

EMPLOYMENT PREFERENCE AND PREVAILING WAGE AGREEMENT

This Agreement is made and entered into as of the 28th day of December, 2012, between CITY OF MISSOULA, MONTANA (the “City”) and YWCA OF MISSOULA, a nonprofit corporation organized and existing under the laws of the State of Montana (the “Borrower”).

The Borrower, in consideration of the issuance by the City of its Industrial Development Revenue Note) (YWCA Project), Series 2012 (the “Note”), to finance a portion of the costs of designing and constructing a new facility, which will be owned and operated by the Borrower, hereby covenants with the City as follows:

Section 1. Definitions. Terms used with initial capital letters but undefined herein shall have the meanings given them in the Loan Agreement, of even date herewith, between the City and the Borrower, relating to the Note, unless the context hereof clearly requires otherwise.

Section 2. Employment Preference. Pursuant to Montana Code Annotated, Section 90-5-114, all contracts to construct a project financed under the Act must require all contractors to give preference to the employment of bona fide Montana residents, as defined in Montana Code Annotated, Section 18-2-401, in the performance of the work on the project if their qualifications are substantially equal to those of nonresidents. “Substantially equal qualifications” means the qualifications of two or more persons among whom the employer cannot make a reasonable determination that the qualifications held by one person are significantly better suited for the position than the qualifications held by the other person or persons.

The Borrower covenants and agrees that any existing contracts for such construction contain provisions requiring, and any such future contracts will contain provisions that require, the contractors to give preference in employment as required by Section 90-5-114.

Section 3. Prevailing Wage. The Borrower covenants and agrees that, to the extent required by Montana Code Annotated, Section 90-5-114, any contract let for the Project will contain a provision that requires the contractor to pay the standard prevailing wage rate in effect and applicable to the district in which the work is being performed unless the contractor performing the work has entered into a collective bargaining agreement covering the work to be performed.

Section 4. Counterparts. This Agreement may be executed in counterparts, all of which, when taken together, shall constitute one and the same agreement.

IN WITNESS WHEREOF, the City has caused this Agreement to be executed in its name and the Borrower has caused this Agreement to be executed in its name all as of the date first above written.

CITY OF MISSOULA, MONTANA

By _____
Mayor

(SEAL)

By _____
Finance Director

Attest: _____
City Clerk

YWCA OF MISSOULA

Name:

Title: President

Name:

Title: Treasurer