



**OREGON ZOO BOND PROGRAM
EQUITY IN CONTRACTING QUARTERLY REPORT**
JANUARY 2017





**Oregon Zoo Bond Program
Equity in Contracting Quarterly Report
January 30, 2017**

It is the policy of Metro to provide equal opportunity to everyone to access and participate in locally-funded projects, programs, and services of Metro. Metro's Equity in Contracting Program encourages the use of minority-owned businesses (MBE), woman-owned businesses (WBE), service-disabled veteran-owned businesses (SDV), and emerging small businesses (ESB), as defined under State law in ORS Chapter 200 and as certified by the Certification Office of Business Inclusion and Diversity (referred to here as COBID Certified Businesses) to the maximum extent practical. **The Oregon Zoo Bond program has an aspirational COBID-utilization goal of 15 percent (by dollar value of COBID-eligible work) for each construction project.** Scopes of work that are not provided by COBID firms are not included in the COBID-eligible contract dollars. Percentages are expressed as a percent of the COBID-eligible contract dollars, which include all general contractor costs.

Program Construction Totals	Amount	%
Total Construction Contract \$	\$ 74,144,595	
Total COBID-Eligible Contract \$	\$ 70,078,573	
Total COBID Contract \$	\$ 9,772,555	13.9%
MBE	\$ 3,568,937	5.1%
WBE	\$ 1,994,931	2.8%
ESB	\$ 4,208,687	6.0%
SDV*	N/A	N/A

Projects	Total Construction Contract \$	Total COBID-Eligible Contract \$	Total COBID Contract \$	COBID %	MBE	MBE %	WBE	WBE %	ESB	ESB %	SDV*	SDV %
Veterinary Medical Center	\$7,715,174	\$7,316,174	\$733,095	10.0%	\$62,680	0.9%	\$322,478	4.4%	\$347,937	4.8%		
Penguin Filtration	\$1,380,272	\$1,380,272	\$83,110	6.0%	\$0	0%	\$0	0%	\$83,110	6.0%		
Condors of the Columbia	\$1,566,777	\$1,408,932	\$363,502	25.8%	\$103,294	7.3%	\$0	0%	\$260,208	18.5%		
Elephant Lands (not complete)	\$49,227,872	\$45,718,695	\$4,448,588	9.7%	\$3,382,786	7.4%	\$677,180	1.5%	\$388,622	0.9%		
Education Center (not complete)	\$14,254,500	\$14,254,500	\$4,144,260	29.1%	\$20,177	0.1%	\$995,273	7.0%	\$3,128,810	21.9%		
Total	\$74,144,595	\$70,078,573	\$9,772,555	13.9%	\$3,568,937	5.1%	\$1,994,931	2.8%	\$4,208,687	6.0%	\$0	0.0%

*Service-Disabled Veterans category not applicable to projects contracted prior to state of Oregon starting COBID program in January 2016.

Oregon Zoo Bond Program
Equity in Contracting Quarterly Report (continued)
January 30, 2017



The zoo bond program and its contractors engage in a variety of activities to increase equity in contracting and utilization of COBID-certified firms. COBID refers to the State of Oregon Certification Office for Business Inclusion and Diversity. This office provides certifications including Minority-Owned Business Enterprise (MBE), Women-Owned Business Enterprise (WBE), Service-Disabled Veteran-Owned Businesses (SDV) and Emerging Small Business (ESB). SDV certification started on January 1, 2016.

The Oregon Zoo Bond program has an aspirational COBID-utilization goal of 15 percent (by dollar value of COBID-eligible work) for each construction project. Scopes of work that are not provided by COBID firms are not included in the COBID-eligible contract dollars. Percentages are expressed as a percent of the COBID-eligible contract dollars, which include all general contractor costs. Before 2016, certified firms were referred to as MWESB-certified firms. Zoo bond projects that started before 2016 used that earlier terminology.

The zoo bond program and its contractors' good faith efforts are summarized by project below, including quarterly highlights of the most recent efforts.

2016 4th Quarter Update: October – December

Education Center, Fortis Construction, CM/GC; Opsis Architecture, Design Team

Fortis Construction, the Construction Management/General Contractor for the Education Center, has a **COBID utilization rate of 29.1 percent** on the project as of Dec. 31, 2016. Fortis has a record of active engagement and successful contracting with the COBID community, meeting or exceeding utilization goals. To date on this project, Fortis **has exceeded its COBID utilization forecast by 2.4 percent**. Its project proposal had forecast a utilization rate of 26.7 percent for the project. **Fortis' utilization rate of 29.1 percent is nearly double the zoo bond program aspirational goal of 15 percent.**

Substantial completion for the Education Center classroom building was December 21, 2016, and Dec, 30, 2016, for the Nature Exploration Station (NEST). Contract close-out activities are still proceeding.

- **Fourteen COBID subcontractors were low bidders** and are participating in the project, **representing \$4,144,260 as of December 31, 2016:**

1. Kodiak Pacific Construction Co., WBE
2. Mark Adams Electric, Inc., ESB
3. Pagh Custom Woodworking Inc., ESB
4. Rayborn's Plumbing, ESB
5. River City Rebar LLC, ESB
6. Vaughn's Services, Inc., ESB
7. Green Man Construction, WBE

8. General Sheet Metal Inc., WBE
9. SL Green Construction, ESB
10. Northwest Masonry Restoration, ESB
11. Empire Painting, ESB
12. Merit Contractor of Oregon Inc., ESB
13. Budget Blinds, WBE
14. City of Roses, MBE

- For previously reported Fortis COBID activities for the Education Center project, please see the complete list in the next section of the report under “Existing and Prior COBID Activities.”

Opsis Architecture heads the architectural consultant team for the Education Center project, and **to date has a COBID utilization rate of 8.2 percent.** (This is separate from the bond program aspirational COBID utilization goal for construction contracts.)

Total Opsis Contract \$:	\$1,595,296	
Total COBID-eligible Contract \$:	\$1,595,296	
Total COBID Contract \$:	\$ 131,429	8.2%
MBE, WBE and ESB (triple certified)	\$ 33,865	2.1%
ESB	\$ 97,564	6.1%

- Four of the 14 architectural subconsultants are certified COBID firms:
 1. Code Unlimited (code analysis), MBE, WBE and ESB
 2. Anderson Krygier (graphics/signage), MBE, WBE and ESB
 3. ACC Cost Consultants, LLC (cost estimating), ESB
 4. Listen Acoustics (acoustical/audio-visual), ESB
- Work force diversity, diversity in contracting and diversity of the firm were 20 percent of the scoring of the Opsis project proposal submitted in response to the Request for Proposals, and a factor in Opsis being awarded the contract in 2014.
- Opsis has made social equity and justice an integral part of its business, and utilizes the JUST Program, a social justice evaluation tool and voluntary disclosure program created by the International Living Future Institute, as a process to help measure its impact and learn where it can more effectively take action.

Interpretive Experience and Wayfinding, Ramsay Signs

The zoo campus wayfinding fabrication and installation contractor, **Ramsay Signs**, is a COBID-certified woman-owned business. The current value of that contract is \$522,135. Work is scheduled to be complete in February 2017.

Polar Passage, Lease Crutcher Lewis, CM/GC; CLR Design, Design Team

CLR Design heads the architectural consultant team for the Polar Passage project, and **to date has a COBID utilization rate of 28.8 percent.** (This is separate from the bond program aspirational COBID utilization goal for construction contracts.)

Total CLR Design Contract \$:	\$2,133,875	
Total COBID-eligible Contract \$:	\$2,133,875	
Total COBID Contract \$:	\$ 614,556	28.8%
WBE	\$ 198,450	9.3%
ESB	\$ 416,106	19.5%

- Five of the nine architectural subconsultants are certified COBID firms:
 1. TJP Engineering (life support systems), WBE
 2. DCW Cost Management (cost estimating), WBE
 3. PLACE Studio, ESB
 4. Equilibrium Engineers (structural engineering), ESB
 5. Listen Acoustics (acoustical engineering), ESB

- CLR Design also has one subconsultant, Terri O'Connor Consulting (Opt-in and Visitor Survey), that is a women-owned firm that does not yet have COBID certification. This represents 0.5 percent of CLR's contract, and when added to the COBID firms, brings the total diversity contracting utilization rate to 29.3 percent.

- Diversity in employment and contracting were 20 percent of the scoring of the CLR Design project proposal submitted in response to the Request for Proposals, and a factor in CLR being awarded the contract in 2016. CLR Design is committed to the goals of equity, workplace diversity, economic justice, and sustainability, and demonstrates this by collaborating with a strong and dedicated team of Portland professional organizations that embody these ideals.

- CLR and its subconsultants have a diverse workforce: Women and minorities constitute over half of CLR's staff, which is above the nation's average for a professional field that does not traditionally attract women and minorities. PAE Consulting Engineers is a firm of more than 200 employees, including more than 55 women, 21 minorities and 4 veterans. KPFF Consulting Engineers has a staff that is 26 percent minority and 30 percent female. Main Street Design's team for this project is 50 percent female.

- CLR promotes workforce diversity within its local community by hosting a career day with a local school in Camden, NJ that is primarily African American and Hispanic, in an effort to introduce the profession of architecture and landscape architecture to middle school students who might not otherwise be exposed to the opportunities of the profession. The firm also mentors students from disadvantaged backgrounds in an effort to help them prepare portfolios for college admission.

Metro COBID Activities

- As part of Metro's Construction Careers Pathway Project, Metro has released a Request for Proposals for a Regional Construction Workforce Diversity Study. Metro is looking to assess the region's construction workforce supply and demand outlook to better understand its overall capacity to meet growing demands, its current composition as it relates to the increasing demand to provide more diversity across the trades, and the existing opportunities for future workforce growth across the overall regional industry. By quantifying and analyzing the current and future supply and demand for construction workers, with an emphasis on women and people of color, Metro hopes to better understand if and where labor gaps may exist, or may develop in the near future. Also, by quantifying local hiring and contracting policies, and assessing the region's construction trades' workforce, training programs, and their ability to meet future forecasted workforce demands, Metro hopes to better position itself to determine meaningful areas of partnership and cooperation between public sector agencies and the trades that can be pursued to mitigate any workforce supply gaps. This assessment will also help Metro to better invest its resources and implement policies in ways that will ultimately support the construction industry in providing more equitable pathways into the industry's living wage jobs for people of color and women in the Portland metro region.
- Metro and the zoo hosted the Regional Workforce Diversity Summit 2016 on November 10 at the zoo, with 91 attendees from public, private and community organizations.

Existing and Prior COBID Activities

Metro Equity in Contracting

Metro's Equity in Contracting procurement procedures increase access to contract opportunities for COBID-certified firms by removing barriers to participation and promoting economic opportunities for small businesses.

- **Metro Solicitation of Bids/Proposals: General Contractor**

Metro **Request for Proposals** requires that the **Construction Management/General Contractor** submit a plan for how it will contract with COBID-certified firms and its projected utilization rate. This portion of the RFP is scored by Metro Procurement and Diversity staff and the zoo bond staff and constitutes 20 percent of the total proposal score.

Metro RFPs for CM/GCs requires the following information to be submitted by the proposing firms:

- COBID- certification of the general contractor proposing
- Diversity and demographics of the proposal team
- Results of three recent projects utilizing COBID-certified firms
- Activities undertaken to advise or mentor subcontractors and suppliers on their workforce diversity efforts
- Diversity in Workforce and Contracting Plan (see attachment A: Article 13 of General Conditions)

Metro **Request for Bids** requires that bidding primes contact all COBID-certified firms that attend pre-bid meetings as part of their Good Faith Effort outreach, negotiate with interested COBID firms, and report to Metro all subcontractors contacted and their response and price quote, in addition to the subcontractors the bidder intends to use on the project.

Metro **advertises its RFPs/RFBs on the State of Oregon Procurement Information Network, ORPIN**, which automatically **sends notices to all COBID-certified firms**. In addition, Metro also advertises its solicitations in the Daily Journal of Commerce.

- **Pre-bid meetings**

The zoo bond program offers optional pre-bid meetings that allow contractors and subcontractors to get more information on the bid package and ask questions. Questions and answers are distributed via ORPIN as an addendum to the RFP/RFB. The pre-bid meeting often includes a walk-through of the future construction site.

- **Metro Procurement COBID Outreach**

- Annual MWESB procurement open house at the Oregon Convention Center hosted by Metro and Multnomah County, with **zoo bond staff at a booth with current bond project information**. In February 2015, 400 people attended. In February 2016, 171 people attended.
- Sponsorship of regional Workforce Diversity Summit 2015.
- Metro maintains an Equity in Contracting Program calendar for current outreach opportunities.

- Minority and women organization outreach, including the Oregon Association of Minority Entrepreneurs; National Association of Minority Contractors, Oregon Chapter; Metropolitan Contractor Improvement Partnership; Hispanic Metropolitan Chamber of Commerce; Oregon Native American Chamber of Commerce; Oregon Tradeswomen, Inc.; Business Diversity Institute, and others.
 - Free bid and proposal writing workshops, which include the offer of two hours of free one-on-one technical assistance with bid or proposal preparation.
 - Metro also hosts tables at a number of trade show events that allow businesses to learn about and network with chambers, business associations, large businesses with subcontracting opportunities, and public agencies.
- **Sheltered Market procedures for public improvement contracts between \$10,000 and \$50,000**
Metro's Sheltered Market procedures require that only COBID-certified firms be allowed to bid on public improvement contracts between \$10,000 and \$50,000. Public Improvement contracts consist of construction and construction-related services, including painting, fencing, roofing and electrical work.

The **Zoo Bond program utilized this Sheltered Market procedure to contract with Enviromex Contracting, Inc.**, an ESB-certified firm, to do the asbestos hazardous waste abatement as part of the Tiger Plaza demolition (Education Center project), and for in-ground pipe removal at Elephant Lands.

- **Sheltered Market procedures for personal services contracts between \$10,000 and \$50,000**
Personal services opportunities between \$10,000 and \$50,000 may be released to COBID-certified firms only, using a streamlined process that makes it faster and easier for Metro and proposers. The RFP is issued directly via email to at least one MBE, one WBE, one SDV and one ESB who are qualified to do the work requested.
- **Public works bond exemption**
All contractors and subcontractors working on Public Works contracts must post a \$30,000 public works bond with the Construction Contractors Board (CCB). State of Oregon COBID-Certified firms will be exempt from filing this bond for up to four years if they elect to do so.
- Metro's current **methodology for calculating COBID utilization** deducts the value of the scopes of work deemed ineligible to COBID firms from the total construction contract amount to determine the base for utilization rate calculation. To determine if a scope of work is ineligible, the Metro project manager and contractor contact and search the Oregon Procurement Information Network (ORPIN), State of Oregon COBID website, Oregon Association of Minority Engineers, Oregon chapter of National Association of Minority Contractors and minority business chambers of commerce to determine if any vendors in the area are eligible to perform the specialized work. The outcome of this search is documented in the project Minority Utilization Report. Metro's procurement manager

must approve the request for any specialized work deemed ineligible to COBID contractors and is responsible for tracking and reporting COBID contractor utilization.

For more complete information on [Metro Equity in Contracting](#), visit the Metro website and the [Equity in Contracting Annual Report 2015-2016](#).

Polar Passage, Lease Crutcher Lewis, CM/GC

On May 11, 2016, Metro accepted the proposal of Lease Crutcher Lewis LLC to serve as Construction Management/General Contractor for the Polar Passage project. LCL's proposal was deemed the top-ranked out of the three proposals received. The diversity section of the proposals was scored by Metro Procurement staff; a representative from the Metro Diversity, Equity and Inclusion team; and zoo bond program staff. The diversity score is 20 percent of the total score for the proposal. The project is currently in its design phase.

- Metro RFPs for CM/GCs require the following information to be submitted by the proposing firms:
 - COBID certification of the general contractor proposing
 - Diversity and demographics of the proposal team
 - Results of three recent projects utilizing COBID-certified firms
 - Activities undertaken to advise or mentor subcontractors and suppliers on their workforce diversity efforts
 - Diversity in Workforce and Contracting Plan (see attachment A: Article 13 of General Conditions)

LCL's submittal of these items was a significant part of its successful proposal:

- Lease Crutcher Lewis is an employee-owned firm committed to equity and providing opportunities for disadvantaged and emerging businesses.
- LCL included a COBID-certified subcontractor as a member of its proposed team for the Polar Passage project: **Kodiak Pacific Contractors (WBE# 4059), a local, woman-owned earthwork company** led by President Sandy Trainor. As an integrated member of the team, Kodiak Pacific will develop a preliminary work plan for the earthwork and excavation scope, and will provide budgeting and constructability review for the site work package. Key objectives of this partnership include the following:
 - Create an efficient, effective and collaborative team that works together to develop ideas in the best interest of the Metro and the project.
 - Create relationships for improved diversity and emerging small business involvement that can be sustained for this project and beyond.
 - Develop the team dynamics such that each member can educate and mentor others. It is critical that Kodiak Pacific is involved not as just a consultant, but an integral part of the team.
 - Use this opportunity for LCL and Kodiak to further develop their business relationship and open doors for future opportunities.

- LCL intends to **subcontract all scopes of work** related to the construction of the project. This approach allows for the maximum amount of advertisement and opportunity for potential COBID partners.

- **Outreach Program**
 LCL will maximize COBID utilization for this Project by means of the following outreach efforts in coordination with the Metro Procurement Office.
 - Directly solicit quotations from COBID subcontractors, utilizing its in-house database and the state COBID directory.
 - Establish bid packages in smaller work scopes, allowing smaller, yet technically qualified firms to participate.
 - Publicly advertise its solicitation of binds on ORPIN, the Daily Journal of Commerce Oregon, and in business publications catering to COBID contractors
 - Deposit bid packages at centers such as OAME and MCIP that cater to COBID subcontractors
 - Schedule and advertise public informational meetings to educate COBID firms about bidding opportunities, Workforce Hiring and Training Program, and to raise awareness about apprenticeship programs.
 - Participate in networking sessions to increase LCL’s visibility as a prime among COBID firms.
 - Lease Crutcher Lewis held an Open House on June 21 for COBID subcontractors at their office soliciting interest in their upcoming projects, including Polar Passage. Of the 15-20 who attended, approximately half were COBID-certified.

- **Subcontractor Mentorship**
 In order to promote employment diversity among its subcontractors and suppliers, LCL does the following:
 - Assist subcontractors in obtaining BOLI registered training agent certification, which will enhance the subcontractor’s ability to hire and mentor apprentices.
 - Indicate workforce diversity and apprenticeship goals in instructions to bidders.
 - Encourage subcontractors to participate in the General and Concrete Contractors Association field internship program and Construction Summer Camp Program. Both programs aim to expose students from under-served areas to careers in construction.
 - Invite subcontractors to participate in minority job fairs and networking events, such as the Women in Trades Career Fair and the DJC DMWESB Contractor Night.
 - Establish ongoing mentor/partner relationships with subcontractors. For example, LCL has established an on-going relationship with minority-owned firm **R&R General Contractors** to collaborate on projects. The two firms have partnered during the last few years on several projects where the approach includes having R&R provide a member of their management staff as part of job-site supervision. This provides R&R with the opportunity to learn from LCL about both preconstruction and construction services on a large scale project. LCL and R&R

collaborated together on the Elephant Lands project, where R&R was involved in early pricing of the excavation, civil, road and rail components. R&R's rail expertise was invaluable to LCL, and LCL's preconstruction methodology was beneficial to R&R.

- **On-the-job Training**

LCL promotes on-the-job training and apprenticeships in a variety of ways:

- **LCL is a BOLI-registered training agent** that trains and mentors carpenter and laborer apprentices on most of its projects.
- With a board member and volunteers engaged in the **National Association of Women in Construction**, LCL contributes to and provides opportunities to women in construction at all levels of its organization, from senior management to journeyed carpenters and laborers. LCL participates in the annual trade fair for Women in Construction and directly mentors apprentices and trainees involved in the program.
- LCL also has a board member and volunteers involved in the **Architecture, Construction and Engineering (ACE) Academy** in East Portland. Through ACE, LCL is promoting industry interest among young people in four different metropolitan school districts with diverse ethnic backgrounds. Through its ACE involvement, LCL has hired several minority interns who have become apprentices on its projects, and **LCL will look for additional minority apprentice opportunities on the Polar Passage project.** (Though ACE lost funding earlier this year, LCL is working with Associated General Contractors to identify a strategy to maintain this program as an extension of Portland Public Schools' Career and Technical Education program. LCL expects to continue to support the organization in its new form.) LCL will explore opportunities to connect with local schools' Career Technical Pathway specialists, and hire candidates who are interested in both summer internships on the construction site, and longer-term apprenticeship and journeyman positions.
- LCL provides several varying **internships for college students and individuals considering a transition into a construction management career at any age.** LCL perceives that many skills learned on the job are difficult to learn in the classroom, so it immerses interns into the thick of things while allowing them to pursue their strengths and passions, with the help of a mentor. Many of LCL's internships translate to full-time positions.

- Construction of Polar Passage is estimated to start in January 2018.

Education Center, Fortis Construction, CM/GC

Fortis Construction, the Construction Management/General Contractor for the Education Center, has a **COBID utilization rate of 29.1 percent** on the project as of Dec. 31, 2016. Fortis has a record of active engagement and successful contracting with the COBID community, meeting or exceeding utilization goals. To date on this project, Fortis **has exceeded its COBID utilization forecast by 2.4 percent.** Its project proposal had forecast a utilization rate of 26.7 percent for the project. **Fortis' utilization rate to date of 29.1 percent nearly doubles the zoo bond program aspirational goal of 15 percent.**

Substantial completion for the Education Center classroom building was December 21, 2016, and Dec, 30, 2016, for the Nature Exploration Station (NESt). Contract close-out activities are still proceeding.

- **Fourteen COBID subcontractors were low bidders** and are participating in the project, **representing \$4,144,260 as of December 31, 2016:**
 1. Kodiak Pacific Construction Co., WBE
 2. Mark Adams Electric, Inc., ESB
 3. Pagh Custom Woodworking Inc., ESB
 4. Rayborn’s Plumbing, ESB
 5. River City Rebar LLC, ESB
 6. Vaughn’s Services, Inc., ESB
 7. Green Man Construction, WBE
 8. General Sheet Metal Inc., WBE
 9. SL Green Construction, ESB
 10. Northwest Masonry Restoration, ESB
 11. Empire Painting, ESB
 12. Merit Contractor of Oregon Inc., ESB
 13. Budget Blinds, WBE
 14. City of Roses, MBE

When founded in 2003, Fortis Construction LLC was an *Emerging Small Business* that has since grown to become the Portland metro-area’s third largest general contractor. With its humble beginnings and core value of relationships, Fortis has formed strong partnerships with outreach firms in the area, and conducted a variety of COBID outreach activities for the Education Center project:

- Oregon Association of Minority Entrepreneurs Meet and Greet January 9, 2015
- Metro MWESB Open House February 11, 2015
- Oregon Association of Minority Entrepreneurs Meet and Greet February 13, 2015
- Metropolitan Contractors Improvement Partnership February 19, 2015
Subcontractor Trade Show
- Oregon Association of Minority Entrepreneurs Meet and Greet February 27, 2015
- Oregon Association of Minority Entrepreneurs Meet and Greet March 7, 2015
- Metropolitan Contractors Improvement Partnership – April 8, 2015
Growing as a commercial contractor presentation
- Oregon Association of Minority Entrepreneurs Meet and Greet April 10, 2015
- Fortis MWESB “Get to Know you” Luncheon April 30, 2015
- Meeting with Metro Procurement to collaborate on MWESB May 2015
outreach strategy, including review of participation by trade
- Oregon Zoo Open House – Bid Package #1 MWESB pre-bid mtg. June 11, 2015
(early site work for stormwater infrastructure and civil scope)

- 26 total firms in attendance
 - 14 firms at MWESB-focused session
 - 12 firms at general session
 - Bids were due June 30:
 - 6 responses from bidders
 - 2 MWESB responses
- Oregon Association of Minority Entrepreneurs Meet and Greet June 12, 2015
- Oregon Association of Minority Entrepreneurs Meet and Greet July 10, 2015
- Oregon Zoo Open House – Bid Package #3 MWESB pre-bid mtg. July 16 2015
(site finishes, landscape, structural concrete, wood structure, Roofing, sheet metal, interior finishes, mechanical/electrical/plumbing)
Announcements targeting the MWESB community were published in local trade journals and on industry websites.
 - 15 MWESB firms in attendance
 - 32 responses from MWESB bidders
 - 11 successful MWESB bidders
- Oregon Association of Minority Entrepreneurs Meet and Greet August 14, 2015
- Oregon Association of Minority Entrepreneurs Meet and Greet September 10, 2015
- Fortis MWESB “open house” Luncheon September 22, 2015
- **Fortis early payment policy to MWESB subcontractors:** Fortis realized that most MWESB contractors struggle with cash position from time to time. So Fortis decided to do something to help them. An option for early payment from Fortis is granted for subcontracts issued under \$100,000 to MWESB-certified contractors. Payments are guaranteed to be made to MWESB certified subcontractors within 15 days of invoice approval.
- All bidding complete (Interpretive package) February 2016
- Final substantial completion December 30, 2016

Elephant Lands Project: Lease Crutcher Lewis, CM/GC

For the Elephant Lands project, Construction Management/General Contractor Lease Crutcher Lewis, partnered with Metro to implement a comprehensive plan for promoting diverse and disadvantaged business participation. The project was substantially complete in December 2015.

- LCL achieved a **9.7 percent MWESB utilization rate** (based on the COBID-eligible contract value).
- 24 percent of the subcontractor bids received to construct Elephant Lands were from MWESB-certified firms, a result of the extensive outreach prior to bid day. Many of those subcontractors were not the lowest bidder and were not awarded contracts.
- **Eleven MWESB subcontractors** participated in the project, **representing \$4,448,588:**
 1. R&R General Contractors, MBE
 2. Art Cortez Construction, MBE

3. Green Man Construction, WBE
 4. Portland Coatings, MBE
 5. Carr Construction, MBE
 6. Kodiak Pacific, WBE
 7. Sawtooth Caulking, ESB
 8. Turtle Mountain Construction, MBE
 9. Elder Demolition, ESB
 10. Western States Soil, ESB
 11. PLI Systems, MBE
- **Two MWESB subcontractors who were originally awarded contracts, subsequently withdrew** from the project: Agate Pacific Glazing, ESB (business closed) and Interior Focus, WBE (business sold).
 - **Disadvantaged business mentorship**
Early in the project, LCL engaged **minority business enterprise R&R General Contractors as part of its CM/GC team**. The firm was brought to the table during preconstruction to provide early pricing for the excavation, civil, road and rail components of the project. This partnership provided R&R exposure to a larger, more complex project than would have been feasible for the growing site/civil contractor. R&R performed the rail scope and a segment of the site work for the project, with a contract value of \$1,198,200. R&R's civil and rail expertise was invaluable to LCL, and LCL's preconstruction methodology was beneficial to R&R's development. R&R owner Jesse Rodriguez has since won projects as a prime contractor and used lessons learned from Lewis to successfully execute those projects.
 - **Apprenticeship at Elephant Lands**
In partnership with Construction Summer Camp, LCL employed **three high school carpenter apprentices** at Elephant Lands. A Portland Public Schools and Willamette Carpenters Training Center joint effort, the program connects high school students with diverse backgrounds interested in pursuing careers in construction, with general contractors for summer internship and training opportunities. The LCL foreman and superintendent mentored:
 - Skylar Williams, a senior at Madison High School who has since started his post-secondary career at Oregon State University where he is studying business.
 - Jose Contreras, an ACE Academy student who, after graduating high school, became a full-time carpenter apprentice at LCL. (ACE Academy – Academy for Architecture, Construction and Engineering – has been a public, tuition-free charter high school in Portland with a shared-time program for junior and senior students.)
 - Andres Cortez, a junior at Roosevelt High School, who contributed to the construction of the concrete amphitheater at Elephant Lands.
 - **Elephant Lands special contracting considerations**
The MWESB participation rate achieved for Elephant Lands was due to a highly concerted effort and outreach program. While it represents a lower overall percentage than LCL typically achieves on projects of similar magnitude in this market, it is considered a successful disadvantaged business outreach and bidding effort.

Some components of the project were highly specialized in nature and it was not possible to contract them to disadvantaged businesses. **These specialized scopes were not included in the COBID-eligible calculation.** For example, elephant doors, caging and exhibit rockwork constituted more than \$3.5 million dollars' worth of work, with no local subcontractors available to perform that work. In addition, trades like painting, drywall and doors/frames/hardware with higher concentrations of disadvantaged businesses in the local market represented a smaller percentage of the overall contract value than a typical building project of this size.

For example, while the drywall package was awarded to MBE-certified Art Cortez, and the doors/frames/hardware package to woman-owned firm Green Man Construction, the sum of the two packages was about \$400,000, representing only 1 percent of the total subcontracted value. These interior scopes typically represent 5 to 10 percent or more of the subcontracted value of similarly sized commercial building projects.

LCL conducted a variety of MWESB outreach activities specifically for the Elephant Lands project:

- **National Association of Minority Contractors, Oregon Chapter** June 11, 2013
Open to all NAMC members. Plans, project information and Lewis staff were available to talk about the project and present the project information to prospective bidders.
- **Oregon Association of Minority Entrepreneurs Meet and Greet** June 14, 2013
Open to all OAME members. Plans, project information and Lewis staff were available to talk about the project and present the project information to prospective bidders.
- **Lewis outreach and technical assistance workshop** July 24, 2013
Workshop held at the Lewis main office, with the invitation distributed to all state-certified MWESB subcontractors. The event was to provide prospective bidders an opportunity to review plans, project information and get assistance in bidding, bid forms, insurance requirements and other aspects of bidding.
- LCL representatives engaged in multiple meetings during bidding to provide **mentoring and bid assistance** with Miguel Durate of MSD Fencing and David Aldaz of Aldaz Structural Steel – both MWESB firms.
- **Bidding documents and project advertisements deposited on file at plan centers** that have a strong COBID partnership, including OAME Plan Center, Metropolitan Contractor Improvement Partnership, NAMC Newsletter (electronic bid docs), Latin American Times and The Scanner.
- **Invitation to bid distributed via fax/email to more than 1,000 state-certified COBID firms** with expertise in the scopes of work related to the project.
- **Hundreds of follow-up calls** to the same prospective bidders to verify bidding status, increase project awareness, answer bidding questions and direct bidders to documents.

- **Specific, targeted engagement with 10 subcontractor firms prior to Bid Package #2**, with ongoing contact and personal meetings during the bidding period to engage bidders, and answer their questions as they worked through the bidding process: Beaverton Plumbing, General Sheetmetal, Crossfire Sprinkler, Wood Mechanix, Gibson Door and Millwork, Green Man Construction (doors/frames), H&L Corp (steel), NWR Construction (wood framing), PDX Glass (glazing systems) and Star Construction (site concrete).
- Lease Crutcher Lewis also actively engages in local and statewide COBID outreach activities to broaden participation in all of their projects, including Elephant Lands:
 - **State of Oregon – Governors Marketplace Event:** LCL staffs a table at this annual event held in various locations from Portland to Eugene, specifically geared to partner general contractors with COBID firms.
 - **Oregon Association of Minority Entrepreneurs contractor meetings:** LCL provides regular updates at monthly meetings of this statewide organization based in Portland and geared to the design and construction industry. These updates keep OAME members informed about the projects available for bidding with LCL.
 - **National Association of Minority Contractors, Oregon Chapter contractor outreach:** In the fall of 2013, LCL completed a round of targeted outreach meetings with NAMC members in which a round robin format was used over the course of multiple months to meet various NAMC members in an informal setting to share ideas and learn about each other’s companies and opportunities to work together.
- **Workforce Development**
Throughout construction, LCL leveraged the project as an opportunity to **encourage disadvantaged students** to pursue careers in construction. One LCL project manager conducted an ACE Mentorship tour, and another LCL project manager led a tour and brownbag information session for ACE Academy, an alternative program in East Portland geared toward engaging students in careers in architecture, construction and engineering.

LCL also participates in the **Worksystems, SummerWorks youth employment program**. Worksystems is an organization that pursues and invests resources to improve the quality of the workforce in the City of Portland and Multnomah and Washington counties. One student worked for LCL on another project in 2015 as part of the program’s Career Readiness Training Initiative.

Condors of the Columbia: 2KG, General Contractor

Condors of the Columbia general contractor 2KG Contractors achieved an **MWESB utilization rate of 25.8 percent** for the project completed in 2014, with 18.5 percent from emerging small businesses and 7.3 percent from minority-owned businesses. The specialty stainless steel aviary netting scope, available from only three suppliers in the nation, was deemed ineligible for MWESB firms, and the value was deducted from the calculation.

- **Six MWESB subcontractors participated** in the project, **representing \$363,502**:
 1. A2 Fabrication, ESB
 2. McBride Sheet Metal, ESB
 3. Agate Pacific. ESB
 4. Parkin Electric, ESB
 5. PLI Systems, MBE
 6. Alamo Paving, ESB
- Metro used a **two-step Request for Bids (RFB)** process to procure the general contractor. The first step involved a careful screening of qualified contractors based on their past performance, capabilities, project management techniques, and commitment to diversity. Contractors that passed the first step were invited to submit fixed-price bids for the construction, with the award going to the lowest bidder.
- The bid request for the project included an aspirational goal of 15 percent participation by MWESB subcontractors. While not a mandatory goal for prime contractors, the aspirational goal did make clear Metro's commitment to diversity in its contracts.
- **Outreach and advertising focused on MWESB firms throughout the process**, including attending the Oregon Association of Minority Entrepreneurs (OAME) meeting on Jan. 11, 2013, four days before the Metro pre-bid meeting.
- Metro provided the Condors of the Columbia solicitation schedule in advance of its publication to Oregon Native American Chamber of Commerce, the Asian Pacific American, OAME, National Association of Minority Contractors, and National Association of Women in Construction.
- Metro's condor construction RFB included a list of seven MWESB member organizations that bidders could contact for construction documents. Metro sent a letter to each organization encouraging them to support high participation in the project, along with RFB and construction documents describing the scope of the project.

Penguinarium Filtration Upgrade: Triad Mechanical, General Contractor

Completed in 2012, the Penguinarium water filtration upgrade project accomplished an **MWESB utilization rate of 6 percent** with Triad Mechanical as the general contractor.

- **Triad Mechanical self-performed 83 percent of the work** on this mechanical upgrade to the existing building to save water.
- **One MWESB subcontractor, Safety Electric (ESB), participated in the project**, with a contract value of \$83,110. This was the largest of the six subcontracts on the project and represented 36 percent of the subcontracted value of \$234,020.
- For this smaller, less complex project, Metro used a standard **low-bid Request for Bids** process to procure the general contractor. This process requires acceptance of the lowest, responsive bidder, and does not allow any evaluation for diversity in contracting.

- The RFB required all bidders to follow and document a specific good faith outreach effort to state-certified Minority, Emerging and Women-owned Businesses. Certification of good faith compliance and a declaration of any actual utilization pursuant to both programs was required at the time of bid opening.
- Metro held a pre-bid meeting on August 19, 2010, attended by 18 firms, four of which were MWESB firms.

Veterinary Medical Center: Skanska USA, General Contractor

The first zoo bond project, the Veterinary Medical Center, was also completed in 2012. With Skanska USA as the general contractor, it achieved a **10 percent¹ MWESB utilization rate**, with 4.8 percent from emerging small businesses, 4.4 percent from women-owned businesses, and 0.9 percent were minority-owned businesses.

- **Nineteen MWESB subcontractors participated** in the project, **representing \$733,095**:
 1. Minority Abatement, MBE
 2. Crown Landscaping, ESB
 3. Western Rebar, WBE
 4. Pagh Woodworking, ESB
 5. LCD Waterproofing, ESB
 6. Leewen, WBE
 7. Vaughns, ESB
 8. Portland Coatings, WBE
 9. Parker Fire Sprinkler, ESB
 10. Cascade Tower, ESB
 11. Onsite (Waste), MBE
 12. Superior Fence, ESB
 13. Quality Building Services, MBE
 14. Tom Nelson Survey, ESB
 15. Kodiak Bengé, WBE
 16. Renner Trucking, WBE
 17. Sterling Floors, ESB
 18. Valve Instrument and Pipe, MBE
 19. Pure Floors, ESB
- Based on a procurement method utilized by TriMet for light rail projects, Metro awarded this contract in June 2010 through a **two-step bid process**. The first step involved a careful screening of qualified contractors based on their past performance, capabilities, project management techniques, and commitment to diversity. Contractors that passed the first step were invited to submit fixed-price bids for the construction, with the award going to the lowest bidder.

¹Metro's calculation methodology at the time of this project was to exclude the cost of prime contractor self-performed work. Out of the \$4,214,163 available in subcontracts (*i.e.*, work not performed directly by the prime contractor), 17 percent of the dollars went to contractors certified as a MBE, WBE or ESB. This number was previously reported in Metro's annual MWESB report.

- The bid request for the project included an aspirational goal of 15 percent participation by MWESB subcontractors. While not a mandatory goal for prime contractors, the aspirational goal did make clear Metro's commitment to diversity in its contracts.
- Metro held a pre-bid meeting on May 27, 2010, that was attended by 21 firms, three of which were MSWESB firms.

Zoo Bond Program Equity in Contracting Quarterly Report
Attachment A: Metro Construction Management/General Contractor
General Conditions, Article 13

ARTICLE 13 Diversity in employment and contracting

Metro defines diversity as the variance or difference amongst people such as race, ethnicity, gender, age, religion, nationality, language preference, socioeconomic status, disability, sexual orientation, gender identity and others. Metro's Equity in Contracting Program encourages the use of minority-owned businesses, woman-owned businesses, service disabled veteran-owned businesses, and emerging small businesses, as defined under State law in ORS Chapter 200 and as certified by the Certification Office of Business Inclusion and Diversity (referred to here as COBID Certified Businesses) to the maximum extent practical.

13.1 Contractor shall not replace a minority business, women-owned business, service disabled veteran-owned business or emerging small business enterprise Subcontractor with another Subcontractor, either before Contract Award or during Contract performance, without prior written approval of Metro. In replacing a COBID Certified Business, Contractor shall replace such COBID Certified Business with another COBID Certified Business or make good faith efforts to do so. Failure to do so shall constitute Contractor's default of this Contract, and Metro, at its option, may terminate this Contract under the procedures set out in Article 15.

13.2 Metro reserves the right, at all times during the period of this Contract, to monitor Contractor's compliance with the terms of the COBID Certified Business Program and enforce the program if Contractor should fail to so comply. Contractor shall be bound by any and all representations made concerning its compliance with the program prior to Contract Award and any and all representations made by Contractor concerning the replacement of a COBID Certified Business during the performance of this Contract.

13.3 COBID Certified Business Participation in the Contract.

13.3.1 It is Metro's policy that Contractor shall take reasonable steps to ensure that minority-owned businesses, women-owned businesses owned, service disabled veteran-owned businesses and emerging small businesses have the opportunity to participate in the Work.

13.3.2 Contractor shall submit a Diversity in Workforce and Contracting Plan for the Work as part of its response to Metro's Request for Proposals for the Project. The Plan shall include a narrative description of the following:

13.3.2.1 A proposed Aspirational Target, estimated in total dollars, for COBID firms, along with the divisions of Work Contractor intends to subcontract.

13.3.2.2 A proposal for outreach, bid document availability and mentoring to COBID Certified Businesses regarding subcontracting opportunities, including coordination of outreach with the Metro Procurement Office.

13.3.2.3 A description of how on-the-job training and apprenticeships are used within the Contractor's organization to encourage diversity.

13.3.2.4 A description of efforts the Contractor will take to enhance the diversity of the workforce on the entire project.

13.3.2.5 A description of how subcontracts will be packaged to make them attractive to small contractors.

13.3.2.6 A description of whether or when bonding or insurance coverage as otherwise required in this Contract should be reduced to remove barriers to participation, including a process for proposing and obtaining approval of such reductions from Metro.

13.3.2.7 A description of how partnerships, mentorships and/or other technical assistance will be provided to support COBID Certified Business.

13.3.2.8 The name and experience of the COBID Certified Business liaison officer who will administer the Contractor's COBID Certified Business program.

13.3.3 Contractor shall perform the Work according to the means and methods described in the Workforce Diversity Development Plan as proposed, which shall be part of the Contract, unless changes are requested or approved in writing in advance by Metro or are required by applicable laws, ordinances, codes, regulations, rules, standards, or Metro Specifications.

13.3.4 Prior to start of the Construction Phase, Contractor shall submit the following to Metro:

13.3.4.1 Contractor's project schedule showing the Work commencement date and estimated completion date for each COBID Certified Business that will perform Work on the project.

13.3.5 Termination and Substitution of COBID Certified Business. The Contractor shall notify Metro in writing and confer with Metro before terminating or replacing a COBID Certified Business that has a signed contract with the Contractor.

13.3.6 Changes in Work Committed to COBID Certified Businesses. Metro will consider the impact on COBID Certified Businesses participation in instances where Metro changes, reduces, or deletes Work contracted to COBID Certified Businesses at the time of Contract Award. In such instances, the Contractor shall not be required to replace the Work but is encouraged to do so. If the Contractor proposes any changes that involve a contracted COBID Certified Businesses, the Contractor shall notify the COBID Certified Businesses of the proposed change, reduction, or deletion of any Work committed at the time of Contract Award prior to executing the Change Order. The Contractor can choose to enable the affected COBID Certified Businesses to participate in the Change Order request and is requested to make every effort to maintain the contracted COBID Certified Business percentage.

13.3.7 Contractor Payments to Subcontractors. The Contractor shall maintain records of all subcontracts entered into with COBID Certified Businesses and records of materials purchased from COBID Certified Businesses. Such records shall show the name and business address of each COBID Certified Business and the total dollar amount actually paid to each MWESB subcontractor or vendor. The Contractor shall pay each subcontractor for satisfactory performance of its contract no later than ten (10) Calendar Days from receipt of each payment the Contractor receives from Metro. The Contractor shall also return Retainage payments to each subcontractor within ten (10) Calendar Days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment from the above-referenced time frame may occur only for good cause following written approval of the Metro Project Manager. The Contractor shall submit a completed, signed original "Metro Monthly Subcontractor Payment and Utilization Report," available from Metro. The Contractor shall submit the form when a progress or final payment has been made to each subcontractor or supplier or when any held retainage is returned to a subcontractor or supplier. Contractor shall submit the form no later than the fifth day of each month. At the completion of the Project, Contractors shall submit a final form indicating the total amounts paid to all subcontractors and suppliers. The participation of a COBID Certified Business will not be credited towards the prime Contractor's COBID Certified Business achievements or the overall Aspirational Target until the amount being counted toward the target and any Retainage held by the prime Contractor has been paid to the COBID Certified Business.