

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2022 Legislative Session

Bill No. CB-033-2022

Chapter No. _____

Proposed and Presented by Council Members Burroughs, Dernoga, Ivey, Medlock,
Hawkins, Taveras

Introduced by Council Members Burroughs, Dernoga, Ivey, Medlock, Hawkins, Taveras,
Harrison, Franklin, Streeter, and Glaros

Co-Sponsors _____

Date of Introduction September 27, 2022

BILL

1 AN ACT concerning

2 Prevailing Wage Expansion

3 For the purpose of expanding prevailing wage requirements to include rehabbing, resurfacing,
4 pavement milling, routine operations and mechanical systems service contracts; adopting the
5 State prevailing wage law regarding the contract threshold limit; amending the definition of a
6 public works project to include projects that receive in whole or part a payment in lieu of taxes;
7 and requiring best efforts to hire Prince George’s County residents for at least 25% of the new
8 jobs to complete the contract for construction that exceeds the prevailing wage threshold limit.

9 BY repealing and reenacting with amendments:

10 SUBTITLE 2. ADMINISTRATION.

11 Section 2-247, 2-249

12 The Prince George's County Code

13 (2019 Edition; 2021 Supplement).

14 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
15 Maryland, that Sections 2-247 and 2-249 of the Prince George's County Code be and the same is
16 hereby repealed and reenacted with the following amendments:

17 SUBTITLE 2. ADMINISTRATION.

18 **DIVISION 14. PREVAILING HOURS AND WAGE RATES ON PUBLIC WORKERS.**

19 **Sec. 2-247. Definitions.**

1 * * * * *

2 (c) **Construction** includes all construction, reconstruction, improvement, enlargement,
 3 painting and decorating, alteration, demolition, maintenance, rehabbing, resurfacing, pavement
 4 milling, mechanical systems service contracts or repair.

5 * * * * *

6 (e) **Mechanical Systems Service Contracts** means a contract for service of the
 7 following systems:

8 (1) HVAC systems, including heating, ventilation, and cooling/air
 9 conditioning equipment; HVAC systems, including heating, ventilation, and cooling/air
 10 conditioning equipment; or

11 (2) refrigeration systems; or

12 (3) plumbing systems, including pipes, tanks, fittings, and other elements
 13 that control the water and gas supply, heating, and sanitation of a
 14 building; or

15 (4) electrical systems, including any electrical power and overhead and
 16 underground lines, poles, transformers, and other related equipment; or

17 (5) elevator systems, including escalators, moving walkways, and other
 18 related conveyances.

19 (f) **Payment in Lieu of Taxes or PILOT** means an authorized payment made by the
 20 owner of a qualifying housing development instead of paying the County real property tax,
 21 including real property tax levied under a special area taxing law, that would otherwise be due.

22 [(e)](g) **Prevailing hourly rate of wages, prevailing hourly wage rate, prevailing**
 23 **rate of wages, prevailing wage rate, prevailing hourly wage, prevailing wage, rate of**
 24 **wages, and wage rates** include:

25 (1) The basic hourly rate of pay; and

26 (2) The amount of:

27 (A) The rate of contribution irrevocably made by a contractor,
 28 subcontractor, or third person pursuant to a fund, plan, or program which provides for medical,
 29 surgical, or hospital care or benefits or pensions on retirement, disability, or death, including
 30 any profit sharing plan which provides benefits at or after retirement, compensation for injuries
 31 or illness resulting from occupational activity, or insurance to provide any of the foregoing; for

1 unemployment benefits, life insurance, or accident insurance; for vacation and holiday pay; for
2 defraying costs of apprenticeship or other similar programs; or for other bona fide fringe
3 benefits, but only if the contractor is not required by Federal, State, or local law to provide any
4 of such benefits; and

5 (B) The rate of costs to the contractor or subcontractor which may be
6 reasonably anticipated in providing the fringe benefits specified in paragraph (2)(A) to
7 workmen and apprentices pursuant to an enforceable commitment to carry out a financially
8 responsible plan or program which is communicated in writing to the workmen and apprentices
9 affected.

10 [(f)](h) **Public body** means Prince George's County or any department, officer, board,
11 commission, or agency of the County.

12 (i) **Public funds** means any funds directly appropriated by the County.

13 [(g)](j) **Public works** includes all buildings, bridges, dams, airports, highways, tunnels, roads,
14 streets, alleys, ditches, sewers, sewage disposal plants, waterworks, land clearing, and
15 excavation and all other structures or works, constructed for public use or benefit or paid for
16 wholly or in part out of public funds, except work done by any public utility company subject
17 to the jurisdiction of the Public Service Commission or other public authority, whether or not
18 done under public supervision or direction or paid for wholly or in part out of public funds,
19 unless let to contract. Public works also includes a mechanical systems service contract with a
20 contract value in excess of the threshold amount codified at 41 U.S.C. 6702(A)(2), the
21 McNamara O'Hara Service Contract Act of 1965, as amended, and projects that receive, in
22 whole or in part, a payment in lieu of taxes.

23 [(h)](k) **Workman** means laborer, workman, and mechanic. High School students
24 registered in work study programs approved by the Prince George's County Board of
25 Education are exempt from the provisions of this Division.

26 * * * * *

27 **Sec. 2-249. Determination of prevailing wage rate.**

28 * * * * *

1 (b) It shall be mandatory upon the contractor to whom the contract is awarded, and
 2 upon any subcontractor under him, to pay not less than the specified rates to all workmen and
 3 apprentices employed by them in the execution of the contract. The public body awarding the
 4 contract shall cause to be inserted in the contract a stipulation to the effect that not less than the
 5 prevailing hourly rate of wages shall be paid to all workmen and apprentices performing work
 6 under the contract and require best efforts to hire Prince George’s County residents for at least
 7 25% of the new jobs to complete the contract for construction. It shall also require in all the
 8 contractor's bonds that the contractor include such provisions as will guarantee the faithful
 9 performance of the prevailing hourly wage clause as provided by contract.

10 * * * * *

11 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby
 12 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
 13 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
 14 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
 15 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
 16 Act, since the same would have been enacted without the incorporation in this Act of any such
 17 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,
 18 or section.

19 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
 20 calendar days after it becomes law.

Adopted this ____ day of _____, 2022.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Calvin S. Hawkins, II
Chair

ATTEST:

Donna J. Brown
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Angela D. Alsobrooks
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.

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