



April 27, 2022

ADDENDUM #4

**RE: Safe Havens Open-Ended RFP
EPIN: 07121P0125**

Pursuant to Section 3-03 of the Procurement Policy Board (PPB) Rules, the Department of Homeless Services is issuing Addendum #4 to the Safe Havens Open-Ended RFP, EPIN 07121P0125.

I. Revision to the RFx

I. Revision to the RFx
EPIN: 07121P0125

Please be advised that the subject Request for Proposals is revised as described below. All new language is **bolded and underlined**. Language that is crossed out is being deleted from the Request for Proposals.

- The RFx has been revised to add the following documents:

Labor Peace Agreement Certification (April 2022 Version)
Local Law 87 of 2021 FAQs Regarding Effective Date
Local Law 87 of 2021 FAQs Regarding Implementation

The attached Labor Peace Agreement Certification (April 2022 Version) replaces the Labor Peace Agreement Certification issued November 18, 2021.



THE CITY OF NEW YORK

Local Law 87 of 2021 FAQs Regarding Implementation March 25, 2022

A. Overview

On February 4, 2022, the City of New York released a document providing answers to frequently asked questions (“FAQs”) related to Local Law 87 of 2021, codified in Administrative Code § 6-145, and the City’s contract terms implementing the local law. The February 4, 2022 FAQ document, which primarily related to the effective date of Local Law 87, remains in effect. This document constitutes a second FAQ that provides additional clarity regarding the mechanics of the Local Law. Throughout this FAQ document, references to what Local Law 87 requires also indicate what the City’s contract terms require. These contract terms are contained in the “LPA Rider.” As explained in greater detail below, the local law has provisions related to required certifications and required attestations:

Local Law 87 requires an applicable contractor working under a New York City human services contract to provide a certification regarding its legal compliance history prior to contract award or renewal, and update such certification annually during the term of the contract. The contractor is also required to certify that it will comply with the terms of the contract related to Local Law 87.

Local Law 87 also requires that an applicable contractor or subcontractor working under such contract provide an attestation regarding the class or classes of employees covered by this law. Such attestation shall, as applicable, state that:

- (1) The contractor/subcontractor has entered into Labor Peace Agreements (“LPAs”) with labor organizations;

- (2) The contractor/subcontractor has not received notice from a labor organization seeking to represent such employees; or
- (3) The contractor/subcontractor is engaging in LPA negotiations with labor organizations that have not yet concluded.

Local Law 87 requires that such attestation be provided 90 days after contract award or renewal, or 90 days after subcontractor approval, as applicable. The attestation process may be initiated again during the term of the contract or subcontract where a labor organization notifies the contractor or subcontractor, as applicable, that such labor organization seeks to represent such employees.

B. Applicability and Definitions

1. What subcontractors does Local Law 87 apply to?

Local Law 87 applies to a subcontractor, including but not limited to, a temporary services staffing or employment agency or other similar entity that, pursuant to an agreement with a City Service Contractor, performs services the principal purpose of which is the provision of human services pursuant to the City Service Contract. Local Law 87 applies only to first-level subcontractors; Local Law 87 does not apply to subcontractors of subcontractors. Local Law 87 does not apply to persons who enter into a contract with a City Service Contractor for which the principal purpose of the subcontract is to provide supplies, or administrative services, technical support services, or any other similar services to the City Service Contractor that do not directly relate to the performance of the human services to be rendered pursuant to such City Service Contract.

2. What is the definition of “administrative services” and “technical support services” mentioned in Question B.1 of this FAQ?

“Administrative services” and “technical support services” are services that support the operations of a City Service Contractor, such as human resources and information technology services, rather than directly addressing the needs of, or delivering services for, clients. As noted in question B.1, above, the requirements of Local Law 87 do not apply where a person enters into a contract with a City Service Contractor the principal purpose of which is to provide supplies, administrative services, technical support services, or any other similar services to the City Service Contractor that do not directly relate to the performance of the human services to be rendered pursuant to such City Service Contract.

3. What is a Labor Peace Agreement (LPA)?

An LPA refers to an agreement between an employer and a labor organization that represents or seeks to represent its employees, where such agreement requires that the employer, the labor organization, and the labor organization’s members agree to the uninterrupted delivery of services

provided for in a City Service Contract and agree to refrain from actions intended to or having the effect of interrupting such services. Collective bargaining agreements (“CBAs”) may also constitute LPAs for the purposes of Local Law 87, as further discussed in Questions C.8 and C.11 of the Certification and Attestation section of this FAQ.

LPAs may also include other terms agreed upon by the parties, such as terms relating to: (i) alternate procedures related to recognizing the labor organization for bargaining purposes, (ii) public statements, (iii) workplace access, (iv) the provision of employee contact information; and (v) a process for the productive resolution of disputes. These topics are illustrative and are not intended to specify or limit the terms that may be included in an LPA in order to achieve the goals of ensuring the uninterrupted delivery of services and avoidance of actions intended to or having the effect of interrupting such services.

4. What classes of employees are covered by Local Law 87?

The classes of employees covered by Local Law 87 are those employees of a City Service Contractor or City Service Subcontractor who directly render human services in performance of a City Service Contract. Therefore, an LPA that applies only to employees directly rendering human services in performance of a City Service Contract would constitute an LPA for the purpose of the attestation procedure.

Supervisory employees, volunteers, and individuals performing work as independent contractors are not covered under Local Law 87. Building service employees are also not covered by Local Law 87. Building service workers are workers who spend a majority of their work time performing work in connection with the care or maintenance of a building or property, and include but are not limited to, a watchperson, guard, doorperson, building cleaner, porter, handyperson, janitor, gardener, groundskeeper, stationary fireman, elevator operator and starter, or window cleaner.

C. Certification and Attestation

1. When do “award” or “renewal” occur for the purposes of determining when certifications and attestations are required under this law?

For the purposes of determining when certifications and attestations are required under Local Law 87, “award” or “renewal” occurs on the date that the contract or renewal has been signed by both the City Service Contractor and the contracting agency. Please note that this standard for determining “award” or “renewal” applies for Local Law 87 compliance purposes, when it has already been determined that Local Law 87 applies to the contract. This standard for determining “award” is not applicable for the purpose of determining which contract awards or renewals are

subject to Local Law 87. The topic of determining which contract awards or renewals are subject to Local Law 87 is discussed in the February 4, 2022 FAQ, mentioned above.

2. When does the certification need to be signed and submitted?

The certification must be signed before the contractor signs the contract or renewal and provided to the contracting agency as part of the contract when the signed contract or renewal is submitted to the contracting agency. The certification must be included in the contract or renewal and updated during the 30-day period following each anniversary of the effective date of the contract or renewal.

3. Do City Service Subcontractors need to sign certifications under Local Law 87?

No. While City Service Subcontractors are obligated to comply with the attestation procedure under Local Law 87, City Service Subcontractors are not required to sign certifications.

4. In the case of a retroactive or delayed contract, where a City Service Contract is signed after performance has begun, is the City Service Contractor responsible for the obligations associated with Local Law 87 compliance for the period prior to signature?

No. A City Service Contractor's or City Service Subcontractor's responsibilities relating to certifications and attestations, as applicable, are triggered by contract signature or subcontractor approval, as applicable.

For City Service Contracts, certification is required prior to award or renewal, and thereafter, on an annual basis during the 30-day period following each anniversary of the effective date of such City Service Contract, such certification must be updated. The certification requirement is not triggered by the beginning of contract performance.

For City Service Contracts and City Service Subcontracts, attestation requirements are triggered by contract award or renewal (i.e., the date of signature) or by subcontractor approval, as applicable. This obligation is not triggered by the beginning of contract performance. For City Service Contracts, attestation is required no later than 90 days after award or renewal, as applicable, and then each time a labor organization notifies the City Service Contractor in writing of an interest in their representation of covered workers. With respect to a City Service Subcontract, attestation is required no later than 90 days after the subcontractor approval date, and then upon a labor organization notifying the contractor in writing of the labor organization's interest in representing covered workers.

5. With respect to the certification, should a City Service Contractor include the business address or personal address of their Chief Executive Officer (“CEO”)?

The Certification requires the business address of the CEO. The personal address of the CEO is not required.

6. What must a City Service Contractor do to comply with Local Law 87’s requirement related to disclosure of violations of federal, state, or local laws regulating labor relations?

Except as otherwise provided in section seven below, a City Service Contractor must include all the information required under Admin. Code § 6-145(c) on each certification that it submits. Such information includes, but is not limited to, a record of any instances during the preceding five years in which (a) such City Service Contractor has been found by a court or government agency to have violated federal, state, or local laws or rules regulating labor relations; and (b) such finding results from a judicial action, administrative proceeding, or investigation of such City Service Contractor in regard to such laws or rules that was initiated by a government body.

For the purposes of Local Law 87 certifications, labor relation laws that trigger disclosure include Local Law 87 itself, laws that establish minimum workplace standards, laws that govern employers’ obligations regarding employee health and safety, labor laws that require the provision of information or notices to employees, the National Labor Relations Act, the Labor Management Relations Act, and any other laws that govern collective bargaining.

7. If a City Service Contractor has filed accurate and up-to-date PASSPort questionnaires, does that City Service Contractor need to submit a certification?

Even if a City Service Contractor has an accurate and up-to-date PASSPort questionnaire on file with the City, such City Service Contractor must still submit a certification pursuant to Admin. Code § 6-145(c). However, in lieu of disclosing its violation history, as required by Admin. Code § 6-145(c)(1)(c), such City Service Contractor may instead check the box on the certification form indicating that the City Service Contractor certifies that the City Service Contractor’s electronic PASSPort questionnaires and all supplemental information submitted pursuant to Admin. Code § 6-116.2 are accurate and up to date as of the date of the Local Law 87 certification, and contain all of the information required under Admin. Code § 6-145(c)(1)(c), as described in question six of this Certification and Attestation section, above.

Use of this PASSPort checkbox option does not relieve a City Service Contractor of the obligation of completing all other aspects of the certification not related to the disclosure of violation history pursuant to Admin. Code § 6-145(c)(1)(c).

8. How will a contractor know when a labor organization “seeks to represent” a group of workers for Local Law 87 purposes?

For the purposes of triggering Local Law 87’s requirements, a labor organization “seeks to represent” covered employees of a City Service Contractor performing one or more classes of labor under a City Service Contract when a duly authorized representative of the labor organization transmits a writing indicating an interest in entering into an LPA.

The writing must be sent to either: (i) the chief executive officer of the contractor; or (ii) the business address or e-mail address provided for in section 14.04 of Appendix A of the City Service Contract.

For City Service Subcontractors, notice must be provided to either (i) the chief executive officer of such City Service Subcontractor; or (ii) the business address or e-mail address set forth pursuant to the notice provisions of the City Service Subcontract.

Where such notice is provided to a City Service Subcontractor, the labor organization must also inform the corresponding City Service Contractor at one of the two addresses listed above.

Each notice must reference Local Law 87 and explicitly state that the labor organization seeks to represent covered employees of the City Service Contract or City Service Subcontractor, as applicable.

Where a labor organization seeks to represent covered employees after the 90-day post award or renewal period, the labor organization must also send a copy of such notice to the contracting agency, as well, at the business address or e-mail address provided for in section 14.04 of Appendix A of the City Service Contract.

For the purpose of Local Law 87’s attestation procedure, as further provided in question 11, below, a CBA may constitute an LPA with respect to the labor organization party to the CBA or the class of employees covered by such CBA. Therefore, a City Service Contractor or City Service Subcontractor with a “qualifying CBA,” as such term is defined in Question C.11, below, should sign the attestation that they have an LPA for that group of workers, treating the labor organization as having sought to represent those workers.

9. What are the timeframes in which a labor organization's efforts to represent the employees of a City Service Contractor or City Service Subcontractor trigger the attestation requirement?

With respect to a City Service Contractor, a labor organization may trigger the attestation procedure at any point after contract signature and before the conclusion of the contract.

With respect to a City Service Subcontractor, a labor organization may trigger the attestation procedure at any point after subcontractor approval and before the conclusion of the subcontract.

10. Does Local Law 87 require a covered employer that has executed an LPA with a labor organization to collectively bargain with that labor organization?

No, Local Law 87 does not affect whether or not a covered employer is legally obligated to bargain collectively with a labor organization. The execution of an LPA, on its own, does not require an employer to bargain collectively with the labor organization with which it has executed the LPA.

11. How is the attestation procedure different for City Service Contractors and Subcontractors that are already unionized?

An effective CBA will constitute an LPA for the purpose of the attestation procedure with respect to the class of employees covered by such CBA, if it contains provisions requiring the uninterrupted delivery of services to be rendered pursuant to the City Service Contract and prohibiting actions intended to or having the effect of interrupting such services ("qualifying CBA"). However, a CBA must still be recorded on an attestation form when a qualifying CBA is in place, pursuant to the procedure set forth in Local Law 87. Where a qualifying CBA is already in place for a class of covered employees, a City Service Contractor or City Service Subcontractor is not required to follow the attestation procedure upon receipt of notice from another labor organization seeking to represent the same class of employees covered by the CBA.

12. Is a City Service Contractor or City Service Subcontractor required to follow attestation procedure with multiple labor organizations seeking to represent the same covered employees?

Yes. A City Service Contractor or City Service Subcontractor is required to follow the attestation procedure with any labor organization seeking to represent covered employees working under the contract or subcontract. There is one notable exception to this requirement: where a qualifying CBA is already in place for a class of covered employees, a City Service Contractor or City

Service Subcontractor is not required to follow the attestation procedure upon receipt of notice from another labor organization seeking to represent a class of employees covered by the CBA.

13. What happens if a City Service Contractor or City Service Subcontractor attempts to comply with the obligations related to the submission of attestations but such efforts are not successful?

An agency will consider a City Service Contractor's or City Service Subcontractor's good faith efforts in evaluating whether a Contractor or Subcontractor has complied with the requirements of Local Law 87. An agency will not find the Contractor or Subcontractor to be in breach of contract or violation of Local Law 87 for a failure to submit a signed attestation if the agency determines that the Contractor or Subcontractor has demonstrated that the Contractor or Subcontractor attempted to present an accurate attestation to a labor organization in a timely manner and otherwise exercised good faith efforts in order to obtain a fully executed attestation, but nonetheless was unsuccessful.

In evaluating whether such City Service Contractor or City Service Subcontractor has exercised good faith efforts, the City shall consider the City Service Contractor's or City Service Subcontractor's efforts to obtain execution of an attestation by labor organizations that seek to represent the City Service Contractor's or City Service Subcontractor's covered employees, and all relevant facts and circumstances. For example, if a labor organization seeking to represent the covered employees of a City Service Contractor or City Service Subcontractor fails to respond to a Contractor or Subcontractor's good faith attempts to initiate negotiations toward an LPA in order to obtain the signature of the labor organization on an attestation, that Contractor or Subcontractor would not breach the attestation requirements of Local Law 87.

14. Are enforcement actions under Local Law 87 subject to the Contract Dispute Resolution Board procedures?

No. Enforcement procedures initiated by a contracting agency pursuant to Admin. Code § 6-145(f) are not subject to the procedures set forth under Procurement Policy Board Rule § 4-09. Any City Service Contractor or City Service Subcontractor affected by such order, determination, or other disposition may seek review of such order, determination or other disposition solely in the form of a challenge, filed within four months of the date of the contracting agency's order, determination, or other disposition, in a court of competent jurisdiction of the state of New York, county of New York, pursuant to article 78 of the civil practice law and rules.



THE CITY OF NEW YORK

Local Law 87 of 2021 FAQs Regarding Effective Date February 4, 2022

The City of New York issues this document to provide answers to frequently asked questions (FAQs) related to the effective date of Local Law 87 of 2021 and what contracts and renewals are subject to Local Law 87. The City will also be issuing at a later date a separate document containing FAQs regarding the City's contract terms implementing the local law. These contract terms are contained in the "LPA Rider."

1. What prime contracts do the requirements of Local Law 87 apply to?

The requirements of Local Law 87 apply to "City Service Contracts," which are non-emergency human services contracts (including discretionary awards) or renewals over \$100,000 that are signed by both parties on or after November 16, 2021; for which the contractor was not notified in writing of their selection for the award of such contract or renewal prior to November 16, 2021; and for which services did not begin (under either the award or renewal, as described in question three) prior to November 16, 2021. Contract amendments do not trigger the applicability of Local Law 87. Local Law 87 applies only to prime contract awards and renewals that meet the criteria above; however, with respect to contracts and renewals that are subject to the criteria above, any such services performed pursuant to contract amendment to such a contract will be subject to Local Law 87.

2. Does Local Law 87 apply to contracts for which the contractor was formally notified in writing prior to November 16, 2021 that they would receive a contract award?

No. Local Law 87 does not apply to a contract for which a contractor has been notified in writing prior to November 16, 2021 that such contractor will be receiving a contract. For example, contractors identified prior to November 16, 2021 in Schedule C to the New York City Annual Expense Budget to receive discretionary fund contracts are not subject to Local Law 87.

3. Does Local Law 87 apply to contracts for which services began prior to November 16, 2021, the effective date of Local Law 87?

No. Local Law 87 does not apply to contracts for which performance of the services under the contract began prior to November 16, 2021 or, in the case of a contract renewal, performance of the services covered by the renewal term began prior to November 16, 2021.

4. If my base contract was signed prior to November 16, 2021, the effective date of Local Law 87, and a renewal term scheduled to begin on or after November 16, 2021 is authorized under such contract, will my contract be renewed if I do not agree to include the terms of the LPA Rider in the renewal contract?

No. Even though the LPA Rider was not included in the base contract, the City may not proceed with the renewal unless the LPA Rider is included in the contract renewal.

5. If a contractor has signed a contract or contract renewal that contains an LPA Rider but Local Law 87 does not apply to the contract or contract renewal for one of the reasons discussed in the above FAQs (1-3), does the LPA Rider apply to the contract or contract renewal?

No. Under those circumstances, the City waives the terms set forth in the LPA Rider and such terms are deemed to be not a term or condition of the contract or contract renewal. Under such circumstances, the contractor is not required to take any further action pursuant to the terms of the LPA Rider. If the contractor believes that the LPA Rider has been included in its contract or renewal and that such contract or renewal should not be subject to the LPA Rider pursuant to the terms of these FAQs, and the contractor has not received notification from the City indicating that such terms have been waived, the contractor should request confirmation from the Agency whether the LPA Rider applies or has been waived.

RIDER TO CITY SERVICE CONTRACTS PURSUANT TO NYC ADMIN. CODE § 6-145 LABOR PEACE AGREEMENTS FOR HUMAN SERVICES CONTRACTS

Sec. 1 DEFINITIONS.

- A. **Building service employee.** The term “building service employee” means any person, the majority of whose employment consists of performing work in connection with the care or maintenance of a building or property, including but not limited to a watchperson, guard, doorman, building cleaner, porter, handyperson, janitor, gardener, groundskeeper, stationary fireman, elevator operator and starter, or window cleaner.
- B. **City service subcontractor.** The term “city service subcontractor” means any person, including, but not limited to, a temporary services, staffing or employment agency or other similar entity, that pursuant to an agreement with the contractor, performs any of the services to be rendered pursuant to this contract, except that the term “city service subcontractor” shall not include any person who enters into a contract with the contractor the principal purpose of which is to provide supplies, or administrative services, technical support services, or any other similar services to the contractor that do not directly relate to the performance of the human services to be rendered pursuant to this contract. A person shall be deemed a city service subcontractor for the duration of the period during which such person performs such services under this contract.
- C. **Covered employee.** The term “covered employee” means an employee of a covered employer who directly renders human services in performance of this contract, except that the term “covered employee” shall not include any building service employee.
- D. **Covered employer.** The term “covered employer” means the contractor or a city service subcontractor, as applicable.
- E. **Human services.** The term “human services” means social services contracted for by an agency on behalf of third party clients including but not limited to day care, foster care, home care, health or medical services, housing and shelter assistance, preventive services, youth services, the operation of senior centers, employment training and assistance, vocational and educational programs, legal services and recreation programs.
- F. **Labor organization.** The term “labor organization” has the same meaning as set forth in subdivision (5) of section 152 of title 29 of the United States Code.
- G. **Labor peace agreement.** The term “labor peace agreement” means an agreement between a covered employer and a labor organization that seeks to represent employees who perform one or more classes of work to be performed pursuant to this contract, where such agreement: (1) requires that the covered employer and the labor organization and its members agree to the uninterrupted delivery of services to be rendered pursuant to this contract and to refrain from actions intended to or having the effect of interrupting such services; and (2) includes any other terms agreed to by the parties, which may relate to, but need not be limited to: (i) alternate procedures related to recognizing the labor organization for bargaining purposes, (ii) public statements, (iii) workplace access, and (iv) the provision of employee contact information.. For the purposes of this rider, the term “labor peace agreement” may include a collective bargaining agreement that is in effect.

Sec. 2 RESPONSIBILITIES OF THE CONTRACTOR

- A. The contractor shall comply with all applicable requirements under Admin. Code § 6-145 and any rules promulgated pursuant thereto. Such requirements constitute a material term of this contract. The contractor’s failure to comply with the requirements of Admin. Code § 6-145 may constitute a material

breach by the contractor of the terms of this contract, and such failure shall be determined by the contracting agency.

- B. The contractor shall submit the Labor Peace Agreement Certification pursuant to Admin. Code § 6-145(c), as well as the Labor Peace Agreement Attestation pursuant to NYC Admin. Code § 6-145(b), attached hereto.
- C. If the contractor and/or city service subcontractor receives written notice of such a breach and fails to cure such breach within 30 days of such notice, the City shall have the right to pursue any rights or remedies available under the terms of this contract or under applicable law, including termination of the contract.
- D. If the contractor fails to perform in accordance with any of the requirements of this section and there is a continued need for the service, the contracting agency may (i) obtain from another source the required service as specified in this contract, or any part thereof; (ii) may charge the non-performing contractor for any difference in price resulting from the alternative arrangements; (iii) may assess any administrative charge established by the contracting agency; and (iv) may, as appropriate, invoke such other remedies as are available under the contract and applicable law.

Sec. 3 LABOR PEACE AGREEMENT CERTIFICATION

- A. Prior to the award or renewal of this contract, the bidder or proposer seeking award or the contractor seeking renewal shall have provided the awarding contracting agency a certification, in the form attached to this rider, containing the following information:
 - (1) The name, address and telephone number of the chief executive officer of the bidder or proposer seeking award, or the contractor seeking renewal, as applicable;
 - (2) A statement that, if the contract is awarded or renewed, the bidder or proposer seeking award, or the contractor seeking renewal, as applicable, agrees to comply with the requirements of Admin. Code § 6-145, and with all applicable federal, state and local laws; and
 - (3) A record of any instances during the preceding five years in which the bidder or proposer seeking award, or the contractor seeking renewal, as applicable, has been found by a court or government agency to have violated federal, state or local laws regulating labor relations, in which any government body initiated a judicial action, administrative proceeding or investigation of the bidder, proposer, or contractor in regard to such laws.
- B. The certification shall be signed under penalty of perjury by an officer of the bidder, proposer, or contractor and shall be annexed to and form a part of the contract.
- C. The contractor shall each year throughout the term of the contract submit to the contracting agency an updated version of the certification required under Admin. Code § 6-145(c), and identify any changes from the previous certification. During the term of this contract, the contractor shall make such certification during the 30-day period following each anniversary of the effective date of this contract.

Sec. 4 LABOR PEACE AGREEMENTS ATTESTATION

- A. No later than 90 days after the award or renewal of this contract the contractor shall either:
 - (1) submit an attestation to the contracting agency, in the form attached to this rider, signed by one or more labor organizations, as applicable, stating that the contractor has entered into or is in the process of negotiating one or more labor peace agreements with such labor organizations as have provided notice pursuant to section (4)(C)(1) of this rider, and identify: (i) the classes of covered employees covered by the labor peace agreements, (ii) the classes of covered employees not currently represented by a labor organization and that no labor organization has sought to represent,

and (iii) the classes of covered employees for which labor peace agreement negotiations have not yet concluded; or

- (2) submit an attestation to the contracting agency stating that the contractor's covered employees are not currently represented by a labor organization and that no labor organization has sought to represent such covered employees by providing notice pursuant to section (4)(C)(1) of this rider.

B. Where a labor organization seeks to represent the covered employees of the contractor after the expiration of the 90-day period following the award or renewal date of this contract, and the labor organization has provided notice to the contracting agency and the contractor pursuant to section (4)(C) of this rider regarding such interest, the contractor shall then submit an attestation signed by the labor organization to the contracting agency no later than 90 days after the date of notice stating that it has entered into a labor peace agreement with such labor organization or that labor peace agreement negotiations have not yet concluded.

C. For the purposes of this section:

- (1) notice to the contractor by a labor organization shall be made in writing by a duly authorized representative of the labor organization to either (i) the chief executive officer of the contractor; or (ii) the business address or e-mail address provided for in section 14.04 of Appendix A of this contract; and
- (2) notice to the contracting agency shall be made in writing by a duly authorized representative of the labor organization to the contracting agency at the physical address or e-mail address provided for in section 14.04 of Appendix A of this contract.

D. In evaluating any violation of this section or any other provision of this rider or Admin. Code § 6-145, the city shall consider any relevant conduct of a labor organization, the size of the contractor's business, the contractor's good faith efforts to comply with the terms of this rider and Admin. Code § 6-145, the gravity of the violation, the history of previous violations, and the failure to comply with recordkeeping, reporting or other requirements. In considering whether the contractor has exercised good faith efforts in attempting to comply with obligations related to the submission of attestations in compliance with this section, the city shall consider the contractor's documented efforts to negotiate with labor organizations.

E. Notwithstanding any other provision of this rider, where a class of a contractor's covered employees are covered by a collective bargaining agreement with a labor organization, such contractor is neither required to include any statements in an attestation in regards to labor peace agreements or negotiations relating thereto with any other labor organization with respect to such class of covered employees, nor required to seek such other labor organization's signature on any attestation with respect to such class of covered employees.

Sec. 5 SUBCONTRACTORS

A. The contractor shall cause its city service subcontractors to comply with Admin. Code § 6-145, as applicable, and include the following provisions and the attached Labor Peace Agreement Attestation in each of its subcontracts with such city service subcontractors, and shall be responsible for collecting subcontractor attestations and providing them to the contracting agency:

Labor Peace Agreements

- A. No later than 90 days after the approval by the contracting agency of a city service subcontractor, such city service subcontractor, shall either:

- (1) submit an attestation to the contracting agency, through the city service contractor, signed by one or more labor organizations, as applicable, stating that the city service subcontractor has entered into or is in the process of negotiating one or more labor peace agreements with such labor organizations as have provided notice pursuant to subsection (C)(1), and identify: (i) the classes of covered employees covered by the labor peace agreements, (ii) the classes of covered employees not currently represented by a labor organization and that no labor organization has sought to represent, and (iii) the classes of covered employees for which labor peace agreement negotiations have not yet concluded; or
 - (2) submit an attestation to the contracting agency, through the city service contractor, stating that the city service subcontractor's covered employees are not currently represented by a labor organization and that no labor organization has sought to represent such covered employees by providing notice pursuant to subsection (C)(1).
- B. Where a labor organization seeks to represent the covered employees of the city service subcontractor after the 90-day period following the approval of the city service subcontractor, and a labor organization has provided notice to the contracting agency and city service subcontractor pursuant to subsection (C) regarding such interest, the city service subcontractor shall then submit an attestation signed by the labor organization to the contracting agency no later than 90 days after the date of notice stating that it has entered into a labor peace agreement with such labor organization or that labor peace agreement negotiations have not yet concluded.
- C. For the purposes of this section:
 - (1) notice to the city service subcontractor by a labor organization shall be made in writing by a duly authorized representative of the labor organization to either (i) the chief executive officer of such city service subcontractor; or (ii) the business address or e-mail address set forth pursuant to the notice provisions of this city service subcontract; and
 - (2) notice to the contracting agency shall be made in writing by a duly authorized representative of the labor organization to the contracting agency at the address or e-mail address provided for in section 14.04 of Appendix A of the agreement between the city service contractor and the contracting agency under which this city service subcontract is being performed.
- D. In evaluating any violation of this section, the city service contractor shall consider any relevant conduct of a labor organization, the size of the city service subcontractor's business, the city service subcontractor's good faith efforts to comply with the terms of this section and Admin. Code § 6-145, the gravity of the violation, the history of previous violations, and the failure to comply with recordkeeping, reporting or other requirements. In considering whether the city service subcontractor has exercised good faith efforts in attempting to comply with obligations related to the submission of attestations in compliance with this section, the city service contractor shall consider the city service subcontractor's documented efforts to negotiate with labor organizations.
- E. Notwithstanding any other provision of this section, where a class of a city service subcontractor's covered employees are covered by a collective bargaining agreement with a labor organization, such city service subcontractor is neither required to include any statements in an attestation in regards to labor peace agreements or negotiations relating thereto with any other labor organization with respect to such class of covered employees, nor required to seek such other labor organization's signature on any attestation with respect to such class of covered employees.
- F. The definitions in section 1 to the "Rider to City Service Contracts pursuant to Admin. Code § 6-145 Labor Peace Agreements for Human Services Contracts" to the agreement between the city service contractor and the contracting agency under which this city services subcontract is being performed shall apply to this terms used in section, unless another meaning is clear from context.

Sec. 6 AWARD DATE

A. For the purposes of this rider, the date of an award shall be deemed to be the date upon which a contract is signed by both the contractor and the contracting agency.

B. For the purposes of this rider, the date of a renewal shall be deemed to be the date upon which a contract renewal is signed by both the contractor and the contracting agency.



Labor Peace Agreement Attestation

Pursuant to NYC Admin. Code § 6-145(b)

Contract Name: _____ E-PIN#: _____

1. I, _____ (print), the undersigned, a duly authorized officer of the ☐ city service contractor or ☐ city service subcontractor (choose one) of _____ (business name) ("covered employer¹"), do hereby certify: As of this date, the following is true with regard to Labor Peace Agreements ("LPA" or "LPAs"): (Choose one of the following)

☐ Labor Peace Agreement(s) have been entered into or are under negotiation. (Complete section 2 and 3)

or...

☐ Covered employees² are not currently represented by a labor organization and no labor organization has sought to represent such covered employees. (Complete section 3 ONLY)

If a city service contractor or city service subcontractor has entered into a collective bargaining agreement (CBA) with a labor organization that remains in effect, such CBA may be listed as an LPA for the purposes of this form.

2. The above-named covered employer has entered into or is in negotiations for the following Labor Peace Agreements with the following labor organizations: (complete the below as applicable and add additional sheets as necessary)

.....
LPA entered into with _____ (labor organization) on _____ (date)

Class(es) of covered employees² covered by this LPA: _____

Labor Organization Signature: _____
(authorized labor organization representative print and sign) (date)

.....
Negotiations have been initiated with the following Labor Organization but have not yet concluded.

_____ (labor organization)

Class(es) of covered employees² to be covered by this LPA: _____

Labor Organization Signature: _____
(authorized labor organization representative print and sign) (date)

.....
The following classes of covered employees are NOT currently represented by a labor organization and no labor organization has sought to represent them: _____

3. If, after the expiration of the 90-day period following the award or renewal date of the city service contract or the approval of a city service subcontractor, a labor organization seeks to represent the covered employees of a covered employer and the labor organization has provided notice to the contracting agency and the covered employer regarding such interest in accordance with the terms of the rider, as applicable, then the covered employer shall submit an attestation (signed by the labor organization) to the contracting agency (or, if the covered employer is a subcontractor, submit to the city service contractor for submission to the contracting agency) no later than 90 days after the date of notice stating that it has entered into a labor peace agreement with such labor organization or that labor peace agreement negotiations have not yet concluded.

Sign: _____ Date: _____
By signing, I am certifying the information contained in this attestation is true.

¹ "covered employer": a city service contractor or a city service subcontractor, having entered into a service contract with an agency of the City.

² "covered employee": an employee of a covered employer who directly renders human services in performance of a city service contract, except that the term "covered employee" shall not include any building service employee.



Labor Peace Agreement Certification

Certification Prior to Contract Award or Renewal

Pursuant to NYC Admin. Code § 6-145(c)

Contract Name: _____ E-PIN#: _____

This certification is (select one): ☐ The first such certification under for contract award/renewal.

☐ a subsequent (yearly) certification. If so, provide date of first certification: _____

I, _____ (print), the undersigned,

am a duly authorized officer of _____ (vendor name)

Chief Executive Officer (CEO) of the city service contractor, bidder or proposer seeking award or the city service contractor seeking renewal of a city service contract, as applicable:

Check if updated
from a previous
certification

CEO Name: _____ ☐

Address: _____ ☐

Telephone: _____ Email: _____ ☐

If the city service contract is awarded or renewed (as applicable), I, the undersigned, agree to comply with the requirements of NYC Admin. Code § 6-145, and with all applicable federal, state and local laws.

Labor Relations findings: Instances during the preceding five years in which the bidder or proposer seeking award, or the city service contractor seeking renewal, as applicable, has been found by a court or government agency to have violated federal, state or local laws regulating labor relations, in which any government body initiated a judicial action, administrative proceeding or investigation of the bidder, proposer, or city service contractor in regard to such labor relations laws.

In lieu of manually entering the labor relation findings in the spaces provided below, a city service contractor, bidder or proposer seeking award or a city service contractor seeking renewal of a city service contract may, by completing the check box below, affirm that such contractor has fully submitted and certified its PASSPort questionnaires pursuant to Subdivision (b) of Section 6-116.2 of the New York City Administrative Code, including the Vendor Questionnaire and Principal Questionnaires, and that such questionnaires and any material uploaded to the PASSPort system associated with such questionnaires contain records of all labor relations findings and are accurate as of the date that this Labor Peace Agreement Certification is executed: ☐

If a city service contractor elects to enter labor relations findings information manually, enter such information below. Add pages as necessary. If not applicable write "N/A."

Violation: _____ Date of Action: _____ Charging Agency: _____

Summary: _____

Check if updated from a previous certification ☐

Violation: _____ Date of Action: _____ Charging Agency: _____

Summary: _____

Check if updated from a previous certification ☐

I _____ (print) swear or affirm,
under penalty of perjury, that the above information is accurate as of the date noted below.

Signed: _____ Date: _____

State: _____ County: _____ S.S.

Sworn or affirmed before me on: _____

[Stamp]

Notary Public: _____