

Newsletter

ADDRESSING THE NEEDS OF AWARDING AUTHORITIES AND CONTRACTORS ON RI PREVAILING WAGE PROJECTS



Our office is a strong advocate of educating contractors and awarding authorities on the Laws and Regulations that govern RI Prevailing Wage projects. We encourage contractors, purchasing agents and employees to visit our website at www.dlt.ri.gov/pw for forms, tools and resources on Prevailing Wage. If you would like to schedule an appointment, please contact Prevailing Wage at (401) 462-8580, Option-7.

- The awarding authority for every public works contract in excess of one thousand dollars (\$1,000), to which the state of Rhode Island, Municipality, or Quasi Agency is a party, **shall** contain a provision in the bid and contract pursuant to RIGL § 37-13-6 & 37-13-7 that the **RI Prevailing Wage** listed on the RI Department of Labor & Training website <https://dlt.ri.gov/regulation-and-safety/prevailing-wage> shall be paid on this project.
- The awarding authority shall insert a copy of RIGL § 37-13-5, 37-13-6, and 37-13-7 in all contracts for public works or school transportation services awarded by the state, city, or town, in which state or municipal funds are used if the contract price is in excess of one thousand dollars (\$1,000).
- The awarding authority shall require the contractor awarded a RIGL 37-13 public works contract in excess of \$50,000 to furnish a **bond** in a sum not less than fifty percent (50%) and not more than one hundred percent (100%) of the contract price. The contractor shall also promptly pay for all such labor performed or furnished, together with penalties assessed pursuant to RIGL § 37-13-14.1(b).
- The awarding authority shall receive the RI DLT Certified Weekly Payroll forms on the project from every contractor, or subcontractor awarded a contract for public works or school transportation services on a monthly basis for all work completed in the preceding month.
- The awarding authority must withhold the next scheduled payment from any contractor, subcontractor, vendor, or provider that fails to comply with the Rhode Island Certified Payroll provisions. If a subcontractor is the party in violation, the amount withheld must be proportionate to the amount owed to that subcontractor, as determined by the awarding authority.

PREVAILING WAGE VOLUNTARY ADDENDUM

The Department created a voluntary Prevailing Wage Addendum for Municipalities that can be inserted into the contract for the General Contractor to sign. It fulfills the notice requirements for Awarding Authorities.

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Q & A Section

Are Awarding Authorities required to retain RI Certified Weekly Payroll Forms?

Yes, RIGL 37-13-13 requires that every contractor and subcontractor awarded a public works contract, as defined by this chapter, must submit a certified copy of their employees' payroll records to the awarding authority each month. The records must cover all work completed in the previous month and be submitted using a Rhode Island Certified Weekly Payroll form. These forms must also be made available to the Rhode Island Department of Labor and Training (RI DLT) within 10 days of a request. The RI Certified Weekly Payroll form is available for download at www.dlt.ri.gov/pw/pw-FormsPubs.htm.

Should Awarding Authorities be notified of subcontractors working on prevailing wage projects?

Yes! RIGL 37-13-4 states that after being awarded a public works contract, each contractor must submit a list of their subcontractors—covering any portion of the work—to the appropriate authority. The list must be submitted in the format or manner uniformly required of all contractors on public works projects.

Is a contract required on all P.W. projects?

Yes, all prevailing wage work must be done by contract. This is true for both the contract between the awarding authority and the general contractor and the general contractor and subcontractor and between subcontractors.

Are there any apprenticeship requirements for public works projects?

Yes! RIGL 37-13-3.1 states that all general contractors and subcontractors who perform work on any state-awarded public works projects valued at \$1,000,000 or more shall employ apprentices required for the performance of the awarded contract. Awarding authorities may verify if a contractor has a registered apprenticeship program at www.dlt.ri.gov/apprenticeship.



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Posters and Rate Schedules
www.dlt.ri.gov/pw/pwFormsPubs.htm

Bond Requirement

RIGL 37-13-14 states: "Contractor's bond - The state or any city, town, agency, or committee therein awarding contracts for public works shall require the contractor awarded a contract with a contract price in excess of fifty thousand dollars (\$50,000) for public works to file with the proper authority good and sufficient bond with surety furnished by any surety company authorized to do business in the state, conditioned upon the faithful performance of the contract and upon the payment for labor performed and material furnished in connection therewith, a bond to contain the terms and conditions set forth in chapter 12 of this title, and to be subject to the provisions of that chapter. Waiver of the bonding requirements of this section is expressly prohibited."

*Note: see RIGL 37-12: <https://webserver.rilegislature.gov/Statutes/TITLE37/37-12/INDEX.htm>