



# The American Recovery and Reinvestment Act of 2009 and your Construction, Modernization, Renovation, and Repair Projects

STATE FISCAL STABILIZATION FUND  
Regulations and Requirements

Davis-Bacon and Related Acts, Buy American,  
Signage, Guidance, and On-Site Visits

- The following presentation has been compiled by Arkansas DFA-Intergovernmental Services and includes words, clauses, and links that are taken directly from Federal websites and documents. This presentation is designed as a reference tool for those unfamiliar with meeting the terms of Federal Regulations required by the American Recovery and Reinvestment Act of 2009 (ARRA).
- This presentation should in no way be a substitute for any of the guidance issued by the Federal agencies to which we refer and the applicable laws set forth by Federal and State governments.
- This presentation also does not cover every ARRA requirement, rule, and regulation. Please familiarize yourself with the guidance and applicant page provided by the U.S. Department of Education, and with the assurances, terms, and conditions signed before receipt of these funds.
- If you have any doubts about compliance or do not know how to comply with the requirements in this presentation, please refer to the Federal guidance from the U.S. Department of Education, the Office of Management and Budget, and the Department of Labor Wage and Hour Division.



# DFA-IGS: Who We Are

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- ▶ The Office of Intergovernmental Services within the Arkansas Department of Finance and Administration oversees a variety of federal grant programs in addition to other responsibilities.
- ▶ In part due to this background in federal cost compliance and grants management, the Office of Intergovernmental Services has played a role in the planning and management of grants provided under the American Recovery and Reinvestment Act.
- ▶ This includes the State Fiscal Stabilization Fund for the Office of the Governor, one of the largest sources of ARRA funding to the state.
- ▶ The office is also responsible for other duties, including oversight for the state federal cost allocation plans, state clearinghouse for federal grant applications, State Records Retention Schedule and the tracking and planning of information technology investments by state agencies.

# What this Presentation Will Cover

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- ▶ **Davis-Bacon and Related Acts (DBRA)ARRA Section 1606 Wage Requirements**
  - ▶ Who is the contracting agency/officer?
  - ▶ The responsibility of the contracting agency/officer
  - ▶ What is necessary to comply with Davis-Bacon
  - ▶ Where to find the prevailing wage determinations
  - ▶ How to select the proper wage determination
  - ▶ What a conformance is, and how to file for one when a classification is not included in a wage determination (SF 1444)
  - ▶ How to complete certified payroll records (WH-347)

# What this Presentation Will Cover, Continued. . .

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## ▶ **Buy American**

- ▶ The law and its requirements, what is covered
- ▶ What documentation is required and necessary to show evidence of compliance?

## ▶ **Signage**

- ▶ Signage example
- ▶ Where to locate signage examples and logos
- ▶ Size?
- ▶ Materials?
- ▶ Where to post?
- ▶ How long should signage remain up?

# What this Presentation Will Cover, Continued . . .

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## ▶ **Guidance**

- ▶ Which Federal Guidance Should I Reference?
- ▶ Where do I locate the guidance necessary to comply with the requirements of the American Recovery and Reinvestment Act of 2009 (ARRA) and the State Fiscal Stabilization Fund

## ▶ **On-Site Visits**

- ▶ Who is conducting the visits?
- ▶ What to expect
- ▶ Can I obtain the results?

## ▶ **Questions**

- ▶ Where to send questions related to this presentation
- ▶ Contact Information

# The Law: Wage Requirements under ARRA Davis-Bacon and Related Acts

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(Taken from Attachment T of the State Fiscal Stabilization fund Grant Award Notification (GAN)  
Document: **Award Term – Wage Rate requirements under Section 1606 of the American Recovery and Reinvestment Act of 2009**)

## **Construction Laborers must be paid a certain rate with Federal Funds**

- ▶ Section 1606 of the Recovery Act requires that 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 the recovery 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.

## **Wage Rate requirements must be in construction contract language (\$2000 or more)**

- ▶ Pursuant to Reorganization Plan No. 14 and the Copeland Act, 40 U.S.C. 3145, the Department of Labor has issued regulations at 29 CFR Parts, 1, 3, and 5 to implement the Davis-Bacon and related Acts. Regulations in 29 CFR 5.5 instruct agencies concerning application of the standard Davis-Bacon contract clauses set forth in that section. Federal agencies providing grants under the Recovery Act shall ensure that the standard Davis-Bacon contract clauses found in 29 CFR 5.5(a) are incorporated in any resultant covered contracts that are in excess of \$2,000 for construction, alteration or repair (including painting and decorating).

# Who is the Contracting Agency/Officer?

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- ▶ When you use ARRA federal funds (even \$1.00) to enter into a contractual agreement for construction, alteration or repair, then you become the “Contracting Officer.”
- ▶ (e) The term **Contracting Officer** means the individual, a duly appointed successor, or authorized representative who is designated and authorized to enter into contracts on behalf of the Federal agency. (29 CFR 5.2)
- ▶ You...(LEA personnel) are the **Contracting Officer**

# Contracting Officer Responsibilities

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## 1. Make sure Wage Rate requirements are in ARRA construction contracts

- ▶ Ensuring the incorporation of Davis-Bacon contract stipulations and appropriate wage determinations in DBA/DBRA covered contracts (and appropriate guidance concerning the application of multiple wage schedules) in accordance with 29 C.F.R. § 1.6(b) and 29 C.F.R. § 5.6.

Will discuss more about this in slide 12 and 13

## 2. Make sure the Davis-Bacon poster is up

- ▶ Ensuring that the [Davis-Bacon poster \(WH 1321\)](#) and the applicable wage determination(s) and approved conformances are posted at the site of the work. 29 C.F.R. § 6.6(a)(1)(i).

## 3. On Site Inspections

There should be a minimum of one on-site inspection during the course of construction to ensure that the wage determinations and “[Notice to Employees](#)” are prominently posted at the construction site.

## 4. Request and review payrolls of contractors and their subcontractors

Reviewing certified payrolls in a timely manner. 29 C.F.R. § 5.6(a)(3).

### Payroll Review

Each certified payrolls submitted by the contractor must be reviewed for accuracy and compliance with federal labor standards. At a minimum, this review should cover the following:

- Review classifications listed on the payroll to ensure that they match classifications listed on the wage determinations. Classifications such as “operator” are too broad and are unacceptable.
- Determine that the wage and fringes being paid for each classification meets or exceeds the federal wage determination.
- Determine that deductions are calculated correctly and are permissible.
- Determine that the compliance statement is completed correctly and signed by the proper official.
- Determine that overtime is being paid for all work in excess of 40 hours per week.
- Determine that the payrolls match the information given by employees during interviews.
- Review computations for accuracy.
- Must maintain certified payroll documents for a period of 3 years after project completion.

## 5. Conduct Employee interviews

Conducting employee interviews. 29 C.F.R. § 5.6(a)(3).

### Employee Interviews

During the course of construction, employee interviews must be performed of workers employed on the project. Interviews will need to be scheduled at various times throughout the project because at least one employee interview will need to be conducted for each job classification of the prime contractor and each subcontractor. Obviously, the number of interviews conducted will depend on the size of the project; however, the number of employees interviewed must be sufficient to determine that payroll records are accurate. In addition, because employee interviews will be used to determine the accuracy of certified payrolls, some interviews should be conducted at the commencement of the project and when subcontractors are scheduled to be on the job site. Each interview will need to be documented on a “Record of Employee Interview” form and maintained as supporting documentation. The ‘Record of Employee Interview’ form should contain, at a minimum the information contained in the Labor Standards Interview form (SF 1445).

# Contract Clauses

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- ▶ As seen in the ARRA requirement in the Prime Grant Award Notification: “Federal agencies providing grants under the Recovery Act shall ensure that the standard Davis-Bacon contract clauses found in 29 CFR 5.5(a) are incorporated in any resultant covered contracts that are in excess of \$2,000 for construction, alteration or repair (including painting and decorating).”
- ▶ **The \$2,000 threshold is for the prime contract**, so if the prime contract is over \$2,000 then the subcontracts must comply with Davis-Bacon and Related Acts regardless of the dollar amount of the subcontracts.
- ▶ Please make sure that the solicitations (if applicable) reference that the projects are funded by the Recovery Act (ARRA) and that Davis-Bacon and Related Acts will apply.
- ▶ It is helpful to attach a copy of the clauses found in 29 CFR 5.5(a) in the solicitation(s) along with the prevailing wage determination specific to the project(s) out for bid.

# 29 CFR 5.5 Contract Provisions and Related Matters

29CFR5.5 - Contract provisions and related matters. - Windows Internet Explorer provided by DFA Information Systems


http://www.dol.gov/dol/allcfr/ESA/Title\_29/Part\_5/29CFR5.5.htm

29 CFR Part 5.5

File Edit View Favorites Tools Help

29CFR5.5 - Contract provisions and related matters.

Home Feeds (1) Print Page

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[Prev](#) **Content Last Revised: 01/18/2009** [Next](#)  
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[CFR](#) Code of Federal Regulations Pertaining to ESA

[Title 29](#) Labor

[Chapter I](#) Office of the Secretary of Labor

[Part 5](#) Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction (Also Labor Standards Provisions Applicable to Nonconstruction Contracts Subject to the Contract Work Hours and Safety Standards Act)

[Subpart A](#) Davis-Bacon and Related Acts Provisions and Procedures

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## 29 CFR 5.5 - Contract provisions and related matters.

- Section Number: 5.5
- Section Name: Contract provisions and related matters.

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(a) The Agency head shall cause or require the contracting officer to insert in full in any contract in excess of \$2,000 which is entered into for the actual construction, alteration and/or repair, including painting and decorating, of a public building or public work, or building or work financed in whole or in part from Federal funds or in accordance with guarantees of a Federal agency or financed from funds obtained by pledge of any contract of a Federal agency to make a loan, grant or annual contribution (except where a different meaning is expressly indicated), and which is subject to the labor standards provisions of any of the acts listed in Sec. 5.1, the following clauses (or any modifications thereof to meet the particular needs of the agency, Provided, That such modifications are first approved by the Department of Labor):

(1) Minimum wages. (i) All laborers and mechanics employed or working upon the site of the work (or under the United States Housing Act of 1937 or under the Housing Act of 1949 in the construction or development of the project), will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by

# Contractor's Responsibilities:

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- ▶ Contractors and subcontractors participating in contract work under the American Recovery and Reinvestment Act valued at more than \$2,000 must be prepared to meet a variety of requirements. The following summary is intended to help contractors and others meet the terms of these requirements. A complete description can be found in the Code of Federal Regulations, Title 29, Chapter 5.5 or on the internet at [http://www.dol.gov/dol/allcfr/Title\\_29/Part\\_5/29CFR5.5.htm](http://www.dol.gov/dol/allcfr/Title_29/Part_5/29CFR5.5.htm).





## Contractor's Responsibilities:

- All the laborers and mechanics employed on the construction site of work must be paid on a weekly basis according to the terms of the Secretary of Labor's wage determination.
- Must maintain payroll and basic records pertaining to the ARRA project for a period of 3 years after project completion
- Contractors must submit weekly records to the agency they are under contract with (Contracting Agency or Officer) [Instructions on how to fill out WH-347](#); [WH-347 \(Certified Payroll Form\)](#)
- Each payroll submitted must include a "Statement of Compliance" signed by the contractor or subcontractor certifying that the payroll contains the information required under Title 29, Chapter 5.5 of the Code of Federal Regulations. In particular, the statement must declare that each worker has been paid the full amount of applicable wage rates and fringe benefits for work performed.
- Contractors or subcontractors must make payroll available for inspections by representative of the contracting agency or the federal department of Labor.



## Contractor's Responsibilities (cont):

- Contractors or subcontractors must also allow inspectors to interview their employees on the job site.
- Apprentices must be paid the appropriate prevailing wage for the work performed unless their employment is registered in a program certified by the U.S. Department of Labor, Employment, and Training Administration.
- Contractors shall comply with the Copeland Act Requirements of 29 CFR 5.5.
- Contractors shall include in any contracts with subcontractors the clauses contained in 29 CFR 5.5(A) (1) through (10).
- Any work performed in excess of forty hours per week must be paid at a rate of at least one and one-half times the basic rate of pay for the work performed.
- A breach of the terms of the contract clauses listed in 29 CFR 5.5 may be grounds for termination of the contract, as well as **debarment** of a contractor or subcontractor.

# Where to find the Prevailing Wage Determinations: <http://www.wdol.gov/>

Wage Determinations OnLine.gov  
Providing public access to federal wage determinations and related information.

WDOM.gov is part of the Integrated Acquisition Environment, one of the E-Government initiatives in the President's Management Agenda. It is a collaborative effort of the Office of Management and Budget, Department of Labor, Department of Defense, General Services Administration, Department of Energy, and Department of Commerce.

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Service Contract Act	Davis-Bacon Act	Related Information
<ul style="list-style-type: none"><li>Selecting SCA WDS</li><li>e98</li><li>Archived WDS</li><li>WDS due to be revised</li></ul>	<ul style="list-style-type: none"><li>Selecting DBA WDS</li><li>Archived WDS</li><li>WDS due to be revised</li></ul>	<ul style="list-style-type: none"><li>Agency Labor Advisors</li><li>Library</li><li>DOL Wage and Hour Website</li></ul>

**Welcome to the Wage Determinations OnLine Program!**

This website provides a single location for federal contracting officers to use in obtaining appropriate Service Contract Act (SCA) and Davis-Bacon Act (DBA) wage determinations (WDs) for each official contract action. The website is available to the general public as well. Guidance in selecting WDs from this website is provided in the WDOM.gov User's Guide.

Alternatively, the WDOM.gov Program also provides contracting officers direct access to the Department of Labor's (DOL's) "e98" website to submit a request for SCA WDs for use on official contract actions. In some instances, the WDOM.gov Program will not contain the appropriate SCA WD, and contracting officers will be directed to use DOL's e98 website in order to obtain the required SCA WD. DOL will provide the contracting officer with an SCA WD through the e98 system.

Questions pertaining to the application of contract labor standards or the selection of appropriate WDs for specific contract actions should be referred to the contracting officer or to the designated agency labor advisors. Questions pertaining to this website may be referred to the WDOM.gov Webmaster.

The WDOM.gov Program and the User's Guide does not relieve the contracting officer or other program user of the requirement to carefully review the contract or solicitation, federal acquisition regulations, and/or DOL regulations related to these actions.

**Where the contracting officer selects a SCA or DBA WD using the WDOM.gov Program and DOL later determines, whether before or after contract award, that the appropriate SCA or DBA WD was not incorporated in a covered contract, the contracting officer, within 30 days of notification by DOL, shall include in the contract the applicable WD issued by DOL.**

This site is best viewed with Microsoft Internet Explorer 6.0+ or Mozilla Firefox 1.0+ browsers

[Top](#)

**News and Updates...**

- » DOL issues guidance on the applicability of Davis-Bacon labor standards under the American Recovery and Reinvestment Act. See **AAM 207** dated May 29, 2009.
- » New SCA Health & Welfare Fringe Benefit Rates effective June 1, 2009! See DOL All Agency Memorandum (AAM) #206 (PDF Document): Subject: SCA Health and Welfare Fringe Benefit Changes.
- » As a result of the Small Business and Work Opportunity Act of 2007 (P.L.110-28), the Fair Labor Standards Act (FLSA) minimum wage will increase to \$7.25, effective 24 July 2009. This increase will be reflected in all SCA and DBA wage determinations as of that date.

You will select “Selecting DBA WDs” to find the prevailing wage rates for your County

# How to Select the Proper DBA Wage Determinations

Department of Labor, Department of General Services, General Services Administration, Department of Energy and Department of Commerce

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**CAUTION:** Users should note that the only WDs applicable to a particular solicitation or contract are those that have been incorporated by the contracting officer in that contract action.

## Selecting DBA Wage Decisions

Select DBA WD by number:

(Enter WD number in the following format: two letter abbreviation for the state and the number of the WD. For example, VA3, NOT VA030003 or MD150 NOT MD030150.)

OR

By Selection criteria beginning with:

State:  **Select State**

County:  **Select County for Site of Work**

Construction Type:  **Select Construction Type (Building)**

WD Number:

**Click search after making your selection**

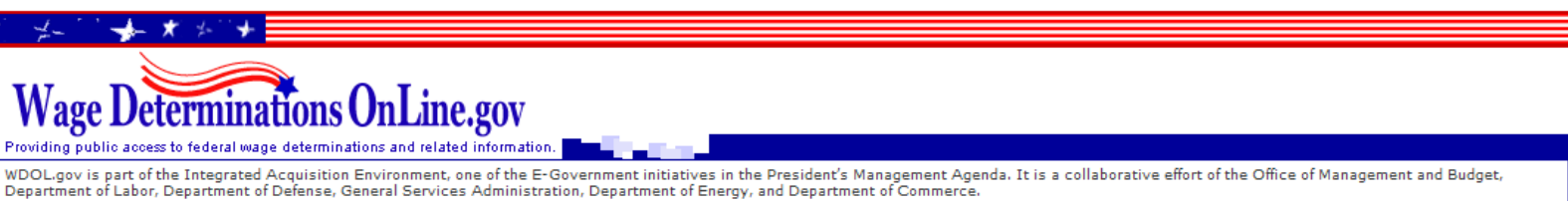
Browse by [state/territory](#).

View the latest [modifications and additions](#) to the Davis-Bacon Database.

View the [modifications or additions](#) to Davis-Bacon Wage Determinations due to be issued and published on WDOL.gov.

View [Archived Wage Determinations](#)

**You will want to print out the wage determinations that are for the area where the site of work is located and place them in plain view on the job site. You must also provide them in all contracts and subcontracts.**



**Wage Determinations OnLine.gov**  
 Providing public access to federal wage determinations and related information.  
 WDOL.gov is part of the Integrated Acquisition Environment, one of the E-Government initiatives in the President's Management Agenda. It is a collaborative effort of the Office of Management and Budget, Department of Labor, Department of Defense, General Services Administration, Department of Energy, and Department of Commerce.

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**CAUTION:** Users should note that the only WDs applicable to a particular solicitation or contract are those that have been incorporated by the contracting officer in that contract action.

### Selecting DBA Wage Decisions

The Wage Determination you have requested is below.  
 Please scroll down to review the WD carefully to ensure that it is appropriate for the specific contract action.

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General Decision Number: AR080175 11/13/2009 AR175

State: Arkansas

Construction Type: Building
Building Construction

County: Pulaski County in Arkansas.

BUILDING CONSTRUCTION PROJECTS (does not include single family
homes or apartments up to and including 4 stories).

Modification Number      Publication Date
0                          12/26/2008
    
```

**Make sure you have the correct County selected for your Site of Work. You will use the most recent prevailing wage rate. Ex. for Pulaski County, the most recent prevailing wage rate change was 11/13/2009 at the time this screen shot was taken.**

[Printer Friendly Version](#)

**You can sign up for an alert service in case any changes are made to the prevailing wage rate**

# Important Information about the Prevailing Wage Determinations

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- ▶ Please make sure you place the proper wage determinations for the county and type of construction in the contracts and on site.
- ▶ If you have a classification that is not listed, then please follow the conformance procedures discussed later in this presentation. It is not uncommon to have classifications working on your projects that are not included in the wage determination; it is the contractor's responsibility to request a classification through the proper process.
- ▶ Please be aware that the classifications are not based on skill, but rather on the type of work the laborers and mechanics are performing, and the type of tools they are using (this is where the importance of employee interviews comes into play).
- ▶ Regardless of the contractual relationship that exists between an employee and the contractor or subcontractor, Davis-Bacon and related Acts will apply if they are being paid by the contractor or subcontractor.

# “Definition of “Laborers and Mechanics”

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- ▶ 29 C.F.R. § 5.2(m).
- ▶ The term “laborer and mechanic” includes those workers whose duties are manual or physical in nature (including those workers who use tools or who are performing the work of a trade), as distinguished from mental or managerial duties.
  - ▶ The term includes:
    - ▶ Apprentices
    - ▶ Trainees
    - ▶ Helpers
  - ▶ The term does not include:
    - ▶ workers whose duties are primarily administrative, executive, or clerical, rather than manual.
    - ▶ Categories of workers considered not to be laborers or mechanics when, in the course of their duties, they perform no manual or physical work on the construction project are: Architects and Engineers, Timekeepers , or Inspectors.

# Definition of an Apprentice

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- ▶ Apprentice means:
  - ▶ (a) a person employed and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship Training, Employer and Labor Services, or with a State Apprenticeship Agency recognized by the Bureau, or
  - ▶ (b) a person in the first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Office of Apprenticeship Training, Employer and Labor Services or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice.

## Definition of a Trainee

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- ▶ Trainee means a person registered and receiving on-the-job training in a construction occupation under a program which has been approved in advance by the U.S. Department of Labor, Employment and Training Administration, as meeting its standards for on-the-job training programs and which has been so certified by that Administration.

# Coverage of Apprentices and Trainees

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- ▶ Apprentices and trainees are laborers and mechanics but are not listed on a wage determination. These classifications are permitted to work on DBA/DBRA covered projects only under very controlled circumstances, as follows:
- ▶ Apprentices and trainees may be used on DBA/DBRA covered projects and paid less than the specified journeyman rate for the work performed if:
  - ▶ The apprentice or trainee is individually registered in an approved apprenticeship or training program.
  - ▶ The apprenticeship program has to be approved by the ETA/OA or by a state apprenticeship agency recognized by the ETA/OA.

# Coverage of Apprentices/Trainees Continued

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- ▶ The apprentices/trainees must be paid the percentage (%) of the basic hourly rate required or fringe benefits specified in the approved apprenticeship program and in accordance with their level of progression.
- ▶ The contractor is limited in the number of apprentices/trainees permitted on the DBA/DBRA job site based on the allowable ratio of apprentices/ trainees to journeymen specified in the approved program.
  - ▶ The ratio is determined on a daily, not weekly basis.
  - ▶ The use of “fraction thereof” in computing apprenticeship ratios is not permitted unless specified in the approved apprenticeship program.
- ▶ Fringe benefits should be paid to apprentices/trainees in accordance with the provisions of the apprenticeship/trainee program. If the program is silent on the payment of fringes, the apprentices/trainees are to receive the full amount of the fringe benefits stipulated on the wage decision unless it is determined that a different practice prevails for the applicable apprentice/trainee classification.

# What is a Helper?

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- ▶ A distinct classification of “helper” will be issued in wage determinations applicable to work performed on construction projects covered by the labor standards provisions of the Davis-Bacon and Related Acts only where:
  - ▶ (i) The duties of the helper are clearly defined and distinct from those of any other classification on the wage determination;
  - ▶ (ii) The use of such helpers is an established prevailing practice in the area; and
  - ▶ (iii) The helper is not employed as a trainee in an informal training program.
- ▶ A “helper” classification will be added to wage determinations pursuant to Sec. 5.5(a)(1)(ii)(A) only where, in addition, the work to be performed by the helper is not performed by a classification in the wage determination.

# Conformances

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- ▶ The U.S. Department of Labor (DOL) issues wage determinations under the Davis-Bacon Act (DBA) using available statistical data on prevailing wages and benefits paid in a specific locality.
- ▶ On occasion, the data does not contain sufficient information to issue rates for a particular classification of worker needed in the performance of the contract.
- ▶ Because of this, DBA provisions contain a **conformance procedure** for the purpose of establishing an enforceable wage and benefit rate for the missing classification.

## Who is Responsible for Initiating a Conformance?

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- ▶ **Contractors** are responsible for determining the appropriate staffing necessary to perform the contract work.
- ▶ Contractors are also responsible for complying with the minimum wage and benefits requirements for each classification performing work on the contract.
- ▶ If a classification considered necessary by the contractor for performance of the work is not listed on the applicable wage determination, the contractor must initiate a request for approval of an additional classification along with the proposed wage and benefit rates for that classification.

# How to Request a Conformance

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- ▶ The awarded **Contractor** initiates the request by preparing an **SFI 444**, Request for Authorization of Additional Classification and Rate, at the time of employment of the unlisted classification. *(Reference FAR 22.406-3 and 52.222-6(b), and Title 29 CFR Part 5, Section 5.5(a)).*
- ▶ The contractor completes blocks 2 through 15 on the form. Request may be submitted to DOL without the form, but must contain the required information.
- ▶ **Employees**, if present, or their designated representative **must sign block 16** noting their concurrence or disagreement with the contractor's proposed wage and benefit rate. If the employee indicates disagreement with the contractor's proposal, he must provide a statement supporting a recommendation for different rates. (“Designated representative” is generally a union. It cannot be the contractor 's personnel officer or other contractor representative.)

## Conformance Procedures Continued. . .

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- ▶ The Contractor submits the request to the **Contracting Officer**.
- ▶ The Contracting Officer reviews the request for completeness and signs the form designating the contracting agency's concurrence or disagreement with regard to the contractor's proposal.
- ▶ If the Contracting Officer indicates disagreement with the contractor's proposal, a statement must be attached supporting a recommendation for different rates.
- ▶ The Contracting Officer then submits the proposal with all attachments **to DOL for approval**.
- ▶ The Contractor is obligated to pay the proposed wage and benefit rates pending a response from DOL.

# Checklist for Conformances

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- ▶ Checklist for DBA Conformances:
- ▶ The classification must be appropriate for the contract work, and must be a classification that is utilized in that locality by the construction industry.
- ▶ The contractor cannot propose a new classification by combining job duties from two or more existing classifications on the wage determination, or propose a new classification that performs only part of the duties of an existing classification.
- ▶ The proposed classification cannot be a "trainee". Generally, a proposed classification of "helper" will not be approved. Under DBA provisions, a "helper" will not be approved by DOL unless the contractor establishes in his proposal that a "helper" is an established industry area practice.
- ▶ The proposed wage rate for the new classification should generally be no lower than the wage rate of the lowest skilled classification on the determination.
- ▶ The “Davis-Bacon Additional Classifications Process” Can be found in the Prevailing Wage Resource Book 2009

## Checklist Continued. . .

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- ▶ Conformance requests should not be submitted for exempt classifications (project managers, full-time supervisors, professionals such as engineers), nor for classifications other than "laborers or mechanics" employed on the site of work, as covered by DBA.
- ▶ The proposed rate should bear a reasonable relationship to the wage rates listed on the wage determination. The proposed fringe benefits should be the same as listed on the wage determination.
- ▶ The **contractor must** attach a brief job description to each SFI444 request submitted for classifications that are not generally known and utilized in the construction industry in the locality. The contractor should include all pertinent documentation that supports his request for approval of an additional classification.
- ▶ If the contractor has further questions about a conformance process, he/she may contact the nearest Regional Office of the U. S. Department of Labor, Wage and Hour Division (see DOL's website in the [WDOL.GOV Library](#)).

# Specialty Classifications that do not need a Conformance

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- ▶ **SPECIALTY AND GENERAL CLASSIFICATIONS**
- ▶ Additional classification requests/conformances are often requested for the following specialty classifications (see table on the next slide).
- ▶ These specialty classifications should not be approved if the duties are performed on similar construction in the area by general classifications that are listed on the contract wage determination.

# Specialty Classifications

<b>SPECIALTY CLASSIFICATION (Often requested by contractors)</b>	<b>GENERAL CLASSIFICATION (may perform the specialty duties)</b>
Drywall (sheetrock) installers	Carpenters
Drywall finishers/tapers	Painters
Alarm installers Sound and communication workers/installers Electronic technicians Lightning protection installers Low voltage installers	Electricians
HVAC mechanics (heating, ventilation and air conditioning mechanics) Refrigeration mechanics/workers Furnace installers Burner repairmen	Sheet metal workers Plumbers Pipe fitters/steam fitters Electricians
Pipe wrappers/insulators Mechanical (system) insulators	Asbestos workers/ heat & frost insulators
Batt insulation installers Blown insulation installers	Carpenters Laborers
Asbestos abatement workers (removal from pipes and boilers that will be reinsulated)	Asbestos workers/heat and frost insulators
Asbestos abatement workers (removal does not include removal from pipes and boilers that will be reinsulated)	Laborers
Metal building assemblers/builders/erectors	Iron workers Laborers Sheet metal workers Carpenters
Fence erectors	Ironworkers Laborer
Rebar workers Rodman (performing rebar work) Steel setters Steel or iron tiers	Ironworkers (reinforcing) Cement workers Laborers
TV-grout operators	Power equipment operators Laborers Truck drivers



# Sample Certified Payroll with Instructions

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- ▶ You can find a sample WH-347 here on the WWW.Recovery.Arkansas.Gov Link:  
[http://recovery.arkansas.gov/ade/pdf/certified\\_payroll\\_062410.pdf](http://recovery.arkansas.gov/ade/pdf/certified_payroll_062410.pdf)
- ▶ We will discuss this document in detail in just a few moments...

# Instructions for Completing the Certified Payroll Form, WH-347

The screenshot shows the U.S. Department of Labor website. The header includes the Department of Labor logo and navigation links. The main content area is titled "Wage and Hour Division (WHD)" and "Instructions For Completing Payroll Form, WH-347". A black arrow points from the text "Here you will find the form" to the title of the instructions. The instructions include a list of links, a general description of the form, and detailed instructions for completion.

**Here you will find the form**

**Instructions For Completing Payroll Form, WH-347**

- WH-347 (PDF)  
OMB Control No. 1215-0149, Expires 12/31/2011.  
Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

**General:** Form WH-347 has been made available for the convenience of contractors and subcontractors required by their Federal or Federally-aided construction-type contracts and subcontracts to submit weekly payrolls. Properly filled out, this form will satisfy the requirements of Regulations, Parts 3 and 5 (29 C.F.R., Subtitle A), as to payrolls submitted in connection with contracts subject to the Davis-Bacon and related Acts.

While completion of Form WH-347 is optional, it is mandatory for covered contractors and subcontractors performing work on Federally financed or assisted construction contracts to respond to the information collection contained in 29 C.F.R. §§ 3.3, 5.5(a). The Copeland Act (40 U.S.C. § 3145) requires contractors and subcontractors performing work on Federally financed or assisted construction contracts to "furnish weekly a statement with respect to the wages paid each employee during the preceding week." U.S. Department of Labor (DOL) Regulations at 29 C.F.R. § 5.5(a)(3)(ii) require contractors to submit weekly a copy of all payrolls to the Federal agency contracting for or financing the construction project, accompanied by a signed "Statement of Compliance" indicating that the payrolls are correct and complete and that each laborer or mechanic has been paid not less than the proper Davis-Bacon prevailing wage rate for the work performed. DOL and federal contracting agencies receiving this information review the information to determine that employees have received legally required wages and fringe benefits.

Under the Davis-Bacon and related Acts, the contractor is required to pay not less than prevailing wage, including fringe benefits, as predetermined by the Department of Labor. The contractor's obligation to pay fringe benefits may be met either by payment of the fringe benefits to bona fide benefit plans, funds or programs or by making payments to the covered workers (laborers and mechanics) as cash in lieu of fringe benefits.

This payroll provides for the contractor to show on the face of the payroll all monies to each worker, whether as basic rates or as cash in lieu of fringe benefits, and provides for the contractor's representation in the statement of compliance on the payroll (as shown on page 2) that he/she is paying for fringe benefits required by the contract and not paid as cash in lieu of fringe benefits. Detailed instructions concerning the preparation of the payroll follow:

**Contractor or Subcontractor:** Fill in your firm's name and check appropriate box.

**Address:** Fill in your firm's address.

**Payroll No.:** Beginning with the number "1", list the payroll number for the submission.

**For Week Ending:** List the workweek ending date.

**Project and Location:** Self-explanatory.

**Project or Contract No.:** Self-explanatory.

**Column 1 - Name and Individual Identifying Number of Worker:** Enter each worker's full name and an individual identifying number (e.g., last four digits of worker's social security number) on each weekly payroll submitted.

**Column 2 - No. of Withholding Exemptions:** This column is merely inserted for the employer's convenience and is not a

# WH-347 (Certified Payroll Form)

U.S. Department of Labor  
Wage and Hour Division

## PAYROLL

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



Rev. Dec. 2008

NAME OF CONTRACTOR  OR SUBCONTRACTOR  ADDRESS 1234 E. Main Street Anywhere AR 72000  
 Cornerstone Building Services, LLC *Note #1* 1234 E. Main Street Anywhere AR 72000 *Note #2*  
 PAYROLL NO. 1 *Note #3* FOR WEEK ENDING 06/18/2010 *Note #4* PROJECT AND LOCATION Anywhere HS Gym Re-Roofing 5600 Education Way - Anywhere AR 72000 *Note #5* PROJECT OR CONTRACT NO. 987321-22 *Note #6*  
 OMB No.: 1215-0149 Expires: 12/31/2011

(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	
			M T W Th F S Su										FICA	WITH-HOLDING TAX	State Withholding	Medicare	OTHER		TOTAL DEDUCTIONS
			6/12	6/13	6/14	6/15	6/16	6/17	6/18										
Jack Q. Public XXX-XX-2345	0	892.1 Roof Tile Layer								40.00	15.00 0.40	\$616.00	\$2.00	\$20.00	\$15.00	\$0.78	\$0.00	\$37.78	\$578.22
John Doe XXX-XX-6789	2	498.5 Asbestos Scrapper					6.00			6.00	\$15.38	\$502.28	\$1.50	\$0.00	\$5.00	\$0.50	\$0.00	\$7.00	\$495.28
Billy Bob XXX-XX-1234	1	892.1 Roof Tile Layer								40.00	15.00 0.40	\$616.00	\$0.50	\$10.00	\$7.50	\$0.50	\$0.00	\$18.50	\$981.50
<i>Note #7</i>	<i>Note #8</i>	<i>Note #9</i>	<i>Note #10</i>									<i>Note #11</i>						<i>Note #12</i>	<i>Note #13</i>
																		<i>Note #14</i>	<i>Note #15</i>
																			<i>Note #16</i>

This is a sample Payroll Form to show how a company would complete the first page.  
 A company could utilize as many of these pages as they require to capture all payroll information for each week.  
 Explanations for the notes may be found on pages 5-6.

While completion of Form WH-347 is optional, it is mandatory for covered contractors and subcontractors performing work on Federally financed or assisted construction contracts to respond to the information collection contained in 29 C.F.R. §§ 3.3, 5.5(a). The Copeland Act (40 U.S.C. § 3145) contractors and subcontractors performing work on Federally financed or assisted construction contracts to "submit weekly a statement with respect to the wages paid each employee during the preceding week." U.S. Department of Labor (DOL) regulations at 29 C.F.R. § 5.5(a)(3)(i) require contractors to submit weekly a copy of all payrolls to the Federal agency contracting for or financing the construction project, accompanied by a signed "Statement of Compliance" indicating that the payrolls are correct and complete and that each laborer or mechanic has been paid not less than the proper Davis-Bacon prevailing wage rate for the work performed. DOL and federal contracting agencies receiving this information review the information to determine that employees have received legally required wages and fringe benefits.

### Public Burden Statement

We estimate that it will take an average of 55 minutes to complete this collection, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding these estimates or any other aspect of this collection, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room 53502, 200 Constitution Avenue, N.W. Washington, D.C. 20210

(over)

# 2<sup>nd</sup> Page of WH-347 (Certified Payroll Form)

Explan  
found e

Date \_\_\_\_\_

I, \_\_\_\_\_ (Name of Signatory Party) \_\_\_\_\_ (Title)

do hereby state:

(1) That I pay or supervise the payment of the persons employed by  
**Cornerstone Building Services, LLC**  
 (Contractor or Subcontractor) **Note #17** on the  
 \_\_\_\_\_; that during the payroll period commencing on the  
 \_\_\_\_\_ (Building or Work)  
 \_\_\_\_\_ day of \_\_\_\_\_, and ending the \_\_\_\_\_ day of \_\_\_\_\_

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

**Cornerstone Building Services, LLC**  
 (Contractor or Subcontractor) from the full

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:

**Note #18**

(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.

**Note #19**

(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.

**Note #20**

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION
<b>Note #21</b>	

REMARKS:

NAME AND TITLE \_\_\_\_\_ 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.

# Copeland Act (29 CFR Subtitle A § 3.5)

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- ▶ The following deductions are permissible in the “Other” section of the WH-347:
  - ▶ Any deduction made in compliance with the requirements of Federal, State, or local law.
  - ▶ Any deduction of sums previously paid to the employee as a bona fide prepayment of wages when such prepayment is made without discount or interest.
  - ▶ Any deduction of amounts required by court process to be paid to another.
  - ▶ Any deduction constituting a contribution on behalf of the person employed to funds established by the employer or representative of employees, or both.
  - ▶ Any deduction voluntarily authorized by the employee for the making of contributions to governmental or quasi-governmental agencies.
  - ▶ Any deduction voluntarily authorized by the employee for making of contributions to charitable organizations.
  - ▶ Any deductions to pay regular union initiation fees and membership dues, not including fines or special assessments.
  - ▶ Any deduction for the cost of safety equipment of nominal value purchased by the employee as his own property for his personal protection at work.

# General Information on the Statement of Compliance

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- ▶ A signed Statement of Compliance must accompany the WH-347 form indicating that the payrolls are correct and complete, and that each laborer or mechanic has been paid not less than the proper Davis-Bacon prevailing wage rate for the work performed
- ▶ It is not required to be notarized.
- ▶ Section (1) of the Statement of Compliance provides a listing of the items which constitute the total of the “Other” column, located in section (8) of the WH-347 form.
- ▶ Section (4) of the Statement of Compliance is where the construction company indicates how fringe benefits are provided to the workers. The company should complete this section as most accurately reflects the payroll for the payroll period.

# Important DOL Links and Documents:



• **U.S. Department of Labor's (DOL) Wage an Hour Division Recovery Website.** This site provides every link and document needed to learn about, and comply with, Davis-Bacon and the related acts required by the American Recovery and Reinvestment Act of 2009 (ARRA).

<http://www.dol.gov/whd/recovery>

• **DOL's Memorandum No. 207**-Issued May 29, 2009; Subject: Applicability of Davis-Bacon labor standards to Federal and federally assisted construction work funded in whole or in part under provisions of the American Recovery and Reinvestment Act of 2009.

<http://www.dol.gov/whd/recovery/AAM207.pdf>

• **Davis Bacon Fact Sheet # 66:** Discusses: *Coverage; Basic Provisions/Requirements; Davis-Bacon Wage Determinations; Penalties/Sanctions and Appeals; Typical Problems; Relation to State, Local, and Other Federal Laws; Where to obtain additional Information.* This document contains important links to additional documents, many of them also included in this presentation.

<http://www.dol.gov/whd/regs/compliance/whdfs66.pdf>

• **Prevailing Wage Resource Book 2009:** <http://www.dol.gov/whd/recovery/pwrb/toc.htm>

• **Compliance Assistance Web Page for Davis-Bacon and Related Acts:** This page provides all the information you need to help understand and Navigate Davis-Bacon and Related Acts:

<http://www.dol.gov/whd/contracts/dbra.htm>

# ARRA Section 1605: Buy American

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- ▶ (Taken from Attachment T of the State Fiscal Stabilization fund Grant Award Notification (GAN) Document: **Award Term-Required Use of American Iron, Steel, and Manufactured Goods-Section 1605 of the American Recovery and Reinvestment Act of 2009** )

## **The Feds won't pay if it's not American made (construction)**

- ▶ (a) None of the funds appropriated or otherwise made available by this Act may be used for a project for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel, and manufactured goods used in the project are produced in the United States.

## **Except for....when the Feds say it's okay**

- (b) Subsection (a) shall not apply in any case or category of cases in which the head of the Federal department or agency involved finds that-
  - (1) applying subsection (a) would be inconsistent with the public interest;
  - (2) iron, steel, and the relevant manufactured goods are not produced in the United States in sufficient and reasonably available quantities of a satisfactory quality; or
  - (3) inclusion of iron, steel, and manufactured goods produced in the United States will increase the cost of the overall project by more than 25 percent.
- (c) If the head of a Federal department or agency determines that it is necessary to waive the application of subsection (a) based on a finding under subsection (b), the head of the department or agency shall publish in the Federal Register a detailed written justification as to why the provision is being waived.
- (d) This section shall be applied in a manner consistent with United States obligations under international agreements.

# Definitions from the U.S. Department of Education

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- ▶ **“Construction material”** means iron, steel, or manufactured goods brought to the construction site by the recipient, subrecipient, or a subcontractor for incorporation into the public building or public work. However, emergency life safety systems, such as emergency lighting, fire alarm, and audio evacuation systems, that are discrete systems incorporated into a public building or work that are produced as complete systems, are evaluated as a single and distinct construction material regardless of when and how the individual parts or components of those systems are delivered to the construction site.
- ▶ **“Manufactured good or product”** means an item incorporated into the physical structure of the public building or used in a public work that is the result of processing materials by way of machinery and/or labor that produce a substantially different item. Where the basic form or function of the material processed remains the same, or the processing does not add value to the item, it is not manufactured. **There is no requirement with regard to the origin of components or subcomponents in manufactured goods or products, as long as the manufacture of the goods occurs in the United States.**
- ▶ **“Public Building” or “Public Work”** means a public building of, and a public work of, a governmental entity (The United States, the District of Columbia, commonwealths, and territories of the United States and minor outlying islands, and State and local Governments). These building may include, without limitation, bridges, dams, plants, highways, parkways, streets, subways, tunnels, sewers, mains, power lines, pumping stations, heavy generators, railways, airports, terminals, docks, piers, wharves, ways, lighthouses, buoys, jetties, breakwaters, levees, and canals, and the construction , alteration, maintenance, or repair of such buildings or works.

# Explanation of Waivers and Exceptions

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- ▶ Buy American Exceptions and Waivers are Federal Agency Specific.
- ▶ Currently there is only one Buy American Waiver issued by the U.S. Department of Education and it is specific to one school district in another State.
- ▶ It is highly unlikely that a waiver or exception will be granted, and it is a timely process to apply, so please comply with this requirement by purchasing iron, steel, and manufactured goods (incorporated into the physical structure of a public building or work) that are produced in the United States.

# Documentation and Items Necessary to Show Compliance with Buy American

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## **1. Make sure Buy American requirements are in ARRA construction contracts**

- ▶ If applicable, a Buy American Clause should be inserted into the solicitations, and any prime and subcontracts.

## **2. Get the form**

- ▶ DFA-IGS has a Buy American Certification form for contractors and subcontractors to complete. It is requested that these be placed in your files.

## **3. Keep the form and supporting documentation**

- ▶ Any backup documentation and/or specifications proving that iron, steel, and manufactured goods have been produced in the U.S. should be kept on file by the contracting agency for a minimum of three years.



# Required Arkansas ARRA Signage

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- ▶ Any program or project which uses ARRA funds should have a visible sign which displays both the State and Federal logos, and the Recipient's logo or name in the middle.



# Where to Locate Signage Examples and Logos

- ▶ [WWW.Recovery.Arkansas.Gov](http://WWW.Recovery.Arkansas.Gov): Click on the Blue Agency Link located on the top blue bar to the right.



The screenshot shows the Recovery.Arkansas.Gov website. The top navigation bar is blue and contains the following links: Home, News, Jobs, About Recovery, Programs & Projects, Transparency, Agency Links, and Provide Feedback. The Agency Links link is highlighted with a white background. A yellow arrow points to the Agency Links link. Below the navigation bar is a search box with the text "Search Recovery" and a "Go" button. The main content area is white and contains the following text:

**Accountability and the Recovery Act**

The American Recovery and Reinvestment Act placed a major emphasis on accountability and transparency. In particular, the law required states like Arkansas track and report on where and how every Recovery Act dollar is spent. That reporting includes the name of the program or project being funded, its completion status as well as the number of job created or retained. In Arkansas, state government is complying with these requirements and has also decided to expand its reporting to areas not required under the Recovery Act. Arkansas's state government is committed to accountability and transparency, and ensuring that every dollar provided under the Recovery Act is invested wisely and appropriately. It has adopted a reporting system that will allow taxpayers to "drill down" into programs funded through the Recovery Act and track the flow of funds into the state's economy.

**Arkansas Office of the Recovery and Reinvestment Act**

- [ARRA Agency Compliance Guidance](#)
- [Expenditure of ARRA Funds to Promote Arkansas and American Economic Vitality](#)
- [ARRA Website Guidelines](#)
- [Program Signage Guidance - PDF](#)
- [Project Signage Guidance - PDF](#)
- [Updated Guidance \(September 1, 2009\) - PDF](#)

A white arrow points to the "Project Signage Guidance - PDF" link. To the right of the arrow is the text "Project Signage Example".

# Arkansas Department of Education Resources and Signage Logos

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- ▶ [www.Recovery.Arkansas.Gov](http://www.Recovery.Arkansas.Gov)>Agency Links>Scroll down to Arkansas Department of Education>Grant Information>Scroll down to State Fiscal Stabilization and you will find logos and signage examples under signs.

## State Fiscal Stabilization Fund

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- [Arkansas Procurement References](#)
- [Modernization Information from U.S. Department of Education Web site](#)
- [Modernization Information from National Clearinghouse For Educational Facilities Web site](#)

## Davis-Bacon and Buy American Information

- [Arkansas Labor Law 22-9-303\(c\)](#)
- [Buy American Act](#)
- [Certified Payroll Instructions](#) - June 24, 2010
- [Davis-Bacon Reference - Find local prevailing wage rates](#)
- [Davis-Bacon Compliance Principles](#)
- Department of Labor Memos concerning Davis-Bacon
  - [All-Agency Memorandum No. 207 \(Division A of the American Recovery and Reinvestment Act of 2009\)](#)
  - [All Agency Memorandum No. 208 \(Division B of the American Recovery and Reinvestment Act of 2009\)](#)
- [DFA-IGS SFSF Project Inspection Narrative](#) - June 29, 2010
- [Federal Wage Rate, Buy American, and Reporting Information](#)
- [Navigating Davis-Bacon and Related Acts](#)
- [Prevailing Wage Resource Guide 2009](#)
- [Requirements for SFSF Recipients](#) - June 18, 2010

## Division of Public School Academic Facilities and Transportation Information

- [Stimulus Projects List](#)

## Signs

- [Employee Rights Under the Davis-Bacon Act](#) - April 10, 2009
- [Fraud Disclosure](#) - Oct. 6, 2009
- [Whistleblower Protection](#) - June 24, 2009
- [Project Signs](#) - Aug. 25, 2009
- [Program Signs](#) - Aug. 25, 2009
- [Recovery Logo](#)
- [Recovery Logo - Arkansas](#)

Individuals with Disabilities Education Act (IDEA) ARRA Information

Signs-  
Examples  
and Logos



# Size

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- ▶ **Size:** There is no specific size requirement for ARRA signage, but it is expected to be visible to the people who benefit from the projects such as students, teachers, and anyone else who will pass by the project construction or work. A larger construction project would be expected to have a larger sign posted outside; Projects such as installing smart boards in a few classrooms could have smaller signs posted outside the classrooms on portable bulletin boards.

# Materials

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- ▶ **Materials:** There are no specific material requirements, but the signage should be waterproof and durable if posted outside. Many Contractors have included signage cost in their contracts and several signage companies in Arkansas have contacted DFA-IGS for logos and files.
- ▶ **Materials, similar to size,** will differ most likely depending on the size and scope of the ARRA projects completed.

# Where to Post Signage

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- ▶ Where you post will be determined by the size and nature of the ARRA project.
- ▶ Larger construction projects, playground equipment, etc. should have larger, durable, waterproof signs placed at the worksite (most likely outside of the building or another outdoor area). These signs should be visible to those who regularly pass by the site.
- ▶ Projects where Computers, Servers, Smart Boards, or other indoor projects should have signs placed outside the classrooms or areas where the work is being conducted. Placing flyer-like signs in waterproof sleeves on the outside of the rooms, or on bulletin boards will be sufficient.

# When to Post and Length of Time Necessary to Fulfill Signage Requirements

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- ▶ Signs and Posters should be posted when the project starts and at a minimum, should remain up until the projects are complete.
- ▶ If the projects are completed before DFA-IGS conducts an on-site visit, please photograph the signs posted onsite, and keep on file for your records.

# Guidance

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- ▶ It is important to familiarize yourself not only with the state issued guidance, but also with the terms and conditions of the award (LEA Statement of Assurance), and all applicable federal guidance and regulations.
  - ▶ [State Fiscal Stabilization Fund \(SFSF\) Applicant Page](#): This includes every guidance document issued by the U.S. Department of Education relating to the SFSF program and also provides important SFSF information about federal monitoring.
  - ▶ [Education Department General Administrative Regulations \(EDGAR\)](#): Regulations and Guidance for Recipients and Subrecipients of federal/ARRA funding issued by the U.S. Department of Education.
  - ▶ [DOL Guidance](#): Prevailing Wage Resource Book of 2009

## Other Helpful ARRA Links & Information

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- ▶ [Recovery.gov](http://Recovery.gov): This website gives links and information on the American Recovery and Reinvestment Act of 2009 (ARRA).
- ▶ [Office of Management of Budget's \(OMB\) ARRA FAQs](#): Frequently Asked Questions regarding the ARRA Act

# On-Site Monitoring Visits

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- ▶ DFA-IGS will be sending out Construction Inspectors to review projects relating to construction, modernization, renovation and repair. Several site visits have already been conducted, and letters and reports with the results will be sent out to those entities reviewed.
- ▶ We are here to help. The visits are conducted to assure that all recipients of ARRA funds are in compliance with ARRA terms and conditions-the major focus will be on compliance with Davis-Bacon and related Acts, and Buy-American. If you are not in full compliance, we will assist you with meeting the terms and conditions, and give you the information and tools necessary to maintain compliance.

# What to Expect

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## The Letter and Questionnaire:

- ▶ About two weeks before a Construction Inspector will be in your area conducting site visits, a letter will be sent via mail and email.
- ▶ This letter will give you a range of dates in which DFA-IGS would like to schedule the visit. Once a site visit is scheduled, an email will be sent verifying the date, time, and central meeting location.
- ▶ This correspondence will also include a narrative questionnaire for you to complete and send back to us before the visit is conducted.

# What to Expect

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## The Visit:

- ▶ The Construction Inspector will meet in a predetermined central location to review any project related documents such as solicitations (if applicable), contracts, subcontracts, certified payroll forms (VH-347), Labor Interview Forms (SF-1445), and documents certifying that iron, steel, and manufactured good were produced in the U.S.
- ▶ The Inspector will provide any missing documentation that they can on the spot, and will email any other items that they can to assist in reaching compliance.

# What to Expect

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## The Visit (cont):

- ▶ Once documents have been reviewed, The Inspector will travel to sites where SFSF funds are being used for Construction, Modernization, Renovation, or Repair Projects. The projects should be consistent with what is on the reviewed and approved SFSF plans. The focus of the visits will be on projects already completed and those underway.
- ▶ Pictures will be taken of the projects to complete the field monitoring report. They will also be taking pictures and making sure that all posters, signage, and the Davis-Bacon Prevailing Wage Determinations are posted on site.

# Can I Obtain the Results?

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- ▶ DFA-IGS Completes a Checklist, and a Field Report for every site visit conducted.
- ▶ An email or letter will be sent to collect any missing items necessary to complete the report and document compliance with ARRA requirements.
- ▶ A copy of these items will be sent to you after the reports are completed and closed out.

# Questions

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Please direct your questions regarding content in this webinar via email to [erin.gildner@dfa.arkansas.gov](mailto:erin.gildner@dfa.arkansas.gov). Please title the email “ARRA Webinar Question-LEA.”

Erin Gildner, DFA-IGS Grants Coordinator: 501-682-1468,  
[erin.gildner@dfa.arkansas.gov](mailto:erin.gildner@dfa.arkansas.gov)

Once all Questions have been received, a Frequently Asked Questions (FAQ) document will be drafted and emailed to all webinar participants.

