



NORTH CAROLINA
Department of Transportation

Technical Training - Certified Payroll

Michelle Gaddy

Connecting people, products and places safely and efficiently with customer focus, accountability and environmental sensitivity to enhance the economy and vitality of North Carolina

ncdot.gov

Why are we here

- Review procedures for certified payrolls, FAP-1, and wage rate interviews
- To ensure our process in capturing and collecting data correctly is being followed.
- Audits by OIG have had a history of poor results.

What's in a Contract?

- Instruction to Bidders
- Project Special Provisions – General
 - Contract Times, ICT's, Major Contract Items, Specialty Items, Schedule of Estimated Completion, DBE/MBE/WBE, etc.
- **Standard Special Provisions**
 - **Availability of Funds, Award of Contract, Employment Requirements, Required Contract Federal Provisions, OJT, Minimum Wages, General Decision**
- Execution of Bid
 - Debarment Certification, List of DBE Subcontractors, Addenda
- Contract Line Items and Signature Sheets

- Execution of Contract

Required Contract Provisions Federal-Aid Construction Contracts

FHWA-1273 -- Revised July 5, 2022

REQUIRED CONTRACT PROVISIONS FEDERAL-AID CONSTRUCTION CONTRACTS

- I. General
- II. Nondiscrimination
- III. Non-segregated Facilities
- IV. Davis-Bacon and Related Act Provisions
- V. Contract Work Hours and Safety Standards Act Provisions
- VI. Subletting or Assigning the Contract
- VII. Safety; Accident Prevention
- VIII. False Statements Concerning Highway Projects
- IX. Implementation of Clean Air Act and Federal Water Pollution Control Act
- X. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion
- XI. Certification Regarding Use of Contract Funds for Lobbying
- XII. Use of United States-Flag Vessels:

ATTACHMENTS

A. Applicability and Materials Preference for Appalachian Development Highway System or Appalachian Local Access Road Contracts (included in Appalachian contracts only)

I. GENERAL

1. Form FHWA-1273 must be physically incorporated in each construction contract funded under title 23, United States Code, as required in 23 CFR 633.102(b) (excluding emergency contracts solely intended for debris removal). The contractor (or subcontractor) must insert this form in each subcontract and further require its inclusion in all lower tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services). 23 CFR 633.102(e).

The applicable requirements of Form FHWA-1273 are incorporated by reference for work done under any purchase order, rental agreement or agreement for other services. The prime contractor shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider. 23 CFR 633.102(e).

Form FHWA-1273 must be included in all Federal-aid design-build contracts, in all subcontracts and in lower tier subcontracts (excluding subcontracts for design services, purchase orders, rental agreements and other agreements for supplies or services) in accordance with 23 CFR 633.102. The design-builder shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider.

Contracting agencies may reference Form FHWA-1273 in solicitation-for-bids or request-for-proposals documents, however, the Form FHWA-1273 must be physically incorporated (not referenced) in all contracts, subcontracts and lower-tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services related to a construction contract). 23 CFR 633.102(b).

2. Subject to the applicability criteria noted in the following sections, these contract provisions shall apply to all work

performed on the contract by the contractor's own organization and with the assistance of workers under the contractor's immediate supervision and to all work performed on the contract by piecework, station work, or by subcontract. 23 CFR 633.102(d).

3. A breach of any of the stipulations contained in these Required Contract Provisions may be sufficient grounds for withholding of progress payments, withholding of final payment, termination of the contract, suspension, debarment or any other action determined to be appropriate by the contracting agency and FHWA.

4. Selection of Labor: During the performance of this contract, the contractor shall not use convict labor for any purpose within the limits of a construction project on a Federal-aid highway unless it is labor performed by convicts who are on parole, supervised release, or probation. 23 U.S.C. 114(b). The term Federal-aid highway does not include roadways functionally classified as local roads or rural minor collectors. 23 U.S.C. 101(e).

II. NONDISCRIMINATION (23 CFR 230.107(a); 23 CFR Part 230, Subpart A, Appendix A; EO 11246)

The provisions of this section related to 23 CFR Part 230, Subpart A, Appendix A are applicable to all Federal-aid construction contracts and to all related construction subcontracts of \$10,000 or more. The provisions of 23 CFR Part 230 are not applicable to material supply, engineering, or architectural service contracts.

In addition, the contractor and all subcontractors must comply with the following policies: Executive Order 11246; 41 CFR Part 60, 29 CFR Parts 1625-1627; 23 U.S.C. 140, Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d et seq.), and related regulations including 49 CFR Parts 21, 26, and 27; and 23 CFR Parts 200, 230, and 633.

The contractor and all subcontractors must comply with the requirements of the Equal Opportunity Clause in 41 CFR 60-1.4(b) and, for all construction contracts exceeding \$10,000, the Standard Federal Equal Employment Opportunity Construction Contract Specifications in 41 CFR 60-4.3.

Note: The U.S. Department of Labor has exclusive authority to determine compliance with Executive Order 11246 and the policies of the Secretary of Labor including 41 CFR Part 60, and 29 CFR Parts 1625-1627. The contracting agency and the FHWA have the authority and the responsibility to ensure compliance with 23 U.S.C. 140, Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d et seq.), and related regulations including 49 CFR Parts 21, 26, and 27; and 23 CFR Parts 200, 230, and 633.

The following provision is adopted from 23 CFR Part 230, Subpart A, Appendix A, with appropriate revisions to conform to the U.S. Department of Labor (US DOL) and FHWA requirements.

- FHWA 1273 is included in every federal contract that NCDOT lets. It is not required to be included in purchase orders, rental agreements, and other agreements for supplies or services.
- NCDOT's subcontract approval form requires both all contractors (prime, subs, 2nd tier subs, etc) certify that the FHWA 1273 is physically incorporated into the subcontract agreement.
- RE office should verify that the FHWA 1273 and Title VI requirements are included in subcontract agreements. Require verification of 10% of SAFs (minimum of 2).

Title VI Compliance Checklist

- Complete Compliance Checklist – this is for state and federal contracts
- State funded contracts – verifying Title VI and Discrimination language and required posters
- Federally funded contracts – verifying FHWA 1273, Title VI and Discrimination language and required posters

NCDOT Title VI Compliance Checklist

Subcontracts (Check funding source)

Review 10 percent or a minimum of two (2) certified actual subcontracts to confirm the incorporation of Title VI and Nondiscrimination language and FHWA 1273 as required.

State Funded Contracts - requires the inclusion of the NCDOT's **Title VI and Nondiscrimination** language in the subcontract agreement.

Federal-Aid Contracts - requires the inclusion of the FHWA 1273, and NCDOT's **Title VI and Nondiscrimination** language in the subcontract agreement.

Name of Subcontractor: _____

I have reviewed and confirm that all required documents are included in the subcontract agreement:
Signature: _____ Date: _____

Comments:

Name of Subcontractor: _____

I have reviewed and confirm that all required documents are included in the subcontract agreement:
Signature: _____ Date: _____

Comments:

Name of Subcontractor: _____

I have reviewed and confirm that all required documents are included in the subcontract agreement:
Signature: _____ Date: _____

Comments:

Name of Subcontractor: _____

I have reviewed and confirm that all required documents are included in the subcontract agreement:
Signature: _____ Date: _____

Comments:

Required Posters

Confirm that the Contractor has posted the following policy statements on a project site bulletin board or other approved location. Ensure that the statements are posted in English and Spanish.

- i) Contractor's EEO Policy Statement (For all projects).
- ii) NCDOT Notice of Nondiscrimination (For all projects).
- iii) Required Federal-Aid Posters for Federal-Aid projects.

I confirm that all required documentation and posters are displayed as directed in the NCDOT Construction Manual:

Name: _____ Title: _____ Date: _____

Comments:

Title VI Language

- Title VI language is included in both federally funded and state funded contracts.
- Ensures protection against discrimination on all contracts that NCDOT oversees

FEDERALLY FUNDED CONTRACT
DG00337 W-5601GH **50** Guilford County

disability and religion. In addition, the 1987 Civil Rights Restoration Act extends nondiscrimination coverage to all programs and activities of federal-aid recipients and contractors, including those that are not federally-funded.

Nondiscrimination Assurance

The North Carolina Department of Transportation (NCDOT) hereby gives assurance that no person shall on the ground of race, color, national origin, sex, age, and disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity conducted by the recipient, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and any other related Civil Rights authorities, whether those programs and activities are federally funded or not.

Obligation

During the performance of this contract, the Contractor and its subcontractors are responsible for complying with NCDOT's Title VI Program. The Contractor must ensure that NCDOT's Notice of Nondiscrimination is posted in conspicuous locations accessible to all employees and subcontractors on the jobsite, along with the Contractor's own Equal Employment Opportunity (EEO) Policy Statement. The Contractor shall physically incorporate this "TITLE VI AND NONDISCRIMINATION" language, in its entirety, into all its subcontracts on federally-assisted and state-funded NCDOT-owned projects, and ensure its inclusion by subcontractors into all subsequent lower tier subcontracts. The Contractor and its subcontractors shall also physically incorporate the FHWA-1273, in its entirety, into all subcontracts and subsequent lower tier subcontracts on Federal-aid highway construction contracts only. The Contractor is also responsible for making its subcontractors aware of NCDOT's Discrimination Complaints Process, as follows:

FILING OF COMPLAINTS

1. **Applicability** – These complaint procedures apply to the beneficiaries of the NCDOT's programs, activities, and services, including, but not limited to, members of the public, contractors, subcontractors, consultants, and other sub-recipients of federal and state funds.
2. **Eligibility** – Any person or class of persons who believes he/she has been subjected to discrimination or retaliation prohibited by any of the Civil Rights authorities, based upon race, color, sex, age, national origin, or disability, may file a written complaint with NCDOT's Civil Rights office. The law prohibits intimidation or retaliation of any sort. The complaint may be filed by the affected individual or a representative, and must be in writing.
3. **Time Limits and Filing Options** – A complaint must be filed no later than 180 calendar days after the following:
 - The date of the alleged act of discrimination; or
 - The date when the person(s) became aware of the alleged discrimination; or
 - Where there has been a continuing course of conduct, the date on which that conduct

DG00343 69 Rockingham County

STATE FUNDED CONTRACT

II. Title VI Nondiscrimination Program

Title VI of the 1964 Civil Rights Act, 42 U.S.C. 2000d, provides that: "No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." The broader application of nondiscrimination law is found in other statutes, executive orders, and regulations (see Section III, Permit Nondiscrimination Authorities), which provide additional protections based on age, sex, disability and religion. In addition, the 1987 Civil Rights Restoration Act extends nondiscrimination coverage to all programs and activities of federal-aid recipients and contractors, including those that are not federally-funded.

Nondiscrimination Assurance

The North Carolina Department of Transportation (NCDOT) hereby gives assurance that no person shall on the ground of race, color, national origin, sex, age, and disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity conducted by the recipient, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and any other related Civil Rights authorities, whether those programs and activities are federally funded or not.

Obligation

During the performance of this contract, the Contractor and its subcontractors are responsible for complying with NCDOT's Title VI Program. The Contractor must ensure that NCDOT's Notice of Nondiscrimination is posted in conspicuous locations accessible to all employees and subcontractors on the jobsite, along with the Contractor's own Equal Employment Opportunity (EEO) Policy Statement. The Contractor shall physically incorporate this "TITLE VI AND NONDISCRIMINATION" language, in its entirety, into all its subcontracts on federally-assisted and state-funded NCDOT-owned projects, and ensure its inclusion by subcontractors into all subsequent lower tier subcontracts. The Contractor and its subcontractors shall also physically incorporate the FHWA-1273, in its entirety, into all subcontracts and subsequent lower tier subcontracts on Federal-aid highway construction contracts only. The Contractor is also responsible for making its subcontractors aware of NCDOT's Discrimination Complaints Process, as follows:

FILING OF COMPLAINTS

1. **Applicability** – These complaint procedures apply to the beneficiaries of the NCDOT's programs, activities, and services, including, but not limited to, members of the public, contractors, subcontractors, consultants, and other sub-recipients of federal and state funds.
2. **Eligibility** – Any person or class of persons who believes he/she has been subjected to discrimination or retaliation prohibited by any of the Civil Rights authorities, based upon race, color, sex, age, national origin, or disability, may file a written complaint with NCDOT's Civil Rights office. The law prohibits intimidation or retaliation of any sort. The complaint may be filed by the affected individual or a representative, and must be in writing.
3. **Time Limits and Filing Options** – A complaint must be filed no later than 180 calendar days after the following:
 - The date of the alleged act of discrimination; or
 - The date when the person(s) became aware of the alleged discrimination; or

Standard Special Provisions – Minimum Wages

**STANDARD SPECIAL PROVISION
MINIMUM WAGES
GENERAL DECISION NC20230087 01/06/2023 NC87**

Z-087

Date: January 6, 2023
 General Decision Number: NC20230087 01/06/2023 NC87
 Superseded General Decision Numbers: NC20220087
 State: North Carolina
 Construction Type: HIGHWAY

COUNTIES:

Alexander	Caldwell	Henderson
Buncombe	Catawba	Madison
Burke	Haywood	

HIGHWAY CONSTRUCTION PROJECTS (excluding tunnels, building structures in rest area projects & railroad construction; bascule, suspension & spandrel arch bridges designed for commercial navigation, bridges involving marine construction; and other major bridges).

Note: Contracts subject to the Davis-Bacon Act are generally required to pay at least the applicable minimum wage rate required under Executive Order 14026 or Executive Order 13658. Please note that these Executive Orders apply to covered contracts entered into by the federal government that are subject to the Davis-Bacon Act itself, but do not apply to contracts subject only to the Davis-Bacon Related Acts, including those set forth at 29 CFR 5.1(a)(2)-(60).

If the contract is entered into on or after January 30, 2022, or the contract is renewed or extended (e.g., an option is exercised) on or after January 30, 2022:	Executive Order 14026 generally applies to the contract. The contractor must pay all covered workers at least \$16.20 per hour (or the applicable wage rate listed on this wage determination, if it is higher) for all hours spent performing on that contract in 2023.
If the contract was awarded on or between January 1, 2015 and January 29, 2022, and the contract is not renewed or extended on or after January 30, 2022:	Executive Order 13658 generally applies to the contract. The contractor must pay all covered workers at least \$12.15 per hour (or the applicable wage rate listed on this wage determination, if it is higher) for all hours spent performing on that contract in 2023.

The applicable Executive Order minimum wage rate will be adjusted annually. If this contract is covered by one of the Executive Orders and a classification considered necessary for performance of work on the contract does not appear on this wage determination, the contractor must still submit a conformance request.

**STANDARD SPECIAL PROVISION
MINIMUM WAGES
GENERAL DECISION NC20230086 01/06/2023 NC86**

Z-086

Date: January 6, 2023
 General Decision Number: NC20230086 01/06/2023 NC86
 Superseded General Decision Numbers: NC20220086
 State: North Carolina
 Construction Type: HIGHWAY

COUNTIES:

Alleghany	Jackson	Surry
Ashe	Lincoln	Swain
Avery	Macon	Transylvania
Cherokee	McDowell	Watauga
Clay	Mitchell	Wilkes
Cleveland	Polk	Yancey
Graham	Rutherford	

HIGHWAY CONSTRUCTION PROJECTS (excluding tunnels, building structures in rest area projects & railroad construction; bascule, suspension & spandrel arch bridges designed for commercial navigation, bridges involving marine construction; and other major bridges).

Note: Contracts subject to the Davis-Bacon Act are generally required to pay at least the applicable minimum wage rate required under Executive Order 14026 or Executive Order 13658. Please note that these Executive Orders apply to covered contracts entered into by the federal government that are subject to the Davis-Bacon Act itself, but do not apply to contracts subject only to the Davis-Bacon Related Acts, including those set forth at 29 CFR 5.1(a)(2)-(60).

If the contract is entered into on or after January 30, 2022, or the contract is renewed or extended (e.g., an option is exercised) on or after January 30, 2022:	Executive Order 14026 generally applies to the contract. The contractor must pay all covered workers at least \$16.20 per hour (or the applicable wage rate listed on this wage determination, if it is higher) for all hours spent performing on that contract in 2023.
If the contract was awarded on or between January 1, 2015 and January 29, 2022, and the contract is not renewed or extended on or after January 30, 2022:	Executive Order 13658 generally applies to the contract. The contractor must pay all covered workers at least \$12.15 per hour (or the applicable wage rate listed on this wage determination, if it is higher) for all hours spent performing on that contract in 2023.

- Wage Rate Determination is included in each federal contract. Reviewed each year
- 6 different wage rate determinations across the state
- Wages may be slightly different depending on which county you are in.
- You may even have 2 different wage rate determinations if you cross county lines

Standard Special Provisions – Minimum Wages

- Executive Orders 14026 and 13658 reference minimum hourly wages for all employees
- These DO NOT apply to NCDOT contracts.
- NCDOT contracts are considered Davis Bacon Related Acts – not Davis-Bacon

HIGHWAY CONSTRUCTION PROJECTS (excluding tunnels, building structures in rest area projects & railroad construction; bascule, suspension & spandrel arch bridges designed for commercial navigation, bridges involving marine construction; and other major bridges).

Note: Contracts subject to the Davis-Bacon Act are generally required to pay at least the applicable minimum wage rate required under Executive Order 14026 or Executive Order 13658. Please note that these Executive Orders apply to covered contracts entered into by the federal government that are subject to the Davis-Bacon Act itself, but do not apply to contracts subject only to the Davis-Bacon Related Acts, including those set forth at 29 CFR 5.1(a)(2)-(60).

If the contract is entered into on or after January 30, 2022, or the contract is renewed or extended (e.g., an option is exercised) on or after January 30, 2022:	Executive Order 14026 generally applies to the contract. The contractor must pay all covered workers at least \$16.20 per hour (or the applicable wage rate listed on this wage determination, if it is higher) for all hours spent performing on that contract in 2023.
If the contract was awarded on or between January 1, 2015 and January 29, 2022, and the contract is not renewed or extended on or after January 30, 2022:	Executive Order 13658 generally applies to the contract. The contractor must pay all covered workers at least \$12.15 per hour (or the applicable wage rate listed on this wage determination, if it is higher) for all hours spent performing on that contract in 2023.

The applicable Executive Order minimum wage rate will be adjusted annually. If this contract is covered by one of the Executive Orders and a classification considered necessary for performance of work on the contract does not appear on this wage determination, the contractor must still submit a conformance request.

Davis Bacon Related Acts

SUNC2014-002 11/13/2014

	Rates	Fringes
BLASTER	20.93	
CARPENTER	13.48 **	
CEMENT MASON/CONCRETE FINISHER	14.40 **	
ELECTRICIAN		
Electrician	18.79	2.62
Telecommunications Technician	14.67 **	1.67
IRONWORKER	12.48 **	
LABORER		
Asphalt Raker and Spreader	11.76 **	
Asphalt Screed/Jackman	15.38 **	.08
Carpenter Tender	10.50 **	
Cement Mason/Concrete Finisher Tender	11.04 **	
Common or General	11.90 **	
Guardrail/Fence Installer	13.09 **	
Pipelayer	12.87 **	
Traffic Signal/Lighting Installer	15.33 **	.22
PAINTER		
Bridge	20.67	
POWER EQUIPMENT OPERATORS		
Asphalt Broom Tractor	10.00 **	
Bulldozer Fine	16.28	
Bulldozer Rough	14.51 **	
Concrete Grinder/Groover	19.20	
Crane Boom Trucks	18.19	
Crane Other	18.69	
Crane Rough/All-Terrain	19.19	
Drill Operator Rock	15.00 **	
Drill Operator Structure	21.07	
Excavator Fine	16.02 **	
Excavator Rough	14.67 **	
Grader/Blade Fine	19.86	
Grader/Blade Rough	15.12 **	
Loader 2 Cubic Yards or Less	12.38 **	
Loader Greater Than 2 Cubic Yards	17.91	
Material Transfer Vehicle (Shuttle Buggy)	15.44 **	
Mechanic	17.86	
Milling Machine	15.08 **	
Off-Road Hauler/Water Tanker	11.95 **	
Oiler/Greaser	15.05 **	
Pavement Marking Equipment	11.99 **	
Paver Asphalt	17.84	.08
Paver Concrete	18.20	
Roller Asphalt Breakdown	15.00 **	.08

SUNC2014-002 11/13/2014

	Rates	Fringes
BLASTER	21.83	
CARPENTER	12.54 **	
CEMENT MASON/CONCRETE FINISHER	14.10 **	
ELECTRICIAN		
Electrician	19.19	2.39
Telecommunications Technician	15.13 **	
IRONWORKER	14.53 **	
LABORER		
Asphalt Raker and Spreader	12.23 **	
Asphalt Screed/Jackman	15.22 **	
Carpenter Tender	10.00 **	
Cement Mason/Concrete Finisher Tender	12.26 **	
Common or General	10.68 **	
Guardrail/Fence Installer	13.43 **	
Pipelayer	12.22 **	
Traffic Signal/Lighting Installer	15.85 **	
PAINTER		
Bridge	19.62	
POWER EQUIPMENT OPERATORS		
Asphalt Broom Tractor	11.00 **	
Bulldozer Fine	16.20	
Bulldozer Rough	13.89 **	
Concrete Grinder/Groover	24.66	
Crane Boom Trucks	14.44 **	.53
Crane Other	19.59	
Crane Rough/All-Terrain	21.25	
Drill Operator Rock	15.25 **	
Drill Operator Structure	20.92	
Excavator Fine	16.11 **	
Excavator Rough	13.10 **	
Grader/Blade Fine	19.24	
Grader/Blade Rough	13.07 **	
Loader 2 Cubic Yards or Less	13.38 **	
Loader Greater Than 2 Cubic Yards	16.01 **	
Material Transfer Vehicle (Shuttle Buggy)	17.39	
Mechanic	18.51	
Milling Machine	13.88 **	
Off-Road Hauler/Water Tanker	13.87 **	

- Minimum rates are by classification
- Includes minimum rates and minimum fringe rate
- Applies to Federal-Aid contracts in excess of \$2000 for construction, alteration, or repair of public works and to all related subcontracts and lower tier subcontracts regardless of the subcontract amount.
- Requires contractors and subcontractors to pay prevailing wages to “all laborers and mechanics employed directly upon the site of work.”

What does “Site of Work” include?

- The physical place or places where the work called for in the contract will remain
- Any other site where a significant portion of the work is constructed
- Batch plants, borrow pits, casting yards, job headquarters and tool yards are part of the “site of work” provided they are dedicated exclusively or nearly so to the contract.
- The R.E. must alert office staff if this is applicable.
- It is also a discussion the R.E. needs to have during the preconstruction conference.



ncdot.gov

Excluded from the “Site of Work”

- Permanent home offices
- Branch plant establishments
- Fabrication plants
- Commercial/Material supplier fabrication plants and batch plants



Who is covered under DBA?

- Laborers and Mechanics who are performing work that is physical and/or manual in nature. Also includes apprentices, trainees and interns.
 - Carpenters
 - Electricians
 - Plumbers
 - Iron Workers
 - Flaggers
 - Craftsmen
 - Welders
 - Concrete Finishers
 - Power Equipment Operators
 - Truck Drivers (site of work only)

Who is not covered under DBA?

- Laborers and Mechanics do not include workers whose duties are primarily administrative, technical, professional, executive or clerical rather than manual.
 - Architects
 - Timekeepers
 - Utility
 - Employees of Railroads
 - Contracting Agency Inspectors
 - Contractor QA Inspector
 - Truck drivers who deliver or pick-up materials
 - Bona Fide programs provided by the USDOL w/ established wage rates, living allowances and other compensation.
 - Engineers
 - Supervisors
 - Survey Crew
 - Employees of Public Utilities
 - Public Agency Employees
 - Material Suppliers

What needs to be submitted?

- The Davis-Bacon Act requires:
 - That “all laborers and mechanics” be paid unconditionally not less often than once a week

- The Copeland Act requires:
 - The contractor and subcontractors submit certified payrolls within 7 days of the payroll date
 - Certified payroll may be submitted on the form prescribed (WH-347) or on the company’s payroll form
 - Payroll must be accompanied by a “Statement of Compliance” with an original signature of the owner/company official

ncdot.gov

Submission

- All payrolls are to be submitted through the prime
- Prime's responsibility to obtain all required payrolls
- Failure of the Prime to obtain and submit all required payrolls, or submission of nonconforming payrolls should result in the withholding of contract estimate payments and/or retainage.
- If you have any issues receiving certified payrolls, contact your Area Construction Engineer
- Even if project is closed, other withholding avenues can be pursued.
- Failure to comply can result in removal from NCDOT's bidder list for future projects.

Review of Certified Payroll

- Statement of Compliance (SOC)
 - Ensure proper language, signatures, appropriate dates
- Wage and Hour Report
 - Ensure employee names, identifying numbers, proper job classifications, pay rates, overtime rates and accurate mathematical computations
- Deductions
 - Ensure clear explanations and proper authorizations
- Fringe

Certified Payroll

U.S. Department of Labor
Wage and Hour Division

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

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

NAME OF CONTRACTOR OR SUBCONTRACTOR ADDRESS **FIRM'S ADDRESS** OMB No.: 1235-0008
Rev. Dec. 2008

PAYROLL NO. **BEGIN W/ 1 (# FOR SUBMISSION)** FOR WEEK ENDING **WORKWEEK END DATE** PROJECT OR CONTRACT NO. **SELF-EXPLANATORY**

(1) NAME AND INDIVIDUAL IDENTIFYING NUMBER (REG. LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER) OF WORKER	(2) NO. OF EMPLOYMENT CHANGES	(3) WORK CLASSIFICATION	(4) DAY AND DATE							(5) TOTAL HOURS	(6) RATE OF PAY	(7) GROSS AMOUNT EARNED	(8) DEDUCTIONS				(9) NET WAGES PAID FOR WEEK
			S	S	S	S	S	S	S				S	FICA	WITH- HOLDING TAX	OTHER	
NAME OF EMPLOYEE & LAST 4 DIGITS OF SSN		CLASSIFICATION N DESCRIPTIVE OF WORK ACTUALLY PERFORMED	OVERTIME WORKED														
			STANDARD TIME WORKED														

While completion of Form WH-347 is optional, it is mandatory for covered contractors and subcontractors performing work on Federally financed or assisted construction contracts to respond to the information collection contained in 29 C.F.R. §§ 3.3, 5.5(a). The Copeland Act (50 U.S.C. § 3145) contractors and subcontractors performing work on Federally financed or assisted construction contracts to "submit weekly a statement with respect to the wages paid each employee during the preceding week." U.S. Department of Labor (DOL) regulations at 29 C.F.R. § 5.5(a)(2)(ii) require contractors to submit weekly a copy of all payrolls to the Federal agency contracting for or financing the construction project, accompanied by a signed "Statement of Contractor" indicating that the payrolls are correct and complete and that each laborer or mechanic has been paid not less than the proper Davis-Bacon prevailing wage rate for the work performed. DOL and federal contracting agencies receiving this information review the information to determine that employees have received legally required wages and fringe benefits.

Public Burden Statement

We estimate that it will take an average of 55 minutes to complete this collection, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding these estimates or any other aspect of this collection, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room 55602, 200 Constitution Avenue, N.W. Washington, D.C. 20210.

(over)

- Information required to be included on the payroll for each employee:
 - Name
 - 4 Digit Identifier
 - Proper Classification
 - Hourly Rates of Wages Paid (Fringe)
 - Daily and Weekly Gross Wages*
 - Deductions made and properly identified
 - Net Wages paid
 - Overtime Rates
- If an employee performs work as different classifications (for example as a laborer and equipment operator), both classifications should be shown and hours broken out by the work performed.

Fringe Benefits

- Fringe benefits include:
 - Medical or hospital
 - 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 and sickness insurance or accident insurance
 - Vacation and holiday pay
 - Defrayment costs of apprenticeship or other similar programs

Fringe Benefits

- Contractors may use “bona fide” fringe benefits to achieve the hourly wage rate listed in the contract wage decision

Example #1:

- Required hourly rate = \$14.00 (OT must be paid at this rate)
- Required fringe benefits = \$0.00
- Total minimum wage/fringe benefit obligation = \$14.00

- The minimum wage and fringe benefit requirements may be met in either of the following ways:
 - \$14.00 in cash wages; OR
 - \$11.00 hourly wages and \$3.00 in pension contributions or other “bona fide” fringe benefits.

Fringe Benefits

Example #2:

- Required hourly rate = \$14.00 (OT must be paid at this rate)
- Required fringe benefits = \$3.00
- Total minimum wage/fringe benefit obligation = \$17.00

- The minimum wage and fringe benefit requirements may be met in either of the following ways:
 - \$17.00 in cash wages; OR
 - \$14.00 hourly wages and \$3.00 in pension contributions or other “bona fide” fringe benefits

ncdot.gov

Deductions

- All deductions from employee pay must be described in sufficient detail
- Payrolls may reference deduction codes if the employer provides a reference table to interpret the code
- General descriptions such as “insurance” are unacceptable
- Employers are required to obtain and retain detailed employee authorizations for voluntary deductions
- USDOL permission is required in some instances

Payroll Deductions

- Deductions for purposes other than previously listed **require the approval of the Secretary of Labor**. Such deductions typically include:
 - Personal use of vehicles, cell phones and/or pagers, credit cards
 - Uniform rentals
 - Purchase of tools
 - Transportation costs
- The Contractor makes to request to the DOL. The request should be in letter form on company letterhead and signed by a company official. A copy of the approval should be provided to the NCDOT Resident Engineer for project payroll files and maintained by the contractor for at least 3 years.

ncdot.gov

Prime Contractor Duties

- Each subcontract and lower tier contracts must include the FHWA 1273 in its entirety
- The Prime is responsible for compliance with all applicable rules and regulations by any subcontractor or lower tier subcontractor including temp agencies
- Wage tables and additional classifications posted at the site of work in a prominent and accessible place where it can be easily seen by the workers
- To collect and compile all certified payrolls from all tiers of subs for submission to NCDOT each week.

ncdot.gov

Resident Engineer Duties

- Construction Manual Instruction for Payroll Reviews (Section 107-22 Wages and Conditions of Employment)
- FAP-1
- FAP-2
- FAP-3
- Spot Interviews (Section 107-22 Wages and Conditions of Employment)

<https://connect.ncdot.gov/projects/construction/Pages/ConstMan.aspx?Order=CM-01-107#107-22%20WAGES%20AND%20CONDITIONS%20OF%20EMPLOYMENT>

Resident Engineer Duties

- FAP-1 is a documented summary of who worked and which payrolls were received.
- RE staff should review diaries to ensure receipt of all payrolls
- If no work was performed for a subject week, this should be documented

- Review of payrolls should follow the following schedule to ensure compliance
 - The first payrolls received shall be thoroughly inspected
 - If errors on the first payroll, the second is thoroughly inspected
 - Keep going until a correct payroll has been submitted

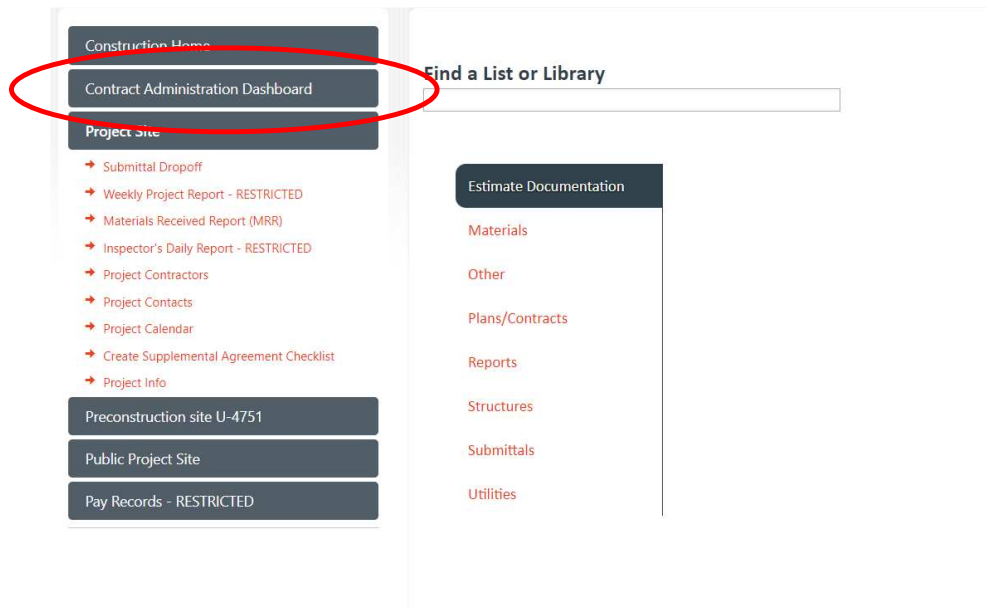
ncdot.gov

Resident Engineer Duties con't.

- Once a correct payroll is received, the checking of subsequent payrolls may be limited to the review of wages for at least two employees randomly selected for each weekly payroll received from prime and subs, however, a thorough inspection shall be made of all payrolls received from the prime and each sub for at least one week for each quarter year period based on duration of project
- Thorough reviews of certified payroll should be marked on the certified payrolls with a check (in red) and the box checked on the FAP-1.

ncdot.gov

Electronic FAP-1

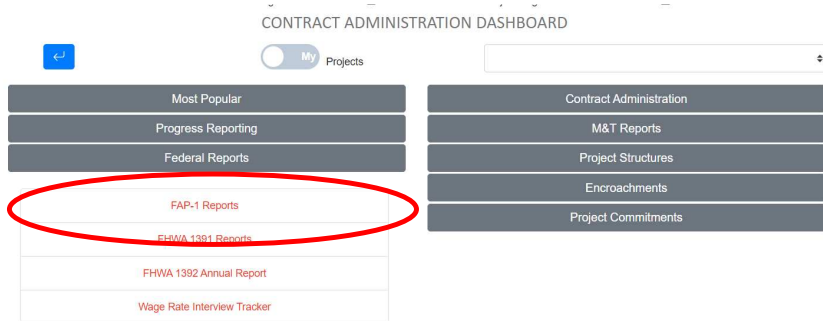


- Electronic FAP-1 was developed to assist with payroll review
- Located in Sharepoint – To access – go to Contract Administration Dashboard

ncdot.gov

Electronic FAP-1

- To access from the Contract Administration Dashboard – click on Federal Reports and then FAP-1 Reports



Electronic FAP-1

[Construction Dashboard](#)

GENERATE REPORT for week ending: 07/17/2023

OR Select existing Report to view/update All SELECT

Create/Edit FAP-1 Report for week ending 07/17/2023 for Training14

SHOW DIARIES Required quarterly review conducted this week No COMPLETE

Contractor	Type	Active	Active but No Diary	Date Received	Payroll Not Required	Payroll Attached	Notes
Contractor A Test	Prime	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	ATTACHMENTS (0)	
Who Knows Trucking	Sub	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	ATTACHMENTS (0)	

Report Created by:

Report Status: COMPLETE

MANAGE ATTACHMENTS SAVE REPORT APPROVE REPORT

- First week – you will need to pick a start week ending date for the FAP-1 ones. Recommend using the week ending date of the first prime payroll.
- Each week will represent a 7 day period of payrolls. The subs payroll period may be different than the prime payroll period. Attach them to the week that is closest and then be consistent
- For example - your prime’s payroll is Sunday thru Saturday, you may have some subs who use Saturday thru Friday
- In the report – all contractors who are associated with the project will show up in the list. Feeds from the contractor list in Sharepoint. SAFs approved in HICAMS will pass to this list.

Electronic FAP-1

[Construction Dashboard](#)

GENERATE REPORT for week ending: 07/17/2023

OR Select existing Report to view/update: All SELECT

Create/Edit FAP-1 Report for week ending 07/17/2023 for Training14

SHOW DIARIES Required quarterly review conducted this week: No COMPLETE

Contractor	Type	Active	Active but No Diary	Date Received	Payroll Not Required	Payroll Attached	Notes
Contractor A Test	Prime	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	ATTACHMENTS (0)	
Who Knows Trucking	Sub	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	ATTACHMENTS (0)	

Report Created by:

Report Status: COMPLETE

MANAGE ATTACHMENTS SAVE REPORT APPROVE REPORT

- Other options – select existing reports will allow you to review any other report you have generated
- Options on the select existing report to view/update:
 - All – all reports will show up in the list of reports
 - Pending – filters to all reports that have not been approved
 - Approved – filters to show only reports that have been approved
- Can choose yes if a full quarterly review was performed

Electronic FAP-1

[Construction Dashboard](#)

GENERATE REPORT for week ending:

OR Select existing Report to view/update: All SELECT

View/Update FAP-1 Report for week ending 06/03/2023 for C204603

SHOW DIARIES Required quarterly review conducted this week: No NOT COMPLETED

Contractor	Type	Active	Active but No Diary	Date Received	Payroll Not Required	Payroll Attached	Notes
ZACHRY CONSTRUCTION CORPORATION	Prime	Active	<input checked="" type="checkbox"/>	2023-06-18	<input type="checkbox"/>	ATTACHMENTS (1)	
AMERICAN CIVIL CONSTRUCTORS WEST COAST LLC	Sub	Active	<input type="checkbox"/>		<input type="checkbox"/>	ATTACHMENTS (0)	
FREYSSINET INC	Sub	Active	<input type="checkbox"/>		<input type="checkbox"/>	ATTACHMENTS (0)	
FSC II LLC DBA FRED SMITH COMPANY	Sub	Active	<input type="checkbox"/>	2023-06-19	<input type="checkbox"/>	ATTACHMENTS (1)	
SAFERHILL LLC	Sub	Active	<input type="checkbox"/>		<input type="checkbox"/>	ATTACHMENTS (0)	
ALS OF NORTH CAROLINA LLC	Sub	Active	<input checked="" type="checkbox"/>	2023-06-19	<input type="checkbox"/>	ATTACHMENTS (1)	
ARBOREX TREE SERVICES	Sub	Active	<input type="checkbox"/>		<input type="checkbox"/>	ATTACHMENTS (0)	

Report Created by: _____

Report Status: NOT COMPLETED

Records per page: 20 1-20 of 25

- Information shown is as follows:
 - Contractor List
 - Type – Prime, Sub, 2nd tier sub
 - Active – Is the contractor documented as working in the diaries for that week
 - Active but No Diary – RE staff can check this box if a sub worked that week but was not captured in the diaries
 - Date Received – RE staff should completed this field when the payroll is received and approved
 - Payroll Not Required – RE staff can check this box if a payroll is not required
 - Payroll Attached – Location to upload the payroll for that contractor
 - Notes – RE staff can indicate any notes relative to that payroll. Things to note include comments if a payroll is not required, any comments about outreach if a payroll hasn't been received, or any information critical to that payroll

Electronic FAP-1

[Construction Dashboard](#)

GENERATE REPORT for week ending:

OR Select existing Report to view/update: All SELECT

View/Update FAP-1 Report for week ending 06/03/2023 for C204603

SHOW DIARIES Required quarterly review conducted this week: No NOT COMPLETED

Contractor	Type	Active	Active but No Diary	Date Received	Payroll Not Required	Payroll Attached	Notes
ZACHRY CONSTRUCTION CORPORATION	Prime	Active	<input checked="" type="checkbox"/>	2023-06-18	<input type="checkbox"/>	ATTACHMENTS (1)	
AMERICAN CIVIL CONSTRUCTORS WEST COAST LLC	Sub	Active	<input type="checkbox"/>		<input type="checkbox"/>	ATTACHMENTS (0)	
FREYSSINET INC	Sub	Active	<input type="checkbox"/>		<input type="checkbox"/>	ATTACHMENTS (0)	
FSC II LLC DBA FRED SMITH COMPANY	Sub	Active	<input type="checkbox"/>	2023-06-19	<input type="checkbox"/>	ATTACHMENTS (1)	
SAFERHILL LLC	Sub	Active	<input type="checkbox"/>		<input type="checkbox"/>	ATTACHMENTS (0)	
ALS OF NORTH CAROLINA LLC	Sub	Active	<input checked="" type="checkbox"/>	2023-06-19	<input type="checkbox"/>	ATTACHMENTS (1)	
ARBOREX TREE SERVICES	Sub	Active	<input type="checkbox"/>		<input type="checkbox"/>	ATTACHMENTS (0)	

Report Created by: _____

Report Status: NOT COMPLETED

Records per page: 25 | 1-20 of 25

- Highlighted fields are contractors who have yet to submit a payroll and the payroll is required
- You can also click on Show Diaries – you will see a summary of documented diaries showing date, title of the diary, contractor and diary type. No details are shown in this view but makes for a quick way to review dates worked when reviewing diaries.
- Manage Attachments – A summary of all attachments for that week
- Save Report – Saves the report. This must be clicked to save any changes made to a FAP-1 (including creation)
- Approve Report – approves the FAP-1 report. Allows the status of the report to be changed from pending to approved (Completed). Only allowed if all payrolls have been received.

Certified Payroll Checklist

<u>Certified Payroll Audit Steps:</u>	Yes/No
1. Review diaries to determined who worked:	
a. Record on FAP-1	
2. Receive payrolls	
a. Check signature, title, dates, Statement of Compliance	
3. Make sure information is complete and legible	
a. Ensure no employee addresses are included	
b. Are there identifying numbers for workers? (Not entire SSNs)	
4. Are the classifications on the Wage Determination (WD)?	
a. Look for helpers (Helpers are not normally listed on the WD)	
b. Are employees classified in two different classes?	
5. Are the wage rates sufficient to meet the requirements of the WD?	
a. Are employees paid at two different rates?	
6. Are there apprentices or trainees (Determine if they are being paid correctly)	
a. Are they registered in a DOL approved, bona fide program?	
b. Review ratios of apprentices to journeyman	
7. Are the hours correct? (Regular and OT reported separately?)	
a. Is it relatively consistent with the diaries?	
b. Are some employees working a lot less hours than others?	
8. Is OT computed correctly?	
9. Are reasons for deductions clear?	
a. Are deductions authorized?	
b. Do deductions add up correctly?	
10. If you have performed a Wage interview, is the information provided by the employee reflected accurately in the payroll data?	
11. Do you have a payroll for all subcontractors recorded in the diaries?	
12. Do you have a payroll for a subcontractor that is not recorded in diaries? (Other than "No Work").	

If the answer is No, provide details or response below:

- Checklist was developed to assist with payroll review.
- Goes through all of the items to review payrolls.
- This documents full review of payrolls.

Resident Engineer Duties con't.

- A thorough inspection shall be made of all payrolls received from the prime and each sub for at least one week for each quarter year period (based on project duration)
- Complete Certified Payroll Audit Checklist (new form). Discrepancies and errors should be noted in the notes section.
- Prime is notified of the error (Form FAP-2)
- The original payroll not to be returned to contractor.
- RE upon receipt of supplemental payroll, documents resolution of the violation (Form FAP-3)

FAP-2 and FAP-3

FAP-2 – Example Letter to the Contractor

Project Number: _____
F. A. Number: _____
County: _____

Description: _____

Subject: Wage Violation

Contractor: (Name and Address)

Gentlemen:

Upon review of (Name of Contractor) payroll, for the week ending _____, the following discrepancy was found. (Description of discrepancy)

In view of the errors or violations noted above, it will be necessary for you to investigate and report your findings to this office. If the error or violation has resulted in an underpayment to an employee, it will also be necessary for you to do the following:

1. Ascertain the correct amount of any pay that is due the employee and make payment.
2. Prepare a corrected payroll.
3. Prepare a letter of explanation, giving your reasons in detail why the underpayment occurred. Do not use such phrases as "due to error" or "due to oversight," without further explanation. An example of an appropriate explanation is as follows: "The total hours worked were incorrectly added on the foreman's time card and the payroll clerk failed to catch the error."
4. List corrective measures you have taken to prevent a reoccurrence. This must also be in detail. An example of an appropriate explanation is as follows: "All transferred data from time cards and payroll calculations are now being double checked by a second person."
5. Transmit the corrected payroll, your letter of explanation, and evidence of payment, where underpayment has occurred. Evidence of underpayment may be a copy of the canceled check to the employee or a copy of a statement signed by the employee stating that he has received the underpayment. This statement shall also show the amount of payment received by the employee

Yours very truly,

Resident Engineer

cc-(Division Engineer)
(State Construction Engineer)

FAP-3 – Example Memorandum of Resolution

Project Number: _____
F. A. Number: _____
County: _____

Description: _____

Subject: Status of Wage Violation

MEMORANDUM TO: (Name)
Division Engineer

FROM: (Name)
Resident Engineer

By letter dated (date), (Contractor's name) was advised of the wage violation(s) committed. I have since received a letter of explanation from the Contractor including verification that proper payment has been made.

I have reviewed the violation and have determined the following:

- (1) The classification of each employee involved is correct and the correct wages have been paid.
- (2) The employee(s) involved have been interviewed and now feel that they receive their proper wages.
- (3) Other: (Explain)

It is my judgment that the underpayment was non-willful and the violations were caused inadvertently, notwithstanding the exercise of due care.

cc:
(State Construction Engineer)

Attachments

Timely Review

- Certified payroll should be current within 1 month.
- Certified payroll review and completion of FAP-1 should be completed within one week of receiving certified payrolls for a project.
- Notification to contractors should be performed immediately to rectify discrepancies/errors that are discovered during the certified payroll review.
- Notification to contractors should be made immediately if payrolls are not received.
- Estimates should be held if a contractor is not providing a response or if payrolls are not received in timely manner.

ncdot.gov

Other Considerations to Davis Bacon Related Acts

- Additional Classifications
- Form SF-1444
- Additional Resident Engineer duties
- Wage Rate Form and Interviews
- Warranty Work
- Subcontract Approval Form

ncdot.gov

Additional Classifications

- Additional classifications are contract specific and must be requested for each contract on which a classification is needed using the conformance process (Form SF-1444)
- Classification are determined by the scope of work
- Be proactive – look at the scope of work at the preconstruction meeting to determine if any additional classifications are needed.

Form SF-1444

AUTHORIZED FOR LOCAL REPRODUCTION

REQUEST FOR AUTHORIZATION OF ADDITIONAL CLASSIFICATION AND RATE

CHECK APPROPRIATE BOX
 SERVICE CONTRACT
 CONSTRUCTION CONTRACT
OMB Number: 9000-0089
Expiration Date: 9/30/2017

PAPERWORK REDUCTION ACT STATEMENT: Public reporting burden for this collection of information is estimated to average 3 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspects of this collection of information, including suggestions for reducing this burden, to U.S. General Services Administration, Regulatory Secretariat (MVCB) (C 9000-0089, Office of Governmentwide Acquisition Policy, 1500 F Street, NW, Washington, DC 20503.

INSTRUCTIONS: THE CONTRACTOR SHALL COMPLETE ITEMS 3 THROUGH 16, KEEP A PENDING COPY, AND SUBMIT THE REQUEST, IN QUADRUPPLICATE, TO THE CONTRACTING OFFICER.

1. TO: ADMINISTRATOR, WAGE AND HOUR DIVISION, U.S. DEPARTMENT OF LABOR, WASHINGTON, DC 20210
2. FROM: (REPORTING OFFICE)

3. CONTRACTOR: _____ **4. DATE OF REQUEST:** _____

5. CONTRACT NUMBER: _____ **6. DATE BIDDING OPENED (SEALED BIDDING):** _____ **7. DATE OF AWARD:** _____ **8. DATE CONTRACT WORK STARTED:** _____ **9. DATE OPTION EXERCISED (IF APPLICABLE) (SERVICE CONTRACT ONLY):** _____

10. SUBCONTRACTOR (IF ANY): _____

11. PROJECT AND DESCRIPTION OF WORK (ATTACH ADDITIONAL SHEET IF NEEDED):

12. LOCATION (CITY, COUNTY AND STATE):

13. IN ORDER TO COMPLETE THE WORK PROVIDED FOR UNDER THE ABOVE CONTRACT (IT IS NECESSARY TO ESTABLISH THE FOLLOWING RATES) FOR THE INDICATED CLASSIFICATION(S) NOT INCLUDED IN THE DEPARTMENT OF LABOR DETERMINATION NUMBER: _____

A. LIST IN ORDER: PROPOSED CLASSIFICATION TITLES; JOB DESCRIPTIONS; DUTIES; AND RATIONALE FOR PROPOSED CLASSIFICATIONS (Service contracts only) <small>(Use reverse or attach additional sheets, if necessary)</small>	B. WAGE RATE(S)	C. FRINGE BENEFITS PAYMENTS

14. SIGNATURE AND TITLE OF SUBCONTRACTOR REPRESENTATIVE (IF ANY): _____ **15. SIGNATURE AND TITLE OF PRIME CONTRACTOR REPRESENTATIVE:** _____

16. SIGNATURE OF EMPLOYEE OR REPRESENTATIVE: _____ **TITLE:** _____ **CHECK APPROPRIATE BOX-REFERENCING BLOCK 13:**
 AGREE DISAGREE

TO BE COMPLETED BY CONTRACTING OFFICER (CHECK AS APPROPRIATE - SEE FAR 22.1019 (SERVICE CONTRACT LABOR STANDARDS) OR FAR 22.406-3 (CONSTRUCTION WAGE RATE REQUIREMENTS))
 THE INTERESTED PARTIES AGREE AND THE CONTRACTING OFFICER RECOMMENDS APPROVAL BY THE WAGE AND HOUR DIVISION. AVAILABLE INFORMATION AND RECOMMENDATIONS ARE ATTACHED.
 THE INTERESTED PARTIES CANNOT AGREE ON THE PROPOSED CLASSIFICATION AND WAGE RATE. A DETERMINATION OF THE QUESTION BY THE WAGE AND HOUR DIVISION IS THEREFORE REQUESTED. AVAILABLE INFORMATION AND RECOMMENDATIONS ARE ATTACHED. (Send 2 copies to the Department of Labor)

SIGNATURE OF CONTRACTING OFFICER OR REPRESENTATIVE: _____ **TITLE AND COMMERCIAL TELEPHONE NUMBER:** _____ **DATE SUBMITTED:** _____

PREVIOUS EDITION IS USABLE **STANDARD FORM 1444** (REV. 4/2013)
Replaces SF 1444-R (4-1976) (S-2205)

- If SF-1444 is submitted; must include the following:
 - Proposed classification title
 - Proposed classification description (scope of work/duties)
 - Suggested hourly rate of pay
 - Signed by the prime contractor's official payroll representative
- Suggested hourly rates of pay must be comparable to other classifications on the assigned wage table
- The form SF-1444 and guidelines for requesting additional classifications is located at
- <https://connect.ncdot.gov/projects/construction/documents/standard%20form%201444%20request%20for%20authorization%20of%20additional%20classification%20and%20rate.pdf>

Form SF-1444 con't.

12. LOCATION (CITY, COUNTY AND STATE)

13. IN ORDER TO COMPLETE THE WORK PROVIDED FOR UNDER THE ABOVE CONTRACT, IT IS NECESSARY TO ESTABLISH THE FOLLOWING RATE(S) FOR THE INDICATED CLASSIFICATION(S) NOT INCLUDED IN THE DEPARTMENT OF LABOR DETERMINATION

NUMBER: **LOCATED IN BACK OF CONTRACT** DATED: **LOCATED W/ GENERAL DECISION**

a. LIST IN ORDER: PROPOSED CLASSIFICATION TITLE(S); JOB DESCRIPTION(S); DUTIES; AND RATIONALE FOR PROPOSED CLASSIFICATIONS (Service contracts only) <small>(Use reverse or attach additional sheets, if necessary)</small>	b. WAGE RATE(S)	c. FRINGE BENEFITS PAYMENTS
<p>PROVIDE SUFFICIENT INFO. REGARDING DUTIES ASSOCIATED W/ REQUESTED CLASSIFICATION. THE CLEARER THEY ARE, THE FASTER THE TURN AROUND FROM DOL.</p>		

14. SIGNATURE AND TITLE OF SUBCONTRACTOR REPRESENTATIVE (IF ANY)

15. SIGNATURE AND TITLE OF PRIME CONTRACTOR REPRESENTATIVE

- Information regarding the number and date of the wage rate determination can be found in the contract
- Make sure to provide sufficient information on what work is included in the requested classification – the more information, the quicker the turnaround

Additional Classifications

- Prime to submit all completed SF-1444s to the Contract Administrator (RE)
- The RE sends the forms to NCDOT Construction Unit
- NCDOT processes and submits (email) to USDOL in Washington D.C. for decision
- USDOL responds (email) within 30 days with approval, disapproval or modification
- USDOL's notification to NCDOT – the contractor will be notified of the decision

- The additional classifications are approved by contract and are only applicable to the contract under which they were approved
- A contractor holding two adjacent contracts with identical wage tables will need to submit a request for each contract if the classification is to be used on both contracts

Resident Engineer Duties

- In addition, the RE is to:
 - Conduct spot labor interviews of prime contractor and subcontractor employees 1 x per quarter based on calendar quarter. An employee from each subcontractor should be interviewed sometime during the life of the project.
 - Determine that each employee is paid correctly/compare interviews with WD and payroll classification, wages and deductions
 - Furnish the required employment and wage posters to contractors
 - Maintain records in the project file of interviews
 - Listen to complaints and take investigative action if appropriate, submit findings to Division Engineer and State Construction Engineer

Wage Rate Interviews

Wage Interview Form

Contract Number: _____
Division and County: _____
Prime or Subcontractor: _____
Company Name: _____
North Carolina Department of Transportation
Subject: Interview of Wages and Hours
First and Last Name: _____
Street Address _____
City: _____ State _____
Zip Code: _____
Telephone Number: _____
Name of Company (your employer): _____
How long have you worked for this company? _____
Date you were hired? _____
Job Classification(s) _____
Hourly Wage _____
Are you paid by check or paid in cash? _____
Are taxes deducted from your pay? _____
Who pays you? _____
Do you work more than 40 hours per week? _____
Do you receive over-time pay for working more than 40 hours? _____
Who is your supervisor? _____

How many hours did you work last week? _____

List deductions from your paycheck. Have you authorized or are you in agreement with the deductions listed? _____

My employer has my permission to review this information. _____

Signature: _____

Date: _____

Interviewer : _____ Date _____

Interviewer evaluation:

Are certified payrolls required for this project? _____

*Exempt projects are those located on a roadway classified as a local road or rural minor collector. If this is an exempt project, do not complete the remainder of this form.

Is the employee properly classified for work performed? _____

Is this classification included in the contract? _____

What is the wage rate required by the contract? _____

Does the certified payroll information submitted by contractor agree with the information provided by the employee interviewed? _____

Does it agree with the contract wage requirements? _____

List the week ending of the payroll checked: _____

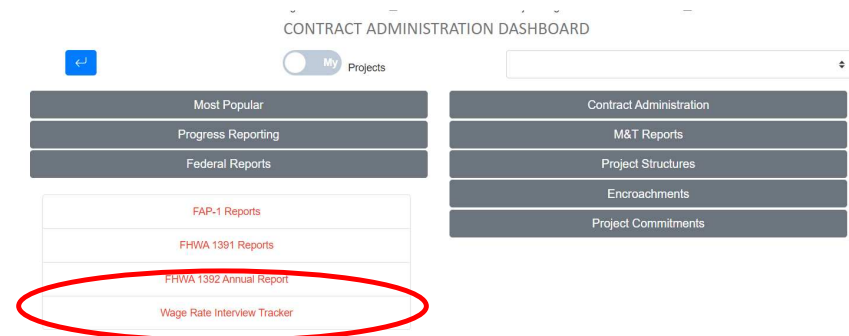
Name of the payroll checker: _____

- Wage Rate Interviews should be completed once per quarter. Every contractor (prime/sub/tiered sub) should be interviewed during the life of the project.
- Form is available in English and Spanish.
- Employee being interviewed completes the front side and up to the signature/date field on back of form
- Interviewer sign and dates form
- RE staff completes the last section once payroll is received.
- Any questions – reach out to Area Construction Engineer

ncdot.gov

Wage Rate Interviews

- Upload completed forms to Wage Rate Interview Tracker
- Found on the Sharepoint Contract Administration Dashboard



Wage Rate Interview Tracker

- Tracks all interviews performed for each sub.
- Can monitor if interviews have been performed each quarter and which contractors still need to be interviewed.
- + marks indicate interview performed that quarter
- Upload completed interview forms for each sub with the sub's "attachments" button
- First time a sub was denoted in the diary is also included in report so you are aware if they have mobilized.

Wage Rate Interview Tracker for C204603 - I-5711

[Help](#)

Contractor	Type	First Diary Date	FileCount		2023-Q3	2023-Q2	2023-Q1	2022-Q4	2022-Q3	2022-Q2
AMERICAN CIVIL CONSTRUCTORS WEST COAST LLC	Sub	Aug 31, 2022	2	Attachments		+			+	
ARBOREX TREE SERVICES	Sub	Jul 15, 2021	0	Attachments						
BULLINGTON CONSTRUCTION INC	Sub	Nov 07, 2022	2	Attachments		+				
CRUZ BROTHERS CONCRETE, INC.	Sub	Apr 04, 2022	1	Attachments						+
CURTIN CO	Sub	Sep 14, 2021	0	Attachments						
DELTA CONTRACTING INC	Sub	Sep 12, 2021	0	Attachments						
FREYSSINET INC	Sub	Apr 16, 2023	0	Attachments						
FSC II LLC DBA FRED SMITH COMPANY	Sub	Sep 12, 2021	1	Attachments						
GARRISON ENTERPRISE INC	Sub	Oct 31, 2022	0	Attachments						
GSC SURVEYING INC	Sub	Aug 09, 2021	0	Attachments						
HIATT & MASON ENTERPRISES INC	Sub	Sep 15, 2021	4	Attachments			+			+
KNOX CONTRACT SEEDING INC	Sub	Jul 16, 2021	0	Attachments						
LEE & SIMS DRILLING SERVICES INC	Sub	Sep 27, 2021	1	Attachments						
MCCAIN STRIPING SERVICE INC	Sub	Sep 12, 2021	0	Attachments						
PEN-HALL COMPANY	Sub	Feb 20, 2022	1	Attachments		+				
PRECISION CONTRACTING SERVICES INC	Sub	Jul 23, 2021	0	Attachments						
TOM CAT TRUCKING INC	Sub	Aug 10, 2021	0	Attachments						
TRAFFIC CONTROL SAFETY SERVICES INC	Sub	Jul 06, 2023	1	Attachments	+					

Thank you!
