

### OFFICE OF COMPLIANCE AND INCLUSION (OCI)

#### **OCI Team**

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**OCI REQUIREMENTS** 

# PREVAILING WAGE under DAVIS BACON and

## DAVIS BACON and RELATED ACTS (DBRA)

UPDATED 01.12.2022 2

DAVIS BACON REQUIREMENTS



- **1.** Davis Bacon Labor Standards
- 2. Davis Bacon Project Contract Clause
- 3. Davis Bacon Coverage
- 4. Certified Payroll Registers
- **5. Project On-Site Requirements**
- 6. Retainage Release Requirements
- 7. Noncompliance Sanctions



### 1a. Regulations:

- DBRA: 29 CFR Parts 1,3,5,6,and 7
- US Code: *40 3141-3144, 3146-3148*
- Copeland "Anti-Kickback" Act
- The Contract Work Hours and Safety Standards Act

### **1b. Application of Davis Bacon**

- Federal construction contracts over \$2,000 (29CFR § 5.2)
- Public buildings or public works (29 CFR § 5.5(a) & 40 U.S.C. 3142(a), (c))



### **1. DAVIS BACON LABOR STANDARDS**

### **1c. Site of Work** [29 CFR 5.2(I)(2)]

- Construction, alteration, and/or repair (including painting or decorating) of public buildings or public works
- Dedicated exclusively, or nearly so, to the performance of the contract; and
- Adjacent or virtually adjacent to the site of the work.



### 2. DAVIS BACON PROJECT CONTRACT CLAUSE INCLUSION

### 29 CFR Part 5.5

"The contractor or subcontractor shall insert in any subcontracts the clauses contained in **29 CFR Part 5.5(a)(1) through (10)** and such other clauses as the Federal Aviation Administration may by appropriate instructions require, and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts."



### **3. DAVIS BACON COVERAGE**

#### Laborers and Mechanics (29CFR § 5.2)

Carpenters	Craftsmen	Truck Drivers - de minimis (29CFR § 5.2)
Electricians	Flaggers	Working Foremen – 20% x week time (29CFR Part 541)
Longshoremen	Plumbers	Site Security Guards/Watchmen
Welders	Concrete Finishers	Material Manufacturer delivering said material supplies on site (29CFR Part 5.2(i)
Ironworkers	Power Equipment Operators	Etc.

#### Apprentices/Helpers (29CFR § 5.2(n)

Supporting Documents before utilization:

- Apprenticeship/Trainee Agreement
- Apprenticeship/Trainee Certification



#### **SUBMISSIONS OF CPRs**

- 1) CPRs + "Statement of Compliance" [29 C.F.R. § 5.5(a)(3)(ii)(B)]
- 2) Initial Submission: After 2weeks of project inception
- 3) Thereafter: **Within seven (7) days** after the regular payment date of the payroll period [29 C.F.R. § 3.4(a)]

### **CPR SUBMISSIONS ARE WEEKLY!**

### 29 C.F.R. § 5.5(a)(3)(ii)(A).



### 4b. CERTIFIED PAYROLL REGISTERS

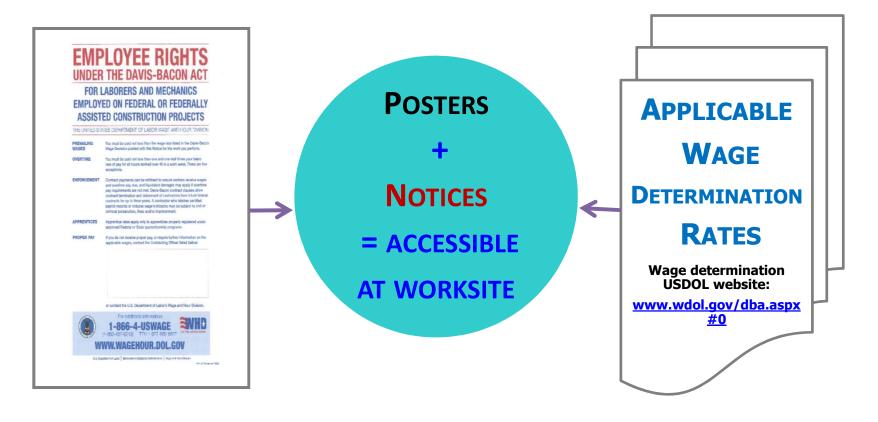
CERTIFIED PAYROI U.S. Department of Labor Employment Standards Administration Wage and Hour Division	l repoi	RT .	Date	(b) WHERE FRINGE BENEFITS ARE PAID IN CASH
Name of Contractor <u>X</u> or Subcontractor         Address           Foundation Contracting         For Week Ending         Project and Location           201         For Week Ending         97(2) 1- Lake County Trues Rebuild	Project or Contrac	OMB No: Expres No.		
(1)         (2)         (3)         (4)         (4)         (5)         (6)         (6)         (6)         (7) <td>ross Fed State&amp; U</td> <td>UCRONS (%) Nice Nate Wages Ander Other Total Paid Deductions for Week</td> <td>(Contractor or Subcontractor) weekly wages samed by any person and that no deductions have been made either directly or indirectly from the full wages earned by any person, other than permissible deductions as defined in Regulations, Part 3 (20 C.F.R. Subtle A), issued by the Secretary OI about note the Coperand Act, as amended (48 Stat: 948, 63 Stat. 108, 72 Stat. 907, 76 Stat. 357, 40 U.S.C. § 3146), and described below:</td> <td></td>	ross Fed State& U	UCRONS (%) Nice Nate Wages Ander Other Total Paid Deductions for Week	(Contractor or Subcontractor) weekly wages samed by any person and that no deductions have been made either directly or indirectly from the full wages earned by any person, other than permissible deductions as defined in Regulations, Part 3 (20 C.F.R. Subtle A), issued by the Secretary OI about note the Coperand Act, as amended (48 Stat: 948, 63 Stat. 108, 72 Stat. 907, 76 Stat. 357, 40 U.S.C. § 3146), and described below:	
Steward, Rick I.         51         Bestricion         Of1         4.00         4.00         17.30           Onelvied (Vert4132)         209-10-9549         0	05.00 61,58 94,24 40.69 05.00	210.13 436.66 398.34 Race B.K Gende: Male		
Cadvaux, Anthor A         50         Operation- Foreman         011         4.00         4.00         2.125           306 Canamaga/Hall         Onewhood (Med 102)         B65-45-1269         B60         B.00         B.00         B.00         B.00         B.00         B.00         B100         21.75	00.50	289.29 711.21 Race: WMT Gender: Male	(2) That any payofis otherwise under this contract required to be submitted for the above period are correct and complete, that the wage raits for laboves or mechanics contained therein are not less than the applicable wage raits contained in any wage determination incorporated in the classifications.	REMARKS
Brandron, Michael A         MD         Laborer         OT1         3.00         3.00         19.00           T23: Abbot         Brack, OH 44723         125:56:9856         Brack, OH 44723         100         48.00         19.00           We estimate that it will take an average of 56 minutes to complete this collection of information, including time         56:56:56:56:56:56:56:56:56:56:56:56:56:5			set forth therein for each laborer or mechanic conform with the work he performed. (3) That any appendicae employed in the above period are duly registered in a boar (de appendiceship program registered with a State appendiceship agency recognized by the Bureau of Apprenticeship and Training, United States Department of Labor, of no such recognized approxy exists in a State, are registered with the Bureau of Apprenticeship and Training, United States Department of Labor.	
maintaining the date needed, and completing and reviewing the collection of informations. If you have any con- andomatics, including supporting for inducing this burden, send them to the Administrator, Wage and Hoa Die Avenue, N.W., Washington, D.C. 2021b.	nts regarding these estimates or a n, ESA U.S. Department of Laboc N	ty other agaet of this collection of com \$3502, 200 Constitution	(4) That (a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS - in addition to the basic hourly wage rates paid to each laborer or mechanic listed in the above referenced payroli, payments of fringe benefits as listed in the contract have been or will be made to appropriate programs for the benefit of such employees, except as noted in section 4(c) below.	NAME AND TITLE SIDNATURE. THE WILLPLL FALSPECTION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCRITING/CIGN TO CYUL OR COMMAN, PROSEQUITION SEE SECTION 1001 OF TITLE 19 AND SECTION 201 OF TITLE 37 OF THE WATER BRATES CODE:

#### **"Statement of Compliance" MUST be original, handwritten or an electronic signature.**

Source: U.S. Department of Labor Prevailing Wage Resource Book DBA/DBRA COMPLIANCE PRINCIPLES



#### ≻Must have drivers license/State ID/Union ID.





### **6. RETAINAGE RELEASE REQUIREMENTS**

#### A. ENCLOSURE B-10 For Partial Retainage Payment:

	ENCLOSURE B-10	
	COMPLIANCE PREVAILING AL RETAINAGE RELEASE	WAGE
RETAINAGE RELEASE: 8%	2%	
0%, Complete a Fl	NAL AFRIDAVIT OF COMPLIANCE	PREVAILING WAGE
L.		do hereby certify that the
(Name of person signing affidev(t)	(Tite)	
that the wages paid to all employees of		
	(Company Name)	
for all hours worked on project:	a	0. 0. 0. 0. 0. 0
	(Project Name)	
	(Project Location)	
During the period from	10	are in compliance with
Prevailing Wage requirements of Davis-Bac Code: 40 3141-3148 and of Chapter 4115	of the Ohio Revised Code. I furth	er centify that no rebates or
Prevailing Wage requirements of Davis-Bax	con and Related Acts: 29 CFR Pa of the Ohio Revised Code. I furth	er centify that no rebates or
Prevailing Wage requirements of Davis-Bax Code: 40 3141-3148 and of Chapter 4115 deductions have been or will be made, dire	con and Related Acts: 29 CFR Pa of the Ohio Revised Code. I furth	er certify that no rebates or in connection with the project,
Prevailing Wage requirements of Davis-Bar Code: 40 \$141-\$148 and of Chapter 4115 deductions have been or will be made, dire other than those provided by law.	con and Related Acts: 29 CFR Pa the Otto Revieed Code. I furth city or indirectly, from any wages Print Name of Officer of A	er certify that no rebates or in connection with the project, gent
Prevailing Wage requirements of Davis-Bac Code: 40 3141-3148 and of Chapter 4115 deductions have been or will be made, dire other than those provided by law.	con and Related Acts: 29 CFR Pa the Otto Revieed Code. I furth city or indirectly, from any wages Print Name of Officer of A	er certify that no rebates or in connection with the project, gent

#### **B. FINAL AFFIDAVIT** For Final Retainage Payment:

Of Commerce Dividee of Indestrial Complex Is Labor	Prints \$14 604 3150 (Sac \$19 128 NEW) 2004 0	Nalek, Gowr
	FINAL AVIT OF COMPLIANCE EVAILING WAGES	
(Matter of person signing affiliant)		oertify
	213-0	
that the wages paid to all employees of	(Corputy sand)	
for all hours worked on project:		
2014/03/14/14/03/03/04/06/17	(Project scale)	
	(Projectialable)	
During the period from	totree in complian	ce with
	(Project Dinar)	121.2551
Prevailing wage requirements of Chapt	ter 4115 of the Ohio Revised Code. 1 further cen	iity mat
no relative or deductions have been or u		
no receives or deductions may cheen or w	vill be made, directly or indirectly, from any wag	tes paid
in connection with this project, other th		tes paid
in connection with this project, other th	an those provided by law.	
In connection with this project, other th Dispose of 000mm of Apro Swcen to and subscribed in my presence th The above of Merri and the mered ad much to be	an those provided by low. (07mi/Here #COTion or A in	27761. 
In connection with this project, other th Dispose of 000mm of Apro Swcen to and subscribed in my presence th The above of Merri and the mered ad much to be	an those provided by low.  (7) In These #000 in the A is	2776). 

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### **7. SANCTIONS FOR NON- COMPLIANCE**

### **Regulation**

http://www.dol.gov/whd/regs/compliance/whdfs66.pdf

- **1.** Contract payments withheld under CWHSSA
- 2. Grounds for contract termination
- 3. Contractor liability for any resulting costs to the government
- 4. <u>Debarment</u> from future contracts for a period up to three (3) years

OCI is providing ALL the information as a public service. This information and related materials are presented to give the public access to information on Department of Transportation and Department of Labor programs.



## **OCI Requirements**



### Written questions - send to designated Procurement Officer

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DAVIS BACON REQUIREMENTS