

§ 33.03 PREVAILING WAGE RATES FOR FINANCIALLY PUBLICLY ASSISTED PROJECTS.

(A) *Purpose.* It is in the public interest that developments and buildings constructed with financial assistance from the city be constructed and maintained by the best means and highest quality of labor reasonably available and that persons working on the buildings and developments be compensated according to the real value of the services they perform and that wages of laborers, workers and mechanics on developments and buildings financially assisted by city funds be comparable to wages paid for similar work in the community as a whole.

(B) *Definition.* **FINANCIALLY-ASSISTED PROJECT** means any private development or redevelopment involving either the construction of new buildings or the remodeling, reconstructing or expanding of existing buildings under the following conditions: the city or EDA provides direct financial assistance to the development by any of the following means:

- (1) Grants;
- (2) Tax increment financing;
- (3) Revenue bonds or general obligation bonds;
- (4) Loans; or
- (5) Business subsidies.

(C) *Contractor requirement for payment of prevailing wage rate.* For any financially-assisted project, the developer shall require the following:

(1) The contractor and any subcontractor, agent and other person doing or contracting to do all or a part of the work on the project must pay at least the prevailing wage rate to all laborers and mechanics employed directly on the project work site; and

(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 project shall within five working days supply the city with a copy of payrolls showing wages paid, and a wage compliance statement with respect to wages paid each of its mechanics and laborers employed directly on the project work site. In the event such statements are not provided or in the event the statements disclose that the required prevailing wage is not being paid, then the city shall have the right to either withhold payments to the developer for those periods of noncompliance or consider the developer in default and proceed with its legal remedies. Any withheld payments shall be equal to the difference between the wages paid and the prevailing wage rate for the period of noncompliance. 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 noncompliance. Each contractor and subcontractor shall retain copies of the weekly payrolls for a period not less than one year after completing of the work.

(D) *Exceptions.*

(1) The requirements set forth in division (C) above do not apply to wage rates of laborers or mechanics who process or manufacture materials or products or to the delivery of materials or products by or for commercial establishments that have a fixed place of business from which they regularly supply processed or manufactured materials or products; provided, however, the requirements set forth in division (C) above do apply to laborers or mechanics who deliver material by depositing the material substantially in place, directly or through spreaders, from the transporting vehicle.

(2) The requirements set forth in division (C) above do not apply to financially-assisted projects that involve the housing replacement program or that involve projects in which the financial assistance is less than \$50,000.

(2001 Code, § 330)