

**SECTION 00 0104**  
**NOTICE TO CONTRACTORS/MANUFACTURES**

**1.01 SALES TAX**

- A. Beginning January 1, 1996, the State of Utah provided an exemption from sales tax for construction materials purchased for public education. The exemption applies to all construction materials purchased by or on behalf of institutions of the public education system, provided the construction materials are clearly identified and installed or converted to real property which is owned by the public education institution.
- B. It is the intent of the Owner to take advantage of the tax exemption on all construction material used in the Press Box. The Owner can take advantage of this exemption by structuring its agreements with its Contractors and suppliers so that title to construction material passes from the supplier to the Owner or the Contractor (on behalf of the Owner) upon delivery to the construction site after this date.

**1.02 COMPLIANCE WITH LABOR LAWS**

- A. All Contractors shall comply with all applicable Laws and Regulations relating to labor on Public Works in the State of Utah, including *U.S. Code Title 8 USC Sec.1324a. Utah Code Title 34 Chapter 30 and Title 13 Chapter 47.*
- B. Specific References
  - 1. The following references are included herein so that the Contractor shall be aware of specific requirements of these sections. Other Law sections are not shown herein, but this in no way relieves the Contractor of His obligation to comply with all Federal, State, and Local Labor Laws.
    - a. *U.S. Code Title 8 USC Sec. 1324a Unlawful Employment (1)(A)* It is unlawful for a person or other entity - to hire, or to recruit or refer for a fee, for employment in the United States an alien knowing the alien is an unauthorized alien. (2) *Continuing Employment* - It is unlawful for a person or other entity, after hiring an alien for employment in accordance with paragraph (1) to continue to employ the alien n the United States knowing the alien is (or has become) an unauthorized alien with respect to such employment. (4) *Use of Labor Through Contract* - For purposes of this section, a person or other entity who uses a contract, subcontract, or exchange, entered into, renegotiated, or extended after November 6, 1986, to obtain the labor of an alien in the United States knowing that the alien is an unauthorized alien (as defined in subsection (h)(3) of this section) with respect of performing such labor, shaft be considered to have hired the alien for employment in the United States in violation of paragraph (1)(A).
    - b. *Ut Code 34-30-1. Citizens to be given preference* - In employing workmen in the construction of public works by the state or any county or municipality, or by persons contracting with the state or any county or municipality, preferences shaft be given citizens of the United States, or those having declared their intention of becoming citizens. In each contract for the construction of public works a provision shaft be inserted to the effect that, if the provisions of this section are not complied with, the contract shall be void.
    - c. *Ut Code 34-30-8. Forty-hour Work Week* - Overtime at one and one-half regular rate. Forty hours shall constitute a working week on all works and undertakings

carried on by the state, county, or municipal governments, or by any officer of the state or of any county or municipal government. Any persons, corporation, firm, contractor, agent, manager, or foreman, who shall require or contract with any person to work upon such works or undertakings longer than 40 hours in one week shall pay such employees at a rate not less than one and one-half times the regular rate at which he is employed. (Piece work rates have to be greater than or equal to minimum wage and one and one-half times minimum wage for hours worked over 40; minimum wage laws still apply.)

- d. *Ut Code 34-30-9. Violation of Chapter* - Failure to keep or produce records - Misdemeanor. Any officer, agent or representative of the state, or of any political subdivision, district, or municipality of it who shall violate, or omit to comply with any of the provisions of this chapter, and any contractor or subcontractor, or agent or representative thereof, doing such public work, who shall neglect to keep, or cause to be kept, an accurate record of the names, occupation and actual wages paid to each laborer, workman and mechanic employed by him, in connection with this public work or who shall refuse to allow access to same at any reasonable hour to any person authorized of inspect same under this chapter shall be guilty of a misdemeanor.
- e. *Ut Code 13-47-201. Verification required for new hires.* (1) A private employer who employs 15 or more employees as of July 1, 2010, may not hire a new employee on or after July 1, 2010, unless the private employer: (a) is registered with the status verification system to verify the federal legal working status of any new employee; and (b) uses the status verification system to verify the federal legal working status of the new employee in accordance with the requirements of the status verification system. (2) This section does not apply to a private employer of a foreign national if the foreign national holds a visa issued in response to a petition by the private employer that is classified as H-2A or H-2B.

### 1.03 EMPLOYEE DRUG TESTING

- A. Effective July 1, 2010, a state public procurement unit may not enter into a state construction contract unless the contractor has and will maintain a drug and alcohol testing policy during the period of the state construction contract that applies to the covered individuals hired by the contractor. Refer to Utah Code - Title 63G, Chapter 6, Section 604: (63G-6-604: Drug and alcohol testing required for state construction contracts). Therefore, the successful Contractor and all subcontractors working on the Press Box must show that they have a mandatory drug and alcohol testing policy for their company.

### 1.04 MANUFACTURERS AND PRODUCTS

- A. This specification was prepared under the direction of the Owner with regard to adhering to their established standards. Although the items are the Owner's preferred choice, suppliers may bid other manufacturers as proposed substitutions for the Owner's review. The use of brand names in this specification manual is not intended to limit bidding competition, but to establish a level of quality, performance and characteristics desired.
- B. Deadline for Proposed Substitution Requests will be 72 hours prior to bid time.
- C. Note that substitutions for specified/approved products/manufacturers will not be reviewed if submitted as a part of submittal process.
- D. Manufacturer's other than Basis of Design Manufacturers shall provide products or systems that meet or exceed Basis of Design products or systems. No change order shall be issued solely based on bid product or system not meeting Basis of Design and being rejected through submittal process.

**SOCER PRESS BOX  
OGDEN SPORTS COMPLEX**

**OGDEN CITY SCHOOL DISTRICT  
OGDEN, UTAH**

**END OF NOTICE TO CONTRACTORS/MANUFACTURERS 00 010**

**NOTICE TO CONTRACTORS  
00 0104-3**