



ALL AGENCY MEMORANDUM NUMBER 242

TO: ALL CONTRACTING AGENCIES OF THE FEDERAL
GOVERNMENT AND THE DISTRICT OF COLUMBIA

FROM: Jessica Looman, Principal Deputy Administrator *Jessica Looman*

SUBJECT: Fiscal Year 2023 Davis-Bacon Survey Plan

This Memorandum is notification from the Department of Labor's (DOL) Wage and Hour Division (WHD) of its FY 2023 Davis-Bacon Wage Survey Plan.¹

Construction contracts subject to the Davis-Bacon and related Acts (DBRA) must contain a prevailing wage determination (WD). The wages on the WD are typically determined by WHD surveys of ongoing or recently completed construction projects within a geographic area. WHD conducts surveys of projects under construction or completed during a set survey time frame to gather specific wage rate data paid to the various classifications of workers found on construction projects. Federal and federally assisted construction work is broken out into four different types of construction - Heavy, Highway, Building and Residential - for which WHD gathers wage rate data and issues wage determinations.

WHD uses established criteria to determine where to survey in an upcoming year, including 1) the age of the previous survey, 2) federal procurement agency plans for construction, including construction that receives federal financial assistance, 3) whether stakeholders have requested a new survey of a construction type in a state or locality, and 4) whether after reviewing public and private data sources WHD believes that wages in a locality have sufficiently changed that a WD may no longer reflect current conditions in the local labor market.

As part of its comprehensive review of the survey process and procedures, WHD has determined that stakeholders may possess additional data about local construction trends that could inform the survey selection process. Accordingly, WHD is notifying stakeholders of its list of surveys that are beginning in FY 2023. Stakeholders can find the list of 2023 surveys, as well as the list of surveys that are currently in progress (including their status) at <https://www.dol.gov/agencies/whd/government-contracts/construction/surveys/status>.

¹ The Davis-Bacon Act (DBA) requires that each contract over \$2,000, "to which the Federal Government or the District of Columbia is a party, for construction, alteration, or repair, including painting and decorating, of public buildings and public works ... shall contain a provision stating the minimum wages to be paid" to "all mechanics and laborers employed directly upon the site of the work." 40 U.S.C. 3142(a), (c). The minimum wages to be paid are those that the Secretary of Labor determines to be prevailing for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the locality where the work is to be performed. *Id.* at 3142(b). In addition to the DBA itself, Congress has added DBA prevailing wage provisions to numerous laws - known as "related Acts" - under which Federal agencies assist construction projects through grants, loans, guarantees, insurance, and other methods.

The final FY 2023 Survey Plan consists of six (6) new surveys. Listed below are the planned surveys, listed by state and type of construction to be surveyed:

	State	Construction Category	Area
1	North Carolina	Highway	Statewide
2	Arizona	Highway	Statewide
3	Arizona	Heavy	Statewide
4	New Hampshire	Building	Statewide
5	Texas	Building	Greater San Antonio and Greater Austin ¹
6	Guam	All Types	All

The Branch of Wage Surveys (BWS) will evaluate all available data prior to the start of each survey, and WHD may modify the geographic scope of the survey. BWS will conduct briefings to explain the survey process in detail to interested parties. The briefings will include information on how to participate in the survey as well as how to complete the survey form. BWS may also contact state and local agencies to obtain certified payrolls on any projects that are within the scope of the surveys being conducted.

If you have suggestions regarding geographic areas and construction types that you believe should be considered for the FY 2024 Survey Plan, please send your suggestions via email to DB-Wage-Survey-Request@dol.gov no later than July 1, 2023.

For more information regarding the Davis-Bacon and related Acts and WHD's Davis-Bacon survey program, please visit our website at: <https://www.dol.gov/agencies/whd/government-contracts/construction>.

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¹ Counties: Atascosa, Bandera, Bastrop, Bexar, Caldwell, Comal, Hays, Guadalupe, Kendall, Medina, Travis, Wilson, Williamson