



Department of Labor

WORKING FOR YOU



BUREAU OF PUBLIC WORK AND PREVAILING WAGE ENFORCEMENT

A Guide For Contracting Agencies

RESPONSIBILITIES OF THE CONTRACTING AGENCY

A Contracting Agency (Department of Jurisdiction) includes:

- A state department, agency, board or commission
- A county, city, town or village
- A school district, board of education or board of cooperative educational services
- A sewer, water, fire, improvement and other district corporation
- A public benefit corporation
- A public authority awarding a public work contract

The Contracting Agency awarding a public work project must obtain a Prevailing Rate Schedule listing the hourly rates of wages and supplements due the workers employed on a public work project. When a contracting Agency is issued a schedule they will also be assigned a PRC number.

To obtain a schedule, submit on-line, by mail, or fax a **“Request for Wage and Supplement Information”** form (**PW-39**) to the Bureau of Public Work and Prevailing Wage Enforcement. The Prevailing Rate Schedule must be included in the specifications for the contract to be awarded and is deemed part of the public work contract.

For more information and to obtain a Wage Schedule, visit:

<https://dol.ny.gov/obtain-wage-schedule>

After the award of a contract, by law the Contracting Agency must furnish the following information to the Bureau:

- The name and address of the contractor
- The date the contract was awarded
- The approximate dollar value of the contract

To aid compliance with this provision of the Labor Law, a copy of the Department of Labor’s **“Notice of Contract Award”** form (**PW-16**) is included with the original Prevailing Rate Schedule, and can also be submitted on-line.

The Contracting Agency must notify the Bureau of the completion or cancellation of any public work project. The Department of Labor’s **“Notice of Completion/ Cancellation of Project”** form (**PW-200**) is included with the original Prevailing Rate Schedule, and can also be submitted on-line.

PREVAILING RATE SCHEDULE

The Contracting Agency must provide complete copies of the Prevailing Rate Schedule to all prime contractors. They, in turn, must provide copies to each subcontractor and obtain an affidavit certifying the schedule was received.

The Commissioner of Labor makes an annual determination of the prevailing rates. This determination is in effect from July 1 through June 30 of the following year. All assigned Prevailing Rate Schedules automatically update to the newly determined annual rates on July 1.

Both the annual determination and the updated assigned Prevailing Rate Schedules are available on the Department of Labor website: www.labor.ny.gov

WITHHOLDINGS

The Contracting Agency is required to withhold and retain funds when directed by the Bureau. The funds may not be released until notified by the Bureau.

OSHA 10-HOUR COURSE

All workers on public work projects of at least \$250,000 are required to have taken this safety course. The provisions of this requirement must be included in the bid and contract documents.

HOURS

No laborer, worker, or mechanic in the employ of a contractor or subcontractor engaged in the performance of any public work project shall be permitted to work more than eight hours in any day or more than five days in any week, except in cases of extraordinary emergency.

DEBARMENT INFORMATION

To determine if an individual or entity is prohibited from bidding on or being awarded a public work contract, Department of Labor (DOL) and Workers Compensation Board (WCB) Debarment Searches should be performed. NYSDOL Debarments and WCB Debarment Search contain individuals and entities that have been debarred for violations of Article 8 and 9 of the Labor Law, as well as for violations of the Workers’ Compensation Law.

For more information and to view the debarment lists, visit:

<https://dol.ny.gov/debarment-information>

CONTRACTOR REGISTRY

All contractors and subcontractors submitting bids or performing construction work on public work projects or private projects covered by Article 8 of the Labor Law are required to register with the New York State Department of Labor (NYSDOL) under Labor Law Section 220-i.

Private projects subject to Article 8 of the Labor Law include those covered by Labor Law Sections 224-a (public subsidy funded projects), 224-d (renewable energy systems), 224-e (broadband projects), 224-f (climate risk-related and energy transition projects, and roadway excavations.)

The law defines a “contractor” as any entity entering into a contract to perform construction, demolition, reconstruction, excavation, rehabilitation, repair, installation, renovation, alteration, or custom fabrication.

The law defines “subcontractor” as any entity subcontracting with a contractor to perform construction, demolition, reconstruction, excavation, rehabilitation, repair, installation, renovation, alteration, or custom fabrication, which is subject to Article 8 of the Labor Law.

Contractors are responsible for verifying that any subcontractors they work with are registered. Projects being performed by unregistered contractors are also subject to the stop-work order provisions of LL § 224-B.

For more information and to view the Registry, visit:

<https://dol.ny.gov/public-work-contractor-and-subcontractor-registry-landing>

PAYROLLS AND PAYROLL RECORDS

Every contractor and subcontractor must keep original payrolls or transcripts subscribed and affirmed as true under penalty of perjury.

At a minimum, payrolls must show the following information for each person employed on a public work project:

- Name
- Social Security Number (last four digits)
- Classification(s) in which the worker was employed
- Hourly wage rate(s) paid
- Supplements paid or provided
- Daily and weekly number of hours worked in each classification

ELECTRONIC CERTIFIED PAYROLL SUBMISSION

As of December 31, 2025, all contractors and subcontractors working on projects covered by Article 8 of NYS Labor Law must electronically provide certified payroll records to the New York State Department of Labor through the Certified Payroll portal. Payroll information must be reported every 30 days.

For more information about the Payroll System visit:

<https://dol.ny.gov/Electronic-Payroll>

The filing of payrolls is a condition of payment. The prime contractor is responsible for any underpayments of prevailing wages or supplements by any subcontractor.

All contractors or their subcontractors shall provide to their subcontractors a copy of the Prevailing Rate Schedule specified in the public work contract.

The Contracting Agency also are required to collect and maintain payroll records for five years from the date of the completion of the work, as well as designate in writing an individual in their employ to be responsible to collect certified payrolls and review them for validity.

CONTACT INFORMATION

New York State Department of Labor
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