



Implementing DBRA Guidance

Recent guidance for CDBG-MIT and 2015-2019 CDBG-DR grantees
August 2020

Agenda

- Davis Bacon and Related Acts
- HUD's Request to the Department of Labor
- Department of Labor's Response
 - Previous work completed
 - Prospective work in progress
 - Prospective work not yet started
- HUD's Guidance and Implementation to Grantees
 - Date of Grant Agreement
 - New Timeline
 - Types of Work



Davis Bacon and Related Acts



Davis Bacon and Related Acts (DBRA)

- “All laborers and mechanics employed . . . on construction work financed in whole or in part . . . shall be paid [prevailing wage rates].”
Section 110a of the HCDA of 1974
- Construction work over \$2,000
- Unit thresholds may also apply (8+ units)
- Soft costs generally do not trigger DB
- Force account work is exempt (except for PHA staff)
- Volunteers and YouthBuild are exempt



Davis Bacon and Related Acts (DBRA)

Ensure incorporation into contract document

1. The current appropriate wage decision applicable to the work being done, and;
2. The applicable Federal labor standards clauses
 - HUD-4010



Davis Bacon and Related Acts (DBRA)

Wage Decision “Lock-In” Competitively Bid

- Lock-in at bid opening provided contract is awarded within 90 days
- Must update wage decision if contract is awarded more than 90 days after bid opening
- Modifications published



HUD's Request to the Department of Labor

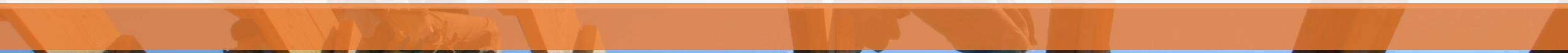


HUD's Request to the Department of Labor

- Waiving certain DBRA requirements for three types of work:
 - DBRA requirements don't apply: Construction work completed and performed prior to Grant Agreement
 - DBRA requirements apply prospectively: Construction work that began before Grant Agreement, but was still ongoing
 - DBRA requirements apply: Prospective construction work not yet begun
- Applicability
 - 2015, 2016, 2017, 2018, 2019 Disaster CDBG-DR Grants
 - CDBG-MIT Grants



Department of Labor's Response



Department of Labor's Response

- Concurred with HUD request.
 - Therefore, it is appropriate to authorize solely prospective application of the DBRA prevailing wage standards as of the date the grant agreement was executed. For construction ongoing as of that date, the contracting agency must ensure that the contract specifications include the Davis-Bacon contract clause and the applicable wage determination in effect as of the relevant grant agreement's execution date.
 - DBRA requirements will also apply to construction work on a CDBG-DR-funded contract that began on or after the grant agreement execution date.
 - DBRA requirements under section 110 of the HCDA will not apply where all construction work on a contract was performed and completed prior to the grant agreement execution date.



HUD's Guidance and Implementation to Grantees



HUD's Implementation

- Definition of Grant Agreement:
 - For CDBG-DR:
 - Date of Grant Agreement signed with HUD for a specific year's disaster allocation
 - For CDBG-MIT:
 - Date of signed CDBG-MIT Grant Agreement with HUD
- FEMA work
 - Category A and B are considered by FEMA as “emergency work”
 - Removal of debris and emergency services
 - Generally, DBRA requirements would not apply
 - Category C through G are considered “permanent work”
 - Generally, DBRA requirements would apply





Thank you!
