PRE-CONSTRUCTION MEETING AND CHECKLIST-CDBG FORM 407.4

Project Name:	CDBG Contract No.:
Location:	
Description of Work to be Performed:	
Construction Contractor:	Contract Amount: $
Conference Date:	Location:
Participants: Names:	Titles:

Items Covered:

_____ Labor Standards (Wage Rates and Weekly Payroll Reports)

_____ Grantee's Role and Responsibilities

_____ Section 3 Responsibilities (Refer to Policy 404)

_____ Construction Contractor's Role and Responsibilities

_____ Equal Opportunity

_____ Reporting Requirements and Sanctions

_____ Other

_____ BABA Requirements

(Instructions on following pages.)

THE PRE-CONSTRUCTION MEETING

ODOC requires that every contractual relationship between the Grant Recipient and the construction contractor be initiated by a meeting to define the terms, conditions, deliverables, and performance schedules that will govern the contract. This approach represents good management practice and reduces the likelihood of later conflicts caused by assumptions and misunderstandings between the construction contractor and the Grant Recipient.

After contract award, but before any work is performed, the Grant Recipient, the architect or engineer and any technical advisors to the Grant Recipient must hold a pre-construction conference with the construction contractor to explain contract requirements.

The construction contractor should be notified in writing of the time and place for the conference. The contractor must require the attendance of subcontractors expected to undertake major portions of the work. Documentation required from the construction contractor at the time of the meeting should be identified. Satisfaction of all bonding provisions will be required at this time especially the Davis Bacon wage rate requirements.

Prepare an agenda and plan to utilize and distribute a **Pre-construction Checklist** as a guide to assure that all areas are properly addressed. (Especially Davis/Bacon Requirements.) A recording may be used to document the meeting and/or a stenographer may be asked to prepare notes. It is the Grant Recipient's responsibility to clearly present the Federal Statutory Compliance requirements as well as performance expectations. A copy of the minutes should be signed by the parties to the contract and placed in the files.

ODOC recommends the following procedures as the minimum coverage of topics at the pre-construction conference:

- Review the technical aspects of the project.
- Identify the laws applicable to the contract and establish the documentation, reporting and performance that will constitute compliance.
- Establish the Grant Recipient's obligations to monitor labor standards and the procedures that will be employed.
- Establish specific requirements for reporting between the construction contractor and the Grant Recipient.
- Accept bonds and securities for performance and payment of labor and materials.
- Review the contract provisions, including all attachments regarding labor standards, civil rights, job safety standards and environmental protection as well as the **Davis Bacon wage rate requirements & required posters for job site.**
- Explain the objectives of Executive Order 11246, EEO, and require a copy of the construction contractor's **Section 3 Affirmative Action Plan** and the specific affirmative action strategy to be employed on this contract.
- Review the **Section 3 Reporting Requirements** for Reporting Worker Hours and **Qualitative & Quantitative Benchmarks.**
- **Sub-contractors –** provide a list of subcontractor info to include FEI No.(form)
- **BABA** – Explain the compliance requirements.
- Return the construction contractor's bid bonds.
- Provide for a record of the pre-construction conference to be prepared and subsequently signed by the parties to the agreement.
- Issue a notice to proceed to the construction contractor.

CHECKLIST FOR CONSTRUCTION CONTRACTORS

(MEETING LABOR STANDARDS COMPLIANCE REQUIREMENTS)

I. INTRODUCTION:

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

II. EXPLANATORY NOTES:

The word "employer", as used below, refers to the prime construction contractor, each subcontractor, or each lower-tier subcontractor. Payrolls and other documentary evidence of compliance (marked **"*"**) *must be sent to the Grant Recipient for review (all to be submitted through the prime construction contractor).* The submission procedure is as follows:

A. Each *lower-tier subcontractor*, after careful review, submits required documents to the respective subcontractor.
B. Each *subcontractor*, after checking his/her own and those of each lower-tier subcontractor he/she may have, submits required documents to the prime construction contractor.
C. The *prime construction contractor*, after reviewing all payrolls and other documentation, including his/her own, and correcting violations where necessary, submits all to the Grant Recipient.

All employers should check each of the following statements as being true. If any statement is not true, the construction contractor should contact the Grant Recipient for special guidance.

III. Build America, Buy America - Contractor's Responsibilities section:

A. All products must meet BABA requirements.
B. Contractor shall include Manufacturer's Certification for BABA requirements with all applicable submittals. If a specific manufacture is used in the bidding, a statement that Manufacturer will comply with BABA must be included with the bid submission. Contractor shall comply with BABA requirements, including coordination with manufacturers, distributors, and suppliers to correct deficiencies in any BABA documentation.
C. Engineer/Architect approval of shop drawings or samples shall include review of BABA documentation.
D. Contractor shall certify upon completion that all work and materials have complied with BABA requirements.
E. For any change orders, Contractor shall provide BABA documentation for any new products or materials required by the change.
F. Installation of materials or products that are not compliant with BABA requirements shall be considered defective work. Contractor should ensure that Engineer/Architect has an approved Manufacturer's Certification or waiver prior to items being delivered to the project site.

IV. **BEFORE CONSTRUCTION BEGINS, each employer has:**

A. Been found eligible to participate in any Federal or Federally-assisted project, i.e., has not been debarred or otherwise made ineligible. (Registered and eligible to contract in SAM.gov).
B. Received appropriate contract provisions covering labor standards requirements.
C. Reviewed and understands all labor standards contract provisions.
D. Received the appropriate wage decision(s) as part of the contract.
E. Requested through the Grant Recipient and received the minimum wage for each classification to be worked on the project which was not included on the wage decision by the additional classification process and before allowing any such trade(s) to work on the project.
F. Requested and received certification of his/her apprentice program from the State's Bureau of Apprenticeship and Training (State BAT), (recognized by the U.S. Bureau of Apprenticeship and Training [USBAT]) and submitted a copy thereof to the Grant Recipient prior to employment on the project. Likewise, "trainee" program certification from USBAT, if applicable, must be submitted.
G. Received & Reviewed the Section 3 Requirements & Reporting of worker hours & benchmarks

V. **AT CONSTRUCTION START, the construction contractor has:**

- Received a Notice to Proceed from the Grant Recipient.
- Notified Contractor of construction start date in writing.
- Placed each of the following on a bulletin board prominently located on the project site which can be seen easily by the workers (and replaced if lost or unreadable)
  - Wage Decision;
  - Notice to Employees;
  - Safety and Health Protection on the Job (USDOL);
  - Section 3 Poster(s);
  - Monthly Pay Estimates to include weekly payroll reports and Section 3 Worker Report

A. Before assigning each project worker to work, obtained the worker's name, best mailing address and Social Security Number (for payroll purposes).

B. Obtained a copy of each apprentice's certificate with the apprentice's registration number and his/her year of apprenticeship from the State Bureau of Apprenticeship Training program (BAT). https://www.apprenticeshipsok.com/

C. Informed each worker of:
- His/her work classification (journeyman or job title) as it will appear on the payroll;
- His/her work duties;
- The requirement on this project that he/she is either a journeyman, apprentice, or laborer:
- If journeyman, he/she is to be paid journeyman's minimum wage rate or more;

- If apprentice, he/she is to be paid not less than the apprentice's rate for the trade based on his/her year of apprenticeship; or
- If laborer, he/she is to do laborer's work only - not use any tool or tools of the trade - and not perform any part of a journeyman's work - and is to be paid the laborer's minimum wage rate or more.

D. Been informed of the requirements that each laborer or mechanic who performs work on the project in more than one classification within the same workweek shall be classified and paid at the highest wage rate applicable to any of the work which he/she performs unless the following requirements are met:

1. Accurate daily time records are maintained. These records must show the time worked in each classification and must be signed by the workman.
2. The payroll shows the hours worked in each classification and the wage rate paid for each classification.
3. The payroll is signed by the workman, or a signed copy of the daily time record is attached.

E. Has informed each worker of his/her hourly wages (not less than the minimum wage rate for this work as stated in the Wage Decision).

1. Time and a half for all work over 40 hours any workweek (see Contract Work Hours Safety Standards Act).
2. Fringe benefits, if any (see wage Decision for any required).
3. Deductions from his/her pay.

F. Has informed each worker that he/she is subject to being interviewed on the job by the Grant Recipient, ODOC, USDOL or other inspector to confirm that the employer is complying with all labor requirements.

G. Has informed each journeyman and each apprentice that a journeyman must be on the job at all times when an apprentice is working.

VI. DURING CONSTRUCTION

Each Employer:

1. **Has not** selected, assigned, paid different pay rates to, transferred, upgraded, demoted, laid off or dismissed any project worker because of race, color, religion, sex, or national origin.

2. **Has** provided the list (form) of sub-contractor information.

3. **Has employed** all registered apprentices referred to him through normal channels up to the applicable ratio of apprentices to journeymen in each trade used by the employer.

4. **Will** maintain basic employment records accessible to inspection by the Grant Recipient or ODOC representatives.

5. **Is** complying with all health and safety standards.

6. **Has** paid all workers weekly.

7. **Has** submitted weekly payrolls on Form WH-347.

A. Instructions for completing/reviewing the Front Page of Payroll Form WH-347

Name of Employer. The construction contractor or subcontractor.
Address. Street address/P.O. Box, City, State and Zip Code of employer.
Payroll Number. Each weekly payroll is numbered in sequential order

Some employers place all project workers on Payroll Form WH-347. The Contractor (owner) does not review any project workers on the payroll who perform work in any of the following job titles (which are exempt from labor requirements):

- Project superintendent
- Project engineer
- Owner-operator
- Supervisory foreman (less than 20% of time as a working foreman)
- Messenger
- Clerical workers (timekeepers, payroll clerks, bookkeepers, etc.)

(starting with Payroll No. 1)

If employer's workers perform no physical work on the project during workweek, he/she has submitted a "no work" letter for that workweek. Payroll of employer's final workweek on the project (completion of his/her work) is marked "Final".

For Week Ending. The last date of the workweek.
Project and Location. Name of project and city in which located.
Columns 1 thru 9: Data entered on each line of this section of Form WH-347 represents information about a single worker in a separate job classification. When one worker performs more than one class of work during a workweek (*split classification*), the worker will have data reported on multiple lines (as many lines as he/she worked separate classifications). Accurate daily time records signed by the employee must show the exact hours worked in each classification.

Column 1: Worker's Name as it appears on his/her paycheck.

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- ✓ Worker's best mailing address and social security number is entered only on the first payroll on which his/her name appears;
- ✓ If the worker changes his/her residential address while working on the project, the new address is entered on the next applicable payroll;
- ✓ If any two or more workers have the same name, their social security numbers are included on the payroll

Column 2: self-explained.

Column 3:
The Work Classification (job title) for the worker is included in the Wage Decision and denotes the work that worker actually performed.

If the worker is an ***apprentice***, enter the State BAT registration number and year of apprenticeship in this column the *first* time the apprentice's name appears on the payroll.

If the worker has performed *more than one class of work* during the workweek, such as carpenter and laborer, the division of work must be shown on separate lines of the payroll. Each class of work performed is noted in Column 3 on a separate line and the employee's name is repeated on that line in Column 1.

NOTE
If the applicable classification is not included in the Wage Decision, construction contractor should call the Contractor immediately and request the appropriate classification through the Additional Classification Process

The payroll is signed by the workman in the related "blocks", or a signed copy of the daily time records is attached to the payroll

If the above is not done, the worker is paid at least the highest minimum wage rate of all of the classes of work performed for all hours worked.

The employer may not pay a "semi-journeyman" or semi-skilled laborer the average of journeyman's and laborer's rates. The actual hours each worker uses tools of the trade (journeyman) and each hour he/she does not use tools of the trade (laborers) must be recorded on separate lines in Column 3 of the payroll. *The employer may* ***not*** *pay the average of the two classes of work.*

The work classification of helper is not accepted unless included in the Wage Decision issued by the Secretary of Labor. Any employee listed as "helper" in the absence of such a classification in the Wage Decision must be paid the journeyman's rate for hours he/she uses the tools of the trade.

Column 4: Hours Worked, Each Day and Date, for the workweek.

Regular hours (**S** for "Straight" time) are entered for each classification for each employee. Overtime hours (**O**), if any, are reported separately from straight hours. Overtime is any time over 40 hours in any workweek.

Column 5: Total Hours worked during the workweek are reported (the sum of sub columns in Column 4). Straight and overtime hours are recorded separately.
Column 6: Rate of Pay, not less than the minimum wage rate for the work classification (see Wage Decision).
The Overtime Rate of Pay is not less than 1½ times the worker's basic (straight) hourly rate of pay.

Apprentices. If a copy of the apprentice's registration certificate from the State BAT has not been submitted to Grant Recipient by employer (through construction contractor), apprentice must be paid journeyman's rate.

Piece Worker. Piece work must be reported in Column 6 at an hourly rate, the gross pay for the workweek (work on the project) divided by the total number of hours worked on the project during the workweek.

Column 7: Gross Amount Earned equals straight hours (Column 5) times straight rate of pay (Column 6) plus overtime hours, if any, (Column 5) times overtime rate of pay (Col 6).

Column 8: Each deduction is:

√ Required by law;

√ Voluntarily authorized by the worker in writing before the work week began; or

√ Provided in a bargaining agreement.

Column 9: Net Wages stated are Column 7 minus total deductions shown in

B. Instruction for completing/reviewing the Back of Payroll (Form WH-347)
Each Employer has:
√ completed all blank spaces and understands the penalties for falsification;

√ Checked Item 4 if fringe benefits are included in the Wage Decision for all workers: 4(a) If fringe benefits are paid to approved fund(s); or,
4(b) Paid directly to each affected worker each week, his/her paycheck representing the pay of the applicable minimum wage rate plus the amount of required fringe benefits.

√ Manually signed the payroll in the "block" marked signature and stated his/her title;

The person who signed the payroll is the employer or an official of the employer who is legally authorized to act for the employer.

C. Weekly Payroll Review. Each employer has promptly:

Reviewed the weekly payroll for compliance with all labor requirements (using this checklist) and made necessary corrections.

Each lower-tier subcontractor has submitted his/her weekly payroll or "no work" letter to the respective subcontractor within 3 calendar days from the last date of the workweek.

Each subcontractor has received a payroll or "no work" letter from each of his/her lower-tier subcontractors, reviewed each and his/her own payroll,

required necessary corrections and submitted all such payrolls to the construction contractor within 5 calendar days from the last date of the workweek.

Construction contractor has received a payroll or "no work" letter from each subcontractor and each lower-tier subcontractor, monitored each including his/her own payroll, required necessary corrections, and collectively submitted them to the grantee within 7 workdays of the last date of the respective workweek.

VII. **AFTER PROJECT COMPLETION**

Each employer will keep all weekly payrolls on the project for 3 years after the construction contractor's project completion date.