RESOLUTION NO. 10-20

A RESOLUTION AMENDING APPENDIX M, THE BID PROCUREMENT AND CHANGE ORDER POLICY, OF THE RULES AND REGULATIONS OF THE PALMDALE WATER DISTRICT TO INCLUDE PROVISIONS PROHIBITING THE REQUIREMENT OF PROJECT LABOR AGREEMENTS AND OTHER ANTICOMPETITIVE MEASURES EXCEPT WHERE OTHERWISE REQUIRED BY STATE OR FEDERAL LAW

WHEREAS, the Board of Directors of the Palmdale Water District (District) finds that, to promote competition in contracting, to reduce the risk of cost increases in public works projects, and to protect the interests of the ratepayers, it is in the District’s and the public’s best interest to prohibit the District from requiring persons or firms bidding on public works projects from having to comply with or negotiate project labor or pre-hire agreements; and

WHEREAS, the Board of Directors of the District has adopted Appendix M – Bid Procurement and Change Order Policy of its Rules and Regulations setting forth how contracting activities are to be conducted by the District; and

WHEREAS, the Board of Directors of the District has determined that it is appropriate to amend the Bid Procurement and Change Order Policy to include a policy statement prohibiting the use of project labor agreements on District projects.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the District that Section I of the Bid Procurement and Change Order Policy shall be amended to add subsection (o) thereto, which shall read as follows:

“o. Except as otherwise required by State or Federal law, in contracting for the construction, maintenance, repair, improvement or replacement of a public work, the District shall not fund, in whole or in part, any contract that requires the District or an owner, developer, contractor, subcontractor, or material supplier (individually or collectively referred to for purposes of this section as the “Contracting Party”): 1) to execute, or become a party to, an agreement with organized labor; or, 2) to become a signatory to a collective bargaining agreement; or 3) to compel any of the contracting party’s employees to join a union, or pay dues or make contributions to a union or union benefit fund.

The District shall not impose, as a bid specification, contract prerequisite, contract term or otherwise, any requirement prohibited by this subsection.

For the purposes of this subsection, the term “public work(s)” means: any work of improvement funded, owned, or to be owned or contracted for, by the District or other subsidiary or related governmental entity controlled by the District or governed by the District’s Board of Directors.
Nothing in this subsection shall prohibit parties covered by the National Labor Relations Act from entering into collective bargaining agreements or engaging in activity protected by law.

Severability: If any provision, section, subsection, paragraph, or clause of this subsection is held by a court of law to be invalid, the remainder of this subsection shall not be affected but shall remain in full force and effect, and to that end the provisions of this subsection are severable.

PASSED AND ADOPTED this 27th day of October, 2010.

Gordon Dexter, President,
Board of Directors
Palmdale Water District

ATTEST:

Raul Figueroa, Secretary,
Board of Directors
Palmdale Water District