



Dear ARRA Borrower:

As you are aware the American Recovery Reinvestment Act (ARRA) has added many more requirements to the CWSRF/DWSRF programs. This letter will attempt to guide you through some of the Davis-Bacon requirements attached with the ARRA funding. Information regarding analogous Rhode Island labor laws and requirements has also been provided. This package is provided as a service and may not contain all of the requirements and information. It is the Borrower's ultimate responsibility to contact the various agencies to obtain additional information or to answer any questions.

POSTERS

Posters for the Federal Davis Bacon Wage Rates and a State of Rhode Island Prevailing Wage must be displayed at the work site, construction trailer, at the contractor's office or in some other location where they can be easily seen by the workforce. The posters may be found at www.wdol.gov (Federal) and (State) www.dlt.ri.gov. Consideration should be given to posting both English and Non-English languages. The Federal and State prevailing wages rates are the same in Rhode Island and can be found online at either the Rhode Island Department of Training website www.dlt.ri.gov/PW or the Federal Department of Labor (FDOL) website www.wdol.gov/dba.aspx#0. Federal Davis Bacon reference material is found at www.dol.gov/esa/programs/dbra/index.htm.

CERTIFIED PAYROLL

The certified payroll must be on the Rhode Island State Form (enclosed) and the certification on the back must be completed. Also the Federal Davis-Bacon Certification form (enclosed) must be completed and attached to the Rhode Island form. It is the Borrower's responsibility to gather and retain all certified payrolls. The certified payrolls must be kept in a location where they will be readily available for review. Please note that the FDOL considers the municipality or Town as the General Contractor. Also Owner Operated businesses must also be reported on the aforementioned forms. Please note the latest wage rate must be posted on site and updated every July as listed on the FDOL and Rhode Island Department of Labor and Training (RIDLT) websites.

The RIDLT requires that the initial wages paid shall be based upon the wage decision in effect at the time of award of a contract and that wages shall be updated every July 1st to reflect the wage decision in effect at that time. Certified payrolls must be maintained for a period of seven (7) years, which trumps the FDOL requirement of a three (3) year retainage requirement.

Service contracts must adhere to Davis-Bacon Act. Please go to Wage Determinations on line at <http://www.wdol.gov/dba.aspx#0> for more information and classifications. If the classification is not there a wage determination must be requested for the work being done. For example, water meter installation would be considered as a service contract but the work is not found under any listed job classification, therefore a wage determination request must be made. Contracting officers may elect to use the [e98](#) wage request form for any service contract action (or SCA). Most requests are processed immediately. Some requests will require research, and FDOL may need additional time to respond.

APPRENTICESHIP PROGRAM

In accordance with state law RIDLT requires all general contractors and sub-contractors working on contracts that have over \$1M in state funding to have a certified apprenticeship program. Please be sure to have supporting documentation that the requirement of Apprenticeship program is being adhered to. Please note this currently applies only to Clean Water SRF projects funded by state match dollars. All Drinking Water SRF projects and Clean Water SRF projects funded with EPA capitalization grant monies, previously revolved monies or leveraged funds are presently exempt from this requirement.

REPORTING OF HOURS WORKED

Enclosed please find two (2) forms to be completed by the Borrower and Contractors. The forms are titled ARRA Weekly Payroll Labor Standards Compliance Report, and ARRA Work Hours Summary Sheet. The ARRA Weekly Payroll Labor Standards Compliance Report must be fill out by the work force involved with the project including the Borrower, the general contractor, any sub-contractor, police detail, engineering firm and testing lab and returned weekly to the Borrower. Hours worked by sub-subcontractors, office clerical (including accountants), salespersons and offsite manufacturers (but not installers) do not have to submit the weekly form.

The ARRA Work Hours Summary Sheet must be completed by the Borrower and returned to the RI Clean Water Finance Agency with a copy sent to the Department of Environmental Management or Department of Health, where applicable, by the first of each month.

LABOR STANDARDS INTERVIEWS

The Borrower is responsible for conducting onsite interviews of a representative group of all workers employed at the job site. At a minimum, interviews must be conducted within two weeks of the initial submittal of a certified payroll by a contractor or sub-contractor and within two weeks prior to the completion of the contract or sub-contract. More frequent interviews must be conducted if the Borrower discovers any discrepancies during the initial interview or when the Borrower suspects that a contractor or sub-contractor is not complying with the Davis-Bacon Act. The Borrower shall immediately conduct necessary interviews in response to an alleged violation of the prevailing wage

requirements. All interviews shall be conducted in confidence. The Borrower should exercise discretion when deciding to conduct an interview and should not interrupt an employee who is in the midst of a task. The attached form must be completed for each worker interviewed on the job site.

Questions regarding the State Revolving Fund program and the ARRA reporting requirements can be addressed to:

Clean Water SRF

Jay Manning, P.E.
Office of Water Resources
RI Dept. of Environmental Management
235 Promenade Street
Providence, RI 02908

401.222.3961, ext. 7254

jay.manning@dem.ri.gov

Drinking Water SRF

Gary Chobanian, P.E.
Division of Drinking Water Quality
RI Department of Health
Three Capitol Hill
Providence, RI 02908

401.222.6768

gary.chobanian@health.ri.gov

Questions regarding the ARRA Davis-Bacon and Rhode Island labor requirements can be addressed to:

RI Department of Labor & Training
Prevailing Wage Section
1511 Pontiac Avenue Building #70
Cranston, RI 02920
401.462.8580, Option #7

US Department of Labor
Wage & Hour Division
380 Westminster Street, Room 546
Providence, 02903
401.528.4431