

**STATE AND FEDERAL WAGE DETERMINATION AND
TRUCK RENTAL RATE REQUIREMENTS
FEBRUARY 1, 2006**

I. PURPOSE

To provide the contracting agency with guidelines regarding the incorporation of state and federal wage and truck rental rate determinations into contracts that are funded in whole or in part with state and/or federal funds.

II. DEFINITIONS¹

- A. **Addendum**: A supplement to the proposal form as originally issued or printed, covering additions, corrections, or changes in the bidding conditions for the advertised work, that is issued by the contracting authority to prospective bidders prior to the date set for opening of proposals.
- B. **Administrator**: The Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, or authorized representative.²
- C. **Advertisement For Bids**: The public announcement, as required by law, inviting bids for the work to be performed or materials to be furnished.
- D. **Award**: The acceptance by the contracting authority of a bid, subject to execution and approval of the contract.
- E. **Bidder**: An individual, firm, or corporation submitting a proposal for the advertised work.
- F. **Certified**: To confirm formally as true, accurate, or genuine.³ For the purposes of this document certification falls under the authority of the Commissioner of the Minnesota Department of Labor and Industry or the United States Secretary of Labor.
- G. **Contract**: The written agreement between the contracting authority and the contractor setting forth their obligations, including, but not limited to, the performance of the work, the furnishing of labor and materials, the basis of payment, and other requirements contained in the contract documents.
- H. **Contracting Authority**: The political subdivision, governmental body, board, department, commission, or officer making the award and execution of contract as the party of the first part.
- I. **Contractor**: The individual, firm, or corporation contracting for and undertaking prosecution of the prescribed work; the party of the second part to the contract, acting directly or through a duly authorized representative.
- J. **Department**: The Department of Transportation of the State of Minnesota, or the political subdivision, governmental body, board, commission, office, department, division, or agency constituted for administration of the contract work within its jurisdiction.
- K. **In Effect**: Has the same meaning as “Effective Date”, which is defined as the date that a wage determination is certified by the Commissioner of Labor and Industry or the United States Secretary of Labor and published.
- L. **Proposal**: A plan that is proposed⁴, which includes but is not limited to construction specifications, wage and truck rental rates decisions, special provisions, general and detailed plans.
- M. **Revised or Modification**: To prepare a newly edited version of a document.⁵ For the purposes of this document the terms “revised” and “modification” have the same meaning.

¹ Mn/DOT Standard Specifications for Construction, Section 1103

² 29 CFR Part 1.2(c)

³ The American Heritage College Dictionary, Third Edition

⁴ The American Heritage College Dictionary, Third Edition

⁵ The American Heritage College Dictionary, Third Edition

III. STATE WAGE AND TRUCK RENTAL RATE DETERMINATION REQUIREMENTS

- A. The certified state wage and truck rental rate determination that is in effect on the date of advertisement shall be incorporated into the proposal.⁶ A state wage and/or truck rental rate determination that is certified and published after the date of advertisement is not applicable and shall not be incorporated into the proposal. *Refer to **Subparts D through F** of this section for a link to the current state wage and truck rental rate determinations.*
- B. However, if the wage and/or truck rental rate determination incorporated into the proposal is revised between the advertised date and up to 1 day prior to the opening of bids, the contracting authority shall incorporate the revised determination into the proposal by addendum.
 - 1. Based on past practice, a revision to a wage and/or truck rental rate determination that is published the day bids are opened does not have to be incorporated into the proposal.
- C. Revisions made to a wage and/or truck rental rate determination after the bid opening shall not apply to the contract.
- D. State highway and heavy wage determinations can be obtained at: <http://www.dli.mn.gov/LS/PrevWageHwyH.asp>
- E. State commercial wage determinations can be obtained at: <http://www.dli.mn.gov/LS/PrevWageComm.asp>
- F. State truck rental rate determinations can be obtained at: <http://www.dli.mn.gov/LS/PrevWageTR.asp>

IV. FEDERAL WAGE DETERMINATION REQUIREMENTS

- A. The wage determination that is in effect on the date of advertisement shall be incorporated into the proposal.⁷ *Refer to **Subpart E** of this section for a link to the current federal wage determinations.*
- B. If the wage determination is modified between the proposals advertised date and the day bids are opened, the contracting authority shall incorporate the modified wage determination into the proposal by addendum.⁸
 - 1. However, modifications to a wage determination that is published within 10 days prior to the opening of bids shall be incorporated into the proposal unless the contracting authority has determined that not enough time exists to notify all bidders of the change; a report stating this fact shall be incorporated into the project file and made available to the administrator or department upon request. No such report shall be required if a modification to the wage determination is published after the bid opening.⁹
- C. If the contract is not awarded within 90 days after the bid opening, modifications to a wage determination shall be incorporated into the contract up to the award, unless the contracting authority requests and obtains an extension of the 90 day period from the administrator.¹⁰
- D. Modifications to a wage determination after the award shall not apply to the contract.¹¹
- E. Federal wage determinations can be obtained at: <http://www.wdol.gov/>

For questions or clarification, please contact Mn/DOT Labor Compliance at: (651) 366-4204 or visit the website at: <http://www.dot.state.mn.us/const/labor/>

⁶ Minnesota Statute 177.43, Subdivision 4

⁷ 29 CFR Part 1.6(b)

⁸ 29 CFR Part 1.6(c)(3)

⁹ 29 CFR Part 1.6(c)(3)(i)

¹⁰ 29 CFR Part 1.6(c)(3)(iv)

¹¹ 29 CFR Part 1.6(c)(3)(vi)