

HB 1849 - H AMD 748

By Representative Sells

ADOPTED 02/08/2018

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 39.04.320 and 2015 3rd sp.s. c 40 s 1 are each
4 amended to read as follows:

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

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

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

18 (iii) For contracts advertised for bid on or after July 1, 2008,
19 and before July 1, 2009, for all public works by the department of
20 transportation estimated to cost three million dollars or more, all
21 specifications shall require that no less than twelve percent of the
22 labor hours be performed by apprentices.

23 (iv) For contracts advertised for bid on or after July 1, 2015,
24 and before July 1, 2020, for all public works by the department of
25 transportation estimated to cost three million dollars or more, all
26 specifications shall require that no less than fifteen percent of the
27 labor hours be performed by apprentices.

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

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

5 (ii) For contracts advertised for bid on or after January 1,
6 2008, for all public works by a school district estimated to cost
7 three million dollars or more, all specifications shall require that
8 no less than ten percent of the labor hours be performed by
9 apprentices.

10 (iii) For contracts advertised for bid on or after January 1,
11 2009, for all public works by a school district estimated to cost two
12 million dollars or more, all specifications shall require that no
13 less than twelve percent of the labor hours be performed by
14 apprentices.

15 (iv) For contracts advertised for bid on or after January 1,
16 2010, for all public works by a school district estimated to cost one
17 million dollars or more, all specifications shall require that no
18 less than fifteen percent of the labor hours be performed by
19 apprentices.

20 (d)(i) For contracts advertised for bid on or after January 1,
21 2010, for all public works by a four-year institution of higher
22 education estimated to cost three million dollars or more, all
23 specifications must require that no less than ten percent of the
24 labor hours be performed by apprentices.

25 (ii) For contracts advertised for bid on or after January 1,
26 2011, for all public works by a four-year institution of higher
27 education estimated to cost two million dollars or more, all
28 specifications must require that no less than twelve percent of the
29 labor hours be performed by apprentices.

30 (iii) For contracts advertised for bid on or after January 1,
31 2012, for all public works by a four-year institution of higher
32 education estimated to cost one million dollars or more, all
33 specifications must require that no less than fifteen percent of the
34 labor hours be performed by apprentices.

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

37 (a) The demonstrated lack of availability of apprentices in
38 specific geographic areas;

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

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

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

9 (3) The secretary of the department of transportation shall
10 adjust the requirements of this section for a specific project for
11 the following reasons:

12 (a) The demonstrated lack of availability of apprentices in
13 specific geographic areas; or

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

17 (4)(a) This section applies to public works contracts awarded by
18 the state, to public works contracts awarded by school districts, and
19 to public works contracts awarded by state four-year institutions of
20 higher education. However, this section does not apply to contracts
21 awarded by state agencies headed by a separately elected public
22 official.

23 (b) Within existing resources, awarding agencies are responsible
24 for monitoring apprenticeship utilization hours by contractor. There
25 must be a specific line item in the contract specifying that
26 apprenticeship utilization goals should be met, monetary incentives
27 for meeting the goals, monetary penalties for not meeting the goals,
28 and an expected cost value to be included in the bid associated with
29 meeting the goals. The awarding agency must report the apprenticeship
30 utilization by contractor and subcontractor to the supervisor of
31 apprenticeship at the department of labor and industries by final
32 project acceptance. The electronic reporting system that is being
33 developed by the department of labor and industries may be used for
34 either or both monitoring and reporting apprenticeship utilization
35 hours.

36 (c) In lieu of the monetary penalty and incentive requirements
37 specified in (b) of this subsection, the Washington state department
38 of transportation may use its three strike system for ensuring
39 compliance including the allowance for a good faith effort.

1 (5)(a) The department of enterprise services must provide
2 information and technical assistance to affected agencies and collect
3 the following data from affected agencies for each project covered by
4 this section:

5 (i) The name of each apprentice and apprentice registration
6 number;

7 (ii) The name of each project;

8 (iii) The dollar value of each project;

9 (iv) The date of the contractor's notice to proceed;

10 (v) The number of apprentices and labor hours worked by them,
11 categorized by trade or craft;

12 (vi) The number of journey level workers and labor hours worked
13 by them, categorized by trade or craft; and

14 (vii) The number, type, and rationale for the exceptions granted
15 under subsection (2) of this section.

16 (b) The department of labor and industries shall assist the
17 department of enterprise services in providing information and
18 technical assistance.

19 (6) The secretary of transportation shall establish an
20 apprenticeship utilization advisory committee, which shall include
21 statewide geographic representation and consist of equal numbers of
22 representatives of contractors and labor. The committee must include
23 at least one member representing contractor businesses with less than
24 thirty-five employees. The advisory committee shall meet regularly
25 with the secretary of transportation to discuss implementation of
26 this section by the department of transportation, including
27 development of the process to be used to adjust the requirements of
28 this section for a specific project.

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

38 (8) All contracts subject to this section must include
39 specifications that a contractor or subcontractor may not be required

1 to exceed the apprenticeship utilization requirements of this
2 section.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 49.04
4 RCW to read as follows:

5 (1) In addition to the duties established under RCW 49.04.030,
6 the supervisor of apprenticeship must verify compliance by
7 contractors, subcontractors, and awarding agencies of apprenticeship
8 utilization requirements. The supervisor may coordinate with the
9 department of enterprise services, the state department of
10 transportation, the office of the superintendent of public
11 instruction, and any other appropriate agency or organization to
12 assist in tracking compliance.

13 (2) Compliance information must be made available to the
14 apprenticeship council and must be used to determine compliance for
15 purposes of RCW 39.04.350 and 39.12.055.

16 (3) The director of labor and industries must adopt rules to
17 implement this section.

18 NEW SECTION. **Sec. 3.** This act takes effect January 1, 2020."

19 Correct the title.

--- END ---