

FREQUENTLY ASKED QUESTIONS RELATED TO ON-SITE CONSTRUCTION ACTIVITIES

Q. What are the new contractual requirements for Professional Services firms doing business with CDB?

A. CDB is including three items in its Professional Services contracts that were not included in the past:

1. That Professional Services firms that perform on-site construction work during the construction phase of the project sign any applicable Project Labor Agreements (PLA).

2. That Professional Services firms pay prevailing wage for on-site construction work if the Illinois Department of Labor has established a prevailing wage for that work in the county in which the work is performed.

3. That Professional Services firms that perform on-site construction work participate in an apprenticeship and training program approved by and registered with the United States Department of Labor's Bureau of Apprenticeship and Training.

Q. Why did CDB choose to include these contractual requirements?

A. CDB includes PLAs on projects in order to obtain timely and economical completion of construction, and to establish a spirit of harmony and cooperation among all parties. Professional Services firms that perform on-site construction work will be required to sign an applicable PLA to ensure that all employees performing construction work on the jobsite are treated fairly regardless of whether their employer is characterized as a construction firm or a Professional Services firm.

Employees who perform work for which the Illinois Department of Labor has established a prevailing wage must be paid the prevailing wage regardless of whether their employer is categorized as a construction firm or a Professional Services firm. (See Prevailing Wage Act, 820 ILCS 130).

Firms that perform on-site construction work will be required to participate in an apprenticeship and training program approved by and registered with the United States Department of Labor's Bureau of Apprenticeship and Training to ensure that the employees performing such work have the necessary training to allow them to perform the work in the safest and highest quality way possible.

PROJECT LABOR AGREEMENTS

Q: What gives CDB authority to use PLAs on projects?

A: The Illinois Project Labor Agreement Act (30 ILCS 571) gives CDB the authority to put PLAs on projects.

Q: Under what circumstances is a firm required to sign a Project Labor Agreement?

A: Any vendor who is engaging in on-site construction activity during the construction phase of a project must sign the Project Labor Agreement (PLA) if one exists for that project.

Q: What is the “construction phase” of a project?

A: The “construction phase” begins when the contractors receive the Authorization to Proceed (ATP) from CDB and ends at final acceptance.

Q: Does a Professional Services firm performing material testing, drilling, or similar on-site activity prior to the construction phase trigger the need to sign a PLA?

A: No. On-site activity that occurs prior to the construction phase does not trigger the need to sign a PLA.

Q: Is a Professional Services firm that hires a consultant to perform on-site construction activity, such as drilling and testing, required to sign a PLA?

A: No. However, the consultant would be required to sign the PLA if the on-site construction activity occurs during the construction phase of the project.

Q: Does surveying for design purposes trigger the requirement to sign a PLA?

A: No. Surveying for design purposes is not currently considered to be a construction activity that would trigger the requirement to sign a PLA. Surveying for other purposes that occurs during the construction phase may trigger the requirement to sign a PLA.

Q: Who can I contact with questions regarding whether specific activity would trigger the need to sign a PLA on a particular project?

A: Vendors can contact CDB Deputy Director Josh Weger at 217-782-8527 or Josh.Weger@illinois.gov with questions regarding the PLA.

Q: Does signing a PLA require the vendor to enter into a Collective Bargaining Agreement (CBA)?

A: No. A PLA is applicable to a specific Project and has no bearing as to the recognition of any bargaining unit other than for the specific purposes of that Project. A firm may be required to execute one or more “Participation Agreements” in order to comply with the requirements of any fringe benefit fund to which the firm is required to contribute under the terms of an applicable CBA. Any Participation Agreement that is only applicable to the firm as a result of the PLA will be amended as reasonably necessary to reflect that fact.

PREVAILING WAGE

Q: Under what circumstances is a Professional Services firm required to pay prevailing wage?

A: Any vendor who has employees performing functions for which the Illinois Department of Labor has established a prevailing wage for the county in which the work is performed must pay the prevailing wage.

Q: How do I determine if a prevailing wage has been established for a particular county?

A: Prevailing wage rates can be found on the Illinois Department of Labor's website at <https://www.illinois.gov/idol/laws-rules/conmed/pages/prevailing-wage-rates.aspx>.

Q: Does prevailing wage need to be paid for work done outside of the construction phase of a project?

A: Yes. If a prevailing wage has been established for the work being performed, the prevailing wage must be paid regardless of the phase of the project.

APPRENTICESHIP AND TRAINING

Q: Under what circumstances must a Professional Services firm participate in an apprenticeship and training program approved by and registered with the United States Department of Labor's Bureau of Apprenticeship and Training?

A: Any vendor performing on-site construction activities, including but not limited to material testing and drilling, must participate in an apprenticeship and training program approved by and registered with the United States Department of Labor's Bureau of Apprenticeship and Training.

Q: Is a Professional Services firm that hires a consultant to perform on-site material testing and drilling required to participate in an apprenticeship and training program?

A: No. However, the consultant would need to participate in an approved and registered apprenticeship and training program.

Q: Why is participation in an apprenticeship and training program required?

A: To maximize quality and safety, CDB includes participation in apprenticeship and training programs as a contractual requirement to ensure that on-site construction activity is performed by properly trained and experienced employees.

Q: Does on-site construction activity that occurs prior to the construction phase of a project trigger the requirement that the vendor participates in an approved and registered apprenticeship and training program?

A: Yes. The requirement applies regardless of the phase of the project.

Q: What firms participate in an approved and registered apprenticeship and training program for material testing and drilling?

A: A list of Illinois firms that CDB is aware participate in an approved and registered apprenticeship and training program for material testing and drilling can be found at: www.cdb.state.il.us/forms/download/FIELD_TECHS_AND_DRILLERS_APPRENTICESHIP.pdf . This list is provided for informational purposes only. CDB does not endorse any firm on this list. The list is not exhaustive, and a vendor is not required to use a firm on this list if it is aware of another firm that participates in an approved and registered apprenticeship and training program.