

Hi Denise,

Here is a brief tutorial on Davis- Bacon Wages. I thought this might be helpful to your committee in reference to S.111 and how federal contracts for construction work.

Tess Kennedy

<https://www.dol.gov/whd/govcontracts/dbra.htm>

# **Davis-Bacon and Related Acts - Wage and Hour Division (WHD) - U.S. Department of Labor**

Wage and Hour Division (WHD)

## **Davis-Bacon and Related Acts**

### **Overview**

The Davis-Bacon and Related Acts, apply to contractors and subcontractors performing on federally funded or assisted contracts in excess of \$2,000 for the construction, alteration, or repair (including painting and decorating) of public buildings or public works. Davis-Bacon Act and Related Act contractors and subcontractors must pay their laborers and mechanics employed under the contract no less than the locally prevailing wages and fringe benefits for corresponding work on similar projects in the area. The Davis-Bacon Act directs the Department of Labor to determine such locally prevailing wage rates. The Davis-Bacon Act applies to contractors and subcontractors performing work on federal or District of Columbia contracts. The Davis-Bacon Act prevailing wage provisions apply to the “Related Acts,” under which federal agencies

assist construction projects through grants, loans, loan guarantees, and insurance.

For prime contracts in excess of \$100,000, contractors and subcontractors must also, under the provisions of the Contract Work Hours and Safety Standards Act, as amended, pay laborers and mechanics, including guards and watchmen, at least one and one-half times their regular rate of pay for all hours worked over 40 in a workweek. The overtime provisions of the Fair Labor Standards Act may also apply to DBA-covered contracts.

## **HISTORY**

### **PROTECTING WAGE EQUALITY SINCE 1931**

Since its enactment in 1931, the Davis-Bacon Act (DBA) has provided critical wage protections for construction workers and has guaranteed a level playing field for construction contractors bidding on federal projects.

The federal government constructs buildings, builds dams, and funds housing projects. State highway departments pave roads with federal funds from the Federal Highway Administration. Local and state governments build water treatment plants, modernize schools, and renovate airports with the support of federal funds.

The DBA ensures that construction workers on federal or federally assisted construction projects will not see their wages and benefits undercut by government spending practices. The DBA exists to prevent the infusion of federal dollars into local communities from depressing local wages. DBA provides a wage floor that protects construction workers' pay, and sets a level playing field for contractors who are bidding on federally funded projects. As important, these standards enable local contractors and

their employees to compete for local projects by protecting against under-bidding by contractors from other areas who might import workers or offer the same jobs for less pay.

## **Guidance**

- [Prevailing Wage Resource Book](#) (March 2014)
- [Contract Work Hours and Safety Standards Act Guide](#)
- [Apprenticeship Web site](#)
- [Davis-Bacon Compliance Guide](#)
- [All Agencies Memoranda \(AAMs\)](#)
- [AAM No. 212](#): Applicability of Davis-Bacon labor standards to members of survey crews and related [Q&As](#)
- [AAM No. 213](#): Application of the Davis-Bacon and Related Acts requirement that wage rates for additional classifications, when “conformed” to an existing wage determination, bear a “reasonable relationship” to the wage rates in that wage determination
- [WHD ARRA Guidance](#)
- [Contact the Branch of Construction Wage Determinations](#)
- Conformance and CBA Update public email address: [WHD-CBACONFORMANCE\\_INCOMING@dol.gov](mailto:WHD-CBACONFORMANCE_INCOMING@dol.gov)

## **E-Tools**

- Prevailing Wage Conference Videos - These videos are temporarily unavailable due to problems with the external hosting provider. We apologize for the inconvenience.
- [Wage Determinations OnLine.gov](#)  
This site provides federal contracting officers and members of the general public with assistance in

obtaining appropriate Davis-Bacon Act (DBA) wage determinations and other compliance information.

- [Davis-Bacon and Related Acts Web Information Service](#)

This site provides public access to Davis-Bacon information and supports the user in filling out the Report of Construction Contractor's Wage Rates (WD-10) Form. The type of information that you will find here includes information about the Schedule of Surveys being conducted to make wage determinations; regional office information; and, help. We also provide a WD-10 Form that you can view, print or save

- [Construction Contracts \(Davis-Bacon - Branch of Construction Wage Determinations Staff and State Assignment Listing\)](#)

- [WHD District Offices](#)

Complaints concerning underpayment of wages should be filed with the appropriate WHD District Office listed here. To find the WHD District Office nearest to you, please click on a state on the map or select a state name.

- [WHD Regions](#)

The map provide on this site shows where the WHD Regional Offices are located and the areas they cover. Click on one of the areas shown to link to the name, phone number and address for Government Contracts Enforcement Coordinator in that Region.

## **Fact Sheets**

- Government Contracts:
  - [Fact Sheet 66](#) (PDF) — Davis-Bacon Fact Sheet
  - [Fact Sheet 67](#) (PDF) — Service Contract Act Fact Sheet
- Fair Labor Standard Act Relevant Fact Sheet:

- [Fact Sheet 1](#) (PDF) — The Construction Industry Under the Fair Labor Standards Act
- [Fact Sheet 13](#) (PDF) — Employment Relationship Under the Fair Labor Standards Act
- [Fact Sheet 14](#) (PDF) — Coverage Under the Fair Labor Standards Act
- [Fact Sheet 17a](#) (PDF) — Exemption for Executive, Administrative, Professional, Computer & Outside Sales Employees Under the Fair Labor Standards Act
- [Fact Sheet 21](#) (PDF) — Recordkeeping Under the Fair Labor Standards Act
- [Fact Sheet 22](#) (PDF) — Hours Worked Under the Fair Labor Standards Act
- Additional Information:
  - [Fact Sheet 44](#) (PDF) — Visits to Employers
  - [Additional Fact Sheets](#)

## **Posters**

- [Davis-Bacon Poster \(Government Construction\)](#)
  - [Spanish Version](#)

## **Forms**

- Revised [WH-347](#) Form and [Instructions](#)  
Applicable to Contracts Entered into Pursuant to Invitations for Bids Issued or Negotiations Concluded On or After January 18, 2009.
- Standard Form (SF) 1444 — Request for Authorization of Additional Classification and Wage Rate
  - [SF-1444 \(PDF\)](#)

## **Interpretive Guidance**

- **Field Operations Handbook**
  - [Chapter 15](#) (PDF) — Davis-Bacon and Related Acts and Contract Work Hours and Safety Standards Act

## **Applicable Laws, Executive Orders, and Regulations**

- **Laws**
  - [The Davis Bacon Act](#) — 40 U.S.C. 3141 *et seq.*
  - [Fair Labor Standards Act of 1938, as Amended](#) (PDF) — 29 U.S.C. 201 *et seq.*
  - [McNamara-O’Hara Service Contract Act of 1965, as Amended](#) (PDF) — 41 U.S.C. 351 *et seq.*
  - [Contract Work Hours and Safety Standards Act, as Amended](#) (PDF) — 40 U.S.C. 3701 *et seq.*
  - [Walsh-Healey Public Contracts Act](#) — 41 U.S.C. 35 *et seq.*
  - [Copeland Anti-Kickback Act](#) — 40 U.S.C 3145

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