

## Sec. 2-334.1. - Labor harmony through prevailing wage and benefits for city projects.

(a)

### *Definitions:*

*City project* means new construction, alteration, repair, installation, painting, decorating, completing, demolition, conditioning, reconditioning, or improvement of public roads, land either owned by the city or under the direction and control of the city, public buildings or public facilities authorized by a contracting agent, the cost of which is clearly anticipated to be in excess of fifty thousand dollars (\$50,000.00). "City project" shall not include work done pursuant to any collective bargaining agreement between the city and its employees.

*Construction mechanic* means a skilled or unskilled mechanic, laborer, worker, helper, assistant, apprentice, journeyman or other professional designation working on a city project, but shall not include executive, administrative, professional, office or custodial employees.

*Contracting agent* means any officer, board, commission or authority of the city authorized to enter into a contract for a city project, or to perform a city project by the direct employment of labor.

(b)

### *Requirements:*

(1)

Every contract for a city project which is executed between a contracting agent and a successful bidder or an approved responder to a request for proposal for a city project, entered into pursuant to a request for proposal advertisement and/or an invitation to bid for that city project, which requires or involves the employment of construction mechanics, and which is owned, controlled or financed, in whole or in part, by the city, shall contain an express term that the rates of wages and benefits to be paid to each class of mechanics by the bidder and all of his or her subcontractors shall be not less than the wage and benefits rate prevailing on similar projects in the city. The city's department of public service shall determine the prevailing wage at the rate established by the most recent survey of the Michigan Department of Consumer and Industry Services for prevailing wage determination under Act 166 of the Public Acts of 1965, as amended.

(2)

A schedule of the prevailing wage and benefits for the classes of construction mechanics called for in a contract shall be made a part of the specifications for the work to be performed on a city project and shall be printed in the contract forms where work is to be done by contract.

(3)

Every contractor and subcontractor on a city project shall keep posted in a conspicuous place on the construction site a copy of all prevailing wage and fringe benefit rates prescribed by the contract and shall keep accurate records showing the name, occupation, and actual wages and benefits paid to each construction mechanic employed by him or her in connection with said

contract. This record shall be made available on demand for inspection by the contracting agent or the city.

(4)

Contract specifications may include, when appropriate, a requirement that the successful bidder shall enter into a project labor agreement with the Greater Detroit Building and Construction Trades Council, AFL-CIO, and its affiliated unions for the development and construction of the project.

(5)

The contracting agent, by written notice to the contractor and the sureties of the contractor known to the contracting agent, shall terminate the contractor's right to proceed with that part of the contract and city project for which less than the prevailing rates of wages and benefits have been paid or will be paid, and may proceed to complete the contract by separate agreement with another contractor. The contracting agent shall withhold payment for work done until liabilities for unpaid wages and excess costs to the city for reletting the work have been met.

(6)

In addition to any penalty provisions provided for in this section, any contractor found to be in violation of this section by any contracting agent shall be prohibited for two (2) years from bidding on any city project, regardless of the anticipated cost of the contract to be bid.

(c)

*Exemption.* The requirements set forth in this section will not apply to a project or contract of the City of Warren, or any of its authorities, agencies or departments, including those authorities, agencies and departments created by the City of Warren under statutes of the State of Michigan, if that project or contract is subject to an exemption from labor standards or prevailing wage requirements under federal or state laws or regulations.

(d)

*Retroactivity.* The provisions of this section shall not apply to contracts entered into or the bids made before the effective date of this section, or the effective date of an amendment to this section.

*(Ord. No. 80-519, § 1, 9-23-97; Ord. No. 80-684, § 1, 3-9-10)*

*Editor's note—*

Ord. No. 80-519, § 1, adopted Sept. 23, 1997 amended ch. 2 by the addition of a new [section 2-334.2](#), which provisions have been redesignated at the editor's discretion as [section 2-334.1](#)