

1 **BY AUTHORITY**

2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF 2011

COUNCIL BILL NO.11-0183

COMMITTEE OF REFERENCE:

4 Business, Workforce, & Sustainability

5 **A BILL**

6 **For an Ordinance amending Section 20-76(b) of Division 3 of Article IV of Chapter**  
7 **20, Treatment of Employees Associated with City Contracts.**

8  
9 **WHEREAS**, Division 3 of Article IV of Chapter 20 provides requirements for the  
10 payment of prevailing wages to employees associated with City contracts; and,

11 **WHEREAS**, the City Council finds that Section 20-76(b) should be amended, to modify  
12 the effect of certain wage determinations on existing contracts.

13 **NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF**  
14 **DENVER:**

15 **Section 1.** Section 20-76(b) of the Denver Revised Municipal Code shall be  
16 amended by adding the language underlined, to read as follows:

17 (b) *Contract specifications.* The specifications for every contract in excess of two thousand  
18 dollars (\$2,000.00) to which the city or any of its agencies is a party which requires the  
19 performance of work involving drayage or involving construction, alteration, improvements,  
20 repairs, maintenance or demolition of any public building or public work, or which requires the  
21 performance of the work of a doorkeeper, caretaker, cleaner, window washer, porter, keeper,  
22 janitor, or similar custodial or janitorial work in connection with the operation of any such public  
23 building or the prosecution of any such public work, shall contain a provision stating that the  
24 minimum wages to be paid for every class of laborer, mechanic and worker shall be not less than  
25 the scale of wages from time to time determined to be the prevailing wages under subsection (c).  
26 Every contract based upon these specifications shall contain a stipulation that the contractor or  
27 subcontractor shall pay mechanics, laborers and workers employed directly upon the site of the  
28 work the full amounts accrued at time of payment, computed at wage rates not less than those  
29 stated or referenced in the specifications, and any addenda thereto, on the actual date of bid  
30 opening, or in effect on the date of grant of permit for performance of such work under D.R.M.C.  
31 section 49-171 et seq., or on the date of the written purchase order for contracts let by informal  
32 procedure under D.R.M.C. section 20-63(b), regardless of any contractual relationship which may  
33 be alleged to exist between the contractor or subcontractor and such laborers, mechanics and  
34 workers. Increases in prevailing wages subsequent to the date of the contract for a period not to  
35 exceed one (1) year shall not be mandatory on either the contractor or subcontractors. Future  
36 increases in prevailing wages on contracts whose period of performance exceeds one (1) year  
37 shall be mandatory for the contractor and subcontractors only on the yearly anniversary date of  
38 the contract. However, as to contracts in effect as of March 1, 2011, future increases in  
39 supplemental wage rates for the heavy construction, highway construction and building  
40 construction trades approved and published by the Career Service Board shall not become  
41 mandatory on the contractor or subcontractors until the second anniversary of the date of  
42 publication of the increased supplemental wage rates by the Board. In no event shall any

1 increases in prevailing wages over the amounts thereof as stated in such specifications result in  
2 any increased liability on the part of the city, and the possibility and risk of any such increase is  
3 assumed by all contractors entering into any such contract with the city. Decreases in prevailing  
4 wages subsequent to the date of the contract for a period not to exceed one (1) year shall not be  
5 permitted. Decreases in prevailing wages on contracts whose period of performance exceed one  
6 (1) year shall not be effective except on the yearly anniversary date of the contract.  
7

8 COMMITTEE APPROVAL DATE: \_\_\_\_\_

9 MAYOR-COUNCIL DATE: \_\_\_\_\_

10 PASSED BY THE COUNCIL \_\_\_\_\_ 2011

11 \_\_\_\_\_ - PRESIDENT

12 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_ 2011

13 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
14 EX-OFFICIO CLERK OF THE  
15 CITY AND COUNTY OF DENVER  
16

17 NOTICE PUBLISHED IN THE DAILY JOURNAL \_\_\_\_\_ 2011; \_\_\_\_\_ 2011

18 PREPARED BY: Daniel B. Slattery - Assistant City Attorney DATE: \_\_\_\_\_

19 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the  
20 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
21 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §  
22 3.2.6 of the Charter.

23  
24 David R. Fine, City Attorney for the City and County of Denver

25 BY: \_\_\_\_\_, \_\_\_\_\_ City Attorney

26 DATE: \_\_\_\_\_

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