Davis Bacon Regulations

- Davis Bacon regulations apply to construction work that the PHA pays for with Federal money.
- Construction jobs exceeding $2,000 require Davis Bacon compliance.
- Davis-Bacon applies to trades, apprentices, and subcontractors.
- Most Davis Bacon "jobs" performed on Public Housing properties are paid via Capital Funds but they can be paid by Operation Funds as well.
- It is Federal law that Davis Bacon compliance takes place.
- PHA's must provide HUD DB info for all construction jobs over $2,000 twice a year (SAR) and keep Davis Bacon reports on file.

Contractors Davis Bacon (DB) Requirements

- Contractors are required to comply with Davis Bacon.
- Contractors must pay their employees at least, $17.75 an hour (general labor) or the hourly rate for their position + fringe, listed in the prevailing Federal wages applicable for the specific job.
- Contractors must ensure that all O/T is paid correctly (time & a half)
- Prior to signing a contract or submitting a PO if the work is over $2,000 and is considered Davis Bacon construction (see below), the Contractor is given the prevailing Federal wage chart that applies to the specific job. Using these rates, they must prepare a quote showing the costs using the prevailing Federal wages. This must be clear in their quote.
- Contractors must provide weekly payrolls for all employees working on the job. Going forward, no payroll, no pay. Also, if the Contractor fails to submit payroll the PHA must contact the Department of Labor.
- Contractors that are used multiple times can be set-up in the LCP Tracker database. This will allow them to upload their payroll (much easier). Training is provided.

Activities that require Davis Bacon

1. New Construction (Always Covered)

All new building work for public housing or other HUD-assisted facilities:

- Construction of new housing units or buildings
- Community buildings or administrative offices
- Maintenance or storage facilities
- Garages, parking structures, or maintenance shops
- Site-built modular units assembled on-site

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2. Rehabilitation / Modernization

Most modernization and rehab work under HUD Capital Fund or PIH programs is *covered* because it involves physical construction or alteration of structures.

Covered examples:

- Roof replacement or major repair
- Window or door replacement (beyond minor maintenance)
- Structural repairs (floors, walls, framing)
- Electrical rewiring or panel replacement
- Plumbing replacement or system upgrades
- Elevator installation or modernization
- HVAC system installation or major upgrade
- Kitchen/bathroom gut rehabs
- Site work (sidewalks, retaining walls, landscaping tied to construction)

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3. Routine Maintenance (Usually NOT Covered)

This is the *key distinction*. Routine, recurring, or janitorial-type maintenance that doesn't involve construction methods is **not covered**.

Examples of non-covered maintenance:

- Cleaning, painting, or minor patching between tenants
- Replacing light bulbs, filters, or minor fixtures
- Routine plumbing fixes (e.g., unclogging drains)
- Lawn mowing, snow removal, janitorial work
- Pest control, inspections, or service contracts

Davis-Bacon does not apply here — these are considered operational expenses, not construction.

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4. Site Improvements and Infrastructure

If it's tied to a construction or modernization project, it's covered.

Covered examples:

- New paving, driveways, or sidewalks

- Stormwater or drainage systems
- Retaining walls, fencing, or perimeter walls
- Utility installation or relocation (water, sewer, gas, electric)
- Excavation, grading, or backfill related to construction

Davis-Bacon applies (usually covers laborers and equipment operators).

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5. Demolition and Hazardous Material Abatement

- **Demolition:** Covered **if** it is part of, or in preparation for, a covered construction project.
- **Asbestos/lead abatement:** Covered **if** performed in connection with construction, alteration, or repair.