

By: Murphy

H.B. No. 2689

A BILL TO BE ENTITLED

AN ACT

relating to wage surveys for the determination of prevailing wage rates for certain contracts for public works.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 2258.022, Government Code, is amended by amending Subsections (a) and (b) and adding Subsection (b-1) to read as follows:

(a) For a contract for a public work awarded by a political subdivision of the state, the public body shall determine the general prevailing rate of per diem wages in the locality in which the public work is to be performed for each craft or type of worker needed to execute the contract and the prevailing rate for legal holiday and overtime work by:

(1) conducting a survey or considering a survey conducted by a third party of the wages received by classes of workers employed on projects of a character similar to the contract work in the political subdivision of the state in which the public work is to be performed; or

(2) using the prevailing wage rate as determined by the United States Department of Labor in accordance with the Davis-Bacon Act (40 U.S.C. Section 3141 [~~276a~~] et seq.), and its subsequent amendments.

(b) This subsection applies only to a public work located in a county bordering the United Mexican States or in a county adjacent

1 to a county bordering the United Mexican States. For a contract for
2 a public work awarded by the state, the public body shall determine
3 the general prevailing rate of per diem wages in the locality in
4 which the public work is to be performed for each craft or type of
5 worker needed to execute the contract and the prevailing rate for
6 legal holiday and overtime work as follows. The public body shall
7 conduct a survey or consider a survey conducted by a third party of
8 the wages received by classes of workers employed on projects of a
9 character similar to the contract work both statewide and in the
10 political subdivision of the state in which the public work is to be
11 performed. The public body shall also consider the prevailing wage
12 rate as determined by the United States Department of Labor in
13 accordance with the Davis-Bacon Act (40 U.S.C. Section 3141 ~~[276a]~~
14 et seq.), and its subsequent amendments~~[, but only if the survey~~
15 ~~used to determine that rate was conducted within a three-year~~
16 ~~period preceding the date the public body calls for bids for the~~
17 ~~public work]~~. The public body shall determine the general
18 prevailing rate of per diem wages in the locality based on the
19 higher of:

20 (1) the rate determined from the survey conducted in
21 the political subdivision;

22 (2) the arithmetic mean between the rate determined
23 from the survey conducted in the political subdivision and the rate
24 determined from the statewide survey; and

25 (3) if applicable, the arithmetic mean between the
26 rate determined from the survey conducted in the political
27 subdivision and the rate determined by the United States Department

1 of Labor.

2 (b-1) A survey used to determine a general prevailing rate
3 under Subsection (a) or (b) must be conducted within a three-year
4 period preceding the date the public body calls for bids for the
5 public work.

6 SECTION 2. This Act takes effect September 1, 2017.