



PROCUREMENT ORDINANCE FREQUENTLY ASKED QUESTIONS

APPRENTICE

Why does the City of St. Petersburg require a contractor to utilize a certain percentage of apprentice workers on their projects?

The City of St. Petersburg recognizes the benefits gained with the enhancement of a skilled workforce through the educational opportunities inherent in apprenticeship programs. Requiring the employment of apprentices will promote the advancement of skill sets in the construction trades and help ensure the quality and quantity of work.

How does the City of St. Petersburg define apprentice?

Apprentice means any person who is enrolled in, and participating in an, apprenticeship program registered with the State of Florida Department of Education. More information can be found at:

State of Florida Department of Education: <https://web02.fldoe.org/Apprenticeship/search.aspx>

I have a training program of my own. Can I use this toward meeting the utilization requirement?

A company may only use a company-sponsored training program, an industry certification training program, or on-the-job training program if a contractor certifies, after a search and review of the Florida Department of Education website, there are not any apprentices available from a State of Florida Department of Education approved apprenticeship program that has geographical jurisdiction in any part of Region 3 to perform specific work described in the solicitation documents.

Region 3 includes Hernando, Hillsborough, Manatee, Pasco, Pinellas, Sarasota counties.

Who does the utilization requirement apply to?

The contract requires that 15% of total labor hours on a major construction project valued at \$1,000,000 or more be performed by apprentices. Apprentices may be employed by either the prime contractor or the subcontractors.

What is the purpose of the Apprentice Utilization Plan and what is the City of St. Petersburg looking for in the plan that I turn in?

The plan is a tool for both you and the City to determine whether you meet the apprenticeship utilization requirement. The plan should be based on the total labor hours and apprentice labor hours that you and your subcontractors expect to achieve. Your plan will be compared periodically to the monthly reports that you submit to determine whether you are on track to meet the requirement. It should be updated as changes occur that could affect your ability to meet the utilization requirements.

My plan shows that I cannot meet the apprentice utilization requirement, what should I do?

First, you should determine if there are any other areas where you or your subcontractors have the ability to increase your utilization of apprentices. If there are not, you will need to collect documentation demonstrating that you made a good faith effort to meet the requirement. If you cannot demonstrate that you made a good faith effort to meet the requirement, you will not be in compliance with the requirement. Failure to comply with the requirements as specified may result in the withholding of retainage and can include debarment from bidding on future City of St. Petersburg contracts.

What should the Good Faith Effort I turn in look like?

Your good faith effort will be the documentation of efforts you made to utilize apprentices. The City's evaluation of good faith efforts documentation submitted by a prime contractor includes but is not limited to whether the prime contractor:

- Conducted at least one monthly outreach event;
- Placed at least two monthly advertisements in two different community targeted local publications to promote prime contractor's monthly outreach event and to inform the public of employment opportunities;
- Posted job advertisements on websites, and at local colleges;
- Contacted workforce development organizations or participated in workforce development programs.



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How will the Good Faith Effort be evaluated?

The City of St. Petersburg's, Contracts Compliance Manager will review your good faith effort documents to determine that:

1. The situation documented in the good faith effort meets the intent of the contract requirement
2. The entire shortfall in apprentice participation could likely be attributable to the situations documented in your good faith effort
3. If that what you have documented could solely be responsible for the entire shortfall in apprentice hours

What situations meet the intent of the contract in terms of Good Faith Effort?

In most cases the good faith effort will be documentation demonstrating that you or a subcontractor consulted either the State of Florida Department of Education apprenticeship program list, but no apprenticeship programs exist or not enough apprentices were available during the project. It is expected that contractors hire apprentices for occupations where employees are being trained.

If apprentices are not available for dispatch at the beginning of a long-duration job, it is expected that the contractor check back with the program periodically to see if apprentices are available.

If a conflicting federal or state requirement affected your ability to utilize apprentices, this will be accepted as long as it is determined that conflicting requirements are attributable for the entire shortfall in apprentice hours.

What situations DO NOT meet the intent of the contract in terms of the Good Faith Effort?

A number of commonly submitted concerns do not meet the contract requirement for demonstrating good faith effort. The following examples DO NOT meet the requirement:

1. Falling short of the requirement due to subcontractors not using apprentices
2. Not hiring apprentices due to cost
3. Not replacing an apprentice who quit or was fired
4. Not using enough apprentices because certain work is too dangerous or the apprentices do not have the appropriate skills

I was on track to meet the requirement, but the City of St. Petersburg requested a change to the contract that affected my plan for apprentice utilization and makes it difficult for me to meet the requirement based on where I had planned to have apprentices. What should I do?

The City of St. Petersburg understands that contract changes can affect apprentice utilization. If a contract change decreases hours in areas where you planned to have apprentices, or increases hours in areas where you are not training, the City of St. Petersburg will consider this in your good faith effort. You should update your Apprentice Utilization Plan to demonstrate how much the change will affect utilization. We encourage you to contact your subcontractors to see if apprentice utilization can be increased in other areas.

What are the consequences of not meeting the apprentice requirement?

If you do not meet the requirement through utilization or demonstrating a good faith effort, failure to comply with the requirements may result in the withholding of retainage and can include debarment from bidding on future City of St. Petersburg contracts.

DISADVANTAGED WORKER

Why does the City of St. Petersburg require a contractor to utilize a certain percentage of disadvantaged workers on their projects?

The City of St. Petersburg recognizes the need to increase the number of employed disadvantaged workers to attempt to counteract the economic and social ills associated with the unemployment levels that exist within the City.



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How does the City of St. Petersburg define disadvantaged worker?

Disadvantaged worker means either (i) a person who has a criminal record; (ii) a veteran; (iii) a Southside Community Redevelopment Area resident; (iv) a person who is homeless; (v) a person without a GED or high school diploma; (vi) a person who is a custodial single parent; (vii) a person who is emancipated from the foster care system; or (viii) a person who has received public assistance benefits within the 12 months preceding employment by the prime contractor or subcontractor. Public assistance benefits mean unemployment benefits, Medicare or Medicaid benefits, or food assistance benefits as administered by the federal government or the state of Florida.

Who does the utilization requirement apply to?

The contract requires that at least 15% of all hours of work performed on a major construction project valued at \$1,000,000 or more be performed by disadvantaged workers employed by prime contractors or subcontractors.

May I request a waiver for the disadvantaged worker requirement?

The City may waive the requirements for disadvantaged workers in bid documents ONLY if it is determined that the project involves a high proportion of equipment and materials costs compared to the anticipated labor hours, OR there is an insufficient number of disadvantaged workers available to meet the contract requirements.

What documentation must I submit to the City?

The prime contractor shall and shall require its subcontractors to keep accurate records showing the total hours of work performed on a major construction project and the name, address, hours worked, and evidence of disadvantaged worker status of all disadvantaged workers asserted to meet the percentage required. The information will be uploaded and tracked using the City's compliance software.

My plan shows that I cannot meet the disadvantaged worker utilization requirement, what should I do?

First, you should determine if there are any other areas where you or your subcontractors have the ability to increase your utilization of disadvantaged workers. If there are not, you will need to collect documentation demonstrating that you made a good faith effort to meet the requirement.

What should the Good Faith Effort I turn in look like?

Your good faith effort will be the documentation of efforts you made to utilize disadvantaged workers. The City's evaluation of good faith efforts documentation submitted by a prime contractor includes but is not limited to whether the prime contractor:

- Conducted at least one monthly outreach event;
- Placed at least two monthly advertisements in two different community targeted local publications to promote prime contractor's monthly outreach event and to inform the public of employment opportunities;
- Worked with workforce development organizations to recruit applicants;
- Registered job openings, and required subcontractors to register job openings, with social service organizations.

What are the consequences of not meeting the disadvantaged worker requirement?

If you do not meet the requirement through utilization or demonstrating a good faith effort, failure to comply with the requirements may result in the withholding of retainage and can include debarment from bidding on future City of St. Petersburg contracts.

LIVING WAGE

Why does the City of St. Petersburg require a contractor to pay employees a living wage?

The City awards millions of dollars in contracts for projects that are paid for with taxpayer dollars, which should be used to increase employment opportunities, decrease levels of poverty and reduce the need for tax-funded programs in other areas. Requiring that contractors providing services to the City pay a living wage to their employees serves a public purpose by providing economic security for persons working in the City.



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What contracts does the living wage requirement apply to?

The living wage requirement applies to any major contract where the contractor provides services to the City, where the average annual contract amount exceeds \$500,000.

How is the living wage requirement applied?

Every contractor or subcontractor that employs more than 50 persons and provides services to the City pursuant to a major contract shall pay no less than the following wages to each employee for each hour of work performed for that contractor pursuant to a major contract. Beginning on January 1, 2019, contractors and subcontractors must pay the greater of the state minimum wage, the federal minimum wage, or \$13.00 per hour for 2019 and \$14.00 per hour for 2020.

What about health care benefits?

For an employer to comply with the living wage requirement by choosing to pay lower wages when health care benefits are provided, the health care benefits shall consist of payment by the employer of at least \$1.25 per hour, as adjusted, towards the provision of health care benefits for employees and their dependents.

What required documents do I need to submit to the City?

You will need to acknowledge the living wage requirement located in your solicitation package certifying that you will comply with the living wage requirement.

What are the consequences of not complying with the living wage requirement?

If you fail to comply with the living wage requirement, a three-month suspension from bidding on City contracts may be imposed. For a second violation, a one-year debarment from bidding may be imposed. For a third violation, a three-year debarment from bidding may be imposed.

RESPONSIBLE WAGE

Why does the City of St. Petersburg require a contractor to pay employees a responsible wage?

The City awards millions of dollars in contracts for projects that are paid for with taxpayer dollars, which should be used to increase employment opportunities, decrease levels of poverty and reduce the need for tax-funded programs in other areas. Requiring that contractors pay a responsible wage to their employees serves a public purpose by providing economic security for persons working in the City.

What contracts does the responsible wage requirement apply to?

The responsible wage requirement applies to any major construction contract valued at \$1,000,000 or more.

How is the responsible wage requirement applied?

Every contractor shall pay, and shall ensure that all subcontractors pay, no less than the hourly wage for each craft or trade under the most recent Davis-Bacon Act wage rates listed for Pinellas County to each employee for each hour of covered work performed by that employee. In the event that the hourly wage for the craft or trade under the most recent Davis-Bacon wage rates listed for Pinellas County is less than the living wage for the City, then every contractor shall pay, and shall ensure that all subcontractors pay no less than the living wage for the City.

What required documents do I need to submit to the City?

You will need to acknowledge the responsible wage requirement located in your solicitation package certifying that you will comply with the responsible wage requirement.

What are the consequences of not complying with the living wage requirement?

If you fail to comply with the responsible wage requirement, a three-month suspension from bidding on City contracts may be imposed. For a second violation, a one-year debarment from bidding may be imposed. For a third violation, a three-year debarment from bidding may be imposed.



PROCUREMENT ORDINANCE FREQUENTLY ASKED QUESTIONS

SMALL BUSINESS ENTERPRISE (SBE) PROGRAM

What is a Small Business Enterprise (SBE) Program?

A Small Business Enterprise is an independently owned, operated and controlled business that is not dominant in its field of operation and is a provider of supplies, services or construction. The SBE program is a race/gender neutral program that is intended to enhance procurement opportunities for certified SBEs. Visit www.stpetegreenhouse.com/sbe for program information.

What is The Greenhouse?

The Greenhouse is a City and Chamber collaboration that provides business owners and entrepreneurs with the education, resources and assistance necessary to thrive in the local economy. The Greenhouse is responsible for the administration of the City's SBE Program. The Greenhouse is responsible for processing certification applications and provides technical assistance, recruitment, community outreach and advocacy for the SBEs seeking contracting opportunities in supplies, services and construction.

How do I become a certified SBE?

The Greenhouse processes applications for certification. To apply, a business must complete the online application in the City's web-based compliance system, B2GNow, and register with the City's Procurement Department. All SBEs are required to attend mandatory workshops within 90 days of certification approval. There is no cost to apply for certification.

What is the criteria for certification?

To be eligible for certification, your company must meet the following criteria:

1. Be in operation for at least one year;
2. Employ fewer than 50 full-time, permanent employees;
3. Have annual sales volume (averaged over the previous 3 years) of:
 - a. \$5 million or less for goods/services/supplies
 - b. \$8 million or less for construction
4. Must be domiciled in Pinellas, Hillsborough, Pasco, Manatee, or Polk counties.

How long are certifications effective?

All certifications are effective for a period of three years from the date of notification of certification. Upon expiration of the three-year period, SBEs will be required to re-certify with the Greenhouse. To apply for re-certification, you must complete the online re-certification application available in the City's web-based compliance system, B2GNow.

Does the City accept certification from other municipalities, counties, or at the state or federal levels?

No, the City does not accept reciprocal certification from other municipalities, counties, or at the state or federal levels.

What are the benefits of being certified?

- Prioritized solicitation of SBE subcontractors to satisfy City-mandated SBE participation goals;
- Access to sheltered markets where only SBEs are eligible to participate in certain procurement and contracting opportunities;
- Pricing discounts applied to bids and quotes to increase the likelihood of SBE awards on goods and services contracts;
- Free business development training.

Where can I find the list of certified SBEs?

The list of certified SBEs is updated nightly and can be found at <http://www.stpete.org/sbe>

How are participation goals set?

Any construction project valued at \$50,000 or more is sent to an established SBE Committee. The committee reviews the project and votes on a participation percentage to maximize SBE participation.



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What is the City of St. Petersburg looking for with my bid submittal?

For every SBE subcontractor to be used on the project, a Letter of Intent needs to be submitted with your bid solicitation. The Letter of Intent identifies the SBE subcontractor to be used, a description of the work to be performed, and the dollar amount of the work to be performed.

I could not identify any SBE subcontractors to use on the project, what should I do?

First, you should determine if there are any areas where you or your subcontractors have the ability to utilize an SBE. If there are not, you will need to collect documentation demonstrating that you made a good faith effort to meet the SBE requirement. If you cannot demonstrate that you made a good faith effort to meet the requirement, you will not be in compliance.

What should the Good Faith Effort I turn in look like?

Your good faith effort will be the documentation of efforts you made to utilize SBEs. The City's evaluation of good faith efforts documentation submitted by a prime contractor includes but is not limited to whether the prime contractor:

- Advertised in general circulation, trade association, or small business focused media concerning the subcontracting opportunities;
- Provided written notice of the solicitation to relevant subcontractors listed on the certified SBE list and followed up on the initial solicitation interest in sufficient time to allow SBEs to participate effectively; and
- Used the services of available SBE offices and organizations that provide assistance in the recruitment and placement of SBEs.

What are the consequences of not meeting the participation goal?

If you do not meet the requirement through utilization or demonstrating a good faith effort, failure to comply with the requirements may result in the withholding of retainage and can include debarment from bidding on future City of St. Petersburg contracts.