

MUNICIPALITY OF NORRISTOWN
A HOME RULE MUNICIPALITY
MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 16-11 of 2016

AN ORDINANCE OF THE MUNICIPALITY OF NORRISTOWN, MONTGOMERY COUNTY, PENNSYLVANIA AMENDING THE RESPONSIBLE CONTRACTOR ORDINANCE, CODIFIED AT CHAPTER 133 OF THE GENERAL LAWS OF THE MUNICIPALITY OF NORRISTOWN, TO REQUIRE CONTRACTOR APPRENTICE PROGRAMS FOR PROJECTS ONLY IN EXCESS OF \$350,000; TO REMOVE GRIEVANCE ARBITRATION REQUIREMENTS; REPEALING ALL INCONSISTENT ORDINANCES; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Municipality of Norristown (hereafter "Norristown") has previously enacted and amended its Responsible Contractors Ordinance that sets forth, in part, certain requirements that must be met for any contractor or subcontractor who performs work on certain public works contracts;

WHEREAS, Norristown has in the recent past put out for public bid various public works projects that have either received no responsive bidders or received bids that were far in excess of the estimated budgeted costs;

WHEREAS, municipal residents and taxpayers are negatively impacted by a lack of bids or excessive bids for public works project because such bids: (1) cause increased costs through time and money, including delays for rebidding or additional budgeting; (2) may jeopardize grant or other outside funding opportunities; and (3) may result in the unnecessary delay or non-completion of a public works project; and

WHEREAS, certain existing contractor requirements have been identified as limiting the number of potential bidders for public works projects, and other statutes such as the Pennsylvania Prevailing Wage Act serve as a means to ensure that workers on public works projects are paid a fair wage; and

WHEREAS, after consultation with municipal staff, professionals, and community stakeholders, as well as public input through a public hearing, the Norristown Municipal Council has determined that it is in the best interest to the health, safety and welfare of the residents of Norristown to amend certain portions of Chapter 133, titled "Contractors Responsible" to encourage greater bidding participation and competition for public works projects.

NOW THEREFORE, be it ordained and enacted by the Municipal Council of the Municipality of Norristown this ordinance amending, deleting and adding language contained in Chapter 133, titled "Contractors Responsible" of the General Laws as follows:

SECTION 1. Chapter 133, Article I, Section 133-1(C) shall be deleted in its entirety and the remaining subsection of 133-1 shall be re-lettered to reflect this deletion.

SECTION 2.
follows:

Chapter 133, Article I, Section 133-3(C) shall be amended to read as

C. In the contractor responsibility certification, the construction manager, general contractor or other lead or prime contractor shall confirm the following facts regarding its past performance and work history and its current qualifications and performance capabilities:

(1) The firm has all valid, effective licenses, registrations or certificates required by federal, state, county, or local law, including, but not limited to, licenses, registrations or certificates required to do business in the designated locale; and perform the contract work it seeks to perform. These shall include, but not be limited to, licenses, registrations or certifications for any type of trade work or specialty work which the firm proposes to self-perform.

(2) The firm meets the bonding requirements for the contract, as required by applicable law or contract specifications and any insurance requirements, as required by applicable law or contract specifications, including general liability insurance, workers' compensation insurance and unemployment insurance requirements.

(3) The firm has not been debarred by any federal, state or local government agency or authority in the past three years.

(4) The firm has not defaulted on any project in the past three years.

(5) The firm has not had any type of business, contracting or trade license, registration, or other certification suspended or revoked in the past three years.

(6) The firm has not been cited for a willful violation of federal or state safety laws in the past three years.

(7) The firm and its owners have not been convicted of any crime relating to the contracting business by a final decision of a court or government agency in the past 10 years.

(8) The firm has not within the past three years been found in violation of any law applicable to its contracting business, including but not limited to, licensing laws, tax laws, prompt payment laws, wage and hour laws, prevailing wage laws, environmental laws or others, where the result of such violation

was the payment of a fine, back pay damages or any other type of penalty in the amount of \$1,000 or more.

(9) The firm will pay all craft employees that it employs on the project the current wage rates and benefits as required under applicable federal, state or local wage laws.

(10) The firm has all other technical qualifications and resources, including equipment, personnel and financial resources, to perform the referenced contract, or will obtain same through the use of qualified, responsible subcontractors.

(11) The firm will maintain all qualifications, resources and capabilities reference din this certification throughout the duration of the project.

(12) The firm shall notify Norristown within seven days of any materials changes to all matters attested to in this certification.

(13) The firm understands that the contractor responsibility certification required by this section shall be executed by a person who has sufficient knowledge to address all matters in the certification and shall include an attestation stating, under the penalty of perjury, that the information submitted is true, complete and accurate.

SECTION 3. A new section numbered Section 133-3a, titled "Optional Contractor Responsibility Certifications," shall be added that states as follows:

§133-3a. Optional Contractor Responsibility Certifications.

A. In addition to the contractor responsibility certification required by §133-3(C) of this article and with the approval of Municipal Council and as set forth in the solicitation, all contractors and subcontractors of any tier who perform work valued at over \$350,000 on any public facility or public works project, including construction, alteration, renovation, repair, service or maintenance work may be required to confirm the following facts regarding past performance and work history and its current qualifications and performance capabilities:

(1) Participation in a bona fide apprenticeship program approved and registered with the United States Department of Labor's Bureau of Apprenticeship and Training or the Commonwealth of Pennsylvania for each apprenticeable trade or occupation represented in their workforce.

SECTION 4. Chapter 133, Article I, Section 133-5(B) shall be amended to read as follows:

B. At the time a prospective awardee submits the subcontractor list it shall also submit subcontractor responsibility certifications for all listed subcontractors to Norristown. Subcontractor responsibility certifications shall be executed by the respective subcontractors on forms prepared by Norristown and shall contain the same information and representations required in contractor responsibility certifications as applicable under this article.

SECTION 5. Severability. In the event that any section, sentence, clause, phrase or work of this Ordinance shall be declared illegal or unconstitutional by any court of competent jurisdiction, such declaration shall not prevent, preclude, or otherwise foreclose enforcement of any of the remaining portions of this Ordinance.

SECTION 6. Repealer. All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

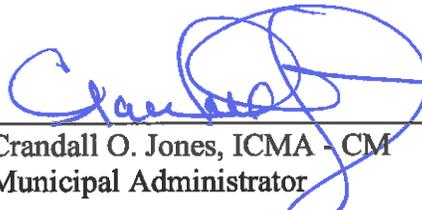
SECTION 7. Effective Date. This Ordinance shall take effect five (5) days following its legal enactment.

ENACTED and ORDAINED this 6th day of September, 2016.

Seal:

Municipality of Norristown
Municipal Council

Attest


Crandall O. Jones, ICMA - CM
Municipal Administrator

By:


Sonya Sanders
Council President