

**WALLA WALLA PUBLIC SCHOOLS #140**  
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## **SMALL WORKS ROSTER 2022-2023**

### **The Law**

Enacted in 1945, the Washington State Public Works Act, also known as the "Prevailing Wage Law," is a worker protection act. It requires that workers be paid prevailing wages when employed on public works projects, and on public building service maintenance contracts. [RCW 39.04.010](#), [RCW 39.12.010](#), and [RCW 39.12.020](#)

### **Purpose**

The Public Works Act is modeled after the federal Davis-Bacon Act which was enacted to protect the employees of contractors performing public works construction from substandard earnings, and to preserve local wage standards. The employees, not the contractor or its assignee, are the beneficiaries of the Act. It is remedial and should be liberally construed. In other words, the Washington State Department of Labor and Industries (department) is directed to apply the law in ways that carry out its intent, which is to protect workers.

### **Small Works Roster**

To perform work for the Walla Walla Public Schools, [all contractors must apply to be on our Small Works Roster \(SWR\) annually](#). SWR's submitted now will be **valid until September 2023**. A SWR application is included with this packet; it must be filled out completely and signed by the owner. The application may be returned by regular postal mail, email or fax. ***No bids will be accepted unless you are on the SWR.***

When the district has a project, we will consult the SWR for an appropriate contractor type and solicit bids off of that list. When you are solicited for a bid, but do not wish to submit one, please make a written "no bid" response.

### **Public Works**

#### **Defined**

Public work is all work, construction, alteration, repair or improvement that is executed at the cost of the state or any other local public agency. This includes, but is not limited to, demolition, remodeling, renovation, road construction, building construction, ferry construction and utilities construction. [RCW 39.04.010](#)

### **Prevailing Wage**

#### **Defined**

Prevailing Wage is the hourly wage, usual benefits and overtime, paid in the largest city in each county, to the majority of workers, laborers, and mechanics. Prevailing wages are established by the Department of Labor and Industries, for each trade and occupation employed in the performance of public work. They are established separately for each county and are reflective of local wage conditions. [RCW 39.12.010](#) and [RCW 39.12.015](#). The revised wage rates can be found at [www.lni.wa.gov/TradesLicensing/PrevWage/WageRates/default.asp](http://www.lni.wa.gov/TradesLicensing/PrevWage/WageRates/default.asp).

### **Responsibilities of Contractors (Employers)**

#### **Intents**

The Intent form is filed *immediately after the contract is awarded* and before work begins, if possible. The district may not make any payments until contractors have submitted an Intent form that has been approved by the Industrial Statistician. [RCW 39.12.020](#), [RCW 39.12.040](#), and [RCW 39.12.042](#).

#### **Affidavits**

The Affidavit form is not filed until after *all the work is completed*. The district may not release final retainage until all contractors have submitted an Affidavit form that has been certified by the Industrial Statistician. [RCW 39.12.040](#) and [RCW 39.12.042](#).

08/08/2022

## **Intent and Affidavit Forms**

Employers must submit the Intent and Affidavit forms (approved and certified by the department) to the agency administering the contract in order to receive payment. Intent forms must be filed prior to the start of work, if possible. Affidavits are filed after completion of the work. There is a \$40 filing fee for each of these forms. RCW 39.12.040, WAC 296-127.040 and WAC 296-127-045.

## **Electronic Filing of Intent and Affidavits**

Intent and Affidavit forms may be submitted electronically at [secureaccess.wa.gov](https://secureaccess.wa.gov).

## **Alternate Filing Options**

### **1. Combined Intent/Affidavit for small works projects under \$2,500 including tax**

A combined Intent to Pay and Affidavit of Wages Paid form for small public works projects under \$2,500 may be used only at the option of the public contract awarding agency. A \$40 filing fee is required. A signature by the public awarding agency is required in addition to the contractor's signature. The public contract awarding agency has a liability for unpaid wages when the alternate form is used so only that awarding agency can authorize the use of the combined form.

### **2. Combined Intent/Affidavit for limited public works projects under \$35,000 including tax**

A combined Intent to Pay and Affidavit of Wages Paid form for limited public works projects under \$35,000 and awarded under the terms of RCW 39.04.155 may be used only at the option of the public contract awarding agency. An \$80 filing fee is required. The public contract awarding agency has a liability for unpaid wages when the alternate form is used so only that awarding agency can authorize the use of the combined form.

## **Labor Classifications**

All work performed under a public works contract must be classified into one or more of the many labor classifications for which prevailing wage rates have been established, so that the appropriate wage can be applied. For example, workers installing sheet metal ducts are classified as Sheet Metal Workers, and should therefore receive the prevailing wage rate for that occupation. Employers are responsible to ensure that the proper classifications of labor are reported, and should take great care since this is where many mistakes are made. Scope of work descriptions are available as a guide in determining which labor classification is appropriate. Some awarding agencies are willing and prepared to offer advice regarding proper labor classifications. Any doubts or unresolved questions regarding the appropriate classifications of labor should be directed to the Prevailing Wage office. RCW 39.12.010, RCW 39.12.020 and RCW 39.12.060. WAC 296-127-013, WAC 296-127-019 and WAC 296-127-060.

More information is available at

<http://www.lni.wa.gov/TradesLicensing/PrevWage/WageRates/default.asp>