



King County

<p>Title Establishing Procedures and Criteria for the Appropriate Use of a Project Labor Agreement (PLA) on Major King County Capital Construction and Alternative Delivery Projects.</p>	<p>Document Code No. PER 13-1 (AEO)</p>
<p>Department/Issuing Agency King County Executive Office</p>	<p>Date April 30, 2013</p>

WHEREAS, on July 14, 2010, the Metropolitan King County Council Labor Policy Committee adopted King County labor policy LP 2010-031, which directed the county to explore the use of a PLA for county projects when appropriate; and

WHEREAS, King County plans, develops, constructs and manages capital projects to support a wide range of county operations and important public services, including but not limited to wastewater treatment, solid waste disposal, building development and redevelopment, airport operations, surface water management, flood hazard reduction, habitat restoration, park and trail development, and transportation; and

WHEREAS, King County has a compelling interest in awarding public works contracts that yield the lowest reasonable costs and the highest standard of quality and efficiency in implementing the construction of county projects; and

WHEREAS, significant cost increases and schedule impacts can occur on capital projects due to labor disputes, difficulties in predicting labor costs and potential interruptions in labor supply, lack of coordination between labor and public owners and uncertainty about the terms and conditions of employment of workers; and

WHEREAS, in order to mitigate the risk of increased costs and schedule delays caused by labor disputes and uncertainties, and thereby better ensure the timely and cost effective completion of construction projects, King County has successfully used PLAs for some of its largest construction projects, and other public agencies in the State of Washington and in other states have used PLAs in the construction of large public facilities, including the Washington State Department of Transportation, City of Seattle, Port of Seattle, Washington State Major League Baseball Stadium Public Facilities District, Sound Transit, City and County Housing Authorities, and the Seattle School District; and

WHEREAS, King County recognizes the value of PLAs that meet appropriate criteria consistent with statutory competitive procurement requirements; and

WHEREAS, PLAs are considered appropriate for major, time sensitive county capital projects that will involve a substantial number of contractors, subcontractors, and trades and craft workers, and have a substantial construction dollar value; and

WHEREAS, PLAs can be used to secure a skilled labor supply to mitigate the risk of labor shortages and other potential labor disruption on county public works and public-private construction projects on County property by establishing mutually agreed labor rates and priority access to skilled labor and other labor related conditions specific to the project; and

WHEREAS, the use of PLAs by King County and other public entities in the Puget Sound region demonstrates that non-union or open shop contractors do successfully bid and compete and have participated on contracts using a PLA; and

WHEREAS, participation goals for Small Contractors and Suppliers (SCS), women- and minority-owned businesses and apprenticeship have been met on public works projects using PLAs by the county as well as other agencies in this region and nationally; and

WHEREAS, the potential benefits of any proposed PLA must be carefully considered with respect to the effect such an agreement may have on competitive procurement, project costs and King County's policy to advance the participation of SCS firms and women- and minority-owned businesses; and

WHEREAS, the use of PLAs should be considered only in those limited circumstances when such an agreement clearly benefits the interests of King County from a cost, efficiency, quality, safety and timeliness standpoint.

NOW, THEREFORE, I, Dow Constantine, King County Executive, do hereby order and direct that:

1. All King County Implementing Agencies (IA) with significant capital projects shall consider implementing a PLA for appropriate construction projects that meet one or more of the criteria established in this Order.
2. The decision to use a PLA shall be considered in light of the important public policies favoring fair, open competitive procurements and advancing the participation of SCS and women- and minority-owned businesses.
3. The decision to use a PLA shall be made on a project-by-project basis, and only when such an agreement will promote labor stability and advance King County's interest in cost, efficiency, quality, safety, and timeliness.

A. Criteria

In deciding whether to use a PLA, an IA shall consider the following criteria:

- Whether the size and complexity of the project and the time needed for completion are significant. Specifically, projects are considered significant when: (i) construction cost estimates are equal to or greater than \$25 million, and (ii) the project schedule encompasses multiple years wherein labor rate agreements must be negotiated or wherein the potential for labor disruptions, such as strikes, lockouts, or slowdowns could affect completion of the project and/or ongoing operations and services.
- Whether the project is expected to involve a substantial number of trades and crafts.

- Whether the need and urgency of the project is such that there could be harm to the public if completion of the project is delayed due to labor disruptions.
- Whether the use of a PLA is otherwise expected to provide cost, efficiency, quality, safety, and/or schedule benefits to the project.

The IA decision to use a PLA in connection with a construction project shall be made prior to or along with selecting the method of contracting for the project and shall be supported by written findings submitted to and approved by the Executive. The written findings shall clearly demonstrate how the use of a PLA will benefit the project and the interests of the public and King County based on the above criteria.

B. Notice - Required PLA Elements - Guidelines

The advertisement for the construction contract shall state the County's intent to use a PLA. Prior to advertisement of the construction contract, the PLA shall be negotiated with the applicable building trades and affiliated entities. The PLA shall:

- designate a King County project manager, general contractor, or similar construction firm or consultant which is experienced in the negotiation and administration of PLAs to manage and oversee the construction of the project, including the development and implementation of a labor relations policy for the project;
- contain guarantees against strikes, lockouts, slowdowns or other similar action;
- set forth effective, immediate and mutually binding procedures for resolving jurisdictional and labor disputes arising before the completion of the work;
- be made binding on all contractors and subcontractors on the project through the inclusion of appropriate bid specifications in all relevant bid documents;
- be open to competition for work to be performed and materials to be supplied to all union and non-union contractors, subcontractors, and material suppliers who are willing to abide by the terms of the PLA;
- prohibit discrimination in job referrals and hiring practices as required by federal and state law;
- in no way limit or define conditions of work performed pursuant to applicable federal, state and local regulations;
- supersede or incorporate existing local collective bargaining agreements for the affected crafts and trades as they apply to the specific project.
- conform to KCC 12.16.165 regarding apprenticeship utilization.

Guidelines for implementing this Order shall be made available for use by all IAs.


NOW, THEREFORE, I Dow Constantine, King County Executive, do hereby order and direct:

Dated this 30 day of APRIL, 2013.



Dow Constantine
King County Executive

Attest:



Norm Alberg
Director, Records and Licensing Services Division