



Jon Hutchings
Director

Memorandum

To: The Honorable Satpal Sidhu, Whatcom County Executive and
The Honorable Members of the Whatcom County Council

Through: Jon Hutchings, Public Works Director *cah*

From: James P. Karcher, P.E., County Engineer *gpk*

Date: November 9, 2022

Re: **Amending Whatcom County Code Chapter 3.72 (Construction Projects – Apprenticeship Requirements) to extend the timelines for implementation, rename the program to the Contractor Apprenticeship Program, and allow waivers at any time**

Requested Action

Public Works on behalf of multiple County Departments respectfully requests that the County Council adopt the proposed ordinance to modify the effective dates and clarify timing for exceptions and waivers of Whatcom County Code Title 3, Chapter 3.72: Construction Projects – Apprentice Requirements.

Background and Purpose

The ordinance ([AB2019-285](#)) passed Council on 11/19/2019.

The unexpected demands placed on the County by the pandemic and Nov/Dec 2021 flood events impeded the County from attending to the related issues of administration of the new ordinance, requiring more time for implementation.

Implementation of this ordinance requires the designation of existing personnel or hiring of a FTE for a Contractor Apprenticeship Program (CAP) coordinator who will facilitate creation of bid documents along with contract specifications and establishment of an ongoing system for monitoring and reporting which all need to be in place before beginning this program.

To date, all public work contracts remain compliant with these provisions. The County will be studying the impacts of this ordinance on the local contracting community, public work construction costs and internal project management effectiveness and expects to return to Council to discuss the findings.

A brief overview of the proposed schedule for implementation with regard to administering the program and estimating the fiscal impact follows:

- There will be an estimated 4 to 6 qualifying projects County wide that exceed \$1M during an average year.
- The Contractor Apprenticeship Program Utilization Plan will be created by the Executive appointed CAP coordinator and modeled after the Snohomish County Plan. The Snohomish County utilization plan template document is attached as 'Exhibit B'.
- The initial timing estimate to review a submitted plan, coordinate revisions and process a goal modification/waiver is an average of 36 staff-hours per contract.
- Submittal of bidder provided documentation of a need for an exception will be reviewed by staff and forwarded, with a recommendation of approval or denial, to the Executive or designee. This documentation would be verified by the Executive or designee which could be completed in an estimated 4 staff-hours. Disputes at the Executive review level would cause the need for additional staff time of varying degrees based on complications.
- Estimating a fully burdened wage of \$80/hour and assuming 40 staff hours per bid, the staff cost for the CAP totals \$3,200/bid and \$19,200/year. A total new work load of approximately 240 hours/year or ~0.20 FTE's is created.
- Depending on workload and scheduling, an additional 2 week delay is anticipated in the bid award process due to implementation of this program.

Please contact James P. Karcher, P.E., County Engineer at extension 6271 if you have any questions regarding this ordinance.