



Chips Act Compliance Training

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What is CHIPS?

Creating Helpful Incentives to Produce Semiconductors and Science Act of 2022

CHIPS for America Vision



Economic Security

The CHIPS Act will strengthen supply chain security and increase economic resilience in critical sectors.



National Security

The CHIPS Act will ensure that the U.S. can manufacture advanced technologies, including secure chips for the U.S. military.



Future Innovation

The CHIPS Act will spur innovation, increase competitiveness, and ensure long-term U.S. leadership in the sector



Sourcing

Domestic Sourcing Approach

- Commercially reasonable efforts to source domestically without increasing project cost.
- Bids that are otherwise equivalent will be recommended for award to the domestic bidder.



Sourcing

Foreign Entities of Concern (FEOC)

- **Pre – Approval required for any transaction with an FEOC (Contractors and Subcontractors tier 1 and 2 and any Micron Direct contracts)**
- 15 USC 4657 – None of the funds authorized to be appropriated to carry out this subtitle may be provided to a foreign entity of concern
- Definition: An entity is classified as a FEOC* if it is owned by, controlled by, or subject to the jurisdiction or direction of a government of a foreign country that is a covered nation (e.g., Peoples Republic of China (PRC), Russia, Iran, North Korea). (Micron trade restriction list also apply)
- Criteria: Includes entities headquartered, incorporated, or performing relevant activities in a covered nation, or those with significant government ownership or control (50% or more of voting rights, board seats, or equity interest).
- Supplier notification of change of control (ownership) - Included in contracts



*Additional details can be found in [Title 15 Part 231](#)

Key Takeaway: Know with whom you are dealing

Sourcing

Foreign Entities of Concern (FEOC) - Detail

Foreign entity of concern means any foreign entity that is—

- (a) Designated as a foreign terrorist organization by the Secretary of State under [8 U.S.C. 1189](#);
- (b) Included on the Department of Treasury's list of Specially Designated Nationals and Blocked Persons (SDN List), or for which one or more individuals or entities included on the SDN list, individually or in the aggregate, directly or indirectly, hold at least 50 percent of the outstanding voting interest;
- (c) Owned by, controlled by, or subject to the jurisdiction or direction of a government of a foreign country that is a covered nation** (as defined in [10 U.S.C. 4872\(d\)](#));
 - (1) A person is owned by, controlled by, or subject to the jurisdiction or direction of a government of a foreign country listed in [10 U.S.C. 4872\(d\)](#) where:**
 - (i) The person is:**
 - (A) a citizen, national, or resident of a foreign country listed in [10 U.S.C. 4872\(d\)](#); **and****
 - (B) located in a foreign country listed in [10 U.S.C. 4872\(d\)](#);**

“(1) COVERED FOREIGN COUNTRY.—The term ‘covered foreign country’ means any of the following: “(A) the People’s Republic of China. “(B) The Russian Federation. “(C) The Islamic Republic of Iran. “(D) The Democratic People’s Republic of Korea



Key Takeaway: Know with whom you are dealing

Sourcing

Prohibitive Equipment – Funding agreement

2.1.2 Prohibited Equipment. Each Recipient shall not knowingly use or install in any Project completed, fully assembled Prohibited Equipment

“Prohibited Equipment” means any of the following types of equipment manufactured or assembled by any Foreign Entity of Concern that is used or installed by the Recipient for the fabrication, assembly, testing, advanced packaging, production, or research and development of semiconductors:

- (i) deposition equipment;
- (ii) etching equipment;
- (iii) lithography equipment;
- (iv) inspection and measuring equipment;
- (v) wafer slicing equipment;
- (vi) wafer dicing equipment;
- (vii) wire bonders;
- (viii) ion implantation equipment; and
- (ix) diffusion/oxidation furnaces;

but does not, in each case, include any subsystem or subcomponent that enables, or is incorporated into, any such equipment, except for any of the following: [(x) certain Prohibited Equipment specified to the Department in writing on [L] that is used or installed exclusively for internal tool evaluation and (y)] Prohibited Equipment with respect to which a waiver is provided by the Department after consideration of whether there are no available market alternatives in reasonably available quantities or of a satisfactory quality to support a Project that present a reasonable substitute for such equipment.



Sourcing: Guardrail Provision

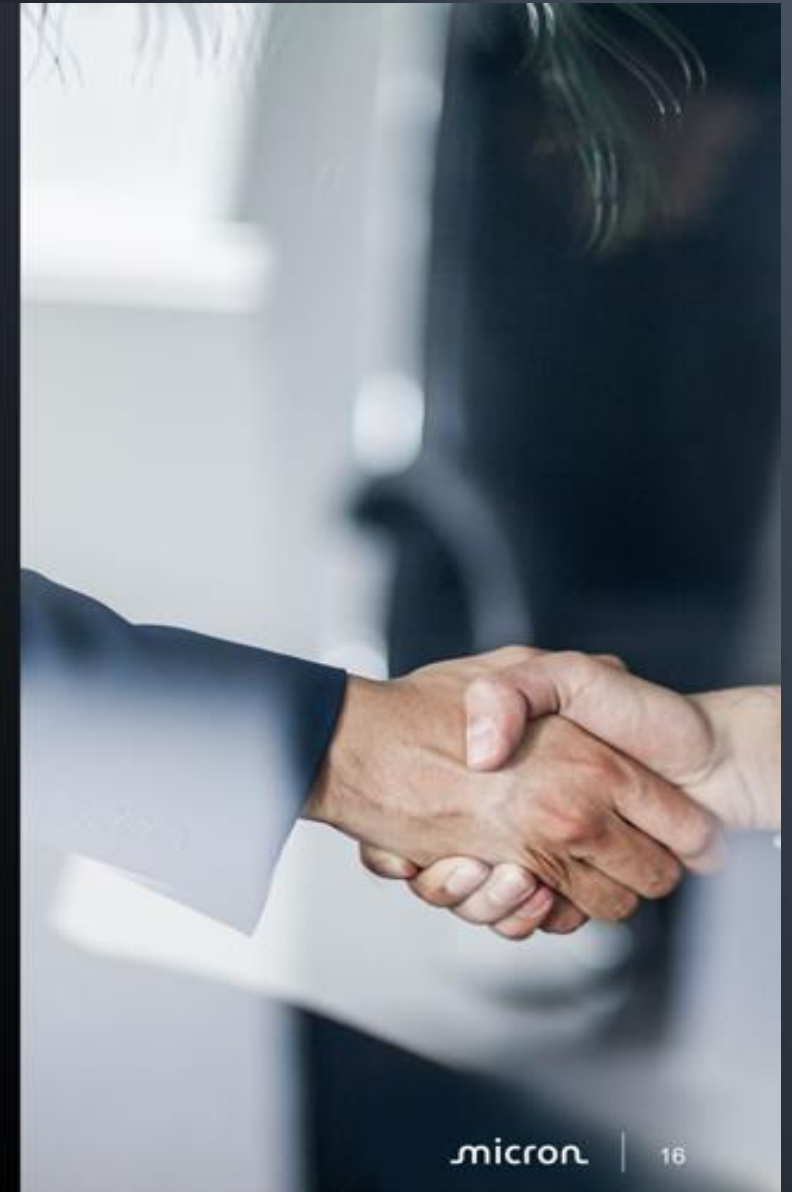
- (e) The Recipient has adopted and implemented and maintains policies and procedures designed to promote and achieve compliance with all applicable Sanctions, Export Control Laws, Anti-Money Laundering Laws, and Anti-Corruption Laws.
- (g) Each Recipient Party and each of their respective Principal Persons, and, to the Recipient's Knowledge, their employees, agents, and representatives acting in such capacities have complied with all applicable Sanctions, Export Control Laws(except as provided in the exception in Section 6.3(h) (Compliance with Laws)), Anti-Money Laundering Laws and Anti-Corruption Laws in obtaining any consents, licenses, approvals, authorizations, rights, or privileges with respect to the Project and, otherwise, have conducted the Project in compliance with all applicable Sanctions, Export Control Laws (except as provided in the exception in Section 6.3(h) (Compliance with Laws)), Anti-Money Laundering Laws, and Anti-Corruption Laws.



Labor and Human Rights

<https://www.micron.com/about/company/our-commitment/human-rights-policy>

- Federal Labor and Employment Law
- Working Hours (RBA Applies | max 60Hr work week | 1 day off in 7)
- Wages and benefits
- Non-Discrimination
- Human Trafficking and forced labor
- Humane Treatment
- Anti Harassment
- Freedom of association
- Employees Health and Safety



Labor

- **Purpose:** The Davis-Bacon Act, enacted in 1931, ensures that workers on federally funded construction projects are paid at least the local prevailing wages and fringe benefits.
- **Coverage:** Applies to contracts over \$2,000 for the construction, alteration, or repair of public buildings or public works.
- **Prevailing Wage Determination:** The Department of Labor determines prevailing wages based on local wage data for various job classifications (Trades). Data can be found at [SAM.gov | Wage Determinations](#)
- **Contractor Responsibilities:**
 - Maintain detailed payroll records.
 - Weekly certified payrolls. Form WH347
 - Ensure proper job classifications, project labor agreements (PLA), and prevailing wage payments.
 - Certify that we are not contracting with Foreign Entities of Concern (FEOC)
 - For Contractors who use subcontractors , it will be your responsibility to ensure your subcons are also following the Davis Bacon Act requirements including administration and enforcement
 - Keep all documentation of the project including employee wages for a period of 3 years after project completion
- **Compliance:** Non-compliance can result in penalties such as back pay, contract termination, and debarment from future federal contracts

Labor

Davis Bacon Act (DBA) Example of VA wage determination for prevailing wages

"General Decision Number: VA20240162 01/12/2024

Superseded General Decision Number: VA20230162

State: Virginia

Construction Type: Building

County: Prince William County in Virginia.

Includes the independent cities of Manassas* and Manassas Park*

BUILDING CONSTRUCTION PROJECTS (does not include single family homes or apartments up to and including 4 stories).

Note: Contracts subject to the Davis-Bacon Act are generally required to pay at least the applicable minimum wage rate required under Executive Order 14026 or Executive Order 13658. Please note that these Executive Orders apply to covered contracts entered into by the federal government that are subject to the Davis-Bacon Act itself, but do not apply to contracts subject only to the Davis-Bacon Related Acts, including those set forth at 29 CFR 5.1(a)(1).

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	Rates	Fringes
ASBESTOS WORKER/HEAT & FROST INSULATOR - MECHANICAL (Duct, Pipe & Mechanical System Insulation).....	\$ 40.02	19.67+a
a. PAID HOLIDAYS: New Year's Day, Martin Luther King Day, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day, the day after Thanksgiving and Christmas Day provided the employee works the regular work day before and after the paid holiday.		

ASBE0024-009 10/01/2023		
	Rates	Fringes
FIRESTOPPER.....	\$ 29.80	9.83+a
Includes the application of materials or devices within or around penetrations and openings in all rated wall or floor assemblies, in order to prevent the passage of fire, smoke or other gases. The application includes all components involved in creating the rated barrier at perimeter slab edges and exterior cavities, the head of gypsum board or concrete walls, joints between rated wall or floor components, sealing of penetrating items and blank openings.		
a. PAID HOLIDAYS: New Year's Day, Martin Luther King Day, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day, the day after Thanksgiving and Christmas Day provided the employee works the regular work day before and after the paid holiday.		

BOIL0045-003 01/01/2021		
	Rates	Fringes
BOILERMAKER.....	\$ 42.62	24.81

BRVA0001-008 04/30/2023		
	Rates	Fringes
BRICKLAYER.....	\$ 36.50	13.47

BRVA0001-009 04/30/2023		
	Rates	Fringes
MASON - STONE.....	\$ 43.16	20.28

CARP0197-012 05/01/2023		
	Rates	Fringes
CARPENTER (Includes Acoustical Ceiling Installation, Drywall Hanging		

Labor

Davis Bacon Act (DBA) Example of **ID** wage determination for prevailing wages per Chips Program Office **2/12/25**

"General Decision Number: ID20230104 08/04/2023

State: Idaho

Construction Type: Building

Counties: Ada and Boise Counties in Idaho.

BUILDING CONSTRUCTION PROJECTS (does not include single family homes or apartments up to and including 4 stories).

Note: Contracts subject to the Davis-Bacon Act are generally required to pay at least the applicable minimum wage rate required under Executive Order 14026 or Executive Order 13658. Please note that these Executive Orders apply to covered contracts entered into by the federal government that are subject to the Davis-Bacon Act itself, but do not apply to contracts subject only to the Davis-Bacon Related Acts, including those set forth at 29 CFR 5.1(a)(2)-(60).

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BRICKLAYER.....	\$ 35.53	19.85

ELEC0291-007 06/01/2023		
	Rates	Fringes
ELECTRICIAN.....	\$ 37.90	6%+14.80

ENGI0302-012 06/01/2022		
	Rates	Fringes
POWER EQUIPMENT OPERATOR		
Forklift.....	\$ 33.74	17.65
Loader.....	\$ 33.74	17.65

IRON0732-004 06/01/2022		
	Rates	Fringes
IRONWORKER.....	\$ 30.10	20.48

LAB00155-012 06/01/2022		
	Rates	Fringes
LABORER		
Grade Checker.....	\$ 34.97	13.80
Mason Tender -		
Cement/Concrete.....	\$ 34.86	13.80

SHEE0055-006 06/01/2023		
	Rates	Fringes
SHEET METAL WORKER (HVAC Duct and Unit Installation Only).....	\$ 34.20	19.60

SHEE0103-012 01/01/2023		
	Rates	Fringes
SHEET METAL WORKER (Excludes HVAC Duct and Unit Installation).....	\$ 29.27	21.48

UAVG-ID-0001 05/03/2023		
	Rates	Fringes
OPERATOR: Crane.....	\$ 30.36	19.22

SUID2021-005 04/27/2023		
	Rates	Fringes
CARPENTER.....	\$ 22.49	3.61
CEMENT MASON/CONCRETE FINISHER...	\$ 22.21	3.80
LABORER: Common or General.....	\$ 17.26	3.62

OPERATOR: Backhoe/Excavator/Trackhoe.....	\$ 23.60	4.33

Davis Bacon Act (DBA) Example certified payroll (WH-347)

U.S. Department of Labor
Wage and Hour Division

Davis-Bacon and Related Acts Weekly Certified Payroll Form

(For Contractor's Optional Use; See Instructions at www.dol.gov/whd/forms/wh347instr.htm)

Unless otherwise noted, the information requested is specific to the named project below.

Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.



Rev. January 2025

OMB No.: 1235-0008

Expires: 01/31/2028

☐ SUBMISSION OF FINAL DBRA CERTIFIED PAYROLL FORM☐ PRIME CONTRACTOR☐ SUBCONTRACTOR[illegible]

While use of Form WH-347 itself is optional, covered contractors and subcontractors performing work on Federal or federally financed construction contracts are required by the DBRA regulations and the contract clauses to submit payroll information on a weekly basis. The Copeland Act (40 U.S.C. § 3145) requires contractors and subcontractors performing work on Federal or federally financed construction contracts to, on a weekly basis, "Turnish a statement on the wages paid each employee during the prior week." U.S. Department of Labor (DOL) Regulations at 29 C.F.R. § 5.5(a)(3)(ii) require contractors and subcontractors to submit weekly certified payrolls to the appropriate Federal agency if the agency is a party to the contract (or, if the agency is not such a party, to the applicant, sponsor, owner, or other entity, as the case may be, that maintains such records, for transmission to the Federal agency). Each certified payroll must be accompanied by a signed "Statement of Compliance" (e.g., page 2 of the WH-347 or another document with identical wording) indicating that the certified payrolls are accurate and complete, and that each laborer or mechanic has been paid not less than the required Davis-Bacon prevailing wage rate(s) (including any fringe benefits) for the work performed. DOL and contracting agencies receiving this information review the information to determine whether workers have received legally required wages and fringe benefits.

Public Burden Statement

We estimate that it will take an average of 55 minutes to complete this collection, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding these estimates or any other aspect of this collection, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S3502, 200 Constitution Avenue, N.W. Washington, D.C. 20210 (over)

Example certified payroll (cont.)

PROJECT NAME		PROJECT NO. or CONTRACT NO.		PAYROLL NO.		PRIME CONTRACTOR'S/SUBCONTRACTOR'S BUSINESS NAME							
PROJECT LOCATION				WEEK ENDING DATE		CERTIFYING OFFICIAL'S NAME AND TITLE							
I paid or supervised the payment of the laborers or mechanics working on the above project during the stated time period. I certify the following:													
<input type="checkbox"/>	The payroll information submitted with this statement is correct and complete for the above project during the above period, and the wage and fringe benefit rates paid to the workers, including credit taken for the reasonably anticipated costs of a bona fide fringe benefit plan, fund or program, are not less than the applicable wage and fringe benefits rates for the classification(s) of work actually performed, as specified in the wage determination(s) incorporated into the contract.												
<input type="checkbox"/>	All regular payrolls and all other basic records that the contractor is required to maintain for this payroll period are complete and accurate and will be made available upon request from the agency or the Department of Labor.												
<input type="checkbox"/>	The classifications reported for each laborer or mechanic are the classification(s) of work that each worker actually performed.												
<input type="checkbox"/>	Any workers paid as apprentices during the above period are duly registered in a bona fide apprenticeship program registered with the Office of Apprenticeship, Employment and Training Administration, United States Department of Labor ("OA"), or a State Apprenticeship Agency ("SAA") recognized by Department of Labor. I have verified the registered apprenticeship program information provided below as accurate and applicable to any apprentices identified on page 1 of this form.												
APPRENTICESHIP PROGRAM NAME				REGISTERED		NAME OF LABOR CLASSIFICATION							
				<input type="checkbox"/> OA <input type="checkbox"/> SAA									
				<input type="checkbox"/> OA <input type="checkbox"/> SAA									
				<input type="checkbox"/> OA <input type="checkbox"/> SAA									
<input type="checkbox"/>	Fringe benefits have been paid in cash and/or to bona fide fringe benefit plans, funds, or programs. Where the contractor is claiming an hourly credit for their contributions to or reasonably anticipated costs of a bona fide fringe benefit plan, fund, or program, provide plan information and the hourly credit claimed for each worker listed on the previous page of this form.												
HOURLY CREDIT FOR FRINGE BENEFITS													
<i>If an amount is listed in (6B) on the first page of this certified payroll form, enter the hourly credit claimed under each plan name, type and number for each worker and check whether the plan is funded or unfunded.</i>													
NAME OF WORKER	FB NAME		FB NAME		FB NAME		FB NAME		FB NAME		FB NAME		TOTAL HOURLY CREDIT
	FB TYPE		FB TYPE		FB TYPE		FB TYPE		FB TYPE		FB TYPE		
	PLAN NO.		PLAN NO.		PLAN NO.		PLAN NO.		PLAN NO.		PLAN NO.		
	<input type="checkbox"/> Funded <input type="checkbox"/> Unfunded		<input type="checkbox"/> Funded <input type="checkbox"/> Unfunded		<input type="checkbox"/> Funded <input type="checkbox"/> Unfunded		<input type="checkbox"/> Funded <input type="checkbox"/> Unfunded		<input type="checkbox"/> Funded <input type="checkbox"/> Unfunded		<input type="checkbox"/> Funded <input type="checkbox"/> Unfunded		
	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	\$
	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	\$
	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	\$
	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	\$
	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	\$
	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	\$
	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	\$
	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	\$
	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	\$
	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	\$
<input type="checkbox"/>	All workers on the project have been paid the full weekly wages earned, and no rebates or deductions have been or will be made either directly or indirectly, other than permissible deductions as defined in 29 CFR part 3.												
ADDITIONAL REMARKS													
SIGNATURE OF CERTIFYING OFFICIAL				DATE		TELEPHONE NUMBER			EMAIL ADDRESS				
						(____) ____ - ____							
THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION (SEE SECTION 1001 OF TITLE 18 AND SECTION 3729 OF TITLE 31 OF THE UNITED STATES CODE), AS WELL AS DEBARMENT FROM FUTURE FEDERAL AND FEDERALLY-ASSISTED CONTRACTS. INFORMATION REPORTED IN CERTIFIED PAYROLLS MAY BE SUBJECT TO DISCLOSURE IN RESPONSE TO A FREEDOM OF INFORMATION ACT REQUEST.													

Labor

Contract Flow Downs

- **Inclusion of Labor Standards Clauses:** Contractors and subcontractors must include specific labor standards clauses in all subcontracts. These clauses cover minimum wages, overtime, apprentices, payrolls, and anti-retaliation measures.
- **Wage Determinations:** The applicable wage determinations must be included in all subcontracts. This ensures that all workers are paid the prevailing wages as determined by the Department of Labor.
- **Responsibility for Compliance:** Contractors are responsible for ensuring that all subcontractors, including lower-tier subcontractors, comply with the DBA requirements.
- **Certified Payrolls:** Contractors and subcontractors must submit certified payrolls to Micron, who then submits to the contracting agency. This helps verify compliance with wage and hour requirements.
- **Additional Flow Down Clauses:** Contractors and Subcontractors must include a clause requiring all subcontractors to flow down the DBA requirements to any lower-tier subcontractors.
- **Monitoring and Enforcement:** Contractor and all subcontractors shall actively monitor all subcontractor compliance, including reviewing certified payroll reports, secure location for certified payroll storage and conducting site visits.

Labor

Certified Payroll - Collection, Administration and Enforcement

EXYTE and Subcontractors to Micron are responsible for collecting certified payroll from all subcontractors

- Contractor and subcontractors shall pay all laborers and mechanics in the performance of construction work wages at rates not less than those prevailing on projects of a character similar in the relevant locality as determined by the Secretary of Labor in accordance with the DBA.
- Contractor shall require, Administer and enforce certified payrolls from all subcontractors and collect certified payrolls from subcontractor on no less than a weekly basis and in compliance with 29 CFR 5.5(a)(3)(ii)(A)-(B) as well as the Davis Bacon and Related Acts (DBRA).

For Micron Direct contracts, procurement compliance will collect certified payroll from contractors



Department of Labor

Davis Bacon Act Form WH347

micron



USDA, Forest Service

Davis Bacon Act Form WH-347



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

dol.gov/agencies/whd
1-866-4-US-WAGE

Disclaimer

This presentation is intended as general information only and does not carry the force of legal opinion.

The Department of Labor is providing this information as a public service. This information and related materials are presented to give the public access to information on Department of Labor programs. You should be aware that, while we try to keep the information timely and accurate, there will often be a delay between official publications of the materials and the modification of these pages. Therefore, we make no express or implied guarantees. The Federal Register and the Code of Federal Regulations remain the official source for regulatory information published by the Department of Labor. We will make every effort to keep this information current and to correct errors brought to our attention.

Wages and Fringe Benefits-Pay Frequency

The laborers and mechanics working on the site of the work must be paid weekly, with the exception of fringe benefit contributions paid into a bona fide FB plan, which must be paid no less often than quarterly.

Certified Payrolls

Two separate contract clause requirements apply to “certified payrolls” for a project:

- The contractor shall submit weekly for any week in which any contract work is performed a copy of all payrolls.
29 CFR 5.5(a)(3)(ii)(A).
- Each weekly payroll submitted must be accompanied by a “Statement of Compliance.”
29 CFR 5.5(a)(3)(ii)(B).

Certified Payrolls-Reporting

Weekly payrolls must include specific information as required by 29 CFR 5.5(a)(3).

Weekly payroll information may be submitted in any form desired. Optional Form WH-347 is available for this purpose

The WH-347 form, with instructions, is at:

<https://www.dol.gov/agencies/whd/forms/wh347>

Certified Payrolls-Reporting

U.S. Department of Labor
Wage and Hour Division

Davis-Bacon and Related Acts Weekly Certified Payroll Form

(For Contractor's Optional Use; See Instructions at www.dol.gov/whd/forms/wh347instr.htm)

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OMB No.: 1235-0008
Expires: 01/31/2028

☐ SUBMISSION OF FINAL DBRA CERTIFIED PAYROLL FORM ☐ PRIME CONTRACTOR ☐ SUBCONTRACTOR

PROJECT NAME				PROJECT NO. or CONTRACT NO.			CERTIFIED PAYROLL NO.		PRIME CONTRACTOR'S/SUBCONTRACTOR'S BUSINESS NAME																		
PROJECT LOCATION				WAGE DETERMINATION NO.			WEEK ENDING DATE		PRIME CONTRACTOR'S/SUBCONTRACTOR'S BUSINESS ADDRESS																		
(1A)	(1B)	(1C)	(1D)	(1E)	(2)	(3)		(4)				(5)		(6A)	(6B)	(6C)	(7A)	(7B)	(8)			(9)					
WORKER ENTRY NO.	WORKER LAST NAME	WORKER FIRST NAME	WORKER MIDDLE INITIAL	WORKER IDENTIFYING NO.	(J) JOURNEYWORKER (RA) REGISTERED APPRENTICE	LABOR CLASSIFICATION		ST = STRAIGHT TIME OT = OVERTIME	(TOP) DAYS OF WORK WEEK (BOTTOM) DATES							TOTAL HOURS WORKED FOR WEEK		HOURLY WAGE RATE PAID FOR ST AND OT	TOTAL FRINGE BENEFIT CREDIT	PAYMENT IN LIEU OF FRINGE BENEFITS	GROSS AMT EARNED	GROSS AMT EARNED FOR ALL WORK	DEDUCTIONS FOR ALL WORK				NET PAY TO WORKER FOR ALL WORK
																							TAX WITH-HOLDINGS	FICA	OTHER (MUST SPECIFY, SEE INSTRUCTIONS)	TOTAL DEDUCTIONS	
									HOURS WORKED EACH DAY																		
								ST																			
								OT																			
								ST																			
								OT																			
								ST																			
								OT																			
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While use of Form WH-347 itself is optional, covered contractors and subcontractors performing work on Federal or federally assisted construction contracts are required by the DBRA regulations and the contract clauses to submit payroll information on a weekly basis. The Copeland Act (40 U.S.C. § 3145) requires contractors and subcontractors performing work on Federal or federally financed construction contracts to, on a weekly basis, "furnish a statement on the wages paid each employee during the prior week." U.S. Department of Labor (DOL) Regulations at 29 C.F.R. § 5.5(a)(3)(ii) require contractors and subcontractors to submit weekly certified payrolls to the appropriate Federal agency if the agency is a party to the contract (or, if the agency is not such a party, to the applicant, sponsor, owner, or other entity, as the case may be, that maintains such records, for transmission to the Federal agency). Each certified payroll must be accompanied by a signed "Statement of Compliance" (e.g., page 2 of the WH-347 or another document with identical wording) indicating that the certified payrolls are accurate and complete, and that each laborer or mechanic has been paid not less than the required Davis-Bacon prevailing wage rate(s) (including any fringe benefits) for the work performed. DOL and contracting agencies receiving this information review the information to determine whether workers have received legally required wages and fringe benefits.

Public Burden Statement

Certified Payrolls-Reporting

					(5)		(6A)	(6B)	(6C)	(7A)	(7B)	(8)				(9)
S OF WORK WEEK (TOM) DATES					TOTAL HOURS WORKED FOR WEEK		HOURLY WAGE RATE PAID FOR ST AND OT	TOTAL FRINGE BENEFIT CREDIT	PAYMENT IN LIEU OF FRINGE BENEFITS	GROSS AMT EARNED	GROSS AMT EARNED FOR <u>ALL WORK</u>	DEDUCTIONS FOR <u>ALL WORK</u>				NET PAY TO WORKER FOR <u>ALL WORK</u>
RS WORKED ACH DAY												TAX WITH- HOLDINGS	FICA	OTHER (MUST SPECIFY, SEE INSTRUCTIONS)	TOTAL DEDUCTIONS	

Micron Confidential

Certified Payrolls-Reporting

information provided below as accurate and applicable to any apprentices identified on page 1 of this form.

APPRENTICESHIP PROGRAM NAME

REGISTERED

NAME OF LABOR CLASSIFICATION

☐ OA

☐ SAA

☐ OA

☐ SAA

☐ OA

☐ SAA

☐ Fringe benefits have been paid in cash and/or to bona fide fringe benefit plans, funds, or programs. Where the contractor is claiming an hourly credit for their contributions to or reasonably anticipated costs of a bona fide fringe benefit plan, fund, or program, provide plan information and the hourly credit claimed for each worker listed on the previous page of this form.

HOURLY CREDIT FOR FRINGE BENEFITS

If an amount is listed in (6B) on the first page of this certified payroll form, enter the hourly credit claimed under each plan name, type and number for each worker and check whether the plan is funded or unfunded.

NAME OF WORKER	FB NAME		FB NAME		FB NAME		FB NAME		FB NAME		FB NAME		TOTAL HOURLY CREDIT
	FB TYPE		FB TYPE		FB TYPE		FB TYPE		FB TYPE		FB TYPE		
	PLAN NO.		PLAN NO.		PLAN NO.		PLAN NO.		PLAN NO.		PLAN NO.		
	<input type="checkbox"/> Funded	<input type="checkbox"/> Unfunded	<input type="checkbox"/> Funded	<input type="checkbox"/> Unfunded	<input type="checkbox"/> Funded	<input type="checkbox"/> Unfunded	<input type="checkbox"/> Funded	<input type="checkbox"/> Unfunded	<input type="checkbox"/> Funded	<input type="checkbox"/> Unfunded	<input type="checkbox"/> Funded	<input type="checkbox"/> Unfunded	
	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	\$
	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	\$
	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	\$
	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	\$
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	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	\$
	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	\$
	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	Hourly Credit	\$	\$

☐ All workers on the project have been paid the full weekly wages earned, and no rebates or deductions have been or will be made either directly or indirectly, other than permissible deductions as defined in 29 CFR part 3.

CORPS CONTACT INFORMATION

- For more information, contact your nearest Community Outreach and Resource Planning Specialist (CORPS):

- <https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/corpsFlyer.pdf>

- Oregon, Idaho, and
- Clark & Spokane Co.
- Washington



U.S. DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

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CORPS CONTACT INFORMATION

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- <https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/corpsFlyer.pdf>

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Supplier Diversity

Overview and why it is important to

By establishing initiatives to drive the inclusion of diverse-owned business suppliers **within corporate procurement processes and networks**, Micron intends to redefine not just what we do, but how we do business.

What is a Supplier Diversity Program ?

A supplier diversity program is a **business strategy** to increase the representation of diverse suppliers within a business's supply chain.

Who is a Diverse Supplier ?

Business that are at least 51% **owned** and **operated** by one or more individuals from historically underrepresented groups (in the scope of the program). Certified via 3rd party organizations, state, national, and local governments.

Supplier Diversity a Competitive Advantage for Micron:

- Competition
- Innovation
- Resilience
- Agility
- Niche Market Access
- Savings



Micron's supplier diversity program aims to provide diverse suppliers with **an opportunity to compete on equal footing** with larger organizations, **rather than reserving quotas for them**, thereby enabling their growth improvement, and diversification of offerings.

Supplier Diversity

CHIPS Requirements & Commitment in Action

Summary of CHIPS Requirements

- Have a Supplier Diversity Program, Plan, and Goals
- Include diverse suppliers in solicitations
- Break out contracts into smaller units
- Requirements flow down to contractors and subcontractors
- On-time payments

Utilization Targets

- **NY 30%** eligible construction spend (state incentive)
- **NY 20%** eligible operating costs (state incentive)
- **ID 12%** eligible construction spend (commitment)

Commitment in Action - Micron

- Incorporate Supplier Diversity in Procurement Strategy
- Engage Supplier Diversity from planning phase
- Include at least 1 diverse supplier in bidding pool
- Inclusion and flow down of accurate legal language in agreements

Commitment in Action - Suppliers

- Stand a Supplier Diversity program
- Incorporate Supplier Diversity in Procurement Strategy
- Set Diverse Spending Goals
- Track Diverse Spend
- Build Reporting Capacity
- Timely and Accurate Reporting to Micron

Documentation

Expectations

- Maintain all documentation
 - Agreements / Contracts / Statement of Work – CLM / Exyte
 - Request For Proposal / Bid list – Scout / Exyte
 - Award / Decision Analysis – Scout
 - Exceptions (Compliance)
 - Need to mark PO's that are subject to Davis Bacon Act (NEW)
 - Certified Payroll information for up to 3 years after project completion
- Prime contractor (Exyte) and subcontractors must certify that we do not have any contracts with foreign entities of concern.
- Micron / Exyte FEOC exception process documentation
- Due Diligence – follow current S2P process including onboarding

Compliance & Ethics Global Resources

Report a concern: micron.com/integrity

Corporate & Procurement Compliance team



- Craig Murphy - Director Procurement Compliance & Risk



- Cacia Lewis -Director C&E Global Investigations



- Randy Hunter - Business Intelligence Procurement Compliance



- Bethany Adams - Davis Bacon Act , Certified Payroll & Prevailing wages

How to contact us:

- Email:
compliance_ethics@micron.com
gp_compliance@micron.com
- Website:
www.micron.com/integrity
 - Available 24/7
 - Anonymous reporting
 - Multiple languages

FAQ

- Q: ***Which prevailing wage do we use?***
 - A: The Chips Program Office has shared an official wage determination for VA and ID. Please see the following "reference" slide regarding the wage determination for both States
- Q: ***Is bussing time part of fair days work for the ID1 project in Idaho?***
 - A: Per the PLA riding parking lot shuttles is non work time. Inbound rides are Employee time and outbound is Employer time. (one way is paid time)
- Q: ***Can you clarify the "no work performed" in the CPR submittals?***
 - A: Enter your start date on the top of the CPR form(the actual onsite start date) if you have a week that you are not on site then submit a "no work performed" CPR. Or if it is the end of your work pkg submit an "End of work" CPR.
- Q: ***How will Micron communicate changes of the Chips Act?***
 - A: Micron will communicate via email any changes that impact our suppliers/subcontractors
- Q: ***Is there a specific Journeyman to Apprenticeship ratio?***
 - A: There is no specific min or max for the ratio. Each trade has their own program, and subcontractors must have an approved plan by the Department of Labor Office of Apprenticeship Program. The program must be provided with the CPRs. If subcontractor does NOT have an approved plan by the Department of Labor Office of Apprenticeship Program, then subcontractor MUST pay all employees at the journeyman rate. And each subcontractors is responsible for their own program. Please see reference page for more details
- Q: ***When does paid sick time occur?***
 - A: Only when DBA applies. For every 30 hrs. that someone works on a covered contract they earn 1 hr of paid sick leave. The paid sick leave maxes out at 56 hrs.



References

Idaho Wage determination: [CHIPS.ID.PGMOofficialID20230104_Micron-WD.pdf](#)

Virginia Official Wage determination: https://microncorp-my.sharepoint.com/:b:/r/personal/bcutler_micron_com/Documents/Compliance%202024.2025/Official%20wage%20determination%20VA20240162_Manassas_WD.pdf?csf=1&web=1&e=1syckK

WH347: <https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/wh347.pdf>

SF1444: [SF1444-23 BLANK.pdf](#)

FAQ:

Journeyman Apprenticeship from DOL: <https://www.dol.gov/agencies/whd/government-contracts/construction/rulemaking-davis-bacon/faqs>

Paid sick leave reference from DOL : <https://www.dol.gov/agencies/whd/fact-sheets/84-paid-sick-leave-federal-contractors>

Helpline: www.micron.com/integrity

