American Recovery and Reinvestment Act of 2009

Federal Wage Rate, Buy American, and Reporting Information

Federal Wage Rate General Information

1. The Davis-Bacon Acts (and related Acts) apply to contractors and subcontractors performing on federally funded or assisted contracts in excess of $2,000 for the construction, alteration, or repair (including painting and decorating) of public buildings or public works. The Act requires all contractors and subcontractors performing on federal contracts (and contractors or subcontractors performing on federally assisted contracts under the related Acts) in excess of $2,000 pay their laborers and mechanics not less than the prevailing wage rates and fringe benefits, as determined by the Secretary of Labor, for corresponding classes of laborers and mechanics employed on similar projects in the area. (Apprentices and trainees may be employed at less than predetermined rates. Apprentices must be employed pursuant to an apprenticeship program registered with the Department of Labor or with a state apprenticeship agency recognized by the Department. Trainees must be employed pursuant to a training program certified by the Department.)

2. Contractors and subcontractors on prime contracts in excess of $100,000 are also required, pursuant to the Contract Work Hours and Safety Standards Act, to pay employees one and one-half times their basic rates of pay for all hours over 40 worked on covered contract work in a workweek.

3. Covered contractors and subcontractors are also required to pay employees weekly and to submit weekly certified payroll records to the contracting agency.

4. The Davis-Bacon Act (and related Acts) provide laborers and mechanics on covered federally financed or assisted construction contracts the right to receive at least the locally prevailing wage rate and fringe benefits, as determined by the Department of Labor, for the type of work performed. The Wage and Hour Division of the Department's Employment Standards Administration and respective federal contracting agencies accept complaints of alleged Davis-Bacon violations. Contractors are required to post the prevailing wage rates used in this contract and on this project for access by contractor personnel.

5. Contractors or subcontractors found to have disregarded their obligations to employees, or to have committed aggravated or willful violations while performing work on Davis-Bacon covered projects, may be subject to contract termination and debarment from future contracts for up to three years. In addition, contract payments may be withheld in sufficient amounts to satisfy liabilities for unpaid wages and liquidated damages that result from overtime violations of the Contract Work Hours and Safety Standards Act.

6. Contractors and subcontractors may challenge determinations of violations and debarment before an Administrative Law Judge (ALJ). Contractors and subcontractors may appeal decisions by ALJ's with the Department's Administrative Review Board. Final Board determinations on violations may be appealed to and are enforceable through the federal courts.

7. Falsification of certified payroll records or the required kickback of wages may subject a contractor or subcontractor to civil or criminal prosecution, the penalty for which may be fines and/or imprisonment.

Local Education Agency (LEA) Information

LEAs should include in their instructions to their design officials, the requirement that this contract is federally funded and as such requires Federal Wage Rates for the locale (county) in which the project will be conducted. Contractors will be required to use federal wage determinations in paying their contractor or subcontractor personnel and to follow all standards required by the Federal Davis-Bacon Act. In the Federal Acquisition Regulations (FAR) the Contracting Officer is the appropriate contract official in the school district.

School Districts will insert the following Solicitation Provisions and contract clauses of the Davis Bacon Act, in solicitations in excess of $2,000 for construction within the United States. These provisions may be found at: 52.222-5.
(1) 52.222-5 Secondary Site
(2) 52.222-6, Davis-Bacon Act.
(3) 52.222-7, Withholding of Funds.
(4) 52.222-8, Payrolls and Basic Records.
(5) 52.222-9, Apprentices and Trainees.
(6) 52.222-10, Compliance with Copeland Act Requirements.
(7) 52.222-11, Subcontracts (Labor Standards).
(8) 52.222-12, Contract Termination-Debarment.
(9) 52.222-13, Compliance with Davis-Bacon and Related Act Regulations.
(10) 52.222-14, Disputes Concerning Labor Standards.
(11) 52.222-15, Certification of Eligibility.

The following information must to be used by LEAs, contractors and members of the general public with assistance in obtaining appropriate Davis-Bacon Act (DBA) wage determinations for each county in which the project is to be constructed.

http://www.wdol.gov/dba.aspx#0

This site provides public access to Davis-Bacon information and supports the user in filling out the *Report of Construction Contractor's Wage Rates* (WD-10) Form. The type of information that you will find here includes information about the *Schedule of Surveys* being conducted to make wage determinations and regional office information. Here is a link to the WD-10 Form that you can view, print or save.

Davis-Bacon and Related Acts Web Information Service

State of Arkansas Local Federal Wage Rate Information:

Little Rock Arkansas District Office U.S. Department of Labor ESA/Wage and Hour Division Danville Building 2, Suite 220 10810 Executive Center Drive Little Rock, AR 72221	Phone: 501-223-9114 1-866-4-USWAGE (1-866-487-9243)	Christine Schott District Director

Use of American Iron, Steel, and Manufactured Goods

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. This clause, or words to this effect, shall be placed in all construction contracts where ARRA funds are used to fund the project.

Division Project Tracking Requirements Information

LEAs will be required to enter into the state Computerized Maintenance Management System (CMMS) any facility project which is funded with ARRA funds. Each project will be classified in one of four categories; Repair Stimulus Plan, Construction Stimulus Plan, Renovation Stimulus Plan, Modernization Stimulus Plan. To avoid duplication of effort and voiding of projects, LEAs should not post these projects until their Stimulus Plan has been reviewed by the state. Once final state reporting requirements have been determined, this information will be used to compile the LEAs facility project effort.

The state CMMS will be modified by SchoolDude to add the following four (4) new purpose codes to each district's account:

1. Stimulus 2009 – Repair
2. Stimulus 2009 – Renovation
3. Stimulus 2009 – Modernization
4. Stimulus 2009 – New Construction