

506. Prevailing Wage Rate

§506.010. City Policy. It is in the public interest that public buildings and other public works be constructed and maintained by the best means and highest quality of labor reasonably available and that persons working under contract on public works be compensated according to the real value of the services they perform. It is, therefore, the policy of the City of White Bear Lake that wages of laborers, workers, and mechanics on contracted projects financed in whole by City funds should be comparable to wages paid for similar work in the community as a whole.

§506.020. Definitions.

Subd. 1. Terms. As used in this ordinance, the terms defined in this section shall have the meaning given them below, except where the context indicates otherwise.

Subd. 2. "City Project". "City Project" means the erection, construction, remodeling, or repairing of a City building or City park or other City public work or City public improvement, (except snow removal, street maintenance, including overlaying, milling and sealcoating) where all the following conditions exist:

- a) The City Project is financed in whole by City funds;
- b) The work under the City Project is to be performed by a contractor and the City Project by law is required to be competitively bid under Minnesota Statute 471.375;
- c) The City is to let the contract for the City Project;
- d) The estimated cost of the City Project exceeds \$15,000.00;
- e) The work is to be performed on real property or on fixtures thereto and not solely on personal property.

Subd. 3. Prevailing Wage Rate. "Prevailing Wage Rate" means the same as defined by Minnesota Statute 177.42, Subd. 6, and as determined pursuant thereto for the area of Ramsey County by the Minnesota Department of Labor and Industry from time to time.

§506.030. Contract Requirement for Payment of Prevailing Wage Rate. The bid specifications and the contract for any City Project shall contain the following provisions or language similar in substance.

(Ref. Ord. 792, 9/12/89)

Subd. 1. The contractor and any subcontractor, agent, and other person doing or contracting to do all or a part of the work of the City Project must pay at least the Prevailing Wage Rate to all laborers, workers, and mechanics employed directly on the City Project work site.

Subd. 2. Upon request of the City, the contractor and any subcontractor, agent and other person doing or contracting to do all or a part of the work of the City Project shall within five (5) working days supply the City a copy of payrolls showing wages paid, and a wage compliance statement with respect to wages paid each of its laborers, workers, and mechanics employed directly on the City Project work site. In the event such statements are not provided or in the event such statements disclose that the required Prevailing Wage Rate is not being paid, then the City shall have the right to withhold payments to the contractor for such periods of non-compliance. The withheld payments shall be equal to the difference between the wages paid and the Prevailing Wage Rate for the period of non-compliance. During the course of and upon completion of the contract work, the City shall have the right to require an audit of the contractor's books to determine compliance or non-compliance. Each contractor and subcontractor shall retain copies of the weekly payrolls for a period not less than one (1) year after completion of the work.

§506.040. Exceptions. The requirements set forth in §506.030 do not apply to wage rates of laborers, workers, or mechanics who process or manufacture materials or products or to the delivery of materials or products by or for commercial establishments which have a fixed place of business from which they regularly supply processed or manufactured materials or products. Provided, however, the requirements set forth in §506.030 do apply to laborers, workers, or mechanics who deliver mineral aggregate such as sand, gravel, or stone which is incorporated into the work under the contract by depositing the material substantially in place, directly or through spreaders, from the transporting vehicle.

(Ref. Ord. 792, 9/12/89)