

RESOLUTION No. As Amended

Adopt the Community Equity and Inclusion Plan for all City of Portland public improvement contracts that utilize alternative contracting methods and have estimated contract values of \$10 million to \$25 million; and utilize the City of Portland Community Benefits Agreement for public improvement contracts with estimated contract values in excess of \$25 million. (Resolution)

WHEREAS, the City of Portland is committed to increasing diversity and equity in contracting, and has a variety of programs and strategies to provide opportunities for minorities and women in the workforce as well as for disadvantaged, minority-owned, women-owned, and emerging small businesses (D/M/W/ESB); and

WHEREAS, the City recognizes that, as a public entity, it has a responsibility to ensure public dollars spent benefit the community the City serves by optimizing diverse community participation in contracting processes; and

WHEREAS, the City recognizes that it and its contractors play an integral and critical role in ensuring that diversity, apprenticeship, local investment, and equity objectives are met; and

WHEREAS, the City, with input from stakeholders, has developed a Community Equity and Inclusion Plan ("CEIP") for use on City public improvement contracts that utilize alternative contracting methods and are estimated at \$10 million to \$25 million; and

WHEREAS, the CEIP is intended to have a positive impact and exemplify the City's commitment to help grow both the demand for and capacity of disadvantaged, minority-owned, women-owned, and emerging small businesses ("D/M/W/ESB"); and

WHEREAS, the City has taken best practices and lessons learned from the City's Social Equity Contracting programs, the model Community Benefits Agreement ("CBA"), the modified CBAs used on two Water Bureau pilot projects, the Community Benefits Plans ("CBP") implemented for two Portland Parks & Recreation's projects, the Portland Water Bureau's Washington Park Reservoirs Improvement Project CBP, and the Portland Building Reconstruction's Equity, Inclusion and Diversity ("EID") Plan; and

WHEREAS, the CEIP was compiled with the involvement of multiple City bureaus and offices; and

WHEREAS, having a consistent approach with the CEIP will eliminate inefficiencies created by having to develop and negotiate separate equity strategies and agreements on a project-by-project or bureau-by-bureau basis; and

WHEREAS, extensive community involvement regarding the CEIP approach and document was conducted, and the City considered and incorporated input and suggestions from stakeholders, including community-based organizations, unions, trade

organizations, bureau directors and project managers, and contractors, into the final CEIP; and

WHEREAS, the CEIP will be a contractual obligation between the City (“Owner”) and the contractors who are awarded applicable public improvement contracts; and

WHEREAS, in order to incorporate certain strategies and lessons learned from the City’s ongoing programs, the modified CBAs, CBPs, and EID, the City developed a separate Community Equity and Inclusion Partnership Agreement (“Partnership Agreement”) which will be included as Exhibit A to the CEIP; and

WHEREAS, the Partnership Agreement is intended to be an agreement with multiple parties, including community-based member organizations, contracting trade organizations, building trades (both union and non-union) and training/workforce pipeline providers as signatories, committing to support the social equity components for construction contracts subject to the CEIP; and

WHEREAS, the Partnership Agreement establishes goals for Community Workforce Recruitment and Retention and for Subcontracting with D/M/W/ESB firms that will apply to the CEIP; and

WHEREAS, the City recognizes that in order to provide greater opportunities for contracting and working on City projects, the participation of contractors, subcontractors and workers should to be tracked through disaggregated data and reviewed in real time by a collaboration of industry and community partners to assist with compliance; and

WHEREAS, the Partnership Agreement includes breaking down goals by trade and by apprentice/journey level for workforce and establishing disaggregated goals for subcontracting for minority-owned businesses and women-owned businesses; and

WHEREAS, the Partnership Agreement includes creation of a Community Equity and Inclusion Committee (“CEIC”) to review and support the work of the City and contractors to achieve the equity goals of the CEIP; and

WHEREAS, contractors subject to the CEIP will be required to report regularly to the CEIC on their Equity Efforts and achievement of the diversity goals, allowing for real time reporting and feedback; and

WHEREAS, the City is also creating, through a separate resolution, a Community Opportunities and Enhancements Program and funding plan which will collect contributions from all City public improvement contracts to support long-term sustainable solutions for supporting low-income, disadvantaged, minority and women workers in the construction trades and the development and growth of D/M/W/ESB firms; and

WHEREAS, the modified Community Benefits Agreement that was used on two Water

Bureau pilot projects, was used as the basis for the City of Portland Community Benefits Agreement (City CBA) that is attached as Exhibit 2; and

WHEREAS, the City of Portland Community Benefits Agreement (Exhibit 2) includes community-based organizations and unions as signatories to the agreement and includes formation of a Labor-Management-Community Oversight Committee for each project subject to the City of Portland Community Benefits Agreement, and

WHEREAS, the City intends to implement the City of Portland Community Benefits Agreement for all City public improvement contracts that utilize alternative contracting methods and are estimated to exceed \$25 million;

NOW, THEREFORE, BE IT RESOLVED that the Community Equity and Inclusion Plan, attached as Exhibit 1, is adopted as binding City policy, for implementation on City public improvement contracts that utilize alternative contracting methods and that are estimated at \$10 million to \$25 million; and

BE IT FURTHER RESOLVED, the City Council authorizes the Chief Procurement Officer and City bureau directors to sign the Community Equity and Inclusion Partnership Agreement; and

BE IT FURTHER RESOLVED, the Chief Procurement Officer and Director of the Office of Equity and Human Rights shall request of community-based member organizations, contracting trade organizations, building trades (both union and non-union) and training/workforce pipeline providers that they become signatories to the Partnership Agreement; and

BE IT FURTHER RESOLVED, the Chief Administrative Officer ("CAO"), the Director of the Office of Equity and Human Rights, and a bureau director representing the infrastructure bureaus, should proceed to solicit applications and recommendations for members of the CEIC and to appoint members; and

BE IT FURTHER RESOLVED, the City will implement the City of Portland Community Benefits Agreement, attached as Exhibit 2, for public improvement contracts that utilize alternative contracting methods and that are estimated to exceed \$25 million; and

BE IT FURTHER RESOLVED, the City Attorney and the Chief Procurement Officer will work with bureaus to modify and implement the City CBA on a project-by-project basis; and

BE IT FURTHER RESOLVED, the CAO shall be responsible for review and update of this policy and the development and implementation of any guidelines and procedures consistent with this policy, and will undertake this responsibility in consultation with City infrastructure bureaus, the Procurement Services Division, and the Office of Equity and Human Rights, and

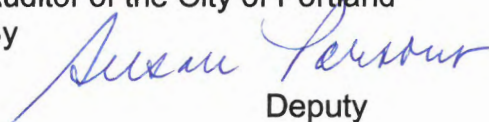
BE IT FURTHER RESOLVED, the CAO shall report to the City Council on the use of the CEIP and any City CBAs three years from passage of this Resolution; and

BE IT FURTHER RESOLVED, this Resolution shall sunset in five years from passage unless extended by further City Council action.

Adopted by the Council: NOV 08 2017



Mayor Ted Wheeler
Prepared by: Maurice Henderson
Date Prepared: October 24, 2017

Mary Hull Caballero
Auditor of the City of Portland
By



Deputy

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INTRODUCED BY Commissioner/Auditor: Mayor Ted Wheeler	CLERK USE: DATE FILED <u>OCT 31 2017</u>
COMMISSIONER APPROVAL	Mary Hull Caballero Auditor of the City of Portland By:  Deputy ACTION TAKEN:
Mayor—Finance & Administration – Wheeler <i>W</i>	
Position 1/Utilities - Fritz	
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety - Eudaly	
BUREAU APPROVAL	
Bureau: Mayor's Office Bureau Head: Ted Wheeler	
Prepared by: Jamie Waltz Date Prepared October 24, 2017	
Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
City Auditor Office Approval: required for Code Ordinances	
City Attorney Approval: required for contract, code, easement, franchise, charter, Comp Plan 	
Council Meeting Date November 8, 2017	

AGENDA <i>1093</i>
TIME CERTAIN <input type="checkbox"/> Start time
Total amount of time needed: (for presentation, testimony and discussion)
CONSENT <input type="checkbox"/>
REGULAR <input checked="" type="checkbox"/> Total amount of time needed: 2 hours (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	<input checked="" type="checkbox"/>	
2. Fish	2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman	<input checked="" type="checkbox"/>	
4. Eudaly	4. Eudaly	<input type="checkbox"/>	
Wheeler	Wheeler	<input checked="" type="checkbox"/>	