

NEW JERSEY ECONOMIC DEVELOPMENT  
**HUD Programs - Energy Resilience Bank (ERB)**  
 Labor Standards (LS) / EEO/ Affirmative Action (AA)/ Section 3 (S3)  
 Bid Package Document Check List  
**Forms can be located on the NJEDA's website at:**  
[www.njeda.com/affirmativeaction](http://www.njeda.com/affirmativeaction)

**Instructions:**

The following is a complete list of documents for LS/ EEO/ AA/ S3 compliance for the general contractor and their subcontractors.

- \* Each Bidder must download the "**Complete Construction Package Documents and Mandatory Contract Language**" from the NJEDA's website. (numbers 1-31)
- \* **BOX A** - Each document the bidder must submit **with their bid**.
- \* **BOX B**- The named General Contractor must submit **prior to contract execution items**.
- \* **BOX C**- Mandatory Contract Language- items in this box do not require submission back to the EDA, but must be included each contract.
- \* **BOX D**- The awarded General Contractor will be responsible for items **on a monthly basis**.  
Site monitoring and certified payroll requirements will be discussed during the Pre-Construction Meeting to be scheduled.
- \* **BOX E** - The awarded Subrecipient and General Contractor will be responsible to submit with completion of project.

Item No.	Complete Construction Package Documents and Mandatory Contract Language	√ Received by with bid package
1	HUD - 4010 Federal Labor Standards	
2	Certification of Bidder Regarding EEO	
3	Certification of Subcontractor Regarding EEO	
4	Subrecipient and General Contractor Affirmative Action / EEO/ Prevailing Wage Addendum to Construction Contracts and Bid Documents	
5	General Contractor and Sub Contractor Affirmative Action / EEO/ Prevailing Wage Addendum to Construction Contracts and Bid Documents	
6	Certification of Bidder Regarding Federal Labor Standards and Davis Bacon Act	
7	Certification of Sub-Contractor Regarding Federal Labor Standards and Davis Bacon Act	
8	Preliminary Prevailing Wage Determinations (PWDs) - Federal, NJ County/Statewide- Include in the bid packet for bidding/cost estimating only. <b>OFFICIAL</b> Prevailing Wage Determinations will be issued after award and prior to contract execution	
9	U.S. Department of Labor Payroll Form (ONB No. 1235-0008 Certified Payroll) WH-347	
10	NJEDA Project Wage Rate Sheet	
11	WH 347 Certified Payroll Coversheet	
12	WH- 347 Certified Payroll Review Checklist	
13	4 Labor Standards Posters	
14	NJEDA Initial Construction Project Workforce Manning Report (AA Form 1 SAMPLE)	
15	NJEDA Sub-Contractor Projection Form (AA Form 1a)	
16	NJEDA Sandy Monthly Project Workforce Report Construction (AA Form 2 SAMPLE)	
17	Exhibit 1: Section 3 Bidders Proposed Contracts and Subcontractors	
18	Exhibit 2: Section 3 Business Certification Form	
19	Exhibit 3: Bidders Estimated New Hires	
20	Exhibit 4: Section 3 Employee & Trainee Data	
21	Exhibit 5: Section 3 Employee Household Income Certification	
22	Exhibit 6: Certification of Bidder Regarding Section 3 and Segregated Facilities	
23	Exhibit 7: Certification of Sub-Contractor regarding Section 3 and Segregated Facilities	
24	Exhibit 8: Section 3 Plan Agreement	
25	Exhibit 9: Section 3 Plan Statement of Commitment	
26	Exhibit 10: Section 3 Projected Utilization Plan	
27	Appendix A Section 3 Clause	
28	Section 3 Quarterly Report	
29	NJEDA Prevailing Wage AA EEO Completion Certificate GC & SUBS	
30	NJEDA Prevailing Wage AA EEO Completion Certificate SUBRECIPIENT & GC	
31	Systems Start-up & Prevailing Wage	

Box A		
Item No.	Documents to be Completed and Submitted <i>with the Construction Bid (per Bidder)</i>	√ Submitted to the NJEDA
2	Certification of Bidder Regarding EEO	
6	Certification of Bidder Regarding Federal Labor Standards and Davis Bacon Act	
17	Exhibit 1: Section 3 Bidders Proposed Contracts and Subcontractors	
18	Exhibit 2: Section 3 Business Certification Form	
19	Exhibit 3: Bidders Estimated New Hires	
22	Exhibit 6: Certification of Bidder Regarding Section 3 and Segregated Facilities	
24	Exhibit 8: Section 3 Plan Format Agreement	
25	Exhibit 9: Section 3 Plan Statement of Commitment	
26	Exhibit 10: Section 3 Projected Utilization Plan	
Letter	<b>No New Hire Letter</b> (letter of explanation if no new hires will be utilized on this project, <i>must be on company letterhead</i> )	

Box B		
Item No.	Documents Due After Award by General Contractor <i>but Before Contract Execution</i>	√ Submitted to the NJEDA
10	NJEDA Project Wage Rate Sheet <b>OFFICIAL Prevailing Wage Determinations are issued at this time Federal and NJ County/Statewide</b>	
7	Certification of Sub-Contractor Regarding Federal Labor Standards and Davis Bacon Act	
3	Certification of Subcontractor Regarding EEO	
4	Subrecipient and General Contractor Affirmative Action / EEO/ Prevailing Wage Addendum to Construction Contracts and Bid Documents	
5	General Contractor and Sub Contractor Affirmative Action / EEO/ Prevailing Wage Addendum to Construction Contracts and Bid Documents	
14	NJEDA Initial Construction Project Workforce Manning Report (AA Form 1 SAMPLE) <b>Electronic Registration and Submission required</b>	
15	NJEDA Sub-Contractor Projection Form (AA Form 1a)	
20	Exhibit 4: Section 3 Employee & Trainee Data	
21	Exhibit 5: Section 3 Employee Household Income Certification	
23	Exhibit 7: Certification of Sub-Contractor regarding Section 3 and Segregated Facilities	

Box C - MANDATORY CONTRACT LANGUAGE		
Item No.	Documents to be included in all contracts and subcontracts at all tiers or posted at the construction site	√ Included in Contract
1	HUD - 4010 Federal Labor Standards	
27	Appendix A Section 3 Clause	
31	Systems Start-Up & Prevailing Wage	
8	Official Prevailing Wage Determinations (PWDs) - Federal and NJ County/Statewide <i>Must be included in all construction contracts over \$2,000 and posted on the construction job site.</i>	
13	4 Labor Standards Posters - <i>Must be posted on the construction job site</i>	

Box D		
Item No.	General Contractor's Compliance Requirements and Site Monitoring	√ Submitted to the NJEDA
9	ONB No. 1235-0008 Certified Payroll Form (original ink signatures required)	
11	WH 347 Certified Payroll Coversheet	
16	NJEDA Sandy Monthly Project Workforce Report - Construction (AA Form 2 SAMPLE) <b>Electronic Submission</b>	
28	Section 3 Quarterly Report	

Box E		
Item No.	Project Completion- Documents submitted with <i>last certified payroll ONLY</i>	√ Submitted to the NJEDA
29	NJEDA Prevailing Wage AA EEO Completion Certificate GC & SUBS	
30	NJEDA Prevailing Wage AA EEO Completion Certificate SUBRECIPIENT/ GC	

## Applicability

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

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

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

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

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

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

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

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

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

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

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

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

of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program, Provided, That the Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program. (Approved by the Office of Management and Budget under OMB Control Number 1215-0140.)

**2. Withholding.** HUD or its designee shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld from the contractor under this contract or any other Federal contract with the same prime contractor, or any other Federally-assisted contract subject to Davis-Bacon prevailing wage requirements, which is held by the same prime contractor so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics, including apprentices, trainees and helpers, employed by the contractor or any subcontractor the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice, trainee or helper, employed or working on the site of the work, all or part of the wages required by the contract, HUD or its designee may, after written notice to the contractor, sponsor, applicant, or owner, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased. HUD or its designee may, after written notice to the contractor, disburse such amounts withheld for and on account of the contractor or subcontractor to the respective employees to whom they are due. The Comptroller General shall make such disbursements in the case of direct Davis-Bacon Act contracts.

**3. (i) Payrolls and basic records.** Payrolls and basic records relating thereto shall be maintained by the contractor during the course of the work preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work. Such records shall contain the name, address, and social security number of each such worker, his or her correct classification, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in Section 1(b)(2)(B) of the Davis-bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor has found under 29 CFR 5.5 (a)(1)(iv) that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in Section 1(b)(2)(B) of the Davis-Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been

communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits. Contractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprenticeship programs and certification of trainee programs, the registration of the apprentices and trainees, and the ratios and wage rates prescribed in the applicable programs. (Approved by the Office of Management and Budget under OMB Control Numbers 1215-0140 and 1215-0017.)

**(ii) (a)** The contractor shall submit weekly for each week in which any contract work is performed a copy of all payrolls to HUD or its designee if the agency is a party to the contract, but if the agency is not such a party, the contractor will submit the payrolls to the applicant sponsor, or owner, as the case may be, for transmission to HUD or its designee. The payrolls submitted shall set out accurately and completely all of the information required to be maintained under 29 CFR 5.5(a)(3)(i) except that full social security numbers and home addresses shall not be included on weekly transmittals. Instead the payrolls shall only need to include an individually identifying number for each employee (e.g., the last four digits of the employee's social security number). The required weekly payroll information may be submitted in any form desired. Optional Form WH-347 is available for this purpose from the Wage and Hour Division Web site at <http://www.dol.gov/esa/whd/forms/wh347instr.htm> or its successor site. The prime contractor is responsible for the submission of copies of payrolls by all subcontractors. Contractors and subcontractors shall maintain the full social security number and current address of each covered worker, and shall provide them upon request to HUD or its designee if the agency is a party to the contract, but if the agency is not such a party, the contractor will submit the payrolls to the applicant sponsor, or owner, as the case may be, for transmission to HUD or its designee, the contractor, or the Wage and Hour Division of the Department of Labor for purposes of an investigation or audit of compliance with prevailing wage requirements. It is not a violation of this subparagraph for a prime contractor to require a subcontractor to provide addresses and social security numbers to the prime contractor for its own records, without weekly submission to HUD or its designee. (Approved by the Office of Management and Budget under OMB Control Number 1215-0149.)

**(b)** Each payroll submitted shall be accompanied by a "Statement of Compliance," signed by the contractor or subcontractor or his or her agent who pays or supervises the payment of the persons employed under the contract and shall certify the following:

**(1)** That the payroll for the payroll period contains the information required to be provided under 29 CFR 5.5 (a)(3)(ii), the appropriate information is being maintained under 29 CFR 5.5(a)(3)(i), and that such information is correct and complete;

(2) That each laborer or mechanic (including each helper, apprentice, and trainee) employed on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made either directly or indirectly from the full wages earned, other than permissible deductions as set forth in 29 CFR Part 3;

(3) That each laborer or mechanic has been paid not less than the applicable wage rates and fringe benefits or cash equivalents for the classification of work performed, as specified in the applicable wage determination incorporated into the contract.

(c) The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH-347 shall satisfy the requirement for submission of the "Statement of Compliance" required by subparagraph A.3.(ii)(b).

(d) The falsification of any of the above certifications may subject the contractor or subcontractor to civil or criminal prosecution under Section 1001 of Title 18 and Section 231 of Title 31 of the United States Code.

(iii) The contractor or subcontractor shall make the records required under subparagraph A.3.(i) available for inspection, copying, or transcription by authorized representatives of HUD or its designee or the Department of Labor, and shall permit such representatives to interview employees during working hours on the job. If the contractor or subcontractor fails to submit the required records or to make them available, HUD or its designee may, after written notice to the contractor, sponsor, applicant or owner, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment action pursuant to 29 CFR 5.12.

#### **4. Apprentices and Trainees.**

(i) **Apprentices.** Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship Training, Employer and Labor Services, or with a State Apprenticeship Agency recognized by the Office, or if a person is employed in his or her first 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. The allowable ratio of apprentices to journeymen on the job site in any craft classification shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program. Any worker listed on a payroll at an apprentice wage rate, who

is not registered or otherwise employed as stated above, shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. Where a contractor is performing construction on a project in a locality other than that in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyman's hourly rate) specified in the contractor's or subcontractor's registered program shall be observed. Every apprentice must be paid at not less than the rate specified in the registered program for the apprentice's level of progress, expressed as a percentage of the journeymen hourly rate specified in the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator determines that a different practice prevails for the applicable apprentice classification, fringes shall be paid in accordance with that determination. In the event the Office of Apprenticeship Training, Employer and Labor Services, or a State Apprenticeship Agency recognized by the Office, withdraws approval of an apprenticeship program, the contractor will no longer be permitted to utilize apprentices at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

(ii) **Trainees.** Except as provided in 29 CFR 5.16, trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification by the U.S. Department of Labor, Employment and Training Administration. The ratio of trainees to journeymen on the job site shall not be greater than permitted under the plan approved by the Employment and Training Administration. Every trainee must be paid at not less than the rate specified in the approved program for the trainee's level of progress, expressed as a percentage of the journeyman hourly rate specified in the applicable wage determination. Trainees shall be paid fringe benefits in accordance with the provisions of the trainee program. If the trainee program does not mention fringe benefits, trainees shall be paid the full amount of fringe benefits listed on the wage determination unless the Administrator of the Wage and Hour Division determines that there is an apprenticeship program associated with the corresponding journeyman wage rate on the wage determination which provides for less than full fringe benefits for apprentices. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by

the Employment and Training Administration shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. In addition, any trainee performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. In the event the Employment and Training Administration withdraws approval of a training program, the contractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

**(iii) Equal employment opportunity.** The utilization of apprentices, trainees and journeymen under 29 CFR Part 5 shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR Part 30.

**5. Compliance with Copeland Act requirements.** The contractor shall comply with the requirements of 29 CFR Part 3 which are incorporated by reference in this contract

**6. Subcontracts.** The contractor or subcontractor will insert in any subcontracts the clauses contained in subparagraphs 1 through 11 in this paragraph A and such other clauses as HUD or its designee may by appropriate instructions require, and a copy of the applicable prevailing wage decision, and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all the contract clauses in this paragraph.

**7. Contract termination; debarment.** A breach of the contract clauses in 29 CFR 5.5 may be grounds for termination of the contract and for debarment as a contractor and a subcontractor as provided in 29 CFR 5.12.

**8. Compliance with Davis-Bacon and Related Act Requirements.** All rulings and interpretations of the Davis-Bacon and Related Acts contained in 29 CFR Parts 1, 3, and 5 are herein incorporated by reference in this contract

**9. Disputes concerning labor standards.** Disputes arising out of the labor standards provisions of this contract shall not be subject to the general disputes clause of this contract. Such disputes shall be resolved in accordance with the procedures of the Department of Labor set forth in 29 CFR Parts 5, 6, and 7. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and HUD or its designee, the U.S. Department of Labor, or the employees or their representatives.

**10. (i) Certification of Eligibility.** By entering into this contract the contractor certifies that neither it (nor he or she) nor any person or firm who has an interest in the contractor's firm is a person or firm ineligible to be awarded Government contracts by virtue of Section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1) or to be

awarded HUD contracts or participate in HUD programs pursuant to 24 CFR Part 24.

**(ii)** No part of this contract shall be subcontracted to any person or firm ineligible for award of a Government contract by virtue of Section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1) or to be awarded HUD contracts or participate in HUD programs pursuant to 24 CFR Part 24.

**(iii)** The penalty for making false statements is prescribed in the U.S. Criminal Code, 18 U.S.C. 1001. Additionally, U.S. Criminal Code, Section 1 01 0, Title 18, U.S.C., "Federal Housing Administration transactions", provides in part: "Whoever, for the purpose of . . . influencing in any way the action of such Administration..... makes, utters or publishes any statement knowing the same to be false..... shall be fined not more than \$5,000 or imprisoned not more than two years, or both."

**11. Complaints, Proceedings, or Testimony by Employees.** No laborer or mechanic to whom the wage, salary, or other labor standards provisions of this Contract are applicable shall be discharged or in any other manner discriminated against by the Contractor or any subcontractor because such employee has filed any complaint or instituted or caused to be instituted any proceeding or has testified or is about to testify in any proceeding under or relating to the labor standards applicable under this Contract to his employer.

**B. Contract Work Hours and Safety Standards Act.** The provisions of this paragraph B are applicable where the amount of the prime contract exceeds \$100,000. As used in this paragraph, the terms "laborers" and "mechanics" include watchmen and guards.

**(1) Overtime requirements.** No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which the individual is employed on such work to work in excess of 40 hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of 40 hours in such workweek.

**(2) Violation; liability for unpaid wages; liquidated damages.** In the event of any violation of the clause set forth in subparagraph (1) of this paragraph, the contractor and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in subparagraph (1) of this paragraph, in the sum of \$10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of 40 hours without payment of the overtime wages required by the clause set forth in subparagraph (1) of this paragraph.

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**(3) Withholding for unpaid wages and liquidated damages.** HUD or its designee shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contract, or any other Federally-assisted contract subject to the Contract Work Hours and Safety Standards Act which is held by the same prime contractor such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in subparagraph (2) of this paragraph.

**(4) Subcontracts.** The contractor or subcontractor shall insert in any subcontracts the clauses set forth in subparagraph (1) through (4) of this paragraph and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in subparagraphs (1) through (4) of this paragraph.

**C. Health and Safety.** The provisions of this paragraph C are applicable where the amount of the prime contract exceeds \$100,000.

**(1)** No laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health and safety as determined under construction safety and health standards promulgated by the Secretary of Labor by regulation.

**(2)** The Contractor shall comply with all regulations issued by the Secretary of Labor pursuant to Title 29 Part 1926 and failure to comply may result in imposition of sanctions pursuant to the Contract Work Hours and Safety Standards Act, (Public Law 91-54, 83 Stat 96). 40 USC 3701 et seq.

**(3)** The contractor shall include the provisions of this paragraph in every subcontract so that such provisions will be binding on each subcontractor. The contractor shall take such action with respect to any subcontractor as the Secretary of Housing and Urban Development or the Secretary of Labor shall direct as a means of enforcing such provisions.



**CERTIFICATION OF BIDDER  
REGARDING EQUAL EMPLOYMENT OPPORTUNITY**

Sandy EEO Bid Form 1

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INSTRUCTIONS

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This certification is required pursuant to Executive Order 11246 (30 F.R. 12319-25). The implementing rules and regulations provide that any bidder or prospective contractor, or any of their proposed subcontractors, shall state as an initial part of the bid or negotiations of the contract whether it has participated in any previous contract or subcontract subject to the equal opportunity clause, and, if so, whether it has filed all compliance reports due under applicable instructions.

Where the certification indicates that the bidder has not filed a compliance report due under applicable instruction, such bidder shall be required to submit a compliance report within seven calendar days after bid opening. No contract shall be awarded unless such report is submitted.

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CERTIFICATION BY BIDDER

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NAME AND ADDRESS OF BIDDER (Include ZIP Code):

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1. Bidder has participated in a previous contract or subcontract subject to the Equal Opportunity Clause.

☐ YES                      ☐ NO

2. Compliance reports were required to be filled in connection with such contract or subcontract.

☐ YES                      ☐ NO

3. Bidder has filed all compliance reports due under applicable instruction.

☐ YES                      ☐ NO

4. Have you ever been or are you being considered for sanction due to violation of Executive Order 11246, as amended?

☐ YES                      ☐ NO

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NAME AND TITLE OF SIGNER (Please print or type below:)

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SIGNATURE

DATE

**CERTIFICATION BY PROPOSED SUBCONTRACTOR REGARDING  
EQUAL EMPLOYMENT OPPORTUNITY**

NJEDA HUD Sandy EEO Bid Form 2

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NAME OF PRIME CONTRACTOR

PROJECT NUMBER

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**INSTRUCTIONS**

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This certification is required pursuant to Executive Order 11246 (30 F.R. 12319-25). The implementing rules and regulations provide that any bidder or prospective contractor, or any of their proposed subcontractors, shall state as an initial part of the bid or negotiations of the contract whether it has participated in any previous contract or subcontract subject to the equal opportunity clause, and, if so, whether it has filed all compliance reports due under applicable instructions.

Where the certification indicates that the subcontractor has not filed a compliance report due under applicable instruction, such subcontractor shall be required to submit a compliance report before the owner approves the subcontract or permits work to begin under the subcontract.

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**SUBCONTRACTOR'S CERTIFICATION**

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NAME AND ADDRESS OF SUBCONTRACTOR (Include Zip Code)

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1. Subcontractor has participated in a previous contract or subcontract subject to the Equal Opportunity Clause.

☐ YES ☐ NO

2. Compliance reports were required to be filled in connection with such contract or subcontract.

☐ YES ☐ NO

3. Subcontractor has filed all compliance reports due under applicable instructions.

☐ YES ☐ NO

4. Have you ever been or are you being considered for sanction due to violation of Executive Order 11246, as amended?

☐ YES ☐ NO

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NAME AND TITLE OF SIGNER (Please print or type below:)

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SIGNATURE

DATE

**SUBRECIPIENT AND GENERAL CONTRACTOR  
AFFIRMATIVE ACTION / EEO / SECTION 3 / PREVAILING WAGE ADDENDUM  
TO consultant CONTRACTS AND BID DOCUMENTS**

NJEDA PROJECT #: \_\_\_\_\_  
PROJECT NAME: \_\_\_\_\_  
DATE OF ACTUAL OR PROJECTED CONTRACT AWARD TO CONSULTANT: \_\_\_\_\_

I/We, the undersigned certify to the New Jersey Economic Development Authority that the Authority's "Affirmative Action-EEO/Section 3/Prevailing Wage Addendum to "Consultant Contract and Bid Documents" will be included as part of all bid documents and consultant contracts and be signed by each of the following in the signature boxes below:

- 1.) **The ERB Subrecipient receiving financial assistance**
- 2.) **The General Contractor, Prime Contractor, or Consultant Manager that is responsible for coordinating subcontractors**

<b>1. ERB SUBRECIPIENT</b>		
	1a.) Subrecipient coordinating with the Consultant and Subconsultants	
	1b.) Mailing Address of Subrecipient (Street Address / P.O. / City / State / Zip)	
		1c.) Phone: _____
	1d.) Name and Title of Authorized Signatory of the Subrecipient above in 1a.	
	1e.) Signature of Authorized Person (Please sign in blue ink above)	1f.) Date of Signature
	1g.) Phone: _____	
1h.) Name of Person in Payroll, Accounting, etc. responsible for preparing monthly reports		

<b>2. GENERAL CONTRACTOR, PRIME OR Consultant MGR.</b>		
	2a.) Company Name of General Contractor, Prime Contractor, or consultant Mgr. coordinating all subconsultants	
	2b.) Mailing Address of General Contractor, Prime Contractor, or consultant Mgr. (Street Address / P.O. / City / State / Zip)	
		2c.) Phone: _____
	2d.) Name and Title of Authorized Signatory of the General Contractor, Prime Contractor or consultant Mgr. above in 2a.	
	2e.) Signature of Authorized Person (Please sign in blue ink above)	2e.) Phone: _____
	2g.) Phone: _____	
2h.) Name of Person in Payroll, Accounting, etc. responsible for preparing monthly reports		



**THIS DOCUMENT MUST BE SIGNED BY THE SUBRECIPIENT AND  
CONSULTANT AS PART OF COMPLIANCE**

**GENERAL CONTRACTOR AND SUBCONTRACTOR  
AFFIRMATIVE ACTION / EEO / SECTION 3 / PREVAILING WAGE ADDENDUM  
TO CONSTRUCTION CONTRACTS AND BID DOCUMENTS**

NJEDA PROJECT #: \_\_\_\_\_  
PROJECT NAME: \_\_\_\_\_  
DATE OF ACTUAL OR PROJECTED CONTRACT AWARD TO PRIME CONTRACTOR: \_\_\_\_\_

I/We, the undersigned certify to the New Jersey Economic Development Authority that the  
to Construction Contract and Bid Documents" will be included as part of all bid documents and  
construction contracts and be signed **by each** of the following in the signature boxes below:

- 1.) **The General Contractor, Prime Contractor, or Construction Manager that is responsible for coordinating subcontractors**
- 2.) **Any Subcontractor (All Tiers) performing construction trade labor**

<b>1. GENERAL CONTRACTOR, PRIME OR CONSTRUCTION MGR.</b>	_____	
	1a.) Company Name of General Contractor, Prime Contractor, or Construction Mgr. coordinating all subcontractors	
	_____	
	1b.) Mailing Address of General Contractor, Prime Contractor, or Construction Mgr. (Street Address / P.O./ City / State/ Zip)	
	_____	1c.) Phone: _____
	1d.) Name and Title of Authorized Signatory of the General Contractor, Prime Contractor or Construction Mgr. above in 1a.	
	<b>X</b>	
_____	1e.) Signature of Authorized Person (Please sign in blue ink above)	1f.) Date of Signature
_____	1g.) Phone: _____	
1h.) Name of Person in Payroll, Accounting, etc. responsible for preparing monthly reports		

<b>2. SUBCONTRACTOR</b>	_____	
	2a.) Company Name of Subcontractor (all tiers)	
	_____	
	2b.) Mailing Address of Subcontractor (Street Address / P.O./ City / State/ Zip)	
	_____	2c.) Phone: _____
	2d.) Name and Title of Authorized Signatory of the Subcontractor above in 2a.	
	<b>X</b>	
_____	2e.) Phone: _____	
_____	2f.) Signature of Authorized Person (Please sign in blue ink above)	
_____	2g.) Phone: _____	
2h.) Name of Person in Payroll, Accounting, etc. responsible for preparing monthly reports		



**THIS DOCUMENT MUST BE SIGNED BY  
THE GENERAL CONTRACTOR AND EACH  
SUBCONTRACTOR AS PART OF COMPLIANCE**

**CERTIFICATION OF BIDDER**  
**ENERGY RESILIENCE BANK (ERB)**  
**FEDERAL LABOR STANDARDS PROVISIONS - DAVIS-BACON ACT and "RELATED ACTS"**  
**INSTRUCTIONS**

**Bidder**

This certification is required to insure that the proposed Bidder understands that the Project or Program to which the construction work covered by any construction greater than \$2,000, is being assigned by the United States of America and that the various Federal Labor Standards Provisions, summarized in the form HUD-4010, "Federal Labor Standards Provisions" are included in any such contract, pursuant to the provisions applicable to such Federal assistance. In addition, the Subrecipient also understands that they are also subject to the New Jersey State Prevailing Wage Act and Regulations (N.J.S.A. 34:11 - 56.25). The higher of the two wage rates shall be the wage rate used. Nothing, however, shall prohibit the payment of more than the prevailing wage rate to any construction worker employed on the construction project.

Furthermore, the proposed Bidder understands and agrees that form HUD-4010, "Federal Labor Standards Provisions", must be included and attached to each and every construction bid document and/or construction contract greater than \$2,000, that is subject to the Davis-Bacon Act and "Related Acts" and the New Jersey State Prevailing Wage Act and Regulations (N.J.S.A. 34:11 - 56.25).

**Wage Determinations** - Federal prevailing wage rates for construction labor cost estimates can be obtained from the Wage Determinations Online system:

<http://www.wdol.gov/>

State of New Jersey prevailing wage rates may be obtained from the New Jersey Department of Labor and Workforce Development, Office of Wage and Hour Compliance at:

[http://lwd.dol.state.nj.us/labor/wagehour/wagerate/prevailing\\_wage\\_determinations.html](http://lwd.dol.state.nj.us/labor/wagehour/wagerate/prevailing_wage_determinations.html)

**Wage Determination Posting** - Contractors and sub-contractors shall post the prevailing wage rates for each craft and classification in a prominent and easily accessible place at the site of the work, or at such places as are used by them to pay workers.

The undersigned is required to ensure that all specifications and/or contracts include all applicable Federal and State of New Jersey wage rate determinations and the required labor standards provisions summarized by **form HUD-4010, "Federal Labor Standards Provisions."**

**Weekly Certified Payrolls** - It is the responsibility of each contractor and sub-contractor to submit weekly certified payrolls for project work (<http://www.dol.gov/whd/forms/wh347.pdf>)

---

**CERTIFICATION BY Bidder**

---

NAME AND ADDRESS OF Bidder (Include ZIP Code):

---

NAME AND TITLE OF SIGNER (Please print or type below):

---

SIGNATURE

DATE

SUBMIT TO: [lyoung@njeda.com](mailto:lyoung@njeda.com) - or: to NJEDA - PO Pox 990 Trenton, NJ 08625-0990 Attn: Labor Compliance Officer

**CERTIFICATION OF SUBCONTRACTOR**  
**HUD PROGRAMS**  
**FEDERAL LABOR STANDARDS PROVISIONS - DAVIS-BACON ACT and "RELATED ACTS"**  
**INSTRUCTIONS**

**Sub-Contractor**

This certification is required to insure that the sub contractor understands that the Project or Program to which the construction work covered by any construction greater than \$2,000, is being assigned by the United States of America and that the various Federal Labor Standards Provisions, summarized in the form HUD-4010, "Federal Labor Standards Provisions" are included in any such contract, pursuant to the provisions applicable to such Federal assistance. In addition, the general contractor also understands that they are also subject to the New Jersey State Prevailing Wage Act and Regulations (N.J.S.A. 34:11 - 56.25). The higher of the two wage rates shall be the wage rate used. Nothing, however, shall prohibit the payment of more than the prevailing wage rate to any construction worker employed on the construction project.

Furthermore, the sub contractor understands and agrees that form HUD-4010, "Federal Labor Standards Provisions", must be included and attached to each and every construction bid document and/or construction contract greater than \$2,000, that is subject to the Davis-Bacon Act and "Related Acts" and the New Jersey State Prevailing Wage Act and Regulations (N.J.S.A. 34:11 - 56.25).

**Wage Determinations** - Federal prevailing wage rates for construction labor cost estimates can be obtained from the Wage Determinations Online system:

<http://www.wdol.gov/>

State of New Jersey prevailing wage rates may be obtained from the New Jersey Department of Labor and Workforce Development, Office of Wage and Hour Compliance at:

[http://lwd.dol.state.nj.us/labor/wagehour/wagerate/prevailing\\_wage\\_determinations.html](http://lwd.dol.state.nj.us/labor/wagehour/wagerate/prevailing_wage_determinations.html)

**Wage Determination Posting** - Contractors and sub-contractors shall post the prevailing wage rates for each craft and classification in a prominent and easily accessible place at the site of the work, or at such places as are used by them to pay workers.

The undersigned is required to ensure that all specifications and/or contracts include all applicable Federal and State of New Jersey wage rate determinations and the required labor standards provisions summarized by **form HUD-4010, "Federal Labor Standards Provisions."**

**Weekly Certified Payrolls** - It is the responsibility of each contractor and sub-contractor to submit weekly certified payrolls for project work (<http://www.dol.gov/whd/forms/wh347.pdf>)

---

**CERTIFICATION BY Sub Contractor**

---

NAME AND ADDRESS OF SUB CONTRACTOR (Include ZIP Code):

---

NAME AND TITLE OF SIGNER (Please print or type below:)

---

SIGNATURE

---

DATE

SUBMIT TO: [lyoung@njeda.com](mailto:lyoung@njeda.com) - or: to NJEDA - PO Pox 990 Trenton, NJ 08625-0990 Attn: Labor Compliance Officer

Wage and Hour Division

## PAYROLL

**(For Contractor's Optional Use; See Instructions at [www.dol.gov/whd/forms/wh347instr.htm](http://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.*



Rev. Dec. 2008

OMB No.:1235-0008  
Expires: 03/31/2018

NAME OF CONTRACTOR							OR SUBCONTRACTOR							ADDRESS						OMB No.: 1235-0008 Expires: 03/31/2018		
PAYROLL NO.				FOR WEEK ENDING					PROJECT AND LOCATION						PROJECT OR CONTRACT NO.							
(1)	(2)	(3)	(4) DAY AND DATE							(5)	(6)	(7)	(8)						(9)			
NAME AND INDIVIDUAL IDENTIFYING NUMBER (e.g., LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER) OF WORKER	NO. OF WITHHOLDING EXEMPTIONS	WORK CLASSIFICATION	OT, OR ST.								TOTAL HOURS	RATE OF PAY	GROSS AMOUNT EARNED	DEDUCTIONS						NET WAGES PAID FOR WEEK		
				HOURS WORKED EACH DAY										FICA	WITH- HOLDING TAX			OTHER	TOTAL DEDUCTIONS			
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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 (40 U.S.C. § 3145) requires contractors and subcontractors performing work on Federally financed or assisted construction contracts to "furnish 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)(3)(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 Compliance" 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 S3502, 200 Constitution Avenue, N.W. Washington, D.C. 20210

(over)

Date \_\_\_\_\_

I, \_\_\_\_\_  
(Name of Signatory Party) (Title)

do hereby state:

(1) That I pay or supervise the payment of the persons employed by \_\_\_\_\_ on the \_\_\_\_\_  
(Contractor or Subcontractor)  
\_\_\_\_\_ ; that during the payroll period commencing on the \_\_\_\_\_  
(Building or Work)  
\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and ending the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_,  
all persons employed on said project have been paid the full weekly wages earned, that no rebates have  
been or will be made either directly or indirectly to or on behalf of said  
\_\_\_\_\_ from the full  
(Contractor or Subcontractor)

weekly wages earned by any person and that no deductions have been made either directly or indirectly  
from the full wages earned by any person, other than permissible deductions as defined in Regulations, Part  
3 (29 C.F.R. Subtitle A), issued by the Secretary of Labor under the Copeland Act, as amended (48 Stat. 948,  
63 Stat. 108, 72 Stat. 967; 76 Stat. 357; 40 U.S.C. § 3145), and described below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

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

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

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

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

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION

REMARKS:

NAME AND TITLE	SIGNATURE

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



## NJEDA

Project Name and Address		Prevailing Wage Decision (PWD) Number/ Modification Number	
		1. Federal :	
		2. NJ State -County:	
		3. NJ Statewide:	
Project Number (eg 12345)		Project County:	
Bid Opening (if applicable)		Construction Start Date	
Contract Award Date			

[illegible]

## Instructions

1. Use the official Prevailing Wage Determinations (PWDs) issued at time of construction contract award to complete this sheet. Wage Determinations must be posted in prominent and easily accessible place at the work site (e.g. payroll office). This sheet can be posted in place of the PWDs as long as the PWDs are available for review.
2. \*\* Any combination of the Basic Hourly Rate + Fringe Benefit must equal or exceed the Total Hourly Prevailing Wage Rate. Wages (regardless if use of union workers) must meet at least the verified prevailing wage rates listed on this sheet.

Weekly Certified Payroll Review  
Week Ending\_\_\_\_\_

Project Name:		Contract Award Date:		Prevailing Wage Rate (As per Official Wage Determination)				Wage Determinations Used				Month_____					Initial CPR Y/N		Final CPR Y/N	
County:		Project #						NJ Date	NJ Statewide Date	Federal Date	Union Shop (Y / N)	Must submit ORIGINAL Blue Ink to NJEDA Attention: Lorena Young 36 West State Street Trenton, NJ 08625								
GC/Sub :				Class (J/F/AP)	Base Rate	Fringe	Prevailing Wage Rate													
Employee Name		Sec 3	Trade/ Classification																	

Contractor Supporting Documents (Y/N)	
Does this CPR have benefit, plan, program funds?	
Is this week's Contribution Report attached?	
Are there Apprentices?	
Is the NJ Approved Apprenticeship Certificate attached?	

EDA Use Only	
Received Date:	
Reviewed Date:	
Reviewer Name:	
Approved by:	
Date:	

Reviewer Notes / Deficiencies - For EDA Use ONLY	
Corrections/ Updates Received	

## Certified Payroll Report (CPR) Review Check List Instructions:

This checklist is a tool to ensure accuracy when completing the CPR prior to submission to the NJEDA Hurricane Sandy, Labor Standards Compliance group.

When completing a CPR, please:

1. Follow the numbered guide step by step
2. Check off steps as you complete the CPR.

**NOTE:**

Do not place a check in the "Completed" box without accurately completing the step. This will cause the CPR to be REJECTED and returned to the GC

If you have any questions about this or any form please do not hesitate to contact the NJEDA Sandy, Labor Standards Compliance group:

Lorena Young, Program Manager 609-858-6947 lyoung@njeda.com  
Annie D'Agostino, Program Officer 609-858-6705 adagostino@njeda.com

**ALL QUESTIONS ARE WELCOMED. WE ARE HERE TO HELP!**

<b>PAGE ONE The Header</b>		Yes, I have completed this step. ✓
1	Select the contractor or subcontractor box.	
2	Include your contractor/subcontractor name.	
3	Enter your Company's address.	
4	Enter the payroll number in consecutive order. a.) Write INITIAL if it is the first CPR submitted. b.) Write FINAL if it is the last CPR submitted. c.) Write REVISED if restitution was paid and it is a corrected CPR. This is the ONLY time you can use the word "revised"	
5	Enter the correct Week Ending date.	
6	Enter the project name and location for this project.	
7	Enter the Project Number. Do you know your EDA Project (P#) number?	

<b>PAGE ONE The Body Certified Payroll Entry</b>		Yes, I have completed this step. ✓
8	Column 1, list the employee's name and the last four digits of his Social Security Number (e.g XXX-XX-1234)	
9	Column 3, list the Work Classification (trade) of the employee **Specify trade (e.g. Operating Engineer what type of equipment from the Official Wage Determination?) a.) Include what class type (F=Foreman, J=Journeyman, AP=Apprentice) b.) Attach the NJ Approved Apprenticeship Certification for each apprentice listed	
10	Column 4 TOP ROW, enter a letter for the day of the week (S=Sunday, M=Monday....)	
11	Column 4 BOTTOM ROW, enter the date in the day of week, (the last date entered should match the week ending in the header)	
12	Column 4 list the HOURS WORKED EACH DAY – O=overtime, S=straight time	
13	Column 5, enter the total hours worked for overtime (O) and straight time (S)?	

14	<p>Column 6, after reviewing the Official Wage Determinations and the Project Wage Rate sheet enter employee's Rate of Pay.</p> <p>a.) Was the higher of the prevailing wages paid for Foreman and Journeyman? HINT: Check the verified Project Wage Rate Sheet NOTE:Apprentice calculations are listed per trade in the PWD</p> <p>b.) For union employees or companies that pay to a plan or fund, HANDWRITE fringe amount in the box next to the base (cash) rate of pay?</p> <p>c.) Accurately calculate OT base rate and fringe based on your Official Wage Determinations. (e.g. inclusive of benefits)</p> <p>d.) If overtime was worked accurately calculate the time (e.g. 5, 8 hr days with OT starting in the 9th hr, or 4, 10-hour days with OT in the 11th hour, per day).</p> <p>e.) Review wage determinations to verify when double time OT rate is triggered?</p>	
15	<p>Column 7 – Calculate the gross amount</p> <p>a.) Top Diagonal Box- Enter the gross amount on <b>this project</b> by calculating the hours worked times the Rate of Pay.</p> <p>b.) Bottom Diagonal Box- Enter the total gross amount for all work completed this week on all jobs. <b>NOTE:</b> This box will either be the same or higher than the top portion of the diagonal box</p>	
16	<p>Columns 8 and 9- Enter employee's Deductions and Net Pay for the week. <b>NOTE:</b> The EDA does not calculate Deductions and Net Pay. The EDA only verifies true deductions as per the Davis-Bacon and Related Acts.</p>	

	<p align="center"><b>PAGE TWO</b> <b>Statement of Compliance</b></p>	<p><b>Yes, I have completed this step. ✓</b></p>
17	<p>Left Side- Enter the information required and ensure the Week Ending date matches the first page. <b>HINT:</b> The week ending date must match in 3 places: Header, Column 4 (day/date), and Statement of Compliance Left Side.</p>	
18	<p>Item 4- Select the appropriate box, or both boxes depending on how the employee's fringe is paid. <b>OPTIONS</b></p> <p>a.) Select Box A ONLY if benefits are paid to an approved plan, program, or fund.</p> <p>b.) Select Box B ONLY if fringe is paid in all cash.</p> <p>c.) Select both Box A and B if a portion of the fringe is paid to a plan, program, or fund and the remaining fringe is paid in cash.</p>	
19	<p>Item 4- If you selected Box A, include a copy of the Fringe, Plan or Program Contribution Report. <b>HINT:</b> This includes all Union Reports and Non Union fringe plans.</p>	
20	<p>Lower Right side- Sign in <b>BLUE</b> ink Page 2 Statement of Compliance.</p> <p>a.) Must be signed by an officer of the company (e.g. Owner)</p> <p>b.) For additional signers, provide a notarized letter giving authority for someone other than an officer of the company to sign certified payrolls. <b>HINT:</b> By definition "Signatory Party"(left side) is the person who is authorized to sign.</p>	
21	<p>General Contractors mail <b>ORIGINAL</b> CPRs to the NJEDA.</p> <p>Sub-Contractors mail <b>ORIGINAL</b> CPRs to the General Contractor to forward to the NJEDA.</p>	

# DERECHOS DEL EMPLEADO BAJO LA LEY DAVIS-BACON

## PARA OBREROS Y MECÁNICOS EMPLEADOS EN PROYECTOS DE CONSTRUCCIÓN FEDERAL O CON ASISTENCIA FEDERAL

LA SECCIÓN DE HORAS Y SUELDOS DEL DEPARTAMENTO DE TRABAJO DE EEUU

### **SALARIOS PREVALECIENTES**

No se le puede pagar menos de la tasa de pago indicada en la Decisión de Salarios Davis-Bacon fijada con este Aviso para el trabajo que Ud. desempeña.

### **SOBRETIEMPO**

Se le ha de pagar no menos de tiempo y medio de su tasa básica de pago por todas las horas trabajadas en exceso de 40 en una semana laboral. Existen pocas excepciones.

### **CUMPLIMIENTO**

Se pueden retener pagos por contratos para asegurarse que los obreros reciban los salarios y el pago de sobretiempo debidos, y se podría aplicar daños y perjuicios si no se cumple con las exigencias del pago de sobretiempo. Las cláusulas contractuales de Davis-Bacon permiten la terminación y exclusión de contratistas para efectuar futuros contratos federales hasta tres años. El contratista que falsifique los registros certificados de las nóminas de pago o induzca devoluciones de salarios puede ser sujeto a procesamiento civil o criminal, multas y/o encarcelamiento.

### **APRENDICES**

Las tasas de aprendices sólo se aplican a aprendices correctamente inscritos bajo programas federales o estatales aprobados.

### **PAGO APROPIADO**

Si Ud. no recibe el pago apropiado, o precisa de información adicional sobre los salarios aplicables, póngase en contacto con el Contratista Oficial que aparece abajo:

o póngase en contacto con la Sección de Horas y Sueldos del Departamento de Trabajo de EEUU.



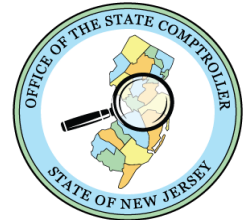
Para obtener información adicional:

**1-866-4-USWAGE**

(1-866-487-9243) TTY: 1-877-889-5627



**WWW.WAGEHOUR.DOL.GOV**



# **SANDY REBUILDING AND RECONSTRUCTION FRAUD PREVENTION HOTLINE**

**TO PREVENT FRAUD PLEASE  
REPORT ANY SUSPICION OF:**

- **FRAUDULENT ACTIVITY**
- **THEFT**
- **WASTE**
- **BRIBES OR KICKBACKS**
- **UNETHICAL OR ILLEGAL CONDUCT**

**CALL TOLL FREE**

**1-855-OSC-TIPS**

**(1-855-672-8477)**

**OR CONTACT US AT**

**[comptrollertips@osc.state.nj.us](mailto:comptrollertips@osc.state.nj.us)**

**ALL COMMUNICATIONS WILL BE KEPT CONFIDENTIAL**

*State of New Jersey/Office of the State Comptroller*

# EMPLOYEE RIGHTS UNDER THE DAVIS-BACON ACT

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

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

<b>PREVAILING WAGES</b>	You must be paid not less than the wage rate listed in the Davis-Bacon Wage Decision posted with this Notice for the work you perform.
<b>OVERTIME</b>	You must be paid not less than one and one-half times your basic rate of pay for all hours worked over 40 in a work week. There are few exceptions.
<b>ENFORCEMENT</b>	Contract payments can be withheld to ensure workers receive wages and overtime pay due, and liquidated damages may apply if overtime pay requirements are not met. Davis-Bacon contract clauses allow contract termination and debarment of contractors from future federal contracts for up to three years. A contractor who falsifies certified payroll records or induces wage kickbacks may be subject to civil or criminal prosecution, fines and/or imprisonment.
<b>APPRENTICES</b>	Apprentice rates apply only to apprentices properly registered under approved Federal or State apprenticeship programs.
<b>PROPER PAY</b>	If you do not receive proper pay, or require further information on the applicable wages, contact the Contracting Officer listed below:

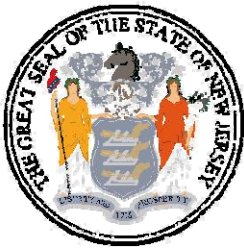
or contact the U.S. Department of Labor's Wage and Hour Division.



For additional information:  
**1-866-4-USWAGE**  
(1-866-487-9243) TTY: 1-877-889-5627



**WWW.WAGEHOUR.DOL.GOV**



SANDY: RESTAURACIÓN Y RECONSTRUCCIÓN

# LÍNEA DIRECTA PARA PREVENCIÓN DEL FRAUDE

PREVENGA EL FRAUDE E INFORME A LAS AUTORIDADES  
SI TIENE SOSPECHAS SOBRE:

- Actividades fraudulentas
- Hurto
- Despilfarro
- Soborno o coimas
- Conducta indebida o delictiva

**Línea gratuita**  
**1-855-OSC-TIPS**  
(1-855-672-8477)

También puede comunicarse con nosotros  
[comptrollertips@osc.state.nj.us](mailto:comptrollertips@osc.state.nj.us)

**TODA COMUNICACIÓN ES EstrictAMENTE CONFIDENCIAL**

*Oficina del Contralor del Estado - Estado de New Jersey*  
[www.nj.gov/comptroller/sandytransparency/](http://www.nj.gov/comptroller/sandytransparency/)



NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY

NJEDA AA Form 1		HUD PROGRAMS		Revised 2013 DEC	
<p align="center">36 West State Street - PO Box 990 Trenton, NJ 08625-0990            (609) 858-6947 phone * (609) 278-4627 fax * Lyoun@njeda.com * email</p>					
<p align="center"><b>INITIAL CONSTRUCTION PROJECT WORKFORCE MANNING REPORT (NJEDA AA Form 1)</b></p>					
<p align="center"><b>MUST BE SUBMITTED TO NJEDA WITHIN 15 BUSINESS DAYS OF CONSTRUCTION PROJECT'S START DATE</b></p>					
1. NJEDA PROJECT No. (5 digits)		2. EDA CONTRACTOR ID NUMBER		5. NAME OF CO. THAT IS RECIPIENT OF DISASTER RECOVERY CDBG ASSISTANCE	
3. NAME AND ADDRESS OF GENERAL CONTRACTOR or CONSTRUCTION MGR.					
(NAME)		6. DATE OF AWARD		7. DOLLAR AMOUNT OF AWARD	
(STREET ADDRESS)		8. NAME & ADDRESS OF PROJECT			
(CITY)		(ZIP CODE)		10. NJ COUNTY that Project is located in:	
				11. IS THIS PROJECT COVERED BY A PLA?	
4. IS THIS COMPANY AN MBE [ ] WBE [ ] SBE [ ]				YES or NO	
12. TRADE OR CRAFT	13. TOTAL HEADCOUNT	14. # OF WOMEN (AS A SUBSET OF 13. TOTAL)	15. # OF MINORITIES (AS A SUBSET OF 12. TOTAL)	15. PROJECTED PHASE-IN DATE	16. PROJECTED COMPLETION DATE
1. ASBESTOS WORKER					
2. ASPHALT WORKER					
3. BOILER MAKER					
4. BRICKLAYER					
5. CARPENTER					
6. CEMENT FINISHERS					
7. DOCK BUILDER					
8. DRILLER					
9. ELECTRICIAN					
10. ELEVATOR CONSTRUCTION					
11. FLOOR LAYER					
12. GLAZIERS					
13. HVAC					
14. IRONWORKER					
15. INSULATION MECHANIC					
16. LABORER					
17. MASON					
18. MECHANIC					
19. MILLWRIGHT					
20. OPERATING ENGINEER					
21. PAINTERS					
22. PIPEFITTERS					
23. PLASTERER					
24. PLUMBER					
25. ROOFER					
26. SHEET METAL WORKER					
27. SPRINKLER FITTER					
28. SURVEYOR					
29. TEAMSTER, TRUCK DRIVER					
30. TELETYPE - ELECTRICIAN					
31. TILE LAYER; TILE SETTER					
32. TAPER					
33. WELDER					
34. OTHER:					
<b>TOTALS:</b>					
	PROJECTED TOTAL EMPLOYEES	PROJECTED TOTAL WOMEN EMPLOYEES	PROJECTED TOTAL MINORITY EMPLOYEES	PROJECTED PERCENTAGE WOMEN	PROJECTED PERCENTAGE MINORITY

**SAMPLE**  
 PLEASE BE SUBMITTED INTO THE NJEDA'S HUD PROGRAM CONTRACTOR  
 DATABASE AFTER REGISTRATION.  
 FOR INSTRUCTION PLEASE CONTACT THE NJEDA-LABOR STANDARDS  
 COMPLIANCE GROUP

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

**HUD PROGRAMS**

ATTN: Labor Standards Compliance Officer

36 West State Street - PO Box 990 Trenton, NJ 08625-0990

(609) 858-6947 phone \* (609) 278-4627 fax \* Lyoung@njeda.com\* email

**SUB-CONTRACTOR PROJECTION FORM AA 1a***Provide a list of all known and projected subcontractors for this project with possible start of and ending construction dates.***GENERAL CONTRACTOR INFORMATION**

<b>GC Name</b>	
<b>Contact Person</b>	
<b>Contact Phone No.</b>	
<b>NJEDA P#</b>	
<b>Federal ID #</b>	

List the following information for each known Sub-contractor on this NJEDA Project

**S/W/M/VBE Information is Optional**

<b>Company Name:</b>	<b>SBE</b> <input type="checkbox"/>	<b>MBE</b> <input type="checkbox"/>	<b>WBE</b> <input type="checkbox"/>	<b>VBE</b> <input type="checkbox"/>
<b>Address:</b>				
<b>City:</b>	<b>State:</b>	<b>Zip code:</b>	<b>Fed ID #</b>	
<b>Projected Start Date:</b>	<b>Projected End Date:</b>		<b>Trade:</b>	

<b>Company Name:</b>	<b>SBE</b> <input type="checkbox"/>	<b>MBE</b> <input type="checkbox"/>	<b>WBE</b> <input type="checkbox"/>	<b>VBE</b> <input type="checkbox"/>
<b>Address:</b>				
<b>City:</b>	<b>State:</b>	<b>Zip code:</b>	<b>Fed ID #</b>	
<b>Projected Start Date:</b>	<b>Projected End Date:</b>		<b>Trade:</b>	

<b>Company Name:</b>	<b>SBE</b> <input type="checkbox"/>	<b>MBE</b> <input type="checkbox"/>	<b>WBE</b> <input type="checkbox"/>	<b>VBE</b> <input type="checkbox"/>
<b>Address:</b>				
<b>City:</b>	<b>State:</b>	<b>Zip code:</b>	<b>Fed ID #</b>	
<b>Projected Start Date:</b>	<b>Projected End Date:</b>		<b>Trade:</b>	

<b>Company Name:</b>	<b>SBE</b> <input type="checkbox"/>	<b>MBE</b> <input type="checkbox"/>	<b>WBE</b> <input type="checkbox"/>	<b>VBE</b> <input type="checkbox"/>
<b>Address:</b>				
<b>City:</b>	<b>State:</b>	<b>Zip code:</b>	<b>Fed ID #</b>	
<b>Projected Start Date:</b>	<b>Projected End Date:</b>		<b>Trade:</b>	

This form may be copied as necessary to use as additional sheets

Trenton, NJ 08625

(609) 858-6947 \* (609) 278-4627 e-fax \* [affirmativeaction@njeda.com](mailto:affirmativeaction@njeda.com) \* e-mail

# SANDY MONTHLY PROJECT WORKFORCE REPORT - CONSTRUCTION (NJEDA AA Form 2)

Complete and submit form at: <a href="http://aaonline.njeda.com">http://aaonline.njeda.com</a>										3. Contractor FID OR SS Number										
1. Name & Address of General Contractor				2. NJEDA Contractor ID Number						4. Reporting Month (mm/dd/yyyy)										
(Name)										5. Name of Company that is Recipient of CDBG-DR SANDY assistance					6. Date Gen. Contract was awarded					
(Address)										7. Name & Address of Project					8. County		9. NJEDA Project No. (5 digits)			
(City)				(State)			(Zip Code)													
10. CONTRACTOR NAME (LIST GENERAL CONTRACTOR WITH SUBS FOLLOWING)			11. PERCENT OF WORK COMPLETED	12. TRADE OR CRAFT	13. CLASS.	14. NUMBER OF EMPLOYEES					15. TOTAL	16. WORK HOURS		17. % OF WORK HRS		18. CUMULATIVE WORK HRS		19. CUM. % OF W/H		
			A.	B.		C.	D.	E.	F.	NO. OF MIN. EMP.	TOTAL WORK HOURS	A.	B.	A.	B.	TOTAL WORK HOURS	A.	B.	A.	B.
				TOTAL	BLACK	HISPANIC	AMERICAN INDIAN	ASIAN	WOMEN			MIN W/H	WOM W/H	% OF MIN W/H	% OF WOM W/H		MIN. HOURS	WOMEN HOURS	% OF MIN W/H	% OF WOM W/H
			F																	
			J																	
			AP																	
			F																	
			J																	
			AP																	
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			F																	
			J																	
			AP																	

SAMPLE

PLEASE BE SUBMITTED INTO THE NJEDA'S HUD PROGRAM CONTRACTOR DATABASE BY THE 15TH DAY OF THE FOLLOWING MONTH AFTER WORK COMPLETED.

FOR INSTRUCTOR PLEASE CONTACT THE NJEDA-LABOR STANDARDS COMPLIANCE GROUP

[illegible]

20. COMPLETED BY (PRINT OR TYPE)

**I CERTIFY THAT THE INFORMATION ON THIS FORM IS TRUE AND CORRECT**

(NAME)		(SIGNATURE)		(TITLE)
(AREA CODE)	(TELEPHONE NUMBER)	(EXT.)	(COMPANY NAME)	(DATE)

**EXHIBIT 1**  
**SECTION 3 BIDDERS PROPOSED CONTRACTS / SUBCONTRACTORS**

**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY**

HUD Programs

P.O. Box 990 - Trenton, NJ 08625-0990

**Forms available at: <http://www.njeda.com/affirmativeaction>**

Type of Contract (Business or Profession)	Total No.	Estimated Total Dollar Amount Prime Contract	Estimated Total Dollar Amount Subcontracts	Estimated No. of Contracts to Section 3 Businesses	Estimated Dollar Amount to Section 3 Businesses

**Section 3 Business Concern**

A business concern, which is located in or owned in substantial part (at least 51%) by persons residing in the same non-metropolitan county as the project.

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Project Number

\_\_\_\_\_  
Project Name

\_\_\_\_\_  
Person Completing Form

\_\_\_\_\_  
Date

**EXHIBIT 2**  
**SECTION 3 BUSINESS CERTIFICATION FORM 2**

NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY

HUD Programs

P.O. Box 990 - Trenton, NJ 08625-0990

**CDBG-DR ECONOMIC REVITALIZATION LOW/MODERATE INCOME (LMI) AND RESIDENCY EMPLOYMENT OPPORTUNITY**

This worksheet must be completed and returned to the General Contractor and/or the NJEDA

**Forms available at : <http://www.njeda.com/affirmative action>**

Name of Business	SG or Loan #(5 digits)	E-mail Address
Address of Business	D.B.A Name or Applicant Name	
Type of Business	Type of Contract	
<input type="checkbox"/> Corporation <input type="checkbox"/> Sole Proprietorship	<input type="checkbox"/> Partnership <input type="checkbox"/> Joint Venture	<input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction
Project Address	Federal ID #	

**Part I.**

**Small Business Enterprise:** (check all that apply)

- |                              |                                  |                              |
|------------------------------|----------------------------------|------------------------------|
| <input type="checkbox"/> SBE | <input type="checkbox"/> MBE     | <input type="checkbox"/> DBE |
| <input type="checkbox"/> WBE | <input type="checkbox"/> S/W/MBE | <input type="checkbox"/> VOB |

**Category:** (see definitions below and check box)

- |                                |                                |
|--------------------------------|--------------------------------|
| <input type="checkbox"/> Cat 1 | <input type="checkbox"/> Cat 3 |
| <input type="checkbox"/> Cat 2 | <input type="checkbox"/> Cat 4 |

**Part II.**

Attached is the following documentation as evidence of status:

**For Business claiming status as a Section 3 resident-owned enterprise:**

- |   |   |
|---|---|
| <input type="checkbox"/> Copy of resident lease   | <input type="checkbox"/> Copy of receipt of public assistance |
| <input type="checkbox"/> Copy of evidence of participation in a public assistance program | <input type="checkbox"/> Other evidence                       |

**For business entity as applicable:**

- |  |   |
|--|---|
| <input type="checkbox"/> Copy of Articles of Incorporation                                     | <input type="checkbox"/> Certificate of Good Standing             |
| <input type="checkbox"/> Assumed Business Name Certificate                                     | <input type="checkbox"/> Partnership Agreement                    |
| <input type="checkbox"/> List of owners/stockholders and % ownership of each                   | <input type="checkbox"/> Corporation Annual Report                |
| <input type="checkbox"/> Organization chart with names and titles and brief function statement | <input type="checkbox"/> Latest Board minutes appointing officers |
|  | <input type="checkbox"/> Additional documentation                 |

**For business claiming Section 3 status, claiming at least 30 percent of their workforce are currently Section 3 residents or were Section 3 eligible residents within 3 years of date of first employment with the business:**

- |  |   |
|--|---|
| <input type="checkbox"/> List of all current full-time employees                           | <input type="checkbox"/> List of employee claiming Section 3 status                                   |
| <input type="checkbox"/> PHA/IHA Residential lease less than 3 year from day of employment | <input type="checkbox"/> Other evidence of Section 3 status less than 3 years from date of employment |

**Evidence of ability to perform successfully under the terms and conditions of the proposed contract:**

- ☐ Current financial statement
- ☐ Statement of ability to comply with public policy
- ☐ List of owned equipment
- ☐ List of all contracts for the past two years

### Part III.

#### NOTORIZATION

\_\_\_\_\_  
Authorizing name and Signature (Corporate Seal)

\_\_\_\_\_  
Print Name

Sworn to and subscribed before this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ to certify with witness by my hand and seal of office.

NOTORIAL SEAL: Notary Public \_\_\_\_\_

#### Instructions

This form is to be used to report accomplishments regarding employment and other economic opportunities provided to moderate, low- and very low-income persons under Section 3 of the Housing and Urban Development Act of 1968. The Section 3

The NJEDA, in compliance with Section 3 regulations, will require contractors and subcontractors to direct their efforts towards contracts to Section 3 business concerns in the following order of priority:

**Category 1:** Business concern that is a certified Section 3 business and it is 51% or more owned by a resident of the service area or neighborhood where the work is being performed.

**Category 2:** Business concern that is certified Section 3 business and it is 51% or more owned by a resident of the State of New Jersey

**Category 3:** Business concern whose permanent workforce includes not less than 30% of Section 3 residents.

**Category 4:** HUD Youthbuild programs being carried out in the NJEDA in which Section 3 covered assistance is expended.

Contractors and subcontractors are expected to extend to the greatest extent feasible, efforts to achieve the numerical targets established by the NJEDA.

Contractors and subcontractors that can demonstrate how they will meet the requirements in this section will be given a contracting preference when selecting a contractor.

#### Evidence of Section 3 Certification

Any business seeking Section 3 preference in the awarding of contracts or purchase agreements must complete the Certification for Business Concerns Seeking Section 3 Preferences in Contracting and Demonstration of Capability form. The business seeking Section 3 preference must be able to provide adequate documentation as evidence of eligibility under the Section 3 Program.

This certification along with any supporting documentation for Section 3 preference for business concerns must be submitted with bid and throughout the life of project

For NJEDA use only			
Supporting documents received	Y	N	Date Received _____ Approved ____ Rejected ____ (check one)
Reason for Rejection:			

**EXHIBIT 3**  
**SECTION 3 BIDDERS ESTIMATED NEW HIRES**

**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY**

HUD Programs  
P.O. Box 990 - Trenton, NJ 08625-0990  
**Forms available at: <http://www.njeda.com/affirmativeaction>**

Job Category	Estimated Total Positions Needed for Project	No. of Positions Occupied by Permanent Employees	No. of Positions Not Occupied	No. of Positions to be Filled with Section 3 Residents
Office/ Supervisors				
Professionals				
Technicals				
Hsq Sales / Rental Mgmt				
Office / Clerical				
Service Workers				
Others				
TRADE:				
Journeyman				
Helpers				
Apprentices				
Trainees				
Others				

**Section 3 Business Concern**

Individual residing within the non-metropolitan county in which the Section 3 covered project is located and whose income does not exceed 80% of the higher of the median income, adjusted by family size, for the county of residence of the non-metropolitan are of the state.

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Project Number

\_\_\_\_\_  
Project Name

\_\_\_\_\_  
Person Completing Form

\_\_\_\_\_  
Date

**EXHIBIT 4**  
**SECTION 3 EMPLOYEE AND TRAINEE DATA**  
**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY**

HUD Programs  
P.O. Box 990 - Trenton, NJ 08625-0990

**CDBG-DR ECONOMIC REVITALIZATION**  
**LOW / MODERATE INCOME (LMI) AND RESIDENCY EMPLOYMENT OPPORTUNITY**

This worksheet must be completed and returned to the General Contractor and/or the NJEDA.

**Form available at: <http://www.njeda.com/affirmative action>**

**Eligibility for Preference**

A Section 3 resident seeking the preference in training and employment provided by this part shall certify, or submit evidence to the recipient contractor or subcontractor, if requested, that the person is a Section 3 resident, as defined in Section 135.5. (An example of evidence of eligibility for the preference is evidence of receipt of public assistance, or evidence of participation in a public assistance program.)

<b>Category Number (check box that applies, see below)</b>	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>
<b>Certification for Resident Seeking Section 3 Preference in Training and Employment</b>				
I, _____ am a legal resident in the city of _____ county of _____ state of _____, and meet the income eligibility guidelines for a low, moderate, or very-low income person.				
My permanent address is: _____				
Name of Public Housing Development (if applicable) _____			Household Annual Salary _____	
Number of Individuals in Household _____			Date of Hire _____	
I have attached the following documentation as evidence of my status:				
Check all that apply:				
<div style="display: flex; justify-content: space-between;"><div><input type="checkbox"/> Copy of lease <input type="checkbox"/> Copy of evidence of participation in a public assistance program</div><div><input type="checkbox"/> Copy of receipt of public assistance <input type="checkbox"/> Other evidence</div></div>				
Required: <input type="checkbox"/> Copy of identification included (required) (e.g. driver's license, birth certificate, etc.)				
Type of evidence				
_____ Signature of Resident			_____ Date	
_____ Print Name				

Under the NJEDA Section 3 Program, contractors and subcontractors are required to complete this form. Provide employment opportunities to Section 3 residents/participants in the priority order listed below:

**Category 1** - Residents of the housing development or developments of which the contract shall be expended

**Category 2** - Section 8 residents as well as all other county residents residing in the vicinity of the project who meet the income guidelines of Section 3 preference

**Category 3** - Participants in HUD Youthbuild program being carried out in the project boundary area

**Category 4** - Section 8 residents who meet income guidelines for Section 3 preference

<b>For NJEDA use only</b>	Supporting documents received _____ Date _____ Approved _____ Rejected _____
Rejection Comments:	



**EXHIBIT 5**  
**SECTION 3 EMPLOYEE HOUSEHOLD INCOME CERTIFICATION**  
**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY**

HUD Programs  
P.O. Box 990 - Trenton, NJ 08625-0990

**CDBG-DR ECONOMIC REVITALIZATION**  
**LOW / MODERATE INCOME (LMI) AND RESIDENCY EMPLOYMENT OPPORTUNITY**

This worksheet must be completed and returned to the General Contractor and/or the NJEDA.

**Form available at: [http://www.njeda.com/affirmative action](http://www.njeda.com/affirmative%20action)**

**Eligibility for Preference**

Any individual who is seeking to be certified as a Section 3 resident, and who is not a public housing resident, or not a federally assistant housing program, or not a recipient public housing assistance program shall attest to their total current gross annual household income, and provide the name and date of birth of each household member. All additional household income earned by household members, excluding children under 18, and/or provided through public or private assistance, child support, bank or investment earnings must be included, where indicated below.

**I, \_\_\_\_\_ (Individual's Full Name) DO SOLEMNLY SWEAR THAT THE INFORMATION PROVIDED BELOW IS TRUE.**

**\*Number of family members who live in my household:** \_\_\_\_\_ . (See Section 3 Waiver blow)

**My total current gross annual household income is:** \_\_\_\_\_ .

The source(s) of my total annual household income is/are:

	Section 3 Employee	Spouse (if applicable)	Other Adult Members age 18 & over (if applicable)	Other Adult Members age 18 & over (if applicable)	Other Adult Members age 18 & over (if applicable)	Other Adult Members age 18 & over (if applicable)
Gross Earnings						
TANF						
Child Support						
Bank Income						
Other Income List						
1						
2						
3						
4						

\_\_\_\_\_  
**Print Name:**

\_\_\_\_\_  
**Signature:**

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



**EXHIBIT 6**  
**CERTIFICATION OF BIDDER REGARDING SECTION 3 AND SEGREGATED FACILITIES**

**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY**

HUD Programs  
P.O. Box 990 - Trenton, NJ 08625-0990  
**Forms available at: <http://www.njeda.com/affirmativeaction>**

\_\_\_\_\_  
Name of Prime Contractor

\_\_\_\_\_  
Project name and Number

The undersigned hereby certifies that:

1. Section 3 provisions are included in the Contract
2. A written Section 3 plan was prepared and **submitted as part of the bid proceedings** (if bid equals or exceeds \$100,000)
3. No segregated facilities will be maintained

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Directions:**

This certification is to be completed by the contractor and submitted with the bid document. Subparagraph c) does not preclude contractors from providing separate lavatories or changing facilities for men and women.

**EXHIBIT 7**  
**SUBCONTRACTOR CERTIFICATION REGARDING**  
**SECTION 3 AND SEGREGATED FACILITIES**

**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY**

HUD Programs  
P.O. Box 990 - Trenton, NJ 08625-0990  
**Forms available at: <http://www.njeda.com/affirmativeaction>**

\_\_\_\_\_  
Name of General/Prime Contractor

\_\_\_\_\_  
Project Name

\_\_\_\_\_  
Subcontractor Company Name

\_\_\_\_\_  
Subcontractor Address

\_\_\_\_\_  
Project Number

The undersigned hereby certifies that:

1. Section 3 provisions are included in the Contract
2. A written Section 3 plan was prepared and **submitted as part of the bid proceedings** (if bid equals or exceeds \$100,000)
3. No segregated facilities will be maintained

**OR**

4. Contract award amount does not exceed \$100,000, therefore Section 3 is not triggered

Contract award amount: \_\_\_\_\_

\_\_\_\_\_  
Name and Title of Signer (Print or Type):

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Directions:

This certification is to be completed by the contractor and submitted with the bid document. Subparagraph c) does not preclude contractors from providing separate lavatories or changing facilities for men and women.

**Exhibit 8 BIDDERS SECTION 3 PLAN AGREEMENT**

**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY**

HUD Programs  
P.O. Box 990 - Trenton, NJ 08625-0990

**Forms available at: <http://www.njeda.com/affirmativeaction>**

If award is received, \_\_\_\_\_ (name of contractor) agrees to implement the following specific affirmative action steps directed at increasing the utilization of lower income residents and businesses within the County of \_\_\_\_\_.

1. To ascertain from the locality's CDBG program official the exact boundaries of the Section 3 covered project area, and where advantageous, seek the assistance of local officials in preparing and implementing the affirmative action plan.
2. To attempt to recruit from within the city the necessary number of lower income residents through local advertising media, signs placed at the proposed site for the project area, and community organizations, and public or private institutions operating within or serving the project area such as Service Employment and Redevelopment (SER), Opportunities Industrialization Center (OIC), Urban League, Concentrated Employment Program, Hometown Plan, or the U.S. Employment Service.
3. To maintain a list of lower income area residents who have applied either on their own or on referral from any source, and employ such persons, if otherwise eligible and if a vacancy exists.
4. To insert the Section 3 Clause Contract Provisions in all subcontracts over \$100,00, to obtain all forms from said subcontractors, and to obtain all documentation for completion of prior to final payment. (Loans, grants, contracts, and subsidies for less than \$100,000 will be exempt).
5. To contact unions, subcontractors, and trade associations to secure their cooperation for this program
6. To ensure that all appropriate project area business concerns are notified of pending sub contractual opportunities.
7. To maintain records, including copies of correspondence, memoranda, etc., which document that all of the above affirmative steps have been taken.
8. To appoint or recruit an executive official of the company or agency as Equal Opportunity Officer to coordinate the implementation of this Section 3 plan.
9. To list information related to proposed subcontracts to be awarded to Section 3 businesses.
10. To list all projected workforce needs for all phases of this project by occupation, trade, skill level and number of positions.

As officers and representatives of \_\_\_\_\_, (Name of Bidder) we, the undersigned, have read and fully agree this Affirmative Action Plan, and become a party to the full implementation of this program.

Signature

\_\_\_\_\_  
Title of Signer (Print or Type):

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title of Signer (Print or Type):

\_\_\_\_\_  
Date

**EXHIBIT 9**  
**SECTION 3 PLAN STATEMENT OF COMMITMENT**  
**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY**

HUD Programs  
P.O. Box 990 - Trenton, NJ 08625- 0990  
**Forms available at: <http://www.njeda.com>**

By signature below, I am hereby acknowledging to the NJEDA that I have been duly provided with information regarding the NJEDA's Section 3 Program, which explains the obligations and requirements of any construction project, which is funded in part or whole by HUD sourced funds. I certify that I am fully empowered to enter into this Statement of Section 3 Utilization Commitment on behalf of this business and I am certifying that the information contained within this Section 3 Plan is accurate and correct and that I understand that the NJEDA may impose penalties and sanctions for the submission of any false and inaccurate statements within this document.

---

COMPANY AUTHORIZED REPRESENTATIVE

---

PHONE

---

SIGNATURE OF AUTHORIZED REPRESENTATIVE

---

TITLE

---

COMPANY SECTION 3 COORDINATOR

*(Leave blank if the same as authorized representative)*

---

EMAIL ADDRESS

---

COMPANY NAME

---

COMPANY COMPLETE ADDRESS

---

COMPANY WEBSITE (if applicable)

## Exhibit 10 HUD Section 3 Projected Utilization Plan

Company Name \_\_\_\_\_

**Instructions: Must be completed and submitted as part of your Section 3 Plan even if "No New Hires" needed.**

<u>Goals</u> <ul style="list-style-type: none"> <li>Thirty percent (30%) of the aggregate number of new hires are Section 3 residents;</li> <li>Ten percent (10%) of the total dollar amount of the contract is awarded to Section 3 business concerns</li> <li>Three percent (3%) of the total dollar amount of all covered non-construction contracts are awarded to Section 3 business concerns</li> </ul>	
Total Current Employees	
Total Anticipated New Hires	
Total Anticipated New Hires that are Section 3 Residents	
<b>Percentage of Section 3 New Hires</b>	%
Total Dollar Amount of Contract	\$
Total Dollar Amount of construction Sub-contracts to be awarded	\$
Total Dollar Amount of construction Sub-contracts to be Awarded Section 3 Business Concerns	\$
Total Dollar Amount of Non-construction Subs-contracts to be Awarded	\$
Total Dollar Amount of Non-construction Sub-contracts to be Awarded to Section 3 Business Concerns	\$
<b>Percentage of Contracts Going to Section 3 Business Concerns</b>	\$
	%
Number of Technical Trainings to be Provided Annually	

(Note: These amounts may change due to increases and decrease in contract value.

All Changes should be reflected on monthly reports)

Please Answer the questions below:

- 1     How Man e-mail blast or notifications will be send regarding Section 3 outreach?
- 2     How frequently will the blast or any other notifications be sent?
- 3     What organizations will you reach out to/

**NOTE** The use of "good faith effort" is in regards to the NJEDA's Affirmative Action program. Please use "greatest extent feasible" for outreach as indicated in the DCA Policy memo Number 2.10.22, effective June 2013.

**APPENDIX A**  
**SECTION 3 CLAUSE**

*All section 3 covered contracts shall include the following clause (referred to as the section 3 clause):*

- A. The work to be performed under this contract is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (section 3). The purpose of section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by section 3, shall, to the greatest extent feasible, be directed to low- and very low-income persons, particularly persons who are recipients of HUD assistance for housing.*
- B. The parties to this contract agree to comply with HUD's regulations in 24 CFR part 135, which implement section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the part 135 regulations.*
- C. The contractor agrees to send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers' representative of the contractor's commitments under this section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.*
- D. The contractor agrees to include this section 3 clause in every subcontract subject to compliance with regulations in 24 CFR part 135, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR part 135. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR part 135.*
- E. The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR part 135 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR part 135.*
- F. Noncompliance with HUD's regulations in 24 CFR part 135 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.*
- G. With respect to work performed in connection with section 3 covered Indian housing assistance, section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e) also applies to the work to be performed under this contract. Section 7(b) requires that to the greatest extent feasible (i) preference and opportunities for training and employment shall be given to Indians, and (ii) preference in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned Economic Enterprises. Parties to this contract that are subject to the provisions of section 3 and section 7(b) agree to comply with section 3 to the maximum extent feasible, but not in derogation of compliance with section 7(b).*



## SECTION 3 Quarterly Report

NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY  
HUD PROGRAMS  
P.O. Box 990 - Trenton, NJ 086250-0990  
Forms available at <http://www.njeda.com/affirmativeaction>

### Contractor Information Form

#### Background Information

1. Company Name   
2. Contact Name   
3. Contact Number

4. Date Submitted to Program   
5. Reporting Period Covered by This Form

6. Are you a Section 3 Business?

#### Part I: Listing of Projects You Are Working On Under the Program

A Project Name	B Total Contract Value Awarded to You by the Program
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>

#### Part II: Employee Information - Include New Hire and Trainee figures from yourself and your subcontractors in connection with the above listed projects.

A Job Category	B Number of New Hires Added to Projects this Quarter	C Number of New Hires Added to Projects this Quarter that are Section 3	D Number of Section 3 Trainees (Cumulative)
Professional	<input type="text"/>	<input type="text"/>	<input type="text"/>
Clerical	<input type="text"/>	<input type="text"/>	<input type="text"/>
Case Management	<input type="text"/>	<input type="text"/>	<input type="text"/>
Facilities/ Maintenance	<input type="text"/>	<input type="text"/>	<input type="text"/>
Technical (Bookkeeping, IT, etc.)	<input type="text"/>	<input type="text"/>	<input type="text"/>
Carpentry	<input type="text"/>	<input type="text"/>	<input type="text"/>
Masonry	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Plumbing	<input type="text"/>	<input type="text"/>	<input type="text"/>
Electrical	<input type="text"/>	<input type="text"/>	<input type="text"/>
Administrative	<input type="text"/>	<input type="text"/>	<input type="text"/>
Other - Describe (Add rows as necessary)	<input type="text"/>	<input type="text"/>	<input type="text"/>

#### Part III: Subcontractors

(leave blank if no subcontractors have been hired)

A Subcontractor Name	B Is the subcontractor working on construction or non-construction work?	C Is the subcontractor a Section 3 Business?	D Contract Value
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

#### Part IV: Summary of Outreach Efforts

Indicate the efforts made to direct the employment and other economic opportunities generated by HUD financial assistance for housing and community development programs,

<input type="checkbox"/>	Attempted to recruit low-income residents through: local advertising media, signs prominently displayed at the project site, contracts with the community organizations and public or private agencies operating within the metropolitan area (or Nonmetropolitan County) in which the Section 3 covered program or project is located or similar methods.
<input type="checkbox"/>	Participated in HUD program or other program which promotes the training or employment of Section 3 residents.
<input type="checkbox"/>	Participated in HUD program or other program which promotes the award of contracts to business concerns which meet the definition of Section 3 business concerns.
<input type="checkbox"/>	Coordinated with Youthbuild Program administered in the metropolitan area in which the Section 3 covered project is located.
<input type="checkbox"/>	Other; describe below
<input type="text"/>	

**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY**  
**HUD PROGRAMS**  
**PREVAILING WAGE /AFFIRMATIVE ACTION/ EEO**  
**COMPLETION CERTIFICATE**  
**CONSTRUCTION MANAGER/GENERAL CONTRACTOR AND SUBCONTRACTORS**

**NJEDA PROJECT OWNER/APPLICANT COMPANY NAME**

(i.e. Recipient of Federal Financial Aid Grant or Loan- SANDY)

**PROJECT LOCATION** (include Street, City and Zip Code)

**COMPLETION DATE** (or substantially complete date)

**NJ COUNTY** (project location)

**NJEDA PROJECT NO.**

*Certificate to be completed by the General Contractor and each Subcontractor (all tiers) and submit to:*

**US Postal Mail**

**NJ Economic Development Authority**  
**Office of Recovery**  
**Attn: Labor Relations Administrator**  
**P.O. Box 990**  
**Trenton, NJ 08625-0990**

**or**

**Fax**

**Lorena Young**  
**(609) 278-4627**

**or**

**Email**

**lyoung@njeda.com**

I/We, the undersign, certify to the New Jersey Economic Development Authority as follows:

1. Construction of the above project is substantially complete.
2. All workers employed in construction of the Project have been paid at a rate not less than the federal and/or NJ Prevailing Wage rate (whichever is higher). In making this certification I have relied on payroll records submitted by subcontractors and lower-tier contractors.
3. We have made good faith efforts to achieve minority and women workforce participation goals and submitted all reports and certificates required by the Authority.

<b>CONSTRUCTION MANAGER, OR GENERAL CONTRACTOR</b>	Date	Signature of Authorized Representative for the (Check one ) <input type="checkbox"/> Construction Manager <input type="checkbox"/> General Contractor
	Contact Phone Number	Print Name and Title
		Print <b>or</b> Type Company Name of the above
	Email (optional)	Street Address <b>or</b> PO Box of the above
		City, State and Zip Code of the above
<b>SUBCONTRACTOR</b>	Date	Signature of Authorized Representative
	Contact Phone Number	Print Name and Title
		Print <b>or</b> Type Company Name
	Email (optional)	Street Address <b>or</b> PO Box
		City, State and Zip Code

All documents received and reviewed by the NJEDA from the Construction Manager/General Contractor and are in compliance in accordance with US Federal and NJ State Labor Standard, Affirmative Action, EEO policies, guidelines, and regulations.

EDA Labor Standards Compliance Officer Name

Signature

Date

**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY**  
**HUD PROGRAMS**  
**PREVAILING WAGE /AFFIRMATIVE ACTION/ EEO/ SECTION 3**  
**COMPLETION CERTIFICATE**  
**SUBRECIPIENT AND GENERAL CONTRACTOR**

**NJEDA PROJECT OWNER/APPLICANT COMPANY NAME**

(i.e. Recipient of Federal Financial Aid Grant or Loan- SANDY)

--

**PROJECT LOCATION** (include Street, City and Zip Code)

--

**COMPLETION DATE** (or substantially complete date)

--

**NJ COUNTY** (project location)

--

**NJEDA PROJECT NO.**

--

***Completion Certificate to be completed by the Subrecipient/Borrower and General Contractor and submit to:***

**US Postal Mail**

**NJ Economic Development Authority**

**Office of Recovery**

**Attn: Labor Relations Administrator**

**P.O. Box 990**

**Trenton, NJ 08625-0990**

**or**

**Fax**

**Lorena Young**

**(609) 278-4627**

**or**

**Email**

**lyoung@njeda.com**

I/We, the undersign, certify to the New Jersey Economic Development Authority as follows:

1. Construction of the above project is substantially complete.
2. All workers employed in construction of the Project have been paid at a rate not less than the federal and/or NJ Prevailing Wage rate (whichever is higher). In making this certification I have relied on payroll records submitted by subcontractors and lower-tier contractors.
3. We have made good faith efforts to achieve minority and women workforce participation goals and submitted all reports and certificates required by the Authority.
4. Are in compliance with and/or have made good faith efforts as per the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, and our approved Section 3 Plan.

<b>SUBRECIPIENT</b>	Date _____	Signature of Authorized Representative for Subrecipient _____
	Contact Phone Number _____	Print Name and Title _____
		Print <b>or</b> Type Company Name of Subrecipient _____
	Email (optional) _____	Street Address <b>or</b> PO Box of Subrecipient _____
		City, State and Zip Code of Subrecipient _____
<b>CONSTRUCTION MANAGER OR GENERAL CONTRACTOR</b>	Date _____	Signature of Authorized Representative _____ (Check one ) <input type="checkbox"/> Construction Manager <input type="checkbox"/> General Contractor
	Contact Phone Number _____	Print Name and Title _____
		Print <b>or</b> Type Company Name _____
	Email (optional) _____	Street Address <b>or</b> PO Box _____
		City, State and Zip Code _____

All documents have been received and reviewed by the NJEDA and are in compliance in accordance with Federal and NJ State Labor Standard, Affirmative Action, EEO, and Section 3 policies, guidelines, and regulations.

\_\_\_\_\_  
NJEDA Labor Standards Compliance Officer Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## Systems Start-ups and Prevailing Wage

This project is subject to both the Davis-Bacon Act and Related Act (DBA-RA) and the NJ Prevailing Wage Act. The NJEDA's Labor Standards Compliance division must enforce the prevailing wage requirement that is *more stringent between federal and NJ State requirements*.

The Davis Bacon Act recognizes that job titles vary widely and change quickly in the computer industry, computer systems analysts, computer programmers, software engineers or other similarly skilled workers in the computer field are eligible for prevailing wage exemption as professionals. However, the NJ Prevailing Wage Act requires payment of prevailing wage to computer systems analysts, computer programmers, software engineers or other similarly skilled workers in the computer field. These prevailing wage classifications include any inspection/testing/programming (including minor adjustments) that is needed to get a system started after the installation has taken place, to be paid at the Electrician rate of pay or at the Pipefitter rate of pay.

It is the responsibility of the NJEDA's Labor Standards Compliance division to verify that prevailing wage (base cash rate + fringe) is met per hour, per week, on the federal Certified Payroll. It is the responsibility of the awarded General Contractor to provide proof of payment when fringe benefit paid to a fund, plan, or program.

### Learned Professional

As per review by the EDA and the New Jersey Department of Labor, pursuant to 29 CFR Part 541, "Learned Professional" is an applicable prevailing wage exemption under this HUD funded project. To be deemed qualified under this exemption, employees must meet all the following criteria:

The employee must be compensated either on a salary or fee basis at a rate not less than \$455\* per week or, if compensated on an hourly basis, at a rate not less than \$27.63 an hour;

The employee must be employed as a computer systems analyst, computer programmer, software engineer or other similarly skilled worker in the computer field performing the duties described below;

The employee's primary duty must consist of:

1. The application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software or system functional specifications;
2. The design, development, documentation, analysis, creation, testing or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications;
3. The design, documentation, testing, creation or modification of computer programs related to machine operating systems; or
4. A combination of the aforementioned duties, the performance of which requires the same level of skills.

System manufacturers must provide the EDA Labor Compliance Officer a list of the "Learned Professional(s)" (name and title) prior to start of their work. The EDA will review the list for eligibility under this exemption and notify you if acceptable. Additional employees that do not meet these criteria, and are associated with the start-up/connection of the system(s), must pay the applicable prevailing wage rate as per the Official Wage Determinations issued by the NJEDA's Labor Standards Compliance group.