

Ald. Hamilton – Motion to Amend

Amend File # 080218

A substitute ordinance relating to participation of city residents in public works contracts, requirements for developers receiving direct financial assistance from the city, and local business enterprise contracting standards.

This proposed substitute D makes changes to the following provisions of substitute 1:

1. Section 309-41-3-a-2 is amended to delete references to the emerging business enterprise administration and inserting in lieu thereof references to the commissioner of public works, etc.
2. Section 355-11-3-b is amended by adding the words “or its designee” following the words “emerging business enterprise administration” relating to the granting of waivers to contractors for the city’s first source employment program.
3. Section 365-7-1-b is amended to rephrase the standard relating to the awarding of points to evaluate proposals relating to the local business enterprise program; no substantive change is made to the text.
4. Section 355-17 is rewritten relating to possible sanctions against developers, contractors and subcontractors demonstrating non-compliance with participation in development agreements and makes the Department of Administration responsible for imposing sanctions. It also lists the possible sanctions as follows:
  - a. Prosecution under s. 355-19 which includes a forfeit not less than \$2,000 nor more than \$5,000 together with the costs of prosecution.
  - b. Collection of any prevailing wage shortfall, with interest, for distribution to employes performing work on the project.
  - c. Imposition of a requirement that remedial efforts be undertaken by developers for the remaining portion of a project where initial reports demonstrate non-compliance with the resident preference hours required for the project.
  - d. Specific performance or specified remedies under any emerging business enterprise agreement or first source recruitment agreement.
  - e. Remedies available to the city under a development agreement with that developer for such non-compliance.
5. In sections 340-41-1-f and 355-1-3 the definition of “unemployed” is rewritten as “unemployed or underemployed” for purposes of any project specifying residents preference participation. Throughout the document “unemployed” has been changed to “unemployed or underemployed.”
6. The last part of the ordinance, Part 18, is amended such that the creation of Chapter 365, Local Business Enterprise Contracting Program, is effective contingent upon the passage of file number 080685, charter ordinance relating to award of contracts to lowest bidders in conjunction with standards for preference for local business enterprises.