

*****DRAFT - NOT FOR FILING*****

4101:9-4-17 Scope of project.

- (A) The construction of a public improvement shall be "fairly estimated to be more than the threshold," based on the prevailing wage rates in the locality at the time the project is to be let out for bidding, whether done at one time or in phases.
- (B) Whenever a contract for the construction of a public improvement project exceeding the threshold in value is awarded to a contractor by a public authority, and the contractor begins performance but is unable to complete the project, and it therefore becomes necessary for the public authority to contract with a new contractor to complete the project, any new contractor shall be required to pay the prevailing rates of wages regardless of whether the contract awarded to the succeeding contractor for completing the project is worth less than the threshold.
- (C) A public authority may not subdivide a project into component parts or projects of less than the threshold unless such projects under the threshold are conceptually separate and unrelated to each other, or encompass independent and unrelated needs of the public authority. Phases may be considered as separate projects only where the public authority has proposed construction of the project in separate and distinct phases, the proposal to construct in phases is based upon lack of adequate funding necessary to award the contract as a whole, and a period of six months or longer of construction inactivity will occur between each phase. A single project which exceeds the applicable threshold as set forth in this rule shall constitute construction of a public improvement regardless of how many separate contracts are included within the project.