

Practical Application of Davis-Bacon and Related Acts

TXGLO

TEXAS GENERAL LAND OFFICE

community development & revitalization

PRESENTER



Jon Cherry

SENIOR GRANT MANAGER | ICF

AGENDA

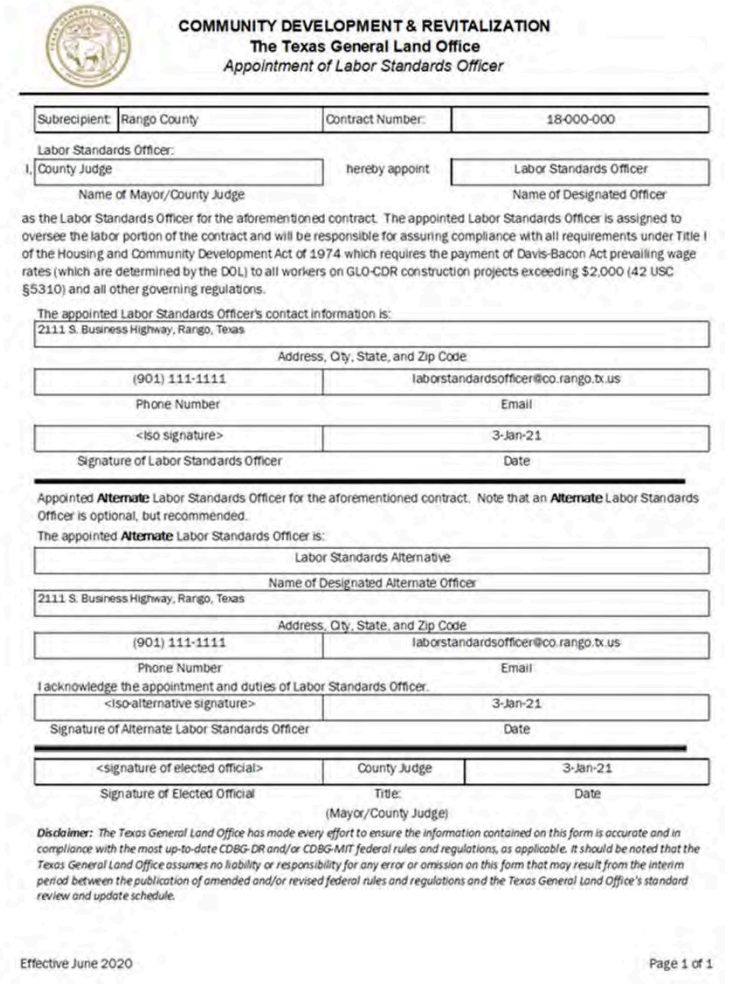
- Example Project
- Bid and Contract Documents
- Reviewing Payrolls
- On the Job Site
- Project Completion
- Q&A

Identify the Labor Standards Officer

Identify and document the Labor Standards Officer and alternative.

Complete the Appointment of Labor Standards Officer form.

https://recovery.texas.gov/grant-administration/grant-implementation/infrastructure/index.html



COMMUNITY DEVELOPMENT & REVITALIZATION
The Texas General Land Office
Appointment of Labor Standards Officer

Subrecipient:	Rango County	Contract Number:	18-000-000

Labor Standards Officer:

I, County Judge (Name of Mayor/County Judge) hereby appoint Labor Standards Officer (Name of Designated Officer)

as the Labor Standards Officer for the aforementioned contract. The appointed Labor Standards Officer is assigned to oversee the labor portion of the contract and will be responsible for assuring compliance with all requirements under Title I of the Housing and Community Development Act of 1974 which requires the payment of Davis-Bacon Act prevailing wage rates (which are determined by the DOL) to all workers on GLO-CDR construction projects exceeding $2,000 (42 USC §5310) and all other governing regulations.

The appointed Labor Standards Officer's contact information is:

2111 S. Business Highway, Rango, Texas	
Address, City, State, and Zip Code	
(901) 111-1111	laborstandardsofficer@co.rango.tx.us
Phone Number	Email
<lso signature>	3-Jan-21
Signature of Labor Standards Officer	Date

Appointed **Alternate** Labor Standards Officer for the aforementioned contract. Note that an **Alternate** Labor Standards Officer is optional, but recommended.

The appointed **Alternate** Labor Standards Officer is:

Labor Standards Alternative	
Name of Designated Alternate Officer	
2111 S. Business Highway, Rango, Texas	
Address, City, State, and Zip Code	
(901) 111-1111	laborstandardsofficer@co.rango.tx.us
Phone Number	Email

I acknowledge the appointment and duties of Labor Standards Officer.

<lso-alternative signature>	3-Jan-21
Signature of Alternate Labor Standards Officer	Date

<signature of elected official>	County Judge	3-Jan-21
Signature of Elected Official	Title: (Mayor/County Judge)	Date

Disclaimer: *The Texas General Land Office has made every effort to ensure the information contained on this form is accurate and in compliance with the most up-to-date CDBG-DR and/or CDBG-MIT federal rules and regulations, as applicable. It should be noted that the Texas General Land Office assumes no liability or responsibility for any error or omission on this form that may result from the interim period between the publication of amended and/or revised federal rules and regulations and the Texas General Land Office's standard review and update schedule.*

Effective June 2020 Page 1 of 1

EXAMPLE PROJECT

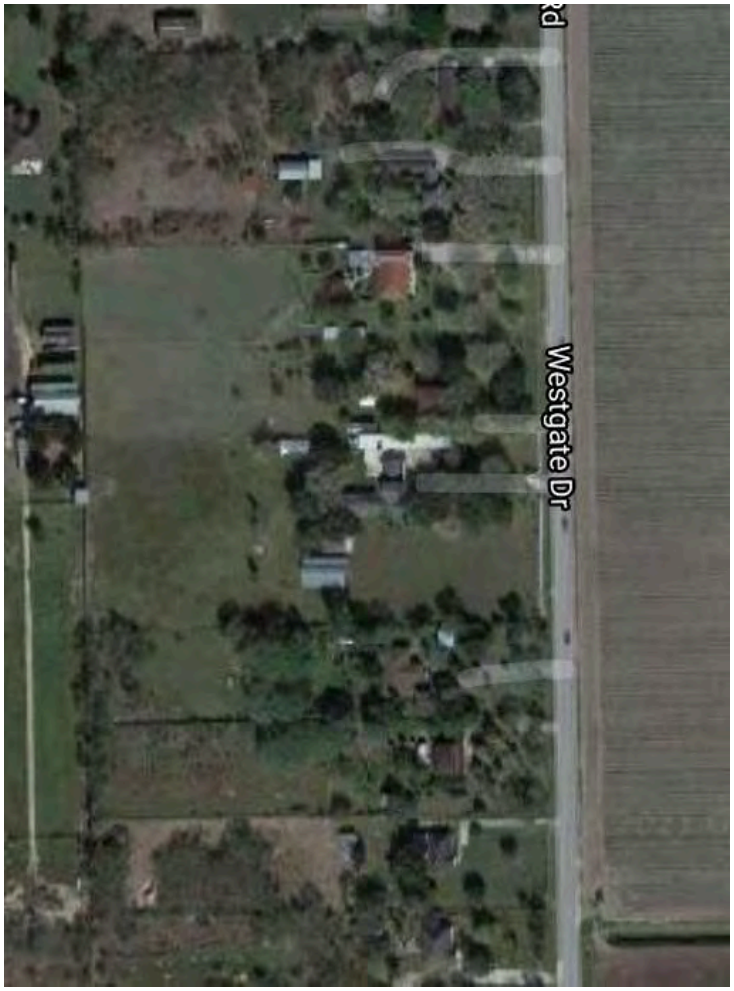


TEXAS GENERAL LAND OFFICE

COMMUNITY DEVELOPMENT AND REVITALIZATION

Sample Project Description

Rango County envisions to **undertake road and drainage construction** on Westgate Dr



GETTING STARTED WITH DAVIS-BACON



TEXAS GENERAL LAND OFFICE

COMMUNITY DEVELOPMENT AND REVITALIZATION

Davis-Bacon Applicability

For Davis-Bacon, **determine if the project exceeds $2,000**.

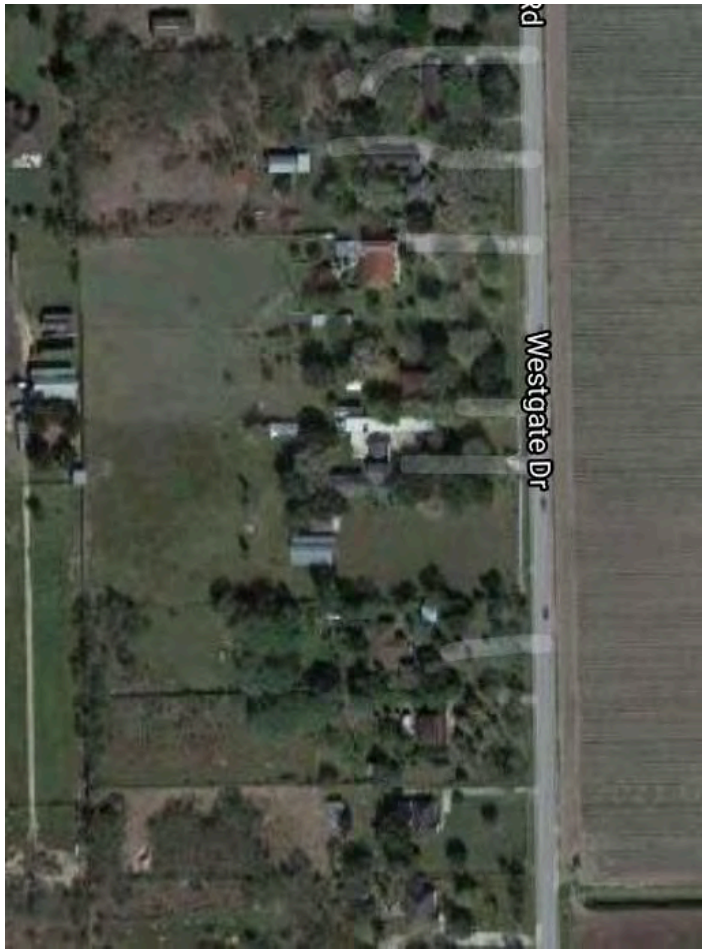
For the Contract Work Hours and Safety Standards Act, **O/T pay is required when the value of the prime contract exceeds $100,000**.

Determine which of the four categories that the project falls into:

1. Residential
2. Building
3. Highway
4. Heavy

Other types of projects to consider:

1. Clean-up work
2. Demolition
3. DBRA-covered Demolition



BID PACKAGE AND NOTICE



TEXAS GENERAL LAND OFFICE

COMMUNITY DEVELOPMENT AND REVITALIZATION

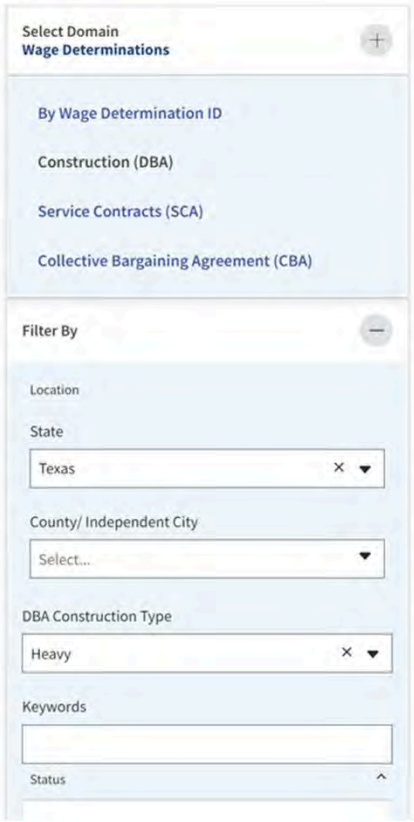
Pulling the Wage Decision

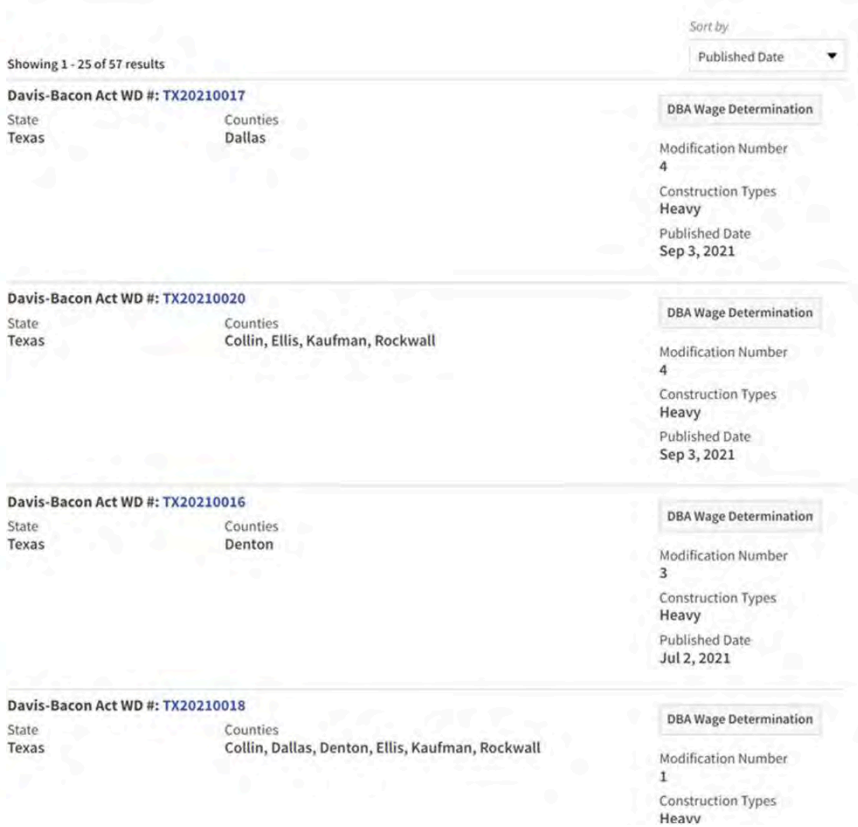
Pull the wage decision at SAM.gov under "Wage Determinations"

Under I don't know the number, select Public Building or Works

Filter by State, County, and DBA Construction Type

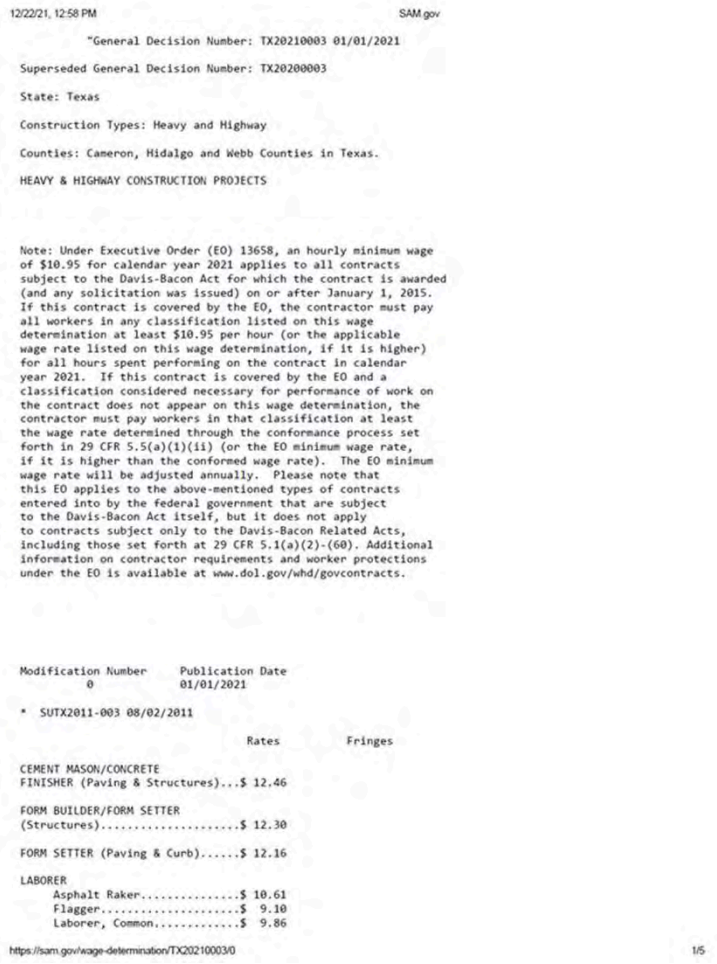
https://sam.gov/content/wage-determinations





Pulling the Wage Decision

A sample Heavy/Highway wage decision pulled



12/22/21, 12:58 PM SAM.gov

"General Decision Number: TX20210003 01/01/2021

Superseded General Decision Number: TX20200003

State: Texas

Construction Types: Heavy and Highway

Counties: Cameron, Hidalgo and Webb Counties in Texas.

HEAVY & HIGHWAY CONSTRUCTION PROJECTS

Note: Under Executive Order (EO) 13658, an hourly minimum wage of $10.95 for calendar year 2021 applies to all contracts subject to the Davis-Bacon Act for which the contract is awarded (and any solicitation was issued) on or after January 1, 2015. If this contract is covered by the EO, the contractor must pay all workers in any classification listed on this wage determination at least $10.95 per hour (or the applicable wage rate listed on this wage determination, if it is higher) for all hours spent performing on the contract in calendar year 2021. If this contract is covered by the EO and a classification considered necessary for performance of work on the contract does not appear on this wage determination, the contractor must pay workers in that classification at least the wage rate determined through the conformance process set forth in 29 CFR 5.5(a)(1)(ii) (or the EO minimum wage rate, if it is higher than the conformed wage rate). The EO minimum wage rate will be adjusted annually. Please note that this EO applies to the above-mentioned types of contracts entered into by the federal government that are subject to the Davis-Bacon Act itself, but it does not apply to contracts subject only to the Davis-Bacon Related Acts, including those set forth at 29 CFR 5.1(a)(2)-(60). Additional information on contractor requirements and worker protections under the EO is available at www.dol.gov/whd/govcontracts.

Modification Number 0 Publication Date 01/01/2021

* SUTX2011-003 08/02/2011

	Rates	Fringes
CEMENT MASON/CONCRETE FINISHER (Paving & Structures)	$ 12.46	
FORM BUILDER/FORM SETTER (Structures)	$ 12.30	
FORM SETTER (Paving & Curb)	$ 12.16	
LABORER		
Asphalt Raker	$ 10.61	
Flagger	$ 9.10	
Laborer, Common	$ 9.86	

https://sam.gov/wage-determination/TX20210003/0 1/5

Contract Documents

Each bid package and contract must include the labor standards provisions.

For best practices, incorporate the HUD-4010

Also include each modified wage determination in the files or verification that the wage determination was checked.



Federal Labor Standards Provisions

U.S. Department of Housing and Urban Development
Office of Labor Relations

Applicability

The Project or Program to which the construction work covered by this contract pertains is being assisted by the United States of America and the following Federal Labor Standards Provisions are included in this Contract pursuant to the provisions applicable to such Federal assistance.

A. 1. (i) Minimum Wages. All laborers and mechanics employed or working upon the site of the work, will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR Part 3), the full amount of wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment computed at rates not less than those contained in the wage determination of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics. Contributions made or costs reasonably anticipated for bona fide fringe benefits under Section l(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of 29 CFR 5.5(a)(1)(iv); also, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs, which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period.

Such laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in 29 CFR 5.5(a)(4). Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein: Provided, That the employer's payroll records accurately set forth the time spent in each classification in which work is performed. The wage determination (including any additional classification and wage rates conformed under 29 CFR 5.5(a)(1)(ii) and the Davis-Bacon poster (WH-1321) shall be posted at all times by the contractor and its subcontractors at the site of the work in a prominent and accessible, place where it can be easily seen by the workers.

(ii) (a) Any class of laborers or mechanics which is not listed in the wage determination and which is to be employed under the contract shall be classified in conformance with the wage determination. HUD shall approve an additional classification and wage rate and fringe benefits therefor only when the following criteria have been met:

(1) The work to be performed by the classification requested is not performed by a classification in the wage determination; and

(2) The classification is utilized in the area by the construction industry; and

(3) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.

(b) If the contractor and the laborers and mechanics to be employed in the classification (if known), or their representatives, and HUD or its designee agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of the action taken shall be sent by HUD or its designee to the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, D.C. 20210. The Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise HUD or its designee or will notify HUD or its designee within the 30-day period that additional time is necessary. (Approved by the Office of Management and Budget under OMB control number 1215-0140.)

(c) In the event the contractor, the laborers or mechanics to be employed in the classification or their representatives, and HUD or its designee do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), HUD or its designee shall refer the questions, including the views of all interested parties and the recommendation of HUD or its designee, to the Administrator for determination. The Administrator, or an authorized representative, will issue a determination within 30 days of receipt and so advise HUD or its designee or will notify HUD or its designee within the 30-day period that additional time is necessary. (Approved by the Office of Management and Budget under OMB Control Number 1215-0140.)

(d) The wage rate (including fringe benefits where appropriate) determined pursuant to subparagraphs (1)(ii)(b) or (c) of this paragraph, shall be paid to all workers performing work in the classification under this contract from the first day on which work is performed in the classification.

(iii) Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, the contractor shall either pay the benefit as stated in the wage determination or shall pay another bona fide fringe benefit or an hourly cash equivalent thereof.

(iv) If the contractor does not make payments to a trustee or other third person, the contractor may consider as part

Previous editions are obsolete

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form **HUD-4010** (06/2009)
ref. Handbook 1344.1

Posting/Publishing the Bid Notice

The bid notice can either be posted or published in the newspaper

For the project files, include a printout of when the notice was first posted. For published notices, obtain verification from the newspaper of when the notice was published

Include the necessary DBRA language in the bid notice

An example is: No less than minimum wages as required by the Davis-Bacon Act and listed in the Contract Documents must be paid to all employees in the project

BID NOTICE

Rango County will receive sealed bids, in the manner and at the place further identified in the Instructions to Bidders for the following project: Road and Drainage Construction on Westgate Drive in Rango County.

A pre-bid conference will be held for any contractors interested in submitting a bid on Tuesday, November 9, 2021 at 9am at the Rango County Community Development Department.

Rango County will receive bids until Tuesday, November 30, 2021, no later than 3:30 P.M. local time, at the Rango County offices, 2111 S. Business Highway, Rango, Texas or by mail to 2111 S. Business Highway, Rango, Texas. Bids will not be accepted via email or fax. Bids received after the time specified will not be accepted. Bids will be publicly opened at Rango County Community Development Department Room at 2111 S. Business Highway, Rango, Texas on Wednesday, December 1, 2021, at 10:00 AM.

No less than minimum wages as required by the Davis-Bacon Act and listed in the Contract Documents must be paid to all employees on this project

Copies of the bid documents may be obtained at 2111 S. Business Highway, Rango, Texas, during normal business hours, 9:00 AM to 4:00 PM weekdays. A NONREFUNDABLE fee in the amount of Fifty Dollars ($50.00) is required for one complete set of Construction Bid Documents for each project. Please call ahead to schedule a pick-up or drop-off.

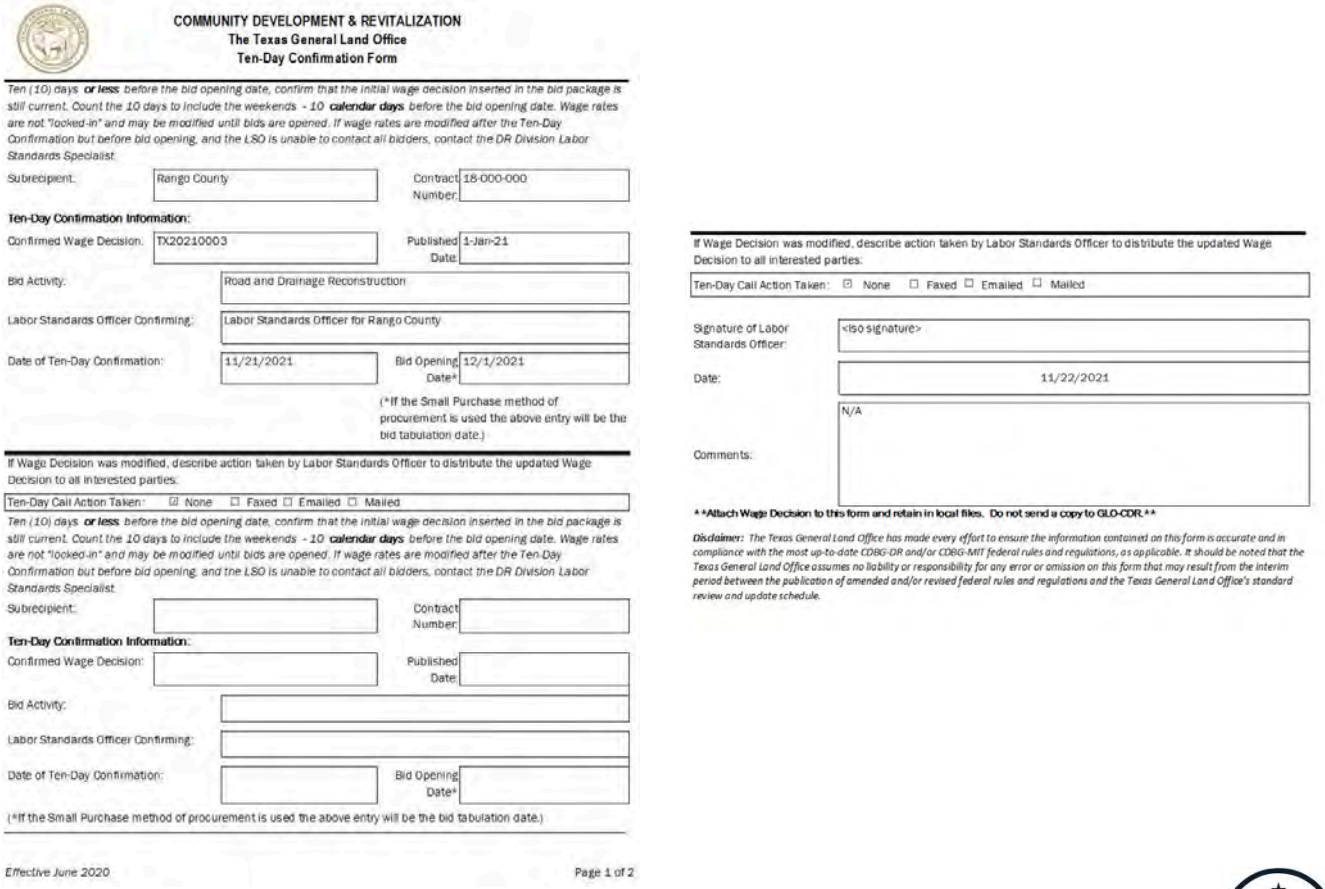
Bids may be held by the County of Rango for a period not to exceed ninety (90) days from the date of the opening of bids for the purpose of reviewing the bids and investigating the qualifications of bidders, prior to awarding of the contract.

10-Day Verification

At least 10–days before bid opening, check if there are any revised wage decisions published at SAM.gov. If there are, notify all contractors of the change. Document it for the files

If there is not enough time to notify contractors to update their bids, the subrecipient should place a justification in the file that the wage decision was not updated because there was less than 10 days before bid opening and there was not sufficient time to issue an addenda and update bids

Complete the Ten-Day Confirmation Form and include in the files



COMMUNITY DEVELOPMENT & REVITALIZATION
The Texas General Land Office
Ten-Day Confirmation Form

*Ten (10) days **or less** before the bid opening date, confirm that the initial wage decision inserted in the bid package is still current. Count the 10 days to include the weekends - 10 **calendar days** before the bid opening date. Wage rates are not "locked-in" and may be modified until bids are opened. If wage rates are modified after the Ten-Day Confirmation but before bid opening, and the LSO is unable to contact all bidders, contact the DR Division Labor Standards Specialist.*

Subrecipient: Rango County | Contract Number: 18-000-000

Ten-Day Confirmation Information:

Confirmed Wage Decision: TX20210003 | Published Date: 1-Jan-21

Bid Activity: Road and Drainage Reconstruction

Labor Standards Officer Confirming: Labor Standards Officer for Rango County

Date of Ten-Day Confirmation: 11/21/2021 | Bid Opening Date*: 12/1/2021

(*If the Small Purchase method of procurement is used the above entry will be the bid tabulation date.)

If Wage Decision was modified, describe action taken by Labor Standards Officer to distribute the updated Wage Decision to all interested parties:

Ten-Day Call Action Taken: ☑ None ☐ Faxed ☐ Emailed ☐ Mailed

*Ten (10) days **or less** before the bid opening date, confirm that the initial wage decision inserted in the bid package is still current. Count the 10 days to include the weekends - 10 **calendar days** before the bid opening date. Wage rates are not "locked-in" and may be modified until bids are opened. If wage rates are modified after the Ten-Day Confirmation but before bid opening, and the LSO is unable to contact all bidders, contact the DR Division Labor Standards Specialist.*

Subrecipient: | Contract Number:

Ten-Day Confirmation Information:

Confirmed Wage Decision: | Published Date:

Bid Activity:

Labor Standards Officer Confirming:

Date of Ten-Day Confirmation: | Bid Opening Date*:

(*If the Small Purchase method of procurement is used the above entry will be the bid tabulation date.)

Effective June 2020 Page 1 of 2

If Wage Decision was modified, describe action taken by Labor Standards Officer to distribute the updated Wage Decision to all interested parties:

Ten-Day Call Action Taken: ☑ None ☐ Faxed ☐ Emailed ☐ Mailed

Signature of Labor Standards Officer: <lso signature>

Date: 11/22/2021

Comments: N/A

****Attach Wage Decision to this form and retain in local files. Do not send a copy to GLO-CDR.****

***Disclaimer:** The Texas General Land Office has made every effort to ensure the information contained on this form is accurate and in compliance with the most up-to-date CDBG-DR and/or CDBG-MIT federal rules and regulations, as applicable. It should be noted that the Texas General Land Office assumes no liability or responsibility for any error or omission on this form that may result from the interim period between the publication of amended and/or revised federal rules and regulations and the Texas General Land Office's standard review and update schedule.*

OPENING AND AWARDING THE CONTRACT



TEXAS GENERAL LAND OFFICE

COMMUNITY DEVELOPMENT AND REVITALIZATION

Opening the Bids

Language is included in the bid notice on when and where the bids will be opened

The notice indicates that bids will be received until Tuesday, November 30. Bids will be opened December 1, 2021

The prime contractor must be awarded within 90 days, after which an updated wage decision must be pulled

11/1/2021, 2:00 P.M. https://www.rangocounty.us/bids.aspx

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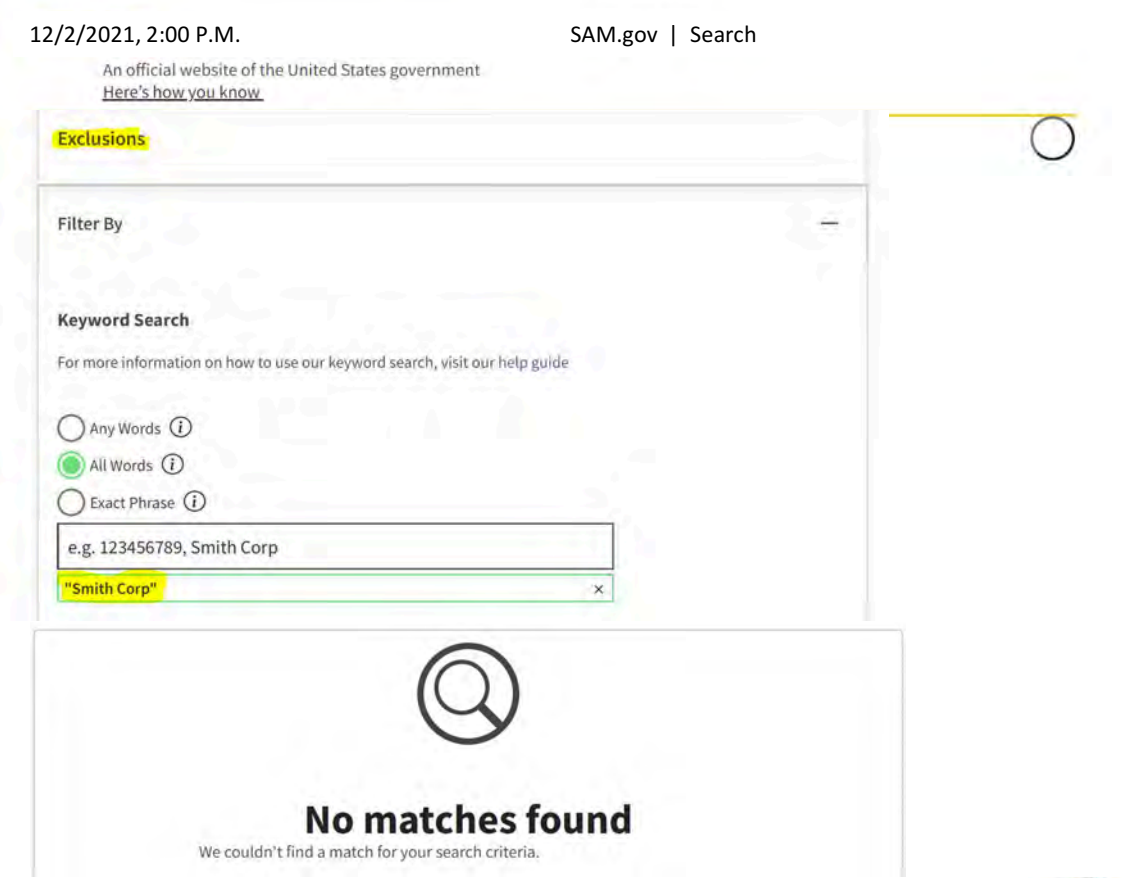
Bids may be held by the County of Rango for a period not to exceed ninety (90) days from the date of the opening of bids for the purpose of reviewing the bids and investigating the qualifications of bidders, prior to awarding of the contract.

Debarment Verification

Prior to awarding any contract, the labor standards officer must verify that the contractor is not disbarred. This check is done at SAM.gov

For the project files, include the full print out which includes the date and time that the verification was conducted.

In the example, the disbarment verification for “Smith Corp” was done on 12/2/2021



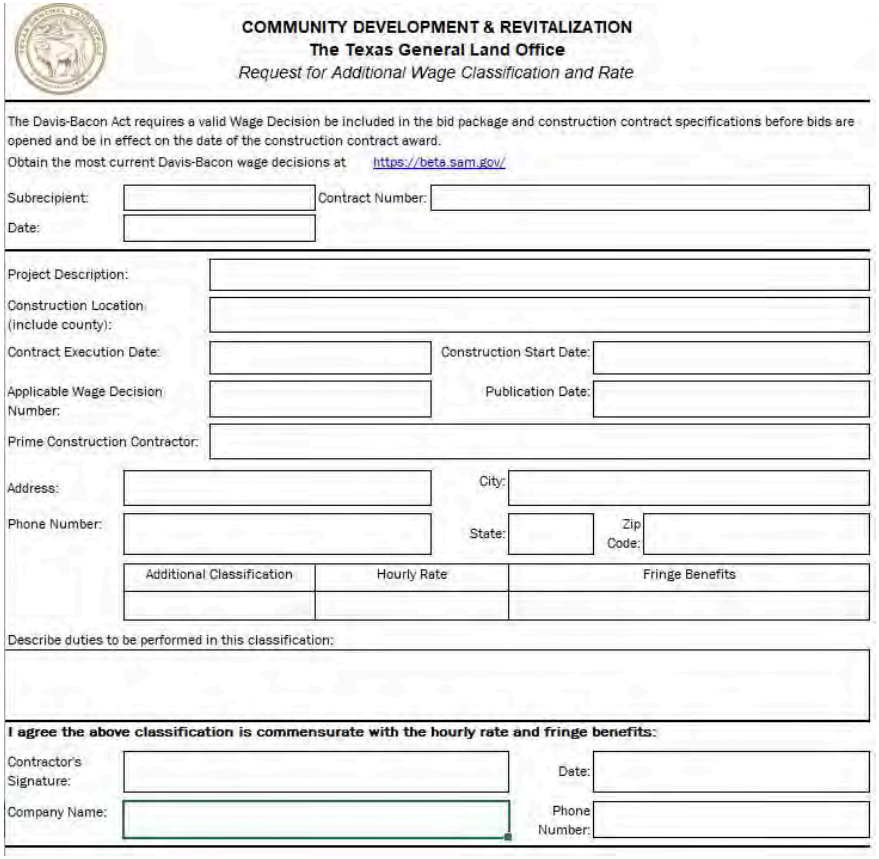
Requesting an Additional Classification

Pre-bid

- Compare classification on the wage determination with the anticipated work to be done
- If there appears to be missing classification complete the Request for Additional Wage Classification and Rate form

After Contract Award:

- Contractor should request additional classification
- The proposed rate should bear reasonable relationship to other rates in the wage determination



COMMUNITY DEVELOPMENT & REVITALIZATION
The Texas General Land Office
Request for Additional Wage Classification and Rate

The Davis-Bacon Act requires a valid Wage Decision be included in the bid package and construction contract specifications before bids are opened and be in effect on the date of the construction contract award.
Obtain the most current Davis-Bacon wage decisions at https://beta.sam.gov/

Subrecipient: | Contract Number:
Date:

Project Description:
Construction Location (include county):
Contract Execution Date: | Construction Start Date:
Applicable Wage Decision Number: | Publication Date:
Prime Construction Contractor:

Address: | City:
Phone Number: | State: | Zip Code:

Additional Classification	Hourly Rate	Fringe Benefits

Describe duties to be performed in this classification:

I agree the above classification is commensurate with the hourly rate and fringe benefits:

Contractor's Signature: | Date:
Company Name: | Phone Number:

PRE-CONSTRUCTION CONFERENCE



TEXAS GENERAL LAND OFFICE

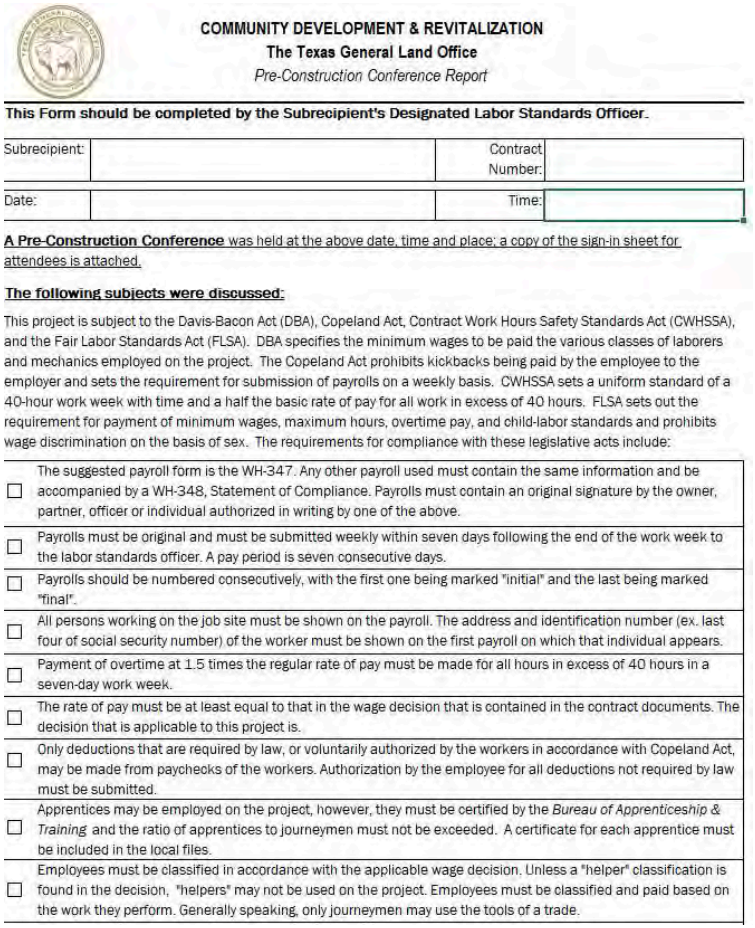
COMMUNITY DEVELOPMENT AND REVITALIZATION

Pre-Construction Conference Report

A pre-construction conference is an important opportunity to go through the Davis-Bacon requirements, expectations, answer any questions, and provide handouts such as the Davis-Bacon poster and payroll form to the contractor.

The conference must be held with the subrecipient, developer/owner, engineer/architect, prime contractor, subcontractor(s), inspector(s), LSO, and all applicable utility companies prior to the start of construction.

Retain minutes, including a list of all attendees, and an outline of the labor standards in the files.



COMMUNITY DEVELOPMENT & REVITALIZATION
The Texas General Land Office
Pre-Construction Conference Report

This Form should be completed by the Subrecipient's Designated Labor Standards Officer.

Subrecipient:		Contract Number:	
Date:		Time:	

A Pre-Construction Conference was held at the above date, time and place; a copy of the sign-in sheet for attendees is attached.

The following subjects were discussed:

This project is subject to the Davis-Bacon Act (DBA), Copeland Act, Contract Work Hours Safety Standards Act (CWHSSA), and the Fair Labor Standards Act (FLSA). DBA specifies the minimum wages to be paid the various classes of laborers and mechanics employed on the project. The Copeland Act prohibits kickbacks being paid by the employee to the employer and sets the requirement for submission of payrolls on a weekly basis. CWHSSA sets a uniform standard of a 40-hour work week with time and a half the basic rate of pay for all work in excess of 40 hours. FLSA sets out the requirement for payment of minimum wages, maximum hours, overtime pay, and child-labor standards and prohibits wage discrimination on the basis of sex. The requirements for compliance with these legislative acts include:

☐	The suggested payroll form is the WH-347. Any other payroll used must contain the same information and be accompanied by a WH-348, Statement of Compliance. Payrolls must contain an original signature by the owner, partner, officer or individual authorized in writing by one of the above.
☐	Payrolls must be original and must be submitted weekly within seven days following the end of the work week to the labor standards officer. A pay period is seven consecutive days.
☐	Payrolls should be numbered consecutively, with the first one being marked "initial" and the last being marked "final".
☐	All persons working on the job site must be shown on the payroll. The address and identification number (ex. last four of social security number) of the worker must be shown on the first payroll on which that individual appears.
☐	Payment of overtime at 1.5 times the regular rate of pay must be made for all hours in excess of 40 hours in a seven-day work week.
☐	The rate of pay must be at least equal to that in the wage decision that is contained in the contract documents. The decision that is applicable to this project is.
☐	Only deductions that are required by law, or voluntarily authorized by the workers in accordance with Copeland Act, may be made from paychecks of the workers. Authorization by the employee for all deductions not required by law must be submitted.
☐	Apprentices may be employed on the project, however, they must be certified by the *Bureau of Apprenticeship & Training* and the ratio of apprentices to journeymen must not be exceeded. A certificate for each apprentice must be included in the local files.
☐	Employees must be classified in accordance with the applicable wage decision. Unless a "helper" classification is found in the decision, "helpers" may not be used on the project. Employees must be classified and paid based on the work they perform. Generally speaking, only journeymen may use the tools of a trade.

Labor Standards Record

The LSO must submit the GLO Labor Standards Records (LSR) form to the GLO Grant Manager or upload in TIGR if available. The LSR is required for each construction contract over $2,000 and must be submitted prior to the first Request for Payment for construction work.

A separate LSR must be submitted for each prime construction contractor and must reflect all subcontractors listed under that prime.

The Labor Standards Record must be submitted after the preconstruction conference is held and before any construction dollars are reimbursed from the CDBG-DR Subrecipient Agreement for the construction contract.



COMMUNITY DEVELOPMENT & REVITALIZATION
The Texas General Land Office
Labor Standards Record

Reset Form

Subrecipient: | Contract Number:

Date Submitted:

Activity Code	Project Name	Project Task	Description (of Activity)	Qty	Metric	+/- Rows
						+ -

Wage Decision Issued (Download from www.wdol.gov) **Issue Date:**

Wage Decision Number: TX | **Confirmed Wage Decision Number:** TX

Published Date: | **Confirmed Published Date:** | **10-Day Confirmation Date:**

Type of Work: (more than one may be checked if fully justified in this record) ☐ Heavy ☐ Highway ☐ Building ☐ Residential

Contractor Eligibility Verification - Contractor Clearance (http://www.sam.gov)

Prime Contractor: | Date Cleared:

Principal and Title:

List Sub-Contractors:

Name of Sub-Contractor	Date Cleared	Name of Sub-Contractor	Date Cleared

Construction Contract Amount: | Bid Opening Date:

Contract Execution Date: | Construction Start Date:

Verified by: | Date Verified:

Signature of Labor Standards Officer (LSO)

LSO email: | LSO phone:

Effective September 2018

REVIEWING WEEKLY PAYROLLS



TEXAS GENERAL LAND OFFICE

COMMUNITY DEVELOPMENT AND REVITALIZATION

Classifications

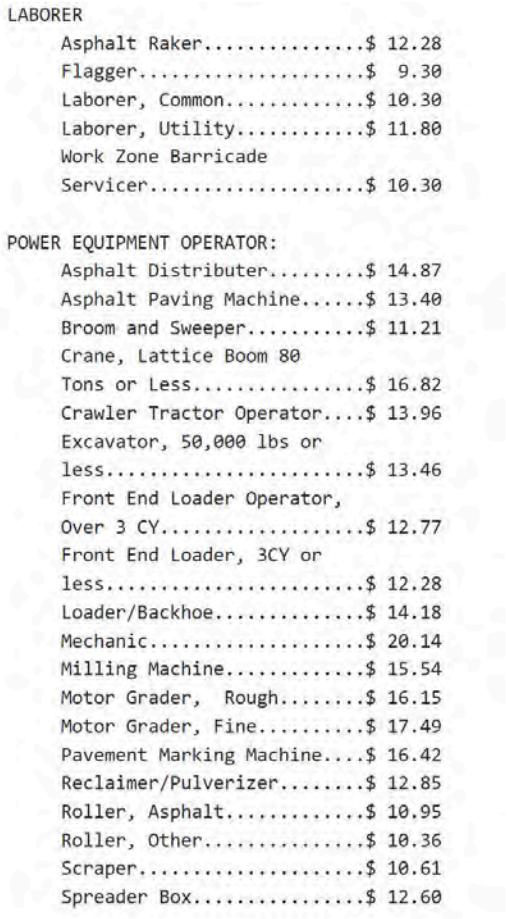
The Wage Determination lists the various types of classifications such as laborers, power equipment operators, carpenters, etc

The work and tools that the employee is undertaking must match with the classification listed on the wage determination. Even if the worker is undertaking multiple assignments

For example: An employee works an 8-hour day. The employee works as a flagger for 5-hours but uses shovels, rakes, and other hand tools for 3-hours

The employee must be paid for the following:

- 5-hours as a flagger
- 3-hours as a laborer-common



```
LABORER
     Asphalt Raker.............$ 12.28
     Flagger...................$  9.30
     Laborer, Common...........$ 10.30
     Laborer, Utility..........$ 11.80
     Work Zone Barricade
     Servicer..................$ 10.30

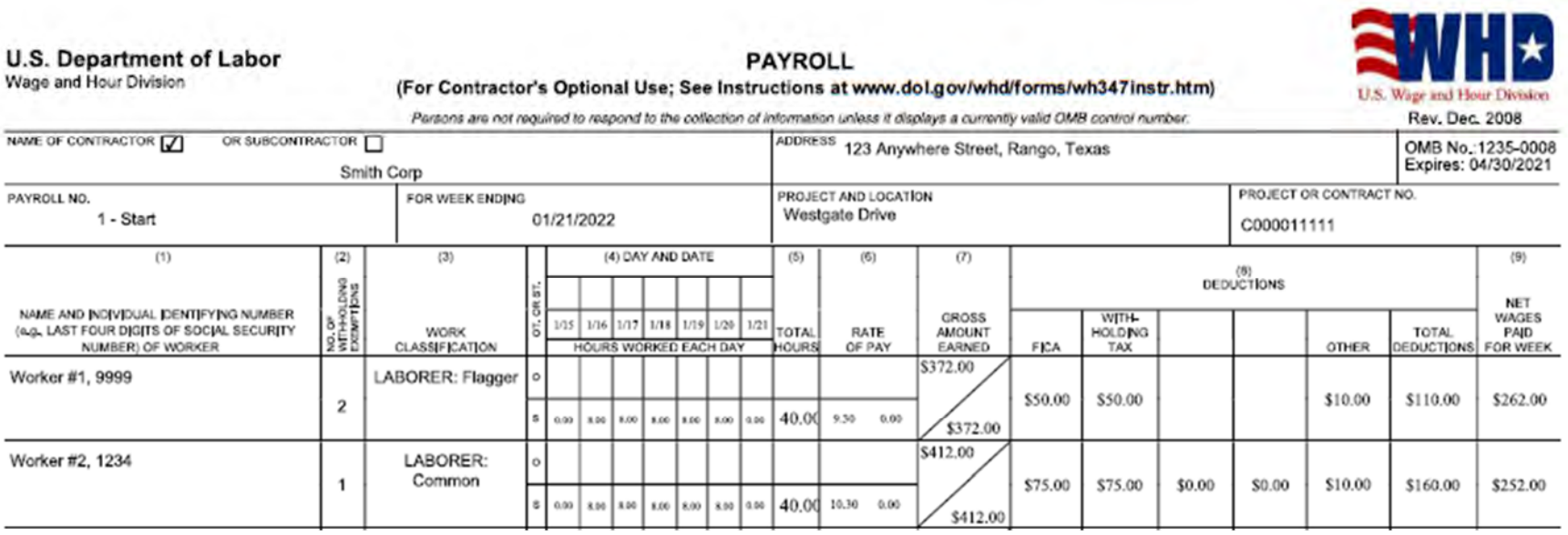
POWER EQUIPMENT OPERATOR:
     Asphalt Distributer.......$ 14.87
     Asphalt Paving Machine....$ 13.40
     Broom and Sweeper.........$ 11.21
     Crane, Lattice Boom 80
     Tons or Less..............$ 16.82
     Crawler Tractor Operator....$ 13.96
     Excavator, 50,000 lbs or
     less......................$ 13.46
     Front End Loader Operator,
     Over 3 CY.................$ 12.77
     Front End Loader, 3CY or
     less......................$ 12.28
     Loader/Backhoe............$ 14.18
     Mechanic..................$ 20.14
     Milling Machine...........$ 15.54
     Motor Grader,  Rough......$ 16.15
     Motor Grader, Fine........$ 17.49
     Pavement Marking Machine....$ 16.42
     Reclaimer/Pulverizer......$ 12.85
     Roller, Asphalt...........$ 10.95
     Roller, Other.............$ 10.36
     Scraper...................$ 10.61
     Spreader Box..............$ 12.60
```

Classifications

	Rates	Fringes
CARPENTER (Form Work Only)	$ 16.02	0.00
CEMENT MASON/CONCRETE FINISHER	$ 15.18	0.00
HIGHWAY/PARKING LOT STRIPING: Operator (Striping Machine)	$ 19.82	0.00
HIGHWAY/PARKING LOT STRIPING: Truck Driver (Line Striping Truck)	$ 14.55	0.00
IRONWORKER, REINFORCING	$ 16.20	0.00
IRONWORKER, STRUCTURAL	$ 22.40	0.00
LABORER GRADE CHECKER	$ 14.08	0.00
LABORER: Asphalt, Includes Raker, Shoveler, Spreader and Distributor	$ 12.00	0.00
LABORER: Common or General	$ 12.05	0.00
LABORER: Mason Tender - Cement/Concrete	$ 14.96	0.00
OPERATOR: Oiler	$ 16.83	0.00
OPERATOR: Paver (Asphalt, Aggregate, and Concrete)	$ 15.96	0.00
OPERATOR: Roller	$ 14.48	0.00
OPERATOR: Scraper	$ 13.30	0.00
PAINTER (Brush and Roller)	$ 15.97	1.27
TRAFFIC CONTROL: Flagger	$ 15.13	0.00
TRAFFIC CONTROL: Laborer-Cones/ Barricades/Barrels - Setter/Mover/Sweeper	$ 16.34	0.00
TRUCK DRIVER: Dump Truck	$ 15.13	0.00
TRUCK DRIVER: Flatbed Truck	$ 15.00	0.00

Certified Payroll Form

Certified payrolls must be numbered sequentially and submitted weekly, starting with the number 1 for the first week and include "final" for the last payroll



U.S. Department of Labor
Wage and Hour Division

PAYROLL
(For Contractor's Optional Use; See Instructions at www.dol.gov/whd/forms/wh347instr.htm)

Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

U.S. Wage and Hour Division
Rev. Dec. 2008

NAME OF CONTRACTOR ☑ OR SUBCONTRACTOR ☐: Smith Corp
ADDRESS: 123 Anywhere Street, Rango, Texas
OMB No.:1235-0008
Expires: 04/30/2021

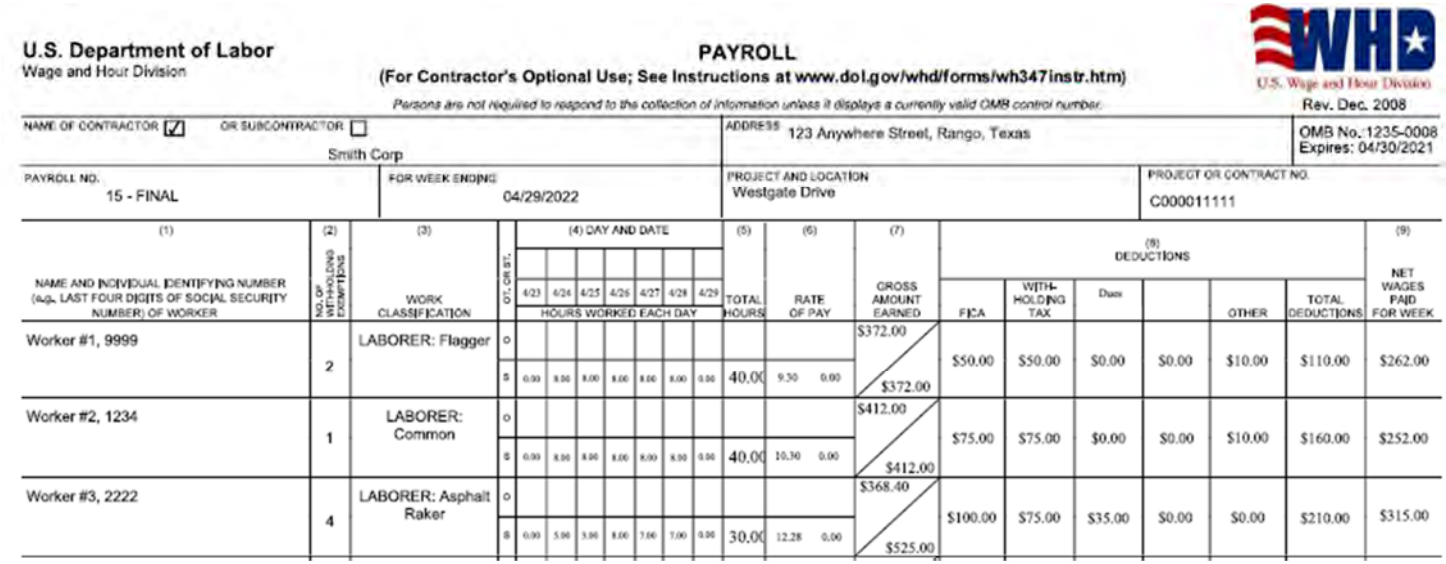
PAYROLL NO.: 1 - Start
FOR WEEK ENDING: 01/21/2022
PROJECT AND LOCATION: Westgate Drive
PROJECT OR CONTRACT NO.: C000011111

(1) NAME AND INDIVIDUAL IDENTIFYING NUMBER (e.g., LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER) OF WORKER	(2) NO. OF WITHHOLDING EXEMPTIONS	(3) WORK CLASSIFICATION	OT. OR ST.	(4) DAY AND DATE 1/15	1/16	1/17	1/18	1/19	1/20	1/21 HOURS WORKED EACH DAY	(5) TOTAL HOURS	(6) RATE OF PAY	(7) GROSS AMOUNT EARNED	(8) DEDUCTIONS FICA	WITHHOLDING TAX			OTHER	TOTAL DEDUCTIONS	(9) NET WAGES PAID FOR WEEK
Worker #1, 9999	2	LABORER: Flagger	O										$372.00	$50.00	$50.00			$10.00	$110.00	$262.00
			S	0.00	8.00	8.00	8.00	8.00	8.00	0.00	40.00	9.30	0.00 $372.00							
Worker #2, 1234	1	LABORER: Common	O										$412.00	$75.00	$75.00	$0.00	$0.00	$10.00	$160.00	$252.00
			S	0.00	8.00	8.00	8.00	8.00	8.00	0.00	40.00	10.30	0.00 $412.00							

Certified Payroll Form

The payrolls must be filled out entirely. Include the classification and group number (i.e., Laborer 2); break out any deductions or include separate sheet with detail

If there are weeks where there is no work performed, it is beneficial for the employer to complete blank payrolls in which “No Work Performed” with the weeks listed



U.S. Department of Labor
Wage and Hour Division

PAYROLL
(For Contractor's Optional Use; See Instructions at www.dol.gov/whd/forms/wh347instr.htm)
Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

WHD U.S. Wage and Hour Division
Rev. Dec. 2008

NAME OF CONTRACTOR ☑ OR SUBCONTRACTOR ☐: Smith Corp
ADDRESS: 123 Anywhere Street, Rango, Texas
OMB No.:1235-0008 Expires: 04/30/2021

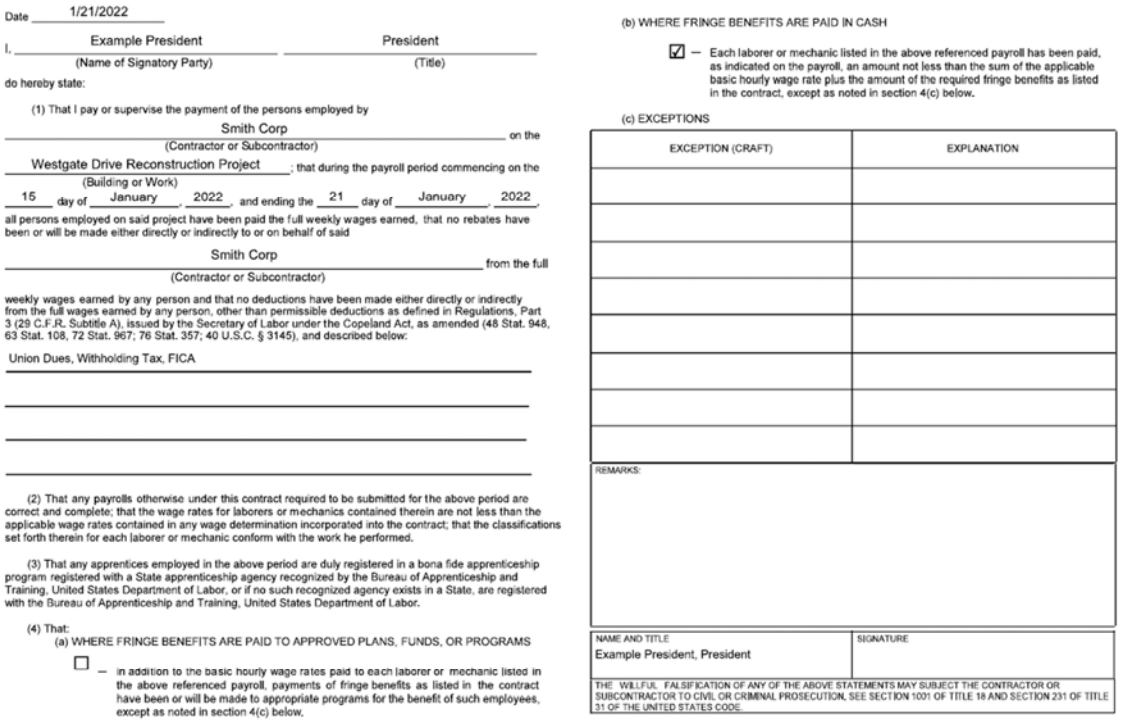
PAYROLL NO.: 15 - FINAL
FOR WEEK ENDING: 04/29/2022
PROJECT AND LOCATION: Westgate Drive
PROJECT OR CONTRACT NO.: C000011111

(1) NAME AND INDIVIDUAL IDENTIFYING NUMBER (e.g., LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER) OF WORKER	(2) NO. OF WITHHOLDING EXEMPTIONS	(3) WORK CLASSIFICATION	OT. OR ST.	(4) DAY AND DATE 4/23	4/24	4/25	4/26	4/27	4/28	4/29	(5) TOTAL HOURS	(6) RATE OF PAY	(7) GROSS AMOUNT EARNED	(8) DEDUCTIONS FICA	WITH-HOLDING TAX	Dues		OTHER	TOTAL DEDUCTIONS	(9) NET WAGES PAID FOR WEEK
Worker #1, 9999	2	LABORER: Flagger	O										$372.00	$50.00	$50.00	$0.00	$0.00	$10.00	$110.00	$262.00
			S	0.00	8.00	8.00	8.00	8.00	8.00	0.00	40.00	9.30	0.00						$372.00	
Worker #2, 1234	1	LABORER: Common	O										$412.00	$75.00	$75.00	$0.00	$0.00	$10.00	$160.00	$252.00
			S	0.00	8.00	8.00	8.00	8.00	8.00	0.00	40.00	10.30	0.00						$412.00	
Worker #3, 2222	4	LABORER: Asphalt Raker	O										$368.40	$100.00	$75.00	$35.00	$0.00	$0.00	$210.00	$315.00
			S	0.00	5.00	5.00	8.00	7.00	7.00	0.00	30.00	12.28	0.00						$525.00	

Statement of Compliance

Though payrolls can be completed on any form, the Statement of Compliance must be signed by the contractor

The Statement of Compliance is to be signed by CEO or President. If not, a letter must be provided that designates the other person (i.e., payroll coordinator, HR, etc.) to prepare and sign the weekly payrolls and the Statement of Compliance



Date 1/21/2022

I, Example President (Name of Signatory Party) President (Title)

do hereby state:

(1) That I pay or supervise the payment of the persons employed by Smith Corp (Contractor or Subcontractor) on the Westgate Drive Reconstruction Project (Building or Work); that during the payroll period commencing on the 15 day of January, 2022, and ending the 21 day of January, 2022, all persons employed on said project have been paid the full weekly wages earned, that no rebates have been or will be made either directly or indirectly to or on behalf of said Smith Corp (Contractor or Subcontractor) from the full weekly wages earned by any person and that no deductions have been made either directly or indirectly from the full wages earned by any person, other than permissible deductions as defined in Regulations, Part 3 (29 C.F.R. Subtitle A), issued by the Secretary of Labor under the Copeland Act, as amended (48 Stat. 948, 63 Stat. 108, 72 Stat. 967; 76 Stat. 357; 40 U.S.C. § 3145), and described below:

Union Dues, Withholding Tax, FICA

(2) That any payrolls otherwise under this contract required to be submitted for the above period are correct and complete; that the wage rates for laborers or mechanics contained therein are not less than the applicable wage rates contained in any wage determination incorporated into the contract; that the classifications set forth therein for each laborer or mechanic conform with the work he performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide apprenticeship program registered with a State apprenticeship agency recognized by the Bureau of Apprenticeship and Training, United States Department of Labor, or if no such recognized agency exists in a State, are registered with the Bureau of Apprenticeship and Training, United States Department of Labor.

(4) That:

(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS

☐ – in addition to the basic hourly wage rates paid to each laborer or mechanic listed in the above referenced payroll, payments of fringe benefits as listed in the contract have been or will be made to appropriate programs for the benefit of such employees, except as noted in section 4(c) below.

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

☑ – Each laborer or mechanic listed in the above referenced payroll has been paid, as indicated on the payroll, an amount not less than the sum of the applicable basic hourly wage rate plus the amount of the required fringe benefits as listed in the contract, except as noted in section 4(c) below.

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION

REMARKS:

NAME AND TITLE	SIGNATURE
Example President, President	

THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION. SEE SECTION 1001 OF TITLE 18 AND SECTION 231 OF TITLE 31 OF THE UNITED STATES CODE.

Statement of Compliance

This example is where the contractor pays fringe benefits to the employees. An hourly breakout of the fringe benefits is necessary to ensure that the correct fringe benefits are paid

Date 1/21/2022

I, Example President, President
(Name of Signatory Party) (Title)

do hereby state:

(1) That I pay or supervise the payment of the persons employed by
Smith Corp
(Contractor or Subcontractor) on the
Westgate Drive Reconstruction Project
(Building or Work); that during the payroll period commencing on the
15 day of January, 2022, and ending the 21 day of January, 2022,
all persons employed on said project have been paid the full weekly wages earned, that no rebates have been or will be made either directly or indirectly to or on behalf of said
Smith Corp
(Contractor or Subcontractor) from the full
weekly wages earned by any person and that no deductions have been made either directly or indirectly from the full wages earned by any person, other than permissible deductions as defined in Regulations, Part 3 (29 C.F.R. Subtitle A), issued by the Secretary of Labor under the Copeland Act, as amended (48 Stat. 948, 63 Stat. 108, 72 Stat. 967; 76 Stat. 357; 40 U.S.C. § 3145), and described below:

Union Dues, Withholding Tax, FICA

(2) That any payrolls otherwise under this contract required to be submitted for the above period are correct and complete; that the wage rates for laborers or mechanics contained therein are not less than the applicable wage rates contained in any wage determination incorporated into the contract; that the classifications set forth therein for each laborer or mechanic conform with the work he performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide apprenticeship program registered with a State apprenticeship agency recognized by the Bureau of Apprenticeship and Training, United States Department of Labor, or if no such recognized agency exists in a State, are registered with the Bureau of Apprenticeship and Training, United States Department of Labor.

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(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS

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(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

☐ – Each laborer or mechanic listed in the above referenced payroll has been paid, as indicated on the payroll, an amount not less than the sum of the applicable basic hourly wage rate plus the amount of the required fringe benefits as listed in the contract, except as noted in section 4(c) below.

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION
401K	$3.50
Healthcare	$0.89

REMARKS:

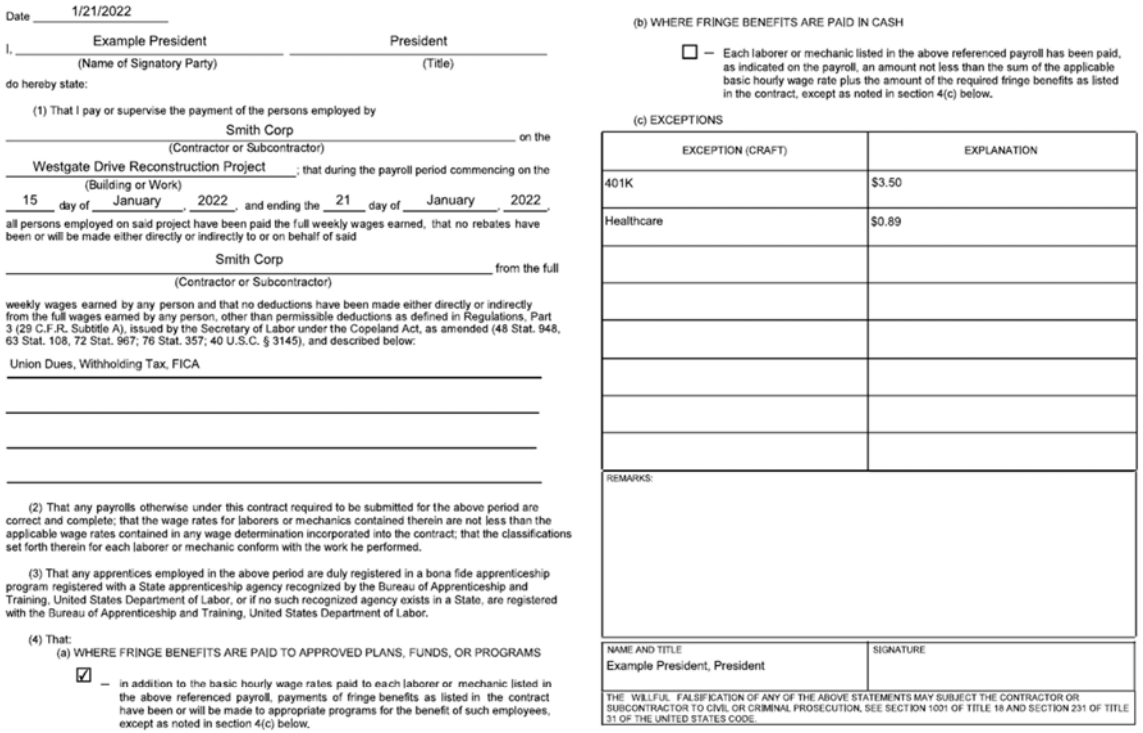
NAME AND TITLE	SIGNATURE
Example President, President	

THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION. SEE SECTION 1001 OF TITLE 18 AND SECTION 231 OF TITLE 31 OF THE UNITED STATES CODE.

Reviewing Payrolls

When reviewing payrolls, look for:

- Payrolls that are filled out entirely and signed
- Employees paid no less than the wage rate for the work classification on the wage determination
- Apprenticeship and trainee certifications are included
- Employee payroll deduction authorizations for other deductions are included
- Employee interviews match payroll records



Date 1/21/2022

I, Example President (Name of Signatory Party) President (Title)

do hereby state:

(1) That I pay or supervise the payment of the persons employed by Smith Corp (Contractor or Subcontractor) on the Westgate Drive Reconstruction Project (Building or Work); that during the payroll period commencing on the 15 day of January, 2022, and ending the 21 day of January, 2022, all persons employed on said project have been paid the full weekly wages earned, that no rebates have been or will be made either directly or indirectly to or on behalf of said Smith Corp (Contractor or Subcontractor) from the full weekly wages earned by any person and that no deductions have been made either directly or indirectly from the full wages earned by any person, other than permissible deductions as defined in Regulations, Part 3 (29 C.F.R. Subtitle A), issued by the Secretary of Labor under the Copeland Act, as amended (48 Stat. 948, 63 Stat. 108, 72 Stat. 967; 76 Stat. 357; 40 U.S.C. § 3145), and described below:

Union Dues, Withholding Tax, FICA

(2) That any payrolls otherwise under this contract required to be submitted for the above period are correct and complete; that the wage rates for laborers or mechanics contained therein are not less than the applicable wage rates contained in any wage determination incorporated into the contract; that the classifications set forth therein for each laborer or mechanic conform with the work he performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide apprenticeship program registered with a State apprenticeship agency recognized by the Bureau of Apprenticeship and Training, United States Department of Labor, or if no such recognized agency exists in a State, are registered with the Bureau of Apprenticeship and Training, United States Department of Labor.

(4) That:

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☐ – Each laborer or mechanic listed in the above referenced payroll has been paid, as indicated on the payroll, an amount not less than the sum of the applicable basic hourly wage rate plus the amount of the required fringe benefits as listed in the contract, except as noted in section 4(c) below.

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION
401K	$3.50
Healthcare	$0.89

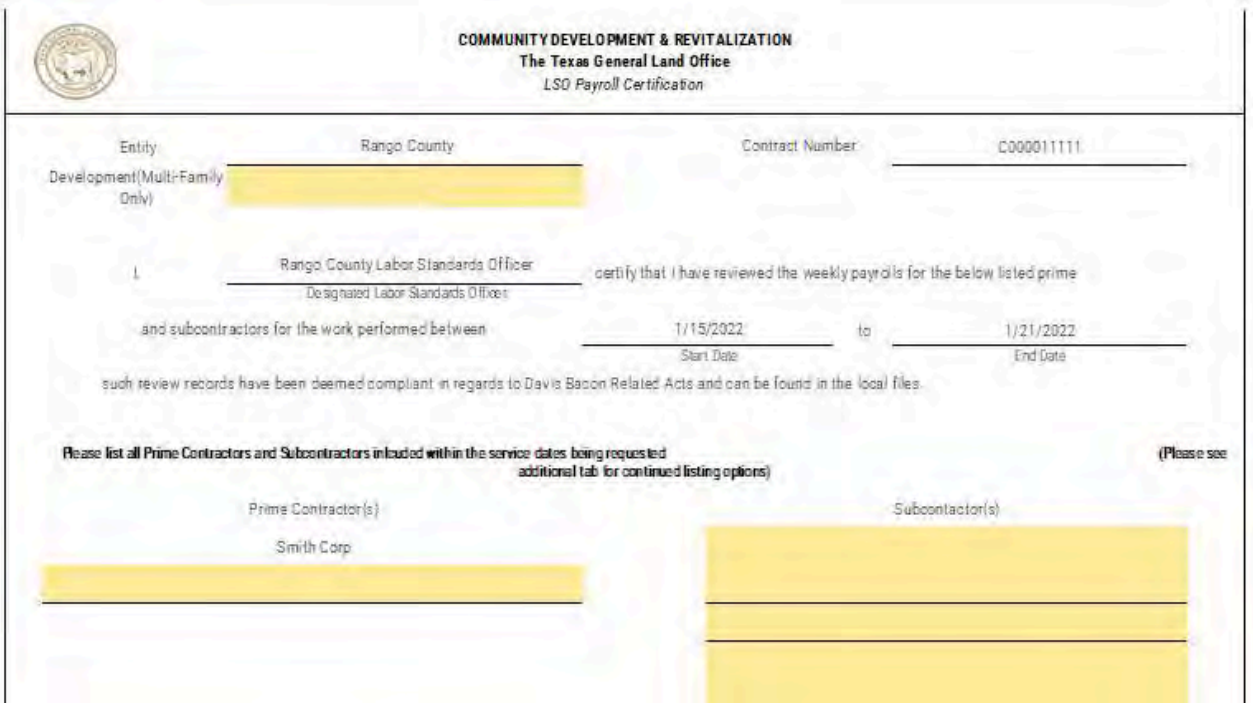
REMARKS:

NAME AND TITLE	SIGNATURE
Example President, President	

THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION. SEE SECTION 1001 OF TITLE 18 AND SECTION 231 OF TITLE 31 OF THE UNITED STATES CODE.

Weekly Payroll Review

Weekly payrolls must be reviewed by the labor standards officer. Payrolls should be reviewed as they are received so the LSO can address any issues as they arise. The LSO Payroll Certification form must be completed for every draw request



COMMUNITY DEVELOPMENT & REVITALIZATION
The Texas General Land Office
LSO Payroll Certification

Entity: Rango County
Contract Number: C000011111
Development (Multi-Family Only):

I: Rango County Labor Standards Officer (Designated Labor Standards Officer) certify that I have reviewed the weekly payrolls for the below listed prime and subcontractors for the work performed between 1/15/2022 (Start Date) to 1/21/2022 (End Date)

such review records have been deemed compliant in regards to Davis Bacon Related Acts and can be found in the local files

Please list all Prime Contractors and Subcontractors included within the service dates being requested (Please see additional tab for continued listing options)

Prime Contractor(s)	Subcontactor(s)
Smith Corp	

FRINGE BENEFITS



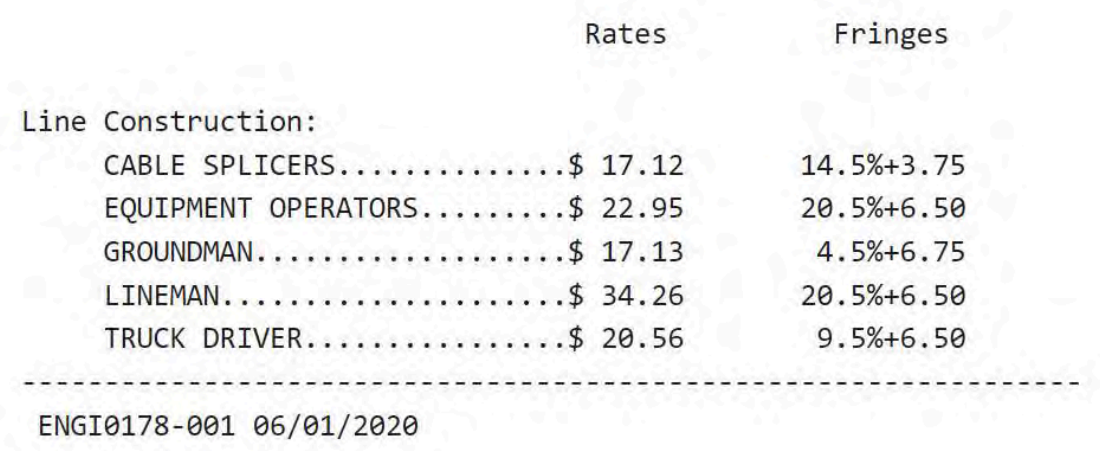
TEXAS GENERAL LAND OFFICE

COMMUNITY DEVELOPMENT AND REVITALIZATION

Fringe Benefits

Fringe benefit can include:

1. Sick, vacation or holiday pay
2. Cost to defray expenses of apprenticeship or similar programs
3. Medical or hospital care
4. Supplemental unemployment benefits
5. Life insurance
6. Pensions on retirement or death
7. Compensation for injuries or illness resulting from occupational activity
8. Other bona fide fringe benefits
9. Insurance to provide any of the above



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                                          Rates          Fringes

Line Construction:
     CABLE SPLICERS.............$ 17.12        14.5%+3.75
     EQUIPMENT OPERATORS.........$ 22.95        20.5%+6.50
     GROUNDMAN..................$ 17.13         4.5%+6.75
     LINEMAN....................$ 34.26        20.5%+6.50
     TRUCK DRIVER...............$ 20.56         9.5%+6.50
-----------------------------------------------------------------

 ENGI0178-001 06/01/2020
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Fringe Benefits

For example, consider a situation where the Davis-Bacon wage decision requires:

- Basic Hourly Rate: $10.00
- Fringe Benefits Hourly Rate: $5.00
- Total Hourly Wage Rate: $15.00

An employer can meet this obligation in many different ways. It can:

- Pay the base wage and fringe benefits as stated in the wage decision
- Pay $15 in base wage with no fringe benefits
- Pay $12 basic plus $3 fringe benefits
- Off-set the amount of the base wage and pay more in fringe benefits, such as by paying or $9 basic plus $6 fringe benefits, as long as it meets the total amount

When reviewing payrolls, request copies of the plans

Fringe Benefit Examples

To calculate the amount of fringe benefits owed for **equipment operators:**

($22.95 x .205) + $6.50 = $11.20

	Rates	Fringes
Line Construction:		
CABLE SPLICERS	$ 17.12	14.5%+3.75
EQUIPMENT OPERATORS	$ 22.95	20.5%+6.50
GROUNDMAN	$ 17.13	4.5%+6.75
LINEMAN	$ 34.26	20.5%+6.50
TRUCK DRIVER	$ 20.56	9.5%+6.50

ENGI0178-001 06/01/2020

Fringe Benefit Examples

	Rates	Fringes
Power equipment operators:		
(HEAVY CONSTRUCTION:)		
GROUP 1	$ 38.44	27.52+A
GROUP 1a	$ 40.69	28.18+A
GROUP 2	$ 38.16	27.43+A
GROUP 2a	$ 40.41	28.10+A
GROUP 3	$ 35.24	26.57+A
GROUP 4	$ 34.10	26.24+A
GROUP 5	$ 33.65	26.11+A
GROUP 6	$ 32.77	25.85+A
HEAVY CONSTRUCTION:		

FOOTNOTE:

A: PAID HOLIDAYS: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, the employee works the day before and the day after the holiday.

	Rates	Fringes
Line Construction:		
Cable Splicer	$ 54.30	64.15%
Groundman, Truck Driver	$ 41.37	64.15%
Linemen and Heavy Equipment Operator	$ 51.71	64.15%

ELEC0313-003 06/01/2011

Deduction Authorization

WAGE DEDUCTION AUTHORIZATION AGREEMENT

I understand and agree that my employer, _____ (the Company), may deduct money from my pay from time to time for reasons that fall into the following categories:

1. my share of the premiums for the Company's group medical/dental plan;
2. any contributions I may make into a retirement or pension plan sponsored, controlled, or managed by the Company;
3. installment payments on loans or wage advances given to me by the Company, and if there is a balance remaining when I leave the Company, the balance of such loans or advances;
4. installment payments on loans based upon store credit that I use for my own personal purchases, including the value of merchandise or services that I purchase or have purchased for personal, non-business reasons using my employee charge account or credit card, an account or credit card assigned to another employee, or a general company account or credit card, regardless of whether such purchase was authorized, and if there is a balance remaining when I leave the Company, the balance of such store credit or charges;
5. if I receive an overpayment of wages for any reason, repayment to the Company of such overpayments (the deduction for such a repayment will equal the entire amount of the overpayment, unless the Company and I agree in writing to a series of smaller deductions in specified amounts);
6. the cost to the Company of personal long-distance calls I may make, or messages I may send, using Company phones (land lines or cell phones) or Company accounts, of personal faxes sent by me using Company equipment or Company accounts, or of non-work related access to the Internet or other computer networks by me using Company equipment or Company accounts;
7. the cost of repairing or replacing any Company supplies, materials, equipment, money, or other property that I may damage (other than normal wear and tear), lose, fail to return, or take without appropriate authorization from the Company during my employment (except in the case of misappropriation of money by me, I understand that no such deduction will take my pay below minimum wage, or, if I am a salaried exempt employee, reduce my salary below its predetermined amount)*;
8. the cost of Company uniforms and of cleaning the uniforms (the Company will deduct only the actual price it pays for uniforms and cleaning costs)**;
9. the reasonable cost or fair value, whichever is less, of meals, lodging, and other facilities furnished to me by the Company in connection with my employment***;
10. administrative fees in connection with court-ordered garnishments or legally-required wage attachments of my pay, limited in extent to the amount or amounts allowed under applicable laws;
11. if I take paid vacation or sick leave in advance of the date I would normally be entitled to it and I separate from the Company before accruing time to cover such advance leave, the value of such leave taken in advance that is not so covered;
12. the value of any time off for absences to which paid leave is not applied (except in the case of those who are paid a fixed salary for fluctuating workweeks, non-exempt salaried employees will have all such unpaid leave deducted from their salary, while exempt salaried employees will experience salary reductions only in units of a full day or week at a time, depending upon the exact nature of the absence, unless partial-day deductions are specifically allowed under federal law); and
13. if my employer pays any insurance premiums or retirement system contributions ("payments") on my behalf that I would normally make under the applicable Company benefit plan, the amount of such payments made by the Company, such payments being an advance of future wages payable to me.
14. (any other items appropriate for your company's situation - go over this with your attorney).

I agree that the Company may deduct money from my pay under the above circumstances, or if any of the above situations occur. I further understand that the Company has stated its intention to abide by all applicable federal and Texas wage and hour laws and that if I believe that any such law has not been followed, I have the right to file a wage claim with appropriate Texas and federal agencies.

_____
Signature of Employee

PAYROLL ISSUES



TEXAS GENERAL LAND OFFICE

COMMUNITY DEVELOPMENT AND REVITALIZATION

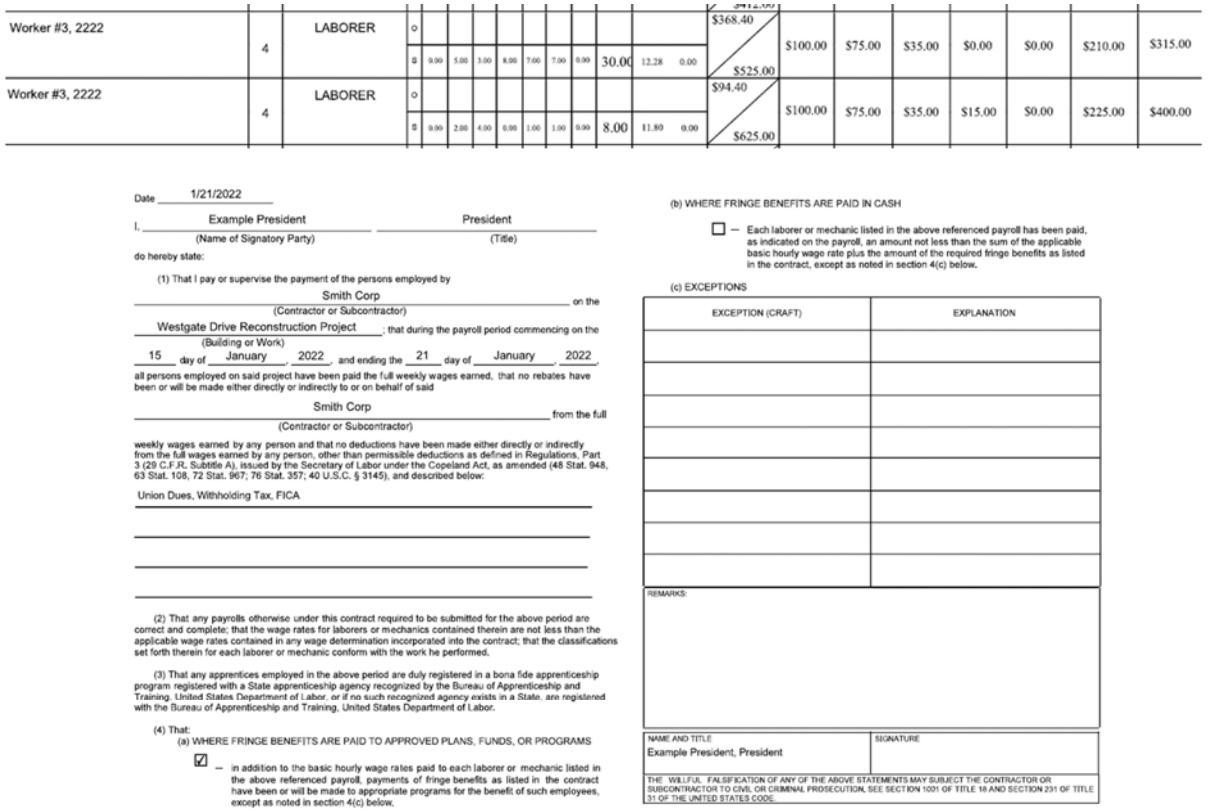
Payroll Errors

The payroll examiner must look through each line item to ensure that the employee is receiving the appropriate wage and fringe benefit

If something doesn't look right, question it

If an issue is confirmed and the employee was not paid correctly, the payroll examiner must determine the amount of restitution

The contractor must provide restitution to the employee. The contractor must then provide a copy of the cancelled check and submit revised payrolls which would correct the issue. The restitution must be addressed as soon as possible



Worker #3, 2222	4	LABORER	○										$368.40 / $525.00	$100.00	$75.00	$35.00	$0.00	$0.00	$210.00	$315.00
			$	9.00	5.00	3.00	8.00	7.00	7.00	0.00	30.00	12.28	0.00							
Worker #3, 2222	4	LABORER	○										$94.40 / $625.00	$100.00	$75.00	$35.00	$15.00	$0.00	$225.00	$400.00
			$	0.00	2.00	4.00	0.00	1.00	1.00	0.00	8.00	11.80	0.00							

Date 1/21/2022

I, Example President (Name of Signatory Party) President (Title)

do hereby state:

(1) That I pay or supervise the payment of the persons employed by Smith Corp (Contractor or Subcontractor) on the Westgate Drive Reconstruction Project (Building or Work); that during the payroll period commencing on the 15 day of January, 2022, and ending the 21 day of January, 2022, all persons employed on said project have been paid the full weekly wages earned, that no rebates have been or will be made either directly or indirectly to or on behalf of said Smith Corp (Contractor or Subcontractor) from the full weekly wages earned by any person and that no deductions have been made either directly or indirectly from the full wages earned by any person, other than permissible deductions as defined in Regulations, Part 3 (29 C.F.R. Subtitle A), issued by the Secretary of Labor under the Copeland Act, as amended (48 Stat. 948, 63 Stat. 108, 72 Stat. 967; 76 Stat. 357; 40 U.S.C. § 3145), and described below:

Union Dues, Withholding Tax, FICA

(2) That any payrolls otherwise under this contract required to be submitted for the above period are correct and complete; that the wage rates for laborers or mechanics contained therein are not less than the applicable wage rates contained in any wage determination incorporated into the contract; that the classifications set forth therein for each laborer or mechanic conform with the work he performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide apprenticeship program registered with a State apprenticeship agency recognized by the Bureau of Apprenticeship and Training, United States Department of Labor, or if no such recognized agency exists in a State, are registered with the Bureau of Apprenticeship and Training, United States Department of Labor.

(4) That:

(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS

☑ – in addition to the basic hourly wage rates paid to each laborer or mechanic listed in the above referenced payroll, payments of fringe benefits as listed in the contract have been or will be made to appropriate programs for the benefit of such employees, except as noted in section 4(c) below.

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

☐ – Each laborer or mechanic listed in the above referenced payroll has been paid, as indicated on the payroll, an amount not less than the sum of the applicable basic hourly wage rate plus the amount of the required fringe benefits as listed in the contract, except as noted in section 4(c) below.

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION

REMARKS:

NAME AND TITLE	SIGNATURE
Example President, President	

THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION. SEE SECTION 1001 OF TITLE 18 AND SECTION 231 OF TITLE 31 OF THE UNITED STATES CODE.

VISITING THE JOB SITE

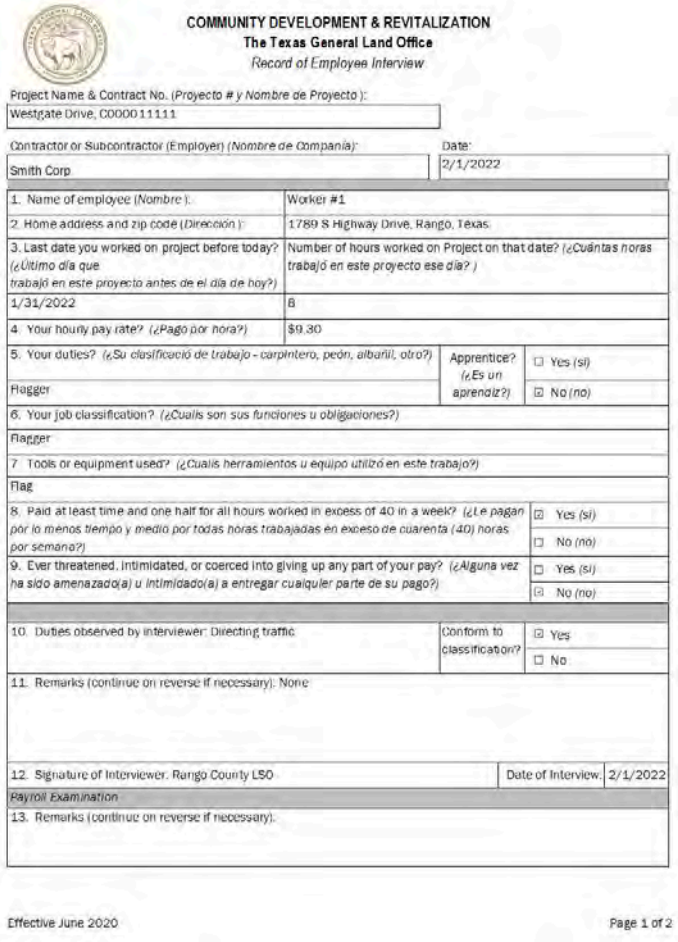


TEXAS GENERAL LAND OFFICE

COMMUNITY DEVELOPMENT AND REVITALIZATION

Conducting Employee Interviews

Employee interviews are an important tool to ensure that employees are properly classified and are being paid the correct wage and fringe



COMMUNITY DEVELOPMENT & REVITALIZATION
The Texas General Land Office
Record of Employee Interview

Project Name & Contract No. (*Proyecto # y Nombre de Proyecto*):
Westgate Drive, C0000011111

Contractor or Subcontractor (Employer) (*Nombre de Compañía*): Smith Corp

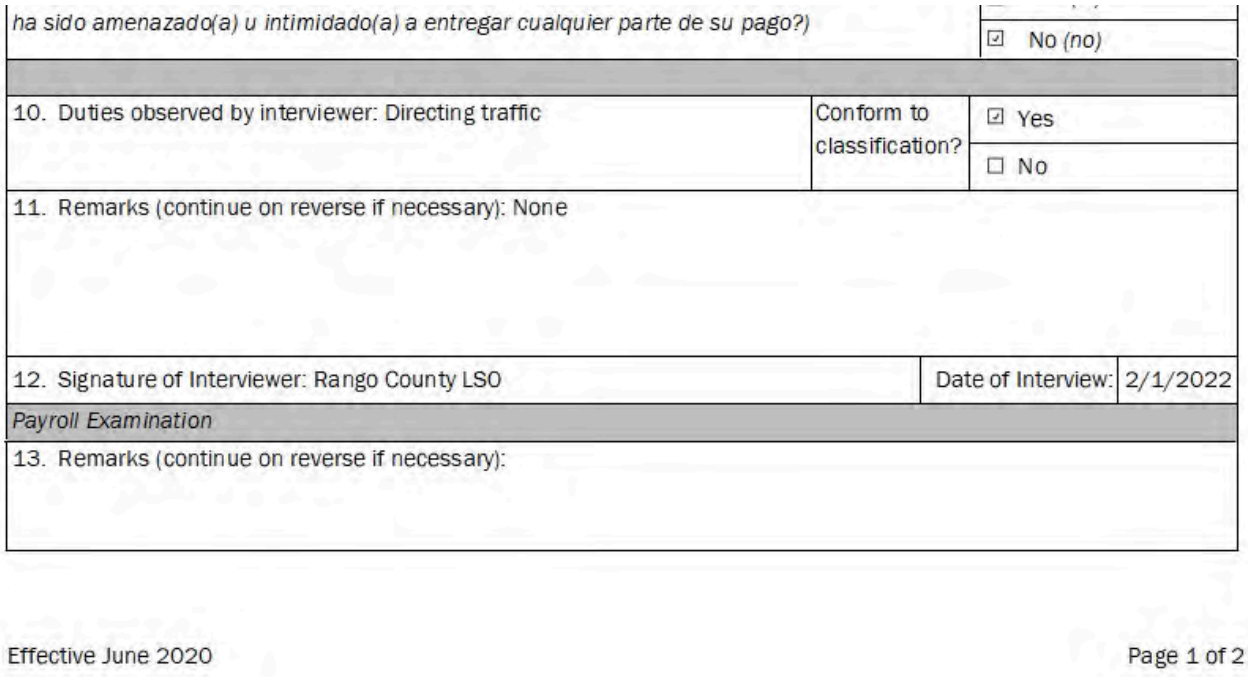
Date: 2/1/2022

1. Name of employee (*Nombre*):	Worker #1		
2. Home address and zip code (*Dirección*):	1789 S Highway Drive, Rango, Texas		
3. Last date you worked on project before today? (*¿Último día que trabajó en este proyecto antes de el día de hoy?*)	Number of hours worked on Project on that date? (*¿Cuántas horas trabajó en este proyecto ese día?*)		
1/31/2022	8		
4. Your hourly pay rate? (*¿Pago por hora?*)	$9.30		
5. Your duties? (*¿Su clasificació de trabajo - carpintero, peón, albañil, otro?*)		Apprentice? (*¿Es un aprendiz?*)	☐ Yes (*sí*)
Flagger			☑ No (*no*)
6. Your job classification? (*¿Cuáls son sus funciones u obligaciones?*)			
Flagger			
7. Tools or equipment used? (*¿Cuáls herramientos u equipo utilizó en este trabajo?*)			
Flag			
8. Paid at least time and one half for all hours worked in excess of 40 in a week? (*¿Le pagan por lo menos tiempo y medio por todas horas trabajadas en exceso de cuarenta (40) horas por semana?*)			☑ Yes (*sí*) ☐ No (*no*)
9. Ever threatened, intimidated, or coerced into giving up any part of your pay? (*¿Alguna vez ha sido amenazado(a) u intimidado(a) a entregar cualquier parte de su pago?*)			☐ Yes (*sí*) ☑ No (*no*)
10. Duties observed by interviewer: Directing traffic		Conform to classification?	☑ Yes ☐ No
11. Remarks (continue on reverse if necessary): None			
12. Signature of Interviewer: Rango County LSO		Date of Interview:	2/1/2022
Payroll Examination			
13. Remarks (continue on reverse if necessary):			

Effective June 2020 Page 1 of 2

Employee Interviews Continued

"Duties observed by interviewer" is an important section for the interviewer to complete as it gives the interviewer the opportunity to observe what tools the employee is using separately



ha sido amenazado(a) u intimidado(a) a entregar cualquier parte de su pago?)		☑ No *(no)*
10. Duties observed by interviewer: Directing traffic	Conform to classification?	☑ Yes ☐ No
11. Remarks (continue on reverse if necessary): None		
12. Signature of Interviewer: Rango County LSO	Date of Interview:	2/1/2022
Payroll Examination		
13. Remarks (continue on reverse if necessary):		

Effective June 2020

Page 1 of 2

Poster and Wage Decision

The Davis-Bacon poster and a copy of the wage decision must be posted at the job site throughout the duration of the project. These files should be provided during the pre-construction conference

Both must be posted in a visible spot outside. A good idea is to laminate both so not to be exposed to the weather



EMPLOYEE RIGHTS
UNDER THE DAVIS-BACON ACT

FOR LABORERS AND MECHANICS EMPLOYED ON FEDERAL OR FEDERALLY ASSISTED CONSTRUCTION PROJECTS

PREVAILING WAGES You must be paid not less than the wage rate listed in the Davis-Bacon Wage Decision posted with this Notice for the work you perform.

OVERTIME You must be paid not less than one and one-half times your basic rate of pay for all hours worked over 40 in a work week. There are few exceptions.

ENFORCEMENT Contract payments can be withheld to ensure workers receive wages and overtime pay due, and liquidated damages may apply if overtime pay requirements are not met. Davis-Bacon contract clauses allow contract termination and debarment of contractors from future federal contracts for up to three years. A contractor who falsifies certified payroll records or induces wage kickbacks may be subject to civil or criminal prosecution, fines and/or imprisonment.

APPRENTICES Apprentice rates apply only to apprentices properly registered under approved Federal or State apprenticeship programs.

PROPER PAY If you do not receive proper pay, or require further information on the applicable wages, contact the Contracting Officer listed below:

or contact the U.S. Department of Labor's Wage and Hour Division.

WHD WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

1-866-487-9243
TTY: 1-877-889-5627
www.dol.gov/whd



12/22/21, 12:58 PM SAM.gov

"General Decision Number: TX20210003 01/01/2021

Superseded General Decision Number: TX20200003

State: Texas

Construction Types: Heavy and Highway

Counties: Cameron, Hidalgo and Webb Counties in Texas.

HEAVY & HIGHWAY CONSTRUCTION PROJECTS

Note: Under Executive Order (EO) 13658, an hourly minimum wage of $10.95 for calendar year 2021 applies to all contracts subject to the Davis-Bacon Act for which the contract is awarded (and any solicitation was issued) on or after January 1, 2015. If this contract is covered by the EO, the contractor must pay all workers in any classification listed on this wage determination at least $10.95 per hour (or the applicable wage rate listed on this wage determination, if it is higher) for all hours spent performing on the contract in calendar year 2021. If this contract is covered by the EO and a classification considered necessary for performance of work on the contract does not appear on this wage determination, the contractor must pay workers in that classification at least the wage rate determined through the conformance process set forth in 29 CFR 5.5(a)(1)(ii) (or the EO minimum wage rate, if it is higher than the conformed wage rate). The EO minimum wage rate will be adjusted annually. Please note that this EO applies to the above-mentioned types of contracts entered into by the federal government that are subject to the Davis-Bacon Act itself, but it does not apply to contracts subject only to the Davis-Bacon Related Acts, including those set forth at 29 CFR 5.1(a)(2)-(60). Additional information on contractor requirements and worker protections under the EO is available at www.dol.gov/whd/govcontracts.

Modification Number 0 Publication Date 01/01/2021

* SUTX2011-003 08/02/2011

	Rates	Fringes
CEMENT MASON/CONCRETE FINISHER (Paving & Structures)	$ 12.46	
FORM BUILDER/FORM SETTER (Structures)	$ 12.30	
FORM SETTER (Paving & Curb)	$ 12.16	
LABORER		
Asphalt Raker	$ 10.61	
Flagger	$ 9.10	
Laborer, Common	$ 9.86	

https://sam.gov/wage-determination/TX20210003/0 1/5

PROJECT CONCLUSION

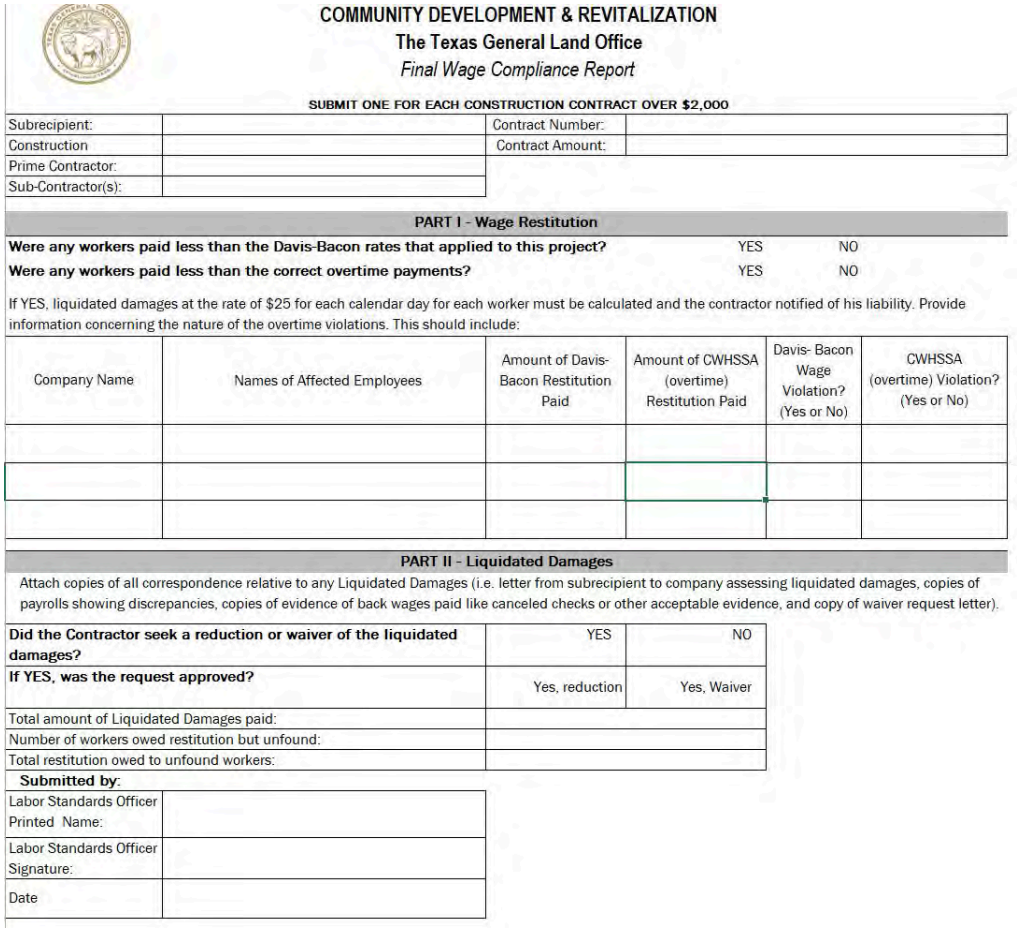


Payroll Errors

At the conclusion of the project, the LSO should complete the Final Wage Compliance Report. The report highlights any wage issues

If any employee has not been correctly paid, restitution must be paid to the employee and revised payrolls must be prepared and submitted to the LSO

When underpayments by a contractor total $1,000+ and there is a reason to believe that labor standards violations are aggravated or willful, then a detailed enforcement report is to be submitted to DOL



COMMUNITY DEVELOPMENT & REVITALIZATION
The Texas General Land Office
Final Wage Compliance Report

SUBMIT ONE FOR EACH CONSTRUCTION CONTRACT OVER $2,000

Subrecipient:		Contract Number:	
Construction		Contract Amount:	
Prime Contractor:			
Sub-Contractor(s):			

PART I - Wage Restitution

Were any workers paid less than the Davis-Bacon rates that applied to this project? YES NO

Were any workers paid less than the correct overtime payments? YES NO

If YES, liquidated damages at the rate of $25 for each calendar day for each worker must be calculated and the contractor notified of his liability. Provide information concerning the nature of the overtime violations. This should include:

Company Name	Names of Affected Employees	Amount of Davis-Bacon Restitution Paid	Amount of CWHSSA (overtime) Restitution Paid	Davis- Bacon Wage Violation? (Yes or No)	CWHSSA (overtime) Violation? (Yes or No)

PART II - Liquidated Damages

Attach copies of all correspondence relative to any Liquidated Damages (i.e. letter from subrecipient to company assessing liquidated damages, copies of payrolls showing discrepancies, copies of evidence of back wages paid like canceled checks or other acceptable evidence, and copy of waiver request letter).

Did the Contractor seek a reduction or waiver of the liquidated damages?	YES	NO
If YES, was the request approved?	Yes, reduction	Yes, Waiver
Total amount of Liquidated Damages paid:		
Number of workers owed restitution but unfound:		
Total restitution owed to unfound workers:		

Submitted by:

Labor Standards Officer Printed Name:	
Labor Standards Officer Signature:	
Date	

Certificate of Construction Completion

At the conclusion of the project, the engineer, contractor, and subgrantee must complete and sign the Certificate of Construction Completion form

This form confirms that the project is complete between all parties



COMMUNITY DEVELOPMENT & REVITALIZATION
The Texas General Land Office
Certificate of Construction Completion

Subrecipient: Contract #: Date:

This is to certify that a final inspection of the project described below was conducted on

Contract was entered into on between the city/county of and

for the construction of

This is to further certify that:

1. The work has been completed in accordance with the plans and specifications and all addenda, change orders, and supplemental agreements thereto, with the following exceptions:

2. The sum of , deducted from the final payment to the Contractor is a fair and equitable settlement for the foregoing excepted work.

3. The Contractor has presented on behalf of itself and its sureties, satisfactory evidence that he or she will repair, replace or make good any faulty workmanship and/or materials discovered in the work within a period of from this date, as provided in the Contract.

4. Amount of Original Contract:

Cumulative Change Orders:

Final Amount of Contract:

Less Previous Payments:

Recordkeeping Requirements

The subrecipient must maintain a file with the following documentation for each construction contract

- The Appointment of the Labor Standards Officer
- Copy of the Wage Rate Decision
- Ten-Day Confirmation Form
- Additional Classification Request
- Debarment Verification
- Pre-Construction Conference Report
- Labor Standards Record
- Financial Interest Report
- Payrolls and the Compliance Review
- Employee Interviews
- Wage Violations
- Liquidated Damage Documentation
- Certification of Construction Completion
- Final Wage Compliance Report

ADDITIONAL CONSIDERATIONS



Additional Considerations

- Certified apprenticeship plans are approved by the state for apprentices to learn trades while on the job. The wages to be paid by the employer are identified in the apprenticeship plan. This plan must be included with the first payroll
- Owner/Operators are likely to be subcontractors working for the prime contractor. When completing a payroll record, the owner/operator cannot certify their own payrolls, only the prime contractor can sign their payroll
- Working foremen who devote more than 20 percent of their time during a workweek to mechanic or laborer duties, and who do not meet the criteria of part 541, are laborers and mechanics for the time so spent
- Truck drivers are generally covered for time spent on the project (transporting to/from, loading at site, etc.). There are few instances where the truck driver is generally not subject to DBRA
- Overtime is paid when the employee works more than 40 hours per week. O/T is paid only on the wages on the wage determination and not on the fringe benefits

QUESTIONS?

cdr@recovery.texas.gov

Texas General Land Office

@glotx

@txglo

