



Davis-Bacon and the Alaska Clean Water Fund

Mike Cox, US EPA



What We'll Cover Today

- What is Davis-Bacon & what does it cover?
- What you need to do before construction starts
- What you need to do during & after construction



What is Davis-Bacon?

- The title is Davis-Bacon and Related Acts (DBRA)



Why We're Here Today

- *“The Davis Bacon Act requires that all contractors and subcontractors performing construction, alteration and repair (including painting and decorating) work under federal or District of Columbia contracts in excess of \$2,000 pay their laborers and mechanics not less than the prevailing wage and fringe benefits for the geographic location.”*



REMEMBER

- The \$2,000 threshold
- DBRA applies to federally funded contracts for treatment works
- Applies to contractors & subcontractors
- The requirement for prevailing wages & fringe benefits



Before Construction

- DBRA Specification Insert “Terms & Conditions”
- DBRA Wage Determination



DBRA Specification Insert

- For the prime construction Contract
- Prime contractor must add this to subcontracts
- Where to get the insert



Getting the Right Wage Determinations

- What type of construction will you be doing?
- The US Department of Labor (DOL) System
 - Residential
 - Highway
 - Building
 - Heavy



Residential

- Includes the construction, alteration or repair of single-family houses, apartment buildings of no more than four stories in height.



Highway

- Includes construction, alteration or repair of roads, streets, highways, runways, taxiways, alleys, trails, paths, parking areas, and other similar projects not incidental to building or heavy construction.



Building

- Includes construction of sheltered enclosures with walk-in access for the purpose of housing persons, machinery, equipment or supplies; the installation of utilities and of equipment, both above and below grade levels; as well as incidental grading, utilities and paving.



Heavy

- Includes those projects that are not properly classified as either "building," "highway," or "residential." Separate schedules may be issued for dredging projects, water and sewer line projects, dams, major bridges, and flood control projects.



Finding Wage Determinations (WD)

- Click on <http://www.wdol.gov>

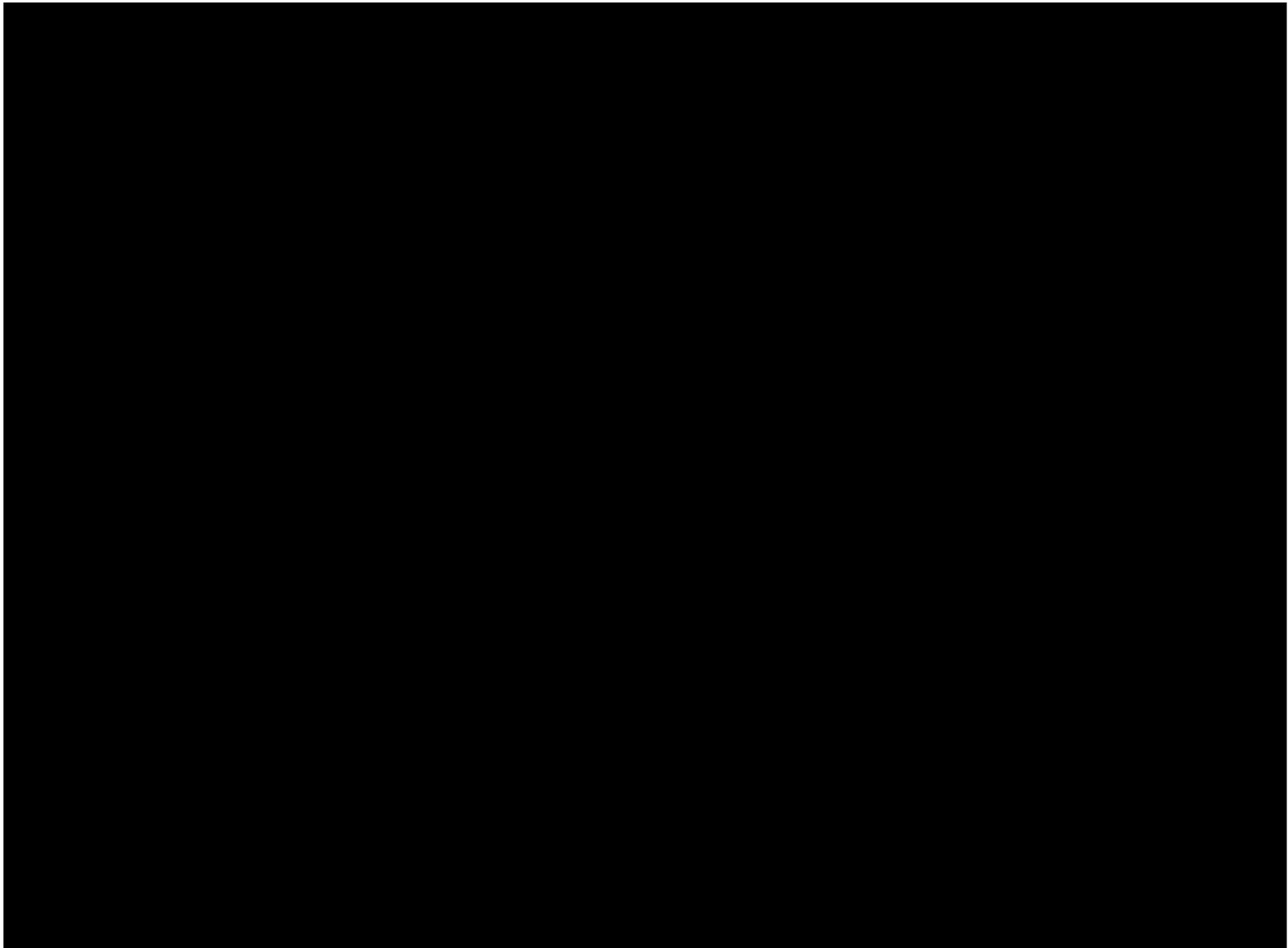
Act	Davis-Bacon Act	Re
<p>os</p> <p>vised</p> <p>vestment Calculation Tool) <small>NEW!</small></p>	<ul style="list-style-type: none"> ▪ Selecting DBA WDs ← ▪ Archived WDs ▪ WDs due to be revised ▪ Rollover Crosswalk <small>NEW!</small> 	<ul style="list-style-type: none"> ▪ A ▪ I ▪ I

...ne Wage Determinations OnLine Program!

...s a single location for federal contracting officers to use in obtaining appropriate Service Contract...
...-Bacon Act (DBA) wage determinations (WDs) for each official contract action. The website is...
...ral public as well. Guidance in selecting WDs from this website is provided in the WDOL.gov User's

...DOL.gov Program also provides contracting officers direct access to the Department of Labor's...
...te to submit a request for SCA WDs for use on official contract actions. In some instances, the...
...will not contain the appropriate SCA WD, and contracting officers will be directed to use DOL's...
...to obtain the required SCA WD. DOL will provide the contracting officer with an SCA WD through

...to the application of contract labor standards or the selection of appropriate WDs for specific...
...ould be referred to the contracting officer or to the designated agency labor advisors. Questions...
...bsite may be referred to the WDOL.gov Webmaster.





Remember

- WDs have a limited “shelf life”!



DBRA During Construction

- Posting materials
- Checking certified payrolls
- Wage interviews



What Needs to be Posted?

- The Davis-Bacon Poster
- The Wage Determination

EMPLOYEE RIGHTS UNDER THE DAVIS-BACON ACT

FOR LABORERS AND MECHANICS EMPLOYED ON FEDERAL OR FEDERALLY ASSISTED CONSTRUCTION PROJECTS

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

PREVAILING WAGES You must be paid not less than the wage rate listed in the Davis-Bacon Wage Decision posted with this Notice for the work you perform.

OVERTIME You must be paid not less than one and one-half times your basic rate of pay for all hours worked over 40 in a work week. There are few exceptions.

ENFORCEMENT Contract payments can be withheld to ensure workers receive wages and overtime pay due, and liquidated damages may apply if overtime pay requirements are not met. Davis-Bacon contract clauses allow contract termination and debarment of contractors from future Federal contracts for up to three years. A contractor who falsifies certified payroll records or induces wage kickbacks may be subject to civil or criminal prosecution, fines and/or imprisonment.

APPRENTICES Apprentice rates apply only to apprentices properly registered under approved Federal or State apprenticeship programs.

PROPER PAY If you do not receive proper pay, or require further information on the applicable wages, contact the Contracting Officer listed below:

or contact the U.S. Department of Labor's Wage and Hour Division.

For additional information:



1-866-4-USWAGE
(1-866-487-9243) TTY: 1-877-889-5627



WWW.WAGEHOUR.DOL.GOV



Checking Wage Determinations

- Contractor to submit weekly certified payrolls
- Form WH-347 or equivalent
- Apprentices and trainees
- Retain records for three years

PAYROLL

(For Contractor's Optional Use; See Instructions at www.dol.gov/whd/forms/wh347instr.htm)



Rev. Dec. 2008

Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

OMB No.: 1235-0008
Expires: 01/31/2015

NAME OF CONTRACTOR <input type="checkbox"/> OR SUBCONTRACTOR <input type="checkbox"/>		ADDRESS		OMB No.: 1235-0008 Expires: 01/31/2015	
PAYROLL NO.	FOR WEEK ENDING	PROJECT AND LOCATION		PROJECT OR CONTRACT NO.	

(1) NAME AND INDIVIDUAL IDENTIFYING NUMBER (e.g., LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER) OF WORKER	(2) NO. OF EXEMPTIONS	(3) WORK CLASSIFICATION	(4) DAY AND DATE OF ORST. HOURS WORKED EACH DAY	(5) TOTAL HOURS	(6) RATE OF PAY	(7) GROSS AMOUNT EARNED	(8) DEDUCTIONS					(9) NET WAGES PAID FOR WEEK
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While completion of Form WH-347 is optional, it is mandatory for covered contractors and subcontractors performing work on Federally financed or assisted construction contracts to respond to the information collection contained in 29 C.F.R. §§ 3.3, 5.5(a). The Copeland Act (40 U.S.C. § 3145) contractors and subcontractors performing work on Federally financed or assisted construction contracts to "furnish weekly a statement with respect to the wages paid each employee during the preceding week." U.S. Department of Labor (DOL) regulations at 29 C.F.R. § 5.5(a)(3)(ii) require contractors to submit weekly a copy of all payrolls to the Federal agency contracting for or financing the construction project, accompanied by a signed "Statement of Compliance" indicating that the payrolls are correct and complete and that each laborer or mechanic has been paid not less than the proper Davis-Bacon prevailing wage rate for the work performed. DOL and federal contracting agencies receiving this information review the information to determine that employees have received legally required wages and fringe benefits.

Public Burden Statement

We estimate that it will take an average of 55 minutes to complete this collection, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding these estimates or any other aspect of this collection, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room 63502, 200 Constitution Avenue, N.W. Washington, D.C. 20210



Wage Interviews

- Required do at least one set of interviews
- Interviews are to be done in private
- Compare an employee's pay & fringes to WD
- Keep records for three years



Resources

- US Department of Labor Wage & Hour Division
www.wdol.gov
- Mike Cox, US EPA, 271-6627 cox.mikeo@epa.gov
- ADEC-Municipal Grants & Loans Web Site for Davis-Bacon Documents:
www.dec.alaska.gov/water/MuniGrantsLoans/DavisBacon.html