



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



William Cass, P.E.
Commissioner

David Rodrigue, P.E.
Assistant Commissioner
Andre Briere, Colonel, USAF (RET)
Deputy Commissioner

February 21, 2023

Re: Certification of Compliance with USDOL Davis-Bacon Requirements

To Whom It May Concern:

I hereby certify that the New Hampshire Department of Transportation (NHDOT) is in full compliance with all provisions of [Subchapter IV of 40 USC, Subtitle II, Part A, Chapter 31](#), detailing wage requirements on federally funded construction projects.

The Office of Federal Compliance (OFC) monitors Davis-Bacon wage rates on a weekly basis and ensures appropriate offices within the NHDOT are informed of wage rates changes in any construction category when they occur. The NHDOT Contracts Office ensures the appropriate rates, from the applicable category, are included in each federally funded contract before advertising. The NHDOT ensures strict compliance with the U.S. Department of Labor (USDOL). [All Agency Memorandum No. 131](#) on projects that involve more than one type of construction and includes a second wage determination when a secondary type of construction comprises at least 20% of the total project cost or is at least \$1 million.

The NHDOT has a comprehensive system for monitoring and enforcing all provisions of the [Davis Bacon Act](#), USDOL regulations, applicable New Hampshire state laws and [NHDOT Standard Specifications](#) for Road and Bridge Construction on all federally funded construction projects. Subcontracting documents require contractors to provide evidence, on a by project basis, that Davis Bacon wage rates, [Form FHWA-1273](#), [41 CFR 60-4.2](#) and [41 CFR 60-4.3](#) (Solicitations and Equal Opportunity Clauses), [Disadvantage Business Enterprise \(DBE\)](#) policy and requirements, and applicable Prompt Pay requirements are physically included in all subcontracts.

The NHDOT has two full time dedicated Compliance Review Officers/Auditors (CROs) whose responsibility is to ensure contractors follow Davis Bacon and USDOL requirements. The NHDOT goal is to audit each project on a monthly basis and review certified payroll reports for compliance. Reviews and compliance issues are documented in the OFC Field Audit Report. Contractors deemed in noncompliance are afforded seven (7) calendar days to correct deficiencies and supply supportive documentation. Sanctions are imposed anytime contractors fail to meet their obligations. In an effort to validate information provided by contractors on certified payroll documents, the FCO conducts labor rates and fringe benefits interviews with contractor employees, within all classifications, at each project.

The OFC also manages the NHDOT Contractor Compliance Training and Annual Assurances Programs to ensure contractors, municipal officials, engineering firms and other state agencies participating on federally assisted construction contracts are educated/trained on the federal provisions, other regulatory obligations, and reporting requirements, NHDOT Standard Specifications, and applicable State laws. The OFC also performs comprehensive desk audits and/or home office reviews annually to ensure contractor compliance with specific Equal Employment Opportunity (EEO) responsibilities as stated in the [23 CFR 230 – External Programs, Appendix A, Subpart A – Special Provisions \(FHWA Form 1273\)](#), collects data required to complete related reports, and monitors the implementation of corrective action plans submitted by contractors.

Each year, the NHDOT is independently evaluated on compliance with Davis-Bacon and FHWA requirements by KPMG. Audits have shown that the OFC has conducted error-free compliance oversight for many years.

Should you have any questions or concerns regarding this certification of compliance, please don't hesitate to contact me at your convenience, at Larisa.DjuvelekRuggiero@dot.nh.gov .

Sincerely,



Larisa Djuvelek-Ruggiero
Chief of Federal Compliance