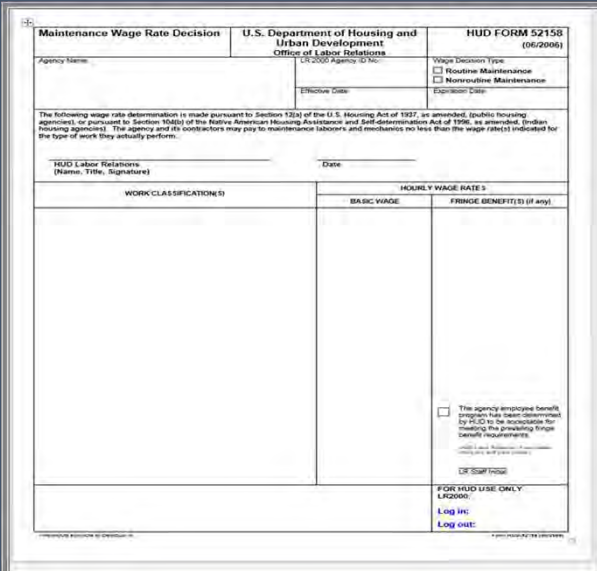
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	<p>General Conditions for Non-Construction Contracts Section II – (With Maintenance Work)</p> <p>Public Reporting Burden for the collection of information is estimated to average one hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not conduct or sponsor this collection of information unless it displays a currently valid OMB control number.</p> <p>Applicability: This form HUD-5370-C has 2 Sections. These Sections must be inserted into non-construction contracts as described below:</p> <p>Section I – Labor Standard Provisions for all Maintenance Contracts greater than \$2,000</p> <p>1. Minimum Wages</p> <p>(a) All maintenance laborers and mechanics employed under this Contract in the operation of the project(s) shall be paid an independent deduction (except as otherwise provided by law or regulation). The full amount of wages due at time of payment computed at rates not less than those contained in the wage determination of the Secretary of Housing and Urban Development which is attached hereto and made a part hereof. Such laborers and mechanics shall be paid the appropriate wage rate on the wage determination for the classification of work actually performed, without regard to skill. Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein provided that the employer's payroll records accurately set forth the time spent in each classification in which work is performed. The wage determination, including any additional classifications and wage rates approved by HUD under subparagraph (b), shall be posted at all times by the Contractor and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers.</p> <p>(b) (i) Any class of laborers or mechanics which is not listed in the wage determination and which is to be employed under this Contract shall be classified in conformance with the wage determination. HUD shall approve an additional classification and wage rate only when the following criteria have been met:</p> <p>(1) The work to be performed by the classification is beyond that performed by a classification in the wage determination.</p> <p>(2) The classification is utilized by the area by the industry, and</p> <p>(3) The proposed wage rate bears a reasonable relationship to the wage rates contained in the wage determination.</p> <p>(c) The wage rate determined pursuant to this paragraph shall be paid to all workers performing work.</p> <p>Section II – Page 1 of 3</p>	<p>HUD-5370-C</p> <ul style="list-style-type: none"> ■ General Contract Conditions for Non-Construction Contracts, Section II (with Maintenance Work) ■ Applicable to maintenance contracts greater than \$2,000 but not more than \$150,000. ■ Use Section I and II in contracts greater than \$150,000 ■ Must be incorporated in maintenance contracts. <p>https://www.hud.gov/sites/dfiles/OCHCO/documents/5370-C2.pdf</p>
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36

36



The form is titled 'Maintenance Wage Rate Decision' and 'HUD FORM 52158 (05/2008)'. It includes fields for Agency Name, Effective Date, and Wage Decision Type (Routine or Nonroutine Maintenance). It also has a section for 'WORK CLASSIFICATION(S)' and 'HOURLY WAGE RATES' (Basic Wage and Fringe Benefits). A checkbox indicates if the agency's employee benefits program has been determined by HUD to be inadequate for meeting the prevailing fringe benefits requirements. The bottom section is labeled 'FOR HUD USE ONLY' and includes 'Log In:' and 'Log Out:' fields.

HUD-52158

- Maintenance Wage Rate Decision issued by HUD
 - Non-routine Maintenance lists contracted maintenance classification(s).
- Must be incorporated in maintenance contracts along with the HUD-5370-C.

37

37

Contracted Maintenance Work

HUD-Determined Rates

Employers **do not** have to:

- Submit Certified Payrolls
- Pay Wages Weekly
- Statements of Compliance is NOT required

Employers **are required** to:

- Pay employees the full amount of wages due
- Retain records demonstrating compliance

38

38

Contracted Maintenance Work

HUD-Determined Rates

For each laborer and mechanic employed, the records must contain:

1. Employee(s) name and work classification
2. Hourly rates and fringe benefits
3. Number of daily and weekly hours worked
4. Gross wages earned and any deductions taken
5. Actual wages paid

39

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Contracted Maintenance Work

HUD-Determined Rates

Compliance Monitoring and Employee Interviews:

- Housing Authority's shall perform contractor compliance monitoring as appropriate.
- Compliance monitoring shall include conducting employee interviews.



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Maintenance Wage Rate Determination

Section 12(a) of the U.S. Housing Act of 1937 (USHA), as amended, provides that maintenance laborers and mechanics employed in the operation of Public Housing Agencies (PHA's) be paid not less than the wages prevailing in the locality as determined or adopted by the Department of Housing and Urban Development.



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Maintenance Wage Rate Determination (MWRD)

- MWRDs are due 60 days before the beginning of your fiscal year.
- Housing authority may utilize one of several processes to determine prevailing rates:
 - Employer Survey
 - Collective Bargaining Agreement
 - Adoption
 - DOL Occupational Employment Statistics found to be prevailing in your area
 - Recommended schedule is representative of the prevailing wage rates in the locality or a combination of the above.

42

42

Maintenance Wage Rate Determination (MWRD)

When submitting your agency's maintenance classification and wage information, please include:

- Copy of current position description(s) for each maintenance classification.
- Use the following form(s) to submit classification/wage information:
 - HUD-4750 - Maintenance Wage Rate Recommendation and Certification
 - HUD-4751 - Survey of Prevailing Wage Rates
 - HUD-4752 - Wage Rate Survey Summary Sheet

43


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HUD-52158

- Issued every two years depending on your agency's fiscal year start for Routine Maintenance.
- Must be posted in an area where maintenance staff can see their wages.

44

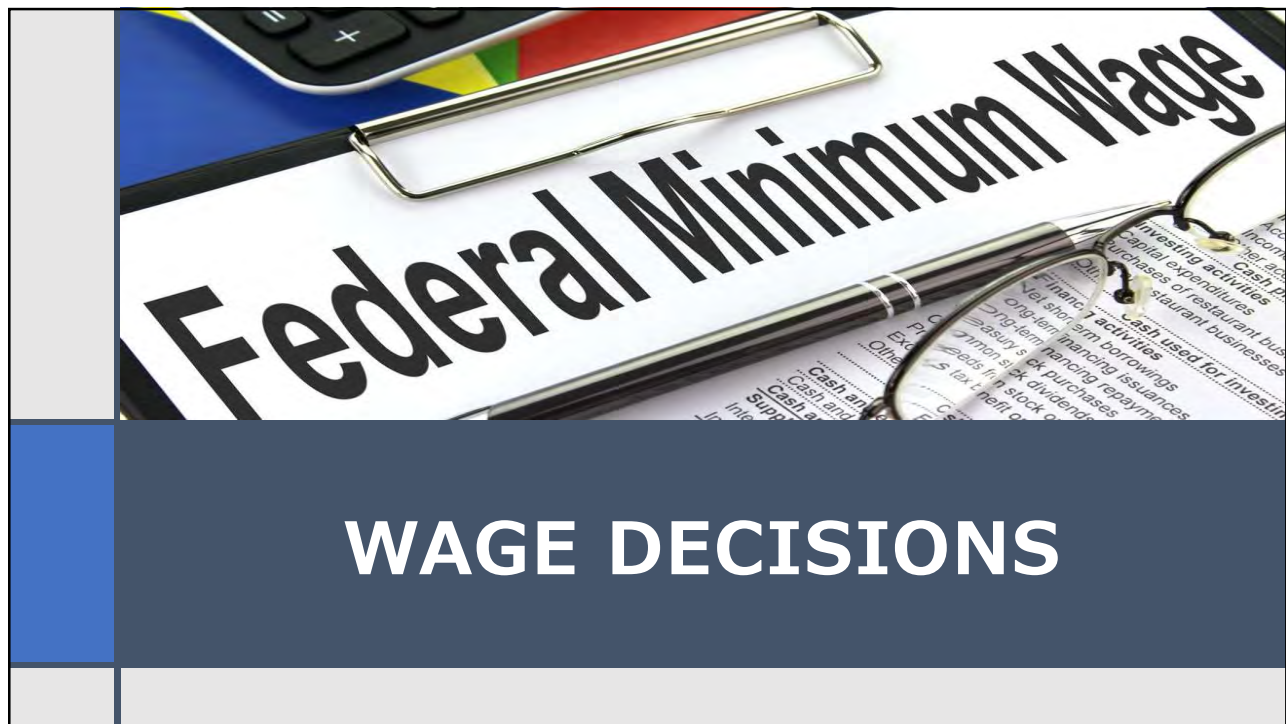
44

	<h2 style="text-align: center;">Force Account Workers</h2> <p>The agency's own employees (regular or temporary) that perform construction or maintenance work.</p> <ul style="list-style-type: none"> ▪ <u>Covered</u> by prevailing wages ▪ Weekly payment, certified payrolls and CWHSSA not required.
	45

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	<h2 style="text-align: center;">Force Account Workers</h2>
	<p>The PHA (when utilizing its own staff) <u>does not</u> have to:</p> <ul style="list-style-type: none"> ▪ Pay Overtime under CWHSSA (overtime still covered under FLSA) ▪ Pay Weekly Wages ▪ Submit Certified Payrolls <p>The PHA <u>does</u> have to:</p> <ul style="list-style-type: none"> ▪ Maintain records demonstrating compliance <p>Note: Compensatory time in lieu of overtime is acceptable.</p>

46



47

	Wage Decision
	<p>A wage decision is a document listing a minimum wage rate and fringe benefit for each classification DOL has determined prevailing in a specific area based on the type of construction.</p> <ul style="list-style-type: none"> ▪ May be modified periodically ▪ Must be included in bid and contract documents ▪ Must be incorporated in prime & sub-contracts ▪ Must be posted at the job site in an area accessible to all workers and protected from the weather.
	48

48



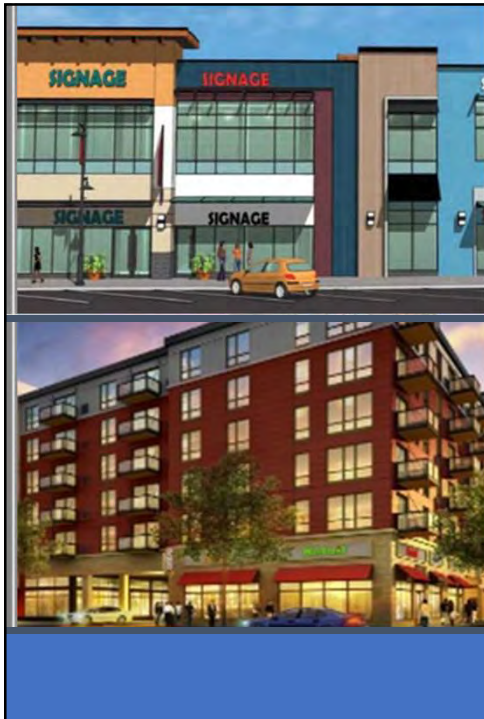
Residential Wage Decision

The construction, alteration, or repair of single-family houses or apartment buildings of no more than four (4) stories in height. This includes incidental items such as site work, parking areas, utilities, streets and sidewalks.

- Apartment buildings 4 stories or less
- Multi-family houses (8 or more)
- Single family houses (8 or more under one contract)
- Town or row houses

49

49



Building Wage Decision

The construction of sheltered enclosures for the purpose of housing persons, machinery, equipment or supplies. Structures need not be habitable to be considered building construction.

- Apartment buildings five (5) stories and up
- Commercial buildings
- Alteration or addition to buildings
- Remodeling, repairing & renovating buildings
- Shelters
- Warehouses
- Fire stations

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Highway Wage Decision

The construction, alteration, or repair of roads, streets, highways, runways, taxiways, alleys, trails, paths, parking areas, and other similar projects that are not incidental to building or heavy construction.

- Curbs
- Sidewalks
- Parking lots
- Street paving
- Street reconstruction



51

51



Heavy Wage Decision

The construction on projects that cannot be classified as building, residential, or highway.

- Water mains
- Water wells
- Water storage tanks
- Sewers (sanitary, storm, etc.)
- Parks and playgrounds
- Flood control
- Drainage projects



52

52

Davis-Bacon Wage Decision: <https://beta.sam.gov/>

SAM^{beta} GOV

Official U.S. Government Website
100% Free

The Official U.S. Government System for:

- Contract Opportunities (was fbo.gov)
- Assistance Listings (was cfda.gov)
- Contract Data (Reports ONLY from fpds.gov)
- Wage Determinations (was wdot.gov)

Select Domain...

- Assistance Listings
- Contract Opportunities
- Federal Hierarchy
- Wage Determinations**

find?

Wage Determinations e.g. 1606N020Q02

Select Wage Determinations, then enter the County Name and State or the wage decision number if known.

53

Davis-Bacon Wage Decision: <https://beta.sam.gov/>

Showing 1 - 25 of 689 results

Davis-Bacon Act WD #: VA20210126

State: Virginia Counties: Henrico, Richmond*

Davis-Bacon Act WD #: VA20210139

State: Virginia Counties: Henrico, Richmond*

Davis-Bacon Act WD #: VA20210049

State: Virginia Counties: Henrico, Richmond*

Click on the wage determination number.

DBA Wage Determination

Modification Number: 0
Construction Types: Highway
Published Date: Jan 1, 2021

DBA Wage Determination

Modification Number: 0
Construction Types: Residential
Published Date: Jan 1, 2021

DBA Wage Determination

Modification Number: 0
Construction Types: Heavy
Published Date: Jan 1, 2021

54

Davis-Bacon Wage Decision: https://beta.sam.gov/	
<p>Document</p> <p>Download Print</p> <p>"General Decision Number: VA20210139 01/01/2021"</p> <p>Superseded General Decision Number: VA20200139</p> <p>State: Virginia</p> <p>Construction Type: Residential</p> <p>Counties: Henrico and Richmond* Counties in Virginia.</p> <p>*INDEPENDENT CITY</p> <p>RESIDENTIAL CONSTRUCTION PROJECTS (consisting of single family homes and apartments up to and including 4 stories).</p>	
<p>Print and/or save Wage Decision for contract documents and file.</p>	55

55

Davis-Bacon Wage Decision: https://beta.sam.gov/																															
<p>Wage Determination</p> <p>Overview</p> <p>Document</p> <p>History</p>	<p>Modification Number: 0 Publication Date: 01/01/2021</p> <p>30VA2012-002 08/08/2014</p> <table border="1"> <thead> <tr> <th></th> <th>Rates</th> <th>Fringes</th> </tr> </thead> <tbody> <tr> <td>CARPENTER.....</td> <td>\$ 17.00</td> <td>0.00</td> </tr> <tr> <td>ELECTRICIAN.....</td> <td>\$ 15.75</td> <td>0.00</td> </tr> <tr> <td>LABORER: Common or General.....</td> <td>\$ 9.50</td> <td>0.00</td> </tr> <tr> <td>OPERATOR: Loader.....</td> <td>\$ 18.75</td> <td>0.00</td> </tr> <tr> <td>PAINTER (Brush and Roller).....</td> <td>\$ 10.17</td> <td>0.00</td> </tr> <tr> <td>PLUMBER.....</td> <td>\$ 19.84</td> <td>3.38</td> </tr> <tr> <td colspan="3">-----</td> </tr> <tr> <td colspan="3">WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.</td> </tr> <tr> <td colspan="3">-----</td> </tr> </tbody> </table>		Rates	Fringes	CARPENTER.....	\$ 17.00	0.00	ELECTRICIAN.....	\$ 15.75	0.00	LABORER: Common or General.....	\$ 9.50	0.00	OPERATOR: Loader.....	\$ 18.75	0.00	PAINTER (Brush and Roller).....	\$ 10.17	0.00	PLUMBER.....	\$ 19.84	3.38	-----			WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.			-----		
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<p>Note: Include Modification Number when referencing a wage decision.</p> <p>→</p>	<p>VA20210139 Mod 0 dated 1/02/2021</p>																														
	56																														

56

Additional Classification Request

HUD Form 4230A: Also referred to as a “conformance”. If the work classification(s) needed is not listed on the wage decision, you will need to request an additional classification and wage rate.

- Review wage decision for missing classifications
- Discuss with contractors early
- Submit requests after contract award
- HUD will respond in writing
- Post new classification & rate
- Make restitution payment if necessary

57

57

HUD-4320A

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT REPORT OF ADDITIONAL CLASSIFICATION AND RATE		HUD FORM 4230A <small>OMB Approval Number 2501-0001 Date 06-01-2003</small>	
1. FROM (name and address of requesting agency)		2. PROJECT NAME AND NUMBER	
3. LOCATION OF PROJECT (City, County and State)		4. BRIEF DESCRIPTION OF PROJECT	
5. CHARACTER OF CONSTRUCTION <input type="checkbox"/> Building <input type="checkbox"/> Residential <input type="checkbox"/> Heavy <input type="checkbox"/> Other (specify)		6. WAGE DECISION NO. (include modification number, if any)	
7. DATE OF WAGE DECISION		8. WAGE DECISION EFFECTIVE DATE (LOCK-IN)	
9. COPY ATTACHED		10. WORK CLASSIFICATION(S)	
11. BASIC WAGE		12. HOURLY WAGE RATES FRINGE BENEFIT(S) (if any)	
13. PRIME CONTRACTOR (name, address)		14. SUBCONTRACTOR/EMPLOYER, IF APPLICABLE (name, address)	
15. SIGNATURE		16. DATE	
17. <input type="checkbox"/> Agree <input type="checkbox"/> Disagree		18. <input type="checkbox"/> Agree <input type="checkbox"/> Disagree	
Check All That Apply: <input type="checkbox"/> The work to be performed by the additional classification(s) is not performed by a classification in the applicable wage decision. <input type="checkbox"/> The proposed classification is utilized in the area by the construction industry. <input type="checkbox"/> The proposed wage rate(s), including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage decision. <input type="checkbox"/> The interested parties, including the employees or their authorized representatives, agree on the classification(s) and wage rate(s). <input type="checkbox"/> Supporting documentation attached, including applicable wage decision.			
Check One: <input type="checkbox"/> Approved, meets all criteria. DOL confirmation requested. <input type="checkbox"/> One or more classifications fail to meet all criteria. DOL decision requested.			
Agency Representative (Typed name and signature)		Date Phone Number	
		FOR HUD USE ONLY LR2000: Log in: Log out:	

- Complete numbers 1-10.
- Check any of the boxes that apply under “Check All That Apply”.
- Email the form along with the wage decision used for the project to the Office of Davis-Bacon Labor Standards (DBLS).
- DBLS submits the request to DOL and notifies you by email of DOL’s approval or exception (could take over 30 days).
- Contractors can pay the employee(s) the rates cited on the request until advised otherwise.
- If the DOL does not approve the request, you will be notified about what wage rate should be used for the work in question.

58

58

Wage Decision “Lock-In”

Competitively Bid Contracts

- Lock-in on bid opening date *provided* contract is awarded within 90 days
- Must update wage decision if contract is awarded more than 90 days after bid opening
- Modifications published less than 10 days before bid opening are not applicable if there is insufficient time to notify bidders

Negotiated Contracts

- Lock-in at contract award date or construction start date, whichever occurs first.

59

59

Contractor Eligibility

The agency must verify the eligibility of the prime contractor prior to initial closing or contract award on-line at:

System for Award Management (SAM): www.sam.gov

- The agency should make a record of the verification for the project file.
- Any contract awarded to a contractor found ineligible must be terminated immediately.

60

60

System for Award Management: www.sam.gov	
View assistance for SAM.gov	
<p>Search Records</p> <p>Search Tips to Get Started:</p> <ul style="list-style-type: none"> Looking for entity registration records or entity exclusion records in SAM? Use Quick Search if you know an entity's Business Name, DUNS Number or CAGE Code. Use Advanced Search to structure your search using multiple categories and criteria. Are you a Federal government employee? Create a SAM user account with your government e-mail address and log into SAM before searching to see FOUO information and registrants who chose to opt out of the public search. Conducting small business-focused research? In addition to what is contained in SAM, small businesses can provide the Small Business Administration (SBA) supplemental information about themselves. Use the SBA's Dynamic Small Business Search to conduct further market research. Trying to find a contractor participating in the Disaster Response Registry? Use the Disaster Response Registry Search to locate contractors willing to provide debris removal, distribution of supplies, reconstruction, and other disaster or emergency relief services in the event of a national disaster. <p>Choose Quick Search or Advanced Search</p> <div> <div> <p>QUICK SEARCH:</p> <p><input type="text" value="BECO CONSTRUCTION COMPANY, INC."/></p> <p>(Example of search term includes the entity's name, etc.)</p> <p>DUNS Number Search: <input type="text" value="Enter DUNS number ONLY"/></p> <p>CAGE Code Search: <input type="text" value="Enter CAGE code ONLY"/></p> <p><input type="button" value="SEARCH"/> <input type="button" value="Need Help?"/></p> </div> <div> <p>ADVANCED SEARCH:</p> <p>Use specific criteria in multiple categories to structure your search.</p> <p><input type="button" value="ADVANCED SEARCH - ENTITY"/></p> <p><input type="button" value="ADVANCED SEARCH - EXCLUSION"/></p> <p><input type="button" value="DISASTER RESPONSE REGISTRY SEARCH"/></p> </div> </div>	
<p>Search Records Disclaimers FAPIIS.gov</p>	
<p>Enter Prime Contractor name and click SEARCH 61</p>	

61

System for Award Management: www.sam.gov	
View assistance for SAM.gov	
<p>Search Results</p> <ul style="list-style-type: none"> Your search results represent the broadest set of records that match your search criteria. You may get entity registration records that are still in progress or have been submitted, but not yet activated. Check the status of each record. Of note, some entities choose to opt out of public display. Even if they are registered in SAM, you will not see their entity registration records in a public search. You can only see them if you log in as Federal Government user. You can refine your search results. If you used the Quick Search, select the search filters on this page. If you used one of the Advanced Search options, select the Edit Search button. If you want to perform a new search, use the Clear button to remove your current search results. If you are logged in with your SAM User Account, you can save your search criteria to run again later using the Save Search button. NOTE: Please read this important message when searching for exclusion records. <p>Current Search Terms: BECO CONSTRUCTION COMPANY, INC.*</p> <p><input type="button" value="Clear Search"/></p> <p>Total records: 0 <input type="button" value="Save PDF"/> <input type="button" value="Export Results"/> <input type="button" value="Print"/></p> <p>Result Page: <input type="button" value="Sort by Relevance"/> <input type="button" value="Order by Descending"/></p> <div> <p>FILTER RESULTS</p> <p>By Record Status</p> <p><input checked="" type="checkbox"/> Active</p> <p><input type="checkbox"/> Inactive</p> <p>By Record Type</p> <p><input type="checkbox"/> Entity Registration</p> <p><input type="checkbox"/> Exclusion</p> </div> <p>Your search for BECO CONSTRUCTION COMPANY, INC.* returned the following results...</p> <p>No records found.</p>	
<p>Print results and place in contract file. 62</p>	

62

Provide Contractor Training

- Make certain the contractor understands the requirements for Davis-Bacon compliance.
- Discuss request for Additional Classifications early.
- Refer contractor to *A Contractor's Guide to Prevailing Wage Requirements for Federally-Assisted Construction Projects*.



63

63



CONTRACTOR RESPONSIBILITIES

64

Prime Contractor

- Responsible for compliance of all employers
- Sub-contractors communicate through prime
- Include labor provisions & wage decision in all sub-contracts
- Provide sub-contractors with forms and guidance
- Reviews all payrolls for accuracy
- Submits certified payrolls for own employees and sub-contractors timely



65

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Subcontractor Contractor

- Prepares & submits certified weekly payrolls to Prime
- Instruct sub-tier of responsibilities
- Request additional classifications through Prime



66

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Required for all Contractors

- Pay according to required classifications and rates
- Permit access to employees during work
- Retain records documenting compliance for three years after project completion



67

67



WORK CLASSIFICATIONS

68

Laborers and Mechanics



The terms "laborers" and "mechanics" include those workers whose duties are manual or physical. Generally, mechanics are considered to include any worker who uses tools or who is performing the work of a recognized trade.

- Supervisors or Working Foreman are covered if they spend 20% or more of their time performing laborer or mechanic duties at the job site.
- Relatives who are performing work must be paid the required wage for the classification of job performed and must be included on payrolls.

69

69

Working Owner

An owner who has no employees is not authorized to sign his/her own payroll and Statement of Compliance. Instead, must be listed on the prime or subcontractor for whom they have executed a "contract" for services.

Owners of businesses working with their crew may certify to the payment of their own wages as well as their employee's wages. Owners need only list their name, work classification including "owner," and the daily and total hours worked. Owners *do not* need to list a rate of pay or amounts earned.



70

70



Construction Cleaning

Cleaning performed during construction is subject to prevailing wage provisions.

If a cleaning classification is not list on the wage decision, cleaners must be paid the rate for unskilled laborers.

71

71



Split Classifications

An employee may perform work in more than one classification ***provided***, the employer maintains accurate time records of the time spent in each classification of work performed.

If accurate time records are not maintained, the employee shall be compensated at the highest of all wage rates for the classifications in which work was performed.

72

72

Apprentices

Only apprentices registered in an approved program may be paid less than the wage rate listed on the wage decision for their work classification.

Approved programs are those which have been registered with the Department of Labor (DOL) or DOL recognized State Apprenticeship Agency.

The first payroll on which any apprentice appears should include:

- A copy of that apprentice's registration in an approved program.
- A copy of each apprenticeship agreement.
- A copy of the portions of the approved program pertaining to the wage rates and ratios.

Note: A worker who is not registered in an approved program must be paid the full journeyman's rate.

73

73

Material Delivery

- Material delivery truck drivers who come onto the site of work merely to drop off or pick up construction materials are not covered if the time spent on the site of work is not more than de minimis.
- De Minimis Rule: If the driver is not working exclusively on the site of work, to be covered by Davis-Bacon, the time spent working on site must be more than de minimis (20% or more of the work week).
- It is highly recommended that drivers keep track of their time in a manner that will assist in determining if 20% of their work week is spent on the 'site of work' (de minimis).

74

74

Truck Drivers

- Covered if driving on the “site of the work”
- Covered if working exclusively on the “site of the work”
- Not covered if **only** loading/unloading on the “site of the work”
- Not covered if driving off the “site of the work” between Davis-Bacon site and commercial facilities
- Truck “owner-operators” must be reported on the prime’s (responsible employer’s) weekly payrolls but unlike other classifications, do not need to show the hours worked or rates, only the notation ‘Owner-operator’.



75

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Construction Site

- Covered if working at the “site of work”
- Loading from a ‘Stockpile’ while on the ‘site of work’ can exceed the de minimis (20% or more of the work week).
- Dumping material alone, more than likely will NOT exceed de minimis (20% or more of the work week).
- Trucks ‘lined up’ waiting to be loaded, can exceed the de minimis (20% or more of the work week).



76

76

Volunteers

- Perform services voluntarily
- Do not receive compensation
- May receive expenses, or a nominal fee
- Not otherwise employed on the project
- Note the project file, have volunteer sign



77

77



PAY ADMINISTRATION

78

Davis-Bacon Wage Rates

The wage decision will list a minimum basic wage or basic wage plus fringe benefits. Pay wage rates at or above those on wage decision for classification of work performed.

If the wage decision requires \$10 per hour + \$5 per hour fringe benefits, you must pay no less than \$15 per hour. You can meet this obligation in several ways, as long as you meet the total amount:

- \$10 basic plus + \$5 fringe benefits.
- \$12 basic plus + \$3 fringe benefits.
- \$9 basic plus + \$6 fringe benefits

79

79

Fringe Benefits

- Can include employer contributions to health insurance premiums, retirement contributions, life insurance, vacation & sick leave, etc.
- Contractor must identify on Statement of Compliance if fringe benefits are paid or are not paid
- Unfunded plans: Contractor must obtain DOL approval



80

80

NOT Fringe Benefits

- Workers' compensation
- Unemployment compensation
- Social Security
- Employer payments or contributions required by Federal, State or local laws
- Use of company truck
- Holiday bonus



81

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Overtime

- For all hours worked over 40 per week
- Paid at 1½ times the regular rate of basic pay plus the straight-time rate of fringe benefits
- Applies to hours worked on covered project



82

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Piece Work

- Convert to hourly wage rate
- Total weekly wages ÷ hours worked = effective hourly wage rate
 - $\$1000 \div 40\text{hrs} = \25 per hour
- It is important that contractors keep good records of hours worked



83

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Pay Deductions

Allowable deductions include employee obligations for:

- Income taxes and Social Security payments
- Insurance premiums
- Retirement and savings accounts
- Any other legally-permissible deduction authorized by the employee.
- Those deemed permissible by 29 Code of Federal Regulations (CFR) Part 3. Deductions not provided must be approved by the DOL

84

84

The Statement of Compliance is the certification. It is located on the reverse side of a standard payroll form (WH-347).


Be sure the identifying information at the top is completed, particularly if attaching the Statement of Compliance to an alternate payroll form such as a computer payroll.

87

87

Common Payroll Errors

- Missing documentation for Apprentices and Trainees
- Classification errors
- Copy or fax Statement of Compliance
- Frequent computation errors
- Incomplete payrolls
- Other deductions not identified
- Overtime violations
- Unauthorized signature on Statement of Compliance
- Wage rate errors



88

88



89

	Davis-Bacon Posters
	<p>The Davis-Bacon poster, and a copy of the applicable Davis-Bacon wage decision, must be displayed at the job site of every project subject to Davis-Bacon wage requirements.</p> <p>Websites for the English and Spanish versions of poster:</p> <p>(WH-1321) Davis-Bacon Poster (English): https://www.dol.gov/whd/regs/compliance/posters/fedprojc.pdf</p> <p>(WH-1321) Davis-Bacon Poster (En Español): https://www.dol.gov/whd/regs/compliance/posters/davispan.pdf</p>
	90

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Must be displayed at the job site of every project subject to Davis-Bacon.

Also available in Spanish.

EMPLOYEE RIGHTS
UNDER THE DAVIS-BACON ACT

FOR LABORERS AND MECHANICS
EMPLOYED ON FEDERAL OR
FEDERALLY ASSISTED
CONSTRUCTION PROJECTS

PREVAILING WAGES You must be paid not less than the wage rate listed in the Davis-Bacon Wage Decision posted with this notice for the work you perform.

OVERTIME You must be paid not less than one and one-half times your basic rate of pay for all hours worked over 40 in a work week. There are few exceptions.

ENFORCEMENT Contract payments can be withheld to ensure workers receive wages and overtime pay due, and backlogged damages may apply if overtime pay requirements are not met. Davis-Bacon contract clauses allow contract termination and debarment of contractors from future Federal contracts for up to three years. A contractor who violates certified journal records or violates wage knowledge may be subject to civil or criminal prosecution, fines and/or imprisonment.

APPRENTICES Apprentice rates apply only to apprentices properly registered under approved Federal or State apprenticeship programs.

PROPER PAY If you do not receive proper pay, or require further information on the applicable wages, contact the Contracting Officer listed below:

or contact the U.S. Department of Labor's Wage and Hour Division.

WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

1-866-487-2544
TTY: 1-877-289-5227
www.dol.gov/eowd

91

91

Project Wage Rate Sheet (HUD-4720)

This sheet is a one-page transcript that will show only the classifications and wage rates for a project.

- Easy for workers to see if they are paid properly
- Ready reference for the contract administrators reviewing payroll reports
- Should be prepared after the wage decision has been "locked-in"

Project Wage Rate Sheet U.S. Department of Housing and Urban Development
Office of Labor Relations

PROJECT NAME: _____ WAGE DECISION NUMBER/MODIFICATION NUMBER: _____

PROJECT NUMBER: _____ PROJECT COUNTY: _____

WORK CLASSIFICATION	BASIC HOURLY RATE (BHR)	FRINGE BENEFITS	TOTAL HOURLY WAGE RATE	LABORERS FRINGE BENEFITS: GROUP B	BRR	TOTAL WAGE
Bricklayers						
Carpenters						
Cement Masons						
Crywall Finishers						
Electricians						
Iron Workers						
Painters						
Plumbers						
Roofters						
Sheet Metal Workers						
Soft Floor Layers						
Tapers						
Tile Setters						
Other Classifications						

ADDITIONAL CLASSIFICATIONS (HUD FORM 4230-A)

WORK CLASSIFICATION	BASIC HOURLY RATE	FRINGE BENEFITS	TOTAL HOURLY WAGE RATE	DATE OF HUD SUBMISSION TO DOL	DATE OF DOL APPROVAL

92

92

Compliance Reviews

On-Site Employee Interviews (HUD-11's): are conducted as an enforcement activity to ensure Davis-Bacon Wages are being paid. The contract administrator or a designee (such as an agency construction inspector) should visit the project site and interview workers.

Project Payroll Reviews: compare the information on the interview forms to payrolls to ensure that the workers are properly listed for the days, work classifications and rate pay.



93

93

Record of Employee Interview (HUD-11)

The agency must periodically conduct interviews with the construction workers on the job site.

- The purpose of the interviews is to capture observations of the work being performed
- Get the workers' views on the number of hours they work, the type of work they perform and the wages they receive.

Record of Employee Interview		U.S. Department of Housing and Urban Development Office of Labor Relations		OMB Approval No. 2501-0009 (exp. 09/30/2017)	
<small>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 reviewing the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any aspect of this collection of information, including suggestions for reducing this burden, to Washington Headquarters Service, Paperwork Project (0182-0001), Washington, DC 20503.</small>					
1a. Project Name		2a. Employee Name			
1b. Project Number		2b. Employee Phone Number (including area code)			
1c. Contractor or Subcontractor (Employer)		2c. Employee Home Address & Zip Code			
		2d. Verification of Identification?		Yes <input type="checkbox"/> No <input type="checkbox"/>	
3a. How long on this job?	3b. Last date on this job before today?	3c. No. of hours last day on this job?	4a. Hourly rate of pay?	4b. Fringe benefits?	4c. Pay stub?
				Vacation Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
				Medical Yes <input type="checkbox"/> No <input type="checkbox"/>	
				Pension Yes <input type="checkbox"/> No <input type="checkbox"/>	
5. Your job classification(s) (if all — continue on a separate sheet if necessary)					
6. Your duties					
7. Your equipment used					
8. Are you an apprentice or trainee?	Y <input type="checkbox"/> N <input type="checkbox"/>	10. Are you paid at least time and 1/2 for all hours worked in excess of 40 in a week?		Y <input type="checkbox"/> N <input type="checkbox"/>	
9. Are you paid for all hours worked?	Y <input type="checkbox"/> N <input type="checkbox"/>	11. Have you ever been threatened or coerced into giving up any part of your pay?		Y <input type="checkbox"/> N <input type="checkbox"/>	
12a. Employee Signature		12b. Date			
13. Duties observed by the interviewer (Please be specific.)					
14. Remarks					
15a. Interviewer Name (Please print)		15b. Signature of interviewer		15c. Date of interview	
Payroll Examination					
16. Remarks					
17a. Signature of Payroll Examiner		17b. Date			
Previous editions are obsolete. Form HUD-11 (Rev. 10/1/80)					

94

94

Wage Restitution

When wage underpayment has occurred, the employer will be required to pay wage restitution to all affected employees within 30 days.

- The prime contractor is responsible for ensuring restitution is paid.
- Document restitution on a corrected certified payroll report.



95

95

Withholding of Funds

If wage underpayments or other violations are not corrected within 30 days after notification to the prime contractor, you have the authority to withhold money.

Withholding of money is considered serious and the prime contractor would be notified in writing.



96

96

Falsification of Payrolls



Contractors and/or subcontractors that are found to have willfully falsified payroll reports and Statements of Compliance, may be subject to civil or criminal prosecution.

Penalties may be imposed of \$1000 and/or one year in prison for each false statement.

97

97

DOL Debarment

Debarment is considered when a contractor has willfully:

- Submitted falsified certified payrolls
- Required kickbacks of wages or back wages
- Committed repeat violations

When a contractor is debarred, they are declared ineligible for up to 3 years from receiving Federal contracts.



98

98

Semi-Annual Enforcement Reports

- Part I – Contracting Activity: All Davis-Bacon covered projects contracts awarded within a 6-month time period
- Part II – Enforcement Activity: Wage restitution, complaints, investigations underpayments and violations.

Reporting Periods:

- Oct 1st - Mar 31st (Report Due April 7th)
- Apr 1st - Sep 30th (Report Due October 7th)

99

99

Update: Semi-Annual Enforcement Report

You do not need to submit the October 1, 2020 – March 31, 2021 Semi-Annual Enforcement Report to our office.

Email sent March 1, 2021:

“The purpose of this email to inform you that the Semi-Annual Labor Standards Enforcement Report for Local Contracting Agencies (SAR)—HUD forms 4710 and 4710 (i)—are not currently approved by OMB for data collection. Data collection approval from OMB is governed by 44 U.S. Code § 3507 (a).

HUD anticipates securing OMB approval by the time the next SAR is due (October 2021). Once HUD has an OMB-approved form, it will be provided to you. Please do not send any information to HUD for the October 1 – March 30 reporting period.”

100

100

Semi-Annual Labor Standards Enforcement Report - Local Contracting Agencies (HUD Programs)		U.S. Department of Housing and Urban Development Office of Labor Relations		HUD FORM 4710 (2010 Revised Version) (2010-01-01) (Rev. 01-01-2010)	
Agency Name: _____		Agency Type: _____		State: _____	
Period Covered: Check One and Enter Year(s) <input type="checkbox"/> Period 1: October 1, _____ to March 31, _____		<input type="checkbox"/> Period 2: April 1, _____ to September 30, _____		HUD2000 Agency ID #: _____	
Agency Contact Person: _____		Agency Contact Phone/E-mail: _____			
PART I - CONTRACTING ACTIVITY* <i>Pertains to all projects awarded during the reporting period.</i>					
1. Number of prime contracts subject to the Davis-Bacon and Related Acts (DBRA) and/or the Contract Work Hours and Safety Standards Act (CWHSSA) awarded this period: _____					
2. Total dollar amount of prime contracts reported in item 1 above: \$ _____					
3. List for each contract awarded this period:					
Project Name/Number	Contract Amount	Wage Decision Number	Wage Decision Lock-In Date		
EXAMPLE: "Boyle's Club Renovation # 004606-6C"	"\$0,000,000.00"	"FL40091-Mod 1, 6/7/04, Building"	"07/02/04 bid open date" < Lock		
*Use additional page if necessary. WHAT IS THE LOCK-IN DATE? For contracts awarded this contract to competitive bidding procedures, the <u>award</u> date "locks-in" the wage decision. Report only once. If the contract is awarded more than 90 days after bid opening, the award date "locks-in" the wage decision. For contracts, purchase orders or other agreements for which there is no bid opening or award date, use the <u>contract award date</u> as the lock-in date. However, for projects receiving assistance under Section 8 of the U.S. Housing Act of 1937 or contracts involving a project wage determination, the lock-in rules may vary from above. See Department of Labor Regulations, 29 CFR, Part 1, Section 1.5 and/or HUD Handbook 1344.1, or consult the HUD Labor Relations staff. WHAT IS A LOCK-IN DATE? Use the wage decision publication date, unless that happens to correspond to one of the trigger events described above. If you are not sure about any of this, please feel free to contact the Labor Relations staff in your state or region.					
(HUD Form 4710-11-01-2010)					

Semi-Annual Labor Standards Enforcement Report - Local Contracting Agencies (HUD Programs)		U.S. Department of Housing and Urban Development Office of Labor Relations		HUD FORM 4710 (2010 Revised Version) (2010-01-01) (Rev. 01-01-2010)	
Agency Name: _____		Agency Type: _____		State: _____	
Period Covered: Check One and Enter Year(s) <input type="checkbox"/> Period 1: October 1, _____ to March 31, _____		<input type="checkbox"/> Period 2: April 1, _____ to September 30, _____		HUD2000 Agency ID #: _____	
Agency Contact Person: _____		Agency Contact Phone/E-mail: _____			
PART II - ENFORCEMENT ACTIVITY* <i>Pertains to all projects, not just contracts awarded during the reporting period.</i>					
4. Number of employers against whom complaints were received (list employers and projects involved below): _____					
Employer		Project(s)			
_____		_____			
5. (a) Number of cases (employers) referred to HUD Labor Relations for investigation or \$5.11 hearing (list referrals below): _____					
(b) Number of cases (employers) referred to the Department of Labor (DOL) for investigation or \$5.11 hearing (list referrals below): _____					
Employer	Project	HUD or DOL	Invest. Or Hearing		
_____	_____	_____	_____		
6. (a) Number of workers for whom wage restitution was collected/distributed: _____					
<i>Report only once. If you previously reported workers for whom restitution was collected, do not report the same workers when funds are disbursed. Include workers to whom restitution was paid directly by the employer.</i>					
(b) Total amount of straight time wage restitution collected/distributed during this period: _____					
<i>Report only once. If you report funds collected, do not report the disbursement. Include restitution amounts paid directly by the employer as reported on correction certified payrolls.</i>					
(c) Total amount of CWHSSA overtime wage restitution collected/distributed during this period: _____					
<i>Report only once. If you report funds collected, do not report the disbursement. Include restitution amounts paid directly by the employer as reported on correction certified payrolls.</i>					
(d) Total amount of liquidated damages collected: _____					
(HUD Form 4710-11-01-2010)					

101



AGENCY RESPONSIBILITIES

102

Agency Responsibilities

- Designate appropriate staff
- Establish contract management system
- Ensure contracts/subcontracts contain:
 - Federal labor standards (HUD-5370-EZ or 5370)
 - Applicable wage decision (<https://beta.sam.gov/>)
- Verify contractor eligibility (www.sam.gov)
 - Print out results for contract file



103

103

Agency Responsibilities

- Conduct on-site inspections (HUD-11's):
 - Ensure wage decision and DOL Notice to Employees posters are posted on the job site
- Review payrolls
- Maintain full documentation for 3 years
- Refer investigations to HUD
- Submit DOL enforcement reports
- Comply with all HUD Requirements



104

104

Required Records to Keep

- Copy of executed contract
- Bid opening /contract award dates
- Verification of contractor eligibility
- Wage decision/additional classifications
- Construction start date
- Certified payrolls
- Apprentice registrations
- Employee interviews & HUD-11s
- Documentation of enforcement
- Preserved no less than three (3) years



105

105



ON-LINE RESOURCES

106

Davis-Bacon Websites

HUD, Office of Davis Bacon & Labor Standards:
https://www.hud.gov/program_offices/davis_bacon_and_labor_standards

Davis-Bacon Wage Decisions: <https://beta.sam.gov/>

Contractor Eligibility: www.sam.gov



107

107

Apprenticeship Registration Information

State Office of Apprenticeship website:
<https://www.doleta.gov/oa/stateoffices.cfm>

Virginia Contract


Patricia (Trish) Morrison, Division Director
 Virginia Registered Apprenticeship
 Virginia Department of Labor and Industry
 Main Street Centre
 600 East Main Street, Suite 207
 Richmond, Virginia 23219.
 Phone: (804) 786-2382
Patricia.Morrison@doli.virginia.gov

West Virginia Contact

Kenneth Milnes, State Director
 USDOL/ETA/OA
 405 Capital Street, Suite
 Charleston, WV 25301
 Phone: (304) 347-5794
Milnes.Kenneth@gov

108

108

			
	Thank you for attending!		
	<p>Kamaria E. Taylor, Labor Standards Specialist Email: kamaria.e.taylor@hud.gov Phone: 804-822-4806</p> <p>Jurisdictions: Virginia & West Virginia</p>		

109