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2 **Resolution Relating to**
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RESOLUTION
Councilors Mulvaney-Stanak,
Sponsor(s) Brennan

Introduced: 02/07/11
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 causing a multiplier effect for the
30 local economy, as opposed to workers imported from out of state; and

31 WHEREAS, using local workers also reduces commute times, resulting in a reduction of
32 greenhouse gas emissions; and

33 WHEREAS, the HUD loan utilized as part of the financing for the Moran Redevelopment
34 Project already requires that the City exercise a good faith effort to seek out contractors who

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39 satisfy Section 3 requirements regarding the hiring of local low-income workers within the
40 existing MSA region (Chittenden, Franklin and Grand Isle Counties); and

41 WHEREAS, the Vermont Building & Construction Trades Council has stated that the
42 assertion by the Arace & Company in its Due Diligence report that unionized ironworkers,
43 Teamsters, sheet metal workers, operating engineers, and bricklayers do not “have an active
44 presence in the Greater Burlington Area” is incorrect¹; and

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

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

- 51 a) The City will give preference to contractors who use all or predominately local workers (all
52 residents of Vermont or otherwise residing within a 50 mile radius of Burlington). All
53 contractors and all subcontractors, will exercise a good faith effort to use all or
54 predominately local workers as new hires for the project;
- 55 b) The contractor and all subcontractors must abide by the existing city ordinances;
- 56 c) The contractor and all subcontractors shall maintain, participate, or provide workers access to
57 a bona fide apprentice training program for each apprenticeable trade or occupation
58 represented in their workforce that is approved by the Vermont Department of Labor

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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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64 Apprenticeship Division and Apprenticeship Council and shall abide by the apprentice-to-
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, develop and leverage relationships with community organizations,
72 such as Vermont Works for Women, Associations of Africans Living in Vermont, Vermont
73 Refugee Resettlement Project, YouthBuild, and other similar organizations and agencies to
74 encourage the employment of women and minorities who are seeking employment in our
75 area in the 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 of 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

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91 follow the City debarment process which prevents the contractor from conducting future
92 business with the city; and

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

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

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

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

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