

Prevailing Wages

What are prevailing wages?

Prevailing wages are the hourly wages, overtime pay, and usual benefits paid to the majority of workers in a particular trade or occupation. The rates vary by county and type of labor, and they are determined and enforced by the Department of Labor and Industries (L&I) based on collective bargaining agreements or – if collective bargaining agreements are not available – wage surveys or other methods.

For more detailed information about prevailing wages, visit the L&I's Awarding Agencies page at <https://lni.wa.gov/licensing-permits/public-works-projects/awarding-agencies/>

The L&I guide can be found at <https://lni.wa.gov/forms-publications/f700-032-000.pdf>

Washington State Prevailing Wage Requirements

Chapter 39.12 RCW requires local government contractors and subcontractors to pay prevailing wages to all workers for all public works and maintenance contracts, regardless of the dollar value of the contract. This includes:

- Public works (RCW 39.04.010)
- Building service maintenance – defined as janitors, waxers, shampooers, and window washers (RCW 39.12.020 and WAC 296-127-023)
- Construction, reconstruction, maintenance, or repair (RCW 39.12.030)
- Turn-key leases, rentals, or purchases (RCW 39.04.260)
- Off-site fabrication of non-standard items for a public works project (WAC 296-127-010(5)(b))

To find current state prevailing wage rates, visit L&I's page Find Prevailing Wage Rates by Classification at <https://lni.wa.gov/licensing-permits/public-works-projects/prevailing-wage-rates/> . It includes a link to descriptions of trades and classifications.

When are prevailing rates determined for a project?

Prevailing wages are based on project award date.

- Awarded within 6 months of bid due date: use the bid due date.
- Awarded more than 6 months of bid due date: use the award date.

Building service maintenance contracts longer than one year must be altered every January 1st to comply with the most recent prevailing wages.

Unit-priced or on-call contracts must have prevailing wages updated annually. Rates are effective the beginning of each contract year. Intents and affidavits for prevailing wages paid must be submitted annually for all work completed during the previous 12 months.

Federal Prevailing Wage Requirements

The federal government has its own public works prevailing wage requirements, or wage determinations, established by the Davis-Bacon Act (DBA). For any public works project receiving federal funding, contractors must pay the higher of the state or federal wage rates (WAC 296-127-025). This should also be stated in the bid specifications and contracts.

To look up current federal wage determinations by trade and county, visit <https://sam.gov/content/wage-determinations> .

Statements of Intent

RCW 39.12.040 requires every contractor and subcontractor on the project to file a Statement of Intent to Pay Prevailing Wages. These statements should be filed with L&I immediately after the contract is awarded and before work begins, if possible. The statements must be approved by the L&I Industrial Statistician and may be viewed by the agency administering the contract through the L&I Awarding Agency Portal.

The agency may not make any payments under the contract until the contractor has submitted an approved Statement of Intent. Likewise, subcontractors may not receive any payments until they file approved Statements of Intent. This requirement should be stated in the specifications and contract.

For contracts in excess of \$10,000, contractors must post the Statement of Intent in a location readily visible to workers at the job site.

Certified Payroll Reports

Effective January 1, 2020, contractors must file certified payroll reports at least once per month for all prevailing wage jobs (regardless of project amount) and submit them directly to L&I through the agency's online Prevailing Wage Intent and Affidavit (PWIA) system (RCW 39.12.120).

Contractors must always provide weekly certified payroll reports for federal projects. For questions regarding the federal law, contact the federal Department of Labor (dol.gov).

Affidavits of Wages Paid

RCW 39.12.040 also requires every contractor and subcontractor on the project to file an Affidavit of Wages Paid soon after the work has been completed. These statements must be filed with L&I and approved by the Industrial Statistician before being submitted to the agency administering the contract and may also be viewed through the L&I Awarding Agency Portal.

The agency administering the contract may not release the retainage until the contractor and subcontractors have filed approved Affidavits of Wages Paid.