

TITLE 9 – EMPLOYMENT AND CONTRACTING

CHAPTER 9-8 PROCUREMENT, TRIBALLY DETERMINED

PREVAILING WAGE RATES, AND AUTHORIZATION FOR ADMINISTRATIVE

DEVELOPMENT OF POLICIES SUBJECT TO COUNCIL REVIEW

ARTICLE 1

9-8-1 Effective Date

This Code is effective immediately and replaces any preexisting procurement and prevailing wage rate policies as they affect HUD-funded projects.

ARTICLE 2

PROCUREMENT PROCEDURES APPLICABLE TO HUD-FUNDED PROJECTS

GENERAL PROVISIONS

[Article 2 repealed effective September 1, 2012, pursuant to Ordinance 095A]

ARTICLE 3

TRIBALLY DETERMINED PREVAILING WAGE RATES

9-8-2 Authority and Purpose

The Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians (Tribes) wishes to establish and apply a tribally determined prevailing wage rate in its contracts or agreements for the development and operation of affordable housing activities using federal funds.

9-8-3 Application and Scope

Notwithstanding any other provision of Tribal law to the contrary, the prevailing wage rate established by the Tribes under this Chapter is intended to supersede all federal wage determinations otherwise applicable to the Tribes' expenditure of funds for the development and operation of affordable housing activities to the greatest extent allowed under federal law and to the fullest legal authority under Tribal law. Any other federally funded programs will be guided by the labor standards specified by that program.

9-8-4 Applicability, Calculation, and Management of Prevailing Wages

(a) The Tribes require payment of the Tribally Determined Prevailing Wage Rate (“TDPWR”) to laborers and construction professionals working on all Tribal Housing construction, maintenance projects or any housing construction project utilizing federal funds that exceed \$2,000.

(b) The TDPWR is defined to be the median wage per job classification received in the county where the project is located. The Oregon Employment Department publishes “Job Order Wage Report” which lists actual jobs offered and their offering salary. The Tribes will use this report to calculate the TDPWR. Each bid package will contain the Job Order Wage Report and state that general contractors and their subcontractors must pay these rates to all construction employees. This wage report will be updated prior to any housing construction project contract.

(c) The General Contractor is responsible for the full compliance of all employers with this 9-9-49(a). Because of the contractual relationship between general contractors and the general contractor’s subcontractors, subcontractors should communicate with the contract administrator only through the general contractor.

(d) General Contractors must submit to the Tribes bi-weekly certified payroll reports documenting wages earned by each employee and those of subcontractors. A sample form is available from the Tribal Housing Department. An alternative form may be used as long as the same information is documented.

(e) The Contracting Officer shall be the Tribal Administrator or other individual the Tribal Administrator directs in writing to serve as Contracting Officer for purposes of Title 3 of this Code. The Contracting Officer is responsible for proper administration and enforcement of the TDPWR provisions. The Contracting Officer will monitor the TDPWR by reviewing payroll reports, interviewing workers at the job site, and overseeing any enforcement action necessary.

(f) If an employer obligated to pay TDPWR fails to pay TCPWR, the employer will be required to pay wage restitution to the effected employees.

ARTICLE 4

OFFICIAL PROCUREMENT POLICY

9-8-5 Specifications

(a) The Tribal Administrator shall, on or before August 1, 2012, create and present to the Tribal Council a comprehensive procurement policy applicable to HUD-funded contracts and to other contracts issued by the Tribes.

(b) By resolution, the Tribal Council shall approve or reject the Tribal Administrator's procurement policy. If accepted, the policy shall govern procurement according to its terms.

(c) The Tribal Council shall similarly approve or reject subsequent amendments to the official procurement policy.

APPENDIX A

LEGISLATIVE HISTORY AND EDITORIAL CHANGES

PROCUREMENT, TRIBALLY DETERMINED

PREVAILING WAGE RATES, AND AUTHORIZATION FOR ADMINISTRATIVE
DEVELOPMENT OF POLICIES SUBJECT TO COUNCIL REVIEW

LEGISLATIVE HISTORY AND EDITORIAL CHANGES

Article 2 was repealed effective September 1, 2012, pursuant to Ordinance 095A.

The Tribal Council of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians enacted revisions to the Procurement, Tribally Determined Prevailing Wage Rates, and Authorization for Administrative Development of Policies Subject to Council Review Code by Ordinance No. 095B in a Tribal Council meeting on May 29, 2012. Vote was 6 (for), 0 (against), 0 (abstaining) and 1 (absent).

The Tribal Council of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians enacted revisions to the Procurement, Tribally Determined Prevailing Wage Rates, and Authorization for Administrative Development of Policies Subject to Council Review Code by Ordinance No. 095A in a Tribal Council meeting on May 20, 2012. Vote was 4 (for), 0 (against), 0 (abstaining) and 3 (absent).

The Tribal Council of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians enacted the Procurement, Tribally Determined Prevailing Wage Rates, and Authorization for Administrative Development of Policies Subject to Council Review Code by Ordinance No. 095 in a Tribal Council meeting on April 3, 2012. Vote was 6 (for), 0 (against), 0 (abstaining) and 1 (absent).

00385293.DOC;1