

PREVAILING WAGE BID CHECKLIST

Everything to set up before you price a Davis-Bacon or state prevailing wage sitework bid. Labor is where these bids go wrong, so check it line by line before a unit price goes on the sheet.

PROJECT	BID DATE	ESTIMATOR																								
HOW TO USE THIS CHECKLIST • Work top to bottom before you price: early sections decide which wage rules apply, the middle builds the labor cost, and the last cover bid day and award. • Tick a line only after you confirm it against the actual solicitation, wage determination, and addenda, not from memory. • Notes under a line explain the trap behind it. • Skip lines that do not apply, but skip them on purpose. • General guide only: the contract documents, the wage determination, and current agency rules govern. SECTIONS <table> <tr> <td>01 WHICH LAW APPLIES</td><td>09 MISSING CLASSIFICATIONS AND CONFORMANCE</td><td>17 BONDS, INSURANCE, AND CONTRACT TERMS</td></tr> <tr> <td>02 STATE LAWS: NEVADA, UTAH, AND OTHERS</td><td>10 RATES, FRINGES, AND FRINGE CREDIT</td><td>18 DOMESTIC CONTENT AND WORKFORCE REQUIREMENTS</td></tr> <tr> <td>03 THE WAGE DETERMINATION IN YOUR BID SET</td><td>11 OVERTIME, SHIFTS, AND PREMIUMS</td><td>19 PRE-BID RFI LIST</td></tr> <tr> <td>04 MODIFICATIONS, TIMING, AND OPTION YEARS</td><td>12 BURDEN, INSURANCE, AND SMALL TOOLS</td><td>20 QUESTIONS FOR THE OWNER OR CONTRACTING OFFICER</td></tr> <tr> <td>05 CLASSIFICATION BASICS AND FOREMEN</td><td>13 APPRENTICES AND TRAINEES</td><td>21 BID DAY REVIEW</td></tr> <tr> <td>06 EQUIPMENT OPERATORS</td><td>14 CERTIFIED PAYROLL AND RECORDS</td><td>22 POST-AWARD COMPLIANCE START-UP</td></tr> <tr> <td>07 LABORERS, PIPE, FLAGGERS, SURVEY, AND OTHER TRADES</td><td>15 SUBCONTRACTORS AND LOWER TIERS</td><td></td></tr> <tr> <td>08 TRUCK DRIVERS AND HAULING</td><td>16 ESTIMATING THE LABOR CORRECTLY</td><td></td></tr> </table>			01 WHICH LAW APPLIES	09 MISSING CLASSIFICATIONS AND CONFORMANCE	17 BONDS, INSURANCE, AND CONTRACT TERMS	02 STATE LAWS: NEVADA, UTAH, AND OTHERS	10 RATES, FRINGES, AND FRINGE CREDIT	18 DOMESTIC CONTENT AND WORKFORCE REQUIREMENTS	03 THE WAGE DETERMINATION IN YOUR BID SET	11 OVERTIME, SHIFTS, AND PREMIUMS	19 PRE-BID RFI LIST	04 MODIFICATIONS, TIMING, AND OPTION YEARS	12 BURDEN, INSURANCE, AND SMALL TOOLS	20 QUESTIONS FOR THE OWNER OR CONTRACTING OFFICER	05 CLASSIFICATION BASICS AND FOREMEN	13 APPRENTICES AND TRAINEES	21 BID DAY REVIEW	06 EQUIPMENT OPERATORS	14 CERTIFIED PAYROLL AND RECORDS	22 POST-AWARD COMPLIANCE START-UP	07 LABORERS, PIPE, FLAGGERS, SURVEY, AND OTHER TRADES	15 SUBCONTRACTORS AND LOWER TIERS		08 TRUCK DRIVERS AND HAULING	16 ESTIMATING THE LABOR CORRECTLY	
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22 sections • 248 check items • Tick each line, or mark N/A. Lines with a note underneath are the ones that most often move the number.



MOST COMMON MISSES: READ THESE FIRST

- Pricing from the wrong wage determination: wrong county, wrong construction type, or a superseded modification.
- Classifying by job title instead of by the work performed in each hour.
- Putting every operator in the lowest group instead of matching each machine to its group.
- Treating all hauling the same: on-site and dedicated site hauling is covered, commercial supplier delivery generally is not.
- Multiplying the fringe for overtime, or forgetting overtime. The premium is on the base rate; the fringe is paid straight.
- Crediting a full plan premium to a few job hours instead of annualizing, or crediting items DOL does not credit.
- Leaving the wage increase out of payroll taxes, workers comp, and liability.
- Carrying market wage unit prices from private jobs instead of repricing the labor.
- Accepting a low sub quote built on market wages. You own the sub's payroll compliance.
- Leaving out the office labor for weekly certified payroll and compliance.
- Ignoring the second law: when state and federal both apply, the higher rate for each classification governs.
- Assuming instead of confirming. Utah has no state prevailing wage law, but federal money brings Davis-Bacon in, and Nevada has its own law. Confirm the funding source and the clauses.
- Skipping RFIs on missing classifications. Raise them before bid; a conformance request after award is slow.
- Not saving the bid day wage determination, rate table, and crew build in the bid file.

01 WHICH LAW APPLIES

Settle this first. Everything else in the checklist depends on the answer.

- ☐ Read the solicitation for wage rate, Davis-Bacon, or labor standards clauses before pricing anything
- ☐ Identify the owner and every source of funding: federal, state, local, private, or a mix
A city, school district, or utility can still bring in federal rules if federal money pays for any part of the work. Ask who is paying, not just who is signing.
- ☐ Direct federal construction contract over \$2,000: Davis-Bacon applies
- ☐ Federally assisted work: look for federal-aid highway, airport, housing, water and wastewater, and infrastructure law money
Examples: federal-aid highway, FAA airport grants, HUD programs, EPA state revolving fund loans, and infrastructure law programs. Not every grant carries Davis-Bacon; the award terms decide.
- ☐ FEMA-funded work: confirm the program, because Davis-Bacon applies only to certain FEMA programs
FEMA's own contract provisions guidance says Public Assistance work is not covered unless a program's law says so. State law can still apply. Do not guess from the funding logo.
- ☐ Federal-aid highway work: look for the required contract provisions attachment (FHWA-1273)
- ☐ State and local public works: check whether the state has a prevailing wage law and whether this project meets its coverage test
- ☐ Check city, county, school district, and utility ordinances for local wage, apprenticeship, or labor rules
- ☐ If you are a subcontractor, get the prime contract's labor clauses, not just the wage rate sheet
- ☐ Never assume from owner type, project size, or the last job for the same owner; confirm the funding source and the contract clauses each time
A past job for the same owner may have had different funding and different wage rules. Write down the clause and page that prove your answer.
- ☐ Both apply: build the rate table classification by classification and use the higher rate for each
Where state and federal rates differ, the higher rate for that classification governs. Do not pick one law for the whole job. Confirm whether the agency has adopted one schedule for both.

THE THREE ANSWERS

Federal only: Davis-Bacon rates and the federal payroll rules.

State only: the state prevailing wage rates and state rules.

Both: the higher rate for each classification, plus both sets of paperwork rules.

Always confirm in the contract. Never assume.

02 STATE LAWS: NEVADA, UTAH, AND OTHERS

Check the rules of the state you are bidding in. Do not carry assumptions across state lines.

- ☐ Utah: there is no state prevailing wage law for public works, so prevailing wage applies only through federal law
Davis-Bacon applies when the contract or the funding is federal. A Utah state or local job with no federal money has no prevailing wage requirement from state law. Confirm the funding and the clauses.
- ☐ Utah: before dropping prevailing wage on a state or local job, check for federal grants, federal-aid highway money, or federal loans
Federal money passes through Utah agencies and local governments. If it is in the job, the Davis-Bacon clauses and a wage determination should be in the documents.
- ☐ Nevada: state prevailing wage law (NRS 338) applies to public works funded in whole or in part with public money, above a contract size threshold
Confirm the current threshold and coverage test with the awarding public body and the Labor Commissioner. Do not rely on an old number.
- ☐ Nevada: get the state rate sheet for the right region (Clark, Washoe, northern rural, or southern rural) and the amendment in force
- ☐ Nevada: on competitively bid public works, rates in effect at bid opening govern for up to 36 months after bid opening
The statute runs the bid opening rates until completion or 36 months after bid opening, whichever is earlier. On longer jobs, confirm what applies after that.
- ☐ Nevada: certified payroll goes to the public body monthly, received within 15 days after the end of the month
- ☐ Nevada: apprentices must work a minimum share of craft hours on public works when more than three workers are employed in a craft
The Labor Commissioner's handbook shows 3 percent of total hours for horizontal construction and 10 percent for vertical. Confirm current percentages and the waiver process.

- ☐ Nevada federal work: confirm which wage determination is in the solicitation, since DOL accepted Nevada's state rates for federal projects. The Nevada Labor Commissioner announced that DOL accepted the state rates for federal Davis-Bacon projects in Nevada. Still price from the wage determination attached to your solicitation.
- ☐ Other states: look up the coverage threshold, rate source, payroll form, apprentice rules, and daily overtime rule before you bid
- ☐ Contractor license, registration, or prequalification: confirm your license class covers the work and any required registration is current

03

THE WAGE DETERMINATION IN YOUR BID SET

Federal bids are priced from the wage determination in the solicitation. Get the right one and confirm it.

- ☐ Confirm the wage determination is physically in the bid documents (attachment, appendix, or specification section)
If the solicitation says Davis-Bacon applies but no wage determination is attached, send an RFI before bid. Do not price from one you pulled yourself unless the solicitation tells you to.
- ☐ Record the wage determination number and the modification number
- ☐ Check whether it is a general wage determination or a project-specific wage determination
General determinations cover an area and construction type and do not expire. Project determinations are requested by the agency and last a limited time (180 days under the FAR) if not awarded.
- ☐ Confirm the construction type schedule: building, heavy, highway, or residential
Sitework can land on heavy, highway, or building depending on the project. The agency picks the type. Do not pick the cheapest schedule yourself.
- ☐ Confirm the county on the determination matches the project location
- ☐ If the job mixes building pad work with site utilities and paving, ask which schedule covers each part, and price each part on its own schedule
- ☐ Pull your own copy from SAM.gov and compare it to the one in the bid set
Search by number or by state, county, and type. The history view shows earlier versions. Archived determinations are for reference only.

- ☐ Read the notes and footnotes at the bottom of the determination
Footnotes can carry paid holidays, overtime definitions, premium or hazard pay, zone pay, and shift rules. They are easy to miss and they change cost.
- ☐ Read the whole classification list, not just the trades you expect to use
- ☐ Check how the fringe is shown: one lump amount, or separate health, pension, vacation, and training lines
- ☐ Save a PDF of the determination in the bid file with the date pulled and the modification number

RECORD ON THE BID SUMMARY

Wage determination number, modification number, date, construction type, county, and the date you last checked SAM.gov for modifications.

04

MODIFICATIONS, TIMING, AND OPTION YEARS

Rates can change before bid day, after award, and at options. Know which date locks yours.

- ☐ Check SAM.gov for modifications to the wage determination up to the day of bid opening
- ☐ Know which date locks your rates: bid opening for sealed bids, contract award for negotiated procurements
Write the lock date on the bid summary. A modification after the lock date generally does not change your rates until an option is exercised or major new scope is added.
- ☐ Sealed bid: apply any modification the agency received 10 or more calendar days before bid opening
FAR 22.404-6 sets the 10 day rule. The agency should issue the modification by addendum, and may postpone bid opening to allow it. If you do not see an addendum, ask.
- ☐ Modification inside the 10 day window: assume it applies unless the agency says in writing that it does not
Under the FAR it can still be effective unless the contracting officer finds there is not reasonable time to notify bidders. Get the agency's position in an addendum.
- ☐ Negotiated or best-value procurement: price to the wage determination in effect at award, and ask whether late modifications will be incorporated
- ☐ Read every addendum for a revised wage determination, new classifications, added scope, or a moved bid date

- ☐ Option years and extensions: ask how the agency will handle wage determination updates, and price the options with wage growth in mind
DOL guidance says an updated determination applies when an option is exercised, so option year labor can cost more than year one.
- ☐ Substantial added scope or change orders may bring a new determination for that work; carry that in change order pricing
- ☐ Multi-year work: carry a labor escalation allowance for periods when rates can change
- ☐ Project-specific determination: check its expiration if award or notice to proceed may slip

10 DAY RULE (SEALED BID)

A modification the agency receives 10 or more calendar days before bid opening applies to the bid.

Inside 10 days it still applies unless the agency finds there is not reasonable time to notify bidders.

Negotiated: modifications received before award apply.

05

CLASSIFICATION BASICS AND FOREMEN

Classification follows the work performed, not the title on the badge or the pay on a private job.

- ☐ Build a classification list before pricing: every task in the scope matched to a listed classification and the people who will do it
- ☐ Classify by work performed, not by job title, license, or union card
A superintendent who runs a roller is an operator for those hours. A foreman who digs a trench is a laborer for those hours.
- ☐ Anyone doing manual or physical work on the site of the work is a laborer or mechanic for those hours, whatever the title
- ☐ Working foreman: price a covered rate for the time spent on laborer or mechanic duties, and for all site hours on a working crew leader
The rule treats foremen who spend more than 20 percent of the workweek on manual duties as laborers or mechanics for that time.
- ☐ Check whether the determination or state sheet lists a foreman or gang boss rate and how it is set

- ☐ Workers who switch classifications in a day: split the hours by classification and keep time by task
Each classification's rate applies to the time worked in it only if payroll records show the time in each. Without those records, expect to owe the higher rate for the whole day.
- ☐ Do not use a blended crew rate in the bid unless timekeeping by task code will support it
- ☐ Helpers: confirm the determination lists a helper classification before you price one
DOL allows helpers only where the duties are clearly defined and distinct and the use is established practice. Unlisted helpers are paid a listed classification or need a conformance.
- ☐ Watchpersons and guards: on contracts with the Contract Work Hours and Safety Standards Act, site security can be covered labor
- ☐ Know where the site of the work ends: the primary site plus dedicated support sites (job headquarters, batch plants, borrow pits)
A permanent yard, shop, or plant whose location does not depend on this project is generally outside the site. Ask the agency when a support site is unclear.

THE RULE

The rate follows the work, hour by hour.
Same person, two classifications in one day:
two rates, two time entries.

06

EQUIPMENT OPERATORS

Operators are classified by the equipment they run. Match every machine in the estimate to a group.

- ☐ Pull the operator group definitions and any equipment lists from the determination or the rate sheet
- ☐ Match every machine in the equipment plan to an operator group: dozer, excavator, loader, scraper, grader, roller, paver, backhoe, skid steer
- ☐ Check grader, scraper, and paver operator groups against dozer and loader groups
On some schedules the grader, scraper, and paver groups sit above the general loader and dozer groups. Fine grading to subgrade and base can be the highest paid operator task on the job.
- ☐ Check size breakpoints in the group definitions: bucket cubic yards, horsepower, weight class, or capacity
- ☐ Check attachments and special duties (hydraulic hammer, GPS or grade control, towed equipment) for group or premium changes
- ☐ Small equipment: skid steers, mini excavators, compactors, walk-behind rollers, forklifts, and pumps may have their own group or fall to laborer

- ☐ Crane and lift operators: check for a crane group with size tiers and for oiler or rigger classifications
- ☐ Operator who also grade checks or rods: track those hours under the right classification
Grade checking with a rod or stake is laborer or survey work, not operator work. A combined operator and grade checker needs task based timekeeping.
- ☐ Operated equipment rentals: have the rental company confirm in writing how the operator is classified, paid, and certified
Operated equipment working on the site is a payroll exposure for the prime. Treat the rental company like a sub for payroll unless the contract says otherwise.
- ☐ Replace any market operator wage in an operated rate with the determination's group rate plus fringe and burden
A bare equipment rate has no operator in it. An all-in operated rate may carry a market wage that is below the listed rate.

07

LABORERS, PIPE, FLAGGERS, SURVEY, AND OTHER TRADES

This is where laborer groups and trades get mixed up. Match every task to a listed classification.

- ☐ Check how the determination splits laborers: common laborer, skilled or semi-skilled groups, pipe layer, and specialty groups
- ☐ Pipe crews: assign pipe laying, bedding, joints, and trench work to the right group, and separate the pipe layer, trench laborer, and operator
Utility crews on sitework jobs are where laborer groups get messy. Price each person at their own classification.
- ☐ Underground utilities: check whether water, sewer, storm drain, gas, and conduit work fall under different classifications or trades
- ☐ Flaggers and traffic control: check for flagger, traffic control, and sign setter classifications, and match each task
Some determinations list flaggers as laborers and some list them separately. Setting cones, barricades, and signs may have its own group.
- ☐ Survey and layout: decide who stakes the job and under what classification
Survey crew members who work on the site (instrument operator, rodperson, chainperson) are generally treated as laborers or mechanics. Licensed surveyors doing professional work usually are not. Confirm the agency's position.

- ☐ Concrete work: match form setters, rebar installers, finishers, and laborers to the right trade for curb, gutter, sidewalk, and flatwork
Cement mason, form carpenter, ironworker, and laborer are separate trades with different rates. Forming, placing, and finishing can be three rates in one pour.
- ☐ Asphalt paving crews: classify rakers, screed operators, paver operators, roller operators, and distributor and tack truck drivers separately
Rakers are often laborers. Screed, paver, and roller work are operator groups. Distributor drivers may be drivers or operators. Match each to your schedule.
- ☐ Striping, pavement marking, and signs: confirm how the determination classifies striping crews and sign installers
- ☐ Landscaping and irrigation: check whether landscape laborers and irrigation fitters are listed or fall to laborer or another trade
- ☐ Welders: classify by the work (structural, pipe, rebar, or equipment repair) and by where it is done
- ☐ Mechanics, fuel and lube service, and tire service on the site: assign a classification for each
- ☐ Dewatering, shoring, and trench safety labor: assign trench box moves, pump setup, and shoring to a crew and a class
- ☐ Hand work, erosion control, and cleanup: price the labor at the listed laborer rate, not a day labor rate

08

TRUCK DRIVERS AND HAULING

Truck driver coverage turns on where the driver works and who the driver works for.

- ☐ List every truck on the job: dump, belly dump, transfer, water, lube, fuel, flatbed, lowboy, distributor, and tack
- ☐ On-site hauling (moving material within the site) is covered work at the listed driver rate
- ☐ Import and export hauling: decide whether the other end is a facility dedicated to this project (covered) or a commercial one (generally not)
A borrow or fill site set up only for this project can count as part of the site. A commercial pit or landfill that serves many customers generally does not. Get the agency's answer in writing when it matters.
- ☐ Delivery from a bona fide commercial supplier (aggregate, ready-mix, asphalt): confirm it sells to the public and is not set up for your job
A plant that is not dedicated to your project is a supplier, and its delivery drivers are generally not covered off the site. A plant set up for this project may count as part of the site.

- ☐ Your own batch plant, pit, or crusher set up for this job on or next to the site: treat its workers and drivers as covered
- ☐ Your own drivers: split each day into site time, dedicated site hauls, and commercial road time
Off-site hours are not prevailing wage hours but still count toward weekly hours for overtime. Keep gate logs or tickets with in and out times.
- ☐ Per-load or per-trip pay: convert it to an hourly equivalent and make sure covered hours still reach the listed rate plus fringe
- ☐ Owner-operators: decide whether each truck is a bona fide owner-operator or a hired driver in a rented truck
DOL guidance lets a bona fide owner-operator be shown on certified payroll with an owner-operator notation. A driver you employ, or a driver for another trucking company, is an employee.
- ☐ Trucking subs hauling on the site: get quotes at covered rates with a commitment to certified payroll
A trucking company with five drivers is still a subcontractor with payroll duties, and you answer for their compliance.
- ☐ Water truck drivers: price the whole shift at the listed driver rate
- ☐ Mobilization hauls (lowboy): log the driver's time on the site and ask the agency how it will be treated

DRIVER RULE OF THUMB

On the site: covered.

Between the site and a plant, pit, or yard dedicated to the project: covered for that haul.

Delivering from a commercial supplier: generally not covered off the site.

Federal rules on delivery drivers have been in litigation. Confirm current agency guidance.

09 MISSING CLASSIFICATIONS AND CONFORMANCE

Use a conformance request only when no listed classification fits the work.

- ☐ Compare every task to the listed classifications before calling one missing
Most missing classifications turn out to be a listed classification under a different name. Use the work performed, not the title.
- ☐ Ask the agency whether a rate from another listed schedule applies or whether a conformance request is needed
A trade missing from the heavy schedule may be on the building or highway schedule for your county. Only the agency can say whether that rate can be used.
- ☐ Raise missing classifications by RFI before bid and get the answer in an addendum
A conformance request is normally submitted after award, but asking early shows you how the agency will classify the work so you can price it.
- ☐ Know the tests: work no listed classification performs, a classification used in the area, and a rate reasonably related to the listed rates
- ☐ Prepare the SF-1444 with duties, local use, the proposed base rate and fringe, and whether the affected workers agree
- ☐ Carry a contingency on the line items that use the unlisted classification, sized to the gap between your rate and a likely higher rate
Once the final rate is set it applies from the first day the work was performed under the contract. Underpaying in the meantime creates back wages.
- ☐ Pay at least your proposed rate from day one on that work, and do not wait for approval to start paying
- ☐ Plan the submission before the unlisted work starts and allow time for DOL, which acts within 30 days of receiving the agency's report
- ☐ Unlisted helper: a conformance request must show distinct duties and established local practice, so do not price a helper rate you hope to get
- ☐ State jobs: find out whether the state has its own process for classifications missing from the rate sheet

CONFORMANCE IN SHORT

Use it only when the work is not covered by any listed classification.

The contractor submits SF-1444 through the contracting officer.

DOL acts within 30 days of receiving the agency's report.

The approved rate applies from the first day of the work.

10**RATES, FRINGES, AND FRINGE CREDIT**

Base plus fringe is the minimum for every hour worked on covered work.

- ☐ Build the labor rate table: base rate and fringe for every classification you will use, in separate columns
- ☐ Decide how you will meet the fringe for each employee: bona fide plans, cash, or a mix
You may pay the benefit as listed, pay another bona fide fringe benefit, or pay the hourly cash equivalent, as long as total pay meets base plus fringe.
- ☐ Pay the base rate in cash for every hour worked on covered work
- ☐ Cash in lieu: price the full fringe amount as cash wages when you do not run a qualifying plan
- ☐ Plan contributions: price only what you actually pay into the plan for each credited hour
- ☐ Annualize plan costs: the credit is the annual cost divided by all hours worked in the year, not just prevailing wage hours
DOL spreads plan costs over covered and non-covered hours. A monthly premium cannot be credited in full to a few prevailing wage hours.
- ☐ Employees not yet eligible for the plan, or not enrolled, still need the full fringe paid in cash or another credited way
A new hire in a waiting period gets the fringe in cash. Do not leave it unpaid.
- ☐ Do not credit workers comp, payroll taxes, your own plan administration costs, or travel, lodging, and per diem as fringe benefits
DOL does not treat those as fringe benefits. Third party administrator costs for delivering a benefit can be credited.
- ☐ Paid holidays, vacation, and paid leave: check how the determination lists them and set them up as a bona fide plan before crediting them
- ☐ Unfunded or self-funded plans: do not count them without DOL approval
- ☐ Fringe is owed for every hour worked, overtime hours included, at the straight amount per hour

- ☐ Signatory contractors: confirm your union scale meets or exceeds the determination for every classification, and price the higher number
A union scale lower than the determination does not satisfy the contract. A higher scale is what you pay.

PREVAILING WAGE HOURLY COST

Base rate + fringe (plans or cash) = required hourly pay.

Then add payroll taxes and insurance on the cash wages.

Check with your carrier whether plan contributions are in the premium payroll.

11**OVERTIME, SHIFTS, AND PREMIUMS**

Overtime is the most common arithmetic error on a prevailing wage job.

- ☐ Overtime is over 40 hours in a workweek at 1.5 times the basic rate; fringes are not multiplied
29 CFR 5.32 lets you leave contractor plan contributions out of the overtime rate. Plan fringe is paid at its straight amount for every hour, overtime hours included.
- ☐ Cash fringe: set how your payroll treats cash paid in lieu of plans when it computes the overtime rate
Cash that truly stands in for fringe benefits can be left out of the overtime base. Cash that is really extra straight time wages cannot. Get the rule from your payroll provider in writing.
- ☐ If you pay above the listed base rate, figure overtime on the base rate you actually pay
An operator paid more than the listed base earns overtime at 1.5 times that higher rate.
- ☐ Count hours by workweek, not pay period, and set one workweek for every employee in the payroll system
- ☐ Add up all hours an employee works on all jobs in the week when checking for overtime
A worker who splits a week between a prevailing wage job and other work can reach overtime across both. Track hours by job and by classification and set the payroll rule before the first week.
- ☐ Daily overtime: check whether the state requires it, and price the stricter rule where both laws apply
Nevada requires overtime after 8 hours in a workday on public works unless a mutually agreed four ten-hour schedule is in place. Federal overtime is based on the 40 hour week.
- ☐ Weekend, holiday, and night work: check footnotes and state rules for premium pay and shift differentials
- ☐ Night work: add flaggers, lighting, extra trucks, and any shift premium to the labor for night paving and night closures

- ☐ Hazard, height, depth, and special condition pay: check for pay tied to trench depth, confined space, or hazardous waste work
- ☐ Plan the schedule's overtime hours and price overtime on the lines that need it, not as a blanket markup
- ☐ Overtime violations carry liquidated damages per employee per day on top of back wages

OVERTIME COST PER HOUR

Overtime hour = (1.5 x base rate) + fringe.

Example: base 40 and fringe 20 gives 60 straight time and 80 overtime, not 90.

Fringe cash paid in lieu of plans is generally left out of the overtime rate if it truly stands in for the fringe.

If you pay a base above the listed rate, figure overtime on what you pay.

12 BURDEN, INSURANCE, AND SMALL TOOLS

Higher wages raise every cost that is figured on payroll. Recompute all of them.

- ☐ Apply employer payroll taxes to the higher prevailing wage payroll, not to your usual wages
- ☐ Price workers comp by class code on the prevailing wage payroll, and check which codes your crews use. Premium is charged per hundred of payroll, so higher payroll means higher premium. Operators, laborers, and drivers carry different codes. Ask your carrier whether plan contributions count in premium payroll.
- ☐ Recompute general liability and umbrella on the higher payroll when they are rated on payroll or gross receipts
- ☐ Add CBA obligations that sit outside the listed fringe (training, industry fund, dues) if you are signatory
- ☐ Small tools and consumables: price them per labor hour or percent of labor, and check the percentage still works on the higher labor dollars
- ☐ Safety supplies, PPE, and required training time: price them per man-hour
- ☐ Out of area crews: price travel, lodging, and per diem on top of the listed wage. DOL does not count travel or lodging as fringe benefits.
- ☐ Office labor for certified payroll, fringe reports, and sub payroll review: price the hours. Weekly certified payroll is a recurring labor task. Do not bury it in overhead without a number.

13

APPRENTICES AND TRAINEES

Reduced apprentice rates are available only when the registration and ratio rules are met.

- ☐ Apprentice rates apply only to apprentices individually registered in a bona fide registered apprenticeship program. Federal rules require registration with DOL's Office of Apprenticeship or a recognized state apprenticeship agency. Anyone not registered is paid the full journeyworker rate.
- ☐ Get proof of registration for each apprentice and keep it on file for payroll
- ☐ Use the registered program's ratio of apprentices to journeyworkers, by craft classification on the job site. The ratio cannot exceed what the program allows. Apprentices over the ratio are paid the applicable listed rate for the work performed.
- ☐ Apprentice wage is the program's percentage of the journeyworker rate in the determination; fringe follows the program or the full listed fringe. Where the program is silent on fringe, pay the full fringe listed in the determination.
- ☐ Apprentices work at apprentice rates only in the craft they are registered in
- ☐ Trainees: do not price a trainee rate unless the trainee is in a program formally approved by DOL. Most contractors will not have one. Price full classification rates.
- ☐ Probationary apprentices: confirm the rules before pricing a reduced rate for a new hire
- ☐ If a state utilization rule applies, assign apprentices to specific crews and classifications in the estimate
- ☐ Check whether your company has a registered apprenticeship agreement, or can get apprentices from a program sponsor, before bid day
- ☐ Do not give an apprentice heavy crew the same production rate as an all journeyworker crew

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CERTIFIED PAYROLL AND RECORDS

Certified payroll is a weekly job with a deadline. Plan it like a production activity.

- ☐ Weekly certified payroll for every week any covered work is performed, with the statement of compliance
- ☐ Submit within 7 calendar days after the regular payment date of the payroll week. The agency can withhold payment when payrolls are late. Build the weekly timeline backward from payday (FAR 22.406-6).

- ☐ Use Optional Form WH-347 or an equivalent format the agency accepts, and ask whether the agency requires its own system or portal
Many agencies require submission through a specific online system. Ask before award so setup is not a rush.
- ☐ Each payroll shows name or ID, classification, daily hours, rate, gross pay, fringe method and amount, deductions, net pay, and apprentice status
Use only the identifier the agency allows, commonly the last four digits of the number. Do not put full Social Security numbers on submitted payrolls.
- ☐ Ask whether a no work statement is required for weeks when the contract was idle
- ☐ Mark the last payroll as final and confirm every sub's final payroll is in
- ☐ Retain payrolls and basic records at least 3 years after all work on the prime contract is complete
Records include payrolls, fringe plan documents, apprentice registration, and classification support. If state rules run longer, keep them longer.
- ☐ Make records available for inspection and let agency representatives interview workers on the job during work hours
- ☐ Post the wage determination and the Davis-Bacon poster (WH-1321) where workers can see them at the site
The contractor and every sub must post in a prominent and accessible place. Re-post when the determination is revised.
- ☐ Payroll deductions: allow only those the Copeland regulations permit (29 CFR part 3), with authorization where required
Loans, advances, tool charges, and uniform fees need review before you deduct anything.
- ☐ Anti-kickback: no worker may be required to give back any part of the required wages; make sure supervisors know it
- ☐ Set a weekly payroll calendar: timesheets in, draft, review, sub payrolls in, sign, submit, with an owner and a back-up
- ☐ Choose the payroll system: confirm it handles certified payroll, fringe allocation, classification splits, and several projects at once
- ☐ Withholding: know the agency can withhold contract payments to cover unpaid wages owed by you or your subs
- ☐ Debarment: willful or aggravated violations can bar the firm and related parties from future federal and federally assisted work

FEDERAL PAYROLL BASICS

Weekly certified payroll for every week any covered work is performed.

Submit within 7 calendar days after the regular payment date.

Statement of compliance with each payroll.

Keep records at least 3 years after all work on the prime contract is complete.

15 SUBCONTRACTORS AND LOWER TIERS

You are responsible for every tier below you. Price and manage subs that way.

- ☐ Flow every required labor clause into every subcontract and lower tier subcontract, in writing
The prime is responsible for each sub's and lower tier's compliance with the contract clauses. Include the wage determination and the clause text, not just a reference.
- ☐ Attach the required provisions form to each subcontract when the prime contract directs it, as on federal-aid highway work
- ☐ Get written confirmation from every sub that its quote is based on the listed wage rates and fringes
A low quote can be market wage pricing. Ask each sub to state the determination number and modification it priced.
- ☐ Confirm each sub can produce weekly certified payroll before award; trucking, fence, striping, and landscape subs are the weak spots
Small subs often have never done certified payroll. You answer for their compliance.
- ☐ Collect each sub's payroll weekly, ahead of the agency deadline, and review classifications, rates, fringes, hours, and apprentice ratios first
Reviewing means checking the content, not just stapling the pages. Errors in a sub's payroll come back to the prime.
- ☐ Check each sub's license, registration, insurance, and debarment status before award
- ☐ Put the right to withhold payment from subs for late or wrong payroll in the subcontract
- ☐ Add sub liability for back wages and penalties caused by its payroll errors, plus indemnity, to the subcontract
- ☐ Material suppliers: confirm which ones will install or work on the site, since those crews may need payroll
- ☐ Plan cash flow for weekly wages: workers are paid weekly even when the owner pays slowly or pay-when-paid terms apply

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ESTIMATING THE LABOR CORRECTLY

Labor is where prevailing wage bids go wrong. Build it from the classifications up.

- ☐ Build every crew by classification: operators by group, laborers by group, drivers, flaggers, foreman
- ☐ Price each classification at its loaded hourly rate: base, fringe, payroll taxes, workers comp, and insurance
- ☐ Keep production rates the same: same crew, same output, higher cost per hour
Do not cut crew size or raise production to offset the wage unless the field plan supports it.
- ☐ Rebuild the cost per unit for each major line (CY, SF, LF, ton) from the loaded crew rate
- ☐ Estimate the labor share of each line to see where the wage rates hit hardest
Pipe, hand work, concrete, and flagging are labor heavy. Bulk earthwork is equipment heavy. A wage change moves each line differently.
- ☐ Split old unit prices into labor, equipment, and material and reprice only the labor at the determination's rates
- ☐ Count operators by machines running at the same time, not machines on the equipment list
Operator count drives the largest labor dollars on earthwork. Add relief, oiler, and spotter labor where the work calls for it.
- ☐ Include non-production labor: foreman, mechanic, fuel and lube service, water truck, layout and survey, flagging, safety, and cleanup
- ☐ Include mobilization, demobilization, and yard setup labor at the listed rates when it is on the site
- ☐ Unit price bids: spread the labor increase across the pay items it belongs to, not just the biggest items
If you load wage cost on the wrong items, you lose money when quantities change.
- ☐ Lump sum bids: document the labor build so you can defend change order pricing at prevailing rates
- ☐ Compare each sub quote to your own labor based number for the same scope and question any that is far below it
A quote far below your loaded labor cost may rest on market wages. You carry that risk as the prime.
- ☐ Carry a labor contingency tied to the highest risk classifications
Price the possible higher classification where the agency may disagree (for example a laborer who might be classed as an operator). Remove it only when the agency answers in writing.
- ☐ Check that total labor dollars divided by total labor hours matches your weighted average rate table

SAME PRODUCTION, DIFFERENT COST PER HOUR

A crew that moves the same yards per day costs more per unit when the loaded crew rate goes up.

Cost per unit = loaded crew cost per hour / production per hour.

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BONDS, INSURANCE, AND CONTRACT TERMS

These terms do not change the wage rate, but they change what the job costs you to carry.

- ☐ Bid guarantee: confirm the form and amount required with the bid
- ☐ Performance and payment bonds: confirm the requirement in the solicitation and price the premium on the final contract price
Federal construction contracts above the statutory threshold require both bonds. Below it, the agency may use other payment protection. Confirm the threshold in the solicitation. State and local jobs set their own.
- ☐ Liquidated damages: price the cost per day against your schedule and your float
Recovering schedule on a prevailing wage job means overtime. Check the daily rate against the production plan.
- ☐ Retainage: confirm the percentage and release terms and carry the financing cost
- ☐ Insurance limits: check general liability, auto, umbrella or excess, workers comp, and any other required limits
- ☐ Additional insured, primary and non-contributory, and waiver of subrogation requirements
Endorsements can cost more or need broker lead time. Get the broker's confirmation before bid day.
- ☐ SAM registration: confirm your registration is active, current, and complete before award
Federal awards generally require an active registration. Check the expiration date before bid day.
- ☐ Exclusion and debarment check: confirm your firm, principals, and each sub are not excluded from federal or state work
- ☐ Bid validity period, notice to proceed, and contract time: check how long your prices must hold
- ☐ Price adjustment clauses: check whether any clause adjusts price for wage changes at options or modifications

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DOMESTIC CONTENT AND WORKFORCE REQUIREMENTS

Domestic content, participation goals, and workforce terms add cost and paperwork. Find them before you price.

- ☐ **Build America, Buy America:** check whether the funding requires domestic iron, steel, manufactured products, or construction materials
BABA applies to many federally funded infrastructure projects. The solicitation names the requirement, any waivers, and the certification. Pipe, structural steel, precast, and fittings are common hits.
- ☐ **Federal-aid highway and direct federal work:** check the Buy America and Buy American clauses for steel, iron, and construction materials
- ☐ **Get supplier quotes that state domestic content compliance and the paperwork the supplier will provide**
- ☐ **DBE or small business goal:** read the participation percentage, certification rules, and the form and deadline for commitments
On DOT assisted work, a bid can be rejected as nonresponsive if the goal or good faith efforts are not documented on time.
- ☐ **Good faith efforts:** document outreach, solicitations, follow ups, quotes received, and why any quote was not used
Keep dated records. Build them before bid day, not after.
- ☐ **Section 3 on HUD assisted work:** check for hiring and contracting goals for low income persons and local businesses
- ☐ **EEO and affirmative action:** check the contract's equal employment opportunity clauses, goals, postings, and reporting duties
- ☐ **E-Verify:** if the clause is in the contract, plan enrollment and verification of new hires
- ☐ **Project labor agreement:** check for a PLA requirement, since it changes who you can hire and what you pay
A PLA sets wages, benefits, hiring, and work rules for the trades on the job. Read it before pricing.
- ☐ **Local hire or residency preferences:** check workforce percentages, reporting, and penalties
- ☐ **OSHA 10 or 30 hour card requirements:** check the contract and state law, and price training for workers without cards
- ☐ **Drug and alcohol testing:** check whether the contract requires testing and who pays

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PRE-BID RFI LIST

Send these in writing early enough for the answer to arrive as an addendum before bid day.

- ☐ RFI: confirm the wage determination number, modification number, and date that apply, and that any later modification will come by addendum
- ☐ RFI: confirm whether Davis-Bacon, state prevailing wage, or both apply, and what funding source applies
- ☐ RFI: confirm the construction type schedule (heavy, highway, building, residential) that governs each scope
Ask this when the project mixes a building pad, site utilities, and paving.
- ☐ RFI: confirm the classification for each disputed task (fine grading, pipe laying, flagging, survey, water truck, striping)
List the task, the machine, and the classification you plan to use. Ask for a written answer.
- ☐ RFI: no classification is listed for [work]; advise the classification and rate to use or the conformance process
- ☐ RFI: confirm how truck drivers hauling to project dedicated sites and to commercial sites are treated
- ☐ RFI: confirm the contract includes the labor standards clauses and the required provisions attachment
- ☐ RFI: confirm how options and extensions will be priced and which wage determination applies to each
- ☐ RFI: confirm the required certified payroll format, system, and submission process
- ☐ RFI: confirm apprentice requirements, utilization percentages, and any waiver process
- ☐ RFI: confirm whether a PLA, local hire, or other workforce agreement applies
- ☐ RFI: confirm work hour restrictions, night work, and weekend work rules
Work hour limits drive overtime and shift cost.
- ☐ Log each RFI with the date sent, the answer, and the addendum number, and send them before the last day for questions
Answers that do not come in an addendum may not bind the owner. Ask for an addendum.

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QUESTIONS FOR THE OWNER OR CONTRACTING OFFICER

Ask these at the pre-bid meeting or on a call with the owner, the engineer, or the contracting officer.

- ☐ Who is the funding source, and are federal funds involved at any level?
- ☐ Is this a federal, federally assisted, state, or local project, and which wage law governs?
- ☐ Which date locks the wage rates: bid opening, award, or notice to proceed?
- ☐ How does the agency want certified payroll submitted and reviewed, and who reviews it?
- ☐ Has the agency handled conformance requests on similar work, and how were they resolved?
- ☐ How will wage determination changes be handled on change orders that add substantial new work?
- ☐ What are the expected award and notice to proceed dates, and how firm is the schedule?
- ☐ Does the owner provide staging, borrow, or disposal sites dedicated to the project?
The answer decides how truck driver hours are treated.
- ☐ Are survey, staking, and testing furnished by the owner or by the contractor?
Survey crew labor is covered labor if you provide it.
- ☐ Do you expect any labor agreement or workforce requirement that is not in the documents?

21 BID DAY REVIEW

Run this list in the last hours before the bid goes in.

- ☐ Check SAM.gov or the state labor agency again for wage determination modifications the day before and the morning of bid
- ☐ Confirm the wage determination number and modification in your estimate match the latest addendum
- ☐ Confirm every classification is on the rate table, every rate matches the determination, and the schedule and county are right
Check base and fringe digit by digit. A transposed number copies into every line.
- ☐ Confirm overtime, daily overtime, shift, and premium pay assumptions are priced
- ☐ Confirm payroll taxes, workers comp, general liability, and umbrella are computed on the prevailing wage payroll

- ☐ Confirm operator groups match each machine and the operator count matches the equipment plan
- ☐ Confirm truck driver hours are split between covered on-site or dedicated site hauling and commercial hauling
- ☐ Confirm every sub quote states its wage basis and that any low quote has been checked
- ☐ Confirm office labor for certified payroll and compliance is in the bid
- ☐ Confirm the labor contingency for classification risk is carried and noted
- ☐ Confirm the bid guarantee, addenda acknowledgements, certifications, DBE forms, and signatures are complete
- ☐ Have a second estimator review the rate table and the classification assumptions
- ☐ Save the bid archive: wage determination, rate table, crew build, RFI log, addenda, and assumptions
If award leads to a dispute or an audit, this file is your proof of what you priced and why.

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POST-AWARD COMPLIANCE START-UP

The first two weeks set the pattern for the whole job. Get payroll and classifications right before the crews mobilize.

- ☐ Get the final contract documents and confirm the wage determination in the contract matches the one you bid
If it differs, notify the agency in writing right away. It affects price.
- ☐ Attend the preconstruction meeting with your labor compliance contact and get the agency's labor requirements in writing
- ☐ Set up the job in payroll: job number, wage determination, classifications, base rates, fringes, and overtime rules
- ☐ Get a signed classification list: every worker and classification, agreed with the foreman and the agency if needed
- ☐ Submit any conformance requests before the unlisted work starts
DOL acts within 30 days of receiving the agency's report. Pay at least your proposed rate from day one.
- ☐ Post the wage determination, the poster, and required notices at the site before work starts
- ☐ Hold a kickoff with foremen on classification, task code timekeeping, and interview rules
Foremen's daily time entries are the source of certified payroll. If they do not know the codes, the payroll fails.

- ☐ Onboard each sub: send the contract, wage determination, payroll forms, and deadline, then check week one payroll and classifications
- ☐ Collect apprentice registration proof before apprentices start work
- ☐ Review the first certified payroll with a second person before submitting it
First week errors repeat every week if they are not caught.
- ☐ Calendar every payroll due date and every SAM, license, insurance, and apprentice expiration
- ☐ Run a monthly self audit: match payroll to time cards, gate logs, and daily reports
Find errors before the agency does. Fix underpayments quickly with back pay and amended payrolls.
- ☐ Track wage determination changes at option exercise and on added scope, and price change orders at the rates that apply
- ☐ At closeout, submit the final payroll and confirm every sub's final payroll is in, then keep records for the full retention period

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