

Jefferson County
Board of Commissioners
Agenda Request

To: Board of Commissioners
Mark McCauley, County Administrator

From: Monte Reinders, P.E., Public Works Director/County Engineer 

Agenda Date: April 21, 2025

Subject: Change Order No. 1, Phase 4 - Stage 1 On-site Grinder Pump Installation for the PHUGA, Project No. 405-2127-0, Ecology Agreement No. WQC_2024_JCoPWE-00034

Statement of Issue: Change Order No. 1 with Strider Construction of Bellingham, Washington.

Analysis/Strategic Goals/Pro's & Con's: This change order changes the contract documents to include the Apprentice Utilization Requirements and adds cost for incorporating an apprentice.

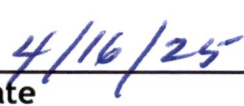
Fiscal Impact/Cost Benefit Analysis: The amount for Change Order No. 1 is \$13,092.00. The contract amount will increase from \$2,589,588.87 to \$2,602,680.87. NOTE, the cost includes 9.1% sales tax. The project is funded at 100% by the Department of Ecology combine funding package (Centennial grant, State Revolving Fund (SRF) loan and SRF forgivable loan).

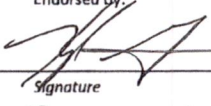
Recommendation: Public Works recommends that the Board authorize Change Order No. 1 with Strider Construction, and return one original to Public Works for further processing.

Department Contact: Samantha Harper, P.E., Project Manager, 385-9175.

Reviewed By:


Mark McCauley, County Administrator


Date

Sheet 1 of 2 Date: 4/8/2025	JEFFERSON COUNTY DEPARTMENT OF PUBLIC WORKS CHANGE ORDER	Change Order No. 1																
Ordered by County Engineer under terms of ☒ Section 1 - 04. 4 of the Standard Specifications ☐ Change proposed by Contractor		Contract No. To: Strider Construction Kyle J. Gebhardt, P.E., President 4721 Northwest Drive Bellingham, WA 98226 Project Title Phase 4 - Stage 1 On-site Grinder Pump Installation for the PHUGA																
Endorsed by: <u>STRIDER CONSTRUCTION CO., INC.</u>  Signature <u>PRESIDENT</u> Title <u>14 APR 2025</u> Date																		
Consent given by Surety: (when required) By: _____ Attorney-in-fact Date																		
You are ordered to perform the following described work upon receipt of an approved copy of this change order: See attached revisions to Special Provisions 1-07.9(3) Apprentices.																		
All work materials and measurement to be in accordance with the provisions of the standard specifications and special provisions for the type of construction involved.																		
<table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <tr> <th style="width: 25%;">ORIGINAL CONTRACT AMOUNT (incl. 9.1% sales tax)</th> <th style="width: 25%;">CURRENT CONTRACT AMOUNT (incl. 9.1% sales tax)</th> <th style="width: 25%;">ESTIMATED NET CHANGE THIS ORDER (incl. 9.1% sales tax)</th> <th style="width: 25%;">ESTIMATED CONTRACT TOTAL AFTER CHANGE (incl. 9.1% sales tax)</th> </tr> <tr> <td>\$ 2,589,588.87</td> <td>\$ 2,589,588.87</td> <td>\$13,092.00</td> <td>\$ 2,602,680.87</td> </tr> <tr> <th style="width: 25%;">ORIGINAL CONTRACT TIME (working days)</th> <th style="width: 25%;">CURRENT CONTRACT TIME</th> <th style="width: 25%;">CONTRACT TIME CHANGE (Add/Del)</th> <th style="width: 25%;">NEW CONTRACT TIME</th> </tr> <tr> <td>136</td> <td>0</td> <td>N/A</td> <td>N/A</td> </tr> </table>			ORIGINAL CONTRACT AMOUNT (incl. 9.1% sales tax)	CURRENT CONTRACT AMOUNT (incl. 9.1% sales tax)	ESTIMATED NET CHANGE THIS ORDER (incl. 9.1% sales tax)	ESTIMATED CONTRACT TOTAL AFTER CHANGE (incl. 9.1% sales tax)	\$ 2,589,588.87	\$ 2,589,588.87	\$13,092.00	\$ 2,602,680.87	ORIGINAL CONTRACT TIME (working days)	CURRENT CONTRACT TIME	CONTRACT TIME CHANGE (Add/Del)	NEW CONTRACT TIME	136	0	N/A	N/A
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APPROVAL RECOMMENDED ☒ <u>[Signature]</u> 4/8/25 Project Manager Date		APPROVAL RECOMMENDED ☒ <u>[Signature]</u> 4.9.25 County Engineer Date																
APPROVAL RECOMMENDED ☐ _____ Ecology Regional Project Manager Date		APPROVED ☐ _____ Chair, Jefferson County Commissioners Date																

		JEFFERSON COUNTY		Contract No	40521270
Sheet 2 of 2		DEPARTMENT OF PUBLIC WORKS			
Date:	4/8/2025	CHANGE ORDER ESTIMATE		Change Order No.	1
NEW BID ITEMS					
Bid	DESCRIPTION	Unit	Unit Bid	Qty	Unit Bid Total
A-50	Apprentice Hours	HR	\$30.00	400	\$ 12,000.00
					\$ -
					\$0.00
			CO 001 New Item Total		\$12,000.00
EXISTING BID ITEMS DELETED					
Bid	DESCRIPTION	Unit	Unit Bid	Qty	Unit Bid Total
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
			CO 001 Ex. Bid Item Deleted Total		\$0.00
EXISTING BID ITEMS ADDED					
Bid	DESCRIPTION	Unit	Unit Bid	Qty	Unit Bid Total
				11	\$ -
			CO 001 Ex. Bid Item Added Total		\$0.00
			ESTIMATED NET CHANGE SUBTOTAL:		\$12,000.00
				9.1% Sales Tax	\$1,092.00
			ESTIMATED NET CHANGE TOTAL:		\$13,092.00

1-07.9(3) Apprentices
(March 2025 JCPW GSP)

Supplement this section with the following:

Apprentice Utilization

This Contract includes an Apprentice Utilization Requirement. Fifteen percent or more of project Labor Hours shall be performed by Apprentices unless Good Faith Efforts are accepted. Apprentice Utilization will be determined using the Department of Labor and Industries (L&I) online Prevailing Wage Intent & Affidavit (PWIA) system.

Definitions

For the purposes of this specification the following definitions apply:

1. Apprentice is a person enrolled in a State-approved Apprenticeship Training Program.
2. Apprentice Utilization is the apprentice labor hours, on the project, expressed as a percentage of project Labor Hours based on certified payrolls or the affidavits of wages paid, whichever is least. The percentage is not rounded up.
3. Apprentice Utilization Requirement is the minimum percentage of apprentice labor hours required by the Contract.
4. Good Faith Effort(s) (GFE) describes the Contractor's efforts to meet the Apprentice Utilization Requirement including but not limited to the specific steps as described elsewhere in this specification.
5. Labor Hours are the total hours performed by all workers receiving an hourly wage who are subject to prevailing wage requirements for work performed on the Contract as defined by RCW 39.04.310. Labor Hours are determined based on the scope of work performed by the individuals, rather than the title of their occupations in accordance with WAC 296-127.
6. State-approved Apprenticeship Training Program is an apprenticeship training program approved by the Washington State Apprenticeship Council.
7. Apprentice Wage Rates are the applicable wage rates that are to be paid for an apprentice registered in a training program, separate from Journey Level rates, as set by the Washington State Apprenticeship Training Council and Washington State Department of Labor and Industries (L&I).

Electronic Reporting

The Contractor shall use the PWIA System to submit the "Apprentice Utilization Plan". Reporting instructions are available in the application.

Apprentice Utilization Plan

The Contractor shall submit an "Apprentice Utilization Plan" by filling out the Apprentice Utilization Plan Form (WSDOT Form 424-004), demonstrating how and when they intend to achieve the Apprentice Utilization Requirement. The Plan shall be in sufficient detail for the Engineer to track the Contractor's

progress in meeting the utilization requirements. An Apprentice Utilization Plan shall be updated and resubmitted as the Work progresses or when requested by the Engineer.

If the Contractor is unable to demonstrate the ability to meet the Apprentice Utilization Requirement with their initial Apprentice Utilization Plan submission, an effort must be made to find additional registered apprentices to perform on the contract. If after attempts have been made at every tier and every scope, the Contractor must submit GFE documentation to the Contracting Agency. The Contractor shall actively seek out opportunities to meet the Apprentice Utilization Requirement during the construction Work.

Contacts

The Contractor may obtain information on State-approved Apprenticeship Training Programs by using the [Apprentice Registration and Tracking System \(ARTS\)](https://secure.lni.wa.gov/arts-public/#/program-search) <https://secure.lni.wa.gov/arts-public/#/program-search> or contacting the Department of Labor and Industries directly at:

Specialty Compliance and Services Division, Apprenticeship Section, P.O. Box 44530, Olympia, WA 98504-4530 or by phone at (360) 902-5320.

Compliance

The Contractor is expected to make attempts to employ Apprentices and shall include the requirement in any subcontracts at any tier. In the event that the Contractor is unable to achieve the Apprentice Utilization Requirement, the Contractor shall submit GFE documentation demonstrating the efforts and attempts they made. Final GFE documentation shall be submitted to the Contracting Agency after Substantial Completion but no later than 30 days after Physical Completion.

If the Contractor fails to actively attempt to employ Apprentices, submit GFE documentation, or if the Engineer does not approve the GFE, the Contractor may be assessed a penalty. The Engineer will provide the Contractor with a written notice at Final Acceptance of the project informing the Contractor of the failure to comply with this specification which will include a calculation of the penalty to be assessed as provided for in the Payment section in this special provision.

Good Faith Efforts

The GFE shall document the attempts (efforts) the Contractor (and any subcontractor at any tier) made to meet the Apprentice Utilization Requirement. Emails, letters, or other written communications with letterhead, titles, and contact information are required.

Documentation must include one or more of the following accepted GFEs:

1. Demonstrated Lack of Availability of Apprentices. Correspondence from State-approved Apprenticeship Training Program(s), with project specific responses confirming there is a lack of availability of Apprentices for this project.
2. Demonstrated Disproportionate Ratio of Material/Equipment/Products to Labor Hours. Documentation explaining the bid includes a disproportionate high cost of material/equipment/products to Labor Hours. (E.g., a \$2 M estimated contract includes \$1 M or more in procurement costs of equipment to be installed.)

3. Demonstrated Lack of Necessary Labor Hours. Correspondence from a State-approved Apprentice Training Programs confirming there is not enough time in the project to meet required journey level to apprentice training ratios.
4. Demonstrated Lack of Available Approved Programs. Correspondence from State-approved Apprentice Training Programs, confirming there are no programs that train for the scopes included/anticipated on the project. Contractor and state programs to submit training program detail needs and details that could be used for future program creation.
5. Funding Precedent. Documentation that shows conflicting, more restrictive, or precedent requirements for other training on the Project. Examples include, but are not limited to, Tribal Employment Rights (TERO), Federal Training Hours, or Special Training that affect the ability to use state-registered apprentices.
6. Warranty Work. Documentation from Original Equipment Manufacturers, or similar, confirming that work performed must only be completed by certified journey-level installers or risk voiding warranty, or similar.
7. Other Effort. The Contractor may submit other evidence, documentation, or rationale for not being able to achieve the required Apprentice Utilization that are not covered in the other efforts named. Other efforts will still need to be corroborated by an independent, knowledgeable third-party.

Contractors may receive a GFE credit for graduated Apprentice hours through the end of the calendar year for all projects worked on as long as the Apprentice remains continuously employed with the same Contractor/subcontractor they were working for when they graduated. If an Apprentice graduates during employment on a project of significant duration, they may be counted towards a GFE credit for up to one year after their graduation or until the end of the project (whichever comes first). Determination of whether Contract requirements were met in good faith will be made by subtracting the hours from the journeyman total reported hours for the project and adding them to the apprentice hour total. If the new utilization percentage meets the Contract requirement, the Contractor will be reported as meeting the requirement in good faith.

Approving Good Faith Efforts

The Contracting Agency will review submitted Good Faith Efforts and issue a determination. The Engineer may request additional information, documentation, evidence or similar in order to approve such efforts. A determination by the Engineer is final. The approved Good Faith Efforts will be loaded into the PWIA system by the Contracting Agency.

Measurement

The Contractor may request that the total number of "Apprentice Hours" for the contract be increased subject to approval by the Contracting Agency.

Reimbursement will be made upon receipt of a certified invoice that shows the related payroll number, the name of apprentice, total hours trained under the program, previously paid hours under the contract, hours due this estimate, and dollar amount due this estimate. Reimbursement for Apprentice Hours occurring prior to approval of the Apprentice Utilization Plan will be allowed if the Contractor verbally notifies the Engineer of this occurrence at the time the apprentice/trainee commences work.

Payment

The Contractor will be reimbursed under the item "Apprentice Hours" per hour for each hour approved.