

Davis Bacon and ESSER Funds

Presented by
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Agenda for today

- What are the Davis Bacon and Related Acts (DBRA)?
- When does DBRA apply?
- How to meet federal DBRA requirements?
- How to request reimbursement for DBRA expenses?

Davis Bacon and Related Acts (DRBA)

Davis-Bacon and Related Acts

Contractors and subcontractors must pay laborers and mechanics employed directly upon the site of the work at least the locally prevailing wages (including fringe benefits), listed in the Davis-Bacon wage determination in the contract, for the work performed.

The “Related Acts” include provisions that apply Davis-Bacon labor standards to most federally assisted construction.

DBRA Monitoring Responsibility

- Under [Reorganization Plan No. 14 of 1950](#), (5 U.S.C.A. Appendix), the federal contracting or assistance-administering agencies have day-to-day responsibility for administration and enforcement of the Davis-Bacon labor standards provisions and, in order to promote consistent and effective enforcement, the Department of Labor has regulatory and oversight authority, including the authority to investigate compliance.

Labor Standards

- The Davis-Bacon Act
- The Contract Work Hours and Safety Standards Act
- The Copeland Act
- Prevailing wage provisions of the Davis-Bacon and “related Acts”
- Regulations, 29n.C.F.R. 1,3, and 5

Other Related Acts & Considerations

- [EDGAR Construction Rules - 34 CFR §§ 75.600-75.618](#)

- 601- Environmental impact
(waived)
- 602- Preservation of historic sites
- 603- Title to site
- 604- Availability of cost-sharing funds
- 605- Beginning construction
- 606- Completing construction
- 607- Functional, economical, and reasonable design
- 608- Areas for cultural activities
- 609- OSHA compliance
- 610- Handicapped access
- 611- Avoidance of flood hazards
- 612 - Supervision & inspection
- 613- Relocation assistance
- 614- Operational funds
- 615- Operation and maintenance
- 616- Energy Conservation
- 617- Coastal Barrier Resources Act
- 618- Charges for use of equipment and supplies

When does DRBA apply?

Inclusions

The [Davis-Bacon Act](#) applies to each federal government or District of Columbia contract in excess of \$2,000 for the construction, alteration, or repair (including painting and decorating) of [public buildings or public works](#).

If ANY part of the project is funded through federal funding (ESSER) the entire project is mandated to follow DBRA requirements.

Exceptions

- Regular Maintenance
 - Scheduled, recurring, routine
 - Custodial service, HVAC filter changes
- Work completed exclusively by state or district employees under their usual job description

How to meet federal DBRA requirements?

Contract Clauses- 29 CFR 5.5

1. Minimum Wages
2. Withholding
3. Payrolls and basic records
4. Apprentices and trainees
5. Compliance with Copeland Act
6. Subcontracts
7. Contract termination
8. Compliance with DBRA
9. Disputes concerning labor standards
10. Certification of eligibility

Determination of Prevailing Wages

- Responsibility of contractor – District & State to Monitor
- [GSAFSD Tier 0 Knowledge Base - How can I search for Davis-Bacon Act \(DBA\) wage determinations?](#)

Collection and Review of Weekly Certified Payroll

- District to collect and store – State to monitor
- Must be weekly
- Must be certified

Webinar – Prevailing Wage-

https://www.youtube.com/watch?v=coKt_vBTzKw

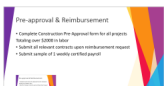
How to request reimbursement for DBRA expenses?

Pre-approval & Reimbursement

- Complete Construction Pre-Approval form for all projects totaling over \$2000 in labor
- Submit all relevant contracts upon reimbursement request
- Submit sample of 1 weekly certified payroll

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Resources

- [One Page Brief](#)
- [Fact Sheet #66](#)
- [Prevailing Wage Seminars](#)
- [How to search for prevailing wage determinations](#)
- [Sam.gov Wage Determination website](#)
- [Prevailing Wage Resource Book](#)
- Regional Representative - rabinowitz.paul@dol.gov 202-693-0692
- [EDGAR Construction Rules - 34 CFR §§ 75.600-75.618](#)
- [eCFR :: 29 CFR 5.5 -- Contract provisions and related matters.](#)