

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6741

AN ORDINANCE amending Bellevue City Code Chapter 4.28 to establish apprenticeship utilization requirements for certain city public works projects, providing and establishing an effective date.

WHEREAS, the City of Bellevue is a rapidly growing city and regularly constructs public works projects that require skilled construction workers; and

WHEREAS, current workforce population trends, without a concerted effort to offset them, may lead to an inadequate supply of skilled workers in the construction industry, which will harm the efficient and economical construction of public works projects; and

WHEREAS, the City of Bellevue recognizes that a highly skilled construction workforce is both essential for enhancing economic growth and critical to the successful construction of public works projects; 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 opportunity to earn living wages and receive excellent benefits while acquiring valuable marketable skills; and

WHEREAS, apprenticeship programs create workforce development opportunities in our community that align with the City Council's priority of achieving human potential; and

WHEREAS, the responsibility to train the next generation of skilled workers rests with both the public and private sectors; and

WHEREAS, by providing for apprenticeship utilization on public works projects, the City can create opportunities for training and experience that will help assure that a trained workforce will be available in sufficient numbers in the future for the construction of public works projects; and

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

WHEREAS, HB 1050, signed into law by the Governor on May 9, 2023, amends the State's apprenticeship utilization requirements set forth in RCW 39.04.320 to apply to municipalities, including the City of Bellevue, as of July 1, 2024; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES
HEREBY ORDAIN AS FOLLOWS:

Section 1. A new section, 4.28.115 Public Works Apprentices Requirements, is added to chapter 4.28 of the Bellevue City Code to read as follows:

A. *Definitions.* The following definitions apply throughout BCC 4.28.115.

1. “Apprentice” means an apprentice enrolled in an apprenticeship program approved or recognized by the Washington State Apprenticeship and Training Council.

2. “Contractor” means a person, corporation, partnership, limited liability company, or joint venture entering into a contract with the city to construct a Public Work.

3. “Estimated Cost” means the anticipated cost of a Public Work, as determined by the city under BCC 4.28.090, based on the expected costs of materials, supplies, equipment, and labor, but excluding taxes and contingency funds.

4. “Labor Hours” means 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.

5. “Public Work” means a project that constitutes a public work under RCW 39.04.010, as now enacted or hereafter amended, that is part of a contract awarded by the city.

6. “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.

B. *Apprenticeship Utilization.*

1. As of the effective date of this section, unless reduced or waived under subsection B.2, Public Works contracts with an Estimated Cost of \$2,000,000 or more shall include a requirement that no less than fifteen percent of the Labor Hours actually worked be performed by Apprentices. Public Works contracts advertised for bid on or after July 1, 2026, with an Estimated Cost of \$1,500,000 or more shall include a requirement that no less than fifteen percent of the Labor Hours be performed by Apprentices. Public Works contracts advertised for bid on or after July 1, 2028, with an Estimated Cost of \$1,000,000 or more shall include a requirement that no less than fifteen percent of the Labor Hours be performed by Apprentices.

2. The director of finance and asset management may reduce or waive the apprenticeship utilization hours required in subsection B.1 for a specific project at any time for any of the following reasons:

- a. The demonstrated lack of availability of Apprentices to meet the requirement;
- b. A disproportionately high ratio of material costs to Labor Hours, which does not make feasible the required minimum levels of apprenticeship participation;
- c. The Contractor has demonstrated a good faith effort to comply with the requirements of this section, but remains unable to fulfill it;
- d. The requirement conflicts with state or federal funding conditions, or the conditions of any other grant or funding program;
- e. In order to meet the requirement, the Contractor will be forced to displace members of its workforce;
- f. An emergency or threatened emergency exists, as determined pursuant to BCC 4.28.130.A.7; and/or
- g. Other criteria deemed appropriate by the director of finance and asset management consistent with RCW 39.04.320(2), as now enacted or hereafter amended, and not inconsistent with the purpose and goals of this section.

3. The provisions of this subsection are intended to impose a requirement on Contractors awarded certain Public Works contracts. These provisions are not intended to create a legal duty on the city or its officers or employees. These provisions are not intended to confer on any third party a cause of action or claim for relief against the city or its officers or employees, and these provisions shall not be used as a basis for a lawsuit challenging the award of any contract by the city.

C. *Administration and Monitoring.*

1. The director of finance and asset management shall administer this section and shall have the authority to promulgate procedures to implement and enforce this section. These procedures shall include, but are not limited to: (a) monitoring Contractor compliance with apprenticeship utilization requirements over the course of a project and discussing remedial actions with any Contractor not on track to comply; (b) annual reporting to the city council on the outcomes of the Public Works Apprentice Requirement; and (c) establishing and maintaining contract specification language to implement the apprenticeship requirements.

2. By entering into a Public Works contract, all Contractors subject to this section agree to submit, and to ensure their Subcontractors submit, to the city all documents, reports and other information relevant to the city's implementation and enforcement of this section.

D. This section does not apply to contracts advertised for bid prior to the effective date of this Section.

Section 2. Effective Date. This Ordinance shall take effect and be in force on September 1, 2023.

Passed by the City Council this _____ day of _____, 2023 and signed in authentication of its passage this _____ day of _____, 2023.

(SEAL)

Lynne Robinson, Mayor

Approved as to form:

Kathryn L Gerla, City Attorney

Attest:

Charmaine Arredondo, City Clerk

Published: _____