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# **LABOR REQUIREMENTS IN FEDERAL-AID AIRPORT PROGRAM CONTRACTS**



**6 JUNE 1969**

**DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION**

AC NO: 150/5100-6

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# ADVISORY CIRCULAR

## DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION

**SUBJECT: LABOR REQUIREMENTS IN FEDERAL-AID AIRPORT PROGRAM CONTRACTS**

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1. PURPOSE. This circular covers the basic labor requirements applicable to the Federal-aid Airport Program (FAAP). It is intended primarily for the guidance of those public agencies sponsoring projects under the program and the contractors and subcontractors engaged in work under a project.
  2. CANCELLATION. The publication "Federal-aid Airport Program Labor Standards and Enforcement Procedures" dated April 1962 is canceled.
  3. REFERENCES
    - a. Section 15(b) Federal Airport Act, 49 U.S.C. 1114(b).
    - b. Part 151, Federal Aviation Regulations.
    - c. Parts 1, 3, 5, Regulations of the Secretary of Labor (29 CFR 1,3,5).
  4. SCOPE. In addition to procedures and requirements, this circular sets forth observance and enforcement responsibilities of parties in interest in the Program. The appendixes include required contract provisions and formats.
  5. HOW TO OBTAIN THIS PUBLICATION. Interested persons may obtain additional copies of this publication from the Department of Transportation, Distribution Unit, TAD-484.3, Washington, D. C. 20590.

Chester G. Bowers  
Director, Airports Service

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Initiated by: AS-650

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**LABOR REQUIREMENTS IN  
FEDERAL-AID AIRPORT PROJECTS**

1. **INTRODUCTION.** The Federal Airport Act (49 U.S.C. 1101-1120) authorizes grants to public agencies to assist in establishing a national system of public airports adequate to meet the needs of civil aviation. The program under which such grants are made is known as the Federal-aid Airport Program (FAAP).

Section 15(b) of the Federal Airport Act requires that FAAP assisted contracts in excess of \$2,000 which involve labor contain provisions establishing the minimum wage rates which contractors shall pay to skilled and unskilled laborers, as predetermined by the Secretary of Labor in accordance with the Davis-Bacon Act as amended (40 U.S.C. 276a-276a-5). Such minimum rates are stated in the invitation for bids. Section 15(c) of the Act requires that FAAP contracts contain provisions regarding the use of convict labor and veterans preference in employment.

In addition, Part 151 of the Federal Aviation Regulations (14 CFR Part 151) and Part 5 of the Regulations of the Secretary of Labor (29 CFR Part 5) require that FAAP contracts contain certain other labor standards stipulations and prescribe certain procedures to be followed in enforcing the labor standards provisions. The required contract provisions are included in Appendix B to this circular, that restates these provisions from Section 151.49(a) and Appendix H to Part 151 of the Federal Aviation Regulations.

The requirement for minimum wage rates does not apply to work accomplished by sponsor force account or contracts for the removal of structures or facilities by the owner thereof (FAR 151.45; FAR 151.47).

2. **WAGE RATES AND FRINGE BENEFITS.** The term "wages," "scale of wages," "wage rates," "minimum wages," and "prevailing wages" as used in Part 5, Regulations of the Secretary of Labor and Part 151, Federal Aviation Regulations, include, in addition to the basic hourly rate of pay, contributions made or costs reasonably anticipated under Section 1(b)(2) of the Davis-Bacon Act on behalf of laborers and mechanics. These are the so-called "fringe benefits" provisions added to the Davis-Bacon Act in 40 U.S.C. 276a-276a-5, effective September 30, 1964. (29 CFR 5.23)

Contractors and subcontractors performing work on contracts subject to wage determinations containing fringe benefits must provide the required fringe benefits, or pay the employees the cash equivalent to the fringe benefits (29 CFR 5.31(b)(3)). Official interpretations of the fringe benefit provisions are available in Subpart B to Part 5, Regulations of the Secretary of Labor. Sponsors may obtain additional guidance to assure conformance with the requirements of these provisions from the FAA area office.

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3. AREA COVERED BY WAGE DETERMINATIONS. The Secretary of Labor determines minimum wage rates for FAAP contracts on the basis of wage rates found to be prevailing in the area where the work is to be performed.

The term "area" means the city, town, village or other civil subdivision of the State in which the work is to be performed (29 CFR 1.2(b)). Generally, the Solicitor of Labor establishes minimum wage rates for FAAP projects from wage data obtained from the county where the FAAP project is located.

4. EMPLOYEES COVERED BY WAGE DETERMINATIONS. Wage determinations apply only to laborers and mechanics (29 CFR 1.2 and 3.3(a)). This excludes clerical and supervisory or nonmanual workers. A watchman, for example, is a nonmanual worker and is therefore not covered. The test is the nature of the duties performed by the worker, not the arbitrary classification.

5. TYPES OF WAGE DETERMINATIONS.

- a. Area Decisions. Whenever the wage patterns in a particular area for a particular type of construction are well settled and whenever it may be reasonably anticipated that there will be a large volume of procurement in that area for such a type of construction, the Secretary of Labor, upon the request of a Federal agency or in his discretion, may issue such a general wage determination when, after consideration of the facts and circumstances involved, he finds that the applicable statutory standards and those of Part 1 of the regulations of the Secretary of Labor will be met (29 CFR 5.3(b)). These have come to be known as "area decisions."
- b. Project or Contract Decision. Whenever the project work is to be performed in an area that is not covered by an area decision, a wage determination for such work is obtained by submitting a Request for Determination, Form DB-11, or Form DB-11(a), as appropriate, to the Solicitor of Labor, U.S. Department of Labor (29 CFR 5.3(a)(1)). A wage determination issued pursuant to a DB-11 or DB-11(a) applies only to the project work or contract work for which it was requested and issued and may not be used for any other work or any other project.

6. USE AND EFFECTIVENESS OF WAGE DETERMINATIONS. All basic wage determinations are effective for 120 calendar days from the date of issuance (29 CFR 5.4(a)). Each wage determination bears an effective date and an expiration date. A FAAP contract must incorporate a wage determination which is still valid when the contract is awarded (29 CFR 5.4(a)).

7. PROCEDURE FOR REQUESTING WAGE DETERMINATIONS. If there is not an area decision for the area in which the project work is to be done, a wage determination is obtained by submitting a Request for Determination, Department of Labor Form DB-11 or DB-11(a) to the Solicitor of Labor, Department of Labor, Washington, D. C. 20210 (29 CFR 5.3(a)(1)). The DB-11(a) is used to request a wage determination for landing area work, which is considered to be "Heavy and Highway" type of construction. The DB-11 is used to request a wage determination for "Building" type of construction. When both "Heavy and Highway" and "Building" types of construction are involved in a project or contract, the appropriate form is submitted for each type of construction.

In preparing a request for a determination (see Appendix A for sample DB-11(a)), only those classifications printed on the form which are needed in the performance of the work are checked (inserting a note such as "entire schedule" or "all applicable classifications" is unacceptable). The form provides blank spaces in which to type additional classifications needed for the work but which are not included in the printed portion of the form. Classifications which can be fitted into classifications on the form, or classifications which are not generally recognized in the area or in the construction industry, should not be listed (29 CFR 5.3(a)(1)).

At least 60 days before advertising for bids or beginning negotiations for any contract to which the wage determination is intended to apply, the sponsor should send a completed Request for Determination to the FAA area office (FAR 151.47(c)). Normally, the Department of Labor takes at least 30 days to make a determination.

8. RENEWAL OF WAGE DETERMINATIONS.

- a. Area Decisions. As a general practice, the Secretary of Labor automatically renews area decisions. Renewals are effective upon expiration of the earlier area decision. No request for a renewal of an area decision is necessary.
- b. Project or Contract Decision. When a wage determination issued pursuant to a DB-11 or DB-11(a) is about to expire, the sponsor submits a new DB-11 or DB-11(a), as appropriate, for a renewal of a project or contract decision. If it appears that a contract cannot be awarded during the effective period of the wage determination, the sponsor should so notify the FAA area office far enough in advance so that a new project or contract wage determination can be obtained before the opening of bids or the award of contract (29 CFR 5.4(a)).

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9. MODIFICATION. The Secretary of Labor may modify a wage determination at any time during its life of 120 days. Generally, a modification shows changes affecting an existing wage determination. The changes may be additions or deletions of classifications, changes in basic wage rates and/or fringe benefits, or a change in the expiration date of the basic wage determination. The effective life of a modification does not extend beyond the expiration date of the wage determination to which it relates (FAR 151.47(a),(2)).
10. USE AND EFFECTIVENESS OF MODIFICATIONS. All actions modifying an original wage determination prior to the award of the contract or contracts for which the determination was sought are applicable thereto, but modifications received by FAA headquarters later than 10 days before the opening of bids are not effective unless the FAA area office finds that there is a reasonable time in which to notify bidders of the modification (29 CFR 5.4(b)).
- Failure to include an effective modification in a contract is a violation of both the Federal Aviation Regulations and the regulations of the Secretary of Labor (FAR 151.49(a); 29CFR5).
11. INCOMPLETE WAGE DETERMINATIONS. If the wage determination does not provide wage rates for all the classifications requested on the Form DB-11 or DB-11(a), the following actions may be taken:

- a. Prior to Bid Opening. If sufficient time remains before the scheduled bid opening date, the sponsor may request a modification of the wage determination to provide the rates for the missing classifications. The request should be accompanied by wage payment data supporting a wage rate as the rate prevailing in the area for the needed classifications. It should be borne in mind that the Department of Labor takes at least 30 days to process a modification. Therefore, it is important to examine the wage determination upon receipt so that the request for the additional classifications can be made, if necessary, in time to include them in the advertised specifications.
- b. Use of Incomplete Determinations. If an effective modification providing the rates for needed classifications cannot be obtained, incomplete wage determinations may be incorporated in the advertised specifications with a notation to bidders (by addendum if necessary) as follows:

Notice to Bidders, Wage Rate Determinations. The wage rate determination of the Secretary of Labor incorporated in the advertised specifications does not include rates for the requested classifications listed below. The bidder is responsible for ascertaining the rates payable for such

classifications and whether area practice requires the use of these classifications in accomplishing the work. No inference concerning area practice is to be drawn from their omission. Further, the omission will not, per se, establish any liability for increased labor cost resulting from the use of such classifications.

(List classifications for which no wage rates are given.)

- c. After Award of Contract. If time does not permit use of the above procedure, or if an effective modification is not received from the Secretary of Labor, any class of laborers or mechanics to be employed under the contract for which wage rates are not provided should be reclassified conformably to the wage determination after the award of contract. This means that the sponsor and the contractor may establish a classification and an appropriate rate that conforms to, but need not be identical with, the rate for the most comparable classification shown in the wage determination. (See also paragraph 18.) The sponsor should send a report of the action taken to the FAA area office for transmittal to the Secretary of Labor.

If the employees involved cannot be reclassified as above, the sponsor and the contractor, with FAA approval, should determine the proper wage rate for the classification. Prevailing area practice, bargaining agreements, experience in obtaining labor for the required classifications should be considered in reaching this determination. A report of the action taken, with all available wage payment evidence, is sent to the FAA area office for transmittal to the Secretary of Labor. If no exception is taken by the Secretary of Labor within 30 days, it may be assumed the established rate is acceptable.

12. PROTESTS OF WAGE DETERMINATIONS. Whenever it appears that a discrepancy exists in a wage determination as to classifications of workmen or wage rates prevailing, the sponsor or contractor may protest the discrepancy (29 CFR 5.11(b)). The protesting party presents evidence in support of the protest to the FAA area office. Such information should include one or more of the following:

- a. Statements showing wage rates paid on projects. Such statements should indicate the names and addresses of contractors (including subcontractors), the locations, approximate costs, dates of construction and types of projects, the number of workers employed in each classification on each project, and the respective wage rates paid such workers. (29 CFR 1.3(b)(1))



- b. Wage rates determined for public construction by state and local officials pursuant to prevailing wage legislation (29 CFR 1.3(b)(3)).
- c. Copies of payrolls from projects of similar work (Federal-aid Airport Program projects or otherwise) in the area where the work is to be performed.

General statements from the contractors, such as a statement from the John Jones Construction Company certifying that it paid electricians \$2.60 per hour, are not considered sufficient evidence to determine the validity of the protest unless the number of workers employed on each job at that wage rate is also included (29 CFR 1.3(b)(1)).

Regulations of the Secretary of Labor provide that in the event of disputes concerning the payment of prevailing minimum wage rates or proper classifications which involve significant sums of money, large groups of employees, or novel or unusual situations, the Secretary of Labor may, upon request of the Federal agency involved, direct that a hearing be held to determine the prevailing classifications or rates of pay (29 CFR 5.11(b)).

- 13. INCLUSION IN CONTRACT DOCUMENTS. Sponsors of FAAP projects must set forth the applicable wage determination of the Secretary of Labor in the invitation for bids or proposed contract or incorporate it therein by reference to a copy set forth in the advertised or negotiated specifications (FAR 151.47(b)).
- 14. LABOR STANDARDS PROVISIONS: The required labor provisions which must be physically incorporated in FAAP construction contracts and subcontracts are set forth in Section 151.49, Federal Aviation Regulations, and in Appendix B of this circular. These provisions should be carefully studied by sponsors, contractors and subcontractors to fully understand the nature of their respective obligations with respect to employment of labor in FAAP contracts.
- 15. PRECONSTRUCTION CONFERENCES. Before work is begun on a FAAP construction contract, the sponsor should meet with the prime contractor and his subcontractors for the purpose of discussing the labor provisions of the contract. During this conference, the sponsor should:
  - a. Review the schedule of minimum wage rates and the various labor provisions appearing in the contract documents.
  - b. Review the schedule of classifications in the wage determination decision of the Secretary of Labor incorporated in the contract

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to ascertain whether additional classifications will be required. If so, the sponsor should obtain the necessary information from the contractor and arrange with the FAA area office for establishment of wage rates for any additional classifications.

- c. Explain the necessity of using only properly authorized classifications that accurately describe the work of the contractor's employees.
- d. Ascertain whether the contractor proposes to employ apprentices. If so, the sponsor should request evidence of the contractor's participation in approved apprenticeship programs, a copy of the apprenticeship agreement and the employee's registration before the commencement of the work.
- e. Advise the contractor what records and reports will be required, when they must be furnished, and what information must be included therein. Explain the necessity of promptly furnishing accurate and complete records and reports.
- f. Determine what payroll deductions, if any, will be made, and request a copy of the contractor's authority to make other than the normally allowable deductions. Advise the contractor to specify deductions on the Weekly Statement of Compliance.
- g. Advise the contractor of the requirement that all contract labor stipulations, the Copeland Regulations and the applicable wage determination, must be included in all subcontracts.
- h. Explain that the occurrence of willful or aggravated violations of the minimum wage requirements may bring about the application of the ineligibility sanctions provided for in Section 5.6 of Part 5 of the Regulations of the Secretary of Labor against the contractor and that such ineligibility may run for a period of up to three years from date of publication by the Comptroller General of the United States.
- i. Explain that, unless all minimum wage requirements have been satisfactorily met during the construction period, progress or final payments may be withheld from the sponsor by the FAA and from the contractor by the sponsor until satisfactory compliance is obtained.
- j. Point out that the contractor is fully responsible for any acts of omission or commission of any of his subcontractors in violation of any of the foregoing requirements.

- k. Explain that the Fair Labor Standards Act is also applicable to all airport construction in the Federal-aid Airport Program. The enforcement responsibility of this act, however, rests with the U.S. Department of Labor.

The preconstruction conference should result in a general understanding between the sponsor and the contractors. Such conferences often eliminate elements of future controversies, errors in reports, and infractions of regulations which develop from a lack of understanding of those regulations rather than from a willful intent on the part of the contractor or his personnel to violate them. Authorized representatives of the sponsor who are required to review records and to inspect or investigate the contractor's operations should attend these conferences, as well as the contractors, their authorized representatives, and such of their administrative personnel as they may desire.

16. POSTING OF WAGE DETERMINATION. The sponsor is responsible for having the contractor post the Wage Rate Information Bulletin (furnished by FAA) and the wage determination (attached to the lower edge of the bulletin) at the work site. The posting must be in a prominent place readily available for examination by the laborers and mechanics (Appendix H, Part 151, Federal Aviation Regulations). On job site inspections, FAA representatives will assure that such wage rate information is posted until the work is completed.
17. EMPLOYMENT OF APPRENTICES. Bona fide apprenticeship programs provide for the employment of persons engaged in learning a trade. These programs are actually written agreements which provide basic standards concerning the term of apprenticeship, duties, wages, supplemental or related instruction, and schedule of work experience. Copies of written agreements are furnished or are available to employers, apprentices, associations of employers, or associations of employees who sponsor the programs. In addition, all approved apprenticeship programs are registered with State Apprenticeship Agencies recognized by the Bureau of Apprenticeship and Training of the U.S. Department of Labor, Washington, D.C., or if no such recognized agency exists in a state, under a program registered with the Bureau of Apprenticeship and Training of the U.S. Department of Labor, Washington, D.C., (29 CFR 5.5(a)(4)).

Registered apprentices usually carry an identification card or book evidencing participation in the program. The contractor furnishes evidence of effective and current registration to the sponsor for each apprentice prior to employment of the apprentice on the project.

Sponsors should obtain a copy of the written agreement from the contractor or subcontractor and written evidence of the registration of the program

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and apprentices as well as of the appropriate ratios and wage rates prior to the commencement of the work. Wage determinations no longer include apprentice schedules so the agreement should be examined by the sponsor to determine the applicable apprentice rates of pay.

Contractors who are not participating in an approved and registered apprenticeship program are not permitted to employ workmen as apprentices.

18. PROPER CLASSIFICATION. The requirement that laborers and mechanics be classified in conformity with the schedule of classifications in the contract means that the contractor and each subcontractor should:

- a. Use only the classifications listed in the wage determination of the Secretary of Labor and any supplements or effective modification(s) thereto.
- b. Use the classifications which accurately describe the duties of the work being performed.
- c. Reclassify workers who have a change in duties.
- d. Maintain an adequate record of the time spent in separate classifications of work.

The classification of a worker describes his duties or the work he actually performs. In general, construction work is performed by recognized craft classifications. Practice in the construction industry in the area where the work is to be performed determines the classification to be used. For example, carpenters have well-recognized duties and workers performing such duties should be classified as carpenters.

Since there is no universal system for identifying all construction classifications, it is possible that a wage rate for workers performing certain duties may be included in the wage determination decision under a different title than that listed on the DB-11 or DB-11(a). For example, a mason tender may be known as such in one area and known as a hod carrier in another. Also, different names may be used to describe the same machine. Scrapers, for instance, are often called tournapulls or carryalls.

Improper classification may result in underpayment of wages, contrary to the provisions of the contract and the law. Proper classification simply means the assignment of an authorized classification to a worker which accurately describes the duties he performs, in conformance with the recognized practices in the construction industry. Generally, the use of the tools of the trade provides an excellent guide for the proper

classification and wage rate to be paid. When doubtful classifications arise, the sponsor should submit the question, together with all pertinent facts, to the FAA area office for resolution by the U.S. Department of Labor, Washington, D. C.

19. PAYMENT OF WAGES. All employed mechanics and laborers shall have complete freedom in the disposition of their wage payments, whether made by cash or check. The employees must be paid at least once a week without deductions or rebates except those required by Federal or local law, and except as provided for in the following:

Deductions as described in Section 3.5 of the Copeland Regulations (29 CFR, Part 3 - Appendix C) are permissible without applying for approval of the Secretary of Labor. Section 3.6 provides that any contractor or subcontractor may apply to the Secretary of Labor for permission to make any deduction not permitted in Section 3.5. All deductions are specified on the Weekly Statement of Compliance by the contractor.

20. PAYROLLS AND OTHER RECORDS (Paragraph C of Appendix H to Part 15). (29 CFR 5.5(a)(3)). The contractor prepares, maintains, and makes available accurate records pertaining to the employment and payment of wages to his employees. The contractor should:
- a. Maintain payroll records which accurately show the name, address, correct classification of each employee, rate of pay, daily and weekly number of hours worked, deductions made, and actual wages paid.
  - b. Furnish each week a certified copy of his payrolls to the sponsor.
  - c. Furnish to the sponsor a Weekly Statement of Compliance with respect to the wages paid to each employee during the preceding weekly payroll period. All deductions must be specified.
  - d. Furnish evidence upon request that labor standards provisions contained in the prime contract are made a part of each subcontract.
  - e. Furnish a certification indicating that he and each of his subcontractors have complied with the labor standards provisions of the contract before final payment may be made by the FAA under the grant agreement. This certification appears in the Periodic Cost Estimate (Form FAA-1629) which must be executed by the contractor to support grant payments by the FAA. Withholding of funds from the sponsor may result from labor standards violations by any subcontractor.

- f. Furnish payrolls, certifications accompanying payrolls, and Weekly Statements of Compliance for each of his subcontractors to the sponsor.

These records are preserved by the sponsor for three years after completion of the contract and are available to the FAA or the U. S. Department of Labor upon request (FAR 151.53).

- 21. REVIEW OF RECORDS. The sponsor should regularly and carefully review the contractor's certified payrolls and Weekly Statement of Compliance to assure that:

- a. The classifications used are authorized and that classifications not listed in the wage determination of the Secretary of Labor, including any modification, have not been used. General classification designations or colloquial designations, such as grunt or gandy dancer, which are commonly used by construction workers when referring to groundmen and track laborers, do not provide an adequate proper classification of workers.

Specific classification designations which appear in the wage determination of the Secretary of Labor incorporated in the contract are necessary in order that the applicable wage rate can be readily determined.

- b. Certified weekly payrolls contain the required minimum of information; i.e., (a) workman's name, (b) address, (c) correct classification, (d) basic hourly rate of pay and fringe benefits, if applicable, (e) daily and total weekly number of hours worked, (f) allowable deductions made, and (g) total actual wages paid. Unless there is a change of address, the employee's address need only be reported on that payroll on which his name first appears.
- c. Certified weekly payrolls are received not later than one week following the close of any pay period.
- d. Deductions made are permissible by law, or when required, are made with the approval of the Secretary of Labor.
- e. Computations are correct and accurate wages were paid each workman during the period.
- f. There has been no disproportionate employment of laborers, helpers, and apprentices.

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Discrepancies which appear on payroll records may be the result of poor record keeping and a lack of understanding of the minimum wage requirements of the contract. The sponsor should call the attention of the contractor to clerical errors and inaccuracies and the contractor should promptly correct them. Corrections are made by preparing a supplemental payroll for the same period and submitting it in the same manner as the original payroll. The original payroll is not returned to the contractor.

22. ENFORCEMENT RESPONSIBILITY. Enforcement of the required labor standards is primarily the responsibility of the sponsor as a party to the contract. Adequate means for assuring compliance are provided by the contract, the Federal Aviation Regulations and the Regulations of the Secretary of Labor. The FAA expects the sponsor to assure that compliance is met. Sound methods to assure that laborers and mechanics are being properly paid include conferences with the contractor, review of the contractor's and subcontractor's payroll records, and adequate investigation and inspection of the contractor's operations by the sponsor.

The sponsor should keep the FAA area office advised of all examinations and investigations made, of all determinations made therefrom and of efforts made to effect or enforce compliance with the labor provisions of the contract (FAR 151.53(d)).

23. INSPECTION OF CONTRACTOR'S OPERATIONS. The sponsor should regularly make inspections of the contractor's operation to determine that the contractor's laborers and mechanics are actually performing the duties of their classification as reported in the contractor's records. The sponsor should make sure that the work being performed by such employees is accurately reflected in the payroll records, and that the hours and wages shown have been worked and paid for. An inspection should include:
- a. Observation of the actual duties being performed by the workers. The sponsor may not be able to observe the work of each laborer or mechanic, but a reasonable effort should be made to observe a representative number of the work force.
  - b. Interview employees and promptly investigate employee complaints. Employee complaints, written or oral, should be treated as confidential (FAR 151.53).

Early discovery and correction of discrepancies tend to reduce subsequent errors and the need for frequent inspection and review.

24. CONSTRUCTION PRACTICES. The preceding paragraphs enumerate the minimum requirements that the sponsor, the contractor, and subcontractor should comply with in the employment of laborers and mechanics and in the payment of wages for services performed under Federal-aid Airport Program contracts. However, there are many employment and wage practices in the construction industry which result from employer-employee agreements, established and recognized policies, and other laws and regulations which affect, directly or indirectly, the earnings or "take home" pay of construction workers. Sponsors should be conversant with such laws, practices, or policies and fully understand their relationship to the minimum requirements of the Federal-aid Airport Program contracts.



# REQUEST FOR DETERMINATION

Appendix A  
Page 1

DOT-1100-69-750-771

## INSTRUCTIONS:

1. Use dark ribbon.
2. If request is for reuse, give prior decision number: \_\_\_\_\_
3. Check or list only crafts needed.
4. Check type of work. Heavy ☐ Highway ☒
5. Submit pertinent wage data.

(SAMPLE)

DATE OF REQUEST	Enter Date (by FAA)
LAW INVOLVED	EXAMPLE
FAA 9-01-023-000	
ESTIMATED VALUE OF CONTRACT	Enter Amount (by Sponsor)
PROPOSED ADVERTISING DATE	Complete (by Sponsor)
OPENING DATE	Complete (by Sponsor)
DATE OF DECISION	Leave Blank
EXPIRES	Leave Blank
SUPERSEDES DECISION NO.	Leave Blank

## TO: U.S. DEPARTMENT OF LABOR

Request is hereby made for the determination of the wage rates to be paid laborers and mechanics on the work described below.

SIGNATURE AND TITLE OF REQUESTING OFFICE  
Complete (by FAA)

ADDRESS

Complete (by FAA)

DEPARTMENT, AGENCY, OR BUREAU  
Airports Service (Attn: AS-20)  
Federal Aviation Administration, Washington, D. C. 20590

LOCATION OF PROJECT (CITY OR OTHER DESCRIPTION)

Downtown Airport (3 mi north of Shreveport)

STATE  
Shreveport, Louisiana

COUNTY  
Bossier Parish

DESCRIPTION OF WORK:

Heavy & Highway.

(Insert brief but accurate

description of construction work included in proposed contract, including information on materials to be used in the construction work.)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Bricklayers						
Carpenters						
Cement masons						
Ironworkers, structural						
Ironworkers, reinforcing						
Laborers:						
Air tool op. (jackhammer, vibrator)						
Asphalt rakers						
Asphalt spreaders						
Calson						
Drillers						
Fine graders						
Landscape workers						
Mason tenders						
Mortar mixers						
Pipelayers (concrete, clay and drainage)						
Powdermen, blasters						
Tunnel						
Unskilled						
Painters						
Painters, structural steel and bridge						
Piledrivers						
Stonemasons						
Welders						
Truck drivers						
(Differentiate according to size and type)						
POWER EQUIPMENT OPERATORS						

## BASIC HOURLY RATES

A frame truck (winch)		Motor patrols	
Air compressors		Oilers-greasers	
Asphalt distributors-spreaders		Piledrivers	
Asphalt plant		Pumps	
Backhoes		Pumpcretes	
Boring machines		Rollers (indicate type)	
Bulldozers			
Bull floats			
Cranes, derricks and draglines		Subgraders	
Concrete batching plants		Shovels (indicate size)	
Concrete finishing machines			
Concrete paving machines		Scrapers	
Conveyors		Tractors (indicate size and type)	
Crusher and screening plants			
Drilling machines			
Elevating graders			
Firemen			
Form graders			
Holts			
Loaders (all types)			
Mechanics		Trenching machines	
Mixers (indicate size and type)		Other (Specify)	

The sponsor prepares Form DB-11(a), Request for Determination, and submits it to the FAA area office. The sponsor's engineer who is familiar with area labor practices should render assistance by furnishing such information to the airports branch chief.

The craft classifications listed on Form DB-11(a) are used only as a guide since the DB-11(a) does not include all construction classifications recognized and used in all locations. Only those craft classifications recognized by area custom and practice are included in wage determinations of the Secretary of Labor.

Check only those classifications which are needed to accomplish the described work. Needed classifications which are not printed on the form may be typed in the blank spaces. Entries such as "All Classifications Applicable" or "Entire Schedule" may not be used.

The absence of a classification from a wage determination does not mean that the classification is not recognized in the area, but it does indicate that the Department of Labor does not have sufficient current wage information from the area on which to base a determination. The Department of Labor will issue a modification providing the additional classification if a request therefor is accompanied by sufficient wage data to base a determination of the prevailing wage rate.

The Form DB-11(a) shown here is appropriate to request wage rates for heavy and highway construction such as landing area work. The Form DB-11, available at the FAA area office, is appropriate to request wage rates for building type construction.

## REQUIRED LABOR PROVISIONS IN CONTRACTS

Each sponsor entering into a construction contract for an airport development project is required to insert in the contract the following provisions, except that contracts for \$2000 or less need not contain the provisions set forth in paragraphs 5, and 10 through 17:

- (1) Federal-aid Airport Program Project. The work in this contract is included in Federal-aid Airport Project No. \_\_\_\_\_ which is being undertaken and accomplished by the (insert sponsor's name) in accordance with the terms and conditions of a grant agreement between the (insert sponsor's name) and the United States, under the Federal Airport Act (49 U.S.C. 1101) and Part 151 of the Federal Aviation Regulations (14 CFR Part 151), pursuant to which the United States has agreed to pay a certain percentage of the costs of the project that are determined to be allowable project costs under that Act. The United States is not a party to this contract and no reference in this contract to the FAA or any representative thereof, or to any rights granted to the FAA or any representative thereof, or the United States, by the contract, makes the United States a party to this contract.
- (2) Consent to Assignment. The contractor shall obtain the prior written consent of the (insert sponsor's name) to any proposed assignment of any interest in or part of this contract.
- (3) Convict Labor. No convict labor may be employed under this contract.
- (4) Veterans Preference. In the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given to qualified individuals who have served in the military service of the United States (as defined in Section 101(1) of the Soldiers' and Sailors' Civil Relief Act of 1940) and have been honorably discharged from that service, except that preference may be given only where that labor is available locally and is qualified to perform the work to which the employment relates.
- (5) Withholding: Sponsor from Contractor. Whether or not payments or advances to the (insert sponsor's name) are withheld or suspended by the FAA, the (insert sponsor's name) may withhold or cause to be withheld from the contractor so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics employed by the contractor or any subcontractor on the work the full amount of wages required by this contract.

- (6) Nonpayment of wages. If the contractor or subcontractor fails to pay any laborer or mechanic employed or working on the site of the work any of the wages required by this contract the (insert sponsor's name) may, after written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment or advance of funds until the violations cease.
- (7) FAA inspection and review. The contractor shall allow any authorized representative of the FAA to inspect and review any work or materials used in the performance of this contract.
- (8) Subcontracts. The contractor shall insert in each of his subcontracts the provisions contained in paragraphs 1, 3, 4, 5, 6, and 7, and also a clause requiring the subcontractors to include these provisions in any lower tier subcontracts which they may enter into, together with a clause requiring this insertion in any further subcontracts that may in turn be made.
- (9) Contract termination. A breach of paragraphs 6, 7, and 8 may be grounds for termination of the contract.
- (10) Minimum wages.
  - a. All mechanics and laborers employed or working upon the site of the work will be paid unconditionally and not less often than once a week, and without subsequent deductions or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR Part 3)), the full amounts due at time of payment computed at wage rates not less than those contained in the wage determination decision(s) of the Secretary of Labor which is (are) attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics; and the wage determination decision(s) shall be posted by the contractor at the site of the work in a prominent place where it (they) can be easily seen by the workers. For the purpose of this paragraph, contributions made or costs reasonably anticipated under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of subparagraph (d) below. Also for the purpose of this paragraph, regular contributions made or costs incurred for more than a weekly period under plans, funds, or programs, but covering the particular weekly period, are deemed to be constructively made or incurred during such weekly period. (29 CFR 5.5(a)(1)(i)).

- b. Any class of laborers or mechanics which is not listed in the wage determination(s) and which is to be employed under the contract, shall be classified or reclassified conformably to the wage determination(s), and a report of the action taken be sent by the (insert sponsor's name) to the FAA for approval and transmittal to the Secretary of Labor. In the event that the interested parties cannot agree on the proper classification or reclassification of a particular class of laborers and mechanics to be used, the question accompanied by the recommendation of the FAA shall be referred to the Secretary of Labor for final determination (29 CFR 5.5(a)(1)(ii)).
- c. Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate and the contractor is obligated to pay a cash equivalent of such a fringe benefit, an hourly cash equivalent thereof shall be established. In the event the interested parties cannot agree upon a cash equivalent of the fringe benefit, the question, accompanied by the recommendation of the FAA, shall be referred to the Secretary of Labor for determination (29 CFR 5.5(a)(1)(iii)).
- d. If the contractor does not make payments to a trustee or other third person, he may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing benefits under a plan or program of a type expressly listed in the wage determination decision of the Secretary of Labor which is a part of this contract: Provided, however, The Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

(11) Withholding: FAA from sponsor: Pursuant to the terms of the Grant Agreement between the United States and (insert sponsor's name), relating to Federal-aid Airport Project No. \_\_\_\_\_, and Part 151 of the Federal Aviation Regulations (14 CFR Part 151), the FAA may withhold or cause to be withheld from the (insert the sponsor's name) so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics employed by the contractor or any subcontractor on the work the full amount of wages required by this contract. In the event of failure to pay any laborer or mechanic employed or working on the site of the work all or part of the wages required by this contract, the FAA may, after written notice to the

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(insert sponsor's name), take such action as may be necessary to cause the suspension of any further payment or advance of funds until such violations have ceased (29 CFR 5.5(a)(2)).

(12) Payrolls and basic records.

- a. Payrolls and basic records relating thereto will be maintained during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work. Such records will contain the name and address of each such employee, his correct classification, rates of pay (including rates of contributions or costs anticipated of the types described in section 1(b)(2) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor has found, under 29 CFR 5.5(a)(1)(iv) (see subparagraph(d) of paragraph (10) above), that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits (29 CFR 5.5(a)(3)(i)).
- b. The contractor will submit weekly a copy of all payrolls to the (insert sponsor's name) for transmission to the FAA, when requested. The copy shall be accompanied by a statement signed by the employer or his agent indicating that the payrolls are correct and complete, that the wage rates contained therein are not less than those determined by the Secretary of Labor and that the classifications set forth for each laborer or mechanic conform with the work he performed. A submission of a "Weekly Statement of Compliance" which is required under this contract and the Copeland regulations of the Secretary of Labor (29 CFR Part 3) and the filing with the initial payroll or any subsequent payroll of a copy of any findings by the Secretary of Labor, under 29 CFR 5.5(a)(1)(iv) (see subparagraph d of paragraph (10) above), shall satisfy this requirement. The prime contractor shall be responsible for the submission of copies of payrolls of all subcontractors. The contractor will make the records required under the labor standards clauses of the contract available for inspection by authorized representatives of the FAA and the Department of Labor, and will permit such representatives to interview employees during working hours on the job (29 CFR 5.5(a)(3)(ii)).

- (13) Apprentices. Apprentices will be permitted to work as such only when they are registered, individually, under a bona fide apprenticeship program registered with a State apprenticeship agency which is recognized by the Bureau of Apprenticeship and Training, United States Department of Labor; or, if no such recognized agency exists in a state, under a program registered with the Bureau of Apprenticeship and Training, United States Department of Labor. The allowable ratio of apprentices to journeymen in any craft classification shall not be greater than the ratio permitted to the contractor as to his entire work force under the registered program. Any employee listed on a payroll at an apprentice wage rate, who is not registered as above, shall be paid the wage rate determined by the Secretary of Labor for the classification of work he actually performed. The contractor or subcontractor will be required to furnish to the (insert sponsor's name) written evidence of the registration of his program and apprentices as well as of the appropriate ratios and wage rates, for the area of construction prior to using any apprentices on the contract work (29 CFR 5.5(a)(4)).
- (14) Compliance with Copeland Regulations. The contractor shall comply with the Copeland Regulations (29 CFR Part 3) of the Secretary of Labor which are herein incorporated by reference (29 CFR 5.5(a)(5)).
- (15) Overtime Requirements. No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any laborer or mechanic in any workweek in which he is employed on such work to work in excess of eight hours in any calendar day or in excess of forty hours in such workweek unless such laborer or mechanic received compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in excess of eight hours in any calendar day or in excess of forty hours in such workweek, as the case may be (29 CFR 5.5(c)(1)).
- (16) Violations; Liability for Unpaid Wages; Liquidated Damages. In the event of any violation of paragraph (15) of this provision, the contractor and any subcontractor responsible therefor shall be liable to any affected employee for his unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States for liquidated damages. Such liquidated damages shall be computed, with respect to each individual laborer or mechanic employed in violation of said paragraph (15) of this provision, in the sum of \$10 for each calendar day on which such employee was required or permitted to work in excess of eight hours or in excess of the standard workweek of forty hours without payment of the overtime wages required by said paragraph (15) of this provision (29 CFR 5.5(c)(2)).

- (17) Withholding for unpaid wages and liquidated damages. The FAA may withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor, such sums as may administratively be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in paragraph (16) of this provision (29 CFR 5.5(c)(3)).
- (18) Subcontracts. The contractor will insert in each of his subcontracts the clauses contained in paragraph 10 through 17 and 19 of this provision and also a clause requiring the subcontractors to include these provisions in any lower tier subcontracts which they may enter into, together with a clause requiring this insertion in any further subcontracts that may in turn be made (29 CFR 5.5(a)(6); 5.5(c)(4)).
- (19) Contract termination; debarment. A breach of paragraphs 10 through 18 may be grounds for termination of the contract. A breach of paragraphs 10 through 14 and 18 may also be grounds for debarment as provided in 29 CFR 5.6 of the regulations of the Secretary of Labor (29 CFR 5.5(a)(7)).



**DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION  
Washington, D.C. 20590**



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