

1 SNOHOMISH COUNTY COUNCIL
2 Snohomish County, Washington

3
4 ORDINANCE NO. 21-046

5
6 RELATING TO CONSTRUCTION PROJECTS - - APPRENTICE REQUIREMENTS;
7 AMENDING CHAPTER 3.05 SCC

8
9 BE IT ORDAINED:

10
11 Section 1. Snohomish County Code Section 3.05.025, added by Amended
12 Ordinance No 06-008, on March 1, 2006, is amended to read:

13
14 **3.05.025 Use of apprentices required for public works.**

15
16 Apprentices shall be utilized on the construction of all public works in accordance with
17 this chapter, except when requirements of this chapter conflict with federal funding
18 conditions or the conditions of any other funding.

19
20 Section 2. Snohomish County Code Section 3.05.030, last amended by
21 Amended Ordinance No 20-028, on October 21, 2020, is amended to read:

22
23 **3.05.030 Administration.**

24
25 (1) For those construction projects subject to this chapter, the executive shall establish
26 a percentage of total labor hours as a goal to be performed by apprentices. The labor
27 hour goals for the labor hours required to be performed by apprentices on each such
28 project shall be at least 15% of the total labor hours on the individual project.

29
30 (2) For construction projects subject to this chapter, bidders shall submit an apprentice
31 utilization plan prior to contract execution that reflects its plan to meet the 15% labor
32 hour goal. Contractors shall update their apprentice utilization plan throughout the
33 project to reflect changes to their plan to meet the labor hour goal.

34
35 (3) Apprentices utilized in accordance with this chapter must be enrolled in a registered
36 apprenticeship program that is approved by the Washington State Apprenticeship and
37 Training Council.

38
39 (4) Contracts for such construction projects shall include provisions detailing the
40 apprentice labor requirements.

41
42 (5) Bids for construction projects that are subject to apprentice requirements as
43 described in this chapter shall include supplemental bidder responsibility criteria
44 pertaining to apprentice requirements in the bid document that allow the purchasing
45 manager to find a bidder non-responsive if the bidder failed to meet the apprenticeship

1 requirements on any project during the two-year period immediately preceding the date
2 of the bid solicitation.

3 (6) From notice to proceed until project completion, contractors shall submit monthly
4 reports to the county on their apprenticeship utilization, including progress toward
5 apprenticeship goals. Reports shall reflect actual progress toward the apprenticeship
6 utilization goals in all applicable trades as identified in the apprenticeship plan.
7 Contractors shall include a revised apprentice utilization plan when changed conditions
8 or circumstances affect the method or schedule of the contractor's previously submitted
9 plan to meet the labor hour goal. Failure to meet targets of the applicable apprentice
10 utilization plan may be deemed a breach of contract under SCC 3.05.070.

11
12 Section 3. Snohomish County Code Section 3.05.040, last amended by
13 Amended Ordinance No 20-028, on October 21, 2020, is amended to read:

14

15 **3.05.040 Exceptions and Waivers.**

16

17 (1) During the term of a construction contract subject to this chapter, the executive or
18 designee may reduce or waive the apprentice labor hour goals upon his or her
19 determination that((:))

20

21 ~~((1) the apprenticeship requirement conflicts with federal funding conditions or the
22 conditions of any other funding; or))~~

23

24 ~~((2))~~ at least three of the below conditions are met as documented by the contractor
25 and reviewed by the executive or designee:

26

27 (a) the contractor has demonstrated that it has utilized its "best efforts" to meet the
28 established percentage requirement but remains unable to fulfill the goal;

29

30 (b) in order to meet the requirement, the contractor will be forced to displace members
31 of its workforce;

32

33 (c) the reasonable and necessary requirements of the contract render apprentice
34 utilization infeasible at the required levels;

35

36 (d) a disproportionately high ratio of material costs to labor hours render apprentice
37 utilization infeasible at the required levels;

38

39 (e) the contractor has demonstrated that it has contacted multiple registered
40 apprenticeship programs, yet an insufficient number of apprentices are available to
41 meet the contract requirements; or

42

43 (f) the contractor has demonstrated that it has met or is meeting apprenticeship
44 requirements on all of its existing county construction projects during the 12 months
45 prior to execution of a new contract with the county.

46



Snohomish County Council

Committee: Public Works Committee

Analyst: Deb Evison Bell

ECAF: 2021- 0482

Proposal: Ord. 21-046

Date: 07/20/21

Consideration:

The proposal relates to the apprenticeship program requirements for construction projects and amends Chapters 3.05 of the Snohomish County Code¹.

Background:

Chapter 3.05, Construction Projects – Apprentice Requirements, requires apprentices to be used on the construction of all public works projects. Originally established for the campus redevelopment initiative project, the Code was broadened in 2006 to apply to County construction projects estimated to cost one million dollars or more.

In 2010 the threshold for apprenticeships was lowered to \$250,000 or more, and the goal for apprentices to perform 15% of the total hours on a project was amended.

In 2020 Snohomish County amended the apprentice language to strengthen the apprenticeship program, including requirements and process within Snohomish County Code with the adopted Ordinance 20-028. (The update increased the dollar value of the projects for apprentice use to \$1 million, it kept the labor goal at 15% but required bidders to provide an Apprentice Utilization Plan. ((Purchasing had previously found bidders non-responsive if they failed to meet the apprentice requirements the year prior to the bid solicitation.)) It required contractors to submit monthly or quarterly reports on their utilization of apprentices, which can include veterans to the reporting requirement of apprentice hours and include minorities and women.)

Through the application of this update during the 2021 construction season, certain areas have been identified for further clarification.

Current Proposal:

Scope: Proposed Ordinance 21-046 would relocate language from SCC 3.05.040 to SCC 3.05.025 to more accurately reflect County processes for when apprentice requirements are not applicable (i.e. conflict with federal funding opportunities) and amend SCC 3.05.030(2) to clarify the contractor’s responsibility to provide an Apprentice Utilization Plan that reflects the 15% labor hour goal.

Duration: Upon adoption until future amendments.

Fiscal Implications: NA

2021 Budget: NA

Future Budget Impacts: NA

Handling: NORMAL

Approved-as-to-form: YES

¹ [ch. 3.05 Construction Projects -- Apprentice Requirements | Snohomish County Code](#)

Risk Management: APPROVE.

Executive Recommendation: APPROVE.

Analysis

Council has the legislative authority to adopt this ordinance amending county code.

Attachments: Ordinance 20-028.

Amendments: NONE.

Request:

Move to GLS on July 28, 2021 to consider scheduling a public hearing. Following receipt of public testimony, consider taking action on proposed Ordinance 21-0482 or provide other direction to staff.



Legislation Text

File #: 2021-0482, Version: 1

Executive/Council Action Form (ECAF)

ITEM TITLE:

Ordinance 21-046, relating to Construction Projects - Apprentice Requirements; Amending Chapter 3.05 SCC

DEPARTMENT: Public Works

ORIGINATOR: Bill Thornton

EXECUTIVE RECOMMENDATION: Approve

PURPOSE: The ordinance revises language of the recently amended Chapter 3.05 SCC to more accurately reflect County processes, and further define the contractor’s responsibility to meet requirements of the chapter.

BACKGROUND: Chapter 3.05 SCC was recently amended to strengthen the County’s apprenticeship program and requirements. • Through the application of this chapter during the 2021 construction season, we have identified certain areas where further clarification would be helpful. • The relocation of language from 3.05.040 to 3.05.025 will help to more accurately reflect County processes for when apprentice requirements are not applicable. • The addition of language to 3.05.030(2) will help to clarify the contractor’s responsibility to provide an apprentice utilization plan that reflects its plan to meet the 15% labor hour goal.

FISCAL IMPLICATIONS:

EXPEND: FUND, AGY, ORG, ACTY, OBJ, AU	CURRENT YR	2ND YR	1ST 6 YRS
TOTAL			

REVENUE: FUND, AGY, ORG, REV, SOURCE	CURRENT YR	2ND YR	1ST 6 YRS
TOTAL			

DEPARTMENT FISCAL IMPACT NOTES: No fiscal impacts.

CONTRACT INFORMATION:

ORIGINAL	CONTRACT#	AMOUNT
AMENDMENT	CONTRACT#	AMOUNT

Contract Period

ORIGINAL	START	END
AMENDMENT	START	END

OTHER DEPARTMENTAL REVIEW/COMMENTS: Approved as to form by PA (George Marsh)
Approved/Reviewed by Finance and Risk

LOG NUMBERS		
BGT.	,	CEO

EXECUTIVE/COUNCIL APPROVAL FORM

MANAGEMENT ROUTING:

EXECUTIVE Dave Somers
 EXEC. DIR. Ken Klein
 DIRECTOR/ELECTED Kelly Snyder *KS*
 DEPARTMENT Public Works
 DIV. MGR. Brian Beason *BB*
 DIVISION Administration
 ORIGINATOR Bill Thornton *BT*
 DATE July 1, 2021 Ext. 3178

TO: COUNCIL CHAIRPERSON:
SNOHOMISH COUNTY COUNCIL

EXECUTIVE RECOMMENDATION:

 Approve No Recommendation
 Further Processing
 Requested By _____

PW Review: Fiscal *AGH* Admin *BT* Deputy Director *dwm*

 Executive Office Signature
 CEO Staff Review _____
 Received at Council Office _____

DOCUMENT TYPE:

<u> </u> BUDGET ACTION:	<u> </u> GRANT APPLICATION
<u> </u> Emergency Appropriation	<u> X </u> ORDINANCE
<u> </u> Supplemental Appropriation	<u> </u> Amendment to Ord. # _____
<u> </u> Budget Transfer	<u> </u> PLAN
<u> </u> CONTRACT:	<u> </u> OTHER
<u> </u> New	
<u> </u> Amendment	

DOCUMENT / AGENDA TITLE:

Ordinance – Relating to Construction Projects - Apprentice Requirements, Amending Chapter 3.05 SCC

APPROVAL AUTHORITY:

EXECUTIVE _____ COUNCIL X
 CITE BASIS **SCC 1.01.030**

HANDLING: NORMAL X EXPEDITE _____ URGENT _____ DEADLINE DATE _____

PURPOSE:

The ordinance revises language of the recently amended Chapter 3.05 SCC to more accurately reflect County processes, and further define the contractor’s responsibility to meet requirements of the chapter.

BACKGROUND:

- Chapter 3.05 SCC was recently amended to strengthen the County’s apprenticeship program and requirements.
- Through the application of this chapter during the 2021 construction season, we have identified certain areas where further clarification would be helpful.
- The relocation of language from 3.05.040 to 3.05.025 will help to more accurately reflect County processes for when apprentice requirements are not applicable.
- The addition of language to 3.05.030(2) will help to clarify the contractor’s responsibility to provide an apprentice utilization plan that reflects its plan to meet the 15% labor hour goal.

FISCAL IMPLICATIONS:

EXPEND: FUND, AGY, ORG, ACTY, OBJ, AU	CURRENT YR	2ND YR	1ST 6 YRS
TOTAL			

REVENUE: FUND, AGY, ORG, REV, SOURCE	CURRENT YR	2ND YR	1ST 6 YRS
TOTAL			

DEPARTMENT FISCAL IMPACT NOTES:

No fiscal impacts.

BUDGET REVIEW: Analyst _____ Administrator _____ Recommend Approval _____

CONTRACT INFORMATION:

ORIGINAL _____ CONTRACT # _____ AMOUNT \$ _____
 AMENDMENT _____ CONTRACT # _____ AMOUNT \$ _____

CONTRACT PERIOD:

ORIGINAL Start _____ End _____
 AMENDMENT Start _____ End _____

CONTRACT / PROJECT TITLE:

CONTRACTOR NAME & ADDRESS (City/State only):

APPROVED:

RISK MANAGEMENT:

Yes _____ No N/A

COMMENTS:

PROSECUTING ATTY - AS TO FORM:

Yes X No _____

OTHER DEPARTMENTAL REVIEW / COMMENTS:

ELECTRONIC ATTACHMENTS: (List & include path & filename for each, e.g. G:\ECAF\deptname\docname_Motion)

- G:\ECAF\Dept\06_pw\Roads\2021\Apprentice_Requirements_3.05_SCC_Ordinance
- G:\ECAF\Dept\06_pw\Roads\2021\Apprentice_Requirements_3.05_SCC_Summary_Notice
- G:\ECAF\Dept\06_pw\Roads\2021\Apprentice_Requirements_3.05_SCC_ECAF

NON-ELECTRONIC ATTACHMENTS:

ECAF NO.:
ECAF RECEIVED:

**ORDINANCE
INTRODUCTION SLIP**

SNOHOMISH COUNTY COUNCIL

EXHIBIT # 3

FILE ORD. 21-046

TO: Clerk of the Council

TITLE OF PROPOSED ORDINANCE:



Councilmember

Date

~~~~~  
Clerk's Action: Proposed Ordinance No. \_\_\_\_\_

Assigned to: \_\_\_\_\_ Date: \_\_\_\_\_

~~~~~  
STANDING COMMITTEE RECOMMENDATION FORM

On _____, the Committee considered the item and by ____ Consensus /
____ Yeas and ____ Nays, made the following recommendation:

____ Move to Council to schedule public hearing _____

Public Hearing Date _____ at _____

____ Move to Council as amended to schedule public hearing

____ Move to Council with no recommendation

This item ____ should/ ____ should not be placed on the Consent Agenda.

(Consent agenda may be used for routine items that do not require public hearing and do not need discussion at General Legislative Session)

This item ____ should/ ____ should not be placed on the Administrative Matters Agenda

(Administrative Matters agenda may be used for routine action to set time and date for public hearings)



Committee Chair

Adopted: 10/21/2020
Effective: 11/02/2020

EXHIBIT # 4

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

FILE ORD. 21-046

AMENDED ORDINANCE NO. 20-028

RELATING TO CONSTRUCTION PROJECTS—APPRENTICE REQUIREMENTS;
AMENDING CHAPTER 3.05 SCC

WHEREAS, initially adopted in 2001, Chapter 3.05 SCC has been amended and revised in 2006 and 2010; and

WHEREAS, our region and economic strength depends on a trained workforce and Snohomish County has supported Apprenticeship Programs in the past, such as the Regional Apprenticeship Pathways Program Marysville School District and other efforts; and

WHEREAS, it is in the best interests of the County, of County employees who engage in construction projects, and of contractors and subcontractors who deal with the County that the code relating to construction project apprentice requirements be amended;

NOW, THEREFORE, BE IT ORDAINED:

Section 1. Snohomish County Code Section 3.05.010, last amended by Ordinance 10-055, on August 4, 2010, is amended to read:

3.05.010 Definitions.

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

- (1) "Labor hours" refers to the total number of hours worked by workers receiving an hourly wage who are directly employed by the contractor and all subcontractors on a county public works project.
- (2) "Public works" refers to all County construction projects estimated to cost ~~((two hundred and fifty thousand))~~ one million dollars or more. Contracts shall not be fragmented to avoid the requirements of this chapter.
- (3) ~~((("State-approved"))~~ "Registered apprenticeship program" means an apprenticeship program that is approved ~~((or recognized))~~ by the Washington State Apprenticeship and Training Council.

Section 2. Snohomish County Code Section 3.05.030, last amended by Ordinance 10-055, on August 4, 2010, is amended to read:

1 **3.05.030 Administration.**

2
3 (1) For those construction projects subject to this chapter, the executive shall establish
4 a percentage of total labor hours as a goal to be performed by apprentices. The labor
5 hour goals for the labor hours required to be performed by apprentices on each such
6 project shall be at least 15% of the total labor hours on the individual project.

7
8 (2) For construction projects subject to this chapter, bidders shall submit an apprentice
9 utilization plan prior to contract execution. Contractors shall update their apprentice
10 utilization plan throughout the project to reflect changes to their plan to meet the labor
11 hour goal.

12
13 (3) Apprentices utilized in accordance with this chapter must be enrolled in ((state-
14 approved)) a registered apprenticeship program((s)) that is approved by the Washington
15 State Apprenticeship and Training Council.

16
17 ~~((3))~~ (4) Contracts for such construction projects shall include provisions detailing the
18 apprentice labor requirements.

19
20 (5) Bids for construction projects that are subject to apprentice requirements as
21 described in this chapter shall include supplemental bidder responsibility criteria
22 pertaining to apprentice requirements in the bid document that allow the purchasing
23 manager to find a bidder non-responsive if the bidder failed to meet the apprenticeship
24 requirements on any project during the two-year period immediately preceding the date
25 of the bid solicitation.

26 (6) From notice to proceed until project completion, contractors shall submit monthly
27 reports to the county on their apprenticeship utilization, including progress toward
28 apprenticeship goals. Reports shall reflect actual progress toward the apprenticeship
29 utilization goals in all applicable trades as identified in the apprenticeship plan.
30 Contractors shall include a revised apprentice utilization plan when changed conditions
31 or circumstances affect the method or schedule of the contractor's previously submitted
32 plan to meet the labor hour goal. Failure to meet targets of the applicable apprentice
33 utilization plan may be deemed a breach of contract under SCC 3.05.070.

34
35 Section 3. Snohomish County Code Section 3.05.040, adopted by Ordinance No
36 01-125, on December 19, 2001, is amended to read:

37
38 **3.05.040 Exceptions and Waivers.**

39
40 During the term of a construction contract subject to this chapter, the executive or
41 designee may reduce or waive the apprentice labor hour goals upon his or her
42 determination that:

43
44 (1) the apprenticeship requirement conflicts with federal funding conditions or the
45 conditions of any other funding; or

1 (2) at least three of the below conditions are met as documented by the contractor and
2 reviewed by the executive or designee:

3
4 (a) the contractor has demonstrated that it has utilized its "best efforts" to meet the
5 established percentage requirement but remains unable to fulfill the goal((-);
6

7 ~~((2))~~(b) in order to meet the requirement, the contractor will be forced to displace
8 members of its workforce; ((or))
9

10 ~~((3))~~(c) the reasonable and necessary requirements of the contract render apprentice
11 utilization infeasible at the required levels((-);
12

13 (d) a disproportionately high ratio of material costs to labor hours render apprentice
14 utilization infeasible at the required levels;
15

16 (e) the contractor has demonstrated that it has contacted multiple registered
17 apprenticeship programs, yet an insufficient number of apprentices are available to
18 meet the contract requirements; or
19

20 (f) the contractor has demonstrated that it has met or is meeting apprenticeship
21 requirements on all of its existing county construction projects during the twelve months
22 prior to execution of a new contract with the county.
23

24 Section 4. Snohomish County Code Section 3.05.050, adopted by Ordinance No
25 01-125, on December 19, 2001, is amended to read:
26

27 **3.05.050 Monitoring.**

28

29 The executive shall implement a system for monitoring the actual use of apprentices in
30 construction projects subject to this chapter. Such monitoring shall include identifying
31 individual apprentices by name and Washington State apprenticeship registration
32 number; reviewing documents provided by the contractor showing total apprentice labor
33 hours; and determining the apprentice hours worked by minorities ~~((and))~~, women, and
34 ~~((as available, persons with disabilities and economically disadvantaged youth))~~
35 veterans; and assessing whether the contractor has complied with the apprenticeship
36 requirement established in its contract.
37

38 Section 5. Snohomish County Code Section 3.05.060, adopted by Ordinance No
39 01-125, on December 19, 2001, is amended to read:
40

41 **3.05.060 Reporting.**

42

43 (1) The executive shall report to the council annually upon the use of apprentices for
44 construction projects. The report shall include to the extent it is available:
45

1 ~~((1))~~ (a) The percentage of labor hours actually worked by apprentices on each project
2 and the total number of labor hours on each project;

3
4 ~~((2))~~ (b) The number of apprentices by contractor broken down by trade and craft
5 category; and

6
7 ~~((3))~~ (c) The number and percentage of minorities, women ~~(, persons with disabilities~~
8 ~~and disadvantaged youth)~~ and veterans utilized as apprentices on each project ~~((;))~~.

9
10 ~~((4))~~ The number of new apprentices indentured during the reporting year as a result
11 of the county's apprenticeship requirements for campus redevelopment initiative
12 projects; and

13
14 ~~((5))~~ The percentage of apprentices in training on county projects who have graduated
15 to journey level during the reporting year.)

16
17 (2) Prior to December 31, 2021, the executive shall report to the council statistical data,
18 to the extent it is available, on the use and issuance of exceptions and waivers under
19 SCC 3.05.040 for a prior twelve-month period. The report shall also include
20 recommendations for maintaining or amending the existing exceptions and waivers
21 provided in this chapter.

22
23 Section 6. Snohomish County Code Section 3.05.070, adopted by Ordinance No
24 01-125, on December 19, 2001, is amended to read:

25
26 **3.05.070 Remedies.**

27
28 Failure by a contractor to comply with established apprenticeship requirements, unless
29 otherwise waived or excused in writing by the executive or designee pursuant to SCC
30 3.05.040, shall be deemed a breach of contract for which the county shall be entitled to
31 all remedies allowed by law and under the contract. Failure to comply with the
32 apprenticeship requirements may also be considered evidence bearing on a
33 contractor's qualification for award of future contracts with the county.

34
35 PASSED this 21st day of October, 2020.

36
37 ATTEST:

38
39 
40 _____
41 Asst. Clerk of The Council

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

42 
43 _____
44 Chairperson


45 (X) APPROVED
46 () EMERGENCY
() VETOED

DATE: 10/23/2020

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ATTEST:

Melissa Geraghty


County Executive

Approved as to form only:

✓ by BUCKY
Deputy Prosecuting Attorney