



# Davis-Bacon Act Guidance

### 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*

### 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
- 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
- Submit copies of payroll to Sponsor weekly
  - 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:

- Before approving a reimbursement request, TDOT should receive and review all Certified Payrolls applicable to the dates of service for compliance

### Resources

- [Davis-Bacon Act — 40 U.S.C. 3141 et. seq.](#)
- [29 CFR — Labor](#)
- [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 \(Certified Payroll\)](#)