

WHEREAS, the City of Austin, d/b/a Austin Energy (Austin Energy) is a municipally owned utility, and the City Council, through Austin Energy and the Resource Plan Working Group, developed the Austin Energy Resource Generation and Climate Protection Plan to 2030, with a carbon reduction goal in which 86% of Austin Energy's generation is carbon free by the end of 2025; 93% is carbon free by the end of 2030; and 100% of generation will be carbon free by 2035; and

WHEREAS, these PPAs are generally the result of third-party project developers' construction or expansion of facilities that produce renewable energy; and

WHEREAS, Austin Energy's mission is to safely deliver clean, affordable, reliable energy, and excellent customer service; and

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26 **WHEREAS**, the City Council has exclusive jurisdiction to manage and
27 operate the municipality's electric utility systems, including exercise of control
28 over resource acquisition and any related expansion programs; and

29 **WHEREAS**, the City Council has exclusive jurisdiction to establish and
30 enforce service quality and reliability standards and consumer safeguards designed
31 to protect retail electric customers, or other information or protections necessary to
32 ensure high-quality service to customers; and

33 **WHEREAS**, the City Council may determine any other utility matters that
34 the City Council believes should be included; and

35 **WHEREAS**, Community Workforce Agreements (“CWAs”) ensure
36 stability of labor force and overall stability throughout the duration of an
37 agreement resulting in construction activities, promote efficiency of construction
38 operations during the project through the use of skilled labor resulting in quality
39 construction outcomes, and provide for peaceful settlement of labor disputes and
40 grievances without strikes or lockouts, thereby assuring the timely and economical
41 completion of the project; and

42 **WHEREAS**, CWAs are a pre-hire agreement with one or more labor
43 organizations that establishes the terms and conditions of employment for a
44 specific construction project; and

45 **WHEREAS**, CWAs are protected activity under the National Labor
46 Relations Act; and

47 **WHEREAS**, training requirements ensure that the contracts are executed
48 under the highest safety standards, and that skilled personnel are working to solve
49 problems and provide highest quality service; and

50 **WHEREAS**, workers trained in apprenticeship programs provide safe,
51 quality work; and

52 **WHEREAS**, contracts providing competitive wages and benefits lead to
53 high-quality work at little to no additional cost to ratepayers; and

54 **WHEREAS**, targeting hire within the community ensures the development
55 of a skilled local workforce without the costs or potential delays associated with
56 skills gaps; and

57 **WHEREAS**, the City has previously required minimum Davis Bacon
58 prevailing wage rates, Occupational Safety and Health Administration (OSHA)
59 safety training, local hiring goals, and apprenticeship and craft training utilization
60 requirements; and

61 **WHEREAS**, Austin Energy, when purchasing energy, capacity, and
62 associated environmental attributes/ RECs, is acting as a market participant, and
63 may set the terms by which it purchases such products and services from
64 companies developing and operating these energy resources; and

65 **WHEREAS**, on February 4, 2022, an Executive Order made pre-hire
66 agreements mandatory on medium and large-scale federal construction projects;
67 **NOW, THEREFORE,**

68 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

69 The City Manager shall, within 60 days, prepare options for Council to
70 review and approve for the inclusion of a Community Workforce Agreement
71 (“CWA”) requirement in its Request for Proposals (“RFP”) when seeking to
72 procure energy, capacity and associated environmental attributes/ RECs under a
73 Power Purchase Agreement (“PPA”), applicable to any covered work related to
74 providing the contracted-for product or service (the “Project”).

75 **BE IT FURTHER RESOLVED:**

76 Covered work on the Project includes site preparation, surveying,
77 remediation, construction, alteration, retrofit, demolition, installation,
78 improvement, painting or repair of buildings, structures and other works, and
79 related activities for the Project, that is within the craft jurisdiction of one of the
80 unions on the Project, and is carried out in relation to providing energy, capacity,
81 and associated environmental attributes/RECs to Austin Energy under the PPA
82 (“covered work”).

83 **BE IT FURTHER RESOLVED:**

84 The CWA requirement in the RFP referenced above shall include the
85 following elements:

- 86 ● If awarded, the winning bidder must agree to enter into a CWA including
87 provisions establishing wages, benefits, and other compensation for
88 employees performing any future covered work on the Project;
- 89 ● The CWA must contain provisions that:

90 (1) Bind all contractors and subcontractors on the project to the CWA
91 through the inclusion of appropriate specifications in all relevant solicitation
92 provisions and contract documents;

93 (2) Allow all contractors and subcontractors to compete for contracts and
94 subcontracts on the assisted project without regard to whether they are otherwise
95 parties to collective bargaining agreements;

96 (3) Establish uniform terms and conditions of employment for all
97 construction craft workers employed on the assisted Project;

98 (4) Contain guarantees against strikes, lockouts and similar job disruptions;
99 and

100 (5) Set forth effective, prompt and mutually binding procedures for
101 resolving labor disputes arising during the term of the CWA.

- 102 ● A requirement that the successful bidder ensures that construction
103 employees on the project receive the OSHA 10-hour training, and
104 supervisors receive the OSHA 30-hour training; and that all
105 contractors and subcontractors supply their OSHA 300 logs for the
106 past three years;
- 107 ● A requirement that bidders demonstrate how they will ensure safe and
108 timely completion of the job using skilled labor, including what, if
109 any, Department of Labor (DOL) registered apprenticeship or other
110 DOL-approved training programs they participate in, the number and
111 ratios of apprentices in each trade, and the programs through which
112 they are trained;
- 113 ● A requirement that bidders describe what wages and benefits will be
114 provided on the project to ensure the recruitment and retention of
115 highly qualified, skilled employees; and
- 116 ● A requirement that bidders describe their efforts to hire workers from
117 historically marginalized groups, including goals for recruiting and
118 promoting women, People of Color, justice-involved individuals,
119 veterans, and residents of high poverty zip codes.

120 **BE IT FURTHER RESOLVED:**

121 The CWA requirements of this Resolution shall apply to the
122 owner/developer, prime contractor, general contractor, construction manager,

123 project manager, and all contractors and subcontractors at all tiers who become
124 signatory by executing an Agreement to Be Bound, and upon the Texas Building &
125 Construction Trades Council and all unions that become signatory thereto.

126 **BE IT FURTHER RESOLVED:**

127 The winning bidder shall include the CWA in all invitations to bid or
128 solicitations for proposals from the Owner/Developer, Prime Employer, and
129 Contractors/Employers for work on the project, and shall be included as a
130 condition of all Construction Contracts on the project.

131 **BE IT FURTHER RESOLVED:**

132 The City Manager shall make reasonable efforts to ensure this language is
133 incorporated into appropriate procurement documents prior to any scheduled
134 publication dates in 2022 and any such future procurements.

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137 **ADOPTED:** _____, 2022 **ATTEST:** _____
138 Myrna Rios
139 City Clerk
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