

ORDINANCE NO. 4093-25

An ORDINANCE relating to Utilization of Apprentices on Public Works Construction Projects, adding a new section to chapter 3.80 EMC.

WHEREAS,

- A. A highly skilled workforce is essential for enhanced economic growth and the continued prosperity of workers and the City of Everett.
- B. Shortages of skilled construction workers limit job growth and affect our economy.
- C. The responsibility to train the next generation of skilled workers rests with both the public and private sectors.
- D. The City of Everett is committed to working in partnership with labor and business to create a skilled workforce that reflects the diversity of our population and promotes community development.
- E. Growing participation in apprenticeship programs today will ensure a viable workforce in the construction trade industry tomorrow.
- F. In connection with apprentice utilization, the City Council in 2003 adopted Resolution 5286 (entitled "Promoting the Use of Apprentices in Public Works Projects"), which states that "the City shall require good faith efforts from contractors" so that the level of apprenticeship participation is fifteen percent (15%) of total labor hours "for contracts estimated to cost more than one million dollars (\$1,000,000.00) for the construction, remodeling, or renovation of City buildings."
- G. In Resolution 7461 (entitled "A Resolution of the City of Everett concerning Project Labor Agreements and Community Workforce Agreements"), the City Council in 2019 stated as follows regarding the apprenticeship requirement in Resolution No. 5286:

In practice, this apprentice requirement has been applied to projects relating to City buildings by the Facilities department. Past projects using this apprenticeship requirement include the Municipal Court project, the Key Bank remodel and the current Evergreen Branch Library expansion project. The City Council intends for City staff to continue the City's longstanding and successful apprenticeship requirements and practices under Resolution No. 5286.

- H. RCW 39.04.320 was revised in 2023 to establish the following schedule for implementation of apprentice requirements on municipal public works contracts:

RCW 39.04.320		
Date	Threshold	Requirement
Contracts awarded after July 1, 2024	\$2,000,000 or more	15 percent of labor hours performed by apprentices
Contracts advertised for bid on or after July 1, 2026	\$1,500,000 or more	15 percent of the labor hours performed by apprentices
Contracts advertised for bid on or after July 1, 2028	\$1,000,000 or more	15 percent of the labor hours performed by apprentices

One purpose of this ordinance is to implement the apprentice requirement for contracts or \$1,000,000 or more on July 1, 2027, rather than the July 1, 2028 date established under RCW 39.04.320.

- I. In light of the critical importance of training tomorrow's workforce, the City Council has now determined that the City will:
- continue its apprentice requirements for projects to City buildings by the City Parks and Facilities department estimated to cost \$1 million or more, and
 - implement apprentice requirements for all other projects on a faster schedule than the schedule under RCW 39.04.320.

The purpose of this ordinance is to implement these determinations.

NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:

Section 1. A new section (to be codified as EMC 3.80.070 and entitled "Apprentice Utilization") is hereby added to Chapter 3.80 EMC as shown below. This section supersedes and replaces Resolution 5286 (entitled "Promoting the Use of Apprentices in Public Works Projects") for all public works advertised for bid on or after July 1, 2025. Resolution 5286 remains in effect for projects advertised prior to that date.

EMC 3.80.070 Apprentice Utilization

- A. Definitions. The following definitions apply to this section.
1. "Apprentice" means an apprentice enrolled or registered in an apprenticeship training program approved or recognized by the Washington State Apprenticeship and Training Council.
 2. "Apprentice utilization rate" means the percentage of labor hours, including contractor and subcontractor hours, performed by apprentices.
 3. "Contractor" means a person, corporation, partnership, limited liability company, or joint venture under contract with the City to construct a public work.
 4. "Director" means the City department director whose department is undertaking the public work.
 5. "Estimated cost" or "estimated to cost" means the anticipated construction cost of a public work, as determined by the City, based upon the expected costs of materials, supplies, equipment, and labor, but excluding taxes.

6. "Labor hours" means the total hours of workers receiving an hourly wage who are directly employed upon the public works project. "Labor hours" includes hours performed by workers employed by the contractor and all subcontractors working on the project. "Labor hours" does not include hours worked by foremen, superintendents, owners, and workers who are not subject to prevailing wage requirements.
7. "Public work" is as defined by RCW 39.04.010 as may be superseded or amended.
8. "Subcontractor" means a person, corporation, partnership, limited liability company, or joint venture that has contracted with the contractor or subcontractor of any tier to perform all or part of the public work.

B. Project Requirements

1. Apprentice Utilization Requirement. For the City public works projects listed below, the project contract shall require the specified apprentice utilization rate. However, this requirement does not apply when it conflicts with federal funding conditions or the conditions of any other funding.
 - a. For projects relating to City buildings by the City Parks and Facilities department estimated to cost \$1 million or more, the required apprentice utilization rate shall be no less than fifteen percent of the labor hours.
 - b. For all other projects:
 - i. For contracts advertised for bid on or after July 1, 2026 estimated to cost \$1.5 million or more, the required apprentice utilization rate shall be no less than fifteen percent of the labor hours.
 - ii. For contracts advertised for bid on or after July 1, 2027, estimated to cost \$1 million or more, the required apprentice utilization rate shall be no less than fifteen percent of the labor hours.
2. Supplemental Bidder Responsibility Requirements. Solicitations for projects with a required apprentice utilization rate under this section or under state law shall include supplemental bidder responsibility criteria (or similar requirements) pertaining to apprentice utilization requirements. A bidder will be not responsible, if, on any public project completed by the bidder during the two-year period immediately preceding the date of the bid solicitation, the awarding agency for the completed project made a final determination that the bidder failed without good faith efforts approved by the awarding agency to meet applicable project apprentice utilization requirements.
3. Preconstruction Apprentice Plan. A bidder awarded a project with a required apprentice utilization rate under this section shall submit an apprentice utilization plan prior to the preconstruction meeting that reflects its plan to meet or exceed the required apprentice utilization rate. Contractors shall update their apprentice utilization plan throughout the project to reflect changes to their plan to meet the required apprentice utilization rate.
4. Contract Requirements. Contract documents for projects with a required apprentice utilization rate under this section shall include provisions detailing the apprentice labor requirements, including enforcement provisions and provisions requiring monitoring and periodic reporting.

5. Adjustment. The Director may adjust a project's apprentice utilization rate upon the Director's determination that at least one of the following reasons apply:
- a. A demonstrated lack of availability of apprentices in the specific geographic area of the project;
 - b. the contractor has demonstrated a good faith effort to comply with the requirements of this section but has been unable;
 - c. the project has a disproportionately high ratio of material costs to labor hours, which does not make feasible the required apprentice utilization rate; or
 - d. other reason(s) as may be determined by the City Council.

In lieu of the adjustment procedure in this Section 5, contract documents for projects may instead include good faith effort (GFE) procedures substantially similar to WSDOT local project template apprentice provisions.

6. Reporting. The Mayor shall report to the City Council annually upon the use of apprentices for projects with a required apprentice utilization rate under this section. The report shall include to the extent it is available:
- a. The percentage of labor hours actually worked by apprentices on each project and the total number of labor hours on each such project;
 - b. The number of apprentices by contractor broken down by trade and craft category;
 - c. The number and percentage of minorities, women and veterans utilized as apprentices on each project;
 - d. The number and percentage of City of Everett residents utilized as apprentices on each project; and
 - e. Data, to the extent it is available, on the use and issuance of exceptions and waivers under EMC 3.80.070.B.5 for the prior 12-month period.

"Craft" for this reporting subsection means each and every trade and occupation recognized as being involved in public work based on Washington State Prevailing Wage Rules in WAC 296-127-013.

Section 2. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any internal references.

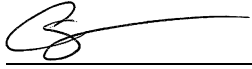
Section 3. The City Council hereby declares that should any section, paragraph, sentence, clause or phrase of this ordinance be declared invalid for any reason, it is the intent of the City Council that it would have passed all portions of this ordinance independent of the elimination of any such portion as may be declared invalid.

Section 4. The enactment of this Ordinance shall not affect any case, proceeding, appeal, or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this Ordinance.

Section 5. It is expressly the purpose of this Ordinance to provide for and promote the health, safety, and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance. Nothing contained in this Ordinance is intended nor shall be construed to create or form the

basis of any liability on the part of the City, or its officers, employees, or agents, for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this Ordinance by its officers, employees, or agents.

Section 6. This ordinance is effective July 1, 2025.



Cassie Franklin, Mayor

ATTEST:



Ashleigh Scott, City Clerk

PASSED: 05/21/2025

VALID: 05/22/2025

PUBLISHED: 05/24/2025

EFFECTIVE DATE: JULY 1, 2025










ORD 4093-25_CB 2504-28 Apprenticeship Ordinance

Final Audit Report

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