

WDOL.gov User's Guide (Ver 6.0)

A. Overview

1. WDOL.GOV - General

- a. Purpose: This website provides a single location for federal contracting officers to use in obtaining appropriate Service Contract Act (SCA) and Davis-Bacon Act (DBA) wage determinations (WDs) for each official contract action - new solicitations, resolicitations, options, extensions, or any other action requiring the most current and applicable WD. The website is available to the general public as well. Guidance in selecting WDs from this website is provided in this WDOL.GOV User's Guide. Alternatively, contracting officers may also use the Department of Labor's (DOL's) "e98" website to submit a request for SCA WDs for use on official contract actions. In some instances, the WDOL.GOV Program will *not* contain the appropriate SCA WD and contracting officers will be directed to use DOL's e98 website in order to obtain the required SCA WD. DOL will either provide the contracting officer with an SCA WD through the e98 system or advise them that no wage determination is applicable to the contract. Questions pertaining to the application of contract labor standards or the selection of appropriate WDs for specific contract actions should be referred to the contracting officer or to the designated Agency Labor Advisor who, in turn, may refer the question to DOL. DOL has responsibility for final rulings regarding coverage and WDs under SCA and DBA. Questions pertaining to this website should be referred to the WDOL.GOV Webmaster. Questions pertaining to DOL's e98 website should be referred to DOL.
- b. Responsibility: The WDOL.GOV Program and this User's Guide does not relieve the contracting officer, or other program user, of the requirement to carefully review the contract or solicitation, the Federal Acquisition Regulation (FAR) and its Supplements, other federal agency acquisition regulations, or the DOL regulations related to these actions. **If DOL discovers and determines, whether before or after contract award, that a contracting officer failed to include an appropriate SCA or DBA WD in a covered contract, the contracting officer, within 30 days of notification by DOL, shall include in the contract the applicable WD issued by DOL. (Reference Title 29 CFR Part 1, Section 1.6(f); Part 4, Sections 4.5(c) (2) and 4.101(b); and FAR Part 22, Subsection 22.404-9 and Section 22.1015).**

- c. Description of the WDOL Program: The WDOL.GOV Program is designed to direct the user to the appropriate WD for a specific contract action. The user must complete a series of menus (questions) pertaining to that contract action in order to obtain a copy of the applicable WD. If the user does not enter the correct information in the menu process for the specific contract action, they may receive an incorrect WD for the proposed contract action. The WDOL.gov program is best used with Internet Explorer Version 5.0 or greater capability. Questions pertaining to a specific contract action should be referred to the responsible contracting officer. Caution: Users should know the details of the solicitation, including the statement of work, predecessor contract(s) if any, locality (state and county) where the work will be performed, and the contracting agency and officer, in order to select the correct SCA or DBA WD for any specific contract action.
- d. Who May Use the WDOL.GOV Program: Federal, state, and local contracting agencies, contractors, labor organizations, contractor associations, employees, and all other interested parties may use the WDOL.GOV Program. Review the User's Guide carefully, and use the resources on the WDOL.GOV Library Page to learn about the application of contract labor standards, and contact the specific contracting officer and/or the agency labor advisor for advice and guidance. *Users should note that the only WDs applicable to a particular solicitation or contract are those that have been incorporated by the contracting officer in that contract action.*
- e. Using DOL's "e98" Process: Contracting officers may elect to use the e98 request form for any SCA-covered contract action. Also, if a contracting officer cannot determine an appropriate SCA WD within the WDOL.GOV database for use in an official federal contract action, the contracting officer must request an official SCA WD from DOL by completing the "e98" at DOL's website. Most requests are processed immediately. Some requests will require research and DOL may need additional time to respond. DOL's "e98" website is solely for the use of federal contracting officers. General inquiries from interested parties may be directed to WHD-TheWiz@dol.gov.

B. Service Contract Act: Regulations and Requirements

1. SCA - Statute and Regulations. The WDOL.GOV Library Page contains a link to DOL's website and to a copy of the statute (41 U.S.C. 351-358) and the pertinent SCA regulations (Title 29 CFR Part 4, *Labor Standards for Federal Service Contracts*). Other DOL regulations address related requirements, for example: Title 29 CFR Part 541 for the definition of the exemption for "executive, administrative, or professional employees"; Title 29 CFR Part 785 for regulations defining "hours worked"; Title 29 CFR Part 531 for regulations defining "wages"; and Title 29 CFR Part 778 for regulations defining overtime or premium pay for workers working in excess of a standard workweek.
2. Federal Acquisition Regulations (FAR) and Supplements. The WDOL.GOV Library Page contains links to federal acquisition regulations including the supplements issued by each federal contracting agency. WDOL.GOV users are urged to familiarize themselves not only with DOL regulations, but also with the pertinent acquisition regulations pertaining to specific contract actions (including statements of work, modifications to the contract, options, extensions, and similar actions).
3. Application of SCA. SCA establishes standards for prevailing compensation and safety and health protections for employees performing work for contractors and subcontractors on service contracts entered into with the federal government and with the District of Columbia. SCA provisions are applicable to contracts the principal purpose of which is to

provide services in the United States through the use of service employees.

4. SCA Wage and Benefit Requirements

- a. For service contracts \$2,500 and under, SCA Section 2(b)(1) requires payment of the minimum wage in the Fair Labor Standards Act (reference FAR Section 22.1002-4).
- b. For service contracts over \$2,500, SCA requires the contracting officer to incorporate into the contract a requirement to pay prevailing wages and benefits issued by DOL in the form of "wage determinations" (reference FAR Sections 22.1006, 22.1007 & 22.1008).

5. Types of SCA WDs. The WDOL.GOV database contains the latest WDs developed by the DOL. The SCA database is updated each Tuesday (by 1:00 pm ET) with all current revisions. DOL issues two types of SCA WDs - prevailing wage WDs, and WDs based on Collective Bargaining Agreements (CBAs) covered by SCA Section 4(c).

- a. Prevailing Wage SCA WDs. There are several sub-types of "prevailing" WDs as follows:

1. Standard WDs are generic WDs listing over 300 different classifications (from several occupational groups, e.g., Clerical and Administrative, Technical Occupations, Information and Arts, Transportation). Each Standard WD reflects wages and fringe benefits found by DOL to be prevailing in a specific locality¹. The wage rates and health and welfare (H&W) rates are the same on each Standard WD for a locality. However, the method by which a contractor must comply with the H&W rate is different². Compliance with the H&W rate on all "odd numbered" Standard WDs (i.e., WD No. 2005-2103 or WD No. 2005-2113) requires payment of the minimum H&W rate for each hour paid for each employee, up to a maximum of 40 hours per week. [See 29 CFR 4.175(a)] Compliance with the H&W rate on all "even numbered" Standard WDs (i.e., WD No. 2005-2104 or WD No. 2005-2114) requires the contractor to contribute an average of the stated H&W rate per hour, computed on the basis of all hours worked by service employees on the contract. [See 29 CFR 4.175(b)] The latter method, "average cost H&W", was specified on WDs with the old "high benefit" rate that was grandfathered as part of the 1996 DOL rulemaking. (See "All Agency Memorandum No. 188" dated May 22, 1997 on the WDOL.gov Library Page and 29 CFR 4.52(d)). When the survey data for odd numbered ("per employee") WD exceeded the grandfathered "high benefit" rate of \$2.56 per hour, the Department of Labor increased the fringe benefit rates on all WDs to reflect the new survey data; however, DOL also retained the two different methods for determining compliance. The averaging H&W methodology continued to be applied to contracts for which the old \$2.56 high benefit rate had been applicable (see AAM No. 196 on the WDOL.gov Library Page).

When selecting a Standard WD, the contracting officer must select the Standard WD with the appropriate health and welfare method. The guidelines for selection are as follows:

- a. First Guideline: Were the services previously performed under a contract that incorporated an even numbered Standard WD? If so, for all following contract periods and follow-on contracts for substantially the same services that will be performed in the same locality, select the even numbered Standard WD for that same locality. [Reference -- 29 CFR 4.52(d)] When following the current WD selection menu, this is the reason

for the question regarding whether the services were "performed under an SCA wage determination that ends in an even number".

- b. Second Guideline: If the services were not previously performed under contract using an even numbered Standard WD, or if the services were not previously performed under an SCA-covered contract, then select the odd numbered Standard WD for that locality. When following the current WD selection menu, answering the menu questions correct should obtain the odd numbered WD response.
 - c. Hawaii. Because Hawaii state law requires the payment of health insurance, SCA H&W rates are different in Hawaii, but the application of the two levels is the same as noted in the above paragraphs.
 - d. WDOL.gov "Selecting SCA WDs" process asks the user to identify if the services were previously performed at the locality in an SCA-covered contract, and if in the preceding contract or contract period the Standard WD was odd or even numbered. Therefore, it is necessary to know the WD "history" of a service contract requirement, even if the contract was awarded or administered by a different contracting activity, including those that will be awarded by a different government agency. If you have any questions regarding the appropriate H&W level to select for a specific contract action, contact the contracting officer or the designated agency labor advisor for assistance.
2. Non-Standard WDs. Non-Standard WDs are issued by DOL to reflect prevailing wages and benefits in specific service industries in designated localities. Non-Standard WDs may not be used in contracts for services other than those specified in the Non-Standard WD description; conversely, Standard WDs may not be used in contracts designated for Non-Standard WDs. In the WDOL.GOV Program selection process, the user will be asked to determine if the contract services are "non-standard" as designated by DOL. The menu will provide a drop-down listing of such designated Non-Standard services. The WDOL.GOV User's Guide provides a listing of non-standard services at "[Appendix A, SCA Non-Standard WDs](#)".
 3. Contract-Specific or Special SCA WDs. There are a few, unique service contracts where DOL will issue contract-specific wage and benefit rates under SCA. An example of a contract-specific WD is a sole-source contract with a county, state or municipality where wages and benefits are already established. The SCA WD applicable to such a contract will be the rates established by the sole-source contractor. (Not all sole-source contract actions are subject to a Contract-Specific WD; only those contracts awarded to contractors similar to government organizations.) If a contracting officer has determined that neither a Standard WD nor a Non-Standard WD is appropriate for a particular contract action, the contracting officer should request an appropriate contract specific or special WD from DOL using the e98 system. DOL has sole authority to determine the appropriate wage and benefit rates for each contract action and will either issue a WD reflecting such rates or notify the contracting agency that there is no wage determination applicable to the contract.

b. SCA WDs Based on Collective Bargaining Agreements (CBAs)

1. If a fully executed Collective Bargaining Agreement (CBA) has been established as the predecessor contractor's Collective Bargaining Agreement (CBA) as specified in 29 CFR 4.163(f) and that Collective Bargaining Agreement (CBA) is timely [see section 8 of this guide] received by the contracting officer, the contracting officer must prepare a Collective Bargaining Agreement (CBA) WD that references the Collective Bargaining Agreement (CBA) (by employer, union, contract number and effective dates) and incorporate into the successor contract action the Collective Bargaining Agreement (CBA) (complete copy of the Collective Bargaining Agreement (CBA) and all addenda) along with the Collective Bargaining Agreement (CBA) WD as a cover page. The Collective Bargaining Agreement (CBA) wage and benefit provisions become controlling for wage determination purposes under section 4(c) of the SCA. 29 CFR 4.163(f) states in pertinent part". 4(c) will be operative only if the employees who worked on the predecessor contract were actually paid in accordance with the wage and fringe benefit provisions of a predecessor contractor's collective bargaining agreement. Thus, for example, section 4(c) would not apply if the predecessor contractor entered into a collective bargaining agreement for the first time, which did not become effective until after the expiration of the predecessor contract." Furthermore, DOL All Agency Memorandum 159 provides that Collective Bargaining Agreement (CBA)s that contain prohibited contingencies will not be effective for section 4(c) purposes. Therefore, it is recommended that the Collective Bargaining Agreement (CBA) be carefully reviewed to determine if it should be effective for wage determination purposes under section 4(c) *prior to* utilization of the WDOL process for creating a Collective Bargaining Agreement (CBA)-based wage determination. Thus the Collective Bargaining Agreement (CBA) should be reviewed for (1) timeliness, (2) that it is properly signed & executed by both parties to the Collective Bargaining Agreement (CBA), (3) that it has been properly established as the predecessor contractor's Collective Bargaining Agreement (CBA) under which service employees were paid in the prior period of contract performance, (4) that it does not contain prohibited contingencies per DOL's AAM #159, (5) and that it has been reviewed for possible "variance" under FAR 22.1013 & 22.1021. Lastly, it is important to note that a contractor may be both the predecessor contractor and the successor contractor for wage determination purposes, particularly where option periods and extensions are issued. It is not necessary to send a copy of the Collective Bargaining Agreement (CBA) to DOL. The WDOL.gov database will not contain a copy of the Collective Bargaining Agreement (CBA) itself; it will only retain copies of the cover Collective Bargaining Agreement (CBA) WDs. Contractors and other WDOL.gov users must review specific solicitations or contracts (or contact the contracting officer) in order to determine if a particular Collective Bargaining Agreement (CBA) is applicable under SCA to that action.
2. The WDOL.gov Program menu includes a form for the contracting officer to complete in order to prepare the cover Collective Bargaining Agreement (CBA) WD for each specific contract action, as required by SCA. The contracting officer must prepare a separate Collective Bargaining Agreement (CBA) WD for each SCA-covered Collective Bargaining Agreement (CBA) applicable to a contract action (including separate Collective Bargaining Agreement (CBA) WDs for prime contractor and for subcontractor(s)).

6. Monitoring the WDOL Program for SCA WD Revisions.
 - a. Effective SCA WD revisions are those WDs considered received timely by the contracting agency. See Section 7 of this guide for the timeliness criteria.
 - b. Effective SCA WDs are required to be incorporated into contracts or contract actions. That date will be found as a header at the top of the WD obtained via WDOL.
 - c. Under the WDOL.GOV Program, "receipt" date of a new or revised SCA WD is the first date at which that WD appears on the WDOL.GOV Program SCA Database.
 - d. Under the WDOL Program, DOL will publish all SCA WD revisions for a given week on the WDOL.GOV Program database each Tuesday.
 - e. The contracting officer must monitor the WDOL.GOV Program SCA Database regularly to determine if a selected WD has been revised and may be applicable (timely) to the contract action.
 - f. **WDOL.GOV ALERT SYSTEM.** To ensure that the contracting officer (or other interested party) is aware of revisions made by DOL to SCA WDs (Standard WDs and Non-Standard WDs) selected for a specific contract action, the WDOL.GOV user may register for automatic email notification of such revisions. Upon selection of an appropriate SCA Standard or Non-Standard WD, the user will be offered the opportunity to request email notice of future revisions for a specific period of time, or until a specific date. Contracting officers are encouraged to request this automatic notification process in order to be aware of timely revisions applicable to contract actions.
 1. At the Alert Service menu, the user will be asked to provide an email address for the WDOL.gov to use in providing notification of a revision to a WD. The user may also provide an "alert identifier" which will appear in the WDOL.gov notification and will assist the user in relating the newly revised WD to a specific contract or solicitation, or other area of interest.
 2. Users requesting the Alert Service will receive an email notice each time the selected SCA WD is revised until the Alert Service request expires. **CAUTION:** The Alert Service does not relieve the contracting officer of the obligation under SCA and its regulations to use timely received new or revised SCA WDs in contract actions.
 - g. **Archived SCA WDs.** Once DOL revises an SCA WD, the most current revision will be published on the WDOL.GOV database. Prior revisions, no longer current, will be maintained in the "Archived SCA WD" database for information purposes only. Contracting officers should not use an archived WD in a contract action without prior approval of DOL. Contact DOL at telephone number 866-487-9423.
7. Timely Receipt of New or Revised SCA WDs (Title 29 CFR Part 4, Section 4.5 and FAR Section 22.1012).
 - a. For contract actions resulting from other than sealed bidding:
 1. A revised SCA WD shall be effective if it is received by the contracting agency before date of award (or date of modification for an option or extension).
 2. If a revised WD is received after award, it shall NOT be effective if contract

performance starts less than 30 days from date of award or modification.

3. If a revised WD is received after award and performance starts more than 30 days from award or modification date, the WD (or Collective Bargaining Agreement (CBA)) will be effective if received no later than 10 days prior to start of performance.
 4. With reference to SCA-covered Collective Bargaining Agreement (CBA)s, the contracting officer must provide written notification to unions and contractors (in accordance with Title 29, CFR Part 4, Section 4.1b(b)(3), and FAR Section 22.1010) of the pending contract action and estimated date. A sample letter for notification is provided at WDOL.GOV User's Guide, [Appendix B, FAR 22.1010 Notification](#).
- b. For contract actions resulting from sealed bidding:
1. A revised SCA WD shall NOT be effective if received by the contracting agency less than 10 days prior to opening of bids, unless there is sufficient time to amend the solicitation and incorporate the revised WD.
8. Timely receipt of Collective Bargaining Agreement (CBA)s (Title 29 CFR Part 4, Section 4.1(b) and FAR Section 22.1012).
- a. The obligation of a successor contractor to pay its employees no less than the wages and fringe benefits required under the predecessor contractor's Collective Bargaining Agreement (CBA) is a statutory requirement of SCA Section 4(c). DOL has applied a limitation on the self-executing aspects of Section 4(c) (reference Title 29 CFR Part 4, Section 4.1(b)). This limitation only applies, however, if the contracting officer has given both the incumbent (predecessor) contractor and the employees' collective bargaining representative written notification at least 30 days in advance of all estimated procurement dates. A sample letter for notification is provided at Appendix B, "FAR Section 22.1010 Notification".
- b. For contract actions resulting from other than sealed bidding:
1. A revised Collective Bargaining Agreement (CBA) shall apply to the successor contract if it is received by the contracting agency before the date of award (or date of modification for an option or extension).
 2. If a Collective Bargaining Agreement (CBA) is received after award, it shall NOT apply to the successor contract if contract performance starts less than 30 days from date of award or modification.
 3. If a Collective Bargaining Agreement (CBA) is received after award and performance starts more than 30 days from award or modification date, the Collective Bargaining Agreement (CBA) shall apply to the successor contract if received no later than 10 days prior to start of performance.
- c. For contract actions resulting from sealed bidding:
1. A revised Collective Bargaining Agreement (CBA) shall NOT apply to the successor contract if received by the contracting agency less than 10 days prior to opening of bids, unless there is sufficient time to amend the solicitation and incorporate the revised WD.
9. Conformances (Requesting Authorization of Additional Classification and Rate). DOL

issues WDs under SCA using available statistical data on prevailing wages and benefits in a locality. On occasion, the WD does not provide a rate for a particular occupation needed in the performance of the contract. Because of this, SCA provisions contain a conformance procedure for the purpose of establishing a SCA-enforceable wage and benefit rate for missing occupational classifications.

- a. Contractors are responsible for determining that the employees performing work on a contract are in fact performing duties that fall within one or more of the occupational classifications listed on the applicable SCA WD. If a classification considered necessary for performance of the work is missing from the WD applicable to the contract, the awarded contractor must initiate a request for approval of a proposed wage and benefit rate. Generally, the contractor initiates the request by preparing an **SF-1444, Request for Authorization of Additional Classification and Rate**, at the time of employment of the unlisted classification. (Reference Title 29 CFR Part 4, Section 4.6(b) and FAR 22.1019) The contractor completes blocks 2 through 15 on the form. Requests may be submitted without the form, but must contain the required information.
- b. Contractors must request employees, if present, or their designated representative, to sign block 16 noting the employee's concurrence or disagreement with the contractor's proposed wage and benefit rate. A statement supporting a recommendation for different rates may accompany any indication of disagreement. The "designated representative" is generally a union representative; it cannot be the contractor's representative or personnel officer.
- c. The contractor submits the completed SF-1444 to the contracting officer. The contracting officer reviews the form for completeness, and signs the agency's concurrence or disagreement with the contractor's proposal. A statement supporting a recommendation for different rates may accompany any indication of disagreement.
- d. The contracting officer then submits the request to DOL for approval. The contractor must pay the proposed wage and benefit rate pending response from DOL. When DOL responds to the contracting officer, the contracting officer provides a copy of the response to the contractor with instructions to provide each employee a copy or to post it in the work area (with the applicable WD). The prime contractor must provide a copy of the determination to subcontractor(s), if any, that may employ workers in the conformed classification under the contract. If DOL responds with an approved rate that is higher than the rate proposed by the contractor, the contractor and/or subcontractor(s) must pay such rate retroactive to the start of performance of that classification.
- e. DOL's [Service Contract Act Conformance Guide](#) provides further guidance on the process.

¹ If the user knows the city where the work will be performed, but needs help in identifying the county in which that city is located, the web sites for the [U.S. Geological Survey \(USGS\)](#) and the [National Association of Counties \(NACO\)](#) provide tools that may be used to identify the county.

² SCA Health and Welfare (H&W) Rates. On June 1, 1997, DOL initiated a new methodology to determine an appropriate, single SCA H&W benefit rate for SCA Standard WDs. The new, lower rate, listed on the odd-numbered SCA WDs (i.e., 1994-2103, or 1994-2113), was originally established at \$1.91 per hour, to be revised in stages over several years (each increase to be published annually on June 1st). DOL continued to publish the SCA Standard WDs, even-numbered (i.e., 1994-2104 or 1994-2114), listing the pre-existing, higher H&W rate of \$2.56 per hour until the lower H&W rate reached or exceeded the \$2.56 per hour. The old rate listed on the even-numbered Standard WDs continued to be applicable to certain contract actions in accordance with DOL's "All Agency Memorandum #188" published in the Federal Register on December 30, 1996 (page 68647). DOL will continue to increase both Standard WD H&W rates while

completing a study to determine the appropriate application of the new methodology adopted in 1997. Following the guidance in the Users Guide and the "Selecting SCA WDs" on WDOL.gov will assist the user in obtaining the appropriate WD for specific contract actions."

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Appendix A: SCA Non-Standard WDs

- **Aerial Photographers/Seeding/Spraying Services** - This WD may be used for all contracts for aerial photography, seeding, spraying and transportation of personnel and cargo. It may also be used for fire reconnaissance, fire detecting, mail taxi service, administrative and other flying services. This WD may not be used for scheduled airline transportation, aircraft such as B727, DC-8, or DC-9.
- **Aircraft Services (Large Multi-Engine Aircraft including CNET Postal Contracts)** - This WD may be used for all contracts for aircraft services operating large multi-engine aircraft such as B-727, DC-8, and DC-9. Also included are CNET postal contracts. This WD does not apply to contracts for the modification and/or repair of aircraft with flying as an incidental service.
- **Auto Concession Services** - These WDs may be used for all contracts for Army/Air Force Exchange auto concession services. These may not be used for motor pool services.
- **Baggage Inspection Services** - This WD may be used for all contracts for inspection and screening all passenger baggage and personnel prior to entering passenger terminal.
- **Barber and Beauty Services** - These WDs may be used for all contracts for beautician and barber services. Each occupation class must be licensed in the locality where the WD is applicable.
- **Contract Field Teams-Maintenance Modification of Weapon Systems** - This WD may only be used in contracts for modifications of weapons systems, aircraft, and support systems at government installations for Contract Field Teams.
- **Debt Collection Services** - This WD may be used for contracts for debt collection services in the specified region only.
- **Diver Services** - These WDs may be used for contracts requiring the services of divers or related occupations necessary for the performance of work involving underwater diving.
- **Elevator Services** - These WDs may be used for all contracts for elevator maintenance and repair. These rates and fringe benefits are based on the

International Union of Elevator Constructors (IUEC). These WDs may only be used in the geographic areas identified.

- **Emergency Incident and Fire Safety Services** - This WD may be used for all contracts for emergency incidents, natural disasters, or fire safety services. This WD may not be used for routine ambulance and fire services.
- **Fast Food Services** - These WDs may be used for all contracts for fast food services. These WDs may not be used for mess hall services.
- **Food and Lodging Services** - These WDs may be used for contracts for off-base restaurant and hotel services. These WDs may not be used for on-base mess halls and quarters - use the area-wide WD for those contracts.
- **Forestry and Land Management Services** - These WDs may be used for contracts for use by the Department of Agriculture and the Department of Interior. Additionally, agencies such as the Corps of Engineers may also use these WDs where it is apparent that the site of work is like a "forest", and the land has not been landscaped or cultivated. These WDs may not be used for: surveying, grass cutting, where it will be performed at an installation, an site or golf course, ribes survey, aerial spraying, trash collection, toilet cleanup, routine landscaping and lawn maintenance services.
- **Hazardous Waste Pickup and Disposal Services (Material/Oil and Related Cleanup)** - This WD may be used for all contracts for removal of oil spills, hazardous waste materials, and other related cleanup services. This WD may not be used for contracts requiring substantial earth-moving.
- **Health Physics Technician Services** - This WD may be used for contracts for Department of Energy only.
- **Income Tax Preparation Services** - This WD may be used for all contracts for income tax preparation services.
- **Moving and Storage Services** - This WD may be used only for contracts for moving from one building to another or further distances, for packing and crating. This WD may not be used for contracts for intra-office moves.
- **Quality Assurance Services** - This WD may be used only for contracts for quality assurance inspection services for the U.S. Army Corps of Engineers (continental U.S. only).
- **Residential and Halfway House Services** - These WDs are used when Federal offenders are required to perform care, custody, control, accountability, and treatment, including subsistence. When detention services (i.e., detained aliens, etc.) are required, the area-wide WD must be used.

- **River Transportation** - This WD may be used only on Corps of Engineers contracts for transportation of personnel on inland river ways.
- **Towing and Tender** - These WDs may be used on Corps of Engineers contracts for general towing and tender services on inland waterways.
- **Vessels** - This WD may be used only for Corps of Engineers contracts for special project vessels, tugboats and other coastal vessels (East, Gulf, and West coasts).

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Sample Notification Letter For FAR Section 22.1010

Mr. John Jones, President _
ABC Janitorial Services, Inc.
123 Main Street
Washington DC 12345 _

and

Mr. Harry Smith, Business Representative Laborers
Union Local #10
456 Front Street
Washington DC 12345

Subject: Contract N12345-01-D-1234, Janitorial Services at Naval
Research Laboratories, Washington DC

Dear Sirs:

This letter will serve as notice to you under Federal Acquisition
Regulation Section 22.1010 that the Government is considering . . .

[issuing a modification to exercise the First Option [Second, etc] on],

[issuing a resolicitation of]

[issuing a modification to significantly change the scope of work on]

the subject contract. The [modification, solicitation] may be issued on or
after [date].

If you have any questions, please contact me at (202) 123-4567.

Sincerely,

Ms. April Showers
Contracting Officer

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C. Davis Bacon Act: Regulations and Requirements

1. DBA Statute and Regulations The WDOL.GOV Library Page contains a link to DOL's website and to a copy of the statute (40 U.S.C. 276) and the pertinent DBA regulations (Title 29 CFR Parts 1,3, 5, and 7).
2. FAR and Supplements. The WDOL.GOV Library Page also contains links to federal acquisition_regulations, including the supplements issued by each federal contracting agency. WDOL.GOV users are urged to familiarize themselves not only with DOL regulations, but also with the pertinent acquisition regulations pertaining to specific contract actions requiring construction work
3. Application of DBA. DBA provisions are applicable to contracts in excess of \$2,000 for the construction, alteration and/or repair, including painting and decorating, of a public building or public work. Coverage is described in detail at Title 29 CFR Part 5 and FAR 22.402 and 22.403.
4. DBA WDs Contracting officers and other interested parties may obtain current, official DBA General Wage Decisions (DBA WDs) from the WDOL.GOV Program.
 - a. Under the WDOL Program, DOL will publish all DBA WD revisions for a given week on the WDOL.GOV Program database each Friday. The WDOL.GOV Program will also provide a notice to users of pending revisions to be listed on the next scheduled publishing date (Friday). The pending revisions are found at "DBA WDs to Be Revised Next Friday". The WDOL.GOV Program will also provide a notice to users of pending revisions to be listed on the next scheduled publishing date (Friday). The pending revisions are found at "DBA WDs to Be Revised Next Friday".
 - b. DOL issues DBA WDs reflecting prevailing wages and benefits paid by the construction industry within specific localities. The DBA WDs are further classified by the nature of the construction projects performed, specifically listed as "schedules": residential, building, highway, and heavy construction. A brief outline of the definitions for each schedule is listed below. Further details and examples may be found in DOL's "All Agency Memorandum No. 130 and 131" issued in 1978 (reference the WDOL Library Page).

Building Construction. Includes construction of sheltered enclosures with walk-in access for the purpose of housing persons, machinery, equipment or supplies; all construction of such structures; the installation of utilities and of equipment, both above and below grade levels; as well as incidental grading, utilities and paving. Such structures need not be "habitable" to be building construction. Also, the installation of heavy machinery and/or equipment does not generally change the project's character as a building.

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paving. Such structures need not be "habitable" to be building construction. Also, the installation of heavy machinery and/or equipment does not generally change the project's character as a building.

- Heavy Construction. Includes those projects that are not properly classified as either "building," "highway," or "residential." Unlike these classifications, heavy construction is not a homogenous classification. Because of this catch-all nature, projects within the heavy classification may sometimes be distinguished on the basis of their particular project characteristics, and separate schedules may be issued for dredging projects, water and sewer line projects, dams, major bridges, and flood control projects.
 - Highway Construction. Includes construction, alteration or repair of roads, streets, highways, runways, taxiways, alleys, trails, paths, parking areas, and other similar projects not incidental to building or heavy construction.
 - Residential Construction. Includes the construction, alteration or repair of single-family houses, apartment buildings of no more than four stories in height. This includes all incidental items such as site work, parking areas, utilities, streets, and sidewalks.
 - Some contracts or projects may require more than one general schedule to be included depending on the nature and extent of the work. This is described in more detail in DOL's All Agency Memo No. 131. The contracting agency should provide designate the work to which each wage determination or part thereof applies per FAR 22.404-2.
- c. There may be rare circumstances where the general schedule wage determination do not contain the principal work classification necessary for contract performance. In those situation a project wage determination may be requested from Department of Labor by submittal of an SF-308 or other request that contains the same information. In such cases the Contracting Officer should follow the instruction in FAR 22.404-3.
- d. The contracting officer must monitor the WDOL.GOV Program DBA database regularly to determine if a selected WD has been revised prior to the expiration of the "effective date" for that particular contract action.
- e. DBA WD Numbering System Within WDOL.gov. DBA WDs are generally numbered by DOL in the following format: a current WD applicable to Virginia is numbered "VA030001" (showing the two-letter state abbreviation (VA), the latest year of publication (03), and the sequential number assigned to the particular WD (0001)). In using the WDOL.gov menus for "Selecting DB WDs" or selecting "Archived DB WDs", the user must use the DBA WD short-number for each WD. The format will be as follows: for VA030001 the short-number is "VA1"; for

MD030114, the short-number is "MD114". In "Selecting DBA WDs, the user may also select a WD without the number by completing the menu for other selection criteria (state, county, type of construction).

- f. **WDOL.GOV ALERT SYSTEM.** To ensure that the contracting officer (or other interested party) is aware of revisions made by DOL to DBA WDs selected for a specific contract action, the WDOL.GOV user may register for automatic email notification of such revisions. Upon selection of an appropriate DBA WD, the user will be offered the opportunity to request email notice of future revisions for a specific period of time, or until a specific date. Contracting officers are encouraged to request this automatic notification process in order to be aware of timely revisions applicable to contract actions.
 1. At the Alert Service menu, the user will be asked to provide an email address for the WDOL.gov to use in providing notification of a revision to a WD. The user may also provide an "alert identifier" which will appear in the WDOL.gov notification and will assist the user in relating the newly revised WD to a specific contract or solicitation, or other area of interest.
 2. Users requesting the Alert Service will receive an email notice each time the selected DBA WD is revised until the Alert Service request expires. CAUTION: The Alert Service does not relieve the contracting officer of the obligation under DBA and its regulations to use timely received new or revised DB WDs in contract actions.
 - g. **Archived DBA WDs.** Once DOL revises a DBA WD, the most current revision will be published on the WDOL.GOV database. Prior revisions, no longer current, will be maintained in the "Archived DBA WD" database for information purposes only. Contracting officers should not use an archived WD in a contract action without prior approval of DOL. Contact DOL at Telephone no. 866-487-9423.
5. **Effective Dates for DBA WD Modifications (Reference Title 29 CFR Part 1, Section 1.6(c) and FAR 22.404-6).**
 - a. Modifications to DBA WDs shall be effective if received (or if notice of the modification is published in the Federal Register or the WD is posted on the WDOL.GOV website):
 1. (for contract actions resulting from other than sealed bidding, prior to date of award;
 2. for contracts resulting from sealed bidding, no less than 10 days prior to bid opening.
 6. If you have questions concerning the applicability of DBA provisions or a DBA WD, or the timeliness of a revised DBA WD, contact the contracting officer or the agency labor advisor.
 7. **Conformances (Requesting Authorization of Additional Classification and Rate).** DOL issues WDs under DBA using available statistical data on prevailing wages and benefits in a locality. On occasion, the data does not contain sufficient information to issue rates for a particular craft needed in the performance of the contract. Because of this, DBA provisions contain a conformance procedure for the purpose of establishing a DBA-enforceable wage and benefit rate for missing job classifications.

- a. Contractors are responsible for determining the appropriate crafts necessary to perform the contract work. If a classification considered necessary for performance of the work is missing from the WD applicable to the contract, the contractor must initiate a request for approval of a proposed wage and benefit rate. Generally, the contractor initiates the request by preparing an **SF-1444**, *Request for Authorization of Additional Classification and Rate*, at the time of employment of the unlisted craft. (Reference Title 29 CFR Part 5, Section 5.5(a)(1)(ii) and FAR 22.406-3). The contractor completes blocks 2 through 15 on the form. Requests may be submitted without the form, but must contain the required information.
- b. Contractors must request employees, if present, or their designated representative, to sign block 16 noting the employee's concurrence or disagreement with the contractor's proposed wage and benefit rate. A statement supporting a recommendation for different rates may accompany any indication of disagreement. The "designated representative" may be a union representative; however, it cannot be the contractor's representative or personnel officer.
- c. The contractor submits the completed SF-1444 to the contracting officer. The contracting officer reviews the form for completeness, and signs the agency's concurrence or disagreement with the contractor's proposal. A statement supporting a recommendation for different rates may accompany any indication of disagreement.
- d. The contracting officer then submits the request to DOL for approval. The contractor must pay the proposed wage and benefit rate pending response from DOL. When DOL responds to the contracting officer, the contracting officer provides a copy of the response to the contractor with instructions to provide each employee a copy or to post it in the work area (with the applicable WD). The prime contractor must provide a copy of the determination to subcontractor(s), if any, that may employ workers in the conformed classification under the contract. If DOL responds with an approved rate that is higher than the rate proposed by the contractor, the contractor must pay such rate retroactive to the start of performance of that craft. The contracting officer should request written confirmation from the contractor that this liability has been paid in full.

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D. Use your resources

Questions pertaining to the applicability of contract labor standards, or the applicability of SCA or DBA WDs to specific contract actions should be directed to the responsible contracting officer or agency labor advisor. Agencies and other interested parties are encouraged to make full use of the WDOL.GOV Library Page as well. Please provide suggestions and comments to the WDOL.GOV Program at Comments.