



**Broadband Technology Opportunities Program (BTOP)
Davis-Bacon Act Compliance Checklist for Recipients**

American Recovery and Reinvestment Act funds used for transactions involving new construction or repair contracts exceeding \$2,000 must comply with the prevailing wage requirements of the Davis-Bacon Act. This checklist provides an overview of the requirements established by the Davis-Bacon Act, and is not a substitute for the detailed provisions in the U.S. Department of Labor (DOL) regulations implementing Davis-Bacon Act requirements. Grant recipients should keep the completed checklist for their records, but do not need to submit it to NTIA.

| | |
|---------------------------|--|
| Recipient: | |
| Contractor/Subcontractor: | |
| Award Number: | |
| Project Title: | |
| Date: | |

| Question | Explanation/Instruction | Status | | |
|--|--|--------------------------|--------------------------|--------------------------|
| | | Yes | No | N/A |
| Verification of Wage Determination (WDs) | | | | |
| 1. Were General WDs available from the DOL for all of the respective counties where construction will take place? | <p>At www.wdol.gov, DOL provides WDs on a county-by-county basis. This website should be used to select the proper WDs for your project.</p> <p>Some BTOP projects cover multiple counties, sometimes even multiple states. These large projects can complicate Davis-Bacon compliance, as the prevailing wage must be paid for the labor performed at each individual worksite.</p> <p>You are thus expected to select the appropriate WD for each construction site. This could mean paying the same laborer different rates for time spent at separate construction sites. Alternatively, you could pay the highest prevailing wage rate at all project work sites, including those with lower wage rates.</p> <p>You should ensure that you have WDs covering each county in which construction occurs, even if you have chosen to pay the highest wage rates at all project work sites.</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Does the General WD have classifications covering your project's labor categories? | At www.wdol.gov , DOL provides WDs on a county-by-county basis for multiple labor categories. You should use this website to select the proper WD and ensure it includes all necessary classifications. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. If any classifications were not listed on the WD, have you initiated a Conformance Request by submitting SF-1444? | If your project requires additional laborer classifications, you should submit a Conformance Request using Standard Form-1444, which can be downloaded from http://www.wdol.gov/docs/sf1444.pdf . | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |





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| | | Yes | No | N/A |
| a. Has the DOL approved the request? | You must pay the wage and benefit rate proposed in your SF-1444 pending a response from DOL. If DOL responds with an approved rate that is higher than the rate you proposed, you must pay such rate retroactive to the start of the performance of that labor classification. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Did you post the project's WDs and a Davis-Bacon poster (WH-1321) at all construction sites? | The WDs (including any classifications added through the Conformance Process) and a Davis-Bacon poster (WH-1321) must be posted at all times by the contractor and any subcontractors at all work sites in a prominent and accessible place where it can be easily seen. An electronic version of the WH-1321 poster may be obtained at no charge: http://www.dol.gov/whd/programs/dbra/wh1321.htm . | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Verification of Certified Payrolls | | | | |
| 5. Are you maintaining all certified payrolls for at least three years? | For auditing purposes, maintain all certified payrolls for at least three years after the project is completed. Certification signatures must be original. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Are you using subcontractors to assist in construction, and are the subcontractor's certified payrolls included in the files? | All laborers working on BTOP-funded construction sites, not just those employed by you, must be paid at least Davis-Bacon prevailing wages. You should collect certified payrolls from all subcontractors whose laborers assist in construction work. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Do you (and any subcontractors) use optional form WH-347 to record payroll? | Form WH-347 (or a payroll form of choice, provided it contains all of the information required on WH-347) presents a standardized method of recording payroll, which assists NTIA, DOL, and any other entities in verifying Davis-Bacon compliance. The form may be downloaded at http://www.dol.gov/whd/programs/dbra/wh347.htm . DOL's instructions for completing WH-347 can be found at http://www.dol.gov/whd/forms/wh347/instr.htm . | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. Do your payroll records include the following for each individual laborer: | Though you are not required to use WH-347 to record payrolls, certain information must appear in your payroll records. Ensure that the following has been included for each individual laborer: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| a. Name? | Each laborer's full name must be listed on the row in which his or her wages are recorded. In the case of an audit, this allows NTIA, DOL, or other auditors to match employees and interviewees with their reported wages. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Individual identifying number? | Each laborer must also have an individual identifying number. This is often the last 4 digits of that employee's social security number, although awardees and subcontractors will occasionally use unique employee ID numbers. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Labor classification? | The WD labor classification assigned to each laborer must be included. If, for instance, employee John Smith's work duties correspond to the "Electrician" labor classification in the project's WD, "Electrician" should be listed here. (This is sometimes called "Work Classification" instead of "Labor Classification"). | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |





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| | | Yes | No | N/A |
| d. Number of hours worked broken down by day? | The certified payroll must show how many hours each employee worked on each day covered by the certified payroll. You, and any subcontractors, should record all hours in excess of 40 as overtime. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Hourly rate of pay? | This number must be greater than or equal to the prevailing wage established in the project's WD. When recording the base hourly rate, any cash paid in lieu of fringe benefits may be shown separately from the basic rate. For example, "\$12.25/.40" would reflect a \$12.25 base hourly rate plus \$0.40 for fringe benefits. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Gross amount of standard, overtime, and fringe benefit compensation? | You, and any subcontractors, must record the gross amount earned by each employee prior to deductions for items such as taxes. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| g. Legally permissible deductions for items such as income taxes or social security? | You, and any subcontractors, must record all deductions made from an employee's compensation for items such as income taxes or social security taxes. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| h. Net wages paid? | You, and any subcontractors, must record the net amount paid to each employee after deductions. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. Apprentices | Does the contractor employ apprentices? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | If yes, does the contractor maintain written evidence of the registration of apprenticeship programs and certification of trainee programs, the registration of the apprentices and trainees, and the ratios and wage rates prescribed in the applicable programs? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | The allowable ratio of apprentices to journeymen laborers on the job site in any craft classification is not greater than the ratio permitted to the contractor as to the entire work force under the registered program. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. Do your payroll records include a statement of compliance signed by the person authorized to supervise wages? | As an accompaniment to the certified payroll, an authorized representative from your project must sign a statement of compliance that attests to the fact that all laborers were paid the amount reflected on the certified payroll, which was not less than the Davis-Bacon prevailing wage. Any subcontractors must also have an authorized representative sign such a statement for their payrolls. The statement(s) of compliance does not need to be notarized. If you, or any subcontractors, are using WH-347, a template version of the statement of compliance is included on the second page of the form. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |





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|---|--|--------------------------|--------------------------|--------------------------|
| | | Yes | No | N/A |
| Verification of Davis-Bacon Compliance | | | | |
| 11. Do your contracts include the required Davis-Bacon contract clauses (29 CFR Section 5.5(a)(1) through (a)(10))? | The Davis-Bacon Act requires that certain contract clauses be present in your contracts. Any work orders used by you should be reviewed on-site to ensure that they include the required clauses. The required clauses are found at 29 CFR section 5.5(a)(1) through (a)(10), and are accessible at http://www.dol.gov/whd/recovery/ . | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 12. Are laborers being paid weekly? | The Davis-Bacon Act requires that all laborers are paid weekly. As most modern payrolls are bi-weekly, it can be challenging for awardees and subcontractors to meet this requirement. Determine whether you, or any subcontractors, pay laborers working on BTOP construction sites weekly. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 13. Have the proper counties been selected for each WD? | Ensure that the WDs chosen by you match the county or counties in which BTOP-funded construction will occur. Be aware that some counties will have different wage rates within them (e.g., a county could have a different rate in the northern half than in the southern half). | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 14. Cross reference your WD and certified payrolls. Did the gross compensation paid to each laborer meet or exceed the minimum combination of base rates and fringe benefits? | Review your, and any subcontractor's, certified payrolls to ensure that all laborers are paid adequate wages under Davis-Bacon. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 15. Do the WD and certified payrolls reconcile with the WD included in the construction contract? | A construction contract must include information on the WD and labor categories that will carry out the work specified in the contract. Ensure that the WD and payroll records being maintained by you correlate to the information included with the construction contract. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 16. Do you maintain evidence of wage verification interviews with your laborers and subcontractor's laborers? | DOL Davis-Bacon regulations require interviews with the laborers and mechanics performing the contract or project work. Ensure that you have conducted and documented wage verification interviews with your laborers and subcontractor's laborers. Documentation verifying that wage verification interviews took place may include SF-1445. See www.gsa.gov/portal/forms/download/12BF5D0E2DC4484685256CBC0062F375 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

