



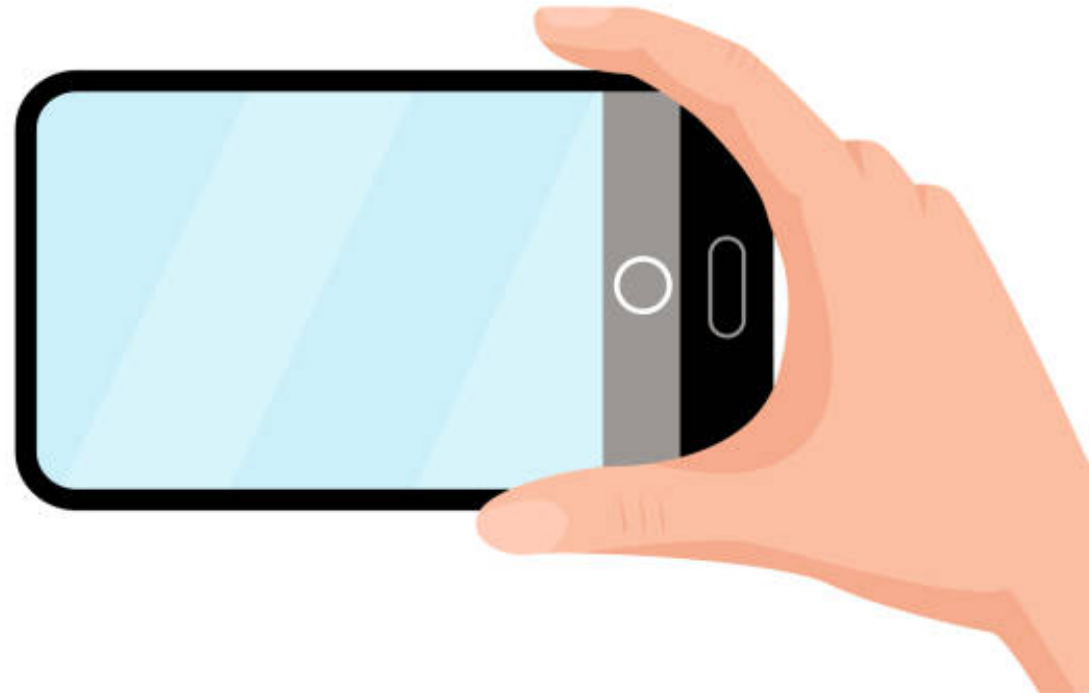
Compliance Requirements

Section 3 & Procurement

Brittney Hickom

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Section 3



Jobs



Training



Contracts

“ To ensure that the employment and other economic opportunities generated by Federal financial assistance for housing and community development programs shall, to the greatest extent feasible, be directed toward low- and very low-income persons ”

Section 3 of the Housing and Urban Development Act of 1968

provided under section 8 of the 1937 Act (42 U.S.C. 1437f) pursuant to 24 CFR part 882, subpart G.

Service area means the geographical area in which the persons benefitting from the section 3 covered project reside. The service area shall not extend beyond the unit of general local government in which the section 3 covered assistance is expended. In HUD's Indian housing programs, the service area, for IHAs established by an Indian tribe as a result of the exercise of the tribe's sovereign power, is limited to the area of tribal jurisdiction.

Subcontractor means any entity (other than a person who is an employee of the contractor) which has a contract with a contractor to undertake a portion of the contractor's obligation for the performance of work

section 3 shall include a provision in the NOFA that notifies applicants that section 3 and the regulations in part 135 are applicable to funding awards made under the NOFA. Additionally the NOFA shall require as an application submission requirement (which may be specified in the NOFA or application kit) a certification by the applicant that the applicant will comply with the regulations in part 135. (For PHAs, this requirement will be met where a PHA Resolution in Support of the Application is submitted.) With respect to application evaluation, HUD will accept an applicant's certification unless there is evidence substantially challenging the certification.

(b) *Statement of purpose in NOFAs.* (1) For competitively awarded assistance

Law is supported by regulation.

Legacy Projects

Final Rule Timeline

Legacy Projects: Contracts executed or project for which assistance or funds were committed prior to November 30, 2020.

Requirement:

- Adhere to the old rule (24 CFR Part 135)
- Expected maintain records but will no longer be required to report Section 3 compliance to HUD SPEARS

Transition Period

Final Rule Timeline

Transition Period: Projects for which assistance or funds are committed between November 30, 2020, and July 1, 2021.

Requirement:

- Adhere to requirements of the new Final Rule (Part 75)
- Expected to maintain records but will not be required to report HUD on the 24 CFR Part 75 requirements

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Which types of project do Section 3 requirements apply?



- Housing Rehabilitation
- Housing Construction
- Public Construction
- All of the Above



Applicability



Section 3 requirements apply to **all** housing rehabilitation, housing construction or other public construction projects

- Threshold is met if the total amount of CDBG assistance exceeds \$200,000
- Applies to an entire Section 3 project, regardless of whether the project is fully or partially assisted under HUD programs that provide housing and community development financial assistance.

A Project is defined as a site or sites together with any building(s) and improvements located on the site(s) that are under common ownership, management, and financing.

Procedures promoting outreach to Section 3 workers & Business Concerns

When *hiring, contracting or job training opportunities* arise in connection with housing rehabilitation, housing construction or other public construction.

- **Recruitment of Section 3 Workers & Business Concerns**

Definitions

Section 3 Worker §75.5

- Any worker who currently fits or when hired within the past five years fit at least one of the following criteria:
 - Low- or very low-income, as established by HUD's income limits;
 - Employed by a Section 3 business concern
 - YouthBuild participant

Targeted Section 3 Worker (§75.21)

- Worker employed by a Section 3 business concern
- low and very low-income workers residing within **neighborhood or service area of the project**
 - Neighborhood service area – one-mile radius of project site, or if fewer than 5,000 people, radius on project containing 5,000 people.
- YouthBuild participants

Service Area as Defined in 24 CFR 75.5

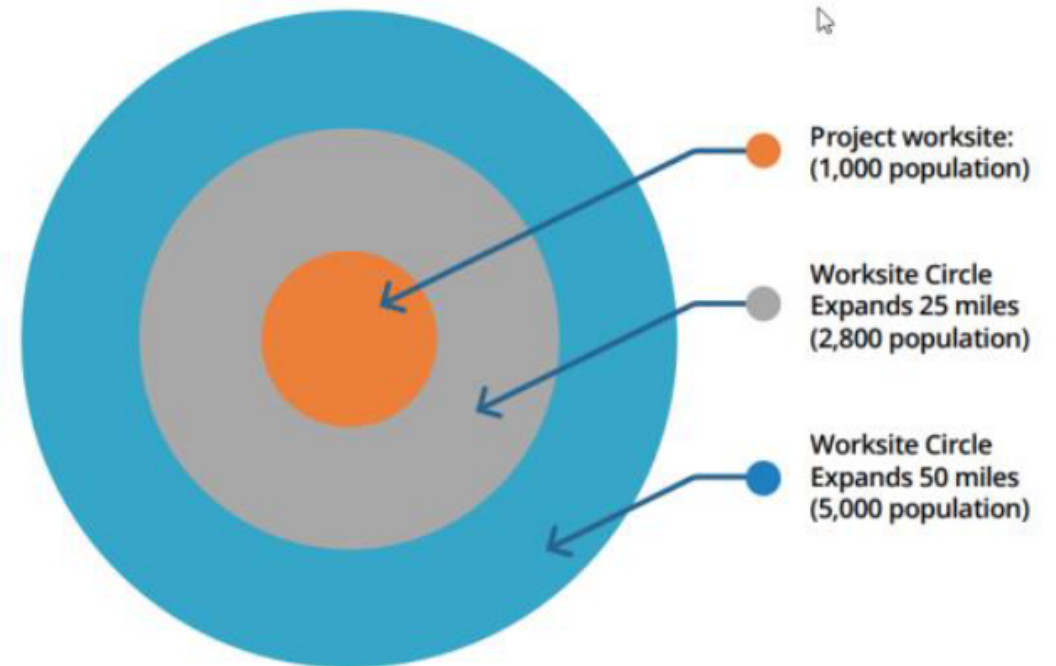
A. *Service Area* = an area within one mile of the Section 3 project

OR

B. If < 5,000 people live within one mile of Section 3 project,

Then, *Service Area* = an area within a circle centered around the Section 3 project site that encompasses 5,000 people.

*According to the most recent U.S. Census



Definitions

Section 3 Business Concern (meets criteria within the past 6 months)

1. 51% or more owned by low- or very low-income persons

OR

2. 75% or more labor hours are performed by Section 3 workers who are low or very low-income persons or YouthBuild participants

OR

3. 51% or more owned by current residents of public housing

Benchmarks

Safe Harbor §75.23

Certify met or exceeded two benchmarks and considered in compliance

Initial Section 3 Benchmarks:

- 25% of total labor hours worked by Section 3 workers
- 5% of total labor hours worked by “Targeted Section 3 workers”

Benchmarks set by separate Federal Register notice

- Will be updated periodically and can be found by visiting:

<https://www.federalregister.gov/documents/2020/09/29/2020-19183/section-3-benchmarks-for-creating-economic-opportunities-for-low--and-very-low-income-persons-and>

How are benchmarks achieved?

- ✓ Outreach to Section 3 workers and businesses
- ✓ Documentation of Outreach
- ✓ Give a Preference in hiring and contracting to Section 3 workers and businesses

Recipient Responsibilities

Employment & Training

- Ensure employment and training opportunities arising in connection with Section 3 projects are provided to Section 3 workers within the metropolitan area (or nonmetropolitan county) where project is located
- Priority of opportunities
 - Section 3 workers residing within the service area or the neighborhood of the project, and
 - Participants in YouthBuild programs.

Contracting

- Ensure contracts for work awarded in connection with Section 3 projects are provided to business concerns that provide economic opportunities to Section 3 workers residing within the metropolitan area (or nonmetropolitan county) in which the project is located.
- Priority of contracts awarded
 - Section 3 business concerns that provide economic opportunities to Section 3 workers residing within the service area or the neighborhood of the project, and
 - Youthbuild programs.

Document actions taken to comply

Reporting

Recipients also must implement at least one (1) of the following actions:

- ❖ Facilitating an opportunity fair annually for contractors to meet interested low-income & very-low-income residents for possible employment.
- ❖ When employment opportunities arise or are anticipated, posting all job sites funded by DCA with a location or phone number of whom and how to apply for any opportunities for employment, training or contracting. The sign should be no smaller than 24” x 24” in Black ink and specifically read:

“This project is covered under Section 3 of the HUD Act of 1968 which requires that any new hiring opportunities first be directed to low- and very low-income persons in this community. Please contact (list the contact person name and number) for information on any employment, contracting and sub-contracting opportunities.”

Operating Procedures

- Post positions in at least three community sources
 - local community newspaper; widely distributed newspaper; local housing authority, or homeless agency, or/local low-income housing community; local workforce board; the local DFCS office; and the local GA Public Health County office
- Use of temporary agencies
 - Placements must self-certify and be offered Preference
- Post contracting opportunities in at least three community sources
- Contractor must convey history of compliance
- Contract language regarding compliance for those that claim a Preference
 - Preference must be maintained or subject to penalties
 - Contractors may be banned from future participation

Solicitation Package

Section 3 Self-Certification and Action Plan

- Allows a contractor to claim preference or
- Allows a contractor to decline preference

Previous Section 3 Compliance Certification

- Allows a contractor to certify compliance on previous work

Assurance of Compliance Certification/Action Plan

- List subcontractors (if known)
- List of workforce
 - Changes will constitute NEW hires
 - Provides “Before and After” picture for compliance documentation
 - Provides record keeping requirements

Self-Certifications – Business & Resident



Solicitation Package

- Contract award exceeding \$200,000 & Claiming Preference
 - Section 3 Self-Certification and Action Plan and the Section 3 Business Concern Self Certification portions at time of BID
- Contract award exceeding \$200,000
 - Entire package completed and submitted prior to AWARD
- Contract award less than \$200,000
 - Package is made available and submitted prior to AWARD
 - If claiming a preference
 - Section 3 Self-Certification and Action Plan and the Section 3 Business Concern Self Certification portions at time of BID/PROPOSAL

Reporting Requirements

QUARTERLY EXPENDITURES AND PROGRESS REPORT

Section 3 – Labor Hours - Please enter unreported hours. If submitting the 2nd Quarter report (ending 6/30) enter the cumulative hours as well. The cumulative reporting period is 7/01 - 6/30.

	Quarterly Hours	Annual Report - Quarter ending 6/30
Total Labor Hours	<input type="text"/>	<input type="text"/>
Section 3 Target Worker	<input type="text"/>	<input type="text"/>
Section 3 Worker Hours	<input type="text"/>	<input type="text"/>

A Section 3 Target Worker is: Employed by a Section 3 business concern, OR Living within the service area or the neighborhood of the project, as defined in 24 CFR 75.5, OR a YouthBuild Participant.

A section 3 worker is: A low or very low-income worker, OR employed by a Section 3 business concern, OR a YouthBuild participant.

Please enter unreported hours. If submitting the 2nd Quarter report (ending 6/30) enter the cumulative hours as well. The annual reporting period is 7/01 - 6/30.

- **Reporting of labor hours**
- (i) The total number of labor hours worked;
- (ii) The total number of labor hours worked by Section 3 workers; and
- (iii) The total number of labor hours worked by Targeted Section 3 workers.
- Section 3 workers' and Targeted Section 3 workers' labor hours may be counted for five years from when their status as a Section 3 worker or Targeted Section 3 worker is established pursuant to § 75.31

Qualitative Reporting §75.25(b)

QUARTERLY EXPENDITURES AND PROGRESS REPORT

Section 3 – Efforts

Please indicate which efforts the Recipient has executed to recruit or provide training and opportunities to Section 3 Businesses and Workers by checking all that apply.	
<input type="checkbox"/>	Outreach efforts to generate job applicants who are CDBG Funded workers
<input type="checkbox"/>	Direct, on-the-job training (including apprenticeships)
<input type="checkbox"/>	Indirect training such as arranging for, or paying tuition for, off-site training
<input type="checkbox"/>	Technical assistance to help Section 3 workers compete for jobs (e.g., resume assistance, coaching)
<input type="checkbox"/>	Outreach efforts to identify and secure bids from Section 3 business concerns
<input type="checkbox"/>	Technical assistance to help Section 3 business concerns understand and bid on contracts
<input type="checkbox"/>	Division of contracts into smaller jobs to facilitate participation by Section 3 business concerns
<input type="checkbox"/>	Provided or connected residents with assistance in seeking employment including; drafting resumes, finding job opportunities, connecting residents to job placement services.
<input type="checkbox"/>	Held one or more job fairs
<input type="checkbox"/>	Provided or connected residents with supportive services that can provide direct services or referral services
<input type="checkbox"/>	Provided or connected residents with supportive services that provide one or more of the following: work readiness health screenings, interview clothing, uniforms, test fees, transportation
<input type="checkbox"/>	Assisted residents with finding childcare
<input type="checkbox"/>	Assisted residents to apply for/ or attend community college or a four-year educational institution
<input type="checkbox"/>	Assisted residents to apply for/ or attend vocational/technical training
<input type="checkbox"/>	Assisted residents to obtain financial literacy training and/or coaching
<input type="checkbox"/>	Bonding assistance, guaranties, or other efforts to support viable bids from Section 3 business concerns
<input type="checkbox"/>	Provided or connected residents with training on computer use or online technologies
<input type="checkbox"/>	Other, specify: _____

If unable to meet goals, must describe efforts taken to meet

Examples include:

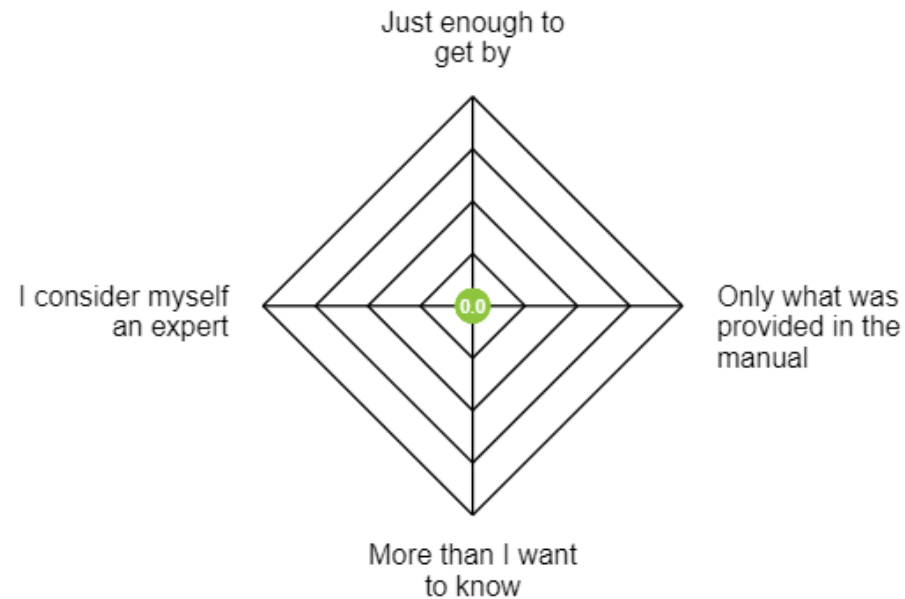
- Held job fairs
- Conducted on-the job training
- Outreach efforts to public housing residents
- Connected residents with supportive services
- Helped residence apply for technical training
- Provided technical assistance to Section 3 Businesses

Resources

- Section 3 Solicitation Package: <https://www.dca.ga.gov/node/6088> & Appendix 2
- New Rule FAQs: <https://www.hud.gov/sites/documents/11SECFAQS.PDF>
- Section 3 New Rule: [Federal Register](#)
- HUD's Website: <https://www.hud.gov/section3>
- Income Limits: <https://www.huduser.gov/portal/datasets/il.html>

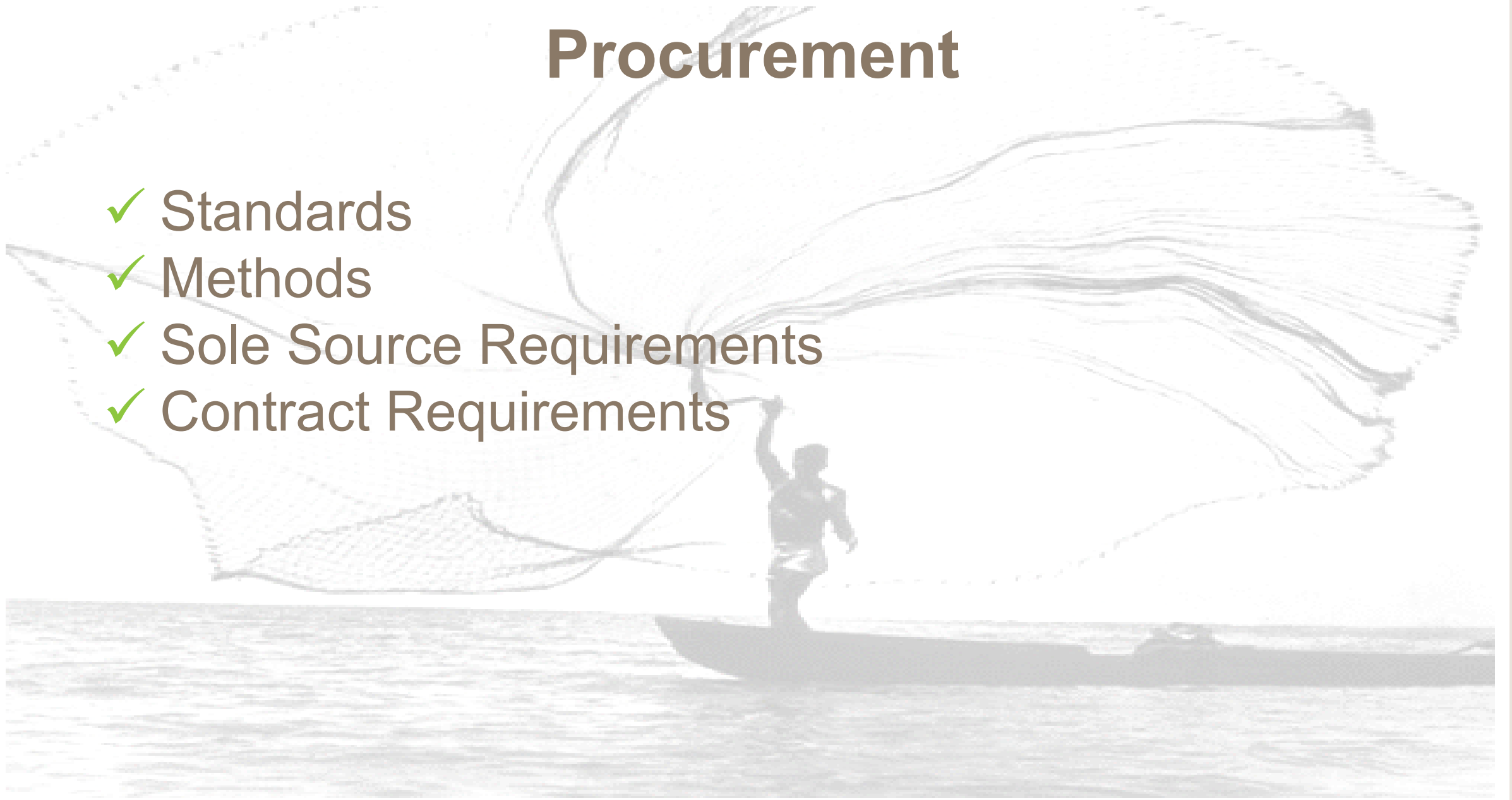
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How much do you know about procurement?



Procurement

- ✓ Standards
- ✓ Methods
- ✓ Sole Source Requirements
- ✓ Contract Requirements



Procurement Standards

DCA's procurement policies and procedures implement the requirements of 24 CFR 570.489 (g), which says the State shall establish requirements for procurement policies and procedures for units of general local government, based on full and open competition.

- Identification of Methods of Procurement and their applicability
- Prohibition of cost plus a percentage of cost
- Assurance that all purchase orders and contracts include any clauses required by Federal statutes, Executive orders, and implementing regulations
- Subrecipient and contractor determinations shall be made in accordance with the standards in 2 CFR 200.330.

Procurement transactions will be provided in a manner providing full & open competition

Avoid:

- ✘ Unreasonable requirements
- ✘ Noncompetitive pricing practices
- ✘ Noncompetitive awards to consultants that are on retainer contracts
- ✘ Organizational conflicts of interest
- ✘ Specifying only a brand name product
- ✘ Any arbitrary action in the procurement process



Procurement Standards

Documented Conflict of Interest Policy, which states:

No employee, officer, or agent...

“May participate in the selection, award, or administration of a contract supported by a Federal award if a real or apparent conflict of interest is present.”

Prohibited Conflicts

Persons with CDBG responsibilities, decision-making power or information may **NOT:**

- Obtain a financial interest or benefit from CDBG activity
- Have any interest in contract or subcontract
 - Applies to family members and business ties
 - Applies during tenure and 1 year after

Example: Grant Administrator cannot assist grantee with drafting statements of work or RFPs for grant administration if they intend to submit proposal.

- May explain process, discuss instructions/process publicly available on DCA website

Standards – Selection Procedures

- ✓ Accurate description of the technical requirements for material, product, or service without restricting competition
- ✓ Clear requirements and evaluation factors
- ✓ The review of proposed procurement actions by Recipient officials to avoid purchasing unnecessary or duplicative items.
- ✓ A cost or price analysis for every procurement action
- ✓ Consideration of contractor integrity, compliance with public policy, record of past performance, and financial and technical resources in the selection process

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Which type of procurement does not belong?



- Small Purchase
- Competitive Proposals
- Construction Management - at-risk
- Competitive Sealed Bids
- Sole Source



Methods of Procurement

- **Small purchase:** Procurements under \$100,000 (if allowed by local policy).
 - Require that price or rate quotations be obtained at least three (3) sources.
 - Not appropriate for procurement of administrative or professional services
- **Competitive Proposals:** Professional Services
- **Competitive Sealed Bids:** Public Works Construction
- **Sole Source:** Requires DCA Approval
 - The item or service is available from only one source;
 - Urgent public need will not allow for the delay caused by advertising;
 - Although a number of bids were solicited, only one response was received.

Competitive Negotiation

Method of procurement for Professional Services using publicized RFPs or RFQs

- Private grant writers/administrators
- Engineers and Architects
- Not applicable if contracting with Regional Commissions

Maintain Complete Records

- RFP
- Proof of Publication
- Distribution List
- Copies of Proposals Received
- Scoring Sheets
- Meeting Minutes – Council/Board Approval
- Executed Contracts
- Correspondence with Section 3 businesses

Competitive Sealed Bid

DCA, under the authority of 24 CFR 570.489(g), has adopted Title 36, Chapter 91 of the Official Code of Georgia, Georgia Public Works Construction Law

- Traditional design–bid–construct method
- Alternative methods require DCA approval
- Advertising Requirements (including Section 3)
- **Contract opportunity must be posted in the governing authority's office**
- Contract opportunity must be advertised in either the legal organ of the government, or on an Internet website of the government entity or one identified by the entity
- Place on Georgia's Procurement Registry, (HB 322)

Competitive Sealed Bid – Advertising Requirements

- If advertised in newspaper, opportunity must be advertised at least two times:
 - The first advertisement must be at least 4 weeks prior to the bid opening date; and
 - The second advertisement must follow at least 2 weeks after the first advertisement
- Advertisements placed on an Internet website should run continuously for at least four weeks.
- Each advertisement shall include such details and specifications as will enable the public to know the extent and character of the bid or proposal opportunity

Section 3 Advertising Requirements

Construction Contract Opportunities must be posted in at least

3 locations

GPR, your website, Dodge Room, newspaper, DOL, DFCS

[Section 3 Policy](#)
(page 11)

Section 3 Business Resource
[GovDelivery](#)

All ads must include this Section 3 language: “This is a Section 3 Covered Contract. Section 3 Business Concerns are encouraged to apply.”

Competitive Sealed Bid- Bonding Requirements

State requirements (contracts \$100,000+):

- A performance bond from contractors executed in connection with each contract.
- A payment bond on the part of the contractor for 100% of the contract price.

Federal requirements (contracts \$100,000+):

- A bid guarantee from each bidder equal to 5% of the bid price.
- A performance bond from contractors for 100% of the contract shall be executed in connection with each contract.
- A payment bond on the part of the contractor for 100% of the contract price.

DCA requirements:

- adequate contractor's liability insurance from all contractors
 - \$25,000 property and \$50,000 bodily injury coverage

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What are the Sole Source submission requirements for DCA's approval?

Waiting for responses ...



Sole Source Requests

- Chief Elected or Authorized Official's request letter
- Description of Procurement Methodology
- Tear Sheet of the Bid Advertisement or RFP/RFQ
- Local Government's Attorney Opinion
- Sealed Bid Procurements
 - Local Government's Engineer/Architect states that the one bid response's prices were reasonable and appropriate based on independent cost estimates.
- Professional Services Procurement
 - list of the active, qualified consultants or engineers/architects that were mailed the RFPs/RFQs (7 for grant administrators and 10 for engineers/architects)
 - certified return receipt documentation or adequate email documentation

Section 3 Solicitation package is completed & submitted to Recipient prior to award for contracts \$200,000+

<input type="checkbox"/> Contractor/Subcontractor Affidavit	(Compliance with OCGA 13-10-91) Applicable to All Contracts and Subcontracts					
<input type="checkbox"/> Section 3 Clause	All Contracts					
<input type="checkbox"/> Provision for Remedies	All Contracts					
	ARCHITECTURAL & ENGINEERING SERVICES	HOUSING REHAB		CONSTRUCTION CONTRA		
		<input type="checkbox"/> Less than 8 Units	<input type="checkbox"/> 8 or More Units	<input type="checkbox"/> Over \$100,000	<input type="checkbox"/> Over \$40,000	<input type="checkbox"/> Over \$10,000
<input type="checkbox"/> Provision for termination	✓ If over \$10,000	✓ If over \$10,000	✓ If over \$10,000	✓	✓	✓
Executive Orders 11246/11375						
<input type="checkbox"/> EEO Clause				✓	✓	✓
<input type="checkbox"/> EEO Specifications				✓	✓	✓
<input type="checkbox"/> Affirmative Action				✓	✓	✓
<input type="checkbox"/> Non-Segregated Facilities				✓	✓	✓
Federal Labor Standards						
<input type="checkbox"/> Copeland Anti-Kickback			✓	✓	✓	✓
<input type="checkbox"/> Davis-Bacon Clause			✓	✓	✓	✓
<input type="checkbox"/> Wage Rate from DCA			✓	✓	✓	✓
<input type="checkbox"/> Work Hours & Safety			✓ If over \$10,000	✓		
<input type="checkbox"/> Performance Bonds				✓	✓	
<input type="checkbox"/> 5% Bid Bond				✓		
<input type="checkbox"/> Clean Air/ Water Clause				✓		
<input type="checkbox"/> Provision for Disability Accessibility (if a bldg.)	✓					
<input type="checkbox"/> Provision for GA Energy Code (if a bldg.)	✓					

Build America, Buy American (BABA)

Demonstrating Compliance

- Recipients will ensure the products delivered to the construction site are accompanied by proper documentation that demonstrate compliance with the law and made available to the funding authority upon request.
- Signed certification letter from the manufacturer for the project is the most direct and effective form of compliance documentation for ensuring products used on site are BABA-compliant prior to their installation
- Basic elements of sufficient documentation:
 - Project name, project location, contract number, or project number
 - Description of product(s) (simple explanation sufficient to identify the product(s)), or an attached purchase order, invoice, or bill of lading.
 - Attestation statement referencing Infrastructure Investment and Jobs Act (“IIJA”) or the Bipartisan Infrastructure Law (BIL) and American Iron and Steel (AIS) requirements
 - Manufacturing location (s)
 - Signature of representative certifying knowledge of manufacturing processes.

Demonstrating Compliance Cont'd

- Architect/ Engineer contract should include, as a basic service, obtaining and maintaining all BABA documentation (particularly manufacturers' certifications) during construction, which shall be transferred to the recipient. The architect or engineer will need to certify to this action at the project's end.
- At a minimum, the following must be included in all construction contract documents: All requirements of the Build America, Buy America (BABA) Act, 41 USC 8301 note, and all applicable rules and notices, as may be amended, shall be complied with if applicable to the infrastructure project. Pursuant to HUD's Notice, "Public Interest Phased Implementation Waiver for FY 2022 and 2023 of Build America, Buy America Provisions as Applied to Recipients of HUD Federal Financial Assistance" (88 FR 17001), any funds obligated by HUD on or after the applicable listed effective dates, are subject to BABA requirements, unless excepted by a waiver.
- Contractors must provide manufacturers' certifications for all BABA compliant items to the responsible party before a request for reimbursement to the agency is made.

Bid Requirements

Advertisement for Bids

- This agreement is for services related to a project that is subject to the Build America, Buy America Act (BABAA) requirements under Title IX of the Infrastructure Investment and Jobs Act (“IIJA”), Pub. L. 177-58. Absent an approved waiver, all iron, steel, manufactured products, and construction materials used in this project must be produced in the United States, as further outlined by the Office of Management and Budget’s Memorandum M-22-11, Initial Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure, April 18,2022.

Instructions to Bidders

- Any request for substitute or “or equal” shall include the Manufacturer’s Certification of compliance with the Build America, Buy America Act (BABAA) requirements mandated by Title IX of the Infrastructure Investment and Jobs Act (“IIJA”), Pub. L. 177-58. If the Instructions include a Federal requirements section, include the following: BABAA requirements apply to this project.

Bid Form

- Bidder’s representation section: Bidder is familiar with all laws and regulations that may affect cost, progress, and performance of the work, including BABAA requirements.

Ineligible Procurement Practices

National Pollutant Discharge Elimination System (NPDES)

- When the NPDES inspection work is included in the construction contract, the general contractor must be allowed to bid this line item without restrictions on price or inspection firm unless otherwise required by regulation. Keep in mind that ineligible procurement practices are subject to sanctions including repayment to DCA of disallowed costs. (Appendix O, Applicants Manual)

Resources

GMA's Public Works Construction Guidebook

<https://www.gmanet.com/GMASite/media/PDF/publications/publicworks.pdf>

ACCG's Public Works Construction Guidebook

<https://www.accg.org/docs/Constructioncontracts.pdf>

HB 322

<https://gov.georgia.gov/document/signed-legislation/hb-322pdf/download>

Federal Labor Standards

Pam Truitt, CDBG Compliance Field Services Manager
Nina Abbas, Federal Compliance & Reporting Consultant



Key Regulations & Statutes

Copeland Act (Anti-kickback Act)

- Prohibits kickback of pay
- Requires certified weekly payrolls
- Regulates payroll deductions

Contract Work Hours & Safety Act

- Overtime pay for working over 40 hours
- Applies to contracts over \$100,000
- Requires liquidated damages of \$10 per day/per violation

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The Davis-Bacon Act is applicable to all contracts for construction, alteration and/or repairs in excess of ...

0
\$2,000

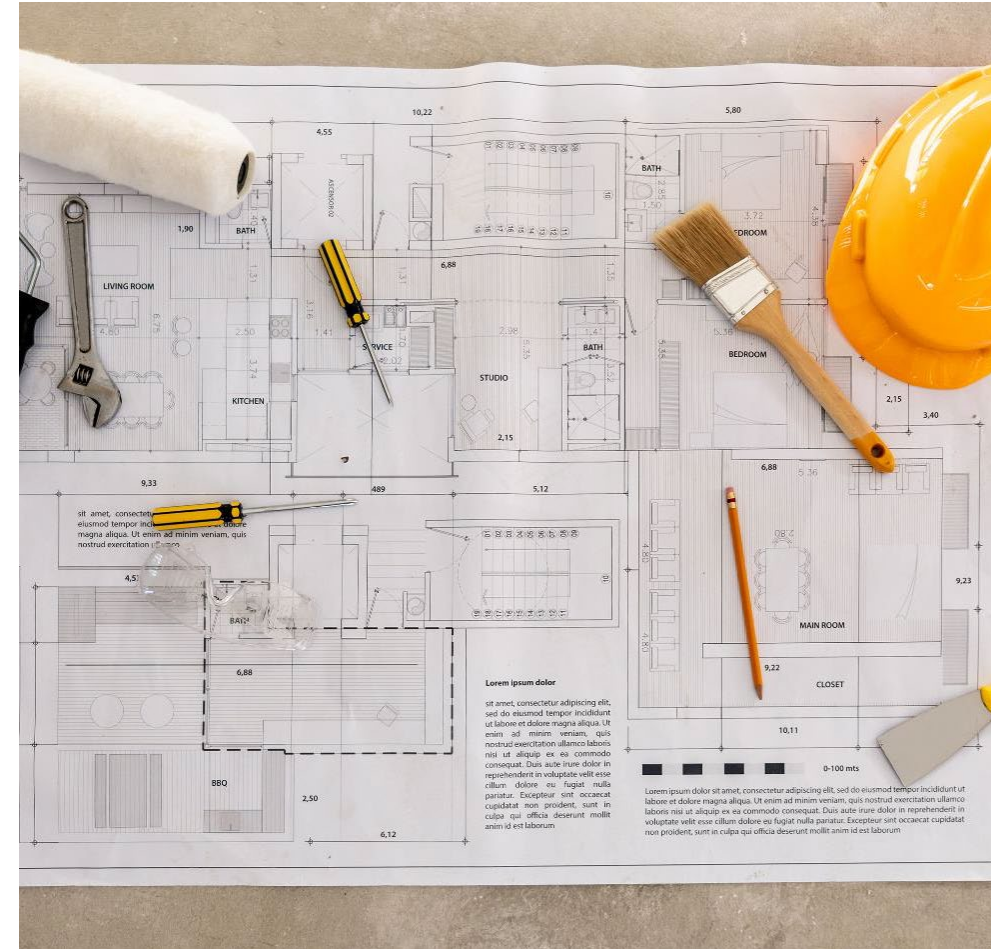
0
\$20,000

0
\$200,000



Davis-Bacon Act

- Outlines labor standards for federal projects
- Applicable to all contracts over \$2,000 involving federal funds
- Provides minimum wages by position
- Ensures minimum pay & other labor standards are enforced at work site
- Applies to all laborers and mechanics
- Applies to entire project, not just CDBG funded portion



Steps to Complying with Davis-Bacon & Related Acts

Request Wage Rates (DCA Recipients Manual Appendix 1)

Request Contractor Clearance (DCA Recipients Manual Appendix 1)

Provide Notice of Contract Action (DCA Recipients Manual Appendix 1)

Hold a Preconstruction Conference

Review Submitted Payrolls

Conduct Job Site Interviews

Forms can be emailed to CDBG.Biz@dca.ga.gov

Request for Wage Determination



Submit request to DCA (cdbg.biz@dca.ga.gov)

- 30 days prior to advertising for contract bids

Check 10 days before bid opening

- 10- day wage check form (DCA Recipients Manual Appendix 1)
- Wage rates must be a part of the bid package and must be included in contracts

Complete the estimated cost of each activity and include the percentage of each.

Wage Decision & Posters

Must be
posted at
jobsite

Employees
must be able
to view

Protect from
weather

Wage Decision Lock-in

- **Competitively Bid**

- At bid opening if contract is executed within 90 days of bid opening
- If contract is not executed within 90 days, resubmit 10-day wage check form 10 days prior to contract execution and wage decision will be locked in at contract execution

- **Negotiated Contracts**

- At contract execution

NEW: If a contract is modified to add additional work not within the scope of work in the original contract, the applicable wage decision must be incorporated into the contract.

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When should contractor clearance be obtained?



Request for Contractor Clearance

- Form can be e-mailed to DCA (cdbg.biz@dca.ga.gov)
- Ensures contractor is not on Federal Debarred list
- Must be cleared before entering into a contract

Notice of Contract Action

Must be
submitted to
DCA

Include certified
and itemized
bid tabulation
with form

Construction
drawdowns will
be withheld if
not submitted

Pre-construction Conference

Mandatory

- Attended by the architect/engineer, grant administrator, the contractor, representatives of the local government and CDBG Representative.
- Held prior to the start of construction
- Outlines contractor & subcontractor responsibilities, project timelines, logistics, etc.
- Explains Davis-Bacon, other applicable laws & contract provisions, Section 3



CDBG Rep Contact Information

- Cindy Alligood: (478) 290-1074, Cindy.Alligood@dca.ga.gov
- Robert Compton: (229) 733-7021, Robert.Compton@dca.ga.gov
- Roderick Gilbert: (470) 783-4729, Roderick.Gilbert@dca.ga.gov
- Malisa Thompson: (404) 326-1048, Malisa.Thompson@dca.ga.gov

Payrolls

- Contractors must submit all payrolls to grant recipient
- Must include the name and identifying number of each worker the first time they appear
- Contractor must provide address and social security number upon request
- **NEW: Contractor's records must include each worker's classification, last known telephone number, and email address. Digital signatures are acceptable.**
- Every payroll must
 - list the worker's classification, which must match the Wage Decision document
 - include the hourly rate of pay and the number of hours worked
 - indicate permissible deductions (see 29 CFR Part 3.5)
 - be numbered, with the last payroll labeled "Final Payroll"
 - be certified by the owner, officer or designee of the construction company

Payrolls (Cont'd)

- Sole proprietors, self-employed mechanics
 - Cannot self-certify to wages without a crew
 - Must be reported on “responsible employer” payroll
 - Can certify to hours when working with a crew (Only report hours worked and list owner as classification)

Payroll Review



- Review for all trades
- Compare payrolls to wage decisions and worker interviews
- Follow up on discrepancies

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.



Rev. Dec. 2008

OMB No.: 1235-0008
Expires: 04/30/2021

NAME OF CONTRACTOR <input type="checkbox"/> OR SUBCONTRACTOR <input type="checkbox"/>	ADDRESS	OMB No.: 1235-0008 Expires: 04/30/2021
PAYROLL NO. <input type="text"/>	FOR WEEK ENDING <input type="text"/>	PROJECT AND LOCATION <input type="text"/>
		PROJECT OR CONTRACT NO. <input type="text"/>

(1) NAME AND INDIVIDUAL IDENTIFYING NUMBER (e.g., LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER) OF WORKER	(2) NO. OF WITHOLDING EXEMPTIONS	(3) WORK CLASSIFICATION	OT OR ST.	(4) DAY AND DATE							(5) TOTAL HOURS	(6) RATE OF PAY	(7) GROSS AMOUNT EARNED	(8) DEDUCTIONS					(9) NET WAGES PAID FOR WEEK
				HOURS WORKED EACH DAY										FICA	WITH- HOLDING TAX	OTHER	TOTAL DEDUCTIONS		
				S	S	S	S	S	S	S									
<input type="text"/>			O																
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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.

Exemptions

Volunteers

- Does not receive compensation for services performed
- Cannot be employed at any other time on the jobsite

Prison Labor

- Must have a letter from the Department of Corrections
- Must be utilized directly by the grantee

Job Site Interviews

Must be conducted on representative # of workers in each classification

Interview responses should be checked against Wage Decision and payrolls

Confidential – should not be overheard by contractors

Need to interview workers for the general contractor and every sub-contractor on the project.

RECAP



**REQUEST
WAGE RATES**



**REQUEST
CONTRACTOR
CLEARANCE**



**ENSURE
SUBMISSION
OF WEEKLY
PAYROLLS**



**CONDUCT
ON-SITE
INTERVIEWS**



**REVIEW
PAYROLLS/
COMPARE TO
INTERVIEWS**



**ENSURE
CORRECTION
OF
UNDERPAYMENTS**



**MAINTAIN
RECORDS**

Resources



Davis-Bacon and
Labor Standards,
Contractor Guide
Addendum

<https://files.hudexchange.info/resources/documents/Davis-Bacon-and-Labor-Standards-Agency-and-Contractor-Guide.pdf>



Department of
Labor, Davis-
Bacon &
Related Acts

<https://www.dol.gov/whd/govcontracts/dbra.htm>



Final Rule Questions and Answers

<https://www.dol.gov/agencies/whd/government-contracts/construction/rulemaking-davis-bacon/faqs>

Davis Bacon Conformance Process



CONFORM

What is a conformance?

When there is not an appropriate labor classification listed on a wage determination for a designated project, the Wage Hour Division (WHD) may add or “conform” a new class of laborer or mechanic to the wage determination.

Davis Bacon Conformances

- A conformance is granted when the type of work needed for a project is not performed by a labor classification listed on the applicable wage determination.
- The purpose of a conformance is not to create new construction classification but to determine the prevailing wage for standard construction classifications. When the classification is missing from a wage determination it is the result of low participation in a Davis-Bacon wage survey. The proposed labor classification to be conformed must be used in the construction industry.
- If Wage and Hour Division (WHD) grants a conformance, the wage rate selected will bear a “reasonable relationship” to the existing wage rates on the applicable wage determination. This is explained in U.S. Department of Labor MEMORANDUM NO. 213 (AAM No. 213)

Criteria for Conformance Requests

The work to be performed is not listed on the applicable wage decision;

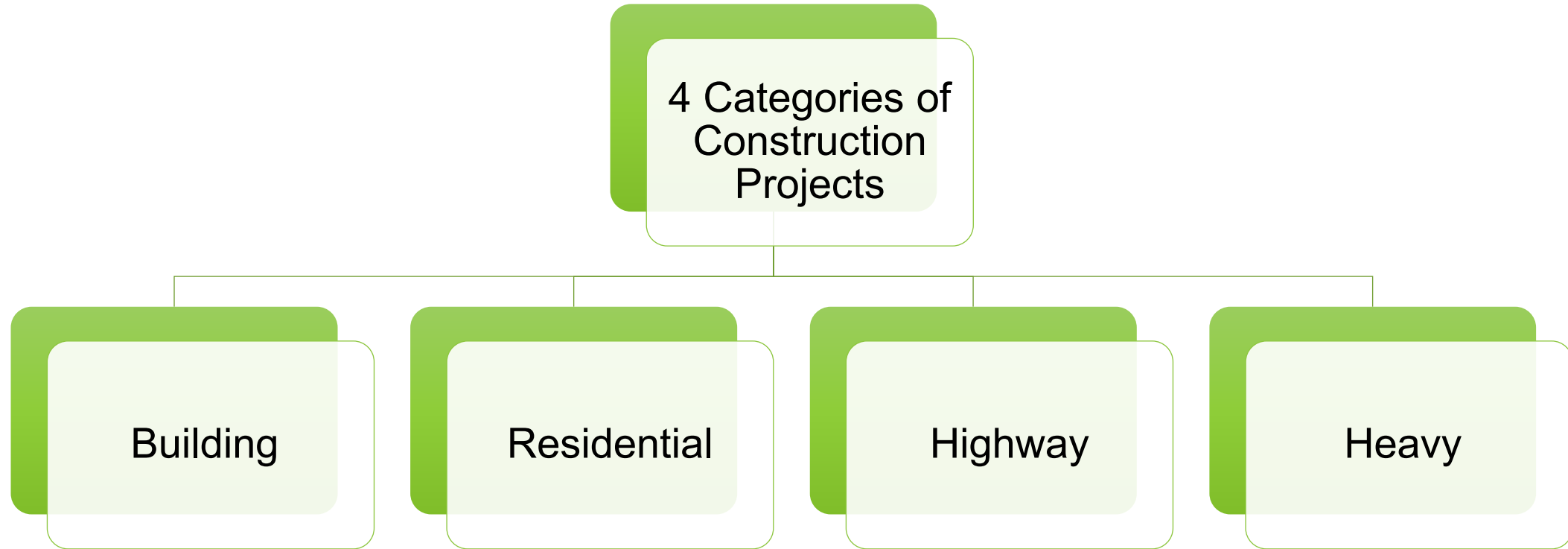
The proposed classification is utilized in the area by the construction industry; and

The proposed wage rate must bear a reasonable relationship to WD rates

Wage Determinations

- A wage determination (WD) is a set of wages, fringe benefits, and work rules that the U.S. Department of Labor has ruled to be prevailing for a given labor category in a given locality.
- Davis-Bacon Wage Determinations (WDs) specify the prevailing wages, that prevail over a described class of laborers and mechanics employed on a construction project in each locality.
- Davis-Bacon prevailing wages are specific to federally funded construction projects. It ensures the workers of construction projects are paid fair wages and that contractors do not undercut wages to win contracts.
- The Davis-Bacon prevailing wage is the combination of the basic hourly wage rates and any fringe benefits listed for a specific classification of workers in the applicable Davis-Bacon wage determination.

Interpreting General Wage Decisions



Construction Projects

- **Building** projects generally includes construction of sheltered enclosures with walk-in access for housing persons, machinery, equipment or supplies. This includes all construction associated with the installation of utilities and equipment, as well as incidental grading and paving.
- **Residential** projects involve the construction, alteration or repair of single-family houses or apartment buildings no more than four stories tall.
- **Highway** projects include construction, alteration or repair of roads.
- **Heavy** projects are generally considered for all construction not properly classified as highway, residential, or building. Water and sewer line construction will typically be categorized as heavy construction.



Projects with Multiple types of Construction



DOL AGENCY MEMORANDUM NUMBER 244 (AAM 244)

The final rule clarifies that when a project involves work in more than one type of construction (e.g., building, heavy, highway, residential), the contracting agency must incorporate the applicable wage determination for each type of construction involved that is anticipated to include a substantial amount of construction. See 29 CFR 1.6(b)(1).

Application of Multiple Wage Decisions

- Arise when a project includes separate categories of construction.
- Once it is been determined that a project has construction work in separate categories, the next point is to consider whether the cost of the work involved is substantial.
- The cost is generally considered substantial if it exceeds 20% of the overall cost of the project or is over \$1 million.
- If the there is a substantial amount of construction in a separate category, multiple wage determinations are applicable.

Interpreting General WDs



Identify the geographic area. Typically, the state and the county or counties covered by the wage determination are noted at the top of the wage determination. It is critical to use the correct wage determination for the geographic area where the project will be performed.

Identify the construction type. The construction type will be listed at the top of the wage determination (Building, Residential, Highway or Heavy).

Identify the proper labor classification(s). Labor classifications, not individual tasks, are listed on wage determinations. It is vital to understand the scope of the project and the labor classifications that are necessary for the work to be performed.

Interpreting General WDs

Understanding the labor classification identifier:

The labor classification identifier provides information about how the prevailing wage was calculated:

- Union Identifiers that begin with “SU” represent a prevailing wage that is not based exclusively on union wage rates.

SUVA2010-025 09/01/2010

- Union Identifiers that begin with “UAVG” indicate that no single union rate prevailed for those labor classifications, the average is based upon only union wage data.

UAVG-OH-0025 08/29/2014

- Those that begin with anything other than “SU” or “UAVG” indicate that a Collective Bargaining Agreements from the Office of Labor-Management Standards (CBA-based rate) prevailed.

BOIL0453-003 03/01/2018

- **These identifiers are used in establishing a “reasonable relationship”.**

Interpreting General WDs

Example: For identifier SUGA2018-007 05/13/2018

- SU = the prevailing wage rate is based on a weighted average of survey data
- GA = the state, in this example, Georgia
- 2018 = the year of the survey
- 007 = internal number used for producing the wage determination
- 05/13/2018 = the survey completion date for the labor classifications and rates under that identifier

Example: For identifier UAVG-OH-0010 08/29/2014

- UAVG = the prevailing wage rate is a weighted union average rate
- OH = the state, in this example, Ohio
- 0010 = internal number used for producing the wage determination
- 08/29/2014 = the survey completion date for the labor classifications and rates under that identifier

Example: For identifier PLUM0198-005 07/01/2020

- PLUM = the prevailing wage rate is based on a Plumbers union collective bargaining agreement.
- 0198 = the local union (or district council where applicable)
- 005 = internal number used in producing the wage determination
- 07/01/2020 = the effective date of the most current negotiated (CBA) rate

Interpreting General WDs

On a wage determination, several labor classifications may be listed under a labor classification identifier indicating that these separate labor classifications are based on the same survey or CBA. Each labor classification has a wage rate and employer-provided bona fide fringe benefits rate listed with it on the wage determination.

SUOH2012-010 07/20/2012

	Rates	Fringes
BRICKLAYER.....	\$ 28.40	11.78
CARPENTER.....	\$ 20.19	6.51
LABORER: Common or General.....	\$ 21.50	5.23
OPERATOR: Backhoe/Excavator.....	\$ 29.49	11.16
OPERATOR: Bobcat/Skid Steer/Skid Loader.....	\$ 29.49	11.16
PLUMBER.....	\$ 20.00	5.52
ROOFER.....	\$ 16.85	3.83

Highlighted in red are a list of classifications for the rate identifier SUOH2012

Interpreting General WDs

- Some wage determinations may include requirements based on Executive Orders.

For example, Executive Order 13658 requires a minimum wage for workers on covered federal contracts. An Executive Order may be referenced at the top of the determination or after the labor classifications.

- Last but not least the Department of Labor may modify a wage determination to make it current by specifying only the items being changed or by reissuing the entire determination with changes incorporated.

Note that all project wage determination modifications expire on the same day as the original determination.

"General Decision Number: SD20230028 01/06/2023

Superseded General Decision Number: SD20220028

State: South Dakota

Construction Type: Building

County: Minnehaha County in South Dakota.

BUILDING CONSTRUCTION PROJECTS (does not include single family homes or apartments up to and including 4 stories).

Note: Contracts subject to the Davis-Bacon Act are generally required to pay at least the applicable minimum wage rate required under Executive Order 14026 or Executive Order 13658. Please note that these Executive Orders apply to covered contracts entered into by the federal government that are subject to the Davis-Bacon Act itself, but do not apply to contracts subject only to the Davis-Bacon Related Acts, including those set forth at 29 CFR 5.1(a)(2)-(60).

<p>If the contract is entered into on or after January 30, 2022, or the contract is renewed or extended (e.g., an option is exercised) on or after January 30, 2022:</p>	<ul style="list-style-type: none"> • Executive Order 14026 generally applies to the contract. • The contractor must pay all covered workers at least \$16.20 per hour (or the applicable wage rate listed on this wage determination, if it is higher) for all hours spent performing on the contract in 2023.
<p>If the contract was awarded on or between January 1, 2015 and January 29, 2022, and the contract is not renewed or extended on or after January 30, 2022:</p>	<ul style="list-style-type: none"> • Executive Order 13658 generally applies to the contract. • The contractor must pay all covered workers at least \$12.15 per hour (or the applicable wage rate listed on this wage determination, if it is higher) for all hours spent performing on that contract in 2023.

The applicable Executive Order minimum wage rate will be adjusted annually. If this contract is covered by one of the Executive Orders and a classification considered necessary for performance of work on the contract does not appear on this wage determination, the contractor must still submit a conformance request.

Additional information on contractor requirements and worker protections under the Executive Orders is available at <http://www.dol.gov/whd/govcontracts>.

Modification Number	Publication Date
0	01/06/2023

"General Decision Number: GA20230105 01/06/2023

Superseded General Decision Number: GA20220105

State: Georgia

Construction Type: Building

Counties: Bulloch, Candler, Emanuel, Evans, Glascock, Hancock, Jenkins, Johnson, Montgomery, Screven, Taliaferro, Tattnall, Toombs, Treutlen, Warren, Washington, Wheeler and Wilkes Counties in Georgia.

Note: Contracts subject to the Davis-Bacon Act are generally required to pay at least the applicable minimum wage rate required under Executive Order 14026 or Executive Order 13658. Please note that these Executive Orders apply to covered contracts entered into by the federal government that are subject to the Davis-Bacon Act itself, but do not apply to contracts subject only to the Davis-Bacon Related Acts, including those set forth at 29 CFR 5.1(a)(2)-(60).

If the contract is entered into on or after January 30, 2022, or the contract is renewed or extended (e.g., an option is exercised) on or after January 30, 2022:	<ul style="list-style-type: none">. Executive Order 14026 generally applies to the contract.. The contractor must pay all covered workers at least \$16.20 per hour (or the applicable wage rate listed on this wage determination, if it is higher) for all hours spent performing on the contract in 2023.
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The applicable Executive Order minimum wage rate will be adjusted annually. If this contract is covered by one of the Executive Orders and a classification considered necessary for performance of work on the contract does not appear on this wage determination, the contractor must still submit a conformance request.

Additional information on contractor requirements and worker protections under the Executive Orders is available at <http://www.dol.gov/whd/govcontracts>.

Modification Number: 0 Publication Date: 01/06/2023

Get in Conformance

If a classification of work is not listed on the wage decision that is applicable to your project, you must request an additional classification through DOL. Your request must be sent through Department of Community Affairs, who will submit the request on behalf of the contractor/subcontractor and the grantee. DOL will make the final determination.

REQUEST FOR AUTHORIZATION OF ADDITIONAL CLASSIFICATION AND RATE	CHECK APPROPRIATE BOX <input type="checkbox"/> SERVICE CONTRACT <input type="checkbox"/> CONSTRUCTION CONTRACT	OMB Control Number: 9000-0066 Expiration Date: 5/31/2025
<p>Paperwork Reduction Act Statement - This information collection meets the requirements of 44 U.S.C. § 3507, as amended by section 2 of the Paperwork Reduction Act of 1995. You do not need to answer these questions unless we display a valid Office of Management and Budget (OMB) control number. The OMB control number for this collection is 9000-0066. We estimate that it will take .5 hours to read the instructions, gather the facts, and answer the questions. Send only comments relating to our time estimate, including suggestions for reducing this burden, or any other aspects of this collection of information to: U.S. General Services Administration, Regulatory Secretariat Division (M1V1CB), 1800 F Street, NW, Washington, DC 20405.</p>		
<p>INSTRUCTIONS: THE CONTRACTOR SHALL COMPLETE ITEMS 3 THROUGH 16, KEEP A PENDING COPY, AND SUBMIT THE REQUEST, IN QUADRUPPLICATE, TO THE CONTRACTING OFFICER.</p>		
1. TO: ADMINISTRATOR, WAGE AND HOUR DIVISION U.S. DEPARTMENT OF LABOR WASHINGTON, DC 20210	2. FROM: (REPORTING OFFICE) Department of Community Affairs 60 Executive Park South N.E.	

Submitting Conformance Request



- Signed letter from Grantee regarding the request for additional classification(s).
- The applicable wage determination.
- Prime Contractor must complete the SF-Form 1444 and send a written letter with a detailed description of the work to be performed by the requested classification; and
- Any related documentation and recommendation.
- Submit request to CDBG.Biz@dca.ga.gov

Determining a Reasonable Relationship

When the Prime Contractor determines if a proposed rate bears a “reasonable relationship” to wage rates in the wage determination:

Determine the category of the classification in question (skilled craft, laborer, equipment operator, or truck driver)

Determine whether the majority of the rates in that category are union or non-union rates

Consider the entirety of the relatable rates and determine whether the proposed rate is reasonable

Do not automatically use the lowest rate in the category

Standard Form 1444

REQUEST FOR AUTHORIZATION OF ADDITIONAL CLASSIFICATION AND RATE			CHECK APPROPRIATE BOX <input type="checkbox"/> SERVICE CONTRACT <input type="checkbox"/> CONSTRUCTION CONTRACT		OMB Control Number: 9000-0066 Expiration Date: 5/31/2025
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3. CONTRACTOR				4. DATE OF REQUEST	
5. CONTRACT NUMBER	6. DATE BID OPENED (SEALED BIDDING)	7. DATE OF AWARD	8. DATE CONTRACT WORK STARTED	9. DATE OPTION EXERCISED (IF APPLICABLE) (SERVICE CONTRACT ONLY)	
10. SUBCONTRACTOR (IF ANY)					
11. PROJECT AND DESCRIPTION OF WORK (ATTACH ADDITIONAL SHEET IF NEEDED)					
12. LOCATION (CITY, COUNTY, AND STATE)					
13. IN ORDER TO COMPLETE THE WORK PROVIDED FOR UNDER THE ABOVE CONTRACT, IT IS NECESSARY TO ESTABLISH THE FOLLOWING RATE(S) FOR THE INDICATED CLASSIFICATION(S) NOT INCLUDED IN THE DEPARTMENT OF LABOR DETERMINATION					
NUMBER:		DATED:			
a. LIST IN ORDER: PROPOSED CLASSIFICATION TITLE(S); JOB DESCRIPTION(S); DUTIES; AND RATIONALE FOR PROPOSED CLASSIFICATIONS (Service contracts only) <small>(Use reverse or attach additional sheets, if necessary)</small>			b. WAGE RATE(S)	c. FRINGE BENEFITS PAYMENTS	
14. SIGNATURE AND TITLE OF SUBCONTRACTOR REPRESENTATIVE <small>(IF ANY)</small> [Signature]			15. SIGNATURE AND TITLE OF PRIME CONTRACTOR REPRESENTATIVE [Signature]		
16. SIGNATURE OF EMPLOYEE OR REPRESENTATIVE [Signature]		TITLE	CHECK APPROPRIATE BOX-REFERENCING BLOCK 13. <input type="checkbox"/> AGREE <input type="checkbox"/> DISAGREE		
TO BE COMPLETED BY CONTRACTING OFFICER (CHECK AS APPROPRIATE - SEE FAR 22.1019 (SERVICE CONTRACT LABOR STANDARDS) OR FAR 22.406-3 (CONSTRUCTION WAGE RATE REQUIREMENTS))					
<input type="checkbox"/> THE INTERESTED PARTIES AGREE AND THE CONTRACTING OFFICER RECOMMENDS APPROVAL BY THE WAGE AND HOUR DIVISION. AVAILABLE INFORMATION AND RECOMMENDATIONS ARE ATTACHED.					
<input type="checkbox"/> THE INTERESTED PARTIES CANNOT AGREE ON THE PROPOSED CLASSIFICATION AND WAGE RATE. A DETERMINATION OF THE QUESTION BY THE WAGE AND HOUR DIVISION IS THEREFORE REQUESTED. AVAILABLE INFORMATION AND RECOMMENDATIONS ARE ATTACHED. <small>(Send 3 copies to the Department of Labor)</small>					
SIGNATURE OF CONTRACTING OFFICER OR REPRESENTATIVE [Signature]		TITLE AND COMMERCIAL TELEPHONE NUMBER	DATE SUBMITTED		
AUTHORIZED FOR LOCAL REPRODUCTION PREVIOUS EDITION IS USABLE			STANDARD FORM 1444 (REV. 4/2013) Prescribed by GSA-FAR (48 CFR) 53.222(f)		

REQUEST FOR AUTHORIZATION OF ADDITIONAL CLASSIFICATION AND RATE			CHECK APPROPRIATE BOX <input type="checkbox"/> SERVICE CONTRACT <input type="checkbox"/> CONSTRUCTION CONTRACT		OMB Control Number: 9000-0066 Expiration Date: 5/31/2025	
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a. LIST IN ORDER: PROPOSED CLASSIFICATION TITLE(S); JOB DESCRIPTION(S); DUTIES; AND RATIONALE FOR PROPOSED CLASSIFICATION (Service contracts only) <i>(Use reverse or attach additional sheets, if necessary)</i>		b. WAGE RATE(S)		c. FRINGE BENEFITS PAYMENTS		
14. SIGNATURE AND TITLE OF SUBCONTRACTOR REPRESENTATIVE (IF ANY)		15. SIGNATURE AND TITLE OF PRIME CONTRACTOR REPRESENTATIVE				
16. SIGNATURE OF EMPLOYEE OR REPRESENTATIVE		TITLE		CHECK APPROPRIATE BOX-REFERENCING BLOCK 13: <input type="checkbox"/> AGREE <input type="checkbox"/> DISAGREE		
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SF 1444 Checklist

Block 3 – Prime/General contractor	Block 4 – Date of the Request	Block 5 – The Contract Number, Project Number
Block 6 – The bid opening date (if advertised)	Block 7 – The award date of the contract	Block 8 – The date the contract started (if the work has started)
Block 9 – Service Contract Only	Block 10 – Subcontractor (if any)	Block 11 – Brief description of project work
Block 12 – The project location: city, county, and state	Block 13 – Contract Wage Decision No(s)	Block 13a – Proposed classification(s); description of duties if other than a basic trade
Block 13b + 13c – Basic hourly rate(s) and fringe benefits	Blocks 14 and 15 – Contractor signatures	Block 16 - Employees' or representative signature

Things to Remember

- The classification must be appropriate for the contract work and must be a classification that is utilized in that locality by the construction industry.
- The contractor cannot propose a new classification by combining job duties from two or more existing classifications on the wage determination or propose a new classification that performs only part of the duties of an existing classification.
- Conformance requests should not be submitted for exempt classifications (project managers, full-time supervisors, professionals such as engineers), nor for classifications other than "laborers or mechanics" employed on the site of work, as covered by DBA.
- Please note, wanting to pay a lower wage rate rather than the prevailing wage listed is not grounds for a conformance request.

Lack of a DOL response within 30 days does not mean that the conformance request has been approved.

Once the determination has been received from DOL and the wage rate is higher than what was originally requested, restitution must be paid to the workers.



Thanks!

- ✓ Brittney Hickom, Compliance Officer
- ✓ Pam Truitt, CDBG Compliance & Field Services Manager
- ✓ Nina Abbas, Federal Compliance & Reporting Consultant

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Nina.Abbas@dca.ga.gov

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