

**NORTHEAST KANSAS COMMUNITY ACTION PROGRAM, INC.
NEK-CAP, INC.
PO BOX 380
Hiawatha, KS 66434
(785) 742-2222**

Request for bids for

**A LANDSCAPE ARCHITECT TO DESIGN/MANAGE CONTRACTOR WORK ON
PLAYGROUNDS AT MULTIPLE HEAD START CENTERS FOR UNIFORMITY**

Issued:

September 22, 2022

Bids for Landscape Architect are due to NEK-CAP, Inc. no later than

1:00 PM CST, Monday, October 24, 2022

Contact Information:

Mr. Robert Grissom, NEK-CAP, Inc., CFO

(785) 288-1293

Email: rgrissom@nekcaph.org

or

Mr. Scott Sisk, NEK-CAP, Inc., Transportation and Facilities Manager

(785) 742 – 2222 x 104

Email: ssisk@nekcaph.org

1. GENERAL INFORMATION AND PURPOSE OF THIS RFP

Northeast Kansas Community Action Program, Inc. (NEK-CAP, Inc.) is a Community Action Agency operating social services programs for the benefit of low-income individuals and families living in the agency's service area of Northeast Kansas. The agency's current service area encompassed sixteen counties in Northeast Kansas.

2. WHO MAY SUBMIT PROPOSALS?

Only licensed Architects and Landscape Architectural Firms may submit bids. Contractor's and sub-contractors to be used by the bidder must comply with the Davis-Bacon Act. The Architect/Landscape Architect and its principal employees are not presently debarred or suspended from doing business with the Federal government in accordance with the provisions of E.O.s 12549 and 12689, "Debarment and Suspension". Bidder must certify this in Attachment B. Bidder will also be checked against the federal SAMS database for Excluded Parties.

In addition, all prospective companies submitting a bid must certify and meet the required federal certifications of Attachment A as federal funds are used in the award of this contract. All bidders are required to disclose any known or potential Conflicts of interest in Attachment B.

3. BIDDER'S CONFERENCE

There will be no pre-bid conference. NEK-CAP, Inc. will meet with potential bidders by appointment only.

4. SCOPE OF THIS RFP

NEK-CAP, Inc. desires to receive bids for the design and management of the work on incidental remodeling of NEK-CAP, Inc. Head Start Center playgrounds at seven (7) sites. These are all Kansas sites and are in Atchison, Lansing, Holton, Horton, Sabetha, Seneca, Marysville. You can visit our website at www.nekcap.org to see the locations of the sites. Proposal is due to NEK-CAP, Inc. Hiawatha, KS by 1 PM, Monday October 24, 2022. All proposals and work must meet requirements of the Davis-Bacon Act 45 CFR 1303.11 Head Start Davis-Bacon Requirement and 29 CFR Part 5; Kansas Department of Health and Environment for Head Start Childcare Facilities; The Office of Head Start; Fire Marshall; and applicable federal or state or local laws. NEK-CAP, Inc. is looking for the following:

SPECIFICATIONS:

All proposals and work must meet requirements of the Kansas Department of Health and Environment for Head Start Childcare Facilities; The Office of Head Start; Fire Marshall; and applicable federal or state or local laws. Bidder must be licensed to work in the County and City of the facility and is solely responsible for obtaining building permits.

- The Architect or Landscape Architect must ensure all contractors and sub-contractors comply with the Davis-Bacon Act and provide documentation to NEK-CAP, Inc.
- All contractor and sub-Contractor contracts issued by the Architect/Landscape Architect must contain Davis-Bacon Act clauses and requirements.
- The Architect/Landscape Architect and its principal employees are not presently debarred or suspended from doing business with the Federal government in accordance with the provisions of E.O.s 12549 and 12689, “Debarment and Suspension”. The Architect/Landscape Architect must provide a Certificate of Liability Insurance for itself and any contractors, subcontractors hired to do work. Contractors and subcontractors will also be checked for Debarment and Suspension in the SAMS database.
- All work must be done in accordance with industry standards and in a workmanlike manner and completed by 3/31/2023 or a date approved by NEK-CAP, Inc.
- Domestic content preference per 2-CFR Part 200.322. (Self-disclosed) for materials used.
 - As appropriate and to the extent consistent with law, NEK-CAP, Inc. will to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products).
 - For purposes of this preference:
 - (1) “Produced in the United States” means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.
 - (2) “Manufactured products” means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.
- Architect or Landscape Architect must visit the sites to gain a full understanding of the project needs and for measurements, etc...Not all sites have the same space available.
- Architect or Landscape Architect must work with NEK-CAP, Inc. to get owner’s permission to make improvements per the lease at facilities not owned by NEK-CAP, Inc.
- Architect or Landscape will design a playground layout that offers uniformity with some adaptations based upon the site.
- Work with NEK-CAP, Inc. to get a project tax exemption for this Head Start Project, if possible. NEK-CAP, Inc. is currently tax exempt for the Head Start program purchases it makes in Kansas but not for projects.
- Key items to include in the design are making sure that it is ADA accessible for equipment and environment, drainage, usable for outdoor classrooms in addition to play, safety, environmentally friendly, shade structures, combination of turf and natural grass. Some sidewalks work used for trikes, etc...on a few playgrounds.
- NEK-CAP, Inc. has ordered some items for the playgrounds that are backordered such as Turtles or being assembled and delivered such as kid picnic tables, so there is a need to consult with the agency on what is currently available.

- Since NEK-CAP, Inc. is looking to promote outdoor learning areas, the agency would like to incorporate music, art panels, math, reading, and other items that would stimulate growth and development as well as assist in making the children school ready.
- NEK-CAP, Inc. is federally funded for this project and as such equipment over \$5,000 (per item) must be capitalized and permission to purchase capitalized equipment must come from Region 7 Head Start and this takes time to get. So, NEK-CAP, Inc. needs to know about items that will exceed that threshold as soon as possible to obtain permission. Over the last several years, NEK-CAP, Inc. has moved to smaller pieces where the agency can more easily replace them should they become damaged or worn. This should be considered in the design.
- Work (or portions of the work that would interfere with normal operations) must be completed when there are no children in the facility or work with the Center Manager to ensure the safety of the children. Dates when the children are not in the facility:
 - 11/21/22-11/25/22
 - 12/22/22-1/2/23
 - 3/13/23-3/17/23
 - Some arrangements may be made for after-hours work or weekend work with the approval of NEK-CAP, Inc. dependent upon staff availability.
 - Architect or Landscape may choose to divide the work up as appropriate so as not to interfere with normal Head Start operations or propose alternatives.

All bidders should provide an easy-to-read summary sheet of your proposal along with other information such as pictures, brochures, warranty information and specifications of work to be provided. The proposal should be broken out in such a way as to provide prices for each area of work with options and details on the types of materials to be provided or used. Also, include in the bid the total final cost to NEK-CAP, Inc. including taxes. NEK-CAP, Inc. does not have a Kansas Project Tax Exemption for this work, so tax should be charged as applicable. If NEK-CAP, Inc. Head Start buys the item directly, it would be tax exempt. **The certifications in Attachment A should be completed and returned with your bid as well as any real or potential conflicts of interest in Attachment B.** This is necessary because federal grant funds are being used. **A W-9 should also be submitted with your proposal.** NEK-CAP, Inc. offers preferential treatment for Small Businesses, Woman Owned Businesses, Minority Owned Businesses, Veteran Owned Businesses or Businesses in a Labor Surplus Area in the form of additional points offered during the evaluation process. It is the responsibility of the bidder to self-disclose that they are considered a Small Business, Woman Owned Business, Minority Owned Business, or Veteran Owned Business as defined by the Small Business Administration or are in a Labor Surplus Area as defined by the Department of Labor (<https://www.dol.gov/agencies/eta/lsa>). Failure to do so will fall solely on the potential bidder. Bidders are also encouraged to point out any value-added options over and above the above listed requirements and any discounts offered such as Head Start only discounts, Community Action Agency Discounts, etc.... not available to the public.

5. RIGHTS

NEK-CAP, Inc. reserves the right to select the bid or bids that it deems most advantageous to the needs of the organization including selecting bids from multiple bidders; and in its sole discretion may reject all or any part of any proposal that is submitted under this RFP, as well as the right to issue similar RFPs in the future. NEK-CAP, Inc. may work with the winning bidder to select portions of the bid that is within the funding level provided or make alterations that best fit the needs of the agency. NEK-CAP, Inc. may cancel this RFP at any time due to lack of funding, funder approval, or funding availability. This RFP is in no way an agreement, obligation, or contract and in no way is NEK-CAP, Inc. responsible for the cost of preparing the associated bid.

NEK-CAP, Inc. reserves the right to contact any potential bidder submitting a bid for clarification on any item in the bid without a requirement to notify or contact all other potential bidders submitting a bid.

In no instance shall NEK-CAP, Inc., its directors, officers, and employees be held responsible for late submission of bids. It is the sole responsibility of the submitting potential bidder to ensure that the bid reaches NEK-CAP, Inc. on or before the specified date and time. It is the sole responsibility of the potential bidders to request additional information in a timely manner to allow staff time to respond appropriately.

6. EVALUATION CRITERIA

Potential bidders shall be evaluated by NEK-CAP, Inc. staff on a point scale that considers the following criteria:

- 40 pts - Unit Price.
- 25 pts - Value added options.
- 15 pts - Meets needs of the organization.
- 10 pts - Added benefits/Discounts (such as a Head Start only discount not available to the public).
- 5 pts - Domestic content preference per 2-CFR Part 200.322. (Self-disclosed)
 - As appropriate and to the extent consistent with law, NEK-CAP, Inc. will to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products).
 - For purposes of this preference:
 - (1) “Produced in the United States” means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.
 - (2) “Manufactured products” means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as

polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

- 5 pts - Small, Woman Owned, Minority Owned, Veteran Owned Business or in a Labor Surplus Area. (Self-disclosed)

Rankings or points awarded to each bid under each area are solely at the discretion of the evaluator. The evaluator determines the points from 0 to the maximum listed above. The maximum points available are 100 pts.

7. ATTACHMENTS

The following attachments are part of this RFP:

- Attachment A – Certifications
- Attachment B – Conflicts of Interest
- Attachment C – Current Playground Example from Lansing Site and some sample items.
- Attachment D – Davis-Bacon Compliance Guide Checklist for Head Start/Early Head Start Programs.
- Attachment E – Davis-Bacon Wage Determinations WD #KS20220061
- Attachment F – Instructions for Completing Payroll Form, WH-347
- Attachment G – WH-347

NEK-CAP, Inc. reserves the right to post additional information on the agency website at www.nekcap.org (Under “**Doing Business with NEK-CAP, Inc.**” Tab) should it believe such information is needed by all potential bidders. Potential bidders are solely responsible for checking the website periodically to see if additional information has been posted. Nek-CAP, Inc. has no responsibility to notify potential bidders of additional information posted to the website or provided to other potential bidders.

8. ITEMS TO INCLUDE IN THE PROPOSAL

- Executive letter.
 - Information about the bidder such as general information, small, woman owned, minority owned, veteran owned business status, labor surplus area status, domestic content status, and other items you deem necessary in evaluating the bid.
 - Contact Information.
 - NEK-CAP, Inc. encourages all businesses responding to this RFP to present separately in their proposals any value-added options, benefits or services, not-profit or Head Start only discount, Community Action Agency discount, etc. that are included in the bid.
- Easy to read plan summary sheet.
- Bid and other documentation.
- Completed Attachment A- Certifications.
- Completed Attachment B- Conflicts of Interest.

- Completed W-9
- Certificate of Liability Insurance to include workers' compensation.
- Copy of Licensing.
- Certificate of Good Standing with the Kansas Secretary of State's Office.

NEK-CAP, Inc. reserves the right to contact individual potential bidders for missing information and may at its sole discretion consider that information in the evaluation process. This may or may not be offered to all bidders.

9. RFP PROCESS

To be considered, all proposals shall be received in the office of NEK-CAP, Inc., Purchasing Agent, PO Box 380, 1260 220th St., Hiawatha, KS 66434 before 1:00 PM CST on Monday, October 24th, 2022. It is the sole responsibility of the submitting potential bidder to ensure that the bid reaches NEK-CAP, Inc. on or before the specified date and time.

It is important that Offeror's bid be submitted in a sealed envelope clearly marked in the lower left-hand corner with the following:

Request For Proposal

**For Architect or Landscape Architect Playgrounds Bid 1:00 PM CST
Monday, October 24th, 2022**

Failure to do so may result in premature disclosure of your proposal. It is the responsibility of Offeror to ensure that the bid is received by NEK-CAP, Inc. by the date and time specified. Late bids will not be considered and returned unopened. NEK-CAP, Inc. in its sole discretion may request additional information or clarification from any Offeror in connection with its proposal.

Bids will be opened at the NEK-CAP, Inc. office at 1:00 PM on October 24th, 2022, at the NEK-CAP, Inc. Administrative Office located at 1260 220th St. Hiawatha, KS 66434. The evaluation process will begin sometime following the opening. NEK-CAP, Inc. expects to select the proposal that, in our judgment, best meets the agency and program needs. Evaluation and ranking of proposals are solely at the discretion of the evaluator. The tabulation of the results will be given upon written request. NEK-CAP, Inc. anticipates contacting or meeting with potential bidders of interest to the agency or their representatives following October 24th, 2022.

The selected bidder or bidders will be awarded a purchase order once the approval process has been completed. All change orders must be in writing with the approval of the Executive Director and the Chief Fiscal Officer, and the exact additional cost specified. All questions or requests for supplemental information should be directed to:

Mr. Robert D. Grissom, NEK-CAP, Inc., CFO

(785) 288-1293

Email: rgrissom@nekcaph.org

Or

Mr. Scott Sisk, NEK-CAP, Inc., Transportation and Facilities Manager

(785) 742-2222 x 104

Email: ssisk@nekcaph.org

**ATTACHMENT A
CERTIFICATIONS**

The Service Provider / Contractor hereby certify that:

1. Service Provider / Contractor is in compliance with E.O. 11246, "Equal Employment Opportunity", as amended by E.O. 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity", and as supplemented by regulations at 41 CFR Part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor".
2. Service Provider / Contractor does not discriminate against any employee or applicant for employment because of race, religion, color, sexual orientation, disability or national origin, except where religion, sex, disability, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of the Service Provider / Contractor.
3. Service Provider / Contractor is in compliance and agrees to comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as amended. Violations shall be reported to the federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).
4. Service Provider / Contractor certifies that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any federal contract, grant, or any other award covered by 31 U.S.C. 1352 (Byrd Anti-Lobbying Amendment).
5. Service Provider / Contractor and its principal employees are not presently debarred or suspended from doing business with the Federal government in accordance with the provisions of E.O.s 12549 and 12689, "Debarment and Suspension".
6. Service Provider / Contractor are not engaged in any business relationship with any current member of the Board of Directors of NEK-CAP, Inc., or their families and are independent with respect to procurement.

Service Provider/Contractor/Individual Name

Certifying Representative Signature / Date

**ATTACHMENT B
CONFLICTS OF INTEREST**

The Service Provider / Contractor hereby certify that:

- ___ I/We are not aware of any real or potential conflicts of interest between our Directors, Officers, employees and any Director, Officer, and employee or family member of a Director, Officer, and employee of NEK-CAP, Inc. I/We will disclose immediately should I/We become aware of any potential or real conflicts of interest.
- ___ I/We are aware of the following real or potential conflicts of interest between our Directors, Officers, employees and any Director, Officer, and employee or family member of a Director, Officer, and employee of NEK-CAP, Inc.

_____ (Use additional pages if necessary).

Service Provider/Contractor/Individual Name

Certifying Representative Signature / Date

**ATTACHMENT C
CURRENT PLAYGROUND EXAMPLE FROM LANSING SITE AND SOME SAMPLE
ITEMS**

Playground pictures





Playgrounds

Sidewalk work on a few playgrounds? **ADA accessible** for equipment and environment

Additional Shade Structures- Kaplan- 14 x 14 shade canopy

Turf

Discount School Supply-

Music, art panel



Portable Group Art Panel

\$2,507.99

Drop Ship/Special Shipping Applies

1 **Add to Cart**

new



Outdoor Straight Balance Beam-
Green
\$489.99

new



Outdoor Flower Drum
\$1,648.99

Turtles- <https://www.pwap.com/playgrounds/climbers/turtle-climber?item=18365>

Home / Playgrounds / Play / Playground Climbers / Turtle Climber



Turtle Climber

~~Price~~ **\$2,933.00**

[View this product in a larger image!](#)

Quick Specs:

- Age Group: 2 - 5 years
- Footprint: 17' 10" x 8' 8" with a 4" lip
- Max Users: 16 + 20
- Includes a 4" thick poly or a rubber playground design
- Comes in red, green, and blue

Color:

1

Availability: In 4 weeks

SKU: 183-144

Categories: [Playgrounds](#) / [Play](#) / [Playground Climbers](#) / [Turtle Climber](#)

Tag: [wooden play](#)

Brand: [Sunshine](#)

Tunnels- Playground Outfitters

Playground Outfitters idea-

Home / Playgrounds / Ages 2-5 Years / Chalet / Chalet



NEW

Chalet

~~Price~~ **\$14,666.00**

[View this product in a larger image!](#)

Quick Specs:

- Age Group: 2 - 5
- Capacity: 10-12
- Footprint: 17' 6" L x 17' 0" W x 2' H
- Max Users: 20' 0" x 20' 0"
- Max Deck Height: 0'
- Comes in all color options with wood or recycled metal posts

Post Material:

Color Package:

1

NEW

Wage and Hour Division

Instructions For Completing Payroll Form, WH-347

- - [WH-347 \(PDF\)](#)
OMB Control No. 1235-0008, Expires 07/31/2024.

General: Form WH-347 has been made available for the convenience of contractors and subcontractors required by their Federal or Federally-aided construction-type contracts and subcontracts to submit weekly payrolls. Properly filled out, this form will satisfy the requirements of Regulations, Parts 3 and 5 (29 C.F.R., Subtitle A), as to payrolls submitted in connection with contracts subject to the Davis-Bacon and related Acts.

While completion of Form WH-347 is optional, it is mandatory for covered contractors and subcontractors performing work on Federally financed or assisted construction contracts to respond to the information collection contained in 29 C.F.R. §§ 3.3, 5.5(a). The Copeland Act (40 U.S.C. § 3145) requires contractors and subcontractors performing work on Federally financed or assisted construction contracts to "furnish weekly a statement with respect to the wages paid each employee during the preceding week." U.S. Department of Labor (DOL) Regulations at 29 C.F.R. § 5.5(a)(3)(ii) require contractors to submit weekly a copy of all payrolls to the Federal agency contracting for or financing the construction project, accompanied by a signed "Statement of Compliance" indicating that the payrolls are correct and complete and that each laborer or mechanic has been paid not less than the proper Davis-Bacon prevailing wage rate for the work performed. DOL and federal contracting agencies receiving this information review the information to determine that employees have received legally required wages and fringe benefits.

Under the Davis-Bacon and related Acts, the contractor is required to pay not less than prevailing wage, including fringe benefits, as predetermined by the Department of Labor. The contractor's obligation to pay fringe benefits may be met either by payment of the fringe benefits to bona fide benefit plans, funds or programs or by making payments to the covered workers (laborers and mechanics) as cash in lieu of fringe benefits.

This payroll provides for the contractor to show on the face of the payroll all monies to each worker, whether as basic rates or as cash in lieu of fringe benefits, and provides for the contractor's representation in the statement of compliance on the payroll (as shown on page 2) that he/she is paying for fringe benefits required by the contract and not paid as cash in lieu of fringe benefits. Detailed instructions concerning the preparation of the payroll follow:

Contractor or Subcontractor: Fill in your firm's name and check appropriate box.

Address: Fill in your firm's address.

Payroll No.: Beginning with the number "1", list the payroll number for the submission.

For Week Ending: List the workweek ending date.

Project and Location: Self-explanatory.

Project or Contract No.: Self-explanatory.

Column 1 - Name and Individual Identifying Number of Worker: Enter each worker's full name and an individual identifying number (e.g., last four digits of worker's social security number) on each weekly payroll submitted.

Column 2 - No. of Withholding Exemptions: This column is merely inserted for the employer's convenience and is not a requirement of Regulations, Part 3 and 5.

Column 3 - Work Classifications: List classification descriptive of work actually performed by each laborer or mechanic. Consult classification and minimum wage schedule set forth in contract specifications. If additional classifications are deemed necessary, see Contracting Officer or Agency representative. An individual may be shown as having worked in more than one classification provided an accurate breakdown or hours worked in each classification is maintained and shown on the submitted payroll by use of separate entries.

Column 4 - Hours worked: List the day and date and straight time and overtime hours worked in the applicable boxes. On all contracts subject to the Contract Work Hours Standard Act, enter hours worked in excess of 40 hours a week as "overtime".

Column 5 - Total: Self-explanatory

Column 6 - Rate of Pay (Including Fringe Benefits): In the "straight time" box for each worker, list the actual hourly rate paid for straight time worked, plus cash paid in lieu of fringe benefits paid. When recording the straight time 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. This is of assistance in correctly computing overtime. See "Fringe Benefits" below. When overtime is worked, show the overtime hourly rate paid plus any cash in lieu of fringe benefits paid in the "overtime" box for each worker; otherwise, you may skip this box. See "Fringe Benefits" below. Payment of not less than time and one-half the basic or regular rate paid is required for overtime under the Contract Work Hours Standard Act of 1962 if the prime contract exceeds \$100,000. In addition to paying no less than the predetermined rate for the classification which an individual works, the contractor must pay amounts predetermined as fringe benefits in the wage decision made part of the contract to approved fringe benefit plans, funds or programs or shall pay as cash in lieu of fringe benefits. See "FRINGE BENEFITS" below.

Column 7 - Gross Amount Earned: Enter gross amount earned on this project. If part of a worker's weekly wage was earned on projects other than the project described on this payroll, enter in column 7 first the amount earned on the Federal or Federally assisted project and then the gross amount earned during the week on all projects, thus "\$163.00/\$420.00" would reflect the earnings of a worker who earned \$163.00 on a Federally assisted construction project during a week in which \$420.00 was earned on all work.

Column 8 - Deductions: Five columns are provided for showing deductions made. If more than five deduction are involved, use the first four columns and show the balance deductions under "Other" column; show actual total under "Total Deductions" column; and in the attachment to the payroll describe the deduction(s) contained in the "Other" column. All deductions must be in accordance with the provisions of the Copeland Act Regulations, 29 C.F.R., Part 3. If an individual worked on other jobs in addition to this project, show actual deductions from his/her weekly gross wage, and indicate that deductions are based on his gross wages.

Column 9 - Net Wages Paid for Week: Self-explanatory.

Totals - Space has been left at the bottom of the columns so that totals may be shown if the contractor so desires.

Statement Required by Regulations, Parts 3 and 5: While the "statement of compliance" need not be notarized, the statement (on page 2 of the payroll form) is subject to the penalties provided by 18 U.S.C. § 1001, namely, a fine, possible imprisonment of not more than 5 years, or both. Accordingly, the party signing this statement should have knowledge of the facts represented as true.

Items 1 and 2: Space has been provided between items (1) and (2) of the statement for describing any deductions made. If all deductions made are adequately described in the "Deductions" column above, state "See Deductions column in this payroll." See "FRINGE BENEFITS" below for instructions concerning filling out paragraph 4 of the statement.

Item 4 FRINGE BENEFITS - Contractors who pay all required fringe benefits: If paying all fringe benefits to approved plans, funds, or programs in amounts not less than were determined in the applicable wage decision of the Secretary of Labor, show the basic cash hourly rate and overtime rate paid to each worker on the face of the payroll and check paragraph 4(a) of the statement on page 2 of the WH-347 payroll form to indicate the payment. Note any exceptions in section 4(c).

Contractors who pay no fringe benefits: If not paying all fringe benefits to approved plans, funds, or programs in amounts of at least those that were determined in the applicable wage decision of the Secretary of Labor, pay any remaining fringe benefit amount to each laborer and mechanic and insert in the "straight time" of the "Rate of Pay" column of the payroll an amount not less than the predetermined rate for each classification plus the amount of fringe benefits determined for each classification in the application wage decision. Inasmuch as it is not necessary to pay time and a half on cash paid in lieu of fringe benefits, the overtime rate shall be not less than the sum of the basic predetermined rate, plus the half time premium on basic or regular rate, plus the required cash in lieu of fringe benefits at the straight time rate. In addition, check paragraph 4(b) of the statement on page 2 the payroll form to indicate the payment of fringe benefits in cash directly to the workers. Note any exceptions in section 4(c).

Use of Section 4(c), Exceptions

Any contractor who is making payment to approved plans, funds, or programs in amounts less than the wage determination requires is obliged to pay the deficiency directly to the covered worker as cash in lieu of fringe benefits. Enter any exceptions to section 4(a) or 4(b) in section 4(c). Enter in the Exception column the craft, and enter in the Explanation column the hourly amount paid each worker as cash in lieu of fringe benefits and the hourly amount paid to plans, funds, or programs as fringe benefits. The contractor must pay an amount not less than the predetermined rate plus cash in lieu of fringe benefits as shown in section 4(c) to

each such individual for all hours worked (unless otherwise provided by applicable wage determination) on the Federal or Federally assisted project. Enter the rate paid and amount of cash paid in lieu of fringe benefits per hour in column 6 on the payroll. See paragraph on "Contractors who pay no fringe benefits" for computation of overtime rate.

Public Burden Statement: We estimate that it will take an average of 55 minutes to complete this collection of information, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding these estimates or any other aspect of this collection of information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S3502, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Note: In order to view, fill out, and print PDF forms, you need Adobe® Acrobat® Reader® version 5 or later, which you may download for free at www.adobe.com/products/acrobat/readstep2.html.

Topics **Worker Rights** **For Employers** **Resources** **Interpretive Guidance** **State Laws** **News**



Wage and Hour Division

An agency within the U.S. Department of Labor

200 Constitution Ave NW
Washington, DC 20210

[1-866-4-US-WAGE](tel:1-866-4-US-WAGE)

[1-866-487-9243](tel:1-866-487-9243)

www.dol.gov

FEDERAL GOVERNMENT

LABOR DEPARTMENT

WHD PORTALS

White House

About DOL

YouthRules!

Coronavirus Resources

Guidance Search

Wage Determinations

Disaster Recovery Assistance Español

DisasterAssistance.gov

Office of Inspector General

USA.gov

Subscribe to the DOL Newsletter

Notification of EEO Violations Read the DOL Newsletter

No Fear Act Data

Emergency Accountability Status Link

U.S. Office of Special Counsel A to Z Index

Connect With DOL



[Site Map](#)

[Important Website Notices](#)

[Privacy & Security Statement](#)

Davis-Bacon Compliance Guide Checklist for Head Start/ Early Head Start Programs

Learn. Discuss. Explore. Take action.

[My.Wipfli.com](https://www.wipfli.com)

Davis Bacon Tool Kit Guide & Checklist for Head Start / Early Head Start Programs

OVERVIEW

This guide provides a suggested approach for Head Start / Early Head Start (HS/EHS) programs subject to Davis-Bacon Act (“DBA” or “Davis-Bacon”) compliance requirements when using contractors and sub-contractors on construction, renovations, or repair projects.

HOW TO USE THIS GUIDE

The Davis-Bacon Compliance Guide and Checklist is organized in three phases:

- I. Planning – Prior to Construction
- II. Construction
- III. Wrap-up – Post Construction

Each phase outlines the steps necessary for DBA compliance throughout the project. To implement a DBA compliance process, Wipfli LLP (“Wipfli”) recommends that the organization read through all of the phases and steps prior to beginning the contracting process. Following this initial review, the organization should edit and adapt this guide to fit their organization’s processes and internal control systems.

Much of the guide is organized as a checklist so when a section or step is completed, it can be checked off. This may apply to the specific project your organization is working on, or to the overall organization compliance approach.

Editor’s note: The following guide identifies tasks to be completed, but additional tasks may be necessary within your organization. Please adapt the tool to suit your organizational needs and confirm that it is compliant with your current policies and procedures.

TABLE OF CONTENTS

- I. Planning – Prior to Construction
 - A. Applicability
 - B. Planning and preliminary work
 - C. Wage determinations
 - D. Contracts with contractors
 - E. Delegate agencies and sub-recipients
 - F. Construction project processes – during planning
- II. Construction
 - A. Contractor education program
 - B. Procedures – delivery of services

- C. Construction project processes
- D. Inspection / compliance
- E. Construction project processes – during construction

III. Wrap-up – Post Construction

- A. Document retention approaches
- B. Construction project processes – wrapping up

I. PLANNING – PRIOR TO CONSTRUCTION

Editor's note: This phase encompasses the planning and preparation steps for Davis-Bacon compliance.
A. Applicability and B. Planning and Preliminary Work are completed once as a guideline for compliance effort for the organization.
C. Wage Determination through F. Construction Project Processes – During Planning are completed once for each construction project.

Organizations should designate an appropriate staff member as the primary person responsible for Davis-Bacon compliance. A secondary staff member should also be designated. Wipfli recommends that these staff members be outside the finance department, perhaps in the program management or facilities management areas of the organization. Staff in these areas will have closer contact with contractors.

A. APPLICABILITY

Application of the DBA within HS or EHS programs occurs within three categories of construction activities involving contractors or sub-contractors on HS or EHS facilities, where the cost of the project exceeds **\$2,000**. These categories are construction, major renovation, and alteration or repairs (including painting and decorating). They are defined below:

1. *Construction*: Construction means new buildings and excludes renovations, alterations, additions, or work of any kind to existing buildings (45 CFR 1305.2).
2. *Major Renovation*: means any individual or collection renovation that has a cost equal to or exceeding \$250,000. It excludes minor renovations and repairs except when they are included in a purchase application (45 CFR 1305.2).

Minor Renovation: means improvements to facilities, which do not meet the definition of major renovations (45 CFR 1305.2).

3. *Alteration or repair (including painting and decorating)*: All types of work done on a particular building or work at the site thereof, including work at a facility which is deemed a part of the site of the work. Work done in the

construction or development of the project, including altering, remodeling, installation (where appropriate), painting and decorating. (29 CFR Part 5)

The requirements of the DBA may apply where the contract with contractors or their sub-contractors requires the performance of construction work in these (above) categories in HS/EHS facilities, as required in the Head Start Act (Sec. 644(g) (3) - Prevailing Wage (Davis-Bacon) Requirements) and in compliance with the requirements of the DBA, described in 29 CFR Sec. 5.

It is important to note that auditors and monitors may look for different things when determining the compliance of the organization with the requirements of the DBA and the payment of prevailing wage.

Monitoring Overview

In previous Head Start monitoring protocols, the recommendation has been to review the organization's building construction, renovation, and repair contracts; bid and award materials, contract, purchase orders; DOL Wage Determination, WH-347 Payroll Form and any other wage payment files. For HS/EHS-funded contracts exceeding \$2,000 for constructing, renovating or repairing buildings (facilities) ask the following questions:

This question applies only to construction or renovation contracts of \$2,000 or greater. Davis-Bacon Act: Has the grantee provided assurance that laborers and mechanics were paid prevailing wage rate (by comparison of the contractor's payroll to the U.S. Department of Labor wage determination)?

If this procurement transaction is a construction or renovation contract, does the contract include a provision requiring compliance with the Davis-Bacon Act (requiring mechanics and laborers to be paid prevailing wages as determined by the U.S. Department of Labor)?

Did the grantee provide an assurance that all laborers and mechanics employed by contractors or subcontractors be paid wages not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor (DOL)?

In each solicitation or award did the grantee include a copy of the current prevailing wage determination issued by the U.S. Department of Labor (DOL) and condition award of the contract on the contractor's acceptance of the wage determination?

Did the grantee obtain payroll certifications or other proof of wages paid from the contractor?

Were wages paid by contractors or subcontractors to any individuals engaged in the construction, renovation, or repairs under the contract at or above the established prevailing wage?

Audit Overview

Financial statement auditors may have specific compliance requirements to review and test relating to Davis-Bacon compliance. These requirements are described in the Office of Management and Budget (OMB) Compliance Supplement, if applicable. To determine applicability, review the current compliance supplement found online at www.whitehouse.gov/omb/circulars.

Typical objectives of these compliance requirements include:

1. Obtaining an understanding of internal control, assess risk, and test internal control.
2. Determining whether the non-federal entity notified contractors and subcontractors of the requirements to comply with the Davis-Bacon Act and obtained copies of certified payrolls.

Many auditors will select a sample of construction contracts and subcontracts greater than \$2,000 that are covered by the DBA and perform the following procedures:

1. Verify that the required prevailing wage rate clauses were included.
2. Verify that the contractor or subcontractor submitted weekly the required certified payrolls.

Your organization's external auditor will develop their own approach to the review and testing of compliance and internal controls around Davis-Bacon.

Summary

In developing your organization's approach to Davis-Bacon compliance, it is important to consider the type of construction work that is being completed for each project, confirming that the measures in place meet the requirements of monitors and auditors alike.

B. PLANNING AND PRELIMINARY WORK

- Read the Grant Award from the US Department of Health and Human Services (HHS).
 - Closely review the grant award, looking for any approved projects or activities that fall into one of the three construction categories described above (in A. Applicability).
 - Be aware of changes or additions from the prior grant award.
 - Note any additional state or Tribal prevailing wage / Davis-Bacon compliance requirements – these could be stricter than federal requirements.
- Read the Davis-Bacon Act (DBA), located in the Reference Materials section.

- Read the Davis-Bacon Regulations, located in the Reference Materials section.
- Read the DBA Clauses, 29 CFR 5.5, located in the Reference Materials section.
- Read the current Field Operations Handbook, located in the Reference Materials section.
- Read regulation sections listed in *Head Start Program Performance Standards (HSPPS) 45 CFR 1303.11*, located in the Reference Materials section.
- Read Head Start Act (as amended December 12, 2007), Sec. 644(g)(3), located in the Reference Materials section.
- Review the Office of Head Start Monitoring Protocol for the current year, searching for “Davis-Bacon” and reviewing all applicable monitoring requirements.
- At the beginning of each new construction project, re-familiarize the organization with the documentation and retention requirements.

C. WAGE DETERMINATIONS

- Download the Wage Determinations (WDs) for your area, located in the Reference Materials section.
 - A current wage determination must be obtained and provided in the bidding process.
- Review the Wage Determinations (WD) carefully (find the link for Prevailing Labor Rates-Wage Determinations in the Reference Materials section).
 - Note the job classifications for each WD. Wage Determinations are grouped by county and type of construction. In many cases Head Start projects will utilize the “Building” wage determination, as centers and locations are often commercial rather than residential building types.
 - Note what other classifications may apply on the projects.
 - Carpenters
 - HVAC installers
 - General laborers
 - If the project spans multiple counties, such as centers in different cities, obtain the current WD for each county where work will be completed.

D. CONTRACTS WITH CONTRACTORS

- Contract advertisement language.
 - Advertisements for contractors or the submission of bids should include language indicating that this job is subject to Davis-Bacon compliance requirements.
- Contract clauses:
 - It is recommended that the contract clauses listed in 29 CFR 5.5 be included in Request for Bid documents, as well as in contracts.
 - All applicable Wage Determinations (WD) must be included in the bidding documentation as well as in the contracts when awarded.
 - Confirm that the contract clauses you intend to use originated in 29 CFR 5.5, and that they:
 - Include all of the clauses listed in 29 CFR 5.5
 - Comply with any state requirements
 - Include any additional language your organization requires
 - Wipfli strongly recommends that all contract clauses and contract language be reviewed by your organization's attorneys or legal representation.

E. DELEGATE AGENCIES AND SUB-RECIPIENTS

Each HS/EHS organization is responsible for the compliance of its delegate and sub-recipient organizations with the DBA. Contractors and sub-contractors working for delegate or sub-recipient organizations on projects funded whole or in part by federal funding are required to meet the requirements of the DBA.

Wipfli strongly recommends that each delegate organization and sub-recipient organization receive complete training on these requirements. Wipfli also recommends that the primary HS/EHS organization monitor delegate organization and sub-recipient compliance.

- Develop and deliver training to delegate agencies and sub-recipients on the requirements of Davis-Bacon compliance for HS/EHS organizations. These organizations must perform the same compliance monitoring activities with contractors that the primary organization would perform, as detailed in this toolkit. This includes processes for:
 - Obtaining wage determinations
 - Contract development and contracting with contractors
 - Delivery of the necessary contractor education material
 - Certified payroll collection and review processes
 - Inspection / compliance requirements
 - Document retention requirements, including the storage of certified payroll documents

Editor's note: Wipfli suggests that the primary HS/EHS organization require delegate agencies or sub-recipients to contact them regarding any projects or work that might fall into one of the four categories described in A. Applicability. The primary Head Start organization could lend assistance in determining if Davis-Bacon Act requirements apply to the project or situation. Delegate agencies or sub-recipients should inform the primary Head Start organization of all projects subject to Davis-Bacon compliance.

- ❑ Review the grant award and determine if the delegate organization or sub-recipient has any planned construction activity that meets one of the three categories described in A. Applicability. If so, perform the following:
 - Review the delegate organization or sub-recipient's processes for the process areas listed in the previous step.
 - Determine the anticipated start and end dates for the project and plan monitoring checkpoints with the delegate organization or sub-recipient.
 - Monitor delegate or sub-recipient compliance on a routine bases (weekly or monthly, depending on the length of the project). This monitoring should include reviews of:
 - Contracts and contract clauses, confirming that the contracts include the Davis-Bacon clauses as required.
 - Samples of certified payrolls received from contractors, including verification of payment of prevailing wages and weekly pay to laborers and mechanics.
 - Compliance review documentation from delegate or sub-recipient contactor interviews or other compliance checks.
 - Documentation retention and storage processes.
 - Document the process for collecting certified payrolls from contractors.
 - Perform a post-project review, confirming compliance with all Davis-Bacon requirements.

F. CONSTRUCTION PROJECT PROCESSES – DURING PLANNING

Managing construction related projects can be challenging, as they often fall outside the expertise required in our day to day work. While there are many steps to effective construction management, Wipfli recommends that the following activities take place on all construction projects.

- ❑ Closely review all construction contracts prior to project initiation.

Editor's note: Thorough contract review is an often overlooked area that can result in additional expenses or cost overruns for the organization.

- Some recommended areas of consideration are:
 - Davis-Bacon clauses. If the project is subject to Davis-Bacon compliance, confirm that the required clauses are present.

- Change management procedures. What is the process for change orders and what approvals will be required before the change can be implemented. Change orders can often result in cost increases.
- Materials and expense management. How will contractors communicate potential or expected materials cost over-runs.
- Define invoice interval and detail requirements. Make certain the contractor will provide enough detail to meet your accounting process requirements, as well as allow the matching of invoiced activity with certified payroll forms.

Project Management

Define communication and management expectations with the contractor at the beginning of the project.

- If the project is subject to Davis-Bacon compliance, complete the recommended contractor education components well in advance of the beginning of the project. If this was completed as part of the bidding process, confirm that the contractor has no questions.
- Assign someone within the organization as the primary point of contact for the contractor. When overlooked this will lead to confusion and wasted time.
- Schedule routine status calls or meetings with the contractor. This gives them an opportunity to discuss any developing issues, and also allow the organization to ask questions about progress, etc. The timing of these calls will vary based on the length and complexity of the project.

II. CONSTRUCTION

Editor's note: This phase addresses steps that are required for each project subject to Davis-Bacon compliance. These will be repeated, and a review of these steps is recommended prior to beginning a new project.

A. CONTRACTOR EDUCATION PROGRAM

- Prepare a contractor education plan
 - Consider developing a *DAVIS-BACON COMPLIANCE INFORMATION FOR CONTRACTORS* packet. This may serve as a training tool for use with contractors.
 - Address all Davis-Bacon compliance requirements expected of your contractors, including the following areas:
 - Department of Labor 29 CFR 5.5 contract clauses as included in the Request for Bid (RFB) and/or contract language.
 - Review the weekly payroll requirements, addressing that there are no exceptions to either prevailing wage (for a specific job classification) or weekly pay.
 - Review the guidelines around apprenticeship and training programs.

- Review the requirements in regards to weekly certified payroll submission, including:
 - Original signature requirements
 - Hours and wage information requirements
 - WH-347 certified payroll completion instructions
 - Sole proprietor or Owner/Operator requirements, including;
 - Proof of ownership with the first certified payroll submission
 - Requirements for submission of the certified payroll for sole proprietors
 - Posting the WH1321 Poster (in English and Spanish) and applicable wage determinations at the primary worksite, warehouse, or area of the headquarters where all crews have an opportunity to see it.
- Address the compliance and investigation process that contractors should expect, including:
 - The hierarchy of oversight for DBA contracts:
 - US Department of Labor
 - US Department of Health and Human Services
 - The Agency or Head Start Organization
 - Contractors
 - Sub-contractor
- Compliance checks and routine inspections
 - Review of weekly certified payroll reports
 - On-site / job-site interviews with staff
 - The federal government can inspect at-will
 - The federal government will investigate complaints
- Address non-compliance steps that will be taken in the event a contractor does not remedy an issue, including:
 - Initial remediation will be as quick as possible with the goal being to correct the issue.
 - This is still documented, but in most cases there will be no need to report it.
 - Continued non-compliance will result in withholding of payment to the Prime Contractor.
- Contractors are required to comply and assure the compliance of the sub-contractors. Compliance failure on the part of a sub-contractor results in the withholding of payment from the contractor.
- Continued non-compliance past the point of withholding payment may result in:
 - Termination of the contract.
 - Debarment from working on federally funded projects.

B. PROCEDURES - DELIVERY OF SERVICES

- Develop the weekly certified payroll creation and/or collection procedure. This process should address:
 - Documenting the process for collecting certified payrolls from contractors and create a checklist for this process.
 - As payrolls are collected from contractors, update your checklist.

- Develop a process for the weekly review of certified payrolls. This process should address:
 - Review process for contractor and sub-contractor payrolls.
 - Storage of certified payrolls and length of retention.
 - Payrolls should be retained for three years from the date that the final expenditure report is submitted for the current grant year.
- Develop a procedure for monthly or quarterly Davis-Bacon compliance reviews. This process should address:
 - Oversight procedures for Davis-Bacon compliance.
 - Non-compliant vendor reviews and discussions of corrective action.
 - Issue resolution efforts.

C. CONSTRUCTION PROJECT PROCESSES – DURING CONSTRUCTION

Managing construction related projects can be challenging, as they often fall outside the expertise required in your day to day work. Wipfli recommends that the following activities take place on all construction projects, during the construction phase. Given the specific nature of each project, there will be other steps required for effective construction project management, beyond those listed in this guide.

- Routine status reports and communication.

As discussed in the planning category, hold routine status update meetings with your contractor. Topics should include:

- Project progress, issues, or potential cost overruns.
- Follow-up on Davis-Bacon related issues or questions.

- Project inspection

Inspecting construction projects while underway is a necessary component of Davis-Bacon compliance, but is also important in ensuring that your organization receives positive results in its construction efforts.

- Assign someone within the organization to be accountable for inspection activity. Often this responsibility is not assigned and gets overlooked.
- Build Davis-Bacon compliance employee interviews into the process, taking the opportunity to interview workers during your inspection visit (addressed in the following section).
- Ask questions. If there is an area of the project that you are unfamiliar or unsure about, ask questions. You are the customer.

D. INSPECTION / COMPLIANCE

- Fringe benefits verification process.
 - Develop your organization's benefit verification form for contractors.
- Contractor compliance verification process options.
 - Confirm all contracts with sub-contractors contain DBA clauses.
 - Confirm contractor compliance with DB requirements.
 - Daily hours recorded?
 - Weekly pay?
 - Certified payrolls returned weekly, for both contractors and sub-contractors?
 - Create a Contractor Interview form to be used to track the dates of compliance related checks and activities performed.

III. WRAP-UP – POST CONSTRUCTION

Editor's note: This phase also addresses steps that are required for each project subject to Davis-Bacon compliance. As mentioned earlier in this guide, a review of these steps is recommended prior to beginning a new project.

A. DOCUMENT RETENTION APPROACHES

- Determine and implement an approach for document retention.

Editor's note: Documentation can be retained in binders or in an electronic format. Wipfli does not recommend storing information in multiple places across the enterprise, as it can lead to difficulty in collecting for investigators. There may also be state regulations regarding the retention of original physical copies of documentation. In this section the term 'binder' applies to either physical or electronic storage directories.

Recommended binder sections compiling Davis-Bacon supporting information are:

- Procedures
- Certified Payroll Collection
- Payroll Review
- Contractor Compliance Review
- Complaints Investigation and Follow-up
 - Certified Payroll Tracking
 - Weekly tracking coversheets
 - Copies of certified payrolls
 - Inspection / Compliance Records
 - Routine review documentation
 - Issues follow-up and correction documentation (driven by certified payrolls)
 - Routine inspection forms by contractor

- Complaints investigation and follow-up

B. CONSTRUCTION PROJECT PROCESSES – WRAPPING UP THE PROJECT

The goal of this section is effective project closure – through efficient documentation, review, and retention steps. Wipfli recommends that the following activities take place on all construction projects, during the project wrap-up phase.

Project completion steps

The following activities should take place at the end of any construction project subject to Davis-Bacon compliance. Any gaps discovered should be resolved as soon as possible.

Editor's note: Many organizations conduct these reviews prior to making the final payment to the contractor. This provides some incentive for the contractor to work with the organization to close any gaps. If an employee of the contractor did not receive the prevailing wage that she or he was entitled to, the organization is required to withhold payment until the employee receives the prevailing wage owed.

- Confirm that all certified payrolls have been received and are in sequential order, by payroll number.
- Confirm that all certified payrolls have been reviewed.
- Confirm that all open issues with certified payrolls have been addressed by the contractor, especially any situations where retro pay was required to bring an employee up to prevailing wage.
- Review all contractor interview reports, confirm that issues discovered during contractor interviews were resolved and that all employees received prevailing wage.
- Review the project binder for this construction project and confirm that all necessary documentation is accounted for.
- Store all documentation related to the project in compliance with the organization's records retention policy and the requirements of the Davis-Bacon Act.

REFERENCE MATERIALS

45 CFR 1303.11 Head Start Davis Bacon Requirement

https://www.ecfr.gov/cgi-bin/text-idx?SID=e1602568a3e87752f27901b88c20b7d1&mc=true&node=pt45.4.1303&rgn=div5#se45.4.1303_111

45 CFR Part 75 - DHHS Uniform Guidance

<https://www.ecfr.gov/cgi-bin/text-idx?SID=e1602568a3e87752f27901b88c20b7d1&mc=true&node=pt45.1.75&rgn=div5>

Consumer Price Index (CPI) Report

This can be found on the Bureau of Labor Statistics website, under Data Tools / Top Picks / Price Indexes / CPI for All Urban Consumers (CPI-U) 1982-84=100 (Unadjusted) - CUUR0000SA0. Suggested filters, if requested by the site:

All Urban Consumers (CPI-U)
Series ID: CUUR0000SA0
U.S. city average
All items
1982-84=100

Editor's Note: You will be taken to an external site to access the CPI information. Please write down the filters provided above to easily access the report once at the external site.

Davis-Bacon Act, as amended (Dept. of Labor publication)

<https://www.dol.gov/whd/regs/statutes/dbra.pdf>

Davis-Bacon Regulations - 29 CFR Part 5

<https://www.ecfr.gov/cgi-bin/text-idx?SID=c50a87830b617119e2eeb38a96d464fa&mc=true&node=pt29.1.5&rgn=div5>

Davis-Bacon Regulations - 29 CFR Part 5.5 Contract provisions and related matters

https://www.ecfr.gov/cgi-bin/text-idx?SID=c50a87830b617119e2eeb38a96d464fa&mc=true&node=pt29.1.5&rgn=div5#se29.1.5_15

Department of Labor Field Operations Handbook (FOH)

Chapter 15: Davis-Bacon and Related Acts and Contract Work Hours and Safety Standards Act

<https://www.dol.gov/whd/FOH/>

Improving Head Start for School Readiness Act for 2007 (Head Start Act)

Administration for Children & Families publication

(This also where you will find Sec. 644(g)(3) Prevailing Wage Requirement)

https://eclkc.ohs.acf.hhs.gov/hslc/standards/law/HS_Act_2007.pdf

Office of Management & Budget (OMB) Compliance Supplement

Head Start CFDA No = 93.600

<https://www.whitehouse.gov/omb/information-for-agencies/circulars>

OHS Monitoring Protocols

<https://eclkc.ohs.acf.hhs.gov/hslc/grants/monitoring/review-protocols.html>

Prevailing Labor Rates (Wage Determinations)

<https://www.wdol.gov/dba.aspx>

WH347 Payroll Form and Instructions

<https://www.dol.gov/whd/forms/wh347instr.htm>

WH1321 Davis-Bacon Act Poster

English - <https://www.dol.gov/whd/programs/dbra/wh1321.htm>

Spanish - <https://www.dol.gov/whd/regs/compliance/posters/davispan.pdf>

"General Decision Number: KS20220061 09/02/2022

Superseded General Decision Number: KS20210061

State: Kansas

Construction Type: Building

Counties: Jackson, Osage and Wabaunsee Counties in Kansas.

BUILDING CONSTRUCTION PROJECTS (does not include single family homes or apartments up to and including 4 stories).

Note: Contracts subject to the Davis-Bacon Act are generally required to pay at least the applicable minimum wage rate required under Executive Order 14026 or Executive Order 13658. Please note that these Executive Orders apply to covered contracts entered into by the federal government that are subject to the Davis-Bacon Act itself, but do not apply to contracts subject only to the Davis-Bacon Related Acts, including those set forth at 29 CFR 5.1(a)(2)-(60).

If the contract is entered into on or after January 30, 2022, or the contract is renewed or extended (e.g., an option is exercised) on or after January 30, 2022:	. Executive Order 14026 generally applies to the contract. . The contractor must pay all covered workers at least \$15.00 per hour (or the applicable wage rate listed on this wage determination, if it is higher) for all hours spent performing on the contract in 2022.
If the contract was awarded on or between January 1, 2015 and January 29, 2022, and the contract is not renewed or extended on or after January 30, 2022:	. Executive Order 13658 generally applies to the contract. . The contractor must pay all covered workers at least \$11.25 per hour (or the applicable wage rate listed on this wage determination, if it is higher) for all hours spent performing on that contract in 2022.

The applicable Executive Order minimum wage rate will be adjusted annually. If this contract is covered by one of the Executive Orders and a classification considered necessary for performance of work on the contract does not appear on this wage determination, the contractor must still submit a conformance request.

Additional information on contractor requirements and worker protections under the Executive Orders is available at <https://www.dol.gov/agencies/whd/government-contracts>.

Modification Number	Publication Date
0	01/07/2022
1	02/18/2022
2	02/25/2022
3	04/15/2022
4	06/03/2022
5	06/17/2022
6	09/02/2022

BRKS0015-011 06/01/2020		
	Rates	Fringes
TILE SETTER.....	\$ 36.79	15.78

BRKS0015-012 04/01/2020		
	Rates	Fringes
BRICKLAYER.....	\$ 36.83	19.65

BRKS0015-014 06/01/2020		
	Rates	Fringes

TILE FINISHER.....	\$ 17.99	.91

ELEC0226-003 09/01/2021		
	Rates	Fringes
ELECTRICIAN.....	\$ 33.25	18.89

ENGI0101-040 04/01/2016		
	Rates	Fringes
POWER EQUIPMENT OPERATOR:		
Bobcat/Skid Steer/Skid		
Loader.....	\$ 37.63	15.97
Oiler.....	\$ 32.08	15.97
Paver (Asphalt, Aggregate, and Concrete).....	\$ 38.44	15.97

* IRON0010-018 04/01/2022		
	Rates	Fringes
IRONWORKER		
(Ornamental/Reinforcing).....	\$ 35.50	32.68

LAB01290-013 04/01/2022		
	Rates	Fringes
LABORER		
Mason Tender - Brick.....	\$ 31.10	18.05

PAIN2012-008 04/01/2020		
	Rates	Fringes
PAINTER (Brush, Roller, and Spray).....		
	\$ 32.91	17.86

PLUM0441-016 06/01/2022		
	Rates	Fringes
PIPEFITTER (HVAC Pipe Installation Only).....		
	\$ 38.63	19.21

PLUM0441-017 06/01/2022		
	Rates	Fringes
PLUMBER.....		
	\$ 38.63	19.21

PLUM0533-012 06/01/2016		
	Rates	Fringes
PIPEFITTER (Excludes HVAC Pipe Installation).....		
	\$ 45.33	19.32

ROOF0020-021 06/01/2022		
	Rates	Fringes
ROOFER.....		
	\$ 36.75	20.99

SHEE0002-011 07/01/2019		
	Rates	Fringes
SHEET METAL WORKER (HVAC Duct Installation Only).....		
	\$ 43.89	23.50

SHEE0002-012 07/01/2021		
	Rates	Fringes
SHEET METAL WORKER (Excludes HVAC Duct Installation).....		
	\$ 47.19	24.44

TEAM0541-010 04/01/2020		
	Rates	Fringes
TRUCK DRIVER (Lowboy Truck).....		
	\$ 34.29	15.25

TEAM0541-011 04/01/2020

	Rates	Fringes
TRUCK DRIVER (Semi-Trailer Truck).....	\$ 34.29	15.25

SUKS2015-030 07/08/2015

	Rates	Fringes
ASBESTOS WORKER/HEAT & FROST INSULATOR.....	\$ 23.95	11.59
CARPENTER.....	\$ 22.72	6.54
CEMENT MASON/CONCRETE FINISHER...\$	21.01	3.31
IRONWORKER, STRUCTURAL.....\$	29.00	25.35
LABORER: Common or General.....\$	19.31	9.42
LABORER: Mason Tender - Cement/Concrete.....\$	17.86	1.01
OPERATOR: Backhoe/Excavator/Trackhoe.....\$	26.69	7.01
OPERATOR: Bulldozer.....\$	33.12	13.96
OPERATOR: Crane.....\$	33.19	14.16
OPERATOR: Forklift.....\$	34.83	14.16
OPERATOR: Grader/Blade.....\$	31.05	13.26
OPERATOR: Loader.....\$	30.35	12.04
OPERATOR: Roller.....\$	33.78	13.64
TRUCK DRIVER: Dump (All Types)...\$	25.50	10.38

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

=====
Note: Executive Order (EO) 13706, Establishing Paid Sick Leave for Federal Contractors applies to all contracts subject to the Davis-Bacon Act for which the contract is awarded (and any solicitation was issued) on or after January 1, 2017. If this contract is covered by the EO, the contractor must provide employees with 1 hour of paid sick leave for every 30 hours they work, up to 56 hours of paid sick leave each year. Employees must be permitted to use paid sick leave for their own illness, injury or other health-related needs, including preventive care; to assist a family member (or person who is like family to the employee) who is ill, injured, or has other health-related needs, including preventive care; or for reasons resulting from, or to assist a family member (or person who is like family to the employee) who is a victim of, domestic violence, sexual assault, or stalking. Additional information on contractor requirements and worker protections under the EO is available at <https://www.dol.gov/agencies/whd/government-contracts>.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29CFR 5.5 (a) (1) (ii)).

The body of each wage determination lists the classification and wage rates that have been found to be prevailing for the cited type(s) of construction in the area covered by the wage determination. The classifications are listed in alphabetical order of "identifiers" that indicate whether the particular rate is a union rate (current union negotiated rate for local), a survey rate (weighted average rate) or a union average rate (weighted union average rate).

Union Rate Identifiers

A four letter classification abbreviation identifier enclosed in dotted lines beginning with characters other than "SU" or "UAVG" denotes that the union classification and rate were prevailing for that classification in the survey. Example: PLUM0198-005 07/01/2014. PLUM is an abbreviation identifier of the union which prevailed in the survey for this classification, which in this example would be Plumbers. 0198 indicates the local union number or district council number where applicable, i.e., Plumbers Local 0198. The next number, 005 in the example, is an internal number used in processing the wage determination. 07/01/2014 is the effective date of the most current negotiated rate, which in this example is July 1, 2014.

Union prevailing wage rates are updated to reflect all rate changes in the collective bargaining agreement (CBA) governing this classification and rate.

Survey Rate Identifiers

Classifications listed under the "SU" identifier indicate that no one rate prevailed for this classification in the survey and the published rate is derived by computing a weighted average rate based on all the rates reported in the survey for that classification. As this weighted average rate includes all rates reported in the survey, it may include both union and non-union rates. Example: SULA2012-007 5/13/2014. SU indicates the rates are survey rates based on a weighted average calculation of rates and are not majority rates. LA indicates the State of Louisiana. 2012 is the year of survey on which these classifications and rates are based. The next number, 007 in the example, is an internal number used in producing the wage determination. 5/13/2014 indicates the survey completion date for the classifications and rates under that identifier.

Survey wage rates are not updated and remain in effect until a new survey is conducted.

Union Average Rate Identifiers

Classification(s) listed under the UAVG identifier indicate that no single majority rate prevailed for those classifications; however, 100% of the data reported for the classifications was union data. EXAMPLE: UAVG-OH-0010 08/29/2014. UAVG indicates that the rate is a weighted union average rate. OH indicates the state. The next number, 0010 in the example, is an internal number used in producing the wage determination. 08/29/2014 indicates the survey completion date for the classifications and rates under that identifier.

A UAVG rate will be updated once a year, usually in January of each year, to reflect a weighted average of the current negotiated/CBA rate of the union locals from which the rate is based.

WAGE DETERMINATION APPEALS PROCESS

1.) Has there been an initial decision in the matter? This can be:

- * an existing published wage determination
- * a survey underlying a wage determination
- * a Wage and Hour Division letter setting forth a position on a wage determination matter
- * a conformance (additional classification and rate) ruling

On survey related matters, initial contact, including requests for summaries of surveys, should be with the Wage and Hour National Office because National Office has responsibility for the Davis-Bacon survey program. If the response from this initial contact is not satisfactory, then the process described in 2.) and 3.) should be followed.

With regard to any other matter not yet ripe for the formal process described here, initial contact should be with the Branch of Construction Wage Determinations. Write to:

Branch of Construction Wage Determinations
 Wage and Hour Division
 U.S. Department of Labor
 200 Constitution Avenue, N.W.
 Washington, DC 20210

2.) If the answer to the question in 1.) is yes, then an interested party (those affected by the action) can request review and reconsideration from the Wage and Hour Administrator (See 29 CFR Part 1.8 and 29 CFR Part 7). Write to:

Wage and Hour Administrator
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

The request should be accompanied by a full statement of the interested party's position and by any information (wage payment data, project description, area practice material, etc.) that the requestor considers relevant to the issue.

3.) If the decision of the Administrator is not favorable, an interested party may appeal directly to the Administrative Review Board (formerly the Wage Appeals Board). Write to:

Administrative Review Board
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

4.) All decisions by the Administrative Review Board are final.

=====

END OF GENERAL DECISIO"

U.S. Department of Labor
Wage and Hour Division

PAYROLL

(For Contractor's Optional Use; See Instructions at www.dol.gov/whd/forms/wh347instr.htm)



Rev. Dec. 2008

Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

OMB No.: 1235-0008
Expires: 07/31/2024

NAME OF CONTRACTOR		OR SUBCONTRACTOR		ADDRESS															
PAYROLL NO.		FOR WEEK ENDING		PROJECT AND LOCATION								PROJECT OR CONTRACT NO.							
(1) NAME AND INDIVIDUAL IDENTIFYING NUMBER (e.g., LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER) OF WORKER	(2) NO. OF WITHHOLDING EXEMPTIONS	(3) WORK CLASSIFICATION	OT OR ST.	(4) DAY AND DATE							(5) TOTAL HOURS	(6) RATE OF PAY	(7) GROSS AMOUNT EARNED	(8) DEDUCTIONS					(9) NET WAGES PAID FOR WEEK
				HOURS	MON	TUE	WED	THU	FRI	SAT				SUN	FICA	WITH- HOLDING TAX	OTHER	TOTAL DEDUCTIONS	
			O										/						
			S										/						
			O										/						
			S										/						
			O										/						
			S										/						
			O										/						
			S										/						
			O										/						
			S										/						

While completion of Form WH-347 is optional, it is mandatory for covered contractors and subcontractors performing work on Federally financed or assisted construction contracts to respond to the information collection contained in 29 C.F.R. §§ 3.3, 5.5(a). The Copeland Act (40 U.S.C. § 3145) contractors and subcontractors performing work on Federally financed or assisted construction contracts to "furnish weekly a statement with respect to the wages paid each employee during the preceding week." U.S. Department of Labor (DOL) regulations at 29 C.F.R. § 5.5(a)(3)(ii) require contractors to submit weekly a copy of all payrolls to the Federal agency contracting for or financing the construction project, accompanied by a signed "Statement of Compliance" indicating that the payrolls are correct and complete and that each laborer or mechanic has been paid not less than the proper Davis-Bacon prevailing wage rate for the work performed. DOL and federal contracting agencies receiving this information review the information to determine that employees have received legally required wages and fringe benefits.

Public Burden Statement

We estimate that it will take an average of 55 minutes to complete this collection, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding these estimates or any other aspect of this collection, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S3502, 200 Constitution Avenue, N.W. Washington, D.C. 20210

Date _____

I, _____
(Name of Signatory Party) (Title)

do hereby state:

(1) That I pay or supervise the payment of the persons employed by

_____ on the
(Contractor or Subcontractor)

_____;
(Building or Work)

_____ day of _____, _____, and ending the _____ day of _____, _____,
all persons employed on said project have been paid the full weekly wages earned, that no rebates have
been or will be made either directly or indirectly to or on behalf of said

_____ from the full
(Contractor or Subcontractor)

weekly wages earned by any person and that no deductions have been made either directly or indirectly
from the full wages earned by any person, other than permissible deductions as defined in Regulations, Part
3 (29 C.F.R. Subtitle A), issued by the Secretary of Labor under the Copeland Act, as amended (48 Stat. 948,
63 Stat. 108, 72 Stat. 967; 76 Stat. 357; 40 U.S.C. § 3145), and described below:

(2) That any payrolls otherwise under this contract required to be submitted for the above period are
correct and complete; that the wage rates for laborers or mechanics contained therein are not less than the
applicable wage rates contained in any wage determination incorporated into the contract; that the classifications
set forth therein for each laborer or mechanic conform with the work he performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide apprenticeship
program registered with a State apprenticeship agency recognized by the Bureau of Apprenticeship and
Training, United States Department of Labor, or if no such recognized agency exists in a State, are registered
with the Bureau of Apprenticeship and Training, United States Department of Labor.

(4) That:

(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS

— in addition to the basic hourly wage rates paid to each laborer or mechanic listed in
the above referenced payroll, payments of fringe benefits as listed in the contract
have been or will be made to appropriate programs for the benefit of such employees,
except as noted in section 4(c) below.

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

— Each laborer or mechanic listed in the above referenced payroll has been paid,
as indicated on the payroll, an amount not less than the sum of the applicable
basic hourly wage rate plus the amount of the required fringe benefits as listed
in the contract, except as noted in section 4(c) below.

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION

REMARKS:

NAME AND TITLE	SIGNATURE

THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR
SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION. SEE SECTION 1001 OF TITLE 18 AND SECTION 3729 OF
TITLE 31 OF THE UNITED STATES CODE.

Direct RFPs to the following Architect or Landscape/Architect contractors:

BG Consultants

Attn: Clint Hibbs, AIA, Leed AP
4806 Vue Du Lac Place
Manhattan, KS 66503
Phone: (785) 712-2750
Email: clint.hibbs@bgcons.com

NSPJ Architects

3515 W. 75th Street, Suite 201
Prairie Village, Kansas 66208
Phone: (913) 831-1415

Thirdspace Design/Build

9082 Parkhill St.
Lenexa, KS 66215
Phone: (913) 717-9281

Athco, L.L.C.

13500 W 108th St.
Lenexa, KS 66215
Phone: (800) 255-1102
Email: athco@athcolle.com

Lorax Design Group

8021 Sante Fe Dr. #200
Overland Park, KS 66204
Phone: (913) 972-7244

Falk Architects, Inc.

308 SW Van Buren St.
Topeka, KS 66603
Phone: 785-691-9958
Email: Brian@falk-architects.com

Hoke Ley Architecture & Design

832 Pennsylvania St.
Lawrence, KS 66044
Phone: (816) 446-0456

Schneider & Associates

2859 Four Wheel Dr. #16B
Lawrence, KS 66047
Phone: (785) 841-3752

Sabatini Architects
730 New Hampshire St. #233
Lawrence, KS 66044
(785) 331-3399
hello@sabatiniarchitects.com

Hernly Associates, Inc.
1100 Rhode Island St.
Lawrence, KS 66044
Phone: (785) 749-5806
Email: Stan@hernly.com

All By Design KC
9407 Hardy St.
Overland Park, KS 66212
Phone: (913) 325-5003
Email: allbydesignkc@gmail.com

Kansas City Landscaping & Construction
12829 King St.
Overland Park, KS 66213
Phone: (913) 908-4397
Email: klandscapingandconstruction@gmail.com

Constructive Playthings
Attn: Sandy Patchen
13201 Arrington Rd
Grandview, MO 64030
(816) 761-5900
Email: spatchen@constructiveplaythings.com

Lakeshore Learning Materials
2695 E. Dominquez Street
Carson, CA 90895
Attn: Derek Krogh
Phone: (800) 421-5354
Email: dkrogh@lakeshorelearning.com

Grimm's Gardens
2991 Goldfinch Rd
Hiawatha, KS 66434
Phone: 888-459-2586

Playworld
P.O. Box 902008
Kansas City, MO 64190

Ksquared Landscapes
4996 Skyline Dr.
Roeland Park, KS 66205
Phone: (913) 815-0322
Email: info@ksquaredlandscapes.com

Paul Werner Architects
123 W. 8th St.
Lawrence, KS 66044
Phone: (785) 832-0804
Email: info@paulwernerarchitects.com