

1 **BOARD BILL NO. 15 INTRODUCED BY ALDERMAN STEPHEN GREGALI**

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3 An ordinance requiring the contracting of City of St. Louis construction and/or
4 maintenance contracts to “Responsible Contractors” and defining the term “Responsible
5 Contractors”, requiring the use of “Responsible Contractors”, requiring a OSHA safety
6 course, requiring compliance verification, applying to all publicly funded construction
7 and/or maintenance projects, requiring drug testing and containing a severability clause.

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

9 **SECTION ONE.** The City of St. Louis shall not contract for any construction
10 and/or maintenance services with any contractor who does not meet the requirements of
11 "Responsible Contractor," as defined in Section Two.

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

16 A. The contractor and/or subcontractor performing work on the City Project
17 shall comply with all applicable laws, ordinances, rules and regulations concerning the
18 conduct of business in the City of St. Louis and State of Missouri; and

19 B. The contractor and/or subcontractor performing work on the City Project
20 shall be required to comply with the State Statutory provisions concerning the payment of
21 prevailing wages on public works, Section 290.210 through 290.340, RSMo., 1959, as
22 amended 1969; the Davis Bacon Act of 1931, 40 U.S.C. 276 et seq.; and Equal
23 Employment Opportunities Act, 42 U.S.C. 2000e et seq.; and

1 C. The President of the Board of Public Service or their designee may
2 qualify or disqualify a contractor and/or subcontractor from performing work on a City
3 Project upon investigation and/or review that the contractor or subcontractor within the
4 past three (3) years has not been fined, cited, penalized, debarred, suspended, proposed
5 debarment, declared ineligible or voluntarily excluded from covered transactions by any
6 local, State or Federal agency; been convicted, by any local, State or Federal authority
7 with commission of any of the aforesaid offenses, defaulted on any projects; been denied
8 pre-qualification on any project; been found non-responsible on any project; had any
9 business, trade or contracting license suspended or revoked; been found in violation of
10 any State or Federal prevailing wage laws as applicable, or other wage law as determined
11 by court order or applicable government agency; committed a serious or willful violation
12 of State or Federal safety laws as determined by court order or applicable government
13 agency; been found in violation of any other law, including but not limited to
14 environmental laws, anti-trust laws, licensing laws, by a court order or applicable
15 government agency; and

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

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

4 F. The contractor and/or subcontractor performing work on the City project
5 must certify to be a registered participant in apprenticeship and training programs that are
6 in accordance with the U.S. Department of Labor, Employment and Training
7 Administration (ETA), Office of Apprenticeship (OA), formerly known as the Bureau of
8 Apprenticeship and Training (BAT). All contractors and subcontractors who bid are
9 required to certify in their bid(s) the percentage of workers for the projects(s) which have
10 satisfactorily completed or are currently enrolled in the referenced apprenticeship
11 program for the type of work they will be performing; and

12 G. Every contractor performing work on publicly funded projects shall pay all
13 of its subcontractors within thirty (30) days of submission of a valid invoice by a
14 subcontractor and upon completion of the project or contract shall certify that it has paid
15 all subcontractors before receiving any payment(s) and/or subsidy from the City of St.
16 Louis.

17 **SECTION THREE.** The City of St. Louis may make the use of a "Responsible
18 Contractor" a precondition for any Redevelopment Corporation or other entity to exercise
19 any rights, relief, funding or privilege pursuant to Tax Increment Financing benefits
20 under Chapter 353, RSMo., or any similar program.

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

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

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

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

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