

RESOLUTION NO. 60 - 2018

Moved by:



A Resolution authorizing the City of Harrisburg to enter into a Memorandum of Understanding with the Central Pennsylvania Building and Construction Trades Council, AFL-CIO in support of cooperation to assure properly trained and skilled workers shall be available for certain future major public construction projects.

WHEREAS, the City of Harrisburg anticipates submitting a federal grant application for a Better Utilizing Investments to Leverage Development ("BUILD") Grant from the United States Department of Transportation, Office of Infrastructure Finance and Innovation, for funds to undertake the design and construction of a bridge to connect Division Street to portions of the City situated on the eastern side of existing railroad facilities; and

WHEREAS, if awarded the grant, the City would require access to the services of experienced trained labor in various building and construction trades to timely complete the project; and

WHEREAS, in anticipation of a grant award, the City wishes to enter into a Memorandum of Understanding with the Central Pennsylvania Building and Construction Trades Council, AFL-CIO (hereinafter "Building Trades") to assure that an adequately trained labor force is available in the area to timely service the project(s); and

WHEREAS, the Memorandum anticipates that a BUILD Grant award would necessitate the City retaining a qualified independent entity to study whether the City should secure a Project Labor Stabilization Agreement to efficiently carry out the BUILD Grant project(s); and

WHEREAS, a copy of the proposed Memorandum of Understanding is attached hereto as Exhibit A; and

WHEREAS, the Council of the City of Harrisburg finds that it is in the best interest of the City to enter into the Memorandum of Understanding to serve the long term interests of the City and the surrounding region.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED BY THE COUNCIL OF THE CITY OF HARRISBURG, that the City of Harrisburg is authorized to negotiate and enter into a Memorandum of Understanding consistent with the terms set forth herein and in the attached memorandum.

BE IT FURTHER RESOLVED that the Mayor, City Controller and other appropriate City officials are authorized and directed to take all steps necessary to further effectuate the purpose of this Resolution.

Seconded by: *[Signature]*

Passed the City Council *June 26, 2018*
Wanda R. N. Williams
President of City Council

Attest *[Signature]*
City Clerk

- Approved
- Returned to City Council

YEAS		NAYS
	MR. ALLATT	
	MS. DANIELS	
	MS. GREEN	
	MR. JOHNSON	
	MR. MADSEN	
	MR. MAJORS	
	MS. WILLIAMS	
Yeas	<u><i>7</i></u>	
Nays	<u><i>0</i></u>	

INTER

OFFICE

MEMO

To: HARRISBURG CITY COUNCIL
From: Kirk Petroski, City Clerk
LEGISLATIVE APPROVAL FORM

Date:

LEGISLATIVE APPROVAL FORM/CERTIFICATE OF ACCEPTANCE

BILL NO. -2018 RESOLUTION NO. ⁶⁰-2018

THE ABOVE LISTED ITEM WAS WRITTEN AND PREPARED FOR FINAL INTRODUCTION AT THE HARRISBURG CITY SOLICITOR'S OFFICE ON:


Deputy City Solicitor

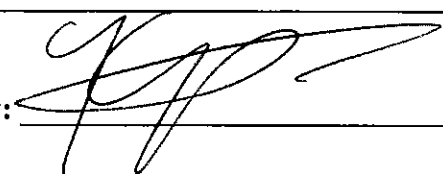
5/7/2018
Date

Requested by Department/Bureau: Mayor

Department/Bureau Contact Person: Mayor

For Action on or before:

The attached was received in the Office of the City Clerk for introduction on


Received by:

5-7-18
Date:

E x h i b i t “A”

MEMORANDUM OF UNDERSTANDING

BY AND BETWEEN

CITY OF HARRISBURG

AND

CENTRAL PENNSYLVANIA BUILDING AND CONSTRUCTION
TRADES COUNCIL, AFL-CIO

This Memorandum of Understanding (hereinafter "Agreement") by and between the City of Harrisburg (hereinafter "City") and the Central Pennsylvania Building and Construction Trades Council, AFL-CIO (hereinafter "Building Trades" or "Council") is entered by and between these Parties in furtherance of their ongoing mutual and common interest in assuring that building and/or construction projects undertaken on behalf of the City will be approached and conducted in a manner that recognizes that an adequate supply of skilled and trained workers is necessary to assure that each such project can be efficiently completed without disruption due to management/labor disputes.

Acknowledging and recognizing the City's capacity as a Market Participant when undertaking local public building and construction projects, the Parties herein recognize that it is the best interest of the Parties to make their best efforts to assure that such projects are completed on time and on budget, as well as to assure, to the degree practicable, that Contractors and Subcontractors who bid for an opportunity to perform such work are aware, in advance, of any City specifications regarding workplace conditions and the details of the project and furthermore mutually acknowledge the following framework of this understanding:

WHEREAS, the City has proposed certain plans to repave, beautify and improve public ways and traffic patterns on and in the general area of Division Street within the City, which include the proposed construction of a bridge crossing over the existing railroad yard and the potential pursuit of complimentary aspects of earlier published Master Plans to encourage the revitalization of the Second, Third, Sixth and Seventh Street corridors in the City; and

WHEREAS, in furtherance of the above-described plans, the City anticipates applying for a Better Utilizing Investments to Leverage Development (“BUILD”) Grant, formerly known as “TIGER,” from the United States Department of Transportation, Office of Infrastructure Finance and Innovation; and

WHEREAS, should the said BUILD Grant Application be approved, the City anticipates making effective use of the funding in its ongoing effort to expand and otherwise complement local infrastructure in a manner to provide for a more sustainable, safe and securely accessible, multi modal, urban area and in so doing alleviate significant traffic congestion experienced when entering and exiting the City; and

WHEREAS, in order to create greater economic development opportunities that allow for the safe flow of people and goods throughout the City, the Parties recognize that receipt of the BUILD Grant will be an essential funding component for the execution of City plans for creating vital pathways in and out of the City that assist in redistributing traffic flow throughout and around the City in a manner that will encourage the City's broader economic recovery efforts, which would include within the multi modal framework efforts to encourage both greater bicycle use and pedestrian traffic, along with fostering commercial expansion along underutilized roadways; and

WHEREAS, the Building Trades represent in excess of 5700 skilled and trained journey workers and apprentices in each of the building and construction trades and crafts anticipated to be necessary to the timely and competent completion of the above-described proposed building and construction undertakings; and

WHEREAS, through various locally sponsored Joint Labor/Management Apprenticeship and Training Programs and Facilities, the Building Trades continue to train skilled apprentices and provide systems for updating and upgrading skills of journey worker participants, which includes concerted efforts to attract and retain minority populations and women as participants and trainees in the various building and construction crafts and trades, with an articulated and proven institutional commitment to attracting and enhancing diversity in those occupations; and

WHEREAS, the Building Trades have an ongoing interest in planning and anticipating the trained labor pool needs for the foreseeable future to attract and train an adequate skilled workforce without creating economic dislocation due to lack of meaningful local work opportunities.

NOW THEREFORE, in consideration of the mutual understandings as described herein, and for other good and valuable consideration receipt of which is hereby acknowledged, the City and Building Trades hereby agree that in the event that the City shall be officially notified that it successfully secured the above-described BUILD Grant, the City will, within thirty (30) days thereof, identify established qualified entity(ies) as candidates to conduct an independent study to apprise the City, in whole or in part, by the herein described BUILD Grant.

The Parties further agree that subject to requisite prior funding authorization of the City Council, it is the expectation of the Parties that the City should be able to identify one or more entities with a demonstrated experience and commitment to undertake such a study, with the successful entity to be chosen within 90 days on the basis of its commitment to the City as demonstrated by the location of an established headquarters or other permanent office(s) operating within City boundaries and actual experience in timely completion of past studies for similar determinations for other political subdivisions or public agencies.

The Parties further agree that in the completion of any such study of the value to the City of applying a Project Labor Stabilization Agreement to projects funded, the Parties recognize that time will be of the essence and the retention of any such entity will require that the entity be retained in a timeframe that any such study may be completed within 120 days of the City's issuance of a notification of its intent to secure such services.

The Parties further agree that in order to undertake such a study the City will employ the services of a qualified entity which shall be selected on the basis of criteria that will include an entity's independence and prior relevant experience in conducting such an analysis for or on behalf of other public bodies undertaking similarly publicly funded infrastructure projects and which entity shall have at least one permanent, full

time labor economist on its staff having earned a degree of Ph.D, or engaged in post doctoral, peer reviewed, academic work, from an accredited degree granting institution in the United States of America.

The Parties agree that in the event the said study, upon its completion, concludes that a Project Labor Stabilization Agreement is in the best interest of furthering the City's goals with respect to the project(s) to be funded, in whole or part, by the anticipated BUILD Grant, that the City and the Building Trades will seasonably enter into a mutually acceptable Project Labor Stabilization Agreement for the purpose of successfully undertaking and completing appropriate aspects of those construction and construction related undertakings funded by the BUILD Grant described in this Memorandum of Understanding.

The Parties finally agree that nothing in this Memorandum of Understanding is intended or shall be construed to ultimately require the City to contract out any part of any Building or Construction project(s) that otherwise would be undertaken by the City's unionized workforce under the supervision and direction of City management in accordance with the City's ongoing collective bargaining commitments.

With the intention of being legally bound, and with full authority to bind the respective Parties, we set our hands and seals this of May _____, 2018.

**CENTRAL PENNSYLVANIA BUILDING
AND CONSTRUCTION TRADES
COUNCIL, AFL-CIO**

Joseph Gusler, President Date

CITY OF HARRISBURG:

Approved as to form and legality:

By: _____
City Law Bureau Date

Eric Papenfuse, Mayor Date

Charles DeBrunner, Controller Date