

PROPOSED SUBSTITUTE TO FILE ID 16-2692
Workforce, Housing & Community Development Committee 5/11/2016

Sponsored by: BRIDGET GAINER and SEAN M. MORRISON, County Commissioners

COOK COUNTY YOUTH EMPLOYMENT EARNED CREDIT INCENTIVE

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 34 Finance, Division 6 Bid Incentives and Preferences, Sec. 34-229 - Sec. 34-240 of the Cook County Code is hereby amended as follows:

DIVISION 6. - BID INCENTIVES AND PREFERENCES

Sec. 34-229. - Definitions.

The following words, terms and phrases, when used in this Division shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning. Terms not defined in this section are defined in Division 1 of this Procurement Code, or in Section 1-3 of the Cook County Code.

Apprentice means any person who: (1) is enrolled in an apprenticeship program approved by and registered with the United States Department of Labor's Office of Apprenticeship, or its successor organization; or (2) has graduated within the past four (4) years from an apprenticeship program that has been approved by and registered with the United States Department of Labor's Office of Apprenticeship, or its successor organization.

Armed forces of the United States means the United States Army, Navy, Air Force, Marine Corps, Coast Guard, or service in active duty as defined under 38 U.S.C. Section 101. Service in the Merchant Marine that constitutes active duty under Section 401 of federal Public Act 95-202 shall also be considered service in the armed forces for purposes of this division.

Committee means Cook County Re-entry Employment Committee.

Bid incentive means an amount deducted, for bid evaluation purposes only, from the contract base bid in order to calculate the bid price to be used to evaluate the bid on a competitively bid project.

Contract base bid means the total dollar amount bid on a project without factoring any bid incentive or percentage reductions to the bid amount.

Earned Credit means the amount allocated to a Contractor upon completion of a Qualifying Contract through which the Contractor met or exceeded the goals for the utilization of Former Offenders ~~or~~ Apprentices or youth.

Eligible Veteran means a person who (i) has been either a member of the armed forces of the United States or, while a citizen of the United States, was a member of the armed forces of allies of the United States in time of hostilities with a foreign country and (ii) has served under one or more of the following conditions: (a) the veteran served a total of at least six months; (b) the veteran served for the duration of hostilities regardless of the length of the engagement; (c) the veteran was discharged on the basis of hardship; or (d) the veteran was released from active duty because of a service connected disability and was discharged under honorable conditions.

Former Offenders means adults who are residents of the County and who have been convicted of a crime.

Labor hours means the total hours of workers receiving an hourly wage who are directly employed at the work site. "Labor hours" shall include hours performed by workers employed by the contractor and all subcontractors working at the work site. "Labor hours" shall not include hours worked by nonworking foremen, superintendents, owners and workers who are not subject to prevailing wage requirements.

Qualifying Contract means a Contract for Public Works with a Bid Price of \$100,000.00 or more, for which the Contractor is eligible for Earned Credits.

Service-connected disability means a disability incurred in the line of duty in the active military, naval, or air service as described in 38 U.S.C. 101(16).

Service-Disabled Veteran means an Eligible Veteran who has been found to have ten percent or more service-connected disability by the United States Department of Veterans Affairs or the United States Department of Defense.

Service-Disabled Veteran-owned Business Enterprise (SDVBE) means a small business (i) that is at least 51 percent owned, controlled, and managed by one or more qualified service-disabled veterans or, in the case of a corporation, at least 51 percent or more of the stock of which is owned, controlled, and managed by one or more Service Disabled Veterans; (ii) that has its home office in Illinois, as certified by the CCD under policies and procedures promulgated by the CCD.

Time of hostilities with a foreign country means any period of time in the past, present, or future during which a declaration of war by the United States Congress has been or is in effect or during which an emergency condition has been or is in effect that is recognized by the issuance of a Presidential proclamation or a Presidential executive order and in which the armed forces expeditionary medal or other campaign service medals are awarded according to Presidential executive order.

Youth means a male or female resident of Cook County between the ages of 16 and 19 years of age.

Veteran-owned Business Enterprise (VBE) means a small business (i) that is at least 51 percent owned, controlled, and managed by one or more Eligible Veterans or, in the case of a corporation, at least 51 percent or more of the stock of which is owned, controlled, and managed by one or more Eligible Veterans; (ii) that has its home office in Illinois, as certified by the CCD under policies and procedures promulgated by the CCD.

Sec. 34-240 – Youth Employment Earned Credits

A contractor may qualify for Earned Credits by hiring youth for work under a Qualifying Contract.

(a) For any project advertised after the effective date of this ordinance having an estimated contract value of \$100,000.00 or more, and where not otherwise prohibited by federal, state or local law, the chief procurement officer shall allocate to any qualified bidder the following bid incentive for the total labor hours performed under contract by a youth employee.

(b) For any project advertised after the effective date of this ordinance having an estimated contract value of \$100,000.00 or more, and where not otherwise prohibited by federal, state or local law, the chief procurement officer shall allocate to any qualified bidder the following bid incentive for the total labor hours performed under contract by a youth employee.

(c) Earned Credits for total labor hours performed by youth employees shall be earned as follows:

<u>Percentage of Total Labor Hours Performed by Youth Employees</u>	<u>Earned Credit</u>
<u>1-10%</u>	<u>.25% of Bid price</u>
<u>Over 10%</u>	<u>.50% of Bid price</u>

(d) The bid incentive is used only to calculate an amount to be used in evaluating the bid. The bid incentive does not affect the contract price.

(e) For all projects advertised after the effective date of this ordinance, the chief procurement officer shall include the bid incentive provision in all such advertisements.

(f) As part of the contract close-out procedure, if, based upon documentation provided by the bidder to the Using Agency, the chief procurement officer determines that the bidder is entitled to an earned credit based on the percentage of total hours worked by youth employees, the chief procurement officer shall issue an earned credit certificate that evidences the amount of earned credits allocated to the bidder. The bidder may apply the earned credits as the bid incentive for any future project contract bid of equal or greater dollar value.

(g) The earned credit certificate is valid for three years from the date of issuance and shall not be applied towards any future contract bid after the expiration of that period.

(h) The bidder may apply the earned credit certificate on multiple future project bids during the three year period in which the certificate is valid, but may only receive one bid incentive for bid evaluation purposes on one project contract award. If the contractor applies the earned credit certificate on multiple project bids and is the lowest responsive and responsible bidder on more than one project bid, the earned credit certificate shall be applied to the project first to be advertised by the Department of Procurement Services, or if multiple project bids were advertised on the same date, the earned credit certificate shall be applied only to the project with the greatest dollar value.

(i) The contractor shall maintain accurate and detailed books and records necessary to monitor compliance with this section and shall submit such reports as required by the chief procurement officer, or the commissioner of the supervising department.

(j) Full access to the contractor's and subcontractors' records shall be granted to the chief procurement officer, the commissioner of the using Agency or any duly authorized representative thereof for a period of at least three (3) years after final acceptance of the work. A Contractor shall impose this requirement by contract with any subcontractors providing youth employees under a Qualifying Contract

(k) The chief procurement officer is authorized to adopt, promulgate and enforce reasonable rules and regulations pertaining to the administration and enforcement of this section.

Effective date: This ordinance shall be in effect immediately upon adoption