



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
SEATTLE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 3755
SEATTLE, WASHINGTON 98124-3755

Contracting Division

SUBJECT: Contract *
DBRA Labor Standards and Equal Opportunity

Dear Prime Contractor:

This letter is to remind you of your contractual and legal obligations related to the Davis-Bacon and Related Acts (DBRA) and Equal Employment Opportunity. As the prime contractor on this contract, you are responsible for ensuring that you and all of the subcontractors (regardless of tier) adhere to the DBRA and EEO requirements in your contract. In the interest of shortening this letter, I ask that you refer to your contract and our website at <http://www.nws.usace.army.mil/davisbacon/davis.htm> for more information, including downloadable forms and posters.

Here is a brief summary of the rules, practices, submittals and postings you will encounter on this contract:

1. Pay Rates

a. *Regular pay rates* for “laborers and mechanics” employed at the site of work must be minimally paid on a weekly basis in accordance with the Wage Determination (WD) referenced and included your contract. The pay rate for each job classification includes the basic hourly wage rate and the fringe benefit rate. Weekly payroll records should show the fringe benefit rate separate from the basic wage rate.

b. *Overtime pay rates* are subject to The Contract Work Hours and Safety Standards Act (CWHSSA). Overtime is compensated at one and one-half times the basic hourly rate paid for all hours worked over forty (40) hours per week. In addition, DBRA employees must receive their fringe benefit rate for every hour they work, including overtime. Liquidated damages may be assessed for underpaying overtime.

2. Submittals

a. *Acknowledgment Statements* (SF 1413) are required for all subcontractors on the job. These statements must be submitted before these subcontractors begin working on the site.

b. *Weekly Certified Payrolls with Statements of Compliance* are required from you and each subcontractor performing onsite. Weekly payrolls must include the names, addresses and social security numbers of the DBRA employees, their job classifications from the wage decision, their hours worked each day, their pay rates, gross pay and whether fringe benefits are paid in cash or to a bona-fide plan. With the exception of owner-operators of trucks and similar equipment used exclusively for hauling, owner-operators are not considered to be independent contractors and must be carried on the payroll records by the (sub)contractor hiring them. (The weekly payroll records for owner-operators of trucks or similar equipment used exclusively for hauling must contain the owner-operator names with the notation “owner-operator”; paid rates and hours worked are not required.) Each weekly payroll record is to be sequentially

numbered and the final payroll for you and each subcontractor should be noted accordingly. As the prime contractor, you are responsible for seeing that all the subcontractor payrolls are in compliance with DBRA and submitted on time.

c. *Requests for Additional Classifications and Rates* (SF 1444) are expected from you whenever you or a subcontractor intends to use a DBRA employee classification that is not in the WD.

d. *Apprenticeship Registration* must be submitted whenever an apprentice is expected to work on site. The apprenticeship registration from an approved program shows journeymen/apprentice ratio and apprentice wage schedules.

e. *Subcontractor List* is requested from you before work begins onsite and revisions submitted as the list changes. Please do not include suppliers on the list.

3. Postings

a. *Notice to Employees* (poster downloadable from our website)

b. *EEO* (poster downloadable from our website)

c. *WD and approved additional classifications and wage rates.*

4. POC

a. Unless otherwise directed by the ACO, weekly payroll records and DBRA related submittals are directed to the Contractor Industrial Relations (CIR) Specialist at the following address:

CIR Specialist/DBRA
Construction Branch
USACE, Seattle District
4735 E Marginal Way S
Seattle WA 98134

b. In the absence of the CIR Specialist handling your contract, the POCs listed on our website can respond to your questions or comments regarding USACE, Seattle District's DBRA enforcement practices.

5. EEO Contract Clauses

a. *Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity* specifies that the goals and timetables for minority and female participation and the geographic area covered by this contract. If you have problems meeting these goals please contact me for assistance.

b. *Affirmative Action Compliance Requirements for Construction* clause describes the actions that are to be taken by you, the contractor.

c. *Equal Opportunity* clause describes actions that are to be taken by you, the contractor.

d. *Written notification to the Director of the Office of Federal Contract Compliance Programs (OFCCP) for all subcontracts over \$10,000. Our webpage offers a link to the addresses for OFCCP offices.*

6. Fair Warning

The Withholding of Funds clause allows progress payments to be retained for noncompliance with DBRA contract provisions. Your interim and final performance evaluations may be positively or negatively affected by your ability to gain compliance with DBRA requirements.

It is illegal to discharge, demote or otherwise discriminate against an employee as reprisal for disclosing information to an authorized government official involving a substantial violation of the law relating to a contract (48 CFR 3). This may include disclosure of labor standard violations.

Sincerely,

Contracting Officer