

PHASE I: CONTRACT FORMATION

Activity 6: Service Contract Act Requirements Analysis

Identify requirements for wage determination for service contracts.

Determine whether or not there is a predecessor contract covered by the Service Contract Labor Standards statute, and, if so, whether a collective bargaining agreement (CBA) exists.

If no,

If yes,

Require contractors to pay their employees at least the wages and fringe benefits found by the Department of Labor (DOL) to prevail in the locality or, in the absence of a wage determination, the minimum wage set forth in the Fair Labor Standards Act of 1938.

Require contractors to pay their employees the wages and benefits at least equal to those contained in any bona fide CBA entered into under the predecessor contract.

If the WDOL database does not contain the applicable prevailing wage determination for a contract action, use the e98 electronic process to request a wage determination from DOL.

Notify both the incumbent contractor and its employees' collective bargaining agent in writing of the forthcoming successor contract.

Incorporate the appropriate wage determination or revision provided by the DOL into the solicitation.

Obtain a copy of any CBA between the incumbent contractor or subcontractor and its employees.

Upon timely receipt of the CBA, use the WDOL website to prepare a wage determination referencing the CBA, and incorporate that wage determination, attached to a complete copy of the CBA, into the successor contract action.

The e98 process also may be used to request that the Department of Labor prepare the cover wage determinations based on the CBA.

Address revisions to prevailing wage determinations and wage determinations based on CBAs as appropriate.

If a wage determination was obtained through the e98 process, and bid opening, or commencement of work under a negotiated contract has been delayed more than 60 days, submit a new e98.