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Robert Waterman  
Division of Regulations, Legislation, and Interpretation  
Wage and Hour Division  
U.S. Department of Labor  
Room S-3502  
200 Constitution Avenue NW  
Washington, DC 20210

***Re: Agency Information Collection Activities; Comment Request; Report of Construction Contractor's Wage Rates; Control Number 1235–0015***

Dear Mr. Waterman:

On behalf of the Independent Electrical Contractors (IEC), I am pleased to submit this comment letter regarding the United States Department of Labor's Wage and Hour Division (WHD) proposed revision to the WD-10 form used in wage surveys to implement the prevailing wage requirements of the Davis-Bacon and Related Acts.

Established in 1957, the Independent Electrical Contractors is a trade association representing over 3,700 members with more than 50 chapters and training centers nationwide. Headquartered in Arlington, Va., the IEC is the nation's premier trade association representing America's independent electrical and systems contractors. IEC National aggressively works with the industry to establish a competitive environment for the merit shop—a philosophy that promotes the concept of free enterprise, open competition, and economic opportunity for all.

Under the 1931 Davis-Bacon Act and related regulations, contractors and subcontractors on federal and federally funded construction contracts must pay at least the locally prevailing wage and benefit rate. This rate is determined by providing construction contractors in a given locality the WD-10 forms to complete and return to WHD. The prevailing wage under current law is determined if 50% of workers in a classification are paid the same rate, otherwise, an average is calculated and is deemed to be the prevailing rate.

The proposed changes to the WD-10 form are designed “to improve the overall efficiency of the DBA survey process. The proposed changes aim to streamline the collection of data required for the survey and make the collection less burdensome for respondents.” The form no longer asks to determine a peak week of construction, identify project value, or identify contractors or subcontractors. Respondents will also select labor classifications from a “picklist” instead of manually entering the classification.

The WHD also proposes a new WD-10A to be used “pre-survey to identify potential respondents that performed construction work within the survey period in the survey area, which will enable the Department to solicit for survey participation.”

While IEC supports the proposed changes to the WD-10 form and the addition of the WD-10A form in an effort to streamline and simplify the process to determine the prevailing wage in a given locality, it still believes the underlying process itself is distinctly flawed and the proposed modifications will have little impact on the ultimate results from the survey since the WHD is primarily an enforcement agency that has little expertise in accurately surveying local wages. The Government Accountability Office (GAO) and DOL Inspector General (IG) have both criticized the WHD for decades for using an unscientific method to estimate Davis–Bacon rates. Both have concluded the current process:

- Uses unrepresentative, self-selected samples;
- Has unreliably small sample sizes;
- Combines data from economically unrelated counties; and
- Is typically out of date.

Therefore, IEC believes the process of determining prevailing wage rates best be handled by an entity like the Bureau of Labor Statistics (BLS) to obtain a more accurate and scientific method of calculation. BLS has two surveys, the Occupational Employment Statistics Survey and the National Compensation Survey, both of which could be used for a more accurate calculation of Davis-Bacon rates. Thus, reducing costs to the federal government and American taxpayer on federal construction projects.

IEC appreciates the opportunity to provide comment on the proposed changes to the WD-10 form to collect the data necessary to determine Davis-Bacon prevailing wage rates. We look forward to working with you to improve this process to ultimately determine the most accurate wage rates as possible.

Sincerely,

Jason E. Todd  
Vice President, Government Affairs