

Date: 2-26-02Submitted by: Chairman of the Assembly at the  
Request of the Mayor

Prepared by: Department of Law

For reading: February 26, 2002

## ANCHORAGE, ALASKA

AR NO. 2002- 71

1 A RESOLUTION OF THE MUNICIPALITY OF ANCHORAGE SUPPORTING AND  
2 APPROVING THE USE OF A PROJECT LABOR AGREEMENT IN THE CONSTRUCTION OF  
3 THE PROPOSED NEW EGAN CIVIC AND CONVENTION CENTER.  
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5  
6 WHEREAS, it has been proposed that the Municipality of Anchorage construct a new Egan Civic  
7 and Convention Center; and  
8

9 WHEREAS, the Municipality of Anchorage finds that project labor agreements for major public and  
10 private construction projects have proven to be of economic benefit to their owners, including state  
11 and local governments; that project labor agreement facilitate the timely and efficient completion  
12 of major construction projects; and that project labor agreements allow for the negotiation of any  
13 specialized terms and conditions unique to the projects and provide the owner with a legally  
14 enforceable means of assuring labor stability over the life of the projects; and  
15

16 WHEREAS, the Municipality of Anchorage further finds that using project labor agreements may  
17 result in cost saving and economic benefits to the Municipality, because project labor agreements  
18 provide for a secure source of qualified workers with experience and training such that cost savings  
19 are achieved, and provide assurance of timely completion and protection against the adverse  
20 economic and non-economic effects of delay through the utilization of binding provisions that  
21 protect against labor stoppages; and  
22

23 WHEREAS, the use of project labor agreements for major public construction projects, particularly  
24 those projects which extend over a period of time, involve a substantial number of contractors and  
25 subcontractors and/or require a substantial number of experienced, skilled trades and craft workers  
26 and projects with a substantial dollar value are in the overall best interests of the Municipality of  
27 Anchorage; and  
28

29 WHEREAS, the development of a project labor agreement for the construction of the proposed new  
30 Egan Civic and Convention Center is in the best interest of the Municipality of Anchorage and the  
31 public, in order to meet construction time schedules for the project; ensure that the project will be  
32 completed with qualified Alaskan workers; ensure that the project will meet the highest standards  
33 of safety and quality; ensure that there are peaceful, orderly and mutually binding procedures for  
34 resolving labor issues; avoid labor disputes or conflicts; and promote the overall stability of the  
35 project, without strikes, lockouts, or slowdowns, all of which allow the Municipality of Anchorage  
36 to more accurately predict and reduce the cost of the project; and  
37

38 WHEREAS, a project labor agreement for a new Egan Civil and Convention Center, providing for  
39 uniform work rules and conditions for all trades, regardless of craft, flexibility in scheduling shift

work and starting and ending hours, a guarantee of no strikes during the duration of the project, and other provisions advantageous to the Municipality, make it in the Municipality's economic and as the owner to support a project labor agreement; and

WHEREAS, based on the findings of fact as set forth above, the use of a project labor agreement in connection with the proposed new Egan Civic and Convention Center is consistent with the intent and purpose of the Anchorage Municipal Purchasing Code, in that it preserves and maximizes the ability of interested contractors to compete for the contract while maximizing the economic and non-economic benefits to the Municipality of Anchorage; and

WHEREAS, as appropriate project labor agreement for the proposed new Egan Civic and Convention center would be one that will allow up to fifteen percent of the work on the project to be non-union labor because union contractors, subcontractors and labor may not be available for all aspects of this large project; and

WHEREAS, the use of project labor agreements in public construction projects has been approved by the United States Supreme Court in *Building and Construction Trades Council v. Associated Builders and Contractors of Massachusetts/Rhode Island, Inc.*, 507 U.S. 218 (1993) and the Alaska Supreme Court in *Laborers Local #942 v. Lampkin*, 956 P.2d 422 (Alaska 1998).

#### THE ANCHORAGE ASSEMBLY RESOLVES

**Section 1.** The Anchorage Assembly supports and approves the use of a project labor agreement in constructing a new Egan Civic and Convention Center, which project labor agreement must be signed by the Egan Civic and Convention Center contractor. The project labor agreement shall require:

A. That the project labor agreement be signed and incorporated into the contracts of all subcontractors, and thereby bind the same, except as otherwise provided herein; and

B. That all contractors and subcontractors subject to the project labor agreement shall hire through local union hiring halls, with the proviso that all applicants shall be considered without regarding to their union status; and


C. That there shall be no strikes, slowdowns, picketing or lockouts during the duration of the project; and

D. That, in order to provide the contractor flexibility, up to fifteen percent (15%) of the subcontractors, by contract percentage value of the project, may be exempt from the requirements of the project labor agreement.

**Section 2.** The bid specifications for the proposed new Egan Civic and Convention Center project shall require all bidders to submit a complete project labor agreement meeting the requirements of this resolution.

**Section 3.** This resolution shall become effective immediately upon its passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 26<sup>th</sup> day of February, 2001.



Chair of the Assembly

ATTEST:



Municipal Clerk



# MUNICIPALITY OF ANCHORAGE

## ASSEMBLY MEMORANDUM

AM 217-2002

Meeting Date: February 26, 2002

**FROM:** Mayor

**SUBJECT:** A Resolution of the Municipality of Anchorage Supporting and Approving the Use of a Project Labor Agreement in the Construction of the Proposed Anchorage Convention Center.

The Municipality is proposing a project labor agreement to facilitate the construction of the proposed new Egan Civic and Convention Center in Anchorage. Project labor agreements have proven to benefit state and local governments, particularly in large construction projects. Project labor agreements facilitate the timely and efficient completion of major construction projects. They insure that the construction process is not affected by labor unrest or work stoppages by spelling out procedures for resolving labor issues and conflicts, thereby promoting overall labor stability during the project.

When used in conjunction with a competitive bidding process, a project labor agreement is consistent with the intent and purpose of the Anchorage Municipal Purchasing Code, in that it preserves and maximizes the ability of interested contractors to compete for the contract while maximizing the economic and non-economic benefits to the Municipality of Anchorage.

The construction of the proposed new Egan Civic and Convention Center will extend over a long period of time and will involve a substantial number of contractors and subcontractors. It will require a large number of skilled trades and craft workers. Union contractors and subcontractors may not be available to perform all of the work on the new Egan Civil and Convention Center. Therefore, it would be appropriate for a project labor agreement for this project to allow up to 15% of the work to be performed by non-union contractors and subcontractors.

For these reasons, the Administration supports a project labor agreement for the proposed new Egan Civic and Convention Center.

Concurrence

Harry J. Kieling, Jr.  
Municipal Manager

Respectfully submitted

George P. Wuerch  
Mayor

Prepared by

William A. Greene

Municipality of Anchorage  
MUNICIPAL CLERK'S OFFICE  
**Agenda Document Control Sheet**

*AK 2002-71*

(SEE REVERSE SIDE FOR FURTHER INFORMATION)

<b>1</b>	<b>SUBJECT OF AGENDA DOCUMENT</b> A resolution of the Municipality of Anchorage Supporting and Approving the Use of a Project Labor Agreement in the Construction of the Proposed New Egan Civic and Convention Center	<b>DATE PREPARED</b> 2/21/02
		Indicate Documents Attached <input type="checkbox"/> AO <input checked="" type="checkbox"/> AR <input checked="" type="checkbox"/> AM <input type="checkbox"/> AIM
<b>2</b>	<b>DEPARTMENT NAME</b> Law/Civil	<b>DIRECTOR'S NAME</b> William A. Greene
<b>3</b>	<b>THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY</b> William A. Greene	<b>HIS/HER PHONE NUMBER</b> 343-4545
<b>4</b>	<b>COORDINATED WITH AND REVIEWED BY</b>	<b>INITIALS</b> <b>DATE</b>
X	Mayor/Municipal Manager	<i>[Signature]</i> 2/25
	Municipal Clerk	
X	Municipal Attorney	<i>[Signature]</i>
	Cultural & Recreational Services	
	Employee Relations	
	Finance, Chief Fiscal Officer	
	Fire	
	Health & Human Services	
	Heritage Land Bank	
	Management Information Services	
	Merrill Field Airport	
	Municipal Light & Power	
	Office of Management and Budget	
	Police	
	Port of Anchorage	
	Property & Facility Management	
	Purchasing	
	Solid Waste Services	
	Transit	
	Water & Wastewater Utility	
	Community Service and Development	
	Community Planning & Development	
	Customer Service	
	Project Management	
	Other	
<b>5</b>	<b>Special Instructions/Comments</b>	
	<div style="position: relative;"> <div style="position: absolute; top: 0; right: 0; text-align: right;"> M.O.A. 2002 FEB 22 PM 2:01 CLERK'S OFFICE           </div> <div style="position: absolute; bottom: 0; left: 0;"> <i>Addendum</i>   <i>G.B. T. Acru</i> </div> </div>	
<b>6</b>	<b>ASSEMBLY HEARING DATE REQUESTED</b> <i>2/26/02</i>	<b>7</b>
		<b>PUBLIC HEARING DATE REQUESTED</b>