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191337

Emergency Ordinance

***Amend Intergovernmental Agreement between the Office of Management and Finance, the Office of Equity and Human Rights, and Prosper Portland for continued administration of the Community Opportunities and Enhancements Program (amend Contract 30007251)**

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. The City of Portland (City) recognizes that historical disparity exists in the construction industry which has prevented equity in construction contracting opportunities for disadvantaged, minority-owned, women-owned, emerging small and service-disabled veteran-owned business enterprises as well as low-income, disadvantaged, minority and women workers in the construction trades.
2. The City has a responsibility to ensure public dollars spent benefit the community the City serves by optimizing diverse community participation in its contracting. The City has committed to increasing this diversity and equity in contracting and has implemented the Community Opportunities and Enhancements Program (COEP or Program), authorized by Resolution 37331 passed by the Council on November 8, 2017, to provide a funding mechanism for the provision of workforce development and technical business assistance services.
3. During development of the COEP, OMF and the Office of Equity and Human Rights (OEHR) was directed to partner with Prosper Portland (Prosper) for the implementation and administration of the Program. On April 5th, 2019, a Memorandum of Understanding (MOU) was signed by OMF, OEHR and Prosper agreeing to work together collaboratively to ensure that the Program is implemented and administered in a consistent, efficient and accountable manner. The MOU established the mutual intent of OMF, OEHR and Prosper to develop and negotiate an intergovernmental agreement (IGA).

Introduced by

[Mayor Ted Wheeler](#)

Bureau

[Management and Finance;](#)
[Revenue and Financial Services](#)

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Requested Agenda Type

Consent

Date and Time Information

Requested Council Date

June 28, 2023


4. The Council passed Ordinance 189834 on January 29, 2020, to enter into IGA No. 30007251 (the Agreement) with Prosper to utilize the pilot funds set aside by the Portland Building Reconstruction Project, the 10th and Yamhill Garage Renovation Project, and the Washington Park Reservoirs Improvements Project to implement and administer the COEP.
5. The Council passed Ordinance 190197 on November 12, 2020, to establish the COEP as an ongoing program in City Code Chapter 5.35 and in City Administrative Rules in Portland Policy Document ADM 1.25.
6. The Office of Management and Finance, the Office of Equity and Human Rights, and Prosper Portland mutually desire to extend the term of the Agreement through June 30, 2024.
7. Council passed Ordinance No. 190550 which authorized \$641,761 in the FY 2021-22 Adopted Budget for the COEP to be disbursed to Prosper for the administration and distribution of COEP funding per the terms of the Agreement.
8. The City budgeted \$2,095,455 in the FY 2022-23 Adopted Budget COEP Program Budget Projections and has budgeted \$2,325,000 in the FY 2023-2024 Adopted Budget to be disbursed to Prosper for the administration and distribution of COEP funding per the terms of the Agreement.

NOW, THEREFORE, the Council directs:

- A. The Chief Administrative Officer (CAO) and the Director of the Office of Equity and Human Rights are authorized to execute an amendment to the IGA with Prosper Portland, in a form similar to Exhibit A and for the purposes described in Section 1, provided that the amendment has been approved as to form by the City Attorney's Office.
- B. The Mayor and City Auditor are hereby authorized to draw and deliver checks chargeable to the OMF FUND 231003 COEP when demand is presented and approved by the proper authorities.

Section 2. The Council declares that an emergency exists because this Amendment is necessary to commit existing COEP funding and ensure timely continuation of supportive services for the development and growth of disadvantaged, minority-owned, women-owned, emerging small and service-disabled veteran-owned business enterprises as well as low-income, disadvantaged, minority and women workers in the construction trades; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Documents and Exhibits

 [Exhibit A \(https://www.portland.gov/sites/default/files/council-documents/2023/ordinance-exhibit-a_ordinance_amend-and-intergovernmental-agreement-with-prosper-final-0602323tg.docx\)](https://www.portland.gov/sites/default/files/council-documents/2023/ordinance-exhibit-a_ordinance_amend-and-intergovernmental-agreement-with-prosper-final-0602323tg.docx) 200.6 KB

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed by Council
June 28, 2023

Auditor of the City of Portland
Simone Rede

Impact Statement

Purpose of Proposed Legislation and Background Information

The City of Portland (City) recognizes that historical disparity exists in the construction industry which has prevented equity in construction contracting opportunities for disadvantaged, minority-owned, women-owned, emerging small and service-disabled veteran-owned business enterprises as well as low-income, disadvantaged, minority and women workers in the construction trades. The City has a responsibility to ensure public dollars spent benefit the community the City serves by optimizing diverse community participation in its contracting. The City is committed to increasing this diversity and equity in contracting and has developed and implemented the Community Opportunities and Enhancements Program (COEP or Program), authorized by Resolution 37331 passed by the Council on November 8, 2017, to provide a funding mechanism for the provision of workforce development and technical business assistance support services.

The Council passed Ordinance 189834 on January 29, 2020, to enter into Intergovernmental Agreement No. 30007251 (the Agreement) with Prosper Portland (Prosper) to utilize pilot funds set aside by the Portland Building Reconstruction Project, the 10th and Yamhill Garage Renovation Project, and the Washington Park Reservoirs Improvements Project to implement and administer the COEP.

The Council passed Ordinance 190197 on November 12, 2020, to establish the COEP as an ongoing program in City Code Chapter 5.35 and in City Administrative Rules in Portland Policy Document ADM 1.25.

The purpose of the Ordinance is to authorize execution of Amendment Four (4) to the Agreement with Prosper for continued administration and distribution of COEP funding through June 30, 2022.

Financial and Budgetary Impacts

This action provides for the additional expenditure of \$4,420,455 in budgeted COEP funds through the execution of Amendment One to Intergovernmental Agreement No. 30007251. No amendments to the budget are necessary. The FY 2022-23 and FY 2023-2024 Adopted Budgets appropriated these resources for this purpose and staffing levels are not impacted by this action.

Community Impacts and Community Involvement

Disadvantaged, minority-owned, women-owned, emerging small and service-disabled veteran-owned business construction enterprises as well as low-income, disadvantaged, minority and women workers in the construction trades will benefit from the ongoing supportive services to be provided under this action. Supportive services include, but are not limited to:

- Consulting, advising, coaching, or mentoring services
- Technical training in human resources, finance, business administration, and project management for building business capacity
- Pre-apprenticeship training to prepare candidates to enter pre-apprenticeship jobs
- Assisting apprentices with their retention in the construction industry

Additionally, an independent fifteen-member citizen advisory body selected and seated in October of 2019 to review and advise contractors' on compliance with City equity in contracting policies, the Community Equity and Inclusion Committee (CEIC), are involved in making recommendations to the Office of Management and Finance, and the Office of Equity and Human Rights regarding how to generally prioritize the expenditure of COEP fees on the provision of business technical assistance and workforce development support services.

100% Renewable Goal

This action does not increase or decrease City energy use.

Budget Office Financial Impact Analysis

This action provides for the additional expenditure of \$4,420,455 in budgeted COEP funds through the execution of an amendment to the IGA. The source of the funds are rate-payer revenues from the Bureau of Environmental Services and the Portland Water Bureau. No amendments to the budget are necessary as the FY 2022-23 and FY 2023-24 Adopted Budgets appropriated these resources for this purpose.

Agenda Items

534 Consent Agenda in [June 28, 2023 Council Agenda](https://www.portland.gov/council/agenda/2023/6/28)
(<https://www.portland.gov/council/agenda/2023/6/28>)

Passed

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Mayor Ted Wheeler Yea