

SPONSOR: Janet Venecz
Councilwoman at Large

ORDINANCE NO. 9227

**AN ORDINANCE AMENDING ORD. 8081 AS IT RELATES TO PROJECT
LABOR AGREEMENTS IN THE CITY OF HAMMOND AND HAMMOND
RESIDENTS ON PUBLIC PROJECTS**

WHEREAS, Ordinances 8081 requires project labor agreement (PLA's) in City of Hammond Contracts, as such agreements reduce the risk of loss and delay from strikes, work stoppages and unsatisfactory labor or training; and

WHEREAS, Project Labor Agreements facilitate the timely and efficient completion of public projects by making available a ready and adequate supply of highly trained and skilled craft workers and permitting public and private owners and contractors to accurately determine labor costs at the outset; and

WHEREAS, The Mayor of the City of Hammond, and the Hammond Common Council have always and continue to support Unions, however, during the current economic recession it is imperative that domiciled Hammond residents be granted employment opportunities on Hammond public works projects; and

WHEREAS, The Mayor of the City of Hammond and the Hammond Common Council wish to support, encourage and offer opportunities for businesses and organizations that are located in Hammond; and

WHEREAS, the projected gaming revenues received for public works projects are expected to be less than in previous years, and conservation of limited infrastructure and public safety resources requires the restriction of expenditures that do not benefit Hammond residents; and

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NOW, THEREFORE, BE IT FURTHER ORDAINED by the Common Council of the City of Hammond that Ordinance 8081 is amended and will now read as follows:

Definitions: For the purposes of this Ordinance, the following definition shall apply unless the context clearly indicates or requires a different meaning:

Hammond Residents: Persons domiciled within the City of Hammond. The domicile is an individual's one and only true, fixed and permanent home and principal establishment.

- 1) All solicitations for bids on any public works project valued over five thousand dollars (\$5000.00) bid, issued, contracted and approved by the Hammond Board of Public Works and Safety of the City of Hammond, shall, except as otherwise provided herein, or where prohibited by State or Federal law, include a Project Labor Agreement (herein after "PLA").
- 2) Such Project Labor Agreement, (PLA) to be valid and binding upon the City of Hammond must be signed by each and every trade which is participating in the agreement. The failure or the refusal by any trade to sign the agreement voids the Project Labor Agreement and the City is then free to re-bid or otherwise award the project without such restriction or limitation.
- 3) Such Project Labor Agreement, (PLA) shall contain a requirement that at least twenty five (25%) of the work force on the project, located in the City of Hammond, be domiciled Hammond Residents, or in the alternative, the total workforce hours of all employees hired by the contractor and its subcontractors, in the categories of skilled and non-skilled jobs, or any combination thereof, shall be performed by at least twenty five (25%) actual

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Hammond Residents. The failure or the refusal by any trade to agree to this provision, or fulfill this provision once bid, voids the Project Labor Agreement for that project and the City is then free to re-bid or otherwise award the project without restriction or limitation.

- 4) This minimal percentage of Hammond Residents shall not be understood as limiting or deterring the fuller utilization of Hammond Residents beyond this level, but is intended instead as a minimum requirement unless the City of Hammond grants a waiver based upon demonstration by the contractor of impracticability or excessive cost of compliance. In the event that a sufficient quantity of qualified and skilled Hammond residents cannot be located for the project, the City and the General Contractor can agree to a lesser amount in writing, but at no time may lower than five percent (5%) of the workforce be domiciled Hammond Residents. The City of Hammond retains the right to cancel any project where insufficient labor is available.
- 5) The Project Manager and/or Construction Manager on the project shall negotiate and enter into a Project Labor Agreement with the City and the local labor unions will provide experienced and skilled workers and will be bound by the provisions of that Agreement in the same manner as any other construction contract. The City of Hammond's local hiring ordinance shall be included in all construction contracts let by the City. Any contractor entering into a public contract with the City of Hammond agrees to comply with and be bound by the terms of the local hiring ordinance, and failure to comply shall be considered breach of same.
- 6) Bidders under a Project Labor Agreement must be the lowest responsible and responsive bidder, and must comply with all applicable Federal, State and Local Ordinances and complete all forms and bid documents submitted by the City of Hammond.

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- 7) The Hammond Board of Public Works and Safety retains the authority to reject all bids on any public project, and has the legal authority to enforce compliance with the terms of the Project Labor Agreement and when noncompliance is evident, award the project to the next lowest responsible and responsive bidder. Upon evidence of non-compliance the City retains the authority to issue a stop-work order until compliance is achieved or documented, suspend payment to a contractor until compliance is achieved or documented or terminate the contract or take any other legal action available.
- 8) Monitoring of compliance with the local hiring ordinance shall be done by a compliance officer from the City of Hammond and the Inspection Department, who are authorized under this Ordinance to enter any public work job site in the City of Hammond and request a copy of certified payroll, employee pay records or employee identification. The Contractor shall assist in compliance verification by maintaining adequate employee residency records to ensure that actual Hammond Residents are employed on the project. The City of Hammond retains the right to dispute an employee's actual residency and require affidavits or other supporting documentation to verify same. Any contractor who knowingly submits falsified records may be excluded from bidding on future City of Hammond projects.

NOW BE IT FURTHER ORDAINED that herein ordinance shall have full force and effect from and after passage, approval by the Council, signing by the President thereof and approval and signing of the Mayor.

ADOPTED AND APPROVED BY the Common Council of the City of Hammond, Indiana, this 23rd day of September, 2013.

Michael Opinker, President /s/
Hammond Common Council

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ATTEST:

Robert J. Golec, City Clerk /s/
City of Hammond, Indiana

PRESENTED BY ME, the undersigned City Clerk of the City of Hammond, Indiana, to the Mayor, for approval and signature, this 24th day of September, 2013.

Robert J. Golec, City Clerk /s/
City of Hammond, Indiana

The foregoing Ordinance No. 9227 consisting of five (5) typewritten pages, including this page, was APPROVED AND SIGNED BY ME, the undersigned Mayor of the City of Hammond, Indiana, this 26th day of September, 2013.

Thomas M. McDermott, Jr., Mayor
City of Hammond, Indiana /s/

PASSED by the Common Council on the 23rd day of September, 2013, and approved by the Mayor on the 26th day of September, 2013.

Robert J. Golec, City Clerk
City of Hammond, Indiana /s/