

#### **4.23 PREVAILING WAGE ON BUILDING OR WORK FINANCED IN WHOLE OR IN PART WITH CITY FINANCIAL ASSISTANCE.**

- (1) Purpose and Intent . It is the policy of the City to assure equitable wages for all building or work which is financed in whole or in part with City financial assistance. The Common Council finds that extending prevailing wages to workers employed on such projects preserves and promotes the public health, safety, prosperity, and general welfare of the people of the City of Madison.
- (2) On any projects for which the City contributes financial assistance and which are “public works,” “building or work,” or “erection, construction, remodeling, repairing” as those terms are defined in Sec. 23.01(1)(a) of these ordinances and such work is performed by “employees working on the project” or “laborers, workers, and mechanics” as those terms are defined in Sec. 23.01(1)(a), all employees shall be compensated at the rates established pursuant to Sec. 23.01(1) of these ordinances, Sec. 66.0903, Wis.Stats., and Sec. DWD 290 of the Wisconsin Administrative Code as therein provided. In the event of a difference in the required rates or provisions, the higher wage or more stringent provision established by the City or the State shall be required.

(3) “City financial assistance” means any grant, cooperative agreement, loan, contract (other than a public works contract, a supply procurement contract, a contract of insurance or guaranty or a collective bargaining agreement) or any other arrangement by which the City provides or otherwise makes available assistance, in the form of

- (a) Funds.
- (b) Services of City personnel.
- (c) Real and personal property or any interest in or use of such property, including:
  1. Transfers or leases of such property for less than the fair market value, or for reduced consideration; and
  2. Proceeds from a subsequent transfer or lease of such property if the City’s share of its fair market value is not returned to the City.
- (d) The sale and lease of, and the permission to use (on other than a casual or transient basis) City property or any interest in such property, the furnishing of services without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by the sale, lease or furnishing of services to the recipient, and
- (e) Any City agreement, arrangement or other contract which has as one of its purposes the provision of financial assistance, including purchase of service agreements.
- (f) “City financial assistance” includes, but is not limited to, redevelopment contracts, economic development agreements, revenue or loan agreements with an eligible participant or authorized developer under Sec. 66.1103, Wis. Stats., contracts with developers or other entities authorized by Secs. 66.1333(5) and 66.1105(3), Wis. Stats., and assistance provided under Sec. 66.1109, Wis. Stats.

(4) All contracts or agreements for such projects shall include the following provision:

Prevailing Wages . The Contractor shall pay its employees the wage rates established by Sec. 4.23, Madison General Ordinances, and its referenced sections and shall require in its contracts and subcontracts for work on the project, adherence by those contractors, subcontractors and agents to the wage rates established by this Section 4.23 and its referenced sections. The contractor and its contractors, subcontractors and agents shall also adhere to the requirements of

Madison General Ordinances Sec. 23.01(1)(d) "Payrolls and Records," Sec. 23.01(1)(j) "Evidence of Compliance by Contractor," and Sec. 23.01(1)(k) "Evidence of Compliance by Agent and Subcontractor" with the exception that the reference to "City Engineer" and "Department of Public Works" shall be to the City agency administering the project.

(5) Exceptions .

- (a) This ordinance does not apply to work or contracts which are governed by Sec. 23.01 of these ordinances.
- (b) This ordinance does not apply to wages of student learners or employees of licensed sheltered workshops, as those terms are defined in Ch. 104, Wis. Stats.
- (c) This ordinance does not apply to any construction or rehabilitation project which involves fewer than eight residential units and which does not include commercial space.
- (d) This ordinance does not apply to projects funded in whole or in part by federal funds.

(Sec. 4.23 Cr. by Ord. 11,895, 7-14-97)