

American Recovery & Reinvestment  
Act of 2009 (Recovery Act or ARRA)  
Davis-Bacon Act (DBA)  
Requirements

California Sub-Recipient Training

June 07, 2010

Eva M. Auman & Greg Reamy

# Davis-Bacon Act - 1931

- The Davis-Bacon Act (DBA) is applicable to contracts of the United States in excess of \$2,000 for the construction, alteration, and/or repair (including painting and decorating) of public buildings or public works, but not routine maintenance.
- The DBA requires all contractors and subcontractors to pay laborers and mechanics employed on a covered contract wages and fringe benefits determined by the Secretary of Labor to be prevailing for corresponding classes of employees engaged on similar projects in the locality.
- In numerous additional laws, Congress has specifically required adherence to DBA prevailing wage requirements where they might not otherwise be applicable. These are called Davis-Bacon Related Acts.

# Davis-Bacon Related Acts (DBRA)

- Davis-Bacon Act requirements extend to numerous “related Acts” (such as the Recovery Act) that provide federal assistance by:
  - Grants
  - Loans
  - Loan Guarantees
  - Insurance

# DBRA continued

- The Davis-Bacon provisions apply to more than public buildings when Congress includes wage requirements in Acts. Since 1931, Congress has extended the Davis-Bacon prevailing wage requirements to some 60 related Acts (called Davis-Bacon Related Acts (DBRA)) which provide federal assistance for construction through loans, grants, loan guarantees, and insurance. These Acts include by reference the requirements for payment of the prevailing wages in accordance with the Davis-Bacon Act. Examples of the related Acts are the American Recovery and Reinvestment Act of 2009, the Federal-Aid Highway Acts, the Housing and Community Development Act of 1974, and the Federal Water Pollution Control Act.
- The American Recovery and Reinvestment Act of 2009 (Recovery Act), provides as follows:

# Recovery Act

## Wage Requirements

- Section 1606: Notwithstanding any other provision of law and in a manner consistent with other provisions in this Act, all laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the Federal Government pursuant to this Act shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code.

# No Requirement that the Project be a Public Building or Public Work

- The Recovery Act makes the DBA requirements applicable to all “projects funded directly by or assisted in whole or in part by the Federal Government. . .” There is no requirement under the Recovery Act that the project be a public building or public work. Thus Congress made the DBA requirements applicable to other than public buildings. That is why even low income homes are subject to the DBA requirements under the Weatherization Assistance Program.

# DOL Responsibilities

- Determine “prevailing wages”
- Issue regulations and standards to be observed by contracting agencies
- Perform oversight function and has independent authority to conduct investigations
- Compute any back wages and liquidated damages
- Debar contractor (contractor is declared *ineligible* for future contracts for a period of up to 3 years)

# SEP Program Guidance

- [Final Davis-Bacon Act Clauses](#) as Approved by the U.S. Department of Labor For Use in Financial Assistance Programs Other than Weatherization Assistance Programs and Loan Programs; November 6, 2009
- [Guidance on Implementation of the Davis-Bacon Act Prevailing Wage Requirements for State Energy Program Grant Recipients under the American Recovery and Reinvestment Act of 2009](#)  
SEP Program Notice 10-003A revised guidance effective April 7, 2010
- [Guidance on Davis-Bacon Act Requirements for Recovery Act-Funded Rebate, Grant and Financing Programs for Individual Homeowners Conducted Under the State Energy Program, Energy Efficiency and Conservation Block Grant Program and Appliance Rebate Program](#)  
SEP Program Notice 10-004A revised guidance effective April 7, 2010
- [Guidance on Davis-Bacon Act Wage Rates for ARRA-Funded State Energy Program Projects Including Residential Weatherization Work](#)  
SEP Program Notice 10-010 effective May 6, 2010

# EECBG Program Guidance

- [10-004 Guidance](#) on implementation of the Davis-Bacon Act prevailing wage requirements for Energy Efficiency Conservation Block recipients under the American Recovery and Reinvestment Act of 2009. Revised April 12, 2010.
- [10-005A Guidance](#) on Davis-Bacon Act Requirements for Recovery Act-Funded Rebate, Grant and Financing Programs for Individual Homeowners Conducted Under the State Energy Program, Energy Efficiency and Conservation Block Grant Program and Appliance Rebate Program. Revised April 7, 2010
- [10-012 Guidance](#) on Davis-Bacon Act Wage Rates for ARRA-Funded Energy Efficiency and Conservation Block Grant Projects Involving Residential Weatherization Work. Effective May 6, 2010.

# DOE Responsibilities

- Retains the authority to investigate, monitor, and enforce DBA requirements
- Will conduct compliance audits with the Recipient
- Investigate potential violations or complaints
- Report semi-annually to DOL regarding dollar value of awards/contracts, number of investigations, number of complaints, results of the investigations, and any back pay owed to laborers and mechanics.

# Flow-Down Responsibilities

- DOE OGC has lead on all ARRA-Funded DBA
- DOE CO has authority to determine whether DBA applies to a specific project
- DOE CO have delegated oversight to grantees/recipients
- All grant and contract amendments must contain labor standards clauses
- All grantees/subgrantees must collect and retain weekly certified payrolls for three years after completion of projects for purposes of DOL requirements.
- Each grantee and/or contractor must acknowledge (SF-1413) receipt of labor clauses and responsibilities for DBA compliance

**STATEMENT AND ACKNOWLEDGMENT**

OMB No.: 9000-0014  
Expires: 5/31/2011

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the FAR Secretariat, (VIR), Regulatory and Federal Assistance Division, GSA, Washington, DC 20405; and to the Office of Management and Budget, Paperwork Reduction Project (9000-0014), Washington, DC 20503.

**PART I - STATEMENT OF PRIME CONTRACTOR**

1. PRIME CONTRACT NO. <b>EE0000079</b>		2. DATE SUBCONTRACT AWARDED <b>7/9/09</b>		3. SUBCONTRACT NUMBER <b>C900622</b>	
4. PRIME CONTRACTOR			5. SUBCONTRACTOR		
a. NAME <b>State of Colorado - Governor's Energy Office</b>			a. NAME <b>Northeastern Colorado Association of Local Govts.</b>		
b. STREET ADDRESS <b>1580 Logan St Suite 100</b>			b. STREET ADDRESS <b>231 Main St. #211</b>		
c. CITY <b>DENVER</b>		d. STATE <b>CO</b>	e. ZIP CODE <b>80203</b>	c. CITY <b>Fort Morgan</b>	
		d. STATE <b>CO</b>	e. ZIP CODE <b>80701</b>		
6. The prime contract <input checked="" type="checkbox"/> does, <input type="checkbox"/> does not contain the clause entitled "Contract Work Hours and Safety Standards Act -- Overtime Compensation."					

7. The prime contractor states that under the contract shown in Item 1, a subcontract was awarded on the date shown in Item 2 to the subcontractor identified in item 5 by the following firm:

a. NAME OF AWARDING FIRM  
**State of Colorado - Governor's Energy Office**

b. DESCRIPTION OF WORK BY SUBCONTRACTOR  
**In partnership with local agencies the GEO installs energy efficiency measures in eligible residents' homes including insulation of attics and walls, furnace and refrigerator replacement, CFLs, and provides energy conservation education.**

8. PROJECT <b>American Recovery &amp; Reinvestment Act Weatherization Work</b>		9. LOCATION <b>Logan, Morgan, Phillips, Sedgwick, Lincoln Washington, Yuma, Cheyenne, Kit Carson</b>	
10a. NAME OF PERSON SIGNING <b>Kate Drexler</b>		11. BY (Signature) <b>Kate Drexler</b>	12. DATE SIGNED <b>5/10/10</b>
10b. TITLE OF PERSON SIGNING <b>Grants Manager</b>			

**PART II - ACKNOWLEDGMENT OF SUBCONTRACTOR**

13. The subcontractor acknowledges that the following clauses of the contract shown in Item 1 are included in this subcontract:  
Contract Work Hours and Safety

a. NAME OF AWARDING FIRM

State of Colorado - Governor's Energy Office

b. DESCRIPTION OF WORK BY SUBCONTRACTOR

In partnership with local agencies the GEO installs energy efficiency measures in eligible residents' homes including insulation of attics and walls, furnace and refrigerator replacement, CFLs, and provides energy conservation education.

8. PROJECT

American Recovery + Reinvestment Act Weatherization Work

9. LOCATION

Logan, Morgan, Phillips, Sedgwick, Lincoln Washington, Yuma, Cheyenne, Kit Carson

10a. NAME OF PERSON SIGNING

Kate Drexler

11. BY (Signature)

Kate Drexler

12. DATE SIGNED

5/10/10 Wel

10b. TITLE OF PERSON SIGNING

Grants Manager

PART II - ACKNOWLEDGMENT OF SUBCONTRACTOR

13. The subcontractor acknowledges that the following clauses of the contract shown in Item 1 are included in this subcontract:

- Contract Work Hours and Safety
- Standards Act - Overtime
- Compensation - (If included in prime contract see Block 6)
- Payrolls and Basic Records
- Withholding of Funds
- Disputes Concerning Labor Standards
- Compliance with Davis-Bacon and Related Act Regulations
- Davis-Bacon Act
- Apprentices and Trainees
- Compliance with Copeland Act Requirements
- Subcontracts (Labor Standards)
- Contract Termination - Debarment
- Certification of Eligibility

14. NAME(S) OF ANY INTERMEDIATE SUBCONTRACTORS, IF ANY

A		C	
B		D	
15a. NAME OF PERSON SIGNING		16. BY (Signature)	
15b. TITLE OF PERSON SIGNING		17. DATE SIGNED	

AUTHORIZED FOR LOCAL REPRODUCTION  
PREVIOUS EDITION IS NOT USABLE

STANDARD FORM 1413 (REV. 7/2005)

Prescribed by GSA/FAR (48 CFR) 53.222(e)

# Grantee/Subgrantee Responsibilities

- Receive Original Certified Payrolls and Review
  - Is the correct wage determination being used?
  - Has the contractor paid the correct rate for the job classification?
  - Has the contractor paid fringe benefits appropriately?
  - Is the certification signed?
  - Check the math – does the number of hours of DB work correlate to the gross wages paid?
  - Are deductions appropriate

# Grantee/Subgrantee Responsibilities

- Investigate, monitor, and enforce DBA requirements
- Conduct compliance audits
- Investigate potential violations or complaints
- Employee interviews and investigations

# Grantee/Subgrantees Responsibilities

- Employee Interviews:
  - Information provided is confidential
  - Interview statements should contain:
    - Place and date of interview
    - Name and address of employer/employee
    - Employment status and classification
    - Alleged violations

# Grantee/Recipients Responsibilities

- Report semi-annually to DOE regarding dollar value of awards/contracts, number of investigations, number of complaints, results of the investigations, and any back pay owed to laborers and mechanics.
  - April 1, 2010 through September 30, 2010
    - DOE must submit report on October 29, 2010
  - October 1, 2010 through March 31, 2011
    - DOE must submit report on April 29, 2011
- Due to DOE 10 days prior to Reporting Date

# Grantee Records Retention Requirement

- Grantees and subgrantees must maintain DBA records pursuant to OMB Circular A-110/10 CFR 600.242. Even though the Department of Labor regulations provide the records are to be kept for 3 years from the end of the contract, the DOE grant award terms tell the grantees to follow 10 CFR 600.242 (by reference), which requires the grantee to maintain all supporting documentation for 3 years after the submission of the final cost report - usually 90 days after the end of the Grant Project Period. Since contracts/sub-grants fall within the overall Grant Agreement Project Period, the recipient would need to maintain the DBA payroll records for the potentially longer period of the Grant award and not just 3 years after the contract/subgrant ends.

# Wage Determinations

- Wages ***and*** Fringe benefits
- DOL has found to be prevailing
  - Note: California (CA) has a prevailing wage law and where the CA wage rate is higher than the DOL wage rate the CA wage rate must be paid.
- For the job classification
- In the locality (usually a county)
- For the category of construction (e.g., Building, Residential, Heavy, Highway) involved.

# Wage Determinations

- To obtain a DOL wage determination, follow these instructions:
- Access [www.wdol.gov](http://www.wdol.gov) and select the link “Selecting DBA WDs”.
- Select the state, county, and pick residential construction from the drop down box. For a residential building over four stories, pick building construction.
- At the bottom of the inset box – there is a link for a “printer friendly version”.
- Choose the appropriate wage classifications and rates for the work to be performed.

# SEP/EECBG Residential Weatherization Work

- [http://www1.eere.energy.gov/wip/dol\\_wage\\_determinations\\_sep\\_eecbg.html](http://www1.eere.energy.gov/wip/dol_wage_determinations_sep_eecbg.html)
- Only for residential weatherization work that is identical to the type of work performed under the WAP.
- A spreadsheet was developed by DOL as an **aid** for grantees/contractors in determining the proper classifications and rates most appropriate for the type of work that needs to be performed on these projects, but **this spreadsheet is not a wage determination.**

# Conformance Request

- Necessary when the locality where the construction work is being performed has no classification for the specific work.
- Example:
  - No HVAC Mechanic in Clay County, Arkansas
  - Contract requires installation of HVAC units in multifamily building over 4 stories.

# Conformance Request

- SF- 1444

[http://contacts.gsa.gov/webforms.nsf/0/BD4C92A05177FD9C85256A2600553378/\\$file/SF%201444.pdf](http://contacts.gsa.gov/webforms.nsf/0/BD4C92A05177FD9C85256A2600553378/$file/SF%201444.pdf)

- Conformance Procedure

- <http://www.dol.gov/whd/recovery/dbsurvey/conformance.htm>

**REQUEST FOR AUTHORIZATION OF  
ADDITIONAL CLASSIFICATION AND RATE**

CHECK APPROPRIATE BOX  
 SERVICE CONTRACT  
 CONSTRUCTION CONTRACT

OMB No.: **9000-0089**  
 Expires: **04/30/2005**

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the FAR Secretariat (MVP), Office of Acquisition Policy, GSA, Washington, DC 20405; and to the Office of Management and Budget, Paperwork Reduction Project (9000-0089), Washington, DC 20503.

**INSTRUCTIONS:** THE CONTRACTOR SHALL COMPLETE ITEMS 3 THROUGH 16, KEEP A PENDING COPY, AND SUBMIT THE REQUEST, IN QUADRUPPLICATE, TO THE CONTRACTING OFFICER.

1. <b>TO:</b> ADMINISTRATOR, Employment Standards Administration WAGE AND HOUR DIVISION U.S. DEPARTMENT OF LABOR WASHINGTON, D.C. 20210		2. <b>FROM: (REPORTING OFFICE)</b> Department of Energy		
3. CONTRACTOR Rex Harris d/b/a Rex's HVAC Service				4. DATE OF REQUEST 05/19/2010
5. CONTRACT NUMBER ARK-10-20304	6. DATE BID OPENED (SEALED BIDDING) 05/03/2010	7. DATE OF AWARD 05/07/2010	8. DATE CONTRACT WORK STARTED 05/17/2010	9. DATE OPTION EXERCISED (IF APPLICABLE) (SCA ONLY)

10. SUBCONTRACTOR (IF ANY)

11. PROJECT AND DESCRIPTION OF WORK (ATTACH ADDITIONAL SHEET IF NEEDED)  
 Installation of HVAC units in multifamily buildings over 4 stories

12. LOCATION (CITY, COUNTY AND STATE)  
 Piggott, Clay County, Arkansas

13. IN ORDER TO COMPLETE THE WORK PROVIDED FOR UNDER THE ABOVE CONTRACT, IT IS NECESSARY TO ESTABLISH THE FOLLOWING RATE(S) FOR THE INDICATED CLASSIFICATION(S) NOT INCLUDED IN THE DEPARTMENT OF LABOR DETERMINATION

NUMBER: AR100127

DATED: 03/19/2010

a. LIST IN ORDER: PROPOSED CLASSIFICATION TITLE(S); JOB DESCRIPTION(S); DUTIES; AND RATIONALE FOR PROPOSED CLASSIFICATIONS (SCA ONLY) <i>(Use reverse or attach additional sheets, if necessary)</i>	b. WAGE RATE(S)	c. FRINGE BENEFITS PAYMENTS
HVAC MECHANIC (Duct and System Installation Only) (Baxter County a rural county much like Clay County uses this rate for HVAC Mechanic (duct and system installation)	10.80	0.40

10. SUBCONTRACTOR (IF ANY)

11. PROJECT AND DESCRIPTION OF WORK (ATTACH ADDITIONAL SHEET IF NEEDED)

Installation of HVAC units in multifamily buildings over 4 stories

12. LOCATION (CITY, COUNTY AND STATE)

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HVAC MECHANIC (Duct and System Installation Only) (Baxter County a rural county much like Clay County uses this rate for HVAC Mechanic (duct and system installation))	10.80	0.40

14. SIGNATURE AND TITLE OF SUBCONTRACTOR REPRESENTATIVE (IF ANY)

15. SIGNATURE AND TITLE OF PRIME CONTRACTOR REPRESENTATIVE

16. SIGNATURE OF EMPLOYEE OR REPRESENTATIVE

TITLE

CHECK APPROPRIATE BOX-REFERENCING BLOCK 13.

AGREE       DISAGREE

**TO BE COMPLETED BY CONTRACTING OFFICER (CHECK AS APPROPRIATE - SEE FAR 22.1019 (SCA) OR FAR 22.406-3 (DBA))**

- THE INTERESTED PARTIES AGREE AND THE CONTRACTING OFFICER RECOMMENDS APPROVAL BY THE WAGE AND HOUR DIVISION. AVAILABLE INFORMATION AND RECOMMENDATIONS ARE ATTACHED.
- THE INTERESTED PARTIES CANNOT AGREE ON THE PROPOSED CLASSIFICATION AND WAGE RATE. A DETERMINATION OF THE QUESTION BY THE WAGE AND HOUR DIVISION IS THEREFORE REQUESTED. AVAILABLE INFORMATION AND RECOMMENDATIONS ARE ATTACHED.

(Send copies 1, 2, and 3 to Department of Labor)

SIGNATURE OF CONTRACTING OFFICER OR REPRESENTATIVE

TITLE AND COMMERCIAL TELEPHONE NO.  
Contracting Officer

DATE SUBMITTED  
05/19/2010

PREVIOUS EDITION IS USABLE

# Employer Responsibilities

- **Notices and Posters**
- Every employer performing work covered by the labor standards of the DBRA must post the WH-1321 [“Employee Rights Under the Davis-Bacon Act” poster](http://www.dol.gov/whd/programs/dbra/wh1321.htm) (<http://www.dol.gov/whd/programs/dbra/wh1321.htm>) at the site of the work in a prominent and accessible place where it may be easily seen by employees. There is no particular size requirement. The wage determination must be similarly posted.

# Employer Responsibilities

- **Recordkeeping**
- Under the DBRA, covered contractors must maintain payroll and basic records for all laborers and mechanics during the course of the work and for a period of three years thereafter. Records to be maintained include:
  - Name, address, and Social Security number of each employee
  - Each employee's work classifications
  - Hourly rates of pay, including rates of contributions or costs anticipated for fringe benefits or their cash equivalents
  - Daily and weekly numbers of hours worked
  - Deductions made
  - Actual wages paid
  - If applicable, detailed information regarding various fringe benefit plans and programs, including records that show that the plan or program has been communicated in writing to the laborers and mechanics affected
  - If applicable, detailed information regarding approved apprenticeship or trainee programs

# Certified Payroll

- Required by DOL – may use Option WH-347
- Contractors must pay employees weekly
- Contractors must send original certified payroll to the subrecipient (if there is one).
- Subrecipient sends the original payroll to the Recipients.
- Recipients must maintain the original certified payroll on behalf of the DOE.

**U.S. Department of Labor**  
 Employment Standards Administration  
 Wage and Hour Division

**PAYROLL**

(For Contractor's Optional Use; See Instructions at [www.dol.gov/esa/whd/forms/wh347instr.htm](http://www.dol.gov/esa/whd/forms/wh347instr.htm))



U.S. Wage and Hour Division

Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Rev. Dec. 2008

NAME OF CONTRACTOR <input checked="" type="checkbox"/> OR SUBCONTRACTOR <input type="checkbox"/> Thomas Jones DBA Weatherization R Us	ADDRESS 100 Jefferson Davis Drive Columbia, Missouri 65202	OMB No.: 1215-0149 Expires: 12/31/2011
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PAYROLL NO. 1	FOR WEEK ENDING 10/30/2009	PROJECT AND LOCATION Various in Boone and Callaway County	PROJECT OR CONTRACT NO. JRB09-633450
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(1) NAME AND INDIVIDUAL IDENTIFYING NUMBER (e.g., LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER) OF WORKER	(2) NO. OF WITHHOLDING EXEMPTIONS	(3) WORK CLASSIFICATION	(4) DAY AND DATE							(5) TOTAL HOURS	(6) RATE OF PAY	(7) GROSS AMOUNT EARNED	(8) DEDUCTIONS					(9) NET WAGES PAID FOR WEEK
			OT	CR	S	S	S	S	S				FICA	WITH-HOLDING TAX	Pension	OTHER	TOTAL DEDUCTIONS	
			25	26	27	28	29	30	31									
James Holmes - 1234	1	Weatherization Worker	O								\$280.35							
			S		3.00	8.00	5.00	2.00	3.00	21.00	\$13.35	\$534.00	\$37.38	\$80.10	\$16.00			\$133.48
James Holmes - 1234	1	Doors & Window Weatherization Worker	O								\$253.65							
			S		5.00		3.00	6.00	5.00	19.00	\$13.35	\$253.65						
William Bryant - 3456	3	HVAC Heating & Cooling Mechanic	O								\$559.92							
			S		8.00	8.00	8.00			24.00	\$23.33	\$799.92	\$56.00	\$85.00	\$24.00			\$165.00
Roger Barton - 5609	2	Weatherization Worker	O								\$373.80							
			S		5.00	4.00	5.00	6.00	8.00	28.00	\$13.35	\$481.80	\$30.67	\$52.91	\$14.00			\$97.58
Christina Flack - 7893	1	HVAC Heating & Cooling Mechanic	O								\$326.62							29



Date 11/04/2009

I, Thomas Jones Owner  
(Name of Signatory Party) (Title)

do hereby state:

(1) That I pay or supervise the payment of the persons employed by

Thomas Jones DBA Weatherization R Us on the  
(Contractor or Subcontractor)

Various sites in Callaway and Boone County; that during the payroll period commencing on the  
(Building or Work)

26 day of 10, 2009, and ending the 30 day of 10, 2009

all persons employed on said project have been paid the full weekly wages earned, that no rebates have been or will be made either directly or indirectly to or on behalf of said

Thomas Jones DBA Weatherization R Us from the full  
(Contractor or Subcontractor)

weekly wages earned by any person and that no deductions have been made either directly or indirectly from the full wages earned by any person, other than permissible deductions as defined in Regulations, Part 3 (29 C.F.R. Subtitle A), issued by the Secretary of Labor under the Copeland Act, as amended (48 Stat. 948, 63 Stat. 108, 72 Stat. 967; 76 Stat. 357; 40 U.S.C. § 3145), and described below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(2) That any payrolls otherwise under this contract required to be submitted for the above period are correct and complete; that the wage rates for laborers or mechanics contained therein are not less than the

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

-- Each laborer or mechanic listed in the above referenced payroll has been paid, as indicated on the payroll, an amount not less than the sum of the applicable basic hourly wage rate plus the amount of the required fringe benefits as listed in the contract, except as noted in section 4(c) below.

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION
Atchison - Weatherization Worker	Probationary Employee, not yet qualified for medical and pension benefits.

REMARKS:

all persons employed on said project have been paid the full weekly wages earned, that no rebates have been or will be made either directly or indirectly to or on behalf of said

Thomas Jones DBA Weatherization R Us \_\_\_\_\_ from the full  
(Contractor or Subcontractor)

weekly wages earned by any person and that no deductions have been made either directly or indirectly from the full wages earned by any person, other than permissible deductions as defined in Regulations, Part 3 (29 C.F.R. Subtitle A), issued by the Secretary of Labor under the Copeland Act, as amended (48 Stat. 948, 63 Stat. 108, 72 Stat. 967; 76 Stat. 357; 40 U.S.C. § 3145), and described below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(2) That any payrolls otherwise under this contract required to be submitted for the above period are correct and complete; that the wage rates for laborers or mechanics contained therein are not less than the applicable wage rates contained in any wage determination incorporated into the contract; that the classifications set forth therein for each laborer or mechanic conform with the work he performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide apprenticeship program registered with a State apprenticeship agency recognized by the Bureau of Apprenticeship and Training, United States Department of Labor, or if no such recognized agency exists in a State, are registered with the Bureau of Apprenticeship and Training, United States Department of Labor.

(4) That:

(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS

- in addition to the basic hourly wage rates paid to each laborer or mechanic listed in the above referenced payroll, payments of fringe benefits as listed in the contract have been or will be made to appropriate programs for the benefit of such employees, except as noted in section 4(c) below.


REMARKS:

NAME AND TITLE Thomas Jones, Owner	SIGNATURE
---------------------------------------	-----------

THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION. SEE SECTION 1001 OF TITLE 18 AND SECTION 231 OF TITLE 31 OF THE UNITED STATES CODE.

# Signatures

- **Electronic Signatures:** Electronic certification documents are sufficient for compliance purposes under the DBA and may be accepted and maintained by the Recipient in compliance with its requirement to maintain the records on behalf of DOE. The Recipient is responsible for ensuring the accuracy of the electronic signature process, and the proper retention and accessibility of the electronically transmitted documents.
- **Scanned Hard Copies:** Do not carry the same legal effect as handwritten signatures for DOL enforcement purposes. As such, a CAA may not simply scan the certified payroll and forward to the Recipient. The Recipient, in turn, may not maintain such scanned certified payrolls as fulfillment of its requirements to maintain the records on behalf of DOE.

# Contacts & Resources Available

- [http://www1.eere.energy.gov/wip/davis-bacon\\_act.html](http://www1.eere.energy.gov/wip/davis-bacon_act.html)
- [www.dol.gov](http://www.dol.gov)
- Subgrantees contact your Grantee
- Grantees Contact: Project Officers, Headquarters Contacts, Contracting Officers/Specialists
- DOE Office of General Counsel (OGC) for general legal advice
- Contractors Guide to the DBA

# Frequently Asked Questions - FAQs

<http://www1.eere.energy.gov/wip/guidance.html>

- This web link connects you to hundreds of DBA FAQs for the WAP/SEP/EECBG Programs.

<http://www.gc.energy.gov/GCHotlineFAQ.htm>

- This web link connects you to DBA FAQs that have been sent in from SEP/EECBG recipients/subgrantees through the Office of General Counsel's (OGC's) website.

# Q & A Period

- We will answer as many questions as we have time to answer.

# Questions??

- Please submit a question to [eeecbg@energy.state.ca.us](mailto:eeecbg@energy.state.ca.us) for any follow-up questions. The CEC monitors this general email and refers submitted questions to the appropriate person.