



## Contract equity and workforce equity

### Background

The 2019 parks and nature bond measure includes criteria guiding bond investments related to community engagement and racial equity, one of which states the following:

Set aspirational goals for workforce diversity and use of COBID contractors and work to reduce barriers to achieving these goals; demonstrate accountability by tracking outcomes and reporting impacts.

The local share program submittal package asks park providers to demonstrate they are working to meet this bond criteria by either utilizing existing policies on contract and workforce equity and/or making strides to implement contracting and workforce equity practices. This document provides additional information and resources for park providers as they review and complete the local share submittal package.

### Construction Career Pathways

[Construction Careers Pathway](#) is a Metro adopted policy framework that establishes consistency among the region's public agencies in their efforts to grow a diverse construction workforce. It asks public agencies to advance a comprehensive strategy for diversifying the construction workforce. The elements of the framework that will apply to bond projects include:

- Setting goals for the percentage of total hours that women, apprentices and people of color work on public projects at 14%, 20% and 25%, respectively and setting project cost thresholds for size of projects the goals apply to
- Requiring anti-harassment or respectful workplaces training on public construction projects.
- Tracking and reporting workforce diversity.
- Evaluate utilizing a workforce agreement to implement workforce equity strategies on large infrastructure projects.

### Advancing workforce equity through local share investments

- Parks providers with existing policies that to support diversifying the construction industry workforce should implement those policies on local projects to the fullest extent possible.
- Park providers that do not have existing policies to support diversifying the construction industry workforce should review the table below that establishes tiers for implementing Construction Career Pathways strategies based on capital construction costs for local share projects. The tiers should be incorporated into park providers' submission packages. Metro will work with jurisdictions in rightsizing the thresholds to accommodate capacity and experience in advancing workforce equity strategies.



Capital project cost thresholds for local share projects (only applies to park providers that have received over \$400,000 in local share allocation<sup>1</sup>)

<b>Tier</b>	<b>Project construction cost threshold</b>	<b>Requirements of local share partner</b>
Tier 1	\$200,000 - \$2,000,000	<ul style="list-style-type: none"> <li>• Workforce diversity tracking utilizing certified payroll</li> </ul>
Tier 2	\$2,000,000 - \$4,999,999	<ul style="list-style-type: none"> <li>• Workforce diversity tracking utilizing certified payroll</li> <li>• Prime and subcontractor work toward diversity goals</li> <li>• Include anti-harassment/culture change programming</li> </ul>
Tier 3	\$5,000,000 +	<ul style="list-style-type: none"> <li>• Workforce diversity tracking utilizing certified payroll</li> <li>• Prime and subcontractor work toward diversity goals</li> <li>• Include anti-harassment/culture change programming</li> <li>• Consider utilizing Regional Workforce Agreement</li> </ul>

### **Contract equity**

The Parks and Nature department is committed to using bond contracting opportunities to impact the financial livelihood and a long-term impact on the wealth position of contractors, workers, and businesses who have not benefited in the past from the large-scale financial opportunities Metro bond work presents. Additionally, through prioritizing this work, Parks and Nature staff hope to create strong, long-lasting resources for Metro to partner with and support minority, women-owned or emerging small businesses (certified as COBID by the state).

The Parks and Nature Department has set initial goals in the following areas for the parks and nature bond as a whole:

1. Build relationships with businesses within communities of color to create access to bond projects.
2. Build capacity of COBID-certified firms to win and successfully complete Metro projects by providing technical assistance throughout the procurement and contract cycle
3. Establish numeric targets for participation, along with systems for tracking and reporting

---

<sup>1</sup> *This allocation amount makes it harder to effectively implement workforce strategies without causing undue burden on contractors making the burden on contractors and agency capacity.*



### Advancing contract equity through local share investments

- Park providers that have policies or practices in place to support expansion of equity in contracting should reflect that in their submittal package and should implement those policies on local projects to the fullest extent possible
- Park providers that don't already have policies or practices in place to support expansion of equity in contracting should review the attached strategies to support equity in contracting and identify in their submittal package narrative the strategies that they will pursue across their portfolio of local share projects. Metro will work with jurisdictions in rightsizing the strategies to accommodate capacity and experience in advancing contract equity.

### **Additional information and technical assistance**

#### Construction Career Pathways

- Visit [www.oregonmetro.gov/pathways](http://www.oregonmetro.gov/pathways) for more information on the program including all of the policy documents and a small overview video and additional detailed documents on implementation.
- Metro is investing in a tracking software that allows for the submission of certified payroll from contractors working on construction projects to demonstrate meeting workforce equity goals. As needed, Metro is prepared to provide access to our tracking software for park providers that need it for local share funded projects and technical assistance to them for using it. The local share program manager can help coordinate this.
- Metro can share sample language requiring contractors to meet goals for workforce equity for projects that meet the relevant capital construction cost thresholds.
- The local share program manager can consult with and link park providers to additional and ongoing technical assistance on this topic.

#### Contract equity

- Below is a list of strategies to conduct outreach, build trust and relationships with COBID contractors, with a focus on strategies that don't require jurisdictions to have adopted a formal equity in contracting policy.
- The local share program manager can consult with and link park providers to additional and ongoing technical assistance on this topic building on the following existing resources:
  - Existing networks between Metro and local jurisdiction procurement staff
  - Metro sponsorships of non-profit organizations that support COBID firms in finding and securing contracting, specifically NAMC Oregon, Portland Development Business Group and Latino Build.



### **Tracking and reporting outcomes:**

As part of annual reporting on local share, park providers will be asked to submit at minimum annual reporting for contract and workforce equity in local share projects that can be included with the Metro Parks and Nature Annual Report and the Metro Natural Areas and Capital Program Performance Oversight Committee Annual Report. Metro staff can provide assistance on compiling data for the report and anticipated categories for annual reporting include, but are not limited to:

- Strategies utilized for advancing workforce equity
- Outcomes for workforce equity
- Strategies utilized to build relationships with COBID contractors
- Outcomes for COBID utilization



# Public Project Procurement Equity Strategies

## 1. Invite, connect, build relationships, and build trust

- Building trusting relationship takes time. When we first started out with this work we learned that BIPOC companies didn't feel comfortable to bid on Metro projects as they didn't know who we were and whether we were sincere in wanting to do business with them. We needed to build relationships and trust so that people felt comfortable and included to participate.
- It is about creating an opportunity for BIPOC contractors to get to know us as a public agency.
- Invite BIPOC contractors to conversations. This can be done (in our current environment) by conducting virtual meet and greet events or open houses to facilitate face-to-face discussions to get to know each other better.

## 2. Matchmaking

- Get to know the BIPOC contractors and really listen to what they have to offer. You'll find that you can match the contractors' expertise and experience to your projects.

## 3. Provide an opportunity for partnerships – Build BIPOC contractor capacity

- The kind of partnership we're recommending is a joint venture of a BIPOC prime with a BIPOC subcontractor. Often BIPOC companies are stronger together and it builds capacity of mid-size and smaller firms. It provides the opportunity of a larger firm to grow as a mentor and a smaller firm to grow and become a prime contractor someday.

## 4. Reduce the public procurement burden

- We recommend to conduct an alternative procurement process to allow for criteria other than price. This allows BIPOC companies to present past projects, their qualifications and how they can help you achieve your equity goals and present their strength to you.
- Also don't ask for 10 years of public improvement experience when we know most BIPOC companies have not had the privilege to work on public improvement projects. Instead ask for past project experience and efforts to achieve equity in workforce and subcontracting. You'll actually learn that BIPOC contractors use best equitable business practices at all times.
- Most BIPOC companies have strong connections to underserved communities. They play a vital role in their communities to provide work opportunities. Their proposal is a ready-to-go equity package. This will help you achieve your equity goals.
- Allow time to develop proposals. Short timelines can exclude less privileged contractors with limited resources.

## 5. Create a fair and equitable selection process

- Establish a diverse proposal evaluation team and train on an equitable selection process. Stay away from preferences and favoritism and approach the selection process with an open mind. There are many BIPOC contractors in our region who do great work but have never had



- the privilege to work on a public improvement project. Strictly stick to scoring the proposed work plan and equity and sustainability strategies, that are offered in the proposals.
  - Create a diverse interview evaluation team that represents our Tri-County demographics. Train the interview team on the importance of an equitable process.
  - Consider barriers like union shops. Historically there have been barriers for people of color to join unions.
  - Look into manufacturer material certifications. Again, many manufacturers make it impossible for BIPOC companies to get certified. If you choose material that requires certifications you exclude most BIPOC companies as manufactures often decline even a certification application.
- 6. Consider partnering with a non-profit organization, who are experts in knowing the barriers which BIPOC contractors face. There are organizations such as PBDG, Latino Built and NAMC-Oregon. A non-profit partner can help you succeed in achieving your equity goals.**
- 7. Add accountability to the process**
- Ask your prime contractors what processes and equity strategies are applied to select a sub-contractor.
- 8. Be intentional in creating opportunities for BIPOC contractors.**
- Create real opportunities and a fair process in which BIPOC companies who face all these barriers can succeed. Be inclusive.
  - It's about removing the barriers, and creating a fair process, so that everyone can participate. All BIPOC contractors want is to be able to participate in the competitive process.
- 9. Track the equity efforts and results of each project.**
- Track equity procurement activities on an equity strategy form.
  - Track and report on BIPOC prime- and sub-contractor participation on contracts.
- 10. Continue learning new and better practices. Ask others for ideas and share your successes broadly.**