

Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2670

A Resolution Establishing a Policy Regarding the Use of Project Labor Agreements on City and Borough Projects and Establishing a Project Labor Agreement Advisory Committee.

WHEREAS, it is the City and Borough Assembly's intent that project labor agreements be used on CBJ construction projects whenever doing so will serve an important and legitimate governmental interest, and when doing so is legally defensible; and

WHEREAS, the use of a project labor agreement is legally defensible when the use of such an agreement serves an important and legitimate governmental interest and the agreement itself contains terms that are closely tailored to achieving or protecting that stated governmental interest, and when the agreement is rationally related to the competitive bidding requirements identified in the City and Borough's Procurement Code; and

WHEREAS, it is the City and Borough Assembly's intent to ensure that the use of a project labor agreement is carefully and thoughtfully considered with respect to all of the City and Borough's major construction projects.

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. There is established a four member Project Labor Agreement Advisory Committee (hereinafter "PLA Committee") consisting of the Port Director, Engineering Director, Airport Manager, and City Manager.

Section 2. Except as provided herein, all City and Borough construction projects exceeding \$4,000,000 (Four Million Dollars) in estimated value, as well as any project recommended for review by a member of the PLA Committee, shall be reviewed by the Committee.

Section 3. The PLA Committee shall consider whether it is in the City and Borough's best interest to utilize a project labor agreement with respect to those projects that come before it. In making its recommendation, the PLA Committee shall consider whether the City and Borough has any important and legitimate interests that would justify the use of a project labor agreement, and if so, shall consider and recommend terms to include in the project labor agreement that the Committee believes will achieve or protect the important and legitimate interests identified.

Section 4. In making its recommendation, the PLA Committee may consider any factor it deems relevant, including, but not limited to, the following:

- a. Whether labor cost savings may be realized with the coordination of terms and conditions incorporated in a uniform agreement;
- b. Whether potential benefits in time and money saved or public convenience in ensuring labor harmony for the duration of the project may be realized;
- c. Whether the use of a project labor agreement would provide more immediate and efficient access to a pool of skilled journey level workers and apprentices;
- d. Whether there is a documented skilled labor shortage in the area (or one likely to be during the expected duration of the project);
- e. Whether there are other projects competing for the same labor pool;
- f. Whether the use of a project labor agreement would contribute to on-time and on-budget completion of the project;
- g. Whether the absence of a project labor agreement would delay or seriously inconvenience the City and Borough or the general public (for example: delaying the opening of a school, causing transportation delays or congestion, or interfering with revenue flow) and would the use of a project labor agreement likely avoid any delay;
- h. Whether the project's complexity is such that a delay in one area could significantly delay the entire project;
- i. Whether any other feature of the project (complexity, duration, demonstrable cost savings or other efficiency, a history of strife on similar past projects, or any other unique circumstance) presents a challenge or situation that could be addressed by the use of a PLA tailored to address the challenging or unique feature identified.

Section 5. If, with respect to a project being considered, the Committee determines that a project labor agreement is not warranted, it shall issue a decision in writing and forward it to the Public Works and Facilities Committee for its information.

Section 6. If the Committee determines that there is an important government interest or interests that could be served by the use of a project labor agreement as to a particular project, the Committee shall issue a written recommendation articulating the legitimate and important government interest identified and how the terms of the agreement being considered meets the stated interests, and how the use of the project labor agreement as to that particular project meets the purposes underlying the City and Borough's competitive bidding requirements. The Committee's written decision shall be forwarded to the Municipal Attorney for legal review, and then to the Public Works and Facilities Committee for its information.

Section 7. This policy does not apply to non-building site work projects or projects within a right-of-way.

Section 8. The adoption of this resolution does not require the City and Borough to use a project labor agreement on any construction project, nor does it preclude the use of a project labor agreement if the City and Borough deems it advisable to do so, despite the final recommendation of the PLA Committee.

Section 9. Effective Date. This resolution shall be effective immediately upon adoption.

Adopted this day of 2013.

Merrill Sanford, Mayor

Attest:

Laurie J. Sica, Clerk