

## **CHALLENGING A PREVAILING WAGE DETERMINATION**

The Maryland Prevailing Wage law creates a process for challenging a prevailing wage rate determined under the annual survey. Below is a brief explanation of that process. It is fully described in [State Finance & Procurement Article Section 17-211](#) and in [COMAR Section 21.11.11.06](#).

### **HOW TO BEGIN**

A party wishing to challenge a rate must begin by submitting a “petition for review” to the Commissioner of Labor and Industry. Prior to filing a petition, a party may wish to use the Maryland Public Information Act to request the data used in calculating the rate.

### **WHO CAN FILE A PETITION**

A petition may be filed by: (1) a public body who has published a call for bids or proposals; (2) a prospective bidder or offeror (or their representative); (3) a representative of a group of employers who are engaged in the type of construction work for which prevailing wage rate was established; or (4) a representative, such as a labor union, of a classification of worker for which the rate was established.

### **HOW TO FILE A PETITION**

The petition must be in writing. It must identify the rate being challenged, state the facts on which the challenge is based, and provide supporting documentation for the challenge. It must also be verified (signed under penalties of perjury). The petition should be submitted via email to [dldlprevailingwage-labor@maryland.gov](mailto:dldlprevailingwage-labor@maryland.gov). Please include “Petition for Review” in the subject line.

### **TIME FOR FILING A PETITION**

A petition must be filed very quickly: the law provides only ten (10) days for filing after a public body “publishes a call for bids or proposals in which the rate is used for the first time.” See [State Finance & Procurement Article, Section 17-211](#). If a petition is not filed within this

period, the determination is final and the rate is applicable to all projects in that jurisdiction.

### **HEARING ON PETITION**

Within 20 days of receipt, the Commissioner will hold a public hearing on the challenge. The Commissioner will send notice of the hearing to the appropriate parties. At the hearing, parties may offer relevant evidence of prevailing rates, including, on a proper showing, additional wage data or collective bargaining agreements (see [COMAR Sec. 21.11.11.06.D.\(3\)\(b\)](#)). The Commissioner will issue a decision within 10 days after the hearing ends. That decision is appealable to the Circuit Court.