



MEETING NOTES

(Approved March 22, 2021)

BES – Secondary Treatment Expansion Program (STEP) CBA – Labor Management Community Oversight Committee Meeting 7

When: Monday, February 22, 2021, 1:00 p.m. to 3:00 p.m.

Location: Web/Phone Meeting

Session Goals:

- Exchange information in support of achieving CBA Goals
- Identify outreach support resources

Handouts: Agenda, Background Information – Apprenticeship Threshold Requirements, 01/25/2021 Meeting Notes

Attendees:

LMCOC Members	
Owner	Michael Jordan, Chair and BES Director , Kathleen Brenes – Morua, D&C Procurement Manager
Contractor	Kent Boden, KIWC Sr. Operations Manager, Rajasegaran “Raja” Ponniah, KIWC Procurement Manager
CBO	Kelly Haines, Worksystems Sr. Project Manager, Bill Kowalczyk, PYB Construction Industry Liaison
Unions	Michael A. Burch, NW Carpenters Community Relations & Outreach, Nathan “Nate” Stokes, IUOE701 Field Representative Supervisor
Employers	John Jackley, NAMC, Kenechi Onyeagusi, Executive Director, PBDG
Alternates	Melvin Norman, Oregon Tradeswomen, Alternate for Michael Burch
Guests	Twauna Hennessee, NW Carpenters Community Relations & Outreach

STEP Program Delivery Team - Muriel Gueissaz-Teufel, BES Program Manager, Janet Strahl, BES Deputy Construction Manager, Bill Mariucci, KIWC STEP Principal-in- Charge, Andre’ Baugh, KIWC/Group AGB CBA Plan Development Lead	
Program Team	Angela Pack, COP Procurement Contract Compliance
Counsel	Mac Mahoney & Karen Moynahan, COP Legal Counsel
Facilitation Team	Lisa Beutler, Stantec LMCOC Facilitator, Laurie Allen, Stantec/ACMS Deputy Program Controls Manager, Facilitator Assistant

Order of Business

1. Log-in, Roll Call, Welcome and Greetings, Agenda Review

- Attendees confirmed by LMCOC Facilitator, Quorum Present

- Michael Burch is retiring February 26, 2021. Mr. Burch will return following thirty days of down time. Twauna Hennessee will be filling his vacancy.
- Michael Jordan convened the meeting and Lisa Beutler reviewed the agenda.

2. Action Item Review

Reviewed Status of January 25 Action Items

#	ITEM	OWNER	STATUS
1.	Ensure Janet Strahl and Kent Boden are invited to attend the Rise Up training.	Andre' Baugh	In progress
2.	Connect with Nate Stokes, Michael Burch and the Laborers to schedule a time to walk through the workforce plan that contains the hours and number of people needed for GMP 1 over the next twenty-four months.	Bill Mariucci	In progress
3.	Change meeting platform from GoTo Meeting to Zoom and send new meeting invites	Lisa Beutler	Complete
4.	Clarification of apprenticeship threshold – either \$100k limit or \$300k, will be placed on the next meeting agenda for discussion. What is it based on, origin, and why is it in conflict with what is on the City's website?	Muriel Gueissaz-Teufel	Discussed during Feb. Agenda (Complete)
5.	For reporting: <ul style="list-style-type: none"> • Create a summarizing slide of GMP 1 and 2 showing scopes for both and a quick bullet list of the sub firms being utilized for both. • Indicate the reporting period covered in the graphs with the understanding these figures will be cumulative. • Use the reporting format from the courthouse project for demographic information (desegregated by company, trade, apprentice and journey, and by race and gender). 	Bill Mariucci - Andre' Baugh	Complete

3. Consent Calendar

- Meeting Notes
 - Adopted without exception.

4. Apprenticeship Threshold Requirements

During the last meeting, the need to understand the contracting commitments related to the apprenticeship threshold was raised, Some believed the amount was \$300k and others thought the number was \$100k. Prior to the February meeting, the City Attorney's office provided clarification that the \$300k threshold applies to both the CBA and CEIP. The facilitator also noted that although this topic was outside of the scope of the LMCOC; the topic is of interest to the group and being presented as an informational item.

Discussion:

Based on the materials provided by the City Attorney's office, it was determined the \$300k amount was correct for this project. However, some of the members wished to highlight the broader implications of the City policy and referenced Commissioner Saltzman's amendment. Kelly Haines also provided information prior to the meeting to show that she had received different information that the \$300K threshold applies to the CEIP and not the CBA. She also explained, the publicly posted CBA template on the COP website had stated \$100k which would lead stakeholders to believe that was the number and made it appear the city is now changing their decision. There were also attendant issues because the numbers are based on a Resolution and not an Ordinance, meaning the City has more flexibility in their decision making.

KIWC representatives noted, as a contractor, they are asking all subcontractors to apply apprenticeship on STEP regardless of their contract threshold. Even if there is a contractor at the \$100k threshold, how KIWC gets them to apprenticeship is an important issue to KIWC.

All the meeting participants affirmed they are committed to establishing institutional equity. This commitment and the responsibilities of tracking this has big implications to the industry. The LMCOC members understand how hard it is to survive on jobsites when the apprenticeship provision does not exist. One person noted the focus should be on how to support contractors to achieve this rather than the setting of lower the thresholds.

Karen Moynahan and Kathleen Brenes-Morua are both open to holding offline conversation to discuss what this looks like moving forward. It was agreed that a separate meeting to discuss threshold will be held. (*Note meeting attendees will not be restricted to LMCOC members.*) The decision regarding threshold applications was already made in 2017, the purpose of this meeting is to clarify the City's position and threshold amounts.

5. CBWTP STEP CM/GC Reporting

Community Contracting

Dashboard review

- B2G reporting is now in effect, KIWCs Construction Dashboard charts are based on contracts awarded to date.
- KIWCs pie chart depicting STEP GMP-1 D/M/W/SDV/ESB Firms by Ethnicity (left) is based on data derived from B2G.
- The vast majority of commitments shown in the CBWTP STEP GMP-1 Forecast Percentage (right) are also based on data derived from B2G.
- Additional step will be to include paid-to-date data as it becomes available.
- Every contractor will be placed into the system regardless of their contract amount.
- Ethnicity of D/M/SDV/ESB contracts based on cumulative data from 11/2020 – 01/31/2021 is as follows:
 - Subcontinent Asian American \$50K
 - African American \$8K
 - Native American \$\$150K
 - Caucasian \$0
 - Hispanic \$0
- GMP 1 Forecast Percentage is at 36.7%
 - Adjusted GMP value is \$43,435,481
 - DBE/MBE Forecasting @ 30.8%
 - DBE/MBE is @ 30.8%/\$13,380,975
 - WBE is @ 1.1%/\$447,141

- D/M/W/ESB/SDVB is @ 0.3%/\$110,802
- TBD-D/M/W/SDVESB is @ 4.5%/\$1,959,000
- KIWC has work to do to meet WBE desegregated number of 5%. This is KIWCs focus moving forward.
- KIWC is still on the front end of finalizing contracts with STEP subs.

GMP-1 Construction Workforce Dashboard

- Cumulative Construction Data from 11/2020-01/31/2021
- Total project apprenticeship to date is 17.7%
- Project goal is 20% apprenticeship by trade
- Project minority participation is 18.9% and total female participation is 12%
- Total workforce hours (journey level) is @ 1,905 hours
- Total workforce hours (apprentice level) is @ 195 hours
- Total Male Workforce by Ethnicity
 - African American 17%
 - Non-Caucasian 21%
 - Caucasian 61%
 - Asian 0%
 - Native American 0%
- Total Female Workforce by Ethnicity
 - African American 0%
 - Asian 0%
 - Hispanic 0%
 - Native American 0%
 - Caucasian 100%

Community Workforce

- Total project GMP-1 Contract Amount – Under Contract – KIWC is \$43,435,481.
- Project construction subcontracted dollars to date are 9%/\$3,787,880.
- Total project D/M/W/SDV/ESB subcontracted dollars through 01/31/2021 is 0.5%/\$208k.
- Total KIWC hours worked are 1,099, hours worked by apprentices are 18%/194.5 hours, hours worked by males are 12.3%/465 hours, hours worked by women are 14%/155 hours.
- McDonald Excavating is exempt under apprenticeship, (under \$300k) but are not exempt from workforce diversity. McDonald total hours worked are 133.5

Questions

Q. If discussing total hours to get numerators, when folks are below the \$300k threshold do you calculate hours for 20%?

A. *KIWC is counting both. Apprenticeship is 15% to date, also counting contractual requirement; the spreadsheet reflects both.*

Q. Is diversity being counted the same way?

A. *KIWC is holding themselves to the middle grouping of numbers – 20% of total project hours inclusive of under \$300k. With regards to diversity, any sub is subject to diversity participation/requirements. The size of their contract irrelevant. Diversity will not be tracked at the \$300k level.*

Discussion

Kelly Haines noted her understanding the goals are project-wide and not about contractors. Apprenticeship, women, and minority is project-wide. How each sub is represented is articulated there. The whole project still has to perform with the percentages. Similarly, another City of Portland project, WA Park Reservoir, on the M/W/ESB side has upwards of 50% of dollars not included in the COBID goal because the work was self-performed. This does not give a true reflection of the opportunity. She will read the CBA more closely but asked for KIWC to clarify what the City is holding the project to – regardless of hours to size of project.

Andre' will adjust the reporting to reflect one set of totals. He believes it is helpful for each individual contract should be shown as it is helpful to see if the contractors are contributing to the overall goal for both the LMCOC and KIWC. KIWC will also be breaking out by trade to gauge how they are doing around apprenticeship and diversity.

The goal is to provide information so that the LMCOC can provide support to the subcontractors. If there are problems with their numbers, it will flag a need for engagement with the communities LMCOC represents.

Kenechi Onyeagusi noted appreciation for the KWIC spreadsheet. Detail on the subcontractors creates a great way for the LMCOC to acknowledge the subs who are meeting goals and then can advertise themselves that they are doing the right thing. They can list this in qualifications for other jobs. It also allows subs to be able to exhibit their contribution to the project. As work on STEP increases, it will also be helpful to see specifically which subs are not meeting their goals; not for the purpose to shame or penalize them but so that the LMCOC can know which ones are not meeting their goals and could use support from the LMCOC.

The project team replied that, in looking at the spread sheet, there are areas shaded pink and/or red for some of the contractors. Moving forward, comments will be added for each contractor; if they are below on apprenticeship or workforce goals plus total numbers on the contractor themselves will be red. Apprenticeship will be highlighted. Anytime the LMCOC sees red or pink in the spread sheet, that is an indicator that the sub's goal is not being met in some manner. If a sub is not performing to expectation, the trouble areas will be simple to identify.

KIWC will be tracking data in the same form for sub-tiers. If a contractor enters one person for one hour, that hour will be reflected. All hours will aggregate up. KWIC will discuss reporting on sub-tier contractors internally. Additionally, every worker for every sub and every sub is included in the detailed charts maintained by the city. This detail is always available.

The group indicated they appreciated the summary data being presented and if they discover an issue they can then delve into the detailed reports.

A sample of a detailed report will be provided so the LMCOC is aware of the level of detail available.

Workforce Plan Reporting

KIWC is still accumulating plans from the subs. Their projections of craft hours are to be reported on the City's template form, several have been received, but not enough to compile data and present to the LMCOC. KIWC intends to reflect the total amount of hours forecasted and projected from the subs rather than what KIWC thinks the subs will achieve. KIWC has also added a number of new subs. Workforce Plans are being requested of all subs regardless of threshold/contract size.

Discussion

There was interest in what outreach KIWC has engaged in and what information has been provided to KIWC on available apprentices. It was noted contractors can fall behind and are not always familiar with how dispatching

works. If the LMCOC can get ahead of the ball in addressing how contractors can work with dispatchers from different trades, that would be helpful.

KIWC would like to talk with Kelly Haines and Bill Kowalczyk on the topic of outreach. Bill Mariucci also advised KIWC is also getting their technology up to speed to announce job openings and opportunities on their website.

Angela Pack advised the group that there is a standard form contractors use to document outreach efforts. KIWC is also following through on who's available, and Andre' will be involved. Once the City receives the monthly report from the contractor, they contact sub(s) to discuss any issues if the sub is not performing as expected. There is a process in place that if someone is available, the contractor gets privilege to that person. When working with someone who submits apprentices to the project, they do not always recognize the City's requirements, that is when the Prime comes in and has a conversation with them.

6. CBWTP STEP Procurements

Upcoming Bid Packages

- Bill M. has list of upcoming bid packages, he would like to include these in Andre's template from a presentation standpoint.
- Similar to what was shown last month, KIWC has twelve upcoming opportunities eight of which are COBID packages that total approximately \$250k.
- KIWC is still working on the secant pile structural steel package valued at \$1M. Nate has a firm he would like to put in touch with KIWC. KIWC just finishing putting together the scope for this package and have had some initial conversations on this package with a local COBID firm to inquire if they are interested and have the resources and capability to perform the work in an effort to keep the work both local and with significant COBID participation. Their conversation is ongoing; the potential sub is reviewing the drawings and providing feedback. KIWC is waiting to learn if the firm can give an estimate.

7. Member Updates on Outreach Efforts

LMCOC Support

- Kenechi shared with the group that a membership meeting was held January 27, 2021. They invited the KIWC team to participate and share an update on STEP; forty contractors were present to learn about the opportunities. One of the questions was, "How are we sure KIWC is going to do what they say they are going to do?" She heard from participants that KIWCs response was great – "we are holding ourselves accountable, the LMCOC is holding us accountable, and KIWC wants to do the right thing in and for the community".
- There was really strong interest by firms that want to work on the project. They are interested in the general contractor actually placing the work in the hands of diverse firms. The level of detail Andre' presented as he went through the spreadsheet and showing the success contractors can achieve was positive. If contractors meet the workforce goal, Kenechi would like to highlight this and bring KIWC back to the membership team later on to show contractors are meeting the goals and achieving a diverse workforce on STEP.
- KIWC was also able to talk about some of the work the team is doing with Rise-Up. The other part of Rise-Up that makes it attractive is subs receive the training at no cost because they are working on this project which adds really strong value. Having the KIWC team return to speak specifically on Rise-Up; it is important for contractors to know the training is free and can be taken to other job sites.
- Kenechi would like to see the flyer KIWC is sending to Nate so the LMCOC can assist with recruitment.

Discussion:

Bill M. stated that as KIWC is ramping up for STEP, they have had a couple conversations with Latino Build and are getting on their agenda to present the opportunities with STEP. Kent is in the middle of coordinating training sessions and KIWC is planning on leveraging the job as well for those involvements.

KIWC has brought a full-time diversity manager to Portland. Devant Black is KIWCs new operations diversity manager and is going to help KIWC with the growing amount of work in the area that KIWCs doing which will be really impactful. Kent will provide a link to the group for Mr. Black's welcome/introduction announcement.

At NAMAAC there has been a lot of interest at the "Safe from Hate" meeting. The team is presenting at the NAMAAC general meeting during the first of March.

It was noted a big part of the work is the administrative requirements of the City and challenges related to the submittal and change management processes is usually where the City sees subcontractor issues. KIWC is planning a virtual open house and will have a list of procurement requirements that are specific to CBWTP/STEP. Topics such as: paying prevailing wages, OCIP enrollment and requirements, certified payrolls, LCP Tracker, bonding, and KIWC contractor requirements will be presented. This is the next step to communicate with their subs.

It was asked if the City has a way to keep KIWCs institutional knowledge in its data banks? Is there any strategy on how they are going to take what they have done on STEP so that the COP retains the benefit of knowing what the City has paid KIWC to do for this project?

Muriel advised that the City is working on preparing a handbook to document the initial steps made for the STEP CBA, documenting the formation of the LMCOC, established the Charter, organized meetings, etc. This information was not all that clearly defined when the City started the CBA effort for STEP.

Bill Mariucci. advised KIWCs Subcontracting and Supplier Plan outlines their outreach efforts, and contract packaging to maximize opportunities.

Kelly advised that the community is more than willing to help draft things based on best practices and could also train certain project managers. With a work session coming up on Thursday, the recommendation is procurement and management have budget and resources available. On the contractor side, skills the GC and contractors are developing are what the LMCOC likes to see when hiring a contractor and reviewing their qualifications as a competitive advantage.

8. Outreach Support

Muriel's been working with her public outreach team on the LMCOC webpage. The group was asked to provide on-going feedback once everything is up and running.

9. Next Meeting

The next LMCOC meeting is scheduled for March 22, 2021.

10. Other

Zoom definitely working better, Lisa will continue utilizing the Zoom meeting platform. In July, she may be in a different time zone, may need adjustment but will update the group at a later date.

Michael Burch is retiring and will assume a reduced role. He'll step down but then be back in April.

Meeting adjourned at 2:53 p.m.

List of Acronyms

BES	Bureau of Environmental Services (City of Portland)	LMCOC	Labor Management Community Oversight Committee
BOLI	Bureau of Labor and Industries	MAO	Mutual Agreement and Order
CBA	Community Benefits Agreement	MAWE	Metropolitan Alliance for Workforce Equity
CBWTP	Columbia Boulevard Wastewater Treatment Plant	MB/DE	Minority Business/Disabled Enterprise
CM	Construction Management	MBE	Minority Business Enterprise
COBID	Certification Office for Business Inclusion and Diversity	MGD	Million gallons per day
COEP	Community Opportunities and Enhancements Program	MOU	Memorandum of Understanding
COP	City of Portland	NTP	Notice to Proceed
DBE	Disadvantaged Business Enterprise	OCIP	Owner Controlled Insurance Program
DEQ	Oregon Department of Environmental Quality	ODOT	Oregon Department of Transportation
D/M/W/ESB	Disadvantaged, Minority, Women, and Emerging Small Business	PATP	Pre-Apprenticeship Training Program
EPA	U.S. Environmental Protection Agency	POIC	Portland Opportunities industrialization Center
GC	General Contractor	PSU	Portland State University
GMP	Guaranteed Maximum Price or Lump Sum	STEP	Secondary Treatment Expansion Program
GMP (#)	GMP followed by a number refers to a project key phase/deliverable	SUB	Subcontractor
WWTP	Wastewater Treatment Plant		