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After a review of HD policies and procedures as well as format indicating that the composition and work of survey crew members have evolved with technology that survey crew numbers used in the work, WHD determines that should be taken to ensure that appropriate control will be given to survey crew members in the administrative and enforcement of the Davis-Bacon labor standards on red projects.

As stated in AM No. 212, the purpose of a survey crew member is to be considered a laborer or mechanic covered by the Davis-Bacon Act. A requirement is that the crew member be primarily physical or manual duties, while employed by a contractor or subcontractor, in work performed immediately prior to, during a construction project in direct support of construction crew(s) on the site of the work.

Currently, survey crew members are available through various contractors. However, as specified in 5.5 a (1)(ii), the contracting mechanics... which is not listed in the contract shall be classified as additional laborer and mechanic for project if that request for classification for survey crew member while employed by the contractor immediately prior to the project. WHD will review classification and wage rates with the "contractor" process necessary for WHD to consider classification when evaluating each request should include information on the project.

Classifications are not limited to the Davis-Bacon Act but also include those in the general wage determination covered by 29 CFR which to be employed "As a result of the contract age agencies to which was primarily physical and/or manual work covered by the survey crew in accordance with the contract rates of the survey crew." As a result of the survey crew in accordance with the contract rates of the survey crew.

As New Davis-Bacon prevailing wage surveys are conducted across the country, relevant information concerning the wages and the duties performed by the survey crew members in these areas surveys can be reviewed and new Davis-Bacon classifications and wage rates are determined.

in response to this procedure, well when the prevailing wage survey is conducted. The prevailing wage survey is conducted by the Department of Industrial Relations, Bureau of Labor Statistics, in cooperation with the various contractors and subcontractors in the industry. The prevailing wage survey is conducted on a regular basis and the results are published in the "Prevailing Wage Survey Report". The prevailing wage survey is conducted on a regular basis and the results are published in the "Prevailing Wage Survey Report".

- o AM 12 provisions guidance surveying work that is generally not covered by DBA that guidance that is generally not covered by DBA
- o eying work performed in the design phase in which contractors are not required to comply with DBA requirements
- o ey covered by members not covered by a construction contract or project
- o 541 and 101, in order to meet the Davis-Bacon requirements for exemption from DBA requirements. (See 29 CFR 590.29)

AM 12 initiates a continuing examination, in the event of a change in the facts of a case, to determine if the project is covered by the Davis-Bacon Act. The Department of Industrial Relations, Bureau of Labor Statistics, in cooperation with the various contractors and subcontractors in the industry, will conduct the examination.

We appreciate your response regarding this matter, and we trust that you will find the information helpful. We also appreciate your organization's interest in ensuring that your members receive the best possible service from the DBA. We encourage you to continue to provide us with your

members to provide any factual information or materials that would be relevant to ensuring appropriate WID determinations concerning the applicability of Davis-Bacon requirements in accordance with the applicable statutory and regulatory framework. Although we do not intend to stay implementation of the AAM, we will carefully consider such information as we work to ensure appropriate application of the DBA to members of survey crews.

I have asked Mr. Timothy Helm, Chief of Government Contracts Enforcement, to contact you directly to continue the dialogue on ways that we can provide the appropriate guidance to the contracting community regarding the applicability of the DBA to survey crews.

Sincerely,



Patricia Davidson
Deputy Administrator for Program Operations