

DAVIS-BACON APPLICABILITY SUMMARY FOR CDBG FINANCED ACTIVITIES

<u>Financed Activity</u>	<u>Activity Covered?</u>	<u>Related Private Construction Covered?</u>
Land Acquisition	N/A	No
Demolition (no construction on-site contemplated)	No	N/A
Demolition (to be followed by on-site construction)	Yes	<u>No</u> , if the demolition was done under a separate contract by UGLG (state, county, city, etc.) or its contractor before transfer of the land to the developer. <u>Yes</u> , if the demolition contracted for by same entity (developer, contractor, etc.) is doing private construction and will be carried out while the contracting entity controls the site.
Off-site improvements (street work, storm sewers, utility construction, etc.)	Yes	<u>No</u> , if off-site improvements are separately owned and the off-site work and on-site construction is provided for in separate construction contracts.
On-site improvements (excavation/grading, storm drainage, utility or sewer work, paving/walks/stripping, site lighting, landscaping, etc.)	Yes	<u>No</u> , if on-site improvements are done under a separate contract by the UGLG (state, county, city, etc.), or its contractor before transfer of land to developer. <u>Yes</u> , if improvements are designed and intended to serve building on the site; will be contracted for by same entity having building constructed; and will be carried out while contracting entity controls the site.
Cleaning During Construction	Yes	<u>Yes</u>
Cleaning After Construction to Prepare for Occupancy	No	<u>No</u> , if performed under a separate contract.
Material Purchase (manufacturing)	N/A	<u>No</u> , no construction involved.
Material Purchase (building)	N/A	<u>Yes</u> , unless materials have an independent use.
Equipment, Machinery, and Fixtures Purchase (as opposed to installation)	N/A	<u>No</u> , if purchased under a separate contract
Equipment, Machinery, and Fixtures Installation (as opposed to, or in addition to, purchase)	<u>Yes</u> , if more than incidental amount of construction work involved.*	<u>Yes</u> , if more than an incidental amount of construction work involved in the installation. *
Legal/Accounting Fees	N/A	<u>No</u> , if obtained under a separate contract.
Architectural and Engineering Fees	N/A	<u>No</u> , if obtained under a separate contract.
Construction Management	N/A	<u>No</u> , if obtained under a separate contract.
Tenant Allowances for Non-construction Expenses (furniture, business licenses, etc.)	N/A	<u>No</u> , if obtained under a separate contract.
<p><i>*USDOL and HUD guidance specifies installation work performed for the project in conjunction with an equipment supply contract is subject to DBRA requirements where it involves more than an "incidental" amount of construction activity. Whether installation work involves more than an "incidental" amount of construction activity depends on the circumstances of each case. Factors requiring consideration include the nature of the prime contract work; type of work performed by the employees installing the equipment (e.g., the techniques, materials and equipment used and the skills required for its performance); extent to which structural modifications to buildings are needed to accommodate the equipment (e.g., widening entrances, relocating walls, installing wiring); and cost of the installation work, either in terms of absolute amount or in relation to the cost of the equipment and total project cost. "Incidental" installation work has been incorrectly defined by UGLGs and contractors in the past as less than 20% of a worker's time in the work week, which is not a factor for determining "incidental" installation work; or less than 20% of the contract cost, which alone does not constitute "incidental" installation work. The other factors listed in this paragraph must be considered. Commonly, the equipment being installed is essential for the construction of a new building, such as equipment for a new wastewater treatment facility, in which case the installation of the equipment cannot be classified as "incidental," regardless of the installation cost or contract amount, and is subject to DBRA wage requirements.</i></p>		

DAVIS-BACON APPLICABILITY SUMMARY SAMPLES OF PROJECTS AND CATEGORIES

(Excerpts from “Davis-Bacon Construction Wage Determinations Manual of Operations”)

<p>BUILDING CONSTRUCTION</p> <ul style="list-style-type: none"> • Apartment buildings 5 stories and above • Nursing Homes • Arenas/Auditoriums/Civic Centers • Automobile parking garages • Hospitals • Industrial/Institutional buildings • Libraries/Schools • Mausoleum • Hotels/Motels • Museums • Office Buildings • Police Stations • Post Offices • City Hall/Courthouses • Detention Facilities • Dormitories • Fire Stations • Restaurants • Subway Stations • Shopping Centers • Theaters • Water and Sewage Treatment plant (building only) 	<p>HEAVY</p> <ul style="list-style-type: none"> • Bridges • Canals • Demolitions (not incidental to construction) • Docks • Drainage or dredging projects • Electrification projects • Flood control • Land leveling/reclamation • Locks, waterways/unsheltered piers • Pipelines • Pumping stations • Railroad construction • Reservoirs/viaducts • Sewage, collection, and disposal lines • Water and sewage treatment plants • Shoreline maintenance • Swimming pools • Subways (not the buildings) • Tunnels • Water mains • Wells
<p>RESIDENTIAL CONSTRUCTION</p> <ul style="list-style-type: none"> • Apartment buildings 4 floors or less* • Single family homes • Town or row houses • Mobile home development • Multifamily houses <p>*for Davis Bacon purposes, the exterior height of residential buildings in terms of stories is a primary consideration. The following criteria will apply to determine height.</p> <ul style="list-style-type: none"> • Basement story - Stories below grade used for storage, parking, mechanical system/ equipment, etc., are considered basement stories and are not used in determining height. • First store - A lowermost story is considered a story if it contains the main entrance is used for apartment space in a way substantially similar to upper floors, contains a least 50% of living accommodations or related nonresidential uses. 	<p>HIGHWAY/STREETS</p> <ul style="list-style-type: none"> • Alleys • Bituminous treatments • Concrete pavements • Curbs • Excavation and embankment • Fencing (highway) • Grade crossing elimination (over and under passes) • Parking lots • Resurfacing streets and highways/Paving • Roadways and shoulders • Guardrails • Highway signs • Highway bridges • Medians • Trails