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To: John Weidl, Whitewater City Manger

From: Curt Witynski, JD, Witynski Consulting LLC

Date: November 6, 2003

You asked whether a public construction project planned for the city's library would be subject to any prevailing wage requirements under state or federal law?

The answer is no, such a project would not be covered by any prevailing wage requirements. The state's prevailing wage law formerly applicable to local government public construction contracts was repealed, effective January 1, 2017. Also, individual municipalities in Wisconsin are expressly prohibited by state law from imposing local prevailing wage requirements. Wis. Stat. §66.0903(1m)(c).

The federal Davis-Bacon Act, which requires contractors on public construction projects to pay laborers working on the project prevailing wages, would not apply unless the city was using federal dollars to help pay for the cost of the library construction project. I understand from you that no federal grant dollars are being used to help cover the cost of the library project. Therefore, the prevailing wage requirements of the federal Davis-Bacon Act would not apply.

While no prevailing wage requirements apply to the city's library construction project, the project would be subject to the state's competitive bidding law. State law requires cities to competitively bid "public construction," the estimated cost of which exceeds \$25,000. See Wis. Stat. §62.15.

Please let me know if you have any further questions or need additional information.