



## METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

August 3, 2009

To Whom It May Concern:

The following sections come directly from the Metropolitan Code of Law related to Procurement's use of the Prevailing Wage Rates resulting from the Davis-Bacon Act. Reference is made to this requirement in all construction contracts and others contracts as needed. I hope that this will satisfy the concerns related to ARRA funded projects.

Departments are responsible for verifying the inclusion of these clauses in all *non-construction* contracts as the funding source requires. Procurement will provide the contract language.

Respectfully,

A handwritten signature in blue ink that reads "Jeff Gossage".

Jeff L. Gossage C.P.M., CPPB  
Purchasing Agent  
Metro Procurement Division

### Excerpts for the M.C.L.

#### **4.20.070 Declaration of policy--Payment of prevailing wages required.**

It is declared to be the policy of the metropolitan government that not less than prevailing wage rates be paid workmen on all building and construction projects wherein any funds of the metropolitan government are expended for such purposes.

(Ord. 92-210 § 1 (5-501), 1992)

#### **4.20.080 Prevailing wages--Basis.**

Any person entering into any contractual agreement with the metropolitan government for any type of building or construction work wherein any funds of the metropolitan government may be appropriated or expended for such building or construction work shall pay not less than the prevailing wage rates for all types and classifications of such work as established for the county by the United States Department of Labor under U.S.C. 40 276a (Davis--Bacon Act), and the metropolitan government hereby adopts those rates subject to the provisions of this chapter.

(Ord. 92-210 § 1 (5-502), 1992)

#### **4.20.090 Prevailing wages--Rate schedules to be specification for work--Posting.**

- A. Before advertising for bids or entering into any contract for the construction of any public work or improvement, the purchasing agent of the metropolitan government, or any other agency of the metropolitan government under whose jurisdiction such work is to be performed, shall ascertain from the U.S. Department of Labor the prevailing wage rates in the county for workmen in the class of work called for in such construction projects. This schedule of wages shall be attached to and made a part of the specifications for the work printed on the bidding blanks, made a part of every contract for the construction of any public works or improvements, and posted on the main employee bulletin board of other conspicuous place on each job site by the contractor.
- B. In addition to the posting of the schedule of wages, the name, mailing address and telephone number of the purchasing agent of metropolitan government shall be posted in the same manner with a statement that any person may report any violations of prevailing provisions to such office. Each employer that is subject to the provisions of this section shall provide to each employee, with the first payroll check, a written document which includes the contract number of the project, the job identification or classification of the employee and the prevailing wage rate for such job. Each employer shall maintain a written acknowledgment of the receipt by each employee of such document with its payroll records.

(Ord. 97-723 § 1, 1997; Ord. 92-210 § 1 (5-503), 1992)

#### **4.20.100 Payroll records--Contractor responsibility.**

- A. Any person who may enter into any contractual agreement with the metropolitan government or any agency thereof for any public works or improvements shall, upon request, furnish the purchasing agent or the agency under whose jurisdiction such work is to be performed certified copies of payroll records, including employees' names, hours worked and rates paid, and shall maintain and preserve such payroll records for one year, and such records shall be open for inspection by the agency under whose jurisdiction the contract is to be performed. The contractor shall supply the requested documents within five working days of receipt of the request. The purchasing agent or his designee may periodically examine the records required to be kept under this section.
- B. The purchasing agent is authorized to enter into a contract or contracts with the metropolitan development and housing agency ("MDHA") pursuant to which MDHA shall perform the necessary review and investigation to determine compliance with the provisions of this chapter as requested by the purchasing agent. MDHA shall be paid an amount not to exceed its actual reasonable expenses of performance of such contract or contracts. This subsection is in no way intended to subject the metropolitan government to any provision of the Davis-Bacon Act not formally adopted by ordinance.

(Ord. 97-723 §§ 2, 3, 1997; Ord. 92-210 § 1 (5-504), 1992)

#### **4.20.110 Violation of Title 4 provisions--Penalty.**

Each day that each employee is not paid in accordance with the provisions of this chapter shall constitute a separate offense. Any contractor found to have violated any provision hereof shall be disqualified from contracting with the government for a period of six months and, upon a second conviction shall be disqualified for a period of one year, and a third conviction, for a period of three years. Furthermore, the particular agency of the metropolitan government which awarded the contract may advertise the work and relet the contract in the same manner as the original letting.

(Ord. 95-1329 § 4, 1995; Ord. 92-210 § 1 (5-505), 1992)

**4.20.120 Effect of federal action on wage determinations.**

- A. The prevailing wage determination decisions shall be the only matter decided by the United States Department of Labor effecting the prevailing wages established under this title for building and construction projects of the metropolitan government. No action by the President of the United States suspending application of the Davis-Bacon Act to projects of the United States Government shall be interpreted to suspend any of the operations of this title.
  - B. The metropolitan government, having only adopted the prevailing wage determination, shall in no way be subject to any provision of the Davis-Bacon Act.
- (Ord. 92-210 § 1 (5-506), 1992