

# CITY OF PORTSMOUTH, NH

## COMMUNITY DEVELOPMENT DEPARTMENT

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### Pre-Construction Conference

#### Purpose:

- Sign contracts
- Discuss payment, construction, inspection, etc.
- Explain regulations applicable to federally funded projects

#### Federal Regulations:

- Apply to contracts > \$2,000 [Note: for contracts >\$10,000 additional regulations apply]
- All subcontractors are subject to these provisions below
- Prime contractor is responsible for submission of all subcontractor payroll reports
- Prime is liable for violations/underpayments to workers by subs

#### ***Davis Bacon Act - Federal Prevailing Wage Requirements***

- Wage decision is in bid docs
- Must submit weekly certified payrolls, even when no work is completed
- The principal Contractor is responsible for compliance with David-Bacon by Subs
- Non-submittal of payrolls or non-compliance with wage rates is grounds for withholding
- Need to keep records for 5 years
- Hourly rate and fringe rates listed (no benefits provided, then must pay both)
- Interviews will be conducted on site
- Review wage rate classifications to be sure all trades on job are listed. If any are missing let Community Development Department staff know; a request for classification must be made immediately
- Contractors or Subcontractors that have been suspended or debarred by DOL may not be hired – check [www.sam.gov](http://www.sam.gov) and print record for project file
- Special provisions for apprentices/trainees
  - If apprentices/trainees will be on the job and if contractor/sub wants to pay them less than Davis Bacon wage, then the apprentice/trainee must be in apprentice/training program approved by the DOL or State Council approved by DOL
- Wage rate poster and wage rates must be posted
- Workers can't be < 16

#### ***Section 3***

- Contractor list of Subcontractors planning to use
- Contractor post job notices in neighborhoods, PHA housing
- See link on City website: <http://cityofportsmouth.com/community/section3.htm> (Section 3 forms in packet)

#### ***Women and Minority-owned businesses enterprises (WBE, MBE and WMBE)***

- See link on City website: <http://cityofportsmouth.com/community/links.htm>

***Copeland Anti-kickback***

- Employees can't be threatened/forced to give up compensation to which they are entitled
- Wages must be paid weekly at min., requires weekly statement of wages
- Specifies what payroll deductions are to be made
- Requires that payroll forms be submitted weekly (blank forms are in packet)

***Affirmative Action & EEO***

- Prime has to advise subs of EEO responsibilities
- Ads must contain phrase saying Contractor/Subcontractor are equal opportunity employer

**Sanctions**

If Contractor/Subcontractor does not comply with labor/wage standards:

- HUD can withhold/delay payment
- HUD can disburse \$ directly to worker
- HUD can terminate contract
- HUD can debar from doing similar projects
- HUD can assess liquidated damages (unless violation is inadvertent)