

TOWNSHIP OF FALLS
ORDINANCE NO. 2023- 2

AN ORDINANCE AMENDING CHAPTER 146 - CONTRACTOR RESPONSIBILITY CERTIFICATION OF THE CODE OF THE TOWNSHIP OF FALLS, TO REVISE THE REQUIREMENTS FOR CONTRACTORS BIDDING ON PUBLIC WORKS TO ENSURE A QUALIFIED CRAFT LABOR WORKFORCE

WHEREAS, Falls Township is a municipality organized and existing under the Second Class Township Code of the Commonwealth of Pennsylvania; and

WHEREAS, pursuant to the Second Class Township Code of the Commonwealth of Pennsylvania, the Board of Supervisors of Falls Township (“Board of Supervisors”) has the authority to amend provisions of the Falls Township Code (“Code”) at any time it deems proper; and

WHEREAS, the Board of Supervisors has determined that in order to ensure that a sufficient percentage of the craft labor workforce on any construction project undertaken by the Township has successfully completed an approved apprenticeship training program, it is necessary to amend Chapter 146 – “Contractor Responsibility Certification” of the Code for the health, welfare and safety of the residents of Falls Township.

NOW, THEREFORE, be it and it is hereby resolved as follows:

1. The Board of Supervisors hereby amends Chapter 146, Subsection 146-5.C.(6) of the Code, to add the following additional language:

Contractor responsibility certifications.

(6) * * *

(c) The construction manager, general contractor or other lead or prime contractor responsible for the project shall ensure that at least 70 percent of the craft labor workforce employed on the project workforce shall be comprised of either journeyperson, workers who have successfully completed an apprenticeship training program registered with and approved by the U.S.

Department of Labor or a state apprenticeship agency or registered apprentices currently enrolled in such programs.

(i) These craft labor requirements ensure that the great majority of the craft labor personnel employed on the project have the requisite skills and qualifications to perform the project work as they will be participants in or graduates of bona fide apprenticeship training programs in each trade or craft in which their services are utilized.


(ii) For purposes of this subsection, apprenticeship training programs may include those which are subject to the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1001 et seq. ("ERISA"), or non-ERISA programs.

(iii) To demonstrate compliance with this section, the firm shall provide, with this certification, a list of all trades or classifications of craft employees it will employ on the project and the names and addresses of all applicable apprenticeship programs relating to craft personnel utilized on the project.

2. In order to be consistent with the subject amendment, the Certification Form required to be filed by contractors pursuant to Section 146-5.B of the Code, is hereby amended to conform to the amendment adopted hereby.
3. All other ordinances, portions of ordinances, or any section of the Code inconsistent with this Ordinance are hereby repealed.
4. This Ordinance shall become effective five (5) days after enactment.

ORDAINED AND ENACTED this 24th day of April, 2023.

ATTEST:



Secretary

FALLS TOWNSHIP BOARD OF SUPERVISORS

By: 

Chairman

CONTRACTOR RESPONSIBILITY CERTIFICATION FORM

Contractor Name: _____ Date: _____, 20____

Contractor Address: _____

_____, _____ Zip Code _____

Contact Name: _____ E-mail _____

Contact Direct Phone No.: _____ Fax No.: _____

Project Name: _____

To be certified, Contractor is required to check all the following boxes:

- | | Yes | No |
|--|--------------------------|--------------------------|
| 1. Has the Contractor been debarred by any federal, state or local government agency or authority in the past three (3) years? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Has the Contractor not defaulted on any project in the past three (3) years? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Has the Contractor had any type of business, contracting or trade license revoked or suspended by any government agency or authority in the past three (3) years? | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Has the Contractor committed a willful violation of federal or state safety laws as determined by a final decision of a court or government agency or authority in the past three (3) years? | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Has the Contractor been found in violation of any other law relating to its contracting business, including but not limited to wage or hour laws, environmental laws, antitrust laws, immigration laws, licensing laws or tax laws, by a final decision of a court or government agency or authority in the past three (3) years? | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Does the Contractor participate in a Class A Apprenticeship Program for each trade in which it employs craft employees and agree to continue to participate in such program or programs for the duration of the project? A Class A Apprenticeship Program is an apprenticeship program which is currently registered with the U.S. Department of Labor or a state apprenticeship agency and has graduated apprentices to journeyman status for each of the past five (5) consecutive years. The Contractor shall provide proof of this qualification standard by submitting appropriate documentation as an attachment to the Responsible Contractor Certification. To permit development of recently registered programs, the graduation requirement of this provision shall not apply to: | <input type="checkbox"/> | <input type="checkbox"/> |

- (a) An apprenticeship training program registered within the past ten (10) years;
or
- (b) An apprenticeship program registered within the past ten (10) years if the program provides apprenticeship training for a craft or trade that was not recognized as an apprenticeship craft or trade by the U.S. Department of Labor or State Apprenticeship Council at the time the program was registered.

Any program not required to meet the graduation requirements of this section shall, in addition to providing proof that it is currently registered with federal or state government, provide evidence that the program is actively engaged in bona fide apprenticeship training activity.

7. The construction manager, general contractor or other lead or prime contractor responsible for the project shall ensure that at least 70 percent of the craft labor workforce employed on the project workforce shall be comprised of either journeyman, workers who have successfully completed an apprenticeship training program registered with and approved by the U.S. Department of Labor or a state apprenticeship agency or registered apprentices currently enrolled in such programs.

- A. These craft labor requirements ensure that the great majority of the craft labor personnel employed on the project have the requisite skills and qualifications to perform the project work as they will be participants in or graduates of bona fide apprenticeship training programs in each trade or craft in which their services are utilized.
- B. For purposes of this subsection, apprenticeship training programs may include those which are subject to the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1001 *et seq.* (“ERISA”), or non-ERISA programs.
- C. To demonstrate compliance with this section, the firm shall provide, with this certification, a list of all trades or classifications of craft employees it will employ on the project and the names and addresses of all applicable apprenticeship programs relating to craft personnel utilized on the project.

8. Does the Contractor have all technical qualifications and resources, including equipment, personnel and financial resources, to perform the referenced contract, or will Contractor obtain same through the use of qualified, responsible subcontractors?
9. Does the Contractor maintain all documents necessary to ensure that all employees are United States citizens or properly documented legal aliens entitled to work under existing Federal law?

10. Has the Contractor been incorporated and conducting business in the trade or craft for which the Contractor is bidding for at least three (3) years? The term conducting business shall mean having completed projects either the same or substantially similar to the project for which the Contractor is bidding. If queried on this paragraph, the Contractor shall produce legal documents, photographs and references as to the longevity of its business. This review shall be conducted by the Owner's officials or their designee.

Upon receipt of a Notice of Intent to Award Contract, the Contractor will provide the Owner with subcontractor list and subcontractor information as specified in the Responsible Contractor Ordinance or, if applicable, the Responsible Contractor Resolution.

ATTACH ADDITIONAL SHEETS IF NECESSARY.

Signature of Bidder's Authorized Representative: _____

Title: _____

Date: _____

