

Exhibit BB

Project Labor Agreement Policy

[See attached.]

**RESOLUTION
CITY OF SAINT PAUL, MINNESOTA**

Presented by

[Handwritten signatures and initials over the resolution title and presentation line]

1 **WHEREAS**, in undertaking building and construction, parks and public works projects, the City of Saint
2 Paul has a compelling proprietary and economic interest in ensuring that construction proceeds in a timely,
3 cost-effective manner, with the highest degree of quality and with minimal delays and disruption, and with
4 the highest degree of safety for workers and the public; and
5

6 **WHEREAS**, a project labor agreement (“PLA”) is a form of multi-employer, multi-craft pre-hire
7 collective bargaining agreement covering terms and conditions of employment for construction employees
8 on a particular construction project; and
9

10 **WHEREAS**, throughout the country, public and private construction owners regularly utilize and require
11 PLAs for billions of dollars worth of construction each year; and
12

13 **WHEREAS**, the City and other public agencies and private owners in the City of Saint Paul have
14 successfully completed projects on time and on budget under PLAs for numerous projects; and
15

16 **WHEREAS**, the Rondo Library PLA entered into by the City of Saint Paul and the Saint Paul Building
17 and Construction Trades Council in December 2004 is one example of a PLA entered into by the City; and
18

19 **WHEREAS**, the PLAs entered into by the Saint Paul Public Schools, Regions Hospital, HealthEast/St.
20 Joseph’s Hospital, Concordia University and Upper Landing and the Saint Paul Building and Construction
21 Trades Council are other examples of PLAs entered into by contractors and labor organizations; and
22

23 **WHEREAS**, the City of Saint Paul wishes to formalize a process in which it reviews building and
24 construction, parks and public works contracts for the need to include PLAs that establish uniform terms
25 and conditions of employment for the contractors and craft construction employees working on a project,
26 because such have been shown to provide an effective mechanism for overall construction project staffing
27 and planning because they allow project owners to:
28

- 29 (i) Predict their labor costs and requirements up-front, and, therefore, more accurately estimate
30 actual total project costs; and
- 31 (ii) Promote cost-effective, timely, and safe construction project delivery, by providing access
32 to a reliable supply of properly trained and skilled construction craft personnel for all
33 aspects of the project; and
- 34 (iii) Assure greater productivity and quality from construction craft personnel, thereby yielding
35 cost-effective projects, while also reducing maintenance and repair costs over the life of the
36 project; and
- 37 (iv) Integrate work schedules and standardize work rules for the project, to provide a well-
38 coordinated, efficiently functioning construction worksite that will minimize delays, foster
39 labor harmony, promote quality, and maintain project safety; and
- 40 (v) Assure that construction will proceed without interruptions from staffing shortages, high
41 employee turnover, safety incidents, and labor disputes, by providing reliable project

42 staffing, contractual guarantees against work stoppages, and mutually binding procedures
43 for resolving disputes; and
44

45 **WHEREAS**, reference to the City of Saint Paul in this resolution also includes the Housing and
46 Redevelopment Authority of the City of Saint Paul, Minnesota.
47

48 **NOW, THEREFORE, BE IT RESOLVED**, that consistent with the City's role as a market participant in
49 purchasing construction services, the City of Saint Paul may require contractors and subcontractors to
50 abide by a PLA as a condition of working on a particular building construction, parks or public works
51 project under the following terms and conditions.
52

53 1. The City shall consider the use of a PLA on all building construction, parks or public works
54 projects involving a City contract with \$250,000.00 or more in city money. This requirement does not
55 apply if the City is a party to a joint powers agreement with another public entity for the project. Any
56 department or agency of the City that plans to undertake such a project shall timely submit the matter to the
57 City Council for a decision on whether to use a PLA for the particular project. Any decision on the use of a
58 PLA must be made before City approval of the project. Interested parties shall be given notice of the matter
59 and allowed ten days to respond. The City may use a PLA when it determines, in the exercise of its
60 discretion, that doing so will further its interests in promoting timely, cost-effective, and quality
61 construction with minimal delays and disruptions.
62

63 2. Upon request by the Administration, a Councilperson or an interested party, the City
64 Council will hold a public hearing at which interested parties may participate. The hearing will be held on
65 two weeks' notice in the customary manner that notices of City Council meetings are published. At this
66 hearing evidence may be presented as to the City's need for and interest in a PLA with respect to the
67 particular project.
68

69 3. The City, when considering whether to use a PLA on a particular project, shall undertake an
70 evaluation to determine whether doing so would advance its interests as project owner. Relevant criteria
71 for considering whether to use a PLA on a particular project include, but are not limited to, the following:
72

- 73 a. Size of the job;
- 74 b. Cost of the job;
- 75 c. Duration of the job;
- 76 d. Impact of any delays;
- 77 e. Amount of construction projects in the area competing for skilled workers;
- 78 f. The number of local collective bargaining agreements ("CBAs") that will expire
79 during the term of the project;
- 80 g. Number of crafts and CBAs in the geographic area;
- 81 h. Whether a majority of successful bidders on prior projects were union employers;
- 82 i. Record of good quality and efficient construction under previous PLAs; and
- 83 j. Impact on achieving vendor outreach program and workforce goals.
84

85 4. The City may retain a project manager, consultant or assign staff to prepare a report
86 analyzing whether it would serve the City's interests to use a PLA. If the City decides, based on its
87 evaluation, to use a PLA on a particular project it shall set forth the basis for its decision in writing. The

88 City's findings should analyze the particular benefits that a PLA could reasonably be expected to provide
89 to the City as project owner.

90

91 5. When the City has determined to use a PLA on a particular project, the City shall require its
92 general contractor to negotiate and enter into a PLA for the particular project.

93

94 6. When the City has determined to require a PLA on a particular project, the City shall
95 require execution of a PLA by the general contractor in the bid specifications and in all relevant bid
96 documents. The bid specifications shall make clear that bidding is open to union and nonunion
97 contractors, provided that a contractor that is a successful bidder agrees to become a party to and comply
98 with the PLA while working on the project.

99

100 7. Any such PLA used by the City shall meet the following criteria.

101

- 102 a. The PLA shall be made binding on all contractors and subcontractors working on the
103 site, and shall establish certain uniform job conditions;
- 104 b. The PLA shall set forth binding procedures for resolving any jurisdictional and labor
105 disputes arising during the construction process including disputes pertaining to
106 alleged violations of the PLA and in particular alleged violations of the prohibition
107 against strikes, lock-outs, handbilling, leafletting, or other similar disruptive job
108 actions;
- 109 c. The PLA shall contain guarantees against strikes, lock-outs, handbilling, leafletting,
110 and any other similar job actions that would disrupt construction;
- 111 d. The PLA shall provide that there shall be no discrimination against any employee or
112 applicant for employment because of his or her membership or non-membership in a
113 union or based on race, creed, color, sex, age, religion, or national origin of such
114 employee or applicant. For all employees not presently members of a union at the
115 outset of the Project, becoming and remaining a member of the union shall not be a
116 requirement for employment under the PLA. However, any employee who does not
117 become a member of the Union shall be required to pay the appropriate
118 representation fee, not to exceed dues or fees paid by union members. The PLA shall
119 provide for hiring from the applicable union hiring halls to ensure a steady supply of
120 highly skilled and trained craft workers. The PLA shall provide that there shall be no
121 discrimination in referrals or employment against any employee or applicant for
122 employment because of his or her membership or non-membership in a union or
123 based on race, creed, color, sex, age, religion or national origin of such employee or
124 applicant; and
- 125 e. The PLA shall not require any contractor to be or become a party to a collective
126 bargaining agreement on any other construction project in order to qualify to work
127 under a PLA implemented for a particular project.
- 128 f. The PLA shall require parties to make a demonstrable effort to achieving the
129 following objectives:
- 130 (i) Workforce diversity reflective of the region in partnership with capacity
131 strengthening employment programs such as Minnesota Build, Apprenticeship Opportunities Program, or
132 any other local, state, or national efforts that are recognized for achieving workforce diversity;
- 133 (ii) Maximum use of local businesses;

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- 134 (iii) Maximum use of small businesses; and
- 135 (iv) Maximum use of minority, women, and low income persons and businesses
- 136 in a manner consistent with applicable federal, state, and local laws,
- 137 regulations, policies and grant requirements.
- 138

139 g. The Department of Human Rights and Equal Economic Opportunity shall collect
 140 and analyze data on the effectiveness of PLAs on achieving the goals and objectives
 141 stated in this Resolution and report its findings and recommendations to the Mayor
 142 within six months following the passage of this Resolution and annually thereafter.
 143

144 BE IT FURTHER RESOLVED, that City staff of the Department of Human Rights and Equal Economic
 145 Opportunity notify potentially interested parties, including but not limited to, Asian American Chamber of
 146 Commerce, Asian American Contractors Association, Associated Builders and Contractors, Associated
 147 General Contractors of Minnesota, Association of Women Contractors, Hispanic Chamber of Commerce
 148 of Minnesota, Minnesota American Indian Chamber of Commerce, National Association of Minority
 149 Contractors Upper Midwest (Saint Paul and Minneapolis), National Black Chamber of Commerce, Saint
 150 Paul Building and Construction Trades Council, Saint Paul Area Labor Federation, USPan Asian American
 151 Chamber of Commerce, of this resolution and request that they indicate whether or not they wish to be
 152 notified of projects with \$250,000 or more in City/HRA money.

	Yeas	Nays	Absent
Bostrom	✓		
Carter	✓		
Harris	✓		
Helgen	✓		
Lantry	✓		
Stark	✓		
Thune			✓
	6	0	1

Requested by Department of:
 Mayor's Office
 By: Sara Shewry
 Approved by the Office of Financial Services
 By: _____
 Approved by City Attorney
 By: [Signature]
 Approved by Mayor for Submission to Council
 By: Sara Shewry

Adopted by Council: Date 4/3/09
 Adoption Certified by Council Secretary
 By: [Signature]
 Approved by Mayor: Date 6/9/09
 By: [Signature]

09-584

Green Sheet NO: 3070817

Department/Office/Council: MO - Mayor's Office	Date Initiated: 27-MAY-09
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Contact Person & Phone: Kris Fredson 266-8534
Must Be on Council Agenda by (Date):
Doc. Type: RESOLUTION
E-Document Required: Y Document Contact: Contact Phone:

➔

**Assign
Number
For
Routing
Order**

	Department	Sent To Person	Initial/Date
0	Mayor's Office		
1	Mayor's Office	Department Director	
2	City Attorney		Bjm
3	Mayor's Office	Mayor/Assistant	
4	Council		
5	City Clerk	City Clerk	

Total # of Signature Pages ____ (Clip All Locations for Signature)

Action Requested:
 Council Resolution establishing a Project Labor Agreement policy requiring the City, upon request by the Administration, a Councilperson or an interested party, to consider the use of a PLA on all building and construction, parks or public works projects involving a contract over \$250,000 or more in City money.

Recommendations: Approve (A) or Reject (R):

_____ Planning Commission

_____ CIB Committee

_____ Civil Service Commission

Personal Service Contracts Must Answer the Following Questions:

1. Has this person/firm ever worked under a contract for this department?
 Yes No
2. Has this person/firm ever been a city employee?
 Yes No
3. Does this person/firm possess a skill not normally possessed by any current city employee?
 Yes No

Explain all yes answers on separate sheet and attach to green sheet.

Initiating Problem, Issues, Opportunity (Who, What, When, Where, Why):

Advantages If Approved:

Disadvantages If Approved:

Disadvantages If Not Approved:

Total Amount of Transaction: Funding Source: Financial Information: (Explain)	Cost/Revenue Budgeted: Activity Number:
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