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Agenda Item: ID#17-417 (1-M)

Date: 3/23/17

CITY CLERK, FRESNO

FRESNO CITY COUNCIL



Supplemental Information Packet

Agenda Related Item(s) – ID#17-417 (1-M)

Contents of Supplement: Corrected Agreement Item(s)

Approve Amendment to Transformative Climate Communities Project Labor Agreement

Supplemental Information:

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in the City Clerk's Office, 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). In addition, Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the City Clerk's website.

Americans with Disabilities Act (ADA):

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

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FIRST AMENDMENT TO AGREEMENT

CITY CLERK, FRESNO, CA

THIS FIRST AMENDMENT TO PROJECT LABOR AGREEMENT (Amendment) made and entered into as of this ____ day of _____, 20__, amends the Project Labor Agreement entered into between the City of Fresno, a municipal corporation (City), and the Fresno, Madera, Tulare, Kings Building and Construction Trades Council (Council) and all of its affiliate signatory craft councils and unions (collectively, Union or Unions).

RECITALS

City and Council entered into a Project Labor Agreement, on December 15, 2016, to complete certain public works projects funded by the Transformative Climate Communities program (Agreement); and

City and Council desire to amend the Agreement to update the side letter for the Sheet metal and Air Conditioning Contractors National Association's Sacramento Valley Chapter, Northern San Joaquin Chapter and Central Valley Chapter; and

City and Council desire to add a Side Letter to Attachment G for International Union of Ironworkers and the Sheet Metal Workers' International Association, Local Union No. 162.

AGREEMENT

NOW, THEREFORE, in consideration of the above recitals, which recitals are contractual in nature, the mutual premises herein contained, and for other good and valuable consideration hereby acknowledge, the parties agree that the aforesaid Agreement be amended as follows:

1. Attachment D is amended as described in **Exhibit A**.
2. The Side Letter to Attachment G is amended as described in **Exhibit B**.
3. In the event of any conflict between the body of this Amendment and any

Exhibit or Attachment hereto, the terms and conditions of the body of this Amendment shall control and take precedence over the terms and conditions expressed within the Exhibit or Attachment. Furthermore, any terms or conditions contained within any Exhibit or Attachment hereto which purport to modify the allocation of risk between the parties, provided for within the body of this Amendment, shall be null and void.

4. Except as otherwise provided herein, the Agreement entered into December 15, 2016, remains in full force and effect.

[Signatures follow on the next page.]

IN WITNESS WHEREOF, the parties have executed this Amendment at Fresno, California, the day and year first above written.

CITY OF FRESNO,
A California municipal corporation

FRESNO, MADERA, TULARE, KINGS
BUILDING & CONSTRUCTION TRADES
COUNCIL

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By: _____
Brandon M. Collet Date
Deputy City Attorney

ATTEST:
YVONNE SPENCE, CMC
City Clerk

By: _____
Deputy

Attachments:
Exhibit A - Sheet Metal Side Letter
Exhibit B - Ironworkers Side Letter

EXHIBIT A



**Side Letter To The Project Labor Agreement Covering Projects
Funded By The Transformative Climate Communities Program**

Notwithstanding Section 2.4 (c) of this Project Labor Agreement between the City of Fresno (City) and Fresno, Madera, Tulare, Kings Building and Construction Trades Council and the Signatory Craft Councils and Unions Covering Projects Funded by the Transformative Climate Communities Program, the City and all its Contractors shall be bound by the provisions relating to off-site fabrication as provided in the labor agreement between Sheet Metal Workers' International Association, Local Union No. 104 and Sheet Metal And Air Conditioning Contractors National Association's Sacramento Valley Chapter, Northern San Joaquin Chapter And Central Valley Chapter in effect as of the execution date of this Agreement and over which the City possesses the right of control, as well as any applicable local addenda to a National Agreement in effect as of the execution date of this Agreement and over which the City possesses the right of control. This Agreement also covers all on-site fabrication work over which Employer(s) possess the right of control (including work done for the Project in any temporary yard or area established for the Project).

Signatories

Bruce Rudd, City Manager
City of Fresno

Rick Werner
Sheet Metal Workers' International
Association, Local Union No. 104

Dated: _____

Dated: _____

EXHIBIT B



**Side Letter To Attachment G
Of The Project Labor Agreement Covering Projects
Funded by The Transformative Climate Communities Program**

Joint Labor Management Substance Abuse Policy

The International Union of Ironworkers has an established ten (10) panel drug screen program for all of its members for pre-hire, post-accident, and random testing. All Ironworker signatory contractors in the United States and Canada are already required by contract to abide by the provisions of the IMPACT program. Accordingly, this program shall be recognized for all Ironworkers employed on Project Work covered by this Agreement. The cost of such program will be covered through the Ironworkers IMPACT fund, saving cost to the project, while providing the same or greater level of required testing.

Signatories

Bruce Rudd, City Manager
City of Fresno

Don Savory
Ironworkers, Local #155

Dated: _____

Dated: _____