



DEPARTMENT OF
HOUSING



CDBG-DR

STANDARD OPERATING PROCEDURE

DAVIS-BACON AND RELATED ACTS (DBRA) SUBRECIPIENT HANDBOOK

PUERTO RICO DEPARTMENT OF HOUSING
CDBG-DR PROGRAM
DAVIS-BACON AND RELATED ACTS (DBRA) SUBRECIPIENT HANDBOOK
VERSION CONTROL

VERSION NUMBER	DATE REVISED	DESCRIPTION OF REVISIONS
1	September 02, 2021	Original version.

TABLE OF CONTENTS

I. INTRODUCTION	5
II. HOW TO USE THIS HANDBOOK	6
III. RESPONSIBILITIES	7
IV. DEFINITIONS AND ACRONYMS	7
V. FORMS /RELATED DOCUMENTS	18
VI. PROCEDURES	24
A. PREPARE DBRA BID PACKAGE AND CONTRACT	25
1. Prepare DBRA Bid Package	32
2. Select Applicable Wage Decision for Small Purchase Bid Process	33
3. Updating Wage Decisions	34
4. Select Applicable Wage Decision for Formal Bid Process	36
5. Updating Wage Decisions	37
6. Prepare and Publish Public Notice Language	40
B. CONDUCT PRE-BID MEETING	42
1. Prepare for Pre-Bid Meeting	44
2. Conduct Pre-Bid Meeting	44
3. Pre-Bid Meeting Follow-up	45
C. BID EVALUATION, NOTICE OF AWARD AND CONTRACT EXECUTION	46
1. Conduct Bid Evaluation - General	52
2. Notice of Contract Award to Contractor and OFCCP	54
3. Prepare Notice of Contract Award to FOMB	55
4. Prepare Draft DBRA Contract	57
5. Execute DBRA Contract	57
D. CONDUCT PRE-CONSTRUCTION MEETING	59
1. Prepare for Pre-Construction Meeting	61
2. Conduct Pre-Construction Meeting	61
3. Pre-Construction Meeting Follow-up	63
E. ONSITE VISITS, EMPLOYEE INTERVIEWS, AND QUESTIONNAIRES	64
1. Schedule Onsite Visits	66
2. Verify Jobsite Postings	67
3. Conduct Employee Interviews (HUD-11)	68

4. Complete Federal Labor Standards Questionnaire (HUD-4730)	70
5. Complete Federal Labor Standards Complaint Intake (HUD-4731)	71
F. CERTIFIED PAYROLL REPORTS	74
1. Certified Payroll Reports and Supporting Documents	80
2. CPR Procedural Review	82
3. CPR Prevailing Wage Review	82
4. CPR Apprentice Review	83
5. CPR Onsite Comparison Review	84
6. Due Process Notification	85
7. Prepare Due Process Notification Letter	86
8. DBRA Clearance Letter	87
9. Document and Remedy Underpayments	88
10. Document Unfound Workers and Resolution Process	89
G. HUD-4710 AND SECTION 5.7 ENFORCEMENT REPORTS	92
1. HUD-4710 Report Overview	94
2. Complete Section 5.7 Enforcement Report (if applicable)	96
3. Submit HUD-4710 and Section 5.7 Enforcement Reports	97
H. PROJECT CLOSEOUT AND RECORDS RETENTION	99
1. Determine Readiness for Closeout	102
2. HUD-4741 and HUD-4743 Review Guide Checklist	103
3. PRDOH Project File Review Meeting	103
4. Complete Closeout Process	104
I. HUD/DOL MONITORING EVENT	105
1. Pre-Monitoring Event	107
2. Monitoring Event	108
3. Post Monitoring Event	108

I. INTRODUCTION

PRDOH, its subrecipients and their contractors must implement and comply with the PRDOH Davis Bacon and Related Acts (**DBRA**) Policy when applicable. The DBRA Policy and all CDBG-DR Program policies are available in English and Spanish on the PRDOH website at <https://cdbg-dr.pr.gov/en/resources/policies/general-policies/> and <https://cdbg-dr.pr.gov/recursos/politicas/politicas-generales/>.

The purpose of this DBRA Subrecipient Handbook is to guide Subrecipient staff receiving a Community Development Block Grant – Disaster Recovery (**CDBG-DR**) subaward from the Puerto Rico Department of Housing (**PRDOH**), as the administering agency, through the process of complying with DBRA and any other Federal statutes and requirements on DBRA-covered CDBG-DR programs, projects, and activities implemented directly by PRDOH Subrecipients.

As recipients of the United States Department of Housing and Urban Development (**HUD**) financial assistance, PRDOH and its subrecipients, contractors and subcontractors working within the PRDOH CDBG-DR funded projects and programs are subject to the requirements of the Davis-Bacon Act of 1931, 40 U.S.C. § 3141 *et seq.* Davis-Bacon Act guarantees fair wages, benefit, and overtime to employees while working on government-funded construction, alternation, or repair projects in excess of \$2,000.

Davis-Bacon requirements, including the requirement to pay the prevailing wage rates and fringe benefits as set forth in a Davis-Bacon wage determination, are made applicable to the Community Development Block Grant program by Section 110 of the Housing and Community Development Act of 1974 (**HCDA**), 42 U.S.C. § 5301 *et seq.* Section 110 of the HCDA states that:

“All laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed in whole or in part with assistance received under this chapter shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with sections 3141-3144, 3146, and 3147 of Title 40: Provided, That this section shall apply to the rehabilitation of residential property only if such property contains not less than 8 units. The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 FR 317 6: 64 Stat. 1267) and section 3145 of Title 40. 42 U.S.C. § 5310.”

Department of Labor regulations, which govern the application of Davis-Bacon wage determinations to covered contracts, provide that:

“Where Federal funding or assistance under a statute requiring payment of wages determined in accordance with the Davis-Bacon Act is not approved prior to

contract award (or the beginning of construction where there is no contract award), the agency shall request a wage determination prior to approval of such funds. Such wage determination shall be issued based upon the wages and fringe benefits found to be prevailing on the date of award or the beginning of construction (under the National Housing Act, under the United States Housing Act of 1937 (**Housing Act of 1937**), 42 U.S.C. § 1437 *et seq.*, or where there is no contract award), as appropriate, and shall be incorporated in the contract specifications retroactively to that date, Provided that upon the request of the head of the agency in individual cases the Administrator may issue such a wage determination to be effective on the date of approval of Federal funds or assistance whenever the Administrator finds that it is necessary and proper in the public interest to prevent injustice or undue hardship; that the Administrator finds no evidence of intent to apply for Federal funding; or assistance prior to contract award or the start of construction, as appropriate."

II. HOW TO USE THIS HANDBOOK

Before applying this handbook subrecipients must complete applicability and conformance forms available in English and Spanish in the PRDOH CDBG-DR website at <https://cdbg-dr.pr.gov/en/davis-bacon-website-map/davis-bacon-forms/> and <https://cdbg-dr.pr.gov/mapa-website-para-davis-bacon/formularios-de-davis-bacon/> to determine applicability of DBRA and other local Executive Orders to their covered project(s) and contract(s).

This DBRA Subrecipient Handbook is intended for DBRA-covered CDBG-DR funded projects and activities implemented directly by PRDOH Subrecipients. It provides detailed instructions to PRDOH Subrecipients on how to complete the required procedures to achieve the following **nine (9) mandatory tasks**:

1 Prepare a DBRA Bid Package 	6 Review Certified Payroll Reports 
2 Conduct a Pre-Bid Meeting 	7 Complete and Share HUD-4710 & Section 5.7 
3 Conduct Bid Evaluation and Award Contract 	8 Prepare for Project Closeout and Routine Record Retention 
4 Conduct Pre-construction Meeting 	9 Prepare for HUD/DOL Monitoring Visits 
5 Conduct On-site Visits, Employee Interviews, and Questionnaires 	

III. RESPONSIBILITIES

- **Subrecipient** means an entity, usually but not limited to non-Federal entities, that receives a subaward from a pass-through entity to carry out part of a Federal program; but does not include an individual that is a beneficiary of such program. The subrecipient will have signed an agreement with the Puerto Rico Department of Housing.
- **Subrecipient Compliance Officer(s)** are subrecipient staff who directly work for a subrecipient entity and who has the day to day responsibility of implementing the duties described in this handbook with their program teams.
- **Program Staff** are personnel who directly work for a subrecipient entity and who has the day to day responsibility of direct oversight and implementation of the program and projects funded with CDBG-DR. They are also directly overseeing their direct contractors who will implement the programs and projects utilizing federal funding CDBG-DR.
- **Subrecipient Contractors** are contractors who have an authorized contract with a subrecipient entity and are directly responsible for implementing the day to day oversight for DBRA in covered projects.

IV. DEFINITIONS AND ACRONYMS

- **Activity:** A unit of work necessary to complete a project work package (which includes multiple activities). Time, resources, and finances are required to complete each activity.
- **Addendum:** A formal amendment to the bid document that changes or alters the existing text or attachments in the bid document and/or addenda, if applicable.
- **Adjusted Hourly Rate:** The rate paid to the worker in instances where wage restitution is due, equal to the prevailing wage rate minus the rate they were paid.
- **Agenda:** Contains the topics that will be covered at a meeting.
- **Amendments:** Formal changes to bid documents or contracts that become incorporated into the original bid document or contract.
- **Appeal:** A letter written by a contractor in response to a Due Diligence letter to refute a specific finding.
- **Applicable Contractor:** Either the prime contractor, a subcontractor, or a sub-tier subcontractor.

- **Applicable Wage Decision:** The wage decision that is applicable for the duration of the DBRA-covered project.
- **Apprentice:** Refers to (i) a person employed and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor (**DOL**), Employment and Training Administration; Office of Apprenticeship Training; Employer and Labor Services; or with a State Apprenticeship Agency recognized by the Bureau; or (ii) a person in the first ninety (90) days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Office of Apprenticeship Training; Employer and Labor Services or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice. 29 C.F.R. § 5.2(n)(1). See also “Certified Apprentice”.
- **Apprentice Period or Level:** An official indicator of the progress an apprentice has made toward becoming a journeyman, with the associated prevailing wage rate increasing with each successive period/level.
- **Approved:** This means that the DBRA Subrecipient Handbook has been approved and it is ready to be implemented.
- **Attachments:** Documents that are used in support of the DBRA Subrecipient Handbook (e.g., flowcharts, work instructions, pictures or diagrams, forms, and labels).
- **Attendee:** A person that attended a meeting and signed the sign-in sheet.
- **Authorized Payroll Officer:** A person authorized by the owner of a contracting firm to sign the Statement of Compliance that accompanies each Certified Payroll Report; and must be designated as such on a Certification of Understanding and Authorization Form.
- **Awarded Bidder:** The contractor that submitted a bid and was selected by the Subrecipient to be awarded a contract.
- **Awarded Contract:** A contract awarded to the awarded bidder.
- **Awarded Contractor:** An awarded bidder becomes an awarded contractor upon executing the awarded contract.
- **Bid:** A written document (offer) received in response to an Invitation for Bids (**IFB**).
- **Bid Board:** A group of individuals authorized to approve a contract award.
- **Bid Bond:** A firm commitment accompanying a bid as formal assurance by the contractor (Bidder) to the Subrecipient stipulating that, if selected as the

awarded bidder, the contractor will undertake the contract under the terms at which they bid.

- **Bidder or Proposer:** A person or legal entity that submits a bid in response to an IFB.
- **Bid Document:** A package of information and documents that contains the instructions and requirements to respond to an IFB.
- **Bid Evaluation:** The process of reviewing bids, led by the Subrecipient's Procurement Division.
- **Bid Opening:** The date when sealed formal bids are officially opened for the first time.
- **Bid Package:** A group of documents prepared by the Subrecipient to solicit bids.
- **Bid Response:** The bidders' response (or proposal) to the IFB.
- **Bona Fide Apprenticeship Training Program:** An apprenticeship training program registered with the DOL Bureau of Apprenticeship and Training (**BAT**).
- **Canceled Restitution Check:** A copy of a check issued to a worker for wage restitution, that was processed by the bank after being deposited by the worker into their bank account.
- **CDBG-DR:** Community Development Block Grant – Disaster Recovery.
- **CDBG-DR Website:** <https://cdbg-dr.pr.gov/en/> (English) or <https://cdbg-dr.pr.gov/> (Spanish).
- **Certified Apprentice:** An apprentice registered in a bona fide apprenticeship program.
- **Collective Bargaining Agreement:** A written legal contract between an employer and a union representing the employees.
- **Complaint:** Written statements by workers or other third parties alleging a violation(s) of DBRA or other requirements, most often recorded on a Federal Labor Standards Complaint Intake Form (HUD-4731). For more information on the complaints process, refer Davis-Bacon Complaints section of the Davis-Bacon and Related Acts Policy located on the PRDOH website in English and Spanish at: <https://cdbg-dr.pr.gov/en/download/davis-bacon-and-related-acts-policy/> and <https://cdbg-dr.pr.gov/download/politica-sobre-la-ley-davis-bacon-y-las-leyes-relacionadas/>

- **Construction:** All types of work performed by laborers and mechanics on a particular building or work, at the jobsite for DBRA covered projects, in accordance with a contract between the Subrecipient and prime contractor.
- **Construction Contract:** A contract between the Subrecipient and prime contractor. See also "Awarded Contract".
- **Construction Site:** The site (jobsite) where construction takes place.
- **Contract:** Any prime contract which is subject wholly or in part to the labor standards provisions of any of the acts listed in 29 C.F.R. § 5.1 and any subcontract of any tier thereunder, let under the prime contract. A State or local Government is not regarded as a contractor under statutes providing loans, grants, or other Federal assistance in situations where construction is performed by its own employees. However, under statutes requiring payment of prevailing wages to all laborers and mechanics employed on the assisted project, such as the Housing Act of 1937, State and local recipients of Federal-aid must pay these employees according to Davis-Bacon labor standards. 29 C.F.R. § 5.2(h).
- **Contract Award:** A contract awarded to the awarded bidder. See Also "Awarded Contract".
- **Contractor:** An entity that entered into a contract to provide goods or services. Contractor may refer to the prime contractor, subcontractors, and sub-tier subcontractors. See "Applicable Contractor".
- **Contract Provisions:** Legally binding components of a contract, such as budget, period of performance, federal requirements, etc.
- **Contract Signing:** The latter date the Construction Contract is signed by all parties (typically the Subrecipient and prime contractor).
- **Corrective Action:** The action the contractor must take in order to remedy a finding issued by the Subrecipient in a Due Diligence Letter.
- **CPR:** Certified Payroll Report.
- **CWHSSA:** The Federal standards Contract Work Hours and Safety Standards Act governing overtime compensation of a rate of not less than one- and one-half times the regular basic rate of pay for contracts in excess of \$100,000.
- **Davis Bacon Team (DBU):** Refers to the PRDOH Davis Bacon team under Federal Compliance-Subrecipient Management Division for CDBG-DR. Responsible for assisting and providing technical assistance to all its Subrecipients that are directly administering DBRA-covered projects to ensure compliance with DBRA.

- **Davis-Bacon Act:** Federal law requiring payment of local prevailing wages and fringe benefits as determined by the DOL on certain federally funded projects.
- **DBRA:** Refers to the Davis Bacon and Related Acts, which include those acts extending the Davis-Bacon Act provisions to Federal agencies that provide financial assistance for public works of construction through grants, loans, guarantees, and insurance. This includes:
 - Davis-Bacon Act (**DBA**) of 1931, as amended;
 - Housing and Community Development (**HCD**) Act of 1974;
 - 29 C.F.R. §5 (Department of Labor);
 - Fair Labor Standards Act of 1938, as amended;
 - Contract Work Hours and Safety Standards Act (**CWHSSA**), as amended;
 - Copeland "Anti-Kick Back" Act of 1934.
- **DBRA Bid Package:** A group of documents prepared by the Subrecipient to solicit bids.
- **DBRA Contract:** A contract subject to DBRA requirements.
- **DBRA-Covered Project:** A project subject to DBRA requirements.
- **Deductions:** Amounts on Certified Payroll Reports subtracted from each worker's gross pay to arrive at their net pay.
- **Deficiency:** An error, omission, or instance of non-compliance identified during the CPR review process and documented on a Due Process Notification Letter.
- **Discrepancy:** Instances when one record does not match the other (e.g., the net pay on a CPR does not match the amount on the canceled check).
- **Disqualified Bid:** Bids that went through the Bid Evaluation process and were determined to not conform with the minimum terms and conditions of the IFB.
- **DOL:** U.S. Department of Labor.
- **DOL Bureau of Apprenticeship and Training (BAT):** Area within the DOL responsible for federal requirements for apprentices.
- **DSDR:** Deputy Secretary Disaster Recovery.
- **Due Process Notification Letter:** A letter sent by the Subrecipient to the contractor outlining findings (deficiencies) discovered during the CPR review process along with corrective actions to remedy each deficiency.

- **Duties:** The unique job description for each labor classification contained in the wage decision.
- **Employee:** An employee of a contractor working on the DBRA-covered contract. See also “Worker”.
- **Employee Interview:** An interview performed by the Subrecipient to employees working at the jobsite.
- **Employee Questionnaire:** A form completed by an employee and submitted to the Subrecipient for the purpose of reporting information about their experience working on the DBRA-covered project.
- **Employer:** The prime contractor, subcontractor, or sub-tier subcontractor. See also “Applicable Contractor”.
- **Escrow Account:** An account established by the prime contractor to disburse wage restitution to workers that cannot be readily located for payment.
- **Federal Wage Decision:** A list of labor classifications and accompanying prevailing wage rates (plus the cash equivalent of fringe benefits) utilized to identify applicable prevailing wage rates for a DBRA covered project.
- **Finding:** The recording (documenting) of an error, omission, or instance of non-compliance identified during the CPR review process on a Due Process Notification Letter. See also “Discrepancy”.
- **FOMB:** Financial Oversight and Management Board of the Government of Puerto Rico.
- **Formal Bid:** Also referred to as sealed bids. Formal bids are advertised to the public in a Public Notice to promote transparent and fair competition. Bidders submit sealed bids which cannot be opened until the bid opening date. The formal bid process is recommended for all construction projects and must be used for awards that exceed the simplified acquisition threshold as defined in 2 C.F.R. § 200.1 .
- **Formal Bid Process:** The process undertaken by the Subrecipient in order to comply with DBRA requirements for formal bids.
- **Forms:** Documents that are required to be filled out as part of the DBRA Subrecipient Handbook.
- **Fringe Benefits:** Fringe benefits can include health insurance premiums, retirement contributions, life insurance, vacation, and other paid leave as well as some contributions to training funds. Fringe benefits 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.¹

- **Grantee:** An entity receiving an award of financial assistance from a federal agency to carry out a public purpose of support or stimulation authorized by a law of the United States. PRDOH is the governmental agency designated by the Governor of Puerto Rico as the Grantee of CDBG-DR funds allocated to the Commonwealth of Puerto Rico.
- **HUD:** Refers to the United States Department of Housing and Urban Development.
- **HUD DBLS:** HUD Office of Davis-Bacon and Labor Standards.
- **HUD OLR:** HUD Office of Labor Relations.
- **HUD/DOL Monitoring Clearance Report:** A report issued by HUD or DOL notifying PRDOH that all findings related to a particular monitoring event have been cleared.
- **HUD/DOL Monitoring Letter:** A letter accompanying a report issued by HUD or DOL notifying PRDOH that all findings related to a particular monitoring event have been cleared.
- **Interviewer:** A Subrecipient staff member that speaks with a worker onsite for the purposes of completing the Record of Employee Interview Form (HUD-11).
- **Invitation for Bids (IFB):** Bids are publicly solicited, and a firm fixed price is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the Invitation for Bids, is the lowest price. This is also referred to in this handbook as public notice for bid.
- **Job Walk:** A walk of the jobsite to familiarize the Subrecipient and contractors with the jobsite and location of key areas (e.g., onsite office, bathrooms, construction areas, etc.).
- **Jobsite:** The site where construction takes place. See also "Construction Site" or "Onsite".
- **Jobsite Posting:** Posters and information required to be properly posted and readily accessible to all employees throughout the duration of the project.

¹ U.S. Department of Housing and Urban Development (January 2012), Davis-Bacon Labor Standards – A Contractor's Guide to Prevailing Wage Requirements for Federally-Assisted Construction Projects, p. 2-7.

- **Journeyman to Apprentice Ratio:** The minimum number of apprentices (persons or hours) that may be utilized in comparison to journeymen as stipulated by a Collective Bargaining Agreement.
- **Labor Classification:** A category of laborer or mechanic contained in a Wage Decision with a specific scope of work and prevailing wage.
- **Laborers or Mechanics:** Broad categories of worker classifications that are entitled to prevailing wages. The term laborer or mechanic includes at least those workers whose duties are manual or physical in nature (including those workers who use tools or who are performing the work of a trade), as distinguished from mental or managerial. The term laborer or mechanic includes apprentices, trainees, helpers, and, in the case of contracts subject to the CWSSA, watchmen or guards. 29 C.F.R. § 5.2 (m).
- **PRDOH Legal Division:** Refers to the PRDOH Legal Division for CDBG-DR. Responsible for preparing Subrecipient Agreements for the administration of CDBG-DR funded projects and activities, including compliance of DBRA requirements on DBRA-covered projects as required by HUD and described in the PRDOH DBRA Policy and Standard Operating Procedures (**SOPs**). The PRDOH Legal Division is also responsible for ensuring PRDOH and Subrecipient compliance with the CDBG-DR Program.
- **Monitoring Division:** Refers to the PRDOH Monitoring Division for CDBG-DR. Responsible for monitoring Subrecipients' compliance with the Subrecipient Agreement including DBRA requirements as required by HUD and described in the PRDOH DBRA Policy and SOPs.
- **Notice of Award:** A formal written notice issued by the Subrecipient notifying the interested parties of the awarded bidder.
- **Notification:** Written document prepared by the sender to the receiver requesting additional information or informing the receiver of an instance of complete or incomplete status, approval or denial, compliance or non-compliance, noted deficiencies or discrepancies and their required corrective actions.
- **NTP:** Notice to Proceed.
- **Onsite:** The jobsite where construction is taking place.
- **Onsite Employee Interview:** An interview performed by the Subrecipient of employees working at the jobsite. See also "Employee Interview".
- **Onsite POC:** The designated prime contractor Point of Contact at the jobsite.
- **Onsite Visit:** A visit to the jobsite, most often to perform employee interviews.

- **Other Deduction:** A specific deduction identified in the “Other” column of a CPR that must be documented on an Authorization for Payroll Deduction form.
- **Owner:** The owner of a contractor firm.
- **Owner Operators:** An owner that performs the duties of a laborer or mechanic (onsite construction work).
- **Owners of Business Working with their Crew:** An Owner Operator that also works with a crew.
- **Owners of Business Working without their Crew:** An Owner Operator that works without a crew.
- **POC:** Point of Contact.
- **PRDOH:** Puerto Rico Department of Housing.
- **PRDOH Programmatic Area POC:** Refers to the Subrecipients' PRDOH CDBG-DR Point of Contact for the CDBG-DR award. A designated PRDOH CDBG-DR Area/Department/Division employee with the responsibility of serving as a coordinator and focal point of communication concerning a specific CDBG-DR Program or Programs.
- **Project File Review Meeting:** A review performed by PRDOH of DBRA files prepared by the Subrecipient before project close-out.
- **Pre-Bid Meeting:** A meeting advertised in the Invitation for Bids and held with potential bidders prior to bid opening.
- **Pre-Construction Meeting:** A meeting scheduled between the Subrecipient and awarded contractor prior to the start of construction to review any changes and implementation schedule for the project.
- **Prevailing Wage:** The wage paid to the majority (more than fifty percent (50%)) of the laborers or mechanics in the classification on similar projects in the area during the period in question. 29 C.F.R. § 1.2(a)(1).
- **Prime Contractor:** The contractor that was selected for an award and entered into a contract with the Subrecipient.
- **Procurement Division:** Refers to the PRDOH Procurement Division for CDBG-DR. Responsible for managing all procurement processes undertaken by PRDOH for acquisition of goods and/or services required for the implementation of the CDBG-DR Programs by PRDOH.
- **Program:** A collectively managed set of projects.

- **Programmatic Area:** Refers to any Area/Department/Division of PRDOH for CDBG-DR responsible for overseeing CDBG-DR funded programs, including DBRA-covered projects implemented directly by Subrecipients. For purposes of this DBRA Subrecipient Handbook, references to the Programmatic Area do not include those that oversee DBRA-covered projects implemented by PRDOH CDBG-DR subrecipients.
- **Project:** A construction project subject to DBRA requirements.
- **Proof of Publication:** Documented proof that an IFB was published.
- **Public Notice:** The Notice of Invitation for Bids (**NIB**).
- **Rate:** A worker's rate of pay.
- **Regulatory Requirement:** A requirement contained in a federal regulation.
- **Request for Additional Classification Determination:** The HUD Form 4230A used by the grantee to request an additional classification and rate for a labor classification not contained in the applicable Wage Determination.
- **Responsible Party:** The Subrecipient as defined under the "Subrecipient" definition.
- **Restitution CPR:** A CPR used specifically (and only) to report wage restitution paid to employees.
- **RUS:** Bids Register of the Government of Puerto Rico (*Registro Único de Subastas*).
- **Section 5.7 Enforcement Report:** When underpayments by the prime contractor, subcontractor, or sub-tier subcontractor total \$1,000 or more, or when there is reason to believe that the violations are aggravated or willful, a Section 5.7 Enforcement Report must be prepared and sent (29 C.F.R. § 5.7(a)(2)).
- **Small Purchase:** An acquisition of goods or services from \$10,001 and not exceeding the Small Purchase threshold of \$250,000. The price or rate quotations must be obtained from an adequate number of qualified sources. Therefore, not less than three (3) offers shall be solicited to submit a price quotation or offer depending on the complexity of the procurement.
- **SOC:** Statement of Compliance.
- **SOP:** Refers to Standard Operating Procedure.
- **SONP:** Statement of Non-Performance.
- **Subcontractor:** A contractor of the prime contractor, which may also include Sub-tier Subcontractors.

- **Subrecipient:** A Non-Federal entity that receives a subaward from a pass-through entity to carry out part of a Federal program; but does not include an individual that is a beneficiary of such program. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency.
- **Subrecipient Agreement:** A written agreement between PRDOH and the Subrecipient that governs the use of CDBG-DR funds for a DBRA-covered project.
- **Subrecipient POC:** Refers to the Subrecipient CDBG-DR Point of Contact to PRDOH. A designated Subrecipient CDBG-DR Area/Department/Division employee with the responsibility of serving as a coordinator and focal point of communication concerning a specific CDBG-DR Program or Programs.
- **Sub-Tier Subcontractor:** A subcontractor of a subcontractor.
- **Trade:** A classification for a unique type of work (e.g., electrician or carpenter).
- **Underpayment:** An instance where an employee received less than the prevailing wage.
- **Unfound Worker:** A worker who is owed wage restitution and cannot be located by the employer to receive the wage restitution payment.
- **Violation:** An instance of non-compliance with a DBRA requirement.
- **Wage:** The term "wage" refers to the basic hourly rate of pay; any contribution irrevocably made by a contractor or subcontractor to a trustee or to a third person pursuant to a bona fide fringe benefit fund, plan, or program; and the rate of cost to the contractor or subcontractor which may be reasonably anticipated in providing bona fide fringe benefits to laborers and mechanics pursuant to an enforceable commitment to carry out a financially responsible plan of program, which was communicated in writing to the laborers and mechanics affected. The fringe benefits enumerated in the Davis-Bacon Act include medical or hospital care, pensions on retirement or death, compensation for injuries or illness resulting from occupational activity, or insurance to provide any of the foregoing; unemployment benefits; life insurance, disability insurance, sickness insurance, or accident insurance; vacation or holiday pay; defraying costs of apprenticeship or other similar programs; or other bona fide fringe benefits. Fringe benefits do not include benefits required by other Federal, State, or local law. 29 C.F.R. § 5.2(p).
- **Wage Decision (WD):** A list of wage rates and fringe benefit rates for each classification of laborers and mechanics determined by DOL to be prevailing in a given area for a particular type of construction. The wage decision includes the original decision and any subsequent decisions modifying, superseding,

correcting, or otherwise changing the provisions of the original decision. 29 C.F.R. § 5.2(q).

- **Wage Decision Number:** The unique identifier for each wage decision.
- **Wage Rates:** The prevailing wage rates contained in wage decisions.
- **Wage Restitution:** Backpay owed to employees that were not paid the prevailing wage.
- **Wet Signature:** An original signature (as opposed to a copy of a signature).
- **Wage Hour Form (WH-347):** Refers to the DBRA Certified Payroll Form provided by the DOL that may be used by contractors to submit certified weekly payrolls for projects subject to DBRA.
- **Willful Violations:** An instance of non-compliance with a DBRA requirement that was known to be non-compliant when the violation was made (e.g., an employee was knowingly underpaid by their employer).
- **Witness:** A person physically present to observe the bid opening.
- **Worker:** An employee of a contractor working on the DBRA-covered contract. See also "Employee".
- **Work Period:** The seven-day period of work on a Certified Payroll Report.

V. FORMS /RELATED DOCUMENTS

The following is a list of the Forms, referenced throughout this DBRA Subrecipient Handbook. Personnel implementing this Handbook should refer to the following Forms for additional guidance.

Form Name	Purpose	References
DBRA ADMINISTRATION FILE CHECKLIST	Checklist used to organize and assemble a complete DBRA Administration File.	A, B, C, D, H, I
STAFF ROLES AND RESPONSIBILITIES FORM	Form used to inform PRDOH of the staff and roles assigned to the DBRA-covered project.	A
DBRA APPLICABILITY CHECKLIST	Checklist used to identify which local executive orders and amounts per project are DBRA applicable.	A
DBRA BID PACKAGE REVIEW CHECKLIST	Checklist used to ensure the bid package is accurate and complete.	A

Form Name	Purpose	References
DBRA FORMS FOR BID PACKAGE	Forms that must be included in the bid package.	A
DBRA LANGUAGE FOR PRDOH MODEL SMALL PURCHASE DOCUMENT	Language that must be included in the Small Purchase Package.	A
DBRA LANGUAGE FOR PRDOH MODEL FORMAL BID DOCUMENT	Language that must be included in the Formal Bid Package.	A
DBRA WAGE DETERMINATION CHECKLIST	Checklist used to ensure that the correct wage determination is chosen for the jobsite	A
DBRA CONTRACT REVIEW CHECKLIST	Checklist used to ensure the draft contract is accurate and complete.	A
DBRA LANGUAGE FOR PRDOH MODEL CONTRACT	Language that must be included in the contract.	A
DBRA FORMS FOR CONTRACT	Required forms that must be included in DBRA-covered contracts.	A, C
REQUEST FOR PRDOH BID PACKAGE REVIEW FORM	Form used to request PRDOH review and approve the Bid Package draft.	A
WAGE DECISION LOCK-IN MEMORANDUM	Form used to track and log the applicable wage decision throughout the procurement process.	A, G
DBRA LANGUAGE FOR ADDENDUM FORM (IF FORMAL BID)	Language that must be published if there is an update to the wage decision ten (10) days prior to the bid opening.	A
ADDENDUM ACKNOWLEDGEMENT FORM (IF FORMAL BID)	Form bidders must sign and if there is an update to the wage decision ten (10) -days prior to the bid opening.	A
DBRA LANGUAGE FOR THE PUBLIC FILING "REGISTRO ÚNICO DE SUBASTAS" RUS FILING OF PROCUREMENT	Language that must be used in the Public Notice "Registro Único se Subastas" RUS FILING OF PROCUREMENT	A
PRE-BID MEETING AGENDA TEMPLATE	Template to create the Pre-Bid Meeting Agenda.	B
PRE-BID MEETING SIGN-IN SHEET TEMPLATE	Template to create the Pre-Bid Meeting Sign-In Sheet.	B
PRE-BID MEETING DBRA CHECKLIST	Checklist to be used during the Pre-Bid Meeting to provide DBRA Technical Assistance (TA).	B
QUESTIONS AND REQUESTS FOR CLARIFICATIONS LOG	Log used to organize all proposed bidder's questions and requests for clarifications as well as their responses.	B

Form Name	Purpose	References
BID OPENING ATTENDANCE SHEET	Sheet used to document each attendee at the Bid Opening.	C
BID SUBMISSION LOG	A log which will document a bidder's submittal prior to the bid opening.	C
BID OPENING MINUTES/SUMMARY OF SUBMITTED BIDS FORM	Form used to memorialize the bids received and opened at the bid opening.	C
BID EVALUATION DBRA REVIEW CHECKLIST	Checklist used to evaluate each bid received.	C
NOTIFICATION TO REQUEST/OBTAIN ADDITIONAL INFORMATION FORM	Form used to request additional information or documentation from a bidder.	C
NOTICE OF CONTRACT AWARD TO CONTRACTOR FORM	Form used to notify the awarded bidder that the Subrecipient intends to award a contract.	C
NOTIFICATION TO CONTRACTOR OF RESULTS OF BID EVALUATION FORM	Form used to notify unsuccessful bidders that a contract will be awarded to the awarded bidder.	C
DBRA CONTRACTOR FILE CHECKLIST	Checklist used to organize and assemble complete DBRA Contractor Files.	C, E, F, H, I
LIST OF PROPOSED SUBCONTRACTORS FORM	Form submitted by the awarded bidder as part of their bid listing its subcontractors included in the bid.	C
NOTICE OF CONTRACT AWARD TO OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS (OFCCP) FORM	Form used to notify OFCCP of the intent to award a contract.	C
REQUEST TO SUBMIT CONTRACT AWARD TO FINANCIAL OVERSIGHT & MANAGEMENT BOARD (FOMB) FORM	Form used to request approval from PRDOH to submit the Notice of Contract Award to FOMB.	C
NOTICE OF CONTRACT AWARD TO FOMB FORM	Form used to notify FOMB of the intent to award a contract (part of the Notice of Contract Award to FOMB package).	C
CONTRACTOR CERTIFICATION REQUIREMENT FORM	Form to be completed by the Awarded Contractor as part of the Notice of Contract Award to FOMB package.	C
AGENCY CERTIFICATION REQUIREMENT FORM	Form to be completed by the Subrecipient as part of the Notice of Contract Award to FOMB package.	C

Form Name	Purpose	References
CONTRACT SUBMISSION QUESTIONNAIRE FORM	Form to be completed by the Subrecipient as part of the Notice of Contract Award to FOMB package.	C
DBRA LANGUAGE FOR MODEL CONTRACT	Required language that must be inserted into DBRA-covered contracts.	C
REQUEST FOR PRDOH CONTRACT REVIEW FORM	Form used to request PRDOH's review and approval of the DBRA Contract.	C
AWARDING ENTITY REPORT OF CONTRACT AWARD FORM	Form to be completed by the prime contractor and all subcontractors.	C
REQUEST FOR PRE-CONSTRUCTION ATTENDANCE FORM	Form used to request PRDOH's attendance at the Pre-Construction Meeting.	D
PRE-CONSTRUCTION MEETING AGENDA TEMPLATE	Template to create the Pre-Construction Meeting Agenda.	D
PRE-CONSTRUCTION MEETING SIGN-IN SHEET TEMPLATE	Template to create the Pre-Construction Meeting Sign-In Sheet.	D
PRE-CONSTRUCTION MEETING DBRA CHECKLIST FORM	Checklist to be used during the Pre-Construction Meeting to provide DBRA Technical Assistance (TA).	D
HUD-4720 WAGE RATE FORM: PROJECT WAGE RATE SHEET	Form used to report the applicable wage rates for the prime contractor and all subcontractors.	D
PRE-CONSTRUCTION MEETING DBRA CHECKLIST SUPPORTING DOCUMENTS	Documents to be provided to the prime contractor and all subcontractors during the Pre-Construction Meeting.	D
PRE-CONSTRUCTION MEETING MINUTES TEMPLATE	Template used to memorialize Pre-Construction Meeting Minutes.	D
NOTICE TO PROCEED (NTP) TEMPLATE	Template used to draft and issue a Notice to Proceed.	D
DBRA EMPLOYEE INTERVIEW LOG TEMPLATE	Log used to document all completed employee interviews by contractor and trade.	E
JOBSITE POSTING CERTIFICATION FORM	Form used to certify properly and improperly posted jobsite postings.	E
DUE PROCESS NOTIFICATION LETTER TEMPLATE	Letter to the contractor describing deficiencies identified during CPR review and accompanying corrective actions.	E, F, H
HUD-11 or HUD-11-SP RECORD OF EMPLOYEE INTERVIEW FORM	Form used to complete onsite employee interviews.	E, F

Form Name	Purpose	References
FEDERAL LABOR STANDARDS (HUD-4730) QUESTIONNAIRE FORM	Form used to complete employee questionnaires.	E, F
FEDERAL LABOR STANDARDS COMPLAINT INTAKE (HUD-4731) FORM	Form used to document employee complaints.	DBRA E, F
CERTIFIED PAYROLL REPORT REVIEW CHECKLIST	Checklist used to review submitted CPR's for accuracy, completeness, and compliance.	F
CERTIFIED PAYROLL REPORT (WH-347) FORM	Form used weekly to document workers' labor classification, hours worked, rates paid and gross earnings.	F
STATEMENT OF COMPLIANCE (SOC) FORM	Form used to accompany each CPR certifying to accuracy of information reported on the WH-347 Form.	F
CERTIFICATION OF UNDERSTANDING AND AUTHORIZATION FORM	Form used to document each contractor's Payroll Officer authorized to sign the SOC and SONP.	F
STATEMENT OF NON-PERFORMANCE (SONP) FORM	Form used to document each week no work is performed by a contractor (in-lieu of a CPR).	F
REPORT OF ADDITIONAL CLASSIFICATION AND RATE (HUD 4230A) FORM	Form used to request an additional classification and rate for a classification not contained in the Wage Decision.	F
SF-1444 REQUEST FOR AUTHORIZATION OF ADDITIONAL CLASSIFICATION AND RATE	Form used to request additional classification and rate for a classification not contained in the Wage Decision.	
FRINGE BENEFIT STATEMENT FORM	Form used to document the amounts paid on behalf of workers by their employer into approved plans, trusts and/or funds.	F
AUTHORIZATION FOR PAYROLL DEDUCTION FORM	Form used to document payroll deductions authorized by an employee.	F
DUE PROCESS FINDING LOG	Log used to document all open and cleared findings per contractor.	F
DBRA CLEARANCE LETTER TEMPLATE	Letter used to confirm that construction is complete and findings on Due Process Notifications are cleared.	F, H
UNDERPAYMENT CALCULATION WORKSHEET	Worksheet used to document all employee underpayments per contractor.	F

Form Name	Purpose	References
SEMI-ANNUAL LABOR STANDARDS ENFORCEMENT (HUD-4710) REPORT	Used to report awarded contracts, employee underpayments and complaints to HUD (via PRDOH) on a semi-annual basis.	G
MASTER DBRA PROJECT TRACKER	Used to track and monitor PRDOH CDBG-DR funded DBRA covered-projects.	G
SEMI-ANNUAL LABOR STANDARDS ENFORCEMENT (HUD-4710) REPORT WORKSHEET	Supplemental document to the Semi-Annual Labor Standards Enforcement (HUD-4710) Report.	G, H
SECTION 5.7 ENFORCEMENT REPORT	Used to report contractor's willful employee underpayment(s) of \$1,000 or more to HUD (via PRDOH).	G, H
DBRA REPORTING FILE CHECKLIST	Checklist used to organize and assemble completed HUD DBRA reports.	G, H, I
SECTION 5.7 ENFORCEMENT REPORT WORKSHEET	Supplemental document to the Section 5.7 Enforcement Report.	G
SEMI-ANNUAL LABOR STANDARDS ENFORCEMENT (HUD-4710) REPORT AND SECTION 5.7 ENFORCEMENT REPORT TRANSMITTAL LETTER TEMPLATE	Letter used when transmitting the completed Semi-Annual Labor Standards Enforcement (HUD-4710) and Section 5.7 Report to PRDOH.	G
HUD-4741 AGENCY ON-SITE MONITORING REVIEW GUIDE	Review Guide used by HUD when monitoring a DBRA-covered project.	H, I
HUD-4743 MONITORING REVIEW GUIDE (STATE CDBG)	Review Guide used by HUD when monitoring a DBRA-covered project.	H, I
REQUEST FOR PRDOH PROJECT FILE REVIEW FORM	Form used by the Subrecipient to notify the PRDOH Programmatic Area POC of their request to monitor their DBRA-covered project.	H
PROJECT FILE REVIEW MONITORING LETTER TEMPLATE	Letter used by PRDOH Programmatic Area POC to inform the Subrecipient of any outstanding labor standards violations.	H
PROJECT FILE REVIEW CLEARANCE LETTER TEMPLATE	Letter used by PRDOH Programmatic Area POC to inform the Subrecipient that all labor standards violations have been cleared.	H
DBRA CLOSEOUT MEMO/RECORD RETENTION LETTER TEMPLATE	Letter used by the Subrecipient to send to the PRDOH Programmatic Area POC to acknowledge receipt of the Project File Review Clearance Letter, certify to their compliance of retaining their records and request release of final/retention payment.	H

Form Name	Purpose	References
CPD MONITORING HANDBOOK 23-1 GUIDE FOR REVIEW OF LABOR STANDARDS ADMINISTRATION	Review Guide used by HUD when monitoring a DBRA-covered project.	

VI. PROCEDURES

Overview: This Davis-Bacon and Related Acts Subrecipient Handbook includes the following procedures:



Each procedure will be explained in detail and will provide the guidelines on how to complete each task.

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY.]

A. PREPARE DBRA BID PACKAGE AND CONTRACT

The following is a list of the Forms, and Workflows referenced throughout this procedure. Personnel implementing this Handbook should refer to the Forms, and Workflows for additional guidance.

Table 1: Forms Related to Prepare DBRA Bid Package and Contract Procedure

Form Name	Form
DBRA ADMINISTRATION FILE CHECKLIST	Checklist used to organize and assemble a complete DBRA Administration File.
STAFF ROLES AND RESPONSIBILITIES FORM	Form used to inform PRDOH of the staff and roles assigned to the DBRA-covered project.
DBRA APPLICABILITY CHECKLIST	Checklist used to identify Executive Orders and project funding amounts applicable to DBRA.
DBRA BID PACKAGE REVIEW CHECKLIST	Checklist used to ensure the bid package is accurate and complete.
DBRA FORMS FOR BID PACKAGE	Forms that must be included in the bid package.
DBRA LANGUAGE FOR PRDOH MODEL SMALL PURCHASE DOCUMENT	Language that must be included in the Small Purchase Package.
DBRA LANGUAGE FOR PRDOH MODEL FORMAL BID DOCUMENT	Language that must be included in the Formal Bid Package.
DBRA CONTRACT REVIEW CHECKLIST	Checklist used to ensure the draft contract is accurate and complete.
DBRA LANGUAGE FOR PRDOH MODEL CONTRACT	Language that must be included in the contract.
DBRA FORMS FOR CONTRACT	Forms that must be included in the contract.
REQUEST FOR PRDOH BID PACKAGE REVIEW FORM	Form used to request PRDOH review and approve the draft Bid Package.
WAGE DETERMINATION LOCK-IN MEMORANDUM	Form used to track and log the applicable wage decision throughout the procurement process.
DBRA LANGUAGE FOR ADDENDUM FORM (IF FORMAL BID)	Language that must be published if there is an update to the wage decision ten (10) days prior to the bid opening.
ADDENDUM ACKNOWLEDGEMENT FORM (IF FORMAL BID)	Form bidders must sign if there is an update to the wage decision ten (10) days prior to the bid opening.

**DBRA LANGUAGE FOR THE PUBLIC FILING
“REGISTRO UNICO DE SUBASTAS” RUS FILING
OF PROCUREMENT**

Language that must be used in the Notice of Invitation for Bids.

The following workflows outline the internal steps and Collaboration Points necessary to complete the **Prepare DBRA Bid Package and Contract** procedure. Submission method will depend on the specific program's instruction and the procurement instructions provided as part of each individual Invitation for Bids package.

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

Davis Bacon and Related Acts (DBRA) – Subrecipients

Prepare DBRA Bid Package and Contract [Task 1A]

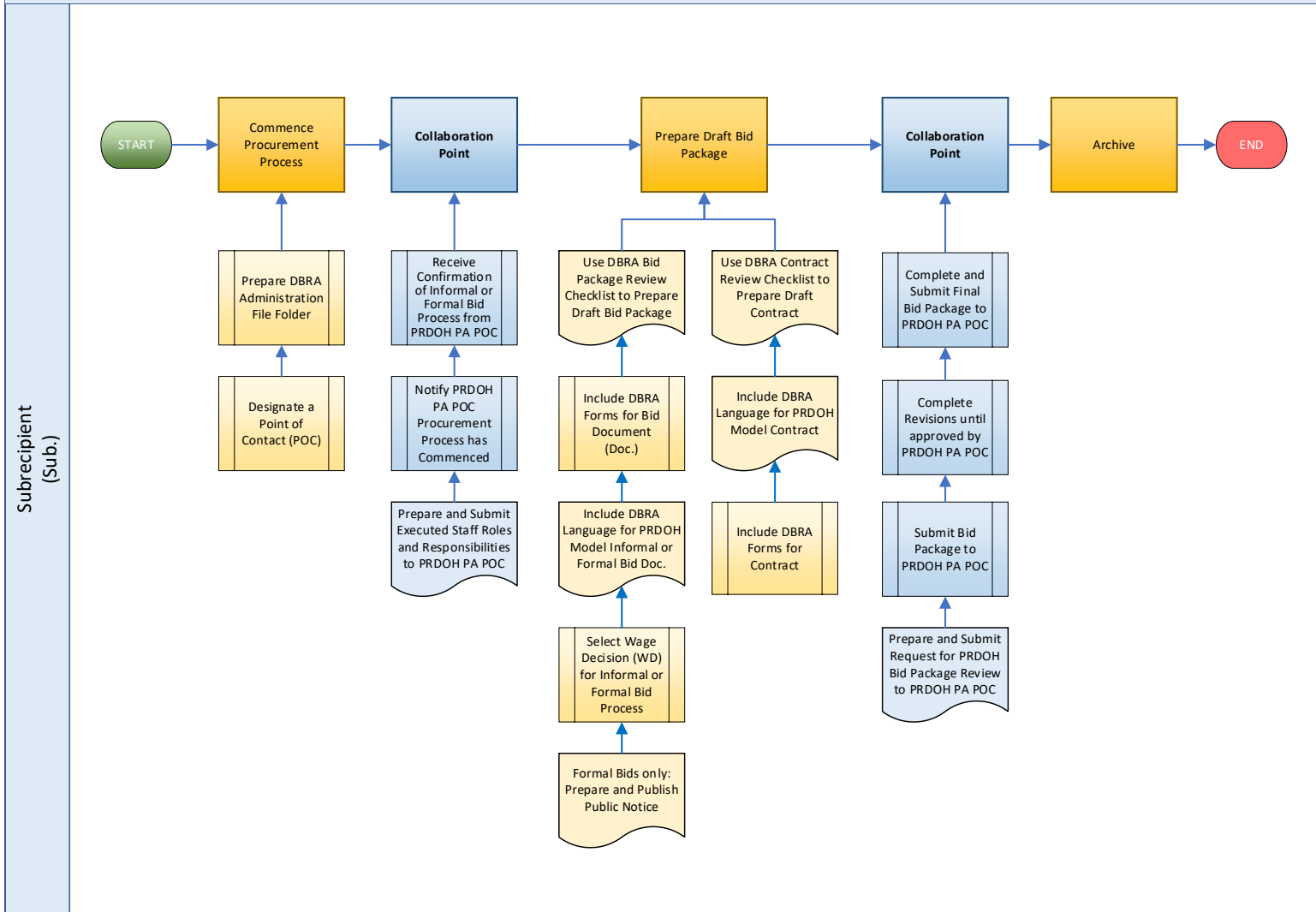


Figure 1: Prepare DBRA Bid Package and Contract Workflow

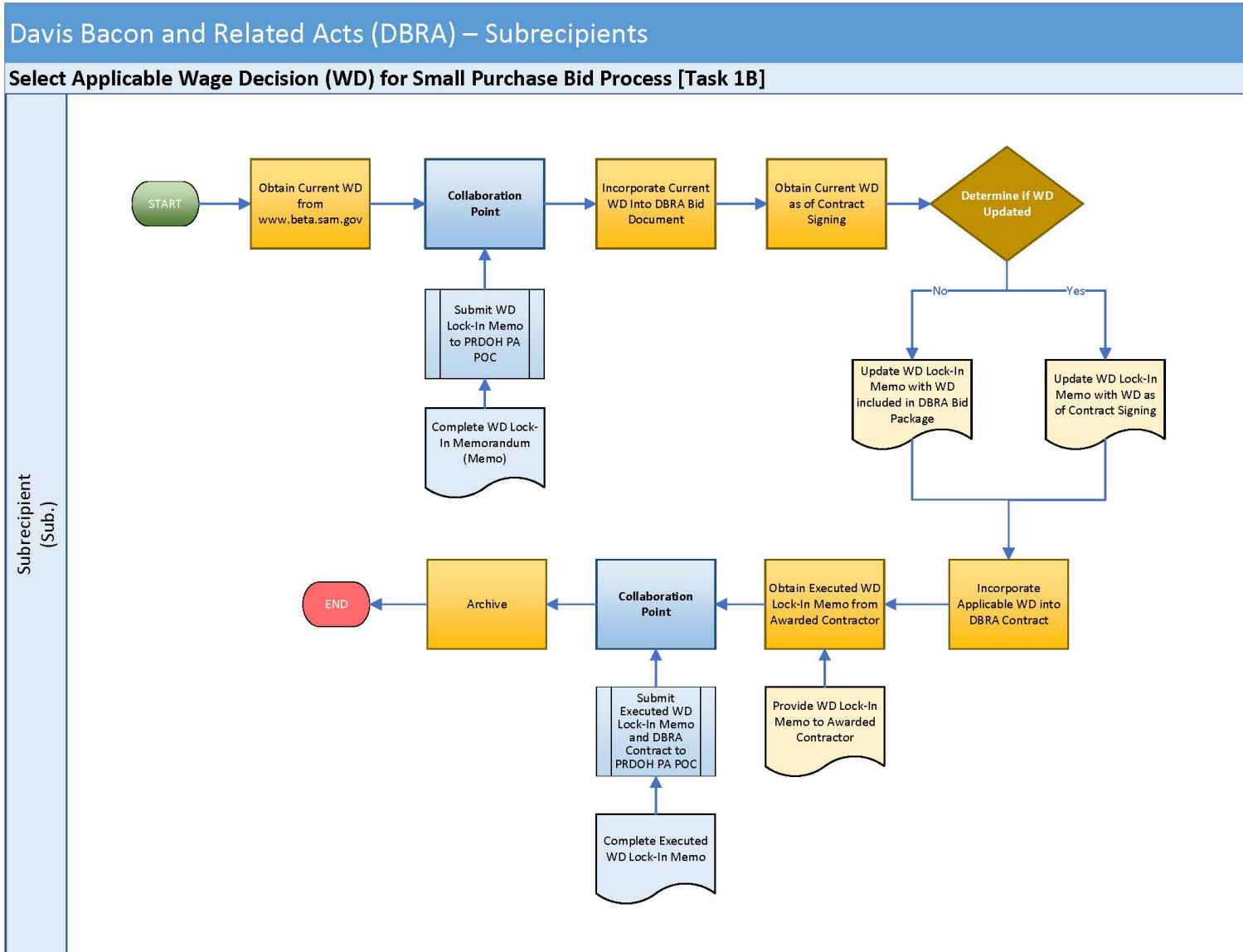


Figure 2: Select Applicable Wage Determination (WD) for Small Purchase Bid Process Workflow

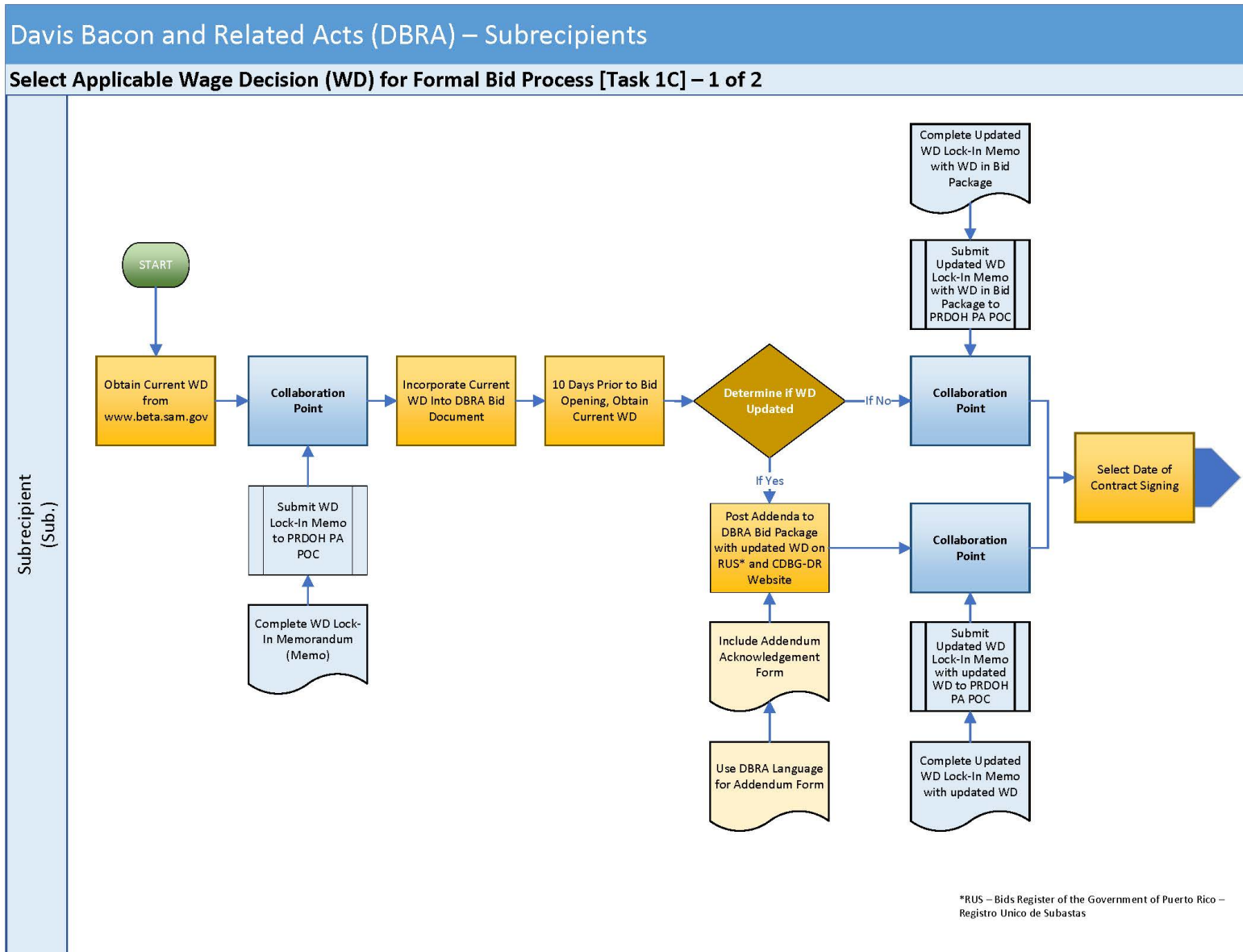


Figure 3: Select Applicable Wage Decision for Formal Bid Process - Part 1 Workflow

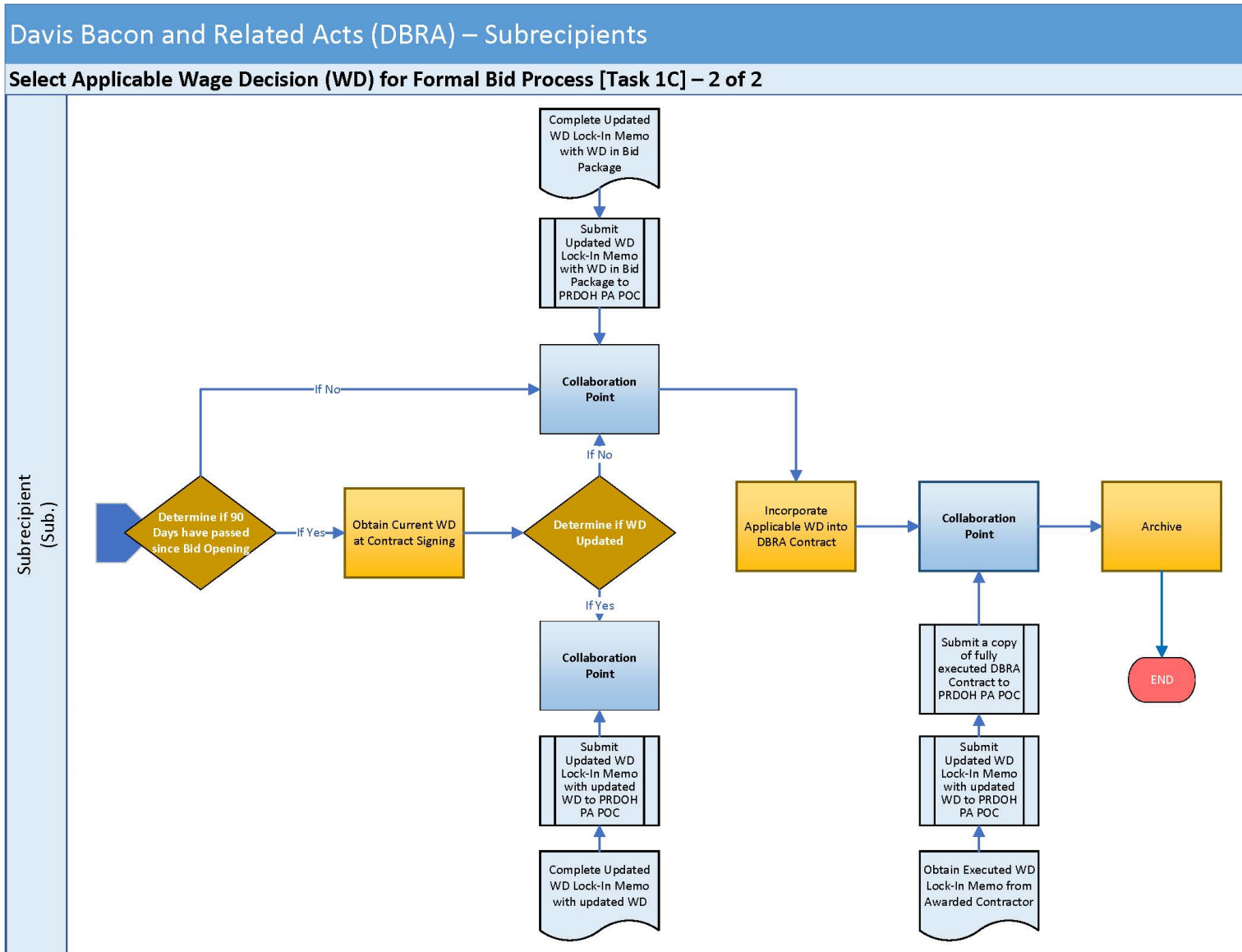


Figure 4: Select Applicable Wage Decision for Formal Bid Process - Part 2 Workflow

Davis Bacon and Related Acts (DBRA) – Subrecipients

Prepare and Publish Notice Invitation for Bids [Task 1D]

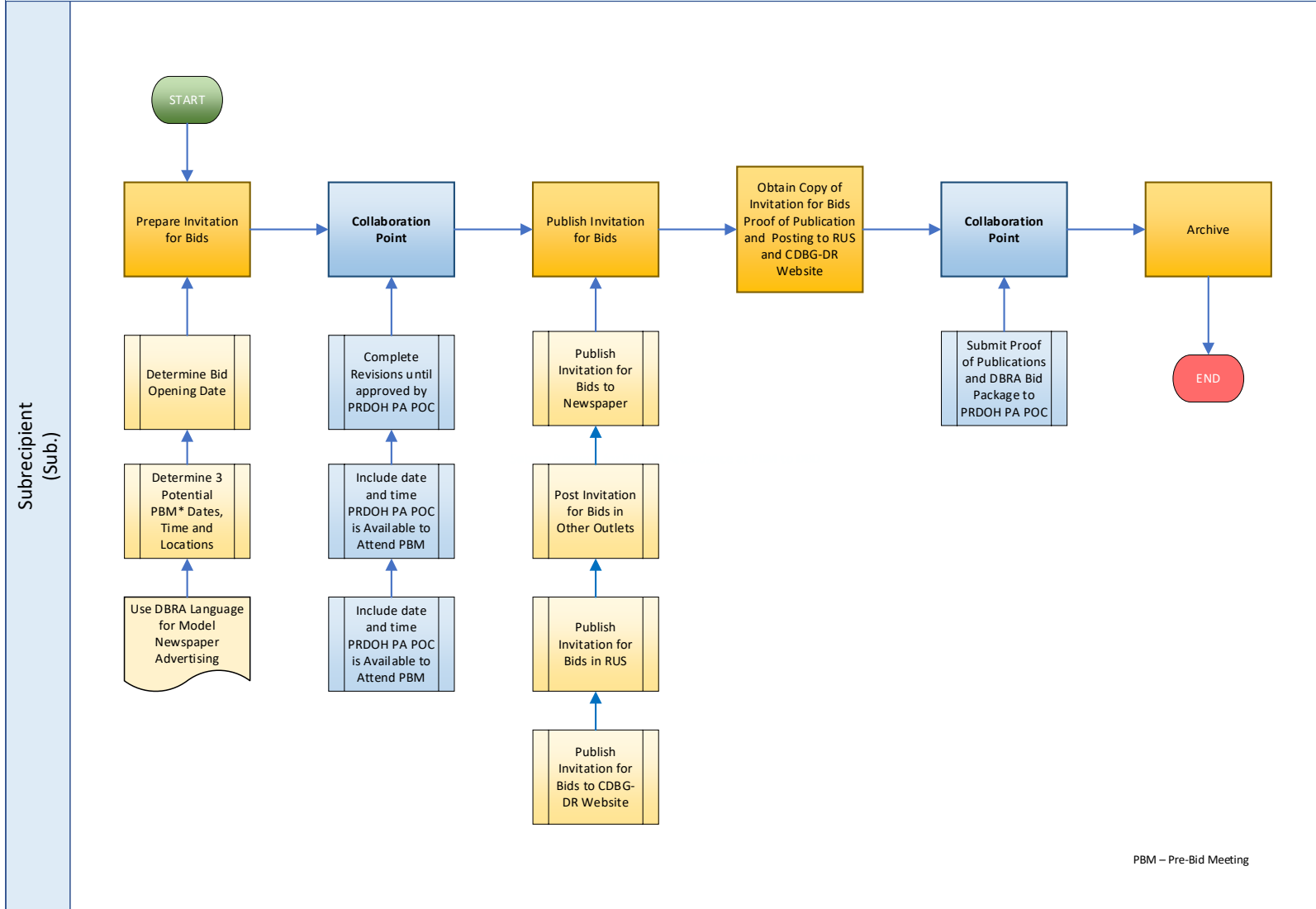


Figure 5: Prepare and Publish Notice Invitation for Bids Workflow

BEGIN: This process begins when the Subrecipient is ready to procure a contractor for a DBRA-covered project.

1. Prepare DBRA Bid Package

- 1.1 Designate a Subrecipient Point of Contact (POC) for the DBRA-covered project.
- 1.2 Prepare the DBRA Administration File Folder using the **DBRA ADMINISTRATION FILE CHECKLIST**.

1.3 Collaboration Point:

sign, and submit the

- 1.3.1 Prepare, sign and submit the **STAFF ROLES AND RESPONSIBILITIES FORM** to the PRDOH Programmatic Area POC.
- 1.3.2 Notify the PRDOH Programmatic Area POC that the procurement process for a DBRA-covered project has commenced.
- 1.3.3 Receive confirmation if the procurement process will follow a Small Purchase Process or Formal Bid Process from the PRDOH Programmatic Area POC.
- 1.3.4 Using the **DBRA BID PACKAGE REVIEW CHECKLIST**, prepare the Bid Package draft, inclusive of:

- **DBRA FORMS FOR BID PACKAGE**

For Small Purchases:

- **DBRA LANGUAGE FOR PRDOH MODEL SMALL PURCHASE DOCUMENT**
- Wage Decision: complete the steps in the *Select Applicable Wage Decision for Small Purchase Bid Process* section of this Handbook.

For Formal Bids:

- **DBRA LANGUAGE FOR PRDOH MODEL FORMAL BID DOCUMENT**
- Wage Decision: complete the steps in the *Select Applicable Wage Decision for Formal Bid Process* section of this Handbook.
- Public Notice: complete the steps in the *Prepare and Publish Public Notice Language* section of this Handbook.

- 1.3.5 Using the **DBRA CONTRACT REVIEW CHECKLIST**, complete the draft DBRA Contract, inclusive of:

- **DBRA LANGUAGE FOR PRDOH MODEL CONTRACT**
- **DBRA FORMS FOR CONTRACT**

1.4 Collaboration Point:

- 1.4.1 Carefully review all documents for accuracy and completeness. Complete and submit the Request for PRDOH Bid Package Review Form, the Bid Package draft, completed DBRA Bid Package Review Checklist and DBRA Contract Review Checklist to the PRDOH Programmatic Area POC for review and approval.
 - 1.4.2 Complete and submit the final Bid Package to the PRDOH Programmatic Area POC for their records.
 - 1.4.3 Complete revisions, as necessary, until approved.
- 1.5 Archive all documents, forms, templates, and correspondence in the DBRA Administration File using the **DBRA ADMINISTRATION FILE CHECKLIST**.

END: This process ends when the Final Bid Package is sent to the PRDOH Programmatic Area POC and all documents on the DBRA Administration File Checklist have been prepared, received, reviewed for accuracy and completeness, approved, and archived in the DBRA Administration File.

2. Select Applicable Wage Decision for Small Purchase Bid Process

BEGIN: This process begins when the Subrecipient is ready to procure a contractor for a DBRA-covered project and applies to Small Purchases only.

- 2.1 Obtain the current Wage Decision utilizing the following steps:
 - 2.1.1 To access a current Wage Decision, navigate to the following URL in an internet web browser: https://beta.sam.gov/search?keywords=&sort=-modifiedDate&index=wd&is_active=true&page=1.
 - 2.1.2 When the screen loads, scroll down to "Wage Determination Type" on the left, and click "Davis-Bacon Act (DBA)".
 - 2.1.3 Scroll down to "Location" and select "Puerto Rico" from the dropdown menu.

- 2.1.4 Scroll down to "County/Independent City" and select the applicable county or independent city from the dropdown menu, in which the project will be performed.
- 2.1.5 Scroll down to "DBA: Construction Type" and select one of the following Wage Decisions based on the Construction Type:
 - Building
 - Heavy
 - Highway
 - Residential
- 2.1.6 Click the hyperlink next to the "Davis-Bacon Act WD#".
- 2.1.7 When the Wage Decision loads, scroll down, and click on the "Download" button on the right. This will download the Wage Decision in a "txt" file.
- 2.1.8 Save the Wage Decision "txt" file in the DBRA Administration File.
- 2.2 **Collaboration Point:** Complete and submit the **WAGE DECISION LOCK-IN MEMORANDUM** to the PRDOH Programmatic Area POC for their records (refer to the *Prepare DBRA Bid Package* Section of this procedure).
- 2.3 Archive all documents, forms, templates, and correspondence in the DBRA Administration File using the **DBRA ADMINISTRATION FILE CHECKLIST**.

3. Updating Wage Decisions

- 3.1 When the Small Purchase process is complete, the Wage Decision is subject to updates at contract signing with the awarded bidder.
- 3.2 Obtain the current Wage Decision utilizing the following steps:
 - 3.1.1 To access a current Wage Decision, navigate to the following URL in an internet web browser: https://beta.sam.gov/search?keywords=&sort=-modifiedDate&index=wd&is_active=true&page=1.
 - 3.1.2 When the screen loads, scroll down to "Wage Determination Type" on the left, and click "Davis-Bacon Act (DBA)".
 - 3.1.3 Scroll down to "Location" and select "Puerto Rico" from the dropdown menu.

- 3.1.4 Scroll down to "County/Independent City" and select the applicable county or independent city from the dropdown menu, in which the project will be performed.
- 3.1.5 Scroll down to "DBA: Construction Type" and select one of the following Wage Decisions based on Construction Type:
 - Building
 - Heavy
 - Highway
 - Residential
- 3.3 If an update to the Wage Decision was published, the Wage Decision Number and effective date will be different than the Wage Decision contained in the Bid Package.
 - 3.3.1 Click the hyperlink next to the "Davis-Bacon Act WD#".
 - 3.3.2 When the Wage Decision loads, scroll down, and click on the "Download" button to the right. This will download the Wage Decision in a "txt" file.
 - 3.3.3 Save the Wage Decision "txt" file in the DBRA Administration File.
- 3.4 If an update to the Wage Decision was not published:
 - 3.4.1 Update the **WAGE DECISION LOCK-IN MEMORANDUM** indicating the Wage Decision included in the Bid Package is the effective Wage Decision for the duration of the project; and
 - 3.4.2 Provide the **WAGE DECISION LOCK-IN MEMORANDUM** to the awarded bidder/contractor for signature acknowledging the applicable Wage Decision for the duration of the project.
- 3.5 If an update to the Wage Decision was published:
 - 3.5.1 Update the **WAGE DECISION LOCK-IN MEMORANDUM** with details of the newly published Wage Decision that will be the effective Wage Decision for the duration of the project; and
 - 3.5.2 Provide the **WAGE DECISION LOCK-IN MEMORANDUM** to the awarded bidder/contractor for signature acknowledging the applicable Wage Decision for the duration of the project.
- 3.6 **Collaboration Point:** Complete and submit the **WAGE DECISION LOCK-IN MEMORANDUM** signed by the awarded bidder/contractor to the PRDOH Programmatic Area POC along with the final DBRA Contract for their records (refer to the *Execute DBRA Contract* section of this Handbook).

- 3.7 Archive all documents, forms, templates, and correspondence in the DBRA Administration File using the **DBRA ADMINISTRATION FILE CHECKLIST**.

END: This process ends when the Subrecipient sends a copy of the fully executed DBRA Contract to the PRDOH Programmatic Area POC and all documents on the DBRA Administration File Checklist have been prepared, received, reviewed for accuracy and completeness, approved, and archived in the DBRA Administration File.

4. Select Applicable Wage Decision for Formal Bid Process

BEGIN: This process begins when the Subrecipient is ready to procure a contractor for a DBRA-covered project and applies to Formal Bids only. This process should be completed concurrently with the *Prepare and Publish Public Notice* section of this Handbook. Note: If at any time the Public Notice must be republished, all the steps in this Section must be repeated.

- 4.1 Obtain the current Wage Decision completing the following steps:
- 4.1.1 To access a current Wage Decision, navigate to the following URL in an internet web browser: https://beta.sam.gov/search?keywords=&sort=-modifiedDate&index=wd&is_active=true&page=1.
 - 4.1.2 When the screen loads, scroll down to “Wage Determination Type” on the left, and click “Davis-Bacon Act (DBA)”.
 - 4.1.3 Scroll down to “Location” and select “Puerto Rico” from the dropdown menu.
 - 4.1.4 Scroll down to “County/Independent City” and select the applicable county or independent city from the dropdown menu, in which the project will be performed.
 - 4.1.5 Scroll down to “DBA: Construction Type” and select one of the following Wage Decisions based on Construction Type.
 - Building
 - Heavy
 - Highway
 - Residential
 - 4.1.6 Click the hyperlink next to the “Davis-Bacon Act WD#”.

- 4.1.7 When the Wage Decision loads, scroll down, and click on the “Download” button on the right. This will download the Wage Decision in a “txt” file.
- 4.1.8 Save the Wage Decision “txt” file in the DBRA Administration File.
- 4.2 **Collaboration Point:** Complete and submit the **WAGE DECISION LOCK-IN MEMORANDUM** to the PRDOH Programmatic Area POC for their records (refer to the *Prepare DBRA Bid Package* section of this Handbook).
- 4.3 Archive all documents, forms, templates, and correspondence in the DBRA Administration File using the **DBRA ADMINISTRATION FILE CHECKLIST**.

5. Updating Wage Decisions

- 5.1 When the Bid Package is published, the Wage Decision is subject to update prior to bid opening and at contract signing.
- 5.2 Obtain the current Wage Decision utilizing the following steps:
 - 5.1.1 To access a current Wage Decision, navigate to the following URL in an internet web browser: https://beta.sam.gov/search?keywords=&sort=-modifiedDate&index=wd&is_active=true&page=1.
 - 5.1.2 When the screen loads, scroll down to “Wage Determination Type” on the left, and click “Davis-Bacon Act (DBA)”.
 - 5.1.3 Scroll down to “Location” and select “Puerto Rico” from the dropdown menu.
 - 5.1.4 Scroll down to “County/Independent City” and select the applicable county or independent city from the dropdown menu, in which the project will be performed.
 - 5.1.5 Scroll down to “DBA: Construction Type” and select one of the following Wage Decisions based on Construction Type.
 - Building
 - Heavy
 - Highway
 - Residential
- 5.3 If an update to the Wage Decision was published, the Wage Decision Number and effective date will be different than the Wage Decision contained in the Bid Package.

- 5.3.1 Click the hyperlink next to the “Davis-Bacon Act WD#”.
- 5.3.2 When the Wage Decision loads, scroll down, and click on the “Download” button on the right. This will download the Wage Decision in a “txt” file.
- 5.3.3 Save the Wage Decision “txt” file in the DBRA Administration File.
- 5.4 **Collaboration Point:** Complete and submit the **WAGE DECISION LOCK-IN MEMORANDUM** to the PRDOH Programmatic Area POC for their records.
 - 5.4.1 If an update to the Wage Decision was published, update the **WAGE DECISION LOCK-IN MEMORANDUM** with details of the newly published Wage Decision.
 - 5.4.2 If an update to the Wage Decision was not published, update the **WAGE DECISION LOCK-IN MEMORANDUM** indicating there was no update to the Wage Decision included in the Bid Package.
- 5.5 Complete the steps in the *Update Wage Decision prior to Bid Opening and Update Wage Decision After Bid Opening* Sections of this Procedure to update a Wage Decision prior to bid-opening and after bid opening.
- 5.6 Archive all documents, forms, templates, and correspondence in the DBRA Administration File using the **DBRA ADMINISTRATION FILE CHECKLIST**.

5.1 Update Wage Decision prior to Bid Opening

- 5.1.1 Ten (10) calendar days prior to Bid Opening, determine if an update to the Wage Decision included in the Bid Package was published.
- 5.1.2 To determine if an update to the Wage Decision was published, repeat the steps in the *Updating Wage Decisions* Section of this Procedure.
- 5.1.3 If an update to the Wage Decision was published, issue the updated Wage Decision as an Addendum to the Bid Package utilizing the **DBRA LANGUAGE FOR ADDENDUM FORM**, inclusive of the **ADDENDUM ACKNOWLEDGEMENT FORM**, informing the Bidders of the new applicable Wage Decision that will be effective for the duration of the project if the DBRA Contract is fully executed within ninety (90) days of bid opening.
- 5.1.4 Prior to, and after, the publication of the Addendum and posting of the Addendum to the Bids Register of the Government of Puerto Rico (RUS – *Registro Único de Subastas*) and the CDBG-DR Website, ensure the correct and complete updated Wage Decision was included in the Addendum.

- 5.1.5 Archive all documents, forms, templates, and correspondence in the DBRA Administration File using the **DBRA ADMINISTRATION FILE CHECKLIST**.

5.2 Update Wage Decision after Bid Opening

- 5.2.1 Determine the number of calendar days between Bid Opening and the date of contract signing.
- 5.2.2 If the date of contract signing occurs within ninety (90) days of Bid Opening, the Wage Decision in the Bid Package, as addended, becomes the effective Wage Decision for the duration of the project.
- 5.2.3 If the date of contract signing does not occur within ninety (90) days of Bid Opening, then the current effective Wage Decision (if a new Wage Decision was published) on the date of contract signing becomes the effective Wage Decision for the duration of the project.
- 5.2.4 To determine if an update to the Wage Decision was published, repeat the steps in the *Updating Wage Decisions* Section of this Procedure (Section 3).
- 5.2.5 If an update to the Wage Decision was not published:
- + Update the **WAGE DECISION LOCK-IN MEMORANDUM** indicating the Wage Decision included in the Bid Package is the effective Wage Decision for the duration of the project; and
 - + Provide the **WAGE DECISION LOCK-IN MEMORANDUM** to the awarded bidder/contractor for signature acknowledging the applicable Wage Decision for the duration of the project.
- 5.2.6 If an update to the Wage Decision was published:
- + Update the **WAGE DECISION LOCK-IN MEMORANDUM** with details of the newly published Wage Decision that will be the effective Wage Decision for the duration of the project; and
 - + Provide the **WAGE DECISION LOCK-IN MEMORANDUM** to the awarded bidder/contractor for signature acknowledging the applicable Wage Decision for the duration of the project.
- 5.2.7 **Collaboration Point:** Complete and submit the **WAGE DECISION LOCK-IN MEMORANDUM** signed by the awarded bidder/contractor to the PRDOH Programmatic Area POC along with the executed DBRA Contract for their records (refer to the *Execute DBRA Contract* section of this Handbook).

- 5.2.8 Archive all documents, forms, templates, and correspondence in the DBRA Administration File using the **DBRA ADMINISTRATION FILE CHECKLIST**.

END: This process ends when the Subrecipient sends a copy of the fully executed DBRA Contract to the PRDOH Programmatic Area POC and all documents on the DBRA Administration File Checklist have been prepared, received, reviewed for accuracy and completeness, approved, and archived in the DBRA Administration File.

6. Prepare and Publish Public Notice Language

BEGIN: This process begins when the Subrecipient is ready to procure a contractor for a DBRA-covered project and applies to Formal Bids only. This process should be completed concurrently with the Select Applicable Wage Decision for Formal Bid Process section of this Handbook. Note: If at any time the Public Notice must be republished, all the steps in this Section must be repeated.

- 6.1 Prepare the Public Notice using the **DBRA LANGUAGE FOR PRDOH MODEL NEWSPAPER ADVERTISING TEMPLATE**.
- 6.1.1 Determine three (3) potential dates, times, and locations to conduct a Pre-Bid Meeting.
 - 6.1.2 Determine the Bid Opening date and incorporate into the Public Notice.
- 6.2 **Collaboration Point:** Carefully review the Public Notice for accuracy and completeness and submit to the PRDOH Programmatic Area POC for review and approval along with the Bid Package draft (refer to the *Prepare DBRA Bid Package* section of this Handbook).
- 6.2.1 Determine date and time the PRDOH Programmatic Area POC is available to attend the Pre-Bid Meeting and incorporate into the Public Notice.
 - 6.2.2 Complete revisions, as necessary, until approved by PRDOH Programmatic Area POC.
- 6.3 Publish the Public Notice in a newspaper of general circulation, other outlets, RUS and in the Procurement Section of the CDBG-DR Website.
- 6.4 Obtain copy of the Public Notice Proof of Publication from the newspaper and other outlets as well as Proof of Posting on RUS and in the Procurement Section of the CDBG-DR Website

- 6.5 **Collaboration Point:** Submit the Proof of Publication to the PRDOH Programmatic Area POC for their records along with the final Bid Package (refer to the *Prepare DBRA Bid Package* section of this Handbook).
- 6.6 Archive all documents, forms, templates, and correspondence in the DBRA Administration File using the **DBRA ADMINISTRATION FILE CHECKLIST**.

END: This process ends when the Subrecipient sends a copy of the Public Notice Proof of Publication to the PRDOH Programmatic Area POC and all documents on the DBRA Administration File Checklist have been prepared, received, reviewed for accuracy and completeness, approved, and archived in the DBRA Administration File.

B. CONDUCT PRE-BID MEETING

The following is a list of the Forms, and Workflows referenced throughout this procedure. Personnel implementing this Handbook should refer to the Forms, and Workflows for additional guidance.

Table 2: Forms Related to Conduct Pre-Bid Meeting Procedure

Form Name	Form
PRE-BID MEETING AGENDA TEMPLATE	Template to create the Pre-Bid Meeting Agenda.
PRE-BID MEETING SIGN-IN SHEET TEMPLATE	Template to create the Pre-Bid Meeting Sign-In Sheet.
PRE-BID MEETING DBRA CHECKLIST	Checklist to be used during the Pre-Bid Meeting to provide DBRA Technical Assistance (TA).
DBRA ADMINISTRATION FILE CHECKLIST	Checklist used to organize and assemble a complete DBRA Administration File.
QUESTIONS AND REQUESTS FOR CLARIFICATIONS LOG	Log used to organize all proposed bidder's questions and request for clarifications as well as their responses.

The following workflow outlines the internal steps and Collaboration Points necessary to complete the **Conduct Pre-Bid Meeting** procedure. Submission method will depend on the specific program's instruction and the procurement instructions provided as part of each individual Invitation for Bids package.

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

Davis Bacon and Related Acts (DBRA) – Subrecipients

Conduct Pre-Bid Meeting (PBM) [Task 2]

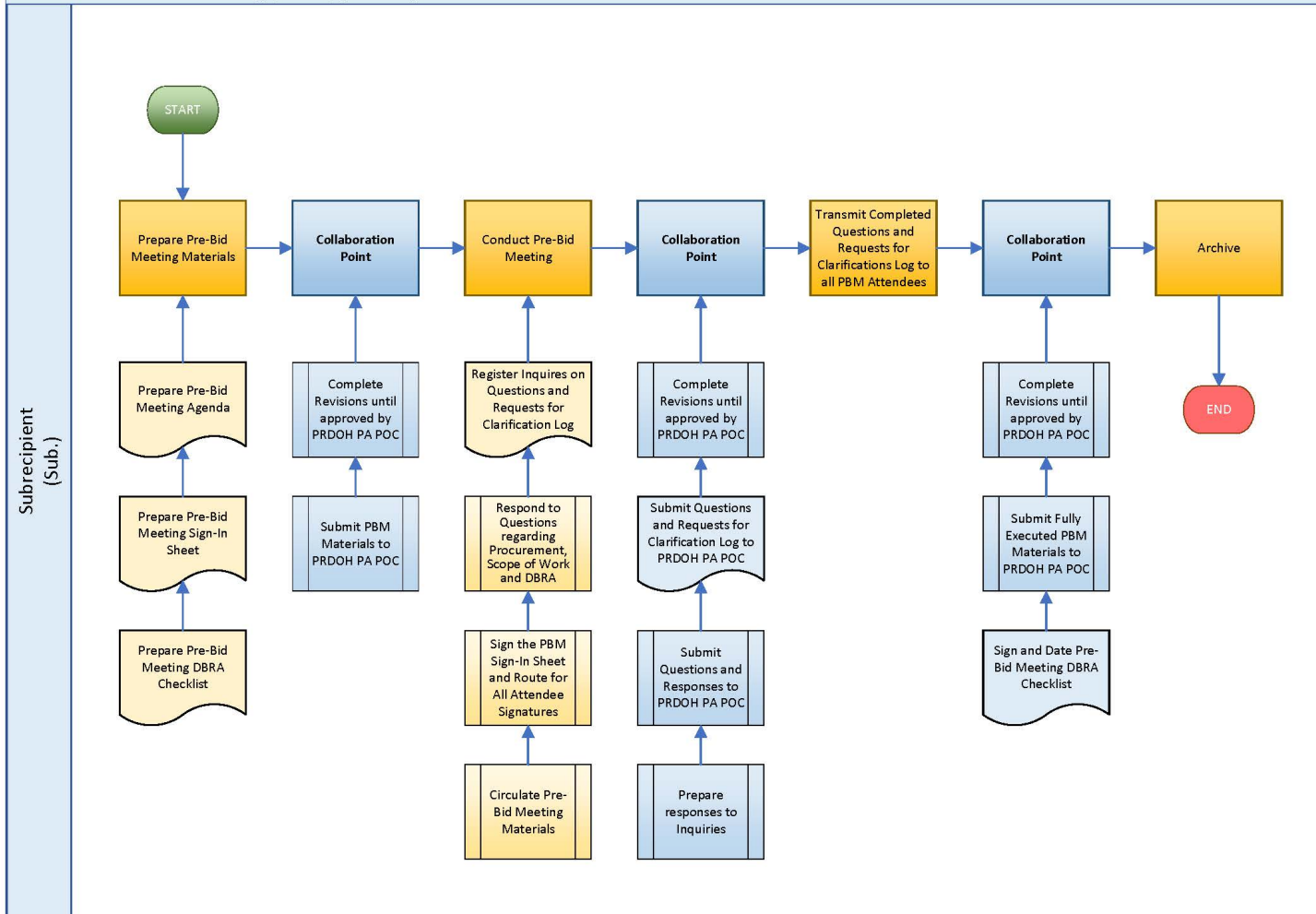


Figure 6: Conduct Pre-Bid Meeting Workflow

BEGIN: This process begins after the DBRA Bid Package has been approved by the PRDOH Programmatic Area POC and the Public Notice is published and includes a Pre-Bid Meeting (see the *Prepare DBRA Bid Package* Section of procedure A).

1. Prepare for Pre-Bid Meeting

- 1.1 **Collaboration Point:** Prepare and submit the following materials for the Pre-Bid Meeting to the PRDOH Programmatic Area POC no less than two (2) business days prior to the Pre-Bid Meeting for review and comment:
 - + Pre-Bid Meeting Agenda using the **PRE-BID MEETING AGENDA TEMPLATE**.
 - + Pre-Bid Meeting Sign-In Sheet using the **PRE-BID MEETING SIGN-IN SHEET TEMPLATE**.
 - + Pre-Bid Meeting DBRA information to be covered during the Pre-Bid Meeting using the **PRE-BID MEETING DBRA CHECKLIST**.
- 1.2 For all three (3) documents, complete revisions, as necessary, until approved.
- 1.3 Archive all documents, forms, templates, and correspondence in the DBRA Administration File using the **DBRA ADMINISTRATION FILE CHECKLIST**.

2. Conduct Pre-Bid Meeting

- 2.1 Conduct the Pre-Bid Meeting and circulate the Pre-Bid Meeting materials, including the **PRE-BID MEETING AGENDA**, **PRE-BID MEETING SIGN-IN SHEET** and **PRE-BID MEETING DBRA CHECKLIST**.
- 2.2 Sign the **PRE-BID MEETING SIGN-IN SHEET** and collect all attendee signatures, especially if the Pre-Bid Meeting is mandatory.
- 2.3 Respond to any questions that potential bidders may have regarding the Procurement process, Scope of Work, DBRA requirements, and responsiveness. It is important to state that nothing said at the Pre-Bid Meeting will change any of the terms of the Public Notice, except a written amendment to the Public Notice through and Addendum.
- 2.4 Register inquiries from prospective bidders in a **QUESTIONS AND REQUESTS FOR CLARIFICATIONS LOG**.
- 2.5 Present materials as technical assistance to potential bidders on DBRA requirements and responsiveness applicable to the DBRA-covered project and all other topics on the **PRE-BID MEETING AGENDA**. The DBRA technical assistance should include:

- + An overview of the DBRA requirements and what potential bidders should expect when responding to the Public Notice, at bid opening, at contract signing, and during construction; and
 - + How to interpret requirements, properly fill out required forms, and what constitutes non-compliance.
- 2.6 **Collaboration Point:** Prepare responses to inquiries from prospective bidders, submit the **QUESTIONS AND REQUESTS FOR CLARIFICATIONS LOG**, and prepare responses to the PRDOH Programmatic Area POC for review.
- 2.7 Complete revisions, as necessary, until approved.
- 2.8 Archive all documents, forms, templates, and correspondence in the DBRA Administration File using the **DBRA ADMINISTRATION FILE CHECKLIST**.

3. Pre-Bid Meeting Follow-up

- 3.1 Transmit the completed **QUESTIONS AND REQUESTS FOR CLARIFICATIONS LOG** to all Pre-Bid Meeting attendees.
- 3.2 **Collaboration Point:** Sign and date the **PRE-BID MEETING DBRA CHECKLIST** and submit to the PRDOH Programmatic Area POC along with a copy of the executed **PRE-BID MEETING SIGN-IN SHEET** for their records.
- 3.3 Archive all documents, forms, templates, and correspondence in the DBRA Administration File using the **DBRA ADMINISTRATION FILE CHECKLIST**.

END: This process ends when the executed Pre-Bid Meeting DBRA Checklist and Pre-Bid Meeting Sign-In Sheet has been submitted to the PRDOH Programmatic Area POC and all documents on the DBRA Administration File Checklist have been prepared, received, reviewed for accuracy and completeness, approved, and archived in the DBRA Administration File.

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

C. BID EVALUATION, NOTICE OF AWARD AND CONTRACT EXECUTION

The following is a list of the Forms, and Workflows referenced throughout this procedure. Personnel implementing this Handbook should refer to the Forms, and Workflows for additional guidance.

Table 3: Forms Related to Conduct Bid Evaluation and Award Contract Procedure

Form Name	Purpose
BID OPENING ATTENDANCE SHEET	Sheet used to document each attendee at the Bid Opening.
BID SUBMISSION LOG	A log which will document a bidder's submittal prior to bid opening.
BID OPENING MINUTES/SUMMARY OF SUBMITTED BIDS FORM	Form used to memorialize the bids received and opened at the Bid Opening.
BID EVALUATION DBRA REVIEW CHECKLIST	Checklist used to evaluate each bid received.
NOTIFICATION TO REQUEST/OBTAIN ADDITIONAL INFORMATION FORM	Form used to request additional information or documentation from a bidder.
DBRA ADMINISTRATION FILE CHECKLIST	Checklist used to organize and assemble a complete DBRA Administration File.
NOTICE OF CONTRACT AWARD TO CONTRACTOR FORM	Form used to notify the awarded bidder that the Subrecipient intends to award a contract.
NOTIFICATION TO CONTRACTOR OF RESULTS OF BID EVALUATION FORM	Form used to notify unsuccessful bidders that a contract will be awarded to the awarded bidder.
DBRA CONTRACTOR FILE CHECKLIST	Checklist used to organize and assemble complete DBRA Contractor Files.
LIST OF PROPOSED SUBCONTRACTORS FORM	Form submitted by the awarded bidder as part of their bid listing its subcontractors included in the bid.
NOTICE OF CONTRACT AWARD TO OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS (OFCCP) FORM	Form used to notify OFCCP of the intent to award a contract.
REQUEST TO SUBMIT CONTRACT AWARD TO FINANCIAL OVERSIGHT & MANAGEMENT BOARD (FOMB) FORM	Form used to request approval from PRDOH to submit the Notice of Contract Award to FOMB Form.
NOTICE OF CONTRACT AWARD TO FOMB FORM	Form used to notify FOMB of the intent to award a contract (part of the Notice of Contract Award to FOMB package).

CONTRACTOR CERTIFICATION REQUIREMENT FORM	Form to be completed by the Awarded Contractor as part of the Notice of Contract Award to FOMB package.
AGENCY CERTIFICATION REQUIREMENT FORM	Form to be completed by the Subrecipient as part of the Notice of Contract Award to FOMB package.
CONTRACT SUBMISSION QUESTIONNAIRE FORM	Form to be completed by the Subrecipient as part of the Notice of Contract Award to FOMB package.
DBRA LANGUAGE FOR MODEL CONTRACT	Required language that must be inserted into DBRA-covered contracts.
DBRA FORMS FOR CONTRACT	Required forms that must be included in DBRA-covered contracts.
REQUEST FOR PRDOH CONTRACT REVIEW FORM	Form used to request PRDOH's review and approval of the DBRA Contract.
AWARDING ENTITY REPORT OF CONTRACT AWARD FORM	Form to be completed by the prime contractor and all subcontractors.

The following workflows outline the internal steps and Collaboration Points necessary to complete the **Conduct Bid Evaluation and Award Contract** procedure. Submission method will depend on the specific program's instruction and the procurement instructions provided as part of each individual Invitation for Bids package.

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

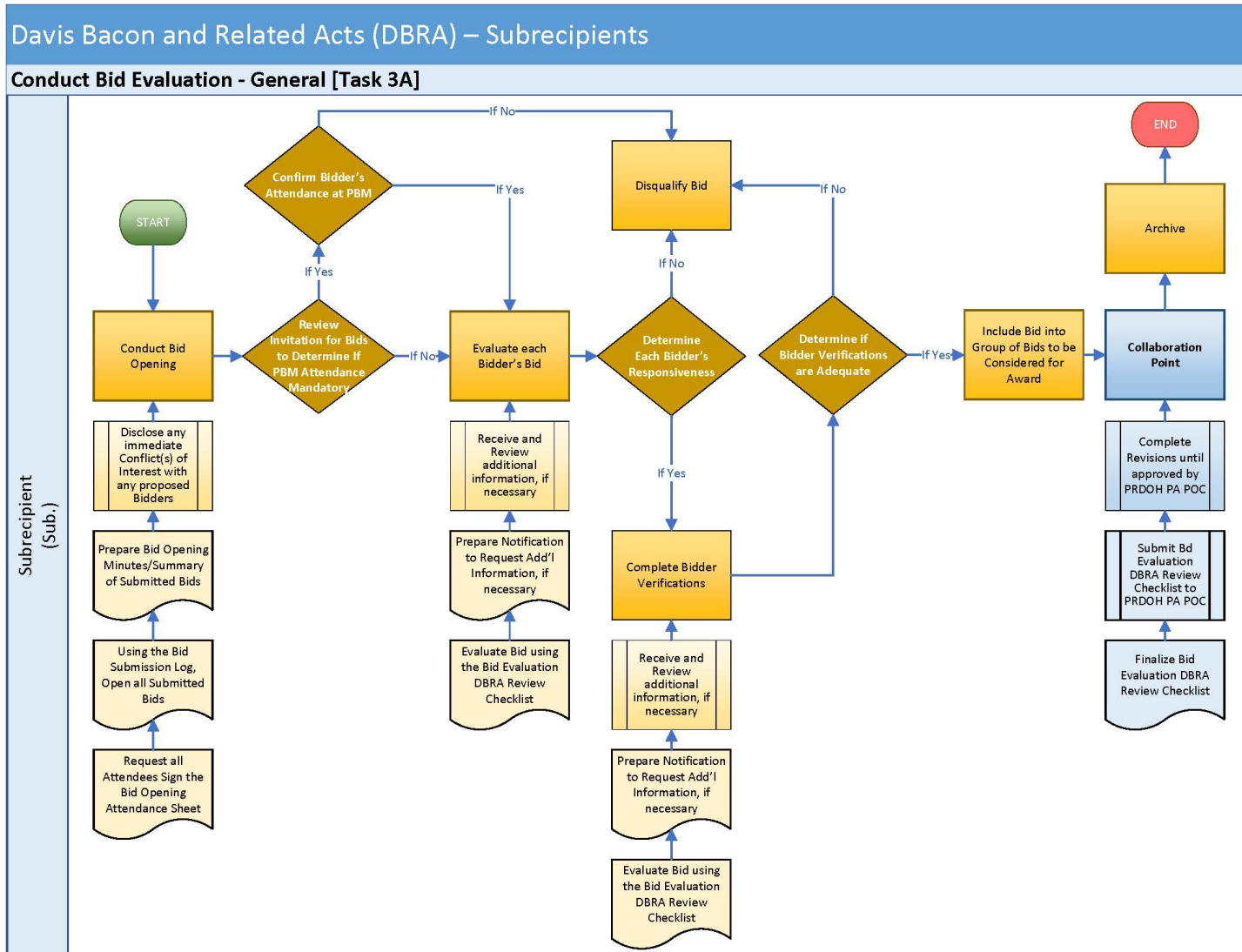


Figure 7: Conduct Bid Evaluation - General Workflow

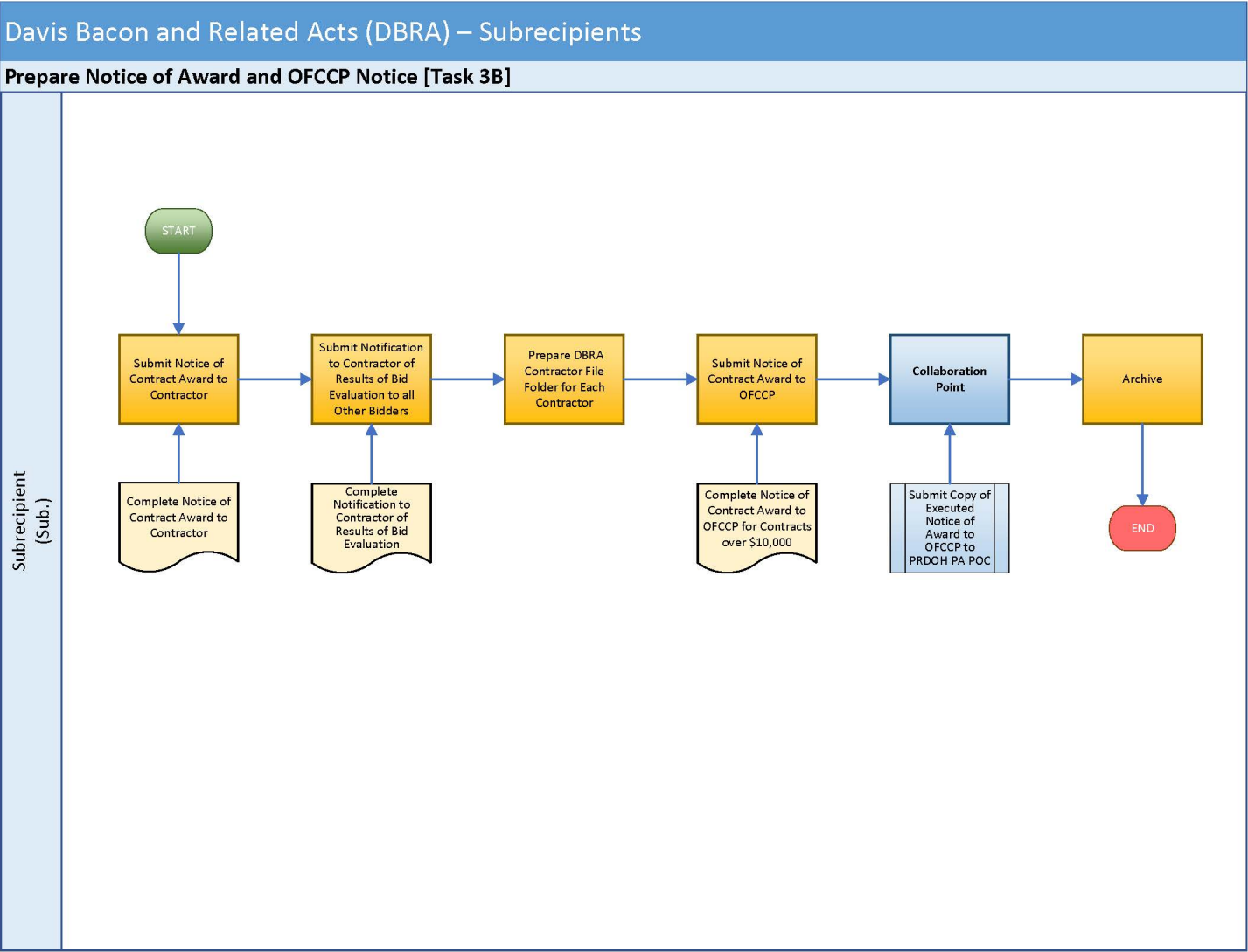


Figure 8: Prepare Notice of Award and OFCCP Notice Workflow

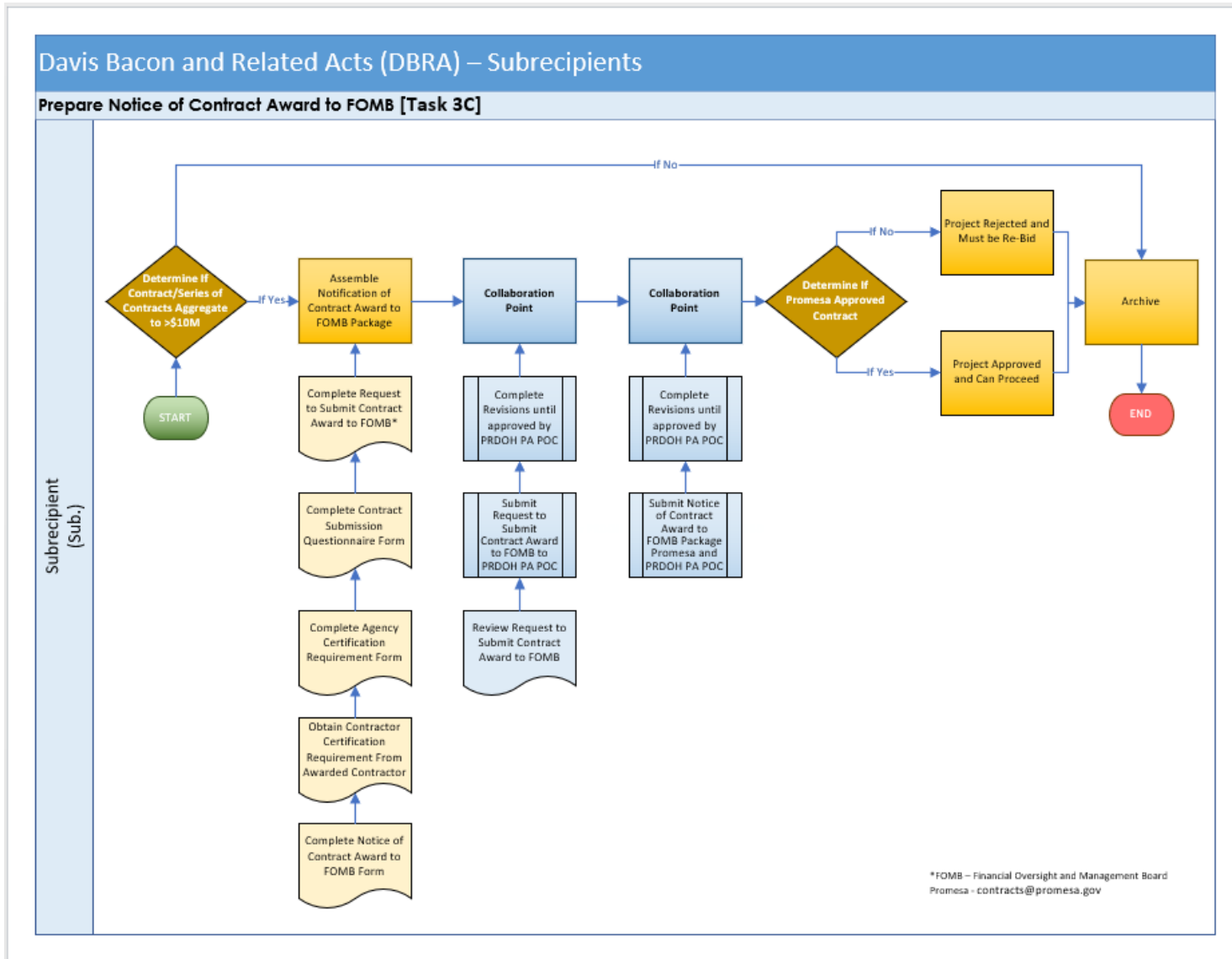


Figure 9: Prepare notice of Contract Award to FOMB Workflow

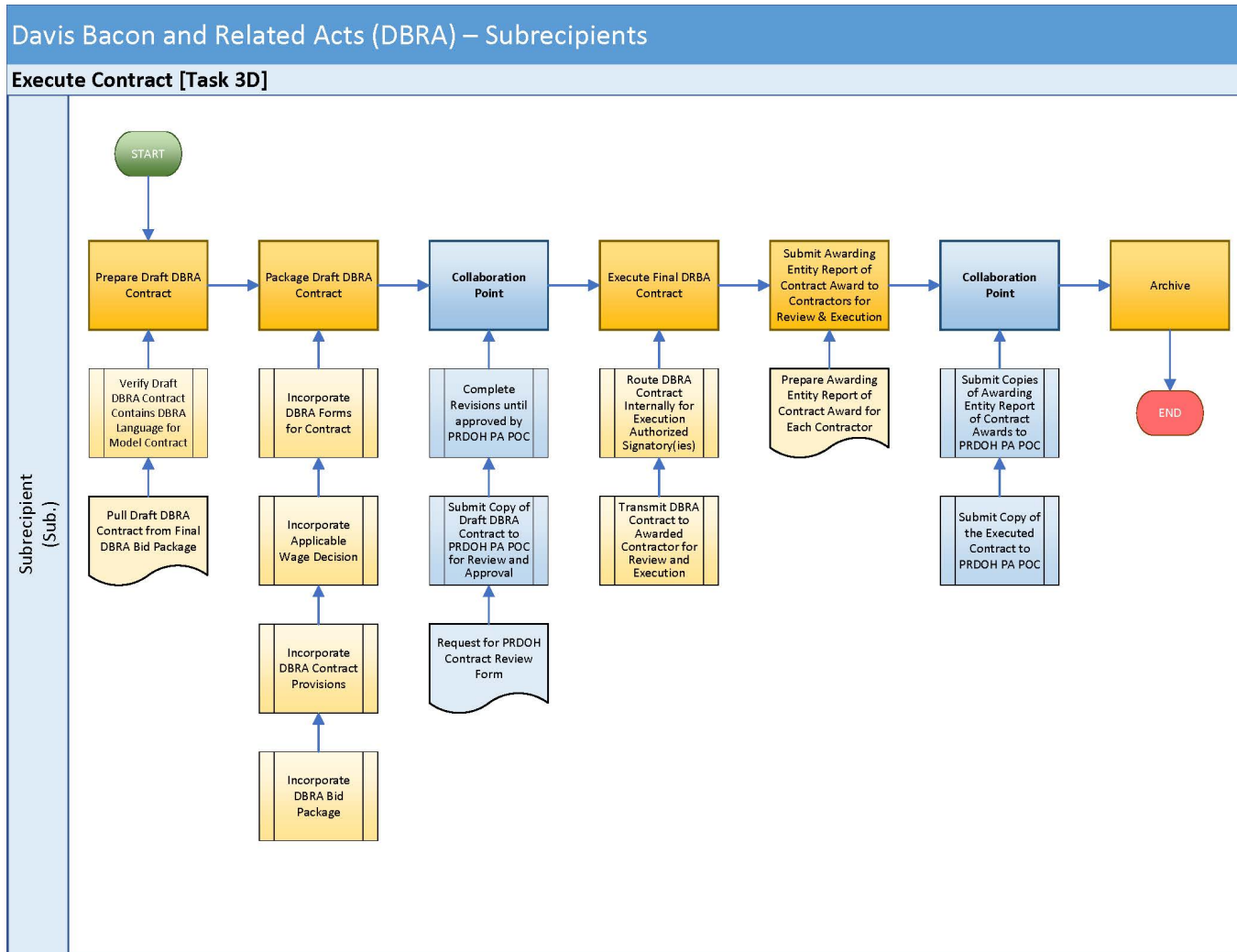


Figure 10: Davis Bacon and Related Acts - Subrecipients Workflow

BEGIN: This process begins no sooner than the date of the bid opening as identified in the published Public Notice, as addended (see the *Prepare DBRA Bid Package* section of this Handbook).

1. Conduct Bid Evaluation - General

- 1.1 All interested parties are permitted to attend the Bid Opening. Attendance sheets to the Bid Opening must be completed using the **BID OPENING ATTENDANCE SHEET**. Distribution of the **BID OPENING ATTENDANCE SHEET** will be completed upon each bidder's request.
- 1.2 Using the **BID SUBMISSION LOG**, open all submitted bids by reading aloud the bidders' name and the bid prices in the presence of at least one (1) witness and complete the **BID OPENING MINUTES/SUMMARY OF SUBMITTED BIDS FORM** containing at a minimum:
 - Bidders' name;
 - Proposed costs as stated in the submitted bid;
 - Amounts of Bid Bonds submitted with the bid; and
 - Date and time the bids were received.
- 1.3 Make full disclosure of any interests, relationships, and/or holdings, which could potentially result in a conflict of interest between the proposed bidder and the Subrecipient.
- 1.4 Review the Public Notice to determine if the bidder's attendance at the Pre-Bid Meeting was mandatory.
 - 1.4.1 If the bidder's attendance at the Pre-Bid Meeting was not mandatory, proceed to **Step 1.5**.
 - 1.4.2 If the bidder's attendance at the Pre-Bid Meeting was mandatory, determine if the bidder attended the mandatory Pre-Bid Meeting.
 - + If the bidder did attend the mandatory Pre-Bid Meeting, proceed to **Step 1.5**.
 - + If the bidder did not attend the mandatory Pre-Bid Meeting, the bidder is disqualified. Do not proceed with any of the remaining steps in this section for the disqualified bidder.
- 1.5 Evaluate the submitted bids using the **BID EVALUATION DBRA REVIEW CHECKLIST**. The purpose of performing the bid evaluation is to:

- 1.5.1 Phase 1: Review each bidder's bid for responsiveness to minimum submission requirements as identified in the DBRA Bid Package, as addended. If a bidder fails to meet just one (1) of the minimum submission requirements, the entire bid may be disqualified, prohibiting the bidder from receiving a recommendation for contract award. For this reason, this phase occurs first since the results of this phase may reduce the number of bids eligible for review during the second phase.
- + If the DBRA Bid Package, as addended, added, removed, or altered the minimum DBRA submission requirements contained on the **BID EVALUATION DBRA REVIEW CHECKLIST**, update the **BID EVALUATION DBRA REVIEW CHECKLIST** to reflect the requirements of the DBRA Bid Package, as addended.
- 1.5.2 Phase 2: Evaluate each bidder's response to the Scope of Work, cost, and other submission requirements identified in the DBRA Bid Package, as addended.
- 1.6 Make a written determination as to whether each bid was responsive to the DBRA Bid Package, as addended, and met the minimum DBRA submission requirements.
- + If it is determined that the bid contained minor discrepancies, complete the **NOTIFICATION TO REQUEST/OBTAIN ADDITIONAL INFORMATION FORM** requesting additional/updated information from the bidder. Upon receipt, review the contractor's response to determine if the response results in a determination the bidder is now responsive to the DBRA Bid Package, as addended.
 - + If it is determined that the bidder is responsive, proceed to **Step 1.7**.
 - + If it is determined that the bidder is not responsive, disqualify the bidder and do not proceed with any of the remaining steps in this section for the disqualified bidder.
- 1.7 Complete the following bidder verifications:
- + Ensure the bidder is currently licensed by verifying their license status, as required.
 - + Ensure the bidder is not federally debarred by verifying their debarment status on www.sam.gov.

- + Ensure the bidder is not on HUD's Limited Denial of Participation List (LDP) by verifying their status on https://www.hud.gov/topics/limited_denials_of_participation.

1.8 Determine if the bidder satisfied all verification checks.

- + If it is determined that the bidder verifications have minor discrepancies (e.g., there was a typo in the bidder's License Number), complete the **NOTIFICATION TO REQUEST/OBTAIN ADDITIONAL INFORMATION FORM** requesting additional/updated information of the bidder. Upon receipt, review the contractor's response to determine if the response results in a determination that the bidder satisfied all verification checks.
- + If it is determined that the bidder satisfied all verification checks, proceed to **Step 1.9**.
- + If it is determined that the bidder did not satisfy all verification checks, disqualify the bidder, and do not proceed with any of the remaining steps in this section for the disqualified bidder.

1.9 If the bidder satisfies all the conditions of **Step 1.5 - 1.8**, the bidder may be included in the group of bids to be considered for award.

1.10 **Collaboration Point:** Finalize the **BID EVALUATION DBRA REVIEW CHECKLISTS** and submit to the PRDOH Programmatic Area POC via email or other indicated communication method for review and approval.

1.11 Complete revisions, as necessary, until approved.

1.12 Archive all documents, forms, templates, and correspondence in the DBRA Administration File using the **DBRA ADMINISTRATION FILE CHECKLIST**.

END: This process ends when the Subrecipient has completed the general bid evaluation for all submitted bids and all documents on the DBRA Administration File Checklist have been prepared, received, reviewed for accuracy and completeness, approved, and archived in the DBRA Administration File.

2. Notice of Contract Award to Contractor and OFCCP

BEGIN: This process begins when the PRDOH Programmatic Area POC's provides a document or memo of Recommendation for Award to the Bid Board has been approved.

- 2.1 Complete and sign the **NOTICE OF CONTRACT AWARD TO CONTRACTOR FORM** for the awarded bidder, and the **NOTIFICATION TO CONTRACTOR OF RESULTS OF BID EVALUATION FORM** for all other bidders.
- 2.2 Submit the signed **NOTICE OF CONTRACT AWARD TO CONTRACTOR FORM** to the awarded contractor and **NOTIFICATION TO CONTRACTOR OF RESULTS OF BID EVALUATION FORM** to all other bidders.
- 2.3 Using the **DBRA CONTRACTOR FILE CHECKLIST**, prepare a DBRA Contractor File for the prime contractor, each subcontractor and sub-tier subcontractor reported in the **LIST OF PROPOSED SUBCONTRACTORS FORM** submitted as part of the awarded bidder's bid.
- 2.4 For each contract greater than \$10,000 (including subcontracts), complete and sign the **NOTICE OF CONTRACT AWARD TO OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS (OFCCP) FORM**.
- 2.5 Within ten (10) working days of the Bid Board's approval of contract award, submit the signed **NOTICE OF CONTRACT AWARD TO OFCCP** to:
 - + U.S. Department of Labor
Office of Federal Contract Compliance Programs – Northeast Region
201 Varick St., Room 750
New York, NY 10014-4800
- 2.6 **Collaboration Point:** Submit a copy of the signed **NOTICE OF CONTRACT AWARD TO OFCCP FORM(S)** to the PRDOH Programmatic Area POC for their records.
- 2.7 Archive all documents, forms, templates, and correspondence in the DBRA Administration File using the **DBRA ADMINISTRATION FILE CHECKLIST**.

END: This process ends when the Subrecipient submits the Notice of Contract Award to OFCCP form(s) to the U.S. Department of Labor and the PRDOH Programmatic Area POC and all documents on the DBRA Administration File Checklist have been prepared, received, reviewed for accuracy and completeness, approved, and archived in the DBRA Administration File.

3. Prepare Notice of Contract Award to FOMB.

BEGIN: This process begins when the Subrecipient submits the Notice of Contract Award to OFCCP form(s) to the U.S. Department of Labor and the PRDOH Programmatic Area POC (see the *Notice of Contract Award to Contractor and OFCCP* Section of this Handbook).

- 3.1 Determine if the awarded contract or a series of related contracts, inclusive of any amendments, modifications, or extensions, aggregate to a value of \$10,000,000 or more.
 - 3.1.1 If the awarded contract or a series of related contracts, inclusive of any amendments, modifications, or extensions, does not aggregate to a value of \$10,000,000 or more, proceed to the *Execute DBRA Contract* section of this Handbook).
 - 3.1.2 If the awarded contract, or a series of related contracts, inclusive of any amendments, modifications, or extensions, aggregate to a value of \$10,000,000 or more, proceed to **Step 3.2**.
- 3.2 Complete and assemble the following, which together constitute the completed Notice of Contract Award to FOMB Package:
 - + **NOTICE OF CONTRACT AWARD TO FOMB FORM** to be completed by the Subrecipient;
 - + **CONTRACTOR CERTIFICATION REQUIREMENT FORM** to be completed by the Contractor set to receive an awarded contract, or a series of related contracts, inclusive of any amendments, modifications, or extensions, which aggregate to a value of \$10,000,000 or more;
 - + **AGENCY CERTIFICATION REQUIREMENT FORM** to be completed by the Subrecipient; and
 - + **CONTRACT SUBMISSION QUESTIONNAIRE FORM** to be completed by the Subrecipient.
- 3.3 **Collaboration Point:** Prepare and submit the **REQUEST TO SUBMIT CONTRACT AWARD TO FOMB FORM** to the PRDOH Programmatic Area POC for review and approval.
- 3.4 Complete revisions, as necessary, until approved.
- 3.5 **Collaboration Point:** Submit the Notice of Contract Award to FOMB Package with the four (4) accompanying forms listed in Step 3.2, as applicable, to contracts@promesa.gov and to the PRDOH Programmatic Area POC for review and approval to proceed with contract award. FOMB will make the following determinations:
 - + If FOMB requires additional information, obtain the additional information, and resubmit the Notice of Contract Award to FOMB Package by repeating Step 3.2.
 - + If FOMB approves the contract award, proceed to Step 3.6 below.
 - + If FOMB does not approve the contract award, the project is rejected, and do not proceed with any subsequent steps in this task.

- 3.6 Archive all documents, forms, templates, and correspondence in the DBRA Administration File using the **DBRA ADMINISTRATION FILE CHECKLIST**.

END: This process ends when FOMB issues its determination, the Subrecipient sends the FOMB determination and accompanying documentation to the PRDOH Programmatic Area POC, and all documents on the DBRA Administration File Checklist have been prepared, received, reviewed for accuracy and completeness, approved and archived in the DBRA Administration File.

4. Prepare Draft DBRA Contract

BEGIN: This process begins when a bidder has been selected for contract award and, if applicable, FOMB has authorized the Subrecipient to proceed with the contract award.

- 4.1 Pull the editable version of the Draft DBRA Contract contained in the Final DBRA Bid Package, as addended.
- 4.2 Confirm the Draft DBRA Contract contains the **DBRA LANGUAGE FOR MODEL CONTRACT** and prepare the Draft DBRA Contract with the Awarded Contractor's information, the awarded contract amount, and other project-specific fields (e.g., Date of Award, etc.).
- 4.3 Ensure the Draft DBRA Contract contains the following documents attached:
 - + **DBRA FORMS FOR CONTRACT**
 - + Applicable Wage Decision
 - + DBRA Contract Provisions
 - + DBRA Bid Package
 - + Awarded Contractor's Bid
- 4.4 **Collaboration Point:** Submit a copy of the packaged Draft DBRA Contract, inclusive of all addenda, to the PRDOH Programmatic Area POC for review and approval utilizing the **REQUEST FOR PRDOH CONTRACT REVIEW FORM**.
- 4.5 Complete revisions, as necessary, until approved.
- 4.6 Archive all documents, forms, templates, and correspondence in the DBRA Administration File using the **DBRA ADMINISTRATION FILE CHECKLIST**.

5. Execute DBRA Contract

- 5.1 Transmit the approved DBRA Contract to the awarded contractor for review and execution.
- 5.2 Upon receipt of the executed DBRA Contract from the awarded contractor, route the DBRA Contract for execution by an internal authorized signatory(ies).
- 5.3 Prepare and submit the **AWARDING ENTITY REPORT OF CONTRACT AWARD FORM** for the awarded contractor, subcontractor(s) and sub-tier subcontractor(s) for their review and signature. Confirm receipt of all signed **AWARDING ENTITY REPORT OF CONTRACT AWARD FORM(S)**.
- 5.4 **Collaboration Point:** Submit a copy of the following fully executed documents to the PRDOH Programmatic Area POC for their records:
 - + Executed DBRA Contract; and
 - + **AWARDING ENTITY REPORT OF CONTRACT AWARD FORM(S)**.
- 5.5 Archive all documents, forms, templates, and correspondence in the DBRA Administration File using the **DBRA ADMINISTRATION FILE CHECKLIST**.

END: This process ends when the Subrecipient transmits the fully executed DBRA Contract and Awarding Entity Report of Contract Award Form(s) to the PRDOH Programmatic Area POC and all documents on the DBRA Administration File Checklist have been prepared, received, reviewed for accuracy and completeness, approved, and archived in the DBRA Administration

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY.]

D. CONDUCT PRE-CONSTRUCTION MEETING

The following is a list of the Forms, and Workflows referenced to complete this procedure. Personnel implementing this Handbook should refer to the Forms, and Workflows for additional guidance.

Table 4: Forms related to the Conduct Pre-Construction Meeting Procedure

Form Name	Purpose
REQUEST FOR PRE-CONSTRUCTION ATTENDANCE FORM	Form used to request PRDOH's attendance at the Pre-Construction Meeting.
PRE-CONSTRUCTION MEETING AGENDA TEMPLATE	Template to create the Pre-Construction Meeting Agenda.
PRE-CONSTRUCTION MEETING SIGN-IN SHEET TEMPLATE	Template to create the Pre-Construction Meeting Sign-In Sheet.
PRE-CONSTRUCTION MEETING DBRA CHECKLIST FORM	Checklist to be used during the Pre-Construction Meeting to provide DBRA Technical Assistance (TA).
HUD-4720 WAGE RATE FORM	Form used to report the applicable wage rates for the prime contractor and all subcontractors.
PRE-CONSTRUCTION MEETING DBRA CHECKLIST SUPPORTING DOCUMENTS	Documents to be provided to the prime contractor and all subcontractors during the Pre-Construction Meeting.
DBRA ADMINISTRATION FILE CHECKLIST	Checklist used to organize and assemble a complete DBRA Administration File.
PRE-CONSTRUCTION MEETING MINUTES TEMPLATE	Template used to memorialize Pre-Construction Meeting Minutes.
NOTICE TO PROCEED (NTP) TEMPLATE	Template used to draft and issue a Notice to Proceed.

The following workflow outlines the internal steps and Collaboration Points necessary to complete the **Conduct Pre-Construction Meeting** procedure. Submission method will depend on the specific program's instruction and the procurement instructions provided as part of each individual Invitation for Bids package.

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

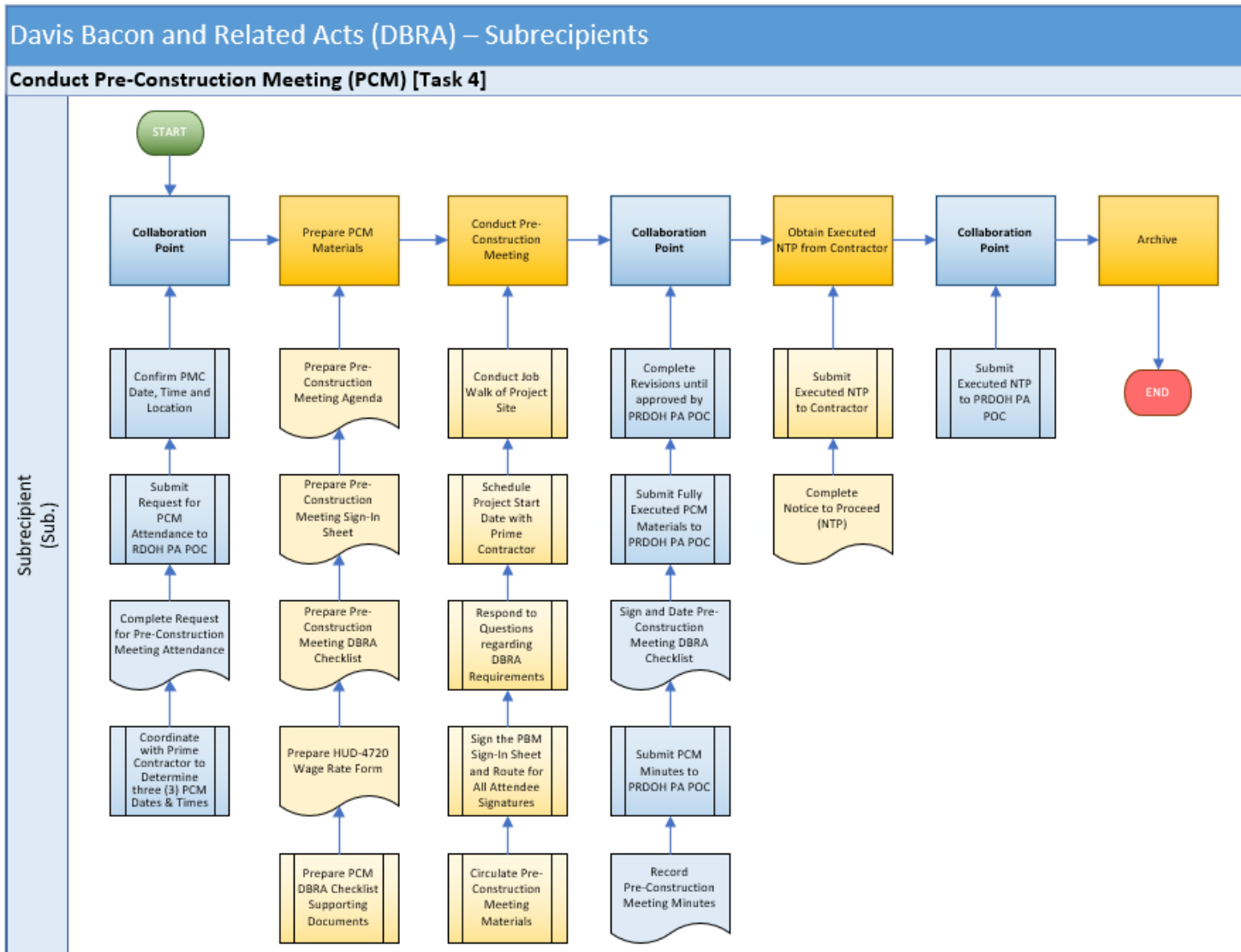


Figure 11: Conduct Pre-Construction Meeting Workflow

1. Prepare for Pre-Construction Meeting

BEGIN: This process begins when the Subrecipient contacts the PRDOH Programmatic Area POC to request their attendance at the Pre-Construction Meeting.

- 1.1 Coordinate with the Prime Contractor to select three (3) potential dates and times, and the location for the Pre-Construction Meeting. Please note, that although it is not required, it is highly encouraged that each subcontractor and sub-tier subcontractor be present at the Pre-Construction Meeting so that they are properly informed of all the labor standards requirements, expectations of the Subrecipient, and submission process to the Subrecipient.
- 1.2 **Collaboration Point:** Complete and submit the **REQUEST FOR PRE-CONSTRUCTION ATTENDANCE FORM** to the PRDOH Programmatic Area POC no less than ten (10) calendar days prior to the Pre-Construction Meeting to confirm their attendance at the Pre-Construction Meeting.
- 1.3 Prepare the following Pre-Construction Meeting materials:
 - + Pre-Construction Meeting Agenda using the **PRE-CONSTRUCTION MEETING AGENDA TEMPLATE**;
 - + Pre-Construction Meeting Sign-In Sheet using the **PRE-CONSTRUCTION MEETING SIGN-IN SHEET TEMPLATE**;
 - + Pre-Construction Meeting DBRA Checklist using the **PRE-CONSTRUCTION MEETING DBRA CHECKLIST FORM**;
 - + Each contractor's applicable wage rates based on their Scope of Work contained in the DBRA Contract using the **HUD-4720 WAGE RATE FORM**; and
 - + Pre-Construction supporting documents using the **PRE-CONSTRUCTION MEETING DBRA CHECKLIST SUPPORTING DOCUMENTS**.

2. Conduct Pre-Construction Meeting

- 2.1 Conduct the Pre-Construction Meeting by circulating the Pre-Construction Meeting materials, including the:
 - + **PRE-CONSTRUCTION MEETING AGENDA**;
 - + **PRE-CONSTRUCTION MEETING SIGN-IN SHEET**;
 - + **PRE-CONSTRUCTION MEETING DBRA CHECKLIST**;
 - + **HUD-4720 WAGE RATES FORM**; and
 - + **PRE-CONSTRUCTION MEETING DBRA CHECKLIST SUPPORTING DOCUMENTS**.

2.2 The purpose of the Pre-Construction Meeting is to provide technical assistance to the prime contractor, subcontractors, and sub-tier subcontractors on DBRA requirements for the project. Subrecipient Construction Management staff may also have topics to cover on the **PRE-CONSTRUCTION MEETING AGENDA**, including but not limited to working hours, engineering design and the Scope of Work. DBRA technical assistance should include:

- + An overview of the requirements and what to expect throughout the construction period;
- + How to interpret requirements, properly fill out forms, and what constitutes non-compliance; and
- + Answers to any questions the prime contractor, subcontractors and sub-tier subcontractors may have about DBRA requirements and responsiveness.

2.3 The following items should also be covered:

- + The prime contractor and the Subrecipient should each identify a single Point of Contact (POC) for all DBRA-related correspondence and provide contact information;
- + The prime contractor should also identify an Onsite POC that can be contacted throughout the duration of the project to schedule onsite employee interviews (refer to the *Onsite Visits, Employee Interviews, and Questionnaires* section of this Handbook);
- + Deadlines for submission of Certified Payroll Reports (CPRs) and other required documentation;
- + Process for correcting errors or omissions identified during the review of submissions;
- + Contact information for the prime contractor's Onsite POC to schedule onsite visits and employee interviews; and
- + Process for receiving advanced notice of when the awarded contractor, subcontractors, sub-tier subcontractors and labor classifications will be onsite.

2.4 Sign and route the **PRE-CONSTRUCTION MEETING SIGN-IN SHEET** for all attendee signatures and, after completing the Pre-Construction Meeting, sign, and date the **PRE-CONSTRUCTION MEETING DBRA CHECKLIST**.

2.5 Answer the contractors' questions regarding DBRA Requirements.

2.6 Schedule the project start date with the prime contractor.

- 2.7 Conduct a Job Walk of the jobsite to identify and confirm the mobilization area, jobsite posting area, and all other logistical factors associated with the jobsite (e.g., special alarm codes, unavailable areas, etc.).

3. Pre-Construction Meeting Follow-up

- 3.1 Record the Pre-Construction Meeting Minutes using the **PRE-CONSTRUCTION MEETING MINUTES TEMPLATE**.
- 3.2 **Collaboration Point:** Submit a copy of the signed **PRE-CONSTRUCTION MEETING SIGN-IN SHEET, PRE-CONSTRUCTION MEETING DBRA CHECKLIST** and **PRE-CONSTRUCTION MEETING MINUTES** to the PRDOH Programmatic Area POC for their records.
- 3.3 Complete and submit the **NOTICE TO PROCEED (NTP) TEMPLATE** to the prime contractor.
- 3.4 **Collaboration Point:** Submit a copy of the signed NTP to the PRDOH Programmatic Area POC for their records.
- 3.5 Archive all documents, forms, templates, and correspondence in the DBRA Administration File using the **DBRA ADMINISTRATION FILE CHECKLIST**.

END: This process ends when the Pre-Construction Meeting is completed and the Subrecipient transmits the signed NTP to the PRDOH Programmatic Area POC and all documents on the DBRA Administration File Checklist have been prepared, received, reviewed for accuracy and completeness, approved, and archived in the DBRA Administration File.

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

E. ONSITE VISITS, EMPLOYEE INTERVIEWS, AND QUESTIONNAIRES

The following is a list of the Forms, and Workflows referenced to complete the procedure. Personnel implementing this Handbook should refer to the Forms, and Workflows for additional guidance.

Table 5: Forms related to the Onsite, Employee Interviews, and Questionnaire's procedure

Form Name	Purpose
DBRA EMPLOYEE INTERVIEW LOG TEMPLATE	Log used to document all completed employee interviews by contractor and trade.
DBRA CONTRACTOR FILE CHECKLIST	Checklist used to organize and assemble complete DBRA Contractor Files.
JOBSITE POSTING CERTIFICATION FORM	Form used to certify properly and improperly posted jobsite postings.
DUE PROCESS NOTIFICATION LETTER TEMPLATE	Letter to the contractor describing deficiencies identified during CPR review and accompanying corrective actions.
HUD-11 EN OR HUD-11-SP EMPLOYEE INTERVIEW FORM	Form used to complete onsite employee interviews.
HUD-4730 FEDERAL LABOR STANDARDS QUESTIONNAIRES	Form used to complete employee questionnaires.
HUD-4731 FEDERAL LABOR STANDARDS COMPLAINT INTAKE FORM	Form used to document employee DBRA complaints.

The following workflow outlines the internal steps and Collaboration Points necessary to complete the **Onsite Visits, Employee Interviews, and Questionnaire's** procedure. Submission method will depend on the specific program's instruction and the procurement instructions provided as part of each individual Invitation for Bids package.

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY.]

Davis Bacon and Related Acts (DBRA) – Subrecipients

Onsite Visit, Employee Interviews, and Questionnaires [Task 5]

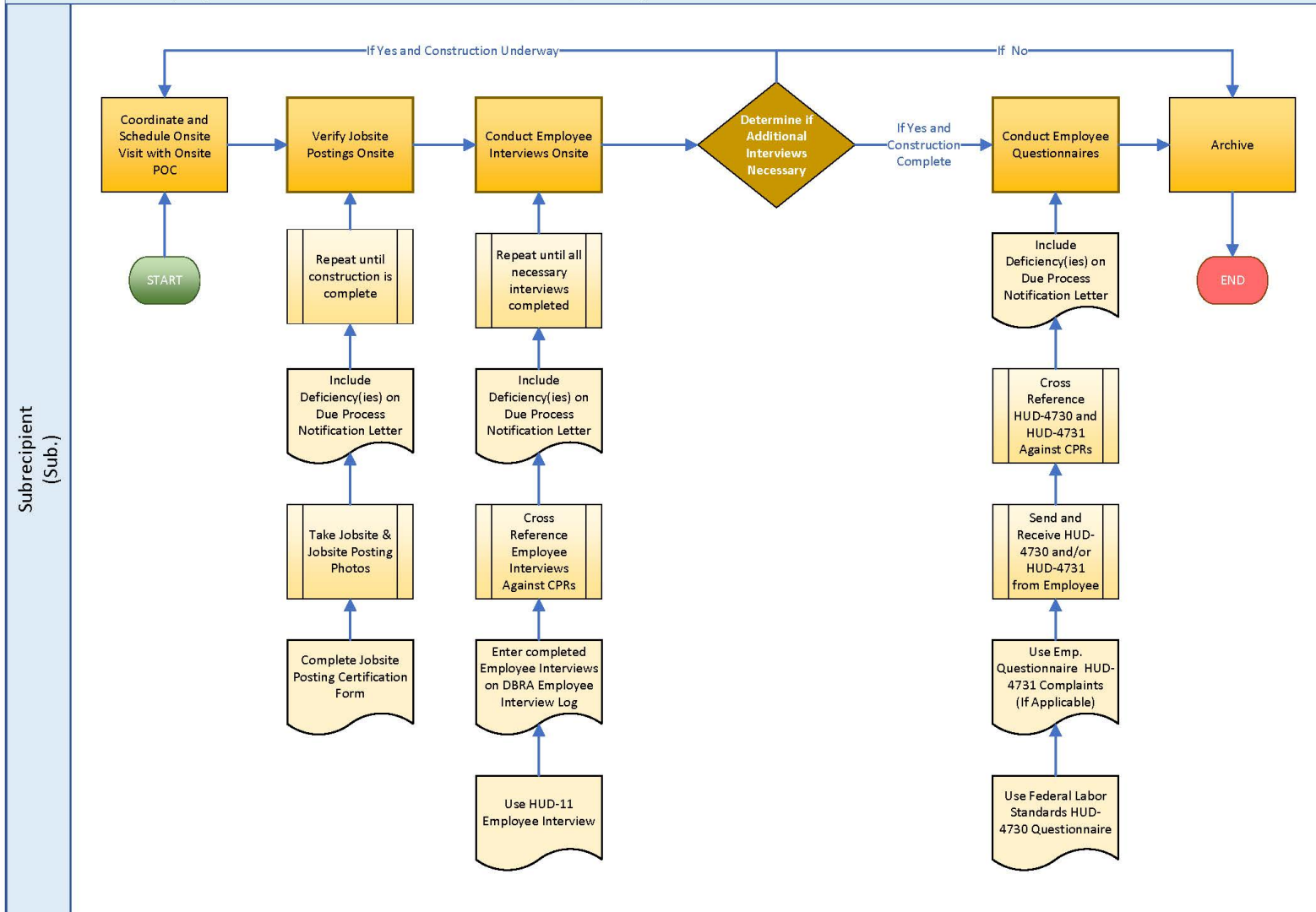


Figure 12: Onsite, Employee Interviews, and Questionnaires Workflow

1. Schedule Onsite Visits

BEGIN: This process begins when the Subrecipient submits the executed NTP to the awarded contractor and the first day of construction begins.

- 1.1 Coordinate with the Onsite POC to schedule onsite visits periodically throughout the duration of the DBRA-covered project.
- 1.2 Perform onsite visits with the intent to:
 - + Verify that the required and current jobsite postings are properly posted and readily accessible to all employees throughout the duration of the project;
 - + Speak directly with a sample of employees from the awarded contractor, subcontractors and/or sub-tier subcontractors for all labor classifications to determine if employees are classified correctly based on their duties performed, are receiving the minimum prevailing wages and to learn of any other concerns that employees may report; and
 - + Compare personal observations of the number of contractors and employees onsite with Certified Payroll Reports (CPRs) and other records to confirm records are accurate and complete.
- 1.3 Onsite visits will need to occur as frequently as necessary to:
 - 1.3.1 Interview at least ten to twenty percent (10-20%) of employees working onsite per trade, and at least one (1) employee from each awarded contractor, subcontractor, and sub-tier subcontractor. In order to ensure the minimum percentage is met:
 - + Request updated Project Schedules from the Onsite POC to confirm which scope of work and subcontractors and/or sub-tier subcontractors are to perform work in the coming weeks.
 - + Prepare an inventory of upcoming and completed employee interviews by contractor and trade utilizing the **DBRA EMPLOYEE INTERVIEW LOG TEMPLATE** to confirm if the minimum percentages have been met and if new employee interviews are required to be completed.
 - 1.3.2 Follow-up on inconsistencies observed or reported by employees, third-parties, or through the review of CPRs and other records.
- 1.4 Since construction schedules are fluid and subject to change, it is important to:

- + Have a good working relationship with the Onsite POC to receive advance notice of when certain labor classifications of prime contractor, subcontractor, and sub-tier subcontractor will be onsite should the proposed schedule change.
 - + Have adequate, bilingual staff ready to perform onsite employee interviews; sometimes on a same-day notice.
- 1.5 The process of scheduling onsite visits should be standardized to the extent possible. The Subrecipient POC and Onsite POC should establish a schedule for the Onsite POC to provide ample and timely information regarding when certain labor classifications of the prime contractor, subcontractor, and sub-tier subcontractor are scheduled to be onsite.
- 1.6 Continue to receive and utilize the recurring schedule updates from the Onsite POC until all required employee interviews are completed and no further reason for onsite visits is necessary (e.g., all employee disputes are resolved).
- 1.7 Archive all documents, forms, templates, and correspondence in the DBRA Contractor Files using the **DBRA CONTRACTOR FILE CHECKLISTS**.

2. Verify Jobsite Postings

- 2.1 Plan to be onsite the first day of construction to verify that the required and current jobsite postings, as listed on the **JOBSITE POSTING CERTIFICATION FORM**, are properly posted and readily accessible to all employees working onsite.
- 2.2 Take date-stamped photographs of the jobsite and jobsite postings to document that the verification of jobsite postings was performed.
- 2.3 Notify the Onsite POC immediately if any deficiency(ies) with the jobsite postings are identified (e.g., jobsite postings are missing, illegible, or inaccessible), so they can correct the deficiency(ies). Identified deficiencies should be documented in the next **DUE PROCESS NOTIFICATION LETTER** to the prime contractor (see *the CPR Procedural Review Section of Procedure F*).
- 2.4 After the first site visit to verify jobsite postings is completed, return onsite to verify and document jobsite postings by completing steps 2.1 – 2.4 under the following circumstances:
- + A deficiency with jobsite postings was observed or reported and requires a follow-up visit to confirm the deficiency(ies) were resolved;
 - + A new version of an existing jobsite posting was published, and therefore, the existing jobsite posting must be replaced;

- + Employee Interviews or other sources reveal non-compliance with respect to jobsite postings; or
 - + No less than every two (2) months, or more frequently if there are ongoing issues with jobsite postings, until construction is completed.
- 2.5 Archive all documents, forms, templates, and correspondence in the DBRA Contractor Files using the **DBRA CONTRACTOR FILE CHECKLISTS**.

3. Conduct Employee Interviews (HUD-11)

- 3.1 Conducting Onsite Employee Interviews is the primary reason for onsite visits. All Employee Interviews:
- + Must be conducted in-person and onsite;
 - + Must be conducted confidentially and in a private location so the employee can speak freely and without fear of retribution; and
 - + Must be documented on the **HUD-11 EN OR HUD-11-SP EMPLOYEE INTERVIEW FORM** and signed by the employee and interviewer.
- 3.2 Prior to arriving onsite:
- + Review the CPRs of the prime contractor, subcontractors, and sub-tier subcontractors expected to be onsite, if available.
 - + Make a note of the prevailing wage rates for each labor classification expected to be interviewed.
 - + Wear proper attire, such as steel-toed/closed-toe shoes, reflective vest and hardhat, if necessary.
 - + Bring an adequate number of **HUD-11 EN OR HUD-11-SP EMPLOYEE INTERVIEW FORMS** to conduct all expected and possibly unexpected employee interviews.
 - + Bring a camera/smart device to document the construction site, work being performed, and observations if, for example, a certain employee is performing duties of a labor classification that differs from the labor classification reported for that employee on the CPRs or as otherwise identified by the employee on the **HUD-11 EN OR HUD-11-SP EMPLOYEE INTERVIEW FORM**.
- 3.3 After arriving onsite:
- + Make general observations about the number of workers onsite and the duties being performed.
 - + Locate the Onsite POC to confirm the number of employees onsite, the labor classifications of the employees, and number of contractors.

- + The Onsite POC should be available to assist with safely locating the employees that the interviewer selects to interview.

3.4 Prior to each employee interview:

- + Relocate with the employee to a private and safe location.
- + Explain the purpose of the employee interview and that all responses are confidential, and the employee is protected from retribution from their employer.
- + Request the employee's name and government-issued identification card.
- + Provide a brief overview of the **HUD-11 EN** or **HUD-11-SP EMPLOYEE INTERVIEW FORM**.

3.5 Perform the employee interview using the **HUD-11 EN** or **HUD-11-SP EMPLOYEE INTERVIEW FORM**:

- + Ask each question on the form and record the employee's responses.
- + Provide relevant information (e.g., the employee's prevailing wage rate) and answer questions the employee may have.
- + Explain the options available to the employee if the employee reveals a concern (e.g., underpayment) and provide contact information for a follow-up discussion.
- + Ensure the employee signs and dates the **HUD-11 EN OR HUD-11-SP EMPLOYEE INTERVIEW FORM** confirming the information recorded.

3.6 Repeat steps 3.4 and 3.5 until all necessary employee interviews are completed (see the *Schedule Onsite Visits* section of this Procedure).

3.7 Inform the Onsite POC that all interviews for the current visit are complete and schedule the next site visit, if possible.

3.8 When you return to the office:

- + Enter completed employee interviews on the DBRA Employee Interview Log using the **DBRA EMPLOYEE INTERVIEW LOG TEMPLATE**.
- + Place all completed **HUD-11 EN AND HUD-11-SP EMPLOYEE INTERVIEW FORMS** in each respective DBRA Contractor File using the **DBRA CONTRACTOR FILE CHECKLIST**.
- + Contact any interviewed employees that requested or required follow-up and archive all additional information and documentation received during follow-up meetings in the DBRA Contractor File.

3.9 Repeat *Subtasks 3.1 – 3.8* until:

- + At least the minimum number of required employee interviews have been completed (see the *Schedule Onsite Visits* section of this Procedure).
- + No other reports or observations warrant additional employee interviews.
- + Construction is complete.

3.10 Archive all documents, forms, templates, and correspondence in the DBRA Contractor Files using the **DBRA CONTRACTOR FILE CHECKLISTS**.

4. Complete Federal Labor Standards Questionnaire (HUD-4730)

4.1 **FEDERAL LABOR STANDARDS HUD-4730 QUESTIONNAIRES** should be used under the following circumstances:

- + Necessary employees and/or labor classifications of the prime contractor, subcontractor, or sub-tier subcontractor will no longer be onsite to respond to the **HUD-11 EN OR HUD-11-SP EMPLOYEE INTERVIEW FORM** to meet the minimum interview requirements (see the *Schedule Onsite Visits* section of this Procedure).
- + An employee must be interviewed (e.g., due to irregularities on CPRs), but the employee no longer works for the prime contractor, subcontractor or sub-tier subcontractor or is unavailable to meet in-person.

4.2 When an employee is identified to receive and complete a **FEDERAL LABOR STANDARDS HUD-4730 QUESTIONNAIRE**:

- + Review CPRs, **HUD-11 EN AND HUD-11-SP EMPLOYEE INTERVIEW FORMS** and other sources (e.g., paystubs or fringe benefit statements) to identify the employee's phone number, address and/or email. This is the best way to keep the employee questionnaire process confidential and free from interference.
- + If necessary and appropriate, work with the prime contractor, subcontractor, or sub-tier subcontractor to identify the employee's phone number, address and/or email.
- + If possible, contact the employee and explain: the purpose of the employee questionnaire; how they would like to receive the employee questionnaire (e.g., their preferred email, facsimile, or mailing address); and if applicable, how to complete and submit the employee questionnaire.

- + Should the employee elect to receive the employee questionnaire via mail, send the employee questionnaire to the employee via certified mail with pre-paid return postage to their preferred mailing address.

4.3 Upon receipt of each completed employee questionnaire:

- + Place the completed **FEDERAL LABOR STANDARDS HUD-4730 QUESTIONNAIRE** in the DBRA Contractor File.
- + Contact the employee, if necessary, to follow-up on any irregularities observed and explain options available to the employee if the employee confirms the irregularity (e.g., underpayment). Archive all additional information and documentation received during subsequent interactions in the DBRA Contractor File.

4.4 If a response to the employee questionnaire is not received within two (2) weeks, follow up by their preferred method of communication if contact has been previously established, or by certified mail if contact has not been previously established, to confirm receipt of the employee questionnaire and to determine if a response will be submitted.

4.5 If after forty-five (45) days no response is received, document all attempts to contact the employee in the DBRA Contractor File.

4.6 Repeat steps **4.1** through **4.5** until at least the minimum number of required employee questionnaires in-lieu of employee interviews (see the *Schedule Onsite Visits* section of this Procedure) have been received and no other reports or observations warrant additional employee questionnaires.

4.7 Archive all documents, forms, templates, and correspondence in the DBRA Contractor Files using the **DBRA CONTRACTOR FILE CHECKLISTS**.

5. Complete Federal Labor Standards Complaint Intake (HUD-4731)

5.1 The **FEDERAL LABOR STANDARDS COMPLAINT INTAKE (HUD-4731) FORM** should be used to officially document complaints (e.g., kickbacks or underpayments) lodged by employees most often discovered during the collection of employee interviews and questionnaires.

5.2 If an employee elects to complete a **FEDERAL LABOR STANDARDS COMPLAINT INTAKE (HUD-4731) FORM**:

- + Transmit the **FEDERAL LABOR STANDARDS COMPLAINT INTAKE (HUD-4731) FORM** to the employee via their preferred method of contact (e.g., email, facsimile or certified mail with pre-paid return postage).
- + Request the employee complete the form upon receipt and include supporting documentation with their response (e.g., paychecks, signed timesheets, etc., if possible).

5.3 Upon receipt of each completed **FEDERAL LABOR STANDARDS COMPLAINT INTAKE (HUD-4731) FORM**:

- + Place the completed **FEDERAL LABOR STANDARDS COMPLAINT INTAKE (HUD-4731) FORM** in the DBRA Contractor File.
- + During the CPR review process (see the *CRP Procedural Review* section of this Handbook), compare the **FEDERAL LABOR STANDARDS COMPLAINT INTAKE (HUD-4731) FORMS** with the CPRs and note any discrepancy(ies) (e.g., the employee reported a lower wage rate than reported on the CPR) on the next **DUE PROCESS NOTIFICATION LETTER** to the applicable contractor.
- + Contact the employee, if necessary, to follow-up on any irregularities observed and explain options available to the employee if the employee confirms the irregularity (e.g., underpayment). Archive all additional information and documentation received during subsequent interactions in the DBRA Contractor File.

5.4 If a response to the **FEDERAL LABOR STANDARDS COMPLAINT INTAKE (HUD-4731) FORM** is not received within two (2) weeks, follow up by their preferred method of communication if contact has been previously established, or by certified mail if contract has not been previously established, to confirm receipt of the employee questionnaire and to determine if a response will be submitted.

5.5 If after forty-five (45) days no response is received, document all attempts to contact the employee in the DBRA Contractor File.

5.6 Repeat steps **5.1** through **5.5** until at least the minimum number of required employee questionnaires in-lieu of employee interviews (see the *Schedule Onsite Visits* section of this Procedure) have been received and no other reports or observations warrant additional employee questionnaires.

5.7 Archive all documents, forms, templates, and correspondence in the DBRA Contractor Files using the **DBRA CONTRACTOR FILE CHECKLISTS**.

END: This process ends when all required and necessary employee interviews and questionnaires have been completed, all complaints have been recorded, outstanding

issues that resulted from onsite visits are resolved, and all documents on the DBRA Contractor File Checklist have been prepared, received, reviewed for accuracy and completeness, approved, and archived in the DBRA Contractor File.

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

F. CERTIFIED PAYROLL REPORTS

The following is a list of the Forms, and Workflows referenced to complete the **Certified Payroll Reports** procedure. Personnel implementing this Handbook should refer to the Forms and Workflows for additional guidance.

Table 6: Forms Related to the Certified Payroll Reports Procedure

Form Name	Purpose
CERTIFIED PAYROLL REPORT REVIEW CHECKLIST	Checklist used to review submitted CPRs for accuracy, completeness, and compliance.
CERTIFIED PAYROLL REPORT (WH-347) FORM	Form used weekly to document workers' labor classification, hours worked, rates paid and gross earnings.
STATEMENT OF COMPLIANCE (SOC) FORM	Form used to accompany each CPR certifying to accuracy of information reported on the WH-347 Form.
CERTIFICATION OF UNDERSTANDING AND AUTHORIZATION FORM	Form used to document each contractor's Payroll Officer authorized to sign the SOC and SONP.
STATEMENT OF NON-PERFORMANCE (SONP) FORM	Form used to document each week no work is performed by a contractor (in-lieu of a CPR).
DBRA CONTRACTOR FILE CHECKLIST	Checklist used to organize and assemble complete DBRA Contractor Files.
REPORT OF ADDITIONAL CLASSIFICATION AND RATE (HUD 4230A) FORM	Form used to request an additional classification and rate for a classification not contained in the Wage Decision.
FRINGE BENEFIT STATEMENT FORM	Form used to document the amounts paid on behalf of workers by their employer into approved plans, trusts and/or funds.
AUTHORIZATION FOR PAYROLL DEDUCTION FORM	Form used to document payroll deductions authorized by an employee.
HUD-11 EN OR HUD-11-SP EMPLOYEE INTERVIEW FORM	Form used to complete onsite employee interviews.
FEDERAL LABOR STANDARDS HUD-4730 QUESTIONNAIRES	Form used to complete employee questionnaires.
FEDERAL LABOR STANDARDS COMPLAINT INTAKE (HUD-4731) FORM	Form used to document employee DBRA complaints.

DUE PROCESS NOTIFICATION LETTER TEMPLATE	Letter to the contractor describing deficiencies identified during CPR review and accompanying corrective actions.
DUE PROCESS FINDING LOG	Log used to document all open and cleared findings per contractor.
DBRA CLEARANCE LETTER TEMPLATE	Letter used to confirm that construction is complete and findings on Due Process Notifications are cleared.
UNDERPAYMENT CALCULATION WORKSHEET	Worksheet used to document all employee underpayments per contractor.

The following workflows outline the internal steps and Collaboration Points necessary to complete the **Certified Payroll Reports** procedure. Submission method will depend on the specific program's instruction and the procurement instructions provided as part of each individual Invitation for Bids package.

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

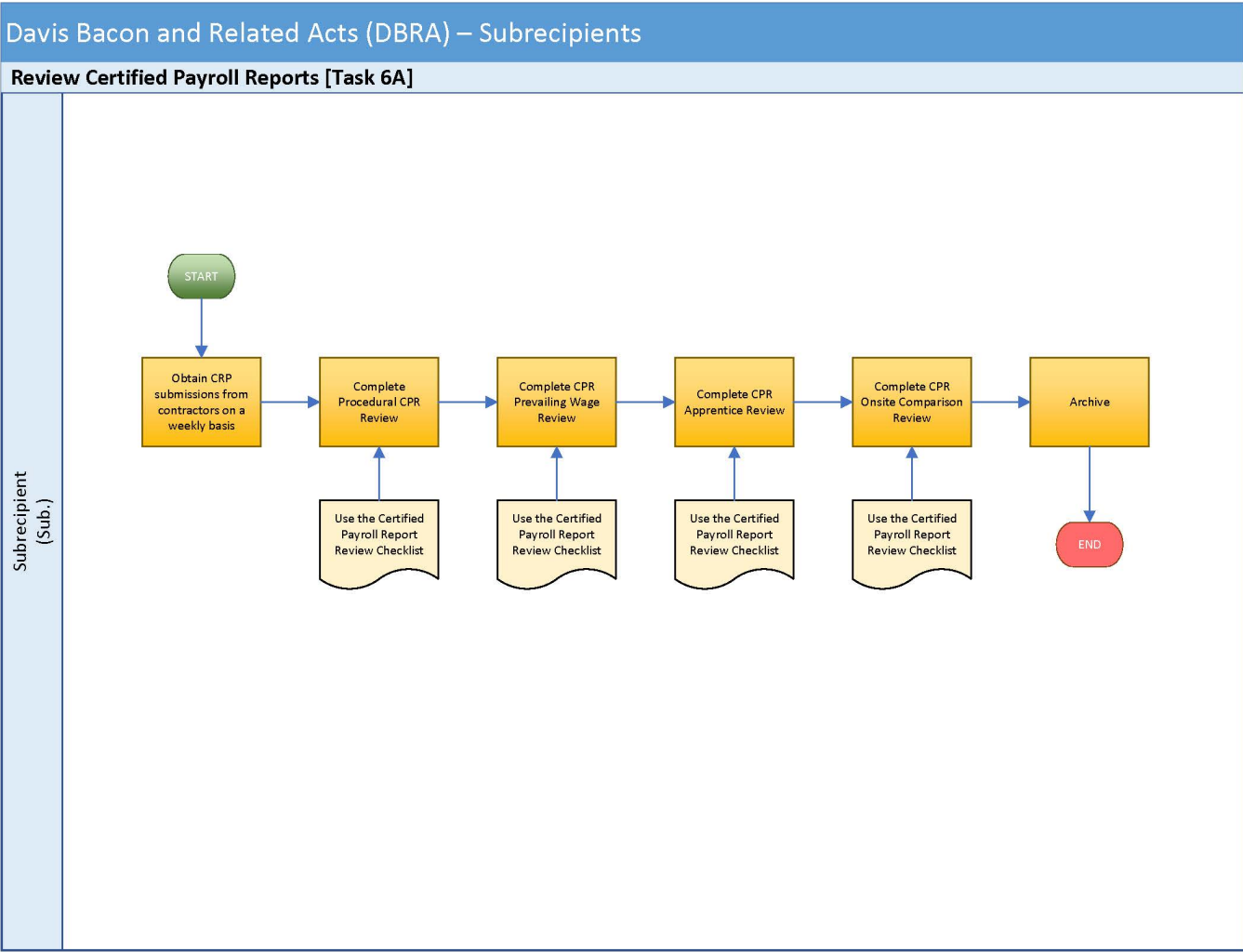


Figure 13: Reviewed Certified Payroll Reports Workflow

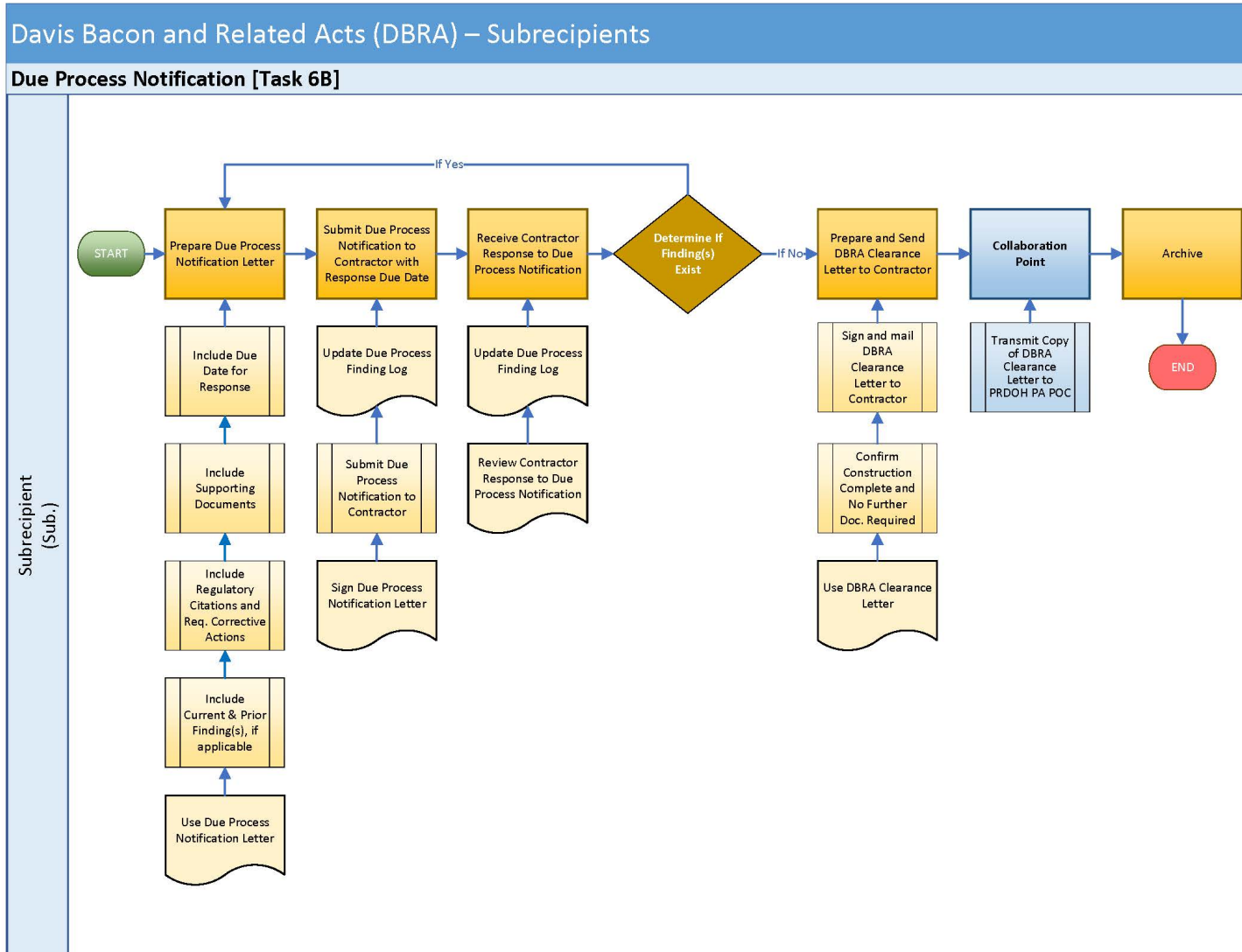


Figure 14: Due Process Notification Workflow

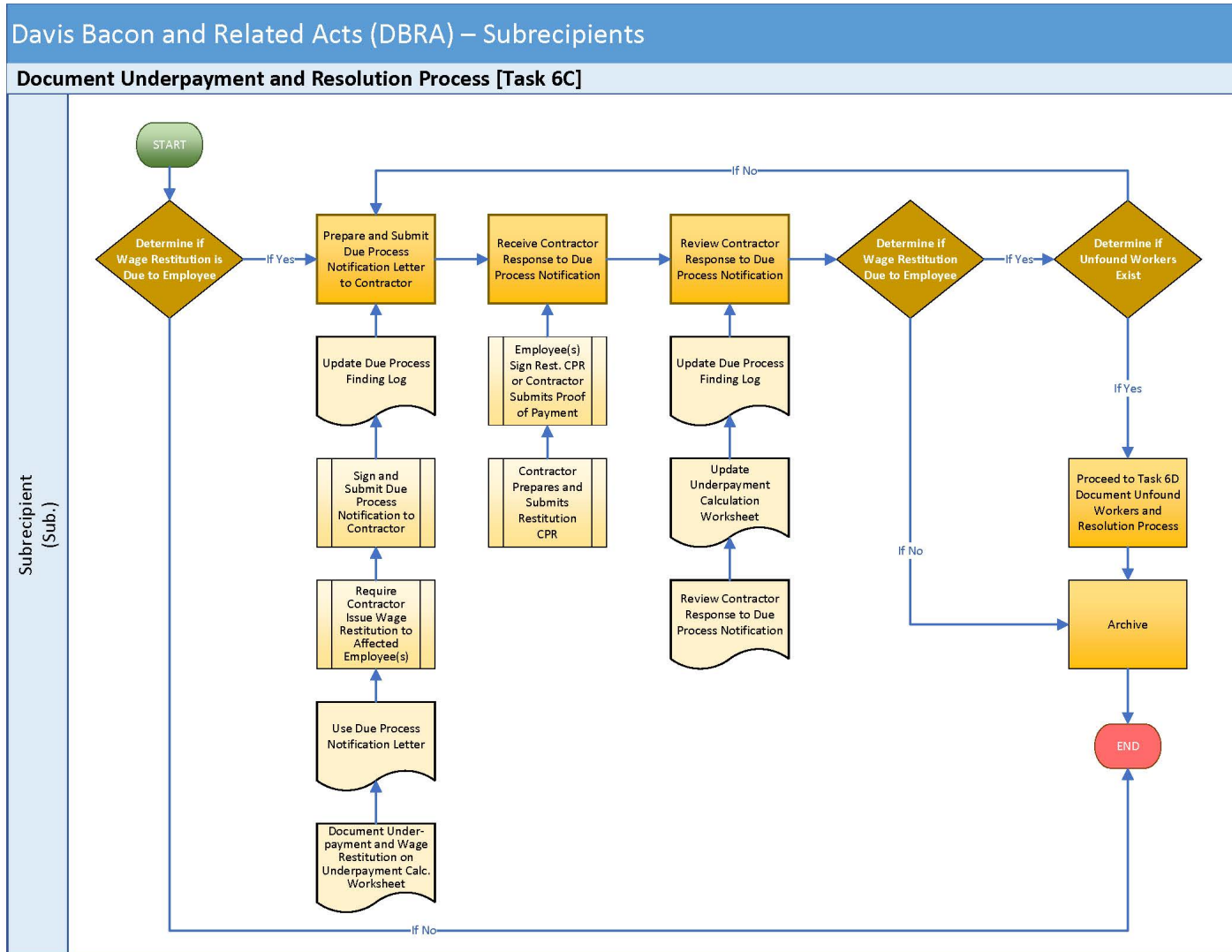


Figure 15: Document Underpayment and Resolution Workflow

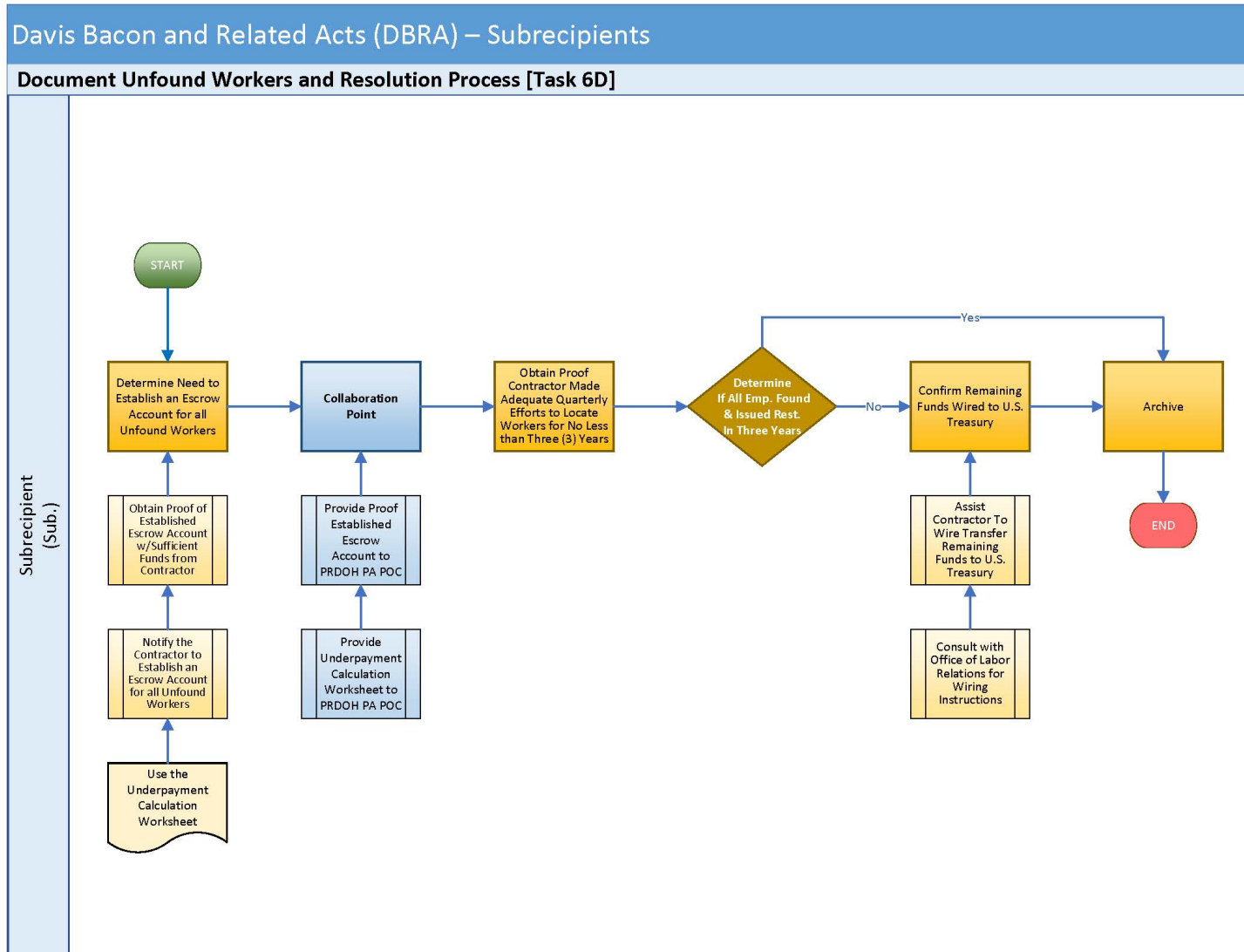


Figure 16: Document Unfound Workers and Resolution Workflow

1. Certified Payroll Reports and Supporting Documents

BEGIN: This process begins after the first week of construction and must be repeated every week until construction is completed, all required documentation is received, reviewed, and determined to be in compliance.

Overview: The review of CPRs and supporting documents is the primary component of the labor compliance review process that ensures construction laborers and mechanics are paid the prevailing wage. The Subrecipient POC responsible for performing CPR reviews should be fully knowledgeable of labor standards requirements and should thoroughly review every CPR for compliance, accuracy and completeness using the **CERTIFIED PAYROLL REPORT REVIEW CHECKLIST**.

- Certified Payroll Reports (CPRs):
 - + Are the primary source of information to determine if a construction laborer or mechanic was paid prevailing wage. Accordingly, CPRs also present the best opportunity to discover potential labor violations such as underpayments, misclassification of workers, underreporting of worker's hours, unauthorized payroll deductions, etc.
 - + Must be accompanied by documents and forms necessary to support the information contained on the CPR, where applicable (e.g., other deductions, apprentice certifications, etc.).
 - + Are completed by the prime contractor, subcontractors, and sub-tier subcontractors.
 - + Must include a consistent seven (7) day work period.
 - + Must begin with the first week the prime contractor, subcontractor or sub-tier subcontractor begins work (CPR No. 1), continue sequentially each week until the last day of work is performed, and be sequentially numbered (CPR "No. x" – Final).
 - + Must be submitted on the **CERTIFIED PAYROLL REPORT (WH-347) FORM** or a similar form that contains, at a minimum, all of the information shown on the **CERTIFIED PAYROLL REPORT (WH-347) FORM**.
 - + Must be accompanied by a Statement of Compliance (SOC) utilizing the **STATEMENT OF COMPLIANCE (SOC) FORM** bearing an original and authorized wet signature. A Payroll Officer of the prime contractor, subcontractor or sub-tier subcontractor may sign the SOC if they are authorized to do so as documented on the **CERTIFICATION OF UNDERSTANDING AND AUTHORIZATION FORM**.
 - + Statements of Non-Performance are required to be submitted for weeks in which no work was performed (in-lieu of CPRs for each week no work

was performed) as documented on the **STATEMENT OF NON-PERFORMANCE (SONP) FORM**.

- Document submission and management:
 - + On at least a weekly basis, the prime contractor must mail original CPRs and supporting documents to the designated Subrecipient POC.
 - + Each submission must include documentation for the prime contractor, subcontractors and sub-tier subcontractors and may include new documents or documents submitted in response to Due Process Notification letters (see the *Due Process Notification* section of this Handbook).
 - + **Never write on any documents received.** Its common, however, to make copies of submitted documents during the review process to mark-up the copy and provide it to the prime contractor POC for DBRA correspondence to illustrate noted deficiencies and include the marked-up copy with the Due Process Notification letters.
 - + All documents, forms, templates, and correspondence received/transmitted should be archived in the DBRA Contractor Files using the **DBRA CONTRACTOR FILE CHECKLISTS**.

- Potential violations discovered due to CPR review:
 - + Common violations are often procedural discrepancies that generally can be resolved through the submission of revised CPRs and/or additional supporting documentation, and include, but are not limited to:
 - Failure to provide all required basic information;
 - Failure to sequentially number CPRs;
 - Failure to report on all calendar days from the first day of the project to the last;
 - Failure to properly document apprentices; and
 - Failure to document miscellaneous other deductions.
 - + Violations of the law occur when an employee, through willful or unintentional acts of the employer, fails to receive the prevailing wage rate to which they are entitled to, pursuant to the construction contract. Such violations, include, but are not limited to:
 - Underpayments (paying less than prevailing wage to one or more workers);
 - Failing to pay hourly fringe benefits to workers;
 - Undocumented other deductions;
 - Unreported workers documented by onsite employee interviews;

- Undocumented apprentices working onsite; and
- Unlawfully substituted subcontractors working onsite.

2. CPR Procedural Review

- 2.1 Use the Certified Payroll Report Review Checklist to complete the following steps.
 - 2.1.1 Review the CPR to ensure it is submitted on the **CERTIFIED PAYROLL REPORT (WH-347) FORM** or similar form that contains, at a minimum, all the information in the **CERTIFIED PAYROLL REPORT (WH-347) FORM**.
 - 2.1.2 Review the CPR for completeness and accuracy.
 - 2.1.3 Ensure each CPR is numbered consecutively, starting with CPR No. 1 for the first week of work, and ending with a CPR labeled “CPR No. x - FINAL” for the last week of work.
 - 2.1.4 Ensure the CPR covers a consecutive, seven (7) day work period.
 - 2.1.5 Ensure each CPR is accompanied by a proper SOC containing all the required information, and that the information (e.g., dates) match the CPR.
 - 2.1.6 Ensure the SOC is signed (wet signature required) by an authorized Payroll Officer listed on the **CERTIFICATION OF UNDERSTANDING AND AUTHORIZATION FORM**.
- 2.2 Repeat Steps 2.1 – 2.7 every week throughout the duration of the project, and after construction ends, until all documents are collected, reviewed, and remedied for the prime contractor, subcontractor, and sub-tier subcontractor.
- 2.3 Archive all documents, forms, templates, and correspondence in the DBRA Contractor Files using the **DBRA CONTRACTOR FILE CHECKLISTS**.

3. CPR Prevailing Wage Review

- 3.1 Use the **CERTIFIED PAYROLL REPORT REVIEW CHECKLIST** to complete the following steps:
 - 3.1.1 Ensure each employees' labor classification is contained in the federal wage decision. If the labor classification is not contained in the federal wage decision, ensure that a **REPORT OF ADDITIONAL CLASSIFICATION AND RATE (HUD 4230A) FORM** has been submitted to the Department of Labor (DOL), and follow up until DOL provides a determination of the appropriate labor classification and rate.
 - 3.1.2 Ensure all employees received the applicable prevailing wage rate.

- 3.1.3 If employees receive fringe benefits that are paid by the employer on behalf of the employee directly to approved plans, trusts and/or funds, ensure all employees' prevailing wage rate is sufficient, inclusive of the rate reported on the CPR and any fringe benefits reported on the **FRINGE BENEFIT STATEMENT FORM**.
- 3.1.4 Ensure overtime rates were correctly calculated and paid.
- 3.1.5 Ensure the calculation for all hours, rates, and deductions for each employee is accurate and that the employee received the proper net wages paid.
- 3.1.6 For payroll deductions including other deductions, use the **CERTIFIED PAYROLL REPORT REVIEW CHECKLIST** to confirm payroll deductions on the CPR are allowable.
- 3.2 Besides those deductions allowed under federal, state, or local law (e.g., taxes), all other deductions must be voluntarily consented to by the employee in writing using the **AUTHORIZATION FOR PAYROLL DEDUCTION FORM** in advance of the deduction being withheld from the employee. The other deduction(s):
- + Cannot be a condition of employment unless otherwise covered by in a Collective Bargaining Agreement; and
 - + Must serve the convenience and interest of the employee.
- 3.3 Owner Operators: Persons who perform the work of laborers or mechanics and who represent themselves to be owners of businesses, sole proprietors, or self-employed are generally not exempt from prevailing wage requirements. Use the **CERTIFIED PAYROLL REPORT REVIEW CHECKLIST** to ensure compliance for:
- + Owners of businesses working with their crew; and
 - + Owners of businesses working without their crew.
- 3.4 Repeat steps **3.2** through **3.3** each week throughout the duration of the project, and after construction ends, until all documents are collected, reviewed, and remedied for the prime contractor, subcontractor, and sub-tier subcontractor.
- 3.5 Archive all documents, forms, templates, and correspondence in the DBRA Contractor Files using the **DBRA CONTRACTOR FILE CHECKLISTS**.

4. CPR Apprentice Review

- 4.1 The subtasks listed below must only be performed if apprentice(s) are reported on one or more CPRs.

- 4.2 Use the **CERTIFIED PAYROLL REPORT REVIEW CHECKLIST** to complete the following steps:
- 4.2.1 Ensure each apprentice is paid the proper prevailing wage rate for their apprentice period or level.
 - 4.2.2 Ensure each apprentice is a certified apprentice registered in a bona fide apprentice training program. Bona fide programs are those that have been registered with the DOL Bureau of Apprenticeship and Training (BAT).
 - 4.2.3 Ensure each apprentice is supervised as required under the bona fide apprentice training program, and that the contractor is complying with the journeymen to apprentice ratio as stipulated by the Collective Bargaining Agreement or Apprentice Training Program. Compliance with the ratio shall be met on a per-day basis, unless otherwise specified in a Collective Bargaining Agreement.
- 4.3 Repeat step **4.2** every week throughout the duration of the project, and after construction ends, until all documents are collected, reviewed, and remedied for the prime contractor, subcontractor, or sub-tier subcontractor.
- 4.4 Archive all documents, forms, templates, and correspondence in the DBRA Contractor Files using the **DBRA CONTRACTOR FILE CHECKLISTS**.

5. CPR Onsite Comparison Review

- 5.1 Use the **CERTIFIED PAYROLL REPORT REVIEW CHECKLIST** to complete the following subtasks.
- 5.1.1 Compare CPRs to Onsite Visit records (see the *Onsite Visits, Employee Interviews, and Questionnaires* Procedure of this Handbook) and note any discrepancies. Documents that should be reviewed include:
 - + Onsite observations;
 - + **HUD-11 EN OR HUD-11-SP EMPLOYEE INTERVIEW FORM;**
 - + **FEDERAL LABOR STANDARDS HUD-4730 QUESTIONNAIRE;**
 - + **FEDERAL LABOR STANDARDS COMPLAINT INTAKE (HUD-4731) FORM; and**
 - + Daily logs kept by the prime contractor, subcontractor, or sub-tier subcontractor
- 5.2 Repeat step **5.1** each week throughout the duration of the project, and after construction ends, until all documents are collected, reviewed, and remedied for the prime contractor, subcontractor, and sub-tier subcontractor.

- 5.3 Archive all documents, forms, templates, and correspondence in the DBRA Contractor Files using the **DBRA CONTRACTOR FILE CHECKLISTS**.

END: This process ends when all required documents are collected, reviewed, and remedied for the prime contractor, subcontractor and each sub-tier subcontractor, and all documents on the DBRA Contractor File Checklist have been prepared, received, reviewed for accuracy and completeness, approved, and archived in the DBRA Contractor Files.

6. Due Process Notification

BEGIN: This process begins when weekly submissions of CPRs and supporting documentation by the applicable prime contractor, subcontractor and sub-tier subcontractor are received and reviewed, and repeated at least every month until construction is completed, and all required documentation is received and reviewed.

- 6.1. In the event that procedural discrepancies or violations of law are identified in CPRs and supporting documents, the Subrecipient POC must provide a Due Process Notification Letter to the applicable contractor so the applicable contractor has the opportunity to resolve the matter.
- 6.2. Complete Due Process Notification Letters using the **DUE PROCESS NOTIFICATION LETTER TEMPLATE**.
- 6.3. Each Due Process Notification Letter should be addressed to the applicable contractor and include:
 - + The specific finding(s) and the required corrective action(s) necessary to resolve the finding(s);
 - + All prior issued finding(s) and corrective action(s) that remain unresolved so that the current Due Process Notification Letter always contains every finding issued throughout the duration of the project.
 - + A deadline for the applicable contractor to provide a formal written response, inclusive of any necessary supporting documentation equal to two (2) weeks from the date of the Due Process Notification Letter.
- 6.4. The applicable contractor's response:
 - + Should directly respond to the required corrective action(s) that accompanies each finding.
 - + May take the form of an appeal from the applicable contractor disputing the finding and/or corrective action; however, appeals should

be accompanied by documentation that clarifies or otherwise absolves the applicable contractor of the finding.

- 6.5. Archive all documents, forms, templates, and correspondence in the applicable DBRA Contractor File using the **DBRA CONTRACTOR FILE CHECKLIST**.

7. Prepare Due Process Notification Letter

- 7.1. Upon review of submitted CPRs and supporting documentation (*see the CPR Procedural Review section of this Handbook*), prepare the Due Process Notification Letter using the **DUE PROCESS NOTIFICATION LETTER TEMPLATE**.
- 7.2. If a Due Process Notification Letter has already been issued to the applicable contractor, all subsequent Due Process Notification Letters should be updated so the newly issued Due Process Notification Letter replaces the previously issued Due Process Notification Letter. This prevents the need to refer to more than one Due Process Notification Letter as some, but not all, findings on previously issued Due Process Notification Letters are cleared.
- 7.3. For each new finding:
 - + Note the violation or discrepancy, the regulatory requirement, and the required corrective action.
 - + Provide supporting documentation for each finding (e.g., a copy of the CPR with the errors highlighted, forms that must be submitted, or examples of requested documentation).
 - + Update the **DUE PROCESS FINDING LOG** to track and archive all findings issued to each applicable prime contractor, subcontractor, and sub-tier subcontractor throughout the duration of the project.
- 7.4. For existing findings issued in a previous Due Process Notification Letter:
 - + If the corrective action was adequately addressed, remove the finding in its entirety from the new Due Process Notification Letter and update the finding status on the **DUE PROCESS FINDING LOG**.
 - + If a new submission was received since the last Due Process Notification Letter was sent and contains the same issues identified in the prior Due Process Notification Letter but for new CPRs, for example, update the finding to indicate the prior finding is now also applicable to the newly submitted CPRs.
 - + If the corrective action was not adequately addressed, update the previous finding and:

- + Describe the deficiency(ies) of the new submission.
 - + Describe the additional corrective actions necessary to resolve the finding, as necessary.
 - + Provide supporting documentation to aid in the resolution of the finding.
- 7.5. Address the Due Process Notification Letter to the applicable contractor and provide a deadline of two (2) weeks from the date of the Due Process Notification Letter.
- 7.6. Make a copy of the Due Process Notification Letter and supporting documentation and archive in the applicable contractor's DBRA Contractor File using the **DBRA CONTRACTOR FILE CHECKLIST**.
- 7.7. Sign and submit the Due Process Notification Letter and supporting documentation to the applicable contractor.
- 7.8. Repeat steps **7.1** through **7.7** until all findings are resolved.
- 7.9. Archive all documents, forms, templates, and correspondence in the applicable DBRA Contractor File using the **DBRA CONTRACTOR FILE CHECKLIST**.

8. DBRA Clearance Letter

- 8.1. Prepare the **DBRA CLEARANCE LETTER** using the **DBRA CLEARANCE LETTER TEMPLATE** and address it to the applicable contractor. The purpose of the DBRA Clearance Letter is to:
- + Notify the applicable contractor that all final CPRs and supporting documentation have been received, reviewed, and determined to be compliant and no further documentation must be submitted.
 - + Notify the applicable contractor and the PRDOH Programmatic Area POC that all findings contained in final Due Process Notification Letter have been resolved.
 - + Allow retention funds being held due to outstanding findings to be released to the applicable contractor, if applicable.
- 8.2. Make a copy of the **DBRA CLEARANCE LETTER** and archive in the applicable DBRA Contractor File.
- 8.3. Sign and mail the **DBRA CLEARANCE LETTER** to the applicable contractor.
- 8.4. **Collaboration Point:** Send a copy of the **DBRA CLEARANCE LETTER** to the PRDOH Programmatic Area POC for their records.

- 8.5. Archive all documents, forms, templates, and correspondence in the applicable DBRA Contractor File using the **DBRA CONTRACTOR FILE CHECKLIST**.

END: This process ends when the DBRA Clearance Letter is sent to the applicable contractor and PRDOH Programmatic Area POC, and all documents on the DBRA Contractor Checklist have been prepared, received, reviewed for accuracy and completeness, approved, and archived in the DBRA Contractor File.

9. Document and Remedy Underpayments

BEGIN: This process begins only if an employee working on the jobsite is discovered to have been underpaid during the CPR review process.

- 9.1. Underpayments of prevailing wages revealed during the CPR review process (see *the Certified Payroll Reports section of this Handbook*) must result in the payment of wage restitution to the affected employee(s).
- 9.2. If wage restitution is due to an employee, sign and submit a Due Process Notification Letter to the applicable contractor and describe the required corrective action(s) and amount of time the applicable contractor has to correct the underpayment. (see *the Due Process Notification section of this Handbook*).
- 9.3. Wage restitution must be documented through the submission of a Restitution CPR containing all of the information contained in an ordinary CPR to report the total hours underpaid and the adjusted hourly rate (the difference between the prevailing wage rate and the rate paid), less authorized and permissible deductions.
- 9.4. Wage restitution checks should be a separate payment. Proof of payment to the employee should be documented in one (1) of two (2) forms:
- + Each affected employee's wet signature next to their entry on the Restitution CPR; or
 - + Submission of copies of the front and back of each cancelled restitution check.
- 9.5. Upon receipt of the Restitution CPR, confirm the Restitution CPR contains the following for each employee owed wage restitution:
- + Affected contractor information;
 - + Applicable project information;
 - + Affected work period for which restitution is due (e.g. CPR No. 1 through No. 5);

- + Affected employee's information and work classification;
- + The total hours of work subject to wage restitution;
- + The adjusted hourly rate (the difference between the prevailing wage rate and the wage rate paid);
- + The gross amount of wage restitution due;
- + Authorized or permissible deductions, and net wage payment and
- + A signed SOC bearing an original wet signature by an authorized Payroll Officer.

9.6. Ensure the affected employees sign the Restitution CPR next to their entry or that copies of signed canceled restitution checks were submitted to serve as evidence of payment (see *Subtask 9.4*).

9.7. Using the **UNDERPAYMENT CALCULATION WORKSHEET**:

- + Compare the Restitution CPR to the CPRs that reported underpayments and determine if adequate wage restitution payments were made to each affected employee.
- + If the prime contractor, subcontractor, or sub-tier subcontractor that attempted to issue wage restitution payments was unable to locate an employee, proceed to the *Document Unfound Workers and Resolution Process* section of this Handbook.
- + If underpayments still exist, supporting documents (e.g., canceled restitution checks) were not provided, or procedural discrepancy(ies) exist (see the *CPR Procedural Review* section of this Handbook), update/issue a finding in the next Due Process Notification Letter (see the *Due Process Notification* section of this Handbook).

9.8. Archive all documents, forms, templates, and correspondence in the DBRA Contractor Files using the **DBRA CONTRACTOR FILE CHECKLISTS**.

END: This process ends when all locatable underpaid employees have received wage restitution payments and all required documents on the DBRA Contractor File Checklist have been prepared, received, reviewed for accuracy and completeness, approved, and archived in the DBRA Contractor Files.

10. Document Unfound Workers and Resolution Process

BEGIN: This process begins only if an employee working on the jobsite is discovered to have been underpaid and attempts to locate and pay the employee wage restitution were unsuccessful.

Unfound workers are those employees owed wage restitution and cannot be paid because they cannot be located by their employer, the prime contractor, or the Subrecipient.

10.1. In these cases, the prime contractor is required to:

- + Establish an escrow account at the end of the project to include an amount equal to the total gross amount of wage restitution that could not be paid to the unfound worker(s).
- + Make attempts to locate the unfound workers for a period of no less than three (3) years after the completion of the project.

10.2. The Subrecipient POC is required to:

- + Receive proof of the establishment of the escrow account and ensure the funds are sufficient to cover the wage restitution owed.
- + Ensure the prime contractor makes quarterly efforts to locate the unfound workers for a period of not less than three (3) years from the conclusion of the project.
- + Collect all documentation related to the prime contractor's efforts to locate the unfound worker(s).
- + When the unfound worker is found, ensure wage restitution is paid (*see the Document and Remedy Underpayments section of this Handbook*).

10.3. **Collaboration Point:** Send a copy of the **UNDERPAYMENT CALCULATION WORKSHEET** and proof of the establishment of the escrow account to the PRDOH Programmatic Area POC for their records.

10.4. If efforts to locate and pay the workers are unsuccessful after three (3) years from the conclusion of the project, which is defined as the last day of construction on the DBRA-cover project, the Subrecipient POC:

- + Must assist the prime contractor with completing a wire-transfer of the remaining escrow funds to the U.S. Treasury.
- + Must consult with the local HUD Office of Labor Relations for the current procedures required to facilitate the wire transfer of funds.

10.5. Archive all documents, forms, templates, and correspondence in the DBRA Contractor Files using the **DBRA CONTRACTOR FILE CHECKLISTS**.

END: This process ends when all underpaid workers received wage restitution payments, or three (3) years elapse and funds are sent to U.S. Treasury, whichever comes first; and all required documents on the DBRA Contractor File Checklist have been prepared,

received, reviewed for accuracy and completeness, approved, and archived in the DBRA Contractor Files.

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

G. HUD-4710 AND SECTION 5.7 ENFORCEMENT REPORTS

The following is a list of the Forms, and Workflows referenced to complete the **SEMI-ANNUAL LABOR STANDARDS ENFORCEMENT (HUD-4710) REPORT** and the **SECTION 5.7 ENFORCEMENT REPORT** procedure. Personnel implementing this Handbook should refer to the Forms, and Workflows for additional guidance.

Table 7: Forms Related to the HUD-4710 and Section 5.7 Enforcement Reporting procedure

Form Name	Purpose
SEMI-ANNUAL LABOR STANDARDS ENFORCEMENT (HUD-4710) REPORT	Used to report awarded contracts, employee underpayments and complaints to HUD (via PRDOH) on a semi-annual basis.
MASTER DBRA PROJECT TRACKER	Used to track and monitor PRDOH CDBG-DR funded DBRA covered-projects.
WAGE DECISION LOCK-IN MEMORANDUM	Form used to track and log the applicable wage decision throughout the procurement process.
SEMI-ANNUAL LABOR STANDARDS ENFORCEMENT (HUD-4710) REPORT WORKSHEET	Supplemental document to the Semi-Annual Labor Standards Enforcement (HUD-4710) Report.
SECTION 5.7 ENFORCEMENT REPORT	Used to report contractor's willful employee underpayment(s) of \$1,000 or more to HUD (via PRDOH).
DBRA REPORTING FILE CHECKLIST	Checklist used to organize and assemble completed HUD DBRA reports.
SECTION 5.7 ENFORCEMENT REPORT WORKSHEET	Supplemental document to the Section 5.7 Enforcement Report.
SEMI-ANNUAL LABOR STANDARDS ENFORCEMENT (HUD-4710) REPORT AND SECTION 5.7 ENFORCEMENT REPORT TRANSMITTAL LETTER TEMPLATE	Letter used when transmitting the completed Semi-Annual Labor Standards Enforcement (HUD-4710) Report and Section 5.7 Enforcement Report to PRDOH.

The following workflow outlines the internal steps and Collaboration Points necessary to complete the **HUD-4710 and Section 5.7 Enforcement Reports** procedure. Submission method will depend on the specific program's instruction and the procurement instructions provided as part of each individual Invitation for Bids package.

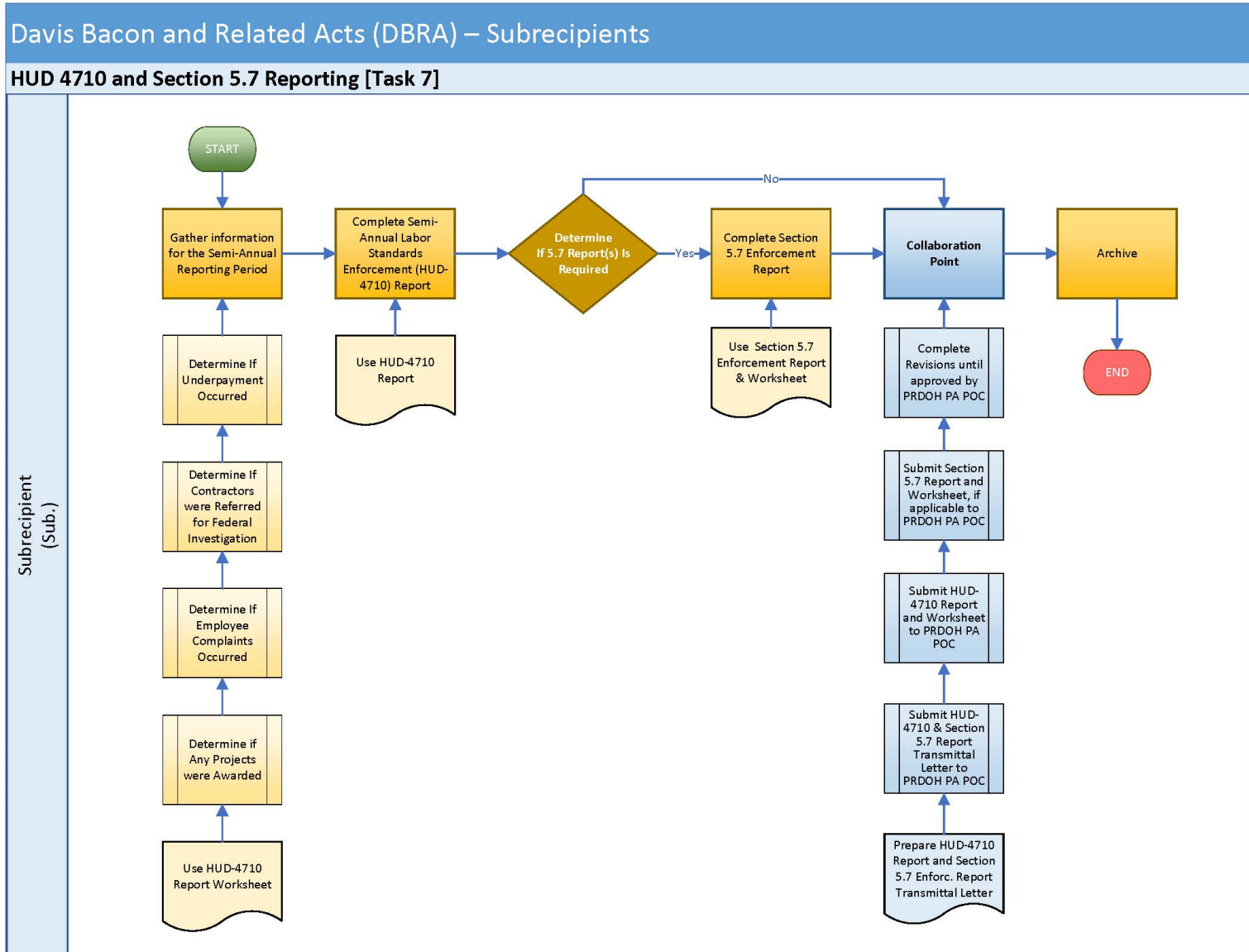


Figure 17: HUD-4710 and Section 5.7 Reporting Workflow

BEGIN: This process begins two (2) weeks prior to April 1st and October 1st of each year until grant closeout.

1. HUD-4710 Report Overview

Overview: Every six (6) months, the Subrecipient is required to submit a **SEMI-ANNUAL LABOR STANDARDS ENFORCEMENT (HUD-4710) REPORT** to the PRDOH Programmatic Area POC detailing all contracting activity subject to the requirements of DBRA and CWHSSA during the reporting period.

- The Semi-Annual Labor Standards Enforcement (HUD-4710) Report contains three (3) components across two pages:
 - + Title Block: Report general information about the Subrecipient and the reporting period.
 - + Part I – Contracting Activity: Report all DBRA-covered contracts awarded during the reporting period.
 - + Part II – Enforcement Activity: Report all labor standards violations for all active DBRA-covered projects awarded during the reporting period, regardless of when the awarded contract for the DBRA covered project was awarded.
 - The Title Block contains the following and must be completed separately on both pages:
 - + Agency Name: [insert Subrecipient name as reported on the Subrecipient Agreement]
 - + Agency Type: CDBG-DR
 - + State: Puerto Rico
 - + Period: Select Period (October 1 to March 31 or April 1 to September 30) and enter the calendar year (e.g., 2020).
 - + Agency Contact Person: [insert name and title]
 - + Agency Contact Phone/Email: [insert]
- 1.1 Part I – Contracting Activity. Using the **MASTER DBRA PROJECT TRACKER**, complete the following:
- 1.1.1 Enter the total number of awarded contracts subject to DBRA during the six (6) month period selected (never report an awarded contract twice on the same report or contracts included in previous Semi-Annual Reports, even if the awarded contract is still active during the reporting period and/or has enforcement activity to report in Part II).
 - 1.1.2 Enter the total dollar amount of awarded contracts (add the total dollar amount of all awarded contracts).

1.1.3 List each awarded contract, reported, including:

- + Project Name/Number: Enter the Subrecipient's unique identifier (e.g., contract number).
- + Contract Amount: Enter the awarded contract amount for each contract awarded during the reporting period.
- + Wage Decision Number: Enter the Wage Decision Number from the **WAGE DECISION LOCK-IN MEMORANDUM**.
- + Wage Decision Lock-In Date: Enter the Wage Decision Lock-In Date from the **WAGE DECISION LOCK-IN MEMORANDUM**.

1.2 Part II – Enforcement Activity. Using the **SEMI-ANNUAL LABOR STANDARDS ENFORCEMENT (HUD-4710) REPORT WORKSHEET**, complete the following:

1.2.1 Report the number of employers (including the prime contractor, subcontractors, sub-tier subcontractors, etc.) against whom complaints were received. Only include complaints lodged by employees, third parties, etc., not underpayments discovered through routine labor standards reviews.

- + Enter the number of complaints
- + Enter the contractor's name
- + Enter the Project Name/Number (e.g., contract number)

1.3 Report the number of contractors referred for federal investigations or hearings as evidenced by an accompanying **SECTION 5.7 ENFORCEMENT REPORT**:

- + (a) Number of contractors referred to the HUD Office of Davis-Bacon and Labor Standards (DBLS) for investigation or §5.11 hearing.²
- + (b) Number of contractors referred to the Department of Labor (DOL) for investigation or §5.11 hearing.
- + In the table, enter the Employer's Name, Project Name/Number, whether the employer was reported to HUD or DOL, and whether the employer was reported for an investigation or hearing.

1.3.1 Report the following only once for all active DBRA-covered projects:

- + (a) Number of workers for whom wage restitution was collected/disbursed.

² 29 C.F.R. § 5.11(b)(2)(3)

- + (b) Total amount of straight time wage restitution collected/disbursed during this period.
- + (c) Total amount of CWHHSA overtime wage restitution collected/disbursed during this period.
- + (d) Total amount of liquidated damages collected.

1.4 Archive all documents, forms, templates, and correspondence in the DBRA Reporting File using the **DBRA REPORTING FILE CHECKLIST**.

2. Complete Section 5.7 Enforcement Report (if applicable)

2.1 When underpayments by the prime contractor, subcontractor, or sub-tier subcontractor total \$1,000 or more, or when there is reason to believe that the violations are aggravated or willful, a **SECTION 5.7 ENFORCEMENT REPORT** must be prepared and sent to the PRDOH Programmatic Area POC along with the **SEMI-ANNUAL LABOR STANDARDS ENFORCEMENT (HUD-4710) REPORT**.

- + The **SECTION 5.7 ENFORCEMENT REPORT** should only be submitted when it is determined that a contractor has, during the reporting period, reached the threshold for reporting for the first time.
- + A separate **SECTION 5.7 ENFORCEMENT REPORT** must be completed for each prime contractor, subcontractor or sub-tier subcontractor that reached the threshold for reporting.
- + A willful underpayment, at the discretion of the Subrecipient, includes instances where an employee was purposely underpaid by the contractor or provides evidence that they were required to return paid wages to the contractor (e.g., kickbacks).

2.2 The **SECTION 5.7 ENFORCEMENT REPORT** contains three (3) components:

- + Part I. Coverage: contains basic information about the project and affected prime contractor and subcontractor or sub-tier subcontractor, if applicable.
- + Part II. Violations: summarizes the contractor's violations, including the total amount of wage restitution paid and the number of affected employees.
- + Part III. Disposition: Use this part to provide any additional information, including the cooperation of the contractor, the status of underpayments, unpaid workers, etc.

2.3 Part I. Coverage

- + All this information is self-explanatory and should mirror the same information reported on the **SEMI-ANNUAL LABOR STANDARDS ENFORCEMENT (HUD-4710) REPORT**.
- + Always report the prime contractor, even if a subcontractor or sub-tier subcontractor is the contractor for which violations are being reported. If the report is for violations made by the prime contractor, leave the subcontractor or sub-tier subcontractor section blank.

2.4 Part II. Violations. Using the **SECTION 5.7 ENFORCEMENT REPORT WORKSHEET**:

- + For each item in Part II, complete the **SECTION 5.7 ENFORCEMENT REPORT WORKSHEET**.
- + Enter the total amount of wage restitution paid, and the number of employees that received wage restitution.
- + Indicate whether the violations were willful.
- + Indicate whether CWHSSA liquidated damages were computed (\$27 for each calendar day in the workweek as of January 23, 2019).
- + Indicate whether administrative sanctions are recommended.
- + Describe how the underpayments were discovered (e.g., CPR review or employee interviews).
- + Describe the types of violations (e.g., worker was paid less than prevailing wage, kickbacks, other deductions, etc.).

2.5 Part III. Provide any additional information, including the cooperation of the contractor, the status of underpayments, unpaid workers, etc.

2.6 Archive all documents, forms, templates, and correspondence in the DBRA Reporting File.

3. Submit HUD-4710 and Section 5.7 Enforcement Reports

3.1 Assemble Reporting Package: When the **SEMI-ANNUAL LABOR STANDARDS ENFORCEMENT (HUD-4710) REPORT** and **SECTION 5.7 ENFORCEMENT REPORT** (if applicable) are completed, prepare the **SEMI-ANNUAL LABOR STANDARDS ENFORCEMENT (HUD-4710) REPORT AND SECTION 5.7 ENFORCEMENT REPORT TRANSMITTAL LETTER TEMPLATE**, and package the following docs:

- + **SEMI-ANNUAL LABOR STANDARDS ENFORCEMENT (HUD-4710) REPORT AND SECTION 5.7 ENFORCEMENT REPORT TRANSMITTAL LETTER TEMPLATE**
- + **SEMI-ANNUAL LABOR STANDARDS ENFORCEMENT (HUD-4710) REPORT** and **SEMI-ANNUAL LABOR STANDARDS ENFORCEMENT (HUD-4710) REPORT WORKSHEET**

+ **SECTION 5.7 ENFORCEMENT REPORT** and **SECTION 5.7 ENFORCEMENT REPORT WORKSHEET**, if applicable

- 3.2 **Collaboration Point:** Submit the Reporting Package to the PRDOH Programmatic Area POC for their review and approval.
- 3.3 Complete revisions, as necessary, until approved.
- 3.4 Archive all documents, forms, templates, and correspondence in the DBRA Reporting File using the **DBRA REPORTING FILE CHECKLIST**.

END: This process ends when the Semi-Annual Labor Standards Enforcement (HUD-4710) Report and Section 5.7 Enforcement Report(s) (if applicable), are transmitted to the PRDOH Programmatic Area POC and all required documents on the DBRA Reporting File Checklist have been prepared, received, reviewed for accuracy and completeness, approved and archived in the DBRA Reporting File.

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

H. PROJECT CLOSEOUT AND RECORDS RETENTION

The following is a list of the Forms, and Workflows referenced to complete the **Project Closeout and Records Retention** procedure. Personnel implementing this Handbook should refer to the Forms, and Workflows for additional guidance.

Table 8: Forms Related to the Project Closeout and Records Retention Procedure

Form Name	Purpose
DUE PROCESS NOTIFICATION LETTER TEMPLATE	Letter to the contractor describing deficiencies identified during CPR review and accompanying corrective actions.
DBRA CLEARANCE LETTER TEMPLATE	Letter used to confirm that construction is complete and findings on Due Process Notifications are cleared.
SEMI-ANNUAL LABOR STANDARDS ENFORCEMENT (HUD-4710) REPORT WORKSHEET	Supplemental document to the Semi-Annual Labor Standards Enforcement (HUD-4710) Report.
SECTION 5.7 ENFORCEMENT REPORT	Used to report contractor's willful employee underpayment(s) of \$1,000 or more to HUD (via PRDOH).
DBRA ADMINISTRATION FILE CHECKLIST	Checklist used to organize and assemble a complete DBRA Administration File.
DBRA CONTRACTOR FILE CHECKLISTS	Checklist used to organize and assemble complete DBRA Contractor Files.
DBRA REPORTING FILE CHECKLIST	Checklist used to organize and assemble completed HUD DBRA reports.
HUD-4741 AGENCY ON-SITE MONITORING REVIEW GUIDE	Review Guide used by HUD when monitoring a DBRA-covered project.
HUD-4743 MONITORING REVIEW GUIDE (STATE CDBG)	Review Guide used by HUD when monitoring a DBRA-covered project.
REQUEST FOR PRDOH PROJECT FILE REVIEW FORM	Form used by the Subrecipient to notify the PRDOH Programmatic Area POC of their request to monitor their DBRA-covered project.
PROJECT FILE REVIEW MONITORING LETTER TEMPLATE	Letter used by PRDOH Programmatic Area POC to inform the Subrecipient of any outstanding labor standards violations.
PROJECT FILE REVIEW CLEARANCE LETTER TEMPLATE	Letter used by PRDOH Programmatic Area POC to inform the Subrecipient that all labor standards violations have been cleared.

**DBRA CLOSEOUT MEMO/RECORD RETENTION
LETTER TEMPLATE**

Letter used by the Subrecipient to send to the PRDOH Programmatic Area POC to acknowledge receipt of the Project File Review Clearance Letter, certify to their compliance of retaining their records and request release of final/retention payment.

The following workflows outline the internal steps and Collaboration Points necessary to complete the **Project Closeout and Records Retention** procedure. Submission method will depend on the specific program's instruction and the procurement instructions provided as part of each individual Invitation for Bids package.

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

Davis Bacon and Related Acts (DBRA) – Subrecipients

Project Closeout and Records Retention [Task 8]

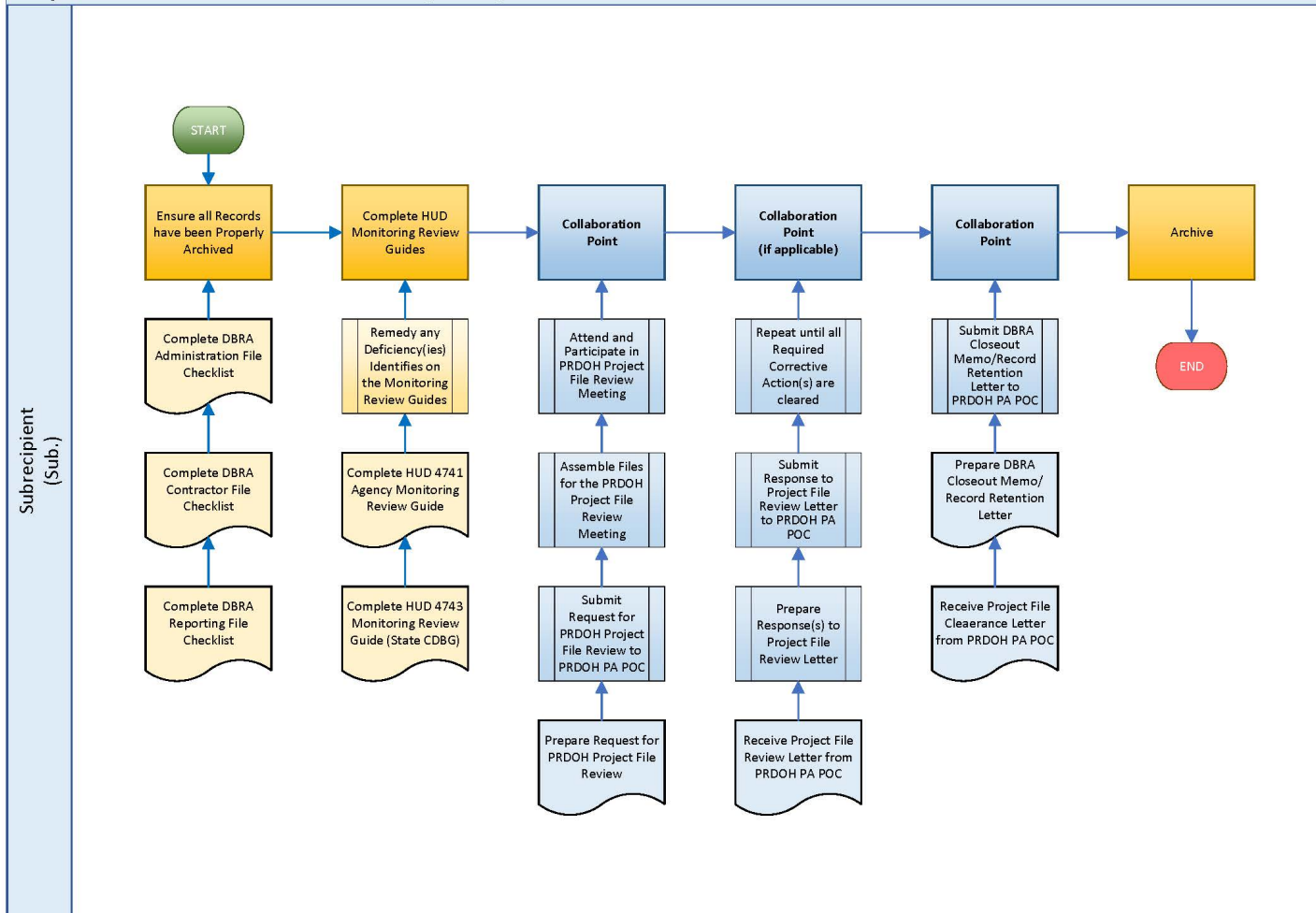


Figure 18: Project Closeout and Records Retention Workflow

BEGIN: This process begins when a DBRA-covered project is complete, but prior to the release of retention.

1. Determine Readiness for Closeout

- 1.1 Adequate records retention is key to demonstrating compliance with DBRA requirements. When construction is complete, but prior to releasing final payment and retention to the prime contractor, confirm that:
 - + All required and necessary files and records are archived.
 - + All findings issued in **DUE PROCESS NOTIFICATION LETTERS** (see the *Certified Payroll Reports* section of this Handbook) are cleared or resolved and a **DBRA CLEARANCE LETTER** has been issued to the applicable contractor.
 - + All **SEMI-ANNUAL LABOR STANDARDS ENFORCEMENT (HUD-4710) REPORTS** and **SECTION 5.7 ENFORCEMENT REPORTS** are completed and submitted to the PRDOH Programmatic Area POC (see the *HUD-4710 and Section 5.7 Enforcement Reporting* section of this Handbook).
 - + All hearings and investigations by the HUD Office of Labor Relations and the DOL are completed, if applicable.
- 1.2 Records retention. Follow the record retention requirements as specified in the Subrecipient Agreement with PRDOH. Review records to ensure all files listed on the following checklists are properly archived and stored:
 - + **DBRA ADMINISTRATION FILE CHECKLIST**
 - + **DBRA CONTRACTOR FILE CHECKLISTS**
 - + **DBRA REPORTING FILE CHECKLIST**
- 1.3 DBRA Clearance Letter. Ensure a **DBRA CLEARANCE LETTER** has been issued and is archived. If unfound workers exist, ensure an escrow account has been established (see the *Certified Payroll Reports* section of this Handbook).
- 1.4 HUD-4710 and Section 5.7 Enforcement Reports. Ensure that all **SEMI-ANNUAL LABOR STANDARDS ENFORCEMENT (HUD-4710) REPORTS** and **SECTION 5.7 ENFORCEMENT REPORTS** applicable to the DBRA-covered project have been submitted to the PRDOH Programmatic Area POC or will be submitted to the PRDOH Programmatic Area POC during the next reporting deadline.
- 1.5 Hearings and Investigations. Ensure all hearings and investigations by the HUD Office of Labor Relations and the DOL are completed, if applicable.
- 1.6 Archive all documents, forms, templates, and correspondence in the respective file using the respective checklist (see step **1.2**).

2. HUD-4741 and HUD-4743 Review Guide Checklist

Overview: The **HUD-4741 AGENCY ON-SITE MONITORING REVIEW GUIDE** and **HUD-4743 MONITORING REVIEW GUIDE (STATE CDBG)** are used by the HUD Office of Labor Relations to monitor Grantees and their Subrecipients for compliance with DBRA requirements. These checklists are great tools for Subrecipients to ensure records for each DBRA-covered project are adequate and compliant in the event that the project is monitored by HUD.

- 2.1 Prior to project closeout, complete the following checklists to ensure all files and records are properly archived and stored:
 - + **HUD-4741 AGENCY ON-SITE MONITORING REVIEW GUIDE**
 - + **HUD-4743 MONITORING REVIEW GUIDE (STATE CDBG)**
- 2.2 For each question answered in the negative column (indicating a deficiency), remedy the deficiency, and ensure all records are archived.

3. PRDOH Project File Review Meeting

- 3.1 **Collaboration Point:** When all files and records are properly archived and no outstanding issues remain, prepare, and submit to the PRDOH Programmatic Area POC the **REQUEST FOR PRDOH PROJECT FILE REVIEW FORM**. The purpose of this form is to notify the PRDOH Programmatic Area POC that all files have been received, reviewed, and archived and are ready to be reviewed for project close-out.
- 3.2 Prior to the PRDOH Project File Review Meeting, assemble all files and records for the DBRA-covered project to be provided to the PRDOH Programmatic Area POC for review.
- 3.3 Attend and actively participate in the PRDOH Project File Review Meeting. The purpose of this meeting is to allow the PRDOH Programmatic Area POC the opportunity to review the DBRA-covered project's files and records to ensure overall compliance with the DBRA requirements and Subrecipient Agreement. Answer any questions the PRDOH Programmatic Area POC may have regarding the DBRA-covered project. The PRDOH Programmatic Area POC will provide a summary of the results of the PRDOH Project File Review Meeting, including if any labor standards violations were identified, using the **PROJECT FILE REVIEW MONITORING LETTER**.
- 3.4 **Collaboration Point:** After receiving the PRDOH Programmatic Area POC's **PROJECT FILE REVIEW MONITORING LETTER** containing the results of the PRDOH Project File Review Meeting, prepare and submit responses to the required corrective actions, if any, in order to clear the reported labor standards violations.

- 3.5 Complete revisions, as necessary, until it has been approved by the PRDOH Programmatic Area POC's and the **PROJECT FILE REVIEW CLEARANCE LETTER** has been received.
- 3.6 Archive all documents, forms, templates, and correspondence in the DBRA Reporting File using the **DBRA ADMINISTRATION FILE CHECKLIST**.

4. Complete Closeout Process

- 4.1 **Collaboration Point:** After the PRDOH Programmatic Area POC's **PROJECT FILE REVIEW CLEARANCE LETTER** has been received, complete and submit to the PRDOH Programmatic Area POC **DBRA CLOSEOUT MEMO/RECORD RETENTION LETTER TEMPLATE**.
 - 4.1.1 The purpose of this letter is to acknowledge receipt of the PRDOH Programmatic Area POC's **PROJECT FILE REVIEW CLEARANCE LETTER**, certify to the PRDOH Programmatic Area POC that all files and records will be archived and retained in compliance with the Subrecipient Agreement, and any holds on final payment or retention to the prime contractor due to DBRA compliance may be lifted.
- 4.2 Archive all documents, forms, templates, and correspondence in the DBRA Reporting File using the **DBRA ADMINISTRATION FILE CHECKLIST**.

END: This process ends when a DBRA-covered project is completed, the PRDOH Programmatic Area POC's Project File Review Clearance Letter has been received and all required documents on the DBRA Administration File Checklist have been prepared, received, reviewed for accuracy and completeness, approved, and archived in the DBRA Administration File.

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

I. HUD/DOL MONITORING EVENT

The following is a list of the Forms, and Workflows referenced to complete the procedure. Personnel implementing this Handbook should refer to the Forms, and Workflows for additional guidance.

Table 9: Forms Related to the HUD/DOL Monitoring Event Procedure

Form Name	Purpose
DBRA ADMINISTRATION FILE CHECKLIST	Checklist used to organize and assemble a complete DBRA Administration File.
DBRA CONTRACTOR FILE CHECKLIST	Checklist used to organize and assemble complete DBRA Contractor Files.
DBRA REPORTING FILE CHECKLIST	Checklist used to organize and assemble completed HUD DBRA reports.
HUD-4741 AGENCY ON-SITE MONITORING REVIEW GUIDE	Review Guide used by HUD when monitoring a DBRA-covered project.
HUD-4743 MONITORING REVIEW GUIDE (STATE CDBG)	Review Guide used by HUD when monitoring a DBRA-covered project.
CPD MONITORING HANDBOOK 23-1 GUIDE FOR REVIEW OF LABOR STANDARDS ADMINISTRATION	Review Guide used by HUD when monitoring a DBRA-covered project.

The following workflows outline the internal steps and Collaboration Points necessary to complete the **HUD/DOL Monitoring Event** procedure. Submission method will depend on the specific program's instruction and the procurement instructions provided as part of each individual Invitation for Bids package.

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

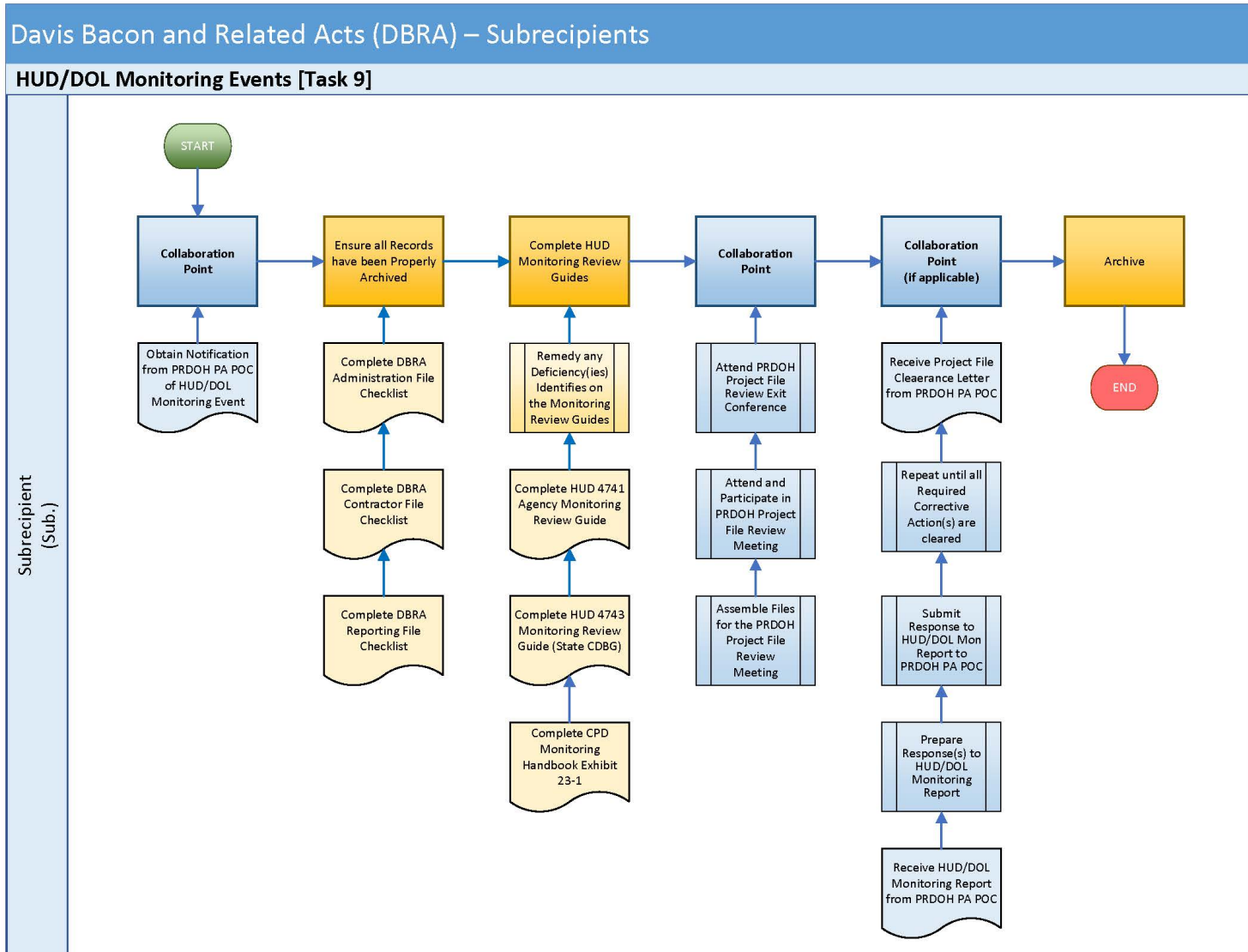


Figure 19: HUD/DOL Monitoring Event Workflow

1. Pre-Monitoring Event

BEGIN: This process begins once the Subrecipient is notified by the PRDOH Programmatic Area POC that HUD and/or DOL intend to monitor one or more of the Subrecipient's DBRA-covered projects.

- 1.1 The PRDOH Programmatic Area POC will take the lead in preparing for the HUD/DOL monitoring event. The purpose of this monitoring event is to allow HUD/DOL the opportunity to review the DBRA-covered project's file and records to ensure compliance with DBRA requirements. The Subrecipient is only responsible for participating in the components of the monitoring event related to their DBRA-covered project.
- 1.2 **Collaboration Point:** Upon receipt of the notification from the PRDOH Programmatic Area POC of the HUD/DOL monitoring event, identify the DBRA-covered projects subject to the monitoring event. Confirm the following with the PRDOH Programmatic Area POC:
 - + Process for preparing for, participating in, and following up to the monitoring event;
 - + Date, time, and location of the monitoring event;
 - + Internal due dates and process for reviewing and storing DBRA files and records subject to the monitoring event;
 - + Digital and physical location where files and records should be sent/stored; and
 - + Any other logistics necessary to successfully participate in the monitoring event.
- 1.3 Gather and review all files and records archived for the DBRA-covered project to ensure the files and records are complete and compliant, using the following checklists and other materials referenced in the HUD/DOL Monitoring Letter:
 - + **DBRA ADMINISTRATION FILE CHECKLIST**
 - + **DBRA CONTRACTOR FILE CHECKLIST**
 - + **DBRA REPORTING FILE CHECKLIST**
 - + **HUD-4741 AGENCY ON-SITE MONITORING REVIEW GUIDE**
 - + **HUD-4743 MONITORING REVIEW GUIDE (STATE CDBG)**
 - + **CPD MONITORING HANDBOOK 23-1 GUIDE FOR REVIEW OF LABOR STANDARDS ADMINISTRATION**

- 1.4 Remedy any deficiencies identified during the review and archive the documents using the **DBRA ADMINISTRATION FILE CHECKLIST**, **DBRA CONTRACTOR FILE CHECKLIST** and **DBRA REPORTING CHECKLIST**.
- 1.5 Transmit/store all files and records subject to the monitoring event as directed by the PRDOH Programmatic Area POC.
- 1.6 Archive the HUD/DOL Monitoring Letter in the DBRA Administration File using the **DBRA ADMINISTRATION FILE CHECKLIST**.

2. Monitoring Event

- 2.1 The PRDOH Programmatic Area POC will take the lead in participating in the HUD/DOL monitoring event. The Subrecipient is only responsible for participating in the components of the monitoring event related to their DBRA-covered project.
- 2.2 **Collaboration Point:** As directed by the PRDOH Programmatic Area POC:
 - + Attend and actively participate in the monitoring event.
 - + Answer all questions during the monitoring event, and provide additional documents and information pertaining to the compliance with DBRA requirements on the DBRA-covered project, if necessary.
 - + Attend and actively participate in the exit conference, if applicable. The purpose of the exit conference is for HUD/DOL to report any DBRA violations that were identified during the monitoring event, if applicable.
- 2.3 If DBRA violations are reported by HUD/DOL during the exit conference, actively work on addressing the violations prior to the issuance of the HUD/DOL Monitoring Report.
- 2.4 Transmit/store all files and records subject to the monitoring event as directed by the PRDOH Programmatic Area POC.
- 2.5 Archive all documents, forms, templates, and correspondence in the DBRA Reporting File using the **DBRA ADMINISTRATION FILE CHECKLIST**.

3. Post Monitoring Event

- 3.1 The PRDOH Programmatic Area POC will take the lead in formally responding to the HUD/DOL Monitoring Report issued by HUD/DOL summarizing the results of the monitoring event.

- 3.2 The Subrecipient is only responsible for responding to HUD/DOL Monitoring Report if the report contains findings, concerns, and/or observations related to the Subrecipient's DBRA-covered project.
- 3.3 **Collaboration Point:** Upon receipt of the HUD/DOL Monitoring Report, and as directed by the PRDOH Programmatic Area POC:
- + Receive and review the HUD/DOL Monitoring Report findings, concerns and/or observations related to the DBRA-covered project.
 - + Remedy any findings, concerns and/or observations identified in the HUD/DOL Monitoring Report and archive the documents using the **DBRA ADMINISTRATION FILE CHECKLIST**, **DBRA CONTRACTOR FILE CHECKLISTS**, and **DBRA REPORTING FILE CHECKLIST**.
 - + Provide a written response to the PRDOH Programmatic Area POC addressing the corrective actions identified in the HUD/DOL Monitoring Report, including supporting documentation, as necessary.
- 3.4 Complete revisions, as necessary, until approved by the PRDOH Programmatic Area POC.
- 3.5 **Collaboration Point:** Upon receipt of the HUD's/DOL's response to PRDOH Programmatic Area POC's response to the HUD/DOL Monitoring Report, and at the direction of the PRDOH Programmatic Area POC:
- + Repeat step **3.3** if HUD/DOL requires additional information or documentation; or
 - + Proceed to step **3.5** if the HUD/DOL Monitoring Clearance Report is received indicating that no further action is required.
- 3.6 Transmit/store all files and records subject to the monitoring event as directed by the PRDOH Programmatic Area POC.
- 3.7 Archive all documents, forms, templates, and correspondence in the DBRA Reporting File using the **DBRA ADMINISTRATION FILE CHECKLIST**.

END: This process ends when the PRDOH Programmatic Area POC provides the HUD/DOL Clearance Report for the monitoring event.

END OF PROCEDURE.

APPROVAL

	Name	Title	Signature	Date
Approved:	María Del Carmen Figueroa	Federal Compliance & Subrecipient Management Assistant Deputy Secretary for Disaster Recovery		September 2, 2021

CHANGE HISTORY

Version	Approval Date	Motive for Change	Requires Training
1	September 2, 2021	New	Yes