

## DAVIS-BACON OVERVIEW

### **REQUIREMENT**

States have requested more information about the requirements under the Davis-Bacon and Related Acts. Davis-Bacon is enforced by the Department of Labor. The Department of Labor has issued several resources including [Fact Sheet #66: The Davis-Bacon and Related Acts \(DBRA\) | U.S. Department of Labor \(dol.gov\)](#).

As a result of 20 USC 1232b Labor Standards (<https://www.govinfo.gov/app/details/USCODE-2019-title20/USCODE-2019-title20-chap31-subchapIII-part2-sec1232b>), which is considered a Related Act, Davis-Bacon prevailing wage requirements apply to any construction, repair, or alteration (including painting) contracts over \$2,000 using laborers and mechanics financed by Federal education funds. [Davis-Bacon and Related Acts | U.S. Department of Labor \(dol.gov\)](#).

### **LOCAL EDUCATIONAL AGENCY (LEA) RESPONSIBILITIES**

An LEA that is using Federal education funds to support a construction project must include all applicable contract clauses found in [29 CFR 5.5](#). The LEAs must also maintain contractor certified payroll records and submit these records to the State.

### **STATE RESPONSIBILITIES**

As the grantee, it is the State's responsibility to monitor subgrantees including LEAs for Davis-Bacon compliance. The State must collect from the LEA and monitor the contractor's certified payroll records. The State must make sure subgrantees are meeting all applicable requirements that are detailed in [34 CFR §§ 75.600-75.618](#), as well as in OMB Standard Forms 424B and D (Assurances for Non Construction and Construction Programs), including the assurances relating to labor standards; flood hazards; historic preservation; health and safety; energy conservation; and coastal barrier resources.

The U.S. Department of Labor explains that:

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.

See [Fact Sheet #66: The Davis-Bacon and Related Acts \(DBRA\) | U.S. Department of Labor \(dol.gov\)](#)

The U.S. Department of Labor (DOL) determines and publishes Davis-Bacon wage rates for the various localities across the country. These wage determinations are available on the [sam.gov website](#), along with an [overview of how to find and select wage determinations](#). If you need additional information about the prevailing wages in your community, you should contact the DOL regional office serving your district. A list of the regional offices with contact information can be found at the following website: [Branch of Construction Wage Determinations | U.S. Department of Labor \(dol.gov\)](#).

If you or anyone have questions or suspect there has been a wage violation, please contact the U.S. Department of Labor at 1-866-4-US-WAGE (1-866-487-9243). Also, if a State suspects that there has been a wage violation, the State must contact its program officer by emailing the State mailbox [State].oese@ed.gov.

### **ADDITIONAL INFORMATION**

Prevailing Wages Resource Book: <https://www.dol.gov/agencies/whd/government-contracts/prevailing-wage-resource-book>

Department of Labor's list of presentations:

<https://www.dol.gov/agencies/whd/government-contracts/construction/presentations>