

**Amendment to Council Bill 19-0805 concerning an ordinance establishing the
Office of Climate Action, Sustainability, and Resiliency.**

Councilmember Kniech

August 19, 2019

Councilmembers,

I move to amend **CB19-0805** as follows:

1. On page 24, after line 26, insert the following:

“(h) *Prevailing wage.*

(1) *Payment of Prevailing Wage.* Every city contract in excess of two thousand dollars that requires or authorizes covered work on non-commercial property and every city contract in excess of five thousand dollars that requires or authorizes covered work on commercial property, whether for an individual contract or subcontract, or in aggregate where a contract or subcontract may require or authorize covered work across multiple properties, expending green building fund monies must require that every worker, mechanic, or other laborer employed by any contractor or subcontractor for covered work must be paid the prevailing wage, as described in section 20-76, D.R.M.C.

(2) *Covered Work.* For purposes of this subsection (h), covered work shall mean: drayage or construction, alteration, improvement, repair, maintenance or demolition, and the work of a doorkeeper, caretaker, cleaner, window washer, porter, keeper, janitor, or similar custodial or janitorial work. This subsection (h) shall not apply to any person excepted from prevailing wage coverage by 20-76(a), D.R.M.C.

(3) *Record retention.* A contractor or subcontractor that is required to pay prevailing wage in connection with a contract in accordance with paragraph (1) of this subsection (h) must keep and preserve, for a period of at least three years, payroll records and other suitable books and records as may be necessary to determine the prevailing wage paid to workers for covered work. The auditor shall be entitled at any reasonable time to examine the books and payroll records of a contractor or subcontractor related to such a contract and to make copies of their contents.

(4) *Certified payroll.* A contractor or subcontractor performing covered work and receiving compensation from the green building fund in excess of fifty thousand dollars, whether for an individual contract or in aggregate, must furnish to the auditor each pay period during which work is in progress in connection with the contract a true and correct electronically certified copy of the payroll records of every person performing work related to the contract. The certified records must show the number of hours worked, hourly pay, any deductions made from pay, and the net amount of pay received by each worker for the period covered by the payroll.

(5) *Enforcement.* The auditor has the authority and duty to enforce the provisions of this subsection (h). The penalty, complaint, and review provisions of section 20-76 (e), (f), and (g) apply to violations of this paragraph (h).”

PURPOSE OF THE AMENDMENT

The purpose of this amendment is to incorporate prevailing wage requirements on contractors and subcontractors who perform work and receive compensation that derives from the green buildings fund. The amendment includes provisions regarding record retention, certified payroll, and enforcement of the prevailing wage requirements.

If the amendment passes, it will not require a republication of the CB19-0805.