
SENATE BILL 6186

State of Washington

63rd Legislature

2014 Regular Session

By Senator King

Read first time 01/17/14. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to certain public works contracting requirements;
2 and amending RCW 39.04.320, 39.12.026, and 39.12.010.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 39.04.320 and 2009 c 197 s 1 are each amended to read
5 as follows:

6 (1)(a) Except as provided in (b) through (d) of this subsection,
7 from January 1, 2005, and thereafter, for all public works estimated to
8 cost one million dollars or more, all specifications shall require that
9 no less than fifteen percent of the labor hours be performed by
10 apprentices.

11 (b)(i) This section does not apply to contracts advertised for bid
12 before July 1, 2007, for any public works by the department of
13 transportation.

14 (ii) For contracts advertised for bid on or after July 1, 2007, and
15 before July 1, 2008, for all public works by the department of
16 transportation estimated to cost five million dollars or more, all
17 specifications shall require that no less than ten percent of the labor
18 hours be performed by apprentices.

1 (iii) For contracts advertised for bid on or after July 1, 2008,
2 and before July 1, 2009, for all public works by the department of
3 transportation estimated to cost three million dollars or more, all
4 specifications shall require that no less than twelve percent of the
5 labor hours be performed by apprentices.

6 (iv) For contracts advertised for bid on or after July 1, 2009, for
7 all public works by the department of transportation estimated to cost
8 ((two)) four million dollars or more, all specifications shall require
9 that no less than ((fifteen)) thirteen percent of the labor hours be
10 performed by apprentices.

11 (c)(i) This section does not apply to contracts advertised for bid
12 before January 1, 2008, for any public works by a school district, or
13 to any project funded in whole or in part by bond issues approved
14 before July 1, 2007.

15 (ii) For contracts advertised for bid on or after January 1, 2008,
16 for all public works by a school district estimated to cost three
17 million dollars or more, all specifications shall require that no less
18 than ten percent of the labor hours be performed by apprentices.

19 (iii) For contracts advertised for bid on or after January 1, 2009,
20 for all public works by a school district estimated to cost two million
21 dollars or more, all specifications shall require that no less than
22 twelve percent of the labor hours be performed by apprentices.

23 (iv) For contracts advertised for bid on or after January 1, 2010,
24 for all public works by a school district estimated to cost one million
25 dollars or more, all specifications shall require that no less than
26 fifteen percent of the labor hours be performed by apprentices.

27 (d)(i) For contracts advertised for bid on or after January 1,
28 2010, for all public works by a four-year institution of higher
29 education estimated to cost three million dollars or more, all
30 specifications must require that no less than ten percent of the labor
31 hours be performed by apprentices.

32 (ii) For contracts advertised for bid on or after January 1, 2011,
33 for all public works by a four-year institution of higher education
34 estimated to cost two million dollars or more, all specifications must
35 require that no less than twelve percent of the labor hours be
36 performed by apprentices.

37 (iii) For contracts advertised for bid on or after January 1, 2012,
38 for all public works by a four-year institution of higher education

1 estimated to cost one million dollars or more, all specifications must
2 require that no less than fifteen percent of the labor hours be
3 performed by apprentices.

4 (2) Awarding entities may adjust the requirements of this section
5 for a specific project for the following reasons:

6 (a) The demonstrated lack of availability of apprentices in
7 specific geographic areas;

8 (b) A disproportionately high ratio of material costs to labor
9 hours, which does not make feasible the required minimum levels of
10 apprentice participation;

11 (c) Participating contractors have demonstrated a good faith effort
12 to comply with the requirements of RCW 39.04.300 and 39.04.310 and this
13 section; or

14 (d) Other criteria the awarding entity deems appropriate, which are
15 subject to review by the office of the governor.

16 (3) The secretary of the department of transportation shall adjust
17 the requirements of this section for a specific project for the
18 following reasons:

19 (a) The demonstrated lack of availability of apprentices in
20 specific geographic areas; or

21 (b) A disproportionately high ratio of material costs to labor
22 hours, which does not make feasible the required minimum levels of
23 apprentice participation.

24 (4) This section applies to public works contracts awarded by the
25 state, to public works contracts awarded by school districts, and to
26 public works contracts awarded by state four-year institutions of
27 higher education. However, this section does not apply to contracts
28 awarded by state agencies headed by a separately elected public
29 official.

30 (5)(a) The department of (~~general administration~~) enterprise
31 services must provide information and technical assistance to affected
32 agencies and collect the following data from affected agencies for each
33 project covered by this section:

34 (i) The name of each apprentice and apprentice registration number;

35 (ii) The name of each project;

36 (iii) The dollar value of each project;

37 (iv) The date of the contractor's notice to proceed;

1 (v) The number of apprentices and labor hours worked by them,
2 categorized by trade or craft;

3 (vi) The number of journey level workers and labor hours worked by
4 them, categorized by trade or craft; and

5 (vii) The number, type, and rationale for the exceptions granted
6 under subsection (2) of this section.

7 (b) The department of labor and industries shall assist the
8 department of ~~((general administration))~~ enterprise services in
9 providing information and technical assistance.

10 (6) ~~((The secretary of transportation shall establish an
11 apprenticeship utilization advisory committee, which shall include
12 statewide geographic representation and consist of equal numbers of
13 representatives of contractors and labor. The committee must include
14 at least one member representing contractor businesses with less than
15 thirty five employees. The advisory committee shall meet regularly
16 with the secretary of transportation to discuss implementation of this
17 section by the department of transportation, including development of
18 the process to be used to adjust the requirements of this section for
19 a specific project. The committee shall provide a report to the
20 legislature by January 1, 2008, on the effects of the apprentice labor
21 requirement on transportation projects and on the availability of
22 apprentice labor and programs statewide.~~

23 ~~(7))~~ At the request of the senate labor, commerce, research and
24 development committee, the house of representatives commerce and labor
25 committee, or their successor committees, and the governor, the
26 department of ~~((general administration))~~ enterprise services and the
27 department of labor and industries shall compile and summarize the
28 agency data and provide a joint report to both committees. The report
29 shall include recommendations on modifications or improvements to the
30 apprentice utilization program and information on skill shortages in
31 each trade or craft.

32 **Sec. 2.** RCW 39.12.026 and 2003 c 363 s 206 are each amended to
33 read as follows:

34 (1) In establishing the prevailing rate of wage under RCW
35 39.12.010, 39.12.015, and 39.12.020, all data collected by the
36 department of labor and industries may be used only in the county for
37 which the work was performed.

1 (2) (~~This section applies only to prevailing wage surveys~~
2 ~~initiated on or after August 1, 2003.~~) The department of labor and
3 industries must provide registered contractors with the option of
4 completing a wage survey electronically.

5 **Sec. 3.** RCW 39.12.010 and 1989 c 12 s 6 are each amended to read
6 as follows:

7 (1) The "prevailing rate of wage", for the intents and purposes of
8 this chapter, shall be the rate of hourly wage, usual benefits, and
9 overtime paid in the locality, as hereinafter defined, to the majority
10 of workers, laborers, or mechanics, in the same trade or occupation
11 employed directly on the site of work. In the event that there is not
12 a majority in the same trade or occupation paid at the same rate, then
13 the average rate of hourly wage and overtime paid to such laborers,
14 workers, or mechanics in the same trade or occupation shall be the
15 prevailing rate. If the wage paid by any contractor or subcontractor
16 to laborers, workers, or mechanics on any public work is based on some
17 period of time other than an hour, the hourly wage for the purposes of
18 this chapter shall be mathematically determined by the number of hours
19 worked in such period of time.

20 (2) The "locality" for the purposes of this chapter shall be the
21 largest city in the county wherein the physical work is being
22 performed.

23 (3) The "usual benefits" for the purposes of this chapter shall
24 include the amount of:

25 (a) The rate of contribution irrevocably made by a contractor or
26 subcontractor to a trustee or to a third person pursuant to a fund,
27 plan, or program; and

28 (b) The rate of costs to the contractor or subcontractor which may
29 be reasonably anticipated in providing benefits to workers, laborers,
30 and mechanics pursuant to an enforceable commitment to carry out a
31 financially responsible plan or program which was communicated in
32 writing to the workers, laborers, and mechanics affected, for medical
33 or hospital care, pensions on retirement or death, compensation for
34 injuries or illness resulting from occupational activity, or insurance
35 to provide any of the foregoing, for unemployment benefits, life
36 insurance, disability and sickness insurance, or accident insurance,
37 for vacation and holiday pay, for defraying costs of apprenticeship or

1 other similar programs, or for other bona fide fringe benefits, but
2 only where the contractor or subcontractor is not required by other
3 federal, state, or local law to provide any of such benefits.

4 (4) An "interested party" for the purposes of this chapter shall
5 include a contractor, subcontractor, an employee of a contractor or
6 subcontractor, an organization whose members' wages, benefits, and
7 conditions of employment are affected by this chapter, and the director
8 of labor and industries or the director's designee.

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