



Policy Number: 301-02
Effective Date: 8-19-19

 <p>DEPARTMENTAL POLICY State of Tennessee Department of Transportation</p>	Policy Number : 301-02
	Effective Date: August 19, 2019
Approved By: 	Supersedes: September 1, 2016
SUBJECT: Davis-Bacon Act and Contractor Payrolls	

RESPONSIBLE OFFICE: Regional Offices

AUTHORITY: TCA 4-3-2303. If any portion of this policy conflicts with applicable state or federal laws or regulations, that portion shall be considered void. The remainder of this policy shall not be affected thereby and shall remain in full force and effect.

RELATED POLICIES: None

PURPOSE: To establish policy for reviewing contractor and subcontractor payrolls and conducting labor interviews mandated by the Davis-Bacon Act.

APPLICATION: All Operations personnel responsible for reviewing contractor and subcontractor payrolls and conducting labor reviews.

DEFINITIONS: None

POLICY: Labor interviews are to be conducted to assist in determining if correct wages are being paid to contractor and subcontractor employees on all federally-assisted construction projects administered by the Tennessee Department of Transportation.

A minimum of 1 labor interview shall be performed on each Federal Aid Contract every month. If an employee declines a request for an interview, the employee’s name and “Declined to Interview” shall be recorded on the form. This will be considered as a completed interview. All interviews shall be recorded on Form C-27, “Contractor’s Employee Interviews”.

Approval by the Operations District Supervisor of the progress payment certifies that the Labor Interviews have been conducted unless an exception (i.e. no work, final estimate, etc.) exists.

After the interviews are made and recorded, they are to be compared to the contractor or subcontractor payrolls submitted for the corresponding time frame to assist in determining if correct wages are being paid to contractor and subcontractor employees. Any discrepancies between the two must be resolved immediately and documented as detailed in Supporting Documents. Labor Interviews may be conducted more often if conditions warrant.

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A tracking system shall be maintained as detailed in Supporting Documents.

Compliance with the policy will be satisfied with an 80% interview rate per region. However, this policy intends for all labor interviews to be performed in accordance with the approved procedures. If less than 80% of the required interviews have been performed in a region for an estimate period, disciplinary action may be taken.

All certified payrolls shall be submitted to the Operations District Supervisor weekly for each week in which any contract work is performed. The progress payment shall be withheld until all of the necessary certified payrolls have been received for the progress payment. Certified payrolls are to be submitted and verified as detailed in Supporting Documents.

Certified payrolls are to be retained with the project records as detailed in Supporting Documents. State officials are to be allowed access to review the payrolls if needed.

When the Operations District Supervisor discovers either through review of contractor or subcontractor certified payrolls, monthly labor interviews and/or labor complaints that incorrect wages are being paid, the Operations District Supervisor is responsible to initiate immediate action to have the certified payrolls corrected as detailed in Supporting Documents.

Failure to comply with any of the above provisions may result in disciplinary action.

SUPPORTING DOCUMENTS: TDOT Circular Letter 1273-02
TDOT Circular Letter 1273-02.01
TDOT Circular Letter 1273-03