in the wage determination or shall pay another bona fide fringe benefit or an hourly cash equivalent thereof.

(c) 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.

(End of clause)


52.222–7 Withholding of Funds.

As prescribed in 22.407(a), insert the following clause:

WITHHOLDING OF FUNDS (FEB 1988)

The Contracting Officer shall, upon his or her 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, the Contracting Officer may, after written notice to the Contractor, 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.

(End of clause)

[53 FR 4945, Feb. 18, 1988]

52.222–8 Payrolls and Basic Records.

As prescribed in 22.407(a), insert the following clause:

PAYMENT FOR OVERTIME PREMIUMS (JUN 2010)

(a) Payrolls and basic records relating thereto shall be maintained by the Contractor during the course of the work and preserved for a period of 3 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 paragraph (d) of the clause entitled Davis-Bacon Act, 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.

(b)(1) The Contractor shall submit weekly for each week in which any contract work is performed a copy of all payrolls to the Contracting Officer. The payrolls submitted shall set out accurately and completely all of the information required to be maintained under paragraph (a) of this clause, 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 and may be obtained from the U.S. Department of Labor Wage and Hour Division website at http://www.dol.gov/whd/forms/wh347.pdf. 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 Contracting Officer, the Contractor, or the Wage and Hour Division of
52.222–9 Apprentices and Trainees.

As prescribed in 22.407(a), insert the following clause:

APPRENTICES AND TRAINEES (JUL 2005)

(a) Apprentices. (1) An apprentice will be permitted to work at less than the predeter-

mined rate for the work performed when em-

ployed—

(i) Pursuant to and individually registered in a bona fide apprenticeship program reg-

istered with the U.S. Department of Labor,

Employment and Training Administration,

Office of Apprenticeship Training, Employer,

and Labor Services (OATELS) or with a

State Apprenticeship Agency recognized by

the OATELS; or

(ii) In the first 90 days of probationary em-

ployment as an apprentice in such an ap-

prenticeship program, even though not indi-

vidually registered in the program, if cer-

tified by the OATELS or a State Apprentice-

ship Agency (where appropriate) to be eligi-

ble for probationary employment as an ap-

prentice.

(2) The allowable ratio of apprentices to

journeymen on the job site in any craft clas-

sification shall not be greater than the ratio

permitted to the Contractor as to the entire

work force under the registered program.

(3) Any worker listed on a payroll at an ap-

prentice wage rate, who is not registered or

otherwise employed as stated in paragraph

(a)(1) of this clause, shall be paid not less

than the applicable wage determination for

the classification of work actually per-

formed. In addition, any apprentice per-

forming work on the job site in excess of the

ratio permitted under the registered pro-

gram shall be paid not less than the applica-

ble wage rate on the wage determination for

the work actually performed.

(4) Where a Contractor is performing con-

struction on a project in a locality other

than that in which its program is registered,

the ratios and wage rates (expressed in per-

centages of the journeyman’s hourly rate)

specified in the Contractor’s or subcontrac-
tor’s registered program shall be observed.

Every apprentice must be paid at not less

than the rate specified in the registered pro-

gram for the apprentice’s level of progress,

expressed as a percentage of the journeyman

hourly rate specified in the applicable wage

determination.

(5) Apprentices shall be paid fringe benefits

in accordance with the provisions of the ap-

prenticeship program. If the apprenticeship