

**BOARD BILL NO. 165      INTRODUCED BY ALDERMAN ANTONIO FRENCH,  
PRESIDENT LEWIS REED, ALDERMAN CHRIS CARTER**

1           An ordinance amending Ordinance 69427 pertaining to workforce inclusion by  
2 amending Sections Four, Five, and Ten of said ordinance, which are codified as Sections  
3 3.110.030, 3.110.040, and 3.110.090 of the Revised Code of the City of St. Louis, to  
4 increase percentage goals for minority, women, and city residents, and to put in place a  
5 mandatory five-year disqualification penalty and liquidated damages for developers and  
6 contractors who fail to meet the goals; and containing a severability clause.

7           **WHEREAS**, the City of St. Louis is committed to working in partnership with  
8 labor, business and the community to create a skilled workforce that reflects the diversity  
9 of the population of City; and

10           **WHEREAS**, a well-trained, diverse workforce is critical to the economic and  
11 social vitality of the City and the region; and

12           **WHEREAS**, statistical data and other evidence shows that minorities and women  
13 are under-represented in the skilled workforce of the construction industry, including the  
14 “City of St. Louis Disparity Study” and the “City of St. Louis Workforce Study”  
15 completed in 2015 by Mason Tillman Associates, Ltd., for the City of St. Louis and the  
16 St. Louis Development Corp., which identified numerous and specific deficiencies and  
17 disparities, including statistically significant underutilization of minority workers in City  
18 construction projects, including findings that minorities make up 37.81 percent of City  
19 residents working in the construction industry but work just 24.34 percent of the labor  
20 hours worked on City construction projects; and that such under-representation is due to  
21 past discriminatory barriers and that a diversity program is needed to rectify such under-  
22 representation; and the City is committed to ensuring that employment opportunities on  
23 the Project are offered to City residents; and

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**Sponsored by: Alderman Antonio French,**

1           **WHEREAS**, the 2015 studies demonstrate that Ordinance 69427 should be  
2 augmented to match the documented availability of minority, women, and City workers,  
3 and the consequences for breach under the prior ordinance should be strengthened.

4 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

5           **SECTION ONE.** Sections Four and Five of Ordinance 69427, codified at  
6 Sections 3.110.030 and 3.110.040 of the Revised Code of the City of St. Louis, are  
7 hereby repealed, and enacted in lieu thereof is the following:

8                           **“SECTION FOUR. Participation Goals for Minorities and**  
9                           **Women.** On each Public Works Contract, Tax Increment Financed (TIF)  
10                           Project and St. Louis City Bonded Project for which the design team’s  
11                           estimated base value of the contract is One Million Dollars or more, the  
12                           Agency shall set a goal that 37.81% of all Labor Hours are to be  
13                           performed by Minorities and 6.9% of all contract Labor Hours are to be  
14                           performed by women.

15                           **“SECTION FIVE. City Resident Participation.** On each Public  
16                           Works Contract, Tax Increment Financed (TIF) Project and St. Louis City  
17                           Bonded Project for which the design team’s estimated base value of the  
18                           contract is One Million Dollars or more, the Agency shall set a goal that  
19                           23.28% of all Labor Hours are to be performed by persons who reside in  
20                           the City of St. Louis (“City Residents”). Such City Residents, if they are  
21                           minorities and/or women, may also be counted towards the goals set forth  
22                           in Section Four.”



1 make quarterly reports to the TIF Commission, the Board of Public  
2 Service, the Board of Aldermen, the Mayor and the Comptroller of  
3 the City of St. Louis regarding the Developers and General  
4 Contractors cited and listed for violations of the Ordinance.”

5 “C. **Liquidated damages.** All contracts which contain  
6 participation goals for minorities, women, or City Residents shall  
7 contain a provision which provides for liquidated damages in the  
8 event the Developer or General Contractor or both fails or fail to  
9 achieve the participation goals specified by the Agency as directed  
10 by this Ordinance. The liquidated damages may not exceed the  
11 difference between the monetary amount of the participation goals  
12 set by the Agency and the amount actually paid to minorities,  
13 women, and City Residents. In determining the amount actually  
14 paid to minorities, women, and City Residents, no credit shall be  
15 given for that portion of the minority, woman, and City Resident  
16 participation that was not approved by the Agency, provided  
17 however that the Agency may allow credit if it determines, in its  
18 sole discretion, that the Developers and General Contractors acted  
19 in good faith.”

20 **SECTION THREE. Severability Clause.** The provisions of this ordinance  
21 shall be severable. In the event that any provision of this ordinance is found by a court of  
22 competent jurisdiction to be unconstitutional, the remaining provisions of this ordinance  
23 are valid unless the court finds the valid provisions of this ordinance are so essentially

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1 and inseparably connected with, and so dependent upon, the void provision that it cannot  
2 be presumed that the Board of Aldermen would have enacted the valid provisions without  
3 the void ones or unless the Court finds that the valid provisions, standing alone, are  
4 incomplete and incapable of being executed in accordance with the legislative intent.

5 **SECTION FOUR. Effective Date.** The provisions of this ordinance shall  
6 become effective sixty days after its approval by the mayor or sixty days after its  
7 adoption over the veto of the mayor. Said provisions shall apply to all Requests for  
8 Proposals or bids issued, and contracts awarded pursuant thereto, on or after said sixty-  
9 day period.

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