



Columbia Boulevard Wastewater Treatment Plant STEP

Labor-Management-Community Oversight Committee Charter

This Labor-Management-Community Oversight Committee (LMCOC or Committee) discusses and advises on issues and/or concerns related to the implementation of the Columbia Boulevard Wastewater Treatment Plant (CBWTP) Secondary Treatment Expansion Program (STEP) Community Benefits Agreement (CBA). The CBA is an agreement between the City of Portland (City), the Project Contractor (on behalf of all contractors and subcontractors of all tiers), the signatory unions, and the signatory community-based organizations with a strong record of accomplishment of serving racial and ethnic minorities, women and low income people and state approved pre-apprenticeship programs (CBOs).

The goal of the CBA is to set out uniform standard working conditions for the efficient performance of construction work on STEP and assure that public money spent by the City benefits its goals of providing beneficial working conditions and increased workforce and contracting diversity on its construction projects. This Committee was created for STEP, under the terms of the CBA in Section 9.1

Project Background and Context

The Columbia Boulevard Wastewater Treatment Plant is located on a large, 147-acre industrial site in North Portland, and Oregon's biggest wastewater facility. The plant has been operating continuously at the same location in North Portland since 1952 and serves nearly every Portland home and business every day (the current population served is 686,000). The plant is a key asset in protecting Portlanders' health and the environment. The treatment plant is closely regulated by federal and state authorities.

STEP is an ongoing program that is primarily guided by a 2011 Mutual Agreement and Order (MAO) with the Oregon Department of Environmental Quality (DEQ). The program is managed by the City's Bureau of Environmental Services (BES). The MAO requires the plant to treat all of the combined sewage conveyed to the plant via the big pipes and sanitary system during high rain or storm events. The requirements of the MAO have all been met to date and the City is now fulfilling the last of its obligations under the regulatory agreement to add two new secondary clarifiers as part of the secondary treatment system. While it will not increase total hydraulic capacity at CBWTP, the addition of secondary clarifiers will provide more biological treatment and increase operational resiliency during heavy rainfall. This will maximize the City's ability to continue to protect water quality, public health, and the environment. This requirement must be met by 2024.

The core of STEP relates to the addition of clarifiers. But with many of the treatment plant's facilities built in the early 1970's, the program also includes other planned and needed improvements to provide long term solutions and minimize implementation risks in adjacent and joint process areas. One

important critical element includes the replacement of the solids handling facilities, which were built 50 years ago and have operated continuously since then. A programmatic approach also increases the reach and impacts of a CBA, and intended outcomes.

Along with the regulatory deadline, STEP is a complex design and construction project, with heavy site/civil, mechanical, electrical, instrumentation and controls elements being constructed while maintaining continuous plant operation to protect water quality and protect public health. This project will also construct the first new process facilities built to seismic category code III, increasing the resiliency of the plant.

In October 2017, City Council authorized the use of a Construction Manager/General Contractor (CM/GC) approach to minimize construction risks and facilitate meeting the mandated deadline. Under the CM/GC approach, the project provides significant opportunities for the contracting community in the Portland area, especially certified M/W/DBE/ESB/SVDBE firms, and a diverse workforce and apprentices including women and people of color.

The City recognizes that, as a public owner, it has a unique role in the construction industry to ensure that public dollars spent benefit the community that it serves and does not indirectly or passively perpetuate discrimination against or historical under-inclusion of minorities and women and low-income people in the construction industry. Further, as critical partners in this endeavor, Unions, Community Based Organizations, Employers, and Project Contractor join the City (all together referred to as the “parties”) in understanding that they each play an integral and critical role in ensuring that historically underrepresented racial or ethnic minorities and women be fairly represented in the building and construction trades and to be fairly represented in the project's use of contractors and subcontractors.

This project is the first where a project-specific Community Benefits Agreement is implemented since the finalization of the pilot projects and passage of City Resolution 37329. The lessons learned during the implementation of this CBA are intended to inform future project-specific CBAs.

Authorities

The LMCOC discusses and advises the City’s Program Management Team and the Project Contractor on the implementation of the Columbia Boulevard Wastewater Treatment Plant (CBWTP) Secondary Treatment Expansion Program (STEP) Community Benefits Agreement (CBA).

The Committee is convened under the terms of the STEP CBA under Sections 9.1 and 9.2.

Committee Purpose and Scope

From Section 9.1:

“In recognition of the necessity for cooperation and communication between all parties to the Agreement in achieving the diversity goals of this Agreement, the prevention of disputes and misunderstandings and the implementation of this Agreement, the Parties agree to establish a Labor-Management-Community Oversight Committee ("Committee") and to hold periodic meetings to

discuss and provide advice on issues and/or concerns which may arise during the life of the Agreement.”

During construction, the City represented by the Bureau of Environmental Services (BES) and Kiewit (Project Contractor) representatives will present data to the LMCOC on the actual and planned utilization of women and minorities in apprenticeships, workforce, and subcontracting roles and associated scopes of work. The LMCOC will offer recommendations, and review and report on the project’s efforts and compliance with meeting the CBA goals. The project is anticipated to last at least through year 2024.

Committee Meeting Schedule

Initially, the Committee is required to meet at least monthly, starting approximately in August 2020, until December 2024. Meetings are anticipated to last 2 hours to go over Equity efforts, compliance with recruitment and retention, apprenticeship workforce, contracting and other goals set forth in the STEP CBA. After the initial launch, the Committee may elect to adjust the frequency of meetings as appropriate.

It is estimated that Committee members would spend at least 4 hours a month reviewing materials and attending the meetings, in addition to potential travel times. The time commitment may be higher initially to introduce and familiarize Committee members with the Project and the goals of the STEP CBA. Due to public health considerations, meetings are anticipated to be held remotely due.

Meetings may be held remotely (via Skype, Teams, Zoom, or other platform) and/or in person, or a combination of both. Member should advise if they need any special accommodations to attend the meetings and participate. The project team and/or facilitators will provide training on use of remote conferencing and access to files.

Committee Membership

Two representatives from each of the following groups:

- Owner (City of Portland represented by BES)
- Project Contractor
- Construction Trade Unions
- Employers (representatives from the Employer category shall be from the Disadvantaged Business Enterprise (DBE) contracting community, though not necessarily employed on the Project)
- CBOs (including state approved pre-apprenticeship programs)

Designated Members for each stakeholder group as of 07/10/2020 (date) are:

Representative Group	Member 1	Member 2
Owner	Michael Jordan	Kathleen Brenes-Morua
Project Contractor	Kent Boden	Rajasegaran Ponniah
Construction Trade Unions	Nathan Stokes	Michael Burch

Employers	Kenechi Onyeagusi	John Jackley
CBOs	Kelley Haines	Bill Kowalczyk

Quorum and Voting

The groups shall each have two representatives and two votes for each group, even if only one representative is present. A quorum for this committee is when all groups are represented. No official business can be transacted without a quorum.

Selection and Attendance

Committee members are expected to attend all meetings. If a member is unable to attend, he/she may designate alternates. Additionally, during the course of the project we anticipate there may be a need to engage more trades and/or CBO specialities. In order to exercise voting privileges, alternates are expected to be fully briefed on current Committee business and understand their obligations under Committee Charter. The following are designated alternates:

Representative Group	Alternate(s) for Member 1	Alternate(s) for Member 2
City		
Project Contractor		
Construction Trade Unions	Ben Guzman	
Employers		
CBOs		

If an alternate has not been designated in advance, they may sit for a member under the advisement and concurrence of the Committee Chair. Alternates not fully briefed should cede their vote to a designated member or alternate.

Making Recommendations and Reaching Agreement

While a voting structure exists, the Committee is asked to deliberate and strive to find a consensus recommendation(s). When no consensus can be reached, and a vote is not unanimous, the differing recommendations will be documented by the meeting facilitator as an attachment to the group minutes.

Other feedback to staff or the Project Leadership Team does not require a formal Advisory Committee recommendation.

Assumptions

The Project has an identified scope, schedule and budget. Design of the program began in October 2018. While the scope of the Committee will remain the same the types of labor activities will change during the course of construction. The Project scope elements include the following:

Construction Package Phase 1 (GMP 1) – January 2021 start:

1. Temporary facilities to maintain plant operations during demolition and construction, including odor control, a skid-mounted centrifuge for temporary dewatering and temporary staff operation facilities.
2. Structural surface rehabilitation of the secondary treatment aeration basins.
3. Subsurface improvements where required by code, including deep soil mixing.
4. Phase I Demolition of the Composter facilities, including storage building 01 (STO1) which includes Special Operations Group (SOG) staff and shop space, storage building 02 (STO2), Synergen modular, old construction engineering modular.
5. Main electrical substation replacement.

Construction Package Phase 2 (GMP 2) – 2022 start:

6. New motor control centers (MCCs) and 15kVA transformers from the Silver Tunnel, including a new above ground enclosure or building.
7. New secondary clarifiers and associated mechanisms.
8. New return activated sludge (RAS) pipe and upgraded/new Mixed Liquor (ML) piping from the new clarifiers and connecting to the aeration basins.
9. New dewatering, thickening, odor control and chemical feeding systems in a new three-story building with associated support facilities.
10. New electrical and instrumentation upgrades.
11. New associated stormwater facilities and green building features where required.
12. Replacement of the Biosolids Storage Silos in a new location.
13. Phase II Demolition of the sludge processing facility, biosolids silos, and associated support utilities.
14. New non-process staff and storage facilities.
15. Replacement of Silver Tunnel Boilers and associated HVAC equipment.

Roles and Responsibilities

The overarching roles and responsibilities are outlined below. A matrix outlining all of the project actions and deliverables is enclosed as Appendix A. T

Executive Sponsor

The Executive Sponsor for this effort is Mike Jordan. The role of the sponsor is to ensure that the work of the Committee is properly resourced.

Program Team – Owner (BES) and the Project Contractor (Kiewit)

1. The Owner will present an overview of the Project status to the Committee.

2. The Owner and Project Contractor will present to the Committee the following information:
 - a. Project Contractor's and Employers' outreach for M/W/DBE/ESB/SDVBE contracting opportunities and Harassment Free Workplace Policy;
 - b. Proposed list of subcontractors, their anticipated scopes of Work, and the estimated subcontract amounts for subcontracts identified at that time; and
 - c. Identify scopes of Work and subcontracts, if known, that resulted from the breakdown of subcontracts in excess of \$150,000 into targeted Work scopes.
3. During the course of construction and at least one time every three months, the Owner and Project Contractor will present the prior three (3) month's data on the current utilization of women and minorities in apprenticeships, workforce, and subcontracting and will also present a three (3) month forecast for the Project.
 - a. This information shall be given to the Committee within one (1) month of the anticipated presentation.
4. The Program Team will take the feedback received from the Committee and work to integrate it into the Project when possible. Staff will come prepared for the meetings and follow-up on any action items and questions from Committee members.

Facilitation Team

Professional facilitators will serve as the convenor of the meetings on behalf of the City. In this role they will provide meeting and facilitation support to the effort and ensure the fairness and transparency of the Committee and decision making process. As requested they provide process advice. The facilitators serve as neutral 3rd parties and will assist the Committee in seeking beneficial outcomes for all the Parties. Project Facilitation Team will develop agendas and send them out in advance of each meeting. Facilitation Team will provide a platform to exchange information related to Committee business.

Committee Members

Committee members are responsible for operating in good faith and representing the perspectives of the stakeholders they are assigned to represent in order to assist the Program Team in implementing the CBA symbiotically while meeting program schedule, budget, and quality criteria. In this role they act as a liaison to communicate information to and from their organization(s) and affiliates. They will also:

- Act in a manner that will enhance trust among fellow members
- Contribute data/information to clarify issues and eliminate false assumptions
- Act collaboratively and seek common ground where possible

Committee Scope of Work

Craft over arching goals here.

The primary role of the Committee members is to review and provide feedback on the following:

1. Project Contractor's and Employers' Equity Efforts as set forth in this Plan.
2. Project Contractor's and Employers' compliance with recruitment and retention efforts set forth in this Agreement.

3. Project Contractor's and Employers' compliance with apprenticeship, workforce, and contracting goals and other goals and programs specific to the Project as set forth in this Agreement.
4. Any applicable audit performed, related to the provisions of this Agreement, by the Owner or on the Owner's behalf.

On a quarterly basis and as needed per the Owner's request, the Committee will provide recommendations and information to the Owner and Project Contractor, including the following:

1. Provide suggestions and recommendations for reaching the Agreement's goals, including but not limited to providing guidance on outreach and engagement of subcontractors.
2. Facilitate connections to unions, non-union organizations, CBOs, and workers and serve as a liaison, when appropriate, between Project Contractor, Employers, subcontractors, unions, non-union organizations, community organizations, and workers.
 - a. On a quarterly basis and as needed per the Owner's request, the Committee will report its findings to the Owner.
 - b. All Work Product provided, used or produced for Committee review of the Agreement or for the Project are the exclusive property of the City of Portland.

In the event that circumstances may arise which were not anticipated that could cause unforeseen difficulties for owners, labor or community in achieving CBA goals, the Committee will be asked to provide advice and direction on how to resolve these issues.

Upon request the Committee may also be asked to exam data regarding each use of Core Employees and if needed, suggest changes to the minimum number of hours an employee would have to have to be on the Employer's payroll to be deemed a Core Employee.

Outreach, Training, Mentoring and Retention Strategies

The Committee shall **develop** a plan in conjunction with existing community groups to recruit and employ historically disadvantaged or underrepresented people, including racial and ethnic minorities, women, and low-income people, into a pool of pre-qualified applicants that may be made available for immediate employment on Projects as allowable under a crafts apprenticeship standards.

The Committee will review training plans, apprentice work progress reports and hiring/worker retention. The Committee shall also suggest specific strategies to ensure that apprentices recruited under this policy shall be fully trained and prepared to enter into the workforce as journey level skill workers in their respective trades. These strategies shall include mentoring minority and women apprentices, removing barriers to entry into the apprenticeship programs where such barriers are not a bona fide occupational requirement, and providing financial assistance in purchasing the tools and supplies necessary to successfully complete an apprenticeship in the trades.

As a component of these Opportunity Contracts, Project Contractor and non-M/W/DBE Employers in conjunction with the Owner shall agree to assist qualified potential M/W/DBE bidders in the bidding and estimating process. Once such Opportunity Contracts are secured, the Parties shall also assist the successful M/W/DBE bidder by providing technical assistance as necessary to ensure the successful

completion of the Opportunity Contract. The Committee shall be responsible for coordinating these mentoring activities at the pre- and post-bid stages.

Communications

The Project team is the point of contact for media and elected and appointed officials and is responsible for responding to inquiries for presentations or other project questions. Members of the Committee are encouraged to refer all inquiries to the Project team. However, if a Committee member is contacted by the media, they may respond representing themselves and not the Committee or the Project.

Observers

Committee meetings are considered project work sessions and limited to members of the Program Team, Facilitation Team, Committee, City Staff and other relevant invited subject matter experts, as appropriate. Should Committee members desire to invite other attendees to a meeting, they should inform the Facilitation Team prior to the meeting in order to determine the role of the guest in the meeting. All **Committee** work products and communications are subject to Public Records Requests.

Observers will be permitted to monitor proceedings. Time will be set aside for observers to offer comments at the end of the meeting.

Key Project Milestones

GMP 1 Notice to Proceed : 10/28/2020

GMP 2 Notice to Proceed: 06/03/2022

Overall Substantial Completion : 12/26/2024

D\M\W\ESB\SDVBE is the correct listing of the certs.