

THE GULF COAST CIVIC WORKS ACT OF 2009

A BILL

To mandate the Gulf Coast Civic Works Council to administer a Gulf Coast Civic Works Project to rebuild infrastructure and provide job-training opportunities to increase employment and aid in the recovery of the Gulf Coast region.

SEC 1. SHORT TITLE.

- (a) Short Title- This Act may be cited as the `Gulf Coast Civic Works Act'.
- (b) Table of Contents-The table of contents of this Act is as follows:

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SEC 2. PURPOSES

It is the purpose of this Act to —

- (a) establish a Federal authority to implement the necessary equitable government response to the disaster experienced in the region for all Gulf Coast communities;
- (b) provide a minimum of 100,000 job and training opportunities to those whose livelihoods have been affected by the devastation of the Gulf Coast region, particularly women and low income people;
- (c) create stronger and more sustainable communities better able to mitigate the physical, social and economic impact of future disasters;
- (d) assure that those who are most vulnerable to the direct effects of climate change are able to prepare for and adapt to those impacts by building resilience and reducing risk;
- (e) strengthen the workforce by providing job training for thousands of workers that will enable them to rebuild communities and make an independent living;
- (f) rebuild homes, public infrastructure, historic buildings and community resources, to protect communities from future disasters and restore lives and faith in the Federal government;
- (g) promote sustainable development, energy conservation, environmental restoration and encouraging emerging industries and green technologies;
- (h) ensure equitable working conditions by providing workers with fair wages;
- (i) utilize the recommendations of community organizations and coalitions in order to rebuild and strengthen communities; and
- (j) strengthen partnerships between the public and private sector that will lead to increased economic growth in the region.

SEC 3. DEFINITIONS

- (a) “Energy and Atmosphere Credit Number One” means the credit awarded by the LEED Green Building Rating System, which requires increased energy performance above the standard as defined in the most current version of the LEED-NC or LEED-EB rating system.
- (b) “Energy and Atmosphere Credit Number Three” means the credit awarded by the LEED Green Building Rating System, which requires additional commissioning above the fundamental commissioning prerequisite as defined in the most current version of the LEED-NC or LEED-EB rating system.
- (c) "Fair affordable housing", any residential housing unit which meets affordability standards promulgated by the executive office of communities and development and which prohibits discrimination because of the race, color, religious creed, national origin, sex, ancestry, sexual orientation or handicap of any person.
- (d) “Gold rating” means the rating in compliance with, or exceeding, the second highest rating awarded by the USGBC LEED certification process.
- (e) “Green building” or “high-performance building” means a building that is designed to achieve integrated systems design and construction so as to

significantly reduce or eliminate the negative impact of the built environment on the following:

- (1) Site conservation and sustainable planning;
 - (2) Water conservation and efficiency;
 - (3) Energy efficiency and renewable energy;
 - (4) Conservation of materials and resources; and
 - (5) Indoor environmental quality and human health.
- (f) “Infrastructure project”, means the building, improvement, or increase in capacity of a basic installation, facility, asset, or stock that is associated with:
- (1) a levee or other flood protection construction;
 - (2) a public facility such as a public schoolhouse, public college or university; police station, fire station, library, clinic, hospital, job center, shelter, or community center;
 - (3) a mass transit system that meets the criteria in subparagraph **X**;
 - (4) a public housing property that is eligible to receive funding under section 24 of the United States Housing Act of 1937, 42 U.S.C. 1437v, and that meets the criteria in subparagraph **X**;
 - (5) a road or bridge that meets the criteria in subparagraph **X**;
 - (6) a public utility system, structure, or facility; or
 - (7) a drinking water system or a wastewater system that meets the criteria in subparagraph **XD**
- (g) “LEED Green Building Rating System” means the Leadership in Energy and Environmental Design (LEED) green building rating system developed and adopted by the U.S. Green Building Council (USGBC), which measures and evaluates the energy and environmental performance of a building.
- (h) “LEED-EB” or “Green Building Rating System Version LEED-EB” means the most current Leadership in Energy and Environmental Design Green Building Rating System guidelines developed and adopted by the United States Green Building Council for existing buildings.
- (i) “LEED-NC” or “LEED Green Building Rating System Version LEED-NC” means the most current Leadership in Energy and Environmental Design Green Building Rating System developed and adopted by the United States Green Building Council for new buildings and major renovations.
- (j) “Life-cycle cost” means the cost of a building, as determined by the methodology identified in the National Institute of Standards and Technology’s special publication 544 and interagency report 80-2040, available as set forth in the Code of Federal Regulations, Title 15, Part 230, including the initial cost of its construction or renovation, the marginal cost of future energy capacity, the cost of the energy consumed by the facility over its expected useful life or, in the case of a leased building, over the remaining term of the lease, and the cost of operating and maintaining the facility as such cost affects energy consumption.
- (k) "Local development plan", the plan which may be prepared or adopted by a local advisory council with the consultation and assistance of the Council staff and adopted by a town meeting, as described in section 105.
- (l) "Local advisory council", the local council established in each municipality to develop and manage the Civic Works Project, as described in section 104.

- (m) "Major facility" means any building:
 - (1) Owned or operated, in whole or in part, by a state agency; or
 - (2) Constructed on land leased from the state; and
 - (3) Which is intended to be used as a school; or
 - (4) Which has five thousand or more gross square feet
- (n) "Minority", (a) Asian or Pacific Islander, a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands; (b) Black, a person having origins in any of the Black racial groups of Africa, the Middle East or the West Indies; (c) Hispanic, a person having origins in any of the original peoples of Mexico, Puerto Rico, Cuba, the Dominican Republic, Central America or South America; or (d) Native American, a person having origins in any of the original peoples of North America including federally recognized tribes and tribes recognized by the states of Alabama, Louisiana, Mississippi, or Texas.
- (o) "Person", an individual, corporation, municipality, governmental agency or authority, business trust, estate, trust, partnership, association, joint venture, two or more persons having a joint or common interest, or any legal entity. A state agency or authority shall not be deemed a person within the meaning of this act.
- (p) "Platinum rating" means the rating in compliance with, or exceeding, the highest rating awarded by the USGBC LEED certification process.
- (q) "Regional policy plan", the plan prepared as described in section 106.
- (r) "Silver rating" means the rating in compliance with, or exceeding, the third highest rating awarded by the USGBC LEED certification process.
- (s) "State agency" means any department, board, bureau, commission, institution, public higher education institution, school district, or other governmental entity of this state.

TITLE I – THE GULF COAST CIVIC WORKS COMMISSION

Sec. 101 PURPOSE AND MISSION OF THE COUNCIL

- (a) The purpose of the Gulf Coast Civic Works Council (the "Council") shall be to further: equitable revitalization of all communities impacted by the Gulf Coast hurricanes; to help people internally displaced by the Gulf Coast hurricanes to realize their rights, to return and participate in their communities' recovery; to further protect Gulf Coast communities from future disasters, including building coastal communities resilience from climate impacts,; workforce development by coordinating existing resources and programs; access to job-training and apprenticeship opportunities; the development of adequate public infrastructure, including but not limited to levees, roads, transportation systems, and water supply; the provision of adequate public facilities, including but not limited to schools, police stations, fire houses, and community centers; the coordination of the provision of adequate capital facilities with the achievement of other goals; the development of an adequate supply of fair affordable housing; the conservation and preservation of natural undeveloped areas, wildlife, flora and

habitats for endangered species; the restoration of coastal resources; the protection of groundwater, surface water, ocean water quality and fisheries, as well as the other natural resources of the Gulf Coast; the promotion of energy conservation and emerging industries with the goal of providing better environmental standards for the construction, rehabilitation, and maintenance of buildings and use of energy; and the preservation of historical, cultural, archaeological, architectural, and recreational values.

- (b) The Council shall: identify and analyze areas in need of workforce and infrastructure development; coordinate existing workforce and infrastructure development resources with the programs, facilities and funding necessary to support such development; promote the equitable development of all Gulf Coast communities; identify and protect the rights of populations internally displaced by the Gulf Coast hurricanes; review developments which will have impacts beyond their local community and determine the comparative benefits and detriments of those Civic Works Projects and their consistency with federal, state, municipal, regional and non-governmental development plans and local Civic Works Project proposals and goals; identify and protect areas whose characteristics make them particularly vulnerable to natural disaster and coastal erosion; identify and protect areas whose characteristics make them particularly vulnerable to adverse effects of development; preserve the social diversity of the Gulf Coast by promoting access to economic opportunity and affordable housing for low-income and moderate-income persons; promote the expansion of employment opportunities; and implement a balanced and sustainable economic development strategy for the Gulf Coast capable of absorbing the effects of seasonal fluctuations in economic activity.

Sec. 102 ESTABLISHMENT OF THE COUNCIL

- (a) There is hereby created the Gulf Coast Recovery and Rebuilding Advisory Council which shall serve as the regional coordinating council for the use of Gulf Coast Civic Works Projects for the recovery of the Gulf Coast regional affected by the 2005 hurricanes Katrina and Rita and the 2008 hurricanes Gustav and Ike, and shall have the responsibilities, duties, and powers established herein in the Gulf Coast. The Council shall be the regional planning agency for the Gulf Coast in accordance with applicable laws and regulations as provided in this act. The Council shall be administered within the structure of the Executive Office of the President of the United States pursuant to this act, and shall operate in accordance with the Executive Office for Gulf Coast Recovery and Rebuilding's administrative and budgetary procedures and in accordance with the Executive Order and provisions of sections 101-103 of this act.
- (b) The Council shall be comprised of at least 10 and no more than 20 Gulf Coast people affected by the Hurricanes of 2005 and 2008 and their advocates. At least two people from each Gulf Coast state (Florida, Alabama, Mississippi, Louisiana

and Texas) shall sit on the Council. In addition, each state shall select one State government official to be part of the Council. Not more than half of the members of the Council may be affiliated with any one political party. Each member of the commission must be a resident of the towns or municipalities within the region he or she represents. Each member shall have one vote except the Coordinator, whose function shall be advisory except in the event of a tie vote. The Council shall have gender, age, ethnic and racial diversity reflective of the Gulf Coast communities affected by the storms, and shall have diverse experience and knowledge representative of all the issues related to complete recovery including, but not limited to: housing, worker and immigrant rights, infrastructure, social services, levee protection and coastal restoration.

- (c) Each member of the council appointed shall serve a term of three years.
- (d) The council members shall annually elect a chairperson, vice chairperson and secretary. The first set of officers shall be elected at the council's initial organizational meeting, which shall be conducted within thirty days of the effective date of this act.
- (e) At any meeting of the council, a majority of its voting members shall constitute a quorum. Unless a greater majority is otherwise explicitly required by this act, where a quorum is present, the council may act upon a vote by a simple majority of the voting members present.
- (f) The council shall have an executive director, and hire officers as required. The executive director shall be responsible for overall management of the council's operations, and supervising planning matters including the preparation and amendment of the local project plans, the assistance to local advisory councils in their completion of local plans, and the. The chief regulatory officer shall supervise the development of regional impact review process. The council shall also have a clerk whose duties shall include the keeping of the council's official records. The executive director and other officers shall (1) coordinate project planning with the relevant federal, state, regional and municipal authorities, laws and planning processes (2) working with state and municipal governments and non-profit leaders to develop guidelines and regulations for districts of critical planning concern and regional funding priorities (3) assist residents and local officials in forming local advisory councils per section 105 (4) assist local advisory councils in developing proposals of priority projects which have not yet been funded by prior federal assistance for the Gulf Coast Civic Works Projects per Title II of this act; (5) evaluate the adequacy of the respective component of each local recovery plan submitted to the council for certification; (6) monitor and publicly record the progress of each local advisory council in implementing the respective component of it local plan; and (7) report to the council on the progress of each municipality in implementing the respective component of its local comprehensive plan.

(g) LIMITATIONS

(1) NO AUTHORITY TO EXERCISE EMINENT DOMAIN- The Corporation shall have no authority to acquire interests in property by eminent domain.

(2) LOCAL INVITATION- Notwithstanding any other provision of this title, the Council may take no action in any municipality unless the local government of such municipality, parish or county designated to oversee development of a community or area within the municipality, parish or county, has adopted a resolution of invitation for the Council's assistance.

(3) COMPLIANCE WITH LOCAL DEVELOPMENT PLANS- The Council shall have no authority to carry out projects which are not consistent with local development plans established by state or local government, or local advisory councils.

Sec. 103 POWERS OF THE COUNCIL

(a) The Council shall have those powers necessary convenient to carry out the purposes and provisions of this act, including but not limited to the following powers, in addition to the regulatory and planning powers contained in this act:

- (1) to sue and be sued, and complain and defend, by and through its own attorneys, in any court of law or equity, State or Federal;
- (2) to make use of alternate dispute resolution mechanisms such as negotiation, mediation or arbitration;
- (3) to prescribe bylaws that are consistent with law to provide for -
 - (A) the management and operational structure of the Council;
 - (B) the manner in which general operations are to be conducted and;
 - (C) such other matters as the Council determines to be appropriate;
- (4) to fix the compensation and number of, and appoint, employees for any position established by the Council;
- (5) to apply for and receive federal and private grants and loans and to expend such funds with the approval of the Council;
- (6) to conduct investigations necessary to ensure compliance with the provisions of the Act;
- (7) to negotiate and enter into Civic Works Project agreements as described in sections 106, 107 and 108;

- (8) to appoint hearing officers and, where it deems appropriate, to delegate to such hearing officers the responsibility to hold public hearings under this act and to assemble and report the record for decision by the council or its designee and recommend decisions to the council or its designee; however, any applicant or party aggrieved, following a hearing by a hearing officer, shall have the right to a public hearing before the council in accordance with the provisions of Section **103** of this Act.
- (9) to recommend to state and municipal agencies appropriate regulations for consistency with the regional policy plan;
- (10) to promulgate and amend rules and regulations as appropriate to carry out its responsibilities under this act;
- (11) appoint advisory boards, councils, subcommittees and panels as it deems appropriate to carry out its responsibilities under this act;
- (12) to recommend public acquisition of specified land areas for preservation or recreational purposes;
- (13) to make use of the services of federal, state, county and local employees as may be available to the council to carry out its responsibilities under this act;
- (14) to coordinate its regulatory functions with local, state and federal authorities and, where possible and appropriate, to conduct joint hearings with those authorities;
- (15) to acquire funds as described in section 210 and to manage such funds;
- (16) to produce an annual report which will be included in the annual Executive Office report;
- (17) to reimburse council members for reasonable expenses incurred in connection with their service on the council consistently with Barnstable county administrative and budgetary procedures;
- (18) to conduct studies in collaboration with local governments, nonprofit organizations, industry organizations, and other state and federal agencies in order to create regional comprehensive workforce, infrastructure, and environment analysis and development plans,

- (19) to assist local governments and community planning organizations in developing local comprehensive plans and, when requested, to assist local governments in carrying out their local planning and regulatory responsibilities;
- (20) to review and comment upon local comprehensive plans;
- (21) to conduct community outreach and public education;
- (22) to conduct an annual public conference on workforce development, infrastructure development, and land use in the Gulf Coast and to invite to such conference any private, local, state or federal governmental representatives it deems appropriate;
- (23) to make grants, in accordance with the process outlined in section 202 of this Act, to build the capacity of and support capital improvements for community colleges, vocational centers, nonprofit organizations, and other job-training facilities and programs serving the affected region;
- (24) to make grants, through the process outlined in section 202 of this Act, and provide technical assistance to municipalities for use in local planning activities;
- (25) to provide technical assistance, administrative support, and compliance training for small businesses and job-training programs serving the affected region;
- (26) to establish a process and procedures for participating entities to hire employees, pay wages, and developing capital facilities and developments of regional impact which are necessary to ensure balanced growth;
- (27) to purchase or lease and hold such real and personal property as it deems necessary or convenient in the transaction of its business, and may dispose of any such personal property held by it;
- (28) to fund, in accordance with the grant-making process outlined in section 202 of this Act, the construction of new structures and facilities as necessary for the recovery of the Gulf Coast region;
- (29) coordinate national, State, district, county or municipal programs for the recovery and development of the Gulf Coast

region;

(30) formulate and periodically require reports of progress on all projects; and, where avoidable delay or malfeasance appears, to recommend appropriate measures for eliminating such problems, and, similarly, to recommend the termination of projects for cause;

(31) prescribe rules and regulations to—

(A) assure that as many of the persons employed on all work projects as is feasible shall be persons residents affected or displaced by hurricanes Katrina, Rita, Gustav and Ike;

(B) utilize and support as many of those individuals, communities, community organizations, faith-based organizations, and businesses within the region as is feasible, including for the provision of child care to the children of working parents;

(C) govern the selection of such participating business and organizations on an open-bid basis in accordance with section 108 of this title;

(D) ensure hiring, planning and implementation adequately involve and look to protect the rights and interests of vulnerable populations, including women, low-income people, people of color, immigrants, the disabled, and the elderly;

(E) develop, conduct, and administer training and assistance programs, in connection with any program under this title, including training and assistance programs for federal wage requirement compliance, in order that business enterprises with limited capacity may achieve proficiency to compete, on an equal basis, for contracts and subcontracts;

(F) enter into contracts with private contractors, companies, and other public and private entities, in compliance with the hiring, bidding, wage requirements of this Act, to complete public projects, in accordance with section 204 of this Title;

- (G) formulate and administer a system of uniform periodic reports of the employment on such projects of persons, businesses, organizations, and communities from the region and;
 - (H) investigate wages and working conditions and to make and submit to Congress such findings as will aid Congress in prescribing working conditions, rates of pay, and continuance or development of projects; and
 - (I) recommend and carry out useful projects designed to assure a maximum of employment and recovery in affected localities.
- (b) Whenever the council is required to provide notice of a public hearing pursuant to the provisions of this act, the council shall give notice by publication in a newspaper of general circulation throughout the region once in each of two successive weeks, the first publication to be not less than fourteen days before the day of the hearing. Notice shall also be posted in a conspicuous place in the council's offices not less than fourteen days before the day of the hearing. Copies of all documents subject to notice and hearing shall be available for public inspection at the council's office during normal business hours.
- (c) The council shall prepare proposed regulations of general application to enable it to fulfill its duties under this act, including, but not limited to, regulations concerning the process of designating districts of critical planning concern; the review of developments of regional impact, and the imposition of impact fees in accordance with Section 205 of this Act. The council shall submit these proposed regulations for adoption by ordinance to the assembly of delegates. The assembly of delegates shall then hold at least one public hearing to consider the proposed regulations.

Sec. 104 ESTABLISHMENT OF LOCAL ADVISORY COUNCILS-

(a) IN GENERAL-

(1) DESIGNATION BY MUNICIPALITIES- Not later than 30 days after the date of the adoption of a resolution of invitation described in section 102, any municipality in the affected area may designate an entity to serve in an advisory capacity to the Council.

(2) OTHER MUNICIPALITIES- For any municipality that does not designate an advisory entity under clause (i), the Council shall provide for the establishment of

a local advisory council, combining multiple municipalities, preferably in contiguous county or parishes, in the Gulf Coast Region in which the Council operates.

(b) MEMBERSHIP- Each local advisory council shall consist of such local elected officials (including municipal officials), community groups (such as homeowners and community associations), environmentalists, and other interested, qualified, groups as the Council may determine to be appropriate. Each local advisory council shall have gender, age, ethnic and racial diversity reflective of the communities they represent, and shall have diverse experience and knowledge representative of the issues related to complete recovery including, but not limited to: coastal restoration, infrastructure, social services, and worker and immigrant rights.

(c) CONSULTATION AND ASSESSMENT- Each local advisory council will consult with appropriate parties including, but not limited to the Council, community organizations, private businesses, and public bodies, to assess community development needs. The local advisory council shall hold public meetings, periodically and in advance of major decisions, in the affected municipality to receive input from the affected communities. Local advisory council assessments shall:

(1) Review the state of recovery and needs in their area including; workforce development; workforce housing; employment; disaster mitigation; infrastructure and public works, including but not limited to roads, bridges, water systems, public transportation, schools, hospitals, childcare facilities, police and fire stations, training facilities, and municipal, parish, county and state facilities; environmental restoration, including restoring wetlands, barrier islands, watersheds, fisheries, and forests; energy efficiency; art, architecture, and cultural needs; and accessibility of work related services like childcare, transit, and healthcare.

(2) Identify community assets such as interested governmental, non-profit, faith-based and private partners including as;

(A) Workforce intermediaries; identifying workers; helping residents find work and relevant available training opportunities; and identifying existing businesses workforce needs;

(B) Training entities as explained under Section 202;

(3) Identifying local and small and disadvantaged businesses as possible subcontractors on recovery contracts;

(A) Council will submit a list of all known local, small or disadvantaged businesses interested in participating in subcontracting opportunities related to recovery projects to be considered by prime contractors in civic works project proposals under section 204.

(d) **PROJECT PROPOSALS**- Local advisory councils shall utilize consultation and assessment to create Civic Works Projects consistent with the purposes of this act. The creation of Civic Works Projects must include community input through public hearings in the community with opportunity for notice and comment from the affected community.

(e) **CIVIC WORKS PROJECT PROPOSALS**- The Council will review bids submitted by contractors for development projects within the local advisory council's jurisdiction. Contracts with both sub and prime contractors will be accepted or denied based on the sealed open bid process described in Sec. 108 of this act, with priority given to local, small and disadvantaged businesses and businesses that employ local or displaced residents, women, minorities, immigrants, persons with disabilities, and that provide living wages for employees, and have policies for environmental protection and efficient use of energy.

(f) **LOCAL OVERSIGHT** – Local advisory councils shall communicate with sub and prime contractors to insure that development projects are being carried out consistent with local development plans, guidelines, and budgets. All contractors must adhere to requirements set forth by the local advisory councils and by the general guidelines set forth by the Council. The Council will make available technical support to the local advisory councils to ensure oversight.

(g) **LOCAL COORDINATION** – Each local advisory council will coordinate existing community resources including but not limited to Workforce Investment Boards, job training providers, faith-based organizations, and nonprofit organizations to carry out projects under this act. Where resources or capacity to carry out projects is not available, the local advisory council may apply to the Council for funding to create new programs, agencies, or services.

(h) **PROJECT FUNDING** – After each local advisory council has completed consultation, assessment and identified existing local resources as required by this act, the local advisory council may apply to the Council for funding to carry out the proposed project.

Sec. 105 LOCAL DEVELOPMENT PLANS- In executing the mandate under this title, the Council --

(a) shall take into account and comply with any redevelopment plan established by State and local government officials, the local advisory councils or by other community-based planning organizations; and

(b) may only propose Civic Works projects that comply with a plan developed by local and state governments or local advisory councils, if such a plan exists. Where no such plan exists, the council may review and accept solicited or unsolicited development plans proposed by local advisory councils or state or local governments.

Sec. 106 REGIONAL COORDINATION

- (a) The council shall establish regional taskforces as are necessary to carry out the purposes of this Act and ensure local projects provide for regionally coordinated workforce, infrastructure, and sustainable land development along the Gulf Coast.
- (b) The purpose of a taskforce shall be to examine Civic Works Project funding and ensure local funding priorities help advance long term needs and planning of federal, state, regional and non-governmental bodies.
- (c) The Council shall in consultation with local advisory councils, the regional taskforces and any other committee established prepare a regional policy plan for the region which shall be designed to present a coherent set of regional planning policies and objectives to guide development throughout said region and to protect the region's communities, businesses, and resources, and which shall reflect and reinforce the goals and purposes set out in this Act. The regional policy plan shall include but not be limited to:
 - (1) Identification of the region's critical resources and management needs, including its natural, coastal, historical, recreational, cultural, architectural, aesthetic, public infrastructure, workforce, and economic resources, available open space, and available regions for industrial, agricultural, aquacultural and development activity;
 - (2) a growth policy for the region including guidelines for the protection workers, businesses, and regional resources and the provision of capital facilities necessary to meet current and anticipated needs;
 - (3) regional goals for the provision of fair, affordable housing, job creation, waste disposal, open space, recreation, coastal resources, capital facilities, economic development, historic preservation, and any other goals deemed appropriate and important by the commission; and
 - (4) a policy for coordinating regional and local planning efforts, including coordinating planning activities of private parties and local, state or federal governmental authorities.

SEC. 107. SEALED OPEN PROPOSAL PROCESS

- (a) Selection of Civic Works Projects - competitive sealed proposals.
 - (1) All Civic Works Projects shall be awarded by competitive sealed

- (2) proposal except as otherwise provided in section 107(3).
- (3) An invitation for proposals shall be issued and shall include a project description, goals, lists of prospective project governmental, non-profit and private partners and roles and all contractual terms and conditions applicable to the Civic Works Projects.
- (4) Adequate public notice of the invitation for proposals shall be given at least fourteen days prior to the date set forth therein for the opening of proposals, pursuant to rules. Such notice may include publication by electronic on-line access pursuant to section 107(4) or in a newspaper of general circulation at least fourteen days prior to bid opening.
- (5) Proposals shall be opened publicly in the presence of one or more witnesses at the time and place designated in the invitation for proposals. The relevant information as may be specified by rules, together with the name of each proposing entity, shall be entered on a record, and the record shall be open to public inspection. After the time of the award, all proposals and proposal documents shall be open to public inspection in accordance with the provisions of Title 5 of the United States Code, section 552.
- (6) Proposals shall be unconditionally accepted, except as authorized by subsection (g) of this section. Proposals shall be evaluated based on the requirements set forth in the invitation for proposals, which may include criteria to determine acceptability, such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. Those criteria that will affect the costs and be considered in the evaluation for award shall be objectively measurable, such as discounts, transportation costs, and total or life-cycle costs.
- (7) Withdrawal of inadvertently erroneous bids before the award may be permitted pursuant to rules if the bidder submits proof of evidentiary value which clearly and convincingly demonstrates that an error was made. Except as otherwise provided by rules, all decisions to permit the withdrawal of bids based on such bid mistakes shall be supported by a written determination made by the responsible officer.
- (8) The agreement shall be awarded with reasonable promptness by written notice to the proposing entities whose proposals best meet the requirements and criteria set forth in the invitation for proposals.

(b) Solicitation of proposals by electronic on-line access

- (1) The Council may invite proposals using electronic on-line access, including the internet, for purposes of acquiring contracts for public

(2) projects on behalf of the Council or a Local Advisory Council.

(c) Cancellation of invitations for proposals

(1) An invitation for bids or any other solicitation may be cancelled or any or all proposals may be rejected in whole or in part as may be specified in the solicitation when it is in the best interests of the Council. The reasons for any cancellation or rejection shall be made part of the contract file.

(d) Responsibility of proposing entity and offerors

(1) A written determination of nonresponsibility of a proposing entity or offeror shall be made pursuant to rules. The unreasonable failure of a proposing entity or offeror to promptly supply information in connection with an inquiry with respect to responsibility may be grounds for a determination of nonresponsibility with respect to such proposing entity or offeror.

(2) Information furnished by a proposing entity or offeror pursuant to this section shall not be disclosed without prior written consent by the bidder or offeror.

(e) Rules and regulations

(1) The Council shall promulgate rules and regulations which are designed to implement the provisions of this section 107. The rules shall include provisions requiring the Council or Local Advisory Council to keep certain public project records, even if duplicative, in accordance with generally accepted cost accounting principles and standards.

(f) Finality of determinations

(1) The determinations required by sections 102, and 107 are final and conclusive unless they are clearly erroneous, arbitrary, capricious, or contrary to law.

(g) Reporting of anticompetitive practices

(1) When for any reason collusion or other anticompetitive practices are suspected among any proposing entity or offerors, a notice of the relevant facts shall be transmitted to the Attorney General of the United States or other appropriate authority.

(h) Prohibition of dividing work of public project

- (1) It is unlawful for any person to divide a work of a public project into two or more separate projects for the sole purpose of evading or attempting to evade the requirements of this article.

SEC. 108. SEALED OPEN BID PROCESS

(a) Contracting of Civic Works Projects- competitive sealed bidding.

- (1) All contracts for public projects shall be awarded by competitive sealed bidding except as otherwise provided in section 108(3).
- (2) An invitation for bids shall be issued and shall include a project description and all contractual terms and conditions applicable to the public project.
- (3) Adequate public notice of the invitation for bids shall be given at least fourteen days prior to the date set forth therein for the opening of bids, pursuant to rules. Such notice may include publication by electronic on-line access pursuant to section 108(4) or in a newspaper of general circulation at least fourteen days prior to bid opening.
- (4) Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the invitation for bids. The amount of each bid and such other relevant information as may be specified by rules, together with the name of each bidder, shall be entered on a record, and the record shall be open to public inspection. After the time of the award, all bids and bid documents shall be open to public inspection in accordance with the provisions of Title 5 of the United States Code, section 552.
- (5) Bids shall be unconditionally accepted, except as authorized by subsection (g) of this section. Bids shall be evaluated based on the requirements set forth in the invitation for bids, which may include criteria to determine acceptability, such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in the evaluation for award shall be objectively measurable, such as LEED certification, wages and benefits to employees or subcontractors, percentage of women, and minorities hired, number of residents and displaced residents hired, discounts, transportation costs, and total or life-cycle costs.
- (6) Withdrawal of inadvertently erroneous bids before the award may be permitted pursuant to rules if the bidder submits proof of evidentiary

value which clearly and convincingly demonstrates that an error was made. Except as otherwise provided by rules, all decisions to permit the withdrawal of bids based on such bid mistakes shall be supported by a written determination made by the responsible officer.

- (7) The contract shall be awarded with reasonable promptness by written notice to the low responsible bidder whose bid meets the requirements and criteria set forth in the invitation for bids. In the event that all bids for a construction project exceed available funds, as certified by the appropriate fiscal officer, the responsible officer is authorized, in situations where time or economic considerations preclude re-solicitation of work of a reduced scope, to negotiate an adjustment of the bid price with the low responsible bidder in order to bring the bid within the amount of available funds; except that the functional specifications integral to completion of the project may not be reduced in scope, taking into account the project plan, design, and specifications and quality of materials.

(b) The provisions of section 108 shall not apply to:

- (1) A public project for which the agency of government receives no bids or for which all bids have been rejected; or
- (2) A situation for which the Council determines it is beneficial to the public good and the mission of section 101 for the Council to act as the prime contractor and administer the specific Civic Works Project.
- (3) A situation for which the Council determines it is necessary to make emergency procurements or contracts because there exists a threat to public health, welfare, or safety under emergency conditions, but such emergency procurements or contracts shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file.
- (4) Nothing in this article shall be construed to affect or limit any additional requirements imposed upon the Council for awarding contracts for public projects.

(c) Solicitation of bids by electronic on-line access

- (1) The Council may invite bids using electronic on-line access, including the internet, for purposes of acquiring contracts for public projects on behalf of the Council or a Local Advisory Council.

(d) Cancellation of invitations for bids

- (1) An invitation for bids or any other solicitation may be cancelled or any or all bids or proposals may be rejected in whole or in part as may be specified in the solicitation when it is in the best interests of the Council. The reasons for any cancellation or rejection shall be made part of the contract file.

(e) Responsibility of bidders and offerors

- (1) A written determination of nonresponsibility of a bidder or offeror shall be made pursuant to rules. The unreasonable failure of a bidder or offeror to promptly supply information in connection with an inquiry with respect to responsibility may be grounds for a determination of nonresponsibility with respect to such bidder or offeror.
- (2) Information furnished by a bidder or offeror pursuant to this section shall not be disclosed without prior written consent by the bidder or offeror.

(f) Prequalification of contractors

- (1) Prospective contractors may be prequalified for particular types of construction, and the method of compiling a list of and soliciting from such potential contractors shall be pursuant to rules to be promulgated by the Council.

(g) Types of contracts

- (1) Subject to the limitations of this section, any type of contract which will promote the best interests of the agency of government may be used; except that the use of a cost-plus-a-percentage-of-cost contract is prohibited. A cost-reimbursement contract may be used only when a determination is made in writing that such contract is likely to be less costly to the agency of government than any other type of contract or that it is impracticable to obtain the construction required unless the cost-reimbursement contract is used.

(h) Council to submit cost estimate

- (1) Whenever the Council or Local Advisory Council proposes to undertake the construction of a public project reasonably expected to cost less than fifty thousand dollars (\$50,000) by any means or method other than by a contract awarded by competitive bid, it shall prepare and submit a cost estimate in the same manner as other bidders; except that, for projects under the supervision of Council or Local Advisory Councils undertaken by such means or method, the Council or Local

Advisory Council shall prepare a cost estimate. The Council or Local Advisory Council itself may not undertake the proposed project unless it shows the lowest cost estimate.

(2) In preparing such cost estimate, the Council or Local Advisory Council shall preserve a full, true, and accurate record of the cost of such project. Such records shall be kept and maintained by the responsible officer on behalf of the Council or Local Advisory Council. To the extent the Council or Local Advisory Council contracts with any other federal, state or local government agency in connection with a public project, such other agency shall provide all necessary data or information to enable the Council or Local Advisory Council to document a full, true, and accurate record of the cost of such project, which data or information shall be kept in an orderly manner by the Council or Local Advisory Council for a period of at least six years after completion of the project. All such records shall be considered public records and shall be made available for public inspection.

(3) The Council or Local Advisory Councils shall not be required to be bonded when performing the work on a public project.

(i) Rules and regulations

(1) The Council shall promulgate rules and regulations which are designed to implement the provisions of this section 108. The rules shall include provisions requiring the Council or Local Advisory Council to keep certain public project records, even if duplicative, in accordance with generally accepted cost accounting principles and standards.

(j) Finality of determinations

(1) The determinations required by sections 102, and 108 are final and conclusive unless they are clearly erroneous, arbitrary, capricious, or contrary to law.

(k) Reporting of anticompetitive practices

(1) When for any reason collusion or other anticompetitive practices are suspected among any bidders or offerors, a notice of the relevant facts shall be transmitted to the Attorney General of the United States or other appropriate authority.

(l) Prohibition of dividing work of public project

(1) It is unlawful for any person to divide a work of a public project into

two or more separate projects for the sole purpose of evading or attempting to evade the requirements of this article.

Sec. 109 DEVELOPMENT PERMITS AND APPROVAL

- (a) All construction projects receiving funding from the council shall be required to comply with the following regulations for Green Building —
- (1) The design, construction, operations, maintenance, renovation, and deconstruction of all major facilities that enter into the pre-design phase after the date of enactment of this Act, and the site of all such facilities, shall aim conform to, or exceed, the gold rating of the most recent version of the USGBC LEED-NC Green Building Rating System for a new building and for major renovations OR the most recent version of LEED Green Building Rating System Version LEED-EB for an existing building. All such buildings shall be certified through the LEED certification process and:
 - (2) The agency or instrumentality responsible for each such facility shall seek LEED certification at the earliest stage of development for the site of each such facility, and throughout the life of each such facility;
 - (3) In achieving its LEED rating, the facility must earn at least four LEED points for Energy and Atmosphere Credit Number One; and
 - (4) In achieving its LEED rating, the facility must earn the point for the LEED Energy and Atmosphere Credit Number Three.
 - (5) The Counciler may exempt any building from compliance with the mandates under Section 4, if it is deemed that the cost of compliance sufficiently exceeds the building's life-cycle cost savings.
 - (6) Any building under the mandate under Section 4 that is given exemption by the counciler must comply with the USGBC LEED Green Building Rating System to the maximum extent possible such that the cost of compliance does not sufficiently exceed the building's life-cycle cost savings.
- (b) The council shall review development plans which will have impacts beyond their local community and determine the comparative benefits and detriments of those projects and their consistency with local advisory council planning and state, local and regional goals, and may accept or deny an application for funding or permitting based on the foregoing determination;

- (c) When a municipality or state agency makes a determination that an emergency exists and that a development is necessary for the immediate protection of the health or safety of the public, the municipality or state agency may issue a development permit to conduct such emergency work notwithstanding that ordinarily such work would require a referral to the council as a development of regional impact.

Sec. 110 ENVIRONMENTAL PROTECTION

- (a) The council may propose the designation of certain areas which are of critical value to the region as districts of critical planning concern that must be preserved and maintained due to one or more of the following factors:
 - (1) the presence of significant natural, coastal, scientific, cultural, architectural, archaeological, historic, economic or recreational resources or values of regional, state-wide or national significance; or
 - (2) the presence of substantial areas of sensitive ecological conditions which render the area unsuitable for development; or
 - (3) the presence or proposed establishment of a major capital public facility or area of public investment.
- (b) The council may propose standards and criteria specifying the types of development which are likely to present development issues significant to more than one municipality in the Gulf Coast region.

TITLE II – THE GULF COAST CIVIC WORKS PROJECT

Sec. 201. PURPOSE STATEMENT

IN GENERAL- The Council shall carry out the Gulf Coast Civic Works Project to improve and expand job-training programs, create employment opportunities, rebuild critical public infrastructure, build coastal communities' resilience to climate impacts, strengthen opportunities for small businesses and private industry to participate in recovery and development projects, and provide support and coordination for existing programs, organizations, and government entities involved in recovery and development.

Sec. 202 JOB-TRAINING PARTNERSHIPS

- (a) Cooperation: The Council shall, in conjunction with State and local workforce investment boards, community colleges, and other existing workforce development organizations, support existing job-training resources or establish job training programs and apprenticeships where necessary in order to recruit and train qualified workers for specific vacancies in recovery, rebuilding, and development projects. The Council shall have as a priority the recruitment of women and disadvantaged workers who reside in the locality where the projects exist. The Council shall work with community based organizations, schools, community colleges, and existing workforce organizations to set up first source hiring halls through which Gulf Coast residents shall have priority in getting into job training programs, and to provide access to child care for working parents. The Council shall deduct such sums as it may deem necessary for the administration of this subsection. Such sums so deducted shall remain available until expended.
- (b) Capacity-Building Partnerships: The Council may work in partnership with organizations described in subsection (a) of this section and other public and private nonprofit organizations in order to assist such organizations in carrying out workforce development or job training programs by:
 - (1) Providing technical assistance and capacity-building support and;
 - (2) Providing grants, subject to the authorization and requirements set forth in subsection (c) and (d) of this section, to expand the organization's capacity to carry out workforce development or job-training programs, or to create new job-training or

workforce development initiatives designated for the purposes of this Act.

(c) Meeting Current Workforce Gaps: The Council may work in conjunction with local employers to identify where a shortage of skilled workers exists, and the type of workers necessary for local businesses to be more effective and efficient. In conjunction with other Federal, State and local agencies, the private and non profit entities to actively recruit Gulf Coast residents and evacuees to apply for these positions or participate in existing job training programs to obtain these skills, and, in conjunction with State and local workforce investment boards, establish additional job training programs and facilities where necessary, including areas where there is a concentration of Gulf Coast evacuees.

(d) Authority to assist public or private nonprofit organizations-

(1) The Council may make grants under section 202 of this title to organizations described in subsection 202 of this section and other public and private nonprofit organizations seeking to work in partnership with the Council that:

(A) have experience with job training or workforce development;

(B) were in existence at least 1 year before the date on which the organization submitted an application under subsection (c) of this section and;

(C) meet such other criteria as the Council may establish.

(2) Such organizations may use grants made under subsection (c) of this section to make grants to partnerships described in section (b) of this section to implement, operate, or expand workforce development, job-training, or apprenticeship programs as described in this Act and provide technical assistance and training to appropriate persons.

(e) Application for Partnership

(1) Organizations described in subsection (b) of this section seeking to work in partnership with the Council shall submit an application to the Council, or to such agency as designated by the Council, outlining the details of the project and need for partnership, including need for and intended use of grants or other funds.

- (2) The Council shall set forth application guidelines and procedures, subject to the requirements of section 202 of this title, for organizations seeking to work in partnership with the Council.

(f) Access to Opportunity through Apprenticeships-

- (1) The specifications for every contract for works projects for which the contract price exceeds \$250,000 shall contain a provision stating that the contractor or subcontractor must be approved as a training agent by the Council, if a committee or program of apprenticeship and training for the apprenticeable occupations used by the contractor or subcontractor exists in this state where the works project is being implemented.
- (2) For a contract between the Council and a contractor, the specifications required by paragraph (a) of this subsection shall also contain a provision stating that at least 20 percent of the total hours worked on the works project by workers in apprenticeable occupations shall be performed by apprentices participating in programs of apprenticeship and training. The workers may be employed by the contractor or any subcontractor on the works project.
- (3) A contract or subcontract for a Civic Works Project for which the contract price exceeds \$250,000 shall contain a provision stating that the contractor or subcontractor is approved as a training agent, if a committee or program of apprenticeship and training for the apprenticeable occupations used by the contractor or subcontractor exists in this state.
- (4) A contract described in paragraph (c) of this subsection between the Council and a contractor shall also contain a provision stating that at least 20 percent of the total hours worked on the works project by workers in apprenticeable occupations shall be performed by apprentices participating in programs of apprenticeship and training. The workers may be employed by the contractor or any subcontractor on the works project.
- (5) Exceptions. Upon application by Employer, the Council may grant an exception to any of all of the requirements in any situation where it concludes that compliance with this Chapter would not be possible as the project could not be completed by workers in apprenticeable occupations.

(g) Wages-

(1) IN GENERAL- Job training or apprenticeship programs established or funded under this Act shall ensure that trainees are paid in an amount of not less than \$10 per hour, and that apprentices are paid not less than \$15.

(2) ADJUSTMENT FOR INFLATION- Beginning one year after the date of enactment of this Act and each year thereafter, the minimum wages specified in paragraph (1) shall be adjusted by the percentage increase during the 12-month period ending the preceding June in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

Sec. 203 **JOB CREATION**

(a) Employment- After identifying recovery, rebuilding, and development Civic Works Projects and employment in other areas in the Gulf Coast region the Council shall work in conjunction with local employers and other state or Federal agencies on such projects to recruit and hire additional workers from the Gulf Coast region. In the event that employers have a need for but do not have sufficient funding for additional workers, the Council shall be permitted to hire and pay the wages of additional workers to work on such projects.

(b) Outreach Partnerships- The Council shall work with Federal agencies, especially the Federal Emergency Management Agency, as well as State and local employment offices, community organizations, schools, community colleges, workforce investment boards, and private entities, to make available positions known.

(c) Outreach to Limited English Proficiency Communities - All public meetings, outreach and hiring by the council will include Limited English Proficiency (LEP) communities through multilingual meetings, translated flyers, outreach to ethnic medias and other outlets necessary to ensure that LEP communities are present and included. The council shall work with organizations servicing LEP communities to set up first source hiring halls and to recruit and hire LEP workers.

(d) First Source Hiring-

(1) Any contractor receiving Federal funds under this Act shall comply with first source hiring agreements for interviewing, recruitment, and hiring in order to initially provide displaced residents and residents from the disaster area with consideration for employment. The duration of the first source interviewing requirement shall be 25 days, unless the contractor receives approval from the local advisory board

or Regional Advisory Board for reasons of business necessity to hire in a shorter period of time. A contractor may establish its good faith efforts by filling its first available positions with job applicants obtained through the first source hiring procedures.

- (2) Any contractor receiving Federal funds under this Act shall comply with requirements for providing timely, appropriate notification of available positions to the Council so that the Council may train and refer an adequate pool of residents from the disaster area to participating employers.
- (e) Local Hiring Halls- The Council shall contract with community groups, faith-based organizations, and nonprofit organizations with connections to local communities to recruit displaced residents and local residents to conduct outreach to workers eligible for first source hiring, and to work with contractors to identify interested candidates outside of the region who wish to return to work and if necessary enter training programs.
- (f) Hiring Decisions- Any contractor receiving Federal funds under this Act shall make the final determination of whether a potential employee is qualified for the position.
- (g) Exceptions- Upon application by employer, the Council may grant an exception to any or all of the requirements in any situation where it concludes that compliance with this section would not be possible in the timeframe provided.
- (h) Subcontracts- Any subcontract entered into by any contractor receiving Federal funds under this Act shall require the subcontractor to comply with the requirements of and shall contain contractual obligations substantially the same as those set forth in this section.

Sec. 204 CIVIC WORKS PROJECT CREATION

- (a) In General- After identifying areas of the Gulf Coast region that are in need of recovery, rebuilding, and development projects, the council shall coordinate existing resources to ensure that projects are carried out in compliance with local and regional comprehensive plans. Where no such projects exist, the Council may, subject to available funds, establish and fund such projects. In establishing any project under this subsection, the Council shall approve all necessary developers and contractors to carry out such projects.
- (b) Infrastructure and Public Works Development- In addition to the other activities described in this title, the Council shall establish or coordinate infrastructure projects in accordance with local and regional comprehensive plans. Infrastructure projects shall include those defined in section **204** of this Act.

- (c) Job-training Facilities- In addition to the other activities described in this title, the Council shall establish or coordinate projects to improve, expand, or create job-training facilities in order to further the purposes set forth in section **202 and 203** of this Act. Job-training facility projects shall include those defined in section **202** of this Act.
- (d) Environmental Restoration- In addition to the other activities described in this title, the Council shall establish or coordinate environmental restoration projects. Environmental restoration projects shall include, but are not limited to, those defined in section **109** of this Act.
- (e) Civic Conservation Corps- In addition to the other activities described in this title, the Council shall establish a conservation corps composed of individuals between the age of 17 and 24, focus on wetland restoration, forestation, and urban greenery.
- (f) Energy Efficiency and Conservation- In addition to achieve the other activities described in this title, the Council shall establish or coordinate projects:
 - (1) to reduce greenhouse gas emissions created as a result of activities within the jurisdictions of eligible entities in a manner that
 - (A) is environmentally sustainable and;
 - (B) to the maximum extent practicable, maximizes benefits for local and regional communities;
 - (2) to reduce the total energy use of the eligible entities; and
 - (3) to improve energy efficiency in the transportation, building and other appropriate sectors.
- (g) Workforce Housing - In addition to the other activities described in this title, the Council shall establish or coordinate housing improvement projects to assist workers in finding affordable housing.
- (h) Supplemental Services- In addition to the other activities described in this title, the Council shall establish or coordinate existing social service resources, including childcare and transportation services, as are necessary to ensure employment, training, and projects under this Act are carried out effectively and efficiently.
- (i) Youth Works Program- In addition to other activities described in this title, the Council shall establish or coordinate existing resource for a Youth Employment Program, particularly for disadvantaged, at risk, and out-of-school youth between

the ages of 12-19 years old, to provide summer and after school employment or skills training opportunities.

- (j) Arts, Culture, Historical Restoration and Heritage- In addition to the other activities described in this title, the Council is authorized to provide grants for projects that reflect, promote, or maintain the architectural, artistic and cultural heritage of the affected region, including the chronicling of stories surrounding the 2005 and 2008 Hurricanes.

Sec. 205 PUBLIC-PRIVATE PARTNERSHIPS

(a) Solicited Proposals.

- (1) The Council may solicit, receive, consider, evaluate, and accept proposals for a Civic Works Project from Local Advisory Councils.
- (2) In soliciting and selecting a Local Advisory Councils with which to enter into a Civic Works Project, the Council shall utilize a sealed open-proposal process as set forth in section 107 of this act.
- (3) Proposals should be selected on their ability to fulfill the mission spelled out in Sec. 101 (a).

(b) Unsolicited Proposals.

- (1) The council may receive, consider, evaluate, and accept an unsolicited proposal for a public-private initiative if the proposal:
 - (A) is independently originated and developed by in coordination with resident organizations in the community affected;
 - (B) benefits the public pursuant to the mission spelled out in Sec. 101 (a);
 - (C) is prepared without Council supervision; and
 - (D) includes sufficient detail and information for the Council to evaluate the proposal in an objective and timely manner.
- (2) Within 30 days after receiving a solicited or unsolicited proposal, the council shall undertake a preliminary evaluation of the unsolicited proposal to determine if the proposal complies with the requirements of this Act.

(c) Public-Private Agreement.

- (1) After selecting a solicited or unsolicited proposal for a Civic Works Project, the Council shall enter into an agreement with the selected Local Advisory

Council or any configuration of private entities.

- (2) An affected jurisdiction may be a party to a public-private agreement entered into by the Council and a selected Local Advisory Council, public entity, private entity or combination of private and/or public entities.
- (3) The agreement shall provide for the planning, acquisition, financing, development, design, construction, reconstruction, replacement, improvement, maintenance, management, repair, leasing, or operation of a Civic Works Project designated by this act.
- (4) After entering in the agreement, the Council may solicit, receive, consider, evaluate, and accept bids to serve as prime contractor for the completion of a Civic Works Project from bidders.
 - (A) In soliciting and selecting a bidder with which to enter into a contract to manage and complete the Civic Works Project, the Council shall utilize a sealed open-bid process as set forth in section 108 of this act.
 - (B) Proposals should be selected on their ability to fulfill the mission spelled out in Sec. 101 (a).
- (5) The financing mechanism included in a contract may include the imposition and collection of user fees and the development or use of other revenue sources.
- (6) A agreement between the Council and a Local Advisory Council, public or private entity shall specify at least the following:
 - (A) which party will assume responsibility for which specific project elements and the timing of the assumption of responsibility;
 - (B) the type of property interest, if any, the parties will have in the facility;
 - (C) if and how the parties will share costs of development of the project;
 - (D) if and how the parties will allocate financial responsibility for cost overruns;
 - (E) liability for nonperformance;
 - (F) any incentives for performance;
 - (G) any accounting and auditing standards to be used to evaluate progress

on the project; and

(H) other terms and conditions.

Sec. 206 WAGES

- (a) The Councils shall ensure that all laborers employed by the Council or by contractors or subcontractors in the performance of programs or projects initiated under this act or funded by the council will be paid wages at rates not less than those prevailing on similar work in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of part A of subtitle II of title 40, United States Code (commonly referred to as the Davis-Bacon Act).

Sec. 207 CONFLICTING PROVISIONS

- (a) All laws and parts of laws in conflict with this Act are repealed.

Sec. 208 EFFECTIVE DATE

- (a) This Act shall take effect immediately upon enactment.
- (b) This act shall not apply to any development constructed in accordance with a building permit issued prior to the effective date of this act.

Sec. 209 SEVERABILITY

- (a) If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the invalidity shall not affect other provisions or applications of this Act, which can be given effect without regard to the invalid provision or application and, to this end, the provisions of this Act are severable.

SEC. 210. FUNDING.

- (a) Authorization of Appropriations-There is authorized to be appropriated to the Council \$5,000,000,000 to carry out this title, provided that job training and workforce development programs be adequately funded.
- (b) Partnerships-The Council shall make every effort to partner with State and local governments, nonprofit and private industry in the funding and administration of projects under this title.

END