

2:4-20. HIRING OF NEWARK RESIDENTS BY CONTRACTORS OR OTHER PERSONS DOING BUSINESS WITH THE CITY OF NEWARK.

a. The City of Newark requires, as part of its bid specifications and contract stipulations, that all/any prospective contractors bidding for a municipal contract in a "service-provider" category take affirmative steps to the greatest extent feasible to employ forty (40%) percent of qualified Newark residents for the duration of the contract. In order to comply with this section, contractors or other persons doing business with the City shall demonstrate good faith efforts to ensure that forty (40%) percent of the total employee worker hours, in each project area or category, shall be reserved for Newark residents.

b. Contractors awarded municipal contracts in compliance with paragraph a. above are required to submit semiannual progress reports to the Office of the City Clerk, the Office of Affirmative Action and to the user agency, containing an accurate record of 1) the number of Newarkers hired as well as the number of Newark residents currently employed on project; 2) the number of training positions, if any, and the amount of positions that will be filled by Newark residents; 3) the necessary level of job skills required of Newarkers to plan and implement the work to be done on the job. In the semiannual reports the contractors should document all "good faith" efforts in their actions to hire Newark residents. Example of such documentation should consist of the following:

1. Copies of all advertisement for training and employment.
2. A list of Newark residents who applied or otherwise expressed interest in training positions or employment.
3. Letters to community organizations informing them of employment opportunities.

c. All advertisements made by or on behalf of the City or any of its departments for Bids Request For Proposals or other specifications in pursuance of any law requiring the advertisements for bids shall include specific reference to paragraphs a. and b. of this section.

(Ord. 6 S+FA, 3-21-01 § 1; Ord. 6 S+FB, 2-19-03 § 1; Ord. 6 PSF-F, 11-7-11 § 1)

2:4-21. NEWARK RESIDENTS' EMPLOYMENT POLICY.

2:4-21.1. Declaration of Public Policy.

It is hereby declared to be the public policy of the Municipal Council that the **hiring of Newark residents** to the greatest extent possible by developers, construction contractors and any other entities or individuals which have been contracted to conduct business with the City of Newark shall be applied to any and all Federally or State assisted, City sponsored or privately funded developments within the City limits, with bona fide Newark residents being afforded a minimum of forty (40%) percent of the total employee worker hours in each construction trade and/or company position. The term employees shall apply to persons filling apprenticeship and on-the-job-training positions, and said developers, contractors and employers may rely upon the traditional referral methods in the hiring of employees, journeymen, apprentices, trainees and helpers. By way of example: for a construction contract, the categories shall include, but not be limited to, carpenters, drywall (sheetrock) installers, electricians, framers, glazers, hazardous materials removers, heavy equipment operators, laborers, landscapers, masons, painters, pipe fitters, plumbers, roofers and window installers. (Ord. 6 S+FD, 11-18-02 § 1; Ord. 6 PSF-F, 11-7-11 § 1)

2:4-21.2. Contractors' Best Efforts.

a. In order to validate a good faith effect with the qualified Newark residents the contractor shall comply with the stipulation of Ordinance 6 S+FA 10-11-00, the First Source Employment Program and shall require each subcontractor to designate an individual to serve as a compliance officer for the purpose of pursuing the Newark Residents Jobs Policy.

b. Prior to the start of construction, the contractor and each subcontractor then selected, shall meet with appropriate representatives of the construction trade unions, representatives from the Newark Residents Job Policy Office and the awarding or contracting authority for the purpose of reviewing the standards and the estimated employment requirements for construction activity over the construction period of the project.

c. Whenever any person involved in the construction of a project makes a request to a union hiring hall, business agent or contractors' association of qualified workers, the requestor shall ask that those qualified applicants referred for construction positions be referred in the proportions specified in the

Newark Residents Construction Employment standards and shall further contain a recitation of such standards. However, if the requesting party's workforce composition at any time falls short of any one (1) or more of the proportions specified in the standards, the requesting party shall adjust his or her request so as to seek to more fully achieve the proportions as specified in whom a request for qualified employees has been made fails to fully comply with the request, the requesting party's compliance officer shall seek written confirmation that there are insufficient employees in the categories specified in the request and that such insufficiency is documented on the unemployment list maintained by the hall, agent or association. Copies of any confirmation so obtained shall be forwarded to the Commission. Copies of any requests for qualified employees made at the time that the requesting party's workforce composition fall short of any one (1) or more such standards shall be forwarded contemporaneously to the Newark Jobs Policy Officer.

d. All persons applying directly to the contractor or any subcontractor for employment in construction of a project who are not employed by the party to whom application is made shall be referred by said party to the Newark Residents Jobs Policy Office, and a written record of such a referral shall be made by said party, a copy of which shall be sent to said Compliance and Enforcement Division out of the Newark Employment Commission.

e. Contractors shall maintain a file of the names, addresses, and telephone numbers of each Newark resident who has sought employment with respect to a project or who was referred to the contractor by the Newark Resident Jobs Policy Office but was not hired. The contractor shall maintain a record of the reason any such person was not hired. If the contraction of a project is subject to any union collective bargaining agreements, it shall be required that the employee complies with any lawful union security clauses contained in such agreement.

f. The contractor shall in a timely manner complete and submit to the Commission a projection of the workforce needs over the course of construction of the project. Such a submission shall reflect the needs by trade for each month of the construction phase.

g. The contractor shall obtain from each worker employed in the construction of the project, a sworn statement containing the worker's name and place of residence.

h. One (1) week following the commencement of construction of the project, and each week thereafter until such work is completed, the contractor shall complete and submit to the Newark Residents Job Policy Office for week just ended a report which reflects (a) for each employee, the employee's name, place of residence, race, gender, trade and total number of worker hours he or she worked, and (b) the total worker hours of its total workforce.

i. The contractor and each subcontractor shall maintain records reasonably necessary to ascertain compliance with the steps detailed in paragraphs a. through h. hereof for at least one (1) year after the beginning of the construction of the project. In its review of records of a construction project submitted to demonstrate compliance with these steps, the Commission shall take into consideration any affirmative action outreach programs and affirmative action job training programs of the particular trades participating in the project.

(Ord. 6 S+FD, 11-18-02 § 2; Ord. 6 PSF-F, 11-7-11 § 1)

2:4-21.3. Developers' Best Efforts.

a. In order to validate a good faith effort to hire qualified Newark residents the developer shall comply with the stipulations of Ordinance 6 S+FA, 10-11-00, the First Source Employment Program and shall incorporate in every general construction contract or construction management agreement an enumeration of the standards and shall impose a responsibility upon such general contractor or construction management to take all steps enumerated in paragraph a. though i. and incorporate such standards in all subcontracts and impose upon all subcontracts the obligation to take such steps.

b. The developer shall meet with the contractor no less frequently than weekly throughout the period of construction of the project to review the contractor's compliance with such standards and steps. The developer shall maintain minutes of such meetings and shall forward a copy of such minutes to the Newark Residents Jobs Policy Office within ten (10) days of such meeting.

c. The following procedures and guidelines must be followed by all subcontractors performing work on the project. This project is subject to the Newark Residents Job Policy, and will be monitored by the Newark Residents Jobs Policy Office to ensure that employment of forty (40%) percent Newark residents is achieved and maintained.

1. Submit a letter to the union explaining that this project is subject to the Newark Residents Jobs Policy, which requires that employment of forty (40%) percent Newark residents must be achieved on a weekly basis until completion of your contract with this company.

2. As your company gets ready to hire workers from the local union, keep in mind that all requests made by your job representative in your office must be done in writing. All requests must include:

(a) The name of the representative making such request, name of persons she/he contacted at the union hall, date of contract and action taken by union representative.

3. A meeting is to take place with union business agents before your company starts any type of work on this project.

4. Your office must keep records for all walk-in applicants. Records should include the name, address, and telephone number of the applicant, the position for which the applicant applied, whether the applicant is a resident, and action taken by your office.

5. A meeting shall be called by the general contractor and the Newark Residents Jobs Policy Office to discuss what other steps will be taken to help your office comply with these requirements. (Ord. 6 S+FD, 11-18-02 § 3; Ord. 6 PSF-F, 11-7-11 § 1)

2:4-21.4 Newark Employment Commission.

a. *Established.* The Commission to be known as the "Newark Employment Commission" is hereby established.

b. *Purpose.* The Commission, which shall meet monthly, shall be responsible for the implementation, enforcement and monitoring of the Newark Resident Employment Policy in a manner that is consistent and fair to all parties.

c. *Membership.* The Commission shall consist of seven (7) members to be appointed by the Mayor with the advice and consent of the Municipal Council.

1. The Commission shall include at least one (1) person for each of the following categories:

(a) A representative from the Mayor's Office.

(b) A representative from the Municipal Council.

(c) A representative from the labor union.

(d) A representative from the construction contractor.

(e) A representative from a real estate developer.

(f) A representative from the Mayor's Office of Employment and Training (MOET)

(g) A community representative.

d. *Compensation.* The Newark Employment Commission members shall serve without compensation with the original appointees serving in the following manner: Four (4) for a term of one (1) year; three (3) for a term of two (2) years. Each succeeding appointment shall be a term of three (3) years, and all appointments to fill vacancies shall be for the unexpired term.

(Ord. 6 S+FD, 11-18-02 § 4)

2:4-21.5 Local Vendor Preference.

Editor's Note: Ordinance No. 6 PSF-H, 11-4-10 was vetoed by Mayor on November 18, 2010 together with statement setting forth his objection as ordinance violates the Local Public Contract Law, N.J.S.A. 40A11-1 et seq. The veto was overridden and the ordinance readopted as Ordinance No. 6 SF-E, 11-22-10 and is codified herein.

a. *Statement of Policy.* The City of Newark has a significant interest in encouraging the creation of employment opportunities for its residents and for businesses located within the City. As a purchaser of goods and services, the City will benefit from expanded job and business opportunities for its residents and businesses through additional revenues generated by its activities. It is in the interest of the City and

its residents to give preference on eligible local projects to those eligible offerors who have direct physical and economic relationships with the City.

b. *Applicability.* This local preference program shall only apply to any City contract (referred to hereinafter as "Eligible Local Projects") procured under competitive sealed bidding. It does not apply to purchasing utilizing competitive sealed proposals, small purchases, sole source purchasing, emergency purchasing, competitive selection procedures for professional and consultant services or federally-funded projects.

c. *Certification as a Local Offeror.* The Director of Purchasing shall create the application form which shall be used by all applicants. In order to be certified as a local offeror, an eligible offeror must submit a completed application to the Division of Purchasing, and the applicant must be approved and certified by the Division of Purchasing. An eligible offeror must submit a completed and signed written application to become a local offeror before it will be allowed to receive a bid preference on an eligible local project. In order to be approved as a local offeror and receive a bid preference on an eligible local project, the application for approval as a local offeror and all supporting documents must be received by the Division of Purchasing at least thirty (30) days prior to the date bids are received on such eligible local project. An eligible offeror who fails to submit an application for approval as a local offeror at least thirty (30) days prior to the date bids are received on an eligible local project, and who otherwise meets the requirements for approval as a local offeror, will not be qualified for a bid preference on such eligible local project.

d. *Criteria.* To be certified as a local offeror, the eligible offeror must satisfy no less than two (2) of the following criteria:

1. The eligible offeror's principal place of business is located in the City of Newark or that the eligible offeror has held a valid City business license for at least one (1) year prior to the date of application.

2. A majority of the full time employees, chief officers, and managers of the eligible offeror have regularly conducted work and business in the City for at least one (1) year prior to the date of application.

3. A majority of the employees based at the eligible offeror's place of business in the City have been residents of the City of Newark for at least one (1) year prior to the date of application.

4. The services the eligible offeror offers to the City have been provided by the eligible offeror in the City for at least one (1) year prior to the date of application.

5. Construction contracts in excess of two hundred fifty thousand (\$250,000.00) dollars shall include the following requirements:

(a) At least fifty (50%) percent of the dollar volume shall be subcontracted to small business enterprises; provided, that the costs of materials, goods, and supplies shall not be counted towards the fifty (50%) percent subcontracting requirement unless such materials, goods, and supplies are purchased from small business enterprises; or

(b) If there are insufficient qualified small business enterprises to completely fulfill the requirement of paragraph (a) of this paragraph d,5, then the subcontracting requirement may be satisfied by subcontracting fifty (50%) percent of the dollar volume to any certified business enterprises; provided, that all reasonable efforts shall be made to ensure that qualified small business enterprises are significant participants in the overall subcontracting work.

If the applicant is a joint venture or mentor-protégé team, each participant in the joint venture or mentor-protégé team must be approved independently as a local offeror in order for the joint venture or mentor-protégé team to receive the bid preference on eligible local projects.

e. *Term.* The certification as a local offeror shall expire two (2) years from the date of the approval of the application. Following the expiration date, a business is no longer a local offeror. An eligible offeror must submit a new application for certification as a local offeror to the Division of Purchasing and establish that it continues to meet the requirements contained in paragraph d. of this section in order to receive a bid preference on eligible local projects.

f. *Determining Responsiveness of Non-Local Offerors.* The geographic location of an eligible offeror shall be one of the factors considered by the Division of Purchasing in determining whether a bid on an eligible local project is responsive. A bid submitted by a non-local offeror shall be deemed nonresponsive

on the basis that the eligible offeror is a non-local offeror, unless a waiver has been approved by the Director of Purchasing:

1. For eligible local projects valued at less than two hundred fifty thousand (\$250,000.00) dollars, the amount of the bid submitted by the non-local offeror is ten (10%) percent lower than the lowest responsible and responsive bid submitted by a local offeror;

2. For eligible local projects valued at two hundred fifty thousand (\$250,000.00) dollars or more, the amount of the bid submitted by the non-local offeror is five (5%) percent lower than the lowest responsible and responsive bid submitted by a local offeror;

3. The bid submitted by the non-local offeror would be responsible and responsive but for the fact that the eligible offeror is a non-local offeror, and

4. The amount of the bid submitted by the non-local offeror is lowest among bids submitted by other non-local offerors that would be responsible and responsive but for the fact that such other eligible offerors are non-local offerors.

g. *Continuing Obligations of Eligible Offerors Certified as Local Offerors.* Eligible offerors certified as local offerors shall be under a continuing duty to immediately inform the Division of Purchasing in writing of any changes in the eligible offeror's business if, as a result of such changes, the eligible offeror no longer satisfies the requirements of paragraph d. of this section.

(Ord. 6 SF-E, 11-22-10)

2:4-21.6 Vendor Registration.

Editor's Note: Ordinance No. PSF-F, 7-7-11 was vetoed by Mayor on July 18, 2011 together with statement setting forth his objection as ordinance may create allegations of violations of the Local Public Contract Law, N.J.S.A. 40A11-1 et seq. The veto was overridden and the ordinance readopted as Ordinance No. 6SF-A, 9-8-11 and is codified herein.

a. *Vendor Registration System Created.* The Director of Purchasing shall create a Vendor Registration System together with a Purchasing Portal to enable vendors to receive email or telefax notifications of upcoming business opportunities. The registration of a business shall include the name, address and all personal and business contact information for the vendor; the type of business, service or commodity provided by the vendor; the number of employees and annual revenue.

b. *Purchasing Portal.* The portal shall be accessed through the City's webpage. Business opportunities with the City shall be posted on a weekly basis and shall include the type of supplies or service requested; bid posting date, submission date and closing date; the name of the winning vendor and the amount of the winning bid.

(Ord. 6 SF-A, 9-8-11)

2:4-22. CERTIFICATION OF NO OUTSTANDING MUNICIPAL CHARGES BY SUB GRANTEE RECIPIENTS.

No resolution, contract, or authorization for the funding of any program or activity by a sub grantee of the City of Newark by any Federal, State, County, municipal or other grant source shall be submitted for Municipal Council approval, unless the City Administration has submitted to the Council a certification that the sub grantee entity has no outstanding charges due or owed to the City of Newark including real estate taxes and/or liens, water/sewer charges and/or liens, loan repayments or payments in lieu of taxes (PILOT).

Outstanding charges shall mean any amount which is one hundred twenty (120) days past the date of billing and any amount in excess of five thousand (\$5,000.00) dollars.

Those entities which are on an approved payment plan with the Administration and are current with their payments shall be deemed as having no outstanding municipal charges.

It shall be the responsibility of the City Administrative Department/Division initiating and/or submitting the resolution and contract for Council consideration to ensure said certification is included along with these documents.

(Ord. 6 S+FC, 2-19-03 § 1)

2:4-22D. REQUIRING APPRENTICESHIPS AND PROJECT LABOR AGREEMENTS ON CERTAIN PUBLIC CONSTRUCTION PROJECTS AND CONSTRUCTION PROJECTS FOR WHICH TAX ABATEMENT HAS BEEN GRANTED.

2:4-22D.1. Definitions.

As used in this section:

Affordable housing shall mean housing that is restricted for occupancy and affordable to households with incomes no greater than eighty (80%) percent of Area Median Income by family size as established by the U.S. Department of Housing and Urban Development (HUD) including, but not limited to housing that is funded by HUD, Section 42 of the Internal Revenue Code or which is covered and regulated by the Council of Affordable Housing.

Apprentice shall mean a worker who participates in a Federal Apprenticeship Program and receives benefits and pay not less than those received by an apprentice.

Apprenticeship program shall mean a registered apprenticeship program providing to each trainee combined classroom and on-the-job training under the direct and close supervision of a highly skilled worker in an occupation recognized as an apprentice able trade, and registered by the Bureau of Apprenticeship and Training of the U.S. Department of Labor and meeting the standards established by the Bureau.

City of Newark shall mean the City or the Business Administrator and/or his designee.

Developer shall mean the recipient of a tax exemption or abatement for a tax abated project or the awardee of a public construction contract for a public construction project, and/or their contractors/agents.

Labor organization shall mean an organization, which represents, for purposes of collective bargaining, employees involved in the performance of Public Works Projects or Tax Abated Projects and eligible to be paid prevailing wages under the "New Jersey Prevailing Wage Act," P.L. 1963, c. 150 (C.34:11-56.25 et seq.) and has the present ability to refer, provide or represent sufficient numbers of qualified employees to perform the contracted work, in a manner consistent with this section and the enabling statute (N.J.S.A. 52:38-1 et seq.) and any plan mutually agreed upon by the labor organization and the City of Newark or the Developer, as relevant to the situation.

Not-for-Profit shall mean any entity that is organized as a nonprofit or not-for-profit entity, corporate or otherwise or a governmental entity.

Project completion shall mean the determination by the City that the project, in whole or in part, is ready for the use intended, which ordinarily shall mean the date on which the project receives its final certificate of occupancy.

Project Labor Agreement shall mean a pre-hire collective bargaining agreement between a labor organization and the City of Newark or a developer, as the situation dictates, that contains at a minimum the requirements set forth in this section.

Public works project shall mean any public works contract for the construction, reconstruction, demolition or renovation of buildings entered into by the City using public funds, for which:

1. It is required by law that workers be paid the prevailing wage determined by the Commissioner of Labor pursuant to the provisions of the "New Jersey Prevailing Wage Act," P.L. 1963 c. 150 (C.34:11-56.25 et seq.); and

2. The total cost of the project, exclusive of any land acquisition costs, will equal or exceed five million (\$5,000,000.00) dollars. (N.J. Stat. Ann. §52:38-2)

Tax abatement project shall mean a project that has an estimated total construction cost that is equal to or exceeds twenty-five million (\$25,000,000.00) dollars, exclusive of any land acquisition costs, for which the City has granted a tax abatement pursuant to the Long Term Tax Exemption Act, N.J.S.A. 40A:20-1 et seq. However, any project that is being undertaken by a not for profit organization or which shall contain more than fifty (50%) percent affordable housing units shall be excluded.

(Ord. 6PSF-C, 10-3-12 §1)

2:4-22D.2. Project Labor Agreements Required for Certain Projects.

All tax abated projects and all requests for proposals, specifications and final contracts for public works projects shall require the execution of a Project Labor Agreement that complies with the requirements of

this section, unless the Business Administrator determines, taking into consideration the amount of City financial resources required and the increased cost and feasibility challenges that would result to the project, the nature, phasing, size and complexity of the project, including the height of the buildings, the presence or absence of elevators and the utilization or non-utilization of steel, that a Project Labor Agreement is not appropriate. In all cases, the Project Labor Agreement must advance the interests of the City of Newark, including cost, efficiency, quality, time, time lines and need for a skilled labor force and safety. (Ord. 6PSF-C, 10-3-12 §2)

2:4-22D.3. General Requirements.

The Project Labor Agreements shall contain the following terms pursuant to this section and in accordance with N.J.S.A. 52:38-1 et seq. (P.L. 2202, C.44):

- a.
 1. A guarantee that there will be no strikes, lock-outs or other similar actions.
 2. Set forth effective, immediate and mutually binding procedures for resolving jurisdictional and labor disputes arising before the completion of the work.
 3. A provision to bind all contractors, and subcontractors on the project in all relevant documents, including bid specifications.
 4. Evidence that each contractor and subcontractor working on the project has an Apprenticeship Program.
 5. A requirement that twenty (20%) percent of the labor hours required shall be performed by apprentices and that one hundred (100%) percent of the apprentices shall be Newark residents. However, if the labor organization can demonstrate that it made good faith efforts to increase enrollment of Newark residents in their apprenticeship programs, but that despite those good faith efforts that fulfilling this requirement is not possible because there are not enough apprentices available, the required percentages of apprentices will be decreased accordingly. Upon written request of the City, the labor organization will provide the City with a list of all Newark residents enrolled in their apprenticeship programs.
 6. Conformity with all statutes, regulations, executive orders and applicable City ordinances regarding the implementation of affirmative action requirements for women and minority owned businesses, the obligation to comply with which shall be expressly provided for in the Project Labor Agreement.
 7. State that contractors and subcontractors need not be a party to a labor agreement with the applicable labor organization other than for the project covered by the Project Labor Agreement.
 8. If applicable, require that each contractor agree to be monitored by a New Jersey State and Federal agency to ensure that minorities, women or economically disadvantaged persons are afforded the opportunities to participate in apprenticeship programs, which result in the placement of apprentices on the project.
 9. State that any and all Newark residents, who are already in any signatory union or an apprenticeship program, shall be referred to contractors or subcontractors who request them.
 10. Include a publicly available plan regarding the shares of employment and apprenticeship positions in the public works project or tax abated project for minority group members and women, which is in full conformance with the requirements of all applicable statutes, regulations, executive orders and local ordinances and is mutually agreed upon by the participating labor organizations and the City or the developer, which will own the facilities, which are built, altered or repaired, provided that any shares mutually agreed upon pursuant to this subsection shall equal or exceed the requirements of other statutes, regulations, executive orders or local ordinances.
 11. Require the contract to provide whatever resources may be needed to prepare for apprenticeship a number of women and minority members sufficient to enable compliance with the plan agreed upon pursuant to paragraph j. of this section and provide that the use of those resources be administered jointly by the participating labor organizations and the City, or the developer or the community-based organizations selected by the City or the developer.
 12. Require the City to monitor, or arrange to have a State agency monitor, the amount and share of work done on the project by minority group members and women and the progression of minority group members and women into apprentice and journey worker positions and require the City to make

public, or have the State agency make public, all records of monitoring conducted pursuant to this subsection.

b. A requirement that developers and labor organizations complete the following "Preconstruction actions":

1. Preconstruction Meeting: Not less than ninety (90) days prior to the commencement of construction, the developer will meet with the Business Administrator and/or his designee to present workforce needs, which will include the job description of the positions to be filled and the duration of the project. In addition, the developer will provide the construction schedule. The labor organization will present the developer and the City with the projected availability and trades of eligible apprentices, who are projected to be available to work on the project.

2. Advertisement: Not less than sixty (60) days prior to the commencement of construction, the labor organization will advertise in two (2) newspapers regularly published and distributed in Newark and outreach via other media, such as cable television, the web, and/or radio. The advertisement will solicit apprenticeship applications for the labor organization's apprenticeship program, describe the basic requirements for admission, describe the job training and set for the range of salaries.

3. Job Fairs: The developer and the labor organization will jointly participate in at least two (2) job fairs to be held at a location to be provided by the City in order to explain the apprenticeship programs and solicit applications from attendees. Each participating developer shall pay a pro rata share of the costs of each job fair.

c. A requirement for local/minority hiring goals providing that for each contractor or subcontractor performing work on a covered project, the Project Labor Agreement shall provide that at least thirty (30%) percent of all project work hours will be performed by Newark residents and at least thirty (30%) percent of all project work hours will be performed by minorities and/or women. A contractor shall not be subject to enforcement actions for violations of this section if that contractor can demonstrate that it made good faith efforts to comply. For the purpose of this section, good faith efforts for a developer shall at a minimum include compliance with the following:

1. Entry into a PLA and obtaining Letters of Assent from each contractor/ subcontractor.

2. Convene pre-bid and preconstruction meetings to educate construction managers and subcontractors about the local/minority hiring goals.

3. Cooperate with City Representative. The contractor shall cooperate with a City representative designated by the City. The City representative shall provide services in support of the contractor's local minority hiring goals. Among other things, the City representative will:

(a) Establish a point of contact to provide information about available job opportunities;

(b) Develop and maintain an up-to-date list of qualified local residents by trade and confirm local residency;

(c) Assist contractors with reporting by working with contractors and the City where appropriate.

4. Regularly contacting and documenting of contact with City representative, and providing certified payroll and other records on a regular basis to the City representative.

5. Use and documenting use of City-approved Craft Request Forms sent to both unions and City representative. Craft Request Form means a document through which contractors shall request workers from unions.

6. Requesting local, minority and women hires from union hiring halls.

7. Documenting reasons for not hiring referred candidates from target populations, if applicable.

8. Allowing City representative prompt and willing access to documentation of all of the above activities and to the work site if requested.

(Ord. 6PSF-C, 10-3-12 §3)

2:4-22D.4. Reports and Records.

The Project Labor Agreement shall require the submission of the following reports to the Business Administrator on the 15th day of each month for the previous month, for each year of construction until project completion.

a. *Manning Report*: The developer's report will accurately reflect the total hours in each construction trade or craft, and will list separately the work hours performed by City residents, including a list of minority resident and women resident workers in each trade or craft, by such employees of the contractor and each of its subcontractors during the previous quarter.

b. *Certified Payroll Report*. The developer's report that will specify the residence, gender and ethnic/racial origin of each worker, work hours and the rate of pay and benefits provided.

c. *Equal Employment Opportunity Reports*. The Labor Organization's Local Union Report (EEO-3) and Apprenticeship Information Report (EEO-2), which are required to be filed with the US Commission of Equal Employment Opportunity Commission by the Labor Organization.

d. *Apprenticeship Report*. The Report of the Labor Organization that shall list the names, addresses and contact information of all persons who were accepted into the apprenticeship program. The report shall also list the names, addresses and contact information of all persons who were rejected for admission, with the reasons for their rejection and, for those who failed to finish the program, the reasons why they failed to complete the program.

e. *Other reports*. The developer or labor organization shall furnish such reports or other documents to the City as the City may reasonably request from time to time in order to carry out purposes of the section.

f. *Records*. Records to support the work hours stated in the above reports must be maintained for a period of three (3) years after project completion. All records shall be made available to the City upon ten (10) days prior written notices.

g. *Site Access*. Representatives of the City shall be permitted to have appropriate access to all work sites and to all applicable records in order to monitor compliance with the provisions of this section. (Ord. 6PSF-C, 10-3-12 §4)

2:4-22D.5. City Remedies.

a. In the event of default, the developer shall be provided with a written notice of default allowing the developer ten (10) days to cure the default. Should the developer fail to cure, then in addition to any other remedies available at law or in equity including termination, the City shall be permitted to seek the following remedies for the failure to comply with this ordinance, which remedies shall also be included in the Project Labor Agreement.

1. Suspending or terminating the contract, grant, subsidy agreement or tax abatement agreement in question.

2. For public construction projects, debarring the developer, contractor or subcontractor from eligibility for future City contracts.

3. Such other remedies available at law or in equity. (Ord. 6PSF-C, 10-3-12 §5)

2:4-22D.6. Pre-Apprenticeship Training Program.

a. *Inter-Agency Cooperation*. The City and the labor organization will solicit the support of the Newark Board of Education, the Essex County Community College, the Essex County Vo-Tech School, the Newark Housing Authority and other community-based organizations to maximize participation in the apprenticeship program among eligible City residents.

b. *Preparatory Services*. The City and the labor organization shall be responsible for the development of a program to provide all necessary preparatory services for enrolled pre-apprentices, including assistance with GED preparation, obtaining driver licenses, mentoring and other supportive services for pre-apprentices. The pre-apprenticeship program shall be operated in such a manner that its successful graduates will be equipped and eligible for entry into the apprenticeship programs.

c. *Mentoring*. The City shall have the right to supervise pre-apprenticeship programs that may be operated by labor organizations sponsoring apprenticeship programs and shall retain authority to review and approve the curriculum and procedures used to recruit and select participants.

(Ord. 6PSF-C, 10-3-12 §6)

2:4-22D.7 Implementation.

a. The City shall include language in all financial agreements or other documents approved by the Municipal Council providing a tax abatement requiring compliance with this section.

b. Any advertisement for a public works project published sixty (60) days or more following the effective date of this section shall contain provisions conditioning the award of any contract on compliance with this section.

c. Any tax abatement where the tax abatement application is filed after the effective date of this section shall be subject to compliance with this section, if applicable.

(Ord. 6PSF-C, 10-3-12 §7)