

PALMDALE CONTRACT HIRING PRACTICES – “IMAGE” PROGRAM AND “E-VERIFY” ENROLLMENT - 2008

PUBLIC WORKS CONTRACTS IMPLEMENTATION PLAN

I. Changes to Bid Procedures

The following procedures shall be effective with implementation of the new contract hiring requirements

Immediately

1. Standard Notice Inviting Bids shall be updated with the new requirements established by ordinance, noted under Changes to Contract Documents herein.
2. Standard Bid Proposal shall be updated with the new requirements established by ordinance, noted under Changes to Contract Documents herein.
3. Standard Special Provisions shall be updated with the new requirements established by ordinance, noted under Changes to Contract Documents herein.

During Contract Bid Package Preparation

1. Project Manager shall determine, in consultation with the Deputy Director of Public Works, if the subject contract being readied for bid is subject to the new Palmdale Contract Hiring Practices, for any manner of construction, remodel, landscape, maintenance or repair services (contracts exceeding \$50,000).
2. Project Manager shall prepare contract bid package and provide proper notices including the Notice Inviting Bids, with special attention to whether or not the contract is subject to the Hiring Practices.

During Contract Bid Public Review & Bid Opening

1. Project Manager shall respond to contractor inquiries regarding the Palmdale Contract Hiring Practices in accordance with the determination made during the Bid Package Preparation. Bidders will be instructed to – “Read the contract documents, and if the contract cost exceeds \$50,000 the contractor must follow the requirements developed by the US Immigration and Customs Enforcement as part of the “IMAGE” Program and “E-Verify” enrollment.”
2. Project Manager shall review bids submitted in accordance with the Palmdale Contract Hiring Practices made during the Palmdale Contract Bid Package Preparation. The Project Manager will review those bids subject to the Hiring Requirements for compliance with the bid proposal document submission requirements, including submission of Appendix “B”.
3. Project Manager shall immediately notify the City Attorney and Deputy Director of Public Works of the failure of any contractor to meet the bid proposal document submission requirements, including submission of Appendix “B”.
4. Project Manager shall notify, upon direction from the City Attorney or Deputy Director of Public Works, any bidder, in writing, of their failure to meet the bid proposal document submission requirements, including submission of Appendix “B”.

The notice shall deem their bid “non-responsive” per the State Public Contracts Code.

Prior to Award of Contracts Exceeding \$50,000

1. Contractor shall demonstrate current enrollment in E-Verify, to the satisfaction of the Project Manager.
2. Contractor shall demonstrate that they are IMAGE Certified (or current enrolled in the IMAGE Program with the intent to become IMAGE Certified), to the satisfaction of the Project Manager.

II. Changes to Contract Management Procedures

The following procedures shall be effective with the new Hiring Practices.

Prior to Start of Contract Period (for contracts subject to the Hiring Practices)

1. Project Manager shall remind the contractor of the ongoing requirements of the Palmdale Contract Hiring Practices during the Pre-Construction Conference.
2. Contractor shall demonstrate that, for subcontracts in excess of \$50,000, subcontractor is currently enrolled in E-Verify, to the satisfaction of the Project Manager.
3. Contractor shall demonstrate that, for any subcontracts in excess of \$50,000, the subcontractor is IMAGE Certified (or current enrolled in the IMAGE Program with the intent to become IMAGE Certified), to the satisfaction of the Project Manager.
4. Contractor shall certify in writing that, through participation in the IMAGE Program and E-Verify, that they and their applicable subcontractors (subcontracts in excess of \$50,000) do not employ any Unauthorized Aliens.

During Contract Period (for contracts subject to the Hiring Practices)

1. Contractor, and applicable subcontractors, shall maintain records documenting their compliance with the Palmdale Contract Hiring Practices, and shall produce such records upon request by the Project Manager (can be delegated to labor compliance consultant):
2. Contractor must comply with any reasonable request made by the City in the course of any investigation to determine compliance with Palmdale Municipal Code Chapter 2.50.

During Contract Closeout

1. Project Manager shall obtain any missing and final documentation from the Contractor prior to scheduling Notice of Completion for approval.
2. Project Manager shall file all Palmdale Contract Hiring Practices documentation within labor compliance folder(s).

III. Changes to Contract Documents – Notice Inviting Bids, Bid Proposal & Special Provisions

A. Notice Inviting Bids – Include the following language:

In accordance with City of Palmdale Ordinance No. 1333, Palmdale Contract Hiring Practices established by US Immigration and Customs Enforcement, adopted November 7, 2007, the successful Bidder shall comply with the required qualifications for US Immigration and Customs Enforcement “IMAGE” program and “E-Verify” Enrollment. The Palmdale Contract Hiring Practices apply to the Contractors adhering to the policies and procedures of the US Immigration and Customs Enforcement’s “IMAGE” program for contracts exceeding \$50,000 for any manner of construction, remodel, landscape, maintenance or repair services. Bidders required to comply with the Palmdale Contract Hiring Practices, and do not do so may be deemed “non-responsive.”

B. Bid Proposal – Include the following language:

Under section titled, Instructions to Bidders, 1.5 Proposal Documents, add:

- Palmdale Contract Hiring Practices – Appendix “B” Implementation Plan

C. Special Provisions – Include the following language:

Under section titled, Palmdale Contract Hiring Practices, add:

In addition to complying with applicable Federal, State and Local laws, the Contractor shall fully comply with City of Palmdale Ordinance No. 1333, Hiring Practices established by US Immigration and Customs Enforcement, adopted November 7, 2007, the successful Bidder shall comply with the required qualifications for US Immigration and Customs Enforcement “IMAGE” program and “E-Verify” Enrollment. The Palmdale Contract Hiring Practices apply to the Contractors adhering to the policies and procedures of the US Immigration and Customs Enforcement’s “IMAGE” program for contracts exceeding \$50,000 for any manner of construction, remodel, landscape, maintenance or repair services. For contracts subject to the Hiring Practices, all subcontractor agreements exceeding \$50,000 are also subject to the Hiring Practices requirements.

The Contractor shall comply with these requirements for the duration of the Project; verification will be done by the City of Palmdale on a periodic basis, as part of the labor compliance process. If the Contractor is found to have violated the terms of the Public Contract for Services relating to the requirements of this Ordinance, the City shall invoke any available remedy at law, including, but not limited to, the imposition of penalties or liquidated damages, and termination of the contract.

For such contracts in excess of \$50,000 the following Hiring Practices requirements shall apply:

- a. Upon demand, Contractor shall submit documentation proving that the contractor is currently enrolled in E-Verify, and IMAGE Certified (or currently enrolled in the IMAGE Program with the intent of becoming IMAGE Certified).
- b. Prior to start of work and/or upon demand, Contractor shall certify that the Contractor has verified, through participation in the IMAGE Program and E-Verify, that the Contractor does not employ any Unauthorized Aliens and certifies that it will not knowingly employ, or contract with, any Unauthorized Alien to perform any work under the Public Contract for Services.
- c. Prior to start of work and/or upon demand, the Contractor shall submit documentation proving that, for subcontracts in excess of \$50,000, subcontractor is currently enrolled in E-Verify, and IMAGE Certified (or currently enrolled in the IMAGE Program with the intent of becoming IMAGE Certified), and
- d. Prior to start of work and/or upon demand, the Contractor shall certify that, for subcontracts in excess of \$50,000, the subcontractor has verified, through participation in the IMAGE Program and E-Verify, that the subcontractor does not employ any Unauthorized Aliens and certifies that it will not knowingly employ, or contract with, any Unauthorized Alien to perform any work under this contract.
- e. Prior to start of work and/or upon demand, the Contractor shall certify that the Contractor, and it's applicable subcontractors, shall continue participation in E-Verify and the IMAGE Program through the term of the Contract.
- f. During the contract period, the Contractor shall comply with any reasonable request made by the City in the course of any investigation to determine compliance with Palmdale Municipal Code Chapter 2.50.
- g. Any violation of this contract relating to the enrollment and participation in E-Verify and/or the IMAGE Program shall constitute a material breach of this contract.

Under section titled, Palmdale Contract Hiring Practices - Implementation Plan add the attached Appendix B

THIS FORM MUST BE SIGNED AND SUBMITTED WITH THE BID PACKAGE

APPENDIX "B"
PALMDALE CONTRACT HIRING PRACTICES – IMPLEMENTATION PLAN

City of Palmdale Department of Public Works

PROJECT NAME: _____ PROJECT NO: _____

THE BIDDER ACKNOWLEDGES THAT HE/SHE HAS READ THE PALMDALE CONTRACT HIRING PRACTICES ADOPTED BY CITY OF PALMDALE ORDINANCE NO. 1333, ON NOVEMBER 7, 2007, AND AGREES TO COMPLY WITH ITS PROVISIONS. THE BIDDER ATTESTS TO THE FOLLOWING, IN ACCORDANCE WITH THE PALMDALE CONTRACT HIRING PRACTICES:

1.	Prior to award of contract, the Contractor shall submit documentation proving that the Contractor is currently enrolled in E-Verify, and IMAGE Certified (or currently enrolled in the IMAGE Program with the intent of becoming IMAGE Certified), and
2.	Prior to start of work, the Contractor shall certify that the Contractor has verified, through participation in the IMAGE Program and E-Verify, that the Contractor does not employ any Unauthorized Aliens and certifies that it will not knowingly employ, or contract with, any Unauthorized Alien to perform any work under this contract, and
3.	Prior to start of work, the Contractor shall submit documentation proving that, for subcontracts in excess of \$50,000, subcontractor is currently enrolled in E-Verify, and IMAGE Certified (or currently enrolled in the IMAGE Program with the intent of becoming IMAGE Certified), and
4.	Prior to start of work, the Contractor shall certify that, for subcontracts in excess of \$50,000, the subcontractor has verified, through participation in the IMAGE Program and E-Verify, that the subcontractor does not employ any Unauthorized Aliens and certifies that it will not knowingly employ, or contract with, any Unauthorized Alien to perform any work under this contract, and
5.	Prior to start of work, the Contractor shall certify that the Contractor, and it's subcontractors, shall continue participation in E-Verify and the IMAGE Program through the term of the Contract, and
6.	During the contract period, the Contractor shall comply with any reasonable request made by the City in the course of any investigation to determine compliance with Palmdale Municipal Code Chapter 2.50.

FAILURE TO SUBMIT THIS FORM WITH THE BID, AND/OR FAILURE TO COMPLY WITH THE HIRING PRACTICES PRIOR TO CONTRACT AWARD, SHALL BE GROUNDS FOR DEEMING THE BID NON-RESPONSIVE.

FAILURE TO COMPLY WITH HIRING PRACTICES AFTER CONTRACT AWARD SHALL BE CONSIDERED A MATERIAL BREACH OF AGREEMENT, AND MAY RESULT IN AN ASSESSMENT OF PENALTIES AND/OR POSSIBLE SANCTIONS AGAINST THE CONTRACTOR.

Distribution:

- Contractor
- Project File
- Inspector
- Labor Compliance

As the contractor's representative, I understand and agree to comply with all provisions of the subject Palmdale Contract Hiring Requirement Policy Policy.

Signature

Date

THIS FORM MUST BE SIGNED AND SUBMITTED WITH THE BID PACKAGE