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2 **Resolution Relating to**
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RESOLUTION
Councilors: Mulvaney-Stanak,
Sponsor(s): Brennan
Introduced: 01/24/11
Referred to: _____
Action: _____
Date: _____
Signed by Mayor: _____

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7 **COMMUNITY WORKFORCE STANDARDS FOR**
8 **MORAN REDEVELOPMENT PROJECT**
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12 **CITY OF BURLINGTON**
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14 In the year Two Thousand Eleven.....
15 Resolved by the City Council of the City of Burlington, as follows:

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17 That WHEREAS, the Moran Redevelopment Project offers an opportunity for the City of
18 Burlington to provide hundreds of thousands of dollars in construction and other related trade
19 employment opportunities over the course of the Project; and

20 WHEREAS, the City has consistently supported efforts to improve wages, benefits, and
21 working conditions for local workers including the livable wage ordinance (Article V, 2001) and
22 the responsible contractor ordinance (Article VI, 1998); and

23 WHEREAS, the City Council unanimously supported a resolution that recognized the
24 value and importance of using local labor for the Moran Plant (Dec. 2009); and

25 WHEREAS, the Blue Ribbon Committee on the Moran Redevelopment Project
26 recommended the city explore labor standards that benefit the local workforce and community in
27 its report to the council in late June 2010; and

28 WHEREAS, there is a measureable economic benefit when local workers are hired for
29 such projects because they tend to spend their earnings locally as opposed to workers imported
30 from out of state; and

31 WHEREAS, the Vermont Building & Construction Trades Council has stated that the
32 assertion by the Arace & Company in its Due Diligence report that unionized ironworkers,
33 Teamsters, sheet metal workers, operating engineers, and bricklayers do not “have an active

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38 presence in the Greater Burlington Area” is incorrect¹; and

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40 WHEREAS, apprenticeships in the Trades are a proven and cost-effective method of
41 training people for good paying middle-class jobs that are essential and cannot be sent overseas;
42 and

43 NOW, THEREFORE BE IT RESOLVED, the City Council recommends the Administration
44 and CEDO utilize the following community workforce standards to the extent permissible by law
45 when selecting contractors in the bidding process for the Moran Redevelopment Project:

- 46 a) The City will give preference to contractors who use all or predominately local workers
47 (residents of Vermont or otherwise residing within a 50 mile radius of Burlington). All
48 contractors and all subcontractors, will exercise a good faith effort to use all or
49 predominately local workers as new hires for the project. This will encourage employment
50 of local people who will be more likely to spend their income in the regional economy,
51 causing a positive multiplier effect for the region and also reduce commute times and
52 resulting vehicle emissions. The HUD loan utilized as part of the financing for the Moran
53 Redevelopment Project already requires that the City exercise a good faith effort to seek out
54 contractors who satisfy Section 3 requirements regarding the hiring of local low-income
55 workers within the existing MSA region (Chittenden, Franklin and Grand Isle Counties);
- 56 b) The contractor and all subcontractors must abide by the existing city ordinances;
- 57 c) The contractor and all subcontractors shall maintain, participate, or provide workers access to
58 a bona fide apprentice training program for each apprenticeable trade or occupation
59 represented in their workforce that is approved by the Vermont Department of Labor
60 Apprenticeship Division and Apprenticeship Council and shall abide by the apprentice-to-

¹ November 18, 2010 letter from Jeff Potvin, President of the Vermont Building & Construction Trades Council to City Council President Bill Keogh

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65 journeymen ratio for each trade prescribed therein in the performance of the contract;

66 d) The contractor and all subcontractors, as required under federal Davis Bacon rules required
67 by any municipality who utilizes federal funding, shall properly classify workers employed
68 on the project as employees rather than independent contractors and shall properly classify
69 said employees accordingly for purposes of workers' compensation insurance coverage,
70 employment taxes, social security taxes and income tax withholding;

71 e) The contractors will seek and leverage relationships with community organizations, such as
72 Vermont Works for Women, Associations of Africans Living in Vermont, Vermont Refugee
73 Resettlement Project, YouthBuild, and other similar organizations and agencies to encourage
74 the employment of women and minorities who are seeking employment in our area in the
75 trades;

76 f) The contractors must comply with existing Women and Minority Business Enterprise
77 (WMBE) standards as dictated in federal and local procurement procedures;

78 g) The contractor will provide health insurance and pension benefits for workers or at least
79 equal value to established union collective bargaining agreements in Vermont;

80 h) No contractor will be awarded a bid on the Project where evidence exists of the contractor
81 has violated any laws governing employee workers compensation insurance, federal or state
82 taxes, wages, or statutes and regulations enforced by the federal Equal Employment
83 Opportunity Commission or Civil Rights Unit of the Office of the Attorney General of
84 Vermont. All contractors and subcontractors considered as the bid awardee, will be asked to
85 verify that they have not violated such laws. If a violation of such laws is discovered, the
86 City will report the contractor or subcontractors to the Attorney General of Vermont and
87 follow the City debarment process which prevents the contractor from conducting future

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91 business with the city; and

92 BE IT FURTHER RESOLVED that it resolved that the contractor carry a 100% Performance
93 and Payment Bonds; and

94 BE IT FURTHER RESOLVED that CEDO will assign the Moran Project Manager as the
95 compliance officer to oversee compliance with these community workforce standards and the
96 compliance officer shall report quarterly to the Mayor and City Council on compliance and is
97 authorized to enforce all existing applicable policies and ordinances; and

98 BE IT FURTHER RESOLVED that each contractor and subcontractor shall keep and furnish
99 the City with such records on the project necessary for the Moran Project Manager to verify
100 compliance with contract requirements; to include certified payroll, time cards, superintendent
101 and foreman daily logs for all workers from each trade performing work on the project. All
102 records described shall be open for inspection and examination by duly authorized officers and
103 agents of the City, including the compliance officer; and

104 BE IT FURTHER RESOLVED that a contractor found to be not in compliance with the
105 stated workforce standards, the awarding authority shall be prohibited from paying any money to
106 the entity with whom it contracted, unless liquidated damages have been paid in full and
107 liquidated damages shall be \$500 per day for each day a contractor has been found to be not in
108 compliance; and

109 BE IT FURTHER RESOLVED that City shall consider revising its bid review methodology
110 to include consideration of the economic benefits of a resident workforce.