

# Staff Report – Summarizing changes to WCC 3.72

for Request Approval to Amend Whatcom County Code 3.72 to Align with RCW 39.04.320

- **Sections** were edited to reflect accurate titles
- **3.72.010 Definitions** were edited to provide consistent language and include RCW definitions. The definitions list now includes “Bid,” which is incorporated throughout the code.  
Language referring to the acceptance of federally registered apprentices was also removed. This was determined necessary based on the new RCW requirements. Any federally used apprentices will not comply with the RCW and would create additional apprentice needs for the contractor.
- **3.72.020 Minimum apprentice hours** now includes language clarifying an exception in apprentice requirements if it conflicts with a funding agreement already in place. This chapter is not applicable in that scenario, and including this language avoids the need to go through the entire process and then seek a waiver due to an exception. The language was also edited for consistency, and the tiered threshold was removed to align with the 7/1/2024 enforcement date.
- **3.72.030 Administration** begins with a paragraph outlining the exceptions of conflict in apprentice requirement of a funding agreement in place, and when emergencies present as defined by 3.72.090. This makes this chapter not applicable in those scenarios, and will avoid the need to go through the process and then seek a waiver due to exception. Edited language to provide consistency, included requirements of the new RCW. For submission of the CAP Utilization Plan, adjusted language to provide an opportunity for the CAP Coordinator to review the plan without a meeting if it is deemed appropriate, and relocated several sentences related to contractor responsibilities to 3.72.040.
- **3.72.040 CAP Utilization Plan** section was edited to create space for the contractor requirements, and adjust reporting from quarterly to monthly moving from submitted reports to the electronic system created by the Washington State Department of Labor & Industries. The section also includes reference to the new RCW and adjustment to final report review through the electronic system prior to final project acceptance.
- **3.72.050 Exceptions and waivers** now includes only one section, that must meet two or more criteria, and includes specific 15 percent apprentice labor hour requirement. Removing the second section and including it in the Administration section allows the chapter to not be applicable to the project, avoiding the need to go through the entire process and then seek a waiver due to exception.
- **3.72.060 Monitoring** was edited to align with using the new electronic system from the Washington State Department of Labor & Industries instead of creating one locally. References to tracking hours worked by minorities, veterans, and women were removed. Washington State Department of Labor & Industries has removed the data on this from their apprentice registration and prevailing wage systems. Many agencies are moving away from tracking this data since requirements are addressed through Title VI regulations.
- **3.72.070 Reporting** removed tracking hours worked by minorities, veterans and women. Washington State Department of Labor & Industries has removed the data on this from their apprentice registration and prevailing wage systems. It was identified that former .070 D and E are beyond the capability of the Washington State Department of Labor & Industries electronic tracking system and have found that data is not available.
- **3.72.080 Remedies** now includes reference to the RCW that includes the Washington State Department of Transportation three strike rule.
- **3.72.090 Emergencies** was edited to clarify the chapter not applying to public works projects affected by a declared emergency event. There is also a reference to this definition in the Administration section