

Davis Bacon TRAINING

Q&A



Questions

If a homeowner receives a grant and hires a contractor, is the contractor required to comply with DBRA?

Are costs related to DBRA compliance, such as payroll reporting and compliance management software, allowable under grant funding?

When do DBRA requirements apply under the Greenhouse Gas Reduction Fund

What should a recipient do if there is uncertainty about DBRA applicability under an assistance agreement?

What should a recipient do if non-compliance with DBRA is identified during a site visit, audit, or communication?

Do DBRA requirements apply to Financial Assistance used for pre-construction or post-construction activities?



Answers

Under the Greenhouse Gas Reduction Fund, DBRA requirements do not apply when financial assistance is directed to individual homeowners or tenants—whether in single-family or multifamily residences—and those individuals are responsible for selecting and contracting with the construction contractor(s), rather than the Recipient, Subrecipient, or a contractor engaged by them.

Reasonable and necessary costs for DBRA compliance are allowable and allocable grant costs. Such costs include, but are not limited to, the procurement of a payroll reporting and compliance management software product to meet the documentation and reporting requirements under 29 CFR 5.5(a)(3)(ii).

Under the Greenhouse Gas Reduction Fund, DBRA requirements apply to forms of Financial Assistance that directly fund and are directly linked to specific construction projects that were not completed prior to the execution of the final binding documentation governing the use of the Financial Assistance. The Recipient must ensure that any construction work financed in whole or in part with such Financial Assistance complies with Davis-Bacon and Related Act requirements.

The Recipient should discuss the situation with the EPA Project Officer before authorizing work on the project.

The recipient must promptly notify the EPA Project Officer about any instances of non-compliance or potential non-compliance identified during a project site visit, audit, or routine communication.

DBRA applies to construction projects that were not completed prior to the execution of the documentation governing the use of the GGRF Financial Assistance product.





Questions

How do recipients ensure compliance with DBRA in bid solicitations and contracts?



Answers

Include the Correct Wage Determinations and DBRA Requirements in Bid Solicitations and Contracts. Recipients are responsible for complying with the procedures provided in 29 CFR 1.6(b) when soliciting bids and awarding contracts. FOR SUBAWARDS: <https://www.epa.gov/grants/dbra-requirements-epa-subrecipients>

Do DBRA requirements apply only to construction workers, or do they also cover other project staff such as project managers or permitting specialists?

DBRA will apply to all laborers and mechanics that are physically performing work at the place where the construction is called for in the contract. DBRA does not apply to administrative or managerial staff, these workers are not performing hands on construction work and are typically salary.

What are some best practices for ensuring contractor compliance, and how common are issues with non-compliance?

Ensuring compliance involves setting clear contract terms, offering training, and regularly reviewing certified payrolls and conducting site interviews. Using electronic systems can streamline reporting and help identify issues early. Open communication and corrective actions are key, and in some cases, payment may need to be withheld or the Department of Labor involved. Non-compliance is not uncommon, so ongoing oversight is essential.

What are the most challenging aspects of complying with DBRA? What common hurdles do contracting agencies face when working to meet DBRA requirements?

One of the key challenges of DBRA compliance is the accurate and consistent management of payroll requirements. Contractors, especially smaller ones, may struggle with understanding and adhering to the detailed record-keeping, wage determinations, and certified payroll submission processes, which can lead to errors or non-compliance.

What common hurdles do contracting agencies face when working to meet DBRA requirements?

Contracting agencies often face the complex task of auditing certified payrolls to ensure wages match prevailing rates and fringe benefits are properly documented. This process can be time-consuming, especially when overseeing multiple contractors and subcontractors, reconciling discrepancies, and maintaining consistent compliance.

Does any software exist to manage DBRA outside of LCP tracker?

Yes, several electronic software systems are available to help collect certified payroll data. The best system for your needs will depend on specific requirements, so it's helpful to schedule demos with a few providers and engage with them directly. When evaluating



Questions

Does the awardee/sub awardee need in-house staff reviewing weekly payrolls, doing site visits, etc or can this be contracted out?

What can grantees do to help reduce the compliance burden, especially for smaller developers and installers?

Do job trainees who are not registered in a Department of Labor (DOL)-approved apprenticeship program need to be paid the prevailing wage on DBRA projects?

How often must certified payroll be submitted, and where should it be uploaded?

What do we do if there isn't an up-to-date wage determination in SAM? Do we need to wait for an updated determination before starting construction on a project?



Answers

options, consider factors such as the ability to generate comprehensive reports, ease of use, strong data security, regulatory compliance, and responsive customer support. Some commonly used systems include Elation Systems, eComplySolutions, Compliant Client, eBacon and eMars.

Yes, you can hire a 3rd party to assist with DBRA Compliance. Hiring a third party for staff augmentation to handle DBRA compliance can greatly benefit contracting agencies by providing specialized expertise, reducing the workload on internal staff, and ensuring accurate and timely payroll auditing. Third-party professionals are well-versed in prevailing wage laws and certified payroll requirements, which helps minimize the risk of errors and non-compliance. Additionally, they can offer objective insights, efficient processes, and dedicated resources to handle high volumes of compliance reviews, enabling contracting agencies to focus on broader project management goals.

To help reduce the compliance burden on contractors, contracting agencies can take proactive steps such as providing free training on DBRA requirements and processes. Clear communication of project requirements is essential and should be reinforced by explicitly including compliance expectations in contractor agreements. Leveraging electronic software systems can further streamline the process, enabling contractors to submit certified payrolls efficiently while allowing agencies to monitor compliance in real-time.

Yes, if the GGRF projects are subject to the Davis-Bacon Act, then all on-site labor—including job trainees who are not registered apprentices—must generally be paid prevailing wages.

Certified Payroll must be submitted on a weekly basis from all contractors performing work on the jobsite. The website used for weekly upload will depend on the Contracting Agency.

If you are unable to find a Wage Determination, you must request a project-specific wage determination from the Department of Labor (DOL) using Standard Form 308 <https://www.dol.gov/agencies/whd/government-contracts/prevailing-wage-resource-book/db-wage-determinations>



Questions

Are site visits required? If so, with what frequency?

Does the General Wage Determination include any work classifications specific to clean energy (e.g., solar installer)?

Can an employer pay less than the required base hourly wage if they increase the fringe benefit amount to meet the total prevailing wage rate?

What if the prevailing wage is not a living wage? Is there an entity that determines a living wage by state?

Who is responsible for reviewing Certified Payroll for potential issues?



Answers

Site visits are not explicitly required by the U.S. Department of Labor (DOL) for subrecipients, such as contracting agencies, under the Davis-Bacon and Related Acts (DBRA) or other federal programs. However, conducting site visits is often considered a best practice for ensuring compliance with labor standards and verifying proper implementation of project requirements.

There are no nationwide standard classification definitions for clean energy-specific roles under the DBRA. Each wage determination is generally based on local area practices and may vary depending on the region. If a specific classification, such as “solar installer,” is not available, you can select the classification that most closely aligns with the work being performed. Additionally, if no appropriate classification is available, you can request the addition of a new classification through the Department of Labor.

Under DBRA, the prevailing wage is the combined total of the basic hourly wage and fringe benefits, as listed in the applicable wage determination. Employers may meet this obligation through any combination of cash wages and creditable “bona fide” fringe benefits, as long as the total meets or exceeds the required prevailing wage. However, employers must ensure that any fringe benefits used to satisfy this requirement are properly documented, consistent with Department of Labor standards, and not required by law (such as workers’ compensation or Social Security contributions).

Wage determinations are primarily based on wage surveys conducted by the U.S. Department of Labor (DOL). These surveys gather data on wages and fringe benefits paid to workers in specific construction job classifications within defined geographic areas. The rates listed in the General Wage Determination (GWD) generally reflect the wages prevailing in the local area. Additionally, if the state-mandated wage rate is higher than the rate listed in the GWD, the state wage rate takes precedence.

The responsibility for reviewing Certified Payroll falls to the Recipient or Subrecipient providing financial assistance and executing the construction contract. Under the Davis-Bacon and Related Acts, this entity is considered the contracting agency, as defined in 29 CFR Part 3. The EPA has clarified in the Solar for All FAQs that it is not the contracting agency;



Questions



Answers

What day do the certified payroll reports need to be submitted to the contracting agency?

instead, it interprets Recipients and Subrecipients under programs like NCIF and CCIA as “other similar entities” responsible for ensuring compliance with DBRA requirements, including the review of CPRs for accuracy and potential issues.

Is a Compliance Officer assigned to our project, or is that a role we are responsible for filling?

The week-ending date is determined by the contractor’s or subcontractor’s payroll schedule and may vary. As the contracting agency, it is your responsibility to ensure that payroll is submitted weekly.

If a worker performs duties under two different classifications, are they required to track the hours worked for each classification?

The Compliance Officer should be appointed by the Contracting Agency and is typically a staff member of the Contracting Agency.

Are job site visits scheduled or unscheduled?

Laborers and mechanics that perform work in more than one classification may be compensated at the rate specified for each classification provided that the employer maintains time records that accurately set forth the time spent in each classification in which the work was performed. If accurate time records are not maintained, the employee shall be classified at the highest wage rates for the classification in which work was performed.

Who is responsible for obtaining the wage determination for a project, and how is it done?

Job site visits can be both scheduled and at random.

How many Compliance Officers might be typical for a project?

The contracting agency is responsible for obtaining the applicable wage determination. This can be done by visiting SAM.gov and searching for the wage determination that aligns with the project’s location and type of work.

Is a DBRA poster required at each job site, even for single-family residence projects?

The number of resources needed will vary by project size and complexity.

Yes. The Davis-Bacon poster (WH-1321) must be prominently displayed at all federally funded construction sites, including single-family residences, in a location where workers can easily see it. This ensures workers are informed of their rights under the law, including prevailing wage requirements.

For smaller or residential sites, the poster should be placed in a visible area accessible to laborers and mechanics—such as near a central work area, job trailer, or where timekeeping



Questions

Can contractors use a shared electronic system provided by the contracting agency, or are they expected to use their own software?

Would using a free version of certified payroll software—rather than procuring a paid vendor through a competitive solicitation—create compliance issues with the EPA?

Are DBRA requirements only applicable to community solar projects?

Do the electronic software companies charge contractors a fee? Or only Contracting Agencies?

Who is responsible for resolving underpayments?



Answers

occurs. If posting at the site is not feasible, the contracting agency should document alternative compliance efforts and ensure workers are informed through other approved methods.

Yes, in many cases the contracting agency provides access to a centralized electronic system. Contractors are typically given individual accounts within that system, allowing them to submit certified payrolls and other required documentation without needing to license or implement their own software.

Use of certified payroll software is not required for DBRA compliance, though it is strongly recommended for efficiency and accuracy. If a grantee opts to use a free version rather than procure a vendor through a competitive process, it generally will not raise procurement concerns. If payroll is submitted manually, it is recommended to use the Department of Labor's Form WH-347.

No, DBRA requirements are not limited to community solar. They apply to any construction project funded in whole or in part with federal financial assistance and meet the criteria set forth under the DBRA, regardless of the specific type of clean energy or infrastructure involved.

Typically, the burden of the fees associated with the electronic software is carried by the Contracting Agency.

Under DBRA, the prime contractor is responsible for ensuring that all subcontractors and lower-tier subcontractors comply with the labor standards requirements. If a violation occurs, the prime contractor—and any subcontractor involved—can be held liable for any unpaid wages or other monetary relief owed to workers.

Links

[DOL Field Operation Handbook](#)
[State Labor Offices](#)
[Local DOL Wage and Hour Offices](#)

[Prevailing Wage Seminars](#)
[IRA Explainers and Guides Series for States](#)
[DOL - General Guidance](#)