

SALT LAKE COUNTY ORDINANCE

ORDINANCE NO. _____, 2019

APPRENTICESHIP UTILIZATION AMENDMENTS

AN ORDINANCE AMENDING CHAPTER 3.26.020, ENTITLED "APPRENTICESHIP UTILIZATION" OF THE SALT LAKE COUNTY CODE OF ORDINANCES, 2001, CLARIFYING THE DEFINITIONS, MAKING SIMILAR CLAIFYING CHANGES IN THE ORDINANCE, AND ADDING A SECTION REGARDING PROTESTS AND THIRD PARTIES.

The Legislative Body of Salt Lake County ordains as follows:

SECTION I. Section 3.26.020 of the Salt Lake County Code of Ordinances, 2001, is amended to read as follows:

3.26.020. Definitions.

A. For the purposes of this chapter, the following definitions shall apply:

1. "Apprentice" means an apprentice enrolled in a certified [~~apprenticeship~~] training program, as recognized by the [~~Department of Workforce Services of the State of Utah~~] United States Department of Labor, Office of Apprenticeship.
2. "Building improvement" means the same as defined by Utah Code Title 11 Chapter 39.
3. "Certified training program" means an apprenticeship training program approved by the [~~Department of Workforce Services of the State of Utah~~] United States Department of Labor, Office of Apprenticeship.
4. "Labor hours" means the total hours of workers receiving an hourly wage who are directly employed on the site of a building improvement or public works project. "Labor hours" includes hours performed by workers employed by the general contractor and all subcontractors working on the project. "Labor hours" does not include hours worked by foremen, superintendents, project managers, project engineers, and owners.
5. "Public works project" means the same as defined by the Utah Code Title 11 Chapter 39.
6. "Qualifying projects" means contracts [~~issued~~] executed by Salt Lake County

on or after January 1, 2020 for all Salt Lake County owned building improvements or public works projects [~~estimated to exceed~~] where the contract for the project exceeds \$3,000,000.00.

7. “Trade” means electricians, bricklayers, ironworkers, operating engineers, plumbers, pipefitters, welders, HVAC&R technicians, operative cement masons, painters, drywallers, laborers, heat and frost insulators, sheet metal workers, sprinkler fitters, and roofers.

SECTION VI. Section 3.26.030 of the Salt Lake County Code of Ordinances, 2001, is amended to read as follows:

3.26.030 Apprenticeship Labor.

- A. The specifications for all qualified projects shall require that no less than 10 percent of the labor hours within each trade be performed by apprentices of that trade.
- B. Work shall not be divided among contractors or subcontractors in order to evade the requirements of this section. Where two or more contractors or subcontractors perform work within a trade, all such contractors or subcontractors shall comply with the requirements of this section.
- C. All contractors and subcontractors subject to this section shall provide payroll reports on at least a monthly basis to the county, certifying the names of all workers performing labor hours, their trade, hours worked, and designation as journey level worker or apprentice.
- D. The Salt Lake County Mayor or designee may adjust the requirements of this section for a specific project if there is:
 1. A demonstrated lack of availability of apprentices in specific geographic areas;
 2. A disproportionately high ratio of material costs to labor hours, which does not make feasible the required minimum levels of apprentice participation; or
 3. The contractor demonstrates a good faith effort to comply with the requirements of subsection A.
- E. Contracts for all qualified projects will provide that if a contractor fails to comply with the requirement of subsection A, and the requirement is not adjusted by the Salt Lake County Mayor or designee, the contractor will be assessed a penalty fee amount for each hour that is not achieved. The amount per hour will be based on the extent the contractor or [~~service provider~~] sub-contractor met [~~its goal~~] the requirement. The amount per hour that will be assessed is as follows:

Percent of goal met	Assessment per unmet hour
100%	\$ 0.00
90% to 99%	\$ 2.00
75% to 89%	\$ 3.50
50% to 74%	\$ 5.00
1% to 49%	\$ 7.50
0%	\$10.00

- E. Continued failure by a contractor to comply with the subsection A may be deemed a breach of contract for which the County is entitled to all remedies allowed by law and under the contract.

SECTION VI. Section 3.26.040(A) of the Salt Lake County Code of Ordinances, 2001, is amended to read as follows:

3.26.040 EXCEPTIONS

This section 3.26 shall not apply to:

- A. A change order or a modification to a project, when the [estimate] original contract did not meet the initial dollar threshold of a Qualified Project;
- B. An emergency repair; or
- C. A project subject to a grant requirement or other legal obligation the County must honor as a condition of receiving a grant or other funds which limit the application of the requirements of this section 3.26.

SECTION VI. Section 3.26.050 of the Salt Lake County Code of Ordinances, 2001, is enacted to read as follows:

3.26.50 PROTESTS AND THIRD PARTIES

The failure of a contractor to meet the requirements of section 3.26:

- A. May not be the basis for a protest or other action from a prospective bidder, offeror, or contractor under this chapter;
- B. May not be used as the basis for any action or suit by someone other than the county that would suspend, disrupt, or terminate a building improvement or public works project; and

- C. May not be used by an employee of a contractor or subcontractor or any other third party as a basis for any private action or suit against the county for damages for the failure of a contractor or subcontractor to meet the requirements of this section.

SECTION VI. This ordinance shall become effective fifteen (15) days after its passage and upon at least one publication of the ordinance or a summary thereof in a newspaper published and having general circulation in Salt Lake County.

APPROVED and ADOPTED this _____ day of _____, 2019.

SALT LAKE COUNTY COUNCIL

Richard Snelgrove, Chair

ATTEST:

Salt Lake County Clerk

APPROVED AS TO FORM:

Deputy District Attorney

ORDINANCE HISTORY

Council Member Bradley voting	_____
Council Member Bradshaw voting	_____
Council Member Burdick voting	_____
Council Member DeBry voting	_____
Council Member Ghorbani voting	_____
Council Member Granato voting	_____
Council Member Jensen voting	_____
Council Member Newton voting	_____
Council Member Snelgrove voting	_____

Vetoed and dated this ____ day of _____, 2019.

BY _____
Mayor Jennifer Wilson or Designee

(Complete as Applicable)
Veto override: Yes ____ No ____ Date _____
Ordinance Published in newspaper: Date _____
Effective date of ordinance: _____

SUMMARY OF

SALT LAKE COUNTY ORDINANCE NO. _____

On the _____ day of _____, 2019, the County Council of Salt Lake County adopted Ordinance No. _____, which amends Section 3.26, entitled “Apprenticeship Utilization clarifying the definitions, making similar clarifying changes in the ordinance, and adding a section regarding third parties and protests.

A complete copy of Ordinance No. _____ is available in the office of the Salt Lake County Clerk, 2001 South State St., N2100A, Salt Lake City, Utah.

SALT LAKE COUNTY COUNCIL

By: _____
Richard Snelgrove, Chair

ATTEST:

Sherrie Swensen
Salt Lake County Clerk

A Complete copy of Ordinance No. _____ is available in the office of the Salt Lake County Clerk, 2001 South State Street, N2700A, Salt Lake City, Utah

