

RESOLUTION 8356

A resolution providing a bidding preference to contractors using a State of Montana Registered Apprentice Program for City of Missoula construction contracts totaling \$500,000 or more to promote job training, improve the skills of the workforce, and enhance economic vitality in Missoula.

WHEREAS, a well-trained, skilled construction trades workforce is critical to the economic future of the City of Missoula; and

WHEREAS, the efficient and economical construction of major public construction projects will be hindered if there is not an ample supply of trained tradespeople; and

WHEREAS, apprenticeship training programs are particularly effective in providing training and experience to individuals seeking to enter or advance in the workforce; and

WHEREAS, by advocating for increased apprenticeship utilization on major construction projects, the City of Missoula can support training and experience that will help assure that a skilled workforce will be available in sufficient numbers to undertake public construction projects in the future; and

WHEREAS, the City of Missoula desires to incentivize contractors performing construction related services of major construction projects for the City of Missoula to utilize apprentices in order to promote job training, improve the skills of the workforce, and enhance the economic vitality in Missoula.

Now, therefore, be it resolved by the City Council of the City of Missoula, Montana:

Section 1. Definitions

For purposes of this resolution the following terms have the following definitions:

“Apprentice” means an apprentice enrolled in the Montana Registered Apprenticeship Program under the Montana Department of Labor and Industry or United States Department of Labor; and includes all apprentices working under reciprocity agreements with Oregon and Washington and any other states that enter into reciprocity agreements with the State of Montana.

“Apprentice utilization requirement” means the requirement that at least 10% of total labor hours on a construction project work site must be performed by an apprentice in order to qualify for the preference.

“Construction project” means any City of Missoula sponsored construction project where the City is the project owner including Construction Manager at Risk (CMAR) projects.

“Labor hours” means the total hours of workers receiving an hourly wage who are directly

employed on the construction project site. "Labor hours" includes hours performed by workers employed by the contractor and all subcontractors working on the project. "Labor hours" do not include hours worked by superintendents and owners, who are not subject to prevailing wage requirements.

"State-approved apprenticeship training program" means an apprenticeship training program approved by the Montana Registered Apprenticeship Program under the Montana Department of Labor and Industry.

Section 2. Apprenticeship Requirements

The Registered Apprenticeship utilization preference will apply to City of Missoula construction projects in which the project cost is estimated to cost \$500,000 or more.

To qualify for the preference at least 10% of all Labor hours shall be comprised of registered apprentices who are registered with a State-approved apprenticeship training program.

The general contractor on a construction project, as delineated within this Resolution, must ensure the 10% Registered Apprentice compliance; compliance may be in any formula or division within any of the trades working on the project site. For construction manager at-risk contracts, the preference may be applied to each underlying bid within the overall contract.

Section 3. Applicability

The City of Missoula will award a 5% bidding preference (with a total value of preference not to exceed \$100,000) for bidders that:

1. claim preference and furnish written proof of being a party to a State-approved apprenticeship training program for each apprenticeable trade the bidder will employ to construct the project in accordance with Section 2; and
2. provide evidence of their willingness to contractually commit to an apprentice utilization requirement stating at least 10% of all labor hours on the construction project site will be comprised of registered apprentices who are registered with a Montana state-approved apprenticeship training program; and
3. provide the estimated total number of construction job site labor hours and the total number of apprenticeship hours for the project.

The lowest responsible total bid, taking the preference into consideration, shall be awarded the contract unless the solicitation provides for additional award criteria or exceptions to this policy. The contract amount awarded shall be the amount of the bid submitted, exclusive of the bidding preference.

During the course of construction, the number of hours may vary from the hours submitted in the bid, but 10% of the total hours on the actual construction job site must be performed by registered apprentices.

Section 4. Compliance

All contractors and subcontractors subject to this resolution must retain verified payroll reports on

at least a monthly basis, certifying the names of all workers performing labor hours, their trade, hours worked, with designations for journey level workers or apprentices or other. Verified payroll reports provided as required in this section are subject to review and inspection by the City of Missoula and/or its agents for compliance in this section.

Section 5. Exceptions/Adjustments

The Mayor, or his/her designee, may adjust the requirements of this resolution for a specific project for the following reasons which shall be documented in the project records:

1. Grant or other funding that precludes the use of the preference for the use of a State-approved apprenticeship training program; or
2. Other criteria the Mayor or his/her designee deem appropriate.

Section 6. Failure to Comply/Remedies

The failure by a contractor awarded an apprentice utilization preference to comply with the City of Missoula and State of Montana registered apprentice regulations is a breach of contract for which the City is entitled to all remedies, including liquidated damages and temporary or permanent cessation of work allowed by law and under the contract. Failure to comply with all federal, state or municipal apprentice utilization requirements is evidence bearing on a contractor's qualification for award of future contracts.

PASSED AND ADOPTED this 17th day of June, 2019

ATTEST:

/s/ Martha L. Rehbein

Martha L. Rehbein
City Clerk

APPROVED:

/s/ John Engen

John Engen
Mayor

(SEAL)