ADDENDUM NO. 3
To the Plans and Specifications for:
City of St. Petersburg
Mirror Lake Complex
Mechanical, Electrical & Fire Protection Upgrades
Project No. 11201-017
IFB #6750

The referenced Addendum No. 3 is made and hereby becomes a part of the Contract Documents for the subject Project.

**BID CLOSE DATE:**

**New Bid Due Date:** Thursday, January 25, 2018, 3:00 pm.

**TABLE OF CONTENTS:**
Delete Table of Contents in its entirety and Replace with Revised Table of Contents.

**CONTRACT STANDARDS - SUPPLEMENTAL:**
Delete Supplemental Instructions to Bidders in its entirety and Replace with Revised Supplemental Instructions to Bidders, adding Article I-20, Living Wage for Major Contracts.

**PLANS:**
Delete Plan Sheets 11114-37 and 11114-38 in their entirety and Replace with Plan Sheets 11114-37A and 11114-38A

City of St. Petersburg

Brajesh Prayman.
Brajesh Prayman, P.E., ENV SP, Director
Engineering and Capital Improvements Department
RQ: JTI/kcv
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Agreement

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SUPPLEMENTAL INSTRUCTIONS TO BIDDERS - Addendum No. 3

In cases where this Supplemental Instructions to Bidders and the standard Contract Standards Instructions to Bidders do not agree, this Supplemental Instructions to Bidders will govern.

SIB-1 Article I-2.4 - Contract Completion Time

Add the following text to this Article:

“The Contract Time will be a total of one hundred and twenty (120) calendar days starting after July 9, 2018. Work must be coordinated with city staff on behalf of the Florida West Ballet, St. Petersburg International Folk Fair Society (SPIFFS) and Shuffleboard Club who are occupants of the facility. The Contractor will perform and complete all the work, including final inspection, during this period of time.”

The Florida West Ballet operates on the second floor of the Ballroom Building and most classes are small groups and take place between 9:00 am - 11:00 am during weekdays.

The SPIFFS office operates with minimal staff during the week only.

The Shuffleboard Club will limit their activities to the courts and outside spaces during July through November 2018.

SIB-2 Article I-14 - Small Business Enterprise Program

Sub Article I-14.4 - Participation by SBE Contractors and Subcontractors; fourth line Delete “SBE:___%” and Replace with “SBE: ____ %”.

SIB-3 ARTICLE I-19 - LIVING WAGE FOR MAJOR CONTRACTS

"In accordance with City of St. Petersburg Municipal City Code 2-298.6–2-298.9, Contractors and their Subcontractors providing goods and services to the City shall pay a living wage to their employees as follows:

Definitions

The following definitions shall apply only to this division:

Contractor means the person or entity which serves as the party of the first part to a Contract, acting directly or through agents or employees, to perform a major Contract. The term Contractor shall include:

a. Any responsible managing corporate officer who has personal involvement or responsibility in obtaining a contract with the City or in supervising or performing the work prescribed by the contract, or
b. Any person or entity with more than 50% ownership interest.

SIB-A-1
The terms *employee*, *tipped employee*, and *wage* shall have the meaning established under the federal Fair Labor Standards Act (“FLSA”) and its implementing regulations.


*Health care benefits* shall, at a minimum, mean health insurance coverage which consists of wellness and preventative care, including maternity, and that provides the services described in Sections 408.9091 (4), (6), and (7), Florida Statutes.

*State Minimum Wage Laws* means the Florida Minimum Wage Act, Fla. Stat. 448.01 et seq., in force on the effective date of this division and as thereafter amended together with applicable provisions of the Florida Constitution, Fla. Const. art X. § 24.

*Major Contract* means a contract awarded by the City where the contractor provides goods or services to the City where the average annual contract amount exceeds Five Hundred Thousand Dollars ($500,000).

**Contractor Participation**

*Payment of Living Wage*. Every contractor or subcontractor that employs more than 25 persons and provides goods or services to the City pursuant to a major contract shall pay no less than the following wages to each employee for each hour of work performed for that contractor pursuant to a major contract:

(1) Beginning on January 1, 2018, the greater of:
   a. The minimum hourly wage set by the State Minimum Wage Laws;
   b. The minimum hourly wage set by the Fair Labor Standards Act; or
   c. $12.00 per hour.

(2) Beginning on January 1, 2019, the greater of:
   a. The minimum hourly wage set by the State Minimum Wage Laws;
   b. The minimum hourly wage set by the Fair Labor Standards Act; or
   c. $13.00 per hour.

(3) Beginning on January 1, 2020, the greater of:
   a. The minimum hourly wage set by the State Minimum Wage Laws;
   b. The minimum hourly wage set by the Fair Labor Standards Act; or
   c. $14.00 per hour.

*Health Care Benefits*

(1) For an employer to comply with the living wage requirement by choosing to pay lower wages when health care benefits are provided, the health care benefits shall consist of payment by the employer of at least One Dollar Twenty-Five Cents ($1.25) per hour, as adjusted, towards the provision of health care benefits for employees and their dependents. The health care benefits payment amount may be adjusted annually using the consumer Price Index for Tampa-St. Petersburg-Clearwater, FL., calculated by the U.S. Department of labor’s Bureau of Labor Statistics.

(2) The minimum contribution by an employer for health care benefits on a per hour basis shall be calculated based on a 40 hour work week (2,080 annual hours). Hours worked in excess of forty (40) hours per week shall not require additional payments toward the provision of health care benefits. If the employer contributes less than the required
amount for its employee’s health care benefits, such employer may comply with the
living wage requirements by paying the employee an additional amount as an hourly
wage equal to the difference between the calculated hourly contribution it makes for
healthcare benefits for the employee and the minimum hourly contribution amount
required by this division for health care benefits.

(3) If the health care benefits plan provided by an employer requires an initial period of
employment before a new employee becomes eligible for the health care benefits
(eligibility period), the employer shall pay the living wage required by this division
during a new employee’s initial eligibility period. When the new employee is provided
health care benefits upon completion of the eligibility period, the employer may qualify
to pay the living wage rate applicable for employees that are provided health care
benefits. If the employee declines the health care benefits, the employer may qualify
to pay the living wage rate applicable to employees that are provided health care
benefits if the employer provides the City written proof of the employee’s declination.

(4) A notarized compliance affidavit shall serve as proof of the provision of health care
benefits and must be submitted by the employer to the City to qualify for the living
wage rate for employees with health care benefits.

Indexing
Beginning on January 1, 2021, and every year thereafter, the living wage rate or health
care benefits payment may, by resolution of the City Council, be indexed annually for
inflation using the Consumer Price Index for Tampa- St. Petersburg- Clearwater, FL.,
calculated by the U.S. Department of Labor’s Bureau of Labor Statistics. Notwithstanding
the preceding, no annual index shall exceed three percent. The City Council may also, by
resolution, elect not to index the minimum wage rate or health care benefits payment in
any particular year, if it determines it would not be fiscally sound to implement same (in a
particular year). The determination to index (or not index) the living wage rate or health
care benefits payment shall be considered annually during the City Council’s review and
approval of the City’s annual operating budget.

In the event that the City Council has determined, in any particular fiscal year (or years),
to not index the living wage rate, and thereafter determines that the benefit to the City of
making up all or any part of the prior year’s (or years’) unindexed percentage would
outweigh any adverse fiscal impact upon the City, then the City Council shall also have
the right, but not the obligation, to cumulatively index the living wage rate to ‘make-up” for
any deficiencies in the prior year (or years) where there was (were) no increase(s) (the
“catch-up” election). The “catch-up” election must be approved by resolution.

Notification of Subcontractors
Each contractor that utilizes a subcontractor must inform subcontractor, prior to the time
the subcontractor offers its price to such contractor, of its obligation to pay a living wage
to its employees.

Retaliation and Discrimination Prohibited. It shall be unlawful for a contractor or any other
party to discriminate in any manner or take adverse action against any person in retaliation
for exercising rights protected under this division. Rights protected under this division
include, but are not limited to, the right to file a complaint or inform any person about any
party's alleged noncompliance with this division, and the right to inform any person of his
or her potential rights under this division and to assist him or her in asserting such rights.
Compliance

a. Penalties for Noncompliance. If a contractor fails to comply with the requirements for this division, the POD shall impose the following penalties:
   (1) For a first violation… three month suspension from bidding on City contracts, or retainage will be withheld on construction contracts
   (2) For a second violation… one year debarment from bidding on City contracts
   (3) For a third violation… three year debarment from bidding on City contracts
b. Remedies for aggrieved employees. Employees who do not receive the wage required by this division may seek redress through the procedures available to victims of wage theft as provided by Chapter 15, Article III of the St. Petersburg City Code. Aggrieved employees may, following the issuance of a hearing officer’s final order pursuant to Chapter 15, Article III, appeal such order to a court of competent jurisdiction as provided herein.
c. Construction. It is intended that case law, administrative interpretations, and other guiding standards developed under the federal FLSA shall guide the construction of this division or any implementing regulations.
d. Collective bargaining. Nothing in this division shall be construed to require or authorize any contractor to reduce wages set by a collective bargaining agreement or as required under any prevailing wage law.
e. Compliance with federal and state regulations. The provisions of this division shall be construed according to and in conformity with acts of congress and the legislature of the State concerning the bidding and awarding of contracts. When a procurement involves the expenditure of State or federal assistance or contract funds, the POD shall comply with such State or federal law and authorized regulations which are mandatorily applicable and which are not presently reflected in this Code."