

Testimony of John Morris
Miami Township, Montgomery County Trustee
HB 146 Permissive Prevailing Wage
June 23, 2021

My name is John Morris and I am pleased to be here today offering testimony in support of House Bill 146. From my perspective as a Township trustee, HB146 is a bill about local government officials being able to make choices and to control projects which they fund with local tax dollars. Second and more importantly, HB146 is a bill that would improve public safety.

Let me begin by acknowledging that Prevailing Wage law is confusing and, with respect, I would estimate that 99% of people, including most elected officials at all levels, do not know much about what it is and/or how it works or the impacts it has on a construction project. I consider myself a relative expert in prevailing wage law as I have worked in and around it for 30 years in Ohio. I hold a master electrician license in the state of Ohio. I have owned and operated an electrical contracting firm that has bid, won and performed numerous Ohio prevailing wage projects. HB146, which would grant permissive use of prevailing wage law on local projects, should be passed as a matter of public safety and to allow local officials to have the tools we need to properly do our elected duty.

My testimony began with my admission of being a licensed master electrician in the State of Ohio. I am not currently working as an electrician. I am here as a representative of locally elected officials, those who would benefit from the choice offered in HB146. In 2017, I was voted by the residents of Miami Township, Montgomery County to serve as a Township Trustee. Since 2017, I have been subsequently elected President of our Township's Board of Trustees, President of the Montgomery County Township Association representing the 9 Townships in our county, and appointed to serve with the Ohio Township Association. HB146, the permissive prevailing wage for local government, has been and continues to be a legislative priority of the OTA. Therefore, it is safe to say that each of Ohio's 1,308 Townships would appreciate the opportunity to **choose** whether or not to apply prevailing wage to our public construction projects.

Point 1 – local control for local officials

As a locally elected official, it is my sworn duty to serve as a Trustee over the funds provided to our Township. It is my duty to determine the best use of funds and to maximize the rate of return on our investments in public safety, roads, parks and economic development. HB146 would provide all of Ohio's 1,308 Townships with the CHOICE of determining whether application of prevailing wage law offers value to the residents. Put simply, without passage of HB146, I cannot do my duty as a Trustee as I am not being given the capability to evaluate all

options for public construction projects. Under current law, for essentially all renovations and construction, we can only solicit bids from contractors who agree to follow the rules and regulations mandated in prevailing wage law. With HB146, we could solicit bids offering contractors the choice to offer proposals with OR without prevailing wage. This may or may not result in more bids being offered. It may or may not result in cost savings on projects. In any case, local officials should have this option. Isn't Ohio a "local control" state? Only with the passage of HB146 could local officials then truly evaluate all options and subsequently choose what they believe is the best option for their community. HB146 is about giving local officials the tools required to do their sworn duty. It gives us choices, another tool in the tool box, real local control. HB146 would NOT eliminate prevailing wage, it would simply open the door to consider all options. HB146 is about *local control* on locally funded projects.

Point 2 – public safety

The second, and without question most important reason to pass HB146, is to improve public safety. I'm hoping that this testimony shines light and works to ensure that the members of this committee and all state elected officials understand the real issue – the current negative impact on public safety that is occurring **without** HB146.

The majority of public construction projects at the local level revolve around public safety in the forms of fire stations, police stations, public works facilities. Counties, Cities and Villages do not build new fire stations just to have a pretty new building. We do not renovate police stations because we like our officers to have freshly painted walls. Public works, fire and police capital improvement projects are done to improve operational efficiency. They are done to improve operations and/or to offer additional services which all translate to improving public safety. Delay of these projects therefore **harms** public safety.

In my home Township, Miami Township, Montgomery County, the Trustees approved local funding to renovate our police station. We did this after much study. Our police discussed their needs, connected with design professionals, created a plan and prepared a scope of construction work. The Trustees then authorized the use of funds to construct these improvements as an expense to improve police operations, to better serve our community, **to improve public safety**. The department and community were excited for the step forward in service.

After design and scope work was done, the project was put out for bid - once, then twice, then a 3rd time. Each additional bid round delayed the project and offered frustrations for our police who were anxious to implement reforms. Some forms of local government require a minimum of 3 bids before they can award a project. Our Township does not have this requirement; but the Trustees were simply not comfortable awarding a project to a single bidder which is what we got in one round. In another round, we received zero bids. It was not until the final round

when we received 2 bids. Please understand that Miami Township, Montgomery County is not a rural township. We are a member of the State of Ohio's Coalition of Urban Townships, larger than most cities with over 30,000 residents just outside one of Ohio's major urban markets, Dayton. With hundreds of qualified contractors capable of doing the work, we simply could not understand why we had numerous bidding rounds where we received zero or only 1 bid. Our administrators asked contractors why they were choosing not to bid the job. The response was this – It had nothing to do with the scope of work or wage rates; it was simply because they did not want to be burdened with the paperwork associated with Ohio's prevailing wage law. It turns out that contractors and skilled trades people like to build stuff, not do paperwork. With HB146, after the first round of receiving 0 or only 1 bid, the Trustees could have gone into round 2 and made PW optional. We believe that, with HB146, if Trustees could have given contractors the option to NOT apply prevailing wage law, we would have likely received at least 3, perhaps as many as 5-8 qualified bids, rather than 0, 1, or the final 2 that were received in multiple bid rounds. Do we know for sure? No. Perhaps we would have received 3-5 bids, perhaps we still would have still received 0 or 1. No one knows the answer; but without HB146, we DO NOT HAVE THE OPTION. That is back to point 1 – local control. So, how is HB146 also about public safety?

The project described above, our police station renovation, was delayed almost 2 years due to lack of bidders. That is 2 years of operational efficiency that our police did not enjoy. That is 2 years of public safety improvements in policing that our residents did not receive.

In our neighboring Greene County, the voters passed a bond levy for construction of a new fire station to improve fire service and public safety. In multiple rounds, over a period of 3 years, they never received enough bids, or bids within budget parameters, to get the project started. With HB146, local officials would have been given the choice to accept bids without prevailing wage and perhaps would have received more bids and this project, and public safety, would have been improved years earlier.

Let me finish by adding one final public safety impact to our project, the police station renovation. Once the project was started, Ohio's prevailing wage law mandates that the locality assign a prevailing wage coordinator to collect and review submittals by contractors. For state prevailing wage construction projects, the state of Ohio has a facilities and construction department to do this work. Most counties and large cities have engineers to oversee projects and do prevailing wage paperwork. Townships and most other localities have no such departments. So, for our police station renovation, the prevailing wage coordinator was a police captain. For over 6 months of construction, instead of doing police work, one of our captains did prevailing wage paperwork. There was no training program for this, so he lost time figuring out all the hoops to jump through AND was not available to serve and protect the public – we were a man down. So, again, public safety was compromised. Important cases and police work were delayed due to prevailing wage law mandates. All over the state of Ohio, we

have local officials, fire and police officers doing prevailing wage paperwork instead of being firefighters or police officers.

I urge this committee and the legislature to do what the 1,308 Townships have been asking you to do for many years - pass HB146, the permissive prevailing wage bill. It simply gives elected officials another choice in soliciting bids for public construction. It empowers locally elected officials to do their sworn duty. It is a local control bill.

Most importantly, HB146 is a public safety bill that would ensure our fire and police stations are built in the most timely and economical manner.

I am happy to answer any questions.