

INVITATION FOR BID
SUPPLEMENTAL GENERAL CONDITIONS
LIVING WAGE ORDINANCE

The following is a summary of requirements contained within Broward County Ordinance 2002-45 (Living Wage Ordinance). If there is any conflict between the following summary and the language in Broward County Ordinance 2002-45, the language in Ordinance 2002-45 governs. These terms may supplement the specific requirements of the ordinance in order to effectuate the intent.

Bidders are advised that the provisions of Broward County Ordinance 2002-45 (Living Wage Ordinance) will apply to any contract(s), exceeding \$100,000.00 per year, awarded pursuant to this bid. By submitting a bid pursuant to these specifications, a bidder is hereby agreeing to comply with the provisions of Ordinance 2002-45, and acknowledges awareness of the penalties for non-compliance. A copy of this ordinance may be obtained from the purchasing agent issuing this bid.

- I. The bidder, under the terms of the Living Wage Ordinance, must comply with the following details. See the full Ordinance for full information about contractor's obligations at:

www.municode.com/resources/gateway.asp?pid=10288&sid=9

After clicking on the above link, click on Chapter 26, Personnel* (a drop down menu will appear) and then click on Article VII, Living Wage.

- A. All covered employees, including those of the Bidder's subcontractors, providing service pursuant to the Bidder's contract shall be paid a living wage of no less than \$10.63 per hour with health benefits as described in this section, or otherwise \$12.02 per hour, regardless of any contractual relationship which may be alleged to exist between the Bidder and such employees. The Bidder and covered subcontractors, hereinafter referred to as "covered employer" may comply with the living wage provision by choosing to pay no less than the lower specified hourly wage rate when said employer also provides health benefits, costing the covered employer at least \$1.39 per hour toward the provision of health care benefits for employees and their dependents.
- B. Covered employees shall be paid not less than bi-weekly and without subsequent deduction or rebate. The covered employer shall pay wage rates in accordance with federal and all other applicable laws such as overtime and similar wage laws.
- C. The employer must post in a visible place on the site where such contract work is being performed, a notice specifying the wages/benefits to be paid under County Ordinance 2002-45. This poster will be provided by the County. Bidders shall provide a copy of the requirements of the ordinance to any entity submitting a bid for a subcontract on this contract, prior to their submitting a bid.
- D. The covered employer must print the following statements on the front of the covered employee's first paycheck for work performed for this contract and every six months thereafter: "You are required by Broward County Ordinance to be paid at least (insert applicable rate pursuant to the Ordinance) dollars an hour. If you are not paid this hourly rate, contact your supervisor or a lawyer." All notices will be printed in English, Spanish and Creole.

INVITATION FOR BID
SUPPLEMENTAL GENERAL CONDITIONS
LIVING WAGE ORDINANCE

II. LIVING WAGE - INDEXING:

The Living Wage amounts shall be annually indexed to inflation using the Miami PMSA Consumer Price Index for all Urban Consumers (CPI-U), calculated by the United States Department of Commerce. The first indexing adjustment shall occur for the 2004-2005 County fiscal year using the Consumer Price Index figures provided for the calendar year ending December 31, 2003, and thereafter on an annual basis.

Unless amended, the Living Wage Ordinance Indexing will be implemented as follows:

No later than March 30, 2004 and every March 30 thereafter, the County will post the adjusted living wage rates on its Purchasing Division website, and will notify the awarded contractor of these rates which will be effective the following October 1. Service contractors so notified are responsible for notifying existing covered subcontractors of the revised living wage rates no later than July 30. All covered employers shall commence payment of the revised rates to covered employees no later than October 1 of that year.

III. LIABILITY FOR UNPAID WAGES; LIQUIDATED DAMAGES; WITHHOLDING:

In the event of any underpayment of required wage rates by the covered employer, civil and/or administrative penalties may be assessed.

IV. PAYROLL; BASIC RECORDS; REPORTING:

- A. Each covered employer shall maintain payroll records for all covered employees and basic records relating thereto and shall preserve them for a period of three (3) years beyond the termination or expiration of this contract. The records shall contain: the name and address of each covered employee, the job title and classification, the number of hours worked each day, the gross wages earned and deductions made; annual wages paid; a copy of the social security returns and evidence of payment thereof; a record of fringe benefit payments including contributions to approved plans; and other information the Contract Administrator should require from time to time.
- B. The successful bidder shall provide a certificate to the Contract Administrator prior to the award of the contract in substantially the form attached hereto. It must include the name, address, and phone number of the covered employer and a local contact person; the specific project for which the service contract is sought; the amount of the contract and the applicable department the contract will serve; a brief description of the project or service provided; a statement of the wage levels for all employees; and a commitment to pay all employees a living wage as set forth in the Ordinance.
- C. The covered employer shall submit the payroll information required every six months, to the applicable Contract Administrator, including a copy of the complete payroll for one payroll period showing employer's payroll records for each covered employee working on the contract for covered services.

INVITATION FOR BID
SUPPLEMENTAL GENERAL CONDITIONS
LIVING WAGE ORDINANCE

IV. PAYROLL; BASIC RECORDS; REPORTING: (Continued)

D. The covered employer shall make the covered employees' payroll records required available for inspection, copying or transcription by authorized representatives of the County for a period of three years from the termination date of any County Service Contract, and shall permit such representative to interview employees during working hours on the job. Failure to submit the required reports upon request or to make records available may be grounds for termination of the contract. The service contractor is responsible for the submission of the information required by the ordinance and for the maintenance of records and provision of access to same by all covered subcontractors.

V. SUBCONTRACTS:

The service contractor shall insert in any subcontracts the applicable clauses as required by the Living Wage Ordinance and also a clause requiring the sub-contractors to include these clauses in all other subcontracts. The service contractor shall be responsible for compliance by any subcontractor with the Living Wage Ordinance as it applies to their subcontract.

VI. COMPLAINTS AND HEARINGS; TERMINATION AND DEBARMENT:

If a covered employee believes that he or she is not being paid in accordance with the Living Wage Ordinance, the employee may file a complaint with the Office of Professional Standards in accordance with the County's Living Wage Complaint Procedures. Complaints will be investigated, determinations issued, and hearings afforded to the effected parties in accordance with the County's Living Wage Complaint Procedures. Covered employers found to have violated the ordinance may suffer any or all sanctions provided for in the ordinance, including wage restitution, damages, termination or suspension of payment under the contract, termination of the contract, debarment. The ordinance also provides employees with a private right of action in court.