

## **NOTICE OF PUBLIC MEETING PHOENIX AVIATION ADVISORY BOARD**

Pursuant to A.R.S. Section 38-431.02, notice is hereby given to the members of the **PHOENIX AVIATION ADVISORY BOARD**, and to the general public, that the **PHOENIX AVIATION ADVISORY BOARD** will hold a meeting open to the public on **Thursday, April 18, 2024 at 3:00 p.m. located at the City of Phoenix Aviation Department, PAAB Conference Room, 2485 E. Buckeye Road, Phoenix, Arizona 85034, or via WebEx teleconference.**

### **OPTIONS TO ACCESS THIS MEETING:**

**Watch the meeting virtually using the WebEx link provided below.**

<https://cityofphoenix.webex.com/cityofphoenix/j.php?MTID=mb4e5bee0cbeef01021cc263396b58173>

**Call in to listen to the meeting, dial 602-666-0783, and Enter Meeting ID 2632 969 7310#. Press # again when prompted for attendee ID.**

**Public Comment:** If you wish to provide a written comment or speak at the meeting virtually or by phone, please submit a request to [pearl.meza@phoenix.gov](mailto:pearl.meza@phoenix.gov) no later than 10 a.m. on Thursday, April 18, 2024. The email should include your first and last name, email address, the item number(s), and whether you would like your comment entered into the record or if you wish to speak. Those who wish to attend in person may submit a request to speak by completing a speaker card at the registration desk at the beginning of the meeting.

Pursuant to Arizona Revised Statutes, Section 38-431.02B, notice is given that the Phoenix Aviation Advisory Board may vote to go into Executive Session, or Sessions, for discussion or consultation, for legal advice with the attorney or attorneys of the public body for any agenda items listed below, as authorized by Arizona Revised Statutes, Section 38-431.03 (A)(3) or for discussion of records and/or information that is exempted by law from public disclosure, as authorized by Arizona Revised Statutes, Section 38-431.03(A)(2). If authorized by a majority vote of the Phoenix Aviation Advisory Board, the Executive Session will be held immediately after the vote and will not be open to the public. If a decision is requested, the Phoenix Aviation Advisory Board may decide the matter in the public meeting or defer the decision to a later date. The agenda items that may be subject to an Executive Session pursuant to Arizona Revised Statutes, Sections 38-431.03 (A) (2) and 38-431.03 (A) (3) are as follows: Items 4, 5, & 6.

One or more board members may participate via teleconference. Agenda items may be taken out of order.

The agenda for the meeting is as follows:

## **CALL TO ORDER**

## **SUMMARY OF CURRENT EVENTS**

1. Summary of Current Events by the Aviation Director
2. Summary of Current Events by the Airline Station Manager

## **MINUTES OF MEETING**

3. For Approval or Correction, the Minutes of the Phoenix Aviation Advisory Board Meeting on March 21, 2024

## **INFORMATION ONLY (ITEM 4)**

4. Peer-to-Peer Car Sharing Program Update

This report provides an update to the Phoenix Aviation Advisory Board on the Peer-to-Peer Car Sharing Program at Phoenix Sky Harbor Airport.

**THIS ITEM IS FOR INFORMATION ONLY.**

## **INFORMATION AND DISCUSSION (ITEMS 5 & 6)**

5. Sky Harbor Security Screening Infrastructure and Future Needs

This report provides the Phoenix Aviation Advisory Board with an overview of the various technologies, equipment, and processes utilized by the Transportation Security Administration (TSA) at Phoenix Sky Harbor International Airport. As the airport grows and develops, the Aviation Department and TSA are collaboratively identifying and procuring modern technologies and implementing innovative solutions where appropriate to meet passenger demand and expectations.

**THIS ITEM IS FOR INFORMATION AND DISCUSSION.**

6. Heat Safety Plan

This report provides the Phoenix Aviation Advisory Board with an update on the Aviation Department's Heat Safety Plan and heat-related preparedness activities occurring at Phoenix Sky Harbor Airport, Deer Valley Airport, and Goodyear Airport.

**THIS ITEM IS FOR INFORMATION AND DISCUSSION.**

## **ADVISORY BOARD INFORMATION AND FOLLOW-UP REQUESTS**

### **CALL TO THE PUBLIC**

This is the time for the public to comment. Members of the Board may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. Section 38-431.01(H), action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism, or scheduling the matter for further consideration and decision at a later time.

### **ADJOURNMENT**

For further information, please call Pearl Meza, Management Assistant II, Aviation Department at 602-273-3382. For further documentation on this meeting, please visit [skyharbor.com](http://skyharbor.com).

Persons with a disability may request a reasonable accommodation; please contact Pearl Meza, Management Assistant II, Aviation Department, at 602-273-3382. Or 7-1-1 friendly. The next Phoenix Aviation Advisory Board meeting is scheduled to take place on Thursday, May 16, 2024.



## PHOENIX AVIATION ADVISORY BOARD

### SUMMARY MINUTES

March 21, 2024

*Meeting held via WebEx*

#### **Board Members Present**

Sandra Ferniza – Chairperson  
Ruben Alonzo – Vice-Chairperson  
Valencia Fisker  
Annette Musa  
Ron Price  
Andrew Cohn  
Verma Pastor  
David Shilliday  
Stephanie Cherny  
Chad Makovsky – Ex-Officio

#### **Board Members Absent**

Tyler Gonzalez – Ex-Officio

#### **Staff Present**

Abbe Slade  
Andrew Durket  
Annie Sleeper  
Chad Makovsky  
Chris Baranowski  
Cindy Lizarraga  
Clif Looper  
Corrine Harbaugh  
Jason Gitkin

Jay DeWitt  
Marshall Kain  
MaryHelen Martinez  
Matthew Becker  
Matthew Heil  
Michael Hughes  
Michael O'Shaughnessy  
Moe Yacut

Pearl Meza  
Richard Graham  
Roxann Favors  
Ryan Hartnett  
Thomas Curran  
Thomas Sawyer  
Trey Nicholas  
William Robinson

#### **Members of the Public Present**

Karen Ratliff  
David Bonilla  
Noor-Alia Al-Sharabazz  
Cinthia Jimenez De Leon  
Vanessa Guzman  
Bonita Medina

Joel Ericson  
Jasmine Glass  
Scott Matos-Elliot  
Joya Kizer  
Ginger Brown  
April Hernandez

Claude Mattox  
Michael Smith  
Laura Perez  
Mike Martinez  
Maggie Gray  
Nick Ethier

## **CALL TO ORDER**

Chairperson Ferniza called the meeting to order at **3:00 p.m.**

## **SUMMARY OF CURRENT EVENTS**

### **1. Summary of Current Events from the Director of Aviation Services**

Mr. Chad Makovsky welcomed the board members and provided passenger traffic highlights from 2023, the airport's busiest year. He then provided recent examples of daily passenger statistics to compare how closely the airport is operating to some of the busiest days from 2023.

Mr. Makovsky then reviewed Sky Harbor's passenger traffic for January 2024. There has been a 2.2% domestic passenger increase over January 2023 and a 12% increase for international travel during the same time.

He then reviewed air service developments; he discussed four new routes by Frontier Airlines with one route being to Los Cabos and a brand-new route to Missoula, MT.

Mr. Cohn asked if Sky Harbor was getting federal support from Customs, given the significant increase in international operations.

Mr. Makovsky responded that the airport is receiving support from Customs.

Ms. Ferniza asked how the proposed Frontier Airlines international flight would work, given Customs is in Terminal 4 while Frontier is in Terminal 3.

Mr. Makovsky confirmed that Customs is in Terminal 4, and Aviation staff are currently working with the airline to create a plan to minimize customer confusion.

He then provided an overview of the meetings with political and industry leaders and key topics discussed at the ACI-NA AAEE Legislative conference in Washington, D.C.

He next discussed the award of congressionally directed funding to improve traffic flow on Sky Harbor Boulevard. He described the two main areas of congestion and the plan for improving traffic flow at those locations.

He continued by discussing the Aviation Business Summit. He noted that Mayor Gallego, Councilwoman Hodge Washington, Board Chair Ferniza, and a variety of businesses attended the event. Mr. Makovsky also shared that it was a zero-waste event with a 93% diversion rate.

Additionally, Mr. Makovsky shared that an inaugural awards ceremony was introduced at this Business Summit to recognize the performance of existing business partners, and he highlighted the individual award winners.

Mr. Makovsky then discussed the commissioning of Southwest Airlines' new Technical Operations Hangar along with Southwest's history at Sky Harbor.

He continued by highlighting the recent Soar with STEM event hosted by American Airlines. He provided information on participating schools and the various activities offered at this first-of-its-kind event.

Mr. Makovsky also discussed the opening of three new food and beverage concepts at the Rental Car Center and the Terminal 4 food court.

Finally, he discussed several upcoming City Council agenda items along with the resignation of District 7 Councilmember Ansari.

Ms. Fisker commented that she appreciated the Council update slide and requested that it remain as a monthly update.

## **2. Summary of Current Events by the Airline Station Manager**

Mr. Tyler Gonzales was not present.

## **MINUTES OF MEETING**

### **3. For Approval or Correction, the Minutes of the Phoenix Aviation Advisory Board Meeting on February 15, 2024**

**A motion was made by Mr. Cohn, seconded by Ms. Fisker, to approve this item.**

No public comments.

The motion carried.

## **DISCUSSION AND POSSIBLE ACTION (ITEMS 4 & 5)**

### **4. Taxiway Construction Rent Credits for DVT Hangars LLC at DVT**

Mr. Robert Hawes presented this item. He began by showing an outlined map of Deer Valley Airport (DVT), which highlighted DVT Hangars' corporate hangar project, phases one and two.

He then explained that the existing taxilane between the two phases requires relocation and that DVT Hangars had previously been granted approval to adjust

it. To complete the centering of the existing taxilane, DVT Hangars will also fund the realignment of the connector from their taxilane to the taxiway Delta.

Mr. Hawes then discussed that DVT Hangars wants to improve runway access for their clients by completing a previously designed segment of Taxiway Delta. He explained that although Taxiway Charlie does provide access to the runway, the addition of the Taxiway Delta segment will improve circulation to and from the DVT Hangars development.

In conclusion, Mr. Hawes provided the terms of the lease agreement, which include rent credits and adherence to Title 34 of Arizona Revised Statutes upon final City Council approval.

Ms. Ferniza noted that the Business and Development Subcommittee approved this item and invited its Chairperson, Ms. Cherny, to provide comments.

Ms. Cherny confirmed the subcommittee's approval and thanked Aviation staff for their effort in finalizing the agreement.

Mr. Cohn asked how the airport would receive security to ensure project completion.

Mr. Hawes confirmed that a performance bond is required of companies doing work at the airport.

Mr. Cohn then asked about a cul-de-sac within the construction bounds and if it would be accessible upon further development.

Mr. Hawes confirmed that it would be accessible to both DVT Hangars and any development to the east of them.

**A motion was made by Mr. Cohn, seconded by Ms. Cherny, to approve this item.**

No public comments.

The motion carried.

**5. Request to Issue Revenue Contract Solicitation for Terminal 4 Lobby Retail and Extend Retail Lease with Paradis Laquardère**

Ms. Corrine Harbaugh presented this item. She began by providing the location of and services offered by a lobby retail concessionaire within Terminal 4.

She continued by discussing the services that an awardee for the contract would provide, the criteria for which proposals would be evaluated against, and the terms of the awarded contract.

Ms. Harbaugh then explained that the new solicitation process is anticipated to last until early 2025, but the current contract expires at the end of June 2024. She requested that the current contract be extended until the solicitation process is complete to avoid interruption of service to customers.

Ms. Ferniza noted that the Business and Development Subcommittee approved this item and invited its Chairperson, Ms. Cherny, to provide comments.

Ms. Cherny confirmed the subcommittee's approval and noted that the concessionaire consultant would be assisting with the solicitation process.

**A motion was made by Ms. Fisker, seconded by Ms. Cherny, to approve this item.**

No public comments.

The motion carried.

### **ADVISORY BOARD INFORMATION AND FOLLOW-UP REQUESTS**

Mr. Cohn requested additional information on Sky Harbor's security screening infrastructure and future needs.

Ms. Fisker requested an update on the Aviation Department's car-sharing pilot program.

Mr. Cohn requested additional information on the public comments provided at the meeting by Unite Here workers.

### **CALL TO THE PUBLIC**

Nicky Ethier provided public comment, discussing alleged unfair labor practices at SSP America, and asked that the city council investigate allegations of racial disparities.

Jasmine Glass provided public comment, discussing alleged unfair labor practices at SSP America, and asked that the city council investigate allegations of racial disparities.

Isabella Renfrow provided public comment, discussing alleged unfair labor practices at SSP America, and asked that the city council investigate allegations of racial disparities.

David Bonita provided public comment, discussing alleged unfair labor practices at SSP America, and asked that the city council investigate allegations of racial disparities.



Michael Smith provided public comment, discussing alleged unfair labor practices at SSP America, and asked that the city council investigate allegations of racial disparities.

### **ADJOURNMENT**

The meeting ended at **3:40 p.m.**

<b>PHOENIX AVIATION ADVISORY BOARD REPORT</b>	
To:	Phoenix Aviation Advisory Board
From:	Chad R. Makovsky, A.A.E. Aviation Director
Subject:	Peer-to-Peer Car Sharing Program Update

## **Description**

This report provides an update to the Phoenix Aviation Advisory Board on the Peer-to-Peer Car Sharing Program at Phoenix Sky Harbor Airport (PHX).

THIS ITEM IS FOR INFORMATION ONLY.

## **Report Summary**

Peer-to-peer (P2P) car sharing involves renting a privately owned vehicle to another individual through a peer-to-peer business company that provides a platform for vehicle owners to rent their privately owned vehicles for a fee. With this emerging business enterprise, the Aviation Department launched a one-year pilot program for P2P car-sharing operators to better understand how P2P operations would work at PHX.

Under the pilot program, Aviation entered into separate temporary operating license agreements with ANIHI NEWCO, LLC, d/b/a Avail, in January 2022 and Turo Inc., d/b/a Turo, in May 2022. Avail elected to cancel its operating agreement in March 2023 as the company ended its operations at PHX in December 2022. Turo opted to continue operations on a month-to-month basis after the one-year pilot ended and until a new operating agreement could be executed. Turo is currently the only P2P company operating at PHX.

The temporary operating agreement required the P2P operators to pay an operating fee of 10% revenue per transaction and required car-sharing operations to be conducted in designated locations on airport property. Turo's reportable gross revenue for the twelve months from June 2022 – May 2023 was \$24,830,760, resulting in \$2,483,076 in revenue to Aviation. Avail's reportable gross revenue for eleven months of its operation from February 2022 – December 2022 was \$327,984, resulting in \$33,750 in revenue to Aviation. Total P2P operator transaction days between June 2022 – November 2023 represented approximately 4% of total rental car transaction days (Attachment A – Car Sharing vs. Rental Car, 2019 – 2023).

Staff identified a number of operational challenges and opportunities during the pilot program, including the need to proactively manage parking facility availability at the designated locations and managing expectations of the individual disaggregated car-share owners who operate numerous shared vehicles.

As a result, Business & Properties staff worked with Aviation Technology to leverage the department's existing license plate recognition software to monitor P2P operator

compliance with operational and financial reporting requirements. Additionally, Aviation expanded designated parking facilities to include the 24<sup>th</sup> Street Sky Train station parking lot to moderate parking availability among the designated locations.

With the end of the one-year pilot program, Aviation sought approval to permanently establish a new fee by ordinance in the City Code for P2P car-sharing operators. The established fee is 10% of car-sharing operators' gross revenue for vehicle-sharing transactions conducted at PHX. In February 2024, the City Council amended Phoenix City Code, Chapter 4, to require P2P car-sharing operators to enter into an operating agreement with Aviation that includes a 10% gross revenue requirement for business conducted at PHX.

The revised P2P Vehicle Sharing Operating Agreement incorporates best practices from peer airport agreements on car-sharing and addresses lessons learned during the pilot program. The revised operating agreement is currently under review by Aviation Legal. Once the final form of the new operating agreement is ready, Aviation will end the month-to-month operating agreement with P2P operators and replace it with the revised operating agreement. Staff will also share the revised operating agreement with Getaround, Inc., another car-sharing company that has expressed interest in starting operations at PHX to add to its nationwide service areas.

**Financial Impact**

10% gross revenue of Peer-to-Peer shared vehicle transactions. Revenue generated from Turo transactions based on 10% operating fees from June 2022 through February 2024 is \$4,408,977.

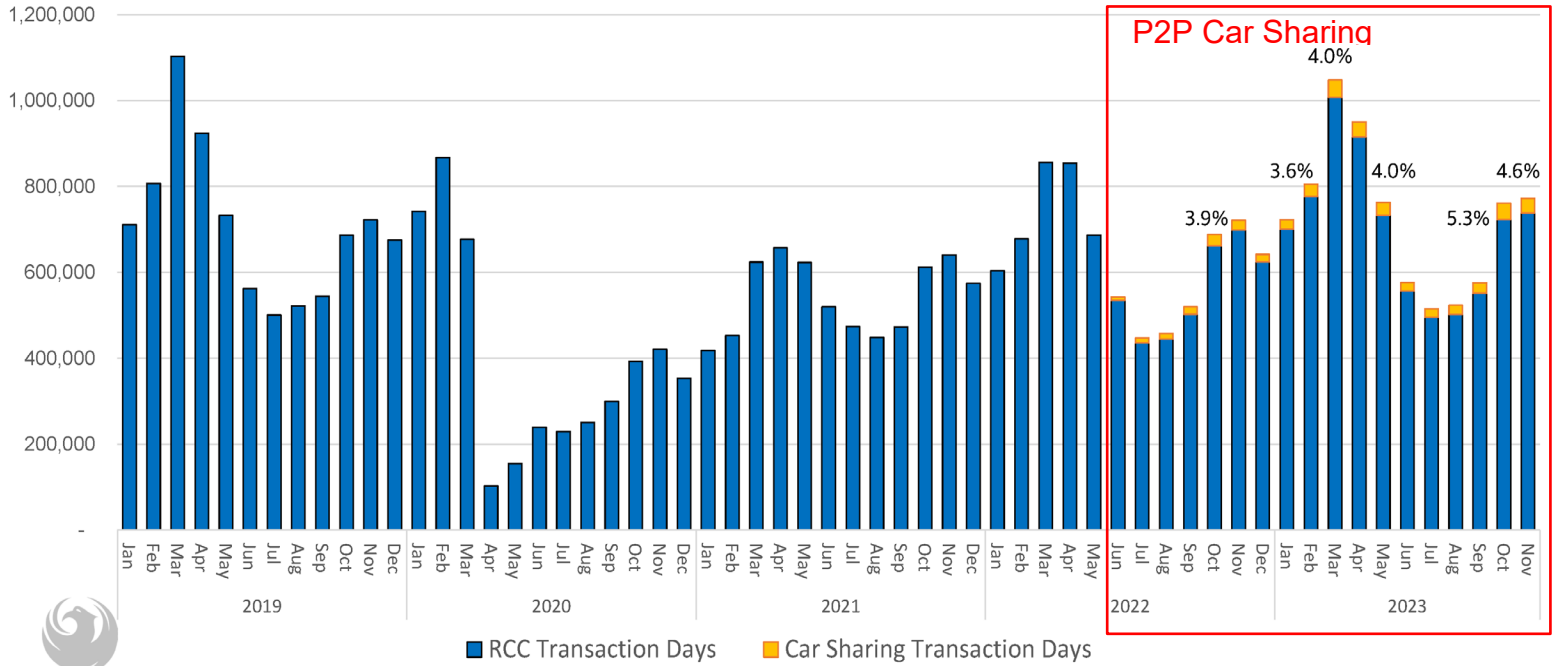
**Location**

Phoenix Sky Harbor International Airport - 2485 E. Buckeye Road

**Recommendation**

This item is for information only.

# CAR SHARING VS RENTAL CAR 2019-2023



Source: Aviation Department - Financial Management

<b>PHOENIX AVIATION ADVISORY BOARD REPORT</b>	
To:	Phoenix Aviation Advisory Board
From:	Chad R. Makovsky, A.A.E. Aviation Director
Subject:	Sky Harbor Security Screening Infrastructure and Future Needs

### **Description**

This report provides the Phoenix Aviation Advisory Board with an overview of current and future passenger screening infrastructure and applicable technology.

THIS ITEM IS FOR INFORMATION AND DISCUSSION.

### **Report Summary**

Staff will provide an overview of the various technologies, equipment, and processes utilized by the Transportation Security Administration (TSA) at Phoenix Sky Harbor International Airport. As the airport grows and develops, the Aviation Department and TSA are collaboratively identifying and procuring modern technologies and implementing innovative solutions where appropriate to meet passenger demand and expectations.

### **Location**

Phoenix Sky Harbor International Airport - 2485 E. Buckeye Road

### **Recommendation**

This item is for information and discussion.

<b>PHOENIX AVIATION ADVISORY BOARD REPORT</b>	
To:	Phoenix Aviation Advisory Board
From:	Chad R. Makovsky, A.A.E. Aviation Director
Subject:	Heat Safety Plan

### **Description**

This report provides the Phoenix Aviation Advisory Board with an update on the Aviation Department's Heat Safety Plan and heat-related preparedness activities occurring at Phoenix Sky Harbor Airport, Deer Valley Airport, and Goodyear Airport.

THIS ITEM IS FOR INFORMATION AND DISCUSSION.

### **Report Summary**

The Aviation Department considers the health and well-being of all airport employees to be a top priority and has placed a special emphasis on heat-related awareness and safety campaigns. Last year, in coordination with the city's central HR Safety team, the Department developed a Heat Illness and Injury Prevention Program. This year, that program is being updated and expanded.

The Aviation Department's Heat Safety Plan incorporates multiple elements to reduce or eliminate employee exposure to risks of heat stress. These efforts include education and training through videos, documents, flyers, meetings, and briefings that promote topics such as proper hydration, the provision of breaks and shade, and the use of personal protective equipment.

Aviation is coordinating with the city's Office of Heat Response and Mitigation as part of this effort to implement additional heat-related recommendations established by the State of Arizona and OSHA.

The Aviation Department is also taking steps to educate all stakeholders about the recently adopted City Ordinance G-7241 (Attachment A), which addresses the required mitigation of heat-related illness and injuries in the workplace for all contractors, lessees, and licensees who do business with the City of Phoenix.

### **Public Outreach**

The Aviation Department recently developed a dedicated airport campus employee resource page on skyharbor.com. In coordination with public safety agencies and key airport tenants, the department is also sponsoring a Heat Safety Fair. The airport will also coordinate a media event to provide information on monsoon safety, heat preparations, and workforce safety.

### **Location**

Phoenix Sky Harbor International Airport - 2485 E. Buckeye Road

### **Recommendation**

This item is for information and discussion.

Attachment A

ORDINANCE G-7241

AN ORDINANCE AMENDING CHAPTER 18 OF THE PHOENIX CITY CODE TO REVISE ARTICLE I, SECTION 18-2(A)(6) AND ADD ARTICLE XI TO ADDRESS CONTRACTOR REQUIREMENTS FOR THE MITIGATION OF HEAT-RELATED ILLNESSES AND INJURIES IN THE WORKPLACE.

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BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX as follows:

SECTION 1. That Chapter 18, Article I, Section 18-2(A)(6) is hereby amended and revised to clarify the authority and responsibility for monitoring compliance with the contractor requirements for the mitigation of heat-related illnesses and injuries as set forth in Article XI as follows:

**Article I.  
In General**

\* \* \* \*

**Sec. 18-2 Administrative provisions.**

*A. Powers and duties of Phoenix Commission on Human Relations and Equal Opportunity Department.*

\* \* \* \*

6. EXCEPT FOR ARTICLE XI, [t]he authority and responsibility for administering this chapter rests with the Director of the Equal Opportunity Department.

\* \* \* \*

SECTION 2. That Chapter 18 of the Phoenix City Code is amended to add Article XI to address contractor requirements for the mitigation of heat-related illnesses and injuries in the workplace as follows:

**ARTICLE XI.  
CONTRACTOR REQUIREMENTS FOR THE MITIGATION OF HEAT-RELATED  
ILLNESSES AND INJURIES IN THE WORKPLACE.**

**SEC. 18-411.        DECLARATION OF POLICY.**

- A.     IT IS THE POLICY OF THE CITY OF PHOENIX THAT ANY CONTRACTOR, WHOSE EMPLOYEES AND CONTRACT WORKERS PERFORM WORK IN AN OUTDOOR ENVIRONMENT UNDER A CITY CONTRACT, LEASE OR LICENSE MUST UTILIZE HEAT SAFETY AND MITIGATION PLANS TO PREVENT HEAT-RELATED ILLNESSES AND INJURIES IN THE WORKPLACE.
- B.     THE PURPOSE OF THIS ARTICLE IS TO ADDRESS A SERIOUS PUBLIC HEALTH CONCERN IN THE CITY OF PHOENIX AND TO TAKE MEASURES TO PROTECT THE OUTDOOR WORKFORCE.
- C.     IT IS ACKNOWLEDGED THAT THE FEDERAL OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) HAS PUBLISHED AN ADVANCED NOTICE OF PROPOSED RULEMAKING TO ADDRESS HEAT INJURY AND ILLNESS PREVENTION IN OUTDOOR AND INDOOR WORK SETTINGS. IT IS ALSO ACKNOWLEDGED THAT NO STATE STANDARD OR REGULATION ADDRESSING THE MITIGATION OF HEAT-RELATED ILLNESSES AND INJURIES IN THE WORKPLACE IS CURRENTLY CODIFIED AND IN EFFECT WITHIN THE STATE OF ARIZONA. IT IS FURTHER ACKNOWLEDGED THAT, IF OSHA ULTIMATELY ADOPTS A RULE OR THE ARIZONA LEGISLATURE ENACTS HEAT MITIGATION WORKPLACE LEGISLATION, THEN ENFORCEMENT OF THIS ARTICLE MAY BE PREEMPTED BY FEDERAL OR STATE LAW.

**SEC. 18-412.        DEFINITIONS.**

IN ADDITION TO THE DEFINITIONS SET FORTH IN SECTION 18-3, IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

*CITY MEANS* THE CITY OF PHOENIX.

*CONTRACTOR MEANS* ANY PERSON OR ENTITY THAT IS A PARTY TO A CITY CONTRACT, CITY LEASE OR CITY LICENSE (COLLECTIVELY A CONTRACT).



*HEAT MITIGATION MEANS THE IMPLEMENTATION OF PREVENTATIVE AND PROACTIVE MEASURES BY CONTRACTORS TO PROVIDE PROTECTION AND RELIEF FROM HEAT HAZARDS WHEN WORKING ON CITY-OWNED, CITY-LEASED OR CITY-LICENSED PROPERTY INCLUDING ON ANY CITY STREETS OR DEDICATED RIGHTS OF WAY.*

*OUTDOOR ENVIRONMENT MEANS A CITY-OWNED, CITY-LEASED OR LICENSED LOCATION WHERE WORK ACTIVITIES ARE CONDUCTED OUTSIDE. THE TERM ALSO INCLUDES LOCATIONS SUCH AS SHEDS, TENTS, GREENHOUSES, OR OTHER STRUCTURES INCLUDING JET BRIDGES TO AIRCRAFT WHERE WORK ACTIVITIES ARE CONDUCTED INSIDE BUT THE TEMPERATURE IS NOT MANAGED BY DEVICES THAT REDUCE HEAT EXPOSURE AND AID IN COOLING, SUCH AS AIR CONDITIONING SYSTEMS.*

*SUBCONTRACTORS MEANS A FIRM, PARTNERSHIP, CORPORATION OR COMBINATION THEREOF HAVING A DIRECT CONTRACT WITH THE CONTRACTOR FOR ALL OR ANY PORTION OF THE WORK THAT IS THE SUBJECT OF THE CITY CONTRACT. FOR PURPOSES OF THIS ARTICLE, SUBCONTRACTORS INCLUDE SUBLESSEES AND SUBLICENSEES.*

#### **SEC. 18-413. REQUIREMENTS OF CONTRACTORS.**

##### **A. REQUIRED CONTRACT LANGUAGE.**

THE FOLLOWING CLAUSE IS REQUIRED TO APPEAR IN ALL CONTRACTS BETWEEN THE CITY AND THE CONTRACTOR AND CONTRACTS BETWEEN THE CONTRACTOR AND ITS SUBCONTRACTORS, SUBLICENSEES AND SUBLESSEES:

*ANY CONTRACTOR WHOSE EMPLOYEES AND CONTRACT WORKERS PERFORM WORK IN AN OUTDOOR ENVIRONMENT UNDER THIS CONTRACT MUST KEEP ON FILE A WRITTEN HEAT SAFETY PLAN. THE CITY MAY REQUEST A COPY OF THIS PLAN AND DOCUMENTATION OF ALL HEAT SAFETY AND MITIGATION EFFORTS CURRENTLY IMPLEMENTED TO PREVENT HEAT-RELATED ILLNESSES AND INJURIES IN THE WORKPLACE. THE PLAN MUST ALSO BE POSTED WHERE IT IS ACCESSIBLE TO EMPLOYEES. AT A MINIMUM, THE HEAT SAFETY AND MITIGATION PLAN AND DOCUMENTATION REQUIRED UNDER THIS PROVISION SHALL INCLUDE EACH OF THE FOLLOWING AS IT RELATES TO HEAT SAFETY AND MITIGATION:*

1. *AVAILABILITY OF SANITIZED COOL DRINKING WATER FREE OF CHARGE AT LOCATIONS THAT ARE ACCESSIBLE TO ALL EMPLOYEES AND CONTRACT WORKERS.*

2. *ABILITY TO TAKE REGULAR AND NECESSARY BREAKS AS NEEDED AND ADDITIONAL BREAKS FOR HYDRATION.*
3. *ACCESS TO SHADED AREAS AND/OR AIR CONDITIONING.*
4. *ACCESS TO AIR CONDITIONING IN VEHICLES WITH ENCLOSED CABS. ALL SUCH VEHICLES MUST CONTAIN FUNCTIONING AIR CONDITIONING BY NO LATER THAN MAY 1, 2025.*
5. *EFFECTIVE ACCLIMATIZATION PRACTICES TO PROMOTE THE PHYSIOLOGICAL ADAPTATIONS OF EMPLOYEES OR CONTRACT WORKERS NEWLY ASSIGNED OR REASSIGNED TO WORK IN AN OUTSIDE ENVIRONMENT.*
6. *CONDUCT TRAINING AND MAKE IT AVAILABLE AND UNDERSTANDABLE TO ALL EMPLOYEES AND CONTRACT WORKERS ON HEAT ILLNESS AND INJURY THAT FOCUSES ON THE ENVIRONMENTAL AND PERSONAL RISK FACTORS, PREVENTION, HOW TO RECOGNIZE AND REPORT SIGNS AND SYMPTOMS OF HEAT ILLNESS AND INJURY, HOW TO ADMINISTER APPROPRIATE FIRST AID MEASURES AND HOW TO REPORT HEAT ILLNESS AND INJURY TO EMERGENCY MEDICAL PERSONNEL.*

THE CONTRACTOR FURTHER AGREES THAT THIS CLAUSE WILL BE INCORPORATED IN ALL SUBCONTRACTS WITH SUBCONTRACTORS, SUBLICENSEES OR SUBLESSEES WHO MAY PERFORM LABOR OR SERVICES IN CONNECTION WITH THIS CONTRACT. ADDITIONALLY, THE CONTRACTOR AGREES TO REQUIRE ALL SUBCONTRACTORS, SUBLICENSEES OR SUBLESSEES TO INCLUDE THIS CLAUSE IN ALL CONTRACTS WITH ANY THIRD PARTY WHO IS CONTRACTED TO PERFORM LABOR OR SERVICES IN CONNECTION WITH THIS CONTRACT. IT IS THE OBLIGATION OF THE CONTRACTOR TO ENSURE COMPLIANCE BY ITS SUBCONTRACTORS.

**B. *DOCUMENTATION.***

IN ADDITION TO THE DOCUMENTS REQUIRED IN SUBSECTION A, UPON REQUEST CONTRACTORS SHALL PROVIDE ADDITIONAL DOCUMENTATION VERIFYING THAT MITIGATION EFFORTS TO PROTECT AGAINST HEAT RELATED ILLNESS OR INJURY IN THE WORKPLACE ARE BEING UTILIZED.

**C. *MONITORING.***

THE DEPARTMENT PRIMARILY RESPONSIBLE FOR MANAGING ANY CONTRACT COVERED BY THIS ARTICLE SHALL MONITOR COMPLIANCE WITH THE PROVISIONS OF THIS ARTICLE.

**SEC. 18-414. FAILURE OF CONTRACTORS TO COMPLY.**

A CONTRACTOR WHO FAILS TO COMPLY WITH THE PROVISIONS OF THIS ARTICLE AFTER RECEIVING NOTICE AND AN OPPORTUNITY TO CURE SHALL BE SUBJECT TO THOSE SANCTIONS ALLOWED BY LAW INCLUDING, BUT NOT LIMITED TO, CANCELLATION, TERMINATION, SUSPENSION OF THE CONTRACT, OR SUSPENSION OR DEBARMENT IN ACCORDANCE WITH CHAPTER 43, ARTICLE IX, OF THE PHOENIX CITY CODE.


**SEC. 18-415. ADMINISTRATIVE RESPONSIBILITY.**

CITY DEPARTMENTS SHALL INCLUDE THE REQUIREMENTS OF THIS ARTICLE AS EXPRESSED IN SECTION 18-413 IN ALL BIDS, PROPOSALS, WRITTEN QUOTES, CONTRACTUAL AGREEMENTS, LEASES, LICENSES OR REQUESTS FOR QUALIFICATIONS.

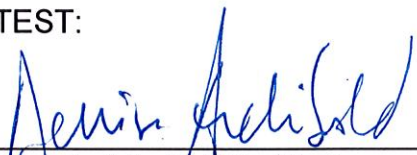
**SEC. 18-416. EXCLUSIONS.**

THIS ARTICLE DOES NOT APPLY TO ANY CITY CONTRACT, CITY LEASE OR CITY LICENSE WITH ANY OTHER GOVERNMENTAL AGENCY.

PASSED by the City Council of the City of Phoenix this 26th day of March,  
2024.


  
\_\_\_\_\_  
MAYOR  
3/29/2024  
\_\_\_\_\_  
Date

ATTEST:

  
\_\_\_\_\_  
Denise Archibald, City Clerk



APPROVED AS TO FORM:  
Julie M. Kriegh, City Attorney

By:   
Deryck R. Lavelle  
Chief Assistant City Attorney

REVIEWED BY:

  
Jeffrey Barton, City Manager

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