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To: [Council Clerk – Testimony](#)
Cc: [Wheeler, Ted](#); [Commissioner Fritz](#); [Commissioner Hardesty](#); [Eudaly, Chloe](#); dan.ryan@portlandoregon.gov; [Runkel, Marshall](#); [Edwards, Karly](#); [Torres, Kellie](#); [Dennis, Kristin](#); [Crail, Tim](#); [Rahming, Maurice](#); mburch@nwcarpenters.org
Subject: Public written testimony re: Council items # 841 and 844
Date: Tuesday, October 20, 2020 4:36:37 PM
Attachments: [image001.png](#)
[MAWE City Council testimony CBA-CEIP item 841 and 844.pdf](#)

Greetings:

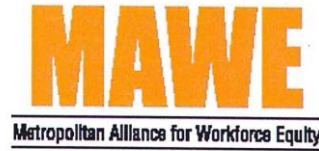
On behalf of the Metropolitan Alliance for Workforce Equity (MAWE), please see attached written testimony regarding items #841 (10/21, 2pm time certain) and item #844 (rescheduled for 11/4 10:30am time certain).

Thank you for the consideration.

Best,

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To: Portland City Council

October 20, 2020

From: Metropolitan Alliance for Workforce Equity (MAWE)

Dear City of Portland Commissioners and Mayor,

We are the Metropolitan Alliance for Workforce Equity (MAWE), a historic partnership between the Building and Construction Trades unions, the Pacific NW Regional Council of Carpenter, diverse 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.

We represent over 200,000 constituents and their families in our collective power.

In 2017, City Council voted on Resolution [#37329](#), which codified the use of the [Community Equity and Inclusion Plan \(CEIP\)](#) on City Projects between \$10 Million and \$15 Million, and the [Community Benefits Agreement \(CBA\)](#) on all City Public Improvement Projects over \$25 Million.

Resolution #37329 also called for the Chief Administrative Officer (CAO) to “report to the City Council on the use of the CEIP and any City CBAs three years from passage of this Resolution.”

The following observations and recommendations are intended to inform this report back on the CBA and CEIP, related to items #841 and #844 (rescheduled for November 4, 2020 at 10:30 am Time Certain) in the City Council weekly agenda.

Community Benefits Agreement (CBA): Columbia Blvd. STEP Project

The Columbia Blvd. STEP Project is the first project that hit the \$25 Million CBA threshold since 2017. It has not yet started construction, but a lot of groundwork has been done to ensure the success of the CBA to date.

Kiewit is the General Contractor, and the process to adopt the CBA, assemble the Oversight Committee, and work on ensuring all their subcontractors comply with the CBA has been very professional, smooth and productive. The engagement process with community stakeholders has been promising and professional to date. Kiewit worked closely with City Staff, labor and pre-apprenticeship programs to finalize the CBA language specific to this Project. The Labor Management Community Oversight Committee (LMCOC), which is the Oversight Body charged with monitoring the CBA, has met twice and already finalized their charter and reviewed and approved Kiewit’s Contractor Plan, which is explicitly aligned with the requirements within the CBA. This has been a very refreshing and productive process, with a proactive Contractor and Bureau staff.

The CBA is clear on its requirements, and it has helped the General Contractor communicate these requirements to their subs *before* hiring them through the Letter of Assent they must sign to participate.

We recommend City Council receive regular updates from the LMCOC, Kiewit and Bureau staff (at least quarterly or bi annually) to report back on the progress of the CBA once the Project gets underway and there is data to analyze and share.

Community Equity and Inclusion Plan (CEIP): Sullivan’s Crossing and Corrosion Control

Since 2017, the only CEIP project that is in construction phase is Sullivan’s Crossing. Additionally, Corrosion Control is in pre-construction phase and has been engaging with the [Community Equity and Inclusion Committee \(CEIC\)](#), which is the advisory body that is charged with monitoring the equity performance of the CEIP projects. We applaud the work of the City staff, who have all worked very hard and been committed to the success of the CEIC. They have been consistently responsive to Committee requests and concerns.

Despite this stellar staff effort, stakeholders already recognize challenges with the CEIP as an approach to achieve equity on City Construction Projects. Although the Committee and staff have worked hard to hold contractors accountable, there has been an uphill battle with a policy that is not taken seriously by contractors. From the beginning, Committee members heard from a major subcontractor that they never intended to comply with the CEIP requirements. Months have been spent with them trying to gain compliance, including positive conversations within the CEIC to help support reaching a successful outcome. Nevertheless, it has been a struggle because the contractor, from their own words, didn’t take the requirements seriously when they saw the RFP and the CEIP when they were bidding. They assumed they could just get an exemption. This is a red flag for us and it should be for the City.

Preliminary Recommendations

As we collectively work together to continue to advance equity on City Projects and on Construction Projects across the region, we are most interested in developing policies that are enforceable, transparent, and that get results. Preliminary observations and experience demonstrate that the various City models (the CEIP and the CBA) are different, and that the components of each will impact whether contractors who work on the Projects are pro active and responsive to equity goals, or assume they can continue with “business as usual.”

Our recommendation is that City Council receive regular (quarterly or bi-annually) data reports on both CEIP and CBA Projects, as well as feedback from both the LMCOC and CEIC to fully understand how each model is performing and where there are challenges.

As both models continue to be adopted to more Projects, City Council should formally review the CBA and CEIP models in one year. Given the potentially duplicative nature of having the current two-tiered approach, these ongoing learnings should lead to a process whereby the City combines efforts and approaches, simplifies the Committee structures, and evolves policies toward pursuing only those that are proven to work and only those that truly benefit the community.

Thank you for your consideration.

Regards,

MAWE members and partners

Bricklayers and Allied Crafts Local 1
Constructing Hope
Columbia Pacific Building Trades Council
East Portland Action Plan
Faison Construction
Hacienda CDC
IBEW Local 48
Jobs with Justice
LiUNA Local 737
NAYA
O'Neill Electric
Operators Union Local 701
Oregon Tradeswomen
Pacific NW Regional Council of Carpenters
Painters and Allied Crafts
Portland Business Development Group
POIC
Portland Harbor Community Coalition
Portland YouthBuilders
Rose CDC
Rosewood Initiative
The Urban League of Portland
Sterling Pacific Roofing
Worksystems
Verde