

**COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)  
 PRE-CONSTRUCTION CONFERENCE CHECKLIST/MINUTES**  
 NORTH DAKOTA DEPARTMENT OF COMMERCE  
 DIVISION OF COMMUNITY SERVICES  
 SFN 62299 (03/23)

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

Grantee		
Instrument Number	Date	Time
Project Name		Project Amount
Engineer or Architect		
Grant Administrator		
Contractor/Subcontractor		Contract Amount
Represented By		
Contractor/Subcontractor		Contract Amount
Represented By		
Contractor/Subcontractor		Contract Amount
Represented By		

<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 or Architect	<input type="checkbox"/> Grantee	<input type="checkbox"/> Utility Companies (if applicable)
<input type="checkbox"/> Subcontractor(s)	<input type="checkbox"/> Grant Administrator		

***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 in writing. <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

2. Additional Classifications	
	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 <b>conspicuous place</b> , the following:	
	The Wage Decision for this project which is: _____ with ____ modifications, dated _____
	<p>Appropriate Posters to be Posted at the Job Site (State &amp; Federal)</p> <p><b>1. Notice to Employees</b> Davis Bacon (English): <a href="https://www.dol.gov/whd/regs/compliance/posters/fedprojc.pdf">https://www.dol.gov/whd/regs/compliance/posters/fedprojc.pdf</a> Davis Bacon (Spanish): <a href="https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/davispan.pdf">https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/davispan.pdf</a></p> <p><b>2. Minimum Wage</b> Federal Minimum Wage (English): <a href="https://www.dol.gov/whd/regs/compliance/posters/flsa.htm">https://www.dol.gov/whd/regs/compliance/posters/flsa.htm</a> Federal Minimum Wage (Spanish): <a href="https://www.laborposters.org/federal/86-federal-minimum-wage-spanish-poster.htm#PDF">https://www.laborposters.org/federal/86-federal-minimum-wage-spanish-poster.htm#PDF</a></p>
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.	<p>Payrolls must be submitted to the Grant Administrator indicated below within seven (7) days after the payroll period ends.</p> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin-left: 20px;">Grant Administrator</div>
<b>5. Split Classification</b>		
	<p>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></p>	
<b>6. Proper Designation of Trade</b>		
	<p>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></p>	
<b>7. Foremen</b>		
	<p>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.</p>	
<b>8. Relatives</b>		
	<p>Relatives are not exempt from Davis-Bacon requirements and must be paid the prevailing wage rate for the classification of work performed.</p>	
<b>9. Apprenticeship Provisions</b>		
	1.	<p>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.</p>
	2.	<p>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.</p>
<b>10. Wage Interviews</b>		
	<p>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.</p>	
<b>11. Working Subcontractors</b>		
	<p>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:</p>	
	1.	<p>Report the self-employed proprietor on the certified payroll of whoever hired them.</p>
	2.	<p>Provide their name, address and social security number.</p>
	3.	<p>State their classification of work (i.e. "finish carpenter").</p>
	4.	<p>Indicated daily hours of work, by date, and the total hours per week.</p>
	5.	<p>Show the hourly rate of pay, with the gross amount earned in the week.</p>
	6.	<p>Enter "self-employed" and their contracting license number, where the payroll asked for "deductions."</p>

<b>12. 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>13. Violations</b>	
	Violations of state/federal prevailing wage requirements can result in withholding of funds, termination of the contract or contractor debarment.
<b>14. 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>15. Section 3 Hiring and Contracting Activity</b>	
	1. Section 3 is mandatory for all housing rehabilitation, housing construction, and other public construction projects that exceed \$200,000 or more of housing and community development financial assistance from one or more HUD programs. Under Section 3, Grantees, contractors, and subcontractors must actively work to employ Section 3 Workers and Targeted Section 3 Workers and direct economic opportunities to Section 3 Business Concerns.
	2. The prime contractor and all subcontractors must receive, read, and understand the Section 3 Compliance Manual and all of its attachments.
	3. Contractors and subcontractor(s) must make a good faith effort to utilize Section 3 Workers and Targeted Section 3 Workers as trainees and employees in connection with the project.
	4. Contractors and subcontractors(s) must make a good faith effort to award contracts to Section 3 business concerns for work in connection with the project.
	5. Contractors and subcontractor(s) must keep records documenting good faith efforts taken and results of these efforts.
	6. Contractors must complete and submit all documentation required to comply with Section 3 as stated and included in the <a href="#">Section 3 Compliance Manual</a> .
<b>16. 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. CDBG funds may only be used for activities approved in the project application and award. Changes to the project must be approved by DCS through a Request for Amendment, and include information about the reason for the request, an official change order, and meeting minutes approving the change order. The project cannot continue, and expenses cannot be paid prior to DCS approval of the Request for Amendment.
	3. Additional work performed by the contractor not specifically required for the approved project must be deducted from the contractor's invoice and only eligible activities will be considered when requesting CDBG funds. By not verifying the approved activities and contract amounts, CDBG funds may be used for ineligible activities. This scenario would make the project ineligible and may require repayment of the funds.

**17. Materials Provided**

The following materials were provided to the Prime Contractor on this project.

Wage Determination

Determination Number	Modification Number	Dated
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Payroll Form <http://www.dol.gov/whd/forms/wh347instr.htm>; <http://www.dol.gov/whd/formsw347.pdf>

Federal Labor Standards Provisions (4010) <https://www.hud.gov/sites/documents/UPDATED4010.PDF>

HUD-11, Record of Employee Interview (Spanish and English) <https://www.hud.gov/sites/documents/11.PDF>

Davis-Bacon and Labor Standards: Agency/Contractor Guide and Contractor Addendum  
<https://www.hudexchange.info/news/davis-bacon-and-labor-standards-agencycontractor-guide-and-contractor-addendum-now-available/>

**18. Additional Topics Discussed – check all that apply, include notes.**

Project Schedule

Shop Drawings and Approval of Materials

Status of Bonds/Insurance

Public Safety

Easements

Location of Utilities

Clean up

Status of Permits

Communication Process

Pay Request Process

Recordkeeping

Notice to Proceed *as closing of meeting*

Any mitigations specified in approved environmental review record

Other:

Other:

**19. Notes/Comments**

Empty box for notes and comments.

<b>20. CERTIFICATION – Signatures Required</b>	
It is acknowledged that the above-mentioned Labor Standards Regulations information was discussed, and all required material was remitted to:	
Name	Agency
Contractor/Subcontractor Representative	Contractor/Subcontractor Company
Contractor/Subcontractor Signature	Date
Contractor/Subcontractor Representative	Contractor/Subcontractor Company
Contractor/Subcontractor Signature	Date
Contractor/Subcontractor Representative	Contractor/Subcontractor Company
Contractor/Subcontractor Signature	Date
Grant Administrator Signature	Date
Grantee Representative Signature	Date

**Grant Administrator to retain original signed copy and provide a copy of the signed document to each representative indicated above.**

**A copy of this checklist must be kept in the project file. See *Section 6: Procurement* and *Section 4: Recordkeeping* for more information on documentation requirements.**