

ADOPTED BY THE
MAYOR AND COUNCIL

October 16, 2007

ORDINANCE NO. 10462

RELATING TO PROCUREMENT; AMENDING THE TUCSON CODE, CHAPTER 28, ARTICLE V TO ADD A REQUIREMENT IN SOLICITATIONS FOR CONSTRUCTION SERVICES FOR THE SUCCESSFUL CONTRACTOR(S) AND THEIR SUBCONTRACTORS TO REMIT A SPECIFIED PORTION OF THE CONTRACT AWARD VALUE TO AN APPROVED CONSTRUCTION CRAFT APPRENTICESHIP PROGRAM IN PIMA COUNTY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, AS FOLLOWS:

SECTION 1. Article V, Section 28-48(3) of Chapter 28 of the Tucson Code is added as follows:

"Section 28-48 PROCUREMENT OF CONSTRUCTION

Sec. 28-48(3) (a) Except for public improvements that are funded by any amount of Federal funding, public improvements authorized by the Regional Transportation Authority (RTA), or as may otherwise be exempted by law or regulation or in the event of an Emergency Procurement (Sec. 28-22), for contracts having a value of two-hundred fifty thousand dollars (\$250,000) or more, the contractor shall remit funds totaling one percent of thirty-five percent (multiplier of .0035) of self performed work to an Arizona Department of Commerce-registered apprenticeship program having a training facility and related construction apprenticeship curriculum within Pima County, Arizona.

(b) In addition to the contracts described in Subsection (a), for any subcontracts having a value of two-hundred fifty thousand dollars (\$250,000) or more, the contractor shall remit funds totaling one percent of thirty-five percent (multiplier of .0035) of the subcontract dollar value to an

Arizona Department of Commerce-registered apprenticeship program having a training facility and related construction apprenticeship curriculum within Pima County, Arizona, of the subcontractor's choice.

(c) In the event Contractor fails to remit funds to a registered apprenticeship program of its choice or its subcontractors' choice at the end of the required time period described in Subsection (d), the Director may require the Contractor to equally distribute funds in an amount equal to that required under Subsections (a) and (b) to all then Arizona Department of Commerce registered apprenticeship programs having a training facility and related construction apprenticeship curriculum within Pima County, Arizona.

(d) The Contractor shall ensure that 50% or more of the total funds required under Subsection (a) are remitted by the contractor directly to a registered apprenticeship program of its choice and received by the apprenticeship program within thirty (30) calendar days of the City issuing the first payment under the contract and the balance within sixty (60) calendar days thereafter or before contract completion, whichever is sooner, or, in the case of a guaranteed maximum price (GMP) contract, 50% or more of the total funds shall be remitted thirty (30) calendar days from date of the City issuing the first payment pursuant to the GMP with the balance remitted within sixty (60) calendar days thereafter or before contract completion, whichever is sooner.

(e) In the event that the requirements of Subsection (d) are not complied with, the final payment and payment of any retention to contractor shall not be made until the Director receives written verification from an apprenticeship program or programs that the Contractor has provided the funding required under Subsections (a) and (b). Such written verification shall be on official letterhead of the program, signed by an authorized representative of the program, and shall include the amount of funding received, corresponding date of funds receipt, and a zip code identifier for each individual registered in an apprenticeship program whose enrollment is funded in whole or in part from funds paid pursuant to Subsection (a) and (b). The apprenticeship program must be one registered with the Arizona Department of Commerce.

(f) Failure by the contractor to remit in total all funds due under Subsections (a) and (b) may be cause for suspension or debarment pursuant to Sec 29-98."

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SECTION 2. If any provision of this ordinance or the application thereof to any person or circumstance is invalid, the invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

SECTION 3. The Director of the Department of Procurement shall provide the Mayor and Council with a report on the operation of the apprenticeship program described in Section 1 one year after the effective date of this ordinance.

SECTION 4. Section 1 shall apply to applicable solicitations issued after the effective date of this ordinance.

SECTION 5. WHEREAS, it is necessary for the preservation of the peace, health, and safety of the City of Tucson that this ordinance become immediately effective, an emergency is hereby declared to exist and this ordinance shall be effective immediately upon its passage and adoption.

PASSED, ADOPTED AND APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, October 16, 2007.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

REVIEWED BY:

CITY ATTORNEY

CITY MANAGER

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