
SECOND ENGROSSED SENATE BILL 5993

State of Washington

64th Legislature

2015 Regular Session

By Senators King, Fain, Litzow, Braun, Schoesler, Parlette, Warnick, Sheldon, Hewitt, Becker, and Brown

Read first time 02/16/15. Referred to Committee on Transportation.

1 AN ACT Relating to public works contracts and projects; amending
2 RCW 39.04.320 and 39.12.026; and declaring an emergency.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 39.04.320 and 2015 c 225 s 36 are each amended to
5 read as follows:

6 (1)(a) Except as provided in (b) through (d) of this subsection,
7 from January 1, 2005, and thereafter, for all public works estimated
8 to cost one million dollars or more, all specifications shall require
9 that no less than fifteen percent of the labor hours be performed by
10 apprentices.

11 (b)(i) This section does not apply to contracts advertised for
12 bid before July 1, 2007, for any public works by the department of
13 transportation.

14 (ii) For contracts advertised for bid on or after July 1, 2007,
15 and before July 1, 2008, for all public works by the department of
16 transportation estimated to cost five million dollars or more, all
17 specifications shall require that no less than ten percent of the
18 labor hours be performed by apprentices.

19 (iii) For contracts advertised for bid on or after July 1, 2008,
20 and before July 1, 2009, for all public works by the department of
21 transportation estimated to cost three million dollars or more, all

1 specifications shall require that no less than twelve percent of the
2 labor hours be performed by apprentices.

3 (iv) For contracts advertised for bid on or after July 1,
4 (~~(2009)~~) 2015, and before July 1, 2020, for all public works by the
5 department of transportation estimated to cost (~~(two)~~) three million
6 dollars or more, all specifications shall require that no less than
7 fifteen percent of the labor hours be performed by apprentices.

8 (v) For contracts advertised for bid on or after July 1, 2020,
9 for all public works by the department of transportation estimated to
10 cost two million dollars or more, all specifications shall require
11 that no less than fifteen percent of the labor hours be performed by
12 apprentices.

13 (c)(i) This section does not apply to contracts advertised for
14 bid before January 1, 2008, for any public works by a school
15 district, or to any project funded in whole or in part by bond issues
16 approved before July 1, 2007.

17 (ii) For contracts advertised for bid on or after January 1,
18 2008, for all public works by a school district estimated to cost
19 three million dollars or more, all specifications shall require that
20 no less than ten percent of the labor hours be performed by
21 apprentices.

22 (iii) For contracts advertised for bid on or after January 1,
23 2009, for all public works by a school district estimated to cost two
24 million dollars or more, all specifications shall require that no
25 less than twelve percent of the labor hours be performed by
26 apprentices.

27 (iv) For contracts advertised for bid on or after January 1,
28 2010, for all public works by a school district estimated to cost one
29 million dollars or more, all specifications shall require that no
30 less than fifteen percent of the labor hours be performed by
31 apprentices.

32 (d)(i) For contracts advertised for bid on or after January 1,
33 2010, for all public works by a four-year institution of higher
34 education estimated to cost three million dollars or more, all
35 specifications must require that no less than ten percent of the
36 labor hours be performed by apprentices.

37 (ii) For contracts advertised for bid on or after January 1,
38 2011, for all public works by a four-year institution of higher
39 education estimated to cost two million dollars or more, all

1 specifications must require that no less than twelve percent of the
2 labor hours be performed by apprentices.

3 (iii) For contracts advertised for bid on or after January 1,
4 2012, for all public works by a four-year institution of higher
5 education estimated to cost one million dollars or more, all
6 specifications must require that no less than fifteen percent of the
7 labor hours be performed by apprentices.

8 (2) Awarding entities may adjust the requirements of this section
9 for a specific project for the following reasons:

10 (a) The demonstrated lack of availability of apprentices in
11 specific geographic areas;

12 (b) A disproportionately high ratio of material costs to labor
13 hours, which does not make feasible the required minimum levels of
14 apprentice participation;

15 (c) Participating contractors have demonstrated a good faith
16 effort to comply with the requirements of RCW 39.04.300 and 39.04.310
17 and this section; or

18 (d) Other criteria the awarding entity deems appropriate, which
19 are subject to review by the office of the governor.

20 (3) The secretary of the department of transportation shall
21 adjust the requirements of this section for a specific project for
22 the following reasons:

23 (a) The demonstrated lack of availability of apprentices in
24 specific geographic areas; or

25 (b) A disproportionately high ratio of material costs to labor
26 hours, which does not make feasible the required minimum levels of
27 apprentice participation.

28 (4) This section applies to public works contracts awarded by the
29 state, to public works contracts awarded by school districts, and to
30 public works contracts awarded by state four-year institutions of
31 higher education. However, this section does not apply to contracts
32 awarded by state agencies headed by a separately elected public
33 official.

34 (5)(a) The department of enterprise services must provide
35 information and technical assistance to affected agencies and collect
36 the following data from affected agencies for each project covered by
37 this section:

38 (i) The name of each apprentice and apprentice registration
39 number;

40 (ii) The name of each project;

- 1 (iii) The dollar value of each project;
2 (iv) The date of the contractor's notice to proceed;
3 (v) The number of apprentices and labor hours worked by them,
4 categorized by trade or craft;
5 (vi) The number of journey level workers and labor hours worked
6 by them, categorized by trade or craft; and
7 (vii) The number, type, and rationale for the exceptions granted
8 under subsection (2) of this section.

9 (b) The department of labor and industries shall assist the
10 department of enterprise services in providing information and
11 technical assistance.

12 (6) The secretary of transportation shall establish an
13 apprenticeship utilization advisory committee, which shall include
14 statewide geographic representation and consist of equal numbers of
15 representatives of contractors and labor. The committee must include
16 at least one member representing contractor businesses with less than
17 thirty-five employees. The advisory committee shall meet regularly
18 with the secretary of transportation to discuss implementation of
19 this section by the department of transportation, including
20 development of the process to be used to adjust the requirements of
21 this section for a specific project. (~~The committee shall provide a
22 report to the legislature by January 1, 2008, on the effects of the
23 apprentice labor requirement on transportation projects and on the
24 availability of apprentice labor and programs statewide.~~)

25 (7) At the request of the senate labor, commerce, research and
26 development committee, the house of representatives commerce and
27 labor committee, or their successor committees, and the governor, the
28 department of enterprise services and the department of labor and
29 industries shall compile and summarize the agency data and provide a
30 joint report to both committees. The report shall include
31 recommendations on modifications or improvements to the apprentice
32 utilization program and information on skill shortages in each trade
33 or craft.

34 **Sec. 2.** RCW 39.12.026 and 2003 c 363 s 206 are each amended to
35 read as follows:

36 (1) In establishing the prevailing rate of wage under RCW
37 39.12.010, 39.12.015, and 39.12.020, all data collected by the
38 department of labor and industries may be used only in the county for
39 which the work was performed.

1 (2) (~~This section applies only to prevailing wage surveys~~
2 ~~initiated on or after August 1, 2003.~~) The department of labor and
3 industries must provide registered contractors with the option of
4 completing a wage survey electronically.

5 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
6 preservation of the public peace, health, or safety, or support of
7 the state government and its existing public institutions, and takes
8 effect immediately.

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