

Prevailing Wage Law Checklist

- 1.** Determine whether prevailing wage law applies to the public works project based on the estimated cost of completion being \$25,000 or more and the project type.
- 2.** Request wage rate determination from the Department of Workforce Development by filling out and submitting form ERD-5719. Wis. Stat. § 66.0903 requires this to be done prior to soliciting bids. DWD is recommending submittal or applications at least 50 to 60 days prior to soliciting bids. Link for form: http://dwd.wisconsin.gov/dwd/forms/erd/erd_5719_e.htm
- 3.** Insert language in the bid notice that the project will be subject to the prevailing wage laws. Sample language to include in the bid notice follows:

"The bidder's attention is called to the fact that this project is subject to a prevailing wage rate determination which has been issued by the State of Wisconsin and that the prevailing wage rates and hours of labor set forth in this determination shall be applicable to this project."

- 4.** Review the list of debarred contractors. These are listed on the DWD website and DWD is also sending a list to the municipality with the determination. You must not knowingly contract with a debarred contractor.
- 5.** Physically incorporate the prevailing wage rate determination for the project into the contract and include a provision in the contract similar to the following:

"The contractor shall abide by the State of Wisconsin, Department of Workforce Development prevailing wage law requirements under s. 66.0903, Wis. Stat. and Wis. Admin. Code ch. DWD 290. The contractor shall also require its subcontractors to pay their employees working under this contract in accordance with the applicable wage rate scale."

- 6.** Post a copy of the prevailing wage rate determination together with the provisions of §§ 66.0903(10)(a) and (11)(a), Wis. Stats. at the work site or at a place normally used to post public notices if there is no appropriate location at the job site.
- 7.** Require the prime contractor to file an affidavit of compliance (form ERD-5724-E) with the local government before issuing the final payment for work on the project.

