



**Community Development Block Grant - CDBG  
PRE-CONSTRUCTION CONFERENCE CHECKLIST/MINUTES**

*(This document will serve as minutes to the conference. Please add any additional pages as necessary.)*

<b>Grantee</b>		<b>Grant #</b>		<b>Date</b>	___ / ___ / ___
<b>Project Name</b>		<b>Amount</b>	\$	<b>Time</b>	
<b>Engineer</b>					
<b>Administrator</b>					
<b>Contractor/Company</b>				<b>Contract # 1</b>	
<b>Represented By</b>				\$	
<b>Contractor/Company</b>				<b>Contract # 2</b>	
<b>Represented By</b>				\$	
<b>Contractor/Company</b>				<b>Contract # 3</b>	
<b>Represented By</b>				\$	

<b>Conference Representation – The following entities should have representation at the meeting.</b>			
Check the box for each entity represented. Attendance list required.			
<input type="checkbox"/> Contractors	<input type="checkbox"/> Engineer	<input type="checkbox"/> Grantee	<input type="checkbox"/> Utility Companies
<input type="checkbox"/> Subcontractors	<input type="checkbox"/> Grant Administrator	<input type="checkbox"/> Grantee Attorney	

***Each item must be initialed by the meeting facilitator as discussed, completed/understood.***

<b>1. Labor Laws and Requirements</b>	
This federally funded project is subject to the following labor laws and regulations:	
	<b>Davis-Bacon and Related Acts</b> require the payment of prevailing wage rates to all laborers and mechanics working on the construction site. The prevailing wages for this project are listed in the contract documents. Prevailing wages include a basic hourly rate of pay and in most cases a fringe benefit payment.
	The <b>Copeland Act</b> makes it a crime for anyone to require any laborer or mechanic to kickback any part of their wages. Consequently, the only deductions that can be taken out of an employee's paycheck are those <b>required by law</b> or those <b>authorized</b> by the employee <b>in writing</b> . <b>The Copeland Act also requires that every contractor pay their employees weekly and submit weekly certified payroll reports (CPRs).</b>
	<b>The Contract Work Hours and Safety Standards Act (CWHSSA)</b> requires time and one-half pay for hours worked over 40 in any workweek. The time and one-half is computed on the basic hourly wage and then the fringe amount is added to it. CWHSSA violations carry a liquidated damages penalty of ten dollars per day per violation. Intentional violations of CWHSSA standards are considered a federal criminal misdemeanor
	<b>Section 3 of the Housing and Urban Development Act of 1968</b> , as amended requires the provision of opportunities for training and employment that arise through HUD-financed projects to lower-income residents of the project area. Also required is that contracts be awarded to businesses that provide economic opportunities for low- and very low-income persons residing in the project area, county or metropolitan statistical area. Section 3 language must be inserted into each contract and subcontract documents for this project. The prime or general contractor and all subcontractors are responsible for compliance with Section 3.
<b>2. Additional Classifications</b>	
	If the work classifications needed do not appear on the wage decision, a request for additional classification and wage rate will be needed. The contract administrator can assist you in this process. These additional classifications and rates must be approved by the U.S. Department of Labor.

**3. Job Site Postings**

The contractor is required to display, in a **conspicuous place**, the following:

The Wage Decision for this project which is: **CA** \_\_\_\_\_ **with** \_\_\_\_\_ **modifications, dated** \_\_\_\_\_

Appropriate Posters to be Posted at the Job Site (State & Federal)

**1. Notice to Employees**

Davis Bacon (English): <https://www.dol.gov/whd/regs/compliance/posters/fedprojc.pdf>

Davis Bacon (Spanish): <https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/davispan.pdf>

California Posters: <https://www.dir.ca.gov/wpnodb.html/>

**2. Minimum Wage**

Federal Minimum Wage (English): <https://www.dol.gov/whd/regs/compliance/posters/flsa.htm>

Federal Minimum Wage (Spanish): <https://www.laborposters.org/federal/86-federal-minimum-wage-spanish-poster.htm#PDF>

California Minimum Wage: <https://www.dir.ca.gov/iwc/MW-2021.pdf>

**4. Payrolls**

- |    |   |
|----|---|
| A. | Original payrolls must be submitted weekly by all contractors and subcontractors.   |
| B. | Contractors are not required to use Payroll Form WH-347, but the payroll used must contain all information required on the WH-347; and the Statement of Compliance must be the exact same wording as on the reverse of WH-347. <a href="https://www.dol.gov/whd/forms/wh347.pdf">https://www.dol.gov/whd/forms/wh347.pdf</a>  |
| C. | Payroll information needed:   |
|    | Number of payrolls (mark last payroll final)  |
|    | All mechanics and laborers employed on the site must be listed on the payroll   |
|    | Employee name, and last four digits of social security number.  |
|    | Correct work classification taken from the wage decision or approved classification   |
|    | Hourly wage paid and fringe if paid in cash (see below for fringe paid to a plan)   |
|    | Daily and weekly total number of hours worked (only hours worked on this project)   |
|    | Gross pay for this project  |
|    | Allowable deductions (those required by law or authorized by the employee in writing)   |
|    | Net pay   |
|    | Reverse of WH-347 completed, box "a" or "b" checked, and the certification signed   |
| D. | Payroll deductions must be made according to DOL Regulations 29 CFR Part 3. These regulations prohibit the employer from requiring employees to "kick-back" any of their earnings. Allowable deductions include employee obligations for income taxes, Social Security payments, insurance premiums, retirement, savings account and any other legally permissible deduction <b>authorized by the employee</b> . Deductions may also be Made for payments on judgments and other financial obligations legally imposed against the employee. Non-permissible deductions are tools, gas and similar items. |
| E. | If fringe benefits are paid to a plan instead of in cash, the hourly contribution must be determined. Documentation of the plan and the amount paid into the plan per employee must be submitted with the first payroll. Fringe benefits include health insurance and retirement. They do not include employer payments or contributions required by other federal, state, or local laws, such as the employer's contribution to Social Security or some disability insurance payments.   |
| F. | If payrolls are not numbered sequentially by the respective contractor or subcontractor, then submit a letter or the "No Work" form to the contract administrator for the period that work is not performed so that a continuous record is maintained. One form may be submitted for extended period of inactivity on the job.  |
| G. | General and all subs submit Signature Authorization Form stating who is designated to sign payrolls if someone other than the owner signs them.   |
| H. | Payrolls must be submitted to _____ within seven (7) days after the payroll period ends.  |

5. Contractor/Subcontractor Certifications	
	Contractor/subcontractor certifications are to be submitted within ten (10) days of signing the contract. In lieu of the certification, a copy of the contract between the general contractor and subcontractor may be submitted. However, the contract must contain the Applicable Wage Determination and Labor Standards Provisions.
	<b>Prime contractors are responsible for the payment of employees of subcontractors and lower tier subcontractors and in compliance with Labor Standards Provisions.</b> It is the contractor's responsibility to employ only eligible subcontractors. <a href="http://www.sam.gov">www.sam.gov</a>
6. Split Classification	
	If employees perform work in more than one classification during the workweek, the wage rates specified for each classification can be paid <b>only if</b> accurate time records are maintained showing the amount of time spent in each classification of work. If there is a dispute, the contractor will be asked to provide the employee time records. <b>If accurate time records are not maintained, the employees must be paid the highest wage rate of all the classifications for work performed.</b>
7. Proper Designation of Trade	
	The classification of each employee must be selected from the wage decision, or an approved Additional Classification based on the actual type of work performed. Each worker must be paid no less than the wage rate on the wage decision for that classification regardless of their level of skill. In other words, if someone is performing carpentry work on the project, they must be paid no less than the wage rate on the wage decision for Carpenters, even if they aren't considered by the contractor to be fully trained as a Carpenter. <b>The only people who can be paid less than the rate for their craft are apprentices registered with the U.S. Department of Labor or approved program.</b>
8. Foremen	
	Foremen or supervisors who regularly spend more than 20% of their time performing construction work are covered laborers and mechanics (workers, employees) for labor standards purposes and must be paid the designated wage for the classification in which they work.
9. Relatives	
	Relatives are not exempt from Davis-Bacon requirements and must be paid the prevailing wage rate for the classification of work performed.
10. Apprenticeship Provisions	
1.	Documentation of Apprentice registration must be submitted with the first payroll on which he appears. If the papers are not submitted, the employee must be paid the mechanic rate for the classification of work being performed. The apprentice must be registered prior to going to work on the job.
2.	The Journeyman-Apprentice ratio must be observed. If more apprentices per journeymen are used than permitted, the extras must be paid at the journeyman's rate.
3.	California Apprentice Requirements <a href="https://www.dir.ca.gov/Public-Works/Apprentices.html">https://www.dir.ca.gov/Public-Works/Apprentices.html</a>
11. Wage Interviews	
	Every contractor must make their employees available for interviews at the job site. Interviews should be conducted individually and in private. Each employee should be informed that the information given is confidential, and that their identity will not be disclosed to the employer without the employee's permission.
12. Working Subcontractors	
	In the event the general contractor or the subcontractor hires a self-employed proprietor (someone who has no employees so will perform all the work themselves), the Davis-Bacon rate must be paid and the following procedure must be followed:
1.	Report the self-employed proprietor on the certified payroll of whoever hired them.
2.	Provide their name, address and social security number.
3.	State their classification of work (i.e. "finish carpenter").
4.	Indicated daily hours of work, by date, and the total hours per week.

	5.	Show the hourly rate of pay, with the gross amount earned in the week.
	6.	Enter "self-employed" and their contracting license number, where the payroll asked for "deductions."
<b>13. Truck Drivers</b>		
		Truck drivers employed by a construction contractor or subcontractor are not covered by Davis-Bacon prevailing wage requirements while engaged in transporting materials or supplies to or from <b>(BUT NOT DIRECTLY ON)</b> the site of the work. <b>These truck drivers must be paid Davis-Bacon rates for time spent while employed "directly upon the site of the work;"</b> and while hauling between the project site and any special facilities established exclusively for the project (i.e., "dedicated facilities" under 29 CFR 5.2(1)(2)).
<b>14. Violations</b>		
		Violations of state/federal prevailing wage requirements can result in withholding of funds, termination of the contract or contractor debarment.
<b>15. Equal Employment Opportunity</b>		
		The utilization of any worker, including apprentices, trainees and journeymen shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR Part 30.
<b>16. Section 3 Hiring and Contracting Activity</b>		
	1.	Section 3 is MANDATORY for all CDBG projects receiving \$200,000 in federal assistance. Under Section 3, Grantees, contractors, and subcontractors must actively work to recruit and hire Section 3 Workers and direct economic opportunities to Section 3 Businesses.
	2.	The prime contractor and all subcontractors must submit a list of existing employees to the project administrator prior to construction. If additional employees are needed to complete a project, stringent Federal regulations apply to hiring activity, and all parties have a role in ensuring compliance.
	3.	Contractors must make a good faith effort to utilize Section 3 Workers as trainees and employees in connection with the project.
	4.	Contractors must make a good faith effort to award contracts to Section 3 business concerns for work in connection with the project.
	5.	Contractors must keep records documenting good faith efforts taken and results of these efforts.
	6.	In addition to the certifications and clauses in the Supplemental General Conditions, all contractors are required to complete an annual Section 3 Summary Report. If no Section 3 hiring or business activity occurred, the Grantee must document the actions taken to achieve compliance and explain why these actions fell short of Section 3 benchmarks.
<b>17. Changes</b>		
	1.	All work on a CDBG project must remain in the project area identified in the grant application and the environmental review record. Grant funds are awarded based upon strict criteria according to HUD National Objectives.
	2.	The Grantee may approve ( <b>in writing</b> ) field expedient change orders that add minimally or incidentally to the project cost, provided that approval is based upon a finding that the change is within the approved project scope and is necessary for the successful completion of the project and provided that sufficient funds are on hand to cover the change without jeopardizing the completion of the project. <b>The cumulative costs of all change orders cannot exceed 20% of the original contract amount.</b>
	3.	<b>All work initiated under a change order must be eligible under the CDBG guidelines.</b> The Grantee assumes responsibility for making eligibility determination prior to State concurrence. Detailed information on eligible activities can be found in <i>Chapter 2: National Objectives and Eligible Activities</i> .
	4.	<b>Under no circumstances will the Grantee approve change orders that alter the scope of the project or which adversely affect the project.</b>

18. Materials Provided	
	The following material was provided to the Prime Contractor on this project
	<input type="checkbox"/> Wage Determination # CA _____ Mod# ___ Dated _____ <input type="checkbox"/> Payroll Form <a href="http://www.dol.gov/whd/forms/wh347instr.htm">http://www.dol.gov/whd/forms/wh347instr.htm</a> ; <a href="http://www.dol.gov/whd/formsw347.pdf">http://www.dol.gov/whd/formsw347.pdf</a> <input type="checkbox"/> Federal Labor Standards Provisions (4010) <a href="https://www.hud.gov/sites/documents/UPDATED4010.PDF">https://www.hud.gov/sites/documents/UPDATED4010.PDF</a> <input type="checkbox"/> HUD-11, Record of Employee Interview (Spanish and English) <a href="https://www.hud.gov/sites/documents/11.PDF">https://www.hud.gov/sites/documents/11.PDF</a> <input type="checkbox"/> Making Davis-Bacon Work: A Contractor's Guide to Prevailing Wage Requirements for Federally Assisted Construction Projects <a href="https://www.hudexchange.info/resources/documents/Making-Davis-Bacon-Work-Contractors-Guide-Prevailing-Wage-Requirements.pdf">https://www.hudexchange.info/resources/documents/Making-Davis-Bacon-Work-Contractors-Guide-Prevailing-Wage-Requirements.pdf</a>
19. Additional Topics Discussed – check all that apply, include notes.	
	<input type="checkbox"/> Project Schedule
	<input type="checkbox"/> Shop Drawings and Approval of Materials
	<input type="checkbox"/> Status of Bonds/Insurance
	<input type="checkbox"/> Public Safety
	<input type="checkbox"/> Easements
	<input type="checkbox"/> Location of Utilities
	<input type="checkbox"/> Clean up
	<input type="checkbox"/> Status of Permits
	<input type="checkbox"/> Communication Process
	<input type="checkbox"/> Pay Request Process
	<input type="checkbox"/> Recordkeeping
	<input type="checkbox"/> Notice to Proceed as <i>closing of meeting</i>
	<input type="checkbox"/> Any mitigations specified in approved environmental record review
	<input type="checkbox"/> Other:
	<input type="checkbox"/> Other:
20. Notes/Comments	

**21. CERTIFICATION – Signatures Required**

**Please sign two documents; one for the grant administrator and one for the contractor.**

It is acknowledged that the above-mentioned Labor Standards Regulations information was discussed and all required material was remitted to \_\_\_\_\_ of \_\_\_\_\_.

\_\_\_\_\_

**Contractor** \_\_\_\_\_ **Date** \_\_\_\_\_

**Grantee Representative** \_\_\_\_\_ **Date** \_\_\_\_\_

**22. A copy of this checklist must be kept in the project file. See *Chapter 5: Procurement* and *Chapter 10: Reporting and Recordkeeping* for more information on documentation requirements.**

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