

Request for Authorization of Additional Classification and Rate Instructions

The U.S. Department of Labor (DOL) issues wage determinations under the Davis-Bacon Act (DBA) using available statistical data on prevailing wages and benefits paid in a specific locality. On occasion, the data does not contain sufficient information to issue rates for a particular classification of worker needed in the performance of the contract. Because of this, DBA provisions contain a **conformance procedure** for the purpose of establishing an enforceable wage and benefit rate for the missing classification.

Contractors are responsible for determining the appropriate staffing necessary to perform the contract work. Contractors are also responsible for complying with the minimum wage and benefits requirements for each classification performing work on the contract. If a classification considered necessary by the contractor for performance of the work is not listed on the applicable wage determination, the contractor must initiate a request for approval of an additional classification along with the proposed wage and benefit rates for that classification.

The awarded **Contractor** (or subcontractor) initiates the request by preparing an **SF1444**, Request for Authorization of Additional Classification and Rate, at the time of employment of the unlisted classification. (*Reference FAR 22.406-3 and 52.222-6(b), and Title 29 CFR Part 5, Section 5.5(a)*). The contractor completes the form as prompted through the electronic process (see below for further instructions). Request may be submitted to DOL without the form, but must contain the required information.

The Contractor submits the request to the **Contracting Officer (ADOT)**. The Contracting Officer reviews the request for completeness and signs the form designating the contracting agency's concurrence or disagreement with regard to the contractor's proposal. If the Contracting Officer indicates disagreement with the contractor's proposal, a statement must be attached supporting a recommendation for different rates. The Contracting Officer then submits the proposal with all attachments **to DOL for approval**. The Contractor is obligated to pay the proposed wage and benefit rates pending a response from DOL.

Checklist for DBA Conformances:

- a. The classification must be appropriate for the contract work, and must be a classification that is utilized in that locality by the construction industry.
- b. The contractor cannot propose a new classification by combining job duties from two or more existing classifications on the wage determination, or propose a new classification that performs only part of the duties of an existing classification.
- c. The proposed classification cannot be a "trainee". Generally, a proposed classification of "helper" will not be approved. Under DBA provisions, a "helper" will not be approved by DOL unless the contractor establishes in his proposal that a "helper" is an established industry area practice.
- d. The proposed wage rate for the new classification should generally be no lower than the wage rate of the lowest skilled classification on the determination.
- e. Conformance requests should not be submitted for exempt classifications (project managers, full-time supervisors, professionals such as engineers), nor for classifications other than "laborers or mechanics" employed on the site of work, as covered by DBA.
- f. The proposed rate should bear a reasonable relationship to the wage rates listed on the wage determination. The proposed fringe benefits should be the same as listed on the wage determination.
- g. The **contractor must** attach a brief job description to each SF1444 request submitted for classifications that are not generally known and utilized in the construction industry in the locality. The contractor should include all pertinent documentation that supports his request for approval of an additional classification.
- h. If the contractor has further questions about a conformance process, he/she may contact the nearest Regional Office of the U. S. Department of Labor, Wage and Hour Division (see DOL's website in the WDOL.GOV [Library](#)).

Instructions to complete the electronic SF1444 are as follows:

For Prime Contractors:

Go to: <http://www.azdot.gov/business/engineering-and-construction/construction-and-materials/contractor's-information/forms-and-documents>

Open the form "[Conformance Request \(SF1444\) Form to be used by Prime Contractor](#)".

Type in your name (not the company's name) and your email address (this is where all the correspondence will be sent) and the person's name working for ADOT facilitating payroll on the contracted project and that person's email address. Then click on the button "Begin Signing".

An email will be sent to you. Open the email and click on the button “Review Document”. This will take you to the actual SF1444 form, click on the “Continue” button and fill out the boxes outlined in Red. Click the “Sign” button to add your signature. Please review the document for correctness and click the “Finish” button.

A completed document will be sent when the Contracting Officer signs the request and there are no corrections necessary. The document will be forwarded to DOL for approval. Please be aware that the Contracting Officer may send the document back for your initials if a mistake is made, or can void the document all together. It is the contractor’s responsibility to ensure that a completed document is processed.

If DOL approves the classification, a letter will be forwarded from an ADOT field representative to the Prime Contractor.

For Subcontractors:

Go to: <http://www.azdot.gov/business/engineering-and-construction/construction-and-materials/contractor's-information/forms-and-documents>

Open the form “**Conformance Request (SF1444) Form to be used by Subcontractors**”

Type in your name (not the company’s name) and your email address (this is where all the correspondence will be sent) and the person’s name working for the Prime Contractor facilitating payroll and that person’s email address. Then click on the button “Begin Signing”.

An email will be sent to you. Open the email and click on the button “Review Document”. This will take you to the actual SF1444 form, click on the “Continue” button and fill out the boxes outlined in Red (place the TRACS Number in Box 11 to ensure the Prime is aware of which project it’s requested for in addition to project name and description). Click the “Sign” button to add your signature. Please review the document for correctness and click the “Finish” button.

This document is then sent to the Prime Contractor’s Representative to complete filling out the request.

A completed document will be sent when the Contracting Officer signs the request and there are no corrections necessary. The document will be forwarded to DOL for approval. Please be aware that the Contracting Officer may send the document back for your initials if a mistake is made, or can void the document all together. It is the contractor’s responsibility to ensure that a completed document is processed.

If DOL approves the classification, a letter will be forwarded from an ADOT field representative to the Prime Contractor.