

RESOLUTION No. 36954

Accept Model Community Benefits Agreement and direct staff to utilize as a basis for negotiating such agreements on appropriate large scale public works projects (Resolution).

WHEREAS, Community Benefits Agreements (CBAs), are designed to minimize labor disruption on large scale public works projects and increase opportunities for minority owned, women owned and disadvantaged businesses; and

WHEREAS, the City of Portland has been working with the Metropolitan Alliance for Workforce Equity (MAWE), which represents a historic partnership between the Carpenters, Operating Engineers, Building Trades, Pre-Apprenticeship Programs, Community-Based Organizations and Minority Contractors over the past two years to develop a Model CBA that can achieve these results; and

WHEREAS, a Model CBA has now been drafted that will also ensure workforce equity and community inclusion goals and promote the training and placement of women and people of color in living wage jobs; and

WHEREAS, the Model CBA draws from the historical experience and proven track record of other public entities which have successfully used similar agreements to increase efficiencies, promote a planned approach to labor relations, enable contractors to more accurately predict labor costs and schedule production timetables, reduce the risk of shoddy work and encourage greater efficiency and productivity; and

WHEREAS, the Model CBA can also be a powerful tool to promote the inclusion of historically under-represented people, including minorities and women, in the construction industry; and

WHEREAS, the City's 2009 Disparity Study showed statistically significant underutilization of minority owned prime contractors on City projects; and

WHEREAS, the City has a compelling governmental interest in ensuring that it is not a participant, either passive or active, in perpetuating the effects of past or present discrimination; and

WHEREAS, the Model CBA can help to grow both the demand for and capacity of minority owned, women owned and disadvantaged businesses and contractors; and

WHEREAS, the City is committed to the following principles on its public works projects, which can be realized through the use of CBAs:

- To ensure that its contractors and subcontractors pay decent wages and benefits;
- To maximize apprenticeship opportunities in the construction trades for women and people of color;
- To ensure that employment on City construction projects equitably reflects the

diversity of the City of Portland by supporting workforce training programs and duly registered apprenticeship programs;

- To ensure the full and equitable participation of women owned, minority owned and disadvantaged businesses on City projects, including the use of appropriate goals and strategies to increase participation and capacity where warranted;
- To provide opportunities for people of color, women and local residents from economically disadvantaged neighborhoods to participate in pre-apprenticeship and apprenticeship programs;
- To avoid the disruption of strikes or lockouts; and
- To ensure that the City retains the right to exercise full and exclusive authority for the management of its own operations, remains the sole judge in determining the competency and qualifications of all firms responding to its Request for Proposals at every level, and retains the right to ensure full compliance with all applicable laws; and

WHEREAS, at this time the Portland Water Bureau will be piloting the use of the CBA on the Kelly Butte Reservoir and Interstate Maintenance Facility Renovation projects; and

WHEREAS, the City is gathering input from additional community members that will inform the negotiation of future CBAs for specific major public works projects (anticipated to be at least \$15,000,000 or more); and

WHEREAS, the use of CBAs will not affect the fact that public works projects will still be subject to competition;

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT that the City Council accepts the Model Community Benefits Agreement attached hereto as Exhibit A; and

BE IT FURTHER RESOLVED that the City Council directs Procurement Services staff to work with Portland Water Bureau staff to evaluate the effectiveness of the CBAs to be piloted on the Kelly Butte Reservoir and Interstate Maintenance Facility Renovation projects in meeting the goals and objectives of the City and the principles set forth above and to report back to Council; and

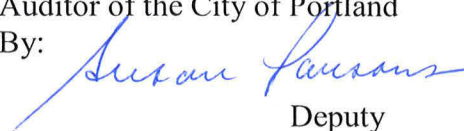
BE IT FURTHER RESOLVED that the City Council directs Procurement Services staff to work with staff at the City construction bureaus to identify future large scale public works projects and where appropriate and feasible to negotiate project specific CBAs on such projects.

Adopted by the Council: **SEP 05 2012**

Commissioner: Mayor Sam Adams
Prepared by: Raihana Ansary/Tracy Pool Reeve
Date Prepared: August 29, 2012

LaVonne Griffin-Valade
Auditor of the City of Portland

By:


Deputy

Accept Model Community Benefits Agreement (CBA) and direct staff to utilize as a basis for negotiating such agreements on appropriate large scale public works projects (Resolution).

<p style="text-align: center;">INTRODUCED BY Commissioner/Auditor: Mayor Sam Adams</p>	<p>CLERK USE: DATE FILED <u>AUG 30 2012</u></p>
<p style="text-align: center;">COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Adams </p> <p>Position 1/Utilities – Fritz</p> <p>Position 2/Works – Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety – Leonard</p>	<p style="text-align: right;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: Deputy</p>
<p style="text-align: center;">BUREAU APPROVAL</p> <p>Bureau: Mayor's Office Bureau Head: Mayor Sam Adams</p>	<p>ACTION TAKEN:</p>
<p>Prepared by: R. Ansary/T. Reeve Date Prepared: August 29, 2012</p>	
<p>Financial Impact Statement & Public Involvement Statement</p> <p>Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p>	
<p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p>Council Meeting Date September 5, 2012</p>	
<p>City Attorney Approval</p>	

AGENDA
<p>TIME CERTAIN <input checked="" type="checkbox"/> Start time: <u>10:15</u></p> <p>Total amount of time needed: 1 hr. (for presentation, testimony and discussion)</p>
<p>CONSENT <input type="checkbox"/></p>
<p>REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	✓	
2. Fish	✓	
3. Saltzman	✓	
4. Leonard	✓	
Adams	✓	