

**Stacy and Witbeck**

June 16, 2014

Letter No. 001R1

City of Portland  
Bureau of Transportation  
1120 SW 5<sup>th</sup> Ave  
Portland, OR 97204

**Attention:** Chris Armes and Carter MacNichol

**Subject:** Portland Streetcar Relocation Project – Preconstruction Services Contract No. 30003833

**Re:** Issued for Bid Cost Proposal

Dear Chris and Carter:

Stacy and Witbeck, Inc. (SWI) has completed its pricing and subcontract bidding efforts for the above mentioned project. SWI is pleased to provide the attached pricing proposal.

Proposed Cost Schedule A	\$1,954,526
<u>Proposed Cost Schedule B</u>	<u>\$43,661</u>
Total Proposed Cost and Fee	\$1,998,187

This cost proposal includes all insurances/bonds and escalation. This cost proposal includes approximately 30% subcontractor participation; of which 95% will be contracted to M/W/ESB businesses. The total M/W/ESB participation is anticipated to be approximately 29%, exceeding the 20% goal set forth in the Request for Proposal. The proposal is presented in the following attachments:

Attachment A – Cost Proposal

Attachment B – Assumptions and Exclusions

Should you have any further questions and or comments regarding this correspondence, please contact me at your earliest convenience at 503-344-6859.

Sincerely,

**Stacy and Witbeck**

  
Julie Greb  
Project Manager

Cc: J. Abramson

Stacy and Witbeck, Inc.  
403 SE Caruthers Ave.  
Portland, OR 97214  
(503) 231-5300

## Attachment B Assumptions, Inclusions and Exclusions

1. All pricing is based upon the following project documents
  - Portland Streetcar Relocation Project – IFB Drawings
  - BES Preliminary Review (4/30/14) Drawings
  - City of Portland 2010 Specifications
  - Block 153 – Master Spec – Final (herein referred to as Special Provisions)
  - Revised IFB Specs (BES)
  - Addendum No. 1
  - Addendum No. 2
  - Addendum No. 3
2. Assumes a Portland City Council approval of July 9, 2014 with a Notice to Proceed the week of July 21, 2014.
3. All payment and performance bonds, insurances, permits, licensing and training are included. It is assumed that the City of Portland has obtained all required environmental permits under their Capital Improvements umbrella.
4. Assumes all contaminated materials removal will be paid on force account.
5. Assumes Portland Streetcar shut down duration of 7 calendar days to perform all track and civil work.
6. Assumes OCS Catenary work will be performed on night shifts after revenue service during existing OCS system power downs.
7. Assumes one single closure of SW 4<sup>th</sup> Avenue at SW Harrison from Friday 10:00 AM (after peak hours) through Monday 5:00 AM (prior to peak hours) at the tail end of the Streetcar Shut down in order to construct tracks and roadway reconstruction across SW Harrison.
8. Assumes Traffic Control Documents will not be stamped by an Oregon Professional Engineer. Any ODOT plans requiring stamps will be provided by City of Portland Bureau of Transportation.
9. Assumes a substantial completion date of October 7, 2014. Price includes any and all shift work or overtime/double time necessary to meet schedule.
10. Due to schedule constraints and material lead times OCS parts have been ordered from the contract drawings, it is assumed that the final design will closely match contract drawings. Reference is made to City of Portland Letter to LTK dated May 2, 2014 regarding the contracting of OCS Final Design Services.
11. Assumes that the City of Portland has acquired all Right-of Way necessary to fully construct the project.

## Attachment A Cost Proposal

Portland Streetcar Relocation Project Block #153  
Exhibit A - Final Bid Pricing  
June 16, 2014

ITEM NO.	LINE NO.	ITEM DESCRIPTION	UNIT	Fixed Qty's (F)	UNIT PRICE	QUANTITY	TOTAL	SUBTOTALS
<b>SCHEDULE A</b>								
<b>PART 00100</b>		<b>GENERAL REQUIREMENTS</b>						<b>\$2,000.00</b>
		Permits	Fixed		\$2,000.00	1.0	\$2,000.00	
<b>PART 00200</b>		<b>TEMPORARY FEATURES AND APPURTENANCES</b>						<b>\$339,855.00</b>
	00200-1	FIELD ENGINEERING	LS		\$25,000.00	1.0	\$25,000.00	
	00200-2	QUALITY CONTROL	LS		\$49,000.00	1.0	\$49,000.00	
0210-0100000A	00200-3	MOBILIZATION	LS		\$143,510.00	1.0	\$143,510.00	
	00200-4	TEMPORARY WORK ZONE TRAFFIC CONTROL, COMPLETE	LS		\$111,350.00	1.0	\$111,350.00	
0280-0100000A	00200-5	EROSION CONTROL	LS		\$5,060.00	1.0	\$5,060.00	
0290-0100000A	00200-6	POLLUTION CONTROL PLAN	LS		\$2,935.00	1.0	\$2,935.00	
0291-1105000A	00200-7	HASP/CMDP WORK PLANS	LS		\$3,000.00	1.0	\$3,000.00	
		Subtotal					\$339,855.00	
<b>PART 00300</b>		<b>ROADWORK</b>						<b>\$91,090.00</b>
	00300-1	REMOVE EXISTING STREETCAR TRACK SLAB (and salvage rail 30%)	TF (F)	F	\$170.00	235.0	\$39,950.00	
0310-016000A	00300-2	REMOVAL OF STRUCTURES AND OBSTRUCTIONS	LS		\$31,300.00	1.0	\$31,300.00	
0320-0100000R	00300-3	CLEARING AND GRUBBING	ACRE	F	\$7,500.00	0.24	\$1,800.00	
0320-1103160E	00300-4	TREE REMOVAL, 16-INCH	EA		\$500.00	3.0	\$1,500.00	
0330-0105000K	00300-5	GENERAL EXCAVATION	CY	F	\$80.00	173.0	\$13,840.00	
0350-0105000J	00300-6	SUBGRADE GEOTEXTILE	SY	F	\$3.00	900.0	\$2,700.00	
		Subtotal					\$91,090.00	
<b>PART 00400</b>		<b>DRAINAGE AND SEWERS</b>						<b>\$32,405.00</b>
	00400-1	STORMWATER TREATMENT FOR ROW	LS		\$0.00	1.00	\$0.00	
0401-1100000F	00400-2	VIDEO INSPECTION OF SEWERS, MAINLINE	FT		\$2.50	240.0	\$600.00	
0401-1101000E	00400-3	VIDEO INSPECTION OF SEWERS, LATERAL LAUNCH CAMERA	EA		\$140.00	6.0	\$840.00	
0445-160060AF	00400-4	6 INCH PIPE, PVC, BEDDING TYPE: D	FT		\$115.00	11.0	\$1,265.00	
0445-1900400E	00400-5	SERVICE LATERAL CLEANOUT	EA		\$800.00	2.0	\$1,600.00	
0470-110480AE	00400-6	CONCRETE MANHOLES, 48 INCH, 0-8 FT	EA		\$6,200.00	1.0	\$6,200.00	
0490-0120000E	00400-7	MINOR ADJUSTMENT OF MANHOLES	EA		\$550.00	4.0	\$2,200.00	
0490-0123000E	00400-8	MANHOLES OVER EXISTING SEWERS	EA		\$7,700.00	1.0	\$7,700.00	
0490-1100100E	00400-9	EXISTING PIPE CONNECTION TO NEW MANHOLE	EA		\$900.00	5.0	\$4,500.00	
0490-1100500A	00400-10	DIVERSION OF FLOW	LS		\$2,500.00	1.0	\$2,500.00	
	00400-11	LATERAL ABANDONMENT - PSUM	PS		\$5,000.00	1.0	\$5,000.00	
		Subtotal					\$32,405.00	
<b>PART 00600</b>		<b>BASES</b>						<b>\$33,628.00</b>
0620-0112000J	00600-1	COLD PLANE PAVEMENT REMOVAL, 2-4 INCHES DEEP	SY		\$36.00	410.0	\$14,760.00	
0640-0102000K	00600-2	AGGREGATE BASE	CY	F	\$89.00	212.0	\$18,868.00	
		Subtotal					\$33,628.00	
<b>PART 00700</b>		<b>WEARING SURFACES</b>						<b>\$120,439.00</b>
0744-1202000M	00700-1	LEVEL 2, 1/2 INCH DENSE, MWMAC MIXTURE	TON		\$146.00	268.0	\$39,128.00	
0756-0103000J	00700-2	PLAIN CONCRETE PAVEMENT, UNDOWELED, 8 INCHES THICK	SY	F	\$156.00	157.0	\$24,492.00	
0756-0108000J	00700-3	PLAIN CONCRETE PAVEMENT, UNDOWELED, 12 INCHES THICK	SY	F	\$193.00	25.0	\$4,825.00	
757	00700-4	OCS POLE FOUNDATIONS FP1	EA	F	\$4,700.00	3.0	\$14,100.00	
757	00700-5	OCS POLE FOUNDATIONS FP2	EA	F	\$4,900.00	3.0	\$14,700.00	
757	00700-6	OCS POLE FOUNDATIONS FP2	EA	F	\$5,100.00	1.0	\$5,100.00	
0759-0122000J	00700-7	CONCRETE ISLANDS	SF	F	\$16.00	293.0	\$4,688.00	
0759-0128000J	00700-8	CONCRETE WALKS	SF	F	\$7.00	350.0	\$2,450.00	
0759-0134000J	00700-9	MONOLITHIC CURB AND SIDEWALKS	SF	F	\$12.00	913.0	\$10,956.00	
		Subtotal					\$120,439.00	

Portland Streetcar Relocation Project Block #153  
Exhibit A - Final Bid Pricing  
June 16, 2014

ITEM NO.	LINE NO.	ITEM DESCRIPTION	UNIT	Fixed Qty's (F)	UNIT PRICE	QUANTITY	TOTAL	SUBTOTALS
<b>PART 00800</b>		<b>PERMANENT TRAFFIC SAFETY AND GUIDANCE DEVICES</b>						<b>\$7,566.00</b>
0851-0101000F	00800-1	PAVEMENT LINE REMOVAL	LF	F	\$1.50	850.0	\$1,275.00	
0855-0102000E	00800-2	BI-DIRECTIONAL YELLOW TYPE 1 MARKERS	EA		\$7.00	3.0	\$21.00	
0867-012000E	00800-3	PAVEMENT LEGEND, TYPE AB, ARROWS	EA		\$210.00	2.0	\$420.00	
0867-	00800-4	PAVEMENT LEGEND, TYPE AB, DO NOT BLOCK MARKING	EA		\$900.00	1.0	\$900.00	
0867-1181000E	00800-5	PAVEMENT LEGEND, TYPE B-HS, OFF-STREET BIKE PATH MARKING	EA		\$300.00	3.0	\$900.00	
0867-	00800-6	PAVEMENT LEGEND, TYPE AB, ON-STREET PARKING END MARKING	EA		\$50.00	4.0	\$200.00	
0867-	00800-7	PAVEMENT LEGEND, TYPE B-HS, HC RAMP STOP HERE MARKING	EA		\$200.00	2.0	\$400.00	
0867-01451000J	00800-8	PAVEMENT BAR, TYPE AB	SF		\$6.00	575.0	\$3,450.00	
		<b>Subtotal</b>					<b>\$7,566.00</b>	
<b>PART 00900</b>		<b>PERMANENT TRAFFIC CONTROL AND ILLUMINATION SYSTEMS</b>						<b>\$82,032.00</b>
0905-010000A	00900-1	REMOVE AND REINSTALL EXISTING SIGNS	LS		\$3,000.00	1.0	\$3,000.00	
0920-1101000A	00900-2	SIGN SUPPORT FOOTINGS, BREAKAWAY	LS		\$720.00	1.0	\$720.00	
0930-0113000A	00900-3	PIPE BREAKAWAY SIGN SUPPORTS	LS		\$1,630.00	1.0	\$1,630.00	
0930-0107000A	00900-4	SIGNAL POLE MOUNTS	LS		\$210.00	1.0	\$210.00	
0940-0124000J	00900-5	TYPE "W-1" SIGNS IN PLACE	SF		\$28.00	29.0	\$812.00	
0940-0122000J	00900-6	TYPE "R-1" SIGNS IN PLACE	SF		\$20.00	15.0	\$300.00	
0970-	00900-7	REFURBISH AND REINSTALL ILLUMINATION SYSTEM	EA	F	\$11,800.00	1.0	\$11,800.00	
0960-	00900-8	RELOCATE ELECTRIC SERVICE	LS		\$10,300.00	1.0	\$10,300.00	
0990-	00900-9	TRAFFIC SIGNAL MODIFICATION 5TH/MONTGOMERY	LS		\$19,000.00	1.0	\$19,000.00	
0990-	00900-10	PART-TIME WARNING SIGNS (SW 4TH/SW MONTGOMERY)	LS		\$20,500.00	1.0	\$20,500.00	
	x	POTHOLE EXCAVATION	EA	F	\$1,720.00	8.0	\$13,760.00	
		<b>Subtotal</b>					<b>\$82,032.00</b>	
<b>PART 01000</b>		<b>RIGHT-OF-WAY DEVELOPMENT AND CONTROL</b>						<b>\$27,382.00</b>
1010-	01000-1	REPAIR STOP PLATFORM 5TH	LS		\$15,900.00	1	\$15,900.00	
1040-0101000K	01000-2	TOPSOIL	CY		\$45.00	31	\$1,395.00	
1040-0107000K	01000-3	SOIL CONDITIONER	CY		\$45.00	4	\$180.00	
1040-0128000E	01000-4	DECIDUOUS TREES, 1-1/2 INCH CALIPER	EA		\$500.00	6	\$3,000.00	
1040-0130000E	01000-5	DECIDUOUS TREES, 2 INCH CALIPER	EA		\$500.00	2	\$1,000.00	
1040-0154000E	01000-6	SHRUBS, NO. 2 CONTAINER	EA		\$35.00	21	\$735.00	
1040-0171000E	01000-7	GROUNDCOVERS, NO. 1 CONTAINER	EA		\$30.00	60	\$1,800.00	
1040-0190000F	01000-8	ROOT BARRIER	FT		\$16.00	12	\$192.00	
1040-0190000K	01000-9	BARK MULCH	CY		\$45.00	4	\$180.00	
		LANDSCAPE ESTABLISHMENT	LS		\$3,000.00	1.0	\$3,000.00	
		<b>Subtotal</b>					<b>\$27,382.00</b>	
<b>PART 01200</b>		<b>TRACKWORK</b>						<b>\$551,125.00</b>
		<b>PROCUREMENT</b>						
1281-	01200-1	FURNISH PRECURVED 51R1 GRADE R290GHT RAIL	TF	F	\$125.00	465.0	\$58,125.00	
1281-	01200-3	HAUL AND UNLOAD MATERIALS - RAIL	LS		\$10,000.00	1.0	\$10,000.00	
1220-	01200-4	FURNISH POWERED SWITCH MECHANISM	EA	F	\$30,000.00	2.0	\$60,000.00	
		<b>Subtotal</b>					<b>\$128,125.00</b>	
		<b>INSTALLATION</b>						
1210-	01200-5	INSTALL 51R1 PAVED TRACK	TF	F	\$540.00	515.0	\$278,100.00	
1220-	01200-6	INSTALL 25M TURNOUT WITH SWITCH MECHANISM	LS		\$90,550.00	1.0	\$90,550.00	
1220-	01200-7	REMOVE EXISTING MANUAL SWITCH AND INSTALL NEW SWITCH MECHANISM	EA	F	\$15,000.00	1.0	\$15,000.00	
1220-	01200-2	MODIFY EXISTING EARTHCASE FOR POWERED SWITCH MECHANISM	EA	F	\$7,500.00	1.0	\$7,500.00	
1210-	01200-8	GLUED INSULATED RAIL JOINT	EA	F	\$4,000.00	3.0	\$12,000.00	
1210-	01200-9	FURNISH AND INSTALL TRACK DRAIN (Includes 4"Ductile)	EA	F	\$3,350.00	1.0	\$3,350.00	
1209-	01200-10	SALVAGE TURNOUT	EA	F	\$16,500.00	1.0	\$16,500.00	
		<b>Subtotal</b>					<b>\$423,000.00</b>	

Portland Streetcar Relocation Project Block #153  
Exhibit A - Final Bid Pricing  
June 16, 2014

ITEM NO.	LINE NO.	ITEM DESCRIPTION	UNIT	Fixed Qty's (F)	UNIT PRICE	QUANTITY	TOTAL	SUBTOTALS
<b>PART 01300</b>		<b>TRACTION POWER &amp; TRAIN SIGNALS</b>						<b>\$115,300.00</b>
	01300-1	TRACK BONDING	LS		\$17,800.00	1.0	\$17,800.00	
	01300-2	Modify Streetcar Signal System	LS		\$89,500.00	1.0	\$89,500.00	
	01300-3	Test Streetcar Signal System	LS		\$8,000.00	1.0	\$8,000.00	
		Subtotal					\$115,300.00	
<b>PART 16000</b>		<b>TRACTION ELECTRIFICATION</b>						<b>\$454,210.00</b>
	16000-1	Install new manhole and modify existing	LS		\$37,000.00	1	\$37,000.00	
	16000-2	Track Electrical Testing	LS		\$11,000.00	1	\$11,000.00	
	16000-3	Furnish Taper Tubular Pole PS6, PH6	EA		\$4,500.00	4	\$18,000.00	
	16000-4	Furnish Taper Tubular Pole PS9	EA		\$6,500.00	1	\$6,500.00	
	16000-5	Furnish and Install Cantilever Assembly	EA		\$0.00	0	\$0.00	
	16000-6	Furnish and Install Double Track Cross Span Assembly CS2, CS2A	EA		\$7,500.00	6	\$45,000.00	
	16000-7	Furnish and install Single Track Pull Off Assembly P01	EA		\$7,450.00	4	\$29,800.00	
	16000-8	Furnish and install Double Track Pull Off Assembly P02	EA		\$11,300.00	5	\$56,500.00	
	16000-9	Furnish and install Single Track Backbone Assembly BB1	EA		\$8,450.00	5	\$42,250.00	
	16000-10	Furnish and install Double Track Backbone Assembly BB2	EA		\$9,420.00	2	\$18,840.00	
	16000-11	Furnish and Install Fixed Termination Assembly FT	EA		\$6,350.00	2	\$12,700.00	
	16000-12	Furnish and Install Fixed Tension Single Contact System	TF(F)		\$32.00	840	\$26,880.00	
	16000-13	Removal of Existing OCS and Cutover	LS		\$22,000.00	1	\$22,000.00	
	16000-14	Installation and Grounding of Taper Tubular Poles	EA		\$3,400.00	7	\$23,800.00	
	16000-15	OCS Field Acceptance Testing	LS		\$16,000.00	1	\$16,000.00	
	16000-16	Integrated System Testing	LS		\$7,400.00	1	\$7,400.00	
	16000-17	Documentation Drawings and Manuals	LS		\$13,500.00	1	\$13,500.00	
	16000-18	OCS Contractor's Design Package	LS		\$37,390.00	1	\$37,390.00	
	16000-19	Furnish & Install WB1 (Wire Bridge Assembly)	EA		\$2,300.00	1	\$2,300.00	
	16000-20	Furnish & Install JP5 (Jumper)	EA		\$1,950.00	1	\$1,950.00	
	16000-21	Modify Existing Streetcar OCS	LS		\$4,700.00	1	\$4,700.00	
	16000-22	OCS Temp Configuration	LS		\$13,000.00	1	\$13,000.00	
	16000-23	Insulators and OCS Hangers (Addendum 3 Traffic Mods)	LS		\$7,700.00	1.0	\$7,700.00	
		Subtotal					\$454,210.00	
		<b>TOTAL ESTIMATED COST w/o GENERAL CONDITIONS AND TEMPORARY FEATURES</b>						<b>\$1,515,177.00</b>
		<b>TOTAL ESTIMATED COST INCLUDING GENERAL CONDITIONS AND TEMPORARY FEATURES</b>						<b>\$1,857,032.00</b>
		<b>CONTRACTORS FIXED FEE</b>						<b>\$97,494.00</b>
899999	899999	Contractor Fee (5.25%)	LS				\$97,494.00	
		<b>TOTAL CONSTRUCTION SCHEDULE A</b>						<b>\$1,954,526.00</b>

Portland Streetcar Relocation Project Block #153  
Exhibit A - Final Bid Pricing  
June 16, 2014

ITEM NO.	LINE NO.	ITEM DESCRIPTION	UNIT	Fixed Qty's (F)	UNIT PRICE	QUANTITY	TOTAL	SUBTOTALS
<b>SCHEDULE B</b>								
<b>PART 00200</b>		<b>TEMPORARY FEATURES AND APPURTENANCES</b>						<b>\$5,885.00</b>
0210-010000A	00200-3	MOBILIZATION	LS		\$3,190.00	1.0	\$3,190.00	
	00200-4	TEMPORARY WORK ZONE TRAFFIC CONTROL, COMPLETE	LS		\$2,250.00	1.0	\$2,250.00	
0270-1112000F	x	TEMPORARY TYPE ORANGE PLASTIC MESH FENCE	FT	F	\$8.00	20.0	\$160.00	
0280-010000A	00200-5	EROSION CONTROL	LS		\$110.00	1.0	\$110.00	
0290-010000A	00200-6	POLLUTION CONTROL PLAN	LS		\$65.00	1.0	\$65.00	
0291-1101000K	x	CONTAMINATED MEDIA DISPOSAL	CY		\$110.00	1.0	\$110.00	
		Subtotal					\$5,885.00	
<b>PART 00300</b>		<b>ROADWORK</b>						<b>\$1,820.00</b>
0310-016000A	00300-2	REMOVAL OF STRUCTURES AND OBSTRUCTIONS	LS		\$700.00	1.0	\$700.00	
0330-0105000K	00300-5	GENERAL EXCAVATION	CY	F	\$80.00	14.0	\$1,120.00	
		Subtotal					\$1,820.00	
<b>PART 00400</b>		<b>DRAINAGE AND SEWERS</b>						<b>\$30,322.50</b>
0401-1101000E	00400-3	VIDEO INSPECTION OF SEWERS, LATERAL LAUNCH CAMERA	EA		\$140.00	2.0	\$280.00	
0405-1101000K	x	TRENCH EXCAVATION, COMMON	CY	F	\$110.00	20.0	\$2,200.00	
	x	POTHOLE EXCAVATION	EA	F	\$1,720.00	2.0	\$3,440.00	
0405-1109000K	x	TRENCH BACKFILL, CLASS B	CY	F	\$85.00	20.0	\$1,700.00	
0415-1101000J	x	STORMWATER CURB EXTENSIONS	SF	F	\$39.00	441.0	\$17,199.00	
0445-150100BF	x	8 INCH PIPE, PVC, BEDDING TYPE: D	LF		\$113.00	19.5	\$2,203.50	
0470-1324015E	x	CONCRETE INLETS, TYPE METAL (MODIFIED)	EA		\$1,300.00	1.0	\$1,300.00	
0470-1324040E	x	CONCRETE INLETS, TYPE BEEHIVE	EA		\$2,000.00	1.0	\$2,000.00	
		Subtotal					\$30,322.50	
<b>PART 00700</b>		<b>WEARING SURFACES</b>						<b>\$2,935.00</b>
0759-0128000J	00700-5	CONCRETE WALKS	SF	F	\$7.00	130.0	\$910.00	
0759-1121000F	00700-7	CONCRETE CURB, THICKENED CURB AND GUTTER	FT	F	\$45.00	45.0	\$2,025.00	
		Subtotal					\$2,935.00	
<b>PART 00800</b>		<b>PERMANENT TRAFFIC SAFETY AND GUIDANCE DEVICES</b>						<b>\$291.00</b>
0855-0100000E	x	MONO-DIRECTIONAL WHITE TYPE I MARKERS	EA		\$7.00	3.0	\$21.00	
0861-1300000F	x	CURB MARKINGS - PAINT	FT		\$6.00	45.0	\$270.00	
		Subtotal					\$291.00	
<b>PART 01000</b>		<b>RIGHT-OF-WAY DEVELOPMENT AND CONTROL</b>						<b>\$230.00</b>
1040-0101000K	01000-2	TOPSOIL	CY		\$45.00	1	\$45.00	
1040-0154000E	01000-6	SHRUBS, NO. 2 CONTAINER	EA		\$35.00	4	\$140.00	
1040-0190000K	01000-9	BARK MULCH	CY		\$45.00	1	\$45.00	
		Subtotal					\$230.00	
		<b>TOTAL ESTIMATED COST w/o GENERAL CONDITIONS AND TEMPORARY FEATURES</b>						<b>\$35,598.50</b>
		<b>TOTAL ESTIMATED COST INCLUDING GENERAL CONDITIONS AND TEMPORARY FEATURES</b>						<b>\$41,483.50</b>
		<b>CONTRACTORS FIXED FEE</b>						<b>\$2,177.50</b>
899999	899999	Contractor Fee (5.25%)	LS				\$2,177.50	
		<b>TOTAL CONSTRUCTION SCHEDULE B</b>						<b>\$43,661.00</b>
		<b>TOTAL CONSTRUCTION SCHEDULE A, SCHEDULE B</b>						<b>\$1,998,187.00</b>

# Stacy and Witbeck

June 24, 2014

Letter No. 001 Rev 3

Angela Pack  
City of Portland  
1120 SW 5<sup>th</sup> Ave  
Portland, OR 97204

Subject: Portland Streetcar – Montgomery Relocation Project  
Re: Cover Letter – MWESB Subcontractor Plan (REVISED PER FINALIZED GMP)

Dear Ms. Pack,

Attached find Stacy and Witbeck, Inc.'s (SWI) MWESB Subcontractor and Supplier Plan. The plan has been written specifically for the Montgomery Streetcar Relocation Project. This project is smaller in value and scope than previous Portland Streetcar Projects. The GMP for this project is \$1,998,187 and the work will take place within two blocks. The project is required to be completed by September 2014 and the duration is approximately two months. As such, the Project has a tight schedule for subcontractor solicitation and procurement. In order to meet the specific schedule and size needs on this project, SWI has catered its established MWESB Subcontracting plan accordingly.

All but one subcontract on the project are anticipated to be between \$10,000-\$70,000. Many scopes will be bid by request for quotes, while more complex and valuable scopes will be bid through a Request for Proposal method. The only subcontract in excess of \$100,000 will be for Overhead Catenary Systems which is anticipated to be approximately \$467,000. The Overhead Catenary Systems work on the project is the most complex work on the project. Work of this nature is usually bid out nationally to specialty contractors. Due to many conditions of this project, SWI intends to have direct negotiations with a local, experienced MWESB contractor directly. Conditions include limited time for solicitation; experience on similar Streetcar projects; unavailability of national contractors for such small scope (relative to other rail projects) and availability of a local experienced MWESB to fulfill this scope.

Steps for subcontractor notification, solicitation and procurement are included herein. Please contact me with any questions.

Sincerely,

Julie Greb  
Project Manager

**CONSTRUCTION MANAGER/GENERAL CONTRACTOR (SWI)  
MINORITY, WOMEN AND EMERGING SMALL BUSINESS  
SUBCONTRACTOR AND SUPPLIER PLAN**

**I. Program Goal**

The objective of Stacy and Witbeck, Inc.'s ("SWI") Minority, Women and Emerging Small Business Subcontractor and Supplier Plan ("Plan") on the SW Montgomery Street Track Relocation Project ("Project") is to maximize the utilization of State of Oregon certified minority, women and emerging small business subcontractors, material suppliers and manufacturers (hereafter "MWESB") to promote their economic growth and to increase competition on City of Portland construction contracts. SWI will identify subcontracting opportunities, materials and supplies needed for the Project and solicit the interest of MWESBs for utilization on the Project. The goal is to accomplish this objective while ensuring that the Project meets schedule, budget, and quality requirements. SWI committed to 22% of the total GMP of \$1,998,187. Upon completion of GMP pricing efforts and subcontract bidding, the actual MWESB participation is estimated to be \$703,643 for a total of 35%.

To ensure that agreed upon goals and aspirations are met, and to assist in the implementation and monitoring, SWI has designated Belinda Francis as the MWESB Outreach Coordinator. Belinda will assist SWI in the preparation of MWESB procurement procedures and in initiating MWESB outreach during the pre-construction services phase.

The procurement of MWESBs for the Project will consist of an open, fair and competitive solicitation process, incorporating both SWI and the City's commitment to the utilization of MWESBs. SWI will use the procurement methods outlined herein to bring about the utilization of MWESBs.

The process, at a minimum, will include timely notification of solicitations; availability of and easy access to specifications and plans; identification of all MWESB opportunities by divisions of work; facilitating MWESB outreach; directing prospective bidders to MWESBs; and evaluating bids and proposals received for compliance with the Plan's solicitation requirements.

**II. Criteria for Identifying and Packaging MWESB Subcontracting Opportunities**

The following criteria will be used in creating solicitation packages for MWESBs.

- Work historically subcontracted
- Risk compatible with critical path work
- Schedule
- Available MWESBs

SWI will review all MWESB solicitation packages against these criteria to ensure maximum opportunities exist while mitigating risk, cost and schedule impacts. SWI will prepare an MWESB solicitation package for each scope of work identified for MWESBs. This information will be utilized for outreach coordination and solicitation purposes. All solicitations will at a minimum comply with the Plan requirements.

### III. Business Requirements

SWI will provide in all of its subcontracts that subcontractors and suppliers shall be bound by the terms and conditions of this Contract. This includes, but is not limited to, compliance with all applicable federal, state, and local laws in regards to all matters concerning this Contract, including conducting business in the City of Portland. Accordingly, all subcontractors and suppliers must be in compliance with: the City's business license, Equal Employment Opportunity (EEO) certification, Equal Benefits, and bonding requirements; the Americans with Disabilities Act (ADA); and CCB licensing as applicable.

### IV. Identified Bidding Opportunities

SWI will identify all divisions of work that will be subcontracted. The project is a small size, covering just two blocks and the work is anticipated to take a total duration of less than two months. Additionally, the project has a fixed final completion date which leaves limited time for subcontractor procurement. Within these parameters/time constraints, SWI has identified the following scopes:

Scope	Procurement Mechanism	Selection Criteria
Amenities	RFP Bid Package	Best Value
Quality Control	Quote	Best Value
Survey	Quote	Best Value
Striping	Quote	Low Bid
Signage	Quote	Best Value
Landscaping	RFP Bid Package	Best Value
Traffic Control	Quote	Best Value
Trucking	Quote	Low Bid
Asphalt Paving/Grinding	RFP Bid Package	Low Bid
Overhead Catenary Systems	Direct Negotiations	Experience, Availability
Rebar	RFP Bid Package	Low Bid
Traffic Signals/Lighting	RFP Bid Package	Best Value

### V. Solicitation Methods

Due to project time constraints on the subcontractor solicitation period, SWI has adopted a new streamlined approach to subcontractor solicitation to meet the special needs of this particular project. This approach is in keeping with SWI's values of encouraging M/W/ESB participation. SWI will solicit potential bidders in three different styles; Request Quotes for Services, RFP Process, and Direct Negotiation.

#### RFP Process

##### Step 1. Open Advertisement – Notification to All Potential Bidders and Suppliers of Upcoming Work

SWI will place an ad in the Daily Journal of Commerce to inform the public and potential subcontractors of the scopes of work to be subcontracted on the project. SWI will compile a list of potential bidders by scope based on the responses to this open advertisement. This potential bidders list will be further expanded and developed in Step 2 below.

### Step 2. Solicitation by Letter of Interest

SWI will distribute a "Letter of Interest" via email to potential subcontractors. Those subcontractors will be required to fill out the "Letter of Interest" and return it to SWI by the day of the deadline. Those expressing interest will be added to the list of potential bidders created in Step 1. Trade organizations will also be provided with the "Letter of Interest" so that they can get the word out to their members. Trade organizations include:

- Oregon Association of Minority Entrepreneurs (OAME)
- National Association of Minority Contractors Oregon (NAMCO)
- Metropolitan Contractor Improvement Partnership Portland (MCIP)

### Step 3. Distribution of Subcontract Bid Packages (RFP)

Potential bidders will be sent a link to subcontractor bid packages for the scopes identified above. Hard copies and CD's will be available by request. Subcontractors will have approximately three weeks to prepare their proposals. Any requests for information received during the bidding will be collected and the answers will be shared with all potential bidders to ensure that all bidders are working from the same information. SWI will make itself available to assist prospective MWESB and all other bidders in understanding solicitation requirements. The solicitation packages will include all City contracting requirements as referenced in the project's Contract Documents. The scopes of work that are being solicited in the RFP process tend to be slightly more sophisticated scopes, so an RFP process helps SWI understand a potential bidders capacity and experience. All scopes bid in the RFP process are anticipated to be below \$70,000.

### Request Quotes for Services

Some scopes of work on this project are Professional Services or have smaller values. Potential subcontractors for these scopes will be solicited directly to provide quotes.

### Direct Negotiation for Specialty Work

The Overhead Catenary Systems (OCS) Work on this project is the most specialized work on the project. Normally the OCS scope of work would be advertised to specialized OCS subcontractors nationally; the solicitation and final subcontracting process would be six plus weeks. This timeline is not available on this project. In that OCS material procurement and final design also have long lead durations, time is of the essence in getting an OCS subcontractor on board for the success of the Project. As such, SWI has recommended that the work be directly negotiated with local OCS subcontractor, Liberty Electric, LLC. The staff of Liberty Electric is uniquely familiar with Portland Streetcar OCS work, as they have successfully completed past Streetcar projects and worked with SWI and the City's design consultants in the past. Liberty Electric is also an MWESB business which is in keeping with SWI's proposed subcontracting goals.

To ensure fairness in pricing, the proposed subcontractor has agreed to open book pricing with SWI and the City. SWI has recent historical pricing on OCS materials and estimating information on OCS scopes for similar projects in the area and as such, is uniquely qualified to ensure that pricing will be fair. This is the only subcontract on the project anticipated to exceed \$70,000. Rough order of magnitude for this scope at this time is \$467,000. In order to ensure competitive pricing, the subcontractor will be required to have 'open book' pricing with SWI and the Owner.

SWI has written a letter to the City of Portland which further expands on the specific technical reasons for SWI's recommendation of Liberty Electric as the OCS subcontractor. That letter is attached to this

MWESB plan for reference.

### **VIII. Technical/Business Assistance**

SWI will offer and provide the following technical assistance services as required to all MWESBs awarded a contract on the Project regardless of subcontracting tier:

- a. Establishing a schedule of values for the work to be performed.
- b. Cash flow projections required for successful performance of the work.
- c. Progress payments consistent with the City's Accelerated Payment provisions (i.e. bi-monthly payments).
- d. Advance payment provisions where appropriate to facilitate successful participation of first tier MWESBs.
- e. Negotiate pricing and secure a single material supplier or group of suppliers for eligible participants on particular aspects of the Project to decrease or eliminate material pricing as a factor in the award of contracts to MWESB firms.

### **IX. Accelerated Payment**

SWI will work with subcontractors on an individual basis to identify potential cash flow issues and tailor a schedule of values to get payment and cash flow started. Subcontractors will be paid bi-monthly. All contracts are subject to the requirements of Section 195.50 and 195.51, Progress Payments, Retained Amounts, and Mid-Month Payments of the City of Portland's Standard Construction Specifications, which requires twice-monthly payment to primes and subcontractors at all tier levels. These provisions are mandatory on all contracts of the Project at any tier.

### **X. Pre/Post Contract Award Monitoring**

SWI will comply fully with the provisions of this Plan in the solicitation and award of subcontracts during the life of the Project. SWI will make available all subcontract bidding documents to the City's CCS for review compliance with established procurement procedures.

SWI will establish and maintain contact with all participating MWESBs, regardless of tier, to monitor and coordinate efforts to prevent problems from arising and/or solve those that have arisen, which are or may contribute toward unsuccessful performance by the affected MWESB(s). Information regarding such matters will be submitted with the Monthly Subcontractor Payment and Utilization Reports (Form 3) under separate cover to the CCS.

### **XII. MWESB Replacement Policy and Procedure**

While affording maximum opportunities for MWESBs to participate on the Project, it is imperative that the overall Project production schedules be maintained. Any MWESB on the Project deemed to warrant replacement must be terminated in accordance with the provisions as set forth in this Plan. The basis for termination will be one or more of the following with supportive documentation:

1. Inability of the company to perform the work as required

2. Refusal of the company to perform the work as required
3. Mutual agreement of SWI and the company not to perform the work due to reasons beyond the control or influence of SWI

SWI will not be permitted to substitute an MWESB without the consent of the City's CHIEF PROCUREMENT OFFICER. An MWESB is considered substituted or replaced when any portion of the work identified on Form 1 of the MWESB Requirements is performed with the resources of any firm other than the identified MWESB. Resources include supplying the labor, supervision, material, equipment, technical and management expertise to perform the MWESB's work.

If any subcontractor is added or replaced after the bid is submitted, the successful bidder shall make good faith efforts to contract with a MWESB for the work to be performed by that subcontractor. Documentation of these efforts is required, and will be submitted to CCS.

## **XII. Documentation, Reporting and Program Evaluation**

Throughout the duration of the Project, SWI will document information regarding the implementation of the Plan. Information to be documented and submitted to the CCS includes all aspects of the Plan including but not limited to:

- a. The creation of MWESB solicitation packages
- b. MWESB results
- c. Inquiries of MWESB interests in bidding, bid amounts, and contract awards
- d. Subcontractor & Supplier payments (Form 3)
- e. Subcontractor replacement requests/decisions
- f. Technical assistance requested/provided and/or referred
- g. Problems and successes experienced(mentorship)
- h. Capacity building results
- i. Monthly Electronic Spreadsheet of MWESB Awards/Material & Major Expenditures and Supplier Purchases
- j. Desired Charts and Graphs

Accept Guaranteed Maximum Price of \$1,998,187.00 from Stacy and Witbeck, Inc.  
for the construction of the Portland Streetcar Southwest Montgomery Street  
Track Relocation Project (Procurement Report - RFP No. 116186) - Exhibit C

City of Portland  
Bureau of Transportation  
c/o Shields Obletz Johnsen, Inc.  
1140 SW 11<sup>th</sup> Ave. Suite 500  
Portland, OR 97205  
(503) 242-0084 (503) 299-6769

## Contractor Submittal

PROJECT: Portland Streetcar Loop – SW  
Montgomery Track Relocation

CONTRACT NO: 300003833

CONTRACTOR: Stacy and Witbeck

RESIDENT ENGINEER: Linda Williams

Spec Reference	00180-02	Submittal No.:	008.2	Date Received:	
Submittal Date:	4-25-14	No. of Copies:	1	Subcontractor	

Type:

CT – Certifications  
MS – Material Safety Data Sheets  
OM – Operations Manual  
PD – Product Data  
PL – Plan/Program  
SD – Shop Drawings  
TR – Test Reports

Disposition Legend:

1 – Approved  
2 – Approved as Noted  
3 – Approved as Noted; Revise & Resubmit for Record  
4 – Rejected; Revise & Resubmit  
5 – No Action; For Record Only

Date Due to Contractor:

Resubmittal  
Required

☐

Item	Type (See Above)		Disposition Status
1	PL	Workforce Training and Hiring Plan	
Contractor Remarks: Please see attached revised Workforce Training and Hiring Plan per 4-24-14 meeting with Angela Pack (COP)			

Dyena Penning 4-25-14

Preparer

 4/25/14  
QC Manager Signature/Date

Reviewer(s):					Date Sent:		
No. Copies Sent:		Due Date:		Return To:		Date Returned:	
Instructions to Reviewer:							
Reviewers Comments:							
Reviewer's Signature:						Date:	

PM's Signature:

Date Returned to Contractor:

NO DEVIATIONS FROM CONTRACT REQUIREMENTS ARE APPROVED UNLESS SPECIFICALLY IDENTIFIED BY THE CONTRACTOR AND APPROVED BY THE CITY OF PORTLAND BUREAU OF TRANSPORTATION

# Stacy and Witbeck

April 24, 2014

Angela Pack  
City of Portland  
1120 SW 5<sup>th</sup> Ave  
Portland, OR 97204

Subject: Portland Streetcar – Montgomery Relocation Project  
Re: Workforce Training and Hiring Plan (WT&HP)

Dear Ms. Pack,

Attached find Stacy and Witbeck, Inc.'s (SWI) Workforce Training and Hiring Plan (WT&HP) for the above referenced project. SWI intends to adopt the City of Portland's Workforce Training and Hiring Program as provided in the City's RFP No. 116186 dated 1/17/14. SWI will follow the plan for itself and for all subcontractors subject to the plan. All applicable subcontractors will be provided with a copy of the WT&HP as it was provided to SWI.

Highlights of the WT&HP include the following participation goals:

- **18% Minority**
- **9% Female**
- **20% Apprenticeship**

Execution on the plan specifically to the Montgomery Relocation Project, due to the project's small size, there is only one subcontract anticipated to be over \$100,000 and thus subject to the WT&HP. As such, SWI will share the WT&HP with its other subcontractors with scope values under \$100,000 and will strongly encourage them to adhere to the spirit of the WT&HP goals when recruiting their workforce.

The actual Workforce Plan will be submitted upon receipt of the Construction Contract (expected in July 2014) once workforce needs will be more well understood. SWI will work with their signatory unions to help SWI meet participation goals. A sample Dispatch Form is attached to this letter.

Sincerely,



Julie Greb  
Project Manager

# Stacy and Witbeck, Inc.

Montgomery Relocation Project – Portland Streetcar  
403 SE Caruthers  
Portland, OR 97214  
503-231+-5300

## LABORERS DISPATCH REQUEST FORM

Date:	From (Contact Person):	
Name of Craft Person (if known):		
Please circle which that may apply, if any*:    Apprentice    Minority    Female		
Basic or Special Skills Required:		
(Personal Protective Equipment (PPE) includes: hard hat, green vest, safety glasses, and steel or composite toed boots)		
Description of Work to be Done:		
Report to:	Start Date:	Start Time: ____ a.m. / ____ p.m.
Appx. Hours per Day:	Shift: Day or Swing (circle)	Appx. Duration:
Safety Orientations: Friday before Start Date at 8:00 a.m. at the above address with Notes items 1 & 2		

**\*The project would like to continue to diversify its workforce, please refer ethnic minorities and/or woman as well as veterans for first consideration.**

HOURLY RATE CONFIRMATION TABLE		
Union Info:	Laborers, Local 320 T: 503.253.4800 F: 503.253.3893	
TriMet NTP Date:	January 26, 2012	
Subject To:	2011-2013 MLA; Article 29, Page 28, locked for 24 months form the NTP date.	
Date of Effective Wage Rates:	6/1/11	
Class (Circle One):	Hourly Base Wage Rates w/out vacation, dues	
Foreman- A*	+ \$1.60/ hour	
Journeyman Group 1	\$X.XX	
Journeyman Group 2	\$X.XX	
Journeyman Group 3	\$X.XX	
Apprentice Classifications (per Laborer Group 1) *Foreman- \$1.60 above highest classification supervised	63%	\$X.XX
	70%	\$X.XX
	80%	\$X.XX
	90%	\$X.XX
Wage Rate Table Verification- by Stacy and Witbeck, Inc.	____ Julie Greb Initial	____ Inna Mishchuk Initial

### Notes:

1. Two forms of Identification required on Safety Orientation Day, acceptable form of ID: valid driver license or valid state identification card and a Social Security Card or a birth certificate, or a passport, and a permanent Resident Card if applicable.
2. CIDFWP Card Required on Safety Orientation Day-must be no older than 72 hours.

cc: Stacy and Witbeck, Inc.- TF/IM  
Job 14258



**EXHIBIT B – RFP NUMBER 116186**  
**WORKFORCE TRAINING & HIRING PROGRAM**  
**Construction Manager/General Contractor (CM/GC) Checklist**

*This program applies to projects estimated at \$200,000 or more and subcontracts of \$100,000 or more*

The following Workforce Training & Hiring Program requirements are a summary of the key contractual obligations of contractors working on City projects. It is the Contractor's responsibility to read and fully understand this section of the bid specifications and to comply with all provisions of the program, regardless of whether they appear on this checklist. Contractors shall include in their bid all costs associated with complying with the Workforce Program. An 18% aspirational goal for minorities, and 9% for females has been set on City funded construction projects for apprentices and journey level workers.

**CHECKLIST:**

**1. CM/GC:**

- A. Submit a Workforce Plan (Exhibit 2) to City prior to Contract award, or as otherwise designated. The Plan should detail your approach and strategies to achieve the targeted workforce goals established by the City.
- B. Submit a Workforce Plan for each subcontractor with a subcontract \$100,000 and above. The Plan should detail the approach and strategies that will be used to achieve the targeted workforce goals established by the City.
- C. Ensure compliance by all subcontractors with subcontracts of \$100,000 or more, and provide them with a copy of the Workforce Training & Hiring Program specifications.

**2. Subcontractors, at all tiers, with contracts of \$100,000 or more:**

- A. Submit a Work Plan (Exhibit 2) prior to beginning work on the project or within 5 days of signing a subcontract, whichever occurs first.

**3. CM/GC & all subcontractors with contracts of \$100,000 or more must:**

- A. Before starting work on this project: Submit proof of registration as a Training Agent with the Bureau of Labor & Industries (BOLI), Apprenticeship & Training Division. Not a BOLI registered training agent? Contact BOLI (971-673-0760) or City of Portland (503-823-5047) for further information.
- B. Throughout the duration of the project:
  - 1. Ensure that a minimum of 20% of labor hours in each apprenticeable trade performed by the Prime, and subcontractors with subcontracts of \$100,000 or more, are worked by state registered apprentices. The Prime and subcontractors shall fulfill the 20% apprenticeship requirement without exceeding the apprentice ratios approved by the applicable apprenticeship program, if working in excess of 300 hours in any given trade.
  - 2. Strive in good faith to meet the diversity goals of employing women and minorities (both journey and apprentice level workers).
  - 3. Make all reasonable and necessary efforts to employ a workforce that reflects the diversity of the city of Portland, including recruitment of a diverse workforce through the unions, the apprenticeship programs and other community resources, as described herein.
  - 4. Maintain written documentation of all requests for workers from the unions, apprenticeship programs, and community organizations.
  - 5. When an apprentice is hired: Notify the City's Contract Compliance Specialist assigned to the

project.

6. Submit the Monthly Employment Report (Exhibit 4) by the 5th of each month to the Owner's Project Manager and the Contract Compliance Specialist. This report will be submitted electronically upon award (via email). For further information, please send an email to: [murmer@portlandoregon.gov](mailto:murmer@portlandoregon.gov).

For additional information or questions, please contact the Contract Compliance Specialist assigned to the project or the City's Workforce Program Coordinator at 503-823-5047.

## WORKFORCE TRAINING AND HIRING PROGRAM Specifications

### I. PURPOSE

#### A. General Program Description

The Portland City Council has directed that all Bureaus and Departments maximize apprenticeship and employment opportunities for minorities, women and economically disadvantaged workers in the construction trades (ref. City Ordinance No. 167374, Feb. 16, 1994 and County Ordinance No. 861, July 11, 1996). Their goals include a) ensuring that the City does business with contractors whose workforce reflects the diversity of the workforce found in the city of Portland and Multnomah County, and b) that their contracting dollars provide fair and equal opportunities to the jurisdictions' diverse populations.

The Workforce Training & Hiring Program ("Workforce Program") is administered for the City of Portland, by the City of Portland, Procurement Services. The Workforce Program applies to all projects estimated at \$200,000 or more and to each subcontractor having a subcontract of \$100,000 or more on the project. The Contractor and all subcontractors are encouraged to fulfill the program requirements even if their contracts are less than these amounts.

Contractors shall make reasonable efforts to ensure that their workforce reflects the diversity of the city of Portland and Multnomah County.

One way contractors can make reasonable efforts to ensure that their workforce is diverse is to recruit, train and employ minorities and women whenever possible. This portion of the Contract establishes requirements regarding that recruitment, training and employment.

**For purposes of the Workforce Program specifications, the following definitions shall apply:**

The "**Contract**" shall mean the contract awarded as a result of these bid specifications.

"**Contractor**" shall mean the CM/GC to whom a Contract is awarded, and any subcontractors with subcontracts of \$100,000 or more.

The term "**minorities**" shall include members of either sex who are African-Americans, Hispanic Americans, Asians or Pacific Islanders, Native Americans or Alaskan Native Americans.

"**Owner**" shall mean the government agency that awarded the Contract, or leveraged public involvement in the project through a loan or development agreement.

The "**project**" shall include all work performed pursuant to the Contract.

#### B. Organization of Program Requirements

The Workforce Program specifications are divided into several parts.

**Section II** - refers to the action the PRIME must take in order to be eligible for award of a contract.

**Section III** - lists the actions that must be taken by the PRIME to meet contractual obligations.

**Section IV** - refers to remedies available to the Owner if a PRIME fails to meet the requirements of the Workforce Program specifications.

Section V - refers to the Owner's ability to monitor compliance with the Workforce Program specification by examination of PRIME and subcontractor records.

## II. ACTIONS REQUIRED PRIOR TO BEGINNING THE PROJECT

The PRIME shall thoroughly read this Workforce Program specification and commit to perform all requirements described herein. The PRIME shall submit, before work begins, a Work Plan, which demonstrates how the workforce on this project will fulfill all program requirements, including utilization of apprentices and targeted workforce goals.

## III. ACTIONS REQUIRED TO SATISFY CONTRACTUAL OBLIGATIONS

### A. Make Reasonable Efforts to Have Diverse Workforce

A PRIME must make all necessary and reasonable efforts to have a workforce that reflects the diversity of the city of Portland and Multnomah County and is reasonably consistent with the availability of qualified women and minorities based on Equal Employment Opportunity data supplied by the City. This requirement is in addition to any other requirement of this portion of the Contract.

1. The PRIME and its subcontractors with subcontracts of \$100,000 or more, at any tier level, shall strive to achieve the workforce diversity goal of 18% minority and 9% female hours (including both journey level and apprentice workers) on the project.
2. Provide written documentation of its good faith recruitment efforts. Contractors must follow the process for recruiting apprentices and journey workers described in Section III, subsections F and G of this specification. This process is considered by the City to be the minimum effort to recruit a diverse workforce.
3. The failure by a union with whom the Contractor has a collective bargaining agreement to refer either minorities or women shall not excuse the Contractor's obligations under this section of the specifications.

### B. Ensure Compliance by Certain Subcontractors

1. The PRIME shall ensure that each subcontractor having a subcontract of \$100,000 or more, at any tier, shall comply with all of the provisions of the Workforce Program specifications. Contractors shall include in their price all costs associated with this requirement. No change order will be executed in order for the PRIME to comply with the Workforce Program specifications.
2. The PRIME shall provide a copy of this Workforce Program specification to all subcontractors with contracts of \$100,000 or more executed for the project.

### C. Register as a Training Agent

The PRIME shall register with the Oregon Bureau of Labor and Industries (BOLI) as a Training Agent and ensure that all subcontractors who have contracts in the amount of \$100,000 or more are registered as Training Agents. Registration as a Training Agent in a specific trade is not required if there are no training opportunities in that trade on the project, based on the maximum ratio allowed by BOLI.

1. Training programs approved by and registered with BOLI may be used to fulfill training requirements under the Workforce Program specifications. Other training alternatives must be approved by the City's Workforce Program Coordinator.
2. Training is intended to be primarily on-the-job training in apprenticeable crafts, and does not include classifications such as flag person, timekeeper, office engineer, estimator, bookkeeper, clerk/typist, fire fighter, or secretary. Hours performed in crafts, which are not apprenticeable occupations are exempt from the training requirements.
3. Exemptions to the training requirements must be approved by the Owner in writing prior to starting work on the project. Written requests for exemptions related to the training requirements will be considered by the Owner only for extreme circumstances during the course of the project, and must be approved in writing. All requests to exempt all or any portion of the work on a project shall be submitted to the Owner 14 calendar days before any work on the project begins. All exemptions must be approved by the Workforce Program Coordinator. *Please note: Procedures for granting exemptions are subject to change. For the most recent updates, please visit <http://www.portlandonline.com/omf/index.cfm?c=42255&>.*

**D. Submit Documentation**

The PRIME shall submit documentation regarding the following subjects to the Owner. The Owner's failure to object to documentation submitted by the PRIME or subcontractor shall not relieve them of the requirements of the Workforce Program specifications.

1. ***Training Agent Status***  
The PRIME and all required subcontractors listed on the First Tier Subcontractor Disclosure Form must submit proof to the Contract Compliance Specialist that they are registered Training Agents with BOLI prior to beginning any work on the project.
2. ***Subcontractor Workforce Information***  
Exhibit 2, Work Plan, must also be submitted for each subcontractor with a contract of \$100,000 or more, prior to beginning work on the project or within 5 calendar days after the execution of the applicable subcontract, whichever occurs first. Work by a subcontractor shall not begin prior to submission of such documentation.
3. ***Prime and Subcontractor Reports After Work Begins***  
The Monthly Employment Report (Exhibit 4) must be submitted by the PRIME and any subcontractor having a subcontract of \$100,000 or more to the Contract Compliance Specialist by the 5th day of each month, with a copy to the Owner's Project Manager. The Contractor shall follow the submittal instructions on the report form. All hours subject to prevailing wage rates on public projects, in addition to supervisors, foremen and superintendents, shall be reported on Exhibit 4.
4. A copy of certified payroll reports may be requested by the Owner to verify information in the Report. The payroll reports shall be provided within 7 days of the date when the Contractor receives the request for the payroll.

**E. Use of Apprentices**

The PRIME shall:

1. Ensure that a minimum of 20% of labor hours in each apprenticeable trade performed on the

project by the PRIME, and subcontractors with subcontracts of \$100,000 or more, are worked by state registered apprentices throughout the duration of the project. The PRIME and subcontractors shall fulfill the 20% apprenticeship requirement without exceeding the apprentice ratios approved by the applicable apprenticeship program, if working in excess of 300 hours in any given trade.

2. Pay all apprentices the wages required by any applicable collective bargaining contract or pursuant to state or federal law and regulations.
3. Not use workers previously employed at journey-level or those who have successfully completed a training course leading to journey-level status to satisfy the requirements of these provisions.
4. Notify the Contract Compliance Specialist when an apprentice is hired for this project.
5. Count apprentice hours as follows:
  - (a) Hours worked on the project by apprentices enrolled in state-approved apprenticeship programs. If the Contractor is unable to fulfill its 20% requirement, then the Contractor may also use methods (b) and (c) below;
  - (b) Hours worked on the project by apprentices who are required to be away from the job site for related training during the course of the project, but only if the apprentice is rehired by the same employer after completion of training; and
  - (c) Hours worked on the project by graduates of state-registered apprenticeship programs, provided that such hours are worked within the 12-month period following the apprentice's completion date.

F. Use Apprenticeship Programs for Referrals

Contractors must follow all of these steps in seeking apprentice referrals:

1. Contact the appropriate apprenticeship program or dispatch center to request apprentices who are enrolled in the apprenticeship program; and
2. Request female or minority apprentices from the union or open shop apprenticeship program if such an action will help remedy historical underutilization in the Contractor's workforce; and
3. Keep a written record of the request for apprentices, including name of contact person at apprenticeship program, phone, fax, date, time, job location, start date, etc.; and
4. Make reasonable and necessary efforts to recruit apprentice applicants from the Worksource Program at the Oregon Employment Department, and seek to enroll them into an apprenticeship program, if the apprenticeship program is unable to supply an apprentice and if the program is open for applications or allows direct entry from the Oregon Employment Division.

**NOTE: Contractors may contact the Contract Compliance Specialist for assistance regarding the apprentice referral process, or may utilize Exhibit 3, Request for Apprentice form, to document their efforts.**

#### G. Utilize Unions and Community Organizations When Recruiting For any Positions

When hiring, requesting, recruiting, or replacing workers for this project, the Contractor shall:

1. Make reasonable and necessary efforts to employ a diverse workforce. Such actions should include requests for minority and female applicants. Contractors are notified that direct hiring of employees (such as "walk-ons") without providing notification of that job opportunity, in accordance with paragraph G.2. below, may not constitute a reasonable effort.
2. Document its employment efforts. Documentation should be sufficient to establish the Contractor's efforts, and should include:
  - a) Requests to union halls for signatory contractors;
  - b) Requests to union or open shop apprenticeship programs;
  - c) Requests to the Oregon Employment Division that assist contractors with recruitment and referral of workers.

#### **IV. CONSEQUENCES OF NONCOMPLIANCE WITH WORKFORCE PROGRAM REQUIREMENTS**

The Owner's commitment to this program is reflected, in part, by the cost of administering the program. Failure to meet the requirements of this section of the specifications negates such funding and impairs the Owner's efforts to promote workforce diversity and to provide fair and equal opportunities to the public as a whole as a result of the expenditure of public funds. Therefore, the parties mutually agree that failure to meet the requirements of this section of the specifications, including but not limited to the submission of required documentation, constitutes a material breach of the Contract.

In the event of a breach of this section of the Contract, the Owner may take any or all of the following actions:

##### A. Withholding Progress Payments

The Owner may withhold all or part of any progress payment or payments until the PRIME has remedied the breach of Contract. In the event that progress payments are withheld, the PRIME shall not be entitled to interest on said payments.

If a subcontractor(s) is responsible for noncompliance with the Workforce Program requirements, the Owner may choose to withhold only their portion of the progress payment.

##### B. Retain Sums as Damages for Failure to Comply with Workforce Program Specifications

The parties mutually agree that it would be difficult, if not impossible, to assess the actual damage incurred by the Owner for the PRIME's failure to comply with the Workforce Program specifications. The parties further agree that it is difficult, if not impossible, to determine the cost to the Owner when workforce opportunities are not provided. Therefore, if the PRIME fails to comply with the Workforce Program provisions of this Contract, the PRIME agrees to pay the sum of \$250 per day for each day of missed apprenticeship hours or until the breach of Contract is remedied. Damages may be assessed for failure to meet the 20% apprenticeship training requirements by the PRIME and each required subcontractor in each trade employed. Damages will be calculated based on the training hours not provided at a rate of \$250 per day. For example, if the Contractor was required to provide 200 hours of carpenter training (20% of 1,000 total carpenter hours), and the Contractor only provided 150 training hours, then the difference (50 hours) is divided by 8 (one day of work) to determine the

number of days of undelivered training.  $(50/8 = 6.25 \times \$250 = \$1,562.5)$ .

Damages may also be assessed for failure to fulfill the inclusive hiring process described in Section III, subsections F and G.

These damages are independent of any liquidated damages that may be assessed due to any delay in the project caused by the Contractor's failure to comply with the Workforce Program provisions of the Contract.

C. Retain Sums as Liquidated Damages for Delay

The PRIME agrees that any delay to the specified contract time as a result of the PRIME's failure to comply with the requirements of these specifications shall subject the PRIME to the amount of liquidated damages specified elsewhere in the Contract.

D. Notification of Possible Debarment

By executing this Contract, the PRIME agrees that it has been notified that failure to comply with the requirements of this portion of the Contract may lead to the PRIME's disqualification from bidding on and receiving other Owner contracts.

E. Other Remedies

The remedies that are noted above do not limit any other remedies available to the Owner in the event that the PRIME fails to meet the requirements of the Workforce Program specifications.

V. **REVIEW OF RECORDS**

In the event that the Owner reasonably believes that a violation of the requirements of the Workforce Program specifications has occurred, the Owner is entitled to review the books and records of the PRIME and any subcontractors employed on the project to which the requirements of these specifications are applicable to determine whether such a violation has or has not occurred.

In the event that the PRIME or any subcontractor fails to provide the books and records for inspection and copying when requested, such failure shall constitute a material breach of this Contract and permit the imposition of any of the remedies noted in Section IV above, including the withholding of all or part of any progress payment.

**ATTACHMENTS:**

Exhibit 1: Recommended Recruitment & Retention Practices

Exhibit 2: Workforce Plan

Exhibit 3: Request For Apprentice form

Exhibit 4: Monthly Employment/Training Report

Exhibit 5: Apprenticeship Ratio Data

**WorkSource Contact:**

Frank Granger

WorkSource Portland Metro Central

30 N. Webster Street, Suite E

(503) 280-6056

**Questions Regarding Apprenticeship:**

Bureau of Labor & Industries

Apprenticeship & Training Division

800 N.E. Oregon St. # 32

Portland, OR 97232

(971) 673-0760

**Questions Regarding the Workforce Training & Hiring Program:**

City of Portland / Procurement Services

1120 SW 5<sup>th</sup> Ave, Room 750

Portland, OR 97204

503-823-5047 (main number)

## RECOMMENDED GOOD FAITH RECRUITMENT & RETENTION PRACTICES

### A. Recruitment Efforts

Good faith recruitment efforts are those intense, aggressive, sincere, and result-oriented actions taken by the Contractor designed to accomplish the objectives of the City Workforce Training & Hiring. Good faith recruitment efforts include, but are not limited to:

1. Work aggressively with Contractor's Joint Apprenticeship Training Committee (JATC) to recruit minorities, women and disadvantaged individuals. Provide evidence of these efforts.
2. Assist the JATC by conducting a workshop with minority and women employees to enlist their assistance as recruiters and request their ideas on how to increase employment of underutilized groups.
3. Support the efforts of the Contractor's JATC by giving all apprentices referred to the Contractor a fair chance to perform successfully, allowing for possible lack of previous experience. Recognize that the Contractor is responsible for providing on-the-job training, and that all apprentices should not be expected to have previous experience.
4. Participate in job fairs, school-to-work, and community events to recruit minorities, women, and disadvantaged individuals into the construction trades.
5. Allow scheduled job site visits by participants in community programs, as safety allows, increasing awareness of job and training opportunities in the construction trades.
6. Keep applications of those not selected for an opening. Contact when opening occurs.

### B. Retention Efforts

The Contractor shall endeavor to retain minorities, women, and disadvantaged individuals by implementing steps such as the following:

1. Maintain a harassment-free work place.
2. Ensure that employees are knowledgeable about the company's policies if they need to report a harassment problem.
3. Make reasonable attempts to keep apprentices working and train them in all work processes described in the apprenticeship standards.
4. Review and disseminate, at least annually, the company's EEO policy and affirmative action obligations under these specifications with all employees having any responsibility for hiring, assignment, layoff, termination or other employment decisions.
5. Conduct a review, at least annually, of all supervisors' adherence to and performance under the Contractor's EEO policies and affirmative action obligations.
6. Take steps to reduce feelings of isolation among minorities and women to curb hostile attitudes and behavior (e.g., have several minorities and women at the job site, provide access to support group system).
7. Provide adequate toilet facilities for women on the job site.
8. Match minority, female, or disadvantaged apprentices who may need support to complete their apprenticeship programs with a journey-level mentor.

## Workforce Plan

### Instructions

1. This form must be completed by the prime and each subcontractor with a subcontract of \$100,000 or more.
2. Please state how you plan to perform the work on this project, indicating the number of journey workers and apprentices, by trade.
3. This plan must demonstrate how your company will fulfill all Workforce Training & Hiring Program requirements, including utilization of apprentices, and diversity goals.

Bid #:

Project Name:

Company Name:

Contract Amount: \$

Federal Tax ID:

Prime Contractor:

☐

Subcontractor:

☐

List all Trades to be used on this Project (one trade, per line)	Total # of Journey Workers	Total # of Apprentices	Total # of Female Workers	Total # of Minority Workers	# and level of New Hires (i.e. 1A or 1J)	Anticipated Start Date	Estimated Total Hours (all workers in each trade)

Please list the apprentices who will work on this project. If you need more space, attach an additional sheet of paper. Compliance Staff must approve all apprentices on the project.

Name of Apprentice	Trade	Race	Gender	Date of Hire	STAFF USE ONLY

If no current apprentices, indicate when and how they will be hired:

Name of Workforce Plan Administrator (for Apprentice/Diversity Goals):

Phone:

Fax:

E-mail address ?

Phone number:

Are you a registered Training Agent? ☐ Yes ☐ NoAre you a Union or Open Shop Contractor? ☐ Union ☐ Open Shop

Which JATC dispatches apprentices to your company?

Name:

Phone:

Fax:

Name:

Phone:

Fax:

**Please answer the following questions concerning your efforts to achieve the diversity goals on this project:**

1. How do you plan to achieve the diversity goals on this project?
2. Other than your JATC, what resources will you use to recruit minority and female workers for this project (please check all that apply)?
 

<input type="checkbox"/> Oregon Tradeswomen	<input type="checkbox"/> ETAP	<input type="checkbox"/> Portland YouthBuilders
<input type="checkbox"/> Constructing Hope	<input type="checkbox"/> Job Corps	<input type="checkbox"/> Other
3. Do you need any assistance with meeting the apprenticeship requirements or diversity goals on this project?
 

<input type="checkbox"/> Yes <input type="checkbox"/> No
--

Prepared By (print):

Signature:

Date:

Send to:

City of Portland, Bureau of Internal Business Services, Procurement Services  
1120 S.W. Fifth Avenue #750, Portland, OR 97204  
Phone (503) 823-5047 or FAX (503) 823-5539

## Request For Apprentice

CONTRACTOR: Please complete & fax/send this *Request For Apprentice* to your apprenticeship committee. Ask them to complete the boxed portion below explaining their response to your request and fax/send to us at address below.

FAX To: \_\_\_\_\_ / \_\_\_\_\_  
(Apprenticeship Committee) (Contact/ Dispatcher)

Fax Number: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

## Request From:

Company Name: \_\_\_\_\_ / \_\_\_\_\_  
(Registered Training Agent) (Contact Person)

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

### Apprentice Request:

As a registered Training Agent, I am using this form to request referral of an apprentice for employment with my company in cooperation with the City Workforce Training & Hiring Program. I would like to continue to diversify my workforce. Therefore, please refer ethnic minorities and women for my consideration.

Apprentice referral is needed by this date: \_\_\_\_\_ Work Starts: \_\_\_\_\_

Job Site Location: \_\_\_\_\_ Expected Length of Employment: \_\_\_\_\_

Bid # and Project Name: \_\_\_\_\_ Owner: City of Portland

Number of Apprentices: \_\_\_\_\_ Trade/Occupation: \_\_\_\_\_

Number of Apprentices: \_\_\_\_\_ Trade/Occupation: \_\_\_\_\_

Minimum qualifications (if different from apprenticeship standards): \_\_\_\_\_

Safety needs: ☐ Hard hat ☐ Gloves ☐ Hard-toed boots ☐ Other \_\_\_\_\_

### Apprenticeship Committee Instructions:

Please complete and fax to City Workforce Program at: 503-823-6865

- ☐ We were able to dispatch an apprentice to the project listed above.  
Name of Apprentice \_\_\_\_\_ Race A (Asian-American) Gender M Term \_\_\_\_\_
- ☐ We were unable to dispatch an apprentice to the project listed above because:  
\_\_\_\_\_

**Contractor: Please FAX/Send to: City of Portland Workforce Training & Hiring Program**  
1120 SW 5th Ave. Rm 750, Portland, OR 97204  
Phone: (503) 823-5047 / FAX: (503) 823-6865

## MONTHLY EMPLOYMENT REPORT

Microsoft Excel - mer.xls [Compatibility Mode] - Microsoft Excel

Home Insert Page Layout Formulas Data Review View Developer Add-Ins

Font Paragraph Styles Cells Editing

Security Warning: Macros have been disabled. Options...

1 MONTHLY EMPLOYMENT REPORT

2

3 COMPANY NAME FEDERAL TAX ID MONTH ENDING BIDNO PRIME? FINAL REPORT?

4

5

6 The Monthly Employment/Training Report must be completed by the prime contractor and all subcontractors with

7 contracts of \$100,000 or more. The prime contractor shall submit a report for its workforce on the project. Each

8 subcontractor shall separately submit a report for its workforce on the project. It is the responsibility of the prime

9 contractor to assure that all subcontractors submit Monthly Employment/Training Reports in a timely manner.

10 Complete the form on the worksheet titled MER (third tab), filling in all categories for each employee working on

11 the project during the reporting period.

12

13 Email the completed worksheet as an Excel attachment to [mur-men@portland.gov](mailto:mur-men@portland.gov) no later than the 5th of

14 each month for work performed during the previous month. The email subject must be titled **mer.xls**.

15 Please do not change the worksheet's layout or contents.

16

17 Please direct questions about electronic data submission to [mer@portland.gov](mailto:mer@portland.gov).

18

19

20

21 REVISED 3.11.11

mer.xls [Compatibility Mode]

Home Insert Page Layout Formulas Data Review View Developer Add-Ins

ABC Spelling Research Thesaurus Translate New Comment Delete Previous Next Show All Comments Show Comments

Protect Sheet Protect Workbook Share Workbook Track Changes

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	A	B	C	D	E	F	G	H	I	J	K	L	M
	FEDID	MONTHENDING	BIDNO	LASTNAME	FIRSTNAME	ZIP	SSN	JOBCLASS	LEVEL	RACE	GENDER	HOURS	PRIME?
1	123456789	8/31/2002	100758	DOE	JANE	97214	9874	1010	A	C	F	32	NO
2	123456789	8/31/2002	100758	DOE	JOHN	97204	7489	1018	J	C	M	154	NO
3													
4													
5													
6													

\*Ratios may change pursuant to actions taken by the Oregon State Apprenticeship & Training Council/BOLI. For the purposes of this contract, the ratios approved by BOLI on the date the bid is advertised shall prevail.

<u>TRADE</u>	<u>APPRENTICE TO JOURNEY RATIO*</u>		
	<u>1<sup>st</sup> Apprentice</u>	<u>2<sup>nd</sup> Apprentice</u>	<u>Max</u>
Asbestos/Insulation Workers	1/1	1/4	
Brick/Marble/Terrazzo/Tile Finisher	1/1	1/3	
Bricklayer/Masonry	1/1	1/3	
Carpenter (Portland)	1/1	1/1	1/1 for first three apprentices; 1/5 after
Carpet Installers/Floorlayers	1/1	1/3	
Cement Masons	1/2 (1/1 Open Shop)	1/3	
Drywall Applicator (Ext/Int Specialists)	1/1	1/1	1/1 for the first three apprentices; 1/5 thereafter
Drywall Finisher (Taper)	1/1	1/3	1/3 thereafter
Electricians			
Inside	1/1	1/3	Allowed 2 apprentices for every 3 journey
Limited Energy/Limited Residential	1/1	1/1	
Construction Lineman	1/1		Max. 2 apprentices a crew/subject to conditions
Limited Maintenance	1/1	1/2	
Stationary Engineer	1/1	1/3	
Elevator Contractor	1/1	1/3	
Environmental Control System (HVAC)	1/1	1/1	Additional apprentices at 1/3
Glass Installer (Glazier)	1/1	1/3	
Hod Carrier/Mason Tender	1/1	1/5	
Iron Worker	1/1	1/3	
Laborer (Construction)	1/1	1/5 (1/3 open shop)	1/10 Union – 10 max
Maintenance Mechanic	1/1	1/3	
Millwright	1/1		1/1 for first three apprentices, 1/5 after
Operating Engineer (Heavy)	1/1-4	2/5-9	3/10-19 4/20-24 5/25-29 30 or more 1/for each 5 additional operators
Painting & Sandblasting	1/1	1/3	
Painting (Traffic Control)	1/1	1/4	
Pile Drivers	1/1	1/1	1/1 for first three apprentices, 1/5 thereafter
Pipe Fitters	1/1	1/1	1/3 thereafter
Plasterers	1/1	1/3	
Plumber	1/1	1/1	1/1 for first two apprentices, 1/3 after
Roofer	1/1	1/1	
Scaffold Erector	1/1		1/1 for the first five apprentices; 1/5 thereafter
Sheet Metal Worker	1/1	1/1	1/1 for first two apprentices, 1/3
Sheet metal Worker (Residential)	1/1	1/3	
Sign Maker/Erector	1/1	1/1	
Sprinkler Fitter	1/1	1/1	
Steamfitters	1/1	1/1	1/1 for the first two apprentices on the job; 1/3 thereafter
Terrazzo Worker	1/1	1/3	
Tile/Marble Setter	1/1	1/3	
Truck Driver (Heavy)	1/1	1/1	