

CITY OF CAMBRIDGE

SNOW PLOWING SERVICES

The City of Cambridge is seeking independent contractors to provide snow plowing services for the City as follows:

CONTRACT PERIOD: NOVEMBER 1, 2024 THROUGH MAY 16, 2025

DESCRIPTION: Contractors will provide individuals, trucks and equipment necessary to perform snow plowing services. Equipment is to include trucks for snow plowing complete with plows and necessary drivers, dump trucks complete with tailgates and such additional side boards to provide a minimum body height of 3'6" and complete with necessary drivers, complete with blades and/or buckets for snow plowing.

INFORMATION REQUIRED: Contractors must submit the information application provided by the city and a copy of current vehicle registration for all vehicles and current license for all drivers that will be used for this service, W-9, Cori Compliance Form, Anti-Collusion/Tax Compliance Form, Written Information Security Policy, Insurance and Worker's Compensation Insurance or Affidavit.

LIVING WAGE REQUIREMENTS: The City of Cambridge has Living Wage Requirement that established minimum hourly rates for all personnel that work inside the city limits. The City of Cambridge living wage as of March 1, 2024 is \$19.09 per hour. The living wage requirements are attached.

INSURANCE: Each Contractor must provide evidence of automobile liability insurance covering all automobiles and registered vehicles. Commercial liability insurance "mobile equipment" and for injury due to an accident caused by snow plowers' work (bobcats, backhoes, front end loaders, etc.) and worker's compensation (if applicable-if not applicable contractor must sign affidavit provided by the city).

A contract with the City for these services does not guarantee that the services will be utilized. Contractors will be called depending on the needs of the City.

DEADLINE: Applications must be received in the Purchasing Department no later than Thursday October 31, 2024 by 5:00p.m.

The City will consider extending the deadline if necessary.

Applications may be submitted by email to purchasing@cambridgema.gov, hand delivered to 5 Bigelow Street Cambridge, MA 02139 or mailed to Purchasing Department 795 Massachusetts Ave, Cambridge, MA 02139. Handicap accessibility may be arranged by calling 617-349-4310.

Incomplete Applications will not be accepted.

**Special attention is called to the addition of section "h" in the specifications. **

Elizabeth Unger
PURCHASING AGENT

SNOW PLOWING SERVICES

FILE NO. 11885- Thursday October 31, 2024 by 5:00p.m.

City of Cambridge
Purchasing Department

The City of Cambridge is seeking independent contractors to provide snow plowing services on an as-needed basis as follows:

CONTRACT PERIOD: NOVEMBER 1, 2024 THROUGH MAY 16, 2025

DESCRIPTION: Contractors will provide individuals, trucks and equipment necessary to perform snow plowing services. Equipment will include trucks for snow plowing complete with plows and necessary drivers, dump trucks complete with tailgates and such additional side boards to provide a minimum body height of 3'6" and complete with necessary drivers, complete with blades and/or buckets for snow plowing.

CONTRACT PRICES: Prices are set by the City as follows and shall remain fixed for the duration of the contract. Please note that the City **does not pay overtime** rates.

CONTRACT AMOUNT: A contract with the City for these services does not guarantee that the services will be utilized. Contractors will be called depending on the needs of the City.

CONTRACT PRICES:

1)	2-Axle Truck, 20,000 to 30,000 lb GVW, w/10' Plow	\$145.00
2)	2 or 3 Axle Truck, Min 31,000 lb GVW w/10' Plow	\$165.00
3)	2 Axle Truck, 20,000 - 30,000 lb GVW, w/10' Plow & Salt Spreader; 6 Yd Body Minimum (Only if Requested)	\$260.00
4)	2 or 3 Axle Truck, Min 31,000 lb GVW, w/10' Plow & Salt Spreader; 10 Yd Body Minimum (Only if Requested)	\$320.00
5)	Semi-tractor w/ 10' Plow and ballast	\$175.00
6)	4 Wheel Drive Pick-up, Min 9,200 lb GVW w/8' Plow min.	\$130.00
7)	2 Axle Dual Rear Wheel (Size comparable to Ford F450 or Equal) w/9' Plow Min	\$145.00
8)	2 Axle Dual Rear Wheel (Size comparable to Ford F450 or Equal) w/9' Plow & Salt Spreader; 2 Yd Body Minimum (Only if Requested)	\$225.00
9)	Bobcat or SCAT Truck (Must Include Blade, Bucket, Brush and Snow Blower)	\$165.00
10)	Small Front-end loaders (size comparable to a John Deere 244J or CAT 906)	\$190.00
11)	Rubber Tire 4-Wheel Drive Backhoe w/9' Plow Minimum (Size comparable to Case 580, John Deere 310, Cat 420 or equal)	\$205.00
12)	Front-End Loader, Minimum 3 cy Bucket w/9' Plow Minimum (1 1/2 cy when requested)	\$225.00
13)	Large Front-End Loader, Minimum 4 cy Bucket	\$235.00
14)	Additional payment for trucks with City approved bike guards	\$2.00

SPECIFICATIONS: The work to be performed under these contracts shall be in accordance with the following specifications and conditions:

- a. All trucks used by the Contractor for plowing snow must have a manufacturer's rating of three (3) tons or more.
- b. It is specifically understood that all equipment shall be in A-1 condition capable of performing work without unforeseen breakdown.
- c. **The City reserves the right to reject any equipment older than model year 2007.**
- d. Should a breakdown occur to equipment owned by the Contractor, credit shall be allowed only up to conclusion of the half hour in which breakdown occurred.
- e. All contractors shall be responsible for filling their vehicles or equipment with diesel fuel, gasoline or motor oil. The City will not provide fuel.
- f. It is understood that all snow plowing contractors shall report with fully equipped vehicles, including and plows, **ballast** and fuel. **Ballast materials will NOT be supplied by the City.** Salt and de-icing material will be supplied by the City of Cambridge for salters hired by the City for that purpose only.
- g. Plowing time will be computed and credited in the following manner:

Plowing time will commence when hired truck has checked in with the Public Works Operations Supervisor or his/her authorized assistant.

The Contractor shall report to the Public Works Yard at 50 Mooney Street, or designated starting location, within one hour after being notified to report or at a time determined by the City and at which time each operator will check in/sign-in with the City supervisor. All sub-contractors are responsible to know the contractor they are working for and shall check in under the contractor's name. If the Contractor responds within the one hour time frame or at specified time, a one-hour hook-up fee at the unit rate of the equipment ordered shall apply.

NOTE: Upon check-out the contractor must notify the Public Works Operations Supervisor or his/her authorized assistant prior to terminating plowing services. The Public Works Operational Supervisor reserves the right to end plowing services at any point during the storm and will notify contractors of ending time.

- h. Each contractor will be required to download a smart phone app that will allow the city to keep track of time. If a contractor does not have a smart phone they will not be allowed to work. Contractor will receive the app prior to the first snowstorm with instructions on how to download and register. The app will be the responsibility of the contractor for the remainder of the season and logins should not change every storm. The unit shall be turned on once the contractor is at the designated check in point for each storm and has checked in with a DPW representative.

This app must be on at all times during the snow operation and can run in the background of the smart phone. Failure to keep the cell phone charged/on may result in the immediate dismissal of the contractor. The contractor is required to provide a means to charge the device in the vehicle.
- i. Manufacturer's ratings on all equipment used must be certified by the company from which such equipment was purchased.
- j. The Contractor's equipment must be covered by the types of insurance specified herein for the protection of the City of Cambridge while performing services for said City.
- k. Contractor shall assure compliance of its equipment and drivers with all federal, state and local regulations, including but not limited to the Registry of Motor Vehicles and the U.S. Department of Transportation.
- l. It is understood that during snow plowing it shall be the responsibility of the Contractor to direct its operators to check both in and out with the Public Works Supervisor.
- m. The City reserves the right to terminate the Contractor's services if the driver or operator cannot be located or does not respond when contacted during a storm.

SNOW PLOWING SERVICES

FILE NO. 11885- Thursday October 31, 2024 by 5:00p.m.

- n. All vehicles must be equipped with cell phones at no additional cost to the City. Phone numbers must be reported to the Snow Operations Supervisor.
- o. The Contractor must provide a fully qualified, licensed and responsible driver for each vehicle. The contractor must provide the name of each driver/operator to the Public Works Supervisor overseeing the route and all licenses must be made available for inspection any time during a snow plowing operation assignment.
- p. All Contractors must provide the state vehicle registration showing equipment type, gross vehicle weight and license plate number for vehicles and heavy equipment.
- q. For streets, contracted plowing operations shall be performed as close to bare pavement as possible and all streets shall be widened to maximum width. All intersections shall be cleaned to their full widths. Care will be made not to pile snow on sidewalk corners, but pushed beyond the radii and equally distributed along the curb line.
- r. No payment will be made until approved contracts are on file with the DPW and Comptroller of Accounts.
- s. Contractor will abide by all current Covid-19 policies required by the city.
- t. Contractor must have a valid contract signed and returned to the City to plow; no exceptions will be made.

INVOICES: The Department of Public Works will send contractors a draft invoice within ten days of storm. The contractor will review, sign and return the invoice to the Department of Public Works. All discrepancies contained in the invoice shall be brought to the attention of the Department of Public Works Contractor Supervisor immediately. Once discrepancies are resolved a new invoice will be sent to the contractor for signature. Contractors must provide a valid email address to the Department of Public Works in order to receive invoices.

INFORMATION REQUIRED: Contractors must submit the information application provided by the city and a copy of current vehicle registration for all vehicles and current license for all drivers that will be used for this service, W-9 Form, Cori Compliance Form, Anti-Collusion/Tax Compliance Form, Insurance and Worker's Compensation Insurance or Affidavit.

LIVING WAGE: The City of Cambridge has Living Wage requirement that establishes minimum hourly rates for all personnel who work inside the City limits. The City of Cambridge's Living Wage as of March 1, 2024 is \$19.09 per hour. The Living Wage requirements are attached.

INSURANCE: Each contractor must provide evidence of insurance covering commercial liability, automotive (for all owned, non-owned, leased and hired vehicles) and worker's compensation (if applicable-if not applicable contractor must sign affidavit provided by the City).

PURCHASING AGENT

SNOW PLOWING SERVICES

4)	2 or 3 Axle Truck, Min 31,000 lb GVW, w/10' Plow & Salt Spreader; 10 Yd Body Minimum (Only if Requested)	\$320				
5)	Semi-tractor w/ 10' Plow and ballast	\$175	-	-	-	-
6)	4 Wheel Drive Pick-up, Min 9,200 lb GVW w/8' Plow min.	\$130	-	-	-	-
7)	2 Axle Dual Rear Wheel (Size comparable to Ford F450 or Equal) w/9' Plow Min	\$145	-	-	-	-
8)	2 Axle Dual Rear Wheel (Size comparable to Ford F450 or Equal) w/9' Plow & Salt Spreader; 2 Yd Body Minimum (Only if Requested)	\$225	-	-	-	-
9)	Bobcat or SCAT Truck (Must Include Blade, Bucket, Brush and Snow Blower)	\$165	-	-	-	-

SNOW PLOWING SERVICES

10)	Small Front-end loaders (size comparable to a John Deere 244J or CAT 906)	\$190	-	-	-	-
11)	Rubber Tire 4-Wheel Drive Backhoe w/9' Plow Minimum (Size comparable to Case 580, John Deere 310, Cat 420 or equal)	\$205	-	-	-	-

12)	Front-End Loader, Minimum 3 cy Bucket w/9' Plow Minimum (1 1/2 cy when requested)	\$225				
13)	Large Front-End Loader, Minimum 4 cy Bucket	\$235				

FOR ALL CONTRACTORS, PLEASE STATE THE FOLLOWING:

CELL OR MOBILE PHONE NUMBER: _____

NAME OF CONTACT PERSON: _____

"I certify under the penalties of perjury that I have complied with all of the laws of the Commonwealth of Massachusetts relating to taxes, reporting of employees and contractors and withholding and remitting child support."

SIGNATURE _____

NAME OF COMPANY _____

ADDRESS _____ TELEPHONE NUMBER(S) _____

CITY, STATE, ZIP CODE _____ Email: _____

**ORDINANCE #2022-15 - FINAL PUBLICATION
CITY OF CAMBRIDGE**

In the Year Two Thousand and Twenty-Two

AN ORDINANCE

In amendment to the Ordinance
entitled "Cambridge Municipal Code."

Be it ordained by the City Council of the City of Cambridge that the Municipal Code of the City of Cambridge, Chapter 2.112.080, entitled "Truck Safety Ordinance" be amended by substitution to read as follows:

2.112.080 Truck Safety Ordinance.

2.112.081 Short title.

Sections 2.112.081 to 2.112.089 may be cited as the "Truck Safety Ordinance" of the City of Cambridge.
(Ord. No. 2020-20,11-2-2020)

2.112.082 Declaration of findings and policy-Scope.

The City Council hereby finds that the provisions of these sections are intended to promote the public purpose of effectively protecting Vulnerable Road Users, as defined in Section 2.112.083 below, against the risks associated with sharing the road with Large Vehicles, as defined in Section 2.112.083 below. These sections seek to minimize the potential for injury to Vulnerable Road Users, specifically relating to falling under the sides of or being caught under the wheels of Large Vehicles.
(Ord. No. 2020-20, 11-2-2020)

2.112.083 Definitions.

The following words shall for the purposes of these sections, unless the context clearly requires otherwise, have the following meanings:

- A. "City" shall mean the City of Cambridge.
- B. "City Solicitor" shall mean the city solicitor for the City of Cambridge.
- C. "City Vendor" shall mean any individual, firm, business, consultant, contractor, or supplier of goods and/or services to the City of Cambridge, or any subcontractors, employees or agents thereof.
- D. "Contract" shall mean any contract executed between the City and a City Vendor for \$10,000 or more for goods, services, design or construction.
- E. "Centralized Purchase" shall mean a statewide contract to purchase through the Commonwealth of Massachusetts, a Commonwealth of Massachusetts department supply or service contract, a collective purchase, a purchase through a General Services Administration procured supply schedule, or a cooperative purchase.

- F. "DPW Commissioner" shall mean the Commissioner of the Department of Public Works or his or her designee.
 - G. "Large Vehicle" shall mean any Class 3 or above motor vehicle, trailer, semi-trailer or semi-trailer unit, with a gross vehicle weight rating (GVWR) exceeding 10,000 pounds and are able to travel at speeds more than 15 miles per hour, when travelling within the City of Cambridge to supply the goods, services, design or construction that are the subject of a contract with the City.
 - H. "Purchasing Agent" shall mean the purchasing agent for the City of Cambridge.
 - I. "Third-Party Freight Brokerage Contractor" shall mean a brokerage contractor that is used by City Vendors to supply Large Vehicles to City Vendors to transport goods and services to the City of Cambridge.
 - J. "TPT Director" shall mean the Director of the Traffic, Parking & Transportation Department or his or her designee.
 - K. "Vulnerable Road User" shall mean (a) a pedestrian, including but not limited to those persons actually engaged in work upon a way, or in work upon utility facilities along a way, or engaged in the provision of emergency services within the way, or (b) a person operating a bicycle, handcycle, tricycle, skateboard, roller skates, in-line skates, moped, other non-motorized or electric personal mobility or recreational device other than an automobile or motorcycle, wheelchair, personal assistive mobility device, horse-drawn carriage, motorized bicycle, motorized scooter, farm tractor, agricultural trailer, or similar vehicle designed primarily for farm use, or other motorized vehicle which has a maximum speed of less than 20 miles per hour, or (c) a person riding an animal.
- (Ord. No. 2020-20, 11-2-2020)

2.112.084 Applicability.

- A. These sections shall apply to every Large Vehicle used by a City Vendor while under a City Contract, except as provided in Section B below.
- B. The provisions of these sections shall not apply to:
 - 1. A motor vehicle which has a maximum speed not exceeding fifteen (15) mph;
 - 2. A fire apparatus;
 - 3. An emergency medical vehicle;
 - 4. A vehicle which is being driven or towed to a place whereby previous arrangement has been scheduled to install any safety requirements for large vehicles such that it complies with these sections;
 - 5. Vehicles used by City Vendors solely for the purpose of snow clearance or removal;
 - 6. Vehicles used by City Vendors solely for the purpose of street sweeping;
 - 7. Vehicles used by City Vendors solely for the purpose of street paving.

(Ord. No. 2020-20, 11-9-2020)

2.112.085 Requirements for large vehicles.

- A. All Large Vehicles subject to the provisions of these sections shall be equipped with convex mirrors, cross-over mirrors, decals, and side under-ride guards affixed to the sides of Large Vehicles in a manner consistent with these sections.

- B. The DPW Commissioner and the TPT Director shall have the authority to promulgate regulations to accomplish any of the provisions of these sections, including but not limited to required specifications for convex mirrors, cross-over mirrors, decals, and side under-ride guards affixed to the sides of Large Vehicles.
 - C. As future technical innovations to improve safety for Vulnerable Road Users become available, the DPW Commissioner and the TPT Director may research and test such technical innovations, and update any rules and regulations promulgated hereunder consistent with such research and tests.
- (Ord. No. 2020-20, 11-9-2020)

2.112.086 Enforcement.

Any violation of any provision of these sections by a City Vendor shall constitute a breach of the subject contract the City Vendor has with the City and will be considered a default under such contract with the City, and shall subject the City Vendor to any and all penalties contained in such contract. Any violations of these sections shall be reported to the Purchasing Agent and the City Solicitor.

(Ord. No. 2020-20, 11-9-2020)

2.112.087 Waiver.

- A. If the Purchasing Agent believes that extenuating circumstances exist which would prevent any City Vendor(s) from complying with the provisions of these sections, the Purchasing Agent, upon the recommendation of both the DPW Commissioner and the TPT Director, may approve a waiver of some or all of the requirements of these sections prior to issuing a procurement solicitation for any procurement contract or for any contract not requiring competition. If the Purchasing Agent is unable to secure any responsible and responsive bid in response to a procurement solicitation for a contract for goods, services, design, or construction or for any procurement contract not requiring competition, then the Purchasing Agent may issue a waiver of some or all of the requirements of these sections upon the recommendation of the DPW Commissioner and the TPT Director.
- B. If the DPW Commissioner and the TPT Director believe that extenuating circumstances exist which would prevent a City Vendor from complying with the provisions of these sections for a specific delivery or operation, the DPW Commissioner and TPT Director may approve a limited waiver of the requirements of these sections for the specific delivery or operation not to exceed one month.
- C. If the DPW Commissioner and the TPT Director believe that extenuating circumstances exist as a result of a contract executed with a City Vendor where goods, services, design or construction are procured through a Centralized Purchase, or requires a Third-Party Freight Brokerage contractor, the DPW Commissioner and TPT Director may recommend and the Purchasing Agent may approve a waiver of some or all of the requirements of these sections.
- D. Waivers will be issued in a form and manner consistent with the provisions of these sections and the rules and regulations promulgated hereunder.
- E. On an annual basis, the City Manager shall provide a report to the City Council that includes: the number of waivers issued, the number of responsive contracts

executed without a waiver, and the total number of contracts executed during the previous fiscal year, as well as any trends (positive or negative) and any other relevant information regarding the effectiveness of this Ordinance in increasing the safety of trucks operated in Cambridge.

(Ord. No. 2020-20 , 11-9-2020)

2.112.088 Conformity with existing state and federal law and severability.

These sections shall be implemented in conformity with all applicable provisions of federal, state and local laws, and the provisions of these sections are severable; if any provision, or portion thereof, should be held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect the remaining provisions, which shall remain in full force and effect.

(Ord. No. 2020-20, 11-9-2020)

2.112.089 Effective date.

These amendments shall be effective upon enactment.

(Ord. No. 2020-20, 11-9-2020)

In City Council June 6, 2022.

Ordained as amended by a ye and nay vote:-

Yeas 9; Nays 0; Absent 0.

Attest:- Paula M. Crane, Interim City Clerk

A true copy;



ATTEST:-

Paula M. Crane

Interim City Clerk

City of Cambridge
Truck Safety Ordinance Regulations

The City of Cambridge Commissioner for Public Works (the “DPW Commissioner”) and the City of Cambridge Director of Traffic, Parking and Transportation (the “TPT Director”) hereby adopt the following Truck Safety Ordinance Regulations pursuant to the Truck Safety Ordinance, Chapter 2.112, Section 2.112.080 of the Cambridge Municipal Code (“Truck Safety Ordinance” or “Ordinance”). The provisions of the Truck Safety Ordinance, including but not limited to the definitions contained in the Ordinance, shall apply to these regulations. Additionally, for purposes of these Regulations a “Side Under-Ride Guard” shall mean a piece of equipment that is installed on a Large Vehicle between the front and rear wheels to help prevent injuries to Vulnerable Road Users, and particularly to protect against the risk of falling under the side of the vehicle and being caught under the wheels of the vehicle.

1. All Large Vehicles subject to the provisions of the Truck Safety Ordinance shall be equipped with convex mirrors, cross-over mirrors, decals, and Side Under-Ride Guards affixed to the sides of Large Vehicles in a manner consistent with the specifications detailed in Section 2 below.
2. The following technical specifications shall be met in order for equipment to meet the provisions of the Truck Safety Ordinance for Side Under-Ride Guards, convex mirrors, convex cross-over mirrors, and safety decals.

2.1 Side Under-Ride Guards

(a) Equipping Large Vehicles with Side Under-Ride Guards

Large Vehicles must be constructed or equipped in such a way as to offer, throughout their length, effective protection to Vulnerable Road Users against the risk of falling under the side of the vehicle and being caught under the wheels of the vehicle. This requirement may be considered satisfied:

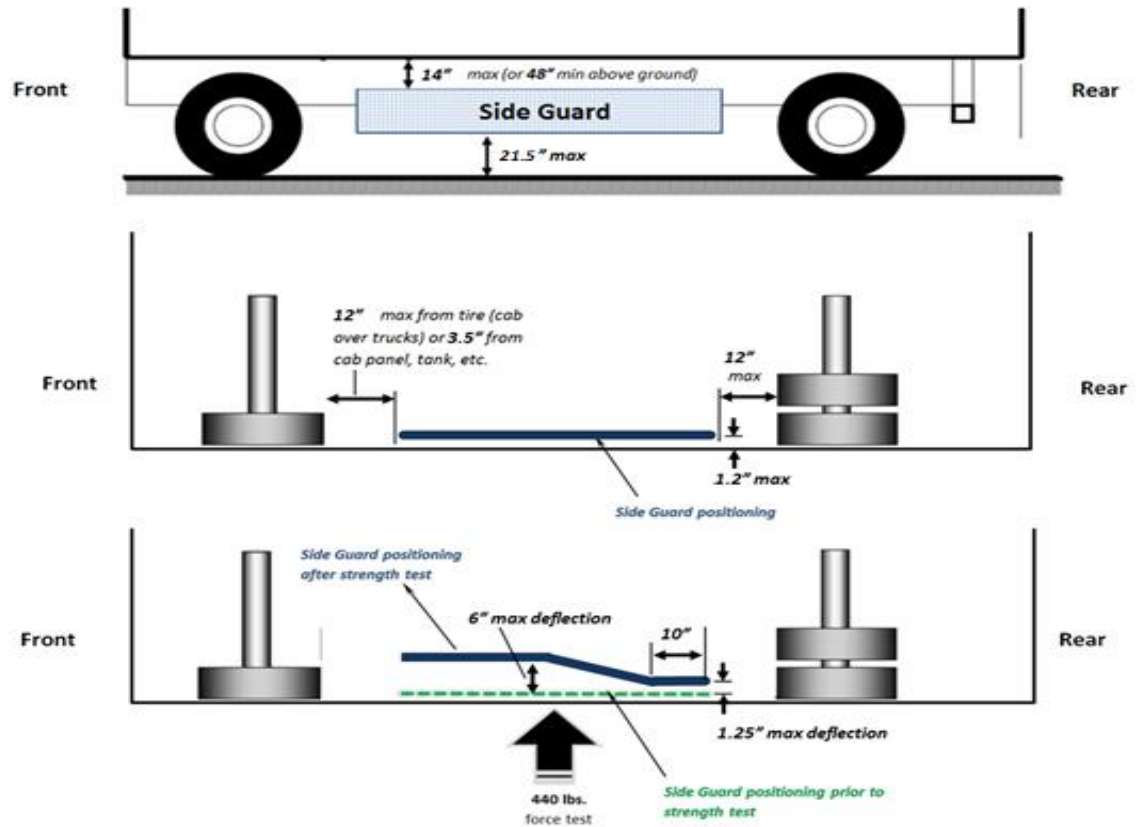
- 1) if the Large Vehicle is equipped with Side Under-Ride Guards in accordance with the requirements of Section 2.1(b) and depicted in diagram (1) below, or if
- 2) the Large Vehicle is designed and/or equipped such that by virtue of its shape and characteristics, its component parts can be incorporated and/or regarded as a replacement for the Side Under-Ride Guards, but the component parts’ combined functions must satisfy the requirements set out in Section 2.1(b) and diagram (1) below.

(b) Technical Specifications

Side Under-Ride Guards may use horizontal rails or a continuous flat surface that meets the following requirements:

- 1) The lower edge of Side Under-Ride Guards shall at no point be more than twenty-one and one-half (21.5") inches above the ground. It is preferred that the lower edge be no more than thirteen and eight tenths (13.8") inches above the ground.
- 2) The upper edge of Side Under-Ride Guards shall be no more than fourteen (14") inches below the structure of the vehicle as shown in the top schematic in diagram (1), which on a vertical plane must be tangential to the outer surface of the tires, as shown in the middle schematic in diagram (1).
- 3) The rear and forward edges of Side Under-Ride Guards shall not be more than twelve (12") inches from the tire on the wheel immediately adjacent to the Side Under-Ride Guards, as shown in the middle schematic in diagram (1).
- 4) Every Side Under-Ride Guard shall be essentially rigid and securely mounted and shall not be subject to loosening due to vibration in normal use of the vehicle. Side Under-Ride Guards shall be capable of withstanding a force of 440 pounds applied perpendicularly to any part of its surface by the center of a ram the circular face of which is not more than eight and one half (8.5") inches in diameter.
- 5) No part of a Side Under-Ride Guard shall be subject to deflection by more than six (6") inches by the ram referenced above, as shown in the bottom schematic in diagram (1), and
- 6) No part of a Side Under-Ride Guard which is less than ten (10") inches from its rear edge shall be subject to deflection by more than one and one quarter (1.25") inches from the ram referenced above, as shown in the bottom schematic in diagram (1).

DIAGRAM (1)



2.2 Convex Mirrors

Large Vehicles must be equipped with convex mirrors to enable the operator of the Large Vehicle to see all points on an imaginary horizontal line which is three (3') feet above the road, starting from five (5') feet directly behind the placement of the convex mirror, and which view extends rearward beyond the full length of such large vehicle on both the left and right sides of the Large Vehicle.

2.3 Cross-Over Mirrors

Large Vehicles must be equipped with a convex cross-over mirror on the front of the vehicle to enable the operator of the Large Vehicle to see any person or object at least three (3') feet tall passing in front of the vehicle.

2.4 Safety Decals

Large Vehicles must be equipped with a minimum of two (2) safety decals on the rear of the Large Vehicle, two (2) safety decals on the left side of the Large Vehicle, and two (2) safety decals on the right side of the Large Vehicle, that warn Vulnerable Road Users of blind spots, with the following requirements:

- (a) Decals must be "safety yellow" in color.
- (b) Decals must include language or images warning of the blind spot locations on the vehicle.
- (c) Decals on the sides of Large Vehicle must be placed on or within one (1') foot of the Side Under-Ride Guards.

3. Compliance

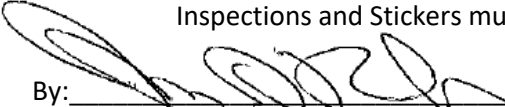
3.1 All Large Vehicles subject to the Ordinance and these Regulations shall comply with these Regulations and the City of Boston Code of Ordinances, Chapter 4, Section 4-8, and shall have all convex mirrors, cross-over mirrors, Side Under-Ride Guards, and decals inspected and approved by the City of Boston Inspectional Services Department. Upon successful completion of the inspection and approval by the City of Boston, all Large Vehicles shall be affixed with the City of Boston Inspectional Services Department's compliance certification sticker ("Sticker").

3.2 A fee to cover the costs associated with the City of Boston's inspection and Sticker shall be determined by the City of Boston Commissioner of the Inspectional Services Department and paid by the applicant / owner of the Large Vehicle .

3.3 Certification and receipt of the City of Boston Sticker must occur prior to any delivery of supplies, services, design and /or construction within the City of Cambridge by any Large Vehicle subject to the requirements of the Ordinance and these Regulations.

3.4 Any Large Vehicle that already has a current City of Boston Sticker does not need to submit to further inspection by the City of Boston Inspectional Services Department until two years has passed since its original certification, unless the convex mirrors, cross-over mirrors, Side Under-Ride Guards, or decals have been damaged, worn, removed, replaced or modified in any way since the last inspection.

3.5 Large Vehicles must display their Sticker, which shall denote the year of inspection. Inspections and Stickers must be updated biennially.

By: 
Owen O'Riordan
Commissioner of Public Works

Date: July 1st 2021

By: 
Joseph Barr
Director of Traffic, Parking and Transportation

Date: July 1, 2021



Vehicle Weight Classes & Categories


Gross Vehicle Weight Rating (lbs)	Federal Highway Administration		US Census Bureau
	Vehicle Class	GVWR Category	VIUS Classes
<6,000	Class 1: <6,000 lbs	Light Duty <10,000 lbs	Light Duty <10,000 lbs
10,000	Class 2: 6,001 – 10,000lbs		
14,000	Class 3: 10,001 – 14,000 lbs	Medium Duty 10,001 – 26,000 lbs	Medium Duty 10,001 – 19,500 lbs
16,000	Class 4: 14,001 – 16,000 lbs		
19,500	Class 5: 16,001 – 19,500 lbs		
26,000	Class 6: 19,501 – 26,000 lbs		
33,000	Class 7: 26,001 – 33,000 lbs	Heavy Duty >26,001 lbs	Heavy Duty >26,001 lbs
>33,000	Class 8: >33,001 lbs		

Gross Vehicle Weight Rating (lbs)	EPA Emissions Classification					
	Heavy Duty Vehicle and Engines			Light Duty Vehicles		
	H.D. Trucks	H.D. Engines	General Trucks	Passenger Vehicles		
<6,000 6,000	Light Duty Truck 1 & 2 <6,000 lbs	Light Light Duty Trucks <6,000 lbs	Light Duty Trucks < 8500 lbs	Light Duty Vehicle < 8500 lbs		
8,500	Light Duty Truck 3 & 4 6,001 – 8,500 lbs	Heavy Light Duty Trucks 6,001-8,500 lbs				
10,000	Heavy Duty Vehicle 2b 8,501 – 10,000 lbs	Light Heavy Duty Engines 8,501 lbs – 19,500 lbs	Heavy Duty Vehicle Heavy Duty Engine >8,500 lbs	Medium Duty Passenger Vehicle 8,501 – 10,000 lbs		
14,000	Heavy Duty Vehicle 3 10,001 – 14,000 lbs					
16,000	Heavy Duty Vehicle 4 14,001 – 16,000 lbs					
19,500	Heavy Duty Vehicle 5 16,001 – 19,500 lbs					
26,000	Heavy Duty Vehicle 6 19,501 – 26,000 lbs	Medium Heavy Duty Engines 19,501 – 33,000 lbs				
33,000	Heavy Duty Vehicle 7 26,001 – 33,000 lbs					
60,000	Heavy Duty Vehicle 8a 33,001 – 60,000 lbs	Heavy Heavy Duty Engines Urban Bus >33,001				
>60,000	Heavy Duty Vehicle 8b >60,001					

These charts illustrate the vehicle weight classes and categories used by the Federal Highway Administration (FHWA), the U.S. Department of Transportation (DOT), and the U.S. Environmental Protection Agency (EPA). The vehicle weight classes are defined by FHWA and are used consistently in the industry. These classes, 1-8, are based on gross vehicle weight rating (GVWR), the maximum weight of the vehicle, as specified by the manufacturer. GVWR includes total vehicle weight plus fluids, passengers, and cargo. FHWA categorizes vehicles as Light Duty (Class 1-2), Medium Duty (Class 3-6), and Heavy Duty (Class 7-8). EPA defines vehicle categories, also by GVWR, for the purposes of engine economy certification. EPA classifies vehicles as Light Duty (GVWR < 8,500 lb) or Heavy Duty (GVWR > 8,501 lb). Within the Heavy Duty category, there is a Medium Heavy Duty Diesel Engine class for engine-only certification, but no Medium-Duty Vehicle class. The Sep

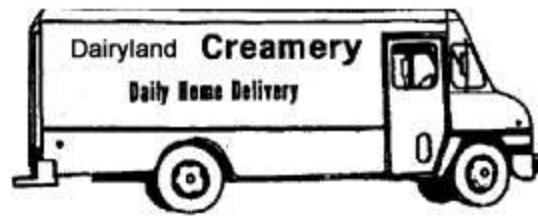
Classifying Commercial Vehicles

LIGHT TRUCKS—up to 10,000 lbs. GVW	
<p>Light trucks are of the pickup or light van type. It is very unusual—although possible—for vehicles of these types to have a GVW over 10,000 lbs. Please note that the GVW on step vans can vary between 8,000 lbs. and 17,000 lbs., depending upon the size.</p>	
<p>Used to transport the contractor's tools and equipment to job site and principally parked at the job location for the majority of the working day. No other use.</p> <p>Business class is <i>Service</i>.</p>	
<p>This is operated by a department store for the delivery of goods purchased by its customers to their homes.</p> <p>The business use class is <i>Retail</i>.</p>	

MEDIUM TRUCKS—10,001 lbs. to 20,000 lbs. GVW	
<p>The manufacturer usually refers to vehicles in this weight category as "1½ tons" to "2 tons."</p> <p>Please take care in verifying GVW since some vehicles that have a manufacturers GVW between 10,000 and 20,000 lbs. often show a weight under 10,000 lbs on the vehicle registration and other vehicles though having a GVW in excess of 20,000 lbs, are registered under 20,000 lbs.</p>	
<p>Sign contractor's truck used to bring signs, equipment and tools to job site; principally parked at the job location for most of the working day. No pickup or delivery of goods to others.</p> <p>Business use class is <i>Service</i>.</p>	

Door-to-door delivery of milk by creamery.

Business use class is *Retail*.



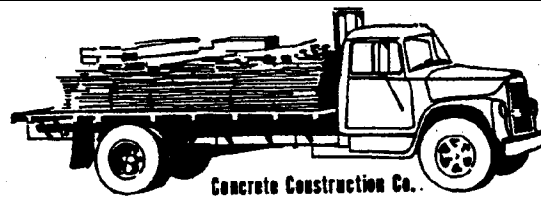
HEAVY TRUCKS—20,001 lbs. to 45,000 lbs. GVW

Many trucks other than light trucks will fall into this category. The manufacturer usually refers to these trucks as "2½ tons to 4½ tons" and in some cases up to "5 tons."

Although many of the 2½-ton trucks will have a gross *registered* weight 20,000 lbs. or less, the GVW given by the manufacturer must still be used.

Concrete forms being brought to job site by building contractor; vehicle principally parked at the job location for most of the working day.

Business use class is *Service*.



Delivery of furniture to retail customers by store.

Business use class is *Retail*.

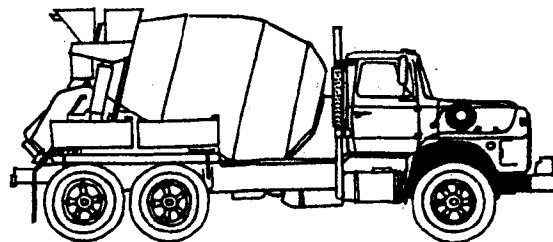


EXTRA HEAVY TRUCKS—over 45,000 lbs. GVW

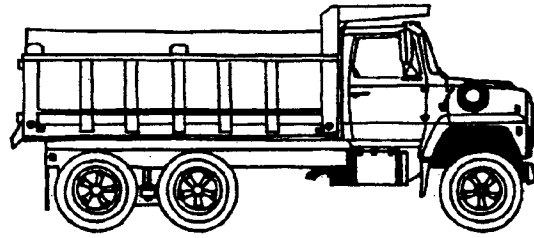
There are no separate business use classifications for vehicles falling into this weight category. All trucks in this category carry the same class and factor.

Many trucks falling into this category will be the very large dump trucks and the larger mix-in-transit trucks. Vehicles in this weight range will have a nominal rating of 4½ tons and above.

Mix-in-transit truck



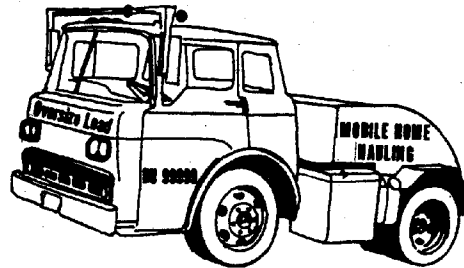
Dump truck



HEAVY TRUCK TRACTORS—up to 45,000 lbs. GCW

Tractors in this weight category are the smaller tractors and trucks equipped with a fifth wheel for hauling semi-trailers or mobile homes (known as toters). Strange as it may seem, this category includes those pickups that are equipped to pull semi-trailers used for the transportation of auto, fiberglass boats, etc, commonly referred to as hot shots.

Tractor hauling mobile homes

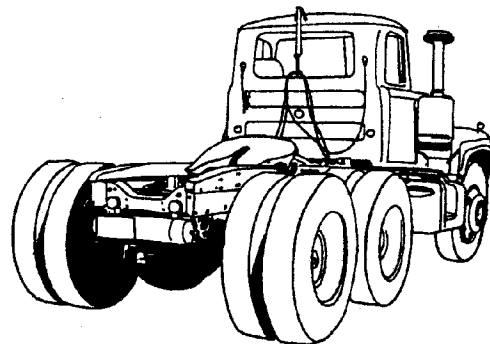


Note 1: Very few tractors of this size exist. They are limited to tractors used for hauling very light loads.

Note 2: When classifying tractors, please take care not to confuse GVW with GCW. GVW is given on tractors for registration purposes only and will always be less than the needed GCW.

EXTRA HEAVY TRUCK TRACTORS—over 45,000 lbs. GCW

The majority of tractors fall into this category. It does not matter if the tractor is single rear axle or dual rear axle. If the GCW is over 45,000 lbs., it is classified under this category.



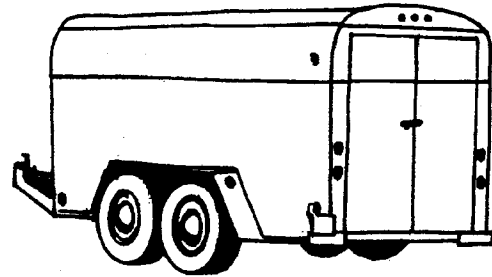
Note 1: Although no business use classifications apply to extra heavy truck tractors, secondary classifications do.

Note 2: When classifying truck tractors, please take care not to confuse GVW with GCW. GVW is given for registration purposes only and will always be less than the needed GCW.

TRAILER TYPES (3 types)

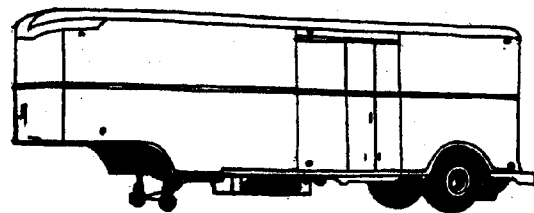
1. Service or utility trailer

Trailers or semi-trailers, with a capacity of 2,000 lbs. or less. There is no premium charge for BI and PD.

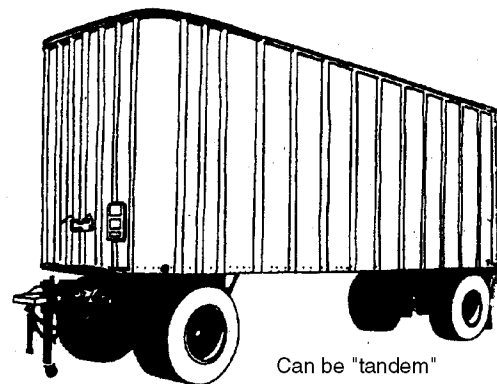


2. Semi-trailer

Trailers with a load capacity of 2,000 lbs. with wheels at rear only, equipped with a fifth wheel coupling device and hauled behind tractors.



3. Trailers: All other types of trailers including Tilt Bed Trailers with load capacities over 2,000 lbs.



Note: Secondary classifications and factors do not apply to trailers of any type except for dump trailers. For dump trailers secondary designator "OT" applies.

4-8 REQUIRING CITY VENDORS TO SAFEGUARD UNPROTECTED ROAD USERS.

4-8.1 Purpose.

Vehicles covered by this ordinance shall be so constructed and/or equipped as to offer effective protection to unprotected road users against the risk of falling under the sides of the vehicle and being caught under the wheels.

(Ord. 2014 c. 14)

4-8.2 Definitions.

The words defined in this ordinance shall have the meanings set forth below whenever they appear in this section unless the context in which they are used clearly requires a different meaning, or a different definition is prescribed for a particular paragraph or provision.

(i) *Approval of a vehicle* means the approval of a complete vehicle type with regard to its lateral protection.

(ii) *City* means the City of Boston.

(iii) *Department(s)* shall mean those City of Boston Departments, Authorities, Agencies, Commissions and any other instrumentality acting on behalf of another ("Awarding Authorities") under the supervision of the Mayor or persons appointed by him/her.

(iv) *Contract* means the contract between a Vendor and a Department resulting from a request for proposals or an invitation for bids issued by the City to do any work or to make any purchase.

(v) *Gross weight* means the sum of the weights transmitted to the road surface by all the wheels of the vehicle.

(vi) *Large vehicle* means a motor vehicle with a gross weight exceeding ten thousand (10,000) lbs; or a trailer with an unladen mass exceeding ten thousand (10,000) lbs; or a semi-trailer with a gross weight exceeding twenty-six thousand (26,000) lbs.

(vii) *Lateral protective device* means an apparatus installed on large vehicles between the front and rear wheels to help prevent injuries to unprotected road users, particularly from falling underneath the vehicle.

(viii) *Mayor* shall mean the Mayor or persons designated by him/her.

(ix) *Otherwise qualified* means any Vendor that meets all other criteria for the award of a Contract.

(x) *Unladen mass* means the weight of the vehicle in running order, unoccupied and unloaded, but complete with fuel, coolant, lubricant, tools, and spare wheel, if supplied by the vehicle manufacturer as standard equipment.

(xi) *Unprotected road users* mean pedestrians, cyclists, or motorcyclists using the road in such a way that they are liable to fall under the sides of the vehicle and to be caught under the wheels.

(xii) *Vendor* means any firm, vendor, contractor, or supplier of goods and/or services to the City of Boston, and any of its subcontractors.

(Ord. 2014 c. 14)

4-8.3 Requirements for Large Vehicles.

When any officer or board in charge of a Department or other awarding agency of the City issues requests for proposals or invitations for bids to do any work or make any purchase, said officer or board shall contract with a responsible and eligible Vendor that has also installed, or that demonstrates that it will install, side under-ride guards, convex mirrors, and appropriate warning signage on all large vehicles it uses or will use within the City of Boston in connection with the Contract in preference of otherwise qualified Vendors.

(Ord. 2014 c. 14)

4-8.4 Policy Implementation.

Every Large vehicle or a conventional cab configuration in which more than half (1/2) of the engine length is forward of the foremost point of the windshield base and the steering wheel hub is in the forward quarter (1/4) of the vehicle length used by a Vendor in connection with a Contract shall be equipped with convex mirrors, cross-over mirrors, decals, and side under-ride guards affixed to the sides of such vehicles in a manner consistent this section and with rules and regulations further promulgated by the Boston Transportation Department, the Boston Police Department, and the Inspectional Service Department. As future technical innovations to improve safety for vulnerable road users become available, the City will make efforts to test and update these requirements.

(Ord. 2014 c. 14)

4-8.5 Technical Specifications for the Equipment of Lateral Protective Devices, Convex Mirrors and Convex Cross-over Mirrors, and Safety Decals.

(a) *Lateral Protective Devices.* Large vehicles must be constructed or equipped in such a way as to offer, throughout their length, effective protection to unprotected road users against the risk of falling under the side of the vehicle and being caught under the wheels. This requirement will be considered satisfied either

1. If the vehicle is equipped with a special lateral protective device (side under-ride guard) in accordance with the requirements of Section 4-8.5b

2. If the vehicle is so designed and/or equipped at the side that, by virtue of their shape and characteristics, its component parts can be incorporated and/or regarded as replacing the lateral protective device. Components whose combined function satisfies the requirements set out in Section 4-8.5b below are considered to form a lateral protective device.

(b) *Technical Specifications.* The lateral protective device can use horizontal rails or a continuous flat surface that meets the following dimensional requirements:

1. The lower edge of the lateral protective device shall at no point be more than twenty-one and one-half (21.5) inches above the ground

2. The upper edge of the lateral protective device shall not be more than fourteen (14) inches below that part of the structure of the vehicle, cut or contracted by a vertical plane tangential to the outer surface of the tires, excluding any bulging close to the ground

3. Not more than twelve (12) inches to the rear of the vertical plane perpendicular to the longitudinal plane of the vehicle and tangential to the outer surface of the tire on the wheel immediately forward of the guard

4. The rearward edge of the lateral protective device shall not be more than twelve (12) inches forward of the vertical plane perpendicular to the longitudinal plane of the vehicle and tangential to the outer surface of the tire on the wheel immediately to the rear

5. The lateral protective device shall not increase the overall width of the large vehicle and the main part of its outer surface shall not be more than five (5) inches inboard from the outermost plane (maximum width) of the vehicle.

6. Every lateral protective device shall be essentially rigid and securely mounted. They shall not be liable to loosening due to vibration in normal use of the vehicle. The lateral protective device shall be considered suitable if it is capable of withstanding a force of four hundred forty (440) pounds applied perpendicularly to any part of its surface by the center of a ram the face of which is circular and not more than eight and one-half (8.5) inches in diameter, and during such application

7. No part of the side under-ride guard shall be deflected by more than six (6) inches; and,

8. No part of the side under-ride guard which is less than ten (10) inches from its rearmost part shall be deflected by more than one and one-quarter (1.25) inches.

(c) *Convex Mirrors.* Large vehicles must be equipped with convex mirrors to enable the operator of the large vehicle to see all points on an imaginary horizontal line which:

1. Is three (3) feet above the road;

2. Is one (1) foot directly forward from the midpoint upon the longitudinal axis of the front of such large vehicle; and extends the full width of such large vehicle

(d) *Cross-Over Mirrors.* Large vehicles must be equipped with convex cross-over mirror on the front of the vehicle to enable the operator of the large vehicle with a conventional cab configuration in which at least more than half (1/2) of the engine length is forward of the foremost point of the windshield base and the steering wheel hub is in the forward quarter (1/4) of the vehicle length to allow the driver to see:

1. Any person or object at least three (3) feet tall passing in front of the vehicle.

2. The area from the front bumper to where direct vision is possible.

(e) *Safety Decals.* Large vehicles must be equipped with a minimum of three (3) safety decals on the rear and sides that warn pedestrians and cyclists of blind spots:

1. Decals should be 'safety yellow' in color

2. Decals should include language or images warning of the blind spot locations on the vehicle.

3. Decals should be placed, when possible, on or near the lateral protection devices.

(Ord. 2014 c. 14)

4-8.6 Compliance and Enforcement.

(a) Non-compliance with the provisions of this section 4-8 by a Vendor shall be grounds for

i. A fine of one hundred (\$100) dollars for the first offense on a Contract, escalating to one hundred fifty (\$150) dollars for the second offense, and two hundred (\$200) dollars for the third offense.

ii. Termination of the Contract.

(b) This section 4-8 shall be enforced by the Inspectional Services Department's Weights and Measures Division and the Boston Police Department. The Boston Police Department and The Inspectional Services Department shall determine non-compliance with the provisions of this section 4-8 and any applicable regulations and may make recommendations, if any, to

the contracting Department.

(c) The Inspectional Services Department shall issue, for a Vendor's large vehicles, a compliance certification through a vehicle inspection of convex mirrors, lateral protective devices, and decals prior to the date Vendor begins work on a Contract. A fee to cover the costs associated with inspection will be determined by the Commissioner of the Inspectional Services Department and passed on to the Vendor.

(d) Vehicle compliance will be certified with a sticker denoting the year of inspection. Inspections must be updated Biennially.

(e) Vendors may file for a waiver as stipulated in section 4-8.7. Waiver applications must be made in writing at the time of contract bid to the Commissioner of Inspectional Services, the Department requesting services, and the Commissioner of Transportation. Waiver applications filed after contract bids will not be considered.

(f) Inspectional Services Department shall issue an annual report to be filed with the Mayor and the City Clerk and transmitted by the Clerk to the City Council on the actions undertaken by the Inspectional Services Department on enforcement of this ordinance no later than May 31st of each year. The annual written report shall include, but not be limited to, the following items for the twelve (12) month period prior to the report's due date:

1. Any financial costs to the City associated with this ordinance
2. The number of vehicles this ordinance applied to
3. The number of vehicle exemptions, if any
4. The total number of inspections performed by inspectors and any subsequent violations of this ordinance
5. Evaluation of safety performance on equipped vehicles from Boston EMS and BPD reports of incidents

(Ord. 2014 c. 14)

4-8.7 Waiver.

(a) If a Vendor or Department determines that extenuating circumstances exist which prevent the Vendor from complying with this section 4-8, then such Vendor or Department may request an exemption from compliance to the City of Boston with its provisions. Waivers are issued at the sole discretion of the City of Boston.

(b) This ordinance does not apply to

- (i) A motor vehicle which has a maximum speed not exceeding fifteen (15) mph
- (ii) An agricultural trailer
- (iii) A fire engine
- (iv) An emergency medical vehicle

(v) A vehicle which is being driven or towed to a place where by previous arrangement a side under-ride guard is to be fitted so that it complies with this section 4-8

(vi) Vehicles used solely for the purpose of snow removal.

(vii) Street sweeper vehicles

(viii) City of Boston Fleet Vehicles purchased before July 1, 2014

(Ord. 2014 c. 14)

4-8.8 Conformity with Existing State and Federal Law.

This section shall be implemented in conformity with state and federal law.

(Ord. 2014 c. 14)

4-8.9 Severability.

The provisions of this section are severable and if any provision, or portion thereof, should be held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect the remaining provisions, which shall remain in full force and effect.

(Ord. 2014 c. 14)

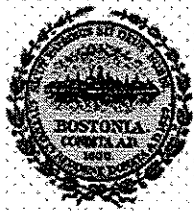
4-8.10 Effective Date.

(a) This section shall take effect one hundred and eighty (180) days after passage and shall apply to all new Contracts awarded and to all renewal terms of existing Contracts executed after that date.

(b) City of Boston fleet vehicles purchased after July 1, 2014 that are Large Vehicles as defined herein will be required to comply with the provisions of this section.

(c) The Inspectional Services Department, Boston Police Department, and the Transportation Department shall issue rules and regulations to implement the provisions of this section within ninety days of the date it takes effect.

(Ord. 2014 c. 14)



Number: 2015-01

Date: January 2, 2015

Subject: Policy for City Vendors to Safeguard Unprotected Road Users (City of Boston Ordinance Chapter IV, 4.8-14)

Purpose: This Commissioner's Bulletin is issued to establish inspection fees and the methods for which the inspections are requested and to clarify enforcement, appeals and waivers of the policy.

Determination:

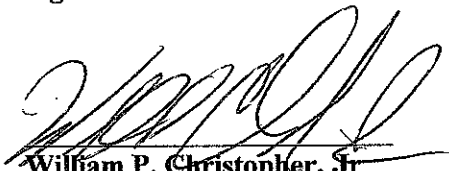
The Commissioner of the Inspectional Services Department (ISD) is responsible for determining the inspection fee. The Weights and Measures Division of ISD is responsible for the inspection of vehicles. ISD and the Boston Police Department (BPD) are responsible for enforcement. ISD, BPD and the Boston Transportation Department (BTD) are responsible for the rules and regulations promulgated herein. The following guidelines have been developed to establish a fair and consistent policy to facilitate the implementation of this Ordinance.

1. **Request for Inspection:** Any vendor covered by this Ordinance shall complete and submit an inspection request form, accompanied by the applicable inspection fee.
2. 1.1 Inspection Request Forms are available at <http://www.cityofboston.gov/isd/> or by calling (617) 635-5328
3. **Inspection:** Upon receipt of an inspection request an appointment time will be scheduled.
 - 2.1 If a vendor fails to appear for a scheduled appointment (without prior cancellation), the inspection fee shall be forfeited.
3. **Fee:** The fee for the *Initial Inspection* is \$100.
 - 3.1 *Subsequent Inspection* (every two years) fee is \$50 (provided no major alteration was done to any of the safe guards).
4. **Approval:** Vehicles inspected and approved by the ISD Weights and Measures Division will have an "inspection approval sticker" (denoting the month and year of inspection) affixed to the windshield of the vehicle. A copy of the inspection report shall be issued to the vendor.
 - 4.1 Inspection Approval Stickers are not transferable.
 - 4.2 Any major overhaul of safe guard equipment shall be required to be re-inspected.
5. **Rejection:** If a vehicle is rejected for failing to comply with any of the technical specifications outlined in the Ordinance, it shall be corrected and henceforth re-inspected within 30 days at no additional fee.
 - 5.1 If a second inspection results in a rejection, a fee of \$50 will be required for any subsequent inspections.

- 5.2 Any vendor who fails to comply within 60 days of their first inspection may be subject to having their contract cancelled or considered.
6. **Enforcement/Fines:** Violations of Ordinance 4.8 found by either BPD or ISD shall be grounds for civil citation fines, as outlined in the Ordinance.
- 6.1 Fines will be issued by ISD.
- 6.2 All fines are payable 21 days of the date of issuance, or within 30 days following the decision of the hearing officer if such citation has been appealed.
- 6.3 Fines shall be payable to the City of Boston.
- 6.4 If a vendor fails to pay a fine, ISD will make recommendation to the Purchasing Department to cancel or "not renew" the contract.
7. **Appeal:** A person/vendor aggrieved by a civil citation fine may appeal the citation by filing a notice of appeal with the City of Boston ISD, Weights and Measures Division, attn.: Appeals, 1010 Massachusetts Avenue, Boston, MA 02118, within (7) days of the receipt of the citation. All persons filing an appeal shall be granted a hearing before the designated hearing officer of ISD.
8. **Waiver:** If a vendor or department determines that extenuating circumstances exist which prevent the vendor from complying with the ordinance, the vendor or department may request an exemption from complying with the ordinance.
- 8.1 All waivers are temporary and any waiver granted shall not exceed the length of the contract.
- 8.2 All waiver requests shall be made to ISD, Office of the Commissioner, 1010 Massachusetts Avenue, Boston, MA 02118
- 8.3 Waivers are issued at the sole discretion of the City of Boston.
- 8.4 Waiver Request Forms are available at <http://www.cityofboston.gov/isd/> or by calling (617) 635-5328.

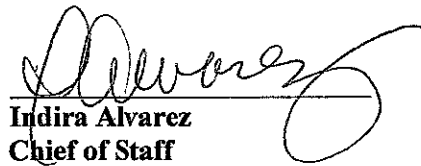
City of Boston Ordinance Chapter IV, 4.8-14 is Effective May 5, 2015

Signed:



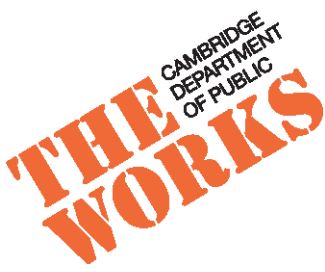
William P. Christopher, Jr.
Commissioner

12-22-14
Date



Indira Alvarez
Chief of Staff

12-22-14
Date



City of Cambridge
Department of Public Works

147 Hampshire Street
Cambridge, MA 02139
theworks@cambridgema.gov

Katherine F. Watkins, Commissioner

Voice: 617 349 4800
TDD: 617 499 9924

SIDE GUARD INSPECTION TEST REPORT

Date: _____

Name _____ Address _____ Phone _____

Subcontractor Name _____ Address _____ Phone _____

Vehicle Registration _____ Vehicle Number _____

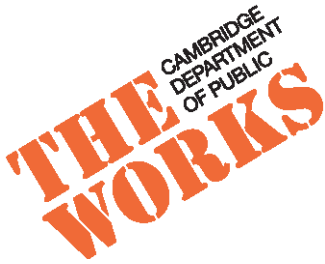
Vehicle designed/equipped on the sides, by virtue of its shape and characteristics, is incorporated or regarded as replacing any lateral protection device. YES NO

If NO:

Side Under-Ride Guards	
The lower edge of the Side Under-Ride Guards is not more than 21.5" above the ground	Correct <input type="checkbox"/> Incorrect <input type="checkbox"/>
The upper edge of the Side Under-Ride Guards is not more than 14" below the structure	Correct <input type="checkbox"/> Incorrect <input type="checkbox"/>
The rear and forward edges of the Side-Under Rise Guards shall not be more than twelve (12") inches from the tire on the wheel immediately adjacent to the Side Under-Ride Guards.	Correct <input type="checkbox"/> Incorrect <input type="checkbox"/>
The Side Under-Ride Guard is rigid and securely mounted and is not subject to loosening due to vibration in normal use of the vehicle	Correct <input type="checkbox"/> Incorrect <input type="checkbox"/>
Side Under-Ride Guard is capable of withstanding a force of 440 pounds applied perpendicularly to any part of its surface by the center of a ram the circular face of which is not more than eight and one half (8.5") inches in diameter	Correct <input type="checkbox"/> Incorrect <input type="checkbox"/>
No part of the Side Under-Ride Guard shall be subject to deflection by more than six (6") inches by the ram	Correct <input type="checkbox"/> Incorrect <input type="checkbox"/>
No part of the Side Under-Ride Guard is less than ten (10") inches from its rear edge shall be subject to deflection by more than one and one quarter (1.25") inches from the ram	Correct <input type="checkbox"/> Incorrect <input type="checkbox"/>

Convex Mirrors	
Equipped with convex mirrors	Correct <input type="checkbox"/> Incorrect <input type="checkbox"/>
Convex mirrors enable the operator to see all points on an imaginary horizontal line which is three (3') feet above the road, starting from five (5') feet directly behind the placement of the convex mirror, and which view extends rearward beyond the full length of such large vehicle on box the left and right sides.	Correct <input type="checkbox"/> Incorrect <input type="checkbox"/>

Cross-Over Mirrors	
Equipped with a convex cross-over mirror on the front of the vehicle	Correct <input type="checkbox"/> Incorrect <input type="checkbox"/>
The cross-over mirror allows the operator to see any person or object at least three (3') feet tall passing in front of vehicle	Correct <input type="checkbox"/> Incorrect <input type="checkbox"/>



City of Cambridge
Department of Public Works

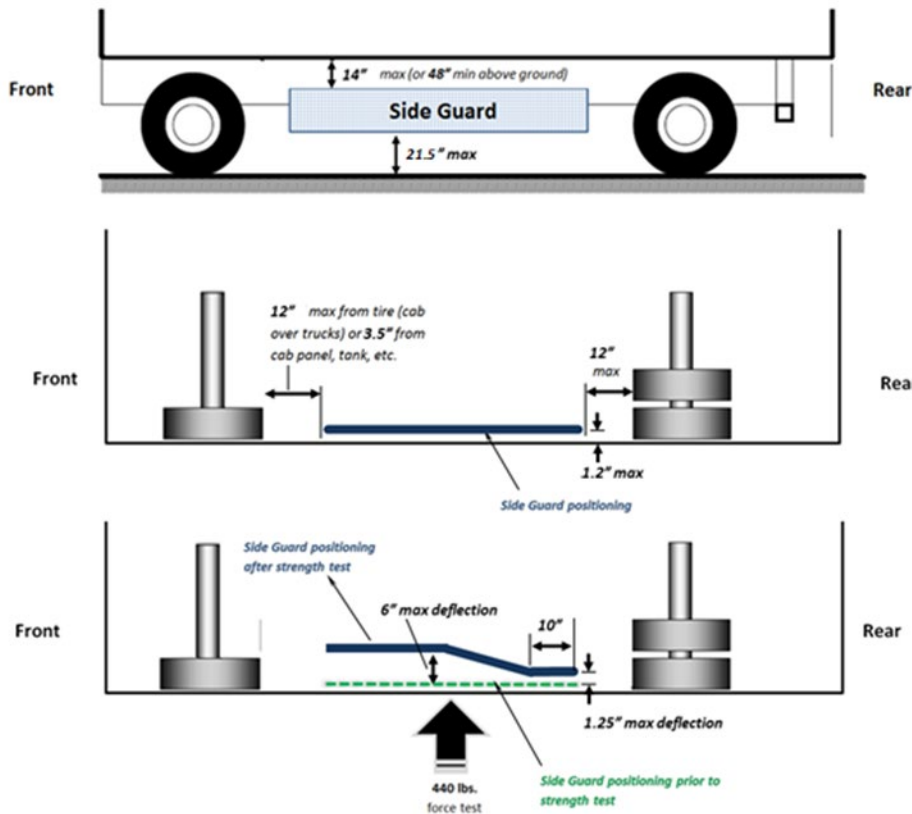
147 Hampshire Street
Cambridge, MA 02139
theworks@cambridgema.gov

Katherine F. Watkins, Commissioner

Voice: 617 349 4800
TDD: 617 499 9924

Safety Decals

Equipped with two (2) safety decals on the rear of the Large Vehicle	Correct <input type="checkbox"/>	Incorrect <input type="checkbox"/>
Equipped with two (2) safety decals on the left side of the Large Vehicle	Correct <input type="checkbox"/>	Incorrect <input type="checkbox"/>
Equipped with two (2) safety decals on the right side of the Large Vehicle	Correct <input type="checkbox"/>	Incorrect <input type="checkbox"/>
Decals are "safety yellow" in color	Correct <input type="checkbox"/>	Incorrect <input type="checkbox"/>
Decals include language or images warning of blind spot locations on the vehicle	Correct <input type="checkbox"/>	Incorrect <input type="checkbox"/>
Decals on the sides of the Large Vehicle must be placed on or within one (1') foot of the Side Under-Ride Guards	Correct <input type="checkbox"/>	Incorrect <input type="checkbox"/>



Comments and Corrections

Blank area for comments and corrections.

Approved Rejected

Seal: _____

Inspector: _____

ORDINANCE NUMBER 1376

Final Publication Number 3390. First Publication in the Chronicle on November 5, 2015.

City of Cambridge

In the Year Two Thousand and Fifteen

AN ORDINANCE

In amendment to the Ordinance entitled "Municipal Code of the City of Cambridge"

Be it ordained by the City Council of the City of Cambridge that the Municipal Code of the City of Cambridge be amended as follows:

Chapter 2.121

LIVING WAGE ORDINANCE Sections:

- 2.121.010 Title and Purpose**
- 2.121.020 Definitions**
- 2.121.030 Living Wage**
- 2.121.040 Standard Compensation**
- 2.121.050 Waivers and Exceptions**
- 2.121.060 Notification Requirements**
- 2.121.070 Duties of covered Employers**
- 2.121.080 Community Advisory Board**
- 2.121.090 Enforcement**
- 2.121.100 Severability**
- 2.121.110 Effective Date**

2.121.010 Title and Purpose.

This Chapter shall be known as the "Cambridge Living Wage Ordinance". The purpose of this ordinance is to assure that employees of the City of Cambridge and employees of City contractors, subcontractors and beneficiaries of tax abatements, loans, grants, subsidies and other assistance provided by the City earn an hourly wage that is needed to support a family of four.

2.121.020 Definitions.

For the purposes of this ordinance, the term:

(a) "Applicable Department" means the Personnel Department for employees of the City of Cambridge, the Purchasing Department, with the advice and assistance of the appropriate department which receives the services, for Covered Employers who contract or subcontract with the City of Cambridge, the School Department for employees, contractors and subcontractors of the School Department, and the City Manager's Office for any other Person who is a Beneficiary of assistance other than a contract or subcontract.

(b) "Assistance" means:

- (1) any grant, loan, tax incentive, bond financing, subsidy, or other form of assistance valued at least \$10,000 that an employer receives by or through the authority or approval of the City of Cambridge, including, but not limited to, c. 121A tax abatements, industrial development bonds, Community Development Block Grant (CDBG) loans and grants, Enterprise Zone designations awarded after the effective date of this Chapter, and the lease of City owned land or buildings below market value; and
- (2) any service contract, as defined herein, of at least \$10,000 with the City of Cambridge that is made with an employer to provide services pursuant to G.L.C. 30B or other public procurement laws, awarded, renegotiated or renewed after the effective date of this Chapter.
- (3) any service subcontract, as defined herein, of at least \$10,000.

(c) "Beneficiary" means:

- (1) any person who is a recipient of Assistance;
- (2) any company or person that is a tenant or sub-tenant, leaseholder or sub-leaseholder of a recipient of Assistance, provided that said company or person employs at least 25 persons and occupies property or uses equipment or property that is improved or developed as a result of Assistance, after the effective date of this Chapter; and

(d) Covered Employer" means the City of Cambridge or a Beneficiary of Assistance, but does not include a Covered Building Services Employer.

(e) "Covered Employee" means:

- (1) a person employed by the City of Cambridge except for persons in those positions listed in Section 2.121.040(j) of this ordinance; and
- (2) a person, other than a Covered Building Service Employee, employed by a Covered Employer, or a person employed by an independent contractor doing business with a Covered Employer, who would directly expend any of his or her time on the activities funded by the contract or the activities for which the Beneficiary received the Assistance, except for persons in those positions listed in Section 2.121.040(j) of this ordinance.

(f) "Living Wage" has the meaning stated in Section 2.121.030.

(g) "Person" means one or more of the following or their agents, employees, servants, representatives, and legal representatives: individuals, corporations, partnerships, joint ventures, associations, labor organizations, educational institutions, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, fiduciaries, and all other entities recognized at law by the Commonwealth of Massachusetts.

(h) "Service Contract" means a contract let to a contractor by the City of Cambridge for the furnishing of services, to or for the City, except contracts where services are incidental to the delivery of products,

equipment or commodities. A contract for the purchase or lease of goods, products, equipment, supplies or other property is not a “service contract” for the purposes of this definition.

(i) **“Service Subcontract”** means a subcontract primarily for the furnishing of services, to or for a recipient of Assistance, except where services are incidental to the delivery of products, equipment or commodities. A contract for the purchase or lease of goods, products, equipment, supplies or other property is not a “service subcontract” for the purposes of this definition.

(j) **“Covered Building Service Employee”** means any person performing building service work for a Covered Building Service Employer, either directly or through a contract or subcontract.

(k) **“Building Services” or “Building Service Work”** means work performed in connection with the cleaning of buildings and security guard services.

(l) **“Covered Building Service Contract”** means a contract or subcontract to provide Building Services to the City of Cambridge or any of its departments or subdivisions.

(m) **“Covered Building Service Contractor” or “Covered Building Service Employer”** means an entity providing Building Services on a Covered Building Service Contract or subcontract with the City or any of its departments or subdivisions.

(n) **“Standard Compensation”** has the meaning stated in Section 2.121.040.

2.121.030 Living Wage.

(a) **Applicability.** Covered Employers shall pay no less than the Living Wage to their employees.

(b) **Amount of wage.** The Living Wage shall be calculated on an hourly basis and shall be no less than \$10.00, subject to adjustment as provided herein. The Living Wage shall be upwardly adjusted each year no later than March first in proportion to the increase at the immediately preceding December 31 over the year earlier level of the Annual Average Consumer Price Index for All Urban Consumers (CPI -U) Boston--Lawrence-Salem, MA - NH, as published by the Bureau of Labor Statistics, United States Department of Labor applied to \$10.00.

(c) **No reduction in collective bargaining wage rates.** Nothing in this Chapter shall be read to require or authorize any beneficiary to reduce wages set by a collective bargaining agreement.

(d) **Cuts in non-wage benefits prohibited.** No Beneficiary will fund wage increases required by this Chapter, or otherwise respond to the provisions of this Chapter, by reducing the health, insurance, pension, vacation, or other non-wage benefits of any of its employees.

2.121.040 Standard Compensation

(a) **Applicability.** Covered Building Services Employers shall pay no less than the Standard Compensation to Covered Building Service Employees.

(b) **Standard Compensation** shall include the standard hourly rate of pay for the relevant classification.

(c) Amount.

(i) The “Standard Hourly Rate of Pay” for Covered Building Service Employees other than for security guards shall be the greatest of the following:

(1) The Living Wage rate as defined in 2.121.030; or

(2) the prescribed rate of wages as determined by the director of the department of labor standards pursuant to section 27H of chapter 149 of the General Laws of Massachusetts;

(ii) The “Standard Hourly Rate of Pay for security guards” shall be the greatest of the following:

(1) The Living Wage rate as defined in 2.121.030; or

(2) the prescribed rate of wages as determined by the director of the department of labor standards pursuant to section 3 of chapter 195 of the Massachusetts Acts of 2014; or

(3) the hourly rate paid to workers in the relevant classification under a preceding Building Service Contract.

(iii) The Standard Hourly Rate of Pay for Covered Building Service Employees other than for security guards shall be annually adjusted to be no less than the greatest of the following:

(1) the previous hourly rate of pay increased by the annual percentage difference between the current Boston-Lawrence-Salem, MA - NH Consumer Price Index (CPI) for all items for All Urban Consumers and the same CPI for the same month of the previous year, or

(2) the current prescribed rate of wages as determined by the director of the department of labor standards pursuant to section 27H of chapter 149 of the General Laws of Massachusetts.

(iv) The Standard Hourly Rate of Pay for security guards shall be annually adjusted to be no less than the greatest of the following:

(1) the previous hourly rate of pay increased by the annual percentage difference between the current Boston-Lawrence-Salem, MA - NH Consumer Price Index (CPI) for all items for All Urban Consumers and the same CPI for the same month of the previous year, or

(2) the current prescribed rate of wages as determined by the director of the department of labor standards pursuant to section 3 of chapter 195 of the Massachusetts Acts of 2014.

(v) “Standard Benefits” for Covered Building Service Employees other than for security guards shall be an hourly supplement furnished by a Covered Building Service Employer to a Covered Building Service Employee in one of the following ways: (1) in the form of health and other benefits (not including paid leave) that cost the Covered Building Service Employer the entire required hourly supplemental amount; (2) by providing a portion of the required hourly supplement in the form of health and other benefits (not including paid leave) and the balance in cash; or (3) by providing the entire

supplement in cash. The required hourly supplemental rate shall be equal to the greatest of the following: (1) the monetary value of the health and other benefits (not including paid leave) provided under the prescribed rate of wages as determined by the director of the department of labor standards pursuant to section 27H of chapter 149 of the General Laws of Massachusetts; or (2) twenty percent (20%) of the standard hourly rate of pay.

(vii) “Standard Benefits for security guards” shall be an hourly supplement furnished by a Covered Building Service Employer to a Covered Building Service Employee in one of the following ways: (1) in the form of health and other benefits (not including paid leave) that cost the Covered Building Service Employer the entire required hourly supplemental amount; (2) by providing a portion of the required hourly supplement in the form of health and other benefits (not including paid leave) and the balance in cash; or (3) by providing the entire supplement in cash. The required hourly supplemental rate shall be equal to the greatest of the following: the monetary value of the health and other benefits (not including paid leave) provided under the prescribed rate of wages as determined by the director of the department of labor standards pursuant to section 3 of chapter 195 of the Massachusetts Acts of 2014; or (2) twenty percent (20%) of the standard hourly rate of pay.

(viii) For the purposes of this section, “benefits” shall not include workers compensation or other legally mandated insurance, nor shall it include the value of any benefit for which the Covered Building Service Employee is eligible, but for which no payment is actually made by a Covered Building Service Employer to the Covered Building Service Employee or to any other party on the Covered Building Service Employee’s behalf, because the Covered Building Service Employee either does not actually utilize or does not elect to receive the benefit for any reason

(ix) Standard benefits for Covered Building Service Employees other than for security guards shall be adjusted annually to be no less that equal to the value of the greatest of the following: (1) the value of the previous standard benefits increased by the annual percentage difference between the current Boston-Lawrence-Salem, MA - NH Consumer Price Index (CPI) for all items for All Urban Consumers and the same CPI for the same month of the previous year, or (2) the current monetary value of the health and other benefits (not including paid leave) provided under the prescribed rate of wages as determined by the director of the department of labor standards pursuant to section 27H of chapter 149 of the General Laws of Massachusetts.

(x) Standard benefits for security guards shall be adjusted annually to be no less that equal to the value of the greatest of the following: (1) the value of the previous standard benefits increased by the annual percentage difference between the current Boston-Lawrence-Salem, MA - NH Consumer Price Index (CPI) for all items for All Urban Consumers and the same CPI for the same month of the previous year, or (2) the current monetary value of the health and other benefits (not including paid leave) provided under the prescribed rate of wages as determined by the director of the department of labor standards pursuant to section 3 of chapter 195 of the Massachusetts Acts of 2014.

2.121.050 Waivers and Exceptions.

(a) Waivers. A Covered Employer may request that the City Manager grant a partial or whole waiver to the requirements of this Chapter. There shall be no waivers or exceptions made with respect to the Standard Compensation for Covered Building Service Employees.

(b) General Waivers. Waivers may be granted where application of this Chapter to a particular form of Assistance is found by the City Solicitor to violate a specific state or federal statutory, regulatory or constitutional provision or provisions, and the City Manager approves the waiver on that basis.

(c) Hardship Waivers for certain not- for-profit employers. An employer, who has a contract with the City of Cambridge which is not subject to the provisions of G.L. c. 30B, may apply to the City Manager for a specific waiver where payment of the Living Wage by a not-for-profit Covered Employer would cause a substantial hardship to the Covered Employer.

(d) Chapter 30B contract waivers. Prior to issuing an invitation for bids for a procurement contract subject to the provisions of G.L. c. 30B, any Applicable Department may apply to the City Manager for a waiver of the application of the Living Wage to the contract where payment of the Living Wage by a Covered Employer would make it inordinately expensive for the City to contract for the services or would result in a significant loss of services, because the contracted work cannot be segregated from the other work of the Covered Employer.

(e) General Waiver Request Contents. All General Waiver requests shall include the following:

- (1) The nature of the Assistance to which this Chapter applies;
- (2) The specific or official name of the Assistance and Assistance program, the statutory or regulatory authority for the granting of the Assistance, and a copy of that authority;
- (3) The conflicting statutory, regulatory, or constitutional provision or provisions that makes compliance with this Chapter unlawful, and a copy of each such provision; and
- (4) A factual explication and legal analysis of how compliance with this Chapter would violate the cited provision or provisions, and the legal consequences that would attach if the violation were to occur.

(f) Hardship Waiver Request Contents. All Hardship Waiver requests shall include the following:

- (1) The nature of the Assistance to which this Chapter applies;
- (2) A detailed explanation of why payment of the Living Wage would cause a substantial hardship to the Covered Employer; and
- (3) A statement of proposed wages below the Living Wage.

(g) Chapter 30B Contract Waiver Request Contents. A Chapter 30B contract waiver request shall include the following:

- (1) The nature of the Assistance to which this Chapter applies;
- (2) A detailed explanation of why the contracted work cannot be segregated from the other work of the bidding Covered Employers thereby making the cost of the contract with the payment of the Living Wage inordinately expensive or would result in a significant loss of services;

(h) Community Advisory Board review and recommendation regarding waiver requests. The Community Advisory Board, as described in Section 2.121.070 of this ordinance, shall consider waiver requests along with their supporting documentation and analysis, and may hold a public hearing to consider the views of the public before making a recommendation to the City Manager regarding the waiver request. For a hardship waiver, the Community Advisory Board shall offer an opportunity to be

heard to employees of the Covered Employer. After reviewing the recommendation of the Community Advisory Board, the City Manager may approve and grant or deny all or part of a request. The City Manager may in his or her discretion grant a temporary hardship waiver pending the hearing before the Community Advisory Board. For Chapter 30B contract waivers, the Community Advisory Board shall make its recommendation to the City Manager no more than thirty days after it is notified of the request for a Chapter 30B contract waiver.

(i) Terms of exceptions. If an employer is subject to this Chapter as a result of its receipt of more than one kind of Assistance covered by this Chapter, and if the City Manager grants a waiver with respect to one form of Assistance, the City Manager need not find that this Chapter is inapplicable to the employer with respect to another form of Assistance received by the employer.

(j) Exceptions. The following positions will be excepted from the requirement of the payment of the Living Wage upon certification in an affidavit in a form approved by the Applicable Department and signed by a principal officer of the Covered Employer that the positions are as follows:

- (1) youth hired pursuant to a city, state, or federally funded program which employs youth as defined by city, state, or federal guidelines, during the summer, or as part of a school to work program, or in other related seasonal or part-time program;
- (2) work-study or cooperative educational programs;
- (3) trainees who are given a stipend or wage as part of a job training program that provides the trainees with additional services, which may include, but are not limited to, room and board, case management, or job readiness services.
- (4) persons working in a recognized supported employment program that provides workers with additional services, which may include, but are not limited to, room and board, case management, counseling, or job coaching;
- (5) positions where housing is provided by the employer;
- (6) employees who are exempt from federal or state minimum wage requirements; and
- (7) individuals employed by the City of Cambridge where the employment of such individuals is intended primarily to provide a benefit or subsidy to such individuals, although the City is compensating them for work performed.

2.121.060 Notification Requirements.

All Applicable Departments shall provide in writing an explanation of the requirements of this ordinance in all requests for bids for service contracts and to all persons applying for Assistance as defined by this ordinance. All persons who have signed a service contract with the City of Cambridge or a contract for Assistance shall forward a copy of such requirements to any person submitting a bid for a subcontract on the Assistance contract.

All Covered Building Service Contracts and all solicitations for Building Services issued by the City of Cambridge or any of its departments or subdivisions, shall contain a provision indicating the number of hours or work required and stating the Standard Compensation for the relevant classification that is applicable to the Covered Building Service Employees and shall contain a stipulation that the Covered

building Service employees shall be paid not less than the Standard Compensation for the relevant classifications.

All requests for proposals or other solicitations and all specifications for Building Service Work, shall include specific reference to this chapter, shall state the required number of hours, and shall require prospective building service contractors to submit pricing on a standard worksheet furnished by the City that specifies the components of hourly pricing for the duration of the contract.

2.121.070 Duties of Covered Employers.

(a) Notification Requirements.

Covered employers and Covered Building Service Employers shall provide each Covered employee with a fact sheet about this ordinance and shall post a notice about the ordinance in a conspicuous location visible to all employees. The fact sheet and poster shall be provided to the Covered Employer by the Applicable Department and shall include:

- (1) notice of the Living Wage amount and notice of the Standard Compensation amount;
- (2) a summary of the provisions of this ordinance;
- (3) a description of the enforcement provisions of the ordinance;
- (4) the name, address, and phone number of a person designated by the Applicable Department to whom complaints of noncompliance with this ordinance should be directed.

(b) Contract for Assistance. At the time of signing a contract for assistance with the City of Cambridge or with a Beneficiary, or a Covered Building Service Contract, the contract must include the following:

- (1) the name of the program or project under which the contract or subcontract is being awarded;
- (2) a local contact name, address, and phone number for the Beneficiary;
- (3) a written commitment by the Beneficiary to pay all Covered Employees not less than the Living Wage or Standard Wage if applicable, as subject to adjustment under this ordinance and to comply with the provisions of this ordinance;
- (4) a list of Covered Employees and Covered Building Service Employees under the contract with the employees' job titles;
- (5) a list of all subcontracts either awarded or that will be awarded to Beneficiaries with funds from the Assistance. Upon signing any subcontracts, the Covered Employer shall forward a copy of the subcontract to the Applicable Department.

(c) Maintenance of payroll records. Each Covered Employer shall maintain payrolls for all Covered Employees and basic records relating thereto and shall preserve them for a period of three years. The records shall contain the name and address of each employee, the job title and classification, the number of hours worked each day, the gross wages, deductions made, actual wages paid, and copies of social security wage and withholding reports, and evidence of payment thereof and such other data as may be required by the Applicable Department from time to time.

(d) Applicable Department duties. The Applicable Department shall cause investigations to be made as

may be necessary to determine whether there has been compliance with this Ordinance. The Applicable Department shall report the findings of all such investigations to the Community Advisory Board.

(e) Covered Employer to cooperate. The Covered Employer shall submit payroll records on request to the Applicable Department. The Covered Employer shall permit City representatives to observe work being performed upon the work site, to interview employees and to examine the books and records relating to the payrolls being investigated to determine payment of wages.

(f) City Assistance Reports. Each Applicable Department shall file a City Assistance Report with the City Manager and the Community Advisory Board by July 31 of each year. The report shall include, for each Assistance package or contract approved during the preceding fiscal year:

- (1) the name of the Applicable Department (awarding agency), the name of the specific program under which the Assistance was awarded, and the origin of funds for Assistance;
- (2) a description of the purpose or project for which the Assistance was awarded;
- (3) the name, address, and phone number of a local contact person for the Covered Employer;
- (4) the total cost to the City of Assistance provided to each Beneficiary, including both face-value of Assistance, as well as revenue not collected as a result of the Assistance.

(g) Payroll reporting. Every six (6) months, a Covered Building Service Employer, shall file with the City a complete certified payroll showing the Covered Building Service Employer's payroll records for each Covered Building Service Employee. Upon request, the Covered Building Service Employer shall produce for inspection and copying the payroll records for any or all applicable Covered Building Service Employees for the prior three (3) year period.

(h) Transitional Employment Period. The City shall give advance notice to a Covered Building Service Contractor and any collective bargaining representative of the Covered Building Service Contractor that a Covered Building Service Contract will be terminated, and the City shall also provide the name, address, and telephone number of the successor Covered Building Service Contractor or contractors where known. The terminated Covered Building Service Contractor shall, within five (5) days after receipt of such notice, provide to the successor Covered Building Service Contractor, the name, address, date of hire, and employment occupation classification of each employee employed at the site or sites covered by the building service contract at the time of receiving said notice. If a successor Covered Building Service Contractor has not been identified by the City by the end of the five (5) day pay period, the terminated Covered Building Service Contractor shall provide the information to the City, at the same time that the terminated contractor shall provide each affected employee with notice of his/her right to obtain employment with the successor Covered Building Service Contractor.

A successor Covered Building Service Contractor or subcontractor where applicable shall retain for a 90-day transitional employment period all employees who were employed by the terminated Covered Building Service Contractor and its subcontractors at the building(s) covered by the terminated contract. This requirement shall not apply in the event the City chooses to employ building service employees directly.

If at any time the successor Covered Building Service Contractor determines that fewer employees are required to perform the new service contract than had been performing such services under the terminated contract, the successor Covered Building Service Contractor shall retain the employees by seniority within

job classification. Except for such layoffs, during the 90-day transition period, the successor Covered Building Service Contractor shall not discharge without cause an employee. During the 90-day transition period, the successor Covered Building Service Contractor shall maintain a preferential hiring list of those employees not retained from which the successor contractor or its subcontractors shall hire additional employees.

2.121.080 Community Advisory Board.

(a) Purpose. The purpose of the Community Advisory Board shall be to review the effectiveness of this Ordinance at creating and retaining Living Wage jobs, to make recommendations to the City Manager regarding the granting of Waivers to Covered Employers, to review the implementation and enforcement of this ordinance, and to make recommendations from time to time in connection therewith.

(b) Composition. The Community Advisory Board shall be composed of nine members and shall include representatives of labor unions, community organizations and the business community. All members will be appointed by the City Manager. Members of the Board shall serve a three-year term. Whenever a vacancy shall occur the City Manager shall appoint a replacement within thirty days of said vacancy.

(c) Meetings. The Community Advisory Board shall meet quarterly and in special session as required. All meetings of the Board shall be open to the public and will allow for public testimony on the uses of the City Assistance generally, and on specific instances of Assistance or proposed Assistance as received or sought by individual enterprises.

(d) Conflict of Interest. No member of the Community Advisory Board shall participate in any proceeding concerning a Beneficiary, a Covered Employer or a Covered Employee, or applicant for waiver or exemption, if the member or any member of his or her immediate family has a direct or indirect financial interest in the outcome of said proceeding.

2.121.090 Enforcement.

(a) Enforcement powers. In order to enforce this Chapter, the Applicable Department may, with the approval and assistance of the City Solicitor, issue subpoenas, compel the attendance and testimony of witnesses and production of books, papers, records, and documents relating to payroll records necessary for hearing, investigations, and proceedings. In case of failure to comply with a subpoena, the City may apply to a court of appropriate jurisdiction for an order requiring the attendance and testimony of witnesses and the productions of books, papers, records, and documents. Said court, in the case of a refusal to comply with any such subpoena, after notice to the person subpoenaed, and upon finding that the attendance or testimony of such witnesses or the production of such books, papers, records, and documents, as the case may be, is relevant or necessary for such hearings, investigation, or proceedings, may issue an order requiring the attendance or testimony of such witnesses or the production of such documents and any violation of the court's order may be punishable by the court as contempt thereof.

(b) Complaint procedures. An employee who believes that he or she is a Covered Employee or an applicant for a position to be filled by a Covered Employee who believes that his or her employer is not complying with requirements of this Chapter applicable to the employer may file a complaint with the Applicable Department or with the Community Advisory Board. Complaints of alleged violations may also be filed by concerned citizens or by the City Council. Complaints of alleged violations may be made at any

time, but in no event more than three years after the last date of alleged violation, and shall be investigated promptly by the Applicable Department. Statements written or oral, made by an employee, shall be treated as confidential and shall not be disclosed to the Covered Employer without the consent of the employee.

(c) Investigations and hearings. The Applicable Department shall investigate the complaint, and may, in conjunction with the City Solicitor, and in accordance with the powers herein granted, require the production by the employer of such evidence as required to determine compliance. Prior to ordering any penalty the applicable Department shall give notice to the employer and conduct a hearing. If at any time during these proceedings, the employer voluntarily makes restitution of the wages not paid to the employee making the complaint and to any similarly situated employees, by paying all back wages owed plus interest at the average prior year Massachusetts passbook savings bank rate, or otherwise remedies the violation alleged if the violation involves matters other than wages, then the Applicable Department shall thereafter dismiss the complaint against the employer.

(d) Remedies. In the event that the Applicable Department, after notice and hearing, determines that any Covered Employer has failed to pay the Living Wage rate or has otherwise violated the provisions of this Chapter, the Applicable Department may order any or all of the following penalties and relief:

- (1) Fines up to the amount of \$300 for each Covered Employee for each day that the Covered Employer is in violation of this Ordinance, except if the violation was not knowing and willful, then the total fine shall not exceed the amount of back wages plus interest owed;
- (2) Suspension of ongoing contract and subcontract payments;
- (3) Ineligibility for future City Assistance for up to three years beginning when all penalties and restitution have been paid in full. In addition, all Covered Employers having any principal officers who were principal officers of a barred beneficiary shall be ineligible under this section; and
- (4) Any other action deemed appropriate and within the discretion and authority of the city. Remedies in this section shall also apply to the party or parties aiding and abetting in any violation of this chapter.

(e) Private right of action. Any Covered Employee, or any person who was formerly employed by a Beneficiary, may bring an action to enforce the provisions of this Chapter to recover back pay and benefits, attorneys fees and costs, by filing suit against a Beneficiary in any court of competent jurisdiction.

(f) Remedies herein non-exclusive. No remedy set forth in this Chapter is intended to be exclusive or a prerequisite for asserting a claim for relief to enforce the right granted under this Chapter in a court of law. This Chapter shall not be construed to limit an employee's right to bring a common law cause of action for wrongful termination.

(g) Retaliation and discrimination barred. A Covered Employer shall not discharge, reduce the compensation or otherwise retaliate against any employee for making a complaint to the City, otherwise asserting his or her rights under this Chapter, participating in any of its proceedings or using any civil remedies to enforce his or her rights under the Chapter. The City shall investigate allegations of retaliation or discrimination and shall, if found to be true, after notice and a hearing, order appropriate relief as set out in paragraphs (c) and (d) herein.

2.121.100 Severability.

In the event any provision of this ordinance shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provisions hereof.

2.121.110 Effective Date.

This law shall be effective sixty (60) after final passage.

In City Council December 21, 2015.
Passed to be ordained by a yeas and nays vote:-
Yeas 9; Nays 0; Absent 0; Present 0.
Attest:- Donna P. Lopez, City Clerk.

A true copy;

ATTEST:-

Donna P. Lopez
City Clerk

The Living Wage Ordinance (2.121) provides, at 1.121.030(b) that the wage shall be upwardly adjusted each year no later than March 1st in proportion to the increase in the Annual Average Consumer Price Index for the prior calendar year for All Urban Consumers (CPI-U) in the Boston area, as published by the federal Bureau of Labor Statistics.

For calendar year 1999, the CPI-U increased by 2.5%. Therefore the new living wage, as of March 1, 2000 is \$10.25.

For calendar year 2000, the CPI-U increased by 4.3%. Therefore the new living wage, as of March 1, 2001 is \$ 10.68.

For calendar year 2001, the CPI-U increased by 4.3%. Therefore the new living wage, as of March 1, 2002 is \$11.11.

For calendar year 2002, the CPI-U increased by 2.6%. Therefore the new living wage, as of March 1, 2003 is \$11.37. The City Council has voted to amend the section of the Living Wage Ordinance (1.121.030 (b) that provides the method for calculating cost of living increases each year. As a result of this change, the living wage as of March 30, 2003 is \$11.44.

For calendar year 2003, the CPI-U increased by 3.76%. Therefore the new living wage, as of March 1, 2004 is \$11.87.

For calendar year 2004, the CPI-U increased by 2.7%. Therefore the new living wage, as of March 1, 2005 is \$12.19.

For calendar year 2005, the CPI-U increased by 3.3%. Therefore the new living wage, as of March 1, 2006 is \$12.59.

For calendar year 2006 the CPI-U increased by 3.1 %. Therefore the new living wage, as of March 1, 2007 is \$12.98.

For calendar year 2007 the CPI-U increased by 1.9 %. Therefore the new living wage, as of March 1, 2008 is \$13.23.

For calendar year 2008 the CPI-U increased by 3.5 %. Therefore the new living wage, as of March 1, 2009 is \$13.69.

For calendar year 2009 the CPI-U decreased by .67 %. Therefore the new living wage, as of March 1, 2010 will remain at \$13.69.

For calendar year 2010 the CPI-U increased by 1.57%. Therefore the new living wage, as of March 1, 2011 is \$13.90.

For calendar year 2011 the CPI-U increased by 2.71%. Therefore the new living wage, as of March 1, 2012 is \$14.28.

For calendar year 2012 the CPI-U increased by 1.58%. Therefore the new living wage, as of March 1, 2013 is \$14.51.

For calendar year 2013 the CPI-U increased by 1.37%. Therefore the new living wage, as of March 1, 2014 is \$14.71.

For calendar year 2014 the CPI-U increased by 1.61%. Therefore the new living wage, as of March 1, 2015 is \$14.95.

For calendar year 2015 the CPI-U increased by .06%. Therefore the living wage, as of March 1, 2016 is \$15.04.

For calendar year 2016 the CPI-U increased by 1.47%. Therefore the new living wage, as of March 1, 2017 is \$15.26.

For calendar year 2017 the CPI-U increased by 2.51%. Therefore the new living wage, as of March 1, 2018 is \$15.64.

For calendar year 2018 the CPI-U increased by 3.29%. Therefore the new living wage, as of March 1, 2019 is \$16.15.

For calendar year 2019 the CPI-U increased by 1.91%. Therefore the new living wage, as of March 1, 2020 is \$16.46.

For calendar year 2020 the CPI-U increased by 1.13%. Therefore the new living wage, as of March 1, 2021 is \$16.65.

For calendar year 2021 the CPI-U increased by 3.26%. Therefore the new living wage, as of March 1, 2022 is \$17.19.

For calendar year 2022 the CPI-U increased by 7.10%. Therefore, the new living wage as of March 1, 2023 is \$18.41.

For calendar year 2023 the CPI-U increased by 3.71% Therefore the new living wage, as of March 1, 2024 is \$19.09.

CITY CORI ORDINANCE

ORDINANCE NUMBER 1312

Final Publication Number 3155. First Publication in the Chronicle on December 13, 2007.

City of Cambridge

In the Year Two Thousand and Eight

AN ORDINANCE

**In amendment to the Ordinance entitled
“Municipal Code of the City of Cambridge”**

Be it ordained that Cambridge Municipal Code Chapter 2.112 is hereby amended by adding a new Section 2.112.060 entitled “CORI Screening by Vendors of the City of Cambridge” as follows:

Adding after Section 2.112.050 the following new sections:

SECTION 2.112.060

CORI SCREENING BY VENDORS OF THE CITY OF CAMBRIDGE

Sections:

2.112.061 Purpose

2.112.062 Definitions

2.112.063 CORI-Related Standards of the City of Cambridge

2.112.064 Waiver

2.112.065 Applicability

2.112.061 Purpose

These sections are intended to ensure that the persons and businesses supplying goods and/or services to the City of Cambridge deploy fair policies relating to the screening and identification of persons with criminal backgrounds through the CORI system.

2.112.062 Definitions

Unless specifically indicated otherwise, these definitions shall apply and control.

Awarding Authority means the City of Cambridge Purchasing Agent or designee.

Vendor means any vendor, contractor, or supplier of goods and/or services to the City of Cambridge.

2.112.063 CORI-Related Standards of the City of Cambridge

The City of Cambridge employs CORI-related policies, practices and standards that are fair to all persons involved and seeks to do business with vendors that have substantially similar policies, practices and standards. The City of Cambridge will do business only with vendors who, when required by law to perform CORI checks, employ CORI-related policies, practices, and standards that are consistent with policies, practices and standards employed by the City of Cambridge. The awarding authority shall consider any vendor's deviation from policies, practices and standards employed by the City of Cambridge as grounds for rejection, rescission, revocation, or any other termination of the contract.

2.112.064 Waiver

The City Manager may grant a waiver to anyone who or which has submitted a request for waiver if it is objectively reasonable; and the City Manager, or a delegate, shall report promptly in writing to the City Council all action taken with respect to every request for a waiver and the reasons for the decision.

2.112.065 Applicability

If any provision of these sections imposes greater restrictions or obligations than those imposed by any other general law, special law, regulation, rule, ordinance, order, or policy then the provisions of these sections shall control.

In City Council January 28, 2008.

Passed to be ordained by a yea and nay vote:

- Yeas 9; Nays 0; Absent 0.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury
City Clerk

CORI CITY POLICY

City of Cambridge CORI Policy

1. Where Criminal Offender Record Information (CORI) checks are part of a general background check for employment or volunteer work, the following practices and procedures will generally be followed.
2. CORI checks will only be conducted as authorized by Criminal History Systems Board (CHSB). All applicants will be notified that a CORI check will be conducted. If requested, the applicant will be provided with a copy of the CORI policy.
3. An informed review of a criminal record requires adequate training. Accordingly, all personnel authorized to review CORI in the decision-making process will be thoroughly familiar with the educational materials made available by the CHSB.
4. Prior to initiating a CORI check, the City will review the qualifications of the applicant to determine if the applicant is otherwise qualified for the relevant position. The City will not conduct a CORI check on an applicant that is not otherwise qualified for the relevant position.
5. Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determination of suitability based on CORI checks will be made consistent with this policy and any applicable law or regulations.
6. If a criminal record is received from CHSB, the authorized individual will closely compare the record provided by CHSB with the information on the CORI request form and any other identifying information provided by the applicant, to ensure the record relates to the applicant.
7. If, in receiving a CORI report, the City receives information it is not authorized to receive (e.g. cases with dispositions such as not guilty or dismissal, in circumstances where the City is only authorized to receive convictions or case-pending information), the City will inform the applicant and provide the applicant with a copy of the report and a copy of CHSB's *Information Concerning the Process in Correcting a Criminal Record* so that the applicant may pursue correction with the CHSB.
8. If the City of Cambridge is planning to make an adverse decision based on the results of the CORI check, the applicant will be notified immediately. The applicant shall be provided with a copy of the criminal record and the City's CORI policy, advised of the part(s) of the record that make the individual unsuitable for the position and given an opportunity to dispute the accuracy and relevance of the CORI record.
9. Applicants challenging the accuracy of the criminal record shall be provided a copy of CHSB's *Information Concerning the Process in Correcting a Criminal Record*. If the CORI record provided does not exactly match the identification information

provided by the applicant, the City of Cambridge will make a determination based on a comparison of the CORI record and documents provided by the applicant. The City of Cambridge may contact CHSB and request a detailed search consistent with CHSB policy.

10. If the City of Cambridge reasonably believes the record belongs to the applicant and is accurate, then the determination of suitability for the position will be made. Unless otherwise provided by law, factors considered in determining suitability may include, but not be limited to the following:
 - (a) Relevance of the crime to the position sought;
 - (b) The nature of the work to be performed;
 - (c) Time since the conviction;
 - (d) Age of the candidate at the time of offense;
 - (e) Seriousness and specific circumstances of the offense;
 - (f) The number of offenses;
 - (g) Whether the applicant has pending charges;
 - (h) Any relevant evidence of rehabilitation or lack thereof;
 - (i) Any other relevant information, including information submitted by the candidate or requested by the City.
11. The Personnel Department will assist affected departments, in assessing the suitability of candidates in accordance with paragraph 10, a through i above, to ensure consistency, fairness, and protection of employment opportunities and the public interest.
12. The City of Cambridge will notify the applicant of the decision and the basis of the decision in a timely manner.
13. CORI information shall not be disseminated or shared with any unauthorized employees or other, but shall be maintained in confidence consistent with the obligations of law.

Revised May 5, 2007

CORI COMPLIANCE FORM

Persons and businesses supplying goods and/or services to the City of Cambridge (“Vendors”), who are required by law to perform CORI checks, are further required by Section 2.112.060 of the Cambridge Municipal Code to employ fair policies, practices and standards relating to the screening and identification of persons with criminal backgrounds through the CORI system. Such Vendors, when entering into contracts with the City of Cambridge, must affirm that their policies, practices and standards regarding CORI information are consistent with the policies, practices and standards employed by the City of Cambridge as set forth in the City of Cambridge CORI Policy (“CORI Policy”) attached hereto.

CERTIFICATION

The undersigned certifies under penalties of perjury that the Vendor employs CORI related policies, practices and standards that are consistent with the provisions of the attached CORI Policy. **All Vendors must check one of the three lines below.**

1. _____ CORI checks are not performed on any Applicants.
2. _____ CORI checks are performed on some or all Applicants. The Vendor, by affixing a signature below, affirms under penalties of perjury that its CORI policies, practices and standards are consistent with the policies, practices and standards set forth in the attached CORI Policy.
3. _____ CORI checks are performed on some or all Applicants. The Vendor’s CORI policies, practices and standards are not consistent with the attached CORI Policy. Please explain on a separate sheet of paper.

(Typed or printed name of person signing quotation, bid or Proposal)

Signature

(Name of Business)

NOTE:

The City Manager, in his sole discretion may grant a waiver to any Vendor on a contract by contract basis.

Instructions for Completing CORI Compliance Form:

A Vendor should not check Line 1 unless it performs NO CORI checks on ANY applicant. A Vendor who checks Line 2 certifies that the Vendor’s CORI policy conforms to the policies, practices and standards set forth in the City’s CORI Policy. A Vendor with a CORI policy that does NOT conform to the City’s CORI Policy must check Line 3 and explain the reasons for its nonconformance in writing. Vendors, who check Line 3, will not be permitted to enter into contracts with the City, absent a waiver by the City Manager.

This form must be submitted with your bid

**Americans with Disabilities Act (42 U.S.C. 12131)
Section 504 of the Rehabilitation Act of 1973
Tax Compliance/Anti-Collusion Statement**

The Americans with Disabilities Act (the "Act") applies to all employers of fifteen or more employees. All vendors that are subject to the Act must comply with its provisions. In further compliance with the Act, all Contractors who enter into contracts with the City are prohibited from discrimination against the City's employees, regardless of the size of the Contractor.

The Act protects against discrimination on the basis of "disability", which is defined as a physical or mental impairment that substantially limits at least one "major life activity"; discrimination against a person having a history or record of such impairment; and discrimination against an individual regarded - even if inaccurately - as having such an impairment. The Act also expressly prohibits discrimination that is based on an individual's relationship or association with a disabled person.

The bidder shall not discriminate against any qualified employee or job applicant with a disability and will make the activities, programs and services covered by any contract awarded through this procurement readily accessible to and usable by individuals with disabilities. To be qualified for a job, or to avail oneself of the bidder's services, the individual with the disability must meet the essential eligibility requirements for receipt of the bidder's services or participation in the bidder's programs or activities with or without: 1) reasonable modifications to the bidder's rules, policies and practices; 2) removal of architectural, communication, or transportation barriers; or, 3) provisions of auxiliary aids and services.

By submitting its bid, the bidder certifies to the City of Cambridge that it understands and will comply with all applicable provisions of the Act, including compliance with applicable provisions of Section 504 of the Rehabilitation Act of 1973, if the bidder is receiving federal funds.

The undersigned certifies under penalties of perjury that this bid or proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the "person" shall mean any natural person, business, partnership, corporation, union, committee, club, or other organization, entity, or group of individuals

As required by M.G.L. c. 62C, §49A, the undersigned certifies under the penalties of perjury that the bidder has complied with all laws of the commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

Date: _____

(Print Name of person signing bid)

(Signature & Title)

Address

City

State

Zip Code

CITY OF CAMBRIDGE
WRITTEN INFORMATION SECURITY POLICY (WISP) AFFIRMATION

I, _____ the undersigned, hereby confirm and acknowledge to the City of Cambridge that I am aware of and understand the City of Cambridge's Written Information Security Policy (WISP) as outlined in the link below; and shall comply with the requirements of the City of Cambridge's WISP policy to the extent the policy applies to this contract.

<https://www.cambridgema.gov/-/media/Files/informationtechnologydepartment/WISP.pdf>

Date: _____

Signature of bidder/Contractor

Printed Name of bidder/Contractor

Title

AFFIDAVIT

WORKER'S COMPENSATION INSURANCE COVERAGE

RE: Contract For _____

Bidder: _____ ("the BIDDER")

I, _____, _____, do hereby state that
(Print name) (Title)

1. I am authorized to sign this document on behalf of the BIDDER and bind the BIDDER hereto;
2. the BIDDER is not subject to the Commonwealth of Massachusetts Workers' Compensation Law, M.G.L. C. 152;
3. in the event the BIDDER is awarded this contract and hires any employees for this contract which would subject it to such insurance law, the BIDDER shall provide the City of Cambridge with a certificate of insurance indicating workers' compensation insurance coverage pursuant to the specification requirements prior to the commencement of work by those employees; and
4. the BIDDER understands that its failure to comply with the requirement set forth in paragraph 3 may result in the termination of its contract with the City of Cambridge.

Signed under the penalties of perjury.

Dated: _____

(Signature)

Date: _____

Contractor Name: _____
 Address: _____
 City, State, Zip: _____
 Telephone No.: _____

INVOICE

To: CITY OF CAMBRIDGE PUBLIC WORKS
 147 Hampshire Street
 Cambridge, MA 02139

Quantity	Description	Unit Price	TOTAL
_____ # of Hours	_____ Date Worked _____ Type of Equipment _____ _____ Vehicle Reg# (if applicable) _____ Ticket No _____ Check if above hours include travel time: ____	\$ _____ Price per hour	\$ _____ Total \$
_____ # of Hours	_____ Date Worked _____ Type of Equipment _____ _____ Vehicle Reg# (if applicable) _____ Ticket No _____ Check if above hours include travel time: ____	\$ _____ Price per hour	\$ _____ Total \$
_____ # of Hours	_____ Date Worked _____ Type of Equipment _____ _____ Vehicle Reg# (if applicable) _____ Ticket No _____ Check if above hours include travel time: ____ Add Additional lines if necessary	\$ _____ Price per hour	\$ _____ Total \$
Invoice Total			

IF ELEGIBLE FOR TRAVEL TIME PER CONTRACT, PLEASE INCLUDE IN NUMBER OF HOURS ABOVE

Request for Taxpayer Identification Number and Certification

Give Form to the
requester. Do not
send to the IRS.

► Go to www.irs.gov/FormW9 for instructions and the latest information.

Print or type. See Specific Instructions on page 3.	1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.	
	2 Business name/disregarded entity name, if different from above	
	3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes. <input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► _____ Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner. <input type="checkbox"/> Other (see instructions) ► _____	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ <i>(Applies to accounts maintained outside the U.S.)</i>
	5 Address (number, street, and apt. or suite no.) See instructions.	Requester's name and address (optional)
	6 City, state, and ZIP code	
	7 List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number									
				-			-		
or									
Employer identification number									
				-					

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here	Signature of U.S. person ►	Date ►
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General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.

By signing the filled-out form, you:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting*, later, for further information.

Note: If you are a U.S. person and a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien;
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States;
- An estate (other than a foreign estate); or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax under section 1446 on any foreign partners' share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid section 1446 withholding on your share of partnership income.

In the cases below, the following person must give Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States.

- In the case of a disregarded entity with a U.S. owner, the U.S. owner of the disregarded entity and not the entity;
- In the case of a grantor trust with a U.S. grantor or other U.S. owner, generally, the U.S. grantor or other U.S. owner of the grantor trust and not the trust; and
- In the case of a U.S. trust (other than a grantor trust), the U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

Foreign person. If you are a foreign person or the U.S. branch of a foreign bank that has elected to be treated as a U.S. person, do not use Form W-9. Instead, use the appropriate Form W-8 or Form 8233 (see Pub. 515, *Withholding of Tax on Nonresident Aliens and Foreign Entities*).

Nonresident alien who becomes a resident alien. Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items.

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

Example. Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity, give the requester the appropriate completed Form W-8 or Form 8233.

Backup Withholding

What is backup withholding? Persons making certain payments to you must under certain conditions withhold and pay to the IRS 24% of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, payments made in settlement of payment card and third party network transactions, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the instructions for Part II for details),
3. The IRS tells the requester that you furnished an incorrect TIN,
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or
5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See *Exempt payee code*, later, and the separate Instructions for the Requester of Form W-9 for more information.

Also see *Special rules for partnerships*, earlier.

What is FATCA Reporting?

The Foreign Account Tax Compliance Act (FATCA) requires a participating foreign financial institution to report all United States account holders that are specified United States persons. Certain payees are exempt from FATCA reporting. See *Exemption from FATCA reporting code*, later, and the Instructions for the Requester of Form W-9 for more information.

Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account; for example, if the grantor of a grantor trust dies.

Penalties

Failure to furnish TIN. If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil penalty for false information with respect to withholding. If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

Criminal penalty for falsifying information. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs. If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

Specific Instructions

Line 1

You must enter one of the following on this line; **do not** leave this line blank. The name should match the name on your tax return.

If this Form W-9 is for a joint account (other than an account maintained by a foreign financial institution (FFI)), list first, and then circle, the name of the person or entity whose number you entered in Part I of Form W-9. If you are providing Form W-9 to an FFI to document a joint account, each holder of the account that is a U.S. person must provide a Form W-9.

a. **Individual.** Generally, enter the name shown on your tax return. If you have changed your last name without informing the Social Security Administration (SSA) of the name change, enter your first name, the last name as shown on your social security card, and your new last name.

Note: ITIN applicant: Enter your individual name as it was entered on your Form W-7 application, line 1a. This should also be the same as the name you entered on the Form 1040/1040A/1040EZ you filed with your application.

b. **Sole proprietor or single-member LLC.** Enter your individual name as shown on your 1040/1040A/1040EZ on line 1. You may enter your business, trade, or “doing business as” (DBA) name on line 2.

c. **Partnership, LLC that is not a single-member LLC, C corporation, or S corporation.** Enter the entity’s name as shown on the entity’s tax return on line 1 and any business, trade, or DBA name on line 2.

d. **Other entities.** Enter your name as shown on required U.S. federal tax documents on line 1. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on line 2.

e. **Disregarded entity.** For U.S. federal tax purposes, an entity that is disregarded as an entity separate from its owner is treated as a “disregarded entity.” See Regulations section 301.7701-2(c)(2)(iii). Enter the owner’s name on line 1. The name of the entity entered on line 1 should never be a disregarded entity. The name on line 1 should be the name shown on the income tax return on which the income should be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a single owner that is a U.S. person, the U.S. owner’s name is required to be provided on line 1. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity’s name on line 2, “Business name/disregarded entity name.” If the owner of the disregarded entity is a foreign person, the owner must complete an appropriate Form W-8 instead of a Form W-9. This is the case even if the foreign person has a U.S. TIN.

Line 2

If you have a business name, trade name, DBA name, or disregarded entity name, you may enter it on line 2.

Line 3

Check the appropriate box on line 3 for the U.S. federal tax classification of the person whose name is entered on line 1. Check only one box on line 3.

IF the entity/person on line 1 is a(n) . . .	THEN check the box for . . .
• Corporation	Corporation
• Individual • Sole proprietorship, or • Single-member limited liability company (LLC) owned by an individual and disregarded for U.S. federal tax purposes.	Individual/sole proprietor or single-member LLC
• LLC treated as a partnership for U.S. federal tax purposes, • LLC that has filed Form 8832 or 2553 to be taxed as a corporation, or • LLC that is disregarded as an entity separate from its owner but the owner is another LLC that is not disregarded for U.S. federal tax purposes.	Limited liability company and enter the appropriate tax classification. (P= Partnership; C= C corporation; or S= S corporation)
• Partnership	Partnership
• Trust/estate	Trust/estate

Line 4, Exemptions

If you are exempt from backup withholding and/or FATCA reporting, enter in the appropriate space on line 4 any code(s) that may apply to you.

Exempt payee code.

- Generally, individuals (including sole proprietors) are not exempt from backup withholding.
- Except as provided below, corporations are exempt from backup withholding for certain payments, including interest and dividends.
- Corporations are not exempt from backup withholding for payments made in settlement of payment card or third party network transactions.
- Corporations are not exempt from backup withholding with respect to attorneys’ fees or gross proceeds paid to attorneys, and corporations that provide medical or health care services are not exempt with respect to payments reportable on Form 1099-MISC.

The following codes identify payees that are exempt from backup withholding. Enter the appropriate code in the space in line 4.

- 1—An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2)
- 2—The United States or any of its agencies or instrumentalities
- 3—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities
- 4—A foreign government or any of its political subdivisions, agencies, or instrumentalities
- 5—A corporation
- 6—A dealer in securities or commodities required to register in the United States, the District of Columbia, or a U.S. commonwealth or possession
- 7—A futures commission merchant registered with the Commodity Futures Trading Commission
- 8—A real estate investment trust
- 9—An entity registered at all times during the tax year under the Investment Company Act of 1940
- 10—A common trust fund operated by a bank under section 584(a)
- 11—A financial institution
- 12—A middleman known in the investment community as a nominee or custodian
- 13—A trust exempt from tax under section 664 or described in section 4947

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 13.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt payees except for 7
Broker transactions	Exempt payees 1 through 4 and 6 through 11 and all C corporations. S corporations must not enter an exempt payee code because they are exempt only for sales of noncovered securities acquired prior to 2012.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 4
Payments over \$600 required to be reported and direct sales over \$5,000 ¹	Generally, exempt payees 1 through 5 ²
Payments made in settlement of payment card or third party network transactions	Exempt payees 1 through 4

¹ See Form 1099-MISC, Miscellaneous Income, and its instructions.

² However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney reportable under section 6045(f), and payments for services paid by a federal executive agency.

Exemption from FATCA reporting code. The following codes identify payees that are exempt from reporting under FATCA. These codes apply to persons submitting this form for accounts maintained outside of the United States by certain foreign financial institutions. Therefore, if you are only submitting this form for an account you hold in the United States, you may leave this field blank. Consult with the person requesting this form if you are uncertain if the financial institution is subject to these requirements. A requester may indicate that a code is not required by providing you with a Form W-9 with "Not Applicable" (or any similar indication) written or printed on the line for a FATCA exemption code.

A—An organization exempt from tax under section 501(a) or any individual retirement plan as defined in section 7701(a)(37)

B—The United States or any of its agencies or instrumentalities

C—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities

D—A corporation the stock of which is regularly traded on one or more established securities markets, as described in Regulations section 1.1472-1(c)(1)(i)

E—A corporation that is a member of the same expanded affiliated group as a corporation described in Regulations section 1.1472-1(c)(1)(i)

F—A dealer in securities, commodities, or derivative financial instruments (including notional principal contracts, futures, forwards, and options) that is registered as such under the laws of the United States or any state

G—A real estate investment trust

H—A regulated investment company as defined in section 851 or an entity registered at all times during the tax year under the Investment Company Act of 1940

I—A common trust fund as defined in section 584(a)

J—A bank as defined in section 581

K—A broker

L—A trust exempt from tax under section 664 or described in section 4947(a)(1)

M—A tax exempt trust under a section 403(b) plan or section 457(g) plan

Note: You may wish to consult with the financial institution requesting this form to determine whether the FATCA code and/or exempt payee code should be completed.

Line 5

Enter your address (number, street, and apartment or suite number). This is where the requester of this Form W-9 will mail your information returns. If this address differs from the one the requester already has on file, write NEW at the top. If a new address is provided, there is still a chance the old address will be used until the payor changes your address in their records.

Line 6

Enter your city, state, and ZIP code.

Part I. Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN.

If you are a single-member LLC that is disregarded as an entity separate from its owner, enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

Note: See *What Name and Number To Give the Requester*, later, for further clarification of name and TIN combinations.

How to get a TIN. If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local SSA office or get this form online at www.SSA.gov. You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at www.irs.gov/Businesses and clicking on Employer Identification Number (EIN) under Starting a Business. Go to www.irs.gov/Forms to view, download, or print Form W-7 and/or Form SS-4. Or, you can go to www.irs.gov/OrderForms to place an order and have Form W-7 and/or SS-4 mailed to you within 10 business days.

If you are asked to complete Form W-9 but do not have a TIN, apply for a TIN and write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

Note: Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

Caution: A disregarded U.S. entity that has a foreign owner must use the appropriate Form W-8.

Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if item 1, 4, or 5 below indicates otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on line 1 must sign. Exempt payees, see *Exempt payee code*, earlier.

Signature requirements. Complete the certification as indicated in items 1 through 5 below.

1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983.

You must give your correct TIN, but you do not have to sign the certification.

2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983.

You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

3. Real estate transactions. You must sign the certification. You may cross out item 2 of the certification.

4. Other payments. You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments made in settlement of payment card and third party network transactions, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), ABLE accounts (under section 529A), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions. You must give your correct TIN, but you do not have to sign the certification.

What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account) other than an account maintained by an FFI	The actual owner of the account or, if combined funds, the first individual on the account ¹
3. Two or more U.S. persons (joint account maintained by an FFI)	Each holder of the account
4. Custodial account of a minor (Uniform Gift to Minors Act)	The minor ²
5. a. The usual revocable savings trust (grantor is also trustee)	The grantor-trustee ¹
b. So-called trust account that is not a legal or valid trust under state law	The actual owner ¹
6. Sole proprietorship or disregarded entity owned by an individual	The owner ³
7. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulations section 1.671-4(b)(2)(i)(A))	The grantor*
For this type of account:	Give name and EIN of:
8. Disregarded entity not owned by an individual	The owner
9. A valid trust, estate, or pension trust	Legal entity ⁴
10. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
11. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
12. Partnership or multi-member LLC	The partnership
13. A broker or registered nominee	The broker or nominee

For this type of account:	Give name and EIN of:
14. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
15. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulations section 1.671-4(b)(2)(i)(B))	The trust

¹ List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

² Circle the minor's name and furnish the minor's SSN.

³ You must show your individual name and you may also enter your business or DBA name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

⁴ List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships*, earlier.

*Note: The grantor also must provide a Form W-9 to trustee of trust.

Note: If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

Secure Your Tax Records From Identity Theft

Identity theft occurs when someone uses your personal information such as your name, SSN, or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN,
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14039.

For more information, see Pub. 5027, Identity Theft Information for Taxpayers.

Victims of identity theft who are experiencing economic harm or a systemic problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

Protect yourself from suspicious emails or phishing schemes.

Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to phishing@irs.gov. You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration (TIGTA) at 1-800-366-4484. You can forward suspicious emails to the Federal Trade Commission at spam@uce.gov or report them at www.ftc.gov/complaint. You can contact the FTC at www.ftc.gov/idtheft or 877-IDTHEFT (877-438-4338). If you have been the victim of identity theft, see www.IdentityTheft.gov and Pub. 5027.

Visit www.irs.gov/IdentityTheft to learn more about identity theft and how to reduce your risk.

Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. commonwealths and possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.