

Local Law Number 5 Of 2020

County of Ulster

A Local Law Establishing Construction Apprenticeship Training Requirements For Certain Construction Contracts In Excess Of \$350,000, And Repealing Local Law Number 2 Of 2015

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

SECTION 1. INTENT.

Local Law Number 2 of 2015 established 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 \$500,000. The County of Ulster hereby intends to revise and expand its promotion of apprenticeship training.

SECTION 2. DEFINITIONS.

“Construction Contract”: Any contract with a value exceeding \$350,000 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.

“Contractor” or **“Subcontractor”**: A contractor or subcontractor which directly employs labor under a Construction Contract for which an apprenticeship program has been approved by the New York State Commissioner of Labor in accordance with Article 23 of the New York Labor Law.

SECTION 3. REQUIREMENTS AND EXCEPTIONS.

A. 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 thirty percent as determined by the New York State Department of Labor.

- B. If a specific trade required for performance of a 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 Local Law.
- C. If a single bid is received for a Construction Contract subject to this Local Law 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.
- D. Notwithstanding anything in this Local Law 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 Local Law shall not apply to any Construction Contracts utilizing federal, state, county, or other funding assistance to the extent the terms of such funding assistance precludes the application of this Local Law.
- F. This Local Law shall not apply to any 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 Local Law.

SECTION 4. REPEAL OF LOCAL LAW NUMBER 2 OF 2015.

Local Law Number 2 of 2015 is repealed.

SECTION 5. ENFORCEMENT.

The Director of Purchasing is hereby authorized, empowered and directed to promulgate such rules and regulations that are lawful, necessary and appropriate for the implementation and enforcement of any provisions of this Local Law.

SECTION 6. APPLICABILITY.

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

SECTION 7. EFFECTIVE DATE.

This Local Law shall become effective 90 days after its filing with the Office of the Secretary of State of the State of New York.

Adopted by the County Legislature: July 21, 2020

Approved by the County Executive: August 18, 2020

Filed with New York State Department of State: September 10, 2020