



# Davis Bacon Labor Relations

This checklist is to be used as your guide to fulfilling all of the Federal Labor Requirements on your construction project. Please make sure to follow these steps exactly as they appear on this checklist as Federal law prohibits organizations from committing, obligating, spending funds, and/or starting/staging for construction until contracts have been executed and an Environmental Review has been completed.

## Project Checklist

You must also retain all financial records, supporting documents statistical records, and all other records pertinent to your grant agreement (*including all original copies of the forms and steps contained in this checklist*) for a period of four (4) years. The retention period begins in the September immediately following the completion of your project.

### **Important Resources**

You can find this checklist as well as all of the necessary forms and contracts at the following website:

<http://www.slcgov.com/hand/federal-labor-requirements>

### **Important Contacts**

Rawleigh Greenhalgh – [Rawleigh.Greenhalgh@slcgov.com](mailto:Rawleigh.Greenhalgh@slcgov.com) –  
801-535-7268

# Davis Bacon Labor Relations

## PSBI Construction Project Checklist



\_\_\_\_\_  
Date/Initial

1. Schedule Pre-Bid Meeting making sure to include Rawleigh Greenhalgh ([Rawleigh.Greenhalgh@slcgov.com](mailto:Rawleigh.Greenhalgh@slcgov.com)) in the scheduling of said meeting.

\_\_\_\_\_  
Date/Initial

2. Submit the, **"Notice To Bidders"** to [Rawleigh.Greenhalgh@slcgov.com](mailto:Rawleigh.Greenhalgh@slcgov.com) for review.  
**(Sample bid notice attached as, "Step #3: Notice To Bidders")**

\_\_\_\_\_  
Date/Initial

3. After approval from Rawleigh Greenhalgh publicly post your notice to bidders and reach out via email to the following locations please **CC Rawleigh Greenhalgh on all bid correspondence:**
  - a. Federal Section 3 Registry -  
<https://portalapps.hud.gov/Sec3BusReg/BRegistry/SearchBusiness>  
(at this link simply submit the state into the search and then contact each relevant contractor listed)
  - b. The Minority and Woman Owned Business Registry  
[http://dsbs.sba.gov/dsbs/search/dsp\\_dsbs.cfm](http://dsbs.sba.gov/dsbs/search/dsp_dsbs.cfm)  
(follow these steps:
    - 1) Select State
    - 2) Select Salt Lake County
    - 3) Select All "Ownership and Self-Certifications) options
    - 4) Scroll to the bottom and select "Search Using These Criteria"
    - 5) Select "Save E-Mail Addresses for All" >>  
"Delineated by: semi-colon and space"
    - 6) Send notice to bidders to the list of *relevant* emails generated from this search
  - c. Post your notice publicly either on bidsync.com, a classified newspaper ad, a KSL.com classified ad, or Craigslist.

\_\_\_\_\_  
Date/Initial

4. Submit an email requesting a **Federal Wage Determination** to:  
Rawleigh Greenhalgh ([Rawleigh.Greenhalgh@slcgov.com](mailto:Rawleigh.Greenhalgh@slcgov.com))

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Date/Initial

5. Hold a Pre-Bid Meeting with Rawleigh Greenhalgh in attendance.  
**(Documents for pre-bid meeting attached as "Step #6 Pre-Bid Meeting") Meeting Documents to Include:**
  - a. **Pre-Bid Packet**
  - b. **Pre-Bid Attendance Register**
  - c. **Section 3, Woman, and Minority Owned Business Certification from all bidders**
  - d. **Bid Compilation Form**  
**(Required forms attached as "Step #6: Contractor Certification & Bid Compilation")**

_____	6. Submit the Following to <a href="mailto:Rawleigh.Greenhalgh@slcgov.com">Rawleigh.Greenhalgh@slcgov.com</a> :
Date/Initial	<ul style="list-style-type: none"> <li>a. <b>Pre-Bid Attendance Register</b></li> <li>b. <b>Winning bidders Business License</b></li> <li>c. <b>Winning Bidders General Contractors License</b></li> <li>d. <b>Section 3, Woman, and Minority Owned Business Certification from all bidders</b></li> <li>e. <b>Bid Compilation Form</b></li> </ul> <p><b>(Required forms attached as “Step #6: Contractor Certification &amp; Bid Compilation”)</b></p>
	<i>Note: Procurement rules require that the lowest bidder be chosen. Also note that Federal Procurement guidelines do not allow any cost (+) bids.</i>
_____	7. Upon receipt of a <b>Federal Debarment Clearance (SAM.gov Registration)</b> from Rawleigh Greenhalgh you can finalize the contract with the winning bidder.
Date/Initial	
_____	8. Schedule a pre-construction meeting making sure to include the City's Davis Bacon Labor Specialist Rawleigh Greenhalgh in the planning and scheduling of said meeting.
Date/Initial	
_____	9. Hold a pre-construction meeting
Date/Initial	<p><b>(Documents for pre-construction meeting attached as “Step #9: Pre-Construction Packet”) Packet to include:</b></p> <ul style="list-style-type: none"> <li>a. <b>Pre-Construction Attendance Log</b></li> <li>b. <b>Contractor &amp; Sub-Contractor Labor Relations Agreements</b></li> <li>c. <b>HUD 347 Form</b></li> <li>d. <b>Davis Bacon Posters</b></li> <li>e. <b>Project Specific Wage Determination</b></li> <li>f. <b>Weekly Contractor Subcontractor List</b></li> </ul>
_____	10. Following the pre-construction meeting submit the following:
Date/Initial	<ul style="list-style-type: none"> <li>a. <b>Pre-Construction Attendance Log</b></li> <li>b. <b>Contractor &amp; Sub-Contractor Labor Relations Agreements</b></li> </ul>
_____	11. Submit a <b>picture of Labor Posters and Wages</b> verifying they are posted on site.
Date/Initial	
_____	12. Once during construction perform an employee interview on site and submit the resulting federal form to Rawleigh Greenhalgh
Date/Initial	<p><a href="mailto:Rawleigh.Greenhalgh@slcgov.com">(Rawleigh.Greenhalgh@slcgov.com)</a>.</p> <p><b>(Interview Form attached as “Step #12: HUD-11 Interview Form”)</b></p>
_____	13. Ensure timely and error free submission of <b>weekly payrolls</b> and <b>where applicable submit apprentice or trainee documentation</b> to Rawleigh Greenhalgh
Date/Initial	

[Rawleigh.Greenhalgh@slcgov.com](mailto:Rawleigh.Greenhalgh@slcgov.com)

\_\_\_\_\_  
Date/Initial

14. If periodic progress payments are applicable submit the following:

- a. Letter on your letterhead with signature, the amount being requested, and what it was used for.**
- b. Invoice(s) From Contractor**
- c. Copy of the Check**

\_\_\_\_\_  
Date/Initial

15. Submit a notification of completion on your letterhead with signature, the final payment amount being requested and the following documentation to Rawleigh Greenhalgh ([Rawleigh.Greenhalgh@slcgov.com](mailto:Rawleigh.Greenhalgh@slcgov.com))

- a. Final invoice(s) from the contractor**
- b. Copy of the Check**
- c. A write up of what the monies accomplished**
- d. Pictures of the finished product**
- e. Where applicable "Waiver of Lien Form"**

**(Waiver of Lien Form attached as "Step #15: Waiver of Lien")**

# Davis Bacon Labor Relations

## Step #3: Notice To Bidders



ATTENTION TO CONTRACTORS: On **(Day)**, **(Date)**, at **(time)** a.m. a pre-bid meeting will be held at the site, **(address)**, Salt Lake City, Utah.

An inspection of the property will follow immediately after the pre-bid meeting.

Work items include:

- **Scope**

- \_\_\_\_\_

Sealed bids will be received by **(name)** the Project Manager, at **(address)**, Salt Lake City, Utah, until **(time)** p.m., on **(date)** for **(company name)**, **(project name)**.

Sealed bids will be publicly reviewed shortly thereafter, at **(time)** p.m., on **(date)** by the Project Manager, or their representative.

INSTRUCTIONS TO BIDDERS: Bid documents may be obtained only at the pre-bid meeting. Attendance at the pre-bid meeting is mandatory.

### NOTICE TO ALL PROSPECTIVE CONTRACTORS

This project will be a **FEDERALLY FINANCED COMMUNITY DEVELOPMENT PROJECT**. All rules and regulations governing such projects will be applicable. The contract is to be awarded to the lowest responsible and responsive bidder, whose bid meets the requirements and criteria set forth in the request for bids. Requirements for prevailing wage rates and certified payrolls apply as it is subject to the Davis-Bacon Act.

Also, work to be completed under this project is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, the purpose of which is to ensure employment and other economic opportunities generated by HUD-assisted projects shall, to the greatest extent feasible, be directed to low- and very low-income persons, particularly persons who are recipients of HUD assistance for housing.

All contractors participating in this project must have a Data Universal Numbering System (DUNS) number and be registered on the federal System for Award Management (SAM) at [sam.gov](http://sam.gov).

For further information, contact the Project Manager at **[phone or email]**

# Davis Bacon Labor Relations

## *Step #6: Pre-Bid Meeting Instructions*



The pre-bid meeting is meant to educate the potential contractors on the specifics of your project scope as well as the additional federal requirements of the Davis Bacon and Section 3 Regulations.

In preparation for the pre-bid meeting print 5 copies of the pre-bid packet (electronic copies will be sent to each bidder so it is not necessary to have enough for every contractor as they can share for the pre-bid meeting). The pre-bid packet should include the following:

The basic agenda is as follows:

All attendees sign in on the attached Pre-Bid Attendance Register and take a Pre-Bid Packet

Sub-Grantee Project Manager - Welcome and Introductions

City Labor Relations Representative (Rawleigh Greenhalgh) - Explains Section 3 and Davis Bacon Requirements

Sub-Grantee

# Davis Bacon Labor Relations

## *Pre-Bid Contractors Packet*



### DAVIS BACON & RELATED ACTS GENERAL INFORMATION

#### **What are prevailing wages and who gets them?**

The Davis-Bacon Act requires that workers receive not less than the prevailing wages being paid for similar work in the locality. Prevailing wage rates are computed by the Department of Labor and issued in the form of a Federal Wage Determination listing. Primary contractors are responsible for ensuring subcontractors are aware of wage requirements and that they are applicable to all laborers and mechanics on the project, whether the primary contractor or any subcontractors employ them. Primary contractor is also responsible for ensuring subcontractors turn in certified payrolls.

The Federal Wage Determinations list classifications of workers common to the construction industry and show prevailing wage and fringe benefit rates to be used on a construction project. These are updated periodically and posted on the Department of Labor website.

#### **How can you use workers not listed on the Wage Determination?**

Upon receipt of the Wage Determination listing, review it to make sure ALL classifications/subclassifications you intend to use are covered. If any are not included, a request for their addition must be made to the City, who in turn will submit a form and justification to the HUD regional office. If the request appears reasonable, HUD will allow the project to proceed, but forward the request to the Department of Labor for final approval.

#### **Can you hire anyone you want?**

Yes, with two exceptions:

- You cannot hire any person under the age of 16.
- You cannot hire any contractor or subcontractor who has been suspended or debarred.

#### **What do you have to tell your workers about their wages?**

You must display the "rights poster" and "wage determination" listing (provided by Salt Lake City) in a conspicuous place at the job site. (Failure to do this can be interpreted as a breach of contract). In addition, all contractors and subcontractors must allow their employees to be interviewed, on site, regarding their rates of pay and knowledge of applicable federal requirements.

#### **What if you want to hire apprentices or trainees?**

If you want to hire apprentices or trainees and to pay them less than journeymen wages, they must be enrolled in an apprenticeship or training program approved by the Department of Labor. Written evidence of their enrollment must be submitted to Salt Lake City. The terms for

hiring apprentices or trainees must be set forth in the pay schedule accompanying the certificate approving the program (exhibit 5).

You must pay trainees or apprentices no less than the percentage of journeymen wages specified for the apprentice's stage of training.

**When do you have to pay overtime?**

You must pay time and a half for all hours worked in excess of 40 per week.

**When do you have to pay fringe benefits?**

If the wage determination lists fringe benefits, you must pay to the employee in cash or fringe benefits an amount, which equals the total of the basic rate and fringes appearing on the determination. Any combination of cash payments and fringes is allowed provided the part you provide in benefits is:

- Explained to all employees in writing.
- Administered through a third party or through an actuarially sound, enforceable, unfunded commitment.
- If the employees work overtime, the premium must be computed on the basic hourly rate shown on the determination, even if the employer pays less than this amount in cash because of increased fringes.

**What if a worker disputes the wage rate or classification on your payroll?**

If an employee claims s/he is improperly classified or underpaid, and you cannot agree on the matter, you must report the dispute to Salt Lake City Housing and Neighborhood Development (HAND) **in writing**. HAND will work with you to settle the matter informally. If the matter cannot be settled at the local level, a HUD representative may be consulted for assistance.

*Note: You are not allowed to fire or discriminate against anyone because they complain about their wage rate or classification.*

**What information/documents must be submitted to Salt Lake City?**

- Prime Contractor/Subcontractor Certified Payroll
- Names, other than owner or officer, authorized to sign payrolls for contractor/subcontractor, if any
- Contractors certification of non-collusion/non-discrimination
- Agreement to comply with Community Development Block Grant (CDBG) requirements, which initiate the Davis-Bacon Act.
- Prime Contractor/Subcontractors List, including DUNS (Data Universal Numbering System) numbers. Prime Contractors must also be registered on sam.gov

With the exception of certified payrolls, all Certifications should be submitted to CRD at the beginning of the project.

**Reports to be submitted on a weekly basis:**

- Certified payroll reports for prime and sub-contractors
- Weekly report of sub-contractors on site

**Salt Lake City will:**

- Monitor the procurement process for projects subject to Davis-Bacon requirements
- Provide a wage determination listing appropriate for the project
- Participate in pre-bid and pre-construction conferences to educate/inform sub-grantees and contractors on Davis-Bacon requirements and provide necessary forms and materials
- Verify license status of contractor and sub-contractors
- Check for debarred status of contractor and sub-contractors
- Review payroll reports and other related documentation
- Upon discovery of underpayment to employees, require contractors to make supplemental payments to those employees as appropriate

**Sub-grantee (agency awarded funds) will:**

- Carry out procurement/contract process and manage project according to City requirements
- Cooperate with the City in its oversight role
- Interview random onsite employees during the project

## SECTION 3 INFORMATION

Section 3 is a provision of the Housing and Urban Development Act of 1968, as amended, which recognizes that HUD funds are typically one of the largest sources of federal funding expended in communities through the form of grants, loans, entitlement allocations and other forms of financial assistance.

The purpose of Section 3 is to ensure that economic opportunities generated from HUD - funded projects will be directed to low and very low-income persons, particularly those receiving assistance for housing. Section 3 is triggered when covered projects require “new” hires or sub-contracting. Section 3 is not an entitlement it is an opportunity.

The threshold for community development block grant (CDBG) programs is \$200,000 or more in CDBG funds for a recipient-initiated project and \$100,000 or more for contractors under that project. Section 3 activities include housing rehabilitation lead-based paint abatement, housing construction and other public construction. For instance, activities of the Neighborhood Stabilization Program that are covered by Section 3 include purchase and rehabilitation, demolition and redevelopment. Section 3 requirements apply to the entire project or activity, regardless of whether it is fully or partially funded by HUD. Economic opportunities generated under Housing and Community Development Programs include employment associated with these building trades: construction labor, management and administrative support and architectural, engineering and professional services.

A Section 3 *resident* is a public housing resident or resident of a metropolitan area or Non-metropolitan County, in which the Section 3 covered assistance, is expended, and who qualifies as a low-income or very low-income person.

A Section 3 *business concern* is a business that is 51 percent or more owned by Section 3 residents or 30 percent or employed staff are Section 3 residents, or 25 percent of subcontracts committed to Section 3 businesses.

The numerical goals for employment are 30 percent of new hires annually and for contracts 10 percent of the total dollar amount of all Section 3 covered contracts for building trades work. The recipient is responsible for notifying residents, notifying contractors and incorporating the Section 3, facilitating training and employment of residents, awarding contracts to Section 3 businesses, assisting with compliance among contractors, documenting actions to comply and meeting the numerical goals.

Section 3 is race and gender neutral. A Section 3 resident must meet the qualifications of the position to be filled and a Section 3 business concern must have the ability to perform.

If you qualify as a Section 3 Business, you are also encouraged to register as such on HUD's Section 3 Registry, which can be found at:

<https://portalapps.hud.gov/Sec3BusReg/BRegistry/BRegistryHome>

## WHAT IS THE SECTION 3 REGISTRY?

The Section 3 Business Registry is a listing of businesses that have self-certified that they meet one of the eligibility criteria of a Section 3 business, and have submitted publicly available information about their firm (i.e. business name, address, type of services provided, etc.) to be included HUD's online database.

The Section 3 Business Registry will be used by Public Housing Authorities (PHA's); State, County, and local government agencies; property owners; developers; contractors; and others as a resource for finding local Section 3 businesses to be notified about HUD-funded contracting opportunities. Section 3 residents are also encouraged to use the registry to locate Section 3 businesses that may have new HUD-funded jobs as a result of recently awarded HUD-funded contracts.

## DUNS NUMBER & SAM.gov REGISTRATION REQUIREMENTS

Any contractor or subcontractor who does work and receives payment with federal money from an Entitlement City or a Participating Jurisdiction, such as Salt Lake County, must have a Data Universal Number System (DUNS) number and be registered on the System for Awards Management (SAM). Registration for both is a free, and relatively simple process.

*Note: These registrations must be updated annually*

# Davis Bacon Labor Relations

## *DUNS Number and SAM.gov Registration*

### *Instructions for Contractors*



Register for a DUNS Number by following the steps at the following web address:

<http://fedgov.dnb.com/webform/displayHomePage.do;jsessionid=81407B1Fo3F2BDB123DD47D19158B75F>

After you have a DUNS Number then you can register for SAM.gov following these instructions:

*Note: Sam.gov is a two-step process and you must complete both steps to complete your registration. Call the Federal Service Desk listed below with any questions or concerns.*

#### **To create an account and access SAM as a new user:**

**Step 1:** Go to [www.sam.gov](http://www.sam.gov).

**Step 2:** Click on "Create a User Account."

**Step 3:** Choose Account Type:

**Create an Individual User Account** to perform tasks such as register/update your entity, create and manage exclusion records or to view FOUO level data for entity records.

**Create a System User Account** if you need system-to-system communication or if performing data transfer from SAM to your government database system. Complete the requested information, and then click "Submit."

**Step 4:** Click "DONE" on the confirmation page. You will receive an email confirming you have created a user account in SAM.

**Step 5:** Click the validation link in the email that contains the activation code within 48 hours to activate your user account. If the email link is not hyperlinked (i.e., underlined or appearing in a different color), please copy the validation link and paste it into the browser address bar. You can now register an entity. If you are a designated government official you can search For Official Use Only (FOUO) information and enter exclusions into the system.

**Step 6:** If you are an organization, business, government agency or grantee (known in SAM as an "entity"), you must also register your entity in SAM. NOTE: Creating a user account does not create a registration in SAM, nor will it update/renew an existing registration in SAM.

#### **To register in SAM as an entity:**

**Step 1:** Login to SAM with your user ID and password.

**Step 2:** Gather all of the required information needed to complete your registration.

**Step 3:** Click on "Register New Entity" from the left side navigation pane. Then click "Start Registration" near the bottom of the registration overview page.

**Step 4:** Complete and submit the online registration. It is estimated that it will take approximately 45 minutes to complete registration if you already have all the necessary information on hand, depending upon the size and complexity of your entity.

**Step 5:** You will receive a "congratulations message" from SAM.gov after registration has been successfully submitted and an email confirming that your registration is in process. Note that new registrations can take an average of 7-10 business days to process in SAM. SAM must send out some information for validation with outside parties before your registration can be activated; this includes TIN validation with the IRS and CAGE validation/assignment with DoD. This timeframe may be longer if the information you provide is flagged for manual validation by either party. If you notice your registration has had a 'Submitted' status for longer than 10 business days, and you have not otherwise been contacted to correct or update information, please contact the Federal Service Desk at 866-606-8220 or <https://www.fsd.gov>.

If you have any additional questions, please refer to the HELP tab in SAM, which contains a myriad of resources, such as User Guides and FAQs.

Federal Service Desk

Hours of Operation:

Monday - Friday 8 am to 8 pm ET.

US Calls: 866-606-8220

International Calls: 334-206-7828

DSN: 866-606-8220

[www.fsd.gov](https://www.fsd.gov)