

Tompkins County Industrial Development Agency

Administration provided by Ithaca Area Economic Development

**Construction Labor Committee Meeting Agenda
September 6 ,2023
IAED Offices
119 E. Seneca Street, Suite 200
Ithaca NY**

LIVE STREAM LINK: <https://tinyurl.com/weo3tkk>

Committee Members: Rich John, Deborah Dawson, Anne Koreman, Todd Bruer, Nels Bohn (IURA)

1. Review existing policy and reporting requirements (attached)

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Local Labor Utilization Policy

Adopted: December 9, 2021

Updated: July 13, 2023

It is the goal of the Tompkins County Industrial Development Agency (TCIDA) to maximize the use of local labor. The Local Labor Policy (Policy) described herein applies to all general contractors, subcontractors, trade professionals, and their employees (collectively, the “workers”). The TCIDA encourages the use of workers enrolled in a New York State certified apprenticeship program. It also encourages the use of local suppliers whenever possible and can provide applicants with a vendor list upon request.

Project applicants who receive financial assistance from the TCIDA (e.g., sales tax exemption, mortgage recording tax exemption, real property tax abatement, or bond proceeds) are required to solicit bids from local contractors and use local workers for three-quarters (75%) of the cumulative construction of new, expanded, or renovated facilities. The local catchment area is defined as Tompkins County and the six contiguous counties of Cortland, Cayuga, Seneca, Schuyler, Chemung, and Tioga, as determined by zip code analysis*.

Applicants are required to comply with the following requirements:

1. **Notification** – Within five (5) business days of TCIDA approval, the applicant must submit a description of the project and the anticipated financial assistance via certified mail to the following agency:

Tompkins-Cortland Building and Construction Trades Council
Todd Bruer, President
134 Cecil A. Malone Drive
Ithaca, NY 14850
businessmanager@ibewlocal241.com
(607) 272-2809

2. **Proof of Local Bids** – The applicant will provide, as early as possible and in a format acceptable to the TCIDA, a bid list with the name, address, contact information, and detailed type of work for all of the companies it solicited, along with corresponding documentation that an invitation to bid was sent. If there are types of work for which no bid was solicited from a local company (i.e., no local companies provide that service), a written explanation must be attached.
3. **Construction Labor Reporting** – The applicant will provide monthly payroll reports for all workers on site during that month, certified by an authorized representative. The reporting form is provided by the TCIDA and must include the name of the worker and/or associated identification numbers, total hours, net wages, zip code of residence, and worker classification. Reports must be submitted within 60 days of the end of each month in which work was performed for the duration of construction.

**The IDA recognizes that some zip codes extend into other, non-contiguous counties but has determined this method to be an acceptable indicator of local labor utilization.*

Waiver

The TCIDA may on a case-by-case basis waive the local labor requirement for all or portions of a project. Warranty issues, documented lack of qualified local bids or available workers, documented need for specialized skills not available locally, or a cost differential of ten percent (10%) or more will receive an administrative review; other extenuating circumstances are subject to review and approval by the TCIDA board of directors.

To obtain a waiver, the applicant must submit to the TCIDA's Administrative Director a waiver request form (provided by the TCIDA), certified by an authorized representative and accompanied by an explanation for the request and evidence of the inability to satisfy the requirements of the Policy. Administrative reviews will be conducted within fifteen (15) days of receipt of a waiver request. For other extenuating circumstances, the TCIDA board of directors will issue a determination within thirty (30) days of receipt of a waiver request; failure to act within either period is equivalent to an automatic waiver. If a waiver request is denied during administrative review, the applicant may appeal to the TCIDA board of directors. All determinations issued by the TCIDA board of directors are final.

The TCIDA Administrative Director will provide a monthly report of all recent waiver requests at each regular meeting of the TCIDA.

Exemptions

Affordable housing, defined as those projects where at least seventy-five percent (75%) of units are made available to households earning eighty percent (80%) or less of area median income and are subject to a regulatory compliance agreement by a local, state, or federal agency for a period of at least twenty (20) years, are exempt from this Policy.

Default

If the applicant fails to comply with any of the requirements of the Policy the TCIDA, shall, at its discretion and in compliance with its Recapture Policy, have the authority to terminate and/or recapture all financial assistance provided to the project.

Prevailing Wage

The TCIDA is a public authority and as such, covered projects are subject to prevailing wage requirements contained in Section 200 and 220-b of the New York State Labor Law. Covered projects are defined as "construction work done under contract which is paid for in whole or in part out of public funds where the amount of all such public funds, when aggregated, is at least thirty percent (30%) of the total construction project costs and where project costs are over \$5 million."

Acknowledgment

By accepting financial assistance from the TCIDA, the applicant acknowledges the Policy outlined above and agrees to comply with the requirements included herein.

Contact Information

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The TCIDA will review the Policy annually and revise as needed.