



Office of Procurement

Mark Elrich
County Executive

Ash Shetty
Director

PREVAILING WAGE LAW PROGRAM

Montgomery County has hired Contractor Compliance and Monitoring, Inc. (CCMI) to assist in the mandates imposed by the County's Prevailing Wage Law on this project. The provisions of the law require all contractors to comply with the current prevailing wage rate requirements and all apprenticeship requirements on all qualified contracts.

The submission of complete and accurate certified payrolls records, including fringe benefit statements and similar information are a prerequisite under the County's Prevailing Wage Law to receiving progress payments. Failure to comply with these rules and regulations can result in monies being withheld and liquidated damages imposed. Relevant information is also available at: <http://www.montgomerycountymd.gov/pro/DBRC/PrevailingWage.html>

Within 14 days after the end of each payroll period, the following documents are to be submitted by the general contractor **directly to CCMI**, utilizing LCPtracker software, for all work performed, including work by subcontractors:

- All applicable certified payroll forms
- All applicable fringe benefit statements
- Proof of Registration of Apprentices (If applicable)

The contractor and all subcontractors are to submit all documentation directly to **CCMI**, via LCPtracker, on a timely (not less than 14 days after the end of a payroll period) basis. Failure to submit these documents to CCMI may result in the progress payment being delayed and fines being assessed.

Should you have any questions or concerns, you are welcome to contact Contractor Compliance and Monitoring (CCMI) directly at:

CONTRACTOR COMPLIANCE AND MONITORING, INC.

145 Willow St., Suite 210

Bonita, CA 91902

Phone: (650) 522-0743

Attn: Jessica Finau

jfinau@ccmilcp.com

Division of Business Relations and Compliance

27 Courthouse Square, Suite 330 • Rockville, Maryland 20850 • 240-777-9918 • 240-777-9956 TTY • 240-777-9952 FAX

www.montgomerycountymd.gov

CHECKLIST OF LABOR LAW REQUIREMENTS FOR
REVIEW AT JOB START MEETINGS

The federal, state, and county labor law requirements applicable to the contract are composed of, but not limited to, the following:

1. Payment of Prevailing Wage Rate

The award of a public works contract requires that all workers employed on the project be paid not less than the specified general prevailing wage rates by the contractor and its subcontractors. Prevailing wage determinations for this project can be obtained from the County or found at www.lcptracker.com under eDocuments. The rates in effect for any given project are the rates that were in effect at the time that the solicitation for the project was issued. Prevailing wage determinations include a total package consisting of an hourly rate plus fringe benefits. Fringe benefits may be paid to the employee, or for the benefit of the employee to a bona fide ERISA approved program.

2. Apprentices

Only actively enrolled apprentices may be employed on the project at the apprentice prevailing wage rate. All apprentices must be registered with the Maryland Apprenticeship Training Council or U.S. Department of Labor, and currently enrolled in and attending appropriate classes.

3. Posting Requirements

Prevailing wage rates and rate changes are to be posted at the job site for workers to view.

4. Liquidated Damages

On County financed contracts, liquidated damages will be imposed upon contractors who do not comply with the County's Prevailing Wage Law. The liquidated damages are \$10 per calendar day for late payroll submission (more than 14 days after close of payroll period), \$20 per worker per day for a wage under payment (including an overtime underpayment or worker misclassification), and \$50 per day for failure to post the prevailing wage rates at the job site. Liquidated damages will be imposed even if violation is corrected. On contracts that contain federal funds, liquidated damages will only be imposed for failure to pay overtime (\$26 per violation).

5. Overtime and Holidays

Overtime shall be paid on work performed in excess of 10 hours per day, more than 40 hours per week, and work performed on Sundays and holidays. The following are holidays for the purposes County's Prevailing Wage Law: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. Additional holidays may apply as noted in footnotes of the wage determination itself. Please be sure to verify which holidays are applicable to your trade(s).

6. Jobsite Interviews

The County requires that a sample of employees be interviewed each month. CCMI or its agent will be conducting these interviews once a month, as well as verifying that the prevailing wage rates have been posted on the jobsite. In order to accomplish this most efficiently, please ask your employees to carry a copy of their most recent pay stub with them at the job site in order to permit expeditious verification of pay rates. Due to Homeland

Security Requirements, all personnel on a government job sites (be it Federal, State, County or Local Government) are required to carry photo identification on their person at all times and to show it upon demand.

7. Omitted Classification Request

If a classification is not listed on the wage determination being used for a particular project you may request an omitted classification from the County, by sending the written request to Contractor Compliance and Monitoring, Inc. CCMI will confer with the County, which will then, in turn, pass the request onto to the State of Maryland, Dept. of Labor, Licensing & Regulation to attain the correct rate for that classification that was not published. You may NOT arbitrarily borrow the rate and/or trade classification from another project within the County. Nor may you list employees as “Common/ Unskilled Laborers” just because no other classification currently exists. Common/Unskilled Laborers are described by the State of Maryland Dept. of Labor, Licensing & Regulation herein on page 8. Common/Unskilled Laborers may perform the tasks listed and only those tasks. Any other tasks being performed using tools, even hand tools, that are not shown on the determination for the project will require the omitted classification request.

*When requesting an omitted classification you MUST submit this request in writing with a complete description of job duties and tools used by the classification.

**Davis-Bacon Projects: Omitted classifications on projects with Davis-Bacon funding require a formal Conformance Request be filed with the US Department of Labor. If you are working on a Davis-Bacon project and do not see the classification of work listed which your employees are performing, please contact CCMI directly so that we can assist you, the prime contractor and the County in completing and filing the appropriate conformance request.

8. Fringe Benefit Statement

In order to complete a payroll audit, you must complete a fringe benefit statement listing the fringes being paid to all employees in each trade. Information listed on the fringe benefit statement must reflect the actual benefits paid to a third party on behalf of the specific employee. The fringe amount must show a per hour breakdown of the specific contributions (health, pension, etc.) for each trade and/or employee and the addresses of the payee plans. For contractors who pay medical benefits directly to a medical plan, such as Kaiser or Blue Shield, the monthly payment for each employee must be amortized into an hourly rate. (For example: Joe’s health premium is \$300 a month, that rate multiplied by 12 (months) divided by 2080 (hours), which yields an hourly rate of \$1.73 per hour). Similar amortization is allowed for vacation and holiday time paid. Calculations for paid time off (vacation, holiday, sick days) are based on days/year accrued multiplied by 8 (hours) per day at the employees regular rate and divided by 2080(hours). In addition, the company policy shall be submitted with description of paid time off policies. For all 3rd party benefits paid on behalf of the employee, one month’s contribution report or premium statement showing employee full name and amount contributed should be submitted with the fringe benefit statement. (Fringe Benefit Statement available on eDocuments)

*If paying into a Pension program please indicate how often contributions are made (monthly/quarterly).

*If the employer pays any part of the fringe benefit in cash (directly to the employee), this “cash fringe” should be included on the certified payroll form under “rate in lieu of fringes” and not on the fringe benefit statement.

Example of breakdown:

Employee Name	Length of Employment	Regular Hourly Rate	Company Paid Monthly Health Premium	Hourly Health Rate	401K / Match	Paid Vacation	Paid Holidays	Total
Full Name	6 months	\$15.00	\$300.00	\$1.73	0	1 week = \$.29	6 days = \$.35	\$2.37
Full Name	1.5 years	\$18.00	\$200.00	\$1.15	\$4.50 per hour	2 weeks = \$.69	6 days = \$.42	\$6.76
Full Name	3 years	\$23.00	\$150.00	\$.87	3% = \$.69	3 weeks = \$1.33	6 days = \$.53	\$3.42
Notes			<i>Cannot include Employee's contributions</i>	<i>Monthly rate x 12 months / 2080 hours</i>	<i>Contributions must be made at least quarterly</i>	<i># of days x 8hrs. x reg. rate / 2080 hrs.</i>	<i># of days x 8hrs. x reg. rate / 2080 hrs.</i>	

***Calculations for Healthcare are based on total per month –any employee deduction amounts =ER paid portion. ER paid amount should be x 12mo/yr divided by 2080hrs/yr worked to get hrly credit amount.**

***Uniforms are not a valid fringe/deduction, nor are cell phones or auto allowance per the Dept. of Labor guidelines. If these items are being deducted from EE's then the per hour amount being deducted will be subtracted from the required total hourly wage paid which may create a wage violation.**

9. Certified Payroll or Non Performance Documentation

Certified payroll or non-performance documentation is required for each week from the beginning of the contractor's /subcontractor's work on the project until completion of that contractor's/subcontractor's work. These documents must reflect a consistent 7 day work week for the entirety of the project. The certified payroll forms must be complete, listing the employee's correct name, address, social security number, hours worked per day, total hours worked per week, wages, deductions and check number. It is critical that the employee's craft classification be listed correctly. Employees must be classified and paid based on what type of work they are performing, not merely by title. It is acceptable for an employee to work in more than one trade category per day, but it is the employer's obligation to keep accurate records of the different type of work performed by the employee and report it accordingly. Please note that certified payrolls must reflect the actual wages paid to employees and are signed under penalty of perjury, therefore any falsification of information is a felony.

NOTE: *Please be aware non-performance statements must be submitted for weeks in which no work is performed.

10. LCPtracker

All certified payrolls are to be submitted through LCPtracker. The general contractor will receive a temporary log-in name and password, by which they may enter LCPtracker and set-up all subcontractors. The sub-contractors will receive log-in information from the General Contractor. LCPtracker may be accessed at: www.lcptracker.com. All payrolls must be posted no later than 14 days after the close of the payroll period.

LCPtracker has over 7000 contractors currently using this web-hosted system. Contractors have three basic methods to enter data into LCPtracker:

1. The first method is through the web data entry screens, (no cost)
2. The second method is through a spreadsheet accounting interface. See list below of compatible software programs, (no cost)
3. The third method is a Direct Payroll Interface, (small annual fee)

Web Data Entry via the Data Entry Screens

Contractors and subcontractors using LCPtracker predominately use the web data entry screens. It typically takes an average subcontractor about 1 minute per employee to enter a payroll record. Total subcontractor average time to enter an entire week's Certified Payroll Report (CPR) is 15 minutes. Subcontractors who have less than 20 employees will most likely choose the web data entry method. This method is a very simple process that allows a subcontractor to use the web forms and enter certified payroll data. Setup tables are used to increase efficiency and to reduce any duplicate data entry steps

Accounting Interface to Directly Upload

Contractors can enter CPR data into LCPtracker with a direct upload of all employee payroll data in one file. Contractors with more than 20 employees should consider this method. This can be accomplished by utilizing the spreadsheet provided by LCPtracker. This spreadsheet directly interfaces to the subcontractor's accounting system. A subcontractor will map the data from their accounting system with the spreadsheet provided. The contractor can then use the upload feature in LCPtracker to send the file with all employees at one time. Some pre-defined spreadsheet interlaces are already available from the accounting companies (see list below.) Some of the companies on the attached list provide the interface for no charge, while others charge a small fee.

Direct Payroll System Interface to LCPtracker (Small annual fee)

The direct payroll system to interface LCPtracker will allow the use of existing export files from payroll systems as the upload source. Typically this will be the existing Certified Payroll Report that is in an electronic format such as TXT, CVS or other file format. The contractor need only provide LCPtracker this file.

User Manual

LCPtracker provides a comprehensive user manual that can be downloaded from the main login page of LCPtracker. This is a very useful manual, and describes exactly what steps the contractor and subcontractor need to take in order to submit CPR's electronically on LCPtracker.

Web-Based and Telephone Support and Training:

LCPtracker guarantees we will support and train your contractors and subcontractors on how to submit and utilize LCPtracker. We accomplish this by providing three different ways for a contractor to be trained to use the system and submit certified payroll data electronically.

- A. LCPtracker has online web-based video recorded training sessions. Contractors can access a series of short videos (2-10 min each,) as well as, support documents, highlighting key areas necessary for learning to use the LCPtracker system. These can be viewed at any time, and can be reviewed as necessary. Subcontractors can access these sessions from the main login page of LCPtracker at no-charge.
- B. LCPTracker Telephone Web Class— is offered on a weekly basis through the LCPTracker website. Contractor sessions are held every Tuesday at 9:00 a.m. PST and every Thursday at 7:30 am PST and 11:00 am PST. This training is free but requires you to sign up in advance. To do so please go to www.lcptracker.net and log in using your user name and password. Select e-Training from the top of the

screen, highlighted in green. Then sign-in for live web-based training session.

- C. LCPtracker will also provide unlimited telephone support to all contractors and subcontractors, provided the contractor has at least viewed the online training one time. LCPtracker will work with the contractor until they can submit the CPR electronically at no charge. The support number is 714-669-0052 ext 4.

The following is a list of Direct Accounting Interfaces that are now available for LCPtracker. Please contact the pertinent company directly for more information,

ADP

Points North - Certified Payroll Reporting Product Web Site - www.certifiedpayrollreporting.com Points North - General Company Web Site - www.points-north.com Contact Mo - (888)561-2072, option 1 Email Inquires - info@points-north.com

Computerease JohnM@mycomputerease.com John Meibers, (800) 544-2530 or Sue Hayes at sueh@mycomputerease.com ComputerEase Training/Support

Construction Partner, Inc.

Russ Roy, russroy@constructionpartner.com (916) 577-1064
<http://www.constructionpartner.com/features/iabor-compliaaice.asp>
Comments from Construction Partner... *"We have an interface with LCPtracker that works great and have many end-users benefiting from the integration of the two products."*

Paychecks

Points North - General Company Web Site - www.points-nortli.com Contact Info - (888)561-2072, option 1 www.certifiedpayrollreporting.com Email Inquires - info@points-north.com

QuickBooks

1. Sunburst Software - Ben Smyth, smyth@sunburstsoftwaresolutions.com (802) 895-4929
<http://www.sunburstsoftwaresolutions.com/cps-lcptracker.htm>
 2. Points North - <http://www.lcptracker.com/interfaces.htm>. Fully compatible with QuickBooks Contractor's Edition 07'and 08'.
- Points North - General Company Website - www.points-north.com Contact Info - (888)561-2072, option 1

Timberline

Event 1 sales-www.eventlsoftware.com (360) 567-3750
<http://www.eventlsoftware.com/products/templates/index.html>

Viewpoint Construction Software

Viewpoint Construction Software (www.viewpointcs.com) offers certified payroll reports that interface with LCPtracker's upload specifications. Please contact us for more information. See our Customer Area on <http://support.viewpointcs.com/>

Visual ContrAcct software Event 1 Software (630) 355-8188 www.jobcost.com.

UNSKILLED CONSTRUCTION LABORER'S WORK

Laborers may NOT assist mechanics in the performance of the mechanic's work, NOR USE TOOLS peculiar to established trades.

Their work should be confined to the following manual tasks:

1. Digging and filling holes and trenches.
2. Loading, unloading and stockpiling materials.
3. Cleaning and sweeping.
4. Driving stakes.
5. Placing concrete and asphalt (not finishing).
6. Stripping forms. (Disposable type – See Page 9)
7. Ripping out material which is to be discarded.
8. Clearing and grubbing.
9. Traffic Control.

HELPERS AND TRAINEES

ALL contractors shall employ only competent workers and apprentices and may NOT employ and individual classified as a HELPER or TRAINEE,





PREVAILING WAGE UNIT
1100 N. EUTAW STREET, ROOM 606
BALTIMORE, MD 21201

E-mail: dldlprevailingwage-dllr@maryland.gov

February 6, 2017

Jack Gibala
Program Manager II CPPB, CPM
Montgomery County Government
Office of Business Relations and Compliance
255 Rockville Pike, Suite 180
Rockville, MD 20850

Mr. Gibala,

Thank you for reaching out to our office recently in regards to clarification of work between a common-unskilled laborer and a carpenter in respect to stripping forms on a prevailing wage project. A common-unskilled laborer tasks include stripping of forms, as long as the forms are not for reuse; the work is considered to be demolition. If the forms will be re-used the correct classification of work would be that of carpenter.

If any other information or clarification is needed, please do not hesitate to reach out to myself at 410-767-2968 or by email james.tudor@maryland.gov

Thank you

A handwritten signature in black ink, appearing to read "Jim Tudor".

Jim Tudor
Program Administrator
Prevailing & Living Wage and
Worker Classification Protection Unit

PHONE: 410.767.2342

FAX: 410.333.7303

www.dllr.maryland.gov/labor/prev.html

Larry Hogan, Governor • Boyd K. Rutherford, Lt. Governor • Kelly M. Schulz, Secretary

In accordance with federal and state laws, and with the County's policy and contract documents, the undersigned contractor herein certifies that they will comply with the foregoing labor law requirements; and fully understands that failure to comply with these requirements will subject them to the penalties cited herein.

The contractor also herein certifies that it has been provided with a copy of the Labor Compliance Program Package for Contractors with includes: Labor Law Requirements Checklist (included herein) and the General Prevailing Wage Rate Determination.

IT IS THE CONTRACTOR'S RESPONSIBILITY TO PROVIDE COPIES OF THE LABOR COMPLIANCE PROGRAM PACKAGE TO ALL SUBCONTRACTORS.

Project Name: _____

Contract Number: _____

Prime Contractor: _____

Subcontractor Contractor: _____

Address: _____

Phone: _____ Fax: _____

License Number: _____

I acknowledge that I have been informed and am aware of the foregoing requirements and that I am authorized to make this certification on behalf of:

Contractor or Subcontractor: _____

Signature: _____

Printed Name: _____

Title: _____

Date: _____

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Contractor or Subcontractor: _____

Signature: _____

Printed Name: _____

Title: _____

Date: _____

Montgomery County, Maryland

CONTRACTOR INFORMATION REQUEST -This form is required for each Contractor/SubContractor/SubTier Working onsite.

Contractor or Subcontractor Name: _____

Full Address: _____

Phone No.: _____

Payroll Contact: _____

E-mail Address: _____

Subcontract with: _____

LCPtracker USER ID (if you already have an LCPtracker account): _____

Contractors State License No.: _____

Estimated Start Date: _____

ANTICIPATED TRADES/CLASSIFICATIONS:

SCOPE OF WORK TO BE PERFORMED (DESCRIBE IN DETAIL)

EQUIPMENT TO BE UTILIZED ON JOB:

TIERED SUBS (includes Mixed Concrete/Dump Truck Drivers/Owner Operators, Sole Proprietor):

Name:	License #:	Phone/E-mail	Contact:
_____	_____	_____	_____
_____	_____	_____	_____

Please complete this form in its entirety and provide the same for any lower-tiered subcontractors. Email this back to CCMI's Manager jfinau@ccmilcp.com Once received you will be added to the LCPtracker online payroll portal. All payrolls and other labor compliance information is to be uploaded to that portal from start of work thru substantial completion on the project.