



Guidance on the REINSTATEMENT OF THE DAVIS-BACON ACT Provisions in Areas Impacted by Hurricane Katrina

The Wage and Hour Division (WHD) of the U.S. Department of Labor administers and enforces the provisions of the Davis-Bacon Act (DBA), the Copeland “anti-kickback” Act, and various other statutes including the Fair Labor Standards Act.

On November 3, 2005, President George W. Bush issued a Proclamation that revoked Proclamation Number 7924 of September 8, 2005, and reinstated the provisions of the DBA in areas affected by Hurricane Katrina.

This document provides answers to some basic questions following the reinstatement of the DBA and portions of the Copeland Act in areas affected by Hurricane Katrina.

1. What is the status of contracts for construction that were awarded during the suspension period?

Any prime contracts for construction awarded during the suspension of the DBA from September 8, 2005, to November 7, 2005, are not subject to the prevailing wage requirements of the DBA. Also, any subcontracts awarded under such prime contracts should not contain prevailing wage determinations regardless of the date the subcontracts are entered into or the period in which they are performed.

2. What is the status of contracts for which bids are opened or negotiations are concluded on or after November 8, 2005?

All contracts for which bids are opened or negotiations concluded on or after November 8, 2005, must incorporate the Davis-Bacon provisions, the applicable wage determination(s), the payroll reporting requirements of the Copeland Act and any other applicable provisions under governing procurement laws and regulations.

3. What areas of the country will the reinstatement of the Davis-Bacon Act affect?

The reinstatement of the DBA affects the areas outlined in the President’s proclamation of September 8, 2005. This includes the following: All parishes in Louisiana (64 parishes); Six counties in Alabama (Baldwin, Choctaw, Clarke, Mobile, Sumter, Washington); All counties in Mississippi (82 counties) and three counties in Florida (Broward, Miami-Dade, Monroe).

4. Will the Department of Labor issue guidance on the reinstatement of the Davis-Bacon Act Provisions?

The Wage and Hour Division of the Department of Labor will provide guidance on the reinstatement of the DBA in an All Agency Memorandum (AAM), which will be accessible on www.dol.gov and www.wdol.gov, the Department's Web site for obtaining current DBA wage determinations. Further information can also be obtained by calling the Wage and Hour Division's toll free number: (866) 4US-WAGE.