

A Guide to the MA Prevailing Wage Law for Awarding Authorities

The Massachusetts Prevailing Wage Law, G.L. c. 149, §§ 26 - 27; c. 5, § 1; c. 71, § 7A and c. 121B, § 29B ("The Prevailing Wage Law") establishes minimum wage rates for workers on **public construction projects**, workers engaged in school bus transportation, operators of vehicles and equipment engaged by public entities for public works purposes (including solid waste and recycling), workers engaged by employers which provide janitorial services for state buildings, office moving services, and for certain employees of housing authorities. These different prevailing wage law requirements are discussed below.

PUBLIC CONSTRUCTION M.G.L. c. 149, §§27-27D

Before soliciting bids for any public construction project, an awarding authority must obtain a prevailing wage rate sheet from DLS. DLS has standardized forms that awarding authorities must use to request prevailing wage rates. Awarding authorities must complete an online prevailing wage request at www.mass.gov/dols/pw. In the rare instance where an awarding authority does not have access to the internet, the awarding authority must call DLS at 617-626-6953 to receive instructions on mailing a hard copy request form. Link for more info: [Prevailing Wage Guide](#)

Public construction work, including additions and alterations to public buildings, soil explorations, test [Public Construction M.G.L. c. 149 sec. 27D](#)

Construction and/or repair is broadly defined below as an “**addition/alteration**”

Once the awarding authority receives the prevailing wage schedule for a particular project, it must include the rate sheet in its invitation for bids. **If the project does not require an invitation for bids (for example, if the project will cost less than \$10,000) the awarding authority must make sure that anyone who is providing a price or estimate for the construction project has a copy of the prevailing wage rate sheet for that project.** Once a contractor has been selected, the prevailing wage rate sheet is made a part of the contract for that project.

- ***There is no dollar threshold under the Prevailing Wage Law.***
- **PREVAILING WAGES**

Blanket Wage Rates for Smaller Projects (under \$10,000)

A blanket period wage sheet is available for work not associated with larger planned projects. For example, a municipality should be able to quickly provide prevailing wage rates to have a broken window repaired without having a delay. For this reason, a period wage sheet is available for small and/or emergency repairs. For larger projects and planned capital improvements, customized prevailing wage sheets should be obtained.

During the construction project, it is the awarding authority's responsibility to monitor contractors' compliance with the prevailing wage law. Weekly payroll records must be collected from all contractors and kept on file. Weekly payroll report forms are available on DLS' website. These weekly payroll records must be maintained by the awarding authority for three years following final payment on the construction project. Contractors and subcontractors are required to submit weekly payroll records to the awarding authority by first-class or electronic mail. A statement of compliance must accompany each weekly payroll submittal. A sample certified payroll report form and statement of compliance are available from DLS at www.mass.gov/dols/pw.