

Policy Regarding Executive Order 18-03

Applies to: This policy, effective immediately, applies to all state [executive cabinet agencies](#) and [small cabinet agencies](#) (collectively “covered agencies”) and is designed to implement [Executive Order 18-03 – Supporting Workers’ Rights to Effectively Address Workplace Violations](#) (dated June 12, 2018).

Authorizing sources:

- [Executive Order 18-03](#)

Effective date: 07/01/2019

Last update: N/A

Sunset review date: 06/1/2024

Approved by:  Chris Liu, Director

Reason for Policy

This policy applies to competitive purchases and procurements of goods and/or services. Covered agencies may choose to extend this policy requirement beyond goods and/or services procurements to competitive purchases and procurements for public works, real estate, financial, etc.

Compliance with executive order 18-03 is expected for direct buy (non-competitive purchases) when *reasonably practicable*. The application and documentation of 18-03 in direct buy purchases shall be at the discretion of the covered agency.

Policy

1. [Requirement – Competitive Procurements for Goods and Services.](#)

Covered agencies, to the extent permissible under state and federal law, when competitively procuring goods and/or services, shall seek to contract with individuals and firms that can demonstrate or certify that their employees are not required, as a condition of employment, to agree to mandatory individual arbitration requirements and class or collective action waivers; Provided, however, that the bid preference for such certification shall not exceed five percent (5%).

2. Reporting Requirements for EO 18-03.

For competitive procurements of goods/services, covered agencies shall utilize the Washington’s Electronic Business Solution (WEBS) system to track and report the following data:

- Competitive procurements that included an EO 18-03 Contractor certification and EO 18-03 procurement preference;
- Awarded contracts resulting from competitive procurements that included a Contractor representation and warranty that the Contractor did not require its employees, as a condition of employment, to agree to mandatory individual arbitration requirements and class or collective action waivers.

Covered agencies, at their discretion, may report the same information set forth above for competitive procurements other than goods/services competitive procurements (e.g., public works) and/or direct buy and sole source purchases from an EO 18-03 certified vendor. This data must be submitted to Enterprise Services annually by August 1 for the prior fiscal year. Enterprise Services will report to the Governor aggregate and agency specific data annually regarding implementation of EO 18-03.

3. Additional Resources.

Enterprise Services [webpage for EO 18-03](#) – which includes competitive procurement tools (contractor certification, solicitation and contract provisions), a direct buy vendor certification, FAQs, and other resources pertaining to EO 18-03.

Procedures

Procedure: [18-03 Worker’s Rights Documini](#)

Procedure: 18-03 Worker’s Rights Desk Aid

History

Adopted

July 01, 2019

Amended

There are no amendments to this policy.

There are no prior versions of this policy.