

CITY of ALBUQUERQUE TWENTY FOURTH COUNCIL

COUNCIL BILL NO. O-21-80 ENACTMENT NO. _____

SPONSORED BY: Cynthia D. Borrego and Lan Sena

1 ORDINANCE
2 AMENDING SECTION 5-5-11 OF THE PUBLIC PURCHASES ORDINANCE TO
3 REQUIRE THE USE OF PROJECT LABOR AGREEMENTS ON CERTAIN
4 PUBLIC WORKS CONSTRUCTION PROJECTS IN THE CITY OF
5 ALBUQUERQUE.

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

8 SECTION 1. Section 5-5-11, CAPITAL PROJECTS, is amended as follows:

9 [(l) Project Labor Agreements

10 (1) Definitions. For purposes of this subsection, certain words and
11 phrases used are defined as follows:

12 PROJECT LABOR AGREEMENT. A pre-hire collective bargaining
13 agreement with one or more labor organizations or with their representative(s)
14 that establishes the terms and conditions of employment for a specific public
15 works construction project.

16 CONTRACTOR. A person entering into or performing a public works
17 construction project.

18 PUBLIC WORKS CONSTRUCTION PROJECT or PROJECT. A City
19 project subject to the New Mexico Public Works Minimum Wage Act.

20 SUBCONTRACTOR. Any person with whom a construction contractor
21 or other subcontractor enters into a contract to perform a portion of any
22 public works construction project.

23 TOTAL PROJECT COST. The total project cost of a project is the cost
24 of all construction and construction-related activities, excluding the cost of
25 real property acquisition. In a phased construction project, the total project

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1 cost of each phase is cumulative, so that the total project cost includes the
2 costs of previous phases.

3 UNION. The New Mexico Building and Construction Trades Council
4 and its affiliated unions and any other unions, which become a signatory to a
5 project labor agreement governing the construction of a public works
6 construction project.

7 (2) Use of a Project Labor Agreement. A project labor agreement
8 shall be utilized in each City public works construction project where the total
9 project cost, is anticipated to exceed Ten Million Dollars (\$10,000,000.00) and
10 where at least three crafts will be employed on the project. This subsection
11 shall apply to all public works construction projects unless the existence of a
12 project labor agreement will jeopardize state, federal or other public funding
13 sources. It shall be set forth in the construction bid documents for the public
14 works construction project, as a condition of the award, that the successful
15 bidder, including contractors and subcontractors at all tiers, shall be required
16 to execute and be bound by a project labor agreement. The awarded general
17 contractor shall execute a master project labor agreement, which will be filed
18 with the City Clerk, and the terms in that project labor agreement shall govern
19 all work on the construction of the project.

20 (3) Required articles in a project labor agreement. The City shall
21 provide the required project labor agreement. Each project labor agreement
22 shall contain, at a minimum, articles that address the following:

- 23 (i) Scope
- 24 (ii) Wages and benefits;
- 25 (iii) Referral procedure;
- 26 (iv) No work stoppages;
- 27 (v) Management rights;
- 28 (vi) Jurisdictional disputes;
- 29 (vii) Union representation; and
- 30 (viii) Apprenticeship

31 (4) Compliance with state and federal law. This subsection and the
32 use of the project labor agreement shall be enforced only to the extent that it
33 is consistent with the laws of the State of New Mexico and the United States.

1 **(5) PLA required prior to project award being submitted to City**
2 **Council. The City Council shall not consider or approve any**
3 **recommendation of award for any project where a PLA is required, until a PLA**
4 **has been executed.]**

5 **(l) Any and all rules and regulations adopted or promulgated under this**
6 **provision shall be consistent with and subject to the provisions of this article,**
7 **and in the event of a conflict between such rules and regulations and this**
8 **article, this article shall control.**

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

16 **SECTION 3. COMPILATION. This ordinance shall be incorporated in and**
17 **compiled as part of the Revised Ordinances of Albuquerque, New Mexico,**
18 **1994.**

19 **SECTION 4. EFFECTIVE DATE. This ordinance shall take effect five days**
20 **after publication by title and general summary.**

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