

Federal Emergency Management Agency

§ 308.7

made, payments, advances and guarantees of funds withheld, contract terminations, and the name and address of each laborer and mechanic and contractor or subcontractor affected, and the day or days of such violations, shall be submitted by the State to the Federal Emergency Management Agency. Except where the Federal Emergency Management Agency has expressly requested that the investigation be made, no report need be made where the underpayments total less than \$500, if nonwillful, restitution has been made and the State has received assurance of future compliance.

[29 FR 12366, Aug. 28, 1964, as amended at 40 FR 42738, Sept. 16, 1975. Redesignated at 44 FR 56173, Sept. 28, 1979]

§308.7 Certification of compliance.

(a) After the beginning of construction (under a contract involving construction in excess of \$2,000), no payment or advance to the contracting State (or where applicable, to the contracting political subdivision) shall be approved by the Federal Emergency Management Agency unless and until it has received a certification by the contractor that his contract and those of his subcontractors contain the provisions prescribed in §308.4 and that he and his contractors have complied therewith, or that there is a substantial dispute with respect to the required provisions.

(b) Before making final payment on any contract involving construction work in excess of \$2,000, the State (or political subdivision, as applicable) shall submit to the Federal Emergency Management Agency the following certification, verbatim, in completed form:

CERTIFICATE OF LABOR STANDARDS COMPLIANCE

Knowing that my statements will be relied upon by the Federal Emergency Management Agency, in its payment to the State under an approved project application for a Federal financial contribution under section 201(i) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2281) I do hereby certify as follows:

1. That I am the Contracting Officer of _____ (write in the name of the political subdivision and/or State, as applicable), applicant under Federal Emergency Management Agency, Project Application No. ____—

2. That in my official capacity I have personally, or through authorized employee(s) of the above named applicant for purposes of this certification, completed the following: (i) Examinations of all contracts involving construction work in excess of \$2,000 on the civil defense project covered by the aforementioned project application, and all subcontracts thereunder; (ii) examinations of all payrolls and statements required to be submitted under such contracts and comparison with the applicable wage determination decision of the Secretary of Labor as required by §308.5 of subchapter E, chapter I, of title 44 of the Code of Federal Regulations; and (iii) investigations of all indications of alleged labor standards violations including, without limitation, at least one "on the site" labor standards check, and other investigations as required by §308.6 of subchapter E, chapter I, of title 44 of the Code of Federal Regulations.

3. That, based upon the aforementioned examinations and investigations, I have determined that: (i) The labor standards provisions have been included and the applicable wage determination decision has been attached, all as a part of the conditions of each contract involving construction work in excess of \$2,000 and all subcontracts thereunder as required by §308.4 of subchapter E, chapter I, of title 44 of the Code of Federal Regulations; and (ii) the contractor and all subcontractors were in compliance, or have come into compliance, with the labor standards provisions, wage determination decision and Copeland Regulations (29 CFR part 3) except _____ (List names of all contractors not in compliance or if no exceptions, state "none") and \$_____ restitution is due to the employees of the listed contractor and/or subcontractors (set forth the amount or "none," in accordance with the facts).

_____ (LS)

(Name of Contracting Officer)

(Name of State or political subdivision)

(Dated)

[40 FR 42738, Sept. 16, 1975. Redesignated at 44 FR 56173, Sept. 28, 1979]

PARTS 309-311 [RESERVED]