



Legislation Text

File #: 22074, Version: 2

Fiscal Note

No appropriation is required.

Title

SUBSTITUTE Amending Sec. 33.07(7)(k)7. to establish rules relating to a contractor’s participation in a Class A Apprenticeship Program required under the Best Value Contracting Ordinance and amending Sec. 33.07(7) (l) of the Madison General Ordinances regarding subcontractor Best Value Contracting prequalification requirements.

Body

DRAFTER’S ANALYSIS: This ordinance amends Sec. 33.07(7)(k)7. of the Madison General Ordinances to establish rules relating to a contractor’s participation in a Class A Apprenticeship Program required under the Best Value Contracting Ordinance. On March 9, 2011, Governor Walker suspended Executive Order 108 (June 29, 2005), Reaffirming Executive Branch Practice Relating to the Employment of Apprentices on State Construction Projects. EO 108 provided the framework for the City’s analysis on Best Value Contracts regarding whether a contractor was participating in a Class A Apprenticeship Program as required. With the suspension of EO 108, the ordinance lacks a basic framework for the application of this requirement. Therefore, this ordinance requires the City Engineer to develop and apply rules for the application of this requirement, rules which must be approved by the Board of Public Works. It is expected that these rules will closely mirror those previously set forth in EO 108 and developed by the Wisconsin Department of Workforce Development for the application of EO 108 to state construction projects. Finally, the remaining reference to EO 108 in the ordinance will remain for now as some contractors’ EO 108 certifications will remain valid through 2012. However, that language, recently added in ORD-11-00005, Legistar File No. 20750, will become extraneous in 2012 unless EO 108 is reinstated by the Governor’s Office. In addition, this ordinance amends Sec. 33.07(7)(l), MGO to exempt certain specified subcontractors who are not subject to Best Value Contracting due to lack of apprenticeable trades from having to meet the Best Value Contracting prequalification requirements.

The Common Council of the City of Madison do hereby ordain as follows:

1. Paragraph 7. of Subdivision (k) entitled “Required Certifications” of Subsection (7) entitled “Best Value Contracting” of Section 33.07 entitled “Board of Public Works” of the Madison General Ordinances is amended to read as follows:

“7. With respect to BVC contracts only, either participate in a Class A Apprenticeship Program for each separate trade or classification in which it employs craft employees and continue to participate in such program or programs for the duration of the project or have, an apprenticeship program pre-certified as compliant with Wisconsin Executive Order 108 (June 29, 2005) by the Wisconsin Bureau of Apprenticeship Standards on the date the bid is awarded by the Common Council. In applying this requirement, the City Engineer shall apply it to all crafts in the same manner as the State of Wisconsin applies the requirements of Wisconsin Executive Order 108 (June 29, 2005), including provisions related to hiring apprentices when journeypersons remain laid-off follow rules developed by the City Engineer for the administration of this paragraph, which rules shall be approved by the Board of Public Works.”

2. Subdivision (l) entitled “Subcontractors” of Subsection (7) entitled “Best Value Contracting” of Section 33.07 entitled “Board of Public Works” of the Madison General Ordinances is amended to read as follows:

“(l) Subcontractors. Subcontractors may, but are not required to, apply for and obtain prequalification status under this ordinance. At least ten (10) days prior to commencing work under any City of

Madison Public Works Contract, a subcontractor, the value of whose work exceeds the single-trade minimum of Sec. 33.07(7)(b)5., shall submit the information required under this ordinance to be qualified, and no such subcontractor may begin work on a City of Madison Public Works Project until the City Engineer determines that such subcontractor meets the qualification requirements herein. Subcontractors that are solely involved in project management, providing of materials, or brokerage services, such as truck brokerage firms, are exempt from this prequalification requirement.”