



Legislation Details (With Text)

**File #:** 09-1116      **Version:** 2      **Name:** 11-16-09 CUB Agreement Requirement

**Type:** Resolution      **Status:** Passed

**File created:** 11/16/2009      **In control:** City Council

**On agenda:** 11/16/2009      **Final action:** 11/16/2009

**Enactment date:** 11/16/2009      **Enactment #:** R-09-459

**Title:** Resolution to Require Execution of CUB Agreements by Contractors and Subcontractors with the Washtenaw County Skilled Building Trades Council as a Condition of City Construction Contracts

**Sponsors:** John Hieftje, Tony Derezinski

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
11/16/2009	1	City Council	Amended	Pass
11/16/2009	2	City Council	Approved as Amended	Pass
11/16/2009	1	City Council		

Resolution to Require Execution of CUB Agreements by Contractors and Subcontractors with the Washtenaw County Skilled Building Trades Council as a Condition of City Construction Contracts

On July 7, 2008, this Council passed a Resolution to direct the City Administrator and the City Attorney to present a Report to City Council on the potential impacts of requiring the execution of Construction Unity Board (CUB) Agreements by contractors and subcontractors with the Washtenaw County Skilled Building Trades Council as a condition of all City construction contracts. The Report required by that Resolution was delivered to City Council by Roger Fraser, City Administrator, on or about December 1, 2008.

The CUB Agreement requires that any labor used on the construction project be governed by the current collective bargaining agreements of the appropriate Local Unions of the Washtenaw County Skilled Building Trades Council. The CUB Agreement provides that the Washtenaw County Skilled Building Trades Council will not strike during the duration of the Agreement once it is executed. Similarly, the contractors who sign the CUB Agreement agree to no lock-outs. The CUB Agreement also provides that unions which have a claim for unpaid wages or fringe benefits will file a claim with the Construction Manager, who will then withhold an amount equal to the claim from the next disbursement to the contractor, while the dispute is resolved.

The attached Resolution requires that all City invitations to bid on construction contracts include as a condition of award, the requirement that all contractors and subcontractors execute CUB Agreements with the Washtenaw County Skilled Building Trades Council.

Prepared by: Nancy Niemela, Senior Assistant City Attorney

Sponsored by: Mayor John Hieftje and Councilmember Derezinski

Whereas, Section 1:320 of the Ann Arbor City Code provides that the City not enter into any contract, understanding or other arrangement for a public improvement for or on behalf of the City unless the

contract provides that all craftsmen, mechanics and laborers employed directly on the site in connection with said improvements, including employees of any subcontractors, receive the prevailing wage for the corresponding classes of craftsmen, mechanics and laborers under U.S. Department of Labor statistics for the Ann Arbor area;

Whereas, Mandating as part of the City's standard terms and conditions in construction contracts that contractors sign an agreement with the Construction Unity Board ("CUB Agreement") is consistent with the provisions of Section 1:320 and a means to accomplish prompt and effective resolution of any disputes between the Union and any contractor or subcontractor over payment of wages and fringes;

Whereas, Such a provision would result in the execution of a standard project labor agreement between the Washtenaw County Skilled Building Trades Council ("SBTC") and each contractor and subcontractor on the construction project would become signatory parties to the respective current collective bargaining agreement of the appropriate local union of the SBTC;

Whereas, As a condition of the CUB Agreement, SBTC would agree there would be no work stoppages for any reason during the construction of the project; and

Whereas, A CUB Agreement may favor the interests of the City;

RESOLVED, That, effective February 1, 2010, City Council require all City invitations to bid on construction contracts include as a condition of award the requirement that all contractors and subcontractors execute CUB Agreements with the Washtenaw County Skilled Building Trades Council.

**As Amended by Ann Arbor City Council on November 16, 2009**