

**CITY of ALBUQUERQUE  
TWENTY SIXTH COUNCIL**

COUNCIL BILL NO. F/S O-24-39 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Tammy Fiebelkorn and Dan Champine

**1 ORDINANCE**

**2 ADOPTING A NEW ARTICLE IN CHAPTER 5 OF THE REVISED ORDINANCES  
3 OF ALBUQUERQUE 1994, TO ESTABLISH THE USE OF APPRENTICES FOR  
4 PUBLIC CONSTRUCTION PROJECT CONTRACTS, TITLED “THE  
5 APPRENTICESHIP EMPOWERMENT ORDINANCE”.**

**6 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF  
7 ALBUQUERQUE:**

**8 SECTION 1. A new Article 11 in Chapter 5 of the Revised Ordinances of  
9 Albuquerque is hereby adopted as follows:**

**10 § 5-11-1 SHORT TITLE.**

**11 This ordinance may be cited as “The Apprenticeship Empowerment  
12 Ordinance.”**

**13 § 5-11-2 DEFINITIONS.**

**14 For purposes of this ordinance the following terms have the following  
15 definitions:**

**16 APPRENTICE. Means an individual enrolled in an apprenticeship program  
17 that is registered pursuant to the Apprenticeship Assistance Act, NMSA 1978,  
18 Chapter 21, Article 19A, or registered with the U.S. Department of Labor’s  
19 Office of Apprenticeship.**

**20 APPRENTICE UTILIZATION REQUIRMENT. Means that a minimum of 10%  
21 of total labor hours within each trade with apprentices for which there is an  
22 official apprenticeship training program must be performed by apprentices of  
23 that trade on an applicable public construction project.**

**24 CONTRACTOR. An individual or entity engaged in the business of  
25 constructing, altering, repairing, or improving any public construction project.  
26 The contractor is responsible for the overall coordination and completion of**

[Bracketed/Underscored Material] - New  
[Bracketed/Strikethrough Material] - Deletion

[Bracketed/Underscored Material] - New  
[Bracketed/Strikethrough Material] - Deletion

1 the project and is required to comply with the apprenticeship utilization  
2 requirement and responsible contractor qualifications as set forth in this  
3 ordinance. The contractor may employ subcontractors to perform portions of  
4 the work but retains overall responsibility for compliance with the ordinance  
5 provisions.

6 **GOOD FAITH EFFORT.** Actions undertaken by a contractor or  
7 subcontractor to comply with the apprenticeship utilization requirements,  
8 which may include, but are not limited to:

9 (1) **Outreach Efforts:** Documented communication with multiple  
10 sponsoring bodies or official apprenticeship training programs to recruit  
11 apprentices.

12 (2) **Community Engagement:** Participation in job fairs, apprenticeship  
13 awareness events, or collaboration with community organizations to promote  
14 apprenticeship opportunities.

15 (3) **Advertising Opportunities:** Posting apprenticeship vacancies  
16 through local media outlets, online job boards, or social media platforms to  
17 attract potential apprentices.

18 (4) **Internal Training Programs:** Implementation of in-house training  
19 initiatives aimed at developing new apprentices from the existing workforce or  
20 the local community.

21 **LABOR HOURS.** Means the total hours of workers receiving an hourly wage  
22 who are directly employed on the site of the public construction project.  
23 “Labor hours” includes hours performed by workers employed by the  
24 contractor and all subcontractors working on the public construction project.  
25 “Labor hours” does not include hours worked by superintendents and 8  
26 owners.

27 **SPONSORING BODY.** Any employer, association, committee, or  
28 organization that operates a Registered Apprenticeship Program. This entity  
29 assumes full responsibility for administration and operation of an Official  
30 Apprenticeship Training Program. Sponsors can be comprised of a single  
31 business or multiple businesses. Alternatively, the sponsor can be a  
32 workforce intermediary, such as an industry association or a labor-  
33 management organization. The sponsoring body may also be a non-union

[Bracketed/Underscored Material] - New  
[Bracketed/Strikethrough Material] - Deletion

1 entity. Community colleges and community-based organizations can also  
2 serve as sponsors of apprenticeship programs.

3 OFFICIAL APPRENTICESHIP TRAINING PROGRAM. Means an  
4 apprenticeship training program registered pursuant to the Apprenticeship  
5 Assistance Act, NMSA 1978, Chapter 21, Article 19A, or registered with the  
6 U.S. Department of Labor’s Office of Apprenticeship.

7 PUBLIC CONSTRUCTION PROJECT. Means any City of Albuquerque  
8 project subject to the provisions of ROA 1994, Section 5-5-11 in which a single  
9 project construction cost is estimated to cost \$2,000,000 or more, the project  
10 is publicly bid through a Request for Bids, and where the City is the project  
11 owner.

12 § 5-11-3 APPRENTICESHIP REQUIREMENT.

13 (A) Unless such a requirement conflicts with State or Federal law, all  
14 contractors performing work on any public construction project shall commit  
15 to the apprenticeship utilization requirement. During the course of  
16 construction, the number of hours may vary, but 10% of the total hours on the  
17 actual construction job site must be performed by registered apprentices in  
18 each trade in which there is an official apprenticeship training program. This  
19 shall apply only to occupations with apprentices involved in the proposed  
20 construction for which there is an official apprenticeship training program.  
21 Work cannot be divided among contractors or subcontractors at any tier to  
22 evade the apprenticeship utilization requirements. Where two or more  
23 contractors or subcontractors perform work within a trade, each contractor or  
24 subcontractor shall comply with the apprenticeship utilization requirements of  
25 this ordinance.

26 (B) All contractors and subcontractors subject to this ordinance must  
27 provide verified payroll reports on at least a monthly basis to the Department  
28 of Municipal Development / Contract Services in CIP, certifying the names of  
29 all workers performing labor hours, their trade, hours worked, and designation  
30 as journey level worker or apprentice, as submitted to the Department of  
31 Workforce Solutions.

32 (C) The contractor may submit documentation affirming that there are not  
33 available apprentices in a particular trade to meet the 10% requirement of § 5-

[Bracketed/Underscored Material] - New  
[Bracketed/Strikethrough Material] - Deletion

1 11-3(A). Contractors seeking apprentices shall contact all sponsoring bodies  
2 of that particular trade to ask if apprentices are available. Sponsoring bodies  
3 shall respond to such inquiries within two (2) business days. If no response is  
4 received within two (2) business days, the contractor shall presume that  
5 apprentices are not available. Such documentation regarding apprentice  
6 unavailability must be signed by all sponsoring bodies of that particular trade,  
7 unless the sponsoring body has failed to respond to a contractor inquiry, in  
8 which case the contractor shall indicate this on their documentation. Upon  
9 receipt of such documentation, the requirements in §5-11-3(A) shall be waived  
10 for that particular trade.

11 **§ 5-11-4 BIDDING PREFERENCE APPLICABILITY.**

12 When a contractor who has completed a contract with the City meets a  
13 minimum 20% apprentice utilization, the City shall award that contractor a 10%  
14 bidding preference for the following project bid upon by the contractor. To  
15 receive the 10% bidding preference, the contractor must submit  
16 documentation proving satisfaction of the 20% apprentice utilization provision  
17 during the contract close out in the Department of Municipal Development /  
18 Contract Services in CIP. During the course of construction, the number of  
19 hours may vary from the hours submitted in the bid, but 20% of the total hours  
20 on the actual public construction project must be performed by registered  
21 apprentices. A contractor who is awarded this preference may only utilize it on  
22 the following project bid upon that is estimated at more than \$2,000,000. In the  
23 event that a contractor bids on and wins multiple eligible projects on the same  
24 day, the City shall choose which project to apply the preference.

25 **§ 5-11-5 RESPONSIBLE CONTRACTOR.**

26 The City shall ensure that all contractors and subcontractors at any tier  
27 subject to this ordinance will comply with the following qualifications and  
28 conditions at all times during their performance of work on any public  
29 construction project:

- 30 (A) The contractor has not been debarred or suspended from performing
- 31 construction work by any federal, state or local government agency or
- 32 authority in the past five years;

[Bracketed/Underscored Material] - New  
[Bracketed/Strikethrough Material] - Deletion

1 (B) The contractor must properly classify all employees as employee rather  
2 than independent contractors and treat them accordingly for purposes of  
3 minimum wages and overtime, worker’s compensation insurance coverage,  
4 unemployment taxes, social security taxes and state and federal income tax  
5 withholding.

6 § 5-11-6 PENALTY.

7 (A) TIER ONE: Failure to comply with the apprentice utilization requirement  
8 and/or responsible contractor conditions will result in a written notification  
9 from the City informing the contractor that they are subject to the  
10 requirements of this Ordinance.

11 (B) TIER TWO: Upon the third violation, the contractor shall provide a  
12 workforce development plan outlining steps that will be taken to obtain  
13 additional apprentices to ensure the contractor will come into compliance with  
14 the requirements of this Ordinance.

15 (C) TIER THREE: A fourth failure to comply with the apprentice utilization  
16 requirement and/or responsible contractor conditions is evidence bearing on a  
17 contractor’s qualification for award of future contract and may result in up to a  
18 six (6) month construction bidding suspension on a public construction  
19 project.

20 § 5-11-7 MONITORING AND REPORTING.

21 (A) Establishment of Monitoring System: The Department of Municipal  
22 Development (DMD) shall develop and implement a system to monitor  
23 compliance with the apprenticeship utilization requirements set forth in this  
24 ordinance.

25 (B) Annual Reporting Requirements: All contractors and subcontractors  
26 subject to this ordinance shall submit annual reports to the DMD Project  
27 Manager, which shall include:

28 (1) Total Labor Hours: The total number of labor hours performed on the  
29 public construction project during the reporting period.

30 (2) Apprenticeship Labor Hours: The total number of labor hours  
31 performed by registered apprentices, categorized by trade.

32 (3) Good Faith Efforts Documentation: Evidence of actions taken to  
33 recruit and employ apprentices, as defined under § 5-11-2.

[Bracketed/Underscored Material] - New  
[Bracketed/Strikethrough Material] - Deletion

1 (C) Annual Public Report: The Department of Municipal Development  
2 shall compile the data collected into an annual report summarizing  
3 apprenticeship utilization on public construction projects. This report shall be  
4 made available to the public and presented to the City Council via executive  
5 communication.

6 (D) Data Privacy and Compliance: All collected data shall be handled in  
7 accordance with applicable privacy laws and regulations. Contractors and  
8 subcontractors must ensure that submitted reports do not include confidential  
9 or proprietary information.

10 SECTION 2. SEVERABILITY. If any section, paragraph, sentence, clause,  
11 word or phrase of this Ordinance is for any reason held to be invalid or  
12 unenforceable by any court of competent jurisdiction, such decision shall not  
13 affect the validity of the remaining provisions of this Ordinance. The Council  
14 hereby declares that it would have passed this Ordinance and each section,  
15 paragraph, sentence, clause, word or phrase thereof irrespective of any  
16 provision being declared unconstitutional or otherwise invalid.

17 SECTION 3. COMPILATION. SECTION 1 of this Ordinance is to be  
18 compiled as a new Article 11 in Chapter 5 of the Revised Ordinances of  
19 Albuquerque, New Mexico, 1994, titled "The Apprenticeship Empowerment  
20 Ordinance."

21 SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect on July 1,  
22 2025 after publication by title and general summary.

23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33