



**SUBRECIPIENT REPORT OF COMPLIANCE  
WITH DAVIS-BACON LABOR STANDARDS PROVISIONS  
FOR FEDERALLY ASSISTED CONTRACTS**

*This form is to be submitted with each request for reimbursement of funding by the subrecipient and as requested by the Energy and Environment Cabinet during the project.*

<b>SUBRECIPIENT NAME</b>			
<b>CONTRACT NUMBER</b>			
<b>PROJECT DESCRIPTION</b>			
<b>BILLING PERIOD</b>		TO	

**Subrecipient Statement:**

I confirm to the best of my knowledge and belief that we are complying with the requirements of 29 CFR 5.5(a)(1), as referenced in the following requirements of the Davis-Bacon Act and the grant agreement between the Department of Interior (DOI) and the Commonwealth of Kentucky.

\_\_\_\_\_  
Signature (Subrecipient Representative)

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

**Obtaining Wage Determinations**

(a) Subrecipients shall obtain the wage determination for the locality in which a covered activity subject to the Davis-Bacon Act (DBA) will take place prior to issuing requests for bids, proposals, quotes or other methods for soliciting contracts (solicitation) for activities subject to DBA. These wage determinations shall be incorporated into solicitations and any subsequent contracts. Prime contracts must contain a provision requiring that subcontractors follow the wage determination incorporated into the prime contract.

(i) While the solicitation remains open, the subrecipient shall monitor <https://sam.gov/content/wage-determinations> weekly to ensure that the wage determination contained in the solicitation remains current. The subrecipients shall amend the solicitation if Department of Labor (DOL) issues a modification up to 10 days prior to the closing date (i.e. bid opening) for the solicitation. If DOL modifies or supersedes the applicable wage determination less than 10 days prior to the closing date, the subrecipient may document that there is not reasonable time to notify interested contractors of the modification and place supporting documentation into the award/project file to be retained.

(ii) If the subrecipient does not award the contract within 90 days of the closure of the solicitation, any modifications or superseding wage determinations at the time of contract award shall be effective unless the Energy and Environment Cabinet, at the request of the subrecipient, obtains an extension of the 90 day period from DOL pursuant to 29 CFR 1.6(c)(3)(iv). The subrecipient shall monitor <https://sam.gov/content/wage-determinations> on a weekly basis if it does not award the contract within 90 days of closure of the solicitation to ensure that wage determinations contained in the solicitation remain current.

(b) If the subrecipient carries out activity subject to DBA by issuing a task order, work assignment or similar instrument to an existing contractor rather than by publishing a solicitation, the subrecipient shall insert the appropriate DOL wage determination from <https://sam.gov/content/wage-determinations> into the ordering instrument.



(c) Subrecipients shall review all subcontracts subject to DBA entered into by prime contractors to verify that the prime contractor has required its subcontractors to include the applicable wage determinations.

(d) As provided in 29 CFR 1.6(f), DOL may issue a revised wage determination applicable to a subrecipient's contract after the award of a contract or the issuance of an ordering instrument if DOL determines that the subrecipient has failed to incorporate a wage determination or has used a wage determination that clearly does not apply to the contract or ordering instrument. If this occurs, the subrecipient shall either terminate the contract or ordering instrument and issue a revised solicitation or ordering instrument or incorporate DOL's wage determination retroactive to the beginning of the contract or ordering instrument by change order. The subrecipient's contractor must be compensated for any increases in wages resulting from the use of DOL's revised wage determination.

#### **Contract and Subcontract Provisions**

(a) (3)(i) As to each payroll copy received, the subrecipient shall provide written confirmation in a form satisfactory to the State indicating whether or not the project is compliant with the requirements of 29 CFR 5.5(a)(1) based on the most recent payroll copies for the specified week.

#### **Compliance Verification**

(a) The subrecipient shall periodically interview a sufficient number of employees entitled to DBA prevailing wages to verify that contractors or subcontractors are paying the appropriate wage rates. As provided in 29 CFR 5.6(a)(6), all interviews must be conducted in confidence. The subrecipient must use Standard Form 1445 (SF 1445) or equivalent documentation to memorialize the interviews. Copies of the SF 1445 are available from DOL.

(b) The subrecipient shall establish and follow an interview schedule based on its assessment of the risks of noncompliance with DBA posed by contractors or subcontractors and the duration of the contract or subcontract. At a minimum, the subrecipient should conduct interviews with a representative group of covered employees within two weeks of each contractor or subcontractor's submission of its initial weekly payroll data. Subrecipients must conduct more frequent interviews if the initial interviews or other information indicates that there is a risk that the contractor or subcontractor is not complying with DBA. Subrecipients shall immediately conduct necessary interviews in response to an alleged violation of the prevailing wage requirements. All interviews shall be conducted in confidence.

(c) The subrecipient shall periodically conduct spot checks of a representative sample of weekly payroll data to verify that contractors or subcontractors are paying the appropriate wage rates. The subrecipient shall establish and follow a spot check schedule based on its assessment of the risks of noncompliance with DBA posed by contractors or subcontractors and the duration of the contract or subcontract. At a minimum, if practicable the subrecipient should spot check payroll data within two weeks of each contractor or subcontractor's submission of its initial payroll data. Subrecipients must conduct more frequent spot checks if the initial spot check or other information indicates that there is a risk that the contractor or subcontractor is not complying with DBA. In addition, during the examinations the subrecipient shall verify evidence of fringe benefit plans and payments thereunder by contractors and subcontractors who claim credit for fringe benefit contributions.

(d) The subrecipient shall periodically review contractors and subcontractors use of apprentices and trainees to verify registration and certification with respect to apprenticeship and training programs approved by either the U.S Department of Labor or a state, as appropriate, and that contractors and subcontractors are not using disproportionate numbers of, laborers, trainees and apprentices. These reviews shall be conducted in accordance with the schedules for spot checks and interviews described in Item 5(b) and (c) above.

(e) Subrecipients must immediately report potential violations of the DBA prevailing wage requirements to the appropriate DOL Wage and Hour local office listed at <https://www.dol.gov/agencies/whd/contact/local-offices>.