

Ordinance

Board of

Ramsey County Commissioners

Presented By: Commissioner Reinhardt Date: December 3, 2013 No. 2013-329

Attention: County Attorney
Finance
Procurement Office

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An ordinance requiring the establishment of a prevailing wage rate as defined in Minnesota Statutes, Section 177.41 to 177.44, as amended from time to time, as the minimum standard for wages paid to all workers working on Projects and providing Services as those terms are defined herein

The Board of Commissioners of the County of Ramsey does ordain:

SECTION 1 –TITLE; PURPOSE; AUTHORITY; AND SUPERSEDING EFFECT

A. Title. This Ordinance shall be known and may be cited as the “Ramsey County Prevailing Wage Ordinance.”

B. Purpose.

- 1) Whereas, since 1977 Ramsey County has maintained a prevailing wage policy that is required to be included in all solicitations for bids on contracts for the purchase of labor and materials only; and
- 2) Whereas, it is the intent and objective of Ramsey County that Projects and Services as those terms are defined herein, be constructed, maintained and provided by the highest quality labor that is reasonably available and that persons working on such Projects or providing such Services be compensated according to the real and equitable value of the services they perform; and
- 3) Whereas, it is the purpose of this Ordinance that the values reflected in the longstanding prevailing wage policy of Ramsey County be codified to require among other things that the hourly wages paid to workers on Projects and for Services as defined herein not be less than the prevailing hourly wage rates established by Minnesota Statutes, Sections 177.41 to 177.44, as amended from time to time.



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C. Authority. This Ordinance is enacted pursuant to the powers granted to Ramsey County under Minnesota Statutes, Sections 375.51, 471.345, Subdivision 7, the Home Rule Charter for Ramsey County, and other applicable state laws as they may be amended from time to time.

D. Superseding Effect of Ramsey County Prevailing Wage Ordinance. This Ordinance shall supersede Section 5.10.57 of the Ramsey County Administrative Code and Ramsey County Board Resolution No. 77-93, adopted on January 17, 1977 pertaining to prevailing wages.

SECTION 2 – DEFINITIONS

A. Definitions.

- 1) *Apprenticeship Program* means a bona fide apprenticeship program registered with the U.S. Department of Labor or recognized by a governmental agency of the State of Minnesota.
- 2) *Certified Payroll Records* means payroll records furnished under oath subject to penalty of perjury as provided by Minnesota Statute, Section 609.48, signed by an owner or officer of an employer and provided to the County department named in the contract no more than fourteen (14) days after the end of each pay period including a certified payroll report with respect to the wages and benefits paid each employee during the preceding week specifying for each employee: name; identifying number; prevailing wage master job classification; hours worked each day; total hours; rate of pay; gross amount earned; each deduction for taxes; total deductions; net pay for week; dollars contributed per hour for each benefit, including name and address of administrator; benefit account number; and telephone number for health and welfare, vacation or holiday, apprenticeship training, pension, and other benefit programs.



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- 3) *County* means collectively Ramsey County, a home rule charter county and political subdivision of the State of Minnesota together with its Regional Railroad Authority and its Housing and Redevelopment Authority, both of which are political subdivisions of the State of Minnesota.
 - 4) *Compliance Officer* means those persons employed or authorized by the Ramsey County Attorney's Office to investigate complaints pertaining to this Ordinance on behalf of the County.
 - 5) *Covered Persons* means contractors, subcontractors, vendors, suppliers, holders of interests in real property, agents, or other persons regardless of the form of business entity used by the Covered Person, including but not limited to individuals, sole proprietorships and independent contractors, contracting directly with the County with respect to Projects or for Services or subcontracting to perform all or part of the work on such Projects or to perform such Services.
 - 6) *Department* means the department or office of the County designated by the County Manager to undertake a Project or utilize Services.
 - 7) *Hourly basic rate* means the hourly rate of wages paid to any employee.
 - 8) *Prevailing Hours of Labor* means not more than eight hours per day or more than 40 hours per week.
 - 9) *Prevailing Wage Rate* shall have the meaning contained in Minnesota Statute, Section 177.42, Subd. 6, as determined from time to time by the Minnesota Department of Labor and Industry for the area where the Project is located or where the Services are provided. The Minnesota Department of Labor and Industry shall determine the prevailing wage rate in accordance with Minnesota Statutes, Sections 177.41–177.44, as amended from time to time, and applicable rules promulgated thereto, including but not limited to Minnesota Rules 5200.1000 -5200.1120, as



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amended from time to time. In those instances where the Minnesota Department of Labor and Industry has not certified and published as prevailing a rate of wages and benefits for a particular work classification, the minimum wage and benefit rate per hour to be paid for such work classification means the union wage and benefit rate in the locality of the Project or for Services as the case may be for such classification over which the union has jurisdiction.

- 10) *Project* means any construction, demolition, excavation, remodeling, or repair on any roads, bridges, sewers, streets, alleys, parks, parkways, buildings, removal of public nuisances or any other improvement made to public or private property.
- 11) *Project or Services Manager* means the Department that is responsible for managing and administering the contract for a Project or Services including, but not limited to, monitoring compliance with this Ordinance on behalf of the County.
- 12) *Services* means private security services, custodial services and vehicle towing services provided to the County.
- 13) *Volunteer Program* means a program recognized in a contract with the County and a Covered Person and approved by the County Manager, in which persons will volunteer their time working on a Project or providing Services. For purposes of this definition, the term "Volunteer" shall mean persons who freely and without intimidation or coercion provide labor or services without expectation of monetary compensation.

SECTION 3 – REQUIREMENTS

A. Application.

Except as otherwise provided below in Section 3 A. 1), this Ordinance applies to all contracts with Covered Persons in which the County is a contracting party: (i) with respect to Projects with an estimated total completion cost over twenty-five thousand dollars (\$25,000.00) and where the County will provide any financial assistance or payment, including but not limited to contract payments, grants, loans,



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loan guarantees, tax increment financing, tax abatements, tax credits, lease payments, loan payments, contract for deed payments or revenue from bonds; and (ii) for Services with an anticipated contract value over \$25,000.00. This Ordinance also applies to all Covered Persons, including subcontractors, performing work on a Project as described above in Section 3A(i) or under a contract for Services as described in Section 3A(ii) even if they do not have a direct agreement with the County.

- 1) **Exceptions.** This Ordinance does not apply to: a) apprentices working on Projects or providing Services pursuant to a bona fide registered Apprenticeship Program for work performed in his or her trade. A trainee and a helper are not exempt under this provision; the Covered Person must assign the trainee or helper a job classification that is the "same or most similar" to the work being performed and compensate the trainee or helper for the actual work performed regardless of the trainee's or helper's skill; or b) that portion only of Projects or Services where the work is performed or provided pursuant to a Volunteer Program.
- 2) **Prevailing Wage Required.** All Covered Persons must pay workers or be paid at a minimum, the Prevailing Wage Rate.
- 3) **Prevailing Hours of Labor.** All laborers, mechanics or workers employed directly by a Covered Person to perform work on a Project or provide Services may not work more hours than the Prevailing Hours of Labor, unless paid for all hours in excess of the Prevailing Hours at a rate of at least one and one-half (1-1/2) times the prevailing hourly basic rate of pay.
- 4) **Notice.** All Covered Persons must post a notice describing the applicable Prevailing Wage rates in at least one conspicuous place located on the Project site or the site where Services are performed to be determined by the Project or Services Manager for the duration of the Project or the contract for Services. The posted information contained in the notice which must be approved by the Project or Services Manager must include at a minimum a breakdown of the hourly basic rates of pay



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as well as contributions for health and welfare benefits, vacation benefits, pension benefits, and any other economic benefit.

5) **Trucking.**

- a. For the purposes of this Ordinance, the payment of prevailing wage and/or truck rental rates is required for work performed for Projects or Services and shall not be less than the rates and standards set forth in Minnesota Statutes, Sections 177.41-177.44 and Minnesota Rules 5200.1000 to 5200.1120, as they may be amended from time to time.
- b. A Covered Person acquiring trucking services from an Independent Truck Owner, Multiple Truck Owner, or Truck Broker to perform or provide covered hauling activities shall comply with the payment of the certified State of Minnesota truck rental rates.
- c. A Covered Person who uses trucking services as part of its work performed on Projects or provided for Services shall submit on its behalf and on behalf of all its subcontractors a Month-End Trucking Report and Statement of Compliance Form along with each Independent Truck Owner, Multiple Truck Owner, and Truck Broker report to the County's designated Project or Services Manager. The Covered Person must use Month-End Trucking Report and Statement of Compliance Forms and report forms approved by the County.

6) **Compliance Investigations and Enforcement.**

- a. The Compliance Officer will investigate all complaints and monitor compliance upon receipt of a complaint regarding violations of this Ordinance.
- b. All Covered Persons must furnish copies of Certified Payroll Records for all work performed on a Project or for Services no later



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than fourteen (14) calendar days after each pay period to the designated Project or Services Manager.

- c. Either the designated Project or Services Manager or the Compliance Officer may request additional records reasonably required to monitor compliance or investigate complaints regarding this Ordinance. Upon request made by the designated Project or Services Manager or Compliance Officer, all Covered Persons shall promptly provide additional records reasonably required to monitor compliance with this Ordinance.
 - d. All Covered Persons shall permit the Compliance Officer physical access to the site where the Project is located or where the Services are being provided at any time for the exclusive purpose of monitoring compliance with this Ordinance.
- 7) **Bid Specifications and Contract Terms.** The requirements and obligations contained in this Ordinance are deemed to be incorporated into the bid specifications and requests for bids or proposals for all Projects and Services and are material and binding terms and conditions of all contracts and subcontracts for Projects and Services.
- 8) **Prevailing Wage Violations; Civil Enforcement; Criminal Enforcement.**
- a. Civil Enforcement – In addition to pursuit of criminal sanctions as provided in Section 8 (b) of this Ordinance, a violation of this Ordinance, may result in the County undertaking the following actions: (i) seeking injunctive relief to compel specific performance of the requirements contained in this Ordinance; (ii) withholding funds owed by the County to the violating party pursuant to an agreement in sufficient amounts to fully remedy and satisfy the violation together with the withholding of a fee equal to five (5) percent of the entire contract price to the County as liquidated damages; (iii) termination of the contract with the violating party; (iv)



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the debarment of the violating party pursuant to Ramsey County ordinance. None of the foregoing remedies are intended to be exclusive of any other remedy, but each is in addition to every other remedy listed above or otherwise available.

(b) Criminal Enforcement – Any Covered Person who violates the provisions of this Ordinance shall be guilty of a misdemeanor that is punishable by a fine of not more than \$1,000.00, or imprisonment for not more than ninety (90) days, or both. Each day a violation of this Ordinance continues is a separate offense.

9) **No Conflict with Related Federal, State, County or Municipal Laws, Ordinances and Policies.** Except as otherwise stated herein, no provision of this Ordinance is intended nor shall be construed as being in conflict with any Federal, State of Minnesota, Ramsey County or municipal laws, ordinances, rules, regulations or policies related to the matters to be regulated herein. Further, the obligations and requirements contained in this Ordinance shall be deemed to be in addition to the obligations and requirements contained in any such federal, state, county or municipal laws, ordinances, rules or regulations.

10) **Severability.** If any provision or application of this chapter is declared illegal, invalid, or inoperative, in whole or in part, by any court of competent jurisdiction, the remaining provisions and portions thereof and applications not declared illegal, invalid, or inoperative shall remain in force or effect.

This Ordinance shall take effect and be in force ninety (90) days following its passage, approval and publication.

Ramsey County Board of Commissioners

	YEA	NAY	OTHER
Toni Carter	X		
Blake Huffman	X		
Jim McDonough	X		
Mary Jo McGuire	X		
Victoria Reinhardt	X		
Janice Rettman	X		
Rafael Ortega	X		

Rafael Ortega, Chair

By: 

Bonnie C. Jackelen
Chief Clerk – County Board