

**BEST-PRACTICE PLAN FOR PRIME CONTRACTOR**  
**OVERSIGHT OF SUBCONTRACTOR COMPLIANCE WITH**  
**FEDERAL PREVAILING WAGE LAWS**

(A and B specific to Prime)

**C. GENERAL PROVISIONS**

1. For each Prevailing Wage Covered Project, the PrimeContractor shall designate one office administrator (the “**Project Manager**”) and one senior project field official (the “**Superintendent**”) charged with the day-to-day compliance with the Acts by the Prime Contractor and its Subcontractors.
2. The Senior Corporate Official shall ensure the Coordinator, Project Manager and Superintendent have sufficient training and resources and authority to discharge the Primecontractors responsibilities under the Acts and this Plan.
3. Within sixty (60) days of the execution date of this Plan, the PrimeContractor will provide training on the requirements of the Acts, this Plan, and the best practices to the Senior Corporate Official, the Coordinator, the Project Manager and Superintendents and other employees of the PrimeContractor responsible for implementing the Acts and this Plan.
  - a. The training will include, but will not necessarily be limited to:
    - (a) An overview of the Davis Bacon Act, the CWHSSA, the Copeland Act, and the applicable regulations;
    - (b) The responsibilities of a prime contractor and subcontractor
    - (c) How to read a wage determination including how to determine what tasks fall within particular classifications;
    - (d) How to properly classify laborers and mechanics and issues regarding independent contractors;
    - (e) The conformance process;
    - (f) How to complete a certified payroll;
    - (g) Common mistakes in completing certified payroll and required corrections;
    - (h) The permissible uses of apprentices;
    - (i) Requirements related to travel, lodging and subsistence;
    - (j) Methods of reviewing Subcontractor compliance with the Acts;

- (k) Company-specific tools and resources to implement compliance with the Acts and this Plan; and
  - (l) The Best Practices outlined in this Plan.
- b. The DOL Designated Official can participate in the training at WHD's discretion. **DOL will provide training on an as needed basis, provided that sufficient notification is provided.**
  - c. The PrimeContractor will provide the DOL Designated Official with a copy of the initial training material, which be used in crafting future training. See Attachment
4. The PrimeContractor will institute effective procedures for determining the completeness, accuracy, and timeliness of its own time records and payrolls, including certified payrolls, and those of the Subcontractors on Prevailing Wage Covered Projects.
  5. The PrimeContractor will institute progressive discipline, up to and including termination of employment, for any of its employees who knowingly causes the PrimeContractor to violate the terms of this Plan or the requirements of the Acts.
  6. The PrimeContractor will maintain accurate lists identifying and providing contact information for all Subcontractors who perform work on each Prevailing Wage Covered Project. The PrimeContractor will update these lists as necessary.

**D. COORDINATION WITH THE WHD AND THE DOL DESIGNATED OFFICIAL**

<TBD>

**E. SELECTION OF SUBCONTRACTORS**

7. Prior to the award of any subcontract, the PrimeContractor will assess potential first-tier Subcontractors on a variety of factors, including their ability to comply with the Federal Prevailing Wage Laws. As part of these efforts, the PrimeContractor will examine whether the potential Subcontractor is bidding the appropriate scope of activities/requirements for their trade.
  - a. The PrimeContractor will include in the bid materials a notation that the bid will be based on the prevailing wage scale required for the project and will include a copy of the applicable wage determination(s) and DBRA labor standards provisions, 29 C.F.R. Sections 5.5(a)(1)-(10) and (b)(1)-(4).
  - b. The PrimeContractor will include in the bid materials a Subcontractor Code of Conduct substantially in the form of Exhibit A hereto.

- c. The PrimeContractor will obtain a document signed by the selected first-tier Subcontractor which acknowledges that the bid is for a Prevailing Wage Covered Project as set forth in Exhibit C attached hereto.
  - d. The PrimeContractor will ensure that the selected first tier Subcontractor is not listed on the “excluded parties bidders list,” [www.sam.gov](http://www.sam.gov).
8. The PrimeContractor will take into consideration the information in the prior paragraph when evaluating first tier Subcontractors’ bid packages and when deciding whether to enter into a contract with a first tier Subcontractor on a Prevailing Wage Covered Project.
9. The PrimeContractor will promptly notify the DOL Designated Official if it receives information or has reason to believe that an employee of a Subcontractor has been retaliated against because the individual filed a complaint concerning Federal Prevailing Wage Laws or has provided information to the PrimeContractor, the U.S. Department of Labor, any other government agency or any Subcontractor about potential violations of the Acts.

**F. INITIAL OVERSIGHT OF SUBCONTRACTORS**

10. Once a subcontract is awarded, the following steps will be taken regarding Subcontractors/certified payroll/wage determination(s):
- a. The PrimeContractor shall provide to all of its first-tier Subcontractors Form Statement of Acknowledgement (SF-1413) in the form attached hereto as Exhibit B. The first-tier Subcontractor must list all of its known lower-tier subcontractors that the first-tier Subcontractor intends to use.
    - (a) Each lower-tier Subcontractor shall execute its own SF-1413 and must list all of its known lower-tier Subcontractors that it intends to use.
  - b. The Project Manager (or designee) shall collect all SF-1413s for the Prevailing Wage Covered Project.
  - c. The PrimeContractor shall send the SF-1413s to the Contracting Officer and, if requested by the DOL Designated Official, to the WHD, at the outset of the Prevailing Wage Covered Project.
  - d. The PrimeContractor shall collect and submit additional SF-1413s on an ongoing basis to the Contracting Officer and, if requested by the DOL Designated Official, to the WHD, as new subcontractors begin work on the project.
11. On all Prevailing Wage Covered Projects, the PrimeContractor will enter into written subcontracts with all of its first-tier Subcontractors whose employees perform work subject to Federal Prevailing Wage Laws.
- a. PrimeContractor will maintain copies of all such first-tier subcontracts.

12. The PrimeContractor will require that all first-tier and lower-tier Subcontractors on all Prevailing Wage Covered Projects enter into written subcontracts with all relevant lower-tier Subcontractors whose employees perform work covered by Federal Prevailing Wage Laws.
  - a. PrimeContractor will use its reasonable commercial efforts to obtain from all second-tier and lower-tier Subcontractors the Prevailing Wage & Labor Standards Acknowledgement (in the form attached hereto as Exhibit “C”) and will maintain copies of all such forms received.
13. The PrimeContractor will include in full text, and not by reference, the Davis-Bacon labor standards clauses set forth in 29 C.F.R. §§ 5.5(a)(1) through 5.5(a)(10) and the applicable wage determination(s) by reference as set forth in Exhibit C attached hereto in all of its first tier subcontracts for work on Prevailing Wage Covered Projects.
14. The PrimeContractor will include in full text, and not by reference, the Contract Work Hours and Safety Standards Act (“CWHSSA”) labor standards clauses set forth in 29 C.F.R. §§ 5.5(b)(1) through 5.5(b)(4) in all of its first tier subcontracts for work on Prevailing Wage Covered Projects.
15. The PrimeContractor will require that all first tier Subcontractors and lower tier Subcontractors on Prevailing Wage Covered Projects include the labor standards clauses and the applicable wage determination(s) in all lower-tier subcontracts.
  - a. If the PrimeContractor becomes aware of any lower-tier subcontracts without the required Labor Standards Clauses, the Prime Contractors will require that the Subcontractors amend the subcontract to so include the Labor Standards Clauses and the applicable wage determination(s).

**G. STEPS TO BE TAKEN AT THE INCEPTION OF PREVAILING WAGE COVERED PROJECTS AND WHEN NEW EMPLOYEES AND SUBCONTRACTORS BEGIN WORK AT THE COVERED PROJECT**

16. Within thirty (30) days of the commencement of each new Prevailing Wage Covered Project, the Senior Corporate Official or Coordinator will provide training to the Project Manager, the Superintendent, and any staff assisting these individuals on compliance with the Acts and this Plan, unless these individuals have been provided training under this Plan by the PrimeContractor in the prior twelve (12) months.
  - a. The training shall be similar to the training described in paragraph 24.a above.
17. Within thirty (30) days of the designation of a new Senior Corporate Official, Coordinator, Project Manager, or Superintendent, the PrimeContractor shall provide the newly appointed employee training on compliance with the Acts and this Plan, unless the individual has been provided training under this Plan by the PrimeContractor in the prior twelve (12) months.

- a. The training shall be similar to the training described in paragraph 24.a above.
18. All training provided for in this Plan shall be performed in English, Spanish and any other language of a significant number of attendees.
  19. Within thirty (30) days of implementation of this Plan, the Prime Contractor shall provide training to its senior corporate officers providing an overview the requirements of the Acts and this Plan. The training shall include, but is not necessarily limited to:
    - (a) An overview of the Davis Bacon Act, the CWHSSA, the Copeland Act, and the applicable regulations;
    - (b) The responsibilities of a Prime contractor;
    - (c) Common mistakes in completing certified payroll and required corrections;
    - (d) Company-specific tools and resources to implement compliance with the Acts and this Plan; and
    - (e) The Best Practices outlined in this Plan.
  20. The Prime Contractor will offer training sessions, and this training will detail the requirements of the Acts and the Plan and shall take place periodically on all Prevailing Wage Covered Projects. All Subcontractors at all tiers will be invited to these training sessions. The Prime Contractor will maintain records of all Subcontractors invited and those actually in attendance. The training will include:
    - (a) An overview of basic compliance with the Davis Bacon Act, the CWHSSA, the Copeland Act, and the applicable regulations;
    - (b) The requirement to timely complete and submit the SF-1413;
    - (c) The conformance process and how to complete the SF-1444 (if necessary);
    - (d) How to complete and submit a certified payroll;
    - (e) Common mistakes in completing certified payroll;
    - (f) The permissible uses of apprentices;
    - (g) Independent contractors issues (1099 individuals);
    - (h) An explanation that the Prime Contractor and/or the WHD may conduct confidential interviews of the Subcontractor's employees;
    - (i) The prohibition on retaliation because an employee has filed a complaint concerning Federal Prevailing Wage Laws or has provided information to the Prime Contractor, the U.S. Department of Labor, any other government agency or any Subcontractor about potential violations of the Acts; and
    - (j) The Best Practices outlined in this Plan.
  21. The Prime Contractors Office Phone may be used to report potential noncompliance with Federal Prevailing Wage Laws. The line shall allow callers to remain anonymous if the caller so desires.

- a. The PrimeContractor shall investigate any claims of non-compliance with Federal Prevailing Wage Laws.
  - b. The results of any such investigations will be reviewed by the Senior Corporate Official.
  - c. If the Senior Corporate official determines that any employee of the PrimeContractor was not paid the wages (and fringe benefits) required by the wage determination, the PrimeContractor will make the required additional payment.
  - d. If the Senior Corporate Official determines that any Subcontractor employee was not paid the wages (and fringe benefits) required by the wage determination, the PrimeContractor will require the Subcontractor to take corrective actions. As detailed above in paragraph 32.a-.c, if the Prime Contractor is unable to get the Subcontractor to pay the wages that the PrimeContractor believes is owed under the Acts, the PrimeContractor will notify DOL and will withhold amounts equal to the amount of back wages that the Prime Contractor believes is owed.
22. The PrimeContractor will inform each laborer and mechanic it employs on a Prevailing Wage Covered Project through the Subcontractor Employee Handout (in the form attached hereto as Exhibit “D”) and will require Subcontractors to inform each laborer and mechanic they employ on a Prevailing Wage Covered Project with this same handout, on or before their first day of employment on the project, of the following:
- a. The location of the Davis Bacon postings and the wage determination(s) applicable to the project.
  - b. The telephone number that may be used to make confidential and anonymous complaints about hours worked and wages paid. In addition, the telephone number will be posted at easily accessible locations at each Prevailing Wage Covered Project.
  - c. That retaliation for filing a complaint with the DOL, any other government agency, the PrimeContractor or any Subcontractor, contacting the line, or providing information about any possible violations of Federal Prevailing Wage Laws is prohibited.
  - d. Employees shall be informed in English or any other languages that are the primary languages of a significant number of employees.
23. The PrimeContractor shall ensure that the Davis-Bacon poster (WH 1321) and the applicable wage determination(s) and any approved conformances are posted at the site.
24. At the outset of each Prevailing Wage Covered Project, and on an ongoing basis, the PrimeContractors Coordinator and Senior Corporate Official will ensure that the Project has sufficient training, resources and authority to perform the compliance

duties set forth in the Federal Prevailing Wage Laws and in this Plan.

25. As requested by the DOL Designated Official, the PrimeContractor shall provide the names and contact information for the Project Manager and Superintendent responsible for Federal Prevailing Wage Requirements at particular Prevailing Wage Covered Projects.
26. At the outset of each Prevailing Wage Covered Project, the Project Administrator (or designee) will discuss compliance with Federal Prevailing Wage Laws with the Project Owner (also referred to as the Contracting Officer). This discussion will include whether the Project Owner has any project-specific requirements. (For example, some jobsites require that the check number be printed on the certified payrolls.)

**H. INITIAL REVIEW OF FIRST CERTIFIED PAYROLL  
AND ACCOMPANYING DOCUMENTATION SUBMITTED  
BY EACH SUBCONTRACTOR**

27. The PrimeContractor will examine each Subcontractor's initial certified payroll on a Prevailing Wage Covered Project for accuracy and completeness including:
  - a. names;
  - b. last 4 digits of the social security number;
  - c. job classifications;
  - d. hourly wage rates;
  - e. fringe benefits;
  - f. daily and weekly hours worked during the payroll period;
  - g. gross weekly wages earned;
  - h. deductions made from wages for state taxes, federal taxes, social security, etc;
  - i. net weekly wages paid the employee;
  - j. payroll period; and
  - k. indicates that it is the Subcontractor's "initial payroll" and numbered 1.
28. The PrimeContractor will also examine each Subcontractor's initial certified payroll to make certain it is accompanied by a "Statement of Compliance" as required by the Copeland Act and 29 C.F.R. Part 3.
29. In examining the job classifications, the PrimeContractor will check that the job classifications are listed in the applicable wage determination(s). In the event the certified payroll is unclear as to which job classification an individual was working (such as with the description "laborer" where the applicable wage determination has multiple laborer classifications), the PrimeContractor will request that the Subcontractor clarify such classifications.
30. If the certified payroll contains any unlisted classifications, and it is appropriate to seek a conformance to add a classification, the PrimeContractor will work with the Subcontractor(s) to initiate the conformance process and prepare SF-1444—"Request for Authorization of Additional Classification and Rate" in the form attached hereto as Exhibit E. This form shall be submitted to the Contracting Officer to send to DOL.

- a. Should a conformance not be granted by the DOL, the PrimeContractor will promptly require the Subcontractor to provide corrected certified payrolls and to make any necessary back wage payments.
  - b. Should a conformance be granted by the DOL, the PrimeContractor will notify all impacted Subcontractors and post the conformance with the applicable wage determination(s).
31. The wage rates will be compared against those listed on the wage determination(s) to determine if all of workers were paid at least the amounts detailed in the wage determination(s) for the classification(s) in which they performed work. If workers perform work in more than one classification, the payroll records should accurately reflect the time spent working in each.
32. The fringe benefits will be examined to determine if they are broken down by each individual and are fully explained on the certified payroll or accompanying documentation.
  - a. The PrimeContractor will confirm that the Subcontractor checked the appropriate box (a) and/or (b) on the certification documenting whether the fringes are provided and/or cash in lieu of fringe benefits is provided.
  - b. The PrimeContractor will require that Subcontractors explain in writing to the affected employees the details of the specific fringe benefit plan(s).
33. The PrimeContractor will examine any “other deductions” and confirm that such deductions are defined and are not impermissible deductions under the Copeland Act.
34. If the PrimeContractor has reason to believe that a Subcontractor at any level is using employees from outside the state/area, the PrimeContractor will request information regarding the travel and lodging of such employees and review that information to determine if it appears that the Subcontractor is properly handling travel and subsistence payments.
35. If the CWHSSA is applicable and an employee worked in excess of forty hours in any workweek, a determination will be made whether time and a half the employee’s regular rate was paid.
36. To the extent that a Subcontractor uses Apprentices or Trainees on the project, the PrimeContractor will request copies of the approved apprenticeship/training program to examine and verify that the program has been approved by the appropriate authority. If the Subcontractor’s evidence is not sufficient, the PrimeContractor may contact the United States Department of Labor’s Bureau of Apprenticeship and Training and/or the state apprenticeship council for verification.
37. The PrimeContractor will obtain copies of each individual Apprentice’s apprentice/training registration form.



38. The PrimeContractor will examine the certified payroll to determine if the Apprentice is being paid the appropriate wage rate and fringes based on the Apprentice's progression in the apprentice program.
  - a. To the extent that an Apprentice is being paid only a percentage of the fringe benefit rate in the wage determination, the PrimeContractor will review the apprentice agreement to make certain that the apprentice agreement expressly provides that an Apprentice may be paid a percentage of both the wage rate and the fringe benefits.
39. The PrimeContractor will examine the certified payroll to Confirm that the ratio of apprentices to journeyman on the project does not exceed the ratio provided for in the apprenticeship/plan.
40. For any certified payroll that is not complete and accurate, the PrimeContractor will require the Subcontractor to correct any items.
  - a. Whenever a certified payroll is not complete and accurate, the PrimeContractor may use the "Certified Payroll Missing Information Form" attached as Exhibit "F" hereto.
41. If the PrimeContractor determines that any Subcontractor employee was not paid the wages (and fringe benefits) required by the wage determination, the PrimeContractor will so inform the Subcontractor and attempt to obtain compliance from the Subcontractor.
42. As detailed above in paragraph 32 a-.c, if the PrimeContractor is unable to get the Subcontractor to pay the wages that the PrimeContractor believes is owed under the Acts, the PrimeContractor will notify DOL and will withhold amounts equal to the amount of back wages that the PrimeContractor believes is owed.
43. The PrimeContractor may, but is not required, to use electronic monitoring software to assist in some or all of the review of the certified payrolls.

#### **I. WEEKLY ACTIVITIES TO MONITOR COMPLIANCE WITH THE ACTS**

44. On a weekly basis, the PrimeContractor will examine each Subcontractor's certified payroll received on a project for accuracy and completeness including:
  - a. names;
  - b. last 4 digits of the social security number;
  - c. job classifications;
  - d. hourly wage rates;
  - e. fringe benefits;
  - f. daily and weekly hours worked during the payroll period;
  - g. gross weekly wages earned;
  - h. deductions made from wages;
  - i. net weekly wages paid the employee;
  - j. payroll period; and

- k. That the payrolls are consecutively number starting with the first week that the Subcontractor begins work at the site.
45. The PrimeContractor will require any Subcontractor who has begun but not completed their work on a Prevailing Wage Covered Project to submit a certified payroll stating that no work was performed that week.
- a. In order to facilitate tracking of certified payrolls, each Subcontractor's initial payroll should indicate "initial payroll" and the last payroll should indicate "final payroll".
46. The PrimeContractor will use a master spreadsheet to track the submission of weekly certified payrolls, the review of certified payrolls and any necessary corrections to certified payrolls.
47. The PrimeContractor will also examine each Subcontractor's weekly certified payroll to make certain it is accompanied by a "Statement of Compliance" as required by the Copeland Act and 29 C.F.R. Part 3.
48. In examining the job classifications, the PrimeContractor will check that the job classifications are listed in the applicable wage determination(s). In the event the certified payroll is unclear as to which job classification an individual was working (such as with the description "laborer" where the applicable wage determination has multiple laborer classifications), the PrimeContractor will request that the Subcontractor clarify such classifications.
49. If the certified payroll contains any unlisted classifications, and it is appropriate to seek a conformance to add a classification, the PrimeContractor will work with the Subcontractor(s) to initiate the conformance process and prepare SF-1444—Request for Authorization of Additional Classification and Rate" (Exhibit E attached hereto). This form shall be submitted to the Contracting Officer to send to DOL.
- a. Should a conformance not be granted by the DOL, the PrimeContractor will promptly require the Subcontractor to provide corrected certified payrolls and to make any necessary back wage payments.
  - b. Should a conformance be granted by the DOL, the PrimeContractor will notify all impacted Subcontractors and post the conformance with the applicable wage determination(s).
50. The wage rates should be compared against those listed on the wage determination(s) to determine if all of workers were paid at least the amounts detailed in the wage determination(s) for the classification(s) in which they performed work. If workers perform work in more than one classification, the payroll records should accurately reflect the time spent working in each.
51. If a Subcontractor submits a certified payroll that does not occur during the first 3 weeks or last 3 weeks of the project and which reflects the use of the laborer classification more than 30% of the time, the PrimeContractor will ask the Subcontractor for written clarification for why it used the high percentage of

laborers.

52. The PrimeContractor will examine the fringe benefits to determine if they are broken down by each individual and are fully explained on the certified payroll or accompanying documentation.
  - a. The PrimeContractor will confirm that the Subcontractor checked the appropriate box (a) and/or (b) is checked on the certification documenting whether the fringes are provided and/or cash in lieu of fringe benefits is provided.
  - b. The PrimeContractor does not need to obtain specifics on the fringe benefit breakdown on a weekly basis if such specifics were previously provided to the PrimeContractor, such as with the initial certified payroll.
53. The PrimeContractor will examine any “other deductions” and confirm that such deductions are defined and are in compliance with the Copeland Act.
54. If the CWHSSA is applicable and/or an employee worked in excess of forty hours in any workweek, a determination will be made whether time and a half the employee’s regular rate was paid.
55. The PrimeContractor will examine the certified payroll to determine if the Apprentice or Trainee is being paid the appropriate wage rate and fringe based on the Apprentice’s/Trainee’s progression in the applicable program.
56. The PrimeContractor will examine the certified payroll to determine if the ratio of apprentices to journeyman on the project does not exceed the ratio provided for in the apprenticeship/training plan.
57. For each new apprentice not on the initial or any subsequent certified payroll, the PrimeContractor will require that all Subcontractors submit to the Project Administrator for each site written proof of the apprentice’s registration the first day that the apprentice is working on the prevailing wage covered project. The PrimeContractor will maintain the written proof provided by its Subcontractors.
58. For any certified payroll that is not complete and accurate, the PrimeContractor will require the Subcontractor to correct any items.
  - a. Whenever a certified payroll is not complete and accurate, the PrimeContractor may use the “Certified Payroll Missing Information Form” (Exhibit F attached hereto).
59. If the PrimeContractor determines that any Subcontractor employee was not paid the wages (and fringe benefits) required by the wage determination, the PrimeContractor will so inform the Subcontractor and attempt to obtain compliance from the Subcontractor.
60. As detailed above in paragraph 31.a-.c, if the PrimeContractor is unable to get the Subcontractor to pay the wages the PrimeContractor believes is owed, the PrimeContractor will notify DOL and will withhold amounts equal to the amount of

back wages that the PrimeContractor believes is owed.

61. On a quarterly basis, for each job site, the PrimeContractor will conduct confidential interviews (beginning after the second full week of construction on the project site) of at one randomly selected employees of each trade classification of Subcontractors to determine if the hours, pay rates and classifications match the certified payroll. The employees should be questioned regarding other employees they worked with and the duties performed by those employees. There shall be a written record of all interviews conducted. The names, statements, or any notes of the confidential interview shall not be disclosed to any Subcontractor.
  - a. The PrimeContractor will not conduct interviews during any week in which the number of covered workers falls below 35 at the Prevailing Wage Covered Project.
  - b. The PrimeContractor will utilize form “SF 1445—Labor Standards Interview” in the form attached hereto as Exhibit G. The Prime Contractor will maintain copies of all completed SF-1445s.
  - c. The interviews should include specific information regarding:
    - (a) rate(s) of pay and wages received;
    - (b) fringe benefits received
    - (c) hour for starting/stopping work and daily/weekly hours worked;
    - (d) manner in which time and work are recorded; and
    - (e) job classification(s) and work performed.
  - d. The PrimeContractor shall also check for discrepancies between the SF-1445 and the certified payrolls.
62. If the interviews disclose complaints or any non-compliance with the Acts, the Project Manager shall within seven (7) days conduct additional interviews of other employees (if any) of the Subcontractor at issue as well as other employees (if any) in the same classification as the affected workers.
63. The Project Manager shall provide the Superintendent with an update on compliance with Federal Prevailing Wage Laws on the project no less than every two weeks. The Project Manager and Superintendent will work together to resolve any potential non-compliance with the Acts or the Plan.
64. The Project Manager and the Superintendent will investigate any complaints received concerning possible non-compliance with the Acts. If the investigation reveals possible non-compliance with the Acts, the Project Manager and Superintendent will take the steps outlined in paragraph 31.a-.c above.

## **J. MONTHLY/QUARTERLY ACTIVITIES**

<TBD>

## **K. ANNUAL ACTIVITIES**

<TBD>

## **L. DOL INVESTIGATIONS**

65. DOL reserves the right to conduct investigations on any Prevailing Wage Covered Project at any time at the sole discretion of the WHD and without regard to any other provision contained in this agreement. If such investigations occur, the PrimeContractor shall cooperate fully and encourage Subcontractors to cooperate fully with all aspects of the investigation.

## **EXHIBITS TO BEST-PRACTICES PLAN**

Exhibit A—Subcontractor Code of Conduct

Exhibit B—Subcontractors Form Statement of Acknowledgement (SF 1413)

Exhibit C—Prevailing Wage and Labor Standards Acknowledgement

Exhibit D—Subcontractor Employee Handout

Exhibit E—Request for Authorization of Additional Classification and Rate (SF 1444)

Exhibit F—Missing Payroll Missing Information Form

Exhibit G—Labor Standards Interview (SF 1445)

## EXHIBIT A

### SUBCONTRACTOR CODE OF CONDUCT -DAVIS BACON COMPLIANCE

- I understand that this Subcontractor Code of Conduct contains a partial list of some of my responsibilities under Federal Prevailing Wage Laws, and in the event of a conflict between this Code of Conduct and Federal Prevailing Wage laws, the Federal Prevailing Wage Laws take precedence, and the Code of Conduct does not limit my obligation to comply with applicable Federal Prevailing Wage Laws.
- I understand that the project I am bidding on is covered by Federal Prevailing Wage Laws and that if my bid is selected I must comply with all applicable Federal Prevailing Wage Laws as specified in the bid documents and as will be specified in any written contract I receive.
- I have been provided the applicable wage determination(s) and will take these wage rates into account when preparing my bid.
- Among other things, as required by the applicable Federal Prevailing Wage Laws, if my bid is accepted:
  - I understand that I must pay each worker on the project on a weekly basis at least the amounts specified for their classification in the applicable wage determination. I further understand that I must provide the Prime Contractor with a certified payroll on a weekly basis.
  - I understand that if I have workers performing work not covered by any of the classifications listed on the applicable wage determination, I will provide the appropriate form to the Prime Contractor to seek a conformance to have the classification added.
  - I understand that if I am using apprentices, I must have an approved apprenticeship program and that each apprentice must be individually registered in such a bona fide program. I further understand that the ratio of journeymen to apprentices that I use on this project cannot exceed the ratio in my approved apprenticeship agreement.
  - I understand that certain classifications require holiday and/or vacation pay in addition to the applicable wages and fringes. I understand that any workers performing work in any such classification must receive vacation/or holiday pay in addition to the applicable wages and fringes.
  - I understand that if I am bringing in employees from another area and my employees will require lodging and per diem on this project, lodging and per diem is a cost that I must bear if bringing the employee from another area primarily benefits my ability to complete this project.

- o I understand that I am responsible for making certain that any subcontractors that I use on this project complies with all applicable Federal Prevailing Wage Laws.
- o I understand that when the wage determination does not have an SU identifier I will exercise reasonable commercial efforts to understand applicable area practice of the trade, and will follow these requirements in developing my price.

I will provide to \_\_\_\_\_ either (1) within thirty (30) days after signing my Subcontract or (2) sixty (60) days prior to starting my work the hourly rates and fringe benefits, if any, and their corresponding classifications I used to bid this project.

**STATEMENT AND ACKNOWLEDGMENT**OMB No.: 9000-0014  
Expires: 03/31/92

Public reporting burden for this collection of information is estimated to average 1.5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the FAR Secretariat (VRS), Office of Federal Acquisition and Regulatory Policy, GSA, Washington, DC 20405; and to the Office of Management and Budget, Paperwork Reduction Project (9000-0014), Washington, DC 20503.

**PART I - STATEMENT OF PRIME CONTRACTOR**

1. PRIME CONTRACT NO.	2. DATE SUBCONTRACT AWARDED	3. SUBCONTRACT NUMBER
4. PRIME CONTRACTOR (Name, address and ZIP code)		5. SUBCONTRACTOR (Name, address and ZIP code)

6. The prime contractor states that under the contract shown in Item 1, a subcontract was awarded on the date shown in Item 2 by (Name of Awarding Firm) \_\_\_\_\_

to the subcontractor identified in Item 5, for the following work:

7. PROJECT	8. LOCATION	
9. NAME AND TITLE OF PERSON SIGNING	10. BY (Signature)	11. DATE SIGNED

**PART II - ACKNOWLEDGMENT OF SUBCONTRACTOR**

12. The subcontractor acknowledges that the following clauses of the contract shown in Item 1 are included in this subcontract:

Contract Work Hours and Safety Standards Act - Overtime	Davis-Bacon Act
Compensation - Construction	Apprentices and Trainees
Payrolls and Basic Records	Compliance with Copeland Regulations
Withholding of Funds	Subcontracts
Disputes Concerning Labor Standards	Contract Termination-Debarment
	Certification of Eligibility

13. NAME(S) OF ANY INTERMEDIATE SUBCONTRACTORS, IF ANY

14. NAME AND TITLE OF PERSON SIGNING	15. BY (Signature)	16. DATE SIGNED
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**EXHIBIT C**

**PREVAILING WAGE AND LABOR STANDARDS ACKNOWLEDGEMENT**

By the signature below, it is hereby expressly agreed and acknowledged that our firm \_\_\_ has entered into an agreement to perform work on the \_\_\_, which is subject to the Davis-Bacon labor standards and covered by Prevailing Wage requirements.

It is expressly agreed and acknowledged that our firm has received the following documents, and our price for the performance of work on the above referenced project has been developed with full understanding of the requirements established therein:

- Our firm has received as part of our subcontract and reviewed in full text, and not just by reference, the Davis-Bacon labor standards clauses set forth in 29 C.F.R. §§ 5.5(a)(1) through 5.5(a)(10).
- Our firm has received as part of our subcontract and reviewed in full text, and not just by reference, the Contract Work Hours and Safety Standards Act ("CWHSSA") labor standards clauses set forth in 29 C.F.R. §§ 5.5(b)(1) through 5.5(b)(4).
- Our firm has received as part of our subcontract and reviewed in full text, and not just by reference, the labor standards clauses and the applicable wage determination(s). It is expressly acknowledged that the Wage Determination applicable to the project referenced above is the following:

General Decision Number: \_\_\_\_ (applicable Decision Number) dated \_\_\_\_\_(date),  
State: \_\_\_\_\_, County \_\_\_\_\_

- Except for potential jurisdictional disputes, our firm will use reasonable commercial efforts to understand the prevailing area practice for our work, and the applicable wage rates are included in our contract price.
- Further, our firm agrees that we will:
  - a. Comply with all applicable laws including the provisions of the Davis-Bacon Act and we will comply with the Wage Determination applicable to the project;
  - b. Flow down to all our lower-tier subcontractors all Davis-Bacon Act provisions and Federal Acquisition Regulations that are contained or referenced in our subcontract agreement;
  - c. Provide copies of all lower-tier subcontract agreements to \_\_\_\_\_ upon request; and
  - d. Comply with \_\_\_\_\_ Subcontractor Code of Conduct for Davis-Bacon Compliance

Finally, it is hereby expressly agreed and acknowledged that our firm is responsible for ensuring that all our lower tier subcontractors comply with all the above requirements, and we agree to provide the above listed information to all lower-tier subcontractors working for our firm, who may be contracted to perform portions of the work on this project. Our firm will be responsible for obtaining acknowledgement from all lower tiers, in this same form, and providing a copy of this acknowledgement to

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

**REQUEST FOR AUTHORIZATION OF  
ADDITIONAL CLASSIFICATION AND RATE**

CHECK APPROPRIATE BOX

SERVICE CONTRACT

CONSTRUCTION CONTRACT

OMB No.: 9000-0089  
Expires: 02/28/96

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

**NOTE: THE CONTRACTOR SHALL COMPLETE ITEMS 3 THROUGH 16 AND SUBMIT THE REQUEST, IN QUADRUPPLICATE, TO THE CONTRACTING OFFICER**

1. TO: ADMINISTRATOR, Employment Standards Administration  
WAGE AND HOUR DIVISION  
U.S. DEPARTMENT OF LABOR  
WASHINGTON, D.C. 20210

2. FROM: (REPORTING OFFICE)

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) (SCA 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 TITLES(S); JOB DESCRIPTION(S); DUTIES; AND RATIONALE FOR PROPOSED CLASSIFICATIONS (SCA ONLY)		b. WAGE RATE(S)	c. FRINGE BENEFITS PAYMENTS
<i>(Use reverse or attach additional sheets, if necessary)</i>			

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.

AGREE  DISAGREE

**TO BE COMPLETED BY CONTRACTING OFFICER (CHECK AS APPROPRIATE - SEE FAR 22.1019 (SCA) OR FAR 22.406-3 (DBA))**

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

*(Send copies 1, 2, and 3 to Department of Labor)*

SIGNATURE OF CONTRACTING OFFICER OR REPRESENTATIVE

TITLE AND COMMERCIAL TELEPHONE NO.

DATE SUBMITTED

## EXHIBIT D

### KNOW YOUR RIGHTS

#### YOU ARE WORKING ON A PREVAILING WAGE PROJECT

1. Read and understand the signage board located \_\_\_\_\_. You will find postings for wage classification and hourly rates, fringe benefits and what rights you have working on a federal project.
2. At any time you are working on this project, and you feel your rate of pay, hours, trade classification, etc., are incorrect you can come to the \_\_\_\_\_ or contact the Hotline number \_\_\_\_\_. All information will be kept confidential and retaliation for filing a complaint is prohibited by law.
3. One of the many requirements for working on a Federal Project is to ensure that for any hours worked over 40 per week (except for collective bargaining or state specific laws) your rate of pay should be one and half times your hourly rate. See poster on signage board for Contract Work Hours and Safety Standard Act.
4. "The Copeland Act" covers Anti-Kickback requirements. At no time are any deductions allowed to be withheld from your paycheck that are not required by law or a court order.
5. \_\_\_\_\_ and/or DOL will conduct random interviews on the project. If you are asked to be a part of a random interview you are not in any trouble and have done nothing wrong.

If at any time you have questions, concerns or comments please feel free to come to the \_\_\_\_\_ contact the \_\_\_\_\_ Hotline, or call the local Labor Department office at \_\_\_\_\_  
Remember these are your rights.

## EXHIBIT F

Date:

Re: Project No.:  
**Certified Payroll Requirements**

Dear: **COMPANY NAME**

Please note, per the Department of Labor and the Davis-Bacon and Related Acts, the following items must be included on each certified payroll submitted to \_\_\_\_\_ site, contract No. \_\_\_\_\_.

Please add the following items to your certified payroll and resubmit as soon as possible.

- Statement of Compliance
- \_\_\_\_\_ Contract Number **GS11XXXXXXXXXXXXXX**.
- Payroll reporting period (example: 1/31/11 – 2/6/11)
- Consecutive Payroll #s, with the first payroll indicating “Initial” and last payroll stating “Final”
- Where fringe benefits are paid, box (a) or (b) must be checked
- Signature and title on the Statement of Compliance
- Submit, by mail, 3 copies. At least 1 Original and 2 Copies
- Employee’s full name
- Employee’s social security number (Last 4 digits is acceptable)
- Employee’s address
- Employee’s title
- Job Classification
- Employee’s rate, hours worked each day and total hours for the week
- Other:

*The DOL does not require the employee’s full SSN or address on each certified payroll. If they are not included on the certified payroll you must formulate a sheet identifying the missing information for all employees that have worked on the USCG jobsite. This **one time submission sheet** has to be updated and sent every time a new employee is added to the certified payroll. The complete information on the actual certified payroll can remain as submitted as long as the one time submission sheet can provide the correct information for the Department of Labor.*

Sincerely,

*Signature*  
Your Name

**LABOR STANDARDS INTERVIEW**

FORM APPROVED OMB NUMBER

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CONTRACT NUMBER	EMPLOYEE'S NAME (Last, First, M.I.)	
NAME OF PRIME CONTRACTOR	EMPLOYEE'S ADDRESS (Street, City, State, ZIP Code)	
NAME OF EMPLOYER	WORK CLASSIFICATION	WAGE RATE
	SUPERVISOR'S NAME (Last, First, M.I.)	

	(Check Below)	
DO YOU WORK OVER 8 HOURS PER DAY?	YES	NO
DO YOU WORK OVER 40 HOURS PER WEEK?		
ARE YOU PAID AT LEAST TIME AND A HALF FOR OVERTIME HOURS?		
ARE YOU RECEIVING ANY CASH PAYMENTS FOR FRINGE BENEFITS REQUIRED BY THE POSTED WAGE DETERMINATION DECISION?		
WHAT DEDUCTIONS OTHER THAN TAXES AND SOCIAL SECURITY ARE MADE FROM YOUR PAY?		

HOW MANY HOURS DID YOU WORK ON YOUR LAST WORK DAY BEFORE THIS INTERVIEW?

HOURS	WHAT DATE (YYMMDD) WAS THAT?
-------	------------------------------

WHAT TOOLS DO YOU USE?

WHEN DID YOU BEGIN WORK ON THIS PROJECT (YYMMDD)?

I HAVE READ THE ABOVE AND CERTIFY IT TO BE CORRECT TO THE BEST OF MY KNOWLEDGE.

EMPLOYEE'S SIGNATURE	DATE (YYMMDD)
INTERVIEWER'S SIGNATURE	DATE (YYMMDD)

**INTERVIEWER'S COMMENTS**

WORK EMPLOYEE WAS DOING WHEN INTERVIEWED

IS EMPLOYEE PROPERLY CLASSIFIED AND PAID? (If additional space is needed, use comments section)

YES                       NO

ARE WAGE RATES AND POSTERS DISPLAYED?

YES                       NO

**FOR USE BY PAYROLL CHECKER**

IS ABOVE INFORMATION IN AGREEMENT WITH PAYROLL DATA?

YES                       NO

COMMENTS

DATE OF CHECK (YYMMDD)	NAME OF CHECKER (Last, First, M.I.)	JOB TITLE	SIGNATURE
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