

Civil Rights & Equal Opportunity Instructions for Contract Compliance

Economic Equity & Inclusion Division
Contract Compliance & Labor Standard

June 2024

Prepared for

Housing and Community Development Department | HTF Workshops



About CREO

CREO protects our residents against discrimination in employment and public accommodations by investigating discrimination claims and enforcing civil rights laws. We also work to prevent discrimination and to increase economic equity and inclusion for our residents and businesses through the City's diversity certification program and monitoring and enforcing labor standards and prevailing wages for workforce.

About Economic Equity & Inclusion

EEI sets goals by collecting and analyzing historical data including past utilization, present certified firms and their scopes of works. The EEI division is also responsible for monitoring the utilization of certified firms on City contracts.

Contract Goals

The City desires that Minority Business Enterprises (“MBE”) and Women’s Business Enterprises (“WBE”) have a maximum opportunity to participate in the performance of any projects selected for funding.

MWBE Goals for HTF Requests for Proposals (RFPs)

Construction Services over
\$300,000

- MBE goal: 15%
- WBE goal: 15%

Professional Services over
\$160,000

- MBE goal: 13%
- WBE goal: 13%

Renovations/Repairs over
\$160,000

- MBE goal: 11%
- WBE goal: 11%

Ordinance 231017

Sec. 3-457. (2) For contracts awarded pursuant to request for proposals, proposer shall submit an affidavit of intended utilization with their proposal. Prior to the award of any contract, they shall submit the following additional documentation:

- a. A notarized contractor utilization plan in conformance with section 3-433 hereof; and
- b. Letters of intent to subcontract; and
- c. A request for waiver of the contract goals pursuant to subsection 3-437(a) if the proposer fails to meet or exceed the goals.

Ordinance 231017

Notes:

- Section 3-433 governs the process for the Contractor Utilization Plan.
- Section 3-437(a) governs the process for the Waiver of MBE/WBE goals.
- Section 3-441 governs the process by which Good Faith Efforts must be made when a bidder or proposer is requesting a full or partial waiver of contract goals.

Ordinance 231017

Sec. 3-457. (Abridged)

(3) Timely submission of the contractor utilization plan is a material element of the [...] proposal submission. The director is authorized to extend the 48-hour deadline for the letters of intent to subcontract but not the deadline for submission of the contractor utilization plan.

(4) Documentation of good faith efforts shall be submitted when requested by the city [...]

Ordinance 231017

Sec. 3-457.

(5) Any increase in the amount of MBE/WBE participation after submission of the contractor utilization plan shall not count toward meeting the contract goals, unless otherwise permitted under section 3-443 hereof.

Note: Section 3-443 governs the process for Modification or Substitution to the approved Contractor Utilization Plan.



CONTRACTOR UTILIZATION PLAN/REQUEST FOR WAIVER

Project Number _____

Project Title _____

(Department Project)

Department _____

(Bidder/Proposer)

STATE OF _____)

COUNTY OF _____) ss

I, _____, of lawful age and upon my oath state as follows:

1. This Affidavit is made for the purpose of complying with the provisions of the MBE/WBE submittal requirements on the above project and the MBE/WBE Program and is given on behalf of the Bidder/Proposer listed below. It sets out the Bidder/Proposer's plan to utilize MBE and/or WBE contractors on the project.
2. The project target goals are _____ % MBE and _____ % WBE.
3. Bidder/Proposer assures that it will utilize a minimum of the following percentages of MBE/WBE participation in the above project:

1 BIDDER/PROPOSER PARTICIPATION: _____ % MBE _____ % WBE

1 POST-BID/POST-RFP ESTIMATED BUDGET: \$ _____

4. The following are the M/WBE subcontractors whose utilization Bidder/Proposer warrants will meet or exceed the above-listed Bidder/Proposer Participation. Bidder/Proposer warrants that it will utilize the M/WBE subcontractors to provide the goods/services described in the applicable Letter(s) of Intent to Subcontract, copies of which shall collectively be deemed incorporated herein). (All firms must currently be certified by Kansas City, Missouri)

1 Name of M/WBE Firm _____
 Address _____
 Telephone No. _____
 I.R.S. No. _____



1 Name of M/WBE Firm _____
 Address _____
 Telephone No. _____
 I.R.S. No. _____

1 Name of M/WBE Firm _____
 Address _____
 Telephone No. _____
 I.R.S. No. _____

1 Name of M/WBE Firm _____
 Address _____
 Telephone No. _____
 I.R.S. No. _____

1 Name of M/WBE Firm _____
 Address _____
 Telephone No. _____
 I.R.S. No. _____

1 Name of M/WBE Firm _____
 Address _____
 Telephone No. _____
 I.R.S. No. _____

(List additional M/WBEs, if any, on additional page and attach to this form)

4. The following is a breakdown of the percentage of the total contract amount that Bidder/Proposer agrees to pay to each listed M/WBE:

MBE/WBE BREAKDOWN SHEET

MBE FIRMS:

Name of MBE Firm	Supplier/Broker/Contractor	Subcontract Amount*	Weighted Value**	% of Total Contract
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____



TOTAL MBE \$ / TOTAL MBE %: \$ _____ %

WBE FIRMS:

Name of WBE Firm	Supplier/Broker/Contractor	Subcontract Amount*	Weighted Value**	% of Total Contract
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

TOTAL WBE \$ / TOTAL WBE %: \$ _____ %

*"Subcontract Amount" refers to the dollar amount that Bidder/Proposer has agreed to pay each M/WBE subcontractor as of the date of contracting and is indicated here solely for the purpose of calculating the percentage that this sum represents in proportion to the total contract amount. Any contract amendments and/or change orders changing the total contract amount may alter the amount due an M/WBE under their subcontract for purposes of meeting or exceeding the Bidder/Proposer participation.

**"Weighted Value" means the portion of the subcontract amount that will be credited towards meeting the Bidder/Proposer participation. See CREO KC Forms and Instructions for allowable credit and special instructions for suppliers.

- 5. Bidder/Proposer acknowledges that the monetary amount to be paid each listed M/WBE for their work, and which is approved herein, is an amount corresponding to the percentage of the total contract amount allocable to each listed M/WBE as calculated in the MBE/WBE Breakdown Sheet. Bidder/Proposer further acknowledges that this amount may be higher than the subcontract amount listed therein as change orders and/or amendments changing the total contract amount may correspondingly increase the amount of compensation due an M/WBE for purposes of meeting or exceeding the Bidder/Proposer participation

- 6. Bidder/Proposer acknowledges that it is responsible for considering the effect that any change orders and/or amendments changing the total contract amount may have on its ability to meet or exceed the Bidder/Proposer participation. Bidder/Proposer further acknowledges that it is responsible for submitting a Request for Modification or Substitution if it will be unable to meet or exceed the Bidder/Proposer participation set forth herein.
- 7. If Bidder/Proposer has not achieved both the M/WBE goal(s) set for this Project, Bidder/Proposer hereby requests a waiver of the MBE and/or WBE goal(s) that Bidder/Proposer has failed to achieve
- 8. Bidder/Proposer will present documentation of its good faith efforts, a narrative summary detailing its efforts and the reasons its efforts were unsuccessful when requested by the City.
- 9. I hereby certify that I am authorized to make this Affidavit on behalf of the Bidder/Proposer named below and who shall abide by the terms set forth herein:

Bidder/Proposer primary contact: _____
Address: _____
Phone Number: _____
Facsimile number: _____
E-mail Address: _____

By: _____
Title: _____
Date: _____
(Attach corporate seal if applicable)

Subscribed and sworn to before me this _____ day of _____, 20____.

My Commission Expires: _____
Notary Public



LETTER OF INTENT TO SUBCONTRACT

Project Name/Title _____

Project Location/Number _____

Check one:

Original LOI:

Updated LOI:

PART 1: Prime Contractor _____ agrees to enter into a contractual agreement with M/W/DBE Subcontractor _____ who will provide the following goods/services in connection with the above-reference contract: [Insert a brief narrative describing goods/services to be provided. Broad Categorizations (e.g., "electrical," "plumbing," etc.) or the listing of NAICS Codes in which M/W/DBE Subcontractor is certified are insufficient and may result in denial of this Letter of Intent to Subcontract.]

for an estimated amount of \$ _____ (or _____% of the total estimated contract value.)

- M/W/BE Vendor type:
- Subcontractor/manufacturer (counts as 100% of contract value towards goals)
 - Supplier (counts as 60% of the total dollar amount paid or to be paid by a prime contractor for supplies or goods towards goals)
 - Broker (counts as 10% of the total dollar amount paid or to be paid by a prime contractor for supplies or goods towards goals)

M/W/DBE Subcontractor is, to the best of Prime Contractor's knowledge, currently certified with the City of Kansas City's Civil Rights & Equal Opportunity Department to perform in the capacities indicated herein. Prime Contractor agrees to utilize M/W/DBE Subcontractor in the capacities indicated herein, and M/W/DBE Subcontractor agrees to work on the above-referenced contract in the capacities indicated herein, contingent upon award of the contract to Prime Contractor.

PART 2: This section is to be completed by the M/W/DBE subcontractor listed above. Please attach additional sheets as needed for more than one intended sub-tier contract. **IMPORTANT: Falsification of this document will result in denial and other remedies available under City Code.**

- Select one:
- The M/W/DBE Subcontractor listed above **IS NOT** subcontracting any portions of the above-stated scope of work(s). (Continue to Part 3.)
 - The M/W/DBE Subcontractor listed above **IS** subcontracting certain portions of the above stated scope of work(s) to:

(1) Company name: _____

Full address: _____

Street number and name City, State and Zip Code

Primary contact: _____

Name Phone

a) This subcontractor is (select one): MBE WBE DBE N/A

i: If this subcontractor is an M/W/DBE certified with the City of Kansas City, Missouri, a separate Letter of Intent must be attached to this document.

ii. If this subcontractor is NOT a certified M/W/DBE certified with the City of Kansas City, Missouri, the firm must still be listed for reporting purposes but a Letter of Intent is not required.

b) Scope of work to be performed: _____

c) The dollar value of this agreement is: _____

PART 3:

NOTE: SIGNATURES AND NOTARIZATIONS REQUIRED FOR NEW LETTERS OF INTENT (LOI); SIGNATURES ONLY FOR UPDATED LOI (ADDING VALUE TO EXISTING CONTRACT).

PRIME CONTRACTOR BUSINESS NAME: _____

Signature: Prime Contractor _____ Print Name _____

Title _____ Date _____

State of _____)

County of _____)

I, _____, state that the above and foregoing is based on my best knowledge and belief.

Subscribed and sworn to before me, a notary public, on this day of _____, 20____

My Commission Expires: _____

Notary Public

STAMP:

MWDBE SUBCONTRACTOR BUSINESS NAME: _____

Signature: Subcontractor _____ Print Name _____

Title _____ Date _____

State of _____)

County of _____)

I, _____, state that the above and foregoing is based on my best knowledge and belief.

Subscribed and sworn to before me, a notary public, on this day of _____, 20____

My Commission Expires: _____

Notary Public

STAMP:

TIMETABLE FOR MBE/WBE UTILIZATION

(This form should be submitted to the City after contract award.)

I, _____, acting in my capacity as _____
(Name) (Position with Firm)
of _____, with the submittal of this Timetable, certify that
(Name of Firm)
the following timetable for MBE/WBE utilization in the fulfillment of this contract is correct and true to the best of my knowledge.

ALLOTTED TIME FOR THE COMPLETION OF THIS CONTRACT

(Check one only)

15 days	<input type="checkbox"/>	75 days	<input type="checkbox"/>	135 days	<input type="checkbox"/>
30 days	<input type="checkbox"/>	90 days	<input type="checkbox"/>	150 days	<input type="checkbox"/>
45 days	<input type="checkbox"/>	105 days	<input type="checkbox"/>	165 days	<input type="checkbox"/>
60 days	<input type="checkbox"/>	120 days	<input type="checkbox"/>	180 days	<input type="checkbox"/>
Other _____	<i>(Specify)</i>				

Throughout _____ Beginning 1/3 _____
Middle 1/3 _____ Final 1/3 _____
Beginning 1/3 _____% Middle 1/3 _____% Final 1/3 _____%

PLEASE NOTE: Any changes in this timetable require approval of the Civil Rights & Equal Opportunity Department in advance of the change.

If you have any questions regarding the completion of this form, please contact the Civil Rights & Equal Opportunity Department at: (816) 513-1836.

(Signature)

(Position with Firm)

(Date)





REQUEST FOR MODIFICATION OR SUBSTITUTION

(This Form must be submitted to CREO KC to request substitutions for an MBE/WBE listed in the Contractor Utilization Plan or for modification of the amount of MBE/WBE participation listed in the Contractor Utilization Plan. This Form shall be an amendment to the Contractor Utilization Plan.)

BIDDER/PROPOSER/CONTRACTOR: _____
ADDRESS: _____
PROJECT NUMBER OR TITLE: _____
AMENDMENT/CHANGE ORDER NO: (if applicable) _____

Project Goals: _____ % MBE _____ % WBE
Contractor Utilization Plan: _____ % MBE _____ % WBE

1. I am the duly authorized representative of the above Bidder/Contractor/Proposer and am authorized to request this substitution or modification on behalf of the Bidder/Contractor/Proposer.

2. I hereby request that the Director of CREO KC recommend or approve: (check appropriate space(s))

a. A substitution of the certified MBE/WBE firm _____
(Name of new firm)
to perform _____
(Scope of work to be performed by new firm)
for the MBE/WBE firm _____ which is currently
(Name of old firm)
listed on the Bidder's/Contractor's/Proposer's Contractor Utilization Plan to
perform the following scope of work: _____
(Scope of work of old firm)

b. A modification of the amount of MBE/WBE participation currently listed on the Bidder's/Contractor's/Proposer's Contractor Utilization Plan from
_____ % MBE _____ % WBE (Fill in % of MBE/WBE Participation currently listed on Contractor Utilization Plan)

TO

_____ % MBE _____ % WBE (Fill in New % of MBE/WBE Participation requested for Contractor Utilization Plan)

- c. Attach 00450.01 Letter of Intent to Subcontract letter for each new MBE/WBE to be added.
- d. Attach a copy of the most recent 00485.01 or on-line M/WBE Monthly Utilization Report

3. Bidder/Contractor/Proposer states that a substitution or modification is necessary because: (check applicable reason(s))

- The MBE/WBE listed on the Contractor Utilization Plan is non-responsive or cannot perform.
- The MBE/WBE listed on the Contractor Utilization Plan has increased its previously quoted price without a corresponding change in the scope of work.
- The MBE/WBE listed on the Contractor Utilization Plan has committed a material default or breach of its contract.
- Requirements of the scope of work of the contract have changed and make subcontracting not feasible or not feasible at the levels required by the goals established for the contract.
- The MBE/WBE listed on the Contractor Utilization Plan is unacceptable to the City contracting department.
- Bidder/Contractor/Proposer has not attempted intentionally to evade the requirements of the Act and it is in the best interests of the City to allow a modification or substitution.

4. The following is a narrative summary of the Bidder's/Contractor's/Proposer's good faith efforts exhausted in attempts to substitute the MBE/WBE firm named above which is currently listed on the Contractor Utilization Plan with other qualified, certified MBE/WBE firms for the listed scope of work or any other scope of work in the project:

5. Bidder/Proposer/Contractor will present documentation when requested by the City to evidence its good faith efforts.

Dated: _____ (Bidder/Proposer/Contractor)

By: _____ (Authorized Representative)





CONTRACTOR AFFIDAVIT FOR FINAL PAYMENT

Project Number _____

Project Title _____

STATE OF _____)
)SS
COUNTY OF _____)

The Undersigned, _____ of lawful
(Name)

age, being first duly sworn, states under oath as follows:

1. I am the _____ of _____ who is the general
(Title) (CONTRACTOR)
CONTRACTOR for the CITY on Project No. _____ and Project Title _____.

2. All payrolls, material bills, use of equipment and other indebtedness connected with the Work for this Project have been paid and all Claims of whatever nature have been satisfied, as required by the Contract.

3. Prevailing wage does not apply; or
 All provisions and requirements set forth in Chapter 290, Section 290.210 through and including 290.340, Missouri Revised Statutes, pertaining to the payment of wages to workmen employed on public works projects have been fully satisfied and there has been no exception to the full and complete compliance with these provisions and requirements and the Annual Wage Order contained in the Contract in carrying out the Contract and Work. CONTRACTOR has fully complied with the requirements of the prevailing wage law as required in the Contract and has attached affidavits from all Subcontractors on this Project, regardless of tier, affirming compliance with the prevailing wage law as stipulated in the Contract.

4. I hereby certify that (a) at project completion and pursuant to contractor's final request for payment, contractor achieved (____%) Minority Business Enterprise (MBE) participation and (____%) Women Business Enterprise (WBE) participation on this contract, and (b) listed herein are the names of all certified M/WBE subcontractors, regardless of tier, with whom I, or my subcontractors contracted.

- Name of MBE/WBE Firm _____
Address _____
Telephone Number (____) _____
IRS Number _____
Area/Scope*of Work _____
Subcontract Final Amount _____
- Name of MBE/WBE Firm _____
Address _____
Telephone Number (____) _____
IRS Number _____
Area/Scope*of Work _____
Subcontract Final Amount _____

List additional subcontractors, if any, on a similar form and attach to the bid.

Supplier** Final Amount: _____

*Reference to specification sections or bid item number.

- Met or exceeded the Contract utilization goals; or
- Failed to meet the Contract utilization goals (attach waiver, substitution or modification); or
- No goals applied to this Project.

5. CONTRACTOR certifies that each Subcontractor has received full payment for its respective work in connection with the Contract.

6. If applicable, I hereby certify that (1) at project completion and pursuant to contractor's final request for payment, contractor achieved, company-wide, at least ten percent (10%) minority workforce participation and two percent (2%) women workforce participation and (2) a true and accurate copy of my final project workforce monthly report is attached. NOTE: This paragraph is only applicable if you completed a construction contract that was estimated by the City, prior to solicitation, as requiring more than 800 construction labor hours and costing in excess of \$300,000.00. If applicable you MUST attach copies of your final monthly workforce reports.

7. This affidavit is made in behalf of the CONTRACTOR for the purpose of securing from Kansas City, Missouri, the certification of completion of the Project and receiving payment therefore.

8. If the Contract amount exceeded \$150,000, CONTRACTOR has submitted proof of compliance with the City tax ordinances administered by the City's Commissioner of Revenue and has on file proof of tax compliance from all Subcontractors. If the Contract term exceeded one (1) year, CONTRACTOR has provided proof of compliance with the City tax ordinances administered by the City's Commissioner of Revenue prior to receiving final payment and has on file proof of tax compliance from all Subcontractors prior to the Subcontractor receiving final payment from CONTRACTOR.

CONTRACTOR _____

By _____
(Authorized Signature)

Title _____

On this _____ day of _____, _____, before me
appeared _____, to me personally known to be the
_____ of the _____

and who executed the foregoing instrument and acknowledged that (s)he executed the same on behalf of
_____ as its free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year first above written.

My commission expires:

Notary Public



SUBCONTRACTOR AFFIDAVIT FOR FINAL PAYMENT

Project Number _____

Project Title _____

STATE OF MISSOURI)

) ss:

COUNTY OF _____)

After being duly sworn the person whose name and signature appears below hereby states under penalty of perjury that:

1. I am the duly authorized officer of the business indicated below (hereinafter Subcontractor) and I make this affidavit on behalf of Subcontractor in accordance with the requirements set forth in Section 290.290, RSMo. Subcontractor has completed all of the Work required under the terms and conditions of a subcontract as follows:

Subcontract with: _____, Contractor

Work Performed: _____

Total Dollar Amount of Subcontract and all Change Orders: \$ _____

City Certified MBE WBE DBE NA

List certifications: _____

2. Subcontractor fully complied with the provisions and requirements of the Missouri Prevailing Wage Law set forth in Sections 290.210, RSMo through 290.340, RSMo.

Business Entity Type:

- Missouri Corporation
- Foreign Corporation
- Fictitious Name Corporation
- Sole Proprietor
- Limited Liability Company
- Partnership
- Joint Venture
- Other (Specify) _____

Subcontractor's Legal Name and Address

Phone No. _____

Fax: _____

E-mail: _____

Federal ID No. _____

I hereby certify that I have the authority to execute this affidavit on behalf of Subcontractor.

By: _____ (Signature) _____ (Print Name)

_____ (Title) _____ (Date)

NOTARY

Subscribed and sworn to before me this ____ day of _____, 20 ____.

My Commission Expires: _____ By _____

_____ Print Name _____ Title

CREO Assurances

A. Non-discrimination in Employment. Selected proposers shall not discriminate against any employee or candidate for employment on the basis of an individual's race, hair texture or hair style associated with an individual's race, color, sex, religion, national origin, or ancestry, disability, sexual orientation, gender identity, age, or in any other manner prohibited by Chapter 38 of the City Code. Selected proposers shall not engage in any discrimination as prohibited by Chapter 3 of the City Code.

CREO Assurances

Note: Section 3-517 states, "The construction contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin or ancestry, disability, sexual orientation, gender identity or age."

Complaints of discrimination can be filed at 3-1-1, on the myKCMO app, or by visiting www.kcmo.gov/CREO

EEI Contacts

- Mark Runge, Chief Officer, Economic Equity & Compliance Services
 - Mark.Runge@kcmo.org
- Alvaro Ontiveros, Division Manager
 - Alvaro.Ontiveros@kcmo.org

General Inbox:

- CREOeei@kcmo.org

Civil Rights & Equal Opportunity
City Hall, 4th Floor
414 E 12th Street, Suite 404
Kansas City, MO 64106

Main: 816-513-1836

Fax: 816-513-1805



Questions?

Thank you.

Contact CREO | www.kcmo.gov/creo | 816-513-1836

About Contract Compliance & Labor Standards

CCLS is responsible for monitoring and enforcing construction employment goals as set forth by the City Council on contracts requiring more than 800 construction labor hours and with an estimated cost that exceeds \$300,000; monitor and enforce equal employment standards on all city construction contracts; and to monitor and enforce the prevailing wage application on City-funded or incentivized contracts exceeding \$75,000, and/or Davis-Bacon Act application (threshold \$2,000).

Prevailing Wage: We Are About Payment to Workers

Missouri's Prevailing Wage Law establishes a minimum wage rate that must be paid to workers on public works **construction projects** in Missouri, such as bridges, roads, and government buildings. The prevailing wage rate differs by county and for different types of work. The Prevailing Wage Law applies to all **public works projects** constructed by on behalf of state and local **public bodies**.

Prevailing Wage & Compliance

Bids should be based on the rate for the scope of work defined for each occupation title (classification); incorporate prevailing wages into your bid/proposal

- Submit certified payroll records via eComply weekly with the following information:
 - Occupational title (work classifications)
 - Identification as Apprentice (include documentation) or Journeyman
 - Rate of pay
 - Hours worked (including overtime)

**An AFFIDAVIT OF PREVAILING WAGE COMPLIANCE
is required to receive final payment.**

Key Terms

Prevailing Wage Rate

The hourly rate of wages for workers as set forth in the Missouri Annual Wage Order as determined by the State of Missouri for the locality or as set forth in the Davis-Bacon Wage Decision for the locality at the time of the contract.

Public Body

The State of Missouri or any officer, official, authority, board or commission of the State or other political subdivision thereof, or any institution supported in whole or in part by public funds.

Wage Theft

The withholding or denial of wages or employee benefits rightfully owed to a worker/employee.

Key Terms

Building Construction

Building structures, including modifications, additions or repairs, or both, to be used for shelter, protection, comfort, convenience, entertainment or recreation, or for protection of people or equipment. Additionally, all work related to the construction, alteration, etc., or repair of buildings including for the residential use of single or multi-family units.

CCLS Policy

- Application of prevailing wages on all projects for public use;
- Or to benefit workers on certain projects receiving economic development incentives;
- Which allows workers in the construction trades to receive wages typical in the industry.
- **Application of prevailing wages prevents abuse of workers, including prevention of economic injury to workers.**

Missouri State Annual Wage Order

All **public bodies** of Missouri contemplating construction work must get an Annual Wage Order from Labor Standards. The Annual Wage Order lists the prevailing wage rates on **public construction projects** in each county. The rates must be incorporated into the contract specifications for the job. This is the minimum prevailing wage rate required for the project.

Employees are free to bargain for a higher rate of pay.


Employers are free to pay a higher rate of pay.

Missouri State Annual Wage Order

Missouri

Division of Labor Standards

WAGE AND HOUR SECTION



MICHAEL L. PARSON, Governor

Annual Wage Order No. 28

Section 024
CLAY COUNTY

In accordance with Section 290.262 RSMo 2000, within thirty (30) days after a certified copy of this Annual Wage Order has been filed with the Secretary of State as indicated below, any person who may be affected by this Annual Wage Order may object by filing an objection in triplicate with the Labor and Industrial Relations Commission, P.O. Box 599, Jefferson City, MO 65102-0599. Such objections must set forth in writing the specific grounds of objection. Each objection shall certify that a copy has been furnished to the Division of Labor Standards, P.O. Box 449, Jefferson City, MO 65102-0449 pursuant to 8 CSR 20-5.010(1). A certified copy of the Annual Wage Order has been filed with the Secretary of State of Missouri.

Original Signed by _____
Taylor Birks, Director
Division of Labor Standards

Filed With Secretary of State: _____ **March 18, 2021**

Last Date Objections May Be Filed: **April 8, 2021**

Prepared by Missouri Department of Labor and Industrial Relations

Heavy Construction Rates for CLAY County REPLACEMENT PAGE Section 024

OCCUPATIONAL TITLE	**Prevailing Hourly Rate
Carpenter	\$20.85
Mechanics	
File Driver	
Electrician (Outside Lineman)	\$21.11
Lineman Operator	
Lineman - Tree Trimmer	
Groundman	
Groundman - Tree Trimmer	
Laborer	\$48.30
General Laborer	
Skilled Laborer	
Operating Engineer	\$55.30
Group I	
Group II	
Group III	
Group IV	
Truck Driver	\$46.94
Truck Control Service Driver	
Group I	
Group II	
Group III	
Group IV	

Use Heavy Construction Rates on Highway and Heavy construction in accordance with the classifications of construction work established in 8 CSR 20-3.040(3).

Use Building Construction Rates on Building construction in accordance with the classifications of construction work established in 8 CSR 20-3.040(2).

If a worker is performing work on a heavy construction project within an occupational title that is not listed on the Heavy Construction Rate Sheet, use the rate for that occupational title as shown on the Building Construction Rate Sheet.

*The Division of Labor Standards received less than 1,000 reportable hours for this occupational title. Public works contracting minimum wage is established for this occupational title using data provided by Missouri Economic Research and Information Center.

**The Prevailing Hourly Rate includes any applicable fringe benefit amounts for each occupational title.

Posting Requirements Under the Law



Must be:

- conspicuous; easily seen by workers and anywhere applicants can go to apply for employment to work on the project.
- posted for the entire duration of the project.
- in clearly legible condition and protected from damage by the elements or conditions of the jobsite.

Prevailing Wage Rates

According to Missouri Prevailing Wage Law, prevailing wage is comprised of a base hourly wage rate plus fringe benefits. Fringe benefits are contributions irrevocable made to a fund, plan or program.

- Medical Care
- Pension/Retirement
- Vacation/Holiday

Prevailing Wage & Compliance

Information about how prevailing wage is calculated and current prevailing wage rates can be found at the Missouri Dept. of Labor's website, labor.mo.gov.



How the Prevailing Wage is Calculated



Current Prevailing Wage Rates

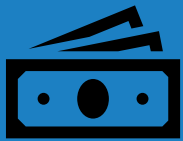


**DEPARTMENT OF
LABOR**
& INDUSTRIAL RELATIONS

Multi-financed Projects



In the case of a multi-financed project that includes Federal, State and/or City funds, the wage decision of the U.S.



Department of Labor and the wage order of the State of



Missouri shall be compared and the greater prevailing wage in each Occupational title shall be paid.

Objectives

- Apply labor compliance regulations/requirements properly
- Support contractors compliance w/ labor standards through education & advice
- Monitor contractor performance
- Investigate probable cause violations & complaints of underpayment
- Pursue debarment and other available sanctions against repeat labor standards violators

Independent Contractors

- Workers that receive IRS Form 1099 are to be classified as either an employee or subcontractor (independent contractor).
- Independent Contractors must be treated as either an employee and/or subcontractor (i.e., written contract) for payroll purposes.
- CREO uses the following test to determine whether an employee is a bona fide employee or subcontractor:

EMPLOYEE

OR

INDEPENDENT CONTRACTOR

Working for someone else's business



Running their own business

Paid hourly, salary, or by piece rate



Paid upon completion of project

Uses employer's materials, tools and equipment



Provides own materials, tools and equipment

Typically works for one employer



Works with multiple clients

Continuing relationship with the employer



Temporary relationship until project completed

Employer decides when and how the work will be performed



Decides when and how they will perform the work

Employer assigns the work to be performed



Decides what work they will do



Construction Workforce Goals

- Construction employment goals are established as follows:
 - Minority Workforce Participation
 - Minimum goal of 10%
 - Female Workforce Participation
 - Minimum goal of 2%

CCLS Contacts

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- Tanya Lewis, Compliance Officer
- Carlener Slaughter, Compliance Officer

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Questions?

Thank you.

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