KILPATRICK TOWNSEND

5 KEY TAKEAWAYS

Understanding and Complying with the DOL's Recent Updates to the Davis-Bacon Act

Kilpatrick Townsend attorneys Gunjan Talati, Chris Caiaccio, and Drew Williamson, in collaboration with Federal Publication Seminars, presented the webinar titled "Understanding and Complying with the Department of Labor's Recent Updates to the Davis-Bacon Act " on October 3, 2023. The discussion provided insight into the Davis-Bacon Act (DBA) and Related Acts (DBRA); changes based on the Department of Labor's (DOL) updating the DBA and DBRA's regulations final rule (Final Rule); and compliance recommendations and expected legal challenges ahead of the effective date of the Final Rule.

Five key takeaways from the presentation include:

1. Contractors and subcontractors alike should anticipate significant increases to prevailing wage rates due to changes in the DOL's methodology for calculating prevailing wage rates. Non-union contractors should proactively submit wage data as part of the Wage and Hour Division's wage survey process to help limit the increases.

2. The DOL's enhanced enforcement tools—including authority to cross-withhold, new debarment provisions, and anti-retaliation protections—provide it with formidable enforcement powers.

3. Contractors must take an active role in ensuring subcontractor compliance with the DBA's labor standards or risk enterprise-threatening penalties, including debarment.

4. The effects of the new rule will extend beyond federally funded public works projects and apply to clean energy and climate projects eligible for tax credits and other incentives made available by the Inflation Reduction Act.

5. DBA labor standards will apply to prime contracts by operation of law. As a result, prime contractors must make their own, pre-bid assessment as to whether its contemplated work on a project will be covered by the Act, accounting for the significant expansion of authority effected by the new rule.

For more information, please contact:

Gunjan Talati: gtalati@kilpatricktownsend.com
Chris Caiaccio: ccaiaccio@kilpatricktownsend.com
Drew Williamson: drew.williamson@kilpatricktownsend.com

www.kilpatricktownsend.com

Related People



Christopher M. Caiaccio
t 404.815.6203
ccaiaccio@ktslaw.com



Gunjan R. Talati
t 404.815.6503
gtalati@ktslaw.com



Drew Williamson
t 404.815.6522
drew.williamson@ktslaw.com