

April 13, 2022

Procurement Services Council Agenda Items

City Council Meeting



OMF

Biko Taylor
Chief Procurement Officer

BUREAU OF REVENUE AND
FINANCIAL SERVICES



Agenda

Procurement Strategic Plan – January 2022

April ordinances support the Procurement Strategic Plan, the 2020 City Audit, the 2021 Council Work session and the voice of the community

Ordinance: Pilot Expanded MBE Certification Program

Provide expanded certification options for Minority Business Community

Ordinance: Approval to publish a Disparity Study RFP

The City of Portland should measure how disparity has changed in 10 years

Ordinance: Adopt Regional Workforce Equity Agreement

Centering workforce development, safe and anti-racist workspaces for women and people of color

Community Testimony | Q & A | Closing Remarks

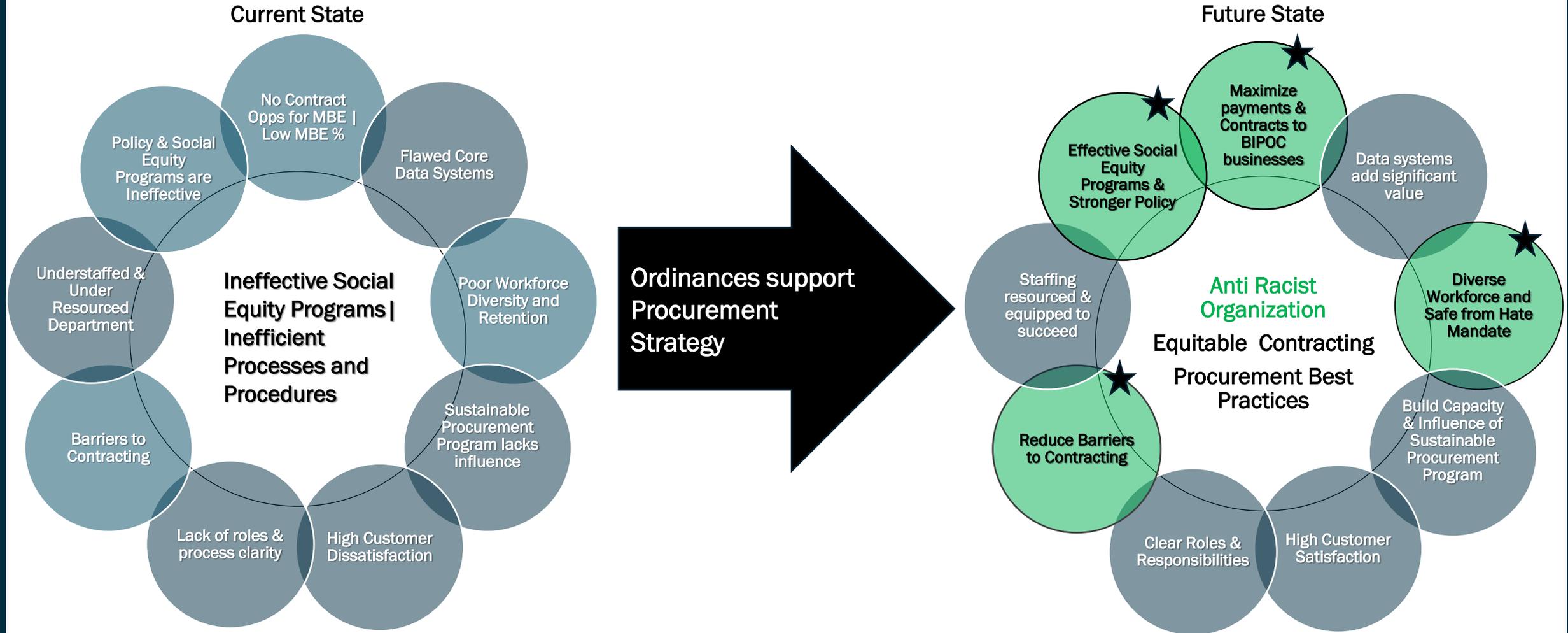
Various Community Partners

Procurement: Cathleen Massier | Kathleen Brenes-Morua | Theresa Green

Mayor Wheeler

Procurement Strategic Plan

Ordinances support the procurement strategic plan



Ordinance: Authorize pilot for expanded MBE Certification Program

Provide more certification options for Minority Business Community to supplement COBID Certification Program

- **Core Values: Equity | Communication | Collaboration | Anti-Racism**
- **Under this pilot BIPOC firms may elect to apply for membership with an alternative agency that provides alternatives to COBID certification and take advantage of certain member benefits such as business development and coaching programs, mentorship opportunities, live and online training courses, networking, and access to more opportunities to increase capacity that may not be available in the COBID program. We believe that businesses that have English as a second language, Non-Profits that should be counted towards City utilization goals, and others that may have long-standing concerns when pursuing a minority certification.**
- **BIPOC firms who receive certification from an alternative agency may be counted towards utilization percentages on Goods and Services contracts. Even more importantly under this pilot the City of Portland will have access to hundreds of BIPOC firms that could compete for contracts in the Goods and Services portfolio of spend. Goods and Services sourcing provides wealth building opportunities to BIPOC firms in the City of Portland and in the region.**

Ordinance: Pilot Expanded MBE Certification Program

Provide more certification options for Minority Business Community to supplement COBID Certification Program

Item	Description	Alignment to City's Core Values	Resource Assessment
<p>Ordinance:</p> <p>Pilot program to expand MWESB/BIPOC certifications accepted by the City of Portland</p> <ul style="list-style-type: none"> ▪ Pilot Duration: April 2022 – April 2024 ▪ Assess Program Data: July 2023 – September 2023 	<ul style="list-style-type: none"> ▪ Increase BIPOC G&S Vendor pool ▪ More inclusive approach to certifying small businesses ▪ Prior ordinance passed on August 9, 2021, as pilot program for Parks (Firehouse Cultural Center Resolution:37549) ▪ Procurement will partner with local chapters of reputable national certifying orgs to increase MBE Certification pool ▪ Briefed Fair Contracting Forum community members in small session on Feb 25th and March 4th, and March 24th ▪ Many potential MBEs seek options to COBID ▪ Pilot Partner Organizations: <ul style="list-style-type: none"> • NW MSDC: 13,000 MBEs (48% Goods and Services) • NW WBENC: 18,000 WBEs (53% Goods and Services) • State of Washington Cert: 1,541 Federal Firms 2480 State Certified MBEs • NAMC: Developing Cert program • PBDG: Host workshops and training 	<ul style="list-style-type: none"> ▪ Fiscal Responsibility (economic development of Portland, stewardship of taxpayer dollars) ▪ Anti Racism ▪ Eliminates Barriers to Contracting for Minority business owners ▪ Expands pool of viable vendors in key sourcing categories ▪ Diversifies tools and resources available to Minority business community (anti poverty, wealth building) 	<ul style="list-style-type: none"> ▪ \$150,000 has already been allocated for this effort through the Fall BMP from PBEM ▪ One FTE has been allocated towards this effort already ▪ Additional resources will be identified in FY23 ▪ Key Measure: Number of BIPOC businesses the City of Portland can access after March 30 ▪ Key Measure: Number of BIPOC businesses that bid on G&S contracts in FY23 ▪ Key Measure: Community survey that measures net new MBE Certifications in FY23

Ordinance: Approval to publish Disparity Study RFP

The City of Portland has a responsibility to measure how disparity has evolved in 10+ years

- **Core Values: Equity | Fiscal responsibility | Transparency | Communication | Collaboration | Anti-Racism**
- **The Office of Procurement Services intends to conduct a fair, competitive, and transparent Request for Proposal process to select the best possible partner to complete the Disparity Study. This time, the Office of Procurement Services will utilize Subject Matter Experts internally and partner with community members externally to ensure that scope of work for the Disparity Study is written in a manner that ensures accountability and accuracy in how the Disparity Study is conducted on behalf of our City.**
- **It is of paramount importance that the City of Portland has more autonomy in deciding which assessment criteria is used and ensure that equity and inclusion is at the forefront of the new Disparity Study.**

Ordinance: Approval to publish Disparity Study RFP

The City of Portland has a responsibility to measure how disparity has evolved in 10+ years

Item	Description	Alignment to City's Core Values	Resource Assessment
<p>Ordinance:</p> <p>Approve RFP for Disparity study in FY23</p>	<ul style="list-style-type: none"> ▪ The last disparity study was completed in 2012 ▪ An updated disparity study will allow the CPO to accurately assess the efficacy of underperforming Social Equity programs ▪ The Portland MBE business availability has changed in 10+ years but how? ▪ Bureau leaders would like more granular data that identifies the capacity of highly technical contractors to complete projects ▪ A disparity study would support possible firm goals for MBE participation ▪ As a best practice comparable cities have invested in disparity studies at least every 5 years ▪ Briefed community members in small session on Feb 25th , March 4th and March 24th 	<ul style="list-style-type: none"> ▪ Fiscal responsibility ▪ Transparency ▪ Equity ▪ Community ▪ Collaboration ▪ Reduces barriers to contracting for Minority business owners ▪ Expands pool of viable vendors in key sourcing categories ▪ Diversifies tools and resources available to Minority business community 	<ul style="list-style-type: none"> ▪ Funding needs will be assessed after consultation with community partners and subject matter experts ▪ Funds have been encumbered for a social equity consultant to provide strategic oversight ▪ Once preliminary research is completed the CPO will formally report to council on estimated costs and funding strategy ▪ Key Measure: % increase or decrease in local BIPOCS to compete for City of Portland contracts

Ordinance: Regional Workforce Equity Agreement

Centers workforce development and safe/anti-racist workspaces for women and people of color

- **Core Values: Equity | Fiscal responsibility | Transparency | Communication | Collaboration | Anti-Racism**
- Beginning in 2018, the City participated, along with 16 other public agencies in a workgroup tasked with developing a regional approach to advancing workforce equity in the construction trades. From those efforts, the Construction Career Pathways Regional Framework was crafted to help establish common goals, values, and policies across the region. In 2020, City Council approved Resolution 37474 authorizing the Chief Procurement Officer to sign on to the framework.
- A critical component of the Framework was the development of a workforce agreement. For over a year, staff representing Metro, Multnomah County and the City of Portland negotiated with the Columbia Pacific Building and Construction Trades Council (BTC), representatives of BTC affiliated trades and the Pacific Northwest Carpenters Union on the Agreement and worked with equity stakeholders to ensure there was transparency and oversight during the negotiation process.

Ordinance: Regional Workforce Equity Agreement

Centers workforce development, safe and anti-racist workspaces for women and people of color

Item	Description	Alignment to City's Core Values	Resource Assessment
<p>Ordinance:</p> <p>Officially adopt Regional Workforce Equity Agreement (C2P2 Framework)</p>	<ul style="list-style-type: none"> ▪ This plan will facilitate the inclusion of Women and Minorities into the workforce ▪ The RWEA will impact the economic vitality of the City of Portland ▪ Consolidates previously crowded social equity program options in Procurement ▪ Accountability: Track and Review Progress on Goals ▪ Establishes clear expectations and accountability mechanisms for all stakeholders ▪ Implement Worksite Anti-Harassment and Culture Change Strategies ▪ Briefed Fair Contracting Forum community members in small session on Feb 25th and March 4th ▪ Official adoption of a new Regional Workforce Equity Agreement that improves upon the Community Benefits Agreement 	<ul style="list-style-type: none"> ▪ Anti-Racism ▪ Equity ▪ Collaboration ▪ Fiscal Responsibility ▪ Eliminate Barriers to Contracting ▪ Maximize payments & Contracts to BIPOC businesses ▪ Diverse Workforce and Safe from Hate Mandate 	<ul style="list-style-type: none"> ▪ Program costs cannot be assessed prior to roll out ▪ There could be internal program costs after implementation ▪ Possible funding for FTEs to support program roll out in FY23 and FY24 ▪ Key Measure: Contracts/Subcontracts awarded to MBEs ▪ Key Measure: Net new RFPs published using the alternative contracting method ▪ Key Measure: % of Women employed on City projects ▪ Key Measure: % of Women that are retained on City projects ▪ Key Measure: % of Women and MBEs that journey from apprenticeships on City projects



Community Testimony | Q & A | Closing Remarks

Ordinance: Regional Workforce Equity Agreement

Leverages the C2P2 Framework and improves upon the CBA

	COMMUNITY BENEFITS AGREEMENT	PROPOSED REGIONAL WORKFORCE EQUITY AGREEMENT	KEY DIFFERENCES
Project Cost Threshold for Application	X	X	Proposed agreement covers more alternative contracts. Lowers threshold from \$25 million to \$5 million.
Apprentice Utilization	X	X	Both have 20% apprentice utilization requirement, but proposed agreement applies apprentice utilization requirements, by trade.
Applicability of Apprentice Requirements	X	X	Proposed agreement covers more subcontracts. Lowers threshold from \$300K to \$100K and requires a minimum number of hours before applicable.
Diversity Goals	X	X	Proposed agreement would not only apply diversity goals to all firms, similar to the CBA, but also by trade. Goals are also slightly higher after 7 year ramp up period (14% women and 25% people of color.
Community Participation/Oversight Committee	X	X	Proposed agreement would remove need for one off committees, allowing for an agency to have one Project Advisory Committee. Proposed agreement also includes a Regional Oversight Committee. Both committees are expected to include participation by Community stakeholders.
Core Employee Provisions	X	X	Proposed agreement offers protection to firms designated as equity contractors. The CBA only allows protection to DBE firms.
Recruitment & Retention	X	X	Proposed agreement calls for worksite and anti-harassment and culture change strategies.
Cost Overrun Provisions		X	Proposed Agreement includes language that would allow for re-solicitation of a project under revised terms, including not applying the Agreement, if several conditions are met.
Responsible Bidder Language		X	Proposed Agreement sets out criteria for primes and subs to enter into a contract on a covered project.
Competitiveness in Contracting		X	Proposed agreement allows for re-bid of subcontracts if fewer than 3 bids are received. If after re-bid there are still fewer than 3 bidders, Prime contractor may award work to a contractor without application of Agreement.

