

BOARD POLICY

BOARD OF INGHAM COUNTY ROAD COMMISSIONERS

RESOLUTION #127-96

SUBJECT:

PAYMENT OF PREVAILING WAGES

Paragraph 1a and 2 are revised.

The Board of Ingham County Road Commissioners believes that it is in the best interest of the people of Ingham County that the construction work performed for the Ingham County Road Commission be done by contractors and subcontractors who agree to pay prevailing wages.

The following policy to pay prevailing wages is revised, adopted and in effect:

1. Every construction contract exceeding \$10,000 entered into by the Board of Ingham County Road Commissioners (hereinafter referred to as "Board") shall contain the following terms:

(a) The rates of wages, including fringe benefits, paid to each construction mechanic employed by the contractor or subcontractor at all tiers, who furnishes labor on the project which is the subject of this contract, shall be not less than the prevailing wages, including fringe benefits, for such labor as most recently determined by the Michigan Department of Labor, Wage and Hour Division, for Ingham County. In the event the Michigan Department of Labor, Wage and Hour Division, has not published a current wage rate for Ingham County and the Managing Director is aware of any currently-prepared wage rate, prepared by any third party, which would be applicable, the Managing Director may use that rate and provide copies to all prospective bidders. Otherwise, the last rate published by the Michigan Department of Labor shall be applicable.

(b) The contractor and any subcontractor shall not discriminate against any employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment because of race, color, religion, national origin, ancestry, height, weight, citizenship, sex, age or handicap during the terms of this contract as required by State and/or Federal law.

2. Every contract executed between the Board or its contracting agent and a successful bidder as Contractor, entered into pursuant to advertisement and/or invitation to bid for any Ingham County Road Commission Project, which requires or involves the employment of construction mechanics, shall contain a wage and fringe benefit schedule as most recently provided for by the Michigan Department of Labor, Wage and Hour Division, for each class of construction mechanic; or, in lieu thereof, the wage and fringe benefit schedule selected by the Managing Director.

3. Every contractor and subcontractor shall keep posted on the construction site, in a conspicuous place, a copy of all prevailing wage and fringe benefit rates prescribed in the contract and all keep accurate records showing the name and occupation of , and actual wages and benefits paid to, each construction mechanic employed by that contractor or subcontractor

in connection with the contract.

A contractor or subcontractor at any tier shall, upon request of the Board or its contracting agent, provide certified payrolls on U.S. Department of Labor Form WH347 or facsimile for all hours worked. Failure to comply to this requirement is grounds for proceeding under paragraphs 5 and/or 6 hereunder.

4. Any construction mechanic of a contractor under contract with the Board or its contracting agent or a construction mechanic of a subcontractor at all tiers, may file a written complaint with the Board or its contracting agent, if any, challenging the compliance by a contractor or subcontractor with any of the terms noted above. The Board or its contracting agent shall then conduct an investigation to determine whether it will proceed as in paragraph(s) 5 and/or 6 below.

5. If a contractor or subcontractor at any tier violates or has breached any term set forth above, the Board or its contracting agent, if any, shall proceed to enforce that term in accordance with the contract and/or by seeking any remedy authorized by law, including rescission of the contract.

6. Any contractor or subcontractor, upon being notified, that it is in violation of paragraphs 3 or 4 and/or that an amount is due, shall have thirty (30) days to correct the violation(s) and/or pay the deficiency by paying the employee or employees the amounts due. If the person, firm, corporation, or business entity fails to correct the violation or pay within the thirty (30) day period, it shall be subject to the following penalties:

- (a) Payment of all wages and fringe benefits, plus interest at 2% per month on those wages and fringe benefits due the employee;
- (b) The cost to the Ingham County Road Commission shall be calculated using the hourly wage and fringe benefit costs of the Ingham County Road Commission employee(s) involved in the enforcement of this policy plus any other costs incurred including actual attorney fees by the Board; and
- (c) The prohibition from bidding on any contract involving the Board for a period of three (3) years if the violation is repeated after the contractor is formally notified. If a bid is submitted within said three (3) year time period, it shall be rejected.

This provision shall be inserted in all bid documents requiring prevailing wages.

7. As used herein:

- (a) "Contracting Agent" means any officer authorized to enter into a construction contract by or on behalf of the Board of County Road Commissioners of the County of Ingham.
- (b) "Contract" means any agreement as a result of competitive bids or otherwise for new construction, alteration, repair, installation, painting, decorating, completion, demolition, conditioning, reconditioning or improvement of roads, buildings or works, which is to be performed for the Board of Ingham County Road Commissioners. It does not include repair or service of equipment or machinery already installed.

(c) "Construction Mechanic" means any skilled or unskilled mechanic, laborer, worker, helper assistant, apprentice or driver, but shall not include any Board employees.

(d) "Apprentice" means any person who is registered with a bona fide apprentice program recognized by the U.S. Department of Labor, Bureau of Apprenticeship and Training, and shall only be used in ratio as prevailing for the area.

8. Contracts which contain provisions requiring the payment of prevailing wages as determined by the United States Secretary of Labor pursuant to the Federal Davis-Bacon Act (United States Code 40 Section 276a, et seq.) or which contain provisions requiring the payment of prevailing wages and determined by the Michigan Department of Labor pursuant to 1965, P.A. 166, as amended, being MCLA 408.551, et seq., are exempt from the provisions of the Resolution.

This policy supersedes and rescinds all prior policies heretofore in effect.

ADOPTED BY THE BOARD OF INGHAM COUNTY ROAD COMMISSIONERS ON MAY 2, 1996