

1
2 FROM THE OFFICE OF JOSPEH J. CZARNEZKI
3 MILWAUKEE COUNTY CLERK
4

5 County Ordinance No. 14-15
6

7 File No. 14-738
8
9

10 AN ORDINANCE
11

12 The County Board of Supervisors of the County of Milwaukee does ordain as
13 follows:
14

15 **SECTION 1.** Section 44.07(b) is amended as follows:
16

17 (b) *Bidder's certificate.* A sworn statement shall be incorporated in the bid that the
18 bidder has examined and carefully completed the bid and contract documents supplied
19 by the appropriate department of transportation or the department of administrative
20 services and checked it in detail before submission. The sworn statement shall affirm
21 that the bidder is aware of any and all residency goal provisions of the contract and will
22 comply with them, including penalty provisions.
23

24 **SECTION 2.** Section 44.17 of the General Ordinances of Milwaukee County is created
25 as follows:
26

27 **47.17. Residency of public works contractors' employees.**
28

29 (1) It is the policy of Milwaukee County that 50% of the salaries paid to workers on
30 eligible Milwaukee County public works construction projects shall be paid to Milwaukee
31 County residents.
32

33 (2) The Architecture, Engineering & Environmental Services Section ("AE&ES") shall
34 establish a 50% residency goal for each eligible public works contract as defined in
35 Section 44.001(a) before the requests for bids are issued. If unusual circumstances
36 exist and are documented, the Director of AE&ES may, with the approval of the Director
37 of Administrative Services, establish a goal of less than 50% for a particular project.
38

39 (3) Where the residency requirement applies:
40

41 (a) Each contractor invoice submitted for payment during the project must include
42 a report of resident salaries paid on forms as required by AE&ES. Invoices not
43 accompanied by the required report will not be processed for payment.

44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84

(b) AE&ES shall issue a warning letter to any contractor who fails to submit a report or whose report shows resident salaries are below 50%. The warning letter shall require the contractor to respond immediately with a strategy to show compliance before the project is complete.

(c) A contractor who fails to achieve the project residency goal shall be notified in writing by AE&ES of the following conditions:

(i) In future bidding, the contractor may not be considered a responsible bidder and may be penalized or disqualified as a result.

(ii) The contractor may be debarred from bidding on County projects for a period of up to two years.

(iii) If the contractor is awarded future County contracts but fails to meet residency goals, the contractor may be subject to early termination or cancellation.

(iv) The nature and severity of the conditions imposed will be at the discretion of the Director of Architecture, Engineering & Environmental Services in consultation with the Director of Administrative Services.

(4) The Director of AE&ES or designee is authorized and empowered by this section to effectuate and establish appropriate procedures, standards and bid specifications to implement and achieve the policy embodied in this Section.

(5) Residence requirements or procedures other than those in this Section 44.17 may be imposed when necessary to secure federal aid.

(6) The residency provisions of this Section 44.17 shall not apply to projects subject to a US Department of Transportation (“DOT”) prohibition on the use of geographical preferences in the evaluation of bids or proposals in projects using DOT funds, including but not limited to the prohibition set out in 49 CFR §18.36(c)(2).

SECTION 3. The provisions of this ordinance shall be effective upon passage and publication.

**Adopted by the Milwaukee County Board of Supervisors
September 25, 2014**