

103-C-254 WAGE AND PAYROLLS REQUIREMENTS

(Adopted 05-18-17)

The Standard Specifications are revised as follows:

SECTION 103, BEGIN LINE 683, DELETE AND INSERT AS FOLLOWS:

103.06 Wage and Labor Requirements

These requirements ~~will apply only to a 100% State funded contract~~ *to all contracts let by the Department.* These requirements will apply to all work performed by the Contractor with its own organization and with the assistance of workers under its immediate superintendence, and to all work performed by piecework, station work, ~~or subcontract, or lease.~~

(a) Non-discrimination of Employees

The Contractor and its subcontractors shall not discriminate against an employee or applicant for employment, to be employed in the performance of the contract work, with respect to hire, tenure, terms, conditions, or privileges of employment or matters directly or indirectly related to employment, because of race, religion, color, sex, *sexual orientation, sexual identity*, disability, national origin, or ancestry. Breach of this covenant may be regarded as a material breach of the contract.

(b) Affidavits and Payrolls

All labor shall be paid weekly. The payroll and related records of the Contractor and all subcontractors shall be preserved for a period of three years after completion of the project work, and be open to the inspection of the Department.

The wages of labor shall be paid in legal tender of the United States. However, this condition will be considered satisfied if payment is made by means of a negotiable check, on a solvent bank, which may be cashed readily by the employees in the local community for the full amount, without discount or collection charges. If checks are used for payment, the Contractor shall make all necessary arrangements for them to be cashed and shall give information regarding such arrangements.

The Contractor on each contract let by the Department shall be responsible for electronically filing certified payroll for its employees and any subcontractors on a weekly basis with the appropriate Department personnel and in a format acceptable to the Department. Failure of the Contractor to timely file certified payroll for its employees or any subcontractors, may result in the withholding of progress estimate payments until the certified payroll is properly submitted.

No fee shall be asked or accepted by the Contractor or its agents from a person as a condition of the contract.

No laborers shall be charged for tools used in performing their respective duties except for reasonable avoidable loss or damage thereto.

Each employee on the work covered by the contract shall be allowed to lodge, board, or trade where or with whom he or she elects. Neither the Contractor nor its

agents, nor its employees shall directly or indirectly require as a condition of employment that an employee shall lodge, board, or trade at a particular place or with a particular person.

No charge shall be made for transportation furnished by the Contractor or its agents to a person employed on the work.

No individual shall be employed as a laborer on the contract except on a wage basis. This shall not be construed to prohibit the rental of trucks or other equipment from individuals. No such rental agreement, or charges for fuel, supplies, or repairs on account of such agreement shall cause deduction from the wages accruing to an employee except as authorized by the regulation cited herein.

(c) Wage Stipulations

No person employed on a federally funded contract shall be paid less than required by the rate of wages set forth for labor classifications listed in the General Decision as required by the Davis Bacon Act and related Acts. No person employed on ~~the~~ a state funded contract shall be paid at a rate of less than \$11.25/h, as required by IC 8-23-9-22 or the rate of wages set forth for labor classifications listed in the General Decision, whichever is greater.

1. General Decision Included in Contract Information Book

The Contractor shall pay the workers who are employed in performance of the contract work, rates of wages which are not less than the rates set forth for labor classifications listed in the General Decision.

The computations used in arriving at the contract unit prices shall be based on the hourly rates shown in the General Decision and as shown above. The wages herein stipulated shall become and be a part of the contract as provided by law.

The following statement, shown in the General Decision, will not apply *to state funded contracts*.

“Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR 5.5(a)(1)(ii)).”

2. General Decision Not Included in Contract Information Book

If the General Decision is not included in the Contract Information book, the requirements of 103.06(c)1 will not apply.
