

Quincy, MA

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[Chapter 15.26 RESPONSIBLE EMPLOYER POLICY](#)

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**Section 15.26.010 Compliance of bidders and all subcontractors required--Agreement in writing condition for bidding--Requirements of responsible employer.**

All bidders and all subcontractors under the bidders for projects subject to M.G.L.A. Ch. 149, Sec. 44A(2) and M.G.L. Ch. 30, Sec. 39M shall as a condition for bidding, agree in writing that they shall comply with the following:

A. The bidder and all subcontractors under the bidder shall comply with the Quincy responsible employer policy as it currently exists and as it may, from time to time, be amended.

B. The bidder and all subcontractors under the bidder shall comply with provisions of M.G.L.A. Ch. 149 and shall pay the appropriate lawful prevailing wage rates to their employees.

C. The bidder and all subcontractors under the bidder shall maintain or participate in a bona fide apprentice training program as defined by M.G.L.A. Ch. 23, Sec. 11H and 11I for each apprenticeable trade or occupation represented in their workforce that is approved by the Division of Apprentice Training of the Department of Labor and Industries and shall abide by the apprentice to journeymen ratio for each trade prescribed therein in the performance of the contract.

D. In a manner that is consistent with applicable law and regulations, any bidder and all subcontractors under the bidder awarded a contract subject to this ordinance, shall recruit workers who are residents of the city of Quincy for each apprenticeable trade or occupation represented in their workforce that is approved by the Division of Apprentice Training of the Department of Labor and Industries, and shall hire qualified residents of the city of Quincy in filling the apprentice to journeymen ratio for each trade prescribed therein in the performance of the contract.

E. The bidder and all subcontractors under the bidder shall furnish, at their own expense, hospitalization and medical benefits at least equivalent to the hospitalization and medical benefits provided by the health and welfare plans in the applicable craft recognized by M.G.L.A. Ch. 149, Sec. 26 in establishing minimum wage rates for all their employees employed on the project.

F. The bidder and all subcontractors under the bidder shall maintain appropriate industrial accident insurance coverage for all the employees employed on the project in accordance with M.G.L.A. Ch. 152.

G. The bidder and all subcontractors under the bidder shall properly classify employees as employees rather than independent contractors and shall treat said employees accordingly for purposes of workers' compensation insurance coverage, employment taxes, social security taxes and income tax withholding pursuant to M.G.L.A. Ch. 149, Sec. 148B.

1. The bidder and all subcontractors under the bidder must obtain a bona fide pension plan for all their employees employed on the project.

H. All bidders and all subcontractors under the bidders who are awarded contracts or who otherwise obtain contracts on projects subject to M.G.L.A. Ch. 149, Sec. 44A(2) shall comply with the provisions of the within ordinance and the city of Quincy responsible employer policy for the duration of their work on the project, and an officer of each such

bidder or subcontractor under the bidder shall certify under oath and in writing on a weekly basis that they are in compliance with said ordinance and/or policy.

I. Any bidder or subcontractor under the bidder who fails to comply with any of the obligations set forth in the within ordinance and/or the city of Quincy responsible employer policy shall, by vote of the city council, be subject to one or more of the following: (A) cessation of work on the project until compliance is obtained; (B) withholding of payment due under any contract or subcontract until compliance is obtained; (C) permanent removal from any further work on the project; and (D) liquidated damages payable to the city of Quincy in the amount of five percent of the dollar value of the contract.

J. In addition to the sanctions outlined in subsection I above, a general bidder or contractor shall be equally liable for the violations of its subcontractor with the exception of violations arising from work performed pursuant to subcontracts that are subject to M.G.L.A. Ch. 149, Sec. 44F. Any contractor or subcontractor who has been determined to have violated any of the obligations set forth in this ordinance shall be barred from performing any work on any future projects for six months for a first violation, for three years for a second violation, and permanently for a third violation.  
(Ord. 2001-192; Ord. 2001-181; Ord. 2000-078 (part))