

Introduced: 2/20/24
Adopted: 2/20/24

CODE

**CITY OF REDMOND
ORDINANCE NO. 3159**

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, ADDING A NEW CHAPTER 15.26 TO THE REDMOND MUNICIPAL CODE ESTABLISHING APPRENTICESHIP REQUIREMENTS FOR CITY-FUNDED PUBLIC WORKS CONTRACTS OF \$1,000,000 OR MORE; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, a well-trained, diverse workforce is critical to the economic and social vitality of the City of Redmond and the region; and

WHEREAS, journey level construction workers are retiring in numbers greater than the number of applicants to replace them, creating shortages of skilled construction workers impacting the region's ability to expand the economy, decreasing competition for the city's construction projects and increasing bids; and

WHEREAS, apprenticeship programs are an effective means of providing training and experience to individuals seeking to enter or advance in the workforce, offering the unique opportunity to earn living wages and receive excellent benefits while acquiring valuable marketable skills; and

WHEREAS, the experience of other agencies and jurisdictions in the region has shown that apprenticeship programs are effective

in providing training and experience to individuals seeking to enter or advance in the workforce; and

WHEREAS, actions by the Washington State Apprenticeship and Training Council have made apprenticeships more widely available in the construction industry, and their program goals to attract women and minorities into their approved apprenticeship programs will provide greater opportunities for these workers on city public works projects; and

WHEREAS, the use of apprentices enrolled in an apprenticeship program approved by the Washington State Apprenticeship and Training Council ensure proper training and compliance with employment and wage regulations; and

WHEREAS, the city is committed to using training that is accepted industry-wide so that the resulting journey workers can enter the region's pool of skilled labor, fully qualified for the jobs throughout the industry.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Classification. The new Chapter 15.26 of the Redmond Municipal Code added by this ordinance is of a general and permanent nature and shall become part of the City Code.

Section 2. Apprenticeship on Certain Public Works Projects. A new Chapter 15.26 is hereby added to the Redmond Municipal Code to read as follows:

Chapter 15.26

PUBLIC WORKS CONSTRUCTION PROJECTS - APPRENTICE
REQUIREMENTS

Sections:

<u>15.26.010</u>	<u>Definitions.</u>
<u>15.26.020</u>	<u>Use of apprentices required for public works.</u>
<u>15.26.030</u>	<u>Administration.</u>
<u>15.26.040</u>	<u>EAP utilization plan.</u>
<u>15.26.050</u>	<u>Exceptions and waivers.</u>
<u>15.26.060</u>	<u>Monitoring.</u>
<u>15.26.070</u>	<u>Reporting.</u>
<u>15.26.080</u>	<u>Failure to meet utilization goal.</u>

15.26.010 Definitions.

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

- "Apprentice" means an apprentice enrolled in a state-approved apprenticeship training program.
- "Contractor" means a person, corporation, partnership, limited liability company, or joint venture entering into a contract with the city to construct a public work.
- "Labor hours" refers to the total number of hours worked by workers receiving an hourly wage who are directly employed on the site of the public work and who are subject to state or federal prevailing wage requirements. "Labor hours" shall also include hours worked by workers employed by subcontractors on the

site of the public work, and shall include additional hours worked as a result of a contract or project adjustment or pursuant to an agreed-upon change order.

- "Employee apprenticeship program (EAP)" refers to the requirements of this chapter and any administrative regulations applicable thereto.
- "EAP coordinator" refers to the person designated by the Public Works Director to administer and coordinate the employee apprenticeship program.
- "EAP utilization plan" refers to the plan for utilization of apprenticeship labor in a public work project that meets the requirements of RMC 15.26.040.
- "Estimated cost" shall mean the anticipated cost of a public work, as determined by the city, based upon the expected costs of materials, supplies, equipment, and labor, but excluding taxes and contingency funds.
- "Notice to proceed" refers to the written authorization to the contractor under the public work contract to commence work.
- "Public work" refers to all city funded construction projects that constitute a public work pursuant to RCW 39.04.010 as now or hereafter amended and have an estimated cost of \$1,000,000 or more.

- "State-approved apprenticeship program" means an apprenticeship program approved or recognized by the Washington State Apprenticeship and Training Council.
- "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.

15.26.020 Use of apprentices required for public works.

Apprentices shall be utilized on the construction of all public works with an estimated cost of \$1,000,000 or more in accordance with this chapter.

15.26.030 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 no less than 15 percent of the labor hours be performed by apprentices.

B. Contract Requirements. Contracts for such construction projects shall include provisions detailing the apprentice labor requirements.

C. Call for Bids. All Calls for Bids issued by the City for public works requiring the use of apprentices shall state

the apprenticeship requirements. All bids submitted shall be based on the use of apprentices at the required level. The bid form submitted by each bidder shall contain confirmation by the bidder that the bidder's proposal includes the use of apprentices at the required level.

D. Submission of EAP Utilization Plan. All contractors shall submit an EAP utilization plan and shall meet with the EAP coordinator to review said EAP utilization plan prior to being issued a notice to proceed. Failure to submit an EAP utilization plan may be grounds for the city to withhold remittance of a progress payment until such plan is received from the responsible contractor. A meeting with the EAP coordinator prior to issuance of a notice to proceed shall be excused only when the EAP coordinator is unavailable to meet prior to the scheduled date for issuance of the notice to proceed and the contractor and the EAP coordinator have otherwise scheduled a meeting for the coordinator to review the contractor's plan. The contractor shall be responsible for meeting the EAP 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 possible, the contractor shall recruit apprentices from multiple trades or crafts.

15.26.040 EAP utilization plan.

A. The EAP utilization plan shall meet the following requirements:

1. Shall be submitted on forms prepared or approved by the EAP coordinator;

2. Shall specify the planned labor hours for each trade or craft;

3. 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

4. Shall include a description of how the contractor will satisfy the EAP 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.

15.26.050 Exceptions and waivers.

A. During the term of a construction contract subject to this chapter, the Public Works Director may reduce or waive the apprentice labor hour goals upon his or her determination that:

1. The contractor has demonstrated a good faith effort to comply with the requirements of this chapter but remains unable to fulfill the goal;

2. The contractor has demonstrated that there is a lack of availability of apprentices in the Redmond, WA geographic area to meet the EAP utilization goals;

3. The reasonable and necessary requirements of the contract render apprentice utilization infeasible at the required levels;

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

5. 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

6. For reasons deemed appropriate by the Public Works Director, approved by City Council, and not inconsistent with the purpose and goals of this chapter.

15.26.060 Monitoring.

The Public Works Director 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 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.

15.26.070 Reporting.

A. The Public Works Director shall report to the city council annually upon the use of apprentices for public work projects. The report shall include, to the extent it is available:

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

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

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

Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, the invalidity or unconstitutionality does not affect the valid or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 4. Effective Date. This ordinance shall take effect five days after its publication, or publication of a summary thereof, in the City's official newspaper, or as otherwise provided by law.

ADOPTED by the Redmond City Council this 20th day of February,
2024.

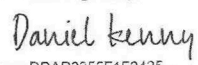
CITY OF REDMOND:


ANGELA BIRNEY, MAYOR

ATTEST:


CHERYL XANTHOS, MMC, CITY CLERK

APPROVED AS TO FORM:

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DANIEL P. KENNY, CITY ATTORNEY

FILED WITH THE CITY CLERK: February 6, 2024
PASSED BY THE CITY COUNCIL: February 20, 2024
SIGNED BY THE MAYOR: February 23, 2024
PUBLISHED: February 26, 2024
EFFECTIVE DATE: March 2, 2024
ORDINANCE NO. 3159

YES: ANDERSON, FIELDS, FORSYTHE, KRITZER, NUEVACAMINA, SALAHUDDIN,
STUART

NO: NONE