



POLICY 6.148

- 5-D** I recommend the Board approve development of the proposed **new** Policy 6.148, entitled “Local Workers Hiring Requirements for Vendors on Certain Construction Projects.”

[Contact: Michelle Andrewin, PX 48508 or Sharon Swan, PX 48214.]

Development

CONSENT ITEM

- This is a new policy regarding local workers. The School Board requested a policy on local workers be created.
- This policy pertains to construction projects and requires businesses to utilize workforce or to hire Palm Beach county residents whenever possible, or residents from the “Glades area”, when the project is in the Glades.
- This Policy contains a provision indicating that the program will be evaluated prior to June 30, 2015 for its effectiveness and necessity.

POLICY 6.148

1 LOCAL WORKERS HIRING REQUIREMENTS FOR VENDORS ON CERTAIN
2 CONSTRUCTION PROJECTS
3

4 1. **Purpose**

5 To provide individuals who reside in Palm Beach County with an opportunity to
6 work on certain School District construction projects as defined below.

7 2. **Local Worker/Local Glades Worker Hiring Requirements**

8 In a formal competitive procurement process for any construction project,
9 businesses will be asked to utilize workforce or to hire additional workers who are
10 Palm Beach County residents, whenever possible, or “Glades area” residents when
11 the project is in the Glades. It will be the School Board’s requirement that vendors
12 report on actual workforce utilized with each pay application and ensure no less
13 than 10% of the workforce dollars for the overall project are from Palm Beach
14 County, Florida workers or Glades area wherever applicable. This requirement
15 will include prime and sub-contractor and sub-consultant workers.

16 a. **Definitions.** The following definitions applies to all matters pertaining to local
17 workers:

18 i. Local Worker. A worker can be counted as a local worker if they are
19 domiciled within the boundaries of Palm Beach County.

20 ii. Local Glades Worker. A worker can be counted as a local “Glades”
21 worker if they are domiciled within the boundaries described below.

22 iii. Domicile. The domicile is an individual’s one and only true, permanent
23 home and principal establishment.

24 b. **Application of the Local Worker/Local Glades Worker requirement**

25 Except where otherwise provided by federal or state law or other funding
26 source restrictions, purchases for construction projects budgeted at
27 \$1,000,000 or greater shall require that Design Professionals, Construction
28 Managers or General Contractors spend a minimum of 10% of the total
29 workers pay to compensate workers who are Local or in the case of a
30 construction project in the “Glades” to workers who are domiciled within the
31 “Glades” area as described below. Businesses will further be required to
32 provide a report showing the amount paid to workers who are Local Worker
33 and/or Local Glades Worker for that pay application. All contracts shall
34 include a provision where if the % of dollars paid to local and/or “Glades”

35 workers falls below the 10% threshold that a meeting will be held between
36 representatives of the School District and the vendor. Such vendor will be
37 required to submit an outreach plan which will be reviewed and approved by
38 the School District and will include periodic evaluation and goals to meet this
39 requirement. Failure to meet this requirement or to show good faith effort to
40 do so will result in debarment or other proceedings against the vendor
41 preventing them from future work with the School District for a period of 3
42 years.

43 c. **Glades**

44 The area from the Broward County line north along Canal L-36 to the
45 Loxahatchee National Wildlife Refuge, thence north to Southern Boulevard
46 along Canal L-40, thence west along Southern Boulevard to a north-south line
47 1 ½ miles west of Canal L-8, which coincides with a private agricultural road
48 heading north from Southern Boulevard at that point where State Road 880
49 intersects Southern Boulevard from the South, thence north along the line of
50 this north-south road to the boundary of the J.W. Corbett Wildlife Management
51 Area, thence east and north along the boundary of the J.W. Corbett Wildlife
52 Management Area to the Martin County Line and hold a business tax receipt
53 issued by the county that authorizes the bidder or proposer to provide the
54 goods, services, or construction to be purchased and which such certificate is
55 issued prior to the opening of the competitive solicitation for which a
56 preference is sought. If the business is a joint venture/partnership, it is
57 sufficient for qualification as a local “Glades” business if at least one (1) of the
58 joint ventures/partners meets the test set forth in this subsection.

59 3. **Waiver**

60 The application of local worker requirements to a particular purchase, contract or
61 category of contracts for which the School Board is awarding may be waived by
62 approval from the School Board or their designee. Further, if the vendor is unable
63 to meet the requirements set for the Local Worker and/or Local Glades Worker
64 threshold in the contract, then that vendor shall show good faith effort to meet such
65 criteria as outlined in the solicitation package.

66 4. **No limitation of Rights**

67 The provisions of this policy shall in no way limit the right of the School Board or
68 their designees to compare the quality of the goods and/or services proposed for
69 purchase and the qualifications, character, responsibility and fitness of any person
70 or entity submitting bids or proposals or to make an award it deems to be in the
71 best interest of the District.

72 5. **Relation to Policies 6.14, 6.142, 6.143, 7.051, and 7.10**

73 This policy shall be applied in conjunction with Board Policy 6.14, Purchasing
74 Department; Policy 6.142 Diversity in Business Practices, 6.143 Diversity and
75 Equitable Utilization in Business, 7.051 Architects or Engineers, Appointment of,
76 and 7.10 Construction Bid Procedures.

77 6. **Sunset**

78 The local worker requirement program will be evaluated, by the Director of the
79 ODBP prior to June 30, 2015, for the purpose of assessing its effectiveness and
80 necessity. If the Superintendent determines that the program should continue,
81 then he/she will make an appropriate recommendation to the School Board,
82 otherwise the program will Sunset on June 30, 2015.

83 STATUTORY AUTHORITY: Fla. Stat. §§ 1001.41(2); 1001.42(23)

84 LAWS IMPLEMENTED: Fla. Stat. §§ 1001.41; 1001.42

85 HISTORY: __/__/2012

Legal Signoff:

The Legal Department has reviewed proposed Policy 6.148 and finds it legally sufficient for development by the Board.

Attorney

Date