

(d) (1) "Public body" means the State or any department, officer, board, commission, agency or instrumentality of the State, and shall include any other agency, political subdivision, corporation, person or entity of whatever nature when State public funds are the only funds used for the construction of a particular public works, but, except when made applicable pursuant to the provisions of paragraph (2) of this subsection, this term shall not mean any State agency or instrumentality funded wholly from sources other than the State, nor shall it mean any county or municipal corporation, or any department, officer, board, commission, or agency thereof, when funds other than State funds are used either in whole or in part for the construction of public works.

(2) The governing body of any political subdivision of this State may provide by resolution or ordinance that the political subdivision shall be covered by this subtitle and included within the scope of its provisions and any such political subdivision shall constitute a "public body" within the meaning of this subtitle when the Commissioner is notified in writing by the governing body that such action has been taken.

(e) "Prevailing hourly rate of wages," "prevailing hourly wage rate," "prevailing rate of wages," "prevailing wage rate," "prevailing hourly wage," "prevailing wage," "rate of wages," and "wage rates" include:

- (1) The basic hourly rate of pay; and
- (2) The amount of:

(i) The rate of contribution irrevocably made by a contractor, subcontractor, or third person pursuant to a fund, plan, or program which provides for medical, surgical, or hospital care or benefits or pensions on retirement, disability, or death, including any profit sharing plan which provides benefits at or after retirement, compensation for injuries or illness resulting from occupational activity, or insurance to provide any of the foregoing; for unemployment benefits, life insurance or accident insurance; for vacation and holiday pay; for defraying costs of apprenticeship or other similar programs; or for other bona fide fringe benefits, but only if the contractor is not required by federal, State, or local law to provide any of such benefits; and

(ii) The rate of costs to the contractor or subcontractor which may be reasonably anticipated in providing the fringe benefits specified in paragraph (2)(i) to workmen and apprentices pursuant to an [enforcible] ENFORCEABLE commitment to carry out a financially responsible plan or program which is communicated in writing to the workmen and apprentices affected.