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MEMORANDUM

TO: Superintendents and Chief Financial Officers for Florida Local Educational Agencies (LEAs), Charter School Contacts, and Selected Subrecipients

FROM: Suzanne Pridgeon

DATE: April 11, 2024 

SUBJECT: U.S. Department of Education Guidance on Davis-Bacon Compliance

This memorandum is to inform you of the attached guidance issued by the U.S. Department of Education to the states on February 9, 2024, relating to Davis-Bacon compliance for projects under the Elementary and Secondary Schools Emergency Relief (ESSER) fund.

The attached guidance provides information regarding Davis-Bacon requirements and the availability of a waiver of those requirements, in very limited circumstances (such as where the construction occurred prior to the receipt of federal funds). **We note that subrecipients with a monitoring or audit finding indicating that prevailing wages were not paid as required will be required to back pay wages to come into compliance, unless a waiver has been approved; therefore, it is important to address such prior non-compliance while ESSER funds remain available, if possible.**

Questions concerning this memorandum may be addressed to Mari M. Presley, Policy Coordinator, at Mari.Presley@fldoe.org or 850-245-9426.

SP/mp

Attachment

cc: Dr. Paul Burns, Chancellor, K-12 Public Schools
Kevin O'Farrell, Chancellor for Career and Adult Education
Adam Emerson, Executive Director, Office of Independent Education and Parental Choice
Dr. Margaret Aune, Vice Chancellor for Strategic Improvement
Mari M. Presley, Policy Coordinator

Suzanne Pridgeon
Deputy Commissioner, Finance and Operations