

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2011 Legislative Session

Bill No. CB-16-2011

Chapter No. 36

Proposed and Presented by Council Member Toles

Introduced by Council Members Toles, Franklin, Turner, Olson, Lehman and Patterson

Co-Sponsors _____

Date of Introduction October 18, 2011

BILL

1 AN ACT concerning

2 Contracts

3 For the purpose of amending the Code to allow the use of Project Labor Agreements on County
4 construction projects in excess of \$1,000,000.

5 BY repealing and reenacting with amendments:

6 SUBTITLE 10A. PURCHASING.
7 Section 10A-101,
8 The Prince George's County Code
9 (2007 Edition, 2010 Supplement).

10 BY adding:

11 SUBTITLE 10A. PURCHASING.
12 Section 10A-157, 10A-158,
13 The Prince George's County Code
14 (2007 Edition, 2010 Supplement).

15 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
16 Maryland, that Section 10A-101 of the Prince George's County Code be and the same is hereby
17 repealed and reenacted with the following amendments:

18 **SUBTITLE 10A. PURCHASING.**

19 **DIVISION 1. ADMINISTRATIVE PROCEDURES.**

20 **Sec. 10A-101. Definitions.**

21 (a) The words defined in this Section shall have the meanings set forth below whenever

1 they appear in this Subtitle unless the context in which they are used clearly requires a different
2 meaning or a different definition is prescribed for a particular provision.

3 * * * * *

4 (23.1) Labor organization means an organization, as defined under federal labor law,
5 29 U.S.C. §152(5), which represents employees in the construction trades for purposes of
6 collective bargaining and has the present ability to refer and supply trained, qualified
7 construction craft personnel in sufficient numbers to adequately staff construction projects.

8 * * * * *

9 (31.1) Project Labor Agreement means a pre-hire collective bargaining agreement
10 with labor organizations that includes the minimum contract terms and conditions of
11 employment for a construction project in excess of One Million Dollars (\$1,000,000).

12 * * * * *

13 SECTION 2. BE IT ENACTED by the County Council of Prince George's County,
14 Maryland, that Section 10A-157 and 10A-158 of the Prince George's County Code be and the
15 same are hereby added:

16 **SUBTITLE 10A. PURCHASING.**

17 **DIVISION 6. SPECIAL PROVISIONS.**

18 **Subdivision 13. Project Labor Agreements.**

19 **Sec. 10A-157. Declaration of findings and policy.**

20 Based on public testimony and other evidence before it, including information, studies, and
21 court decisions, the Prince George's County Council makes the following legislative findings
22 and statement of policy:

23 1) The County Council recognizes that Project Labor Agreements are craft labor
24 agreements, authorized under federal labor law in accordance with 29 U.S.C. §158(f), and
25 executed by project contractors and local labor organizations in the building trades, and typically
26 used on large construction projects to establish uniform terms and conditions of employment for
27 the project workforce; and

28 2) The County Council further recognizes that Project Labor Agreements are authorized
29 by law as a result of a judicial decision from the United States Supreme Court in the case of
30 *Building and Construction Trades Council of the Metropolitan District v. Associated Builders of*
31 *Contractors of Massachusetts/Rhode Island, Inc.*, 507 U.S. 218 (1993);

1 3) The County Council finds that Prince George's County has a compelling interest in
2 ensuring that County contracts for the construction of County facilities and roads are completed
3 in accordance with project schedules, with the highest degree of quality, and in a cost-effective
4 manner; and

5 4) The County Council finds that construction projects present particularly difficult
6 challenges in terms of ensuring timely, cost-effective project delivery and require large numbers
7 of well-trained, highly skilled construction craft personnel in various specific trades and crafts,
8 and successful project delivery can be more effectively promoted by adopting measures that
9 ensure that such projects are properly staffed with adequate numbers of craft workers adequately
10 trained in the respective construction crafts; and

11 5) The County Council finds that Project Labor Agreements provide a reliable means for
12 ensuring that construction projects will be adequately staffed with sufficient numbers of highly
13 skilled and properly trained craft personnel and, therefore, such agreements promote the
14 efficient, economical and safe completion of such contracts, and that for this reason alone, the
15 County has a sufficient compelling interest in allowing the use of Project Labor Agreements for
16 construction projects to protect its investments and proprietary interests in such projects; and

17 6) The County Council finds that Project Labor Agreements further promote timely,
18 successful project delivery by including legally enforceable guarantees against labor strikes and
19 employer lockouts and also provide procedures to ensure the peaceful, efficient and orderly
20 resolution of labor-management disputes or other disputes or potential disruptions that could
21 otherwise interfere with the execution of construction projects; and

22 7) The County Council finds that Project Labor Agreements have a long and extensive
23 history of effectively protecting and promoting the financial investments and proprietary
24 interests of both public and private project owners in the planning, execution and management of
25 major capital facility projects, and have a proven track record of being an effective tool for these
26 purposes; and

27 8) The County Council finds that Project Labor Agreements also provide a reliable means
28 for ensuring that construction craft personnel employed on projects are paid appropriate wages as
29 required by law, receive essential construction safety training and are covered by applicable
30 unemployment and workers compensation laws;

31 9) The County Council finds that Project Labor Agreements facilitate employment

1 opportunities and apprenticeship and other skill training opportunities for local workers and
 2 County residents by utilizing local union training centers, hiring halls and referral systems,
 3 which allow more Prince George's County residents to participate in County-funded projects;
 4 and

5 10) Due to the tough economic times, the County Council finds that unemployment and
 6 underemployment are significant challenges in Prince George's County and in an effort to put
 7 more Prince George's County residents to work, the County seeks to promote meaningful
 8 employment and skill training opportunities for its residents through the use of Project Labor
 9 Agreements on construction projects.

10 **Sec. 10A-158. Project Labor Agreements.**

11 (a) All solicitations, including invitations for bids and requests for proposals, issued for
 12 construction projects by the County that have an estimated dollar value of One Million Dollars
 13 (\$1,000,000) or more may include a clause that requires the execution and use of a Project Labor
 14 Agreement, as defined herein.

15 (b) A Project Labor Agreement shall:

16 (1) Establish the terms and conditions of employment for all construction craft
 17 workers on the specified project;

18 (2) Apply to and cover all contractors and subcontractors, at whatever tier, used to
 19 build the project and all labor organizations representing construction craft workers employed on
 20 the project; and

21 (3) Contain the following minimum terms and conditions, as well as other terms that
 22 may be negotiated and agreed upon by the County, the applicable project contractors and labor
 23 organizations, that:

24 (A) bind all contractors and subcontractors on the construction project through
 25 the inclusion of appropriate specifications in all relevant solicitation provisions and contract
 26 documents;

27 (B) allow all contractors and subcontractors to bid and otherwise compete for
 28 contracts and subcontracts without regard to whether they are parties to collective bargaining
 29 agreements or otherwise affiliated with labor organizations;

30 (C) contain contractual guarantees against strikes, lockouts, and similar job
 31 disruptions;

1 (D) set forth effective, prompt, and mutually binding procedures for resolving
 2 labor disputes arising during the Project Labor Agreement;

3 (E) provide that applicable project contractors and labor organizations shall
 4 work together and use reasonable best efforts to ensure that a goal of fifty-five percent (55%) of
 5 Prince George’s County residents are afforded maximum opportunities for employment and skill
 6 training on Project Labor Agreement projects;

7 (F) require the establishment of a Project Labor Agreement Coordinating
 8 Committee comprised of representatives of contractors, labor organizations and appropriate
 9 County officials, as designated by the County Executive and the County Council; this committee
 10 shall oversee the development of Project Labor Agreements and assist in their administration in
 11 a manner that promotes the timely, cost-effective delivery of affected projects and affords
 12 maximum employment and training opportunities for residents of Prince George’s County; and

13 (G) provide other mechanisms for labor-management cooperation on matters of
 14 mutual interest and concern, including productivity, quality of work, safety, and health.

15 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
 16 calendar days after it becomes law.

17 SECTION 4. BE IT FURTHER ENACTED that the County shall have a goal of at least
 18 one (1) Project Labor Agreement project in FY 2012 and shall have a goal of at least two (2)
 19 Project Labor Agreement projects beginning FY 2013 and in each fiscal year thereafter. The
 20 Office of Central Services shall track the data and provide quarterly reports to the County
 21 Council on the Project Labor Agreement program to include but is not limited to the average
 22 number of local residents hired on projects currently and the local residents hired under Project
 23 Labor Agreement projects.

Adopted this 15th day of November, 2011.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Ingrid M. Turner
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Rushern L. Baker, III
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.

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