



# Town Council

TOWN OF WATERTOWN

ADMINISTRATION BUILDING • WATERTOWN, MA 02472-4410  
(617)972-6470 • FAX (617)972-6485

## **CITY KNOWN AS THE TOWN OF WATERTOWN RESPONSIBLE EMPLOYER ORDINANCE**

Ordinance #

Be it ordained by the Town Council known as the Town of Watertown, that the code of Ordinances of the City known as the Town of Watertown, is hereby adopted as follows:

### Responsible Employer Ordinance

- (a) The Town Council hereby finds and determines that the failure of certain construction firms awarded contracts funded by the City known as the Town of Watertown to include and enforce provisions requiring compliance with state laws governing the payment of prevailing wages, the provision of workers compensation coverage and the proper classification of individual as employees and not as independent contractors, as well as provisions concerning health insurance, coverage and state-certified apprenticeship programs is injurious to the life, health and happiness of individuals employed by such firms and is deleterious to the quality of life in Town where most of such individuals reside.
- (b) Every contract awarded by the Town of Watertown under GL c149 S44A (2) where the amount of the contract is more than one hundred thousand dollars, and any subcontract awarded in connection with any such general contract where the amount of such subcontract is more than twenty-five thousand dollars, shall be deemed to incorporate by reference the provisions of subparts (1) through (5) of this subsection together with the provisions of subsections(c) (d) and (e) of this section.
  1. the bidder and all subcontractors under the bidder shall comply with the requirements of GL c149 concerning the payment of prevailing wage rates to their employees.
  2. The bidder and all subcontractors under the bidder must maintain and participate in a bona fide apprentice training program as defined by MGL c23 SS11H & 11I for each apprenticeable trade or occupation represented in its workforce that is approved by the division of apprentice training of the department of labor and workforce development of the Commonwealth and must abide by the apprentice to journeymen ratio for each trade prescribed therein the performance of the contract;

3. The bidder and all subcontractors under the bidder must offer, at its expense, hospitalization and medical benefits for all individuals employed on the project or coverage which is comparable to the hospitalization and medical benefits provided by the health and welfare plans in the applicable craft recognized by MGL c149 S26 in establishing minimum wage rates. All such plans shall meet or exceed state requirements for such plans.

4.,The bidder and all subcontractors under the bidder must maintain appropriate industrial accident insurance coverage in accordance with MGL c152 for all individuals employed on the project.

5 The bidder and all subcontractors under the bidder must properly classify individuals employed on the project as employees rather than independent contractors and comply with all laws concerning workers' compensation insurance coverage, unemployment taxes, social security taxes and income taxes as respects all such employees.

c. All bidders and all subcontractors under such bidders who are awarded or otherwise obtain contracts from the city on the projects governed by MCL c149 S44A (2) shall comply with the obligations described in sub-parts (1) through 50 of sub section (b) of this section for the entire duration of their work on the project, and an officer of each such bidder or subcontractor under the bidder shall certify under oath and in writing on weekly basis that they are compliance with these obligations.

d. Any bidder or contractor under the bidder who fails to comply with any of the obligations described in sub-parts(1) through(5) of subsection (b) of this section for any period of time, or fails to comply with the weekly certification obligations described in subsection (c) of this subsection shall be subject to any or all of the following sanctions:

1. Temporary suspension of work on the project until compliance is obtained or withholding by the Town of payment due under the contract until compliance is obtained or,

3. Permanent removal from any further work on the project, or

4. Recovery by the Town from the general contractor of 1/10 of 1% of the general contract or \$1000.00, whichever sum is greater, in the nature of liquidated damages assessed for each week that the general contractor is in non-compliance or, if a subcontractor is in non-compliance the recovery by the city from the general contractor as a back charge against the subcontractor of 1/10 of 1% of the subcontract price, or \$400.00, whichever sum is greater, in the nature of liquidated damages assessed for each week that the subcontractor is in non-compliance.

(e) in addition to these sanctions a general bidder or contractor shall be equally liable for each violation of the obligations described in sub-parts(1)through(5) of subsection(b) of this section committed by any of its subcontractors or sub bidders, excepting only those violations which arise from work performed by subcontractors with subcontracts governed by MGL c149 S44F. Any contractor or subcontractor who has been determined to have violated any of the provisions of subsections(b) or (c) of this section shall be barred from performing any work on any future contracts awarded by the Town for six months for the first violation, three years for the second violation, and permanently for a third violation.

(f) The Provisions of this section shall not apply to construction projects for which the low general bid was less than one hundred thousand dollars, or to work performed pursuant to subcontracts governed by MGL 149 S44-F where the bid for such subcontract was less than twenty-five thousand dollars.

