

| PROPOSED UPDATES TO DENVER'S PREVAILING WAGE ORDINANCE            |                                                                               |                                                                                                                          |                                                                                                                           |                                                                                                                                |                                                                                                                               |                                                                                                            |                                                                                                                            |                                                                                                                               |
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|                                                                   | Remove no longer applicable sections                                          | Clarify Scope                                                                                                            | Clarify Applicable Contract/ PW Dates                                                                                     | Remedy Debarment Process                                                                                                       | Create Penalties for False and Failure to Report                                                                              | Provide Employers Due Process                                                                              | Create Meaningful Deterrents                                                                                               | Clarify Roles and Authority of Auditor and CSA                                                                                |
| Issue being resolved through update                               | Ordinance referenced out dated practices and no longer existing City agencies | Vague and ambiguous terms made it difficult to identify applicable projects                                              | PW enforcement based on the contract date rather than the bid date resulted in an inequitable bid process and PW disputes | An even number panel, member conflicts preventing participation, and need for a majority eliminated the use of debarment       | False and failure to report are the most common PW violations, however the penalty system did not extend to these violations. | Ordinance provided no dispute resolution                                                                   | Small fines and complicated penalty process resulted in employers risking a fine                                           | The roles of the PW Division and CSA became unclear through past practices                                                    |
| Denver's Proposed Updated PW Ordinance                            | Outdated and inapplicable terms have been removed from Ordinance              | Updated Ordinance extends to projects using City funds or performed on City land                                         | The PW will be enforced from the bid date for the first year                                                              | An expansion to a five member debarment panel eliminates the issues created by an even number panel                            | Penalties and fines extended to the most common PW violations                                                                 | Addition of the City's arbitration requirements grants contractors due process                             | An updated and clearer fine system will dissuade contractors from gambling with non-compliance and the risk of fine        | CSA will have solely authority over setting the PW, while the Auditor's Office will have sole authority over enforcing the PW |
| HOW OTHER CITIES' PREVAILING WAGE ORDINANCES ADDRESS THESE ISSUES |                                                                               |                                                                                                                          |                                                                                                                           |                                                                                                                                |                                                                                                                               |                                                                                                            |                                                                                                                            |                                                                                                                               |
| Comparable Cities                                                 |                                                                               | Scope                                                                                                                    | PW Date                                                                                                                   | Debarment                                                                                                                      | False and Failure to Report                                                                                                   | Due Process                                                                                                | Penalties and Fines                                                                                                        | PW Setting and Enforcement                                                                                                    |
| Federal Davis-Bacon Act                                           |                                                                               | Any contract where federal government is party on a public building or a public work in a state or the Dist. of Columbia | Contract date used for PW enforcement                                                                                     | Comptroller General shall publish a list of PW violators, violators shall not contract with the federal government for 3 years | Failure to report or incorrect report processed as an underpayment                                                            | Appeal PW determinations and debarment to an ALJ, secondary appeal to Dept.'s Administrative Review Board. | \$10 a day until 8/1/16; \$25a day after 8/1/16 (under Contract Wage Hours and Safety Standards Act, not Davis- Bacon Act) | Secretary of Labor sets the PW; Dept of Labor enforces the PW                                                                 |

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| Comparable Cities                                                 | Scope                                                                                                                                           | PW Date                                        | Debarment                                                                                                                             | False and Failure to Report                                      | Due Process                                                   | Penalties and Fines                      | PW Setting and Enforcement                                                                                        |
| Phoenix, AZ                                                       | Any public work                                                                                                                                 | Invitation to bid date used for PW enforcement | No debarment procedure                                                                                                                | No penalties for false reporting or failure to report            | No due process provision                                      | No penalty                               | Industrial Commission sets and enforces PW                                                                        |
| Albuquerque, NM                                                   | Every state or municipal contract                                                                                                               | Bid date used for PW enforcement               | Violating contractor debarred until violations resolved and contractor compliant                                                      | No penalties for false reporting or failure to report            | Appeal to a panel of the Labor and Industrial Commission      | No penalty                               | Labor Relations Division sets and enforces PW                                                                     |
| Philadelphia, PA                                                  | All City construction and all offsite fabrication of sheet metal ducts or similar sheet metal products where the compensation exceeds \$200,000 | Project start date used for PW enforcement     | No City contract awarded to any contractor intentionally violating PW or violating PW on >1 City contract within the past three years | \$300 fine for failure to report; No penalty for false reporting | Appeal to a five member panel of the Board of Labor Standards | \$300 per employee for each violation    | PW set by the Director of the Philadelphia Labor Standards Unit; PW enforced by Philadelphia Labor Standards Unit |
| Austin, TX                                                        | All "public work" construction projects if the PW is greater than the Austin city minimum wage                                                  | Bid date used for PW enforcement               | No debarment procedure                                                                                                                | No penalties for false reporting or failure to report            | Disputes arbitrated under the Texas General Arbitration Act   | \$60 a day per employee for underpayment | PW set by Texas State PW Statute; PW enforced by Austin Capital Compliance Office                                 |

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| Comparable Cities                                                 | Scope                                                                     | PW Date                                        | Debarment                                                                        | False and Failure to Report                                  | Due Process                                            | Penalties and Fines                                                                         | PW Setting and Enforcement                                                                                     |
| New York, NY                                                      | Construction under a contract with a public agency for the general public | Contract award date used for PW enforcement    | Debarment where contractor underpays or falsely reports twice in a 6 year period | False and failure to report treated as underpayment          | Dispute hearings held by the State Dept of Labor       | 16% interest on underpayment and 25% penalty on underpayment and penalty                    | NY State Commissioner of Labor sets the PW rate annually; New City Comptroller enforces prevailing wage        |
| St. Paul, MN                                                      | Any state or municipal funding                                            | Bid date used for PW enforcement               | No debarment provision                                                           | No false or failure to report provision                      | State arbitration system                               | Criminal misdemeanor - up to \$700 fine and 90 days in jail                                 | Minnesota Department of Labor and Industry sets and enforces prevailing wage rates                             |
| Detroit, MI                                                       | Any state or municipal funding                                            | Invitation to bid date used for PW enforcement | No debarment provision                                                           | No false or failure to report provision                      | No due process provision                               | Criminal misdemeanor                                                                        | State Dept of Labor and Economic Growth set the PW; Department of Licensing and Regulatory Affairs enforces PW |
| Baltimore, MA                                                     | Contract with state or municipality                                       | Wages at time work performed                   | "Persistent violators" debarred for 2 years                                      | \$10 a day for failure to report, no false reporting penalty | Mandatory hearing before the Commissioner of the Labor | \$20 a day for each underpaid employee or \$250 a day for each employee willfully underpaid | State Dept of Labor Prevailing Wage unit sets the PW rates; Commissioner of the Dept of Labor enforces the PW  |

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| Comparable Cities                                                 | Scope                                                                      | PW Date                          | Debarment                                                                  | False and Failure to Report                                 | Due Process                                                                                             | Penalties and Fines                    | PW Setting and Enforcement                                                                   |
| Cleveland, OH                                                     | Any public improvement                                                     | Bid date used for PW enforcement | Discretion of public authority (agency) to debar for intentional violation | False or failure to report considered intentional violation | Right to appeal any determination to hearing officer designated by the Director of the Dept of Commerce | 75% of underpayment as penalty         | State Dept. of Commerce sets and enforces PW                                                 |
| Pittsburgh, PA                                                    | City contracts with \$100,000 in City funds or a project > 100,000 sq. ft. | Bid date used for PW enforcement | City can prohibit bid from PW violator for 3 years                         | No penalties for false reporting or failure to report       | Due process limited to debarment                                                                        | \$500 fine for each underpaid employee | Bureau of Labor Statistics Market Rates sets the PW; City Solicitor enforces prevailing wage |