



Administrative Policy

Subject: Local Workforce Participation on District Construction Projects	Index: 2-78.21 Page: 1 of 11
Authority: Statute: Resolution: 02-136-7	Date Issued: 04/21/08 Date Revised: 09/01/09

I. Policy

Bidders and contractors shall satisfy Commission Policy 1-78.21: Local Workforce Participation on District Construction Projects.

II. Purpose

This District procurement policy promotes the utilization of local workers and maximization of the economic impact of annual operating and capital project spending.

III. Definitions

“Communities in Need” (COIN) refers to a Milwaukee Public Schools preferential hiring program targeting neighborhoods (defined by the U.S. Census Tracts) where a sizable percentage of residing families have insufficient income to improve their financial condition. In order for a person to qualify and become a certified Communities In Need worker, the person must reside in a Communities In Need impact area and must prove financial adversity of the household by objective standards.

A “Certified Communities In Need Person” or “Certified Communities In Need Worker” is an individual, regardless of race and gender, who is seeking full time employment and who meets the Milwaukee Public Schools Communities In Need Policy Guidelines.

“Low Income Certification Process” shall mean the process whereby a person is certified by the Wisconsin Regional Training Partnership and Building Industry Group Skilled Trades Employment Program (WRTP / BIGSTEP) Center of Excellence as having met the location and income requirements of the District’s target employment program. See **Attachment A**.

“Participation Level” is the planned participation of eligible individuals to be achieved by contractors on a District project.

“Poverty Threshold” is used by the District to determine the financial eligibility for Target Area Employment. The poverty threshold has been linked to the annual income level established by the United States Department of Agriculture which would qualify the family for the “free or reduced lunch program.” In order to be considered eligible, a person’s household income shall not exceed 185% of the poverty threshold. See **Attachment B**.



Administrative Policy

Subject: Local Workforce Participation on District Construction Projects	Index: 2-78.21 Page: 2 of 11
Authority: Statute: Resolution: 02-136-7	Date Issued: 04/21/08 Date Revised: 09/01/09

The “Residents Preference Program (RPP)” is a preferential hiring program used by the City of Milwaukee to help residents of the City gain access to employment opportunities on City construction or City funded projects. The Residents Preference Program is designed to promote employment of City residents as part of a contractor’s workforce on some City construction projects.

“Sanitary Sewer Service Area” or “SSSA” is the area served by the District’s wastewater treatment system. See **Attachment C**.

“Target Area Employment Requirement” refers to the District’s requirement of employing residents from low income areas of the Sanitary Sewer Service Area. This Target Area Employment Requirement also refers to the employment of residents who live outside the low income area but whose household income is within 185% of the federal poverty guidelines.

IV. Implementation

District staff will establish both of the following two local workforce participation requirements prior to bid advertisement.

A. Sanitary Sewer Service Area Employment Requirement:

- A percentage of total project hours to be performed by workers that reside within the Sanitary Sewer Service Area (SSSA). An employee of the prime or subcontractor whose residence is within the Sanitary Sewer Service Area (SSSA) is eligible to meet this requirement.

B. Target Area Employment Requirement:

- A percentage of total project hours to be performed by workers of the prime and subcontractors that meet one of the following eligibility standards:
 - Resident of the Community Development Block Grant (CDBG) area;
 - Certified Communities In Need (COIN) worker;
 - Certified Residents Preference Program (RPP) worker;
 - Graduate or participant of the District’s Workforce Development Training & Placement Program;



Administrative Policy

Subject: Local Workforce Participation on District Construction Projects	Index: 2-78.21
Authority: Statute:	Page: 3 of 11
Resolution: 02-136-7	Date Issued: 04/21/08
	Date Revised: 09/01/09

- Resident of the following target area zip codes: 53202, 53203, 53204, 53205, 53206, 53207, 53208, 53209, 53210, 53212, 53215, 53216, 53218, 53224, 53225, 53233, 53234.
- An employee of the prime or subcontractor whose residence is within the Sanitary Sewer Service Area (SSSA) **and** whose household income is at or below a poverty threshold which is set at 185% of the federal poverty threshold (see **Attachment B**).

C. Calculation of Total Project Workforce

Workers are considered to be part of the total project workforce if they are:

1. Construction trade labor, including journey-persons, apprentices, and workers engaged with on-the-job construction training programs.
2. Project Management and clerical staff primarily stationed on the project site.
3. Truck drivers involved in the construction process may be counted, however, when used; all drivers from all project subcontractors must be included in the hours of the total workforce. Commercial delivery drivers, i.e. UPS, FedEx or other common carriers are always excluded from the workforce calculation.
4. Off site workers engaged in construction and fabrication services for a District project may be approved for inclusion in the total Workforce amount, provided with approval granted on a case by case basis by the District's Procurement Office.

These local workforce requirements shall be implemented by requiring that bidders certify their agreement to meet the local workforce requirements specified herein and the associated reporting requirements.

The winning bidder is required to submit a local workforce implementation plan prior to the District's Issuance of Notice to Proceed. The contractor's written local workforce implementation plan will show the bidders strategy for achieving the local workforce participation requirements of its contract. This plan will indicate the projected project hours including the coordinated plan to meet local workforce participation requirements.



Administrative Policy

Subject: Local Workforce Participation on District Construction Projects	Index: 2-78.21 Page: 4 of 11
Authority: Statute: Resolution: 02-136-7	Date Issued: 04/21/08 Date Revised: 09/01/09

V. Adjustments of Participation Levels Prior to Bid Opening

Reasonable adjustments from, and modifications to, all requirements of this Policy may be made with respect to any specific project prior to the bid opening upon grounds of undue hardship applicable to all potential bidders or when special circumstances in the local public interest or local or area-wide employment situation so require.

Requests for adjustments to this Policy must be submitted in writing to the District’s Procurement Office prior to the date of bid opening. Potential bidders must notify the Procurement Office ten (10) business days **prior to bid opening** for an adjustment to be considered. Such requests must be in writing and include justification for the requested adjustment. If, upon review, the evidence indicates a need to adjust the local workforce requirements, an addendum will be issued prior to bid opening.

VI. Reporting

During contract performance, the contractor shall prepare and submit accurate and timely local workforce participation reports with each contractor’s monthly certified payroll reports. Certified payroll reports should include, for all employees of the prime and all the subcontractors utilized for the project, the names of all employees and their home address, city, state, zip code, race, and gender, trade, wage, and hours worked. The participation report will include the information listed above and will track the hours performed by SSSA workers, Target Area Employment workers, and the total hours of all workers on the project. The local workforce participation report will be submitted electronically on a monthly basis using an Excel spreadsheet developed by the District. (Please see **Attachment G** as an example of the monthly tracking sheet.)

VII. Noncompliance

Failure to achieve participation requirements will result in a review by the District’s Procurement Office. The contractor shall be given an opportunity to demonstrate that every good faith effort to meet this commitment has been made. Noncompliance with the Policy will be considered a breach of contract and a material breach may constitute grounds for the District to determine that the contractor is not a responsible bidder for future contracts.

- A. If the contractor fails to comply with this policy, the Executive Director may take one or more of the following actions:



Administrative Policy

Subject: Local Workforce Participation on District Construction Projects	Index: 2-78.21 Page: 5 of 11
Authority: Statute: Resolution: 02-136-7	Date Issued: 04/21/08 Date Revised: 09/01/09

1. Withhold payments on the contract, as outlined in Section VII (B), as liquidated damages.
2. Terminate, suspend or cancel the contract in whole or in part.
3. Debar the contractor from bidding on District projects for up to a two-year period.
4. Enact any other remedy available to the District.

B. Determining Liquidated Damages for Failure to Meet Workforce Participation Requirements

Once a finding of noncompliance has been made, the District may retain liquidated damages from payment requests based on the following formula:

The number of Targeted Area or SSSA Employment Hours that should have been achieved based on the number of total project hours	MINUS	The number of Target Area or SSSA Employment Hours that have been achieved	MULTIPLIED BY	Two-thirds of the average mid-wage for the specified trades
--	--------------	--	--------------------------	---



Administrative Policy

Subject: Local Workforce Participation on District Construction Projects	Index: 2-78.21 Page: 6 of 11
Authority: Statute: Resolution: 02-136-7	Date Issued: 04/21/08 Date Revised: 09/01/09

Attachment A. Low Income Certification Process

The Wisconsin Regional Training Partnership and Building Industry Group Skilled Trades Employment Program (WRTP/ BIGSTEP) will certify individuals by appointment only. Please contact the Wisconsin Regional Training Partnership and Building Industry Group Skilled Trades Employment Program at (414) 342-9787 to schedule an appointment.

To be certified, the following copies of documentation are required.

- To verify current address, the following is required.
 - A current Wisconsin Driver’s License or State ID card with your current address. If neither of these has your current address, then one of the following with your current address must be included:
 - A copy of your most recent tax return (Form 1040 or 1040 EZ);
 - A copy of a current utility bill in your name; or
 - A copy of your Voter’s Certification form.

- To verify your income/employment status, one of the following must be produced:
 - Form 1040 or 1040 EZ (most recent);
 - W2 Statement (most recent);
 - Form 1099 (most recent);
 - Paycheck stub (most recent); or
 - Notarized form letter from Head of Household wage earner.



Administrative Policy

Subject: Local Workforce Participation on District Construction Projects	Index: 2-78.21
Authority: Statute:	Page: 7 of 11
Resolution: 02-136-7	Date Issued: 04/21/08
	Date Revised: 09/01/09

Attachment B. Household Income Guidelines

Group Size	185% of federal poverty threshold	
	Monthly	Annual
1	\$1,669.63	\$20,035.56
2	\$2,246.21	\$26,954.52
3	\$2,822.79	\$33,873.48
4	\$3,399.38	\$40,792.56
5	\$3,975.96	\$47,711.52
6	\$4,552.54	\$54,630.48
7	\$5,129.13	\$61,549.56
8	\$5,705.71	\$68,468.52
9	\$6,282.29	\$75,387.48
10	\$6,858.88	\$82,306.56
11	\$7,435.46	\$89,225.52
12	\$8,012.04	\$96,144.48

2009 State of WI Federal Poverty Level Based Income Limits

Source: <http://dhs.wisconsin.gov/MEDICAID/fpl/fpl.htm>

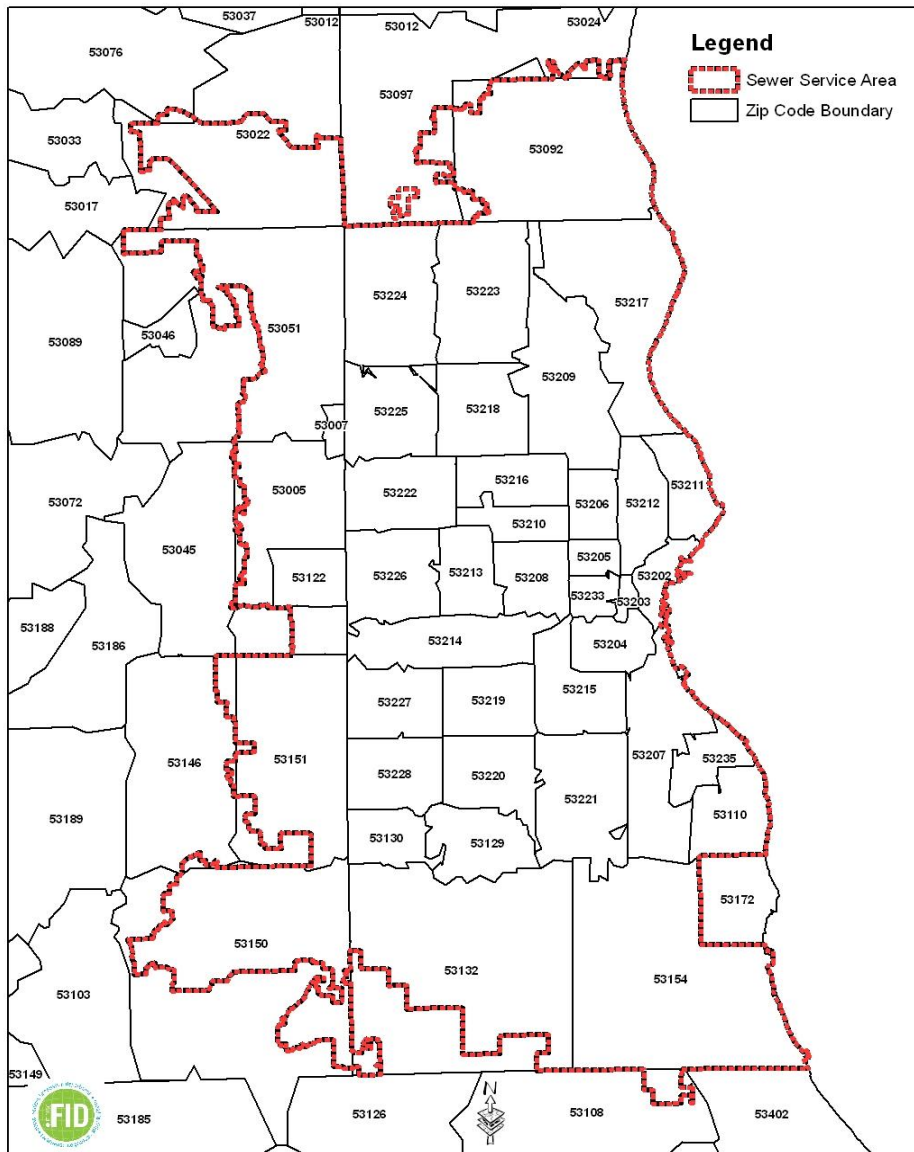
Effective February 1, 2009



Administrative Policy

Subject: Local Workforce Participation on District Construction Projects	Index: 2-78.21 Page: 8 of 11
Authority: Statute: Resolution: 02-136-7	Date Issued: 04/21/08 Date Revised: 09/01/09

Attachment C. Map of Sanitary Sewer Service Area Boundaries

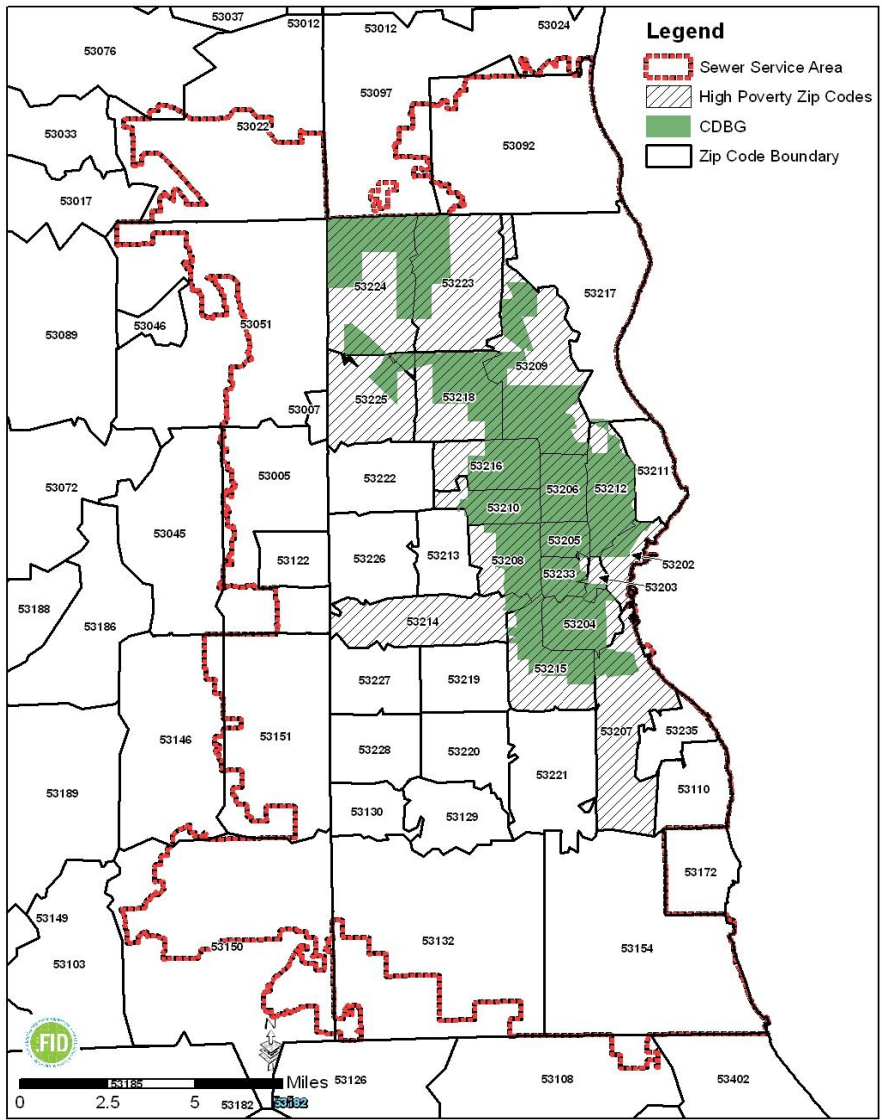




Administrative Policy

Subject: Local Workforce Participation on District Construction Projects	Index: 2-78.21 Page: 9 of 11
Authority: Statute: Resolution: 02-136-7	Date Issued: 04/21/08 Date Revised: 09/01/09

Attachment D. Map of Target Employment Area Zip Codes





Administrative Policy

Subject: Local Workforce Participation on District Construction Projects	Index: 2-78.21
Authority: Statute:	Page: 10 of 11
Resolution: 02-136-7	Date Issued: 04/21/08
	Date Revised: 09/01/09

Attachment E. For ease of reporting and monitoring purposes, if an employee’s residence is in a non-member community where part of the community is in the SSSA and part of it is not, the employee shall be recorded as within the SSSA. The zip codes identified as “partial” denotes those areas where part of the community is in the SSSA.

Sanitary Sewer Service Area (SSSA) Zip Codes			"Target Area" Zip Codes
53005	Partial	53207	53202
53007		53208	53203
53017	Partial	53209	53204
53022	Partial	53210	53205
53045	Partial	53211	53206
53051	Partial	53212	53207
53076	Partial	53213	53208
53092	Partial	53214	53209
53097	Partial	53215	53210
53108	Partial	53216	53212
53110		53217	53215
53122		53218	53216
53129		53219	53218
53130		53220	53224
53132	Partial	53221	53225
53146		53222	53233
53150	Partial	53223	
53151	Partial	53224	
53154	Partial	53225	
53202		53226	
53203		53227	
53204		53228	
53205		53233	
53206		53235	

