

<p>MIAMI BEACH CITYWIDE PROCEDURE</p>	<p>DATE ISSUED: APRIL 2019</p>	<p>Page: 1 Of: 2</p>	<p>SEQUENCE NUMBER: PO.12.01</p>
	<p>SUBJECT: LOCAL WORKFORCE PARTICIPATION PROGRAM REQUIREMENTS FOR CITY CONSTRUCTION CONTRACTS.</p>		
	<p>RESPONSIBLE DEPARTMENT: PROCUREMENT</p>		

I. **PURPOSE.** The purpose of this procedure is to provide guidance in complying with the requirements of the Local Workforce Participation Program as stipulated in Section 31-40 of the City Code.

- a. **Applicability.** The requirements of this procedure apply to all construction contracts subject to the provisions of Section 31-27 of the City Code that are valued in excess of \$1,000,000.00 for: i) the construction, demolition, alteration and/or repair of city buildings or city public works; or (ii) or privately-funded construction, demolition, alteration and/or repair of buildings or improvements located on city-owned land. The Local Workforce Participation Program requirements shall not apply where precluded or prohibited by state, county or federal laws or regulations, or other approved granting agencies.

II. **REQUIREMENTS FOR BIDS.** As a condition of submitting a bid or proposal for an applicable construction contract, a bidder seeking the award of an applicable contract, shall submit a *Responsible Contractor Affidavit, Part A*, affirming that it will make its best reasonable efforts to promote employment opportunities for Miami-Dade County residents by seeking to achieve a project goal of having thirty percent (30%) of all construction labor hours performed by Miami-Dade County residents. The contractor shall also make its best reasonable efforts to promote employment opportunities for Miami Beach residents.

- a. **Enforcement.** The procurement contracting officer shall provide notice to any contractor who fails to submit a Responsible Contractor Affidavit, Part A, with its bid, that said contractor has forty-eight (48) hours from the time of notification to submit the required form or its bid will be deemed non-responsive and disqualified from consideration.

III. **REQUIREMENTS PRIOR TO AWARD.** Prior to execution of a contract, the selected contractor shall submit *Responsible Contractor Affidavit, Part B*, indicating the total number of persons that will be used by the contractor (and all its subcontractors) to perform all of the construction trades and labor work of the contract, broken down by trade and labor category, and the number of persons to be utilized in each category, including the name, address, trade category of: i) all persons proposed to perform work under the contract currently on the contractor's (or on any proposed subcontractor's) payroll; and ii) the number of positions to be hired by the contractor (or by any proposed subcontractors) to perform the construction trades and labor work under the contract. To verify workers' residency, the residence address of each current or proposed worker shall be provided.

- a. **Enforcement.** A city construction contract shall not be executed until all requirements of this section have been fulfilled.


IV. **REQUIREMENTS PRIOR TO FINAL PAYMENT.** Prior to submitting a request for final payment, the contractor shall submit, through the Contractor Compliance Portal, also known as LCP Tracker (lcptracker.com), a workforce performance report which shall include the following information: (i) the names and addresses of all individuals employed in the execution of the contract; (ii) the total number of construction labor work hours performed on the project by each individual.

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- a. Enforcement. If the project goal of thirty percent (30%) of all construction labor hours to be performed by Miami-Dade County residents is not met, the managing department shall cause the Contractor to file with the Procurement Department, to be retained with the contract documents, supporting documentation verifying reasonable efforts to promote employment opportunities for Miami Beach and Miami-Dade County residents. Final payment shall not be approved and no contractor shall receive final payment for completion of a city construction contract until the requirements of this section have been met.


V. PERFORMANCE MANAGEMENT. When evaluating a prospective contractor's bids or proposals for future city construction contracts, in addition to those factors identified in Section 2-369 of the City Code for determination of award, the contractor's past record of meeting local workforce goals and complying with reporting requirements of the Local Workforce Participation Program shall be considered

Prepared by:



Director, Procurement

Reviewed by:



Director, Capital Improvement Projects

Reviewed by:



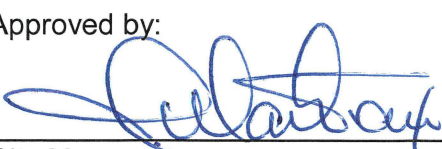
Internal Auditor

Reviewed by:



Chief Learning and Development Officer

Reviewed by:



City Manager

4/30/19
Date

LOCAL WORKFORCE PARTICIPATION PROGRAM
Responsible Contractor Affidavit Form – Part A

In accordance with Article III, Section 31-40 of the Miami Beach Code, all contractors and subcontractors of any tier performing on a city contract valued in excess of \$1,000,000 for (i) the construction, demolition, alteration and/or repair of city buildings or city public works projects, or (ii) a contract valued in excess of \$1,000,000 which provides for privately-funded construction, demolition, alteration and/or repair of buildings or improvements located on city-owned land, and which are subject to Section 31-40 of the Miami Beach Code shall comply with the requirements of the Local Workforce Participation Program.

The undersigned affirms that, should it be awarded the contract pursuant to this solicitation, it shall comply with the following:

- i. The contractor will make its best reasonable efforts to promote employment opportunities for local Miami-Dade County residents and seek to achieve a project goal of having thirty percent (30%) of all construction labor hours performed by Miami-Dade County residents.
- ii. The contractor will also make its best reasonable efforts to promote employment opportunities for Miami Beach residents.

Name of Bidder: _____

Name of Bidder's Authorized Agent: _____

Signature of Authorized Agent: _____ Date: _____

LOCAL WORKFORCE PARTICIPATION PROGRAM
Responsible Contractor Affidavit Form – Part B
 Commitment to Promote Local Workforce Participation

Use Separate form for contractor and each sub-contractor performing work on the project. Attach additional pages as necessary.

SECTION 1 – CURRENT EMPLOYEES. For those positions currently staffed by the contractor or subcontractor (Column D), identify each individual by name, address and trade category of all persons proposed to perform work under the contract currently on the contractor's or subcontractor's payroll who reside in Miami Beach and Miami-Dade County.

Employee Name	Address	Trade/Category Performing

SECTION 1 – REQUIRED POSITIONS. Specify the total number of positions that will be used by the Contractor (and by all subcontractors) to perform all of the construction trades and labor work of the contract, broken down by trade and labor category, minimum qualifications for each category, and the number of persons to be utilized in each category.

A Trade / Category ¹	B Minimum Qualification(s)	C No. of Positions Required for the Work	D No. of Positions Currently Staffed	E No. of Positions to be Hired
Total:				

I certify that the representations contained in this Construction Workforce Plan are to the best of my knowledge true and accurate.

Name of Bidder

Name of Bidder's Authorized Agent

Signature of Authorized Agent

Date