Contract Compliance Guide

Purpose of this Guide

This guide contains information about contract compliance requirements and instructions about how to submit forms necessary to comply with city prevailing wage, subcontractor inclusion, wage enforcement, living wage, and equal employment opportunity laws. Any forms referenced can be found in the "Forms" section of the Department of Economic Inclusion and Procurement (DEIP) website. A compliance officer from DEIP will provide project-specific compliance requirements and will be available to contact throughout the duration of the contract. The instructions below clarify the processes to comply with each specific compliance element of a given contract.

Submitting Documents to Economic Inclusion

Before a contract can be closed and a request for final payment can be authorized, all prevailing wage, wage enforcement, and subcontractor inclusion documentation must be submitted to the Department of Economic Inclusion and Procurement. These documents are required to be submitted to the Department through VCCS and LCP Tracker.

Vendor Compliance and Certification System (VCCS)

If you have been awarded a contract with economic inclusion goals, an account will be created for monitoring your payments to subcontractors and submitting compliance documentation. More information on VCCS can be found on the "Information for vendors" tab on the VCCS homepage.

VCCS Registration

1. Check to see if you received an email with login information from VCCS, if not wait until you receive this email to proceed.
2. Visit cincinnati.diversitycompliance.com and select "Login".
3. Use the username and temporary password provided in the email to sign in.
4. Set your permanent username and password.

Subcontracting Goals

City contracts for construction, professional services, or supplies will have pre-determined MBE/WBE or SBE subcontractor inclusion goals. Once a contract with inclusion goals is fully executed, the department will create the contract within VCCS and assign the prime contractor to the project. To meet the economic inclusion goals for each project, the prime contractor must submit a Subcontractor Approval Request in VCCS (including Subcontractor Approval Request Form 2004) for each subcontractor on every contract (regardless of tier) prior to the start of work. If a prime contractor is requesting to substitute a previously approved MBE/WBE or SBE on a contract, the prime contractor must submit a Subcontractor Substitution Request Form 2006 by email to the assigned compliance officer for review and approval by the Department of Economic Inclusion and Procurement.

Throughout the duration of the contract, prime contractors must also report payments to their subcontractors in VCCS. This system tracks subcontractor utilization in real time to determine if the prime contractor is achieving their economic inclusion goals on their contract with the city.

Adding subcontractors to contracts

1. Sign into your VCCS account.
2. Select "Contracts" on the Dashboard.
3. Select the appropriate contract link.
4. On Contract Management page, select the "Subs" tab.
5. Select "Add Subcontractor".
6. Select "Get Vendor" and complete a search for the vendor you are trying to add.
7. Press "Select Vendor". If the vendor is not already in the database see Adding a Subcontractor to the VCCS system.
8. Select the "Vendor Compliance Contact" and "Vendor Address".
9. Complete the subcontractor information section.
10. Attach completed Subcontractor Approval Request (Form 2004) and WE-30 form if applicable to requested files.

Adding subcontractors into VCCS

1. Select "Get vendor" under the "Subs" tab.
2. Select "Add new vendor".
3. Fill out required information for the subcontractor, when ready select "Review" and "Submit".

Reporting payments to subcontractors

1. Sign into your VCCS account.
2. On dashboard select the red incomplete audits to view them.
3. Select any audit labeled as incomplete.
4. Select the red action link listed under action required.
5. To report all payments at once, select "Submit all Incomplete Records".
6. Fill out all required fields and select "Save" to ensure your entries are recorded.

Finding city-certified contractors

1. Visit cincinnati.diversitycompliance.com.
2. Select “Search Certified Directory”.
3. The options include the ability to filter by certification, work codes, business description, etc. to identify certified firms to meet economic inclusion goals.

Subcontractor Utilization Forms (primarily submitted via VCCS)

- Subcontractor Approval Request (Form 2004)
  Submitted for each subcontractor (regardless of tier) via subcontractor addition request in VCCS prior to beginning work on the project.

- Subcontractor Substitution Request (Form 2006)
  Submitted to the contract compliance officer responsible for monitoring the contract via email and approved by DEIP prior to terminating a contract with a city-certified MBE, WBE, SBE, SLBE, or ELBE.

- Request for Post Award MBE/WBE Goal Waiver/Reduction (Form 2007)
  Submitted post-award to the contract compliance officer responsible for monitoring the contract via email to request a reduction of inclusion goals.

- Professional Services Subcontractor Approval & Substitution Request Form
  Submitted by contractors only when subcontracting professional services for approval prior to beginning work on the project.

Wage Enforcement Requirements

Wage enforcement applies to construction projects receiving city funding or benefits of more than $25,000.

Wage Enforcement Forms (primarily submitted via VCCS)

- WE-20
  Submit prior to commencement of work to the contract compliance officer responsible for monitoring the contract via email.
- WE-30
  Submit prior to execution of agreement by every company performing work on the contract via subcontractor addition request in VCCS when the contract is subject to economic inclusion goals. If no goals apply, submit to the contract compliance officer responsible for monitoring the contract via email.

LCP Tracker:

For all contracts where local, state, or federal prevailing wage apply, LCP Tracker is used to monitor projects. If you do not already have an account, one will be created for you by the compliance officer monitoring your contract with the city. LCP Tracker training information can be found on lcptracker.com/Support-Training-Main/. A training manual specific to working with the City of Cincinnati on LCP Tracker can be found on LCP Contractor Guide

LCP Tracker Registration

1. Check to see if you received an email with login information for LCP Tracker, if not wait until you receive this email to proceed.
2. Go to LCPTracker.com and select "Login" at the top of the screen.
3. Use the username and temporary password provided in the email to sign in.

Prevailing Wage Requirements

This section applies to all Federal and State Prevailing Wage contracts; each form will specify whether it is essential for State or Federal Prevailing Wage contracts. Prevailing wage rates are effective on the dates indicated and must be reflected on the pay period currently performed. Prevailing wage rates must be posted at the construction site by the contractor in a place that is visible to all employees.

- Current State Prevailing Wage Rates
- Federal Prevailing Wage Rate Search

All contractors (regardless of tier) must submit certified payroll reports to LCP Tracker as well as upload important employee documentation.

Submitting Certified Payroll Reports

1. Sign into your LCP Tracker account.
2. Select the "Payroll Records" tab.
3. To enter new records, select "Enter Records", If you want to edit a record select "Edit Certified Payroll Records", to copy a previous week's payroll (only when work hours were the same) select "Copy Previous Payroll".
4. Fill out the week's end date.
5. Select an employee and enter their hours. You will have to repeat this process for each employee.
6. Input data regarding fringes, etc. from your payroll for each employee on the next screen.
7. Fill out "Base Hourly", "Overtime Hourly", and "Double Time Hourly", these are the hourly rates of pay made to the employee exclusive of fringes paid.

8. Verify that the hourly rates multiplied by the hours worked are equal to the “Gross Employee Pay this Project”.
9. “Rate in Lieu of Fringes” is for the Prevailing Wage fringe benefits paid as an hourly cash rate. This rate multiplied by the hours must equal “Wages Paid in Lieu of Fringes”.
10. List hours worked which are separated between “Regular Time”, “Overtime”, and “Double Time”; these should *not* include hours on other jobs.
11. Only after filling out hours proceed to the fringe and deductions items.
12. Input fringe benefits paid for this project only: “Vac/Hol/Dues”, “Health & Welf”, “Pension”, “All Other”, and “Training”.
13. List deductions from the employee’s pay on the lines for “Taxes”, “Other”, and “Vacations/dues”. Any other deductions will need to be explained in the “Other Deduction Notes” field.
14. If you need to make a reimbursement payment to an employee, list it under “Travel/Subs”.
15. If you receive a NOTICE at the bottom of your payroll record, make sure to correct the calculation if an error is made. Additionally, confirm the City has approved all apprentices if applicable.

Uploading Prevailing Wage Documentation

1. Log into LCP Tracker.
2. Select the “eDocuments” tab.
3. Select “Download Document Templates”.
4. Download forms necessary for your contract (see Prevailing Wage Forms) and fill out all required information.
5. Select “Upload Documents” and upload the file.
6. Union affiliation letters and apprenticeship agreements can be uploaded to all your projects at once.
7. Prevailing wage notification forms and final affidavits must be uploaded to each project individually.

Prevailing Wage Forms (submitted via LCP Tracker)

- City Prevailing Wage Poster (State Funds only)
- Davis-Bacon Poster (Federal Funds only)
- Schedule of Payments/Payroll Dates (State Funds)
  Submit via LCP Tracker once construction begins.
- Union Affiliation Letter (State Funds)

Submit via LCP Tracker once construction begins for each contractor working on the project.

- Prevailing Wage Notification Form (State Funds)
  Submit via LCP Tracker once construction begins for each employee working on the project for contractors without Union Affiliation Letters.
- Certified Payroll Reporting Form (State Funds)
  Submit via LCP Tracker once construction begins for each pay period for the duration of the contract.
- Certified Payroll Reporting Form (Federal Funds)
  Submit via LCP Tracker once construction begins for each pay period for the duration of the contract.
- Affidavit of Contractor or Subcontractor Prevailing Wages (Form 104)
  Submit via LCP Tracker once construction is completed.
- Affidavit of Contractor or Subcontractor Prevailing Wages -Trucking (Form 105)
  Submit via LCP Tracker once construction is completed.

For more information on federal prevailing wage information reference Davis Bacon Acts Information.

For more information on state prevailing wage information reference Ohio Department of Commerce Prevailing Wage Contractor Responsibilities.

Other Compliance Information

Equal Employment Opportunity Program

The Equal Employment Opportunity (EEO) program applies to all written agreements between the city and another party where the city expends or receives funds greater than $5,000 for the construction of any public improvement, purchase of services, or lease of any real property to or form another party. All EEO information will be provided when the contract is executed. For all city construction work the program sets a standard of 11.8% minority male hours, 6.9% female hours (of which 3.45% should be minority female hours) in the Hamilton County area. These percentages apply to all craft trades used on all city construction projects. The city's EEO poster must be posted in a location visible to all employees and applicants for employment.

On prevailing wage projects and projects where the contractor has submitted information through the city's LCP Tracker system, LCP Tracker generates a monthly employment utilization report based on information submitted.

EEO Forms

- Equal Employment Opportunity Poster
- Equal Employment Opportunity Form 147
  Submit before the contract is awarded via email.

Living Wage Requirements

All *service contracts* with the city with a contract value equal to or greater than $20,000 (except when services are incidental to the delivery of products, equipment, or commodities) require every covered employer to pay covered employees a living wage. All living wage information will be provided when the contract is executed. For more information about Living Wage view the Living Wage FAQs in the “Forms” tab of the City of Cincinnati Department of Economic Inclusion and Procurement website.