

# KANE COUNTY BOARD RESOLUTION #04-223

## ESTABLISHING PREVAILING WAGES

WHEREAS, the State of Illinois has enacted "an Act regulating wages of laborers, mechanics and other workers employed in any public works by the State, County, City or any public body or any political subdivision or by anyone under contract for public works," 820 ILCS 130/0.01 et. seq., as amended (hereinafter referred to as "the Act"); and

WHEREAS, the aforesaid Act requires that the County of Kane investigate and ascertain the prevailing rate of wages as defined in said Act for laborers, mechanics and other workers in the locality of said County employed in performing construction of public works, for said County.

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that:

Section 1: To the extent and as required by "the Act", the general prevailing rate of wages in this locality for laborers, mechanics and other workers engaged in construction of public works coming under the jurisdiction of Kane County is hereby ascertained to be the same as the prevailing rate of wages for construction work in this County as determined by the Department of Labor of the State of Illinois as of June of the current year, a copy of that determination being attached hereto and incorporated herein by reference. As require by said Act, any and all revisions of the prevailing rate of wages by the Department of Labor of the State of Illinois shall supersede the Department's June determination and apply to any and all public works construction undertaken by Kane County. The definition of any terms appearing herein which are also used in aforesaid Act shall be the same as in said Act.

Section 2: Nothing herein shall prohibit the County of Kane from investigating and ascertaining the prevailing rate of wages for categories of workers not expressly covered by the published determination of the Department of Labor, nor prohibit incorporating those rates so ascertained into the published determination of the Department of Labor, provided that those rates ascertained by the County shall be clearly indicated as such.

Section 3: Any contract within the purview of this resolution or of the Illinois Prevailing Wage Act shall provide that any contractor will employ apprentices who are properly indentured in to a Joint Apprenticeship Training Program which is registered and certified with the United States Department of Labor, Bureau of Apprenticeship and Training.

Section 4: Kane County and/or its authorized representatives shall have the power and authority to request and receive any and all information or documentation which would substantiate proper payment under this resolution. The contract recipient shall supply the requested documentation or information to Kane County or its designee within five working days of the receipt of the request. Failure to comply with the request for information or documentation will be construed as a material breach of the contract enabling the County to terminate the contract, seek forfeiture of any performance bond, and proceed with any other remedy against the contractor at law or in equity.

Section 5: Nothing herein contained shall be construed to apply said general prevailing rate of wages as herein ascertained to any work or employment except public works construction of Kane County to the extent required by the aforesaid Act.

Section 6: The County Clerk shall publicly post or keep available for inspection by any interested party in the main office of the County Clerk this determination or any revisions of such prevailing rate of wages. A copy of this determination or of the current revised determination of prevailing rate of wages then in effect shall be attached to all contract specifications.

Section 7: The County Clerk shall mail a copy of this determination to any employer and to any association of employers and to any person or association of employees who have filed their names and addresses, requesting copies of any determination stating the particular rates and the particular class of workers whose wages will be affected by such rates.

Section 8: The County Clerk shall promptly file a certified copy of this Resolution with both the Secretary of State Index Division and the Department of Labor of the State of Illinois.

Section 9: The County Clerk shall cause to be published in a newspaper of general circulation within the area a copy of this Resolution, and such publication shall constitute notice that the determination is effective and this is the determination of this public body.