

## **DBRA Requirements for EPA Subrecipients (8/21/2024)**

Recipients of EPA subawards (including loans) are considered EPA subrecipients, and are required to comply with [Davis-Bacon and Related Acts \(DBRA\)](#) when entering into and managing DBRA covered contracts in excess of \$2,000. In addition, when EPA subrecipients provide further subawards, they must ensure those subrecipients are also aware of, and comply with DBRA. By accepting this award, the subrecipient agrees to comply with the following provisions of DBRA:

### **1. Davis-Bacon and Related Acts**

DBRA is a collection of labor standards provisions administered by the Department of Labor, that are applicable to Federal assistance agreements (grants) and subawards involving construction.

### **2. EPA Subrecipient Responsibilities When Entering Into and Managing Contracts:**

#### **a. Prior to Award of Contract:**

##### **i. Include the Correct Wage Determinations in Bid Solicitations and Contracts:**

EPA recipients are considered contracting agencies and are responsible for complying with the procedures provided in [29 CFR 1.6](#) when soliciting bids and awarding contracts.

##### **ii. Include DBRA Requirements in All Contracts: Include the following text on all contracts under this grant:**

“By accepting this contract, the contractor acknowledges and agrees to the terms provided in the [DBRA Requirements for Contractors and Subcontractors Under EPA Grants](#).”

#### **b. After Award of Contract:**

##### **i. Approve and Submit Requests for Additional Wages Rates:**

Work with contractors to request additional wage rates if required for contracts under this grant, as provided in [29 CFR 5.5\(a\)\(1\)\(iii\)](#).

##### **ii. Provide Oversight of Contractors to Ensure Compliance with DBRA Provisions:**

Ensure contractor compliance with the terms of the contract, as required by [29 CFR 5.6](#).

### **3. EPA Subrecipient Responsibilities When Establishing and Managing Further Subawards:**

#### **a. Ensure DBRA Requirements are Included in all Subawards (including loans) by including a link to the [DBRA Requirements for EPA Subrecipients](#) on all subawards.**

- b. Provide Oversight to Ensure Compliance with DBRA Provisions:**  
EPA subrecipients are responsible for oversight of EPA subrecipients to whom they provide subawards, and must ensure those subrecipients comply with the requirements in [29 CFR 5.6](#).
4. The contract clauses set forth in this Term & Condition, along with the correct wage determinations, will be considered to be a part of every prime contract covered by DBRA (see [29 CFR 5.1](#)), and will be effective by operation of law, whether or not they are included or incorporated by reference into such contract, unless the Department of Labor grants a variance, tolerance, or exemption. Where the clauses and applicable wage determinations are effective by operation of law under this paragraph, the prime contractor must be compensated for any resulting increase in wages in accordance with applicable law.

Last updated on January 3, 2024

### **Davis-Bacon and Related Acts (DBRA) (8/21/2024)**

The Davis-Bacon and Related Acts (DBRA) apply to recipients and subrecipients of EPA grant awards when entering into and managing contracts with contractors and subcontractors in excess of \$2,000. DBRA contractors and subcontractors must pay laborers employed under the contract no less than the locally prevailing wages and fringe benefits for corresponding work on similar projects in the area.

EPA grant recipients, subrecipients, prime contractors and subcontractors must include the link to the [Contract Provisions for Davis-Bacon and Related Acts](#) in all contracts that are subject to DBRA requirements. In addition, EPA recipients and subrecipients must include the link to [DBRA Requirements for EPA Subrecipients](#) in all EPA subawards that are subject to DBRA requirements.

Learn more from the following:

- **Requirements for EPA Subrecipients**  
Recipients of EPA subawards (including loans) are considered EPA subrecipients and are required to comply with DBRA when entering into and managing DBRA covered contracts in excess of \$2,000. For more details, visit [DBRA Requirements for EPA Subrecipients](#).
- **Contract Provisions for Contractors and Subcontractors**  
Links to contract provisions must be included in all contracts to which DBRA apply. Visit [Contract Provisions for Davis-Bacon and Related Acts](#) for details about the requirements.

Last updated on January 3, 2024

## **Contract Provisions for Davis-Bacon and Related Acts (8/21/2024)**

Link(s) to these contract provisions for [Davis-Bacon and Related Acts \(DBRA\)](#) must be included in all contracts to which Davis-Bacon and Related Acts apply, unless a link with identical information, or an attachment with identical information, or the language in these contract provisions is provided verbatim in the contracts, as required by [29 CFR 5.5](#).

- [DBRA Requirements for Contractors and Subcontractors Under EPA Grants \(pdf\)](#) (291.8 KB)
- [DBRA Requirements for Contracts in Excess of \\$100,000 Under EPA Grants \(pdf\)](#) (202.6 KB)

Last updated on February 2, 2024