

1 SB69
2 164945-1
3 By Senator Ward
4 RFD: Fiscal Responsibility and Economic Development
5 First Read: 03-MAR-15

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8 SYNOPSIS: This bill would require employers,
9 companies, or individuals who submit bids for
10 certain public works projects and all disaster
11 response, recovery, and restoration projects that
12 utilize funds received by state or local
13 governmental entities resulting from a disaster
14 requiring federal oversight to certify that they
15 will comply with the provisions of this act if they
16 are awarded such contracts.

17 This bill would require the employers,
18 companies, or individuals to submit to the agency
19 or governing authority that solicited the bid and
20 the Alabama Department of Labor a staffing plan
21 within seven days after the notice of award of the
22 contract.

23 This bill would provide that from the date
24 written notice of the contract award is received
25 and until 10 business days after the receipt of the
26 staffing plan by the Alabama Department of Labor,
27 the employers, companies, or individuals and any

1 subcontractors shall not hire any new personnel to
2 fill vacant staff positions necessary for the
3 public works projects and all disaster response,
4 recovery, and restoration projects except residents
5 of the State of Alabama who can verify residency or
6 those qualified individuals who are submitted by
7 the Alabama Department of Labor.

8 This bill would provide that the contract
9 award shall be vacated if the employers, companies,
10 or individuals fail to comply with this bill.

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12 A BILL
13 TO BE ENTITLED
14 AN ACT

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16 Relating to public contracts; to require employers,
17 companies, or individuals who submit bids for certain public
18 works projects and all disaster response, recovery, and
19 restoration projects that utilize funds received by state or
20 local governmental entities resulting from a disaster
21 requiring federal oversight to certify that they will comply
22 with the provisions of this act if they are awarded such
23 contracts; to require the employers, companies, or individuals
24 to submit to the agency or governing authority that solicited
25 the bid and the Alabama Department of Labor, a staffing plan
26 within seven days after the notice of award of the contract;
27 to provide that from the date written notice of the contract

1 award is received and until 10 business days after the receipt
2 of the staffing plan by the Alabama Department of Labor the
3 employers, companies, or individuals and any subcontractors
4 shall not hire any new personnel to fill vacant staff
5 positions necessary for the public works projects and all
6 disaster response, recovery, and restoration projects except
7 residents of the State of Alabama who can verify residency or
8 those qualified individuals who are submitted by the Alabama
9 Department of Labor; and to provide that the contract award
10 shall be vacated if the employers, companies, or individuals
11 fail to comply with this bill.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. (a) All public works projects, disaster
14 response, recovery, and restoration projects utilizing funds
15 received by state or local governmental entities resulting
16 from a disaster requiring federal oversight, including
17 damages, penalties, fines, or supplemental projects paid or
18 financed by responsible parties pursuant to a court order,
19 negotiated settlement, or other instrument, including under
20 any law distributing such fines and penalties including the
21 federal Stafford Act, the Resources and Ecosystems
22 Sustainability, Tourist Opportunities and Revived Economy of
23 the Gulf Coast Act of 2011 (R.E.S.T.O.R.E.), the Oil Pollution
24 Act of 1990 or the Federal Water Pollution Control Act, Clean
25 Water Act, Clean Air Act, Environmental Justice or similar
26 legislation, shall be subject to the staffing policies
27 established by this act.

1 (b) Employers, companies, or individuals submitting
2 bids for public works projects and all disaster response,
3 recovery, and restoration projects that involve an expenditure
4 of five thousand dollars (\$5,000) or more and that are
5 financed, in whole or in part, through the use of funds
6 described in subsection (a) of this section shall submit with
7 their bid a certification that they will comply with the
8 provisions of this section if they are awarded a contract. A
9 staffing plan, which shall include the following, which must
10 be submitted with the bid:

11 (1) Job descriptions involved in the project.

12 (2) The skill level of the jobs involved in the
13 project.

14 (3) Wage information on the jobs involved in the
15 project.

16 (4) The number of vacant positions that the
17 employers, companies, or individuals and any subcontractor
18 need to fill, specifying how many positions will be filled
19 with in-state residents.

20 (5) How the employers, companies, or individuals and
21 any subcontractor will recruit low-wage, under-employed and
22 unemployed Alabama residents for job vacancies or placements.

23 (6) Detail how employers utilize all resources
24 provided by the Alabama Department of Labor to find employees
25 including use of non-profit and community based organizations.

1 (7) Pledge that the employers, companies, or
2 individuals will use Alabama residents throughout the life of
3 the contract.

4 Section 2. (a) The Alabama Department of Labor shall
5 develop a quarterly report that tracks data received from
6 employers, companies, or individuals. Employers, companies, or
7 individuals shall cooperate with the Alabama Department of
8 Labor to accumulate relevant data. Collected data and reports
9 are intended solely to allow the Alabama Department of Labor
10 to improve workforce training programs, tailoring trainings to
11 disaster response, recovery, and restoration needs and hiring
12 trends in Alabama. If local, state, and federal funding is
13 made available due to the disaster, funds shall be set aside
14 for the Alabama Department of Labor to administer, provide
15 intermediary support via career centers and refer workers to
16 tailored trainings in disaster response, recovery,
17 restoration, and capacity building.

18 (b) The Alabama Department of Labor shall use the
19 above funding to develop and maintain a list of qualified
20 citizens who shall be eligible for employment under this act.
21 The list shall be made available through the Alabama
22 Department of Labor.

23 Section 3. This act shall become effective
24 immediately following its passage and approval by the
25 Governor, or its otherwise becoming law.