



HOUSING AUTHORITY OF \_\_\_\_\_

PRE-CONSTRUCTION CONFERENCE MINUTES

Project No.: TX  
Location: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Location of Project: \_\_\_\_\_

ATTENDEES:

Name	Name & Address of Firm	Telephone
Executive Director		

A preconstruction conference was held on the above date to discuss the labor standards requirements applicable to the project. The attendees as listed above were provided the following information.

This project is subject to the Davis-Bacon Act (DBA), Copeland Act, Contract Work Hours Safety Standards Act (CWHSSA), and the Fair Labor Standards Act (FLSA). FLSA sets out the requirements for payment of minimum wages, maximum hours, overtime pay, child labor standards, and prohibits wage discrimination on the basis of sex. DBA specifies the minimum wages to be paid the various classes of laborers and mechanics employed on the project. CWHSSA sets a uniform standard of a 40-hour work week with time and a half the basic rate of pay for all work in the excess of 40 hours standard. The Copeland Act prohibits kickbacks being paid by the employee to the employer and sets the requirement for submission of payrolls on a weekly basis. FAILURE TO COMPLY WITH THE LABOR STANDARDS REQUIREMENTS CAN RESULT IN THE ESCROW OF FUNDS AND/OR WITHHOLDING OF INSURED ADVANCES.

The suggested payroll form is WH-347, Payroll. All other payroll forms must be approved by HUD prior to use. Payroll forms must be submitted to the Housing Authority of \_\_\_\_\_ within seven days after a pay period ends. A pay period is seven (7) consecutive days. Payrolls must be original and must be completely executed. The signature must be that of an owner, partner, officer, or authorized individual and must be an original ink signature. It is suggested that blue ink be used. The certification dates must cover the seven (7) day period.

Liquidated damages will be assessed for failure to pay overtime. The assessment amount is \$\_\_\_\_\_ per day per violation. Overtime begins on this project after 40 hours standard. Additionally, wage restitution must be paid to any employee who is underpaid whether the underpayment is due to failure to pay overtime or failure to pay the prescribed hourly rate of pay.

Employees must be classified and paid according to the classifications and rates prescribed by the applicable wage decision. The wage decision which is applicable to this project is TX\_\_\_\_\_. The wage decision must be posted at the construction site along with the required posters for the duration of construction activity. Any classification needed which does not appear on the wage decision must be requested and approved by the U.S. Department of Labor prior to the use of that classification on the project.



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In instances where the owner of a company performs work on the project, that owner must show himself/ herself on the payroll and must show the hours worked each day and the total hours for the week. All persons who perform work on the project must be shown on the payrolls. The address and Social Security number for each employee must be shown on the payroll the first time that employee appears on the payroll.

Apprentices may be employed on the project, however, they must be certified by the Bureau of Apprenticeship & Training and the ratio of apprentices to journeymen must not be exceeded.

No-work payrolls are not required. However, the first payroll submitted after a no-work period must contain a statement in the remarks section on the back of the payroll form to the effect that no work was performed and show specific dates of no-work period.

The first payroll furnished must show "Initial" in the payroll number block. Likewise, the last payroll must show "Final". Subsequent payrolls following the initial payroll must be numbered sequentially beginning with the number 2.

Any person who is employed on a piece-work basis must be shown on the payroll. The hours worked each day and the total hours for the week must be shown. The hourly rate of the pieceworker must equal or exceed the prescribed hourly rate for the particular work classification.

Dual work classifications within the same payroll period are acceptable provided that a signed verification of the dual work classification is furnished from the employee.

Deduction authorizations, signed by the employees, must be provided for any deductions with the exception of FICA and federal tax.

Unless otherwise specified by the applicable wage decision, the classification of "helper" is unacceptable. Employees must be classified and paid based on the work they perform, i.e., if a person performs the duties of and uses the tools of the trade, that person must be classified as a plumber, not plumber helper (the plumber classification is used here as example only).

The general contractor will be required to certify that all laborers and mechanics employed on the project (including those employed by subcontractors) have been paid hourly rates as prescribed by the applicable laws.

The staff person who will monitor this project for compliance with labor requirements is \_\_\_\_\_. Any questions concerning labor requirements should be directed to \_\_\_\_\_ [HUD Representative], Regional Labor Relations Officer, who can be contacted by telephone at \_\_\_\_\_ or fax at \_\_\_\_\_. Questions should be directed through the general contractor who is ultimately responsible.

Submitted by: \_\_\_\_\_  
[Executive Director]

Date: \_\_\_\_\_



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## ADDITIONAL INFORMATION FOR CONTRACTORS

1. Sign-in sheet and prepared minutes for labor and payroll are attached.
2. Work Schedules and Times: Normal working hours will be between \_\_\_\_\_ am and \_\_\_\_\_ pm Monday through Friday excluding Federal holidays. PHA may grant permission to work weekends or holidays if the contractor requests such scheduling for reasonable cause. Consideration will ALWAYS be given to the needs of the residents in the scheduling of work inside occupied units. Emergency work after \_\_\_\_\_ pm may be done as necessary but in all cases PHA must be advised as soon as possible.
3. Utilities: Contractor will provide and pay for all electricity, gas, water, sewer, solid waste removal and disposal, telephone service, or other utilities that he uses during this contract. Contractor must either make his own separate arrangements with the utility providers, or if acceptable to PHA, may reimburse PHA for use of their utilities. Contractor is responsible for utilities used for actual construction, for maintaining required temperatures of materials prior to and after installation, for testing fixtures and equipment, or for any other purpose related to the work in this contract until acceptance by PHA.
4. Office, Toilet and Use of Other Facilities: The contractor is responsible for establishing and maintaining a designated job office location where the delivery of materials may be accepted, required notices and posters must be placed, and where the plans, specifications, and other documentation, manuals, or reference materials will be maintained as required by BUD or by Specification Section 01010, Paragraph 1.12(A) and (B). The contractor will furnish faxes, copiers, or other similar equipment he may need for the conduct of the work and not rely on the facilities of PHA except as otherwise agreed. Contractor will furnish and maintain toilets for the use of employees and sub-contractors as required by OSHA and by local code or governing bodies.
5. Pay Requests: Contractor may apply only once each month at a mutually agreed date for the payment for work in place and materials properly stored. Use the current versions of HUD forms 51000, 51001, 51002, 51003, 51004, 5372, 5370p.27.e, Supplement One, or other forms as may be required. Payment for materials stored off-site must be approved in advance by the contractor's bonding company. (AIA forms are not acceptable.)
6. Retainage Account and Interest: On contracts exceeding \$400,000.00, PHA will deposit the contractor's retainage in an interest bearing account and all accrued interest will be paid to the contractor with the final retainage payment. Retainage on contracts less than \$400,000.00 will not bear interest.
7. Submittals: Contractor must first review all submittals and indicate his approval before submitting them to the Architect. All technical literature, data sheets or shop drawings will be submitted to the Architect who will review them for compliance with the design intent then forward them to PHA for acceptance. Large items, product samples, and color charts may be submitted directly to PHA.
8. Sub-contractors/ Contract Labor/ Employees: The General Contractor will list on his own payroll forms on the employees of the General Contractor's organization. Sub-contractors and employees of the Sub-contractor will be listed on a separate payroll form. Individuals who are Contract Labor and who meet the requirements of the IRS as independent contractors are considered to be Sub-contractors and each must submit their own payroll for showing hours worked. HUD General Conditions (form 5370 Paragraph 2(b)) requires that at least 12% of the work be performed by the General Contractor's own organization.
9. Insurance: Every person employed on this project must be covered by Workman's Compensation Insurance and General Liability Insurance. The General Contractor may be required to provide evidence of insurance for any Sub-Contractor or Contract Laborer unless the General Contractor provides blanket coverage for them under his own policies.



10. Eligibility for Employment: The General Contractor is advised to determine the eligibility of any person employed on this project with regard to alien status, age, or disbarment from federal work. Evidence of compliance must be provided to the PHA representative or any other responsible government official upon proper request.
11. Coordination with Multiple Contractors: On some projects, PHA may have two or more separate contractors progressing simultaneously or in closely related sequence. Each contractor is requested to carefully schedule his work and advise the Contracting Officer of proposed schedules so that conflicts may be avoided. Although communication directly from contractor to contractor is permissible, the Contracting Officer, in consultation with the Architect or other advisors will be the responsible party for determining precedence and resolving conflicts.
12. Superintendent: HUD Form 5370 General Conditions Paragraph 2(c) requires “At all times during performance of this contract and until the work is completed and accepted, the Contractor shall directly superintend the work or assign and have on the work site a competent superintendent who is satisfactory to the Contracting Officer and has authority to act for the Contractor.”