

# Dual Jurisdiction Decision Tree

Use this guide to determine which prevailing wage requirements apply to your project.

## Key Principle

- When both federal and Oregon requirements apply, pay the HIGHER of the two rates for each classification
- Submit BOTH federal WH-347 and Oregon WH-38 forms
- Even \$1 of federal funding triggers Davis-Bacon for the entire project

## Step 1: Identify Your Funding Sources

Federal Funding?	State/Local Funding?
CDBG, HUD, USDA, EPA, FEMA, ARPA, IJJA/BIL, or any federal agency	State funding agreements, Oregon lottery funds, local bonds, TIF funds

## Step 2: Determine Requirements

Scenario	Wage Rate	Federal Forms	State Forms
<b>Federal Only</b>	Davis-Bacon	WH-347 Required	Not Required
<b>State/Local Only (&gt;\$50K)</b>	Oregon PWR	Not Required	WH-38 Required
<b>Both Federal + State</b>	<b>HIGHER of Both</b>	WH-347 Required	WH-38 Required
<b>Neither (private &lt;\$50K)</b>	Market Rate	Not Required	Not Required

## Dual Jurisdiction Checklist

### Wage Rate Determination

- Obtain federal wage determination from SAM.gov
- Obtain Oregon BOLI rates from oregon.gov/boli
- Compare rates for each classification
- Pay the HIGHER rate for each classification
- Document rate comparison in project files

### Reporting Requirements

- Federal WH-347: Weekly submission within 7 days
- Oregon WH-38: Monthly by 5th business day
- Retain both forms minimum 3 years

## Common Mixed-Funding Scenarios

Funding Source	Federal Trigger	Requirements
CDBG (HUD)	Davis-Bacon	Both DBA + Oregon PWR
SRF Water/Wastewater	Davis-Bacon	Both DBA + Oregon PWR
USDA Rural Development	Davis-Bacon	Both DBA + Oregon PWR
ARPA State Administered	Davis-Bacon	Both DBA + Oregon PWR
IJJA/BIL Infrastructure	Davis-Bacon	Both DBA + Oregon PWR

## Critical Reminder

- Even \$1 of federal funding triggers Davis-Bacon for the ENTIRE project
- Federal requirements apply to all workers, not just those on federally-funded portions
- Both federal and state enforcement agencies can audit and impose penalties