

**CITY OF BALTIMORE**  
**ORDINANCE \_\_\_\_\_**  
**Council Bill 20-0629**

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Introduced by: Councilmembers Henry, Clarke, Bullock, Dorsey, Burnett, Sneed, Middleton,  
President Scott, Councilmembers Reisinger, Cohen

Introduced and read first time: October 5, 2020

Assigned to: Labor Committee

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Committee Report: Favorable, with amendments

Council action: Adopted

Read second time: October 19, 2020

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**AN ORDINANCE CONCERNING**

**Prevailing Wage – ~~Determination~~ Revisions and Petitions**

FOR the purpose of simplifying the manner by which the City ~~determines~~ revises its prevailing wage for construction contracts ~~by indexing with the prevailing hour wage established under State law for State-financed construction work performed in the City;~~ and providing for a rate review procedure after the initial rate establishment.

BY repealing and re-ordaining, with amendments

Article 5 - Finance, Property, and Procurement

Section(s) 25-16

Baltimore City Code

(Edition 2000)

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the Laws of Baltimore City read as follows:

**Baltimore City Code**

**Article 5. Finance, Property, and Procurement**

**Subtitle 25. Prevailing Wages for Work under Construction Contracts**

**§ 25-16. [Schedules of prevailing] PREVAILING wage [rates] DETERMINATION.**

(a) ~~{Board of Estimates to adopt, review, and revise.} IN GENERAL.~~

~~THE PREVAILING HOURLY WAGE RATE IS THE PREVAILING WAGE RATE ESTABLISHED ANNUALLY BY THE MARYLAND STATE COMMISSIONER OF LABOR AND INDUSTRY FOR THE CITY UNDER § 17-201 ET SEQ. OF THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

{(1) The Board of Estimates may adopt, establish, repeal, modify, change, or amend, from time to time, schedules of prevailing hourly wage rates to be paid to all classes of

**EXPLANATION:** CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.  
Underlining indicates matter added to the bill by amendment.  
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

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laborers, mechanics, or apprentices directly employed by any contractor or any subcontractor on the site in any of the various types of work or projects mentioned in or contemplated by this subtitle.}

{(2) These schedules of prevailing hourly wage rates shall be reviewed and revised by the Board of Estimates at least once every year to conform to the area prevailing hourly wage rates.}

~~(b) [Basis of revision.] REVISIONS.~~

~~(1) IN GENERAL.~~

~~ON PETITION, THE BOARD OF ESTIMATES MAY REVIEW AND REVISE ANY PREVAILING HOURLY WAGE RATE ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION.~~

~~(2) TIMELINESS OF REQUEST.~~

~~ANY PETITION FOR RATE REVIEW UNDER THIS SECTION SHALL BE SUBMITTED TO THE BOARD WITHIN 21 DAYS AFTER A CONTRACTING AGENCY PUBLISHES A REQUEST FOR BIDS OR PROPOSALS FOR A PROJECT FOR WHICH THE PREVAILING HOURLY WAGE RATE WOULD BE USED FOR THE FIRST TIME FOLLOWING ITS INITIAL ESTABLISHMENT.~~

~~{(1) The revision may be based on recommendations by the prevailing wage section of the Wage Commission.}~~

~~{(2) The schedules of prevailing hourly wage rates, including overtime rates for all hours worked on Saturdays and Sundays, and all hours worked in excess of 8 hours per day on Monday through Friday, and all hours worked on legal holidays designated as overtime holidays by the Board of Estimates may not be less in amount than the general prevailing hourly wage rates being paid to laborers, mechanics, and apprentices for doing work of a similar character in the locality in which the project is located.}~~

~~{(3) These general prevailing hourly wage rates shall be determined by the Board of Estimates whose decision in the matter is final.}~~

~~{(e) Authority of Board not restricted.}~~

~~[Nothing in this Ordinance limits or restricts in any way the power and authority of the Board of Estimates to classify the type of work to be done for the Mayor and City Council of Baltimore and to establish schedules of prevailing hourly wage rates for these classifications.]~~

(b) Basis of revision.

(1) The revision may be based [on recommendations by the prevailing wage section of the Wage Commission] ON:

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(I) THE PREVAILING WAGE RATE ESTABLISHED ANNUALLY FOR THE CITY BY THE MARYLAND STATE COMMISSIONER OF LABOR AND INDUSTRY; OR

(II) A PETITION FILED UNDER SUBSECTION (C) OF THIS SECTION.

(2) The schedules of prevailing hourly wage rates, including overtime rates for all hours worked on Saturdays and Sundays, and all hours worked in excess of 8 hours per day on Monday through Friday, and all hours worked on legal holidays designated as overtime holidays by the Board of Estimates may not be less in amount than the general prevailing hourly wage rates being paid to laborers, mechanics, and apprentices for doing work of a similar character in the locality in which the project is located.

(3) These general prevailing hourly wage rates shall be determined by the Board of Estimates whose decision in the matter is final.

(C) PETITIONS.

(1) IN GENERAL.

ON PETITION, THE BOARD OF ESTIMATES MAY REVIEW AND REVISE ANY PREVAILING HOURLY WAGE RATE ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION.

(2) TIMELINESS OF REQUEST.

ANY PETITION FOR RATE REVIEW UNDER THIS SECTION SHALL BE SUBMITTED TO THE BOARD WITHIN 21 DAYS AFTER A CONTRACTING AGENCY PUBLISHES A REQUEST FOR BIDS OR PROPOSALS FOR A PROJECT FOR WHICH THE PREVAILING HOURLY WAGE RATE WOULD BE USED FOR THE FIRST TIME FOLLOWING ITS INITIAL ESTABLISHMENT.

(D) [(c)] Authority of Board not restricted.

Nothing in this Ordinance limits or restricts in any way the power and authority of the Board of Estimates to classify the type of work to be done for the Mayor and City Council of Baltimore and to establish schedules of prevailing hourly wage rates for these classifications.

**SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

**SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup> day after the date it is enacted.

**Council Bill 20-0629**

Certified as duly passed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Chief Clerk

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

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Mayor, Baltimore City