

**BOARD BILL NO. 75 CS INTRODUCED BY ALDERMAN TERRY
KENNEDY, ALDERMEN/ALDERWOMEN GREGALI, SCHMID, TROUPE,
FLOWERS, BOSLEY, MOORE, FORD-GRIFFIN, FLORIDA, DAVIS, FRENCH,
BOYD, COHN, WILLIAMSON AND CARTER**

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
6 labor, business and the community to create a skilled workforce that reflects the diversity
7 of the population of City; and

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

10 **WHEREAS**, statistical data and other evidence shows that minorities and women
11 are under-represented in the skilled workforce of the construction industry, that such
12 under-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
15 opportunities as a means to increase the skills and diversity of the construction industry
16 workforce; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 **SECTION THREE. Participation Goals for Minorities and Women.** On
15 each Public Works Contract for which the design team's estimated base value of the
16 contract is One Million Dollars or more, the Agency shall set a goal that 25% of all Labor
17 Hours are to be performed by Minorities and 5% of all contract Labor Hours are to be
18 performed by women.

19 **SECTION FOUR. City Resident Participation.** On each Public Works
20 Contract for which the design team's estimated base value of the contract is One Million
21 Dollars or more, the Agency shall set a goal that 20% of all Labor Hours are to be
22 performed by persons who reside in the City of St. Louis ("City Residents"). Such City

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1 Residents, if they are minorities and/or women, may also be counted towards the goals
2 set forth in Section Three.

3 **SECTION FIVE. Implementation and Administration.** The Agency shall be
4 responsible for the administration and implementation of this ordinance and shall develop
5 and adopt rules in furtherance of such administration and implementation. Said rules
6 shall set forth a system for monitoring contractors' actual use of apprentices, minorities,
7 women and City Residents. The Agency shall establish contract specification language
8 to implement the apprenticeship goals, the participation goals for minorities and women,
9 and the city resident participation goals, and said language shall be included in all
10 applicable contracts as determined by the Agency.

11 Pre-Award Conferences ("Conferences") shall be held by the Board of Public
12 Service for General Contractors and Sub Contractors. Conferences shall be for the
13 following purposes: (a) to confirm that the apparent lowest and most responsive bidder is
14 committed to meeting the goals established in the bid solicitation; and (b) to offer to
15 apparent lowest and most responsive bidder the resources of SLATE in consultation with
16 the Construction Prep Center, the Construction Career Academy and ACCESS St. Louis,
17 to assist the bidder and subcontractors in meeting such goals.

18 **SECTION SIX. Community Jobs Board.** The Mayor of the City of St. Louis
19 with the President of the Board of Aldermen shall appoint a Community Jobs Board with
20 approval from the Board of Aldermen, which shall have nine (9) members. Two (2)
21 members shall be a woman in construction, representative of women in construction; two
22 (2) members shall be minorities in construction, representative of minorities in
23 construction; one (1) member shall be representatives of community organizations; two

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1 (2) members shall be representatives of construction labor unions; and two (2) members
2 shall be representatives of construction contractors. The Community Jobs Board shall
3 review and provide feedback to the Agency on the manner in which this Ordinance is
4 implemented and to review the results of the implementation of this Ordinance and
5 provide feedback to the Agency on whether or not this Ordinance is achieving the
6 intended results. The Agency shall provide quarterly reports, including a report of any
7 waivers granted by the Agency during the preceding quarter, to the Community Jobs
8 Board and shall schedule quarterly meetings of the Community Jobs Board. Members of
9 the Community Jobs Board shall serve in staggered two year terms.

10 **SECTION SEVEN. Waivers and Exceptions.** The Agency is authorized to
11 issue a written waiver or reduction of the goals set forth in Sections Two, Three and Four
12 of this ordinance on specific contracts for one or more of the following reasons:

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

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

17 C. The Agency otherwise determines that a waiver or reduction is
18 appropriate.

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

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1 **SECTION EIGHT. Non-discrimination Policy Requirement.** On each public
2 works contract, for which the design teams estimated base value of the contract is one
3 million dollars (\$1,000,000) or more, the agency shall require that all contractors assigned
4 to work have a personnel policy which prohibits discrimination based upon race, color,
5 creed, religion, sex, national origin, age, disability, veteran status, sexual orientation,
6 gender identity or expression.

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

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

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

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