



DEB Notice 051721
(Effective: 05/01/2021)

**Prevailing Wage
Wage Determination by the Department of Labor and Industry (DOLI)**

I. Purpose of this Notice:

Pursuant to *Code of Virginia* § 2.2-4321.3, beginning May 1, 2021, each State Agency shall ensure that its bid specifications or other public contracts require bidders, offerors, contractors, and subcontractors to pay wages, salaries, benefits, and other remuneration to any mechanic, laborer, or worker employed, retained, or otherwise hired to perform services in connection with the public contract for public works at the prevailing wage rate.

II. Related Construction & Professional Services Manual (CPSM) Revisions:

Section 7.0.1.3 is hereby added to the 2020 Edition of the CPSM, dated July 1, 2020.

III. Applicability:

COV Section 2.2-4321.3, “Payment of prevailing wage for work performed on public works contracts” is effective May 1, 2021. *The General Conditions of the Construction Contract* (CO-7, CO7-DB and CO-7CM), April 2021 edition, includes these requirements under Section 3(m) Laws and Regulations and is available to download from the [DEB Forms Center](#). Beginning May 1, 2021, prevailing wage requirements shall be included in solicitations for projects valued at more than \$250,000. The Wage Determination for prevailing wage rates obtained from the Department of Labor and Industry shall be added to the Project Manual immediately following the Instructions to Bidders (CO-7a) or in the Request for Proposals for each project that requires payment of prevailing wage.

7.0.1.3 Prevailing Wage

In accord with *Code of Virginia § 2.2-4321.3*, the Prevailing Wage law mandates the rates of pay, benefits and other remuneration and duties of certain public officials under contracts and subcontracts for public works in Virginia. The Prevailing Wage law, effective May 1, 2021, applies to contracts for public works paid for in whole or in part by state funds, valued at more than \$250,000 when the contracting public body is a unit of State Government or an instrumentality of the State, and there is any State funding for the project. Public works means the operation, erection, construction, alteration, improvement, maintenance, or repair of any public facility or immovable property owned, used, or leased by a state agency or locality.

Under § 2.2-4321.3 the prevailing wage rate for public works is established by the Commissioner of Labor and Industry. [The Department of Labor and Industry \(DOLI\)](#) makes a copy of the General Wage Determinations for Virginia available publicly on its website, and updates it periodically. **However, only an official, project specific Wage Determination from DOLI sent to a contracting agency conducting a public works project shall be used for official purposes.**

The Agency, at least ten (10) but not more than twenty (20) days prior to the date the bid or RFP will be advertised or solicited, shall contact DOLI at prevailingwage@doli.virginia.gov to request the Wage Determination for the project and provide:

- Project Name
- State Project Code
- Location of Project (county or independent city)
- DOLI Construction Type (Building, Residential, Highway, Heavy)

DOLI will respond with an official Wage Determination. The contracting Agency shall include that official Wage Determination in the Project Manual immediately following the Instructions to Bidders (CO-7a) or in the Request for Proposals with the following statement:

Rates of pay, benefits and other remuneration for this contract shall utilize the wage determinations listed in the following Wage Determination from the Virginia Department of Labor and Industry for the purposes of compliance with Section 3 m of the General Conditions (CO-7 series) "Payment of Prevailing Wages Pursuant to Virginia Code 2.2-4321.3".

For Construction Management projects, the contracting Agency shall provide an official, project specific Wage Determination to the Construction Manager at Risk for use in development of the Guaranteed Maximum Price (GMP) proposal. Such determination shall be requested by the contracting Agency from DOLI at least ten (10) but not more than twenty (20) days prior to the date that the CM will advertise for subcontractor bids.

At contract award, the contracting Agency shall contact DOLI to determine if modification is required to the official Wage Determination. Changes to the official Wage Determination shall be incorporated into the contract by change order.