

LABOR STANDARDS

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CHAPTER 7: LABOR STANDARDS

INTRODUCTION

Federal labor standards (also known as Davis-Bacon and Related Acts [DBRA] or "Davis-Bacon") will likely apply to a unit of general local government's (UGLG's) project when construction activities are included in the scope of work. The UGLG should contact the assigned Division of Energy, Housing and Community Resources (DEHCR) Project Representative for a determination on the applicability of federal labor standards to the CDBG project as necessary. If federal labor standards apply, the UGLG is responsible for ensuring the required labor standards language/insertions specified in Chapter 3: *Procurement and Contracting* and Chapter 7: *Labor Standards* of the *CDBG Implementation Handbook* are included in all construction prime contracts and subcontracts; all construction prime contractors and subcontractors must pay employees working on the CDBG project no less than the federal wage rates listed for their job classification (with some exceptions); all construction prime contractors and subcontractors must submit weekly payroll records and supporting documentation for fringe benefits and deductions (with exceptions for some types of job classifications); and the UGLG's Labor Standards Officer (LSO) is responsible for weekly payroll reviews to confirm compliance and address noncompliance issues, as applicable.

RELEVANT LAWS

- **The Davis-Bacon Act**

The Davis-Bacon Act requires contractors and sub-contractors to pay those working directly on the site of work not less than once per week. This Act also requires that workers receive no less than the federal wages being paid for similar work in their locality. Federal wages are computed by the United States Department of Labor (USDOL) and are issued in the form of federal wage decisions for each classification of work to be performed in the area.

Violation of the Davis-Bacon Act makes the contractor liable for unpaid wages and may result in suspension of payments, contract termination, and suspension or debarment of the contractor from participation in federally funded projects.

- **The Copeland "Anti-Kickback" Act**

This Act requires that workers be paid without any deductions or rebates except permissible deductions. Permissible deductions include taxes, deductions the worker authorizes in writing, and those required by court processes. The Act also requires contractors to submit weekly payroll records and statements of compliance to the contracting agency. Regulations, Part 3, require contractors and sub-contractors on Davis-Bacon covered construction projects to submit each week a statement of compliance certifying compliance with the Davis-Bacon requirements. This "statement of compliance" is usually referred to as the certified payroll. This Act applies to all contracts covered by Davis-Bacon.

Violation of the Copeland Act is a felony and may result in termination of the contract or criminal prosecution by the U.S. Government, punishable by a fine, imprisonment, or both.

- **The Contract Work Hours and Safety Standards Act (CWHSSA) and the Fair Labor Standards Act (FLSA)**

The *CWHSSA* ([29 CFR 5.5\(b\)](#)) requires that workers receive "overtime" pay at a rate of one and one-half times their regular "base" hourly pay rate or one and one-half times the federal basic rate of pay, whichever is higher, for hours worked over 40 hours within a work week on federally funded projects. The Fair Labor Standards Act (FLSA) (<https://www.dol.gov/agencies/whd/overtime>) requires overtime pay at a rate of one and

one-half times their regular “base” hourly pay rate for employees aged 16 and older for hours worked over 40 hours within a work week for any employer (with some exemptions). Forty hours within a work week applies to all hours worked by the employee for that contractor on all federally funded job sites.

The CWHSSA does not apply to prime contracts of \$100,000 or less; however, the FLSA will apply and overtime provisions are applicable to all contracts covered by Davis-Bacon. If the prime contract exceeds \$100,000, CWHSSA applies to the prime contractor and all its sub-contractors regardless of the sub-contract values.

Violation of the CWHSSA makes the contractor liable for unpaid wages, liquidated damages of \$31 per employee per day of violation, and, in cases of intentional violation, a fine of \$1,000 and/or six months imprisonment for each offense (per [29 CFR 5.8](#) and USDOL update, effective 01/16/2023 <https://www.dol.gov/agencies/whd/government-contracts/cwhssa#cmp>). Violations may also result in termination of the contract. Wage restitution should be paid to employees, copy of each check placed in the project’s Labor Standards file. If liquidated damages are deemed applicable, the contractor will be liable to the United States government for payment, computed at \$31 per day per violation. DEHCR may make a determination that liquidated damages charges may be waived. The UGLG should contact DEHCR for a determination.

APPLICABILITY

Labor standards apply to all Community Development Block Grant (CDBG) contracts for construction, alteration, or repair of a public building or public work, as well as all building or construction contracts financed in whole or in part from federal funds or in accordance with guarantees of a federal agency, except as noted below.

Exceptions

1. Public works constructed by an UGLG’s employees, are commonly called "force account" work. An UGLG that chooses to use force account labor to complete a project shall notify DEHCR using the *Force Account Affidavit* (Attachment 7-Q) that force account labor will be used to complete the project.

PLEASE NOTE: There is no such thing as private "force account" work.

2. Residential rehabilitation in structures with fewer than eight units.
3. Contract(s) that are part of a *project* of less than \$2,000 value. *[NOTE: No CDBG projects are less than \$2,000 in value so no CDBG projects will be exempted based on project amount.]*
4. Construction activities assisted solely by means of loans guaranteed with interest-bearing collateral accounts, where a) the interest rate is standard and customary rate on demand accounts; b) the account is subject to standard and customary terms and conditions for collateral accounts; and c) there is no "substantial likelihood" that the guarantee will be used.
5. Economic development projects where federal funds are used only for non-construction activities such as acquisition; machinery and equipment purchase (not including installation); stock (equity) purchase; and operating capital loans where such funds cannot be used for construction.

More information included in:

- *Davis-Bacon and Related Acts (DBRA)* (Attachment 7-B).

LABOR STANDARDS OFFICER

REQUIREMENT: The UGLG must name a Labor Standards Officer (LSO) prior to, or at the time of requesting a wage decision. The UGLG must act as the LSO unless a different person is appointed.

PROCEDURE: Appoint a LSO to administer all matters relating to labor standards. Complete: *Labor Standards Officer Designee* (Attachment 7-C) and send a copy to DEHCR.

SECURING WAGE DECISION

REQUIREMENT: The LSO must secure the federal Davis-Bacon wage decision(s) for use in the project(s)

PROCEDURE: Prior to advertising for bids, the LSO shall obtain the applicable Davis-Bacon wage decision(s) (i.e., wage determination(s)) for the contract and include the wage determination in the bid packet. The LSO shall submit a *Record of Wage Decision Selection* (Attachment 7-D) to DEHCR. Be sure to complete Attachment 7-D in its entirety. Specify budget line items, phases of the project, and percent of total construction cost, which includes grant plus match in construction line items only. NOTE: Any update to the wage decision(s) at the time of bid opening is/are reported to DEHCR through submission of the *Notice of Contractor Award* (Attachment 7-H) (also see “Bidding” section within this chapter).

When the construction contract will involve multiple types of construction activities (e.g., improvements to buildings, streets and utilities), the wage decision for each type of construction being completed generally must be used as the applicable wage rates (e.g., Building, Highway, Heavy-Water/Sewer/Tunneling, Heavy-Other Heavy Excluding Water/Sewer/Tunneling). However, there is an exception when a type of construction is deemed “incidental” to the project, constituting less than 20% of the total contract cost. In that case, using a separate wage decision for it is not necessary, *unless* it is needed to cover job classifications for that type of construction not otherwise covered in the other wage decision(s) applicable to the contract/project).

Davis Bacon wage rates are available on-line. Following are instructions for an on-line search:

- 1) Go to <https://sam.gov/content/home>.
- 2) Select “Wage Determinations”.
- 3) On the Wage Determinations page, under the “Search Wage Determinations” heading, either enter the wage determination number in the “Search by WD Number” box, or check the box to the right of this option: “Public Building or Works”.
- 4) Under the “Select Domain” heading, select “Construction (DBA)”.
- 5) Under the “Location” heading, choose Wisconsin in the “Select State” field, and select the applicable county in the “County” field. The applicable county will be the county in which the CDBG project work will occur. Finally, select the DBA construction type (e.g., Building, Highway, Heavy, or Residential).
- 6) Under “Status” check the “Active Only” box if seeking a current wage determination. *[Do not check this box if seeking to view an older wage determination. Either check the “Inactive” option or enter a date range under the “Date” heading to search previous wage determinations; or access previous wage determinations from within the current year using the associated links under the ‘History’ section at the bottom of the current/Active” version of the selected wage determination.*]*
- 7) If the “Active Only” box is checked, only the currently active wage determinations will appear on the right side of the screen. Select the applicable determination(s) from the list based on the Construction Type, which is specified for each. Click on the wage determination number in blue font to view the full wage determination.

Select the Print/Download option to save and print the wage determination, which is to be provided in the bid packet and saved in the CDBG project file.

**Note: To access previous versions of a wage determination (i.e., earlier modifications) within the same year, scroll to the bottom of the current/"Active" wage determination under the "History" timeline. Click on the Modification number of the earlier wage determination(s) listed to view, print and download the determination.*

Print the wage determination(s) applicable to the CDBG project and include a copy of the wage determination(s) within the bid packet documents. Submit to DEHCR the *Record of Wage Decision Selection* (Attachment 7-D) with the wage determination information completed, along with bidding information.

OPTIONAL: If a survey of wages paid for similar work in the UGLG's community has been conducted, this can be submitted as well, using *Contractor's Report of Construction Wage Rates, Form WD 10* which is available at <https://www.dol.gov/whd/programs/dbra/wd10/>. Contact DEHCR for information on how to conduct and submit a wage survey.

ADDITIONAL CLASSIFICATIONS

Additional classifications will be needed any time there is a category of worker on the job that does not fit any of the classifications listed in the wage decision. A request for approval of additional classifications is initiated by the contractor by sending a letter requesting additional classification(s) to the UGLG. The UGLG shall complete the *Request for Additional Classification* form (Attachment 7-E) including the name of the classification and the wages and fringe benefits currently being paid and submit the contractor letter and request form to the DEHCR Project Representative.

Attach a copy of the wage determination to expedite the process. DEHCR will forward the request to HUD who will review and forward the request to USDOL for review and response. **The USDOL will not review or respond to any additional classification requests prior to the contract being awarded to the contractor.**

BIDDING

REQUIREMENT: The UGLG must include the applicable wage decision(s), related provisions, equal opportunity language, and contractor clearance language in the bid documents.

PROCEDURE: In advertising for bidders, include a notice that Davis-Bacon and Related Acts (DBRA) and federal wage rates apply to the project. Refer to Chapter 3: *Procurement and Contracting* of this *Handbook* for guidance on the advertisement for bids and bid packet specifications. Refer to Attachment 3-I: *Contract Attachment Insertions Summary* in Chapter 3: *Procurement and Contracting* of this *Handbook* for the list of documents that must be included in the bid documents packet and all prime contracts and sub-contracts for construction. Additional documents that are recommended to include are also listed in Attachment 3-I. Attachment 7-F: *Advertisement for Bids* is a tool to assist in the writing of an advertisement for bids.

NOTE: The UGLG is responsible for using the current wage rate(s) for the project. If a revised wage determination is noted prior to bid opening, the Labor Standards Officer (LSO) shall contact known bid providers to notify them of the change, documenting such communications in the project files.

If the UGLG fails to use the applicable wage rates, the UGLG may be held responsible for all back wages to employees. Wage decision modifications are issued on Fridays (if there are any updates).

WAGE DECISION CHECK PRIOR TO BID OPENING: The UGLG must check for updates to the wage decision(s) for the project on the **Friday before bid opening** (in the afternoon is recommended). Regulatory **provisions allow for checking for a wage decision update 10 days prior to the bid opening instead of the Friday before, in certain circumstances** when the Labor Standards Officer (LSO) determines there is not reasonable time to notify all bidders of the wage decision change(s) issued the Friday prior to the bid opening date. If a modification to the wage determination is published **less** than ten (10) days from bid opening and the LSO determines there is not reasonable time to notify all bidders, a written report summarizing the circumstances and justification for using the wage decision(s) in effect at the 10-day wage decision check date for the bid opening (i.e., the 'lock-in' date), shall be placed in the project file. In this case, the wage decision(s) effective 10 days prior to bid opening (the 'lock-in' date) shall be applicable to the project, unless other exceptions apply.

IMPORTANT NOTE:

The bid packet must include the applicable wage decisions for the project and the items specified in Attachment 3-I in Chapter 3 of the *CDBG Implementation Handbook*. If the UGLG is coordinating the bidding with another entity (e.g., another UGLG, Department of Transportation, USDA Rural Development, etc.), then the UGLG must ensure that the other entity includes the CDBG-required bid packet/contract insertions.

CONTRACT AWARD DELAYS >90 DAYS: If the UGLG holds the bid opening and then waits more than 90 days to award the construction contract, the UGLG **must re-check the applicable wage determination(s) online to see if there has been a modification update. If there is an updated modification date, the UGLG must use the modified wage determination(s)** for the construction project and provide the awarded contractor with the updated wage determination(s).

The UGLG **must** retain a copy of the bid advertisement and the bid documents package in the CDBG project file.

Refer to Chapter 3: *Procurement and Contracting* of this *Handbook* for the procurement requirements, minimum number of bids required, as well as procedures to follow if a sole bidder responds to the advertisement for bids.

CONTRACTOR CLEARANCE

REQUIREMENT: UGLGs must verify that the successful bidders and all sub-contractors are eligible to work on federally funded contracts.

PROCEDURE: Because of past practices, certain contractors have been debarred, suspended, or otherwise made ineligible to work on federally funded contracts. An exclusion record identifies parties excluded from receiving Federal contracts, certain subcontracts, and certain types of Federal financial and non-financial assistance and benefits. Exclusions are also referred to as suspensions and debarments.

Contract(s) must include the wage decision number and the *Federal Labor Standards Provisions (HUD 4010)* language (Attachment 7-G) that contains the contractor clearance language. When a contractor enters into federally assisted contracts, they certify their eligibility and that they will not employ ineligible sub-contractors to perform the work.

Correction of any infractions of the aforesaid conditions, including infractions by any of the contractor's subs is the contractor's responsibility.

Debarment Check Instructions

1. Go to the System for Award Management (SAM) website at <https://sam.gov/content/home>. Be sure to access the *official* federal SAM website. Private third parties have created sites that look very similar to the <https://sam.gov/content/home> website but they are not the *official* federal site and are not to be used for SAM debarment checks for the CDBG program.
2. On the SAM home page, click the "Exclusions" link and in the "Search Exclusions" box enter all or a portion of the search term (search the contractor's company name and owner/officer name(s) individually); and press 'Enter'.
Note: The requirement to search for both the company/entity name and the owner/officer name(s) became in effect with the September 2023 version of this Handbook chapter in accordance with the USDOL Final Rule on DBRA regulations (released in August 23, 2023; effective October 23, 2023).
3. The search results will show all 'excluded' entities meeting the search term parameters. When results appear, go to the "Filter by" column on the page. You may filter by location, by the full name of individual ('Excluded Individual') or by a company name ('Excluded Entity') or Unique Entity Identification Number (UEI #). If results show a 'match', select the name of the entity to review the firm's record to determine if the entity matches the prospective contractor and whether it is currently excluded/debarred. If a match is confirmed, the entity is debarred and cannot be awarded a contract for the CDBG project.
4. If the contractor's company (name and/or UEI #) and owner/officer name(s) do not appear in the search results, the entity has no active exclusions and is not debarred. As a fail-safe, the UGLG must have the contractor confirm/certify that it is not debarred prior to contracting (or when signing the contract).
5. Print the complete search results, and the contractor individual record if a record is generated (using the CTRL / P option, or by right clicking on the screen and selecting "Print"). Maintain copies of all debarment check records in the Labor Standards file, including search results of 'No Records Found'.

When checking the System for Award Management (<https://sam.gov/content/home>) for debarred contractors, conduct a search by the business name, and a separate search by the owner's name. The search may also be based on the contractor's UEI # or the Commercial and Government Entity (CAGE) Code.

CONTRACTING

REQUIREMENT: UGLGs must include the applicable wage determination(s), related labor standards provisions, equal opportunity language, conflict of interest language and contract or clearance language in all contracts.

BCD CDBG Implementation Handbook

Refer to Attachment 3-I: *Contract Attachment Insertions Summary* in Chapter 3: *Procurement & Contracting* in the *CDBG Implementation Handbook* for a list of language requirements and attachments to include in contracts or provide separately for all prime construction contracts and sub-contracts.

PROCEDURE: ALL SUB-CONTRACTS MUST BE IN WRITING and must contain all applicable items and attachments specified for the prime contract (as listed in Attachment 3-I: *Contract Attachment Insertions Summary* in Chapter 3: *Procurement and Contracting* of this Handbook). Inclusion of the required wage determination(s), regulatory language and clauses only by reference to the prime contract or regulatory citation is **NOT** acceptable.

A copy of each contract and sub-contract must be kept in the CDBG project files.

Note: If the UGLG fails to get a wage determination or uses the wrong one: Workers on federally funded projects must receive the federally-determined wages. If the UGLG fails to include the correct wage determination and regulations in the contract, it must get the correct wage determination(s) and advise the contractors they must pay those wage rates retroactive to the beginning of the project. **The UGLG is responsible for ensuring all wage restitution/underpayments are made and may be forced to reimburse the contractor if the correct wage determination was not used in the contract.**

When a prime contract is awarded, submit a completed *Notice of Contractor Award* (Attachment 7-H) including the name, address and employer identification number (FEIN) of the prime contractor. The names and FEINS of all anticipated sub-contractors must also be included.

A completed *Notice of Contractor Award* (Attachment 7-H) must be submitted to DEHCR prior to construction starting for each prime contract awarded.

The USDOL Final Rule on DBRA regulations (*effective October 23, 2023*) specifies that **if a change order is executed that substantially expands the scope of work or extends the date of obligation beyond the date outlined in the prime contract, then the UGLG is required to update the Wage Determination using the date of the change order as the ‘lock-in’ date.** The UGLG must submit a revised Record of Wage Decision Selection form (Attachment 7-D) to DEHCR and the updated wage decision must be added to the associated prime contract and subcontracts.

BIDDING/CONTRACTING DOCUMENT SUBMISSION AND RECORDKEEPING

The following documents related to bidding and awarding construction contracts must be maintained in the project file AND submitted to DEHCR:

- *Record of Wage Decision Selection* (Attachment 7-D) (to be submitted to DEHCR prior to publishing the advertisement for bids);
- Advertisement for bids, with the publisher’s affidavit
- Bid tabulation summary (to be submitted to DEHCR upon contract award); and
- *Notice of Contractor Award* (Attachment 7-H) (to be submitted to DEHCR upon contract award).
- Signed *Lobbying Certification* forms (Attachment 3-D) from all prime contractors and subcontractors and any completed *Disclosure of Lobbying Activities* forms (Attachment 3-E), if any contractors had lobbying activities to disclose (to be submitted to DEHCR with Attachment 10-A: *Project Completion Report* at the end of the project).

The following additional documents related to bidding and awarding construction contracts must be maintained in the project file:

- Bid packet (all contents) for each contract awarded;

- Bids submitted by contractor(s) awarded the contract(s) and all other bidding contractors, including bids not selected;
- Notifications to contractors of updated wage determination, and/or record of determination by the LSO of '10-day' wage determination 'lock-in', as applicable.
- Meeting minutes for the meeting(s) in which the UGLG's governing body approved the contract(s);
- Records of debarment checks on <https://sam.gov/content/home> for all prime contractors, subcontractors, and owners/officers (these checks should occur prior to awarding contracts);
- Signed contracts, including the prime contract(s) and all subcontracts (including documentation verifying the contracts contain the required CDBG language as specified above and in Chapter 3: *Procurement & Contracting*);
- Signed *Potential Conflict of Interest Disclosure* forms (Attachment 3-B) (recommended for Prime Contractors ONLY) or similar types of potential conflict of interest disclosure; and

Also refer to Chapter 3: *Procurement & Contracting* for information regarding conflict of interest, lobbying, bidding and contracting related documentation.

PRE-CONSTRUCTION MEETING

UGLGs are strongly encouraged to hold a pre-construction meeting to ensure that all contractors understand the applicable wage decision(s), labor standards and other CDBG program requirements. UGLGs working with contractors already familiar with Davis-Bacon and other CDBG program requirements and have a clear record of compliance may not need to hold a pre-construction meeting. If the contractors have worked on Davis-Bacon related projects and the UGLG is confident that the contractors involved clearly understand the requirements set forth in Attachment 7-G: *Federal Labor Standards Provisions (HUD-4010)* and Attachment 7-B: *Davis-Bacon and Related Acts*, coverage of these items may be abbreviated. Contractors are encouraged to use the tools listed in Attachment 7-R: *MBE/WBE/DBE & Section 3 Web Resources* for outreach to firms to promote sub-contracting with MBE, WBE and Section 3 firms.

PROCEDURE:

1. Hold a pre-construction meeting with the prime contractor and all sub-contractors. The meeting should cover the items listed in Attachment 7-I: *Pre-construction Meeting – Items to be Discussed*. Also provide contractors with a copy of Attachment 7-J: *Pre-construction Checklist for Contractors*. Recommendation: Have prime contractors and subcontractors complete and sign page 1 of the *Pre-construction Checklist for Contractors* (Attachment 7-J), return it to the Labor Standards Officer (LSO), and retain it in the CDBG project file.
2. Prepare a record of the pre-construction meeting proceedings and place it in the CDBG project file and submit a copy to the DEHCR Project Representative. Attachment 7-K: *Pre-construction Report Format* is provided as a template that may be used (but is not required) in preparing the pre-construction meeting notes.

COMPLIANCE MONITORING

REQUIREMENT:

The UGLG's LSO must monitor the performance of all contractors in complying with the wage rates and other requirements. DEHCR, the UGLG, any agent working on behalf of the UGLG, and/or the LSO has the right to request any additional information from the contractors and sub-contractors working on a CDBG funded project to verify compliance with federal labor standards

regulations. This information includes, but is not limited to job classification, payroll, benefits and deductions.

PROCEDURE:

1. Make sure that each contractor and sub-contractor submits, on a weekly basis, payroll records and statements of compliance as required by the law, and that these documents contain all the required information.
 - A. The weekly payroll records are prepared on the recommended **Wisconsin Department of Transportation (WisDoT) Weekly Payroll Record form** (a Microsoft Excel document (WisDOT Form 1929) that may be modified/customized for the specific project and includes formulas for automatically calculating data and entering details of job classifications, apprenticeship status, and types of fringe benefits and deductions) and Compliance Statement form (WisDOT Form 1816); or comparable forms that allows for reporting the same details. Refer to the Attachment 7-L1: *WISDOT Payroll Record (Template)* (includes WisDOT Payroll Record (Form DT1929) and WisDOT Compliance Statement (Form 1816)) to view the sample Payroll Record form and Compliance Statement.

The **U.S. Department of Labor Payroll Form WH-347** or an internal payroll system reporting form that allows for reporting the same information is acceptable. Note that when using Form WH-347, the details of the types of fringe benefits and deductions and value of each fringe benefit and deduction must be itemized for each employee on the Statement of Compliance page of Form WH-347 or attached to the payroll record. Refer to Attachment 7-L2: *USDOL Payroll Record (Template)* and Attachment 7-L3: *USDOL Payroll Record (Sample)* (includes Payroll Record form and Statement of Compliance signature page) to view the forms and a completed example.

Wisconsin Department of Transportation (WisDoT) Weekly Payroll Report form, Weekly Payroll Information Sheet (instructions) and Compliance Statement:

<https://wisconsindot.gov/pages/doing-bus/civil-rights/labornwage/payroll-submission-compliance.aspx>

Refer to the “Paper-based payrolls (emergency projects) section:

(See images on next page.)

WisDOT's Labor Compliance & CRCS Training (Upcoming)

CRCS Updates
Employer submission of payrolls using WisDOT's Civil Rights Compliance System (CRCS) is a key element in complying with prevailing wage laws.

Payroll guidelines

- [Contractor's User Manual, Payroll](#)
- [Certified payroll reports fact sheet](#) (now includes the keys to weekly payroll report)
- [Weekly payroll information sheet](#)
- [Weekly Payroll Information Sheet - For Projects let after 02/14/2017](#)
- [Contractor's User Manual - Sublet and payments](#)
- [How to get subcontractors registered](#)
- [Frequently Asked Questions \(FAQ\)](#)

Paper-based payrolls (emergency projects)

- [Blank weekly payroll report](#)
- [Blank Compliance Statement form \(DT1816\)](#)

U.S. Department of Labor (USDOL) Certified Payroll Record Form & Instructions: Form WH347 and Instructions:
<http://www.dol.gov/whd/forms/wh347instr.htm>
 (Direct link to Form WH347 also here:
<http://www.dol.gov/whd/forms/wh347.pdf>)

U.S. DEPARTMENT OF LABOR

Wage and Hour Division

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TOPICS ▾ WORKER RIGHTS FOR EMPLOYERS ▾ RESOURCES ▾ INTERPRETIVE GUIDANCE ▾ STATE LAWS ▾ NEWS RELEASES

WHD > Forms > Instructions For Completing Payroll Form, WH-347

Instructions For Completing Payroll Form, WH-347

- [WH-347 \(PDF\)](#)

OMB Control No. 1235-0008, Expires 07/31/2024.

General: Form WH-347 has been made available for the convenience of contractors and subcontractors required by their Federal or

Also refer to the *Statement of Compliance (Template)* (Attachment 7-M), *Statement of Compliance (Sample)* (Attachment 7-M1), and *Statement of Compliance Instructions* (Attachment 7-M2) for an additional example.

Any alternate payroll form used should be cleared with the recipient's Labor Standards Officer (LSO) before the employer starts work on the project. A project printout from the employer's internal payroll software system, for example, is acceptable provided that all data shown and required on the WisDoT payroll record form and Compliance Statement form, or on the front and back of the USDOL payroll record Form WH-347, is on or included with the payroll submitted to employer.

Payrolls must be numbered sequentially from **first to final** and must be submitted to the LSO of the CDBG project within 7 days after the end of the pay period. Identify the first and final payrolls by the words "First" and "Final." All payrolls must be signed by a principal of the firm or by an authorized agent. No work payrolls should be submitted for weeks when no work occurs. If payrolls are numbered consecutively, "no work" payrolls are not required. However, it is recommended contractors and sub-contractors that will not be working on the project for a period of time, inform the LSO in writing of the break and provide an approximate date of return. The DEHCR Project Representative may ask for verification of a lapse in work.

Refer to the *Pre-Construction Checklist for Contractors* (Attachment 7-J) and the information that follows in this chapter for additional guidance on the content and

data required on the certified weekly payroll records and accompanying signed statements of compliance.

2. Review the payrolls weekly to make sure that at least the minimum wages and fringe benefits as specified in the wage determination are paid to each employee and that any overtime worked is paid at the overtime rate. Fringe benefits include health insurance, retirement, life insurance, vacation, and some contributions to training funds. Fringe benefits **do not include** employer payments or contributions required by other federal, state, or local laws, such as the employer's contribution to Social Security or some disability insurance payments, nor travel reimbursement payments.

Note: An employee who owns at least a bona fide 20% equity interest in the enterprise in which he or she is employed, regardless of the type of business organization (e.g., corporation, partnership, or other), and who is actively engaged in its management, is considered a bona fide exempt executive. The salary and salary basis requirements do not apply to the exemption of business owners under 29 CFR 541.101. An individual with a 20% or greater interest in a business who is required to work long hours, makes no management decisions, supervises no one and has no authority over personnel does not qualify for the executive exemption. To qualify for the exemption, a minority owner with at least a bona fide 20% interest in the business must be an employee of the business and actively engaged in management. See 29 CFR 541.101.

The UGLG does not need to review those project workers listed on the payroll who perform work which is descriptive of any of the following job titles which are exempt from labor requirements: project superintendent, project engineer, messenger, clerical workers, timekeepers, bookkeepers, payroll clerks, and Supervisory foreman (*less than 20% of time as a working foreman*).

Refer to *Davis Bacon and Related Acts (DBRA)* (Attachment 7-B) for additional guidance on requirements and exceptions based on owner and worker classifications and roles.

3. Review the payrolls weekly to make sure that no **deductions** are made from any employee's pay other than those permitted by DOL Regulations [29 CFR 3]. These regulations prohibit the employer from requiring employees to "kick-back" any of their earnings. Allowable deductions include employee obligations for income taxes, Social Security payments, insurance premiums, retirement, savings account, **and any other legally permissible deduction authorized by the employee in writing.** Deductions may also be made for payments on judgments and other financial obligations legally imposed against the employee. The deductions listed under "Other" on the weekly payroll must be provided to the UGLG and/or the LSO upon request.
4. Review the payrolls weekly to make sure that employee classifications conform to the wage determination and rates. If no applicable classification is listed in the wage determination for an employee, refer to the instructions for Additional Classifications in this chapter.

Note: When the hourly fringe benefits rate for a job classification on the federal wage decision appears as a percentage rather than a dollar value, this indicates the minimum Davis-Bacon fringe rate would be the specified percentage multiplied by the Davis-Bacon hourly cash wage rate for that job classification, or multiplied by the worker's regular hourly cash rate on the CDBG project, whichever hourly cash rate is higher.

5. Apprentices and trainees may be paid less than the full journeyman rate only if they are registered in bona fide programs approved by and registered with the Employment and Training Administration of the USDOL. **Make sure all necessary apprenticeship indentured papers and training certifications have been filed** for employees on the job, and that the documents are valid. Make sure the ratio of apprentices to journeyman

on the job site does not exceed the ratio specified in the program, and that the apprentice is receiving the pay specified for his/her level of progress as an apprentice (usually expressed as a percentage of the journeyman rate for the craft). Apprentices and trainees must receive the full level of fringe benefits unless the apprenticeship or training agreement specifies a lesser amount of benefits. Job Corps trainees are entitled to full wages for the work they perform. The USDOL does not recognize Job Corps as an in-depth training program.

A “**probationary apprentice**” can be paid as an apprentice if the Bureau of Apprenticeship and Training (BAT) or a BAT – recognized State Apprenticeship Agency (SAC) has certified that the person is eligible for probationary employment as an apprentice.

A “**pre-apprentice**,” that is, someone who is not registered in a program and who hasn’t been BAT-or SAC-certified for probationary apprenticeship, is **not** considered to be an “apprentice” and must be paid the full journeyman’s rate on the wage determination for the classification of work they perform. **Obtain a copy of the apprenticeship-indentured papers from the approved program for the grant files.**

The Davis-Bacon statutes specify that if a contractor violates **any** of the provisions, the person considered to be an apprentice **must** receive the full amount of the applicable federal wage rate for the classification of work performed.

6. Interview workers on the job (Attachment 7-N: *Record of Employee Interview*) to determine if the wages paid and/or the classification reported by the contractor are correct and correspond to the payrolls submitted. Employees should be encouraged to produce pay stubs or pay envelopes that document the wages received. Do this in such a way as not to interfere with the conduct of the work and to provide reasonable privacy. **It is recommended to interview at least one of each classification of worker on the job for each contractor and sub-contractor.** More than one is desirable as assurance that the requirements continue to be met. For persons classified as apprentices or trainees, get a detailed statement of duties and tools used. Compare the interview data with the corresponding payrolls to identify any discrepancies. Obtain copies of employee paystubs as necessary to verify the wage rate when an employee indicates a different wage rate than the rate listed on the payroll records.
7. Check the work site to make sure that the required wage decision(s) and posters, (e.g., *Employee Equal Rights Poster* (Attachment 7-S), and those required by the State) are posted in a location clearly visible/accessible to all workers. Document the display of wage decision(s) and poster(s) by taking a photograph of display at the job site location. Other Wisconsin and Federal workplace posters can be found at: <https://dwd.wisconsin.gov/dwd/workplace-posters/>.
8. Maintain a labor standards file with the site investigation report, photographs, payroll sheets, certifications, and employee interview records.
9. **Recommended – Section 3 Compliance Checks:**
During weekly payroll monitoring processes, DEHCR recommends also collecting from contractors and reviewing the required Section 3 certification forms for employees and contractors (as employers), including the *Section 3 Employee Income Certifications* (Attachment 9-K(1) for pre-11/30/2020 awarded Grantees; or Attachment 9-K(2) for Grantees awarded 11/30/2020); and *Section 3 Business Concern Certifications* (Attachment 9-L). Refer to Chapter 9: *Reporting* for Section 3 reporting requirements and the administration of the employee and employer/contractor certification forms. It may be more efficient and effective to collect these forms when receiving payroll records from contractors rather than waiting until the end of the reporting period to collect them, particularly for contractors that finish work on the project prior to the end of a reporting period.

COMPLIANCE ENFORCEMENT

REQUIREMENT

UGLG's shall take the necessary steps to enforce the requirements when a contractor or sub-contractor has not paid the minimum Davis-Bacon and Related Acts wage and benefits or has violated other requirements.

PROCEDURE

Violations of labor standards requirements may be found as a result of worker complaints or through routine monitoring of payroll reports and employee interviews. When violations are found, the UGLG must follow the procedures set up by the USDOL, below:

1. Where the total underpayment is less than \$1,000 or and where there is no reason to believe that the violation is/was deliberate:
 - a. **Make sure that the unpaid wages are paid.** The UGLG must notify the prime contractor in writing of any underpayments that are found during payroll or other reviews. The notification should describe the underpayments and provide instructions for computing and documenting the restitution to be paid. The prime contractor is allowed 30 days to correct the underpayments. The employer will be required to report the restitution paid on a correction certified payroll. The correction payroll will reflect the period of time for which restitution is due (for example, Payroll #1 through and including Payroll #6; or a beginning date and an ending date). The correction payroll will list:
 - Each employee to whom restitution is due and their work classification;
 - The total number of work hours involved (daily hours are usually not applicable for restitution);
 - The adjustment wage rate (the difference between the required wage rate and wage rate paid);
 - The gross amount of restitution due, deductions, and the net amount to be paid; and
 - A signed *Statement of Compliance* (Attachment 7-M) must be attached to the correction Certified Payroll.

The UGLG should review the correction payroll to ensure that full restitution was paid. The prime contractor shall be notified in writing of any discrepancies and will be required to make additional payments, if needed. Additional payments must be documented on a supplemental correction payroll within 30 days.

Sometimes, wage restitution cannot be paid to an affected employee because, for example, the employee has moved and cannot be located. In these cases, at the end of the project the prime contractor will be required to place in a deposit or escrow account an amount equal to the total amount of restitution that could not be paid because the employee(s) could not be located. The UGLG should continue to attempt to locate the unfound worker(s) for three years after the completion of the project. After three years, any amount remaining in the account for unfound worker(s) should be forwarded to HUD.

Additional information is available from HUD on disputes, withholding, deposits and escrow accounts, including information in the *Making Davis-Bacon Work: A Contractor's Guide to Prevailing Wage Requirements for Federally Assisted Construction Projects* (HUD Labor Relations Desk Guide LR01.DG): https://www.hud.gov/sites/documents/23612_4812-LR.PDF.

If the violation involved the overtime provisions of the Contract Work Hours and Safety Standards Act, notify DEHCR and the contractor of the estimated penalty that may be assessed (\$31 per employee per day that overtime is earned but not paid) [updated by USDOL 01/13/2023:

<https://www.dol.gov/agencies/whd/government-contracts/cwhssa#cmp>]. The UGLG is to submit the copies of payrolls with the violations and a summary of investigative activities to DEHCR. DEHCR may forward underpayment violations under review to HUD, if further investigation is deemed necessary, which may result in penalties being assessed and collected from the contractor. Payment should be withheld from the contractor for **the estimated penalty amount** until HUD has been paid, if a penalty is imposed, or the contractor has received an answer to any appeal, if applicable.

2. Where the underpayment is \$1,000 or more in total, or where there is reason to believe that the violations are deliberate, **investigate as thoroughly as possible, and file Section 5.7 Enforcement Report (Attachment 7-O) with the DEHCR Project Representative.** The report will be forwarded to HUD and the USDOL for the necessary follow-up action.
3. Documentation of such violations is extremely important. All enforcement actions shall be carried out in writing and have the following information in the file:
 - A description of the violation;
 - The sources of information about the violation. Complaints and other statements from employees should be in writing, and signed;
 - The computation of the back wages due each employee;
 - The computation of the liquidated damages, if any;
 - Actions taken by the contractor to correct the violation, if any; and
 - Copies of supplemental payrolls and/or canceled checks, if any.
4. Submit semi-annual Labor Standards data reporting (Attachment 9-C: *CDBG Project Data Report*).

The USDOL requires agencies administering programs subject to Davis-Bacon and Related Act and CWHSSA labor standards to furnish a semi-annual Labor Standards enforcement reporting form. The semi-annual Labor Standards data reporting (Attachment 9-C: *CDBG Project Data Report*) is **due to DEHCR as specified in the executed Grant Agreement.** It is very important that DEHCR receive these reports in a timely fashion so that DEHCR can forward the reports to the HUD in a timely manner each reporting period.

5. If applicable, submit a *Section 5.7 Enforcement Report* (Attachment 7-O).

HUD requires agencies to submit a *Section 5.7 Enforcement Report* on all enforcement actions where underpayments by a contractor or sub-contractor total \$1,000 or more, or where there is reason to believe that the violations are aggravated or willful. In cases where a *Section 5.7 Enforcement Report* (Attachment 7-O) is completed, it must be submitted to DEHCR no later than 30 days after the completion of the investigation. (Note that the \$1,000 threshold refers to the underpayments of a single employer to his/her *entire* workforce and not to individual employees.)
6. When a CDBG project is completed, submit *Final Labor Standards Compliance Report(s)* (Attachment 7-P) to DEHCR with the project completion documents. A report must be submitted for each prime contract awarded on the project. Each report **must** detail the information pertaining to the prime contractor and its sub-contractors.

Refer to Chapter 2: <i>Administration Requirements</i> and Chapter 3: <i>Procurement & Contracting</i> for a list of items to maintain in the Labor Standards file.

To document HUD compliance, the DEHCR Project Representative must receive all applicable labor standards reports before the final draw request will be processed.

CDBG PROJECT SITE SIGN

A sign meeting the specifications outlined in Attachment 7-T *Project Sign* must be erected near the site of the project by the start of construction.

The UGLG is to maintain a photo in the project file of the project site sign (taken at the project location), in addition to photos of the labor standards wage decision(s) and Equal Right poster postings.

ATTACHMENTS

Attachments for this chapter are listed below and the Attachment documents are on the pages that follow. 'Fillable' versions of forms and templates are posted on the [CDBG Implementation Handbook](#) website (under the "Chapter Attachments/Fillable Forms" section).

ATTACHMENT 7-B:	DAVIS-BACON AND RELATED ACTS (DBRA)
ATTACHMENT 7-C:	LABOR STANDARDS OFFICER DESIGNEE (TEMPLATE)
ATTACHMENT 7-D:	RECORD OF WAGE DECISION SELECTION (TEMPLATE)
ATTACHMENT 7-D1:	RECORD OF WAGE DECISION SELECTION (SAMPLE)
ATTACHMENT 7-D2:	RECORD OF WAGE DECISION SELECTION (INSTRUCTIONS)
ATTACHMENT 7-E:	ADDITIONAL CLASSIFICATION REPORT (HUD FORM 4230A)
ATTACHMENT 7-E1:	INSTRUCTIONS FOR ADDITIONAL CLASSIFICATION
ATTACHMENT 7-F:	ADVERTISEMENT FOR BIDS (TEMPLATE)
ATTACHMENT 7-G:	FEDERAL LABOR STANDARDS PROVISIONS (4010)
ATTACHMENT 7-H:	NOTICE OF CONTRACTOR AWARD
ATTACHMENT 7-I:	PRE-CONSTRUCTION CONFERENCE ITEMS TO BE DISCUSSED
ATTACHMENT 7-J:	PRE-CONSTRUCTION CHECKLIST FOR CONTRACTORS
ATTACHMENT 7-K:	PRE-CONSTRUCTION REPORT FORMAT
ATTACHMENT 7-L1:	WISDOT PAYROLL RECORD (TEMPLATE)
ATTACHMENT 7-L1(A):	WISDOT PAYROLL RECORD STATEMENT OF COMPLIANCE (TEMPLATE)
ATTACHMENT 7-L2:	USDOL PAYROLL RECORD (TEMPLATE)
ATTACHMENT 7-L3:	USDOL PAYROLL RECORD (SAMPLE)
ATTACHMENT 7-M:	DEHCR STATEMENT OF COMPLIANCE (TEMPLATE)
ATTACHMENT 7-M1:	DEHCR STATEMENT OF COMPLIANCE (SAMPLE)
ATTACHMENT 7-M2:	DEHCR STATEMENT OF COMPLIANCE (INSTRUCTIONS)
ATTACHMENT 7-N:	RECORD OF EMPLOYEE INTERVIEW (TEMPLATE)
ATTACHMENT 7-N1:	RECORD OF EMPLOYEE INTERVIEW (SAMPLE)
ATTACHMENT 7-N1:	RECORD OF EMPLOYEE INTERVIEW (INSTRUCTIONS)
ATTACHMENT 7-O:	SECTION 5.7 ENFORCEMENT REPORT (TEMPLATE)
ATTACHMENT 7-O1:	SECTION 5.7 ENFORCEMENT REPORT (SAMPLE)
ATTACHMENT 7-O2:	SECTION 5.7 ENFORCEMENT REPORT (INSTRUCTIONS)
ATTACHMENT 7-P:	FINAL LABOR STANDARDS COMPLIANCE REPORT (TEMPLATE)
ATTACHMENT 7-P1:	FINAL LABOR STANDARDS COMPLIANCE REPORT (SAMPLE)
ATTACHMENT 7-P2:	FINAL LABOR STANDARDS COMPLIANCE REPORT (INSTRUCTIONS)
ATTACHMENT 7-Q:	FORCE ACCOUNT AFFIDAVIT
ATTACHMENT 7-R:	MBE/WBE/DBE & SECTION 3 WEB ADDRESSES
ATTACHMENT 7-S:	EMPLOYEE RIGHTS POSTER (ENGLISH & SPANISH)
ATTACHMENT 7-T:	PROJECT SIGN (TEMPLATE)
ATTACHMENT 7-T1:	PROJECT SIGN (SPECIFICATIONS)

HUD Labor Standards forms appearing in the Attachments may also be available on the HUD website at: https://www.hud.gov/program_offices/davis_bacon_and_labor_standards/olrform.

ATTACHMENT 7-A: DAVIS-BACON COVERAGE CHART – CDBG FINANCED ACTIVITIES

<u>Financed Activity</u>	<u>Activity Covered?</u>	<u>Related Private Construction Covered?</u>
Land Acquisition	N/A	No
Demolition (no construction on-site contemplated)	No	N/A
Demolition (to be followed by on-site construction)	Yes	<u>No</u> , if the demolition was done under a separate contract by UGLG (state, county, city, etc.) or its contractor before transfer of the land to the developer. <u>Yes</u> , if the demolition contracted for by same entity (developer, contractor, etc.) is doing private construction and will be carried out while the contracting entity controls the site.
Off-site improvements (street work, storm sewers, utility construction, etc.)	Yes	<u>No</u> , if off-site improvements are separately owned and the off-site work and on-site construction is provided for in separate construction contracts.
On-site improvements (excavation/grading, storm drainage, utility or sewer work, paving/walks/stripping, site lighting, landscaping, etc.)	Yes	<u>No</u> , if on-site improvements are done under a separate contract by the UGLG (state, county, city, etc.), or its contractor before transfer of land to developer. <u>Yes</u> , if improvements are designed and intended to serve building on the site; will be contracted for by same entity having building constructed; and will be carried out while contracting entity controls the site.
Cleaning During Construction	Yes	<u>Yes</u>
Cleaning After Construction to Prepare for Occupancy	No	<u>No</u> , if performed under a separate contract.
Material Purchase (manufacturing)	N/A	<u>No</u> , no construction involved.
Material Purchase (building)	N/A	<u>Yes</u> , unless materials have an independent use.
Equipment, Machinery, and Fixtures Purchase (as opposed to installation)	N/A	<u>No</u> , if purchased under a separate contract
Equipment, Machinery, and Fixtures Installation (as opposed to, or in addition to, purchase)	<u>Yes</u> , if more than incidental amount of construction work involved.*	<u>Yes</u> , if more than an incidental amount of construction work involved in the installation. *
Legal/Accounting Fees	N/A	<u>No</u> , if obtained under a separate contract.
Architectural and Engineering Fees	N/A	<u>No</u> , if obtained under a separate contract.
Construction Management	N/A	<u>No</u> , if obtained under a separate contract.
Tenant Allowances for Non-construction Expenses (furniture, business licenses, etc.)	N/A	<u>No</u> , if obtained under a separate contract.
<p><i>*USDOL and HUD guidance specifies installation work performed for the project in conjunction with an equipment supply contract is subject to DBRA requirements where it involves more than an "incidental" amount of construction activity. Whether installation work involves more than an "incidental" amount of construction activity depends on the circumstances of each case. Factors requiring consideration include the nature of the prime contract work; type of work performed by the employees installing the equipment (e.g., the techniques, materials and equipment used and the skills required for its performance); extent to which structural modifications to buildings are needed to accommodate the equipment (e.g., widening entrances, relocating walls, installing wiring); and cost of the installation work, either in terms of absolute amount or in relation to the cost of the equipment and total project cost. "Incidental" installation work has been incorrectly defined by UGLGs and contractors in the past as less than 20% of a worker's time in the work week, which is not a factor for determining "incidental" installation work; or less than 20% of the contract cost, which alone does not constitute "incidental" installation work. The other factors listed in this paragraph must be considered. Commonly, the equipment being installed is essential for the construction of a new building, such as equipment for a new wastewater treatment facility, in which case the installation of the equipment cannot be classified as "incidental," regardless of the installation cost or contract amount, and is subject to DBRA wage requirements.</i></p>		

SAMPLES OF PROJECTS AND CATEGORIES

(Excerpts from “Davis-Bacon Construction Wage Determinations Manual of Operations”)

BUILDING CONSTRUCTION	HEAVY
<ul style="list-style-type: none"> • Apartment buildings 5 stories and above • Nursing Homes • Arenas/Auditoriums/Civic Centers • Automobile parking garages • Hospitals • Industrial/Institutional buildings • Libraries/Schools • Mausoleum • Hotels/Motels • Museums • Office Buildings • Police Stations • Post Offices • City Hall/Courthouses • Detention Facilities • Dormitories • Fire Stations • Restaurants • Subway Stations • Shopping Centers • Theaters • Water and Sewage Treatment plant (building only) 	<ul style="list-style-type: none"> • Bridges • Canals • Demolitions (not incidental to construction) • Docks • Drainage or dredging projects • Electrification projects • Flood control • Land leveling/reclamation • Locks, waterways/unsheltered piers • Pipelines • Pumping stations • Railroad construction • Reservoirs/viaducts • Sewage, collection, and disposal lines • Water and sewage treatment plants • Shoreline maintenance • Swimming pools • Subways (not the buildings) • Tunnels • Water mains • Wells
RESIDENTIAL CONSTRUCTION	HIGHWAY/STREETS
<ul style="list-style-type: none"> • Apartment buildings 4 floors or less* • Single family homes • Town or row houses • Mobile home development • Multifamily houses 	<ul style="list-style-type: none"> • Alleys • Bituminous treatments • Concrete pavements • Curbs • Excavation and embankment • Fencing (highway) • Grade crossing elimination (over and under passes) • Parking lots • Resurfacing streets and highways/Paving • Roadways and shoulders • Guardrails • Highway signs • Highway bridges • Medians • Trails
<p>*for Davis Bacon purposes, the exterior height of residential buildings in terms of stories is a primary consideration. The following criteria will apply to determine height.</p> <ul style="list-style-type: none"> • Basement story - Stories below grade used for storage, parking, mechanical system/equipment, etc., are considered basement stories and are not used in determining height. • First store - A lowermost story is considered a story if it contains the main entrance is used for apartment space in a way substantially similar to upper floors, contains a least 50% of living accommodations or related nonresidential uses. 	

ATTACHMENT 7-B: DAVIS-BACON AND RELATED ACTS (DBRA)

The current version of this Attachment is available on the [CDBG Implementation Handbook](#) website (under the "Chapter Attachments/Fillable Forms" section).

Also refer to the [USDOL 'Final Rule' for DBRA Regulations](#) (effective 10/23/2023) and [Comparison Chart](#).

- A. **Force Account** - Under most Davis-Bacon statutes, only employees of contractors or sub-contractors are subject to Davis-Bacon wage requirements. In some instances, rather than contracting or sub-contracting out construction work, a grant recipient performs the construction in-house, with its own "force account" employees. Such force account work is not subject to Davis-Bacon wage requirements under statutes that cover only employees of contractors and sub-contractors. Furthermore, the United States Department of Labor (USDOL) does not consider a state or local government to be a contractor, even if it enters into a contract to perform construction work (see 29 CFR Section 5.2(h)). However, under the Housing and Community Development Act (HCDA) of 1974, a private firm that receives federal assistance funds indirectly from a recipient pursuant to a written procurement contract of sub-grant agreement that provides for the performance of construction work is considered a contractor or sub-contractor, and the force account exception **does not** apply to construction activity performed by employees of such a firm.

Laborers and mechanics employed by a local or state agency PHA (Public Housing Authority only), even though not employed by a contractor, are subject to Davis-Bacon when performing development work financed by the U.S. Housing Act of 1937, as amended. Davis-Bacon federal wage requirements are not applicable where such employees are used in work defined as major repairs (deferred maintenance) pursuant to 24 CFR 868.3 and 868.9(h), which constitute project operation rather than development.

- B. **Compliance and Certification Parameters** - HUD policy clearly affords federal wage protection for all laborers and mechanics, regardless of contractual relationship. There is no exception to this protection for self-employed laborers or mechanics, including owners of businesses, sole proprietors, partners, corporate officers, or others. Laborers and mechanics may not certify to the payment of their own federal wages except where the laborer or mechanic is the owner of a business working on the site of the work with his/her own crew.

Accordingly, HUD and program participants responsible for labor standards administration and enforcement **may not** accept certified payrolls reporting single or multiple owners (e.g., partners) are certifying that they have paid to themselves the prevailing wage for their craft. A sole proprietor may not submit a payroll reporting himself or herself as simply "Owner" signing the certification as to his/her own wage payment from "draws" or other payment methods. Nor may several mechanics submit a payroll reporting themselves as "partners" with one or more certifying as to the payment of their wages or salaries. Such mechanics must instead be carried on the certified payroll of the contractor or sub-contractor for whom they are working and with whom they have executed a "contract" for services.

In these cases, maintenance of an accurate accounting of weekly work hours including any overtime hours for such mechanics is essential. Whatever method of compensation computation is utilized (piecework, weekly contract draw performance), the amount of weekly compensation divided by the actual hours of work performed for that week must result in an "effective" hourly wage rate for that week that is not less than the prevailing hourly rate for the type of work involved. This computation must take into account overtime pay rates (i.e., one and one-half) for all hours worked in excess of 40 hours per week, pursuant to the CWHSSA, where applicable, and pursuant to the Fair Labor Standards Act where CWHSSA is not applicable.

The name, work classification, actual hours of work, effective hourly wage rate, and wage payment for each such mechanic and laborer must be reported and certified on the responsible employer's weekly payroll. Note that the effective hourly wage rate for such mechanics and laborers may fluctuate from week to week. However, the effective hourly wage rate may not be less than the minimum prevailing wage rate for the respective craft.

In any case, where the effective rate falls below the corresponding craft prevailing wage rate, the responsible employer must compensate the mechanic at no less than the prevailing wage rate on the wage determination for the craft.

- C. Business Owners Working with Their Crew - Owners of businesses working with their crew on the same HUD-assisted job site **may** certify to the payment of their own federal wages in conjunction with the prevailing wages paid to their employees. This exception to compliance standards **does not** suggest that such owners are not likewise entitled to prevailing wages for their labor. Rather, it accepts the wage payment certification on weekly payroll reports by the owner of his/her own wages as that certification **accompanies** the certification offered for payment of prevailing wages to his/her employees. On weekly payroll reports, include the owner's name, identifying him/her as "owner," and the daily and total hours worked on the covered project for the week. Omit the Rate of Pay and Amount Earned.
- D. Owner-operators of Power Equipment - Frequently, owner-operators of power equipment (e.g., backhoes, front-end loaders) will contract for services at a rate for both "man and machine." In these cases, the owner-operator includes liability, equipment maintenance, and salary in an hourly or contract rate for services. Because of the prevalence of such practice and the inherent difficulty in ascribing costs for liability and maintenance costs verses hourly labor salary, HUD and its program clients may accept a combined ("man and machine") hourly rate on the responsible contractor's certified payroll provided that such hourly rate may not be less than the rate on the wage determination for the respective power equipment operator. **Note:** Owner-operators of power equipment, like self-employed mechanics, **may not** submit their own payrolls certifying to the payment of their own wage **but** must be carried on the responsible contractor's certified payroll report. Include the name, work classification, and actual hours worked. Upon completion of the contract, verify the pay by taking the amount paid to the sub-contractor (documented with copies of all invoices identified for this job) and divide by the hours reported on the certified payrolls. Compare the actual hourly wage rate with the rate in the Wage Determination. If the actual hourly wage is less than the Davis-Bacon Wage Rate, collect and disburse the wage underpayments.
- E. "Owner Operator" Truck Drivers – USDOL policy excludes bona fide owner-operators of trucks who are independent contractors from Davis-Bacon/CWHSSA provisions concerning their own hours of work and rate(s) of pay. These truck "owner-operators" may certify to their own weekly payrolls **but** the payrolls do not need to show the hours worked or rates allegedly paid – only the notation "Owner-operator." **Note** that any laborers or mechanics, including truck drivers, employed by the owner-operator/independent contractor are subject to Davis-Bacon/CWHSSA provisions in the usual manner.

This policy **does not** pertain to owner-operator of other equipment such as backhoes, bulldozers, cranes and scrapers (i.e., power equipment as noted in the paragraph titled "Owner-operators of Power Equipment," above).

"Contractor's" Truck Drivers – Based on the USDOL 'Final Rule' for DBRA regulations (effective 10/23/2023), truck drivers employed by contractors or subcontractors must be paid applicable prevailing wage rates for all onsite driving time unrelated to offsite delivery (e.g., hauling materials on the site of the work from one location to another), for any time spent transporting "significant portions" of public works from secondary construction sites, for any time spent transporting materials to or from adjacent or virtually adjacent dedicated support sites, as well as for any onsite time related to offsite delivery if such time is not de

minimis. Where workers spend a significant portion of their day or week onsite, short periods of time that in isolation might be considered *de minimis* may be added together. The total amount of time a driver spends on the site of the work during a typical day or workweek—not only the amount of time that each delivery takes—is relevant to a determination of whether the onsite time is *de minimis*.

De minimus may be interpreted as time spent on the job site that is not sufficient nor consequential enough to be tracked as an itemizable job function (i.e., “a few minutes”). Any single visit at the project site that is more than *de minimus* (more than a few minutes) is subject to the DBA wage rate requirements. Contractors must report hours worked, and pay at least the DBA wage rate for any time the truck driver spends on the project site if the driver is making multiple trips throughout the day that cumulatively challenge a *de minimus* determination. If a series of project site visits by the truck driver that individually are each a *de minimus* amount of time but cumulatively exceed 20% of the driver’s hours in the same day, the employee’s time on-site that day is subject to the DBA wage rate requirements. If a series of project site visits by the truck driver that individually are each a *de minimus* amount of time but cumulatively exceed 20% of the driver’s hours in the same work week, the employee’s time on-site time that week is subject to the DBA wage rate requirements.

- F. Determining Proper Classification for Various Work - Questions as to the proper classification of a laborer or mechanic for various types of work are resolved by making an area-practice determination. In determining the proper classification for work performed on a project, it is immaterial whether the contractor is union or nonunion.

On projects where the federal wage rate for the classifications in question within the applicable wage determination is based on negotiated rates, the prevailing practice concerning work performed in those classifications is to follow the practice observed on projects built by contractors who are a signatory to the collective bargaining agreements. Therefore, unless there is a jurisdictional dispute between the crafts, the duties ascribed to any job classification will be the same as those outlined in the appropriate collective bargaining agreements. If the collective bargaining agreements are silent on this issue, the local unions involved must be consulted. Conversely, in areas where open shop (non-union) rates are determined to prevail for the classifications in question, those prevailing job practices followed on projects by open shop contractors in the same area become area practice.

- G. Helpers - The **classification of Helper in any trade will be very difficult to have approved by the USDOL**. If the contractor wants to pursue a helper classification through the USDOL, they should contact the Labor Standards Specialist at DOA.
- H. Relatives - There are no exceptions made in the enforcement of Davis-Bacon on the basis of family relationship for relatives who are performing the work of laborers or mechanics. **They must be paid the federal wage rate for the classification of work performed and be included on the certified payrolls.**
- I. Volunteers - HUD allows for the waiver of Davis-Bacon wage rates for volunteers that are **not otherwise employed** at any time of the work for which the individual volunteers. Contact DOA’s Labor Standards Specialist for more details if the community plans on using volunteers on the construction site.
- J. Job Corps Workers - USDOL staff in Washington, DC has informed HUD staff that Job Corps workers are not exempt from Davis-Bacon wage when they are working on a job subject to the Davis-Bacon Act.
- K. Employees of a Governmental Body - The USDOL has taken the position that the prevailing wage requirements does not apply to employees of a state or political subdivision of a state, but shall apply to employees of a private contractor who is sub-contractor of the state or political subdivision. This rule does not apply to the Public Housing Authority (PHA)

employees under the U.S. Housing Act of 1937 (see paragraph A. in this section).

Employees of utilities are exempt providing they are only extending existing service to the property.

- L. Employees Performing Work in More than One Classification - (Split Classification) if the UGLG/contractor has employees who perform work in more than one trade during a work week, it can pay the wage rates specified for each work classification in which work was performed **only** if maintaining accurate time records showing the amount of time spent in each classification. If the UGLG does not maintain accurate time records, it must pay these employees the highest wage rate of all the classifications of work performed. **Work, which is normally performed as part of the mechanic's craft, is not separable.**
- M. Laborers and Mechanics – Definition - The terms "laborers" and "mechanics" are construed to include at least those workers whose duties are manual or physical in nature as distinguished from mental or managerial. Since the classifications of laborers and mechanics to who specified wage rates are payable are identified in the Davis-Bacon wage rate, there is ordinarily no need to distinguish between laborers and mechanics. However, **mechanics are generally considered to include any worker who uses tools, or who is performing the work of a trade.**
- N. Precutting of Parts and Prefabrication of Assemblies - The precutting of parts and/or the prefabrication of assemblies are not covered unless conducted in connection with and at the site of the project, or in a temporary plant set up elsewhere solely to supply the needs of the project.
- O. Supply and Installation Contracts – The USDOL 'New Rule' (effective 10/23/2023) confirms that suppliers are deemed contractors (or subcontractors if their contract is with the prime contractor or another subcontractor). The manufacturing or furnishing of materials, articles, supplies, or equipment is not subject to prevailing wages *unless* conducted in connection with and at the site of the project, or in a temporary plant set up elsewhere solely to meet the needs of the project.

Installation work performed for the project in conjunction with an equipment supply contract is subject to DBRA wage requirements where it involves more than an incidental amount of construction activity. Whether installation work involves more than an incidental amount of construction activity depends on the specific circumstances of each case. Factors requiring consideration include the nature of the prime contract work; the type of work performed by the employees installing the equipment (e.g., the techniques, materials and equipment used and the skills required for its performance); the extent to which structural modifications to buildings are needed to accommodate the equipment (e.g., widening entrances, relocating walls, installing wiring); and the cost of the installation work, either in terms of absolute amount or in relation to the cost of the equipment and the total project cost. (Source: [2023 HUD Handbook 1244.1: Ch. 11: Federal Labor Standards Requirements in HUD Programs, Section 11-29](#))

- P. Start of Construction - "Start of Construction," as that term is used in connection with labor standards and prevailing wage requirements, means the beginning of initial site clearance and preparation, provided those activities are pursued diligently and are followed without appreciable delay by other construction activity.
- Q. Site of Work - The "site of work" is limited to the physical place or places where the construction called for in the contract will remain when work on it has been completed and to other adjacent or nearby property used by the contractor in such construction which can reasonably be said to be included in the "site" because of proximity. **Operations of a commercial or material supplier established in the proximity of but not on the active site of work prior to the opening of bids are not covered by the Act even if dedicated exclusively to the federal project for a time.**

- R. Fringe Benefits – Funded Plans - A contractor may credit contributions for “bona fide” fringe benefits regardless of whether the USDOL has found the particular benefits to be prevailing in the area. Such fringe benefits must be “bona fide.” Ordinarily, bona fide benefits are those common to the construction industry and are paid directly to the employee in cash or into a fund, plan, or program on the employee’s behalf. Contractors may take credit for contributions made under such conventional plans without requesting approval of the USDOL.
- S. Fringe Benefits – Unfunded Plans - Where fringe benefit plans are not of the conventional type, it will be necessary for the USDOL to determine if the benefits are “bona fide.” **Contractors seeking approval of unfunded plans must obtain approval from the USDOL.** Contact DOA for more details.
- T. Fringe Benefits – General
1. Contributions to funded plans must be made at least quarterly.
 2. When the cash paid and the per-hour contribution for benefits do not equal the total rate set forth in the wage determination, the difference must be paid to the employee in cash.
 3. Fringe benefits must be paid for straight time and overtime; however, fringe benefits are not included when computing the overtime rate.
 4. Employees who are excluded from funded plans for whatever reason must be paid fringe benefits in cash.
 5. **Note:** Vacation and sick leave plans are generally unfunded, paid from the contractor’s own account, and require USDOL approval before a contractor takes credit toward meeting the fringe benefit obligation.
 6. In determining the cash equivalent credit for fringe benefits payments, the period of time to be used is the period covered by the contribution. For example, if an employer contributes to a plan on a weekly basis, the total hours worked each week (federal and nonfederal) by each employee should be divided into the contribution made by the employer.
 7. Acceptable fringe benefits include the following: medical or hospital care; pensions on retirement or death; compensation for injuries or illness resulting from occupational activity; or insurance to provide any of the foregoing, unemployment benefits, life insurance, disability and sickness insurance, accident insurance, vacation and holiday pay, defrayment of cost of apprenticeship or other similar programs, or other bona fide fringe benefits; but only where the contractor to sub-contractor is not required by other federal, state, or local law to provide any of such benefits. The Act excludes fringe benefits that a contractor or sub-contractor is obligated to provide under other federal, state, or local law. No credit may be taken for such benefits. For example, payment for workmen’s compensation insurance under either a compulsory or elective state statute is not considered payments for fringe benefits under the Act. Payments made for travel, subsistence, or to industry promotion funds are not normally payments for fringe benefits under the Act.

No type of fringe benefits is eligible for consideration as a so-call unfunded plan unless:

- a. It could be reasonably anticipated to provide benefits described in the act;
- b. It represents a commitment that can be legally enforced;
- c. It is carried out under a financially responsible plan or program; and
- d. The plan or program providing the benefits has been communicated in writing to the laborers and mechanics affected.

U. Summer Youth Employment - Youth who are bona fide students and part of a bona fide “youth opportunity program” may be employed on Davis-Bacon projects on a temporary basis during the summer months and paid below the predetermined Davis-Bacon rates. USDOL All Agency Memoranda #71 and #96 provide policy guidance in this area. HUD requires that the following stipulations be met before summer youth may be employed at less than Davis-Bacon rates:

1. Where collective bargaining agreements representing workers performing similar or related activities at the worksite to which youth are out stationed exists, the union or unions representing those workers must provide concurrence as to the design of the employment project and the use of the youth;
2. Such employment must be provided in accord with statutory safety and minimum wage requirements (both state and federal);
3. Competent supervision must be provided to all youth employment on the project worksites. Ratios of youth to such supervisors should be no greater than four-to-one.

In order to ensure that the administration of summer youth employment complies with USDOL policies and regulations, request for exceptions to the application of Davis-Bacon must be made to the HUD Field Office Labor Relations Staff who will advise the requesting contractor of its decision. The specific provisions of the agreement (between management and labor) or the plan of employment must be submitted to the USDOL, Wage and Hour and Public Contracts Division, for enforcement purposes. The HUD Field Office Labor Relations Staff will send such plans to the Headquarters Office of Labor Relations.

V. Non-Covered Job Classifications - Workers performing the normal duties of the following job classifications are not subject to Davis-Bacon federal wage requirements:

1. Project Superintendent.
2. Project Engineer.
3. Project Foreman, as distinguished from a working foreman (working foremen, who devote more than 20% of their time during the workweek to mechanic or laborer duties, are laborers and mechanics for the time spent and must be paid the applicable rate for the hours so worked).
4. Watchman.
5. Water Carrier.
6. Messenger, Clerical Workers.

Financing of Construction Work – CDBG - Laborers and mechanics employed by contractors and sub-contractors on construction work financed in whole or in part with Title I assistance are subject to Davis-Bacon wage rates under Section 110 of Title I. To the extent that Part 570 requires broader Davis-Bacon coverage, e.g., on construction work “assisted” under that Part, the regulations shall govern unless an individual waiver is requested and granted by the Assistant Secretary for Community Planning and Development. The use of Title I funds for any of the following items is an example of financing construction work, and Davis-Bacon wage rates shall apply to all construction work performed on the building or property in question: construction loans or grants; payment for construction materials; payment of interest (or part of the interest) on a construction loan; payment of construction loan origination fees; provisions of a Title I funded permanent loan, mortgage or grant on a structure constructed with a private construction loan when the parties contemplate such ultimate Title I financing at the time of construction; Title I

funded “collateral” or “default” accounts established with the lending bank which receive no interest or less than the interest payable on demand accounts. Questions as to whether a

use of Title I funds constitutes financing of construction work shall be referred to HUD headquarters for determination.

- W. Technical/Maintenance Wage Rates – Public Housing - Section 12 of the U.S. Housing Act of 1937 requires that wages prevailing in the locality shall be paid to all architects, technical engineers, draftsmen, and technicians employed in the development, and all maintenance laborers and mechanics employed in the operation of the project. Such wages are determined or adopted by HUD.
- X. Payment of Low- and Moderate-Income (LMI) assessments - In some projects federal funds are used to pay special assessments of LMI households, where those assessments are for the purpose of paying for a public improvement. This use of federal funds invokes the Federal Labor Standards Provisions and makes the construction subject to Davis-Bacon wage rates.
- Y. Piecework - Roofers and dry-wall hangers are sometimes paid by piecework. Piecework is work paid for at a fixed rate (piece rate) per piece of work done.

ATTACHMENT 7-C: LABOR STANDARDS OFFICER DESIGNEE (TEMPLATE)

The current 'fillable' version of this Attachment is available on the [CDBG Implementation Handbook website](#) (under the "Chapter Attachments/Fillable Forms" section).

Division of Energy, Housing and Community Resources <u>Labor Standards Officer Designee</u>	
LABOR STANDARDS OFFICER DESIGNEE	
UNIT OF GENERAL LOCAL GOVERNMENT (UGLG) (i.e. CDBG GRANTEE):	
DOA-DEHCR GRANT AGREEMENT #:	
LABOR STANDARDS OFFICER (LSO) FULL NAME:	_____
LSO JOB/POSITION TITLE:	_____
LSO COMPANY/ ORGANIZATION/ FIRM:	_____
STREET ADDRESS:	_____
CITY, STATE, ZIP:	_____
PHONE NUMBER:	_____
E-MAIL ADDRESS:	_____
<i>Email this form to the assigned DEHCR Project Representative or to DOACDBG@wisconsin.gov upon designating the LSO and prior to construction starting. If no LSO Designee form is received, the UGLG Grant Administrator is presumed to be the LSO for the project.</i>	
<i>Retain the completed original document in the UGLG's CDBG project file.</i>	
Labor Standards Officer Designee	Form v.2021-09-01

TEMPLATE

ATTACHMENT 7-D1: RECORD OF WAGE DECISION SELECTION (SAMPLE)

The current 'fillable' version of this Attachment is available on the [CDBG Implementation Handbook website](#) (under the "Chapter Attachments/Fillable Forms" section).

Division of Energy, Housing and Community Resources
Record of Wage Decision Selection

RECORD OF WAGE DECISION SELECTION (7-D)

1. Grantee/UCLG Name: Village of Yourtown
 2. DEHCR Grant Agreement #: CDBG-PF 23-99 3. Date: 11 / 10 / 2023

4. Project Location			
Street Address(es): <u>104 North St.; and North St. from 1st Ave. to 3rd Ave. – Yourtown</u>			
County(ies)*, State: <u>Barron County, WI</u>			
* If the municipality is located in multiple counties, please contact your assigned DEHCR Project Representative immediately for additional guidance.			
5. Construction Type			
Type(s) of Construction Work that will be performed: (Select ALL that apply.)	<input type="checkbox"/> Heavy (General) <input checked="" type="checkbox"/> Building (Non-Residential) <input checked="" type="checkbox"/> Heavy (Water/Sewer) <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Highway		
Refer to "Securing Wage Decision" and "Bidding" sections of Chapter 7: Labor Standards of the CDBG Implementation Handbook for guidance on selecting the correct wage decision(s) for the project.			
6. Construction Budget Summary for Wage Decision Selection/Determination			
This Wage Decision selection is for: <input checked="" type="checkbox"/> The entire construction project <input type="checkbox"/> A single Phase (specifically, Phase # ___ of ___ total)			
If the UCLG/Grantee is bidding the project in multiple phases, then a Wage Decision Selection form must be submitted to the assigned DEHCR Project Representative for <u>each</u> separately bid phase of the project. Substantial amendments/change orders to contracts may also constitute obtaining a new wage decision per DBRA updates effective 10/23/2023. Contact DEHCR for guidance.			
Work Description (Name)	% of Total Construction Cost		
Highway - Street, Curb & Gutter Reconstruction	25 %		
Heavy - Water/Sanitary Sewer Main Replacements	25 %		
Building – Center/Facility Construction	50 %		
	%		
	%		
7. Wage Decision(s) Selected:			
	First Wage Decision	Second Wage Decision <i>(if applicable)</i>	Third Wage Decision <i>(if applicable)</i>
Wage Decision #:	WI20230010	WI20230008	WI20230011
Modification #:	Mod. 13	Mod. 13	Mod 15
Date of Decision:	11/3/2023	11/3/2023	9/30/2023
8. Estimated Dollar Value of Contract Award:	9. Estimated Bid Advertising Dates:	10. Estimated Bid Opening Date:	
\$ 2,500,000	11/16/2023, 11/30/2023, 12/7/2023	12 / 14 / 2023	
11. PREPARER INFORMATION			
Preparer Name & Title: <u>Chris Smith, Community Planner</u>	Preparer Firm/Organization: <u>ZZZ Consulting, Inc.</u>		

ATTACHMENT 7-D2: RECORD OF WAGE DECISION SELECTION (INSTRUCTIONS)

The current version of these Instructions appear within the 'fillable' version of Attachment 7-D available on the [CDBG Implementation Handbook](#) website (under the "Chapter Attachments/Fillable Forms" section).

Division of Energy, Housing and Community Resources

Record of Wage Decision Selection

RECORD OF WAGE DECISION SELECTION (INSTRUCTIONS)

The *Record of Wage Decision Selection* must be completed and submitted to the assigned DEHCR Project Representative prior to the advertisement for bids being published for the construction contract(s).

1. **Grantee/UCLG Name:** Enter the Grantee/UCLG name (e.g., Village of Yourtown).
2. **DEHCR Grant Agreement #:** Enter the DEHCR grant agreement number for the project (e.g., CDBG PF 23-99).
3. **Date:** Enter the date the *Record of Wage Decision Selection* form is being completed.
4. **Project Location:**
 - a. Enter the street address(es) of the project.
 - b. Enter the county name(s). If the UCLG is located in multiple counties, please contact the DEHCR Project Representative immediately for additional guidance.
5. **Construction Type:** Check all types of construction work that will be performed as part of the project. Refer to "Securing Wage Decision" and "Bidding" sections of *Chapter 7: Labor Standards* of the *CDBG Implementation Handbook* for guidance on selecting the correct wage decision(s) for the project.
6. **Construction Budget Summary for Wage Decision Selection/Wage Determination:**
 - a. Check whether the Wage Decision (i.e., wage determination) selection is for the entire project or for a single phase of a multi-phase project. If the wage decision/wage determination selection is for one phase of a multi-phase project enter the phase number and the total number of phases. If the UCLG/Grantee is bidding the project in multiple phases, then a Wage Decision Selection form must be submitted to the assigned DEHCR Project Representative for each separately bid phase of the project. An updated 7-D form also must be submitted to DEHCR if there is a substantial amendment/change order that constitutes obtaining the updated wage decision(s) for the project scope (per DBRA updates effective 10/23/2023).
 - b. **Work Description (Name)** – enter each type of work (sanitary sewer, streets/sidewalks, well) on a separate line.
 - c. **Percentage of Total Construction Cost** – enter the percentage of the total project represented by each type of work.
7. **Wage Decision(s) Selected:** Enter the Wage Decision number, Modification number and Date of Decision for each wage decision. For example, if a project consists of sewer and water replacement and street reconstruction then the project has two wage decisions: WI20240008 for sewer/water and WI20240010 for street reconstruction.
8. **Estimated Dollar Value of Contract Award:** Enter the estimated total dollar value amount of the project.
9. **Estimated Bid Advertising Dates:** Enter the estimated bid advertising dates (the advertising must meet (at minimum) State of Wisconsin Class 2 Notice requirements). Longer notices and additional publication insertions are allowed and recommended.
10. **Estimated Bid Opening Date:** Enter the intended bid opening date (to be listed in the advertisement of bids).
11. **Preparer Information:** Enter the first and last name of the person who completed this form (typically the designated Labor Standards Officer) and their firm/organization (i.e., employer).

ATTACHMENT 7-E: ADDITIONAL CLASSIFICATION REPORT (HUD FORM 4230A) (TEMPLATE)

Download current 'fillable' form at: <https://www.hudexchange.info/resource/2494/hud-form-4230-a-report-of-additional-classification-and-wage-rate/>

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT REPORT OF ADDITIONAL CLASSIFICATION AND RATE		HUD FORM 4230A <small>OMB Approval Number 2501-0011 (Exp. 8/31/2022)</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) <input type="checkbox"/> Highway					
6. WAGE DECISION NO. (include modification number, if any) <input type="checkbox"/> COPY ATTACHED		DATE of WAGE DECISION:	7. WAGE DECISION EFFECTIVE DATE (LOCK-IN):				
8. WORK CLASSIFICATION(S)		HOURLY WAGE RATES <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;">BASIC WAGE</th> <th style="width: 50%;">FRINGE BENEFIT(S) (if any)</th> </tr> </thead> <tbody> <tr> <td colspan="2" style="text-align: center; font-size: 48px; opacity: 0.5;">TEMPLATE</td> </tr> </tbody> </table>		BASIC WAGE	FRINGE BENEFIT(S) (if any)	TEMPLATE	
BASIC WAGE	FRINGE BENEFIT(S) (if any)						
TEMPLATE							
9. PRIME CONTRACTOR (name, address)		9a. <input type="checkbox"/> Agree <input type="checkbox"/> Disagree	10. SUBCONTRACTOR/EMPLOYER, IF APPLICABLE (name, address)				
9b. SIGNATURE	DATE						
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 <small>(Typed name and signature)</small>		_____ <small>Date</small> _____ <small>Phone Number</small>	FOR HUD USE ONLY LR2000: Log in: Log out:				

HUD-4230A (8-19) PREVIOUS EDITION IS OBSOLETE

BCD CDBG Implementation Handbook

Report of Additional Classification and Wage Rate

U.S. Department of Housing and Urban Development
Davis-Bacon & Labor Standards

OMB Approval No. 2501-0011
(Exp. 08/31/2022)

Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining data needed, and completing and reviewing the collection of information. The information is considered non-sensitive and does not require special protection. This information is required to obtain benefits. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

Employers engaged on HUD-assisted construction projects subject to Davis-Bacon wage requirements must pay no less than the wages determined to be prevailing by the Secretary of Labor to all laborers and mechanics engaged on the construction work. On occasion, the applicable Davis-Bacon wage decision does not contain all of the work classifications and wage rates needed to complete the construction work. This information collection facilitates the addition of needed work classifications and wage rates for the construction work involved. This form is used by HUD and local agencies administering HUD programs to report employer request(s) for additional classification and wage rates so that an appropriate wage rate can be approved by the Department of Labor for the construction work. This information collection is required by Department of Labor regulations at 29 CFR 5.5. While no assurances of confidentiality are pledged to respondents, HUD generally discloses these data only in response to a Freedom of Information request.

Instructions for Local Contracting Agencies

General:

Contractors/Employers: Do not need to complete this form. Submit a written, signed request to the responsible contracting agency naming the work classifications and the wage rates, including any fringe benefits, that are proposed.

Local Agency Staff: Complete items 1 through 10. Submit a copy of this form to directly to U.S. DOL with a copy of the applicable Davis-Bacon wage decision and the written request from the employer naming the work classifications and wage rates that are proposed. (The employer's request must be made in writing and must be signed.) DOL typically responds within 30 days. If you need help in filling out this form, you are welcome to contact the DBLS regional office nearest to you, found here - https://www.hud.gov/program_offices/davis_bacon_and_labor_standards/laborrelstf.

1. Enter the name and address of the office submitting the report and to which the DOL reply should be sent.
2. Enter the name and number of the project or contract involved.
3. Enter the location of the project involved: city, county and state.
4. Describe the construction involved, e.g., new construction or rehabilitation, number and type of buildings, number of stories, number of units (as applicable). For example, New construction: 3 – 4-story buildings; 120 units.
5. Enter the character of construction as defined by DOL for Davis-Bacon prevailing wage rate purposes.
6. Enter the number and date of the Davis-Bacon wage decision applicable to the construction work. Include the number of the wage decision modifications (if any) applicable to the work and its date.
7. Enter the effective date (lock-in date) of the wage decision for the project. (See DOL regulations at 29 CFR 1.6.)
8. Enter the work classifications and corresponding hourly basic wage rates and fringe benefit rates (if any) requested.
9. Enter Prime Contractor name and address.
- 9a. Prime Contractor marks whether agree or disagree with the request.
- 9b. Signature of Prime Contractor and date signed.
10. If the requesting employer is not the prime contractor, enter the name and address of the subcontractor/employer making the request.

Remainder of Form:

Evaluate the employer's request against the criteria for approval (see DOL Regulations, 29 CFR Part 5, and related contract labor standards provisions). The criteria are reflected in "checklist" form to ensure that each factor is considered and to ensure that supporting documentation, including a copy of the applicable wage decision, is attached. Check the box next to each criterion that is met; do not check the box next to any criterion that is not met.

If the request meets all criteria, check the appropriate box, enter the name and telephone number of the agency representative, sign and date the form. Submit one copy of the completed form to the DOL with a copy of the applicable Davis-Bacon wage decision and the written request from the employer involved.

If the request fails to pass all criteria, check the appropriate box, enter agency contact information, and sign and date the form. Submit one copy of the completed form to the DOL with a copy of the applicable Davis-Bacon wage decision, the written request from the employer involved, and a cover letter explaining how the employer's request failed to meet one or more of the criteria.

Submission of Form:

Completed form(s) and supporting documents shall be sent to: Branch of Construction Wage Determinations, U.S. Department of Labor, 200 Constitution Avenue, NW, Room S-3014, Washington, DC 20210 or emailed to whd-cbaconformance_incoming@dol.gov.

Instructions for HUD-4230A (8-19) PREVIOUS EDITION IS OBSOLETE

ATTACHMENT 7-F: ADVERTISEMENT FOR BIDS (TEMPLATE)

A current 'fillable'/editable version of this Attachment is available on the [CDBG Implementation Handbook website](#) (under the "Chapter Attachments/Fillable Forms" section).

Division of Energy, Housing and Community Resources

Advertisement for Bids Template

This template is provided as a tool to assist in the creation of an advertisement for bids. It is not required and may be modified/customized by the UGLG for a specific project. The advertisement for bids must be published as a class 2 notice.

ADVERTISEMENT FOR BIDS

(UGLG NAME)

(CDBG Project #)

Separate sealed bids for the (Project Name) for (Brief Project Activities Descriptor) will be received by (Name of UGLG and Office/Department) at the office of (Name of Office/Department) on (Date) until (Time) & (AM or PM) and then at said office publicly opened and read aloud on/at this date and time.

The information for Bidders, Form of Bid, Form of Contract, Plans, Specifications, and Forms of Bid Bond, Performance and Payment Bond, and other contract documents may be examined at the following location(s): (Physical location address(es) and/or website(s) address(es)).

Prequalification of Bidders will not be required. (OR enter pre-qualification specifications.)

Copies may be obtained at the office of (Name of Office/Department) located at (Office Location Address) upon payment of (\$Amount) for each set. Any successful bidder, upon returning such set promptly and in good condition, will be refunded his/her payment, and any non-bidder upon so returning such set will be refunded (\$Amount) .

The owner reserves the right to waive any informalities or to reject any or all bids.

Each bidder must deposit with his/her bid, an amount to secure the bid and subject to the conditions provided in the Information for Bidders, in accordance with bidding requirements set forth in Wis. Stats. 62.15(3).

The Contract shall be subject to Wis. Stats. 66.0903 pertaining to prevailing wage rates and Federal Davis-Bacon wage rates.

Attention of bidders is particularly called to the requirements as to conditions of employment to be observed and minimum wage rates to be paid under contract, Section 3, Segregated Facility, Section 109 and E.O. 11246.

No bidder may withdraw his/her bid within 30 days after the actual day of the opening thereof.

Any contract or contracts awarded under this Advertisement for Bids may be funded in part by a grant from the Community Development Block Grant Program.

(Chief Elected Official Name and Title)
(UGLG Name)
(Date)

TEMPLATE

Advertisement for Bids Template

Template v. 2021-09-01

ATTACHMENT 7-G: FEDERAL LABOR STANDARDS PROVISIONS (4010)

The current version of this Attachment is available on the [CDBG Implementation Handbook](#) website (under the “Chapter Attachments/Fillable Forms” section).

HUD-4010 Federal Labor Standards Provisions

U.S. Department of Housing and Urban Development Office of Davis-Bacon and Labor Standards

A. APPLICABILITY

The Project or Program to which the construction work covered by this Contract pertains is being assisted by the United States of America, and the following Federal Labor Standards Provisions are included in this Contract pursuant to the provisions applicable to such Federal assistance.

(1) MINIMUM WAGES

- (i) All laborers and mechanics employed or working upon the site of the work will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR Part 3)), the full amount of wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment, computed at rates not less than those contained in the wage determination of the Secretary of Labor (which is attached hereto and made a part hereof), regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics. Contributions made or costs reasonably anticipated for bona fide fringe benefits under Section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of 29 CFR 5.5(a)(1)(iv); also, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs, which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period.

Such laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in 29 CFR 5.5(a)(4). 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 classification and wage rates conformed under 29 CFR 5.5(a)(1)(ii) and the Davis-Bacon poster (WH1321)) 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.

(ii) Additional Classifications.

- (A) Any class of laborers or mechanics which is not listed in the wage determination and which is to be employed under the contract shall be classified in conformance with the wage determination. HUD shall approve an additional classification and wage rate and fringe benefits therefor only when the following criteria have been met:
- (1) The work to be performed by the classification requested is not performed by a classification in the wage determination;
 - (2) The classification is utilized in the area by the construction industry; and
 - (3) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.
- (B) If the contractor, the laborers and mechanics to be employed in the classification (if known), or their representatives, and HUD or its designee agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), a report of the action taken shall be sent by HUD or its designee to the Administrator of the Wage and Hour Division (“Administrator”), Employment Standards Administration, U.S. Department of Labor, Washington, D.C. 20210. The Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise HUD or its designee or will notify HUD or its designee within the 30-day period that additional time is necessary. (Approved by the Office of Management and Budget (“OMB”) under OMB control number 1235-0023.)
- (C) In the event the contractor, the laborers or mechanics to be employed in the classification or their representatives, or HUD or its designee do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), HUD or its designee shall refer the questions, including the views of all interested parties and the recommendation of HUD or its designee, to the Administrator for determination. The Administrator, or an authorized representative, will issue a determination within 30 days of receipt and so advise HUD or its designee or will notify HUD or its designee within the 30-day period that additional time is necessary. (Approved by the Office of Management and Budget under OMB Control Number 1235-0023.)

(D) The wage rate (including fringe benefits, where appropriate) determined pursuant to subparagraphs (1)(ii)(B) or (C) of this paragraph, shall be paid to all workers performing work in the classification under this Contract from the first day on which work is performed in the classification.

(iii) Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, the contractor shall either pay the benefit as stated in the wage determination or shall pay another bona fide fringe benefit or an hourly cash equivalent thereof.

(iv) If the contractor does not make payments to a trustee or other third person, the contractor may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program, Provided, that the Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program. (Approved by the Office of Management and Budget under OMB Control Number 1235-0023.)

(2) **Withholding.** HUD or its designee shall, upon its own action or upon written request of an authorized representative of the U.S. Department of Labor, withhold or cause to be withheld from the contractor under this contract or any other Federal contract with the same prime contractor, or any other Federally-assisted contract subject to Davis-Bacon prevailing wage requirements which is held by the same prime contractor, so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics, including apprentices, trainees and helpers, employed by the contractor or any subcontractor the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice, trainee or helper, employed or working on the site of the work, all or part of the wages required by the contract, HUD or its designee may, after written notice to the contractor, sponsor, applicant, or owner, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased. HUD or its designee may, after written notice to the contractor, disburse such amounts withheld for and on account of the contractor or subcontractor to the respective employees to whom they are due. The U.S. Department of Labor shall make such disbursements in the case of direct Davis-Bacon Act contracts.

(3) **Payrolls and basic records.**

(i) **Maintaining Payroll Records.** Payrolls and basic records relating thereto shall be maintained by the contractor during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work. Such records shall contain the name, address, and social security number of each such worker, his or her correct classification(s), hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in Section 1(b)(2)(B) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made, and actual wages paid.

Whenever the Secretary of Labor has found, under 29 CFR 5.5(a)(1)(iv), that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in Section 1(b)(2)(B) of the Davis-Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits.

Contractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprenticeship programs and certification of trainee programs, the registration of the apprentices and trainees, and the ratios and wage rates prescribed in the applicable programs. (Approved by the Office of Management and Budget under OMB Control Numbers 1235-0023 and 1215-0018)

(ii) **Certified Payroll Reports.**

(A) The contractor shall submit weekly, for each week in which any contract work is performed, a copy of all payrolls to HUD or its designee if the agency is a party to the contract, but if the agency is not such a party, the contractor will submit the payrolls to the applicant sponsor, or owner, as the case may be, for transmission to HUD or its designee. The payrolls submitted shall set out accurately and completely all of the information required to be maintained under 29 CFR 5.5(a)(3)(i), except that full social security numbers and home addresses shall not be included on weekly transmittals. Instead, the payrolls only need to include an individually identifying number for each employee (e.g., the last four digits of the employee's social security number). The required weekly payroll information may be submitted in any form desired. Optional Form WH-347 is available for this purpose from the Wage and Hour Division Web site at <https://www.dol.gov/agencies/whd/forms> or its successor site. The prime contractor is responsible for the submission of copies of payrolls by all subcontractors.

Contractors and subcontractors shall maintain the full social security number and current address of each covered worker, and shall provide them upon request to HUD or its designee if the agency is a party to the contract, but if the agency is not such a party, the contractor will submit the payrolls to the applicant sponsor, or owner, as the case may be, for transmission to HUD or its designee, the contractor, or the Wage and Hour Division of the U.S. Department of Labor for purposes of an investigation or audit of compliance with prevailing wage requirements. It is not a violation of this subparagraph for a prime contractor to require a subcontractor to provide addresses and social security numbers to the prime contractor for its own records, without weekly submission to HUD or its designee. (Approved by the Office of Management and Budget under OMB Control Number 1235-0008.)

- (B) Each payroll submitted shall be accompanied by a "Statement of Compliance," signed by the contractor or subcontractor or his or her agent who pays or supervises the payment of the persons employed under the contract and shall certify the following:
- (1) That the payroll for the payroll period contains the information required to be provided under 29 CFR 5.5(a)(3)(ii), the appropriate information is being maintained under 29 CFR 5.5(a)(3)(i), and that such information is correct and complete;
 - (2) That each laborer or mechanic (including each helper, apprentice, and trainee) employed on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made either directly or indirectly from the full wages earned, other than permissible deductions as set forth in 29 CFR Part 3;
 - (3) That each laborer or mechanic has been paid not less than the applicable wage rates and fringe benefits or cash equivalents for the classification of work performed, as specified in the applicable wage determination incorporated into the contract; and
- (C) The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH-347 shall satisfy the requirement for submission of the "Statement of Compliance" required by subparagraph (a)(3)(ii)(b).
- (D) The falsification of any of the above certifications may subject the contractor or subcontractor to civil or criminal prosecution under Section 1001 of Title 18 and Section 3729 of Title 31 of the United States Code.
- (iii) The contractor or subcontractor shall make the records required under subparagraph (a)(3)(i) available for inspection, copying, or transcription by authorized representatives of HUD or its designee or the U.S. Department of Labor, and shall permit such representatives to interview employees during working hours on the job. If the contractor or subcontractor fails to submit the required records or to make them available, HUD or its designee may, after written notice to the contractor, sponsor, applicant, or owner, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment action pursuant to 29 CFR 5.12.
- (4) Apprentices and Trainees.**
- (i) **Apprentices.** Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship Training, Employer and Labor Services, or with a State Apprenticeship Agency recognized by the Office, or if a person is employed in his or her first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Office of Apprenticeship Training, Employer and Labor Services, or a State Apprenticeship Agency (where appropriate), to be eligible for probationary employment as an apprentice.

The allowable ratio of apprentices to journeymen on the job site in any craft classification shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program. Any worker listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated above, shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. Where a contractor is performing construction on a project in a locality other than that in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyman's hourly rate) specified in the contractor's or subcontractor's registered program shall be observed.

Every apprentice must be paid at not less than the rate specified in the registered program for the apprentice's level of progress, expressed as a percentage of the journeymen hourly rate specified in the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program.

If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator determines that a different practice prevails for the applicable apprentice classification, fringe benefits shall be paid in accordance with that determination. In the event the Office of Apprenticeship Training, Employer and Labor Services, or a State Apprenticeship Agency recognized by the Office, withdraws approval of an apprenticeship program, the contractor will no longer be permitted to utilize apprentices at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

- (ii) **Trainees.** Except as provided in 29 CFR 5.16, trainees will not be permitted to work at less than the predetermined rate for the work performed, unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification by the U.S. Department of Labor, Employment and Training Administration. The ratio of trainees to journeymen on the job site shall not be greater than permitted under the plan approved by the Employment and Training Administration. Every trainee must be paid at not less than the rate specified in the approved program for the trainee's level of progress, expressed as a percentage of the journeyman hourly rate specified in the applicable wage determination. Trainees shall be paid fringe benefits in accordance with the provisions of the trainee program. If the trainee program does not mention fringe benefits, trainees shall be paid the full amount of fringe benefits listed on the wage determination unless the Administrator of the Wage and Hour Division determines that there is an apprenticeship program associated with the corresponding journeyman wage rate on the wage determination which provides for less than full fringe benefits for apprentices. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Employment and Training Administration shall be paid not less than the applicable wage rate on the wage determination for the work actually performed.

In addition, any trainee performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. In the event the Employment and Training Administration withdraws approval of a training program, the contractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

- (iii) **Equal employment opportunity.** The utilization of apprentices, trainees, and journeymen under 29 CFR Part 5 shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR Part 30.

- (5) **Compliance with Copeland Act requirements.** The contractor shall comply with the requirements of 29 CFR Part 3, which are incorporated by reference in this Contract.
- (6) **Subcontracts.** The contractor or subcontractor will insert in any subcontracts the clauses contained in subparagraphs (1) through (11) in this paragraph (a) and such other clauses as HUD or its designee may, by appropriate instructions, require, and a copy of the applicable prevailing wage decision, and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all the contract clauses in this paragraph.
- (7) **Contract termination; debarment.** A breach of the contract clauses in 29 CFR 5.5 may be grounds for termination of the contract and for debarment as a contractor and a subcontractor as provided in 29 CFR 5.12.
- (8) **Compliance with Davis-Bacon and Related Act Requirements.** All rulings and interpretations of the Davis-Bacon and Related Acts contained in 29 CFR Parts 1, 3, and 5 are herein incorporated by reference in this Contract.
- (9) **Disputes concerning labor standards.** Disputes arising out of the labor standards provisions of this Contract shall not be subject to the general disputes clause of this Contract. Such disputes shall be resolved in accordance with the procedures of the U.S. Department of Labor set forth in 29 CFR Parts 5, 6, and 7. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and HUD or its designee, the U.S. Department of Labor, or the employees or their representatives.
- (10) **Certification of Eligibility.**
- (i) By entering into this Contract, the contractor certifies that neither it (nor he or she) nor any person or firm who has an interest in the contractor's firm is a person or firm ineligible to be awarded Government contracts by virtue of Section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1) or to be awarded HUD contracts or participate in HUD programs pursuant to 24 CFR Part 24.

(ii) No part of this Contract shall be subcontracted to any person or firm ineligible for award of a Government contract by virtue of Section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1) or to be awarded HUD contracts or participate in HUD programs pursuant to 24 CFR Part 24.

(iii) Anyone who knowingly makes, presents, or submits a false, fictitious, or fraudulent statement, representation or certification is subject to criminal, civil and/or administrative sanctions, including fines, penalties, and imprisonment (e.g., 18 U.S.C. §§ 287, 1001, 1010, 1012; 31 U.S.C. §§ 3729, 3802).

(11) Complaints, Proceedings, or Testimony by Employees. No laborer or mechanic, to whom the wage, salary, or other labor standards provisions of this Contract are applicable, shall be discharged or in any other manner discriminated against by the contractor or any subcontractor because such employee has filed any complaint or instituted or caused to be instituted any proceeding or has testified or is about to testify in any proceeding under or relating to the labor standards applicable under this Contract to his employer.

B. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT

The provisions of this paragraph (b) are applicable where the amount of the prime contract exceeds **\$100,000**. As used in this paragraph, the terms "laborers" and "mechanics" include watchmen and guards.

(1) Overtime requirements. No contractor or subcontractor contracting for any part of the contract work, which may require or involve the employment of laborers or mechanics, shall require or permit any such laborer or mechanic in any workweek in which the individual is employed on such work to work in excess of 40 hours in such workweek, unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of 40 hours in such workweek.

(2) Violation; liability for unpaid wages; liquidated damages. In the event of any violation of the clause set forth in subparagraph B(1) of this paragraph, the contractor, and any subcontractor responsible therefor, shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory) for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in subparagraph B(1) of this paragraph, **in the sum set by the U.S. Department of Labor at 29 CFR 5.5(b)(2)** for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of 40 hours without payment of the overtime wages required by the clause set forth in subparagraph B(1) of this paragraph. In accordance with the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. § 2461 Note), the DOL adjusts this civil monetary penalty for inflation no later than January 15 each year.

(3) Withholding for unpaid wages and liquidated damages. HUD or its designee shall, upon its own action or upon written request of an authorized representative of the U.S. Department of Labor, withhold or cause to be withheld from any moneys payable on account of work performed by the contractor or subcontractor under any such contract, or any other Federal contract with the same prime contract, or any other Federally-assisted contract subject to the Contract Work Hours and Safety Standards Act which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages, as provided in the clause set forth in subparagraph B(2) of this paragraph.

(4) Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clauses set forth in subparagraph B(1) through (4) of this paragraph and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in subparagraphs B(1) through (4) of this paragraph.

C. HEALTH AND SAFETY

The provisions of this paragraph (c) are applicable where the amount of the prime contract exceeds **\$100,000**.

(1) No laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his or her health and safety, as determined under construction safety and health standards promulgated by the Secretary of Labor by regulation.

(2) The contractor shall comply with all regulations issued by the Secretary of Labor pursuant to 29 CFR Part 1926 and failure to comply may result in imposition of sanctions pursuant to the Contract Work Hours and Safety Standards Act, (Public Law 91-54, 83 Stat 96), 40 U.S.C. § 3701 et seq.

(3) The contractor shall include the provisions of this paragraph in every subcontract, so that such provisions will be binding on each subcontractor. The contractor shall take such action with respect to any subcontractor as the Secretary of Housing and Urban Development or the Secretary of Labor shall direct as a means of enforcing such provisions.

ATTACHMENT 7-H: NOTICE OF CONTRACTOR AWARD (TEMPLATE)

The current 'fillable' version of this Attachment is available on the [CDBG Implementation Handbook website](#)
(under the "Chapter Attachments/Fillable Forms" section).

Division of Energy, Housing and Community Resources
Notice of Contractor Award

GRANTEE/UGLG NAME: _____
DEHCR GRANT AGREEMENT #: _____

NOTICE OF CONTRACTOR AWARD

TEMPLATE

DATE: _____

TO: _____
DEHCR Project Representative Name

FROM: _____
Labor Standards Officer (LSO) Name Company/Firm/Organization Name

SUBJECT: AWARD OF PRIME CONTRACT

CONTRACT WORK DESCRIPTION: _____

The Notice of Contractor Award information is provided below:

Bid Advertisement Date(s):		Bid Opening Date:	
Award Date:		Award Amount:	\$
Estimated Construction Start Date:			

Awarded Prime Contractor:

Company Name: _____ FEIN (or SS# if no FEIN): _____
UEI #: _____
(if registered on federal System for Award Management (SAM))

The applicable Wage Decision(s) for this contract include(s) the following:

	First Wage Decision	Second Wage Decision <small>(if applicable)</small>	Third Wage Decision <small>(if applicable)</small>
Wage Decision #:			
Modification #:			
*Date of Decision:			

*Check this box if the wage decision 'lock-in' date/effective date is based on a wage decision check 10 days prior to bid opening instead of the standard check the Friday before bid opening. Attach a letter from the Labor Standards Officers (LSO) specifying the justification. The 10-day check provision is allowed if it is determined that there is insufficient time to contact all potential bid providers to inform them of the wage decision update [reference: [HUD Handbook 1344.1 REV-3, January 2023 – Chapter 3: Davis-Bacon Wage Decisions](#)].

Check here to confirm each Contractor and Sub-Contractor has been checked for debarment and has been determined to be eligible to work on this project.

List all subcontractors (known to date) on the next page.
(Note: Updates to the list of Sub-Contractors are to be reported on the semi-annual CDBG Project Data Report.)

Notice of Contractor Award Page 1 of 3 Attach07-H Form v.2023-09-01

Division of Energy, Housing and Community Resources

Notice of Contractor Award

The Sub-Contractors of the awarded Prime Contractor tentatively intended to work on the project include (as known to date):

Subcontractor Name:	FEIN (or SS#): <small>(Federal Employer Identification Number or Social Security Number if contractor does not have FEIN)</small>	UEI #: <small>(Unique Entity Identification Number) – if registered in the federal System for Award Management (SAM)</small>	DUNS #: <small>(Dun & Bradstreet Number, if has DUNS #)</small>
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TEMPLATE

Additional Sub-Contractors may be recorded on additional pages as needed

Additional Notes:

ATTACHMENT 7-I: PRE-CONSTRUCTION MEETING DISCUSSION ITEMS

The current version of this Attachment is available on the [CDBG Implementation Handbook](#) website (under the "Chapter Attachments/Fillable Forms" section).

Division of Energy, Housing and Community Resources
Wisconsin CDBG Program Guidance

PRE-CONSTRUCTION MEETING DISCUSSION ITEMS FOR CDBG PROJECTS

The current version of this Attachment is available on the [CDBG Implementation Handbook](#) website (under the "Chapter Attachments/Fillable Forms" section).

Refer to contract insertions for Wisconsin State Community Development Block Grant (CDBG) Program.

- A. Davis-Bacon Acts (DBA): Federal labor standards and wage rate requirements and violation penalties.
- B. Contract Work Hours and Safety Standards Act (CWHSSA): Overtime hours and wage requirements and violation penalties.
- C. Copeland Anti-Kickback Act: Fringe benefits plan and payroll deduction specifications and violation penalties.
- D. Federal Wage Decision:
1. Trade classifications. Must use those on the wage decision.
 2. Missing classifications and misclassifications. Pre-approval required to use different classification.
 3. Additional Classification Requests.
For classifications not listed or not covered under another classification within the applicable wage decision for contractor's work on project. Must follow required procedures and provide information and justification for approval consideration. The unit of general local government (UGLG)/CDBG Grantee must submit the request to the State CDBG Program, which submits the request to USDOL and/or HUD for review and approval. Additional classifications may not be requested until after the contractor is awarded a contract for the CDBG project.
- E. Sub-Contracts:
1. DBRA Applicability. When prime contractor is covered/subject to DBRA, each sub-contractor is covered/subject to DBRA, regardless of the amount of the sub-contract.
 2. Contract in Writing with CDBG Insertions. Each sub-contractor must have a contract in writing with the required CDBG contract language and insertions.
 3. Owner-Operators. (See Davis-Bacon and Related Acts (DBRA) contract insertion.)
 4. Truck Drivers. (See Davis-Bacon and Related Acts (DBRA) contract insertion.)
 5. Suppliers and Installers – Sub-Contractor Status. (See Davis-Bacon and Related Acts (DBRA) contract insertion)
The USDOL 'New Rule' (effective 10/23/2023) confirms that suppliers are generally deemed contractors (or sub-contractors if their contract is with the prime contractor or another sub-contractor). Sub-contract requirements apply.
 6. Debarment Checks. Prior to entering into a contract with any other entity for the CDBG project, the contractor is responsible for ensuring the other entity is not debarred from contracting for federally funded projects. Debarment check records must be on file and provided upon request.
- F. Contractor FEIN and SAM UEI Number: All prime contractors and sub-contractors must provide a Federal Employer Identification Number (FEIN) – or the owner's social security number if they do not have a FEIN – to the UGLG/CDBG Grantee, which is reported to the State and HUD. Contractors must also provide their Unique Entity Identification (UEI) number if they have obtained one – issued through the federal System for Award Management (SAM) at <https://SAM.gov/content/home>.
- G. Construction Site Postings Required (Prime Contractor):
1. CDBG project sign – following the sign specifications in sign specs. contract insertion;
 2. Wage Decision(s) – The applicable federal wage decisions (and additional classification info. if applicable and approved); and
 3. Equal Opportunity Poster(s) – in English and Spanish if any native Spanish speakers are working on site).
- The wage decisions and posters must be protected from the weather and easily viewable by and accessible to all employees working on site, and the UGLG/CDBG Grantee or state or federal agency representatives who may monitor the site.

Division of Energy, Housing and Community Resources
Wisconsin CDBG Program Guidance

H. Weekly Pay and Certified Payroll Records Submission.

1. **Weekly Pay.** Employees must be *paid weekly* – no exceptions.
2. **Certified Payroll Records.** Certified payroll records, with a signed Statement of Compliance, and supporting documents must be submitted *weekly* to the prime contractor, who must submit them to the UGLG/CDBG Grantee or the designated Labor Standards Officer (LSO) within *seven (7) working days* of the end of the payroll period.
3. **Statement of Compliance.**
 - a. A signed Statement of Compliance page (e.g. Wisconsin Compliance Statement (DT1816), or USDOL WH 347 OR WH 348, or DEHCK Statement of Compliance, or similar document with the same information and certification language) must be completed, signed and submitted with each certified payroll record.
 - b. The signature must be a handwritten signature – a scanned copy of the document may be submitted to the UGLG/CDBG Grantee or LSO, with the 'original' maintained in the contractor's files.
 - c. Check the box(es) on the Statement of Compliance page for each weekly certified payroll record to indicate if fringe benefits are paid, and if so, whether they are paid into an approved fringe benefits plan or paid in cash.
 - d. List any exceptions pertaining to the checked boxes for fringe on the Statement of Compliance page.
4. **Owner-Operators.** (See Davis-Bacon and Related Acts (DBRA) contract insertion.)
5. **Truck Drivers.** (See Davis-Bacon and Related Acts (DBRA) contract insertion.)
6. **Suppliers and Installers.** (See Davis-Bacon and Related Acts (DBRA) contract insertion.)
7. **Helper.** The work classification of "Helper" is not acceptable unless it is listed on the wage decision.
8. **Piece Work.** Piece work must be stated as an hourly rate and a copy of the pay stub showing piece rate and number of units must be submitted with the certified payroll records.
9. **Apprentices.**
 - a. Apprenticeship program must be registered with the state, USDOL, or other federal agency.
 - b. Apprentice indenture papers must be provided with the certified payroll record for the first week in which the apprentice works on the project.
 - c. Apprenticeship indenture paperwork must include documents that verify the program is a registered program, show the applicable apprentice year/hours level and wage rate percentage (in comparison to a full journeyman rate), and applicable apprentice fringe benefits rate if different than the full journeyman fringe rate.
 - d. An apprentice is to be paid a wage rate that is equal to or greater than the full journeyman's wage rate listed on the federal wage decision multiplied by the apprentice wage rate percentage specified in the apprenticeship indenture documents. An apprentice is to be paid a fringe rate that is equal to or greater than the full journeyman's fringe rate on the federal wage decision multiplied by the apprenticeship fringe rate percentage. If no 'discounted' fringe benefits rate percentage or value is specified in the apprenticeship indenture paperwork (which may include the union contract if the apprenticeship is through a union), then the apprentice must be paid at least the fringe rate listed on the applicable federal wage decision.
 - e. An apprentice must be supervised by a journeyman (which may include a foreman in the same job classification) at all times. The contractor is to follow the journeyman-to-apprentice ratio specified in the apprenticeship program specifications.
 - f. An apprentice must be paid the full journeyman's wage and fringe rates listed on the applicable federal wage decision if the apprenticeship program is not registered, the apprentice is not supervised by a journeyman, the journeyman-to-apprentice ratio in the apprenticeship program specifications is not met, or the apprenticeship paperwork is not provided or does not meet the federal labor standards requirements.
10. **Payroll Record Completion.**
 - a. Recommended Templates – WisDoT Payroll Record (DT1929) (customize for use; correction to formulas appearing within template may be required) or the USDOL Form WH-347. Alternate

forms are allowed but must be cleared with the UGLG/CDBG Grantee or designated Labor Standards Officer (LSO).

- b. The certified payroll form must contain:
- 1) Contractor's entity name (and the Statement of Compliance must contain the contractor's entity name and the authorized representative's signature);
 - 2) Payroll/work week number on the project. Payroll records must be numbered in sequential order and have the work week date included. No work payrolls or no work letters/emails are recommended for weeks in which no work occurs (may be required by UGLG/CDBG Grantee or the designated Labor Standards Officer (LSO)).
 - 3) Project name and location.
 - 4) Employee identification number. Each employee's individual identification number (i.e., the last four digits of the employee's Social Security number or other unique identification number assigned to the employee by the employer). Must appear on the payroll for the first week that they work (and subsequent payrolls if employees with the same name are working on the project).
 - 5) Not required – Withholding Exemptions. Completion of the withholding exemptions column on the certified payroll record is not required.
 - 6) Work classifications. The work classifications for all employees must conform to the trades listed on the wage decision or Additional Classification documentation, including the job classification name and group number (if applicable – consistent with the group number listed on the applicable wage decision).
 - Employees working split classifications – Hours and wage+fringe rate for each classification must be identified on the payroll unless the employee is paid one wage+fringe rate that is equal to or greater than the highest applicable rate on the wage decision for their multiple job roles. Averaging the pay rate of the two classes is NOT acceptable.
 - 7) Employee Hours. Straight-time (ST) and overtime (OT) hours worked each day must be reported.
 - 8) Rate of Pay. Hourly wage rate and fringe rate for ST and OT are to be recorded for each employee. (Also see the "Rate of Pay" item below for requirements pertaining to wage and fringe rates.)
 - 9) Gross Amount Earned. The gross amount earned for the CDBG project hours is to be recorded, and if the deduction and benefits values are based on both CDBG project hours and wages and other non-CDBG project hours and wages, then the total Gross wages/Total earnings for the week for all hours worked are also to be recorded.
 - 10) Net Wages. The total amount of the employee's net wages, which is the amount paid to the employee after deductions, is to be entered on the certified payroll record. See note above regarding the gross wages total for CDBG and non-CDBG project hours – the same applies for recording the net wages total.
- c. Employee Contact Information – separate records. All employees' addresses, phone numbers, and email addresses (per USDOL "New Rule" for DBRA, effective 10/23/2023) – on file as separate records (not on payroll record. Must be on file and provided to the UGLG/CDBG Grantee or designated LSO).
- d. Rates of Pay.
- 1) Straight-time (ST) rate cannot be less than the total of the hourly DBA federal wage rate, as listed for the job classification on the wage decision (at the apprentice rate percentage specified in the apprenticeship indenture paperwork for apprentices); plus the base fringe benefits rate listed on the applicable wage decision.
 - 2) Overtime (OT) rate is required for hours worked by an employee over 40 in a work week on the CDBG project (and other federally funded projects subject to federal labor standards during the work week). The OT wage rate required is 1 ½ times the base ST rate normally paid to the employee or 1 ½ times the wage rate listed on the applicable wage decision, whichever is greater, and the OT wage rate must all be paid in cash

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wage (i.e., it cannot be funds paid into a fringe plan). The OT fringe rate required is the regular fringe benefits rate listed on the wage decision or the regular fringe rate paid to the employee for ST hours, whichever is greater; and the fringe rate may be in cash or paid into a qualifying fringe benefits plan. Note: If the employer is paying an employee more than the minimum required fringe rate listed on the wage decision for ST and exceeds the total wage+fringe hourly rate required for ST hours, and all or part of the excess fringe rate is paid in *cash* rather than into a plan, the amount for fringe paid in *cash* that exceeds the minimum required to cover the total hourly wage+fringe rate required for ST hours may be 'counted' as part of the *cash* amount required to be paid in cash for the OT wage rate.

➤ Liquidated damages penalties at the current rate may be imposed for OT pay violations per the CWHSSA. Only hours worked on the CDBG project need to be reported on the certified payroll record. *[Penalty rate is subject to increase; current as of 2/5/2024 was \$31 per employee per day for which the violation occurred.]*

e. Deductions.

- 1) Deductions must be itemized, listed by deduction type and with the hourly rate value (if the amount is based on hours worked) and total deduction amount for each deduction for each employee for each week in which the employee works.
- 2) Standard deductions required by law (e.g., state and federal taxes, FICA, unemployment) must be recorded on the certified payroll record.
- 3) "Other" deductions (deductions excluding the standard deductions required by state and federal laws, e.g., employee-paid health insurance premiums and retirement contributions, union dues, uniform charges, court-ordered deductions such as wage garnishment and child support, etc.) must be recorded on the certified payroll record; or the total "other" deductions amount may be recorded on the certified payroll records and the detailed itemization may be provided in separate documentation.
- 4) The detailed itemized list must be included on or with the certified payroll record for the first week in which the employee works; and any subsequent payrolls if the deduction type or amount changes for the employee each week.
- 5) Employee signed authorizations or court orders for all "other" deductions must be maintained in the contractor's files and provided upon request.
- 6) All documentation related to employee payroll deductions must be maintained in the labor standards compliance file, and must be available and provided upon request to the UGLG/CDBG Grantee or designated LSO, the State/DEHCR, HUD USDOL, or other regulating entity.

f. Fringe Benefits.

- 1) The itemized list of fringe benefits must be included on the certified payroll record or accompanying Statement of Compliance page, or provided on a separate record signed by or emailed from the authorized employer representative. Must include with the certified payroll an itemized list of fringe benefits and the hourly rate cash value of each benefit, as calculated to establish the hourly fringe benefits rate, for each employee.
- 2) All documentation related to fringe benefits paid to employees and payments made by the employer into qualifying fringe benefits plans must be on file and made available and provided upon request to the UGLG/CDBG Grantee or LSO, DEHCR, HUD or USDOL.

- I. Payroll Monitoring Employee Interviews: The employer must inform each employee that they are subject to being interviewed on the job site by the UGLG/CDBG Grantee representative or LSO, the State/DEHCR, HUD, or the USDOL concerning wages, hours, and job duties. Employees are *not* required to respond to representatives from other entities that visit the job site seeking to gather employee or wage information, such as representatives from trade or professional organizations. Employees should ask which entity/organization an interviewer is representing.

J. Other CDBG Program Requirements (Other contract language and specifications – see CDBG contract insertions):

1. **Debarment Checks and Records.**
 - a. Record of debarment check of an entity in System for Award Management (at <https://SAM.gov/content/home>) is required by prime contractors and UGLGs/CDBG Grantees *prior* to awarding a contract to an entity to ensure they are not debarred from contracting for a federally funded project.
 - b. The name(s) of the contractor entity/company and the name(s) of the owner(s) must be searched for debarment in SAM. Records of the debarment searches must be provided to the UGLG/CDBG Grantee or Labor Standards Officer (LSO) and be retained in the contractor's and UGLG's/CDBG Grantee's files. *[The requirement to search entity name and owner name is USDOL "New Rule" effective 10/21/2023.]*
2. **Potential Conflicts of Interest.** Prime Contractors. (See Potential Conflicts of Interest Clause contract insertion) – Prime contractors must disclose potential conflicts of interest, if applicable.
3. **Lobbying Certification and Disclosure of Lobbying Activities.**
Signed Lobbying Certification form required from all contractors (prime contractors and sub-contractors – all tiers). Completed Disclosure form is only required if the contractor has any lobbying activities to disclose.
4. **Equal Opportunity.** (See Equal Opportunity (EO) and Equal Opportunity/Affirmative Action (EO/AA) contract insertions)
5. **Minority-owned Business Enterprise/Woman-owned Business Enterprise (MBE/WBE) and Section 3 Business Concerns.** (See Equal Opportunity/Affirmative Action, MBE/WBE Web Resources, and Section 3 contract insertions)
Promoting contracting with Minority-owned Business Enterprise/Woman-owned Business Enterprise (MBE/WBE) and Section 3 Business firms in contracting/sub-contracting is required.
6. **Additional Section 3 Contract Requirements.** (See Section 3 Requirements contract insertion)
Requirements differ depending on whether the CDBG Grantee was awarded funds prior to 11/30/2020 OR on or after 11/30/2020) – See "Section 3 Requirements" contract insertion language. Current Employees, Contracting, Hiring, Tracking and Reporting. Section 3 Business Concerns, Section 3 Residents/Targeted Section 3 Residents, Section 3 Employee Income Certifications, Section 3 Reports.
7. **Build America, Buy America (BABA) Act / Buy America Preference (BAP) Requirements.** (See BABA Requirements contract insertion)
 - a. The BABA "domestic procurement" requirements apply for HUD-funded CDBG infrastructure projects: iron and steel materials, construction materials, manufactured products.
 - b. Entity seeking a project-specific waiver must follow the guidance in the BABA contract insertion and use the Wisconsin State CDBG Program BABA Project-Specific Waiver Request Form to request a waiver. May require 6 weeks or more for DEHCR, HUD, and Made in America Office (MIAO) approvals that are required.

K. Payment Terms: Terms and requirements for payment for contractor's work – Requires detailed invoices for work performed for the CDBG project; compliance with all CDBG requirements (e.g., submission of contractor information and documents, weekly payroll records and supporting documents, and reporting documents; BABA compliance; etc.) and maintaining eligibility status (cannot be debarred).

L. Failure to Comply: Failure to comply with the federal labor standards of Davis-Bacon and Related Acts (DBRA) may result in additional fees, fines, incarceration, and/or delay or denial of payment due the contractor being deemed ineligible for payment. Failure to comply with any and all CDBG program requirements and regulations applicable to the project and contract may result in a delay or denial in payment to the contractor.

ATTACHMENT 7-J: PRE-CONSTRUCTION CHECKLIST FOR CONTRACTORS

The current version of this Attachment is available on the CDBG Implementation Handbook website (under the "Chapter Attachments/Fillable Forms" section).

Division of Energy, Housing and Community Resources
Pre-Construction Checklist for Contractors

GRANTEE/UGLG NAME: _____
 DEHCR GRANT AGREEMENT #: _____

PRE-CONSTRUCTION CHECKLIST FOR CONTRACTORS

MEETING LABOR STANDARDS CONTRACT REQUIREMENTS

INTRODUCTION:

The following checklist has been prepared to assist contractors and sub-contractors in meeting contractual labor standards responsibilities. All major administrative and procedural activities have been covered in the sequence they will occur as the construction project proceeds. Careful attention to and the use of this checklist should result in a minimum number of problems with respect to labor standards.

EXPLANATORY NOTES:

The word "recipient" as used below refers to the entity (e.g., the Unit of General Local Government [UGLG]) that was awarded the federal grant funds. The word "employer" as used below refers to the project contractor, each sub-contractor, or each lower-tier sub-contractor. Payrolls and other documentary evidence of compliance are required to be sent to the recipient for review (all to be submitted through the project contractor). The delivery procedure is as follows:

1. Each lower-tier sub-contractor, after careful review, submits the required documents to the respective sub-contractor.
2. Each sub-contractor, after checking their own and those of each lower-tier sub-contractor (if applicable), submits the required documents to the contractor.
3. The contractor, after reviewing all payrolls and other documentation, including their own, and correcting violations where necessary, submits payrolls to the recipient.

All employers should check each of the following statements as being true. If any statement is not true, the contractor or his representative should contact the recipient for special guidance.

EMPLOYER PRE-CONSTRUCTION CHECKLIST & ACKNOWLEDGEMENT

Complete the information below for numbers 1 through 6, sign this sheet, keep a copy for file records, and submit the original to the designated project supervisor. This should be done 21 days before the work begins.

BEFORE CONSTRUCTION BEGINS THE EMPLOYER HAS:

1. Not been debarred or otherwise made ineligible to participate in any federally-assisted project.
2. Received appropriate contract provisions covering labor standards requirements.
3. Reviewed and understands all labor standards contract provisions.
4. Received the applicable Wage Decision(s) as part of the contract.
5. Requested from the recipient through the Additional Classification request process and received the minimum required wage rate (hourly wage plus fringe benefits value) for any classification to be worked that is not included on the applicable Wage Decision(s) for the project.
6. Requested and received certification from the state Bureau of Apprenticeship and Training (recognized by USBAT) for any apprentice and/or trainee program in which the employer participates, and submitted a copy thereof to the recipient prior to the apprentice(s)/trainee(s) working on the project.

 (Contractor Signature) (Title) (Date)

 (Location of Project: City, County, State) (Contract Number)

Pre-Construction Checklist for Contractors Page 1 Form v.2021-09-01

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Pre-Construction Checklist for Contractors

TEMPLATE

COMPLIANCE AT CONSTRUCTION START - CONFIRM THE CONTRACTOR HAS:

1. Notified sub-contract award recipient of construction start date in writing.
2. Placed each of the following on a bulletin board prominently located on the project site which can be seen easily by the workers (and replaced if lost or unreadable any time during construction):
 - Applicable Wage Decision(s)
 - *Notice to Employees* (WH 1321)
 - English: <https://www.dol.gov/whd/regs/compliance/posters/fedprojc.pdf>
 - Spanish: <https://www.dol.gov/whd/regs/compliance/posters/davispan.pdf>
3. Before assigning each project worker to work, obtained worker's full name and has assigned each employee an individual identification (i.d.) number (for payroll purposes).
4. Obtained a copy of each apprentice's certificate with the apprentice's registration number and number of years of apprenticeship from the state Bureau of Apprenticeship and Training (BAT).
5. Informed each worker of:
 - Their work classification (journeymen or job title) as it will appear on the certified payroll record, and as determined from the applicable Wage Decision or through the Additional Classification process.
 - Their duties of work.
 - The U.S. Department of Labor's (USDOL's) requirement on this project that the employee is designated as being a journeyman, an apprentice, or a laborer.
 - If journeymen, is to be paid the journeyman's minimum required wage rate (as specified on the applicable Wage Decision) or more;
 - If apprentice, is to be paid not less than the apprentice's rate for the trade based on their year of apprenticeship; or
 - If laborer, is to do laborer's work only--not use any tool or tools of the trade--and not perform any part of a journeyman's work--and is to be paid the laborer's minimum required wage rate (as specified on the applicable Wage Decision) or more.
6. Understands the requirements each laborer or mechanic who performs work on the project in more than one classification within the same work week shall be classified and paid at the highest wage rate applicable to any of the work which the employee performs unless the following requirements are met:
 - Accurate daily time records shall be maintained. These records must show the time worked in each classification and the rate of pay for each classification.
 - The payroll shall show the hours worked in each classification and the wage rate paid for each classification.
 - **Section 3 Compliance Note:** The reporting of employees' and contractors' Section 3 status when reporting employee work on the HUD funded/CDBG project is required to meet the Section 3 requirements for HUD projects. Refer to the "Section 3 Contract Requirements" language in the employer's contract for the project for guidance in determining employees' and employers' Section 3 status. The criteria and nature of reporting differs depending on whether the recipient was awarded the HUD funds prior to 11/30/2020, or on or after 11/30/2020.
7. Has informed each worker of their hourly wage rate and the minimum required wage rate (as specified on the applicable Wage Decision) for their work, including:
 - Time and one-half for all work over 40 hours in any work week (see Contract Work Hours and Safety Standards Act (CWHSSA)).
 - Fringe benefits, if any (see applicable Wage Decision).
 - Deductions from their pay.

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Pre-Construction Checklist for Contractors

- 8. Has informed each worker that they will be subject to being interviewed on the job by the recipient or a HUD, USDOL, or other U.S. government inspector, to confirm that their employer is complying with all labor requirements.
- 9. Has informed each journeyman and each apprentice that a journeyman must be on the job at all times when an apprentice is working and verifying the ratio of journeyman to apprentice through the indenture papers.

COMPLIANCE DURING CONSTRUCTION – CONFIRM THE CONTRACTOR HAS:

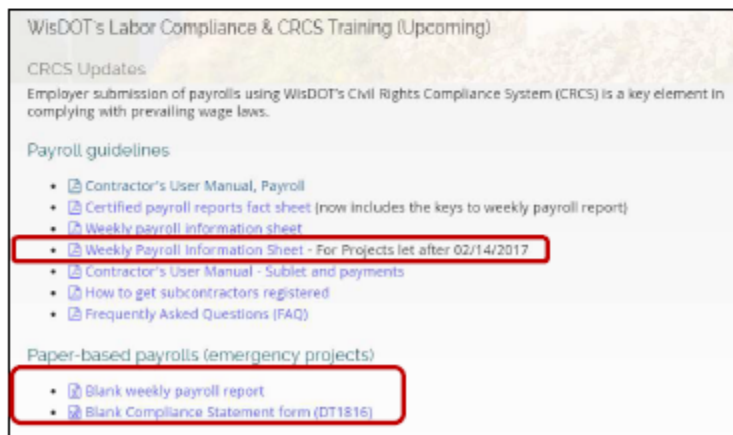
- 1. Not selected, assigned, paid different pay rates to, transferred, upgraded, demoted, laid off, or dismissed any project worker because of race, color, religion, sex, or national origin.
- 2. Employed all registered apprentices referred to the employer through normal channels up to the applicable ratio of apprentices to journeymen in each trade used by the employer.
- 3. Maintained basic employment records accessible to inspection by the recipient or U.S. government representatives.
- 4. Complied with all health and safety standards.
- 5. Paid all workers weekly.
- 6. Submitted weekly certified payroll records that include the required information and documentation.
 - A. The weekly payroll records are prepared on the recommended Wisconsin Department of Transportation (WisDoT) Weekly Payroll Report form (WisDoT Form 1926) (a Microsoft Excel document that may be modified/customized for the specific project and includes formulas for automatically calculating data and entering details of job classifications, apprenticeship status, and types of fringe benefits and deductions) and Compliance Statement form (WisDoT Form 1816); or comparable forms that allows for reporting the same details.

TEMPLATE

The U.S. Department of Labor Weekly Payroll Record Form WH-347 or an internal payroll system reporting form that allows for reporting the same information is acceptable. Note that when using Form WH-347, the details of the types of fringe benefits and deductions and value of each fringe benefit and deduction must be itemized for each employee on the Statement of Compliance page of Form WH-347 or attached to the payroll record.

Wisconsin Department of Transportation (WisDoT) Weekly Payroll Report form (WisDoT Form 1926), Information Sheet (instructions) & Compliance Statement (WisDoT Form 1816):

<https://wisconsindot.gov/pages/doing-bus/civil-rights/labormwage/payroll-submission-compliance.aspx>
Refer to the "Paper-based payrolls (emergency projects) section:



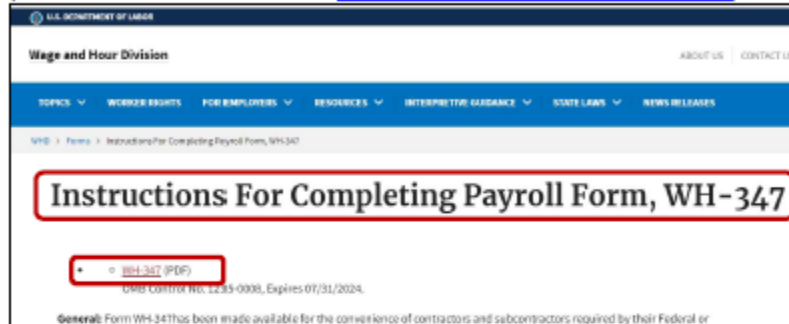
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Pre-Construction Checklist for Contractors

TEMPLATE

U.S. Department of Labor (USDOL) Payroll Record Form (includes a Statement of Compliance page) & Instructions:

WH347 Form & Instructions: <http://www.dol.gov/whd/forms/wh347instr.htm>
(Direct link to WH347 also here: <http://www.dol.gov/whd/forms/wh347.pdf>)



The recipient does not need to review those project workers listed on the payroll who perform work which is descriptive of any of the following job titles which are exempt from labor requirements: project superintendent, project engineer, messenger, clerical workers, timekeepers, bookkeepers, payroll clerks, and Supervisory foreman (*less than 20% of time as a working foreman*).

Any alternate payroll form used should be cleared with the recipient's Labor Standards Officer (LSO) before the employer starts work on the project. A project printout from the employer's internal payroll software system, for example, is acceptable provided that all data shown and required on the WisDoT payroll form and Compliance Statement form, or on the front and back of the USDOL payroll record Form WH-347, is on or included with the payroll submitted to employer.

B. The weekly payroll records include the required information and comply with the following:

- 1) Name of Contractor or Subcontractor. Includes name of employer, showing whether contractor or sub-contractor.
- 2) Address. Includes address of employer.
- 3) Payroll Number. Each weekly payroll is numbered in sequential order (starting with Payroll No. "1" for the employer's first work week on the project).
 - a. If employer's workers perform no physical work on the project during work week, the employee has submitted a "no work" certified payroll record, letter or email for that work week.
 - b. Payroll of employer's final work week on the project (completion of his work) is marked "Final."
- 4) For Week Ending. Is dated with last date of the work week specified.
- 5) Project and Location. Includes name of project and city in which the project is located.
- 6) Project or Contract Number. Includes the contract number provided by the recipient.
- 7) Name and Individual Identifying Number of Worker. Includes the names and identification numbers of employees, as they appear on the employee's paycheck (e.g., the last four digits of the Social Security number or other unique i.d. number).
- 8) Number of Withholding Exemptions. May be included for employer's convenience - it is not required by HUD to be completed.
- 9) Work Classification (job title). Must be listed for the worker as included in the Wage Decision and denotes the work that worker actually performed. If the job title corresponds to a job

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Pre-Construction Checklist for Contractors

classification with multiple group numbers in the Wage Decision, then provide a detailed job title and group number (e.g., Backhoe Operator +/- 130,000 lbs [Group #3]) versus only listing "Operator."

Note: If the applicable classification is not included in the Wage Decision, the contractor should contact the recipient immediately, and request the classification through the Additional Classification request process.

- a. **Apprentice.** If worker is an apprentice, their state BAT registration number and year of apprenticeship is included in on payroll record, the first time the apprentice's name appears on the payroll.
- b. **Split Classification.** If worker has performed work in more than one classification of work during the work week, such as carpenter and laborer, the division of work will be shown on separate lines of the payroll.
 - Accurate daily time records show the exact hours of work performed daily in each class of work.
 - Each class of work the employee performed is listed.
 - The employee's name is repeated when listing additional classifications worked.
 - The breakdown of hours worked daily under each work classification is stated.
 - The applicable wage rate (which must be the minimum required wage rate, as specified on the applicable Wage Decision, or more) for each classification of work is stated.
 - If the above is not done, the worker is paid at least the highest minimum required wage rate (as specified on the applicable Wage Decision) of all classes of work performed for all hours worked.

Average Pay of Two Classes of Work Not Accepted. The employer shall not pay a "semi-journeyman" or semi-skilled laborer the average of journeyman's and laborer's rates. The actual hours each worker uses tools of trade (journeyman) and each hour the employee does not use tools of the trade (laborer) must be recorded separately on the payroll.

Helper. The work classification of "helper" is *not* accepted by the Department of Housing and Urban Development (HUD) unless included in the applicable Wage Decision issued by the Secretary of Labor/USDOL for the project. Any employee listed as "helper" in absence of such classification in the Wage Decision **must be paid the journeyman's wage rate** for hours the employee uses tools of the trade.

- 10) **Rate of Pay.** Cannot be less than the minimum required wage rate for the work classification (as specified in the applicable Wage Decision).
 - The Overtime Rate of Pay is not less than one and one-half times the worker's basic (straight) hourly rate of pay (Contract Work Hours Safety Standards Act). Overtime rate is not paid on fringes.
- 11) **Apprentices.** Apprentice status verified. If a copy of the apprentice's registration certificate from the State BAT has not been submitted to recipient by employer (through contractor), the apprentice must be paid journeyman's rate.
- 12) **Piece Worker.** Wage must be stated in at an hourly rate, the gross pay for the work week (work on the project) divided by the total number of hours worked on the project during the work week.
- 13) **Gross Amount Earned.** Must equal straight hours shown multiplied by straight rate of pay shown, plus overtime hours (if any) shown multiplied by overtime rate of pay shown.
- 14) **Deductions.** Each deduction must be shown on the payroll record. Allowable deductions are only those made that are required by law or voluntarily authorized by the worker in writing before the work week began, or through provision in a bargaining agreement to be deducted from the respective worker's pay.

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Pre-Construction Checklist for Contractors

- 15) Net Wages stated are (gross wages minus deductions) are shown.
- 16) Section 3 Status: See "Section 3 Compliance Note" (item #6 on page 3 of this document).
- C. Statement of Compliance. Each employer has:
- 1) Completed and signed a statement of compliance, using the copy of the WisDoT Compliance Statement form or the Statement of Compliance page within USDOL Form WH347, or similar form; and understands the penalties for falsification.
 - 2) Indicated on the statement of compliance if fringe benefits are included in the Wage Decision for any of the workers.
 - 2(a). if fringe benefits are paid to approved fund(s), or
 - 2(b). if paid directly to each affected worker--included in paycheck for the work week – the employee's paycheck representing at least the minimum required rate of hourly wage plus fringe benefits amount (as specified in the applicable Wage Decision).
 - 3) Signed the statement of compliance and entered the name and title of the signatory entered.
 - 4) Has the person who signs the payroll be the employer or an official of the employer who is legally authorized to act for the employer.
- D. Weekly Payroll Review. Each employer has promptly:
- 1) Reviewed the weekly payroll for compliance with all labor requirements (using this check list) and made necessary corrections.
 - 2) Each Lower-Tier Sub-contractor has submitted their weekly payroll or "no work" certified payroll record, letter or email to the respective sub-contractor, which shall be received within three (3) calendar days from the last date of the work week.
 - 3) Each sub-contractor has received a payroll or "no work" certified payroll record, letter or email from each of their lower-tier sub-contractors, reviewed each and their own payroll, made necessary corrections, and submitted all such payrolls to the contractor, which shall be received within five (5) calendar days from the last date of the work week.
 - 4) Contractor has received a payroll or "no work" certified payroll record, letter or email from each sub-contractor and each lower-tier sub-contractor monitored each including their own payroll, made necessary corrections, and collectively submitted them to the recipient within seven (7) working days of the last date of the respective work week.

Payrolls and other documentary evidence of compliance are required to be sent to the UGLG's Labor Standards Officer (LSO) for review (all to be submitted through the project contractor).

TEMPLATE

**ATTACHMENT 7-K: PRE-CONSTRUCTION REPORT FORMAT
(TEMPLATE)**

The current version of this Attachment is available on the [CDBG Implementation Handbook](#) website (under the "Chapter Attachments/Fillable Forms" section).

Division of Energy, Housing and Community Resources

Pre-Construction Report Format

GRANTEE/UGLG NAME: _____
DEHCR GRANT AGREEMENT #: _____

PRE-CONSTRUCTION REPORT FORMAT

(Write N/A if a Pre-construction Meeting was not held)

CDBG Project Name: _____ CDBG Project No.: _____

Location: _____

Project Description: _____

Prime Contractor(s): _____

Contract Amount: \$ _____

Date of Meeting: _____

Place of Meeting: _____

Attendees (Company/Firm Name, Company/Firm Representative's Name, and Title):

TEMPLATE

Summary of items covered: (Should include: Labor Standards, Davis-Bacon and Related Acts, Debarment, Disclosure of Potential Conflicts of Interest, Lobbying, Equal Opportunity, Minority-Owned Business Enterprises (MBEs), and Women-Owned Enterprises (WBEs), Section 3, the contractor's role and responsibilities, the UGLG's role and responsibilities, and reporting requirements and sanctions).

ATTACHMENT 7-L1: WISDOT PAYROLL RECORD (TEMPLATE)

The fillable Microsoft Excel version of the Payroll Record form and Microsoft Word version of the Compliance Statement are available at:

<https://wisconsin.gov/pages/doing-bus/civil-rights/labornwage/payroll-submission-compliance.aspx>

* Full name, address, and social security number must appear on the first payroll o employee's name appears. The social security number is collected for payroll purp

The weekly submittal of this form is required by 29 CFR Part 3. ** Fringe benefit details MUST be reported on a supplementary page. *** Include private work. **** If Operating Engineer or Laborer, include equipment or skill level of employee.

WEEKLY PAYROLL REPORT

WISCONSIN DEPARTMENT OF TRANSPORTATION
DT 1929 9/2006 (Replaces EC 674)

Payroll #	Contractor Name	State Project ID	Federal Project ID	County	Payroll Period Week Ending	Sheet #							
	Prime Contractor _____ Subcontractor Hired By: _____												
Enter information below on every individual that you employed on this project during the payroll report period*													
		DAILY HOURS WORKED S= Straight Time O=Overtime	TOTAL WEEKLY	(A) BASIC HOURLY RATE	(B) BENEFITS HOURLY RATE FUND PAYMENT CASH PAYMENT	(A) + (B) TOTAL HOURLY RATE	WAGES GROSS WAGES	FICA	FED WH	ST WH	OTHER (SPECIFY)	NET PAID	CHECK #
	Name _____	REFERENCED PROJECT	0	0		0	0					0	
	S.S. # _____	OTHER PROJECTS ***	0	0		0						0	
	Trade/Craft _____												
	Apprentice Yes ___ No ___ TmsGrad ___												
	Name _____	REFERENCED PROJECT	0	0		0	0					0	
	S.S. # _____	OTHER PROJECTS ***	0	0		0						0	
	Trade/Craft _____												
	Apprentice Yes ___ No ___ TmsGrad ___												
	Name _____	REFERENCED PROJECT	0	0		0	0					0	
	S.S. # _____	OTHER PROJECTS ***	0	0		0						0	
	Trade/Craft _____												
	Apprentice Yes ___ No ___ TmsGrad ___												
	Name _____	REFERENCED PROJECT	0	0		0	0					0	
	S.S. # _____	OTHER PROJECTS ***	0	0		0						0	
	Trade/Craft _____												
	Apprentice Yes ___ No ___ TmsGrad ___												
	Name _____	REFERENCED PROJECT	0	0		0	0					0	
	S.S. # _____	OTHER PROJECTS ***	0	0		0						0	
	Trade/Craft _____												
	Apprentice Yes ___ No ___ TmsGrad ___												
	Name _____	REFERENCED PROJECT	0	0		0	0					0	
	S.S. # _____	OTHER PROJECTS ***	0	0		0						0	
	Trade/Craft _____												
	Apprentice Yes ___ No ___ TmsGrad ___												

ATTACHMENT 7-L1(A): WISDOT PAYROLL RECORD STATEMENT OF COMPLIANCE (TEMPLATE)

COMPLIANCE STATEMENT TO ACCOMPANY CONTRACTOR'S WEEKLY PAYROLL		Wisconsin Department of Transportation	
DT1816 9/2008 (Replaces EC673)		The willful falsification of any of the statements on this form 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.	
Submit one copy to Regional Office		Adapted from U.S. Department of Labor Form WH-348(1)(68).	
No.	State Project ID	Federal Project ID	County
Payroll Period			
Contractor or Subcontractor			
Authorized Agent Name		Authorized Agent Title	
Authorized Agent Phone Number			

I, the undersigned, do state that:

- I pay, or supervise the payment of the persons employed by the above contractor or subcontractor on the above project. During the payroll period designated above all persons employed on said project have been paid the full weekly wages earned, except as noted in Section 1(a) below. No rebates have been or will be made either directly to or indirectly on behalf of said contractor or subcontractor from the full weekly wages earned by any person. No deductions have been made 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. 106; 72 Stat. 967; 76 Stat. 357; 40 U.S.C. 276c), and described below in Section 1(b).

(a) Exceptions	Name	Craft	Explanation	When will this person be paid?
----------------	------	-------	-------------	--------------------------------
- (b) Description of Deductions
- Any payrolls otherwise under this contract required to be submitted for the above period are correct and complete. The wage rates for laborers or mechanics contained are not less than the applicable wage rates contained in any wage determination incorporated into the contract. The classifications set forth for each laborer or mechanic conform with the work performed.
- 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.
 - Where fringe benefits are paid to approved plans, fund, or programs.

<input type="checkbox"/>	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.
--------------------------	---
 - Where fringe benefits are paid in cash.

<input type="checkbox"/>	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 in the contract, except as noted in Section 4(c) below.
--------------------------	--

(c) Exceptions	Craft	Explanation
----------------	-------	-------------

Remarks

TEMPLATE

X _____

(Authorized Agent Signature)

COMPLIANCE STATEMENT PREPARATION INSTRUCTIONS

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 to payment of the minimum rates. The contractor's obligation to pay fringe benefits may be met by payment of the fringes to the various plans, funds, or programs or by making these payments to the employees as cash in lieu of fringes. This statement of compliance is also a requirement under Wisconsin Supplemental Required Contract Provisions.

The contractor should show on the face of his/her payroll all moneys 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/she is paying to others 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/her payroll the basic cash hourly rate and overtime rate paid to employees, just as has always been done. Such a contractor shall check paragraph 4(a) of the statement to indicate he/she 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/her 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. Since 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 \$9.73/\$2.15. In addition, the contractor shall check paragraph 4(b) of the statement to indicate that he/she is paying fringe benefits in cash directly to the 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 obliged 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.


TEMPLATE

ATTACHMENT 7-L2: USDOL PAYROLL RECORD (TEMPLATE)

The fillable PDF Payroll Record form and the accompanying Instructions may be accessed at: <http://www.dol.gov/whd/forms/wh347instr.htm>

U.S. Department of Labor
Wage and Hour Division

PAYROLL
(For Contractor's Optional Use; See Instructions at www.dol.gov/whd/forms/wh347instr.htm)
Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.



U.S. Wage and Hour Division
Rev. Dec. 2008
OMB No.: 1235-0008
Expires: 02/28/2018

NAME OF CONTRACTOR OR SUBCONTRACTOR ADDRESS

PAYROLL NO. FOR WEEK ENDING PROJECT AND LOCATION PROJECT OR CONTRACT NO.

(1) NAME AND INDIVIDUAL IDENTIFYING NUMBER (e.g. LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER) OF WORKER	(2) NO. OF WITHHOLDING EMPLOYERS	(3) WORK CLASSIFICATION	(4) DAY AND DATE							(5) TOTAL HOURS	(6) RATE OF PAY	(7) GROSS AMOUNT EARNED	(8) DEDUCTIONS				(9) NET WAGES PAID FOR WEEK	
			MON	TUE	WED	THUR	FRI	SAT	SUN				FICA	WITH-HOLDING TAX	OTHER	TOTAL DEDUCTIONS		

Public Burden Statement

We estimate that it will take an average of 55 minutes to complete this collection, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding these estimates or any other aspect of this collection, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room 33502, 200 Constitution Avenue, N.W., Washington, D.C. 20210

(over)

Date

I,
 (Name of Signatory Party) (Title)

do hereby state:

(1) That I pay or supervise the payment of the persons employed by on the (Contractor or Subcontractor) ; that during the payroll period commencing on the (Building or Work) day of , , and ending the day of , 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 from the full (Contractor or Subcontractor) 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 C.F.R. Subtitle A), issued by the Secretary of Labor under the Copeland Act, as amended (48 Stat. 948, 63 Stat. 108, 72 Stat. 967; 76 Stat. 357; 40 U.S.C. § 3145), 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 or mechanics contained therein are not less than the applicable wage rates contained in any wage determination incorporated into the contract; that the classifications set forth therein for each laborer or mechanic conform with the work he 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 in the contract, except as noted in section 4(c) below.

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION

REMARKS:

NAME AND TITLE SIGNATURE

THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION. SEE SECTION 1001 OF TITLE 18 AND SECTION 231 OF TITLE 31 OF THE UNITED STATES CODE.


TEMPLATE

ATTACHMENT 7-L3: USDOL PAYROLL RECORD (SAMPLE)

U.S. Department of Labor
Wage and Hour Division

PAYROLL
(For Contractor's Optional Use; See Instructions at www.dol.gov/whd/forms/wh347instr.htm)

Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.



U.S. Wage and Hour Division
Rev. Dec. 2008

NAME OF CONTRACTOR OR SUBCONTRACTOR ADDRESS 812 Bunker Lane
Lebanon, WI 54987 OMB No.: 1235-0008 Expires: 02/28/2018

Foxhole Roofing, Paving, & Plumbing (Sub-Contr. of Winchester Constr. Co.)

PAYROLL NO. 3 (Final) FOR WEEK ENDING 08/26/2017 PROJECT AND LOCATION Bodega Bay Water & Wellhouse Project Old CTH A at Jefferson Avenue PROJECT OR CONTRACT NO. CDBG-PF 17-99

(1) NAME AND INDIVIDUAL IDENTIFYING NUMBER (e.g., LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER) OF WORKER	(2) NO. OF INCLUDING EXEMPTIONS	(3) WORK CLASSIFICATION	(4) DAY AND DATE							(5) TOTAL HOURS	(6) RATE OF PAY	(7) GROSS AMOUNT EARNED	(8) DEDUCTIONS					(9) NET WAGES PAID FOR WEEK
			Su	M	T	W	Th	F	Sa				FICA	WITH-HOLDING TAX	State WFT Tax	OTHER	TOTAL DEDUCTIONS	
			HOURS WORKED EACH DAY															
Name: Whitman Van Ness SocSec# / Employee ID: XXX-XX-8761 Apprentice: NO	0	General Laborer (Group 2)	0									\$495.55	\$14.96	\$89.73	\$29.91	\$300.00	\$434.60	\$1,060.95
			8		3.00	6.00	3.00				11.00	28.26						
Name: Dexter O'Connell* SocSec# / Employee ID: XXX-XX-2345 Apprentice: NO	0	Well Driller	0									\$202.20						\$202.20
			8	10.00							10.00	16.52						
Name: Dexter O'Connell* SocSec# / Employee ID: XXX-XX-2345 Apprentice: NO	0	Cement Mason (Area 5)	0				3.00			3.00	\$73.14	\$24.72	\$148.29	\$49.43	\$100.00	\$322.44	\$1,946.98	
			8				3.00	3.00		10.00	36.27							18.73
Name: Annie Hawkins SocSec# / Employee ID: XXX-XX-5678 Apprentice: NO	0	Truck Driver (2 Axes)	0									\$47.88	\$0.71	\$1.43	\$0.71	\$5.00	\$7.85	\$40.03
			8				0.50	0.50		1.00	27.40	20.48						
Name: Victoria Dodd SocSec# / Employee ID: XXX-XX-1234 Apprentice: NO	0	Owner / Foreman	0															
			8	10.00	3.00	6.00	3.00	3.00		28.00								

SAMPLE

While completion of Form WH-347 is optional, it is mandatory for covered contractors and subcontractors performing work on Federally financed or assisted construction contracts to respond to the information collection contained in 29 C.F.R. §§ 3.3, 5.5(a). The Copeland Act (40 U.S.C. § 3145) contractors and subcontractors performing work on Federally financed or assisted construction contracts to "furnish weekly a statement with respect to the wages paid each employee during the preceding week." U.S. Department of Labor (DOL) regulations at 29 C.F.R. § 5.5(a)(3)(ii) require contractors to submit weekly a copy of all payrolls to the Federal agency contracting for or financing the construction project, accompanied by a signed "Statement of Compliance" indicating that the payrolls are correct and complete and that each laborer or mechanic has been paid not less than the proper Davis-Bacon prevailing wage rate for the work performed. DOL and federal contracting agencies receiving this information review the information to determine that employees have received legally required wages and fringe benefits.

Public Burden Statement

We estimate that it will take an average of 55 minutes to complete this collection, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding these estimates or any other aspect of this collection, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room 3302, 200 Constitution Avenue, N.W., Washington, D.C. 20210

(over)

Date August 29, 2017

I, Robert Singer Human Resources Manager
(Name of Signatory Party) (Title)

do hereby state:

(1) That I pay or supervise the payment of the persons employed by
Foxhole Roofing, Paving, & Plumbing (Sub-Contr. of Winchester Constr. Co.) on the
(Contractor or Subcontractor)

Bodega Bay Water & Wellhouse Project; that during the payroll period commencing on the
(Building or Work)

20th day of August, 2017, and ending the 26th day of August, 2017

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

Foxhole Roofing, Paving, & Plumbing (Sub-Contr. of Winchester Constr. Co.) from the full
(Contractor or Subcontractor)

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 C.F.R. Subtitle A), issued by the Secretary of Labor under the Copeland Act, as amended (48 Stat. 948, 63 Stat. 108, 72 Stat. 967, 76 Stat. 357; 40 U.S.C. § 3145), and described below:

Whitman Van Ness: \$50 Health Savings Acct (auto-deposit), \$250 Wage Garnish. & Child Support

Dexter O'Connell: \$50 Health Savings Acct (auto-deposit), \$50 Court-Order Child Support

Annie Hawkins: \$5 Health Savings Acct (auto-deposit)

(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 or mechanics contained therein are not less than the applicable wage rates contained in any wage determination incorporated into the contract; that the classifications set forth therein for each laborer or mechanic conform with the work he 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 in the contract, except as noted in section 4(c) below.

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION
Whitman Van Ness General Laborer (Group 2)	\$8.79 / Hr. Fringe Fund Payment \$8.00 / Hr. Fringe Cash Payment
Dexter O'Connell Well Driller	\$3.00 / Hr. Fringe Fund Payment \$0.70 / Hr. Fringe Cash Payment
Dexter O'Connell Cement Mason (Area 5)	\$3.00 / Hr. Fringe Fund Payment \$15.73 / Hr. Fringe Cash Payment
Annie Hawkins Truck Driver (2 Axes)	\$10.48 / Hr. Fringe Fund Payment \$10.00 / Hr. Fringe Cash Payment

SAMPLE

REMARKS

NAME AND TITLE Robert Singer, Human Resources Manager	SIGNATURE <i>Robert Singer</i>
THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION. SEE SECTION 1001 OF TITLE 18 AND SECTION 231 OF TITLE 31 OF THE UNITED STATES CODE.	

ATTACHMENT 7-M: DEHCR STATEMENT OF COMPLIANCE (TEMPLATE)

The current 'fillable' version of this Attachment is available on the [CDBG Implementation Handbook website](#) (under the "Chapter Attachments/Fillable Forms" section). The Statement of Compliance forms in Attachment 7-L(1) – 7-L(3) are recommended. Attachment 7-M is offered as an alternative.

Division of Energy, Housing and Community Resources
Statement of Compliance

GRANTEE/UGLG NAME: _____
DEHCR GRANT AGREEMENT #: _____

STATEMENT OF COMPLIANCE

Date: _____

I, _____, do hereby state:
(Name) (Title)

(1) That I pay or supervise the payment of the persons employed by _____ on
(Contractor or Sub-Contractor)
the _____; that during the payroll period commencing on the _____ day of _____,
(Building or Work)
20____ and ending the _____ day of _____, 20____, all persons employed on said project have been paid in 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 sub-contractor)
from the full wages earned by any person and that no deductions have been made either directly or indirectly from the full wages earned by 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. 967; 78 Stat. 357; 40 U.S.C. 276c), and described below:

TEMPLATE

(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 the contract; that the classifications set forth therein for each laborer or mechanic conform with the work he/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 the State, then the apprentice must be 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 rate plus the amount of the required fringe benefits as listed in the contract, except as noted in Section 4(c) below

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION
REMARKS	
NAME AND TITLE	SIGNATURE

THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUB-CONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION, SEE SECTION 1001 OF TITLE 18 AND SECTION 231 OF TITLE 31 OF THE UNITED STATES CODE

Statement of Compliance Revised: August 31, 2017

ATTACHMENT 7-M1: DEHCR STATEMENT OF COMPLIANCE (SAMPLE)

The current 'fillable' version of this Attachment is available on the [CDBG Implementation Handbook website](#) (under the "Chapter Attachments/Fillable Forms" section). The Statement of Compliance forms in Attachment 7-L(1) – 7-L(3) are recommended. Attachment 7-M is offered as an alternative.

Division of Energy, Housing and Community Resources
Statement of Compliance

GRANTEE/UGLG NAME: City of Prosperity
DEHCR GRANT AGREEMENT #: 17-99

STATEMENT OF COMPLIANCE

Date: 10/21/2018

I, Dewey Stevens Owner, do hereby state:
(Name) (Title)

(1) That I pay or supervise the payment of the persons employed by Dewey Stevens Construction on the Klein Avenue Street Reconstruction Project; that during the payroll period commencing on the 15th day of October, 2018 and ending the 21st day of October, 2018, all persons employed on said project have been paid in full weekly wages earned that no rebates have been or will be made either directly or indirectly to or on behalf of said Dewey Stevens Construction from the full wages earned by any person and that no deductions have been made either directly or indirectly from the full wages earned by 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. 967; 76 Stat. 357; 40 U.S.C. 276c), and described below:
Maggie Stark Court Ordered Child Support \$100

(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 the contract; that the classifications set forth therein for each laborer or mechanic conform with the work he/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 the State, then the apprentice must be 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 rate plus the amount of the required fringe benefits as listed in the contract, except as noted in Section 4(c) below

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION
REMARKS	
NAME AND TITLE Dewey Steven, Owner	SIGNATURE <u>Dewey Stevens</u>

THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUB-CONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION, SEE SECTION 1001 OF TITLE 18 AND SECTION 231 OF TITLE 31 OF THE UNITED STATES CODE

Attachment 7-M: Statement of Compliance Revised: August 31, 2017

ATTACHMENT 7-M2: DEHCR STATEMENT OF COMPLIANCE (INSTRUCTIONS)

Under the Davis-Bacon law, the contractor is required to pay fringe benefits as predetermined by the USDOL, in addition to payment of the minimum rates. The contractor's obligation to pay fringe benefits may be met by payment of the various plans, funds, or programs or by making these payments to the employees as cash in lieu of fringes. Each contractor should complete a Statement of Compliance with the fringe benefits provisions.

The contractor should show on the face of his/her 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/she is paying fringe benefits required by the contract and is not paying 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 rate 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/her employees, just as he/she has always done. Such a contractor shall check paragraph 4(a) of the statement to indicate payment 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 that do not pay fringe benefits:

A contractor that does not pay fringe benefits shall pay to the employee and insert in 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 rate. Inasmuch as it is not necessary to pay time and one-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 \$3.25/40hrs. In addition, the contractor shall check paragraph 4(b) of the statement to indicate that he/she is paying fringe benefits in cash directly to his/her 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 rate required 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 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 the payment to each such employee for all hours (unless otherwise provided by applicable wage rate) worked on federal or 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).

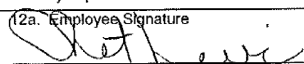
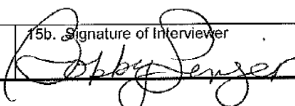
ATTACHMENT 7-N: RECORD OF EMPLOYEE INTERVIEW (TEMPLATE)

The fillable PDF English and Spanish versions of this HUD-11 form and the HUD-11 the Instructions are available online: https://www.hud.gov/program_offices/davis_bacon_and_labor_standards/olrform

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)								
<p><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 maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number. The information is collected to ensure compliance with the Federal labor standards by recording interviews with construction workers. The information collected will assist HUD in the conduct of compliance monitoring; the information will be used to test the veracity of certified payroll reports submitted by the employer. Sensitive Information. The information collected on this form is considered sensitive and is protected by the Privacy Act. The Privacy Act requires that these records be maintained with appropriate administrative, technical, and physical safeguards to ensure their security and confidentiality. In addition, these records should be protected against any anticipated threats or hazards to their security or integrity that could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom the information is maintained. The information collected herein is voluntary, and any information provided shall be kept confidential.</small></p>														
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) (list all) --- continue on a separate sheet if necessary														
6. Your duties														
7. Tools or equipment used														
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"></td> <td style="text-align: center;">Y</td> <td style="text-align: center;">N</td> <td style="width: 50%;"></td> <td style="text-align: center;">Y</td> <td style="text-align: center;">N</td> </tr> </table>										Y	N		Y	N
	Y	N		Y	N									
8. Are you an apprentice or trainee?			10. Are you paid at least time and 1/2 for all hours worked in excess of 40 in a week?											
9. Are you paid for all hours worked?			11. Have you ever been threatened or coerced into giving up any part of your pay?											
12a. Employee Signature			12b. Date											
13. Duties observed by the Interviewer (Please be specific.)														
<div style="display: flex; justify-content: center; align-items: center;"> <div style="writing-mode: vertical-rl; transform: rotate(180deg); font-size: 24px; margin-right: 10px;">TEMPLATE</div> <div style="font-size: 24px; margin-right: 10px;">T</div> <div style="font-size: 24px; margin-right: 10px;">E</div> <div style="font-size: 24px; margin-right: 10px;">M</div> <div style="font-size: 24px; margin-right: 10px;">P</div> <div style="font-size: 24px; margin-right: 10px;">L</div> <div style="font-size: 24px; margin-right: 10px;">A</div> <div style="font-size: 24px; margin-right: 10px;">T</div> <div style="font-size: 24px; margin-right: 10px;">E</div> </div>														
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											
<div style="display: flex; justify-content: space-between;"> Previous editions are obsolete Form HUD-11 (08/2004) </div>														

ATTACHMENT 7-N1: RECORD OF EMPLOYEE INTERVIEW (SAMPLE)

The fillable PDF English and Spanish versions of this HUD-11 form and the HUD-11 the Instructions are available online: https://www.hud.gov/program_offices/davis_bacon_and_labor_standards/olform

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)		
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. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number. The information collected will assist HUD in the conduct of compliance monitoring; the information will be used to test the veracity of certified payroll reports submitted by the employer. Sensitive Information. The information collected on this form is considered sensitive and is protected by the Privacy Act. The Privacy Act requires that these records be maintained with appropriate administrative, technical, and physical safeguards to ensure their security and confidentiality. In addition, these records should be protected against any anticipated threats or hazards to their security or integrity that could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom the information is maintained. The information collected herein is voluntary, and any information provided shall be kept confidential.								
1a. Project Name Manitoc Street Reconstruction			2a. Employee Name Chet Levi					
1b. Project Number			2b. Employee Phone Number (including area code) (538) 426-4267					
1c. Contractor or Subcontractor (Employer) D. Roman Enterprises			2c. Employee Home Address & Zip Code 78387 Whitefish Drive Jericho, WI 55005					
			2d. Verification of identification? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>					
3a. How long on this job? 3 days	3b. Last date on this job before today? 10/21/2018	3c. No. of hours last day on this job? 8	4a. Hourly rate of pay? \$25.44	4b. Fringe Benefits?		4c. Pay stub?		
				Vacation	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
				Medical	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>		
				Pension	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>		
5. Your job classification(s) (list all) --- continue on a separate sheet if necessary Laborer								
6. Your duties Moving tools/material; digging trenches								
7. Tools or equipment used Shovel; wheelbarrow								
SAMPLE								
8. Are you an apprentice or trainee? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N			10. Are you paid at least time and ½ for all hours worked in excess of 40 in a week? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N					
9. Are you paid for all hours worked? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N			11. Have you ever been threatened or coerced into giving up any part of your pay? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N					
12a. Employee Signature 			12b. Date 10/28/2018					
13. Duties observed by the Interviewer (Please be specific.) Employee loaded tools into truck								
14. Remarks								
15a. Interviewer name (please print) R. Singer			15b. Signature of Interviewer 			15c. Date of interview 10/28/2018		
Payroll Examination								
16. Remarks								
17a. Signature of Payroll Examiner Jodie Mills			17b. Date 10/30/2018					
Previous editions are obsolete Form HUD-11 (08/2004)								

ATTACHMENT 7-N2: RECORD OF EMPLOYEE INTERVIEW (INSTRUCTIONS)

The fillable PDF English and Spanish versions of this HUD-11 form and the HUD-11 the Instructions are available online: https://www.hud.gov/program_offices/davis_bacon_and_labor_standards/olrform

Record of Interview HUD -11 Instructions

General:

This form is to be used by HUD and local agency staff for recording information gathered during on-site interviews with laborers and mechanics employed on projects subject to federal prevailing wage requirements. Typically, the staff that will conduct on-site interviews and use this form are HUD staff and fee construction inspectors, HUD Labor Relations staff, and local agency labor standards contract monitors.

Information recorded on the form HUD-11 is evaluated for general compliance and compared to certified payroll reports submitted by the respective employer. The comparison tests the veracity of the payroll reports and may be critical to the successful conclusion of enforcement actions in the event of labor standards violations. The thoroughness and accuracy of the information gathered during interviews is crucial.

Note that the interview itself and the information collected on the form HUD-11 are considered confidential. Interviews should be conducted individually and privately. All laborers and mechanics employed on the job site must be made available for interview at the interviewer's request. The employee's participation, however, is voluntary. Interviews shall be conducted in a manner and place that are conducive to the purposes of the interview and that cause the least inconvenience to the employer(s) and the employee(s).

Completing the form HUD-11

Items 1a - 1c: Self-explanatory

Items 2a – 2d: Enter the employee's full name, a telephone number where the employee can be reached, and the employee's home address. Many construction workers use a temporary address in the locality of the project and have a more permanent address elsewhere from which mail may be forwarded to them. Obtain a more permanent address, if available. Ask the employee for a form of identification (e.g., driver's license) to verify their name.

Items 3a – 4c: Enter the employee's responses. Ask the employee whether they have a pay stub with them; if so, determine whether the pay stub is consistent with the information provided by the employee.

Items 5 – 7: Be certain that the employee's responses are specific. For example, job classification (#5) must identify the trade involved (e.g., Carpenter, Electrician, Plumber) – responses such as "journeyman" or "mechanic" are not helpful for our purposes.

Items 8 – 12b: Self-explanatory

Items 13 – 15c: These items represent some of the most important information that can be gathered while conducting on-site interviews. Please be specific about the duties observed the employee performing. It may be easiest to make these observations before initiating the interview. Please record any comments or remarks that may be helpful. For example, if the employee interviewed was working with a crew, how many workers were in the crew? Was the employee evasive?

The level of specificity that is warranted is directly related to the extent to which interview(s) or other observations indicate that there may be violations present. If interviews indicate that there may be underpayments involving a particular trade(s), the interviewer is encouraged to interview as many workers in that trade(s) that are available.

Items 16 – 17b: The information on the form HUD-11 may be reviewed for general compliance, initially. For example, are the job classification and wage rate stated by the employee compatible with the classifications and wage rates on the applicable wage decision? Are the duties observed by the interviewer consistent with the job classification?

Once the corresponding certified payroll reports are received, the information on the HUD-11 shall be compared to the payroll reports. Any discrepancies noted between the HUD-11 information and that on the payroll report shall be noted in Item 16, Remarks. If discrepancies are noted, follow-up actions to resolve the discrepancies must be taken.

**ATTACHMENT 7-O: SECTION 5.7 ENFORCEMENT REPORT
(TEMPLATE)**

The current 'fillable' version of this Attachment is available on the [CDBG Implementation Handbook website](#)
(under the "Chapter Attachments/Fillable Forms" section).

Division of Energy, Housing and Community Resources
Section 5.7 Enforcement Report

GRANTEE/UGLG NAME: _____
DEHCR GRANT AGREEMENT #: _____

SECTION 5.7 ENFORCEMENT REPORT

To be sent to DEHCR

MEMORANDUM FOR: HUD Labor Standards Field Officer in Chicago

SUBJECT: Section 5.7 Enforcement Report

1) Coverage

Project Name: _____
Project No.: _____
Location: _____
(City) (County) (State)

Wage Decision: _____
Program Area/Statute: _____
Prime Contractor: _____
(City) (County) (State)

Subcontractor: _____
(City) (County) (State)

2) Violations

Wage restitution in the total amount of \$_____ has been paid to _____ employees by contractor(s) named above. (See attached Schedule(s) of Wages Found Due.)

Were any of the violations willful? YES NO (double-click to select one)

Were CWHSSA liquidated damages computed? YES NO (double-click to select one)
(if yes, see attached detailed report)

Are administrative sanctions recommended? YES NO (double-click to select one)
(if yes, see attached detailed report)

The wage underpayments were discovered through:

The types of violations were:

3) Disposition

Narrative (use additional pages if necessary) _____

Section 5.7 Enforcement Report Revised: August 31, 2018

ATTACHMENT 7-01: SECTION 5.7 ENFORCEMENT REPORT (SAMPLE)

The current 'fillable' version of this Attachment is available on the [CDBG Implementation Handbook website](#)
(under the "Chapter Attachments/Fillable Forms" section).

Division of Energy, Housing and Community Resources			
<u>Section 5.7 Enforcement Report</u>			
GRANTEE/UGLG NAME: _____		Village of Raleigh	
DEHCR GRANT AGREEMENT #: _____		17-99	
SECTION 5.7 ENFORCEMENT REPORT			
<u>To be sent to DEHCR</u>			
MEMORANDUM FOR: HUD Labor Standards Field Officer in Chicago			
SUBJECT: Section 5.7 Enforcement Report			
SAMPLE			
1) Coverage			
Project Name:	Lily Dale Sewer/Water System Replacement		
Project No.:	7.06		
Location:	Village of Raleigh (City)	Wake (County)	WI (State)
Wage Decision:	W160010 Mod 11		
Program Area/Statute:	CDBG		
Prime Contractor:	Emporium Construction		
	Campbell (City)	Wake (County)	WI (State)
Subcontractor:	Fox Sisters Concrete		
	Raleigh (City)	Wake (County)	WI (State)
2) Violations			
Wage restitution in the total amount of \$ <u>2011.77</u> has been paid to <u>2</u> employees by contractor(s) named above. (See attached Schedule(s) of Wages Found Due.)			
Were any of the violations willful?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	(double-click to select one)
Were CWHSSA liquidated damages computed? (if yes, see attached detailed report)	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	(double-click to select one)
Are administrative sanctions recommended? (if yes, see attached detailed report)	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	(double-click to select one)
The wage underpayments were discovered through: Review of payroll by Labor Standards Officer			
The types of violations were: Failure to meet minimum federal wage rate in accordance with the Davis-Bacon Act			
3) Disposition			
Narrative (use additional pages if necessary) <u>Employees were paid money owed and payroll system updated to include correct pay rates.</u>			
Section 5.7 Enforcement Report		Revised: August 31, 2018	

ATTACHMENT 7-02: SECTION 5.7 ENFORCEMENT REPORT (INSTRUCTIONS)

Note: The Section 5.7 Report is only due when underpayments amount to \$1,000.00 or more. A separate form must be filled out for each contractor in violation.

1. Enter the UGLG Name and the DEHCR Grant Agreement number in the space provided the upper righthand corner.
2. **Coverage**
 - a. Enter the project name.
 - b. Enter the project number (if applicable).
 - c. Enter the location (city, county and state) of the project.
 - d. Enter the Wage Decision that was in use when the underpayment occurred,
 - e. Enter CDBG for the Program area/Statute.
 - f. Enter the name and address (city, county and state) of the prime contractor affected by the underpayment through its own actions or through the actions of its sub-contractor.
 - g. Enter the name and address (city, county and state) of the sub-contractor affected by the underpayment through its own actions.
3. **Violations**
 - a. Enter the total amount of the underpayment and the number of employees affected. Attach the required supporting documentations such as the Schedule(s) of Wages Found Due.
 - b. To determine if a violation is considered willful, consider the following: was the underpayment deliberate; how quickly was the issue resolved; and does the contractor have a history of wage violations. Check either YES or NO.
 - c. Based on the answer to “b” above, determine if liquidated damages were computed. Check YES or NO.
 - d. Based on the answer to “b” and “c” above, determine if administrative sanctions were recommended? Check YES or NO.
 - e. Briefly describe how the wage underpayments were discovered.
 - f. Briefly describe the types of violations.
4. **Disposition**
 - a. Describe how the found wage underpayments were resolved.

ATTACHMENT 7-P: FINAL LABOR STANDARDS COMPLIANCE REPORT (TEMPLATE)

The current 'fillable' version of this Attachment is available on the [CDBG Implementation Handbook website](#) (under the "Chapter Attachments/Fillable Forms" section).

Division of Energy, Housing and Community Resources
Final Labor Standards Compliance Report

FINAL LABOR STANDARDS COMPLIANCE REPORT (7-P)
(Must be submitted prior to or with the Final CDBG Payment Request)

1. GRANTEE/U/LG NAME:	
2. DEHCR GRANT AGREEMENT #:	
3. Project Name:	
4. Project Location:	
5. Prime Contractor:	
6. Sub-Contractor(s):	
7. Bid Opening Date:	8. Contract Award Date:
9. Contractor's Construction Start Date:	10. Contractor's Construction Completion Date:
11. Pre-Construction Meeting Date & Location:	
12. Was the HUD 4010 form (Labor Standards Provisions) included in the Bid Specifications? <input type="checkbox"/> Yes <input type="checkbox"/> No If "No," then briefly describe the corrective action(s) taken to address the error:	
13. Was/were the Applicable Wage Decision(s) included in the Bid Specifications? <input type="checkbox"/> Yes <input type="checkbox"/> No If "No," then briefly describe corrective action(s) taken to address the error:	
14. Wage Decisions(s): <i>(Example: WI20240011 Mod. 1)</i>	
a) WI	b) WI
c) WI	d) WI
15. # of Employee Interviews Completed:	16. # of Trades Interviewed:
17. Briefly describe any Labor Standards complaints and resolutions:	
18. Amount of Funds Retained: \$	

19. CONTRACTOR(S) WITH UNDERPAYMENTS ON THIS CONTRACT:

Contractor Company Name	Amount of Straight-Time Wage Underpayments	Number of Employees	Amount of Overtime Underpayments	Number of Employees	Liquidated Damages
a)	\$		\$		\$
b)	\$		\$		\$
c)	\$		\$		\$
d)	\$		\$		\$

20. What comments and/or recommendations do you have regarding the underpayment violations?

21. LABOR STANDARDS OFFICER CERTIFICATION:

I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE ALL LABORERS AND MECHANICS EMPLOYED ON THIS CONSTRUCTION CONTRACT WERE PAID IN ACCORDANCE WITH THE LABOR PROVISIONS, EXCEPT AS NOTED. THERE ARE NO OUTSTANDING OR UNRESOLVED LABOR STANDARDS PAYMENTS, COMPLAINTS OR DISPUTES.

Signature: _____	Signature Date: _____
<input type="checkbox"/> Check here if this is an electronic signature via email and then attach signature email to this report (refer to form instructions).	
Typed/Printed Name: _____	Title: _____

Final Labor Standards Compliance Report
Page 1
Attach07-P Form v.2023-09-13

ATTACHMENT 7-P1: FINAL LABOR STANDARDS COMPLIANCE REPORT (SAMPLE)

Division of Energy, Housing and Community Resources
Final Labor Standards Compliance Report

FINAL LABOR STANDARDS COMPLIANCE REPORT (7-P)
(Must be submitted prior to or with the Final CDBG Payment Request)

SAMPLE

1. GRANTEE/UGLG NAME: VILLAGE OF YOURVILLE	
2. DEHCR GRANT AGREEMENT #: CDBG-PF 23-99	
3. Project Name: Main Street Infrastructure Improvements Project	
4. Project Location: Main Street (from 1 st Ave. to 2 nd Ave.), Yourville, WI	
5. Prime Contractor: A-Z Construction Co.	
6. Sub-Contractor(s): Dandy Concrete Co., Paving Plus, Inc., Sign-N-Signal LLC, Sidewalks, Inc., Utility Worx Co., Z-Pro Trucking LLC	
7. Bid Opening Date: 1/31/2024	8. Contract Award Date: 2/15/2024
9. Contractor's Construction Start Date: 3/7/2024	10. Contractor's Construction Completion Date: 10/21/2024
11. Pre-Construction Meeting Date & Location: 3/1/2024	
12. Was the HUD 4010 form (Labor Standards Provisions) included in the Bid Specifications? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "No," then briefly describe the corrective action(s) taken to address the error: <u>Omission was unintentional oversight. Prime contract was amended 3/2/2024 to add HUD 4010 to correct the error. DBRA language was included in the bid packet and contract.</u>	
13. Was/were the Applicable Wage Decision(s) Included in the Bid Specifications? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If "No", then briefly describe corrective action(s) taken to address the error: <u>N/A.</u>	
14. Wage Decisions(s): [Example: WI20240011 Mod. 1] a) WI 20240008 Mod. 1 b) WI 20240010 Mod. 1 c) WI 20240015 Mod. 1 d) WI	
15. # of Employee Interviews Completed: 10	16. # of Trades Interviewed: 5
17. Briefly describe any Labor Standards complaints and resolutions: <u>Paving Plus employee (#1234) reported complaint to USDOL 8/22/2024 (case #12345) regarding weekly pay withholding for work boots. USDOL and HUD investigation 8/30/2024-12/10/2024. No Finding - Case Closed 12/10/2024.</u>	
18. Amount of Funds Retained: \$ 0.00	

19. **CONTRACTOR(S) WITH UNDERPAYMENTS ON THIS CONTRACT:**

Contractor Company Name	Amount of Straight-Time Wage Underpayments	Number of Employees	Amount of Overtime Underpayments	Number of Employees	Liquidated Damages
a) A-Z Construction Co.	\$ 1,000.24	13	\$ 508.89	6	\$ 0.00
b) Dandy Concrete Co.	\$ 45.89	4	\$ 0.00	0	\$ 0.00
c) Paving Plus, Inc.	\$ 34.78	2	\$ 0.00	0	\$ 0.00
d) Sign-N-Signal LLC	\$ 26.78	3	\$ 34.89	3	\$ 0.00
e) Utility Worx Co.	\$14.35	2	\$0.00	0	\$0.00

20. What comments and/or recommendations do you have regarding the underpayment violations?
Underpayments resolved – deemed unintentional. Contractors initially used Mod. 0 wage decisions (from bid packet) vs. updated Mod. 1 as of contract award date, which were provided to Prime Contractor and in prime contract. Discovered error during payroll monitoring. DEHCR approved waiver of liquidated damages for overtime violations by A-Z Construction on 4/21/2024.

21. **LABOR STANDARDS OFFICER CERTIFICATION:**

I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE ALL LABORERS AND MECHANICS EMPLOYED ON THIS CONSTRUCTION CONTRACT WERE PAID IN ACCORDANCE WITH THE LABOR PROVISIONS, EXCEPT AS NOTED. THERE ARE NO OUTSTANDING OR UNRESOLVED LABOR STANDARDS PAYMENTS, COMPLAINTS OR DISPUTES.

Signature: <u>Chris Miller !!!!</u>	Signature Date: <u>12/27/2025</u>
<input checked="" type="checkbox"/> Check here if this is an electronic signature via email and then attach signature email to this report (refer to form instructions).	
Typed/Printed Name: <u>Chris Miller</u>	Title: <u>Funding Specialist, ABCD Consulting, Inc.</u>

Final Labor Standards Compliance Report Page 1 Attach07-P Form v.2023-00-13

ATTACHMENT 7-P2: FINAL LABOR STANDARDS COMPLIANCE REPORT (INSTRUCTIONS)

The current version of these Instructions appear within Attachment 7-P available on the [CDBG Implementation Handbook](#) website (under the "Chapter Attachments/Fillable Forms" section).

Division of Energy, Housing and Community Resources
Final Labor Standards Compliance Report

FINAL LABOR STANDARDS COMPLIANCE REPORT INSTRUCTIONS

COMPLETE THE *FINAL LABOR STANDARDS COMPLIANCE REPORT* FORM FOLLOWING THE GUIDANCE BELOW FOR EACH NUMBERED ENTRY FIELD, AND SUBMIT IT VIA EMAIL TO THE ASSIGNED DEHCR PROJECT REPRESENTATIVE WITH OR PRIOR TO THE SUBMISSION OF THE *PROJECT COMPLETION REPORT*.

1. **GRANTEE/UGLG NAME:** Type in the name of the Grantee (Unit of General Local Government [UGLG]) that received the grant award for the project (e.g., Village of Yourtown).
2. **DEHCR GRANT AGREEMENT #:** Type in the CDBG grant agreement number for the awarded project (e.g., CDBG-PF 23-99).
3. **Project Name:** Type in the project name, which should be a short phrase (e.g., N. Main Street Infrastructure Improvements Project)
4. **Project Location:** Type in the project location, including the street(s) name(s) and municipality(ies); and include a specific address if all work was completed at one location (e.g., N. Main Street, Yourtown, WI; or 123 Main Street, Yourtown, WI).
5. **Prime Contractor:** Type in the name of the prime contractor for which this form is being completed. A separate *Final Labor Standards Compliance Report* must be completed for each Prime Contractor that works on the project.
6. **Sub-Contractor(s):** Type in the name(s) of any subcontractor(s) (all tiers, including subcontractors, subcontractors of subcontractors, etc.) that worked on the project under the prime contractor named in entry #5 (i.e., through a subcontract they had with the prime contractor or with a subcontractor of the prime contractor).
7. **Bid Opening Date:** Type in the bid opening date in short-date format (e.g., 01/31/2024).
8. **Contract Award Date:** Type in the contract award date in short-date format (e.g., 2/15/2024), which is the date when the municipality (or subrecipient, if applicable) formally approved awarding the construction contract to the prime contractor named in entry #5.
9. **Contractor's Construction Start Date:** Type in the construction start date for the prime contract, which is the first date either the prime contractor or any of its subcontractors (all tiers) started construction work on the project.
10. **Contractor's Construction Completion Date:** Type in the construction completion date for the prime contract, which is the final date when the prime contractor and all of its subcontractors (all tiers) completed all construction work on the project.
11. **Pre-Construction Meeting Date & Location:** Type in the pre-construction meeting date in short-date format (e.g., 3/1/2024) and the location (e.g., Yourtown Village Hall, 111 First Avenue, Yourtown, WI 55555). If multiple pre-construction meetings were held, only the first pre-construction meeting held needs to be listed.
12. **HUD 4010 (Labor Standards Provisions Inclusion in Bid Specifications):** Check the "Yes" or "No" box. If the *HUD 4010* form/insertion was not included in the bid specifications, as required, type in a brief summary of corrective action(s) taken to address the non-compliance error.
13. **Wage Decision(s) Included in Bid Specifications:** Check the "Yes" or "No" box. If the applicable wage decision(s) was/were not included in the bid specifications, as required, type in a brief summary of corrective action(s) taken to address the non-compliance error.
14. **Wage Decision(s):** Type in the wage decision(s) in the "Example" format shown (e.g., WI20240011, Mod. 1) that was/were used for the project by the prime contractor named in entry #5 and their subcontractor(s).
15. **# of Employee Interviews Completed:** Type in the total number of interviews that were conducted of employees of the prime contractor named in entry #5 and their subcontractor(s) as part of the federal labor standards/payroll compliance monitoring during the project.

Division of Energy, Housing and Community Resources

Final Labor Standards Compliance Report

16. **# of Trades Interviewed:** Type in the total number of different trades for which interviews were conducted, based on the job classifications of those employees of the prime contractor named in entry #5 and their subcontractor(s) interviewed as part of the federal labor standards/payroll compliance monitoring during the project.
17. **Labor Standards Complaints & Resolutions:** Type in a brief description of any formal complaints filed with state or federal regulating agencies (i.e., complaints formally filed with the U.S. Department of Labor (USDOL), U.S. Department of Housing and Urban Development (HUD), Wisconsin Department of Workforce Development (DWD), etc.); and the resolution(s), as applicable. If no formal complaints were filed, then enter "None."
18. **Amount of Funds Retained:** Type in the amount of funds retained from the prime contractor named in entry #5, if applicable, for liquidated damages, non-fulfillment of contract, etc. If no funds have been retained, then enter \$0.00. Note that all construction work for the CDBG funded project must be completed by the end of the construction period specified in the *CDBG Grant Agreement*, and all construction work must be invoiced by the end of the performance period (when the final CDBG payment request is due) specified in the *CDBG Grant Agreement*.
19. **Contractor(s) Underpayments on this Contract:** Type in the wage rate underpayments information for the prime contractor and any subcontractor(s) (all tiers) that had wage rate underpayment violations during the project, if applicable. If no wage rate underpayment violations occurred, then enter "None" in the first cell of entry #19(a) and then go to entry #20.

If the prime contractor and/or their subcontractor(s) had wage rate underpayment violations, type in the contractor company name(s), and for each, enter the total amount of straight-time wage underpayments for all employees during the project, total number of employees who had the straight-time underpayment restitution owed and paid to them, total amount of overtime underpayments for all employees during the project, total number of employees who had overtime restitution owed and paid to them, and the amount of liquidated damages calculated for and paid by the contractor for overtime underpayments. Contact the assigned DEHCR project representative for guidance on overtime underpayment violation liquidated damages and waivers.

If more than 4 entities had underpayments (among the prime contractor named in entry #5 and their subcontractor(s)), then add them below item (d). [Tip: After making an entry in the first box of #19(d), keep the cursor in the entry field space and press the "Enter"/"Return" key on your computer keyboard or electronic device and an additional entry (e) line will appear. Continue to press the "Enter"/"Return" key to continue adding entry lines.]

All underpayment violations must be resolved prior to the submission of the *Final Labor Standards Compliance Report*.

20. **Comments and/or Recommendations Regarding Underpayment Violations:** Type in comments and/or recommendations regarding the corrective action(s)/resolution(s) of the underpayments, as applicable. If no underpayment violations occurred, then enter, "None." If underpayment violations occurred, then the comments should include information regarding the resolved violations. Examples may include confirming that any underpayment(s) was/were resolved, as required prior the submission of the *Final Labor Standards Compliance Report*; stating whether the violations were deemed intentional or unintentional; stating if liquidated damages were waived (and the date of waiver by DEHCR, if applicable); and stating if debarment of any contractor is recommended or has been formally submitted to a federal agency as a result of the violation(s).
21. **Labor Standards Officer Certification:** Type or print the Labor Standards Officer's (LSO's) full name, job title, and the signature date in the labeled fields. Sign the document in the LSO signature field. The designated LSO for the project is the person listed on the *Labor Standards Officer Designee* form that was submitted by the Grantee to DEHCR at the start of the project (or as amended later during the project, if applicable); or the Grant Administrator is deemed the designated LSO if no *Labor Standards Officer Designee* form was previously submitted to DEHCR. The designated LSO must sign this *Final Labor Standards Compliance Report* form. Electronic signature using a web-based signature software is allowed and preferred over other electronic signature methods. Alternatively, the LSO's name may be typed into the signature line for entry #21, check the box provided to indicate the signature is electronic via email, and then submit an email with this report directly from the LSO, stating that the email serves as the LSO's electronic signature for the *Final Labor Standards Compliance Report*. Also include the name of the Grantee/UGLG and prime contractor (for which the *Final Labor Standards Compliance Report* was completed) and the Grant Agreement number in the LSO electronic signature email.

ATTACHMENT 7-Q: FORCE ACCOUNT AFFIDAVIT (TEMPLATE)

The current 'fillable' version of this Attachment is available on the [CDBG Implementation Handbook website](#) (under the "Chapter Attachments/Fillable Forms" section).

Division of Energy, Housing and Community Resources
Force Account Affidavit

GRANTEE/UGLG NAME: _____
DEHCR GRANT AGREEMENT #: _____

FORCE ACCOUNT AFFIDAVIT

If Force Account labor (i.e., construction related work by municipal employees) will be performed for the CDBG project, an authorized designated Unit of General Local Government (UGLG) representative (UGLG employee or official) must complete this Affidavit and email it to the assigned DEHCR Project Representative, with the email submission serving as the 'electronic' signature. Retain this document in the UGLG's CDBG project files. Email the completed Affidavit to DEHCR prior to the Force Account work beginning on the CDBG project. Failure to submit this form prior to proceeding with work or requesting CDBG funds as reimbursement (if seeking reimbursement for costs) may trigger the regular Davis-Bacon Wage Rates applying to the labor on the CDBG project.

I hereby certify that the [Enter UGLG Name] is using Force Account labor for [Enter Description of Type(s) of Construction-Related Work that will be Completed by Municipal Employees] on the [Enter Project Name/Title] Project, CDBG Grant Agreement # [Enter CDBG Grant Agreement #].

No overtime will be paid from CDBG funds unless the employee works in excess of their normal full-time work week, as stated in any existing labor contract or employment agreement, on the CDBG project.

Work hours and payroll records will be maintained for all employees that perform Force Account work on the CDBG project, with records for employees' hours worked on the CDBG project separated from employees' other regular (non-CDBG project) municipality work.

All Force Account associated payroll records (including a list of employees, job/position titles, dates of work on the CDBG project, type(s) of work performed, number of hours worked each date on the CDBG project, and payroll payment records) will be maintained in the CDBG project file.

(UGLG Official or Designated Approver)* (Title) (Date Certified)

(Phone Number) (Email Address)

**By entering the UGLG Official or Designated Approver name and information above, the UGLG Approver certifies the information provided is true and correct to the best of their knowledge; commits the UGLG to complying with the Force Account requirements and regulations, and certifies the Approver is authorized to submit this form on the UGLG's behalf by the Chief Elected Official (CEO) or UGLG governing body, as designated on the CDBG project Signature Certification Form (submitted with the UGLG's pre-agreement documents after Award), or through designation of regular or special duties approved by the governing body.*

TEMPLATE

Force Account Affidavit Form v.2021-09-01

Division of Energy, Housing and Community Resources

Force Account Affidavit

REQUIRED DOCUMENTATION FOR FORCE ACCOUNT WORK

1. The UGLG must keep separate payroll records for hours worked on the CDBG project versus the hours worked on regular duties for the UGLG.

Force Account Worker Payroll Records must include the following for each Force Account employee:

- Employee full name;
- Employee hourly pay rate (wage + fringe benefits rate);
- Employee job/position title;
- Date(s) employee worked on the CDBG project;
- Nature of work completed (e.g., "street reconstruction" or "sidewalk construction" or "site clearance", etc.);
- Number of hours worked exclusively on the CDBG project for each date (Note: A separate record for hours worked exclusively on the CDBG project vs. other non-CDBG work/duties must be maintained.); and
- Record(s) of date(s) and amounts of payment(s) for hours worked on the CDBG project, with payroll period records of payment (Note: A General Ledger record or similar official record with the details of work hours tracking and payroll payment records to employees is acceptable).

2. No overtime may be paid from CDBG funds unless the employee works in excess of their normal full-time work week, as stated in any existing labor contract or employment agreement, on the CDBG project.
3. The UGLG must submit payroll records as listed above for each employee working on the CDBG project for which the UGLG is requesting reimbursement with CDBG funds or is claiming as Matching funds costs, with each CDBG payment request for which the CDBG or Match costs are being requested/claimed. Refer to Chapter 8: Financial Management in the CDBG Implementation Handbook for additional guidance on requesting CDBG funds.

Important Note: To be in compliance with Labor Standards requirements, the UGLG must maintain the Force Account Affidavit and labor records in the CDBG project file, even if the UGLG is not seeking reimbursement from CDBG funds or claiming the costs as Match for the CDBG project.

4. When requesting reimbursement from DEHCR for Force Account work costs, the UGLG must detail costs incurred. The UGLG may submit the payroll payment details from a General Ledger or other official summary record, showing the list of employees, jobs/positions, dates and hours worked, hourly wage + fringe rates, payment amounts and payment dates; or must record each employee payroll payment as separate payments with separate check/electronic funds transfer (ETF) transaction numbers on the *CDBG Disbursements Journal* (if CDBG funded) and *Matching Funds Journal* (if Match funded). Clearly indicate Force Account line items, (e.g. make notation of "Force Account" in the entry).

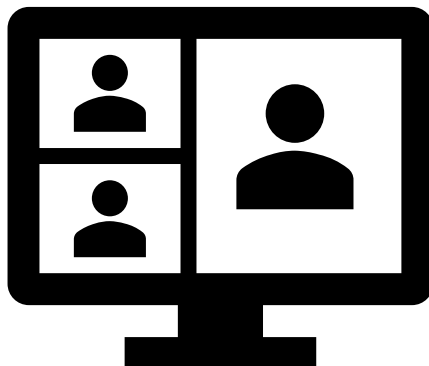
Any materials purchased or other costs incurred by the UGLG associated with the Force Account work for the project, for which the UGLG is requesting reimbursement with CDBG funds or claiming as Match costs, must be recorded separately on the CDBG financial journals and records of dates and costs incurred and details of calculations for costs must be provided with the CDBG payment request.

No CDBG funds will be released for Force Account work costs without accurate accounting of Force Account labor and expenses.

ATTACHMENT 7-R: MBE/WBE/DBE & SECTION 3 WEB RESOURCES

The current version of this Attachment is available on the [CDBG Implementation Handbook](#) website (under the “Chapter Attachments/Fillable Forms” section).

MBE/WBE/DBE & SECTION 3 WEB RESOURCES



Resources for outreach to, contracting with, and certified registration for **Minority-owned Business Enterprise (MBE)**, **Woman-owned Business Enterprise (WBE)** and **Disadvantaged Business Enterprise (DBE) firms** and **Section 3 Business concerns**:

Department of Administration Certified Minority-Owned Business Enterprise (MBE) and Woman-Owned Business Enterprise (WBE) Directory:

<https://wisdp.wi.gov/search.aspx>

Department of Administration Certified Minority-Owned Business Enterprise (MBE) and Woman-Owned Business Enterprise Registration:

<https://doa.wi.gov/Pages/StateEmployees/HowtoApply.aspx>

Department of Transportation

Disadvantaged Business Enterprise (DBE) Program

<https://wisconsin.gov/Pages/doing-bus/civil-rights/dbe/default.aspx>

U.S. Department of Housing and Urban Development (HUD) Section 3 Resources Website for Grantees and Contractors

<https://www.hud.gov/section3>

City of Madison Targeted Business Enterprise Program Directories:

<http://www.cityofmadison.com/dcr/aaTBDDir.cfm>

ATTACHMENT 7-S: EMPLOYEE RIGHTS POSTER [USDOL DAVIS-BACON POSTER (WH-1321)] IN ENGLISH & SPANISH

The current, printable versions of these posters are at:
<https://www.dol.gov/whd/programs/dbra/wh1321.htm>

**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 liquidated 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 falsifies certified payroll records or induces wage kickbacks 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

1-866-487-9243
TTY: 1-877-889-5827
www.dol.gov/whd



WH1321 REV 10/17

DERECHOS DEL EMPLEADO BAJO LA LEY DAVIS-BACON

PARA OBREROS Y MECÁNICOS EMPLEADOS EN PROYECTOS DE CONSTRUCCIÓN FEDERAL O CON ASISTENCIA FEDERAL

SALARIOS PREVALECIENTES

No se le puede pagar menos de la tasa de pago indicada en la Decisión de Salarios Davis-Bacon fijada con este Aviso para el trabajo que Ud. desempeña.

SOBRETIEMPO

Se le ha de pagar no menos de tiempo y medio de su tasa básica de pago por todas las horas trabajadas en exceso de 40 en una semana laboral. Existen pocas excepciones.

CUMPLIMIENTO

Se pueden retener pagos por contratos para asegurarse que los obreros reciban los salarios y el pago de sobretiempos debidos, y se podría aplicar daños y perjuicios si no se cumple con las exigencias del pago de sobretiempos. Las cláusulas contractuales de Davis-Bacon permiten la terminación y exclusión de contratistas para efectuar futuros contratos federales hasta tres años. El contratista que falsifique los registros certificados de las nóminas de pago o induzca devoluciones de salarios puede ser sujeto a procesamiento civil o criminal, multas y/o encarcelamiento.

APRENDICES

Las tasas de aprendices sólo se aplican a aprendices correctamente inscritos bajo programas federales o estatales aprobados.

PAGO APROPIADO

Si Ud. no recibe el pago apropiado, o precisa de información adicional sobre los salarios aplicables, póngase en contacto con el Contratista Oficial que aparece abajo:



o póngase en contacto con la División de Horas y Salarios del Departamento de Trabajo de los EE.UU.



DIVISIÓN DE HORAS Y SALARIOS
DEPARTAMENTO DE TRABAJO DE LOS EE.UU.

1-866-487-9243
TTY: 1-877-889-5627
www.dol.gov/wfd



WH1321 SPA REV 10/17

ATTACHMENT 7-T: CDBG PROJECT SITE SIGN (TEMPLATE)

The current version of this Attachment is available on the [CDBG Implementation Handbook](#) website (under the “Chapter Attachments/Fillable Forms” section).

<Community Name (e.g., City of Yourville)>

<Project Type (e.g., Street & Utility Infrastructure Improvements Project – Main Street, 2nd Avenue, & Miller Road; or Library Project; or Community Center Project, etc.)>

**A COMMUNITY FACILITIES PARTNERSHIP
FINANCED IN PART BY COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FROM
THE
WISCONSIN DEPARTMENT OF ADMINISTRATION AND THE
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

Tony Evers, Governor
Kathy Blumenfeld, Secretary

<Chief Elected Official’s Name and Title (i.e., Mayor, Village President, Town Chair, etc.)>

State and Federal Equal Opportunity laws apply in the construction and use of this project.

CDBG PROJECT SITE SIGN (EXAMPLE):

Village of Yourville

Street & Utility Infrastructure Improvements Project:
Main Street, 2nd Avenue, & Miller Road

**A COMMUNITY FACILITIES PARTNERSHIP
FINANCED IN PART BY COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FROM
THE
WISCONSIN DEPARTMENT OF ADMINISTRATION AND THE
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

Tony Evers, Governor
Kathy Blumenfeld, Secretary

Jane Smith, Village President

State and Federal Equal Opportunity laws apply in the construction and use of this project.

ATTACHMENT 7-T1: CDBG PROJECT SITE SIGN (SPECIFICATIONS)

The current version of this Attachment is within the Attachment 7-T available on the [CDBG Implementation Handbook](#) website (under the “Chapter Attachments/Fillable Forms” section).

The CDBG project sign (shown in the Template and Example on the previous page) is required for projects involving construction (including new construction; roadway and building/structural expansion, renovation and/or rehabilitation; site demolition/clearance; environmental remediation; and similar activities). The sign must be erected at or near the site of construction,* in accordance with the specifications below.

SPECIFICATIONS:

- Sign dimensions: 4 feet by 8 feet
- The smallest print must be readable from 50 feet away
- Must be on plywood panel APA Rated A-B Grade-Exterior (any alternative material must be pre-approved by DEHCR)
- Must be high quality, professional-grade sign (i.e., paper taped to plywood board is not acceptable)
- Generally, must be erected outdoors and weatherproofed for outdoor posting (an exception to an outdoor location must be pre-approved by DEHCR)
- Sign must include:
 - Name of Unit of General Local Government (UGLG)/Community
 - Title of Project
 - Reference to CDBG Program and Funding Sources (Wisconsin Department of Administration, and U.S. Department of Housing and Urban Development), as shown in the Template and Example on the previous page
 - Name and Title of the current Governor of the State of Wisconsin and the current Secretary of the Department of Administration (check the State of Wisconsin Department of Administration website for updates prior to printing sign)
 - Name and Title of the UGLG’s Chief Elected Official
- Must be on **White** background
- The following text must be in **RED** font:

**A COMMUNITY FACILITIES PARTNERSHIP
FINANCED IN PART BY COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FROM
THE WISCONSIN DEPARTMENT OF ADMINISTRATION AND THE
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

- All other text on the sign must be in **BLACK** font

**Generally, one sign is required per project. If the project involves multiple phases, more than one sign may be needed to ensure a CDBG project sign remains posted for each phase of the project. If a project involves construction at multiple locations, the CDBG project sign should be erected at the site in the highest traffic area where the most residents are likely to see it, or at a central location between all of the construction sites (in a high-traffic area when practical). All project locations should be listed as part of the Project Title on the sign when practical.*