

WSR 23-24-085
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed December 5, 2023, 12:02 p.m., effective July 1, 2024]

Effective Date of Rule: July 1, 2024.

Purpose: The department of labor and industries (L&I) is updating the threshold amount in WAC 296-127-050 from the outdated \$2,500 threshold used by awarding agencies of the alternate filing procedures (combined intent and affidavit form) on public works projects, to be consistent with recent changes to RCW 39.12.040 Statement of intent to pay prevailing wages. In order to avoid future rule making if the statutory amount is changed in the future, L&I is removing the dollar amounts in rule and cross referencing directly to the statute (RCW 39.12.040).

Citation of Rules Affected by this Order: Amending WAC 296-127-050.

Statutory Authority for Adoption: Chapter 39.12 RCW.

Adopted under notice filed as WSR 23-20-100 on October 3, 2023.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: December 5, 2023.

Joel Sacks
Director

OTS-4963.1

AMENDATORY SECTION (Amending WSR 92-01-104, filed 12/18/91, effective 1/31/92)

WAC 296-127-050 Filing of statements of intent to pay prevailing wages and affidavits of wages paid (~~for contracts under two thousand five hundred dollars~~) per RCW 39.12.040(2). A contract awarding agency may, as part of a public works contract, enter into an agreement with a contractor to approve statements of intent to pay prevailing wages and affidavits of wages paid on behalf of the department (~~for contracts wherein the total amount does not exceed two thousand five hundred dollars~~) as provided in RCW 39.12.040(2), pursuant to the following terms:

(1) The agreement must be incorporated into the bid specifications and contract document;

(2) Statement of intent forms and affidavit of wages paid forms, provided by the department, must be filed with the contract awarding agency by the contractor prior to the disbursement of public funds;

(3) Contract awarding agencies must retain copies of all statements of intent to pay prevailing wages received pursuant to this section for a period of not less than three years;

(4) Contract awarding agencies must send to the department copies of all affidavits of wages paid received pursuant to this section within (~~thirty~~) 30 days of receipt from the contractor;

(5) The contract awarding agency shall accept full responsibility and liability for payment of any valid wage claims directly to the claimant;

(6) The contract awarding agency may proceed against any contractor found to have violated the provisions of the statute, and may debar such contractor from consideration for future contracts for up to one year and will provide the department with the names and contractor registration or other employer identification numbers of any such debarred contractors within (~~thirty~~) 30 days of the debarment; and

(7) Contract awarding agencies and contractors shall not enter into contracts or agreements to perform public work that subdivide or otherwise disaggregate any public works project of more than (~~two thousand five hundred dollars~~) the dollar amount outlined in RCW 39.12.040 (2) (e), to enable such public works project to be awarded pursuant to this section.