

**CHAPTER 2011-10**

**No. 166                    AN ORDINANCE IN AMENDMENT OF CHAPTER 2010-35,  
NO. 278, ENTITLED: "AN ORDINANCE IN AMENDMENT OF THE CODE OF  
ORDINANCES TO ADD SUBSECTION (c)(4) TO SECTION 21-28.1,  
ENTITLED: "QUALIFICATIONS OF PARTIES DOING BUSINESS WITH THE  
CITY."**

*Approved March 11, 2011*

***Be it ordained by the City of Providence:***

SECTION I. The Code of Ordinances, Chapter 21, Article II, Entitled "Contracts,  
Purchases and Sales" is hereby amended to read as follows:

**Sec. 21-28.1 Qualifications of parties doing business with the city.**

(a) In awarding bids for purchase of materials or services by the City of Providence, the board of contract and supply and the purchasing department of the City of Providence shall take into consideration, among other factors, the background and reputation for honesty and integrity of the parties who have bid on the particular materials or services. No contract shall be awarded to any party who is not current with all taxes which have been levied against that party by the city. These taxes shall include, but not be limited to property, excise and tangible taxes; provided, however, that this section shall not apply to any party who has disputed its taxes in the manner provided by law by the state of Rhode Island, nor to any party who, while delinquent, has entered into an agreement with the city collector for the payment of its taxes and is current in that agreement. All bidders shall obtain from the collector of taxes a certificate of its status with respect to taxes and shall submit the same with each bid. In order to assist the board of contract and supply and other departments of the City of Providence in considering the foregoing, the mayor, the finance director of the City of Providence or the chairperson of the finance committee of the city council of the City of Providence may request the chief of the Providence Police Department to conduct a background check on any party bidding or submitting bids for sale of services or materials to the City of Providence and/or any owner, officer or director of any such party. Upon receipt of any such request, the chief of police shall conduct such an investigation including, without limitation, to determine whether any such bidding party or any officer, director or owner thereof has been convicted of any criminal offense and shall report his findings to the party requesting such information and to the board of contract and supply.

(b) The results of any such investigations shall be public records of the City of Providence.

—(c)—Any construction project subject to subsection (a) that is or is budgeted to be \$100,000 or more shall:

1. Contain a provision requiring all contractors and subcontractors have or be affiliated with a state registered apprenticeship program as defined in 29 C.F.R. § 29 et seq.
2. Require that not less than fifteen percent (15%) of the total hours worked by the contractors' and subcontractors' employees on any one project are completed by apprentices registered in state registered apprenticeship programs as defined herein.
- a.2. ~~After~~ After the award of the contract and prior to commencement of work associated with the contract, the prime contractor may petition the awarding agency to adjust the apprenticeship work hours requirements in section 2. The awarding agency may lower the fifteen percent requirement of hours worked by apprentices only if it determines in writing that compliance is not feasible or that it would be unduly cost prohibitive to the project.
3. Contain the following enforcement provisions.
  - a. Any contracting governmental subdivision or agency or its designee shall require all contractors and subcontractors to submit written reports documenting compliance with their apprenticeship obligations in this section (c) prior to approval or periodic and final payments being made by the contracting governmental subdivision or agency.
  - b. Any contracting governmental subdivision or agency or its designee shall have the power to impose sanctions on any contractor or subcontractor found not to be in compliance of its obligations under this section. This includes but is not limited to not attaining fifteen percent (15%) of hours worked by apprentices as well as making any material misrepresentation on any verification and/or reporting apprenticeship requirement. Such sanctions shall include, but not be limited to:
    - (1) Termination of contract.
    - (2) Debarment of future City projects.
    - (3) Recovery of any benefits which accrued to the business during the period of violation.
  - c. Any person firm or corporation found to have willfully made a false or fraudulent representation in connection with its apprenticeship hiring obligations shall be required to pay a civil penalty to the department of planning and development in an amount of not less than one thousand dollars (\$1,000.00) and not greater than three thousand dollars (\$3,000.00) per representation. For purposes of this subsection "willfully" shall mean representations that are known to be false, or representations made with deliberate ignorance or reckless disregard for their truth or falsity.

4d. Any bidder shall certify in writing, as a condition precedent for bidding on any City of Providence sponsored project worth in excess of \$50,000.00, that the bidder shall comply with the following: ("Bidder" shall include all construction managers, contractors, and subcontractors bidding on a construction, repair, or demolition contract)

(a.A) All bidders shall adhere to air quality protocols outlined in the Green During Construction initiative. These refer specifically to : (1) the implementation of dust controls – especially silica control measures – during construction; (2) the substitution of all gasoline, propane, and diesel powered construction equipment – either stationary and mobile – with equipment designed to reduce toxic emissions, either through engine modification, the use of alternative fuels, or the implementation of electric or hybrid power systems; and (3) the prohibition of idling motors on gasoline and diesel vehicles as published by the Rhode Island Committee on Occupational Safety and Health.

b. (B)—All bidders who are awarded or otherwise obtain contracts with the City of Providence shall comply with al obligations set forth in Paragraph (A) for the entire duration of the contract. Any bidder performing work pursuant to this initiative shall be obligated to immediately notify the City of Providence regarding any material changes relating to concurrence with this initiative. Failure to notify the City of any material change shall be considered a submission of false information and the City shall have the discretion to impose any and all sanctions authorized by this section.

c. (C) Any bidder who negligently or willfully fails or refuses to comply with any of the obligations set forth in Paragraph (A), above, for an period of time, shall be subject to sanctions at the discretion of the City of Providence, which may or may not include one or more of the following: 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) debarment from eligibility to contract with the City of Providence; 5) declaration of any contract held by the bidder null and void.

d.(D) Each bidder shall be responsible for, and shall ensure that any and all subcontractors to the bidder shall comply with all the requirements of the ordinance, and each bidder shall certify the compliance of any and all subcontractors with the provisions of this ordinance in the manner provided in paragraph (B) above.

SECTION II. This Ordinance shall take effect upon passage.

IN CITY COUNCIL  
FEB 17 2011

FIRST READING  
READ AND PASSED

James Stite CLERK

IN CITY  
COUNCIL

MAR 3 2011  
FINAL READING  
READ AND PASSED

James Stite PRESIDENT  
James Stite CLERK

APPROVED

April T. Brown

MAYOR

3-11-2011