
TDOT AERONAUTICS ENGINEERING UPDATE

LABOR: DAVIS-BACON ACT POLICIES AND PROCEDURES UPDATE

We've **UPDATED** the [Davis-Bacon Act \(DBA\) Policies and Procedures](#) on our [Engineering](#) webpage under *Construction*! As a reminder, this resource provides: an overview of the Davis-Bacon Act and its applicability, covers wage determinations, and offers a guide to compliance for Sponsors, Contractors, and the Aeronautics Division. Key updates include the following topics:

SPONSOR'S RESPONSIBILITY TO DISCUSS DBA REQUIREMENTS WITH CONTRACTORS

As the Owner in agreements with Contractors, it is the Airport Sponsor's (or the consultant's by extension) responsibility to discuss DBA requirements with the Contractor(s) before construction activities begin—preferably, at the pre-construction meeting where it can be documented in the Meeting Minutes.

A sample agenda excerpt for Labor Requirements is shown below.

Labor Requirements

- a. Davis Bacon wage rates
 - i. Pay wages and fringe benefits per project manual.
 1. See MINIMUM WAGE SCALES FOR FEDERAL AID HIGHWAY CONSTRUCTION in the contract.
 - ii. Post Wage Determination and Davis-Bacon Poster (WH-1321) in a prominent and conspicuous location on the job site. Required posters can be obtained at <https://www.tn.gov/workforce/general-resources/major-publications0/major-publications-redirect/posters-redirect/required-posters.html>.
- b. Submittal of payrolls.
 - i. Submit “each weekly statement... within seven [7] days after the regular payment date of the payroll period” to Sponsor and TDOT Aeronautics Project Manager, including periods when no work was performed (29 CFR 3.4 (a)).
 1. Shall NOT include Social Security Numbers or home addresses (29 CFR 5.5(a)(3)(ii)(A)).
 2. MUST be accompanied with a “Statement of Compliance” which satisfies OMB No. 1235-0008.
 3. Optional Form WH-347 satisfies DBA requirements, but not mandated.
 4. "no work" statements aren't required until the company starts work on the project or after their final payroll is submitted.
 - ii. Timely Certified Payroll Submittal Attestation form.
 1. Required of all contractors. Send to TDOT Project Manager before work begins.
- c. Wage rate interviews.
 - i. Discussion of frequency.

NEW “TIMELY CERTIFIED PAYROLL ATTESTATION” FORM

To ensure that all contractors and subcontractors understand the contract requirement to submit certified payrolls within seven days of the payroll payment date, the Aeronautics has **added a requirement of all contractors to submit a “Late Certified Payroll Submittal Attestation” form** for each Federal-aid contract. A copy of this form is attached to this Engineering Update and is also included on Page 2 of the updated [Davis-Bacon Act \(DBA\)](#)

April 5, 2021

[Policies and Procedures](#) document. Please ensure this form is completed by all contractors and sent to the respective TDOT Aeronautics Project Manager.

Questions?

Benjamin Knack is our resident expert on Labor Requirements including the Davis-Bacon Act and can help with any related questions. His contact information is:

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Thank you,



John-Paul Saalwaechter [sawl véktər], P.E. | CE Manager 2
Aeronautics Division

TIMELY CERTIFIED PAYROLL SUBMITTAL ATTESTATION

- The Copeland Act (40 U.S.C. § 3145) and 29 C.F.R. §§ 3.3(a) 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. § 3.4(a) require:
 - *Each weekly statement required under §3.3 shall be delivered by the contractor or subcontractor, **within seven days** after the regular payment date of the payroll period, to a representative of a Federal or State agency in charge at the site of the building or work, or, if there is no representative of a Federal or State agency at the site of the building or work, the statement shall be mailed by the contractor or subcontractor, within such time, to a Federal or State agency contracting for or financing the building or work.*
- 48 CFR 22.406-6(b) states that if the contractor fails to submit certified payrolls promptly, the department will withhold payments to protect the interest of the government and construction workers.

Late submittal of certified payrolls violates the Copeland Act and 29 C.F.R. § 3.4(a), and my signature acknowledges that I understand the Davis-Bacon Requirements in the contract and are aware of the requirement to submit certified payrolls within seven days after the regular payment date of the payroll period to the agency financing the construction project (TDOT Aeronautics Division). I understand that the Aeronautics Division will withhold payments until certified payrolls are submitted as required.

Please complete the following.

Name of Signatory Party: _____

Title: _____

Contractor or Subcontractor: _____

Project and Location: _____

Signature: _____

Date: _____