

OCTOBER 10, 2007  
ADDENDA NUMBER: 1  
BID NUMBER: RFB2008-057-TC  
TITLE: SOIL SAMPLING SERVICES

THIS ADDENDA IS TO NOTIFY POTENTIAL THAT THIS PROCUREMENT IS SUBJECT TO THE STATE OF NEW MEXICO WAGE RATE DECISION. THE WAGE RATE DECISION IS INCLUDED WITH THIS NOTIFICATION. THE OPENING DATE OF THIS BID REMAINS OCTOBER 17, 2007.

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 TO BE CONSIDERED NON-RESPONSIVE.

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

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**SIGNATURE**

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**PRINTED NAME**

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**TITLE**

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**COMPANY**

BILL RICHARDSON  
GOVERNOR



BETTY SPARROW DORIS  
SECRETARY

STATE OF NEW MEXICO  
DEPARTMENT OF WORKFORCE SOLUTIONS  
Public Works Bureau  
501 Mountain Road NE  
Albuquerque, NM 87102  
(505) 222-4669 / FAX (505) 222-4780

RAYMOND H. GONZALES  
DEPUTY SECRETARY

Dear Owner/Contracting Agency:

The enclosed wage decision packet must be used in the contract resulting from the bid opening on this project and, excluding the Notification of Award, and Subcontractor List, **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.dws.state.nm.us](http://www.dws.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 the owner/contracting agency. 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 (**NMDWS, 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 still 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 applies 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

# STATEMENT OF INTENT TO PAY PREVAILING WAGES

To be filled **Before** construction starts  
Please type or print in ink. Incomplete forms will be returned.



Mail or fax to: the contracting agency or its agent (architect or engineer)

## GENERAL CONTRACTOR INFORMATION

Company Name:		Labor Enforcement Fund: <input type="checkbox"/>	
Address:			
City:	State:	Zip:	
Phone:	Fax:		
Estimated Start Date:	State Wage Dec. #:		
Project Title:	Project Physical Address:		
Total Contract Amt:	Estimated Completion Date:		
PRINT NAME:	SIGNATURE:		

<b>SUBCONTRACTOR:</b>	<b>Subcontract amount: \$</b>	<b>Start date of work on this project:</b>
Company Name:		
Address:		
City:	State:	Zip:
Phone:	Fax:	
PRINT NAME:	SIGNATURE:	

<b>2ND. TIER SUB</b>	<b>2<sup>nd</sup> Tier Contract amount : \$</b>	<b>Start date of work on this project:</b>
Company Name:		
Address:		
City:	State:	Zip:
Phone:	Fax:	
PRINT NAME:	SIGNATURE:	

My signature above certifies that the above information is correct and that all workers I employ on this public works project were paid no less than the Prevailing Wage Rates (s) as determined by the Department of Workforce Solutions, Public Works Bureau for this project as identified by the State Wage Decision No. I understand that contractors who violate Prevailing Wage Laws (i.e., incorrect job classification, improper payment of prevailing wages, and/or overtime, etc.), are subject to debarment procedures and shall be required to pay any back wages due to workers. (Ref. LID Public Works Minimum Wage Act Policy Manual (11.1.2 NMAC & Public Minimum Wage Act (13-4-11 through 13-4-18, NMSA 78)).

**NOTE: After 7/01/04, ALL tiers of contractors with contracts over \$50,000, MUST be registered with the Department of Workforce Solutions, Public Works Bureau. The registration form is available on our web page at [www.dws.state.nm.us](http://www.dws.state.nm.us) under Public Works and Additional Forms. Fill in the Labor Enforcement Fund form and mail to the post office box listed at the top of the form. Go to the same page that the form is on to check the list of Registered Contractors.**

**(See IMPORTANT information on back!)**

## *INSTRUCTIONS FOR FILLING OUT STATEMENT OF INTENT*

### FOR GENERAL CONTRACTOR:

1. Fill in general contractor information and provide signature.
2. State Wage Dec. No. as listed in bid documents. (example: BE-07-0123 B)
3. Project Title - Listed in bid documents. Whatever the project is.
4. Project Physical Address - Exact location of project (job site).
5. Estimated Start & Completion Dates of project
6. General Contractor's Contract Amount - Project cost .
7. Check for Labor Enforcement Fund compliance.

### FOR SUBCONTRACTOR:

1. Fill in general contractor information, but general contractor signature is not needed.
2. Fill in subcontractor section as indicated and provide signature. Send to GC. Sub-contract amount – list subcontract amount.  
PLEASE NOTE: A SEPARATE SIGNED FORM IS NEEDED FOR EACH CONTRACTOR.
3. Check for Labor Enforcement Fund compliance.

### FOR 2ND. TIER SUB:

1. Fill in general contractor information, but general contractor signature is not needed.
2. Fill in subcontractor section; subcontractor signature not needed. Send to GC.
3. Fill in 2nd. Tier sub section and provide signature.
4. 2<sup>nd</sup> Tier contract amount – list amount.
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For 3<sup>rd</sup> TIER & HIGHER: Attach a copy of this completed form & list the 3<sup>rd</sup> tier contractor info under the 2<sup>nd</sup> tier contractor with a note.

**Effective July 1, 2004 - ALL contractors bidding on public works contracts for \$50,000 or more MUST be registered with the Labor & Industrial Division prior to bidding the project.** The registration form may be found on the DOL web page at [www.dws.state.nm.us](http://www.dws.state.nm.us) under Public Works and Additional Forms. Print the Labor Enforcement Fund Form and mail it along with a check for \$200 to the address at the top of the form. A list of registered contractors may be reviewed on the same page as the registration form. Registration is good for one year, and after registration, contractors may bid as many contracts as they want. Upon expiration of the registration, contractors may complete projects, but in order to bid new ones after the expiration, they must register again.

**NOTE: All Statements of Intent to Pay Prevailing Wages must go to the GC to submit to the contracting agency or its agent (architect or engineer).**

**NOTE: If form is faxed, the originals are not required to be sent.**

# AFFIDAVIT OF WAGES PAID

To be filled **After** construction is complete  
Please type or print in ink. Incomplete forms will be returned.



Mail or fax to: the contracting agency or its agent (architect or engineer)

## GENERAL CONTRACTOR INFORMATION

Company Name:		Labor Enforcement Fund: <input type="checkbox"/>	
Address:			
City:	State:	Zip:	
Phone:	Fax:		
Estimated Completion Date:	State Wage Dec. #:		
Project Title:	Project Physical Address:		
PRINT NAME:	SIGNATURE:		

<b>SUBCONTRACTOR:</b>	<b>Subcontract amount:</b>	Date you completed work on this project:
Company Name:		
Address:		
City:	State:	Zip:
Phone:	Fax:	
PRINT NAME:	SIGNATURE:	

<b>2ND. TIER SUB</b>	<b>2<sup>nd</sup> Tier Contract amount</b>	Date you completed work on this project:
Company Name:		
Address:		
City:	State:	Zip:
Phone:	Fax:	
PRINT NAME:	SIGNATURE:	

My signature above certifies that the above information is correct and that all workers I employ on this public works project were paid no less than the Prevailing Wage Rates (s) as determined by the Department of Workforce Solutions, Public Works Bureau for this project as identified by the State Wage Decision No. I understand that contractors who violate Prevailing Wage Laws (i.e., incorrect job classification, improper payment of prevailing wages, and/or overtime, etc.), are subject to debarment procedures and shall be required to pay any back wages due to workers. (Ref. LID Public Works Minimum Wage Act Policy Manual (11.1.2 NMAC & Public Minimum Wage Act (13-4-11 through 13-4-18, NMSA 78)).

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**NOTE: All Affidavits of Wages Paid must go to the GC to submit to the contracting agency or its agent (architect or engineer).**

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Address:		
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Phone:	Fax:	
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Project Title:	Project Physical Address:	
<b>Total Contract Amt:</b>	Estimated Completion Date:	
PRINT NAME:	SIGNATURE:	

<b>SUBCONTRACTOR:</b>	<b>Subcontract amount: \$</b>	Start date of work on this project:
Company Name:		
Address:		
City:	State:	Zip:
Phone:	Fax:	
PRINT NAME:	SIGNATURE:	

<b>2ND. TIER SUB</b>	<b>2<sup>nd</sup> Tier Contract amount : \$</b>	Start date of work on this project:
Company Name:		
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# **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.

**NEW MEXICO DEPARTMENT OF WORKFORCE SOLUTIONS - 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.
ABCWUA	Bernalillo	10/03/07	BE-07-1180 A
		<b>Expires for Bids</b>	
<b>Type of Construction: A</b>		01/01/08	
<b>Description of Work: Soil Core Sampling</b>			
Drill down to depths of 10' to extract soil samples for contamination testing.			
<b>REMINDER to those preparing BID documents:</b> If bids are not opened by the above "Expires for Bids" date, a NEW wage decision may be required. If bids are NOT submitted before new wage rates go into effect, a NEW wage decision WILL 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 Statement of Intent to Pay Prevailing Wages to the Contracting Agency (or it's agent) 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 informing the Contracting Agency or it's agent whenever there is a change to the subcontractors on the project.

The Contracting Agency or it's agent **MUST** fill out and submit the Notification of Award and Subcontractor list to the Public Works Bureau and forward the remainder of this 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.

# TYPE "A" - STREET, HIGHWAY, UTILITY & LIGHT ENGINEERING

*Effective May 11, 2007*

Trade Classification	Base Rate	Fringe Rate
Bricklayer/Blocklayer/Stonemason	9.71	0.26
Carpenter/Lather	12.23	0.44
Cement Mason	13.65	0.26
Ironworker	22.44	5.85
Painter (Brush/Roller/Spray)	16.63	0.44
<b>Electricians (outside)</b>		
Groundman	23.01	10.56
Equipment Operator	25.83	10.56
Lineman/Wireman or Tech	26.42	10.56
Cable Splicer	27.60	10.56
Plumber/Pipefitter	21.38	4.33
<b>Laborers</b>		
Group I	9.95	0.35
Group II	10.25	0.35
Group III	10.65	0.35
<b>Operators</b>		
Group I	12.97	0.26
Group II	13.17	0.26
Group III	13.75	0.26
Group IV	13.77	0.26
Group V	13.77	0.26
Group VI	13.92	0.26
Group VII	13.97	0.26
Group VIII	14.12	0.26
Group IX	14.62	0.26
Group X	15.42	0.26
<b>Truck Drivers</b>		
Group I	12.60	0.26
Group II	12.80	0.26
Group III	13.00	0.26
Group IV	13.20	0.26

NOTE: SUBSISTENCE AND INCENTIVE PAY DO NOT APPLY TO TYPE "A" CONSTRUCTION.

**LABOR CLASSIFICATION GROUPS  
TYPE "A" CONSTRUCTION  
PAGE 1**

**GROUP I - (Unskilled):**

Building & Common Laborer; Carpenter Tender Chainman; Rodman; Stakedriver; Concrete Buggy Operator (hand); Concrete Workers; Flagman; Soil Sample Tester.

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

Wagon, Air Tract, Drill & diamond Drillers' Tender (Outside); Air & Power Tool Man (not a carpenter's tool); Asphalt Heaterman; Asphalt Jointman; Asphalt Raker; Batching Plant Scaleman; Tenderers (To Cement Mason & Plasterer); Chain Sawman; Concrete Power Buggyman; Concrete Touch-up Man; concrete Sawman - Coring Mach.; Curbing Machine, Asphalt or Cement; Cutting Torchman; Metal Form Setter-Road; Grade Setter; Hod Carrier; Mortar Mixer & Mason Tender; Powderman or Blaster Helper; Sandblaster; Scaler; Vibratorman (Hand type); Vibratory Compactor (Hand type); Window Washer; Nurseryman-Gardener; Wagon, Air Tract, Drill & Diamond Driller (Outside); Roadway Hardware Worker.

**GROUP III - (Miscellaneous):**

Guniting Pumpcrete Man & Nozzleman; Multi-plate Setter; Manhole Builder; Pipelayer; Powderman-Blaster-Makeup; Landscaper; Traffic Control Technician; Laboratory Technician.

**EQUIPMENT OPERATOR CLASSIFICATION GROUPS**

**GROUP I:**

Concrete Paving Curing Machine

**GROUP II:**

Belt Type Conveyors (Material & Concrete); Broom (Self Prop.); Fork Lift; Grease Truck Operator; Head Oiler; Hydro Lift; Tractor (Under 50 Drawbar HP with or without Attach.); Industrial Locomotive Brakeman; Front End Loader (2 CY or less); Fireman; Oiler; Screedman; Roller (Pull Type); Mulching Machine, Roller (Self-Propelled).

**GROUP III:**

Concrete Paving Form Grader; Concrete Paving Gang Vibrator; Concrete Paving Joint or Saw Machine; Concrete Paving Sub Grader; Tractor with Backhoe Attachment; Subgrade or Base Finisher; Power Plant (Electric Generator or Welding Machine).

**EQUIPMENT OPERATORS CONT'D.**  
**PAGE 2**

**GROUP IV:**

Bulldozer (including self-propelled roller with dozer attachment); Batch or Continuous Mix Plant (Concrete, soil cement; or asphalt); Roller (Steel Wheel); Front End Loader (2 – 10 CY); Scraper Operator; Motor Grader.

**GROUP V:**

Asphalt Distributor; Asph. Paving or Laydown Machine; Asph. Retort Heater; Mixer, Heavy Duty, Asph. Or Soil Cement; Trenching Mach.; Clam Type Shaftmucker; Backhoe, Clamshell, Dragline, Gradall, Shovel (under ¾ CY); Elevating Grader or Belt Loader; Cranes (Crawler or Mobile) under 20 tons; Air Compressor (300 CFM 7 Over); Crushing Screening & Washing Plants; Drlg. Machine (Cable Core or Rotary); Mixer, Concrete (1 CY & Less); Pump (6 " intake or over); Winch Truck; Hoist (1 Drum); Industrial Locomotive Motorman; Lumber Stacker; Tractor (50 Drawbar HP or over).

**GROUP VI:**

Concrete Paver Mixer; Hoist (2 drums & over); Side Boom; Traveling Crane; Piledriver; Backhoe, Clamshell, Dragline, Gradall, Shovel (¾ CY to 3 CY); Cranes (Crawler or Mobile) 20 Ton to 40 Tons; Front End Loader (Over 10 CY); Mixer; Concrete (over 1 CY); Mechanic and/or Welder.

**EQUIPMENT OPERATOR CLASSIFICATION GROUPS**

**GROUP VII:**

Concrete Slip-Form Paving Machine; Concrete Paving Finishing Machine; Concrete Paving Longitudinal Float; Guniting Machine; Refrigeration; Jumbo Form or Drilling; Stage; Slusher; Concrete Paving Spreader; Pumpcrete Machine; Grout Pump Operator.

**GROUP VIII:**

Mine Hoist; Bulldozer (Multiple Units); Scraper (Multiple Units); Mucking Machine; Backhoe, Clamshell, Dragline, Gradall, Shovel (over 3 CY); Cranes (Crawler or Mobile) over 40 tons.

**GROUP IX:**

Belt Loader (CMI Type) Operator; Pipemobile Operator Assistant; Derrick, Cableway.

**EQUIPMENT OPERATOR CONT'D.**  
**PAGE 3**

**GROUP X:**

Pipemobile Operator; Mole Operator.

**TRUCK DRIVER CLASSIFICATION GROUPS**

**GROUP I:**

Pick-up truck  $\frac{3}{4}$  ton or under; Warehouseman; Dump Truck (under 8 cubic yards); Flatbed (1  $\frac{1}{2}$  ton or under).

**GROUP II:**

Dump truck (8 - 16 cy); Tank Truck (under 6,000 gals.); Flatbed (over 1  $\frac{1}{2}$  ton).

**GROUP III:**

Spreader Box (self-propelled); Distributor (asphalt); Transit Mix; Lowboy, Light Equipment; Off-Highway Hauler; Tank Truck (over 6,000 gals.); Dump Truck (over 16 cy); Trailer Semi-Trailer Dump.

**GROUP IV:**

Diesel-powered Transport; Lowboy; Heavy Equipment.



**CHECK OUT THE  
DEPARTMENT OF  
WORKFORCE SOLUTIONS  
WEBSITE FOR VALUABLE  
INFORMATION**

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

Click on "Public Works"

~ OR ~

**Bill Richardson  
Governor**

PHONE:

**Public Works Questions:**

Diana - (505) 222-4669

Mary – (505) 222-4784

Nicolina – (505) 222 -4785

Camille - (505) 222-4782

Michael - (505) 222-4783

**FAX Number:**

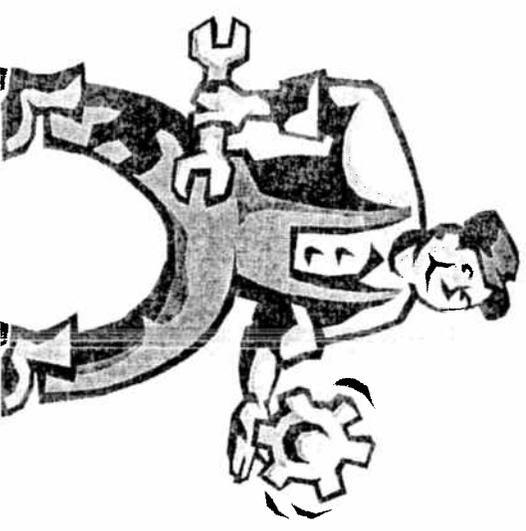
(505) 222-4780

**Apprenticeship Questions:**

(505) 222-4674

**New Mexico  
Public  
Works**

**Construction**



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 NMDWS web page at [www.dws.state.nm.us](http://www.dws.state.nm.us)

### 1. How does the Act apply?

The Act and the Public Works Bureau's 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" – Sireel, 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 NMDWS 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.

BILL RICHARDSON  
GOVERNOR



BETTY SPARROW DORIS  
SECRETARY

STATE OF NEW MEXICO  
DEPARTMENT OF WORKFORCE SOLUTIONS  
Public Works Bureau  
501 Mountain Road NE  
Albuquerque, NM 87102  
(505) 222-4669 / FAX (505) 222-4780

RAYMOND H. GONZALES  
DEPUTY SECRETARY

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

The Public Works Bureau 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 **Subcontractor List** must be completed and sent to the Public Works Bureau by the Contracting Agency or it's agent. The **Statement of Intent to Pay Prevailing Wages** must be completed by the contractors performing work on the project and sent to the Contracting Agency or it's agent. 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 NMDWS, 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 the Contracting Agency or it's agent – 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). If fringe benefits are paid to a third-party account, the employee must have quarterly statements provided to them. The third way of paying fringe benefits, is to pay as a combination of cash and 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.

## Responsibilities of Contracting Agencies and/or their Agents as stated in the "PUBLIC WORKS MINIMUM WAGE ACT POLICY MANUAL"

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*The **contracting agency or its agent** is responsible for filling out the Notification of Award, and Subcontractor List (including updates to the Subcontractor List) and sending it to the Public Works Bureau.*

11.1.2.10.B (3) The contracting agency or its agent; i.e., architect or engineer, shall upon award of the project, or if the project is canceled, promptly fill out and return to the office of the director of the labor and industrial division the notification of award and list of subcontractors forms. Any changes or additions of subcontractors shall also be promptly mailed to the director by the contracting agency or its agent; i.e., architect or engineer.

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*The **contracting agency** is responsible for including in the advertised specifications and contract between the agency and the contractor, a provision requiring the contractor and all tiers of subcontractors to submit certified weekly payrolls records to the contracting agency biweekly, and to the Public Works Director if requested.*

11.1.2.10.C (2) In order to ensure compliance by the contractor and his subcontract to all tiers of subcontractors with the wage decisions, contracting agencies subject to the New Mexico Public Works Minimum Wage Act shall include in the advertised specifications and the contract between the agency and the contractor for all work subject to the terms of the Public Works Minimum Wage Act a provision requiring the contractor and all tiers of subcontractors to submit certified weekly payroll records to: (1) the contracting agency (biweekly), and (2) the director, when requested by the director or an interested party such as contractors, contracting agencies, labor organizations and contractor associations (the director may require disclosure of any information necessary to ensure compliance by all contractors at all tiers with the requirements of the New Mexico Public Works Minimum Wage Act).

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*The **contracting agency** is responsible for insuring that it has received a Statement of Intent to Pay Prevailing Wages before any payment is made to a contractor. The contracting agency is responsible for insuring that it has received an Affidavit of Wages Paid from a contractor before final payment is made to a contractor, and before bond monies and retainage are released to the contractor. The **contracting agency** and prime contractor must retain all certified payroll records for at least four years after the completion of the project.*

11.1.2.10.C (2) (e) Contractors and all contracting tiers on the project must file a statement of intent to pay prevailing wages (intent), and an affidavit of wages paid (affidavit). The intent form must be filed with the contracting agency within three (3) business days of the award of each respective contract. Payments will not be made to a non-compliant contractor until an intent form is filed.

11.1.2.10.C (2) (f) The affidavit form must be filed prior to the final payment to a contractor. Bond monies and retainage will be released only to contractors who have filed affidavits pursuant to the provisions of these regulations. Any contractor or subcontractor who files a false statement or refuses to file any statement or record required to be filed under these regulations, shall be considered as non-compliant and shall be subject to debarment proceedings. The contracting agency and the prime contractor shall keep all certified payroll records for a period of time not less than four (4) years after the completion of the contract.

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*The contracting agency or its agent is responsible for informing the Public Works Bureau of any change orders to the original contract of a Public Works project which is subject to the Minimum Wage Act, which will exceed \$1,000,000 or when the total cumulative value of the change orders on a project is greater than 50% of the original contract.*

Contracting Agency/Owner	County	Decision Date	Decision No.
ABCWUA	Bernalillo	10/03/07	BE-07-1180 A
		Expires for Bids	
Type of Construction: A		01/01/08	
<b>Description of Work: Soil Core Sampling</b>			
Drill down to depths of 10' to extract soil samples for contamination testing.			

## TYPE "A" - STREET, HIGHWAY, UTILITY & LIGHT ENGINEERING

*Effective May 11, 2007*

Trade Classification	Base Rate	Fringe Rate
Bricklayer/Blocklayer/Stonemason	9.71	0.26
Carpenter/Lather	12.23	0.44
Cement Mason	13.65	0.26
Ironworker	22.44	5.85
Painter (Brush/Roller/Spray)	16.63	0.44
<b>Electricians (outside)</b>		
Groundman	23.01	10.56
Equipment Operator	25.83	10.56
Lineman/Wireman or Tech	26.42	10.56
Cable Splicer	27.60	10.56
Plumber/Pipefitter	21.38	4.33
<b>Laborers</b>		
Group I	9.95	0.35
Group II	10.25	0.35
Group III	10.65	0.35
<b>Operators</b>		
Group I	12.97	0.26
Group II	13.17	0.26
Group III	13.75	0.26
Group IV	13.77	0.26
Group V	13.77	0.26
Group VI	13.92	0.26
Group VII	13.97	0.26
Group VIII	14.12	0.26
Group IX	14.62	0.26
Group X	15.42	0.26
<b>Truck Drivers</b>		
Group I	12.60	0.26
Group II	12.80	0.26
Group III	13.00	0.26
Group IV	13.20	0.26

NOTE: SUBSISTENCE AND INCENTIVE PAY DO NOT APPLY TO TYPE "A" CONSTRUCTION.