

MARCH 27, 2007  
ADDENDA NUMBER: 1  
BID NUMBER: RFB2007-147-WR  
TITLE: PROVIDE AND INSTALL FIRE PANEL

OPENING DATE: **04/18/07 @1:30 PM**

THIS ADDENDUM IS BEING ISSUED TO INCLUDE THE FOLLOWING CHANGES TO THE SPECIFIED BID REQUIREMENTS:

**DELETE PAGES 7 AND 8** OF THE BID DOCUMENT. PAGES 7 AND 8 ARE DUPLICATES OF PAGES 5 AND 6 RESPECTIVELY.

**NM MINIMUM WAGE DECISION #BE-07-0414 B** IS ATTACHED AS PER THE RFB REQUIREMENT LISTED ON THE PAGE IMMEDIATELY FOLLOWING THE "PERFORMANCE BOND" FORMAT SAMPLE.

- ALL ADDITIONAL TERMS, CONDITIONS & SPECIFICATIONS OF THE ORIGINAL BID DOCUMENT ARE TO REMAIN UNCHANGED.

- YOU MUST RETURN VERIFICATION OF RECEIPT OF THIS ADDENDUM WITH YOUR BID RESPONSE VIA LETTER OR A SIGNED COPY OF THIS FORM. FAILURE TO DO SO MAY CAUSE YOUR BID RESPONSE TO BE CONSIDERED NON-RESPONSIVE.

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\_\_\_\_\_ ACKNOWLEDGED AND RETURNED: WITH BID: \_\_\_\_\_ BY LETTER: : \_\_\_\_\_

---

SIGNATURE

PRINTED NAME

TITLE

COMPANY



BILL RICHARDSON  
GOVERNOR

**New Mexico Department of Labor  
Labor and Industrial Division**

501 Mountain Road NE  
Albuquerque, New Mexico 87102  
Phone: (505) 222-4669  
FAX: (505) 222-4780

BETTY SPARROW DORIS  
SECRETARY

JAMES L. MORAN  
DIRECTOR

Dear Owner/Contracting Agency:

The enclosed wage decision packet must be used in the contract resulting from the bid opening on this project and **MUST BE FORWARDED** to the prospective general contractor that has been awarded the bid. The general contractor must post the complete wage decision at the job site in an easily accessible place. Failure to do so may result in fines. Furthermore, each subcontractor must receive a copy of the wage decision and use these rates to pay all employees.

**LABOR ENFORCEMENT FUND – STRICTLY ENFORCED**

**NOTE:** Any general contractors must be registered with the **Labor Enforcement Fund** prior to the bidding process or the bid shall be deemed invalid. All subcontractors or tier subcontractors bidding more than \$50,000 on a Public Works contract **MUST** be registered with the Labor & Industrial Division. Visit our website at [www.dol.state.nm.us](http://www.dol.state.nm.us), click "Public Works" for a Labor Enforcement Fund Form and other forms. **REMINDER TO THOSE PREPARING BID DOCUMENTS: IF BIDS ARE NOT OPENED BY 12/31/07; NEW WAGE RATES MAY BE REQUIRED. IF YOU HAVE ANY QUESTIONS, PLEASE CALL 505-222-4669.**

**Weekly certified payrolls** are required on all public works projects. All certified payrolls must be submitted to the general contractor and/or the owner/contracting agency, if required. The general contractor must have copies of certified payrolls available to this office within ten days of a written request. Please do **NOT** submit any certified payrolls to our office unless our office requests them.

**NM Apprenticeship and Training Fund payments** are paid by each general contractor/subcontractor/tier(s) to either an approved apprenticeship program or to our office (**NMDOL, Public Works Bureau, PO Box 27428, Albuquerque, NM 87125-7428**). Payments are due for all hours in each trade a company has on the job site that has an apprenticeship contribution rate on the state wage decision. These payments are for the hours worked by both journeyman and apprentices, regardless of whether the company has apprentices or not. If the project has both Federal and State funding, the payments are required. Only when the project has all Federal funds, is the project exempt. On Type "A" projects, where there are no contribution rates, apprenticeship payments do not apply. On projects with two types of construction, the contribution does apply for the work under the type construction with contribution rates. Failure to pay Apprenticeship contributions is a violation of the Apprentice and Training Act and may result in penalties.

If you have any questions, please feel free to call (505) 222-4669.

**"AN EQUAL OPPORTUNITY EMPLOYER"**



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**NOTICE TO ALL PUBLIC WORKS CONTRACTORS**  
PERTINENT INFORMATION IN ACCORDANCE WITH THE NM PUBLIC  
WORKS MINIMUM WAGE ACT

The Labor and Industrial Division insures compliance of the Public Works Minimum Wage Act (13-4-11 through 13-4-17, NMSA 78). This office issues prevailing wage rates for each project for inclusion in the bid documents. After a project contract is signed, the **Notification of Award (NOA)** and the **Statement of Intent to Pay Prevailing Wages** must be completed and sent back together to this office by the General Contractor. The NOA must also include the list of Subcontractors. A Statement of Intent to Pay Prevailing Wages is required from each construction contractor before they start work on a state or locally funded construction project costing a total of \$60,000 or more. Every contractor (general, sub, second tier, etc.) must pay those rates through weekly payment and payroll.

Wage rates include a base rate and a fringe rate of pay. In many cases, an additional cost to the contractor is an apprenticeship contribution rate per hour for both journeyman and apprentices. A **monthly apprenticeship contribution compliance form and check for payment** (when applicable) is required and should be sent to NMDOL, Public Works Bureau, PO Box 27428, Albuquerque, NM 87125-7428. After a contractor completes work on a project, but before his final payment, an **Affidavit of Wages Paid** must be completed and sent to this office – through the General Contractor.

Each employee must receive the full base and fringe rate per hour for all hours worked in their job classification, regardless of the qualifications or license held. The only exception is for workers with a current certification in approved apprenticeship programs. The apprentice must also receive the full benefit of the fringe rate. It may also be paid into approved health benefit programs, pension programs, life insurance programs, company holiday and vacation programs and/or training programs that are not apprenticeship programs (*i.e.*: an OSHA 10 safety program). Fringe benefits are to be paid to a third-party account and the employee must have access to and quarterly statements are to be provided to the employee. The third way of paying fringe benefits is to pay as a combination of cash into approved programs. This office will sometimes ask for complete breakdowns of all payment to insure total compliance.

The minimum wage as shown on individual wage decisions must be paid. "In addition, the contractor, subcontractor employer or any person acting as a contractor shall be liable to any affected employee for liquidated damages in the sum of one hundred dollars (\$100.00) for each calendar day on which a contractor, subcontractor, employer or any person acting as a contractor has willfully required or permitted an individual laborer or mechanic to work in violation of the provisions of the Public Works Minimum Wage Act" (13-4-14.C, NMSA 78). When questions arise about the requirements of the Act or the Public Works Minimum Wage Act Policy Manual they must be resolved as soon as possible. If you have questions, please call (505) 222-4669.

"AN EQUAL OPPORTUNITY EMPLOYER"

# NEW MEXICO DEPARTMENT OF LABOR - PUBLIC WORKS BUREAU

**QUESTIONS?? Call OR E-mail:** Diana Tanner @ (505) 222-4669 OR [diana.tanner@state.nm.us](mailto:diana.tanner@state.nm.us)  
 Camille Vigil @ (505) 222-4782 OR [camille.vigil@state.nm.us](mailto:camille.vigil@state.nm.us) Michael Fanestiel @ (505) 222-4783 OR [michael.fanestiel@state.nm.us](mailto:michael.fanestiel@state.nm.us)  
 Mary Sanchez @ (505) 222-4784 OR [mary.sanchez@state.nm.us](mailto:mary.sanchez@state.nm.us) Nicolina Rushalko @ (505) 222-4785 OR [nicolinat.rushalko@state.nm.us](mailto:nicolinat.rushalko@state.nm.us)

Contracting Agency/Owner	County	Decision Date	Decision No.
COA – Purchasing for Dept. of Municipal Development	Bernalillo	03/26/07	BE-07-0414 B
Type of Construction: B		Expires for Bids 12/31/07	

**Description of Work: Provide Fire Panel Replacement**

Provide and install new fire panel for the City County Government Center. Project includes all labor, equipment, materials, and supplies to replace an existing fire alarm system panel.

**REMINDER to those preparing BID documents:** If bids are not opened by 12/31/07, a **NEW** wage decision may be required. Call the Public Works Bureau at (505) 222-4669 to check status of new wage rates.

## NOTICES

**ALL** contractors **MUST** have an active registration with the Labor Enforcement Fund before bidding on any public works project. Bids from contractors who are not registered will be considered **INVALID**.

The General/Prime Contractor selected for this project **MUST** submit a completed Notification of Award (NOA) & Statement of Intent to Pay Prevailing Wages before any work is started.

Sub-contractors & 2<sup>nd</sup>/3<sup>rd</sup> Tier Contractors **MUST** also submit Statements through their General/Prime before they start work. The General/Prime is responsible for listing all sub-contractors with the NOA or anytime the list changes.

The office that conducts the bid process **MUST** forward this entire wage decision package to the General/Prime Contractor that is awarded the project contract. That contractor is also responsible for making certain that all subcontractors have copies of the wage decision and other needed forms.

The General/Prime Contractor **MUST** post the wage rate table at the job site outside the Superintendent's trailer/office in an easily accessible place.

Workers **MUST** be classified & paid according to the work they perform, regardless of qualifications.

These wage rates are good for the life of a project that has a bid opening date before **December 31, 2007**.

**Type "B" - General Building - Effective June 22, 2006**

<b>Trade Classification</b>	<b>Base Rate</b>	<b>Fringe Rate</b>	<b>Apprenticeship Contribution Rate</b>	<b>Subsistence &amp; Incentive Rates</b>
Asbestos Worker - Heat & Frost Insulator	23.87	8.43	\$0.20	
Boilermaker	18.00	3.78	\$0.20	
Bricklayer/Blocklayer/Stonemason	20.80	5.10	\$0.64	
Carpenter/Lather	20.46	5.61	\$0.35	
Cement Mason	15.95	3.02	\$0.20	
<b>Electricians</b>				
<b>Outside Classifications</b>				
Groundman	21.14	8.29	\$0.25	
Equipment Operator	23.96	8.29	\$0.25	
Lineman/Tech	24.55	8.29	\$0.25	
Cable Splicer	25.73	8.29	\$0.25	
<b>Inside Classifications</b>				
Wireman/Technician	25.20	8.56	\$0.25	<b>Refer to Note 1</b>
Cable Splicer	26.93	8.56	\$0.25	
<b>Sound Classifications</b>				
Installer	23.05	8.56	\$0.25	
Technician	24.60	8.56	\$0.25	
Soundman	26.67	8.56	\$0.25	
Elevator Constructor	28.30	12.96	\$1.42	
Elevator Constructor Helper	16.03	0.36	\$0.09	
Glazier	20.15	4.03	\$0.35	
Ironworker	19.75	8.45	\$0.53	<b>Refer to Note 2</b>
Painter (Brush/Roller/Spray)	15.85	1.79	\$0.35	
Paper Hanger	17.65	1.19	\$0.00	
Drywall Finisher/Taper	19.30	4.03	\$0.35	
Plasterer	17.65	5.27	\$0.26	
Plumber/Pipefitter	24.72	7.95	\$0.31	<b>Refer to Note 3</b>
Roofer	11.10	0.50	\$0.00	
Sheetmetal Worker	23.84	10.37	\$0.54	<b>Refer to Note 4</b>
Soft Floor Layer (carpet, asphalt tile or linoleum)	18.03	4.28	\$0.30	
Sprinkler Fitter	20.00	4.16	\$0.15	
Tile Setter	14.30	1.02	\$0.00	
Tile Setter Helper	13.00	1.02	\$0.00	
<b>Laborers</b>				

**Type "B" - General Building - Effective June 22, 2006**

<b>Trade Classification</b>	<b>Base Rate</b>	<b>Fringe Rate</b>	<b>Apprenticeship Contribution Rate</b>	<b>Subsistence &amp; Incentive Rates</b>
Group I	12.91	3.56	\$0.25	
Group II	13.48	3.56	\$0.25	
Group III	13.78	3.56	\$0.25	
Group IV	13.88	3.56	\$0.25	
Group V	14.08	3.56	\$0.25	
Group VI	14.23	3.56	\$0.25	
<b>Operators</b>				
Group I	19.62	4.60	\$0.35	
Group II	20.66	4.60	\$0.35	
Group III	20.74	4.60	\$0.35	
Group IV	20.80	4.60	\$0.35	
Group V	20.86	4.60	\$0.35	
Group VI	20.96	4.60	\$0.35	
Group VII	21.06	4.60	\$0.35	
Group VIII	22.14	4.60	\$0.35	
<b>Truck Drivers</b>				
Group I	14.26	3.31	\$0.35	
Group II	14.38	3.31	\$0.35	
Group III	14.46	3.31	\$0.35	
Group IV	14.58	3.31	\$0.35	
Group V	14.63	3.31	\$0.35	
Group VI	14.73	3.31	\$0.35	
Group VII	14.83	3.31	\$0.35	
Group VIII	14.97	3.31	\$0.35	
Group IX	15.12	3.31	\$0.35	
<b>NOTE: SUBSISTENCE AND INCENTIVE RATES BY TRADE &amp; LOCATION</b>				
#1 - Inside Electricians working at a Los Alamos County job site get \$3.78/hr. subsistence pay plus base/fringe.				
#2 - Ironworkers working on projects 50+ miles over the most direct regularly traveled route from Albuquerque, or the employee's home, whichever is closer, shall be paid subsistence plus base/fringe. The "Big I" Interchange in Albuquerque, or the employee's home, respectively shall be used as basing points. The current State of New Mexico Official Highway Map shall be the reference for routes and distances. All of Santa Fe County shall be a non-subsistence area.				
#3 - Plumbers/Pipefitters working at a Los Alamos County job site get \$.80/hr. incentive pay plus base/fringe.				
#4 - Sheet Metal Workers working at a Los Alamos County job site get \$2.00/hr. incentive pay plus base/fringe.				

**Type "B" - General Building - Effective June 22, 2006**

<b>Trade Classification</b>	<b>Base Rate</b>	<b>Fringe Rate</b>	<b>Apprenticeship Contribution Rate</b>	<b>Subsistence &amp; Incentive Rates</b>
#4 - Sheet Metal Workers living 60+ miles from a San Juan County job site get \$3.00/hr. subsistence pay plus				
base/fringe.				

**"B" General Building - JANUARY 4, 2000**

**Subsistence & Incentive Rates apply only if employee lives 60 or more miles from job site**

<b>Survey Code</b>	<b>Trade Classification</b>	<b>Incentive Rate per hour</b>	<b>Subsistence Rate per hour</b>	<b>Location</b>
4	Carpenter/Lather	\$0.00	\$2.50	Espanola & Rio Rancho
4	Carpenter/Lather	\$0.00	\$1.25	Moriarty
6	Cement Mason	\$0.00	\$2.00	Los Alamos
6	Cement Mason	\$0.00	\$2.50	Rio Rancho
15	Ironworker	\$0.00	\$2.50	Bernalillo County, Espanola, Los Alamos, Las Cruces
17	Painter (Brush/Roller or Spray)	\$1.37	\$0.00	Albuquerque
21	Plasterer	\$1.50	\$1.50	Grants
22	Plumber/Pipefitter	\$0.00	\$0.80	Los Alamos
25	Sheet Metal Worker	\$2.00	\$0.00	Los Alamos
26	Soft Floor Layer (carpet, asphalt tile or linoleum)	\$1.00	\$0.00	Espanola

**LABORER CLASSIFICATION GROUPS  
TYPE "B" & "C" CONSTRUCTION  
PAGE 1**

**GROUP I:**

Watchmen.

**GROUP II - (Unskilled):**

Building & Common Laborers; Carpenter Tenders; Concrete Workers; Stakedrivers; Concrete Buggy Operator (hand); Flagmen; Soil Sample Tester.

**GROUP III - (Semi-skilled):**

Air & Power Tool Operator (not a carpenter's tool); Asbestos Remover; Asphalt Heaterman; Asphalt Jointman; Ashp. Raker; Batching Plant Scaleman; Chain Sawman; Concrete Touch-Up Man; Concrete Sawman - Coring Machine; Curbing Machine Asph. Or Cement; Cutting Torchman; Metal Form Setter-Road; Grade Setter; Gunite Reboundmen; Rod & Chainmen; Concrete Power Buggy Operator; Powderman or Blaster Helper; Sandblaster (Pot Men); Nozzlemen; Scaler; Vibratorman (hand-type); Vibratory Compactor (hand-type); Wagon Core & Diamond Drillers' Tenders (outside); Window Washers; Fog Machine Operator; Nurseryman-Gardener; Multi-Plate Setter; Concrete Burner; Cement Mason Tenders; Hodcarriers; Mortar Mixers; Plaster Spreader Operator; Plaster Tenders; Gunite Nozzleman; Pipelayer; Pumpcrete Nozzleman; Manhole Builder; Roadway Hardware Worker.

**GROUP IV:**

Wagon, Core, Diamond Drillers.

**GROUP V - (Miscellaneous):**

Landscaper; Traffic Control Technician; Laboratory Technician

**GROUP VI:**

Powderman and Blasters.

**EQUIPMENT OPERATOR CLASSIFICATION GROUPS**  
**PAGE 2**

**GROUP I:**

Fireman; Oiler; Helpers; Mechanic, Welder, Grease Truck; Screedman; Scale Operator (such as Bin-a-Batch); Rubber Tire Farm-type Tractor; Tractors (under 50 HP w/o attachments); Brakeman; Concrete Paving Curing Machine (bridge-type).

**GROUP II:**

Rollers; Sheepsfoot or Pneumatic Self-Propelled w/o dozer; Concrete Conveyor; Service Truck Operator (head oiler); Air Compressor (300 CFM & over); Pumps (6" & over); Screening Plants; Concrete Mixers (under 1 cy); Concrete Saw or Grinder-Span Type; Hoists (1 drum); Air Tugger; Elevating Belt-type Loaders; Fork-lift; Lumber Stacker; Tractor-Farm type (under 50 HP w/attachments); Motorman & Industrial Locomotive Operator; Winch Trucks; Front End Loader (under 2 cy); Power Plants which generate over 15 KW; Welding Machines.

**GROUP III:**

Bituminous Distributors; Boilers, Retort & Hot Oil Heaters; Concrete Mixers (1 cy & over); Concrete Paver (single drum); Drilling Equipment; Motor Graders (rough); Shaft & Tunnel Equipment; Refrigeration, Slusher, Jumbo Form; Trenching Machine (all types); Pumpcrete & Gunite Machine; Slipform Paver; Mechanic Bull-floats; Concrete Slab Spreading Machine; Concrete Slab Finish Machine; Asphalt Plants; Bitum. Finish Machine; Crushing Plants.

**GROUP IV:**

Front End Loader (2 – 10 cy); Rollers Steel Wheeled (all types); Bulldozers; Scrapers (motor or towed); Elevating Graders; Concrete Batching Plants; Self-propelled Rollers, (equipped w/ dozer); Twin-Bowl Scrapers & Quad 8 or 9 Pushers; Three Bowl Scrapers; Tractor (farm-type) w/hydraulic Backhoes.

**GROUP V:**

Concrete Paver (double drum); Cat Cranes; Hysters; Side & Swingboom Cats; Hoist (2 drum); Auto Fine Grader.

**GROUP VI:**

Mucking Machine (all types); Motor Grader-Finish.

**EQUIPMENT OPERATOR CLASSIFICATION GROUPS**  
**PAGE 3**

**GROUP VII:**

Hydraulic Cranes (with less than 50' of boom – 20 tons & under); Steam Engineers; Loader (Front-end & over 10 cy); Concrete Pump (snorkel type); Mechanic Welder.

**GROUP VIII:**

All Shovel Type Equip.; Cranes; Draglines; Backhoes; Derricks; Guy & Stiff Leg; Pipemobile (#2 Oper.); Piledriver; Hydraulic Cranes (20 tons & over); Mine Hoist (belt loader CMI type); Cranes, Draglines (w/ booms & jib over 150'); Shovel (wheel type); Boring Machine (tunnel or shaft mmole); Pipemobile.

**TRUCK DRIVER CLASSIFICATION GROUPS**

**GROUP I:**

Pick-up  $\frac{3}{4}$  ton & under; Service Station; Lubrication; Light Tire Repair or Washer; Swamper or Riding Helper; Teamster 2 or 4 up; Ambulance Driver.

**GROUP II:**

Bus or Taxi Driver; Dump or Batch Truck (under 8 cy WLC); Flatbed (bobtail) 2 ton & under; Mechanic & Welder Helper; Forklift (under 5 ton MRC).

**GROUP III:**

Dump Trucks (includes all highway & off-highway, 8 – 16 cy WLC); Water, Fuel or Oil Trucks (less than 3,000 gals.); Flatbed (bobtail) over 2 tons.

**GROUP IV:**

Distributor Driver; Heavy Tire Repair; Lumber Carrier Driver; Young Buggy or Similar Equipment; Transit Mix or Agitator 2 or 3 Axle Bobtail Equipment; Scissor Truck; Bulk Cement Bobtail 2 or 3 Axles; Semi-Trailer Driver (flatbed or van single axle); Forklift (5 ton & over MRC); Field Equipment Serviceman.

**GROUP V:**

Dumpster & Dumpcrete Driver; Water, Fuel or Oil Truck (3,000 – 6,000 gals.); Lowboy, Light Equipment Driver; Euclid-type Tank Wagon (under 6,000 gals.).

**TRUCK DRIVERS CONT'D**  
**PAGE 4**

**GROUP VI:**

Vacuum Truck; Dump Trucks (including all hwy. & off-hwy., 16 - 22 cy WLC).

**GROUP VII:**

Transit Mix or Agitator Semi or 4 Axle Equipment Driver; Flaherty Truck-type Spreader Box Driver; Slurry Truck Driver; Bulk Cement Driver; Semi-Doubles; 4 Axle Bobtail; Winch Truck & "A" Frame; Dump Trucks (including all hwy. & off-hwy., 22 cy to 35 cy WLC); Head Field Equipment Serviceman.

**TRUCK DRIVER CLASSIFICATION GROUPS**

**GROUP VIII:**

Euclid Diesel Powered Turnarocker; Terra Cobra; DW 10; DW 20; Letourneau Pulls & Similar Diesel Powered Equipment; Lowboy Heavy Equip. Driver; Water, Fuel or Oil Trucks (6,000 gals. & over including Tank Wagon Drivers); Semi-Trailer Driver (flatbed or van tandems); Light Equipment Mechanic; Dump Trucks (including hwy. & off-hwy.) 35 cy WLC & over; Truck & Trailer or Semi-Trailer (flatbed); Eject All Driver.

**GROUP IX:**

Lowboy (heavy equip., double gooseneck); Heavy Equip. Mechanic; Welder (Body & Fender Man); Warehouseman; Material Checker-Cardexman; Expeditior.

## **LABOR ENFORCEMENT FUND** **(STRICTLY ENFORCED)**

### **13-4-13.1 Public works contracts; registration of contractors and subcontractors.**

- A. Except as otherwise provided in this subsection, in order to submit a bid valued at more than fifty thousand dollars (\$50,000) in order to respond to a request for proposals or to be considered for award of any portion of a public works project greater than fifty thousand dollars (\$50,000) for a public works project that is subject to the Public Works Minimum Wage Act [13-4-10 NMSA 1978], the contractor, serving as a prime contractor or not, shall be registered with the labor and industrial division of the labor department. Bidding documents issued or released by a state agency or political subdivision of the state shall include a clear notification that each contractor, prime contractor or subcontractor is required to be registered pursuant to this subsection. The provisions of this section do not apply to vocational classes in public schools or public post-secondary educational institutions.
- B. The state or any political subdivision of the state shall not accept a bid on a public works project subject to the Public Works Minimum Wage Act from a prime contractor that does not provide proof or required registration for itself.
- C. Contractors and subcontractors may register with the division on a form provided by the division and in accordance with labor department rules. The division shall charge an annual registration fee of two hundred dollars (\$200). The division shall issue to the applicant a certificate of registration within fifteen days after receiving from the applicant the completed registration form and the registration fee.
- D. Registration fees collected by the division shall be deposited in the labor enforcement fund.

### **13-4-14.1 Labor enforcement fund; creation; use.**

The "labor enforcement fund" is created in the state treasury. The fund shall consist of contractor and subcontractor registration fees collected by the labor and industrial division of the labor department and all investment and interest income from the fund. The fund shall be administered by the division and money in the fund is appropriated to the division for administration and enforcement of the Public Works Minimum Wage Act [13-4-10 NMSA 1978]. Money in the fund shall not revert to the general fund at the end of a fiscal year.

### **13-4-14.2 Registration cancellation, revocation, suspension; injunctive relief.**

The director of the labor and industrial division of the labor department may:

- A. cancel, revoke or suspend with conditions, including probation, the registration of any party required to be registered pursuant to the Public Works Minimum Wage Act [13-4-10 NMSA 1978] for failure to comply with the registration provisions or for good cause, subject to appeal pursuant to Section 13-4-15 NMSA 1978; and
- B. seek injunctive relief in district court for failure to comply with the registration provisions of the Public Works Minimum Wage Act.



BILL RICHARDSON  
GOVERNOR

**New Mexico Department of Labor  
Labor and Industrial Division**

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Phone: (505) 222-4669  
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BETTY SPARROW DORIS  
SECRETARY

JAMES L. MORAN  
DIRECTOR

## **NOTICE**

### **Public Works Apprenticeship and Training Act**

Statute 13-4D-4.B states:

“Public works construction projects, except for street, highway, bridge, road, utility or maintenance contracts with employers who elect not to participate in training, shall not be constructed unless an employer agrees to make contributions to approved apprentice and training programs in New Mexico in which the employer is a participant or to the public works apprentice and training fund administered by the public works bureau of the labor and industrial division of the labor department. Contributions shall be made in the same manner and in the same amount as apprentice and training contributions required pursuant to wage rate determinations made by the director.”

For a copy of the above-mentioned act, please contact our office at (505) 222-4669.

Submit Apprenticeship & Training Contribution Compliance Statement and Payment to:

**NMDOL  
Public Works Bureau  
PO Box 27428  
Albuquerque, NM 87125-7428**

# *APPRENTICESHIP CONTRIBUTION PROGRAM*

The following are easy reminders regarding this program:

1. For “B”, “C”, & “H” Projects: Whenever you have any workers on the job (even if you are not using apprentices), you are required to pay into the Apprenticeship Training Program as outlined in the Apprenticeship & Training Act. This applies to all contractors, subcontractors, 2<sup>nd</sup> tiers, etc. Your wage rates will show which jobs have apprenticeship contributions.
2. If you have apprentices on the job, they must have a journeyman working with them. The ratio must be one-to-one.
3. The Apprenticeship Contribution is not considered part of the fringe benefits. It is totally separate.
4. The Apprenticeship Compliance Statement from our office (or our website) is the only form you may use. Do NOT modify our form or generate your own.
5. As noted on the Apprenticeship Compliance Statement, these forms are due on the 15<sup>th</sup> of every month for the length of the project. If no work was done for that month, send us a copy letting us know there was no work done.
6. Submit Apprenticeship Compliance Statements with payments to:  
NMDOL, Public Works Bureau, PO Box 27428, Albuquerque, NM  
87125-7428

(Payment is not required for Type "A" Projects – Street, Highway, Utility & Light Engineering)

**Apprenticeship & Training Contribution Compliance Statement**

For the Month of: \_\_\_\_\_, 20\_\_\_\_

(Circle One)

Contractor / Sub / 2<sup>nd</sup>. Tier Sub: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone \_\_\_\_\_

Project Name: \_\_\_\_\_ State Wage Dec.No. \_\_\_\_\_

**(DO NOT submit payments on 100% federally-funded projects)**

(SAMPLE ENTRY) Classification(s)	Week Ending	Total Hours	Appr. Rate per Hour	Total Classif. Contr.Amt				
	8/4	8/11	8/18	8/25	8/31			
LABORER	4	7	0	0	30	41	.20	8.20
Classification(s)	Week Ending	Total Hours	Appr. Rate per Hour	Total Classif. Contr.Amt				

PLEASE CHECK APPROPRIATE BLANK:

\_\_\_\_ Paid to: PUBLIC WORKS APPRENTICESHIP & TRAINING FUND (Mail to P.O. BOX)

Check No. \_\_\_\_\_ Check Amt: \_\_\_\_\_

Payroll Clerk's (PRINT)

Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Phone: \_\_\_\_\_

Forms due by 15<sup>th</sup> of each month on every public works project that has apprenticeship contribution on the wage decision. In accordance with the NM Apprenticeship & Training Act, payment is due for each journey person, even if your company has no apprentices.

**(WE WILL NOT ACCEPT CREDITS WHEN PAYMENT IS OVER PAID)**

*Each wage decision needs a separate compliance statement, but only one check is needed for all statements.*

(When paying to an approved program, complete section below & mail this form along with a copy of the check to the following address: Public Works Bureau, 501 Mountain Rd., NE, Albuquerque, NM 87102

\_\_\_\_ Paid to: Name of Approved NM Apprenticeship Program

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Apprenticeship Program No.: \_\_\_\_\_  
(If in doubt, call 222-4672)

Print Name of Certifying Official: \_\_\_\_\_ Phone: \_\_\_\_\_

Signature of Certifying Official: \_\_\_\_\_ Date: \_\_\_\_\_



CHECK OUT THE  
DEPARTMENT OF LABOR  
WEBSITE FOR VALUABLE  
INFORMATION

[www.dol.state.nm.us](http://www.dol.state.nm.us)

Click on "Public Works"

Bill Richardson  
Governor

Betty Sparrow Doris  
Department of Labor  
Secretary

James L. Moran  
Labor and Industrial  
Division Director

# New Mexico Public Works

## Construction

~ OR ~

### PHONE:

Public Works Questions:

Diana - (505) 222-4669

Camille - (505) 222-4782

Michael - (505) 222-4783

FAX Number:

(505) 222-4780

Apprenticeship Questions:

(505) 222-4674



The NM Public Works Minimum Wage Act applies to employers and employees working on state/locally funded public works construction jobs. Information here is not an official interpretation of the Act, but this pamphlet can serve as a general guide to the law. You may find additional information and Rules & Regulations derived from the Act on the DOL web page at [www.dol.state.nm.us](http://www.dol.state.nm.us)

### 1. How does the Act apply?

The Act and the Labor and Industrial Division's (LID) Policy Manual govern all public works (PW) construction projects costing \$60,000 or more and funded in part or in whole by state/local funds. Wages set by LID must be paid as a minimum. Employees must be paid weekly. If the project has federal funding as well, the pay is figured by comparing the total rate in each trade from the state and federal wage decisions and paying the higher of the two.

### 2. What is a Wage Decision?

A wage decision is the set of wage rates for a specific public works construction project. The person putting together project bid documents requests a wage decision by submitting a request that describes the scope of work. The type of work determines the type of rates issued. The four sets of rates are for:

- "A" – Street, Highway, Utility and Light Engineering;
- "B" – General Building;
- "C" – Residential; and
- "H" – Heavy Engineering.

If 80% of the project is *not* in one type of construction, two types of rates may be issued. A wage decision expires 120 days after the issue date – unless the bid opening takes place. When the bids are opened before the expiration, those rates are good for the life of the project.

### 3. When is a new Wage Decision required?

A new wage decision is required when the bids are not opened before the expiration date on the original wage decision. If the project does not change significantly and the project is re-bid, an extension of the original expiration may be made. When bid dates are early in the calendar year, extensions may not be made since new rates go into effect. Then both a new wage decision and new rates may apply.

### 4. What is sent along with a Wage Decision?

Several forms are sent out with the wage decision that must be used by contractors:

- a. A Notification of Award is due from the contracting agency or general contractor listing all subcontractors before work starts;
- b. A Statement of Intent to Pay Prevailing Wages is due from each contractor, subcontractor and second tier contractor before work starts;

- c. An Apprenticeship Contribution Compliance Statement (for all except Type "A" projects) is due by the 15<sup>th</sup> of each month from all contractors, subcontractors, and second tier contractors;
- d. A wage rate poster must be displayed in an easily accessible place at the job site to show all employees what their minimum rates of pay are; and
- e. An Affidavit of Wages Paid must be submitted after a contractor finishes work but before the final payment.

### 5. When does overtime pay start?

Overtime pay starts after 40 hours of work in a seven-day workweek for the same employer, regardless of how many projects the employee works on.

### 6. How is overtime pay computed?

Overtime pay is 1.5 times the base pay with fringes added back. For example, if the base is \$12/hr. and the fringe benefit is \$2/hr., the total overtime rate is  $12 \times 1.5 + 2$  or  $18 + 2 = 20$ .

### 7. How can I file a wage claim?

If you think your employer owes you more wages, you may file a wage claim at any DOL office. You should keep copies of pay stubs, a diary of when and where you worked, and the work performed.

### 8. What does the term "at will State" mean?

New Mexico is an "at will State" and the term means that an employer may hire and fire employees at will.