
Simpson Strong Tie Materials Demonstration Lab Project MAJ 07-0039

Questions and Responses #4

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DATE: July 29, 2009

Submittal Date: **July 30, 2009**
before 2:00 p.m.

The following information is provided for the convenience of the bidders, and is not a part of the Addenda. Questions and requests for clarifications received to date are repeated for all those who have the plans and specifications followed by the response.

4-1 Question:

In Questions and Responses #1, item 1-9, you say that prevailing wages do not apply to Carpenter (San Luis Obispo) off-site fabrication work on this project? My understanding of prevailing wage requirements is different. Could you please elaborate?

Response:

Thank you for requesting this clarification. If an item is customarily and routinely manufactured by a material supplier offsite and sold to the public (such as a truss), then such work (even if a carpenter is involved) is not interpreted to be subject to prevailing wage requirements.

However, if custom fabrication or manufacturing is involved and the vendor is a contractor or subcontractor, then prevailing wage requirements would be deemed to apply since the subject work is not material supply, but is custom fabrication for a public works project (even if performed offsite).

One potential bidder cited <http://www.dir.ca.gov/dlsr/coverage/year2008/2007-008.pdf> which is helpful in understanding the intricacies, and so is <http://www.dir.ca.gov/dlsr/coverage/year2003/2002-064.pdf>.

In the latter citation, you'll note the following quotes of interest:

"Workers employed by contractors or subcontractors are employed in the execution of a contract for public work when they are engaged in the off-site fabrication of items produced specially for the public works project and not for sale on the general market."

and

"When off-site workers specially produce fabricated or prefabricated products for use in a public works project, Section 1772 requires that they be paid prevailing wages."

It is crucial that the contractor properly categorizes and pays prevailing wages as applicable, as the wage differential, plus applicable penalties, interest, and other fees apply if prevailing wages are not properly paid and certified. See generally Contract General Conditions, Article 4.02.

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