

A Contractor's Guide to Davis-Bacon Compliance On Federally Funded Construction Projects

All construction projects funded by the federal government, including all projects funded by Stimulus Funding (American Recovery & Reinvestment Act, 2009), are subject to the requirements of the Davis-Bacon Act, and may be subject to the regulations of any number of the other sixty-three (63) Federal laws known as the Davis-Bacon Related Acts ("DBRA"), which create strict Federal guidelines for contract compliance.

The Davis-Bacon Act sets out a very strict set of federal regulations regarding the payment of "prevailing wages" and benefits to any laborers and mechanics working on federal construction contracts that exceed \$2,000. The Act requires that each employer on a covered project, whether it is a general contractor, sub-contractor or lower-tier contractor, know what the Davis Bacon Act's regulations are and strictly comply with them.

A contractor who fails to comply with Davis-Bacon requirements on construction projects funded by the federal government may (1) be subject to fines and penalties, (2) have its contract terminated, (3) have its right to perform work for the federal government revoked, and (4) in some cases, are subject to criminal charges. For those reasons, anyone who provides labor, materials or services to projects funded by the federal government should attend this seminar.

The purpose of this seminar is to provide you with a basic understanding of what the Davis-Bacon Act and its Related Acts, requires from contractors working on federally funded projects, and will provide each participant with instructions on how to comply with their Davis-Bacon Act accounting documentation and records retention requirements.

Following this seminar, attendees should be able to (1) identify what projects are covered by the Davis-Bacon Act, (2) understand what a contractor is required to do to comply with "prevailing wage" requirements, (3) know how to document its compliance, and (4) understand the relationship between the Davis-Bacon Act and other federal labor laws.

Joe McAllister from Bostwick & Price will include in this discussion the following topics, as well as instructions and forms necessary for contractors to document their compliance:

- Who Is Responsible for Davis-Bacon Compliance?
 - General Contractor's duties
 - SubContractor's duties
 - Lower-Tier contractor's duties
- Davis-Bacon Act Requirements
 - What projects are covered
 - What employees/trades are covered
 - Making wage determinations
- Reporting Requirements
 - Required payroll reports
 - Payroll reviews, errors and corrections

Joe McAllister, is an attorney with the law firm of Bostwick & Price, P.C., in Salt Lake City and concentrates his practice in construction law, labor law and Federal & State administrative law disputes. Joe has represented contractor clients in numerous civil litigation matters, including mechanic's lien actions, defective work claims, OSHA compliance and citation litigation, DOPL licensing disputes, and Department of Labor complaints with the Wage & Hour Division. In addition, Joe was born and raised in the construction industry following his father around the West on federal highway projects, and has worked as a concrete laborer, pipe layer, welder, Komatsu 600 wheel loader operator, Caterpillar 777D haul pack driver, and is an expert man-power dirt & debris excavation device operator (shovel). Joe graduated from Utah State University with a BS in Political Science in 2004 and from Arizona State University Law School with a JD in 2007.