

Labor Standards – Common Pitfalls

- LSO Appt. Form – Before anything
- 10 Day Call being done AFTER bid open
- No Bid Open / RFQ Date for 10 DC
- LSR for Non DBRA No Bid Open Date / RFQ
- No 10 DC / LSR for Non open Bidding
- Bid Opening Date change between 10 DC and LSR
- Additional Wage Classification (AWC) requests – issues
- COCC and Award vs. Executed Dates
- Signatures

Common Pitfalls

- Dollar amounts on LSR/ COCC/ FWCR
- Dates for LSR/ COCC/ FWCR: Award vs. Execute
- Sub Contractor Clearance
- Employee Interviews – You have to do them
- Payrolls not submitted and not in order (use no-work week too)
- Change Orders – send them in

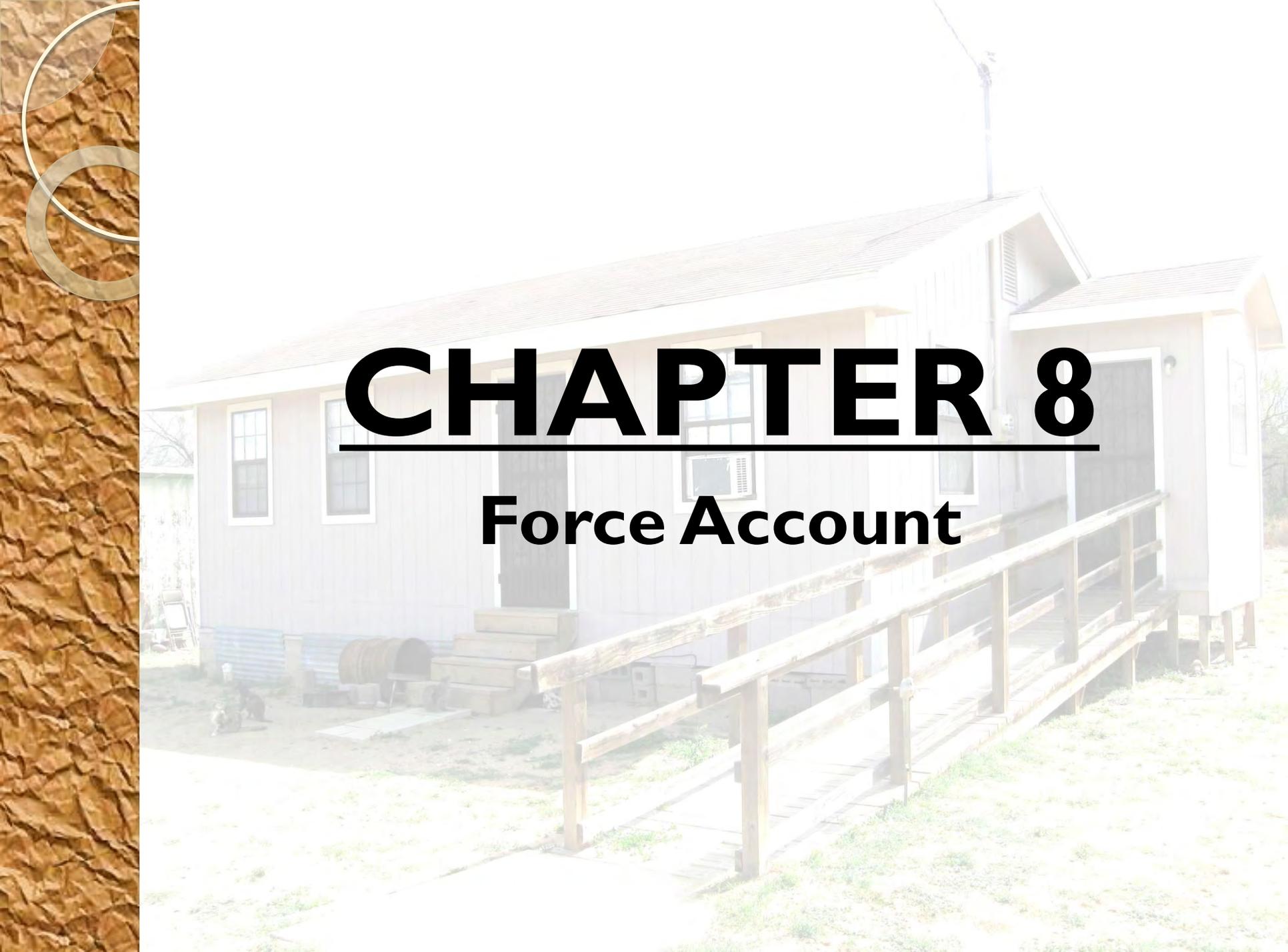
What's New!

- AWC Requests: Employee does not have to sign
- Multiple Wage Decisions: 20% and 2 AWC Requests
- Sub Contractors: Owners vs. Owners and their employees.
 - ✓ Owner working for themselves
 - ✓ Owner working for themselves and has employees
 - ✓ Taxes



Questions

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CHAPTER 8

Force Account

Force Account REALLY???



Force Account - Definition

Professional services, construction, rehabilitation, repair or demolition that is performed by municipal or county employees.



Force Account

Force account applies to the following employees:

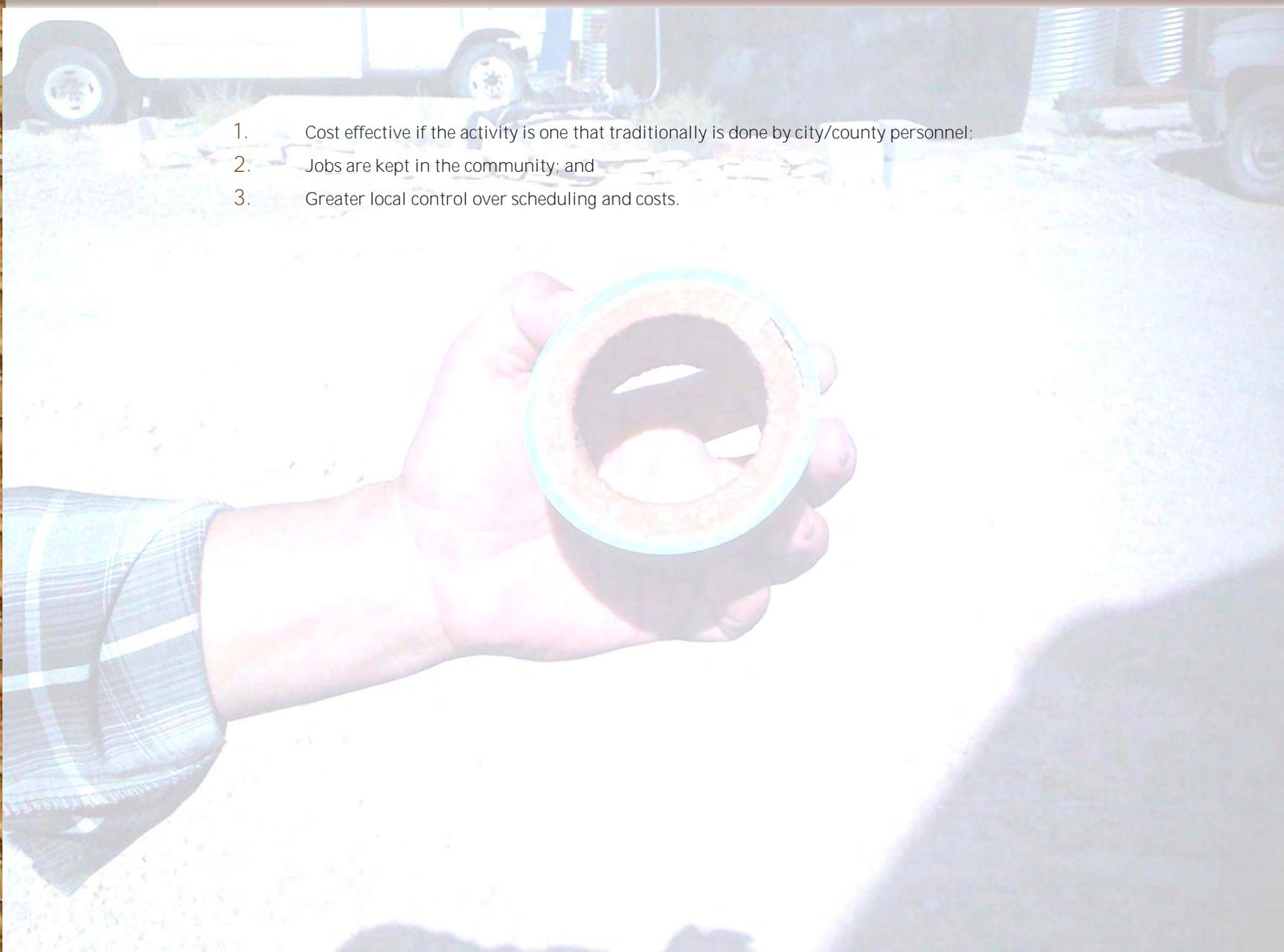
- Permanent employees of a Grant Recipient;
- Temporary employees of a Grant Recipient hired, not contracted, to specifically perform work on a federally funded or federally assisted construction project - the Grant Recipient must provide evidence that it adhered to its hiring and employment policies for temporary employees;
- Employees of a county who are carrying out public facilities improvements for a Grant Recipient through an intergovernmental agreement as prescribed by the Texas Government Code, Interlocal Cooperation Contract, Chapter 791; or
- Employees of a public utility district or utility company on a case-by-case basis.

Force Account - Disadvantages

1. No warranty for work performed by the Grant Recipient;
2. Construction may be slower and not meet contract time frame;
3. Extensive record keeping is required;
4. Skilled local workers and appropriate equipment may be insufficient;
5. Additional documentation is required for each drawdown;
6. Delayed payments due to required documentation review;
7. Procurement requirements for necessary materials; and
8. Ongoing inspections may not be readily available to ensure quality construction.

Force Account – Minimal Advantages

1. Cost effective if the activity is one that traditionally is done by city/county personnel;
2. Jobs are kept in the community; and
3. Greater local control over scheduling and costs.



Force Account – Allowable Costs

- Labor
 - Reasonable wages must be supported by adequate documentation.
- Materials
 - All materials must be adequately procured.
 - Using materials already on hand will be based on the actual cost of the material at the time of original purchase.
 - Unused supplies greater than \$5,000 can be used for other Federal projects or must be reimbursed.



Force Account – Allowable Cost (Cont.)

- Equipment - Grant Recipients may be compensated for the equipment based on an hourly rate.
 - Only actual hours of construction time “**in use**” at the project site are eligible.
 - Standby equipment costs are not eligible.
 - The hours charged for equipment use must agree with the corresponding hours documented for the equipment operator.
- Professional Services
 - City engineer

Force Account – Recordkeeping

Grant Recipient must maintain **thorough documentation of all costs**:

- Employees Personnel policies
- Personnel Cost Calculation Sheet
- Time sheets documenting the workers and work performed
- All timesheets should correspond to the Grant **Recipient's regular employee time sheets, no one should be charged to the project if they are not in attendance**
- Equipment Cost Calculation Sheet
- Construction Personnel Time Sheet
- Invoices and cancelled checks for all construction materials and supplies

What's New!

- Grant Recipients may use their own forms
- As previously discussed, return/reimbursement of inventory if not used
- No longer 50% cap based on original value of the equipment
 - No longer having to show the original invoice of the equipment used

Questions

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CHAPTER 9

Reserved

STEP Moved to SECTION F

THE LIBRARY OF AMERICAN LAWS AND LEGAL PRINCIPLES

THE
CIVIL
RIGHTS
ACT OF

CHAPTER 10

1964

Civil Rights

Landmark
Antidiscrimination
Legislation

Simon & Schuster



Protections

Protections for the following classes:

- ☛ Race
- ☛ Color
- ☛ Religion
- ☛ Sex
- ☛ Disability
- ☛ National origin
- ☛ Age
- ☛ Familial Status

individual protections.

Civil Rights Officer (CRO)

- Select Civil Rights Officer
- Best Practice: Local Staff Member
- Send Designation to TDA

Citizen Participation

- Encourage participation in the CDBG Project especially for low to moderate income groups
- Requires:
 - Plan
 - Grievance and complaint procedures
 - Notice

Equal Rights Requirements

- Equal Opportunity
- Section 3
- SBE/MBE/WBE
- Excessive Force
- Section 504*
- Fair Housing
- Limited English Proficiency

*Required for Grant Recipients with 15 or more employees.

Equal Opportunity

- EO policy/ordinance/resolution
- Include EO Guidelines in bid packets
- For construction contracts > \$10K, include required EO contract language

HUD Act of 1968 – Section 3

Housing and Urban Development Act of 1968, as amended 24 CFR Part 135

To ensure that economic opportunities generated by certain HUD funded projects shall, **to the greatest extent feasible**, and consistent with existing Federal and State laws, be directed to low- and very low-income persons (particularly those receiving assistance for housing), and **to the businesses that provide economic opportunities to these persons**