

Pursuant to this Administrative Order I hereby establish the following procedures regarding City of Billings Davis-Bacon Act procedure.

Davis-Bacon Compliance Procedure

Purpose

Certain government contracts with vendors for construction require that the Davis-Bacon Act be followed in regards to wages.

Labor Standards for Contracts Involving Construction 22.406 labeled "Administration and Enforcement" includes a policy for contracting agencies.

22.406-1 Policy.

(a) *General.* Contracting agencies are responsible for ensuring the full and impartial enforcement of labor standards in the administration of construction contracts. Contracting agencies shall maintain an effective program that shall include—

- (1) Ensuring that contractors and subcontractors are informed, before commencement of work, of their obligations under the labor standards clauses of the contract;
- (2) Adequate payroll reviews, on-site inspections, and employee interviews to determine compliance by the contractor and subcontractors, and prompt initiation of corrective action when required;
- (3) Prompt investigation and disposition of complaints; and
- (4) Prompt submission of all reports required by this subpart.

(b) *Preconstruction letters and conferences.* Before construction begins, the contracting officer shall inform the contractor of the labor standards clauses and wage determination requirements of the contract and of the contractor's and any subcontractor's responsibilities under the contract. Unless it is clear that the contractor is fully aware of the requirements, the contracting officer shall issue an explanatory letter and/or arrange a conference with the contractor promptly after award of the contract.

Program

Consulting engineer or architect contracts for construction projects that require payment of Davis Bacon Act wages will include instructions to the Consultant on their compliance responsibilities. The following will take place whether the construction is being monitored by a Consultant or City Staff.

All Federally funded construction projects will include Davis Bacon requirements.

Davis Bacon requirements will be addressed with contractors and subcontractors in the Pre-Bid meeting and that discussion will be recorded in the meeting minutes.

Davis Bacon requirements will be addressed with the contractor in the pre-construction meeting and that discussion will be recorded in the meeting minutes. The Contractor will be advised that Certified Payrolls and a statement of compliance must be included with each pay request. Certified Payroll information must include Subcontractor payroll information, as well.

Certified payrolls and a statement of compliance will be collected from the Contractor on a weekly basis and date stamped upon receipt. The Certified payroll information will be reviewed and compliance or noncompliance documented regarding whether the submitted Certified payrolls meet the Davis Bacon pay rate requirements.

The Contractor's and Subcontractor's employees will be interviewed to determine if wage rates being paid meet the Davis Bacon requirements. The recommendations provided by relevant State or Federal funding agencies regarding the number of employees interviewed and the timing of those interviews will be followed. In the absence of State or Federal guidance, the City in conjunction with the Consultant performing the interviews, if any, will take into consideration the length and size of the project to determine the number of employees interviewed and when during the construction process those interviews will take place. A written report should be submitted to the City's project manager following each interview.

All supplied information will be reviewed and reports of any non-compliance will be submitted directly to the City staff in the applicable Department designated as responsible for ensuring that the Davis Bacon Program requirements are met. Appropriate follow up actions will be taken to correct any non-compliance issues and those actions will be documented accordingly.

Dated this 17th day of December, 2010.



-ss- Christina F. Volek
City Administrator