



**STATE OF WASHINGTON  
DEPARTMENT OF LABOR AND INDUSTRIES**

*Prevailing Wage*  
**PO Box 44540 ● Olympia, Washington 98504-4540  
360/902-5335 Fax 360/902-5300**

**NOTICE:**

**SUBCONTRACTOR LIST REQUIRED WITH AFFIDAVIT OF WAGES PAID:**

Effective July, 11 2008, the Affidavit of Wages Paid form has been revised. A full list of the next tier of subcontractors is required as part of your Affidavit of Wages Paid form for public work under Chapter 39.12 RCW. Each contractor must list the subcontractors they hired on the public works project.

Contractors who file electronically will complete this list as part of that on-line filing. Addendum B is attached to this email for contractor's filing paper forms to print out, fill in, and then mail with the affidavit for the same project.

**FILING FEE:**

Effective July 1, 2008, a \$40.00 form filing fee is required for each Statement of Intent to Pay Prevailing Wages and each Affidavit of wages Paid. The fee change was enacted by the legislature in the 2008 session in section 2 of EHB 3381.

By law, only the forms approved by the Industrial Statistician of the Department of Labor and Industries may be used for filing the Statements of Intent to Pay Prevailing Wages and filing the Affidavits of Wages Paid.



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## ALTERNATE FILING OF INTENTS/AFFIDAVITS FOR LIMITED SMALL WORKS:

**Note: By law, no subdividing, phasing, or splitting of a project is allowed to come in under the stated dollar limits. The alternate forms are intended for a single contractor and a single payment of a dollar amount (including sales tax) that is less than the stated dollar limit.**

### **1. Combined Intent and Affidavit for projects under \$2,500 including tax**

A signature by the public awarding agency is required in addition to the contractor's signature. The public agency is approving the form with their signature, must retain a copy for three (3) years and must send a copy to L&I within 30 days. The public contract awarding agency has a liability for unpaid wages when the alternate form is used so only that awarding agency can authorize the use of the combined form.

### **2. Combined Intent and Affidavit for projects under \$35,000 including tax**

A combined Intent to Pay and Affidavit of Wages Paid form for projects from \$2,500 to \$35,000 may be used only at the option of the public contract awarding agency. The filing fees are not waived (\$80 effective 7/1/08). The public agency approves the form with their signature, must retain a copy for three (3) years and must send a copy with payment to L&I within 30 days. The public contract awarding agency has a liability for unpaid wages when the alternate form is used so only that awarding agency can authorize the use of the combined form.

## LIMITS ON USE OF THE ALTERNATE FILING OPTIONS

- **The contract awarding agency decides** if the alternative process may be used in each and every instance. This is not a decision made by the contractor.
- **Liability to the public agency** for unpaid wages is a condition of using an alternate filing process. See RCW 39.12.040(2)(d). The public agency may bring legal action to attempt to recover from the contractor after paying the workers their wages.
- **No subcontractors.** The contractor must file the form with the public awarding agency and the public agency must file it with the department within thirty (30) days. Note: Allowing any subcontractors would make the public contract awarding agency liable for unpaid wages by employers that may not be known to the public agency. No subcontractors are allowed in this alternate process.
- **No time and materials.** The total cost of the contract with tax must be under the dollar limits for each form.

- **No dividing or phasing of projects.** The law prohibits breaking the project into units or phases to avoid the maximum dollar limit.
- **The public agency must approve** the new forms by signature.
- **No payment may be made** to the contractor until the form is approved by the public agency.
- **\$500 civil penalty.** Failure to file subject to penalty: If the public agency fails to file the form with the department within 30 days, a Notice of Violation may be issued under RCW 39.12.050.