

LLMC TARGETING FUND RULES

All Contractors requesting a subsidy from the LLMC Targeting Fund agree to be governed by the following rules:

1. This LLMC subsidy applies only to bargaining unit work performed at the project identified in the Request Form, up to and not to exceed the listed hours and amount. The Contractor shall not be entitled to any additional supplement or subsidies for change orders, modifications or extensions relating to the project.
2. Based on written representations made by the Contractor, upon whom the LLMC is relying, the LLMC will unilaterally determine whether the subsidy will be approved. If so agreed, the LLMC agrees to make a grant payment for the hours and in the amount set forth in the Request Form. Only journeymen, foremen and/or apprentice hours actually worked on the identified projects are eligible for the subsidy. Hours worked by owners, stockholders, supervisors, or other classifications are not eligible for the subsidy.
3. Upon completion of the project, the Contractor must provide complete records of Laborer man-hours worked to the LLMC for review. Once the hours are confirmed, the grant payment will be made directly to the Contractor.
4. As a condition for the receipt of this subsidy from the LLMC, the Contractor agrees to the following terms and condition:
 - a. During the term of the "targeted job" specified in Paragraph 1 above, the Contractor shall be bound by and will not violate any provisions set forth in its then-effective collective bargaining agreement with the West Virginia and Appalachian Laborers' District Council. In the event any such violation of the labor contract shall occur or if the contractual relationship should terminate for any reason whatsoever, the provisions of this agreement shall be considered null and void.
 - b. The Contractor agrees that it shall not, during the term in which work is performed by it at the targeted project specified in Paragraph 1 hereof, become delinquent in making contributions to West Virginia and Appalachian Laborers' District Council's Trust Funds, and in the event any such delinquency shall occur, this job targeting agreement shall be construed as null and void.
 - c. The Contractor shall not engage in any misrepresentations on required reporting forms or provide any false and/or misleading information to LLMC concerning work performed on the targeted project. Any such misrepresentation and/or submission of false and/or misleading information shall cause this agreement to be rendered null and void.
 - d. The Contractor agrees that it shall timely provide to West Virginia and Appalachian Laborers' District Council's Trust Funds the monthly reporting **forms that designate accurately the number of hours worked by all bargaining unit members working on the targeted project.**
 - e. The Contractor agrees to provide any and all information requested by the LLMC in order to verify its request for subsidies on this project.
 - f. The Contractor agrees that all of its Laborers' work on the targeted project, whether done

directly or through a subcontractor, shall only be done by contractors signatory with West Virginia and Appalachian Laborers' District Council with the exception of specialty work or where such subcontractors, persons or entities, are not competitive or available in the area or where contrary to law.

5. The Contractor agrees that neither it, nor anyone acting on its behalf, nor any of its employees, agents, representatives, owners, partners, heirs, administrators or assigns, or any other person, shall make or process any claim against LLMC, or any of its officers, agents, employees, members, or persons acting for or on behalf of it, for any alleged damage, whether real or perceived, or commence any action, cause of action, chose in action or initiate any legal proceedings of any kind, in any court or any forum, in which the Contractor seeks a recovery of an amount that exceeds the maximum liability that the LLMC has agreed to pay under the provisions set forth in paragraph (2) above.

Notwithstanding any other provisions of this agreement, or any provisions in any other contract between the parties, or any law, statute or regulation, of whatsoever kind or nature, the Contractor agrees that, in no circumstance, shall the LLMC be required, by virtue of this agreement, to pay to the Employer, or any other person or party acting in its behalf, an amount in excess of the maximum liability set forth in paragraph (3) hereof with respect to the specified targeted project.

6. These rules may only be amended by a document duly executed by both parties and which contains, on behalf of the LLMC, the signatures of the Co-Chairmen of LLMC. In addition, the parties understand that this agreement, and any commitments by the LLMC shall only be valid if signed and approved by the LLMC Chairman and Secretary.

NAME OF THE PROJECT: _____

FOR THE EMPLOYER

Complete Company Name: _____

_____ Signature of Authorized Representative	_____ Title	_____ Date
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Print name of Authorized Representative: _____

FOR THE LABORERS LABOR-MANAGEMENT COOPERATIVE AND EDUCATIONAL TRUST

Jessie King, Chairman

Ken Lake, Co-Chairman

Date: _____

Date: _____

LLMC TARGETING FUND REQUEST FORM

Application Date:	Applicant's Name:		
Applicant's Address:			
Applicant's Phone:	Fax:	Email:	
Project Owner's Name:			
Project Name:			
Project Address:			County:
Project Bid Date:	Approximate Cost of Project:		
Estimated Starting Date:	Estimated Duration of Project:		
List of Competitors: (Use Additional Paper if Necessary)	Union Contractors	Non-Union Contractors	
Other Crafts that are Targeting the Project:	Name	Amount	
Name of entity to whom you are bidding:			
Is this entity the Owner? ☐ Yes ☐ No Construction Manager? ☐ Yes ☐ No Contractor? ☐ Yes ☐ No			
If you are bidding as a subcontractor, please list work to be performed:			
Please list the Hours of Work for Laborers			
Hours for Applicant +	Hours for Applicant's Subcontractors =	Total Hours	
Please list the Number of Laborers Needed			
Laborers for Applicant +	Laborers for Applicant's Subcontractors =	Total Number of Laborers	

In applying for the LLMC Targeting Fund Subsidy, the undersigned agrees that the decision of this application is within the full and complete discretion of the Chairman of LLMC. The undersigned agrees to adhere to the Rules of the LLMC Targeting Fund. The undersigned agrees to waive and release the LLMC Targeting Fund from any claim the undersigned may have now or in the future as a result of this application.

Signature of Authorized Representative _____ Title _____ Date _____

Print name of Authorized Representative: _____

PLEASE FAX/EMAIL THIS FORM TO Matthew McComas (304) 346-1959, or email at matt@wvaldc.org.

This Box is for LLMC Official Use Only		
APPROVED BY _____ Jessie King, Chairman	APPROVED BY _____ Ken Lake, Co-Chairman	
AWARD TO CONTRACTOR		
_____ x Hours	_____ = Subsidy per Hour	_____ Total Award

West Virginia and Appalachian Laborers' District Council LLMC Target Fund

1. The purpose of this program is to help Signatory Contractors win Projects in the face of Open Shop competition and thereby employ more Laborers and increase Market Share.
2. The West Virginia and Appalachian Laborers' District Council does this by allowing Signatory Contractors to lower their bid price by going in by knowing the maximum Laborers Fringe reimbursement they can expect to be returned at the end of the project. This creates a win/win situation by giving Signatory Contractors bid flexibility and employing Laborers without cutting wages or fringe benefits.
3. Signatory Contractors must be and remain current on payment of fringes to the West Virginia and Appalachian Laborers' District Council's Trust Funds during the course of the project.
4. Fringe reimbursement will be calculated on actual Laborer Journeyman/Foreman/Apprentice hours only as recorded during the job being paid to the West Virginia and Appalachian Laborers' District Council's Trust Funds up to the maximum amount allotted for the project. Reimbursement Forms must be submitted to LLMC within one (1) year of final acceptance of the targeted project.
5. Contractors will be subject to audit of the Project.
6. **Contractors shall report hours worked by Laborers on a separate fringe form to eliminate confusion and so that clear records will be available on both ends to speed the audit process at the end of a project.**
7. General Contractors shall use Signatory Subcontractors on the West Virginia and Appalachian Laborers' District Council's projects.
8. It is important to **try** to submit requests for the LLMC subsidy at least 10 days prior to the bid date of the Project to allow sufficient time to review and process the request.
9. All Signatory Contractors must submit the LLMC Targeting Fund Request form before the bid date to qualify for the same approved fringe reimbursement.
10. The approved subsidy can only be used on the specific Project referred to in the application submitted.
11. The Contractor shall advise the Job Targeting Program Administrator if the Contractor has been awarded the job within ten (10) days of the award date.

The Job Targeting Program Administrator will be LLMC Representative, Matthew McComas. LLMC Targeting Fund Request Forms should be submitted by fax to (304) 346-1959 or email at matt@wvaldc.org. In addition, communications can be mailed to:

**WV and Laborers' District Council
One Union Square, Suite #5
Charleston, WV 25302**

Matthew McComas may also be contacted by phone @ (304) 941-3990.