

APPENDIX G
SECTION 5.7 ENFORCEMENT RECORD (Page 1 of 2)

DAVIS BACON: SECTION 5.7 LABOR STANDARDS ENFORCEMENT REPORT

This Report is required when underpayments by a construction contractor or subcontractor total \$1,000 or more to his/her entire workforce (not to individual employees), or when there is reason to believe that the violations are aggravated or willful (or, in the case of the Davis-Bacon Act, that the construction contractor has disregarded its obligations to employees and subcontractors), the Contractor shall furnish within 30 days after completion of investigation, this enforcement report to the Department. A separate report must be completed for each subcontractor.

MEMORANDUM TO: ☐ Marc Firestone, Labor Standards

FROM: _____

(Labor Standards Officer/Coordinator)

(Jurisdiction/CHDO Name)

Standard Agreement #:	Wage Decision #:	Modification Date:
Project Name:		
Project Address (City/County/State):		
<input type="checkbox"/> Prime/ <input type="checkbox"/> Sub Construction Contract Amount:\$		Contract Award Date:

☐ **Prime Contractor:** _____
(Name) (Address) (City) (State) (Zip Code)
Contractor's License #: _____

☐ **Subcontractor:** _____
(Name) (Address) (City) (State) (Zip Code)
Contractor's License #: _____

I. VIOLATION(S)

Violation(s) of ☐ **Prime Contractor** or ☐ **Subcontractor** (check only one)

A. Were any workers paid less than the specified Davis-Bacon rates that applied to this project? Yes ☐ / No ☐

If YES:

1. What was the total amount of restitution paid by or on behalf of the above listed contractor?

\$ _____ (Attach a list of names of employees, their employers and amount of restitution and nature of violation for each employee.)

2. What was the method of restitution?

☐ Paid by Contractor

☐ Paid by _____ with funds withheld from payment to the Contractor.
(Print City/County/CHDO name)

B. Were any workers paid **incorrect** overtime payments? Yes ☐ / No ☐

If YES: attach a detailed report that includes the nature of the overtime violation(s) including the following:

1. Company's name, address and phone number;

2. Date Contractor was notified in writing of the amount of liquidated damages which could be assessed (\$10 for each calendar day that incorrect overtime payments were made for each worker)

3. Date the Contractor responded to the written notice: (Must be within 30 days of the receipt); and

4. Did the Contractor seek a reduction (or waiver) of the liquidated damages? **If YES:**

a. Was the request approved, if "yes" for what reason?

b. On what grounds was HUD or DOL's response based?

c. Total amount of Liquidated Damages paid.

d. What was the method of Liquidated Damage payment, e.g., was it paid by the contractor, or was it paid by the City/County/CHDO with funds withheld from payment to the Contractor?

e. Did the Contractor appeal the final Liquidated Damage assessment decision? (Attach copies of all correspondence.)

C. Were any wage underpayment violations aggravated or willful? Yes ☐ / No ☐

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D. Wage underpayments were discovered through: ☐ HUD-11 Interviews ☐ Review of Certified Payrolls

☐ Other: _____

E. Should sanctions (e.g. debarment) against the Contractor/Subcontractor be considered?

Yes ☐ / No ☐

IF YES: *attach a detailed justification for the sanctions*

II. **ATTACHMENT(S)**: ☐ None; ☐ **B.** Overtime Violation(s); ☐ **C.** Underpayment Violation(s); **E.** ☐ Sanctions

III. **DISPOSITION** *(Type Narrative):*

City/County/CHDO

Labor Compliance Officer/Coordinator

Signature: _____

Signature: _____

Name: _____
(Print)

Name: _____
(Print)

Title: _____
(Print)

Title: _____
(Print)

Recipient: _____
(Print: City/County/CHDO)

Company: _____
(Print: Labor Compliance Officer/Coordinator)

Date: _____
(mm/dd/yy)

Date: _____
(mm/dd/yy)