

**AMENDMENT TO THE COMMUNITY WORKFORCE AGREEMENT
BETWEEN THE CITY OF MILWAUKEE AND THE WISCONSIN
ENERGY CONSERVATION CORPORATION**

This Amendment to the Community Workforce Agreement Between the City of Milwaukee and the Wisconsin Energy Conservation Corporation (CWA) dated July 27, 2010, is made and effective as of the ____ day of November, 2010, by and between the City of Milwaukee, Wisconsin, a municipal corporation, (“the City”) and the Wisconsin Energy Conservation Corporation (“WECC”), a non-profit corporation with its principal business address at 431 Charmany Drive, Madison, Wisconsin 53719 (“the Parties”).

WITNESSETH

WHEREAS, WECC, on behalf of the Cities of Milwaukee, Madison and Racine, Wisconsin (“Partner Cities”), filed an application for and received a grant from the United States Department of Energy (“DOE”) in Funding Opportunity Announcement Number DE-FOA-0000148 Recovery Act: Energy Efficiency and Conservation Block Grant; Competitive Solicitation: Retrofit Ramp-up and General Innovation Fund Programs in the amount of \$20 million to carryout the Wisconsin Energy Efficiency (“WE2”) Project, a project designed to provide energy efficiency retrofit residential and non-residential projects within the Partner Cities. WE2 is the common name given the project across the Cities of Milwaukee, Madison and Racine. The Milwaukee Energy Efficiency (“Me2”) Program represents the WE2 Project activities as they are carried out in the geographic limits of the City of Milwaukee; and

WHEREAS, the City and WECC have executed a Cooperation Agreement Between The Wisconsin Energy Conservation Corporation And The City of Milwaukee Regarding The Wisconsin Energy Efficiency Project and the Milwaukee Energy Efficiency Project dated July 27, 2010, (“Cooperation Agreement”), of which the CWA is made a part as Exhibit E to the Cooperation Agreement, that sets forth the roles and responsibilities of the Parties in developing, administering and delivering the WE2 Project and Me2 Program; and.

WHEREAS, Pursuant to Section 1606 of the American Recovery and Reinvestment Act of 2009 (“ARRA”), recipients and subrecipients of ARRA funds are subject to the requirements of subchapter IV of Chapter 31 of Title 40, United States Code (“Davis-Bacon Act”); and

WHEREAS, DOE Amended Guidance document “STATE ENERGY PROGRAM NOTICE (10-004A), ENERGY EFFICIENCY CONSERVATION BLOCK GRANT PROGRAM NOTICE (10-005A), AND APPLIANCE REBATE PROGRAM NOTICE (10-001A),” effective date April 7, 2010, interpreting 2 CFR § 176.30, states that because individuals are not ARRA “recipients” or “subrecipients,” Davis-Bacon Act requirements do not apply to individual homeowners who receive rebates through Energy

Efficiency Conservation Block Grant (“EECBG”)-funded programs and individual homeowners who receive loans under EECBG financing programs; and

WHEREAS, the Parties agree that amending the existing CWA as noted below and requiring the inclusion of the amended CWA in the Request for Qualifications by WECC for purposes of qualifying contractors will advance the goal of guiding the implementation of energy retrofit projects in a manner that provides pathways to prosperity for local workers at varying levels of preparation, offers family-supporting wages that lead to a lasting career track, involves stakeholders and community members in developing and enacting policies and processes, and drives accountability and continuously evaluates performance goals towards goals; and

WHEREAS, the CWA, in paragraph “8. Review”, provides that amendments to the CWA, other than those made following the required 6-month review, shall be agreed upon by the Parties in writing and shall be communicated to the Common Council.

NOW, THEREFORE, in consideration of the mutual promises contained in this amended CWA and other good and valuable consideration the City and WECC agree as follows:

1. To amend the CWA executed by the Parties effective July 27, 2010, by deleting paragraph “3. Labor Standards, 3.c. Davis-Bacon Wage Rate Requirements” and substituting the following language to create a new “3. Labor Standards, 3.c. Program Wage Rate Requirements”:

c. Program Wage Rate Requirements.

1. Residential Retrofits. On all Me2 program energy retrofits in which individual homeowners receive EECBG-funded rebates or receive EECBG-funded loans (“Residential Retrofits”), Davis-Bacon Act requirements shall not apply. On all such Residential Retrofits, contractors shall pay wages to their employees performing work at a minimum wage rate of \$17 per hour.
2. Commercial Retrofits. On all Me2 program energy retrofits in which an entity other than an individual (company, corporation, limited liability company, etc.) receives EECBG-funded rebates or receives EECBG-funded loans (“Commercial Retrofits”), Davis-Bacon Act requirements shall apply. On all such Commercial Retrofits, contractors shall pay wages to their employees performing work at rates not less than those prevailing on projects of a character similar in the locality as determined by the Davis-Bacon Act..

3. WECC shall be responsible for monitoring contractor compliance with these requirements including the establishment of compliance reporting requirements for the ME2 residential retrofit program in cooperation with the City.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day, month and year set forth above.

CITY OF MILWAUKEE

TOM BARRETT, Mayor

RONALD D. LEOHARDT, City Clerk

COUNTERSIGNED

W. MARTIN MORICS, City Comptroller

WISCONSIN ENERGY CONSERVATION CORPORATION

MARY WOOLSEY SCHLAEFER
Executive Director