



DEPARTMENT OF THE ARMY  
SAVANNAH DISTRICT, CORPS OF ENGINEERS  
100 W. OGLETHORPE AVENUE  
SAVANNAH, GEORGIA 31401-3640

REPLY TO  
ATTENTION OF:

20 June 2012

Contracting Division  
Execution Branch

SUBJECT: Notice of Award for Request for Proposal (RFP) No. W912HN-09-X-5617 under Contract No. W912HN-10-D-0063, Task Order 0003, C-130 Flight Simulator, Pope Army Airfield, NC

JAAAT Technical Services, LLC  
Attn: Eddie Cummings  
609 Elm Court  
Hopewell, VA 23860  
[ecummings@jaaat.com](mailto:ecummings@jaaat.com)

Dear Mr. Cummings,

Congratulations on your selection for award of subject contract. Your contract has been awarded in the amount of \$4,616,690.00 for Base Bid Items 0001 through 0003. Your executed copy of Contract W912HN-10-D-0063, Task Order 0003 will follow in a forthcoming e-mail.

Please have Performance and Payment Bonds executed and submit the original and one copy of each. Also, please execute the Certificate as to Corporate Principal (certificate must not be executed by the same officer who signed the offer/contract) and return the original. All documents must be returned to U.S. Army Engineer District, 100 W. Oglethorpe Avenue, Savannah, Georgia 31401-3604, ATTN: CECT-SAS-E / Amy L. Collins, within 10 calendar days from date of receipt.

One copy of each document should be retained for your files.

For your information and use I am enclosing instructions relating to the Davis-Bacon Act, Contract Work Hours and Safety Standards Act (CWHSSA), and other labor standards provisions included in subject contract.

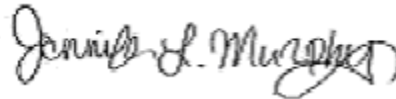
Your contract also contains a requirement for affirmative action to ensure equal employment opportunity for (a) women and minorities, (b) special disabled and Vietnam Era Veterans, and (c) handicapped workers.

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The Richmond District Office, Director, Attn: George Rouse, III, U.S Dept of Labor, OFCCP, 400 North 8<sup>th</sup> Street, Room 466, Richmond, VA 23219-4822, (804) 888-6714 (Phone), (804) 888-6715 (Fax) is the Compliance Officer for these programs. Information concerning your obligations under these provisions may be obtained from that office.

Please advise subcontractors of these labor standard requirements.

Sincerely,

A handwritten signature in black ink that reads "Jennifer L. Murphy". The signature is written in a cursive style with a large initial "J" and "M".

Jennifer L. Murphy  
Contracting Officer

Enclosures

Contract No. W912HN-10-D-0063,  
Task Order 0003

JAAAT Technical Services, LLC  
13512 Charlotte Court  
Chester, VA 23836

**NOTE:**

**Contractor, if a corporation, should cause the following certificate to be executed under its corporate seal, provided that the same officer shall not execute both the contract and the certificate.**

*CERTIFICATE AS TO CORPORATE PRINCIPAL*

I, \_\_\_\_\_, certify that I am  
\_\_\_\_\_ of the corporation named as Contractor  
herein, that \_\_\_\_\_ who signed this contract on behalf  
of the Contractor, was then \_\_\_\_\_ of said corporation;  
that said contract was duly signed for and in behalf of said corporation by authority  
of its governing body, and is within the scope of its corporate powers.

\_\_\_\_\_  
(Signature) (CORPORATE SEAL)

## LABOR STANDARDS FOR CONTRACTS INVOLVING CONSTRUCTION

### 1. The Employment of Foremen, Laborers, Mechanics, and Others:

All laborers and mechanics employed or working upon the site of the work 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).

The Davis-Bacon Act does not apply to workers whose duties are primarily administrative, executive, or clerical, rather than manual. Persons employed in a bona fide executive. Worker foreman who devote more than 20 percent of their time during a workweek to mechanic or laborer duties are laborers and mechanics for the time so spent.

### 2. Wages and Fringe Benefits Payments, Payrolls and Statements:

Laborers and mechanics will be paid the full amount of wages and bona fide fringe benefits due at time of payment computed at rates not less than those contained in the wage determination of the contract, regardless of skill (except for apprentices and trainees), and 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 on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics. 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 the Secretary of Labor has found, upon 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.

Laborers and mechanics performing more than one classification may be compensated at the rate specified for each classification for the time actually worked there, provided, the employer's payroll records accurately set forth the time spent in each classification in which work is performed.

Payrolls 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 equivalents), daily and weekly number of hours worked, deductions made and actual wages paid. Any plan or program set aside for the payment of fringe benefits must be communicated in writing to the laborers or mechanics affected and the payroll records must show the costs anticipated or the actual cost incurred in providing such benefits.

No contractor or subcontractor 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 40 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 40 hours in such workweek.

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.

Payrolls shall be submitted weekly for each week in which any work is performed. The contractor may use Optional Form WH-347 as a payroll record. These forms may 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.

A "Statement of Compliance" is required to be signed by the contractor or subcontractor or his or her agency who pays or supervises the payment of the persons employed under the contract. The contractor shall use DD 879 as a properly executed certification of its payrolls.

### 3. Differentiation Between Subcontractors and Suppliers:

For the purpose of the Davis-Bacon Act, contractor or subcontractor means any person other than a supplier of products, performing any architectural, engineering or other services directly related to the preparation and performance of the construction, alteration, or repair of any public building or public work in the U.S. or any territory or possession of the U.S.

### 4. Additional Classifications:

Any class of laborers or mechanics 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. Standard Form 1444 must be submitted through the prime contractor to the Resident Engineer who will forward the request for authorization of additional classification wage rate to the contracting officer for approval.

### 5. Benefits to be Realized by Contractors and Subcontractors in Keeping Complete Work Records:

Failure to submit correct payrolls promptly, as required by the contract, will cause a corresponding delay in monthly payment estimates. Apparent willful or careless violations of the labor provisions of the contract will result in delay in processing of estimates and possible termination of the contract and blacklisting of contractors. In no event will final

payment be made under the contract until all payrolls have been submitted and approved as correct.

Payroll records that do not accurately document time worked by a single employee performing two or more classifications may result in the contractor paying the higher classification rate for all hours the employee worked.

#### 6. Penalties and Sanctions for Violations of Labor Standards Provision:

The Corps of Engineers by its own action or upon written request of the Department of Labor shall withhold, or cause to be withheld, for moneys payable on account of work performed by the contractor or subcontractor under the contract or any other federal contract with the same prime contractor, or any contract subject to the Contract Works Hours and Safety Standards Act 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.

Violation of the Contract Work Hours and Safety Standards Act may result in assessment of liquidated damages. Liquidated damages are computed with respect to each individual laborer or mechanic, including watchmen and guards, in the sum of \$10 for each calendar day on which such individual was required or permitted to work in excess of 40 hours without payment of the overtime wages required.

The falsification of any of the payroll certifications may subject the contractor or subcontractor to civil or criminal prosecution. Furthermore, failure to submit the required records upon request or failure to make such records available may be grounds for debarment action.

Whenever any contractor or subcontractor is found by the Secretary of Labor to be in aggravated or willful violation of the labor standards provision of any of the applicable statutes, the contractor or subcontractors will be ineligible for a period not to exceed 3 years to receive any contracts or subcontracts subject to any of the statutes listed.

#### 22.403-4 Department of Labor regulations.

Under the statutes referred to in this 22.403 and Reorganization Plan No. 14 of 1950 (3 CFR 1949-53 Comp., p. 1007) the Secretary of Labor has issued regulations in Title 29, Subtitle A, Code of Federal Regulations, prescribing standards and procedures to be observed by the Department of Labor and the Federal contracting agencies. Those standards and procedures applicable to contracts involving construction are implemented in this subpart. The Department of Labor regulations include—

- (a) Part 1, relating to Davis-Bacon Act minimum wage rates;
- (b) Part 3, relating to the Copeland (Anti-Kickback) Act and requirements for submission of weekly statements of compliance and the preservation and inspection of weekly payroll records;

- (c) Part 5, relating to enforcement of the Davis-Bacon Act, Contract Work Hours and Safety Standards Act, and Copeland (Anti-Kickback) Act;
- (d) Part 6, relating to rules of practice for appealing the findings of the Administrator, Wage and Hour Division, in enforcement cases under the Davis-Bacon Act, Contract Work Hours and Safety Standards Act, Copeland (Anti-Kickback) Act, and Service Contract Act, and by which Administrative Law Judge hearings are held; and
- (e) Part 7, relating to rules of practice by which contractors and other interested parties may appeal to the Department of Labor Wage Appeals Board, decisions issued by the Administrator, Wage and Hour Division, or administrative law judges under the Davis-Bacon Act, Contract Work Hours and Safety Standards Act, or Copeland (Anti-Kickback) Act. All questions relating to the application and interpretation of wage determinations (including the classifications therein) and the interpretation of the Department of Labor regulations in this subsection shall be referred to the Administrator, Wage and Hour Division.