



COMMUNITY DEVELOPMENT AGENCY
HOUSING AND FEDERAL GRANTS DIVISION

Davis-Bacon Guidelines

Who is required to comply with Davis-Bacon?

All projects with contributions to construction with contracts of \$2,000 or more, CDBG capital projects, CDBG housing construction projects with 8 or more units, and HOME construction projects with 12 or more units trigger Davis-Bacon Prevailing wage requirements.

Process for Compliance

Prior to opening the bidding process or requesting bids, you must look up the “wage decision” and print/download it: <https://sam.gov/content/wage-determinations>.

Acquiring Bids

All construction projects require procurement for contractors and ALL projects have a requirement to seek bids from Minority and Women Owned Businesses (Minority Business Enterprises/Women's Business Enterprises (MBE/WBE).

If your organization has a procurement policy, submit it to staff to determine whether to use the County policy or your organizations.

County Procurement Policy: Depending on the cost of the project the County of Marin has different bidding requirements depending on the cost of the project, as follows:

≤ \$60,000 – 1 to 7 Quotes (Quotes may be provided in paper, email, or verbal with documentation.)

> \$60,000 to \$200,000 – Informal Sealed Bids

> \$200,000 – Formal Sealed Bids

Request for Proposals (RFP)/Invitation for Bids (IFB) documents for Informal and Formal Sealed Bid processes MUST be submitted to the County prior to issuance.

Bid(s) MUST be submitted to County staff along with a documentation of the process and justification for selection prior to the commencement of work. Process documentation may include:

- Dates and locations of Request for Proposals (RFP)/Invitation for Bids (IFB) postings.
- Documentation of those you reached out to with the dates of those communications, mode of communication (phone or email), responses to inquiries for bids, or documentation of no response.
- Timeline for the outreach efforts.

After acquiring bids determine whether a contractor is eligible using both State and Federal databases:

- Look up the contractor's license from the California Contractors State License Board and print to paper or PDF (need date stamp in printout): <https://www2.cslb.ca.gov/OnlineServices/CheckLicense/CheckLicense.aspx>.
- Look up the contractor on the SAM website by looking up Entity Information and searching for Exclusions - <https://sam.gov/content/home>. Print the search results to paper or PDF (need date stamp in printout). **Note**, if nothing comes up when you enter in the name print or print to PDF this screen.

Approving Bids

- Once you complete the above steps submit the bids with your preferred vendor and rationale for selecting this contractor to County staff for approval.

Contracting

- After receiving approval from County staff, you may go under contract.
- HUD Form 4010 must be included in the construction contract. <https://www.hud.gov/sites/documents/4010.PDF>
- If your project goes under contract more than 90 days after the bidding process opened, you must print/download the wage decision applicable for the date the project goes under contract (<https://sam.gov/content/wage-determinations>).

Owner/Operator

If the contractor selected is an Owner/Operator and no other employees are involved the construction completed, documentation required for compliance is considerably reduced.

- The Owner/Operator will need to fill out the Department of Labor Form WH347 weekly and submit to you along with their invoice. They need to fill out most of the form; however, for fields 5-9 they can just enter N/A. <https://www.dol.gov/whd/forms/wh347.pdf>

Traditional Operator

For contracts that are awarded to a traditional contractor with employees, there are a number of requirements:

- Ensure that the job classifications needed for the project are listed in the "wage decision" document. If they are not, notify County staff to work with HUD to identify an appropriate and comparable classification and wage.

- Acquire a signature authorization form on letterhead indicating who is authorized to sign the weekly payroll compliance statement.
- The Contractor must post Davis-Bacon posters (WH-1321) including wage rates and classifications in easily viewable places around the site, such as the entrance to the site:
 - English: <http://www.dol.gov/whd/regs/compliance/posters/fedprojc.pdf>
 - Spanish: <http://www.dol.gov/whd/regs/compliance/posters/davispan.pdf>
- Payroll documentation requires submission of the following:
 - Submission of Form WH347, weekly.
Form - <https://www.dol.gov/whd/forms/wh347.pdf>
Instructions - <https://www.dol.gov/whd/forms/wh347instr.htm>
Sample - https://www.in.gov/ocra/files/Instructions_for_WH_347.pdf
 - Payroll Certification of Understanding and Authorization compliance statement signed by authorized person, weekly.
<https://www.marincounty.org/-/media/files/departments/cd/federal-grants/reporting-forms/davis-bacon/payroll-certification-of-understanding-and-authorization.pdf?la=en>
 - First and Final payrolls should be clearly marked to indicate such.
 - “No Work” payrolls should be submitted with start and end dates.
 - The forms must be complete & legible.
- Wages
 - The rate of pay is a combination of base wage and fringe benefits and must total the wage decision totals for wage and fringe benefits.
 - Hours worked over 40 hours in one week must be compensated at 1.5 times the basic rate of pay.
 - Deductions must be substantiated and reasonable.
 - Only apprentices and trainees registered in an approved State Apprenticeship or DOL program may be paid less than the wage rate specified.
- Employee interviews:
 - You must conduct employee interviews using HUD Form 11. Contact County staff to coordinate interviews.
Form - <https://www.marincounty.org/-/media/files/departments/cd/federal-grants/reporting-forms/davis-bacon/hud-form-11.pdf?la=en>
 - All trades must be interviewed.
 - Avoid interviewing Foremen and Supervisors.
 - Contractors and those in charge of hiring crew cannot complete the interviews.

Reimbursement:

All of the above documentation must be submitted to County staff along with invoices, receipts, proof of payment, and a signed written request on letterhead for reimbursement of project expenditures.

Additional Resources:

HUD's Davis-Bacon Basics

<https://www.marincounty.org/-/media/files/departments/cd/federal-grants/reporting-forms/davis-bacon/davis-bacon-basics-fy2018-for-webpage.pdf?la=en>