

APPRENTICESHIP REQUIREMENTS

For projects with a contract price that exceeds \$3 million, the Contractor is subject to the apprenticeship requirements found in ORS 279C.533 and set forth herein.

I. Apprenticeship Goal

Contractor shall employ Apprentices to perform 12 percent of the Work hours that Contractor's employees in Apprenticeable Occupations perform under this Contract.

Contractor shall also require that each subcontractor with a subcontract of an estimated value of \$750,000 or more at the time of Agency's consent to the subcontract ("Covered Subcontractors") employ Apprentices to perform 12 percent of the Work hours that its employees in Apprenticeable Occupations perform under the subcontract.

Contractor has the primary responsibility to ensure the apprenticeship requirements set forth herein are met. Contractor shall ensure that the applicable subcontracts contain the appropriate clauses, obligating Subcontractor to the Apprenticeship goal as applicable; however, this shall not relieve the Contractor of the Contractor's primary responsibility.

Contractor and Covered Subcontractors shall use apprentices that the BOLI Apprenticeship & Training Division certifies are registered with the Oregon State Apprenticeship and Training Council in a Registered Apprenticeship Training Program. Contractor shall be an Oregon Bureau of Labor and Industries (BOLI) Registered Training Agent in accordance with OAR 839-011-0162 at time of time of contract execution. Reciprocal approval for federal purposes is accorded to contractors, apprentices, apprenticeship programs and standards that are registered with the USDOL Office of Apprenticeship ("OA") or registered to other State Apprenticeship Registration Agencies duly recognized by OA for federal public works projects in Oregon that are subject to the Davis-Bacon Act, in accordance with 29 CFR 29.5(b)(13) (see OAR 839-011-0162(6)). A Covered Subcontractor must be an approved training agent at the time of consent to subcontract unless it will not be performing work in an Apprenticeable Occupation.

Contractor and Covered Subcontractors shall pay an Apprentice for Work on the Project at the hourly rate to which the Apprentice is entitled under the applicable Apprenticeship Agreement or as otherwise specified by the Apprenticeship Training Program.

Apprenticeable Occupations are those designated by BOLI as available trades with apprenticeships. The list of those trades is available at: <https://www.oregon.gov/boli/apprenticeship/Pages/trades.aspx>

II. Reporting.

A. Required Forms. Contractor shall weekly submit the BOLI Enhanced W-38 Form to BOLI with a copy to the Agency to report the extent of Contractor's and Covered Subcontractor's compliance with these Apprenticeship Requirements. Agency may disclose the reports as provided under ORS 279C.845(6).

At any time, BOLI change the required form or method to identify, collect, and report the information required under this Subsection II. Contractor is under a continuing obligation to use the most current form required by BOLI for this purpose.

B. Failure to Report. Failure of Contractor to provide reports as described in Subsection A above may result in withholding of payment as provided in ORS 279C.845(7).

C. Obligation to Provide Additional Information. Upon request by Agency, and in a form and schedule specified by Agency, Contractor shall provide the following information:

- i. The name of or other identification for this Contract;
- ii. The city or county in which the public improvement is located;
- iii. A detailed accounting of:
 - a. The total number of hours of work that workers performed under this Contract and each Covered Subcontract;
 - b. The total number of hours of work that workers performed in each Apprenticeshipable Occupation for the Contract and each Covered Subcontract on the public improvement;
 - c. The total number of hours of work that Apprentices performed under this Contract and each Covered Subcontract; and
 - d. The total number of hours of work that Apprentices in each Apprenticeshipable Occupation performed under this Contract and each Covered Subcontract.
- iv. The total number of workers who performed construction work and the total numbers of minority individuals, women and veterans who performed construction work under this Contract. A report under this subparagraph must separately list for each worker the worker's race, ethnicity, gender, veteran status and, as applicable, trade, craft or job category.

D. Final Report. Upon request by Agency prior to final completion, Contractor shall provide Agency with a final report regarding its employment of Apprentices, which shall contain the following information for Contractor and each subcontractor subject to the Apprenticeship requirements:

- Total amount of Work hours that workers performed in each Apprenticeshipable Occupation
- Total amount of Work hours performed by Apprentices
- Number of hours subject to calculation of reduction in payment as described in Subsection II(C)(iii)(b)

III. Noncompliance and Reduction in Payment.

As required by ORS 279C.533, Agency will reduce payment due to Contractor under this Contract if Contractor does not meet the Apprenticeship Goal set forth in Section I. The reduction will be the equivalent of the difference between the total number of work hours that Apprentices in Apprenticeshipable Occupations should have performed to meet the apprenticeship requirements less the total number of work hours that Apprentices in Apprenticeshipable Occupations actually performed, multiplied by \$15 per hour.

Contractor may apply reduction in the amount due to a Covered Subcontractor if that Covered Subcontractor fails to meet the Apprenticeship Goal. In such case, Contractor must notify Agency and reduce its invoices to Agency accordingly. In no event shall Contractor charge Agency for the amount reduced from the Subcontract.