

Local Law Number 5 Of 2023

County of Ulster

A Local Law Amending The Code Of The County Of Ulster In Relation To Construction Apprenticeships

BE IT ENACTED, by the Legislature of the County of Ulster, as follows:

SECTION 1. INTENT.

The Ulster County Legislature adopted a policy to promote apprenticeship training as authorized by § 816-b of the New York Labor Law by establishing apprenticeship training requirements for certain bridge construction contracts in excess of \$350,000. The County of Ulster hereby intends to revise and expand its promotion of apprenticeship training by strengthening graduation requirements.

SECTION 2. Article III. Construction Apprenticeships, of the Code of the County of Ulster, § 26-8 Definitions shall be amended to add a new definition as follows:

HIGH VALUE CONSTRUCTION CONTRACT

Any contract with a value equal to or exceeding \$750,000 to which the County of Ulster shall be a signatory and which involves the construction, reconstruction, improvement, rehabilitation, maintenance, repair, furnishing, equipping of or otherwise providing for any building, facility or physical structure of any kind. Contracts or subcontracts for security services are not a "construction contract" and shall not be included in the aggregate value of the contract.

SECTION 3. Article III. Construction Apprenticeships, of the Code of the County of Ulster, § 26-9 Requirements and exceptions shall be amended as follows:

- A. 1) The County of Ulster hereby requires any contractor, prior to entering into a construction contract with the County of Ulster, or any subcontractor entering into a contract with a contractor who has a construction contract with the County of Ulster, to have apprenticeship agreements appropriate for the type and scope of work to be performed, which have been registered with, and approved by, the New York State Commissioner of Labor in accordance with Article 23 of the New York State Labor Law. Such apprenticeship program must have a graduation rate of at least 30% as determined by the New York State Department of Labor.

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- 2) The County of Ulster hereby requires any contractor, prior to entering into a high value construction contract with the County of Ulster, or any subcontractor entering into a contract with a contractor who has a high value construction contract with the County of Ulster, to have apprenticeship agreements appropriate for the type and scope of work to be performed, which have been registered with, and approved by, the New York State Commissioner of Labor in accordance with Article 23 of the New York State Labor Law. Such apprenticeship program must have a graduation rate of at least 30% over the last five years as determined by the New York State Department of Labor. In addition, each apprenticeship program must provide documentation verifying a minimum of three (3) trade-specific graduates per calendar year for the last five years.

B. If a specific trade required for performance of a construction contract, high value construction contract or project does not have a New York State Department of Labor-approved apprenticeship training program at the time of the opening bids for a construction contract, such contract is not subject to the provisions of this article.

C. If a single bid is received for a construction contract or high value construction contract subject to this article from a contractor that does not maintain an approved apprenticeship training program, the Director of Purchasing may elect, in his/her sole discretion, to award said contract to the single bidder rather than rebidding the construction contract or high value construction contract.

D. Notwithstanding anything in this article to the contrary, at his/her discretion, the Director of Purchasing reserves the right to accept any bid, in whole or in part, or reject all bids and readvertise in the manner outlined by §§ 101 and 103 of the General Municipal Law.

E. This article shall not apply to any construction contracts or high value construction contract utilizing federal, state, county, or other funding assistance to the extent the terms of such funding assistance precludes the application of this article.

F. This article shall not apply to any construction contract or high value construction contract where another governmental entity is also a signatory to the contract, or to an intermunicipal agreement relating to the contract, unless such other entity agrees to be bound by the provisions of this article.

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SECTION 4. Article III. Construction Apprenticeships, of the Code of the County of Ulster, § 26-12 Applicability shall be amended as follows:

This article shall apply to construction contracts and high value construction contracts advertised for bids on or after the effective date.

SECTION 5. APPLICABILITY.

This Local Law shall apply to high value construction contracts advertised for bids on or after the effective date.

SECTION 6. SEVERABILITY.

In the event that any portion of this local law is found to be invalid, such finding will not have any effect on either the remaining portions or applications of this local law or any provisions of the Code of the County of Ulster, which shall remain in full force and effect.

SECTION 7. EFFECTIVE DATE.

This Local Law shall become effective January 1, 2024, subsequent to its filing with the Office of the Secretary of State of the State of New York.

Adopted by the County Legislature: May 16, 2023

Approved by the County Executive: June 5, 2023

Filed with New York State Department of State: July 6, 2023