

**BOARD BILL NO. 75 INTRODUCED BY ALDERMAN TERRY KENNEDY**

1 An ordinance pertaining to public works contracts, establishing apprenticeship training,  
2 and workforce diversity, and city resident programs for City-funded public works  
3 contracts; establishing a Community Jobs Board; containing definitions; containing a  
4 severability clause and an effective date.

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

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

10 **WHEREAS**, statistical data and other evidence shows that minorities and women are  
11 under-represented in the skilled workforce of the construction industry, that such under-  
12 representation is due to past discriminatory barriers and that a diversity program is  
13 needed to rectify such under-representation; and

14 **WHEREAS**, the City's public works contracts can provide training and job opportunities  
15 as a means to increase the skills and diversity of the construction industry workforce; and

16 **WHEREAS**, the City is committed to ensuring that employment opportunities on City  
17 public works projects are offered to City residents; and

18 **WHEREAS**, the City is committed to using training that is accepted industry-wide so  
19 that the resulting journey-level workers can enter the region's pool of skilled labor, fully  
20 qualified for jobs throughout the industry; and

21 **WHEREAS**, the City is committed to promoting apprenticeship opportunities on public  
22 works projects and ensuring that all contractors participate in this requirement.

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

24 **SECTION ONE. Definitions.** When used in this ordinance:

1           1.       "Labor Hours" shall mean the total number of work hours workers receive  
2 as an hourly wages who are directly employed on the site of the public works project.  
3 "Labor Hours" shall include hours performed by workers employed by the contractor and  
4 all subcontractors working on the project. "Labor Hours" shall not include hours worked  
5 by non-working foremen, superintendents, owners and workers who are not subject to  
6 prevailing wage requirements.

7           2.       "Agencies" shall mean the St. Louis Agency for Training and  
8 Employment (SLATE), the St. Louis City Board of Public Service, and the Lambert St.  
9 Louis Airport DBE Office.

10          3.       "Minorities" shall mean persons who are citizens or lawful permanent  
11 residents of the United States and who:

12           a.       Have origins in any of the Black racial groups of Africa ("Black  
13 Americans");

14           b.       Have origins in any of the peoples of Mexico, Puerto Rico, Cuba, Central or  
15 South America, regardless of race ("Hispanic Americans");

16           c.       Have origins in any of the original peoples of the Far East, Southeast Asia, or  
17 the Indian subcontinent or the Pacific Islands ("Asian Americans"); or

18           d.       Maintain cultural identification through tribal affiliation or community  
19 recognition with any of the original peoples of the North American continent; or those  
20 who demonstrate at least one-quarter descent from such groups ("Native Americans").

21          4.       "Public Works Contract" shall mean a contract for construction work  
22 entered into by the Board of Public Service and signed by the President of the Board of  
23 Public Service in the name of the City, pursuant to which the City intends to make a  
24 monetary payment of One Million Dollars or more.

1           **SECTION TWO. Apprenticeship Requirement.** On each Public Works  
2 Contract with an estimated cost of One Million Dollars or more, the Agencies shall set a  
3 requirement that a minimum percentage of fifteen percent (15%) of all the contract's  
4 Labor Hours are to be performed by apprentices enrolled in any training program  
5 approved or recognized by the United States Department of Labor's Bureau of  
6 Apprenticeship and Training (BAT). This requirement shall be subject to the waiver  
7 provision set forth in Section Five.

8           **SECTION THREE. Participation goals for Minorities and Women.** On each  
9 Public Works Contract with an estimated cost of One Million Dollars or more, the  
10 Agencies shall set a goal that 25% of all Labor Hours are to be performed by Minorities  
11 and 7% of all contract Labor Hours are to be performed by women.

12           **SECTION FOUR. City Resident Participation.** On each Public Works  
13 Contract with an estimated cost of One Million Dollars or more, the Agencies shall set a  
14 requirement that 30% of all Labor Hours are to be performed by persons who reside in  
15 the City of St. Louis ("City Residents"). Such City Residents, if they are minorities  
16 and/or women, may also be counted towards the goals set forth in Section Three.

17           **SECTION FIVE. Implementation and Administration.** The Agencies shall be  
18 responsible for the administration and implementation of this ordinance and shall develop  
19 and adopt rules in furtherance of such administration and implementation. Said rules  
20 shall set forth a system for monitoring contractors' actual use of apprentices, minorities,  
21 women and City Residents. The Agencies shall establish contract specification language  
22 to implement both the apprenticeship requirements and the workforce diversity goals and  
23 said language shall be included in all applicable contracts as determined by the Agencies.

24           Pre-Award Conferences ("Conferences") shall be held by the Board of Public  
25 Service for General Contractors and Sub Contractors. Conferences shall be used to

1 determine the total workforce of the companies by trade (Journeyman and Apprentices)  
2 and respective numbers of City Residents, minorities and women. If the Contractors do  
3 not meet the requirements of this Ordinance, a remedial employment plan shall be  
4 implemented with SLATE in consultation with the Construction Prep Center, the  
5 Construction Career Academy and ACCESS St. Louis, at which time the number of new  
6 hires shall be established for the project.

7       **SECTION SIX. Community Jobs Board.** The Mayor of the City of St. Louis  
8 with the President of the Board of Aldermen shall appoint a Community Jobs Board,  
9 which shall have nine (9) members. One (1) member shall be a woman in construction,  
10 representative of women in construction; two (2) members shall be minorities in  
11 construction, representative of minorities in construction; two (2) members shall be  
12 representatives of community organizations; two (2) members shall be representatives of  
13 construction labor unions; and two (2) members shall be representatives of construction  
14 contractors. The Community Jobs Board shall review and provide feedback to the  
15 Agencies on the manner in which this Ordinance is implemented and to review the results  
16 of the implementation of this Ordinance and provide feedback to the Agencies on  
17 whether or not this Ordinance is achieving the intended results. The Agencies shall  
18 provide quarterly reports, including a report of any waivers granted by the Agencies  
19 during the preceding quarter, to the Community Jobs Board and shall schedule quarterly  
20 meetings of the Community Jobs Board. Members of the Community Jobs Board shall  
21 serve in staggered two year terms.

22       **SECTION SEVEN. Waivers and Exceptions–Apprentices.** The Agencies are  
23 authorized to issue a written waiver or reduction of the 15% apprenticeship utilization  
24 requirement set forth in Section Two of this ordinance on specific contracts for one or  
25 more of the following reasons:

1           A.     The Agencies determine that the project carries a disproportionately high  
2 ratio of material costs to Labor Hours, which does not make the required minimum levels  
3 of apprentice participation economically feasible;

4           B.     The project is being undertaken in connection with an emergency;

5           Waivers maybe made during the bidding process if information related to A and B  
6 of this section are not previously known or brought to the attention of the contracting  
7 agency prior to the bidding process. No waivers shall be granted following the award of a  
8 contract unless such contract is terminated and the project is re-bid.

9           **SECTION EIGHT. Reporting Requirement.** The Agencies shall furnish an  
10 annual report to the Board of Aldermen on or before September 30 of each year for the  
11 preceding fiscal year, describing the progress of administering and implementing the  
12 requirements of this ordinance.

13           **SECTION NINE. Severability Clause.** The provisions of this ordinance shall  
14 be severable. In the event that any provision of this ordinance is found by a court of  
15 competent jurisdiction to be unconstitutional, the remaining provisions of this ordinance  
16 are valid unless the court finds the valid provisions of this ordinance are so essentially  
17 and inseparably connected with, and so dependent upon, the void provision that it cannot  
18 be presumed that the Board of Aldermen would have enacted the valid provisions without  
19 the void ones or unless the Court finds that the valid provisions, standing alone, are  
20 incomplete and incapable of being executed in accordance with the legislative intent.

21           **SECTION TEN. Effective Date.** The provisions of this ordinance shall become  
22 effective sixty days after its approval by the mayor or sixty days after its adoption over  
23 the veto of the mayor. Said provisions shall apply to all Requests for Proposals or bids  
24 issued, and contracts awarded pursuant thereto, on or after said sixty day period.