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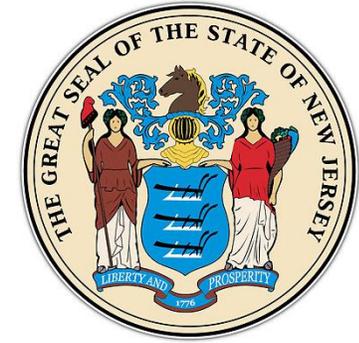
LEVELING THE PLAYING FIELD

**Best practices for purchasing, administering and closing out
publicly funded construction projects in New Jersey**



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What is Public Work?



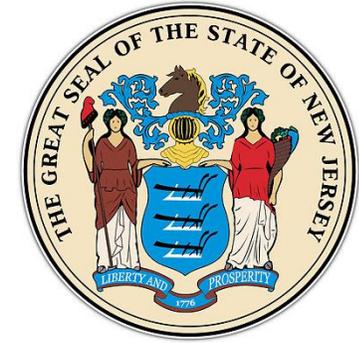
N.J.S.A. 34:11-56.26(5) defines public work as "...construction, reconstruction, demolition, alteration, custom fabrication, or repair work, or maintenance work, including painting and decorating, done under contract and paid for in whole or in part out of the funds of a public body..."

"Public Work" shall also mean construction, reconstruction, demolition, alteration, custom fabrication, or repair work done on any property or premises, whether or not the work is paid for from public funds, if, at the time of the entering into of the contract the property or premises is owned by the public body.



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What is a Public Body?

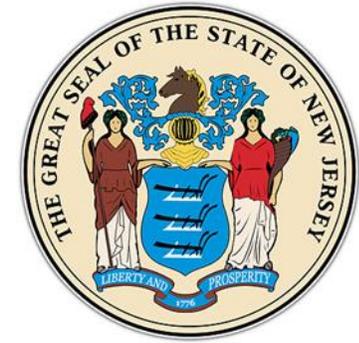


N.J.S.A. 34:11-56.26(4) defines a public body as "...the State of New Jersey, any of its political subdivisions, any authority created by the Legislature of the State of New Jersey and any instrumentality or agency of the State of New Jersey or of any of its political subdivisions."



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What is Prevailing Wage?



The New Jersey Prevailing Wage Act (N.J.S.A. 34:11-56.25 et seq.) establishes a prevailing wage level for workers engaged in public works in order to safeguard the workers efficiency and general well-being, and to protect them as well as their employers from the effects of serious and unfair competition resulting from wage levels that are detrimental to the efficiency and well-being of all concerned.

The Act requires the payment of minimum rates of pay to laborers, craftsmen and apprentices employed on public works projects. Covered workers must receive the appropriate craft prevailing wage rate as determined by the Commissioner of Labor and Workforce Development. Prevailing wage rates are wage rates based on the collective bargaining agreements established for a particular craft or trade in the locality in which the public work is performed. In New Jersey, these rates vary by county and by the type of work performed.



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Translation



The State of New Jersey has set wage and benefit standards for construction employees engaging in public work equal to the standards set in the collective bargaining agreements of trade unions governing each trade.

These standards are meant to ensure:

- A level playing field for bidders by standardizing compensation packages for all workers participating in the project
- Fair wages for the workers based on the trade work they are performing
- Transparency through the submission and review of certified payrolls, to ensure the public, the governing body and workers are protected



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So what is the current threshold amount?



In order for a project to be subject to prevailing wage, the total value of the project must exceed \$15,444, (effective July 1, 2019 the amount is \$16,263), if the work is being done for, or on property or premises owned by, a municipality or \$2,000 if the work is being done for, or on property or premises owned by, any other public entity, including boards of education and municipal utility authorities.



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What types of projects are subject to prevailing rate?



There are several scenarios in which work can be subject to prevailing wage:

1. There is an agreement or contract between a public body and a contractor to perform "public work", which is defined as construction, reconstruction, demolition, alteration, custom fabrication, or repair work, or maintenance work, including painting and decorating, done under contract and paid for in whole or in part out of the funds of a public body, except work performed under the rehabilitation program.



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This is the most common scenario in which prevailing wage is applied.



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What types of projects are subject to prevailing rate?



There are several scenarios in which work can be subject to prevailing wage:

2. "Public work" shall also mean construction, reconstruction, demolition, alteration, custom fabrication, or repair work, done on any property or premises, whether or not the work is paid for from public funds, if, at the time of the entering into of the contract the property or premises is owned by the public body or:
 - i. Not less than 55 percent of the property or premises is leased by a public body, or is subject to an agreement to be subsequently leased by the public body; and
 - ii. the portion of the property or premises that is leased or subject to an agreement to be subsequently leased by the public body measures more than 20,000 square feet.



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- i. Not less than 55 percent of the property or premises is leased by a public body, or is subject to an agreement to be subsequently leased by the public body; **AND**
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What types of projects are subject to prevailing rate?



There are several scenarios in which work can be subject to prevailing wage:

3. The property or premises where the work is to be performed is owned by a public body at the time the contract is awarded, even if the public body is not a party to the contract and the contractor will not be paid with public funds.



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What types of projects are subject to prevailing rate?



4. If a project has received any financial assistance from certain state or county improvement authorities, such as:

- NJ Economic Development Authority
- NJ Redevelopment Authority
- NJ Housing and Mortgage Finance Agencies
- Urban Enterprise Zone Authority (NJ Commerce, Economic Growth and Tourism Commission)
- Casino Redevelopment Authority
- NJ Educational Facilities Authority
- NJ Health Care Facilities Authority.
- Any County Improvement Authority.



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Other Commonly Asked Questions about Public Construction Contracts



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Other Commonly Asked Questions about Public Contracts

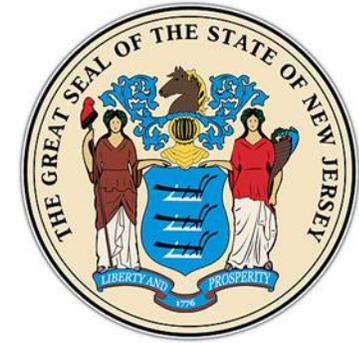


Are projects purchased through the NJ Department of Treasury's Property and Purchase State Contract lists subject to prevailing wage?



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Other Commonly Asked Questions about Public Contracts



Are projects purchased through the NJ Department of Treasury's Property and Purchase State Contract lists subject to prevailing wage?

Are projects purchased through cooperative bidding services, such as Middlesex, Sourcewell, Educational Data Services, etc. subject to prevailing wage?



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Are insurance remediation/emergency projects subject to prevailing wage?



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Other Commonly Asked Questions about Public Contracts



Are projects purchased through the NJ Department of Treasury's Property and Purchase State Contract lists subject to prevailing wage? **YES**

Are projects purchased through cooperative bidding services, such as Middlesex, Sourcewell, Educational Data Services, etc. subject to prevailing wage? **YES**

Are insurance remediation/emergency projects subject to prevailing wage? **YES.**



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We've established a project is subject to prevailing wage. Now what?



Step One: Confirm all contractors and subcontractors engaged in a project are in compliance with the State of New Jersey's *Public Works Contractor Registration Act* prior to issuing a purchase order.

Only registered Public Work Contractors may engage in work covered by the Prevailing Wage Act.

The Public Works Contractor Registration Act ([NJSA 34:11-56.48 et seq.](#)) requires all contractors, subcontractors, or lower tier subcontractors (including subcontractors listed in bid proposal) who bid on or engage in the performance of any public work in New Jersey to register with the NJ Department of Labor & Workforce Development.



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How do I find out if a contractor is a Registered as a Public Works Contractor?



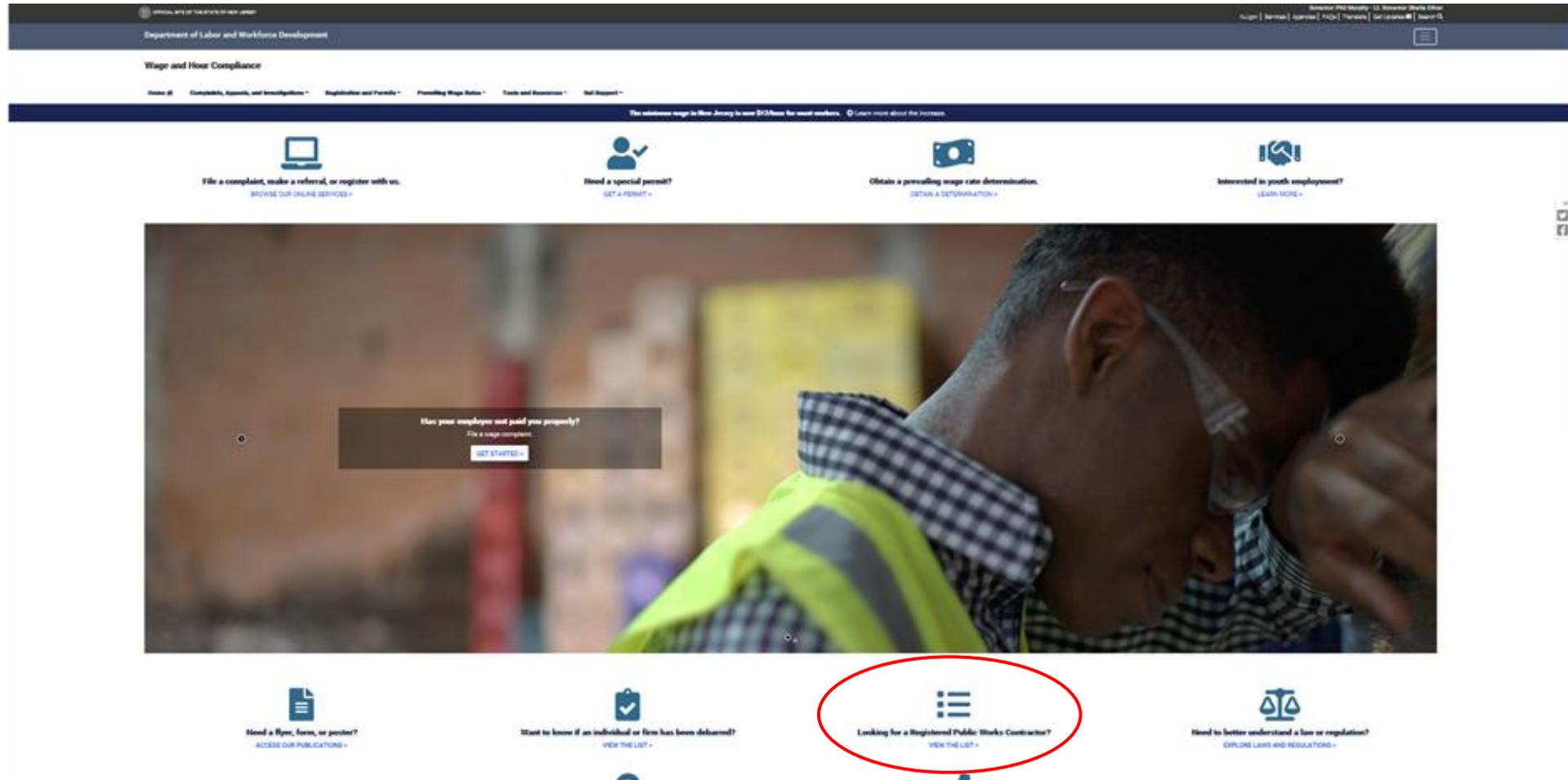
Visit the New Jersey Department of Labor's Wage & Hour Website
to determine if a contractor is registered:

https://www.nj.gov/labor/wagehour/wagehour_index.html



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How do I find out if a contractor is a Registered as a Public Works Contractor?





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How do I find out if a contractor is a Registered as a Public Works Contractor?



New Jersey Public Works Registered Contractors

WAGE AND HOUR DISCLAIMER: This list of registered Public Works contractors and subcontractors is provided for informational purposes only. The New Jersey Department of Labor and Workforce Development, Wage & Hour Division and Contract Compliance makes the official Public Works Contractor Registration status determinations. For specific and current registration information status, contact Wage & Hour Division and Contract Compliance at pwcr@dol.nj.gov or 609-292-9464.

Search Business Name

Registration Date

11/6/2019 1/14/2022

Address

City

State **Zip Code**

Certificate #

 6344
of Contractors

[Reset](#) [Map View](#)

Contractors with Crafts

Business Name	Reg. Date	Exp. Date	Address	City	State	Zipcode	County	Certificate #
11 Enviro Group	11/12/2020	11/11/2021	167 W. 73rd St. Unit 9	New York	NY	10023	United States	726593
111 South Contractors, LLC	06/11/2021	06/10/2022	231 Park Ave	Manalapan	NJ	07726	Monmouth	628924
11400, INC.	02/13/2021	02/12/2023	2205 Old Philadelphia Pik	Lancaster	PA	17602	Lancaster	668354
192 Branch Interior Services, Inc	03/18/2020	03/17/2022	2099 9th Ave	Ronkonkoma	NY	11779	United States	699829
1Huddle, Inc.	02/10/2021	02/09/2022	550 Broad Street, Suite 904	Newark	NJ	07102	Essex	730776
1ST GOAL HEATING & COOLING	08/13/2021	08/12/2023	271 East Blackwell St. Unit 4	Dover	NJ	07801	Morris	707921
21 Contracting LLC	08/27/2021	08/26/2022	29 Argyle Terr	Irvington	NJ	07111	Essex	726757
275 Sussex Development LLC	06/01/2021	05/31/2022	87 Halsey St.	Newark	NJ	07102	Essex	731729
2E Transport LLC	04/15/2021	04/14/2022	245 Matchaponix Ave	Monroe Township	NJ	08831	Middlesex	728064
3 R Painting & Contracting Co Inc	08/30/2021	08/29/2022	122 Drummond Avenue	Neptune	NJ	07753	Monmouth	42992
3 R Painting LLC	06/01/2021	05/31/2022	122 Drummond Avenue	Neptune	NJ	07753	Monmouth	731727
3 Sisters Construction Corporation	04/13/2020	04/12/2022	188 Cambridge Court	Clifton	NJ	07014	Passaic	710313
3, LLC	10/23/2021	10/22/2022	434 Kearny Ave #232	Kearny	NJ	07032	Hudson	730040
3-D Insulation, Inc.	04/12/2020	04/11/2022	PO Box 54	Long Valley	NJ	07853	Morris	603788
33 Maple LLC	06/01/2021	05/31/2022	87 Halsey St	Newark	NJ	07102	Essex	731728

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How do I find out if a contractor is a Registered as a Public Works Contractor?



If the contractor is not found within the state's database, then they are **NOT ELIGIBLE** to bid the project.

Per the NJ Public Contractor Registration Act, if a contractor bids on or is found working on a public works project without being registered, the maximum penalty for a first violation is \$2500.



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How do I find out if a contractor is a Registered as a Public Works Contractor?



If the contractor is not found within the state's database, then they are **NOT ELIGIBLE** to perform the project.

Per the NJ Public Contractor Registration Act, if a contractor bids on or is found working on a public works project without being registered, the maximum penalty for a first violation is \$2500.

Remember, that all subcontractors engaging in public work must also be registered.



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What other documents should I require from the contractor (and his subcontractors) if they are working on a public project?

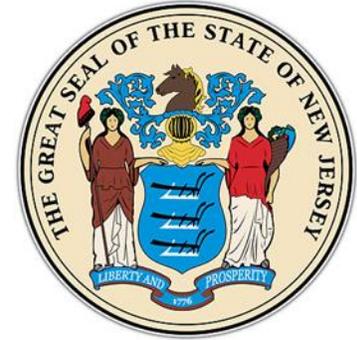


- New Jersey Business Registration
- Insurance certificate naming appropriate 'Additionally Insured' entities as required by your municipality
- NJ Public Works Contractors Certificate
- Any other items required by law or your municipality's existing policy (EEO documents, political disclosure forms, Iran activities affidavits, etc)
- A list of all subcontractors being used on the project and all of their applicable paperwork as listed above



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Once the work begins, is there any paperwork the contractor must submit other than invoices?



Every prevailing wage project requires that certified payroll records by all **contractors and subcontractors** be submitted to the public body.

Certified payrolls are due to the public body within 10 days of each date the workers were paid the wages.

For example, if a contractor works for four pay weeks, they would have to submit four certified payroll records for the project, with each submission coming within 10 days of the date the wages were paid to the men. Weekly payroll records are still required, even if the contractor pays bi-weekly.

Payroll Certification for Public Works Projects
for Contractor and Subcontractor's Weekly and Final Certification

Other (specify)

Name of <input type="checkbox"/> Contractor or <input type="checkbox"/> Subcontractor			Business Address			Project Name		
F.E.I.N.			Project Location			Contract I.D. or Project I.D.		
Payroll No.	Date Wages Due & Paid (mm/dd/yyyy)	Week Ending Date	or <input type="checkbox"/> Final Certification			Contractor Registration #		

SUBMIT form by
email: equalpayact@dol.nj.gov

IMPORTANT: For purposes of law, you must also submit this form to the appropriate public body or lessor.

1. Employee Name and Address	2. Work Job Title <i>e.g., apprentice, journeyman, foreman</i> Work Classification/ Occupational Category <i>e.g., carpenter, mason, plumber</i>		3. Demographics <u>Sex</u> M=Male F=Female X=Non-Binary <u>Race</u> See Key		Straight Time or Overtime	4. Day and Date							5. Total Hours	6. Hourly Rate of Pay	7. Gross Amt. Earned		8. Deductions					9. Net Wages Paid for Week	10. Total Fringe Benefit Cost/Hour			
						SU	MO	TU	WE	TH	FR	SA			This Project	This Week	FICA	Federal Tax	State Tax	Other (specify)	Total Deductions					
						Hours worked each day																				
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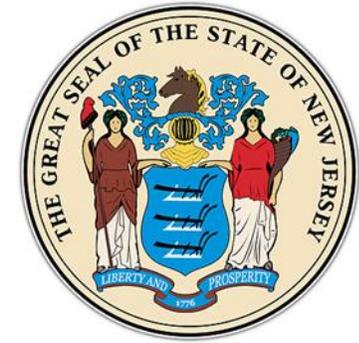
KEY **W**= White; **B**= Black or African American;
A= Asian; **N**= American Indian or Native Alaskan;
I = Native Hawaiian or Pacific Islander; **M**= 2 or More

Check if additional sheets used



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Best Practices for Prevailing Wage Projects



- Create a sign in sheet and require all workers working on the project print their names, list the contractor they work for, their signature upon, and note their arrival and departure times daily
- When certified payroll records arrive, review them to confirm the names, number of workers and hours are consistent with the sign in sheets
- Make sure all certified payroll records are date and time stamped upon their arrival to the Public Body
- Confirm the General Contractor has posted the wage rates that are applicable for this project. This is the law in New Jersey
- Confirm all subcontractors on the project have all of the required certifications
- Review all certified payrolls prior to approving any billings



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Best Practices for Prevailing Wage Projects

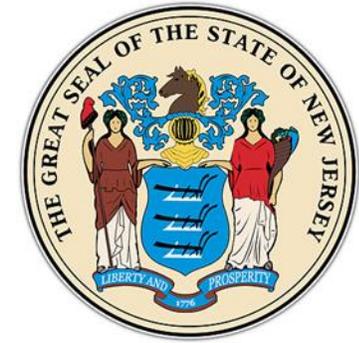


**What can you do to help ensure
contractors are 100% compliant?**



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Best Practices for Prevailing Wage Projects



If you find regulations are not being adhered to, then:

- Ask the contractor to remedy the situation.
- Hold payment until issues are corrected.
- Do not approve payment until certified payrolls for the contractor and all subcontractors have been received.
- Call NJ Department of Labor Wage and Hour Public Contracts Division and report the violations (609) 292-2259
- Call Industry Labor & Compliance to report the situation or if you have questions. (609) 226-6679



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Best Practices for Prevailing Wage Projects



Why should you care?

- Because dishonest contractors only care about stealing their way to profitability.
- Dishonest contractors don't care about employees getting paid what they are entitled to.
- Prevailing wage laws are in place to protect craftsman participating in the project by ensuring they are compensated according to the provisions of the law.
- The workers should receive the pay they are entitled to.



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Best Practices for Prevailing Wage Projects



Why should you care?

Cheating on prevailing wage projects has wide ranging impacts on:

- The workers and their families
- Taxpayers
- Honest contractors
- The honest contractor's employees and their families
- Public employees
- Other companies, because falsifying payroll records adversely impacts workers compensation premiums for other, honest, business owners.



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Questions?



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For more information

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Eastern Atlantic States Regional Council of Carpenters**

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