

JANUARY 2009

APPENDIX K

DECLARATION OF POLICY

SPECIAL PROVISIONS FOR APPRENTICESHIPS

DECLARATION OF POLICY

WHEREAS, it is the policy of the Metropolitan Water Reclamation District of Greater Chicago ("Water Reclamation District") to ensure full and equitable employment opportunities for Minorities and women in the building trades on all Water Reclamation District construction contracts; and

WHEREAS, lack of employment opportunities for minorities and females in the building trades impedes economic development and contributes to the social ills of the area served by the District; and

WHEREAS, Federal and State regulations prohibit discrimination because of race, color, religion, sex or national origin in employment and training programs; and

WHEREAS, the Human Rights Act of the State of Illinois (HI. Rev. Stats., 1991, Ch. 68, Section 2-105) provides that every party to a public contract shall undertake affirmative action to assure equality of employment opportunity and eliminate the effects of past discrimination; and

WHEREAS, the District is committed to ensuring that minorities and women are provided training and self-improvement opportunities in the building trades on Water Reclamation District construction contracts to assist in their increased employment in the building trades; and

WHEREAS, pursuant to the Board of Commissioners' direction, the Water Reclamation District staff conducted an investigation and prepared a report on the utilization of minorities and women in the building trades in the metropolitan Chicago area and on Water Reclamation District construction contracts; and

WHEREAS, the Districts report also revealed that the training opportunities currently being provided in the building trades on Water Reclamation District construction contracts is inadequate to increase significantly minority and women employment in the building trades on Water Reclamation District projects; and

WHEREAS, the Water Reclamation District's report also demonstrated that the underutilization of minorities and women in the building trades impedes their ability to form minority and women owned business in the construction industry which, in turn, impedes the achievement of the Water Reclamation District's policy of full and equitable participation by minority and women owned businesses on Water Reclamation District construction contracts, as embodied in Appendix D; and

WHEREAS, the Board of Commissioners has reviewed the report of the Water Reclamation District's staff, attended a prior study session on October 29, 1992 and heard relevant testimony on this matter, and pursuant to its authority under m. Rev. Stats., Ch. 42, Section 331.3 and in furtherance of the affirmative action requirements under Executive Order 11246, as amended, and the regulations thereunder, 41 C.F.R. § 60-4.4 and 40 C.F.R. § 8 and HI. Rev. Stats., Ch. 68, Section 2-105;

NOW, THEREFORE, the Water Reclamation District Board of Commissioners hereby amends and adopts the following revisions to Appendix C by adding the following new section designated as Section 16 in all federal or federally assisted projects and as Section 4 in all non-federal or non-federally assisted projects thereto:

Section 16 [or 4]:

- “(a) To facilitate the provision of training opportunities for minorities and women in the building trades, the Water Reclamation District shall designate specific contracts as subject to an Affirmative Action Apprentice Program;
- “(b) In selecting contracts for participation in the Affirmative Action Apprentice Program and in establishing the applicable goals for each such selected contract, the Water Reclamation District will consider the following criteria:
 - “(i) The nature of a project to ensure that it has the potential for providing effective training opportunities.
 - “(ii) Duration of the contract, work schedules for project completion and labor intensiveness of work areas.
 - “(iii) Magnitude or dollar amount of the contract
 - “(iv) Scope of work to be performed.

- “(v) Total normal building trades work force that the average low Bidder could be expected to use.
- “(vi) The ratio of apprentices to journeymen it would be feasible for the average lower Bidder to use as part of the contractor's work force during normal operations, including the consideration of the relevant provisions of any applicable collective bargaining agreement.
- “(c) For each designated contract subject to the Affirmative Action Apprentice Program, the Water Reclamation District shall establish goals for the number of minority and female apprentices in the building trades to be assigned work on the contract (expressed in terms of hours of assigned work, 1,000 hours being equivalent to approximately 6 months of full-time employment). The Bidder shall commit to the employment of minority and female apprentices on the contract equal to or greater than each of the applicable goals, provided that the established goals for minority and female participation in the apprentice program shall not require the Bidder to exceed the 19.6 percent minorities and 6.9 percent women participation goals for each trade in the Bidder's aggregate on-site construction work force established in Appendices A and B herein.
- “(d) If the Bidder finds it impossible to meet the established goals, the Bidder may seek a waiver from them accompanied by such documentation as requested by the Administrator that sufficient qualified minorities and women to meet the goals were unavailable despite the Bidder making all reasonable good faith efforts in recruiting minorities and females for said training positions. The Director of Procurement and Materials Management, after consultation with the Administrator, may grant the waiver request upon the determination that sufficient qualified minorities and women are not available for employment in the applicable training programs to meet the established goals despite the good faith efforts of the Bidder to recruit minorities and women or that applicable collective bargaining agreement provisions would prohibit the employment of apprentices on the project to the extent required by the established goals.
- “(e) Whenever a Bidder's Contractor subcontracts a portion of the work involving any construction trade, it shall physically include this provision and the applicable goals in each subcontract in excess of \$10,000.
- “(f) Within ten days following the approval of the Contractor's Bond, the Contractor shall submit to the Affirmative Action Administrator a proposed training program specifying the number of apprentices to be trained in each selected classification and the corresponding training programs to be used. In the event a subcontract is let for a portion of the work, the Contractor may determine the extent to which apprentices are to be trained by the subcontractor, but the Contractor shall retain responsibility for meeting the applicable goals or shall submit with its bid a request for a partial or total waiver of the established goals.

- '(g) A Contractor's training program will be approved only if it meets the standards set forth with regard to:
 - “(i) The primary objectives of training and upgrading minority and women workers.
 - “(ii) The training programs are approved by the Department of Labor (except with respect to any established training program for laborers).
 - “(iii) The classifications proposed must be appropriate for the specific project (i.e., the character, duration and nature of the project operations shall readily support the proposed training program.
- “(h) If the Contractor's submission is not acceptable, or, if in the opinion of the Affirmative Action Administrator, the character, duration or nature of the project operations cannot support the proposed training classification, the training program will not be approved. The Contractor's submission will be returned for correction and resubmission.
- “(i) The Contractor shall submit to the Affirmative Action Administrator a monthly report, as specified by the Administrator, detailing the usage of apprentices during the prior month.
- “(j) Where the Water Reclamation District has determine that the Contractor has failed to comply with any of the Apprentice Program requirements the Water Reclamation District may notify the Contractor of such non-compliance and withhold up to fifty percent (50%) of the current progress or final payment due the Contractor until it is determined that the Contractor is in compliance or that despite the Contractor's making all reasonable good faith efforts, it is unable to meet the established goals.
- “(k) The Contractor shall include all costs of compliance with this Apprentice Program in its bid. The Contractor shall not be entitled to any additional compensation from the Water Reclamation District for additional costs, delays or expenses of any kind arising out of or resulting from the implementation of this Program in this contract.
- “(l) The Affirmative Action Apprentices Program and these provisions shall not be construed or enforced to permit discrimination against any individual on the basis of race, color, sex or national origin with respect to employment or training opportunities on Water Reclamation District contracts."

EXHIBIT A
METROPOLITAN WATER RECLAMATION DISTRICT
OF GREATER CHICAGO
WAIVER REQUEST FORM - SPECIAL APPRENTICESHIP PROVISIONS

Contract No.: _____

Name of Bidder: _____

Contact Person and Phone Number: _____

Date: _____

With respect to the contract specified above, the Bidder hereby requests a total or partial waiver of the requirement that, pursuant to the Special Provisions for Apprenticeships of **Appendix C** it achieve a particular goal for minority and female apprentice participation in the contract.

The reasons for the request are as follows: Please attach all Good Faith Effort documentation to this request (See Executive Order 11246 Steps 7a through 7p.)

Signed: _____

Company: _____

Signature: _____

Print Name & Title: _____

Date: _____