

Davis Bacon Requirements with Federal Funds

When agreeing to obtain Federal funds and signing all assurances you also agreed to the terms listed below. These are requirements that **must** be followed and are not optional. If you fail to meet these requirements future federal funding could be withheld or delayed via Federal law 2 CFR 200.339 *Remedies for noncompliance*.

Use of ESSER II and ESSER III funds for Construction (i.e., windows, floors, doors, building, HVAC, remodel, etc.):

[Davis-Bacon and Related Acts | U.S. Department of Labor \(dol.gov\)](#) A link to Davis Bacon website for all applicable laws.

When using Federal funds on construction projects, Davis-Bacon requirements must be followed. All projects over \$2,000 require Davis-Bacon:

- Prevailing wage determination must be utilized and included in the **bid documents** with appropriate language; [SAM.gov | Search](#)
 - Must use wage determination for your county, the correct year, and the correct DBA Construction Type (Building or Heavy). Once you start with a prevailing wage you use it for the entire project.
 - Wages and fringe benefits **MUST** be paid weekly, and overtime must also be paid, if applicable; weekly payroll records submitted for EACH employee.
 - Payroll Form (WH-347) to be used (can utilize a different form but must contain all information on Payroll Form (WH-347).
<https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/wh347.pdf>
 - All Payrolls must be certified (2nd page of WH-347).
- Contract must be awarded to the lowest responsible bidder.
 - Lowest Responsive and Responsible Bidder: The bidder who fully complied with all of the bid requirements and whose past performance, reputation, and financial capability is deemed acceptable, and who has offered the most advantageous pricing or cost benefit, based on the criteria stipulated in the bid documents. See procurement Federal requirements at 2 CFR 200.317 through 200.327.

If changed to a federal project after bids are collected there must be a change order completed to ensure that Davis Bacon requirements are part of the project.

- Posters must be displayed in an open area at the worksite (cannot be inside a trailer)

Davis-Bacon Poster (WH-1321).

<https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/fedprojc.pdf> - English
<https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/davispan.pdf> - Spanish
<https://www.dol.gov/agencies/whd/posters/flsa>

References:

Fact Sheet #66 The Davis Bacon and Related Acts (DBRA) -

<https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/whdfs66.pdf>

Reporting, Notices and Posters, Penalties, Related Acts (Copeland “Anti-Kickback” Act),

<https://webapps.dol.gov/elaws/elg/dbra.htm#RRN>