

Supporting Statement for the Paperwork Reduction Act
OMB control number 1235-0015
Information Collections: Report of Construction Contractor's Wage Rates
Expiration 03/2024

The U.S. Department of Labor (Department) proposes to revise its information collection request (ICR) related to revision to the WD-10 form and to add a new WD-10A collection instrument. This OMB Control No. 1235-0015 expires on March 31, 2024. The Department is submitting this ICR as a revision.

Part A: JUSTIFICATION

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

The Davis-Bacon Act (DBA), as enacted in 1931 and subsequently amended, requires the payment of minimum prevailing wages determined by the Department of Labor to laborers and mechanics working on federal contracts in excess of \$2,000 for the construction, alteration, or repair, including painting and decorating, of public buildings and public works. *See* 40 U.S.C. 3141 *et seq.* Congress has also included the Davis-Bacon requirements in numerous other laws, known as the Davis-Bacon Related Acts (the Related Acts and, collectively with the Davis-Bacon Act, the DBRA), which provide federal assistance for construction projects through grants, loans, loan guarantees, insurance, and other methods.

The DBA delegates to the Secretary of Labor the responsibility to determine the wage rates that are “prevailing” for each classification of covered laborers and mechanics on similar projects “in the civil subdivision of the State in which the work is to be performed.” 40 U.S.C. 3142(b). The Administrator of the Wage and Hour Division (WHD), through this delegation of authority by the Secretary of Labor, is responsible for issuing these wage determinations (WDs). The DBRA implementing regulations provide that the Administrator will conduct a continuing program for obtaining and compiling wage rate information for issuing WDs. *See* 29 CFR 1.3. As a part of this program, the regulation provides that the Administrator will encourage the voluntary submission of wage rate data by contractors, contractors’ associations, labor organizations, public officials, and other interested parties, reflecting wage rates paid to laborers and mechanics on various types of construction in the area. *See* 29 CFR 1.3(a). The information submitted should reflect not only the wage rates paid a particular classification in an area, but also the type or types of construction on which such rate or rates are paid, and whether such rates were for federal or federally assisted projects subject to DBA prevailing wage requirements.

To carry out the program required by the DBA and 29 CFR 1.3, the Administrator uses the collection instrument called the Form WD-10 to solicit information that is used to determine locally prevailing wages under the DBRA. The wage-data collection using the WD-10 is a primary source of information and is essential to the determination of prevailing wages.

In October 2009, the National Defense Authorization Act (NDAA) of 2010 (Guam Realignment Fund) placed a requirement on WHD to establish wage rates for Guam under the provisions of the DBA. The NDAA also requires that WHD establish such wage rates each year until 90% of the funds for the Guam realignment project are spent. In addition, the NDAA stipulates that WHD

Supporting Statement for the Paperwork Reduction Act
OMB control number 1235-0015
Information Collections: Report of Construction Contractor's Wage Rates
Expiration 03/2024

cannot use the rates and employees working in Guam under the Immigration and Nationality Act (INA) H-2B program when calculating the DBA rates. The NDAA required that WHD amend instructions for completion of the form WD-10.

The Department is proposing changes to the WD-10 form to improve overall efficiency of the DBA survey process as well as changing the name of the form. The proposed changes aim to streamline the collection of data required for the survey and make the collection less burdensome for the respondent. The list of the changes is loaded into ROCIS as a supplementary document. The Department also proposes a new form, the WD-10A.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

Form WD-10 is an optional form respondents may use to ensure consistency in submission of wage data. Respondents may use an alternate format to submit data, provided it includes the information requested on the Form WD-10. WHD uses the wage data submitted voluntarily by respondents to determine locally prevailing wages that are the required minimum wages for contracts that are subject to DBRA. This wage data collection is a primary source of information and is essential to the process of issuing wage determinations. Those wage determinations are then published in SAM.gov, and contracting agencies incorporate them into certain federally funded contracts.

WHD will continue to send letters announcing a DBRA wage survey to interested parties such as Congressional representatives, contractor trade associations, contractors, and unions at both the local and headquarters levels to advise them of the survey and solicit their cooperation in furnishing payment data. In addition, WHD will also notify federal, state, and local agencies. The notice will inform them of the type of construction, the area surveyed, the survey period, and the cut-off date for data submission. The letter encourages interested parties to respond to the information request.

WHD is also newly proposing to send pre-survey information requests (the WD-10A) to general or prime contractors and certain subcontractors identified as working on construction projects within the survey period to better identify additional contractors that performed construction work in the surveyed area. This will allow WHD to have all possible contacts prior to the survey starting. This will eliminate the practice of WHD receiving new contact information *during* the survey and having to send new survey notifications to parties during the survey, potentially shortening the timeframe of the survey and allowing for more timely determination and publication of prevailing wage rates. It also will help as the survey data collection is being reduced for quicker publication of survey results.

The WD-10A requests that general contractors and subcontractors supply a list of their subcontractors to whom WHD may send notification of the survey; similar information was previously requested as part of the wage survey form (WD-10) during as part of the survey itself). However, through WHD's revised WD-10 and WD-10A, this information would be solicited prior to the beginning of a survey, rather than during. If OMB approves the new WD-10A form, the

Supporting Statement for the Paperwork Reduction Act
OMB control number 1235-0015
Information Collections: Report of Construction Contractor's Wage Rates
Expiration 03/2024

Department intends to work with the Census Bureau to add an optional paper version of the form that comports with the electronic platform (absent functionality such as drop downs) and submit for OMB approval. The paper form will only be mailed upon request; otherwise, the respondent will be directed to either complete the electronic version or download the form.

The NDAA (Guam Realignment Fund) placed a requirement on WHD to establish wage rates for Guam under the provisions of the DBA. The NDAA required that WHD establish wage rates for Guam each year until 90% of the funds for the Guam realignment project expired. This Act placed an additional requirement on WHD that it could not use the rates and employees working in Guam under the INA H-2B program when calculating the DBA rates.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

Because WHD has an automated survey data system that generates contact letters notifying interested parties of upcoming surveys, WHD requests that all interested parties (e.g., national, state, and local unions; contractors; and contractor associations) identify the appropriate survey contact(s) for their organizations. WHD maintains this information in a central data bank and provides a list of active and planned wage surveys on its website (<https://www.dol.gov/agencies/whd/government-contracts/construction/surveys/status>), which broadens accessibility to other interested parties.

In accordance with the Government Paperwork Elimination Act, an electronic version of the WD-10 form is available through the WHD website (<https://www.dol.gov/agencies/whd/government-contracts/construction/surveys/wd10>), allowing respondents to complete and submit the form electronically online.

In addition to the notice letter, which will contain directions to the electronic version of the WD-10 and WD-10A, WHD will mail a paper version of the forms to those who elect this option.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

Generally, this information is not available from any other source. WHD has the sole responsibility for determining prevailing wages under DBA, and there is no duplicative effort to obtain this information. However, where appropriate, WHD uses state or local prevailing wage rates or data to determine the Davis-Bacon prevailing wage.

5. If the collection of information impacts small businesses or other small entities describe any methods used to minimize burden.

Supporting Statement for the Paperwork Reduction Act
OMB control number 1235-0015
Information Collections: Report of Construction Contractor's Wage Rates
Expiration 03/2024

This information collection does not have a significant economic impact on a substantial number of small entities. To minimize burden, WHD has designed the information collection to request the minimum information necessary for WHD to determine prevailing wages as required under the DBA. Furthermore, WHD's request that respondents provide contractor or subcontractor information on a WD-10A form does not add to burden. Such information was previously requested from any respondent completing the WD-10 form – as the question was a part of the WD-10 form itself. WHD is now proposing to delete the section of the WD-10 that requests such information during the survey and replace it with the WD-10A, which is designed to be completed prior to the survey starting – giving WHD a larger base of potential survey participants at the outset.

6. Describe the consequence to federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

WHD's ability to issue WDs based on current prevailing wage rates for various localities throughout the country would be impacted if the agency were to collect the information less frequently. Outdated wage determinations and missing wage rates can impact WHD's ability to effectively administer and enforce the Davis-Bacon Act and ensure laborers and mechanics on covered projects are paid the wages that prevail locally for the trade they performed.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- **requiring respondents to report information to the agency more often than quarterly;**
- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **requiring respondents to submit more than an original and two copies of any document;**
- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;**
- **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

Supporting Statement for the Paperwork Reduction Act
OMB control number 1235-0015
Information Collections: Report of Construction Contractor's Wage Rates
Expiration 03/2024

There are no special circumstances associated with the conduct of these information collections.

- 8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and record-keeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years – even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

On June 15, 2022, the Department published a notice in the *Federal Register* inviting public comments about this information collection (87 FR 36152). 26 comments were received.

Various unions, associations, labor representatives, and private citizens submitted comments. Several commenters, including North America's Building Trades Unions (NABTU), suggested including "construction, alteration, or repair" in all construction descriptions, to better facilitate the understanding of the instruction regarding the type of project for which wage data is being reported. WHD adopted the clarifying recommendation. All construction type descriptions in the instructions now include this statutory text of the Davis-Bacon Act.

NABTU also suggested that the "definition for Building construction should state that residential buildings that are five stories in height or greater qualify as Building construction." For consistency with WHD policy, particularly as set forth in All Agency Memorandum (AAM) No. 130, this suggestion is not adopted. The definition of residential construction set forth in AAM 130 and referenced in the instructions is the only definition that references the height of the structure. Adding "stories" or "floors" to the definition of building construction is not necessary given the instructions for residential construction and may lead to confusion, especially when incorporating the term "residential," which is a separate type of construction. The Department believes the definition of what falls under each type of construction is best addressed through All Agency Memoranda or similar guidance, not through the WD-10 form.

NABTU, Seattle Building and Construction Trades Council (SBCTC), and Washington State Building and Construction Trades Council (WSBCTC) also suggested that the Department remove instructions from the "definition for Highway construction [that] suggests that when participating in a highway construction survey, respondents should exclude highway projects that are 'incidental' to building or heavy construction." NABTU stated "respondents should not bear the burden of making such a determination." The Department believes that the instructions are

Supporting Statement for the Paperwork Reduction Act
OMB control number 1235-0015
Information Collections: Report of Construction Contractor's Wage Rates
Expiration 03/2024

sufficiently clear, particularly since they refer respondents to All Agency Memoranda 130, 131, and 236, which provide considerable additional information regarding the categorization of construction, and because questions regarding whether particular wage data falls within the type of construction that is being surveyed may be directed to WHD. The Department received several requests to remove the reference to AAM 236 in the instruction; however, the Department believes the reference is needed to adequately alert the public to its existence as a resource.

NABTU, SBCTU, and WSBCT each commented that the “additional remarks” instruction needed clarification, or, alternatively, that the instruction should contain examples of what type of information to include. The Department has provided further clarification, and the instruction page now includes a description of how the “additional remarks” and “description of any additional fringe benefits” space is best used. Respondents may use the additional remarks section to relay any specific or additional information about the classification(s) or sub-classification(s) reported on, such as weight or sizing specifications for power equipment, the differences in wage rates between wage lines for the same classification or sub-classification, or to address area practice considerations. The ability to provide such information also addresses IUOE’s comments that weight or sizing specifications should be added to certain power equipment subclassifications in the Classification and Subclassification Directory (“Directory”), as well as SMART/SMCNA’s concerns regarding how to report zone pay, shift differentials, or differences in rates of pay. Additionally, the “Description of additional fringe benefits” section is to be used to describe any fringe benefits provided that require further explanation. Both of these are open fields in the electronic version, providing ample space for a response. If more space is needed on the paper WD-10 form, additional pages maybe submitted.

Non-substantive revisions were also made in the instructions. For example, within the instructions, “other subclassification” was referenced, however, it was not presented as an option on the WD-10 form. This omission was corrected. As part of that revision, the instructions now reference “other” or “other subclassification” where appropriate. Additionally, clarifying language was added to the instructions to better clarify how to report (or not report) on forepersons. SBCTC, WSBCTC, and NABTU all commented that the language in the instructions was confusing and could lead to reporting errors. The Department agreed and clarified where appropriate.

Comments by WSBCTC and SBCTC stated that they appreciated that the instructions identify those certain questions to be filled in only if known. For additional clarity, all mandatory questions have also been identified by an asterisk (*).

Wage Survey Information

The comments the Department received were largely favorable, with numerous commenters, like the Florida Transportation Builders Association, Inc., supportive of the Department's efforts to revise the WD-10 form, noting that the proposed changes will streamline and enhance the current collection process, and, further, welcoming the addition of the proposed drop-down list of labor classifications and subclassifications, with write-in options for additional classifications.

Commenters such as NABTU, SBCTC, and WSBCTC requested that the option to report a classification not specified in the Directory under “other classification” be removed and replaced

Supporting Statement for the Paperwork Reduction Act
OMB control number 1235-0015
Information Collections: Report of Construction Contractor's Wage Rates
Expiration 03/2024

by “other subclassification.” To ensure that the Department can collect as much useable wage and labor classification data as possible, the Department has inserted an “other” field under each classification in the Directory which will allow respondents to report on subclassifications that they believe are not adequately captured in the Directory. The Department decided against removing the “other classification” option in the Directory. The “other classification” option is responsive to area practice and industry change over time and helps the Department ensure that the WD-10 form collects wage and classification data from as many sources as possible, even where terminology differs or where respondents may not know to which classification a construction worker belongs.

IUOE and SMACNA suggested that the number of classifications included in the Directory far exceeds the number key classifications identified for construction types in the Prevailing Wage Resource Book. However, the classifications listed in the Directory do no impact which classifications are considered key classifications. The Department has not made changes to the list of key classifications used to determine survey sufficiency at this time.

The Department received comments from International Union of Bricklayers and Allied Craft Workers (BAC); Indiana Illinois Iowa Foundation for Fair Contracting (III FFC); Minneapolis HUD Office; Laborers International Union of North America(LIUNA); United Brotherhood of Carpenters and Joiners of America (UBC); United Association local 421 Plumbers, Pipefitters, and Welders and HVAC-R Service Techs and other various locals of United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada (UA); International Brotherhood of Electrical Workers (IBEW); IBEW Local 11; IUOE; IUOE local 12; WSBCT; SBCTC; NABTU; SMART; and SMACNA requesting edits, primarily the addition or removal of subclassifications, to the Directory.

The commenters requested the Department add, remove, and clarify specific classifications and subclassifications, with a majority of such comments focusing on particular subclassifications. The Department finds that certain proposed additional classifications and subclassifications are covered adequately by classifications or subclassifications already listed in the Directory, or, alternatively, that certain proposed additional classifications or subclassifications are more appropriately reported in the “other classification” category or “other” subclassification category. Most of the commenter requests to delete or remove certain classifications or subclassifications were not adopted, as such classifications and subclassifications are necessary to ensure the Directory adequately captures the variety of labor classifications that perform construction work in the different construction categories across thousands of counties across all 50 states and covered U.S. territories.

The following discussion covers the changes the Department elected to make to the Directory:

Subclassifications “401. Stone Mason” and “402. Pointer, Caulker, Cleaner” were added under Classification “400. Bricklayer.”

Subclassification “503. Wood Framing” was changed to “502. Framing”.

Subclassification “804. Limited Energy Worker/Wiring System Worker” was added under

Supporting Statement for the Paperwork Reduction Act
OMB control number 1235-0015
Information Collections: Report of Construction Contractor's Wage Rates
Expiration 03/2024

Classification “800 Electrician

Subclassification “HVAC unit install” replaced “HVAC system install” under “1200. HVAC Mechanic/Technician” and “2100. Sheet Metal Worker.” It is the Department’s belief that “system install” covers “unit” and HVAC install, making its inclusion duplicative and confusing.

Subclassifications “2304. Terrazzo Finisher,” “2305. Marble Mason”, and “2306. Marble Finisher” were added under “2300. Tile/Terrazzo.”

An edit was made to Truck Driver subclassification 3011, it now reads “3011. Vacuum.”

There were other comments on Power Equipment Operators subclassifications. In response, the Department has added certain proposed sub classifications and removed or consolidated other previously listed subclassifications where appropriate. The following revisions were made to subclassifications under the Power Equipment Operator classification:

4001. Backhoe/Backhoe & Loader Combo/Track Backhoe

4003. Boom/Crane Truck

4005. Boat/Barge Operator

4006. Breaker

4010. Compactor/Roller

4011. Concrete Cutter/Saw

4012. Concrete Pump Truck

4013. Concrete Screed

4014. Crane/Derricks

4017. Drill Rig/Auger

4018. Excavator/Trackhoe

4020. Gradall

4021. Hoist/Elevator

4022. Horizontal Directional Drill

4024. Loader/Front End Loader

4025. Material Transfer Device /Buggies

Supporting Statement for the Paperwork Reduction Act
OMB control number 1235-0015
Information Collections: Report of Construction Contractor's Wage Rates
Expiration 03/2024

4028. Motor Grader/Blade

4030. Paver/Spreader/Finish Equipment (asphalt, aggregate, & concrete)

4035. Soil Stabilizer/Tiller

4036. Telehandler/Lull/All Terrain Forklift

The following Classifications or subclassifications were removed in full: Tamper and Scissor Lift, Low Voltage Wiring System Worker, Wiring System Technician, Wiring System Installer.

Several commentors, such as SMACNA, LIUNA, and UA 421, commented regarding duplicative subclassifications. Reviewing the instructions provided with the revised WD-10 should dispel any confusion about duplication. So long as the respondent submits the wage data for the work performed under the applicable subclassification, such wage data will be considered as part of that subclassification, even if that subclassification also appears under another classification in the Directory. For example, selecting “HVAC unit install” under either “Sheet Metal Worker” or “HVAC technician/mechanic,” respectively, would result in getting credit for “HVAC unit install.”

Associated Builders and Contractors (ABC) stated that the list of preselected classifications “tilts the balance towards a unionized set of job descriptions, many of which are foreign to the nonunion setting” and they stated that these will cause confusion among those nonunion contractors “who might otherwise respond with their own job titles.” However, ABC did not provide examples of classifications that would fit this description. Other commentors, including those also representing nonunion employers, did not make similar comments and instead supported the decision to implement a drop-down list of the classifications with a write-in option, even while some of them proposed additional changes to the forms or the program. The Department believes that the provision of the drop-list of classifications, along with the write-in option will increase efficiency and decrease the burden on both union and nonunion contractors, and as a result lead to an increase in participation in surveys.

Independent Electrical Contractors (IEC) commented that while it supports the proposed changes to the WD-10 form and the addition of the WD-10A form in an effort to simplify and streamline the DBA wage survey process, it believes that the underlying survey process is flawed and would be best handled by an entity such as the Bureau of Labor Statistics (BLS). IEC specifically commented that two BLS surveys, the Occupational Employment Wage Statistics Survey (OEWS) and the National Compensation Survey (NCS), could be used to calculate Davis-Bacon prevailing wage rates. However, IEC’s suggestion of an alternative methodology for calculating Davis-Bacon prevailing wage rates is beyond the scope of this information collection request, which concerns changes to the content and format of the WD-10 form itself (i.e., the information collection request titled “Report of Construction Contractor’s Wage Rates”), not changes to the underlying Davis-Bacon wage survey process. Similar comments from the National Association of Home Builders (NAHB), Contract Furnishers of Hawaii, Inc., and ABC are likewise beyond the scope of this information collection request, as is NAHB’s request that WHD revise the policy set forth in subregulatory guidance such as All Agency Memoranda 130 and 131 concerning the use of

Supporting Statement for the Paperwork Reduction Act
OMB control number 1235-0015
Information Collections: Report of Construction Contractor's Wage Rates
Expiration 03/2024

multiple wage determinations when a project involves substantial construction in two or more categories of construction.

The Department disagrees with ABC's comment that the proposed collection in its entirety is "not necessary for the proper performance of the agency's functions" and that the information will have "no practical utility" because, ABC asserts, the Department could be setting wages using data from the BLS or other sources with higher response rates or complex statistical modeling. The DBA requires the Secretary of Labor to determine the prevailing wages that must be paid on covered construction projects, and the use of the survey allows the Department to carry out this mandate from Congress in a manner that also satisfies other statutory requirements, including that the prevailing wages must be for "corresponding class[es]" of workers on "projects of a character similar" within "civil subdivisions of the State" in which the work is to be performed. 40 U.S.C. sec. 3142(b). Using the wage survey process allows the Department to collect and analyze data by construction type, and consistent with local area practices, so as to satisfy these statutory requirements. Moreover, as many other commenters noted, a key goal of the proposed revision to the WD-10 is to streamline and simplify the form, and to seek information about additional potential respondents in a new WD-10A. The Department's primary intent in carrying out these changes is to increase the amount of available wage data, including through increased response rates, so as to directly address the concerns about data sufficiency that ABC highlighted.

The Department declines to adopt NAHB's proposal that the WD-10 form be revised to allow for the reporting of wage rates paid to apprentices. The DBRA's implementing regulations provide at 29 CFR 5.5(a)(4)(i) that apprentices may be paid less than the prevailing rate for the work they perform if they are employed pursuant to, and individually registered in, a bona fide apprenticeship program registered with the U.S. Department of Labor or with a State Apprenticeship Agency (SAA) recognized by the Department. Because apprentices thus are a separate category of worker for whom wage rates are established in accordance with this regulation, there is no need to collect apprentice wage data through the Davis-Bacon wage survey program.

SMACNA also commented on the Department's policy regarding jurisdictional disputes between unions in the context of the survey process, specifically as it pertains to work it considers to be "within SMART's core jurisdiction" where more than one union performs the work of a classification. The revisions to the WD-10 form are not a change in the Department's procedures for addressing local area practice and jurisdictional issues.

NAHB and ABC believe that the burden statement is grossly understated. The commenters suggest that completing the form involves multiple individuals, and that small businesses do not have the dedicated staff necessary to carry out the submission of the form. The Department believes that by streamlining questions, identifying which questions are required versus optional, and removing burdensome tasks, like identifying a peak construction week, will make completing the form less burdensome on the respondent. The Department also believes that adopting the use of the revised electronic version of the form will allow respondents to more quickly complete the form.

ABC also commented that more than 680,000 construction contractors and subcontractors perform

Supporting Statement for the Paperwork Reduction Act
OMB control number 1235-0015
Information Collections: Report of Construction Contractor's Wage Rates
Expiration 03/2024

reportable construction work, and, further, the Department's estimate that it expects only 3,641 of 680,000 contractors and subcontractors to respond to the information collection request "is an indictment of the request itself." The Department does not believe ABC's comment accurately reflects the survey process. Although it may appear that the Department's estimate that roughly 3,461 contractors will respond to a Departmental information request during a given year is low when compared to the 680,000 contractors and subcontractors that ABC states may perform reportable work across the country, it is critical to note that such information collection requests impact only a fraction of those "680,000" contractors annually. Due to WHD established criteria to determine where to survey in an upcoming year the Department surveys only approximately 5-10 states and/or localities per year, and, within those localities, only certain construction types are surveyed, which altogether affects only a small portion of the total contractors performing reportable work across the country—the rest of these contractors are not eligible to report information due to the geographical and temporal limits of the survey required to determine a prevailing wage for a certain area. Additionally, although the Department strives to make the survey collection instrument more accessible, more user friendly, and more efficient, the collection is not mandatory and depends on the voluntary participation of contractors, subcontractors, unions, and other stakeholders for data—which is why the Department will keep reviewing ways in which it can continue to increase participation in the survey process.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

The Department offers no payments or gifts to respondents in connection with this information collection.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy. If the collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

WHD informs respondents that it will keep their identity confidential to the maximum extent possible under existing law. As a practical matter, the Department would only disclose information collected under these requests in accordance with the provisions of the Freedom of Information Act (FOIA), 5 U.S.C. 552, and its attendant regulations at 29 CFR 70; and the Privacy Act of 1974, 5 U.S.C. 552a, and related regulations at 29 CFR 71. The Department has disclosed summaries of the wage data used to determine prevailing wages and fringe benefits but not the names and addresses of the respondents who submitted the data.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

The Department does not request sensitive information in these information collections.

Supporting Statement for the Paperwork Reduction Act
 OMB control number 1235-0015
 Information Collections: Report of Construction Contractor's Wage Rates
 Expiration 03/2024

12. Provide estimates of the hour burden of the collection of information. The statement should:

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included under “Annual Cost to Federal Government.”**

Based on actual three-year averages with the WD-10 collection instrument, the Department estimates that 2,731 respondents complete 21,029 responses annually.

Based on actual two-year averages with the collection of collective bargaining agreements, the Department estimates that 2,784 respondents will complete responses annually.

Without specific wage data regarding respondents, WHD has used the September 2022 average hourly earnings for workers in the private sector on nonfarm payrolls to estimate employer burden costs. Bureau of Labor Statistics (BLS), [The Employment Situation, January 2023, Table B-3](#). The median hourly wage is \$33.03, plus an additional 45% benefits cost (estimated using average annual civilian costs from BLS, [Employer Costs for Employee Compensation](#)), and overhead costs of 17%.

$$(\$32.82 \times 0.45) + (\$32.82 \times 0.17) + 33.03 = \$53.51$$

Form	Number of Respondents	Number of Responses per Respondent	Total Annual Responses	Average Burden per Response	Total Burden Hours	Hourly Wage Rate	Total Burden Costs
WD-10	2,731	7.7	21,029	20 minutes	7,009	\$53.51	\$375,051.59
WD-10A	910	1	910	10 min.	152	\$53.51	\$8,133.52
Total	3,641	Various	21,939		7,161		\$383,185.11

13. Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information (Do not include the cost of any hour burden already reflected on the burden worksheet).

- **The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**
- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collections services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**
- **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.**

The Department associates no respondent costs with the subject information collections, other than the value of time. For the few respondents who use the paper version it can be emailed to WHD.

14. Provide estimates of annualized costs to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies may also aggregate cost estimates from Items 12, 13, and 14 in a single table.

The Department estimates the following federal costs associated with this information collection.

- Mail Processing Costs for 47,082 WD-10 Surveys

Under an Inter-Agency Agreement, the US Census Bureau (Census) mails forms WD-10 for the WHD to potential survey

Supporting Statement for the Paperwork Reduction Act
 OMB control number 1235-0015
 Information Collections: Report of Construction Contractor's Wage Rates
 Expiration 03/2024

respondents who request paper forms, enclosing franked and addressed envelopes for returning completed forms. Census also scans returned forms, envelopes, and attachments into the automatic survey data system. WHD reimburses Census for printing, mailing, and scanning costs.

Printing and Mailing (contract obligated cost)	\$160,000
Scanning (contract obligated cost)	\$220,000

Mail Processing Sub-Total	\$380,000
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- Contract for Data Entry and remote data verification **\$1,983,123**
- Data Sources
(WHD Share for FW Dodge Reports subscription) **\$398,968**

Total Federal Costs	\$2,762,091
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15. Explain the reasons for any program changes or adjustments reported on the burden worksheet.

In this revision, the Department proposes to add a new collection instrument (WD-10A) and revise the current information collection instrument (WD-10) on a new electronic platform. Changes to the burden worksheet occur because there is an additional instrument that respondents will complete. As a result, the number of respondents to the collection will increase by 910 (due to the WD-10A addition), with an equal number of responses, totaling an hour burden increase of 152 hours.

16. For collections of information whose results are planned to be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

The Department does not plan to publish results of this information collection. Although the raw data are not published, the results of these information collections are used to calculate prevailing wage rates which are published in wage determinations on Sam.gov. These are ongoing collections, the schedule for which is found at <https://www.dol.gov/agencies/whd/government-contracts/construction/surveys/status>.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

The Department does not seek an exception to the requirement to display the expiration date for OMB approval of these information collections.

Supporting Statement for the Paperwork Reduction Act
OMB control number 1235-0015
Information Collections: Report of Construction Contractor's Wage Rates
Expiration 03/2024

**18. Explain each exception to the topics of the certification statement identified in
“Certification for Paperwork Reduction Act Submissions.”.**

The Department is not requesting an exception to any of the certification requirements for these information collections.

Part B: EMPLOYING STATISTICAL METHODS

N/A