

Agenda of Special Meeting

The Board of Trustees El Campo Independent School District

A Special Meeting of the Board of Trustees of El Campo Independent School District will be held October 6, 2020, beginning at 7:00 PM in the ECHS Auditorium, 600 West Norris, El Campo, Texas 77437.

The subjects to be discussed are as listed below.

1. Call to Order/Opening Prayer/Pledge of Allegiance

Notice: Pursuant to the Governor Abbott's Temporary Suspension of Open Meetings Laws issued on March 16, 2020, to advance the public health goal of limiting face to face meetings (also called "social distancing"), this meeting may be documented via telephone conference or videoconference, which will be audible to the Board and public and allow for two-way communication. The Board President, presiding officer or trustees may not be physically present at one location but a quorum will be required for the meeting on the videoconference or phone.

The public may access this meeting: See Meeting ID below and or Phone Number. An electronic copy of the agenda packet may be viewed at the following link www.ecisd.org. A recording of the meeting will be available for viewing on the District's website.

If you wish to address the Board of Trustees on an agenda or non-agenda topic for regular meetings or an agenda item the President or designee will call for public comments at the beginning of the meeting. All other public comment rules will be followed. After the close of public comment, the Board will proceed with the rest of the agenda that may be viewed or heard by the public online or on the phone.

meet.google.com/dyq-bbwm-oay

Phone Numbers

(US)+1 662-493-2522

PIN: 482 645 131#

2. Public Comment

3. Discussion and Action Items

A. Business and Operations

1. Consideration and possible action to adopt the prevailing wage rates published by the United States Department of Labor in accordance with the Davis-Bacon Act (40U.S.C. Section 276a et seq.), and its subsequent amendments, in connection with the construction of the Ricebird Weight Room Project authorized by the Board and any other construction projects authorized during the District's current fiscal year. 3

B. Governance

1. Discussion and possible action regarding appointment to fill board vacant position.

4. CLOSED SESSION

A. Texas Government Code §551.074 (1) PERSONNEL MATTERS, to Deliberate the Appointment, Employment, Evaluation, Reassignment, Duties, Discipline, or Dismissal of a Public Officer or Employee.

5. Personnel

6. Adjournment

If, during the course of the meeting, discussion of any item on the agenda should be held in a closed meeting, the Board will conduct a closed meeting in accordance with the Texas Open Meetings Act, Government Code, Chapter 551, Subchapters D and E. Before any closed meeting is convened, the presiding officer will publicly identify the section or sections of the Act authorizing the closed meeting. All final votes, actions, or decisions will be taken in open meeting.

The notice for this meeting was posted in compliance with the Texas Open Meeting Act on Friday, October 2, 2020 at 3:30 p.m.

For the Board of Trustees

Action Required

Meeting Date: October 6, 2020

Submitted by: David Bright, Assistant Superintendent for Finance

Business and Support Services

Consideration and possible action to adopt the prevailing wage rates published by the United States Department of Labor in accordance with the Davis-Bacon Act (40 U.S.C. Section 276a et seq.), and its subsequent amendments, in connection with the construction of the Ricebird Weight Room Project authorized by the Board and any other construction projects authorized during the District's current fiscal year.

Summary

According to *Gov't Code § 2258.001, .021* a worker, laborer, or mechanic employed on a public work, exclusive of maintenance work, by or on behalf of the District shall be paid not less than the general prevailing rate of per diem wages. The general prevailing rate of per diem wages is the rate of per diem wages for work of a similar character in the locality in which the work is performed, and also includes the rate of per diem wages for legal holidays and overtime work. A worker is employed on a public work if the worker is employed by a contractor or subcontractor in the execution of a contract for public work with the District.

The Board has not looked at the prevailing wage rate in at least the past two years and needs to adopt a prevailing wage rate before entering into a contract for the Ricebird Weight Room Project.

ECISD Board Policy

CV (LEGAL), FACILITIES CONSTRUCTION
CV (LOCAL), FACILITIES CONSTRUCTION.

Effective Date

October 6, 2020

Previous Board Action

The Board has previously adopted a prevailing wage rate for past construction projects.

Future Action Expected

The Board may have to revisit the prevailing wage rate on future projects.

Background Information and Significant Issues

According to *Gov't Code § 2258.001, .022* the Board shall determine, as a sum certain, the general prevailing rate of per diem wages in the District for each craft or type of worker needed to execute the contract and also for legal holiday and overtime work. To ascertain the general prevailing rate of per diem wages, the Board shall either conduct a survey of the wages received by classes of workers, laborers, and mechanics

employed on projects of a character similar to the contract work in the District or adopt the prevailing wage rate as determined by the U.S. Department of Labor. The Board shall specify the prevailing rate of per diem wages in the call for bids and in the contract itself. The Board's determination of the general prevailing rates of per diem wages shall be final.

Fiscal Impact

None.

Student and Public Benefit

The public is assured that there is total transparency in the contractor proposal and selection process.

Procedural and Reporting Implications

The adopted prevailing wages will be published in the Request for Proposals and Construction Contract documents.

Public Comments

None.

Alternatives

Conduct our own prevailing wage survey.

Other Comments and Related Issues

None.

Attachments

- Prevailing Wage Rates for Wharton County, Texas.

Contact Person(s)

David Bright, Assistant Superintendent for Finance and Operations

Action Required

Motion, second and majority vote to adopt the prevailing wage rates published by the United States Department of Labor in accordance with the Davis-Bacon, and its subsequent amendments, in connection with the construction of the Ricebird Weight Room Project authorized by the Board and any other construction projects authorized during the District's current fiscal year.

Superintendent's Recommendation

I recommend that the Board adopt the prevailing wage rates published by the United States Department of Labor in accordance with the Davis-Bacon Act, and its subsequent amendments, in connection with the construction of the Ricebird Weight Room Project authorized by the Board and any other construction projects authorized during the District's current fiscal year.

Bob Callaghan, Superintendent of Schools

"General Decision Number: TX20200209 09/11/2020

Superseded General Decision Number: TX20190209

State: Texas

Construction Type: Building

Counties: Jim Wells, Live Oak and Wharton Counties in Texas.

BUILDING CONSTRUCTION PROJECTS (does not include single family homes or apartments up to and including 4 stories).

Note: Under Executive Order (EO) 13658, an hourly minimum wage of \$10.80 for calendar year 2020 applies to all contracts subject to the Davis-Bacon Act for which the contract is awarded (and any solicitation was issued) on or after January 1, 2015. If this contract is covered by the EO, the contractor must pay all workers in any classification listed on this wage determination at least \$10.80 per hour (or the applicable wage rate listed on this wage determination, if it is higher) for all hours spent performing on the contract in calendar year 2020. If this contract is covered by the EO and a classification considered necessary for performance of work on the contract does not appear on this wage determination, the contractor must pay workers in that classification at least the wage rate determined through the conformance process set forth in 29 CFR 5.5(a)(1)(ii) (or the EO minimum wage rate, if it is higher than the conformed wage rate). The EO minimum wage rate will be adjusted annually. Please note that this EO applies to the above-mentioned types of contracts entered into by the federal government that are subject to the Davis-Bacon Act itself, but it does not apply to contracts subject only to the Davis-Bacon Related Acts, including those set forth at 29 CFR 5.1(a)(2)-(60). Additional information on contractor requirements and worker protections under the EO is available at www.dol.gov/whd/govcontracts.

Modification Number	Publication Date
0	01/03/2020
1	08/28/2020
2	09/11/2020

ASBE0022-003 12/01/2019

	Rates	Fringes
ASBESTOS WORKER/HEAT & FROST INSULATOR.....	\$ 24.52	14.17

ASBE0087-006 01/01/2018

Jim Wells and Live Oak Counties

	Rates	Fringes
ASBESTOS WORKER/HEAT & FROST INSULATOR.....	\$ 22.72	10.02

BOIL0074-003 01/01/2017

Rates 5 Fringes

BOILERMAKER.....\$ 28.00 22.35

* IRON0066-010 06/01/2020

Jim Wells and Live Oak Counties

Rates Fringes

IRONWORKER, REINFORCING AND STRUCTURAL.....\$ 23.45 6.83

* IRON0084-005 06/01/2020

Wharton County

Rates Fringes

IRONWORKER, STRUCTURAL AND REINFORCING.....\$ 25.26 7.13

LAB00154-020 05/01/2008

Wharton County

Rates Fringes

Laborers: (Mason Tender - Cement/Concrete).....\$ 14.53 3.49

LAB00154-030 05/01/2008

Jim Wells and Live Oak Counties

Rates Fringes

Laborers: (Mason Tender - Cement/Concrete).....\$ 12.98 3.49

PLUM0068-002 10/01/2019

Rates Fringes

PLUMBER.....\$ 36.15 11.04

PLUM0142-006 08/07/2019

Jim Wells and Live Oak Counties

Rates Fringes

Plumber.....\$ 31.05 13.76

SUTX2009-096 04/20/2009

Rates Fringes

BRICKLAYER.....\$ 19.67 0.00

CARPENTER.....\$ 13.18 0.00

CEMENT MASON/CONCRETE FINISHER...\$ 13.27 0.00

ELECTRICIAN.....\$ 20.00 63.11

LABORER: Common or General.....	\$ 12.02	0.00
LABORER: Landscape & Irrigation.....	\$ 8.50	0.22
LABORER: Mason Tender - Brick...	\$ 12.02	0.00
LABORER: Mortar Mixer.....	\$ 12.00	0.00
OPERATOR: Backhoe/Excavator/Trackhoe.....	\$ 13.75	0.00
OPERATOR: Bulldozer.....	\$ 12.80	0.43
OPERATOR: Crane.....	\$ 21.33	0.00
OPERATOR: Forklift.....	\$ 14.58	0.00
OPERATOR: Loader (Front End)....	\$ 10.54	0.00
PAINTER: Brush, Roller and Spray.....	\$ 12.26	0.00
ROOFER.....	\$ 13.64	1.80
SHEET METAL WORKER.....	\$ 17.00	0.00
TILE SETTER.....	\$ 15.00	0.00
TRUCK DRIVER.....	\$ 11.24	0.35

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

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Note: Executive Order (EO) 13706, Establishing Paid Sick Leave for Federal Contractors applies to all contracts subject to the Davis-Bacon Act for which the contract is awarded (and any solicitation was issued) on or after January 1, 2017. If this contract is covered by the EO, the contractor must provide employees with 1 hour of paid sick leave for every 30 hours they work, up to 56 hours of paid sick leave each year. Employees must be permitted to use paid sick leave for their own illness, injury or other health-related needs, including preventive care; to assist a family member (or person who is like family to the employee) who is ill, injured, or has other health-related needs, including preventive care; or for reasons resulting from, or to assist a family member (or person who is like family to the employee) who is a victim of, domestic violence, sexual assault, or stalking. Additional information on contractor requirements and worker protections under the EO is available at www.dol.gov/whd/govcontracts.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29CFR 5.5 (a) (1) (ii)).

The body of each wage determination lists the classification

and wage rates that have been found to be prevailing for the cited type(s) of construction in the area covered by the wage determination. The classifications are listed in alphabetical order of ""identifiers"" that indicate whether the particular rate is a union rate (current union negotiated rate for local), a survey rate (weighted average rate) or a union average rate (weighted union average rate).

Union Rate Identifiers

A four letter classification abbreviation identifier enclosed in dotted lines beginning with characters other than ""SU"" or ""UAVG"" denotes that the union classification and rate were prevailing for that classification in the survey. Example: PLUM0198-005 07/01/2014. PLUM is an abbreviation identifier of the union which prevailed in the survey for this classification, which in this example would be Plumbers. 0198 indicates the local union number or district council number where applicable, i.e., Plumbers Local 0198. The next number, 005 in the example, is an internal number used in processing the wage determination. 07/01/2014 is the effective date of the most current negotiated rate, which in this example is July 1, 2014.

Union prevailing wage rates are updated to reflect all rate changes in the collective bargaining agreement (CBA) governing this classification and rate.

Survey Rate Identifiers

Classifications listed under the ""SU"" identifier indicate that no one rate prevailed for this classification in the survey and the published rate is derived by computing a weighted average rate based on all the rates reported in the survey for that classification. As this weighted average rate includes all rates reported in the survey, it may include both union and non-union rates. Example: SULA2012-007 5/13/2014. SU indicates the rates are survey rates based on a weighted average calculation of rates and are not majority rates. LA indicates the State of Louisiana. 2012 is the year of survey on which these classifications and rates are based. The next number, 007 in the example, is an internal number used in producing the wage determination. 5/13/2014 indicates the survey completion date for the classifications and rates under that identifier.

Survey wage rates are not updated and remain in effect until a new survey is conducted.

Union Average Rate Identifiers

Classification(s) listed under the UAVG identifier indicate that no single majority rate prevailed for those classifications; however, 100% of the data reported for the classifications was union data. EXAMPLE: UAVG-OH-0010 08/29/2014. UAVG indicates that the rate is a weighted union average rate. OH indicates the state. The next number, 0010 in the example, is an internal number used in producing the wage determination. 08/29/2014 indicates the survey completion date for the classifications and rates under that identifier.

A UAVG rate will be updated once a year, usually in January of each year, to reflect a weighted average of the current negotiated/CBA rate of the union locals from which the rate is based.

WAGE DETERMINATION APPEALS PROCESS

1.) Has there been an initial decision in the matter? This can be:

- * an existing published wage determination
- * a survey underlying a wage determination
- * a Wage and Hour Division letter setting forth a position on a wage determination matter
- * a conformance (additional classification and rate) ruling

On survey related matters, initial contact, including requests for summaries of surveys, should be with the Wage and Hour Regional Office for the area in which the survey was conducted because those Regional Offices have responsibility for the Davis-Bacon survey program. If the response from this initial contact is not satisfactory, then the process described in 2.) and 3.) should be followed.

With regard to any other matter not yet ripe for the formal process described here, initial contact should be with the Branch of Construction Wage Determinations. Write to:

Branch of Construction Wage Determinations
Wage and Hour Division
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

2.) If the answer to the question in 1.) is yes, then an interested party (those affected by the action) can request review and reconsideration from the Wage and Hour Administrator (See 29 CFR Part 1.8 and 29 CFR Part 7). Write to:

Wage and Hour Administrator
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

The request should be accompanied by a full statement of the interested party's position and by any information (wage payment data, project description, area practice material, etc.) that the requestor considers relevant to the issue.

3.) If the decision of the Administrator is not favorable, an interested party may appeal directly to the Administrative Review Board (formerly the Wage Appeals Board). Write to:

Administrative Review Board
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

4.) All decisions by the Administrative Review Board are final.

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END OF GENERAL DECISION"