



## *Florida Department of Transportation*

**RICK SCOTT**  
GOVERNOR

605 Suwannee Street  
Tallahassee, FL 32399-0450

**JIM BOXOLD**  
SECRETARY

### MEMORANDUM

**DATE:** December 11, 2015

**TO:** Tom Byron, Chief Engineer

**FROM:** Tim Lattner, Director, Office of Design  
David Sadler, Director, Office of Construction  
Rudy Powell, Director, Office of Maintenance

**COPIES:** Daniel Scheer, State Specifications Engineer

**SUBJECT:** Mandatory Specification Revision No. 2  
January 2016 Workbook and eBook

I approve the implementation plan of the subject Specification.

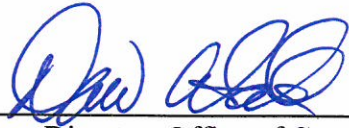
Tim Lattner

  
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Director, Office of Design

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12-11-15

\_\_\_\_\_  
Date


David Sadler

  
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Director, Office of Construction

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12-11-15

\_\_\_\_\_  
Date

Rudy Powell

  
\_\_\_\_\_  
Director, Office of Maintenance

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12-11-15

\_\_\_\_\_  
Date



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Tallahassee, FL 32399-0450

JIM BOXOLD  
SECRETARY

### MEMORANDUM

**DATE:** December 11, 2015

**TO:** District Specifications Engineers

**FROM:** Daniel Scheer, State Specifications Engineer 

**CC:** State Specifications and Estimates Office  
Tim Lattner, Director, Office of Design  
David Sadler, Director, Office of Construction  
Amy Tootle, State Construction Engineer  
Rudy Powell, Director, Office of Maintenance

**SUBJECT:** MANDATORY SPECIFICATIONS REVISIONS  
January 2016 Workbook and eBook: Mandatory Revision No. 2

Mandatory No. 2 is issued to include the following Special Provision for lettings beginning March 1, 2016 and forward.

Revise specification packages as described below for the effective letting date as noted:

Specification Number	Heading	Revision Date	Effective Letting Date	Remarks
SP0071600	Legal Requirements and Responsibility to the Public – Wage Rates for Federal Aid Products	12-8-15	3-16	SP deleted and replaced with revised. Usage Note: All Federally Funded Jobs

29 C.F.R. §1.6(b) requires contracting agencies to incorporate appropriate wage rate determinations in bid solicitations and contract specifications and to designate specifically the work to which such wage determinations apply. SP0071600 has been revised to allow the insertion of multiple wage rate determinations and the work associated with each.

*From the US Department of Labor Prevailing Wage Resource Book:*  
(<http://www.dol.gov/whd/recovery/pwrb/Tab6.pdf>):

### “Multiple Types Of Construction” Versus “Incidental Construction”

**All Agency Memorandum No. 131** provides further guidance, particularly on the application of multiple wage determinations for projects that involve more than one type of construction.

◇ Where a project includes construction items that in themselves would be classified differently with regard to type of construction, **multiple classification(a) as to type of construction may be justified if such items are a substantial part of the project.**

◇ The application of wage schedules/determinations for more than one type of construction is appropriate if such items that fall in a separate type of construction will comprise at least 20% of the total project cost and/or cost at least \$1 million.

◇ Generally, if such items that in themselves would be classified as a separate type of construction will be less than 20% of the total project cost and will cost less than \$1 million, they are considered **incidental** to the primary type of construction involved on the project, and a separate wage determination is not applicable, unless there is an established local area practice to the contrary.

◇ Where multiple wage determinations are incorporated into the bid specifications/contract it is very important also to **provide instructions specifying the contract work to which each wage determination applies.** 29 C.F.R. § 1.6(b), reiterated in the FAR at 48 C.F.R. § 22.404-2.

◇◇ Such instructions are needed not only when the wage determinations for different types of construction (and/or locations) are in separate “Wage Decisions,” but also where wage determinations for various types of construction (and/or counties) have been consolidated into a single “Wage Decision.” (This has often been done for administrative convenience in issuing wage determinations.)

**LEGAL REQUIREMENTS AND RESPONSIBILITY TO THE PUBLIC - WAGE RATES FOR FEDERAL-AID PROJECTS.**

(REV ~~10-15-14~~ ~~12-8-15~~) (~~FA 10-20-14~~) (~~1-16~~) (3-16)

ARTICLE 7-16 is expanded by the following:

For this Contract, payment of predetermined minimum wages applies.

The U.S. Department of Labor (USDOL) Wage Rates applicable to this Contract are listed in *table below* Wage Rate Decision Number(s), as modified up through ten days prior to the opening of bids.

*(When multiple wage determinations are necessary, list the wage decision number and the work to which each wage determination applies. Delete when not used.)*

<i>Wage Rate Decision Number</i>	<i>Associated Work</i>

Obtain the applicable General Decision(s) (Wage Tables) through the Department's Office of Construction website and ensure that employees receive the minimum compensation applicable. Review the General Decisions for all classifications necessary to complete the project. Request additional classifications through the Engineer's office when needed.

For guidance on the requirements for the payment of wages and benefits and the submittal of certified payrolls, and for general guidance and examples of multiple wage rates when assigned to a Contract, refer to the Department's Office of Construction website. Questions regarding wage rates and the applicability of wage tables should be submitted in accordance with 2-4.

Contact the Department's Prevailing Wage Rate Coordinator at (850) 414-4688 if the Department's website cannot be accessed or there are questions.