



STEP-BY-STEP GUIDE TO COMPLYING WITH THE DAVIS BACON ACT

**FOR WEATHERIZATION ASSISTANCE PROGRAM SUBGRANTEES, THEIR CONTRACTORS
AND SUBCONTRACTORS**

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PART A – APPLIES ONLY TO WAP SUBGRANTEES

Is the project funded *directly by or assisted in whole or in part by* or through the federal government pursuant to ARRA?

NO – STOP HERE! The DBA and its requirements do not apply.

YES

Are you a local government entity that will use ONLY its own employees to do the weatherization work?

YES – STOP HERE! The DBA and its requirements do not apply.

NO – the DBA and its requirements apply – move to Part B and/or Part D

PART B – APPLIES TO WAP SUBGRANTEES THAT USE CONTRACTORS AND SUBCONTRACTORS

What does the DBA require of WAP subgrantees that use contractors and subcontractors?

#1 – OBTAIN WAGE DETERMINATION LISTING THE APPLICABLE PREVAILING WAGE RATE (PWR)

The state agency funding your WAP program should provide you with the applicable wage determination. If the stage agency does not do so, you may obtain the applicable PWR for work covered by the *new weatherization wage determinations* at http://apps1.eere.energy.gov/weatherization/dol_wage_determination.cfm.

#2 – INSERT DBA REGULATION LABOR STANDARDS AND ALL APPLICABLE WAGE DETERMINATIONS IN RFPS, BID SOLICITATIONS AND CONTRACTS

For DBA language, as modified by DOE, required to be included in contracts, see Appendix B

#3 – CONDITION ALL CONTRACTS ON ACCEPTANCE OF LABOR STANDARDS AND WAGE DETERMINATIONS INCLUDED THEREWITH

#4 – COLLECT CERTIFIED PAYROLL FORMS ON A WEEKLY BASIS

Make certain that the certified payroll form is signed by someone who has knowledge of the wages that were paid (i.e., take the proper form and ensure that it includes the proper representations and is signed by an appropriate representative)

Submit certified payroll form on a weekly basis to the state agency funding your WAP program

#5 – KEEP CERTIFIED PAYROLL FORMS AND RELATED RECORDS FOR AT LEAST 3 YEARS

DOL may seek amounts necessary to correct underpayments from the WAP subgrantees

PART C – APPLIES TO CONTRACTORS AND SUBCONTRACTORS OF WAP SUBGRANTEES

What does the DBA require of contractors and subcontractors of WAP subgrantees?

#1 – PAY PREVAILING WAGE RATE (PWR) ON A WEEKLY BASIS

Pay at least (you may pay more) the PWR for all hours worked by laborers and mechanics on Covered Project on a weekly basis. The WAP subgrantee should provide you with the applicable PWRs.

#2 – COMPENSATE FOR FRINGE RATE OR CASH VALUE OF FRINGE RATE LISTED IN WAGE DETERMINATION

May compensate for hourly fringe rate with: (1) bona fide fringe benefits; (2) cash in lieu of benefits (taxable income); (3) combination of (1) and (2); or (4) any wages paid in excess of the wage rate

Fringe rate overage may be used to offset wage rate

For further information regarding bona fide fringe benefits, see Appendix E

#3 – FILL OUT, SIGN AND SUBMIT CERTIFIED PAYROLL FORMS ON A WEEKLY BASIS

Contractor or subcontractor must submit certified payroll form to WAP subgrantee on a weekly basis

DOL provides an optional certified payroll form with instructions – Form WH 347 available at: www.dol.gov/esa/whd/forms/wh347instr.htm.

#4 – KEEP PAYROLL FORMS AND RELATED RECORDS FOR AT LEAST 3 YEARS

#5 – POST DBA RIGHTS POSTER

DBA poster is available at <http://www.dol.gov/esa/whd/regs/compliance/posters/fedprojc.pdf>.

Display poster in vehicle or work site as well as in the office to which the laborer/mechanic reports.

**#6 – IF CONTRACTORS ARE WORKING WITH SUBCONTRACTORS,
CONTRACTORS MUST INSERT LABOR STANDARDS AND ALL
APPLICABLE WAGE DETERMINATIONS IN SUBCONTRACTS**



Use PWR provided to you by the WAP subgrantee

For DBA language, as modified by DOE, required to be included in contracts, see Appendix B

Condition all subcontracts on acceptance of labor standards and wage determinations included therewith

PART D – APPLIES TO WAP SUBGRANTEES WHOSE EMPLOYEES DO WAP WORK

What does the DBA require of WAP subgrantees with employees doing WAP work?

#1 – PAY PREVAILING WAGE RATE (PWR) ON A WEEKLY BASIS

The state agency funding your WAP program should provide you with the applicable wage determination. If the state agency does not do so, you may obtain the applicable PWR for work covered by the new weatherization wage determinations at http://apps1.eere.energy.gov/weatherization/dol_wage_determination.cfm.

#2 – COMPENSATE FOR FRINGE RATE OR CASH VALUE OF FRINGE RATE LISTED IN WAGE DETERMINATION

May compensate for hourly fringe rate with: (1) bona fide fringe benefits; (2) cash in lieu of benefits (taxable income); (3) combination of (1) and (2); or (4) any wages paid in excess of the wage rate

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Submit certified payroll form on a weekly basis to the state agency funding your WAP program

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