

August 11, 2015



Addendum No. 2

NEW BEDFORD CITY HALL WINDOW REPLACEMENT

The contract bid documents for the above project are hereby amended as follows:

This addendum consists of 1 page; attachment Notice Regarding Responsible Employer Ordinance (REO) City of New Bedford (2 pages).

Item	Section/Drawing No.	Description
2.01	Instructions To Bidders For Affirmative Action Issues AA.03.2.d	Compliance with note AA.03.2.d has been temporarily suspended as referenced in the attached Notice Regarding Responsible Employer Ordinance (REO) City of New Bedford.
2.02	Clarification	The following question was asked for clarification: “To clarify, lead and asbestos abatement work is now to be included in our bid price and handled by the General Contractor? If so, are we to assume that every window opening will require lead and asbestos abatement work? Do any type of reports exist?”
	Answer to Item 2.02	All abatement work, both lead and asbestos are to be included in the General Contractor’s bid price. It has been determined that all window openings contain ACM caulking at the masonry to wood connection. Asbestos abatement information can be found within Section 02080 of the specification. All painted surfaces on the exterior have lead containing paint.

NOTICE REGARDING RESPONSIBLE EMPLOYER ORDINANCE (REO)
CITY OF NEW BEDFORD

DATE: XXXXXXXXXX

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 and the current 1st Circuit appeal stemming from the decision in Merit Construction Alliance, et al. v. City of Quincy, U. S. District Court (D. Mass 2013) Civ. Action 12-10458-RWZ, under the advisement of the City's Law Department, per Order of the City Solicitor, effective immediately, the City of New Bedford's Office of Procurement will not enforce the following sections of the City's "Responsible Employer Ordinance."

The City is temporarily 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. Moreover, the City will monitor all contractors who are awarded contracts to determine whether they are making a good faith effort to abide by 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.

The sections listed below will not be enforced at this time. All other sections of the City Ordinance 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.