

SLR 18. Incentive Program for Public Works Contracts

Section 1 Incentive Program

The City of Rochester will provide an incentive program for hiring City residents residing in certain City zip codes for public works contracts for which the final contract price is for an amount of \$50,000 or more.

The City of Rochester will provide a monetary incentive equal to twenty percent (20%) of gross payroll paid to qualified City residents directly employed by the prime contractor or City approved first-tier subcontractor(s) on this project. A qualified City resident is a person residing in the City in the following zip codes at the time they were employed on this contract: 14604, 14605, 14606, 14608, 14609, 14611, 14613, 14614, and 14621. A listing of City property addresses in the above listed zip codes is available for review at the office of the Purchasing Agent, 30 Church Street, Room 105-A, Rochester, NY, 14614. Employees who live in these zip codes outside the City boundaries do not qualify.

The prime contractor and any first tier subcontractor(s) approved by the City may apply for the incentive program payments. All contract work must have been completed and paid by the City prior to a contractor applying for the incentive program payment.

In order to qualify for the incentive program payment for this project, the contractor must prove that ten percent (10%) or more of the contractor's total gross payroll was paid to qualified City residents.

Section 2 Definitions

Employee – an individual who works for the contractor and for whom wages and benefits reported on a W-2 are paid for work on the specific project for which the incentive program payment is requested.

Residence - the term residence shall be deemed to mean that place where a person maintains a fixed, permanent and principal home and to which that person, wherever temporarily located, always intends to return. To qualify, the residence must be a City of Rochester address.

Resident - the individual residing at the residence.

Qualified City resident - an individual residing at the residence as heretofore defined in City zip codes 14604, 14605, 14606, 14608, 14609, 14611, 14613, 14614, and 14621. In order to be qualified, the individual must reside at the residence during the entire term of the contract for which they were employed.

Contractor - the individual, partnership, corporation or joint venture undertaking the execution of the work with the City under the terms of the Contract Documents, and acting directly or through their or its agents or employees. The term Contractor shall mean a Contractor which directly employs labor under a public works contract and includes City approved first-tier Subcontractors.

Total Gross Payroll - the total payroll dollars paid to Contractor's employees working on the project for which the incentive program payment is requested. Only employees of that

Contractor or Subcontractor shall be included for purposes of calculating the incentive program payment to the Contractor or Subcontractor.

City Residents Total Gross Payroll - the total payroll dollars paid to City residents residing in prescribed zip codes for work performed on the project for which an incentive program payment is requested. This amount would be reported in box 5 on the W-2.

Section 3 Documentation Required

To request an incentive program payment the Contractor must submit a request letter and Exhibits A and B as required to the City Director of Finance, 30 Church Street, Room 109-A, Rochester, NY, 14614. The request must be submitted no later than ninety (90) days after the Contractor obtains a certificate of substantial completion and final payment. Proof of wages paid to all employees and wages paid to City residents shall be in the format as per Exhibit A. Each qualified City resident employee must also sign a notarized attestation as per Exhibit B which certifies that the address represented is the permanent and principal place of residency, and that the employee resided at that address during the term of the contract for which the incentive program payment is requested. Any false information provided may lead to the Contractor being found a non-responsible Bidder on subsequent City bids.

The Contractor shall retain payroll data and make available such records, for random audit by the City, for a period of three (3) years.

Prime or first-tier subcontractors on city public works projects may apply for the incentive program payment within ninety (90) days after the City has issued the check for the final payment application to the prime contractor at the close-out of the project. Contractors on qualifying city term contracts must apply for the incentive program payment within ninety (90) days of the end of the contract period. The initial contract and each contract extension (if offered) will be considered a contract period for determining the incentive program payment amount for term contracts. The incentive program request will be paid upon submission, review, and approval of information required per this Section 3. Review by the City will include, but not be limited to, confirmation that employees submitted on the contractor's Exhibit A match the certified payrolls submitted during the contract. The City will issue payment directly to the Contractor and/or Subcontractor(s) upon approval of an incentive program request.