

FIRST SOURCE JOBS PROGRAM

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Sec. _____. - Title.

This purchasing and contract program shall be known as the first source program.

Sec. _____. - Purpose and intent.

The purpose of this purchasing and contract program is to create the first source program, which requires beneficiaries and contractors of eligible projects to use the first source job register to fill jobs created as a direct result of public funding.

Sec. _____. - Definitions.

The following words, terms and phrases, when used in this purchasing and contract program, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agreement means any type of agreement with the City, including purchase orders, regardless of what they may be called, for the procurement or disposal of supplies, services, construction, or professional or consultant services.

Beneficiary means the immediate recipient of grants or community development block funds administered by the City. The term shall only apply to those entities benefiting from funds in the amount of fifty thousand dollars (\$50,000.00) or more, where permissible under the terms of the grants or community development block funds.

Contractor means an individual or entity entering into any type of agreement with the City, funded in whole or part with City funds, which specifies the contractor is to receive fifty thousand dollars (\$50,000.00) or more.

Eligible project means any project funded in whole or in part with City funds.

First source job listing means the listing of all available jobs that have been created by eligible projects.

First source register means the database of employable City residents.

Good faith effort means the efforts undertaken by a beneficiary or contractor to fill jobs created by an eligible project with individuals from the first source register.

Sec. _____. - Duties of purchasing and contracting department.

In administering the first source program, the director of purchasing and contracting or designee shall

have the power to:

- (a) Notify any contractor or beneficiary in writing, including specific reasons, who has not complied with this purchasing and contract program;
- (b) Provide any contractor or beneficiary who has not complied with this purchasing and contract program with a reasonable time to cure;
- (c) Determine whether noncompliance amounts to a breach of contract;
- (d) Provide written determinations of noncompliance to the appropriate officials, stating the specific nature of noncompliance; and
- (e) Incorporate a provision regarding this purchasing and contract program into every agreement.

Sec. _____. - Duties of Purchasing Department.

In administering the first source program, the purchasing director or designee shall do the following:

- (a) Manage the first source program;
- (b) Create written operating procedures to effectuate the provisions of this purchasing and contract program;
- (c) Compile and maintain a database of citizens of the City that will serve as the first source register;
- (d) Create and provide all necessary forms, applications, documents and papers necessary to comply with this purchasing and contract program;
- (e) Create a methodology to determine what jobs will be created by an eligible project;
- (f) Compile and maintain a listing of available jobs created by eligible projects that will serve as the first source job listing;
- (g) Notify the director of purchasing and contracting or designee of any contractor or beneficiary who has not complied with the requirements of this purchasing and contract program; and
- (h) Annually review and report to the mayor or designee to determine the need for this purchasing and contract program's continued implementation.

Sec. _____. - First source requirements.

- (a) The City shall require every beneficiary or contractor for every eligible project to do the following:
 - (1) Advertise each job created by an eligible project on the first source job listing;
 - (2) Make a good faith effort to fill fifty (50) percent of the jobs created by the eligible project with individuals from the first source register within one hundred twenty (120) days of executing any agreement with the City;
 - (3) Agree that each beneficiary and contractor who does not make a good faith effort to reach the fifty (50) percent goal set forth in this purchasing and contract program may be deemed ineligible to

qualify for any future project;

(4) Allow open inspection of payroll records; and

(5) Agree to work with the Purchasing Department to comply with the spirit of this purchasing and contract program.

(b) All solicitations and agreements from eligible projects shall include a provision referencing the requirements of this purchasing and contract program.

(c) Each contractor and beneficiary working under an eligible project shall ensure that the first source program will be binding upon each subcontractor, sub-lessee or other ultimate recipient of the City funds.

Sec. _____. - Disclaimer.

By enacting this purchasing and contract program the City is assuming an undertaking only to promote the general welfare of its citizens. By this enactment, the City, its officers, agents, or its employees are not to be considered joint employers with a contractor or beneficiary. The City, its officers, agents and employees shall not be liable to any person, including but not limited to contractors, beneficiaries, and persons whose names appear on the First Source job register, who claim that the enactment, enforcement or violation of this purchasing and contract program caused injury or loss of any kind. This purchasing and contract program is not intended to and does not require a contractor or beneficiary to hire a particular individual who does not satisfy the minimum qualifications or other requirements of the job as set forth by the beneficiary or the contractor. This purchasing and contract program does not give the City, its officers, agents, or employees any right to control or determine any of the terms or conditions of employment of a First Source register candidate hired by a beneficiary or contractor.