

ORDINANCE NUMBER 1260

Final Publication Number 2965. First Publication in the Chronicle on July 31, 2002.

City of Cambridge

In the Year Two Thousand and Two

AN ORDINANCE

In amendment to the Ordinance entitled “Municipal Code of the City of Cambridge”

Be it ordained by the City Council of the City of Cambridge as follows:

That Title 2 of the Municipal Code entitled “Administration and Personnel” be amended in Chapter 2.66 entitled “Cambridge Employment Plan” by striking out Section 2.66.080 entitled “Contractor qualifications and sanctions” and substituting in place thereof the following new section.

Section 2.66.080 Contractor qualifications and sanctions.

A. All bidders and all subcontractors under the bidder for projects subject to G.L. c. 149, §44A(2) and G.L. c 30 §39M shall, as a condition for bidding, agree in writing that they shall comply with the following obligations:

1. The bidder and all subcontractors under the bidder shall comply with the Cambridge Employment Plan as it currently exists and as it may, from time to time, be amended, and specifically shall comply with the worker hours requirements of Section 2.66.060(A).
2. The bidder and all subcontractors under the bidder must comply with the obligations established under G.L. c. 149 and G.L. c 30 §39M to pay the appropriate lawful prevailing wage rates to their employees.
3. The bidder and all subcontractors under the bidder must maintain or participate in a bona fide apprentice training program as defined by c. 23, §§11H and 11I for each apprenticeable trade or occupation represented in their workforce that is approved by the Division of Apprentice Training of the Department of Labor and Industries and must abide by the apprentice to journeymen ratio for each trade prescribed therein in the performance of the contract.
4. The bidder and all subcontractors under the bidder must furnish, at their expense, hospitalization and medical benefits for all their employees employed on the project and/or coverage at least comparable in value to the hospitalization and medical benefits provided by the health and welfare plans in the applicable craft recognized by G.L. c. 149, §26 and G.L. c 30 §39M in establishing minimum wage rates.
5. The bidder and all subcontractors under the bidder must maintain appropriate industrial accident insurance coverage for all the employees employed on the project in accordance with G.L. c. 152.
6. The bidder and all subcontractors under the bidder must properly classify employees as employees rather than independent contractors and treat them accordingly for purposes of workers'

compensation insurance coverage, unemployment taxes, social security taxes and income tax withholding in accordance with G.L. c. 149, §148B and G.L. c 30 §39M.

B. All bidders and subcontractors under the bidder who are awarded or who otherwise obtain contracts on projects subject to G.L. c. 149, §44A(2) and G.L. c 30 §39M shall comply with the obligations numbered 1 through 6 as set forth in subsection A of this section for the entire duration of their work on the project, and an officer of each such bidder or subcontractor under the bidder shall certify under oath and in writing on a weekly basis that they are in compliance with such obligations.

C. Any bidder or subcontractor under the bidder who fails to comply with any one of obligations 1 through 6 as set forth in subsection A of this section for any period of time shall be, at the sole discretion of the City Manager, subject to one or more of the following sanctions: (1) cessation of work on the project until compliance is obtained; (2) withholding of payment due under any contract or subcontract until compliance is obtained; (3) permanent removal from any further work on the project; (4) liquidated damages payable to the City in the amount of five percent of the dollar value of the contract.

D. In addition to the sanctions outlined in subsection C of this section, a general bidder or contractor shall be equally liable for the violations of its subcontractor with the exception of violations arising from work performed pursuant to subcontracts that are subject to G.L. c. 149, §44F and G.L. c 30 §39M. Any contractor or subcontractor who has been determined to have violated any of the obligations set forth in subsections A and B of this section shall be barred from performing any work on any future projects for six months for a first violation, for three years for a second violation, and permanently for a third violation.

E. The provisions of this section shall not apply to construction projects for which the low general bid was less than one hundred thousand dollars or to work performed pursuant to subcontracts that are subject to G.L. c. 149, §44F and G.L. c 30 §39M and that were bid for less than twenty-five thousand dollars, or to re-bids for construction projects for which the City receives fewer than three qualified general contract bidders in the original bid. (Ord. 1162, 1995)

In City Council September 9, 2002.
Passed to be ordained.
Yeas 8; Nays 0; Absent 1.
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury
City Clerk