

9/29/98
ordnc

Introduced By: Kent Pullen

clerk 8/24/98, 10/26/98

Proposed No.: 98-521

ORDINANCE NO. **13313**

AN ORDINANCE relating to the establishment of target percentage apprentice utilization goals for minority, women, persons with disabilities and economically disadvantaged youth, and adding a new section to K.C.C. 12.16.

STATEMENT OF FACTS:

1. On June 30, 1997, the council passed Ordinance 12787 establishing a county apprenticeship training program, an essential component of which is the inclusion of minorities, women, persons with disabilities and economically disadvantaged youth.
2. On September 19, 1997, the King County executive forwarded to the King County council target population utilization goals as required by Ordinance 12787, Section 4D, as well as background data upon which the proposed interim goals were based. The data which provided the basis to calculate the interim goals was 1990 Census and 1993 and April 1994 data obtained from the office of financial management, forecasting division, Olympia, Washington.
3. The interim goals as transmitted to the council on September 19, 1997 were a reflection of the demographic and gender trends projected for the construction industry in King County. The interim goals represent the level of apprenticeship participation necessary to meet the projected labor demand in the construction industry within the King County labor market area through the year 2006.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. The council hereby ratifies, restates and states the findings and determinations of the council contained in Ordinance 12787, including, without limitation, the finding and determination of the council that minorities, women, persons with disabilities and economically disadvantaged youth are underrepresented in the construction

1 trades and industry and that a significant reason for the underrepresentation of these
 2 populations in the construction trades is the lack of opportunity and training for those
 3 persons to serve as apprentices in state-approved apprenticeship programs.

4 NEW SECTION. SECTION 2. There is hereby added to K.C.C. 12.16 a new
 5 section to read as follows:

6 Apprentice Utilization Goals. The following goals shall be the apprentice utilization
 7 goals for public works projects as a whole which are subject to the apprenticeship program
 8 requirements until such time as new goals are approved by the council:

<u>Target Populations</u>	<u>Utilization Goals</u>
Minorities	21%
Women	25%
Persons with Disabilities	2%
Economically Disadvantaged Youth	7%

14 NEW SECTION. SECTION 3. The Executive shall review the target
 15 percentage apprentice utilization goals established herein every three years from the
 16 enactment of this legislation and shall forward to the council such legislation as may be
 17 needed to amend or modify the established goals.

18 NEW SECTION. SECTION 4. There is hereby added to K.C.C. 12.16 a new
 19 section to read as follows:

20 A. The goals established in this chapter shall be used as countywide target goals for
 21 apprenticeship utilization on applicable county public works projects as a whole, pursuant
 22 to the criteria established in K.C.C. 12.16.165, for the participation of minorities, women,
 23 persons with disabilities and economically disadvantaged youth. Such goals shall apply as a

1 whole until such time as all available apprentices are taken or until the established target
2 goals are reached.

3 B. Application of the goals established in this chapter to particular projects shall be
4 based on the available labor hours on each project and the level of apprentice availability
5 and underutilization of the target groups in each participating construction craft as well as
6 the other criteria listed in K.C.C. 12.16.160(C).

7 INTRODUCED AND READ for the first time this 8th day of
8 September, 1998.

9 PASSED by a vote of 9 to 4 this 26th day of October
10 19 98.

11 KING COUNTY COUNCIL
12 KING COUNTY, WASHINGTON

13 Louise Miller
14 Chair

15 ATTEST:

16 Zunero
17 Clerk of the Council

18 APPROVED this 5 day of November, 1998.

19 [Signature]
20 King County Executive

21 Attachments:

98 - 521



King County
Department of Finance
MWBE and CONTRACT COMPLIANCE DIVISION
821 Second Avenue, M.S. 133
Seattle, WA 98104

13313

KING COUNTY

APPRENTICESHIP PROGRAM

1997 ANNUAL REPORT

**MINORITY/WOMEN BUSINESS ENTERPRISE
AND CONTRACT COMPLIANCE DIVISION**

Phyllis Alleyne, Manager
Brad Duerr, Director, Department of Finance

TABLE OF CONTENTS

I.	Introduction	2
II.	Projects Advertised (4th Quarter 1997 - 1st Quarter 1998)	4
III.	Apprentice Utilization - Labor Hours	8
IV.	Apprentice Utilization -- Trades and Crafts	9
V.	Open Shop Contractors	10
VI.	Program Implementation Administrative Advancements	11
VII.	Outstanding Issues	14
VII.	East Division Reclamation Plant	15
IX.	Attachment A	17
X.	Attachment B	18
XI.	Addenda	19
	Addendum No. 1 Proposed Ordinance	20
	Addendum No. 2 Apprenticeship Resource Guide	21

Introduction

Based on findings of disparity between trends in King County's labor force demographics and the employment profile of the local construction industry, the Metropolitan King County Council adopted an Apprenticeship Program to be implemented on County construction projects. Effective October 7, 1997, and unless specifically exempted by the Administrator, County construction contractors are required to conform their workforce profiles to include apprentices across the trades to be utilized on each construction project.

This package is prepared in response to the requirement that the Administrator submit an annual report on the performance of the County's Apprenticeship Program. This report includes all projects for which the Invitation to Bid (ITB) were issued after the effective date of the ordinance. There was an average of four months between ITB and Notice of Selection for the 1997 projects that were subject to the Apprenticeship Program requirements. As a result, none of the 1997 projects progressed to actual submittal of an Apprentice Utilization Plan (AUP), contract award or any apprentice hiring or work activity during 1997.

The package also includes an ordinance to codify the target percentage apprenticeship goals for minority, women, persons with disabilities and economically disadvantaged youth (Addenda No. 1). The interim goals were transmitted to the Council on September 19, 1997, and have been used to establish ad hoc participation goals, pending Council adoption of the enclosed ordinance.

What follows is a status report of the coordination and administrative activity through the first quarter of 1998 in support of the Apprenticeship Program. Future reports will present actual contractor and program performance in accordance with the indicators included in the Apprenticeship Ordinance.

In addition to the administrative and technical activities currently underway, the M/WBE Division is involved in various coordinative efforts with other regional agencies and King County Departments. Division staff sit on the Apprenticeship Opportunities Partnership (AOP) Steering Committee and have worked closely with the Office of Port Jobs and other local agencies towards the development of a construction labor needs predictive model. Additionally, M/WBE staff members are working jointly with DCHS and the County's Educational Liaison to develop appropriate outreach materials for dissemination to the public schools. There is continual information sharing with the City of Seattle and other local agencies.

From the effective date of the ordinance through the end of the first quarter of 1998 the Division's primary focus has been geared towards projects over \$1 million. The Division is extending the selection criteria to projects under \$1 million where meaningful training opportunities are identifiable. M/WBE staff will solicit feedback from project managers and contractors in considering appropriate program modifications to fit these smaller projects.

A brief section dedicated to apprenticeship utilization at the East Division Reclamation Plan is provided in this report. Phase III of this project, (awarded at approximately \$14.7 million), is the largest construction project awarded during 1997. While it was advertised prior to the effective date of the ordinance, the project specifications required the use of apprentices or trainees. This project was awarded to an open shop prime contractor, using a mix of union and open shop sub-contractors.

Also, included as an addendum to this package is the Apprenticeship Program Resource Guide intended for use in training Contract Compliance Specialists and departmental Project Managers on the specifics of roles, responsibilities and reporting requirements. In addition to the details of the Administrative Policies and Procedures, the standard ITB and contract boilerplate language, and monthly reporting forms, the manual includes a resource list of government agencies and community based organizations which provide referral, recruitment and related support services for the program's target population.

Projects Advertised 4th Quarter 1997 - 1st Quarter 1998

4th Quarter 1997

Three projects over \$1 million were advertised during the fourth quarter of 1997 on which apprenticeship goals were established. The lag time between the ITB and project start-up averaged more than four months. As a result, no 1997 apprentice activity is reported through the first quarter of 1998 for the projects subject to the new Apprenticeship Program requirements. Projected apprentice utilization hours for these projects are based on estimates stated in the Apprentice Utilization Plans submitted by the prime contractors and approved by the M/WBE and Contract Compliance Division. The actual labor hours will be compiled from the actual monthly utilization reports.

Apprentice Utilization Reports (see attachment) along with Monthly Utilization Employment Reports (MUR) will be submitted by the prime contractor on a monthly basis. The Apprenticeship Utilization Report will provide the name, gender, trade, SAC number, ethnicity, pay rate, work hours, etc. for each apprentice. The reporting format will be modified to indicate newly indentured and graduated apprentices. This report will be compared to the MUR which will provide journey worker hours, gender, etc. from which we will calculate the percentage utilization.

K.C. REGIONAL JUSTICE CENTER, 3RD FLOOR TENANT IMPROVEMENTS

Advertised in November, 1997.

This project involves the completion of unfinished space into courtrooms and a child care center. The contract amount was \$1,630,000.00, and the Notice to Proceed was issued March 9, 1998.

Columbia Pacific Construction, the prime contractor, submitted an Apprentice Utilization Plan on March 2, 1998. The plan included 6,909 total labor hours, and nine apprentices projected to be working 1,243 hours (18%).

SOUTHEAST 240TH STREET (116TH AVENUE SOUTHEAST TO 138TH AVENUE SOUTHEAST)

Advertised in November, 1997

The project consists of widening SE 240th Street. The contract amount was \$6,093,485.00, and the Notice to Proceed was issued April 9, 1998.

KLB Construction, Inc., the prime contractor, submitted an Apprentice Utilization Plan on February 18, 1998. The plan included 27,500 total labor hours including 4,200 hours (15.3%) to be worked by eight apprentices.

SOUTHEAST PETROVITSKY ROAD - PHASE III

Advertised in November 1997.

The project includes paving, construction of major retaining walls, and landscaping. The contract amount was \$3,744,339.00 and the notice to proceed was issued March 6, 1998.

Gary Merlino Construction Co., Inc. submitted an Apprentice Utilization Plan on February 10, 1998. The plan projected 29,610 total labor hours including 6,180 hours (20.9%) to be worked by 17 apprentices.

NOTE: The M/WBE Division is just now receiving reports of actual apprentice utilization on the projects advertised in the fourth quarter of 1997. Actual utilization figures will be used to compare to the plans in the near future.

1st Quarter 1998

Five projects over \$1 million were advertised in the 1st quarter of 1998, three of which included apprenticeship goals. These projects are as follows:

BRYN MAWR SYSTEM IMPROVEMENTS

Advertised in January 1998.

The project consists of the rebuilding of a sewer system. 40% of the sewer system is owned and being funded by the Boeing Corporation. The contract amount was \$4,061,200.00 and the Notice to Proceed was issued April 1, 1998.

Tri-State Construction submitted an Apprentice Utilization Plan on March 16, 1998. The plan projected 25,000 total labor hours including 3,750 hours (15%) to be worked by seven apprentices.

EASTSIDE INTERCEPTOR AND JUANITA INTERCEPTOR CORROSION REPAIR

Advertised in March 1998.

The project involves the installation of a liner at 3 existing locations. The proposal of Diamaco, Inc., the apparent successful bidder at \$1,290,425 is being evaluated and an Apprentice Utilization Plan is being prepared. The Notice to Proceed is expected to be issued in early June 1998.

VASHON TRANSFER AND RECYCLING CENTER

Advertised in March 1998.

The proposal of Pease, Inc. is in the bid evaluation phase. The bid amount is \$4,048,420.00. A Notice of Selection is expected shortly. The Apprentice Utilization Plan will be submitted within ten days of Notice of Selection.

SPORTS SHOOTING PARK AT BLACK DIAMOND

Advertised in February 1998.

This project consists of buildings and site work which are roughly equal in value. Project Management staff reports that the largest portion of the site work involves moving dirt to build the earthen berms protecting the shooting area and that this work offered limited opportunities for apprentices. The buildings are a residential design which will use many trades for short periods of time. Because of the short time span for each trade, meaningful training would have been difficult to achieve on this project.

The engineer's estimate was \$1,950,000 and no apprenticeship goals were applied to this project.

LAKELAND PARK

Advertised in March 1998.

Trucking accounts for a large portion of the labor hours on this project. Currently, the SAC approved teamsters program operates primarily out of the Washington Construction Teamsters Local in Pasco, Washington. Apprenticeship goals were not applied on this project. The engineer's estimate was \$1,350,000.00.

Federally Funded Projects

Both the Raging River Bridge and the Elliott Bridge Projects were advertised since the effective date of the ordinance. The Raging River Bridge project was bid in March '98 at a price of \$2,643,926.00. The Elliott Bridge Project bid April '98. The bid amount was \$3,995,779.00. The M/WBE Division, in cooperation with Washington State DOT is currently examining how the County's apprenticeship program interfaces with federal training requirements on other federally funded projects such as these.

Projects Under \$1 Million

Five capital improvement projects between \$100,000 and \$1 million were advertised in the reporting period. Due to the newness of the apprenticeship program and the dollar size of the projects, apprenticeship goals were not applied. The projects are as follows:

<u>Project</u>	<u>Contract Amount</u>
Base Fall Protection	\$194,893.00
Ellis Ave. Bldg. Improvements	\$114,000.00
Kenmore Pump Station	\$208,100.00
UST Tank Removal	\$197,329.00
Sludge Conveyer Modifications	\$217,095.00

Three roads projects between \$100,000 and \$1 million were advertised in the reporting period. Apprenticeship goals were not applied. The projects are as follows:

<u>Project</u>	<u>Contract Amount</u>
Carnation Farm Road Bridge	\$359,559.00
1997 Countywide Guardrail	\$736,701.00
Cherry Valley Trestle	\$324,194.00

Initially, apprenticeship goals were applied only to projects over one million dollars. After reviewing actual Apprenticeship Utilization Plans submitted by contractors the M/WBE Division has concluded that three weeks is the minimum time required to gain "meaningful training". The Division's rationale is that after three weeks the apprentice should become part of the contractor's permanent workforce and receive ongoing training.

Division staff are presently identifying projects under one million dollars with at least 800 labor hours projected in any single craft. Utilizing an apprenticeship

goal of 15%, 800 hours would provide an apprentice 120 hours or three weeks of meaningful training.

Projects under \$100,000 are solicited through the use of the Small Works Roster, and do not go through the M/WBE Division for analysis of either M/WBE or apprenticeship goals. Still, there may be apprenticeship opportunities on a number of these small projects. To date, there has been no project in the small works program that has met the criteria for meaningful training, however, division staff expects to see apprenticeship utilization materialize in this area and are currently working with project management staff to identify potential apprenticeship opportunities on these smaller projects.

Apprentice Utilization - Labor Hours

4th Quarter 1997

During the fourth Quarter of '97 there were three projects advertised for which Apprentice Utilization Plans were submitted although there were no actual apprentice hours worked during this period. These plans were approved as follows, and are currently being implemented.

<u>Project</u>	<u>Estimated Labor Hours</u>	<u>Estimated Apprentice Hours</u>	<u>% of Total Hours</u>
RJC 3rd Fl. Improvements	6,909	1,243	18%
Southeast 240th St.	27,500	4,200	15.3%
SE Petrovitsky Rd. III	<u>29,610</u>	<u>6,180</u>	<u>20.9%</u>
TOTALS	64,019	11,623	18.2%

1st Quarter 1998

The only project that was advertised in the first quarter of 1998 for which an Apprentice Utilization Plan was submitted was the Bryn Mawr System Improvements. The plan projected a total of 25,000 labor hours with 3,750 hours to be worked by apprentices. Apprentice utilization is projected to be at 15%.

Apprenticeship plans are currently being developed for two projects that were advertised during the first quarter of 1998. These are the Eastside Interceptor and Juanita Interceptor Corrosion Repair, and the Vashon Transfer and Recycling Center. A preliminary estimate of these two projects indicates that the

work will include approximately 26,000 total labor hours, and that the contractor would be able to achieve at least 3,900 apprenticeship hours meeting the goal of 15%.

Apprenticeship Utilization by Trades and Crafts

During the fourth quarter of 1997 and the first quarter of 1998, four contractors submitted Apprentice Utilization Plans indicating their projected workforce and estimated labor hours. Apprentice Utilization plan reporting forms do not require the contractor to provide a breakdown by gender, ethnicity etc. Rather, information concerning these groups will be reported on the actual Apprentice Utilization Reports which have not yet been submitted. As soon as these reports are submitted, the M/WBE Division will begin the tracking process necessary to assess the actual utilization of targeted groups. Following are the workforce projections received to date.

RJC - 3rd Floor Tenant Improvements	Ad Date: 11/97
<i>Columbia Pacific Construction</i>	Bid Date: 12/97
(\$1,630,000.00)	NTP: 03/98

Trade/Craft	Total Hours	Apprentice Hours	% of Total	Total Apprentices
Carpenters	1,716	219	13%	2
Dry Wall Tapers	729	109	15%	1
Painters	200	40	20%	1
Plumbers	400	100	25%	1
Sheet Metal Workers	1,564	235	15%	2
Electricians	2,300	540	23.5%	2
TOTAL	6,909	1,243	18%	9

Southeast 240th Street	Ad Date: 11/97
<i>KLB Construction</i>	Bid Date: 12/97
(\$6,093,485.00)	NTP: 04/98

Trade/Craft	Total Hours	Apprentice Hours	% of Total	Total Apprentices
Laborers	14,000	2,400	17%	5
Equipment Operators	8,000	1,800	22.5%	3
Teamsters	5,500	0	0%	0
TOTAL	27,500	4,200	15.3%	8

Southeast Petrovitsky Road, Phase III
 Gary Merlino Construction, Inc.
 (\$3,744,339.00)

Ad Date: 11/97
 Bid Date: 01/98
 NTP: 03/98

Trade/Craft	Total Hours	Apprentice Hours	% of Total	Total Apprentices
Laborer	11,346	2,268	20%	4
Equipment Operators	3,964	1,113	28%	3
Cement Masons	1,363	270	20%	2
Carpenter	6,390	1,040	16.3%	1
Teamsters	1,024	0	0%	0
Landscape Laborer	1,433	0	0%	0
Iron Worker	1,000	150	15%	1
Painter	540	130	24%	3
Fence Erector	18	9	50%	1
Electrician	2,500	1,200	48%	2
Pile Driver	32	0	0%	0
TOTAL	29,610	6,180	20.9%	17

Bryn Mawr System Improvements
 Tri-State Construction
 (\$5,890,200.00)

Ad Date: 01/98
 Bid Date: 02/98
 NTP: 04/98

Trade/Craft	Total Hours	Apprentice Hours	% of Total	Total Apprentices
Laborer	13,290	2,154	16.2%	3
Equipment Operators	7,500	410	5.5%	1
Carpenter	1,250	400	32%	1
Pile Driver	2,560	525	20.5%	1
Electrician	400	261	65% **	1
TOTAL	6,909	1,205	15%	7

** Numbers will be changed on the actual

Open Shop Contractors

During pre-bid conferences, various open shop contractors have expressed concern that SAC approved apprentices will not be available to them and their subcontractors who are also open shop. Still, no prime contractor has failed to submit an Apprentice Utilization Plan to date which does not meet or exceed the goal of 15%. It should be noted that many public works projects consist of a

mixture of union and open shop contractors. The fact that the prime contractor is either open shop or signatory to a collective bargaining agreement does not determine the category of the subcontractors. Subcontractors and their lower tier subs can also be either open shop or union affiliated, regardless of the prime contractors standing.

Construction Industry Training Council of Washington (CITC)

It is notable that the Construction Industry Training Council of Washington (CITC), the primary source of apprentices for open shop contractors, has had their laborers program reinstated to SAC approved status. CITC's carpenter, electrician, HVAC, plumber, and painter, programs are scheduled for review during 1998 for possible reinstatement.

Teamsters

For the purposes of this report the craft, "Teamsters" is synonymous with "truck drivers" and represents a significant percentage of labor hours on some projects. At the present time a SAC approved teamster program is operated by the Washington Construction Teamsters Local in Pasco, Washington. The Seattle Teamster local is in the process of expanding this program in Western Washington. The Division is engaged in ongoing communications with the local teamsters and anticipates being able to apply the apprenticeship requirements to trucking labor hours on future projects.

Program Implementation - Administrative Advancements

The following is a list of some of the most significant administrative accomplishments made towards the successful implementation of the apprenticeship program to date.

Construction Labor Demand Forecast Model

The M/WBE and Contract Compliance Division has worked closely with the Office of Port Jobs, the County's Economic Development Office, Northwest Research Institute (University of Washington), King County Labor Council (AFL-CIO), and the City of Seattle in the design and development of a model for predicting construction industry labor needs in the area. Based on the most recent focus group session, the main issues surrounding the development of the model relate to the forecast methodology, differences of opinion about the

expected construction boom cycle, and training strategies. Work on the model is expected to be completed in mid-July. Also, the division participated in and contributed to the "Countywide Impact Study" prepared by the Office of Port Jobs. The results of the study will provide definition for a majority of the elements to be captured by the predictive model.

Identification of Apprenticeship Coordinator

A staff assignment to the position of Apprenticeship Coordinator was made in order to centralize and coordinate the Division's apprenticeship program implementation efforts.

Coordination with County Agencies

Division staff have continually worked with several County departments/divisions including Construction and Facilities Management, Natural Resources, Transportation and the Office of the Prosecuting Attorney to develop and review program criteria and procedures. The Apprenticeship Coordinator regularly discusses with project managers the labor requirements of their projects before setting or waiving apprenticeship goals. When a project is subject to apprenticeship program requirements, the Coordinator attends the pre-bid conference for that project to explain the requirements of the apprenticeship program and to assist the contractors in identifying how they maybe able to meet the apprenticeship goals. Additionally at the pre-construction meetings the Coordinator discusses the reporting forms and answers questions. Then, during construction the coordinator periodically attends construction meetings to review the contractor's progress toward attaining the apprenticeship goals.

M/WBE division staff have attended various County division staff meetings to discuss how the apprenticeship program will interact with specific construction projects. The Division has shared with project staff the criteria that has been developed to set goals, and communicated to them the information needed from project managers to set goals and monitor projects.

Information Dissemination to Schools

The Division's Apprentice Coordinator represented King County at the Issaquah High Career Days.

The Division is presently working with King County Department of Human Services to develop brochures for distribution to schools. Production of the informational brochure is an important step in meeting the Division's goal of

establishing an effective communication link with schools within King County by Spring 1999.

Development of Standard Contract Language

The M/WBE Division is working with the Office of the Prosecuting Attorney to finalize standard contract language applicable to construction contracts over \$1 million. Additionally, boilerplate language has been developed for contracts under one million dollars where apprentice utilization may be limited, but opportunities for training in the construction trades/crafts may be present. As the program develops, and additional issues are identified, the standard contract language will continue to be modified as appropriate.

Development of Standard Forms/Procedures

The following forms have been developed and are included as Attachment A:

- A. Apprentice Utilization Plan Worksheet
This form is currently being used by contractors to inform the County of the strategy to be used in meeting the County's apprenticeship program requirements.
- B. Apprentice Utilization Report
This form will be used by contractors to report apprenticeship activity on a monthly basis.
- C. Availability Analysis Worksheet
This form is being used to analyze estimated labor hours which will assist the Division in the identification of apprenticeship opportunities.

Development of Program Criteria

The Apprenticeship Coordinator is currently developing an objective measure which will provide quantitative criteria for determining what constitutes "meaningful training". Additionally, the M/WBE Division is currently assessing completed projects and historical data to determine the type of construction contract, project duration, and dollar amount of projects upon which to base standard threshold goals.

Currently the Apprenticeship Coordinator is in the process of developing appropriate criteria for determining which groups and types of construction

contracts should be routinely subject to apprenticeship requirements and whether or not some types of contracts should be waived or exempted.

Data Management and Reporting

The EEO Tracking System which was developed for the METRO apprenticeship program is being assessed for alterations which may be necessary to allow the Division to electronically track and report details of actual apprentice utilization. Additionally, the Division is considering possible modifications to the report format used on the Harborview Medical Center Additions and Renovation Project (examples attached) to report overall apprentice utilization (Attachment B).

Policies and Procedures

Administrative Policies and Procedures have been prepared and approved by Office of Archives and Records. These will be forwarded to the Executive Office for approval.

Apprenticeship Program Resource Guide

The Apprenticeship Program Resource Guide is included as addendum No. 2. It includes reference materials, including boilerplate language, administrative and tracking forms, a resource list and other relevant materials. The resource guide/manual will be used by Division staff to train King County contracting authorities in the execution of the Apprenticeship Program.

Ordinance

The proposed ordinance necessary to formally establish the apprenticeship hiring goals has been prepared for consideration by the King County Council.

Outstanding Issues

SAC Apprentices - Open Shop Contractor

Access to SAC apprentices by open shop contractors continues to be a point of inquiry from contractors. The Construction Industry training Council programs for

carpentry, electrical, HVAC, painting, plumbing, and sheet metal, are pending SAC approval.

Field Administration

The position of field administrator is crucial on large construction projects. The duties of field administrator can include preparing certified payroll records, preparing recruitment programs, tracking change orders, field questions, and submittals, and preparing monthly reports to awarding agencies. There is no formal training for this position, however, there is demand for employees who understand the processes unique to the construction industry. The Division sees an opportunity for an employer organization or community college to offer training specifically geared toward ensuring the skills necessary to fill this position.

Federal Funding

King County receives federal grants to fund some projects. These projects usually encompass specifications that require the use of Bureau of Apprenticeship Training (BAT) trainees. Discussions are being held with the regional office of WSDOT to explore the interaction between the County's Apprenticeship Program and the federal training requirements.

East Division Reclamation Plant

At \$14,694,772.00, this is the largest project awarded in 1997. The prime is IMCO General Construction, Inc., an open shop contractor using major subcontractors who are signatory to collective bargaining agreements. The project was advertised in December 1996 and bid in February 1997 and was therefore not subject to new apprenticeship requirements enacted in July 1997. Notice To Proceed was issued November 15, 1997, and construction started in January, 1998.

Both SAC apprentices and BAT trainees are being utilized on this project. One African-American woman has worked as a carpenter trainee since construction started in January 1998, and has represented the prime contractor as a spokesperson in the promotion of the apprenticeship program. Eight apprentice/trainees are employed on the project, with two more projected for June and July, 1998. The number of apprentice/trainees will decrease slightly in

the period August 1998 to February 1999, and again increase during the period March, 1999 through the projected contract completion in July 1999.

Five trades/crafts are now on the project. They are as follows:

<u>Trade/Craft</u>	<u>Ethnic/Gender Category</u>	<u>Labor Category</u>
Carpenter	1 Minority female	Trainee
	1 Minority male	Trainee
	1 Caucasian male	Trainee
Electrician	1 Minority female	Apprentice
Painter	1 Caucasian female	Trainee
Plumber	1 Caucasian male	Trainee
Laborer	1 Minority male	Trainee

Persons with disabilities are currently underrepresented as apprentices, however they are well represented at the journey person level.

ATTACHMENT A

[STANDARD FORMS]

Apprenticeship Utilization Report

King County Contract#:																			
Contract Title:			4.a Disabled Y or N																
Contractor Name:			4.b Disadvantaged Youth Y or N																
Pay Period/Date Ending:			5.a Newly Indentured Y or N																
Completed By:			5.b Graduated to Journey Status Y or N																
Today's Date:																			
Telephone#																			
	2.	3.	4.		5.		6.	7.	8.	9.	10.	11. Salary Rate		12. Work Hours					
	Social		4.a	4.b	5.a	5.b	Construction	S.A.C.	Ethnic		Skill	Reg Rate	OT Rate	Regular	Over Time				
Apprentice Name	Security No.						Trade	ID No.	Code	Sex	Level	(\$/Hr)	(\$/Hr)	(Hrs)	(Hrs)				
(Lastname, Firstname)	(###-##-####)	Zip Code	D	DY	NI	GJ													
								A											
								A											
								A											
								A											
								A											
								A											
								A											
								A											
								A											
								A											
								A											
								A											
								A											

Use the space below to give a written projection for the following month of apprenticeship hourly participation by trade.

INSTRUCTIONS FOR FILING APPRENTICE UTILIZATION PLAN

The **Apprentice Utilization Plan (AUP)** is to be completed by the Bidder/Contractor. The Plan must be approved by the M/WBE and Contract Compliance Division, and submitted to the Project Manager no later than ten (10) working days prior to commencing work on the Contract or at the **Pre-Construction Conference**, whichever comes first. The Plan must be consistent with the draft Construction Schedule. The Bidder/Contractor must provide all information requested on the AUP form. Failure to comply can result in the Bidder/Contractor being declared ineligible.

Definitions:

Trade/Craft	List each trade or craft expected to be utilized by the Bidder/Contractor and/or its Sub-contractors throughout the duration of the project.
Labor Hours	The estimated total number of labor hours for each trade or craft expected to be utilized on the project.
Number of Apprentices	The estimated total number of apprentices in each trade or craft expected to be utilized on the project.
Apprentice Hours	The estimated total number of hours to be worked by apprentices in each craft or trade that is expected to be utilized on the project.
Apprentice Percentage	For each craft or trade, apprentice hours divided by labor hours, multiplied by one hundred (100), rounded to two(2) decimal places. For example: If apprentice hours equals 80 for a craft or trade and labors hours equal 520 for the same craft or trade, apprentice percentage for that craft or trade is $(80/520) \times 100 = 15.38$ percent.
Work Start Date	The approximate date Bidder/Contractor expects to start work on the project.
Work End Date	The approximate date Bidder/Contractors expects to end work on the project.
Totals	The sum of each craft or trade in each Column .
Apprentice Utilization Goal	The Apprentice Labor Hours projected for the Contract.

ATTACHMENT B

[REPORTING FORMAT]



M/WBE, EEO & Apprenticeship Status

Harborview Medical Center Additions and Renovations Project

May 1995



Second Year Carpenter Apprentice:

Fernando Sanchez
Boddie's Building
Construction Company

*Photo by Rena Langille
Open Image Photography*

Highlights

The Project Office is pleased to publish its first status report on M/WBE, EEO, and Apprenticeship programs. This report will be published on a regular basis. We hope that it will be informative and also serve as a vehicle for highlighting some of the experiences of women and people of diverse ethnic backgrounds on the Harborview Medical Center Additions and Renovations Project.

As a means of tracking progress, the Harborview Project Office has worked closely with the contractors to establish a monthly electronic reporting format that has made compilation of the required information more efficient. EEO Track, an electronic database designed by METRO, is being used to monitor both the EEO and Apprenticeship programs.

Minority and Women Business Enterprise Program

In April of 1994 the Harborview Additions and Renovations Project began the construction phase of building the Harborview Medical Center. The contract was awarded to M.A. Mortenson as the prime contractor and the original amount of the award was \$71,632,000. The Minority and Women Business Enterprise (M/WBE) goals established for this project are 17% (MBE) and 10% (WBE) of the contract awarded. The actual amounts committed to M/WBE firms were \$13,248,240 (MBE) and \$11,480,239 (WBE). M.A. Mortenson has made a M/WBE contract commitment in excess of the goal by approximately 6%.

EEO Program

As with any contract awarded through King County, equal employment opportunity goals are established. On the Harborview Project, the goals are as follows: Minority Males - 13.48% and Females 15.41%. The total number of hours worked on the project through May 1995 by the various trades equaled 145,588 hours. Approximately 17% of those hours were accrued by minority males and 6% by females. Although the female goal is not being met, the Project Office feels that the contractors have sufficient time to increase its utilization of women.

Apprenticeship Program

The Apprenticeship program represents the first of its kind utilized by King County. The contractor has committed to utilizing apprentices as 15% of its labor force. This commitment has created more opportunities for women and people of diverse ethnic backgrounds. The total number of apprenticeship hours accrued through May 1995 equaled 19,709 or 13.53% of the total number of work hours.

Local Community Employment Program

The Harborview Additions and Renovations project also is the first project in King County to establish a non-traditional employment program in collaboration with the prime contractor. These positions are not union jobs but office-based positions. In 1994, two positions were filled by an African American male and female.

M/WBE, EEO & Apprenticeship
Status is a publication of
King County Department of
Construction and Facilities
Management
HMC - LRCIP Project Office

Summary.....	1
M/WBE Report.....	2
EEO Report.....	4
Apprenticeship Report.....	5
METRO Reports.....	Appendix A

Equal Employment Opportunity Program Summary

STATUS

The Harborview Project Office has been working with M.A. Mortenson to resolve timeliness and accuracy problems in reporting E.E.O. data. The contractors are now current with reporting requirements through May 1995.

ISSUES

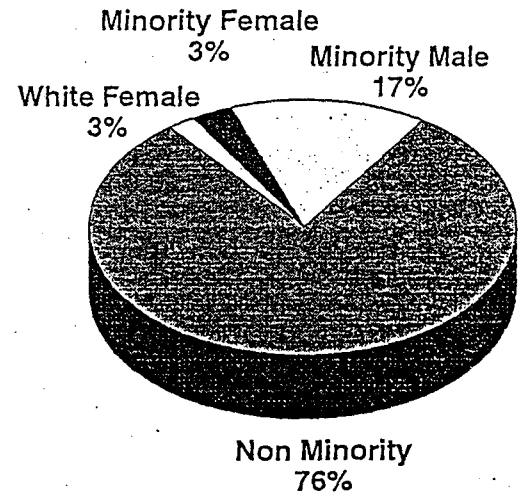
The contractors have been given notice that they must seek all opportunities for increased employment of women. The availability of women in several trades is being reviewed in order to determine where opportunities exist.

PERFORMANCE SUMMARY

	Goals	Current Month	Cumulative Report	Actual
Minority Males	13.5%	15%	17%	3.5%
Females	15.4%	5.7%	5.9%	(9.5%)

EMPLOYMENT HOURS

Actuals	
Minority Males	24,776
Minority Females	5,019.5
White Females	3,672.5
Non Minority	112,120
Total Hours	145,587.5



PROJECTED LABOR HOURS (through project completion)

	Goals	New Construction	Renovtion	Total Projected Labor Hrs	Actual Hours	% Complete
Minority Males	13.48%	76,921	16,209	93,130	22,346	24%
Females	15.41%	87,934	18,529	106,463	7,706	7%
Non Minority		405,772	85,504	491,276	99,370	20%
Total Hours		570,627	120,242	690,869	129,422	19%

Apprenticeship Program Summary

The apprenticeship program is progressing well. Several of the contractors are meeting or exceeding their individual goal. The opportunity for additional apprentices will significantly increase as the project labor force increases over the next few months.

UTILIZATION SUMMARY

<i>Total Employment Hours</i>	19,709
<i>Total Number of Apprentices</i>	59
<i>Percentage Utilization</i>	13.53%
<i>Goal</i>	15.00%

DEMOGRAPHIC PROFILE by ETHNICITY & GENDER

	<i>Females</i>	<i>Males</i>	<i>Total</i>	<i>Percentage</i>
<i>African American</i>	3	5	8	10%
<i>Asian American</i>	0	3	3	2%
<i>Hispanic American</i>	0	4	4	0%
<i>Native American</i>	1	2	3	2%
<i>Caucasian</i>	6	35	41	77%
<i>TOTAL</i>	10	49	59	

CONTRACTOR UTILIZATION

<i>No Utilization (To Date)</i>	<i>Utilization less than 15%</i>	<i>Goal - 15%</i>	<i>Exceeding Goal</i>
E.J Bartell	Ames Construction	Tabor Electric	Ballard Insulation
Landis & Gyr	Boddie's Building Construction		CMS Painting
Montgomery Elevator Co.*	Harris & Hart		Peck & Hiller
Olympic Building	Hope Cement		Magnolia
Restec Contractors	M.A. Mortenson		United Professional Caulking
Robinson Trucking**	Rainier Steel		Valley Electric
Stowe Construction	Western States Fire Protection		W.A. Botting/Poole & Kent (JV)

*Montgomery utilizes trainees instead of apprentices.

**Robinson Trucking contract is concluded.

ESTIMATED LABOR HOURS - APPRENTICES (through project completion)

<i>Goal</i>	<i>New Construction</i>	<i>Renovation</i>	<i>Total Hours</i>
15.00%	85,594	18,036	103,630
Total	570,627	120,242	690,869

Addendum No. 1

Proposed Ordinance

DRAFT

07/08/98

Introduced By: Gossett

Proposed No.: _____

ORDINANCE NO. _____

AN ORDINANCE relating to the establishment of target percentage apprentice utilization goals for minority, women, persons with disabilities and economically disadvantaged youth, and adding a new section to K.C.C. 12.16.

STATEMENT OF FACTS:

1. On June 30, 1997, the Council passed Ordinance 12787 establishing a county apprenticeship training program, an essential component of which is the inclusion of minorities, women, persons with disabilities and economically disadvantaged youth as apprentices.

2. On September 19, 1997, the King County Executive forwarded to the King County Council target population utilization goals as required by Ordinance 12787, Section 4D as well as background data upon which the proposed interim goals were based. The data which provided the basis to calculate the interim goals was 1990 Census and 1993 and April 1994 data obtained from the Office of Financial Management, Forecasting Division, Olympia, Washington.

3. The interim goals as transmitted to the council on September 19, 1997 were a reflection of the demographic and gender trends projected for the construction industry in King County. The interim goals represent the level of apprenticeship participation necessary to meet the projected labor demand in the construction industry within the King County labor market area through the year 2006.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. The council hereby ratifies, restates and states the findings and determinations of the council contained in Ordinance 12787, including, without limitation, the finding and determination of the council that, minorities, women, persons with disabilities and economically disadvantaged youth are underrepresented in the construction

31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52

trades and industry and that a significant reason for the underrepresentation of these populations in the construction trades is the lack of opportunity and training for those persons to serve as apprentices in state-approved apprenticeship programs.

NEW SECTION. SECTION 2. There is added to K.C.C. 12.16 a new section to read as follows:

Apprentice Utilization Goals. The following goals shall be the apprentice utilization goals for each public works project subject to the apprenticeship program requirements until such time as new goals are approved by the council:

<u>Target Populations</u>	<u>Utilization Goals</u>
Minorities	21%
Women	25%
Persons with Disabilities	2%
Economically Disadvantaged Youth	7%

INTRODUCED AND READ for the first time this _____ day of _____, 19__.

PASSED by a vote of ___ to ___ this _____ day of _____, 19__.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Chair

ATTEST:

53

54

Clerk of the Council

55

APPROVED this _____ day of _____, 19__.

56

57

King County Executive

58

Attachments:

59

Copy of Ordinance 12787

Addendum No. 2

Apprenticeship Program Resource Guide



King County

KING COUNTY

Apprenticeship Program

Resource Guide

King County
Minority and Women Business Enterprise
&
Contract Compliance
DEPARTMENT OF FINANCE

Phyllis Alleyne, Administrator
Brad Duerr, Director

July 1998

APPRENTICESHIP PROGRAM RESOURCE MANUAL

Table of Contents

I.	INTRODUCTION	3
	Purpose of this Guide	4
	How to use this Guide	5
	Apprenticeship Program Highlights	6
II.	PROGRAM REQUIREMENTS: LEGAL	7
	King County Code 12.16.150-180	8
	Public Works Projects of \$1 Million or More	9
	Apprentice Utilization	10
III.	PROGRAM REQUIREMENTS: ADMINISTRATIVE	11
	Executive Policies and Procedures	12
	Contract Boilerplate	13
	Apprenticeship Hiring Goals	14
	Contract Administration	15
	Reporting Forms	16
IV.	AVAILABILITY ANALYSIS	17
V.	PROCESS REQUIREMENTS	18
	Internal Requirements	
	Internal Process Flow	
	Coordination and Partnership Relations	
VI.	APPRENTICESHIP REFERRAL SOURCES	19
	Pre-apprenticeship and Apprenticeship Program Resources	20

I INTRODUCTION

⇒ Purpose

⇒ How to Use This Guide

⇒ Apprenticeship Program Highlights

Purpose of this Guide

This guide was developed in direct response to the new requirements pursuant to the provisions of K.C.C. 12.16.150-180. The main purpose of this guide is to communicate the new process and program requirements of King County Apprenticeship Program to program managers and compliance specialists. The guide is intended to help program managers and compliance specialists understand the legal and administrative requirements, roles and responsibilities, coordination and partnership relations, and the information bases or sources in the process.

How To Use This Guide

This guide comprises six interrelated sections beginning with an introduction, followed by a description of program requirements (legal and administrative), availability analysis, process requirements, and apprenticeship program resources. Each section consists of multiple parts and is preceded by a summary outline and/or attachments” what” and “how to”.

As you proceed from one section to the next, you will find that the information contained in the guide becomes more detailed. Use this guide for information to meet the requirements which experience has shown to exist for the apprentice program implementation.

Apprenticeship Program Highlights

- Construction activities throughout the Puget Sound Region are expected to rise over the ensuing 5 years, and will result in increasing demand for and/or shortages of skilled workers in the building and construction trades.
- King County is committed to meeting this demand by ensuring that the apprenticeship program provides minorities, women, persons with disabilities, and economically disadvantaged youths with basic skills, job readiness, trade specific training and employment opportunities.

II. PROGRAM REQUIREMENTS: LEGAL

- => King County Code (K.C.C.) 12.16.150-180
- => Public Works Projects
- => Apprentice Utilization

King County Code 12.16.150-180

Attachment

12.08.050 Penalty for violation. Any violation of or failure to comply with the provisions of this chapter shall subject the offender upon conviction thereof to a fine of not exceeding two hundred fifty dollars or to imprisonment for not exceeding ninety days or both. (Ord. 1069 § 5, 1971).

12.08.060 Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this chapter be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this chapter. (Ord. 1069 § 6, 1971).

OFFENSES AGAINST THE PERSON

Chapter 12.16

**DISCRIMINATION AND AFFIRMATIVE ACTION
IN EMPLOYMENT BY CONTRACTORS,
SUBCONTRACTORS AND VENDORS¹**

Sections:

- 12.16.010 Definitions.
- 12.16.020 Nondiscrimination - General.
- 12.16.025 Nondiscrimination - Persons with disabilities.
- 12.16.030 Goals and timetables - Affirmative action required.
- 12.16.040 Minimum affirmative action measures.
- 12.16.050 Contract requirements.
- 12.16.060 Contract eligibility.
- 12.16.070 Statements from unions or employee referral agencies.
- 12.16.080 Subcontractors.
- 12.16.090 Compliance monitoring.
- 12.16.100 Reporting requirements.
- 12.16.115 Enforcement.
- 12.16.125 Real property lessors and lessees.
- 12.16.140 Administrative rules of practice and procedure.
- 12.16.150 Apprenticeship - Findings.
- 12.16.155 Establishment of apprenticeship program.
- 12.16.160 Implementation and apprentice utilization.
- 12.16.165 Apprenticeship - Requirement.
- 12.16.170 Source of apprentices.
- 12.16.175 Apprenticeship - Annual report required.
- 12.16.180 Apprenticeship - Federal and state requirements.
- 12.16.200 Severability.

12.16.010 Definitions. All words shall have their ordinary and usual meanings except those defined in this section which shall have in addition, the meaning set forth below. In the event of conflict, the specific definition spelled out below shall presumptively, but not conclusively, prevail.

A. "Administrator" means the manager of the minority and women's business enterprises and contract compliance division.

B. "Affidavit and Certificate of Compliance" means a notarized statement sworn under oath provided by a contractor pursuant to this chapter.

¹[For statutory provisions regarding the Law Against Discrimination, see RCW 49.60.]

C. "Affirmative action" means policies, procedures and programs designed to increase the representation of and remedy the results of past discrimination against minorities, women, and persons with disabilities in employment, applications for employment, and employment-related training programs (of minorities, women and persons with disabilities).

D. "Contract Awarding Authority" means any person with the power to enter into a contractual arrangement binding the county and also means the particular office, agency or division on whose behalf the contract is entered. In addition, this term includes, but is not limited to, heads of county departments, divisions or offices.

E. "Contractor" means any person, firm, business, organization, company, partnership, corporation or other legal entity, excluding real property lessors and lessees, contracting to do business with the county including, but not limited to, public work contractors, consultant contractors, providers of professional services, service agencies, vendors, and suppliers selling or furnishing materials, equipment, goods or services, but not including governmental agencies.

F. "Disability" means any physical or mental impairment which substantially limits one or more major life activities.

G. "Discrimination" means differential treatment of or pursuit of policies or practices that have a disproportionate impact upon persons due to their creed, religion, race, color, sex, age, marital status, sexual orientation, national origin or the presence of any sensory, mental or physical disability, unless such policies or practices are necessary for the performance of the job and no less discriminatory alternatives are possible.

H. "Employment" means any and all terms and conditions and policies and practices of employment including, but not limited to, hiring, firing, upgrading, demotion, recruiting, transfer, lay-off, termination, pay rates and advertisement, hours and conditions of work.

I. "Minority or Minorities" means a person who is a citizen of the United States and who is a member of one or more of the following historically disadvantaged racial groups:

1. Black or African American: Having origins in any of the Black racial groups of Africa;
2. Hispanic: Of Mexican, Puerto Rican, Cuban, or Central or South American culture or origin;
3. Asian American: Having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands; or
4. American Indian or Alaskan Native: Having origins in any of the original peoples of North America.

J. "New hire" means a person hired for the first time by a contractor.

K. "Permanent employees" or "Permanent workforce" means those persons employed by a bidder, proposer or contractor for at least six continuous months immediately prior to the bid or proposal opening or the award of a contract by the county, and who are currently employed by the bidder, proposer or contractor.

L. "Qualified disabled person" means a person with a disability who, with reasonable accommodation, can perform the essential functions of the job in question.

M. "Reasonable accommodation" means steps taken to modify facilities used by employees or to modify a particular job component which enables an otherwise qualified person with a disability to perform the essential functions of the job.

N. "Rehire" means a person who worked for the contractor and was rehired. This person had not worked for, the contractor for six continuous months prior to the award of the contract.

O. "Sexual orientation" means male or female heterosexuality, bisexuality, or homosexuality, and includes a person's attitudes, preferences, beliefs and practices pertaining to sex.

P. "Underrepresentation" means presence in a contractor's work force of minorities, women, and persons with disabilities in proportionate numbers lower than the goals established for the contractor's business under this chapter.

Q. "Section 504" shall mean Section 504 of the Rehabilitation Act of 1973 as amended which states that, "No otherwise qualified handicapped individual in the United States shall, solely by reason of his handicap be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." (Ord. 11992 § 2, 1995).

12.16.020 Nondiscrimination - General. No contractor, subcontractor, or union doing business with the county or a county contractor, who furnishes workers or services in connection therewith, shall discriminate against any person on the basis of race, color, creed, religion, sex, age, nationality, marital status, sexual orientation, or the presence of any sensory, mental or physical disability in an otherwise qualified disabled person in employment, and no such contractor, subcontractor, or union shall violate any of the terms of RCW Chapter 49.60, Title VII of the Civil Rights Act of 1964, or any other applicable federal, state or local law or regulation regarding nondiscrimination in employment. These provisions shall apply to all contractors, subcontractors, or unions doing business with or furnishing workers or services to the county, except other governments. (Ord. 11992 § 3, 1995).

12.16.025 Nondiscrimination - Persons with disabilities. In addition to the general prohibition against discrimination stated in Section 12.16.020 of this chapter, the following additional nondiscrimination provisions relating to employment of persons with disabilities shall apply to contractors, subcontractors, or unions doing business with or furnishing workers or services to the county, except other governments.

A. Reasonable accommodation. Contractors shall make reasonable accommodation to the known physical or mental limitations of an otherwise qualified disabled applicant or employee unless the contractor can demonstrate that the accommodation would impair or cause undue hardship on the operation of the contractor's business.

B. Pre-employment inquiries. A contractor may not conduct a pre-employment medical examination or make a pre-employment inquiry as to whether an applicant is a disabled person or as to the nature or severity of a disability. A contractor may, however, make pre-employment inquiry into an applicant's ability to perform job-related functions. Nothing in this section shall prohibit a contractor from conditioning an offer of employment on the results of a medical examination prior to initiation of the employment, if all entering employees are subjected to such an examination regardless of disability. (Ord. 11992 § 4, 1995).

12.16.030 Goals and timetables - Affirmative action required. A. GOAL SETTING - AFFIRMATIVE EFFORTS. The administrator shall set goals for the employment of minorities, women and persons with disabilities by county contractors. All contract awarding authorities shall make vigorous and affirmative efforts to assist county contractors in meeting their employment goals.

B. GOAL SETTING METHODOLOGY. The workforce availability of minorities, women and persons with disabilities for employment by county contractors shall be developed consistent with the eight factors set forth below and with applicable current federal and state laws. Beginning in 1996 and every three years thereafter, the administrator shall submit to the executive for approval proposed affirmative action goals for county contractors for the following three year period. Separate employment goals shall be established for minorities, women and persons with disabilities. The goals shall be transmitted by the executive to the council for approval.

The eight factors referenced above are:

1. The minority, women and persons with disabilities population of the labor area surrounding the facility;
2. The size of the minority, women and persons with disabilities unemployment force in the labor area surrounding the facility;
3. The percentage of the minority, women and persons with disabilities workforce as compared with the total workforce in the immediate labor area;
4. The general availability of minorities, women and persons with disabilities having requisite skills in the immediate labor area;
5. The availability of minorities, women and persons with disabilities having requisite skills in an area in which the contractor or subcontractor can reasonably recruit;
6. The availability of promotable and transferable minorities, women and persons with disabilities within the contractor's or subcontractor's organization;
7. The existence of training institutions capable of training persons in the requisite skills; and
8. The degree of training which the contractor or subcontractor is reasonably able to undertake as a means of making all job classes available to minorities, women and persons with disabilities.

C. CONTRACT COMPLIANCE GOALS. The 1995-1996 contract compliance goals are as follows:

	Minorities	Women	Disabled Persons
Public Work Contractors	13.48%	15.41%	7.08%
Vendors/Service Contractors	14.16%	48.90%	6.60%

Such goals shall remain in effect until such time as new goals are approved by the council. (Ord. 11992 § 5, 1995).

12.16.040 Minimum affirmative action measures. The evaluation of a contractor's compliance with this chapter shall be based upon the contractor's effort to achieve maximum results from its affirmative action measures. The contractor shall document these efforts and shall implement affirmative action steps at least as extensive as the following:

A. POLICY DISSEMINATION. Disseminate internally and externally the contractor's equal employment opportunity policy; post nondiscrimination policies and requirements of this chapter on bulletin boards clearly visible to all employees; notify each subcontractor, labor union or representative of workers with which there is a collective bargaining agreement or other contract, subcontract, or understanding, of the contractor's commitments under this chapter; include the equal opportunity policy in advertising in the news media and elsewhere; discuss equal employment opportunities and affirmative action policies with new employees during employment orientation; discuss the

policies with managers and supervisory personnel and their roles and responsibilities in the implementation of the measures required under this chapter.

B. RECRUITING. Adopt and implement recruitment procedures designed to increase the representation of women, minorities and persons with disabilities in the pool of applicants for employment; including, but not limited to, establishing and maintaining a current list of minority, female and disabled recruitment sources, providing these sources written notification of employment opportunities and advertising vacant positions in newspapers and periodicals which have minority, female and/or disabled readership.

C. SELF-ASSESSMENT AND TEST VALIDATION. Review all employment policies and procedures, including tests, recruitment, hiring and training practices and policies, performance evaluations, seniority policies and practices, job classifications and job assignments, to assure that they do not discriminate against, or have a discriminatory impact on, minorities, women and persons with disabilities and validate all tests and other selection requirements where there is an obligation to do so under state or federal law.

D. RECORD OF REFERRALS. Maintain a current file of applications of minority, women, and persons with disabilities who are applicants or referrals for employment indicating what action was taken with respect to each such individual and the reasons therefor. Contact these people when an opening exists for which they may be qualified. Names may be removed from the file after twelve months have elapsed from their last application or referral.

E. NOTICE TO UNIONS. Provide notice to labor unions of the contractor's nondiscrimination and affirmative action obligations pursuant to this chapter. Contractors shall also notify the executive if labor unions fail to comply with the nondiscrimination or affirmative action provisions.

F. SUPERVISORS. Ensure that all supervisory personnel understand and are directed to adhere to and implement the nondiscrimination and affirmative action obligations of the contractor under this chapter. Such direction shall include, but not be limited to, adherence to, and achievement of, affirmative action policies in performance appraisals of supervisory personnel.

G. EMPLOYEE TRAINING. When reasonable, develop on-the-job training opportunities which expressly include minorities, women, and persons with disabilities and sponsor and/or utilize, training/educational opportunities for the advancement of women, minorities and persons with disabilities employed by the contractor, subject to acceptance by the county.

H. RESPONSIBLE PERSON. Designate an employee who shall have the responsibility for implementation of the contractor's affirmative action measures.

I. PROGRESS REPORTING. Prepare as part of the affirmative action plan an analysis and report on the progress made toward eliminating the underrepresentation of women, minorities and persons with disabilities in the contractor's workforce on an annual basis.

J. CONTRACTOR TRAINING. In addition, contractors who do not meet employment goals for women, minorities and persons with disabilities and who do not have approved affirmative action measures may be required to attend county-sponsored training programs on relevant areas of affirmative action and equal employment opportunity. (Ord. 11992 § 6, 1995).

12.16.050 Contract requirements. A. CONTRACT PROVISIONS. The county's policy, as stated in this chapter, requiring nondiscrimination in contractor or subcontractor employment and affirmative action shall be included in all county contracts, except real property leases. Any violation of the specific provisions of this chapter and of any term of the affidavit and certificate of

compliance required herein, including reporting requirements, shall be deemed a violation of this chapter. Any such violation shall be further deemed a breach of a material provision of the contract between the county and the contractor. Such breach shall be grounds for cancellation, termination, or suspension, in whole or in part, of the contract by the county, or for invoking the enforcement provisions of this chapter providing for penalties, liquidated damages, or other remedies, and may result in ineligibility for further county contracts; provided, that underrepresentation of minorities, women and persons with disabilities and the failure or inability of any contractor to achieve employment goals will not be a violation where that contractor has adopted and pursued a reasonable affirmative action measures in compliance with this chapter. The burden is on the contractor to demonstrate its compliance with this chapter.

B. Specifications for all county contracts, except real property leases, may require the bidder or proposer to sign and submit an affidavit and certificate of compliance specifically setting forth a plan of affirmative action to be followed in the event a contract is awarded to the bidder or proposer. Such plan shall ensure equal opportunity in employment is afforded by the contractor and its subcontractors while performing the contract for the county.

C. The plan of affirmative action contained in such affidavit and certificate of compliance shall include, but need not be limited to, the following provisions:

1. Designation of a person who has been charged by the bidder or proposer with the responsibility for carrying out and reporting the bidder's or proposer's compliance with its plan of affirmative action;

2. Assurance that the plan of affirmative action will be communicated to supervisors and other employees of the bidder or proposer;

3. Assurance that the bidder's or proposer's new hires and rehires will include minorities, women and persons with disabilities;

4. Assurance that the bidder or proposer will proceed in good faith and make every reasonable effort to comply with the employment goals established in this chapter and provided in the specifications;

5. Assurance that the bidder or proposer shall correct deficiencies of under-represented persons at all levels of the workforce by considering under-represented persons to fill new hire or rehire positions;

6. Assurance that the bidder or proposer will make continuing efforts to recruit minorities, women and persons with disabilities and to advertise employment opportunities in a way which will effectively reach minorities, women and persons with disabilities; and

7. Assurance that the bidder or proposer will communicate to subcontractors and labor unions its affirmative action obligations.

D. Whenever the administrator determines that a contractor's affidavit and certificate of compliance is in need of review or updating, the administrator shall notify the contractor, who shall take such steps as are necessary to review or update its affidavit and certificate of compliance to meet the requirements of the county.

E. In addition to submitting an affidavit and certificate of compliance, a bidder or proposer may also be required, either before or after award of a contract, to submit permanent workforce information, personnel inventory reports and such other documentation as may be determined by the administrator.

F. In addition to all other submittal requirements under this chapter, contractors performing under construction contracts shall submit monthly

employment reports on such forms as may be established by the administrator which reports shall demonstrate the extent to which the contractor has complied with the requirements of this chapter.

G. Neither the provisions of any collective bargaining agreement, nor the failure by a union with whom the contractor has a collective bargaining agreement to refer minorities, women or persons with disabilities, shall excuse the contractor's obligation under the affidavit and certificate of compliance.

H. The following provisions shall be included in contracts awarded by the county, except as provided otherwise in this chapter:

1. During performance of this contract, the contractor agrees that it will not discriminate against any employee or applicant for employment because of religion, color, race, sex, sexual orientation, age, national origin, or the presence of any sensory, mental or physical disability, nor tolerate harassment based on any of these categories, unless based upon a bona fide occupational qualification. The contractor will take affirmative action to ensure that applicants and employees are treated, without regard to their creed, color, race, religion, sex, sexual orientation, age, national origin, or the presence of such disability. Such affirmative action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeships. The contractor agrees to post in conspicuous places available to employees and applicants for employment notices setting forth the provisions of this nondiscrimination clause.

2. The contractor will, prior to the commencement and during the term of this contract, furnish the county, upon request and on such forms as may be provided by the county, a report of the affirmative action taken by the contractor in implementing the terms of this provision, and will permit access by the administrator to the contractor's records of employment, employment advertisements, application forms, other pertinent data and records related to the contract for the purpose of monitoring and investigation to determine compliance with this chapter.

3. The contractor will implement and carry out the obligations contained in its affidavit and certificate of compliance regarding equal employment opportunity. Failure to implement and carry out such obligations in good faith may be considered by the county as a material breach of this contract and grounds for withholding payment and/or termination of the contract and dismissal of the contractor. (Ord. 11992 § 7, 1995).

12.16.060 Contractor eligibility. The administrator may require that prior to being awarded a county contract, contractors must first be determined eligible by the administrator as having complied with the provisions of this chapter. The county shall not enter into a contract with nor receive goods and/or services from a contractor that has not been determined eligible as required by this chapter.

A. **WORK FORCE DATA.** All contractors entering into contracts or agreements with the county valued at twenty-five thousand dollars or more shall submit to the contract awarding authority a personnel inventory report providing employment data for minorities, women and persons with disabilities, except for public works contractors. Public works contractors shall submit to the contract awarding authority a personnel inventory report when entering into contracts or agreements valued at over ten thousand dollars. This requirement shall also apply to contractors who accumulate contracts which total twenty-five thousand dollars or more in a given calendar year. The administrator may determine the form in which this data shall be provided.

B. COMPLIANCE AFFIDAVITS AND UNION STATEMENTS. All contractors, except public works contractors, entering into contracts with the county of more than twenty-five thousand dollars, or which in the aggregate result in yearly sales to the county of more than twenty-five thousand dollars, shall submit an affidavit of compliance, in the form provided by the county, demonstrating their commitment to comply with the provisions of this chapter, and shall further submit a signed statement of compliance from a union or employee referral agency. Public works contractors entering into contracts of ten thousand dollars or more shall submit an affidavit of compliance and a statement from a union or employee referral agency. The contractor shall abide by all the terms and conditions set forth in the affidavit. The affidavit of compliance shall state the reporting requirements for each contractor, the requirements of subcontractors, the employment goals for minorities, women and persons with disabilities, minimum affirmative action measures, reporting requirements and other such provisions as the administrator deems necessary and appropriate for compliance with and enforcement of this chapter; provided, that in lieu of the affidavit, the administrator may accept a statement pledging adherence to existing contractor affirmative action measures where the provisions of these measures are found by the administrator to substantially fulfill the requirements of this chapter.

C. VENDORS, YEARLY RENEWALS. Vendors who became qualified under subsections A. and B. of this section shall remain so qualified for two years after the date on which they were qualified and shall be entitled to bid and be considered for the sale of materials, supplies and equipment at any time during that period without requalification.

During such time as a vendor remains continuously qualified under this chapter to do business with the county, the affidavit of compliance initially submitted to gain qualification shall be deemed to be effective and in force without further renewal or resubmission. Should qualification lapse or be terminated at any time due to a change of ownership in the business or to a failure to submit an updated employment profile or upon a finding of violation of this chapter, the county having previously complied with notice of hearing provisions, a new affidavit of compliance and employment profile shall be required prior to vendor's being requalified.

D. SELF EVALUATION, CORRECTIVE ACTION PLAN AND ASSURANCE OF COMPLIANCE. In order to comply with Section 504 of the federal Rehabilitation Act of 1973, as amended, all contractors entering into contracts with the county, except those for the direct purchase of goods, shall complete and maintain in their office a Section 504 self evaluation and corrective action plan. These plans are to be used by the contractor to review program, facility, and employment access by persons with disabilities and to determine what kind of corrective action may be needed. An assurance of compliance, contained in the corrective action plan, must be signed, notarized and returned to the administrator before the contract will be signed by the county.

Contractors who believe that taking corrective action will cause an undue administrative or financial burden may complete and submit an accessibility waiver request form to the administrator. The administrator will approve or disapprove the request, and notify the contractor in writing regarding the decision. The administrator shall be responsible for devising and promulgating criteria to be used in determining whether or not to grant a request for waiver from the requirement to complete and maintain a Section 504 self evaluation and corrective action plan. (Ord. 11992 § 8, 1995).

12.16.070 Statements from unions or employee referral agencies. Contractors required to submit affidavits and certificates of compliance shall also submit statements from unions or employee referral agencies, as applicable, on forms provided by the administrator. The statement shall be in writing, signed by the authorized officers or agents of all labor unions or agencies referring workers or employees or providing or supervising apprenticeship or other training programs from whom the contractor obtains employees. The statement shall affirm that the signer(s)'s organization has no practices and policies which discriminate on the basis of race, color, creed, religion, sex, age, sexual orientation, marital status, the presence of any physical, mental or sensory disability, or national origin, that the signer(s)'s organization will affirmatively cooperate in the implementation of the policies and provisions of this chapter, and that the organization consents and agrees that recruitment, employment, and the terms and conditions of employment under all contracts with the county shall be in accordance with the purposes and provisions of this chapter. (Ord. 11992 § 9, 1995).

12.16.080 Subcontractors. For all public work contracts, prime contractors shall be required to submit to the county affidavits and certificates of compliance, reports and statements from unions or employee referral agencies from their subcontractors in the same manner as these are required of the prime contractor. For these contracts, the reporting requirements that apply to the prime contractor during the contract period will apply equally to all subcontractors. As a condition of their contract, prime contractors shall be responsible for ensuring that their subcontractors make affirmative efforts to meet the same employment goals that apply to the prime contractors. Any violation of this chapter or the requirements of the affidavit and certificate of compliance by the subcontractor will be deemed a violation by the prime contractor and will subject the prime contractor to the sanctions and penalties set out in the contract and in this chapter. (Ord. 11992 § 10, 1995).

12.16.090 Compliance monitoring. The administrator shall monitor compliance with this chapter and shall conduct such investigations as may be necessary to determine compliance on the part of any firm or organization with the requirements of this chapter. It shall be the duty of each contract awarding authority to assure that contractors are notified of their obligations hereunder. The administrator shall have the direct responsibility and authority to insure that contractors are properly monitored and that each county department is in full compliance with provisions of this chapter. (Ord. 11992 § 11, 1995).

12.16.100 Reporting requirements. A. The executive, through the administrator, shall have the responsibility for monitoring implementation of the requirements of this chapter and shall have the power to request from all county departments and offices, responding parties, and/or contractors any relevant records, information and documents. The administrator shall have access to all county records related to compliance with this chapter. Departments shall provide full cooperation to the administrator in the implementation of this chapter and shall promptly submit records, information and documents upon request of the administrator.

B. County contract awarding authorities shall keep complete and detailed records regarding compliance with this chapter. The administrator shall devise and promulgate to all county departments uniform standards for the keeping of complete and detailed records as required by this chapter. The

contractor will, upon request, furnish all information and reports as reasonably required by the administrator to determine compliance with this chapter, and the affidavit and certificate of compliance, and will permit access to its books, records and accounts for purposes of investigation to ascertain compliance with the nondiscrimination and affirmative action requirements of this chapter. Unless otherwise required by law, all information, data or records obtained pursuant to the monitoring and investigation activities authorized under this chapter shall be kept confidential by the county, except that the county may release such information when requested to do so in cooperation with state and federal agencies administering and enforcing state and federal laws against discrimination. (Ord. 11992 § 12, 1995).

12.16.115 Enforcement. A. Where a complaint alleging a violation of this chapter has been filed by any individual or entity, including a contract awarding authority, within six months of the completion of all work on a contract alleging a violation of this chapter by a contractor or where, within that same time period, evidence of a violation is discovered from information gained through compliance monitoring, the administrator shall cause to be served or mailed, by certified mail, return receipt requested, a copy of the complaint or notice of investigation on the respondent within twenty days after the filing of said charge and shall promptly make an investigation thereof. If the investigation is conducted by a party selected by the administrator, the costs of such investigation shall be borne by the department or project, as applicable, for which the contract was awarded. The investigation shall be directed to ascertain the facts concerning the violation alleged in the complaint and shall be conducted in an objective and impartial manner. During such investigation, the administrator shall consider any statement of position or evidence with respect to the allegations of the complaint which the complainant or the respondent wishes to submit.

1. The administrator shall have the authority to sign and issue subpoenas requiring the attendance and testimony of witnesses, the production of evidence including but not limited to books, records, correspondence or documents in the possession or under the control of the person or entity subpoenaed, and access to evidence for the purpose of examination and copying as is necessary for the investigation. The administrator shall consult with the prosecuting attorney before issuing any subpoena under this section.

If an individual or entity fails to obey a subpoena issued hereunder, or obeys a subpoena but refuses to testify when requested concerning any matter under investigation, the administrator may seek the assistance of the county prosecuting attorney by requesting that the prosecutor petition the Superior Court for King County for an order or other appropriate action necessary to secure enforcement of the subpoena.

2. The results of the investigation shall be reduced to written findings of fact and a finding shall be made that there either is or is not reasonable cause for believing that a violation has been or is being committed. If a finding is made that there is no reasonable cause, said finding shall be served on the complainant and respondent. Within thirty days after service of such negative finding, the complainant shall have the right to file a written request with the administrator asking for reconsideration of the finding. The administrator shall respond to such request in writing within a reasonable time by granting or denying the request and specifying the reasons for either granting or denying the request.

B. If the finding is made initially or on request for reconsideration that reasonable cause exists to believe that a violation by a contractor or subcontractor has occurred, the administrator shall endeavor to remedy the violation by conference, conciliation and persuasion, which may, by agreement of the parties, include monetary compensation, the creation of additional opportunities for minorities, women or persons with disabilities to be employed on other contracts, or such other requirements as may lawfully be agreed upon by the parties and the administrator. Any settlement agreement shall be reduced to writing and signed by both parties. An order shall then be entered by the administrator setting forth the terms of the agreement. Copies of such order shall be delivered to all affected parties and the original thereof recorded with the division of records and elections.

If no agreement can be reached, a finding to that effect shall be made by the administrator and incorporated in a preliminary order, with a copy thereof furnished to the complainant and respondent. The preliminary order shall also include:

1. A finding that a violation has occurred;
2. The basis for such finding.

C. In the case of failure to reach an agreement for the elimination of such a violation, and upon the entry of a preliminary order, the complaint and any and all findings made and remedies ordered shall be certified by the administrator to the office of the county hearing examiner for hearing.

A hearing shall thereafter be conducted by the office of the hearing examiner for the purpose of affirming, denying, or modifying the preliminary order. The hearing shall be conducted on the record and the hearing examiner shall have such rule making and other powers necessary for conduct of the hearing as are specified by K.C.C. 20.24.170. Such hearings shall be conducted within a reasonable time after receipt of the certification. Written notice of the time and place of the hearing shall be given at least ten days prior to the date of the hearing to each affected party and to the administrator.

Each party shall have the following rights, among others:

1. To call and examine witnesses on any matter relevant to the issues of the complaint;
2. To introduce documentary and physical evidence;
3. To cross-examine opposing witnesses on any matter relevant to the issues of the complaint;
4. To impeach any witness regardless of which party first called such witness to testify;
5. To rebut evidence presented against a party;
6. To self-representation or to be represented by anyone of a party's choice who is lawfully permitted to do so.

D. Following review of the evidence submitted, the hearing examiner presiding at the hearing shall enter written findings and conclusions, shall render a written decision and shall order one or more of the following:

1. Dismissal of the complaint when a violation is found not to have occurred;
2. Suspension or cancellation of the contract in part or in whole;
3. Disqualification and/or debarment of the violator from participation in county contracts for a period of up to five years;
4. Exclusion of the violator from future contracts or vending until demonstration of compliance;

5. Enforcement of any provision of the contract providing remedies, such as penalties or liquidated damages for violation of contractual provisions or enforcement of any other remedy available under the laws of the county. Upon a finding by the hearing examiner that a contractor has in fact failed to abide by the provisions of this chapter, liquidated damages not to exceed the entire contract amount shall be imposed unless the hearing examiner finds that the imposition of such damages would be clearly inequitable, in which case the hearing examiner may grant such other relief as may be lawful and appropriate.

E. In the case where the alleged violator is the contract awarding authority, and a finding is made that there is reasonable cause to believe that the contract awarding authority has committed a violation, the finding shall be forwarded to the executive, who shall review the evidence and may order one or more of the following:

1. Dismissal of the complaint when a violation is found not to have occurred;
2. Corrective personnel action;
3. Disqualification and suspension of authority of all members, any board, commission, or other body constituting the violating contract awarding authority;
4. Enforcement of any other remedy available under the laws of the county.

F. In addition to any other remedy available under the laws of the county and the State of Washington, any person, firm, corporation, business, union, or organization which prevents or interferes with or retaliates against a contractor and/or subcontractor's efforts to comply with the requirements of this chapter or which submits false or misleading information to any county department or employee concerning compliance with this chapter shall be subject to a civil penalty of up to five thousand dollars for each occurrence, the county having previously complied with the notice and hearing provisions of this chapter. Each submission of false or misleading information shall constitute a separate occurrence. (Ord. 11992 § 13, 1995).

12.16.125 Real Property Lessors and Lessees. No lessor or lessee doing business with the county shall discriminate on the basis of race, color, sex, religion, nationality, creed, marital status, sexual orientation, age, or presence of any sensory, mental or physical disability in the employment or application for employment or in the administration or delivery of services or any other benefits under this chapter. The lessor or lessee shall comply fully with all applicable federal, state and local laws, ordinances, executive orders and regulations which prohibit such discrimination. These laws include, but are not limited to, Chapter 49.60 of the Revised Code of Washington, and Titles VI and VII of the Civil Rights Act of 1964. This language shall be included in all lease agreements. (Ord. 10849 § 19, 1993),

12.16.140 Administrative rules of practice and procedure. Administrative practices and procedures required to fully implement the provisions of this chapter shall be promulgated and filed with the clerk of the council in the manner prescribed in Chapter 2.98 of this code. (Ord. 4528 § 14, 1979).

12.16.150 Apprenticeship - Findings. A. A well-trained diverse work force is critical to the economic and social vitality of the Puget Sound region. Recent studies on the region's workforce highlight population trends that, without a concerted effort to offset them, will lead to an inadequate supply of skilled workers in the construction industry. Furthermore, these demographic trends indicate that a large percentage of new entrants to the labor force will be comprised of minorities, women, persons with disabilities and economically disadvantaged youth who historically have faced barriers to employment resulting in an underrepresentation in the skilled trades.

B. The King County council finds as a fact that minorities, women, persons with disabilities and economically disadvantaged youth are underrepresented in the construction trades and industry. Moreover, the council also finds as a fact that a significant reason for the underrepresentation of these populations in the construction trades is the lack of opportunity and training for those persons to serve as apprentices in state-approved apprenticeship programs.

C. The county's comprehensive plan provides that the county shall address historic disparity in income and employment opportunities for minorities, women and economically disadvantaged individuals and shall recognize the importance of, and place special emphasis on, job training and retaining/expanding family-wage jobs.

D. Other local agencies in King County have successfully implemented apprenticeship programs as part of their projects and contracts and have demonstrated that apprenticeship programs are effective in providing training and experience to individuals seeking to enter or advance in the workforce.

E. King County is committed to fostering partnerships with labor, business, and the local community to create a skilled workforce that reflects the diversity of the county's population.

F. The county's public works contracts will provide training and job opportunities as a means to increase the skills of the county's work force, and the council is committed to utilizing apprenticeship training so that the resulting journey workers can enter the region's pool of skilled labor, fully qualified for jobs. Therefore, the council finds that the creation of an apprenticeship program that will target the recruitment of minorities, women, persons with disabilities and economically disadvantaged youth will serve to benefit the public by assisting these disadvantaged populations to gain entry to the construction trades. (Ord. 12787 § 1, 1997).

12.16.155 Establishment of apprenticeship program. There is hereby established a county apprenticeship training program. An essential component of the program shall be the inclusion of minorities, women, persons with disabilities and economically disadvantaged youth as apprentices.

The minority and women's business enterprises and contract compliance division shall be responsible for implementing the apprenticeship program under this section. The administrator of the minority and women's business enterprises and contract compliance division, as defined in K.C.C. 4.18, shall:

A. Have responsibility for administering, monitoring and enforcing the goals and requirements of this chapter;

B. Have responsibility for coordinating all elements among all county agencies whose involvement is necessary to implement a successful program;

C. Have responsibility for coordinating the county's efforts with those of other jurisdictions with similar programs to insure a coherent, cohesive and focused response to the future labor needs of the local area construction industry;

D. Have responsibility for monitoring, tracking and documenting access to apprentices and state-approved apprentice training programs by open shop contractors who choose to bid on county construction contracts and accept the county's apprenticeship training program requirements; and

E. Have responsibility for developing and implementing in conjunction with other local jurisdictions which have similar programs a model for predicting the future labor needs, within a reasonable timeframe, of the local construction industry. The model shall have the ability to predict future labor needs by construction trade in order to allow for appropriate recruitment of trade-specific apprentices. In addition, the administrator shall include in the annual report required in K.C.C. 12.16.175 the extent of apprentice shortages, if any, by construction trade for the given reporting year, and shall gather this information from the apprentice training programs being utilized by the county's construction contractors. The county shall require contractors who claim apprentices are unavailable to document their efforts to obtain apprentices. (Ord. 12787 § 2, 1997).

12.16.160 Implementation and apprentice utilization. The administrator of the minority and women's business enterprises and contract compliance division, as defined in K.C.C. 4.18, shall:

A. Develop specific criteria for assessing the feasibility of implementing the apprenticeship program on each public works project. In addition, the administrator is authorized to develop and adopt rules consistent with the requirements and policy directives of K.C.C. 12.16.150 through 12.16.180 and pursuant to K.C.C. 2.98. Such rules shall include criteria for determining on a project-by-project basis the appropriateness of requiring the use of apprentices in a certain percentage.

B. Establish the percent of labor hours required on each public works project selected for the apprenticeship program. The labor hour percentage goal on the contract for apprentices shall be at least 15% and no more than 20% unless reduced or waived by the administrator. When setting such a goal, the administrator shall consider, in addition to other factors, duration of the project, the scope of work, type of work, and the types of crafts and trades to be utilized on the project. During the term of the contract, the administrator may reduce or waive the apprentice labor hour percentage goal upon determination that:

1. The contractor has demonstrated that it has utilized its "best efforts" to meet the established percentage requirement but remains unable to fulfill the goal;

2. In order to meet the requirement, the contractor will be forced to displace members of their workforce; or

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

C. One purpose of the apprenticeship program is to enable minorities, women, persons with disabilities and economically disadvantaged youth to participate in apprenticeship opportunities. Thus, whenever feasible, the administrator shall ensure that a significant number of the apprentice labor hours requirement set for the project shall include minorities, women, persons with disabilities and economically disadvantaged youth. In determining such inclusion, the administrator should consider:

1. The percentage of the working age minority, women, persons with disabilities and economically disadvantaged youth population in the county's labor market area;

2. The percentage of the minority, women, persons with disabilities and economically disadvantaged youth labor force in the county's labor market area;

3. The percentage of the minority, women, persons with disabilities and economically disadvantaged youth participation as apprentices in the particular craft as compared with the percentage of minority, women, persons with disabilities and economically disadvantaged youth in the labor force of the county's market area; and

4. The general availability of minority, women, persons with disabilities and economically disadvantaged youth with present or potential capacity for apprenticeship in the county's labor market area.

Participation by minorities, women and persons with disabilities on the contract as apprentices shall be counted towards meeting the county's affirmative action goals established elsewhere in this chapter.

D. Develop the necessary bid document and contract specification language to implement this apprenticeship requirement.

E. Implement a system for monitoring the actual use of apprentices on selected public works projects. Such monitoring shall include, at a minimum, 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, women, persons with disabilities and economically disadvantaged youth, and assessing whether the contractor has complied with the apprenticeship requirement.

The administrator shall formulate and forward to the council for its review and approval target percentage apprenticeship goals for minority, women, persons with disabilities and economically disadvantaged youth no later than 60 days after the passage of Ordinance 12787. The above-cited criteria may be used for establishing ad hoc target apprenticeship participation goals until such time as the council passes percentage goals.

Unless otherwise determined by the administrator, in accordance with the standards established in K.C.C. 12.16.150 through 12.16.180, failure by a contractor to comply with the established contract apprenticeship requirements shall be deemed a breach of contract for which the county shall be entitled to all remedies allowed by law and under the contract. Failure to comply with the apprenticeship requirements may be considered evidence bearing on a contractor's qualification for award of future contracts. (Ord. 12787 § 4, 1997).

12.16.165 Apprenticeship - Requirement. The county shall require apprentice utilization on selected county public works projects that will serve to maximize the growth and development of apprentice opportunities. The administrator of the apprenticeship program, as defined in this chapter, in cooperation with the appropriate contract awarding division or department, shall select which public works projects shall include an apprenticeship program. Such selection should be guided by the following:

A. The size of the project and the anticipated hours for apprentices in required trades in order to make the experience beneficial;

B. The kinds of skills required on the project so that current apprentices or waiting applicants have opportunities to pursue the training they need; and

C. The ratio of labor to material with a preference given to projects that are labor intensive.

If the administrator and the contract awarding authority cannot agree on whether a specific public works project shall include an apprenticeship program, the administrator's department director shall make the decision.

The administrator is authorized to require of contractors, through bidding and contract documents, that a percentage of total labor hours on the selected projects be performed by apprentices enrolled in training programs approved or recognized by the Washington State Apprenticeship and Training Council. Construction contracts of one million dollars or less meeting the above criteria may be exempted from the required participation in the apprenticeship training program at the discretion of the administrator, provided that such exemptions shall be thoroughly documented and reported to the council in the annual report required by K.C.C. 12.16.175.

"Labor hours" shall refer to the total number of hours worked by workers receiving an hourly wage who are directly employed on the site of the public works project. "Labor hours" shall also include hours worked by workers employed by subcontractors on the project. (Ord. 12787 § 3, 1997).

12.16.170 Source of apprentices. A. The administrator shall work with joint apprenticeship training committees approved by the state of Washington to identify qualified apprentices whom contractors could utilize to meet the apprenticeship requirement established for a public works project. It shall be the policy of King County government that minorities, women, persons with disabilities and economically disadvantaged youth who are recipients of its services and who meet the criteria established in K.C.C. 12.16.150 through 12.16.180 shall be actively recruited for participation in apprenticeship training. The administrator shall work with other county agencies providing employment training services to the apprenticeship training target populations cited in K.C.C. 12.16.150 through 12.16.180, which shall include, but not be limited to those programs in the King County department of community and human services and other employment training programs as may be housed in other county agencies. In addition, the administrator shall insure that private agencies providing employment training services to county residents outside of the city of Seattle, such as, but not limited to, ANEW, shall be used as a source of apprenticeship training program recruitment.

The administrator shall cooperate with agencies that minorities, women, persons with disabilities and economically disadvantaged youth so that such populations will have access to pre-apprenticeship programs as this may exist as a step towards preparing members of the target populations cited in K.C.C. 12.16.150 through 12.16.180 to successfully participate in apprenticeship training programs. In addition, the administrator shall disseminate information on apprenticeship training opportunities to all school districts within King County outside of the city of Seattle, which serves to actively recruit the targeted populations into the county's apprentice training program.

The administrator may propose the creation of any pre-apprenticeship training programs which may be needed to meet the intent of K.C.C. 12.16.150 through 12.16.180.

B. By no later than December 31, 1999, the county shall review the use by King County of joint apprenticeship training committees approved by the state of Washington. Such review shall include, but not be limited to, an analysis of the county's actual experience in attaining its apprenticeship goals and the results to date of other local jurisdictions' experience with similar programs or studies of such programs. The results of the review may be used by the county council to consider initiating possible modifications to K.C.C. 12.16.150 through 12.16.180. (Ord. 12787 § 5, 1997).

12.16.175 Apprenticeship ; Annual report required. The administrator shall submit an annual report to the executive detailing performance of the program by

April 15 of each year. This report shall be forwarded to the council no later than April 30. The report shall include, but not be limited to the following:

A. The number and kinds of public works projects and contracts on which apprenticeship requirements were established;

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

C. The number of apprentices by contractor broken down by trade and craft category, the wages paid by category of work or trade, the number and percentage of minorities, women, persons with disabilities and disadvantaged youth utilized as apprentices and the degree of compliance with the percentage goals to be established pursuant to K.C.C. 12.16.150 through 12.16.180;

D. A description of problems encountered in the implementation of the requirements of K.C.C. 12.16.150 through 12.16.180, which shall include, but not be limited to, access by open shop contractors to state-approved training program apprentices and the resolution of any problems arising therefrom;

E. A description of barriers encountered by participating apprentices and steps taken to resolve those problems and to insure their continued participation in the program;

F. The number of new apprentices indentured during the reporting year as a result of the county's apprenticeship training requirements for its construction contracts; and

G. The percentage of apprentices in training who have graduated to journey level during the reporting year. (Ord. 12787 § 6, 1997).

12.16.180 Apprenticeship - Federal and state requirements. The administrator may issue rules and procedures and take steps necessary to implement and comply with applicable federal and state laws and regulations. (Ord. 12787 § 7, 1997).

12.16.200 Severability. The provisions of this chapter shall be effective in all cases unless otherwise provided for by state or federal law. The provisions of this chapter are separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this chapter or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this chapter, or the validity of its application to other persons or circumstances. (Ord. 10849 § 18, 1993: Ord. 7788 § 12, 1986: Ord. 4528 § 15, 1979).

Public Works Projects

- => All public works projects of \$1 million or more are subject to apprenticeship utilization requirements of 15% - 20% of construction labor hours.
- => Project of less than \$1 million may be subject to apprentice utilization based on the following criteria.
 - . Meaningful Training
 - . Project Duration
 - . Type of Trades/Crafts
 - . Labor Hours

Apprentice Utilization

=> The apprentice utilization goal established on each contract shall not be less than 15% or more than 20% of contract total labor hours.

Factors to be considered include the following:

- a) Contract scope, total labor hours, estimated project costs (**M/WBE availability Analysis Worksheet**);
- b) Availability of apprentices from training programs approved by Washington State Apprenticeship Training Council (SAC) - (**Labor and Industries Apprenticeship Information**); and
- c) Recruitment availability (**Apprenticeship Opportunities Partnership AOP**).

III. PROGRAM REQUIREMENTS: ADMINISTRATIVE

- => Executive Policies and Procedures
- => Contract Boilerplate Language
- => Apprenticeship Hiring Goals
- => Contract Administration
- => Reporting Forms

Executive Policies and Procedures

Attachment



Title Policies and Procedures for Implementing King County Apprenticeship Program	Document Code No.
Department/Issuing Agency Finance/MWBE and Contract Compliance Division	Effective Date.
Approved	DRAFT

1.0 SUBJECT TITLE: Policies, Procedures, Goals, Requirements, and Criteria for Implementing King County Apprenticeship Program

1.1 EFFECTIVE DATE: 10 Days After Approval

1.2 TYPES OF ACTION: NEW

1.3 KEY WORDS: (1) Affirmative Action Plan; (2) Agency Contracts; (3) Apprentice Hiring Goals; (4) Apprenticeship Program; (5) Apprentice Utilization Plan; (6) Apprentice Utilization Requirement; (7) Displacement; (8) Economically Disadvantaged; (9) Labor Hours; (10) Minority or Minorities; (11) Public Works; (12) Reasonable Accommodations; (13) Waiver.

2.0 PURPOSE: To establish and describe the policies, procedures, requirements and criteria for implementing King County Public Works Apprenticeship Program.

3.0 ORGANIZATIONS AFFECTED: Applicable to all King County departments and agencies that award public work Contracts.

4.0 REFERENCES:

4.1 King County Ordinance No. 12787. Establishing an apprenticeship program that will target the inclusion of minorities, women, persons with disabilities and economically disadvantaged youth on selected county public works projects, and adding new Sections to K.C.C. 12.16.

4.2 K.C.C. 12.16. Establishing guidelines against discrimination and affirmative action in employment by Contractors, Subcontractors and Vendors.

4.3 K.C.C. 4.18. Establishing provisions to remedy the effects of discrimination by increasing the opportunities for minority and women's businesses to provide goods and services to King County by using reasonably achievable goals.

- 4.4. K.C.C. 2.98. Establishing formal procedures through which ordinances adopted by the King County Council and enacted by the County Executive are translated into sets of specific requirements to be carried out and enforced by county agencies.
- 4.5. K.C.C. 28.20. Establishing administrative procedures of the Minority/Women Business Enterprise and Contract Compliance Division.

5.0 DEFINITIONS: The following terms shall have the following meanings:

- 5.1 “Affirmative Action Plan” means the County’s written and formal policy adopted annually, stating the policies, procedures and programs designed to increase the representation of and remedy the results of past discrimination against minorities, women, persons with disabilities, and economically disadvantaged in the areas of contract compliance, equal employment opportunity, and minority and women’s business Contracting.
- 5.2 “Administrator” means the Manager of the Minorities Women Business Enterprise and Contract Compliance Division.
- 5.3 “Agency Contracts” mean those Contracts not subject to the usual competitive procurement requirements, and which result in the provision of services to County residents such as legal public defense, mental health, and drug and alcohol treatment.
- 5.4 “Apprentice” means a person who has signed a written Apprenticeship Agreement with and enrolled in a training program approved by the Washington State Apprenticeship and Training Council, hereinafter referred to as (SAC) to learn a skilled craft or trade as an apprentice.
- 5.5 “Apprentice Hiring Goals” means the goals separately established by the County for minorities, women, persons with disabilities, and economically disadvantaged participating as apprentices on County public work Contracts. These goals shall be expressed as a percentage of the Apprenticeship Utilization Goal for each Contract, as described in Section 5.6 and set forth in Section 9.3.1.
- 5.6 “Apprenticeship Utilization Goal” means the overall percentage of labor hours established for each Contract to be worked by apprentices. This goal expressed as a percent of the total labor hours for the Contract.
The Apprenticeship Utilization Goal shall be no less than 15% and no more than 20% of the total Contract Labor Hours for each Contract that is selected for apprenticeship participation. This requirement shall be distinct from the apprenticeship hiring goals described in Section 5.5 and set forth in Section 9.3.1.
- 5.7 “Apprenticeship Program” means the County’s plan for administering King County Ordinance No. 12787 and setting forth compliance requirements for Apprenticeship Utilization on selected County public work Contracts.

- 5.8 “Apprenticeship Utilization Plan” means a plan submitted to the Administrator by the Prime Contractor which outlines how the Apprenticeship Utilization Goal and Apprentice Hiring Goals will be met. The plan shall be submitted 10 working days after notice of selection or at the bid evaluation conference, whichever comes first.
- 5.9 “Best Efforts” means the strongest possible efforts that Contractors can reasonably make to meet the Apprenticeship Utilization Goal and the Apprenticeship Hiring Goals established for each public work Contract selected for Apprenticeship Utilization. Best Efforts shall include, but not be limited to, recruiting, hiring, training, and retention of apprentices on County public work project.
- 5.10 “Contract Awarding Department/Division” means any County department/division or office which implement or have the power to enter into a Contractual agreement binding the County, and the particular office or division/department on whose behalf the Contract is implemented or entered. In addition, this term includes, but shall not be limited to heads of County departments, divisions or offices.
- 5.11 “Disability” means any physical or mental impairment which substantially limits one or more of a person’s life activities.
- 5.12 “Displacement” means the separation or furlough of a permanent employee on the payroll continuously for six (6) months or more prior to a bid or proposal opening for the purpose of meeting the Apprenticeship Requirements.
- 5.13 “Economically Disadvantaged Youth” means those persons (18-24 years old) whose annual family income does not exceed the income guidelines for Federal Free and Reduced Lunch Program; and who have significant barriers for employment, as defined by the Federal Job Training Partnership Act (JTPA).
- 5.14 “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 works project. “Labor Hours” shall also include hours worked by workers employed by subcontractors on the project.
- 5.15 “Labor Intensive” means any Contract that utilizes a greater proportion of labor relative to capital equipment, material, and supplies.
- 5.16 “Labor Market” means a well-defined geographic area in which there exists an available supply of apprentices with a trade-specific skills from which Contractors can recruit apprentices for the purpose of employment.
- 5.17 “Minority or Minorities” mean a person who is a citizen or lawful permanent resident of the United States, and who is a member of one or more of the following historically disadvantaged racial groups. The discretion regarding a final decision as to whether an individual is a minority rests with the executive.

- 5.17.1 Black or African American: Having origins in any of the Black racial groups of Africa.
- 5.17.2 Hispanic: Of Mexican, Puerto Rican, Cuban Central or South American culture or origin.
- 5.17.3 Asian American: Having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands.
- 5.17.4 American Indian or Alaskan Native: Having origins in any of the original peoples of North America.
- 5.18 “New Hire” means a person who has worked for the Bidder, Proposer or Contractor for less than six (6) continuous months immediately prior to the bid or proposal opening or the award of a Contract by the County
- 5.19 “Permanent Work Force” means those persons who have been employed by the Bidder, Proposer or Contractor for at least six (6) continuous months immediately prior to the bid or proposal opening, and who are employed by the Bidder Proposer or Contractor at the time of the bid proposal opening.
- 5.20 “Public Work” means all work, construction, alteration, enlargement, demolition, repair or improvement other than ordinary maintenance that is executed at the cost of the County.
- 5.21 “Reasonable Accommodation” means those steps taken to modify facilities or a particular job component which enables an otherwise qualified person with a disability to perform the essential functions of the job.
- 5.22 “Waiver” means a written decision by the Administrator to waive or revise the established Apprenticeship Participation Requirement for a given Public Work Contract based on the Contractor’s written documentation pursuant to K.C.C. 12.16.160.

6.0 POLICIES:

- 6.1 The County's Comprehensive Plan provides that the County shall:
- 6.1.1 Address the historic disparity in income and employment opportunities for minorities, women, persons with disabilities, and economically disadvantaged youths.
 - 6.1.2 Recognize the importance of and place special emphasis on job training and retaining/expanding family wage jobs.
- 6.2 King County is committed to fostering partnerships with labor, business and the local community to create a skilled work force that reflects the diversity of the County's population.
- 6.3 The Executive shall require Apprenticeship Utilization on selected County public work Contracts that will serve to maximize the growth and development of apprenticeship opportunities.
- 6.4 Selected County public work Contracts over \$1 million shall be subject to apprenticeship requirements, as described in these policies and criteria. Projects whose dollar amount is less than \$1 million may be exempted from the required participation in the apprenticeship training program at the discretion of the Administrator. The apprenticeship requirement shall become part of the bid advertisement and bid documents.
- 6.4.1 Departments/Contract Awarding Authority shall provide to the Administrator no later than December 15th of each year a complete list of public works projects of \$1 million or more for the following year. All such projects shall:
 - 6.4.1.1 Include, but not be limited to, an estimate of labor hours, estimated project cost, start date and completion date; and
 - 6.4.1.2 Be reviewed and verified by project staff and Compliance Specialists.
- 6.5 The Administrator shall forward a final list of all eligible public works projects for the following year to the Department of Community and Human Services and the Office of Port Jobs for inclusion in the latter labor demand forecasting model.
- 6.6 The apprenticeship program Utilization Goal shall be the percentage of labor hours required on each public work Contract, including all changes to the Contract labor hours.
- 6.7 The objective of the Apprenticeship Utilization Plan submitted by the Contractor is the distribution of apprentices in direct proportion to the number of hours worked by each craft or trade that is used on the project.

- 6.8 The Administrator shall ensure that Contractors meet the Apprenticeship Utilization Requirements on their Contracts by using their Best Efforts to:
- 6.8.1 Recruit, utilize and retain minorities, women, persons with disabilities and economically disadvantaged youths as apprentices.
 - 6.8.1.1 Fulfillment of this requirement shall be counted as a part of the County's EEO goals for each Contract.
 - 6.8.2 Distribute apprentice hours worked across each trade or craft or technical discipline that is expected to be utilized on the Contract.
 - 6.8.3 Work in a partnership with labor, business, local community and vocational training institutions to hire and retain minorities, women, person with disabilities and economically disadvantaged youth throughout the duration of the Contract.
- 6.9 The Administrator shall request any Contractor who is not in compliance with the Contract requirements to substantiate its Best Efforts to comply by providing written documentation of:
- 6.9.1 Solicitation from SAC, recruitment sources and other worker-referral agencies serving minorities, women, persons with disabilities, and economically disadvantaged youth regarding availability of apprentices; and
 - 6.9.2 Its best efforts and the outcome of those efforts to employ minority, women, persons with disabilities and economically disadvantaged applicants.
- 6.10 The Department of Community and Human Services shall insure that there is outreach to the targeted groups and that referrals are made to appropriate pre-apprenticeship programs.
- 6.11 Criteria: The following shall be the set of Criteria for implementing the county's apprenticeship program on a project-by-project basis for all public work projects in excess of \$1 million, or as determined by the Contract Awarding Department/Division annual planning process.
- 6.11.1 Apprentice Utilization Requirement:
The Apprenticeship Utilization Goal for public work contracts subject to apprenticeship requirements shall be no less than 15% or no more than 20% of the total Contract labor hours to be worked by apprentices on a project-by-project basis, excluding off-site vendors and suppliers, unless reduced or waived by the Administrator.

6.11.1.1 The Apprenticeship Participating Requirement shall apply to each public work Contract, including all changes to the Contract labor hours.

6.11.2 Apprentice Hiring Goals: The Apprenticeship Hiring Goals for minorities, women, persons with disabilities and economically disadvantaged youth (18-24 years), in county public work projects with apprenticeship requirements, shall be set on a project-by-project basis in accordance with the following factors or indicators:

1. Percentage of minorities, women, persons with disability and economically disadvantaged youth population in the County's labor market area;
2. Percentage of minorities, women, persons with disability and economically disadvantaged youth labor force in the County's labor market area;
3. Percentage of minorities, women, persons with disability and economically disadvantaged youth who are apprentices in construction trade or craft in the County's labor market area;
4. Percentage of minorities, women, persons with disability and economically disadvantaged youth who are available with present or future potential capacity for apprenticeship in the County's labor market area.
5. Percentage of minorities, women, persons with disabilities, and economically disadvantaged youth who are unemployed in the County's labor market area; and
6. Percentage of minority, women, persons with disability and economically disadvantaged youth at or below poverty level threshold in the County's labor market area.

6.11.2.1 The general goals established for each of the target population for the year 1997-2000 are as follows:

<u>Target Populations</u>	<u>Goals</u>
Minority	21.0%
Women	25.0%
Persons with disabilities	2.0%
Economically Disadvantaged Youth	7.0%

6.11.3 Evaluation of a Contractor's performance in meeting the prescribed goals shall be based on total hours of employment of minorities, women, persons with disabilities, and economically disadvantaged youth in all levels of employment.

6.11.3.1 A minority women may be counted toward the minority or the female goal, but not both. Contractors may choose the applicable goal.

6.11.3.2 For the purpose of determining compliance by Contractors, hours worked by off-site vendors, suppliers, forepersons, supervisors and owners will not be counted toward meeting the Apprentice Utilization goals for minorities, women, persons with disabilities, and economically disadvantaged youth.

7.0 PROCEDURES:

7.1 Minority and Women Business Enterprise and Contract Compliance Division shall:

7.1.1 Through Bidding and Contract Documents, require of Contractors that a percentage of total labor hours on selected projects be performed by apprentices enrolled in training programs approved by the Washington State Apprenticeship and Training Council (SAC).

7.1.2 In cooperation with the appropriate Contract Awarding Department/Division, select which public work Contracts shall include an Apprenticeship Participation Requirement. If the Administrator and the department/division implementing the Contract cannot agree on whether a given Contract shall include an Apprenticeship Utilization Requirement, the Administrator's department director shall make the final decision. Selection of the public work Contract for participation in the County's Apprenticeship Program should be determined in accordance with the following guidelines:

7.1.2.1 The size of the project and the projected number of labor hours required for the project;

7.1.2.2 The kinds of skills, trade or craft required by the project;

7.1.2.3 The ratio of labor hours to materials and equipment; and

7.1.2.4 The duration of the Contract.

7.1.3 Work in partnership with labor, business, and local communities to create a skilled work force that reflects the diversity of the County's population, and is relevant to the construction industry's employment needs.

- 7.1.4 Establish and maintain a current list of available apprentices who are minorities, women, persons with disabilities, and economically disadvantaged youth, and routinely make this list available to the Contractor, recruitment sources, and other worker-referral agencies.
- 7.1.5 Review and approve the draft Apprenticeship Utilization Plans submitted by Contractors to ensure compliance with the apprenticeship program requirements, and provide technical assistance regarding available resources.
- 7.1.6 Provide and include approved boilerplate language concerning the County's apprenticeship requirements which will be included in public work Contracts which have apprenticeship requirements.
- 7.1.7 Furnish Contractors with appropriate forms for recording and reporting their utilization of apprentices on County public work projects. These forms may be either electronic or hard copy.
- 7.1.8 In cooperation with project management staff, conduct periodic on-site inspections of County public work projects to ensure compliance with the requirements of the County's Apprenticeship Program.
- 7.1.9 Further, the Administrator is responsible for ensuring that Contractors submit to the County the initial draft Apprentice Utilization Plan upon request, or following receipt of the Notice of Award, but no later than one week prior to the pre-construction conference. The plan must be approved prior to issuance of the Notice to Proceed and must be coordinated and be consistent with the draft construction schedule. The Plan shall include, but not be limited to, the following information on a form to be provided by the M/WBE and Contract Compliance Division:
 - 7.1.9.1 A list of all trades/crafts to be used on the project, including an estimate of labor hours by trade/craft and the total labor hours to be used;
 - 7.1.9.2 An estimate of the number of apprentices for each trade/craft to be used on the project;
 - 7.1.9.3 An estimate of the number of apprentice hours and percentage to be used by each trade/craft on the project. The combined total number of apprentice hours used must equal or exceed the Apprenticeship Utilization Goal (Defined in Section 5.6);
 - 7.1.9.4 An estimate of the start and completion dates for each trade/craft;

- 7.1.9.5 A description of Best Efforts the Contractor intends to make in order to meet the Apprenticeship Utilization and Hiring Goals; and
- 7.1.9.6 A summary of any technical assistance the Contractor will need from the County, apprenticeship program sponsors and other participating organizations that will be useful in assisting the Contractor in meeting the Apprenticeship Requirement and Hiring Goals established for the Contract.
- 7.1.9.7 The number of hours worked by apprentices employed by sub-contractors toward the required apprenticeship labor hours on the project.
- 7.1.10 The Administrator shall receive monthly, an Apprentice Utilization Report
 - 7.1.10.1 The report shall provide documentation, on a monthly basis, of Apprenticeship utilization for the reporting period.
 - 7.1.10.2 If during the term of the contract, the contractor determines that it will be unable to comply with the apprentice Utilization Plan or to meet the apprentice Utilization goal established for the contract, the contractor may make a written request for reduction or modification of the goal. The request shall include written documentation of the Contractor's Best Efforts and inability to utilize apprentices registered with SAC. The documentation must clearly demonstrate that the requested number of apprentices are not available to meet the Apprentice Utilization percentages.

7.2 Departments/Contract Awarding Authority:

- 7.2.1 Certify, in an annual planning process, that the selected projects have been reviewed, and should meet the Apprenticeship Participation Requirement established for the Contract.
- 7.2.2 Cooperate with M/WBE and Contract Compliance Division to ensure that Contractor's comply with the contract document requirements relating to the apprenticeship program.
- 7.2.3 Cooperate in the review and approval of the Apprentice Utilization Plan submitted by each Contractor.
- 7.2.4 Include apprentice language, as approved by the M/WBE and Contract Compliance Division, in all county public work projects selected for apprenticeship requirements.

- 7.3 The Department of Community and Human Services shall work closely with the Apprenticeship Opportunity Program of Office of Port Jobs, and other relevant agencies to ensure active recruitment of qualified apprentices whom Contractors could utilize to meet the Apprenticeship Utilization requirement for a public works projects.

8.0 RESPONSIBILITIES:

- 8.1 The Administrator shall have responsibility for:
- 8.1.1 Working in a partnership with the Department of Community and Human Services to actively recruit minorities, women, persons with disabilities, and economically disadvantaged youth who meet the criteria established in these policies, procedures and requirements for participation in apprenticeship training programs approved by SAC;
 - 8.1.2 Administering, monitoring and enforcing the goals and requirements of the County's Apprenticeship Program, coordinating all elements of the program among all involved County agencies, developing and implementing, in conjunction with other local jurisdictions that have similar Apprenticeship Programs, a model for predicting the future needs of the local construction industry necessary to implement a successful program;
 - 8.1.3. Preparing and submitting to the executive an annual report detailing performance of the County's Apprenticeship Program no later than April 15 each year; and
 - 8.1.4 Ensuring that Contractors use their Best Effort to achieve the Apprenticeship Participation Requirement of at least 15%, unless reduced or waived. A Contractor may exceed the 15% requirement. If a contractor fails to meet the 15% requirement, he/she shall provide documentation to the effect that he/she has used his/her Best Efforts to comply with the Apprenticeship Utilization and Hiring Goals.
- 8.2 Contract Awarding Departments/Divisions shall: Certify, in an annual planning process, that the selected projects have been reviewed, and should meet the Participation Requirement established for the Contract; cooperate with M/WBE and Contract Compliance Division to ensure that Contractors comply with the Bidding and Contract Document requirements relating to the County's Apprenticeship Program; cooperate in the review and approval of the Apprentice Utilization Plan submitted by Contractors and include apprentice language, as approved by the M/WBE and Contract Compliance Division, all county public work projects selected for apprenticeship requirements.
- 8.3 The Department of Community and Human Services shall: work closely with other County agencies, Office of Port Jobs and community-based organizations providing services to minorities, women, persons with disabilities, and economically disadvantaged

youths to ensure that such populations will have access to and participate in apprenticeship training programs.

9. APPENDICES: "NONE"

Invitation to Bid/Contract Boilerplate (Best Efforts & Sanctions)

Attachment

- . Utilization Goals & Targets
- . State Apprenticeship Council
- . Best Efforts
- . Sanctions

RT 3 - APPRENTICESHIP PROGRAM

3.01 DEFINITIONS

“Administrator” means the Manager of King County’s Minority and Women’s Business Enterprise and Contract Compliance Division.

“Apprentice” means a person who has signed a written Apprenticeship Agreement with and enrolled in a training program approved by the Washington State Apprenticeship and Training Council, hereinafter referred to as SAC, to learn a skilled craft or trade as an apprentice.

“Apprentice Hiring Goal(s)” means the specific goals established by the County for minorities, women, persons with disabilities, and economically disadvantaged youth to participate as apprentices on County public work contracts. These goals shall be expressed as a percent of the Apprentice Utilization Goal for the Contract.

“Apprenticeship Program” means the County’s plan for administering King County Code 12.16.150-180 and setting forth compliance requirements for Apprentice Utilization on selected County public work contracts.

“Apprentice Utilization Goal” means the overall percentage of Labor Hours established for the Contract to be worked by apprentices. This goal is expressed as a percentage of the total Labor Hours for the Contract.

“Apprenticeship Utilization Plan” means a plan submitted to the County by the contractor which outlines how the Apprentice Utilization Goals and Apprentice Hiring Goals will be met.

“Best Efforts” means the strongest possible efforts that Contractors can reasonably make to meet the Apprentice Utilization Goal and the Apprentice Hiring Goals established for each public work contract selected for participation in the Apprenticeship Program.

“Economically Disadvantaged Youth”: means those persons (18-24 years old) whose annual family income does not exceed the income guidelines for the Federal Free and Reduced Lunch Program, and who have significant barriers to employment, as defined by the Federal Job Training Partnership Act (JTPA).

“Labor Hours” means the total number of projected hours or actual hours for each trade or craft to be worked or that have been worked by workers receiving an hourly wage who are directly employed on the site of the public works project. Labor Hours shall also include hours worked by workers employed by subcontractors on the project.

3.02 POLICY AND GENERAL REQUIREMENTS

A. In accordance with King County Code 12.16.150-180 which is incorporated herein by this reference, King County has established certain Apprentice Utilization Goals and individual Apprentice Hiring Goals for this Contract. Failure to meet the Apprenticeship Program requirements may be considered a material breach of contract. . Specifically, the Contractor shall:

1. Utilize apprenticeship training programs registered with the Washington State Apprenticeship Training Council ("SAC").
2. Meet the overall Apprenticeship Utilization Goal established for this Contract unless reduced pursuant to King County Code 12.16.160.
3. Ensure that Best Efforts are made to meet the specific Apprentice Hiring Goals established for minorities, women, persons with disabilities and economically disadvantaged youth for this Contract.

Apprenticeship hours required to comply with the requirements of the Apprenticeship Program may come from any tier, but the Contractor is responsible for coordination and compliance with the overall Contract requirements for apprenticeship hours.

C. Questions concerning compliance with these requirements, including utilization goals, bidding and submittal requirements, shall be directed in writing to the Minority/Women Business Enterprise and Contract Compliance Division at 821 2nd Avenue, M.S. 133, Seattle, Washington 98104. If appropriate, such questions may be treated as requests for interpretation and answered by addenda to the Solicitation Document.

3.03 APPRENTICE UTILIZATION GOAL

A. Pursuant to King County Code 12.16. 150-180, King County has established a minimum Apprentice Utilization Goal of ___% for this project. ___% of the Labor Hours for this project. Included within the Apprentice Utilization Goal are individual Apprentice Hiring Goals for minorities, women, persons with disabilities and economically disadvantaged youth.

B. The Contractor shall require each of its subcontractors to comply with the requirements of the Apprenticeship Program to the extent necessary to fulfill the Apprenticeship Utilization Goals and individual Apprenticeship Hiring Goals for the project. Each bidder shall notify each proposed subcontractor of the Apprentice Utilization and Hiring Goals for this project. At the Bid Evaluation Conference, or upon request, the bidder shall submit written verification from each of its proposed subcontractors that the proposed subcontractor has been notified of the Apprenticeship Program Requirements.

C. The Contractor shall ensure that the apprentice hours worked are distributed among the trades and/or crafts to be used on the project in a manner consistent with the Apprentice Utilization Goal set forth in this Contract.

D. The Contractor shall ensure compliance with the apprenticeship training standards for each trade or craft that is utilized, as set forth by the Washington State Apprenticeship and Training Council (SAC).

3.04 APPRENTICE HIRING GOALS

A. Based on the degree of evidenced underrepresentation within the trades, and in accordance with the standards set forth in King County Code Section 12.16.160 (C) the County has established the following individual Apprentice Hiring Goals for minorities, women, persons with disabilities and economically disadvantaged youth:

- 1. Minorities -- ___% of the Apprentice Utilization Goal;
- 2. Women -- ___% of the Apprentice Utilization Goal;
- 3. Persons with disabilities -- ___% of the Apprentice Utilization Goal;
- 4. Economically Disadvantaged Youths -- ___% of the Apprentice Utilization Goal.

B. The individual Apprentice Hiring Goals shall be applied to the total number of Labor Hours established for the Apprenticeship Utilization Goal for this contract. An Apprentice who is a member of two or more of the targeted groups shall be counted towards only one group's goal, but not more than one; the Contractor may choose the goal.

C. The Contractor shall ensure that Best Efforts are made to meet the individual Apprentice Hiring Goals established for this contract. In fulfilling the Best Efforts requirement, the Contractor shall, at a minimum, take (or, where appropriate, require its subcontractors to take) the following steps:

- 1. Contact SAC approved program sponsors to request Apprentices who are members of the targeted groups; and notify the sponsor that this effort is in regard to the County's Apprenticeship Program.
- 2. If Apprentices who are members of the target groups are available, proceed with the hiring process.
- 3. If Apprentices who are within the target groups are not available, document the request and obtain documentation from the SAC approved program sponsor of the fact that such persons are unavailable. Forward this documentation to King County.
- 4. If targeted Apprentices are not available through SAC approved program sponsors, contact other recruitment/referral agencies, including, but not limited to the Apprenticeship Opportunities Project and Puget Sound Opportunities Industrialization Center and request such candidates. If targeted Apprentices are available through these agencies, request direct entry into the SAC approved

apprentice program and proceed with the hiring process, and provide appropriate documentation to King County.

5. If direct entry of the candidate(s) into the SAC approved apprentice program is denied, request documentation of the denial from the SAC approved program. Forward this documentation to King County.
6. If targeted Apprentices are not available through recruitment/referral agencies, including, but not limited to the Apprenticeship Opportunities Project and Puget Sound Opportunities Industrialization Center, request documentation of the unavailability from the recruitment/referral agencies and pursue any other reasonable recruitment methods including, but not limited to advertising in appropriate news media. Forward documentation of contacts with recruitment/referral agencies and other efforts to recruit targeted Apprentices to King County.

3.05 REPORTING REQUIREMENTS

A. APPRENTICE UTILIZATION PLAN

1. The Contractor shall submit to the County for approval, its Apprentice Utilization Plan upon request or following receipt of Notice of Award but no later than one week prior to the pre-construction conference. The Plan must be approved prior to the issuance of the notice to proceed. The Plan shall include the following elements:

- a. An estimate of the total contract Labor Hours to be worked by the Contractor and all subcontractors
- b. An estimate of the total Labor Hours by trade or craft, the number of apprentice and journey workers to be utilized by trade or craft and the anticipated dates when the work will commence and end by trade or craft.
- c. Distribution of Apprentice utilization hours among the trades and/or crafts expected to be utilized by the Contractor and all proposed subcontractors on this Contract.
- d. The specific efforts proposed to be undertaken by the Contractor and all subcontractors to achieve the Apprentice Utilization and Apprentice Hiring Goals.

2. King County reserves the right to request revisions to the proposed Apprentice Utilization Plan and to reasonably withhold final approval of a proposed plan that fails meet the requirements of this section.

B. APPRENTICE UTILIZATION REPORT

The Contractor shall submit to the County a Monthly Apprentice Utilization Report that identifies the individual apprentice's name, social security number, SAC identification number, apprentice level, hours worked (regular/overtime), wage rate (regular/overtime), zip code and all other information requested on the Monthly Apprentice Utilization Report form. The Contractor shall submit this report with each Progress Payment Request, as specified in the General Conditions, **Section 00710**. The Contractor shall complete the Monthly Apprenticeship Utilization Report in electronic form or hard copy as provided by the County. The Contractor's first Monthly Apprentice Utilization Report shall be due with the first progress payment submittal following the effective date of the Notice to Proceed, and at monthly intervals with the progress payment application, thereafter, continuing through the completion date. The Contractor shall also submit all sub-contractor's monthly reports with the progress payment application. Failure to provide the Monthly Apprentice Utilization Report(s) as specified shall entitle the County to withhold progress payments to the Contractor.

In addition to reviewing the Apprenticeship Utilization Report, King county may at any time visit the work site(s) to determine the actual employment levels of apprentices. The Contractor and the subcontractors shall provide every assistance requested by King County during such visits.

C. CHANGES IN THE APPRENTICE UTILIZATION PLAN

1. If, during the term of the Contract, the Contractor determines that it will be unable to comply with the Apprentice Utilization Plan or to meet the Apprentice Utilization Goal established in Sub-section 00120. 3.04.A, the Contractor may make a written request for reduction or modification of the goal to the County consistent with King County Code Section 12.16.160(B). To the extent that the request is based upon King County Code Section 12.16.160(B)(1), the request shall include written documentation of the Contractor's Best Efforts and inability to utilize apprentices registered with SAC. The documentation must clearly demonstrate that the requested number of apprentices are not available to meet the Apprentice Utilization percentages.

2. The Administrator will evaluate the request for a reduction or modification in accordance with the provisions of King County Code Section 12.16.160(B) and, if appropriate, direct that a change order be prepared by the County reducing the Apprentice Utilization Goal and/or the Apprentice Hiring Goals. If the Administrator determines that a reduction in the Apprentice Utilization Goal or the Apprentice Hiring Goals is not justified, the Administrator shall provide a written response of its denial to the Contractor within ten (10) working days from the date of receipt of the Contractor's written request.

3.07

SAFETY

A. It shall be the Contractor's sole responsibility to ensure that all apprentices are utilized in a suitable and appropriate manner while working on this project, taking into consideration the safety of the apprentices and other workers on this project and in accordance with the Contractor's general responsibility for work site safety under the Contract Documents

B. It shall be the Contractor's sole responsibility to ensure that all apprentices have received adequate safety training and instructions to appropriately perform assigned duties.

3.08 SANCTIONS

Unless otherwise determined by the Administrator, in accordance with the standards established in King County Code 12.16.150-180, failure by a Contractor to comply with the Apprenticeship Program requirements shall be deemed a material breach of Contract for which the County shall be entitled to all remedies allowed by law and under this contract.

In the event the Contractor and/or its subcontractors fail to comply with the Apprenticeship Program requirements, King County may impose sanctions including: (1) suspension of this Contract; (2) withholding of payments; (3) termination of this Contract; and (4) any other sanctions allowed by law and under this contract. Failure to comply with the Apprenticeship Program requirements may be considered evidence bearing on a contractor's qualification for award of future Contracts.

Apprenticeship Hiring Goals

The hiring goals established for the target groups are:

Minorities	21% of the Apprentice Utilization Goal
Women	25% of the Apprentice Utilization Goal
Persons with disabilities	2% of the Apprentice Utilization Goal and
Economically disadvantaged youths	7% of the Apprentice Utilization Goal

- These goals are included in the apprenticeship utilization percentage established on each contract. They are a reflection of the changing demographic and gender trends projected for the construction industry in King County.
- These goals represent the level of apprenticeship participation necessary to meet the projected labor demand in the construction industry within King County labor market area through the year 2006. As more current projections of the effects of major public construction projects (such as the Regional Transit Authority's light rail system and two sports facilities) are developed, the projections will be updated and the goals amended.

Contract Administration

Attachment

- . Availability Worksheet
- . Personnel Inventory Report
- . Affidavit
- . Apprenticeship Utilization Plan (AUP)

Personnel Inventory Report



King County
Procurement Services Division
Department of Finance
620 King County Administration Bldg.
500 Fourth Avenue
Seattle, WA 98104
(206) 296-4210 FAX (206) 296-4211
TTD/VOICE 296-0100
<http://www.metrokc.gov>

Legal name of business _____ Telephone No. _____

dba (if applicable) _____

Street address _____

City _____ State _____ Zip Code _____

DO ANY OF YOUR EMPLOYEES BELONG TO A UNION AND/OR DO YOU USE AN EMPLOYEE REFERRAL AGENCY?
YES _____ NO _____. If yes, list the unions and/or employee referral agencies with whom you have agreements:

If you expect to do more than \$25,000 worth of business with King County, the unions or employee referral agencies must submit a statement of compliance with King County Code Chapter 12.16.

DO YOU HAVE ANY EMPLOYEES? YES _____ NO _____. If yes, list on the Employment Data Chart below the total number of employees for all businesses located in (1) King County. If none, list the total number of employees for all businesses located in (2) Washington State. If none, list the total number of employees for all businesses located in the (3) United States. Indicate which locale (1,2,3) report covers: _____

Employment Data	Whites		African Americans		Asians		Native Americans		Hispanics		Disabled		Minority Sub-Total		Disabled Sub-Total	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Job Categories																
Managerial																
Professional																
Technical																
Clerical																
Sales																
Service																
Labor																
On-Job Trainees																
Apprentice																
*Skilled Craft																
Sub-Total																

* Journey worker: List by classification on reverse, e.g., carpenter, plumber, etc.

number of Employees Reported Above: _____ (If no employees, write ("0").)
This report covers Business Location(s) in (circle one): [King County, Washington State, Other States] for the Payroll Period ending (MONTH/DAY/YEAR): _____
IRS Employer Identification Number: _____

Submitted by: _____ Title: _____ Date: _____

Personnel Inventory Report



King County
 Procurement Services Division
 Department of Finance
 620 King County Administration Bldg.
 500 Fourth Avenue
 Seattle, WA 98104
 (206) 296-4210 FAX (206) 296-4210
 TTD/VOICE 296-0100
<http://www.metrokc.gov>

Supplemental Form

Legal Name of Business _____ Telephone No. _____

Employment Data Job Categories	Whites		African Americans		Asians		Native Americans		Hispanics		Disabled		Minority Sub-Total		Disabled Sub-Total	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F

ATTACH SUPPLEMENTAL FORMS AS NECESSARY TO REPORT THE TOTAL WORK FORCE.

Submitted by _____
 Name Title



Affidavit and Certificate of Compliance

With King County Code Chapter 12.16, Discrimination and Affirmative Action in Employment by Contractors, Subcontractors and Vendors.

Company Name: _____

STATE OF WASHINGTON

} SS

COUNTY OF KING

The undersigned, being first duly sworn, on oath states on behalf of the Contractor as follows:

Definition: "Contractor" shall mean any contractor, vendor or consultant who supplies goods and/or services. "Contract" shall mean any contract, purchase order or agreement with King County Government, hereinafter called the County.

A. Contractor recognizes that discrimination in employment is prohibited by federal, state and local laws. Contractor recognizes that in addition to refraining from discrimination, affirmative action is required to provide equal employment opportunity. Contractor further recognizes that this affidavit establishes minimum requirements for affirmative action and implements the basic nondiscrimination provisions of the general contract specifications as applied to service, consultant and vendor contracts exceeding \$25,000, or public work contracts exceeding \$10,000. Contractor herein agrees that this affidavit is incorporated as an addendum to its general contract, and recognizes that failure to comply with these requirements may constitute grounds for application of sanctions as set forth in the general specifications. King County Code Chapter 12.16 and this affidavit, PROVIDED FURTHER, that in lieu of the affidavit, the Executive may accept a statement pledging adherence to an existing contractor affirmative action plan where the provisions of the plan are found by the Executive to substantially fulfill the requirements of this chapter.

B. Contractor shall give notice to their supervisors and employees of the requirements for affirmative action to be undertaken prior to the commencement of work.

C. This person has been designated to represent the Contractor and to be responsible for securing compliance with and for reporting on the affirmative actions taken:

AUTHORIZED AFFIRMATIVE ACTION REPRESENTATIVE

NAME: _____

D. Contractor will cooperate fully with the MWBE and Contract Compliance Division and appropriate County agents while making every reasonable "good faith" effort to comply with the affirmative action and nondiscrimination requirements set forth in this sworn statement and in King County Code Chapter 12.16.

E. Reports. The Contractor agrees to complete and submit with this affidavit such additional reports and records that may be necessary to determine compliance with the affidavit and to confer with the MWBE and Contract Compliance Division staff at such times as the County shall deem necessary. The information required by this chapter includes but is not limited to the following reports and

1. Personnel Inventory Report: This report shall include a breakdown of the employer's workforce showing race, gender, and disability status.

2. Monthly Utilization Report: This report shall apply to public work contractors and subcontractors and shall provide the number of employees, including women and disabled employees

3. Statement from Union or Worker Referral Agency: This statement affirms that the signee's organization has no practices and policies which discriminate on the basis of race, color, creed, religion, sex, age, marital status, sexual orientation, nationality or the presence of any sensory, mental or physical disability.

The information required in this section shall be submitted on forms provided by the County unless otherwise specified.

F. Subcontractors: For public work projects and contracts over \$10,000, the prime contractor shall be required to submit to the County, along with its qualifying documents under this chapter, employment profiles, Affidavits of Compliance Reports and Union Statements from its subcontractors in the same manner as these are required of the prime contractor. Reporting requirements of the prime contractor during the contract period will apply equally to all subcontractors.

G. Employment Goals for Minorities, Women and Persons with Disabilities: Employment goals shall be established for two industry categories, i.e., construction contractors and vendor/service contractors, using a multi-factor availability analysis.

1. Construction contractor and subcontractor performance: Goal attainment is based on the total hours of employment as determined by the monthly utilization reports.

2. Consultant and vendor/service contractor performance: Goal attainment is based on the total number of employees as determined by Personnel Inventory Reports.

H. Alternative Goal Option: Contractors may establish goals independently if they believe the King County goals are not applicable to their specific situation. Contractors who secure King County's assent in pursuing this option must use a multi-factor analysis with methodology and data sources approved by the County.

I. Underrepresentation of Minorities, Women and Disabled Persons: Underrepresentation of minorities, women and disabled persons will not be deemed a per se violation of King County Code Chapter 12.16 where a contractor's employment statistics demonstrate that minorities, women and disabled persons are underrepresented in its workforce in relationship to the county employment goals. The burden will be on the contractor to show that the minimum affirmative action measures set forth below have been met and that a reasonable "good faith" affirmative action plan in compliance with this chapter has been pursued.

J. Minimum Affirmative Action Measures: Contractor agrees that failure to implement and/or maintain reasonable "good faith" efforts to achieve the County employment goals will constitute a breach of this agreement. The evaluation of a contractor's compliance with this chapter shall be based upon the contractor's effort to achieve maximum results from its affirmative action program. The contractor shall document these efforts and shall implement affirmative action steps at least as extensive as the following:

1. Policy Dissemination: Internal and external dissemination of the contractor's equal employment opportunity policy; posting of nondiscrimination policies and of the requirements of this chapter on bulletin boards clearly visible to all employees; notification to each subcontractor, labor union or representative of workers with which there is a collective bargaining agreement or other contract, subcontract, or understanding of the contractor's under this chapter, inclusion of the equal opportunity policy in advertising in the news

2. **Recruiting:** Adoption of recruitment procedures designed to increase the representation of women, minorities and disabled persons in the pool of applicants for employment; including, but not limited to establishing and maintaining a current list of minority, women and disabled recruitment sources, providing these sources written notification of employment opportunities and advertising vacant positions in newspapers and periodicals which have minority, female and/or disabled readership.

county-sponsored training programs on relevant areas of affirmative action and equal employment opportunity.

Where a contractor's employment statistics demonstrate that minorities, women and disabled persons are underrepresented, failure to follow any of the requirements of Paragraph J (1-10) shall be *prima facie* evidence of noncompliance with this agreement.

3. **Self-Assessment and Test Validation:** Review of all employment policies and procedures, including review of tests, hiring and training practices and policies, performing evaluations, seniority policies and practices, job classifications and job assignments, to assure that they do not discriminate against, or have a discriminatory impact on, minorities, women and disabled persons: validation of all tests and other selection requirements where there is an obligation to do so under state or federal law.

K. Contractor agrees in all its employment policies and practices to refrain from discrimination against any person on the basis of race, color, creed, religion, national origin, sex, age, marital status, sexual orientation, or the presence of any mental, physical or sensory disabilities, including but not limited to hiring, firing, lay-off, promotion or demotion, job assignment, wages, and other terms and conditions of state and local rules, laws or ordinances and regulations regarding any such discrimination.

4. **Record of Referrals:** Maintain a current file of application of each minority, woman and disabled applicant or referral for employment indicating what action was taken with respect to each such individual and the reasons therefore. Contact these people when an opening exists for which they may be qualified. Names may be removed from the file after twelve months have elapsed from their last application or referral.

L. Contractor agrees to provide reasonable access upon request to the premises of all places of business and employment, relative to work undertaken in this contract, and to records, files, information and employees in connection therewith, to the M/WBE and Contract Compliance Division or agent for purposes of reviewing compliance with the provisions of this affidavit and agrees to cooperate in any compliance review.

5. **Notice to Unions:** Provide notice to labor unions of the contractor's nondiscrimination and affirmative action obligations pursuant to King County Code Chapter 12.16. Contractors shall also notify the King County Executive if labor unions fail to comply with the nondiscrimination or affirmative provisions.

M. Should the M/WBE and Contract Compliance Division find, upon complaint, investigation or review, the Contractor not to be in good faith compliance with the provisions contained in this affidavit, it shall notify the County and contractor in writing of the finding fully describing the basis of noncompliance. Contractor may request withdrawal of such notice of noncompliance at such time as the compliance office has notified in writing the contractor and the County that the noncompliance has been resolved.

6. **Supervisors:** Ensure that all supervisory personnel understand and are directed to adhere to and implement the nondiscrimination and affirmative action obligations of the contractor under this chapter. Such direction shall include, but not be limited to, adherence to, and achievement of, affirmative action policies in performance appraisals of supervisory personnel.

N. The contractor agrees that any violation of the specific provisions of this chapter and of any term of the affidavit of compliance required herein, including reporting requirements, shall be deemed a violation of King County Code Chapter 12.16. Any such violation shall be further deemed a breach of a material provision of the contract between the County and the contractor. Such breach shall be grounds for implementation of any sanctions provided for in this chapter including but not limited to, cancellation, termination or suspension, in whole or in part, of the contractor by the County; liquidated damages; or disqualification of the contractor PROVIDED, that the implementation of any sanctions is subject to the notice and hearing provisions of King County Code Chapter 12.16.110.

7. **Employee Training:** Develop on-the-job training opportunities which expressly include minorities, women and disabled persons.

8. **Responsible Person:** Designate an employee who shall have responsibility for implementation of the contractor's affirmative action measures.

O. Contractor recognizes that it is bound by all provisions of King County Code Chapter 12.16 and acknowledges receipt of a copy thereof.

9. **Progress Reporting:** Prepare as part of the affirmative action plan an analysis and report on the progress made toward eliminating the underrepresentation of women, minorities and persons with disabilities in the contractor's workforce on an annual basis.

10. **Contractor Training:** In addition, contractors who do not meet employment goals for women, minorities and persons with disabilities and who do not have approved affirmative action measures may be required to attend

VALID ONLY IF NOTARIZED

DESIGNATED CONTRACTOR: _____
Company Name

ADDRESS: _____
Street City State Zip

AUTHORIZED SIGNER: _____
Signature Title

NAME: _____ PHONE: _____
Type or Print

SUBSCRIBED AND SWORN TO before me

RECEIVED BY:

this _____ day of _____ 19 _____

King County

Date

Notary Public in and for the State of _____

residing at _____



INSTRUCTIONS FOR FILING APPRENTICE UTILIZATION PLAN

The **Apprentice Utilization Plan (AUP)** is to be completed by the Bidder/Contractor. The Plan must be approved by the M/WBE and Contract Compliance Division, and submitted to the Project Manager no later than ten (10) working days prior to commencing work on the Contract or at the **Pre-Construction Conference**, whichever comes first. The Plan must be consistent with the draft Construction Schedule. The Bidder/Contractor must provide all information requested on the AUP form. Failure to comply can result in the Bidder/Contractor being declared ineligible.

Definitions:

Trade/Craft	List each trade or craft expected to be utilized by the Bidder/Contractor and/or its Sub-contractors throughout the duration of the project.
Labor Hours	The estimated total number of labor hours for each trade or craft expected to be utilized on the project.
Number of Apprentices	The estimated total number of apprentices in each trade or craft expected to be utilized on the project.
Apprentice Hours	The estimated total number of hours to be worked by apprentices in each craft or trade that is expected to be utilized on the project.
Apprentice Percentage	For each craft or trade, apprentice hours divided by labor hours, multiplied by one hundred (100), rounded to two(2) decimal places. For example: If apprentice hours equals 80 for a craft or trade and labors hours equal 520 for the same craft or trade, apprentice percentage for that craft or trade is $(80/520) \times 100 = 15.38$ percent.
Work Start Date	The approximate date Bidder/Contractor expects to start work on the project.
Work End Date	The approximate date Bidder/Contractors expects to end work on the project.
Totals	The sum of each craft or trade in each Column .
Apprentice Utilization Goal	The Apprentice Labor Hours projected for the Contract.

Reporting Forms

Attachment

- Monthly Utilization Employment Report (MUR)
- Monthly Apprenticeship Utilization Report

This report is required by King County Ordinance 7788. Failure to report can result in contracts being cancelled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts.

MINORITY

TO:

FEMALE

FM:

HANDICAP

CONTRACT NUMBER AND NAME

NAME AND LOCATION OF CONTRACTOR

FEDERAL FUNDING AGENCY

5. CONSTRUCTION TRADE		6. WORK HOURS OF EMPLOYMENT (Federal & Non-Federal)																					
		6a. TOTAL ALL EMPLOYEES BY TRADE			6b. BLACK (Not of Hispanic Origin)			6c. HISPANIC			6d. ASIAN OR PACIFIC ISLANDERS			6e. AMERICAN INDIAN OR ALASKAN NATIVE			7. MINORITY PERCENT-AGE	8. FEMALE PERCENT-AGE	9. HANDICAP PERCENT-AGE	10. TOTAL NUMBER OF EMPLOYEES			11. TOTAL NUMBER OF MINORITY EMPLOYEES
		M	F	H	M	F	H	M	F	H	M	F	H	M	F	H				M	F	H	M
	Journey Worker APPRENTICE TRAINEE SUB-TOTAL																						
	Journey Worker APPRENTICE TRAINEE SUB-TOTAL																						
	Journey Worker APPRENTICE TRAINEE SUB-TOTAL																						
	Journey Worker APPRENTICE TRAINEE SUB-TOTAL																						
	Journey Worker APPRENTICE TRAINEE SUB-TOTAL																						
TOTAL JOURNEY WORKERS																							
TOTAL APPRENTICES																							
TOTAL TRAINEES																							
GRAND TOTAL																							

12. COMPANY OFFICIAL'S SIGNATURE AND TITLE

13. DATE SIGNED

14. TELEPHONE NUMBER

15. PAGE

of

INSTRUCTIONS FOR FILING MONTHLY EMPLOYMENT UTILIZATION REPORT (CC-257)

The Monthly Utilization Report is to be completed by each subject contractor (both prime and sub) and signed by a responsible official of the company. The reports are to be filed by the 5th day of each month during the term of the contract, and they shall include the total work-hours for each employee classification in each trade in the covered area for the monthly reporting period. The prime contractor shall submit a report for its aggregate work force and collect and submit reports for each subcontractor's aggregate work force to the Federal compliance agency that has Executive Order 11246 responsibility. (Additional copies of this form may be obtained from the U.S. Department of Labor, Employment Standards Administration, OFCCP's regional office for your area.)

- Compliance Agency U.S. Government agency assigned responsibility for equal employment opportunity. (Secure this information from the contracting officer.)
- Federal Funding Agency U.S. Government agency funding project (in whole or in part). If more than one agency, list all.
- Contractor Any contractor who has a construction contract with the U.S. Government or a contract funded in whole or in part with Federal funds.
- Minority Includes Blacks, Hispanics, American Indians, Alaskan Natives, and Asian and Pacific Islanders—both men and women.
- 1. Covered Area Geographic area identified in Notice required under 41 CFR 60-4.2.
- 2. Employer's Identification Number Federal Social Security Number used on Employer's Quarterly Federal Tax Return (U.S. Treasury Department Form 941).
- 3. Current Goals (Minority & Female) See contract Notification.
- 4. Reporting Period Monthly, or as directed by the compliance agency, beginning with the effective date of the contract.
- 5. Construction Trade Only those construction crafts which contractor employs in the covered area.
- 6. Work-Hours of Employment (a-e)
 - a. The total number of male hours and the total number of female hours worked by employees in each classification.
 - b.-e. The total number of male hours and the total number of female hours worked by each specified group of minority employees in each classification.
- Classification The level of accomplishment or status of the worker in the trade (Journey Worker, Apprentice, Trainee)
- 7. Minority Percentage The percentage of total minority work-hours of all work-hours (the sum of columns 6b, 6c, 6d, and 6e divided by column 6a; just one figure for each construction trade).
- 8. Female Percentage For each trade the number reported in 6a, F divided by the sum of the numbers reported in 6a, M and F.
- 9. Total Number of Employees Total number of male and total number of female employees working in each classification of each trade in the contractor's aggregate work force during reporting period.
- 10. Total Number of Minority Employees Total number of male minority employees and total number of female minority employees working in each classification in each trade in the contractor's aggregate work force during reporting period.

**IV. AVAILABILITY ANALYSIS
ATTACHMENT**

V. PROCESS REQUIREMENTS

- => Internal Process Requirement
- => Internal Process Flow
- => Coordination and Partnership Relations

King County Apprenticeship Program

Internal Process Requirements

KEY:

Contract Implementing Agency	(CIA)
M/WBE & Contract Compliance Office	(MWBE)
Apparent Low Bidder	(Bidder/Contractor)
Project Manager of Awarding Agency	(PM)
Apprenticeship Utilization Plan	(AUP)
Contractor	(C)
Procurement	(PSPC) (PSD&D) (PCSPD)

CONTRACT PLANNING/PREPARATION PHASE

- 1. CIA/PM** Provide relevant information to assigned Contract Specialist
(Scope in MWBE Availability Analysis Form)
Required Labor Hours by trade/division of work
Project Duration and Estimated Costs of Project
- 2. MWBE** Review to determine Apprenticeship Requirements
Including minimum #of labor hours/contract duration
Apprenticeship / Journey-person ratio
Availability of Apprentices in SAC program/Trades
- 3. MWBE** Establish Apprenticeship Requirements and Goals
Provide boilerplate/administrative forms to CIA/PM
- 4. PSPC** Assemble Contract Documents with apprenticeship boilerplate language, including established goal for target groups and administrative forms.

BID SOLICITATION PHASE

- 5. PSPC/MWBE** Communication of requirements
Pre - Bid Conferences
Respond to bidders questions and provide assistance
- 6. Bidder** Submits Bids

NOTICE OF SELECTION

- 7. Apparent Low Bidder** Submits Apprenticeship Utilization Plan (AUP) to PM
- 8. CIA/PM** Submits AUP to MWBE Office for review
- 9. PM/MWBE** Review plan and modify as necessary
- 10. Bidder** Incorporate any recommendations and changes (if necessary)
- 11. MWBE** Approves the AUP

AWARD PHASE

12. **Bidder** Incorporates AUP into project schedule

CONTRACT EXECUTION PHASE

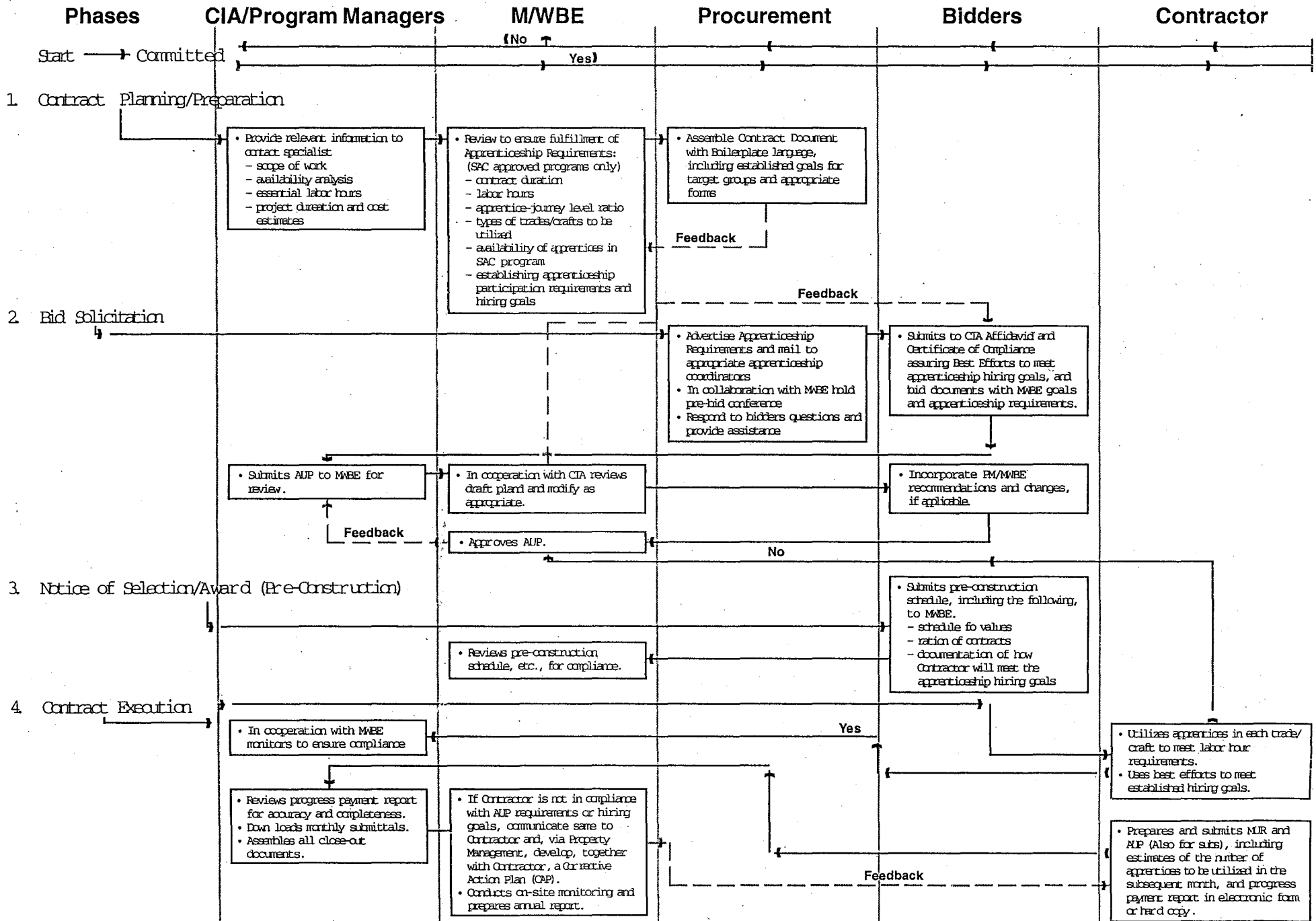
13. **Contractor** Utilizes Labor and executes AUP; Labor Projection Schedule
14. **CIA/MWBE** Monitors compliance with AUP and Minorities, Women, Disabled, and Disadvantaged through site visits, field staff, MUR.
15. **Contractor** Assembles and Prepares Monthly Utilization and Apprenticeship Utilization Reports (including for all subcontractors) in electronic format. Reports shall correspond with certified payrolls.
16. **Contractor** Submits MUR and Revised Labor Projection Schedule AUR on disk and with a hard copy of the reports with progress payment request to PM.
17. **CIA/PM** Downloads monthly submittals into information management system.
18. **CIA/PM** Reviews progress pay for accuracy and completeness
19. **MWBE** If bidder is not in compliance with AUP or diversity goals, then communicate with contractor about documentation of why and develop a corrective action plan (CAP)
20. **MWBE** Oversight
Prepare Reports
On Sight Monitoring
Auditing

CONTRACT CLOSEOUT

21. **Contractor** Submit all closeout documentation to PM
22. **CIA/PM** Assembles all closeout documents
23. **MWBE** Prepare final Closeout Report

Implementation Process Requirements Flow Process

80103jl.pm6-2



**King County
Apprenticeship Program**

Coordination and Partnership Relations

(Who are the partners and what types of services do they provide?)

**Other Public and Private
Agencies**

- City of Seattle
- PFD
- City of Tacoma
- Port of Seattle (Office of Port Jobs)
- RTA
- WSDOT

**Apprenticeship Opportunity
Prog. (AOP) and PSOIC**

Places and retains AOP participants, provides support services and referrals, and conducts outreach to CBO's.

**Community-Based
Organizations (CBO's)**

Identify and refer potential AOP participants and provide support services.

**Vocational Training
Institutions**

Develop reports relating to the establishment of pre-apprenticeship programs.

King County

Establishes policies and procedures including apprenticeship requirements, projects identification, and partnership relations.

M/WBE:

Establishes apprenticeship goals and participation requirements, and monitors program activities to ensure compliance.

**Contract Implementing
Agencies:**

Ensure that selected projects meet apprenticeship requirements, and ensure compliance with contract document.

DCHS:

Establishes criteria to determine economically disadvantaged youths, conducts outreach and interface with Port Jobs.

**Apprenticeship and Non-
Traditional Employment for
Women (ANEW)**

Provides pre-apprenticeship training for women.

SAC

Provides SAC approved training program

**Seattle-King County
Building and Construction
Trades Council (AFL-CIO)**

Provides advise and advocacy support for overall program implementation

Seattle Public Schools

Educates students about AOP, identifies and refers promising students for the trades.

Trade Mentor Net Work

Trains journey-level mentors, and matches AOP participants with mentors.

Center for Career Alternatives

Provides pre-apprenticeship training.

*All partners are fully committed to work in close cooperation to provide, and maximize the range of services necessary and sufficient to enable minorities, women, persons with disabilities and economically disadvantaged youths to successfully complete SAC approved programs and secure family-wage employment.

VI. APPRENTICESHIP REFERRAL RESOURCES

=> Pre-apprenticeship and Apprenticeship Program Resources

Pre-Apprenticeship and Apprenticeship Program Resources

Apprenticeship & Non-Traditional
Employment for Women (ANEW)
P.O. Box 2490
Renton, WA 98056
(425) 235-2212
Contact: Gay Kiesling

Apprenticeship Opportunity Project (AOP)
2512 Second Ave, Rm 208
Seattle, WA 98121
(206) 728-5706
Contact: Lisa Rose

Department of Labor and Industries (DOL)
P.O. Box 44540
Olympia, WA 98504-4540
(360) 956-5335
Contact: Ann Whetmore (206) 281-5459

Northwest Laborers Apprenticeship Committee
P.O. Box 479
Kingston, WA 98346-0479
(1-800) 240-9112
Contact: Bob Roberts

Puget Sound OIC DOT/OJT
Rainier Job Service Center
2531 Rainier Ave. South
Seattle, WA 98144
(206) 553-7938
Contact: Marvin Jenkins

Seattle Vocational Institute (SVI)
2220 South Jackson Street
Seattle, WA 98144
(206) 5876-4985
Contact: Portia Carter

Youth Build
King County Worker Training Program
700 5th Ave, Suite 3700
Seattle, WA 98104
(206) 296-5220
Contact: Pat Lemus

Office of Port Jobs
c/o Port of Seattle, Pier 69
P.O. Box 1209
Seattle, WA 98111
Contact: Susan Wilder Crane
Pammyla Hubbard, Courtney Knox

City of Seattle
Seattle Conservation Corps
7400 Sand Pt. Wy NE, Bldg 5B
Seattle, WA 98115
(206) 684-0190
Contact John Prinos/Nelson Henry

TRAC
Department of Corrections
Correctional Industries
Services Section
9404 Kimmie Rd. Sw
Olympia, WA 98512-9119
(360) 664-0569
Contact: Jesslyn White-Head

YAP
Holly Park, Career Development Ctr.
6917 Holly Park Dr. S.
Seattle, WA 98118
(206) 721-5201
Contact: Purvis Willis

CCA-Multi Trades
Center for Career Alternatives
901 Rainier Ave S.
Seattle, WA 98144
(206) 332-9080
Dr. Leonard Jackson /Bob Markholdt

CITC - Rainier Beach High School
Construction Industry Training Cn.
1930 116th Ave. NE, Suite 201
Bellevue, WA 98004
(425) 454-2482
Contact: Sandra Olson

Drywall, Painting, Taping
Pre-Apprenticeship Program
Seattle-King County PIC
Market Place One, Suite 250
2003 Western Ave.
Seattle, WA 98121-2113
(206) 448-0474
Contact: Rosie O'Brien-Ochs

Job Corps
Job Corps-Northwest
1111 Third Ave., Suite 960
Seattle, WA 98101
(206) 553-7938
Contact: Rebecca Amos Stuart, Comm. Director

SEA-TAC OSC-Construction Technology
Sea-Tac Skills Center
Construction Technology Program
18010 8th Ave. So.
Seattle, WA 98148
(206) 433-2524

Seattle Central Community College
Wood Construction Office
2310 S. Lane St.
Seattle, WA 98144
(206) 587-5460
Contact: Dave Mullens

Seattle City Light Pre-Apprenticeship Program
Seattle City Light South Service Center
3613 - 4th Ave So.
Seattle, WA 98134
(206) 386-1604
Contact: Nettie Dokes