

TRUCKING

Various trucking companies working on the project may or may not be required to submit certified payrolls in LCPtracker. Determine if prevailing wage applies or not for each truck driver, depending on what work is being performed, and if they are just making a delivery or whether they are working at the site of work.

Per subsection 110.01 of the Standard Specifications:

The minimum wage rates apply to workers working upon the “site of the work”. The term “site of the work” is defined per NRS 338.040, NAC 338.009, and 29 CFR § 5.2(l).

NRS 338.040 Workers deemed to be employed on public works.

1. Except as otherwise provided by specific statute, workers who are:
 - (a) Employed at the site of a public work; and
 - (b) Necessary in the execution of the contract for the public work, are deemed to be employed on public works.
2. The Labor Commissioner shall adopt regulations to define the circumstances under which a worker is:
 - (a) Employed at the site of a public work; and
 - (b) Necessary in the execution of the contract for the public work.

NAC 338.009 Workers deemed to be employed on public works: Interpretation of certain statutory terms. (NRS 338.012, 338.040)

1. As used in NRS 338.040, the Labor Commissioner will interpret:
 - (a) “Employed at the site of a public work” to mean the performance of work in the execution of a contract for a public work at the physical place or places at which the work is performed or at which a significant portion of the public work is constructed, altered or repaired if such place is established specifically for the execution of the contract for the public work or dedicated exclusively, or nearly so, to the execution of the contract for the public work.
 - (b) “Necessary in the execution of the contract for the public work” to mean the performance of duties required to construct, alter or repair the public work and without which the public work could not be completed.
2. As used in this section, “site of a public work” includes job headquarters, a tool yard, batch plant, borrow pit or any other location that is established for the purpose of executing the contract for the public work or that is dedicated exclusively, or nearly so, to executing the contract for the public work. The term does not include a permanent home office, branch plant establishment, fabrication plant, tool yard or any other operation of a contractor, subcontractor or supplier if the location or the continued existence of the operation is determined without regard to a particular public work.

29 CFR Subtitle A, Part 5.2

(l) The term *site of the work* is defined as follows:

(1) *The site of the work* is the physical place or places where the building or work called for in the contract will remain; and any other site where a significant portion of the building or work is constructed, *provided* that such site is established specifically for the performance of the contract or project;

(2) Except as provided in paragraph (l)(3) of this section, job headquarters, tool yards, batch plants, borrow pits, etc., are part of the *site of the work*, *provided* they are dedicated exclusively, or nearly so, to performance of the contract or project, *and provided* they are adjacent or virtually adjacent to the *site of the work* as defined in paragraph (l)(1) of this section;

(3) Not included in the *site of the work* are permanent home offices, branch plant establishments, fabrication plants, tool yards, etc., of a contractor or subcontractor whose location and continuance in operation are determined wholly without regard to a particular Federal or federally assisted contract or project. In addition, fabrication plants, batch plants, borrow pits, job headquarters, tool yards, etc., of a commercial or material supplier, which are established by a supplier of materials for the project before opening of bids and not on the site of the work as stated in paragraph (l)(1) of this section, are not included in the *site of the work*. Such permanent, previously established facilities are not part of the *site of the work*, even where the operations for a period of time may be dedicated exclusively, or nearly so, to the performance of a contract.

In addition, temporary plants or contractor's staging yard established for a project would be considered "site of work" only when the site is 1) Adjacent (common boundary between the project and plant site) or 2) Virtually adjacent (plant site is separated from the project site by a narrow strip of land such as a local road between a project and a plant site).

Examples of when prevailing wage is required

1. Truck drivers hauling within the site of work (from one location to another).
2. Truck drivers hauling materials or supplies between a facility that is deemed part of the site of work and the actual construction site.
3. Truck drivers hauling between a designated pit (for this project only) (hotplant, concrete batch plant, materials source, etc.) and the site of work.
4. Truck drivers hauling materials from the site of work to a designated site (unsuitable material, etc.).
5. Truck drivers hauling material between the site of work and a designated pit adjacent to or virtually adjacent to site of work.
6. Truck drivers hauling on the site of work more that 20% of any work week.

Examples of when prevailing wage is not required

1. Truck drivers working away from the site of work.
2. Truck drivers making deliveries away from the site of work.
3. Truck drivers loading and/or unloading materials and supplies (guardrail, pipe, signs, barrier rail, equipment, steel, etc.) at the site of work.
4. Truck drivers hauling materials between a commercial site (hotplant, concrete batch plant, materials source, etc.) and the site of work.
5. Truck drivers hauling from a portable plant set up in a commercial source for a specific project.
6. Truck drivers transporting material supplies, tools, etc. from a dedicated facility away from the site of work to the site of work.

A hauling agreement is required for all DBE trucking firms including DBE trucking owner operators. The hauling agreement is a binding agreement between two parties and must contain all the required information including the items shown below. All hauling agreements received by the Resident Engineer shall be forwarded to Contract Compliance for review and approval.

Contract Compliance shall verify all necessary information is correct and complete:

- A. truck owner's name
- B. truck driver's name
- C. current vehicle license number
- D. vehicle identification number (VIN)
- E. copy of vehicle registration
- F. method of payment (hour, ton, load)
- G. total contracted amount
- H. USDOT number

Refer to the following flow charts for required compliance documents:

Figure 1 Non-DBE's
Subcontractors, Suppliers, Service Providers
(including Trucking and Owner Operators)
(See page 9 - 6)

Figure 2 DBE's
Subcontractors, Suppliers, Service Providers
(including Trucking and Owner Operators)
(See page 9 - 7)

PREVAILING WAGES

Nevada state prevailing wages are listed differently depending on county. Prevailing wages and how they are shown (one truck driver classification, group classifications or individual classifications) may also vary from year to year for the same county. The following examples are three different ways the prevailing wages are currently listed by the Labor Commissioner's Office.

Example No. 1: Douglas County shows one classification for "Truck Driver" which includes all truck drivers.

Example No. 2: Clark County shows truck drivers separated by group classifications.

Example No. 3: Elko County shows truck drivers broken down with individual classifications.

Nevada state wages and amendments are available at http://labor.nv.gov/PrevailingWage/2016-2017_Prevailing_Wages/.

All three examples of the prevailing wages state: **"TRUCK DRIVER" - includes but is not limited to:** *Driving a tractor trailer combination or a truck to transport goods or materials at the site of a public work or between sites of a public work. (Also, see descriptions listed with Truck Driver rates, if any.)*

Even though "Truck Driver" is defined differently by county, it is interpreted to mean any truck driver class / description that is not specifically listed could still require prevailing wages as defined by the statement **"includes but is not limited to"**:

In summary, the term "Truck Driver" includes but is not limited to: Dump trucks all sizes, trucks and trailers in any combination, drivers of trucks (legal payload all capacities), dumpcretes, bulk cement spreaders, transit mix trucks with or without boom, water and jetting trucks, bus and manhaul drivers, winch truck and "A" frame drivers, boot trucks, flat rack trucks, truck and equipment greaser, water and fuel truck drivers, pickup driver, pilot car driver, service station attendant, teamster equipment (highest rate paid for dual craft operation), warehousemen, drivers of busses, gas and oil pipeline working truck drivers, dumpster trucks, forklifts, ross carriers, stockroom clerk, tireman, all off-road equipment, truck repairman, transport drivers, road oil spreaders, euclid-type equipment Letourneau pulls, terra cobras and similar types of equipment, PB and similar type trucks when performing work within the teamster jurisdiction, regardless of types of attachment, including power units pulling off-highway belly dumps in tandem.

NOTE: If you do not see a specific truck driver classification listed in the prevailing wages for your project, contact Contract Compliance for clarification and guidance.

Non-DBE Subcontractors, Suppliers and Service Providers

Rev. 01/17

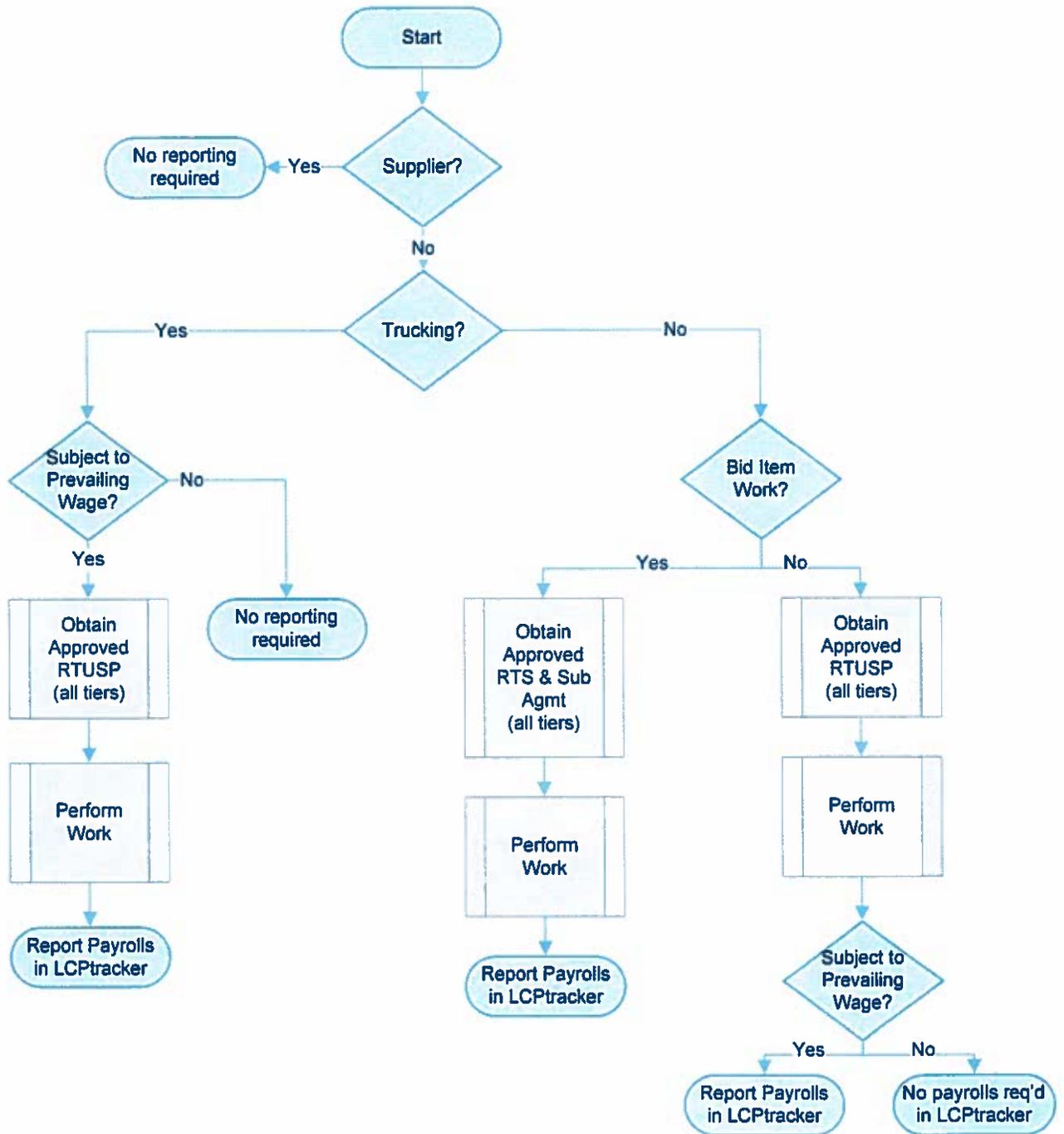


Figure 1 – Non-DBE Subcontractors, Suppliers and Service Providers

DBE Subcontractors, Suppliers and Service Providers

Rev. 01/17

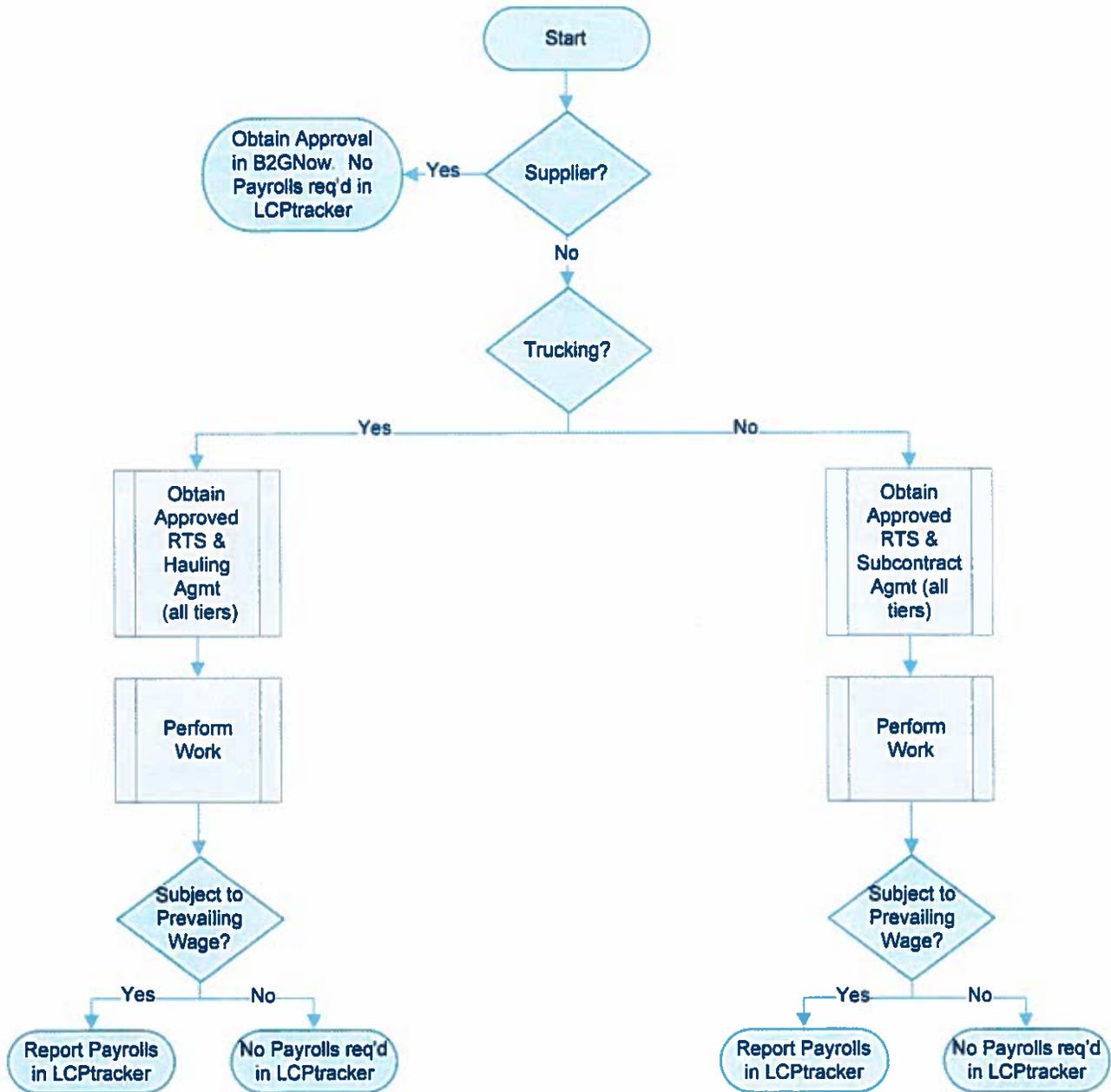


Figure 2 – DBE Subcontractors, Suppliers and Service Providers