

OLMC TARGETING FUND RULES

All Contractors requesting a subsidy from the OLMC Targeting Fund agree to be governed by the following rules:

- (1) This OLMC subsidy applies only to bargaining unit work performed at the project identified in the Request Form, up to and not to exceed the listed hours and amount. The Contractor shall not be entitled to any additional supplement or subsidies for change orders, modifications or extensions relating to the project.
- (2) Based on written representations made by the Contractor, upon whom the OLMC is relying, the OLMC will unilaterally determine whether the subsidy will be approved. If so agreed, the OLMC agrees to make a grant payment for the hours and in the amount set forth in the Request Form. Only journeymen and/or foremen hours actually worked on the identified projects are eligible for the subsidy. Hours worked by owners, stockholders, supervisors, or other classifications are not eligible for the subsidy.
- (3) Upon completion of the project, the Contractor must provide complete records of operator man-hours worked, to the OLMC for review. Once the hours are confirmed, the grant payment will be made directly to the Contractor.
- (4) As a condition for the receipt of this subsidy from the OLMC, the Contractor agrees to the following terms and conditions:
 - (a) During the term of the "targeted job" specified in paragraph (1) above, the Contractor shall be bound by and will not violate any provisions set forth in its then-effective collective bargaining agreement with the Operating Engineers Local Union #132. In the event any such violation of the labor contract shall occur or if the contractual relationship should terminate for any reason whatsoever, the provisions of this agreement shall be considered null and void.
 - (b) The Contractor agrees that it shall not, during the term in which work is performed by it at the targeted project specified in paragraph (1) hereof, become delinquent in making contributions to I.U.O.E. Local 132 Trust Funds, and in the event any such delinquency shall occur, this job targeting agreement shall be construed as null and void.
 - (c) The Contractor shall not engage in any misrepresentations on required reporting forms or provide any false and/or misleading information to OLMC concerning work performed on the targeted project. Any such misrepresentation and/or submission of false and/or misleading information shall cause this agreement to be rendered null and void.
 - (d) The Contractor agrees that it shall timely provide to I.U.O.E. Local Union #132 Funds the monthly reporting **forms that designate accurately the number of hours worked by all bargaining unit members working on the targeted project.**
 - (e) The Contractor agrees to provide any and all information requested by the OLMC in order to verify its request for subsidies on this project.
 - (f) The Contractor agrees that all of its operators work on the targeted project, whether done directly, or through a sub-contractor, shall only be done by contractors signatory with The International Union of Operating Engineers Local Union #132.

- (5) The Contractor agrees that neither it, nor anyone acting on its behalf, nor any of its employees, agents, representatives, owners, partners, heirs, administrators or assigns, or any other person, shall make or process any claim against OLMC, or any of its officers, agents, employees, members, or persons acting for or on behalf of it, for any alleged damage, whether real or perceived, or commence any action, cause of action, chose in action or initiate any legal proceedings of any kind, in any court or any forum, in which the Contractor seeks a recovery of an amount that exceeds the maximum liability that the OLMC has agreed to pay under the provisions set forth in paragraph (2) above.

Notwithstanding any other provisions of this agreement, or any provisions in any other contract between the parties, or any law, statute or regulation, of whatsoever kind or nature, the Contractor agrees that, in no circumstance, shall the OLMC be required, by virtue of this agreement, to pay to the Employer, or any other person or party acting in its behalf, an amount in excess of the maximum liability set forth in paragraph (3) hereof with respect to the specified targeted project.

- (6) These rules may only be amended by a document duly executed by both parties and which contains, on behalf of the OLMC, the signature of the Chairman of the Operating Engineers Labor Management Cooperative & Education Trust (OLMC). In addition, the parties understand that this agreement, and any commitments by the OLMC, shall only be valid if signed and approved by the OLMC Chairman and Secretary.

Name of Project: _____

FOR THE EMPLOYER:

Complete Corporate Name of Employer

Signature of Authorized Representative

Title

Date

**FOR THE OPERATING ENGINEERS LABOR MANAGEMENT
COOPERATIVE AND EDUCATIONAL TRUST:**

Tommy Plymale, Chairman

Ken Lake, Co-Chairman

Date

OLMC TARGETING FUND REQUEST FORM



Date: _____

Project Name: _____

Project Address: _____

LIST COMPETITORS (Use Additional Paper If Necessary)
Union Contractors Non-Union Contractors

What other Crafts are Targeting, and for how much _____

1. Bidding as General Contractor? Bidding as Subcontractor? _____
 (If Sub-contractor, list type of work)

2. Bidding to General Contractor? Owner? Other? _____
 (Name)

3. Total Hours of Work for Operators _____ = _____ + _____
 (Total Hours Applied For) (Hours for Applicant) (Hours for Applicants Sub-contractors)

4. Number of Operators Needed _____ = _____ + _____
 (Total number of Operators) (Operators for Applicant) (Operators for Applicants Sub-contractors)

5. Estimated Duration of Project _____ 6. Approximate Cost of Project _____

7. Bid Date _____ 8. Approximate Starting Date _____

TOTAL AWARD _____ HOURS X _____ SUBSIDY PER HOUR = _____

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In applying for the OLMC Targeting Fund Subsidy the undersigned agrees that the decision of this application is within the full and complete discretion of the Chairman of OLMC. The undersigned agrees to adhere to the Rules of the OLMC Targeting Fund. The undersigned agrees to waive and release the OLMC Targeting Fund from any claim the undersigned may have now or in the future as a result of this application.

Name of Contractor	Address	Zip	Phone/Fax #
e-mail address: _____			

By: _____
Authorized Signature
Name (Print)

APPROVED BY:

Tommy Plymale, Chairman
Ken Lake, Co-Chairman

PLEASE RETURN THIS COMPLETED FORM TO: Rodney Marsh 304-253-6899 or rmarsh@wvdsi.net

RESULTS (For Office Use Only)

Operating Engineers Local Union #132 OLMC Target Fund

- The purpose of this program is to help Signatory Contractors win Projects in the face of Open Shop competition and thereby employ more Operators and increase Market Share.
- IUOE Local Union #132 does this by allowing Signatory Contractors to lower their bid price going in by knowing the maximum Operators Fringe reimbursement they can expect to be returned at the end of the project. This creates a win/win situation by giving Signatory Contractors bid flexibility and employing Operators without cutting wages or fringes.
- Signatory Contractors must be and remain current on payment of fringes to the IUOE Local Union #132 Trust Funds during the course of the project.
- Fringe reimbursement will be calculated on actual Operator Journeyman/Foreman hours only as recorded during the job being paid to the IUOE Local Union #132 Trust Funds up to the maximum amount allotted for the project.
- Contractors will be subject to audit of the Project.
- **Contractors shall report hours worked by Operators on a separate fringe form to eliminate confusion and so that clear records will be available on both ends to speed the audit process at the end of a project.**
- General Contractors shall use Signatory Subcontractors on IUOE Local Union #132 projects.
- It is important to **try** to submit requests for the OLMC subsidy at least 10 days prior to the bid date of the Project to allow sufficient time to review and process the request.
- All Signatory Contractors must submit the OLMC Targeting Fund Request form before the bid date to qualify for the same approved fringe reimbursement.
- The approved subsidy can only be used on the specific Project referred to in the application submitted.

The Job Targeting Program Administrator will be OLMC Representative, Rodney Marsh. OLMC Targeting Fund Request Forms should be submitted by fax to (304) 253-6899 or email at rmarsh@wvdsl.net. In addition, communications can be mailed to:

**IUOE Local Union #132
2310 South Fayette Street
Beckley, WV 25801.**

Rodney Marsh may also be contacted by phone @ (304) 253-6898 and by e-mail at rmarsh@wvdsl.net.