



Davis-Bacon Act Policies & Procedures

Davis-Bacon Act (DBA) Overview

Enacted in 1931, the DBA is intended to protect communities and workers from economic disruption caused by competition arising from non-local contractors obtaining federal construction contracts by underbidding local wage levels.

Applicability

The DBA requires payment of prevailing wages and fringe benefits for all construction contracts **exceeding \$2,000** funded in whole or in part with Federal funds (AIP, USDA, ARC, etc.). This requirement extends to all subcontractors employed under the prime Contractor. This requirement is included in the grant assurances, and is considered a condition of grant acceptance.

Wage Determinations (WD)

WD's are issued based on project location and construction type: *Highway, Building, Heavy, and Residential.*

- **Highway** — Appropriate for most airfield projects
- **Building** — Non-residential sheltered enclosures
- **Residential** — Not applicable to airport work
- **Heavy** — Projects not classified as any of the above

A current wage rate determination and DBA contract provision must be **physically** included in the project bid solicitation. WD's must also be posted at the job site.

Get Current Wage Determinations

CLICK 

- Select State and County
- Select Construction Type

Note: Tennessee has a **statewide wage rate determination for the highway construction type*

Resources

- [Davis-Bacon Act — 40 U.S.C. 3141 et. seq.](#)
- [29 CFR — Labor](#)
- [29 CFR Part 541 — Exemptions](#)
- [Department of Labor Resources](#)
- [Federal Contract Provisions](#)
- [Davis-Bacon Poster \(WH-1321\)](#)
- [SF 1445 — Labor Standards Interview](#)
- [TDOT Local Programs Form C-27](#)
- [Optional Form WH-347 \(Certified Payroll\)](#)

Guide to Compliance

Sponsor:

- Incorporate a current WD and required contract clause into the bid solicitation
- Do not award contract to a debarred contractor
- Review weekly payroll records for compliance
- Conduct labor standards interviews
 - No mandated frequency; however, *29 CFR Part 5.6* requires interviews to be conducted "with such frequency as may be necessary to assure compliance."

Contractor:

- Pay wages and fringe benefits per appropriate WD
- Post WD and Davis-Bacon Poster (*WH-1321*) in a prominent and conspicuous location on the job site
- Maintain payroll records for three (3) years from completion of contract
- Submit "each weekly statement... within seven [7] days after the regular payment date of the payroll period" to Sponsor and TDOT Aeronautics **including periods when no work was performed** (*29 CFR 3.4 (a)*)
 - Shall **NOT** include Social Security Numbers or home addresses (*29 CFR 5.5(a)(3)(ii)(A)*)
 - **MUST** be accompanied with a "Statement of Compliance" which satisfies *OMB No. 1235-0008*
 - *Optional Form WH-347* satisfies DBA requirements, but is not mandated

TDOT Aeronautics Division:

- Discuss DBA requirements with Sponsor and Contractor(s) before construction activities begin—preferably, at the pre-construction meeting
- Save each weekly statement in the "Contractor Payrolls" folder in the project file on the Q: drive with the below name:

Contractor_WeekEndingDate(YYYYMMDD)
- Document the date of receipt by saving correspondence in the "Contractor Payroll" folder for each weekly statement and make sure they are being received within seven (7) days of Contractor pay period payment
- To approve an invoice reimbursement for a specific pay period:
 - Review wages and work classifications for compliance with the WD included in the contract
 - Attach all certified payrolls for the pay period with the approved Project Manager pay form
- Withhold reimbursement requests until all certified payrolls are submitted and reviewed for compliance

Example 1:

- A) The prime/subcontractor's weekly pay period ends on Friday, 9/13/2019.
- B) The prime/subcontractor must pay employees within 7 days of weekly pay period end date Friday, 9/13/2019, payment is due on or before Friday, 9/20/2019.
- C) Certified Payrolls are due to TDOT within 7 days of payment on Friday 9/20/2019, Certified Payrolls are due on or before Friday, 9/27/2019.

September 2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5	6	7
8	9	10	11	12	13 A	14
15	16	17	18	19	20 B	21
22	23	24	25	26	27 C	28
29	30					

Example 2:

- D)** The prime/subcontractor’s weekly pay period ends on Saturday, 9/14/2019
- E)** The prime/subcontractor pays employees every Tuesday, payment for weekly pay period end date of Saturday, 9/14/2019 occurs on Tuesday, 9/17/2019.
- F)** Certified Payrolls are due to TDOT within 7 days of payment on Tuesday, 9/17/2019, Certified Payrolls are due on or before Tuesday, 9/24/2019.

September 2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5	6	7
8	9	10	11	12	13	14 D
15	16	17 E	18	19	20	21
22	23	24 F	25	26	27	28
29	30					

Example 3:

- G)** The prime contractor’s weekly pay period ends on Friday, 9/13/2019.
- H)** The prime contractor pays employees every Wednesday, payment for weekly pay period end date of Friday, 9/13/2019 occurs on Wednesday, 9/18/2019.
- I)** The subcontractor’s weekly pay period ends on Wednesday, 9/11/2019, and 9/18/2019 (**H**).
- J)** The subcontractor pays employees every Monday, so payment for weekly pay period end date of Wednesday, 9/11/2019 occurs on Monday, 9/16/2019.
- K)** Certified Payroll for subcontractor is due to TDOT within 7 days of payment on Monday, 9/16/2019, Certified Payrolls are due on or before Monday, 9/23/2019.
- L)** Certified Payrolls for prime contractor are due to TDOT within 7 days of payment on Wednesday, 9/18/2019, Certified Payrolls are due on or before Wednesday, 9/25/2019.

The Prime Contractor may submit prime and sub certified payrolls on 9/25/2019 (L) for prime contractor week ending date 9/13/2019 (G) and subcontractor week ending date 9/16/2019 (H) and be within the timeframes outlined in the Code of Federal Regulations.

If the prime contractor does NOT submit payrolls for subcontractor 9/11/2019 (I) until 9/25/2019 (L), the subcontractor payrolls will be late by two (2) days.

THE PRIME CONTRACTOR IS RESPONSIBLE FOR THE SUBMISSION OF COPIES OF PAYROLLS FOR ALL SUBCONTRACTORS.

September 2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5	6	7
8	9	10	11 I	12	13 G	14
15	16 J	17	18 H	19	20	21
22	23 K	24	25 L	26	27	28
29	30					

Example 4:

- M) The prime contractor’s weekly pay period ends on Friday, 9/27/2019
- N) The prime contractor pays employees every Wednesday, payment for weekly pay period end date Friday, 9/27/2019 occurs on Wednesday, 10/2/019.
- O) Certified Payrolls are due to TDOT within 7 days of payment on Wednesday, 10/2/2019, Certified Payrolls are due on or before Wednesday, 10/9/2019.

Prime/subcontractor certified payrolls that are due to TDOT on or before the estimate run date must be received before processing the estimate.

September, 2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27 M	28
29	30 Estimate Cutoff Date					

October 2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2 N	3	4	5
6	7	8	9 O	10 Estimate Run Date	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		