

22.404-6 Modifications of wage determinations.

(a) General.

(1) The Department of Labor *may* modify a wage determination to make it current by specifying only the items being changed or by reissuing the entire determination with changes incorporated.

(2) All project wage determination modifications expire on the same *day* as the original determination. The need to include a modification of a project wage determination for the primary site of the work in a *solicitation* is determined by the time of receipt of the modification by the *contracting* agency. Therefore, the *contracting* agency *must* annotate the modification of the project wage determination with the date and time immediately upon receipt.

(3) The need for inclusion of the modification of a general wage determination for the primary site of the work in a *solicitation* is determined by the date the modified wage determination is published on the Wage Determinations at *SAM.gov* , or by the date the agency receives actual written notice of the modification from the Department of Labor, whichever occurs first. (Note the distinction between receipt by the agency (modification is effective) and receipt by the *contracting officer*, which *may* occur later.) During the course of the *solicitation*, the *contracting officer shall* monitor the Wage Determinations at *SAM.gov* website to determine whether the applicable wage determination has been revised. Revisions published on the Wage Determinations at *SAM.gov* website or otherwise communicated to the *contracting officer* within the timeframes prescribed at [22.404-6\(b\)](#) and (c) are applicable and *must* be included in the resulting contract. Monitoring can be accomplished by use of the Wage Determinations at *SAM.gov* website's "Alert Service".

(b) The following applies when *contracting* by sealed bidding:

(1) A written action modifying a wage determination *shall* be effective if:

(i) It is received by the *contracting* agency, or is published on the Wage Determinations at *SAM.gov*, 10 or more calendar days before the date of bid opening; or

(ii) It is received by the *contracting* agency, or is published on the Wage Determinations at *SAM.gov* , less than 10 calendar days before the date of bid opening, unless the *contracting officer* finds that there is not reasonable time available before bid opening to notify the prospective bidders. (If the *contracting officer* finds that there is not reasonable time to notify bidders, a written report of the finding *shall* be placed in the contract file and *shall* be made available to the Department of Labor upon request.)

(2) All written actions modifying wage determinations received by the *contracting* agency after bid opening, or modifications to general wage determinations published on the Wage Determinations at *SAM.gov* after bid opening, *shall* not be effective and *shall* not be included in the *solicitation* (but see paragraph (b)(6) of this subsection).

(3) If an effective modification of the wage determination for the primary site of the work is received by the *contracting officer* before bid opening, the *contracting officer shall* postpone the bid opening, if necessary, to allow a reasonable time to amend the *solicitation* to incorporate the modification and permit bidders to amend their bids. If the modification does not change the wage rates and would

not warrant amended bids, the *contracting officer shall* amend the *solicitation* to include the number and date of the modification.

(4) If an effective modification of the wage determination for the primary site of the work is received by the *contracting officer* after bid opening, but before award, the *contracting officer shall* follow the procedures in [22.404-5\(b\)\(2\)\(i\)](#) or (ii).

(5) If an effective modification is received by the *contracting officer* after award, the *contracting officer shall* modify the contract to incorporate the wage modification retroactive to the date of award and equitably adjust the contract price for any increased or decreased cost of performance resulting from any changed wage rates. If the modification does not change any wage rates and would not warrant contract price adjustment, the *contracting officer shall* modify the contract to include the number and date of the modification.

(6) If an award is not made within 90 days after bid opening, any modification to a general wage determination which is published on the Wage Determinations at *SAM.gov* before award, *shall* be effective for any resultant contract unless an extension of the 90-day period is obtained from the Administrator, Wage and Hour Division. An *agency head* may request such an extension from the Administrator. The request *must* be supported by a written finding, which *shall* include a brief statement of factual support, that the extension is necessary and proper in the public interest to prevent injustice, undue hardship, or to avoid serious impairment in the conduct of Government business. The *contracting officer shall* follow the procedures in [22.404-5\(b\)\(2\)](#).

(c) The following applies when *contracting* by negotiation:

(1) All written actions modifying wage determinations received by the *contracting* agency before contract award, or modifications to general wage determinations published on the Wage Determinations at *SAM.gov* before award, *shall* be effective.

(2) If an effective wage modification is received by the *contracting officer* before award, the *contracting officer shall* follow the procedures in [22.404-5\(c\)\(3\)](#) or (4).

(3) If an effective wage modification is received by the *contracting officer* after award, the *contracting officer shall* follow the procedures in [22.404-6\(b\)\(5\)](#).

(d) The following applies when modifying a contract to exercise an *option* to extend the term of a contract:

(1) A modified wage determination is effective if-

(i) The *contracting* agency receives a written action from the Department of Labor prior to exercise of the *option*, or within 45 days after submission of a wage determination request ([22.404-3\(c\)](#)), whichever is later; or

(ii) The Department of Labor publishes the modification to a general wage determination on the Wage Determinations at *SAM.gov* before exercise of the *option*.

(2) If the *contracting officer* receives an effective modified wage determination either before or after execution of the *contract modification* to exercise the *option*, the *contracting officer must* modify the contract to incorporate the modified wage determination, and any changed wage rates, effective as of the date that the *option* to extend was effective.

Parent topic: [22.404 Construction Wage Rate Requirements statute wage determinations.](#)