



City of Tacoma

## TACOMA WATER

**ADDENDUM NO. 1**

**DATE:** May 5, 2025

### REVISIONS TO:

**Request for Bids Specification No. TW24-0052F  
MRP 2022-0023E “F” St, between E 3rd  
St and E 11th St.**

### NOTICE TO ALL BIDDERS:

This addendum is issued to clarify, revise, add to or delete from, the original specification documents for the above project. This addendum, as integrated with the original specification documents, shall form the specification documents. The noted revisions shall take precedence over previously issued specification documents and shall become part of this contract.

### REVISIONS TO THE SUBMITTAL DEADLINE:

The submittal deadline remains the same.

**REVISIONS TO THE GENERAL INFORMATION AND REQUIREMENTS:** The LEAP requirements on specification pages 65-85 are replaced in their entirety with the below attached requirements. The apprentice requirements have been removed and only the local employment requirements remain.

**REVISIONS TO THE PLANS:** References to “CONCRETE BOLLARD” on the Engineering Plans shall mean “FIRE HYDRANT GUARD POST.”

**NOTE:** **Acknowledge receipt of this addendum by initialing the corresponding space as indicated on the specification Signature Page.** Vendors who have already submitted their bid/proposal may contact the Purchasing Division at 253-502-8468 and request return of their bid/proposal for acknowledgment and re-submittal. Or a letter acknowledging receipt of this addendum may be submitted in an envelope marked Request for Bids Specification No. TW24-0052F Addendum No. 1. The City reserves the right to reject any and all bids, including, in certain circumstances, for failure to appropriately acknowledge this addendum.

cc: Todd Honey, Tacoma Water  
Troy Saghafi, PE, Tacoma Water



City of Tacoma LEAP Office  
747 Market Street, Room 900  
Tacoma, WA 98402 (253)  
591-5590  
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## Local Employment and Apprenticeship Training Program

LEAP

# LOCAL EMPLOYMENT AND APPRENTICESHIP TRAINING PROGRAM (LEAP)

## ABBREVIATED PROGRAM DESCRIPTION

The Local Employment and Apprenticeship Training Program (LEAP) is a mandatory City of Tacoma workforce utilization program adopted in 1997, to provide employment and training opportunities for Tacoma residents and residents of the Economically Distressed Areas of the Tacoma Public Utilities Service Area. LEAP also provides expanded opportunities for apprentices. Based on the location and estimated dollar amount of projects, LEAP assigns one or more program requirements to qualifying public works projects or service contracts. Based on compliance with LEAP requirements assigned, incentives or penalties apply.

## LEAP WORKFORCE REQUIREMENT(S) ASSIGNED TO THIS PROJECT

1. LOCAL EMPLOYEE REQUIREMENT – see definition below and zip code list included

## DEFINITIONS OF ALL TYPES OF LEAP PROGRAM WORKFORCE UTILIZATION REQUIREMENTS

1. LEAP LOCAL EMPLOYEE REQUIREMENT: The Prime Contractor is required to ensure that 15 percent of the total Labor Hours worked on the project are performed by residents of the City of Tacoma or Economically Distressed ZIP Codes for the following projects. Penalties for noncompliance apply.
2. LEAP APPRENTICE REQUIREMENT: The Prime Contractor is required to ensure that an additional 15 percent of the total Labor Hours worked on qualifying projects \$1,000,000 and up are performed by Apprentices who are LEAP qualified. They must be in an apprenticeship program approved by the Washington State Apprenticeship Council (SAC) who are residents of the Tacoma Public Utilities Service Area. This is in addition to the Local Employment Goal. Incentives for compliance and penalties for noncompliance apply.
3. LEAP WA STATE APPRENTICE REQUIREMENT: The Prime Contractor is required to ensure that 15% of the total labor hours Labor Hours on projects of \$1,000,000 and up located outside of the Tacoma Public Utilities Service Area but benefitting the Tacoma Public Utilities are performed by Apprentices who are residents of the Washington State. Incentives for compliance and penalties for noncompliance apply.

**PRIME CONTRACTOR LEAP UTILIZATION PLAN (included)**

The plan is due to [leap@cityoftacoma.org](mailto:leap@cityoftacoma.org) at or before the **Preconstruction Meeting**. List how the LEAP requirements will be fulfilled. Include all subcontractors, trades, number of hours and percentage of hours that will be performed by Local Employees/Journeymen/Apprentices and any training programs involved. Notification of approval or rejection (with reasons) of the plan will be sent within ten business days. A revised plan must be submitted within ten business days from receipt of rejection. Failure to submit an approved plan in a timely fashion may result in withholding of project payment(s).

Per the Department of Labor & Industries’ recommendation, no adjustments to apprentice utilization requirements will be considered until the end of the project and all related information has been submitted.

**MONETARY PENALTIES**

**FAILURE TO MEET ASSIGNED LEAP UTILIZATION REQUIREMENT(S)**

Contractors shall be assessed an amount for each hour that is not achieved, per requirement. The amount per hour shall be based on the percent of the requirement that is met. All rounding shall be done down to the nearest whole percent. The amount per hour that shall be assessed is as follows:

Percentage of Requirement Met	Penalty per Unmet Hour
100% achievement	\$ 0.00 penalty
99% to 90% achievement	\$ 12.00 penalty
89% to 75% achievement	\$ 20.00 penalty
74% to 50% achievement	\$ 30.00 penalty
49% to 1% achievement	\$ 45.00 penalty
0% achievement	\$ 60.00 penalty

Penalties are invoiced to the Prime Contractor prior to final project payment. Retainage is held until this invoice is paid.

**GOOD FAITH EFFORTS**

The Prime Contractor must demonstrate that they have exercised “best efforts” to meet the LEAP requirements and were still unable to do so. Best efforts include repeated seeking out utilization opportunities for LEAP-qualified employees for all trades involved in the project. Documentation of requests for LEAP-qualified employees and the responses from the organization(s) stating by letters or emails that no applicable employees are available, regardless of cost of employing them. LEAP must be copied on all requests. If requests are made via phone call or text, follow up documentation including the organization contacted and LEAP must be sent to [leap@cityoftacoma.org](mailto:leap@cityoftacoma.org).

**CERTIFIED PAYROLLS AND NO WORK PERFORMED STATEMENTS - LCPtracker**

LEAP utilizes LCPtracker cloud-based system for recording certified payrolls and no work performed statements to determine compliance with LEAP requirements. It is the Prime Contractor’s responsibility to

ensure all such documents are entered in LCPtracker and the. These must match what is entered in the Department of Labor and Industries' site in content and in number of entries.

### **SUBCONTRACTOR NOTIFICATION**

Prime Contractors shall notify all Subcontractors of the LEAP Program requirement(s). Subcontractor labor hours may be utilized towards achievement of LEAP Requirements. Owner/Operator hours may be used for the Local Employment Requirement.

### **LEAP EMPLOYEE VERIFICATION FORM (included)**

LEAP may request this form and supporting documentation from the Prime and Subcontractors. Supporting documentation is a form of proof of residency for each employee presumed as able to assist in fulfilling LEAP requirements. List of items acceptable as proof of residency are located on page 2 of the form.

If you have any questions or need request further information, please feel free to contact the City of Tacoma's LEAP Program at (253) 591-5590 or email [leap@cityoftacoma.org](mailto:leap@cityoftacoma.org).



City of Tacoma  
LEAP Office  
747 Market Street  
Tacoma, WA 98402  
[leap@cityoftacoma.org](mailto:leap@cityoftacoma.org)  
(253) 591-5590

**PRIME CONTRACTOR  
LOCAL EMPLOYMENT AND APPRENTICESHIP TRAINING PROGRAM (LEAP) UTILIZATION  
PLAN**

Failure to submit this plan at the Preconstruction Meeting may result in Progress Payments being withheld.

**PART A: PROJECT INFORMATION AND TYPE OF LEAP UTILIZATION REQUIREMENTS**

<b>Prime Contractor:</b>	<b>Spec Number:</b>
<b>Project Name:</b>	
<b>LEAP Coordinator signature</b>	
<b>LEAP Utilization Requirements:</b> Total Project Labor Hours - 15% Local Employees	
<b>Explanation:</b>	
- 15% of the total project labor hours must be met by LOCAL EMPLOYEES: o Journey or apprentice level craft workers living in the City of Tacoma or in the local Economically Distressed Areas as outlined in the project specification	
<b>Compliance:</b> Per Tacoma Municipal Code Chapter 1.90, failure to meet LEAP Utilization Requirements results in a monetary penalty.	



**General Instructions for Prime Contractor to complete this LEAP Utilization Plan Form**

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**Part A Guidance**

**Contractor/Contract Information Section:** The Prime Contractor is responsible for completing this section. Failure to submit this plan at the Preconstruction Meeting may result in Progress Payments being withheld. **Part B Guidance**

**Trade or Craft:** Indicate the Trade or Craft being used.

**Employee Categories:** Indicate the number of hours and percentage of hours of the LEAP Utilization Requirement that will be met by each type of craft worker in each category for LEAP Requirements noted in Part A.

**Totals:** Total the percentage number in the middle column. Percentage numbers in the middle column should equal the required percentage in Part A.

**Part C Guidance**

**Description of how the Contractor plans to ensure fulfillment of the LEAP Utilization Requirements:** Prime Contractor - Please describe how you plan to satisfy the LEAP Utilization Requirements on this project. Provide a summary of your outreach and recruitment procedures to hire LEAP-Qualified Employees to work on this project. If noting you will contact an organization requesting LEAP-Qualified Employees, include LEAP ([leap@cityoftacoma.org](mailto:leap@cityoftacoma.org)) on the email exchange between you and the organizations you will seek LEAP-qualified employees from.



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## LEAP EMPLOYEE VERIFICATION FORM

Contractor/Sub: \_\_\_\_\_ Specification Number: \_\_\_\_\_

Project Description: \_\_\_\_\_

Employee Name: \_\_\_\_\_ Craft: \_\_\_\_\_

Ethnic Group (*optional*):  African American/Black  Asian  Hispanic or Latinx

Native American/Alaskan Native  Native Hawaiian or Other Pacific Islander  White  Other

Gender (*optional*):  MALE  FEMALE  OTHER

Complete Physical Address (No PO Boxes): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Telephone: \_\_\_\_\_ Date of Hire: \_\_\_\_\_

If Apprenticeship, Apprenticeship County: \_\_\_\_\_ Apprenticeship Registration I.D.: \_\_\_\_\_

Age: \_\_\_\_\_ Copy of DD-214 *if applicable*: \_\_\_\_\_

**\*\*\*\*\*Please fill out entire form for tracking LEAP performance\*\*\*\*\***

LEAP-qualified employee categories: (check project requirements, fill out the corresponding section, and provide proof of residency of employee – see page 3).

**FOR PROJECTS WITH ONLY THE LOCAL EMPLOYEE REQUIREMENT:**

\_\_\_\_\_ a. Journeyman or Registered Apprentice residing in the City of Tacoma

\_\_\_\_\_ b. Journeyman or Registered Apprentice residing in an Economically Distressed Area within the Tacoma Public Utilities Service Area

**FOR PROJECTS WITH THE LOCAL EMPLOYEE REQUIREMENT AND THE ADDITIONAL APPRENTICE REQUIREMENT**

- \_\_\_\_\_ a. Journeyman or Registered Apprentice residing in the City of Tacoma
- \_\_\_\_\_ b. Journeyman or Registered Apprentice residing in an Economically Distressed Area within the Tacoma Public Utilities Service Area
- \_\_\_\_\_ c. WA State Registered Apprentice living in Tacoma Public Utilities Service Area

**FOR PROJECTS WITH ONLY THE STATE APPRENTICE REQUIREMENT – WORK IS PERFORMED OUTSIDE THE TACOMA PUBLIC UTILITIES SERVICE AREA**

- \_\_\_\_\_ a. WA State Approved Apprentice \*(Only valid for contracts where 100% of work is performed outside of Pierce County)

Signature of Employee: \_\_\_\_\_ Date: \_\_\_\_\_

Contractor Representative: \_\_\_\_\_ Date: \_\_\_\_\_

Title: \_\_\_\_\_

**Please attach a legible copy of the following document(s) showing employee name and address of residence in the applicable categories. If employee is a Registered Apprentice, provide Apprentice Registration ID.**

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WA Driver's License (Date of Birth and Driver's License hidden)

Utility Bill/Phone Bill/Cell Bill/Cable Bill

Rental Agreement/Lease (residential)

Computer Printout From Other Government Agencies

Property Tax Records

Apprentice Registration I.D.

Food Stamp Award Letter

Housing Authority Verification

Insurance Policy showing address (Residence/Auto)

\*Any of the above must have a complete physical address verified by the [www.govme.org](http://www.govme.org) website. No PO Boxes

**LOCAL EMPLOYEE REQUIREMENT ONLY**

City of Tacoma Zip Codes  
(Journeyman AND Apprentice)

98402	98418
98403	98421
98404	98422
98405	98444
98406	98445
98407	98465
98408	98466
98409	98467

Check addresses here:

<https://tacoma.maps.arcgis.com/apps/webappviewer/index.html?id=38107f6b096a4b8280c0d9b8a05bc7eb>

## LOCAL EMPLOYEE REQUIREMENT ONLY

Economically Distressed Areas

(Journeyman AND Apprentice)

Zip Code	200% Pov	Unemployed	25+ College	Area
98002	Y		Y	Auburn
98304	Y		Y	Ashford/Rainier
98323	Y	Y	Y	Carbonado
98328	Y		Y	Eatonville
98330	Y		Y	Elbe
98336	Y		Y	Glenoma
98349	Y	Y		Lakebay
98355		Y	Y	Mineral
98356	Y	Y	Y	Morton
98377	Y	Y	Y	Randle
98385		Y	Y	South Prairie
98402	Y	Y		Downtown
98403	Y	Y		Stadium/St. Helens
98404	Y	Y		Eastside
98405	Y	Y		Hilltop/Central
98408	Y		Y	South End
98409	Y	Y		South Tacoma
98418	Y		Y	Lincoln/South End
98421	Y	Y	Y	Port
98439	Y	Y		McChord AFB
98444	Y	Y		Parkland
98445	Y		Y	Midland
98499	Y	Y		Lakewood
98520	Y	Y	Y	Aberdeen
98528	Y		Y	Belfair
98533		Y	Y	Cinebar
98546	Y	Y	Y	Grapeview
98548	Y	Y	Y	Hoodsport
98563	Y	Y	Y	Montesano
98564	Y	Y	Y	Mossyrock
98575	Y		Y	Quinault
98580	Y		Y	Roy
98582	Y		Y	Salkum
98584	Y		Y	Shelton
98591	Y		Y	Toledo
98592		Y	Y	Union
98925	Y		Y	Easton



**CHAPTER 1.90**  
**LOCAL EMPLOYMENT AND APPRENTICESHIP TRAINING PROGRAM**

## Sections:

- 1.90.010 Purpose.
- 1.90.020 Scope.
- 1.90.030 Definitions.
- 1.90.040 LEAP Requirements.
- 1.90.050 *Repealed.*
- 1.90.060 Effect of program on prime contractor/subcontractor relationship.
- 1.90.070 Apprentice utilization requirements – Bidding and contractual documents.
- 1.90.080 Enforcement.
- 1.90.090 Compliance with applicable law.
- 1.90.100 Review and reporting.
- 1.90.105 Authority
- 1.90.110 Interpretation.

**1.90.010 Purpose.**

The purpose of this Chapter is to establish a means of providing for the development of a trained and capable workforce possessing the skills necessary to fully participate in the construction trades.

(Ord. 26301 § 1; passed Oct. 6, 1998)

**1.90.020 Scope.**

The provisions of this Chapter shall apply to all Public Works or Improvements and Service Contracts related to Public Works or Improvements funded in whole or in part with City funds or funds which the City expends or administers in accordance with the terms of a grant.

(Ord. 28970 Ex. A; passed Jun. 11, 2024; Ord. 26301 § 1; passed Oct. 6, 1998)

**1.90.030 Definitions.**

As used in this chapter, the following terms shall have the following meanings:

## 1.90.030.A

“Apprentice” shall mean a person enrolled in a course of training specific to a particular construction trade or craft, which training shall be approved by the Washington State Apprenticeship and Training Council established pursuant to RCW 49.04.010.

## 1.90.030.B

“Building Projects” shall mean all Public Works or Improvements having an Estimated Cost greater than \$750,000.00, and for which a building permit must be issued pursuant to Chapter 1 of the current edition of the state building code (Uniform Building Code).

## 1.90.030.C

“City” shall mean all divisions and departments of the City of Tacoma, and all affiliated agencies, provided, however, that the Tacoma Community Redevelopment Authority shall not be included within this definition.

“Civil Projects” shall mean all Public Works or Improvements that are not defined as a “Building Project,” provided that those projects having an Estimated Cost of less than \$250,000.00 shall not be included in this definition.

“Contractor or Service Provider” means a person, corporation, partnership, or joint venture entering a contract with the City to construct a Public Work or Improvement or provide a service related to a Public Work or Improvement.

## 1.90.030.D

“Director” shall mean the Director of Community and Economic Development, or the Director’s Designee.

1.90.030.E

“Economically Distressed ZIP Codes”\* shall mean ZIP codes in the Tacoma Public Utilities Service Area that meet two out of three (2/3) of the criteria of:

1. High concentrations of residents living under 200% of the federal poverty line in terms of persons per acre (69th percentile)
2. High concentrations of unemployed people in terms of persons per acre (45th percentile)
3. High concentrations of people 25 years or older without a college degree in terms of persons per acre (75th percentile).

(\*Current ZIP Codes are available on the Local Employment and Apprenticeship Program web page.)

“Electrical Utility” and “Water Utility” shall mean, respectively, the Light Division of the Department of Public Utilities of the City of Tacoma, and shall include the electrical services of that Division, and the Water Division of the Department of Public Utilities of the City of Tacoma.

“Estimated Cost” shall mean the anticipated cost of a Public Work or Improvement or related Service Contract, as determined by the City, based upon the expected costs of materials, supplies, equipment, and labor, but excluding taxes and contingency funds.

“Existing Employee” shall mean an employee whom the Contractor or Service Provider can demonstrate was actively employed by the Contractor or Service Provider for at least 1000 hours in the calendar year prior to bid opening plus one month following bid opening, and who was performing work in the construction trades.

1.90.030.L

“Labor Hours” shall mean the actual number of hours worked by workers receiving an hourly wage who are employed on the site of a Public Work or Improvement or related Service Contract, and who are subject to state or federal prevailing wage requirements. The term “Labor Hours” shall include hours performed by workers employed by the Contractor or Service Provider and all Subcontractors and shall include additional hours worked as a result of a contract or project adjustment or pursuant to an agreed upon change order. The term “Labor Hours” shall not include hours worked by workers who are not subject to the prevailing wage requirements set forth in either RCW 39.12 or the Davis-Bacon Act - 40 U.S.C. 276 (a).

“LEAP Coordinator” shall mean the City of Tacoma staff member who administers LEAP.

“LEAP Program” or “Program” shall mean the City of Tacoma’s Local Employment and Apprenticeship Training Program, as described in this chapter.

“LEAP Regulations” or “Regulations” shall mean the rules and practices established in this document.

“LEAP Utilization Plan” shall mean the document submitted by the Contractor to the LEAP Coordinator which outlines how the associated LEAP requirements will be met.

1.90.030.P

“Priority Hire Resident” shall mean any resident within the Economically Distressed ZIP Codes.

“Project Engineer” shall mean the City employee who directly supervises the engineering or administration of a particular construction project subject to this chapter.

“Public Work or Improvement” shall have the same meaning as provided in Section 39.04.010 RCW, as that Section may now exist or hereafter be amended.

1.90.030.R

“Resident of Tacoma” shall mean any person who continues to occupy a dwelling within the boundaries of the City of Tacoma, has a present intent to continue residency within the boundaries of the City, and who demonstrates the genuineness of that intent by producing evidence that the person’s presence is more than merely transitory in nature.

1.90.030.S

“Service Area - Electrical” or “Electrical Service Area” shall mean that area served with retail sales by the Electrical Utility of the City of Tacoma at the time a bid is published by the Electrical Utility for a Public Work or Improvement or related Service Contract to be performed primarily for the Electrical Utility.

“Service Area - Water” or “Water Service Area” shall mean that area served with retail sales by the Water Utility of the City of Tacoma at the time a bid is published by the Water Utility for a Public Work or Improvement or related Service Contract to be performed primarily for the Water Utility.

“Service Contract” shall mean all City contracts relating to a Public Work or Improvement which utilize labor at a City site and which are not within the exceptions to nor defined as “Building Projects” or “Civil Projects.”

“Subcontractor” means a person, corporation, partnership, or joint venture that has contracted with the Contractor or Service Provider to perform all or part of the work to construct a Public Work or Improvement or related Service Contract by a Contractor.

1.90.030.T

“Tacoma Public Utilities” means the City of Tacoma, Department of Public Utilities.

“Tacoma Public Utilities Service Area” shall mean every ZIP code listed by Tacoma Public Utilities as an area that either receives services or maintains infrastructure to provide services.

1.90.030.W

“Washington State Labor and Industries Prevailing Wage” shall mean the hourly wage, usual benefits and overtime, paid in the largest city in each county, to the majority of workers, laborers, and mechanics. Prevailing wages are established, by the Department of Labor & Industries, for each trade and occupation employed in the performance of public work. They are established separately for each county and are reflective of local wage conditions.

(Ord. 28970 Ex. A; passed Jun. 11, 2024; Ord. 28520 Ex. A; passed Jul. 17, 2018; Ord. 28147 Ex. B; passed May 7, 2013; Ord. 28110 Ex. C; passed Dec. 4, 2012; Ord. 27815 Ex. A; passed Jun. 30, 2009; Ord. 27368 § 1; passed Jun. 21, 2005; Ord. 26698 § 1; passed Sept. 12, 2000; Ord. 26301 § 1; passed Oct. 6, 1998)

## **1.90.040 LEAP Requirements.**

### **A. Utilization Requirements.**

1. All Contractors constructing Civil Projects or Building Projects, and all Service Providers involved with the construction of a Public Work or Improvement, shall ensure that at least 15 percent of the total Labor Hours worked on the Project are performed by persons having their residence within the boundaries of the City of Tacoma or Economically Distressed ZIP Codes, whether or not any such person is an Apprentice.

a. The thresholds for this section shall be \$250,000.00 for Civil Projects and \$750,000.00 for Building Projects.

2. Fifteen percent (15%) of the Total Labor Hours on contracts above one-million dollars (\$1,000,000.00) shall have work performed by Apprentices who are residents of the Tacoma Public Utilities Service Area consistent with RCW 39.04.320(1)(a), subject to waiver based on exceptions as specified in RCW 39.04.320(2)(a), (b), and (c).

3. Labor Hours performed by non-residents of the State of Washington will be deducted from a project’s total Labor Hours for purposes of determining compliance with the requirements of this chapter.

4. All Contractors and Service Providers shall submit a LEAP Utilization Plan as provided for in the regulations adopted under this chapter, and shall meet with the LEAP Coordinator to review said Plan prior to being issued a Notice to Proceed. Failure to submit a LEAP Utilization Plan may be grounds for the City to withhold remittance of a progress payment until such Plan is received from the responsible Contractor or Provider. A meeting with the LEAP Coordinator prior to issuance of a Notice to Proceed shall be excused only when the LEAP Coordinator is unavailable to meet prior to the scheduled date for issuance of the Notice to Proceed and the Contractor and the LEAP Coordinator have otherwise scheduled a meeting for the coordinator to review the Contractor’s or Provider’s plan.

The Contractor or Service Provider shall be responsible for meeting the LEAP utilization goal requirements of the contract, including all amendments and change orders thereto, and shall be responsible for overall compliance for all hours worked by Subcontractors. To the extent possible, the Contractor or Service Provider shall recruit Apprentices from multiple trades or crafts.

### **B. Failure to Meet Utilization Requirements.**

1. Contracts for the construction of Building projects or Civil projects and Service Contracts shall provide that Contractors or

Service Providers failing to meet the LEAP utilization requirements shall be assessed an amount for each hour that is not achieved. The amount per hour shall be based on the extent the Contractor or Service Provider met its requirements. The amount per hour that shall be assessed shall be as follows:

Percent of Requirements Met	Assessment per unmet hour
100%	\$ 0.00
90% - 99%	\$ 12.00
75% to 89%	\$ 20.00
50% to 74%	\$ 30.00
1% to 49%	\$ 45.00
0%	\$60.00

When determining the percent of requirements that are met, all rounding shall be down to the nearest whole percent. No penalty shall be waived by the City unless it is determined by the Director to be in the best interests of the City, which determination shall be made after consultation with the LEAP Coordinator.

2. Deposit of Assessments. All assessments imposed pursuant to this section shall be deposited into a separate account and utilized to support the City’s pre-apprenticeship and training programs. The policies and regulations adopted by the City Manager and Director of Utilities pursuant to this chapter shall address issues pertaining to a Contractor’s existing workforce.

Contributions need not be made for Labor Hours that have been adjusted in accordance with Section 1.90.040(E).

C. LEAP Reports.

Notwithstanding the provisions of TMC 1.90.100, the LEAP Coordinator shall, not less than annually, publish a LEAP report setting forth Contractor compliance with this chapter. Said report shall include information on all contracts and all Contractors to which this chapter applies, and shall detail the level and nature of LEAP participation by contract and by Contractor. The LEAP Coordinator’s LEAP report may include such other information as may be helpful to assuring fair and accurate representation of the contracts, Contractors or projects covered in the report. The LEAP Coordinator’s LEAP reports may be considered by the Board of Contracts and Awards in its determinations as to bidder responsibility. D. LEAP Requirement Adjustments.

1. LEAP utilization requirements may be adjusted prior to bid opening and/or as a result of a contract amendment or change order on a Building Project, Civil Project, or Service Contract.

a. If LEAP utilization requirements are adjusted prior to bid opening, they shall be set forth in the bid or Request For Proposal advertisement and specification documents or in an addendum timely provided to prospective bidders, provided that such adjustment shall be based upon a finding by the Project Engineer that the reasonable and necessary requirements of the contract render LEAP utilization unfeasible at the required levels. The Director shall concur with the Project Engineer’s finding, provided that should the Project Engineer and the Director fail to reach agreement on the Project Engineer’s finding, then in that circumstance the matter shall be referred to the City Manager or the Director of Utilities, as appropriate, for ultimate resolution. Notwithstanding any other provision of this chapter to the contrary, the decision of the City Manager or the Director of Utilities with regard to LEAP requirement adjustments may not be appealed.

b. If LEAP utilization requirements are adjusted due to contract amendment or change order, the amount of adjustment shall be consistent with the utilization requirements set forth in this chapter and shall be determined pursuant to regulations adopted pursuant to this chapter for administration of LEAP utilization requirement adjustments.

2. The methodology of determining the appropriate adjustments to LEAP utilization requirements shall be determined in consultation with the LEAP Advisory Committee, established pursuant to this ordinance for so long as the LEAP Advisory Committee remains in existence.

3. LEAP utilization requirements shall not apply to those portions of a project that are funded by sources other than (a) City funds, or (b) funds which the City expends or administers in accordance with the terms of a grant to the City, provided that the Project Engineer shall notify the LEAP Coordinator of such non-application prior to bid advertisement. For the purposes of this paragraph, credits extended by another entity for the purpose of providing project funding shall not be considered to be City funds.

E. Utilization - Electrical Projects Outside Electrical Service Area.

Civil Projects or Building Projects that are constructed primarily for the benefit or use by the City's Electrical Utility, which are wholly situated outside the Electrical Service Area, and for which the estimated cost is less than \$1,000,000.00, are exempt from the requirements of this chapter.

F. Utilization - Water Projects Outside Water Service Area.

Civil Projects or Building Projects that are constructed primarily for the benefit or use by the City's water utility, which are wholly situated outside the Water Service Area, and for which the estimated cost is less than \$1,000,000.00 are exempt from the requirements of this chapter.

G. Utilization - Projects Outside Tacoma Public Utilities Service Area.

Civil Projects or Building Projects that are constructed primarily for the benefit or use by Tacoma Public Utilities, which are wholly situated outside the retail service area of the Tacoma Public Utilities Service Area, and for which the estimated cost is less than \$1,000,000.00 are exempt from the requirements of this chapter. Projects wholly situated outside the Tacoma Public Utilities Service Area, and for which the estimated cost is more than \$1,000,000.00, shall be exempt from 15% utilization requirement specified in subsection A1. of this section. The 15% utilization requirement specified in subsection A2. of this section may be met if project work is performed by Apprentices who are enrolled in a course of training specific to a particular construction trade or craft, provided such training has been approved by the Washington State Apprenticeship and Training Council in accordance with Chapter 49.04, RCW. H. Emergency.

This chapter shall not apply in the event of an Emergency. For the purposes of this section, an "Emergency" means unforeseen circumstances beyond the control of the City that either: (a) present a real, immediate threat to the proper performance of essential functions; or (b) will likely result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken.

I. Conflict with State or Federal Requirements.

If any part of this chapter is found to be in conflict with federal or state requirements which are a prescribed condition to the allocation of federal or state funds to the City, then the conflicting part of this chapter is inoperative solely to the extent of the conflict and with respect to the City departments directly affected. This provision does not affect the operation of the remainder of this chapter. Administrative rules or regulations adopted under this chapter shall meet federal and state requirements which are a necessary condition to the receipt of federal or state funds by the City.

(Ord. 28970 Ex. A; passed Jun. 11, 2024; Ord. 28520 Ex. A; passed Jul. 17, 2018; Ord. 28147 Ex. B; passed May 7, 2013; Ord. 27815 Ex. A; passed Jun. 30, 2009; Ord. 27368 § 2; passed Jun. 21, 2005; Ord. 26992 § 1; passed Oct. 15, 2002; Ord. 26698 § 2; passed Sept. 12, 2000; Ord. 26301 § 1; passed Oct. 6, 1998)

**1.90.050 Repealed by Ord. 27368. Good faith efforts.**

(Ord. 27368 § 3; passed Jun. 21, 2005; Ord. 26698 § 3; passed Sept. 12, 2000; Ord. 26301 § 1; passed Oct. 6, 1998)

**1.90.060 Effect of program on prime contractor/service provider - subcontractor relationship.**

The LEAP Program shall not be construed so as to modify or interfere with any relationship between any Contractor or Service Provider and Subcontractor. The LEAP Program shall not grant the City any authority to control the manner or method of accomplishing any construction work that is additional to any authority retained by the City in a Public Works contract.

(Ord. 26698 § 4; passed Sept. 12, 2000; Ord. 26301 § 1; passed Oct. 6, 1998)

**1.90.070 Apprentice utilization requirements – Bidding and contractual documents.**

All packages of bid documents for every Building Project and every Civil Project shall incorporate provisions satisfactory to the City Attorney so as to allow enforcement of the provisions contained in this Chapter. Such contractual provisions may include liquidated damages, calculated to reimburse the City for the Contractor's breach of these performance requirements, which shall be published with the City's call for bids.

(Ord. 26301 § 1; passed Oct. 6, 1998)

**1.90.080 Enforcement.**

A. The LEAP Coordinator shall review the Contractor's or Service Provider's and all Subcontractor's employment practices during the performance of the work for compliance with LEAP Program requirements. On-site visits may be conducted as necessary to verify compliance with the requirements of the LEAP Program. The Contractor, Service Provider, or Subcontractors shall not deny to the City the right to interview its employees, provided that the LEAP Coordinator shall make reasonable efforts to coordinate employee interviews with employers.

B. Any knowing failure or refusal to cooperate in compliance monitoring may disqualify the defaulting Contractor, Service Provider, or Subcontractor from eligibility for other City contracts.

C. The making of any material misrepresentation may disqualify the defaulting Contractor, Service Provider, or Subcontractor from eligibility for other City contracts.

D. Any action by the City, its officers and employees, under the provisions of this Chapter may be reviewed by the Hearing Examiner upon written application of the party so affected. Application shall be made within twenty (20) days of the date of the action upon which the appeal is based, and provided to the City by certified mail or by personal service. Any action taken by the Hearing Examiner may be appealed pursuant to Hearing Examiner code, TMC Chapter 1.23.

(Ord. 28970 Ex. A; passed Jun. 11, 2024; Ord. 26698 § 5; passed Sept. 12, 2000; Ord. 26301 § 1; passed Oct. 6, 1998)

#### **1.90.090 Compliance with applicable law.**

Nothing in this Chapter shall excuse a Prime Contractor, Service Provider, or Subcontractor from complying with all relevant federal, state, and local laws.

(Ord. 26698 § 6; passed Sept. 12, 2000; Ord. 26301 § 1; passed Oct. 6, 1998)

#### **1.90.100 Review and reporting.**

The City Manager and Director of Utilities shall review the Program on or before January 1, 2000, and every two (2) years thereafter, and shall report to the City Council and Public Utility Board the Manager's and LEAP Coordinator's findings, conclusions, and recommendations as to the continued need for the Program, and any revisions thereto that should be considered by the Council and Board.

(Ord. 28970 Ex. A; passed Jun. 11, 2024; Ord. 26301 § 1; passed Oct. 6, 1998)

#### **1.90.105 Authority.**

The City Manager and the Director of Utilities shall have authority to jointly adopt policies and regulations consistent with this chapter to implement the LEAP program.

(Ord. 26698 § 7; passed Sept. 12, 2000; Ord. 26301 § 1; passed Oct. 6, 1998)

#### **1.90.110 Interpretation.**

This Chapter shall not be interpreted or construed so as to conflict with any state or federal law, nor shall this Chapter be enforced such that enforcement results in the violation of any applicable judicial order. (Ord. 26301 § 1; passed Oct. 6, 1998)