

American Recovery and Reinvestment Act Davis-Bacon Compliance Checklist

School District: _____
Project: _____

American Recovery and Reinvestment Act funds used for a transaction that involves new construction or a repair contract must comply with the prevailing wage requirements of the Davis-Bacon and Related Acts requirements. This checklist has been created to provide an overview of the requirements established by the Davis-Bacon and Related Acts requirements. This checklist does not substitute for the detailed provisions in the contract or the Department of Labor requirements for implementing Davis-Bacon and Related Acts requirements.

As noted in this checklist, the school district is responsible for ensuring that Davis-Bacon and Related Acts requirements are met. The school district must identify an individual or firm responsible for these requirements, as a representative of the school district. Applicable requirements are listed below.

Action items to occur before awarding a construction or repair contract.

(date) **Informing the Applicant and Reviewing the Contract:** When a BEST grant application is made to CDE Agency or a guaranteed lender for assistance involving construction, the CDE must inform the applicant that wages paid for labor must not be less than the prevailing wages determined by the Secretary of Labor (RD Instruction 1940-C (1940.106(b))).

CDE will review the contract to ensure that it contains the language provided in the Davis-Bacon Act and the DOL website language (see below).

(date) **Wage Determination:** Before bidding, the school district shall obtain the applicable Department of Labor (DOL) Davis-Bacon Wage Determination for the work from CDE.

(date) **Information for Bidders:** Information provided to any and all bidders shall include the statement "The contractor must comply with the minimum rates for wages for laborers and mechanics as determined by the Secretary of Labor in accordance with the provisions of the Davis-Bacon and Related Acts." The school district shall verify this and include a copy of the Wage Determination in the bid information.

(date) **Construction Contract Provisions:** All construction and repair contracts must include the statement "The contractor must comply with the minimum rates for wages for laborers and mechanics as determined by the Secretary of Labor in accordance with the provisions of the Davis-Bacon and Related Acts." In addition, labor standards provisions from 29 CFR 5.5(a) must be included in every contract.

After awarding a construction contract and before construction starts.

(date)

Pre-Construction Conference: The school district and other project participants will have a Pre-Construction Conference to discuss the following items.

- The school district may monitor the contractor's adherence to the Davis-Bacon and Related Acts requirements at any time.
- Non-compliance with the Davis-Bacon and Related Acts requirements may result in termination of the contract and debarment of the contractor.
- Enforcement of non-compliance with the Davis-Bacon and Related Acts requirements may result in penalties.
- Although CDE and the school district have the right to perform employee Interview's, typically information can be confirmed by reviewing progress report's and contractor's typical payroll records.
- The contractor shall maintain posted on site a copy of the Davis-Bacon and Related Acts poster (form WH-1321) and a copy of the wage determination. The poster is available at:
www.dol.gov/esa/whd/regs/compliance/posters/davis.htm, with a Spanish version available at
www.dol.gov/esa/whd/regs/compliance/posters/davisspan.htm. (The wage determination will be provided to the contractor as a part of the bid package and the contract.)

During Construction (Monitoring)

(date)

Certification of Compliance: Contractor and subcontractors must provide certification of compliance with the Davis-Bacon and Related Acts to the school district, as well as copies of payroll records for the period during which the work was performed.

(date)

Determination of Non-compliance: The school district, on determining that the contractor is not in compliance, will notify the appropriate parties, including CDE. (Additional information on actions to be taken is available in RD Instruction 1940-C (1940.106(e)(2) and (3), and 1940.106(f)).)

(date)

Semiannual Report. The school district will submit to CDE Form RD 440-29, "Semiannual Labor Compliance Report," for projects requiring compliance with the Davis-Bacon and Related Acts for the periods established (October through March, and April through September).

After Construction

(date) **Recordkeeping.** The school district will preserve all payrolls and certifications for a period of 3 years from the date of final payment on the contract.

(date) **Copy of this Checklist.** A copy of this completed checklist will be submitted to CDE and will be certification of compliance with each component.

School District Representative

date

Title

School District