WORKFORCE TRAINING & HIRING PROGRAM
Contractor Checklist

This program applies to projects estimated at $200,000 or more and subcontracts of $100,000 or more

Portland Public Schools ("District") has engaged the City of Portland ("City"), Procurement Services to provide and administer the Workforce Training and Hiring Program ("Workforce Program"). The following Workforce Training & Hiring Program requirements are a summary of the key contractual obligations of contractors working on District projects. It is the Contractor's responsibility to read and fully understand this section of the bid specifications and to comply with all provisions of the program, regardless of whether they appear on this checklist. Contractors shall include in their bid all costs associated with complying with the Workforce Program.

The District has set workforce diversity aspirational goals of 25% minority and 14% female hours (including both journey level and apprentice workers) for each project subject to the Workforce Program.

The prime contractor and all applicable subcontractors are required to provide all workforce utilization related data electronically in LCP Tracker. The prime contractor is responsible for ensuring all subcontractors have completed all requested items.

Information related to contractor access of the system will be provided to a designated point of contact upon award of the contract. LCP Tracker is web-based and can be accessed at the following internet address: www.lcptracker.net

CHECKLIST:

For Contracts of $200,000 or More and Subcontracts of $100,000 or More, Contractors Must:

1. Submit a Workforce Plan (Exhibit 2) to City prior to submittal of first payroll report, or as otherwise designated. A copy of the Workforce Plan should be downloaded, filled out, and then uploaded into LCP Tracker. The Plan should detail your approach and strategies to achieve the targeted workforce goals established by the District.

2. Before starting work on this project, confirm registration as a Training Agent with the Bureau of Labor & Industries (BOLI), Apprenticeship & Training Division. Not a BOLI registered training agent? Contact BOLI (971-673-0760) or City of Portland (503-823-5047) for further information.

3. Ensure that a minimum of 20% of labor hours in each apprenticeable trade are worked by state registered apprentices. Contractors shall fulfill the 20% apprenticeship requirement without exceeding the apprentice ratios approved by the applicable apprenticeship program, if working in excess of 300 hours in any given trade.

4. Strive in good faith to meet the diversity goals of employing women and minorities (both journey and apprentice level workers).

5. Make all reasonable and necessary efforts to employ a workforce that reflects the diversity of the City of Portland, including recruitment of a diverse workforce through the unions, the apprenticeship programs, and other community resources, as described herein.

6. Maintain written documentation of all requests for workers from the unions, apprenticeship programs, and community organizations.

7. When an apprentice is hired: Notify the City's Contract Compliance Specialist assigned to the project.

8. Submit weekly certified payroll reports via the LCP Tracker system no later than the 5th of each month.

For additional information or questions, please contact the Contract Compliance Specialist assigned to the project or the City's Workforce Program Coordinator at 503-823-5047.

WORKFORCE TRAINING AND HIRING PROGRAM
Specifications

I. PURPOSE

A. General Program Description

The PPS Board of Education has specified that the District will ensure apprenticeship opportunities in the construction trades and will promote construction employment opportunities for minorities and women (ref. Equity in Purchasing and Contracting Policy 8.50.095-P). This objective includes a) ensuring that the District does business with contractors whose workforce reflects the diversity of the workforce found in the City of Portland and Multnomah County, and b) that their contracting dollars provide fair and equal opportunities to the Districts' diverse populations.

To implement this objective, the District has engaged City of Portland, Procurement Services to provide and administer the Workforce Training & Hiring Program ("Workforce Program"). The Workforce Program applies to all projects estimated at $200,000 or more and to each subcontractor having a subcontract of $100,000 or more on the project. The Contractor and all subcontractors are encouraged to fulfill the program requirements even if their contracts are less than these amounts.

Contractors shall make reasonable efforts to ensure that their workforce reflects the diversity of the City of Portland and Multnomah County.

One way contractors can make reasonable efforts to ensure that their workforce is diverse is to recruit, train, and employ minorities and women whenever possible. This portion of the Contract establishes requirements regarding that recruitment, training, and employment.

For purposes of the Workforce Program specifications, the following definitions shall apply:

"Contract" shall mean the contract awarded as a result of these bid specifications.

"Contractor" shall mean the Prime Contractor to whom a Contract is awarded, and any subcontractors with subcontracts of $100,000 or more.

"Minorities" shall include members of either sex who are African-Americans, Hispanic Americans, Asians or Pacific Islanders, Native Americans or Alaskan Native Americans.

"Owner" shall mean the government agency that awarded the Contract, or leveraged public involvement in the project through a loan or development agreement.

"Project" shall include all work performed pursuant to the Contract.

B. Organization of Program Requirements

The Workforce Program specifications are divided into several parts.

Section II - refers to the action the Prime must take in order to be eligible for award of a contract.

Section III - lists the actions that must be taken by the Prime to meet contractual obligations.

Section IV - refers to remedies available to the Owner if a Prime fails to meet the requirements of the Workforce Program specifications.

Section V - refers to the Owner's ability to monitor compliance with the Workforce Program specification by examination of Prime and subcontractor records.

II. ACTIONS REQUIRED PRIOR TO BEGINNING THE PROJECT

The Prime shall thoroughly read this Workforce Program specification and commit to perform all requirements described herein. The Prime shall submit, before work begins, a Workforce Plan, which demonstrates how the workforce on this project will fulfill all program requirements, including utilization of apprentices and targeted workforce goals.

III. ACTIONS REQUIRED TO SATISFY CONTRACTUAL OBLIGATIONS

A. Make Reasonable Efforts to Have Diverse Workforce

A Prime must make all necessary and reasonable efforts to have a workforce that reflects the diversity of the City of Portland and Multnomah County and is reasonably consistent with the availability of qualified women and minorities based on Equal Employment Opportunity data supplied by the City. This requirement is in addition to any other requirement of this portion of the Contract.

1. The Prime and its subcontractors with subcontracts of $100,000 or more, at any tier level, shall strive to achieve the workforce diversity goals of 25% minority and 14% female hours (including both journey level and apprentice workers) on the project.

2. Provide written documentation of its good faith recruitment efforts. Contractors must follow the process for recruiting apprentices and journey workers described in Section III, subsection F of this specification. This process is considered by the City to be the minimum effort to recruit a diverse workforce.

3. The failure by a union with whom the Contractor has a collective bargaining agreement to refer either minorities or women shall not excuse the Contractor's obligations under this section of the specifications.

B. Ensure Compliance by Certain Subcontractors

1. The Prime shall ensure that each subcontractor having a subcontract of $100,000 or more, at any tier, shall comply with all of the provisions of the Workforce Program specifications. Contractors shall include in their price all costs associated with this requirement. No change order will be executed in order for the Prime to comply with the Workforce Program specifications.

2. The Prime shall provide a copy of this Workforce Program specification to all subcontractors with contracts of $100,000 or more executed for the project.

C. Register as a Training Agent

The Prime shall register with the Oregon Bureau of Labor and Industries (BOLI) as a Training Agent and ensure that all subcontractors who have contracts in the amount of $100,000 or more are registered as Training Agents. Registration as a Training Agent in a specific trade is not required if there are no training opportunities in that trade on the project, based on the maximum ratio allowed by BOLI.

1. Training programs approved by and registered with BOLI may be used to fulfill training requirements under the Workforce Program specifications. Other training alternatives must be approved by the City's Workforce Program Coordinator.

2. Training is intended to be primarily on-the-job training in apprenticeable crafts, and does not include classifications such as flag person, timekeeper, office engineer, estimator, bookkeeper, clerk/typist, fire fighter, or secretary. Hours performed in crafts, which are not apprenticeable occupations are exempt from the training requirements.

3. Exemptions to the training requirements must be approved by the Owner in writing prior to starting work on the project. Written requests for exemptions related to the training requirements will be considered by the Owner only for extreme circumstances during the course of the project, and must be approved in writing. All requests to exempt all or any portion of the work on a project shall be submitted to the Owner 14 calendar days before any work on the project begins. All exemptions must be approved by the Workforce Program Coordinator. *Please note: Procedures for granting exemptions are subject to change. For the most recent updates, please visit https://www.portlandoregon.gov/citycode/?c=26882&a=408189.*

D. Submit Documentation

The Prime shall submit documentation regarding the following subjects to the Owner. The Owner's failure to object to documentation submitted by the Prime or subcontractor shall not relieve them of the requirements of the Workforce Program specifications.

1. ***Training Agent Status***

   The Prime and all required subcontractors listed on the First Tier Subcontractor Disclosure Form must submit proof to the Contract Compliance Specialist that they are registered Training Agents with BOLI prior to beginning any work on the project.

2. ***Subcontractor Workforce Information***

   Each subcontractor with a contract of $100,000 or more, must submit a Workforce Plan, prior to submission of their first payroll report, or within 5 calendar days after the execution of the applicable subcontract, whichever occurs first. A copy of the Workforce Plan should be downloaded, filled out and then uploaded into LCP Tracker. Work by a subcontractor shall not begin prior to submission of such documentation.

3. ***Prime and Subcontractor Reports After Work Begins***

   Weekly Certified Payroll Reports must be submitted by the Prime and any subcontractor having a subcontract of $100,000 or more, via LCP Tracker, no later than the 5th of each month and will be used to track attainment toward the City's apprentice requirement and diversity goals. All hours subject to prevailing wage rates on public projects, in addition to supervisors, foremen and superintendents, shall be reported.

E. Use of Apprentices

The Prime shall:

1. Ensure that a minimum of 20% of labor hours in each apprenticeable trade performed on the project by the Prime, and subcontractors with subcontracts of $100,000 or more, are worked by state registered apprentices throughout the duration of the project. The Prime and subcontractors shall fulfill the 20% apprenticeship requirement without exceeding the apprentice ratios approved by the applicable apprenticeship program, if working in excess of 300 hours in any given trade.

2. Pay all apprentices the wages required by any applicable collective bargaining contract or pursuant to state or federal law and regulations.

3. Not use workers previously employed at journey-level or those who have successfully completed a training course leading to journey-level status to satisfy the requirements of these provisions.

4. Notify the Contract Compliance Specialist when an apprentice is hired for this project.

5. Count apprentice hours as follows:

   (a) Hours worked on the project by apprentices enrolled in state-approved apprenticeship programs. If the Contractor is unable to fulfill its 20% requirement, then the Contractor may also use methods (b) and (c) below;

   (b) Hours worked on the project by apprentices who are required to be away from the job site for related training during the course of the project, but only if the apprentice is rehired by the same employer after completion of training; and

   (c) Hours worked on the project by graduates of state-registered apprenticeship programs, provided that such hours are worked within the 12-month period following the apprentice's completion date.

F. Hiring, Requesting, Recruiting, or Replacing Workers

Contractors must follow all of these steps when hiring, requesting, recruiting or replacing workers:

For Apprentices:

1. Using the Worker Request Form, contact the appropriate apprenticeship program or dispatch center to request apprentices who are enrolled in the apprenticeship program; and

2. Request female or minority apprentices from the union or open shop apprenticeship program if such an action will help remedy historical underutilization in the Contractor's workforce.

3. If the apprenticeship program is unable to supply an apprentice and if the program is open for applications or allows direct entry from the Oregon Employment Division, make reasonable and necessary efforts to recruit apprentice applicants from WorkSource at the Oregon Employment Department, and seek to enroll them into an apprenticeship program.

   WorkSource Oregon is Oregon's largest source for job ready applicants:
   - Recruitment Services are local, statewide, and nationwide
   - Computerized job match system matches applicants to job qualifications
   - On-the-job training resources available to offset cost of new hires
   - Go to: www.imatchskills.org or call 503-257-HIRE

For All Workers:

1. Make reasonable and necessary efforts to employ a diverse workforce. Such actions should include requests for minority and female applicants. Contractors are notified that direct hiring of employees (such as "walk-ons") without providing notification of that job opportunity may not be sufficient to establish the Contractor's efforts to satisfy the diversity goals; and

2. Document employment efforts. Use the Worker Request Form to keep a ***written*** record of requests to:
   a. Union halls for signatory contractors;
   b. Union or open shop apprenticeship programs;
   c. The Oregon Employment Department. Go to: www.imatchskills.org or call 503-257-HIRE;
   d. State-registered pre-apprenticeship programs: http://www.oregon.gov/BOLI/ATD/pages/a_ag_partners.aspx

3. Documentation will be requested by the Owner, if a Contractor is not following their Workforce Plan or meeting the workforce diversity goals, if it appears that the Contractor has not made reasonable and necessary efforts. When requested, the Contractor shall provide that documentation to the Contract Compliance Specialist within 7 calendar days.

   NOTE: Contractors may contact the Contract Compliance Specialist for assistance related to any of the above issues.

IV. CONSEQUENCES OF NONCOMPLIANCE WITH WORKFORCE PROGRAM REQUIREMENTS

The Owner's commitment to this program is reflected, in part, by the cost of administering the program. Failure to meet the requirements of this section of the specifications negates such funding and impairs the Owner's efforts to promote workforce diversity and to provide fair and equal opportunities to the public as a whole as a

result of the expenditure of public funds. Therefore, the parties mutually agree that failure to meet the requirements of this section of the specifications, including but not limited to the submission of required documentation, constitutes a material breach of the Contract.

In the event of a breach of this section of the Contract, the Owner may take any or all of the following actions:

A. Withholding Progress Payments

The Owner may withhold all or part of any progress payment or payments until the Prime has remedied the breach of Contract. In the event that progress payments are withheld, the Prime shall not be entitled to interest on said payments.

If a subcontractor(s) is responsible for noncompliance with the Workforce Program requirements, the Owner may choose to withhold only their portion of the progress payment.

B. Retain Sums as Damages for Failure to Comply with Workforce Program Specifications

The parties mutually agree that it would be difficult, if not impossible, to assess the actual damage incurred by the Owner for the Prime's failure to comply with the Workforce Program specifications. The parties further agree that it is difficult, if not impossible, to determine the cost to the Owner when workforce opportunities are not provided. Therefore, if the Prime fails to comply with the Workforce Program provisions of this Contract, the Prime agrees to pay the sum of $250 per day for each day of missed apprenticeship hours or until the breach of Contract is remedied. Damages may be assessed for failure to meet the 20% apprenticeship training requirements by the Prime and each required subcontractor in each trade employed. Damages will be calculated based on the training hours not provided at a rate of $250 per day. For example, if the Contractor was required to provide 200 hours of carpenter training (20% of 1,000 total carpenter hours), and the Contractor only provided 150 training hours, then the difference (50 hours) is divided by 8 (one day of work) to determine the number of days of undelivered training. (50/8 = 6.25 x $250 = $1,562.5).

Damages may also be assessed for failure to fulfill the inclusive hiring process described in Section III, subsections F and G.

These damages are independent of any liquidated damages that may be assessed due to any delay in the project caused by the Contractor’s failure to comply with the Workforce Program provisions of the Contract.

C. Retain Sums as Liquidated Damages for Delay

The Prime agrees that any delay to the specified contract time as a result of the Prime's failure to comply with the requirements of these specifications shall subject the Prime to the amount of liquidated damages specified elsewhere in the Contract.

D. Notification of Possible Debarment

By executing this Contract, the Prime agrees that it has been notified that failure to comply with the requirements of this portion of the Contract may lead to the Prime's disqualification from bidding on and receiving other Owner contracts.

E. Other Remedies

The remedies that are noted above do not limit any other remedies available to the Owner in the event that the Prime fails to meet the requirements of the Workforce Program specifications.

V. REVIEW OF RECORDS

In the event that the Owner reasonably believes that a violation of the requirements of the Workforce Program specifications has occurred, the Owner is entitled to review the books and records of the Prime and any subcontractors employed on the project to which the requirements of these specifications are applicable to determine whether such a violation has or has not occurred.

In the event that the Prime or any subcontractor fails to provide the books and records for inspection and copying when requested, such failure shall constitute a material breach of this Contract and permit the imposition of any of the remedies noted in Section IV above, including the withholding of all or part of any progress payment.

ATTACHMENTS:
Recommended Recruitment & Retention Practices
Apprenticeship Ratio Data

RESOURCES:
Copies of all required forms, including the Workforce Plan and Worker Request Form can be downloaded in the LCP Tracker system at www.lcptracker.net or are available on the City's website at: https://www.portlandoregon.gov/brfs/42255.

For questions about the City's Workforce Training and Hiring Program requirements, visit: https://www.portlandoregon.gov/brfs/42255.

For information on State-Approved Apprenticeship Programs visit the Bureau of Labor and Industries, Apprenticeship and Training Divisions website: http://www.oregon.gov/BOLI/ATD/pages/index.aspx.

For procedures related to granting exemptions to the training requirements, please visit: https://www.portlandoregon.gov/citycode/?c=26882&a=408189.

For additional rules and procedures for implementing the provisions of the Workforce Training and Hiring Program, please visit: https://www.portlandoregon.gov/citycode/?c=26882&a=408189.

For a list of community resources to help with the recruitment of women and minorities, please visit: http://www.oregon.gov/BOLI/ATD/pages/a_ag_partners.aspx.

If you have questions after reading the information contained herein and visiting the resources above, please contact Ay Saechao at (503) 823-1090, or the City's Workforce Program Manager at (503) 823-6888.

Exhibit 1

RECOMMENDED GOOD FAITH RECRUITMENT & RETENTION PRACTICES

A. Recruitment Efforts

Good faith recruitment efforts are those intense, aggressive, sincere, and result-oriented actions taken by the Contractor designed to accomplish the objectives of the City Workforce Training & Hiring, Good faith recruitment efforts include, but are not limited to:

1. Work aggressively with Contractor's Joint Apprenticeship Training Committee (JATC) to recruit minorities, women and disadvantaged individuals. Provide evidence of these efforts.

2. Assist the JATC by conducting a workshop with minority and women employees to enlist their assistance as recruiters and request their ideas on how to increase employment of underutilized groups.

3. Support the efforts of the Contractor's JATC by giving all apprentices referred to the Contractor a fair chance to perform successfully, allowing for possible lack of previous experience. Recognize that the Contractor is responsible for providing on-the-job training, and that all apprentices should not be expected to have previous experience.

4. Participate in job fairs, school-to-work, and community events to recruit minorities, women, and disadvantaged individuals into the construction trades.

5. Allow scheduled job site visits by participants in community programs, as safety allows, increasing awareness of job and training opportunities in the construction trades.

6. Keep applications of those not selected for an opening. Contact when opening occurs.

B. Retention Efforts

The Contractor shall endeavor to retain minorities, women, and disadvantaged individuals by implementing steps such as the following:

1. Maintain a harassment-free work place.

2. Ensure that employees are knowledgeable about the company's policies if they need to report a harassment problem.

3. Make reasonable attempts to keep apprentices working and train them in all work processes described in the apprenticeship standards.

4. Review and disseminate, at least annually, the company's EEO policy and affirmative action obligations under these specifications with all employees having any responsibility for hiring, assignment, layoff, termination or other employment decisions.

5. Conduct a review, at least annually, of all supervisors' adherence to and performance under the Contractor's EEO policies and affirmative action obligations.

6. Take steps to reduce feelings of isolation among minorities and women to curb hostile attitudes and behavior (e.g., have several minorities and women at the job site, provide access to support group system).

7. Provide adequate toilet facilities for women on the job site.

8. Match minority, female, or disadvantaged apprentices who may need support to complete their apprenticeship programs with a journey-level mentor.

Apprenticeship Ratio Data

*Ratios may change pursuant to actions taken by the Oregon State Apprenticeship & Training Council/BOLI. For the purposes of this contract, the ratios approved by BOLI on the date the bid is advertised shall prevail.

TRADE	**APPRENTICE TO JOURNEY RATIO***		
	1st Apprentice	**2nd Apprentice**	**Max**
Asbestos/Insulation Workers	1/1	1/4	
Brick/Marble/Terrazzo/Tile Finisher	1/1	1/3	
Bricklayer/Masonry	1/1	1/3	
Carpenter (Portland)	1/1	1/1	1/1 for first three apprentices; 1/5 after
Carpet Installers/Floorlayers	1/1	1/3	
Cement Masons	1/2 (1/1 Open Shop)	1/3	
Drywall Applicator (Ext/Int Specialists)	1/1	1/1	1/1 for the first three apprentices; 1/5 thereafter
Drywall Finisher (Taper)	1/1	1/3	1/3 thereafter
Electricians			
Inside	1/1	1/3	Allowed 2 apprentices for every 3 journey
Limited Energy/Limited Residential	1/1	1/1	
Construction Lineman	1/1		Max. 2 apprentices a crew/subject to conditions
Limited Maintenance	1/1	1/2	
Stationary Engineer	1/1	1/3	
Elevator Contractor	1/1	1/3	
Environmental Control System (HVAC)	1/1	1/1	Additional apprentices at 1/3
Glass Installer (Glazier)	1/1	1/3	
Hod Carrier/Mason Tender	1/1	1/5	
Iron Worker	1/1	1/3	
Laborer (Construction)	1/1	1/5 (1/3 open shop)	1/10 Union – 10 max
Maintenance Mechanic	1/1	1/3	
Millwright	1/1		1/1 for first three apprentices, 1/5 after
Operating Engineer (Heavy)	1/1-4	2/5-9	3/10-19 4/20-24 5/25-29 30 or more 1/for each 5 additional operators
Painting & Sandblasting	1/1	1/3	
Painting (Traffic Control)	1/1	1/4	
Pile Drivers	1/1	1/1	1/1 for first three apprentices, 1/5 thereafter
Pipe Fitters	1/1	1/1	1/3 thereafter
Plasterers	1/1	1/3	
Plumber	1/1	1/1	1/1 for first two apprentices, 1/3 after
Roofer	1/1	1/1	
Scaffold Erector	1/1		1/1 for the first five apprentices; 1/5 thereafter
Sheet Metal Worker	1/1	1/1	1/1 for first two apprentices, 1/3
Sheet metal Worker (Residential)	1/1	1/3	
Sign Maker/Erector	1/1	1/1	
Sprinkler Fitter	1/1	1/1	
Steamfitters	1/1	1/1	1/1 for the first two apprentices on the job; 1/3 thereafter
Terrazzo Worker	1/1	1/3	
Tile/Marble Setter	1/1	1/3	
Truck Driver (Heavy)	1/1	1/1	

Workforce Plan

Instructions
1. This form must be completed by the prime and each subcontractor with a subcontract of $100,000 or more.
2. Please state how you plan to perform the work on this project, indicating the number of journey workers and apprentices, by trade.
3. This plan must demonstrate how your company will fulfill all Workforce Training & Hiring Program requirements, including utilization of apprentices, and diversity goals.

Bid #: **Project Name:**

Company Name: **Contract Amount:** $

Federal Tax ID: **Prime Contractor:** ☐ **Subcontractor:** ☐

List all Trades to be used on this Project (one trade, per line)	Total # of Journey Workers	Total # of Apprentices	Total # of Female Workers	Total # of Minority Workers	# and level of New Hires (i.e. 1A or 1J)	Anticipated Start Date	Estimated Total Hours (all workers in each trade)

Please list the apprentices who will work on this project. If you need more space, attach an additional sheet of paper. Compliance Staff must approve all apprentices on the project.

Name of Apprentice	Trade	Race	Gender	Date of Hire	STAFF USE ONLY

If no current apprentices, indicate when and how they will be hired:

Name of Workforce Plan Administrator (for Apprentice/Diversity Goals): Phone: Fax:

E-mail address?

Are you a registered Training Agent? ☐ Yes ☐ No Are you a Union or Open Shop Contractor? ☐ Union ☐ Open Shop

Which JATC dispatches apprentices to your company?

Name: Phone: Fax:
Name: Phone: Fax:

Please answer the following questions concerning your efforts to achieve the diversity goals on this project:

1. How do you plan to achieve the diversity goals on this project?

2. Other than your JATC, what resources will you use to recruit minority and female workers for this project (please check all that apply)?
   ☐ Oregon Tradeswomen ☐ ETAP ☐ Portland YouthBuilders
   ☐ Constructing Hope ☐ Job Corps ☐ Other

3. Do you need any assistance with meeting the apprenticeship requirements or diversity goals on this project?
   ☐ Yes ☐ No

Prepared By (print): **Signature:** **Date:**