

PLANS AND SPECIFICATIONS

LOUISIANA DEPARTMENT OF HEALTH AND HOSPITALS • OFFICE OF PUBLIC HEALTH

Plans and Specifications must be submitted to the LDHH Drinking Water Revolving Loan Fund (DWRLF) for review and approval as a requirement of the DWRLF program.

SUBMITTAL REQUIREMENTS

The Plans and Specifications submittal must include, as a minimum, the following:

1. **One Set of detailed Plans and Specifications** must be submitted to LDHH DWRLF. A registered professional engineer, licensed to practice in the State of Louisiana, must stamp the plans and specifications. They should be submitted at least 60 days prior to the time the permitting, comments, or recommendations are desired by the owner.
2. Include a **vicinity map** showing the project location, in relation to major highways, cities, towns, rivers and streams must be submitted.
3. Include **layout drawings** of the water distribution mains, showing all pump stations, hydrants, valves, pipe size and materials, water main depths, etc., as well as the water well location(s).
4. Include **detail drawings** of production (wells), treatment and distribution facilities with vertical and horizontal views, dimensions, capacities, materials and elevations.
5. The **Design Summary Package** forms for the submitted project. All applicable sheets must be completed. (See *Design Summary Package Guidance for details*)

DESIGN REQUIREMENTS

Plans and Specifications for DWRLF projects must meet the technical design requirements contained in the Louisiana Administrative Code Title 51 Part 12, LAC 51:XII (Formerly Chapter 12 of the State Sanitary Code) and the Recommended Standards For Water Works (2003 Edition), and must contain the seal and signature of a registered professional engineer in accordance with rules of the State Board of Registration.

Eligibility: Any portions of the project that do not meet federal eligibility requirements cannot be funded through the DWRLF. *If any portions of the project are not eligible, these should be listed separately and identified as ineligible in the bid proposal.*

Water Meters: Most water supply systems use water meters to determine the use by each customer and bills are based on metered use, but there are some that either don't have or don't use water meters. **Those systems that do not have water meters will be required to purchase and install water meters as a condition of obtaining assistance through the DWRLF program.** Advantages of using water meters include:

1. It is the most fair and equitable method of distributing OM&R costs among the users.
2. It encourages water conservation.
3. Customers are alerted (through higher bills) when leaks occur within the plumbing on their premises

Water Wells & Groundwater Testing: Any plans and specifications which include a **new water well source** must include the *DWRLF Guidance Document for New Groundwater Source Testing Requirements*. Such plans and specifications will be approved with the understanding that the quality of water from all finished wells must comply with the National Primary Drinking Water Regulations and should comply with the National Secondary Drinking Water Regulations as promulgated by the U.S. Environmental Protection Agency (USEPA). Samples must be analyzed by a STATE CERTIFIED INDEPENDENT LABORATORY and results submitted to our office for review and approval *before* the groundwater source may be put into service. Approved plans and specifications shall not preclude the necessity of appropriate treatment should the water not comply with these standards. Should any additional treatment be necessary, plans and specifications must be revised to include the appropriate treatment and submitted to our office for review and approval prior to beginning construction.

Project Performance Period: The specifications should also include provisions for a one-year project performance period by the contractor.

DWRLF REVIEW NOTES:

1. The review of the plans and specifications are made, with some exceptions, in accordance with the "Recommended Standards for Water Works", 2003 Edition, promulgated by the Great Lakes and Upper Mississippi River Board of State Sanitary Engineers. Design standards for water well construction is contained in the "Louisiana Water Well Rules, Regulations, and Standards", November, 1985 Edition, promulgated by the Louisiana Department of Transportation and Development, Water Resources Division. Additional Design Standards for water are found in the Louisiana Administrative Code, LAC 51:XII (Formerly Chapter 12 of the State Sanitary Code), available from Louisiana Department of Health and Hospitals, Sanitation Services, 628 N. 4th Street (P. O. Box 4489), Baton Rouge, Louisiana, 70821-4489.
2. The review of the plans and specifications will also include a comparison to the selected alternative as listed in the System Improvement Plan (SIP) for agreement in design.

REQUIRED STATEMENTS

Federal procurement regulations do not apply to DWRLF projects; however, Drinking Water Revolving Loan Fund projects will have to meet a number of cross cutting Federal laws listed below. Loan Recipients and Contractors will not be eligible to receive DWRLF money until these requirements are met. In the project specifications, these requirements must be expressly stated and that all contractors must comply. *(See attachment to this guidance for details regarding these required statements)*

1. Presidential Executive Orders 11625, 12138, and 12432; Women's and Minority Business Enterprise.
2. Presidential Executive Order 12549, Debarment and Suspension.
3. Presidential Executive Order 11246, Equal Employment Opportunity.
4. Presidential Executive Order 13202, as amended by E.O. 13208, Preservation of Open Competition.
5. The following three clauses must be included verbatim in the contract documents to satisfy the federal cross cutting laws. The complete verbatim statements may be found in an attachment to this guidance, the Verbatim Clauses Attachment.
 - I. Equal Opportunity Clause: 40 CFR PART 8, 1-7
 - II. Historical Preservation Clause: 36 CFR PART 800
 - III. Endangered Species Clause: Endangered Species Act Of 1973, As Amended

NOTE: Items 1, 2, 4 and 5 above will apply to all projects receiving loan assistance from funds provided by the Environmental Protection Agency in the capitalization grants awarded to the State. Once all funds provided in the capitalization grants have been used, these requirements will no longer apply. Item 3 above will apply to the DWRLF program permanently.

REQUIRED FORMS

The following forms are necessary for compliance with the requirements listed above in the "Required Statements" section, and must be included in the specifications for the contractors to complete as part of their bids. Loan recipients and contractors will not be eligible to receive DWRLF money until these requirements are met. Copies of these forms are attached for your use. *(See attachment to this guidance for copies of these required forms)*

1. RF-211 Prospective Prime Contractor's (Bidder) Statement About Equal Opportunity Clause
2. RF-212 Prospective Prime Contractor's (Bidder) Certification of Nonsegregated Facilities
3. DBE Guidance Document. This document must be included in its entirety. It is specifically important that the Six Good Faith Efforts, as listed in this document, be included in the specifications. *(See the DBE Guidance Document for details)*
4. DBE Forms 1 – 5. These forms accompany the DBE Guidance Document. *(See the DBE Guidance Document for details)*

5. EPA's DBE Forms 6100-2 "DBE Subcontractor Participation Form", 6100-3 "DBE Subcontractor Performance Form", and 6100-4 "DBE Subcontractor Utilization Form". These EPA DBE Forms MUST be included in the specifications. EPA DBE Form 6100-4 must be completed and submitted by the contractor as part of their bid. EPA DBE Forms 6100-2 and 6100-3 shall be provided to any utilized DBE subcontractors for their use and submission.
6. EPA Form 5700-49, "Certification Regarding Debarment, Suspension, and Other Responsibility Matters." This form must be completed by the prime contractor. Additionally, the prime contractor must submit an executed EPA Form 5700-49 from each subcontractor to be used. This should be clearly stated in the specifications.

ADVERTISEMENT FOR BIDS

The Advertisement (Invitations) for Bids must be submitted as part of the specifications and must include the following statement:

"Equal Opportunity in Employment: All qualified applicants will receive consideration for employment without regard for race, color, religion, sex, or national origin. Bidders on this work will be required to comply with the President's Executive Order No. 11246, as amended. The requirements for bidders and contractors under this order are explained in the specifications."

PROJECT SIGN REQUIREMENTS

All projects receiving all or part of their funding through DWRLF are required to have a weatherproof outdoor project sign. This must be clearly stated in the specifications. The sign must be displayed conspicuously in a prominent location on-site throughout the entire construction phase. Electronic versions of the emblems used in the sign are available by request from DWRLF. Following are some general details regarding specifications for the outdoor project sign and the sign template, which are to be filled out by the water system owners. **The full project sign specifications are included in DWRLF's "Branding Guidelines" document, which MUST be included in the project plans and specifications.**

Sign Dimensions: 4' x 8'
 Sign Material: Must be constructed of a rigid weatherproof outdoor material (i.e. plywood, metal, PVC or Coroplast, etc.)
 Background Color: White

<p>FINANCED BY LOUISIANA DEPARTMENT OF HEALTH AND HOSPITALS DRINKING WATER REVOLVING LOAN FUND</p> <p style="font-size: 1.2em; color: #0070C0;">NEW WATER PROJECT TITLE</p> <p style="font-size: 1.2em;">WATER SYSTEM NAME</p> <p>Address</p> <p>Engineer Name</p> <p>Contracting Company</p>	 <p style="color: #0070C0; font-weight: bold;">DRINKING WATER</p> <p style="color: #0070C0; font-weight: bold;">REVOLVING LOAN FUND</p> <p style="font-size: 0.8em; color: #0070C0;">A PROGRAM OF THE DEPARTMENT OF HEALTH AND HOSPITALS</p> <div style="display: flex; justify-content: center; align-items: center; margin-top: 20px;">   </div>
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BIDDING REQUIREMENTS

Federal procurement regulations for EPA funded projects (40 CFR Part 31) do not apply to DWRLF projects. Therefore, DWRLF projects must be bid and contracts awarded in accordance with any applicable State laws and regulations, and any parish or local ordinances. Plans and Specifications will be reviewed to see that the State requirements will be used for the bidding and award process; however, the DWRLF staff is not legal experts and approval of plans and specifications does not guarantee that the project is in compliance with all State and local requirements.

Bid Review: The DWRLF will review bid documents and will issue a letter to the recipient authorizing a contractor to receive payments, so bidding schedules should be planned to allow time for this activity (*See Bid Guidance Document for details*).

Bid Protests: We will not take an active role in the resolution of any bid protests, except insofar as any Federal requirements of the DWRLF program may be involved.

Beginning Construction Prior to Approval: We cannot authorize recipients to begin construction prior to approval of system improvement plans, plans and specifications, addenda, and bid documents. While we strongly discourage recipients from taking any action based on documents that have not been approved, we recognize that some recipients may have compliance schedules that do not allow time for the normal review and approval process. Should construction begin before the approval of all necessary documents the recipient must accept the risk of loss of financial assistance for any elements of the project that are not approvable or eligible. We will attempt to assist these recipients as much as possible but we cannot guarantee that financial assistance will be available until all program requirements have been met.

Reimbursement of Costs Generated Prior to Approval: The DWRLF program does allow loans to include reimbursement for work already performed. It is allowable for the recipient to receive bids and to award construction contracts before the loan agreement is signed as long as all DWRLF requirements have been met and that the DWRLF has been involved in the project. The recipient must also accept the risk of loss of financial assistance for any contracts or contract elements of the project that are not approvable or eligible. However, no payments can be made until after the loan agreement is signed; and there may be some limitations on making large payments immediately after the loan agreement is signed.

Refinancing of Work Completed Prior to Loan Agreement: No work by any private organization may be refinanced, and no work may be refinanced that began prior to July 1, 1993. The recipient should inquire about the current DWRLF policy before undertaking any work before the loan agreement is signed.

DAVIS-BACON and RELATED ACTS

The Specifications must include a **Wage Determination** for the project based on the current U.S. Department of Labor wage rates. Wage rates may be downloaded from <http://www.wdol.gov/> and clicking on "Selecting DBA WDs". Select the appropriate Wage Determination for your project and include it in the specifications when you advertise for bids. Recheck the Wage Determination ten days before bid opening, and if it has been revised, the revised version must be issued to bidders as an addendum.

The following **statement MUST also be provided in the Specifications**:

"The bidding documents include a Wage Determination for the project based on the current U.S. Department of Labor wage rates obtained from Wage Determinations Online (<http://www.wdol.gov>). The Wage Determination will be rechecked ten days before the bid opening, and if it has been revised, the revised version will be issued to bidders as an addendum."

The **DWRLF Davis-Bacon and Related Acts Payroll Certification** is available from DWRLF and must be included in the Specifications. This certification is required to be completed by the water system (or their Davis-Bacon Consultant) and submitted for all payment requests seeking reimbursement for construction costs. DWRLF will deduct all requested construction costs that do not include this Certification.

The following **text MUST be included in the Specifications** (*note that there are two highlighted locations where the name of the loan or grant recipient needs to be provided*):

[Code of Federal Regulations]
[Title 29 Volume 1]
[Revised as of July 1, 2008]
From the U.S. Government Printing Office via GPO Access
[CITE: 29CFR5.5]

[Page 115-121]

TITLE 29--LABOR

PART 5 LABOR STANDARDS PROVISIONS APPLICABLE TO CONTRACTS COVERING
FEDERALLY FINANCED AND ASSISTED CONSTRUCTION (ALSO LABOR STANDARDS

Subpart A - Davis-Bacon and Related Acts Provisions and Procedures

Sec. 5.5 Contract provisions and related matters.

(a) The Louisiana Department of Health and Hospitals requires the contracting officer to insert in full in any contract in excess of \$2,000 which is entered into for the actual construction, alteration and/or repair, including painting and decorating, of a public building or public work, or building or work financed in whole or in part from Federal funds or in accordance with guarantees of a Federal agency or financed from funds obtained by pledge of any contract of a Federal agency to make a loan, grant or annual contribution (except where a different meaning is expressly indicated), and which is subject to the labor standards provisions of any of the acts listed in Sec. 5.1, the following clauses (or any modifications thereof to meet the particular needs of the agency, Provided, That such modifications are first approved by the Department of Labor):

(1) Minimum wages. (i) All laborers and mechanics employed or working upon the site of the work (or under the United States Housing Act of 1937 or under the Housing Act of 1949 in the construction or development of the project), 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 paragraph (a)(1)(iv) of this section; 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 Sec. 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 paragraph (a)(1)(ii) of this section) 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) The contracting officer shall require that any class of laborers or mechanics, including helpers, 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. The contracting officer shall approve an additional classification and wage rate and fringe benefits therefore 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 the contracting officer 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 the contracting officer to the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, DC 20210. The Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(C) In the event the contractor, the laborers or mechanics to be employed in the classification or their representatives, and the contracting officer do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the contracting officer shall refer the questions, including the views of all interested parties and the recommendation of the contracting officer, to the Administrator for determination. The Administrator, or an authorized representative, will issue a determination within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(D) The wage rate (including fringe benefits where appropriate) determined pursuant to paragraphs (a)(1)(ii) (B) or (C) of this section, 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.

(2) Withholding. The **writes in name of the loan or grant recipient** 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 (or under the United States Housing Act of 1937 or under the Housing Act of 1949 in the construction or development of the project), all or part of the wages required by the contract, the Louisiana Department of Health and Hospitals 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.

(3) Payrolls and basic records. (i) Payrolls and basic records relating thereto shall be maintained by the contractor during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work (or under the United States Housing Act of 1937, or under the Housing Act of 1949, in the construction or development of the project). 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.

(ii)(A) The contractor shall submit weekly for each week in which any contract work is performed a copy of all payrolls to the Louisiana Department of Health and Hospitals 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 the Louisiana Department of Health and Hospitals. The payrolls submitted shall set out accurately and completely all of the information required to be maintained under 29 CFR Sec. 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 (i.e. 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 Website at <http://www.dol.gov/esa/whd/forms/wh347instr.htm> or its successor site. They may also be purchased from the Superintendent of Documents (Federal Stock Number 029-005-00014-1), U.S. Government Printing Office, Washington, DC 20402. 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 the Louisiana Department of Health and Hospitals if the agency is a party to the contract, but if the agency is not such a party, the contractor will submit them to the applicant, sponsor, or owner, as the case may be, for transmission to the Louisiana Department of Health and Hospitals, 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 section for a prime contractor to require a subcontractor to require a subcontractor to provide addresses and social security numbers to the prime contractor for its own records, without weekly submission to the sponsoring government agency (or the applicant, sponsor, or owner).

(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 maintained under Sec. 5.5(a)(3)(i) of Regulations, 29 CFR part 5 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 Regulations, 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 paragraph (a)(3)(ii)(B) of this section.

(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 paragraph (a)(3)(i) of this section available for inspection, copying, or transcription by authorized representatives of the Louisiana Department of Health and Hospitals 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, the Louisiana Department of Health and Hospitals 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 classification of 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 this part 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 shall insert in any subcontracts the clauses contained in 29 CFR 5.5(a)(1) through (10) and such other clauses as the Louisiana Department of Health and Hospitals may by appropriate instructions require, 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 29 CFR 5.5.

(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 the contracting agency, the U.S. Department of Labor, or the employees or their representatives.

(10) Certification of eligibility. (i) 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).

(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).

(iii) The penalty for making false statements is prescribed in the U.S. Criminal Code, 18 U.S.C. 1001.

(b) Contract Work Hours and Safety Standards Act. The Assistant Secretary, or his duly authorized representative, of the Louisiana Department of Health and Hospitals shall cause or require the contracting officer to insert the following clauses set forth in paragraphs (b)(1), (2), (3), and (4) of this section in full in any contract in an amount in excess of \$100,000 and subject to the overtime provisions of the Contract Work Hours and Safety Standards Act. These clauses shall be inserted in addition to the clauses required by Sec. 5.5(a) or 4.6 of part 4 of this title. 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 he or she is employed on such work to work in excess of forty 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 forty hours in such workweek.

(2) Violation; liability for unpaid wages; liquidated damages. In the event of any violation of the clause set forth in paragraph (b)(1) of this section the contractor and any subcontractor responsible therefore 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 paragraph (b)(1) of this section, 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 forty hours without payment of the overtime wages required by the clause set forth in paragraph (b)(1) of this section.

(3) Withholding for unpaid wages and liquidated damages. The **write** **In the name of the loan or grant recipient** 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 contractor, 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 paragraph (b)(2) of this section.

(4) Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraph (b)(1) through (4) of this section 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 paragraphs (b)(1) through (4) of this section.

(c) In addition to the clauses contained in paragraph (b), in any contract subject only to the Contract Work Hours and Safety Standards Act and not to any of the other statutes cited in Sec. 5.1, the Assistant Secretary, or his duly authorized representative, of the Louisiana Department of Health and Hospitals shall

cause or require the contracting officer to insert a clause requiring that the contractor or subcontractor shall maintain payrolls and basic payroll records during the course of the work and shall preserve them for a period of three years from the completion of the contract for all laborers and mechanics, including guards and watchmen, working on the contract. Such records shall contain the name and address of each such employee, social security number, correct classifications, hourly rates of wages paid, daily and weekly number of hours worked, deductions made, and actual wages paid. Further, the Assistant Secretary, or his duly authorized representative, of the Louisiana Department of Health and Hospitals shall cause or require the contracting officer to insert in any such contract a clause providing that the records to be maintained under this paragraph shall be made available by the contractor or subcontractor for inspection, copying, or transcription by authorized representatives of the Louisiana Department of Health and Hospitals and the Department of Labor, and the contractor or subcontractor will permit such representatives to interview employees during working hours on the job.

(d) Health and Safety: The provisions of this paragraph are applicable only where the amount of the prime contract exceeds \$100,000.00.

(1) No laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his/her 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, 40 USC 3701 et seq.

(3) The Contractor shall include the provisions of this paragraph in every subcontract so that such provisions are binding on each subcontractor. The Contractor shall take such action with respect to any subcontract, as the Secretary of Labor shall direct as a means of enforcing such provisions.