

**COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND**

**2023 Legislative Session**

**Bill 2023-07**

**REVISED PREVAILING WAGE REQUIREMENTS**

**Introduced by Charles County Commissioners**

For the purpose of amending the local law to expand Prevailing Wage Regulation to Certain Qualifying Mechanical Systems Service Contracts with the County, by amending: Chapter 228-1 through 228-2 – CONTRACTORS .

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**Date introduced:** 06 / 27 / 2023

**Public Hearing:** 07 / 25 / 2023 Virtual and In-Person @ 6:00 p.m.

**Commissioners Action:** 07 / 25 / 2023

**Commissioner Votes:** RBC: Y , GB: Y , TC: Y , AS: Y , RP: Y

**Pass/Fail:** Pass

**Effective Date:** 09 / 08 / 2023

**Remarks:** \_\_\_\_\_

NOTE: CAPITALS indicate matter added to existing text.  
[Brackets] indicate matter deleted from existing law.



1                                   **COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND**

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4                                   **2023 Legislative Session**

5  
6 Bill No. 2023-07

7 Chapter. No. 228

8 Introduced by Charles County Commissioners

9 Date of Introduction June 27, 2023

10  
11                                   **BILL**

12 AN ACT concerning

13                                   **REVISED PREVAILING WAGE REQUIREMENTS**

14  
15                                   FOR THE PURPOSE OF AMENDING THE LOCAL LAW TO EXPAND PREVAILING  
16 WAGE REGULATION TO CERTAIN QUALIFYING MECHANICAL SYSTEMS SERVICE  
17 CONTRACTS WITH THE COUNTY.

18  
19 BY amending:

20                                   Chapter 228-1 through 228-2 – CONTRACTORS

21                                   *Code of Charles County, Maryland*

22                                   *(2022 Edition)*

23  
24                                   **SECTION 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF**  
25 **CHARLES COUNTY, MARYLAND, that the Laws of Charles County, Maryland read as**  
26 **follows**

27                                   **Chapter 228 – Contractors**

28                                   **Article I. Prevailing Wage Requirements**

29  
30 **§ 228-1 Definitions.**

31 Definitions. In this chapter, the following words have the meanings indicated:

32  
33 Apprentice

34 An individual who:



- 1 A. Is at least 18 years old;  
2 B. Has signed an agreement with an employer or employer's agent, an association of employers,  
3 an organization of employees, or a joint committee, that includes a statement of:  
4 (1) The trade, craft, or occupation that the individual is learning; and  
5 (2) The beginning and ending dates of the apprenticeship; and  
6 C. Is registered in a program of a Council or Bureau of Apprenticeship and Training of the  
7 United States Department of Labor

8  
9 Construction  
10 [A.] The process of building, altering, repairing, improving, REHABBING or demolishing any  
11 structure or building, or other structural improvements of any kind to any real property,  
12 INCLUDING ROUTINE OPERATION, REPAIR, AND MECHANICAL SYSTEMS SERVICE  
13 CONTRACT FOR MAINTENANCE OF EXISTING STRUCTURES, BUILDINGS, OR REAL  
14 PROPERTY.  
15 [~~B. Does not mean routine repairs, operation, or maintenance of existing structures, buildings, or~~  
16 ~~real property.~~]

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18 County Finance Construction Project  
19 A contract for construction work that is awarded by the County or where County funds are used  
20 to finance all or part of the cost of the contract.

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22 County Funds  
23 Any funds directly appropriated by the County.

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25 Employee  
26 An apprentice or worker employed by a contractor or subcontractor on a County financed  
27 construction contract.

28  
29 MECHANICAL SYSTEMS SERVICE CONTRACT  
30 A CONTRACT FOR SERVICE OF THE FOLLOWING SYSTEMS:  
31 (A) HVAC SYSTEMS, INCLUDING HEATING, VENTILATION, AND COOLING/AIR  
32 CONDITIONING EQUIPMENT;  
33 (B) REFRIGERATION SYSTEMS;  
34 (C) PLUMBING SYSTEMS, INCLUDING PIPES, TANKS, FITTINGS, AND OTHER  
35 ELEMENTS THAT CONTROL THE WATER AND GAS SUPPLY, HEATING, AND  
36 SANITATION OF A BUILDING;  
37 (D) ELECTRICAL SYSTEMS, INCLUDING ANY ELECTRICAL POWER AND  
38 OVERHEAD AND UNDERGROUND LINES, POLES, TRANSFORMERS, AND OTHER  
39 RELATED EQUIPMENT; OR  
40 (E) ELEVATOR SYSTEMS, INCLUDING ESCALATORS, MOVING WALKWAYS,  
41 AND OTHER RELATED CONVEYANCES.

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43 Prevailing Wage  
44 The hourly wage rate set by the State Commissioner of Labor and Industry for state-funded  
45 construction contracts in the County.

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47 Public Entity  
48 A. The federal government;



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- B. A state government and any of its agencies;
- C. Any political subdivision of a state government and any of its agencies;
- D. Any Board, Commission, or Committee established by federal, state, or local law;
- E. Any organization or association of the federal government, state governments, or political subdivisions of state governments; and
- F. Any other entity that is:
  - (1) Qualified as a nontaxable corporation under the United States Internal Revenue Code, as amended; and
  - (2) Incorporated by an entity under Subsections A through E for the exclusive purpose of supporting or benefitting an entity under Subsections A through E.

WORKER  
Laborer or mechanic.

**§228-2 Exclusions.**

Except as provided in Subsection E, this Article does not apply to a County-financed construction contract:

- A. Of less than \$500,000;
- B. That is subject to a federal or state prevailing wage law;
- C. With a public entity;
- D. To the extent that the contractor is expressly precluded from complying with this article by the terms of any federal or state law, contract, or grant;
- E. THIS ARTICLE APPLIES TO A MECHANICAL SYSTEMS SERVICE CONTRACT WITH A CONTRACT VALUE IN EXCESS OF THE THRESHOLD AMOUNT CODIFIED AT 41 U.S.C. 6702(A)(2), THE MCNAMARA-O'HARA SERVICE CONTRACT ACT OF 1965, AS AMENDED. NOTWITHSTANDING THE FOREGOING, THIS SUBSECTION DOES NOT APPLY TO THE RENEWAL OR EXTENSION OF A MECHANICAL SYSTEMS SERVICE CONTRACT WITH AN ORIGINAL CONTRACT DATE PRIOR TO THE EFFECTIVE DATE OF SUBSECTION E.

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**SECTION 2. AND BE IT FURTHER ENACTED,** THAT THIS ACT SHALL TAKE EFFECT FORTY-FIVE (45) DAYS FROM THE DATE IT BECOMES LAW.

ADOPTED this 25<sup>th</sup> day of July, 2023.

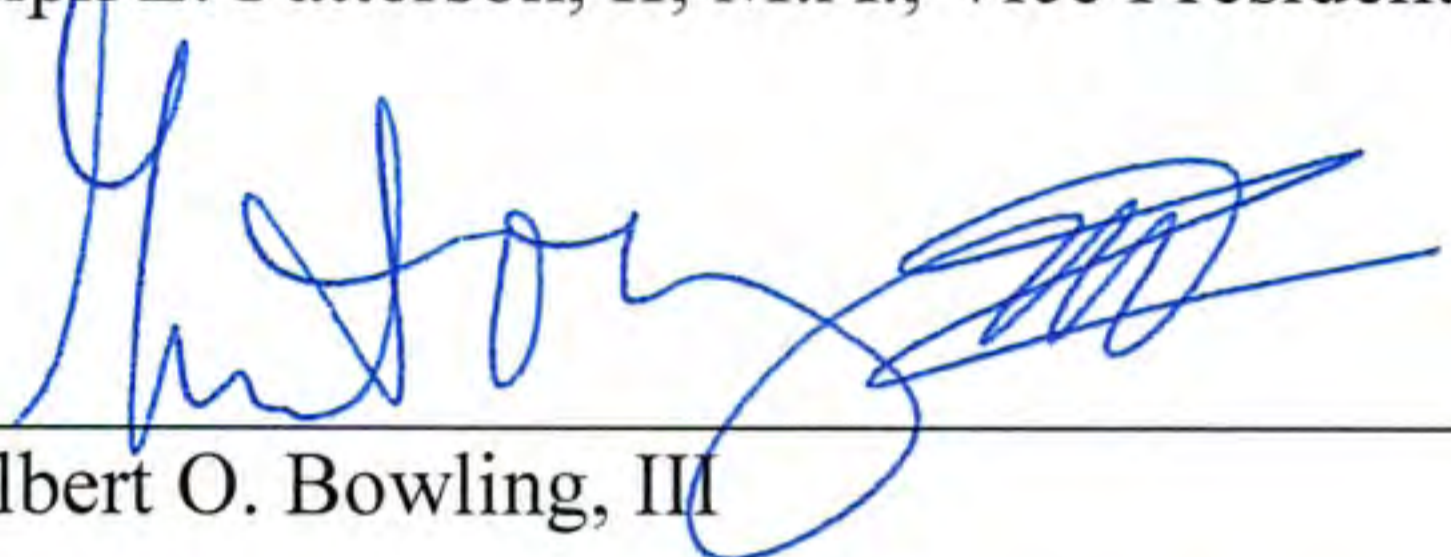
**COUNTY COMMISSIONERS  
CHARLES COUNTY, MARYLAND**



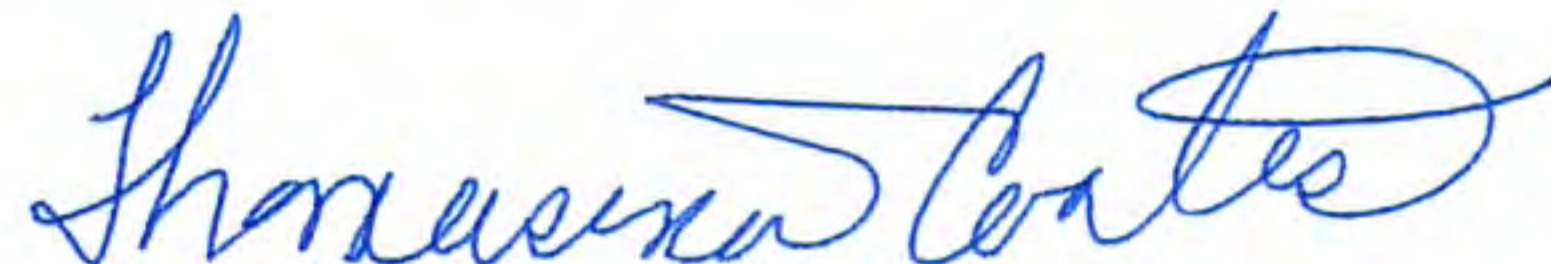
Reuben B. Collins, II, Esq., President



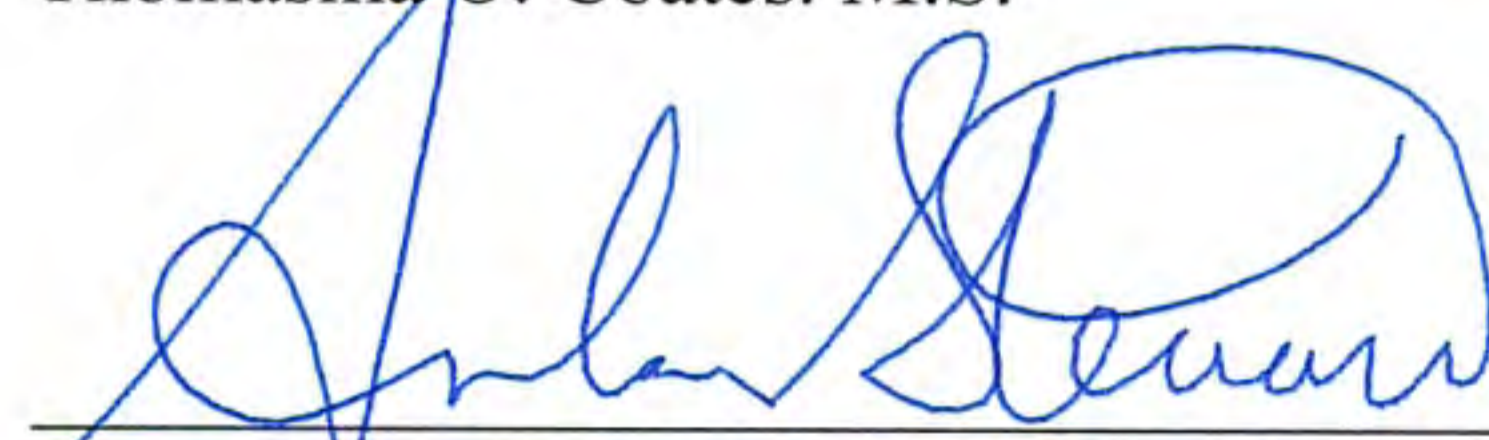
Ralph E. Patterson, II, M.A., Vice President



Gilbert O. Bowling, III

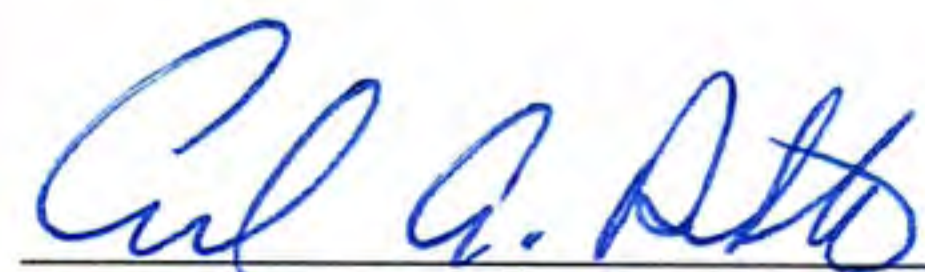


Thomasina O. Coates, M.S.



Amanda M. Stewart, M. Ed.

ATTEST:



Carol A. DeSoto, Clerk to the Commissioners