



# Ohio Rail Development Commission

1980 West Broad Street • Columbus, Ohio 43223  
614-644-0306 (telephone) • 614-728-4520 (fax) [www.dot.state.oh.us/ohiorail](http://www.dot.state.oh.us/ohiorail)

Re: American Recovery and Reinvestment Act (ARRA)  
Federal Prevailing Wage Requirements

Dear Sir:

Pursuant to our agreement for the construction of an American Recovery and Reinvestment Act-funded project, the following information is provided to clarify the wage requirements. The wage rates for this project were determined by the Secretary of Labor in accordance with Federal-Aid requirements and the American Recovery and Reinvestment Act.

***Only the classifications and wage rates set forth in the United States Department of Labor (USDOL) wage decision found at the website noted below shall be used on payrolls submitted to the ORDC. Additionally, please note that the wage modification in effect at the time of the project sale date or receipt of the notice to proceed from shall be used for the entire project.***

This USDOL wage decision may be viewed by accessing the United States Department of Labor (USDOL) website at:

<http://www.wdol.gov/dba.aspx#3>

This agreement requires the payment of the total of the basic hourly rates plus the fringe benefits payments for each classification in accordance with the following regulations which by reference are made part of this contract:

- 1) The U.S. Department of Labor Regulations, Title 29, Subtitle A, Part 5, Sections 5.5, 5.31, and 5.32, most recent revision at contract execution, or for a force account project, at the time of agreement execution.
- 2) Form FHWA-1273 (most recent revision at contract or agreement execution, as above) Part IV. Payment of Predetermined Minimum Wage and Part V. Statements and Payrolls.

The failure to pay prevailing wages to all laborers and mechanics employed on this project shall be considered a breach of contract. Such a failure may result in the termination of the contract and debarment.

The Contractor and/or Railroad and all subcontractors shall pay all wages and fringe benefits by company check. All payroll records and canceled pay checks shall be maintained for at least three years after the termination of the Contractor or Railroad's responsibility as defined in section 109.12 (E) of the 2005 Ohio Department of Transportation Construction and Materials Specifications. The Contractor's and/or Railroad's and all subcontractors' payroll records and canceled pay checks shall be made available for inspection by the ORDC, Ohio Department of Transportation, and the U.S. Department of Labor, upon request, anytime during the life of the contract, and for three years thereafter by the U.S. Department of Labor. Additionally, the Contractor and/or Railroad and all subcontractors shall permit such representatives to interview any employees during working hours while the employee is on the job.

The wage and fringe rates determined for this project shall be posted by the Contractor and/or Railroad in a prominent and accessible place on the project, field office, or equipment yard where they can be easily read by the workers.

The Contractor and/or Railroad and all subcontractors shall submit to the Ohio Rail Development Commission certified payrolls each week beginning three weeks after the start of work. These payrolls shall be on a Form WH-347 or equivalent and shall show the following:

1. Employee name, **identification number**, classification, and hours worked.
2. The basic hourly and overtime rate paid, total pay, and the manner in which fringe benefit payments have been irrevocably made.
3. The project number and pay week dates.
4. Original signature of a company officer on the certification statement.

Additionally, a copy of the "Apprentice Certification" obtained from the Ohio State Apprenticeship Council, must accompany all certified payrolls submitted for all apprentices working on this project.

Please be aware that it is ultimately the responsibility of the party holding the agreement with ORDC to ensure that all laws relating to prevailing wages in the USDOL Regulations, Title 29, parts 1 and 5, are strictly adhered to by all contractors or subcontractors on the project.

If the community, Railroad, Contractor, or any subcontractor fails to comply with any of the provisions contained in this update, the ORDC may terminate the contract, debar the Contractor or Subcontractor and/or withhold or suspend payments after written notice and a reasonable opportunity to comply has been provided.

Additional resources regarding US Department of Labor wages, including the required Statement of Compliance to accompany each certified payroll report, are located at:

<http://www.dot.state.oh.us/Divisions/ContractAdmin/Contracts/Pages/PrevailingWage.aspx>.

You can also feel free to call me at (614) 644-0307.

Respectively,

Susan Arduini  
Prevailing Wage Coordinator