MIAMI-DADE COUNTY
FLORIDA

Department of Business Development

COMMUNITY WORKFORCE PROGRAM (CWP)

PARTICIPATION PROVISIONS

This Contract/Work Order has a _____% Community Workforce Goal

Department of Business Development (DBD)
111 N.W. 1ST Street, 19th Floor
Miami, Florida 33128
Phone: (305) 375-3111 Fax: (305) 375-3160

The Community Workforce Program is governed by Miami-Dade County Code §2-1701. Copies of County Ordinances and Administrative Orders may be requested through the Clerk of the Courts at the Stephen P. Clark Building, 111 NW 1st Street, Suite 17-202, Miami, Florida, 33128 or via the internet www.municode.com/resesources/gateway.asp?pid=10620&dof=9

Revised
December 2006

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DEFINITIONS:

A. *Capital Construction Contract* means the building and or improvement of a specific fixed asset as approved in the Capital Budget or, open contract infrastructure work where the individual work orders are distributed throughout the County.

B. *Construction Trade Work* means skilled laborers.

C. *Contract* means a contract for Capital Construction.

D. *Department* means department or agency administering a Capital Construction Contract to which a local workforce goal has been applied.

E. *DTA (DTA)* means any geographic area of Miami-Dade County designated as an Empowerment/Enterprise Zone, any geographic area of Miami-Dade County designated by the Board of County Commissioners as a Targeted Urban Area (TUA), Community Development Block Grant (CDBG) Eligible Block Group or Focus Area.

F. *Enterprise Zone* means a geographic area of Miami-Dade County designated as an Enterprise Zone or a Satellite Enterprise Zone pursuant to the Florida Enterprise Zone Act of 1994, as amended.

G. *Empowerment Zone* means a geographical area of Miami-Dade County designated by the federal government as an empowerment zone.

H. *CDBG Eligible Block Group* means a geographical area whose residents are lower to moderate income.

I. *Focus Area* means a geographical area slated for economic revitalization.

J. *Job* means a specific trade such as painting, electrical, plumbing, etc., in which a person hired by the contractor or subcontractor as part of the workforce used towards a workforce goal compliance and which the length of the job may aggregate to less than 120 days due to the nature of the job. Jobs that will be less than 30 days for completion may not be considered towards compliance with a workforce goal.

K. *Labor Force* means individuals (the workforce) that may count towards compliance to a workforce goal.

L. *Labor Work* means unskilled construction work.

M. *Local Workforce Goal* means a requirement that a percentage of the workforce performing construction trades work and labor under a Capital Construction Contract/Work Orders be residents of a DTA.

N. *New Hire* means any individual meeting the requirement of resident as defined below, employed by the contractor or subcontractor and on the contractor's or subcontractor's payroll, pursuant to the County's approval of the Workforce Plan by the contractor or subcontractor to perform any construction trades work or labor under a contract to which a local workforce goal has been applied, and who remains employed by the contractor or subcontractor and performs the job as listed and approved on the contractor's or subcontractor's workforce plan to include any approved revisions to the workforce plan, for a minimum duration of one hundred twenty (120) days or the length of the job whichever is less.

O. *Resident* means a person who has resided in Miami-Dade County in any DTA the past year (12 months).

P. *Review Committee or RC* means the committee established by the County Manager to review proposed contracts for the application of local workforce goals.

Q. *Scope of Services or Scope of Work* means the work to be performed under a Contract.

R. *Subcontractor* means any person, firm, entity, or organization at any tier, other than the employees of the contractor, performing construction trade work or labor under a Contract to which a local workforce goal has been applied pursuant to the governing ordinance. This term shall include employment agency furnishing personnel to a contractor or subcontractor.

S. *Targeted Urban Area* means a geographical area of Miami-Dade County that has been designated by the County Commission as a Targeted Urban Area under Section 30A-129 of the Code.

T. *Work* means the construction and services required by the contract including all labor, materials, equipment and services to be provided by the contractor to fulfill the contractor's obligations. The work may constitute the whole or a part of the contract.

U. *Workforce Plan or Plan* means a plan delineating the number and category of administrative, construction trades and labor personnel necessary to perform the work under a Capital Construction Contract to which a local workforce goal has been applied, and the proposed steps that will be taken to meet the goal. The Plan shall be organized by trade and indicate the number and category of positions already filled and the number and category of positions that require recruitment; the anticipated date that the hiring process will be initiated; the deadline for referrals; the anticipated position commencement date; and the duration of the position.

V. *Workforce Development Organization or WDO* means an organization providing construction trades skills training or providing skills training that is recognized and accepted by all federation members of the respective trade, who are instrumental in its design and provides certification after participation, or apprenticeship training or any construction related training. The firm must be registered with the Department of Business Development (DBD).

W. *Workforce Recruitment/Referral Organization or WRO* means an organization providing qualified construction employment recruitment/referral services and employability skills training, including application process, interviewing, and appropriate attire. The organization must be registered with the Department of Business Development (DBD).

X. *Worker Training Program or WTP* is a certified training program, technical school, apprenticeship program or other such construction industry related training program.

Y. *Work Order* means issuance of specific work based on an open work contract with fixed unit prices.

II. GENERAL INFORMATION:

Except where state, or federal laws or regulations mandate to the contrary, these provisions shall apply to Capital Construction Contracts/Work Orders entered into and issued by Miami-Dade County, its departments and agencies including the Public Health Trust or funded in whole or in part by County funds or with private funds on County property, for public improvements located in DTAs.

III. PROGRAM OBJECTIVE:

The Community Workforce Program objective is to ensure the utilization of workers living in DTAs in which a capital construction project is located. It is an attempt to improve the economic condition of all traditionally underserved communities, within employment figures exceeding the national average. Additionally, it is an effort to ensure that public dollars for capital improvement projects benefit residents of the affected communities.

A percentage of the workforce performing construction trades and labor work as established by DBD, under this contract or subsequent work orders where applicable, must be residents of DTAs for a minimum period of twelve consecutive months.

These provisions are subject to changes and corrections. The awarded contractor agrees to comply with any changes to this document and any amendments to the governing Ordinance and respective Administrative Order during the life of this contract or any subsequent work orders where applicable.

IV. GOAL COMPLIANCE:

It shall be the responsibility of the Contractor to maintain compliance with the Local Workforce Goal utilizing direct employment or utilizing employment through the subcontractor's workforce.

If the primary contractor and the subcontractor, through written mutual agreement, agree that any portion of the workforce goal will be achieved through the subcontractor, then the subcontractor shall have the right to self recruit or select and utilize registered WDOs or WROs to select qualified workforce to meet the established goal. The primary contractor, however, retains full responsibility for meeting the established Workforce Goal.

Persons designated in the approved Workforce Plan as already on the contractor's (or on any proposed subcontractor's) payroll who reside in the DTA in which the public improvement is located and who perform any construction trades or labor work of the awarded contract /work order shall count towards meeting the local workforce goal. If additional workforce is needed to meet the goal, the contractor or any proposed subcontractors must recruit the required workforce from the DTA in which the public

improvement is located. If the contractor or proposed subcontractors are unable to locate the remaining required workforce in part or in whole and provide sufficient written documentation to DBD that the required workforce was not available in the DTA in which the project is located, the contractor and any proposed subcontractors may count persons on their payroll that reside in another DTA and/or recruit from the nearest DTA to the location of the public improvement upon DBD's approval. Contractors' are subject to penalties for non-compliance and violations in accordance with the governing Ordinance and Administrative Order.

Each New Hire residing in a DTA who is hired to a position designated in the approved Workforce Plan and who performs construction trades work or labor work of the contract for a minimum duration of one hundred twenty days or the duration of the job whichever is less may also count towards meeting the goal, provided the first priority in hiring for such position was given to persons residing in the DTA in which the public improvement is located. Trade work equal to or less than 30 days, will not be counted towards goal compliance.

Notwithstanding anything to the contrary above, the contractor may in whole or in part, be relieved of the workforce goal if such contractor can demonstrate to DBD that it has utilized its best efforts to achieve a goal, including but not limited to, documented evidence (i.e. telephone/fax logs, etc.) of attempted recruitment through all DBD registered WDOs and WROs, Miami-Dade County's Clearinghouse and other DBD available workforce databases.

The following shall count towards compliance with a local workforce goal.

- Submit Workforce Plan to the issuing/user department within fifteen (15) days of Notice of Award for project specific and within fifteen (15) days from Notice to Proceed for work orders.
- Obtain approval of the Workforce Plan from the Department of Business Development (DBD) within 10 days of receipt from the issuing/ user department or prior to 25% completion of the project/work order.
- Submit a Notice of Construction Clearinghouse Job Opportunity – Form B for each position designated in the approved Workforce Plan for recruitment within fifteen (15) days of approval of the Workforce Plan.

V. WORKFORCE PLAN:

The Contractor/Subcontractor, or its qualified WDO or WRO shall submit to DBD through the issuing department, a Workforce Plan (CWP-01) outlining how the goal will be met within fifteen (15) days of notification of contract award or issuance of subsequent work order(s) when applicable.

The Plan shall specify at a minimum:

1. The total number of persons that will be used by the contractor (as well as by all Subcontractors) to perform all of the construction trades and labor work of the contract, broken down by trade and labor category.
2. Number of persons to be utilized in each category.
3. Identify by name, address and trade category of all persons proposed to perform work under the contract currently on the contractor's (or on any proposed Subcontractor's) payroll who reside in any DTA. Two (2) forms of proof or residency are required one of which must be a picture ID. Acceptable forms of proof includes Voter registration, Driver's license, State of Florida ID, Evidence of receipt of unemployment benefits, utility bill.

The Workforce Plan must be submitted to the issuing/user department, who will then submit the plan to DBD for review and approval. The issuance of a Notice to Proceed does not indicate an acceptance of the Workforce Plan. The issuance of a Notice to Proceed prior to DBD's approval of any Workforce Plan submitted shall not be deemed a waiver of the requirements that a Plan be submitted and approved.

A Contractor who does not have a plan for such contract approved by DBD at twenty-five percent (25%) completion of the contract/work order may be subject to sanctions including, but not limited to, stop payment. In the event that at the contract completion the contractor does not achieve the established local workforce goal, liquidated damages equal to a minimum of $1,500.00 per position or the wages that would have been payable for such a position had the person(s) been hired for the position as listed on the approved Workforce Plan or any revisions to the Workforce Plan, whichever is greater, shall be assessed. Funds so obtained by the County shall be applied to the cost of the Community Workforce Program.

Contractors are required to submit Certified Payrolls (CWP-02) to DBD on a monthly basis. In the event that during the contract/work order time a New Hire or a person identified in the approved Workforce Plan as already on the contractor(s) or subcontractor(s) payroll to meet the local workforce goal is replaced, the Contractor is required to immediately notify DBD of the replacement and submit a revised Work Force Plan within five (5) working days from the date of replacement. Notwithstanding anything to the contrary above, the contractor may in whole or in part be relieved from these requirements if such Contractor can demonstrate to DBD that it has utilized its best efforts to achieve the goal.

VI. WDO and WRO REGISTRATION:

Contractors/Subcontractors may self-recruit, recruit through MDC Clearinghouse, and/or utilize a WDO or WRO to locate workforce to meet their workforce goal. DBD shall register WDOs and WROs, and shall maintain and publish an updated list of WDOs and

WROs, identifying areas of expertise and services. DBD shall collect, assemble, and verify information needed to establish eligibility for such registration. To register as a WDO or WRO contact DBD at (305) 349-5960 or visit DBD's website at www.miamidade.gov/DBD.

VII. COMPENSATION TO WDO or WRO FOR PLACEMENT OF NEW HIRE:

The following applies to all contracts/work orders to which a local workforce goal has been applied.

i. WDOs may be eligible to receive a fee of $750 for the collective training, referral and placement, of each New Hire from a DTA.

ii. WDO/WROs may be eligible to receive a fee of $500 for the collective referral and placement of each New Hire from a DTA.

iii. These fees are contingent on the New Hire remaining employed for a minimum of one hundred twenty (120) days or the duration of the job, whichever is less.

VIII. MONITORING:

The County shall maintain staff for the purpose of monitoring compliance with the Workforce Goal. Assigned individuals will conduct on site interviews and audit the contractors certified payrolls to review the progress towards meeting the local workforce goal. The contractor, WDO, WRO, and all subcontractors performing work on a contract to which a local workforce goal has been applied shall maintain, and make readily available, all records pertaining to employment by the contractor and subcontractors on the contract/work order.

IX. ACCESSING INCENTIVES:

It is the County's plan to encourage contractors to access incentives available in DTAs. Included are incentives established for Enterprise/Empowerment Zones, and Targeted Urban Areas such as the Work Opportunity Tax Credit, Business Registry Incentives, and Qualified Targeted Industries Incentives (QTI), and other applicable incentives. A contractor, WDO or WRO, is responsible for applying for any incentive for which they may be eligible. The contractor may utilize economic and business development organizations such as the Beacon Council, Empowerment Trust, Miami-Dade County's Office of Community and Economic Development (OCED), WDOs, WROs as well as other related organizations to access such incentives.

X. SANCTIONS FOR CONTRACTUAL VIOLATIONS:

Not withstanding any other penalties or sanctions provided by law, a contractor's violation of or failure to comply with, the governing legislation and these provisions, may result in the imposition of one or more of the following sanctions:

i. The suspension of any payment or part thereof until such time as the issues concerning compliance are resolved; and/or

ii. Work stoppage; and/or

iii. Termination, suspension, or cancellation of the contract in whole or in part;

iv. In the event that at contract completion the contractor does not achieve the established local workforce goal, liquidated damages not less than $1,500.00 per position, or the wages that would have been payable for the position had the person(s) been employed by the contractor as listed on the approved workforce plan to include all approved revisions to the workforce plan, whichever is greater, shall be assessed in accordance with the governing ordinance. Funds so retained by the County shall be applied to the costs of the Community Workforce Program.

v. In the event contractor attempts to comply with the provisions of the governing ordinance through fraud, misrepresentation, or material misstatement, or is found after a hearing to have discriminated in violation of Article VII of Chapter 11A of the Code of Miami-Dade County, the County shall, whenever practicable, terminate the contract or require the termination or cancellation of the subcontract for the project on which the contractor committed such acts. In addition, and as a further sanction, the County Manager or his or her designee may impose any of the above-stated sanctions on any other contracts or subcontracts the contractor has on County projects. In each instance, the contractor shall be responsible for all direct and indirect costs associated with such termination or cancellation including attorney's fees and costs. The contractor may also be subject to debarment.

vi. The County Manager or his or her designee may issue a Stop Payment against current and future payments on a contract where the contractor who has not submitted or does not have a DBD approved Workforce Plan at contract commencement or at the 25 percent (25%) completion point for such contract.

XI. APPEALS PROCESS

i. Upon a determination of non-compliance with the requirements of the governing Ordinance 03-237, Administrative Order 3-37 as amended under resolution R-1248-03, or implementing bid documents, which decision will be final unless appealed, DBD shall notify the affected party, in writing, setting forth the reasons for the determination and advising of this appeals process.

ii. The affected party may appeal the determination by filing a written appeal with the Director of DBD within fifteen (15) days of receipt of the notice.

iii. DBD shall forward all written appeals to the RC. The RC or a committee thereof appointed by the chairperson shall hear all appeals and forward recommendations regarding the appeal to the County Manager.

iv. Decisions by the County Manager shall be final unless the County Commission agrees in its sole discretion upon request by the affected party to review the County Manager's decision.

v. This appeals process does not apply to appeals of decisions made pursuant to contract documents implementing the Community Workforce program when such contract documents provide procedures for appeals of such decisions

DBD/COMMUNITY WORKFORCE PROGRAM
WORKFORCE PLAN

CONTRACT/WORKORDER NO:	
PRIME:	
WORKFORCE GOAL:	

(A)	(B)	(C)	(D)	(E) *	(F)**
COMPANY NAME:	TRADE	TOTAL # OF POSITIONS ASSIGNED TO THE PROJECT	# OF POSITIONS IN "C" FILLED BY STAFF CURRENTLY ON THE FIRMS PAYROLL	# OF EMPLOYEES LISTED IN "D' WHO RESIDE IN A DTA	# OF POSITIONS TO BE FILLED TO MEET THE CWP GOAL
	TOTAL:				

Executed by:

Signature of Affiant

Printed Name of Affiant

* For the each existing employee(s) listed in Column "E" the following information MUST be submitted with your Workforce Plan.

1. A picture ID (Driver License, State issued ID) listing the employees address in the DTA
2. And one of the following (FPL bill, Water bill or Voter Registration Card)

**For the position(s) listed in column "F" a Notice of Construction Clearinghouse Job Opportunity (Form B) must be completed and sumbitted with the Workforce Plan.

CWP-01
Revised 11/2006

DBD Use:
Total Workforce _____ X _____ CWP Goal _____ CWP Employee(s)

DATE _____

I, _____

NAME OF SIGNATORY PARTY

do hereby state:

(1) That I pay or supervise the payment of the persons employed by _____

_____ on the _____

(CONTRACTOR OR SUBCONTRACTOR) (BUILDING OR WORK)

_____; that during the payroll period commencing on the _____

day of _____, 19_____, and ending the _____ day of _____, 19_____

all persons employed on said project have been paid the full weekly wages earned, that no rebates have been or will be made either directly or indirectly to or on behalf of said

_____ from the full

(Contractor or subcontractor)

weekly wages earned by any person and that no deductions have been made either directly or indirectly form the full wages earned by any person, other than permissible deductions as defined in Regulations, Part 3 (29 (F R Subtitle A), issued by the Secretary of Labor under the Copeland Act, as amended (48 Stat. 948,63 Stat. 108, 72 State. 967; 76 Stat. 357, 40 U.S.C. 276c), and described below:

_____

_____

_____

(2) That any payrolls otherwise under this contract required to be submitted for the above period are correct and complete; that the wage rates for laborers or mechanics contained therein are not less than the applicable wage rates contained in any wage determination incorporated into the contract; that the classification set forth therein for each laborer or mechanic conform with the work he performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide apprenticeship program registered with a State apprenticeship agency recognized by the Bureau of Apprenticeship Training, United States Department of Labor , or if no such recognized agency exists in a State, are registered with the Bureau of Apprenticeship and Training, United States Department of Labor.

(4) That:

(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS OR PROGRAMS

- In addition to the basic hourly wage rates paid to each laborer or mechanic listed in the above referenced payroll, payments of fringe benefits as listed in the contract have been or will be made to appropriate programs for the benefit of such employees, except as noted in Section 4(c) below.

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

- Each laborer or mechanic listed in the above referenced payroll has been paid, as indicated on the payroll, an amount not less than

EXCEPTION (CRAFT)	EXPLANATION

REMARKS

NAME AND TITLE	SIGNATURE

THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION SEE SECTION 1001 OF TITLE 18 AND SEC 231 OF TITLE 31 OF THE U.S. CODE.

PAYROLL

(For Contractor's Optional Use; See Instruction, Form WH - 347 Inst.)

NAME OF CONTRACTOR OR SUBCONTRACTOR		ADDRESS	
PAYROLL NO.	FOR WEEK ENDING	PROJECT AND LOCATION	PROJECT OR CONTRACT NO.

(1) NAME, ADDRESS, AND SOCIAL SECURITY NUMBER OF EMPLOYEE	(2) NO. OF w/holding Exemptions	(3) WORK Classifications	(4) DAY AND DATE							(5) TOTAL HOURS	(6) RATE OF PAY	(7) GROSS AMOUNT EARNED	(8) DEDUCTIONS						(9) NET WAGES PAID FOR WEEK	CWP REPORTING	
			O																	Mark " X" if the employee is meeting the CWP Goal	# of days the Employee worked on the project to date
			S										FICA	WITH - HOLDING TAX			OTHER	TOTAL DEDUCTIONS			
			HOURS WORKED EACH DAY OVERTIME(O) / STRAIGHT (S)																		
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MIAMI-DADE COUNTY DEPARTMENT OF BUSINESS DEVELOPMENT
Job Clearinghouse (JCH)
NOTICE OF CONSTRUCTION CLEARINGHOUSE JOB OPPORTUNITY

Governed by Miami-Dade County Code section 2-1701 and R-1395-05

Section 1. To be completed by Employer/Contractor. Please print clearly or type

Position title	Application Deadline
Job Site Location	Number of Openings
Describe Job Duties (knowledge, skills and abilities)	Hourly Rate
Job Duration: ☐ Permanent ☐ Temporary If Temporary, how long? _____	Fringe Benefits? ☐ Yes ☐ No

Experience Requirement: ☐ No ☐ Will Train ☐ Yes, how much experience is required? ☐ Months ☐ Years

Education Required: ☐ None ☐ H.S Diploma/GED ☐ AA Degree ☐ Bachelor's Degree ☐ Master's Degree ☐ Ph. D.

Certifications/License Required: ☐ None ☐ Yes If Yes, please list_____

Driver's license required: ☐ None ☐ Operator/Class E ☐ Commercial/class ____ ☐ Chauffeur/Class D

Language(s) required: ☐ English ☐ Spanish ☐ Creole ☐ Other

Applicants should contact employer by: ☐ Phone ☐ Fax Resume ☐ Mail Resume ☐ In person (day/hours)_____

Section 2 **EMPLOYER/CONTRACTOR INFORMATION**

Business Name:	Contract/Project Number
Address (Street Name and Number)	Federal ID#
City State Zip Code	Contract/Project Number:
Telephone Number	Fax Number
Contact Person	Email Address

Employer/Contractor must complete and provide a copy of this form for all jobs:

Attention: Job Clearinghouse
Miami-Dade County Department of Business Development (DBD)
Contract Review and Compliance Division
111 NW 1st Street, 19th floor
Miami, Florida 33128
Telephone: (305) 375-3111 Fax (305) 375-2343

**********FOR DBD USE ONLY**********

Date and time this notice was received at MDC-DBD	Received by

☐ This notice was faxed to the list of registered WDOs, WROs, WTPs and other affiliates (list available upon request) Date: