

U.S. AIR FORCE



SCA/DBA “CROSSWALK” REFERENCE GUIDE

Air Force Contracting SCA/DBA topic reference guide for Federal Acquisition Regulation (FAR) and Code of Federal Regulation (CFR)

**Air Force
Contracting
(SAF/AQC)**

**Labor Advisors
Office**



Service Contract Act / Davis-Bacon Act “Crosswalk” Reference Guide

September 2022

<u>Service Contract Act</u>	<u>Federal Acquisition Regulation (FAR Part 22)</u>	<u>Code of Federal Regulations Reference (29 CFR Part 4)</u>
<u>Authority, Scope and Responsibility</u>		
Department of Labor's	22.1004	4.1, 4.101, 4.102
Contracting Agency's	22.1000, 22.1006	4.4, 4.5, 4.6, 4.7
<u>Definitions</u>		
Agency Labor Advisor	22.1001	
Service Contract	22.1001	4.110, 4.1a(a)
Contractor	22.1001	4.1a(f)
Service Employee	22.1001	4.113(b)
United States	22.1001	4.112(a)
Wage Determination	22.1001	4.1a(h), 4.3
Incumbent Contractor	22.1002-3, 22.1008-2, 52.222-41(f)	4.1b, 4.50(b), 4.53, 4.163
Predecessor Contractor	22.1002-3, 22.1008-2, 52.222-41(f)	4.1b, 4.50(b), 4.53, 4.163
Successor Contractor	22.1002-3, 22.1008-2, 52.222-41(f)	4.1b, 4.50(b), 4.53, 4.163
Principal Purpose -- See Applicability e-98	22.1003-1	4.111, 4.131, 4.132
Wage Determinations on Line (WDOL)	22.001	4.1a
<u>Applicability</u>		
General	22.1003-1	4.110
Geographic Coverage	22.1003-2	4.112
Individually (personally) Performed Contracts	N/A	4.113(a)(1)
Performance by Exempt Executive, Administrative, Professional Employees	N/A	4.113(a)(3)
Examples of Covered Contracts	22.1003-5	4.130, 4.131, 4.132
Questions Concerning Applicability	22.1003-7	4.113(a)(4)
Errors (of the Contracting Agency) Discovered by Department of Labor	22.1015	4.5[c]

Demolition (No Follow-on Construction)	37.301	4.116(b)
Principal Purpose	22.1003-1	4.111
Furnishing Services Involving More than Use of Labor	N/A	4.131
Services and Other Items Being Furnished under a Single Contract	N/A	4.132
Contracts Outside the Act's Coverage (State/Local/Territorial Governments)	N/A	4.134(a)
Contracts Outside the Act's Coverage (Not Principally Services-- Products/Leases)	N/A	4.134(b)
Contracts Outside the Act's Coverage (Printing/Reproduction/Tire Recap, etc.)	N/A	4.134(c)
<u>Exemptions, Statutory</u>		
Construction, Alteration, Repair of Public Buildings/Works	22.1003-3(a)	4.116(a)
Manufactured Goods and Supplies	22.1003-3(b)	4.117(a)
Transportation of Freight/Personnel Subject to Published Tariff Rates	22.1003-3[c]	4.118
Radio, Telephone, Telegraph, Cable Services subject to Communications Act	22.1003-3(d)	4.119
Public Utilities Services	22.1003-3(e)	4.120.
Direct Personal Services by an Individual	22.1003-3(f)	4.121
Postal Service Contract Station Operation	22.1003-3(g)	4.122
<u>Exemptions, Administrative</u>		
Transportation of Mail -- Common Carriers --Regular Routes -- Insubstantial Revenue	22.1003-4(b)(1)	4.123(d)(1)
Transportation of Mail -- Owner Operators -- No Service Employees Hired	22.1003-4(b)(2)	4.123(d)(2)
Transportation of Freight/Personnel Subject to Interstate Commerce Commission	22.10034-(b)(3)	4.123(d)(3)
Automated Data Processing Equipment (Computers)	22.1003-4(c)(1)(i)	4.123(e)(1)(i)(A)
Scientific Equipment and Medical Apparatus/Equipment	22.1003-4(c)(1)(ii)	4.123(e)(1)(i)(B)
Office/Business Machines -- Repair Maintenance by Manufacturer or Supplier	22.1003-4(c)(1)(iii)	4.123(e)(1)(i)[C]
Auto and other vehicle maintenance (other than motor pools or similar facilities)	22.1003-4(d)(1)(i)	4.123(e)(2)(i)(A)
Financial Services involving issuance & servicing of cards (i.e. credit & debit cards)	22.1003-4(d)(1)(ii)	4.123(e)(2)(i)(B)

Contracts for conferences with hotels/motels (not contracts for lodging as needed)	22.1003-4(d)(1)(iii)	4.123(e)(2)(i)(C)
Manufacture, calibrate, repair, install service by manf/supplier - sole source	22.1003-4(d)(1)(iv)	4.123(e)(2)(i)(D)
Air, Motor, Rail, Marine transportation on regular routes, not charter	22.1003-4(d)(1)(v)	4.123(e)(2)(i)(E)
Real estate services, appraisal service, disposal of real property	22.1003-4(d)(1)(vi)	4.123(e)(2)(i)(F)
Relocation services, real estate brokers, appraisers - not moving/storage	22.1003-4(d)(1)(vii)	4.123(e)(2)(i)(G)
Remanufacturing -- Subject to Walsh-Healey Public Contracts Act	22.1003-6	4.117(b)
<u>Clauses Prescribed/Required</u>		
Service Contract Act, 52.222-41	22.1006(a), 52.222-41	4.6
Statement of Equivalent Rates, 52.222-42	22.1006(b), 22.1016, 52.222-42	4.6(k)(2)
Fixed Price Contract ONLY--FLSA & SCA Price Adjustment, 52.222-43 (with options)	22.1006[c](1) & (3), 52.222-43	N/A
Fixed Price Contract ONLY--FLSA & SCA Price Adj., 52.222-44 (no options)	22.1006(c)(2), 52.222-44	N/A
Exemption from Application of Service Contract Act, 52.222-48	22.1006(e), 52.222-48	4.123(e)(1)(ii)(D), 4.123(e)(1)(iii)
Place of Performance Unknown, 52.222-49	22.1006(f), 52.222-49	4.4(a)(3)
<u>Wage Determinations, Procedures for Obtaining and Applying</u>		
Obtaining new or updated Wage Determinations	22.1007	4.4(a)(1)
New Contract	22.1007 (a)	4.4(a)(1)
Option	22.1007(b)(1)	4.4(a)(1), 4.143
Extension	22.1007(b)(1)	4.4(a)(1), 4.143
Changes in Scope of Contract Affecting Labor Requirements	22.1007(b)(2)	4.4(a)(1), 4.143, 4.144
Annual Anniversary Date-- Multiple Year Contract (Annual Appropriations)	22.1007[c](1)	4.4(a)(1)
Biennial Anniversary Date-- Multiple Year Contract (NOT Annual Appropriations)	22.1007[c](2)	4.4(a)(1)
Information Necessary to Obtain Proper Wage Determination	22.1008, 22.1009	4.4
Wage Determinations Based Upon Locally Prevailing Wages	22.1002-2, 22.1008-1	4.3, 4.50(a), 4.51, 4.54(a)
Wage Determinations & Requirements Based Upon Collective Bargaining	22.1002-3, 22.1008-2	4.1b, 4.50(b), 4.53, 4.54(c)

Submission of Request to Department of Labor	22.1008	4.4
Place of Performance Unknown	22.1009	4.4(a)(3) & (4)
Timeliness of Department of Labor Wage Determination Responses -- No CBA	22.1012-1	4.5(a)(2)
Timeliness of Wage Determination Based on a Collective Bargaining Agreement	22.1012-2	4.1b(b)
Request for Status or Expediting of Response	22.1012-1(d)	4.5(d)
Proceeding with CBA Terms Pending (or Absent) a Department of Labor Response	22.1008-2(d)	4.163(b), 4.4(c)
Delayed Acquisition (More than 60 days)	22.1014	4.4(b)(4)
Review (Challenge) of Wage Determinations -- Based on Local Prevailing Wages	22.1013(b)	4.56
Review (Challenge) of Wage Determinations -- Based on Incumbent CBA	22.1013(a), 22.1021	4.6(d)(2), 4.10, 4.11, 4.12, 4.163[c]
Errors (of the Contracting Agency) Discovered by Department of Labor	22.1015	4.5[c]
Additional Classifications (Conformance Procedures)	22.1019	4.6(b)(2)
Not Conformable	22.1019(b)	4.152[c]
Indexing (Adjustment of Conformed Rate)	52.222-41[c](2)(iv)(B)	4.6(b)(2)(iv)(B)
<u>Enforcement</u>		
Authority	22.1004	4.102, 4.103, 4.189
Complaints and Compliance Assistance	22.1024	4.191
Recovery of Underpayments	22.1022	4.187
Contract Termination Due to Violations	22.1023	4.6(i), 4.190.
Cooperation with Department of Labor	22.1024	4.6(g)
Ineligibility of Violators (Debarment)	22.1025	4.188
Withholding of Contract Payments	22.1022	4.6(g)(3), 4.6(i), 4.187
Disputes Concerning Labor Standards	22.1026	4.6 [r], 4.189
Postings of Notice to Employees and Wage Determinations	22.1018	4.6(e), 4.183, 4.184
Recordkeeping Requirements	52.222-41(i)	4.6(g), 4.185
Overtime	22.301, 22.302	4.180, 4.181, 4.182
<u>Miscellaneous</u>		
Notice to Interested Parties (Collective Bargaining Agent Representation -- ONLY)	22.1010.	4.1b(b)(3)
Statement of Equivalent Rates	22.1016, 52.222-42	4.6(k)

Seniority Lists	22.1020-, 52.222-41(n)	4.6(l)(2)
Subcontractors	22.1001, 52.222-41(a) & (l)	4.1a(f), 4.6(j), 4.114, 4.163(a)
Fair Labor Standards Act Application	22.1002-4, 52.222-41[c](2)(iv)[C]	4.2
Fringe Benefits "Grandfather" Rule (High Fringe Benefit Retention)	N/A	4.52(d)
Safe and Sanitary Working Conditions	22.1002-1	4.104(b)

<u>Davis-Bacon Act</u>	<u>Federal Acquisition Regulation</u>	<u>Code of Federal Regulations Reference (29 CFR, Parts 5, 1, 3, and 4)</u>
<u>Authority, Scope and Responsibility</u>		
Department of Labor's	22.400, 22.403	1.1, 3.1, 5.1(a), 5.6(b), 5.13, 5.20, 5.22
Contracting Agency's	22.400, 22.406-1, 22.406-7(a), 22.406-8	5.1(a), 5.5(a), 5.6(a)(1)&(3), 5.20
<u>Definitions</u>		
Public Building	22.401	3.2, 5.2(i), 5.2(k)
Public Work	22.401	3.2, 5.2(i), 5.2(k)
Labor Standard	22.400-	5.2(f)
Construction, Alteration or Repair (including painting and decorating)	22.401	3.2, 5.2(j)
Mechanics and Laborers	22.401	5.2(m)
Apprentice	22.401	5.2(n)(1)
Trainee	22.401	5.2(n)(2)
Site of Work	22.401	5.2(l)
Wages	22.401	5.2(p), 5.23, 5.24, 5.25
Wage Determination	22.404-1	5.2(q)
Contract/Subcontracts	N/A	5.2(h)
United States	N/A	5.2(g)
Contractual Relationship between Employer (Contractor) & Employee	5.222-6(b)	3.2(e), 5.2(o)
Prevailing Wage	N/A	1.2
Wage Determinations on Line (WDOL)	22.001	1.5

<u>Applicability</u>		
General	22.403-1	5.1(a), 5.2(j), 5.5(a), 5.6(a)(1)
Demolition (if part of a construction contract or followed by construction contract)	22.402(a)(1)(ii)	4.116(b)
Fabrication/Manufacturing (at the site of construction)	22.402(a)(1)(iii)	5.2(j)(1)(iii)
Painting & Decorating	22.402(a)(1)(iv)	5.2(j)(1)(ii)
Nonconstruction Contracts Involving Some Construction Work	22.402(b), 22.407(c)	4.116(c)(2),
Subcontractors	22.406-5, 52.222-11	5.2(h), 5.5(a)(6)
ONLY to Work Performed by Laborers and Mechanics at the Site of the Work	22.402(a)(1)(i), 22.402(a)(2)(iv)	5.2(m), 5.2(l), 5.2(o)
<u>Exemptions/Exclusions/Non-Applicability</u>		
Variations, Tolerances, Exemptions	22.304(b)	3.3(d), 5.14, 5.15
Components/Materials Manufactured Off the Site of Work & Delivery (Materialmen)	22.402(a)(2)(i)	5.2(j)(1)(iv)(B), 5.2(l)(3)
Fabrication/Manufacturing (NOT at the site of construction)	22.401 "site of work"	5.2(i), 5.2(l)(3)
Research and Development Work That Cannot Be Separated	22.402(a)(2)(ii)	
Railroad Employees Operating Under the Railway Labor Act	22.402(a)(2)(iii)	
Employees Working at Contractor/Subcontractor Permanent Office/Shops/Tool Yards	22.402(a)(2)(iv)	5.2(l)
<u>Clauses Required</u>		
General	22.407	3.11, 5.5(a)&(b), 5.6(a)(1)
Davis-Bacon Act, 52.222-6	22.403-1, 22.407(a)(1), 52.222-6	5.5(a), 5.5(a)(8)
Copeland Act (Anti-Kickback), 52.222-10	22.403-2, 22.407(a)(5), 52.222-10	3.11, 5.5(a)(5)
Contract Work Hours and Safety Standards Act, 52.222-4 (>\$100K in value)(overtime)	22.305, 22.403-3, 52.222-4	5.5(b)
Secondary Site of Work	22.407(h), 52.222-5	5.2(l)(1)
Withholding of Funds, 52.222-7	22.407(a)(2), 52.222-7	5.5(a)(2)
Payrolls and Basic Records, 52.222-8	22.407(a)(3), 52.222-8	3.4, 5.5(a)(3)
Apprentices, 52.222-9	22.407(a)(4), 52.222-9	5.5(a)(4)
Subcontracts (Labor Standards), 52.222-11	22.407(a)(6), 52.222-11	3.1, 5.5(a)(6), 5.2(h)

Contract Termination-Debarment, 52.222-12	22.407(a)(7), 52.222-12	5.5(a)(7)
Compliance with Davis-Bacon and Related Act Regulations, 52.222-13	22.407(a)(8), 52.222-13	5.5(a)(8)
Disputes Concerning Labor Standards, 52.222-14	22.407(a)(9), 52.222-14	5.5(a)(9), 5.11
Certification of Eligibility (that contractor is not debarred), 52.222-15	22.407(a)(10), 52.222-15	5.5(a)(10)
Cost Contracts ONLY - Approval of Wage Rates, 52.222-16	22.407(b), 52.222-16	
Contracts Extending the Term by Option or Otherwise ONLY -- No Price Change	52.222-30	
Contracts Extending the Term by Option or Otherwise ONLY -- Percentage Method	52.222-31	
Contracts Extending the Term by Option or Otherwise ONLY--Actual Cost Change	52.222-32	
Nonconstruction Contracts Containing Some Davis-Bacon Covered Work	22.402(b), 22.407(c)	4.116(c)(2)
<u>Wage Determinations, Procedures for Obtaining and Applying</u>		
General	22.404	1.6, 5.2(q), 5.5(a)(1)(i)
Contracting Officer Responsibility	22.404-2(a) & (b) & (c)	1.6(b)
Types of Wage Determinations (WD)	22.404-1, 22.404-2	All Agency Memorandum 130 & 131
Building WD	22.404-2(c)(1)	AAM 130 & 131
Residential WD	22.404-2(c)(2)	AAM 130 & 131
Highway WD	22.404-2(c)(3)	AAM 130 & 131
Heavy WD	22.404-2(c)(4)	AAM 130 & 131
Multiple General Schedules Contained in the Same Contract-Solicitation Clarification	22.404-2(b)	AAM 130 & 131
Questions or Doubt as to Proper General WD Types	22.404-2(c)(5)	5.20, AAM 130 & 131
Obtaining or Requesting General WDs	22.404-3	1.5, 1.6
Project WD (Special WD, When no General WD is Appropriate)	22.404-3(b), (c)	1.5, 1.6
Project WD Expiration	22.404-5	1.6(c)(3)(iv)
Modification of WDs -- General	22.404-6(a)	1.6(c)(3)
Modification of WDs Sealed Bidding -- 10 Day Rule	22.404-6(b)	1.6(c)(3)(i)
Modification of WDs Negotiated Procurement (RFP, RFQ, Sole Source, etc.)	22.404-6(c)	1.6(c)(3)
Modification of WDs for Contracts Extending Term by Option or Otherwise	22.404-6(d), 22.404-12	AAM 157
Contracts Extended by Option or Otherwise--Incorporating New WD/Pricing of Option	22.404-12	AAM 157

Correction of WDs Containing Errors	22.404-7, 22.404-3(d)	1.6(d)
Notification (by Department of Labor) of Improper WD Before Award	22.404-8	1.6(e)
Solicitation Issued Without Wage Determinations	22.404-4	1.6(e)
Award of Contract Without Required WD	22.404-9	1.6(f)
Wage Determination Appeals	22.404-11	1.8, 1.9
Additional Classifications (Conformance Procedures) -- SF1444	22.406-3, 52.222-6(c)	5.5(a)(1)(ii)
Not Conformable	22.406-3(b) & (c)	5.5(a)(1)(ii)(1) & (2) & (3)
<u>Enforcement</u>		
General Policy	22.406-1(a)	5.6(a)(1), 5.6(b)
Preconstruction Letters and Conferences	22.406-1(b)	
Posting of Notice of Employees and Wage Determinations	22.404-10, 52.222-6(a)	5.5(a)(1)(i)
Wage Rate Payments	22.406-2(a) & (b), 52.222-6(a)	3.10, 5.5(a)(1)(i), 5.24, 5.31
Multiple Rates to Same Employee for Different Work Classifications		5.5(a)(1)(i)
Fringe Benefit Payments & Questions	22.406-2 (a) & (b), 52.222-6(a), (c), (d)	5.5(a)(1)(i)&(iii)&(iv), 5.23, 5.25, 5.26, 5.27
Deductions -- Permissible and Not Permissible (Copeland Act Compliance)	52.222-10	3.5, 3.6, 3.9, 5.5(a)(5), 5.2(f)
Overtime Payments Required	22.301, 22.406-2(c), 52.222-4(a)	5.5(b)(1), 5.32
Overtime Liquidated Damages for Violations	22.302, 52.222-4(b)	5.5(b)(2), 5.8
Apprentice Pay Rates	22.406-4, 52.222-6(a), 52.222-9(a)	5.5(a)(4)(i)
Trainee Pay Rates	22.406-4(b), 52.222-6(a), 52.222-9(b)	5.5(a)(4)(ii), 5.16, 5.17
Payroll Submittals and Timeliness of Submittals	22.406-6(a), 52.222-8	3.3(b), 3.4(a), 5.5(a)(3), 5.6(a)(2)
Payrolls -- Withholding for Nonsubmission	22.406-6(b), 52.222-8(b)(1)	5.5(a)(3)(iii)
Payrolls -- Examination	22.406-6(c)	3.4(a), 5.5(a)(3)(iii)
Payrolls -- Preservation (Retention)	22.406-6(d)	3.4(b), 5.5(a)(3)(i), 5.6(a)(2)
Payrolls -- Public Disclosure of Information	22.406-6(e)	
Payrolls -- Availability for Inspection by the Contracting Officer or Department of Labor	52.222-8(c)	5.5(a)(3)(iii)
Payrolls -- Civil or Criminal Prosecution for Falsification	22.406-8(d)(2)(iv), 52.222-8(b)(4)	5.5(a)(3)(ii)(D), 5.10-
Payrolls -- Overtime Requirements	52.222-4(d)	5.5(c)
Compliance Checking -- General Policy	22.406-7(a)	5.5(a)(3)(iii)

Regular Compliance Checks (On-site Inspection, Payroll Reviews, Interviews, etc.)	22.406-7(b)	3.4(a)
Special Compliance Checks (Inconsistencies, errors, Omissions)	22.406-7(c)(1)	
Special Compliance Checks (Complaints Alleging Violations)	22.406-7(c)(2)	5.6(a)(3)
Investigations (by the Contracting Agency) - General Policy and Responsibility	22.406-8, 22.406-8(a)	5.6(a)(3)
Investigation of Overtime Issues Subject to Same Policies & Procedures as FAR 22.4	22.303	5.5(c), 5.6(b)
Interview of Employees (during working hours)	52.222-4(d), 52.222-6(c)	5.5(a)(3)(iii)
Confidential Nature of Interviews	22.406-8(b), 22.406-8(c)(2)	5.6(a)(3)&(5)
Disclosure of Employee Statements (Interviews)	22.406-8(b), 22.406-8(c)(2)	5.6(a)(3)&(5)
Notification to the Contractor and Resolution	22.406-8(c), 22.406-10	5.10-, 5.11
Contracting Officer's Report	22.406-8(b), 22.406-8(d)	5.7
Reports of Investigation to Department of Labor	22.406-8(d)(i)	3.4(a), 5.7
Investigations by Department of Labor	22.406-8, 22.406-8(c)	5.6(b)
Withholding from Contract Payments (due to Labor Standards Violations)	22.406-9(a), 52.222-7	5.5(a)(2)
Withholding from Contract Payments (due to nonsubmittal of certified payrolls)	22.406-6(b)	5.5(a)(3)(iii)
Withholding from Contract Payments (due to Overtime Violations or Liquidated Damages)	52.222-4(c)	5.5(b)(3)
Cross-Withholding from Other Prime Contracts Held by the Same Prime Contractor	22.406-9(a)(1), 52.222-7	5.5(a)(2)
Suspension of Contract Payments (due to Labor Standards Violations)	22.406-9(b), 52.222-7	5.9
Disposition of Withheld or Suspended Contract Payments	22.406-9(c)	6.33, 6.34
Contract Terminations (due to Labor Standards Violations)	22.406-11, 52.222-12	5.5(a)(7), 5.7(d)
Debarment	22.406-10(f), 52.222-12	5.5(a)(7), 5.12
Cooperation with Department of Labor	22.406-12	5.5(a)(3)(iii)
Disputes Concerning Labor Standards	22.407-9(a), 52.222-14	5.5(a)(9), 5.11
<u>Miscellaneous</u>		
General -- Rulings and Interpretations	22.403-4	5.13
Subcontractor -- SF1413 Submittals, Labor Standards Acknowledgements	22.406-5, 52.222-11(d)	5.5(a)(6)
Subcontractor -- Overtime Requirements	52.222-4(e)	5.5(b)(4)

Semiannual Enforcement Reports to the Department of Labor	22.406-13	5.7(b)
Prime Contractor's Responsibility for Compliance by any Lower Tier Subcontractor	52.222-11(c)	5.5(a)(6), 5.5(b)(4)

Directory-Air Force Labor Advisors

Kyle C. Roberts (Chief, AF Labor Advisors)

Kyle.roberts.2@us.af.mil

(321) 494-6734/DSN: 854-6734

Gina Garcia (Labor Advisor-Eastern Region: AL, CT, DE, FL, GA, MA, MD, ME, MI, NC, NH, NJ, NY, OH, PA, RI, SC, TN, VA, VT, WV, Europe/Atlantic)

Gina.garcia@us.af.mil

(512) 553-1370

Will Fugate (Labor Advisor-Central Region: AR, IA, IN, IL, KS, KY, LA, MN, MO, MS, NE, ND, OK, SD, TX, WI, Canada, South America)

William.fugate.2@us.af.mil

(321) 494-6735/DSN: 854-6735

Gary Lechman (Labor Advisor-Western Region: AK, AZ, CA, CO, HI, ID, MT, NM, NV, OR, UT, WA, WY, Pacific)

Gary.Lechman@us.af.mil

(720) 847-7340/DSN: 847-7340

Questions about the content of this Guide should be directed to the Chief or Regional Air Force Labor Advisors Office.