

ORDINANCE SUMMARY

20

Requested By: Herman R. Weber

Date: August 11, 2000

Prepared By: Lee Clark, City Attorney

Date: August 23, 2000

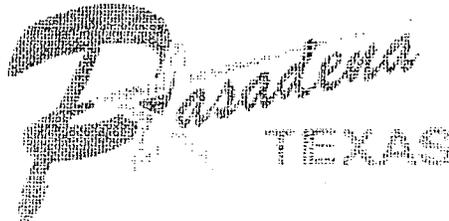
Submitted To: Mayor Johnny Isbell

Date: August 23, 2000

Amount: \$

REMARKS

AN ORDINANCE TO REQUIRE THE PAYMENT OF DAVIS BACON ACT WAGES AS PUBLISHED IN GENERAL DECISIONS TX000010, TX000048, TX000119 AND SUBSEQUENT REVISIONS FOR COVERED OCCUPATIONS ON ALL CONSTRUCTION PROJECTS CONTRACTED FOR BY THE CITY OF PASADENA, TEXAS.



JOHNNY ISBELL  
MAYOR

APPROVED:

Requesting Party

Ordinance No. 2000- 131

COUNCIL ACTION:  
APPROVED

City Controller

City Attorney

Mayor

First Reading:

Garrison

First:

CARMONA

Second:

8-29-00

Date:

Deferred:

Final Reading:

Garrison

First:

CARMONA

Second:

9-5-00

Date:

# REQUEST SUMMARY

## AGENDA ITEM

TO: MAYOR JOHNNY ISBELL

DATE: AUGUST 11, 2000

FROM: HERMAN R. WEBER

### SUMMARY OF REQUEST:

AN ORDINANCE TO REQUIRE THE PAYMENT OF DAVIS BACON ACT WAGES AS PUBLISHED IN GENERAL DECISIONS TX000010, TX000048, TX000119 AND SUBSEQUENT REVISIONS FOR COVERED OCCUPATIONS ON ALL CONSTRUCTION PROJECTS CONTRACTED FOR BY THE CITY OF PASADENA, TEXAS.

### RECOMMENDATION & JUSTIFICATION:

THIS WILL PROVIDE FOR UNIFORM WAGES FOR BOTH FEDERALLY ASSISTED AND NON-FEDERALLY ASSISTED CONSTRUCTION CONTRACTS.

Estimated Cost: \$ \_\_\_\_\_

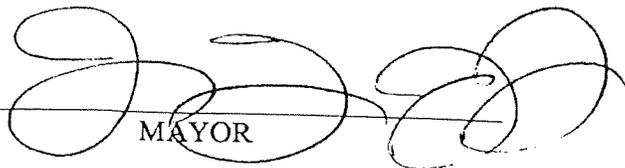
Budgeted: Yes  No

If Unbudgeted, source of funds:  
\_\_\_\_\_  
\_\_\_\_\_

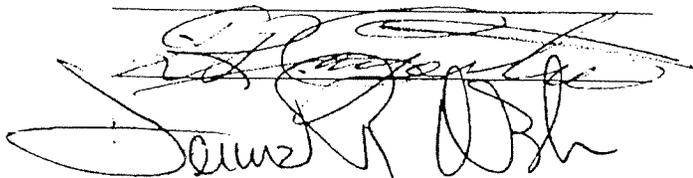
APPROVED:

\_\_\_\_\_ Work Session Agenda

\_\_\_\_\_ Council Agenda

  
\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
DATE



AN ORDINANCE REQUIRING PAYMENT OF DAVIS BACON ACT WAGES AS PUBLISHED IN GENERAL DECISIONS TX000010, TX000048, TX000119 AND SUBSEQUENT REVISIONS FOR COVERED OCCUPATIONS ON ALL CONSTRUCTION PROJECTS CONTRACTED BY THE CITY OF PASADENA, TEXAS, TO PROVIDE FOR UNIFORM WAGES FOR BOTH FEDERALLY ASSISTED AND NON-FEDERALLY ASSISTED CONSTRUCTION CONTRACTS.

WHEREAS, the requirement of payment of Davis Bacon Act wages on all construction projects contracted by the City of Pasadena, Texas, will provide for uniform wages for both federally assisted and non-federally assisted construction contracts; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PASADENA:

SECTION 1. That those certain wages declared by the Davis Bacon Act as published in General Decisions TX000010, TX000048, TX000119 and subsequent revisions for covered occupations are hereafter required on all construction projects contracted by the City of Pasadena, Texas, as shown on Exhibit "A" attached hereto and incorporated herein for all purposes, are hereby in all things accepted, affirmed, approved, and adopted by the Mayor and City Council.

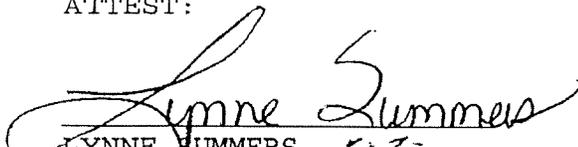
(APPROVAL AND SIGNATURE - NEXT PAGE)

PASSED ON FIRST READING by the City Council of the City of  
Pasadena, Texas in regular meeting in the City Hall this the  
29<sup>th</sup> day of August, A.D., 2000.

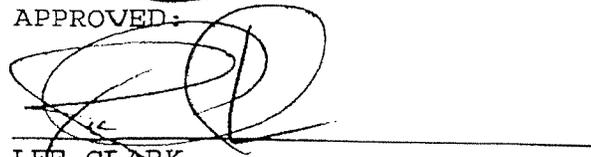
APPROVED this the 29<sup>th</sup> day of August, A.D., 2000.

  
JOHNNY ISBELL, MAYOR  
OF THE CITY OF PASADENA, TEXAS

ATTEST:

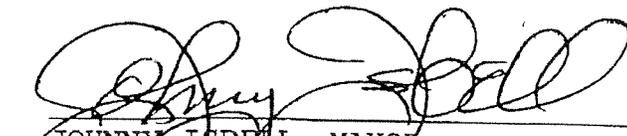
  
LYNNE SUMMERS  
CITY SECRETARY  
CITY OF PASADENA, TEXAS

APPROVED:

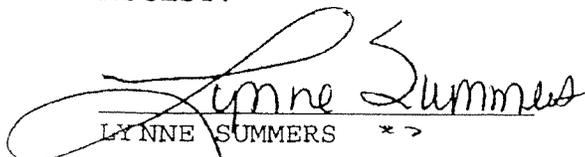
  
LEE CLARK  
CITY ATTORNEY  
CITY OF PASADENA, TEXAS

PASSED ON SECOND AND FINAL READING by the City Council of the  
City of Pasadena, Texas in regular meeting in the City Hall  
this the 5<sup>th</sup> day of September, A.D., 2000.

APPROVED this the 5<sup>th</sup> day of September, A.D., 2000.

  
JOHNNY ISBELL, MAYOR  
OF THE CITY OF PASADENA, TEXAS

ATTEST:

  
LYNNE SUMMERS  
CITY SECRETARY  
CITY OF PASADENA, TEXAS

APPROVED:

  
LEE CLARK  
CITY ATTORNEY  
CITY OF PASADENA, TEXAS

General Decision Number TX000010

Superseded General Decision No. TX990010

State: TEXAS

Construction Type:  
BUILDING

County(ies):  
GALVESTON                      HARRIS

BUILDING CONSTRUCTION PROJECTS (does not include single family homes & apartments up to & including 4 stories). (Use current highway general wage determination for Paving & Utilities incidental to Building Construction for Galveston (excluding Galveston Island) & Harris Cos.) (DOES NOT APPLY TO ANY WORK ON TREATMENT PLANT SITES IN HARRIS CO.)

Modification Number	Publication Date
0	02/11/2000
1	04/07/2000
2	06/02/2000

COUNTY(ies):

GALVESTON HARRIS

ASBE0022A 06/01/1999

	Rates	Fringes
INSULATOR/ASBESTOS WORKERS (includes application of all insulationg materials, protec- tive coverings, coatings and finishing to all types of mechanical systems)	17.59	5.75

BRTX0001A 11/01/1999

	Rates	Fringes
GALVESTON COUNTY		
BRICKLAYERS & STONEMASONS	16.05	3.05

BRTX0007A 01/01/1999

	Rates	Fringes
HARRIS COUNTY		
BRICKLAYERS & STONEMASONS	15.55	4.65

\* ELEV0031A 06/29/1999

	Rates	Fringes
ELEVATOR MECHANICS	21.21	6.675+a

FOOTNOTES:

a. - Employer contributes 8% of basic hourly rate for over 5 years' service and 6% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; Christmas Day.

ENGI0450E 04/01/1998

	Rates	Fringes
POWER EQUIPMENT OPERATORS:		
GALVESTON COUNTY		
Cranes	17.34	4.55
Forklifts	17.34	4.55
HARRIS COUNTY		
Crane	16.60	3.89
Forklifts	16.60	3.89

FOOTNOTE: +0.75 per hour differential paid to all certified tower crane operators and all certified crane operators of 100 tons capacity and over

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IRON0084A 06/01/1999		
IRONWORKERS	Rates 16.77	Fringes 4.20
-----		
PAIN1008A 07/01/1999		
GLAZIERS	Rates 16.24	Fringes 4.54
-----		
PAIN1863A 04/18/1994		
SOFT FLOOR LAYERS	Rates 15.00	Fringes 3.49
-----		
PLAS0079A 04/01/1993		
PLASTERERS	Rates 16.55	Fringes 1.94
-----		
* PLUM0068A 04/01/2000		
PLUMBERS	Rates 22.03	Fringes 5.20
-----		
PLUM0211A 04/01/2000		
PIPEFITTERS (including HVAC WORK)	Rates 21.16	Fringes 6.80
-----		
SFTX0669A 01/01/2000		
SPRINKLER FITTERS	Rates 20.62	Fringes 5.95
-----		
* SHEE0054A 04/01/2000		
SHEET METAL WORKERS (Including HVAC Duct Work)	Rates 20.15	Fringes 5.54
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SUTX1082A 04/01/1989		
CARPENTERS:	Rates	Fringes
Excluding Drywall Hangers and Acoustical Ceiling	13.45	2.42
Acoustical Ceiling Installation Only	12.65	
Drywall Hanging Only	10.99	
CEMENT MASONS	13.43	2.18

ELECTRICIANS (Including Low Voltage Work)	14.68	3.83
LABORERS, Unskilled	7.20	
PAINTERS (Including Drywall Finishers)	12.02	3.30
POWER EQUIPMENT OPERATORS:		
Backhoes	11.79	
Front End Loaders	12.17	
ROOFERS	10.94	
TILE SETTERS	14.41	
TRUCK DRIVERS	10.63	

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WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.  
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Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR 5.5(a)(1)(v)).

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In the listing above, the "SU" designation means that rates listed under that identifier do not reflect collectively bargained wage and fringe benefit rates. Other designations indicate unions whose rates have been determined to be prevailing.

WAGE DETERMINATION APPEALS PROCESS

1.) Has there been an initial decision in the matter? This can be:

- \* an existing published wage determination
- \* a survey underlying a wage determination
- \* a Wage and Hour Division letter setting forth a position on a wage determination matter
- \* a conformance (additional classification and rate) ruling

On survey related matters, initial contact, including requests for summaries of surveys, should be with the Wage and Hour Regional Office for the area in which the survey was conducted because those Regional Offices have responsibility for the Davis-Bacon survey program. If the response from this initial contact is not satisfactory, then the process described in 2.) and 3.) should be followed.

With regard to any other matter not yet ripe for the formal process described here, initial contact should be with the Branch of Construction Wage Determinations. Write to:

Branch of Construction Wage Determinations  
Wage and Hour Division  
U. S. Department of Labor  
200 Constitution Avenue, N. W.  
Washington, D. C. 20210

2.) If the answer to the question in 1.) is yes, then an interested party (those affected by the action) can request review and reconsideration from the Wage and Hour Administrator (See 29 CFR Part 1.8 and 29 CFR Part 7). Write to:

Wage and Hour Administrator  
U.S. Department of Labor  
200 Constitution Avenue, N. W.  
Washington, D. C. 20210

The request should be accompanied by a full statement of the interested party's position and by any information (wage payment data, project description, area practice material, etc.) that the requestor considers relevant to the issue.

3.) If the decision of the Administrator is not favorable, an interested party may appeal directly to the Administrative Review Board (formerly the Wage Appeals Board). Write to:

Administrative Review Board  
U. S. Department of Labor  
200 Constitution Avenue, N. W.  
Washington, D. C. 20210

4.) All decisions by the Administrative Review Board are final.  
END OF GENERAL DECISION

General Decision Number TX000048

Superseded General Decision No. TX990048

State: TEXAS

Construction Type:  
HIGHWAY

County(ies):

BRAZORIA	HARRIS	ORANGE
FORT BEND	JEFFERSON	WALLER
GALVESTON	LIBERTY	
HARDIN	MONTGOMERY	

HIGHWAY CONSTRUCTION PROJECTS (excluding tunnels, building structures in rest area projects, and railroad construction; bascule, suspension & spandrel arch bridges; bridges designed for commercial navigation; bridges involving marine construction; other major bridges)

Modification Number	Publication Date
0	02/11/2000

COUNTY(ies):

BRAZORIA	HARRIS	ORANGE
FORT BEND	JEFFERSON	WALLER
GALVESTON	LIBERTY	
HARDIN	MONTGOMERY	

SUTX2045A 03/26/1998

	Rates	Fringes
ASPHALT RAKER	8.28	
ASPHALT SHOVELER	7.45	
BATCHING PLANT WEIGHER	11.11	
CARPENTER	10.35	
CONCRETE FINISHER-PAVING	9.87	
CONCRETE FINISHER-STRUCTURES	9.86	
CONCRETE RUBBER	9.00	
ELECTRICIAN	16.15	
FLAGGER	6.66	
FORM BUILDER (STRUCTURES)	9.96	
FORM LINER-PAVING & CURB	9.03	
FORSETTER (PAVING/CURB)	8.86	
FORM SETTER-STRUCTURES	9.05	
LABORER-COMMON	7.45	
LABORER-UTILITY	8.53	
LINEPERSON	7.50	
MANHOLE BUILDER (Brick)	8.49	
MECHANIC	11.38	
OILER	9.56	
SERVICER	9.51	
PAINTER-STRUCTURES	14.00	
PILED RIVER	10.96	
PIPE LAYER	8.49	
ASPHALT DISTRIBUTOR	9.47	
ASPHALT PAVING MACHINE	10.05	
BROOM OR SWEEPER OPERATOR	8.01	
BULLDOZER	9.91	
CONCRETE CURING MACHINE	8.80	
CONCRETE FINISHING MACHINE	11.79	
CONCRETE JOINT SEALER	10.50	
CONCRETE PAVING FLOAT	9.30	
CONCRETE PAVING SAW	10.01	
CONCRETE PAVING SPREADER	9.32	
SLIPFORM MACHINE OPERATOR	9.20	
CRANE, CLAMSHELL, BACKHOE, DERRICK, D'LINE, SHOVEL	11.35	

CRUSHER/SCREENING PLANT	11.00
FOUNDATION DRILL OPERATOR, CRAWLER MOUNTED	12.59
FOUNDATION DRILL OPERATOR TRUCK MOUNTED	12.73
FRONT END LOADER	9.29
MILLING MACHINE OPERATOR MIXER	10.43
MOTOR GRADER (FINE GRADE)	7.94
MOTOR GRADER	11.11
PAVEMENT MARKING MACHINE ROLLER, STEEL WHEEL PLANT MIX PAVEMENTS	10.67
ROLLER, STEEL WHEEL OTHER FLATWHEEL OR TAMPING	7.45
ROLLER, PNEUMATIC, SELF PROPELLED	9.25
SCRAPER-	7.61
TRACTOR-CRAWLER TYPE	7.96
TRACTOR-PNEUMATIC	8.69
TRAVELING MIXER	10.12
TRENCHING MACHINE-LIGHT	8.99
TRENCHING MACHINE-HEAVY	9.35
WAGON-DRILL, BORING MACHINE	10.50
REINFORCING STEEL SETTER (PLAVING)	13.56
REINFORCING STEEL SETTER STRUCTURES	10.15
STEEL WORKER-STRUCTURAL	12.50
SIGN ERECTOR	12.47
SPREADER BOX OPERATOR	10.35
WORK ZONE BARRICADE	10.06
SIGN INSTALLER	9.08
TRUCK DRIVER-SINGLE AXLE LIGHT	7.45
TRUCK DRIVER-SINGLE AXLE HEAVY	7.45
TRUCK DRIVER-TANDEM AXLE SEMI TRAILER	8.15
TRUCK DRIVER-LOWBOY/FLOAT	8.76
WELDER	8.00
	11.29
	10.43

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WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

=====

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR§5.5(a) 1(ii))

WAGE DETERMINATION APPEALS PROCESS

1.) Has there been an initial decision in the matter? This can be:

General Decision Number TX000119

Superseded General Decision No. TX990119

State: TEXAS

Construction Type:  
RESIDENTIAL

County(ies):  
HARRIS

Residential Construction Projects consisting of single family homes and apartments up to and including 4 stories.

Modification Number  
0

Publication Date  
02/11/2000

COUNTY(ies):  
HARRIS

SUTX4034A 09/27/1996

	Rates	Fringes
BRICKLAYER	15.00	
CARPENTER (Excluding Formwork)	11.25	1.41
CEMENT MASON (Excluding Formwork)	11.625	.747
ELECTRICIAN (Excluding HVAC Control Wiring & Fire Alarm)	11.884	1.807
ELECTRICIAN (HVAC Control Wire Only)	13.08	3.90
GUTTER INSTALLER	9.00	
HVAC MECHANIC (Duct, Piping, Set Unit, Start-Up Only)	11.61	
LABORERS:		
General	7.596	
Mason Tenders	8.00	.683
PAINTER	9.344	
PLUMBER (Excluding HVAC Piping & Fire Sprinklers)	13.975	1.15
PLUMBER (Fire Sprinklers Only)	12.404	
POWER EQUIPMENT OPERATORS:		
Backhoe	12.00	.690
ROOFER	10.00	

-----  
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Unlisted classifications needed for work not included within the

scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR§5.5(a) 1(ii):

### WAGE DETERMINATION APPEALS PROCESS

1.) Has there been an initial decision in the matter? This can be:

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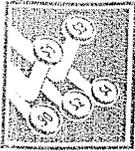
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U. S. Department of Labor  
200 Constitution Avenue, N. W.  
Washington, D. C. 20210

- 4.) All decisions by the Administrative Review Board are final.  
END OF GENERAL DECISION



## Construction of Public Works – Wage Rates

### ***Government Code, Chapter 2258 – Prevailing Wage Rates***

This statute requires paying the prevailing wage rates to laborers and mechanics employed by or on behalf of the State of Texas or any political subdivision of the state engaged in the construction of any public works. This applies both to contractors and subcontractors, but it does not apply to maintenance work.

The wage rate for these jobs shall be not less than the general prevailing rate of per diem wages for similar work in the area the work is performed and not less than the general prevailing rate of per diem wages for legal holiday and overtime work.

The public body awarding the contract must ascertain the prevailing wage rates for each type of workman or craftsman in the contract and must specify the wage rates in the bid specifications and in the contract itself.

To determine the prevailing wage rate, the public body shall either conduct a survey of prevailing wages, in a manner complying with the Information Resources Management Act, or shall adopt the prevailing wage rate as determined by the U.S. Department of Labor in accordance with the Davis Bacon Act, if the survey by the U.S. Department of Labor was conducted within the last three years.

There is a penalty of \$60 per worker per day or portion of a day that the prevailing wage rate is not paid by the contractor or any subcontractor. This provision must be included in the contract. A contractor or subcontractor does not violate this section if a public body awarding a contract does not determine the prevailing wage rates and specify the rates in the contract. The penalty is paid to the state, county, city with a population more than 10,000, district or other political subdivision that awarded the contract. The awarding body collecting money under this provision shall keep it to offset the costs of administering this Act.

The public body awarding the contract must investigate any complaints that the Act is not being complied with and must determine within 30 days whether good cause exists that a violation of this Act has taken place. The public body must then notify the contractor or subcontractor and the affected worker of the determination.

When paying the contractor, the public body must withhold any amounts due under the contract, pending final determination of the violation. The public body may not withhold money from anything other than the final payment without a determination by the public body that there is good cause to believe that the contractor has violated this act. The contractor has authority to withhold any penalty amounts under this section because the subcontractors did not comply with the Act.

If the contractor or subcontractor and the worker fail to resolve the alleged violation within 14 days of the determination, the matter shall be submitted to binding arbitration under the provisions of the Texas General Arbitration Act. If the parties fail to agree on an arbitrator within 10 days, an arbitrator shall be appointed by the district court on petition by either party. The arbitrator's decision shall be final.

A public body shall use any amounts retained to pay the worker the difference between the amount the worker received in wages for labor on the public work at the rate paid by the contractor or subcontractor and the amount the worker would have received at the general prevailing wage rate as provided in the arbitrator's award. If the amounts retained by a public body are not sufficient for