

PROJECT LABOR AGREEMENTS

Summary

The purpose of this investigation was the determination of any increased cost associated with bidding construction projects in the City of Kent with the inclusion of a Project Labor Agreement (PLA). After review of literature and interview of unions, contractors and owners a definitive answer has not developed. For every citation regarding cost associated with PLAs from one source is countered in another source. What has developed is a considerable in depth understanding of the issue relative to PLAs. The common underlying effective use is with projects that have complexity, both in scope and schedule that estimated to cost at or above \$5,000,000.

Intuitively \$5,000,000 seems high but the costs associated with some of the other local benefits language typically found in PLAs does come with a related cost and a project of five million dollars seems to be the threshold where the PLA cost disappears by being absorbed into the project costs. Having said all of the above the best determination for the City of Kent most likely came from Dave Ruller, City Manager on October 7, 2009 when he recommended "just trying it". The only method to know the cost (increase or decrease) as well as any other local benefit for the City of Kent will be from trying a PLA.

As an alternative to PLAs the expanded use of the current Council approved Local Vendor Preference (Service Department defined as 5%) to provide financial incentives for contractors bidding work in the City and using local residents could be used thus providing a cap on the increased cost for the local benefits.

Literature and Interview Review

As of January 17, 2011 twenty four (24) documents were reviewed in detail after downloading from the internet website Wikipedia¹ and using the references made therein to Project Labor Agreements (PLAs). Additionally a brief review of other available documents on the internet was made; the majority of the additional references were determined to generally provide similar information and as such the detailed review of documents was limited to the initial 24 that were found referenced on Wikipedia.

Of the 24 documents reviewed 9 provided a pro position, 8 provided a con position, 6 were both pro and con and one was found not applicable to the discussion. The documents provided both historical information of the use of PLAs and in most cases provided discussion and guidance regarding their use. The attached Exhibit A lists all 24 documents with some descriptive information.

As a part of this investigation there have been a number of interviews conducted in addition to the literature reviewed. The literature and those interviews represented both union and non-union contractors, unions and other public entities. Each of those interviewed offered valuable insight into this matter and universally the response to questions was positive, forthright and professional. A decision, for or against the

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utilization of a PLA must be based upon the benefits both economic and non-economic that a project delivery approach will bring to the work, thus providing the best and least expensive project completion for Kent. As a matter of opinion this matter is not, and should not be a matter of union versus non-union.

From the literature and discussions with union representatives, contractors and other public entities the following summary is presented for consideration by Kent City Council.

Description of PLAs

“A Project Labor Agreement is a type of pre-hire agreement. Pre-hire bargaining means that construction unions and contractors have bargaining rights and can enter into agreements before any workers are hired and without a particular union having to demonstrate majority support among employees of an ascertained bargaining unit. Most pre-hire agreements cover work within a geographically defined jurisdiction for a particular craft and continue from project to project. A PLA, by contrast, is a project-specific, uniform agreement covering all the crafts on a project, and lasting only as long as the project. It is a comprehensive labor relations agreement — the “job site constitution” — that governs over various area craft agreements, setting uniform terms and conditions, for a particular project. Where the PLA is silent, the area agreements’ terms are not impacted.

Because they are negotiated pre-bid and specifically tailored to the needs of particular projects, PLAs give project owners, building contractors and trade unions a unique opportunity to anticipate and avoid potential problems that might otherwise arise and possibly impede project progress. They maximize project stability, efficiency and productivity and minimize the risks and inconvenience to the public that often accompany public works projects. This is why Project Labor Agreements have long been used in the private and federal sectors, and more recently by state, county and municipal agencies.”ⁱⁱ

Historical Background to PLAs

“PLAs in the United States originated in the public works projects of the Great Depression, which included the Grand Coulee Dam in Washington State in 1938 and the Shasta Dam in California in 1940. PLAs have continued to be used for large construction projects since World War II, from the construction of the Cape Canaveral Space Center in Florida to the current Central Artery program (the “Big Dig”) in Boston. The private sector has likewise utilized PLAs for certain projects, including the Alaskan Pipeline and Disney World in Florida.”ⁱⁱⁱ

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The Controversy with PLAs

Project Labor Agreements divide the contractors, trade unions and owners into two camps, those in favor of PLAs and those opposed to PLAs.

“Controversy exists around using PLAs in public sector construction projects. The main arguments made by opponents to using PLAs in public sector construction are that PLAs increase construction costs to taxpayers, are anti-competitive by excluding or discouraging non-union contractors from bidding on public construction projects, and are an organizing tool to coerce construction workers into union membership.

The main argument made by advocates to use project labor agreements in public sector construction is that PLAs reduce the risk of construction delays (and increased costs) from worker shortages or labor disputes through the no-strike provisions and centralized referral systems or hiring halls. Proponents also maintain that PLAs foster cooperation between the construction workforce and management.”^{iv}

“In addition, inherently imbedded in the viewpoints fueling the debate are opposite ideological perspectives of construction workforce management: union versus non-union, or “merit shop.”^v

“Distinguishing between non-union (or open shop) and unionized construction sites “illustrates a central argument over the issue of flexibility” on the job site. Construction firms that adhere to a non-unionized view of workforce management contend rigid divisions of labor and work rules slow down productivity rather than improve it.”^{vi}

“Construction industry collective bargaining proponents maintain that defined lines of responsibility are created, “producing a more harmonious work site in terms of subcontractor relations and employee attitudes” at the construction site. Some of the state’s largest construction firms agree with this view. For example, Bechtel views the centralized union referral systems, training and apprenticeship programs as “positive not negative, well-proven systems,” especially on large, complex projects. A project labor agreement, as a tool of workforce management, falls into the collective bargaining category.”^{vii}

“It seems somewhat strange that no legal or public relations attack, of which I am aware, has been made on project agreements covering projects for private business or non-profit owners, which have constituted the largest proportion of all project agreements in the past decade. One would have thought that if private organizations, such as Toyota, Boeing, Inland Steel, Arco and Harvard University – to name a few – as well as a host of paper product, electric utilities and chemical plant owners, indeed hundreds of projects in the past decade, have voluntarily used project agreements for new construction that these arrangements and

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processes would be appropriate for certain projects for state and local governments and their authorities in their managerial as distinct from their regulatory functions. Many of the private owners are repeat users of project labor agreements. It is apparent that project labor agreements have met the private market test. The private experience would seem to validate the public use of project labor agreements for appropriate new construction projects and to override much of the criticism, particularly that based on costs, economy and efficiency.”^{viii}

PLA for City of Kent Construction Contracts and Competitive Bidding

The underlying concern for the City Administration is the potential for cost increase if a PLA were to be included in City Construction Contracts. The placement of PLA requirements in bid documents would require a bidder to become signatory to the PLA if they were awarded the contract. What is unknown is the cost that a bidder would charge associated with the PLA and once bid if the total bid amount were to be greater than what the City would be willing to spend. If a high non acceptable bid were received the only option would be not to enter into the Contract and re-bid without the PLA requirements. If such an event were to happen the City would loose upwards of 60-days to allow for re-bidding. Given the Projects that are currently being considered for inclusion of PLA language and the tight time frame to complete the projects in relation to other ongoing construction investments the delay could have other ramifications yet identified.

The following common points were found in multiple documents reviewed and are presented in no specific order:

Increased Cost

The cost increases that have been reported where PLAs have been used have been identified as being related to decreased bidders and/or the actual cost incurred by a contractor to implement the Contract requirements of the PLA.

Bidding:

The objectives of competitive bidding can be summarized as guarding against favoritism, fraud and corruption, to prevent the waste of public funds and to obtain the best economic result for the public. Inviting competition is the purpose of competitive bidding procedures thus securing the best work for the lowest price practicable.

The bidding process including PLAs:

“The agreement” (PLA) “is then included within the bid specifications so that potential bidders can better project their costs and schedule timetables. Bidding on a PLA project cannot, under state competitive bidding laws, be restricted to union

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contractors; public sector PLAs are not — and cannot lawfully be — union-only agreements. Bidding is open to all contractors — union and non-union. All successful bidders must become signatory to the PLA but are not necessary bound thereby to other jurisdiction-based agreements.”^{ix}

The Cost increase due to decreased number of bidders:

“It is intuitively obvious that the larger the number of bidders, the greater the competition, and the higher the probability of obtaining the best economic result for the public. A study conducted for the Roswell Park project in Buffalo was conducted to determine if there was a correlation based on the number of bidders and an impact on bid prices. It was found that there existed a significant correlation between the number of project bidders and the results suggest that the rate of cost increase for each bidder lost is approximately 3.45%.”^x

From the Price Waterhouse Coopers “Economic Evaluation of Project Stabilization Agreement for Construction Projects Funded” for the Los Angeles Unified School District, November 2, 2004 stated “we are unable to conclusively determine whether the “ PLA “has to date had either a net positive or net negative economic impact”. “In the absence of adequate empirical data, we have compiled anecdotal evidence that suggest that at least to date there has been neither a significant positive nor a significant negative net impact as a result of implementing the” PLA.^{xi}

“A criticism leveled at project labor agreements on public projects, it is argued, is their adverse impact on competition by reducing the number of bidders, particularly non-union contractors, willing to submit bids under project labor agreements. The smaller number of bidders, due to the unwillingness of non-union contractors to work under the terms of project labor agreements, it is said, result in higher prices to public owners. The more contractors you can bring to a bid opening, the better your chances of saving money.”^{xii}

The project size or threshold amount at which PLAs are considered:

“Project agreements, as has been observed, are applied to large-scale and complex projects of considerable duration, and major bid offerings attract contractors from a wide area, if not nation-wide. The pool of contractors is typically larger than for a routine project in an area.”^{xiii}

“Most interviewees agreed that PLAs are not suited to every project in every location. In considering whether to use PLA, owners usually consider the importance of scheduling the project, the need for skilled labor, whether there are sufficient number of union contractors in the major trades needed for the project to support competitive bidding and whether the work is likely to be done by union contractors with or without the PLA. In general, larger and more complex

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projects, for which scheduling is important, are good candidates for the use of a PLA.^{xxiv}

“Although different interviewees suggested different parameters, generally PLAs start to make sense when projects are at least in the five to ten million dollar range. Further factors include the complexity of the work, how tight a schedule the construction user is on and how high the likely hood of essential work going union anyway. According to our interviewees, when such conditions exist, PLAs make sense. Otherwise, the recommended open bidding and construction under area agreements.”^{xv}

“Whether a PLA is appropriate for a particular project is determined on a case-by-case basis following standards established in 1996 by the New York State Court of Appeals. The burden is on the New York public owner to demonstrate, typically through a consultant’s feasibility or due diligence report, that a PLA has a proper business purpose, that it will provide direct and indirect economic benefits to the public and promote the particular project’s timely completion. PLAs are more likely found appropriate — and experience has demonstrated great value — for larger, more complicated projects that last more than a few months and that often present unique scheduling issues.”^{xvi}

“Accordingly, it is the policy of the Federal Government to encourage executive agencies to consider requiring the use of project labor agreements in connection with large-scale construction projects in order to promote economy and efficiency in Federal procurement.”^{xvii} Large-scale construction projects are defined at \$25,000,000.

“Studies and high-court opinions show that PSAs do not increase cost nor decrease the number of bidders on a project, but may be advantageous for complex projects where timeliness is crucial.”^{xviii}

“Public agencies expressed a wide range of views about using PLAs. Most agency spokespersons commented positively that PLAs are useful on large, specific projects, especially contributing to decreased work stoppages and delays. Many agency spokespersons also stated that they would not use PLAs on small projects that did not need a large workforce to complete the project.”^{xix}

“A further form of project agreement addressed to a specialized type of construction is the Heavy and Highway Agreement that was first developed in 1954 by four constituent crafts, apart from the Building and Construction Trades Department. For the limited period, 1997-2002, the National Joint Heavy and Highway Construction Committee merged into the Department, constituting a Division with eight affiliated international unions – Laborers, Carpenters, Operating Engineers, Cement Masons, Bricklayers, Ironworkers, Painters and Teamsters. The division states that “simply put, its goal is to increase union market share by winning projects against nonunion competition. Our primary tool

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to accomplish this objective is the Heavy and Highway Construction Project Agreement.

The Heavy and Highway Division reports that in the ten year period, 1990-99 it obtained \$4.5 billion dollars of construction work on 249 projects in 27 states and the District of Columbia built by 52 different general contractors. The types of projects include marine, bridge, rapid transit and light rail, highway and hydro/pump station work. The arithmetic average of the dollar size of these heavy and highway projects approximates \$18 million, much smaller than the new construction projects referenced above under the National Construction Stabilization Agreement with an arithmetic average approximating \$200 million.^{xx}

The increased cost of Construction with PLAs:

PLA agreements do hold a benefit for adjusting differences between all local union agreements such as setting standard start and end time for a work day, holidays and lunch periods and breaks.

Based on the requirement that Prevailing Wage governs the wages paid on projects funded by public funds a PLA holds limited benefit for adjusting wage rates. Federal, State or Local funding sources determines the Prevailing Wage that governs wage rates. In the City of Kent for federally funded project the Davis Bacon wage rates regulate and when state and local funds are used the state prevailing wage rates are used. In the event of mixed funding on a project if federal funds are used then Davis Bacon wage rates apply.

Studies have found differences between the architect's/engineer's estimated probable cost for construction of a project versus the amount bid to complete the work required in a construction project. Cost differences between different projects are possibly explained based on construction project differences such as complexity, scope and schedule and can not solely be attributed to PLAs.

“Proponents and opponents of the use of PLAs said it would be difficult to compare contractor performance on federal projects with and without PLAs because it is highly unlikely that two such projects could be found that were sufficiently similar in cost, size, scope, and timing. Also, through our own observations, we know that many of the federal construction projects using PLAs involve unique facilities. ... In addition, a PLA in use on a project that might be appropriate for comparison with a non-PLA project may not be representative of all PLAs because the specific provisions of PLAs can vary based on local negotiations. Finally, in our opinion, based on varied evaluation experience, any contract performance differences that might be discerned between a project with a PLA and one without a PLA could be attributable to factors other than the PLA. Therefore, drawing definitive conclusions on whether or not the PLA was the cause of any performance differences would be difficult.”^{xxi}

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“While our model suggests that a PLA adds 7.8% to projects costs, the result is not statistically significant. In fact, the PLA variable is so weakly predictive, the actual effects could range anywhere from -14.4% to 29.9%”^{xxii}

“PLA bid amounts deviated from architect/engineer base bid cost estimates by an average of \$194,890 with a percentage variation between 2.11% and 12.96%. Architect/engineer cost estimates were \$328,00 lower to \$324,000 higher than base bid amounts. Bids for five of the eight projects subject to the PLA policy were lower than the architect/engineer cost estimate.”^{xxiii}

“Moreover, it has long been federal policy on public construction, or federally financed construction, to standardize wage and benefit rates, requiring bidding contractors to compete on the basis of efficiencies rather than on variation in wage and benefit rates. Many states have adopted similar policies. These policies eliminate considerable variation in bidding prices that arise on privately financed construction work where government pre-determinations of wage rates and benefits do not apply.”^{xxiv}

Of the 24-documents reviewed 4 made recommendation as to the lowest project amount that would be feasible for a PLA; the average recommended minimum amount was \$15,000,000. The lowest reported project noted in the literature as being completed with a PLA was \$350,000.

Other local benefits to PLAs:

“Local hire requirements increase the number of local residents hired on public works projects. Residents in Los Angeles complained about the lack of employment opportunities for them on the \$218 million Los Angeles City Hall renovation and reconstruction project. A resulting audit showed that only 2% of worker hours on the project were performed by local residents. In response, the LA Department of Public Works passed a policy requiring PSAs for major projects.

Currently, LADPW has similar agreements on nine major projects in various stages of completion. From the \$931 million combined project cost, more than 2,600 local residents have been hired and more than \$41 million in wages and compensation has therefore stayed local.”^{xxv}

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- ⁱ (http://en.wikipedia.org/wiki/Project_Labor_Agreement)
- ⁱⁱ Project Labor Agreements in New York State: In the Public Interest; Cornell University ILR School, Fred B. Kotler, J.D., Pg. 2
- ⁱⁱⁱ Project Labor Agreements and Public Construction Costs in New York State, Beacon Hill Institute at Suffolk University, Paul Bachman, MSIE & David G. Tuerck, PhD
- ^{iv} Constructing California: A Review of Project Labor Agreements; Prepared at the Request of Senator John L. Burton, President pro Tempore; California Research Bureau, California State Library; By Kimberly Johnston-Dodds; Pg. 57
- ^v Constructing California: A Review of Project Labor Agreements; Prepared at the Request of Senator John L. Burton, President pro Tempore; California Research Bureau, California State Library; By Kimberly Johnston-Dodds; Pg. 57
- ^{vi} Constructing California: A Review of Project Labor Agreements; Prepared at the Request of Senator John L. Burton, President pro Tempore; California Research Bureau, California State Library; By Kimberly Johnston-Dodds; Pg. 58
- ^{vii} Constructing California: A Review of Project Labor Agreements; Prepared at the Request of Senator John L. Burton, President pro Tempore; California Research Bureau, California State Library; By Kimberly Johnston-Dodds; Pg. 58
- ^{viii} "Project Labor Agreements"; Joint Center for Housing Studies, Harvard University John T. Dunlop; Pg. 21
- ^{ix} Project Labor Agreements in New York State: In the Public Interest; Cornell University ILR School, Fred B. Kotler, J.D.; Pg. 3
- ^x Analysis of the Impacts on the Jefferson County Courthouse Complex through Project Labor Considerations, Professor Paul G. Carr, P.E.
- ^{xi} "Price Waterhouse Study of PLA for Los Angeles Unified School District"; Associated Builders and Contractors, Inc.; Golden Gate Chapter
- ^{xii} "Project Labor Agreements"; Joint Center for Housing Studies, Harvard University John T. Dunlop; Pg. 21
- ^{xiii} "Project Labor Agreements"; Joint Center for Housing Studies, Harvard University John T. Dunlop; Pg. 22
- ^{xiv} Project Labor Agreements; ELECTRI International; Dale Belman, Ph.D., Matthew M. Bodah, Ph.D. & Peter Philips, Ph.D.; pg. 2
- ^{xv} Project Labor Agreements; ELECTRI International; Dale Belman, Ph.D., Matthew M. Bodah, Ph.D. & Peter Philips, Ph.D.; pg. 33
- ^{xvi} Project Labor Agreements in New York State: In the Public Interest; Cornell University ILR School, Fred B. Kotler, J.D.; Pg. 3
- ^{xvii} Presidential Executive Order 13502 of February 6, 2009 Use of Project Labor Agreements for Federal Construction Projects; Pg. 1
- ^{xviii} Project Stabilization Agreements Provide Community Benefits"; Corinne Wilson, Center on Policy Initiatives SAN DIEGO, CA; Pg. 6

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^{xix} Constructing California: A Review of Project Labor Agreements; Prepared at the Request of Senator John L. Burton, President pro Tempore; California Research Bureau, California State Library; By Kimberly Johnston-Dodds; Pg. 39

^{xx} "Project Labor Agreements"; Joint Center for Housing Studies, Harvard University John T. Dunlop; Pg. 9

^{xxi} "Project Labor Agreements, The Extent of Their Use and Related Information"; US General Accounting Office Report to Congressional Requesters; Pg. 12

^{xxii} Project Labor Agreements; ELECTRI International; Dale Belman, Ph.D., Matthew M. Bodah, Ph.D. & Peter Philips, Ph.D.; pg. 37

^{xxiii} "Project Labor Agreement Report (May 2002 - November 2003)"; Contra Costa County California; Bart Gilbert, Director of General Services; Pg. 2

^{xxiv} "Project Labor Agreements"; Joint Center for Housing Studies, Harvard University John T. Dunlop; Pg. 21

^{xxv} "Project Stabilization Agreements Provide Community Benefits"; Corinne Wilson, Center on Policy Initiatives SAN DIEGO, CA; Pg. 2

PLA Research Documents

Date	Publisher	Title	Author	File Name	Type Doc / No. Pgs	Gen. Opinion Pro/Con	Notes	Reported % Change Due to PLA	Recomm. Min. PLA (Mil. \$)
Apr 2006	Beacon Hill Institute at Suffolk University	Project Labor Agreements and Public Construction Costs in New York State	Paul Bachman, MSIE & David G. Tuerek, PhD	W:\FILES\Serv Dept\City Council\2010\PLA\Supporting\PLA Reports CONN\Beacon Hill\NYPLAReport0605.pdf	PDF/20	CON	Study finds PLAs increase NEW York State school projects by 20%. Adds \$27/SF vs non-PLA Projects	20%	No Recmend.
Sep 2004	Beacon Hill Institute at Suffolk University	Project Labor Agreements and the Cost of Public School Construction Projects in Connecticut	Paul Bachman, MSIE, Jonathan Haughton, PhD & David G. Tuerek, PhD	W:\FILES\Serv Dept\City Council\2010\PLA\Supporting\PLA Reports CONN\Beacon Hill\PLAinCT04Oct2004.pdf	PDF/20	CON	Study finds PLAs increase Connecticut State school projects by 18%. Adds \$30/SF vs non-PLA Projects	30%	No Recmend.
Sep 2003	Beacon Hill Institute at Suffolk University	Project Labor Agreements and the Cost of School Construction in Massachusetts	Paul Bachman, MSIE, Darlene C. Chisholm, PhD, Jonathan Haughton, PhD & David G. Tuerek, PhD	W:\FILES\Serv Dept\City Council\2010\PLA\Supporting\PLA Reports CONN\Beacon Hill\PLApolystudy12903.pdf	PDF/14	CON	Study finds PLAs increase Massachusetts school projects by 14%. Adds \$18.83/SF vs non-PLA Projects. Data with 99% confident.	14%	No Recmend.
May 2006	Beacon Hill Institute at Suffolk University	BEACON HILL STUDY FINDS PLAS INCREASE COST OF SCHOOL PROJECTS IN NEW YORK		W:\FILES\Serv Dept\City Council\2010\PLA\Supporting\PLA Reports CONN\Beacon Hill\Beacon Hill Institute at Suffolk University.pdf	DOC/1	CON	Study finds PLAs increase NY school projects by 20%. Adds \$27/SF vs non-PLA Projects; same information as reported in Doc. ID #1	N/A	No Recmend.
May 2001	Worcester Municipal Research Bureau	PROJECT LABOR AGREEMENTS ON PUBLIC CONSTRUCTION PROJECTS: THE CASE FOR AND AGAINST	Report No. 01-4	W:\FILES\Serv Dept\City Council\2010\PLA\Supporting\PLA Reports CONN\01-4pla Worcester.pdf	PDF/25	CON	Reviews school construction in Worcester, MA, and lists pros & cons but generally does not favor use of PLAs as noted in conclusion	N/A	No Recmend.
Sep 2000	Albion College	Project Labor Agreements in Minnesota	Zachary C. Kleinsasser	W:\FILES\Serv Dept\City Council\2010\PLA\Supporting\PLA Reports CONN\Albion Minnesota.pdf	PDF/8	P/C	PLAs in Minn., reports on projects in Minn. But provides no conclusion or recommendations	N/A	No Recmend.
Sep 2000	Jefferson County Board of Legislators	Analysis of the Impacts on The Jefferson County Courthouse Complex through Project Labor Considerations	Professor Paul G. Carr, P.E.	W:\FILES\Serv Dept\City Council\2010\PLA\Supporting\PLA Reports CONN\Jefferson.pdf	PDF/26	CON	Conclusion: reduce bidders, increase cost, few quantifiable cost savings and union labor is not a factor in their project, fair wages, PLA not recommended	N/A	No Recmend.
Apr 1995	Associated Builders and Contractors, Inc.	Roswell Park Cancer Institute Project Buffalo, NY	ABC Empire State Chapter	W:\FILES\Serv Dept\City Council\2010\PLA\Supporting\PLA Reports CONN\Roswell Park Cancer Institute Letters.pdf	PDF/15	CON	Same project, packages bid w/ PLAs averaged 10% over budget and without PLAs averaged 13% below budget; the PLA increased project cost 26%	26%	No Recmend.

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Date	Publisher	Title	Author	File Name	Type Doc. / No. Pgs	Gen. Opinion Pro/Con	Notes	Reported % Change Due to PLA	Reemend. Min. PLA (Mil. \$)
Jun 2000	Clark County School District	Project Labor Agreement (PLA) Study: Task Order No. 99-1	Resolution Management Consultants, Inc.	W:\FILES\Serv Dept\City Council\2010\PLA\Supporting\PLA Reports CONN\TaskOrder991.pdf	PDF/43	P/C	Appeared to be no compelling reason to use PLA for Clark County, Nevada, School District Note Pg 9, Ohio approved a bill that would bn union-only PLAs on public construction	-23%	\$25
Dec 2000	Associated Builders and Contractors, Inc.	Price Waterhouse Study of PLA for Los Angeles Unified School District	Golden Gate Chapter	W:\FILES\Serv Dept\City Council\2010\PLA\Supporting\PLA Reports CONN\Waterhouse.pdf	PDF/24	CON	Price Waterhouse study of Los Angeles School District PLA; PLAs unable to conclusively determine PLA plus or minus	N/A	No Recmend.
Jun 2005	The University of Maine	Project Labor Agreements and Construction in Maine	Prepared as a public service by the Bureau of Labor Education, University of Maine	W:\FILES\Serv Dept\City Council\2010\PLA\Supporting\PLA Reports PRO\2005 PLA State of Maine.pdf	PDF/4	PRO	facilitate the completion of the project by getting all the participants to agree to certain ground rules; useful mechanism in any construction project involving a contractor and a range of skilled workers in different trades	N/A	\$5
Jan. 2007	ELECTRI International	Project Labor Agreements	Dale Belman, Ph.D., Matthew M. Bodah, Ph.D. & Peter Phillips, Ph.D.	W:\FILES\Serv Dept\City Council\2010\PLA\Supporting\PLA Reports PRO\2007 Michigan PLA-report.pdf	PDF/74	P/C	Long standing history and current events in the arena of PLA which can be crafted to promote the interests of all parties	7.8%	\$5
Mar 2009	Cornell University ILR School	Project Labor Agreements in New York State: In the Public Interest	Fred B. Kotler, J.D.	W:\FILES\Serv Dept\City Council\2010\PLA\Supporting\PLA Reports PRO\2009 Cornell Univ Study.pdf	PDF/36	PRO	public authority must show more than a rational basis for its determination that its use of a project labor agreement had as its purpose and likely effect the advancement of the interests embodied in the competitive bidding statutes	N/A	No Recmend.
Oct 2004	The Iowa Policy Project	Project Labor Agreements in Iowa: An Important Tool for Managing Complex Public Construction Projects	Ralph Scharnau & Michael F. Sheehan	W:\FILES\Serv Dept\City Council\2010\PLA\Supporting\PLA Reports PRO\041201-PLAs vs Iowa.pdf	PDF/6	PRO	Executive Summary Project Labor Agreements in Iowa; workers are dispatched from union halls; better coordinated project the greater the savings	N/A	No Recmend.
2007	Center for Economic and Policy Research	The Benefits of Unions for Low-Wage Workers		W:\FILES\Serv Dept\City Council\2010\PLA\Supporting\PLA Reports PRO\benefits-unions-low-wage.pdf	PDF/1	N/A	Center for Economic and Policy Research; pro union statistics	N/A	N/A
	www.onlinecpi.org	Construction Careers Project Stabilization Agreement Q&A	Center on Policy Initiatives	W:\FILES\Serv Dept\City Council\2010\PLA\Supporting\PLA Reports PRO\CCPSA FACT SHEET.pdf	PDF/4	PRO	Construction Careers Project Stabilization Agreement : Q&A; large-scale project public works; union and non-union, are required to pay prevailing wage	N/A	N/A

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Date	Publisher	Title	Author	File Name	Type Doc. / No. Pgs	Gen. Opinion Pro/Con	Notes	Reported % Change Due to PLA	Recomend. Min. PLA (Mil. \$)
Nov 2001	Cockshaw's Construction Labor News + Opinion	Evaluating PLA Performance Studies find project labor agreements offer many benefits supporters claim		W:\FILES\Serv Dept\City Council\2010\PLA\Supporting\PLA Reports PRO\ Cockshaws PLA nov2001.pdf	PDF/3	PRO	Evaluating PLA Performance: problem assessing the validity of pros & cons is the scarcity of reliable data on PLAs; highly unlikely that two projects similar in size, cost and timing	N/A	N/A
Jul 2004	Contra Costa County California	Project Labor Agreement Report (May 2002 - November 2003)	Bart Gilbert, Director of General Services	W:\FILES\Serv Dept\City Council\2010\PLA\Supporting\PLA Reports PRO\ contra_costa state of the law 2004.pdf	PDF/4	P/C	Contra Costa County, Calif. 2004 report of PLAs; 3/8 projects waived PLA req.; -2.11% to 12.96% difference with Estim.	N/A	N/A
Apl 2009	Center on Policy Initiatives	Project Stabilization Agreements Provide Community Benefits	Corinne Wilson, Center on Policy Initiatives	W:\FILES\Serv Dept\City Council\2010\PLA\Supporting\PLA Reports PRO\ CPI-Memo-to-PropS-ICOC-4-29-09.pdf	PDF/7	PRO	many critical variables that more significantly impact project cost more than PLAs	N/A	N/A
Feb 2009	Presidential Documents	Presidential Executive Order 13502 of February 6, 2009 Use of Project Labor Agreements for Federal Construction Projects	Federal Register	W:\FILES\Serv Dept\City Council\2010\PLA\Supporting\PLA Reports PRO\ EO13502.pdf	PDF/3	PRO	Executive Order 13502 of February 6, 2009, Use of Project Labor Agreements for Federal Construction Projects	N/A	\$25
Oct 2001	Prepared at the Request of Senator John L. Burton, President pro Tempore	Constructing California: A Review of Project Labor Agreements	By Kimberly Johnston-Dodds	W:\FILES\Serv Dept\City Council\2010\PLA\Supporting\PLA Reports PRO\ full_text_california_state_library_project_labor_agreement_report.pdf	PDF/102	PRO	Constructing California: A Review of Project Labor Agreements Oct. 2001; usually applies to only one construction project, usually a large one; construction firm agrees to hire workers through a union hiring hall	N/A	N/A
May 1998	Report to Congressional Requesters	US General Accounting Office	Project Labor Agreements, The Extent of Their Use and Related Information	W:\FILES\Serv Dept\City Council\2010\PLA\Supporting\PLA Reports PRO\ GAO Report 1998.pdf	PDF/35	PRO	PLA The Extent of Their Use and Related Information; construction contracts that are over \$5 million; require recognition of the signatory unions as the sole bargaining representatives for covered workers, whether or not the workers are union members; decided not to require a PLA because it had no reason to believe that a PLA was needed and because the agency believed that a neutral posture should be maintained regarding use of union versus nonunion labor	N/A	N/A



CITY OF KENT, OHIO

DEPARTMENT OF LAW

TO: DAVE RULLER, KENT CITY COUNCIL
FROM: JAMES R. SILVER, LAW DIRECTOR
DATE: FEBRUARY 10, 2011
RE: VENDOR'S LICENSE

This is a follow up to the proposed fees for Vendor's, Solicitor's & Peddlers. Specifically, the \$1,000.00 for the Vendor's who occupy a parking space.

Staff thinking went like this:

- Category "A" Vendors will get exclusive use of a parking space for 1 year that has value. It is a space that customers and clientele for other downtown business cannot use.
- Second, Vendors will not be paying property taxes like other businesses who own their buildings in the area. That has a value to the Vendors in a much lower overhead.
- Finally, in spite of what the Vendor's tell us, we believe paper and plastic from the sale of their items will be found throughout Kent as people eat their hotdogs, tacos, gyros, or whatever. The City pays to have the downtown cleaned up. It will add to our costs.

These were the main factors in picking \$1,000.00 as a license fee.

Other Vendor Fees:

Columbus, Ohio:	Peddlers	\$ 50.00
	Peddler Promotions	\$ 100.00
Athens, Ohio:	Vendor – Category "A"	\$1,000.00 / year
	Sidewalks – Category "B"	\$ 75.00 / year
	Peddlers – Category "C"	\$ 25.00 / year
Cleveland, Ohio	Itinerant Wholesaler's	\$ 200.00
Mansfield, Ohio		\$ 100.00



CITY OF KENT, OHIO

DEPARTMENT OF COMMUNITY DEVELOPMENT

DATE: February 9, 2011
TO: Dave Ruller, City Manager
FROM: Bridget Susel, Grants & Neighborhood Programs Administrator *B.S.*
RE: PY2011 CDBG Project & Funding Recommendations

The Community Development Department is preparing its funding request for the PY2011 Community Development Block Grant (CDBG) program. The CDBG funding request is submitted to the U.S. Department of Housing and Urban Development (HUD) on an annual basis and the request must include a list of proposed projects the City plans to implement with its anticipated 2011 funding. The City has not received notification from HUD on its actual PY2011 CDBG grant allocation, but staff anticipates the City's 2011 allocation will be similar to its 2010 CDBG award amount, which was \$325,555.00.

A total of eight (8) project proposals were received this year from nonprofit organizations and City departments seeking CDBG funding assistance. The total amount of funding requested was \$414,513.00, which is \$88,958.00 more than the City received in PY2010. In order to identify the most appropriate allocation of the limited funding available, Community Development staff reviewed all submitted proposals and formulated CDBG funding recommendations after consideration of the following criteria:

- Is the project a needed public infrastructure or public facility improvement that will benefit a targeted neighborhood or generate a city-wide benefit?
- If the project is a housing or supportive service program, how many low income persons will benefit? Have these same persons been assisted through similar projects funded in prior CDBG program years or will new low income persons/households be assisted?
- If the organization/department submitting a PY2011 proposal was funded in prior years, how much of its prior year(s) CDBG funding allocation needs to be expended before it can begin utilizing any allocated PY2011 funding?

Based on the above considerations and the anticipated CDBG PY2011 allocation amount, staff is making the following PY2011 CDBG funding and project recommendations:

**A. City of Kent, Engineering Department -
Pine Street Reconstruction**

The Engineering Department is requesting CDBG funding be applied towards the local costs associated with the design and full depth reconstruction of Pine Street, extending from Cherry Street to Dodge Street. The project will include concrete curb and gutter, including new catch basins and storm sewers to improve drainage along the roadway.

Funding Requested: \$125,000.00 **Funding Recommended: \$120,000.00**
FY2010 CDBG Funding Award: \$116,000.00 (includes CDBG and re-programmed funds)

**B. City of Kent, Parks & Recreation –
Harvey Redmond Bridge Renovation**

The Harvey Redmond Bridge is located at Fred Fuller Park and is the only access point to Kramer Fields on the east side of the Cuyahoga River. A November 2009 inspection of the bridge identified the wood piles supporting the bridge as significantly deteriorated. The result is that the superstructure has been rated at 65% of the bridge’s original 1948 design load of 16 tons which means the bridge’s load limit has been reduced from 16 tons to no more than 6 tons, which is less than the load level needed to accommodate fire rescue equipment. CDBG funds will be applied towards the reconstruction costs associated with replacing the deteriorated portions of the bridge in order to increase its load level to its original load capacity.

Funding Requested: \$90,000.00 **Funding Recommended: \$0.00**
FY2010 CDBG Funding: \$50,000.00

**C. City of Kent, Police Department –
Neighborhood Policing Program**

This is a continuation of a program that has been supported with CDBG funding for many years. The program provides additional patrols and police visibility in low-to-moderate income neighborhoods and areas of the City that have a concentration of subsidized housing complexes. Program also provides crime awareness and prevention education for residents. Project is subject to CDBG 15% public service cap requirement.

Funding Requested: \$27,013.23 **Funding Recommended: \$25,500.00**
FY2010 CDBG Funding: \$24,000.00

**D. Community Action Council (CAC) of Portage County –
Kent Furnace Inspection/Targeted Replacement Program**

The CAC is requesting funding to continue its “Kent Furnace Inspection/Targeted Replacement Program” which provides furnace inspection and tune-up services, and when needed, the replacement of failing or inefficient furnaces and/or hot water tanks for low-to-moderate-income households. No other repairs would be undertaken on the property so the program does not duplicate the broader range of rehabilitation services provided through the City’s housing rehabilitation program.

Funding Requested: \$50,000.00 **Funding Recommended: \$40,000.00**
FY2010 CDBG Funding: \$40,000.00

**E. Family and Community Services, Inc. –
Portage Area Transitional Housing (PATH)**

This is the continuation of an activity that has been funded in past years by the City. PATH Services provide up to 24 months of housing for homeless families and individuals who are transitioning out of the emergency homeless shelter. Persons assisted through this program often experience cycles of homelessness and face multiple barriers to self-sufficiency. Project is subject to CDBG 15% public service cap requirement.

Funding Requested: \$15,000.00 **Funding Recommended: \$10,000.00**
FY2010 CDBG Funding: \$10,000.00

**F. Family and Community Services, Inc. –
Emergency Shelter Services for Homeless**

This is the continuation of an activity that has been funded in past years by the City. These funds support services at Miller Community House (emergency shelter), and Freedom House (veteran’s transitional shelter). Funding helps pay for shelter nights spent by Kent residents as well as case management, counseling, and housing placement. Project is subject to CDBG 15% public service cap requirement.

Funding Requested: \$15,000.00 **Funding Recommended: \$10,000.00**
FY2010 CDBG Funding: \$10,000.00

SIGNAGE:

No additional signs are proposed at this time. The applicant is considering adding a building sign. A variance from the Board of Zoning Appeals will be required to add this sign since only one sign is allowed per specific condition #4 listed above.

LIGHTING/LANDSCAPING/DUMPSTER:

The exterior lighting plan for the new addition had not been finalized but will most likely be "can" lights and/or wall packs. No additional landscaping is proposed at this time other than restoration of the lawn area..

ARCHITECTURAL ADVISORY BOARD:

This version of the project was not reviewed by the Architectural Review Board. ARB did not have any recommendations last time since the materials being used will match the existing structure.

VARIANCES:

No variances from the Board of Zoning Appeals were required.

RECOMMENDATION:

Staff is recommending approval with the conditions listed below.

The Planning Commission may approve, approve with conditions, or disapprove the application. Should Planning Commission wish to approve this project, the following language may be used:

I move that in Case PC11-003, the Planning Commission approve the Conditional Zoning Certificate and Site Plan submitted for an additional to the Escott Company building subject to the following

1. Technical Plan Review.
2. A variance approval from the Board of Zoning Appeals should a second sign be desired.

List of Enclosures for this Project:

1. Applicant Cover Letter and plans dated Site Plans dated January 7, 2011.
2. Aerial Topography and Zoning Map.

cc: Gary Locke, Community Development Director
Jim Bowling, City Engineer
Eric Fink, Assistant Law Director
Heather Phile, Development Planner
Applicants
PC Case Files