

Article - State Finance and Procurement

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§17–202.

(a) This subtitle does not limit:

(1) the hours of work an employee may work in a particular period of time; or

(2) the right of a contractor to pay an employee under a public work contract more than the prevailing wage rate.

(b) Except as provided in subsection (e) of this section, this subtitle does not apply to:

(1) a public work contract of less than \$250,000; or

(2) the part of a public work contract for which the federal government provides money if, as to that part, the contractor is required to pay the prevailing wage rate as determined by the United States Secretary of Labor.

(c) If this subtitle and the federal Davis–Bacon Act apply and the federal act is suspended, the Governor may declare this subtitle suspended for the same period for:

(1) the part of that public work contract for which the United States Secretary of Labor would have been required to make a determination of a prevailing wage rate; or

(2) that entire public work contract.

(d) (1) Subject to paragraph (2) of this subsection, this subtitle applies to the construction of a structure or work, including a bridge, a building, a ditch, a road, an alley, a waterwork, or a sewage disposal plant, funded with bond proceeds from bonds issued in accordance with Title 12, Subtitle 2 of the Economic Development Article that is located in a designated tax increment financing development district created on or after July 1, 2018, established under State or local law.

(2) This subsection applies to the construction of a structure or work only if a political subdivision of the State, Baltimore City, or the Revenue Authority of Prince George’s County authorizes that the construction of the structure or work is subject to this subtitle.

(e) This subtitle applies to a mechanical systems service contract that is part of a public work contract with a value in excess of the threshold specified in 41 U.S.C. 6702(a)(2), the McNamara–O’Hara Service Contract Act of 1965 (SCA).

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