

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: Engineering

AGENDA DATE: October 21, 2008

CONTACT PERSON/PHONE: R. Alan Shubert, P.E., City Engineer 541-4423

DISTRICT(S) AFFECTED: District 7

SUBJECT:

Municipal Service Center East alleged wage rate violation

BACKGROUND / DISCUSSION:

Discussion and action on a resolution authorizing the City Engineer to withhold payment to Dantex Construction Co. for a project called Municipal Service Center East because there is good cause to believe there has been a violation the City's prevailing wage rates.

On September 25, 2008 the City's Engineering Department was notified by construction workers that they were not being paid the wages posted at the job site. Specifically, electrician helpers were being paid at the common laborer wage rate. The City's wage rates cover the job classification of electricians, apprentices and common laborers but not for the classification of electrician helpers. The City's Engineering Department completed an investigation and received information from two confidential interviews. The City has verbal information from unidentified workers that they were paid in cash. The City has 30 days from notice of an alleged violation to determine if there is good cause to believe that a contractor has violated wage rates set under Texas Administrative Code. Certified payrolls were due to the City for the payroll period in which the alleged violation occurred October 11, 2008 but have not been received.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

City Council approved a resolution June 3, 2008 approving a resolution as required under Chapter 2258 of the Texas Government Code to determine the prevailing rate of per diem wages for each craft or type of worker within the geographic limits of the City for construction of public works.

AMOUNT AND SOURCE OF FUNDING:

None.

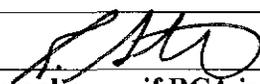
BOARD / COMMISSION ACTION:

N/A

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD: _____


(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA: _____

CITY MANAGER: _____

DATE: _____

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That there is good cause to believe that there has been a violation of the prevailing wage rates under the Municipal Service Center East contract between the City and Dantex Construction Co. and that the City Engineer be authorized to withhold payment to the contractor as required under Chapter 2258 of the Texas Government Code.

ADOPTED THIS 21st DAY OF OCTOBER, 2008.

THE CITY OF EL PASO

John F. Cook, Mayor

ATTEST:

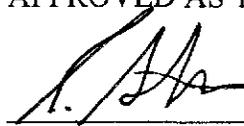
Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:



Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:



R. Alan Shubert, P.E.
City Engineer