



DRAFT MEETING NOTES

*Labor-Management Community Oversight Committee (LMCOC)
Columbia Boulevard Wastewater Treatment Plant STEP*

Meeting 10

Monday, May 24, 2021, 1:00 p.m. to 3:00 p.m.

Location: On-line

Attendance:

LMCOC Members	Owner	Michael Jordan, Chair and BES Director
	Contractor	Kent Boden,
	CBO	Kelly Haines Bill Kowalczyk
	Unions	Nathan "Nate" Stokes Twauna Hennessee
	Employers	Kenechi Onyeagusi John Jackley
Alternates	Owner	Muriel Gueissaz-Teufel
	Contractor	Devanta Black
	Unions	Sheldon Wormly, Melvin Norman
	CBO	Charles Manigo
Staff	City	Karen Moynahan, Macaen Mahoney
	Contractor	Andre' Baugh, Madelyn Coe
Facilitation	Stantec Team	Lisa Beutler, Laurie Allen
Guests		Kelly Kupcak, Executive Director, Oregon Tradeswomen Amy James Neel, Portland Community College Planning & Capital Improvements

Order of Business

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

- Attendees confirmed by LMCOC Facilitator, quorum announced when all sectors were present.

2. Agenda and Action Item Review

- Reviewed Status of April 26, 2021 Action Items.

#	Item	Owner	Timeframe	Status
1.	Invite contractors to the LMCOC meeting to discuss their strategy to meet the thresholds.	KIWC	As appropriate	Pending
2.	Organize presentation on Rise Up and other anti-hate tactics	KIWC	Next Mtg.	On agenda
3.	Forward Sample of Angela Pack's report that is the basis of Andre' Baugh's report.	Team	May	Will be emailed

#	Item	Owner	Timeframe	Status
4.	Prepare additional breakout information on the DBE Composition	Andre'	Next Mtg.	On agenda

3. Consent Calendar and Meeting Minutes

- Meeting Notes (March and April)
 - Notes adopted without objection.
- Updated Charter (Membership)
 - Membership updates to Charter (see below) adopted without objection.

Representative Group (Member)	Member 1	Member 2
Owner:	Michael Jordan (Chair)	Kathleen Brenes-Morua
Project Contractor:	Ken Boden	Rajasegaran Ponniah
Construction Trade Unions:	Nathan Stokes	Twauna Hennessee
Employers:	Kenechi Onyeagusi	John Jackley
CBOs:	Kelly Haines	Bill Kowalczyk
Representative Group (Alternate)	Alternate(s) for Member 1	Alternate(s) for Member 2
City	Muriel Gueissaz-Teufel	
Project Contractor	Devanta Black	
Construction Trade Unions	Sheldon Wormly	Melvin Norman, Michael Burch
Employers		
CBOs		Charles Manigo

4. CBWTP STEP CM/GC Reporting

Community Contracting –

Andre' Baugh provided a report on key project metrics.

Construction Dashboard Review: (Through 04/30/2021 for GMP-1)

CBWTP STEP GMP-1 D/M/W/SDV/ESB Ethnicity of D/M/W/SDV/ESB Contracts:

- Native American: \$755,851
- Hispanic: \$347,895
- Asian-Pacific: \$312,698
- Subcontinent Asian American: \$50,000
- Caucasian: \$532,930
- African American: \$12,192,997

CBWTP STEP GMP-1 Forecast Percentage 36.7%

- D/M/W/ESB/SDVB, \$110,802, 0.3%
- WBE, \$477,141, 1.1%
- DBE/MBE, \$13,380,975, 30.8%
- TBD – D/M/W/SDV/ESB - \$1,959,000, 4.5%

CBWTP STEP GMP-1 Current Percentage 32.3%

- D/M/W/ESB/SDVB: 0.1%
- WBE: 0.6%
- DBE/MBE: 31.7%

Community Workforce –

Andre' Baugh provided a report on key project metrics.

Construction Dashboard Review (Through 04/30/2021 for GMP-1)**Total Workforce Hours Apprentice Level**

- Total hours are 1,253
- Women target is 6%, at 15.4%
- Minority target is 22%, at 51%

Total Workforce Hours Journey Level

- Total Hours are 4,497
- Women target is 6%, at 15.8%
- Minority target is 22%, at 24.2%

Total Male Workforce by Ethnicity

- Caucasian, 75%
- Hispanic, 5.3%
- Asian, 0%
- Native American, 0%
- African American, 9.3%
- Non-Caucasian, 10.2%

Total Female Workforce by Ethnicity

- Caucasian, 51%
- Native American, 0%
- African American, 0%
- Other – Non-white, 49%
- Asian, 0%
- Hispanic, 0%

- New contractors, Zana and D. Zelinsky & Sons are now on board which bumped up the participation percentage to 32.7% overall. Zana is installing the project guard shack and Zelinsky is a painting contractor.
- KIWC wants to make sure the needs and requests in terms of DBE and participation are understood by subcontractors.
- KIWC prefers to engage local firms as the City has other projects these firms could participate in down the road.
- Christensen Electric is doing well in terms of apprenticeship.
- McDonald's work will be complete by the next LMCOC meeting, but they will be attending the June meeting and bringing a female laborer and/or apprentice to the meeting.
- Zavala is doing very well in terms of minority participation but not in terms of female participation. They have also logged very few apprenticeship hours and their work is complete at this time.

Discussion/Questions:

Q. Regarding firms with contracts over \$300k - Please share Platinum Industrial's scope of work?

A. *Platinum is installing mechanical equipment and also have a subcontractor for temporary odor control.*

Q. Has KIWC made progress working towards getting MBE and WBE firms engaged in the mechanical scope?

A. Bill Mariucci and Andre' have been communicating with local pipefitters to identify potential subs. KIWC is hoping local firms will participate and is looking to team them up with larger mechanical firms to perform this work during the second phase. Bill is also reaching out to other folks to identify subs for the mechanical scope. When Bill Mariucci returns in a couple of weeks, KIWC will have a list of firms to begin discussing the upcoming work for GMP-2.

Q. What trends is KIWC finding regarding the contractors' ability to find apprentices when they are just below the \$300k threshold?

A. Zavala for example, had only 8 hours for one trade. Even if a sub has a million-dollar contract but 90% of that contract is allocated for materials, the contract value will not make a difference. The same principal applies to a \$1M contract if only 20% of the contract value is allocated to labor expense. This is what we will see in some contracts where the expenses are heavily laden towards materials rather than labor. Painting contracts are the opposite in that those contracts are mostly based on labor. This is why KIWC prefers to look towards previous contracts and the sub's diversity participation record.

It is important to look at the big numbers but to also note where we really need to improve. KIWC is assessing how to increase female participation internally and how the contractors can encourage higher female participation. This is just an area in diversity to focus on and talk about during the next few meetings. These numbers will not change within a one-month period. This is an area all contractors are going to struggle with – and is one to address how to handle collectively.

Q. Could you please explain what the category of "other, non-white" represents?

A. This is the category for two non-white races or more.

5. CBWTP STEP Procurements –D/M/W/SDV/ESB Participation for GMP-1 (thru 04/30/2021)

Madelyn Coe provided an update on Upcoming Bid Packages.

Upcoming Bid Packages

- Total GMP-1 contract amount under contract with KIWC is \$43,435,480.00.
- Project construction subcontracted dollars to date is \$18,019,855.31.
- The total project subcontracted dollars to date are 41%.
- The total project DBE/M/W/SDV/ESB subcontracted dollars are \$14,192,371.76, 32.7%. The goal is 22% or \$9,555,806.
- Total project DBE/MBE subcontracted dollars is \$13,904,860.96, 32%. The goal is 12% or \$5,212,258.
- Total project WBE subcontracted dollars is \$250,300.00, 0.6%. The goal is 5% or \$2,171,774.00.
- The total project D/M/W/ESB subcontracted dollars are 37,210.80, 0.1%. The goal is 5% or \$2,171,774.00.
- Total project D/M/W/SDV/ESB paid to date is \$100,120.09, 0.7%. The goal is 22%.
- Total project subcontracted paid to date is \$100,120.09, 0.2%.
- In the next couple of weeks, procurement efforts for MASU will start. The first procurement items include fencing valued at \$20k and some concrete pads valued at \$100k.
- KWIC is looking for COBID firms to complete the work.
- KIWC is now on the vendor list and are hoping an in-person trade show for OAME.

Other

- KIWC is working with NAMC and have given the first set of presentations, Division 03 – concrete on 04/29/2021.
- KIWC is going to work with some other firms and dive into some of the other opportunities for STEP.
- KWICs OAME face masks have arrived. Arrangements will be made to get those to LMCOC meetings.
- KWIC is holding discussions with other apprenticeship groups.
- Presently KIWC has trained 85 craft and their internal staff for Rise Up; 30 KIWC staff, and 20 KIWC craft personnel.

Discussion/Comments:

Bill Kowalczyk asked Bill Mariucci (and the LMCOC members) to get pre-apprenticeship programs involved and started in this process. This is a continuation of a request for involvement and to anticipate needs for the upcoming GMP-2 labor force. The pre-apprenticeship programs need to know how many people are needed to fulfill CBA goals.

Bill Kowalczyk is in the process of discussing how best to incorporate pre-apprentice STEP site visits considering limitations of Covid and changing conditions and is excited to work with Madelyn on this. KIWC is looking forward to conducting pre-apprenticeship site tours later this year and will be coordinating with Bill.

Kenechi Onyeagusi will be reaching out to KWIC in the fall when training resumes.

Outreach Efforts

- KWIC will be attending OAME meetings to share upcoming opportunities for means/methods, equipment, and operations related to STEP.
- KIWC has purchased OAME face masks for use on site for STEP.
- KIWC will continue updating the LMCOC monthly on the most recent contract awards:
 - Zana – They are a new COBID firm to COP and to STEP. They will be getting started shortly on the guard shack.
 - Champion – This sub has performed street sweeping for years, and now have a COBID contract on STEP.
 - Alpha Carlson – not a COBID firm but are now contracted for STEP.
 - NewCor – Procurement for steel products.
 - RAM – COBID certification pending, KIWC hopes they get certified in time for the project.
 - NW Infrastructure (NWI) – NWI will be installing pipelines for the interim facilities.
 - O'Neil – STO 4 & 5, rehab of existing facilities to relocate plant staff.
 - KIWC is looking forward to conducting pre-apprenticeship site tours later this year and will be coordinating with Bill Kowalczyk
 - O'Neil's work is under KWICs pre-construction services contract, so they are not captured by the COP at this time which is why the LMCOC does not see them included in KIWC reports. If there is anything else the LMCOC would like to see, please let Madelyn know.

6. Rise Up Efforts in Support of Respect, Inclusion, Safety, and Equity on the Job

Kelly Kupcak, Executive Director of the Oregon Tradeswomen provided a presentation on the Rise Up Program and its application to the Columbia Boulevard Wastewater Treatment Plant STEP. She began by acknowledging the efforts of Madelyn Coe, Devanta Black, and Kaia Ball from KIWC. She then explained that RISE Up (Respect, Inclusion, Safety and Equity in the Construction Trades) is a

Respectful Workplace Program designed provide all workers with the tools and support necessary to create and maintain a safe, inclusive, and productive environment for everyone. Rise Up training is not just a “check the box” form of training. KIWC is the first in Portland to be trained and implement the program on the job site.

The basis of the Rise Up program is to build awareness in the workplace. This is achieved through creating and elevating awareness, training, support, and interventions; overall shifting the job site culture on a long-term basis. Madelyn Coe has completed the Train-the-Trainer module through Rise Up.

Kelly Haines shared her view that KIWCs organizational culture and values are already committed to changing the culture in the construction industry and the KWIC team is trained specifically for conflict resolution. It is not typical for general contractors to make the commitment or invest the capacity that KIWC has. Following are more highlights of the presentation.

Six Steps Advocated by Rise Up

1. Educate leadership
2. Listen to your people
3. Train your Team
4. Measure Results
5. Form a Culture Committee
6. Provide Mentorship and Leadership Development

Rise-up Training Modules

- New Worker Orientations
- Management/Supervisor Training
- Job Box Talks (12 Topics)
- Train-the-Trainer – NOW]Train-the-Trainer – JBT (job box talks)
- Bystander Intervention
 - Identify, Address, Resolve
 - Choosing to act when you see behavior that is inappropriate on a job site.
 - This includes speaking out against harassment, hazing, bullying, including racist and sexist language, and intervening in potentially difficult situations.
 - Bystander intervention is more than just preventing a lawsuit; it means actually taking action to prevent, educate, and resolve unacceptable behavior.

Discussion/Comments:

- A big fear is that after training and preparation students are “thrown to the wolves” in the workplace. That means that training that uses industry terminology is important. Through this approach the CBA can create a standard for inter-agency entities.
- Kelly Kupcak stated Rise Up is really about a partnership between the general contractor and their subs. This is a relatively new field for workers who experience harassment. Hazing is not new, but to have a model for intervention and prevention on the job site is.
- Andre’ thanked Kelly Kupcake and Kenechi for doing this. He called them a year ago when assigned to another program that did a similar type of training and saw the benefit. KIWC has embraced this active approach and it is a testament to the partnership. Hearing Kelly share that she is getting BOLI, and other folks involved, there really are a lot of partnerships out there for pre-apprenticeship programs. This will let folks know that when they come to a site it will be a safe environment and that they have support, and that the system has their back.

- Kenechi expressed her delight, noting it has been great. She believes KIWC started a movement. There is a need and the team is meeting the need. KIWC is changing the culture of construction through Rise Up. Madelyn did great in her training – really engaged team.
- Lisa mentioned a firm she works for has begun diversity and inclusion training and she has shared the Rise Up approach with other workgroups.
- Andre’ thanked the City of Portland. The City has been accepting, even though they were unfamiliar with the training they said “let’s do this When the Owner buys in, it makes it easy. The contractor takes direction from the Owner and everyone else does too. He ended with “Thank you for your support”.
- Kelly shared that it is not an easy task to implement from the standpoint of bringing issues to folks and raising it up. As folks become aware and feel comfortable going to the team, they often see increases in complaint reporting. At Oregon Tradeswomen, they have been on the receiving end of calls from workers who do not feel safe on the job site. Kelly gave a shout out to PCC and the COP for shifting and creating a workforce where all workers can feel safe on the job.
- Michael Jordan hopes we can keep the momentum going, it is really important. Secondly, it is not just the construction industry that has these kinds of challenges. Having the training and culture change on BES’ site at CBWTP will do more than just change the construction culture. COP/BES is thankful for that and really appreciate the work to improve job site culture.
- Bill Kowalczyk wants to make a point that it is important to celebrate all we are doing here but to also remember it is not necessarily a success if we do not identify incidents. It is a success when incidents are identified and corrected. Bill wants to emphasize that this is when the work starts.
- Guest Amy James Neel offered that she is really grateful to have this program in Portland. She appreciates how this program is laid over the life of the project, appreciates how the structure of this program is continual and is grateful for implementation of Rise Up on this project.

7. Outreach Support – Website, Handouts, Speakers Bureau

- If the LMCOC needs something posted to the City’s LMCOC webpage, please let Muriel know.
- The City is happy to show their commitment and provide training if anyone would like to go through the training. It is important to have management and City support.
- If it means showing up on site, will do. There is a lot of good work being done on site but please keep in mind that coordination is required for site visits.

8. Member Announcements, Updates, General Comments

- Kent – He underwent the Rise Up training and it was fantastic. Kelly did a great job. Devanta is also trained.
- Madelyn – They are internally discussing doing a survey of the workers. KIWC has already received a lot of informal feedback. This is definitely not the standard, they brought a new crew of fifteen staff in, and all have completed the training. The feedback so far is that the environment is much better. As a trainer, folks recognize her as resource which is a great benefit.
- Nate – Is excited at everything he is hearing that is happening on site with the Program goals and Rise Up training. He is not surprised KIWC is doing this training, and thanks them for providing it.

- Devanta –Rise Up applies to more than just construction. In college, he had Green Dot; Rise Up is the new hybrid. It changes people’s lives in and out of work. Being the program is still new, KIWC is developing a trust relationship with the workers but are hopeful that having this program in place will bring out issues so they can be addressed and corrected.
- Kelly Haines. – Thanked the team for their work. She is excited to see that STEP is using one of the proven models that the committee scored the highest. She wants to dig into the category of “other non-Caucasian” with the City’s data people or contractors who are filling in this box to determine what do they mean by this? Is it multi-race or? She has never seen it before on a City project and wants to understand how to specify who this refers to. Andre’ will connect with Kelly Haines and get Angela on the line upon her return. He believes this is a category to capture what is coming from contractors.
- Madelyn – The “Other non-Caucasian” category is what is identified as two or more races. Pacific Islander / Hawaiian goes into this category or if someone chooses to not identify, they would also go into this category.
- Lisa reminded the group that the STEP CBA is a semi pilot effort and that if there is something that can be tuned up or create a better data request, this will add value to the overall City portfolio. She asked for the LMCOC let the project team know.

There was a question as to if the BES going to Council soon or is there any kind of update upcoming. The project team is available to help to prepare for any upcoming City Council presentations.

Michael Jordan indicated there is nothing on the schedule, but they should update City Council. He believes that what everyone is learning is starting to emerge is a great story. City Council needs to hear about the process and effort. It’s believed the more that can be conveyed to policy makers is good. There is the potential to present to Council this summer.

Several group members affirmed that it is essential this message of lessons learned gets through to policy makers. It was noted that the LMCOC could help amplify this as a model that is working and respectful of the community.

It was also mentioned that Kathleen Brenes-Morua is working hard to identify efforts that are working vs. not working as well.

The meeting was adjourned at 2:20 p.m.

List of Acronyms

BES	Bureau of Environmental Services (City of Portland)
BOLI	Bureau of Labor and Industries
CBA	Community Benefits Agreement
CBWTP	Columbia Boulevard Wastewater Treatment Plant
CM	Construction Management
COBID	Certification Office for Business Inclusion and Diversity [Used in describing certification status – as in COBID subcontractor or COBID vendor numbers]
COEP	Community Opportunities and Enhancements Program
COP	City of Portland
DBE	Disadvantaged Business Enterprise
DEQ	Oregon Department of Environmental Quality

D/M/W/ESB	Disadvantaged, Minority, Women, and Emerging Small Business
EPA	U.S. Environmental Protection Agency
GC	General Contractor
GMP	Guaranteed Maximum Price or Lump Sum
GMP (#)	GMP followed by a number refers to a project key phase/deliverable
JATC	Joint Apprenticeship and Training Committee
KIWC	Kiewit Infrastructure West Co.
LMCOC	Labor Management Community Oversight Committee
MAO	Mutual Agreement and Order
MAWE	Metropolitan Alliance for Workforce Equity
MB/DE	Minority Business/Disabled Enterprise
MBE	Minority Business Enterprise
MGD	Million gallons per day
MOU	Memorandum of Understanding
NTP	Notice to Proceed
OCIP	Owner Controlled Insurance Program
ODOT	Oregon Department of Transportation
PATP	Pre-Apprenticeship Training Program
POIC	Portland Opportunities industrialization Center
PSU	Portland State University
STEP	Secondary Treatment Expansion Program
SUB	Subcontractor
WWTP	Wastewater Treatment Plant