

TESTIMONY
COMMUNITY EQUITY AND INCLUSION PLAN

IF YOU WISH TO SPEAK TO CITY COUNCIL, PRINT YOUR NAME, ADDRESS, AND EMAIL.

| NAME (PRINT) | ADDRESS AND ZIP CODE (Optional) | Email (Optional) |
|------------------------------|--|--|
| Shedrick J. Wilkins | 945 NW Maiba Pkwy, apt 134 Portland, OR | wilkinsshedrick@ yahoo.com |
| Branden Mayfield | 7506 SW Craig Dr | |
| ✓ James L. Posey | 117 NE Stanton | posey@communityequity.org |
| ✓ Bill Kowalczyk | 1832 NE 10th Ave 97212 | bill.kowalczyk@pyb.pdx.org |
| ✗ Kelly Kupcak | 3934 NE MLK JR BLVD 97212 | kelly@tradeswomen.net |
| ✓ Vanessa Enos | 3934 NE MLK JR BLVD 97212 | |
| ✓ Julia DeGraw | 1216 SE 88th Ave Portland OR 97216 | julia.degraw@gmail.com |
| ✗ Nate McCoy | 2808 NE MLK Blvd. Ste. M PDX, 97212 | nate@namc-oregon.org |
| ✓ Hannah Holloway | 3515 SE Lincoln St. PDX. 97214 | hholloway@dupax.org |
| Zoe A. A. Chotson | 1741 NE 57th Ave 97213 | |
| Scott Schaefer | 1636 E Duwense St PDX OR 97214 | sschaefer@communityequity.org |

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|--|---------------------------------------|-----------------------------|
| J. Veronica Bernier LUN (Salvation Army Nurse) | 627 NW 18th Ave Portland Oregon 97209 | Veronica_melody@yahoo.com |
| * Maurice Bahning | 4644 se 27th Ave Portland Oregon | Maurice@ONEINelectioinc.com |
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Moore-Love, Karla

From: Portland Harbor Community Coalition <pdxharborcommunitycoalition@gmail.com>
Sent: Wednesday, October 25, 2017 2:08 PM
To: Council Clerk – Testimony
Subject: Public comment for items 798-800
Attachments: PHCC -Letter of Support CBA Resolution (Opposition to CEIP).pdf

Hi,

Please accept Portland Harbor Community Coalition (PHCC) testimony in support of Community Benefit Agreements (CBA) and opposition to the current construction of the CEIP.

Thank you!

-PHCC Staff

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www.ourfutereriver.com
[@ourfutereriver](https://twitter.com/ourfutereriver)



ourfutureriver.org
cassiecohen@gmail.com

Portland Harbor Community Coalition

TO: Mayor Ted Wheeler
Commissioner Fritz
Commissioner Fish
Commissioner Saltzman
Commissioner Eudaly

FR: Cassie Cohen

RE: Support CBA Resolutions and draft amendments (Saltzman); Opposition to CEIP

September 25th, 2017

Dear Members of the Council,

I write on behalf of the Portland Harbor Community Coalition (PHCC) to let you know that we oppose the City Council adoption of the Community Equity and Inclusion (CEIP) Resolutions, unless it includes the amendment from Commissioner Saltzman and seconded by Commissioner Fritz to apply a CBA to any projects over \$25 million.

This amendment will ensure:

- Clear direction to the City on applying the Community Benefits Agreement (CBA) on all projects \$25 MM and above
- Better efficiencies for large Public Projects by eliminating project-by-project assessments and negotiations
- Increased opportunity to apply a proven tool in the CBA to large capital projects resulting in more earned wages and contracting revenue for women and people of color in the community

If you cannot adopt the proposed amendment, we oppose the CEIP resolutions and urge you to vote no and not pass CEIP into policy in its current form.

We see the CEIP as significantly flawed for the reasons set forth below, and a policy that will not benefit underserved communities or create equitable economic opportunities on publicly funded capital projects.

The CBA pilots came in ahead of time and under budget. They exceeded nearly all diversity goals and targets, oftentimes double and triple the stated goals. There was true Community oversight and investment in community capacity building. There was transparency of data reporting and accountability of the Contractors and Subcontractors.

The City needs to carry on and build on the success of the CBAs with clear language in the Resolutions that directs them to do so.

The CBA has been the single best tool in the City's efforts to achieve the goals of equitable outcomes for diverse, historically excluded community members. Critical to the success of the CBA were the following components: (1) true partnership and commitment between City, community, contracting and labor partners through the use of a signatory agreement; (2) transparency in process, strategy and outcomes and the involvement of affected stakeholders from the ground level; and (3) shared oversight and accountability measures where all parties (community, labor, contractors) are involved in the oversight process in real time and are accountable for delivering on contracting and workforce equity goals. This formula, which is the true recipe for success in the City's diversity efforts, includes:

- **High road construction career pathways** that pull people out of poverty
- **A collaborative and transparent process** between the involved stakeholders and the City
- **Clear and explicit goal setting**
- **Clear engagement and commitment secured by all relevant parties**, specifically including the City, training providers, community partners, contractors, and labor unions, **who become party to a signatory agreement on the respective project**
- **Built-in financial funding and mechanisms to support the necessary community capacity building at the workforce and contractor levels** of not less than 1% of hard construction costs
- **Ongoing real-time data monitoring and meaningful oversight and accountability** through an oversight group composed of all stakeholders – City, contractors, labor, and community organizations

The CBA template we are advocating for builds on the proven results and successful mechanisms of the original City of Portland CBA from 2012, integrates the lessons learned from the two Water Bureau pilot projects, and also includes the negotiating outcomes from the recent Multnomah County courthouse Project Labor Agreement (PLA) conversations. It is essentially the same formula that worked so well on the CBA pilots, but with improvements made, including:

- increasing the diversity % goals
- increasing the amount of the 1% fund allocated for workforce outreach and support services
- creating a pathway for non-represented employees to file grievances if needed
- formalizing conflict of interest and Oversight Committee role and responsibilities language
- adding anti-harassment efforts as a retention strategy

Conversely, the proposed CEIP falls short in many areas and will struggle to succeed, both in its ability to produce real outcomes and in its implementation actually bringing notable results in an efficient way. This is due to the document, as written, lacking the critical components that contributed to the historic success of the CBA, such as real enforcement and meaningful community partnership. Below is a summary of many of those issues with the CEIP.

CEIP issues:

- **Decreased Funding and transparency for workforce equity**
 - There is no transparency for the grantmaking process nor specificity that the funds would support activities that are directly related to construction workforce. The only place where the funds are mentioned are with contracting technical assistance “as requested by the Owner” (pg. 22), not with workforce development or equity.
- **Decreased Workforce goals and standards**
 - Loophole: “Exemptions to the percentage goals set forth in the Partnership Agreement shall be assessed on a project-by-project basis through the Contractor’s and Owner’s assessments of the scopes of work for each trade implicated in the Project, current marketplace availability for such trades, and historical disparity data and other assessment as reviewed by the CEIC.”
 - No requirements for Contractors to submit a workforce outreach and recruitment plan to the CEIC
 - The source for hiring now includes CBOs which may not be BOLI-approved programs
- **No Community Oversight**
 - The “Community Equity and Inclusion Committee” (CEIC) has no decision making or enforcement authority
 - Project data will be reviewed by the CEIC quarterly, instead of monthly, unless more frequent reviews are requested and approved
 - The CEIC has no clear makeup except that they have added a seat for non-diverse, majority contractors
 - The membership includes a seat for the “Building Trades: union and non-union” which doesn’t really make sense, since the Building Trades are a union organization
 - The CEIC is tasked with all the utilization goals: they have been taken out of the main document and instead inserted into the Exhibit A which describes the responsibilities of that committee
 - The appointment of committee members would be decided by the Director of the Office of Equity and Human Rights, as well as the Chief Administrative Officer and Bureau Directors.
 - Exemptions to the contracting and workforce goals will be decided by the Owner and “reported to the CEIC.”
- **Decreased Contracting diversity**

- The City's Prime Contractor Development Program (PCDP) will be used as a "first source, in either direct contracting or soliciting for bids..." (pg. 21) for any subcontracting opportunities.
- PCDP will be the first source and Contractors only go to other sources if they receive less than two bids.
- The document specifies that the contracting diversity goals will not include "Specialty work," based on a project by project assessment of the "market availability" of diverse firms to achieve the work.
- **Watered down Enforcement**
 - The liquidated damages for non-compliance have been reduced from \$500 per day for each violation to \$250 per day with a \$2,000 total cap.

Thank you for your consideration. We hope that the City will do the right thing and adopt policy tools that will advance tangible economic opportunities for women and people of color on large capital public projects. Please use the CBA template, the model that has been proven to work.

Sincerely,

Sincerely,

Cassie Cohen
Portland Harbor Community Coalition Founder and Coordinator
(503)816-4342
pdxharborcommunitycoalition@gmail.com

Moore-Love, Karla

From: PBDG <info@pbdgweb.com>
Sent: Wednesday, October 25, 2017 2:09 PM
To: Council Clerk – Testimony
Cc: Wheeler, Mayor; Henderson, Maurice; Rinehart, Tom; Arguinzoni, Jennifer; Commissioner Saltzman; Finn, Brendan; Williams, Tia; Commissioner Fritz; Crail, Tim; Schmanski, Sonia; Streeter, Amira; Commissioner Fish; Eudaly, Chloe; Runkel, Marshall
Subject: Public comment for items 798-800
Attachments: Letter of Support- City (CBA Resolution).pdf

Hi,

Please accept Professional Business Development Group's (PBDG) testimony in support of Community Benefit Agreements (CBA) as a proven model to support inclusion, accountability, and transparency in support of WBE/MBE firms.

Thank you!

Respectfully,

Ranfis Giannettino Villatoro

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Ranfis Giannettino Villatoro

[pbdgweb.com](mailto:info@pbdgweb.com)

(971)242-9964



TO: Mayor Ted Wheeler
Commissioner Fritz
Commissioner Fish
Commissioner Saltzman
Commissioner Eudaly

FR: Ranfis Giannettino Villatoro

RE: Support CBA Resolutions and draft amendments (Saltzman)

September 25th, 2017

My name is Ranfis Giannettino Villatoro and I am the Associate Director for Professional Business Development Group (PBDG), which is a trade association that represents approximately 30-40 women- and minority-owned construction firms in the Portland Metro Region. PBDG's primary purpose is to improve the business conditions in the construction industry by increasing the capacity and utilization of DMWESB construction and professional services contractors

On behalf of the PBDG I am writing to express support of amendments from Commissioner Saltzman and seconded by Commissioner Fritz to apply a CBA to any projects over \$25 million. This amendment will ensure:

- Clear direction to the City on applying the Community Benefits Agreement (CBA) on all projects \$25 MM and above
- Better efficiencies for large Public Projects by eliminating project-by-project assessments and negotiations
- Increased opportunity to apply a proven tool in the CBA to large capital projects resulting in more earned wages and contracting revenue for women and people of color in the community

PBDG strongly supports the City's Community Benefits Agreement (CBA) because the model has a proven track record in utilization of MWESB firms for signatory and non-union signatory firms.

The CBA pilots came in ahead of time and under budget. They exceeded nearly all diversity goals and targets, oftentimes double and triple the stated goals. There was true Community oversight and investment in community capacity building. There was transparency of data reporting and accountability of the Contractors and Subcontractors.

The City needs to carry on and build on the success of the CBAs with clear language in the Resolutions that directs them to do so.

The CBA has been the single best tool in the City's efforts to achieve the goals of equitable outcomes for diverse, historically excluded community members. Critical to the success of the CBA were the following components: (1) true partnership and commitment between City, community, contracting and labor partners through the use of a signatory agreement; (2) transparency in process, strategy and outcomes and the involvement of affected stakeholders from the ground level; and (3) shared oversight and accountability measures where all parties (community, labor, contractors) are involved in the oversight process in real time and are accountable for delivering on contracting and workforce equity goals. This formula, which is the true recipe for success in the City's diversity efforts, includes:

- **High road construction career pathways** that pull people out of poverty
- **A collaborative and transparent process** between all stakeholders
- **Clear and explicit goal setting**
- **Clear engagement and commitment secured by all relevant parties**
- **Built-in financial funding and mechanisms to support the necessary community capacity building at the workforce and contractor levels** of not less than 1% of hard construction costs
- **Ongoing real-time data monitoring and meaningful oversight and accountability** through an oversight group composed of all stakeholders

The CBA template we are advocating for builds on the proven results and successful mechanisms of the original City of Portland CBA from 2012, integrates the lessons learned from the two Water Bureau pilot projects, and also includes the negotiating outcomes from the recent Multnomah County courthouse Project Labor Agreement (PLA) conversations. It is essentially the same formula that worked so well on the CBA pilots, but with improvements made, including:

- increasing the diversity % goals
- increasing the amount of the 1% fund allocated for workforce outreach and support services
- creating a pathway for non-represented employees to file grievances if needed
- formalizing conflict of interest and Oversight Committee role and responsibilities language
- adding anti-harassment efforts as a retention strategy

Thank you for your consideration. We hope that the City will do the right thing and adopt policy tools that will advance tangible economic opportunities for women and people of color on large capital public projects. Please use the CBA template, the model that has been proven to work.

Respectfully,

Ranfis Giannettino Villatoro
(971)242-9964

Moore-Love, Karla

From: Lori Baumann <lbaumann@local737.org>
Sent: Thursday, October 19, 2017 4:19 PM
To: Council Clerk – Testimony
Cc: Wheeler, Mayor; Henderson, Maurice; Rinehart, Tom; Arguinzoni, Jennifer; Commissioner Saltzman; Finn, Brendan; Williams, Tia; Commissioner Fritz; Crail, Tim; Schmanski, Sonia; Streeter, Amira; Commissioner Fish; Eudaly, Chloe; Runkel, Marshall
Subject: Public comment for items 798-800
Attachments: CBA%2FCEIP Letter Head 2017.docx

please disregard my previous testimony. Attached is the corrected version.
thank you!

Lori Baumann
Liuna, Local 737
503-679-4583 cell

Feel the Power

To: Mayor Ted Wheeler
Commissioner Nick Fish
Commissioner Chloe Eudaly
Commissioner Amanda Fritz
Commissioner Dan Saltzman

FR: LiUNA Local 737

RE: Proposed Changes to the Community Equity and Inclusion Plan

October 17, 2017

Dear Mayor Wheeler, Commissioners,

The Laborers International Union of North America, Local 737, strongly urges you adopt several changes to the proposed Community Equity and Inclusion Plan.

- Clear direction to the City on applying the Community Benefits Agreement (CBA) on all projects \$25 MM and above
- Better efficiencies for large Public Projects by eliminating project-by-project assessments and negotiations
- Increased opportunity to apply a proven tool in the CBA to large capital projects resulting in more earned wages and contracting revenue for women and people of color in the community

As written, the CEIP is flawed. Without certain fixes we would have no choice but to oppose the CEIP. Following the model CBA template, which has worked fantastically for both communities and workers, the CEIP will be a strong partnership between the city, labor groups, and the community. The CBA has been the single best tool in the City's efforts to achieve the goals of equitable outcomes for diverse, historically excluded community members. We agree with MAWE in that the CEIP must focus on:

- **High road construction career pathways** that pull people out of poverty
- **A collaborative and transparent process** between the involved stakeholders and the City
- **Clear and explicit goal setting**

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- **Clear engagement and commitment secured by all relevant parties**, specifically including the City, training providers, community partners, contractors, and labor unions, **who will become party to a signatory agreement on the respective project**
- **Built-in financial funding and mechanisms to support the necessary community capacity building at the workforce and contractor levels** of not less than 1% of hard construction costs
- **Ongoing real-time data monitoring and meaningful oversight and accountability** through an oversight group composed of all stakeholders – City, contractors, labor, and community organizations

It is incredibly important that we emphasize the utilization and incentivization of both apprentices and journeymen. While it is crucial that we ensure apprentices are being used in the field. As a journeyman, I know firsthand the importance of carrying utilization goals forward throughout an individual's career development, and want to make sure that we do not simply lose workers as they round out their apprenticeships.

Additionally, the current language is not clear and allows for too many loopholes in implementation. The City needs to do better. The CBA pilots came in ahead of time and under budget. They exceeded nearly all diversity goals and targets, oftentimes double and triple the stated goals. There was true Community oversight and investment in community capacity building. There was transparency of data reporting and accountability of the Contractors and Subcontractors. The City needs to carry on and build on the success of the CBAs with clear language in the Resolutions that directs them to do so.

The CBA template we are advocating for builds on the proven results and successful mechanisms of the original City of Portland CBA from 2012, integrates the lessons learned from the two Water Bureau pilot projects, and also includes the negotiating outcomes from the recent Multnomah County courthouse Project Labor Agreement (PLA) conversations. It is essentially the same formula that worked so well on the CBA pilots, but with improvements made, including:

- increasing the diversity % goals
- increasing the amount of the 1% fund allocated for workforce outreach and support services
- creating a pathway for non-represented employees to file grievances if needed
- formalizing conflict of interest and Oversight Committee role and responsibilities language
- adding anti-harassment efforts as a retention strategy

CEIP issues:

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- **Decreased Funding and transparency for workforce equity**
 - There is no transparency for the grantmaking process nor specificity that the funds would support activities that are directly related to construction workforce. The only place where the funds are mentioned are with contracting technical assistance “as requested by the Owner” (pg. 22), not with workforce development or equity.
- **Decreased Workforce goals and standards**
 - Completely eliminated overall 20% apprenticeship goal
 - Loophole: “Exemptions to the percentage goals set forth in the Partnership Agreement shall be assessed on a project-by-project basis through the Contractor’s and Owner’s assessments of the scopes of work for each trade implicated in the Project, current marketplace availability for such trades, and historical disparity data and other assessment as reviewed by the CEIC.”
 - No requirements for Contractors to submit a workforce outreach and recruitment plan to the CEIC
 - The source for hiring now includes CBOs which may not be BOLI-approved programs
- **No Community Oversight**
 - The “Community Equity and Inclusion Committee” (CEIC) has no decision making or enforcement authority
 - Project data will be reviewed by the CEIC quarterly, instead of monthly, unless more frequent reviews are requested and approved
 - The CEIC has no clear makeup except that they have added a seat for non-diverse, majority contractors
 - The membership includes a seat for the “Building Trades: union and non-union” which doesn’t really make sense, since the Building Trades are a union organization
 - The CEIC is tasked with all the utilization goals: they have been taken out of the main document and instead inserted into the Exhibit A which describes the responsibilities of that committee
 - The appointment of committee members would be decided by the Director of the Office of Equity and Human Rights, as well as the Chief Administrative Officer and Bureau Directors.
 - Exemptions to the contracting and workforce goals will be decided by the Owner and “reported to the CEIC.”
- **Decreased Contracting diversity**
 - The City’s Prime Contractor Development Program (PCDP) will be used as a “first source, in either direct contracting or soliciting for bids...” (pg. 21) for any subcontracting opportunities.

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- PCDP will be the first source and Contractors only go to other sources if they receive less than two bids.
- The document specifies that the contracting diversity goals will not include “Specialty work,” based on a project by project assessment of the “market availability” of diverse firms to achieve the work.
- **Watered down Enforcement**
 - The liquidated damages for non-compliance have been reduced from \$500 per day for each violation to \$250 per day with a \$2,000 total cap.

Thank you for your consideration. We hope that the City will do the right thing and adopt policy tools that will advance tangible economic opportunities for women and people of color on large capital public projects. Please use the CBA template, the model that has been proven to work.

Sincerely,

Lori Baumann
LiUNA, Local 737
Business Representative

Laborers'
International
Union of
North America

LIUNA! LOCAL ³⁷³²⁹
737

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9 * 17230 NE Sacramento St., Suite 202 * Portland, Oregon 97230 www.Local737.org

Phone (541) 801-2209 * 17230 NE Sacramento St., Suite 202 * Portland, Oregon 97230
www.Local737.org

Moore-Love, Karla

From: LA Edwards <lakesr49@msn.com>
Sent: Thursday, October 19, 2017 10:38 AM
To: Council Clerk – Testimony
Subject: Public comment for items 798-800
Attachments: Letter to City Council PC for items 798-800.doc

Please see attached and enter into the record.

Sent from Mail for Windows 10

TO: City Council of the City of Portland, OR

FR: Abdul Love, President of Gus Miller (IBEW LU 48) Chapter of EWMC

RE: Public comment for items 798-800

Date 10.19.17

Dear Council Members,

I write on behalf of the Gus Miler Chapter of the Electrical Workers Minority Caucus to let you know that we oppose the City Council adoption of the Community Equity and Inclusion (CEIP) Resolutions, unless it includes the amendment from Commissioner Saltzman and seconded by Commissioner Fritz to apply a CBA to any projects over \$25 million.

This amendment will ensure:

- Clear direction to the City on applying the Community Benefits Agreement (CBA) on all projects \$25 MM and above
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If you cannot adopt the proposed amendment, we oppose the CEIP resolutions and urge you to vote no and not pass CEIP into policy in its current form.

We see the CEIP as significantly flawed for the reasons set forth below, and a policy that will not benefit underserved communities or create equitable economic opportunities on publicly funded capital projects.

All CBA pilots came in ahead of time and under budget. They exceeded nearly all diversity goals and targets, oftentimes double and triple the stated goals. There was true Community oversight and investment in community capacity building. There was transparency of data reporting and accountability of the Contractors and Subcontractors.

The City needs to carry on and build on the success of the CBAs with clear language in the Resolutions that directs them to do so.

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all parties (community, labor, contractors) are involved in the oversight process in real time and are accountable for delivering on contracting and workforce equity goals. The CBA is the product of years of collaboration with community, contractors, and labor. **All** community entities, labor and contractors were invited to the table early on in the process. No one entity was pleased with everything but all parties involved agreed to something that was equitable and fair to everyone involved. This formula, which is the true recipe for success in the City's diversity efforts, includes:

- **High road construction career pathways** that pull people out of poverty
- **A collaborative and transparent process** between the involved stakeholders and the City
- **Clear and explicit goal setting**
- **Clear engagement and commitment secured by all relevant parties**, specifically including the City, training providers, community partners, contractors, and labor unions, **who become party to a signatory agreement on the respective project**
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Conversely, the proposed CEIP falls short in many areas and will struggle to succeed, both in its ability to produce real outcomes and in its implementation actually bringing notable results in an efficient way. This is due to the document, as written, lacking the critical components that contributed to the historic success of the CBA, such as real enforcement and meaningful community partnership. Below is a summary of many of those issues with the CEIP.

CEIP issues:

- **Decreased Funding and transparency for workforce equity**

- There is no transparency for the grantmaking process nor specificity that the funds would support activities that are directly related to construction workforce. The only place where the funds are mentioned are with contracting technical assistance “as requested by the Owner” (pg. 22), not with workforce development or equity.
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 - Loophole: “Exemptions to the percentage goals set forth in the Partnership Agreement shall be assessed on a project-by-project basis through the Contractor’s and Owner’s assessments of the scopes of work for each trade implicated in the Project, current marketplace availability for such trades, and historical disparity data and other assessment as reviewed by the CEIC.”
 - No requirements for Contractors to submit a workforce outreach and recruitment plan to the CEIC
 - The source for hiring now includes CBOs which may not be BOLI-approved programs
- **No Community Oversight**
 - The “Community Equity and Inclusion Committee” (CEIC) has no decision making or enforcement authority
 - Project data will be reviewed by the CEIC quarterly, instead of monthly, unless more frequent reviews are requested and approved
 - The CEIC has no clear makeup except that they have added a seat for non-diverse, majority contractors
 - The membership includes a seat for the “Building Trades: union and non-union” which doesn’t really make sense, since the Building Trades are a union organization
 - The CEIC is tasked with all the utilization goals: they have been taken out of the main document and instead inserted into the Exhibit A which describes the responsibilities of that committee
 - The appointment of committee members would be decided by the Director of the Office of Equity and Human Rights, as well as the Chief Administrative Officer and Bureau Directors.
 - Exemptions to the contracting and workforce goals will be decided by the Owner and “reported to the CEIC.”
- **Decreased Contracting diversity**
 - The City’s Prime Contractor Development Program (PCDP) will be used as a “first source, in either direct contracting or soliciting for bids...” (pg. 21) for any subcontracting opportunities.
 - PCDP will be the first source and Contractors only go to other sources if they receive less than two bids.
 - The document specifies that the contracting diversity goals will not include “Specialty work,” based on a project by project assessment of the “market availability” of diverse firms to achieve the work.
- **Watered down Enforcement**
 - The liquidated damages for non-compliance have been reduced from \$500 per day for each violation to \$250 per day with a \$2,000 total cap.

Thank you for your consideration. We hope that the City will do the right thing and adopt policy tools that will advance tangible economic opportunities for women and people of color on large capital public projects. Please use the CBA template, the model that has been proven to work.

Sincerely,

Parsons, Susan

From: Kelly Haines <khaines@worksystems.org>
Sent: Wednesday, September 27, 2017 4:55 PM
To: Council Clerk – Testimony
Cc: Wheeler, Mayor; Henderson, Maurice; Rinehart, Tom; Arguinzoni, Jennifer; Commissioner Saltzman; Finn, Brendan; Williams, Tia; Commissioner Fritz; Crail, Tim; Schmanski, Sonia; Streeter, Amira; Commissioner Fish; Eudaly, Chloe; Runkel, Marshall
Subject: Public comment for items 798-800
Attachments: MAWE_798-800_letter.pdf

Greetings:

Please find attached Public Comment submitted on behalf of the Metropolitan Alliance for Workforce Equity (MAWE) for the pending/on hold items 798-800 currently under consideration.

Respectfully,

Kelly Haines

Senior Project Manager

Worksystems

1618 SW 1st Ave. Suite 450

Portland, OR 97201

p 503.478.7331





September 27, 2017

Re: Public Testimony on Council Agenda items 798-800

Dear Mayor and Portland City Commissioners,

We are the Metropolitan Alliance for Workforce Equity (MAWE), an historic partnership between the Carpenters, Operating Engineers, Laborers, other unions, construction contractors, pre-apprenticeship programs, and community-based organizations. MAWE works to promote economic opportunity and equity in workforce and contracting, and develop practical strategies to address historic inequities in the region. These partners developed Portland's first Community Benefits Agreement (CBA) to create a framework for shared community oversight and accountability, fair labor standards, and goals and resources to increase contracting and workforce opportunities for historically underserved community members.

The goals of MAWE are to:

- Support the creation of good quality construction jobs and contracting opportunities in the Portland Metro area.
- Specifically connect these jobs and opportunities to historically underrepresented populations, including people of color and women.
- Sustain and grow the training and community infrastructure with resources in order to address the regional need for a trained, qualified, and diverse construction workforce and contractor pool.
- Work with partners, contractors and public owners to replicate best practices on construction projects and systematize those practices region-wide in order to accomplish workforce and contracting equity.

We are part of a broad coalition of community partners who are working together to address the complex issues that have resulted in disparate impacts for communities of color, those with low-incomes, renters, workers, and minority- and women-owned small businesses. We are united in the belief that the benefits of the City's investments must be broadly shared, focused particularly on achieving equitable outcomes for communities who have historically been burdened by or currently experience displacement from public investments and development.

We are writing to let you know that we oppose the City Council adoption of the Community Equity and Inclusion (CEIP) Resolutions, unless it includes the amendment from Commissioner Saltzman and seconded by Commissioner Fritz to apply a CBA to any projects over \$25 million.

This amendment will ensure:

- Clear direction to the City on applying the Community Benefits Agreement (CBA) on all projects \$25 MM and above
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If you cannot adopt the proposed amendment, we oppose the CEIP resolutions and urge you to vote no and not pass CEIP into policy in its current form.

We see the CEIP as significantly flawed for the reasons set forth below, and a policy that will not benefit underserved communities or create equitable economic opportunities on publicly funded capital projects.

The CBA pilots came in ahead of time and under budget. They exceeded nearly all diversity goals and targets, oftentimes double and triple the stated goals. There was true Community oversight and investment in community capacity building. There was transparency of data reporting and accountability of the Contractors and Subcontractors.

The City needs to carry on and build on the success of the CBAs with clear language in the Resolutions that directs them to do so.

The CBA has been the single best tool in the City's efforts to achieve the goals of equitable outcomes for diverse, historically excluded community members. Critical to the success of the CBA were the following components: (1) true partnership and commitment between City, community, contracting and labor partners through the use of a signatory agreement; (2) transparency in process, strategy and outcomes and the involvement of affected stakeholders from the ground level; and (3) shared oversight and accountability measures where all parties (community, labor, contractors) are involved in the oversight process in real time and are accountable for delivering on contracting and workforce equity goals. This formula, which is the true recipe for success in the City's diversity efforts, includes:

- **High road construction career pathways** that pull people out of poverty
- **A collaborative and transparent process** between the involved stakeholders and the City
- **Clear and explicit goal setting**
- **Clear engagement and commitment secured by all relevant parties**, specifically including the City, training providers, community partners, contractors, and labor unions, **who become party to a signatory agreement on the respective project**
- **Built-in financial funding and mechanisms to support the necessary community capacity building at the workforce and contractor levels** of not less than 1% of hard construction costs
- **Ongoing real-time data monitoring and meaningful oversight and accountability** through an oversight group composed of all stakeholders – City, contractors, labor, and community organizations

The CBA template we are advocating for builds on the proven results and successful mechanisms of the original City of Portland CBA from 2012, integrates the lessons learned from the two Water Bureau pilot projects, and also includes the negotiating outcomes from the recent Multnomah County courthouse

Project Labor Agreement (PLA) conversations. It is essentially the same formula that worked so well on the CBA pilots, but with improvements made, including:

- increasing the diversity % goals
- increasing the amount of the 1% fund allocated for workforce outreach and support services
- creating a pathway for non-represented employees to file grievances if needed
- formalizing conflict of interest and Oversight Committee role and responsibilities language
- adding anti-harassment efforts as a retention strategy

Conversely, the proposed CEIP falls short in many areas and will struggle to succeed, both in its ability to produce real outcomes and in its implementation actually bringing notable results in an efficient way. This is due to the document, as written, lacking the critical components that contributed to the historic success of the CBA, such as real enforcement and meaningful community partnership. Below is a summary of many of those issues with the CEIP.

CEIP issues:

- **Decreased Funding and transparency for workforce equity**
 - There is no transparency for the grantmaking process nor specificity that the funds would support activities that are directly related to construction workforce. The only place where the funds are mentioned are with contracting technical assistance “as requested by the Owner” (pg. 22), not with workforce development or equity.
- **Decreased Workforce goals and standards**
 - Loophole: “Exemptions to the percentage goals set forth in the Partnership Agreement shall be assessed on a project-by-project basis through the Contractor’s and Owner’s assessments of the scopes of work for each trade implicated in the Project, current marketplace availability for such trades, and historical disparity data and other assessment as reviewed by the CEIC.”
 - No requirements for Contractors to submit a workforce outreach and recruitment plan to the CEIC
 - The source for hiring now includes CBOs which may not be BOLI-approved programs
- **No Community Oversight**
 - The “Community Equity and Inclusion Committee” (CEIC) has no decision making or enforcement authority
 - Project data will be reviewed by the CEIC quarterly, instead of monthly, unless more frequent reviews are requested and approved
 - The CEIC has no clear makeup except that they have added a seat for non-diverse, majority contractors
 - The membership includes a seat for the “Building Trades: union and non-union” which doesn’t really make sense, since the Building Trades are a union organization
 - The CEIC is tasked with all the utilization goals: they have been taken out of the main document and instead inserted into the Exhibit A which describes the responsibilities of that committee
 - The appointment of committee members would be decided by the Director of the Office of Equity and Human Rights, as well as the Chief Administrative Officer and Bureau Directors.
 - Exemptions to the contracting and workforce goals will be decided by the Owner and “reported to the CEIC.”
- **Decreased Contracting diversity**

- The City's Prime Contractor Development Program (PCDP) will be used as a "first source, in either direct contracting or soliciting for bids..." (pg. 21) for any subcontracting opportunities.
- PCDP will be the first source and Contractors only go to other sources if they receive less than two bids.
- The document specifies that the contracting diversity goals will not include "Specialty work," based on a project by project assessment of the "market availability" of diverse firms to achieve the work.
- **Watered down Enforcement**
 - The liquidated damages for non-compliance have been reduced from \$500 per day for each violation to \$250 per day with a \$2,000 total cap.

Thank you for your consideration. We hope that the City will do the right thing and adopt policy tools that will advance tangible economic opportunities for women and people of color on large capital public projects. Please use the CBA template, the model that has been proven to work.

Sincerely,

The Metropolitan Alliance for Workforce Equity
 Native American Youth and Family Center
 Columbia Pacific Building Trades Council
 Hacienda CDC
 IBEW Local 48
 Oregon Tradeswomen, Inc.
 Constructing Hope
 Pacific NW Regional Council of Carpenters
 LiUNA Local 737
 The Urban League of Portland
 Portland Youthbuilders
 Portland Jobs with Justice
 East Portland Action Plan
 The Rosewood Initiative
 Operators Union Local 701
 O'Neill Electric
 Worksystems, Inc.
 Rose CDC



**Urban League
of Portland**



 Oregon Tradeswomen, Inc.

