

**Ad hoc Committee on Responsible Contracting
Friday, January 10, 2014
Council Chambers, Beck Municipal Building**

Minutes

Members Present: Toni Moran (Chair), Elizabeth Paterson, Elizabeth Wassmundt

Other Council Members Present: Steve Kegler, Paul Shapiro

Staff Present: Maria Capriola, Assistant Town Manager

The meeting was called to order at 9:05 am.

1. MINUTES

The minutes of December 13, 2013 were moved by Wassmundt and seconded by Paterson. The minutes were unanimously approved as presented.

2. DISCUSSION ON RESPONSIBLE CONTRACTING ORDINANCE FOR MANSFIELD

Three topics were discussed: Requirements of contractor safety/labor law violations; Town enforcement of state and federal law; additional requirements to prevailing wage laws. Any draft language being prepared on these topics will be used as a starting point for discussion purposes only.

Requirements of contractor safety/labor law violations. Mr. Kegler suggested that requiring contractors to submit their most recent OSHA 300 report(s) as part of their bid submittals may be one way to review a company's safety record. The Committee shared an interest in this.

The difference between allegations and findings were discussed within the context of a company's safety/labor record with the Department of Labor. Staff was asked to determine if there is an online searchable database with the Department of Labor in regards to findings of violation of state safety and labor laws.

The Town's insurance requirements for contractors were discussed. The Committee concurs with the Town's practice of requiring and verifying (through certificates of insurance) that contractors and subcontractors carry adequate liability and workers compensation insurance. Staff was asked to provide the Committee with a copy of the Town's insurance requirements for contractors.

Town enforcement of state and federal law. Worker misclassification and (gender) pay equity was discussed. Staff believes that it would be an administrative burden to take on the responsibility for investigating worker misclassification complaints (from workers of contractors) in regards to potential violations of state and federal law. Staff expressed a similar concern in regards to investigating (gender) pay equity issues for workers of contractors. Staff suggested that if such concerns were brought to the attention of staff, those individuals could be referred to the appropriate state agency for

investigation/advice. Sample agencies that may be relevant include the Wage and Hour Division of the DOL or the CHRO.

Mr. Shapiro expressed concerns about pre-emption if the Town were to enforce certain state or federal law for which it did not have the authority to enforce.

The difference between allegations and findings were again discussed within the context of this topic.

Mayor Paterson would like to conduct a review of training provided to relevant Town staff and determine if there are any gaps in training. Staff provided an overview of relevant training provided to Town staff and agreed to assist the Committee in that review.

Additional requirements to prevailing wage laws. Additional requirements in regards to health insurance and pension were discussed. Mr. Kegler and staff provided a brief overview of some of the new employer (relevant) health insurance requirements in regards to the Affordable Health Care Act. There was not support from the Committee to add additional requirements to prevailing wage laws.

3. FUTURE AGENDA ITEMS

- Guest Speakers from the local Chambers of Commerce
- Codes of Conduct for Contractors selected for Town (public) projects
- Administrative concerns/gaps in existing purchasing/insurance ordinances/policies
- Separate ordinance v. inclusion in the Purchasing Ordinance v. status quo

4. PUBLIC COMMENT

Greg Zlotnick, Mansfield. Mr. Zlotnick expressed his desire to have local contractors play a larger role in the Committee's deliberations on responsible contracting.

Pat Suprenant, Mansfield. Ms. Suprenant disclosed her affiliation with the Mansfield Independent News. She asked the Committee for the purpose of such an ordinance for Mansfield and inquired as to why the Committee is in pursuit of a solution to a problem that in her opinion doesn't appear to exist in Mansfield.

Mrs. Moran noted that the ordinance, if passed, would be a preventive action, intended to avoid problems with future projects, such as school building or renovation projects or infrastructure improvements.

The meeting adjourned at 10:38am.

Respectfully submitted,
Maria E. Capriola, Assistant Town Manager
Town of Mansfield