

CITY ADMINISTRATIVE RULES

TITLE 3

DEPARTMENT OF BUDGET AND FISCAL SERVICES

SUBTITLE 1 ADMINISTRATION

CHAPTER 3

COMMUNITY WORKFORCE AGREEMENTS

SUBCHAPTER 1

USE OF COMMUNITY WORKFORCE AGREEMENTS IN CITY CONSTRUCTION
PROJECTS

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§3-3-1 Purpose.
The purpose of this chapter is to prescribe the procedures for the inclusion of a Community Workforce Agreement requirement for city construction projects. [Eff 11/9/2025] (Auth: ROH §1-9.1; RCH §4-105.4, §6-203(e)) (Imp: ROH §2-42.2)

§3-3-2 Definitions.

- (a) "Agreement to be Bound" means the agreement attached to the Community Workforce Agreement that may be executed by a Contractor as a condition of working on a Covered Project, under which a Contractor agrees to be bound by the CWA.
- (b) "Community Workforce Agreement" or "CWA" means the multi-craft collective bargaining agreement between the city, the Hawaii Building and Construction Trades Council and its affiliated labor unions, and the Hawaii Construction Alliance and its affiliated labor unions, that governs the terms and conditions of employment on Covered Projects.
- (c) "Contractor" means any individual, firm, partnership, corporation, or other business entity (including but not limited to a general contractor, project manager, construction manager, or primary employer, or

- combination thereof), including joint ventures, and any successors and assigns of the foregoing, that has entered into a contract to perform, assign, award, or subcontract any part of the construction work on a Covered Project, and all contractors and subcontractors of any tier.
- (d) “Covered Project” means any large-scale public works project, including any police, fire, emergency services, erosion, rock-fall mitigation, road, stormwater or sewer infrastructure, and pump station projects, in which there is a contract in excess of \$2,000,000 for:
- (1) The building, erection, installation, or assembly of a new structure, building, or facility, or of new infrastructure;
 - (2) The major repair or rehabilitation of an existing structure, building, or facility, or existing infrastructure, that increases the value or useful life, or both, of the structure, building, facility, or infrastructure, or a replacement that is of significantly improved quality and higher value compared to the replaced item, and in either case, that is funded by an appropriation in the executive capital budget; or
 - (3) Any other public works project where the city has determined that delay in completing the project may lead to interruption or delay of services or use of facilities that are important to the essential operations or infrastructure of the city; provided that the term does not include the routine operation or maintenance of a structure, building, or facility, or of infrastructure, whether old or new.
- (e) “Maintenance” means the upkeep of a structure, building, or facility, or of infrastructure, to preserve the original functional and operational state and useful life of the structure, building, facility, or infrastructure, and includes any work that has been traditionally and historically performed by public workers in or upon structures, buildings, facilities, and infrastructure.
- (f) “Master Agreement” means the master collective bargaining agreement of each Union signatory to the Community Workforce Agreement.
- (g) “Operation” means activities related to the normal performance of the functions for which a structure, building, facility, or infrastructure is intended to be used.
- (h) “Union” includes the Hawaii Building and Construction Trades Council (“HBCTC”) and the Hawaii Construction Alliance (“HCA”), and their affiliated labor organizations, acting on their own behalf and on behalf of their own respective affiliates and member organizations, whose names are subscribed to the Community Workforce Agreement. The parties to the Community Workforce Agreement may mutually agree, in writing, to amend or modify the list of affiliated labor organizations in

the event there is a change in affiliation. Nothing in this subchapter is intended to imply that the city has the authority to approve which local unions may affiliate with the HBCTC or HCA. [Eff 11/9/2025] (Auth: ROH §1-9.1; RCH §4-105.4, §6-203(e)) (Imp: ROH §2-42.1)

§3-3-3 Contract awards.

The award of a contract on a Covered Project may be conditioned upon the execution of an Agreement to be Bound in accordance with these rules. [Eff 11/9/2025] (Auth: ROH §1-9.1; RCH §4-105.4, §6-203(e)) (Imp: ROH §2-42.2)

§3-3-4 City department justification.

- (a) A city department may include the CWA with a project's specifications.
- (b) The city department must complete a BFS-P-95 form which includes:
 - (1) A detailed description of how the project meets the definition of a Covered Project;
 - (2) A detailed explanation of the requesting department's need to include the CWA for the project, which may include:
 - (A) Comparisons to similar projects that have, and have not, utilized a CWA;
 - (B) How the size, nature, and complexity of the project justifies utilizing the CWA;
 - (C) Whether the requesting department or another department has undertaken a project of similar scope, size, and complexity with or without utilizing a CWA;
 - (D) Whether the city department has concerns for project delay, the reasons for the city department's concerns and a description of the impact a delay would have on the project, project costs, labor, expenses, funding, the city, the community, and/or other city contracts;
 - (E) How including a CWA furthers the goals of the Hawai'i Public Procurement Code by promoting economic, efficient, timely, and/or flexible project delivery while allowing for open and fair competition;
 - (F) Other circumstances to establish that the CWA is appropriate for the project and in the public interest;
 - (G) An analysis of the CWA provisions that will benefit construction of the project; and
 - (H) Any other criteria or facts that may justify the inclusion of a CWA for the project.
 - (3) The completed BFS-P-95 form must be included with the city department's requisition to the Purchasing Division, Department of Budget and Fiscal Services.

- (4) After receipt of the requisition and all applicable documents, the Purchasing Division, Department of Budget and Fiscal Services will include the CWA in the city department's project specifications.
- (5) If amendments to the solicitation or changes in information or assumptions materially affect the explanation provided in BFS-P-95 form, the city department must submit an amended BFS-P-95 form, or, alternatively the city department may submit a request to remove the CWA from the solicitation with an explanation of why a CWA is no longer appropriate or justified. [Eff 11/9/2025] (Auth: ROH §1-9.1; RCH §4-105.4, §6-203(e)) (Imp: ROH §2-42.2)