

or in part out of public funds, unless let to contract provided, however, that for the purposes of this subtitle contracts of less than \$500,000 shall be excluded.

(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 used to provide 50 percent or more of the funds 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 any county or municipal corporation, or any department, officer, board, commission, or agency thereof, when less than 50 percent of the funds used for the construction of a particular public works are State funds.

(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.

(3) In the case of a public work which is a public elementary or secondary school, "public body" means an agency, political subdivision, corporation, person, or entity of whatever nature when State public funds are used to provide 75 percent or more of the funds for the construction of the public elementary or secondary school, but, except when made applicable pursuant to the provisions of paragraph (2) of this subsection, "public body" does not include any county or municipal corporation, or any department, officer, board, commission, or agency thereof, when less than 75 percent of the funds used for the construction of a public elementary or secondary school are State funds.

(e) (1) "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" mean the rate of wages paid in the locality in which the work is to be performed to 50 percent or more of those employed in that classification in construction in the locality similar to the proposed undertaking; or if there is not 50 percent paid at the same rate, then the rate paid to the greater number, provided this greater number constitutes 40 percent of those employed; or if less than 40 percent of those so employed receive the same rate, then the weighted average rate.

(2) "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: