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Davis Bacon Wage Rate Determination

A wage determination is the listing of wage rates and fringe benefit rates for each classification of mechanics and laborers for which the Department of Labor has determined to be prevailing in a given area for a particular type of construction.

The Davis Bacon Act mandates that all Federal Government construction contracts and the contracts for federally assisted construction over \$2000 must contain the appropriate Davis-Bacon Wage determination.

The current wage rates can be searched at this web site <http://www.wdol.gov/>* (formerly <http://www.access.gpo.gov/davisbacon/index.html>*)

The wage rates are listed for each county of every state. There are two important criteria for searching the appropriate wage rates.

1. Project location.
2. The type of construction, i.e. whether it is building, residential, highway, or heavy construction project for which the wage rates are needed.

Wage rates can also be searched with wage determination number. "Mod number" shows the revisions and it is important that the wage rates included in the project documents are the most current available with revisions at the time project goes out for bids.

If publication of any revision occurs less than 10 days prior to bid opening, and the agency finds that there is not sufficient time to notify bidders of the modification, it may be disregarded.

If a contract is not awarded within 90 days after bid opening, modification to a general wage determination in the contract shall be effective to that contract, unless the agency receives special approval from the Department of Labor not to do so.

If no general wage determination is listed for a given county for a specific project, the federal agency funding or financially assisting the construction project shall request a wage determination under the Davis-Bacon Act by submitting a Standard Form (SF) 308 to the Department of Labor, Branch of Construction Wage Determination.

REQUEST FOR AUTHORIZATION OF ADDITIONAL CLASSIFICATION AND WAGE RATE (Standard Form 1444 (SF 1444))

Conformance Process:

The contracting officer shall require that any class of service employee which is not listed herein and which is to be employed under the contract (i.e., the work to be performed is not performed by any classification listed in the wage determination), be classified by the contractor so as to provide a reasonable relationship (i.e., appropriate level of skill comparison) between such unlisted classifications and the classifications listed in the wage determination. Such conformed classes of employees shall be paid the monetary wages and furnished the fringe benefits as are determined. Such conforming process shall be initiated by the contractor prior to the performance of contract work by such unlisted class(es) of employees. The confirmed classification, wage rate, and/or fringe benefits shall be retroactive to the commencement date of the contract. (See [Section 4.6 \(C\) \(vi\) of Regulations 29 CFR Part 4](#)*.) When multiple wage determinations are included in a contract, a separate SF 1444 should be prepared for each wage determination to which a class(es) is to be conformed. The process for preparing a conformance request is as follows:

1. When preparing the bid, the contractor identifies the need for a conformed occupation (s) and computes a proposed rate(s).
2. After contract award, the contractor prepares a written report listing in order proposed classification titles(s), a Federal grade equivalency (FGE) for each proposed classification(s), job description(s), and rationale for proposed wage rate(s), including information regarding the agreement or disagreement of the authorized representative of the employees involved, or where there is no authorized representative, the employees themselves. This report should be submitted to the contracting officer no later than 30 day after such unlisted class(es) of employees performs any contract work.
3. The contracting officer reviews the proposed action and promptly submits a report of the action, together with the agency's recommendations and pertinent information including the position of the contractor and the employees, to the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, for review. (See [Section 4.6\(b\) \(2\) of Regulations 29 CFR Part 4](#)*.)

4. Within 30 days of receipt the Wage and Hour Division approves, modifies, or disapproves the action via transmittal to the agency contracting officer or notifies the contracting officer that additional time will be required to process the request.
5. The contracting officer transmits the Wage and Hour decision to the contractor.
6. The contractor informs the affected employees.

Information required by the Regulations must be submitted on SF 1444 or bond paper. When preparing a conformance request, the Service Contract Act Directory of Occupations (the Directory) should be used to compare job definitions to insure that duties requested are not performed by classification already listed in the wage determination. Remember, it is not the job title, but the required tasks that determine whether a class is included in an established wage determination. Conformance may not be used to artificially split, combine, or subdivide classifications listed in the wage determination.