

**APPENDIX A**

**GENERAL CONDITIONS**

**FEDERAL REQUIREMENTS**

All bidders must comply with the following Federal Requirements.

**I. EMPLOYEMENT AND CONTRACTING**

Equal Employment and Opportunity  
Section 3 of the Housing and Urban Development Act of 1968.  
Minority/Women's Business Enterprise  
Labor Requirements  
Contractor and Subcontractor Certification Forms  
Preconstruction Conference Report  
Conflict of Interest

**II. ENVIRONMENTAL REQUIREMENTS**

Environmental Standards  
Flood Insurance Program

**III. OTHER FEDERAL REQUIREMENTS**

Executive Order 12372  
Lead-Based Paint  
Relocation

**IV. NONDISCRIMINATION AND EQUAL ACCESS (No Attachments)**

24 CFR 92.202 Site and Neighborhood Standards  
24 CFR 92.250 Maximum Per-Units Subsidy Amount and Subsidy Layering  
Title VI of Civil Rights Act of 1964 (42 U.S.C. 2000d et. seq.)  
Fair Housing Act (42 U.S.C. 3601-3620)  
Executive Order 11063 (Amended by Executive Order 12259)  
Age Discrimination of 1975, as amended (42 U.S.C. 6101)  
24 CFR 5.105 (a) Other Federal Requirements  
24 CFC 92.351 Affirmative Marketing Minority Outreach  
Section 504 of the Rehabilitation Act of 1973 (Implemented at 24 CFR Part 8)  
Multi-family Building Only, 24 CFR 100.205 (Implements the Fair Housing Act)

**CERTIFICATION OF BIDDER REGARDING  
EQUAL EMPLOYMENT OPPORTUNITY**

**PROJECT:** \_\_\_\_\_

**GENERAL**

In accordance with Executive Order 11246 (30 F.R. 12319-25), the implementing rules and regulations thereof, and orders of the Secretary of Labor, a Certification regarding Equal Opportunity is required of bidders or prospective contractors and their proposed subcontractors prior to the award of contracts of subcontractors.

**CERTIFICATION OF BIDDER**

Bidder's Name \_\_\_\_\_

Address \_\_\_\_\_

Internal Revenue Service Employer Identification No. \_\_\_\_\_

“During the performance of this contract, the contractor agrees as follows:

- "(1) The contractor will not discriminate against any employee or application for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.
  
- "(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.
  
- “(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers representative of the contractors

commitments under Section 202 of Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

- “(4) The contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations and relevant orders of the Secretary of Labor.
- “(5) The contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
- “(6) In the event of the contractor’s noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.
- “(7) The contractor will include the provisions of Paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or order of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions including sanctions for noncompliance; provided, however, that in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

**CERTIFICATION:** This contractor certifies that he agrees to and will abide by the terms and conditions of Executive Order No. 11246 (30 F. R. 12319-25).

---

Name and Title

---

**Signature**

---

**Date**

**SECTION 3 OF THE HOUSING AND URBAN DEVELOPMENT ACT OF  
1968**

PROVISIONS AND PROCEDURES PERTAINING TO EMPLOYMENT  
OPPORTUNITIES WITH FEDERALLY ASSISTED PROJECTS

- A. The work to be performed under this contract is on a project assisted under a program providing direct Federal financial assistance from the Department of HUD and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 USC, 1701u. Section 3 requires that to the greatest extent feasible, opportunities for training and employment be given to lower income residents of the area, and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in the area of the Section 3 covered project.
- B. The parties to this contract will comply with the provisions of said Section 3 and the regulations set forth in 24 CFR, Part 135, and all applicable rules and orders of the Department issued hereunder prior to the execution of this contract. The parties to this contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.
- C. The contractor will send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other contract of understanding, if any, a notice advising the labor organization or workers' representative of the commitments under this Section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicant for employment or training.
- D. The contractor will include this Section 3 clause in every subcontract for work in connection with the project and will at the direction of the applicant for or recipient of federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of 24 CFR, Part 135. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violations of regulations under 24 CFR, Part 135 and will not let any subcontract unless the subcontractor has first provided it with a preliminary statement of ability to comply with the requirement of these regulations.
- E. Compliance with the provisions of Section 3, the regulations set forth in 24 CFR, Part 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of the contract, shall be a condition of the federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors, and assigns, to those sanctions specified by the grant or loan agreement or contract through which federal assistance is provided and to such sanctions as are specified by 24 CFR, Part 135.

**BIDDING PROCEDURES**

Prior to the signing of the contract, the contractor shall provide a preliminary statement of work force needs (skilled, semi-skilled, unskilled labor and trainees by category) where known/where not known, such information shall be supplied prior to the signing of any contract between the contractor and subcontractor.

**Residents as Employees**

Each contractor/subcontractor shall fulfill their obligation to utilized lower income project area residents as employees to the greatest extent feasible by:

1. Identifying the number of positions in the various occupational categories including skilled, semi-skilled, and unskilled labor needed to perform each phase of the Section 3 covered project.
2. Identifying the number of positions currently occupied by regular permanent employees.
3. Identifying the positions not currently occupied by regular permanent employees.
4. Establishing the positions identified in paragraph (3) of this part, a goal which is consistent with this subpart within each occupational category of the number of positions to be filled by lower income residents or the Section 3 covered projects area.

**COMPLETE THE FOLLOWING: “WORK FORCE NEEDS TABLE”.**

**WORK FORCE NEEDS TABLE  
EMPLOYEES**

<b>OCCUPATION CATEGORY</b>	<b>EMPLOYEES</b>	<b>AREA RESIDENTS UTILIZED</b>
Bricklayers	_____	_____
Cement Masons	_____	_____
Electricians	_____	_____
Elevator Constructors	_____	_____
Iron Workers	_____	_____
Lathers	_____	_____
Machinists	_____	_____
Operating Engineers	_____	_____
Painters	_____	_____
Plasterers	_____	_____
Drywallers	_____	_____
Plumbers	_____	_____
Roofers	_____	_____
Sheet Metal	_____	_____
Tile Setters	_____	_____
Heavy Equipment Operator	_____	_____
Truck Drivers	_____	_____
Other: Specify	_____	_____
_____	_____	_____
_____	_____	_____

**EMPLOYMENT CERTIFICATION**

The Company hereby certifies that the above table represents the appropriate number of employee positions required in the execution of this Contract and also represents the number of lower income project area residents that the Company proposes to employ.

The Company certifies that it will make a good faith effort to fulfill the number of lower income employees stated above by utilizing such community base organizations, service agencies, unemployment offices and on the site company employment posters.

The Company certifies that the employee goals listed in the above table approximates the ratio of lower income residents to the total population of the project area.

Company \_\_\_\_\_  
 Authorized Signature \_\_\_\_\_  
 Title \_\_\_\_\_  
 Date \_\_\_\_\_

**TRAINEES**

The contractor/subcontractor shall fulfill his obligation to utilize lower income project area residents as trainees to the greatest extent feasible by:

1. Utilizing the maximum number of persons in the various training categories in all phases of the work to be performed under the Section 3 covered project, and
2. Filling all vacant training positions with lower income project area residents except for those training positions which remain unfilled after a good faith effort has been made.

**COMPLETE THE FOLLOWING: "MANPOWER UTILIZATION TRAINING TABLE".**

**MANPOWER UTILIZATION TRAINING TABLE  
TRAINEES**

<b>OCCUPATION CATEGORY</b>	<b>TRAINEES</b>	<b>AREA RESIDENTS UTILIZED</b>
Bricklayers	_____	_____
Carpenters	_____	_____
Cement Masons	_____	_____
Electricians	_____	_____
Elevator Constructors	_____	_____
Iron Workers	_____	_____
Lathers	_____	_____
Machinists	_____	_____
Operating Engineers	_____	_____
Painters	_____	_____
Plasterers	_____	_____
Drywallers	_____	_____
Plumbers	_____	_____
Roofers	_____	_____
Sheet Metal	_____	_____
Tile Setters	_____	_____
Other: Specify	_____	_____
_____	_____	_____
_____	_____	_____

**TRAINEE CERTIFICATION**

The Company hereby certifies that the above table represents the approximate number of trainee positions required in the execution of this contract and also represents the number of lower income project area residents that the Company proposes to utilize in filling trainee positions.

The Company certifies that it will make a good faith effort to fulfill the number of lower income trainees stated above by utilizing such community base organizations, service agencies, unemployment offices or any other organizations that can provide assistance in this regard.

The Company certifies that trainees utilized on this contract will include at least the minimum number of trainees established pursuant to the Department of Labor Relations.

Company \_\_\_\_\_  
 Authorized Signature \_\_\_\_\_  
 Title \_\_\_\_\_  
 Date \_\_\_\_\_

**UTILIZATION OF BUSINESSES**

Each contractor/subcontractor undertaking work on a Section 3 covered project shall assure that to the greatest extent feasible, contracts for work to be performed in connection with the project are awarded to business concerns located with the Section 3 covered project area of business concerns owned in substantial part by persons residing in the Section 3 covered area.

**COMPLETE THE FOLLOWING “BUSINESS UTILIZATION TABLE”.**

**BUSINESS UTILIZATION TABLE**

<b>CONTRACTS</b>	<b>ESTIMATED DOLLAR AMOUNT</b>	<b>AVAILABLE BUSINESS</b>
Bricks	_____	_____
Lumber	_____	_____
Cement, Sand & Gravel	_____	_____
Steel	_____	_____
Electrical Supplies	_____	_____
Kitchen Appliances	_____	_____
Bathroom Fixtures	_____	_____
Window Installations	_____	_____
Air Condition Install	_____	_____
Trucking	_____	_____
Other: Specify	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
Total Amount of Subcontracts	_____	_____

Company \_\_\_\_\_  
Authorized Signature \_\_\_\_\_  
Title \_\_\_\_\_  
Date \_\_\_\_\_

### **GOOD FAITH EFFORT**

Each contractor/subcontractor seeking to establish that a good faith effort, as required by Section 3 or the Housing and Urban Development Act of 1968, as amended, 12 USC, 1701u, has been made to fill all training positions with lower income area residents, and fill all employment positions identified in Section 4.4, paragraph B, subparagraphs (3) and (4) shall:

- A. Attempt to recruit from the appropriate areas the necessary number of lower income residents through local advertising media, signs placed at the proposed site and community organizations and public and private areas.
- B. Maintain a list of all lower income area residents who have applied either on their own, or on referral from any source, and employee such person if otherwise eligible and/or qualified and if a vacancy exists. If no vacancies exist, the eligible and/or qualifications of the applicant shall be considered and listed for the first available opening.
- C. Any contractor/subcontractor which fills vacant apprentice and trainee positions and/or employment positions, identified in sub-paragraph B above, but more specifically identified in Section 3 of the Housing and Urban Development Act of 1968, 12 USC, 1701u, Part 135, section 135.55, in their organization immediately prior to undertaking work pursuant to a Section 3 covered contract shall set forth evidence acceptable to HUD that its actions were not an attempt to circumvent these regulations.

### **AFFIRMATIVE ACTION PLAN**

- A. An Affirmative Action Plan pursuant to a Section 3 covered contract shall:
  - (1) Set forth the approximate number and estimated dollar value of contracts to be awarded to eligible businesses and entrepreneurs within each category over the duration of this contract.
  - (2) Ensure that the appropriate business concerns are notified of pending contractual opportunities either personally or through locally utilized media.

**COMPLETE THE FOLLOWING: "AFFIRMATIVE ACTION PLAN".**

**AFFIRMATIVE ACTION PLAN FOR UTILIZATION OF SECTION 3  
PROJECT BUSINESSES**

The Company shall utilize to the greatest extent feasible, business concerns located in the project area in contracting for work to be performed in connection with the completion of the contract. To this end the Company shall require the services of companies in the project area engaged in the business of (check appropriate)

- |  |  |
|--|--|
| <input type="checkbox"/> 1. Selling Bricks                     | <input type="checkbox"/> 8. Window Installations                   |
| <input type="checkbox"/> 2. Selling Lumber                     | <input type="checkbox"/> 9. Air Conditioning<br>Sales/Installation |
| <input type="checkbox"/> 3. Selling Cement, Sand and<br>Gravel | <input type="checkbox"/> 10. Floor Tile Sales/Installation         |
| <input type="checkbox"/> 4. Making Steel Cast                  | <input type="checkbox"/> 11. Door Sales/Installation               |
| <input type="checkbox"/> 5. Selling Electrical Supplies        | <input type="checkbox"/> 12. Landscaping                           |
| <input type="checkbox"/> 6. Selling Major Appliances           | <input type="checkbox"/> 13. Carpeting                             |
| <input type="checkbox"/> 7. Selling Plumbing Supplies          | <input type="checkbox"/> 14. Other: Specify                        |

Company \_\_\_\_\_  
Authorized Signature \_\_\_\_\_  
Title \_\_\_\_\_  
Date \_\_\_\_\_

**COMPLETE THE FOLLOWING: "SECTION 3 CERTIFICATION".**

**SECTION 3 CERTIFICATION**

\_\_\_\_\_ will abide by and initiate in all their  
Company

Subcontracts to the greatest extent feasible the requirements of Section 3  
of the Housing and Urban Development Act of 1968, 12 USC 1701u.

Authorized Signature \_\_\_\_\_  
Title \_\_\_\_\_  
Date \_\_\_\_\_

**COMPLETE THE FOLLOWING: "CERTIFICATION OF COMPLIANCE".**

**CERTIFICATION OF COMPLIANCE  
SECTION 3**

Certification of Compliance with Regulation to Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 USC, 1701u.

**PURPOSE, AUTHORITY AND RESPONSIBILITY**

Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 USC, 1701u, requires that to the greatest extent feasible, opportunities for training and employment in a Section 3 covered project be given to lower income residents in the project area and that contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in the project area.

\_\_\_\_\_ (company), upon being awarded the contract to \_\_\_\_\_ (project name) for The City of Altoona or subrecipient to the greatest extent feasible, make a good faith effort to train and employ lower income residents and shall make effort to utilize the services of businesses.

The Company has been informed by Frank R. Livoti, Labor Compliance Officer that the project area boundaries are the municipal limits of Altoona/Blair County.

Authorized Signature \_\_\_\_\_  
Title \_\_\_\_\_  
Date \_\_\_\_\_

**THE MINORITY/WOMEN'S BUSINESS ENTERPRISE PROGRAM IN CONNECTION WITH FEDERALLY FINANCED PROJECTS**

IN COMPLIANCE WITH EXECUTIVE ORDERS  
11625, 12432, 12138 AND 24 CFR 85.36(e)  
AFFIRMATIVE ACTION PLAN FOR UTILIZATION  
OF MINORITY/WOMEN'S BUSINESS

Project Name: \_\_\_\_\_

Contractor: \_\_\_\_\_

**CONTRACTING**

Prior to the signing of contracts, between the Sponsor/City and General Contractor, the General Contractor shall provide to the Sponsor/City a preliminary statement of Minority/Women's Business Utilization where, known or not known, such information shall be supplied prior to the signing of any contract between the General Contractor and Subcontractor(s), and forwarded to the Sponsor/City through the General Contractor.

**UTILIZATION OF BUSINESSES**

Each General Contractor/Subcontractor undertaking work on this HUD project shall assure that to the greatest extent feasible, contracts for work to be performed in connection with the project are awarded to minority/women's business concerns.

The General Contractor/Subcontractor shall, to the greatest extent feasible, utilize minority/women's business concerns for procurement (materials, supplies, services) to be performed in connection with this HUD project. To this end the General Contractor/Subcontractor projects a Utilization Goal of \$\_\_\_\_\_, (\_\_\_\_%).

**CATEGORY**

**GOAL ALLOCATION**

A. Minority/Women Contractors                      \$ \_\_\_\_\_

B. Minority/Women Procurement                      \$ \_\_\_\_\_

**GOOD FAITH EFFORT**

As part of the Contractor/Subcontractor’s good faith effort, the Contractor/Subcontractor will contact minority/women’s business referral agencies. This is to certify that \_\_\_\_\_ will abide by and initiate in all our contracts, to the greatest extent feasible, the requirements of Executive Orders 11625, 12432, 12138 and 24 CFR 85.36(e).

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

Provided is a vendor search of Minority/Women owned Businesses

## IMPORTANT NOTICE

**This is a Federally Financed Project involving Housing and Urban Development Funds with all Federal Requirements Applicable.**

**The awarding of this contract is conditional upon the proper completion of all the attached documents pertaining to the Labor Requirements listed below.**

**The attached documents must be completed before the contract will be executed by the City of Altoona.**

## LABOR REQUIREMENTS

**Davis-Bacon and Related Acts:** Ensures that mechanics and laborers employed in construction work under federally assisted contracts are paid wages and fringe benefits equal to those that prevail in the locality where the work is performed. This act also provides for the withholding of funds to ensure compliance, and excludes from the wage requirements apprentices enrolled in bona fide apprenticeship programs or which provides and exemption from the requirements to pay prevailing wage rates for volunteers. Also, the prevailing wage rates do not apply to member of an eligible family who provide labor in exchange for acquisition of a property for homeownership or provide labor in lieu of, or as a supplement to, rent payments.

**Regulatory Citations and References** - Title 1 of the Housing and Community Development Act of 1974, 24 CFR 92.354, Davis-Bacon Act (40 USC 276a-276a-5-7), 24 CFR Part 70 (Volunteers).

**Copeland (Anti-Kickback) Act (40 USC 276c):** Governs the deduction from paychecks that are allowable. Makes it a criminal offense to induce anyone on a Federally Assisted project to relinquish any compensation to which he/she entitled, and requires all contractors/subcontractors to submit weekly payrolls and statements of compliance.

**Work Hours and Safety Standards Act:** All contractors/subcontractors which involve the employment of mechanics or labors shall require compliance with section 103 and 107 of the Contract Work Hours and Safety Standards Act (40 USVC 327-330) as supplemented by the Department of Labor Regulations (29 CFR, Part 5). Under section 103 of the Act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard work day of 8 hours and a standard work week of 40 hours. Work in excess of a standard work day or week is permissible provided that the work is compensated at a rate of not less than 1 ½ times the basic rate of pay for all hours worked in excess of 8 hours in any calendar day or 40 hours in the work week. Section 107 of the Act is applicable to construction work and provides that no mechanic or laborer shall be required to work in hazardous, or dangerous to his/her health and safety as determined under construction, safety and health standards promulgated by the Secretary of Labor.

**Fair Labor Standards Act of 1938. As amended (29 USC 201, et. seq.):**

Establishes the basic minimum wage for all work and requires the payment of overtime at the rate of at least time and one-half. It also requires the payment of wages for the entire time that an employee is required or permitted to work, and establishes child labor standards.

**Use of debarred, suspended, or ineligible contractors or subrecipients:**

Federally Assisted projects may not directly or indirectly employ, award contracts to or otherwise engage the services of any contractor or subrecipient during any period of debarment, suspension or placement of ineligibility status. The Sponsor/City should check all contractors, subcontractors, lower-tier contractors and subrecipients against the Federal publication that lists debarred, suspended and ineligible contractors.

**COMPLETE THE FOLLOWING: “CONTRACTOR CERTIFICATION”.**

**CONTRACTOR'S CERTIFICATION**  
**Concerning Labor Standards and Prevailing Wage Requirements**

Company: \_\_\_\_\_

Date: \_\_\_\_\_

Phone: \_\_\_\_\_

Project Name: \_\_\_\_\_

Federal Tax ID Number: \_\_\_\_\_

Minority Business Enterprise:     Yes     No (If yes, please provide Certification)

Women's Business Enterprise     Yes     No (If yes, please provide Certification)

<u>RACE</u>	<u># NON- HISPANIC</u>	<u># HISPANIC</u>
<b>White</b>		
<b>Black/African American</b>		
<b>Asian</b>		
<b>American Indian/Alaskan Native</b>		
<b>Native Hawaiian/Other Pacific Islander</b>		
<b>American Indian/Alaskan Native &amp; White Asian &amp; White</b>		
<b>Black/African American &amp; White</b>		
<b>American Indian/Alaskan Native &amp; Black/African American</b>		
<b>Other: Multi-Racial</b>		

1. The undersigned, having executed a contract with the City of Altoona/Subrecipient for the construction of the above identified project, acknowledges that:
  - a. The Labor Standards Provision of the Contract for Construction are included in the aforesaid contract.
  - b. Correction of any infractions of the aforesaid conditions, including infractions by any of the Company's subcontractors and any lower tier subcontractors, is the Company's responsibility.
  
2. The Company certifies that:
  - a. Neither the Company nor any firm, corporation, partnership or association in which the Company has a substantial interest is designated as an ineligible contractor by the Comptroller General of the United States pursuant to Section 5.6(b) of the Regulations of the Secretary of

Labor, Part 5 (29 CFR, Part 5) or pursuant to Section 3(a) or the Davis-Bacon Act, as amended (40 USC, 276a-2(a)).

- b. No part of the aforementioned contract has been or will be subcontracted to any subcontractor if such subcontractor or any firm, corporation, partnership or association in which such subcontractor has a substantial interest is designated as an ineligible contractor pursuant of aforesaid regulatory or statutory provisions.
3. The Company agrees to obtain and forward to the aforementioned recipient within ten days after execution of any subcontractor, including those executed by the Company's subcontractors and any lower tier subcontractors, a Subcontractor's Certification Concerning Labor Standards and Prevailing Wage Requirements, executed by the subcontractor.
4. The Company certifies that:

*Warning: US Criminal Code, section 1010, Title 18, USC, provides in part:  
"Whoever...makes, passes, utters or publishes any statement, knowing the same to be false...shall be fined not more than \$5,000 or imprisoned not more than two years, or both".*

**CONTRACTOR'S CERTIFICATION**  
**Concerning Labor Standards and Prevailing Wage Requirements**

a. The legal name and business address of the undersigned are:

---



---



---

b. The undersigned is: (select one)

- A single proprietorship
- A partnership
- A corporation organized in the State of \_\_\_\_\_
- Other organization (Describe)

---



---

The name, title and address of the owner, partners or officers are:

<u>NAME</u>	<u>TITLE</u>	<u>ADDRESS</u>

The names, addresses of all other person, both natural and corporate, having a substantial interest in the undersigned, and the nature of the interest are:

- None***

<u>NAME</u>	<u>ADDRESS</u>	<u>NATURE OF INTEREST</u>

The names, addresses and trade classification of all other building construction contractors in which the undersigned has a substantial interest are:

- **None**

<u>NAME</u>	<u>ADDRESS</u>	<u>TRADE CLASSIFICATION</u>

Authorized Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

*Warning: US Criminal Code, section 1010, Title 18 USC, provides in part:  
“Whoever.... makes, passes, utters, or publishes any statement, knowing the same to be false.... shall be find not more than \$5,000 or imprisoned not more than two years or both”*

**CONTRACTOR'S CERTIFICATION**  
**Concerning Labor Standards and Prevailing Wage Requirements**

**ADDITIONAL WAGE CLASSIFICATIONS**

After review of the attached wage decision, please list any work classification that may be missing from the list of mechanics or labors. When specific classifications do not appear on the wage decision, the agency/company must work with the City's Labor Compliance Officer to obtain the addition of the classification(s) to the wage decision. The contractor must forward to the City the classification required noting the basic wage rate and fringe benefits, if any to be paid. The City will complete the additional classification request, form HUD-4230A, and submit to HUD. Once Department of Labor approval is received, the City will notify the contractor of DOL's decision and review the payroll to ensure no underpayments occurred.

<b>List Additional Classification</b>	<b>Wage Range</b>	<b>Fringe Benefit</b>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**NOTE:** Any additional wage rate/fringe benefit cannot be higher than any skilled rate on the wage decision and cannot be lower than the lowest skilled rate on the wage decision. Also, the wage decision will need to be updated 10 days prior to the bid opening. If not updated the correct wage decision will be utilized.

*Warning: US Criminal Code, section 1010, Title 18, USC, provides in part:  
"Whoever....makes, passes, utters or publishes any statement, knowing the same to be false...shall be fined not more than \$5,000 or imprisoned not more than two years, or both.*

**SUBCONTRACTOR'S CERTIFICATION**  
Concerning Labor Standards and Prevailing Wage Requirements

Company: \_\_\_\_\_

Date: \_\_\_\_\_

Phone: \_\_\_\_\_

Project Name: \_\_\_\_\_

Federal Tax ID Number: \_\_\_\_\_

Minority Business Enterprise: ( ) Yes ( ) No (if yes, please provide Certification)

Women's Business Enterprise: ( ) Yes ( ) No (if yes, please provide Certification)

<u>RACE</u>	<u># NON- HISPANIC</u>	<u># HISPANIC</u>
White		
Black/African American		
Asian		
American Indian/Alaskan Native		
Native Hawaiian/Other Pacific Islander		
American Indian/Alaskan Native & White Asian & White		
Black/African American & White		
American Indian/Alaskan Native & Black/African American		
Other: Multi-Racial		

1. The undersigned, having executed a contract with \_\_\_\_\_  
 (contractor or subcontractor) for

\_\_\_\_\_ (nature of work) in the amount of \$ \_\_\_\_\_ in  
 the construction of the above-identifies project, certifies that:

*Warning: US Criminal Code, section 1010, Title 18, USC, provides in part:  
 "Whoever....makes, passes, utters or publishes any statement, knowing the same to be  
 false...shall be fined not more than \$5,000 or imprisoned not more than two years, or  
 both.*

- a. The Labor Standards Provisions of the Contract for Construction are in the aforesaid contract.
  - b. Neither the Company nor any firm, corporation, partnership or association in which the Company has a substantial interest is designated as an ineligible contractor by the Comptroller General of the United States pursuant to Section 5.6(b) of the Regulations of the Secretary of Labor, Part 5 (29 CFR, Part 5) or pursuant of Section 3(a) of the Davis-Bacon Act, as amended (40 USC, 276a-2(a)).
  - c. No part of the aforementioned contract has been or will be subcontracted to any subcontractor if such subcontractor or any firm, corporation, partnership or association in which such subcontractor has a substantial interest is designated as an ineligible contractor pursuant of aforesaid regulatory or statutory provisions.
2. The subcontractor agrees to obtain and forward to the contractor, the transmittal to the recipient, within ten days after the execution of any lower subcontractor, a Subcontractor's Certification Concerning Labor Standards and Prevailing Wage Requirements, executed by the lower tier subcontractor, in duplicate.
    - a. The workers will report for duty on or about \_\_\_\_\_(date).
  3. The subcontractor certifies that:
    - a. The legal name and business address of the undersigned are:
   
\_\_\_\_\_
   
\_\_\_\_\_
   
\_\_\_\_\_
    - b. The undersigned is: (select one):
      - A single proprietorship
      - A partnership
      - A corporation organized in the State of \_\_\_\_\_
      - Other organization (Describe)  
\_\_\_\_\_
   
\_\_\_\_\_
   
\_\_\_\_\_

*Warning: US Criminal Code, section 1010, Title 18, USC, provides in part:  
 "Whoever....makes, passes, utters or publishes any statement, knowing the same to be false...shall be fined not more than \$5,000 or imprisoned not more than two years, or both.*

The name, titles and address of the owner(s), partner(s) or officers are:

<u>NAME</u>	<u>TITLE</u>	<u>ADDRESS</u>

The names, addresses of all other person, both natural and corporate, having a substantial interest in the undersigned, and the nature of the interest are:

- *None*

<u>NAME</u>	<u>ADDRESS</u>	<u>NATURE OF INTEREST</u>

The names, addresses and trade classification of all other building construction contractors in which the undersigned has a substantial interest are:

- *None*

<u>NAME</u>	<u>ADDRESS</u>	<u>TRADE CLASSIFICATION</u>

Company: \_\_\_\_\_

Authorized Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

*Warning: US Criminal Code, section 1010, Title 18, USC, provides in part:  
 "Whoever....makes, passes, utters or publishes any statement, knowing the same to be false...shall be fined not more than \$5,000 or imprisoned not more than two years, or both.*

**SUBCONTRACTOR'S CERTIFICATION**  
**Concerning Labor Standards and Prevailing Wage Requirements**

**ADDITIONAL WAGE CLASSIFICATIONS**

After review of the attached wage decision, please list any work classification that may be missing from the list of mechanics or labors. When specific classifications do not appear on the wage decision, the agency/company must work with the City's Labor Compliance Officer to obtain the addition of the classification(s) to the wage decision. The contractor must forward to the City the classification required noting the basic wage rate and fringe benefits, if any to be paid. The City will complete the additional classification request, form HUD-4230A, and submit to HUD. Once Department of Labor approval is received the City will notify the contractor of DOL's decision and review the payroll to ensure no underpayments occurred.

<b>List Additional Classification</b>	<b>Wage Rate</b>	<b>Fringe Benefit</b>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**NOTE;** Any additional wage rate/fringe benefit cannot be higher than any skilled rate on the wage decision and cannot be lower than the lowest skilled rate on the wage decision. Also, the wage decision will need to be updated 10 days prior to bid opening. If not updated the correct wage decision will be utilized.

## **RECIPIENT CERTIFICATION AND OTHER REQUIREMENTS**

All Title 1 recipients shall certify in the application process that they will assure compliance with Section 110 requirements. Section 570.303(e)(8) provides that “the applicant will administer and enforce the labor standards requirements set forth in Section 570.605 and HUD regulations issued to implement such requirements”.

Supplementing this basic certification are the following requirements:

- A. The recipient will designate appropriate staff to act on behalf of and for the recipient to ensure compliance with all applicable labor standards requirements and act in liaison with HUD, said staff to be named prior to the start on any construction activity, the name(s) of staff to be provided to HUD Area Office prior to the start of any construction.
- B. The recipient will inform all contractors and subcontractors performing federally funded contract construction work of all the requirements and obligations; and require them to sign necessary certifications as provided herein.
- C. The recipient, in accordance with Title 29 CFR, Part 5 will ensure the inclusion in all construction contract documents and bid specifications of applicable wage determinations and labor standards provisions, and will perform all duties pursuant to HUD instructions contained herein necessary and appropriate to the proper administration and enforcement of the Davis-Bacon and Related Acts.
- D. The recipient will maintain full documentation attesting to all administrative and enforcement activities with respect to Section 110 requirements, such documentation to be made freely available for HUD review. Such documentation shall include all weekly payrolls, the wage determination, requests for additional classification, any effective changes or modifications, on-site inspection reports and employee interviews, copies of correspondence, memoranda, apprentice registration records, and other records utilized in enforcement administration, wage restitution affected, and pre-construction conference records.

## **VERIFICATION OF CONTRACTOR ELEGIBILITY**

The recipient shall verify with the HUD Area Office the current eligibility status of all contractors and subcontractors to be used on any contract prior to award of contract. The HUD area Office will utilize the current Consolidated List of Persons or Firms Currently Debarred, Suspended, and Ineligible Contractors and Grantees for this purpose and the Comptroller General’s Consolidated Lists of Persons or Firms currently Debarred for Violations of Various Public Contracts Act Incorporating Labor Standards Provisions.

## **PRECONSTRUCTION CONFERENCE**

The recipient shall hold a conference with the principal contractor and all available subcontractors prior to the start of construction at which time all shall be apprised of their responsibilities and obligations regarding the Labor Standards provisions contained in the contract documents. Pertinent data as to the items discussed and attendees shall be documented. A report shall be prepared and retained in the recipient's files on each preconstruction conference. The report will contain:

- A. Project name, location and description.
- B. Name of contractor.
- C. Contract Amount.
- D. Date and Place of conference.
- E. Conference attendees.
- F. Summary of items covered.

## **PAYROLLS MUST BE OBTAINED AND EXAMINED PROMPTLY**

The recipient shall insist upon prompt 7 work day submission of all payrolls. The payrolls shall be examined upon receipt in order that any necessary corrective action may be initiated before the problem multiplies, and may be accomplished while the employees are still available. Special attention should be given to each project by the recipient during the early stages of construction in order to determine whether the principal contractor is meeting their responsibilities regarding payrolls. Payrolls must be retained for three years following completion of the project.

## **LABOR STANDARDS ENFORCEMENT FILE**

A "labor standards enforcement file" shall be established prior to construction for each construction project undertaken by a recipient subject of the labor standards provisions of Title I, such file(s) to be maintained by the appropriate staff designated by the recipient in accordance with paragraph 5a. The applicable wage determination, including effective modifications and additions, copies of correspondence, preconstruction conference report memoranda, and forms relating to the administration and enforcement of labor standards provisions shall be included. Additionally, payrolls and employee wage interviews shall be kept in related files. Notice of "Start of Construction" for any covered project and contract award date shall be sent by the recipient to the appropriate HUD Area Office and shall include information as to project name and location and the number of the applicable wage decision. "Start of Construction" means the beginning of initial site clearance and preparation, provided those activities are pursued diligently and are followed, without appreciable delay by other construction activities.

## **FIELD INSPECTIONS**

The recipient's project inspector should be apprised that the enforcement of labor standards provisions is in the same category as the other requirements of the contract specifications and that failure to comply with such labor standards requires adjustments by contractors and subcontractors and, in addition, may result in the imposition of serious sanctions and penalties. The inspector should also be aware that maintaining compliance during the course of construction is clearly advantageous in that it will save time, trouble and expense to both the contractor and the recipient (and HUD), as well as serve the interest of the public in the enforcement of these provisions of law.

## **EMPLOYEE INTERVIEWS**

Employee interviews shall be sufficient in number to establish the degree of accuracy of the records and the nature and extent of violations, if any. They shall also be representative of all classifications of employees on the project. Employees shall be encouraged to produce pay stubs or pay envelopes which document the wages received. The employee shall be informed that the information given is confidential and that his identity will be disclosed to the employer only with the employee's written permission, and that the employee is being interviewed by an employee of HUD or the recipient.

## **SANCTIONS**

The following sanctions are operable:

- A. Where the recipient's performance with respect to labor standards administration and enforcement is found to be not in conformance with the requirements of the Housing and Community Development Act of 1974 and applicable implementing regulations as contained in this document, the provisions of Section 570.913 of the Regulations are effective. Payments may be terminated, reduced, or otherwise limited.
- B. Violations of the Copeland Act by contractors could be the basis for termination of the contract and could result in criminal prosecution by the Federal Government pursuant to 18 USC 1001, 18 USC 1020, or 31 USC 231. The making of false statements is a felony.
- C. Violations of the Contract Work Hours and Safety Standards Act make the contractor and or subcontractor responsible and liable for unpaid wages and for liquidated damages to the United States in the sum of \$10.00 per person per day for each violation. Intentional violations are a Federal misdemeanor, punishable for each and every offense by a fine of not more than \$1,000.00 or by imprisonment for not more than 6 months, or both. Violations may also be grounds for termination of the contract.
- D. Violations of the Davis-Bacon Act may result in suspension of the project payment, advance or guarantee of funds until such time as the violations are discontinued or until sufficient funds are withheld to compensate employees for

the wages to which they are entitled. Violations may also result in contract termination, suspension, or debarment of the contractor or subcontractor.

- E. Debarment recommendations pursuant to 29 CFR, Part 5.6 shall be made by the appropriate HUD Area Office Director accompanied by substantiating material and forwarded to the Regional Administrator, Attention Labor Relations Officer for review. In turn, subject recommendation with comment shall be referred to the Assistant to the Secretary for Labor Relations for review and submission to the Department of Labor for appropriate action.

Frank R. Livoti  
Labor Compliance Officer  
City of Altoona  
1301 Twelfth Street, Suite 400  
Altoona, PA 16601

This form is to signify that the proper official of

---

(Company Name and Address)

has been present and understands all items discussed at the Preconstruction Conference on Labor Standards and has been given a copy of the applicable rates for:

---

(Project Name, Address and Number)

---

Date

---

Title

---

Signature

The Hourly Rate plus Fringe Benefit, if applicable, must be paid by the Contractor and Subcontractors to their employees as listed in the applicable wage decision. If Fringe Benefits are paid into an approved plan, a Fringe Benefit letter must be submitted stating the hourly breakdown for each Fringe Benefit and where these payments were paid.

## **Fact Sheet on Site of the Work**

### Davis-Bacon and Related Acts

Department of Labor Regulations, 29 CFR Part 5.2(1)

Site of the work is limited to the physical place or places where that construction called for in the contract remains after the work is completed, and other adjacent or virtually adjacent property used by the contractor that would be reasonable to include in the site of the work.

For example, if a small office building is being erected, the site will normally include no more than the building itself and its grounds. In the case of larger contracts, such as a long, continuous stretch of highway construction, the site of the work is more extensive and will include the entire stretch of highway in which the construction activity takes place.

Fabrication plants, mobile factories, batch plants, borrow pits, job headquarters, and tool yards are part of the site of the work if (1) they are dedicated exclusively or nearly so to the contract AND (2) are located adjacent or virtually adjacent to the actual construction location so that it would be reasonable to include them.

Not included in the site of the work are permanent home offices, branch plant establishments, fabrication plants, batch plants, tool yards, etc. of a contractor or subcontractor whose location and continuance in operation are determined without regard to a particular federal or federally-assisted project.

Also excluded from the site of the work are fabrication plants, batch plants, borrow pits, job headquarters, tool yards, etc. of a commercial supplier or material man which are established by a supplier of materials before the opening of bids for a project and are not located on the actual site of the work, even where such operations may be dedicated exclusively, or nearly so, to the performance of a contract for a period of time.

## **Fact Sheet on Truck Drivers**

### Davis-Bacon and Related Acts

Department of Labor Regulations 29 CFR Part 5.2(j)

Truck drivers are COVERED by Davis-Bacon labor standards provisions in the following circumstances:

Drivers of a contractor or subcontractor for the time spent working the site of the work.

Drivers of a contractor or subcontractor for the time spent loading and/or unloading materials and supplies on the site of the work.

Truck drivers transporting materials and supplies from a facility that is a part of the site of the work and the actual construction site.

Truck drivers are NOT COVERED in the following instances:

Drivers of an independent trucking firm, or material men hauling material to a Davis-Bacon job from a commercial supply facility which was not set up exclusively for the Davis-Bacon job or is not located adjacent or virtually adjacent to the site of the work.

Drivers of a contractor or subcontractor hauling materials to or from a Davis-Bacon job from a commercial facility when they are off the site of the work.

In addition, the Department of Labor has an enforcement position with the respect to bona fide owner-operators to trucks who are independent contractors (an owner operator is a person who owns and drives a truck). Certified payrolls including the names of such owner-operators do not need to show the hours worked or the rates paid, only the notation "owner-operator". This position does not apply to owner-operators of other equipment such as bulldozers, backhoes, cranes, etc.....

## CONFLICT OF INTEREST

- (a) Applicability. In the procurement of property and services by the City/ Subrecipients, the conflict-of-interest provisions in 24 CFR 85.36 and 24 CFR 84.42, respectively, apply. In all cases not governed by 24 CFR 85.36 and 24 CFR 84.42, the provisions of this section apply.
- (b) Conflicts prohibited. No persons described in paragraph (c) of this section who exercise or have exercised any function or responsibilities with respect to activities assisted with federal funds or who are in a position to participate in a decision-making process or gain inside information with regard to these activities, may obtain a financial interest or benefit from a federally-assisted activity, or have an interest in any contract, subcontract or agreement with respect thereto, or the proceeds thereunder, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter.
- (c) Persons covered. The conflict-of-interest provisions of paragraph (b) of this section apply to any person who is an employee, agent consultant, officer or elected official or appointed official of the City or Subrecipient which are receiving federal funds.
- (d) Exceptions: Threshold requirements. Upon the written request of the City or Subrecipient, HUD may grant an exception to the provisions of paragraph (b) of this section on a case-by-case basis when it determines that the exception will serve to further the purposes of the federal program and the effective and efficient administration of the City or Subrecipient's project. An exception may be considered only after the City or Subrecipient has provided the following:
  - (1) A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of conflict and a description of how the public disclosure was made; and
  - (2) An opinion of the City or Subrecipient's attorney that the interest for which the exception is sought would not violate State or local law.
- (e) Factors to be considered for exceptions. In determining whether to grant a requested exception after the City or Subrecipient has satisfactorily met the requirements of paragraph (d) of this section, HUD will consider the cumulative effect of the following factors, where applicable:
  - (1) Whether the exception would provide a significant cost benefit or an essential degree of expertise the program or project which would otherwise not be available;
  - (2) Whether the person affected is a member of a group or class of low-income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class;

- (3) Whether the affected person has withdrawn for his/her functions or responsibilities, or the decision-making process with respect to the specific assisted activity in question;
- (4) Whether the interest or benefit was present before the affected person was in a position as described in paragraph (c) of this section.
- (5) Whether undue hardship will result either to the recipient or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and
- (6) Any other relevant considerations.

## **ENVIRONMENTAL STANDARDS**

Section 104(g) expresses the intent that “the policies of the National Environmental Policy Act of 1969 and other provisions of law which further the purposes of such Act (as specified in regulations issued by the Secretary)...be most effectively implemented in connection with the expenditure of funds under the Act”. Such other provisions of law which further the purposes of the National Environmental Policy act of 1969 are specified in regulations issued pursuant to section 104(g) of the Act and contained in 24 CFR Part 58. Section 104 (g) also provides that, in lieu of the environmental protection procedures otherwise applicable, the Secretary may under regulations provide for the release of funds for particular projects to grantees who assume all of the responsibilities for environmental review, decision making, and action pursuant to the National Environmental Policy Act of 1969, and the other provisions of law specified by the Secretary as described above, that would apply to the Secretary were he/she to undertake such projects as Federal projects. The City assumes such environmental review, decision making, and action responsibilities by execution of grant agreements with the Secretary. The procedures for carrying out such environmental responsibilities are contained in 24 CFR Part 58.

## **NATIONAL FLOOD INSURANCE PROGRAM**

Section 202 (a) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4106) provides that no Federal Officer or agency shall approve any financial assistance for acquisition or construction purposes (as defined under Section 3(a) of said Act (42 U.S.C. 400(a), one year after a community has been formally notified of this identification as a community containing an area of special flood hazard, for use in any area that has been identified by the Director of the Federal Emergency Management Agency as an area having special flood hazards unless the community in which, such area is situated is then participating in the National Flood Insurance Program. Notwithstanding the date of HUD approval of the recipient’s application (or, in the case of grants made under Subpart D), the date of submission of the grantee’s final statement pursuant to 570.302, funds provided under this part shall not be expended for acquisition or construction purposes in an area that has been identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards unless the community in which the area is situated is participating in National Flood Insurance Program in accordance with 44 CFR Parts 59-79, or less than a year has passed since FEMA notification to the community regarding such hazards; and flood insurance is obtained in accordance with section 102(a) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001).

## **EXECUTIVE ORDER 12372**

Executive Order 12372, Intergovernmental Review of Federal Programs, and the Department’s implementing regulations at 24 CFR Part 52, allow each State to establish

its own process for review and comment on proposed Federal financial assistance programs.

Executive Order 12372 applies to the CDBG Entitlement Program. The Executive Order applies to the Entitlement Program only where the City proposes to use funds for the planning and construction (reconstruction or installation) of water or sewer facilities. Such facilities include storm sewers as well as all sanitary sewers, but do not include water and sewer lines connecting a structure to the lines in the public right-of-way or easement. It is the responsibility of the City to initiate the Executive Order review process if it proposes to use its CDBG funds for activities subject to review.

### **LEAD BASED PAINT POISONING ACT OF 1971 (42 U.S.C. 4821 et. seq.)**

The regulations issued under sections 1012 and 1013 of the Residential Lead-Based paint Hazard Reduction Act of 1992, which is Title X (“ten”) of the Housing and Community Development Act of 1992 shall apply. Section 1012 and 1013 of Title X amended the Lead-Based Paint Poisoning Prevention Act of 1971, which is the basic law covering lead-based paint in federally assisted housing. The regulation appears within Title 24 of the Code of Federal Regulations as part 35 (24 CFR 35).

### **RELOCATION, REAL PROPERTY ACQUISITION AND NONE-FOR-ONE HOUSING REPLACEMENT**

The recipient agrees to comply with (a) the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA), and implementing regulations at 49 CFR Part 24 and 24 CFR 570.606(b); (b) the requirement of 24 CFR 570.606(c) governing the Residential Anti displacement and Relocation Assistance Plan under section 104(d) of the HCD Act; and (c) the requirements in Subpart 570.606(d) governing optional relocation policies. The recipient shall provide relocation assistance to persons (families, individuals, businesses, nonprofit organization, and farms) that are displaced as a direct result of acquisition, rehabilitation, demolition or conversion of a HOME-assisted project. The recipient also agrees to comply with applicable City ordinances, resolutions and policies concerning the displacement of persons from their residences.

## PRECONSTRUCTION CONFERENCE SUBJECT MATTER

The contractor is fully responsible for themselves and all subcontractors. Each should receive a copy of the preconstruction conference subject matter. Also, a weekly list of all the contractors and subcontractors who perform on the project during the week must be submitted.

The Secretary of Labor's Wage Decision will apply to this project. A copy of this decision and poster WH 1321 must be placed in a prominent location protected from the weather.

The prime contractor is responsible for the review of all submitted payrolls; we will only spot check materials submitted to us. A summary of the required documentation which must be submitted by the prime contractor(s) and all subcontractors is enclosed.

- 1. Fringe Benefits:** wages paid must equal the minimum basic hourly wage plus fringe benefits, if any, listed in the wage schedule of the applicable wage decision. If fringe benefits are paid into an approved fund, a fringe benefit letter must be submitted along with the initial payroll (unless previously submitted) stating the hourly amount paid for each fringe benefit and where the payments are made. All fringe benefits must be paid promptly. If fringe benefits are not paid into an approved fund, then the minimum basic hourly wage plus all the fringe benefits amounts listed for that particular trade become the basic hourly wage. The fringe benefit payment method must be indicated on the compliance statement (reverse side of payroll form WH-347).
- 2. Payroll form WH-347:** Employees shall be listed on the certified payroll form by full name, address and social security number. An apprenticeship agreement will be needed for all entered as an apprenticeship.

Employees' waivers of basic wages, fringe benefits and overtime pay to which they are entitled will not be recognized.

All payrolls must be submitted to this office through the Owner/Architect/Engineer/Prime Contractor within seven days following the end of the pay period. Workers are to be paid once a week. The first payroll should be marked Initial and the last should be marked Final.

Payrolls must be signed in ink. Stamped or initialed signatures will not be accepted. Written authorizations to sign payrolls for persons other than owners or partners must be submitted to this office.

All hours over 40 in a week must be paid at no less than one and one-half times the regular hourly wage rate plus the straight-time rate of any required fringe benefits

Payrolls must be submitted by every subcontractor (excluding suppliers of materials only) regardless of their contract amount.

All mechanics and laborers employed or working on the site of the work who are engaged in construction activities are considered to be covered by Davis-Bacon and Related Acts. Cleaning personnel used prior to the cut-off date are also covered.

- 3. Apprentices:** Apprentices may be employed only if they are registered prior to employment on the project with the U.S. Department of Labor Bureau of Apprenticeship and Training of the State Apprenticeship and Training Council. A copy of the apprenticeship's agreement must be submitted the first time he/she is reported on the payroll. The apprentice to journeyman ratio established by the program must be followed at all times. Further, an apprentice must be supervised by and work with a journeyman at all times.
- 4. Additional Classifications:** Additional classifications may be obtained when a classification of work cannot be conformably reclassified with a rate already issued in the applicable decision. Additional classifications must be obtained through this office from the Department of Labor.
- 5. Split Classifications:** A laborer or mechanic performing work in more than one classification must be paid not less than the predetermined rate for the actual hours in each classification, provided that the time records are kept in accordance with the actual hours spent in each classification. Work which is normally performed as part mechanic's craft is not separable (e.g., a carpenter who in the course of his work moves boards from a stockpile or truck to the place where they are to be used is performing work incidental to his craft and such work is not separable from his craft work for pay purposes).
- 6. Violations:** In cases of underpayment of salaries or wages to any laborers or mechanic (including apprentices and trainees) by the owner or any of his/her contractors and subcontractors, the owner shall be required to escrow an amount sufficient to pay the difference between the salaries or wages actually paid for the total number of hours worked, as determined by HUD. The amount held in escrow may be disbursed by HUD on behalf of the owner or contractors to underpaid employees. Escrow accounts will be established using a wire transfer system (FEDWIRE). Instructions will be provided if this procedure becomes necessary.

In the event of any violation of the Contract Work Hours and Safety Standards Act, the owner and responsible subcontractor shall be liable to any affected employee for unpaid wages. In addition, the owner and subcontractor shall be liable to the United States for Liquidated damages which shall be computed in the sum of \$10 for each violation.

Failure to satisfy all outstanding labor violations by project completion will result in HUD's refusal to execute the Housing Assistance Payment Contract in the case of a Section 8 assisted project. In the case of an insured, unassisted project, HUD will direct the mortgagee to establish an escrow.

- 7. Miscellaneous:** No one under the age of sixteen or imprisoned under hard labor is permitted work on this project. Drinking and sanitary facilities must be provided.

The department encourages the owner, general contractor, subcontractors and any other development team members involved with this project to award contracts to minority business and women owned businesses for work to be performed in connection with this project, and for supplies and materials used during the construction of this project.

If anyone should have any questions pertaining to this subject matter, please call me at (814) 949-2474.

Sincerely,

Frank R. Livoti,  
Labor Compliance Officer

Enclosures