



## ADDENDUM NO. 2

Date: September 28, 2021

Bid Date: October 4, 2021  
at 3:00 P.M. (Local Time)

Bid Name SW 62<sup>nd</sup> Blvd Connector Resurfacing

Bid No.: PWDA-220015-MS

NOTE: This Addendum has been issued only to the holders of record of the specifications

The original Specifications remain in full force and effect except as revised by the following changes which shall take precedence over anything to the contrary:

1. Please find attached:
  - a) Copy of the cone of silence information (Financial Procedures Manual Section 41-424 Prohibition of lobbying in procurement matters)
  - b) Construction Apprentice Ordinance Presentation

The following are answers/clarifications to questions received at the after the mandatory pre-bid conference:

2. Question: Regarding Addendum # 1 - ITB Part 3-Responsiveness: Apprentice and Disadvantaged Worker requirement as per City Ordinance 200586, Article 11, Chapter 2

To clarify, is the city looking for a pre-bid Good Faith Effort to solicit employment for apprentice & disadvantaged workers or is the city looking for the steps we will take to employ apprentice & disadvantaged workers ( 10% of total labor hours) if we are awarded the project?

Answer: See the Construction Apprentice Ordinance Presentation attached to this addendum.

- a. Please note in the Ordinance, page 5, Section 2-631, c. and d. – there, both paragraphs start by stating “When responding to a solicitation...” These sections describe the requirements that are expected to be addressed in your submittal to the solicitation.
- b. A form (required) has been provided for you to complete that will help you respond to those submittal requirements, and help you meet the first part of the ordinance.
- c. Then there is a lengthy discussion in the ordinance that describes the expectations after award - recruitment, reporting and compliance, etc. The City expects that Contractors will thoroughly understand and comply with the Ordinance.

Also – to be clear - the requirements of the ordinance are NOT indicating a combined total (apprentice and disadvantaged workers) of labor hours is 10% - but rather 10% of the labor hours must be performed by apprentices **and** 10% of the labor hours must be performed disadvantaged workers (cumulatively 20%) – unless a worker falls into both categories, then that worker can be counted in both categories.

ACKNOWLEDGMENT: Each Proposer shall acknowledge receipt of this Addendum No. 2 by his or her signature below, **and a copy of this Addendum to be returned with proposal.**

CERTIFICATION BY PROPOSER

The undersigned acknowledges receipt of this Addendum No. 2 and the Proposal submitted is in accordance with information, instructions, and stipulations set forth herein.

PROPOSER: \_\_\_\_\_

BY: \_\_\_\_\_

DATE: \_\_\_\_\_

CITY OF \_\_\_\_\_ FINANCIAL SERVICES  
GAINESVILLE PROCEDURES MANUAL

**41-424      Prohibition of lobbying in procurement matters**

Except as expressly set forth in Resolution 170116, Section 9, during the Cone of Silence as defined herein no person may lobby, on behalf of a competing party in a particular procurement process, City Officials or employees, except the Procurement Division or the procurement designated staff contact person. Violation of this provision shall result in disqualification of the party on whose behalf the lobbying occurred.

Cone of Silence period means the period between the issue date which allows for immediate submittals to the City of Gainesville Procurement Division in response to an invitation to bid, or a request for proposal, or qualifications, or information, or an invitation to negotiate, as applicable, and the time that City Officials or the Procurement Division, or City Department awards the contract.

Lobbying means when a person seeks to influence or attempt to influence City Officials or employees with respect to a decision of the City, except as authorized by procurement procedures.



## Apprentice and Disadvantaged Worker Requirement Form for Construction Projects

**(Submit with bid)**

- Construction project exceeding \$300,000
- Electrical work exceeding \$75,000

If one or more of the boxes are checked above you must provide the information required below:

- a.) Total estimated construction project labor hours \_\_\_\_\_.
- b.) Total estimated apprenticeship hours \_\_\_\_\_.
- c.) Identification of apprenticeship program \_\_\_\_\_.
- d.) Agency or entity who is responsible for overseeing the apprenticeship program.

\_\_\_\_\_  
e.) Description of type of labor and estimated labor hours to be performed by apprentices:

- f.) Total estimated disadvantaged worker hours \_\_\_\_\_.
- g.) Description of type of labor and estimated labor hours to be performed by disadvantaged workers:

h) A list of resources that will be used to recruit disadvantaged workers:

City of  
**Gainesville**

Gayle Dykeman, Procurement Specialist 3  
City of Gainesville

**Purchasing Requirements for Certain City Construction Projects**

Ordinance #200586, passed April 1, 2021

September 14, 2021

# Why THIS Ordinance?

- Reduce poverty
- Reduce Homelessness
- Aid individuals who need public assistance but the program requires employment
- Reduce joblessness among formerly incarcerated people
- Increase employment rate for positions that require less skill – many of these jobs go to college students

Definition:

## Apprentice

Any person who is enrolled and participating in an apprenticeship program registered with:

- The State of Florida Department of Education and/or
- The United States Department of Labor

# Definition:

## Disadvantaged Worker

A person who:

- has a criminal record
- is a disabled veteran
- is homeless
- is without a GED or high school diploma
- is a custodial single parent
- is emancipated from the foster care system
- has received public assistance benefits within the six months preceding employment.

*(Public assistance benefits means unemployment benefits, Medicare or Medicaid benefits, or food assistance benefits as administered by the federal government or State of Florida.)*



Definition:  
Construction Project  
or 'Project'

Any construction contracted by the City in which  
the total bid price equals or exceeds:

**\$300,000 for Construction**

or

**\$75,000 for Electrical**

*Total bid prices will include not only the base bid price, but also any  
adjustments to the base bid price which are a result of alternates requested  
by the City.*

Definition:

Manager

Manager means the City Manager  
and/or  
the General Manager for Utilities,  
or their designees.

# The Ordinance

- At least 10% of all labor hours will be performed by apprentices

AND

- At least 10% of all labor hours will be performed by disadvantaged workers
- If labor hours are performed by a person who is both an apprentice and a disadvantaged worker the labor hours will count toward both requirements
- May be employed by either the primary contractor or a subcontractor
- If an apprentice or disadvantaged worker leaves the position for any reason, the Prime Contractor must replace that person with same

# The Ordinance

## APPRENTICES

When responding to a solicitation for a construction project, Prime Contractor must:

- Demonstrate that at least 10% of all labor hours will be performed by Apprentices. The response must include:
  - The estimated total labor hours for the construction project
  - A description of the type of labor and estimated labor hours to be performed by apprentices
  - Identification of the apprenticeship program(s) and the agency or entity who is responsible for overseeing the apprenticeship program

# The Ordinance

## DISADVANTAGED WORKERS

When responding to a solicitation for a construction project, Prime Contractor:

- Must demonstrate that at least 10% of all labor hours will be performed by Disadvantaged Workers. The response must include:
  - The estimated total labor hours for the construction project
  - A description of the type of labor and estimated labor hours to be performed by Disadvantaged Workers
  - A list of the resources that will be used to recruit disadvantaged workers

# The Ordinance

## CONTRACTOR COMPLIANCE

- The Contract for construction will include a provision for the Prime Contractor to comply with the requirements of this ordinance
- If Contractor is unable to comply, they must demonstrate a Good Faith Effort to meet compliance in both Apprentice and Disadvantaged Workers

# The Ordinance

## GOOD FAITH EFFORT

- Conduct at least one monthly outreach event
- Place at least 2 monthly advertisements in 2 different community-targeted local publications
- Work with workforce development organizations to recruit
- Register, and require subcontractors to register, job openings with social service organizations
- Upon review of the documentation, the Manager may waive the requirement or lower the percentage

# The Ordinance

## DOCUMENTATION

Prime Contractor will keep, and require subcontractors to keep, records that document:

- The Total Labor Hours for the construction project
- The Total Labor Hours performed by apprentice and disadvantaged workers
- The apprentice and/or disadvantage worker status for each person
- The name, address, work classification and Labor Hours worked each pay period for each apprentice and disadvantage worker on the project.
- Prime Contractor is responsible for submitting all documentation (including subcontractor) to the City's Project Manager quarterly and upon completion of work, or at any time upon request of the Manager



# The Ordinance

## NON-COMPLIANCE

If the Prime Contractor does not meet the requirements, and they have not been waived by the Manager:

- Manager will provide written Notice of Violation to the Prime Contractor
- Corrective action must be taken within 30 days of the receipt of the Notice of Violation (Manager may grant an extension of time)
- Failure to correct the violation may result in termination of the contract and/or seek other remedies, including damages

# The Ordinance

## MANAGER AUTHORITY

Manager is authorized to waive or lower the requirements in a solicitation documents if:

- Project involves a high proportion of equipment and/or material costs compared to anticipated labor hours, or if there are an insufficient number of registered apprentices available
- After bid opening, prior to award of contract, Manager is authorized to waive the requirements or reject all bids and re-solicit
- Manager may waive or lower the requirements if documented Good Faith Efforts have indicated that the requirement cannot be met, despite these efforts
- Manager will submit an annual report to the City Commission

# The Ordinance

## CITYPROJECTMANAGER

City Project Managers will:

- Collect the quarterly reports from the Prime Contractor for each project
- Consolidate all data into one report for submission to the Manager
- Reports will include:
  - Total dollar value of construction project awards
  - Number of Apprentices on projects
  - Number of Disadvantaged Workers on project
  - Total number of Labor Hours for the projects
  - Total number of Labor Hours worked by Apprentices
  - Total number of Labor Hours worked by Disadvantaged Workers
  - Identify any Prime Contractors that are not in compliance along with an explanation

# The Ordinance

## EXCEPTIONS

- Construction Projects where the apprentice or disadvantaged worker requirement is prohibited or in conflict with federal or state law, or the terms of a federal or state grant
- Construction Projects that are awarded under a cooperative purchasing agreement
- Construction Projects awarded through another public agency's procurement process when the City's involvement is limited; i.e. interlocal agreement
- Construction Projects awarded to address emergency situations.

# The Ordinance

## LIVING WAGE FOR APPRENTICES

- If the wage for an Apprentice is set by the authorized apprenticeship program, the Prime Contractor or Subcontractor will pay that wage to the Apprentice
- If wage is not set by an apprenticeship program, the City's current living wage requirements will apply

Thank You.