

**Ratifying Recommendation For Use Of Project Labor Agreement
For Ashokan Rail Trail Project- Phase 2 Construction- Capital
Project No. 459- Department of Planning**

Referred to: The Economic Development, Tourism, Housing, Planning and Transit Committee (Chairman James Maloney and Legislators Archer, Delaune, Litts, Maio, Rodriguez, and Woltman), and The Ways and Means Committee (Chairman Gerentine and Legislators Archer, Bartels, Lopez, James Maloney, Joseph Maloney, and Petit)

Chairman of the Economic Development, Tourism, Housing, Planning, and Transit Committee, James F. Maloney, offers the following:

WHEREAS, this resolution has been submitted by the County Executive on behalf of the Department of Planning; and

WHEREAS, Ulster County Resolution No. 319 of October 11, 2001 established a County policy requiring the Purchasing Director and relevant department head to explore the use of a Project Labor Agreement (“PLA”) for certain construction projects; and

WHEREAS, Ulster County Resolution No. 374 of December 19, 2017 amended the prior policy under Resolution No. 319 thereby requiring the Purchasing Director and appropriate County department head to initiate a Due Diligence Study (“DDS”) to explore and consider using a PLA to reduce construction costs and avoid delay claims and potential litigation for all construction projects in which the individual project is equal to or exceeds \$5,000,000 and the project requires the services of three or more contractors for completion, and upon completion of the DDS, the findings of said study and the recommendation of the Purchasing Director and appropriate Department Head shall be filed with the Clerk of the Legislature; and

WHEREAS, the Ashokan Rail Trail Project- Phase 2 Construction- Capital Project No. 459 (the “Project”), has an estimated budget that exceeds \$5,000,000, and the Project will require the services of three or more contractors for completion, which requires the Director of Purchasing and Director of Planning to initiate a DDS for the Project; and

WHEREAS, a DDS was initiated by the County and conducted by Seeler Engineering, P.C., which projects that utilization of a PLA for the Project will result in direct labor cost savings of \$167,200, approximately 7.4 percent of estimated labor costs, and will best serve Ulster County’s interest in obtaining the best work at the lowest possible price, preventing favoritism, fraud and corruption, and gaining measurable management flexibility and benefits and promoting other public interests including avoidance of delays and local labor unrest; and

Resolution No. 138 April 17, 2018

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WHEREAS, based on careful review and consideration of the findings and recommendation of the DDS, the Director of Purchasing and Director of Planning recommend that a Project Labor Agreement be made part of the Project, subject to the review and ratification by the Ulster County Legislature; and

WHEREAS, the Ulster County Legislature has reviewed the DDS as filed with the Clerk of the Legislature; now, therefore be it

RESOLVED, that the Ulster County Legislature hereby ratifies the recommendation of the Director of Planning and Director of Purchasing to use a Project Labor Agreement for the Ashokan Rail Trail Project- Phase 2 Construction- Capital Project No. 459 based on projected labor costs savings and non-economic benefits contributing to the success of the Project,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 17 NOES: 4
(Noes: Legislators Greene, Joseph Maloney, Petit,
and Wawro)
(Absent: Legislators Eckert and Maio)

Passed Committee: Economic Development, Tourism, Housing, Planning, and
Transit on April 3, 2018

Passed Committee: Ways and Means on April 10, 2018

FINANCIAL IMPACT:
PROJECTED CAPITAL PROJECT SAVINGS- \$167,200.00

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STATE OF NEW YORK
 ss:
COUNTY OF ULSTER

I, the undersigned Clerk of the Legislature of the County of Ulster, hereby certify that the foregoing resolution is the original resolution adopted by the Ulster County Legislature on the 17th Day of April in the year Two Thousand and Eighteen, and said resolution shall remain on file in the office of said clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 18th Day of April in the year Two Thousand and Eighteen.

/s/ Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature

Submitted to the County Executive this
18th Day of April, 2018.

Approved by the County Executive this
18th Day of April, 2018.

/s/ Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature

/s/ Michael P. Hein
Michael P. Hein, County Executive