

EXECUTIVE ORDER 96-08

PROJECT LABOR AGREEMENTS

WHEREAS, Washington State has a compelling interest in awarding public works contracts in such a manner as to yield the lowest reasonable costs and the highest standard of quality and efficiency on the job; and

WHEREAS, project labor agreements which meet the necessary criteria are consistent with statutory competitive bidding requirements for state agencies; and

WHEREAS, 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; and

WHEREAS, in appropriate circumstances, project labor agreements can facilitate the timely and efficient completion of such projects by making available a ready, reliable and adequate supply of highly trained and skilled craft workers, permitting public and private owners and contractors to accurately determine project labor costs at the outset and to establish working conditions for the duration of the project, as well as provide a negotiated commitment as a legally enforceable means of assuring labor stability and avoiding disruptions such as strikes, lockouts or slowdowns over the life of the project; and

WHEREAS, the potential benefits of any proposed project labor agreement must be carefully considered with respect to the effect such an agreement may have on competitive bidding, project costs and the State's policy to advance women- and minority-owned businesses; and

WHEREAS, the use of project labor agreements should be considered only in those limited circumstances when such an agreement clearly benefits the interests of the State from a efficiency, quality, safety and timeliness standpoint.

NOW THEREFORE, I, Mike Lowry, Governor of the State of Washington, by virtue of the authority vested in me, do hereby direct:

1. All State Offices, Departments, Divisions, Bureaus, Boards, Commissions or other State Agencies should consider project labor agreements for appropriate public works projects which meet the criteria established in this Order.
2. The decision to use such agreements shall be considered with respect to the important public policies favoring open competitive bidding and advancement of women and minority-owned businesses.
3. The decision to use a project labor agreement shall be made on a project-by-project basis, and only where such an agreement will promote labor stability and advance the State's interest in

cost, efficiency, quality, safety and timeliness. In making the decision whether to use a project labor agreement, the following factors shall be Considered:

- (a) the potential for labor disruptions, such as strikes, lockouts, or slowdowns which could affect completion of the project;
- (b) the number of trades and crafts anticipated to be used on the project;
- (c) the need and urgency of the project and the harm to the public if completion of the project is delayed;
- (d) the size and complexity of the project and the time needed for completion; and
- (e) the benefits to the public from the use of a project labor agreement relative to cost, efficiency, quality, safety and timeliness.

4. The decision to use a project labor agreement in connection with a public works project by a State Office, Department, Division, Bureau, Board, Commission or other State Agency shall be made prior to selecting the method of contracting for the project and shall be supported by written findings which clearly demonstrate how the use of a project labor agreement will benefit the project and the interests of the public and the State from a cost, efficiency, quality, safety and timeliness standpoint. The fact that a project labor agreement will be used shall be set forth in the advertisement for bids issued for the project.

5. In accordance with this Order, any project labor agreement shall:

- (a) designate a general contractor, project manager or similar construction firm or consultant which is experienced in the negotiation and administration of project labor agreements to manage and oversee the construction of the project-including the development and implementation of a labor relations policy for the project;
- (b) contain guarantees against strikes, lockouts, slowdowns or other similar action;
- (c) set forth effective, immediate and mutually binding procedures for resolving jurisdictional and labor disputes arising before the completion of the work;
- (d) be made binding on all contractors and subcontractors on the project through the inclusion of appropriate bid specifications in all relevant bid documents;
- (e) 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 project labor agreement;
- (f) prohibit discrimination in job referrals as required by federal and state law; and
- (g) in no way limit or define conditions of work performed pursuant to Title 72 RCW.

This Order does not require the use of a project labor agreement or promote the selection of any particular union, trade council or labor organization.

This Order shall take effect immediately.

IN WITNESS WHEREOF, I have hereunto
set my hand and caused the seal of the State
of Washington to be affixed at Olympia
this 6th day of December A.D., Nineteen hundred and ninety-six.

Additional

By:

MIKE LOWRY
Governor of Washington

BY THE GOVERNOR:

Secretary of State