

Adopted: 10/21/2020

Effective: 11/02/2020

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

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.**

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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 21<sup>st</sup> day of October, 2020.

36  
37 ATTEST:

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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

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