

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. 20469

A RESOLUTION REQUIRING THE USE OF APPRENTICES BY CONTRACTORS PERFORMING SERVICES FOR THE CITY OF HELENA

WHEREAS, a well-trained construction trades workforce is critical to the economic future of the City of Helena;

WHEREAS, the efficient and economical construction of public works projects will be hindered if there is not an ample supply of trained tradesmen and tradeswomen;

WHEREAS, apprenticeship training programs are particularly effective in providing training and experience to individuals seeking to enter or advance in the workforce;

WHEREAS, by providing for apprenticeship utilization on public works projects, the City of Helena can provide training and experience that will help assure that a skilled workforce will be available in sufficient numbers for the work of public works in the future; and

WHEREAS, the City of Helena desires to require contractors performing public works projects for the City of Helena to utilize apprentices in order to promote job training, improve the skills of the workforce, and enhance the economic vitality of the City of Helena.

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NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

Section 1. For purposes of this resolution the following terms have the following definitions:

a. "Apprentice" means an apprentice enrolled in the Montana Registered Apprenticeship Program under the Montana Department of Labor and Industry or United States Department of Labor.

b. "Apprentice utilization requirement" means the requirement that the appropriate percentage of labor hours within each separate craft or trade be performed by apprentices of that craft or trade.

c. "Labor hours" means the total hours of workers receiving an hourly wage who are directly employed on the site of the public works project. "Labor hours" includes hours performed by workers employed by the contractor and all subcontractors working on the project. "Labor hours" does not include hours worked by foremen, superintendents, owners and workers who are not subject to prevailing wage requirements.

d. "State-approved apprenticeship training program" means an apprenticeship training program approved by the Montana Registered

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Apprenticeship Program under the Montana Department of Labor and Industry.

Section 2. From the effective date of this resolution, through June 30, 2019, for all contracts for services estimated to cost \$500,000 or more, ten percent (10%) of the labor hours within each trade must be performed by apprentices of that trade.

From July 1, 2019, through June 30, 2020, for all contracts for services estimated to cost \$250,000 or more, twelve percent (12%) of the labor hours within each trade must be performed by apprentices of that trade.

From July 1, 2020, and thereafter, for all contracts for services estimated to cost \$150,000 or more, fifteen percent (15%) of the labor hours within each trade must be performed by apprentices of that trade.

Section 3. Work cannot be divided among contractors or subcontractors in order to evade the apprenticeship requirements. Where two or more contractors or subcontractors perform work within a trade, all such contractors or subcontractors must comply with the apprenticeship utilization requirements of this resolution.

Section 4. All contractors and subcontractors subject to this resolution must provide verified payroll reports on at least

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a monthly basis to the City, certifying the names of all workers performing labor hours, their trade, hours worked, and designation as journey level worker or apprentice. Verified payroll reports provided as required in this section are open to public inspection.

Section 5. The City Manager may adjust the requirements of this section for a specific project for the following documented reasons:

- a. The demonstrated lack of availability of apprentices in specific geographic areas;
- b. A disproportionately high ratio of material costs to labor hours, which does not make feasible the required minimum levels of apprentice participation; or
- c. Other criteria the City Manager deems appropriate.

Section 6. The failure by a contractor to comply with the apprentice utilization requirement is a breach of contract for which the City is entitled to all remedies allowed by law and under the contract. Failure to comply with the apprentice utilization requirement is evidence bearing on a contractor's qualification for award of future contracts.

PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA,

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MONTANA, THIS 13TH DAY OF AUGUST, 2018.

/S/ WILMOT J. COLLINS _____
MAYOR

ATTEST:

/S/ DEBBIE HAVENS _____
CLERK OF THE COMMISSION