

Davis-Bacon Act

The **Davis-Bacon Act** establishes minimum wage requirements for various classes of laborers and mechanics on certain contracts.



This information applies to:

All grants and cooperative agreements

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Overview

The Davis-Bacon Act (40 U.S.C. §§3141-3148) requires that certain Federal contracts include a provision stating the minimum wages to be paid to various classes of laborers and mechanics. In addition to the Davis-Bacon Act, Congress has identified in regulation 59 other Federal statutes that assist construction projects through grants, loans, loan guarantees, and insurance that are also subject to prevailing wage requirements ("Related Acts"). The Secretary of Labor is responsible for coordinating the administration and enforcement of the labor standards provisions of the Davis-Bacon Act and Related Acts. Federal agencies responsible for the administration of these Acts must follow the requirements in the Department of Labor regulations at Title 29 C.F.R. Part 5. Federal agencies would also follow these requirements when responsible for administration of any other statute that specifically incorporates prevailing wage or other labor standards requirements. An example of such a statute is the now expired American Recovery and Reinvestment Act (ARRA) (Public Law 111-5), which made recipients of support under ARRA subject to the Davis-Bacon prevailing wage requirements for laborers and mechanics employed in the performance of ARRA-funded projects. See the U.S. Department of Labor's website at <http://www.dol.gov/whd/programs/dbra/whatdbra.htm> for more information.

FWS does not incorporate Davis-Bacon or related labor standard provisions in FWS financial assistance awards unless required by Federal program legislation. When required, FWS will incorporate into related Notices of Award the applicable provisions from [Appendix II to Part 200—Contract Provisions for Non-Federal Entity Contracts Under Federal Awards](#).

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Frequently Asked Questions

When should a notice of award include the Davis-Bacon Act provision?

FWS will incorporate into a notice of award the Davis-Bacon and any other applicable provisions in Appendix II to Part 200—Contract Provisions for Non-Federal Entity Contracts Under Federal Awards when required by Federal program legislation. Such requirements will be applicable as described in the program's legislation.

Does the Davis-Bacon Act apply to Fish and Wildlife Service financial assistance programs?

The Davis-Bacon Act applies only when made applicable in Federal program legislation and as described in that legislation. Currently FWS does not have any financial assistance programs with Davis-Bacon or other labor standards requirements in their program's establishing or authorizing legislation.

Does a contract under a Federal financial assistance award have to follow the Davis-Bacon Act?

The applicability of the Davis-Bacon Act or other labor standards requirements is determined by how those requirements are described in the program's legislation. In some cases the requirements may apply to all laborers and mechanics employed in the performance of the projects funded under the project, and in other cases they may only apply to laborers and mechanics employed by the financial assistance recipient's prime contractors or subcontractors. However, if a State has a prevailing wage law in place, there may be a requirement depending on that State's legislation.

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Resources

[Appendix II to 2 CFR Part 200—Contract Provisions for Non-Federal Entity Contracts Under Federal Awards.](#)

Davis-Bacon Act ([40 U.S.C. §§3141—3148](#))

[Title 29 CFR Part 5—Labor Standards Provisions Applicable To Contracts Covering Federally Financed And Assisted Construction](#)

U.S. Department of Labor's website at <http://www.dol.gov/whd/programs/dbra/whatdbra.htm>

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