

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: **Engineering**

AGENDA DATE: **June 1, 2010**

CONTACT PERSON NAME AND PHONE NUMBER: **R. Alan Shubert, P.E. (915-541-4423)**

DISTRICT(S) AFFECTED: **Citywide**

SUBJECT:

Approve a resolution to update City of El Paso Apprenticeship program policies.

BACKGROUND / DISCUSSION:

Representatives from the City of El Paso Engineering Department have been in discussions with the representatives of the Associated General Contractors (AGC), the International Brotherhood of Electrical Workers Local 583, and the International Operative Plasterers and Cement Masons Association regarding the details of the current apprenticeship program. It was agreed that the program is functional; however, the program needs be updated to improve its operation and meet the needs of all involved. The proposed modifications are as follows:

Wording related to building construction has been removed and the type of project is no longer a factor. If the work requires the use of one or more of the trades on the City's apprenticeable trade schedule, the contractor must comply with the program.

Contractors and/or subcontractors must comply with apprenticeship program requirements when the work involving their particular trade has a value of \$50,000 or more.

The City Engineer will have the authority to evaluate the availability of certified apprentices and may adjust the schedule of apprenticeable occupations based on changes in apprentice programs available in the community. Prior to apprenticeable work being performed, the contractor/subcontractor shall provide written certification that they are a participant in the apprenticeship program.

PRIOR COUNCIL ACTION:

November 9, 1999 City Council resolution

AMOUNT AND SOURCE OF FUNDING:

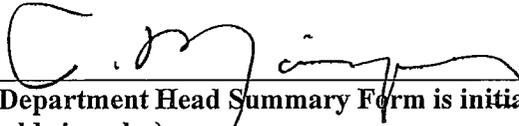
Not Applicable

BOARD / COMMISSION ACTION:

N/A

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:



(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

Information copy to appropriate Deputy City Manager

RESOLUTION

WHEREAS, The City Council passed a resolution on November 9, 1999 adopting an apprenticeship program for city building construction projects (the "1999 Resolution"); and

WHEREAS, The purpose of the apprenticeship program is to require that only journeyman and apprentices registered in an apprentice program certified by the United States Department of Labor (DOL) perform work on applicable city construction projects in order to ensure both quality construction work as well as providing training opportunities; and

WHEREAS, A DOL certified apprenticeship program requirement is consistent with the state prevailing wage rate law.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF EL PASO:

THAT the following apprenticeship program is adopted, replacing the apprentice program adopted in the 1999 resolution:

1. City construction contracts shall require that the construction contractors performing work for the City and their sub-contractors for such contract shall participate in a DOL certified apprenticeship program when the work required under the contract includes work that must be performed by apprenticeable occupations and the work involving such apprenticeable occupation has a value of fifty thousand dollars or more. The apprenticeable occupations are those listed in exhibit "A" attached to this resolution.

2. When applicable, the contractor must hire registered apprentices enrolled in a DOL certified apprenticeship program.

3. The contractor shall not substitute unregistered apprentices to perform apprentice level work in place of registered apprentices.

4. The contractor shall pay wage rates and benefits for apprentices at the rate determined by the DOL apprenticeship program.

5. The contractor shall comply with the DOL requirements governing the ratio of apprentices to journeymen.

6. The City Engineer may evaluate the availability of DOL certified apprentices as necessary and adjust the schedule of apprenticeship occupations listed in exhibit "A" as such apprenticeship occupations are available within the community.

7. Construction contracts shall provide that noncompliance of the contract provisions concerning the apprenticeship participation may be a basis to terminate the construction contract.

8. Prior to the start of the work of the applicable apprenticeship occupations listed in Exhibit "A" the contractor or the applicable subcontractor shall provide written certification to the city that it is a sponsor or participant in a DOL approved apprenticeship program.

ADOPTED THIS _____ DAY OF _____, 2010.

City of El Paso

John F. Cook, Mayor

ATTEST:

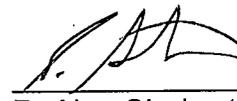
Richarda Momsen
City Clerk

APPROVED AS TO FORM:



Mark Shoesmith
Assistant City Attorney

APPROVED AS TO CONTENT:



R. Alan Shubert, P.E.
City Engineer

EXHIBIT "A"

Apprenticeable Occupations

Bricklayer
Carpenter
Drywall applicator
Electrician
Glazier
Operating Engineer
Painter
Pipefitter
Plasterer
Plumber
Roofer
Sheet Metal Worker
Structural Worker/Ironworker
Taper

cc: Rick Tolson
Cynthia²⁷

RESOLUTION

WHEREAS, the City of El Paso, hereinafter referred to as "City", supports the adoption of an apprenticeship program for all city building construction projects and desires the inclusion of language mandating participation in apprenticeship programs certified by the U. S. Department of Labor, hereinafter referred to as "DOL", in all City building construction contracts; and

WHEREAS, the purpose of the apprenticeship program is to require that only journeyman and apprentices registered in an apprentice program certified by DOL perform work on City building construction projects in order to ensure both quality construction work as well as provide training opportunities; and

WHEREAS, a DOL certified apprenticeship program requirement for local building construction projects is consistent with the state prevailing wage rate law pursuant to Chapter 2258, Texas Government Code.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City of El Paso adopts the El Paso City Apprenticeship Program requiring the following of all building contractors and their subcontractors on City building construction projects:

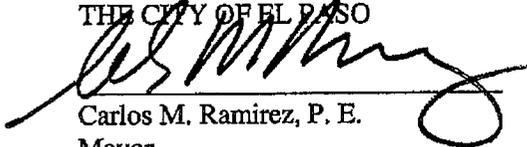
1. Must sponsor or participate in a DOL certified apprenticeship program for all job classification utilized on the project and which are "apprenticeable occupations" as defined by DOL regulations.
2. Must hire registered apprentices enrolled in a DOL certified apprenticeship program.
3. May not substitute helpers or unregistered apprentices to perform apprentice level work in place of registered apprentices.
4. Must pay wage rates and benefits package for apprentices as determined by apprenticeship program/DOL.
5. Must comply with DOL requirements for the ratio of apprentices to journeymen.
6. Must hire apprentices in all job classifications utilized on the project and which are "apprenticeable occupations" as defined by DOL regulations, unless such placement would not be approved by the apprenticeship program.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City Purchasing Agent is hereby directed to include notice of the gradual implementation of City apprenticeship requirements in all specifications for bids on building construction projects effective February 1, 2000. Within the first 90 days of the implementation of the City apprenticeship program, all City building construction bids will include requirements for categories of apprentices for DOL certified apprentice programs that are already in existence on February 1, 2000. The Director of Public Works will evaluate the availability of DOL certified apprentices every 90 days for 12 months starting February 1, 2000 and will authorize the inclusion of different categories every 90 days subject to the availability of DOL certified apprentices within the community.
2. Proof of DOL certified apprenticeship programs will be a condition of responsibility for award of all Building Construction projects that are \$100,000.00 or more in value.
3. In the event of noncompliance by the Contractor, the City reserves the right to terminate the contract for failure to provide the adequate number of DOL certified apprentices during the course of the building construction projects.

APPROVED this the 9th day of November, 1999.

THE CITY OF EL PASO


Carlos M. Ramirez, P. E.
Mayor

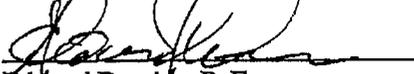
ATTEST:


Carole Hunter
City Clerk

APPROVED AS TO FORM:


Robert D. Andron
Assistant City Attorney

APPROVED AS TO CONTENT:


Edward Drusina, P. E.
Director of Public Works