



STATE OF NEW JERSEY

# DEPARTMENT OF EDUCATION

A Memo from the New Jersey Department of Education

Date: June 16, 2022  
To: Local Educational Agency Leads  
Route To: School Business Administrators, Professional Staff Involved in School Construction  
From: Hanifa Barnes, Assistant Commissioner  
Division of Legal and External Services

## Prevailing Wage and Public Works Contractor Registration Act Updates

Pursuant to [P.L. 2021, c.301](#), the New Jersey Department of Labor and Workforce Development (NJDOL) has updated the Prevailing Wage Act (the Act), which has undergone multiple changes over the past few years. With the increase in the number of violations that negatively impact the timeliness and cost of public works projects, the NJDOL, in a joint correspondence with New Jersey Department of Community Affairs and the New Jersey Department of Education, advise on the new stipulations and remind local governments and boards of education of key public body responsibilities under both the Act and the Public Works Contractor Registration Act.

The [NJDOL correspondence](#) provides specifically that:

Effective May 7, 2022, contractors submitting the lowest bid for a contract that is subject to the Prevailing Wage Act are required to certify to the public body that the prevailing wage rates required by the Act shall be paid, if that bid is 10 percent or more lower than the next lowest bid.

Further, P.L. 2021, c. 301 also amended N.J.S.A. 34:11-56.27 to require that any contract for public work expressly stipulate that workers performing work under the contract shall not be paid less than the required prevailing wage rate.

c: Members, State Board of Education  
Angelica Allen-McMillan, Ed.D., Acting Commissioner of Education  
NJDOE Staff  
Statewide Parent Advocacy Network  
Garden State Coalition of Schools  
NJ LEE Group