



## Legislation Text

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**File #:** 2005-0201, **Version:** 2

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Clerk 06/21/2005

AN ORDINANCE authorizing and adopting a project labor agreement for the construction of the Brightwater conveyance system as negotiated between and agreed to by the King County department of natural resources and parks, the Northwest Washington Building and Construction Trades Council, the Seattle/King County Building and Construction Trades Council and the Washington State Building and Construction Trades Council.

### STATEMENT OF FACTS:

1. The Brightwater project includes a thirty-six-million-gallon-per-day (mgd) wastewater treatment plant and conveyance facilities to transport untreated wastewater to the Brightwater treatment plant and discharge treated wastewater to Puget Sound.
2. The Brightwater conveyance system includes a thirteen-mile, large-diameter tunnel that combines two force main influent pipes, a gravity-flow effluent pipe, and a reclaimed water pipeline. The system also includes four access portals ranging in depth from forty feet to two hundred fifteen feet, an influent pump station, two smaller tunnels that link the existing wastewater conveyance system to the Brightwater conveyance system, and an outfall to Puget Sound.
3. Constructing the Brightwater conveyance system will require a continuous supply of qualified workers between 2006 and 2010.
4. The King County executive proposes the use of a project labor agreement ("PLA") for the

Brightwater conveyance system to help ensure timely construction of the project.

5. Washington state executive order 96-08 states that project labor agreements are of "great potential economic benefit for appropriate and time sensitive major construction projects which will extend for a substantial period of time, involve a substantial number of contractors, subcontractors and trades and craft workers, and have a substantial dollar value."

6. The King County labor policy committee developed labor policies specific to PLAs, including labor policy 2002-022, which encourages the county to explore use of a PLA for projects "that have a complex scope, a multi-year schedule, a budget of significant size, and/or a clear public benefit."

7. The King County executive explored the use of a PLA to construct the Brightwater project, Attachment A to this ordinance, and found that the Brightwater project meets the criteria regarding use of a PLA outlined in Washington state executive order 96-08 and King County labor policy 2002-022.

8. The terms for a PLA for the Brightwater conveyance system were negotiated between and agreed to by the King County department of natural resources and parks, the Northwest Washington Building and Construction Trades Council, the Seattle/King County Building and Construction Trades Council and the Washington State Building and Construction Trades Council.

9. The aforementioned parties agreed on a set of terms outlined in a project labor agreement for the Brightwater conveyance system on March 18, 2005, Attachment B to this ordinance. This agreement establishes uniform terms and conditions of employment for all employees for the duration of the project, establishes realistic goals to ensure labor diversity and apprenticeship opportunities and will help to ensure labor harmony between trades and union and nonunion laborers. The agreement will also increase opportunities for apprenticeships for minorities and

women, promote public interest by preventing labor disruptions, such as strikes, lockouts, or slowdowns, which could adversely affect the completion of the project.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. The King County council approves Attachment B to this ordinance, Project Labor Agreement for the Brightwater Conveyance System, as negotiated between and agreed to by the King County department of natural resources and parks, the Northwest Washington Building and Construction Trades Council, the Seattle/King County Building and Construction Trades Council and the Washington State Building and Construction Trades Council.

SECTION 2. The terms of the negotiated project labor agreement for the Brightwater conveyance system will be mandatory for all elements of the project that do not receive federal funding and will be voluntary for elements of the project that do receive federal funding.

SECTION 3. Terms and conditions of said agreement shall be effective from the date this ordinance is adopted by the King County council and terminate after all phases of construction of the Brightwater conveyance system are complete and King County assumes ownership of the Brightwater conveyance system.

SECTION 4. The Brightwater project shall reimburse a nonunion small economically disadvantaged business ("SEDB") for benefits only if: the SEDB provides benefits that are duplicative of those in the union benefit plan; the SEDB provides copies of the benefit program and proof of payment and the amount of premiums; and the SEDB has completed its contracted work. For the purposes of this section, SEDB means a business owned and controlled by a person or persons who are in a financial condition which puts the business at a substantial disadvantage in attempting to compete for public contracts. Specific eligibility criteria for SEDBs shall be established by the executive.

The total amount of the reimbursement on the Brightwater project shall be capped at one million dollars.