



RAISE UP

Partners in Housing
Partners in Community

CONTRACTOR WORKSHOP

Doing Business with Raise Up

Housing Agency Marketplace • Davis-Bacon • Section 3

PURPOSE OF THIS PACKET

A practical reference for contractors and subcontractors pursuing and performing work with Raise Up. Use it with the workshop presentation, the solicitation, contract documents, applicable wage determination, and Raise Up instructions.

Workshop date: 9/22/2026

Director of Procurement: Sarah Karpinski

IMPORTANT

This workshop packet is a training aid, not a substitute for the solicitation, contract, applicable laws, regulations, HUD requirements, Department of Labor requirements, or project-specific instructions.

Workshop Quick Reference

THE CONTRACTOR PATH

1. Register and monitor opportunities → 2. Read the full solicitation → 3. Build compliance into your price and plan → 4. Submit a complete response → 5. After award, comply with all contracts, labor, reporting, and closeout requirements.

Doing Business with Raise Up

- Register in the Housing Agency Marketplace and keep your vendor profile and trade/commodity information current.
- Review the entire solicitation, including attachments, addenda, required forms, insurance, deadlines, and submission instructions.
- Ask procurement questions only through the method and by the deadline stated in the solicitation.
- Do not assume requirements are the same from project to project. The solicitation and resulting contract control the requirements.

When Davis-Bacon and Related Acts (DBRA) Apply

- Review the wage determination incorporated into the project and price required wages and fringe benefits into your bid or quote.
- Use proper worker classifications and keep accurate payroll records.
- Submit the required certified payroll information weekly.
- Post the required Worker Rights notice and applicable wage determination at the site of work where workers can readily see them.
- Flow down applicable requirements to subcontractors and monitor their compliance.

When Section 3 Applies

- Understand the project-specific Section 3 requirements before work begins.
- Identify and document Section 3 workers and Targeted Section 3 workers using accepted documentation/certification methods.
- Track total labor hours, Section 3 labor hours, and Targeted Section 3 labor hours as required.
- Maintain supporting records and require subcontractors to provide needed information.

BEST RULE

If you are unsure whether a requirement applies, stop and ask the Raise Up contact identified in the solicitation or contract before proceeding.

Housing Agency Marketplace: Vendor Checklist

Use this checklist as your standard routine for finding and responding to Raise Up opportunities.

- ☐ Create or confirm your vendor account.
- ☐ Complete your company profile and contact information.
- ☐ Select the trade, service, and commodity categories that match your business.
- ☐ Search for Raise Up opportunities and review the complete solicitation package.
- ☐ Note due date, time, pre-bid/site-visit requirements, and question deadline.
- ☐ Download and review all attachments.
- ☐ Monitor the opportunity for addenda, amendments, answers, or updated documents.
- ☐ Prepare pricing only after reviewing labor, insurance, Section 3, and other compliance requirements.
- ☐ Complete every required form and certification.
- ☐ Acknowledge required addenda.
- ☐ Submit using the method specified in the solicitation before the deadline.
- ☐ Save proof of submission and a complete copy of your response.

Marketplace Information

Marketplace URL	https://ha.internationalprocurement.com/requests.html?company_id=50641
Raise Up home page	https://rupartners.org/
Procurement email	Procurement@rupartners.org
Procurement Phone	440-288-7488

Before You Submit a Bid or Quote

- ☐ Read the full solicitation and scope of work.
- ☐ Confirm the exact response deadline and submission method.
- ☐ Attend any mandatory pre-bid meeting or site visit.
- ☐ Review all addenda and acknowledge them as required.
- ☐ Confirm licensing, registration, and insurance requirements.
- ☐ Review the applicable wage determination if prevailing wages apply.
- ☐ Include required wage and fringe obligations in your price.
- ☐ Review Section 3 requirements and determine how you will track required information.
- ☐ Identify proposed subcontractors and verify their ability to comply.
- ☐ Complete all representations, certifications, bid forms, and required attachments.
- ☐ Check math, unit pricing, alternates, and total price.
- ☐ Use the exact legal business name requested.
- ☐ Sign all documents that require a signature.
- ☐ Confirm your response is complete before uploading/submitting.
- ☐ Submit early enough to address technical problems before the deadline.

AVOID DISQUALIFICATION

Late submissions, missing signatures, omitted forms, failure to acknowledge required addenda, or failure to follow solicitation instructions can create serious problems. Build a final compliance review into your submission process.

Davis-Bacon Contractor Quick Guide

For covered federal or federally assisted construction, DBRA requirements generally apply to laborers and mechanics performing covered work. Project-specific requirements are established by the contract and incorporated wage determination.

Before Work Starts

- ☐ Confirm which wage determination applies to the project.
- ☐ Review classifications, base wage rates, and fringe benefits.
- ☐ Confirm how fringe obligations will be satisfied.
- ☐ Identify any needed classification that is not listed and contact Raise Up before using an improvised rate/classification.
- ☐ Confirm apprentice documentation, if apprentices will be used.
- ☐ Post the current WH-1321 Worker Rights poster and applicable wage determination as instructed.
- ☐ Brief supervisors, payroll staff, and subcontractors on weekly payroll requirements.

During the Job

- ☐ Record each worker's actual classification and hours worked.
- ☐ Pay covered workers at least the required wage/fringe amount for the work performed.
- ☐ Prepare and submit required original signature certified payroll information weekly.
- ☐ Correct discrepancies promptly and document any restitution.
- ☐ Keep the jobsite postings visible, current, and accessible to workers.
- ☐ Review subcontractor payrolls/compliance as required by your contract.

REMEMBER

A company job title does not automatically determine the Davis-Bacon classification. Classification should reflect the type of covered work the employee actually performs.

QUESTION TO ASK BEFORE BIDDING

Have I budgeted enough for the required base wage, fringe benefit obligation, payroll administration, and subcontractor compliance?

Certified Payroll: WH-347 Working Checklist

The U.S. Department of Labor provides Form WH-347 as an optional form for submitting certified weekly payroll information. Raise Up may provide project-specific submission instructions.

For Each Payroll Week

- ☐ Correct contractor/subcontractor name and project information.
- ☐ Payroll number and week-ending date are correct.
- ☐ Each covered worker is listed using the required identifying information.
- ☐ Work classification accurately reflects work performed and match the General Decision included in the contract.
- ☐ Daily and total hours are reported accurately.
- ☐ Rate of pay is correct, including any applicable fringe treatment.
- ☐ Gross wages, deductions, and net wages are accurate.
- ☐ Required remarks/explanations are included.
- ☐ Payroll forms are submitted for the required week, including any required no-work reporting under Raise Up procedures.

Common Errors to Avoid

- Using a classification because it is the employee's normal company title rather than the work performed.
- Leaving fringe benefits out of the wage calculation or failing to document how they are satisfied.
- Incorrect overtime calculations.
- Missing Statement of Compliance or signature.
- Payroll numbering or week-ending dates that skip or overlap without explanation.
- Waiting until project closeout to resolve payroll questions.

Davis-Bacon Jobsite Posting Checklist

- ☐ Current WH-1321 "Worker Rights Under the Davis-Bacon Act" poster is posted.
- ☐ The applicable Davis-Bacon wage determination is posted with the notice.
- ☐ Any applicable conformed/additional classifications are posted or otherwise included as required.
- ☐ Postings are in a prominent and accessible location where workers can readily see them.
- ☐ Raise Up contracting contact information on the worker-rights poster is completed as directed by Raise Up.
- ☐ Postings remain legible and available throughout covered work.

Section 3 Contractor Quick Guide

Section 3 of the Housing and Urban Development Act directs certain employment, training, and contracting opportunities generated by covered HUD financial assistance toward low- and very low-income persons and qualifying businesses, consistent with applicable requirements. Contractors should follow Raise Up's project-specific Section 3 instructions and 24 CFR Part 75.

Key Terms

Section 3 worker	A worker who meets an applicable eligibility pathway under current Section 3 requirements.
Targeted Section 3 worker	A Section 3 worker who also meets an applicable targeted-worker definition for the type of HUD assistance involved.
Section 3 business concern	A business meeting one of the qualifying criteria under the current Section 3 rule.
Labor hours	Hours worked on the covered activity/project that are tracked for Section 3 reporting as required.

Contractor Responsibilities

- Review the Section 3 requirements in the solicitation and contract before hiring or subcontracting decisions are made.
- Use Raise Up/HUD-approved documentation or certification methods to establish worker/business status.
- Track required labor hours accurately and retain supporting records.
- Provide required reports by Raise Up deadlines.
- Make sure subcontractors understand and provide the information needed for Raise Up reporting.

DO NOT ASSUME

Section 3 and Davis-Bacon are different compliance requirements. A worker's Section 3 status does not determine the Davis-Bacon wage classification or wage rate.

Section 3 Compliance Checklist

Before Work Begins

- ☐ Confirm that Section 3 applies to the project/contract.
- ☐ Review Raise Up's Section 3 contract language and reporting schedule.
- ☐ Identify who in your company will maintain Section 3 records.
- ☐ Determine the acceptable documentation/certification process for workers.
- ☐ Brief subcontractors on their reporting obligations.
- ☐ Establish a process to track total labor hours, Section 3 labor hours, and Targeted Section 3 labor hours.

During Performance

- ☐ Track labor hours using Raise Up's required format.
- ☐ Maintain documentation supporting reported worker status.
- ☐ Update information when new workers or subcontractors begin.
- ☐ Submit reports by Raise Up's deadline.
- ☐ Document qualitative efforts when requested or applicable.
- ☐ Resolve discrepancies promptly.

At Closeout

- ☐ Submit final labor-hour information.
- ☐ Provide outstanding certifications/supporting records requested by Raise Up.
- ☐ Confirm all subcontractor reporting is complete.
- ☐ Retain records for the period required by the contract/applicable rules.

Raise Up Contact Information

Procurement / Marketplace	Sarah Karpinski, Director of Procurement
Agency	Lorain Metropolitan Housing Authority dba Raise Up
Procurement email	Procurement@rupartners.org
Procurement phone	440-288-749
Davis-Bacon contact	Sarah Karpinski, Director of Procurement
Davis-Bacon email / phone	Procurement@rupartners.org , 440-288-7499
Section 3 contact	Sarah Karpinski, Director of Procurement
Section 3 email / phone	Section3@rupartners.org , 440-288-7499
Accounts payable	ap@rupartners.org
Website	rupartners.org

Notes:

COMMUNICATION RULE

For a live solicitation, follow the communication instructions in that solicitation. Do not rely on informal conversations if the solicitation requires questions to be submitted through a specific channel.

Official Resources

Use current government resources and the project documents supplied by Raise Up. Web addresses below are provided for contractor reference.

Housing Agency Marketplace

<https://www.housingagencymarketplace.com/>

DOL Davis-Bacon Worker Rights Poster

<https://www.dol.gov/agencies/whd/posters/dbra>

DOL WH-347 Certified Payroll

<https://www.dol.gov/agencies/whd/government-contracts/construction/payroll-certification>

DOL Davis-Bacon compliance information

<https://www.dol.gov/agencies/whd/government-contracts/construction>

HUD Section 3 Resources and Tools

<https://www.hudexchange.info/programs/section-3/resources-and-tools/>

HUD Section 3 Guidebook

<https://www.hudexchange.info/programs/section-3/section-3-guidebook/>

Official References Used to Prepare This Packet

- U.S. Department of Labor, Davis-Bacon Poster (Government Construction) and WH-1321 Worker Rights notice.
- U.S. Department of Labor, Davis-Bacon and Related Acts Weekly Certified Payroll Form WH-347 and DBRA compliance guidance.
- HUD Exchange, Section 3 Resources and Tools and Section 3 Guidebook.
- HUD, PHA Procurement Handbook 7460.8 REV-3, used for current procurement context; Raise Up's adopted policy and each solicitation remain important for agency-specific procedures.

Workshop Notes & Action Plan

Three things I need to do after today:

1.

2.

3.

Questions I still have:

Next opportunity I am interested in:

Who will manage compliance for our company?

TAKEAWAY

Successful public contracting is not only about submitting the lowest or best price. Contractors should understand the solicitation, build compliance into the work plan and price, maintain accurate records, and communicate questions early.

U.S. Department of Labor

Wage and Hour Division

Davis-Bacon and Related Acts Weekly Certified Payroll Form

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

Unless otherwise noted, the information requested is specific to the named project below.

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



Rev. January 2025

OMB No.: 1235-0008

Expires: 01/31/2028

☐ SUBMISSION OF FINAL DBRA CERTIFIED PAYROLL FORM☐ PRIME CONTRACTOR☐ SUBCONTRACTOR

PROJECT NAME				PROJECT NO. or CONTRACT NO.			CERTIFIED PAYROLL NO.		PRIME CONTRACTOR'S/SUBCONTRACTOR'S BUSINESS NAME																
PROJECT LOCATION				WAGE DETERMINATION NO.			WEEK ENDING DATE		PRIME CONTRACTOR'S/SUBCONTRACTOR'S BUSINESS ADDRESS																
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While use of Form WH-347 itself is optional, covered contractors and subcontractors performing work on Federal or federally assisted construction contracts are required by the DBRA regulations and the contract clauses to submit payroll information on a weekly basis. The Copeland Act (40 U.S.C. § 3145) requires contractors and subcontractors performing work on Federal or federally financed construction contracts to, on a weekly basis, "furnish a statement on the wages paid each employee during the prior week." U.S. Department of Labor (DOL) Regulations at 29 C.F.R. § 5.5(a)(3)(ii) require contractors and subcontractors to submit weekly certified payrolls to the appropriate Federal agency if the agency is a party to the contract (or, if the agency is not such a party, to the applicant, sponsor, owner, or other entity, as the case may be, that maintains such records, for transmission to the Federal agency). Each certified payroll must be accompanied by a signed "Statement of Compliance" (e.g., page 2 of the WH-347 or another document with identical wording) indicating that the certified payrolls are accurate and complete, and that each laborer or mechanic has been paid not less than the required Davis-Bacon prevailing wage rate(s) (including any fringe benefits) for the work performed. DOL and contracting agencies receiving this information review the information to determine whether workers 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 S3502, 200 Constitution Avenue, N.W. Washington, D.C. 20210 (over)

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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), AS WELL AS DEBARMENT FROM FUTURE FEDERAL AND FEDERALLY-ASSISTED CONTRACTS. INFORMATION REPORTED IN CERTIFIED PAYROLLS MAY BE SUBJECT TO DISCLOSURE IN RESPONSE TO A FREEDOM OF INFORMATION ACT REQUEST.																																																																																																																																																																														

How to correctly fill out the Davis-Bacon and Related Acts Weekly Certified Payroll WH-347 Form
The completion of the WH-347 Davis Bacon and Related Acts Weekly Certified Payroll Form is optional;
The required weekly certified payroll information may be submitted using Optional Form WH-347 or in
any other format desired.

[illegible]

Enter the name of the project on which you are reporting

Enter the project number or the prime contract number associated with your contract

Starting with #1, payrolls must be numbered sequentially and should be based on the weeks worked under the contract

Enter the business' legal name

PROJECT NAME	PROJECT NO. or CONTRACT NO.	CERTIFIED PAYROLL NO.	PRIME CONTRACTOR'S or SUBCONTRACTOR'S BUSINESS NAME
PROJECT LOCATION	WEEK ENDING DATE	CERTIFYING OFFICIAL'S NAME and TITLE	

Enter the complete address of the project, or, if there is no specific address, a description of the project location, including, at a minimum, the county or counties and state in which the project is located

Enter the workweek ending date for this pay period

Enter individual who paid or supervised the payment of the workers under the contract during the weekly period covered by the form

If any worker is being paid as an apprentice during this period, this box must be checked and the information requested entered into the form

If box 4 is checked, enter the apprenticeship program name. If no apprentices worked in this period, enter "Not Applicable" or "N/A"

Name Labor Classification for approved apprenticeship program

Check boxes to attest statements are accurate. Boxes must be checked to assert contractor is compliant with DBRA

If box 4 is checked, identify with whom approved program is registered. Check OA or SAA

I paid or supervised the payment of the laborers or mechanics working on the above project during the stated time period. I certify the following:

☐ The payroll information submitted with this statement is correct and complete for the above project during the above period, and the wage and fringe benefit rates paid to the workers, including credit taken for the reasonably anticipated costs of a bona fide fringe benefit plan, fund or program, are not less than the applicable wage and fringe benefits rates for the classification(s) of work actually performed, as specified in the wage determination(s) incorporated into the contract.

☐ All regular payrolls and all other basic records that the contractor is required to maintain for this payroll period are complete and accurate and will be made available upon request from the agency or the Department of Labor.

☐ The classifications reported for each laborer or mechanic are the classification(s) of work that each worker actually performed.

☐ Any workers paid as apprentices during the above period are duly registered in a bona fide apprenticeship program registered with the Office of Apprenticeship, Employment and Training Administration, United States Department of Labor ("OA"), or a State Apprenticeship Agency ("SAA") recognized by Department of Labor. I have verified the registered apprenticeship program information provided below as accurate and applicable to any apprentices identified on page 1 of this form.

APPRENTICESHIP PROGRAM NAME		REGISTERED	NAME OF LABOR CLASSIFICATION
		☐ OA ☐ SAA	
		☐ OA ☐ SAA	
		☐ OA ☐ SAA	

☐ Fringe benefits have been paid in cash and/or to bona fide fringe benefit plans, funds, or programs. Where the contractor is claiming an hourly credit for their contributions to or reasonably anticipated costs of a bona fide fringe benefit plan, fund, or program, provide plan information and the hourly credit claimed for each worker listed on the previous page of this form.

HOURLY CREDIT FOR FRINGE BENEFITS

If an amount is listed in (86) on the first page of this certified payroll form, enter the hourly credit claimed under each plan name, type and number for each worker and check whether the plan is funded or unfunded.

NAME OF WORKER	FB NAME		FB NAME		FB NAME		FB NAME		FB NAME		FB NAME		TOTAL HOURLY CREDIT
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What Projects or Contracts Does Section 3 Apply to?

Housing and Community Development Financial Assistance

Section 3 applies to housing construction, housing rehab and public infrastructure projects that exceed \$300,000 in HUD assistance. Section 3 also applies to projects that exceed \$150,000 in Lead Hazard Control and Healthy Homes assistance.

Public Housing Financial Assistance

Section 3 applies to any amount of assistance for development, operations and management, mixed-finance development projects, and in some cases, Rental Assistance Demonstration (RAD) and Choice Neighborhoods projects.

What Are the Goals of Section 3?

Section 3 has goals that recipients, subrecipients, contractors and subcontractors must meet. The goals are as follows:

Housing and Community Development Financial Assistance

- 25% or more of the total number of labor hours worked by all workers on a Section 3 project are Section 3 workers and 5% or more of the total number of labor hours worked by all workers on a Section 3 project are Targeted Section 3 workers.

Public Housing Financial Assistance

- 25% or more of the total number of labor hours worked by all workers in a PHA's fiscal year are Section 3 workers and 5% or more of the total number of labor hours worked by all workers in a PHA's fiscal year are Targeted Section 3 workers.

What Happens if the Section 3 Goals Are Not Met?

Recipients must report qualitative nature of Section 3 compliance efforts and the efforts of its contractors and subcontractors.

How Can I Find Section 3 Opportunities in My Area?

Contact your local and state government and public housing authority to learn more about employment, training and contracting opportunities that may be available to you in your community.

How Can I Learn More About Section 3?

Visit the following websites:

- <http://www.hud.gov/section3>
- <http://www.hudexchange.info/programs/section-3/>

Want to learn more about YouthBuild?

- <http://www.dol.gov/agencies/eta/youth/youthbuild>

This material is based upon work supported, in whole or in part, by Federal award number C-20-TA-VA-0011 awarded to ICF by the U.S. Department of Housing and Urban Development. The substance and findings of the work are dedicated to the public. Neither the United States Government, nor any of its employees, makes any warranty, express or implied, or assumes any legal liability or responsibility for the accuracy, completeness, or usefulness of any information, apparatus, product, or process disclosed or represents that its use would not infringe privately-owned rights. Reference herein to any individuals, agencies, companies, products, process, services, service by trade name, trademark, manufacturer, or otherwise does not constitute or imply an endorsement, recommendation, or favoring by the author(s), contributor(s), the U.S. Government or any agency thereof. Opinions contained herein are those of the author(s) and do not necessarily reflect the official position of, or a position that is endorsed by, HUD or any Federal agency.



SECTION 3

for Workers and Businesses

Learn about employment, training and contracting opportunities that can be available to you under Section 3.

What Is Section 3 and Why Does It Matter?

- Every year the Department of Housing and Urban Development (HUD) invests billions of federal dollars into distressed communities across the country for projects that provide **access to safe and affordable housing and improve public infrastructure**.
- These funds are passed down to public housing agencies, local and state governments or other recipients through grants or financial assistance.
- The financial assistance can be used to **maintain and build affordable housing and improve public infrastructure** in your community.
- **Employment, training and contracting** opportunities that result from the covered projects or contracts must be directed to persons who are low-income (**Section 3 workers**) and businesses that are owned by or employ persons who are low-income (**Section 3 businesses**) to help build economic wealth.
- Best efforts should be made to direct economic opportunities to persons and businesses in the **order of priority** outlined in the final rule requirements.

Who Is Responsible for Providing Access to Economic Opportunities?

- Recipients and subrecipients of HUD assistance
- Contractors and subcontractors working on certain HUD-assisted projects or contracts

How Can Contractors Help PHAs and Grantees Meet the Section 3 Goals?

Contractors can help PHAs and grantees meet the Section 3 goals by being a Section 3 business or employing Section 3 workers. Some grantees or PHAs may offer incentives to businesses that can demonstrate how they will meet the Section 3 goals.

What Is a Section 3 Worker?

A **Section 3 Worker** is any worker who currently fits, or when hired within the past five years fit, at least one of the following categories as documented:

- Person who is low-income
- Employed by a Section 3 business concern
- YouthBuild participant

What Is a Targeted Section 3 Worker?

A **Targeted Section 3 Worker** is a Section 3 worker who is **employed by a Section 3 business concern** or is a worker that currently fits or when hired fit at least **one** of the following categories as documented within the past five years:

Housing and Community Development Financial Assistance

- Lives within the neighborhood of the project
- YouthBuild participant

Public Housing Financial Assistance

- Resident of public housing or Section 8-assisted housing
- Resident of other public housing projects or Section 8-assisted housing managed by the PHA that is providing the assistance
- YouthBuild participant



What Is a Section 3 Business Concern?

A business that meets at least **one** of the following categories, within the last six-month period:

- At least 51% owned and controlled by persons who are low-income
- At least 51% owned and controlled by current public housing residents or residents who currently live in Section 8 assisted housing
- Over 75% of the labor hours performed for the business over the prior three-month period were performed by Section 3 workers



Section 3 Job Aid

for Contractors & Subcontractors

1 Understand How Section 3 Applies to Your Project or Contract

Section 3 applies to any amount of public housing financial assistance for development, operations and management, and mixed-finance development projects. In some cases, Section 3 may apply to Rental Assistance Demonstration (RAD) and Choice Neighborhoods projects. Material supply contracts are excluded.

2 Understand How to Meet the Section 3 Goals

Meet the Quantitative Goals

25% or more of all labor hours in a PHA's fiscal year must be worked by Section 3 workers, and **5%** or more of all labor hours in a PHA's fiscal year must be worked by Targeted Section 3 workers

Professional service labor hours are excluded from the goals, but may be included by choice.

Make Qualitative Efforts

Provide evidence that you made qualitative efforts to assist persons and businesses that provide opportunities to persons listed in the following order of priority: 1) Residents of public housing projects where assistance is expended, 2) Residents of other public housing projects managed by the PHA providing the assistance, 3) YouthBuild participants, 4) Persons who are low-income residing in the metro area (or non-metro county) where assistance is expended.



Helpful Tool: The Section 3 Guidebook provides a list of qualitative efforts that contractors and subcontractors may undertake to document that they made qualitative efforts to assist persons who are low-income with employment and training opportunities.

3 Understand What a Section 3 Worker Is

What is a Section 3 Worker? A worker who **currently fits**, or **when hired** within the past five years fit, at least **one** of the following categories as documented:

- Worker who is low-income
- Employed by a Section 3 business concern
- YouthBuild participant

*The five-year lookback period cannot date back further than 2020.

4

Understand What a Targeted Section 3 Worker Is

What is a Targeted Section 3 Worker? A worker who is:

- Employed by a Section 3 business concern

Or a worker that **currently fits** or **when hired** within the past five years fit, at least **one** of the following categories as documented:

- Resident of public housing or Section 8 assisted housing
- Resident of other public housing projects or Section 8 assisted housing that is managed by the PHA that is providing the assistance.
- YouthBuild participant



Helpful Tip:

- All Targeted Section 3 Workers are Section 3 Workers. However, not all Section 3 Workers meet the definition of a Targeted Section 3 Worker.

5

Certify Your Section 3 and Targeted Section 3 Workers

Select the Option(s) You Will Use to Certify Worker Eligibility

- 1. Worker Self-Certification** - this option allows a worker to verify their own eligibility. A worker may use a self-certification form to certify that:
 - Their income is at or below the low-income limit, or
 - They are a YouthBuild participant, or
 - They are a public housing resident or a resident of Section 8 assisted housing
- 2. Employer Certification** - this option allows employers to certify that the:
 - Worker's paid wage rate by the employer (if annualized on a full-time basis) is at or below the low-income limit, or
 - Worker is employed by a Section 3 Business concern.
- 3. PHA/Owner Certification** - this option allows a PHA or an owner or property manager of project based Section 8-assisted housing or administrator of tenant-based Section-8 assisted housing to certify that:
 - The worker is a participant in one of their programs.



Helpful Tip:

- If a person does not currently meet any of the categories above, the person or employer can look back five years (if hired within the last five years by the same employer) to verify the worker's status.

6

Determine if Your Business Qualifies as a Section 3 Business

There are two different ways to qualify as a Section 3 business concern. Your business must meet one of the criteria below to be eligible.

1. At least 51% of your business owned and controlled by a person(s) that made less than \$_____ OR by a public housing resident or resident living in Section 8 assisted housing.

a. If your business meets the criteria, then you will need to self-certify ownership and income-levels of the qualifying owner(s).

2. In the past 3 months, more than 75% of the labor hours worked for your business must be performed by Section 3 workers?

a. How do I figure this out?

- **Divide** the *total number of labor hours* worked by **Section 3 Workers** over the last three-month period by the *total number of labor hours* worked by **all employees** over the last three-month period. **Multiply** the number by 100 to get the percentage. If the percentage is 75% or greater, your business qualifies. You may self-certify your eligibility.
- **Example:** Over the prior three month period, Contractor ABC had six employees on payroll. Two out of the six employees qualified as Section 3 Workers. The total number of hours that the six employees worked in the prior three month period was a total of 800 hours. The total number of hours that were worked by the Section 3 Workers were 500 hours. To determine eligibility, Contractor ABC divided 500 hours by 800 hours. Based upon the equation, 62.5% of the business' labor hours performed over the prior three month period were performed by Section 3 Workers. The contractor does not qualify as a Section 3 business.

Helpful Resources

_____ 's Section 3 Plan
Certification Forms for Workers and Businesses

Wage and Hour Division

Print Fact Sheet



WAGE AND HOUR DIVISION

UNITED STATES DEPARTMENT OF LABOR

Fact Sheet #66: The Davis-Bacon and Related Acts (DBRA)

October 2023

This fact sheet provides general information concerning DBRA.

Coverage

DBRA requires payment of prevailing wages on federally funded or assisted construction projects.

The Davis-Bacon Act applies to each federal government or District of Columbia contract in excess of \$2,000 for the construction, alteration, or repair (including painting and decorating) of public buildings or public works. Many federal laws that authorize federal assistance for construction through grants, loans, loan guarantees, insurance, and other methods are Davis-Bacon "Related Acts." The "Related Acts" include provisions that apply Davis-Bacon labor standards to most federally assisted construction. Examples of "Related Acts" include the Federal-Aid Highway Acts, the Housing and Community Development Act of 1974, and the Federal Water Pollution Control Act.

Basic Provisions/Requirements

Contractors must pay laborers and mechanics working on the site of the work at least the locally prevailing wages (including fringe benefits), listed in the Davis-Bacon wage determination applicable to the contract, for the work performed. Davis-Bacon labor standards clauses must be included in covered contracts.

The Davis-Bacon "prevailing wage" is the combination of the basic hourly rate and any fringe benefits listed in a Davis-Bacon wage determination. The contractor's obligation to pay at least the prevailing wage listed in the applicable wage determination can be met by paying each laborer and mechanic the applicable prevailing wage entirely as cash wages or by a combination of cash wages and employer-provided bona fide fringe benefits. Prevailing wages, including fringe benefits, must be paid for all hours worked on the site of the work.

Apprentices may be paid less than the rates listed in the applicable wage determination only when they are individually registered in an apprenticeship program registered with the Department of Labor or with a state apprenticeship agency recognized by the Department, and the terms of the apprenticeship program are met.

Contractors are required to pay covered workers weekly and submit weekly certified payroll records to the contracting agency. They are also required to post the applicable Davis-Bacon wage determination and the Davis-Bacon poster (WH-1321) on the work site in a prominent and accessible place where they

can be easily seen by the workers.

Davis-Bacon Wage Determinations

Davis-Bacon wage determinations are published on the [System for Award Management \(SAM\)](#) website for contracting agencies to include them into covered contracts. The “prevailing wages” are determined based on wages paid to various classes of laborers and mechanics employed on specific types of construction projects in an area. Guidance on determining the type of construction, and when multiple wage determinations are applicable to a project, is provided in All Agency Memoranda 130, 131 and 236.

Retaliation Is Prohibited

Retaliation is prohibited against any worker or job applicant for engaging in protected activities. Examples of protected include, but are not limited to, making a complaint to a manager, contractor, contracting agency, or WHD; cooperating in a WHD investigation; requesting payment of wages; refusing to return back wages to the contractor; complaints by a third party on behalf of a worker; consulting with WHD staff; informing another worker about their rights under the DBRA; and testifying at a hearing or trial.

WHD will notify contractors of violation findings and direct them to provide appropriate make whole relief to affected worker(s) and job applicant(s) or take appropriate remedial action, or both, where retaliation has been found to have occurred. Engaging in prohibited retaliation may also be grounds for debarment.

Penalties/Sanctions and Appeals

Contract payments may be withheld in sufficient amounts to satisfy liabilities of the contractor for unpaid wages, and for liquidated damages for overtime violations under the [Contract Work Hours and Safety Standards Act \(CWHSSA\)](#). In addition, violations of the Davis-Bacon labor standards may be grounds for contract termination, contractor liability for any resulting costs to the government, and debarment from future contracts for a period of three years.

Contractors may challenge the Wage and Hour Division’s determinations of violations and debarment before an Administrative Law Judge (ALJ). Interested parties may appeal ALJ decisions to the Department’s Administrative Review Board (ARB). Final ARB decisions may be appealed to and are enforceable through the federal courts.

Typical Compliance Issues

Compliance issues that frequently arise on DBRA projects include:

- Misclassification of laborers and mechanics.
- Failure to pay full prevailing wage, including fringe benefits, for all hours worked (including overtime hours).
- Incomplete or inaccurate recordkeeping, such as not counting all hours worked or not recording hours worked in each classification by an individual who worked in two or more classifications during a day.
- Failure to maintain a copy of the bona fide apprenticeship program and individual registration documents for apprentices.
- Failure to submit certified payrolls weekly.
- Failure to post the Davis- Bacon poster and applicable wage determination at the work site.

Relation to State, Local, and Other Federal Laws

The Copeland "Anti-Kickback" Act prohibits contractors from in any way inducing an employee to give up any part of the compensation to which they are entitled and requires contractors to submit a weekly statement of the wages paid to each worker performing DBRA-covered work.

Contractors on projects subject to DBRA labor standards may also be subject to additional prevailing wage and overtime pay requirements under State (and local) laws. Also, overtime pay requirements under CWHSSA and the [Fair Labor Standards Act](#) may apply.

Under [Reorganization Plan No. 14 of 1950](#), (5 U.S.C. Appendix 1), the federal contracting or assistance-administering agencies have day-to-day responsibility for administration and enforcement of the Davis-Bacon labor standards provisions and, in order to promote consistent and effective enforcement, the Department of Labor has regulatory and oversight authority, including the authority to investigate compliance.

Where to Obtain Additional Information

For additional information, visit our Wage and Hour Division Website:

<http://www.dol.gov/agencies/whd> and/or call our toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4USWAGE (1-866-487-9243).

This publication is for general information and is not to be considered in the same light as official statements of position contained in the regulations.

The contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

Topics	Worker Rights	For Employers	Resources	Interpretive Guidance	State Laws
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Wage and Hour Division

An agency within the U.S.
Department of Labor

200 Constitution Ave NW
Washington, DC 20210

[1-866-4-US-WAGE](tel:1-866-4-US-WAGE)

[1-866-487-9243](tel:1-866-487-9243)

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WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

Fact Sheet #66E: The Davis-Bacon and Related Acts – Compliance with Fringe Benefit Requirements

October 2023

This fact sheet provides general information regarding compliance with the fringe benefit requirements of the Davis-Bacon and Related Acts (DBRA).

Basic Provisions/Requirements

The DBRA require payment of prevailing wages to laborers and mechanics working on federally funded or assisted construction projects. (See [Fact Sheet #66](#)). The DBRA “prevailing wage” is the combination of the basic hourly rate (BHR) and any fringe benefits for the applicable classification listed in a DBRA wage determination. Prevailing wages, including fringe benefits, must be paid on all hours worked on the site of the work. See [40 U.S.C. § 3141\(2\)](#); see also [29 CFR § 5.23](#).

Compliance with Fringe Benefit Requirements Generally

The contractor’s obligation to pay at least the prevailing wage listed in the contract wage determination can be met by (1) paying each laborer and mechanic the applicable prevailing wage (including the amount of fringe benefits) entirely as cash wages or (2) providing a combination of cash wages and contributions to or incurred costs for bona fide fringe benefits. The required rate of contribution or cost for fringe benefits for the applicable classification listed in the wage determination is ordinarily an hourly rate. Under the DBRA (unlike the Service Contract Act), cash wages paid *in excess* of the BHR may be used to offset the fringe benefit portion of a contractor’s prevailing wage obligation. Thus, a contractor may satisfy its prevailing wage obligation, for example, in the following ways:

Minimum Wage Determination Rate

Basic hourly rate

\$27.00

Fringe benefits

\$14.00

Total prevailing wage obligation

\$41.00

- (1) \$41.00 in cash wages;
- (2) \$27.00 plus \$14.00 in any combination of bona fide fringe benefits; or
- (3) \$35.00 plus \$6.00 in any combination of bona fide fringe benefits.

Although applicable fringe benefits must be paid for all hours worked, including overtime hours, additional half-time does not need to be computed and paid on cash wages paid in lieu of a fringe benefit contribution, as such payments are excluded from the overtime premium required under the Fair Labor Standards Act (FLSA) or the Contract Work Hours and Safety Standards Act (CWHSSA) for hours worked in

excess of 40 in a workweek.

A question sometimes arises over whether a cash payment made to a laborer or mechanic is paid in lieu of a fringe benefit contribution, or whether it is simply part of the individual's regular rate of pay. If the laborer or mechanic is consistently paid a regular rate above the basic hourly rate listed in the applicable wage determination, even when performing other work where the fringe benefit requirement does not apply, the additional cash payment is not considered cash wages paid in lieu of a fringe benefit contribution and is not excludable in computing the overtime pay obligation.

Some wage determinations may express the fringe benefit amount as a percentage rather than a specific dollar amount per hour, or as a specific dollar amount plus a certain percentage. In those situations, the percentage to be calculated is a percentage of the BHR. It is *not* added to the BHR for overtime purposes.

See [29 CFR § 5.31](#); see also Field Operations Handbook (FOH) 15f07.

Bona Fide Fringe Benefits

Bona fide fringe benefits generally include those benefits which are common in the construction industry. The DBA contains an illustrative list of bona fide fringe benefits, which includes, for instance, medical care, compensation for injuries or illness, and pensions for retirement or death, as well as insurance to provide such items. To be considered bona fide, fringe benefits must also be provided pursuant to a plan, fund, or program which is legally enforceable and meets certain criteria, such as the requirements of the Employee Retirement Income Security Act (ERISA), laws and regulations enforced by the Internal Revenue Service (IRS), and state insurance laws. See [40 U.S.C. § 3141\(2\)\(B\)](#); [29 CFR § 5.29\(a\)](#), (d).

Funded Plans. A contractor or subcontractor may take credit towards its prevailing wage obligation for irrevocable contributions to a trustee or other third party that is not affiliated with the contractor or subcontractor for bona fide fringe benefits which are made pursuant to an insurance agreement, trust, or other funded arrangement on behalf of its laborers and mechanics. The trust or fund must not permit the contractor or subcontractor to recapture any of the contributions paid in or any way divert the funds to its own use or benefit. The contributions must be made periodically, *at least quarterly*. A trustee must also assume the usual fiduciary responsibilities imposed upon them by applicable law. Contractors may take credit for contributions made under such conventional plans without requesting the approval of the Department. See [29 CFR §§ 5.5\(a\)\(1\)](#), [5.26](#), [5.27](#).

Unfunded Plans. Unfunded plans are defined as any plan funded from the general assets of the contractor or subcontractor. For example, many vacation and sick leave plans in the construction industry are “unfunded plans.” A contractor may take credit towards its prevailing wage obligations for the costs it incurs to provide bona fide fringe benefits to its mechanics and laborers under an unfunded plan, provided the plan has been *communicated to the employees in writing*, the cost reasonably anticipates the cost of providing a bona fide fringe benefit, and the plan represents an enforceable commitment to provide such benefits and is carried out under a financially responsible plan or program. To ensure unfunded plans are not used to avoid compliance with the DBRA, contractors must set aside sufficient funds to ensure that the benefits will be available when the workers are eligible for the benefits.

Contractors with unfunded fringe benefit plans must obtain prior approval from the Department, and must submit a written request to the Department by email to unfunded@dol.gov, or its successor email address, or by mail to:

United States Department of Labor
Wage and Hour Division, Director, Division of Government Contracts Enforcement
200 Constitution Ave., NW, Room S-3502
Washington, DC 20210.

For more information on unfunded fringe benefit plans or programs, see [29 CFR § 5.28](#).

Eligibility and Participation. Eligibility standards are permissible in an otherwise bona fide fringe benefit plan under the DBRA. Employers may take credit for contributions made on behalf of laborers and mechanics who will likely become participants in a plan but are not yet eligible to receive benefits (for example, a health insurance plan with a 30-day waiting period for new participants). However, contractors may not take credit for contributions for laborers and mechanics who are not eligible to participate in the fringe benefit plan, such as employees who are excluded because of age or part-time employment. See [FOH 15f13](#).

Annualization Principle

Annualization is a computation method to determine the hourly rate of contribution or costs incurred for bona fide fringe benefits that is creditable towards meeting a contractor's or subcontractor's prevailing wage obligation. See [29 CFR § 5.25\(c\)](#). DBRA credit for contributions made to fringe benefit plans is allowed based on the effective annual rate of contributions or costs incurred for hours worked during the year by an individual. In practice, annualization limits the DBRA credit to an amount equal to the hourly cost of the fringe benefit averaged over all hours an individual laborer or mechanic works during a year or other representative period (including both DBRA and non-DBRA hours). This method ensures that DBRA work is not used as the sole or disproportionate source of funding for a fringe benefit plan that provides benefits or coverage to an employee for all hours (both Davis-Bacon hours and non-Davis-Bacon hours) that the employee works. This principle is important because the amount of credit a contractor may claim as an offset against the prevailing wage obligation can be as significant in determining DBRA compliance as whether a particular fringe benefit plan is a bona fide fringe benefit plan under the DBRA.

Contractors, plans, and other interested parties may request an exception from the annualization requirement by submitting a written request to the Wage and Hour Division. The request for an exception will be granted if the benefit provided is not continuous in nature (i.e., it is not available to a participant without penalty throughout the year or other time period to which the cost of the benefit is attributable) and the benefit does not compensate both non-DBRA work and DBRA-covered work. Contributions to defined contribution pension plans are excepted from the annualization requirement without the need for an exception request if the plan is not continuous in nature, does not compensate both non-DBRA and DBRA-covered work, and provides for both immediate participation and essentially immediate vesting. A plan provides essentially immediate vesting if the benefit vests within the first 500 hours worked.

See [29 CFR § 5.29\(g\)](#).

Payment of Fringe Benefits to Apprentices

Fringe benefits typically should be paid to apprentices in accordance with the provisions of the approved apprenticeship program. Generally, if the program does not mention fringe benefits, apprentices must be paid the *full amount* of the fringe benefits listed in the wage determination for their journeyworker classification. Even where an apprenticeship program does address the payments for fringe benefits, those provisions only apply when the apprentices are employed in accordance with the applicable ratio of journeyworkers to apprentices and other specifications of the program. See [29 CFR § 5.5\(a\)\(4\)\(i\)](#); [FOH 15e01\(g\)](#).

Creditable Costs of Bona Fide Apprenticeship Programs

Contractors may only take credit for costs of apprenticeship programs registered with the Department of Labor's Employment and Training Administration, Office of Apprenticeship ("OA"), or with a State Apprenticeship Agency recognized by the OA. A contractor may only take credit for amounts reasonably related to the costs of the apprenticeship benefits actually provided to the contractor's employees, such as instruction, books, and tools or materials. It may not take credit for voluntary contributions beyond such costs. Amounts the employer is required to contribute by a collective bargaining agreement or by a bona fide apprenticeship plan will be presumed to be reasonably related to such costs in the absence of evidence to the contrary.

Contractors must annualize the costs or contributions to the apprenticeship program to determine the amount of hourly credit that can be claimed. To annualize, the contractor must divide the total cost or contribution by the total number of hours worked by all of the contractor's laborers and mechanics in the apprenticeship program's classification. The contractor should not include hours worked by laborers and mechanics in another classification when annualizing, nor may the contractor claim a fringe benefit credit for the apprenticeship costs towards its prevailing wage obligations to workers in other classifications.

For example, if a contractor enrolls an employee in an apprenticeship program for carpenters, the permissible hourly Davis-Bacon credit is determined by dividing the cost of the program by the total number of hours worked by the contractor's carpenters and carpenters' apprentices on covered and non-covered projects during the time period to which the cost is attributable.

Items Not Considered Bona Fide Fringe Benefits and Not Creditable Towards Prevailing Wage

Contractor's Administrative Expenses. A contractor's own administrative expenses incurred in connection with the provision of fringe benefits are not creditable towards the contractor's prevailing wage obligations, including when the contractor pays a third party to perform such tasks in whole or in part.

For example, the contractor could not claim a fringe benefit credit for the costs of performing tasks such as filling out medical insurance claim forms for submission to an insurance carrier, paying and tracking invoices from insurance carriers or plan administrators, updating the contractor's personnel records when workers are hired or separate from employment, sending lists of new hires and separations to insurance carriers or plan administrators, sending out tax documents to the contractor's workers, or tracking the amount of a contractor's fringe benefit contributions and making sure contributions cover the fringe benefit amount claimed, whether those tasks are performed by the contractor's own employees or by a third party. See, e.g., 29 CFR § 5.33; see also [FOH 15f18](#).

Although contractors cannot claim a fringe benefit credit for their own administrative expenses, contractors may claim a credit for costs incurred by a contractor's insurance carrier, third-party trust fund, or other third-party administrator that are directly related to the administration and delivery of bona fide fringe benefits to the contractor's laborers and mechanics. Any questions regarding whether a particular cost or expense is creditable towards a contractor's prevailing wage obligations should be referred to the WHD Administrator before the contractor claims a credit for that expense.

Benefits Required by Other Federal, State or Local Law. The DBRA does not permit contractors to claim a credit for the costs of bona fide fringe benefits when the contractor or subcontractor is obligated to provide under other Federal, State, or local law. No credit may be taken by the employer for the payments made for such benefits. For example, payment for worker's compensation insurance under either a compulsory or elective state statute are not considered payments for fringe benefits under the DBRA. Likewise, if state law requires contractors to make certain contributions to training funds for apprentices, for example, the cost would not be creditable towards the contractor's fringe benefit obligations, since it is required by state law. See [29 CFR § 5.29\(f\)](#).

Transportation, Board, Lodging and Other Facilities. The cost or value of transportation, board, lodging or other facilities, determined in accordance with regulations under the Fair Labor Standards Act (contained in [29 CFR part 531](#)), do not constitute fringe benefits under the DBRA. While each situation must be separately considered on its own merits, the furnishing of facilities which are primarily for the benefit or the convenience of the contractor, such as payments made for travel and subsistence that are incidental to employment or to industry promotion funds, are not normally payments for fringe benefits under the DBRA (nor are they part of an employee's wages). See [29 CFR § 5.29\(f\)](#).

Common Violations

The following practices may lead to violations under the DBRA, resulting in failure to pay the applicable prevailing wage rate (basic hourly rate plus fringe benefits):

- Misclassifying laborers and mechanics for the type of work performed;
- Failing to obtain prior approval from the Department of Labor for *unfunded fringe benefit plans*;
- Failing to annualize (or incorrectly annualizing) the hourly equivalent of fringe benefit amounts, such as by failing to include *all hours worked* on private and public projects in the annualization computation;
- Paying hourly rates and/or fringe benefit amounts pursuant to a Collective Bargaining Agreement (CBA), where the CBA specifies rates *lower* than those required in the applicable wage determination; and
- Improperly *taking credit towards fringe benefit obligations* for certain expenses, including, for example, administrative expenses incurred by the contractor in providing fringe benefits, as well as expenses incurred by the contractor for travel, per diem, lodging, use of a company cell phone or vehicle, or holidays that are already required by the applicable wage determination.

Additional Resources

- [Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction – 29 CFR part 5](#)
- [More information about coverage under the DBRA](#)

- [Frequently asked questions](#)
- [General wage determinations and other information relevant to the DBRA](#)

Where to Obtain Additional Information

For additional information, visit our Wage and Hour Division Website: <http://www.dol.gov/agencies/whd> and/or call our toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4USWAGE (1-866-487-9243).

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