

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2011

COUNCIL BILL NO. CB11-0183
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 payment of
10 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 the
12 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 amended by
16 adding the language underlined, to read as follows:

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

1 city. Decreases in prevailing wages subsequent to the date of the contract for a period not to
2 exceed one (1) year shall not be permitted. Decreases in prevailing wages on contracts whose
3 period of performance exceed one (1) year shall not be effective except on the yearly anniversary
4 date of the contract.

5 COMMITTEE APPROVAL DATE: March 9, 2011

6 MAYOR-COUNCIL DATE: March 15, 2011

7 PASSED BY THE COUNCIL: _____, 2011

8 _____ - PRESIDENT

9 APPROVED: _____ - MAYOR _____, 2011

10 ATTEST: _____ - CLERK AND RECORDER,
11 EX-OFFICIO CLERK OF THE
12 CITY AND COUNTY OF DENVER

13 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2011; _____, 2011

14 PREPARED BY: Daniel B. Slattery - Assistant City Attorney DATE: March 24, 2011

15 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the
16 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
17 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
18 3.2.6 of the Charter.

19 David R. Fine, City Attorney

20 BY: _____, _____ City Attorney DATE: _____, 2011