

U.S. Department of Labor

Wage and Hour Division
Washington, D.C. 20210



December 14, 2020

ALL AGENCY MEMORANDUM NUMBER 234

TO: ALL CONTRACTING AGENCIES OF THE FEDERAL
GOVERNMENT AND THE DISTRICT OF COLUMBIA

FROM: Cheryl M. Stanton, Administrator

Cheryl M. Stanton

SUBJECT: Fiscal Year 2021 Davis-Bacon Survey Plan
Fiscal Year 2022 Davis-Bacon Survey Plan under Consideration

This Memorandum is notification from the Department of Labor's (DOL) Wage and Hour Division (WHD) of its FY 2021 Davis-Bacon Wage Survey Plan.¹ The Memorandum also seeks input from stakeholders concerning the FY 2022 Davis-Bacon Wage Survey Plan currently in development.

Construction contracts subject to the Davis-Bacon and related Acts (DBRA) must contain a prevailing wage determination (WD). The wages on the WD are typically determined by WHD surveys of ongoing or recently completed construction projects within a geographic area. WHD conducts surveys of projects under construction or completed during a set survey time frame in an effort to gather specific wage rate data paid to the various classifications of workers found on construction projects. Federal and federally assisted construction work is broken out into four different types of construction - Heavy, Highway, Building and Residential - for which WHD gathers wage rate data and issues wage determinations.

WHD uses established criteria to determine where to survey in an upcoming year, including 1) the age of the previous survey, 2) federal procurement agency plans for construction, including construction that receives federal financial assistance, 3) whether stakeholders have requested a new survey of a construction type in a state or locality, and 4) whether after reviewing public and private data sources WHD believes that wages in a locality have sufficiently changed that a WD may no longer reflect current conditions in the local labor market.

As part of its comprehensive review of the survey process and procedures, WHD has determined that stakeholders may possess additional data about local construction trends that could inform the survey selection process. Accordingly, WHD is notifying stakeholders of its list of surveys that will begin in FY 2021, and is also providing a tentative list of its planned surveys for FY 2022. Stakeholders can find the list of 2021 surveys, as well as the list of surveys that are currently in progress (including their status) at <https://www.dol.gov/agencies/whd/government-contracts/construction/surveys/status>

¹ The Davis-Bacon Act (DBA) requires that each contract over \$2,000, "to which the Federal Government or the District of Columbia is a party, for construction, alteration, or repair, including painting and decorating, of public buildings and public works ... shall contain a provision stating the minimum wages to be paid" to "all mechanics and laborers employed directly upon the site of the work." 40 U.S.C. 3142(a), (c). The minimum wages to be paid are those that the Secretary of Labor determines to be prevailing for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the locality where the work is to be performed. *Id.* at 3142(b). In addition to the DBA itself, Congress has added DBA prevailing wage provisions to numerous laws - so-called "related Acts" - under which Federal agencies assist construction projects through grants, loans, guarantees, insurance and other methods.

WHD is specifically requesting input from stakeholders relating to the proposed FY 2022 surveys. In particular, WHD is seeking information from stakeholders by May 1, 2021 concerning WHD's selection of the proposed states and construction types, including data identifying additional states or localities that WHD should survey as well as information indicating that a particular survey would not yield sufficient wage data or that wages in a locality have not substantially changed since the last survey. WHD will consider this data in its determination of a final list of survey locations for FY 2022.

The final FY 2021 Survey Plan consists of 10 new surveys. Listed below are the planned surveys, listed by state and type of construction to be surveyed:

	State	Construction Category	Area
1	Kansas	Heavy	Metro
2	Idaho	Building	Metro
3	Idaho	Heavy	Metro
4	South Carolina	Highway	Metro
5	South Carolina	Highway	Rural
6	South Carolina	Building	Metro
7	Guam	Heavy	Statewide
8	Guam	Highway	Statewide
9	Guam	Residential	Statewide
10	Guam	Building	Statewide

The Branch of Wage Surveys (BWS) will evaluate all available data prior to the start of each survey, and WHD may modify the geographic scope of the survey. BWS will conduct briefings to explain the survey process in detail to interested parties. The briefings will include information on how to participate in the survey as well as how to complete both the electronic and mailed survey forms. The BWS may also contact state and local agencies to obtain certified payrolls on any projects that are within the scope of the surveys being conducted.

FY2022

Listed below are the states and construction types currently under consideration for surveys in FY 2022.

	State	Construction Category	Area
1	Florida	Heavy	Metro
2	Nebraska	Building	Metro
3	Texas	Highway	Metro (Austin)
4	Texas	Highway	Metro (Houston)
5	Texas	Highway	Metro (DFW)
6	South Carolina	Building	Rural
7	South Carolina	Heavy	Rural
8	Guam	Heavy	Statewide
9	Guam	Highway	Statewide
10	Guam	Residential	Statewide
11	Guam	Building	Statewide

If you have suggestions regarding geographic areas and construction types that you believe should be considered for the FY 2022 Survey Plan, please send your suggestions via email to DB-Wage-Survey-Request@dol.gov no later than May 1, 2021.

For more information regarding the Davis-Bacon and related Acts and WHD's Davis-Bacon survey program, please visit our website at: <https://www.dol.gov/agencies/whd/government-contracts/construction>.

BRANCH OF WAGE SURVEYS

Matthew Hardin, Branch Chief

Frances Perkins Building
200 Constitution Ave, NW
Room S-3502
Washington, DC 20210
Phone: 202-286-1211
Email: Hardin.Matthew@dol.gov

Angel Agüero, Section Chief

Department of Labor
Wage and Hour Division
1835 Market Street
Mail Stop WHD/19
Philadelphia, PA 19106
Phone: 267-687-4059
Email: Agüero.Angel@dol.gov

Kwok-Wai Lau, Section Chief

Department of Labor
Wage and Hour Division
907th Street, Suite 11-100
San Francisco, CA 94103
Phone: 415-241-3572
Email: Lau.Kwok-Wai@dol.gov

