

Appendix X: Workforce and Contractor Equity Agreement - templates

All grantees are required to sign a Workforce and Contractor Equity Agreement.

Grantees will follow one of the three following sample templates depending upon the characteristics of their project.

Template 1:

Agreements that apply to projects that have no construction-related physical improvements (e.g., workforce development, education)

Grantee agrees to the following:

- Pay workers on projects funded by PCEF at least 180% of the relevant state minimum wage for time worked on the PCEF funded project; this wage requirement applies to workers paid by the applicant as well workers paid by (sub)contractors.
- Retain payment records for employees, contractors, and subcontractors for a minimum of 4 years beyond the end of the grant period.
- Participate in verification audit if selected (i.e., grantee may be requested to verify their wage and/or contract payment information).
- Report utilization of diverse contractors for contracts and subcontractors of \$5,000 or more (inclusive of multiple contracts to the same business or organization) using a template furnished by PCEF.
- Promote safe working conditions for work related to the proposed project, including worker protection from COVID-19 exposure and climate-related vulnerability (e.g., heat, air quality, vector borne disease), and to include this requirement in contracts and subcontracts.

Template 2:

Agreements that apply to projects that include construction-related physical improvements (e.g., weatherization, solar installation) that are: 1) at a single site with a construction budget (hard and soft costs) that includes less than \$500,000 of PCEF funds and/or 2) across multiple sites at any budget size.

Grantee agrees to the following:

Inclusive Contracting:

- Participate in grant kick-off meeting with PCEF staff to review recruitment strategies and utilization commitments for diverse contractors and subcontractors and confirm next steps. Through grant period, coordinate with PCEF staff to identify and resolve any changes or challenges to defined plans and commitments.
 - Work with relevant business technical assistance providers to ensure qualified potential bidders are aware of bid opportunities and are supported in the

bidding and estimating process. This includes Latino Built, NAMC (National Association of Minority Contractors-Oregon), OAME (Oregon Association of Minority Entrepreneurs), PBDG (Professional Business Development Group), among others.

- Ensure that contracts and subcontracts are awarded to firms with a consistent and positive history of compliance with relevant laws and performance goals, including compliance with OSHA, BOLI, and prior government contracts (no prior disbarment/disqualification).
- ❑ Report contractor utilization and payment monthly, including:
 - Use of PCEF's reporting platform is required for all contracts and subcontracts of \$200,000 or more (inclusive of multiple contracts to the same business or organization). For contracts and subcontracts less than \$200,000 (inclusive of multiple contracts to the same business or organization), reporting can be made through PCEF's online reporting platform or a template furnished by PCEF. Access to the PCEF platform and training on use of the platform are available at no cost to grantees and (sub)contractors.
- ❑ Pay contractors within 30 days of billing and ensure that contractors agree to pay subcontractors within 30 days of billing.
- ❑ Retain records of payments to contractors and subcontractors for a minimum of 4 years beyond the end of the grant period.
- ❑ Participate in verification audit if selected (i.e., grantee may be requested to verify their contract payment information).
- ❑ Participate in a brief partnership survey that will be available electronically and in print, and include in contracts and subcontracts a requirement that (sub)contractors participate in partnership survey.

Inclusive Workforce:

- ❑ Participate in grant kick-off meeting with PCEF staff to review workforce recruitment strategies and utilization commitments and confirm next steps. Through grant period, coordinate with PCEF staff to identify and resolve any changes or challenges to defined plans and commitments.
 - Agree to a) consider contractors' record, strategies and goals for diverse workforce recruitment, retention, and advancement when reviewing bids/applications and b) include identified strategies and goals in (sub)contracts.
- ❑ Require the following payment minimums to workers and require in contracts and subcontracts:
 - For projects with construction budgets less than \$350,000 of PCEF funding (hard and soft costs) at a single site, payment of at least 180% of the relevant state minimum wage for time worked on the PCEF funded project.
 - For projects with construction budgets (hard and soft costs) that include PCEF funds equal to or greater than \$350,000 at a single site - excluding privately

owned, predominantly affordable residential housing construction¹ - for time worked on PCEF funded project:

- Payment of prevailing wage (including fringe) to workers for which a prevailing wage is defined
- Payment of at least 180% of the relevant state minimum wage to workers for which no prevailing wage is defined (including, for example, office staff).
- Retain workforce payment records for a minimum of 4 years beyond the end of the grant period.
- Participate in wage verification audit if selected (i.e., grantee and/or (sub)contractors may be requested to verify their wage payment information).
- ❑ Require that contractor(s) is/are a BOLI- registered training agent if apprentices are being utilized.
- ❑ Report workforce utilization and payment monthly, including:
 - Use of PCEF's reporting platform is required for all contracts and subcontracts of \$200,000 or more (inclusive of multiple contracts to the same business or organization). For contracts and subcontracts less than \$200,000 (inclusive of multiple contracts to the same business or organization), reporting can be made through PCEF's online reporting platform or a template furnished by PCEF. Access to the PCEF platform and training on use of the platform are available at no cost to grantees, contractors, and subcontractors.
- ❑ Provide the following workplace culture and safety requirements if the grantee is self-performing (work is being conducted by grantee) and/or require in contracts and subcontracts:
 - Require OSHA 10 training for all construction workers, and promote safe working conditions for work related to the proposed project, including worker protection from COVID-19 exposure and climate-related vulnerability (e.g., heat, air quality, vector borne disease), and include this requirement in contracts and subcontracts.
 - Require workers, frontline supervisors, and owners working on PCEF projects to complete a PCEF-sponsored or PCEF-approved respectful workplace training within 3 months of starting PCEF-funded work. PCEF-sponsored trainings will be available at no cost to recipients of PCEF grants and their contractors and subcontractors. Budget amendments may be available to help defray additional costs of participation where need is demonstrated.
 - Post at jobsite(s) PCEF-furnished information about project funding and wage and safety requirements.

¹ "Affordable housing" means the occupants' incomes are no greater than 60 percent of the area median income, or no greater than 80 percent if the occupants are owners. "Predominately" for affordable housing means at least 60 percent of the project is designated for affordable housing. "Residential" means no more than four stories in height. ORS 279C.810(2)(d); OAR 839-025- 0100(1)(e).

- Adopt or update Zero Tolerance Policy (anti-racism, anti-sexism, anti-bullying) and share with PCEF staff. PCEF will make available a sample template. Policy elements must include the following:
 - Immediately notify PCEF staff of any activity that can be considered an act of hate, intimidation, or harassment.
 - Immediately report any threatening act of hate to the appropriate authorities.
 - Document the hate, intimidation, or harassment incident – for example, take a photo, time-stamp, collect names of witnesses, etc.
 - Define and make available to staff the organization’s internal procedures for:
 - *investigation* of the act of hate, intimidation, or harassment (e.g., who, how, what)
 - *response* (e.g., clear chain of command, shut-down protocols, accountability and compliance measures including reporting incidents and outcomes, timeframe and process for removal of hate crime symbols)
 - *support of impacted workers and whistleblowers* (e.g., how leadership will report back on steps taken to address the incident, how workers will be protected against retaliation, where workers can go for support, and anti-retaliation policy and training).

Template 3:

Agreements that apply to projects that include construction-related physical improvements (e.g., weatherization, solar installation) on a single site with a construction budget (hard and soft costs) that includes PCEF funding of \$500,000 or greater.

Grantee agrees to the following:

Inclusive Contracting

- Participate in grant kick-off meeting with PCEF staff to review recruitment strategies and utilization commitments for diverse contractors and subcontractors and confirm next steps. Through grant period, coordinate with PCEF staff to identify and resolve any changes or challenges to defined plans and commitments.
 - Work with relevant business technical assistance providers to ensure qualified potential bidders are aware of bid opportunities and are supported in the bidding and estimating process. This includes Latino Built, NAMC (National Association of Minority Contractors-Oregon), OAME (Oregon Association of Minority Entrepreneurs), PBDG (Professional Business Development Group), among others.
 - Ensure that contracts and subcontracts are awarded to firms with a consistent and positive history of compliance with relevant laws and performance goals,

including compliance with OSHA, BOLI, and prior government contracts (no prior disbarment/disqualification).

- ❑ Report contractor utilization and payment monthly, including:
 - Use of PCEF's reporting platform is required for all contracts and subcontracts of \$200,000 or more (inclusive of multiple contracts to the same business or organization). For contracts and subcontracts less than \$200,000 (inclusive of multiple contracts to the same business or organization), reporting can be made through PCEF's online reporting platform or a template furnished by PCEF. Access to the PCEF platform and training on use of the platform are available at no cost to grantees.
- ❑ Retain records of payment to contractors and subcontractors for a minimum of 4 years beyond the end of the grant period.
- ❑ Pay contractors within 30 days of billing and ensure that contractors agree to pay subcontractors within 30 days of billing.
- ❑ Participate in a brief partnership survey that will be available electronically and in print, and include in contracts and subcontracts a requirement that (sub)contractors participate in partnership survey.

Inclusive Workforce

- ❑ Meet with PCEF staff to review workforce recruitment strategies and utilization commitments and confirm next steps. As needed, meet with PCEF staff through project to discuss changes to workforce utilization commitments and/or any workplace culture or safety issues.
- ❑ Require the following payment minimums to workers and require in contracts and subcontracts:
 - Payment of prevailing wage (including fringe) to workers for which a prevailing wage is defined.
 - Payment of at least 180% of the relevant state minimum wage to workers for which no prevailing wage is defined (including, for example, office staff).
- ❑ Require that contractor(s) is/are a BOLI- registered training agent if apprentices are being utilized.
- ❑ Report workforce utilization and payment monthly, including:
 - Use of PCEF's reporting platform is required for all contracts and subcontracts of \$200,000 or more (inclusive of multiple contracts to the same business or organization). For contracts and subcontracts less than \$200,000 (inclusive of multiple contracts to the same business or organization), reporting can be made through PCEF's online reporting platform or a template furnished by PCEF. Access to the PCEF platform and training on use of the platform are available at no cost to grantees.
- ❑ Retain workforce payment records for a minimum of 4 years beyond the end of the grant period.

- ❑ Participate in verification audit if selected (i.e., grantee and/or (sub)contractors may be requested to verify their wage payment information).
- ❑ Provide the following workplace culture and safety requirements if the grantee is self-performing (work is being conducted by grantee) and/or require in contracts and subcontracts:
 - Require OSHA 10 training for all construction workers, and promote safe working conditions for work related to the proposed project, including worker protection from COVID-19 exposure and climate-related vulnerability (e.g., heat, air quality, vector borne disease), and include this requirement in contracts and subcontracts.
 - Require workers, frontline supervisors, and owners working on PCEF projects to complete a PCEF-sponsored or PCEF-approved respectful workplace training within 3 months of starting PCEF-funded work. PCEF-sponsored trainings will be available at no charge to recipients of PCEF grants and their contractors and subcontractors. Budget amendments may be available to help defray additional costs of participation where need is demonstrated.
 - Post at jobsite(s) PCEF-furnished information about project funding and wage and safety requirements.
 - Adopt or update Zero Tolerance Policy (anti-racism, anti-sexism, anti-bullying) and share with PCEF staff. PCEF will make available a sample template. Policy elements must include the following:
 - Immediately notify PCEF staff of any activity that can be considered an act of hate, intimidation, or harassment.
 - Immediately report any threatening act of hate to the appropriate authorities.
 - Document the hate, intimidation, or harassment incident – for example, take a photo, time-stamp, collect names of witnesses, etc.
 - Define and make available to staff the organization’s internal procedures for:
 - *investigation* of the act of hate, intimidation, or harassment (e.g., who, how, what)
 - *response* (e.g., clear chain of command, shut-down protocols, accountability and compliance measures including reporting incidents and outcomes, timeframe and process for removal of hate crime symbols)
 - *support of impacted workers and whistleblowers* (e.g., how leadership will report back on steps taken to address the incident, how workers will be protected against retaliation, where workers can go for support, and anti-retaliation policy and training).