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**OFFICE OF THE MAYOR**

**EXECUTIVE ORDER NO. 89**

**JULY 21, 1977**

**INFORMATION REGARDING APPRENTICESHIP PROGRAMS AND HEALTH, WELFARE AND PENSION PLANS TO BE SUBMITTED WITH EACH BID ON NEW YORK CITY CONSTRUCTION CONTRACTS**

Whereas, The payment to employees of prevailing wages and benefits pursuant to Section 220 of the Labor Law by contractors engaged in public works has been a subject of serious concern to the City; and

Whereas, In order to protect the public interest and the welfare of the employees in the payment of prevailing wages and benefits, it is desirable and necessary to provide safeguard and adopt certain procedures to insure compliance with the provisions of Section 220.

Now, therefore, by the power vested in me as the Mayor of The City of New York, it is hereby ordered as follows:

Section 1. Every construction contract, including those involving alterations, repairs, or rehabilitation, to which any mayoral or non-mayoral agency is a part, or the payment of which will be made in whole or in part from City funds, shall require that the following information be submitted with every bid thereon which shall be made a part of the bid documents for all such contracts and sworn to by the bidder:

- a. Information regarding the bidder's past utilization of apprentices on New York City contracts.
- b. The bidder's intention to utilize apprentices on the contract for which the bid is submitted.
- c. Information regarding the bidder's health and welfare program.
- d. Information regarding the bidder's pension plan.

§ 2. If the low bidder indicates that he was a non-participant in an approved apprenticeship program and either used apprentices on prior New York City contracts or intends to use apprentices on this contract, the agency head shall convene a Board of Responsibility to determine whether the contract should be awarded to that low bidder.

§ 3. If the low bidder indicates that he does not provide a participating health and welfare program or a registered pension plan, the agency head may not award the contract to that low bidder. However, if the low bidder indicates that he is a self-insured provider of such a program or plan, the agency head shall convene a Board of Responsibility to determine whether the contract should be awarded to that low bidder.

§ 4. The Board of Responsibility is to consist of the agency head, Comptroller and Corporation Counsel or their duly designated representatives.

§ 5. This Executive Order shall take effect immediately.

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ABRAHAM D. BEAME, Mayor.