



Biomedical Research Foundation
of Northwest Louisiana

**Davis-Bacon Act Compliance
for Non-Profits**

EPA Region 6 Conference

April 16, 2009



United States Environmental Protection Agency

- Cooperative Agreement
- Notice of Award Section
- Agreement Subject to EPA provisions
- Terms, Conditions, Attachments



Programmatic Conditions

- Cleanup Terms and Conditions
- Apply to Brownfields Cleanup Grants
- Grant recipients must comply with prevailing wage requirements under Davis-Bacon Act
- CAR must obtain wage rates and incorporate them into contracts



The Davis-Bacon Act of 1931

- United States federal law
- Established the requirement for paying no less than the prevailing wages and benefits on public works projects
- Applies to all federal government construction contracts, and most contracts for federally assisted construction over \$2,000



Cleanup Project Tasks

- Environmental Consultant
- Laboratory Analysis
- Excavation/Dirtwork
- Trucking
- Disposal



Exemptions for Professional Employees

- Fair Labor Standards Act
- Regulation 29 CFR Part 541
- Employees who are bona fide executive, administrative, or professional employees as defined under the Fair Labor Standards Act at 29 CFR Part 541 are not covered



Learned Professional

- Not less than \$455/week
- Work requiring advanced knowledge
- Field of science or learning



Creative Professional

- Not less than \$455/week
- Work requiring invention or imagination
- Field of artistic or creative endeavor



Supervisory Employees

- Wage rates for bona fide supervisory employees are not regulated
- Duties are primarily administrative or executive in nature rather than those of laborers or mechanics



BRF RFP, Contract Documents

- Procurement and Wage Requirements
- Prevailing Wages
- Davis Bacon Act Requirements

The Contractor will be required to comply with all requirements of the Davis-Bacon Act of 1931 and provide documents of compliance. This includes, but is not limited to payment of prevailing wages and submission of certified payroll records. The Contractor will provide the Owner weekly payroll information recorded on Department of Labor Form WH-347 or Equivalent with each Application for Payment.



Payroll Forms

- U. S. Department of Labor Wage and Hour Division
- WH 347 or equivalent
- Laborer, SSN, hours, rate, deductions, net pay
- Weekly Payroll
- Signee certifies wage rates not less than contract requirement
- CAR is responsible party



BRF RFP, Contracts

- Davis-Bacon Act compliance line item in fee structure
- Required to submit with each application for payment
- Along with copies of payroll
- Require letter from contractor for any exemptions with each application
- Maintain records for 3 years after closeout



Contact Information

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