

**FORWARDED BY MIKE GIFFORD: Final Rule Updating Davis-Bacon and Related Acts Regulations**

1 message

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Mon, Nov 27, 2023 at 10:24 AM

**Housing Agency Procurement Assistance**

Housing Agency Procurement Assistance

Dear Procurement Professionals,

I am re-distributing, as a public service, the following Notice that was originally issued by HUD. If you have any questions or concerns pertaining to this Notice, please contact your local HUD office directly as "listed below. I have not yet had enough time to "digest" this information; however, I encourage everyone to click on the "FAQs" link following and review, as I found it very helpful.

I hope that this is of a help.

**BEGINNING PORTION OF THE ORIGINAL NOTICE****Updated DBRA Regulations!**

DOL has published updated regulations for the Davis-Bacon and Related Acts effective October 23, 2023.

Dear Partners,

Effective today, October 23, 2023, the U.S. Department of Labor (DOL) implemented the [final rule](#), "Updating the Davis-Bacon and Related Acts Regulations." This implementation follows the official publishing of the final rule in the Federal Register on August 23, 2023, and is the first comprehensive regulatory review/update in nearly 40 years.

The revisions to these regulations will provide greater clarity and enhance the Davis-Bacon and Related Acts (DBRA) regulations' effectiveness in the modern economy, strengthen and streamline the process for setting and enforcing prevailing wage rates on federally funded construction projects, promote compliance, and provide appropriate and updated guidance. This will ultimately ensure that when the federal government invests in infrastructure, it also invests in its workers.

Please note some of the following updates included in the regulations:

- Returning to the definition of "prevailing wage" used from 1935 to 1983?to ensure prevailing wages reflect actual wages paid to workers in the local community.
- Many of the amendments are regulatory changes that codify the DOL's current practices and interpretations of existing regulations. As a result, such changes do not, in practical terms, impose new obligations on contractors or

- contracting agencies.
- Creating several efficiencies in the prevailing wage update system and ensuring prevailing wage rates keep up with actual wages, which over time would mean higher wages for workers.
- Periodically updating prevailing wage rates to address out-of-date wage determinations.
- Providing broader authority to adopt state or local wage determinations when certain criteria are met.
- Issuing supplemental rates for key job classifications when no survey data exists.
- Except with regard to §1.6(c)(2)(iii), the provisions of this final rule are applicable only to contracts entered into after October 23, 2023.
- Updating the regulatory language to better reflect modern construction practices.
- Strengthening worker protections and enforcement, including debarment and new anti-retaliation provisions.

## **DBLS Implementation**

The Office of Davis-Bacon and Labor Standards (DBLS) is in the process of updating internal guidance and forms and will be rolling out training for the public in the near future. If you would like to participate in an upcoming training, please reach out to your local [DBLS Office](#) to be added to an invitation list. In the meantime, please see the DOL's website for additional information on the [Davis-Bacon Final Rule](#), [FAQs](#), and the [Davis-Bacon Act](#).

[Find your local HUD office](#)

## **ENDING PORTION OF THE ORIGINAL NOTICE**

Regards,

**Michael S. Gifford, C.P.M., CPSD**

*Housing Agency Procurement Assistance*

I have a consulting practice providing procurement- and contracts-related mentoring, training, and technical assistance to housing agencies. I help housing agencies conduct procurement and contracts in a HUD-compliant and "best practice" manner. [Click here](#) to see my full resume. Please do not hesitate to contact me if you have any questions or concerns pertaining to procurement and contracts (initial answering of questions is "no charge"). As I am either on-the-road or on the phone a lot, an initial contact by e-mail is best; please be sure to include your return telephone number (office/cellular) so that I can call you back.

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