

# LWO - DEPARTMENTAL GUIDANCE FORM

## REQUIRED DOCUMENTATION FOR ALL CONTRACTS

This form must be completed by the AWARDING DEPARTMENT and submitted to the Office of Contract Compliance (OCC) AFTER THE CONTRACT HAS BEEN EXECUTED. **INCOMPLETE SUBMISSIONS WILL BE RETURNED**. Please refer to the endnotes for more details.

This form is intended only as an initial determination by the Awarding Department on the applicability of the Living Wage Ordinance (LWO) to a contract. If a final LWO determination is needed, please contact the OCC.

AWARDING DEPARTMENT INFO	
Dept: _____	Contract Administrator: _____
Phone #: _____	
CONTRACTOR INFO	
Contractor Name: _____	
Contractor Address: _____	
City: _____	State: _____ Zip: _____
CONTRACT INFO	
Contract Name: _____	Contract #: _____
Purpose: _____	
Contract Amount: _____	Start Date: _____ End Date: _____
Location of Service: _____	
SECTION I: DETERMINING APPLICABILITY TO THE LWO	
<p>1. Check off ONE box that best describes the contract.</p> <p><input type="checkbox"/> New Contract</p> <p><input type="checkbox"/> Contract Amendment # _____</p>	<p style="text-align: center;"><u>INSTRUCTIONS</u></p> <p>If you checked off the New Contract box, <b>SKIP TO</b> Question 3.</p> <p>If you checked off the Contract Amendment box, <b>CONTINUE TO</b> Question 2a.</p>
<p>2a. Was the original contract subject to the LWO? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>2b. Was the original contract approved for an exemption? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>If you checked off YES to 2a OR 2b, <b>THIS FORM IS NOW COMPLETE - PLEASE SUBMIT PAGE 1 ONLY TO THE OCC.</b></p> <p>If you checked off NO to 2a AND 2b, <b>CONTINUE TO</b> Question 3.</p>
<p>3. Check off any box(es) from the list that describes the contract.</p> <p style="text-align: center;"><span style="border: 1px solid black; padding: 2px;">TYPE A</span></p> <p><input type="checkbox"/> Service contract that is <b>less</b> than 3 months <b>OR less</b> than \$25,000.</p> <p><input type="checkbox"/> With another governmental entity.</p> <p><input type="checkbox"/> Purchase or rental of goods, equipment, property.</p> <p><input type="checkbox"/> With a utility company for work pursuant to an order of the Public Utilities Commission.</p> <p>Financial assistance is below <u>both</u> the LWO CFAR thresholds:</p> <p><input type="checkbox"/> (a) Financial assistance must be less than \$1 Million in a 12-month period <b>AND</b> (b) Is less than \$100,000 if on a continuing basis.</p>	<p>If you checked off one of the boxes under <b>TYPE A</b><sup>1</sup>, your contract is <b>NOT SUBJECT</b> to the LWO. <b>THIS FORM IS NOW COMPLETE - PLEASE SUBMIT PAGE 1 ONLY TO THE OCC.</b></p>
<p style="text-align: center;"><span style="border: 1px solid black; padding: 2px;">TYPE B</span></p> <p><input type="checkbox"/> Service contract that is at least 3 months AND \$25,000 or more.</p>	<p>If you checked off the box under <b>TYPE B</b>, your contract <b>MAY OR MAY NOT BE SUBJECT</b> to the LWO. <b>CONTINUE TO</b> Question 4a.</p>

**SECTION I: DETERMINING APPLICABILITY TO THE LWO (continued)**

<p>Question #3 (continued)</p> <p align="center"><b>TYPE C</b></p> <p><input type="checkbox"/> Public leases or licenses.</p>	<p align="center"><b>INSTRUCTIONS</b></p> <p>If you checked off the box under <b>TYPE C</b>, your contract <b>MAY OR MAY NOT BE SUBJECT</b> to the LWO. <b>CONTINUE TO</b> Question 5a.</p>
<p align="center"><b>TYPE D</b></p> <p><input type="checkbox"/> City Financial Assistance Recipient (CFAR).</p>	<p>If you checked off the box under <b>TYPE D</b>, your contract <b>MAY OR MAY NOT BE SUBJECT</b> to the LWO. <b>CONTINUE TO</b> Question 6.</p>
<p align="center"><b>TYPE E</b></p> <p><input type="checkbox"/> Construction contracts.</p>	<p>If you checked off the box under <b>TYPE E</b>, your contract <b>MAY OR MAY NOT BE SUBJECT</b> to the LWO. <b>CONTINUE TO</b> Question 8.</p>
<p><b>TYPE B</b></p> <p>4a. Are at least some of the services rendered by Employees whose work site is on property owned or controlled by the City? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>4b. Could the services feasibly be performed by City employees if the City had the requisite financial and staffing resources? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>4c. Has the DAA determined in writing that coverage would further the proprietary interest of the City? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>If you checked off YES to 4a, 4b OR 4c, this contract is <b>SUBJECT</b> to the LWO. <b>CONTINUE TO</b> Section II.</p> <p>If you checked off NO to 4a, 4b AND 4c, this contract is <b>NOT SUBJECT</b> to the LWO, contingent on the OCC's approval. Contractor must complete and submit the LW-29 LWO Non-Coverage Determination Application for approval prior to contract execution. <b>CONTINUE TO</b> Question 9.</p>
<p><b>TYPE C</b></p> <p>5a. Are the services rendered on premises at least a portion of which is visited by members of the public? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>5b. Could the services feasibly be performed by City employees if the City had the requisite financial and staffing resources? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>5c. Has the DAA determined in writing that coverage would further the proprietary interests of the City? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>If you checked off YES to 5a, 5b OR 5c, this contract is <b>SUBJECT</b> to the LWO. <b>CONTINUE TO</b> Section II.</p> <p>If you checked off NO to 5a, 5b AND 5c, this contract is <b>NOT SUBJECT</b> to the LWO, contingent on the OCC's approval. Contractor must complete and submit the LW-29 LWO Non-Coverage Determination Application for approval prior to contract execution. <b>CONTINUE TO</b> Question 9.</p>
<p><b>TYPE D</b></p> <p>6. Does the agreement intend to promote economic development or job growth<sup>2</sup>? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>If you checked off YES, <b>CONTINUE TO</b> Question 7a.</p> <p>If you checked off NO, this contract is <b>NOT SUBJECT</b> to the LWO. <b>PLEASE SUBMIT PAGES 1 AND 2 ONLY TO THE OCC.</b></p>
<p><b>TYPE D</b></p> <p>7a. Is the Financial Assistance given in a 12-month period and above \$1 Million? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>7b. Is the Financial Assistance \$100,000 or more on a continuing basis? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>If you checked off YES to 7a OR 7b, this contract is <b>SUBJECT</b> to the LWO. <b>CONTINUE TO</b> Section II.</p> <p>If you checked off NO to 7a AND 7b, this contract is <b>NOT SUBJECT</b> to the LWO, contingent on the OCC's approval. Contractor must fill out and submit LW-29 LWO Non-Coverage Determination Application for approval prior to contract execution. <b>CONTINUE TO</b> Question 9.</p>
<p><b>TYPE E</b></p> <p>8a. Are there Employees working on the contract not covered by prevailing wage? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>8b. Are there Employees with prevailing wages that are less than the LWO rate? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>If you checked off YES to 8a OR 8b, this contract is <b>SUBJECT</b> to the LWO. <b>CONTINUE TO</b> Section II.</p> <p>If you checked off NO to 8a AND 8b, this contract is <b>NOT SUBJECT</b> to the LWO. <b>PLEASE SUBMIT PAGES 1 AND 2 ONLY TO THE OCC.</b></p>
<p>9. Has the LW-29 LWO Non-Coverage Determination Application been approved? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>If you checked off YES, THIS FORM IS COMPLETE - Once the contract has been executed, <b>SUBMIT LW-1 Page 1 &amp; 2 ONLY AND THE APPROVED LW-29 LWO NON-COVERAGE DETERMINATION FORM TO THE OCC.</b></p> <p>If you checked off NO, <b>CONTINUE TO</b> Section II.</p>

**SECTION II: LIST OF EXEMPTIONS**

Your contract is subject to the LWO. However, the contract or contractor may be eligible for an exemption. Below is a list of exemptions and the required documents

LW-10 Exemption Application	<u>INSTRUCTIONS</u>
a) Grant Funded Services <sup>3</sup> . b) CFAR: First Year Financial Assistance Recipient. c) CFAR: Employing Fewer than Five Employees. d) CFAR: Hardship Waiver for Job Training and Preparation Programs. e) Collective Bargaining Agreement with LWO Supersession Language. f) Student Work-Study or Employment Program.	If qualified, complete and submit the LW-10 Exemption Application, the required supporting documentation for the OCC's approval, and LW-18 Subcontractor Information Form, if applicable.
LW-26 Small Business Exemption Application	
a) Small Business with Seven Employees or Less.	If qualified, complete and submit the LW-26 Small Business Exemption Application, the required supporting documentation for the OCC's approval, and LW-18 Subcontractor Information Form, if applicable.
LW-28 501(c)(3) Non-Profit Exemption Application	
a) 501(c)(3) Non-profit organization.	If qualified, complete and submit the LW-28 501(c)(3) Non-Profit Exemption Application, the required supporting documentation for the OCC's approval, and LW-18 Subcontractor Information Form, if applicable.

If an exemption has been approved by the OCC, **THIS FORM IS NOW COMPLETE - SUBMIT the LW-1 and the APPROVED EXEMPTION/NON-COVERAGE DETERMINATION FORM TO THE OCC once the contract has been executed.**

If an exemption/non-coverage determination has been denied by the OCC, CONTINUE TO SECTION III.

**SECTION III: CONTRACTS SUBJECT TO THE LWO (AND NOT ELIGIBLE FOR EXEMPTIONS)**

This contract IS SUBJECT TO THE LWO AND NOT ELIGIBLE FOR EXEMPTIONS. The contractor must complete the following two forms below and provide supporting documents and submit them to the Awarding Department.

- LW-6 Employee Information Form
- LW-18 Subcontractor Information Form

Once these forms are completed and the contract is executed, PLEASE SUBMIT THIS LW-1, LW-6 and LW-18 to the OCC.

ENDNOTES FOR LWO DEPARTMENTAL GUIDANCE FORM - LW-1

<sup>1</sup>Contracts under TYPE A are NOT SUBJECT to the LWO: When an agreement is not subject to the LWO, neither the Employer nor any of its Subcontractors working on the agreement will be subject to the LWO. Departments do not need to request the OCC to approve an exemption and Employers do not need to submit an application.

<sup>2</sup>The City Council must identify economic development or job growth as one of the reasons for the financial assistance recipient agreement.

<sup>3</sup>If the OCC determines the Grant Funded Service Agreement is exempt from the LWO, neither the Employer nor any of its Subcontractors working on the Agreement will be subject to the LWO.