

The Massachusetts Prevailing Wage Law

(M.G.L. c. 149, §§ 26–27; c. 5, § 1;
c. 71, § 7A and c. 121B, § 29)

An Important Guide for Awarding Authorities



MASSACHUSETTS DEPARTMENT OF
LABOR STANDARDS

Obtaining Wage Rate Schedules

Every awarding authority must request official prevailing wage rate schedules from the Department of Labor Standards (DLS) before bids or quotes are solicited for public works projects. Awarding Authorities use a web-enabled online system for obtaining said schedules and related information.

Visit mass.gov/dols/pw to register as a requestor and for more information about the automated system.

Steps For Compliance

- Once you receive the wage schedule for a particular project, it is your obligation to make copies available to all bidders or persons providing price quotes. Public works projects that are not put out to bid are not exempt. Since DLS does not issue wage schedules directly to contractors, you must provide them to all bidders.
- Each wage schedule applies only to the public works project for which it was issued.
- The awarding authority is responsible for ensuring that all bids reflect prevailing wage rates and should, therefore, review all bids carefully. Contractors may be called upon to demonstrate how they could complete the project and comply with the prevailing wage law.
- Once a contractor has been selected, the wage schedule must be made a part of the contract for that project

Awarding Authority Defined

The law provides that works by “the commonwealth, or by a county, town, or district” require the payment of prevailing wages. In general, this means all public agencies and their subdivisions, including state agencies, counties, authorities, cities, towns, school departments, highway or public works departments, water departments, housing authorities, and other municipal departments are covered by the prevailing wage law.

Covered Projects

The law states that all “public works” projects require payment of prevailing wages. Generally, this includes new construction, renovation, repair, demolition, road or highway work, the rental of equipment, moving office furniture, cleaning state office buildings, trash hauling, and school bus transportation.

If you have a question about whether or not a project requires prevailing wages, you should contact DLS.

No Dollar Threshold

The prevailing wage law applies to all publicworks projects, regardless of the cost or size of the project.

Wage Schedules

The wage schedule issued for the project by DLS will remain in effect for the entire project, except in the case of multi-year projects. For projects lasting more than one year, awarding authorities must request an updated rate schedule from DLS, which will become effective

on the anniversary date of the contract. A copy of the wage schedule is required by law to be posted at the work site.

A wage schedule issued for another project may not be used on any other project.

Please be advised that payment of prevailing wages may be required for certain statewide contracts available on the state's COMMBUYS system. For contracts requiring payment of prevailing wages, the awarding authority must request a prevailing wage schedule from the Department of Labor Standards (DLS) at mass.gov/dols/pw.

Penalties

Non-compliance with the law may result in a cease work order and subjects the contractor to potential civil and criminal liability. The awarding authority may also, under certain circumstances, be subject to civil liability.



Governmental Agencies

Since September of 1993, two agencies have had responsibility for the prevailing wage law. The Department of Labor Standards (DLS) is responsible for issuing wage schedules and job classifications, and making determinations on the applicability of the prevailing wage. Appeals of prevailing wage schedules may be made to the DLS Commissioner.

The Office of the Attorney General Fair Labor Division is responsible for enforcing the prevailing wage laws and receives all bid protests.

Projects that are federally-funded, or partially federally-funded, may require Davis-Bacon wage rates issued by the U.S. Department of Labor, Wage and Hour Division. **The telephone number for the Boston District Office is (617) 624-6700.**

The Division of Capital Asset Management and Maintenance (DCAMM) certifies contractors who work on public building projects. **The telephone number for DCAMM is (617) 727-4053.**



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**Wage laws are
enforced by:**

**Office of the Attorney General
*Fair Labor and Business
Practices Division***

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