



Text File

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Bill No: 2011-2112, **Version:** 1

Committee: Committee on Public Works

Status: Passed Finally

Presented by Mr. Kraus

Resolution authorizing the Mayor and Director of the Department of Public Works, on behalf of the City of Pittsburgh, to enter into a Project Labor Agreement with the Pittsburgh Regional Building and Construction Trades Council, AFL-CIO (attached hereto as Exhibit #1) that will apply to all phases of installation of the City's LED street light conversion construction project.

WHEREAS, the City has the need for the timely and competent completion of contracted work to be performed pursuant to the LED street light conversion construction project; and

WHEREAS, the City is acting as a market participant when it contracts out the work contemplated by this project to third parties and the City must use all of the available tools to ensure that it receives the best work for the monies that it expends; and

WHEREAS, in Western Pennsylvania other public entities have successfully utilized project labor agreements ("PLAs") on projects to ensure an adequate supply of highly skilled labor, uniform work rules, mandatory drug testing, no work stoppages, and alternatives dispute resolution processes for workers and their employers to result in the highest quality workmanship and a promptly completed project; and

WHEREAS, the courts in Pennsylvania as well as the federal courts have consistently held that public entities are entitled to utilize PLAs. A. Pickett Constr., Inc. v. Luzerne County Convention Center Auth., 738 A.2d 20 (Pa. Cmwlth. 1999); Sossong v. Shaler Area School District and Pittsburgh Regional Building Trade Council, 945 A.2d 788 (Pa. Cmwlth. 2008), *Re-argument denied by en banc*, 2009 Pa. Cmwlth. LEXIS 384 (Pa. Cmwlth. 2009), *Appeal denied*, 967 A.2d 962 (Pa. 2009); Building and Constr. Trades Council v. Associated Builders & Contractors of Massachusetts/Rhode Island (Boston Harbor), 507 U.S. 218 (1993); and

WHEREAS, the Pittsburgh Regional Building and Construction Trades Council, AFL-CIO has demonstrated that its affiliated craft unions participate in outstanding training programs that consistently inject highly skilled craft-workers into the Western Pennsylvania construction market; and

WHEREAS, the Pittsburgh Regional Building and Construction Trades Council, AFL-CIO has also demonstrated the willingness to agree to undergo uniform work rules, mandatory drug testing, no work stoppages, alternative dispute resolutions, and no work stoppages in exchange for this PLA; and

WHEREAS, the Pennsylvania Prevailing Wage Act, 43 P.S. § 165-1, *et seq* ("PWA") provides that all workers on publicly funded construction projects that meet the relevant monetary threshold, must be paid the minimum prevailing wage; and

WHEREAS, the minimum prevailing wage in the City of Pittsburgh has been the same as the wage and benefit package of the affiliated unions of the Pittsburgh Building and Construction Trades Council, AFL-CIO; and

WHEREAS, since all workers on publicly funded construction projects are subject to the same PWA minimum wages on PWA covered projects, there is no additional cost to the City by entering into this PLA; and

WHEREAS, this PLA can promote cost savings through obtaining the most highly skilled workers, having a construction project that subjects workers to uniform work rules and mandatory drug testing, preventing delays via no work stoppages; and

WHEREAS, the City's LED street light conversion project requires timely completion due to grant funding and energy cost savings, as well as an adequate supply of highly trained workers; and

WHEREAS, the City and the Pittsburgh Building and Construction Trades Council, AFL-CIO have negotiated a PLA that will apply to all phases of installation of the LED street light conversion construction project, attached hereto as Exhibit #1;

Be it resolved by the Council of the City of Pittsburgh as follows:

Section 1. The Mayor and Director of the Department of Public Works, on behalf of the City of Pittsburgh, are hereby authorized to enter into a Project Labor Agreement with the Pittsburgh Regional Building and Construction Trades Council, AFL-CIO (attached hereto as Exhibit #1) that will apply to all phases of installation of the LED street light conversion construction project.