



City of Tampa

Jane Castor, Mayor

Contract Administration
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ADDENDUM 2

Via E-Mail

DATE: July 7, 2022

Contract: 22-C-00022; Citywide Roadway Improvements and Street Resurfacing

Bidders on the above referenced project are hereby notified that the following addendum is made to the Contract Documents. BIDS TO BE SUBMITTED SHALL CONFORM TO THIS NOTICE.

Item 1: Insert the Attached Apprenticeship Requirements and Reporting Form, Ordinance No 2021-33, referenced in Instructions To Bidders I-1.19.

All other provisions of the Contract Documents and Specifications not in conflict with this Addendum shall remain in full force and effect. Questions are to be e-mailed to ContractAdministration@tampagov.net.

Jim Greiner

Jim Greiner, P.E., Contract Management Supervisor

ORDINANCE NO. 2021- 33

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AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, AMENDING CITY OF TAMPA CODE OF ORDINANCES CHAPTER 26.5 TO ADD "ARTICLE IV. APPRENTICE REQUIREMENTS IN CITY CONSTRUCTION CONTRACTS"; SECTIONS 26.5-211 THROUGH 26.5-216; TO ESTABLISH REQUIREMENTS PERTAINING TO THE USE OF APPRENTICE LABOR IN CERTAIN CITY OF TAMPA CONSTRUCTION PROJECTS, TO INCLUDE SPECIFIC EXCEPTIONS THERETO; TO PROVIDE CONDITIONS RELATING TO DOCUMENTATION, INCENTIVE FOR COMPLIANCE, FEE FOR NONCOMPLIANCE AND OTHER REMEDIES, IMPLEMENTATION, EXPANSION OF SCOPE AND REPORTING; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, construction contractors in the City of Tampa have identified a shortage of skilled labor for construction projects and a need to train younger workers as the existing job force ages; and

WHEREAS, this shortage of labor could result in delays, expenses, and other challenges to the City's future construction projects; and

WHEREAS, the City of Tampa has determined that apprenticeships create opportunities for training and experience that will assist in ensuring that a trained workforce will be available for future City construction projects; and

WHEREAS, requiring the employment of apprentices on certain City of Tampa construction projects will promote business and economic development by increasing the number of skilled workers in the City; and

WHEREAS, the City of Council of the City of Tampa has determined that the creation of Chapter 26.5, Article IV, pertaining to Apprentice Requirements in City Construction Projects, is appropriate and in the interest of the public health, safety or welfare of the City of Tampa at this time; and

WHEREAS, duly noticed public hearings, as required by law, were held by the City Council of the City of Tampa at which all residents and interested persons were given an opportunity to be heard.

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NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF TAMPA, FLORIDA:**

Section 1. That the recitals set forth above are hereby incorporated as if fully set forth herein.

Section 2. That the City of Tampa Code, Section 26.5, is hereby amended by creating Article IV, Sections 26.5-211 through 26.5-216, to read as follows:

“ARTICLE IV.- APPRENTICE REQUIREMENTS IN CITY CONSTRUCTION CONTRACTS

DIVISION 1. - IN GENERAL

Sec 26.5-211. – Title; Applicability.

This Article IV shall be known and may be cited as the “City of Tampa Apprentice Requirements in City Construction Contracts Ordinance”. This Article shall apply to contracts for certain City of Tampa construction projects as specified in more detail herein.

Sec. 26.5-212. Legislative Findings and Intent.

(a) There is a shortage of skilled labor for construction projects and a need to train younger workers as the existing job force ages. This shortage of labor could result in delays, expenses, and other challenges to the City's future construction projects. Apprenticeships create opportunities for training and experience that will assist in ensuring that a trained workforce will be available for future City construction projects. By requiring contactors to use apprentices for City construction contracts, it is the intent of the City to increase the number of apprentices used by contractors, creating opportunities that will enable these apprentices to develop into more skilled labor that will then be available for City construction projects.

(b) Apprenticeship programs are recognized as an effective means of providing training and experience to individuals seeking to enter or advance in the workforce, offering an opportunity to earn wages while acquiring valuable marketable skills. The training that apprentices receive on city projects will also help them to market their skills to other contractors. In this way, apprenticeship training helps create a skilled pipeline of talent to support and sustain ongoing economic development activities in the City of Tampa.

Sec.26.5-213. - Definitions.

Apprentice means any person who is enrolled in and participating in an apprenticeship program or on-the-job training program registered with the Florida Department of Education or the United States Department of Labor, or in

1 a registered on-the-job training program, as defined in Chapter 446, Florida
2 Statutes.

3 *Bidder* means any individual, firm, corporation, partnership, company,
4 association, joint venture, or other entity that seeks the award of a construction
5 contract.

6 *Contractor* means any individual, firm, corporation, partnership, company,
7 association, joint venture, or other entity that has a construction contract with the
8 City.

9 *Construction contract*, for purposes of this article, means a contract
10 between the City and a contractor for a vertical construction project, as defined
11 herein. By no later than one year after implementation of this ordinance, this
12 definition shall be expanded to include horizontal construction projects, as also
13 defined herein.

14 *Vertical construction project* means a project, funded by City dollars in an
15 amount of at least one million dollars (\$1,000,000) priced on the basis of a lump
16 sum/fixed price amount, that involves the process of building, altering, repairing,
17 improving, or demolishing any public structure or building, or other public
18 improvements of any kind that are predominantly vertical (i.e., above-ground), on
19 or to any real property owned or under the control of the City, which work is being
20 performed under a construction contract. For purposes of this article, vertical
21 construction also includes on-site horizontal work that is integral to or part of the
22 vertical construction project.

23 *Horizontal construction project* means a project, funded by City dollars in
24 an amount of at least one million dollars (\$1,000,000) priced on the basis of a
25 lump sum/fixed price amount, that involves construction of highways, roads,
26 streets, bridges, utilities, water distribution or transmission pipelines, wastewater
27 interceptors, force mains or collection systems, and stormwater conveyance
28 facilities. For purposes of this article, horizontal construction also includes
29 rehabilitation of water, wastewater and stormwater pipelines including, but not
30 limited to, cured-in place, pulled-in place and pipe bursting methods.

31 *Good faith effort* means that the contractor, without an intent to defraud
32 or seek an unfair advantage, took all necessary steps to secure and maximize,
33 consistent with the requirements of this section, the required percentage for
34 apprentices on a construction project, to the satisfaction of the City of Tampa.
35 The contractor shall provide evidence of good faith efforts for consideration by
36 the City, which evidence may include documentation of the contractor's contacts

1 with the Florida Department of Education, Division of Career and Adult
2 Education's Apprenticeship Section; documentation of its contacts with state-
3 approved training programs, with labor organizations, and/or with technical
4 schools and training schools; documentation of its use of job fairs and other
5 outreach efforts; the frequency and duration of any employment advertisements
6 for apprentices; the extent to which the size of a contractor's workforce affects its
7 hiring opportunities for apprentices; and any other evidence demonstrating to the
8 satisfaction of the City that the contractor made a good faith attempt to secure
9 apprentice labor.

10 *Subcontractor* means an entity or individual providing services to the City
11 through a contractor for all or any portion of the construction contract.

12 *Labor hours* means the total hours worked on the site of a construction
13 project by workers who are employed by contractors or subcontractors on the
14 construction project, excluding hours worked by forepersons, superintendents, or
15 owners. Notwithstanding the above, the percentage requirements of this article
16 shall apply to the labor hours performed in a trade(s) for which registered
17 apprenticeship programs or on-the-job training programs exist.

18 **Sec. 26.5-214. - Apprenticeship Requirements and Exceptions.**

19 (a) When responding to a City of Tampa solicitation for a vertical construction project, a
20 bidder must certify that:

- 21 (1) The bidder or its subcontractors participate in an apprenticeship program that is
22 registered with the Florida Department of Education or the United States
23 Department of Labor; or
- 24 (2) The bidder commits that at the time the bidder executes a construction contract,
25 it or its subcontractors will be participating in an apprenticeship program that is
26 approved by the Florida Department of Education or the United States
27 Department of Labor or an on-the-job training program; or
- 28 (3) The bidder has submitted documentation that confirms, to the satisfaction of the
29 City of Tampa, that there are no registered apprenticeship or on-the-job training
30 programs for any type of work to be performed on the construction project.

31 (b) Prior to the City entering a construction contract, the City must receive
32 documentation from the bidder verifying compliance with Section 26-214(a).

33 (c) For the duration of the construction contract, as same may be extended including
34 through the issuance of change orders, at least 12% of the labor hours performed in
35 a trade(s) for which registered apprenticeship programs or on-the-job training
36 programs exist, including all work performed pursuant to change orders, must be

1 performed by apprentices employed by the contractor or subcontractors, with
2 required documentation provided to the City as set forth in Sec. 26-215 herein.

3 (d) If the contractor is unable to achieve or maintain the required percentage, the
4 contractor must notify the City in writing and document its good faith effort, as
5 defined herein, made to achieve or maintain the required percentage. The City will
6 then determine whether the contractor made all required good faith effort by
7 evaluating the contractor's submitted documentation.

8 (e) The construction contract between the City and the contractor must include a
9 provision requiring the contractor and its subcontractors to comply with the
10 requirements of this article.

11 (f) Exceptions.

12 (1) This article will not apply if:

13 a. It is prohibited by or in conflict with federal or state law or the terms of a
14 federal or state grant applicable to the construction project; or

15 b. The Mayor or the Mayor's designee determines that emergency
16 circumstances exist such that applying the article to the construction project
17 is not in the best interest of the City.

18 (2) This article will not apply to a subcontractor that is a WMBE or SLBE if the
19 compensation to be paid under the applicable subcontract for labor costs is less
20 than \$1,000,000.

21 (3) The twelve percent (12%) requirement of labor hours on the construction
22 project that must be performed by apprentices may be reduced by the Mayor or
23 the Mayor's designee if:

24 a. The contractor has successfully demonstrated to the City, after making a
25 good faith effort as defined herein, that the contractor has been unable to
26 find, or there does not exist, a sufficient number or type of apprentices
27 available to meet the required percentage; or

28 b. The Mayor or the Mayor's designee determines that there exists, for the
29 construction project at issue, a disproportionately high ratio of material
30 costs to labor hours, which makes infeasible the required percentage of
31 apprentice participation.

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33 **Sec. 26.5-215. - Required Documentation, Incentive for Compliance, and**
34 **Noncompliance Fee and Other Remedies.**

35
36 (a) *Required documentation.* The contractor must prepare, submit, and certify, on a
37 monthly basis for the duration of the construction contract, accurate and timely
38 records, on a form prepared by the City, identifying the name, hourly rate, and trade
39 classification of each apprentice, the cumulative number of hours worked on the

1 project to date by apprentices, and the labor hours of all workers used by the
2 contractor and each subcontractor on the construction project. If a subcontractor
3 uses apprentices that will be included to satisfy the 12% requirement set forth herein,
4 the contractor must require that the subcontractors prepare, maintain, and certify,
5 for submittal by the contractor to the City, accurate and timely records, on a form
6 prepared by the City, identifying for such subcontractor, the name, hourly rate, trade
7 classification, labor hours for apprentices used by the subcontractor on the
8 construction project, and labor hours of all workers used by the subcontractor on the
9 construction project.

10 (b) *Incentive for Compliance.* At the point at which a contract is 50% complete, the City
11 will reduce 1% of the retainage, provided the City has determined that (i) the
12 contractor is in compliance with the percentage requirements of subsection 26.5-
13 214(c) for the work performed to date, and (ii) is otherwise performing its contract
14 obligations to the full satisfaction of the City.

15 (c) *Fee for Partial Compliance or Noncompliance.* Contracts for all projects to which these
16 requirements apply will provide that if a contractor fails to fully comply with the
17 percentage requirements of subsection 26.5-214(c), and the requirement is not
18 adjusted in writing by the Mayor or the Mayor's designee, as provided for above, the
19 contractor will be assessed a penalty fee amount for each hour that is not achieved.

20 1. The amount per hour shall be based on the extent to which the contractor or
21 subcontractor met the 12% labor hour requirement. The fee schedule for the
22 amount per hour that will be assessed shall be adopted by Resolution.

23 2. The assessments imposed shall be deducted from the contractor's final pay
24 application and shall be utilized to support construction/building trade apprentice
25 training programs registered with the State of Florida or the United States
26 Department of Labor and located within Hillsborough County, and/or such
27 apprentice training programs provided by the Hillsborough County School District.

28 (d) *Noncompliance-Other Remedies.* Failure of a contractor to comply with the
29 requirements of this article may subject the contractor to all remedies available to the
30 City at law, including but not limited to debarment or suspension of the contractor
31 from consideration for the award of future contracts, and termination of the
32 construction contract.

33 **Sec. 26.5-216.- Implementation, Expansion of Scope to include Horizontal Construction,**
34 **and Reporting.**

35 (a) *Implementation.* The Mayor or the Mayor's designee shall implement the provisions
36 of this ordinance no later than six months from its effective date.

37 (b) *Expansion of the Scope of the Apprentice Requirements to apply to Horizontal*
38 *Construction.* By no later than twelve months after implementation of this ordinance,
39 this article shall be amended as necessary to expand its application to horizontal
40 construction contracts, as defined herein.

1 (c) *Reporting.* At six month intervals during the first year after implementation of this
2 article, and thereafter on an annual basis, the Mayor or the Mayor's designee shall
3 prepare a report to be presented on the agenda of the City Council, that includes for
4 each contract to which this article applies, a line item breakdown of: the name of the
5 contractor, the name or description of the construction project, the total dollar value
6 of the construction project, the number of apprentices hired for the construction
7 project, the number of apprentice hours worked on the construction project, and the
8 total labor hours expended on the construction project. Additionally, the report will
9 identify any contracts where the 12% requirement was not met, and the reason; a
10 report on outreach efforts made by the City Council and the City Administration, along
11 with any other relevant details or recommendations regarding the City's
12 apprenticeship requirements that the Mayor or the Mayor's designee wish to include.

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14 **Section 3.** That all ordinances or parts of ordinances in conflict herewith are repealed
15 to the extent of any conflict with the terms of this ordinance.

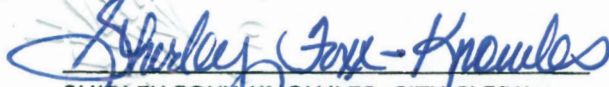
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17 **Section 4.** That if any part of this Ordinance shall be declared unconstitutional or
18 invalid by a court of competent jurisdiction, the remaining provisions shall remain in full
19 force and effect.

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21 **Section 5.** Except to the extent expressly addressed herein, this Ordinance shall take
22 effect immediately upon becoming a law.


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25 PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA,
26 FLORIDA, ON March 18, 2021.

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30 _____
31 CHAIRMAN/CHAIRMAN PRO-TEM,
32 CITY COUNCIL

33 ATTEST;

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35 _____
36 SHIRLEY FOXX-KNOWLES, CITY CLERK

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38 APPROVED BY ME ON 3/22/21

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41 _____
42 JANE CASTOR, MAYOR
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RESOLUTION 2021 - _____

RESOLUTION ESTABLISHING A SCHEDULE OF FEES FOR PARTIAL COMPLIANCE OR NONCOMPLIANCE WITH APPRENTICE LABOR HOUR PERCENTAGE REQUIREMENTS PURSUANT TO CHAPTER 26.5, ARTICLE IV. APPRENTICE REQUIREMENTS IN CITY CONSTRUCTION CONTRACTS, SUBSECTION 26.5-215(c)1, OF THE CITY OF TAMPA CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on March 18, 2021, City Council adopted Ordinance No. 2021-33, which added Chapter 26.5, Article IV., Apprentice Requirements in City Construction Projects, Sections 26.5-211 through 26.5-216, to the City of Tampa Code (the “Apprentice Ordinance”); and

WHEREAS, Subsection 26.5-215(c) provides for the assessment of a fee for partial compliance or noncompliance with the apprentice labor hour percentage requirements of subsection 26.5-214(c), with the fee amount to be based on the extent to which the contractor or subcontractor met the apprentice labor hour requirements under the ordinance; and

WHEREAS, Subsection 26.5-215(c)1. provides for the adoption of a fee schedule by Resolution; and

WHEREAS, the fees established pursuant to this Resolution are reasonable and are consistent with the purpose, intent and express requirements of the Apprentice Ordinance.

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA:

Section 1. That pursuant to the authority of Section 26.5-215(c)1., the following is the schedule of fees for partial compliance or noncompliance with the apprentice labor hour requirements of subsection 26.5-214(c), City of Tampa Code:

Percent of goal met	Assessment per unmet hour
100%	\$0.00
90% to 99%	\$2.50
75% to 89%	\$5.25
50% to 74%	\$8.00
1% to 49%	\$11.25
0%	\$15.00

Section 2. That the proper officers of the City of Tampa are hereby authorized and directed to do all things necessary and proper in order to carry out and make effective the provisions of this resolution.

