



# Emergence Health Network

El Paso Center for Mental Health/Intellectual Disabilities

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## ADDENDUM II

To: All Interested Bidders

From: Luis Cervantes/Ana Matos

Date: May 15, 2015

Subject: **IFB 15-012 Addendum**

**This addendum has been issued to respond to questions for this solicitation. Attached are the responses to questions for IFB 15-012 and drawings for Emergence Health Network.**

**Any questions or additional information required by interested vendors must be emailed to [bidquestions@ehnel Paso.org](mailto:bidquestions@ehnel Paso.org) before the above deadlines. IFB number and title must be on the "Subject Line" of the email. Attempts to circumvent this requirement may result in rejection of the proposal.**

## 15-012 Chase Cabling Questions

- 1) For the cable, faceplates, patch panels, UPS, and racks, do you have any make/model preferences or any additional required specifications?  
**No preferences on brand except that the brand should be CAT 6 standards for cable, faceplates, patch panels and racks. For the UPS we are looking at a rack mounted APC Smart-UPS X 3000VA Rack/Tower LCD 100-127V with Network Card part number SMX3000LVNC and a battery pack APC Smart-UPS X 120V External Battery Pack Rack/Tower part number SMX120BP.**
- 2) What color do you want the faceplates to be? How many ports do you need for each faceplate (future expansion)? Do you want flush mount or biscuit-style?  
**We want the faceplates to be white, faceplate should have the one RJ-45 connection, we do want flush mount.**
- 3) For the CAT6 connectors/plugs, do you want shielded or UTP?  
**What is recommended for our environment at the chase building, Shielded is more expensive than UTP but shielded would provide added security. What is commonly installed?**
- 4) Regarding the racks for the switches and patch panels, do you want them to swing out or not? Also, what maximum size and structure type do you want (future upgrades)?  
**No, we don't need them to swing out, standard 19" rack but we would need the front of rack to be at least 2 ft from the back wall in order to accommodate the switch and power supply & cabling.**
- 5) Is coring involved?  
**It will not be necessary.**
- 6) Are the mounts provided for the Cisco Access Points?  
**We are purchasing the mounts with the APs but we will need the APs mounted and installed once we determine where to install the APs in our suite pending a wireless survey of the area.**
- 7) Per the prebid meeting on 5/12/2015, 1 6-strand 10Gig fiber optic backbone cable, and 1 50-pair (25pair if available) backbone cable are required. Is this correct?  
**Yes, we should be able to get by with 25pair cable if available, we will also need a 25pair cable run from AT&T demarc to one of the IT closets.**

- 8) Faceplates for each drop. Are the faceplates angled or flat? How many ports per faceplate? Of what material (plastic or stainless steel) are the faceplates made? What color(s) are the faceplates?

**Flat mounted with one data port only. Plastic will be fine and we want white faceplates.**

- 9) There will be 8 Cisco wireless access points (WAPs) provided by EHN. Where are the WAPs located on the drawings?

**We would like for a survey to be done, this will tell us how to strategically place the APs within our space, having enough coverage in all areas is our main concern for the survey.**

- 10) 6 – Analog lines. What Category (3,5e,6) cable is to be used for the analog lines. **Category 3 will work for the analog lines.**

- 11) Will you show the locations and types of floor outlets required?

**Yes we can do that. We will need 3 prong electrical outlets 4 outlets each cubicle.**

- 12) What are the specifications for the UPS's.

**For the UPS we are looking at a rack mounted APC Smart-UPS X 3000VA Rack/Tower LCD 100-127V with Network Card part number SMX3000LVNC and a battery pack APC Smart-UPS X 120V External Battery Pack Rack/Tower part number SMX120BP.**

- 13) Are we to provide the plywood backboards for the two IT closets? If so, are we to provide fire resistant paint?

**Yes we will need this.**

- 14) Is cable tray that is outside the IT closets a part of this contract?

**We have determined that due to the amount of cabling needed that a cable tray/basket will not be needed but will need the appropriate cable hooks for all cable runs, please include this in the contract.**

- 15) We understand that "FUTURE" locations do not require Category cabling. Is that true?

**We need cable runs for all 'Future' locations but we do not need these cables to be terminated, if they can be rolled and kept within the floor or wall. If and then when these cables are needed then we can roll them out and terminate these locations ourselves. Cable runs are to be CAT 6 plenum rated.**

- 16) What the definitions (quantity of data and voice jacks, Category rating of cable, floor, ceiling, flush...) for the IT symbols on the drawing?

**We want CAT 6 UTP, white faceplates & flush mounted.**

- 17) What are the dimensions of the exterior walls in the drawing?

**See power drawings. Scale 1/8" = 1'-0"**

18) Per the prebid meeting on 5/12/2015, power polls are not to be used. Our first pass calculations show that the Category cabling for the cubicles will not fit in the under-floor raceway. What pathways will you allow for cable runs to the cubicles?

**At this time, no other pathways are available.**

19) Are the UPS requested to be floor mount or rack mount?

**Rack mounted**

20) Is there any way we can get the TV locations marked/identified on the prints to make sure we are counting the correct amount of RG-6 Drops?

**We will not need RG-6 cable drops, Time Warner has stated that installation of their service will include all cabling needed for our TV locations.**

21) Contract references a "Cost Proposal Document". Was there one supplied to enter bid proposal or do we submit a cost proposal using our Proposal spreadsheet?

**Cost Proposal Document was not supplied, please submit your own Proposal/Cost Spreadsheet to include total.**

22) There are no Davis Bacon Wage scales posted and I believe it was stated. Do you have that wage scale to reference or is this to reference El Paso County Wage Scale for Electronic Technician?

**Please see attached 2012 Prevailing Wage Rates.**

23) The question is about the 5 or 6 Analog lines discussed at the Walk-thru. If appropriate, is there any reason why these cannot be delivered to the D-Mark thru SIP?

**We will not be using SIP for the analog lines.**

24) The Walk-thru clearly raised the potential that the amount of cabling required may require significant alteration to the "Data/Power Pole less" concept due to raceway/cable tray/additional switch or router requirements. Those attending also were instructed that, and the paperwork for submittals states, all items must be the same as specified. Attendees were also asked for our best ideas. If therefore we can offer a solution, or items which modify the defined specification, and can be shown to be equivalent or better and still fully compatible, will this be allowed given the above constrains?

**Due to the amount of cabling required it has been determined that cable ladders/baskets will not be needed. We will need cable hooks for all cabling within the location.**

**Yes, please provide recommendations for a solution.**



## 2012 PREVAILING WAGE RATES BUILDING

CLASSIFICATION	BASE WAGE	BENEFITS	HOURLY PREVAILING WAGE RATE	(8 HOURS) PER DIEM WAGE RATE
Automatic Fire Sprinkler Fitter, Certified	25.84	16.47	42.31	338.48
Brick Masons and Block Masons	17.84	0.00	17.84	142.72
Carpenter – Rough	14.71	0.00	14.71	117.68
Carpenter -- All Other Work	14.85	0.00	14.85	118.80
Caulker / Sealers	10.00	0.00	10.00	80.00
Door & Hardware Specialist	12.00	1.35	13.35	106.80
Drywall and Ceiling Tile Installers	12.50	0.00	12.50	100.00
Drywall Finishers & Tapers	14.00	0.00	14.00	112.00
Electrician	20.53	7.19	27.72	221.76
Electronic Technician	18.43	1.01	19.44	155.52
Elevator Installers and Repairers	31.35	15.1	46.45	371.60
Fencer Erectors	9.50	0.00	9.50	76.00
Floor Layers -- Carpet & Resilient	12.87	0.00	12.87	102.96
Floor Layers -- Specialty	13.00	0.00	13.00	104.00
Floor Layers -- Wood	11.50	0.00	11.50	92.00
Fork Lift Operator	18.00	5.83	23.83	190.64
Glaziers	10.00	0.00	10.00	80.00
Hazardous Materials Removal Workers	10.00	0.00	10.00	80.00
Heating, Air Conditioning, and Refrigeration Service Technician	22.00	0.00	22.00	176.00
Insulation Workers -- Mechanical	14.00	0.00	14.00	112.00
Irrigator -- Landscape, Certified	14.92	0.00	14.92	119.36
Laborer, Common	9.88	0.00	9.88	79.04
Laborer, Skilled	13.00	0.00	13.00	104.00
Manlift Operator	12.13	0.00	12.13	97.04
Masons, Cement and Concrete Finishers	13.25	0.00	13.25	106.00
Mason, Rock	17.97	0.00	17.97	143.76
Mason, Stone	11.91	0.00	11.91	95.28
Painters	10.00	0.00	10.00	80.00
Paper Hanger	10.00	0.50	10.50	84.00
Pipelayers	15.00	0.00	15.00	120.00
Pipe Fitters and Steamfitters	11.43	3.74	15.17	121.36
Plaster and Stucco Applicator	13.00	0.50	13.50	108.00
Plumbers	17.50	0.00	17.50	140.00
Reinforcing Iron and Rebar workers	18.38	4.64	23.02	184.16
Roofers	16.00	0.00	16.00	128.00
Sheet Metal Workers	23.19	0.00	23.19	185.52
Structural Iron and Steel Workers	17.20	0.00	17.20	137.60
Tile and Marble Setters	12.50	0.00	12.50	100.00
Truck Drivers, Heavy and Tractor-Trailer	14.69	0.00	14.69	117.52
Truck Drivers, Light (under 26,000 GVW)	15.00	0.00	15.00	120.00

## 2012 BUILDING DEFINITIONS

1	<b>Automatic Fire Sprinkler Fitter, Certified</b>	Installation, testing, inspecting and certifying of automatic fire suppression systems in any and all types of structures. Sprinkler Fitters specialize in piping associated with fire sprinkler systems. These types of systems are required to be installed and maintained in accordance with strict guidelines, usually National Fire Protection Association (NFPA) Standards, in order to maintain compliance with building and fire codes. Sprinkler Fitters work with a variety of pipe and materials including plastic, copper, steel, cast iron, and ductile iron. The fire suppression piping may contain water, air, antifreeze, fire retardant foam, gas or chemicals for hood systems. Sprinkler systems installed by Sprinkler Fitters can include but not limited to underground supply, standpipes, fire pumps as well as overhead piping systems.
2	<b>Brickmasons and Blockmasons</b>	Lay and bind building materials, such as brick, structural tile, concrete block, cinder block, glass block, and terra-cotta block, with mortar and other substances to construct or repair walls, partitions, arches, sewers, and other structures. Exclude "Stonemasons". Classify installers of mortarless segmental concrete masonry wall units in "Landscaping and Grounds-keeping Workers".
3	<b>Carpenters – Acoustical Ceiling Installation</b>	Construct, erect, install, or repair the structure for acoustical ceiling tile.
4	<b>Carpenter – Rough</b>	Construct, erect, install, or repair structures and fixtures made of wood, such as concrete forms; building frameworks, including partitions, joists, studding, and rafters; wood stairways, window and door frames. May also install cabinets, and siding. Include brattice builders who build doors or brattices (ventilation walls or partitions) in underground passageways to control the proper circulation of air through the passageways.
5	<b>Carpenter – All Other Work</b>	Construct, erect, install or repair cabinets and other fixtures or structures requiring a high level of workmanship. Includes Cabinetmakers and Bench Carpenters – Cut, shape, and assemble wooden articles or set up and operate a variety of woodworking machines, such as power saws, jointers, and mortisers to surface, cut or shape lumber or to fabricate parts for wood products. Perform related duties such as trim work.
6	<b>Caulker / Sealers</b>	Applies water proofing agents or caulk to a variety of structures and materials
7	<b>Door &amp; Hardware Specialist</b>	Installs doors, hardware and accessories.
8	<b>Drywall and Ceiling Tile Installers</b>	Apply plasterboard or other wallboard to ceilings or interior walls of buildings. Apply or mount acoustical tiles or blocks, strips, or sheets of sound-absorbing materials to ceilings and walls of buildings to reduce or reflect sound. Materials may be of decorative quality. Includes metal stud framing. Exclude "Carpet Installers", "Carpenters – Acoustical Ceiling Installation", and "Tile and Marble Setters".

9	<b>Drywall Finishers &amp; Tapers</b>	Seal joints between plasterboard or other wallboard to prepare wall surface for painting or papering.
10	<b>Electrician</b>	Plan and execute the layout and installation of electrical conduit, switch panels, buss bars, outlet boxes, electrical wires and cables, lighting standards, lighting fixtures, receptacles, switches, and other electrical devices and apparatus necessary for the complete installation of wiring systems. Includes installation of photovoltaic solar panels.
11	<b>Electronic Technician</b>	Set-up, rearrange, or remove switching and dialing equipment used in central offices. Service or repair telephones and other communication equipment on customers' property. May install equipment in new locations or install wiring and telephone jacks in buildings under construction. Install, program, maintain, and repair security and fire alarm wiring and equipment. Ensure that work is in accordance with relevant codes. Exclude "Electricians" who do a broad range of electrical wiring.
12	<b>Elevator Installers and Repairers</b>	Assemble, install, repair, or maintain electric or hydraulic freight or passenger elevators, escalators, or dumbwaiters.
13	<b>Fence Erectors - Include with skilled labor</b>	Erect and repair metal and wooden fences and fence gates around highways, industrial establishments, residences, or farms, using hand and power tools. Excludes rock & stone fences.
14	<b>Floor Layers – Carpet and Resilient</b>	Apply blocks, strips, or sheets of shock-absorbing, sound-deadening, or decorative coverings to floors. Lay and install carpet from rolls, tiles or blocks on floors. Install padding and trim flooring materials. Installs variety of soft floor materials including vinyl and PCP. Exclude wood floors and specialty floors.
15	<b>Floor Layers - Specialty</b>	Prepares surface, installs and finishes specialty floor material such as that found in a gymnasium.
16	<b>Floor Layers - Wood</b>	Install, scrape and sand wooden floors to smooth surfaces using floor scraper and floor sanding machine, and apply coats of finish.
17	<b>Fork Lift Operator</b>	Person certified to operate a fork lift. (Industrial Forklift Operator is in Group 2 in the Heavy Schedule).
18	<b>Glaziers</b>	Install glass in windows, skylights, store fronts, and display cases, or on surfaces, such as building fronts, interior walls, ceilings, and tabletops.
19	<b>Hazardous Materials Removal Workers</b>	Identify, remove, pack, transport, or dispose of hazardous materials, including asbestos, lead-based paint, waste oil, fuel, transmission fluid, radioactive materials, contaminated soil, etc. Specialized training and certification in hazardous materials handling or a confined entry permit are generally required. May operate earth-moving equipment or trucks. Includes mold.
20	<b>Heating, Air Conditioning and Refrigeration Service Technician</b>	Repair and service heating, central air conditioning, or refrigeration systems, including oil burners, hot-air furnaces, and heating stoves. (Installation of systems are performed by sheet metal worker). Includes HVAC mechanic.
21	<b>Insulation Workers - Floor, Ceiling, and Wall - Include with trade</b>	Line and cover structures with insulating materials. May work with batt, roll, or blown insulation materials. May spray material to seal, insulate, or soundproof sections of structure.

22	<b>Insulation Workers – Mechanical</b>	Apply insulating materials, adhesive and any other bonding materials to pipes, ductwork, tanks, boilers, expansion tanks, chiller tanks, grease ducts, valves, fittings, roof drains, or other mechanical systems in order to help control temperature.
23	<b>Irrigator- Landscape, Certified</b>	Certified to install watering systems in various sizes and grades of lawn in order to maintain sufficient pressure and to insure even dispersal of water.
24	<b>Laborer, Common</b>	A general term used on construction work covering many unskilled occupations. Performs unskilled manual duties in all phases of construction. May use tools and other necessary equipment. Does not ordinarily perform work permitting exercise of independent judgment.
25	<b>Laborer, Skilled</b>	Performs manual duties in all phases of construction. May use simple tools and other necessary equipment. May assist other workers by performing a variety of duties such as furnishing materials tools and supplies and holding materials or tools during installation. May work on different phases or areas of a project or with different crafts. Is often transferred from job to job. May direct the work of the common laborer. Has the ability to work without close supervision. Degree of independent judgment required varies with the task performed. Includes tenders and hod carriers.
26	<b>Landscaping and Grounds-keeping Workers – include with Common Labor</b>	Landscape or maintain grounds of property using hand or power tools or equipment. Workers typically perform a variety of tasks, which may include any combination of the following: sod laying, mowing, trimming, planting, watering, fertilizing, digging, raking, sprinkler repair, and installation of mortarless segmental concrete masonry wall units.
27	<b>Lather</b>	Installs light iron and metal furring such as rods, channels, and other bars or systems to which metal lath, rock lath, or other materials used as a substitute for lath are to be attached. Installs metal lath, rock lath, and other materials used as a substitute for lath. Installs metal plastering accessories such as corner beads, door and window casing beads, metal picture mold, chair rails, and other metals plastering accessories which are covered and/or serve as ground or guard.
28	<b>Locksmith</b>	Self explanatory.
29	<b>Manlift Operator - Include with trade</b>	Self-explanatory.
30	<b>Masons, Cement and Concrete Finishers</b>	Smooth and finish surfaces of poured concrete, such as floors, walks, sidewalks, roads, or curbs using a variety of hand and power tools. Align forms for sidewalks, curbs, or gutters; patch voids; use saws to cut expansion joints. Classify installers of mortarless segmental concrete masonry wall units in "Landscaping and Groundskeeping Workers".
31	<b>Mason, Rock</b>	Constructs partitions, fences, walks, etc., using rock. Cutting, grouting and pointing of materials listed above which is necessary shall be part of this classification. May also build or repair rock retaining walls. cutting or placing of rock in mortar or other similar material.

32	<b>Mason, Stone</b>	Constructs partitions, fences, walks, fireplaces, chimneys, smokestacks, etc., using stone, marble, granite, slate and artificial stone. Cutting, grouting, and pointing of materials listed above which is necessary shall be part of this classification. May also build or repair stone retaining wall, cutting or placing of stone in mortar or other similar material.
33	<b>Mechanic</b>	Maintains and repairs construction tools and equipment.
34	<b>Medical Gas Installer, Certified</b>	Assemble, install, alter, and repair pipelines or pipe systems that carry medical gases or liquids. Specialized training and certification required.
35	<b>Metal Building Erector</b>	Assembles prefabricated metal buildings according to blueprint specification, using hand tools, power tools, and hoisting equipment. Erects frame of building, using hoist. Bolts steel frame members together. Attaches wire and insulating materials to framework. Bolts sheet metal panels to framework. Reads blueprint to determine location of items, such as doors, windows, ventilators, and skylights and installs items, using cutting torch, wrenches, and power drill. Trims excess sheet metal, using cutting torch, power saw, and tin snips.
36	<b>Millwright</b>	Self-explanatory.
37	<b>Painters - Building</b>	Paint walls, equipment, buildings, bridges, and other structural surfaces, using brushes, rollers, and spray guns. May remove old paint to prepare surface prior to painting. May mix colors or oils to obtain desired color or consistency. Exclude "Paperhangers."
38	<b>Paper Hanger</b>	Measures, cuts, and hangs wallpaper.
39	<b>Pipelayers</b>	Lay pipe for storm or sanitation sewers, drains, and water mains. Perform any combination of the following tasks: grade trenches or culverts, position pipe, or seal joints.
40	<b>Pipe Fitters and Steamfitters</b>	Assemble, install, alter, and repair pipelines or pipe systems that carry water, steam, air, or other liquids or gases. May install heating and cooling equipment and mechanical control systems. Includes pressurized lines and flow lines for gas, air, and oil found in industrial settings. Includes persons, not certified, who install fire sprinklers.
41	<b>Plaster and Stucco Applicator</b>	Apply interior or exterior plaster, cement, stucco, or similar materials. May also set ornamental plaster. Applies interior and exterior plastering of stone imitation or any patented materials when cast. Applies acoustical plaster or materials used as substitutes for acoustical plaster, as well as the preparatory pointing and taping of drywall surfaces to receive these finishes. Applies scratch and brown coats on walls and ceilings where tile, mosaic or terrazzo is to be applied. Molds and sets ornamental plaster and trim and runs ornamental plaster cornice and molding. Installs metal corner beads when stuck by using plastic materials.
42	<b>Plumbers</b>	Assemble, install, alter, and repair pipelines or pipe systems that carry water, steam, air, or other liquids or gases. May install heating and cooling equipment and mechanical control systems.
43	<b>Reinforcing Iron and Rebar Workers</b>	Position and secure steel bars or mesh in concrete forms in order to reinforce concrete. Includes post-tensioning. Use a variety of fasteners, rod-bending machines, blowtorches, and hand tools. Include rod busters.

44	<b>Roofers</b>	Cover roofs of structures with shingles, tile, slate, asphalt, aluminum, wood, metal and related materials. May spray roofs, sidings, and walls with material to bind or seal sections of structures. Includes metal and membrane roofs.
45	<b>Sheet Metal Workers</b>	Fabricate, assemble, install, and repair sheet metal products and equipment, such as ducts, control boxes, drainpipes, architectural sheet metal, and furnace casings. Work may involve any of the following: setting up and operating fabricating machines to cut, bend, and straighten sheet metal; shaping metal over anvils, blocks, or forms using hammer; operating soldering and welding equipment to join sheet metal parts; inspecting, assembling, and smoothing seams and joints of burred surfaces. Include sheet metal duct installers who install prefabricated sheet metal ducts used for heating, air conditioning, or other purposes.
46	<b>Structural Iron and Steel Workers</b>	Raise, place, and unite iron or steel girders, columns, and other structural members to form completed structures or structural frameworks. May erect metal storage tanks and assemble prefabricated metal buildings. Exclude "Reinforcing Iron and Rebar Workers".
47	<b>Tile and Marble Setters</b>	Apply hard tile and marble to walls, floors, and ceilings. Includes Terrazzo.
48	<b>Truck Drivers, Heavy and Tractor-Trailer (Greater than 26,000 GVW)</b>	Drive a tractor-trailer combination or a truck with a capacity of at least 26,000 GVW, to transport and deliver goods, livestock, or materials in liquid, loose, or packaged form. May be required to unload truck. May require use of automated routing equipment. Requires commercial drivers' license.
49	<b>53-3033.00 - Truck Drivers, Light or (Under 26,000 GVW)</b>	Drive a truck or van with a capacity of under 26,000 GVW, primarily to deliver or pick up merchandise or to deliver packages within a specified area. May require use of automatic routing or location software. May load and unload truck. Exclude "Couriers and Messengers".

- **Welder** - Receives rate prescribed for craft performing operation to which welding is incidental.

**GOVERNMENT CODE**  
**TITLE 10. GENERAL GOVERNMENT**  
**SUBTITLE F. STATE AND LOCAL CONTRACTS AND FUND MANAGEMENT**  
**CHAPTER 2258. PREVAILING WAGE RATES**

**§ 2258.001. Definitions**

In this chapter:

(1) "Locality in which the work is performed" means:

(A) for a contract for a public work awarded by the state, the political subdivision of the state in which the public work is located:

(i) which may include a county, municipality, county and municipality, or district, except as provided by Subparagraph (ii); and

(ii) which, in a municipality with a population of 500,000 or more, may only include the geographic limits of the municipality; or

(B) for a contract for a public work awarded by a political subdivision of the state, the geographical limits of the political subdivision.

(2) "Public body" means a public body awarding a contract for a public work on behalf of the state or a political subdivision of the state.

(3) "Worker" includes a laborer or mechanic.

**§ 2258.002. Applicability of Chapter to Public Works**

(a) This chapter applies only to the construction of a public work, including a building, highway, road, excavation, and repair work or other project development or improvement, paid for in whole or in part from public funds, without regard to whether the work is done under public supervision or direction.

(b) This chapter does not apply to work done directly by a public utility company under an order of a public authority.

**§ 2258.003. Liability**

An officer, agent, or employee of a public body is not liable in a civil action for any act or omission implementing or enforcing this chapter unless the action was made in bad faith.

**§ 2258.004. to 2258.020 [Reserved for expansion]**

**§ 2258.021. Right to Be Paid Prevailing Wage Rates**

(a) A worker employed on a public work by or on behalf of the state or a political subdivision of the state shall be paid:

(1) not less than the general prevailing rate of per diem wages for work of a similar character in the locality in which the work is performed; and

(2) not less than the general prevailing rate of per diem wages for legal holiday and overtime work.

(b) Subsection (a) does not apply to maintenance work.

(c) A worker is employed on a public work for the purposes of this section if the worker is employed by a contractor or subcontractor in the execution of a contract for the public work with the state, a political subdivision of the state, or any officer or public body of the state or a political subdivision of the state.

**§ 2258.022. Determination of Prevailing Wage Rates**

(a) For a contract for a public work awarded by a political subdivision of the state, the public body shall determine the general prevailing rate of per diem wages in the locality in which the public work is to be performed for each craft or type of worker needed to execute the contract and the prevailing rate for legal holiday and overtime work by:

(1) conducting a survey of the wages received by classes of workers employed on projects of a character similar to the contract work in the political subdivision of the state in which the public work is to be performed; or

(2) using the prevailing wage rate as determined by the United States Department of Labor in accordance with the Davis-Bacon Act (*40 U.S.C. Section 276a et seq.*), and its subsequent amendments.

(b) This subsection applies only to a public work located in a county bordering the United Mexican States or in a county adjacent to a county bordering the United Mexican States. For a contract for a public work awarded by the state, the public body shall determine the general prevailing rate of per diem wages in the locality in which the public work is to be performed for each craft or type of worker needed to execute the contract and the prevailing rate for legal holiday and overtime work as follows. The public body shall conduct a survey of the wages received by classes of workers employed on projects of a character similar to the contract work both statewide and in the political subdivision of the state in which the public work is to be performed. The public body shall also consider the prevailing wage rate as determined by the United States Department of Labor in accordance with the Davis-Bacon Act (*40 U.S.C. Section 276a et seq.*), and its subsequent amendments, but only if the survey used to determine that rate was conducted within a three-year period preceding the date the public body calls for bids for the public work. The public body shall determine the general prevailing rate of per diem wages in the locality based on the higher of:

(1) the rate determined from the survey conducted in the political subdivision;

(2) the arithmetic mean between the rate determined from the survey conducted in the political subdivision and the rate determined from the statewide survey; and

(3) if applicable, the arithmetic mean between the rate determined from the survey conducted in the political subdivision and the rate determined by the United States Department of Labor.

(c) The public body shall determine the general prevailing rate of per diem wages as a sum certain, expressed in dollars and cents.

(d) A public body shall specify in the call for bids for the contract and in the contract itself the wage rates determined under this section.

(e) The public body's determination of the general prevailing rate of per diem wages is final.

**§ 2258.023. Prevailing Wage Rates to Be Paid by Contractor and Subcontractor; Penalty**

(a) The contractor who is awarded a contract by a public body or a subcontractor of the contractor shall pay not less than the rates determined under Section 2258.022 to a worker employed by it in the execution of the contract.

(b) A contractor or subcontractor who violates this section shall pay to the state or a political subdivision of the state on whose behalf the contract is made, \$ 60 for each worker employed for each calendar day or part of the day that the worker is paid less than the wage rates stipulated in the contract. A public body awarding a contract shall specify this penalty in the contract.

(c) A contractor or subcontractor does not violate this section if a public body awarding a contract does not determine the prevailing wage rates and specify the rates in the contract as provided by Section 2258.022.

(d) The public body shall use any money collected under this section to offset the costs incurred in the administration of this chapter.

(e) A municipality is entitled to collect a penalty under this section only if the municipality has a population of more than 10,000.

**§ 2258.024. Records**

(a) A contractor and subcontractor shall keep a record showing:

(1) the name and occupation of each worker employed by the contractor or subcontractor in the construction of the public work; and

(2) the actual per diem wages paid to each worker.

(b) The record shall be open at all reasonable hours to inspection by the officers and agents of the public body.

**§ 2258.025. Payment Greater Than Prevailing Rate Not Prohibited**

This chapter does not prohibit the payment to a worker employed on a public work an amount greater than the general prevailing rate of per diem wages.

**§ 2258.026. Reliance on Certificate of Subcontractor**

A contractor is entitled to rely on a certificate by a subcontractor regarding the payment of all sums due those working for the subcontractor until the contrary has been determined.

**§ 2258.027. to 2258.050 [Reserved for expansion]**

**§ 2258.051. Duty of Public Body to Hear Complaints and Withhold Payment**

A public body awarding a contract, and an agent or officer of the public body, shall:

(1) take cognizance of complaints of all violations of this chapter committed in the execution of the contract; and

(2) withhold money forfeited or required to be withheld under this chapter from the payments to the contractor under the contract, except that the public body may not withhold money from other than the final payment without a determination by the public body that there is good cause to believe that the contractor has violated this chapter.

**§ 2258.052. Complaint; Initial Determination**

(a) On receipt of information, including a complaint by a worker, concerning an alleged violation of Section 2258.023 by a contractor or subcontractor, a public body shall make an initial determination as to whether good cause exists to believe that the violation occurred.

(b) A public body must make its determination under Subsection (a) before the 31st day after the date the public body receives the information.

(c) A public body shall notify in writing the contractor or subcontractor and any affected worker of its initial determination.

(d) A public body shall retain any amount due under the contract pending a final determination of the violation.

**§ 2258.053. Arbitration Required for Unresolved Issue**

(a) An issue relating to an alleged violation of Section 2258.023, including a penalty owed to a public body or an affected worker, shall be submitted to binding arbitration in accordance with the Texas General Arbitration Act (Article 224 et seq., Revised Statutes) if the contractor or subcontractor and any affected worker do not resolve the issue by agreement before the 15th day after the date the public body makes its initial determination under Section 2258.052.

(b) If the persons required to arbitrate under this section do not agree on an arbitrator before the 11th day after the date that arbitration is required under Subsection (a), a district court shall appoint an arbitrator on the petition of any of the persons.

(c) A public body is not a party in the arbitration.

**§ 2258.054. Arbitration Award; Costs**

(a) If an arbitrator determines that Section 2258.023 has been violated, the arbitrator shall assess and award against the contractor or subcontractor:

- (1) penalties as provided by Section 2258.023 and this section; and
- (2) all amounts owed to the affected worker.

(b) An arbitrator shall assess and award all reasonable costs, including the arbitrator's fee, against the party who does not prevail. Costs may be assessed against the worker only if the arbitrator finds that the claim is frivolous. If the arbitrator does not find that the claim is frivolous and does not make an award to the worker, costs are shared equally by the parties.

**§ 2258.055. Arbitration Decision and Award Final**

The decision and award of the arbitrator is final and binding on all parties and may be enforced in any court of competent jurisdiction.

**§ 2258.056. Payment by Public Body to Worker; Action to Recover Payment**

(a) A public body shall use any amounts retained under this chapter to pay the worker the difference between the amount the worker received in wages for labor on the public work at the rate paid by the contractor or subcontractor and the amount the worker would have received at the general prevailing wage rate as provided in the arbitrator's award.

(b) The public body may adopt rules, orders, or ordinances relating to the manner in which a reimbursement is made.

(c) If the amounts retained by a public body under this chapter are not sufficient for the public body to pay the worker the full amount owed, the worker has a right of action against the contractor or subcontractor and the surety of the contractor or subcontractor to recover the amount owed, reasonable attorney's fees, and court costs.

**§ 2258.057. Withholding by Contractor**

(a) A contractor may withhold from a subcontractor sufficient money to cover an amount withheld from the contractor by a public body because the subcontractor violated this chapter.

(b) If the contractor has made a payment to the subcontractor, the contractor may withhold money from any future payments owed to the subcontractor or sue the subcontractor or the subcontractor's surety for the amount withheld from the contractor by a public body because of the subcontractor's violation.

**§ 2258.058. Criminal Offense**

(a) An officer, agent, or representative of the state or of a political subdivision of the state commits an offense if the person wilfully violates or does not comply with a provision of this chapter.

(b) A contractor or subcontractor of a public work under this chapter, or an agent or representative of the contractor or subcontractor, commits an offense if the person violates Section 2258.024.

(c) An offense under this section is punishable by:

- (1) a fine not to exceed \$ 500;
- (2) confinement in jail for a term not to exceed six months; or
- (3) both a fine and confinement.