

1 Facilities Authority Act, or the Build Illinois Bond Act, and
 2 all projects financed in whole or in part with loans or other
 3 funds made available pursuant to the Build Illinois Act.
 4 "Public works" shall also include all projects financed in
 5 whole or in part with bonds, loans, or other financial aid
 6 authorized under the Western Illinois Economic Development
 7 Authority Act.

8 "Construction" means all work on public works involving
 9 laborers, workers or mechanics.

10 "Locality" means the county where the physical work upon
 11 public works is performed, except (1) that if there is not
 12 available in the county a sufficient number of competent
 13 skilled laborers, workers and mechanics to construct the
 14 public works efficiently and properly, "locality" includes
 15 any other county nearest the one in which the work or
 16 construction is to be performed and from which such persons
 17 may be obtained in sufficient numbers to perform the work and
 18 (2) that, with respect to contracts for highway work with the
 19 Department of Transportation of this State, "locality" may at
 20 the discretion of the Secretary of the Department of
 21 Transportation be construed to include two or more adjacent
 22 counties from which workers may be accessible for work on
 23 such construction.

24 "Public body" means the State or any officer, board or
 25 commission of the State or any political subdivision or
 26 department thereof, or any institution supported in whole or
 27 in part by public funds, ~~authorized--by-law-to-construct~~
 28 ~~public--works--or--to--enter--into--any--contract---for---the~~
 29 ~~construction--of--public--works,~~ and includes every county,
 30 city, town, village, township, school district, irrigation,
 31 utility, reclamation improvement or other district and every
 32 other political subdivision, district or municipality of the
 33 state whether such political subdivision, municipality or
 34 district operates under a special charter or not.

1 The terms "general prevailing rate of hourly wages",
2 "general prevailing rate of wages" or "prevailing rate of
3 wages" when used in this Act mean the hourly cash wages plus
4 fringe benefits for training and apprenticeship programs
5 approved by the U.S. Department of Labor, Bureau of
6 Apprenticeship and Training, health and welfare, insurance,
7 vacations and pensions paid generally, in the locality in
8 which the work is being performed, to employees engaged in
9 work of a similar character on public works.

10 (Source: P.A. 91-105, eff. 1-1-00; 91-935, eff. 6-1-01;
11 92-16, eff. 6-28-01.)

12 (820 ILCS 130/4) (from Ch. 48, par. 39s-4)

13 Sec. 4. The public body awarding any contract for public
14 work or otherwise undertaking any public works, shall
15 ascertain the general prevailing rate of hourly wages in the
16 locality in which the work is to be performed, for each craft
17 or type of worker or mechanic needed to execute the contract,
18 and where the public body performs the work without letting a
19 contract therefor, shall ascertain the prevailing rate of
20 wages on a per hour basis in the locality, and such public
21 body shall specify in the resolution or ordinance and in the
22 call for bids for the contract, that the general prevailing
23 rate of wages in the locality for each craft or type of
24 worker or mechanic needed to execute the contract or perform
25 such work, also the general prevailing rate for legal holiday
26 and overtime work, as ascertained by the public body or by
27 the Department of Labor shall be paid for each craft or type
28 of worker needed to execute the contract or to perform such
29 work, and it shall be mandatory upon the contractor to whom
30 the contract is awarded and upon any subcontractor under him,
31 and where the public body performs the work, upon the public
32 body, to pay not less than the specified rates to all
33 laborers, workers and mechanics employed by them in the

1 execution of the contract or such work; provided, however,
2 that if the public body desires that the Department of Labor
3 ascertain the prevailing rate of wages, it shall notify the
4 Department of Labor to ascertain the general prevailing rate
5 of hourly wages for work under contract, or for work
6 performed by a public body without letting a contract as
7 required in the locality in which the work is to be
8 performed, for each craft or type of worker or mechanic
9 needed to execute the contract or project or work to be
10 performed. Upon such notification the Department of Labor
11 shall ascertain such general prevailing rate of wages, and
12 certify the prevailing wage to such public body. The public
13 body awarding the contract shall cause to be inserted in the
14 contract a stipulation to the effect that not less than the
15 prevailing rate of wages as found by the public body or
16 Department of Labor or determined by the court on review
17 shall be paid to all laborers, workers and mechanics
18 performing work under the contract. It shall also require in
19 all such contractor's bonds that the contractor include such
20 provision as will guarantee the faithful performance of such
21 prevailing wage clause as provided by contract. All bid
22 specifications shall list the specified rates to all
23 laborers, workers and mechanics in the locality for each
24 craft or type of worker or mechanic needed to execute the
25 contract. If the Department of Labor revises the prevailing
26 rate of hourly wages to be paid by the public body, the
27 revised rate shall apply to such contract, and the public
28 body shall be responsible to notify the contractor and each
29 subcontractor, of the revised rate. Two or more investigatory
30 hearings under this Section on the issue of establishing a
31 new prevailing wage classification for a particular craft or
32 type of worker shall be consolidated in a single hearing
33 before the Department. Such consolidation shall occur
34 whether each separate investigatory hearing is conducted by a

1 public body or the Department. The party requesting a
2 consolidated investigatory hearing shall have the burden of
3 establishing that there is no existing prevailing wage
4 classification for the particular craft or type of worker in
5 any of the localities under consideration.

6 It shall be mandatory upon the contractor or construction
7 manager to whom a contract for public works is awarded to
8 post, at a location on the project site of the public works
9 that is easily accessible to the workers engaged on the
10 project, the prevailing wage rates for each craft or type of
11 worker or mechanic needed to execute the contract or project
12 or work to be performed. A failure to post a prevailing wage
13 rate as required by this Section is a violation of this Act.

14 (Source: P.A. 92-783, eff. 8-6-02.)".