



Construction Diversity and Inclusion Procurement Plan

Contract No. 30007669

Revision 3 dated May 11, 2023

1.0 PLAN OVERVIEW

This Construction Diversity and Inclusion Procurement Plan meets or exceeds the procurement requirements and goals reflected in the City of Portland's:

- Bull Run Filtration Facility Request for Proposals dated February 2020.
- Construction Diversity and Inclusion Policy dated August 2022.
- Regional Workforce Equity Agreement dated May 17, 2022.

The estimated values presented in this plan reflect MWH-Kiewit's estimate to construct the Filtration Facility (as detailed in Stantec's 90PCT design deliverable, September 2022). This plan incorporates review comments previously received from Portland Water Bureau (PWB). A copy of PWB's review comments is included as **Attachment A**.

This plan is a living document and may be updated as new information becomes available. For example, this plan may be updated based on changes to the design documents and/or information gathered by MWH-Kiewit during the prequalification process.

1.1 Bid Packaging Plan

The MWH-Kiewit proposed bid packaging plan, and associated procurement strategy, is summarized in the attached **Table 1**. Table 1 is organized by procurement method and breaks the bid packages into four categories including 1) self-perform/open book, 2) opportunity contractor/open book, 3) limited competition solely within the Equity Contracting community, and 4) competitively bid/best-value. These procurement methods are discussed further in **Section 2** and **Section 3** of this plan. Information shown on **Table 1** includes:

- Row Number. Included for easy reference.
- Package Number.
- Package Name.
- Package Description with specific scope inclusions and exclusions.
- Estimated package value.
- Procurement method (i.e., self-perform/open book, opportunity contractor/open book, limited competition solely within the Equity Contracting community, and competitively bid/best value).
- Equity Contractor Opportunities
 - % = The percentage of the total bid package that may be completed by Equity Contractors.
 - \$ = The dollar amount of the total bid package that may be completed by Equity Contractors.
 - Potential Equity Contractors = Preliminary list of equity contractors that may be interested in the work. This preliminary list is intended to demonstrate the ability to support competitive bids and is not intended to be restrictive (i.e., additional equity contractors may be identified during future outreach events).

1.2 Value-Added Elements of the Plan

This Plan was developed to meet contract requirements while providing value to Portland Water Bureau (PWB). Examples of value-added elements of the plan include:

- Our Opportunity Contractors will play a meaningful role in the construction of the new facilities. Inclusion of these Opportunity Contractors in construction advances their capabilities and develops additional equity contracting resources to serve the City of Portland on future projects.
- In addition to Opportunity Contractors, this plan identifies several other bid packages that will be competitively bid solely within the Equity Contracting community.
- MWH-Kiewit will self-perform those elements of the work where we bring best value (i.e., packages SP-01 thru SP-06 on **Table 1**). See **Section 2.0** of this plan for additional details.
- All work not specifically designated as self-perform, opportunity contractor, or limited competition solely within the Equity Contracting community will be competitively bid and awarded based on best value.
 - Competition ensures best pricing to PWB.
 - MWH-Kiewit, a member of the CM/GC Joint Venture, and/or an Affiliate, intends to compete as a bidder on select competitively bid packages. See **Section 3.3** of this plan for additional details.
 - The majority of the competitively bid/best value packages will be executed as lump sum subcontract agreements. Some packages (e.g., S-01 Trucking, S-09 3rd Party Quality Control, etc.) may be executed on a “unit price” and/or “time based” basis.

2.0 ACHIEVING 20% SELF-PERFORM

To achieve a minimum self-performance of 20% of the Hard Construction Cost, as required by the City’s RFP, MWH-Kiewit will self-perform the following work packages:

- Package SP-01 – General Conditions
 - MWH-Kiewit CM/GC labor to manage and administer construction of the new facilities.
- Package SP-02 - Site Preparation and Earthwork
 - MWH-Kiewit self-performing this work helps manage geotechnical risk such as the expected quantity of groundwater as well as allowable discharge location.
- Package SP-03 - Supply and operation of site-wide hoisting
 - Providing a single source for site-wide equipment such as hoisting is the most efficient and least expensive solution.
 - Providing a single source of hoisting prevents each subcontractor from bringing the same equipment to the jobsite (i.e., doubling up on the same equipment).
 - MWH-Kiewit will coordinate hoisting time amongst all site subcontractors.
- Package SP-04 - Structural excavation and subgrade preparation
 - Self-performing this work supports our Opportunity Contractors including Faison Construction, O’Neill Construction Group, and Pacificmark Construction (as these firms do not typically self-perform their own structural excavation and subgrade preparation).

- Package SP-05 – Not Used
- Package SP-06 - Commissioning and start-up
 - The MWH-Kiewit team brings specialized expertise not available through typical mechanical and electrical subcontractors.
 - MWH-Kiewit is positioned to better coordinate work between the Filtration Facility and the Pipelines projects.

To comply with the requirements of OAR 137-049-0690, MWH-Kiewit will provide detailed proposals and cost estimates for self-perform packages SP-01 through SP-06 in the form of open book Guaranteed Maximum Price (GMP) proposals. The pricing of this work can be easily verified using an independent cost estimator.

Once mutually agreeable pricing for self-perform work has been reached, we propose to execute the work as a lump sum agreement with a negotiated schedule of values. Payment from a lump sum schedule of values, rather than cost plus invoicing, will lower the project cost by saving significant administrative costs on the part of the CM/GC as well as PWB. ***MWH-Kiewit understands that any conversion from open-book to lump sum would be made in agreement with PWB on a case-by-case basis.***

As shown on **Table 1**, the estimated value of self-perform packages SP-01 thru SP-06 is \$216.8 million or 26% of the estimated Hard Construction Cost.

3.0 CONSTRUCTION DIVERSITY and INCLUSION POLICY

MWH-Kiewit, and our subcontractors, will comply with the requirements of the Construction Diversity and Inclusion Policy. These requirements include, but are not limited to:

- Pursuit of aspirational baseline participation goals for historically underrepresented and underutilized businesses of 25% of the Hard Construction Cost. This goal is disaggregated as:
 - 16% minimum aspirational goal for Equity Contractors certified or that self-identify as minority-owned businesses; and
 - 8% minimum aspirational goal for Equity Contractors certified or that self-identify as women-owned businesses.
 - The remaining 1% is for any other certified firm.
- Equity Contractor Outreach

Equity Contractor participation and Equity Contractor outreach are discussed in more detail in **Section 3.1** and **Section 3.2** below.

3.1 Equity Contractor Participation Goals

MWH-Kiewit’s plan to meet the aspiration goal of twenty-five percent (25%) of Hard Construction Cost is summarized in the attached **Table 1**. Our plan utilizes several allowable procurement methods including:

- Use of Opportunity Contractors. MWH-Kiewit is mentoring five Equity Contracting firms under the City’s Opportunity Contractor program. The Opportunity Contractor bid packages

are shown in **Table 1** highlighted in green. The use of Opportunity Contractors creates roughly \$43.3 million in Equity Contractor opportunities.

- Use of packages competitively bid solely within the Equity Contracting community. Bids on these packages – shown in **Table 1** highlighted in blue – will be restricted to Equity Contractors only. The use of packages competitively bid solely to Equity Contractors creates roughly \$47.6 million in Equity Contractor opportunities.
- Competitively Bid and Awarded Based on Best-Value. These packages – shown in **Table 1** highlighted in tan/beige – are open to all bidders. We have developed our best-value scoring matrix to encourage the use of Equity Contractors. The use of competitively bid/best-value bid packages creates roughly \$129 million in Equity Contractor opportunities.

In total, our bid packaging plan identifies \$220 Million in Equity Contractor opportunities (i.e., 26.42% of Hard Construction Cost).

3.1.1 Use of Named Opportunity Contractors

Throughout the preconstruction period, MWH-Kiewit is working with and mentoring our named Opportunity Contractors – COAT, Faison Construction, O’Neill Construction Group, Pacificmark Construction, and Taurus Power & Controls – to develop appropriate scope and pricing for bid packages OPP-01 thru OPP-08 on **Table 1**. This is a continuous and iterative process that will culminate with submission of open book, guaranteed maximum price proposals developed from 100% design documents. Towards this end, each Opportunity Contractor will submit draft GMP proposals at the 60PCT and 90PCT milestones. The purpose of these draft proposals was to solicit PWB review and comment such that the final proposals meet PWB expectations.

Opportunity Contractor packages include:

- OPP-01 – Temporary Construction Power (O’Neill)
- OPP-02 – Stockpile and Loadout (COAT)
- OPP-03 – Traffic Control (COAT)
- OPP-04 – Area 91 Concrete (Faison)
- OPP-05 – Architectural Concrete (Faison)
- OPP-06 – Administration Building and Maintenance Building (Pacificmark)
- OPP-07 – Architectural Buildings (O’Neill)
- OPP-08 – Plant Instrumentation and Controls (Taurus Power & Controls). Package OPP-08 will be assigned to the successful S-25 (Plant Electrical) subcontractor.

The final GMP proposals will provide detailed pricing that can be easily verified using an independent cost estimator.

Like the proposed approach for self-perform work, MWH-Kiewit proposes that scope and pricing for each Opportunity Contractor package be developed via open book format. Once mutually agreeable pricing has been reached, we propose to convert these subcontracts to lump sum agreements to lower project cost and save on administrative expense. ***MWH-Kiewit understands that any conversion from open-book to lump sum would be made in agreement with PWB on a case-by-case basis.***

It is our intention and desire to have our named Opportunity Contractors continue from preconstruction into construction; however, MWH-Kiewit understands this work is not guaranteed. In the unlikely event that MWH-Kiewit, a named Opportunity Contractor, and PWB are unable to reach agreement on the open book pricing, then the work in question will be competitively bid (on the open market) and awarded based on best-value.

MWH-Kiewit's mentoring of our opportunity contractors will continue during the construction phase of the project, and we will provide quarterly reports to the City on their management, growth, and training. We will have staff dedicated to working with our Opportunity Contractors throughout the entirety of their scope. Upon execution of the contract, MWH-Kiewit will sit down with our Opportunity Contractors to discuss key contracts needed to support submittal and procurement activities. MWH-Kiewit will continue to meet with our Opportunity Contractors throughout the balance of construction as follows:

One Time:

- **Pre-Construction Meeting:** This meeting discusses all site expectations including contract expectations, deliverables (submittals, work plans, RFI's, pay applications, certified payrolls, etc.), RWEA compliance, schedule and review times for the submittals, LEED, change management, and site logistics. We will also discuss the document management system and information arrangement.
- **Safety Orientation:** All personnel accessing the site, including all subcontractors, will be required to attend a safety orientation that lays out site expectations, site specific safety requirements, pertinent contacts, primary hazards, and job-site wide standard procedures.

Monthly:

- **Construction Schedule Meeting:** A monthly meeting to discuss schedule and schedule critical path.
- **Pay Application Meeting:** A monthly meeting to review pay application progress and ensure the proper documentation in place for payment.

Weekly:

- **Sub-Meeting:** A weekly meeting to review safety, quality, RWEA performance, construction progress, schedule, RFI's, procurement, and any outstanding concerns and/or changes.
- **4-Week Schedule Meeting:** A weekly meeting to update the job 4-week rolling schedule.
- **Superintendent:** Field staff will meet to discuss safety, construction progress, and schedule.
- **Foreman Meeting:** A weekly meeting to discuss safety performance.

Daily:

- **Play of the Day (POD):** A daily meeting with all superintendents to discuss what work was completed that day and the next day's activities, any deliveries, and/or crane needs.
- **Stretch and Flex:** A daily safety meeting including stretch and flex as well as discussion of the planned activities and associated hazards/mitigations.

Pre-Activity Meetings:

- Before beginning any major construction activity, we will meet to discuss the operation including safety, means and methods, ITP and quality hold points, RWEA compliance, contract documents, and submittals.

3.1.2 Competitively Bid Solely Within the Equity Contracting Community

With the approval of PWB and City Procurement Services, several bid packages will be competed solely within the Equity Contracting community. These packages are identified on **Table 1** and include:

- S-01* – Trucking
- S-02 – Site Utilities
- S-03* – Temporary Roads
- S-04 – Temporary Fencing
- S-05 – Survey
- S-06 – Waste Management
- S-07 – Site Security
- S-08 – Janitorial Services
- S-10 – Street Sweeping
- S-11 – Road Improvements
- S-12 – Erosion Control/Stormwater Management
- S-14 – Portable Toilets
- S-15 – Owner Offices
- S-20 – Septic Drain Field

*If necessary to ensure competition, bid packages S-01 (Trucking) and S-03 (Temporary Roads) may be broken into smaller packages.

These 14 packages listed directly above are the only packages that competition will be limited to Equity Contractors.

Competitively bidding this work to the Equity Contracting community will proceed as follows:

- Step 1 – Public notice to equity contractors and associated community.
- Step 2 – Prequalification.
- Step 3 – Secure a commitment to bid from a minimum of 3 prequalified equity contractors. If fewer than 3 bidders are identified, proof of contact to 3 firms with a written “decline to bid” notification will be provided.
- Step 4 – Solicit bids from a minimum of 3 prequalified equity contractors.
- Step 5 – Have the bids reviewed by PWB’s independent cost estimator to ensure competitive pricing. *If PWB’s independent cost estimator does not agree that the pricing is competitive, then MWH-Kiewit will rebid this work using the best value/competitively bid on the open market.* In addition to ensuring competitive pricing, the bids will be reviewed for compliance with other contractual requirements listed below:
 - Complies with Regional Workforce Equity Agreement,
 - Complies with Construction Diversity and Inclusion Policy,
 - Complies with WIFIA (Federal Contract Requirements),
 - Complies with City of Portland Clean Air equipment requirements, and
 - Complies with Confidentially Requirements.

In addition to having the bids reviewed by PWB's independent cost estimator, the bids will be compared against previously submitted cost estimates prepared by MWH-Kiewit (i.e., BDR cost estimate, 30% cost estimate, 60% cost estimate, and 90% cost estimate (once complete)).

Once the pricing is approved by PWB and PWB's independent cost estimator, MWH-Kiewit will memorialize this approval by including it as part of our Guaranteed Maximum Price (GMP) proposal.

MWH-Kiewit does not plan to sole source any of the above-mentioned work.

3.1.2.1 Justification Per OAR 137-049-06950 (5) (K) (B)

OAR 137-049-0690 (5) (k) (B) states: Subcontracts under the Contract are not Public Contracts within the meaning of the Code. However, the Contract must include provisions that clearly meet the requirements of ORS 279C.337(3) and other Contracting Agency Requirements. Within the scope of 279C.337(3), the CM/GC's subcontractor selection process must meet the following parameters:

(B) When the Subcontractor selection process for a particular Work package will not be "competitive" as provided for in this section, the process must meet the following requirements:

(i) The CM/GC must prepare and submit a written justification to the Contracting Agency, explaining the project circumstances that support a non-competitive Subcontractor selection process for a particular Work package, including, but not limited to, Emergency circumstances, the CM/GC's need to utilize a key Subcontractor member of the CM/GC's project team consistent with the CM/GC's project Proposal, the need to meet other specified Contract requirements, the continuation or expansion of an existing Subcontractor agreement that was awarded through a "competitive process" along with facts supporting the continuation or expansion of the Subcontractor agreement, or a "sole source" justification;

MWH-Kiewit's Justification

- Increasing the dollar limits creates more efficient/less expensive work packages.
- Increasing the dollar limit reflects the size and complexity of the one-billion-dollar (plus) Bull Run Treatment Program.
- Given the complexity and number of contractual requirements, there may be communication gaps and/or barriers between MWH-Kiewit and potential bidders which may lead to MWH-Kiewit and the Portland Water Bureau (Bureau) losing out on a bidder with more to offer. The selected bidder may have other demands that can later impact on the project schedule or price.
- An open competitive bidding process may represent unfair competitive and economic disadvantage to MWH-Kiewit and the Portland Water Bureau because of the unique nature of the project (i.e., very large and time-sensitive water facility).
- MWH-Kiewit is better able to target subcontractors to make sure they have adequate experience in both winning jobs, meeting schedules, and executing jobs on budget. Open competitive bidding may exclude potential bidders from the project because they are not proficient in water facility work.

- Open competitive bidding may cause significant inconvenience or substantial duplication of costs for MWH-Kiewit and the Portland Water Bureau through an extensive evaluation of bids and bidders' ability to meet RWEA and CDIP, and WIFIA requirements.
- Bidders in an open competitive process may price materials higher given the uncertainty of the process, as limited bidders do not face as much uncertainty in purchasing material.
- Limited competition amongst equity contractors will assist MWH-Kiewit and the Portland Water Bureau in meeting other specified contract requirements including the Regional Workforce Equity Agreement (RWEA) and Construction Diversity and Inclusion Policy (CDIP).

(ii) For a "sole source" selection of a subcontractor to proceed, the Contracting Agency must evaluate the written justification provided by the CM/GC and must find that critical project efficiencies require utilization of labor, services or materials from one subcontractor; that technical compatibility issues on the project require labor, services or materials from one subcontractor; that particular labor, services or materials are needed as part of an experimental or pilot project or as part of an experimental or pilot aspect of the project; or that other project circumstances exist to support the conclusion that the labor, services or materials are available from only one subcontractor;

MWH-Kiewit's Justification

- Item (ii) above applies to Portland Water Bureau.

(iii) The CM/GC must provide an independent cost estimate for the Work package that will be subject to the non-competitive process, if required by the Contracting Agency.

MWH-Kiewit's Justification

- In addition to having the bids reviewed by PWB's independent cost estimator, the bids will be compared against previously submitted cost estimates prepared by MWH-Kiewit (i.e., BDR cost estimate, 30% cost estimate, 60% cost estimate, and 90% cost estimate (once complete)).
- Each procurement will be competitive bid by the equity contractors.
- Bids will be evaluated by MWH-Kiewit and the City of Portland for competitiveness and ability to meet contractual requirements, including aspirational contracting requirements and women and minority requirements.
- MWH-Kiewit will provide for open and free competition and adequate cost analysis in all procurement transactions for each subcontract for any articles, supplies, equipment, or services to be obtained from equity subcontractors.
- Equity Contractors in all proposed scopes have experience and capabilities to perform the scopes proposed.

(iv) The CM/GC must fully respond to any questions or comments submitted to the CM/GC by the Contracting Agency; and

MWH-Kiewit's Justification

- MWH-Kiewit agrees to respond to any questions and or concerns the City may have about its justification for limited equity contractor procurement.

(v) The Contracting Agency must approve the CM/GC's use of the non-competitive Subcontractor selection process prior to the CM/GC's pursuit of the non-competitive process.

MWH-Kiewit's Justification

- Item (v) above applies to Portland Water Bureau.

3.1.3 Competitively Bid/Best Value

All work that is not designated as “self-perform”, “opportunity contractor”, or “competitively bid solely within the Equity Contracting community” will be competitively bid on and awarded based on best value. These packages are open to all bidders. These packages are identified on **Table 1** and include:

- S-09 – 3rd Party Quality Control
- S-16 – Raw Water Pipeline
- S-17 – Area 20, Area 30, and Area 40 Concrete
- S-18 – Finish Grading
- S-19* – Balance of Buried Piping
- S-21 – Ancillary Facilities Structural Concrete (Clarifier, Gravity Thickener, Sludge Storage Tank, and Overflow Pump Station).
- S-22 - Dewatering Building, Chemical Building, and Ozone Building
- S-23 – Area 30 Mechanical
- S-24 – Balance of Plant Mechanical
- S-25 – Plant Electrical
- S-26 – Landscaping
- S-28 – Photographic Documentation
- S-29 – Plant Signage
- S-30 – Waterproofing and Insulation
- S-31 – Plant Protective Coatings
- S-32 Permanent Fencing

*If necessary to ensure competition, bid package S-19 (Balance of Buried Piping) may be broken into smaller packages.

Bids will be evaluated and scored using the best-value scoring matrix included in **Attachment B, Form B-1** and summarized as follows:

- Cost (50 points/100 points). The lowest priced bidder will be awarded the maximum points (i.e., 50 points). Other bidders will be awarded a percentage of the maximum points using the following formula:
 - Bidder Points = (lowest bid value/bidder's bid value) x 50
- Equity Contractor Participation (35 points/100 points). The Bidder demonstrating the highest level of Equity Contractor participation will be awarded the maximum points (i.e., 35 points). Other bidders will be awarded a percentage of the maximum points using the following formula:
 - Bidder Points = (Bidder's Equity Contractor participation/highest level of Equity Contractor participation) x 35.
- Company Experience, Key Staff, and Safety Performance (15 points/100 points). Qualified bidder's proposals will be evaluated and scored on the basis of company experience on projects of similar size and scope, strength of proposed key staff including project manager and general superintendent, and safety performance metrics from the past 3 years.

- Apprenticeship, Journey Level, and Workforce Diversity (Pass/Fail): All bidders demonstrating a plan for compliance with the requirements of the Regional Workforce Equity Agreement (RWEA) to achieve the aspirational apprenticeship, journey level, and workforce diversity goals will receive a "Passing" score. Bidder's failing to demonstrate a plan for compliance will be deemed non-responsive and receive a "Fail" score.

The best-value scoring matrix will be included in all competitively bid/best-value bid packages.

3.1.4 Prequalification Process

Excluding packages S-07 (security), S-08 (janitorial), S-10 (street sweeping), and S-14 (portable toilets), MWH-Kiewit may utilize a prequalification process for the subcontractor bid packages S-01 through S-32. Packages S-07, S-08, S-10, and S-14 are considered services and will not require prequalification.

If utilized, this prequalification process would apply to subcontractor work procured using the "competitively bid solely within the Equity Contracting community" as well as the "competitively bid/best value" procurement methods.

If a minimum of three (3) prequalified bidders is not achieved (for each bid package), MWH-Kiewit will review and discuss optional approaches with PWB prior to proceeding.

A copy of our approved Prequalification Plan is included as **Attachment C**.

3.2 Outreach and Advertising Strategy

MWH-Kiewit will comply with the outreach requirements detailed in Section VI of the Construction Diversity and Inclusion Policy including:

- MWH-Kiewit and Subcontractors will exercise best efforts and work in good faith to achieve the participation goals as set forth in the Construction Diversity and Inclusion Policy, with particular emphasis on subcontracting opportunities for historically disadvantaged or underrepresented communities, including racial and ethnic minorities, women, and low-income people.
- MWH-Kiewit will designate an employee to be responsible for fulfillment of the requirements of the Construction Diversity and Inclusion Policy. This employee will be experienced in inclusive procurement and contracting best practices in the construction industry, including diversification of Subcontractors and Suppliers.
- During the pre-construction services phase, MWH-Kiewit implemented an Outreach Plan for obtaining participation of Equity Contractors. This work included, but was not limited to, joint education/outreach events, hosted jointly with Portland Water Bureau, City Compliance, and Conveyance Partners, and targeted at community-based organizations such as:
 - Professional Business Development Group (PBDG)
 - LatinoBuilt
 - Oregon Association of Minority Entrepreneurs (OAME)
 - BestHq
 - National Association of Minority Contractors (NAMC)
 - Associated General Contractors (AGC)

Additionally, the following organizations were contacted and given project information: Pre-Apprenticeship – POIC; Constructing Hope; NAYA; Worksource; Oregon Tradeswomen; Portland Youthbuilders; National Association of Black Veterans Oregon Chapter; NAWIC Portland; Asian Pacific American Chamber; Hispanic Chamber; Native American Chamber; PACCO Labor/Workforce – Northwest College of Construction; and Urban League.

- MWH-Kiewit and Major Subcontractors will identify subcontracting opportunities for Equity Contractors which could allow them to successfully bid and build capacity to bid for larger contracts on future Owner projects.
- MWH-Kiewit will conduct pre-bid/pre-proposal meetings for all competitive solicitation packages, including:
 - A. Providing clarity and understanding of the Project and its solicitation requirements, providing an opportunity to view the jobsite, and advising bidders/proposers of the expectations, importance of and commitment to providing the maximum opportunities for Equity Contractors' participation.
 - B. Offering assistance to bidders/proposers in conducting effective solicitation steps to provide the maximum opportunities for Equity Contractors' participation.
 - C. Contractors shall notify the Contract Compliance Specialist, Owner and Equity in Contracting Partners of all pre-bid/pre-proposal meetings
- To promote smaller qualified Equity Contractors to successfully bid on subcontracts, MWH-Kiewit and Major Subcontractors will provide targeted Work scopes where feasible and as determined collaboratively with the Owner.
- The procurement for the Project will consist of an open, fair, and competitive solicitation process, incorporating both the Owner's and Contractor's commitment to encouraging maximum participation of Equity Contractors. The process, at a minimum, will include the following:
 - A. MWH-Kiewit and Subcontractors will prepare solicitation packages that comply with the Construction Diversity and Inclusion Policy and will submit them to the Owner, Contract Compliance Specialist, and Inclusive Contracting Manager no less than fourteen (14) calendar days prior to their release for review and comment. See *Section 5* of this plan for additional details.
 - B. MWH-Kiewit and Subcontractors will notify Equity Contractors who specialize in the type of work that will be subcontracted in writing and will provide them solicitation packages and/or make them available for pick-up. The solicitation package will include all the Owner's contracting requirements as referenced in the Project's Contract Documents.
 - C. MWH-Kiewit and Subcontractors will make themselves available to assist prospective Equity Contractors in understanding solicitation requirements.
 - D. Solicitations for work packages will be advertised in at least one trade newspaper of general statewide circulation, and a minimum of two minority focused publications (e.g., El Hispanic News, The Skanner, The Portland Observer, The Asian Reporter).
 - 1. Contractors and Subcontractors may negotiate Work packages estimated at or less than \$150,000 directly with Equity Contractors. While attempts should be made to informally solicit these work packages to at least three Equity Contractors, only one Equity

Contractor needs to be solicited in this category and contract award may occur provided the bid amount does not exceed \$150,000 and other bid requirements are properly met.

2. Notification of directly negotiated contracts will be provided to the Contract Compliance Specialist.

E. Access to solicitation packages will be provided to local plan centers and the following Equity in Contracting Partners:

1. Oregon Association of Minority Entrepreneurs (OAME)
2. National Association of Minority Contractors Oregon (NAMCO)
3. Professional Business Development Group (PBDG)
4. Latino Built
5. Associated General Contractors (AGC)
6. Northwest Utility Contractors Association (NWUCA)

Confidential drawings and specifications must be handled separately and shall only be distributed in accordance with the Owner's Confidentiality Policy.

- MWH-Kiewit will start outreach during the pre-construction services phase to provide advance notice to Equity Contractors, and will include:
 - A. Notice will be sent to the Contract Compliance Specialist, Inclusive Contracting Manager and Equity in Contracting Partners.
 - B. MWH-Kiewit and Subcontractors will contact Equity Contractors by email notifying them of the anticipated Work available on a Project.
 - C. Information will be posted on the Contractor's website, or to a shared website approved by the Owner, to facilitate soliciting interest of Equity Contractors for the Work on the Project.
 - D. MWH-Kiewit's outreach will continue during the life of the Project and will be tailored to specific opportunities made available in solicitation packages, as necessary.
- During the construction services phase, MWH-Kiewit and Major Subcontractors will conduct outreach apprising the construction industry and Equity Contractors of the subcontracting procurement process and approach to providing maximum opportunities for Equity Contractors' participation, including:
 - A. Providing information on anticipated solicitation dates; and
 - B. Providing information on the resources that will be available to potential bidders, proposers and Subcontractors during the solicitation and construction phases.
- MWH-Kiewit will conduct pre-bid/pre-proposal meetings for all competitive solicitation packages, including:
 - A. Providing clarity and understanding of the Project and its solicitation requirements, providing an opportunity to view the jobsite, and advising bidders/proposers of the expectations, importance of and commitment to providing the maximum opportunities for Equity Contractors' participation.
 - B. Offering assistance to bidders/proposers in conducting effective solicitation steps to provide the maximum opportunities for Equity Contractors' participation.
 - C. MWH-Kiewit will notify the Contract Compliance Specialist, Owner and Equity in Contracting Partners of all pre-bid/pre-proposal meetings.

- D. For solicitation packages with an estimated value greater than \$150,000, MWH-Kiewit will coordinate pre-bid/pre-proposal meetings with the Contract Compliance Specialist, who must attend all such meetings.
- Where the Work package involved requires specialized knowledge, skills, experience, and expertise, a Request for Proposal (“RFP”) may be used. RFPs must request the following information from each proposer:
 - A. Describe your company’s policy and practice of contracting with small, minority and women-owned businesses certified by the Oregon Certification Office for Business Inclusion and Diversity (COBID) and minority and women-owned businesses that are not currently certified by COBID or which have chosen an alternative agency for certification. Include the number of individual small, minority and women-owned businesses contracted, the dollar amount contracted and paid to these businesses over the past three years. List the name, nature of work, and dollar amount of each small, minority and women owned business for the cited projects; and
 - B. Describe objectives for increasing small, minority and women-owned subcontracting capacity in the Work of the Project, including an estimate of the dollar volume of participation you will aspire to achieve; and
 - C. Describe your company’s hiring policy and practice for hiring, retaining, and advancing minorities and women in your workforce.
 - If MWH-Kiewit or an affiliate or subsidiary of a Contractor will be participating in the solicitations as a bidder or proposer for a subcontracted scope of the Work, MWH-Kiewit will disclose that fact in the solicitation announcements and selection process. When an affiliate or subsidiary will be bidding or proposing, MWH-Kiewit will identify the procedures the Contractor will utilize to make the process impartial, competitive, and fair. This will include, but is not limited to, opening of bids by an independent third party. MWH-Kiewit’s or its affiliates’ participation in solicitations as a bidder is subject to the Owner’s approval. See *Section 3.3* of this plan for additional details.
 - MWH-Kiewit and Major Subcontractors will provide in all subcontracts that Subcontractors and Suppliers of any tier providing quotes, bidding, or proposing on any package, division of Work and/or Work element having an estimated value greater than \$150,000 will be bound by the terms and conditions of this Policy and be required to comply, including the submission of all required forms, reporting, and any supporting documentation. MWH-Kiewit or Subcontractors will deem bids or proposals not meeting this requirement to be non-responsive. See *Section 5.0* of this plan for additional details.
 - MWH-Kiewit and Subcontractors will comply fully with the provisions of the Construction Diversity and Inclusion Policy in the solicitation and award of subcontracts during the life of the Project. MWH-Kiewit and Subcontractors will submit all bid results, responses to RFPs and other supporting documentation to the Owner after each solicitation, but prior to subcontract award, to allow Owner to review and verify compliance with the Policy’s outreach and procurement procedures. See *Section 5.0* of this plan for additional details.
 - Once the bidding process has been completed, MWH-Kiewit will submit a Utilization Plan and Form 2 listing their Subcontractors at every tier level and disaggregated participation percentages that they are committing to use on the Project.

3.3 MWH-Kiewit, or affiliates, pursuit of competitive bid packages

MWH-Kiewit, a member of the CM/GC Joint Venture, and/or Affiliate, may compete as a bidder on select competitively bid/best value packages including:

- S-16 – Raw Water Pipeline
- S-17 – Concrete at Area 20, Area 30, and Area 40
- S-19 – Balance of Buried Piping
- S-21 – Concrete at Clarifier, Gravity Thickener, Sludge Storage Tank, and Overflow Pump Station.
- S-22 - Building envelope at Dewatering Building, Chemical Building, Ozone Building.
- S-25 – Plant Electrical

To make the bid process for these packages impartial, competitive, and fair, MWH-Kiewit will adhere to the following:

- Outreach efforts will ensure an adequate number of bidders are contacted and invited to submit.
- MWH-Kiewit’s intent to submit a bid will be disclosed in the solicitation announcements and request-for-proposal (RFP) documents. See **Attachment B, Form B-3** for a “sample” announcement.
- Bid package requirements will be consistent and fair to all potential subcontractors and will be determined by the scope of work that is in the best interest of the Project.
- CM/GC personnel involved in solicitation and administration of the bidding process will be kept separate from CM/GC personnel involved in preparation of our bid.
- CM/GC will communicate with all potential bidders in a consistent manner including site visits, questions and answers, and procurement addendums. All procurement information will be shared equivalently with each potential bidder.
- Procurement bids will be submitted directly to the Owner (or Owner’s representative) for evaluation and determination of successful proponent. Post-selection response or actions will be at the discretion of the Owner.

Throughout the bid period, the Owner (or Owner’s representative) will be involved in the procurement and have access to all documents to ensure that the process is impartial and fair.

4.0 REGIONAL WORKFORCE EQUITY AGREEMENT

MWH-Kiewit, and our subcontractors, will comply with the requirements of the Regional Workforce Equity Agreement. These requirements include, but are not limited to:

- Use of “High Road Contractors” to perform the Covered Work. Successful bidders will be required to submit a High Road Contractor Checklist.
- Requiring that all successful bidders sign the Regional Workforce Equity Agreement letter of ascent.
- Pursuit of workforce diversity goals for participation of women and woman-identified persons in journey-level and apprentice level Covered Work hours.
- Pursuit of workforce diversity goals for people of color in journey-level and apprentice level Covered Work hours.
- Overall apprenticeship utilization goal.

Workforce diversity goals and the overall apprenticeship utilization goal are discussed further in [Section 4.1](#) and [Section 4.2](#) below. For additional details, see the MWH-Kiewit Workforce Training and Hiring Plan ([Attachment D](#)).

4.1 Workforce Diversity Goals

Project workforce diversity goals will be established by the year MWH-Kiewit becomes contractually obligated to perform the Covered Work (as outlined below). For each Subcontractor, and for each Prime Contractor directly employing workers to perform Covered Work, in each Trade the percentage of journey-level and apprentice level Covered Work hours to be performed by women and woman-identified persons are as follows:

- 2022: 8%
- 2023: 9%
- 2024: 10%
- 2025: 12%
- 2026: 14%

For each Subcontractor, and for each Prime Contractor directly employing workers to perform Covered Work, in each Trade the percentage of journey-level and apprentice level Covered Work hours to be performed by people of color are as follows:

- 2022: 21%
- 2023: 22%
- 2024: 23%
- 2025: 24%
- 2026: 25%

Journey-level and apprentice-level utilization will be tracked and reported separately in each Trade.

MWH-Kiewit and Subcontractors shall provide the City with all information necessary to determine compliance with the Workforce Diversity Program Requirements and shall incorporate the goals into their Procurement Plan submitted with the GMP Proposal. Such records shall be provided through LCPTTracker and in any additional format established by the City and shall be provided no less frequently than monthly. Reported data shall be disaggregated by race, gender, construction trade, and journey-level and apprentice hours. Prime Contractors and Subcontractors who strive in good faith to satisfy the goals set forth in both Section 10.1.B.1 and 10.1.C.1. and make concerted efforts to identify and retain women and people of color and apprentices shall not be considered in non-compliance for failure to meet the goals.”

4.2 Overall Apprentice Utilization Goal

For each Subcontractor, and for each Prime Contractor directly employing workers to perform Covered Work, in each Trade at least 20% of all Covered Work hours will be performed by apprentices in a BOLI-registered or BOLI-recognized program. This goal applies only to Subcontractors performing at least \$100,000 of Covered Work and 300 hours of construction labor on a project. If a first tier Subcontractor provides only supervision, contract management, or materials, and subcontracts a

portion of its work to a second tier Subcontractor, the 20% apprenticeship utilization goal will apply to the second tier Subcontractor, even if the resulting second tier subcontract does not meet the threshold requirements described above, as long as the second tier Subcontractor provides labor hours on the project job site. Work of a prime or first tier Subcontractor will not be divided into smaller subcontracts for the purpose of avoiding the apprentice utilization requirements.

5.0 REQUEST for PROPOSAL (RFP) PACKAGE

Pending receipt of final contract documents from Portland Water Bureau (e.g., Division 0 and Division 1 specifications) MWH-Kiewit will prepare and submit a sample RFP package that will include:

- Proposed prequalification form(s),
- Invitation to Bid letter,
- Instructions to Bidders,
- Bid forms,
- Subcontract agreement forms,
- Purchase agreement forms,
- Prime contract documents,
- List of standard bid attachments.

Included in **Attachment B** are the following forms:

- **Form B-1:** Best value scoring matrix
- **Form B-2:** Sample prequalification package identifying qualification criteria.
- **Form B-3:** Sample notice language for use in advertising bid packages with local newspaper(s).
- **Form B-4:** Agenda templates for pre-bid meeting.
- **Form B-5:** Agenda template for post-bid meetings.
- **Form B-6:** Example of the form that will be utilized for Owner acceptance of award.
- **Form B-7:** Sample bid addendum form.

MWH-Kiewit bid package documents will require:

- Bidder compliance with the requirements of the Construction Diversity and Inclusion Policy.
- Bidder compliance with the requirements of the Regional Workforce Equity Agreement.

The sample RFP package will be submitted for approval by PWB and the City's Contract Compliance Specialist. Additionally, PWB and the City's Contract Compliance Specialist will be copied on all bid package RFPs as they are released.

MWH-Kiewit acknowledges that all subcontract modifications/change orders will be provided to PWB.

6.0 SUBCONTRACOR OUTREACH and BIDDING

Subcontractor outreach and bidding will be organized around the preparation and submittal of two (2) guaranteed maximum price (GMP) proposals. The first GMP, GMP 1 - Early Works, will be submitted during the first quarter of 2023 and will include MWH-Kiewit self-perform pricing as well as "allowances" for various Opportunity Contractor and subcontractor packages. Bid packages to be included in GMP 1 are shown below:

- Package SP-01 – General Conditions
- Package SP-02 – Site Preparation and Earthwork
- Package SP-03 – Hoisting
- Package OPP-01 – Temporary Construction Power
- Package OPP-02 – Stockpile Management and Loadout
- Package OPP-03 – Traffic Control
- Package S-01 – Trucking to Contractor-Designated Off-Site Disposal Facility
- Package S-02 – Temporary Utilities
- Package S-03 – Temporary Roads and Laydown Areas
- Package S-04 – Temporary Fencing and Gates
- Packages S-05 – Surveying
- Package S-06 – Waste Management and Recycling
- Package S-07 – Security Services
- Package S-08 – Owner Janitorial Services
- Package S-09 – Quality Control Testing
- Package S-10 – Street Sweeping
- Package S-11 – Off-Site Road Improvements
- Package S-12 – SWPPP/Erosion Control
- Package S-13 – Mix Design and Trial Batch Testing for Cast-in-Place Concrete
- Package S-14 – Portable Toilets
- Package S-15 – Owner Field Offices
- Package S-16 – Raw Water Pipelines

Outreach activities began in September 2022 as a joint effort between PWB (Bull Run project Owner), City Procurement Services, MWH-Kiewit (as Filtration Facility CM/GC), and the Conveyance Partners (as Pipelines CM/GC). This joint effort educated the Equity Contracting community and community-based organizations about the overall Bull Run Treatment Program (PWB), the newly released Regional Workforce Equity Agreement and Construction Diversity and Inclusion Program (presented by City Compliance), the Filtration Facility project (presented by MWH-Kiewit), and the Pipelines project (presented by Conveyance Partners). Additional outreach events will take place in 2023.

Opportunity Contractor pricing and subcontractor bidding associated with GMP 1 will begin following MWH-Kiewit's receipt of final contract documents from PWB. Once final documents have been received, we will prepare and submit the sample RFP package(s) detailed in Section 5.0 above. Following approval of our sample RFP package(s), MWH-Kiewit will conduct Opportunity Contractor pricing and subcontractor bidding.

The second GMP, GMP 2 – Balance of Plant, will be prepared and submitted during the third or fourth quarter 2023. GMP 2 will include MWH-Kiewit self-perform pricing, Opportunity Contractor proposals, and subcontractor packages. Bid packages to be included in GMP 2 are shown below:

- SP-04 – Structural Excavation and Subgrade Preparation
- SP-05 – Direct Purchase of Key Process Equipment
- SP-06 – CM/GC Commissioning and Start-up

- OPP-04 – Area 91 Concrete
- OPP-05 – Architectural Concrete
- OPP-06 – Administration Building and Maintenance Building
- OPP-07 – Architectural Buildings
- OPP-08 – Plant I&C
- S-17 – Area 20, Area 30, and Area 40 Concrete
- S-18 – Finish Grading
- S-19 – Balance of Buried Piping
- S-20 – Septic Drain Field
- S-21 – Areas 51, 61, and 92
- S-22 – Dewatering Building, Chemical Building, and Ozone Building
- S-23 – Area 30 Mechanical
- S-24 – Balance of Plant Mechanical
- S-25 – Plant Electrical
- S-26 - Landscaping
- S-28 – Photographic Documentation
- S-29 – Plant Signage
- S-30 – Waterproofing and Insulation
- S-31 – Plant Protective Coatings
- S-32 Permanent Fencing

Preparation of GMP 2 will begin upon MWH-Kiewit’s receipt of 100% design documents. Subcontractor outreach will resume at this same time.

MWH-Kiewit will not award subcontracts until Portland Water Bureau has issued us our Notice to Proceed.

PLAN ATTACHMENTS

- ✓ Table 1 – Summary of Bid Packaging Plan
- ✓ Attachment A - PWB review comments on 60PCT Procurement Plan
- ✓ Attachment B – Forms
 - Form B-1: Best value scoring matrix
 - Form B-2: Sample prequalification package identifying qualification criteria.
 - Form B-3: Sample notice language for use in advertising bid packages with local newspaper(s).
 - Form B-4: Agenda templates for pre-bid meeting.
 - Form B-5: Agenda template for post-bid meetings.
 - Form B-6: Example of the form that will be utilized for Owner acceptance of award.
 - Form B-7: Sample bid addendum form.
- ✓ Attachment C – Prequalification Plan
- ✓ Attachment D – Workforce Training and Hiring Program Plan

----- End of Plan -----

TABLE 1
CONSTRUCTION DIVERSITY and INCLUSION PROCUREMENT PLAN
(Updated 5-11-23)

Row No.	Package No.	Package Name	Package Description/Scope	Estimated Package Cost	Procurement Method	Equity Contractor Opportunities		
						%	\$	Potential Equity Contractors ¹
1	SP-01	General Conditions	CMGC General Conditions	\$97,276,254	Self-Perform / Open Book	0.00%	\$0	N/A / Self-Perform
2	SP-02	Site Preparation and Earthwork	Includes stripping to onsite stockpile. Includes mass excavation and embankment. Includes structural excavation and backfill at Areas 20, 30s (31, 33, 35, and 37), 40, and 91. Includes subgrade preparation, underslab imported aggregates, and underslab underdrainage systems at Areas 20, 30s, 40, and 91. Includes stockpiling excavated materials on-site. Includes installing and operating curtain dewatering systems at Areas 30s, 40, and 91. Includes temporary shoring installation at Areas 30s and 40. Includes assembly and operation of site water treatment system to treat, as necessary, stormwater and dewatering discharge. Includes procurement and installation of underslab piping at Areas 30s, and 40.	\$62,703,561	Self-Perform/Open Book	5.00%	\$3,135,178	
3	SP-03	Site Services	Supply, operation and maintenance of crawler cranes, rubber-tired hydraulic cranes, forklifts, light plants, interim generator power to jobsite offices, dewatering system backup generators, and shared access facilities (e.g. stairtowers), access road maintenance, water trucks, water storage tank, offhaul trucking scales, and equipment maintenance and fuel storage onsite facilities. Includes equipment mobilizations and demobilizations.	\$50,987,312	Self-Perform/Open Book	0.00%	\$0	N/A / Self-Perform
4	SP-04	Structural Excavation, Subgrade Preparation, and Backfill (Balance of Plant)	Structural Excavation, subgrade preparation including imported aggregates, and backfill at Areas: 3, 11, 12, 13, 15, 16, 45, 46, 51, 61, 63, 92, and 93. Includes stockpiling excavated materials on-site. Includes temporary shoring installation at Area 92.	\$788,581	Self-Perform/Open Book	5.00%	\$39,429	
5	SP-05	Not Used						
6	SP-06	CM/GC Commissioning & Startup	CM/GC Commissioning & Startup	\$5,016,200	Self-Perform/Open Book	0.00%	\$0	N/A / Self-Perform
7	OPP-01	Construction Power	Install and maintain temporary power infrastructure installed according to the temporary power plan.	\$7,136,026	Opportunity Contractor (O'Neill) / Open Book	75.00%	\$5,352,020	O'Neill
8	OPP-02	Stockpile and Load Out	Includes management of on-site stockpile and its load-out.	\$9,614,000	Opportunity Contractor (COAT) / Open Book	100.00%	\$9,614,000	COAT
9	OPP-03	Traffic control	Traffic control	\$753,330	Opportunity Contractor (COAT) / Open Book	100.00%	\$753,330	COAT
10	OPP-04	Area 91 Concrete	Includes cast-in-place concrete at Area 91 - including concrete basin liner and concrete inlet/outlet structures. Includes supply and installation of all reinforcing steel. Includes supply and installation of miscellaneous metals embedded in the concrete.	\$6,947,247	Opportunity Contractor (Faison) / Open Book	45.00%	\$3,126,261	Faison
11	OPP-05	Buildings' Concrete	Includes cast-in-place concrete at Areas 12, 13, 15, 16, 45, and 93, and miscellaneous site concrete including flatwork and sidewalks. Includes supply and installation of all reinforcing steel. Includes supply and installation of miscellaneous metals embedded in the concrete.	\$1,440,992	Opportunity Contractor (Faison) / Open Book	45.00%	\$648,446	Faison
12	OPP-06	Administration Building + Maintenance Building	Includes construction of the Administration Building and the Maintenance Building. Includes building utilities from 5 feet outside the building and in. Includes the building envelope (walls, roofs, doors, windows, etc.). Includes building finishes, painting, and furnishings. Includes HVAC. Includes plumbing. Includes fire protection. Includes miscellaneous metals. Includes branch electrical. Excludes I&C. Excludes structural excavation and imported aggregates. Includes cast-in-place concrete at Area 11. Excludes cast-in-place concrete at Area 12.	\$19,744,131	Opportunity Contractor (Pacific Mark) / Open Book	35.00%	\$6,910,446	Pacificmark
13	OPP-07	Architectural Buildings	Includes construction of Buildings 15, 16, 31, 35, all area 30 stair enclosures, all area 30 canopies, 40, 45, and 93. Includes the building envelope (walls, roofs, doors, windows, etc.). Includes building utilities from 5 feet outside the building and in. Includes building finishes, painting, and furnishings. Includes HVAC. Includes plumbing. Includes fire protection. Includes miscellaneous metals. Excludes cast-in-place concrete. Includes branch electrical. Excludes I&C. Excludes excavation and imported aggregates.	\$32,212,063	Opportunity Contractor (O'Neill) / Open Book	35.00%	\$11,274,222	O'Neill
14	OPP-08 See Note 2	Plant I&C	Includes instrumentation and controls. Includes procurement and programming of SCADA system. Includes supply and programming of PLCs. Includes supply of all instrumentation. Excludes conduit and wire. Excludes installation of instrumentation. Excludes installation of PLCs.	\$16,000,000	Opportunity Contractor (Taurus) / Open Book	35.00%	\$5,600,000	Taurus Power & Controls
15	S-01 See Note 3	Offhaul Trucking	Includes offhaul trucking and dump fees.	\$29,764,765	Competitively Bid Solely within the Equity Contracting Community	85.00%	\$25,300,050	Rock & Road; Bailey's Construction Unlimited; Bud Construction; C2W Trucking; Catworks Construction; City of Roses Disposal & Recycling; Clark Moore Trucking; Cougar Ridge Construction; Cutter Construction Co Inc; Dailey's Trucking, Excavating & Paving; David Coelho; Davis Corporation; Dean Innovations; Dirtech NW; Don Hines Truck Sales; Elton L Mason; Frank's Excavating; Gary Compton Construction; Gateway Trucking; Golden Rule Trucking; Hayes Construction Services; High Desert Construction & Irrigation; Interlaken, Inc.; J. Losey Trucking; J.L. Blough Co; Licked Split Trucking; LKE Corporation; LYB Asphalt Supply & Trucking Company; McDonald Excavating; McLennan Excavation; Northwest Infrastructure; NW Construction General Contracting; Parr Industries II; PRM Transportation; R & D Company;
16	S-02	Temporary Site Utilities	Temporary Site utilities. Potable water development for temp offices and construction use. Fire protection systems etc. Excludes electrical power.	\$2,483,901	Competitively Bid Solely within the Equity Contracting Community	75.00%	\$1,862,926	McDonald Excavating NWI Just Bucket Excavating Catworks Oxbow Construction Interlaken
17	S-03 See Note 3	Temporary Roads and Drainage	Includes temporary roads and crane pads. Includes aggregates and/or lime treatment for temporary roads. Includes grading and rock of site laydown areas and parking areas. Includes temporary surface drainage facilities and associated culverts.	\$12,038,860	Competitively Bid Solely within the Equity Contracting Community	75.00%	\$9,029,145	Alamo Braun Eddy Ex Eugene Williams Geograde NW Construction GC McDonald Excavating NWI Just Bucket Excavating Oxbow Construction Interlaken Pacific Rim
18	S-04	Temporary Fencing	Temporary Site fencing and gates.	\$78,670	Competitively Bid Solely within the Equity Contracting Community	100.00%	\$78,670	Azuri McDermott Statewide Able Town and Country

19	S-05	Survey	Survey	\$1,991,051	Competitively Bid Solely within the Equity Contracting Community	85.00%	\$1,692,393	TCC PTS DSE Emerio Design White Shield
20	S-06	Waste Management	Waste management (recycle and trash)	\$1,018,929	Competitively Bid Solely within the Equity Contracting Community	85.00%	\$866,090	City of Roses Disposal & Recycling Junk It
21	S-07	Security	Site Security	\$742,560	Competitively Bid Solely within the Equity Contracting Community	100.00%	\$742,560	Shadow Guard Security, LLC, Black Wolf Protection Group, NW Enforcement, Safeguard Security
22	S-08	Janitorial Services	Janitorial services	\$441,162	Competitively Bid Solely within the Equity Contracting Community	100.00%	\$441,162	Bestrade Northwest Professional Services Zeeland Janitorial
23	S-09	3rd Party Quality Control	3rd Party Quality Control	\$14,604,095	Competitively Bid / Best Value (open to all bidders)	50.00%	\$7,302,048	Summit Quality Management Akana Ironsides Services Casso Consulting NW Geotechnical
24	S-10	Street Sweeping	Street sweeping	\$2,977,246	Competitively Bid Solely within the Equity Contracting Community	85.00%	\$2,530,659	Champion Sweeping Oregon Asphalt Maintenance Green Sweep
25	S-11	Offsite Road Improvements	Improvements to SE Carpenter Lane, SE Cottrell Road, and SE Dodge Park Blvd.	\$1,111,065	Competitively Bid Solely within the Equity Contracting Community	70.00%	\$777,746	Alamo Braun Eddy Ex Eugene Williams Geograde NW Construction GC McDonald NWI Just Bucket Oxbow Construction Interlaken
26	S-12	Erosion & Sediment Control	Erosion & Sediment Control BMP installation and maintenance	\$4,386,053	Competitively Bid Solely within the Equity Contracting Community	70.00%	\$3,070,237	Hydro2Geotech (Seattle) Casso Consulting Elcon Emerio Ironsides Services FEI Testing NW Geotechnical Project & Quality Solutions
27	S-13	Not Used						
28	S-14	Portable Toilets	Portable Toilets (a.k.a. porta pottys)	\$485,204	Competitively Bid Solely within the Equity Contracting Community	100.00%	\$485,204	Northwest Portables
29	S-15	Owner Offices	Owner Offices.	\$534,956	Competitively Bid Solely within the Equity Contracting Community	100.00%	\$534,956	McDonald Excavating NWI Just Bucket Excavating Catworks Oxbow Construction Interlaken
30	S-16	Raw Water Pipelines	Raw water pipelines. Includes purchase of piping materials and welding. Includes excavation and backfill of trench. Includes installation of any items embedded in concrete (e.g., wall sleeves). Includes trench shoring. Includes dewatering. Includes temporary support of existing utilities. Includes CIP ARV Vaults. Includes cathodic protection/monitoring system.	\$11,137,466	Competitively Bid / Best Value (open to all bidders)	40.00%	\$4,454,986	O'Neill, Pacificmark, McDonald Excavating, NWI, Just Bucket Excavating, 3 Diamond, Advanced Trial GCR General Contractor, Geograde,
31	S-17	Area 20, 30s, and 40 Concrete	Inlet Structure (Area 20), Treatment Process (Area 30s) and Finished Water (Area 40) Concrete. Includes concrete and reinforcing steel. Includes watertightness testing. Includes joint seal. Includes supply and installation of miscellaneous metals embedded in the concrete. Includes all handrail, grating, and checker plates. Excludes structural excavation, subgrade preparation and imported aggregates. Excludes concrete at 45 (Fire Pump Station).	\$99,621,873	Competitively Bid / Best Value (open to all bidders)	25.00%	\$24,905,468	McDonald Excavating NWI Just Bucket Excavating Catworks Oxbow Construction Interlaken
32	S-18	Finish Grading	Includes finishing subgrade for roadways (both gravel and paved) and areas to receive topsoil. Includes topsoil placement (from strippings onsite stockpile) and topsoil finish grading. Includes site finish contour grading. Includes furnishing, placing, and finishing base for minor concrete and roadways (gravel and paved). Includes AC pavement, striping. Includes site fencing, street signs, bollards, parking bumpers, and site furnishings.	\$8,164,920	Competitively Bid / Best Value (open to all bidders)	50.00%	\$4,082,460	Alamo Paving, Braun Construction, Catworks, Corpac, Faison, Grading Unlimited, NW Construction GC, Titan Utilities, Ramos, Inc., Zavala, Westside Iron, Western Rebar,
33	S-19 See Note 3	Balance of Buried Piping	Balance of buried piping. Includes purchase of piping materials and welding. Includes installation of any items embedded in concrete (e.g., wall sleeves). Includes excavation and backfill. Includes trench shoring. Includes dewatering. Includes sewer and storm drain piping. Includes irrigation sleeves. Includes cathodic protection/monitoring system(s). Excludes raw water pipeline. Excludes septic tank and drainage field.	\$61,219,218	Competitively Bid / Best Value (open to all bidders)	25.00%	\$15,304,805	Alamo Paving, Braun Construction, Catworks, Corpac, Faison, Grading Unlimited, NW Construction GC, Titan Utilities, Ramos, Inc., Zavala, and Excavation subs listed above
34	S-20	Septic Tank and Drain Field	Includes supply and construction of septic tank and drainage field.	\$170,244	Competitively Bid Solely within the Equity Contracting Community	100.00%	\$170,244	McDonald Excavating NWI Just Bucket Excavating Catworks Oxbow Construction Interlaken
35	S-21	Ancillary Facilities' Structural Concrete (Areas 51, 61, 63, and 92)	Clarifier (Area 51), Gravity Thickener (Area 61), Sludge Storage Tank (Area 63), and Overflow Pump Station(s) (Area 92) Concrete. Includes concrete and reinforcing steel. Includes watertightness testing. Includes joint seal. Includes supply and installation of miscellaneous metals embedded in the concrete. Includes all handrail, grating, and checker plates. Excludes structural excavation, subgrade preparation and imported aggregates. Excludes above-ground mechanical pipe and equipment. Excludes Area 51 Sludge Pump Station. Excludes electrical. Excludes I&C.	\$19,899,969	Competitively Bid / Best Value (open to all bidders)	45.00%	\$8,954,986	McDonald Excavating NWI Just Bucket Excavating Catworks Oxbow Construction Interlaken
36	S-22	Dewatering, Chemical, & Ozone Buildings (Areas 65, 70, and 81)	Includes construction of the Dewatering Building, Chemical Building, and Ozone Generation Building whole and complete. Includes Area 51 Sludge Pump Station. Includes structural excavation and imported aggregates. Includes cast-in-place concrete. Includes building utilities from 5 feet outside the building and in. Includes the building envelope (walls, roofs, doors, windows, etc.). Includes structural steel. Includes building finishes, painting, and furnishings. Includes HVAC. Includes plumbing. Includes fire protection. Includes miscellaneous metals including all handrail, grating, and checker plate. Excludes electrical. Excludes I&C. Excludes supply and installation of mechanical process equipment and piping.	\$25,543,076	Competitively Bid / Best Value (open to all bidders)	45.00%	\$11,494,384	McDonald Excavating NWI Just Bucket Excavating Catworks Oxbow Construction Interlaken
37	S-23	Area 30 Above-Ground Piping and Mechanical Equipment	Furnish and install all Above-Ground Piping and Mechanical Equipment at Areas 30s (Areas 31, 32, 33, 34, 35, 36, and 37). Includes supply and installation of all above grade piping, valves, etc. Includes HVAC. Includes painting and coating of mechanical piping and equipment. Excludes Ozone Destruct Equipment.	\$49,263,642	Competitively Bid / Best Value (open to all bidders)	15.00%	\$7,389,546	NW Mechanical Group, Anderson Mechanical, River City NW Mechanical

38	S-24	Balance of Plant Above-Ground Piping and Mechanical Equipment	Furnish and install all Above-Ground Piping and Mechanical Equipment excluding Areas 30s. Includes supply and installation of all above grade piping, valves and appurtenances. Includes painting and coating of mechanical piping and equipment. The following equipment to be supplied by CM/GC and installed via this BOP Mechanical scope: 46 31 53 (Ozone Generating and Feed Equipment), 46 32 40 (Soda Ash Storage and Feed Equipment), 46 33 13 (Onsite Sodium Hypochlorite Generator System), and 46 76 33 (Dewatering Centrifuges). Includes installation of Ozone Destruct Equipment in Area 31/32.	\$50,332,933	Competitively Bid / Best Value (open to all bidders)	15.00%	\$7,549,940	NW Mechanical Group, Anderson Mechanical, River City NW Mechanical
39	S-25	Plant Electrical	Includes all electrical. Includes excavation, rebar/concrete, and backfill for duct banks. Includes installation of any embeds/sleeves/etc. in concrete. Includes installation of all I&C conduit and wire. Includes installation of I&C instrumentation and PLCs. Excludes supply of instrumentation and PLCs. Excludes architectural buildings' branch electrical specifically noted.	\$103,000,000	Competitively Bid / Best Value (open to all bidders)	25.00%	\$25,750,000	O'Neill, Affordable Electric, Brothers Electrical, Elcon, RJ Ramos Construction and Electrical, US West
40	S-26	Landscaping, Irrigation, and Hardscaping	Includes all landscaping, irrigation, and hardscaping.	\$6,207,000	Competitively Bid / Best Value (open to all bidders)	85.00%	\$5,275,950	Valley Growers, PLI Systems, Anderson Erosion Control, Bella Terra, Green Art Landscaping, Fox Erosion Control & Landscape, Precision Landscape,
	S-27	Not Used						
	S-28	Photographic Documentation	Includes all work described in Specification 01 32 33 (Photographic Documentation)	\$1,500,000	Competitively Bid / Best Value (open to all bidders)	25.00%	\$375,000	Stratoscape Oregon Aerial Photography
	S-29	Plant Signage	Includes all plant signage.	\$1,000,000	Competitively Bid / Best Value (open to all bidders)	50.00%	\$500,000	
	S-30	Waterproofing and Insulation	Includes all concrete waterproofing and insulation.	\$5,000,000	Competitively Bid / Best Value (open to all bidders)	15.00%	\$750,000	
	S-31	Plant Protective Coatings	Includes all work described in Specification 09 96 00 (Protective Coating).	\$5,000,000	Competitively Bid / Best Value (open to all bidders)	25.00%	\$1,250,000	RJ Ramos Ha's Painting GB Construction The Rodriguez Corp
	S-32	Permanent Fencing	Includes permanent fencing. Excludes temporary fencing.	\$2,500,000	Competitively Bid / Best Value (open to all bidders)	25.00%	\$625,000	Azuri McDermott Statewide Able Town and Country

TOTALS =

\$832,838,555

26.42%

\$219,999,947

Equity Contractor Opportunities

Hard Construction Cost (HCC)	\$832,838,555
Equity Contractor Opportunities (\$)	\$219,999,947
Equity Contractor Opportunities (% HCC)	26.42%
MWH-Kiewit Self-Perform (\$)	\$216,771,908
MWH-Kiewit Self-Perform (% HCC)	26.03%

LEGEND	
SP = Self Perform	
OPP = Opportunity Contractor	
S = Subcontractor / Competitively Bid Solely within the Equity Contracting Community	
S = Subcontractor / Competitively Bid/Best Value (open to all bidders)	

NOTES:

1. The "Market Assessment/Potential Equity Contractor" list is shown to demonstrate the ability to support competitive bids. This list is preliminary and not intended to be restrictive (i.e., additional equity contractors may be identified during future outreach events and/or prequalification process).
2. OPP-08 Package (Plant I&C) will be assigned to the successful S-25 (Plant Electrical) subcontractor.
3. If necessary to promote competition, bid packages S-01 (Trucking), S-03 (Temporary Roads), and S-19 (Balance of Buried Piping) may be broken into smaller packages.



Construction Diversity and Inclusion Procurement Plan

February 10, 2023

1.0 PLAN OVERVIEW

This Construction Diversity and Inclusion Procurement Plan meets or exceeds the procurement requirements and goals reflected in the City of Portland's:

- Bull Run Filtration Facility Request for Proposals dated February 2020.
- Construction Diversity and Inclusion Policy (undated).
- Regional Workforce Equity Agreement dated May 17, 2022.

The estimated values presented in this plan reflect MWH-Kiewit's estimate to construct the Filtration Facility (as detailed in Stantec's 90PCT design deliverable, September 2022). This plan incorporates review comments previously received from Portland Water Bureau (PWB). A copy of PWB's review comments is included as **Attachment A**.

This plan is a living document and may be updated as new information becomes available.

1.1 Bid Packaging Plan

The MWH-Kiewit proposed bid packaging plan, and associated procurement strategy, is summarized in the attached **Table 1**. Table 1 is organized by procurement method and breaks the bid packages into four categories including self-perform/open book, opportunity contractor/open book, limited competition with Certified Businesses, and competitively bid/best-value. Each of these procurement methods is discussed further in *Section 2* and *Section 3* of this plan. Information shown on **Table 1** includes:

- Row Number. Included for easy reference.
- Package Number.
- Package Name.
- Package Description with specific scope inclusions and exclusions.
- Estimated package value.
- Procurement method (i.e., self-perform/open book, opportunity contractor/open book, limited competition with Certified Businesses, and competitively bid/best value).
- Estimated equity contractor participation:
 - % = Percentage of total estimated package value that may be completed by equity contractors.
 - \$ = Dollar value of work that may be completed by equity contractors.
 - Potential Equity Contractors = Preliminary list of equity contractors that may be interested in the work. This preliminary list is intended to demonstrate the ability to support competitive bids and is not intended to be restrictive (i.e., additional equity contractors may be identified during future outreach events).

1.2 Value-Added Elements of the Plan

This Plan was developed to meet contract requirements while providing value to Portland Water Bureau (PWB). Examples of value-added elements of the plan include:

- Our Opportunity Contractors will play a meaningful role in the construction of the new facilities. Inclusion of these Opportunity Contractors in construction advances their

capabilities and develops additional equity contracting resources to serve the City of Portland on future projects.

- In addition to Opportunity Contractors, this plan identifies several other bid packages that will be competed amongst qualified equity contractors.
- MWH-Kiewit will self-perform those elements of the work where we bring best value (i.e., packages SP-01 thru SP-06 on **Table 1**). See *Section 2.0* of this plan for additional details.
- All work not specifically designated as self-perform, opportunity contractor, or limited competition amongst Equity Contractors will be competitively bid and awarded based on best value.
 - Competition ensures best pricing to PWB.
 - MWH-Kiewit, a member of the CM/GC Joint Venture, and/or an Affiliate, intends to compete as a bidder on select competitively bid packages. See *Section 3.3* of this plan for additional details.
 - These competitively bid/best value packages will be executed as lump sum subcontract agreements.

2.0 ACHIEVING 20% SELF-PERFORM

To achieve a minimum self-performance of 20% of the Hard Construction Cost as outlined in the City's RFP, MWH-Kiewit will self-perform the following work packages:

- Package SP-01 – General Conditions
 - MWH-Kiewit CM/GC labor to manage and administer construction of the new facilities.
 - This package is shown on **Table 1** without dollar values as this work is excluded from the definition of Hard Construction Cost.
- Package SP-02 - Site Preparation and Earthwork
 - MWH-Kiewit self-performing this work helps manage project risk associated with undefined geotechnical risks specifically regarding the expected quantity of groundwater as well as allowable discharge location.
- Package SP-02 - Supply and operation of site-wide hoisting
 - Providing a single source for site-wide equipment such as hoisting is the most efficient and least expensive solution.
 - Providing a single source of hoisting prevents each subcontractor from bringing the same equipment to the jobsite (i.e., doubling up on the same equipment).
 - MWH-Kiewit will coordinate hoisting time amongst all site subcontractors.
- Package SP-04 - Structural excavation and subgrade preparation
 - Self-performing this work supports our Opportunity Contractors including Faison Construction, O'Neill Construction Group, and Pacificmark Construction.
- Package SP-05 - directly purchase select pieces of major process equipment including ozone generating and feed equipment, soda ash storage and feed equipment, onsite sodium hypochlorite generator system, and dewatering centrifuges, and key electrical equipment such as gear, transformers, and standby generators.
 - Eliminates double markup.
 - MWH-Kiewit purchase facilitates coordination with Stantec on manufacturer specific details that may impact design.

- The MWH-Kiewit will submit and coordinate delivery to site.
- MWH-Kiewit will assign the process equipment to the successful mechanical contractor(s) and electrical contractor for installation.
- Package SP-06 - Commissioning and start-up
 - The MWH-Kiewit team brings specialized expertise not available through typical mechanical and electrical subcontractors.
 - MWH-Kiewit is positioned to better coordinate work between the Filtration Facility and the Pipelines projects.

To comply with the requirements of OAR 137-049-0690, MWH-Kiewit will provide detailed proposals and cost estimates for self-perform packages SP-01 through SP-06 in the form of open book Guaranteed Maximum Price (GMP) proposals. The pricing of this work can be easily verified using an independent cost estimator.

Once mutually agreeable pricing for self-perform work has been reached, we propose to execute the work as a lump sum agreement with a negotiated schedule of values. Payment from a lump sum schedule of values, rather than cost plus invoicing, will lower the project cost by saving significant administrative costs on the part of the CM/GC as well as PWB. ***MWH-Kiewit understands that any conversion from open-book to lump sum would be made in agreement with PWB on a case-by-case basis.***

As shown on **Table 1**, the estimated value of self-perform packages SP-02 thru SP-06 is \$146.5 Million or 20.3% of the estimated Hard Construction Cost.

3.0 CONSTRUCTION DIVERSITY and INCLUSION POLICY

MWH-Kiewit, and our subcontractors, will comply with the requirements of the Construction Diversity and Inclusion Policy. These requirements include, but are not limited to:

- Pursuit of aspirational baseline participation goals for historically underrepresented and underutilized businesses of 25% of the Hard Construction Cost. This goal is disaggregated as:
 - 16% minimum aspirational goal for Equity Contractors certified or that self-identify as minority-owned businesses; and
 - 8% minimum aspirational goal for Equity Contractors certified or that self-identify as women-owned businesses.
- Equity Contractor Outreach

Equity Contractor participation and Equity Contractor outreach are discussed in more detail in *Section 3.1* and *Section 3.2* below.

3.1 Equity Contractor Participation Goals

MWH-Kiewit's plan to meet the Equity Contractor aspirational baseline participation goal of twenty-five percent (25%) of the Hard Construction Cost is shown in the attached **Table 1**. Our approach employs several different procurement methods including the use of our opportunity contractors, limited competition with Certified Businesses, and competitively bid packages awarded based on best-value. Each of these procurement methods is discussed below and summarized as follows:

- Use of our named Opportunity Contractors is expected to target roughly \$35.7 Million in Equity Contractor opportunities. These packages are shown on **Table 1** highlighted in green.
- The use of limited competition packages amongst Certified Businesses is expected to target roughly \$46.9 Million in Equity Contractor opportunities. These packages are shown on **Table 1** highlighted in blue.
- Use of competitively bid/best-value work is expected to target \$118.4 Million in Equity Contractor opportunities. These packages are shown on **Table 1** highlighted in tan/biege.

In total, this plan identifies \$201 Million in Equity Contractor opportunities (i.e., 27.9% of the estimated Hard Construction Cost of the project). ***Please note our plan targets more than the 25% aspirational goal as it is our experience, that despite best efforts, some bid packages will fall short of the goal.***

3.1.1 Use of Named Opportunity Contractors

Throughout the preconstruction period, MWH-Kiewit is working with and mentoring our named Opportunity Contractors – COAT, Faison Construction, O’Neill Construction Group, Pacificmark Construction, and Taurus Power & Controls – to develop appropriate scope and pricing for bid packages OPP-02 thru OPP-08 on **Table 1**. This is a continuous and iterative process that will culminate with submission of open book, guaranteed maximum price proposals developed from 100% design documents. Towards this end, each Opportunity Contractor will submit draft GMP proposals at the 60PCT and 90PCT milestones. The purpose of these draft proposals is to solicit PWB review and comment such that the final proposals meet PWB expectations.

Opportunity Contractor packages include:

- OPP-02 – Stockpile and Loadout (COAT)
- OPP-03 – Traffic Control (COAT)
- OPP-04 – Area 91 Concrete (Faison)
- OPP-05 – Architectural Concrete (Faison)
- OPP-06 – Administration Building and Maintenance Building (Pacificmark)
- OPP-07 – Architectural Buildings (O’Neill)
- OPP-08 – Plant Instrumentation and Controls (Taurus Power & Controls). Package OPP-08 will be assigned to the successful S-25 (Plant Electrical) subcontractor.

The final GMP proposals will provide detailed pricing that can be easily verified using an independent cost estimator.

Like the proposed approach for self-perform work, MWH-Kiewit proposes that scope and pricing for each Opportunity Contractor package be developed via open book format. Once mutually agreeable pricing has been reached, we propose to convert these subcontracts to lump sum agreements to lower project cost and save on administrative expense. ***MWH-Kiewit understands that any conversion from open-book to lump sum would be made in agreement with PWB on a case-by-case basis.***

It is our intention and desire to have our named Opportunity Contractors continue from preconstruction into construction; however, MWH-Kiewit understands this work is not guaranteed. In the unlikely event that MWH-Kiewit, a named Opportunity Contractor, and PWB are unable to reach agreement on the open book pricing, then the work in question will be competitively bid (on the open market) and awarded based on best-value.

3.1.2 Limited Competition Amongst Equity Contractors

With the approval of PWB and City Procurement Services, several bid packages will be competed amongst Equity Contractors. These packages are identified on **Table 1** and include:

- S-01* – Trucking
- S-02 – Site Utilities
- S-03* – Temporary Roads
- S-04 – Temporary Fencing
- S-05 – Survey
- S-06 – Waste Management
- S-07 – Site Security
- S-08 – Janitorial Services
- S-10 – Street Sweeping
- S-11 – Road Improvements
- S-12 – Erosion Control/Stormwater Management
- S-14 – Portable Toilets
- S-15 – Owner Offices
- S-20 – Septic Drain Field

*If necessary to ensure competition, bid packages S-01 (Trucking) and S-03 (Temporary Roads) may be broken into smaller packages.

The 14 packages listed directly above are the only packages that competition will be limited to Equity Contractors.

3.1.4 Competitively Bid/Best Value

All work that is not designated as self-perform, opportunity contractor, or limited competition amongst Equity Contractors will be competitively bid and awarded based on best value. These packages are identified on **Table 1** and include:

- S-09 – 3rd Party Quality Control
- S-13 – Concrete Mix Designs
- S-16 – Raw Water Pipeline
- S-17 – Area 20, Area 30, and Area 40 Concrete
- S-18 – Finish Grading
- S-19* – Balance of Buried Piping
- S-21 – Process Buildings (Area 51-Washwater Clarification, Area 61-Gravity Thickeners, Area 65-Dewatering Building, Area 70-Chemical Building, Area 81-Ozone Building, and Area 92-Overflow Basin Pump Station)
- S-23 – Area 30 Mechanical
- S-24 – Balance of Plant Mechanical

- S-25 – Plant Electrical
- S-26 – Landscaping
- S-27 – Temporary Construction Power

*If necessary to ensure competition, bid package S-19 (Balance of Buried Piping) may be broken into smaller packages.

Bids will be evaluated and scored using the best value scoring matrix included in **Attachment B, Form B-1** and summarized as follows:

- Cost (50 points/100 points). The lowest priced bidder will be awarded the maximum points (i.e., 50 points). Other bidders will be awarded a percentage of the maximum points using the following formula:
 - Bidder Points = (lowest bid value/bidder's bid value) x 50
- Equity Contractor Participation (35 points/100 points). The Bidder demonstrating the highest level of Equity Contractor participation will be awarded the maximum points (i.e., 35 points). Other bidders will be awarded a percentage of the maximum points using the following formula:
 - Bidder Points = (Bidder's Equity Contractor participation/highest level of Equity Contractor participation) x 35.
- Company Experience, Key Staff, and Safety Performance (15 points/100 points). Bidder's proposals will be evaluated and scored on the basis of company experience on projects of similar size and scope, strength of proposed key staff including project manager and general superintendent, and safety performance metrics from the past 3 years.
- Apprenticeship, Journey Level, and Workforce Diversity (Pass/Fail): All bidders demonstrating a plan for compliance with the requirements of the Regional Workforce Equity Agreement (RWEA) to achieve the aspirational apprenticeship, journey level, and workforce diversity goals will receive a "Passing" score. Bidder's failing to demonstrate a plan for compliance will be deemed non-responsive and receive a "Fail" score.

3.1.5 Prequalification Process

MWH-Kiewit will utilize a prequalification process for subcontractor packages S-01 through S-27. This prequalification process will be applicable to subcontractor work procured using limited competition amongst Equity Contractors as well as the competitively bid/best value procurement methods. If a minimum of three (3) prequalified bidders is not achieved (for each bid package), MWH-Kiewit will review and discuss optional approaches with PWB prior to proceeding. A copy of our approved Prequalification Plan is included as **Attachment C**.

3.2 Outreach and Advertising Strategy

MWH-Kiewit will comply with the outreach requirements detailed in Section VI of the Construction Diversity and Inclusion Policy including:

- MWH-Kiewit and Subcontractors will exercise best efforts and work in good faith to achieve the participation goals as set forth in the Construction Diversity and Inclusion Policy, with particular emphasis on subcontracting opportunities for historically disadvantaged or

underrepresented communities, including racial and ethnic minorities, women, and low-income people.

- MWH-Kiewit will designate an employee to be responsible for fulfillment of the requirements of the Construction Diversity and Inclusion Policy. This employee will be experienced in inclusive procurement and contracting best practices in the construction industry, including diversification of Subcontractors and Suppliers.
- During the pre-construction services phase, MWH-Kiewit will develop and implement an Outreach Plan for obtaining participation of Equity Contractors. This work will include, but not be limited to, joint education/outreach events, hosted jointly with Portland Water Bureau, City Compliance, and Conveyance Partners, and targeted at community-based organizations such as:
 - Professional Business Development Group (PBDG)
 - LatinoBuilt
 - Oregon Association of Minority Entrepreneurs (OAME)
 - BestHq
 - National Association of Minority Contractors (NAMC)
 - Associated General Contractors (AGC)

Also, the following organizations will be contacted, and they will get detailed project information: Pre-Apprenticeship – POIC; Constructing Hope; NAYA; WorkSource; Oregon Tradeswomen; Portland Youthbuilders; Community – Urban League; National Association of Black Veterans Oregon Chapter; NAWIC Portland; Asian Pacific American Chamber; Hispanic Chamber; Native American Chamber; PACCO Labor/Workforce – Northwest College of Construction; NUCA; and MAWE.

- MWH-Kiewit and Major Subcontractors will identify subcontracting opportunities for Equity Contractors which could allow them to successfully bid and build capacity to bid for larger contracts on future Owner projects.
- MWH-Kiewit will conduct pre-bid/pre-proposal meetings for all competitive solicitation packages, including:
 - A. Providing clarity and understanding of the Project and its solicitation requirements, providing an opportunity to view the jobsite, and advising bidders/proposers of the expectations, importance of and commitment to providing the maximum opportunities for Equity Contractors' participation.
 - B. Offering assistance to bidders/proposers in conducting effective solicitation steps to provide the maximum opportunities for Equity Contractors' participation.
 - C. Contractors shall notify the Contract Compliance Specialist, Owner and Equity in Contracting Partners of all pre-bid/pre-proposal meetings
- To promote smaller qualified Equity Contractors to successfully bid on subcontracts, MWH-Kiewit and Major Subcontractors will provide targeted Work scopes where feasible and as determined collaboratively with the Owner.
- The procurement for the Project will consist of an open, fair, and competitive solicitation process, incorporating both the Owner's and Contractor's commitment to encouraging maximum participation of Equity Contractors. The process, at a minimum, will include the following:

- A. MWH-Kiewit and Subcontractors will prepare solicitation packages that comply with the Construction Diversity and Inclusion Policy and will submit them to the Owner, Contract Compliance Specialist, and Inclusive Contracting Manager no less than fourteen (14) calendar days prior to their release for review and comment. See *Section 5* of this plan for additional details.
- B. MWH-Kiewit and Subcontractors will notify Equity Contractors who specialize in the type of work that will be subcontracted in writing and will provide them solicitation packages and/or make them available for pick-up. The solicitation package will include all the Owner's contracting requirements as referenced in the Project's Contract Documents.
- C. MWH-Kiewit and Subcontractors will make themselves available to assist prospective Equity Contractors in understanding solicitation requirements.
- D. Solicitations for work packages will be advertised in at least one trade newspaper of general statewide circulation, and a minimum of two minority focused publications (e.g., El Hispanic News, The Skanner, The Portland Observer, The Asian Reporter).
 - 1. Contractors and Subcontractors may negotiate Work packages estimated at or less than \$150,000 directly with Equity Contractors. While attempts should be made to informally solicit these work packages to at least three Equity Contractors, only one Equity Contractor needs to be solicited in this category and contract award may occur provided the bid amount does not exceed \$150,000 and other bid requirements are properly met.
 - 2. Notification of directly negotiated contracts will be provided to the Contract Compliance Specialist.
- E. Access to solicitation packages will be provided to local plan centers and the following Equity in Contracting Partners:
 - 1. Oregon Association of Minority Entrepreneurs (OAME)
 - 2. National Association of Minority Contractors Oregon (NAMCO)
 - 3. Professional Business Development Group (PBDG)
 - 4. Latino Built
 - 5. Associated General Contractors (AGC)
 - 6. Northwest Utility Contractors Association (NWUCA)

Confidential drawings and specifications must be handled separately and shall only be distributed in accordance with the Owner's Confidentiality Policy.
- MWH-Kiewit will start outreach during the pre-construction services phase to provide advance notice to Equity Contractors, and will include:
 - A. Notice will be sent to the Contract Compliance Specialist, Inclusive Contracting Manager and Equity in Contracting Partners.
 - B. MWH-Kiewit and Subcontractors will contact Equity Contractors by email notifying them of the anticipated Work available on a Project.
 - C. Information will be posted on the Contractor's website, or to a shared website approved by the Owner, to facilitate soliciting interest of Equity Contractors for the Work on the Project.
 - D. MWH-Kiewit's outreach will continue during the life of the Project and will be tailored to specific opportunities made available in solicitation packages, as necessary.
- During the construction services phase, MWH-Kiewit and Major Subcontractors will conduct outreach apprising the construction industry and Equity Contractors of the subcontracting

- procurement process and approach to providing maximum opportunities for Equity Contractors' participation, including:
- A. Providing information on anticipated solicitation dates; and
 - B. Providing information on the resources that will be available to potential bidders, proposers and Subcontractors during the solicitation and construction phases.
- MWH-Kiewit will conduct pre-bid/pre-proposal meetings for all competitive solicitation packages, including:
 - A. Providing clarity and understanding of the Project and its solicitation requirements, providing an opportunity to view the jobsite, and advising bidders/proposers of the expectations, importance of and commitment to providing the maximum opportunities for Equity Contractors' participation.
 - B. Offering assistance to bidders/proposers in conducting effective solicitation steps to provide the maximum opportunities for Equity Contractors' participation.
 - C. MWH-Kiewit will notify the Contract Compliance Specialist, Owner and Equity in Contracting Partners of all pre-bid/pre-proposal meetings.
 - D. For solicitation packages with an estimated value greater than \$150,000, MWH-Kiewit will coordinate pre-bid/pre-proposal meetings with the Contract Compliance Specialist, who must attend all such meetings.
 - Where the Work package involved requires specialized knowledge, skills, experience, and expertise, a Request for Proposal ("RFP") may be used. RFPs must request the following information from each proposer:
 - A. Describe your company's policy and practice of contracting with small, minority and women-owned businesses certified by the Oregon Certification Office for Business Inclusion and Diversity (COBID) and minority and women-owned businesses that are not currently certified by COBID or which have chosen an alternative agency for certification. Include the number of individual small, minority and women-owned businesses contracted, the dollar amount contracted and paid to these businesses over the past three years. List the name, nature of work, and dollar amount of each small, minority and womenowned business for the cited projects; and
 - B. Describe objectives for increasing small, minority and women-owned subcontracting capacity in the Work of the Project, including an estimate of the dollar volume of participation you will aspire to achieve; and 10
 - C. Describe your company's hiring policy and practice for hiring, retaining, and advancing minorities and women in your workforce.
 - If MWH-Kiewit or an affiliate or subsidiary of a Contractor will be participating in the solicitations as a bidder or proposer for a subcontracted scope of the Work, MWH-Kiewit will disclose that fact in the solicitation announcements and selection process. When an affiliate or subsidiary will be bidding or proposing, MWH-Kiewit will identify the procedures the Contractor will utilize to make the process impartial, competitive, and fair. This will include, but is not limited to, opening of bids by an independent third party. MWH-Kiewit's or its affiliates' participation in solicitations as a bidder is subject to the Owner's approval. See *Section 3.3* of this plan for additional details.
 - MWH-Kiewit and Major Subcontractors will provide in all subcontracts that Subcontractors and Suppliers of any tier providing quotes, bidding, or proposing on any package, division of

Work and/or Work element having an estimated value greater than \$150,000 will be bound by the terms and conditions of this Policy and be required to comply, including the submission of all required forms, reporting, and any supporting documentation. MWH-Kiewit or Subcontractors will deem bids or proposals not meeting this requirement to be non-responsive. See *Section 5.0* of this plan for additional details.

- MWH-Kiewit and Subcontractors will comply fully with the provisions of the Construction Diversity and Inclusion Policy in the solicitation and award of subcontracts during the life of the Project. MWH-Kiewit and Subcontractors will submit all bid results, responses to RFPs and other supporting documentation to the Owner after each solicitation, but prior to subcontract award, to allow Owner to review and verify compliance with the Policy's outreach and procurement procedures. See *Section 5.0* of this plan for additional details.
- Once the bidding process has been completed, MWH-Kiewit will submit a Utilization Plan and Form 2 listing their Subcontractors at every tier level and disaggregated participation percentages that they are committing to use on the Project.

3.3 MWH-Kiewit, or affiliates, pursuit of competitive bid packages

MWH-Kiewit, a member of the CM/GC Joint Venture, and/or Affiliate, may compete as a bidder on select competitively bid/best value packages including:

- S-16 – Raw Water Pipeline
- S-17 – Area 20, Area 30, and Area 40 Concrete
- S-19 – Balance of Buried Piping
- S-21 – Process Buildings (Areas 51, 61, 65, 70, 81, and 92)
- S-23 – Area 30 Mechanical
- S-24 – Balance of Plant Mechanical

To make the bid process for these packages impartial, competitive, and fair, MWH-Kiewit will adhere to the following:

- Outreach efforts will ensure an adequate number of bidders are contacted and invited to submit.
- MWH-Kiewit's intent to submit a bid will be disclosed in the solicitation announcements and request-for-proposal (RFP) documents. See **Attachment B, Form B-3** for a "sample" announcement.
- Bid package requirements will be consistent and fair to all potential subcontractors and will be determined by the scope of work that is in the best interest of the Project.
- CM/GC personnel involved in solicitation and administration of the bidding process will be kept separate from CM/GC personnel involved in preparation of our bid.
- CM/GC will communicate with all potential bidders in a consistent manner including site visits, questions and answers, and procurement addendums. All procurement information will be shared equivalently with each potential bidder.
- Procurement bids will be submitted directly to the Owner (or Owner's representative) for evaluation and determination of successful proponent. Post-selection response or actions will be at the discretion of the Owner.

Throughout the bid period, the Owner (or Owner's representative) will be involved in the procurement and have access to all documents to ensure that the process is impartial and fair.

4.0 REGIONAL WORKFORCE EQUITY AGREEMENT

MWH-Kiewit, and our subcontractors, will comply with the requirements of the Regional Workforce Equity Agreement. These requirements include, but are not limited to:

- Use of “High Road Contractors” to perform the Covered Work. Successful bidders will be required to submit a High Road Contractor Checklist.
- Requiring that all successful bidders sign the Regional Workforce Equity Agreement letter of ascent.
- Pursuit of workforce diversity goals for participation of women and woman-identified persons in journey-level and apprentice level Covered Work hours.
- Pursuit of workforce diversity goals for people of color in journey-level and apprentice level Covered Work hours.
- Overall apprenticeship utilization goal.

Workforce diversity goals and the overall apprenticeship utilization goal are discussed further in *Section 4.1* and *Section 4.2* below. For additional details, see the MWH-Kiewit Workforce Training and Hiring Plan (**Attachment D**).

4.1 Workforce Diversity Goals

Project workforce diversity goals will be established by the year MWH-Kiewit becomes contractually obligated to perform the Covered Work (as outlined below). For each Subcontractor, and for each Prime Contractor directly employing workers to perform Covered Work, in each Trade the percentage of journey-level and apprentice level Covered Work hours to be performed by women and woman-identified persons are as follows:

- 2022: 8%
- 2023: 9%
- 2024: 10%
- 2025: 12%
- 2026: 14%

For each Subcontractor, and for each Prime Contractor directly employing workers to perform Covered Work, in each Trade the percentage of journey-level and apprentice level Covered Work hours to be performed by people of color are as follows:

- 2022: 21%
- 2023: 22%
- 2024: 23%
- 2025: 24%
- 2026: 25%

Journey-level and apprentice-level utilization will be tracked and reported separately in each Trade.

MWH-Kiewit and Subcontractors shall provide the City with all information necessary to determine compliance with the Workforce Diversity Program Requirements and shall incorporate the goals into their Procurement Plan submitted with the GMP Proposal. Such records shall be provided through LCPTTracker and in any additional format established by the City and shall be provided no less

frequently than on a monthly basis. Reported data shall be disaggregated by race, gender, construction trade, and journey-level and apprentice hours. Prime Contractors and Subcontractors who strive in good faith to satisfy the goals set forth in both Section 10.1.B.1 and 10.1.C.1. and make concerted efforts to identify and retain women and people of color and apprentices shall not be considered in non-compliance for failure to meet the goals.”

4.2 Overall Apprentice Utilization Goal

For each Subcontractor, and for each Prime Contractor directly employing workers to perform Covered Work, in each Trade at least 20% of all Covered Work hours will be performed by apprentices in a BOLI-registered or BOLI-recognized program. This goal applies only to Subcontractors performing at least \$100,000 of Covered Work and 300 hours of construction labor on a project, and to Prime Contractors directly employing workers to perform at least \$100,000 of Covered Work and 300 hours of construction labor on a project. If a first tier Subcontractor provides only supervision, contract management, or materials, and subcontracts a portion of its work to a second tier Subcontractor, the 20% apprenticeship utilization goal will apply to the second tier Subcontractor, even if the resulting second tier subcontract does not meet the threshold requirements described above, as long as the second tier Subcontractor provides labor hours on the project job site. Work of a prime or first tier Subcontractor will not be divided into smaller subcontracts for the purpose of avoiding the apprentice utilization requirements.

5.0 REQUEST for PROPOSAL (RFP) PACKAGE

Pending receipt of final contract documents from Portland Water Bureau (e.g., Division 0 and Division 1 specifications) MWH-Kiewit will prepare and submit a sample RFP package that will include:

- Proposed prequalification form(s),
- Invitation to Bid letter,
- Instructions to Bidders,
- Bid forms,
- Subcontract agreement forms,
- Purchase agreement forms,
- Prime contract documents,
- List of standard bid attachments.

Included in **Attachment B** are the following forms:

- **Form B-1:** Best value scoring matrix
- **Form B-2:** Sample prequalification package identifying qualification criteria.
- **Form B-3:** Sample notice language for use in advertising bid packages with local newspaper(s).
- **Form B-4:** Agenda templates for pre-bid meeting.
- **Form B-5:** Agenda template for post-bid meetings.
- **Form B-6:** Example of the form that will be utilized for Owner acceptance of award.
- **Form B-7:** Sample bid addendum form.

MWH-Kiewit bid package documents will require:

- Bidder compliance with the requirements of the Construction Diversity and Inclusion Policy.
- Bidder compliance with the requirements of the Regional Workforce Equity Agreement.

The sample RFP package will be submitted for approval by PWB and the City's Contract Compliance Specialist. Additionally, bid package specific RFPs will be submitted to PWB, the City's Contract Compliance Specialist, and the City's Inclusive Contracting Manager, for review and comments, no less than fourteen calendar days prior to their release.

MWH-Kiewit acknowledges that all subcontract modifications/change orders will be provided to PWB.

6.0 SUBCONTRACOR OUTREACH and BIDDING

Subcontractor outreach and bidding will be organized around the preparation and submittal of two (2) guaranteed maximum price (GMP) proposals. The first GMP, GMP 1 - Early Works, will be submitted during the first quarter of 2023 and will include MWH-Kiewit self-perform pricing as well as "allowances" for various Opportunity Contractor and subcontractor packages. Bid packages to be included in GMP 1 are shown below:

- Package SP-01 – General Conditions
- Package SP-02 – Site Preparation and Earthwork
- Package SP-03 – Hoisting
- Package OPP-02 – Stockpile Management and Loadout
- Package OPP-03 – Traffic Control
- Package S-01 – Trucking to Contractor-Designated Off-Site Disposal Facility
- Package S-02 – Temporary Utilities
- Package S-03 – Temporary Roads and Laydown Areas
- Package S-04 – Temporary Fencing and Gates
- Packages S-05 – Surveying
- Package S-06 – Waste Management and Recycling
- Package S-07 – Security Services
- Package S-08 – Owner Janitorial Services
- Package S-09 – Quality Control Testing
- Package S-10 – Street Sweeping
- Package S-11 – Off-Site Road Improvements
- Package S-12 – SWPPP/Erosion Control
- Package S-13 – Mix Design and Trial Batch Testing for Cast-in-Place Concrete
- Package S-14 – Portable Toilets
- Package S-15 – Owner Field Offices
- Package S-16 – Raw Water Pipelines

Outreach activities began in September 2022 as a joint effort between PWB (Bull Run project Owner), City Procurement Services, MWH-Kiewit (as Filtration Facility CM/GC), and the Conveyance Partners (as Pipelines CM/GC). This joint effort educated the Equity Contracting community and community-based organizations about the overall Bull Run Treatment Program (PWB), the newly released Regional Workforce Equity Agreement and Construction Diversity and Inclusion Program (presented by City Compliance), the Filtration Facility project (presented by MWH-Kiewit), and the Pipelines project (presented by Conveyance Partners). Additional outreach events will take place in 2023.

Opportunity Contractor pricing and subcontractor bidding associated with GMP 1 will begin following MWH-Kiewit's receipt of final contract documents from PWB. Once final documents have been received, we will prepare and submit the sample RFP package(s) detailed in Section 5.0 above. Following approval of our sample RFP package(s), MWH-Kiewit will conduct Opportunity Contractor pricing and subcontractor bidding.

The second GMP, GMP 2 – Balance of Plant, will be prepared and submitted during the second quarter 2023. GMP 2 will include MWH-Kiewit self-perform pricing, Opportunity Contractor proposals, and subcontractor packages. Bid packages to be included in GMP 2 are shown below:

- SP-04 – Structural Excavation and Subgrade Preparation
- SP-05 – Direct Purchase of Key Process Equipment
- SP-06 – CM/GC Commissioning and Start-up
- OPP-04 – Area 91 Concrete
- OPP-05 – Architectural Concrete
- OPP-06 – Administration Building and Maintenance Building
- OPP-07 – Architectural Buildings
- OPP-08 – Plant I&C
- S-17 – Area 20, Area 30, and Area 40 Concrete
- S-18 – Finish Grading
- S-19 – Balance of Buried Piping
- S-20 – Septic Drain Field
- S-21 – Areas 51, 61, and 92
- S-22 – Dewatering Building, Chemical Building, and Ozone Building
- S-23 – Area 30 Mechanical
- S-24 – Balance of Plant Mechanical
- S-25 – Plant Electrical
- S-26 - Landscaping
- S-27 – Temporary Construction Power

Preparation of GMP 2 will begin upon MWH-Kiewit's receipt of 100% design documents. Subcontractor outreach will resume at this same time.

Plan Attachments:

- ✓ Table 1 – Summary of Bid Packaging Plan
- ✓ Attachment A - PWB review comments on 60PCT Procurement Plan
- ✓ Attachment B – Forms
 - Form B-1: Best value scoring matrix
 - Form B-2: Sample prequalification package identifying qualification criteria.
 - Form B-3: Sample notice language for use in advertising bid packages with local newspaper(s).
 - Form B-4: Agenda templates for pre-bid meeting.
 - Form B-5: Agenda template for post-bid meetings.

- Form B-6: Example of the form that will be utilized for Owner acceptance of award.
- Form B-7: Sample bid addendum form.
- ✓ Attachment C – Prequalification Plan
- ✓ Attachment D – Workforce Training and Hiring Program Plan

**FILTRATION FACILITY
BEST VALUE SCORING MATRIX**

Bid Package Name: _____

Bidder Name: _____

Row No.	Scoring Criteria	Maximum Points	Notes
1	Cost	50	The lowest priced bidder will be awarded the maximum points (i.e., 50 points). Other bidders will be awarded a percentage of the maximum points using the following formula: Bidder Points = (lowest bid value/bidder's bid value) x 50
2	Equity Contractor Participation	35	The Bidder demonstrating the highest level of Equity Contractor participation will be awarded the maximum points (i.e., 35 points). Other bidders will be awarded a percentage of the maximum points using the following formula: Bidder Points = (Bidder's Equity Contractor participation/highest level of Equity Contractor participation) x 35. Equity Contractor participation will be expressed as % of bidder's overall bid value.
3	Company Experience, Key Staff, and Safety Performance	15	Bidder's proposals will be evaluated and scored on the basis of company experience on projects of similar size and scope, strength of proposed key staff including project manager and general superintendent, and safety performance metrics from the past 3 years.
4	Apprenticeship, Journey Level, and Workforce Diversity	Pass / Fail	All bidders demonstrating a plan for compliance with the requirements of the Regional Workforce Equity Agreement (RWEA) to achieve the aspirational apprenticeship, journey level, and workforce diversity goals will receive a "Passing" score. Bidder's failing to demonstrate a plan for compliance will be deemed non-responsive and receive a "Fail" score.
Totals		100	

BIDDER'S SCORE

1	Cost	XX	
2	Equity Contractor Participation	XX	
3	Company Experience, Key Staff, and Safety Performance		
3	Apprenticeship, Journey Level, and Workforce Diversity	XX	
Bidder's Total Score =		XXX	

Corporation

State of Incorporation: _____ Date of Incorporation: _____
 President: _____
 Vice President: _____
 Secretary: _____
 Treasurer: _____

Partnership

Type of Partnership: _____ Date of Formation: _____
 General Partner(s): _____

LLC or Joint-Venture

State of Formation: _____ Date of Formation: _____
 Principals: _____

Individual

Owner: _____ Date of Formation: _____

1b. Taxpayer Identification

Provide firm's Federal Taxpayer ID Number (EIN or SSN), as applicable. _____
 Attach a copy of your firm's most current W-9 form.

1c. Time in Business

How many years has your organization been in business as a contractor under your present business name and license number? _____

1d. Ownership

Has there been any change in ownership of the firm at any time during the last three years? *NOTE: A corporation whose shares are publicly traded is not required to answer this question.*
 If "yes", explain on a separate page. Yes No

1e. Affiliates

Is the firm subsidiary, parent, holding company or affiliate of another construction firm?
NOTE: Include information about other firms if one firm owns 50% or more of another or if an owner, partner, or officer of your firm holds a similar position in another firm.
 If "yes" explain on a separate page. Yes No

1f. Qualification

Is your firm qualified to do business and in good standing in the state of Oregon where the project is located? Yes No

1g. Licenses

For all bid packages **except** S-05 (Surveying), S-07 (Security), and S-08 (Janitorial Services), attach copies of your Oregon CCB license and City of Portland Business Registration with this completed questionnaire. Where applicable, does your firm possess a valid and current contractor's license for the project in which it intends to submit a bid?

Yes No

If "yes" provide applicable registration or license numbers in the table below.

<u>State / Jurisdiction</u>	<u>License Number</u>	<u>Trade Category</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Has your firm had any license revoked or suspended at any time in the last five years?
If "yes" explain on a separate sheet.

Yes No

1h. Debarment / Suspension

In the past three years, or presently, has your firm been debarred, suspended, proposed for debarment or declared ineligible for contract awards by any Federal, State or Local Agency?
If "yes" explain on a separate page.

Yes No

1i. Bankruptcy/Litigation

Is your firm currently the debtor in a bankruptcy case? If "yes", please attach a copy of the bankruptcy petition showing the case number and the date on which the petition was filed.

Yes No

List all bankruptcy actions against you, your company, or related companies in the last seven years.
Attach separate sheet as necessary

List any litigation against your firm in the last three years. Attached separate sheet as necessary.

2. CERTIFICATIONS

2a. Business Classification: Please attach any applicable State of Oregon certificates.

- | | |
|--|---|
| <input type="checkbox"/> No Certifications | <input type="checkbox"/> Women Business Enterprise |
| <input type="checkbox"/> Small Business Enterprise (SBA) | <input type="checkbox"/> Minority Business Enterprise |
| <input type="checkbox"/> Disadvantaged Business Enterprise | <input type="checkbox"/> Veteran Business Enterprise |
| <input type="checkbox"/> Other (Specify) _____ | |

2b. Type of Labor:

Open Shop

Union

List Trades You Intend to Work on this Project	Indicate Open Shop or Union. If Union, please list which Union.	Are You are a BOLI Registered Training Agent for this Trade? If yes, where do you get your apprentices?
EXAMPLE: Pipefitters	Union 290	Union
EXAMPLE: Laborers	Open Shop	Northwest College of Construction

3. INSURANCE

3a. Insurance. This project will be executed under an Owner Controlled Insurance Program (OCIP). Prior to beginning work, subcontractors will be required to enroll in the OCIP program. Subcontractor’s will be required to provide the coverages shown below. Indicate the types of insurance policies you maintain and current coverage limits.

Coverage	Yes	No	Limits
Worker’s Compensation	<input type="checkbox"/>	<input type="checkbox"/>	Statutory _____
Commercial General Liability for activities off the project site	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
Automobile Liability	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____

If “No” marked above, are you willing and able to get the specified coverage?

Yes No

3b. Insurance Non-Renewal

In the last five years has any insurance carrier, for any type of coverage, refused to renew the insurance policy for your firm? *If “yes”, explain on a separate page, and include the name of the insurance carrier, the form of insurance, and the year of the refusal.*

Yes No

4. WORK UNDER CONTRACT AND PRACTICES

4a. State the total worth of work in progress and under contract: \$ _____

4b. What percentage of work do you normally perform with your own forces? _____

4c. If you do use lower tier subs to complete any of your work, list the types of work that you normally subcontract out: _____

5. EQUITY CONTRACTING EXPERIENCE

5a. Attach to this questionnaire, on a separate sheet, a table showing your last three projects with equity subcontracting goals. For each project, list project name, contract amount, nature of your contract (i.e., prime contractor or subcontractor), project’s equity contracting goal, and your equity contracting % expressed as a total of your contract value.

5b. For the past three years, please list the minority workforce % for your company expressed as a percentage of total workforce hours:
2022 minority workforce %: _____
2021 minority workforce %: _____
2020 minority workforce %: _____

5c. For the past three years, please list the women workforce % for your company expressed as a percentage of total workforce hours:
2022 women workforce %: _____
2021 women workforce %: _____
2020 women workforce %: _____

5d. For the past three years, please list the trades you worked and the % of apprenticeship that you worked in each trade:

Trade	% Apprenticeship 2022	% Apprenticeship 2021	% Apprenticeship 2020

6. CONTRACT HISTORY

6a. Experience

For each bid package you wish to be qualified, on a separate sheet, list information about your three (3) most recent comparable projects*. Provide the client's name, contact name and phone number, project name / location, scope of work performed, original contract amount, change orders, final value, start date, and completion date. *Note: The names and references provided must be current and verifiable. *In order to qualify, you must evidence adequate contract history indicating your ability to perform the same type of work on the project for which you are completing this questionnaire.*

Your sample project information shall be submitted on a separate sheet and returned with this completed form. Your sample project information must be clearly labeled to illustrate the bid package(s) for which you are asking to be qualified.

Applicants for **Bid Package S-01 (Trucking)** shall complete the following form:

Truck Type and Capacity	How Many of this Type does your firm own and what year were the trucks manufactured?	How Many of this Type does your firm lease and what year were they manufactured?
EXAMPLE: Dump truck/10 cubic yards	7 total. 5 were manufactured in 2010 and 2 were manufactured in 2012.	5 owned. 2 leased.

6b. Prior Experience with Portland Water Bureau or City of Portland

Has your organization ever had any past experience with the Portland Water Bureau or the City of Portland on any projects?

Yes No

If yes, please list submit a list of the project names, dates, and associated contact information.

7. WORK HISTORY

7a. State your firm's annual amount of work performed for each of the last three years, and indicate what percentage of the work was completed as a General Contractor or a Subcontractor:

Year	Amount	General Contractor	Subcontractor
2022	\$ _____	% _____	% _____
Year	Amount	General Contractor	Subcontractor
2021	\$ _____	% _____	% _____
Year	Amount	General Contractor	Subcontractor

2020 \$ _____ % _____ % _____

8. SUBCONTRACTOR SAFETY PERFORMANCE REVIEW

MWH-Kiewit is committed to providing a safe and healthy working environment for our subcontractors and their employees at our project work-sites.

Subcontractors proposing to provide services for the project must provide the requested information. The questions relate to governmental safety and health regulations and standards, including, but not limited to the Occupational Safety and Health Act (OSHA) of 1970.

The MWH-Kiewit safety program is developed with the understanding that the OSHA regulations are considered the minimum standard. In many cases, the MWH-Kiewit safety program includes requirements that exceed the OSHA requirements. A copy of the MWH-Kiewit Health and Safety Plan will be included with the solicitation documents and will be incorporated into each subcontract. In addition, successful subcontractors are required to submit site-specific Health and Safety plans prior to beginning any field work, which shall meet or exceed MWH-Kiewit's Health and Safety Plan requirements.

This questionnaire has been developed to assist MWH-Kiewit to better understand your company's safety performance and program. The information contained in this submittal should be factual and verifiable. Your response may be used to determine eligibility to participate in upcoming project work. Your response/lack of response may result in disqualification from the evaluation process. Additional safety information may be requested from your company depending upon the nature of the work your company may provide.

Completion of this questionnaire does not in any way relieve any subcontractor of its obligation to comply with applicable laws, regulations and standards or to provide a safe and healthy workplace for their employees and subcontractors.

8a. Worker's Compensation EMR

Provide your worker's compensation experience modifier rate (EMR) for the last 3 years. Additionally, attach a letter from your firm's Worker's Compensation Broker confirming the EMRs reported below.

Year:	2021	2020	2019
EMR:			

Are the above EMR's for:

- State
 Interstate Rate
 Entire Company
 Particular Division
 Joint Venture

8b. Injury / Illness Metrics

Provide below, the firm's actual metrics for the last 3 years or provide copies of your OSHA 300 logs for these same years.

Year:	2021	2020	2019
Total Hours Worked			
Number of Fatalities			
First Aid Cases			
Recordable Cases			
Recordable Case Rate*			
Lost Time Cases			
Lost Time Case Rate*			
Lost Time Days			

Lost Time Days Rate*			
Restricted Workday Cases			
Restricted Workday Case Rate*			
Restricted Work Days			
Restricted Workday Rate*			
Total DART Cases			
DART Case Rate*			

* Calculations are to be made using the following formula: $\frac{\text{Number of Incidents} \times 200,000}{\text{Work-hours}}$

8c. Citations

List the OSHA citations and the citations from similar state agencies that your company has received in the last three years including citations you have received alone or as part of a Joint Venture. Use additional sheets if necessary.

Issue Date	Type of Citation	Number of Citations	Penalty	OSHA / State Std. Cited
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

If you have no OSHA Citations, please attach a notarized statement on your letterhead indicating that you have no citations.

8d. Company Environmental, Safety and Health Plan

Does your firm have a corporate safety officer / department? *If "yes", provide the name, title, contact number and a copy of the current resume of your corporate safety officer.* Yes No

Name (Corporate Officer) Title (Telephone Number)

Does your firm have written company safety program? *If "yes", attach the Table of Contents and a copy of your Injury Prevention Plan.* Yes No

Do you conduct documented Field Safety Audits? Yes No
If "yes", how often: _____

Does your firm provide safety orientation/training for new employees? Yes No

Does your firm hold "Gang Box/Tool Box safety meetings:
If "yes", how often? Daily Weekly Monthly Yes No

Does your firm hold specialized safety/training meetings for newly hired or promoted foremen? Yes No

Does your firm have an active employee substance abuse Testing Program? *If "yes", provide a copy.* Yes No

- Does your firm have a return to work policy? Yes No
- Do you have personnel trained to provide first aid and CPR at each project site? Yes No
- Do you have a corrective action program that addresses safety and health performance? Yes No
- Does your firm have an accident/incident investigation program? Yes No

If "no" marked above, are you willing to supplement your safety program to provide these items? _____

9. QUALITY ASSURANCE & QUALITY CONTROL

- Does your firm have written Quality Management Procedures? Yes No
- Does your firm perform written, daily pre-task planning? Yes No
- Does your firm actively perform Quality checks/reviews? Yes No
- Does your firm have a written plan to address deficient work? Yes No

If "no" marked above, are you willing to supplement your quality program to provide these items? _____

PART ONE CERTIFICATION

As an Authorized Representative for _____ I hereby certify that the answers to the foregoing questions, and all documents contained herein, are true and correct. I hereby submit our company details to MWH-Kiewit for review and consideration for future work. I acknowledge that submittal of the information requested does not grant automatic pre-qualification for work on any MWH-Kiewit project. Also being qualified for one project does not confer qualification for all projects. I authorize MWH-Kiewit to conduct any investigations it determines necessary to verify the statements, documents and information submitted herewith to clarify the financial and technical aspects. For this purpose only, I hereby agree that MWH-Kiewit may contact any of the references provided; including banks, insurance brokers, bonding agents, suppliers, or past clients to verify pertinent information provided in this questionnaire regarding our competence and standing.

Signature

Date

(Above name printed)

(Title of Authorized Representative)

PART 2 OF QUESTIONNAIRE

(applicable only to packages S-09, -16, -17, -18, -19, -21, -22, -23, -24, -25, -26, and -27)

10. LEGAL / FINANCIAL

10a. Bank Reference

Financial Institution: _____
Address: _____
Telephone Number: () _____
Contact Name: _____

11. BONDS

11a. Current Surety Information.

Bonding Capacity: \$ _____
Surety: _____
Surety Agent: _____
Surety Agent Address: _____
Telephone Number: () _____

11b. Prior Surety Information

Has any other surety company written bonds for your firm in the last five years? *If "yes", please provide the above information, including dates, for each such surety on a separate sheet.*
.
 Yes No

11c. Surety Payments

At any time during the past five years, has any surety made payments on your firm's behalf to satisfy any claims made against a performance or payment bond issued on your firm's behalf in connection with a construction project, either public or private? *If "yes", explain on a separate signed page the date and amount of each such claim, the name and telephone number of the claimant, the grounds for the claim, the present status of the claim, and, if resolved, the date of resolution, the method by which such claim was resolved, the nature of the resolution, and the amount, if any, at which the claim was resolved.*
.
 Yes No

12. WORK UNDER CONTRACT AND PRACTICES

12a. Do you require bonds from your lower-tier subcontractors?
 Yes No

12b. Do you normally obtain lien releases when paying subcontractors and suppliers? _____
 Yes No

13. CONTRACT HISTORY

13a. Prior Experience with MWH or Kiewit

Has your organization ever had any past experience with MWH and/or Kiewit on any projects?
 Yes No

14. WORK HISTORY

14.a Does your organization have experience working on projects with Equity Contracting and/or Workforce participation goals?

Yes No

14.b. On separate sheets, please provide resumes for all management that will be assigned to his project (e.g., project manager, superintendent, safety manager, equity contracting and/or workforce manager, etc.)

15. SUBCONTRACTOR SAFETY PERFORMANCE REVIEW

15a. Lower Tier Contractors and Subcontractors Metrics

Provide the metrics for the last 3 years and the estimated metrics for the current year for your lower tier contractors and subcontractors. This section is applicable to all contractors / subcontractors contracted to your company. *Attach additional pages as needed.*

Year:	2021	2020	2019
Total Hours Worked			
Number of Fatalities			
First Aid Cases			
Recordable Cases			
Recordable Case Rate*			
Lost Time Cases			
Lost Time Case Rate*			
Lost Time Days			
Lost Time Days Rate*			
Restricted Workday Cases			
Restricted Workday Case Rate*			
Restricted Work Days			
Restricted Workday Rate*			
Total DART Cases			
DART Case Rate*			

* Calculations are to be made using the following formula:
$$\frac{\text{Number of Incidents} \times 200,000}{\text{Work-hours}}$$

16. DIGITAL DELIVERY

Please check the boxes below that best characterize your company's ability to complete various Digital Delivery related tasks:

	1 (Never do this)	2	3	4	5 (Performed on every Job)
Layout Drawings (In House; AutoCAD, Bluebeam or Similar)	<input type="checkbox"/>				
BIM (Building Information Modeling)	<input type="checkbox"/>				
Fabrication from 3D Model (Model to CNC)	<input type="checkbox"/>				
Model Coordination Participation	<input type="checkbox"/>				
Laser Scanning	<input type="checkbox"/>				

Other:	<i>Please note any other Digital Delivery/BIM experience here.</i>
--------	--

PART TWO CERTIFICATION

As an Authorized Representative for _____ I hereby certify that the answers to the foregoing questions, and all documents contained herein, are true and correct. I hereby submit our company details to MWH-Kiewit for review and consideration for future work. I acknowledge that submittal of the information requested does not grant automatic pre-qualification for work on any MWH-Kiewit project. Also being qualified for one project does not confer qualification for all projects. I authorize MWH-Kiewit to conduct any investigations it determines necessary to verify the statements, documents and information submitted herewith to clarify the financial and technical aspects. For this purpose only, I hereby agree that MWH-Kiewit may contact any of the references provided; including banks, insurance brokers, bonding agents, suppliers, or past clients to verify pertinent information provided in this questionnaire regarding our competence and standing.

Signature

Date

(Above name printed)

(Title of Authorized Representative)

LIST OF PROPOSED BID PACKAGES

Pkg. No.	Pkg. Name	Pkg. Description	Order of Magnitude (\$Millions)	Procurement Method	Notes
S-01*	Trucking	Includes offsite trucking and dump fees.	\$30M	Competitive bidding amongst Equity Contractors	Prequalification limited to Equity Contractors
S-02	Site Utilities	Site utilities. Water and sewer development for offices. Fire protection systems etc. Excludes electrical power.	\$2.5M	Competitive bidding amongst Equity Contractors	Prequalification limited to Equity Contractors
S-03*	Temporary Roads	Includes temporary roads and crane pads. Includes aggregates and/or lime treatment for temporary roads. Grading and rock of site laydown areas and parking areas.	\$12M*	Competitive bidding amongst Equity Contractors	Prequalification limited to Equity Contractors
S-04	Temporary Fencing	Temporary Site fencing and gates.	\$0.1M	Direct negotiation with Equity Contractors	Prequalification limited to Equity Contractors
S-05	Surveying	Surveying	\$2M	Competitive bidding amongst Equity Contractors	Prequalification limited to Equity Contractors
S-06	Waste Management	Waste management (recycle and trash)	\$1M	Direct negotiation with COBID-certified	Prequalification limited to Equity Contractors
S-07	Security	Site Security	\$0.75M	Direct negotiation with Equity Contractors	Prequalification limited to Equity Contractors
S-08	Janitorial Services	Janitorial services	\$0.5M	Direct negotiation with Equity Contractors	Prequalification limited to Equity Contractors
S-10	Street Sweeping	Street sweeping	\$3M	Competitive bidding amongst Equity Contractors	Prequalification limited to Equity Contractors
S-11	Road Improvements	Road improvements to SE Carpenter Lane	\$1M	Competitive bidding amongst Equity Contractors	Prequalification limited to Equity Contractors
S-12	Erosion Control	Storm Water Pollution Prevention Plan (SWPPP) Design, Installation, and Inspection Management	\$4.5M	Competitive bidding amongst Equity Contractors	Prequalification limited to Equity Contractors
S-14	Portable Toilets	Portable Toilets (a.k.a. porta pottys)	\$0.5M	Direct negotiation with Equity Contractors	Prequalification limited to Equity Contractors
S-15	Owner Offices	Owner Offices and Trailers	\$0.5M	Direct negotiation with Equity Contractors	Prequalification limited to Equity Contractors
S-20	Septic Drain Field	Includes supply and construction of septic drainage field.	\$0.25M	Direct negotiation with Equity Contractors	Prequalification limited to Equity Contractors

S-09	3 rd Party Quality	3rd Party Quality Control Testing	\$14.5M	Competitively Bid/ Best Value	Prequalification open to All firms
S-16	Raw Water Pipelines	Raw water pipeline. Includes purchase of piping materials and welding. Includes excavation and backfill of trench. Includes installation of any items embedded in concrete (e.g., wall sleeves).	\$11M	Competitively Bid/ Best Value	Prequalification open to All firms
S-17	Area 20, Area 30, and Area 40 Concrete	Inlet Structure (Area 20), Treatment Process (Area 30) and Finished Water (Area 40) Concrete. Includes concrete and reinforcing steel. Includes supply and installation of miscellaneous metals embedded in the concrete. Includes all handrail, grating, and checker plates. Excludes structural excavation, subgrade preparation and imported aggregates. Excludes concrete at 45 (Fire Pump Station) and 46 (Pleasant Home Pump Station).	\$99M	Competitively Bid/ Best Value	Prequalification open to All firms
S-18	Finish Grading	Includes site finish grading, AC pavement, and curb and gutter. Includes placement and compaction of aggregate materials below permanent roadways. Includes purchase of aggregate materials.	\$8M	Competitively Bid/ Best Value	Prequalification open to All firms
S-19	Balance of Buried Piping	Balance of buried piping including Finished Water piping. Includes purchase of piping materials and welding. Includes installation of any items embedded in concrete (e.g., wall sleeves). Includes excavation and backfill. Includes storm drain piping. Excludes raw water pipeline. Excludes finished water pipeline. Excludes septic drainage field.	\$61M	Competitively Bid/ Best Value	Prequalification open to All firms
S-21	Areas 51, 61, and 92	Includes construction of Areas 51, 61, and 92 whole and complete. Includes excavation, aggregate base and backfill. Includes reinforcing steel. Includes supply and installation of miscellaneous metals embedded in the concrete. Includes all structural, mechanical, and architectural. Excludes electrical. Excludes I&C.	\$20M	Competitively Bid/ Best Value	Prequalification open to All firms

S-22	Dewatering Building, Chemical Building, and Ozone Generation Building	Includes construction of the Dewatering Building, Chemical Building, and Ozone Generation Building. Includes structural excavation and imported aggregates. Includes cast-in-place concrete. Includes building utilities from 5 feet outside the building and in. Includes the building envelope (walls, roofs, doors, windows, etc.). Includes structural steel. Includes building finishes, painting, and furnishings. Includes HVAC. Includes plumbing. Includes fire protection. Includes miscellaneous metals including all handrail, grating, and checker plate. Excludes electrical. Excludes I&C. Excludes supply and installation of mechanical process equipment and piping.	\$25M	Competitively Bid/ Best Value	Prequalification open to All firms
S-23	Area 30 Mechanical	Furnish and install all process mechanical equipment at Area 30. Includes supply and installation of all above grade piping, valves, etc. Includes HVAC. Includes painting and coating of mechanical piping and equipment.	\$49M	Competitively Bid/ Best Value	Prequalification open to All firms
S-24	Balance of Plant Mechanical	Furnish and install all process mechanical work excluding Areas 30, 51, 61, and 92. Includes installation of all process equipment (with equipment furnished by CM/GC). Includes supply and installation of all above grade piping, valves and appurtenances. Includes painting and coating of mechanical piping and equipment. The following equipment to be supplied by CM/GC and installed by Mech-03 subcontractor: 46 31 53 (Ozone Generating and Feed Equipment), 46 32 40 (Soda Ash Storage and Feed Equipment), 46 33 13 (Onsite Sodium Hypochlorite Generator System), and 46 76 33 (Dewatering Centrifuges).	\$33M	Competitively Bid/ Best Value	Prequalification open to All firms
S-25	Plant Electrical	Includes all electrical. Includes excavation, rebar/concrete, backfill for duct banks. Includes installation of any embeds/sleeves/etc. in concrete. Includes installation of all I&C conduit and wire. Includes installation of I&C instrumentation and PLCs. Excludes supply of instrumentation and PLCs.	\$82M	Competitively Bid/ Best Value	Prequalification open to All firms

S-26	Landscapping	Includes all landscaping.	\$6.25M	Competitively Bid/ Best Value	Prequalification open to All firms
S-27	Construction Power	Temporary construction power distribution system.	\$7M	Competitively Bid/ Best Value	Prequalification open to All firms

*IF required to ensure competition, bid packages S-01 (Trucking) and S-03 (Site Access Roads) may be broken into multiple smaller packages.

END OF QUESTIONNAIRE

**Form B-3
Sample Advertisement**

Sample Advertisement (without MWH-Kiewit bidding)

MWH-Kiewit Joint Venture (i.e., CM/GC)

PORTLAND WATER BUREAU'S
FILTRATION FACILITY PROJECT

Bids due 2:00 pm, DATE

REQUEST FOR BIDS

MWH-Kiewit is soliciting subcontractors, **via the best-value selection method**, for the following bid packages: <insert bid packages>. If interested, please contact MWH-Kiewit's Preconstruction Manager Ben McGeachy at ben.mcgeachy@mwhconstructors.com

Sample Advertisement (with MWH-Kiewit bidding)

MWH-Kiewit Joint Venture (i.e., CM/GC)

PORTLAND WATER BUREAU'S
FILTRATION FACILITY PROJECT

Bids due 2:00 pm, DATE

REQUEST FOR BIDS

MWH-Kiewit is soliciting subcontractors, **via the best-value selection method**, for the following bid package: <insert bid package>. Be advised that MWH-Kiewit, a member of the CM/GC Joint Venture, and/or Affiliate, intends to compete as a bidder on this package. If interested, please contact MWH-Kiewit's Preconstruction Manager Ben McGeachy at ben.mcgeachy@mwhconstructors.com

Portland Water Bureau
Filtration Facility
Bid Package S-XX – XXXXX
Pre-Bid Meeting, <insert date>

1. Introductions
 - Owner, Portland Water Bureau
 - CM/GC, MWH-Kiewit
 - Engineer, Stantec
2. Confirmation of “Invitation to Bid” and access to documents
 - Request for Proposal (RFP)
 - Drawings
 - Specifications
3. Schedule of Events
 - Release of RFP: Date
 - Pre-Bid Meeting Date
 - Bidder Questions Due: Date
 - Issue Addendum (if necessary): Date
 - Bids Due: Date
4. Review Scope of Work document
5. Review Instructions to Bidders
 - Prevailing Wage Rates
 - Certified Payroll
 - Construction Diversity and Inclusion Policy
 - o Aspirational Baseline Participation Goals
 - o Equity Contractor Outreach
 - Regional Workforce Equity Agreement
 - o Use of High Road Contractors
 - o Letter of Ascent
 - o Diversity goals for women and woman-identified persons in journey-level and apprentice level covered hours
 - o Diversity goals for people of color in journey-level and apprentice level covered hours
 - o Overall apprenticeship utilization goal
7. Safety Program / Quality Program
8. Bidder Questions
9. Site Walk (Optional)

Post-Bid Review Meeting

1. Introductions
2. Purpose of Call
 - Better understanding of bid
 - Review/discuss any uncertainties
3. Review the Scope of Work
4. Review of Bid Forms
 - Review Construction Diversity and Inclusion Plan
 - Review Regional Workforce Equity Agreement
5. Bidder questions?
6. Owner questions?
7. Engineer questions?
8. Other
9. Action Items

<insert list of action items with due dates for each>

**Filtration Facility Project
Owner Acceptance of Award**

Bid Package No. _____

Bid Package Name _____

Procurement Method _____

Bid Summary

Bidder	Best-Value Score (if applicable)	Bid Price	Notes
Bidder 1			
Bidder 2			
Bidder 3			
Bidder 4			
Bidder 5			

MWH-Kiewit Recommendation to Award

Portland Water Bureau Acceptance of Award

Portland Water Bureau

<insert name>

(Date)

City Compliance Acceptance of Award

City of Portland Compliance

Angela Pack

(Date)

ADDENDUM NO. [# here]

DATE: [day/month/year]

PROJECT TITLE: [project title]

The Request for Bid referenced above is hereby changed as noted below and Bidder's proposal shall reflect all changes noted herein. All items set forth in this addendum shall be as though set forth in the said Request for Bid and shall be subject to all terms and conditions contained therein.

1.) BID CLOSING DATE

The Bid Invitation Letter [is hereby changed to reflect a postponement of the bid closing date.] [remains unchanged]. All bids must be received on or before [month/day/time/am/pm/time zone] and will be opened only after that time. The latest date to submit Written Questions/Clarifications is [month/day] by [time/am/pm/time zone]

2.) PRE-BID MEETING

A pre-bid meeting was held at [type where meeting was held], [day/time]

3.) QUESTIONS AND ANSWERS: Enclosure 2 to this Addendum contains the list of Questions and Answers

(or if only a couple questions/answers they can be listed below)

1-Q:

1-A:

2-Q:

2-A:

3-Q:

3-A:

4-Q:

4-A:

4.) NEW DOCUMENTS: [delete and renumber if not used]

5.) REVISED DOCUMENTS: [delete and renumber if not used]

6.) **ENCLOSURES** [this item can be used for another subject title and then the Enclosure list can be assigned the last item number of the addendum]

Enclosure 1: Pre-Bid Meeting Minutes

Enclosure 2: Questions and Answers

Enclosure 3: as needed or delete

END OF ADDENDUM NO. []

THIS DOCUMENT COMPLETE WITH ALL ATTACHMENTS IS CONSIDERED ADDENDUM NO. [] AND MUST BE ACKNOWLEDGED WITHIN YOUR PROPOSAL. FAILURE TO ACKNOWLEDGE THIS AND ALL ADDENDA WILL RESULT IN YOUR PROPOSAL BEING RENDERED "NON-RESPONSIVE".



Prequalification Plan

Revision 1 dated April 28, 2023

Request to Begin Subcontractor Prequalification

MWH-Kiewit requests approval of Portland Water Bureau and City of Portland Procurement Services to begin prequalification of subcontractors for construction of the Filtration Facility.

Purpose of Beginning Subcontractor Prequalification Now

Although specific timelines have yet to be established for bidding subcontractor work packages, starting the subcontractor prequalification process now provides several benefits including:

- Raises the level of awareness surrounding the upcoming subcontractor bid packages.
- Identifies interested parties. Understanding the level of interest in the various bid packages will allow us to target additional outreach activities where needed.
- Allows additional time for subcontractors to complete and submit the prequalification forms.
- Allows additional time for MWH-Kiewit and/or PWB to evaluate the prequalification forms.

Prequalification Process

Excluding packages S-07 (security), S-08 (janitorial), S-10 (street sweeping), and S-14 (portable toilets), MWH-Kiewit may utilize a prequalification process for the subcontractor bid packages S-01 through S-32. Packages S-07, S-08, S-10, and S-14 are considered services and will not require prequalification.

If utilized, this prequalification process would apply to subcontractor work procured using the “competitively bid solely within the Equity Contracting community” as well as the “competitively bid/best value” procurement methods.

If a minimum of three (3) prequalified bidders is not achieved (for each bid package), MWH-Kiewit will review and discuss optional approaches with PWB prior to proceeding.

A copy of our sample prequalification questionnaire is attached.

Subcontractor Outreach / Advertising Plan

Our call to submit prequalification questionnaires will be made via public advertisement and will be open to all contractors. Public outreach will be made via advertisement within:

- Daily Journal of Commerce Oregon
- Business Tribune
- Asian Reporter
- Portland Observer
- The Skanner

Additionally, MWH-Kiewit will notify the following community-based organizations:

- MAWE
- PBDG
- NAMC
- OAME/OAME Veteran Group

- LationBuilt
- BestHQ
- Pre-Apprenticeship groups such as POIC, Constructing Hope, NAYA, Worksource, PWY, and Oregon Tradeswomen.
- Community groups such as Urban League, National Association of Black Veterans, NAWIC Portland, Asian Pacific American Chamber, Hispanic Chamber, Native American Chamber, and PACCO
- Northwest College of Construction
- NUCA
- AGC

MWH-Kiewit may complete one or more of the following efforts:

- Email blast to all parties that attended our November 3, 2022, outreach event.
- Email blast to all contractors registered with the City (this item would require the assistance of City Procurement Services).
- Advertisement on MWH and/or Kiewit social media pages.
- Advertisement on City's website (this item would require the assistance of City Procurement Services).
- Targeted outreach to specific contractors that may include one or more of the following:
 - Bidders list from Lusted Hill
 - Bidders list from STEP
 - City's qualified contractors list

Prequalification Schedule

MWH-Kiewit's initial outreach will be begin during the month of February. Additional outreach may take place once bidding schedules are known for the Early Works GMP and the Balance of Plant GMP.

Attachments: Subcontractor Qualification Questionnaire

**BULL RUN FILTRATION FACILITY
WORKFORCE HIRING AND TRAINING PLAN**

1. Community Workforce Program Objective

MWH-KIEWIT JV is committed to facilitating the recruitment, retention, and promotion of historically disadvantaged or underrepresented people, including racial and ethnic minorities, and women who are interested in careers in the construction industry. MWH-KIEWIT JV commits to maintaining a harassment-free workplace, in which all work must be assigned in a manner that respects training objectives for apprentices and ensures an equitable distribution of meaningful work, training, and assignments.

To implement these recruitment efforts, MWH-KIEWIT JV and its subcontractors will make a maximum good faith effort to contact public and private sector workforce training programs on employment opportunities associated with the project. To promote a positive workplace culture, MWH-KIEWIT JV will require its managers, supervisors, subcontractors, and employees to be fully accountable for adherence to all Regional Equity Workforce Agreement apprenticeship and workforce diversity goals and comply with Federal WIFIA Equal Employment Opportunity policies on the Filtration Facility Project.

2. Community Workforce Program Goals

Workforce Diversity: MWH-KIEWIT JV recognizes and is fully committed to the recruitment, retention, and promotion of historically disadvantaged or underrepresented people, including racial and ethnic minorities and women who are interested in careers in the construction industry.

1. Goals and Timeframe. Workforce Diversity Goals increase by year as this Agreement is implemented.

For each subcontractor, and for each Prime Contractor directly employing workers to perform Covered Work, in each Trade the percentage of journey-level and apprentice level Covered Work hours to be performed by women and woman-identified persons are as follows:

2023: 9%, 2024: 10%, 2025: 12%, 2026: 14%

For each subcontractor, and for each Prime Contractor directly employing workers to perform Covered Work, in each Trade the percentage of journey-level and apprentice level Covered Work hours to be performed by people of color are as follows:

2023: 22%, 2024: 23%, 2025: 24%, 2026: 25%

Goals for journey-level and apprentice-level Covered Hours as set forth above.

The percentage goals applicable to a Covered Project are those in effect in the year in which the Prime Contractor becomes contractually obligated to perform Covered Work on the Covered Project. If this Agreement is extended beyond 2026, then the 2026 goals shall apply, unless otherwise agreed by the Parties.

Prime Contractors and subcontractors needing journey-level workers from the Union hiring halls shall utilize the Craft Request Form to request such workers from Union hiring halls, including requests for

Equity Workers needed to satisfy Workforce Diversity Program Requirements. Prime Contractors and subcontractors shall also comply with additional procedures established in writing by hiring halls regarding requests for workers. Unions shall ensure that hiring halls accept the Craft Request form and refer Equity Workers on a priority basis, as needed, for Prime Contractors and subcontractors to satisfy Workforce Diversity Goals for the Covered Project, regardless of their place in the Unions' hiring hall list and normal referral procedures. The Craft Request Form may be updated by the Public Owner, as necessary, to reflect goals applicable to a particular Covered Project, with the updated form to be provided to Prime Contractor and Subcontractors at the Pre-Job Conference.

Workforce Apprenticeship: All Employers winning contracts of more than \$100k and 300 total hours shall employ state-registered apprentices in each Trade at least twenty percent (20%) of all covered work hours to be worked by BOLI registered apprentices. Apprentice-level goals apply only in apprenticeable Trades.

Requests for Apprentices: Using the Craft Request Form, a Prime Contractor or subcontractor needing certain categories of workers in order to satisfy Workforce Diversity Goals and the apprentice utilization goal for the Covered Project shall request referral of apprentices in such categories, from either the relevant apprenticeship program, or union hiring hall that refers apprentices in that craft. To the maximum extent permitted by written standards of the applicable JATC, Unions shall ensure that hiring halls accept the Craft Request Form and refer requested workers for apprentice utilization on a priority basis, as needed, for Prime Contractors and Subcontractors to satisfy Workforce Diversity Goals and the apprentice utilization goal for the Covered Project, regardless of their place in the Unions' hiring hall list and normal referral procedures. Such requests shall be in writing and shall include a copy of relevant portions of this Agreement. If the apprenticeship program or hiring hall has no apprentice in the relevant category to refer to, the Unions will, consistent with the standards on file with BOLI for the relevant JATC, work with the Prime Contractor or subcontractor in conjunction with local, state-certified pre-apprenticeship programs or community-based organizations, to identify individuals who meet the minimum standards of the relevant apprenticeship program. If one or more such individuals are identified, the Prime Contractor or Subcontractor shall refer the individual(s) to the apprenticeship program and/or hiring hall, request enrollment as an apprentice, and referral consistent with the standards on file with BOLI for the relevant JATC, and pay any applicable sponsorship fees. The Prime Contractor or Subcontractor shall promptly notify the Public Owner if an apprenticeship program or hiring hall declines to implement the referral or enrollment contemplated in this section

3. Harassment-Free Workplace

MWH-KIEWIT JV's goal is a harassment-free workplace that is appropriate, productive, safe, and free from bullying, hazing, or harassment. The workplace will be free from behaviors that may impair production or undermine the integrity of the work conditions including but not limited to job performance, safety, productivity, or efficiency of workers. Subcontractors at all tiers will be equally responsible to endure a harassment-free workplace and will be contractually obligated to this requirement.

MWH-KIEWIT JV will complete a comprehensive Jobsite Project orientation for all workers who will enter the Project site. The training is required to be completed and documented by a signed completion

form before any worker enters the site or starts work. Harassment-free workplace training will be one hour paid for all who participate and is required as part of the MWH-KIEWIT JV onboarding process.

Harassment Free Workplace Behaviors: Behavior that violates a harassment-free workplace include but are not limited to:

- Persistent conduct that to a reasonable person would be perceived as offensive and unwelcome;
- Conduct that a reasonable person would perceive to be harassing or bullying in nature;
- Conduct that a reasonable person would perceive to be hazing;
- Verbal references that a reasonable person would perceive to be offensive stereotypes or racial and/or gender slurs;
- Jokes about race, gender, or sexuality that a reasonable person would perceive to be offensive;
- Task assignments that stratify, or give a perception of stratification, based on race, gender, or other defining characteristics;
- Language that a reasonable person would perceive to be offensive based on race, gender, or oriented towards sexuality;
- Name-calling, cursing, or unnecessary yelling, including from a supervisor, foreman, or other more senior person, that a reasonable person would perceive as offensive;
- Repeating rumors about individuals in the Work Site that a reasonable person would perceive as harassing or harmful to the individual's reputation;
- Refusal to hire someone based on race, gender, sexuality, or any other protected class; and
- References to or requests for immigration status other than those required by law, religious affiliation, gender affiliation, criminal background, or other related aspects of a worker unless mandated by federal law.

Subcontract Obligation to a Harassment-Free Workplace: Subcontractors will have accountability for performance in sustaining and managing their worksite and a contractual obligation to maintain a harassment-free workplace. MWH-KIEWIT JV will monitor the worksite to ascertain whether risk or circumstance exists that may merit a remedy. Monitoring may include proactive observations of the worksite, interviews of individuals familiar with the worksite, collection of data that may evidence disparities, investigation of complaints by an individual familiar with the worksite, or collection of other evidence.

If risks or circumstances that may merit a remedy are discovered, MWH-KIEWIT JV will notify and collaborate with the City of Portland to discuss appropriate remedies and may likewise notify Subcontractors and appropriate workforce providers when necessary for the resolution of the situation, except when unusual circumstances require confidentiality.

MWH-KIEWIT JV will work to maintain a responsive grievance procedure that supports retention and anti-harassment efforts which will be prominently posted on the jobsite in a conspicuous and accessible

location. MWH-KIEWIT JV will take steps to reduce feelings of isolation among racial and ethnic minorities and women by making every attempt to have several racial and ethnic minorities and women at the jobsite by informing such workers of available support systems. Information will be provided about grievance procedures and complaint processes available via the City of Portland, BOLI, and other resources.

Equal Employment Opportunity: MWH-KIEWIT JV is committed to supporting EEO initiatives and will do the following:

- Review and disseminate, at least annually, MWH-KIEWIT JV and Subcontractor's EEO policy and affirmative action obligations under the RWEA and Federal EEO and 1273 regulations with all employees having any responsibility for hiring, assignment, layoff, termination and other employment decisions.
- Provide cultural competency training, or provide access to such training, to all managers, supervisors, and owners, and conduct a review, at least annually, of all managers' and supervisors' adherence to and performance under MWH-KIEWIT JV and subcontractor's EEO policies, affirmative action obligations, and cultural competencies.
- Provide the number of toilet facilities in an amount proportional to the ratio of women working on the project – and will maintain a clean and free from graffiti, accessible and locking toilets for crew members who identify as women to help create a respectful environment.
- Provide clean, accessible, private, and locking lactation facilities separate from toilet facility.
- Documentation will be maintained by MWH-KIEWIT JV of best efforts of compliance with all EEO strategies, workplace training participants, and MWH-KIEWIT JV and all subcontractors shall exercise best efforts and work in good faith to achieve the workforce diversity goals and fulfill the requirements set forth for the life of the project.

4. Recruitment and Retention

MWH-KIEWIT JV and subcontractors of all tiers shall make their best efforts to recruit and retain historically disadvantaged or underrepresented people, including racial and ethnic minorities, women, and low-income people through the following recruitment and retention strategy:

- a. Prior to the start of construction, MWH-KIEWIT JV and each subcontractor shall meet with the various trade unions and review the projection of workforce needs over the course of construction. This task will be performed as frequently as needed but is expected to occur annually. During this trade meeting, alignment of specific project needs with trade union capacity regarding apprentices and diversity of workforce will be discussed.
- b. The outcome will be proactive measures with each union to ensure requirements are communicated and workforce obligations understood. In the event shortcomings are projected with any trade, MWH-KIEWIT JV will advise the Owner and Project Advisory Committee (PAC) to determine best course of action to maintain project goals. Participate in job fairs, school-to-work, and community events to recruit minorities, women, and disadvantaged individuals into the construction trades at least semi-annually for the duration of the project. MWH-KIEWIT JV

will participate in the Oregon Tradeswomen Career Fair and other local workforce fairs/recruiting events that promote a diverse workforce in the construction industry.

As part of this effort, allow scheduled job site visits by participants in community programs to increase awareness of job and training opportunities in the construction trades.

- c. Provide all apprentices a fair chance to perform successfully, allowing for possible lack of previous experience. By providing on-the-job training, we recognize that all apprentices should not be expected to have previous experience. Make reasonable attempts to keep apprentices working and train them in all work processes described in the apprenticeship standards.
- d. Work closely with each MWH-KIEWIT JV field supervisor on all elements of this plan so that a full appreciation and understanding of the importance of a successful apprenticeship and workforce diversity program. Specific training will be provided to all MWH-KIEWIT JV staff personnel on all portions of the RWEA and Program annually. Provide cultural competency training to all managers, supervisors, and owners, and conduct a review, at least annually, of all managers' and supervisors' adherence to and performance under the Employer's EEO policies, affirmative action obligations, and cultural competencies.

Review and disseminate, at least annually, the EEO policy and affirmative action obligations with all employees having responsibility for hiring, assignment, layoff, termination, or other employment decisions.

- a. Conduct workshops with or otherwise solicit input from employees to enlist suggestions and ideas on how to increase employment of underutilized groups.
- b. Match minority, female, or disadvantaged apprentices who may need support to complete their apprenticeship programs with a late-term or journey-level mentor.
- c. Keep applications from qualified women and minorities for the duration of the project and notify them when an opening occurs.
- d. Maintain a harassment-free workplace by conducting corporate training and/or pre-ground-breaking review using the Wider Opportunities for Women harassment-free workplace check list and repeating annually.
- e. After an apprentice has started work on a Covered Project, the Prime Contractor or subcontractor employing such apprentice shall provide feedback to the apprentice's dispatch source as to the performance of the apprentice (both positive and negative feedback), such feedback shall include feedback from the apprentice's direct supervisor indicating specific areas where the apprentice is excelling and needed areas for improvement. If an apprentice is not meeting the expected needs of the Prime Contractor or subcontractor employing such apprentice, the apprentice's direct supervisor shall inform such Prime Contractor or Subcontractor, the dispatch source, and the apprentice of needed areas for improvement.
- f. Prime Contractors and subcontractors shall match expectation of apprentice performance with the stage of apprenticeship and path to journey level worker.
- g. Prime Contractors and subcontractors shall take into consideration that one intent of this Agreement is to provide for training and development of apprentices in the construction trades. Therefore, Prime Contractors and Subcontractors shall provide a newly dispatched apprentice a minimum "mentoring" period of three business days in an effort to teach and seek improvement in such apprentice's needed areas for improvement.

- h. Following the above three-day mentoring period, the subject Prime Contractor or Subcontractor shall inform the dispatch source that the apprentice has either improved and will be retained or is not improving and will need to be replaced.
- i. If an apprentice is removed from employment, the subject Prime Contractor or subcontractor shall debrief the apprentice and the dispatch source of needed areas for improvement with the goal of providing the necessary feedback that allows the dispatcher and the apprentice to continue the apprentice's development of the skills needed to continue on the path to journey level competency.
- j. F. The subject Prime Contractor's or Subcontractor's hiring supervisor shall inform the dispatch source if an apprentice is relieved of duties and what follow up action is planned (request for new apprentice, etc.).
- k. Ensure that employees are knowledgeable about site policies if they need to report a harassment problem. Provide a complete orientation to the job site to all workers, including procedures for reporting problems, and expected crew behaviors.
- l. Provide toilet facilities for women on the job site, by maintaining a clean, accessible and locked toilets for female crew members, and by removing graffiti immediately.

It will be MWH-KIEWIT JV's mission to establish a worksite that provides all workers, including apprentices, the best possible introduction to construction through effective training programs, daily mentorship and interaction, and an ability to learn, grow, and assume more responsibility. Success requires commitment from the top of the management team with a specific emphasis on front line field supervisors who are responsible for crew safety, performance, and compliance.

It will be MWH-KIEWIT JV's goal to grow apprentices to the journey level on the Filtration Facility Project with the duration of work creating an environment for this to occur. Retention of apprentices is critical to achieving the employee's career path and will serve as a benefit to the Project through a healthy, diverse, and experienced workforce functioning in a team environment. Through implementation and commitment, MWH-KIEWIT JV will strive for a workplace where minority and women employees are recruiters for the industry and the Project to increase employment of underutilized groups.

MWH-KIEWIT JV and subcontractors at all tiers shall pay apprentices at the rate required by the applicable Collective Bargaining Agreement or in accordance with the state or federal prevailing wage rate applicable to the project. The apprentices must be enrolled in state-approved apprenticeship programs during all hours worked on the project by the apprentices. Further, Employers shall not utilize workers previously employed at a journey-level or those who have successfully completed a training course leading to journey-level status to satisfy the requirements of this provision.

MWH-KIEWIT JV, its subcontractors, local trade unions and the Joint Apprenticeship Training Council (JATC) will maintain documentation of good-faith compliance with the retention strategies set forth above and shall submit such documentation as requested.

Training and Development For work self-performed by MWH-KIEWIT, we will develop project-specific training programs for all crafts, with a particular emphasis on early-career training for apprentices and individuals new to the construction industry. Both formal training and on-the-job training will occur so that employees are able to learn, implement, and gain experience with tools, tasks, and equipment employed on the project. Importantly, safety training will receive particular emphasis including not just

required safety program elements but also how to develop safe working practices and a safe working culture.

MWH-KIEWIT JV field supervisors will receive 'train the trainer' skills so that both formal and on-the-job training is efficient and effective. Operations training is primarily on-the-job with apprentice crafts, and typically is limited to local trades people and does not include office or clerical staff.

Training will include BOLI approved and registered programs and are conducted by the employee's direct supervisor, site managers, and outside sources. Some of the formal training programs to be implemented on the project include:

- New Employee Orientation
- Tool and Equipment Training
- Daily Tool-Box Meetings
- Safety Training, Operations Hazard Analysis
- Project Mass Training Sessions and Meetings

Third-party training on critical safety and operational matters including trench safety, fall protection, confined and permit space requirements and practices, hoisting/lifting, and special hand tool/equipment operation will be conducted on a regular basis. Specific to the Filtration Facility Project and in conjunction with plant operations, Plant Specific Procedures will be developed with each employee receiving specific training on logistical requirements of working within an operational facility.

As detailed above the harassment-free workplace training will be conducted to ensure the project maintains a positive culture for all employees, particularly apprentices and historically disadvantaged or underrepresented people, including racial and ethnic minorities, women, low-income people, and those new to the construction industry.

Pre-Apprenticeship Recognized Pre-Apprenticeship Programs and CBOs which have been approved by the City and the labor union for which entry is sought shall be used as a "first source" for entry into apprenticeship programs for hiring to meet apprenticeship hour goals. To be approved as a first source entry, the program must have a proven track record of serving women and people of color.

After the "first source," outreach is exhausted, MWH-KIEWIT JV and subcontractors will contact other CBOs, which may not be BOLI approved, to request information on individuals that are or may be interested in enrolling in an apprenticeship program.

As required by the RWEA, local trade unions will engage in active recruitment of historically disadvantaged or underrepresented members, including racial and ethnic minorities, women, and low-income people and to refer to MWH-KIEWIT JV and subcontractors of all tiers sufficient numbers of such members to assist in meeting required employment goals.

Helmets to Hardhats

MWH-KIEWIT JV, its subcontractors, and the local trade unions recognize a desire to facilitate veterans who are interested in careers in the construction industry. The parties agree to utilize the services of the Center for Military Recruitment, Assessment and Veterans Employment and the Center's "Helmets to

Hardhats" program to serve as a resource for preliminary orientation, assessment of construction aptitude, referral to apprenticeship programs or hiring halls, counseling and mentoring, support network, employment opportunities and other needs as identified by the parties.

The Project will coordinate with the Center on an integrated database of veterans interested in working on the Project and of apprenticeship and employment opportunities.

5. Subcontract Workforce – Procurement, Monitoring

MWH-KIEWIT JV will actively manage its subcontractors and their performance and commitment to all workforce requirements from procurement to execution through contract closeout. At each step, subcontractors of all tiers will be required to provide workforce certifications, formal plans, reporting data, and response actions in the event performance requires improvement. It is essential that subcontractor participation in all aspects of the workforce program is required for the Project to achieve the stated apprenticeship and diversity goals.

Subcontract Procurement: All subcontract procurement packages will include documents regarding workforce and diversity requirements including, but not limited to, the Regional Workforce Equity Agreement (RWEA) and the Construction Diversity and Inclusion Policy (CDIP), and any other project-specific program regarding employment and safe workplace. It will be made clear in each procurement that potential subcontractors will be required to comply with all project programs and that each program will be made part of the formal subcontract agreement with MWH-KIEWIT JV.

Under best-value procurements, a commitment to the stated goals for the use of apprentices and workforce diversity may be an evaluation factor in selection; with those firms planning to exceed the goal(s) receiving additional consideration for award.

As part of each procurement, bidders will be required to state their status with regards to being a registered Training Agent; and if not currently, their plan for achieving this status.

Workforce Conditions for Subcontract Agreement: Subcontractors bidding work on the Project and prior to award of an agreement will be required to provide their projected hiring needs fifteen (15) calendar days after bid opening or prior to award of the Contract, whichever occurs first. The document shall clearly demonstrate how its workforce will fulfill all program requirements, including utilization of apprentices and diversity in employment.

A condition for subcontract award performing work on the Project will be required to sign the Assent Form (RWEA, Exhibit A) to the conditions set forth in the RWEA including apprentice and workforce diversity requirements. While it is noted that subcontracts valued at less than \$100,000 are exempt from apprenticeship requirements, it is fully expected that all subcontractors will provide opportunities for apprentices. MWH-KIEWIT JV will work closely with exempted subcontractors, particularly if signatory with local trade unions, to encourage apprenticeship opportunities on subcontracts of all values on the Project.

In the event a subcontract is awarded at less than \$100,000 and during its work increases to over \$100,000 through change order or scope modification, the amount in excess of \$100,000 will be subject to apprenticeship requirements. This requirement will be clearly stated in both the subcontract procurement document and subsequent agreement.

Workforce diversity goals apply to the workforce of all subcontractors on the project, including the workforce of certified small disadvantaged, women-owned, and minority businesses who do not have a collective bargaining relationship with the Unions and who become successful bidders on the project. Likewise, this requirement will be clearly stated in both the subcontract procurement document and subsequent agreement.

Subcontracts at all tiers will be required to submit proof of payment and weekly certified payroll reports of affected employees once a month to MWH-KIEWIT JV and the Owner by the fifth business day of the following month. These documents must be submitted to MWH-KIEWIT JV and to the Owner along with end of the month pay request in accordance with the Contract Documents.

These requirements will be clearly stated in subcontract procurement documents and agreements.

Sub-Tier Subcontracts: It will be each subcontractor's responsibility to ensure that all sub-tier subcontracts comply with the RWEA. Consistent with first-tier subcontractors, each sub-tier firm will be required to be signatory to the RWEA through execution of the Assent included under Exhibit A.

While MWH-KIEWIT JV will assign this responsibility to the first-tier entity, it likewise will monitor performance of all sub-tiers to ensure compliance with the program.

Subcontractor Performance and Workforce Monitoring: Subcontractors will be responsible to manage the apprenticeship program in accordance with the requirements of the RWEA and this Plan; and MWH-KIEWIT JV will monitor subcontractor performance of meeting such requirements. Specific steps that will be taken by MWH-KIEWIT JV and its subcontractors will include:

1. Monitor that all apprentices are enrolled in a state or federally registered apprenticeship program. MWH-KIEWIT JV will get a workforce/apprenticeship plan/ Form 2 before each subcontractor starts work.
2. Ensure that subcontractors are registered with BOLI as approved training agents in all trades of work being performed. If a subcontractor is not approved, MWH-KIEWIT JV will work with the subcontractor to become an approved training agent to ensure that there are no barriers to the apprenticeship goal being met.
3. Engage subcontractors to work with the union and non-union hiring resources and CBOs for open apprenticeship opportunities.
4. Use a Worker Request Form, subcontractors will request female and minority apprentices from the union or open shop apprenticeship program to ensure a diverse workforce.
5. If the apprenticeship program is unable to satisfy subcontractor's request, contact pre-apprenticeship programs, and/or CBOs which have been approved by BOLI, as a "first source" for referrals and seek to enrol individuals in apprenticeship programs.
6. Keep a list of late-term apprentices or journey workers that are working on the project site who are willing to serve as mentors for apprentices and pre-apprentices. Collect this data from all subcontractors so the project has an all-inclusive list.
7. Ensure that apprentices are paid in accordance with state or federal prevailing wage rates applicable with the project.

8. Maintain and submit documentation of equity efforts as outlined in the RWEA.

Failure to Meet Goals: Whenever there is a documented failure to meet goals, the subcontractor must develop additional specific outreach strategies and report its plan for achieving compliance to MWH-KIEWIT JV, Owner, and PAC to improve future performance. Per the REWA, we mutually agree that it would be difficult, if not impossible, to assess the actual damage incurred by Parties based on a Prime Contractor's or subcontractor's failure to comply with certain terms of RWEA. We understand if we or our subcontractors are found to have violated any of the following sections, the Prime Contractor or subcontractor may pay liquidated damages in the following amounts:

1. \$1000 per instance, or per day of a continuing violation, for a violation of letter of Assent and High Road Contracting
2. \$250 per day for failure to provide records as required by RWEA
3. \$1000 per missed training session required pursuant to Anti-Harassment Protections.
4. For violations of journey workforce diversity, \$75 per hour by which the Prime Contractor or subcontractor fell short of each or any of the apprentice workforce diversity percentage goals set.
5. For violations of Apprenticeship, \$75 per hour by which the Prime Contractor or Subcontractor fell short of the apprentice hiring goal Liquidated damages awarded pursuant to this Section are independent of any liquidated damages that may be assessed due to any delay in the project caused by Prime Contractor's or Subcontractor's failure to comply with other provisions of the Prime Contract.