
SUBSTITUTE SENATE BILL 5383

State of Washington

52nd Legislature

1991 Regular Session

By Senate Committee on Commerce & Labor (originally sponsored by Senators Hansen, Snyder, Matson, Barr and Skratek).

Read first time March 6, 1991.

1 AN ACT Relating to procedures for approving statements of intent to
2 pay prevailing wages; for certifying affidavits of wages paid; for
3 collection of wages owed, including penalties for noncompliance; for
4 public works projects of two thousand five hundred dollars or less; and
5 amending RCW 39.12.040.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 **Sec. 1.** RCW 39.12.040 and 1982 c 130 s 2 are each amended to read
8 as follows:

9 (1) Except as provided in subsection (2) of this section, before
10 payment is made by or on behalf of the state, or any county,
11 municipality, or political subdivision created by its laws, of any sum
12 or sums due on account of a public works contract, it shall be the duty
13 of the officer or person charged with the custody and disbursement of
14 public funds to require the contractor and each and every subcontractor
15 from the contractor or a subcontractor to submit to such officer a

1 "Statement of Intent to Pay Prevailing Wages". For a contract in
2 excess of ten thousand dollars, the statement of intent to pay
3 prevailing wages shall include:

- 4 ~~((1))~~ (a) The contractor's registration certificate number; and
5 ~~((2))~~ (b) The prevailing rate of wage for each classification of
6 workers entitled to prevailing wages under RCW 39.12.020 and the
7 estimated number of workers in each classification.

8 Each statement of intent to pay prevailing wages must be approved
9 by the industrial statistician of the department of labor and
10 industries before it is submitted to said officer. Unless otherwise
11 authorized by the department of labor and industries, each voucher
12 claim submitted by a contractor for payment on a project estimate shall
13 state that the prevailing wages have been paid in accordance with the
14 prefiled statement or statements of intent to pay prevailing wages on
15 file with the public agency. Following the final acceptance of a
16 public works project, it shall be the duty of the officer charged with
17 the disbursement of public funds, to require the contractor and each
18 and every subcontractor from the contractor or a subcontractor to
19 submit to such officer an "Affidavit of Wages Paid" before the funds
20 retained according to the provisions of RCW 60.28.010 are released to
21 the contractor. Each affidavit of wages paid must be certified by the
22 industrial statistician of the department of labor and industries
23 before it is submitted to said officer.

24 (2) As an alternate to the procedures provided for in subsection
25 (1) of this section, for public works projects of two thousand five
26 hundred dollars or less:

27 (a) An awarding agency may authorize the contractor or
28 subcontractor to submit the statement of intent to pay prevailing wages
29 directly to the officer or person charged with the custody or
30 disbursement of public funds in the awarding agency without approval by

1 the industrial statistician of the department of labor and industries.
2 The awarding agency shall retain such statement of intent to pay
3 prevailing wages for a period of not less than three years.

4 (b) Upon final acceptance of the public works project, the awarding
5 agency shall require the contractor or subcontractor to submit an
6 affidavit of wages paid. Upon receipt of the affidavit of wages paid,
7 the awarding agency may pay the contractor or subcontractor in full,
8 including funds that would otherwise be retained according to the
9 provisions of RCW 60.28.010. Within thirty days of receipt of the
10 affidavit of wages paid, the awarding agency shall submit the affidavit
11 of wages paid to the industrial statistician of the department of labor
12 and industries for approval.

13 (c) A statement of intent to pay prevailing wages and an affidavit
14 of wages paid shall be on forms approved by the department of labor and
15 industries.

16 (d) In the event of a wage claim and a finding for the claimant by
17 the department of labor and industries where the awarding agency has
18 used the alternative process provided for in subsection (2) of this
19 section, the awarding agency shall pay the wages due directly to the
20 claimant. If the contractor or subcontractor did not pay the wages
21 stated in the affidavit of wages paid, the awarding agency may take
22 action at law to seek reimbursement from the contractor or
23 subcontractor of wages paid to the claimant, and may prohibit the
24 contractor or subcontractor from bidding on any public works contract
25 of the awarding agency for up to one year.

26 (e) Nothing in this section shall be interpreted to allow an
27 awarding agency to subdivide any public works project of more than two
28 thousand five hundred dollars for the purpose of circumventing the
29 procedures required by RCW 39.12.040(1).