

COMMITTEE SUBSTITUTE

BOARD BILL NO. 297

Introduced by Alderman Kennedy, Alderman Cohn, President Reed, Alderman Troupe, Alderman Flowers, Alderman Bosley, Alderman Moore, Alderman Hubbard, Alderman Davis, Alderman French, Alderman Boyd, Alderman Carter, Alderman Williamson, Alderman Vaccaro, Alderman Arnowitz, Alderman Schmid

1 An ordinance repealing ordinance 68412 and enacting in lieu thereof an ordinance
2 pertaining to City public works projects, Tax Increment Financed (TIF) Projects and St.
3 Louis City Bonded Projects, establishing apprenticeship training, and workforce
4 diversity, and city resident programs for City-funded public works contracts, Tax
5 Increment Financed (TIF) Projects and St. Louis City Bonded Projects; establishing a
6 Community Jobs Board; containing definitions; construction workforce development and
7 compliance fee; implementation and administration; waivers exceptions; non-
8 compliance; non-discrimination policy requirement; reporting requirement; severability
9 clause and an effective date.

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

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

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

January 25, 2013

Page 1 of 9

Board Bill No. 297CS

Sponsored by: Alderman Kennedy, Alderman Cohn, President Reed, Alderman Troupe, Alderman Flowers, Alderman Bosley, Alderman Moore, Alderman Hubbard, Alderman Davis, Alderman French, Alderman Boyd, Alderman Carter, Alderman Williamson, Alderman Vaccaro, Alderman Arnowitz, Alderman Schmid

1 **WHEREAS**, the City’s public works contracts, Tax Increment Financed (TIF)
2 Projects and St. Louis City Bonded Projects can provide training and job opportunities as
3 a means to increase the skills and diversity of the construction industry workforce; and

4 **WHEREAS**, the City is committed to ensuring that employment opportunities on
5 City public works projects, Tax Increment Financed (TIF) Projects and St. Louis City
6 Bonded Projects, are offered to City residents; and

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

10 **WHEREAS**, the City is committed to promoting apprenticeship opportunities on
11 public works projects, Tax Increment Financed (TIF) Projects and St. Louis City Bonded
12 Projects and ensuring that all contractors participate in this requirement.

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

14 **SECTION ONE.** Ordinance 68412 is hereby repealed and enacted in lieu thereof
15 is the following:

16 **SECTION TWO. Definitions.** When used in this ordinance:

17 1. "Labor Hours" shall mean the total number of work hours workers receive
18 as an hourly wages who are directly employed on the site of the public works project.

19 "Labor Hours" shall include hours performed by workers employed by the contractor and
20 all subcontractors working on the project. "Labor Hours" shall not include hours worked
21 by non-working foremen, superintendents, owners and workers who are not subject to
22 prevailing wage requirements.

January 25, 2013

Page 2 of 9

Board Bill No. 297CS

**Sponsored by: Alderman Kennedy, Alderman Cohn, President
Reed, Alderman Troupe, Alderman Flowers, Alderman Bosley,
Alderman Moore, Alderman Hubbard, Alderman Davis,
Alderman French, Alderman Boyd, Alderman Carter, Alderman
Williamson, Alderman Vaccaro, and Alderman Arnowitz**

1 2. "Agency" shall mean the St. Louis Agency for Training and Employment
2 (SLATE).

3 3. "SLDC" shall mean the St. Louis Development Corporation.

4 4. "Minorities" shall mean persons who are citizens or lawful permanent
5 residents of the United States and who:

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

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

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

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

17 5. "Public Works Contract" shall mean, for the purposes of this Ordinance, a
18 contract for construction work entered into by the Board of Public Service and signed by
19 the President of the Board of Public Service in the name of the City, for which the design
20 team's estimated base value of the contract is One Million Dollars or more.

January 25, 2013

Page 3 of 9

Board Bill No. 297CS

**Sponsored by: Alderman Kennedy, Alderman Cohn, President
Reed, Alderman Troupe, Alderman Flowers, Alderman Bosley,
Alderman Moore, Alderman Hubbard, Alderman Davis,
Alderman French, Alderman Boyd, Alderman Carter, Alderman
Williamson, Alderman Vaccaro, and Alderman Arnowitz**

1 6. “City Bonded Projects” shall mean, for the purposes of this Ordinance,
2 those projects which are supported for the development of local infrastructure with bonds
3 issued by the Comptroller’s Office.

4 7. “Tax Increment Financed (TIF) Project” shall mean, for the purposes of
5 this Ordinance, those projects outlined in Missouri’s Real Property Tax Increment
6 Allocation Redevelopment Act, §§ 99.800-99.865, RSMo.

7 **SECTION THREE. Apprenticeship Goal.** On each Public Works Contract,
8 Tax Increment Financed (TIF) Project and St. Louis City Bonded Project for which the
9 design team’s estimated base value of the contract is One Million Dollars or more, the
10 Agency shall set a goal that a minimum percentage of fifteen percent (15%) of all the
11 contract’s Labor Hours are to be performed by apprentices enrolled in any training
12 program approved or recognized by the United States Department of Labor, Employment
13 and Training Administration (ETA), Office of Apprenticeship (OA). This goal shall be
14 subject to the waiver provision set forth in Section Nine. Such Apprentices, if they are
15 minorities and/or women, may also be counted towards the goals set forth in Section
16 Four.

17 **SECTION FOUR. Participation Goals for Minorities and Women.** On each
18 Public Works Contract, Tax Increment Financed (TIF) Project and St. Louis City Bonded
19 Project for which the design team’s estimated base value of the contract is One Million
20 Dollars or more, the Agency shall set a goal that 25% of all Labor Hours are to be
21 performed by Minorities and 5% of all contract Labor Hours are to be performed by
22 women.

January 25, 2013

Page 4 of 9

**Board Bill No. 297CS Sponsored by: Alderman Kennedy, Alderman Cohn, President
Reed, Alderman Troupe, Alderman Flowers, Alderman Bosley,
Alderman Moore, Alderman Hubbard, Alderman Davis,
Alderman French, Alderman Boyd, Alderman Carter, Alderman
Williamson, Alderman Vaccaro, and Alderman Arnowitz**

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

8 **SECTION SIX. Construction Workforce Development and Compliance Fee.**

9 The Agency and SLDC shall determine the incremental costs associated with
10 implementation of monitoring and compliance on these projects and will establish
11 appropriate fees and other funding sources to cover the costs of monitoring and
12 compliance on these projects to support workforce development, diversity and inclusion
13 initiatives including pre-apprenticeship programs.

14 **SECTION SEVEN. Implementation and Administration.** The Agency and
15 SLDC shall be responsible for the administration and implementation of this ordinance
16 and shall develop and adopt rules in furtherance of such administration and
17 implementation. Said rules shall set forth a system for monitoring contractors’ actual use
18 of apprentices, minorities, women and City Residents. The Agency and SLDC shall
19 establish contract specification language to implement the apprenticeship goals, the
20 participation goals for minorities and women, and the city resident participation goals,
21 and said language shall be included in all applicable contracts as determined by the

January 25, 2013

Page 5 of 9

Board Bill No. 297CS

**Sponsored by: Alderman Kennedy, Alderman Cohn, President
Reed, Alderman Troupe, Alderman Flowers, Alderman Bosley,
Alderman Moore, Alderman Hubbard, Alderman Davis,
Alderman French, Alderman Boyd, Alderman Carter, Alderman
Williamson, Alderman Vaccaro, and Alderman Arnowitz**

1 Agency and SLDC. The Agency shall secure additional expert services as is deemed
2 necessary to effectively implement this Ordinance.

3 Pre-Award Conferences (“Conferences”) shall be held by the Board of Public
4 Service for General Contractors and Sub Contractors. Conferences shall be for the
5 following purposes: (a) to confirm that the apparent lowest and most responsive bidder is
6 committed to meeting the goals established in the bid solicitation; and (b) to offer to
7 apparent lowest and most responsive bidder the resources of SLATE in consultation with
8 the Construction Prep Center, the Construction Career Academy and ACCESS St. Louis,
9 to assist the bidder and subcontractors in meeting such goals.

10 **SECTION EIGHT. Community Jobs Board.** The Mayor of the City of St.
11 Louis with the President of the Board of Aldermen shall appoint a Community Jobs
12 Board with approval from the Board of Aldermen, which shall have thirteen (13)
13 members. Two (2) members shall be appointees of the Comptroller; two (2)
14 representatives of women construction contractors’ associations; two (2) members shall
15 be representatives of minority construction contractors’ association(s); three (3) members
16 shall be representatives of community and faith based organizations; two (2) members
17 shall be representatives of construction labor unions; and two (2) members shall be
18 representatives of general and prime construction contractor associations. The
19 Community Jobs Board shall create a labor, management and community sub-committee
20 to review the impact of the Ordinance on specific projects and the Board shall review and
21 provide feedback to the Agency on the manner in which this Ordinance is implemented
22 and to review the results of the implementation of this Ordinance and provide feedback to

January 25, 2013

Page 6 of 9

Board Bill No. 297CS

**Sponsored by: Alderman Kennedy, Alderman Cohn, President
Reed, Alderman Troupe, Alderman Flowers, Alderman Bosley,
Alderman Moore, Alderman Hubbard, Alderman Davis,
Alderman French, Alderman Boyd, Alderman Carter, Alderman
Williamson, Alderman Vaccaro, and Alderman Arnowitz**

1 the Agency on whether or not this Ordinance is achieving the intended results. The
2 Agency shall provide quarterly reports, including a report of any waivers granted by the
3 Agency during the preceding quarter, to the Community Jobs Board and shall schedule
4 quarterly meetings of the Community Jobs Board. Members of the Community Jobs
5 Board shall serve in staggered two year terms.

6 **SECTION NINE. Waivers and Exceptions.** The Agency is authorized to issue
7 a written waiver or reduction of the goals set forth in Sections Three, Four and Five of
8 this ordinance on specific contracts for one or more of the following reasons:

9 A. The Agency determines that the project carries a disproportionately high
10 ratio of material costs to Labor Hours, which does not make the goals economically
11 feasible;

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

13 C. The Agency otherwise determines that a waiver or reduction is
14 appropriate.

15 Waivers or reductions may be made before or during the bidding process if
16 information related to A, B and C of this section not previously known is brought to the
17 attention of the contracting agency. No waivers shall be granted following the award of a
18 contract unless such contract is terminated and the project is re-bid.

19 **SECTION TEN. Non-Compliance.** The failure to meet the requirements of this
20 Ordinance, including but not limited to failure to submit required documentation and
21 reporting, failure to meet to resolve issues and failure to use of good faith efforts to
22 comply, constitutes a material breach of the Ordinance.

January 25, 2013

Page 7 of 9

Board Bill No. 297CS

**Sponsored by: Alderman Kennedy, Alderman Cohn, President
Reed, Alderman Troupe, Alderman Flowers, Alderman Bosley,
Alderman Moore, Alderman Hubbard, Alderman Davis,
Alderman French, Alderman Boyd, Alderman Carter, Alderman
Williamson, Alderman Vaccaro, and Alderman Arnowitz**

1 1. If there is a violation of this ordinance, the Agency will first cite the violator in writing
2 giving them notice of the violation and a five day notice cure.

3 2. If after the five days there is no cure, punitive actions may be taken by the Agency.

4 **Remedies for Breach** – In the event of a breach of this Ordinance, the Agency
5 shall place the Developer and the General Contractor on a list maintained by the Agency
6 and the Developer and General Contractor may be barred from participating in public
7 works contracts or Tax Increment Financed (TIF) Projects for a period up to two years
8 following the notice of violation in addition to any other sanctions available to the Board
9 of Public Service for public works contracts. The Agency shall make quarterly reports to
10 the TIF Commission, the Board of Public Service, the Board of Aldermen, the Mayor and
11 the Comptroller of the City of St. Louis regarding the Developers and General
12 Contractors cited and listed for violations of the Ordinance.

13 **SECTION ELEVEN. Non-discrimination Policy Requirement.** On each City
14 Public Works Contract, Tax Increment Financed (TIF) Project and St. Louis City Bonded
15 Project for which the design teams estimated base value of the contract is one million
16 dollars (\$1,000,000) or more, the Agency shall require that all contractors assigned to
17 work have a personnel policy which prohibits discrimination based upon race, color,
18 creed, religion, sex, national origin, age, disability, veteran status, sexual orientation,
19 gender identity or expression.

20 **SECTION TWELVE. Reporting Requirement.** The Agency shall furnish an
21 annual report to the Board of Aldermen on or before September 30 of each year for the

January 25, 2013

Page 8 of 9

Board Bill No. 297CS

**Sponsored by: Alderman Kennedy, Alderman Cohn, President
Reed, Alderman Troupe, Alderman Flowers, Alderman Bosley,
Alderman Moore, Alderman Hubbard, Alderman Davis,
Alderman French, Alderman Boyd, Alderman Carter, Alderman
Williamson, Alderman Vaccaro, and Alderman Arnowitz**

1 preceding fiscal year, describing the progress of administering and implementing the
2 requirements of this ordinance.

3 **SECTION THIRTEEN. Severability Clause.** The provisions of this ordinance
4 shall be severable. In the event that any provision of this ordinance is found by a court of
5 competent jurisdiction to be unconstitutional, the remaining provisions of this ordinance
6 are valid unless the court finds the valid provisions of this ordinance are so essentially
7 and inseparably connected with, and so dependent upon, the void provision that it cannot
8 be presumed that the Board of Aldermen would have enacted the valid provisions without
9 the void ones or unless the Court finds that the valid provisions, standing alone, are
10 incomplete and incapable of being executed in accordance with the legislative intent.

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

January 25, 2013

Page 9 of 9

Board Bill No. 297CS

**Sponsored by: Alderman Kennedy, Alderman Cohn, President
Reed, Alderman Troupe, Alderman Flowers, Alderman Bosley,
Alderman Moore, Alderman Hubbard, Alderman Davis,
Alderman French, Alderman Boyd, Alderman Carter, Alderman
Williamson, Alderman Vaccaro, and Alderman Arnowitz**