

EXHIBIT A

WCC-Chapter 3.72
CONSTRUCTION PROJECTS – APPRENTICE REQUIREMENTS

3.72.010 Definitions.

Where used in this chapter, unless the context clearly requires otherwise, the following terms shall have the meaning and construction set forth herein:

- A. “Apprentice” means an apprentice registered in an approved apprenticeship program.
- B. “Approved apprenticeship program” means an apprenticeship training program which is approved or recognized by the Washington State Apprenticeship and Training Council.
- C. “Contractor” means a person, corporation, partnership, limited liability company, or joint venture entering into a contract with the County to construct a public work.
- D. “Labor hours” refers to the total number of hours worked by workers receiving an hourly wage who are employed directly and by subcontractors upon the public works project and who are subject to state or federal prevailing wage requirements, and shall include additional hours worked as a result of a contract or project adjustment or pursuant to an agreed-upon change order.
- E. “Minimum apprentice labor hours” refers to labor hours actually worked on a public works project by apprentices expressed as a percentage of total labor hours. The minimum percentage of apprentice labor hours by project shall be:
 - 1. For contracts less than \$1,000,000 there shall be no requirement;
 - 2. For contracts advertised for bid before January 1, 2024~~4~~, there shall be no requirement;
 - 3. For contracts advertised for bid on or after January 1, 2024~~4~~, estimated to cost \$3~~2~~,000,000 or more, no less than 10 percent of the labor hours shall be performed by apprentices;
 - 4. For contracts advertised for bid on or after January 1, 2025~~2~~, estimated to cost \$2,000,000 or more, no less than 12 percent of the labor hours shall be performed by apprentices;
 - 5. For contracts advertised for bid on or after January 1, 2026~~3~~, estimated to cost \$1,000,000 or more, no less than 15 percent of the labor hours shall be performed by apprentices.

F. "~~Employee-Contractor a~~Apprenticeship ~~p~~Program (~~E~~CAP)" refers to the requirements of this chapter and any administrative regulations applicable thereto.

G. "~~E~~CAP coordinator" refers to the person designated by the ~~e~~County ~~e~~Executive to administer and coordinate the ~~employee apprenticeship program~~CAP.

H. "~~E~~CAP ~~utilization p~~Plan" refers to the ~~plan for utilization~~description of how apprenticeship labor will be used in a public work project covered by the Chapter.

I. "Estimated cost" shall mean the anticipated pre-bid cost of a public work, as determined by the County, based upon the expected costs of materials, supplies, equipment, and labor, but excluding taxes and contingency funds. Estimated cost does not include post-bid contract change orders or amendments.

J. "Notice to proceed" refers to the written authorization to the contractor under the public work contract to commence work.

K. "Public work" refers to all County funded construction projects that constitute a public work pursuant to RCW 39.04.010 as now or hereafter amended and estimated to cost \$1,000,000 or more.

L. "Subcontractor" means a person, corporation, partnership, limited liability company, or joint venture that has contracted with the contractor to perform all or part of the work to construct a public work by a contractor. (Ord. 2019-079 Exh. A).

3.72.030 Administration.

A. Apprenticeship Program Goal. All contractors and subcontractors constructing or involved with the construction of public works, and all service providers involved with the construction of a public work, shall ensure that the combined minimum apprentice labor hours applicable for the size and bid date of the contract are performed by apprentices. The goal

B. Contract Requirements. Contracts for such construction projects shall include provisions detailing the apprentice labor requirements. The ~~E~~CAP coordinator shall develop the necessary bid documents and contract specification language to implement the requirements of this chapter.

C. Submission of ~~E~~CAP Utilization Plan. All contractors shall submit an ~~E~~CAP utilization plan and shall meet with the ~~E~~CAP coordinator to review said ~~E~~CAP utilization plan prior to being issued a notice to proceed. Failure to submit an ~~E~~CAP utilization plan may be grounds for the County to withhold remittance of a progress payment until such plan is received from the responsible contractor. A meeting with the

ECAP coordinator prior to issuance of a notice to proceed shall be excused only when the ECAP coordinator is unavailable to meet prior to the scheduled date for issuance of the notice to proceed and the contractor and the ECAP coordinator have otherwise scheduled a meeting for the coordinator to review the contractor's plan. The contractor shall be responsible for meeting the ECAP utilization goal requirements of the contract, including all amendments and change orders thereto, and shall be responsible for overall compliance for all hours worked by subcontractors. To the extent practical, the contractor shall recruit apprentices from multiple trades or crafts. (Ord. 2019-079 Exh. A).

3.72.040 ECAP utilization plan.

The ECAP utilization plan shall meet the following requirements:

- A. Shall be submitted on forms prepared or approved by the ECAP coordinator;
- B. Shall specify the planned labor hours for each trade or craft;
- C. Shall provide for quarterly reports, as well as a final report, indicating the total labor hours and the apprenticeship hours utilized by the contractor and all subcontractors on the project; and
- D. Shall include a description of how the contractor will satisfy the ECAP utilization goal on the particular public work project and include a summary of outreach and recruitment procedures to hire apprentices to work on the project. (Ord. 2019-079 Exh. A).

3.72.050 Exceptions and waivers.

At any time prior to a request for bids or proposals on construction projects covered by this chapter, or at any time during the term of a covered contract, During the term of a construction contract subject to this chapter, the eCounty may reduce or waive the apprentice labor hour goals upon determination by the CAP Coordinator that:

- A. The contractor has demonstrated that it has utilized best efforts to meet the established percentage requirement but remains unable to fulfill the goal;
- B. The contractor has demonstrated that insufficient apprentices are available to meet the ECAP utilization goals;
- C. The reasonable and necessary requirements of the contract render apprentice utilization infeasible at the required levels;

D. There exists a disproportionately high ratio of material costs to labor hours, which does not make feasible the required minimum level of apprentice participation;

E. There are no evening classes within 30 miles, or day classes within 100 miles, of the job site that the apprentice can attend to meet the school requirements of their apprenticeship;

F. To the extent that apprentice labor hour goals are in conflict with funding agreements in place, including federal aid projects, in connection with the public work; or

G. For reasons deemed appropriate by the County Executive and not inconsistent with the purpose and goals of this chapter. (Ord. 2019-079 Exh. A).

3.72.060 Monitoring.

The County shall implement a system for monitoring the actual use of apprentices in construction projects subject to this chapter. Such monitoring shall include identifying individual apprentices by name and Washington State apprenticeship registration number; reviewing documents provided by the contractor showing total apprentice labor hours; determining the apprentice hours worked by minorities, disadvantaged youth, and women, and, as available, persons with disabilities and economically disadvantaged youth; and assessing whether the contractor has complied with the apprenticeship requirement established in its contract. (Ord. 2019-079 Exh. A).

3.72.070 Reporting.

The County executive shall report to the County council annually upon the use of apprentices for public work projects. The report shall include, to the extent it is available:

A. The percentage of labor hours actually worked by apprentices on each project and the total number of labor hours on each project;

B. The number of apprentices by contractor broken down by trade and craft category;

C. The number and percentage of minorities, women, persons with disabilities and disadvantaged youth utilized as apprentices on each project;

D. The number of new apprentices indentured during the reporting year as a result of the County's apprenticeship requirements;

E. The percentage of apprentices in training on County projects who have graduated to journey level during the reporting year; and

F. All exemptions and waivers granted under WCC [3.72.050](#). (Ord. 2019-079 Exh. A).

3.72.080 Remedies.

Failure by a contractor to comply with established apprenticeship requirements, unless otherwise waived or excused in writing by the County executive pursuant to WCC [3.72.050](#), shall be deemed a breach of contract for which the County shall be entitled to all remedies allowed by law and under the contract. Failure to comply with the apprenticeship requirements may also be considered evidence bearing on a contractor's qualification for award of future contracts with the County. (Ord. 2019-079 Exh. A).

3.72.090 Emergencies.

This chapter shall not apply in the event of an emergency [or for public work related to a declared emergency](#). For the purposes of this section, "emergency" means unforeseen circumstances beyond the control of the County that either: (A) present an immediate threat to the proper performance of essential functions; or (B) will likely result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken. (Ord. 2019-079 Exh. A).