

REQUIRING CONTRACTORS AND SUBCONTRACTORS ON CITY OF SARATOGA SPRINGS CONSTRUCTION PROJECTS OF \$500,000 OR MORE TO PROVIDE APPRENTICESHIP TRAINING PROGRAMS

WHEREAS, Current New York State Law does not compel any governmental entity that is party to a construction contract to require that any contractors or sub-contractors participate in apprenticeship training programs approved by the State Commissioner of Labor; and

WHEREAS, the New York State Legislature adopted Article 23 of the New York State Labor Law in 1961, to authorize the State Commissioner of Labor to develop standards for apprenticeship training and a process for certifying programs which meet said standards; and

WHEREAS, the promotion of apprenticeship training programs expands the pool of skilled workers by providing many residents the means to earn a decent living and creates opportunities for local residents, thereby fostering the local and regional economy; and

WHEREAS, legislation has been offered and signed into law in the State Senate (S.5355-A) and the State Assembly (A.8612-A) to amend the labor law which grants governmental entities the authority to require contractors and sub-contractors, parties to construction contracts within the City of Saratoga Springs, to have an Approved New York State Apprenticeship Program; and

WHEREAS, it is the belief of this Council that these apprenticeship programs are a valuable tool to provide training opportunities for young people in the skilled construction trades and help them secure a promising future; and

WHEREAS, it is in the best interest of the City of Saratoga Springs to afford opportunities for training in the appropriate building trades on City of Saratoga Springs construction projects and more under the provisions of Section 816-b of New York State Labor Law; and

WHEREAS, the City of Saratoga Springs desires to implement the aforementioned labor law addition, new Section 816-b, which further provides authority to governmental entities to require that before entering into a construction contract with a contractor or sub-contractor, the contractors must have an Approved New York State Apprenticeship Program by the New York State Commissioner of Labor;

Now Therefore Be It:

RESOLVED, that the City of Saratoga Springs hereby establishes its policy to promote apprenticeship training as authorized by Section 816-b of the New York State Labor Law; and be it further

RESOLVED, the term “construction contract” shall mean any contract which involves the construction, reconstruction, improvement, rehabilitation, installation, alteration, renovation, demolition, or otherwise providing for any building, facility or physical structure except for any infrastructure and/or site improvements; and be it further

RESOLVED, the terms “contractor or sub-contractor” shall mean a contractor or sub-contractor of any tier which directly employs labor under a construction contract for which an apprenticeship program has been approved by the New York State Commissioner of Labor in accordance with *Article 23* of the New York State Labor Law; and be it further

RESOLVED, that the City of Saratoga Springs hereby requires any contractor on a project in excess of \$500,000.00 aggregate, at the time of bid date and prior to entering into a construction contract with the City of Saratoga Springs, or any sub-contractor on such a project with a sub-contract in excess of \$100,000.00 aggregate, at the time of bid date and prior to entering into a sub-contract with a contractor who has a construction contract with the city of Saratoga Springs on a project in excess of \$500,000.00 aggregate, to have apprenticeship agreements traditionally and historically appropriate for the type and scope of work to be performed, which have been registered with, and approved by, the New York State Commissioner of Labor; and be it further

RESOLVED, that the City of Saratoga Springs shall promulgate such rules and regulations as necessary and appropriate for the implementation and enforcement of any provisions of this resolution; and be it further

RESOLVED, that this Resolution shall apply to construction contracts advertised for bids on or after the effective date of _____, 2015; and be it further

RESOLVED, that this Resolution shall be effective for a period of one(1) calendar year after its effective date at which time the council may resolve to take action to renew this requirement; and be it further

RESOLVED, that if any clause, sentence, paragraph, subdivision, section or part of the resolution or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its

operation to the clause, sentence, paragraph, subdivision, section or part of this resolution, or in its application to the person, individual, corporation, firm, partnership, entity or circumstance, directly involved in the controversy in which such judgment or order shall be rendered; and be it further

RESOLVED, that the Saratoga Springs City Clerk is directed to forward certified copies of this resolution to the appropriate City Officials.

Approved at City Council: _____