



STATE OF WASHINGTON
DEPARTMENT OF LABOR AND INDUSTRIES
PREVAILING WAGE SECTION
PO BOX 44540, OLYMPIA, WASHINGTON 98504-4540
(360) 902-5330 FAX (360) 902-5300

May 1, 1998

TO: Washington Public Agencies
FROM: Jim P. Christensen, Industrial Statistician
SUBJECT: Prevailing Wage Payments

Attached are documents describing a faster way to get contractor's payments released.

RCW 39.12.040 provides for a streamlined method of collecting prevailing wage paperwork for contracts under \$2500. Recent changes include a waiver by Labor and Industries of the fees required under other methods and a simplified Intent/Affidavit form.

Contractors will appreciate this new method which may also result in cost savings to your agency. Please consider this method for your agency's use.

I have also enclosed a form for you to fill out and return to my office if your agency is interested in using this new method.

I would like to express my appreciation to those agencies that helped the Department develop these procedures. Please continue to suggest improvements in prevailing wage administration.

If you have any questions, please contact me at (360) 902-5330 or Lynn Downey at (360) 902-5331.





STATE OF WASHINGTON

DEPARTMENT OF LABOR AND INDUSTRIES

PROCEDURES FOR CONTRACTS UNDER \$2500

RCW 39.12.040 (2) provides for the processing of the Statements of Intent to Pay Prevailing Wages and Affidavits of Wages Paid by the agency administering the contract valued at under \$2500. This is an alternative to the processing of those forms by Labor and Industries and has the potential to lower your costs for this work and speed up the processing of paperwork necessary for paying the contractor.

Attached is a copy of the form (we have combined the Intent and the Affidavit forms for purposes of this procedure) and instructions. The instructions for filling out the form are on the back of the form.

For contracts of this size, it is likely that the method of selecting a contractor and issuing a 'contract' is streamlined. For example, fully advertised competitive bidding, as is required for larger projects, may not be required for contracts this size. Instead, a less formal method may be authorized. Regardless of the method of award, we suggest that the requirement to pay prevailing wages be communicated to the contractor as early in the process as practical. You should provide the contractor with the appropriate listing of prevailing wages at that time.

Revised prevailing wages are published by the Department each six months. They are mailed to every public agency in Washington State. If you are not receiving this publication, please contact Lynn Downey at (360) 902-5331, fax us your address at (360) 902-5300, or mail us your address.

The prevailing wages applicable to a particular public work project are the rates in effect at the time the project is bid. For projects not awarded within six months of the bid date, the prevailing wages in effect at the time of contract execution are the ones that apply. For purposes of this (under \$2500) procedure, please use the contract execution date since competitive bidding is likely to be avoided for these small contracts.

Also, these contracts are likely to be of short duration. The work may be completed in just a few days or less, so that separate Intent and Affidavit forms would make little sense. For this reason, the forms have been combined into one. The law still seems to require that the Intent be filed prior to making any payments to the contractor, and the Affidavit is required for final payment. If a single payment is made after completion of the work, you may require that the combined form be filled out and signed in your presence after completion, as a condition of making the final (and only) payment.



If progress payments will be made, we suggest you require the contractor to sign a completed form prior to making any payments, and to sign another completed form prior to making final payment.

The procedures outlined in RCW 39.12.040 (2) seem to increase your agency's involvement if a wage claim is filed and it is determined that a worker did not receive the appropriate prevailing wage. For this reason, you may want to require additional monitoring documents such as certified payroll records, copies of check stubs, verification of benefit payments, etc. These are not required as part of this procedure, but may be required by your agency as a control.

Once each month, you should send to my office copies of the Affidavits you have collected. WAC 296-127-030 and -040 require that your agency forward to the Department twenty dollars for each form you collect. For agencies following the procedures described in this memorandum, and using the attached combined form, the fee is waived. The copies you forward to my office monthly need not be accompanied by any fees. You should also keep copies of the Intent/Affidavit forms filed by contractors for a period of three years.

If a contractor uses an apprentice and lists the reduced wage on the form, you will need to contact my office to verify both the apprentice's registration status and proper wage rate.

In short, your requirements are:

- Notify the contractor of the requirement to pay prevailing wages and provide a listing of the appropriate prevailing wage rates.
- Require the contractor to sign a completed Intent/Affidavit form prior to issuing any payments and prior to issuing the final payment.
- Monthly, provide to the Department copies of the forms you have collected over the previous month.
- Keep copies of the forms filed by contractors for a period of three years.

You are welcome to make copies of any of these documents including the Intent/Affidavit form, or contact my office for additional copies. Please do not hesitate to contact myself at (360) 902-5330 or Lynn Downey at (360) 902-5331 with questions.

**SMALL WORKS
PUBLIC WORKS CONTRACT
(\$2,500 or less)**



**STATEMENT OF INTENT TO
PAY PREVAILING WAGES
&
AFFIDAVIT OF WAGES PAID**

This form must be typed or printed in ink.
Large, bold numbers match instructions on back of form.

No filing fee required

Submit completed form directly to the *CONTRACT AWARDING AGENCY*. (DO NOT send to the Labor and Industries Prevailing Wage Office).

1 Contract Awarding Agency			Project Name		
Address			Contract or Purchase Order Number		
City	State	ZIP+4	County where work was performed		City where work was performed
Indicate total dollar amount of your contract \$			Date contract awarded / /		Date work completed / /

2 Craft/trade/occupation	3 Number Of Workers	4 Total # of hours worked - ea. trade	5 Rate of Hourly Pay	6 Rate of Hourly Fringe Benefits	7 Apprentices: (See #7 on back of form)

8 Company name

Address

City State ZIP + 4

Phone number Contractor Registration No.

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I hereby certify that the above information is correct and that all workers I employed on this Public Works Project were paid no less than the Prevailing Wage rate(s) as determined by the Industrial Statistician of the Department of Labor and Industries. I understand that contractors who violate Prevailing Wage laws, i.e., incorrect classification /scope of work of workers, improper payment of prevailing wages, etc., are subject to fines and/or debarment and will be required to pay any back wages due to workers. RCW 39.12.050

Signature Title

INSTRUCTIONS TO COMPLETE THE
STATEMENT OF INTENT TO PAY PREVAILING WAGES & AFFIDAVIT OF WAGES PAID
FOR SMALL WORKS PUBLIC WORKS CONTRACTS \$2,500 OR LESS

Please submit this form to the CONTRACT AWARDING AGENCY (not Labor and Industries).

NOTE: Numbers on instructions match large bold numbers on front of form.

1. **Contract Awarding Agency** – This is the name of the public agency that awarded the contract.
Address, City, State, ZIP +4 – This is the address of the contract awarding agency.
Project Name – The name of the project
Contract or Purchase Order Number – This is the number of the contract or purchase order assigned by the awarding agency.
County where work was performed – This is the county in which the actual work was performed.
City where work was performed – This is the city in which the work was performed. If the work was performed outside the limits of any city, write “N/A” in this space
Date Contract Awarded – This is the date the contract was awarded to the contractor by the awarding agency. (month/day/year)
Date Work Completed – This is the date you completed work on the project.
2. **Craft/trade occupation** – List each craft/trade/occupation of workers employed on this project. If this is residential, landscape, or underground sewer and water construction, please state so on the form. If operating engineers and/or truck drivers were used, describe the type, and list the size or rated capacity of the equipment. If the work was performed by owners/partners, state “Owner/operator” under the “Craft” section, and sections 4, 5 and 6 need not be completed. (Individuals who own less than 30% of the company are not considered to be owners/operators, and must be paid prevailing wage.)
3. **Number of Workers** – List the number of journey-level workers employed for each craft/trade/occupation on this project.
4. **Total Number of Hours Worked** – List the total number of hours worked for each craft/trade/occupation.
5. **Rate of Hourly Pay** – Enter the rate of hourly pay for each craft/trade/occupation. This is the wage you actually paid to the workers.
6. **Rate of Hourly Fringe Benefits** – Enter the rate of hourly fringe benefits. This is the cost of fringe benefits, as defined by RCW 39.12.010, that you actually paid to the workers. The amount listed for “Rate of Hourly Pay” plus the amount listed for “Rate of Hourly Fringe Benefits”, if any, must equal or exceed the prevailing rate of wage.
7. **Apprentices** – If apprentices were employed on this project, list each by name, registration number, craft, stage of progression, beginning and ending dates of work performed on this project, and rate of hourly pay and fringe benefits. Any workers not registered with the Washington State Apprenticeship and Training Council must be paid prevailing journeyman wages. Any apprentice not registered with the Washington State Apprenticeship and Training Council within 60 days of hiring must be paid prevailing journeyman wages for the time preceding the date of registration. To verify apprenticeship registration and status, call (360) 902-5324.
8. **Company Name** – Indicate your company’s name, address, phone number, and the signature of an authorized representative. (Contractor registration number begins with the first letters of company name).



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**PUBLIC WORKS CONTRACTS UNDER \$2500
ALTERNATE INTENT/AFFIDAVIT FILING METHOD**

YES, our agency would like to participate in the new program to process intent/affidavit forms for projects \$2,500 or less.

Agency Name

Mailing Address

City, State, Zip

Contact Person

Phone number

Please fax this information to (360) 902-5300, or return by mail.

Thank you.

