

# Memorandum

DATE: September 3, 2022

WAP Memorandum 095

REPLY TO

ATTN OF:  Erica Burrin, Program Manager

Weatherization and Intergovernmental Program Office

SUBJECT: Davis-Bacon and Related Acts as It Relates to the Weatherization Assistance Program

TO: Weatherization Assistance Program Grantees

INTENDED

AUDIENCE: Grantee Program Managers

On November 15, 2021, the President signed into law the Infrastructure Investment and Jobs Act (Public Law 117-58), also referred to as the Bipartisan Infrastructure Law (BIL), which provides \$3.5 billion in funding for the Department of Energy's (DOE) Weatherization Assistance Program (WAP or Weatherization).

With respect to Weatherization, the BIL includes the following amendments to the current statute:

## SEC. 40551. WEATHERIZATION ASSISTANCE PROGRAM

- (a) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary for the weatherization assistance program established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.) \$3,500,000,000 for fiscal year 2022, to remain available until expended.
- (b) **APPLICATION OF WAGE RATE REQUIREMENTS TO WEATHERIZATION ASSISTANCE PROGRAM.**—With respect to work performed under the weatherization assistance program established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.) on a project assisted in whole or in part by funding made available under subsection (a), the requirements of section 41101 shall apply only to work performed on multifamily buildings with not fewer than 5 units.

Accordingly, per part (b) above any BIL-funded weatherization work on multifamily buildings with not fewer than 5 units will be required to pay wages to all laborers and mechanics engaged in the construction, alteration, or repair of those multifamily buildings (whether employed by a contractor or subcontractor) wages “at rates not less than those prevailing on similar projects in the locality, as determined by the Secretary of Labor.” Current Wage Determinations are accessible at <https://sam.gov/content/wage-determinations>.

As the Weatherization network readies for the implementation of Davis-Bacon Act and Related Acts requirements, the following resources are available for your review.

- 1) Staff from the Department of Labor (DOL) presented an “Overview of the Davis-Bacon Act” at the Energy OutWest Conference. The slides presented from the conference, as well as DOL contact information, can be viewed at [Davis-Bacon 101](#).
  
- 2) General information on the Davis-Bacon Act and Related Acts is available at <https://www.dol.gov/agencies/whd/government-contracts/construction>. From this page you can find resources such as the [DOL Field Operations Handbook](#), the [Prevailing Wage Resource Book](#), [FAQs for Davis-Bacon and the Bipartisan Infrastructure Law](#), [FAQs for Wage Determinations and Conformances](#), and the [Davis-Bacon Conformance Guide](#). Additionally, the following webinars/slides/scripts for specific topics, relevant to WAP, are posted on the DOL website including:
  - Webinar: [Davis-Bacon Act Coverage](#) (YouTube)
    - Slides: [Davis-Bacon Coverage](#) (PDF) and [Script](#) (PDF)
  - Webinar: [Davis-Bacon Wage Determinations](#) (YouTube)
    - Slides: [Davis-Bacon Wage Determinations](#) (PDF) and [Script](#) (PDF)
  - Webinar: [DBA/DBRA Compliance Principles](#) (YouTube)
    - Slides: [DBA/DBRA Compliance Principles](#) (PDF) and [Script](#) (PDF)
  - Webinar: [DBA/DBRA Certified Payrolls](#) (YouTube)
    - Slides: [DBA/DBRA Certified Payrolls](#) (PDF) and [Script](#) (PDF)
  - Webinar: [Davis-Bacon Wage Determination Surveys](#) (14:48) (YouTube)
    - Slides: [Davis-Bacon Wage Determination Surveys](#) (PDF) only
  - Presentation: [DBA Question and Answer Overview](#) (PDF)
  
- 3) The DOL staff have offered to conduct webinars and answer questions specific to WAP. Both DOE WAP and DOL are working together to create Frequently Asked Questions (FAQs) for the Weatherization network. Please forward questions for inclusion in the webinar and/or FAQs to [WAPTA@doe.gov](mailto:WAPTA@doe.gov).

If you have questions regarding the information in this Memorandum, please contact your DOE Project Officer.