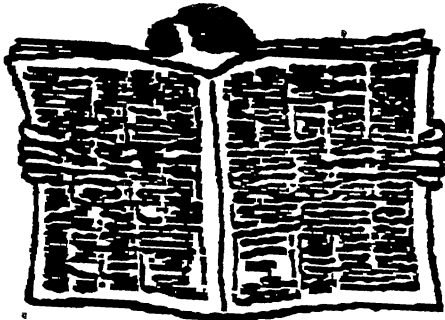




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FIRST PUBLICATION NO. 2667
CITY OF CAMBRIDGE
In the Year One Thousand,
Nine Hundred Ninety-Five
AN ORDINANCE

In amendment to the "Municipal Code of the City of Cambridge".

Be it ordained by the City Council of the City of Cambridge as follows:

That Chapter 2.66 entitled "Cambridge Employment Plan" is hereby amended in Article II entitled "Construction Projects" by adding a new section 2.66.080 entitled "Contractor Qualifications and Sanctions" which reads as follows:

2.66.080 Contractor Qualifications and Sanctions

A. All bidders and all subcontractors under the bidder for projects subject to M.G.L. ch. 149, §44A(2) shall, as a condition for bidding, agree in writing that they shall comply with the following obligations:

1. The bidder and all subcontractors under the bidder shall comply with the Cambridge Employment Plan as it currently exists and as it may, from time to time, be amended.

2. The bidder and all subcontractors under the bidder must comply with the obligations established under M.G.L. ch. 149 to pay the appropriate lawful prevailing wage rates to their employees.

3. The bidder and all subcontractors under the bidder must maintain and participate in a bona fide apprentice training program as defined by ch. 23, sections 11H and 11I for each apprenticesable trade or occupation represented in their workforce that is approved by the Division of Apprentice Training of the Department of Labor and Industries and must abide by the apprentice to journeymen ratio for each trade prescribed therein in the performance of the contract.

4. The bidder and all subcontractors under the bidder must furnish, at their expense, hospitalization and medical benefits for all their employees employed on the project and/or coverage at least comparable to the hospitalization and medical benefits provided by the health and welfare plans in the applicable craft recognized by M.G.L. ch. 149, §26 in establishing minimum wage rates.

5. The bidder and all subcontractors under the bidder must maintain appropriate industrial accident insurance coverage for all the employees employed on the project in accordance with M.G.L. ch. 152.

6. The bidder and all subcontractors under the bidder must properly classify employees as employees rather than independent contractors and treat them accordingly for purposes of workers' compensation insurance coverage, unemployment taxes, social security taxes and income tax withholding. M.G.L. ch. 149, §148B.

B. All bidders and subcontractors under the bidder who are awarded or who otherwise obtain contracts on projects subject to M.G.L.

ch. 149, §41A(2) shall comply with the obligations numbered 1 through 6 as set forth in paragraph A above for the entire duration of their work on the project, and an officer of each such bidder or subcontractor under the bidder shall certify under oath and in writing on a weekly basis that they are in compliance with such obligations.

C. Any bidder or subcontractor under the bidder who fails to comply with any one of obligations 1 through 6 as set forth in Paragraph A above for any period of time shall be subject to one or more of the following sanctions: (1) cessation of work on the project until compliance is obtained; (2) withholding of payment due under any contract or subcontract until compliance is obtained; (3) permanent removal from any further work on the project; (4) liquidated damages payable to the City in the amount of 5% of the dollar value of the contract.

D. In addition to the sanctions outlined in Paragraph C above, a general bidder or contractor shall be equally liable for the violations of its subcontractor with the exception of violations arising from work performed pursuant to subcontracts that are subject to M.G.L. ch. 149, §44F. Any contractor or subcontractor who has been determined to have violated any of the obligations set forth in Paragraphs A and B above shall be barred from performing any work on any future projects for six months for a first violation, for three years for a second violation, and permanently for a third violation.

E. The provisions of this Section 2.66.080 shall not apply to construction projects for which the low general bid was less than \$100,000 or to work performed pursuant to subcontracts that are subject to M.G.L. ch. 149, §44F and that were bid for less than \$25,000.

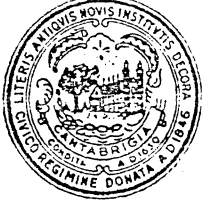
F. If any provision of this ordinance, or the application of such provision to any person or circumstances, shall be enjoined or held to be invalid, the remaining provisions of this ordinance, or the application of such provisions to persons or circumstances, other than that which is enjoined or held invalid shall not be affected thereby.

Passed to a second reading at the City Council meeting held on January 23, 1995 and on or after February 6, 1995 the question comes on passing to be ordained.

ATTEST:- D. Margaret Drury,
City Clerk.

(C)Jan.26
#30005

16



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Five

AN ORDINANCE

In amendment to an ordinance entitled: "The Municipal Code of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

Chapter 2.66 shall be amended by adding a new Section 2.66.080 to Article II as follows:

**2.66.080 Contractor
Qualifications and Sanctions**

A. All bidders and all subcontractors under the bidder for projects subject to M.G.L. c. 149, §44A(2) shall, as a condition for bidding, agree in writing that they shall comply with the following obligations:

1. The bidder and all subcontractors under the bidder shall comply with the Cambridge Employment Plan as it currently exists and as it may, from time to time, be amended, and specifically shall comply with the worker hours requirements of §2.66.060(A).
2. The bidder and all subcontractors under the bidder must comply with the obligations established under M.G.L. c. 149 to pay the appropriate lawful prevailing wage rates to their employees.
3. The bidder and all subcontractors under the bidder must maintain or participate in a

bona fide apprentice training program as defined by c. 23, §§11H and 11I for each apprenticeable trade or occupation represented in their workforce that is approved by the Division of Apprentice Training of the Department of Labor and Industries and must abide by the apprentice to journeymen ratio for each trade prescribed therein in the performance of the contract.

4. The bidder and all subcontractors under the bidder must furnish, at their expense, hospitalization and medical benefits for all their employees employed on the project and/or coverage at least comparable in value to the hospitalization and medical benefits provided by the health and welfare plans in the applicable craft recognized by M.G.L. c. 149, §26 in establishing minimum wage rates.

5. The bidder and all subcontractors under the bidder must maintain appropriate industrial accident insurance coverage for all

the employees employed on the project in accordance with M.G.L. c. 152.

6. The bidder and all subcontractors under the bidder must properly classify employees as employees rather than independent contractors and treat them accordingly for purposes of workers' compensation insurance coverage, unemployment taxes, social security taxes and income tax withholding. M.G.L. c. 149, §148B.

B. All bidders and subcontractors under the bidder who are awarded or who otherwise obtain contracts on projects subject to M.G.L. c. 149, §44A(2) shall comply with the obligations numbered 1 through 6 as set forth in paragraph A above for the entire duration of their work on the project, and an officer of each such bidder or subcontractor under the bidder shall certify under oath and in writing on a weekly basis that they are in compliance with such obligations.

C. Any bidder or subcontractor under the

bidder who fails to comply with any one of obligations 1 through 6 as set forth in Paragraph A above for any period of time shall be, at the sole discretion of the City Manager, subject to one or more of the following sanctions: (1) cessation of work on the project until compliance is obtained; (2) withholding of payment due under any contract or subcontract until compliance is obtained; (3) permanent removal from any further work on the project; (4) liquidated damages payable to the City in the amount of 5% of the dollar value of the contract.

D. In addition to the sanctions outlined in Paragraph C above, a general bidder or contractor shall be equally liable for the violations of its subcontractor with the exception of violations arising from work performed pursuant to subcontracts that are subject to M.G.L. c. 149, §44F. Any contractor or subcontractor who has been determined to have violated any of the

obligations set forth in Paragraphs A and B above shall be barred from performing any work on any future projects for six months for a first violation, for three years for a second violation, and permanently for a third violation.

E. The provisions of this Section 2.66.080 shall not apply to construction projects for which the low general bid was less than \$100,000 or to work performed pursuant to subcontracts that are subject to M.G.L. c. 149, §44F and that were bid for less than \$25,000, or to re-bids for construction projects for which the City receives fewer than three (3) qualified general contract bidders in the original bid.

F. If any provision of this ordinance, or the application of such provision to any person or circumstances, shall be enjoined or held to be invalid, the remaining provisions of this ordinance, or the application of such provisions to persons or circumstances, other

than that which is enjoined or held invalid shall not be affected thereby.

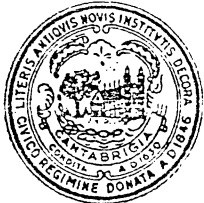
In City Council February 13, 1995.

Passed to be ordained as amended by a yea and nay vote:- Yeas 9; Nays 0;

Absent 0.

Robert W. Healy, City Manager.

ATTEST:- D. Margaret Drury
City Clerk.



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Five

AN ORDINANCE

In amendment to an ordinance entitled: "The Municipal Code of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

Chapter 2.66 shall be amended by adding a new Section 2.66.080 to Article II as follows:

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Qualifications and Sanctions**

A. All bidders and all subcontractors under the bidder for projects subject to M.G.L. c. 149, §44A(2) shall, as a condition for bidding, agree in writing that they shall comply with the following obligations:

1. The bidder and all subcontractors under the bidder shall comply with the Cambridge Employment Plan as it currently exists and as it may, from time to time, be amended, and specifically shall comply with the worker hours requirements of §2.66.060(A).

2. The bidder and all subcontractors under the bidder must comply with the obligations established under M.G.L. c. 149 to pay the appropriate lawful prevailing wage rates to their employees.

3. The bidder and all subcontractors under the bidder must maintain or participate in a

bona fide apprentice training program as defined by c. 23, §§11H and 11I for each apprenticeable trade or occupation represented in their workforce that is approved by the Division of Apprentice Training of the Department of Labor and Industries and must abide by the apprentice to journeymen ratio for each trade prescribed therein in the performance of the contract.

4. The bidder and all subcontractors under the bidder must furnish, at their expense, hospitalization and medical benefits for all their employees employed on the project and/or coverage at least comparable in value to the hospitalization and medical benefits provided by the health and welfare plans in the applicable craft recognized by M.G.L. c. 149, §26 in establishing minimum wage rates.

5. The bidder and all subcontractors under the bidder must maintain appropriate industrial accident insurance coverage for all

the employees employed on the project in accordance with M.G.L. c. 152.

6. The bidder and all subcontractors under the bidder must properly classify employees as employees rather than independent contractors and treat them accordingly for purposes of workers' compensation insurance coverage, unemployment taxes, social security taxes and income tax withholding. M.G.L. c. 149, §148B.

B. All bidders and subcontractors under the bidder who are awarded or who otherwise obtain contracts on projects subject to M.G.L. c. 149, §44A(2) shall comply with the obligations numbered 1 through 6 as set forth in paragraph A above for the entire duration of their work on the project, and an officer of each such bidder or subcontractor under the bidder shall certify under oath and in writing on a weekly basis that they are in compliance with such obligations.

C. Any bidder or subcontractor under the

bidder who fails to comply with any one of obligations 1 through 6 as set forth in Paragraph A above for any period of time shall be, at the sole discretion of the City Manager, subject to one or more of the following sanctions: (1) cessation of work on the project until compliance is obtained; (2) withholding of payment due under any contract or subcontract until compliance is obtained; (3) permanent removal from any further work on the project; (4) liquidated damages payable to the City in the amount of 5% of the dollar value of the contract.

D. In addition to the sanctions outlined in Paragraph C above, a general bidder or contractor shall be equally liable for the violations of its subcontractor with the exception of violations arising from work performed pursuant to subcontracts that are subject to M.G.L. c. 149, §44F. Any contractor or subcontractor who has been determined to have violated any of the

obligations set forth in Paragraphs A and B above shall be barred from performing any work on any future projects for six months for a first violation, for three years for a second violation, and permanently for a third violation.

E. The provisions of this Section 2.66.080 shall not apply to construction projects for which the low general bid was less than \$100,000 or to work performed pursuant to subcontracts that are subject to M.G.L. c. 149, §44F and that were bid for less than \$25,000, or to re-bids for construction projects for which the City receives fewer than three (3) qualified general contract bidders in the original bid.

F. If any provision of this ordinance, or the application of such provision to any person or circumstances, shall be enjoined or held to be invalid, the remaining provisions of this ordinance, or the application of such provisions to persons or circumstances, other

than that which is enjoined or held invalid shall not be affected thereby.

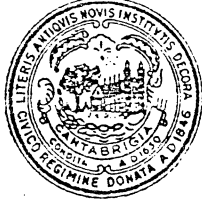
In City Council February 13, 1995.

Passed to be ordained as amended by a ye and nay vote:- Yeas 9; Nays 0;

Absent 0.

Robert W. Healy, City Manager.

ATTEST:- D. Margaret Drury
City Clerk.



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Five

AN ORDINANCE

In amendment to an ordinance entitled: "The Municipal Code of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

Chapter 2.66 shall be amended by adding a new Section 2.66.080 to Article II as follows:

**2.66.080 Contractor
Qualifications and Sanctions**

A. All bidders and all subcontractors under the bidder for projects subject to M.G.L. c. 149, §44A(2) shall, as a condition for bidding, agree in writing that they shall comply with the following obligations:

1. The bidder and all subcontractors under the bidder shall comply with the Cambridge Employment Plan as it currently exists and as it may, from time to time, be amended, and specifically shall comply with the worker hours requirements of §2.66.060(A).

2. The bidder and all subcontractors under the bidder must comply with the obligations established under M.G.L. c. 149 to pay the appropriate lawful prevailing wage rates to their employees.

3. The bidder and all subcontractors under the bidder must maintain or participate in a

bona fide apprentice training program as defined by c. 23, §§11H and 11I for each apprenticeable trade or occupation represented in their workforce that is approved by the Division of Apprentice Training of the Department of Labor and Industries and must abide by the apprentice to journeymen ratio for each trade prescribed therein in the performance of the contract.

4. The bidder and all subcontractors under the bidder must furnish, at their expense, hospitalization and medical benefits for all their employees employed on the project and/or coverage at least comparable in value to the hospitalization and medical benefits provided by the health and welfare plans in the applicable craft recognized by M.G.L. c. 149, §26 in establishing minimum wage rates.

5. The bidder and all subcontractors under the bidder must maintain appropriate industrial accident insurance coverage for all

the employees employed on the project in accordance with M.G.L. c. 152.

6. The bidder and all subcontractors under the bidder must properly classify employees as employees rather than independent contractors and treat them accordingly for purposes of workers' compensation insurance coverage, unemployment taxes, social security taxes and income tax withholding. M.G.L. c. 149, §148B.

B. All bidders and subcontractors under the bidder who are awarded or who otherwise obtain contracts on projects subject to M.G.L. c. 149, §44A(2) shall comply with the obligations numbered 1 through 6 as set forth in paragraph A above for the entire duration of their work on the project, and an officer of each such bidder or subcontractor under the bidder shall certify under oath and in writing on a weekly basis that they are in compliance with such obligations.

C. Any bidder or subcontractor under the

bidder who fails to comply with any one of obligations 1 through 6 as set forth in Paragraph A above for any period of time shall be, at the sole discretion of the City Manager, subject to one or more of the following sanctions: (1) cessation of work on the project until compliance is obtained; (2) withholding of payment due under any contract or subcontract until compliance is obtained; (3) permanent removal from any further work on the project; (4) liquidated damages payable to the City in the amount of 5% of the dollar value of the contract.

D. In addition to the sanctions outlined in Paragraph C above, a general bidder or contractor shall be equally liable for the violations of its subcontractor with the exception of violations arising from work performed pursuant to subcontracts that are subject to M.G.L. c. 149, §44F. Any contractor or subcontractor who has been determined to have violated any of the

obligations set forth in Paragraphs A and B above shall be barred from performing any work on any future projects for six months for a first violation, for three years for a second violation, and permanently for a third violation.

E. The provisions of this Section 2.66.080 shall not apply to construction projects for which the low general bid was less than \$100,000 or to work performed pursuant to subcontracts that are subject to M.G.L. c. 149, §44F and that were bid for less than \$25,000, or to re-bids for construction projects for which the City receives fewer than three (3) qualified general contract bidders in the original bid.

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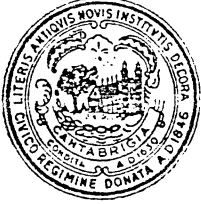
In City Council February 13, 1995.

Passed to be ordained as amended by a yea and nay vote:- Yeas 9; Nays 0;

Absent 0.

Robert W. Healy, City Manager.

ATTEST:- D. Margaret Drury
City Clerk.



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Five

AN ORDINANCE

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B. All bidders and subcontractors under the bidder who are awarded or who otherwise obtain contracts on projects subject to M.G.L. c. 149, §44A(2) shall comply with the obligations numbered 1 through 6 as set forth in paragraph A above for the entire duration of their work on the project, and an officer of each such bidder or subcontractor under the bidder shall certify under oath and in writing on a weekly basis that they are in compliance with such obligations.

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D. In addition to the sanctions outlined in Paragraph C above, a general bidder or contractor shall be equally liable for the violations of its subcontractor with the exception of violations arising from work performed pursuant to subcontracts that are subject to M.G.L. c. 149, §44F. Any contractor or subcontractor who has been determined to have violated any of the

obligations set forth in Paragraphs A and B above shall be barred from performing any work on any future projects for six months for a first violation, for three years for a second violation, and permanently for a third violation.

E. The provisions of this Section 2.66.080 shall not apply to construction projects for which the low general bid was less than \$100,000 or to work performed pursuant to subcontracts that are subject to M.G.L. c. 149, §44F and that were bid for less than \$25,000, or to re-bids for construction projects for which the City receives fewer than three (3) qualified general contract bidders in the original bid.

F. If any provision of this ordinance, or the application of such provision to any person or circumstances, shall be enjoined or held to be invalid, the remaining provisions of this ordinance, or the application of such provisions to persons or circumstances, other

than that which is enjoined or held invalid shall not be affected thereby.

In City Council February 13, 1995.

Passed to be ordained as amended by a yeas and nays vote:- Yeas 9; Nays 0; Absent 0.

Robert W. Healy, City Manager.

ATTEST:- D. Margaret Drury
City Clerk.



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Five

AN ORDINANCE

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3. The bidder and all subcontractors under the bidder must maintain or participate in a

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6. The bidder and all subcontractors under the bidder must properly classify employees as employees rather than independent contractors and treat them accordingly for purposes of workers' compensation insurance coverage, unemployment taxes, social security taxes and income tax withholding. M.G.L. c. 149, §148B.

B. All bidders and subcontractors under the bidder who are awarded or who otherwise obtain contracts on projects subject to M.G.L. c. 149, §44A(2) shall comply with the obligations numbered 1 through 6 as set forth in paragraph A above for the entire duration of their work on the project, and an officer of each such bidder or subcontractor under the bidder shall certify under oath and in writing on a weekly basis that they are in compliance with such obligations.

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bidder who fails to comply with any one of obligations 1 through 6 as set forth in Paragraph A above for any period of time shall be, at the sole discretion of the City Manager, subject to one or more of the following sanctions: (1) cessation of work on the project until compliance is obtained; (2) withholding of payment due under any contract or subcontract until compliance is obtained; (3) permanent removal from any further work on the project; (4) liquidated damages payable to the City in the amount of 5% of the dollar value of the contract.

D. In addition to the sanctions outlined in Paragraph C above, a general bidder or contractor shall be equally liable for the violations of its subcontractor with the exception of violations arising from work performed pursuant to subcontracts that are subject to M.G.L. c. 149, §44F. Any contractor or subcontractor who has been determined to have violated any of the

obligations set forth in Paragraphs A and B above shall be barred from performing any work on any future projects for six months for a first violation, for three years for a second violation, and permanently for a third violation.

E. The provisions of this Section 2.66.080 shall not apply to construction projects for which the low general bid was less than \$100,000 or to work performed pursuant to subcontracts that are subject to M.G.L. c. 149, §44F and that were bid for less than \$25,000, or to re-bids for construction projects for which the City receives fewer than three (3) qualified general contract bidders in the original bid.

F. If any provision of this ordinance, or the application of such provision to any person or circumstances, shall be enjoined or held to be invalid, the remaining provisions of this ordinance, or the application of such provisions to persons or circumstances, other

than that which is enjoined or held invalid shall not be affected thereby.

In City Council February 13, 1995.

Passed to be ordained as amended by a yea and nay vote:- Yeas 9; Nays 0;

Absent 0.

Robert W. Healy, City Manager.

ATTEST:- D. Margaret Drury
City Clerk.

City of Cambridge

MASSACHUSETTS

In City Council

2-13

1995

Unfinished Bus #9 On Ordination of Substituted Amendment to Cambridge Employment Plan.

YEA	NAY	ABSENT	PRESENT	
✓				Ms. Kathleen L. Born
✓				Mr. Francis H. Duehay
✓				Mr. Anthony Galluccio
✓				Mr. Jonathan S. Myers
✓				Mrs. Sheila T. Russell
✓				Mr. Michael A. Sullivan
✓				Mr. Timothy J. Toomey, Jr.
✓				Ms. Katherine Triantafillou
✓				Mayor Kenneth E. Reeves

9 0 0 0

MAS m susp 4/9
RF 0-9

Committee Drafting on need substitution for the original amendment 11/19

DRAFT--February 13, 1995

RESPONSIBLE EMPLOYER AMENDMENTS TO THE CAMBRIDGE EMPLOYMENT PLAN

Chapter 2.66 shall be amended by adding a new Section 2.66.080 to Article II as follows:

2.66.080 Contractor Qualifications and Sanctions

A. All bidders and all subcontractors under the bidder for projects subject to M.G.L. c. 149, §44A(2) shall, as a condition for bidding, agree in writing that they shall comply with the following obligations:

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2. The bidder and all subcontractors under the bidder must comply with the obligations established under M.G.L. c. 149 to pay the appropriate lawful prevailing wage rates to their employees.

3. The bidder and all subcontractors under

the bidder must maintain and or participate in a bona fide apprentice training program as defined by c. 23, §§11H and 11I for each apprenticeable trade or occupation represented in their workforce that is approved by the Division of Apprentice Training of the Department of Labor and Industries and must abide by the apprentice to journeymen ratio for each trade prescribed therein in the performance of the contract.

4. The bidder and all subcontractors under the bidder must furnish, at their expense, hospitalization and medical benefits for all their employees employed on the project and/or coverage at least comparable in value to the hospitalization and medical benefits provided by the health and welfare plans in the applicable craft recognized by M.G.L. c. 149, §26 in establishing minimum wage rates.

5. The bidder and all subcontractors under

the bidder must maintain appropriate industrial accident insurance coverage for all the employees employed on the project in accordance with M.G.L. c. 152.

6. The bidder and all subcontractors under the bidder must properly classify employees as employees rather than independent contractors and treat them accordingly for purposes of workers' compensation insurance coverage, unemployment taxes, social security taxes and income tax withholding. M.G.L. c. 149, §148B.

B. All bidders and subcontractors under the bidder who are awarded or who otherwise obtain contracts on projects subject to M.G.L. c. 149, §44A(2) shall comply with the obligations numbered 1 through 6 as set forth in paragraph A above for the entire duration of their work on the project, and an officer of each such bidder or subcontractor under the bidder shall certify under oath and in writing on a weekly basis that they are in compliance with such obligations.

C. Any bidder or subcontractor under the bidder who fails to comply with any one of obligations 1 through 6 as set forth in Paragraph A above for any period of time shall be, at the sole discretion of the City Manager, subject to one or more of the following sanctions: (1) cessation of work on the project until compliance is obtained; (2) withholding of payment due under any contract or subcontract until compliance is obtained; (3) permanent removal from any further work on the project; (4) liquidated damages payable to the City in the amount of 5% of the dollar value of the contract.

D. In addition to the sanctions outlined in Paragraph C above, a general bidder or contractor shall be equally liable for the violations of its subcontractor with the exception of violations arising from work performed pursuant to subcontracts that are subject to M.G.L. c. 149, §44F. Any contractor or subcontractor who has been determined to have violated any of the

obligations set forth in Paragraphs A and B above shall be barred from performing any work on any future projects for six months for a first violation, for three years for a second violation, and permanently for a third violation.

E. The provisions of this Section 2.66.080 shall not apply to construction projects for which the low general bid was less than \$100,000 or to work performed pursuant to subcontracts that are subject to M.G.L. c. 149, §44F and that were bid for less than \$25,000, or to re-bids for construction projects for which the City receives fewer than three (3) qualified general contract bidders in the original bid.

F. If any provision of this ordinance, or the application of such provision to any person or circumstances, shall be enjoined or held to be invalid, the remaining provisions of this ordinance, or the application of such provisions to persons or circumstances, other

than that which is enjoined or held invalid shall not be affected thereby.

United Brotherhood of Carpenters and Joiners of America

LOCAL UNION No. 40

MARK ERLICH
Business Manager/
Financial Secretary

JACK WHALEN
Business Representative/
Organizer



701 CONCORD AVE.
CAMBRIDGE, MA. 02138

TELEPHONE: (617) 547-8511
FAX: (617) 547-0971

TO: Members of the Cambridge City Council
FROM: Mark Erlich, Carpenters Local 40
DATE: February 10, 1995
RE: Responsible Employer Ordinance

I met today with Bob Healy, Rich Rossi, and Don Drisdell. I am very pleased to report that we have come up with mutually satisfactory language for the "Responsible Employer Amendments to the Cambridge Employment Plan".

The draft that will be before the Council addresses both the problem of irresponsible employers on City jobs as well as the City Manager's office's concern about an adequate number of bidders. We amended the draft that you have been working from so that the ordinance will not apply if there are fewer than three bidders on a project. It also allows for periodic reviews of the success of the Ordinance.

I believe this is truly a win-win situation for all parties involved. I am pleased that the discussions with the City Manager's office were so cooperative and fruitful. With that behind us, I am hopeful that the Council will act on Monday, February 13 to pass the Ordinance during the unfinished business section of your meeting.

I look forward to seeing you on Monday and thank you again for your support.

RECEIVED BY
OFFICE OF CITY CLERK
1995 FEB 10 PM 3:54
CAMBRIDGE MA.

DRAFT--February 13, 1995

RESPONSIBLE EMPLOYER AMENDMENTS TO THE CAMBRIDGE EMPLOYMENT PLAN

Chapter 2.66 shall be amended by adding a new Section 2.66.080 to Article II as follows:

2.66.080 Contractor Qualifications and Sanctions

A. All bidders and all subcontractors under the bidder for projects subject to M.G.L. c. 149, §44A(2) shall, as a condition for bidding, agree in writing that they shall comply with the following obligations:

1. The bidder and all subcontractors under the bidder shall comply with the Cambridge Employment Plan as it currently exists and as it may, from time to time, be amended, and specifically shall comply with the worker hours requirements of §2.66.060(A).

2. The bidder and all subcontractors under the bidder must comply with the obligations established under M.G.L. c. 149 to pay the appropriate lawful prevailing wage rates to their employees.

3. The bidder and all subcontractors under

the bidder must maintain and or participate in a bona fide apprentice training program as defined by c. 23, §§11H and 11I for each apprenticeable trade or occupation represented in their workforce that is approved by the Division of Apprentice Training of the Department of Labor and Industries and must abide by the apprentice to journeymen ratio for each trade prescribed therein in the performance of the contract.

4. The bidder and all subcontractors under the bidder must furnish, at their expense, hospitalization and medical benefits for all their employees employed on the project and/or coverage at least comparable in value to the hospitalization and medical benefits provided by the health and welfare plans in the applicable craft recognized by M.G.L. c. 149, §26 in establishing minimum wage rates.

5. The bidder and all subcontractors under

the bidder must maintain appropriate industrial accident insurance coverage for all the employees employed on the project in accordance with M.G.L. c. 152.

6. The bidder and all subcontractors under the bidder must properly classify employees as employees rather than independent contractors and treat them accordingly for purposes of workers' compensation insurance coverage, unemployment taxes, social security taxes and income tax withholding. M.G.L. c. 149, §148B.

B. All bidders and subcontractors under the bidder who are awarded or who otherwise obtain contracts on projects subject to M.G.L. c. 149, §44A(2) shall comply with the obligations numbered 1 through 6 as set forth in paragraph A above for the entire duration of their work on the project, and an officer of each such bidder or subcontractor under the bidder shall certify under oath and in writing on a weekly basis that they are in compliance with such obligations.

C. Any bidder or subcontractor under the bidder who fails to comply with any one of obligations 1 through 6 as set forth in Paragraph A above for any period of time shall be, at the sole discretion of the City Manager, subject to one or more of the following sanctions: (1) cessation of work on the project until compliance is obtained; (2) withholding of payment due under any contract or subcontract until compliance is obtained; (3) permanent removal from any further work on the project; (4) liquidated damages payable to the City in the amount of 5% of the dollar value of the contract.

D. In addition to the sanctions outlined in Paragraph C above, a general bidder or contractor shall be equally liable for the violations of its subcontractor with the exception of violations arising from work performed pursuant to subcontracts that are subject to M.G.L. c. 149, §44F. Any contractor or subcontractor who has been determined to have violated any of the

obligations set forth in Paragraphs A and B above shall be barred from performing any work on any future projects for six months for a first violation, for three years for a second violation, and permanently for a third violation.

E. The provisions of this Section 2.66.080 shall not apply to construction projects for which the low general bid was less than \$100,000 or to work performed pursuant to subcontracts that are subject to M.G.L. c. 149, §44F and that were bid for less than \$25,000, or to re-bids for construction projects for which the City receives fewer than three (3) qualified general contract bidders in the original bid.

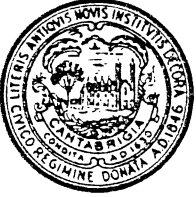
F. If any provision of this ordinance, or the application of such provision to any person or circumstances, shall be enjoined or held to be invalid, the remaining provisions of this ordinance, or the application of such provisions to persons or circumstances, other

than that which is enjoined or held invalid shall not be affected thereby.

*** ACTIVITY REPORT ***

TRANSMISSION OK

TX/RX NO.	4079
CONNECTION TEL	86286624
CONNECTION ID	BAYSTATE NEWS
START TIME	01/24 09:49
USAGE TIME	01'53
PAGES	5
RESULT	OK



CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139

TEL. 349-4300
FAX. 349-4307

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

CITY OF CAMBRIDGE
CITY HALL
795 MASSACHUSETTS AVENUE
CAMBRIDGE, MA. 02139
TELEPHONE 349-4000
FAX # 349-4307

FAX COVER SHEET

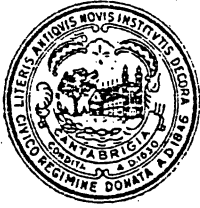
TO: Cambridge Chronicle
Attn: Barbara - Legal

FROM: Donna Lopez - City Clerk - 349-4256

NUMBER OF SHEETS, INCLUDING THIS COVER SHEET 5

REMARKS Legal Ad - insert Jan. 26th edition - ten
sheet please - please confirm receipt of this
Ad - Thanks!

IF THERE ARE PROBLEMS WITH THIS TRANSMISSION, PLEASE CALL US AT
(617) 349-4300



FIRST PUBLICATION NO. 2667.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Five

AN ORDINANCE

In amendment to the "Municipal Code of the City of Cambridge".

Be it ordained by the City Council of the City of Cambridge as follows:

That Chapter 2.66 entitled "Cambridge Employment Plan" is hereby amended in Article II entitled "Construction Projects" by adding a new section 2.66.080 entitled "Contractor Qualifications and Sanctions" which reads as follows:

2.66.080 Contractor Qualifications and Sanctions

A. All bidders and all subcontractors under the bidder for projects subject to M.G.L. ch. 149, §44A(2) shall, as a condition for bidding, agree in writing that they shall comply with the following obligations:

1. The bidder and all subcontractors under the bidder shall comply with the Cambridge Employment Plan as it currently exists and as it may, from time to time, be amended.

2. The bidder and all subcontractors under the bidder must comply with the obligations established under M.G.L. ch. 149 to pay the appropriate lawful prevailing wage rates to their employees.

3. The bidder and all subcontractors under the bidder must maintain and participate in a bona fide apprentice training program as

defined by ch. 23, sections 11H and 11I for each apprenticeable trade or occupation represented in their workforce that is approved by the Division of Apprentice Training of the Department of Labor and Industries and must abide by the apprentice to journeymen ratio for each trade prescribed therein in the performance of the contract.

4. The bidder and all subcontractors under the bidder must furnish, at their expense, hospitalization and medical benefits for all their employees employed on the project and/or coverage at least comparable to the hospitalization and medical benefits provided by the health and welfare plans in the applicable craft recognized by M.G.L. ch. 149, §26 in establishing minimum wage rates.

5. The bidder and all subcontractors under the bidder must maintain appropriate

industrial accident insurance coverage for all the employees employed on the project in accordance with M.G.L. ch. 152.

6. The bidder and all subcontractors under the bidder must properly classify employees as employees rather than independent contractors and treat them accordingly for purposes of workers' compensation insurance coverage, unemployment taxes, social security taxes and income tax withholding. M.G.L. ch. 149, §148B.

B. All bidders and subcontractors under the bidder who are awarded or who otherwise obtain contracts on projects subject to M.G.L. ch. 149, §44A(2) shall comply with the obligations numbered 1 through 6 as set forth in paragraph A above for the entire duration of their work on the project, and an officer of each such bidder or subcontractor under the bidder shall certify under oath and in writing on a weekly basis that they are in compliance with such obligations.

C. Any bidder or subcontractor under the bidder who fails to comply with any of the obligations 1 through 6 as set forth in Paragraph A above for any period of time shall be subject to one or more of the following sanctions: (1) cessation of work on the project until compliance is obtained; (2) withholding of payment due under any contract or subcontract until compliance is obtained; (3) permanent removal from any further work on the project; (4) liquidated damages payable to the City in the amount of 5% of the dollar value of the contract.

D. In addition to the sanctions outlined in Paragraph C above, a general bidder or contractor shall be equally liable for the violations of its subcontractor with the exception of violations arising from work performed pursuant to subcontracts that are subject to M.G.L. ch. 149, §44F. Any contractor or subcontractor who has been determined to have violated any of the obligations set forth in Paragraphs A and B

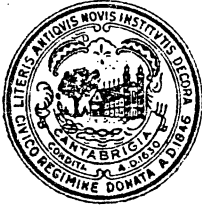
above shall be barred from performing any work on any future projects for six months for a first violation, for three years for a second violation, and permanently for a third violation.

E. The provisions of this Section 2.66.080 shall not apply to construction projects for which the low general bid was less than \$100,000 or to work performed pursuant to subcontracts that are subject to M.G.L. ch. 149, §44F and that were bid for less than \$25,000.

F. If any provision of this ordinance, or the application of such provision to any person or circumstances, shall be enjoined or held to be invalid, the remaining provisions of this ordinance, or the application of such provisions to persons or circumstances, other than that which is enjoined or held invalid shall not be affected thereby.

Passed to a second reading at the City Council meeting held on January 23, 1995 and on or after February 6, 1995 the question comes on passing to be ordained.

ATTEST:- D. Margaret Drury, City Clerk.



FIRST PUBLICATION NO. 2667.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Five

AN ORDINANCE

In amendment to the "Municipal Code of the City of Cambridge".

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2.66.080 Contractor Qualifications
and Sanctions

A. All bidders and all subcontractors under the bidder for projects subject to M.G.L. ch. 149, §44A(2) shall, as a condition for bidding, agree in writing that they shall comply with the following obligations:

1. The bidder and all subcontractors under the bidder shall comply with the Cambridge Employment Plan as it currently exists and as it may, from time to time, be amended.

2. The bidder and all subcontractors under the bidder must comply with the obligations established under M.G.L. ch. 149 to pay the appropriate lawful prevailing wage rates to their employees.

3. The bidder and all subcontractors under the bidder must maintain and participate in a bona fide apprentice training program as

defined by ch. 23, sections 11H and 11I for each apprenticeable trade or occupation represented in their workforce that is approved by the Division of Apprentice Training of the Department of Labor and Industries and must abide by the apprentice to journeymen ratio for each trade prescribed therein in the performance of the contract.

4. The bidder and all subcontractors under the bidder must furnish, at their expense, hospitalization and medical benefits for all their employees employed on the project and/or coverage at least comparable to the hospitalization and medical benefits provided by the health and welfare plans in the applicable craft recognized by M.G.L. ch. 149, §26 in establishing minimum wage rates.

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industrial accident insurance coverage for all the employees employed on the project in accordance with M.G.L. ch. 152.

6. The bidder and all subcontractors under the bidder must properly classify employees as employees rather than independent contractors and treat them accordingly for purposes of workers' compensation insurance coverage, unemployment taxes, social security taxes and income tax withholding. M.G.L. ch. 149, §148B.

B. All bidders and subcontractors under the bidder who are awarded or who otherwise obtain contracts on projects subject to M.G.L. ch. 149, §44A(2) shall comply with the obligations numbered 1 through 6 as set forth in paragraph A above for the entire duration of their work on the project, and an officer of each such bidder or subcontractor under the bidder shall certify under oath and in writing on a weekly basis that they are in compliance with such obligations.

C. Any bidder or subcontractor under the bidder who fails to comply with anyone of obligations 1 through 6 as set forth in Paragraph A above for any period of time shall be subject to one or more of the following sanctions: (1) cessation of work on the project until compliance is obtained; (2) withholding of payment due under any contract or subcontract until compliance is obtained; (3) permanent removal from any further work on the project; (4) liquidated damages payable to the City in the amount of 5% of the dollar value of the contract.

D. In addition to the sanctions outlined in Paragraph C above, a general bidder or contractor shall be equally liable for the violations of its subcontractor with the exception of violations arising from work performed pursuant to subcontracts that are subject to M.G.L. ch. 149, §44F. Any contractor or subcontractor who has been determined to have violated any of the obligations set forth in Paragraphs A and B

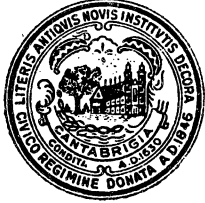
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E. The provisions of this Section 2.66.080 shall not apply to construction projects for which the low general bid was less than \$100,000 or to work performed pursuant to subcontracts that are subject to M.G.L. ch. 149, §44F and that were bid for less than \$25,000.

F. If any provision of this ordinance, or the application of such provision to any person or circumstances, shall be enjoined or held to be invalid, the remaining provisions of this ordinance, or the application of such provisions to persons or circumstances, other than that which is enjoined or held invalid shall not be affected thereby.

Passed to a second reading at the City Council meeting held on January 23, 1995 and on or after February 6, 1995 the question comes on passing to be ordained.

ATTEST:- D. Margaret Drury, City Clerk.



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Five

AN ORDINANCE

In amendment to the "Municipal Code of the City of Cambridge".

Be it ordained by the City Council of the City of Cambridge as follows:

That Chapter 2.66 entitled "Cambridge Employment Plan" is hereby amended in Article II entitled "Construction Projects" by adding a new section 2.66.080 entitled "Contractor Qualifications and Sanctions" which reads as follows:

RESPONSIBLE EMPLOYER AMENDMENTS
TO THE CAMBRIDGE EMPLOYMENT PLAN

Chapter 2.66 shall be amended by adding a new Section 2.66.080 to Article II as follows:

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A. All bidders and all subcontractors under the bidder for projects subject to M.G.L. ch. 149, §44A(2) shall, as a condition for bidding, agree in writing that they shall comply with the following obligations:

1. The bidder and all subcontractors under the bidder shall comply with the Cambridge Employment Plan as it currently exists and as it may, from time to time, be amended.

2. The bidder and all subcontractors under the bidder must comply with the obligations established under M.G.L. ch. 149 to pay the appropriate lawful prevailing wage rates to their employees.

3. The bidder and all subcontractors under the bidder must maintain and participate in a bona fide apprentice training program as

defined by ch. 23, sections 11H and 11I for each apprenticeable trade or occupation represented in their workforce that is approved by the Division of Apprentice Training of the Department of Labor and Industries and must abide by the apprentice to journeymen ratio for each trade prescribed therein in the performance of the contract.

4. The bidder and all subcontractors under the bidder must furnish, at their expense, hospitalization and medical benefits for all their employees employed on the project and/or coverage at least comparable to the hospitalization and medical benefits provided by the health and welfare plans in the applicable craft recognized by M.G.L. ch. 149, §26 in establishing minimum wage rates.

5. The bidder and all subcontractors under the bidder must maintain appropriate

industrial accident insurance coverage for all the employees employed on the project in accordance with M.G.L. ch. 152.

6. The bidder and all subcontractors under the bidder must properly classify employees as employees rather than independent contractors and treat them accordingly for purposes of workers' compensation insurance coverage, unemployment taxes, social security taxes and income tax withholding. M.G.L. ch. 149, §148B.

B. All bidders and subcontractors under the bidder who are awarded or who otherwise obtain contracts on projects subject to M.G.L. ch. 149, §44A(2) shall comply with the obligations numbered 1 through 6 as set forth in paragraph A above for the entire duration of their work on the project, and an officer of each such bidder or subcontractor under the bidder shall certify under oath and in writing on a weekly basis that they are in compliance with such obligations.

C. Any bidder or subcontractor under the bidder who fails to comply with anyone of obligations 1 through 6 as set forth in Paragraph A above for any period of time shall be subject to one or more of the following sanctions: (1) cessation of work on the project until compliance is obtained; (2) withholding of payment due under any contract or subcontract until compliance is obtained; (3) permanent removal from any further work on the project; (4) liquidated damages payable to the City in the amount of 5% of the dollar value of the contract.

D. In addition to the sanctions outlined in Paragraph C above, a general bidder or contractor shall be equally liable for the violations of its subcontractor with the exception of violations arising from work performed pursuant to subcontracts that are subject to M.G.L. ch. 149, §44F. Any contractor or subcontractor who has been determined to have violated any of the obligations set forth in Paragraphs A and B

above shall be barred from performing any work on any future projects for six months for a first violation, for three years for a second violation, and permanently for a third violation.

E. The provisions of this Section 2.66.080 shall not apply to construction projects for which the low general bid was less than \$100,000 or to work performed pursuant to subcontracts that are subject to M.G.L. ch. 149, §44F and that were bid for less than \$25,000.

F. If any provision of this ordinance, or the application of such provision to any person or circumstances, shall be enjoined or held to be invalid, the remaining provisions of this ordinance, or the application of such provisions to persons or circumstances, other than that which is enjoined or held invalid shall not be affected thereby.

**RESPONSIBLE EMPLOYER AMENDMENTS
TO THE CAMBRIDGE EMPLOYMENT PLAN**

Chapter 2.66 shall be amended by adding a new Section 2.66.080 to Article II as follows:

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3. The bidder and all subcontractors under the bidder must maintain and participate in a bona fide apprentice training program as

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D. In addition to the sanctions outlined in Paragraph C above, a general bidder or contractor shall be equally liable for the violations of its subcontractor with the exception of violations arising from work performed pursuant to subcontracts that are subject to M.G.L. ch. 149, §44F. Any contractor or subcontractor who has been determined to have violated any of the obligations set forth in Paragraphs A and B

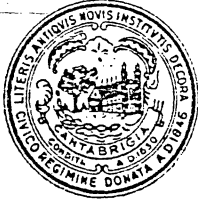
above shall be barred from performing any work on any future projects for six months for a first violation, for three years for a second violation, and permanently for a third violation.

E. The provisions of this Section 2.66.080 shall not apply to construction projects for which the low general bid was less than \$100,000 or to work performed pursuant to subcontracts that are subject to M.G.L. ch. 149, §44F and that were bid for less than \$25,000.

F. If any provision of this ordinance, or the application of such provision to any person or circumstances, shall be enjoined or held to be invalid, the remaining provisions of this ordinance, or the application of such provisions to persons or circumstances, other than that which is enjoined or held invalid shall not be affected thereby.

FIRST PUBLICATION NO. 2667.

City of Cambridge



In the Year One Thousand, Nine Hundred Ninety-Five

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F. If any provision of this ordinance, or the application of such provision to any person or circumstances, shall be enjoined or held to be invalid, the remaining provisions of this ordinance, or the application of such provisions to persons or circumstances, other than that which is enjoined or held invalid shall not be affected thereby.

Passed to a second reading at the City Council meeting held on January 23, 1995 and on or after February 6, 1995 the question comes on passing to be ordained.

ATTEST:- D. Margaret Drury, City Clerk.

City of Cambridge

The Ordinance Committee held a public hearing on December 8, 1994 beginning at 7:07 p.m. in the Sullivan Chamber for the purpose of considering proposed amendments to the "Cambridge Employment Plan" (Attachment A).

Present at the hearing were Vice Mayor Russell, Chair of the Committee, Councillor Kathleen L. Born, Councillor Francis H. Duehay, Councillor Michael A. Sullivan, Councillor Timothy J. Toomey, Jr. and City Clerk D. Margaret Drury.

Vice Mayor Russell convened the hearing and explained the purpose. She introduced Mark Erlich, Business Agent for Local 40, Carpenter's Union, to make a presentation in support of the proposed ordinance.

Mr. Erlich stated that this ordinance is needed. He gave several examples of city construction projects with contractors who have violated the law. The examples included contractors for the Senior Center and the Agassiz School.

He stated that the system now rewards those who cheat and get the low bids, and added that the proposed amendment should discourage contractors who violate the law from bidding on city projects.

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insensitive to the problems that exist in the industry. There has to be some way of screening people up front instead of waiting two to five years after the job is done to get a few pennies back for workers who have been cheated. He added that responsible employees do not even want to bid, because the present system rewards those who cheat and lie.

Vice Mayor Russell then invited Donald Drisdell, Deputy City Solicitor, to comment. Mr. Drisdell noted that City Manager Robert Healy supports the goals of the proposed amendment but in his written communication Mr. Healy notes that there are fiscal consequences.

Mr. Drisdell pointed out that most of the requirements are already contained in state law. He also pointed to the problem with requiring even small contractors to have an apprentice program.

Don Drisdell stated that there are two legal issues. One is that the section that talks about health benefits needs clarification. The other issue is that he would like to investigate whether the permanent debarment provision is in conflict with state statute.

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Councillor Sullivan asked if she and Don Drisdell would be willing to meet with Mark Ehrlich, if Robert Healy were to agree. Ms. Cohen stated that she would be willing to do so. Vice Mayor Russell asked about how the proposed payroll gets certified. Ms. Cohen explained that there is a standard form.

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Vice Mayor Russell then opened the hearing to testimony in favor of the amendments.

John O'Connell, 177 Lakeview Avenue, stated that no one on open shop jobs has health insurance except the union carpenters. He added that these workers then have to go to Cambridge Hospital and thus are subsidized by the taxpayers.

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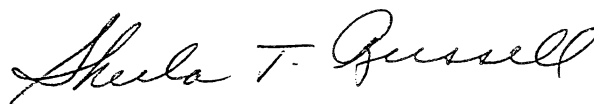
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Vice Mayor Russell then requested testimony from those opposed. No testimony was offered against the amendment.

Councillor Sullivan then moved his previous motion, and it passed unanimously on a voice vote.

The meeting was adjourned at 7:55 p.m.

For the Committee

A handwritten signature in cursive script that reads "Sheila T. Russell". The signature is written in black ink and is positioned above the printed name.

Vice Mayor Sheila T. Russell, Chair

RESPONSIBLE EMPLOYER AMENDMENTS
TO THE CAMBRIDGE EMPLOYMENT PLAN

Chapter 2.66 shall be amended by adding a new Section 2.66.080 to Article II as follows:

2.66.080 Contractor Qualifications and Sanctions

A. All bidders and all subcontractors under the bidder for construction projects defined in Section 2.66.060 of this Chapter shall, as a condition for bidding, agree in writing that they shall comply with the following obligations:

1. The bidder and all subcontractors under the bidder shall comply with the Cambridge Employment Plan as it currently exists and as it may, from time to time, be amended.

2. The bidder and all subcontractors under the bidder must comply with the obligations established under M.G.L. ch. 149 to pay the appropriate lawful prevailing wage rates to their employees.

3. The bidder and all subcontractors under the bidder must maintain and participate in a bona fide apprentice training program as

defined by ch. 23, sections 11H and 11I for each apprenticeable trade or occupation represented in their workforce that is approved by the Division of Apprentice Training of the Department of Labor and Industries and must abide by the apprentice to journeymen ratio for each trade prescribed therein in the performance of the contract.

4. The bidder and all subcontractors under the bidder must furnish, at their expense, hospitalization and medical benefits for all their employees employed on the project and/or coverage at least comparable to the hospitalization and medical benefits provided by the health and welfare plans in the applicable craft recognized by M.G.L. ch. 149, s.26 in establishing minimum wage rates.

5. The bidder and all subcontractors under the bidder must maintain appropriate

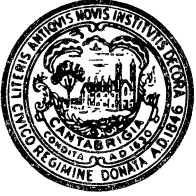
industrial accident insurance coverage for all the employees employed on the project in accordance with M.G.L. ch. 152.

6. The bidder and all subcontractors under the bidder must properly classify employees as employees rather than independent contractors and treat them accordingly for purposes of workers' compensation insurance coverage, unemployment taxes, social security taxes and income tax withholding. M.G.L. ch. 149, §148B.

B. All bidders and subcontractors under the bidder who are awarded or who otherwise obtain construction contracts on projects defined in section 2.66.060 of this chapter shall comply with the obligations numbered 1 through 6 as set forth in paragraph A above for the entire duration of their work on the project, and an officer of each such bidder or subcontractor under the bidder shall certify under oath and in writing on a weekly basis that they are in compliance with such obligations.

C. Any bidder or subcontractor under the bidder who fails to comply with anyone of obligations 1 through 6 as set forth in Paragraph A above for any period of time shall be subject to one or more of the following sanctions: (1) cessation of work on the project until compliance is obtained; (2) withholding of payment due under any contract or subcontract until compliance is obtained; (3) permanent removal from any further work on the project; (4) liquidated damages payable to the City in the amount of 5% of the dollar value of the contract.

D. In addition to the sanctions outlined in Paragraph C above, a general bidder or contractor shall be equally liable for the violations of its subcontractors, and any contractor or subcontractor who has been determined to have violated any of the obligations set forth in Paragraphs A and B above shall be barred from performing any work on any future projects.



CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139

TEL. 349-4300
FAX. 349-4307

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

December 8, 1994

Vice Mayor Sheila Russell, Chair
Ordinance Committee
City Hall
Cambridge, MA 02139

Re: Proposed Amendments to the "Cambridge Employment Plan"

Dear Vice Mayor Russell:

I have reviewed the proposed amendments to the Cambridge Employment Plan which were referred to the Ordinance Committee by a vote of the City Council on October 31, 1994. I would like to submit the following comments.

While I agree with the City Council's goal to encourage only responsible bidders to participate in City funded construction projects, I must, nonetheless, indicate to you several areas of concern raised by the proposed ordinance amendment.

A contractor not complying with all aspects of this ordinance may not necessarily be an irresponsible contractor, but would be precluded from bidding on our projects. The passage of this amendment would restrict, perhaps severely, the number of contractors eligible to bid on our projects and would make it very difficult to receive a meaningful range of competitive bids. In addition, this system will place a greater burden on the City to certify compliance and the City will be replacing other state agencies in carrying out administrative functions not currently the responsibility of the City. There will be more City costs associated with these shifts in responsibility.

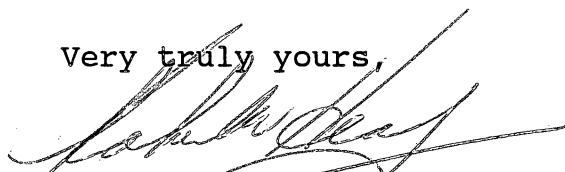
I have asked the Purchasing Agent to review the proposed amendment. Her review suggests that the apprentice program requirement may have the unintended result of precluding smaller contractors (who cannot afford to participate in an apprentice program) from being eligible to bid on City projects. The provision in Section D of the amendment, which makes contractors liable for any of their subcontractors' violations of the ordinance is likely to discourage bidders because they must choose their subs from a list of filed sub-bidders, and they may be assuming

B

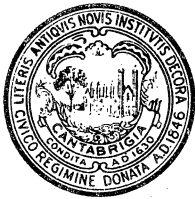
liability for the acts of subcontractors they know nothing about. This burden will appear particularly onerous where one penalty under Section D of the amendment is automatic permanent disbarment from performing any work on future projects in the City.

As the resources of the City tighten it becomes increasingly important to carefully assess the benefits of assuming substantial additional administrative costs. Most of the protections proposed in the amendment already exist, either as state law requirements or in the City's existing contract documents. Absent pervasive non-compliance with existing requirements, I cannot recommend the assumption of significant administrative cost increases that will necessarily result from the amendment. The very real likelihood that the amendment will increase the bids on City projects simply increases the demands on shrinking resources for capital projects in the budget.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'Robert W. Healy', written over a horizontal line.

Robert W. Healy
City Manager



CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 TEL 349-4310

PURCHASING DEPARTMENT

GAIL A. COHEN
PURCHASING AGENT

TO: Robert Healy, City Manager

FROM: Gail Cohen, Purchasing Agent *GC*

RE: Proposed Amendment to the Cambridge Municipal Code -
Section 2.66.080 "Contractor Qualifications and Sanctions"

DATE: December 8, 1994

The following are my comments on the proposed amendment to the Cambridge Municipal Code, Section 2.66.080, entitled "Contractor Qualifications and Sanctions". While the goals of Section 2.66.080 are sound, I feel that the City's current construction bidding practices attain the same end with less of an administrative and cost burden on the contractors, architects and City personnel.

Many of the requirements in 2.66.080 are already covered in the City's bids or by operation of law. For example, 2.66.080(A)(1) would require bidders to certify and the general contractor and all subcontractors to certify in writing weekly for the life of the project, that they shall comply with the Cambridge Employment Plan (CEP). All bidders are currently required to certify that they will comply with the CEP (see Attachment A for an example of a standard bid and subbid form). The City's Compliance Officer, Wally Sherwood, is responsible for monitoring compliance with the CEP during the contract term. A general contractor must submit weekly workforce reports (see Attachment B) to the Compliance Officer that indicate the number of women, minorities and Cambridge residents working on the project. Every general contractor must attend a pre-construction conference, attended by the Purchasing Agent, the City's Affirmative Action Officer, a representative from Employment Resources Inc. and the CEP Compliance Officer, where the CEP and ERI's participation in helping the contractor fill its hiring requirements are explained.

2.66.080(A)(2) would require all bidders to agree in writing and the general contractor and all subcontractors to certify in writing weekly for the life of the project, that they will pay the appropriate prevailing wage to their employees. M.G.L. Chapter 149 requires that our construction bids contain the current prevailing wage rates to be paid on a project. The law also requires all general contractors and subcontractors to submit weekly payrolls that demonstrate and certify that the prevailing wage rates were paid.

The Purchasing Office collects weekly wage reports for all active construction projects.

2.66.080(A)(5) would require that all bidders agree in writing and the general contractor and all subcontractors to certify in writing weekly for the life of the project, that they maintain appropriate industrial accident insurance coverage for all employees. M.G.L. Chapter 149 §34A requires that all construction contracts contain a clause that the contractor shall comply with Chapter 152. This requirement is found in the City's standard construction contract conditions in Article 11, section 11.1.1.1 (see Attachment C for an example). Our contract also requires the contractor to obtain additional employers' liability coverage. These policies are required to be in force for the life of the contract.

2.66.080(A)(6) simply summarizes M.G.L. Chapter 149 §148B, which applies to all construction contracts by operation of law. This section would require that all bidders agree in writing in their bids and subbids, and the general contractor and all subcontractors to certify in writing weekly for the life of the project, that they comply with the law.

Section 2.66.080 will also decrease competition on City bids. The construction climate is currently a contractors' market. We generally receive no more than three subbids per trade, and rarely more than three general bids. The City's architects have had to persuade contractors to bid on the City's projects, which are already regarded as having cumbersome requirements. An architect whose firm oversees millions of dollars of City construction work predicts that section 2.66.080 will further decrease participation in City bids.

Section 2.66.080 create considerable administrative and auditing requirements on the part of architects, contractors and subcontractors, resulting in increased costs that will be passed along to the City. Architects and clerks of the works will have to devote more time and resources to collecting, reviewing and verifying paperwork, rather than overseeing the actual construction process.

2.66.080(A)(3) requires all contractor and subcontractors to maintain and participate in apprentice training programs. This requirement will prevent smaller contractors, who cannot afford to implement such a program, from bidding. The apprentice training mandate is not tied to a contract value, so even the smallest construction jobs (\$10,000 for public works and \$25,000 for construction on buildings) will be bid only to large contractors, who may not be interested in expending time and expense on smaller jobs.

Section 2.66.080 (D) places the largest burden on general contractors, making them liable for any subcontractor's violation of the ordinance. General contractors are required to select their subcontractors through the filed subbid process. The general contractor is responsible for the work performed by these subcontractors, with whom the general may be working with for the first time. The increased burden of policing subcontractors' accounting and labor practices, with legal liability for the subcontractor's noncompliance, will be a great disincentive to bidding.

Section D also imposes permanent debarment for noncompliance with section 2.66.080, even if the contractor has cured the violation. Contractors will be loathe to enter into a contract with the City that may result in permanent debarment (perhaps due to the act of one of their subcontractors) which may impact their standing and reputation with the Commonwealth and other cities and towns. A contractor could be permanently debarred for failing to submit weekly paperwork, even though the contractor is complying with the substance of the ordinance.

My last concern is that 2.66.080 will result in a flood of paper that will inappropriately expand the City's role in ensuring compliance with state law and will not guarantee that responsible contractors will be hired by the City. Section 2.66.080(B) requires general contractors and all subcontractors to certify weekly that they comply with the criteria of 2.66.080. The voluminous amount of paper resulting from this requirement will not ensure compliance with the substance of the ordinance and laws it references. The City's limited resources will be burdened with the review, audit and filing of these documents. The City will be taking on the work of several state agencies whose jobs it is to monitor compliance with the Mass. General Laws, including the attorney general's office, the Division of Industrial Accidents, and the Department of Labor and Industries.

A contractor will not be eligible for award of a contract unless such contractor has submitted the following certification, which is deemed a part of the resulting contract:

**GENERAL CONTRACTOR'S
CERTIFICATION**

_____ certifies that:
(General Contractor)

1. it shall obtain from each of its subcontractors and submit to the contracting or administering agency prior to the performance of any work under said subcontract a certification by each subcontractor, regardless of tier, that it will comply with the Minority/Women/Resident workforce ratio;
2. it read, understands and shall comply with the Minority/Women/Resident hiring requirements set forth in the Cambridge Employment Plan, Cambridge Municipal Code §2.66.060, et seq.;
3. it is aware that failure to comply with the Cambridge Employment Plan will result in, at minimum, the following: 1) it will be ineligible to bid for future contracts with the City of Cambridge, and 2) the City of Cambridge will notify DCPO of such failure which may affect the contractor's future qualification to bid for public contracts throughout the Commonwealth;
4. it has read, understands and shall comply with all the pertinent provisions of the Americans with Disabilities Act and will be subject to sanctions for failure to do so;
5. it has read, understands and shall comply with all the provisions of the Supplemental Equal Employment Opportunity Anti-Discrimination and Affirmative Action Program and will be subject to sanctions for failure to do so.

Signed under the penalties of perjury.

Signature of authorized representative of contractor

Print name of authorized representative of contractor

Dated

ATTACHMENT A

Subcontractor's Certification

Prior to the award of any subcontract, regardless of tier, the prospective subcontractor must execute and submit to the General Contractor the following certification, which will be deemed a part of the resulting subcontract:

SUBCONTRACTOR'S CERTIFICATION

certifies that:

(Subcontractor)

1. it will obtain from each of its subcontractors prior to the award of any subcontract under this subcontract the subcontractor certification required by these bid conditions;
2. it read, understands and shall comply with the Minority/Women/Resident hiring requirements set forth in Cambridge Municipal Code §2.66.060, et seq.;
3. it is aware that failure to comply with the Cambridge Employment Plan will result in, at minimum, the following: it will be ineligible to bid for future contracts with the City of Cambridge;
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Signed under the penalty of perjury.

Signature of authorized representative of subcontractor

Print name of authorized representative of subcontractor

Dated

In order to ensure that the subcontractor's certification becomes part of all subcontracts under the prime contract, no subcontract shall be executed until an authorized representative of the City agency (or agencies) administering this project or the Affirmative Action Officer has determined, in writing, that the said certification has been incorporated in such subcontract, regardless of tier. Any subcontract executed without such written approval shall be void.

at the Site, are fully and completely protected against loss or damage due to vandalism, theft, or malicious mischief. If the Contractor elects, in addition, to use guard dogs for this purpose, each dog shall at all times be accompanied by an adult handler. If the Contractor fails to comply with the requirements of this Subparagraph 10.2.12, then the Owner may provide appropriate security, and charge the cost thereof to the Contractor. The Owner's provision of such security, or failure to do so, shall not relieve the Contractor of its sole responsibility to pay for loss or damage due to vandalism, theft, or malicious mischief at the site.

10.2.13 The Contractor shall take care of all existing pipe lines, drains, conduits, poles, wiring and other utilities that in any way interfere with the Work, whether or not they are specifically shown on the drawings. The Contractor shall notify the proper authorities and see that all items to be abandoned are abandoned in a proper manner and that items to be maintained are protected, supported, or moved as necessary to adjust them to the new work. The Contractor shall notify the Architect in writing of the exact nature, size and location of any utilities encountered which are not shown in or deviate from the drawings. Active utilities must remain in service during the entire period of the Contract and in no case shall any shutdown or interruption be made without proper authorization and coordination with the Hospital Maintenance Department. The Contractor shall give ten (10) days notice to that department prior to shutdown. Any damage to active utilities shall be repaired by the Contractor as directed by the Architect, with the Owner's approval. Expense and liability of repair shall be determined mutually prior to execution.

10.3.2 Add the following subparagraph 10.3.2:

10.3.2 The Contractor shall furnish the Owner, in writing, the names, addresses and telephone numbers of members of his organization to be contacted in the event of an after hours emergency at the building site.

ARTICLE 11: INSURANCE AND BONDS

11.1.1 In the first sentence of subparagraph 11.1.1 following the word "located" insert the words "and to which the Owner has no reasonable objection".

11.1.1.1 Change Sub-subparagraph 11.1.1.1 to read as follows:

11.1.1.1* (Statutory reference: M.G.L. c.149 S34A)
The Contractor shall, before commencing performance of the contract, provide by insurance for the payment of compensation and the furnishing of other benefits under M.G.L. c.152 to all persons to be employed under the contract, and the Contractor shall continue such insurance in full force and effect during the term of the contract. In addition to Statutory Workers Compensation Coverage, Employers Liability Coverage is to be provided at the following limits of liability:

Each accident - \$1,000,000

Disease - policy limit - \$1,000,000
Disease - each employee - \$1,000,000

Sufficient proof of compliance with this Sub-subparagraph 11.1.1.1 must be furnished at the time of execution of this contract. Failure to provide and continue in force such insurance as aforesaid shall be deemed a material breach of the contract and shall operate as an immediate termination thereof. No cancellation, non-renewal or change in the policy shall be valid unless written notice thereof is given by the party proposing cancellation to the other party and to the awarding authority at least sixty days prior to the effective date thereof, which date shall be expressed in said notice.

11.1.1.8 Add the following subparagraph 11.1.1.8:

11.1.1.8 Any insurance carrier utilized to fulfill the insurance requirements of this contract shall have a minimum A.M. Best rating of A-X.

11.1.2 Change subparagraph 11.1.2. to read as follows:

11.1.2 The insurance required by subparagraph 11.1.1 shall include all major divisions of coverage, and shall be on a comprehensive general basis including Premises and Operations (including X-C-U), Owner's and Contractor's Protective, Products and Completed Operations, and Owned, Nonowned, and Hired Motor Vehicles. Such insurance shall be written for not less than any limits or liability required by law or the following limits, whichever are greater:

General Aggregate: \$2,000,000

Products/Completed Operations Aggregate:
\$1,000,000

Personal Injury and Advertising Limit:
\$1,000,000

Each occurrence: \$1,000,000

Motor Vehicle Insurance, including owned, Non-owned, Hired and Leased vehicles:

Combined Single Limit: \$1,000,000

Bodily Injury: \$1,000,000 per person
\$1,000,000 per occurrence

Property Damage: \$1,000,000 per occurrence

Excess Liability (Umbrella) Insurance:

Combined Single Limit: \$1,000,000

Owner's and Contractor's Protective Liability:

Committee Report #1

A comm. was received from D. Margaret Drury transmitting a report from Vice Mayor Russell Chair of the Ordinance Committee for a public hearing held December 8, 1994 for the purpose of considering amendments to the "Cambridge Employment Plan."

In City Council January 23, 1995

*1/23/95 - Passed to a
second reading as
Amended
1/26/95 - Published -
Chronicle*

City of Cambridge

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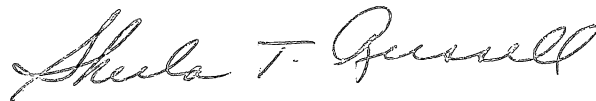
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Vice Mayor Russell then requested testimony from those opposed. No testimony was offered against the amendment.

Councillor Sullivan then moved his previous motion, and it passed unanimously on a voice vote.

The meeting was adjourned at 7:55 p.m.

For the Committee

A handwritten signature in cursive script that reads "Sheila T. Russell".

Vice Mayor Sheila T. Russell, Chair

Committee Report #2

A communication was received from D. Margaret Drury transmitting a report from Vice Mayor Russell, Chair of the Ordinance Committee for the purpose of considering proposed amendments to the "Cambridge Employment Plan."

In City Council January 23, 1994



CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139

TEL 349-4300
FAX 349-4307

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

December 8, 1994

Vice Mayor Sheila Russell, Chair
Ordinance Committee
City Hall
Cambridge, MA 02139

Re: Proposed Amendments to the "Cambridge Employment Plan"

Dear Vice Mayor Russell:

I have reviewed the proposed amendments to the Cambridge Employment Plan which were referred to the Ordinance Committee by a vote of the City Council on October 31, 1994. I would like to submit the following comments.

While I agree with the City Council's goal to encourage only responsible bidders to participate in City funded construction projects, I must, nonetheless, indicate to you several areas of concern raised by the proposed ordinance amendment.

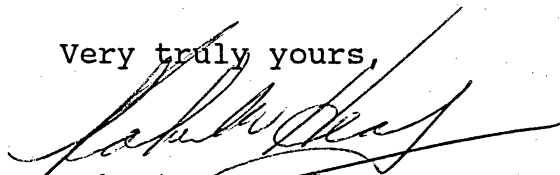
A contractor not complying with all aspects of this ordinance may not necessarily be an irresponsible contractor, but would be precluded from bidding on our projects. The passage of this amendment would restrict, perhaps severely, the number of contractors eligible to bid on our projects and would make it very difficult to receive a meaningful range of competitive bids. In addition, this system will place a greater burden on the City to certify compliance and the City will be replacing other state agencies in carrying out administrative functions not currently the responsibility of the City. There will be more City costs associated with these shifts in responsibility.

I have asked the Purchasing Agent to review the proposed amendment. Her review suggests that the apprentice program requirement may have the unintended result of precluding smaller contractors (who cannot afford to participate in an apprentice program) from being eligible to bid on City projects. The provision in Section D of the amendment, which makes contractors liable for any of their subcontractors' violations of the ordinance is likely to discourage bidders because they must choose their subs from a list of filed sub-bidders, and they may be assuming

liability for the acts of subcontractors they know nothing about. This burden will appear particularly onerous where one penalty under Section D of the amendment is automatic permanent disbarment from performing any work on future projects in the City.

As the resources of the City tighten it becomes increasingly important to carefully assess the benefits of assuming substantial additional administrative costs. Most of the protections proposed in the amendment already exist, either as state law requirements or in the City's existing contract documents. Absent pervasive non-compliance with existing requirements, I cannot recommend the assumption of significant administrative cost increases that will necessarily result from the amendment. The very real likelihood that the amendment will increase the bids on City projects simply increases the demands on shrinking resources for capital projects in the budget.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Robert W. Healy', written over a horizontal line.

Robert W. Healy
City Manager



CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 TEL 349-4310

PURCHASING DEPARTMENT

GAIL A. COHEN
PURCHASING AGENT

TO: Robert Healy, City Manager

FROM: Gail Cohen, Purchasing Agent *MC*

RE: Proposed Amendment to the Cambridge Municipal Code -
Section 2.66.080 "Contractor Qualifications and Sanctions"

DATE: December 8, 1994

The following are my comments on the proposed amendment to the Cambridge Municipal Code, Section 2.66.080, entitled "Contractor Qualifications and Sanctions". While the goals of Section 2.66.080 are sound, I feel that the City's current construction bidding practices attain the same end with less of an administrative and cost burden on the contractors, architects and City personnel.

Many of the requirements in 2.66.080 are already covered in the City's bids or by operation of law. For example, 2.66.080(A)(1) would require bidders to certify and the general contractor and all subcontractors to certify in writing weekly for the life of the project, that they shall comply with the Cambridge Employment Plan (CEP). All bidders are currently required to certify that they will comply with the CEP (see Attachment A for an example of a standard bid and subbid form). The City's Compliance Officer, Wally Sherwood, is responsible for monitoring compliance with the CEP during the contract term. A general contractor must submit weekly workforce reports (see Attachment B) to the Compliance Officer that indicate the number of women, minorities and Cambridge residents working on the project. Every general contractor must attend a pre-construction conference, attended by the Purchasing Agent, the City's Affirmative Action Officer, a representative from Employment Resources Inc. and the CEP Compliance Officer, where the CEP and ERI's participation in helping the contractor fill its hiring requirements are explained.

2.66.080(A)(2) would require all bidders to agree in writing and the general contractor and all subcontractors to certify in writing weekly for the life of the project, that they will pay the appropriate prevailing wage to their employees. M.G.L. Chapter 149 requires that our construction bids contain the current prevailing wage rates to be paid on a project. The law also requires all general contractors and subcontractors to submit weekly payrolls that demonstrate and certify that the prevailing wage rates were paid.

The Purchasing Office collects weekly wage reports for all active construction projects.

2.66.080(A)(5) would require that all bidders agree in writing and the general contractor and all subcontractors to certify in writing weekly for the life of the project, that they maintain appropriate industrial accident insurance coverage for all employees. M.G.L. Chapter 149 §34A requires that all construction contracts contain a clause that the contractor shall comply with Chapter 152. This requirement is found in the City's standard construction contract conditions in Article 11, section 11.1.1.1 (see Attachment C for an example). Our contract also requires the contractor to obtain additional employers' liability coverage. These policies are required to be in force for the life of the contract.

2.66.080(A)(6) simply summarizes M.G.L. Chapter 149 §148B, which applies to all construction contracts by operation of law. This section would require that all bidders agree in writing in their bids and subbids, and the general contractor and all subcontractors to certify in writing weekly for the life of the project, that they comply with the law.

Section 2.66.080 will also decrease competition on City bids. The construction climate is currently a contractors' market. We generally receive no more than three subbids per trade, and rarely more than three general bids. The City's architects have had to persuade contractors to bid on the City's projects, which are already regarded as having cumbersome requirements. An architect whose firm oversees millions of dollars of City construction work predicts that section 2.66.080 will further decrease participation in City bids.

Section 2.66.080 create considerable administrative and auditing requirements on the part of architects, contractors and subcontractors, resulting in increased costs that will be passed along to the City. Architects and clerks of the works will have to devote more time and resources to collecting, reviewing and verifying paperwork, rather than overseeing the actual construction process.

2.66.080(A)(3) requires all contractor and subcontractors to maintain and participate in apprentice training programs. This requirement will prevent smaller contractors, who cannot afford to implement such a program, from bidding. The apprentice training mandate is not tied to a contract value, so even the smallest construction jobs (\$10,000 for public works and \$25,000 for construction on buildings) will be bid only to large contractors, who may not be interested in expending time and expense on smaller jobs.

Section 2.66.080 (D) places the largest burden on general contractors, making them liable for any subcontractor's violation of the ordinance. General contractors are required to select their subcontractors through the filed subbid process. The general contractor is responsible for the work performed by these subcontractors, with whom the general may be working with for the first time. The increased burden of policing subcontractors' accounting and labor practices, with legal liability for the subcontractor's noncompliance, will be a great disincentive to bidding.

Section D also imposes permanent debarment for noncompliance with section 2.66.080, even if the contractor has cured the violation. Contractors will be loathe to enter into a contract with the City that may result in permanent debarment (perhaps due to the act of one of their subcontractors) which may impact their standing and reputation with the Commonwealth and other cities and towns. A contractor could be permanently debarred for failing to submit weekly paperwork, even though the contractor is complying with the substance of the ordinance.

My last concern is that 2.66.080 will result in a flood of paper that will inappropriately expand the City's role in ensuring compliance with state law and will not guarantee that responsible contractors will be hired by the City. Section 2.66.080(B) requires general contractors and all subcontractors to certify weekly that they comply with the criteria of 2.66.080. The voluminous amount of paper resulting from this requirement will not ensure compliance with the substance of the ordinance and laws it references. The City's limited resources will be burdened with the review, audit and filing of these documents. The City will be taking on the work of several state agencies whose jobs it is to monitor compliance with the Mass. General Laws, including the attorney general's office, the Division of Industrial Accidents, and the Department of Labor and Industries.

A contractor will not be eligible for award of a contract unless such contractor has submitted the following certification, which is deemed a part of the resulting contract:

GENERAL CONTRACTOR'S
CERTIFICATION

_____ certifies that:

(General Contractor)

1. it shall obtain from each of its subcontractors and submit to the contracting or administering agency prior to the performance of any work under said subcontract a certification by each subcontractor, regardless of tier, that it will comply with the Minority/Women/Resident workforce ratio;
2. it read, understands and shall comply with the Minority/Women/Resident hiring requirements set forth in the Cambridge Employment Plan, Cambridge Municipal Code §2.66.060, et seq.;
3. it is aware that failure to comply with the Cambridge Employment Plan will result in, at minimum, the following: 1) it will be ineligible to bid for future contracts with the City of Cambridge, and 2) the City of Cambridge will notify DCPO of such failure which may affect the contractor's future qualification to bid for public contracts throughout the Commonwealth;
4. it has read, understands and shall comply with all the pertinent provisions of the Americans with Disabilities Act and will be subject to sanctions for failure to do so;
5. it has read, understands and shall comply with all the provisions of the Supplemental Equal Employment Opportunity Anti-Discrimination and Affirmative Action Program and will be subject to sanctions for failure to do so.

Signed under the penalties of perjury.

Signature of authorized representative of contractor

Print name of authorized representative of contractor

Dated

ATTACHMENT A

Subcontractor's Certification

Prior to the award of any subcontract, regardless of tier, the prospective subcontractor must execute and submit to the General Contractor the following certification, which will be deemed a part of the resulting subcontract:

SUBCONTRACTOR'S CERTIFICATION

certifies that:

(Subcontractor)

1. it will obtain from each of its subcontractors prior to the award of any subcontract under this subcontract the subcontractor certification required by these bid conditions;
2. it read, understands and shall comply with the Minority/Women/Resident hiring requirements set forth in Cambridge Municipal Code §2.66.060, et seq.;
3. it is aware that failure to comply with the Cambridge Employment Plan will result in, at minimum, the following: it will be ineligible to bid for future contracts with the City of Cambridge;
4. it has read, understands and shall comply with all the pertinent provisions of the Americans with Disabilities Act and will be subject to sanctions for failure to do so;
5. it has read, understands and shall comply with all the provisions of the Supplemental Equal Employment Opportunity Anti-Discrimination and Affirmative Action Program and will be subject to sanctions for failure to do so.

Signed under the penalty of perjury.

Signature of authorized representative of subcontractor

Print name of authorized representative of subcontractor

Dated

In order to ensure that the subcontractor's certification becomes part of all subcontracts under the prime contract, no subcontract shall be executed until an authorized representative of the City agency (or agencies) administering this project or the Affirmative Action Officer has determined, in writing, that the said certification has been incorporated in such subcontract, regardless of tier. Any subcontract executed without such written approval shall be void.

at the Site, are fully and completely protected against loss or damage due to vandalism, theft, or malicious mischief. If the Contractor elects, in addition, to use guard dogs for this purpose, each dog shall at all times be accompanied by an adult handler. If the Contractor fails to comply with the requirements of this Subparagraph 10.2.12, then the Owner may provide appropriate security, and charge the cost thereof to the Contractor. The Owner's provision of such security, or failure to do so, shall not relieve the Contractor of its sole responsibility to pay for loss or damage due to vandalism, theft, or malicious mischief at the site.

10.2.13 The Contractor shall take care of all existing pipe lines, drains, conduits, poles, wiring and other utilities that in any way interfere with the Work, whether or not they are specifically shown on the drawings. The Contractor shall notify the proper authorities and see that all items to be abandoned are abandoned in a proper manner and that items to be maintained are protected, supported, or moved as necessary to adjust them to the new work. The Contractor shall notify the Architect in writing of the exact nature, size and location of any utilities encountered which are not shown in or deviate from the drawings. Active utilities must remain in service during the entire period of the Contract and in no case shall any shutdown or interruption be made without proper authorization and coordination with the Hospital Maintenance Department. The Contractor shall give ten (10) days notice to that department prior to shutdown. Any damage to active utilities shall be repaired by the Contractor as directed by the Architect, with the Owner's approval. Expense and liability of repair shall be determined mutually prior to execution.

10.3.2 Add the following subparagraph 10.3.2:

10.3.2 The Contractor shall furnish the Owner, in writing, the names, addresses and telephone numbers of members of his organization to be contacted in the event of an after hours emergency at the building site.

ARTICLE 11: INSURANCE AND BONDS

11.1.1 In the first sentence of subparagraph 11.1.1 following the word "located" insert the words "and to which the Owner has no reasonable objection".

11.1.1.1 Change Sub-subparagraph 11.1.1.1 to read as follows:

11.1.1.1* (Statutory reference: M.G.L. c.149 S34A)
The Contractor shall, before commencing performance of the contract, provide by insurance for the payment of compensation and the furnishing of other benefits under M.G.L. c.152 to all persons to be employed under the contract, and the Contractor shall continue such insurance in full force and effect during the term of the contract. In addition to Statutory Workers Compensation Coverage, Employers Liability Coverage is to be provided at the following limits of liability:

Each accident - \$1,000,000

Disease - policy limit - \$1,000,000
Disease - each employee - \$1,000,000

Sufficient proof of compliance with this Sub-subparagraph 11.1.1.1 must be furnished at the time of execution of this contract. Failure to provide and continue in force such insurance as aforesaid shall be deemed a material breach of the contract and shall operate as an immediate termination thereof. No cancellation, non-renewal or change in the policy shall be valid unless written notice thereof is given by the party proposing cancellation to the other party and to the awarding authority at least sixty days prior to the effective date thereof, which date shall be expressed in said notice.

11.1.1.8 Add the following subparagraph 11.1.1.8:

11.1.1.8 Any insurance carrier utilized to fulfill the insurance requirements of this contract shall have a minimum A.M. Best rating of A-X.

11.1.2 Change subparagraph 11.1.2. to read as follows:

11.1.2 The insurance required by subparagraph 11.1.1 shall include all major divisions of coverage, and shall be on a comprehensive general basis including Premises and Operations (including X-C-U), Owner's and Contractor's Protective, Products and Completed Operations, and Owned, Nonowned, and Hired Motor Vehicles. Such insurance shall be written for not less than any limits or liability required by law or the following limits, whichever are greater:

General Aggregate: \$2,000,000

Products/Completed Operations Aggregate:
\$1,000,000

Personal Injury and Advertising Limit:
\$1,000,000

Each occurrence: \$1,000,000

Motor Vehicle Insurance, including owned, Non-owned, Hired and Leased vehicles:

Combined Single Limit: \$1,000,000

Bodily Injury: \$1,000,000 per person
\$1,000,000 per occurrence

Property Damage: \$1,000,000 per occurrence

Excess Liability (Umbrella) Insurance:

Combined Single Limit: \$1,000,000

Owner's and Contractor's Protective Liability:



City of Cambridge

1.

IN CITY COUNCIL

October 31, 1994

COUNCILLOR SULLIVAN
COUNCILLOR BORN
COUNCILLOR DUEHAY
MAYOR REEVES
COUNCILLOR TOOMEY

ORDERED: That the attached amendment to the Municipal Code of Cambridge in Chapter 266 "The Cambridge Employment Plan" in Article II by adding Section 2.66.080 entitled "Contractor Qualifications and Sanctions" be referred to the Ordinance Committee for a hearing and report.

In City Council October 31, 1994
Adopted by the affirmative vote of nine members.
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:- *D. Margaret Drury*

D. Margaret Drury
City Clerk

**RESPONSIBLE EMPLOYER AMENDMENTS
TO THE CAMBRIDGE EMPLOYMENT PLAN**

Chapter 2.66 shall be amended by adding a new Section 2.66.080 to Article II as follows:

2.66.080 Contractor Qualifications and Sanctions

A. All bidders and all subcontractors under the bidder for construction projects defined in Section 2.66.060 of this Chapter shall, as a condition for bidding, agree in writing that they shall comply with the following obligations:

1. The bidder and all subcontractors under the bidder shall comply with the Cambridge Employment Plan as it currently exists and as it may, from time to time, be amended.

2. The bidder and all subcontractors under the bidder must comply with the obligations established under M.G.L. ch. 149 to pay the appropriate lawful prevailing wage rates to their employees.

3. The bidder and all subcontractors under the bidder must maintain and participate in a bona fide apprentice training program as

defined by ch. 23, sections 11H and 11I for each apprenticeable trade or occupation represented in their workforce that is approved by the Division of Apprentice Training of the Department of Labor and Industries and must abide by the apprentice to journeymen ratio for each trade prescribed therein in the performance of the contract.

4. The bidder and all subcontractors under the bidder must furnish, at their expense, hospitalization and medical benefits for all their employees employed on the project and/or coverage at least comparable to the hospitalization and medical benefits provided by the health and welfare plans in the applicable craft recognized by M.G.L. ch. 149, s.26 in establishing minimum wage rates.

5. The bidder and all subcontractors under the bidder must maintain appropriate

industrial accident insurance coverage for all the employees employed on the project in accordance with M.G.L. ch. 152.

6. The bidder and all subcontractors under the bidder must properly classify employees as employees rather than independent contractors and treat them accordingly for purposes of workers' compensation insurance coverage, unemployment taxes, social security taxes and income tax withholding. M.G.L. ch. 149, §148B.

B. All bidders and subcontractors under the bidder who are awarded or who otherwise obtain construction contracts on projects defined in section 2.66.060 of this chapter shall comply with the obligations numbered 1 through 6 as set forth in paragraph A above for the entire duration of their work on the project, and an officer of each such bidder or subcontractor under the bidder shall certify under oath and in writing on a weekly basis that they are in compliance with such obligations.

C. Any bidder or subcontractor under the bidder who fails to comply with anyone of obligations 1 through 6 as set forth in Paragraph A above for any period of time shall be subject to one or more of the following sanctions: (1) cessation of work on the project until compliance is obtained; (2) withholding of payment due under any contract or subcontract until compliance is obtained; (3) permanent removal from any further work on the project; (4) liquidated damages payable to the City in the amount of 5% of the dollar value of the contract.

D. In addition to the sanctions outlined in Paragraph C above, a general bidder or contractor shall be equally liable for the violations of its subcontractors, and any contractor or subcontractor who has been determined to have violated any of the obligations set forth in Paragraphs A and B above shall be barred from performing any work on any future projects.



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

FAX (617) 349-4307

D. MARGARET DRURY
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

November 28, 1994

To Whom It May Concern:

Please be advised that Vice Mayor Sheila T. Russell, Chair of the Ordinance Committee has scheduled a public hearing for Thursday, December 8, 1994 at 6:30 P. M. in the Sullivan Chamber.

The purpose of the hearing is to discuss a proposed amendment to the Municipal Code of the City of Cambridge by adding a new section 2.66.080 entitled "Contractor Qualifications and Sanctions" in Chapter 2.66 regarding the Cambridge Employment Plan.

You are requested to attend at this time and be heard.

Very truly yours,

D. Margaret Drury
D. Margaret Drury
City Clerk

DMD/dl

Enc.

**RESPONSIBLE EMPLOYER AMENDMENTS
TO THE CAMBRIDGE EMPLOYMENT PLAN**

Chapter 2.66 shall be amended by adding a new Section 2.66.080 to Article II as follows:

2.66.080 Contractor Qualifications and Sanctions

A. All bidders and all subcontractors under the bidder for construction projects defined in Section 2.66.060 of this Chapter shall, as a condition for bidding, agree in writing that they shall comply with the following obligations:

1. The bidder and all subcontractors under the bidder shall comply with the Cambridge Employment Plan as it currently exists and as it may, from time to time, be amended.

2. The bidder and all subcontractors under the bidder must comply with the obligations established under M.G.L. ch. 149 to pay the appropriate lawful prevailing wage rates to their employees.

3. The bidder and all subcontractors under the bidder must maintain and participate in a bona fide apprentice training program as

defined by ch. 23, sections 11H and 11I for each apprenticeable trade or occupation represented in their workforce that is approved by the Division of Apprentice Training of the Department of Labor and Industries and must abide by the apprentice to journeymen ratio for each trade prescribed therein in the performance of the contract.

4. The bidder and all subcontractors under the bidder must furnish, at their expense, hospitalization and medical benefits for all their employees employed on the project and/or coverage at least comparable to the hospitalization and medical benefits provided by the health and welfare plans in the applicable craft recognized by M.G.L. ch. 149, s.26 in establishing minimum wage rates.

5. The bidder and all subcontractors under the bidder must maintain appropriate

industrial accident insurance coverage for all the employees employed on the project in accordance with M.G.L. ch. 152.

6. The bidder and all subcontractors under the bidder must properly classify employees as employees rather than independent contractors and treat them accordingly for purposes of workers' compensation insurance coverage, unemployment taxes, social security taxes and income tax withholding. M.G.L. ch. 149, §148B.

B. All bidders and subcontractors under the bidder who are awarded or who otherwise obtain construction contracts on projects defined in section 2.66.060 of this chapter shall comply with the obligations numbered 1 through 6 as set forth in paragraph A above for the entire duration of their work on the project, and an officer of each such bidder or subcontractor under the bidder shall certify under oath and in writing on a weekly basis that they are in compliance with such obligations.

C. Any bidder or subcontractor under the bidder who fails to comply with any of obligations 1 through 6 as set forth in Paragraph A above for any period of time shall be subject to one or more of the following sanctions: (1) cessation of work on the project until compliance is obtained; (2) withholding of payment due under any contract or subcontract until compliance is obtained; (3) permanent removal from any further work on the project; (4) liquidated damages payable to the City in the amount of 5% of the dollar value of the contract.

D. In addition to the sanctions outlined in Paragraph C above, a general bidder or contractor shall be equally liable for the violations of its subcontractors, and any contractor or subcontractor who has been determined to have violated any of the obligations set forth in Paragraphs A and B above shall be barred from performing any work on any future projects.

RESPONSIBLE EMPLOYER AMENDMENTS
TO THE CAMBRIDGE EMPLOYMENT PLAN

Chapter 2.66 shall be amended by adding a new Section 2.66.080 to Article II as follows:

2.66.080 Contractor Qualifications and Sanctions

A. All bidders and all subcontractors under the bidder for construction projects defined in Section 2.66.060 of this Chapter shall, as a condition for bidding, agree in writing that they shall comply with the following obligations:

1. The bidder and all subcontractors under the bidder shall comply with the Cambridge Employment Plan as it currently exists and as it may, from time to time, be amended.

2. The bidder and all subcontractors under the bidder must comply with the obligations established under M.G.L. ch. 149 to pay the appropriate lawful prevailing wage rates to their employees.

3. The bidder and all subcontractors under the bidder must maintain and participate in a bona fide apprentice training program as

defined by ch. 23, sections 11H and 11I for each apprenticeable trade or occupation represented in their workforce that is approved by the Division of Apprentice Training of the Department of Labor and Industries and must abide by the apprentice to journeymen ratio for each trade prescribed therein in the performance of the contract.

4. The bidder and all subcontractors under the bidder must furnish, at their expense, hospitalization and medical benefits for all their employees employed on the project and/or coverage at least comparable to the hospitalization and medical benefits provided by the health and welfare plans in the applicable craft recognized by M.G.L. ch. 149, s.26 in establishing minimum wage rates.

5. The bidder and all subcontractors under the bidder must maintain appropriate

industrial accident insurance coverage for all the employees employed on the project in accordance with M.G.L. ch. 152.

6. The bidder and all subcontractors under the bidder must properly classify employees as employees rather than independent contractors and treat them accordingly for purposes of workers' compensation insurance coverage, unemployment taxes, social security taxes and income tax withholding. M.G.L. ch. 149, §148B.

B. All bidders and subcontractors under the bidder who are awarded or who otherwise obtain construction contracts on projects defined in section 2.66.060 of this chapter shall comply with the obligations numbered 1 through 6 as set forth in paragraph A above for the entire duration of their work on the project, and an officer of each such bidder or subcontractor under the bidder shall certify under oath and in writing on a weekly basis that they are in compliance with such obligations.

C. Any bidder or subcontractor under the bidder who fails to comply with anyone of obligations 1 through 6 as set forth in Paragraph A above for any period of time shall be subject to one or more of the following sanctions: (1) cessation of work on the project until compliance is obtained; (2) withholding of payment due under any contract or subcontract until compliance is obtained; (3) permanent removal from any further work on the project; (4) liquidated damages payable to the City in the amount of 5% of the dollar value of the contract.

D. In addition to the sanctions outlined in Paragraph C above, a general bidder or contractor shall be equally liable for the violations of its subcontractors, and any contractor or subcontractor who has been determined to have violated any of the obligations set forth in Paragraphs A and B above shall be barred from performing any work on any future projects.

RESPONSIBLE EMPLOYER AMENDMENTS
TO THE CAMBRIDGE EMPLOYMENT PLAN

Chapter 2.66 shall be amended by adding a new Section 2.66.080 to Article II as follows:

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1. The bidder and all subcontractors under the bidder shall comply with the Cambridge Employment Plan as it currently exists and as it may, from time to time, be amended.

2. The bidder and all subcontractors under the bidder must comply with the obligations established under M.G.L. ch. 149 to pay the appropriate lawful prevailing wage rates to their employees.

3. The bidder and all subcontractors under the bidder must maintain and participate in a bona fide apprentice training program as

defined by ch. 23, sections 11H and 11I for each apprenticeable trade or occupation represented in their workforce that is approved by the Division of Apprentice Training of the Department of Labor and Industries and must abide by the apprentice to journeymen ratio for each trade prescribed therein in the performance of the contract.

4. The bidder and all subcontractors under the bidder must furnish, at their expense, hospitalization and medical benefits for all their employees employed on the project and/or coverage at least comparable to the hospitalization and medical benefits provided by the health and welfare plans in the applicable craft recognized by M.G.L. ch. 149, s.26 in establishing minimum wage rates.

5. The bidder and all subcontractors under the bidder must maintain appropriate

industrial accident insurance coverage for all the employees employed on the project in accordance with M.G.L. ch. 152.

6. The bidder and all subcontractors under the bidder must properly classify employees as employees rather than independent contractors and treat them accordingly for purposes of workers' compensation insurance coverage, unemployment taxes, social security taxes and income tax withholding. M.G.L. ch. 149, §148B.

B. All bidders and subcontractors under the bidder who are awarded or who otherwise obtain construction contracts on projects defined in section 2.66.060 of this chapter shall comply with the obligations numbered 1 through 6 as set forth in paragraph A above for the entire duration of their work on the project, and an officer of each such bidder or subcontractor under the bidder shall certify under oath and in writing on a weekly basis that they are in compliance with such obligations.

C. Any bidder or subcontractor under the bidder who fails to comply with any of obligations 1 through 6 as set forth in Paragraph A above for any period of time shall be subject to one or more of the following sanctions: (1) cessation of work on the project until compliance is obtained; (2) withholding of payment due under any contract or subcontract until compliance is obtained; (3) permanent removal from any further work on the project; (4) liquidated damages payable to the City in the amount of 5% of the dollar value of the contract.

D. In addition to the sanctions outlined in Paragraph C above, a general bidder or contractor shall be equally liable for the violations of its subcontractors, and any contractor or subcontractor who has been determined to have violated any of the obligations set forth in Paragraphs A and B above shall be barred from performing any work on any future projects.

RESPONSIBLE EMPLOYER AMENDMENTS
TO THE CAMBRIDGE EMPLOYMENT PLAN

Chapter 2.66 shall be amended by adding a new Section 2.66.080 to Article II as follows:

2.66.080 Contractor Qualifications and Sanctions

A. All bidders and all subcontractors under the bidder for construction projects defined in Section 2.66.060 of this Chapter shall, as a condition for bidding, agree in writing that they shall comply with the following obligations:

1. The bidder and all subcontractors under the bidder shall comply with the Cambridge Employment Plan as it currently exists and as it may, from time to time, be amended.

2. The bidder and all subcontractors under the bidder must comply with the obligations established under M.G.L. ch. 149 to pay the appropriate lawful prevailing wage rates to their employees.

3. The bidder and all subcontractors under the bidder must maintain and participate in a bona fide apprentice training program as

defined by ch. 23, sections 11H and 11I for each apprenticeable trade or occupation represented in their workforce that is approved by the Division of Apprentice Training of the Department of Labor and Industries and must abide by the apprentice to journeymen ratio for each trade prescribed therein in the performance of the contract.

4. The bidder and all subcontractors under the bidder must furnish, at their expense, hospitalization and medical benefits for all their employees employed on the project and/or coverage at least comparable to the hospitalization and medical benefits provided by the health and welfare plans in the applicable craft recognized by M.G.L. ch. 149, s.26 in establishing minimum wage rates.

5. The bidder and all subcontractors under the bidder must maintain appropriate

industrial accident insurance coverage for all the employees employed on the project in accordance with M.G.L. ch. 152.

6. The bidder and all subcontractors under the bidder must properly classify employees as employees rather than independent contractors and treat them accordingly for purposes of workers' compensation insurance coverage, unemployment taxes, social security taxes and income tax withholding. M.G.L. ch. 149, §148B.

B. All bidders and subcontractors under the bidder who are awarded or who otherwise obtain construction contracts on projects defined in section 2.66.060 of this chapter shall comply with the obligations numbered 1 through 6 as set forth in paragraph A above for the entire duration of their work on the project, and an officer of each such bidder or subcontractor under the bidder shall certify under oath and in writing on a weekly basis that they are in compliance with such obligations.

C. Any bidder or subcontractor under the bidder who fails to comply with any of obligations 1 through 6 as set forth in Paragraph A above for any period of time shall be subject to one or more of the following sanctions: (1) cessation of work on the project until compliance is obtained; (2) withholding of payment due under any contract or subcontract until compliance is obtained; (3) permanent removal from any further work on the project; (4) liquidated damages payable to the City in the amount of 5% of the dollar value of the contract.

D. In addition to the sanctions outlined in Paragraph C above, a general bidder or contractor shall be equally liable for the violations of its subcontractors, and any contractor or subcontractor who has been determined to have violated any of the obligations set forth in Paragraphs A and B above shall be barred from performing any work on any future projects.

**RESPONSIBLE EMPLOYER AMENDMENTS
TO THE CAMBRIDGE EMPLOYMENT PLAN**

Chapter 2.66 shall be amended by adding a new Section 2.66.080 to Article II as follows:

2.66.080 Contractor Qualifications and Sanctions

A. All bidders and all subcontractors under the bidder for construction projects defined in Section 2.66.060 of this Chapter shall, as a condition for bidding, agree in writing that they shall comply with the following obligations:

1. The bidder and all subcontractors under the bidder shall comply with the Cambridge Employment Plan as it currently exists and as it may, from time to time, be amended.

2. The bidder and all subcontractors under the bidder must comply with the obligations established under M.G.L. ch. 149 to pay the appropriate lawful prevailing wage rates to their employees.

3. The bidder and all subcontractors under the bidder must maintain and participate in a bona fide apprentice training program as

defined by ch. 23, sections 11H and 11I for each apprenticeable trade or occupation represented in their workforce that is approved by the Division of Apprentice Training of the Department of Labor and Industries and must abide by the apprentice to journeymen ratio for each trade prescribed therein in the performance of the contract.

4. The bidder and all subcontractors under the bidder must furnish, at their expense, hospitalization and medical benefits for all their employees employed on the project and/or coverage at least comparable to the hospitalization and medical benefits provided by the health and welfare plans in the applicable craft recognized by M.G.L. ch. 149, s.26 in establishing minimum wage rates.

5. The bidder and all subcontractors under the bidder must maintain appropriate

industrial accident insurance coverage for all the employees employed on the project in accordance with M.G.L. ch. 152.

6. The bidder and all subcontractors under the bidder must properly classify employees as employees rather than independent contractors and treat them accordingly for purposes of workers' compensation insurance coverage, unemployment taxes, social security taxes and income tax withholding. M.G.L. ch. 149, §148B.

B. All bidders and subcontractors under the bidder who are awarded or who otherwise obtain construction contracts on projects defined in section 2.66.060 of this chapter shall comply with the obligations numbered 1 through 6 as set forth in paragraph A above for the entire duration of their work on the project, and an officer of each such bidder or subcontractor under the bidder shall certify under oath and in writing on a weekly basis that they are in compliance with such obligations.

C. Any bidder or subcontractor under the bidder who fails to comply with any one of obligations 1 through 6 as set forth in Paragraph A above for any period of time shall be subject to one or more of the following sanctions: (1) cessation of work on the project until compliance is obtained; (2) withholding of payment due under any contract or subcontract until compliance is obtained; (3) permanent removal from any further work on the project; (4) liquidated damages payable to the City in the amount of 5% of the dollar value of the contract.

D. In addition to the sanctions outlined in Paragraph C above, a general bidder or contractor shall be equally liable for the violations of its subcontractors, and any contractor or subcontractor who has been determined to have violated any of the obligations set forth in Paragraphs A and B above shall be barred from performing any work on any future projects.

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defined by ch. 23, sections 11H and 11I for each apprenticeable trade or occupation represented in their workforce that is approved by the Division of Apprentice Training of the Department of Labor and Industries and must abide by the apprentice to journeymen ratio for each trade prescribed therein in the performance of the contract.

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industrial accident insurance coverage for all the employees employed on the project in accordance with M.G.L. ch. 152.

6. The bidder and all subcontractors under the bidder must properly classify employees as employees rather than independent contractors and treat them accordingly for purposes of workers' compensation insurance coverage, unemployment taxes, social security taxes and income tax withholding. M.G.L. ch. 149, §148B.

B. All bidders and subcontractors under the bidder who are awarded or who otherwise obtain construction contracts on projects defined in section 2.66.060 of this chapter shall comply with the obligations numbered 1 through 6 as set forth in paragraph A above for the entire duration of their work on the project, and an officer of each such bidder or subcontractor under the bidder shall certify under oath and in writing on a weekly basis that they are in compliance with such obligations.

C. Any bidder or subcontractor under the bidder who fails to comply with anyone of obligations 1 through 6 as set forth in Paragraph A above for any period of time shall be subject to one or more of the following sanctions: (1) cessation of work on the project until compliance is obtained; (2) withholding of payment due under any contract or subcontract until compliance is obtained; (3) permanent removal from any further work on the project; (4) liquidated damages payable to the City in the amount of 5% of the dollar value of the contract.

D. In addition to the sanctions outlined in Paragraph C above, a general bidder or contractor shall be equally liable for the violations of its subcontractors, and any contractor or subcontractor who has been determined to have violated any of the obligations set forth in Paragraphs A and B above shall be barred from performing any work on any future projects.

RESPONSIBLE EMPLOYER AMENDMENTS
TO THE CAMBRIDGE EMPLOYMENT PLAN

Chapter 2.66 shall be amended by adding a new Section 2.66.080 to Article II as follows:

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1. The bidder and all subcontractors under the bidder shall comply with the Cambridge Employment Plan as it currently exists and as it may, from time to time, be amended.

2. The bidder and all subcontractors under the bidder must comply with the obligations established under M.G.L. ch. 149 to pay the appropriate lawful prevailing wage rates to their employees.

3. The bidder and all subcontractors under the bidder must maintain and participate in a bona fide apprentice training program as

defined by ch. 23, sections 11H and 11I for each apprenticeable trade or occupation represented in their workforce that is approved by the Division of Apprentice Training of the Department of Labor and Industries and must abide by the apprentice to journeymen ratio for each trade prescribed therein in the performance of the contract.

4. The bidder and all subcontractors under the bidder must furnish, at their expense, hospitalization and medical benefits for all their employees employed on the project and/or coverage at least comparable to the hospitalization and medical benefits provided by the health and welfare plans in the applicable craft recognized by M.G.L. ch. 149, s.26 in establishing minimum wage rates.

5. The bidder and all subcontractors under the bidder must maintain appropriate

industrial accident insurance coverage for all the employees employed on the project in accordance with M.G.L. ch. 152.

6. The bidder and all subcontractors under the bidder must properly classify employees as employees rather than independent contractors and treat them accordingly for purposes of workers' compensation insurance coverage, unemployment taxes, social security taxes and income tax withholding. M.G.L. ch. 149, §148B.

B. All bidders and subcontractors under the bidder who are awarded or who otherwise obtain construction contracts on projects defined in section 2.66.060 of this chapter shall comply with the obligations numbered 1 through 6 as set forth in paragraph A above for the entire duration of their work on the project, and an officer of each such bidder or subcontractor under the bidder shall certify under oath and in writing on a weekly basis that they are in compliance with such obligations.

C. Any bidder or subcontractor under the bidder who fails to comply with anyone of obligations 1 through 6 as set forth in Paragraph A above for any period of time shall be subject to one or more of the following sanctions: (1) cessation of work on the project until compliance is obtained; (2) withholding of payment due under any contract or subcontract until compliance is obtained; (3) permanent removal from any further work on the project; (4) liquidated damages payable to the City in the amount of 5% of the dollar value of the contract.

D. In addition to the sanctions outlined in Paragraph C above, a general bidder or contractor shall be equally liable for the violations of its subcontractors, and any contractor or subcontractor who has been determined to have violated any of the obligations set forth in Paragraphs A and B above shall be barred from performing any work on any future projects.



City of Cambridge

1.

IN CITY COUNCIL


October 31, 1994

COUNCILLOR SULLIVAN
COUNCILLOR BORN
COUNCILLOR DUEHAY
MAYOR REEVES
COUNCILLOR TOOMEY

ORDERED: That the attached amendment to the Municipal Code of Cambridge in Chapter 266 "The Cambridge Employment Plan" in Article II by adding Section 2.66.080 entitled "Contractor Qualifications and Sanctions" be referred to the Ordinance Committee for a hearing and report.

In City Council October 31, 1994
Adopted by the affirmative vote of nine members.
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:- 
D. Margaret Drury
City Clerk

**RESPONSIBLE EMPLOYER AMENDMENTS
TO THE CAMBRIDGE EMPLOYMENT PLAN**

Chapter 2.66 shall be amended by adding a new Section 2.66.080 to Article II as follows:

2.66.080 Contractor Qualifications and Sanctions

A. All bidders and all subcontractors under the bidder for construction projects defined in Section 2.66.060 of this Chapter shall, as a condition for bidding, agree in writing that they shall comply with the following obligations:

1. The bidder and all subcontractors under the bidder shall comply with the Cambridge Employment Plan as it currently exists and as it may, from time to time, be amended.

2. The bidder and all subcontractors under the bidder must comply with the obligations established under M.G.L. ch. 149 to pay the appropriate lawful prevailing wage rates to their employees.

3. The bidder and all subcontractors under the bidder must maintain and participate in a bona fide apprentice training program as

defined by ch. 23, sections 11H and 11I for each apprenticeable trade or occupation represented in their workforce that is approved by the Division of Apprentice Training of the Department of Labor and Industries and must abide by the apprentice to journeymen ratio for each trade prescribed therein in the performance of the contract.

4. The bidder and all subcontractors under the bidder must furnish, at their expense, hospitalization and medical benefits for all their employees employed on the project and/or coverage at least comparable to the hospitalization and medical benefits provided by the health and welfare plans in the applicable craft recognized by M.G.L. ch. 149, s.26 in establishing minimum wage rates.

5. The bidder and all subcontractors under the bidder must maintain appropriate

industrial accident insurance coverage for all the employees employed on the project in accordance with M.G.L. ch. 152.

6. The bidder and all subcontractors under the bidder must properly classify employees as employees rather than independent contractors and treat them accordingly for purposes of workers' compensation insurance coverage, unemployment taxes, social security taxes and income tax withholding. M.G.L. ch. 149, §148B.

B. All bidders and subcontractors under the bidder who are awarded or who otherwise obtain construction contracts on projects defined in section 2.66.060 of this chapter shall comply with the obligations numbered 1 through 6 as set forth in paragraph A above for the entire duration of their work on the project, and an officer of each such bidder or subcontractor under the bidder shall certify under oath and in writing on a weekly basis that they are in compliance with such obligations.

C. Any bidder or subcontractor under the bidder who fails to comply with anyone of obligations 1 through 6 as set forth in Paragraph A above for any period of time shall be subject to one or more of the following sanctions: (1) cessation of work on the project until compliance is obtained; (2) withholding of payment due under any contract or subcontract until compliance is obtained; (3) permanent removal from any further work on the project; (4) liquidated damages payable to the City in the amount of 5% of the dollar value of the contract.

D. In addition to the sanctions outlined in Paragraph C above, a general bidder or contractor shall be equally liable for the violations of its subcontractors, and any contractor or subcontractor who has been determined to have violated any of the obligations set forth in Paragraphs A and B above shall be barred from performing any work on any future projects.

**RESPONSIBLE EMPLOYER AMENDMENTS
TO THE CAMBRIDGE EMPLOYMENT PLAN**

Chapter 2.66 shall be amended by adding a new Section 2.66.080 to Article II as follows:

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2. The bidder and all subcontractors under the bidder must comply with the obligations established under M.G.L. ch. 149 to pay the appropriate lawful prevailing wage rates to their employees.

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4. The bidder and all subcontractors under the bidder must furnish, at their expense, hospitalization and medical benefits for all their employees employed on the project and/or coverage at least comparable to the hospitalization and medical benefits provided by the health and welfare plans in the applicable craft recognized by M.G.L. ch. 149, s.26 in establishing minimum wage rates.

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industrial accident insurance coverage for all the employees employed on the project in accordance with M.G.L. ch. 152.

6. The bidder and all subcontractors under the bidder must properly classify employees as employees rather than independent contractors and treat them accordingly for purposes of workers' compensation insurance coverage, unemployment taxes, social security taxes and income tax withholding. M.G.L. ch. 149, §148B.

B. All bidders and subcontractors under the bidder who are awarded or who otherwise obtain construction contracts on projects defined in section 2.66.060 of this chapter shall comply with the obligations numbered 1 through 6 as set forth in paragraph A above for the entire duration of their work on the project, and an officer of each such bidder or subcontractor under the bidder shall certify under oath and in writing on a weekly basis that they are in compliance with such obligations.

C. Any bidder or subcontractor under the bidder who fails to comply with anyone of obligations 1 through 6 as set forth in Paragraph A above for any period of time shall be subject to one or more of the following sanctions: (1) cessation of work on the project until compliance is obtained; (2) withholding of payment due under any contract or subcontract until compliance is obtained; (3) permanent removal from any further work on the project; (4) liquidated damages payable to the City in the amount of 5% of the dollar value of the contract.

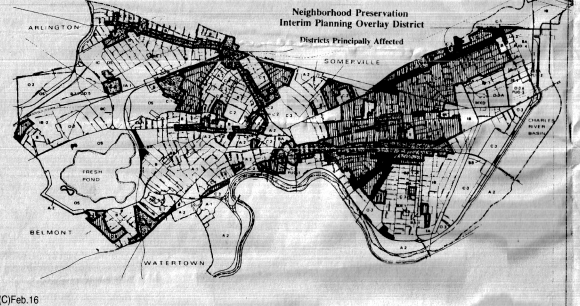
D. In addition to the sanctions outlined in Paragraph C above, a general bidder or contractor shall be equally liable for the violations of its subcontractors, and any contractor or subcontractor who has been determined to have violated any of the obligations set forth in Paragraphs A and B above shall be barred from performing any work on any future projects.

LEGAL NOTICES

The City Council Ordinance Committee will hold a public hearing on Tuesday, February 28, 1995 at 5:30 P.M. in the Sullivan Chamber of City Hall...

NOTICE OF PUBLIC HEARING

The City Council Ordinance Committee will hold a public hearing on Tuesday, February 28, 1995 at 5:30 P.M. in the Sullivan Chamber of City Hall...



(C)Feb.16 #30196

MORTGAGE SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by FRANCIS E. BRANLEY to Harlow Properties...

Neighborhood Preservation Interim Planning Overlay District

The building thereon is numbered 165-169 Cushing Street, Cambridge, Massachusetts 02138.

TERMS OF SALE

The highest bidder shall be required to deposit cash in the amount of \$5,000.00 at the time and place of sale with mortgagee's attorneys...

Restrictions on Use of Units

Unless otherwise permitted by instrument in writing duly executed by the 2-A Avon Street Condominium Trust pursuant to provisions of the By-Laws thereof...

TERMS OF SALE

Five thousand Dollars (\$5,000.00) will be required to bid in cash or by certified or bank treasurer's check...

Commonwealth of Massachusetts

The Trial Court Probate and Family Court Department Middlesex Division Docket No. 94D251A

MORTGAGE SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by Joseph M. Connair to Shawmut Worcester County, N.A., dated September 6, 1989...

MORTGAGE'S NOTICE OF SALE OF REAL ESTATE

The land in Cambridge with the buildings thereon, being numbered 165, 167 and 169 Cushing Street, and being shown as Lot A-1 on a plan entitled "sub-division of land in Cambridge, Massachusetts" dated April 9, 1982...

Commonwealth of Massachusetts

The Trial Court Probate and Family Court Department Middlesex Division Docket No. 94D251B

Restrictions on Use of Units

(i) No unit shall be used or maintained in a manner contrary to or in violation of the By-Laws of the Condominium Trust and regulations which may be adopted pursuant thereto...

TERMS OF SALE

The highest bidder shall be required to deposit cash in the amount of \$5,000.00 at the time and place of sale with mortgagee's attorneys...

Commonwealth of Massachusetts

The Trial Court Probate and Family Court Department Middlesex Division Docket No. 94D251C

Director

Notice is hereby given that the Mid-Cambridge Neighborhood Conservation District Commission will hold a Public Hearing on Tuesday, February 21, 1995 at 5:30 P.M. at the third floor conference room, City Hall Annex, 57 Main Street...

Commonwealth of Massachusetts

The Trial Court Probate and Family Court Department Middlesex Division Docket No. 95D-1421W

TERMS OF SALE

The highest bidder shall be required to deposit cash in the amount of \$5,000.00 at the time and place of sale with mortgagee's attorneys...

Commonwealth of Massachusetts

The Trial Court Probate and Family Court Department Middlesex Division Docket No. 94D251D

Director

Notice is hereby given that the Mid-Cambridge Neighborhood Conservation District Commission will hold a Public Hearing on Tuesday, February 21, 1995 at 5:30 P.M. at the third floor conference room, City Hall Annex, 57 Main Street...

Commonwealth of Massachusetts

The Trial Court Probate and Family Court Department Middlesex Division Docket No. 95D-1421W

TERMS OF SALE

The highest bidder shall be required to deposit cash in the amount of \$5,000.00 at the time and place of sale with mortgagee's attorneys...

Commonwealth of Massachusetts

The Trial Court Probate and Family Court Department Middlesex Division Docket No. 94D251E

Director

Notice is hereby given that the Mid-Cambridge Neighborhood Conservation District Commission will hold a Public Hearing on Tuesday, February 21, 1995 at 5:30 P.M. at the third floor conference room, City Hall Annex, 57 Main Street...

Commonwealth of Massachusetts

The Trial Court Probate and Family Court Department Middlesex Division Docket No. 95D-1421W

TERMS OF SALE

The highest bidder shall be required to deposit cash in the amount of \$5,000.00 at the time and place of sale with mortgagee's attorneys...

Commonwealth of Massachusetts

The Trial Court Probate and Family Court Department Middlesex Division Docket No. 94D251F

CITY OF CAMBRIDGE

REGULATION NO. 95-02 Regulation No. 95-02 "Handicapped Persons And Disabled Veterans" is hereby amended by striking out the following: "Banks St., south side, 45 ft.W. of Warren St. This regulation shall take effect 14 February 1995."

CITY OF CAMBRIDGE

REGULATION NO. 1162 Final publication on the 26th of January 1995. In amendment to an ordinance entitled "The Zoning Ordinance of the City of Cambridge" as follows...

LEGAL NOTICES

continued from previous page
the City receives fewer than three (3) qualified general contract bidders in the original bid.

If any provision of this ordinance, or the application of such provision to any person or persons, shall be deemed to be invalid, the remaining provisions of this ordinance, or the application of such provisions to persons or circumstances, other than that which is deemed or held invalid shall not be affected thereby.

In City Council Meeting 13,1995.
Passed to be ordained as amended by a yeas and may vote: Yes 9, Absent 0.

Robert W. Healy, City Manager
ATTEST: D. Margaret Drury
City Clerk.

(C/Feb.16 #30210)
INVITATION FOR BIDS
INTERIOR PAINTING CORRIDORS AT LYNDON B. JOHNSON APARTMENTS

The Cambridge Housing Authority invites sealed bids for interior painting of corridors at Lyndon B. Johnson Apartments.

A 100% performance and payment bond may be required of the awarded contractor.

Bids will be subject to approval and award by the Cambridge Housing Authority.

Bids will be subject to H.U.D. forms 5369, 5369A, 5370. In addition, any ensuring contract which includes on-site labor will be subject to the appropriate prevailing Federal wage rates as detailed in the bidding documents.

Bids must be received at the office of the Cambridge Housing Authority, 270 Green Street, Cambridge, MA 02139 no later than 4:00 p.m. on March 3, 1995. At that time all bids will be publicly opened and read aloud.

(C/Feb.16 #30204)
INVITATION FOR BIDS
SUPPLY FOR IN-PLACE AUTOMATIC IRRIGATION SYSTEM AT PUTNAM GARDENS

The Cambridge Housing Authority invites sealed bids to supply and install automatic irrigation system at Putnam Gardens.

A 100% performance and payment bond will be required of the awarded contractor.

Specifications and documents will be available at the date and time set for the opening. There is no charge for the documents which will be mailed on request or may be picked up at the Cambridge Housing Authority, Purchasing Department, 270 Green Street, Cambridge, MA 02139, (617) 864-3020 Ext. 230.

Bids will be subject to approval and award by the Cambridge Housing Authority.

Bids will be subject to H.U.D. forms 5369, 5369A, 5370. In addition, any ensuring contract which includes on-site labor will be subject to the appropriate prevailing Federal wage rates as detailed in the bidding documents.

Bids must be received at the office of the Cambridge Housing Authority, 270 Green Street, Cambridge, MA 02139 no later than 4:00 p.m. on March 3, 1995. At that time all bids will be publicly opened and read aloud.

(C/Feb.16 #30190)
CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given that Duckworth & Newbury, Inc., doing business as Duckworth's Cafe, by Barbara Russell, Manager has applied for a commercial license to sell and dispense alcoholic beverages to the public.

Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the 10th day of February, 1995.

Donna M. Lambert
Register of Probate

(C/Feb.16 #30193)
Commonwealth of Massachusetts
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT

Probate of Will Without Sureties
Middlesex Division Docket No. 9502012B
Summons By Publication
Gloria C. Whitley, Plaintiff

Richard G. Whitley, Defendant
To the above named Defendant:

(C/Feb.16 #30193)
Commonwealth of Massachusetts
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT

bale thereto in said State of New Hampshire duly authenticated, by John Dwyer of Manchester, State of New Hampshire, praying that the copy of said will may be filed and recorded in the Registry of Probate in said County of Middlesex, and that he be appointed executor thereof without surety on his bond.

If you desire to object to the will or your attorney's fee, you must file a written appearance in said Court at Cambridge before 10 o'clock in the morning on the eighth day of March 1995, the return day of this cause.

Witness, Sheila E. McGovern, Esquire, First Justice of said Court, this ninth day of February 1995.

Donna M. Lambert
Register

(C/Feb.16 #30201)
Cambridge Historical Commission
Notice is hereby given that a public hearing will be held on Thursday, March 2, at 4:00 PM in the third floor conference room at the City Hall Annex, 57 Iron Street, 4C, and at the following matters under M.G.L. Ch. 40C, and Ch. 278 of the Code of the City of Cambridge, based, within 30 days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the sixth day of February in the year of our Lord one thousand nine hundred and ninety-five.

Donna M. Lambert
Register of Probate

(C/Feb.16 #30191)
Commonwealth of Massachusetts
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT

Middlesex Division Docket No. 95019191C
GUARDIANSHIP - MENTALLY ILL - WITH SURETIES

To Edward T. James of Cambridge in said County of Middlesex and heirs apparent or presumptive.

A petition has been presented in the above-captioned matter praying that said Edward T. James is a mentally ill person and praying that Lucy J. Ordooboff of Washington in the District of Columbia or some other suitable person be appointed guardian.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on March 7, 1995.

Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the sixth day of February, in the year of our Lord one thousand nine hundred and ninety-five.

Donna M. Lambert
Register of Probate Court

(C/Feb.16 #30153)
Commonwealth of Massachusetts
The Trial Court
Probate and Family Court Department

Middlesex Division Docket No. 423977
Notice of Hearing on the Petition of the Estate of Adams Sherman Hill of Cambridge, Middlesex County, Massachusetts.

You are hereby notified pursuant to Mass. R. Civ. P. Rule 7-2 that the 1st thru 8th accounts of John Gardner Coolidge and Charles Y. Wadsworth, Trustees as rendered by John Gardner Coolidge, the 1st thru 3rd accounts of John Gardner Coolidge and Charles Y. Wadsworth, Trustees, the 4th thru 6th accounts of John Gardner Coolidge and Samuel P. Newbury, Trustees, an original 7th thru 12th and final accounts of Samuel P. Newbury, Trustee, the 1st and final account of Samuel P. Newbury and Winifred L. Hill and churs have been presented to the court for allowance.

If you desire to preserve your right to file an objection to said accounts, you or your attorney must file a written appearance in said Court at Cambridge on or before the 6th day of March, 1995 the return day of this citation. You may appear in person or by an attorney duly qualified to file the affidavits or to the attorney for the fiduciaries, obtain without a copy of said accounts.

Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the 6th day of February, 1995.

Donna M. Lambert
Register of Probate

(C/Feb.16 #30184)
Commonwealth of Massachusetts
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT

Probate of Will Without Sureties
Middlesex Division Docket No. 95058AEP
Estate of Timothy P. Mannix
Filed on Dec. 19, 1994
late of Cambridge in the County of Middlesex

NOTICE
A petition has been presented in the above-captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that Theodore E. Darler of Newton in the State of New Hampshire be appointed executor without giving surety on his bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on March 7, 1995.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16 and it is further ordered that you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on March 7, 1995.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16 and it is further ordered that you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on March 7, 1995.

Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the sixth day of February in the year of our Lord one thousand nine hundred and ninety-five.

Donna M. Lambert
Register of Probate

(C/Feb.16 #30200)
Commonwealth of Massachusetts
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT

Probate of Will Without Sureties
Middlesex Division Docket No. 95P053EP
Estate of Catherine Kanouse
Filed on Jan. 25, 1995
late of Cambridge in the County of Middlesex

NOTICE
A petition has been presented in the above-captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that Andrew C. Deardoff of Newton in the State of New Hampshire be appointed executor without giving surety on his bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on March 7, 1995.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the sixth day of February in the year of our Lord one thousand nine hundred and ninety-five.

Donna M. Lambert
Register of Probate

(C/Feb.16 #30191)
Commonwealth of Massachusetts
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT

Middlesex Division Docket No. 95019191C
GUARDIANSHIP - MENTALLY ILL - WITH SURETIES

To Edward T. James of Cambridge in said County of Middlesex and heirs apparent or presumptive.

A petition has been presented in the above-captioned matter praying that said Edward T. James is a mentally ill person and praying that Lucy J. Ordooboff of Washington in the District of Columbia or some other suitable person be appointed guardian.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on March 7, 1995.

Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the sixth day of February, in the year of our Lord one thousand nine hundred and ninety-five.

Donna M. Lambert
Register of Probate Court

(C/Feb.16 #30153)
Commonwealth of Massachusetts
The Trial Court
Probate and Family Court Department

Middlesex Division Docket No. 423977
Notice of Hearing on the Petition of the Estate of Adams Sherman Hill of Cambridge, Middlesex County, Massachusetts.

You are hereby notified pursuant to Mass. R. Civ. P. Rule 7-2 that the 1st thru 8th accounts of John Gardner Coolidge and Charles Y. Wadsworth, Trustees as rendered by John Gardner Coolidge, the 1st thru 3rd accounts of John Gardner Coolidge and Charles Y. Wadsworth, Trustees, the 4th thru 6th accounts of John Gardner Coolidge and Samuel P. Newbury, Trustees, an original 7th thru 12th and final accounts of Samuel P. Newbury, Trustee, the 1st and final account of Samuel P. Newbury and Winifred L. Hill and churs have been presented to the court for allowance.

If you desire to preserve your right to file an objection to said accounts, you or your attorney must file a written appearance in said Court at Cambridge on or before the 6th day of March, 1995 the return day of this citation. You may appear in person or by an attorney duly qualified to file the affidavits or to the attorney for the fiduciaries, obtain without a copy of said accounts.

Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the 6th day of February, 1995.

Donna M. Lambert
Register of Probate

(C/Feb.16 #30184)
Commonwealth of Massachusetts
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT

Probate of Will Without Sureties
Middlesex Division Docket No. 95P057EP
Estate of Robert G. Hill
Filed on Dec. 28, 1994
late of Cambridge in the County of Middlesex

NOTICE
A petition has been presented in the above-captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that Bernard J. H. Anselmi in the Commonwealth of Virginia be appointed executor without giving surety on his bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on March 7, 1995.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16 and it is further ordered that you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on March 7, 1995.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16 and it is further ordered that you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on March 7, 1995.

Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the sixth day of February in the year of our Lord one thousand nine hundred and ninety-five.

Donna M. Lambert
Register of Probate

(C/Feb.16 #30154)
CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given under General Laws, Chapter 138, as amended that J.P.C. Inc., d/b/a The Boston Salt Lovers, James R. Tipping, manager, holder of an all alcoholic beverages as a restaurant located at One Monument Drive has applied for a change of corporate officers, directors and stockholders.

The hearing on this application will be held on Tuesday evening, February 28, 1995, at six

o'clock, Michael J. Lombardi Municipal Building, 2nd floor, 831 Massachusetts Avenue, Cambridge, Mass. 02139.

(C/Feb.16 #30159)
CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given that Moshe Katz d/b/a Falalei King is applying to amend his probate license to sell at 77 Massachusetts Avenue, located at 56 Massachusetts Avenue, Monday thru Friday, 11 a.m. - 4 p.m.

The hearing for this application will be held on Tuesday evening, February 28, 1995, at six o'clock, in the Michael J. Lombardi Municipal Building, 2nd floor, 831 Massachusetts Avenue, Cambridge.

(C/Feb.16 #30164)
CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given that Hermes Auto Body, Inc., Kostas Georgopoulos, President has applied for a Used Car Dealer license. Manager has applied for an increase in license at 123 Brookline Street.

The hearing on this application will be held on Tuesday evening, February 28, 1995, at six o'clock, in the Michael J. Lombardi Municipal Building, 2nd floor, 831 Massachusetts Avenue, Cambridge.

(C/Feb.16 #30163)
CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given under General Laws, Chapter 138 as amended that Ambience Cultural Group, Inc. d/b/a Chan's and Indo-Caribbean Cuisine, Chandra Manohar, manager has applied for an increase in capacity from 54 to 65.

This applicant has also applied for an entertainment license to include live musical instruments and/or live vocalists, with amplification and 2 TV's.

The hearing on this application will be held on Tuesday evening, February 28, 1995, at six o'clock, 831 Massachusetts Avenue, 2nd floor, Cambridge, Mass. 02139.

(C/Feb.16 #30162)
CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given under General Laws, Chapter 138 as amended that Crystal Lunch, Inc. d/b/a Can Tab & Filz N' Hugs Place, Paul Nugent, manager holder of an all alcoholic beverages as a restaurant, license, 2 p.m. closing at 738 Massachusetts Avenue has applied for a change of corporate officers.

The hearing on this application will be held on Tuesday evening, February 28, 1995, at six o'clock, in the Michael J. Lombardi Municipal Building, 2nd floor, 831 Massachusetts Avenue, Cambridge, Mass. 02139.

(C/Feb.16 #30161)
CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given under General Laws, Chapter 138 as amended that Ambience Cultural Group, Inc. d/b/a Chan's and Indo-Caribbean Cuisine, Chandra Manohar, manager has applied for an increase in capacity from 54 to 65.

This applicant has also applied for an entertainment license to include live musical instruments and/or live vocalists, with amplification and 2 TV's.

The hearing on this application will be held on Tuesday evening, February 28, 1995, at six o'clock, in the Michael J. Lombardi Municipal Building, 2nd floor, 831 Massachusetts Avenue, Cambridge, Mass. 02139.

(C/Feb.16 #30160)
CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given under General Laws, Chapter 138 as amended that Crystal Lunch, Inc. d/b/a Can Tab & Filz N' Hugs Place, Paul Nugent, manager holder of an all alcoholic beverages as a restaurant, license, 2 p.m. closing at 738 Massachusetts Avenue has applied for a change of corporate officers.

The hearing on this application will be held on Tuesday evening, February 28, 1995, at six o'clock, in the Michael J. Lombardi Municipal Building, 2nd floor, 831 Massachusetts Avenue, Cambridge, Mass. 02139.

(C/Feb.16 #30159)
CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given under General Laws, Chapter 138 as amended that Crystal Lunch, Inc. d/b/a Can Tab & Filz N' Hugs Place, Paul Nugent, manager holder of an all alcoholic beverages as a restaurant, license, 2 p.m. closing at 738 Massachusetts Avenue has applied for a change of corporate officers.

The hearing on this application will be held on Tuesday evening, February 28, 1995, at six o'clock, in the Michael J. Lombardi Municipal Building, 2nd floor, 831 Massachusetts Avenue, Cambridge, Mass. 02139.

(C/Feb.16 #30158)
CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given under General Laws, Chapter 138 as amended that Crystal Lunch, Inc. d/b/a Can Tab & Filz N' Hugs Place, Paul Nugent, manager holder of an all alcoholic beverages as a restaurant, license, 2 p.m. closing at 738 Massachusetts Avenue has applied for a change of corporate officers.

The hearing on this application will be held on Tuesday evening, February 28, 1995, at six o'clock, in the Michael J. Lombardi Municipal Building, 2nd floor, 831 Massachusetts Avenue, Cambridge, Mass. 02139.

(C/Feb.16 #30157)
CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given under General Laws, Chapter 138 as amended that Crystal Lunch, Inc. d/b/a Can Tab & Filz N' Hugs Place, Paul Nugent, manager holder of an all alcoholic beverages as a restaurant, license, 2 p.m. closing at 738 Massachusetts Avenue has applied for a change of corporate officers.

The hearing on this application will be held on Tuesday evening, February 28, 1995, at six o'clock, in the Michael J. Lombardi Municipal Building, 2nd floor, 831 Massachusetts Avenue, Cambridge, Mass. 02139.

(C/Feb.16 #30156)
CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

o'clock, Michael J. Lombardi Municipal Building, 2nd floor, 831 Massachusetts Avenue, Cambridge, Mass. 02139.

(C/Feb.16 #30155)
CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given that Moshe Katz d/b/a Falalei King is applying to amend his probate license to sell at 77 Massachusetts Avenue, located at 56 Massachusetts Avenue, Monday thru Friday, 11 a.m. - 4 p.m.

The hearing for this application will be held on Tuesday evening, February 28, 1995, at six o'clock, in the Michael J. Lombardi Municipal Building, 2nd floor, 831 Massachusetts Avenue, Cambridge.

(C/Feb.16 #30154)
CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given that Hermes Auto Body, Inc., Kostas Georgopoulos, President has applied for a Used Car Dealer license. Manager has applied for an increase in license at 123 Brookline Street.

The hearing on this application will be held on Tuesday evening, February 28, 1995, at six o'clock, in the Michael J. Lombardi Municipal Building, 2nd floor, 831 Massachusetts Avenue, Cambridge.

(C/Feb.16 #30153)
CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given under General Laws, Chapter 138 as amended that Ambience Cultural Group, Inc. d/b/a Chan's and Indo-Caribbean Cuisine, Chandra Manohar, manager has applied for an increase in capacity from 54 to 65.

This applicant has also applied for an entertainment license to include live musical instruments and/or live vocalists, with amplification and 2 TV's.

The hearing on this application will be held on Tuesday evening, February 28, 1995, at six o'clock, in the Michael J. Lombardi Municipal Building, 2nd floor, 831 Massachusetts Avenue, Cambridge, Mass. 02139.

(C/Feb.16 #30152)
CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given under General Laws, Chapter 138 as amended that Crystal Lunch, Inc. d/b/a Can Tab & Filz N' Hugs Place, Paul Nugent, manager holder of an all alcoholic beverages as a restaurant, license, 2 p.m. closing at 738 Massachusetts Avenue has applied for a change of corporate officers.

The hearing on this application will be held on Tuesday evening, February 28, 1995, at six o'clock, in the Michael J. Lombardi Municipal Building, 2nd floor, 831 Massachusetts Avenue, Cambridge, Mass. 02139.

(C/Feb.16 #30151)
CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given under General Laws, Chapter 138 as amended that Crystal Lunch, Inc. d/b/a Can Tab & Filz N' Hugs Place, Paul Nugent, manager holder of an all alcoholic beverages as a restaurant, license, 2 p.m. closing at 738 Massachusetts Avenue has applied for a change of corporate officers.

The hearing on this application will be held on Tuesday evening, February 28, 1995, at six o'clock, in the Michael J. Lombardi Municipal Building, 2nd floor, 831 Massachusetts Avenue, Cambridge, Mass. 02139.

(C/Feb.16 #30150)
CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given under General Laws, Chapter 138 as amended that Crystal Lunch, Inc. d/b/a Can Tab & Filz N' Hugs Place, Paul Nugent, manager holder of an all alcoholic beverages as a restaurant, license, 2 p.m. closing at 738 Massachusetts Avenue has applied for a change of corporate officers.

The hearing on this application will be held on Tuesday evening, February 28, 1995, at six o'clock, in the Michael J. Lombardi Municipal Building, 2nd floor, 831 Massachusetts Avenue, Cambridge, Mass. 02139.

(C/Feb.16 #30149)
CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given under General Laws, Chapter 138 as amended that Crystal Lunch, Inc. d/b/a Can Tab & Filz N' Hugs Place, Paul Nugent, manager holder of an all alcoholic beverages as a restaurant, license, 2 p.m. closing at 738 Massachusetts Avenue has applied for a change of corporate officers.

The hearing on this application will be held on Tuesday evening, February 28, 1995, at six o'clock, in the Michael J. Lombardi Municipal Building, 2nd floor, 831 Massachusetts Avenue, Cambridge, Mass. 02139.

(C/Feb.16 #30148)
CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given under General Laws, Chapter 138 as amended that Crystal Lunch, Inc. d/b/a Can Tab & Filz N' Hugs Place, Paul Nugent, manager holder of an all alcoholic beverages as a restaurant, license, 2 p.m. closing at 738 Massachusetts Avenue has applied for a change of corporate officers.

The hearing on this application will be held on Tuesday evening, February 28, 1995, at six o'clock, in the Michael J. Lombardi Municipal Building, 2nd floor, 831 Massachusetts Avenue, Cambridge, Mass. 02139.

(C/Feb.16 #30147)
CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given under General Laws, Chapter 138 as amended that Crystal Lunch, Inc. d/b/a Can Tab & Filz N' Hugs Place, Paul Nugent, manager holder of an all alcoholic beverages as a restaurant, license, 2 p.m. closing at 738 Massachusetts Avenue has applied for a change of corporate officers.

The hearing on this application will be held on Tuesday evening, February 28, 1995, at six o'clock, in the Michael J. Lombardi Municipal Building, 2nd floor, 831 Massachusetts Avenue, Cambridge, Mass. 02139.

(C/Feb.16 #30146)
CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Notice is hereby given under General Laws, Chapter 138 as amended that Crystal Lunch, Inc. d/b/a Can Tab & Filz N' Hugs Place, Paul Nugent, manager holder of an all alcoholic beverages as a restaurant, license, 2 p.m. closing at 738 Massachusetts Avenue has applied for a change of corporate officers.

BANTAMS YOUTH HOCKEY

The Bantams were trying to get back to their winning ways as they faced Amesbury in a well-played, hard-fought game on Sunday. In the end, Cambridge emerged victorious, 3-2.

The offensive line of Charlie Weed, Brian Conoran and Ben Damian broke out strong for the Bantams. However, it was Amesbury who would strike first.

But not to be outdone, Elder Lopes put one past the opposing goaltender. Weed had the help of assistant wing Nelson Andrade as they created the open man situation.

Also in the first period, Jason Rodrigues netted the second Cambridge goal by blasting one between the pipes with help from Damian, who picked up the assist.

Mark Arruda had several shots on net to keep the momentum going. In the second period, the line of Danny Marshall, Matt Stuart and Alex Moore took over, with Moore making the smart pass to set up Marshall just outside the crease. Marshall held the puck long enough to draw the goalie, then lifted it into the net.

Ryan Chaisson held Amesbury at bay with help from some excellent Cambridge defense. Rodrigues and Kris Coniceo were strong and steady at the blue line as usual. Teddy O'Brien also had his presence.

Amesbury closed within one with 32 seconds left to play as they pulled the goaltender for the extra man. But Cambridge, coached by Chip Gaysunas, held on for the win.



City of Cambridge

1.

IN CITY COUNCIL

October 31, 1994

COUNCILLOR SULLIVAN

ORDERED: That the attached amendment to the Municipal Code of Cambridge in Chapter 266 "The Cambridge Employment Plan" in Article II by adding Section 2.66.080 entitled "Contractor Qualifications and Sanctions" be referred to the Ordinance Committee for a hearing and report.

Gorn, Dunham, Kewes, Joomy

Consent Order #1

0-5

Councillor Sullivan re: "The Cambridge
Employment Plan."

2/13/95 - Passed to be
Ordained as amended
9-0-0

2/16/95 - Chronicle - Published

In City Council October 31, 1994

Order adopted

Referred to the

Ordinance Committee

for hearing & report

11/2/94 Copy sent to

Ordinance Committee