

Quick Reference Guide Davis Bacon

DBRA applies to contractors and subcontractors performing on federally funded or assisted contracts in excess of \$2,000 for the construction, alteration, or repair (including painting and decorating) of public buildings or public works. Davis-Bacon Act and Related Act contractors and subcontractors must pay their laborers and mechanics employed under the contract no less than the locally prevailing wages and fringe benefits for corresponding work on similar projects in the area.

The Davis-Bacon Act prevailing wage provisions apply to the "Related Acts," under which federal agencies assist construction projects through grants, loans, loan guarantees, and insurance.

For prime contracts in excess of \$100,000, contractors and subcontractors must also, under the provisions of the Contract Work Hours and Safety Standards Act, as amended, pay laborers and mechanics, including guards and watchmen, at least one and one-half times their regular rate of pay for all hours worked over 40 in a workweek. The overtime provisions of the Fair Labor Standards Act may also apply to DBA-covered contracts.

PRDOH as the grantee has developed many resources including a subrecipient handbook and various checklists to provide implementation guidance as well as providing training and policy guidance.



The use of CDBG-DR funds indicates that the subrecipient and contractor will comply with Davis Bacon and all related acts:

- DAVIS-BACON ACT (DBA) OF 1931, AS AMENDED
- HOUSING AND COMMUNITY DEVELOPMENT (HCD) ACT OF 1974
- 29 C.F.R. § 1.3, 5, 7 (DEPARTMENT OF LABOR)
- FAIR LABOR STANDARDS ACT OF 1938, AS AMENDED
- CONTRACT WORK HOURS AND SAFETY STANDARDS ACT (CWHSSA), AS AMENDED
- COPELAND "ANTI-KICK BACK" ACT OF 1934

Visit the PRDOH Website for Davis Bacon Resources:

<https://cdbg-dr.pr.gov/en/davis-bacon-website-map/>



DBRA Applicable Projects

1. Include wage determination, labor standards provisions, and HUD 4010 form into your bid documents.
2. Hold a pre-bid meeting to provide technical assistance to DBRA and prior to awarding the contract.
3. Include prevailing and federal wage determination, HUD 4010 form, and contract labor law language
4. Hold a pre-construction meeting to provide technical assistance to your contractors on DBRA.
5. Once construction begins, conduct job site visits and employee interviews using HUD 11 form.
6. Carefully review weekly certified payroll reports and supporting documentation for the duration of the project.
7. Issue due diligence notifications to the prime contractor describing deficiencies to be remedied.
8. Identify and correct all deficiencies before submitting to PRDOH a CDBG-DR reimbursement request. Issue a letter of authorization from DBRA to the prime contractor prior to project closure.
9. Report Biannually using the HUD 4710 form and share copies with PRDOH. Retain records for five (5) years in accordance with the Housing Records Retention Policy

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Procurement Process

Loca ned Federal wage determinations and HUD 4010 form included

Pre-Construction Meetings

Provide TA to prime and ensure subcontractors know

Onsite Employee Interviews

When construction starts, subrecipients nad contractors must conduct HUD 11 interviews to verify payments to employees.

Closeout Project Letter

At the end of the Project, Subrecipient provides a closeout letter to the contractor.

Reporting and Recordkeeping

Bi Annual Reports using HUD 4710 form must be Submitted and copies to PRDOH. recordkeeping requirements for 5 years after Project close according to PRDOH policy guidance.

Pre-submission Meetings

Provide TA to bidders on compliance

Contract Terms

Verify the contract has the correct wage determinations and HUD 4010 form is part of the contract.

Certified Payroll

Subrecipients must review weekly certified payrolls to ensure payments to laborers are accurate and comply with all requirements.

Notifications to the Prime Contractor

Notify the Prime Contractor in writing of any deficiencies that must be remedied

