



EXECUTIVE DEPARTMENT
MAYOR'S OFFICE
ST. LOUIS

EXECUTIVE ORDER NO. 53

An Executive Order relating to expenditure of public funds in connection with publicly-funded or publicly-assisted construction projects:

WHEREAS, it is in the best interests of the City of Saint Louis to fulfill its proprietary objectives in maintaining and promoting the economical, nondiscriminatory, and efficient expenditures of public funds in connection with publicly-funded or publicly-assisted construction projects; and

WHEREAS, in order to help ensure the economical, nondiscriminatory, and efficient expenditures of public funds in connection with publicly-funded or publicly-assisted construction projects, it is in the best interests of the City of Saint Louis to, where appropriate, enter multi-employer, multi-union pre-hire agreements designed to systemize labor relations at a construction site thereby insuring all contractors and subcontractors on the project comply with the terms of a multi-employer multi-union pre-hire agreement (commonly known as a "project labor agreement" or "PLA"), and

WHEREAS, project labor agreements can help to ensure the highest quality work at the best price, while significantly reducing the risk of delays and work stoppages or lockouts, as well as otherwise normalizing labor relations for the duration of a project;

WHEREAS, project labor agreements promote uniformity of working conditions for workers employed on a project and close cooperation among all concerned, resulting in a more efficient project;

WHEREAS, the City of Saint Louis seeks to promote a diverse workforce by the policies, procedures, and processes outlined in Ordinance 68412 and Executive Orders 28, 33, 34, 36, 39, 44, and 47; and

WHEREAS, providing effective and efficient City services to our constituents requires that construction projects are completed in a timely, high-quality manner and in compliance with all applicable laws and regulations;

WHEREAS, it is therefore in the best interests of the City of Saint Louis to require a project labor agreement as a condition of a bid specification for certain categories of construction projects, when appropriate in the individual circumstances of the construction project; and

NOW THEREFORE, I, Francis G. Slay, Mayor and Chief Executive Officer of the City of Saint Louis, hereby issue Executive Order Number 53 as follows:

SECTION ONE. Project Labor Agreements Permitted.

A. The City of Saint Louis shall consider entering into a Project Labor Agreement, as defined above, for the procurement of construction services, on a project-by-project basis, provided:

1. The total cost of the project in the City of Saint Louis is five hundred thousand dollars (\$500,000) or more; and
2. Fifty percent (50%) or less of the total cost of the project are funded by the State of Missouri and the project is not otherwise described in § 34.209, RSMo.; and
3. The Board of Public Service first analyzes the impact of a project labor agreement and considers:
 - (i) whether the project labor agreement advances the interests of the City of Saint Louis and its citizens; and

- (ii) whether the project labor agreement is appropriate considering the complexity, size, cost impact, and need for efficiency on the project; and
- (iii) whether the project labor agreement impacts the availability of a qualified work force; and
- (iv) whether the scope of the project labor agreement has a business justification for the project as bid; and
- (v) whether a project labor agreement would impact the availability of minority and/or disadvantaged businesses to participate in public works projects as set forth in Executive Orders 28, 33, 34, 36, 39, 44, and 47.

B. The Board of Public Service shall make an initial determination to analyze the impact of a project labor agreement, as defined above, for any particular project based upon the criteria above. The Board of Public Service shall make that determination prior to the issuance of a request for proposals for the particular project as laid out below.

SECTION TWO. Publication of Intent to Enter a Project Labor Agreement.

A. The Board of Public Service shall summarize its findings regarding the impact of a project labor agreement in a published document titled "Intent to Enter Into a Union Project Labor Agreement," which shall establish a rational basis upon which the City of Saint Louis bases its intent to require a project labor agreement for the project.

B. The Board of Public Service shall publish a notice of public hearing concerning its findings regarding proposed project labor agreements.

C. No fewer than 14 days but not more than 30 days following publication of the notice of a public hearing, the Board of Public Service shall conduct a public hearing on whether to proceed with its intent to require a project labor agreement.

D. Within 30 days after the public hearing, the Board of Public Service shall publish its determination regarding whether to require a project labor agreement.

SECTION THREE. Lowest Responsible Bidder Determination.

A. Pursuant to Section 4 of Article XXII of the Charter of the City of St. Louis, and § 6.04.080 of the Revised Code of the City of St. Louis, the Board of Public Service shall consider the following non-exclusive list of factors when determining the lowest responsible bidder for any public works or construction project funded in whole or in part by the City of Saint Louis:

1. Price;
2. The ability, capacity, or skill of the bidder to perform the contract and to provide the supplies, equipment, materials, or services;
3. The ability of the bidder to perform the contract or to provide the supplies, equipment, materials, or services promptly or within the time specified without delay or interference;
4. The character, integrity, reputation, judgment, experience and efficiency of the bidder;
5. The quality of performance of previous contracts in the City of St. Louis;
6. The previous and existing compliance by the bidder with laws and ordinances relating to the contract which may include, but is not limited to, consideration of whether the bidder has been barred from bidding on any federal or state or municipal construction projects in the year prior to the date the request for proposals is issued;
7. The sufficiency of the financial resources and ability of the bidder to perform the contract and to provide the supplies, equipment, materials, services, bond, and insurance;

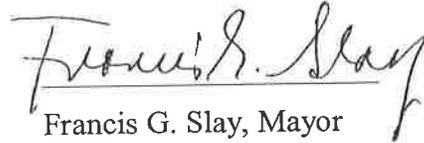
8. The quality and availability of the supplies, equipment, or materials for the particular use required;
9. The ability of the bidder to provide future maintenance and service for the supplies, equipment, or materials;
10. The ability of the bidder to effectuate the goals outlined in City Ordinance 68412 and in Executive Orders 28, 33, 34, 36, 39, 44, and 47;
11. The bidder's compliance with the policies adopted by the City of Saint Louis for minority or women business enterprise participation or for participation by businesses located within the City of St. Louis as described City Ordinance 68412 and Executive Orders 28, 33, 34, 36, 39, 44, and 47;
12. Whether contractor has had any business, trade, or contracting license suspended or revoked within the prior year;
13. Whether the contractor participates in, or maintains an apprenticeship program for crafts which the firm employs and has active, registered apprentices for each program;
14. Whether the project supervisor will be OSHA-certified and at what level;
and
15. Whether on-site employees (including laborers, workers, drivers, equipment operators, and craftspeople employed by contractors and subcontractors to be directly engaged in construction at a job site) on the project will be employees of the contractor or subcontractor

B. When the lowest bid is not accepted, a statement of reasons for not accepting the lowest bid and for accepting the lowest responsible bid shall be prepared by the President of the Board of Public Service. Such statement shall be retained with other documents concerning the bid and the contract for supplies, equipment, materials, or services.

C. The Board of Public Service shall require any bid for a construction project, (except as to federal or state projects if prohibited as a condition of the funding), to be accompanied by a notarized statement that:

1. As required by Chapter 6.17 of the Revised Code of the City of St. Louis, the contractor is not barred from bidding on any federal or state construction projects;
2. The contractor has and enforces a drug-testing policy for all employees in the field;
3. All employees who require licenses will be licensed with the appropriate licensing authority;
4. Prevailing wages will be paid to all employees as described in § 290.210, RSMo. *et seq.*;
5. All employees and employee supervisors will be OSHA-certified in compliance with then-current OSHA safety requirements prior to working on the project;
6. All employees will be OSHA certified as required by § 292.675 RSMo.;
and
7. The contractor will comply with all applicable laws, ordinances, rules, and regulations governing the conduct of business in the City of Saint Louis and in the State of Missouri.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Saint Louis this 6 day of August, 2015.


Francis G. Slay, Mayor

ATTEST:


Parrie May, Register - Deputy

CITY REGISTER
RECORDED

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