

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2019

COUNCIL BILL NO. CB19-0035
COMMITTEE OF REFERENCE:
Finance & Governance

A BILL

For an ordinance amending Section 20-76(b) of Chapter 20 of the Denver Revised Municipal Code regarding prevailing wage.

BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. That Section 20-76(b) of the Denver Revised Municipal Code shall be amended by deleting the language stricken and adding the language underlined as follows:

Sec. 20-76. - Payment of prevailing wages.

(b) Contract specifications. Every contract with an aggregate value, including all change orders, amendments or other alterations to the value, in excess of two thousand dollars (\$2,000.00) to which the city or any of its agencies is a party which requires the performance of work involving drayage or involving construction, alteration, improvements, repairs, maintenance or demolition of any city-owned or leased building or on any city-owned land, or which requires the performance of the work of a doorkeeper, caretaker, cleaner, window washer, porter, keeper, janitor, or similar custodial or janitorial work in connection with the operation of any such public building or the prosecution of any such public work, shall contain a provision stating that the minimum wages to be paid for every class of laborer, mechanic and worker shall be not less than the scale of wages from time to time determined to be the prevailing wages under subsection (c). Every contract based upon these specifications shall indicate the actual date of bid or proposal issuance, if applicable, or the date of the written encumbrance if no bid/proposal issuance date is applicable. Contracts shall also contain a stipulation that the contractor or subcontractor shall pay mechanics, laborers and workers employed directly upon the site of the work the full amounts accrued at time of payment, computed at wage rates not less than those stated or referenced in the specifications, and any addenda thereto, on the actual date of bid issuance, or on the date of the written encumbrance, as applicable, for contracts let by informal procedure under D.R.M.C. section 20-63(b), regardless of any contractual relationship which may be alleged to exist between the contractor or subcontractor and such laborers, mechanics and workers. Increases in prevailing wages subsequent to the date of the contract for a period not to exceed one (1) year shall not be mandatory on either the contractor or subcontractors. Future changes in prevailing wages

1 on contracts whose period of performance exceeds one (1) year shall be mandatory for the
2 contractor and subcontractors only on the yearly anniversary ~~date of the contract~~ actual date of
3 bid or proposal issuance, if applicable, or the date of the written encumbrance if no
4 bid/proposal issuance date is applicable. Except as provided below, in no event shall any
5 increases in prevailing wages over the amounts thereof as stated in such specifications result
6 in any increased liability on the part of the city, and the possibility and risk of any such increase
7 is assumed by all contractors entering into any such contract with the city. Notwithstanding the
8 foregoing, the city may determine and may expressly provide in the context of specific
9 agreements that the city will reimburse the contractor at the increased prevailing wage rate(s).
10 Decreases in prevailing wages subsequent to the date of the contract for a period not to
11 exceed one (1) year shall not be permitted. Decreases in prevailing wages on contracts whose
12 period of performance exceed one (1) year shall not be effective ~~except on~~ until the yearly
13 anniversary ~~date of the contract~~ actual date of bid or proposal issuance, if applicable, or the
14 date of the written encumbrance if no bid/proposal issuance date is applicable.

15
16 **Section 2.** This ordinance shall be effective immediately upon its final passage and
17 publication, as provided by the Charter; however, the revisions contained in this ordinance shall
18 only apply prospectively and to contracts executed after its effective date.

19
20 **BALANCE OF PAGE INTENTIONALLY LEFT BLANK**
21

1 COMMITTEE APPROVAL DATE: January 22, 2019 by Consent

2 MAYOR-COUNCIL DATE: January 29, 2019

3 PASSED BY THE COUNCIL: _____

4 _____ - PRESIDENT

5 APPROVED: _____ - MAYOR _____

6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER

9 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____ ; _____

10 PREPARED BY: Franklin D. Romines, Assistant City Attorney DATE: January 31, 2019

11 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
12 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
13 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
14 §3.2.6 of the Charter.

15 Kristin M. Bronson, Denver City Attorney

16 BY: *Kristin J. Crawford*, Assistant City Attorney DATE: Jan 31, 2019