READ THIS FIRST

USE THIS DOCUMENT ON PROJECTS WITH:

1. AN ENGINEER’S ESTIMATE OF GREATER THAN, or Equal TO, $1M OR
2. ON PROJECTS WITH PLA, REGARDLESS OF ESTIMATED COST.

This Project Spec Document may need additional modifications to suit your project. It is recommended that you proofread each section, paying attention to any “Notes” boxes such as this one--you should remove these “Notes” sections as you go. Also, do a search for all bracket characters “ [ ] “ as they are used to show you areas containing options or project specific details (you can use Microsoft Word’s Find feature {Ctrl-F} to jump to an open bracket “ [ “ character quickly). Again, these bracket characters should be removed.

It is important that every paragraph be numbered to allow for easy referencing. If you use the document’s built in styles and formatting your outline should be fine. Paragraphs can be promoted (Tab) or demoted (Shift-Tab).

You should not have to manually enter extra spaces, carriage returns or outline characters such as A, B, C, or 1.01, 1.02; the formatting will do this for you. The entire document is 11 pt. Arial. If you paste items in, you may need to ‘format paint’ to reapply the format.

**Changes to this specification must be approved by EN Construction Labor and Port Workforce Development.**

1. GENERAL
2. SUMMARY
   1. The Port, in cooperation with other governmental, labor and employer groups, has determined that there is a need for increased apprentice opportunities in the construction industry and that an increase in such opportunities will benefit the Port and its constituents. This was initially established in 1993 under a Memorandum of Agreement (MOA) between the Port of Seattle and the King County Building Council, et al.
   2. The Contractor shall assist in locating, qualifying, and increasing the skills of the region’s labor force in general and in particular, people of color and women.
   3. Consistent with the Contractor’s work force requirements and as permissible under Federal and in compliance with State regulations, the Contractor shall make full use of approved apprenticeship programs, for this Port project during the period of contract performance.

RCW 39.04.320 applies to projects with an estimated value of $2M or more as of July 1, 2024 ($1.5M as of July 1, 2026 and $1.0M as of July 1, 2028) as determined by the Port Cost Estimate). Include D if $2M or greater, otherwise delete. **This will trigger adding in ‘requirements’ and ‘incentives’ and ‘penalties’ later in this section.**

* 1. The State of Washington requires apprentice workers to be employed on public works projects estimated to cost $2,000,000 or more. [RCW 39.04.320](https://app.leg.wa.gov/RCW/default.aspx?cite=39.04.320) applies to this project.

If this is a Non-PLA public works project estimated to be ≥$1M, keep first 1.02 option and delete PLA specific option (1.02 Project Labor Agreement…). However, IF this project is PLA then delete non-PLA option (1.02 Apprentice Utilization…) and keep second 1.02 option that is PLA specific. DO NOT CHANGE PERCENTAGES BELOW – talk to Construction Labor Apprenticeship and Priority Hire Manager if there are questions.

Whichever 1.02 paragraph is kept (PLA or Non-PLA), **if RCW 39.04.320 applies, include** the ‘Requirement and’ language to meet the Apprentice Utilization Requirement (AUR) of RCW 39.04.320. **If not,** delete ‘Requirement and’ language (they are only goals). This also applies in paragraph 1.03 and 1.04 ‘Requirement and’ language.

1. APPRENTICE UTILIZATION [REQUIREMENT AND] GOALS
   1. The Apprentice Utilization [Requirement (AUR)] [goal] is at least fifteen percent (15%) of total labor hours, on the project overall, will be performed by apprentices registered to an approved apprenticeship program.
   2. Apprentice inclusion goals are at least 15% of Apprentice hours by people of color.
   3. Apprentice inclusion goals are at least 10% of Apprentice hours by females.

[or]

1. PROJECT LABOR AGREEMENT (PLA) APPRENTICE UTILIZATION REQUIREMENT AND GOALS

For PLA Projects, the following Apprentice Utilization policy applies:

* 1. The Apprentice Utilization [Requirement (AUR)] [goal] is at least fifteen percent (15%) of the total labor hours, per craft, are performed by apprentices registered to an approved apprenticeship program.
  2. Apprentice inclusion goals established for people of color is twenty one percent (21%) of the total Apprentice hours.
  3. Apprentice inclusion goals established for female apprentice training is twelve percent (12%) of the total Apprentice hours.
  4. Preferred Entry Apprenticeship goal is at least 1 in 5 apprentices used on the project overall are graduates from a pre-apprenticeship program.
  5. Facilitate the entry of veterans utilizing the ‘Helmets to Hardhats’ program (per Article 10 of the PLA).
  6. Although there are no specific goals at this time, the Port, in keeping with the broad intent and spirit of this program, strongly encourages the active recruitment and employment of persons with disabilities in any and all areas of employment opportunities.

1. SUBMITTALS
   1. All submittals shall be completed in accordance with Section 01 33 00 – Submittals.
   2. The Contractor shall prepare and submit an Apprenticeship Utilization Plan (see Attachment A) that shows the overall plan for achieving the apprentice utilization [requirement and] goals.
      1. All Contractors, Subcontractors, and Suppliers required to pay Prevailing Wages shall be included in the plan.
      2. Plan shall be submitted as part of the required Preconstruction Submittals, Section 01 32 19 - Preconstruction Submittals, and before Notice to Proceed is given.
      3. The Contractor shall actively seek out opportunities to meet Apprenticeship [requirement and] goals during construction even if the Plan indicates a shortfall in meeting the targets.
   3. Notification of all labor hours filed in EPI and PWIA systems for the duration of the project in a signed letter format.
   4. Request for Good Faith Effort determination in a signed letter format with accompanying documentation (if required).
2. APPRENTICESHIP PROGRAM REQUIREMENTS
   1. GENERAL REQUIREMENTS:
      1. The Contractor shall provide on-the-job training aimed at developing full journey level worker status in the various crafts involved in the project. In the event the Contractor identifies a portion of the contract work to be completed by Subcontractors or Suppliers required to pay Prevailing Wages, the Contractor shall determine how many, if any, apprentice hours are to be assigned to be completed by the Subcontractor or Supplier, provided however, that the Contractor shall retain the primary responsibility for meeting the apprentice goals set for the project.
      2. The Contractor shall identify the craft(s) proposed to accomplish the apprentice goals of the contract, the number of apprentices and hours assigned to the craft, any known apprentices, and the estimated beginning work date for the apprentices. (Reference Apprenticeship Utilization Plan attached). The apprentices labor hours shall be distributed across the craft classifications based on the Contractor’s needs and availability of journey level workers in the various craft(s). [PLA project apprenticeship [requirement and] goals shall be met on a per craft basis.] The Contractor will be credited the hours for each apprentice employed on the contract work that is currently enrolled or becomes enrolled in an approved apprenticeship program.
      3. This is not intended, and shall not be used, to discriminate against any applicant for employment, whether a protected group/individual or not.
   2. JOURNEY LEVEL WORKERS NOT ELIGIBLE
      1. No employee shall be employed as an apprentice in any classification in which the employee has successfully completed a training course leading to journey level worker status or in which the employee has been employed as a journey level worker. The Contractor should satisfy this requirement by including appropriate questions in the employee application or by other suitable means. Regardless of the method used, the Contractor’s records shall document the findings in each case.
3. ACCEPTABLE APPRENTICE PROGRAMS

For the purpose of this specification, acceptable Training Programs are those employing apprentices from the following:

* 1. Apprentices registered with a Washington State Department of Labor and Industries registered apprenticeship program pursuant to RCW 49.04.060.
  2. Apprentices registered with an approved Apprenticeship Program recognized by the Washington State Apprenticeship & Training Council Apprenticeship Reciprocal Agreement between Washington, Oregon and Montana; July 2013.

1. PRODUCTS
2. EXECUTION
   1. COMPLIANCE
   2. It is normally expected that an apprentice will begin training on the project as soon as feasible after start of work, utilizing the skill involved and remain on the project as long as training opportunities exist in the work classification or until the completion of the training program.
   3. It is not required that all apprentices be retained for the entire length of the contract.
   4. [Include this only if RCW 39.04.320 applies, otherwise delete] Contractor and subcontractors will not be required to exceed the AUR listed in paragraph 1.02.A.
   5. Contractor will have fulfilled the responsibilities under this apprenticeship provision if the Contractor has complied with the apprentice utilization [requirement and] goals for the project based on the apprentice hours reported in the Port’s EPI system and verified through the Washington State Labor & Industries Prevailing Wage Intents and Affidavits (PWIA) system.
3. EPI will be used for monitoring performance related to apprentice utilization throughout the duration the project.
   1. The Port’s Construction Labor Apprenticeship and Priority Hire Manager is available to assist the Contractor/Subcontractor in the event the project apprentice utilization [requirement or] goals are not being met.
4. Contractor shall notify the Engineer when all labor hours for the duration of the project have been filed through the Port’s EPI system and L&I’s PWIA system for Contractor as sub-contractors at all levels.
   1. The labor hours reporting in the EPI and PWIA systems are required to be aligned at the time the Contractor notifies the Engineer. Contractor shall address discrepancies exceeding this amount to bring these systems into alignment before the evaluation of apprentice utilization compliance is performed by the Port.

**RCW 39.04.320 requires Incentives and penalties**, but federally funded projects may not allow for incentives or penalties. PM/CM/CPO to review funding requirements and delete or edit below sections below accordingly. Chose ‘waived’ language below if federal funding (ie FAA) does not allow incentive/penalty, but RCW 39.04.320 applies.

Delete ‘Evaluation’ and ‘Incentives and Penalties’ sections below if RCW does not apply.

**The ‘Good Faith Effort (GFE)’ and later sections apply to all projects and must remain.**

1. Evaluation of Apprentice Utilization
   1. Engineer evaluation of apprentice utilization will use labor and apprenticeship hours from the PWIA system, after determined by the Engineer to be aligned with Port EPI, in determining whether the AUR listed in paragraph 1.02.A has been met.
2. Incentives and Penalties
   1. Incentive: [if the Engineer determines the Contractor has met or exceeded the AUR, an incentive payment of $1,000.00 will be paid via Change Order] or [waived (not allowed by FAA)].
   2. Penalty: [if the Engineer determines the Contractor has not met the AUR, a penalty will be applied for every hour of short-fall of the minimum required apprentice hours in the amount of the applicable L&I published wage of a Step 1 Apprentice Laborer at time of bid. The penalty credit will be applied via Change Order. Under no circumstance will the penalty exceed five percent (5%) of the total contract sum.] or [waived (not allowed by FAA).]
      1. Calculation for penalty:

= (actual apprentice hours – required apprentice hours) x $/hr

* 1. The approval of a Good Faith Effort (GFE) by the Engineer will waive the assessment of any penalties or incentives related to Apprentice Utilization Requirements.

1. Good Faith Effort (GFE)
   1. If the Engineer has determined the contractor did not meet one or more apprenticeship [requirement or] goal, the Contractor shall request a Good Faith Effort (GFE) determination from the Engineer.
      1. The GFE request shall include a brief statement as to why the apprentice utilization was not met as well as documentation to substantiate Contractor systematic and direct efforts, and the outcome of those efforts, towards achieving the apprentice requirements/goals throughout the project.
   2. The Port is the sole authority to approve or disapprove a GFE.
2. Documentation shall be submitted in a timely manner.
3. The Engineer will be responsible for determining compliance which will be documented using Attachment B – Apprenticeship Utilization Tracking record.
   1. OTHER REQUIREMENTS

In addition to those other requirements already stated, the Contractor shall ensure the following:

* 1. WAGE PROGRESSIONS:

The apprentice shall be paid in accordance with the provisions of RCW 39.12.021, which reads as follows:

* + 1. “Apprentice workers employed upon public works projects for whom an apprenticeship agreement has been registered and approved with the state apprenticeship council pursuant to RCW 49.04, must be paid at least the prevailing hourly rate for an apprentice of that trade. Any worker for whom an apprenticeship agreement has not been registered and approved by the state apprenticeship council shall be considered to be a fully qualified journey level worker, and, therefore, shall be paid at the prevailing hourly rate for journey level workers.”

Only apprentices registered with a Washington State Department of Labor and Industries registered apprenticeship program may be paid at an apprentice level hourly rate. All other apprentices shall be paid at journey worker level regardless of status within a craft.

* 1. ASSISTANCE:

The Contractor shall advise employees and applicants for employment of available registered apprenticeship programs and entrance requirements for each.

* 1. MAINTENANCE OF RECORDS:

The Contractor shall provide information showing apprentice hours worked and wages paid as part of Electronic Payroll Information (EPI) at least monthly as described in Document 00 83 00 – Civil Rights, Title IV, and Non-Discrimination. This information shall align with information provided to Washington State L&I through certified payroll.

PART 4 MEASUREMENT AND PAYMENT

* 1. GENERAL
  2. No separate measurement or payment will be made for the work required by this section. The cost for this portion of the Work will be considered incidental to, and included in the payments made for the applicable bid items in the [Schedule of Unit Prices] [Lump Sum price] bid for the project.

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