



CITY OF NEW BEDFORD

ADDENDUM #3

The City of New Bedford issues the following Addendum #3 for IFB # 15439042

Coggeshall Street Sewer Phase I

March 4, 2015

This addendum is to advised bidders

Bidders are advised of the following as it applies to City of New Bedford Ordinance Section 10-76 – Responsible Employer Ordinance.

See Attachment 1

The City of New Bedford is the Awarding Authority and reserves the right to waive any minor informality. The Awarding Authority also reserves the right to reject any or all proposals, or to accept any other than the lowest priced proposal should it be deemed to be in the best interest of the City of New Bedford, Massachusetts, to do so.

City of New Bedford
Purchasing Department
133 William Street, Room 208
New Bedford, MA 02740

ATTACHMENT 1

NOTICE REGARDING RESPONSIBLE EMPLOYER ORDINANCE (REO)

CITY OF NEW BEDFORD

DATE: March 4, 2015

TO: ALL POTENTIAL BIDDERS

FROM: OFFICE OF PROCUREMENT

Pursuant to the Federal Court decisions in UCANE, et al. v. City of Worcester, U.S. District Court (D. Mass 2002) Civ. Action 02-11877-NG, Fernandes Masonry, Inc. v. City of Taunton, U.S. District Court (D. Mass 2010) Civ. Action 1:2010-cv-10753-JRT, UCANE, et al. v. City of Fall River, U.S. District Court (D. Mass 2011) Civ. Action 10-10994-RWZ, Merit Construction Alliance, et al. v. City of Quincy, U. S. District Court (D. Mass 2013) Civ. Action 12-10458-RWZ, aff'd in part, No. 13-2189 (1stCir. July 16, 2014), per Order of the City Solicitor, effective immediately, the City of New Bedford's Purchasing Department will not enforce certain sections of the City's "Responsible Employer Ordinance."

The City is suspending the enforcement of these sections because of the above referenced legal precedent. However, the City believes that the ultimate goals reflected in the REO are important and the City encourages voluntary compliance with the spirit of these provisions. Moving forward, the City is particularly interested in ensuring that the hiring and training of the local workforce is a top priority on all City projects. The City is willing to work closely with all successful bidders by assisting them in identifying viable well-trained workers who are residents of the City of New Bedford.

Thereby, pursuant to this notice, the following sections of the Responsible Employer Ordinance will not be enforced at this time. Please note all other sections of the City Ordinance as well as the EEO requirements will be strictly enforced.

Section 10-76:

In order to assist to the unemployment rate, to assist the problem of businesses leaving the region, to decrease the number of businesses filing bankruptcy, to combat the recession in the region, to assist the problem caused by the reduction of local aid from the commonwealth and to assist in preventing the depletion of the tax base, all general and subcontractors constructing or rehabilitating public works projects which have a projected cost of more than one hundred thousand dollars (\$100,000.00) and are funded in full or in part with federal, state, or city funds, shall have the worker hours on a craft by craft basis performed by residents of the City of New Bedford, who shall comprise at least fifty (50) percent of the total employee man-hours in each trade, excluding the employer's foreman or supervisor and two (2) other key employees.

Section 10-76.4:

Any person who provides false information regarding his or her residence shall be penalized three hundred dollars (\$300.00): Any contractor or subcontractor who violates the provisions of this section shall be penalized three hundred dollars (\$300.00) per day for each and every day the ordinance is in violation. Said penalty shall be levied and withheld from payments due the contractor or subcontractor.

Section 10-77 (a)(3):

The bidder and all subcontractors under the bidder must maintain or participate in a bona fide apprentice training program, as defined by M.G.L.A. c. 23, §§ 11H and 11I, for each apprenticeable trade or occupation represented in their workforce that is approved by the division of apprentice training of the department of labor and industries and must abide by the apprentice to journeyman ratio for each trade prescribed therein in the performance of the contract.

Section 10-77 (a)(4)

The bidder and all subcontractors under the bidder must furnish, at their expense, hospitalization and medical benefits for all their employees employed on the project and/or coverage at least comparable in value to the hospitalization and medical benefits provided by the health and welfare plans in the applicable craft recognized by M.G.L.A c. 149 § 26, in establishing minimum wage rates.

