

WSDOT APPRENTICESHIP UTILIZATION ADVISORY COMMITTEE

May 3, 2007

8:00 AM – 12:00 PM

MEETING MINUTES

Capital Conference Room
WSDOT Transportation Building
310 Maple Park Ave
Olympia, WA 98504

Attendees: Committee Members: Linea Laird (Chair), Bob Abbott, John Little, Randy Loomans, Dave Johnson, Tom Zamzo
Meeting Observers: Adam Lawrence, General Administration; Valerie Whitman, Max J. Kuney Co.; Rick Slunaker, AGC; Alice Curtis, L&I
WSDOT Staff: Kevin Dayton, Craig McDaniel, Todd Lamphere, Jenna Fettig
Absent: Bob Adams, Butch Brooks, Nick Tommer

Meeting Overview and Outcomes:

Meeting Outcomes:

The committee made the following decisions:

1. The committee decided that at this time there will be no geographical area exclusions. The committee will wait until there is data showing that a geographical area consistently cannot make the goal and at that time, the requirement could be reduced.
2. The committee decided that absent the data, at this point, there will not be exclusions due to a disproportionately high ratio of materials to labor. At the request of the committee, WSDOT will look into allowing a contractor to report before the pre-construction meeting, why they will not be able to make a goal due to a disproportionately high ratio of materials to labor. If data shows certain types of projects that continually cannot meet the goal, criteria can be developed by the committee based on that data.
3. WSDOT will meet with FHWA to discuss coordination with Federal training requirements.
4. WSDOT will produce data on how many Federal training hours are met by workers who would also meet the state apprenticeship requirements.

Agenda Items:

The committee established the following topics for discussion at the next meeting:

1. Overview of actions taken since last meeting
2. Feedback on where we are with pilot projects
3. Feedback on where we are with implementation and projects awarded utilizing the requirement.
4. Feedback on discussion with FHWA and coordination between Federal requirements and the state program.

Date Setting:

The Apprenticeship Utilization Advisory Committee set the following tentative meeting date:

- **Thursday, September 13th, 8:00 AM – 12:00 PM**

Meeting Minutes:

Welcome

Kevin introduced Linea as the new chair of the committee and announced that Bob, Butch and Nick are absent. All attendees introduced themselves to the group.

Agenda Overview

Kevin gave an overview of the agenda. On geographical exclusions, Kevin provided an overview of the discussion at the last meeting, saying that the group mostly agreed that it would be worked through with good faith. Kevin gave an overview of disproportionately high ratio of materials to labor discussion and said that it would be revisited at today's meeting. There have been developments with FHWA that need to be addressed.

Actions taken since last meeting

New Committee Chair

A couple changes are underway. MacDonald will retire July 2007. The committee chair is the spokesperson on this committee on behalf of Doug. Kevin said he does not know how the new secretary will weigh in. Kevin hopes that the new secretary will weigh in but not sit in on the meetings. Linea Laird will chair the committee unless the new secretary has another idea.

Pilots Update

WSDOT piloted two jobs, not to test making the goal, but to test the reporting. Do we have the right specs? Is it biddable? Can we administer it? Does it correspond with GA reporting? Kevin provided an overview of the two pilot projects (handout). One of the projects ended up getting federally funded at the last minute and Federal training goals were added on to it. The Construction Office missed this.

- Linea told the group that jobs can get Federal funds right before ad, like the Cornwall to Hatch pilot project.
- Craig mentioned that the training goals can be removed from the pilot if the committee wants them removed. Craig recommends leaving them in, but it depends on what we want to pilot. Do we want to pilot having Federal training on the apprenticeship projects?

*The Committee jumped into an early discussion of the 10:45 agenda item:
Discuss coordination with Federal training requirements at this time*

- Dave said something that came up before was if apprenticeship utilization under state statute can replace the federal training requirements.

- According to Kevin, the state program cannot replace the Federal program. The Federal is affirmative action program (female/minority). The state apprenticeship program is not an affirmative action program, but a jobs program.
- Dave said that an element of state apprenticeship programs requires affirmative action according to federal guidelines meaning that under the State Apprenticeship Training Council, there is a linkage. These hours could actually be supplemented by the state program.
- Kevin used prevailing wage as an example. According to Kevin, for years Washington has said that we have a state prevailing wage program that could replace the federal, but they have not allowed it.
- Dave said that the state standards clearly have a higher threshold than the federal standards. A higher threshold parallels the prevailing wage. Looking at the Cornwall to Hatch pilot, he said it is concerning that you have 200 hours of Federal training. And all they have to be is a woman or minority (not an apprentice in an ongoing career oriented program) and once those hours are fulfilled they are not engaged in any ongoing training. It is counter to what we are trying to do in terms of a long term program. The folks that fulfill these requirements can't be used on another project for some amount of time.
- Valerie said they (Max J. Kuney Co.) have female operators that move from job to job.
- Rick said that if they meet the requirement on one job, after they finish that job they can move to another.
- Tom said if it is a different job and said that you could double count a female minority apprentice for the state requirements and the federal requirements.
- Linea said you can double count, but still have to manage and report them separately. They are two different goals that have to be met.
- Bob said there is no reason why they can't commingle. If you have a female or minority apprentices you can count them for both.
- Linea said this is a discussion we have to have with the feds.
- Rick said this discussion took place a few years ago. Apprentices who met the federal requirement could meet both requirements on the job.
- Dave said in other areas they do commingle. They will get requests for female or minority apprentices. They are commingling in other areas.
- Rick said the bigger concern is projects with trainees who are not apprentices. Contractors are not allowed to have people doing the same job if one is an apprentice and one is a trainee. This violates Labor and Industries regulations. They don't allow an employee to have an apprentice carpenter and trainee carpenter on the same job.
- Randy asked if we can work with the feds for the apprentice hours to meet the federal hours requirement. She said they (apprentices) will get a career out of it (the state program).

- Dave said there needs to be clarification more than an exemption. He said other public agencies have these same requirements and there is already a process to address this.
- Bob said we already have examples of how they successfully commingle. The best thing is to get Jody in the room.
- Linea said the fact that a contractor cannot have apprentices and trainees seems to be a barrier.
- Alice clarified that if it is a carpenter you cannot have an apprentice carpenter and trainee carpenter. But an apprentice can achieve the trainee goals. The trainee cannot necessarily achieve apprentice goals.
- Tom further clarified. A contractor may be engaged in a training program for one class or craft and an apprenticeship program for another. The department needs to understand how labor relations work with various contractors.
- Kevin is having a hard time understand how a single contractor could want to have an apprentice and a trainee.
- Tom said though this program does not talk about crafts, a contractor can be engaged in an apprentice program for one craft and a trainee program for another.
- Tom said this is where it will be difficult for some contractors to work in training with apprenticeship.
- Kevin clarified that a contractor cannot have an apprentice and trainee carpenter at the same time, but this does not affect the subcontractor's program. The prime could have apprentice carpenters and the sub could have trainee carpenters.
- Bob said an employer who is not a training agent can do what they want, but those that are can use the apprentices to meet both goals (state and federal).
- Dave said that once the federal requirements are addressed, they can address the state requirements. You can double count them. Another thing is that with one craft to another craft being allowed to use trainees, we get into the general contractor to subcontractor relationship. They would filter that down to other crafts and subcontractors if they cannot meet the quota. That's why the total number of labor hours is so important instead of craft by craft labor hours.
- Bob said that the subcontractors will be responsible for laying out the hours and a lot of hours will be double counted. He asked what the feeling was from the feds on the program.
- Kevin said his sense is the feds are not inclined to mix and match from a competition standpoint and have told local agencies no.
- Bob asked if that means that an apprentice cannot be used for trainee goals.
- Kevin clarified that is not the issue. The feds issue is that additional requirements will drive the price up costs by reduce competition because contractors will be reluctant to bid on these projects.

- Dave said the decision has been done on other projects with federal funds.
- Kevin mentioned that the problem is not federal money period. It is specifically an FHWA issue, not just the feds in general. A Grays Harbor county requirement was not allowed into a contract utilizing Federal dollars by local programs.
- Randy said that it might be helpful if Linea sees how apprenticeship really works in getting careers started that it might meet the federal requirements. Randy said that she worked under a lot of minority contracts and contractors were taking women and people of color off the street. The apprenticeship programs bring them in a train them up. She can't see why they can't work for both the state and federal requirements
- Kevin thinks apprenticeship will work, but what the feds are saying is that if not all contractors are signatory, that is a narrowing of competition. FHWA said WSDOT cannot put a county clause in the contract that narrows the requirements and makes some firms unable to bid on the job. The feds allow any program they approve and the state requirements allow only a state approved program.
- Linea said the problem is that certain contractors can bid on the jobs and some can't. That is the discussion that has to occur with Jody.
- Bob said he has heard the argument before and it has not been a problem. Even contractors with no program can meet it through the subs. That is what we need to demonstrate through Jody.
- Kevin said they did not want to ask (FHWA) permission but show them what they had to do.
- Rick mentioned that the federal project on the pilot sheet only had two bidders.
- Dave said the reality is there are other federal agencies that are allowing it. The concept of what this is about is ongoing training and career opportunities. (For the Federal training goals) All they have to do is go to Labor Ready and hire someone and send them right back when they are done. It is superficial and doesn't do much.
- Randy said the bill says that the state will invest their dollars in companies that will grow the labor. To get these training hours all you have to do is put one on the job and send them right back when the job is done.
- Kevin said if it is a state approved program, we approve it here, if not, Jody approves the requirements
- Valerie asked what happens if there is a subcontractor with a lot of hours and they don't have a state approved apprentice program. Will they not meet the requirements? Does that work into a good faith effort?
- The committee said no, it does not.
- Kevin said this is exactly what the feds are concerned about.
- Bob said there are no barriers for a contractor to become a training agent for a particular craft and get state approved. There are opportunities with no barrier and no increased cost. The apprenticeship program has a cost savings.

- Tom said he is tracking the cost and it is a separate issue.
- Rick asked if the contractor is having a difficult time meeting the requirements but has another program, can that be used as part of the good faith effort.
- Craig said at this point we are talking about State approved apprentices only.
- Valerie said the whole point is to utilize them whether they are approved or not. It is a global concept of good faith. Not having a state approved program doesn't mean you aren't meeting overall good faith.
- Adam said with the GA public works jobs the only numbers that count are state approved. We don't have currently a definition of good faith. Basically if the project is not meeting the requirement, we contact them and document why not.
- Bob said he is hearing that if a contractor doesn't have a program and doesn't want to start one they can prove good faith by having something they provide training wise. He said they have stayed away from this and said that it is not a good faith effort.
- Kevin mentioned that in WSDOT's specification, good faith steps 4, 5, and 6 that is a state apprenticeship program we are looking at.
- Dave said one reason that a non-state approved program wouldn't be considered part of a good faith effort is because Dave has sat down and talked to some contractors who have their own programs that aren't very credible. Another issue is without working through this part of it with the feds. Would they hold a project hostage and give no federal money for a project that has this requirement?
- Kevin said it isn't withholding money, it just isn't approving the plan set. Kevin said we will not wind up not participating. We are not being held hostage. Kevin also brought up that in the next three biennia, the big ticket jobs are mostly state funded, the Nickel and TPA projects. There will be fringe jobs that end up with both state and federal money, if we call it a pilot we can sneak it under. This is a small element to work out and is not going away. The feds have already weighed in on county programs. It isn't going to kill the entire program if we have to separate the state requirement from federal projects.
- Bob said at 2 and a quarter bidders per project last year, he doesn't want to see it go to under two bidders and have that blamed on apprenticeship. There are a huge number of elements to think about.
- Kevin said when you put out a huge volume of work, the competition decreases. When there is less, it spikes. This is FHWA and FHWA is different, they have specific rules than other Federal agencies.
- Dave said his point is there are examples of other federal agencies have worked through these issues.
- Alice said sometimes all you need to do is get them talking and asked about a contact.
- Kevin said WSDOT works with the division office and that there are contacts for specifications, civil rights, etc.

- Alice asked who would be the ultimate approver of a federal grant.
- Kevin said we have a network of people we need to bring it and get comfortable with it. It is getting the entire division comfortable with what we are doing.
- Craig said we aren't saying we are not going to work this issue. It is a concern. We can give them more information after the pilots.
- Alice said that Labor and Industries or the Council would be happy to help with any of this.
- Bob had some discussions with FHWA on training issues and they aren't unreasonable. Initially their reaction is to say no. We have to spend a lot of time discussing this with them. They changed their position and reached common ground, eventually.
- Linea said this is not the end all. We are just barely underway in terms of information gathering.
- Tom said that federal training is not training but equal opportunity. It isn't training. I don't disagree that it should be training and apprenticeship provides a higher level of training. If you are going to administer both separately, every apprentice must be a woman or minority to meet both goals so it either has to be administered differently or interpreted differently.
- Kevin said the Federal program is basically an affirmative action program.
- Randy said that the December 4th Federal specification answers the question and it is the same affirmative action that is done by the state approved programs while administering their apprenticeship programs.
- Dave said it is a 'what if' and he doesn't think there will be problems meeting the requirements. If you are in a state without an approved council the training hours become more critical. We can't technically call it in this state affirmative action. Every state has requirements that need to be met. Do the EEO standards established for SAC states meet the requirements for the federal program in a non-SAC state?
- Rick said that is the federal good faith effort.
- Linea mentioned that the group had gotten off track and they should address some of the other actions taken since the last meeting before continuing the federal coordination discussion further.

Project List

Linea called attention to the advanced schedule of projects that is updated every month (handout). It was updated this morning and is what is anticipated to go on ad, though the ad dates can move around, or projects could be dropped or delayed. This is an idea of the size of the program. The federal dollars are not determined at this point.

Kevin said it seems odd that we don't know which have federal funds, but we really don't. In Washington, the state jobs are about the same as federal and we can at the last minute make a switch. It is just a few extra papers in the contract. We are prohibited to some extent for pulling federal funds into Nickel and TPA jobs, but even that is becoming more relaxed.

Federal Funding Projects to all projects from 2006.

Linea brought up the list of projects executed in 2006 that show which were state funded, which were federally funded and which federally funded projects had training goals. She said this is historic data.

- Kevin said this is the level of reporting that we can give to this committee after we award the projects, exact and specific data.
- Dave asked if we can find out whether or not training goals were met on the 2006 jobs and if so, how many were met by state approved apprentices.
- Linea said we might be able to look at that.
- Dave thinks it would be useful information. With a job with thousands of hours, some of those requirements had to be met by state approved programs.
- Bob said that based on these 17 projects, none of these 17 would qualify if we cannot mix apprenticeship into Federal jobs. Bob said very few projects would qualify, looking at the spreadsheet. That is a very large concern if all these projects would be excluded.
- Linea said more projects in the future will be TPA and Nickel.
- Bob said there are still state funds in the federal requirements. On the second page, even without federal funds there are not that many projects.
- Kevin said you have to realize that 2006 is 6 months after the TPA passed. He said we aren't out there yet with the TPA projects.
- Linea said we will try to determine the amount of apprentice labor in those federal training hours that were met.

Legislative Activities

SB 5242

Linea introduced Todd Lamphere to go over SB 5242.

Todd said this applies to the internal DOT program. Senator Hobbs spearheaded this bill (Virginia has a similar program). Todd said we have been trying not to separate this program from other programs in the DOT and the bill was incorporated into the internship program. They got money to do it. It pays salary and benefits for two FTEs a biennium. It is new funding to the budget. The FTEs are earmarked directly for the apprentices. It covers salary and overhead. It talks about the great steps we have had. Kevin and Steve Roark were instrumental in getting the changes.

- Kevin said that a concern is the language relating to our apprenticeship bill, but these programs are totally separate. Kevin said they will get the language cleaned up, because there is no crossover.
- John asked if they defined wounded veteran.
- Todd said there is already criteria defined by the current RCW governing veteran's preference (it is referenced in the bill).

Outreach

Linea said there has been a couple of things the office has been involved in, but asked what has been going on from a broader perspective?

- Tom said AGC brought in open shop contractors and CITC and discussed the program and this helped. One contractor came in saying that they wouldn't bid the projects and we were able to describe what apprenticeship was and what resources were there.
- Linea said it provided the opportunity to get the information out and brought forward the fears.
- Bob said the laborers will have a DVD so they can go into the schools with the building trades. That will be going out in the next month or two.
- Randy said last week was the Women in Trades Fair at Seattle Center and all the trades were represented.
- Valerie said everyone is overlapping trying to do the same thing and are aware of the upcoming goals.
- John said carpenters are having a workforce summit to talk about immigrant workers in the industry and create programs collaboratively.
- Dave said they have a print piece going out and are working with CTE and councilors for OSPI. The print item is basically 'Apprenticeship 101,' and describes it in basic terms. On the school facilities advisory board, they have been discussing the barriers in the public school system. There is becoming a certain path to follow to get at the students that is effective that deals with pathways to apprenticeship. The CTE instructors are getting excited about the programs. The counselors really need the information right now.
- Bob mentioned another program that is meeting with the school districts.
- Valerie said she likes that the program is not an affirmative action program. She said it provides a reason to talk to everybody in the trades.
- Craig said that Dave Jones made the rounds and went out with OEO and Civil rights to talk to a number of organizations about the apprenticeship requirements (handout).
- Valerie said that the meeting went well and it was nice that Dave was there to explain it. A lot of people in Spokane looked at it and didn't feel affected by it with the \$5 M threshold.

Reporting

Linea went over the GA reporting with the group (handout).

- Adam said they average about 17% on all jobs, but the requirement is 15%.
- Dave said when we look at this report one of the things to keep an eye on is the female apprentice hours and total minority apprentice hours. When you get into situations there are certain flags that we look at – on one project, GA had 66.52% - that is a flag.
- Adam clarified that 66.52% is the percentage of the apprentice workforce that is minority.
- Dave said there are flags on the high end that we should look for.
- Linea asked if we will be feeding into the GA report.

- Adam said the WSDOT reporting will be similar, but there is a trade breakdown in the Governor's report, but not the quarterly form. This is not the report WSDOT will be spilling into. Adam doesn't expect to see something like the quarterly report, yet.
- Rick asked if the minority status was a reported number.
- Adam said they match the database to L&I.
- Kevin said that is not information that WSDOT is asking for on our forms.
- Linea pulled out the reporting package with the forms and directions (handout).
- Kevin mentioned that the forms and specs are not a locked document. It is just the current edition.
- Randy asked if GA put out something on a CD
- Adam said they have set up an online process for the contractor to submit the paperwork.
- Randy said maybe they could share it with the DOT.
- Linea said WSDOT is working on an online process.
- Valerie said right now she understands it will be with the bid forms on the CD.
- Rick asked why the GA system is proprietary.
- Adam said they just don't have access to WSDOT's system.
- Valerie asked about the plan. She said she thought the point was to help the project office out, but there is nothing about timing. She said it could be done in a narrative.
- Rick asked if the contractor is required to estimate the number of apprentices and hours.
- Craig said yes and emphasized that it is an estimate.
- Valerie said it is a conceptual plan.
- Kevin mentioned it is not a pre-bid form.
- Rick asked how practical it is to estimate not only the bodies but also the hours.
- Dave said you can divide the total number of hours by the shift and get an estimated number.
- Valerie said at least it is identified as just a plan.
- Dave said in the end it will be the reporting that is an indicator.

Geographical Area Exclusions

Linea mentioned that there is not full representation for a committee vote on this issue. Folks were supposed to take this item home and think about it after the last meeting. She said that looking at the past minutes, it appears to be a good faith effort item, though there was no formal agreement or vote.

- Tom said it appears to be a post-award, good faith effort item.
- Linea said we could make it a pre-bid item at the point we have data. So far we don't have the data support. I think we can still be in compliance with the state law by not making a pre-bid exclusion yet.
- Rick said the legislation's intent is to do it on a case by case basis.

- Linea said the language is shall, not may. I look at it absent of data show me the situation and it will apply.
- Dave said that at the end, after completion if they have done the good faith effort, it will apply. The department has the authority to adjust the requirements.
- Craig asked if that would be a reduction, or removal of requirements.
- Dave said maybe they can't meet 10 percent, but they met 8 percent.
- Kevin said it is a concern that this is a post execution item. We will not be comparing what other contractors say in their bids. Ultimately we could remove it completely.
- Dave said a concern is that prior to a reduction, they would like to have a way to follow up on the good faith efforts. If a contractor said they contacted the programs and none were available, they would like to check it.
- Kevin said that at the time that information is available, the decision has already been made.
- Valerie said the project office will determine if there is good faith or not.
- Dave said that they must verify that they made the good faith effort.
- Randy said others were able to meet and exceed goals. Randy said if they didn't make the effort that could be used to make a decision not to award to them again.
- Rick said the contractor would be careful the next time.
- Kevin said if the evaluation is poor twice, they could screen out contractors.
- Linea asked if this is a post-execution item to be determined by good faith and if WSDOT will report to the committee on a quarterly basis on the results.
- Tom said if there is a particular geographic area where good faith is consistently being used, it could be done potentially pre-ad. The requirements could be adjusted to reflect the good faith effort.
- Kevin asked if that is a Linea decision or a committee decision.
- Linea said she though it would be her decision to report to the committee and she is held accountable to it.
- Dave said as long as contractors are not penalized for good faith, we need to focus on the problem geographic area and focus as a council on what we can do to enhance opportunities.
- Linea said we do not want to set an unrealistic goal driving paperwork we don't need.
- Valerie likes that approach. If there is an area where we cannot hit the goal, we can reduce it. Set a goal that is meetable and the contractor will strive to meet it. Set an unrealistic goal and everyone gets by on good faith.
- Linea asked if we need a summary or if we are comfortable with that approach.

- The committee was comfortable with deciding to leave it up to good faith until there is consistent data for a problem area and then adjusting the goal. The committee is ready to move on from this item.
- Kevin said that geographic areas will not be on the agenda again.
- Rick said that there should be an agenda item on a report of performance, rolling it up to talk about geographic problems. What we see is this GA report that is interesting but not useful. We don't want a situation where the committee is surprised by 6 or 9 months of no discussion and the committee is surprised when they wave the requirements on a job.
- Linea said there can be a quarterly rollup.
- Kevin asked if Rick wants to know highlights in the last quarter. He said they can show how many jobs had it, etc.
- Rick said he wants to hear about how the contractors are performing on apprentice utilization. The question it really begs is what happens after you make the determination. We don't want to find ourselves in a situation where nothing happens. What has been done so we don't have that problem in the future?
- Dave said the concept of the department being able to adjust the requirements permanently in a particular area should be an ongoing discussion. We shouldn't say we know we will never make it here so we will reduce it based on history. The contact is going to have to be made with the local programs to see if they can come up with apprentices.
- Bob said we can push more for outreach in the areas we have problems in.
- Dave said he knows there are apprentices in certain areas and there are no opportunities there. If there are opportunities there will be apprentices.
- Randy said that we know where they live and can target that.
- Bob said there is good faith on the part of the contractor and committee to make apprentices available when there is a problem in an area.
- Randy summarized that there is no vote and we have agreed that this is how we want it to be.

Define Disproportionately High ration of materials to labor

Linea mentioned that the committee was to bring information forward on suggestions for the requirements.

- Dave said the one area we were looking at was paving, if there was one out there, it would be highway paving. The amount of material for an overlay vs. the labor burden, that industry lent itself to running into the issue of a high amount of material to the labor costs.
- Linea mentioned that you are still only tagging the percentage to the hours on the job.
- Tom said with asphalt there may be 8 placing the materials and 10 or 12 driving the trucks. Generally these apprentices are started on a water truck, or a dump site, not on a paving project backing into a paver or working at night. There is very little opportunity to utilize the apprentices on the production laydown or hauling on these jobs. From a quality

perspective we need highly skilled people operating that machinery. This is not the place from a safety perspective and quality perspective that a contractor would put these apprentices. The challenge is how the DOT will describe these hours, whether you are talking about the paving portion of an overall project. Conceivably, on a 10 M job, the paving portion would not have an apprenticeship utilization assigned to it but the rest would. I don't know how you would make that determination of what hours are for what activities. You also get into how you define a paving project. My method is the tonnage of asphalt multiplied by \$150 and if the total contract value is less than 150 a ton it is a paver, if it is more it is a construction project. That is the only objective criteria I've come up with. If it is less, it is a paver and is disproportionately high.

- Rick asked if the department has taken a look at a couple of year's worth of projects and materials cost and labor hours. Look at this list here, and the projects that are defined as the projects that the ratio is.
- Linea said we don't have labor hours
- Rick said you could get it from Labor and Industries on prevailing wage jobs. This would give you an idea for the future if you get a project with one crew. That's the only way you can do this and will be the same with geographic exclusion.
- Kevin said the issue is not a material issue, but a craft issue.
- Valerie said there are certain crafts where you get to an imbalance. It is the size of the crew versus the hours. The 5 M is supposed to be a threshold to have to meet having a lot of crafts and now pavers are up above 5M.
- Bob said when we talked about the legislation, you get into a crew continuity issue and if you displace someone on that crew, you get into a problem. They don't break that crew up and have 7 or 8 people. The crews are consistent, and that is where the pavers have a concern.
- Valerie said they are training, but are not training on state projects. So as a company they are meeting the goal.
- Kevin asked if it is a pre-award or post award decision. The way the legislation was set up drove us to a pre-award situation, but it looks like we are in a post-award situation.
- Tom asked how you demonstrate it.
- Kevin said you can show it in the plan. If you have a paving crew and truckers and can't plug the apprentices into the plan.
- Tom pulled up the plan form that the contractor submits and asked if they will show it on the plan.
- Bob said that if it is a strict overlay project, they may not have opportunities for apprentices, but they may get some in the subs.
- Rick said if you make it a post execution issue, you are really causing problems and making it a challenge. You may limit the number of bidders. You can't go in just hoping that you can get that consideration.

- Bob said he would still like to see the number of hours reported, even if a project is excluded to see if there are any apprentices out there and what percentage of the hours were worked.
- Linea asked if Bob already knows this information since he supplies folks.
- Bob said he knows who he supplies to, but not what projects they are on. The paving crew moves around.
- Dave said the paving issue was discussed pre-leg and was always out there. That is the one area we can look at and say it is reasonable to address here.
- Linea asked if what the group is saying is that absent of data you cannot just exclude the pavers.
- Randy said you can't.
- Linea said that according to the language of the RCW, they can exclude.
- Randy said that you need to define what a high ratio of materials to labor is.
- Valerie said Oregon has a post award form to fill out for the pre-construction meeting if you cannot meet the goal for this, or if there is a safety exception. They have a procedure in place for exemptions.
- Randy said the pavers opposed the bill all the way, but we should see if there will be a problem.
- Bob said that Tom Gaetz came in and the concern was addressed. Is the concern breaking up the crews, or the availability of apprentice teamsters?
- Dave agrees with Randy. We need to focus on paving and know that is an area where we may run into making adjustments at some point. What concerns me is you can carry this to any degree with any contract. The folks that show up here are not the ones we are concerned with meeting the goals. Originally, the provision was put in the bill and the conversation was about the hammering man in Seattle. What do you do when you have a \$7 M piece of art and it takes 3 people to put it up?
- Valerie said with small crews you either get 50% or 0%.
- Rick said take a look at the past projects and see the proportion. What about bridge painting?
- Linea said we look at 40 – 60% of a project being labor.
- Bob asked if we can look at a paving project and asked if we could look at one of Tom's projects. I-5 project with mostly paving about 10M.
- Kevin said if what we are hearing is that paving is having a difficult time and one third of the job is paving, we could have a problem. If it wasn't excluded pre-award, the contractor will have a problem with journeymen on the other portion of the job.
- Kevin said he is having a hard time with the exact criteria for what will define it.
- Valerie said a problem is when you identify subs that have 2 or three folks on the job.
- Tom said landscaping is a concern, too. It is difficult to come up with the apprentices. The landscapers are very concerned.

- Rick asked about bridge painting.
- Bob said if you keep excluding industries the only thing you will do is end up with a major construction project and cutting out industries saying that they won't need training.
- Rick said you get back to companywide ratios.
- Tom said that is part of good faith, and doesn't meet the goal.
- Linea asked if the group wants to consider a post-bid adjustment and look at Oregon's program and see if it works, but we want to be careful and not have everyone adjusted out.
- Bob said they need to demonstrate how they cannot meet it.
- Linea said you need to develop it within the 30 days you have to develop the plan.
- Rick asked where you want your headache, pre-bid or post-bid. Think about where you want it. Is there a way to develop criteria to make the adjustment pre-bid?
- Valerie said that pre-bid it will be harder for both the contractor and the DOT to identify where the problem is.
- John said he agrees with Rick in terms of the concepts, but in absence of historical data it is up to this group to observe where we have those issues and post-bid makes sense until we have enough data to move it to a pre-bid discussion.
- Valerie said once you have a stack of exemptions for the same thing, you can look at that for pre-bid.
- Bob agreed that post-bid is the way to go. We will know the problem areas in 6 months to year. You still have the ability at that time to make the decision. Regardless, if there are exclusions we still need to track the hours. Once we have collected data do we make an exclusion or an adjustment?
- Tom asked how DOT would deal with a contractor coming in and saying that they cannot meet the goal due to having a large portion of paving, where is that determination made (statewide consistency) are you going to be able to do that, or is it going to be like a lot of other things where we have consistency, but it is really regional.
- Kevin thinks it has to be at the state level. Craig should reside over this. Kevin said it needs to be a central focal point.
- Linea agrees, at least starting out getting the program underway and until we have a better definition.
- Valerie said that from a contractor's perspective, they get difference answers from different levels.
- Linea said it would still go through the project to us.
- Craig mentioned the DBE program and said apprenticeship could go to that level.
- Kevin said as time goes on it could change.
- Tom said different contractors will say different things and that will be a challenge.

- Kevin said there are very few things that have that consistency and come to Craig's level for approval.
- Craig said the construction manual can be updated with some guidance.
- Linea summarized saying there is a concern with paving and some other types of work. We can look at a post-bid pre-plan discussion, but right now we are looking at a post-bid item to establish some data. Absent the data, this is better post-bid.
- Craig asked if Butch will be concerned with this decision as he is absent.
- Tom said that he did not think Butch would be too concerned.
- Rick mentioned it is a post-bid, pre-execution item.
- Linea summarized that Craig or Dave would execute the changes if there were any.
- The committee did not have anything else and agreed with this approach.

Discuss coordination with Federal training requirements

Linea said they will try to get Jody to attend the next meeting.

- Bob asked if the feds have made a decision as far as the county requirements go.
- Kevin said there was a job that had them and the comment was we don't know if that is allowed. The feds said that it was not allowed, but it could be allowed. We haven't had our requirement okayed by the feds. The county requirement was stricter than the state requirement.
- Rick asked what that means. They are concerned it will reduce competition, but not enough that they will not give the money.
- Kevin said that they can refuse the money. They have to approve the specs.
- John asked what about a separate meeting with the FHWA, WSDOT staff and Alice, perhaps some others. Is this important enough?
- Linea said it depends on how many of the upcoming projects over \$5 M have federal funds.
- Kevin said we have to define what we are going to argue – that we have two equal programs or that it will not reduce competition.
- Randy said we need to show that the apprenticeship requirements would satisfy their requirements.
- Tom said what he hears is that they want to get rid of having the two programs and just have an apprenticeship program. He does not want to do that.
- Bob's concern is having a contract that doesn't get the state requirement because the two programs cannot coexist. He would like one contractor to meet the federal requirements with their female and minority apprentices. Bob would like to see how many training hours we have on past projects.
- Kevin asked if we pull the data and it is 50-50, that could cut out the non-state approved programs because half the bidders might not be able to bid on the jobs.

- Bob said it would be good to see how many hours were worked by workers that were qualified for each program.
Rick asked if half the projects on the ASOP will be federally funded.
- Linea has identified one project in august that has federal funds.
- Bob said the problem with excluding is not knowing right before advertisement.
- Linea said they can pull the data and have a discussion. She said they will send the data out and talk to Jody about potential dates.

Date Setting

The next meeting is tentatively scheduled to occur on Thursday, September 13th from 8:00 a.m. to 12:00 p.m.

Meeting Adjourned