



Legislation Text

File #: 180999., **Version:** 6

Living Wage Requirements for Contractors (B)

Ordinance No. 180999

An ordinance of the City of Gainesville, Florida, amending Article IX of Chapter 2 of the Code of Ordinances relating to Living Wage Requirements; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

The City Commission adopt the proposed ordinance.

The City Commission currently has a Living Wage Ordinance applicable to certain contracts with the City. The Commission stated its desire to expand the application of the Living Wage Ordinance much like Alachua County's ordinance, but with less restrictions.

On September 10, 2020, an older draft version of the revised living wage ordinance was placed on the agenda for the general policy committee to consider. While the general policy committee only had minor changes to the older version of the ordinance, additional research and analysis has been completed and the ordinance revised. This ordinance, brought for first reading, includes revisions recommended by staff to address situations not contemplated by the older draft version of the ordinance.

Highlights of the newest draft are as follows:

- Covered employee - the ordinance will only apply to employees of a service contractor or subcontractor while that employee is directly working on a city contract.
- Covered services - this ordinance will not apply to the purchase of goods, or the purchase of software as a service (SaaS).
- The enforcement mechanism is through breach of contract, and, if required, subsequent termination of that contract if the breach is not resolved.
- Exceptions to the ordinance are listed in Section 2-619(c)) of the proposed ordinance and are as follows:
 1. If a city solicitation for services results in no responsive bids/proposals/quotes, the applicable charter officer, or designee, may waive the living wage requirement and authorize award to the lowest bidder responsive to the other bid requirements.
 2. If the work to be performed under the contract is funded by a federal or state grant and that grant does not allow local living wage requirements.
 3. If the living wage requirements are precluded by law.
 4. Purchases made under state, federal, or other public agency agreements or cooperative contracts.
 5. Non-competitive situations as defined by the City's current Procurement Policy.
 6. For the emergency related services procured during a declared state of emergency.
 7. All other exceptions will need to be justified and waiver approved by the City Manager or designee for

general government or the General Manager or designee for Gainesville Regional Utilities.