



## ENERGY AND ENVIRONMENT CABINET DAVIS-BACON ACT COMPLIANCE CHECKLIST FOR CONTRACTORS

Bipartisan Infrastructure Law (BIL) funds used for transactions involving contracts exceeding \$2,000 must comply with the prevailing wage requirements of the Davis-Bacon Act. This checklist provides an overview of the requirements established by the Davis-Bacon Act, and is not substitute for the detailed provisions in the U.S. Department of Labor (DOL) regulations implementing Davis-Bacon Act requirements. Contractors should keep the completed checklist for their records, but do not need to submit it to the Energy and Environment Cabinet.

<b>CONTRACTOR/SUBCONTRACTOR:</b>	
<b>AWARD NUMBER:</b>	
<b>PROJECT TITLE:</b>	
<b>DATE:</b>	

QUESTION	EXPLANATION/INSTRUCTION	STATUS		
		YES	NO	N/A
<b>VERIFICATION OF WAGE DETERMINATION (WDs)</b>				
<p>1. Were general wage determinations (WDs) available from the Department of Labor (DOL) for all of the respective counties where construction will take place and did they provide classifications covering all of the labor categories related to the project?</p>	<p>At <a href="http://www.sam.gov">www.sam.gov</a>, DOL provides WDs on a county-by-county basis. The WDs were also provided in the original project solicitation and reviewed during the pre-construction meeting.</p> <p>You are expected to select the appropriate WD for each construction site. This could mean paying the same laborer different rates for time spent at separate construction sites. Alternatively, you could pay the highest prevailing wage rate at all project work sites, including those with lower wage rates.</p> <p>You should ensure that you have WDs covering each county in which construction occurs, even if you have chosen to pay the highest wage rates at all project work sites.</p> <p>If your project requires additional laborer classifications, a Conformance Request using Standard Form-1444 will need to be submitted by the Energy and Environment Cabinet (EEC).</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

1.a. If EEC submitted a conformance request have they notified you of approval by the DOL?	You must pay the wage and benefit rate proposed in the SF-1444 submitted by the EEC pending a response from DOL. If DOL responds with an approved rate that is higher than the proposed rate, you must pay such rate retroactive to the start of the performance of that labor classification.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Have the project's WDs and a Davis-Bacon poster (WH-1321) been posted at all construction sites?	The WDs (including any classifications added through the Conformance Process) and a Davis-Bacon poster (WH-1321) must be posted at all times by the contractor and any subcontractors at all work sites in a prominent and accessible place where it can be easily seen. An electronic version of the WH-1321 poster may be obtained at no charge: <a href="https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/fedprojc.pdf">https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/fedprojc.pdf</a>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>VERIFICATION OF CERTIFIED PAYROLLS</b>				
3. Are you (and any subcontractors) using form WH-347 to record payroll?	Form WH-347 presents a standardized method of recording payroll, which assists EEC, DOL, and any other entities in verifying Davis-Bacon compliance. The form may be downloaded at: <a href="https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/wh347.pdf">https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/wh347.pdf</a>  Instructions for completing WH-347 can be found at: <a href="https://www.dol.gov/agencies/whd/forms/wh347">https://www.dol.gov/agencies/whd/forms/wh347</a>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Do your payroll records include the following for each individual laborer:	Form WH-347 can be used to record payroll records. Please ensure that the following information has been included for each individual laborer:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.a. Name?	Each laborer's full name must be listed on the row in which his or her wages are recorded. In the case of an audit, this allows EEC, DOL, or other auditors to match employees and interviewees with their reported wages.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.b. Individual identifying number?	Each laborer must also have an individual identifying number. This is often the last 4 digits of that employee's social security number, although awardees and subcontractors will occasionally use unique employee ID numbers.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.c. Labor classification?	The WD labor classification assigned to each laborer must be included. If, for instance, employee John Smith's work duties correspond to the "Electrician" labor classification in the project's WD, "Electrician" should be listed here. (This is sometimes called "Work Classification" instead of "Labor Classification").	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4.d. Number of hours worked broken down by day?	The certified payroll must show how many hours each employee worked on each day covered by the certified payroll. You, and any subcontractors, should record all hours in excess of 40 as overtime.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.e. Hourly rate of pay?	This number must be greater than or equal to the prevailing wage established in the project's WD. When recording the base hourly rate, any cash paid in lieu of fringe benefits may be shown separately from the basic rate. For example, "\$12.25/.40" would reflect a \$12.25 base hourly rate plus \$0.40 for fringe benefits.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.f. Gross amount of standard overtime, and fringe benefit compensation?	You, and any subcontractors, must record the gross amount earned by each employee prior to deductions for items such as taxes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.g. Legally permissible deductions for items such as income taxes and social security?	You, and any subcontractors, must record all deductions made from an employee's compensation for items such as income taxes or social security taxes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.h. Net wages paid?	You, and any subcontractors, must record the net amount paid to each employee after deductions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Do your payroll records include a statement of compliance signed by the person authorized to supervise wages?	As an accompaniment to the certified payroll, an authorized representative from your project must sign a statement of compliance that attests to the fact that all laborers were paid the amount reflected on the certified payroll, which was not less than the Davis-Bacon prevailing wage. Any subcontractors must also have an authorized representative sign such a statement for their payrolls. The statement(s) of compliance does not need to be notarized. Required payroll record form WH-347 includes a template version of the statement of compliance and is included on the second page of the form. <b>Signatures on the form must be in an approved electronic signature format (e.g. Acrobat Sign, DocuSign, etc.).</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Are certified payrolls being submitted within seven days after the regular payment date of the payroll period?	Each certified weekly payroll statement must be submitted via the EEC payroll certification email (EECPayrollCert@ky.gov) within seven days after the regular payment date of the payroll period.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<p>7. Did you submit the "Fringe Benefit Statement" along with the first certified payroll?</p>	<p>In order that the proper Fringe Benefit rates can be verified for checking payrolls on the above contract, the hourly rates for Fringe Benefits, subsistence and/or travel on the allowance payment made for employees on the various classes of work are tabulated below. This form must be completed and submitted with the first certified payroll, or when there have been changes.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>8. Are subcontractors being used to assist in construction? If so, did you submit the "Subcontractor Identification Form" along with the first certified payroll?</p>	<p>Subcontractors should have been listed on the required "Subcontractor Identification Form" and certified payroll(s) should be received during the course of a given project from those identified subcontractors.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>9. Are subcontractors being used to assist in construction? If so, are the subcontractor's certified payrolls included in the files?</p>	<p>All laborers working on BIL-funded construction sites, not just those employed by the contractor, must be paid at least Davis-Bacon prevailing wages. The contractor should collect and review certified payrolls from all subcontractors whose laborers assist in construction work.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>10. If "No Work" was completed for a project during a given period of time did you complete and submit a "No Work Statement" to <a href="mailto:EECPayrollCert@ky.gov">EECPayrollCert@ky.gov</a> to support why no certified payrolls were remitted?</p>	<p>Davis-Bacon Act provisions require that a Certified Payroll be submitted weekly; however, if it is anticipated that a period of no work will occur, please attach a copy of the completed "No Work Statement" to the last payroll stating there is no work anticipated for a given period.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>11. Are you maintaining all certified payrolls for at least three years?</p>	<p>For auditing purposes, maintain all certified payrolls for at least three years after the project is completed. Certification signatures must be original.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>