OFFICE OF ATTORNEY GENERAL
MAURA HEALEY

Construction Procurement
M.G.L. c. 149 §§ 44A-M and c. 30, § 39M

Presented by Deborah Anderson
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Fair Labor Division

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Procurement: A.G. v. I.G.

• The Attorney General’s Office enforces the construction procurement laws.
• The Inspector General’s Office handles fraud, waste and abuse and also 30B Supplies and Services.
• The Inspector General has a 30B hotline: 617-722-8838.
• The Attorney General has me. 617-963-2371.
• The Attorney General holds Bid Protest Hearings; the Inspector General no longer holds protest hearings.
• The Inspector General offers the MCPPO training program.
• IG Manuals, Bulletins, reports; Attorney General Bid Protest Decisions; FAQs.

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Public Building Construction Law
(M.G.L. c. 149, §§44A-M)

Applies to:

- construction, reconstruction, installation, demolition, maintenance or repair. Alteration of a building.
- on a building (a structure with four walls and a roof)
- estimated to cost $10,000 or more; sound business practices if less than $10,000.
General Tips

• Watch out for Bid Splitting: less than $10,000 or less than any other threshold. Avoids the advertising requirements. On-call alternative.
• Distinction between service contracts (G.L. c. 30B) and construction.
• Equipment rental vs. construction.
• Is there a “cost?” Insurance company; donor.
• No negotiation with lowest bidder.
General Tips

• Need not have more than one bidder
• Procurement method for multi-year contracts
• Unit prices: Estimated quantities mandatory if part of the rule for award
• Rebidding a contract
Violation of Bid Laws

- Civil and criminal penalties.
- Contract is unenforceable, regardless of the good faith of the contractor who performs work.
- Contract must be signed by someone authorized to bind the awarding authority.
$10,000 - $50,000

• Cap applies to both Labor and Materials unless OSD or blanket contract is used
• $50,000 limit is per project
• Must advertise on your website, COMMBUYS, near your office and Central Register. No advertisement if 2 responses from blanket or OSD contract.
• Seek written responses from no fewer than 3 contractors
• Include a scope-of-work statement
$50,000-$150,000

- Sealed bids using 30, 39M
- Advertise in office, COMMBUYYS, Central Register and newspaper
- 5% Bid bond; issues with signatures
- DCAMM certification if >$150,000
Public Building Construction Law
$150,000

• Procedure
  Invite sealed bids
  Advertise: local newspaper, Central Register, and your bulletin board or website
  5% bid deposit
  100% payment bond
  100% performance bond
• DCAMM certification for generals and filed subs
Filed Sub-bid Requirements

• Must be a building project under M.G.L. c. 149, except a modular building
• Entire project must be worth over $150,000
• Estimated cost of filed sub-bid is more than $25,000. Good faith estimate
• Sub-bid falls into statutory classification
• Tip: Fewer than 3 filed sub-bids received
DCAMM certification Tips

• Must have certification even if you bid lower than the thresholds. Cannot waive.

• Owner may ask for DCAMM certification even if the project is less than $150,000

• If prime certification is needed, filed sub-bid certification will not be accepted, but they can get the prime certificate to you after bid opening
M.G.L. c. 30, § 39M
$10,000-$50,000

- Written scope of work
- Solicit 3 responses
- Advertise on website, COMMBUYS, Central Register and near office
- OSHA requirements kick in
- Blanket contract or OSD vendor list
- Tip: Supply vs. Construction material
- May use 30B option
Over $50,000

- Sealed bids
- 5% bid deposit
- Central Register, posting, and newspaper
- Or can use the procedures of M.G.L. c. 30B, which doesn’t have bid deposit or Central Register requirements, for any amount of construction materials. 30B also does not have the proprietary specifications requirement of 30, 39M.
Bonds

• Tip: signatures needed on bid bond
• Tip: develop your own bonds
• Tip: change orders and bond increases – email me.
• Genuine payment bonds – new Court decision

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Proprietary specifications

- M.G.L. c. 30 sec. 39M(b) makes full competition the norm
- Name a minimum of 3 brands or provide material description that can be met by 3 vendors, or equal
- Proprietary specifications may be used for sound reasons in the public interest
- Proprietary specifications must have an “or equal” clause
“Or equal”

- Awarding authority decides if product is equal
- Must be equal in quality, durability, appearance, strength and design
- Must perform the intended function at least equally
- Must conform substantially, even with deviations, to the specifications
- Takes place after the award of the contract
Change Orders

- Should not exceed 20% of the original contract value. Rule of thumb.
- Cumulative
- If it does, it should be bid out
- Must grow out of original scope of contract
- Equitable adjustments as exceptions: G.L. c. 30, sec. 39N

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AIA v. Waltham

- Important Designer Selection Law Decision
- Awarding authorities may not ask for fee proposals to be submitted at the same time as the designers’ qualifications
- This is true, even if the fee proposal is submitted in a separate envelope
- You can only ask for a fee proposal once you have chosen your top-ranked finalist

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Exclusions

Scenario:
General contractor bidder excluded by all filed sub-bidders.
Result?
Exclusions

Result:

• The excluded general contractor cannot bid.
• He may not use his own forces to complete the filed sub-bid work.
Pre-Bid Meetings

Scenario:
You would like to require mandatory pre-bid meetings. Is this legal?
Pre-Bid Meetings

Answer:
• Yes, they are legal.
• However, you may waive attendance at the meeting as a condition for bidding if you so choose.
Timing of Change Orders

Scenario:
You issue change orders soon after contract award. Is this OK?
Timing of Change Orders

Answer:

• Generally, no.
• Rationale is that the bid order may have been different if the changed specification was in the original bid documents.
Scenario:
You receive a FOIA request from a disappointed bidder. What should you do?
Answer:

• In most cases, the potential protestor simply wants to know why he was rejected.

• Avoid FOIA request by telling him the reason for the rejection up-front.

• Tip – provide promptly in order to avoid a possible Bid Protest Hearing.
Scenario:
A GC Sub is not DCAMM-certified. Is this OK?
General Contractor Subs

Answer:

• They are no longer filed sub-bidders, so certification is not required.

• Awarding authority may require certification as a quality requirement.

• Arises when no filed sub-bids are received or they are restricted to a general contractor or general contractors.
Scenario:

Bids come in higher than the estimate. Must you re-bid under the proper procurement law?
Estimates & Bid Results

Answer:

• No, you should not re-bid in this scenario.

• Procurement method is determined by pre-bid estimate, not the bid results.

• Estimate must be made in good faith.
Non-collusion Affidavits

Scenario:
A bidder does not include a non-collusion affidavit with his bid? Do you have to reject the bid?
Non-Collusion Affidavits

Answer:

• These affidavits are not necessary if you used the statutory bid form in 149 projects.

• You should devise a standard 30, 39M bid form that includes this language.
Scenario:
You receive a low bid that does not acknowledge an addendum that affects price. Must you reject it?
Addenda

Answer:

• There is an exception to this rule.

• If the value of the addendum is “insignificant” when compared to the difference between the low bidder and the second low bidder, you may waive the acknowledgement of the addendum.

• *Grant* court case.
Withdrawal of Bid

Scenario:

• A filed sub-bidder wants to withdraw his bid. How long does he have?

• What about a general contractor?
Withdrawal of Bid

Answer:

• The filed sub-bidder has 5 days after the presentation of the contract by the general contractor to execute a contract and present bonds.
• General contractor has 5 days after awarding authority presents a contract.
• Withdrawal period tracks these timeframes.
• Bid bond may be available.
Prevailing Wage for Awarding Authorities
Key Points for Awarding Authorities

• Request official prevailing wage rate schedules from DLS before bids or quotes are solicited. Provide wage rate schedules to all bidders or persons providing price quotes.

• Ensure that all bids reflect prevailing wage rates; review all bids carefully.

• Include the wage rate schedule in the contract once a contractor has been selected.

• Confirm that no contractor with whom you are about to engage is debarred from public work.

• Provide annual updates of the prevailing wage rate schedule to your contractors if you have a multi-year construction project.

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Key Points for Awarding Authorities

• Monitor the contractors’ compliance with the prevailing wage laws. For construction projects, weekly certified payroll records must be collected by awarding authorities from all contractors and subcontractors and kept on file for three years from the date of completion of the contract. When reviewing CPR submissions, make sure you:
  – see a copy of the apprentice’s ID card on every CPR that lists workers being paid apprentice wage rates;
  – see documentation of employees’ completion of the OSHA 10 training;
  – receive a final statement of compliance within 15 days of the completion of the contractor or subcontractor’s work.

• Notify the AGO/FLD if contractors fail to comply with CPR submission or if you believe a contractor is not paying the prevailing wage rates.
30B Overview

Bidding Basics

MCPPO
Excellence in Public Procurement
Applicability of Chapter 30B
Governmental Bodies Include

- Cities & towns (including boards, commissions, agencies, authorities and departments)
- Counties
- Districts
- Regional school districts
- Horace Mann charter schools
Applicability of Chapter 30B

Acquisition of:
- Supplies
- Service
- Real property

Disposition of:
- Surplus supplies
- Real property
Recordkeeping Requirements

• Retain all written records required by Chapter 30B for six years from the date of final payment under the contract.

• All records available for public inspection
  o Exception: proposals submitted in response to a Chapter 30B request for proposals for supplies or services remain confidential until after the evaluation process is complete.
Invalid Contracts

• Any contract awarded in violation of Chapter 30B is invalid [M.G.L. c. 30B, § 17]
  
  o No payments may be made, even if supplies or services have been delivered

  o Minor informalities will not invalidate a contract
Bid Splitting

• You may not split or divide a procurement for the purpose of evading an M.G.L. c. 30B requirement
Chapter 30B Overview

- Always start with:
  - Purchase description or scope of services
  - Quality requirements: tangible or quantifiable characteristics that relate to the supplies, services or qualifications of a vendor
## Procurement Thresholds

<table>
<thead>
<tr>
<th>Procurement Amount</th>
<th>Action Required</th>
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<tbody>
<tr>
<td>• Less than $10,000</td>
<td>• Sound business practices</td>
</tr>
<tr>
<td>• ≥$10,000 but not more than $50,000</td>
<td>• 3 written quotes</td>
</tr>
<tr>
<td>• More than $50,000</td>
<td>• Competitive sealed bids or proposals</td>
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</table>
**Scope of Services**

- **Include**
  - Quality and performance standards
  - Actual or estimated quantities
  - Service and warranty terms
  - Sampling, inspection or test criteria
  - Delivery terms or performance deadline
Sound Business Practices

Less than $10,000

• Ensure the receipt of a favorable price by periodically soliciting price lists or quotes
  
  o Check catalogs or price lists for supply costs
  
  o Check with other jurisdictions on service costs
Price Quotations

At least $10,000 but not more than $50,000

• Requirements
  o Written purchase description
  o Solicit at least three written quotes
  o All quotes must be in writing
  o Vendor must customarily provide the solicited supply or service
Price Quotations

At least $10,000 but not more than $50,000

• Record
  o The names and addresses of all person from whom quotations were sought,
  o The purchase description used for the procurement,
  o The names of the persons submitting quotations
Price Quotations

At least $10,000 but not more than $50,000

• Provide each vendor with the same purchase description or scope of services
  
  o Award the contract to the responsible vendor offering the needed quality of the supply or service at the best price
  
  o A responsible offeror has the capability, reliability and integrity to perform the contract
Price Quotations

At least $10,000 but not more than $50,000

• Best Price
  o When you are paying for supplies or services, best price means the lowest price
Price Quotations

At least $10,000 but not more than $50,000

• Best Price
  o When you are receiving money from a vendor/purchaser for supplies or services, best price means the highest price (otherwise called, revenue-generating contracts)
    ▪ Ex. Vending machine contracts
    ▪ Concession stands
Price Quotations

At least $10,000 but not more than $50,000

- Retain the following records:
  - Written contract
  - Names and addresses of all vendors from whom quotes were sought
  - Names of all vendors submitting quotes
  - Date and amount of each quote received
Bids and Proposals (More than $50,000)

Invitation for Bids (IFBs)
• Award contract to the responsive and responsible bidder offering the best price

Request for Proposals (RFPs)
• Award contract to the responsive and responsible proposer offering the most advantageous proposal
IFB/RFP Advertising Requirements

- The advertisement:
  - State where, when, and for how long the IFB/RFP may be obtained
  - Describe the supply or service needed
  - Include a notice that your jurisdiction reserves the right to reject any/all bids
  - Identify any board (or another body) that must approve the contract
**IFB/RFP Advertising Requirements**

- At least two weeks before the bid/proposal due date advertise/post
  - In a local newspaper,
  - In a conspicuous location in or near your jurisdiction's offices
    - If your jurisdiction has an official bulletin board, post the notice there.
    - Jurisdiction website complies with the requirement
IFB/RFP Advertising Requirements

• At least two weeks before the bid/proposal due date advertise/post
  o In the COMMBUYYS system administered by the Operational Services Division

• The *Goods and Services Bulletin* published by the Secretary of the Commonwealth
  o If the purchase will cost more than $100,000
Unique RFP Requirements:

Appoint a Chief Procurement Officer (CPO)

- Properly appointed CPO required prior to issuing an RFP
- CPO may delegate RFP authority to other employees within the jurisdiction
Unique RFP Requirements:

Appoint a Chief Procurement Officer (CPO)

• CPO must document reasons for using the RFP
  o Documentation must explain why the selection of the most advantageous offer requires comparative judgments of factors in addition to price
Unique RFP Requirements:

Proposals are not opened publicly

- Proposals are not opened publicly, but must be opened in front of 1 or more witnesses
  - Two separate “envelops”
  - Price
  - Non-price: Includes comparative criteria
Unique RFP Requirements:

Proposals are not opened publicly

• Keep a record of proposals received and make it available as a public record, also referred to as a register of proposals
Unique RFP Requirements:

Non-Price Comparative Criteria

• Ratings
  - Includes rating categories
  - The evaluation process is longer and more complicated
  - Award contract to the “responsive” and “responsible” proposer offering the most advantageous proposal
Unique RFP Requirements:

Evaluation Criteria

• Develop comparative evaluation criteria for the specific features for which you might be willing to pay more money
Unique RFP Requirements:

Evaluation Criteria

• Describe how these ratings will be applied and inform vendors in the RFP

• Decide how comparative criteria will be used to rate proposals

• Clearly define in the RFP what factors will differentiate each rating
Unique RFP Requirements:

Evaluation Criteria

• For each comparative criterion assign one of the following ratings
  o Highly advantageous (HA)
  o Advantageous (A)
  o Not advantageous (NA)
  o Unacceptable (U)
Unique RFP Requirements:

Evaluation Criteria

• Prepare a written explanation for each rating
  o Assign a composite rating to each proposal
  o Prepare a written explanation for each composite rating

• Reject proposals that do not meet your quality requirements
Unique RFP Requirements:

Evaluation criteria examples (experience)

- Highly Advantageous:
  - At least 15 years or more of financial advising services for one or more MA municipalities

- Advantageous:
  - At least 10 years, but not more than 15 years of financial advising services for one or more MA municipalities
Unique RFP Requirements:

Evaluation criteria examples (experience)

• Example (experience)

  o Not Advantageous:
    ▪ At least 5 years, but not more than 10 years of financial advising services for one or more MA municipalities

  o Unacceptable:
    ▪ Less than 5 years of financial advising experience for one or more MA municipalities, or no financial advising experience for a MA municipality
Unique RFP Requirements:

Open price proposals

• The CPO selects the most advantageous proposal taking into consideration the price and non-price proposals
Unique RFP Requirements:

Award contract to most advantageous proposer

• Take into consideration price and non-price proposals
  
  o If the lowest priced proposer is not selected, the CPO must prepare a written justification that the quality of supplies or services under the contract will not exceed your needs
Unique RFP Requirements:

Public Records

• Proposals do not become public records until after the evaluation process is complete
Special Procurements

Bidding Basics
Proprietary Specifications

• Cite a specific brand name, OR
  o Are written so restrictively that it has the effect of limiting the procurement to one product
  o Permitted by Chapter 30B only when no other manner of description will suffice
Proprietary Specifications

“Or Equal”

• Specifications use a brand name as shorthand or a proprietary design feature followed by the phrase “or equal”
  o Specify what characteristic of the brand name or proprietary design feature must be equaled
  o Use clear, sound and objective reasons for determining whether a product is equal
Sole-Source Procurement

• Sole-source procurements award a contract for supplies or services to a single source, without soliciting price quotations, bids or proposals (Section 7 of Chapter 30B)
Sole-Source Procurement

• Allowed for procurements of not more than $50,000
  o Must conduct a reasonable investigation
    ▪ Is there competition?
    ▪ Document in writing that only one practicable source for the supply or service exists
Sole-Source Procurement

• NOT allowed for procurements of more than $50,000 unless the procurement includes one of the following categories
  o Library books
  o School textbooks
  o Software maintenance, and
  o Regulated utilities
Sole-Source Procurement

- Must conduct a reasonable investigation
  - Is there competition?
  - Document in writing that only one practicable source for the supply or service exists
Sole-Source Procurement

• Record and maintain the following
  o Vendor’s name
  o Contract amount and type
  o List of the supplies or services procured
  o Basis of determination that only one practicable source existed
Emergency Contracts

• When the time needed to comply with any requirement of Chapter 30B would endanger the health or safety of people or property, you may waive that requirement.

• You must comply with Chapter 30B to the extent practicable
Emergency Contracts

• Document the basis for determining that the emergency exists, with:
  o Vendor’s name
  o Contract amount and type
  o List of the supplies or services procured
Emergency Contracts

• Submit the record of emergency procurement to the Goods and Services Bulletin
Written Contracts

• Chapter 30B contracts of $10,000 or more must be in writing

• Your jurisdiction may not pay for any supplies or services received prior to the execution of a written contract
Questions?
Chapter 30B Assistance Hotline

Phone: (617) 722-8838
Online: 30BHotline@state.ma.us
Massachusetts Prevailing Wage Law

Department of Labor Standards

Charles D. Baker, Governor
Karyn E. Polito, Lieutenant Governor
Ronald L. Walker, II, Secretary
William D. McKinney, Director
“The Prevailing Wage Law” is actually a series of laws governing workers engaged various public activities

- Public Works Construction projects make up the most common “prevailing wage” category. These projects trigger the prevailing wage rates if three criteria are met:
  1. “Construction”;
  2. “Of Public Works: and
  3. “By a Public Entity."
Prevailing Wage Law

- “Construction” is an alteration or addition to a public works

- “Public Works” is a public improvement, having a nexus to land, such as a building, road, sewer line, bridge, park, or monument meant for the use or enjoyment of the public

- “By a Public Entity” is by the commonwealth, or by a county, city, town, authority or district
Overview

“Prevailing Wage Law”

- Some other activities covered...
  - Rental of equipment, payment to operators (§27F) including...
    - Trash disposal (curbside/public buildings)
    - Street sweeping
    - Catch basin cleaning
    *Not Snow Removal*
  - Moving Office furniture and fixtures (§27G)
  - Cleaning state facilities (§27H)
  - Security Services for MA Convention Center Authority (§27H)
Overview

‘Prevailing Wage Law’

- Some other activities covered… (continued)
  - School Bus drivers (M.G.L. c.71, §7A)
  - Housing authority employees (M.G.L. c. 121B, §29)
  - Solar Panel/Energy Sharing (M.G.L. c. 164, §137 (iv))
  - Relocation of utilities or utility facilities due to MassDOT construction (not performed by employees of the owner) (M.G.L. c. 6C, § 44.)
Overview

Not covered

- Public employees not covered under M.G.L. c. 149, §§26-27 unless engaged in the construction or renovation of public buildings funded by special appropriation > $1000

- Legitimate owner-operators not covered unless hauling gravel or fill (construction site)
No threshold

- Massachusetts is one of nine states with no money threshold.

- Minor projects are not exempt (use Periodic Rate Sheets).

- Prevailing Wage Law is separate from public bidding law.
The Process

DLS Role

- Makes applicability determinations
- Sets wage rates based on existing collective bargaining agreements
- Issues wage schedules ("rate sheets") – only to awarding authorities
- Rates will differ for each city or town
  - Trades agreements
  - Territorial jurisdictions
The Process

Prevailing Wage information or wage schedule requests: www.mass.gov/dols/pw

617-626-6953
EXAMPLE REQUESTS

www.mass.gov/dos/pw

Click Here
OFFICIAL REQUESTS:
FIRST REGISTER AS A REQUESTOR

www.mass.gov/dos/pw

Click Here
Official Requests

www.mass.gov/dos/pw

Click Here

Official Request for Prevailing Wages

Department of Labor Standards
Prevailing Wage Program

Registration Number Verification

* Registration Number: [ ] [ ] [ ] [ ]
Verify  Cancel

Continue without registering
Important information on the first page of your wage schedule

This wage schedule applies only to the specific project referenced at the top of this page and uniquely identified by the
Wage Request Number: 200007134637-5

An Authority must request an updated wage schedule from the Department of Labor Standards (DLS) if it has not
received a or selected a contractor within 90 days of the date of issuance of the wage schedule. For CM at Risk
projects (bid pursuant to M.G.L. c.149-A, the earlier of: (a) the execution date of the GMP Amendment, or (b) the bid for the
first construction scope of work must be within 90 days of the wage schedule issuance date.

This wage schedule shall be incorporated in any advertisement or call for bids for the project as required by M.G.L. c. 149-A,
§ 27. The wage schedule shall be made a part of the contract awarded for the project. The wage schedule shall be posted in
a conspicuous place at the work site for the life of the project in accordance with M.G.L. c. 149-A §27. The wages listed on the
wage schedule must be paid to employees performing construction work on the project whether they are employed by the prime
contractor, a third sub-contractor, or any sub-contractor.

All apprentices working on the project are required to be registered with the Massachusetts Division of Apprenticeship
Standards (DAS). Apprentices must keep their apprentice identification card on their person during all work hours on the
project. Apprentices registered with DAS may be paid the lower apprentice wage rate at the applicable wage on the prevailing
wage schedule. If an apprentice’s rate is not listed on the prevailing wage schedule for the trades in which an apprentice is
registered with DAS, the apprentice must be paid the journeyman’s rate for the trade.

The wage rates will remain in effect for the duration of the project, except in the case of multi-year public construction
projects. For construction projects lasting longer than one year, an Authority must request an updated wage schedule.

Authority must request an updated wage schedule no later than two weeks before the anniversary date of the current wage
schedule. The wage schedule is effective for the duration of the contract unless stopped or extended. The wage schedule
must be updated in accordance with M.G.L. c. 149-A §27. The wages listed on the wage schedule must be paid to employees
performing construction work on the project whether they are employed by the prime contractor, a third sub-contractor, or any
sub-contractor.

Every contractor or subcontractor which performs construction work on the project is required to submit weekly payroll
reports and a Statement of Compliance directly to the Authority by mail or email and keep them on file for three years.
Each weekly payroll report must contain: the employer’s name, address, occupational classification, base week, and wages
paid. Do not submit weekly payroll reports to DLS. A sample of a payroll reporting form may be obtained at
http://www.mass.gov/ulshpw/

Employees with questions about the wage rates or classifications included on the wage schedule have an affirmative
course of action under the prevailing wage law at (617) 727-3480.

Failure of a contractor or subcontractor to pay the prevailing wage rates listed on the wage schedule to all employees who
perform construction work on the project is a violation of the law and subjects the contractor or subcontractor to civil and
criminal penalties.
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<th>Effective Date</th>
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<th>Pension</th>
<th>Supplemental Unemployment</th>
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**Apprentice - CARPENTER - Zone 2 Eastern MA**

**Effective Date - 03/01/2016**

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**Effective Date - 09/01/2016**

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The Process

Prevailing Wage Rate = Total Rate

- Prevailing Wage Rates generally include:
  - Base rate
  - Health and Welfare
  - Pension/Annuity
  - Supplemental Unemployment
The Process

Prevailing Wage Rates

- Rate Schedules are valid for 90 days. If an awarding authority has not opened bids or selected a contractor within 90 days of the date of the issuance of the Rate schedule then it must request an updated schedule from DLS.

- Rates in effect for duration of the project, except for multi-year projects.

- For projects lasting more than one year, awarding authorities must request annual updates.

- Scheduled increases will appear on sheet.
**Annual Update Anniversary Date**

- Under the **general bidding process**, G.L. c. 149, §§ 44A-J, the anniversary date for the annual update of the wage schedule for multi-year contracts is the execution date of the general contract.

- For **CM at Risk projects**, the anniversary date for the purpose of requiring the issuance of updated prevailing wage rates is the earlier of: (1) the GMP amendment execution date, or (2) the execution date of the first amendment to the CM at Risk firm contract to permit procurement of construction services.
The Process

Wage Rates – Periodic Rate Sheets

- For minor projects or minor emergency projects
- Not associated with larger projects (not for bids)
- For 6 or 12 months
- Use standard request form
The Process

Wage Rates

- Appeals of wage schedules under §27A
- Distribute rate sheet to all bidders (at no cost) – usually made part of bid package
- Bid must reflect rates
- Bidder should demonstrate ability to comply
- Rate sheet becomes part of contract
The Process

After the Bid: Monitoring the Job

- The Office of the Attorney General enforces the prevailing wage law.
- Rate sheets must be posted on-site.
- G.C. and subs forward weekly payroll reports.
- Call AGO for non-compliance.
- Maintain reports for 3 years.