SUMMARY STATEMENT

ITEM NO.: DRPA-18-095  SUBJECT: Amendment to DRPA-09-045 and DRPA-09-094 DRPA Construction Contract Requirements

COMMITTEE: Operations & Maintenance

COMMITTEE MEETING DATE: October 2, 2018

BOARD ACTION DATE: October 17, 2018

PROPOSAL: That the Board of Commissioners amend the provisions of DRPA-09-045 and DRPA-09-094 to clarify allowable wage provisions applicable to Project Labor Agreements (PLA); and, in the event a local union(s) does not sign on to the PLA, the Project may proceed under the PLA with all signatory local unions, and, for crafts and/or trades that have not agreed to the PLA, the General Contractor shall be precluded from utilizing non-signatory local union members as a source of labor for the project.

PURPOSE: To clarify DRPA’s use of PLAs in maintaining its bridges and PATCO line. To keep these facilities - which DRPA holds in trust for the community - in excellent condition, keeping them safe, serviceable and secure, the Board has long held it important to hire employees and retain contractors that demonstrate the highest levels of excellence in craftsmanship, skill and experience. The Board’s judgment has always been that the best way to fulfill its goal is by ensuring that our contractors use workers that are well trained and skilled in their craft and trade. To further this goal, DRPA has used PLAs, which have the added benefit of encouraging the employment of a local workforce to maintain and improve DRPA and PATCO facilities. The actions taken here are intended to update and clarify the Board’s prior directives to adapt to a changing labor market and ensure DRPA’s access to the best-trained workers to enhance its stewardship of the facilities.

BACKGROUND: DRPA-09-045 and DRPA-09-094 directed, inter alia, utilization of PLAs for all DRPA Construction Contracts wherein the Engineer’s Estimate for the Project exceeds $5,000,000.
DRPA acknowledges that there have been major shifts in the economy since 2009 which have affected the availability of skilled and experienced labor. For the purpose of maintaining DRPA’s capital projects schedule and in the light of changed circumstances, DRPA staff recommended that premium pay for work during certain hours of the day (e.g., nights) or on certain days of the week (e.g. Saturdays, Sundays, holidays) should be paid at a rate which is consistent with the premium pay provisions of the local collective bargaining agreements of the various crafts working on DRPA’s facilities.

It is the Board of Commissioners’ intention to clarify allowable wage payments to specifically permit a PLA to provide for premium pay for work during certain hours of the day (e.g., nights) or on certain days of the week (e.g. Saturdays, Sundays, holidays) at a rate which is consistent with the premium pay provisions of the local collective bargaining agreements of the various crafts working on the Project.

In the event a local union(s) does not sign on to the PLA, the Project may proceed under the PLA with all signatory local unions, and, for crafts and/or trades that have not agreed to the PLA, the General Contractor shall be precluded from utilizing non-signatory local union members as a source of labor for the project. Any such non-union labor utilized shall be subject to DRPA’s responsible contractor requirements and paid at DRPA’s regular hourly wage, the rate of pay to be determined in accordance with the local Prevailing Wage Rate Determination applicable to the trade and the class of worker.
SUMMARY STATEMENT Amendment to DRPA-09-045 and DRPA-09-094 DRPA Construction Contract Requirements

<table>
<thead>
<tr>
<th>SUMMARY:</th>
<th>Amount:</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Source of Funds:</td>
<td></td>
<td>N/A</td>
</tr>
<tr>
<td>Operating Budget:</td>
<td></td>
<td>N/A</td>
</tr>
<tr>
<td>Capital Project #:</td>
<td></td>
<td>N/A</td>
</tr>
<tr>
<td>Master Plan Status:</td>
<td></td>
<td>N/A</td>
</tr>
<tr>
<td>Other Fund Sources:</td>
<td></td>
<td>N/A</td>
</tr>
<tr>
<td>Duration of Contract:</td>
<td></td>
<td>N/A</td>
</tr>
<tr>
<td>Other Parties Involved:</td>
<td></td>
<td>N/A</td>
</tr>
</tbody>
</table>
RESOLUTION

RESOLVED: That DRPA-09-045 and DRPA-09-094 shall be and are hereby amended to clarify that premium pay for work conducted during non-standard work hours, such as nights and weekends, be paid at rates consistent with provisions of the local collective bargaining agreements of the various crafts working on the Project; and be it further

RESOLVED: In the event a local union(s) does not sign on to the PLA, the Project may proceed under the PLA with all signatory local unions, and, for crafts and/or trades that have not agreed to the PLA, the General Contractor shall be precluded from utilizing non-signatory local union members as a source of labor for the project. Any such non-union labor utilized shall be subject to DRPA’s responsible contractor requirements and paid at DRPA’s regular hourly wage, the rate of pay to be determined in accordance with the local Prevailing Wage Rate Determination applicable to the trade and the class of worker as set for regular weekday hours (non-premium regular weekday, Monday through Friday, work), without regard to any premium rate, hours of work or other determinations as may be set forth in said Determination; and be it further

RESOLVED: That for those Projects approved by the Board of Commissioners in these instances, the Chair, Vice Chair and the Chief Executive Officer must approve and are hereby authorized to approve and execute all necessary agreements, contracts, or other documents on behalf of the DRPA. If such agreements, contracts, or other documents have been approved by the Chair, Vice Chair and Chief Executive Officer and if thereafter, either the Chair or Vice Chair is absent or unavailable, the remaining Officer may execute the said document(s) on behalf of DRPA along with the Chief Executive Officer. If both the Chair and Vice Chair are absent or unavailable, and if it is necessary to execute the said document(s) while they are absent or unavailable, then the Chief Executive Officer shall execute such documents on behalf of DRPA.
SUMMARY:  
Amount:       N/A  
Source of Funds:   N/A  
Operating Budget:   N/A  
Capital Project #:  N/A  
Master Plan Status: N/A  
Other Fund Sources: N/A  
Duration of Contract: N/A  
Other Parties Involved: N/A