

ATTACHMENT C

COUNTY RESOLUTION PREVAILING WAGE EXCERPT

4-104 Prevailing Wages for Public Work Contracts Greater than \$250,000

- (1) Construction Contracts. Each contract for construction greater than \$250,000 shall require that the contractor and subcontractors pay wages, salaries, benefits, and other remuneration to any mechanic, laborer, or worker employed, retained, or otherwise hired to perform services in connection with the construction contract at or above the prevailing wage rate.
 - A. "Construction" means building, altering, repairing, improving, or demolishing any structure, building or highway, and any draining, excavation, grading or similar work upon real property.
 - B. "Prevailing Wage Rate" means the rate, amount, or level of wages, salaries, benefits, and other remuneration prevailing for the corresponding classes of mechanics, laborers, or workers employed for the same work in the same trade or occupation in the locality in which the public facility or immovable property that is the subject of construction is located, as determined by the Commissioner of Labor and Industry on the basis of applicable prevailing wage rate determinations made by the U.S. Secretary of Labor under the provisions of the Davis-Bacon Act, 40 U.S.C. § 276 et seq., as amended.
- (2) Covered Prevailing Wage Contracts. Construction contracts funded in part or in whole with Federal funding, which funding requires payment of Federal Davis-Bacon Act wages, are exempted from Arlington County's prevailing wage policy.
- (3) Contractor Responsibilities.
 - A. Upon the award of any contract subject to the provisions of this Article 4-104, the contractor to whom such contract is awarded shall certify, under oath, to the Purchasing Agent and the Virginia Commissioner of Labor and Industry, the pay scale for each craft or trade employed on the project to be used by such contractor and any of the contractor's subcontractors for work to be performed under such contract. This certification shall, for each craft or trade employed on the project, specify the total hourly amount to be paid to employees, including wages and applicable fringe benefits, provide an itemization of the amount paid in wages and each applicable benefit, and list the names and addresses of any third party fund, plan or program to which benefit payments will be made on behalf of employees.
 - B. In addition to applying the prevailing wage rates to its own employees pursuant to the terms of its contract with the County, the contractor under each such contract shall include the provisions of this Article 4-104 in every subcontract so that such provisions will be binding upon each subcontractor. The contractor agrees to assume the obligation that the wage requirements will be observed in fulfilling the requirements of the contract. The appropriate enforcement sanctions may be invoked against the contractor and any such subcontractor in the event of such subcontractor's failure to comply with any of the provisions of this Article 4-104.
 - C. A contractor or subcontractor who employs any mechanic, laborer, or worker to perform work contracted to be done under the construction contract at a rate that is less than the

prevailing wage rate (i) shall be liable to such individuals for the payment of all wages due plus interest; and (ii) shall be disqualified from bidding on contracts with any public body until full restitution has been paid to the individuals. A contractor or subcontractor who willfully violates this Article 4- 104 shall be guilty of a Class I misdemeanor.

- D. Publication and Notice. Each contractor and subcontractor must post a clearly legible statement of each prevailing wage rate in a prominent and easily accessible place at the work site during the entire time work is being performed in English and any other language that is primarily spoken by the employees at the work site. Within 10 days of such posting, a contractor or subcontractor shall certify to the Purchasing Agent and the Virginia Commissioner of Labor and Industry its compliance with this subsection.
 - E. Records and Reports. Each contractor, and its subcontractor subject to this Section, shall keep, maintain, and preserve (i) records relating to the wages paid to and hours worked by each individual performing the work of any mechanic, laborer, or worker; and (ii) a schedule of the occupation or work classification at which each individual performing the work of any mechanic, laborer, or worker on the construction project is employed each work day and week. The contractor or subcontractor shall make such records available to the Purchasing Agent within 10 days of a request, or per a regular schedule established in the construction contract, and shall certify that records reflect the actual hours worked and the amount paid to its workers for whatever time period is requested and must preserve these records for a period of six years after the expiration or earlier termination of the applicable contract.
- (4) Contract Compliance. Contractors and subcontractors shall fully cooperate with any contract compliance requirements specified in the executed contract documents, including but not limited to site visits, staff interviews to validate wage rates, and the submission of payroll records.
 - (5) Administrative Procedures. The Purchasing Agent, in consultation with the County Manager or designee, shall have the authority to promulgate additional departmental procedures, not inconsistent with the provisions of this Article 4-104, designed to administer and enforce this Section.