Special contract conditions regarding minimum hourly rates of pay (Part A)

1. Undertaking to pay specific minimum hourly rates of pay

1.1 The contractor undertakes to pay staff deployed for the performance of the contract the following minimum hourly rates of pay for work undertaken throughout the performance of the contract:

1.1.1 As a minimum requirement, such remuneration provisions, including the minimum hourly rate, as are made binding for the service in question under the Minimum Wages Act, a collective agreement declared generally binding under the Collective Bargaining Act with the effects of the Posting of Workers Act, or a statutory ordinance issued under Section 7, Section 7a or Section 11 of the Posting of Workers Act, or a statutory ordinance issued under Section 3a of the Temporary Employment Act shall be granted during implementation.

1.1.2 Staff (excluding trainees) shall be paid at least the minimum gross hourly rate of EUR 12.50 for work conducted throughout the performance of the contract.

1.2 If the undertakings under 1.1.1 and 1.1.2 apply to the contractor, then the most favorable arrangement for staff shall apply.

1.3 These undertakings do not apply for work performed abroad.

2. Transfer of undertakings to the subcontracting chain

2.1 The contractor undertakes to conclude an agreement with its subcontractors and/or agencies providing staff to ensure their compliance with the undertaking stated in point 1 above.

2.2 The contractor undertakes to oblige its subcontractors and/or agencies supplying staff to conclude an agreement as per 2.1 with any further subcontractors so as to ensure compliance with the undertaking in point 1 throughout the entire subcontracting chain.
2.3 A subcontractor and/or agency supplying staff is not obliged to comply with these agreements if

2.3.1 The subcontractor in question is exempted from public procurement law for the purposes defined in Sections 107, 109, 116, 177, 137, 140 as well as Section 145 of the Law Against Restraints of Competition;

2.3.2 The contractor or subcontractor is required to accept the contractual conditions of a subcontractor in order to perform the contract;

2.3.3 The value of the subcontract for a deliverable or service is less than EUR 10,000 (excluding VAT) or in the case of construction work EUR 50,000 (excluding VAT).

2.4 Upon request, the contractor is required to provide proof of the transfer of the undertaking as per 2.1 and 2.2, or to provide proof of right of exemption in accordance with 2.3.

2.6 Any infringements by a subcontractor or agency supplying staff of the agreed undertakings pursuant to 2.1 and 2.2 regarding the contractor’s undertaking under point 1 shall be attributed to the contractor.

Please note

The contractual conditions concerning the inspection of these undertakings and sanctions in case of infringement are set out in Part B (Wirt-2144)