

1 **BOARD BILL NO. 87 INTRODUCED BY ALDERMAN STEPHEN GREGALI**

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3 An ordinance limiting the contracting of City of St. Louis construction contracts
4 in excess of two thousand five hundred dollars (\$2,500.00) to “Responsible Contractors”
5 and defining the term “Responsible Contractors”, requiring the use of “Responsible
6 Contractors”, requiring a OSHA safety course, requiring compliance verification,
7 applying to all publicly funded construction projects, requiring drug testing and
8 containing a severability clause.

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

10 **SECTION ONE.** The City of St. Louis shall not contract for any construction
11 services in excess of two thousand five hundred dollars (\$2,500.00) with any contractor
12 who does not meet the requirements of "Responsible Contractor," as defined in Section
13 Two.

14 **SECTION TWO.** "Responsible Contractor" is defined as any contractor who
15 prior to beginning construction work for the City of St. Louis, and throughout the
16 duration of the project, can present satisfactory evidence to the City of St. Louis Public
17 Works Director, or their designee, of the following:

18 A.. The contractor and all of its subcontractors performing work on the City
19 Project shall comply with all applicable laws, ordinances, rules and regulations
20 concerning the conduct of business in the City of St. Louis and State of Missouri; and

21 B. The contractor and all of its subcontractors performing work on the City
22 Project shall be required to comply with the State Statutory provisions concerning the
23 payment of prevailing wages on public works, Section 290.210 through 290.340, RSMo.,

1 1959, as amended 1969; the Davis Bacon Act of 1931, 40 U.S.C. 276 et seq.; and the
2 Equal Employment Opportunities Act, 42 U.S.C. 2000e et seq.; and

3 C. The contractor and all of its subcontractors performing work on the City
4 Project must be able to establish that within the past three (3) years it has not been fined,
5 cited, penalized, debarred, suspended, proposed debarment, declared ineligible or
6 voluntarily excluded from covered transactions by any local, State or Federal agency;
7 been, or presently, indicted for or otherwise criminally or civilly charged by any local,
8 State or Federal authority with commission of any of the aforesaid offenses, defaulted on
9 any projects; been denied pre-qualification on any project; been found non-responsible on
10 any project; had any business, trade or contracting license suspended or revoked; been
11 found in violation of any State or Federal prevailing wage laws as applicable, or other
12 wage law as determined by court order or applicable government agency; committed a
13 serious or willful violation of State or Federal safety laws as determined by court order or
14 applicable government agency; been found in violation of any other law, including but
15 not limited to environmental laws, anti-trust laws, licensing laws, by a court order or
16 applicable government agency; and

17 D. The contractor and all of its subcontractors performing work on the City
18 project shall be required to carry insurance as required by the general conditions during
19 the lifetime of the contract. Certificates of Insurance, indicating coverage for general
20 liability, workers' compensation, unemployment, bond, completed operations,
21 automobile, hazardous operations, product liability and professional liability shall be filed
22 with and approved by the appropriate legislative authority; and

1 E. The contractor and all of its subcontractors performing work on the City
2 project must have a valid Federal Employer Identification Number, or if an individual, a
3 valid Social Security Number; and

4 F. The contractor and all of its subcontractors performing work on the City
5 project must participate in applicable apprenticeship and training programs approved by
6 and registered with the United States Department of Labor's Bureau of Apprenticeship
7 and Training; and

8 G. The contractor and all of its subcontractors performing work on the City
9 project must provide health insurance and a qualified retirement plan equal to or better
10 than each craft or trade employed by the bidder subject to the prevailing wages on public
11 works, Section 290.210 through 290.340, RSMo., 1959 as amended 1969.

12 **SECTION THREE.** The City of St. Louis shall make the use of a "responsible
13 contractor" a precondition for any Redevelopment Corporation or other entity to exercise
14 any rights, relief, funding or privilege pursuant to Tax Increment Financing benefits
15 under Chapter 353, RSMo., or any similar program.

16 **SECTION FOUR.** The City of St. Louis shall require all employees of the
17 contractors and subcontractors performing work on the site of a public building, works
18 and enterprises have completed a ten (10) hour OSHA safety course.

19 **SECTION FIVE.** If it is determined that a contractor or subcontractor provides
20 compliance verification which contains false or misleading information, or that a
21 contractor or subcontractor is found to be non-responsible on any other ground, the
22 contractor or subcontractor shall be declared ineligible to participate in the project.

1 **SECTION SIX.** The provisions of this Section shall apply to any and all publicly
2 funded construction projects. Public funding shall include, but is not limited to, tax
3 incentives such as tax increment financing, tax abatements, tax/historical credits, etc.

4 **SECTION SEVEN.** The City of St. Louis shall require that craftworkers and
5 other jobsite employees of contractors and subcontractors shall have passed a drug test
6 (with a negative result) prior to the start of work on the project and shall continue to
7 remain active in a substance abuse program while employed on city public works
8 projects. Craftworkers and other jobsite employees shall submit to testing for alcohol and
9 controlled substances under the rules and procedures of an acceptable drug testing
10 program administered by a third-party, contractor, contractor association, or others. The
11 St. Louis Construction Industry Substance Abuse Consortium being an acceptable drug
12 testing program.

13 **SECTION EIGHT. Severability.** If any provision, clause, sentence, paragraph
14 or word of this ordinance or the application thereof to any person, entity or circumstances
15 shall be held invalid, such invalidity shall not affect the other provisions of this ordinance
16 which can be given effect without the invalid provisions or application, and to this end
17 the provisions of this ordinance are declared severable.

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