



MAYOR DAVID J. NARKEWICZ

City of Northampton

Office of the Mayor

210 Main Street Room 12

Northampton, MA 01060-3199

(413) 587-1249 Fax: (413) 587-1275

mayor@northamptonma.gov

EXECUTIVE POLICY ORDER ESTABLISHING WAGE LAW COMPLIANCE CERTIFICATION REQUIREMENTS FOR PROCUREMENT AND CONTRACTS

1. The following provisions shall be included in request for proposals, invitation for bids, or request for qualifications issued by the City on or after February 15, 2017:

Prospective vendors must provide the following certifications or disclosures in writing with their bids or proposals, and, for multi-year contracts, annually upon the anniversary of the Contract date. Failure to provide the following shall result in rejection of the bid or proposal:

- a) Prospective vendors must certify that neither they nor any of their subcontractors have been subject to a federal or state criminal or civil judgment, administrative citation, final administrative determination, order or debarment resulting from a violation of G.L. c. 149, c. 151, or the Fair Labor Standards Act within three (3) years prior to the date vendors submit their bids or proposals; or
- b) Prospective vendors must disclose any such criminal or civil judgment, administrative citation, final administrative determination, order or debarment and include copies with their bids or proposals.
- c) Prospective vendors must report any such criminal or civil judgment, administrative citation, final administrative determination, order or debarment resulting from a violation of G.L. c. 149, c. 151, or the Fair Labor Standards Act while any of their bids or proposals are pending and, if awarded a Contract, during the term of the resulting Contract, within five (5) days of vendor's receipt.
- d) Prospective vendors that are subject to a state or federal debarment for violation of the above laws, either voluntarily or involuntarily, or that have been prohibited from contracting with the Commonwealth or any of its agencies or subdivisions will be deemed not responsible and their bids or proposals shall be rejected. Such vendors shall be deemed not responsible for the entire term of debarment or other stated time period. During the term of a Contract, upon a finding or order of such debarment or prohibition, the City may terminate the contract.
- e) Vendor(s) awarded a Contract that have disclosed a federal or state criminal or civil judgment, administrative citation, final administrative determination, or order resulting from a violation of G.L. c. 149, c. 151, or the Fair Labor Standards Act within three (3) years prior to the date they submit their bids or proposals, or Vendor(s) awarded a Contract that receive a federal or state criminal or civil judgment, administrative citation, order or final administrative determination or order resulting

from a violation of G.L. c. 149, c. 151, or the Fair Labor Standards Act during the term of the Contract, and that are not otherwise prohibited from public contracting, may be required by the City to obtain a wage bond or other form of suitable insurance in an amount equal to the aggregate of one year's gross wages for all employees, based on an average of its total labor costs for the past two years. Such bond must be maintained for the term of the Contract, including any renewal terms or extensions, and proof of such bond must be provided upon request by the City.

- f) Vendor(s) awarded a Contract that have disclosed a federal or state criminal or civil judgment, administrative citation, final administrative determination, order or debarment resulting from a violation of G.L. c. 149, c. 151, or the Fair Labor Standards Act within three (3) years prior to the date they submit their bids or proposals and through the Contract term shall furnish their monthly certified payrolls for all employees working on such Contract.

2. The following shall be incorporated into the City of Northampton's Standard Contract General Conditions effective February 15, 2017, and shall apply to every new contract and every renewal term of a contract entered into after that date:

The Contractor certifies that a) neither it nor any of its subcontractors have been subject to a federal or state criminal or civil judgment, administrative citation, final administrative determination, order or debarment resulting from a violation of G.L. c. 149, c. 151, or the Fair Labor Standards Act within three (3) years prior to the date of the Contract, or b) that if it or any of its subcontractors have been subject to a federal or state criminal or civil judgment, administrative citation, final administrative determination, order or debarment resulting from a violation of G.L. c. 149, c. 151, or the Fair Labor Standards Act within three (3) years prior to the date of the Contract, the Contractor has provided copies of any such judgment, citation, determination or order to the City prior to the date of the Contract and has procured a wage bond or insurance. The Contractor certifies that while the Contract is in effect, it will report any instance of the above to the City within five (5) days of Contractor's receipt.

3. Contracts between the City and the United States or a corporation wholly owned by the government of the United States, or the Commonwealth of Massachusetts, its subdivisions and corporate bodies shall be exempt from this policy.

All department heads and City employees are hereby directed to render such aid and assistance as is required for the implementation of the foregoing policy.



David J. Narkewicz
Mayor, City of Northampton

Dated: FEBRUARY 2, 2017



MAYOR DAVID J. NARKEWICZ

City of Northampton
Office of the Mayor
210 Main Street Room 12
Northampton, MA 01060-3199
(413) 587-1249 Fax: (413) 587-1275
mayor@northamptonma.gov

EXECUTIVE POLICY ORDER ESTABLISHING WAGE LAW COMPLIANCE CERTIFICATION REQUIREMENTS FOR TAX INCREMENT FINANCING (TIF)

The following provisions shall be incorporated into the application process for municipal Tax Increment Financing (TIF) with the City of Northampton:

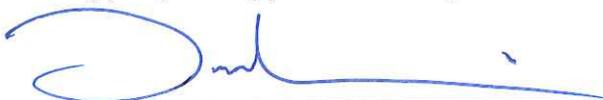
1. Applicants for Tax Increment Financing (TIF) must provide the following certifications or disclosures in writing to the City with their applications. Failure to provide the following shall result in rejection of the application:
 - a) Applicants must certify that neither they nor any of their subcontractors have been subject to a federal or state criminal or civil judgment, administrative citation, final administrative determination, order or debarment resulting from a violation of G.L. c. 149, c. 151, or the Fair Labor Standards Act within three (3) years prior to the date vendors submit their bids or proposals; or
 - b) Applicants must disclose any such criminal or civil judgment, administrative citation, final administrative determination, order or debarment and include copies with their applications.
 - c) Applicants must report any such criminal or civil judgment, administrative citation, final administrative determination, order or debarment resulting from a violation of G.L. c. 149, c. 151, or the Fair Labor Standards Act while their TIF application with the City is pending and, if awarded a TIF, during the term of the resulting TIF, within five (5) days of applicant's receipt.
 - d) Applicants that are subject to a state or federal debarment for violation of the above laws, either voluntarily or involuntarily, or that have been prohibited from contracting with the Commonwealth or any of its agencies or subdivisions will be deemed not responsible and their applications shall be rejected. Applicants shall be deemed not eligible for the entire term of debarment or other stated time period. During the term of a TIF, upon a finding or order of such debarment or prohibition, the City may terminate the TIF award.

e) Applicants awarded a TIF that have disclosed a federal or state criminal or civil judgment, administrative citation, final administrative determination, or order resulting from a violation of G.L. c. 149, c. 151, or the Fair Labor Standards Act within three (3) years prior to the date they submit their applications, or Applicants awarded a TIF that receive a federal or state criminal or civil judgment, administrative citation, order or final administrative determination or order resulting from a violation of G.L. c. 149, c. 151, or the Fair Labor Standards Act during the term of the TIF, and that are not otherwise prohibited from public contracting, may be required by the City to obtain a wage bond or other form of suitable insurance in an amount equal to the aggregate of one year's gross wages for all employees, based on an average of its total labor costs for the past two years. Such bond must be maintained for the term of the TIF, and proof of such bond must be provided upon request by the City.

2. If any person or entity subject to the foregoing qualifications and conditions fails to comply with any of the foregoing qualifications and conditions with respect to work on the property, the parties agree that such an event materially frustrates the public purpose for which this Agreement and any certification of the tax increment financing plan by the EACC was intended to advance. In such an event, the tax relief provided by this agreement shall be terminated, and the City of Northampton shall petition the EACC for revocation of any certification of the TIF plan, and/or such person or entity shall return any such funds already received in connection with the project.

3. The following shall be incorporated into the City of Northampton's standard TIF Plan:

The Applicant certifies that a) neither it nor any of its subcontractors have been subject to a federal or state criminal or civil judgment, administrative citation, final administrative determination, order or debarment resulting from a violation of G.L. c. 149, c. 151, or the Fair Labor Standards Act within three (3) years prior to the date of the TIF, or b) that if it or any of its subcontractors have been subject to a federal or state criminal or civil judgment, administrative citation, final administrative determination, order or debarment resulting from a violation of G.L. c. 149, c. 151, or the Fair Labor Standards Act within three (3) years prior to the date of the TIF, the Applicant has provided copies of any such judgment, citation, determination or order to the City prior to the date of the TIF and has procured a wage bond or insurance. The Applicant certifies that while the TIF is in effect, it will report any instance of the above to the City within five (5) days of Applicant's receipt.



David J. Narkewicz
Mayor, City of Northampton

Dated: FEB 2, 2017