



**OFFICE of EQUITY  
and HUMAN RIGHTS**  
CITY OF PORTLAND

Realizing Equity. Enhancing the City of Portland.

**Commissioner in Charge:**  
Charlie Hales, Mayor

**Bureau Director:**  
Dante J. James, Esq.



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**Equitable Contracting and Purchasing Commission Meeting**

**August 23<sup>rd</sup>, 2016**

**Steel / Bridge Conference Room**

**421 SW 6<sup>th</sup> Ave. 5<sup>th</sup> Floor**

**6:00 – 7:30 p.m.**

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**Commissioner Attendees:** Chair Dante James, Maurice Rahming, Marcela Alcantar, Andrew McGough, Michael Burch Herb Fricke

**Commissioner Excuses:** Vicqui Guevara

**Staff Attendees:** Stephon Hartley, Jeff Selby

**Welcome and Introduction**

- Chair James welcomed his fellow Commissioners and the public in attendance
- Chair James mentioned Herb Fricke and Vicqui Guevara asked to be excused; Herb also might call in to the meeting
- Chair mentioned he wanted to have a brief conversation on perspective candidates and what that process looks like; in addition, he asked that each commissioner present a few names for recommendations and look into the Fare Contracting Forum (FCF).

**Approve Previous Minutes**

**Motion:** Michael Burch; Approve the Minutes from the last meeting

**Amendments:** Add the discussion around ECPC meeting Thursday's

**Second:** Chair James

**Motion Passed**

**Old Business**

**Data Reports**

- Commissioners requested time on agenda to discuss the data that was submitted; which includes: PDF with certification type, prime contractor

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expenses, subcontractor utilization by type

### **PDC / PHB**

- Data was not disaggregated; Program not available; Ben is moving forward with request
- PDC Data on website; Documents provided include: PHB data (for expenses by type 2013-2016)

### **Other**

- Chair James noted questions raised by commissioners and stated he will forward them to the correct staff regarding both sets of data
- PDC's data was not easy to find on website

### **\*Commissioner Fricke called into meeting\***

- TriMet has fewer projects and they are all alternative and the data shows high utilization; hopes for similar data to be shown in data from PHB/PDC projects
- Moving forward: Chair James will request specifically: projects and subs broken down by each project and what level and occupation employees are at; Ideally this data will be shown on every report submitted to the commission said Commissioner Burch
- Chair James committed to following up on updates for the City of Portland professional services data
- Commissioner Burch requests that the report submitted regarding the two CBA's should include data on workforce not just contracting; Chair James will follow up

### **Public Comment**

**Testimony by:** Jimmy Matta with Art Cortez Construction Inc.

- Youth and Minorities shown in workforce is changing, but much work is needed. Middle management is one of the missing pieces. His son experienced some racial motivated comments in the work place. He feels minority contractors are not taking advantage of the workforce. Minorities are always being charged some of their wages for the job search assistance. Payroll fraud is a prevalent issue in contracting and needs to be addressed as well as the language barriers. Until more middle management is implemented these problems, especially payroll fraud, will continue.
- ECPC Commissioners discussed possibilities on addressing payroll fraud on Projects done within City limit (develop a resolution). To be discussed during ECPC presentation discussion as a possible recommendation to include in the presentation.

## **ECPC Council Presentation**

- Jeff is compiling the information that ECPC is presenting; Chair James encourages subcommittees to meet before the week is out if possible to ensure their subcommittee's information is included in the presentation.
  
- **Marcela: Procedures on how to attain purpose**
  - Hard Goal: minimum of 15% MWESB goals for all City projects
  - Must request a disparity study after 5 years (to set a hard goal)
    - City chose to not set goal for groups where there was a specific finding of disparity even if there was no finding of disparity for other groups; thus not implementing anything but aspirational goals
    - Address all disparities regardless of the particular ethnicity or gender
  - Revise or provide better definitions of qualifications for small businesses or PTE contracts
    - This system can be used to disqualify many historically underutilized firms
  - The point system provided for minority participation needs to be disaggregated
  - City of Portland needs to track when primes and subs have been paid including showing when invoices are submitted from primes to agencies
  - Professional Services needs prompt pay; Currently pay when pay
  
- **Maurice & Chair James**
  - 7 resolutions passed by the City
    - Similar data re: workforce tracking and disaggregating the data amongst the various divisions of work
  - Looked over the FCF resolution
  - Compared the similarities in the work of the FCF, ECPC
  - Prime Contracting Program; Updates
  - Minority Evaluator Program; Updates on progression of program
  - ECPC could look at reviewing all the resolutions and being the tool to better align these programs and provide recommendations

## **Other**

- Should ECPC take a stance on legislation or state-wide measures?
  - The City annually puts into place a legislative agenda
  - Commission could request specific things that the City should support that positively impact contracting, workforce, etc.
  - Can ECPC endorse legislation
    - Commission can endorse legislation if the City is in support of or is silent on a specific matter
    - Chair James will follow up with OGR and City Attorney re: two ballot measures
  
- Does ECPC want to be engaged and involved in each and every alternative contracting project in the City of Portland?

- 5-6 projects within the last year

**Question posed by** Chair James; ECPC Participate in city's new Equitable Contracting Plan compliance review

**Motion to participate: Michael Burch**

**Second:** Consensus with questions

**Motion Passed**