



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 of this revision: July 10, 2024

Sunset review date: July 10, 2029

Approved by:  Tara C. Smith, 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 (EO 18-03) is expected for direct buy (non-competitive purchases) when *reasonably practicable*. The application and documentation of EO 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.
 - 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.

- b. 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.
- c. Covered agencies must report the EO 18-03 compliance through the Washington’s Electronic Business Solution (WEBS).

Procedure

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

Resources

- **EO 18-03 Webpage:** [includes contract certification, solicitation, and other resources](#)
- **Frequently Asked Questions:** [DES-FAQ-EO 18-03](#)
- **Washington State Procurement Manual:** includes tools and templates to support procurement laws and policies.

History

Originally adopted: July 01, 2019

Revision date: June 1, 2024

- Clarified the “Reason for Policy” section with additional information.
 - Created a stand-alone FAQ document.
 - Clarified bid preference award in FAQ with examples.
 - Reformatted the policy to make it easy to follow.
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