



12/6/2024

GSA Office of Governmentwide Policy

Class Deviation CD-2025-02

MEMORANDUM FOR PBS CONTRACTING AND LEASING ACTIVITIES

DocuSigned by:
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FROM: JEFFREY A. KOSES
SENIOR PROCUREMENT EXECUTIVE
OFFICE OF ACQUISITION POLICY (MV)

SUBJECT: FAR Class Deviation, Construction Payroll Records

1. Purpose. This memorandum approves a class deviation to Federal Acquisition Regulation (FAR) [22.406-6 Payrolls and statements](#) and FAR clause [52.222-8 Payrolls and Basic Records](#) to require the submission of weekly payroll and basic records using a digital or an automated system for contracts and leases subject to the Construction Wage Rate Requirement statute (CWRR), formerly known as the Davis-Bacon Act (DBA).

2. Background. The FAR requires contractors to submit payroll information to the Government for contracts subject to CWRR/DBA¹. Contracting officers are required to review this submission for compliance with the requirements in statutes, regulations and the contract and take appropriate action².

The FAR does not require a standard form be used to submit payroll information from contractors, often leading to vendors printing out and mailing paper copies of varying payroll documentation to the GSA. The form established by the Department of Labor (DOL) Wage Hour Division (WH-347) is optional. GSA's Public Buildings Service (PBS) contracting officers manually review weekly payroll data for more than 4,000 construction contracts each year.

GSA has established a digital solution which is expected to drastically reduce the number of resource hours spent by GSA contracting officers, lessors, and construction contractors in the submission, certification, and review of weekly payroll records, while still ensuring workers are paid the correct wages.

¹ See [FAR 52.222-8](#)

² See [FAR 22.406-6](#)

This class deviation approves a change to FAR [22.406-6 Payrolls and statements](#) and FAR clause [52.222-8 Payrolls and Basic Records](#). This class deviation provides PBS contractors and lessors with two digital options for submitting the required payroll data to the contracting officer by:

- Option 1 - Submission of the DOL WH-347 form in XML format through email; or
- Option 2 - Submission of an automated version of the DOL WH-347 form through an automated system.

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 35, et seq.), GSA has obtained approval from the Office of Management and Budget (OMB) to collect this information in an automated system, and has an active Information Collection Review number [OMB 3090-0326](#).

3. Authority. This class deviation is issued under the authority of FAR 1.404 and General Services Administration Acquisition Manual (GSAM) 501.404.

This class deviation is issued after consultation with the Chair of the Civilian Agency Acquisition Council (CAAC) in accordance with FAR 1.404(a) and GSAM 501.404(a).

4. Applicability. This class deviation applies to PBS solicitations and contracts (including leases of real property) that require the inclusion of FAR clause 52.222-8, as appropriate.

5. Deviation. See Attachment A for the changes in the FAR text as revised by this class deviation. Attachment B reflects a “clean” version of the deviated FAR text.

6. Effective Date. This class deviation is effective immediately and remains in effect until rescinded or incorporated into the GSAR.

7. Point of Contact. Any questions regarding this class deviation may be directed to the GSARPolicy@gsa.gov.

For information about implementation of this class deviation, contact the PBS Office of Acquisition Management at PBSOAMpolicy@gsa.gov or the National Office of Leasing at Leasing@gsa.gov.

Attachments Attachment A – FAR Deviated Text, Line-In/Line-Out
 Attachment B – FAR Deviated Text, Clean Version

**Class Deviation CD-2025-02
Attachment A**

FAR Deviated Text Line-In/Line-Out

FAR Baseline: FAC 2025-01 effective 11/12/2024

- Additions to baseline made by class deviation are indicated by **[bold text in brackets]**
- Deletions to baseline made by class deviation are indicated by ~~strikethroughs~~
- Five asterisks (* * * * *) indicate that there are no revisions between the preceding part and/or subpart, and following section
- Three asterisks (* * *) indicate that there are no revisions between the material shown within a section or subsection

Part 22 - Application of Labor Laws to Government Acquisitions

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Subpart 22.4 - Labor Standards for Contracts Involving Construction

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22.406 Administration and enforcement.

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22.406-6 Payrolls and statements.

(a) *Submission.* In accordance with the clause at [52.222-8](#), Payrolls and Basic Records, the contractor must submit or cause to be submitted, within 7 calendar days after the regular payment date of the payroll week covered, for the contractor and each subcontractor, (1) copies of weekly payrolls applicable to the contract, and (2) weekly payroll statements of compliance. The contractor may use the U.S. Department of Labor [Form WH-347, Payroll \(For Contractor's Optional Use\)](#), or a similar form that provides the same data and identical representation **[either by transmitting the data in a XML format via email to the contracting officer, or using the GSA automated system (contractors using the automated system must complete the [GSA Electronic Registration Form](#) to gain access into the automated system)]**.

(b) * * *

(c) * * *

(d) * * *

(e) * * *

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Part 52 - Solicitation Provisions and Contract Clauses

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Subpart 52.2 - Text of Provisions and Clauses

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52.222 [Reserved]

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52.222-8 Payrolls and Basic Records **[(DEVIATION)]**.

As prescribed in [22.407](#)(a), insert the following clause:

Payrolls and Basic Records (Jul 2021)**[(DEVIATION)]**

(a) * * *

(b) (1) The Contractor shall submit weekly for each week in which any contract work is performed a copy of all payrolls to the Contracting Officer. The payrolls submitted shall set out accurately and completely all of the information required to be maintained under paragraph (a) of this clause, except that full social security numbers and home addresses shall not be included on weekly transmittals. Instead the payrolls shall only need to include an individually identifying number for each employee (e.g., the last four digits of the employee's social security number). The required weekly payroll information may be submitted ~~in any form desired.~~**[either by transmitting the U.S. Department of Labor, Wage and Hour Division's [Form WH-347](#) in a XML format via email to the Contracting Officer, or using the GSA automated system.]** Optional [Form WH-347](#) is available for this purpose and may be obtained from the U.S. Department of Labor Wage and Hour Division website at <https://www.dol.gov/agencies/whd/forms>. **[Contractors using the automated system must complete the [GSA Electronic Registration Form](#) to gain access into the automated system.]** The Prime Contractor is responsible for the submission of copies of payrolls by all subcontractors. Contractors and subcontractors shall maintain the full social security number and current address of each covered worker, and shall provide them upon request to the Contracting Officer, the Contractor, or the Wage and Hour Division of the Department of Labor for purposes of an investigation or audit of compliance with prevailing wage requirements. It is not a violation of this section for a Prime

Contractor to require a subcontractor to provide addresses and social security numbers to the Prime Contractor for its own records, without weekly submission to the Contracting Officer.

(2) * * *

(3) The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH-347 **[and in the automated system tool]** shall satisfy the requirement for submission of the "Statement of Compliance" required by paragraph (b)(2) of this clause.

(4) * * *

(c) * * *

(End of clause)

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**Class Deviation CD-2025-02
Attachment B**

FAR Deviated Text Clean Version

FAR Baseline: FAC 2025-01 effective 11/12/2024

- Additions to baseline made by class deviation rule are indicated by **[bold text in brackets]**
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22.406-6 Payrolls and statements

(a) *Submission*. In accordance with the clause at [52.222-8](#), Payrolls and Basic Records, the contractor must submit or cause to be submitted, within 7 calendar days after the regular payment date of the payroll week covered, for the contractor and each subcontractor, (1) copies of weekly payrolls applicable to the contract, and (2) weekly payroll statements of compliance. The contractor may use the U.S. Department of Labor [Form WH-347](#) or a similar form that provides the same data and identical representation either by transmitting the data in a XML format via email to the contracting officer, or using the GSA automated system (contractors using the automated system must complete the [GSA Electronic Registration Form](#) to gain access into the automated system).

(b) *Withholding for nonsubmission*. If the contractor fails to submit copies of its or its subcontractors' payrolls promptly, the contracting officer shall, from any payment due to the contractor, withhold approval of an amount that the contracting officer

considers necessary to protect the interest of the Government and the employees of the contractor or any subcontractor.

(c) Examination.

(1) The contracting officer shall examine the payrolls and payroll statements to ensure compliance with the contract and any statutory or regulatory requirements. Particular attention should be given to-

- (i) The correctness of classifications and rates;
- (ii) Fringe benefits payments;
- (iii) Hours worked;
- (iv) Deductions; and
- (v) Disproportionate employment ratios of laborers, apprentices or trainees to journeymen.

(2) Fringe benefits payments, contributions made, or costs incurred on other than a weekly basis shall be considered as a part of weekly payments to the extent they are creditable to the particular weekly period involved and are otherwise acceptable.

(d) *Preservation*. The contracting agency shall retain payrolls and statements of compliance for 3 years after completion of the contract and make them available when requested by the Department of Labor at any time during that period. Submitted payrolls shall not be returned to a contractor or subcontractor for any reason, but copies thereof may be furnished to the contractor or subcontractor who submitted them, or to a higher tier contractor or subcontractor.

(e) *Disclosure of payroll records*. Contractor payroll records in the Government's possession must be carefully protected from any public disclosure which is not required by law, since payroll records may contain information in which the contractor's employees have a privacy interest, as well as information in which the contractor may have a proprietary interest that the Government may be obliged to protect. Questions concerning release of this information may involve the Freedom of Information Act (FOIA).

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Part 52 - Solicitation Provisions and Contract Clauses

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Subpart 52.2 - Text of Provisions and Clauses

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52.222 [Reserved]

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52.222-8 Payrolls and Basic Records (DEVIATION).

As prescribed in [22.407](#)(a), insert the following clause:

Payrolls and Basic Records (Jul 2021)(DEVIATION)

(a) Payrolls and basic records relating thereto shall be maintained by the Contractor during the course of the work and preserved for a period of 3 years thereafter for all laborers and mechanics working at the site of the work. Such records shall contain the name, address, and social security number of each such worker, his or her correct classification, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in [40 U.S.C. 3141\(2\)\(B\)](#) (Construction Wage Rate Requirement statute)), daily and weekly number of hours worked, deductions made, and actual wages paid. Whenever the Secretary of Labor has found, under paragraph (d) of the clause entitled Construction Wage Rate Requirements, that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in [40 U.S.C. 3141\(2\)\(B\)](#), the Contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits. Contractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprenticeship programs and certification of trainee programs, the registration of the apprentices and trainees, and the ratios and wage rates prescribed in the applicable programs.

(b) (1) The Contractor shall submit weekly for each week in which any contract work is performed a copy of all payrolls to the Contracting Officer. The payrolls submitted

shall set out accurately and completely all of the information required to be maintained under paragraph (a) of this clause, except that full social security numbers and home addresses shall not be included on weekly transmittals. Instead the payrolls shall only need to include an individually identifying number for each employee (e.g., the last four digits of the employee's social security number). The required weekly payroll information may be submitted either by transmitting the U.S. Department of Labor Wage and Hour Division's Form WH-347 in a XML format via email to the Contracting Officer or using the GSA automated system. Optional Form WH-347 is available for this purpose and may be obtained from the U.S. Department of Labor Wage and Hour Division website at <https://www.dol.gov/agencies/whd/forms>. Contractors using an automated system must complete the GSA Electronic Registration Form to gain access into the automated system. The Prime Contractor is responsible for the submission of copies of payrolls by all subcontractors. Contractors and subcontractors shall maintain the full social security number and current address of each covered worker, and shall provide them upon request to the Contracting Officer, the Contractor, or the Wage and Hour Division of the Department of Labor for purposes of an investigation or audit of compliance with prevailing wage requirements. It is not a violation of this section for a Prime Contractor to require a subcontractor to provide addresses and social security numbers to the Prime Contractor for its own records, without weekly submission to the Contracting Officer.

(2) Each payroll submitted shall be accompanied by a "Statement of Compliance," signed by the Contractor or subcontractor or his or her agent who pays or supervises the payment of the persons employed under the contract and shall certify-

(i) That the payroll for the payroll period contains the information required to be maintained under paragraph (a) of this clause and that such information is correct and complete;

(ii) That each laborer or mechanic (including each helper, apprentice, and trainee) employed on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made either directly or indirectly from the full wages earned, other than permissible deductions as set forth in the Regulations, 29 CFR Part 3; and

(iii) That each laborer or mechanic has been paid not less than the applicable wage rates and fringe benefits or cash equivalents for the classification of work

performed, as specified in the applicable wage determination incorporated into the contract.

(3) The weekly submission of a properly executed certification set forth on the reverse side of [Form WH-347](#) and in the automated system shall satisfy the requirement for submission of the "Statement of Compliance" required by paragraph (b)(2) of this clause.

(4) The falsification of any of the certifications in this clause may subject the Contractor or subcontractor to civil or criminal prosecution under Section 1001 of Title 18 and Section 3729 of Title 31 of the United States Code.

(c) The Contractor or subcontractor shall make the records required under paragraph (a) of this clause available for inspection, copying, or transcription by the Contracting Officer or authorized representatives of the Contracting Officer or the Department of Labor. The Contractor or subcontractor shall permit the Contracting Officer or representatives of the Contracting Officer or the Department of Labor to interview employees during working hours on the job. If the Contractor or subcontractor fails to submit required records or to make them available, the Contracting Officer may, after written notice to the Contractor, take such action as may be necessary to cause the suspension of any further payment. Furthermore failure to submit the required records upon request or to make such records available may be grounds for debarment action pursuant to 29 CFR 5.12.

(End of clause)