



State of Oregon Department of Environmental Quality  
**Prevailing Wage Agreement**

Contact: [Regional Project Office](#)

The loan recipient, prime contractor and subcontractors all must initial and sign this form.

- The prime contractor copy must be submitted as part of the bid/proposal to the loan recipient.
- A copy of this form signed by the loan recipient and the prime contractor must be submitted with the contract copy to DEQ.
- The prime contractor must obtain a signed copy of this form from each subcontractor and retain them in the prime contractor's contract file.

The undersigned understands that this public works project is funded in whole or in part by the Clean Water State Revolving Fund and is subject to the prevailing wage requirements of Oregon's Bureau of Labor and Industry and the requirements of the Davis-Bacon Act.

\_\_\_\_\_ The undersigned agrees that, notwithstanding any other provision of law, all laborers and mechanics employed on the project must be paid wages at rates not less than those prevailing on projects of a similar character in the locality, as determined by the United States Secretary of Labor, or the Commissioner of the Oregon Bureau of Labor and Industries, whichever is higher, per ORS 279C.838; OAR 839-025-0035(2).

When a public works project is subject to both the state and federal prevailing wage rate laws, contractors and subcontractors must pay the higher of either the state or federal prevailing wage rates for the type of work being performed, per ORS 279C.838; OAR 839-025-0035(2).

### **Davis Bacon (federal law)**

\_\_\_\_\_ Davis-Bacon applies to all treatment works construction projects for the entirety of the construction activities financed by a CWSRF loan through the completion of construction, no matter when construction commences.

\_\_\_\_\_ The Loan Agreement includes specific Davis-Bacon terms and conditions contract language that must be passed through to the prime contractor and all subcontractors in their contracts over \$2,000.

\_\_\_\_\_ The Secretary of Labor's determination, regarding the prevailing wages applicable in the state of Oregon, are located at: <http://www.wdol.gov/> While the solicitation remains open, the sub recipient shall monitor [www.wdol.gov](http://www.wdol.gov) weekly to ensure that the wage determination contained in the solicitation remains current. The sub recipients shall amend the solicitation if DOL issues a modification more than 10 days prior to the closing date (i.e. bid opening) for the solicitation.

If DOL modifies or supersedes the applicable wage determination less than 10 days prior to the closing date, the sub recipients may request a finding from the State recipient that there is not a reasonable time to notify interested contractors of the modification of the wage determination. The State recipient will provide a report of its findings to the sub recipient.

If the sub recipient does not award the contract within 90 days of the closure of the solicitation, any modifications or supersedes DOL makes to the wage determination contained in the solicitation shall be effective unless the State recipient, at the request of the sub recipient, obtains an extension of the 90-day period from DOL pursuant to 29 CFR 1.6(c)(3)(iv). The sub recipient shall monitor [www.wdol.gov](http://www.wdol.gov) on a weekly basis if it does not award the contract within 90 days of closure of the solicitation to ensure that wage determinations contained in the solicitation remain current.

\_\_\_\_\_ The loan recipient or the prime contractor on behalf of the loan recipient maintains on-going wage information as a requirement of the CWSRF funding of a project subject to Davis-Bacon. The CWSRF program suggests using the wage matrix tool at this link <http://www.deq.state.or.us/wq/loans/constructionForms.htm> and instructions for the wage matrix at this link <http://www.deq.state.or.us/wq/loans/docs/WageMatrixInst.pdf>

\_\_\_\_\_ The loan recipient conducts wage interviews with a representative group of workers during the project construction at 30 percent, 60 percent and 90 percent project completion. The loan recipient must conduct additional interviews if there is any reason to suspect a contractor or their subcontractor is at risk for violating wage requirements. As provided in 29 CFR 5.6(a)(6), all interviews must be conducted in confidence. The loan recipient must use Standard Form 1445 or equivalent documentation to memorialize the interviews.

### **Oregon Bureau of Labor and Industry (state law)**

\_\_\_\_\_ Bureau of Labor and Industry prevailing wage rates apply to projects over \$50,000. Oregon prevailing wage rate regulations require every contractor or subcontractor employing workers on a public works project must pay to such workers no less than the applicable prevailing rate of wage for each trade or occupation, as determined by the commissioner, in which the workers are employed. OAR 839-025-0035.

\_\_\_\_\_ The wage rates identified by the Commissioner of the Oregon Bureau of Labor and Industry are located at [http://www.oregon.gov/boli/WH/PWR/Pages/pwr\\_state.aspx](http://www.oregon.gov/boli/WH/PWR/Pages/pwr_state.aspx)

\_\_\_\_\_ The prevailing wage rates in effect at the time the bid specifications are first advertised are the Oregon wage rates that apply for the duration of the project. Prevailing wages obtained through the Bureau of Labor and Industry websites must be included in the bid solicitation and incorporated in all contracts resulting from the procurements.

\_\_\_\_\_ All contractors and subcontractors shall file, with the Construction Contractors Board, a \$30,000 public works bond with a corporate surety authorized to do business in this state. ORS 279C.836 The bond must provide that the contractor or subcontractor will pay claims ordered by Bureau of Labor and Industry to workers performing labor upon public works projects. It must be filed before starting work on a contract or subcontract for the project.

### **Payroll/Certified Statement (form WH-38)**

Form WH-38 may be used by contractors for reporting their payroll as required by ORS 279C.845 on public works projects subject to the Prevailing Wage Rate Law. This form has not been officially approved by the United States Department of Labor, however it is designed to meet the requirements of the federal Davis-Bacon Act as well. [Prevailing Wage Rate Forms](#).

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Signature

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Date

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Title

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Company

## Alternative formats

Documents can be provided upon request in an alternate format for individuals with disabilities or in a language other than English for people with limited English skills. To request a document in another format or language, call DEQ in Portland at 503-229-5696, or toll-free in Oregon at 1-800-452-4011, ext. 5696; or email [deqinfo@deq.state.or.us](mailto:deqinfo@deq.state.or.us)