

**Dirt Gravel and Low  
Volume Road Program**

**WEBINAR**

# **Prevailing Wage and the DGLVR Program PART II**

**4/7/22 Starts at 9am**

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## Reminder:

- **1/27/22 Prevailing Wage Webinar**

- Done by SCC staff
- Reviewed Q&A Form on Prevailing Wage
- Recording and PPT available online:

<https://www.dirtandgravel.psu.edu/education-and-training/webinars/past-webinars>

**Prevailing Wage & the Dirt, Gravel, and Low-Volume Road Program  
Frequently Asked Questions for Municipalities**  
updated 3/2021

*NOTE: The information provided here is to help Dirt, Gravel, and Low-Volume Road (DGLVR) grant recipients understand how the Pennsylvania Prevailing Wage Act affects DGLVR Projects and is NOT an official determination on whether or not Prevailing Wage applies to a specific project. If a DGLVR grant recipient has any questions about whether Prevailing Wage applies to a specific project, they should contact the PA Department of Labor and Industry for an official determination.*

*Thank you to the Huntingdon County Conservation District and the PA Department of Labor and Industry for preparing this document*

1. **What is the Pennsylvania Prevailing Wage Act?**  
This piece of legislation requires the "prevailing wage" rate to be paid to contracted labor for construction projects with an estimated cost of \$25,000.00 or more when public funds are involved.
2. **Who determines prevailing wage rates?**  
The Pennsylvania Department of Labor and Industry, which is part of the PA Department of Labor and Industry

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**We asked if you would like more PW info and a chance to talk to some “real” experts”.**

**- Response was an overwhelming “yes”.**

## Purpose:

- Hear about PW from the experts and allow you to ask questions.
- Discuss federal Davis Bacon and how it relates to PA PW.
- Provide update on DGLVR PW document additions.

## DGLVR

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## PA Prevailing Wage (State)

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## U.S. Davis Bacon (Federal)

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# Some Updates to the DGLVR PW Question and Answer:

## Prevailing Wage & the Dirt, Gravel, and Low-Volume Road Program Frequently Asked Questions for Municipalities updated 3/2021

**NOTE:** The information provided here is to help Dirt, Gravel, and Low-Volume Road (DGLVR) grant recipients understand how the Pennsylvania Prevailing Wage Act affects DGLVR Projects and is NOT an official determination on whether or not Prevailing Wage applies to a specific project. If a DGLVR grant recipient has any questions about whether Prevailing Wage applies to a specific project, they should contact the PA Department of Labor and Industry for an official determination.

Thank you to the Huntingdon County Conservation District and the PA Department of Labor and Industry for preparing this document

- 1. What is the Pennsylvania Prevailing Wage Act?**  
This piece of legislation requires the "prevailing wage" rate to be paid to contracted labor for construction projects with an estimated cost of \$25,000.00 or more when public funds are involved.
- 2. Who determines prevailing wage rates?**  
The Bureau of Labor Law Compliance, which is part of the PA Department of Labor and Industry
- 3. When does the Pennsylvania Prevailing Wage Act apply to Dirt, Gravel, and Low-Volume Road (DGLVR) projects?**

When the estimated or total cost of a project funded in part or in whole by the DGLVR program is \$25,000 or more, any contracted labor must be paid prevailing wage. "In-kind" in the chart below for PW refers to cash or materials only, non-reimbursed municipal equipment or labor does not count toward the in-kind or total project cost for determining Prevailing Wage, as long as those in-kind costs are clearly identified in the grant application and final project paperwork. In-kind equipment and labor should still be reported as in-kind expenses for Program reporting purposes.

Total <u>estimated</u> project cost (DGLVR Grant + in-kind materials/cash)	Total <u>actual</u> project cost (DGLVR Grant + in-kind materials/cash)	Does Prevailing Wage apply?
	\$25,000 or more	Yes
		Yes

## **(12) As a DGLVR grant recipient, what are my responsibilities in regards to the Prevailing Wage Act?**

*This part of Answer 12 is unchanged*

- It is the grant recipient's responsibility to contact the Bureau of Labor Law Compliance for a prevailing wage rate determination on your DGLVR project
- If prevailing wage applies to your project, you (grant recipient) must bid the project as a prevailing wage project and include the prevailing wage rates in the contract with your contractor
- The prevailing wage determination is valid for 120 days from the date of issue. If there is no signed contract within 120 days, you will need to request a new project serial number



## **(12) As a DGLVR grant recipient, what are my responsibilities in regards to the Prevailing Wage Act?**

*UPDATE in red text below.*

*This requirement has been in the DGLVR Administrative Manual for several years but is now being added to the FAQ.*

- DGLVR Grant contracts include a “Prevailing Wage Notification Letter” (attachment F) that grant recipients must sign and return to the county conservation district with the signed contract. DGLVR Grant recipients must also provide the conservation district with a copy of a notarized “Certified Statement of Compliance” (attachment G to the DGLVR Contract) for each contractor involved in your DGLVR Project before final grant payment can be made to the grant recipient.**

**(16) What if my project also includes federal funding and falls under Davis-Bacon requirements?**

*This question is being updated*

- If the requirement to use Davis-Bacon wages is in writing, the Department of Labor and Industry will accept their guidelines for wages. Therefore, PA prevailing wage rates are not required.

~~(16) What if my project also includes federal funding and falls under Davis-Bacon requirements?~~

- ~~• If the requirement to use Davis-Bacon wages is in writing, the Department of Labor and Industry will accept their guidelines for wages. Therefore, PA prevailing wage rates are not required.~~

## (16) What if my (the municipality's) DGLVR project also includes federal funding?

- Different types of federal funding have different prevailing wage requirements.
- Often, federal funding will require the **Davis-Bacon Act** to be followed.
- If the requirement to use Davis-Bacon wages is in writing, the PA Department of Labor and Industry will accept their guidelines for wages.
- For questions about Davis-Bacon applicability to a federally funded construction project contact the federal agency from which any federal funding was obtained.



*The following  
Questions & Answers  
are new*

## (17) What is the Davis-Bacon Act?

- The Davis-Bacon and Related Acts apply to contractors and subcontractors performing on federally funded or assisted contracts in excess of \$2,000 for the construction, alteration, or repair (including painting and decorating) of public buildings or public works.
- The Davis-Bacon Act and Related Acts require contractors and subcontractors to pay their laborers and mechanics the locally prevailing wages and fringe benefits as determined by the U.S. Department of Labor.
- See Wage and Hours' **Davis-Bacon Fact Sheet** for additional information:
  - <https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/whdfs66.pdf>

## (18) What are my (municipal) requirements under the Davis-Bacon Act?

- When hiring a contractor, the Davis-Bacon Labor Standards Clauses must be included in the bid documents and contract with the contractor.
  - These are available online at:  
<https://www.ecfr.gov/current/title-29/subtitle-A/part-5/subpart-A/section-5.5>
- Obtain a wage determination from <https://sam.gov/content/wage-determinations> and include this in the bid documents and contract with your contractor. These wage and fringe benefit rates must then be paid to contracted labor.

## (18) What are my (municipal) requirements under the Davis-Bacon Act? *CONTINUED*

- All contractors and subcontractors must use the WH-347 or equivalent paperwork to certify that the wages and fringe benefits were paid to mechanics and laborers as required.
  - See Revised WH-347 Form:  
<https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/wh347.pdf>
  - Instructions for Revised WH-347 Form:  
<https://www.dol.gov/agencies/whd/forms/wh347>



**U.S. Department of Labor**  
Wage and Hour Division

## PAYROLL

(For Contractor's Optional Use; See Instructions at [www.dol.gov/whd/forms/wh347instr.htm](http://www.dol.gov/whd/forms/wh347instr.htm))



Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

OMB No.: 1235-0008  
Expires: 07/31/2024

NAME OF CONTRACTOR <input type="checkbox"/> OR SUBCONTRACTOR <input type="checkbox"/>		ADDRESS			OMB No.: 1235-0008 Expires: 07/31/2024	
PAYROLL NO.	FOR WEEK ENDING	PROJECT AND LOCATION		PROJECT OR CONTRACT NO.		

(1) NAME AND INDIVIDUAL IDENTIFYING NUMBER (# e.g., LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER) OF WORKER	(2) NO. OF HOURS EXEMPTIONS	(3) WORK CLASSIFICATION	(4) DAY AND DATE							(5) TOTAL HOURS	(6) RATE OF PAY	(7) GROSS AMOUNT EARNED	(8) DEDUCTIONS					(9) NET WAGES PAID FOR WEEK	
			HOURS WORKED EACH DAY										FICA	WITH- HOLDING TAX		OTHER	TOTAL DEDUCTIONS		
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While completion of Form WH-347 is optional, it is mandatory for covered contractors and subcontractors performing work on Federally financed or assisted construction contracts to respond to the information collection contained in 29 C.F.R. §§ 3.3, 5.5(a). The Copeland Act (40 U.S.C. § 3145) contractors and subcontractors performing work on Federally financed or assisted construction contracts to "furnish weekly a statement with respect to the wages paid each employee during the preceding week." U.S. Department of Labor (DOL) regulations at 29 C.F.R. § 5.5(a)(3)(i) require contractors to submit weekly a copy of all payrolls to the Federal agency contracting for or financing the construction project, accompanied by a signed "Statement of Compliance" indicating that the payrolls are correct and complete and that each laborer or mechanic has been paid not less than the proper Davis-Bacon prevailing wage rate for the work performed. DOL and federal contracting agencies receiving this information review the information to determine that employees have received legally required wages and fringe benefits.

**Public Burden Statement**

We estimate that it will take an average of 55 minutes to complete this collection, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding these estimates or any other aspect of this collection, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room 53502, 200 Constitution Avenue, N.W. Washington, D.C. 20210

(over)

Date \_\_\_\_\_

I, \_\_\_\_\_  
(Name of Signatory Party) \_\_\_\_\_  
(Title)

do hereby state:

(1) That I pay or supervise the payment of the persons employed by \_\_\_\_\_  
(Contractor or Subcontractor) on the \_\_\_\_\_  
(Building or Work); that during the payroll period commencing on the \_\_\_\_\_

day of \_\_\_\_\_, \_\_\_\_\_, and ending the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, all persons employed on said project have been paid the full weekly wages earned, that no rebates have been or will be made either directly or indirectly to or on behalf of said

\_\_\_\_\_ from the full  
(Contractor or Subcontractor)

weekly wages earned by any person and that no deductions have been made either directly or indirectly from the full wages earned by any person, other than permissible deductions as defined in Regulations, Part 3 (29 C.F.R. Subtitle A), issued by the Secretary of Labor under the Copeland Act, as amended (48 Stat. 948, 63 Stat. 108, 72 Stat. 967; 76 Stat. 357; 40 U.S.C. § 3145), and described below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(2) That any payrolls otherwise under this contract required to be submitted for the above period are correct and complete; that the wage rates for laborers or mechanics contained therein are not less than the applicable wage rates contained in any wage determination incorporated into the contract; that the classifications set forth therein for each laborer or mechanic conform with the work he performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide apprenticeship program registered with a State apprenticeship agency recognized by the Bureau of Apprenticeship and Training, United States Department of Labor, or if no such recognized agency exists in a State, are registered with the Bureau of Apprenticeship and Training, United States Department of Labor.

(4) That: (a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS

- in addition to the basic hourly wage rates paid to each laborer or mechanic listed in the above referenced payroll, payments of fringe benefits as listed in the contract have been or will be made to appropriate programs for the benefit of such employees, except as noted in section 4(c) below.

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

- Each laborer or mechanic listed in the above referenced payroll has been paid, as indicated on the payroll, an amount not less than the sum of the applicable basic hourly wage rate plus the amount of the required fringe benefits as listed in the contract, except as noted in section 4(c) below.

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION

REMARKS:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NAME AND TITLE	SIGNATURE

THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION. SEE SECTION 1001 OF TITLE 18 AND SECTION 3729 OF TITLE 31 OF THE UNITED STATES CODE.

## (18) What are my (municipal) requirements under the Davis-Bacon Act? *CONTINUED*

- All contractors and subcontractors must use the WH-347 or equivalent paperwork to certify that the wages and fringe benefits were paid to mechanics and laborers as required.
  - See Revised WH-347 Form:  
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- DGLVR Grant contracts include a “Prevailing Wage Notification Letter” (attachment F) that grant recipients must sign and return to the county conservation district with the signed contract. DGLVR Grant recipients must also provide the conservation district with a copy of a “WH-347 Certified Payroll form” or equivalent approved by the US Department of Labor for each contractor involved in your DGLVR Project before final grant payment can be made to the grant recipient.

## (19) Where can I find more information about the Davis-Bacon Act?

- Davis-Bacon learning portal:  
<https://www.dol.gov/agencies/whd/government-contracts/construction>
- For basic Davis-Bacon Act compliance questions, contact your local U.S. Wage and Hour office: 1-866-4-US-WAGE or 1-866-487-9243.
  - <https://www.dol.gov/agencies/whd/contact>



## DGLVR

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Thank you, guest  
speakers!

QUESTIONS?

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