



Purpose

Assist staff involved in the procurement of design-build projects in the understanding prevailing wage effective dates and their impact on the procurement schedule.

Guidance

In conjunction with WAC 296-127-011(1), the prevailing wage rates in effect at the Proposal Due Date for a WSDOT design-build contract shall be the rates that remain in effect for the duration of the contract. However, if the contract is not executed within six months of the Proposal Due Date, then the effective date is the date the contract is executed (WAC-296-127-011(3)(b)), which may result in different rates from those in effect at the Proposal Due Date. This guidance does not apply to Davis-Bacon Wages (29 CFR 1.6).

Background

The Department of Labor and Industries (L&I) provides guidance on their website regarding the effective date of prevailing wages, which includes design-build contracts. For design-build contracts, the effective date is listed as the award of the contract, which L&I interprets as the date of contract execution. Previous efforts by WSDOT to change this policy were unsuccessful, as L&I referenced WAC-296-127-011(4) as applicable to design-build contracts. The referenced WAC created concern, as prevailing wage effective dates occurring near or after the Proposal Due Date made it difficult for the agency to comply with WAC 296-127-011(5)(a), which requires the schedule of applicable prevailing wages be published in the contract documents, without altering the procurement schedule or issuing change orders after contract execution to account for the wage adjustments occurring after the Proposal Due Date.

In May 2023, the State Construction Office prepared detailed documentation describing WSDOT's procurement process for projects utilizing the design-build method of project delivery for review by L&I. In November 2023, the Industrial Statistician determined the documentation indicated WSDOT's design-build procurement process allowed the agency's design-build contracts to be governed by WAC 296-127-011(3)(a) regarding the effective date of the prevailing wages.

Resources

[WAC 296-127-011](#)

[RCW 39.12](#)

Wage Rates --- <https://wsdot.wa.gov/business-wsdot/contracts/about-public-works-contracts/payments-reporting/wage-rates>



**Washington State
Department of Transportation**

CONSTRUCTION BULLETIN

State Construction Office
Multimodal Development & Delivery

**State Prevailing Wage Effective Date for
WSDOT Design-Build Projects**

Bulletin #2024-01, Page 2 of 2

Date: January 2, 2024

Implementation Plan

This L&I determination shall be implemented immediately to all WSDOT design-build projects that have not completed the procurement phase. Current policy of providing updated prevailing wage rates in the contract is unchanged.

Additional Information

L&I's determination that the effective date of state prevailing wages for design-build projects is governed by WAC 296-127-011(3)(a) is specific to WSDOT only and does not apply to other public agencies

This Construction Bulletin does not apply to projects utilizing the Progressive Design-Build method of project delivery.

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