



Wage Theft Adjudication and City Contracts



Award of City Contracts through Bid Process

- Vendor Responsibility- evaluated in every bid and proposal. (Texas Local Government Code §§252.043(a), 252.043(b), 252.043(h))
- Responsibility not defined by the code.
- Attorney General Opinion DM-113:
Criteria that has an objective relationship to a bidder's ability to perform under contract or on the quality of vendor's work is a valid measure of responsibility.



Recommendation

1. Adopt a written definition and criteria for accurately determining the wage theft adjudication record of a bidder;
2. Give notice to bidders that wage theft adjudication will be considered in determining the responsibility of bidders;
3. Not make determinations in an arbitrary or capricious manner.



Wage Theft Adjudication

1. Criminal Conviction pursuant to Section 61.019 of the Texas Labor Code.
2. Injunctive Relief granted by district court pursuant to Section 61.020 of the Texas Labor Code.
3. Wage theft determination order becomes final under Section 61.055 or Section 61.060 of the Texas Labor Code.
4. Texas Workforce Commission assesses and administrative penalty under Section 61.053 of the Texas Labor Code.
5. Conviction of Theft of Service under Section 31.04 of the Texas Penal Code.
6. Court finds that an employer has engaged in wage theft.



Wage Theft Complaint for Current Contracts

- Purchasing and City Attorney's Office



QUESTIONS/COMMENTS