



Contractor Bid and Prep Primer

School and Community Workforce Agreement

This document provides information for Contractors to use in understanding and complying with the Seattle Public Schools Student and Community Work Force Agreement (SCWA).

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SCWA Contractor Bid and Prep Primer



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Background and Summary

What is the SCWA?

The Student and Community Workforce Agreement (SCWA) is an agreement between Seattle Public Schools (SPS) and the building construction trade unions (meaning carpenters, laborers, masons, plumbers, electricians, etc.) but has no relationship to architects or engineers. The low responsive responsible prime contractor signs the SCWA and works under its provisions during the project. The prime contractor ensures all subcontractors agree and sign a letter of assent to the SCWA. The SCWA is similar to a Community Workforce Agreement or Project Labor Agreement, such as those held by the City of Seattle, King County, the Port of Seattle and Sound Transit.

The agreement, in its simplest form, requires all contractors of every tier (including the prime and all subcontractors) to follow union protocols for hiring workers on the project. Under the SCWA, most workers will be dispatched and hired from the union hall. The union dispatcher will first seek and dispatch those workers with demographics that SPS and the SCWA have named as a priority (such as SPS students, SPS student providers, women and people of color).

The SCWA Transforms the Construction Workforce

The SCWA transforms construction employment by creating a far more diverse workforce, bringing SPS students, SPS student providers, women, and people of color, as well as workers from the economically distressed areas of Seattle, to the forefront for employment. Similar programs show a significant increase in these demographics for the high-wage union jobs in the region. The SCWA ensures those in our SPS communities have first access to the jobs these projects bring. Within the SCWA, workers who self-identify within the following demographics have first call for these jobs from union dispatch:

- SPS student (refers to any former student of an SPS high school regardless of graduation status, such as graduates, those that may have a GED or did not receive a diploma).
- Current wage earner for SPS families.
- Woman.
- All/any People of Color and Indigenous/First Nation people.
- Workers residing in [economically distressed ZIP codes](#) of Seattle (those economically distressed areas that have a zip code which crosses into or is fully contained within the Seattle city limits per SCWA Attachment B)

Do you need to be a union company or worker?

No. You do not need to be union to bid or work on these projects. You must agree to work under the SCWA for the duration of your work on the project (see the SCWA Article V, Section 2).

Philosophy, Mission, and Basics

The SCWA creates an important and meaningful career pathway to high-wage, no-debt careers with healthcare and pension benefits for the SPS student community, their families, and their neighborhoods. In quick summation, the following were important factors that the Seattle School Board considered in directing this program:

- The Seattle School Board has a strong commitment to creating avenues of career success for all students and particularly African American males.
- Union construction jobs ensure high-wages, no-debt training, health care and retirement benefits.
- The SCWA can successfully transform high-wage employment to bring work to SPS students, family wage-earners, women, African Americans, people of color, and those from economically distressed areas of Seattle.
- Construction labor shortages are projected for the next decade and many workers are near retirement, predicting a need to recruit 25% more workers.
- The unions agree to provisions that ensure greater project stability for SPS construction such as no-strike and no lockouts, a trained workforce, and improved schedule reliability.



While the SPS SCWA is closely aligned to those of other public agencies in the region, it is customized appropriate to SPS. The SCWA becomes an official bid and contract requirement for all contractors working on projects \$5M and greater. The key provisions are:

- The union agrees to not strike or disrupt the construction schedules.
- Contractors of all tiers request and hire workers from the various union dispatch halls. This includes open-shop (non-union) contractors.
- Open-shop contractors of all tiers can begin by naming a limited share of workers from their existing workforce (known as “Core Workers” per SCWA Section IX) to be the first workers on their job.
- Contractors shall then request all other workers through the union halls; the union dispatchers will prioritize placement of workers that have the demographics named in the SCWA and reflect the greatest priority in the Seattle Public Schools mission.
- The agreement gives priority to those graduating from pre-apprentice training, so they are first-in-line for testing, acceptance by the local apprenticeship program, and hiring directly to the job (called “preferred entry” per SCWA Section XII).

Covered Projects

All projects that are \$5 million and above are included in the SCWA

Projects covered by the SCWA are those estimated by SPS to have a total construction value (excluding contingency) of \$5 million or more prior to bid or solicitation.

For suppliers and off-site fabricators

The SCWA (Article I, Section 5), states “On-site construction work identified in RCW Chapter 39.12 (Prevailing Wages) will be subject to the SCWA.” If a supplier or fabricator is performing work onsite, that work is covered. A trucker dumping and incorporating gravel onsite is covered. Flaggers and surveyors are covered by RCW Chapter 39.12 and work onsite. If you are unsure, discuss this with the SPS SCWA Advisor prior to self-exempting any work.

Master SCWA Template and Project-Specific SCWA

The SCWA is a “master template” that has been agreed upon and signed by SPS, the local building trade union representatives and the executive secretary of the Seattle King-County Building Trades Council (BTC).

The master template forms the basis for the project-specific agreement that is reviewed with the prime, SPS, and the BTC. It is then signed by all three parties in unison to create a project-specific document. The master template is not intended for significant change but is nevertheless subject to any necessary changes prior to approval and signature by the three parties.

Steps, Roles, and Responsibilities

The First Steps

The **SPS SCWA Advisor** will train the prime contractor team on the SCWA. This advisor may be assigned from the City of Seattle or work directly for SPS.

Prior to receiving a Notice to Proceed (NTP):

1. Prime contractors plan how to distribute the hiring responsibilities among subcontractors on the job to assure the necessary hiring of apprentices and pre-apprentice graduates, and other strategies for connecting priority and diverse workers to the dispatch halls and onto the job.
2. Prime contractors assign their team to a workshop by the SPS SCWA Advisor for training on the SCWA, including the unique aspects of the SCWA compared to other regional programs.
3. The SPS SCWA Advisor will invite the prime contractor, SPS Project Manager, and Building Trades Council executives to review, finalize, and sign the SCWA for the project.
4. The SPS SCWA Advisor will host a “Social Equity Conference,” with the Prime to discuss the contractor’s Social Equity Plan, double-check plans for the SCWA, WMBE, Acceptable Worksites, B2GNOW, LCPtracker, and Apprenticeship.

Subcontractors are brought on board:

1. The SPS SCWA Advisor is available to join any pre-bid meeting that will solicit subs in order to explain the SCWA.
2. All subcontractors sign Letter of Assent and agree to work within the SCWA.

The Process Begins

At least two weeks prior to their component of work starting on-site, each contractor of every tier completes and sends the SPS SCWA Advisor their Pre-job Conference Form to detail out scope, trades, prevailing wage categories, and names of “core workers.” The contractor then attends a Tuesday morning pre-job conference hosted by the Building Trades Council (BTC), which is either virtual meeting when appropriate to the BTC policies at the time or an in-person at the BTC offices in Tukwila. Contractors of every tier will each:

1. Submit the Final Trade Assignment Form to the SPS SCWA Advisor. This confirms the trades (i.e., wage classification) the contractor has determined necessary for the work.
2. Submit a Craft Request Form to request the workers needed from the appropriate trade labor union dispatch hall.
3. Play the Acceptable Worksites Training video for all incoming workers; contact ANEW and schedule any on-site managers and supervisors into the ANEW-conducted Acceptable Worksite workshop

Top Dispatch Priorities

Top dispatch priorities are those who self-identify as a:

- SPS Student (any former student of an SPS high school regardless of graduation status such as graduates, those that may have a GED or did not receive a diploma)
- Current wage earners for SPS families (a person whose wages support a current SPS student of any grade level)
- Women
- People of Color
- Indigenous/First Nation people
- Those from economically disadvantaged Seattle neighborhoods that have a zip code which crosses into or is fully contained within the Seattle city limits. See SCWA Attachment B.

Steps and Responsibilities

Steps	SPS SCWA Advisor	SPS Project Manager (PM)	Contractors of All Tiers
Pre-Bid	<p>The SPS SCWA Advisor will explain the SCWA for pre-bid conference attendees:</p> <ul style="list-style-type: none">• SCWA• Acceptable Worksites• Online Business Registration• Prevailing Wage adjustment (per SCWA Article III, Section 4)	<p>The PM will schedule the SPS SCWA Advisor into the pre-bid conference.</p>	

Steps	SPS SCWA Advisor	SPS Project Manager (PM)	Contractors of All Tiers
Upon Award	SPS SCWA Advisor informs union of award	PM notifies SPS SCWA Advisor, gives name of prime contractor, phone, email, and NTP schedule.	
SCWA Training	SPS SCWA Advisor trains prime contractor's team on SCWA	PM attends.	Prime contractor team attends
SCWA Discussion	SPS SCWA Advisor schedules and hosts a negotiation to review the master SCWA template with SPS, the prime contractor, and the Building Trades Council. For projects less than \$25 million, pre-apprentice labor hours are converted to 350 hours from 700 hours.		
SCWA Signing	SPS SCWA Advisor incorporates agreed-upon changes to SCWA, routes a project-specific version of the SCWA for signature.		Prime contractor signs agreed-upon SCWA.

Steps	SPS SCWA Advisor	SPS Project Manager (PM)	Contractors of All Tiers
Social Equity Conference	SPS SCWA Advisor schedules with prime contractor and reviews the Social Equity plan, WMBE tasks, B2Gnow, LCPtracker, Social Equity Plan, prevailing wage adjustments, etc.	PM attends.	Prime contractor attends.
Issue NTP	Notice to Proceed (NTP)	PM issues NTP to the prime contractor.	
LCPtracker - B2Gnow	SPS SCWA Advisor schedules and facilitates LCPtracker and B2Gnow training for the prime contractor if needed.		<p>For SPS, the contractor must collect 3 new pieces of worker information into LCPtracker. Make plans for how to collect with your HR staff:</p> <ul style="list-style-type: none"> • Whether the worker self-identifies as a former SPS student (yes or no) • Whether the worker self-identifies as a wage-earner for a current SPS student of any grade level (yes or no) • Which pre-apprentice program the worker participated in (including none)
Subcontractors	A two-page Subcontractor Responsibility Checklist for subcontractors explains the SCWA. The SPS SCWA Advisor also joins sub-tier pre-bids to review and answer questions.		Prime contractor invites SPS to pre-bid.
Subcontractor Training	In coordination with the prime contractor, SPS SCWA Advisor trains subcontractors on the SCWA, LCPTracker, and B2Gnow.		Prime contractor alerts SPS SCWA Advisor of each sub for training.

Steps	SPS SCWA Advisor	SPS Project Manager (PM)	Contractors of All Tiers
Pre-Job Conference with Union	Contractor routes the Pre-job Conference Form to the SPS SCWA Advisor and alerts the advisor to the Tuesday date that they intend to attend.		<p>Each contractor prepares the Pre-job Conference Form, names proposed core workers, and identifies their intended trade assignments (wage classifications).</p> <p>Contractor routes to the SPS SCWA Advisor to review, track, and submit to the union.</p> <p>Attend the pre-job conference at least two weeks before starting onsite work. At the conference, be prepared to discuss core workers and trade assignments.</p>
Final Trade Assignment			One week after the pre-job conference, contractor finalizes trade assignments, fills out and submits a Final Trade Assignment Form to the SPS SCWA Advisor.
Craft Request Form			Contractor submits a Craft Request Form to the appropriate union dispatch for workers.
Begin LCPtracker + B2Gnow			Contractors of all tiers begin weekly certified payroll tracking and B2Gnow data entry. SPS will provide a link to the portal. There is online training and the SPS SCWA Advisor can provide 1:1 assistance.
Onsite Monitoring	The SPS SCWA Advisor will do onsite interviews and observe workers.		
Dual Benefit Reimbursement	SPS SCWA Advisor reviews, approves and routes to SPS for payment		Submits any request to the SPS SCWA Advisor for dual benefit reimbursement.

Steps	SPS SCWA Advisor	SPS Project Manager (PM)	Contractors of All Tiers
Monthly Project Admin Committee	The SPS SCWA Advisor will schedule, route appropriate pre-reads, facilitate, and generate reports.	PM attends.	Prime contractor attends.

Core Workers

Core Workers, Dispatch, and Union Fees

What Is a Core Worker?

All open-shop contractors may bring up to three journey employees and two apprentices of their choosing, given the core worker definition in the SCWA (Section IX).

Naming a Core Worker

Open-shop contractors identify their core workers up-front before they start work. They fill out the Pre-job Conference Form, naming those they wish to bring. Core workers are usually the foreman and possibly one or two other workers. Those workers sign-in with the dispatch hall and are the first workers sent to your job.

If a subcontractor holds multiple contracts for the project, they have multiple opportunities to declare core workers. They can reassign the same workers or different workers for each contract they hold.

When ready to get workers, the contractor submits a Craft Request Form to the union hall and names their core workers on the form. There is no risk of an open-shop contractor's core workers being dispatched to an entirely different project.

Representation Fees

Core workers are not required to pay union dues, initiation fees or representation fees while they work under the SCWA but are not prohibited from doing so.

Payments for Union Trust – Dual Benefit Reimbursement

Some open-shop contractors may already pay into employer-sponsored benefits for their

employees. You will also pay into the Union Trust for those workers. In some cases, contractors can qualify for reimbursement from SPS for their employer-sponsored benefit payments.

The rules for a qualifying employer-sponsored benefit plan are strict. Many contractors do not have a sufficiently robust plan which qualifies. Do not count on the reimbursement until you talk to the SPS SCWA Advisor. You can discuss this before you bid or after.

Some contractors may instead pay cash for these benefits to non-union employees; you also will not be reimbursed for the Union Trust payments. Contractors can continue to pay your workers the cash as always so there is no net take-home pay impact on the worker, but there is no reimbursement for that cost.

Prevailing Wage Increases

The SCWA requires annual September adjustments to incorporate Department of Labor and Industries wage and benefit changes (SCWA, Article III, Section 4). This is different from a typical public works project where wages lock-in at the bid date. Projected wage increases can be found in most craft's collective bargaining agreements.

Priority Hires, Diversity Hires, and Workforce Goals

Most projects with the SCWA agreement will have Workforce goals or requirements set by SPS for the project. Do not mix up the term “Workforce Goals” or “Workforce Diversity” with women and minority-owned businesses. These terms are for the workers and diversity in the workforce and not a reference to business ownership. Workforce requirements or goals typically include:

- Requirements for the share of work hours performed by SPS students, wage-earners for SPS students of any grade, and workers from economically distressed zip codes (all as defined herein); and
- Goals for women and people of color.

“SPS Priority Hire” means in order of priority:

1. SPS student (refers to any former student of an SPS high school regardless of graduation status such as graduates, those that may have a GED or did not receive a diploma).
2. Workers who are the wage-earner for a currently enrolled SPS student of any grade.
3. Resident of an Economically Distressed Zip Code (those economically distressed areas that have a zip code which crosses into or is fully contained within the Seattle city limits. See SCWA Attachment B).

“SPS Diversity Hire” means those that self-identify as:

- Women; and/or
- People of Color who self-identify in any race/ethnic category except Unspecified and White (Caucasian), including workers identifying as Other, African American, Hispanic/Latinx, Asian, Pacific Islander, Native American, or any other categories established by SPS for tracking and reporting. Those who identify as “Unspecified” will not be counted in either White or People of Color.

Even if you have additional employees who fit either of those definitions, you are limited to naming only three journey level and two apprentices as Core Workers. If you have more workers with such demographics in your regular workforce, there may be situations that can allow placement on the project; talk to the SPS SCWA Advisor. Contractors of every tier are encouraged (but not required) to select Core Workers that fit one of the above demographics.

Preferred Entry Requirements

Preferred Entry refers to individuals who complete a pre-apprentice training program and are a priority or diverse candidate. While they need to meet the apprenticeship program qualifications, they receive direct access for consideration and avoid sitting on a wait list. The contractor can hire them as a project apprentice. The prime contractor must hire at least one such graduate out of every five apprentices. They can be recently graduated or already an apprentice. To find these preferred entry candidates and apprentices, collaborate with the SPS SCWA Advisor and/or the local [pre-apprenticeship programs](#) (ANEW, PACT, PACE, Ironworkers, Electricians, etc.). Often, these programs already have students that fit the demographics and would like to be placed into apprentice work.

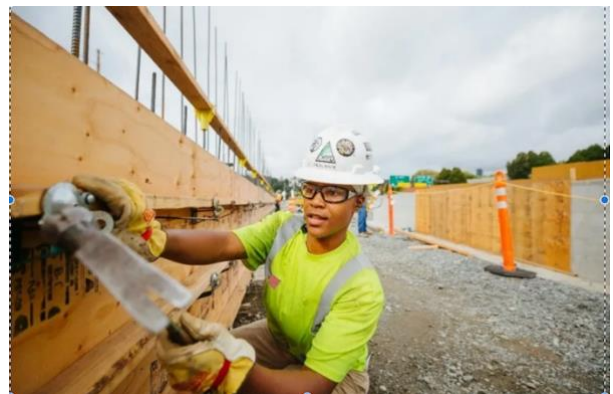
Recruiting Workers

Either SPS or the prime contractor will have experts who attract, recruit, and mentor individuals to work on the project. These experts will connect you to such workers when it comes time to submit a Craft Request Form and hire in workers. The bid process will delineate if this is expected of the prime contractor or if SPS plans to provide the expertise.

There are many local associations that specialize in the outreach, recruitment, training, mentorship, and support for priority workers, diverse workers and preferred entry apprenticeships. Most such organizations do such work by contract and are proven to be successful and effective.

Prime contractors should plan and coordinate with the SPS SCWA Advisor for recruitment work very early in their project so that students, SPS wage-earners, and others with particular demographics can be trained through a pre-apprenticeship program. A contractor should hire such candidates as early as possible and retain them on another project if need be, so they are available and ready to go once your SCWA project begins. A lead time of one to two years could be needed for true success on larger projects.

These experts (whether your expert is from SPS or the contract expects your own team) should closely coordinate with the building trade business representatives. Some strategies will be different from union to union. All unions should allow you to declare up to two recruited apprentices as Core Workers (in the case of apprentices); some unions may permit you to call recruited workers out by name at the dispatch hall.



Paperwork and Data Tracking

Entry of Certified Payroll into LCPtracker

All contractors of every tier will enter data into the LCPTracker web portal. Many contractors are familiar with LCPtracker if they worked on City of Seattle, Sound Transit, or King County projects. The good news is this now offers a great efficiency that significantly reduces your administrative costs under a SCWA and wasn't available even five years ago:

- Washington State Department of Labor and Industries now accepts an upload of your certified payroll from LCPtracker, eliminating dual record-keeping that was at one time a side-effect of the LCPtracker requirements. You will still need to add a social security number post your LCPtracker entry, but it eliminates the otherwise duplicative process.
- The previous SPS requirement to submit a paper Apprenticeship utilization Form is eliminated as the data will be automatically generated by LCPtracker.

New Information Requirement

For SPS, the contractor must collect 3 new pieces of worker information and enter into LCPtracker:

- Whether the worker self-identifies as a former SPS student (yes or no).
- Whether the worker self-identifies as a wage-earner for a current SPS student of any grade (yes or no).
- Which pre-apprentice program the worker participated in (including none).

Entry of Subcontractor Data into B2Gnow

Prime contractors will enter data into the free B2Gnow web portal. Like LCPtracker, this is familiar to some subcontractors. This system tracks payments to your subs and allows the prime contractor, SPS, and the community to understand how much Women and Minority Business is engaged in the project. This is not in the SCWA but is instead a contract provision.

Paperwork and Processes

The paperwork is familiar to most subcontractors. Do not overestimate the administrative time necessary for paperwork. In the past five years, administrative time has been reduced because many subs are now familiar with the processes, most public agencies now use identical forms; certified payroll no longer requires paper copies. All the forms have been provided in previous segments of this primer but include:

- Pre-Job Conference Form
- Final Trade Assignment Form after the pre-job conference
- Craft Request Form to ask union dispatch for workers
- Dual Benefit Reimbursement Request

Project Administrative Committee

The SCWA includes a Project Administrative Committee (PAC). The PAC helps SPS and signatory unions with decision making and problem solving on SCWA-covered projects. The PAC is comprised of SPS and union representatives. Prime contractors attend to report and aid in discussion.

The PAC discusses labor issues, impacts and solutions related to the SCWA. The PAC will discuss work progress and workforce needs, priority hire performance, apprentice and preferred entry utilization, safety and other topics related to the SCWA.

The PAC maintains its focus on jobsite as well as aiding construction progress through early discussions and interventions. Concerns raised in the PAC will be given proper review while maintaining job progress.

Structure

SPS chairs the PAC. SPS and Unions each have one vote. When in disagreement, they appoint an impartial third party to break the tie with a third vote.

Prime Contractors on active SCWA-covered projects attend the PAC and report on work progress, workforce needs, worksite safety and priority hire and workforce diversity performance.

SPS Project Managers who have an active Covered Project attend monthly PAC meetings to discuss project issues relevant to the SCWA. If the Project Manager is unable to attend a PAC meeting, another SPS representative with project knowledge may participate in their place.

Regular Agenda

- Welcome and introductions
- Contractor presentation of project work progress, metrics, demographics, priority hire utilization reports and pending issues, needs or concerns.
- Discussion from all parties
- Identify and discuss labor compliance issues
- Identify and discuss Safety/grievances
- Identify and discuss old/unfinished/new business
- Closing/good of the order

Public Participation

Community members, subcontractors, pre-apprentice program leaders and other interested parties are welcome to attend and observe PAC meetings. They will receive the PAC reports and materials but will not hold a voting position.

Acceptable Worksites

This is a contract requirement and not an SCWA provision. For further detail, see Acceptable Worksite Primer sheet.

With a more diverse workforce, we want to ensure our construction work sites are respectful and appropriate. SPS has implemented stringent standards for acceptable behavior on SPS construction work sites that prohibit bullying, hazing and related behaviors — particularly those based upon race, immigrant status, religious affiliation, gender identity or sexual orientation. Contractors of each tier must ensure an appropriate, productive and safe environment for all workers.



The Acceptable Worksites contract provision applies to the prime and all subs, covering the construction site and offices or other locations used in conjunction with the project. An acceptable worksite is free from behaviors that may impair production and/or undermine the integrity of working conditions. The intent of the person who appears to violate the acceptable worksites provisions is not a measure of whether such behaviors are appropriate; rather the standard is whether a reasonable person should have known that such behavior would cause a worker to be humiliated, intimidated or otherwise treated in an inappropriate, discriminatory or differential manner.

Contractor Responsibilities

- Notify employees of the standards and protections.
- Post required poster at work site.
- Establish and maintain an appropriate, productive and safe environment.
- Consider preventative measures such as offering training on managing difficult situations.
- Ensure work site assignments that promote positive mentoring and worker guidance.
- Report observed violations to the SPS SCWA Advisor.
- Provide documents and unfettered work site access to SPS SCWA Advisor to monitor and/or investigate.
- Complete remedial action per SPS as needed.

SCWA Bid Submittal Check List

Checklist for your final bid review. Be sure you factor in:

- ☐ Annual wage escalation.
- ☐ Tracking of new information about workers for LCPtracker (SPS high school status, SPS wage earner, and pre-apprenticeship).
- ☐ Dual benefit reimbursement for open-shop core workers.
- ☐ Staff to attend monthly PAC meetings and report on prime contractor progress.
- ☐ Outreach, recruitment and retention strategy to hire all demographic needs and preferred entry workers.
- ☐ Dedicated worker parking location that complies with the SCWA.
- ☐ Project site rest facilities, restrooms and heated rooms for meals.
- ☐ The paperwork and processes; most of which are now generally straight-forward and familiar to most firms.
- ☐ Reduced administrative costs given conversion to automated LCPtracker payroll.



SCWA Questions and Answers

1. Are PLAs and priority hire programs common around the country?

The traditional Project Labor Agreement (PLA) that creates union agreements with construction firms or owners have been around since the 1930s. Community workforce agreements (CWA) add community hiring expectations and are more recent. This SCWA launched by SPS is among the first in the country to introduce innovative student- and family-centered provisions.

2. What is special about this Student and Community Workforce Agreement?

Many school districts, particularly in California, have Community Workforce Agreements. However, we are one of the first in the country to tie SPS students and families so closely to the success of the agreement. For that reason, we call this a “Student and Community Workforce Agreement.” Students, parents, families and communities are at the center of this agreement.

3. Is the SCWA signed and what projects does it cover?

Yes, a master template was approved by the Seattle School Board on Sept. 23, 2020, and signed on Oct. 1, 2020, by the Seattle Building and Construction Trades Council (BTC) and SPS. For this SCWA, the prime will then meet with SPS and the BTC, review the master template, and sign a project specific SCWA.

Smaller projects estimated at less than \$5 million (excluding the contingency) in construction value will not include the

SCWA. Even if a project subsequently receives bids greater than \$5 million or is amended later through a change order or additional scope of work, the SCWA would not apply. This allows the bid conditions to stay consistent throughout the project so the SCWA does not raise unexpected requirements mid-stream in a project life.

4. Will there be a separate SCWA for each project?

The master SCWA Form has been approved and signed. The awarded prime contractor will discuss and sign the SCWA in a project-specific form.

5. Does this SCWA increase the cost of bids for SPS?

It is difficult to isolate the costs of such an agreement given the many things that influence a construction project’s cost. It makes it difficult if not impossible to do an accurate “before and after” analysis. This is hotly debated on a national platform and studies can be cited showing increases or even showing decreased costs. Local studies do not evidence an increase in cost or a reduction in the bid pool.

6. What if something unique occurs that makes an SCWA provision impracticable for that particular project?

SPS, the union and contractors are all part of a Project Administrative Committee (PAC) which will meet monthly during the life of the project construction phases. This is the forum for any of these parties to raise issues that may require any changes to normal SCWA terms and requirements.

7. Will any project at or above \$5 million in value be excluded entirely from the SCWA?

Only the Seattle School Board can exclude a specific project. While not anticipated, a situation such as the rules of a specific grant or fund source could require that action to preserve funding. Note that SPS does not usually have capital projects funded by federal funds, but if it were to be so then we note federal agencies are sometimes less likely to approve application of a CWA in any form on such projects.

8. How will SPS determine the project proposed in an RFP is at or over \$5 million?

The Capital Projects and Planning Division prepares estimates for each project prior to bid. This total estimated construction budget usually also identifies a contingency prior to bid. SPS staff and the project design work (such as architectural or engineering consultant work) is not included in the calculation. If construction costs are estimated at or over \$5 million excluding contingency, SPS will apply the SCWA.

9. Will the SCWA Workforce goals and requirements vary from project to project?

No, they will likely be the same for all projects. Requirements for hiring and employment based on priority demographics (or goals for diversity demographics), will be placed prior to the bid/solicitation that selects the prime contractor or may be done by change order through negotiation.

10. How do I learn more about the SCWA and the contract requirements?

SPS will offer briefings, meetings and further details to contractors during the life of the project (pre-bid, after award and during construction). The prime contractor and any sub, potential bidder or others can proactively request a briefing/workshop at any time.

11. How do contractors sign on to the SCWA?

The prime contractor will sign the SCWA and become party to the agreement. Subcontractors will be directed by the prime contractor to sign a Letter of Assent, which binds them to the SCWA .

12. Who will enforce this agreement?

SPS is partnering with the City of Seattle for enforcement and administration. This ensures continuity among agencies in how administration and enforcement of common provisions. The City will provide on-site enforcement.

13. Who is tracking priority hire data and how often is it published?

SPS tracks priority hire data sent in from contractors through LCPtracker and will publish it routinely on the SPS website. Contractors have continuous access to these reports as well.

14. How does this affect prevailing wages?

The SCWA requires contractors to increase prevailing wages annually instead of freezing them throughout the project. It has business benefits for SPS and the contractor by promoting worker retention and standardizing an approach that was often less transparent when done previously through change order.

15. Are non-union (open-shop) workers able to work on projects covered by this SCWA?

Yes. Open-shop contractors can bring up to five of their own workers. Of these, three must meet certain criteria as a journey level and two apprentices. Termed “Core workers”, they are identified before the contractor starts work, at the “pre-job” meeting between the unions, SPS, and the incoming contractor. If the contractor has multiple contracts, they may bring such workers to each of those contract scopes.

16. If the contractors are only bringing in their three core employees, do they need to pay union dues and pay into the Union Trust for those employees?

Union Trust payments are required for all workers.

17. What if a worker is not available from the union hall?

The union will start by asking for workers who self-identify as one of the priority and diversity demographics. The dispatcher will continue to request workers until those demographics are exhausted, and then will invite any worker until the job is filled. If the union cannot supply any worker within two business days, the contractor needs to notify the SPS SCWA Advisor to help.

18. Which ZIP codes are Economically Distressed?

Only certain ZIP codes within the city of Seattle limits are considered economically distressed. This list is published by the City of Seattle using a criterion that considers levels of educational attainment, unemployment rates, poverty rates, and similar factors. It is recalibrated by the City every two years. The ZIP code must be at least partially within Seattle.

19. Will the list of economically distressed ZIP codes be updated in the future?

The City of Seattle publishes this list. The data used to decide which ZIP codes should be priorities is revisited and analyzed every two years.

20. What is a pre-job conference?

Pre-job conferences are held each Tuesday morning and hosted by the labor unions. Each contractor will attend one of the weekly meetings at least two weeks before starting work, submitting a Pre-Job Conference Form to declare wage classifications they intend to use and core workers or apprentices that qualify with those respective criteria. The SPS SCWA Advisor will discuss this requirement at pre-bid and help the contractor prepare the paperwork.

21. Are all contractors required to go through a Tuesday morning union pre-job conference?

Yes. However, after you go through pre-job once for a scope of work (even if it is for a different contract), you can request a waiver on the Pre-job Conference Form when performing the same scope. If the unions approve a waiver, the contractor moves forward. If the unions deny the waiver, the contractor is required to go through the pre-job conference.

22. How is Seattle Public Schools funding the additional costs of this SCWA program?

To the extent that there are any additional costs, they would be represented by the contractor pricing. Most activities outlined by the SCWA are those that have been always performed and do not represent new costs.

23. How do prime contractors enforce the SCWA on their subs?

Article I, Section 1, Second Paragraph, last sentence: “The prime contractor shall assure all sub-tier contractors who perform project work will comply with the SCWA and shall use appropriate measures to enforce and to support the enforcement actions of SPS.”

Appropriate measures include normal and reasonable processes that are normal in managing your sub’s performance. Verify that the subcontractor will sign the Assent Letter prior to contracting with the sub and ensure the sub has a full intent to comply.

24. Does SPS deem the prime contractor to be a guarantor of all obligations of a sub-tier contractor under the SCWA?

Compliance to the SCWA is a contract requirement between SPS and the prime contractor.

25. Is a prime contractor responsible for, and bear liability for, any payments to any multi-employer benefit fund (including, but not limited to pension, health and welfare, apprenticeship, and training, or industry promotion and advancement) that may be due or payable by a sub-tier contractor under the SCWA and applicable collective bargaining agreement?

Generally, responsibility and liability for such payments by a sub are not placed on the prime contractor within the SCWA, although the union may enforce nonpayment of benefits by a sub through a lien on the bond/retention. SPS may also request the prime contractor to insert themselves in some appropriate manner to ensure compliance, which can be discussed on a case-by-case basis.

26. Is a prime contractor responsible for, and bear liability for, any payments of dues, or initiation fees that a sub-tier contractor was responsible for deducting, but which the sub-tier contractor fails to pay to the appropriate union?

Generally, the responsibility and liability for such payments will be the responsibility of the sub. Please read above and the SCWA, Article V, Section 2.

27. Is a prime contractor responsible for, and bear liability for, any breach by a sub-tier contractor of any terms of the SCWA or of any labor agreement?

The SPS contract will determine liabilities and responsibilities for failure to comply with the SPS contract.

28. Does the prime contractor have a vote on the Project Administrative Committee?

“SPS and Unions shall each have one vote....” The Contractor has no vote. This is a thoughtful and a purposeful practice in PAC committees. The prime contractor works for the Owner. Therefore, the Owner has responsibility for directing project decisions. An Owner may choose to consult with the prime contractor to the extent the Owner finds that useful prior to vote. Likewise, a subcontractor does not have a vote.

29. Can the PAC modify the SCWA?

The PAC may interpret, clarify, and issue letters of understanding that create greater clarity on a topic. Please also read Article XIV, which states the authorities for modification or amendment to the SCWA, “...Seattle Public Schools, Seattle King County Building and Construction Trades Council and the Northwest National Construction Alliance II who may mutually agree to amendments or modifications of this model agreement.”

30. What does it mean for the prime contractor to take reasonable measures to “maximize the hours that SPS Priority Hires perform on the project”?

“Maximize the hours” should be understood as providing a good-faith, reasonable, legal, and honest commitment to the intent. This includes being compliant to wage law, the proper apprentice-journey ratios, and other such elements that govern work.

Forms

- A. Letter of Assent form
- B. Pre-job Conference Package; Pre-job Waiver Request form
- C. Final Trade Assignment form
- D. Craft Request form
- E. Dual Benefits Reimbursement form



LETTER OF ASSENT



All Subcontractors who are awarded work on an SCWA project must agree to work under the provisions of the Student and Community Workforce (SCWA) and associated contract provisions, as a condition of award. Each subcontractor of any tier must sign this letter of assent and provide to their Prime Contractor.

The undersigned, as a subcontractor on a project which is covered by the Seattle Public Schools (SPS), Student and Community Workforce (SCWA), for and in consideration of the award of a subcontract (of any tier) to perform work on said project, and in further consideration of the mutual promises made in the Student & Community Workforce Agreement, a copy of which you received and is acknowledged, hereby:

- 1) Accepts and agrees to be bound by the terms and conditions of the Student Community Workforce Agreement, on behalf of itself and all its employees, together with any and all amendments and supplements now existing or which are later made thereto and understands that any act of non-compliance with all such terms and conditions, may subject the non-complying contractor or employee(s) to being prohibited from the jobsite until full compliance is obtained. SPS reserves the right to exercise other enforcement mechanisms in lieu of prohibition from the jobsite.
- 2) Certifies that it has no commitments or agreements which would preclude its full compliance with the terms and conditions of the Student & Community Workforce Agreement.
- 3) Agrees to secure from any subcontractor(s) that are engaged through our firm, a duly executed Letter of Assent on an identical form, prior to commencement of any work.

SPS Project Name	General Contractor
SPS Jobsite Address	Prime you are contracted to if not General listed above
Your Company Name	
Your Estimated Start-work Date	Your Estimated End-work Date
Your Contractor UBI Number	Your Authorized Signatory Name and Title
Your Phone Number	Your Billing Address
Signature Date	Signature of Authorized Representative

Current Union Agreements

--

Approx. Job Start Date:		Approx. Job End Date:	
Work Shifts:			
Weekly Pay Day			

Proposed Trade Assignment

All workers, including core employees, must be dispatched through the Union hall. List trade assignments by craft including scope of work description for each assignment. List each piece of equipment planned for use by craft. Include all equipment and tools. If more space is required, attach additional sheets.

Craft	Scope	Equipment/Tools
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Project Craft Demand List

Craft	Peak	Average	Apprentices
Asbestos Workers			
Boiler Makers			
Brick/Stone/Marble/Tile Setters/Terrazzo			
Carpenters			
Carpet, Lino & Soft Tile Layers Cement			
Masons			
Drywall Hanger/Metal Stud Framers			
Drywall Finishers			
Electrical Workers			
Elevator Constructors			
Glaziers			
Heat and Frost Insulators			
Iron Workers (Structural/Rebar)			
Iron Workers (Ornamental/Architectural)			
Laborers			
Millwrights			
Operating Engineers			
Painters			
Pile Drivers/Diver			
Plumbers & Pipefitters			
Plasterers/Fire Proofers			
Roofers			
Sheet Metal Workers			
Sign Makers/Painters			
Sprinkler Fitters			
Teamsters			

Core Worker

For each contract held, a contractor may request up to three journey employees and/or two apprentices to be placed on the job. Such workers must meet the qualifications in the SCWA **and place their names with the respective Union Hall dispatch prior to the worker(s) start of work.**

Core Worker information provided by

Email Address

Core Worker information verified by

Open-Shop Core Worker #1

Employee Name:

Hire Date:

Classification:

This employee meets the qualifications specified in the SCWA

Yes

No

Open-Shop Core Worker #2

Employee Name:

Hire Date:

Classification:

The employee meets the qualifications specified in the SCWA

Yes

No

Open-Shop Core Worker #3

Employee Name:

Hire Date:

Classification:

The employee meets the qualifications specified in the SCWA

Yes

No

Apprentice #1

Apprentice Name:

Hire Date:

Apprentice ID#

Classification:

The apprentice meets the qualifications specified in the SCWA

Yes

No

Apprentice #2

Apprentice Name:

Hire Date:

Apprentice ID#

Classification:

The apprentice meets the qualifications specified in the SCWA

Yes

No

Form completed by

print name

date

Signature



SPS Final Trade Assignment



Contractor shall submit this form to Osvaldo.Guel@seattle.gov (the SPS SCWA Advisor) one week after the Tuesday Pre-Job Conference and prior to starting work

Tuesday Pre-Job Meeting Date		Form submittal Date	
General Contractor for Project		Project Name	
Contractor Company Name		Contract #	
Submitting Contractor Business Address		Submitting Contractor Phone	
		Submitting Contractor Email	

This is notification of the Trade Assignment(s) under the included scope(s) of work and fulfills contractor responsibility under the SPS Student & Community Workforce Agreement (SCWA) to make trade assignments one week after attending the Pre-Job conference. Unions not in agreement with these Final Trade Assignments may avail themselves of the jurisdictional resolution process specified in the SCWA Jurisdictional Disputes section. This provision allows for competing Unions to pursue their claims without disrupting work.

The following is the Final Trade Assignment for each task.

Scope of Work	Assigned to	Challenged by

Scope of work	Final Trade Assignment

Contractor Representative Signature:

Student & Community Workforce Agreement



CRAFT WORKER REQUEST FORM TO UNION DISPATCH FOR WORKER FROM SPS CONTRACTOR

SPS PROJECT NAME:

INSTRUCTIONS

Contractor: Email or fax this form to the applicable union to request craft workers for the SPS project. Please send a copy to Osvaldo.Guel@seattle.gov. Call the local Union to verify receipt and retain a copy for your records.

Union: Complete the “Union Use Only” section and email back to the original contractor and to Osvaldo.Guel@seattle.gov. Retain copy for your records.

Local Union Name:	Submittal Date:
Contractor Name:	Name of Contractor Rep:
Contractor Rep Phone:	Contractor Rep Email:

Please dispatch a craft worker per the SPS SCWA that fulfills a demographic below in the priority listed. If a box is checked, please seek that demographic first. Should no worker present with that demographic, I consent to a general call-out.

Any worker in the order below, UNLESS a box is checked to indicate a super-ceding preference:

- ☐ “Priority Worker” in the order of priority below:
 - **SPS Student (former student, graduate, GED, etc.)**
 - **Wage-earner for a current SPS Student**
 - **Seattle Distressed Zip Code**
- ☐ Pre-apprenticeship graduate who is either:
 - **SPS Student (former student, graduate, GED or any other status)**
 - **Wage-earner for a current SPS Student**
 - **Seattle Distressed Zip Code**
- ☐ Woman and/or people of color

Job/Craft Description	Specify Journeyman Apprentice	Number Requestd	Report Date	Report Time

Total Workers Requested _____

Union Dispatch should instruct worker(s) to report to the following:

Site Address:	Report to (On-Site Contact Name):
On-Site Telephone:	Fax:

Contractor comments including any special licenses or qualifications:

Seattle Economically Distressed ZIP Codes			
98101	Downtown	98102	Capitol Hill/Eastlake
98104	Downtown/ID	98106	Delridge
98107	Ballard	98108	S. Beacon Hill/South Park
98109	Interbay/Queen Anne	98118	Rainier Valley/Rainier Beach
98121	Belletown	98122	Central District
98125	Northgate	98126	High Point
98133	Bitter Lake/NW Seattle	98144	N. Beacon Hill
98146	White Center/Fauntleroy	98178	Rainier Beach/Skyway



DUAL BENEFIT REIMBURSEMENT FORM

Open-shop contractors may request reimbursement from Seattle Public Schools (SPS) for the cost a contractor pays into a qualified employer-sponsored benefit plan on behalf of their core workers on an SPS project covered by the Student & Community Workforce Agreement (SCWA). A qualified plan is one with equal or better benefits and is evaluated and approved by the SPS SCWA Advisor prior to approving your reimbursement.

The purpose of this reimbursement is to reduce duplicative payments that are otherwise required by the contractor by the SCWA. The SCWA requires the contractor pay into a union trust fund for core workers. For additional detail, please see the policy on the following pages of this form.

We recommend that you first seek confirmation that your own benefit plan qualifies for reimbursement, as the qualifications can be more stringent than some open-shop benefit plans provide. You may email Osvaldo.Guel@seattle.gov for assistance in receiving a determination.

Return this form to the SPS SCWA Advisor
Unless otherwise noted: *Osvaldo.guel@seattle.gov*

SUBMITTAL DATE:

SPS PROJECT TITLE:

YOUR CONTRACTOR NAME:

YOUR CONTACT (person THE SPS SCWA ADVISOR can call with questions about the request):

Name

Phone number:

To request reimbursement:

- Fill out this form
- Create an invoice for the amount requested and address to OSVALDO.GUEL@SEATTLE.GOV
- Attach all required verification as noted below
- Submit to email designated above for approval.

SPS Dual Benefits Reimbursement

Month	Name of worker(s) for whom your company seeks reimbursement:	Total hours worked by employee in designated month	Hours worked on CWA project in designated month	Monthly Rate (% hours worked on CWA project)	Monthly employer-sponsored benefit cost	Amount requested for reimbursement
August	John Doe	180	90	.5	\$800	\$400

Required Verification

Please provide the following documentation. A request cannot be processed until documentation in each of these categories is received.

1. **Invoice:** Attach a copy of an invoice for the reimbursement amount you are requesting.
2. **Proof of coverage:** Attach a copy of employer-sponsored benefit plan(s) which provides proof of coverage for usual benefits.
3. **Proof of coverage 90 days prior to work on CWA project:** Attach documentation showing that the named core workers received employer-sponsored benefits within the last 90 days prior to the contractor's work on the SCWA project.
4. **Proof of current coverage:** Attach documentation showing that these employees are continuing to receive employer-sponsored benefits during the time for which reimbursement is being requested.
5. **Proof of payment to employer-sponsored plan:** Attach documentation (copy of check, bank draft, receipt, etc.) showing the total amount paid into the employer-sponsored plan and the amount paid on behalf of each such worker. Only submit documentation for the time during which reimbursement is being requested.
6. **Proof of payment to union trust fund:** Attach documentation (copy of check, bank draft, receipt, etc.) showing the total amount paid into the union trust fund and the amount paid on behalf of each employee (this is commonly found on the union trust remittance form). Only submit documentation for the time which reimbursement is being requested.
7. **Payment record from union trust fund:** Confirmation of payment acceptance from the union trust fund on behalf of each employee for the time period for which reimbursement is being requested.

Applicability:

Open-Shop contractors (of any tier) may qualify for reimbursement of "usual benefits" paid to their Core Workers (maximum of 3 journey and 2 apprentices), if the SCWA mandated benefit payment duplicates the Contractor's own established and irrevocable benefit program.

Background

Seattle Public Schools seeks to mitigate the unique costs that fall upon an open-shop contractor as a result of the Student and Community Workforce Agreement (SCWA). The intent is to ensure a fair and competitive bid environment with a level playing field, regardless of a contractor's union affiliation.

The SCWA requires that the open-shop contractor pay to the Union Trust certain worker benefits. When the contractor is open-shop and brings a core-worker, there may be a duplication in the cost for that core worker. The contractor may request reimbursement of the employer-sponsored benefit plan costs incurred; SPS shall review the request and, if approved, reimburse the contractor.

Detail

The State Department of Labor & Industries (LNI) publishes prevailing wages that already requires every Contractor to pay workers certain "usual benefits" such as health care, retirement, and vacation. These are termed "usual benefits."

Some contractors pay these "usual benefits" in cash instead of through an employer-sponsored plan, program or trust. If the employer offers this through their own pre-established benefit plan that is not revocable for the short duration that a worker may serve inside the SCWA, it would necessarily require the contractor pay for both such plans.

This dual payment, for dual-coverage of health care and/or retirement fund, is a cost that SPS will reimburse back to the contractor. The reimbursement amount is limited to the portion of the cost actually incurred by an open-shop, and only for a maximum of their 5 workers who they bring as core workers to the project.

When preparing a bid, the Contractor should therefore not include the reimbursable employer-sponsored benefit costs in their bid price, since the reimbursement will eliminate the cost impact and including the cost in the contractor's bid would unnecessarily inflate their bid price and limit their competitiveness.

State of Washington,
Department of Labor
& Industries

The health and retirement benefits for workers defined in WAC 296-127- 014

- (a) Health and welfare payments. This is medical insurance, which may include dental, vision, and life insurance. Insurance programs providing protection against industrial accidents or occupational illnesses which are mandated by state or federal statutes, and all related mandatory forms of protection, shall not qualify as health and welfare insurance.
- (b) Employer payments on behalf of a person employed for the purpose of providing retirement income.
- (c) Vacation payments made either directly to the employees or into a vacation fund, provided these benefits are paid to the employees.
- (d) Apprentice training fund. Payments made to training programs approved or recognized by the Washington state apprenticeship and training council.
- (e) Paid holidays. Payments made to employees for specified holidays.

(4) Any fringe benefits required by other local, state, or federal laws do not qualify as "usual benefits."

Dual benefit reimbursement will be limited to:

- costs actually paid by the Contractor in total to the employer-sponsored benefit plan,
- up to the amount paid into the Joint Health and Pension Trust Fund(s) by the contractor per worker,
- for only those hours that the Core Worker(s) was/were employed on the CWA-covered project.

Reimbursement will not include overhead or profit on these direct costs or benefit wages paid on projects not covered by the Community Workforce Agreement.

This is not a change order, but reimbursement for an overlapping cost. Funds will be paid promptly; SPS will approve invoices within 5 business days of receipt of completed and accurate paperwork.

Procedures

1. Contractor submits a completed Dual Benefit Reimbursement Form with supporting documentation to their Prime, who will submit to SPS at least once every 12 months. Prime contractors and subcontractors submit for reimbursement independently from each other.
2. SPS reviews, confirms eligibility using the Dual Benefit Reimbursement Checklist and seeks additional information as necessary.
3. SPS will determine reimbursable costs for the Dual Benefit Reimbursement request based on eligibility. If necessary, SPS will obtain an updated invoice for reimbursable costs from the contractor.
4. Once approved, SPS staff will email the invoice and notice of approval to staff for payment processing.
5. SPS will keep the contractor updated on payment progress and log the request, amount, WMBE status, dates of review and approval and payment information for SPS record

Eligibility Criteria

The contractor must provide evidence of a comparable benefit plan which the contractor pays into for the core worker(s).

- The employer-sponsored benefits must qualify as a usual benefit, per WAC 296-127-014.
- The worker(s) must meet the core worker definition
- The contractor must provide evidence of payments into the employer-sponsored benefit plan for the core workers for whom they are seeking reimbursement, for at least 90 days before the contractor started work on the CWA project.
- The contractor must have made contributions on behalf of the core worker into the Joint Health and Pension Trust Fund(s) and such fund must have accepted the payment for the eligible worker.

Required Verification

SPS will require of the contractor:

- Proof of coverage for the benefit plan(s).
- Receipts ongoing payments to the employer plan(s) that shows the core worker(s) by name.
- Evidence that the core worker(s) received the benefits 90 days before the contractor started work on the CWA project.
- Evidence of payments that would cover the period for which reimbursement is requested
- Records proving the payment was accepted (e.g., Trust Fund Remittance and copy of check.)