



600 NE Grand Ave.
Portland, OR 97232-2736

Council meeting agenda

Thursday, July 30, 2020

2:00 PM

**<https://zoom.us/j/615079992> or
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- 1. Call to Order and Roll Call**
- 2. Public Communication**

Public comment may be submitted in writing and will also be heard by electronic communication (videoconference or telephone). Written comments should be submitted electronically by emailing legislativecoordinator@oregonmetro.gov. Written comments received by noon on Thursday, July 30 will be provided to the council prior to the meeting.

Those wishing to testify orally are encouraged to sign up in advance by either: (a) contacting the legislative coordinator by phone at 503-797-1916 and providing your name and the agenda item on which you wish to testify; or (b) registering by email by sending your name and the agenda item on which you wish to testify to legislativecoordinator@oregonmetro.gov. Those requesting to comment during the meeting can do so by using the "Raise Hand" feature in Zoom or emailing the legislative coordinator at legislativecoordinator@oregonmetro.gov. Individuals will have three minutes to testify unless otherwise stated at the meeting.

- 3. Presentations**

- 3.1 Presentation on the Outcomes of Oregon Convention Center Plaza & Renovation Project Workforce and Contracting Equity Plan [20-5451](#)

Presenter(s): Craig Stroud, OCC Executive Director
Nate McCoy, NAMC Oregon
Andrew Colas, Colas Construction

Attachments: [Staff Report](#)
[Attachment 1 to Staff Report](#)
[OCC 2019 Renovation Project: Equity Report PPT](#)

4. Consent Agenda

- 4.1 Considerations of the Council Meeting Minutes for July 23, 2020 [20-5452](#)

Attachments: [Council Meeting Minutes for July 23, 2020](#)

- 4.2 Resolution No. 20-5112, For the Purpose of Adding or Amending Existing Projects to the 2018-21 Metropolitan Transportation Improvement Program Which Involves Changes to Five Projects Impacting Clackamas County and ODOT (JN20-13-JUN) [RES 20-5112](#)

Attachments: [Resolution No. 20-5112](#)
[Exhibit A to Resolution No. 20-5112](#)
[Staff Report](#)

- 4.3 Resolution No. 20-5116, For the Purpose of Adding or Amending Existing Projects to the 2018-21 Metropolitan Transportation Improvement Program Which Involves Changes to Gresham's Sandy Blvd Reconstruction Project and Adding Metro's TSMO/ITS Portal Project (JL20-14-JUL) [RES 20-5116](#)

Attachments: [Resolution No. 20-5116](#)
[Exhibit A to Resolution No. 20-5116](#)
[Staff Report](#)

5. Ordinances (Second Reading and Public Hearing)

- 5.1 Ordinance No. 20-1447, For the Purpose of Amending Metro Code Chapter 7.04 to Allow Construction Excise Tax Funds to Support Economic Development and Community Stabilization Through the 2040 Planning and Development Grant Program [ORD 20-1447](#)

Presenter(s): Elissa Gertler, Metro
Jeffrey Raker, Metro
Lisa Miles, Metro

Attachments: [Ordinance No. 20-1447](#)
[Exhibit A to Ordinance No. 20-1447](#)
[Staff Report](#)

- 5.1.1 Public Hearing for Ordinance No. 20-1447

6. Resolutions

- 6.1 Resolution No. 20-5113, For the Purpose of Approving Fiscal Year 2020-21 Funding for Grants Funded with the Construction Excise Tax [RES 20-5113](#)

Presenter(s): Elissa Gertler, Metro
Lisa Miles, Metro
Jeff Raker, Metro

Attachments: [Resolution No. 20-5113](#)
[Staff Report](#)
[2040 Planning and Development Grants PPT](#)

- 6.2 Resolution No. 20-5120, For the Purpose of Approving an Intergovernmental Agreement for the Development and Administration of the Regional Clean Air Construction Program and Acknowledging the Application of the Clean Air Construction Standard to Metro Projects by Amendment of Metro's Sustainable Procurement Administrative Procedures [RES 20-5120](#)

Presenter(s): Jenna Garmon, Metro
Tracy Fisher, Metro

Attachments: [Resolution No. 20-5120](#)
[Exhibit A to Resolution No. 20-5120](#)
[Exhibit B to Resolution No. 20-5120](#)
[Staff Report](#)
[Clean Air Construction Standard for Metro Projects PPT](#)

- 6.3 Resolution No. 20-5121, For the Purpose of Establishing the Supportive Housing Services Fund and For Amending the FY2020-21 Budget and Appropriations Schedule by Supplemental Budget [RES 20-5121](#)

Presenter(s): Cinnamon Williams, Metro
Elissa Gertler, Metro
Ben Ruef, Metro

Attachments: [Resolution No. 20-5121](#)
[Exhibit A Resolution No. 20-5121](#)
[Exhibit B Resolution No. 20-5121](#)
[Staff Report](#)

- 6.3.1 Public Hearing for Resolution No. 20-5121

7. **Chief Operating Officer Communication**
8. **Councilor Communication**
9. **Adjourn**

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ការគោរពសិទ្ធិពលរដ្ឋរបស់ ។ សំរាប់ព័ត៌មានអំពីកម្មវិធីសិទ្ធិពលរដ្ឋរបស់ Metro ឬស្នើសុំទទួលបានកាតបណ្តឹងរើសអើងសូមចូលទស្សនាគេហទំព័រ www.oregonmetro.gov/civilrights។ បើលោកអ្នកត្រូវការអ្នកបកប្រែភាសានៅពេលអង្គប្រជុំសាធារណៈ សូមទូរស័ព្ទមកលេខ 503-797-1700 (ម៉ោង 8 ព្រឹកដល់ម៉ោង 5 ល្ងាច ថ្ងៃធ្វើការ) ប្រាំពីរថ្ងៃ ថ្ងៃធ្វើការ មុនថ្ងៃប្រជុំស្នើសុំអោយគេសម្រួលតាមសំណើរបស់លោកអ្នក ។

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| | |
|---|--|
| <p>Clackamas, Multnomah and Washington counties, and Vancouver, WA Channel 30 – Community Access Network <i>Web site:</i> www.tvctv.org <i>Ph:</i> 503-629-8534 Call or visit web site for program times.</p> | <p>Portland Channel 30 – Portland Community Media <i>Web site:</i> www.pcmtv.org <i>Ph:</i> 503-288-1515 Call or visit web site for program times.</p> |
| <p>Gresham Channel 30 - MCTV <i>Web site:</i> www.metroeast.org <i>Ph:</i> 503-491-7636 Call or visit web site for program times.</p> | <p>Washington County and West Linn Channel 30- TVC TV <i>Web site:</i> www.tvctv.org <i>Ph:</i> 503-629-8534 Call or visit web site for program times.</p> |
| <p>Oregon City and Gladstone Channel 28 – Willamette Falls Television <i>Web site:</i> http://www.wftvmedia.org/ <i>Ph:</i> 503-650-0275 Call or visit web site for program times.</p> | |

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Agenda Item No. 3.1

**Presentation on the Outcomes of Oregon Convention Center Plaza & Renovation
Project Workforce and Contracting Equity Plan**

Presentations

Metro Council Meeting
Thursday, July 30, 2020

PRESENTATION ON THE OUTCOMES OF OREGON CONVENTION CENTER PLAZA & RENOVATION PROJECT WORKFORCE AND CONTRACTING EQUITY PLAN

Date: July 13, 2020
Department: Capital Asset Management
Meeting Date: July 30, 2020

Presenters:
Craig Stroud
Nate McCoy, NAMC
Andrew Colas, Colas Construction

Prepared by: Brent Shelby, 503-804-2807
brent.shelby@oregonmetro.gov

Length: 20 minutes

ISSUE STATEMENT

The Metro Council will hear a summary of the workforce and contracting equity outcomes for the Oregon Convention Center (OCC) Plaza & Renovation project by the Executive Director of the Oregon Chapter of the National Association of Minority Contractors (NAMC) and the President of Colas Construction, Metro's partners on this successful project.

ACTION REQUESTED

The Metro Council will recognize the positive outcomes realized by the partnership with NAMC and Colas Construction during the OCC Plaza & Renovation project.

STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION

Adopted in June 2016, Metro's Strategic Plan to Advance Racial Equity, Diversity and Inclusion directed the agency to lead with racial equity in all work. The summary presented to Council will show that the OCC Plaza & Renovation project's workforce and contracting equity plan clearly supported two of the plan's goals:

- Goal A - Metro convenes and supports regional partners to advance racial equity.
 - Objective 4: Work with regional partners to increase the utilization of local minority, women, and emerging small businesses and the number of skilled construction tradespeople of color.
- Goal E - Metro's resource allocation advances racial equity.
 - Objective 2: Advance social equity contracting at Metro.

The design and construction of the OCC Plaza & Renovation project was concurrent with development of the Construction Careers Pathways Framework, adopted by Metro's Council in October 2019 (Res. 19-5038). Through regular project equity check-ins and other correspondence, staff shared project information with Metro DEI staff on the Construction Careers Pathway Project (C2P2) to contribute to the development of the Framework.

BACKGROUND

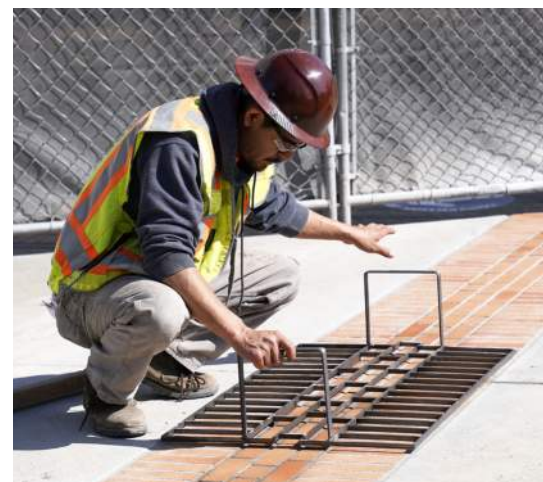
The OCC Plaza & Renovation project was the largest public improvement contract awarded to a certified Minority Business Enterprise (MBE) as the Prime General Contractor in Oregon at the time of the award. Additionally, more than \$17 million—51 percent of the total construction contract value—was awarded to certified MBE or Women Business Enterprise (WBE) subcontractors. Forty percent of work hours on the project were performed by People of Color.

To achieve the unprecedented equity successes of this project, Metro partnered with the National Association of Minority Contractors (NAMC) at the inception of project procurement in 2017. The Request for Proposal for Construction Management by General Contractor (CM/GC)—authorized by Metro Council (Res. 17-4771)—emphasized workforce and contracting equity and was designed with language and criteria to be inclusive for all proposers. After evaluation of proposals and finalist interviews, Colas Construction, a certified MBE, was awarded the CM/GC contract for the project. Colas Construction maintained a partnership with NAMC throughout the project, focusing on workforce and subcontracting equity outreach and reporting.

The project equity report prepared by NAMC and Colas Construction provides deeper analysis of the workforce and contracting data collected on the project. The report includes historical context, highlighting institutionalized discrimination and racism that has impeded equitable access to prosperity in the region. The report highlights the OCC Plaza & Renovation project's role as a step towards positive systemic change related to equitable procurement policy and practices. And the report includes recommendations for moving forward, to ensure this exceptional project no longer stands as the exception, but the first among many to address inequality in the region.

ATTACHMENTS

Oregon Convention Center 2019 Renovation Equity Report



OREGON CONVENTION CENTER 2019 RENOVATION PROJECT EQUITY REPORT

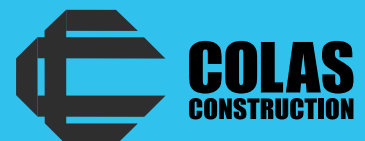


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Message from NAMC Oregon

On behalf of the National Association of Minority Contractors of Oregon, I would like to thank the Metro Council and regional government for the opportunity to participate in the Oregon Convention Center Renovation Project. This historic partnership of Metro, Colas Construction, Raimore Construction, and NAMC-OR created an unprecedented level of participation in the project by the African American community, a substantial portion of which had been displaced by the original project. This time Metro intentionally sought to be inclusive of the community with the renovation, and this landmark effort will create future opportunities for minority contractors for years to come. We are especially appreciative of Metro's leadership, including the Metropolitan Exposition Recreation Commission (MERC) and the contracting team who worked so hard to make this approach happen.

The enclosed report and short video documents the Convention Center Renovation Project from the community's exclusion in the 1980s to what has been the most inclusive public project ever in the history of the Portland, Oregon region. NAMC-OR is proud to have played a key role to support minority contractors on the project, establish inclusive contracting strategies, and reducing barriers to participation as you will find in this report. General Contractors, Colas Construction and Raimore Construction, two of the largest minority-owned firms, set the highest standards for quality and efficiency, and the report and video recount their experiences during the process and the lessons learned.

Colas, Raimore, and local community leaders point out in the video that the renovation project did more than simply refurbish a large public facility— it truly shows upcoming generations of minority youth that people who look like them can not only fasten a bolt but sign paychecks, develop strategies, and manage and lead a stunning upgrade to one of the crown jewels of our region.

Thank you again for the opportunity to participate in this project, and we would encourage you to watch and share the accompanying trailer and video on Metro's various communications channels and platforms.

Sincerely,

Nate McCoy,
Executive Director
National Association of Minority Contractors-Oregon



EXECUTIVE SUMMARY

The Oregon Convention Center Renovation Project (OCCRP) is the latest example of inclusive urban development, with significant successes for both Contractors and Workers:

Contractors

- The OCCRP represents the largest public improvement contract awarded to a certified Minority Business Enterprise (MBE) as the Prime General Contractor in Oregon at the time of the award.
- Of total contract dollars awarded for the OCCRP, 51 percent were awarded to businesses that were registered with Oregon's Certification Office for Business Inclusion and Diversity as Minority-owned or Women-owned Businesses.
 - 47 percent of all subcontract dollars went to businesses registered as Minority-owned Businesses
 - 4 percent of all subcontract dollars were awarded to Women-owned Businesses
- Businesses registered as majority-owned by African Americans were awarded 45 percent of all contract dollars and businesses with Hispanic majority Owners received 3 percent.

Workforce

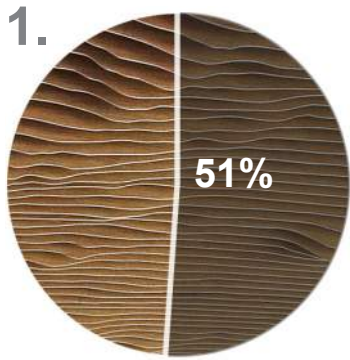
- Of hours worked on the OCCRP, 40 percent were worked by People of Color
- 94 percent of hours were worked by workers who reside in the Portland Metro Area
- Overall, women worked 7 percent of total hours on the OCCRP
- Racial minorities worked 51 percent of Apprentice-level hours and 35 percent of Journey-level hours
- Women worked 21.5 percent of Apprentice-level hours, and 6.7 percent of Journey-level hours

A review of the strategies used by Metro and its industry partners to provide equal access to minority-owned construction firms for the renovation of the Oregon Convention Center highlights the ways in which this project demonstrates the successful implementation of Metro's Diversity Action Plan and the Strategic Plan to advance racial equity, diversity, and inclusion. These strategies included:

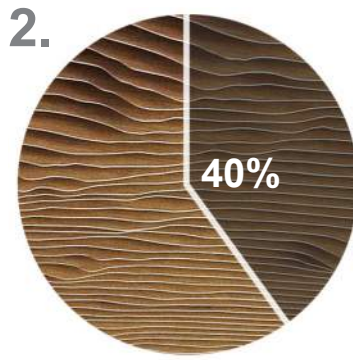
- Development of authentic community relationships with the MBE community
- Engagement in an equity review of procurement and bidding policies and procedures
- Empowerment of MBE General Contractors
- Demonstration of support for diverse workforce development

These successes are important steps on the path to making a more economically and socially diverse greater Portland area. Recommendations for building on these successes include utilizing community-focused organizations to:

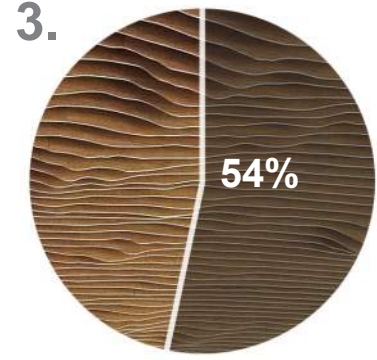
- Continue to expand the equitability and accessibility of the procurement process
- Improve communication regarding opportunities, timelines, and requirements
- Provide relevant supportive services
- Engage in transparent and ongoing project monitoring and evaluation



Of total contract dollars, 51% were awarded to Minority or Women Owned Businesses



Of total hours worked, 40% were completed by People of Color



Of total dollars paid to Subcontractors, 54% were awarded to majority Black Owned Businesses

4. The following represents hours worked with respect to gender, specific to Apprentice-level and Journey-level hours completed on the OCCRP

HOURS WORKED BY WOMEN APPRENTICES



HOURS WORKED BY WOMEN JOURNEYPEOPLE



NON-WOMEN APPRENTICES AND JOURNEYPEOPLE



5. The following represents total subcontract dollars paid in respect to certified firms (this value does NOT include Colas Construction, although they are an MBE GC firm, they are not typically counted for MBE utilization on public projects)

MINORITY OR WOMEN-OWNED BUSINESSES



UNCERTIFIED BUSINESSES



**Figures 1, 3, and 5 reflect businesses registered with Oregon's Certification Office for Business Inclusion and Diversity*

INTRODUCTION

The Oregon Convention Center Renovation Project

Originally constructed in the late 1980s, the Oregon Convention Center (OCC) is the largest convention center in the Pacific Northwest. The 18-acre site is located in NE Portland, Oregon near commercial and public transportation centers. The OCC is owned and operated by Metro, the regional governmental agency representing the greater Portland area in Clackamas, Multnomah, and Washington counties.

In 2013 planning began for the remodel of the OCC to modernize, improve national competitiveness, and improve accessibility (Metro, 2019). While the center has been recognized for its commitment to environmental design and stewardship, the original construction process was marred by the destruction of housing in a historic Black neighborhood and criticism for not providing jobs for those who were displaced (Peterson, 2017).

The Metro Council approved a diversity action plan in 2012 and four years later, a strategic plan to advance racial equity, diversity, and inclusion (Metro, 2016). The strategic plan was built on a set of core principles:

- Lead initiatives and programs with a racial equity lens
- Generate support to create real and lasting cultural change
- Partner with communities of color
- Commit to measuring progress

As the planning for the Oregon Convention Center Renovation Project (OCCRP) continued, Metro procurement developed a fair bidding process, which emphasized a clear priority to contract with a diversified workforce by utilizing firms registered with the state's Certification Office for Business Inclusion and Diversity.

In 2017, the Oregon Convention Center partnered with Colas Construction, a Black-owned business based in Portland, as the Prime General Contractor for the project, resulting in the largest Oregon public works contract awarded to a Minority-owned business (Metro).

In their contracting plan, Colas Construction set ambitious goals to have:

- Thirty percent of subcontract dollars awarded to businesses registered with Oregon's Certification Office for Business Inclusion and Diversity
- Twenty percent of labor hours by Apprentices in each trade shall be performed by those registered with the state, for contracts in the amount of \$200,000 or more

and to:

- Maximize employment opportunities for racial-ethnic minorities and women
- Bring the highest value possible to the Owner for each contracting opportunity
- Engage the local community through the bidding process

The Oregon Convention Center Renovation Project was completed on-time and on-budget.

HISTORICAL CONTEXT

For many, Portland, Oregon represents the epitome of innovative city development. Generations of stories from the Black community serve as reminders of an unjust history. The link between divestiture, systemic racism, and financial profits from institutionalized discrimination prevented Black families from building intergenerational wealth. A study in 2017 revealed that White families in Portland have \$100 for every \$1 of the intergenerational wealth of Black families (Badger, 2017). Despite this disparity, Black Portlanders remain resilient, striving to gain a foothold, and generate a financially stable future for forthcoming generations.

As the imbalance of this reality is confronted, Black community activists and a growing number of equity partners who are individuals, private organizations, and government agencies committed to working together for equitable outcomes where all residents have access to thrive. Members of this coalition understand that leaning into discomfort and examining past policies and current practices stand as a prerequisite to identify bias in systems. It is by this method that we can begin to actualize equal opportunity to prosper.

Supporting Equity, Diversity, and Inclusion (EDI) takes considerable time, mental effort, emotional labor, and resources. In the construction sector, leaders investing in this movement are motivated by:

- Moral and ethical values for people and community
- Interests to increase resiliency from shifting demographics and market forces
- Solution-based EDI practices and intersections of innovation (business, environmental, geopolitical)

In Oregon, businesses are increasingly adapting to include an Equity Lens in decision-making. In construction, the proximity to economic opportunities for disenfranchised communities proves barriers can be broken as starting wages are typically 60 percent higher than most entry-level and minimum wage service jobs. Historically the industry has provided a profitable structure to rebuild lives from the reliance of on-the-job training in contrast to a college degree.

Equity in the construction sector will be built on objective examinations of past and present with a focus on the perspectives of the most vulnerable. This endeavor can result in a reimagining of the development in planning and the process from start to finish. By documenting the EDI process, we establish a new baseline, a blueprint for equitable procurement and evaluation practices sector wide. This report provides one example of a best practices case study by highlighting Metro's intentional shift toward equitable and inclusive policies and practices. Urban planning and development in Portland are intricately connected to the history of marginalization and the current socioeconomic struggles of Black Portlanders.



Waiters in front of Northern Pacific's Spokane-Portland-Seattle railway car in 1915; Ralph Flowers, son of Allen and Louisa Flowers, his wife Ruth Flowers and their son Clifford in front of the Flowers houses circa 1920; Luncheonette sign, We Cater to White Trade Only circa 1943

As individuals, we each operate within the cultural norms (e.g., values, rules, and behaviors) reinforced by the institutions we entrust for our socio-cultural wellbeing. Every major institution in America began with information from White supremacist ideology, from history, science, politics, religion, education, medicine, media, and law. Continual immersion in such community spaces (e.g. workplaces, schools) creates blind spots or unconscious biases that serve to narrow our world view and position us to unintentionally maintain an inequitable system (Walter et al., 2017). By using an Equity Lens Framework, we disrupt self-sustaining systems of oppression by challenging the conscious mind to examine the past, present, and future impacts of our decision-making from multiple perspectives. The Equity and Empowerment Lens produced by Multnomah County describes an Equity Lens as:

A transformative quality improvement tool used to improve planning, decision-making, and resource allocation leading to more racially equitable policies and programs. At its core, it is a set of principles, reflective questions, and processes that focuses at the individual, institutional, and systemic levels by:

- deconstructing what is not working around racial equity;
- reconstructing and supporting what is working;
- shifting the way in which we make decisions and think about this work; and
- healing and transforming our structures, our environments, and ourselves.

The Multnomah County Office of Diversity and Inclusion Equity Lens challenges us to:

“identify underlying patterns, barriers, and opportunities leading to equity and racial justice.”

As these domains are interrelated, a focus on each individually forces us to think systemically (Balajee et al., 2012). The Multnomah County Office of Diversity and Equity has developed a “5Ps” strategy, which invites decision-makers to examine the context and potential impacts of their decisions in concert with stakeholders from the communities that have been and will continue to be most vulnerable.

This strategy involves an impact assessment of five domains: Purpose, People, Place, Process, and Power. Together, these domains reflect the underlying PURPOSE of decisions made by an individual or institution by the acknowledgement of unconscious and conscious bias and a forecast of repercussions for the community based on the domains collectively. (Figure 6)

Figure 6: Multnomah County Equity and Empowerment Lens



Purpose

Centering Equity for Intentional Urban Development in Portland, Oregon

The historical perspective of urban development in the areas surrounding the Oregon Convention Center, particularly in relation to equity, requires both awareness and understanding for why centering equity is vital to our economy. The history of the Black community in Portland greatly influenced the need for an Equity Lens to the approach of the OCCRP resulting in the construction of a milestone for the city by the intentional practice to advocate and support firms of marginalized and underrepresented communities.

Within the planning and development community, there has been a growing appreciation for applying evidence-based strategies to advance Equity, Diversity, and Inclusion (EDI) during the planning and construction processes (Bogle et al., 2016). This shift is in part due to the Federal Fair Housing Act (FFHA) of 1968, which was intended to redress the disproportionate and damaging impacts of systemic discrimination in housing and urban development. Under the law, jurisdictions receiving federal funds were required to “affirmatively further fair housing.” In 2015, lawmakers clarified this task with the Affirmatively Furthering Fair Housing (AFFH) provision of the FFHA that provided a framework for taking “...meaningful actions to overcome historic patterns of segregation, promote fair housing choice, and foster inclusive communities that are free from discrimination.”

The significance of the 2015 framework for furthering fair housing is the focus of going beyond preventing future discriminatory acts to require mitigation of the impacts related to past injustices. Systemic inequities present in our policies and practices have led to the segregation of our neighborhoods and workplaces, which allowed for bias-influenced decisions that produced environmental injustices for marginalized communities. It is not a coincidence that historically Black neighborhoods in North Portland are close in proximity to industrial sites, including heavy transportation corridors (I- 5, I-205, I-84, Highway 30), the railroad tracks where 250,000 railroad cars pass annually, the Portland International Airport, and a sewage treatment plant.

Given the ethical and legal imperatives, and with demographic shifts toward a more diverse society, the construction sector is realizing the role of equity for the stability of the industry. Construction, like other STEM industries (science, technology, engineering, mathematics) suffers from pervasive underrepresentation of people from the very communities most impacted by bias in both planning and development. Nationally, Black workers make up only six percent of the construction workforce, while Hispanic workers represent the largest non-White group in the construction trades at 28.5 percent (U.S. Bureau of Labor Statistics, 2015).

Research indicates having diverse and empowered employees are necessary to develop and maintain an economic resiliency of our organizations and for environmental sustainability worldwide. Diverse perspectives enhance problem-solving, decision-making, and produce an array of positive outcomes for businesses:

1. Revenue Generation: Companies in the top quartile for racial and ethnic diversity are 35 percent more likely to have financial returns above their respective national industry medians (Hunt et al., 2015).
2. Innovation: Companies with more diverse management teams have 19 percent higher revenues due to innovation (Lorenzo et al., 2018).
3. Organizational Resilience: Organizations that use key practices to maintain inclusion are 1.8 times more likely to be change-ready in the face of market shifts (Bersin, 2015).

Benefits for historically marginalized employees, who would be working in these newly inclusive workplaces include access to higher earnings. The construction sector is uniquely positioned to uplift vulnerable community members, as the sector does not require a higher education degree for entry or promotion. Entry-level work is, on average, a family-sustaining wage of \$19.40 per hour (U.S. Bureau of Labor Statistics, n.d.). The Bureau of

Labor Statistics expects continued expansion of employment in the construction industry, with more than 7.5 million jobs projected by 2026 as population growth stimulates demand for new buildings and infrastructure (U.S. Bureau of Labor Statistics, 2018).

Early efforts to build and diversify the workforce produce long-term gains for industry leaders. When employees of color are given the opportunity to contribute and are promoted, they can further influence positive change by diversifying leadership teams and mentoring the next generation of workers with whom they share a cultural background or experience as part of a marginalized and underrepresented group. This regenerative pathway fosters the diverse growth of workers while maintaining a focus on intentional equity-centered practices.

People

The Black Portlanders

Extensive discriminatory practices were in place during the early 1900s, including the violent Lash Law and redlining, early strategies for controlling the size of the Black population in Portland. Exclusion laws were of the earliest inequitable practices, with the first of these laws effectively banning homesteading by Black residents, thereby forcing them into urban areas. In 1843, the Provisional Government, preceding the Oregon Donation Land Act, gave 320-acres to any White man over age eighteen and 640-acres to a married couple. The land that had been stolen from the Indigenous people, was given free of charge to White settlers willing to work the land for four years. Those who sought more could purchase under an extension act for \$1.25 per acre. By 1855, over 2.5 million acres of land had been claimed. Exclusion laws banned Black people from living in or moving to Oregon Territory, and subsequently, laws in Oregon's constitution prohibited slavery, excluded *Negroes and Mulattos*, and made it illegal for Black people to have the right to vote, own land or property, enter into contracts, or bring lawsuits, among other unjust legal practices. In 1859, Oregon was admitted to the Union and the only state with an exclusion law written into its constitution declaring a Whites-only state.

As potential Black residents and developers were blocked from land ownership opportunities, the evidence of history discloses the indifference post-colonial American Pioneers had towards Black people from legal actions preventing the opportunity for a stable livelihood or the capability to build intergenerational wealth. O.H. Francis is an example of how Black residents were prevented from owning and operating legitimate and competitive businesses. Francis worked hard to be a successful Portland merchant in the 1850s and was arrested under the Exclusion laws in 1851. After years of harassment, he eventually closed his business and relocated to Vancouver, British Columbia. Without legitimate business ownership as an option, illicit businesses, service industries, and businesses that catered only to Black customers were all that remained for Black entrepreneurs.

At the end of the 19th century, the most readily available jobs for Black Portlanders were limited to domestic service. For men, this included jobs on the railroad as Pullman porters and as waiters or support staff for restaurants and lodging. Work at the Portland Hotel held particularly coveted positions and many employees of the hotel would use their steady wages to start businesses and civic organizations.

Women found service work in the homes of wealthy White Portlanders as maids or seamstresses as most other jobs required manual labor. It was not until early in the 20th century that Black Portlanders would be partially integrated into professional positions, including work in offices. Portland's first Black doctor and Black lawyer both began their practice near their residences in the Albina District in 1903. The first Black dentist opened a practice in Albina in 1924. Oregon would not have a Black schoolteacher until Vanport City hired seven in the 1940s (Millner, et. al., 1995). A newspaper article from 1927 titled, *Cornerstones of Community: Buildings of Portland's African American History*, listed the following:

“We have one large hotel, a newspaper, three wealthy people, a branch of the YWCA, three churches, and two missions. From the economic standpoint, it is difficult for one of our race to find other than menial work, yet we have two postal clerks, one shoe clerk, two stenographers in White offices, a clerk of the Child Labor Commission in the Court House, three men in the express business, one dentist and physician, and two lawyers.”

During the Great Depression, jobs became scarce for Portlanders of all backgrounds, yet the already small Black labor market became increasingly diminutive. Reliable service jobs were lost to White workers and similarly, the Trade Unions, which were controlled by European immigrants, actively discriminated against Black workers seeking a place in the workforce. Lockouts left Black residents with few options for sustainable employment. The result of the shrinking Black labor market was the end of disposable income for Black families. Given the reliance of Black business owners on solely Black patrons, this loss of income to spend on goods and services had a ripple effect, leading to the closure of most Black businesses, including the aforementioned hotel and newspaper.

Prospects in the job market would not begin to recover until World War II when jobs tied to the war effort made room for Black participation. The massive shipyards and other war contractors in Portland called for the migration of 90,000 people and provided high wage jobs to any worker, including women and Black people. The influx of workers led to the construction of Vanport in 1942, which quickly became the second-largest city in Oregon next to Portland. The era was not a boom for Black Portlanders, as systemic discrimination persisted. For instance, the Boilermaker Union, one of the most powerful unions in the shipyard refused full membership to Black workers, allowing them entry to an auxiliary that did not offer the same benefits or protections. Not being part of a union often equated to not being qualified for government contracts. This circular tactic of requiring a contract job to join the union was another institutionalized strategy to limit Black membership and opportunity.

Structural Supports for Black Portlanders

Despite systemic oppression, Black community members found glimmers of hope in organizations that still exist in the community today. The Urban League of Portland was established in 1945 in a patient exam room of Dr. DeNorval Unthank, who converted the space for meetings focused on making new career paths for gainful employment available to Black workers; from female elevator operators in department stores and government agencies to GI's as drivers for Rose City Transit, and progress to secure access to Trade Unions. These efforts were buttressed by state legislation like the Fair Employment Act of 1949, which forbade discrimination in hiring, however, gains were not significant as the layers of inequitable practices and enforcement of laws were prevalent. In the construction sector, the Bureau of Labor and Industry (BOLI) observed their duty under the law primarily through education and took eight years to begin enforcement following the founding of the Civil Rights Division in 1957.

The Black community persevered to gain relevance and stability. The Albina community organized for a grassroots social change and community investment, and in the process, positioned the construction sector at the leading edge of social progress. The Urban League of Portland led the way in creating the Albina Contractors Association, providing Black companies negotiation support to procure government contracts. Their workforce development and contractor support continued as The Northwest Minority Contractors Association. In addition to the grassroots effort to build new Black construction firms, organizations like the Albina Neighborhood Improvement Project (ANIP) worked to renovate physical structures in the community.

It was common to be overqualified for the work Black Portlanders were hired for. Many had college degrees and were leaders in their churches and community. Some even managed to collect enough savings to use

their earnings to become entrepreneurs. Night clubs, restaurants, stores, auto repair, and mechanic shops were among the Black-owned businesses that increased self-sufficiency in the community. Most Black businesses established after World War II were located along North Williams Avenue. These culturally specific businesses were essential to community well-being as their owners understood and were equipped to support the community they served. For example, Blessed Martin's Day Nursery at Immaculate Heart Church provided culturally specific childcare and offered sliding scale fees to accommodate families of varying means.

Despite progress made in the construction and small business sectors, the unemployment rate for Black Portlanders remained high. The lack of opportunities coupled with intentional underinvestment by the city for infrastructure improvements in Albina neighborhoods produced community-wide resentment. This negative sentiment grew in strength once residents learned of the plan to turn all of Lower Albina into an industrial area. The City of Portland's response to the civil unrest during the late 1960s and early 1970s was further disinvestment in Albina and resulted in even fewer job opportunities for young Black people. Subsequently, the community would be hit hard by drugs, crime, and gangs through the 1980s.

As the area has rapidly gentrified, Black people living in Albina have been further marginalized. Residents report feeling like strangers in the neighborhoods where generations of their family resided. In addition to losing a sense of place, the average household income for Black people in Albina remains lower than the average Black Portlander at \$24,322. Differences are starker for White residents who earn three times more than the average household income of Black residents. This income level makes it unaffordable to rent in Albina where revitalization has drastically increased property values. The abundance of shops, the hospital, the surrounding industrial buildings, and the extensive construction provides hundreds of jobs and yet very few have been filled by Black Portlanders who have called Albina home more than 100 years.

The long-term impact of inequitable practices is most evident when looking at the average net worth of families. In 2017, local news broadcast on KGW8, reported for White families in Portland, the average net worth in 2013 was \$260,000 and for Black families, \$13,000. More striking was to notice the span of this gap over thirty years. In 1984, White families: \$84,000; Black Families: \$10,000. When adjusted for inflation, the net worth of Black Portlanders decreased 42 percent from 1984 to 2013.

Place

Origin of Black Albina

For many Black Portlanders, the Oregon Convention Center represents loss as the land in which it sits used to be in the Albina District, once known as the center of the Black community. A drastic transition took place from being a residential neighborhood to the business district we know today, when the shift began over a century ago in 1882, well before its neighborhoods became predominately Black. Of the first developments was a rail depot for the Oregon Railway and Navigation Company that was located near the present-day Interstate Rose Quarter Max Light Rail, which induced explosive growth of Albina for immigrant workers of German, Irish, and Scandinavian heritage, who moved to live near the railyard and docks. After the Steel Bridge was completed in 1887, another wave of change provided residents with easy access across the Willamette River, contributing to the annexation of East Portland and Albina by the city in 1891.

In 1903, one of the first Black developments in Albina was the Enterprise Investment Company Building on Larrabee Street. The company was founded by eight employees of the Portland Hotel who happened to be Masons- Black Pioneers who would later go on to support many of the major institutions and initiatives to advance the Black community. In the early 1900s, the owner of the Golden West Hotel, the head waiter of the Portland Hotel, the first Black doctor, lawyer, and firefighter in the city was each considered "wealthy Black Portlanders," and also had made their homes in the Albina District. Transition to a Black majority area

continued following the Lewis and Clark Exposition in 1905. The economic boom caused the overall population of Portland to flourish and provided opportunity and capital for White Portlanders to move out of older housing in Albina for the Westside, near Union Station. The establishment of Black Albina was further accelerated by the relocation of churches, known as the center of Black communities. Relocations of significance include:

- Bethel African Methodist Episcopal (AME) to Larrabee St. in 1912
- First AME Zion Church to Williams Ave., then Tillamook St. in 1916
- Mt. Olivet Baptist Church to Schuyler St. in 1921

After White Portlanders settled into Northwest Portland leaving their aging Albina residences behind, they codified the gentrification by raising property values to an exclusionary magnitude and replaced old Northwest wood homes with brick and concrete structures. Following World War II, the rise of the Ku Klux Klan (KKK) ingrained social pressure prompting the newly renovated Northwest area to exclude Black residents. Influence of the KKK led the Portland Realty Board to include in their code of ethics, a provision barring the sale of homes in White neighborhoods to people who were Black or Asian, from fear of decreased property values.

Redlining, coupled with the Great Depression, completed the removal of Black life in Northwest Portland. The Golden West Hotel, a civic and business center for Black Portlanders in Northwest, was shuttered along with nearly all Black-owned businesses. By 1939, half of all Black people in Portland lived in just two Census Tracts. Tract 23, which is now home to the Oregon Convention Center, and Census Tract 22, which encompasses Eliot, a neighborhood widely recognized as the heart of Albina from when its first plat was filed in 1873.

Vanport

World War II prompted the migration of Black workers to the Kaiser Shipyards along the Columbia River, North of Portland. Workers and their families were provided housing in Vanport, which rapidly grew to be the second-largest city in Oregon, increasing the Black population of Multnomah County tenfold to 20,000. While residents of Vanport had to contend with underinvestment of the area, being constrained by restrictive housing covenants, and racism, the Black population of Vanport remained throughout the duration of the war. Movement for Black residents became even more difficult after the war, when jobs became scarcer. It was at this time when talks of dismantling Vanport commenced. On Memorial Day in 1948, a railroad embankment serving as a levee holding back the Columbia River collapsed. Black residents of Vanport had Albina as their only choice as the city's designated *colored area*. Though some felt the loss of home, others in the Black community viewed the move from the highly segregated city of Vanport into Portland proper as a step toward integration into Portland society. The 1950 Census showed the Black population of tracts 22 and 23 had quadrupled in size to around 4,700 residents, while the White population in that area was reduced by nearly a third to around 7,000 residents. Ninety percent of the houses in the area were built more than 50 years prior and were in need of renovations that were beyond the means of many homeowners and of little interest to White landowners.



Vanport City



Vanport Flood Destruction

Urban Development of Albina

In 1954, Portland voters approved a bond to empowering a city commission that would purchase and condemn properties to make room for what would become the Veterans Memorial Coliseum. While this commission was determining a location for the Coliseum, the State of Oregon decided Interstate 5 (I-5) should bisect North Albina along Minnesota Street cutting a diagonal path through the heart of the Albina community before turning south again. The initial site for the Coliseum in West Vanport was then abandoned for a large tract of the Eliot neighborhood, also in Albina, west of I-5. This included the claim by eminent domain and the decimation of the Enterprise Investment Company Building, Bethel AME Church, several tenement buildings, and single-family homes. Hundreds of families and multiple cultural spiritual centers of the Black community were displaced. In total, 175 homes were demolished in Albina to build I-5 and the Veterans Memorial Coliseum.

According to the 1960 Census, 70 percent of residents living in Tract 22 and 60 percent of residents in Tract 23, were Black. In 1961, the Albina Neighborhood Improvement Program, a grassroots organization created by residents to apply for federal funding to refurbish the buildings slated for demolition. The following year, city leaders appraised the community's needs as: ***“Clearly urban renewal, largely clearance, appears to be the only solution to not only blight that presently exists in central Albina, but also to avoid the spread of that blight to other surrounding areas.”***

With this objectionable designation formalized, Portland acquired funds through the Model Cities Program, one of President Johnson's Great Society and War on Poverty initiatives. During the 1960s, awarded funds were used to clear existing housing for industrial and transportation use, pushing residents north from the Eliot and Lloyd neighborhoods into Boise, West Irvington, King, Sabin, Vernon, and Woodlawn. The largest demolition of homes occurred in 1970 when Emanuel Hospital expanded ten city blocks encompassing 188 homes along the south and east edges of the hospital. The experience of the Model Cities Program and its ability to annihilate entire neighborhoods with little to no input from residents led Portland to create the Office of Neighborhood Associations in 1974. The organization formalized how residents provided input to the city about changes in their neighborhoods. The Lloyd District was created in the process, which officially removed the area around the Oregon Convention Center and Memorial Coliseum from the Albina District and attached them to new commercial areas near the Lloyd Center.

Despite the recognition of past wrongs, intentional practices ensured grave obstacles for Black families to build intergenerational wealth. The median home price in Albina is currently \$572,379. Consequently, there is an unrealized capital of \$202 million, considering only the 353 homes lost for the Memorial Coliseum, the development of I-5, and Legacy Emanuel Hospital. ***Had the district maintained its peak population of Black residents, as many as 5,541 homes would be Black-owned, representing a current real estate value of over \$3 billion.***



Albina Neighborhood, 1952; Albina Residents Picket the PDC, 1973; Oregon Convention Center site, 1988

Process and Power

Black Portlanders and The Oregon Convention Center Renovation Project

Modern-day Portland and the site of the OCCRP is a poignant case study for cities that have opposed the interest of equity. A recent report by the Bureau of Planning and Sustainability provides a comprehensive account of Portland's history, outlining the impacts that systemic racism has had within the planning and development sector and on Black Portlanders (Hughes, 2019). While their analysis focused on discriminatory zoning practices, they incorporate three interrelated practices central to the Black Portlander experience:

1. **Employment Restrictions** – Portland's job market demonstrates the impact of more than a century of restricting employment opportunities for Black residents. Early in the twentieth century, jobs in the private sector were limited to service personnel in hotels, restaurants, and office buildings; jobs that were low wages with little prospect for promotion. Black entrepreneurs of this era relied primarily on Black patrons and investors, as racism prevented interracial sales and investments (Portland Bureau of Planning, 1993).
2. **Housing Restrictions** – Black Portlanders were geographically confined using a combination of discriminatory zoning laws, redlining, and deed covenants that prevented them from buying or renting a house in predominately White neighborhoods. The period following the flooding of Vanport in 1948 is a stark example of the interwoven fabric of laws, unspoken rules, and attitudes that held back progress and integration. Black residents desperate to find a home after the destruction from the Vanport flood had only the Albina neighborhood as their solitary option for housing within city limits.
3. **Urban Renewal** – In 1950, during a time of restrictions on employment and lending, a resulting socioeconomic depression prevented Black homeowners and renters from building capital to invest in infrastructure maintenance and upgrades. Consequently, residents were unable to prevent their neighborhoods from being designated with *slum and blight* status. The use of this designation, which followed a period of systemic disinvestment in predominately Black communities, opened the door for the conversion of Black neighborhoods to industry sites. In addition to the construction of the I-5 corridor and Legacy Emanuel Hospital, 30-acres of the historically Black Albina neighborhood was demolished to construct the Memorial Coliseum in the 1960s, the Oregon Convention Center in the 1980s, and the Moda Center in the 1990s.

These practices relied on both institutional racism and overt person-to-person discrimination. Further, they relied on decision-makers ignoring equity-driven approaches to planning and development. To prevent the recurrence of bias-driven decision-making, we now rely on tools that help us identify the impacts of decisions through a multicultural lens that also includes vulnerable communities subjected to the inequities in our society. The use of an Equity Lens has become an effective tool for evidencing change from numerous factors that impacted the Black community:

Exclusion Laws that blocked potential Black residents and developers from land ownership opportunities (e.g., The Donation Land Claim Act of 1850).

Discrimination in the business community where "White Trade Only" businesses forced Black entrepreneurs to build capital in unsustainable ways.

Disinvestment in predominately Black neighborhoods followed by private-investment-suppressing blight designation.

Workforce Lockouts that left Black residents with few options for family-sustaining employment.

Redlining by banks and mortgage lenders meant that housing prices in Albina were artificially low and that traditional loans were unavailable to residents, who had to find less scrupulous loans with high interest rates and fees to go with draconian terms that lead to high foreclosure rates.

Lack of Regulation for Predatory Lenders (e.g., Dominion Capital, Inc.) who used redlining as a means to take advantage of Black residents.

Inequitable Re-investment that became the impetus for gentrification.

Underlying these major factors exists a power structure where these processes, coupled with the general public conditioned to accept inequities, disguised as self-sustaining barriers to equal participation in the planning and development of Portland. Lawmakers, industry leaders, and the public were complicit in the maintenance of inequitable practices that facilitated pervasive disparities in community stability, wealth, and health outcomes for Black Portlanders. Even the equity-minded individual has been responsible for operating within this system that restrained equitable decision-making.

Impacts of Inequitable Practices in the Construction Sector

Research and data delineate how systemic discrimination causes a detrimental impact on future economic growth and stability, specifically in the construction sector. Ongoing shifts in demographics and geopolitical contexts in the construction industry highlight equity, diversity, and inclusion as an essential solution to current day challenges, including a paramount issue that impacts most others- a shortage of workers.

The shortage of skilled workers presents a host of issues for Contractors and the ability to be effective when faced with shrinking profit margins, increased safety incidents, and increased timelines for launching and completing projects. Since customers and clients are diverse, it's imperative for successful businesses to be able to understand and appeal to people from all walks of life. A team of employees that has a member of a specific ethnicity is **152% likelier to understand a Client of that ethnicity** (HR Unlimited, 2019). Additionally, a homogenous workforce is ill-equipped to respond to necessary technology upgrades and compounding interest in sustainable building solutions. Conversely, a robust and diverse workforce is able to innovate and expand to meet the labor needs of the future. Countless studies and on-the-ground observations have led industry leaders to the realization that we must tap into new labor pools in order to make the industry flexible and resilient in the face of rapid change (Bell, 2018).

The current situation is dire. Workforce numbers in Oregon began plummeting during the recession, dropping to a low of 62,100 workers in 2011 after thousands of departed the field in search of other work. Women currently make up just four percent of the 23,000 people working in the Portland metro region's nonresidential construction workforce. Minorities account for 20 percent (Rojas, 2018).

From the Regional Construction Workforce Market Study Report released by Metro, it identified 81 large public capital projects to be underway between 2017 and 2021. Of those 81 projects, nearly 14,000 construction workers are required. Based on workforce participation goals or a percentage of hours worked by apprentices, minorities, and women, for all 81 projects, there would be a demand for 2,700 apprentices, 3,400 minorities and, 1,900 female construction workers. Another analysis revealed that the 2016 worker supply fell short by 445 apprentices, 1,074 minorities, and 1,416 women (Rojas).

Correspondingly, the study report outlined three major goals:

1. Increase the recruitment of a diverse workforce
2. Increase retention of a diverse workforce
3. Develop more robustly equitable policies and practices

Recruitment and retention are purposefully separated, as the strategies for meeting the goals are interrelated but distinct. A recent report from the Associated General Contractors of America presents these goals with results revealing 79 percent of construction companies want to hire more employees this year, but the industry is only estimated to grow its workforce by 0.5 percent annually for the next 10 years. A rate of growth that is clearly insufficient to redress the 600,000 jobs lost since the last recession (Borland, 2018). An additional

complexity that further substantiates diversification goals is that the current workforce is not only homogenous but also headed towards retirement. According to the Oregon Employment Department, *nearly a quarter of construction workers in Oregon are age 55 or over*. Retiring workers take with them years of institutional knowledge that can be difficult to replace with younger hires (Bell). It will take inclusive training programs and transformed workplace cultures to ensure institutional knowledge is transferred to a diversified industry. New workers of historically underrepresented backgrounds will only receive equal opportunity to gain essential skills if classrooms and worksites provide asset-based learning from professional mentors who are culturally responsive and intentional about mitigating implicit biases that might cause them to deliver less than comprehensive training. The worst-case scenario is the proliferation of microaggression-laden training experiences that drive the attrition of historically marginalized workers.

Now is the time to implement inclusive programs and initiatives for industry change as the rapid urban development throughout the 1980s has not slowed down in Portland. Construction has increased across the metro region, with new hotels, apartment buildings, office buildings, and public infrastructure projects transforming the area. Correspondingly, the industry has increased hourly wages and jobs like so many bricks in an office tower, climbing from 74,900 in January 2014 to 113,500 July of 2019 (Bell). According to the Bureau of Labor Statistics, the mean hourly wage for construction workers in Portland in May 2017 was \$26.90; the Oregon Employment Department estimates an average annual salary of \$57,600.

APPLICATION OF AN EQUITY LENS

By clear intent in prioritizing equitable opportunities for Contractors and their workforces, the leadership at Metro communicated the understanding that to use an Equity Lens authentically, those most vulnerable to inequity must be centered. This is apparent in the core principles of Metro's Strategic Plan to advance racial equity, diversity, and inclusion in which they have committed to the following actions:

- Lead initiatives and programs with a racial Equity Lens
- Generate support to create real and lasting cultural change
- Partner with communities of color
- Commit to measuring progress

Consequently, Metro partnered with NAMC-OR to gain intersectional expertise- insights that derive from technical expertise (e.g., procurement policy knowledge), combined with lived experience (e.g., working in the industry as, and with, historically marginalized community members).

Although Metro did not formally apply the Multnomah County Equity and Empowerment Lens, their partnership with NAMC-OR when envisioning an intentional process attended to each domain of the Lens: Purpose, People, Place, Process, and Power, (also known as the 5Ps). Specifically, NAMC-OR contributed:

- A historic perspective of impact on Black residents of Albina (People, Place, and Purpose)
- Industry data showing how past planning and development processes left out Minority Contractors (People and Process)
- On-the-ground evidence of systemic inequities and blind spots that maintain power and privilege for Contractors who identify as White and are of the dominant majority (Process and Power)

In addition, NAMC-OR collaborated with Metro to implement four high-impact strategies for identifying and redressing historic and impending impacts of systemic discrimination. (Figure 7)

1) Develop Authentic Community Relationships

Early engagement with community members is vital to learning the ways in which a particular project can be detrimental, neutral, or beneficial to the cultural significance of a place. Direct insights from community members help discover ways that the planning and development process could heal past wounds. The relationship-building process takes time; consequently, collaboration with trusted community representatives, like NAMC-OR, is common practice.

2) Perform an Equity Review of Policies and Procedures

Policy and procedural analysis that includes members of impacted communities provide an opportunity for the examination of impact data, language, and process from multicultural perspectives. The practice is a high-impact alternative to collaborative equity audits, which are undermined by the blind spots of a single decision-maker.

In contrast, when the inclusive equity review process is comprehensive, the final policy decisions are more likely to be equitable and inclusive. NAMC-OR consulted with Metro to review the RFP language with the intention to level the playing field for Minority-owned (MBE) firms by modifying requirements that were impaired by a focus on years of experience and figures over qualifications and drive to exceed expectations. NAMC-OR assisted with the addition of opportunities to allow contractors to demonstrate their capacity through descriptions of daily operations.

The RFP for the Oregon Convention Center Renovation Project sought to ensure that the procurement process and contracting goals had an economic impact on the community through inclusion strategies. In addition, Metro committed to being inclusive in their selection of a bid review panel. ***The bidding process that resulted led to the successful award of the prime contract to Colas Construction, the first MBE General Contractor to secure a large scale renovation of the iconic 30-year-old convention center including numerous upgrades to its public spaces and ballrooms, as well as a reconstruction of the exterior plaza on the Northeast corner.***

3) Empower MBE General Contractors

Leaders of MBE General Contracting companies are typically industry experts that have built businesses by exceeding expectations. These firms often struggle with securing large contracts due to the risk-driven experience-over-qualifications rubric that is often used to award contracts. If MBE General Contractors are afforded the opportunity to perform, they are able to add unique value by furthering equity goals, while fulfilling the contract. Specifically, MBE General Contractors have lived experience that makes them adept at recruitment and retention of MBE Subcontractors, thereby increasing MBE participation in projects.

In the process of fulfilling the OCCRP contract, Colas Construction took the opportunity to show that MBE firms have the capacity and competence to exceed expectations on large projects. Not only did Colas Construction, in collaboration with Raimore Construction, complete the project on schedule and on budget, but they did so during peak booking season for the Oregon Convention Center. Despite high use of the space, the Colas team kept disruptions minimal and their performance further establishes the recommended shift



Figure 7: High-Impact Strategies for Centering Equity in Planning and Development

from experience-based to qualifications-based procurement. When the field is level, MBE firms are more than able to be competitive. *Colas Construction exemplified that as an MBE General Contractor, they had the commitment and ability to recruit and retain MBE Subcontractors, as demonstrated in the high portion of subcontract dollars at 47% awarded to MBE businesses.* Their success serves as further evidence from their decision to lead with equity, Metro met the commitment to their strategic plan. The level of participation by MBE Subcontractors also demonstrates that diversity among leadership matters with respect to supporting diversity throughout the sector.

4) Support Diverse Workforce Development

In addition to the challenge of diversity, the construction industry suffers from a shortage of skilled labor. Developers can assist with both the diversity and labor shortages by including mechanisms to support workforce development programs that attend to underrepresented populations. Site visits, job shadowing, mentoring, and offsite hands-on training are each valid for decision-makers to support career pathways into the field of construction. Participation by MBE firms and community partners who provide culturally competent mentorship is vital to the successful execution of this strategy.

For the OCCRP, NAMC-OR and Colas Construction utilized two longstanding partnerships with culturally specific workforce organizations. The Portland Opportunities Industrialization Center (POIC) and the Blueprint Foundation (Blueprint) are both nonprofits that offer career training to youth of color interested in the construction sector. Both POIC and Blueprint coordinated with Colas Construction to visit the OCCRP site and learn about careers in construction from industry professionals with identity concordance. Project Managers provided mentoring to Blueprint youth during affinity groups at Benson High School over lunch and discussions of youth-driven green infrastructure projects (e.g., construction of a bioswale) in the community.



Youth from Portland Opportunites Industrialization Center (POIC) and the Blueprint Foundation touring the Oregon Convention Center Renovation Project worksite, 2019

MOVING FORWARD

Policy and Practice Recommendations for Centering on Equity

The Oregon Convention Center Renovation Project had a direct impact on existing Disadvantaged, Minority, and Women-owned (DMWBE) firms while contributing to positive systemic change related to equitable procurement policy and practices. This section of the report describes interrelated practices that if combined and used, will generate equitable outcomes in the sector. The strategies are adaptable to other markets across the United States with the help of culturally proficient organizations equivalent to NAMC-OR.

Colas Construction implemented a project procurement process that integrated the above recommendations to achieve a successful inclusion of over 50 percent of businesses registered with Oregon's Certification Office for Business Inclusion and Diversity as Minority-owned or Women-owned businesses for the OCCRP.

The following are key strategies Metro, the Owner, and Colas Construction, the Prime General Contractor, used to meet their equity goals.

1. Equitable Procurement Strategies

Support Increased Access to Opportunities

- Commit to aspirational yet achievable target goals for DMWBE contributions to the project. Monitor the performance and outcomes of these firms to gain a fuller understanding of their capacity and barriers to accessing contract work. Strategies for increasing access should be revisited if target goals are not met.
- Inform the DMWBE support community about projects at least two weeks prior to bidding. This provides DMWBE Contractors the opportunity to put the project on their schedule and be available to bid. Similarly, allow a minimum of two weeks for the project to bid. DMWBE and construction workforce organizations can then host informational sessions with project managers, so they are aware of resources intended to help them successfully bid.
- Allocate time for targeted pre-outreach meetings (minimum of one month) before pre-bid meetings are held.
- Market and highlight project opportunity forecasting in the community early and often.
- Use project monitoring and evaluation data to assess and verify DMWBE capacity and matching for project opportunities.

Use Inclusive Bid Language

- Rely on community partners to assist with review and modification of RFP/ RFI/ RFQ and/ or "Community Benefit" language that avoids bias and unintentional barriers or restrictions for DMWBE engagement.

Expand Existing Opportunities

- Provide lending opportunities for DMWBE firms to capitalize and/or establish relationships with banks and equipment companies for advantageous pricing (scaffolding, large lifts, construction materials, etc.).
- Use a variety of procurement methods such as soliciting bids from certified firms on certain bid scopes and using a request for proposal for specialized work. Also, continue soliciting more CM/GC proposals for projects.

Use Strategic Partnerships

- Select a member of the project team to work closely with DMWBE firms. This individual should possess cultural expertise, intercultural communication skills, a strong interest in assuring equal opportunities for DMWBE firms and have knowledge of procurement strategies to help firms better understand the project opportunities.

Support Workforce Development Programming

- Coordinate with (pre)apprentice organizations to provide ample time for workforce recruitment and apprenticeship engagement on upcoming projects.
- Identify ready and capable firms to bid on smaller informal projects to solicit bids/ proposals with a small group of DMWBE firms. Allow at least one week prior to bid for NAMC-OR (or similar organization) to identify ready and capable firms to bid on the project.

2. Transparent Project Monitoring & Evaluation

Gather and Disseminate Data that Assists in DMWBE Growth and Industry-wide Change

- Track and report project outcomes in a timely manner with a focus on ensuring transparency and accountability.
- Examine root cause(s) of shortfalls in performance or equity goals with trusted industry and community partners who can add cultural expertise to the investigation.

Self-Evaluation and Goal Setting

A project's success begins with the Owner. There are steps each Project Owner should take to ensure they are in the best position to perform adequate oversight and offer sufficient technical assistance support for the Contractors working on the project. Owners should complete an **internal needs assessment** to determine their capabilities and take stock of available resources. The Project Team must then commit to the certified firm's aspirational goals for the project and establish a consistent and transparent performance review process for the selected General Contractor. Owners should also determine who the point of contact will be for the Contractor through the duration of the project.

3. Employer Partnerships: Potential employers are essential partners to inclusive programs.

Ideally, they would be:

- a) involved in aligning curriculum with their entry-level requirements
- b) working closely with inclusive programs to match and place graduates in available positions
- c) committed to being intentional about building and maintain an inclusive workplace culture including working toward equitable policies and practices both in-house and industry-wide
- d) partnered with inclusive programs to align in-house mentoring and retention programs with workforce development curriculum

4. Inclusive Workforce Development

There is a plethora of workforce development programs able to assist with inclusive workforce development. For example, the Portland Opportunities Industrialization Center (POIC) is a nonprofit that has been offering

at-risk youth educational support and career training opportunities since 1968. It recently launched a pre-apprenticeship program designed to prepare young adults for careers in construction and the trades. The Portland City Council supported an expansion of the program in August 2019 with a \$100,000 grant. Organizations like POIC follow best practices for equitable workforce development. The following are high impact components of successful programs.

5. Supporting Minority-owned Firms

Existing General Contractors who are willing to hire motivated graduates of pre-apprenticeship programs are essential to the workforce diversification process. General and Subcontracting firms with Minority Business Enterprise (MBE) certification are particularly necessary given that they are more likely than their White peers to hire and retain minority workers. Unfortunately, MBE firms are susceptible to inequitable practices that have resulted in drastically lower rates of contract procurement.

In 2010, Minority Contractors represented 22.95 percent of the workforce, yet the state government awarded less than one percent of its contracts to minority contractors. Without a steady pipeline of work, MBE firms are unable to build the capacity and business infrastructure to take on larger projects and hire additional workers. Consequently, Developers like Metro that dictate the distribution of construction contracts across the pool of available firms are vital partners in the equity in construction movement. We need Developers to lead for equity by being intentionally inclusive in their procurement process. After committing to being an equity partner, Metro's new approach to procurement led to eight percent of its contracts going to MBE firms in the fiscal year 2017-18, according to their 2018 Equity in Contracting Annual Report.

6. Early Engagement with Community

Once the Owner has performed their due diligence internally, there should be a *market assessment* for available Contractors who can perform on the project. From the evaluation phase, the Project Team should be aware of their ability to meet or exceed the aspirational target goals for the project. The availability assessment will help to determine how outreach is performed and to what extent. As Owners prepare for Contractor outreach, engagement must happen at the earliest stage possible in the procurement process. Smaller firms with limited or no staff need more time to gather information to prepare their bids and would benefit from early engagement with multiple touchpoints allowing them to learn how to deliver a competitive bid, thereby increasing participation of certified firms in the bidding process.



NAMC-OR Building Bridges Panel of Industry Leaders at the National Mid-Winter Conference, 2018

Inclusive Outreach & Marketing

1. Initiate communication with NAMC-OR and the DMWBE contracting community to inform of the bid opportunity 30-45 days before proposed bidding or funding approval. Early awareness allows the contracting community to better prepare for bidding and workforce opportunities and minimize barriers.
2. The Project Owner or the General Contractor should allow an adequate bid period in which DMWBE Contractors have time to properly review and respond to the opportunity.
3. Provide flyers and marketing materials for individuals interested in careers in the construction workforce.
4. In the form of a project marketing schedule, the Owner should inform DMWBE Contractors on established key project dates.
5. The Project Team should host a project pre-bid meeting or technical workshop. The Project Manager should collaborate and partner with NAMC-OR (or similar organization) and the DMWBE contracting community to ensure involvement and establish best practices.
6. Develop an ***Equity Implementation and Review Schedule***, which should include:

Determine Bid Approach

- Project Team should determine the best bid approach to maximize utilization of DMWBE firms.

Project Inquiry Stage

- Project Team should determine and review estimated construction costs and estimated construction start and completion dates.
- Identify type of building construction and procurement process to hire a General Contractor. NAMC-OR (or similar organization) should identify sub-contracting trades that may bid on projects and provide preliminary information to the project team to develop a schedule.

Build Partnerships with DMWBE Support Organizations

- Work with organizations that work directly with DMWBE businesses to continue to identify Contractors and businesses that can bid on projects.
- Build relationships with pre-apprenticeship organizations that train the workforce in the trades to assist meeting diversity goals.
- Provide training and technical assistance to DMWBE Contractors. Collaborate with community organizations, DMWBE firms and construction workforce organizations through networking opportunities.

7. The project team should host quarterly events to link DMWBE Primes, Subcontractors, and Apprentice organizations to establish relationships with individuals seeking job opportunities.

Many agencies prioritize outreach in three main areas: phone communication, Contractor outreach meetings, and electronic bid notifications. Although outreach can typically be generalized in these three areas, specific methods will vary depending on the capabilities of the agency involved and the size of the project. Hosting an outreach event on location tends to result in higher attendance and interest. However, all outreach events should be scheduled prior to the release of the bid solicitation. In addition, there should be a minimum of one outreach event held during the bid solicitation period. Geographically, the outreach events should be held in

different locations to be more accessible and cast a wider net to provide opportunities for more Contractors to attend. Foreign language interpreters should be present at each event to assist with communication for those whose first language was not English.

Marketing materials such as bid or outreach announcements for upcoming contracting opportunities should be culturally-specific and can be obtained in multiple languages. Every aspect from the written information to the imagery found on these documents should appeal to a diverse audience. Marketing materials should be released no later than one month prior to the bid due date. Earlier engagement increases interest and participation throughout the bid process.

7. Accessible Support Services

During Pre-construction

1. NAMCO (or similar organization) should provide General Contractors with a resource list of organizations that can assist with industry barriers on projects (i.e. lending institutions, workforce organization, etc.).

2. The DMWBE Contractors should have time and opportunities to build relationships with the Project Team making the selections. This encourages them to bid the project.

3. Debrief on bidding processes and results after the bidding is complete.

During Construction and Post-construction

1. Maximize opportunities for prompt payment to DMWBE Contractors within 30 days of invoicing.

2. Monitoring and mitigating construction-related issues on projects.

3. Assisting Contractors with technical support on projects as needed.

4. Debrief as a team on project outcomes and challenges on a project-by-project basis.



Figure 8: Nine strategic solutions to foster positive systemic change for an equitable and inclusive procurement process in the construction sector

8. Culturally Responsive & Relevant Curriculum

The curriculum used by inclusive programs speaks to the cultural experiences of its participants, helping them connect their career to its impact on the health and wellbeing of their community. Studies suggest employees of color who recognize links between their personal goals and career activities are more likely to be retained (Hurtado, et al., 2010). The curriculum is also constantly being altered to meet the changing cultures and needs of participants, as well as those of potential employers.

Income: Many new workers will not have the means to be full-time students for an extended period of time. Inclusive programs address this major access issue by providing stipends to trainees during their pre-apprenticeship program. Receiving income for participating in a training program relieves the need for participants to have additional full-time employment or savings to expend during the period of the program. Further, graduates who transition into entry-level work or apprenticeship programs would continue to earn a salary immediately following the pre-apprenticeship program.

Wraparound Services: Inclusive programs increase access by providing trainees with the materials (e.g., helmets) necessary to participate. Additionally, they either provide in-house or through community partners services that attend to personal needs that can become barriers to participation (e.g., transportation assistance, childcare, meals, healthcare, counseling, etc.).

Technical Assistance: Assistance providers should be contacted prior to the release of the bid solicitation. These organizations can advise Contractors on how to secure necessary certifications and registrations, proposal preparation, and contractual performance obligations among other things. Technical assistance providers allocate space for plan reading and estimating projects, workshops, training, and networking opportunities to boost business visibility. They can also coach Contractors throughout the construction process in areas such as construction management, contract review, Request for Proposal (RFP), Request for Information (RFI), Request for Qualifications (RFQ), submittals, invoicing, change orders and short-term records management. Providers can also be a resource for project Owners to identify Contractors, administer outreach, and dispense relevant project document information.

9. Robust Forecasting Project Pipeline

Develop Essential Resources

- Develop an annual project schedule to determine upcoming projects and which projects will either be approved for funding or bid in the quarter
- Meet with the Project Team quarterly to review upcoming projects

Owners that provide an annual ongoing **project forecasting pipeline** allows Contractors to understand which projects are coming up to bid, how to prepare for them, and decide which projects are the best fit for their business. Project forecasting can also be used to coordinate with community-based organizations, pre-apprenticeship programs, apprenticeship programs, and technical assistance providers to organize well-rounded preparation for those Contractors interested in public works. Owners should contract with community-based organizations to assess procurement language and assist in the removal of unintended barriers. Invitations to bid on occasion still include language that is inequitable or requests for information that smaller firms would not be in a position to provide based on the history of their work.

EQUITY ANALYSIS

To evaluate the degree to which the OCCRP met defined goals for inclusion and equity, the following equity analysis focuses on the value of the construction contracts, the Contractors those contracts were awarded to, and the workforce that was engaged to perform the work as of March 2020. (See appendix for details on data collection and analysis methods)

Contracts and Contractors

The contract values presented here represent the actual dollar amounts paid to each Contractor. Any adjustments from the initial bid to completion of the project are incorporated. The total value of all contract dollars spent on the OCCRP was \$33,516,167. Of those dollars, 51 percent or \$17,150,510 were awarded to Subcontractors registered with Oregon’s Certification Office for Business Inclusion and Diversity. (Figure 9)

If a business had multiple ownership certifications, the “Primary Ownership Certification” was selected in the following order: Minority-owned Business, Women-owned Business, Service-Disabled Veteran-owned Business, Emerging Small Business.

Forty-seven percent of all subcontract dollars were awarded to businesses registered as Minority-owned Businesses, which indicates that the majority Owner of the business is a member of a racial minority. An additional four percent were awarded to Women-owned Businesses, and 33 percent to Uncertified Businesses.

The remaining 16 percent of the total project dollars were paid for suppliers and other services, including Project Management by Colas Construction, a registered Minority-owned Business.

Subcontractors registered as majority-owned by African Americans were awarded 53% of all subcontracted dollars. Hispanic-owned Businesses received three percent and the remaining 39 percent of subcontract dollars were awarded to businesses owned by non-certified businesses. (Figure 10)

Figure 9
Percentage of Total Contract Dollars Paid by Ownership Certification

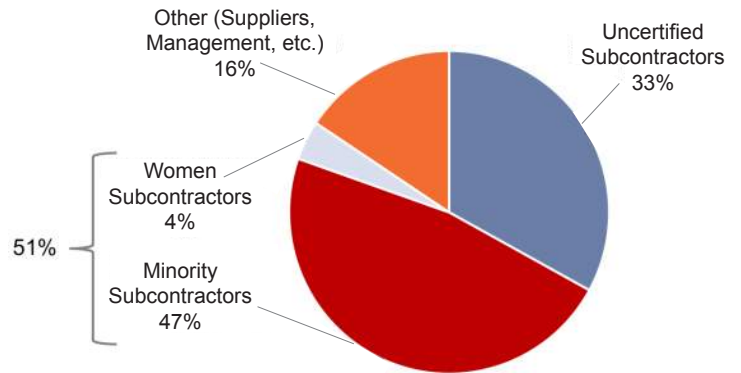
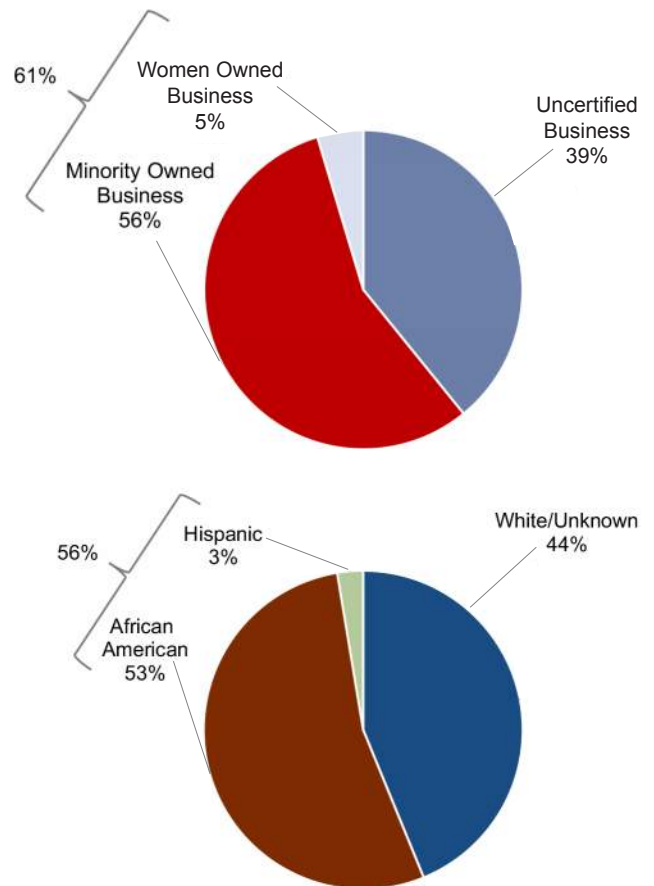


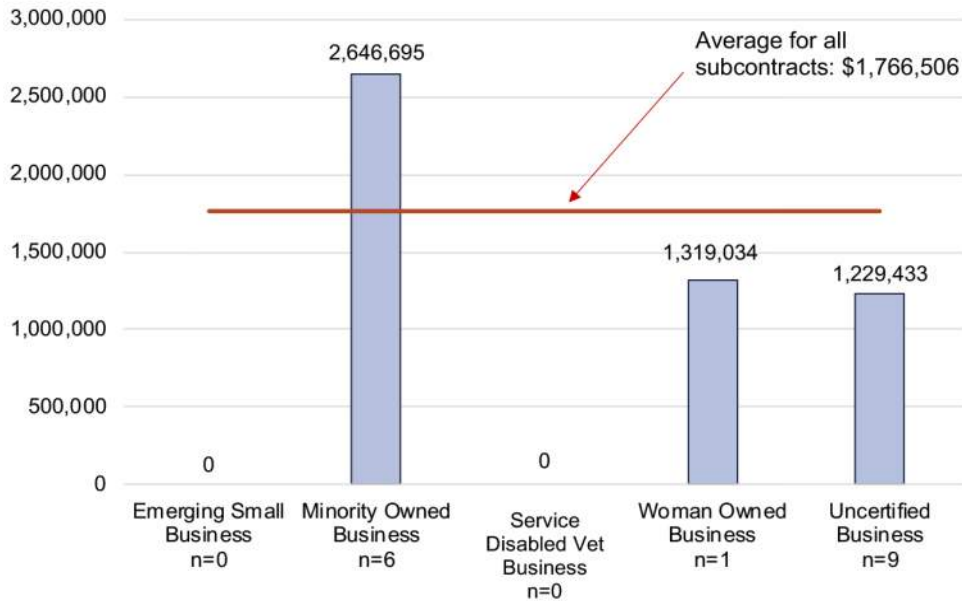
Figure 10
Percentage of Subcontract Contract Dollars Paid to Subcontractors by Certification and Primary Owner Race



Subcontracts

The average dollar value of subcontracts awarded to Minority-owned Businesses was more than twice the average value of uncertified businesses (\$2,646,695 v. \$1,229,433). (Figure 11)

Figure 11
Distribution of Contract Amounts (\$) by Ownership Certification



WORKFORCE

Workforce data was collected directly from payroll forms submitted to the Prime Contractor. For this analysis, gender, race, zip code of residence, trade, job level, number of hours worked, and gross wages paid, were collected from each payroll entry. There were no unique employee identifiers utilized, nor were there counts of individual employees. (See the appendix for more details on data collection and analysis methods)

It is important to note that “gross wages” does not include benefits, which can vary greatly from employer to employer.

Workforce Wages

The Survey of Consumer Finances found that as of 2016 in the United States, the median wealth for Heads of Households identifying as Black was \$16,000, while the median wealth for Heads of Households identifying of White was \$163,000, or 10 times greater (Bricker et al., 2017). While the sources of the staggering racial wealth gap in this country are innumerable and have complex inter-relationships, a recent analysis by the Federal Reserve Bank of Cleveland found that difference in income is the primary driver behind the wealth gap and that it is sufficient to explain the persistent difference in wealth accumulation (Alipranits & Carroll, 2019).

Due to the profound impact, that income disparities have had on individuals, households, and communities, and the ways in which the impacts of these inequalities are compounded over time and over generations, the present analysis evaluated the relative earnings, both in total and as a function of the number of hours worked for various groups of workers.

Gross Earnings

Overall, men were paid 92.3 percent of all dollars earned on the OCCRP. Women were paid 6.1 percent and the remaining 1.6 percent of dollars went to those where binary gender options did not apply or were not indicated on the corresponding payroll entry. (Figure 12)

From historical and current standards of industry practice in the Multnomah region, figures for a diverse workforce and relative earnings have been maintained with low numbers. The total workforce earnings by race and gender for the OCCRP reflect a significant contrast to the result of 34 percent of hours worked by People of Color. (Figure 13)

Figure 12
Total Workforce Earnings (\$) by Gender

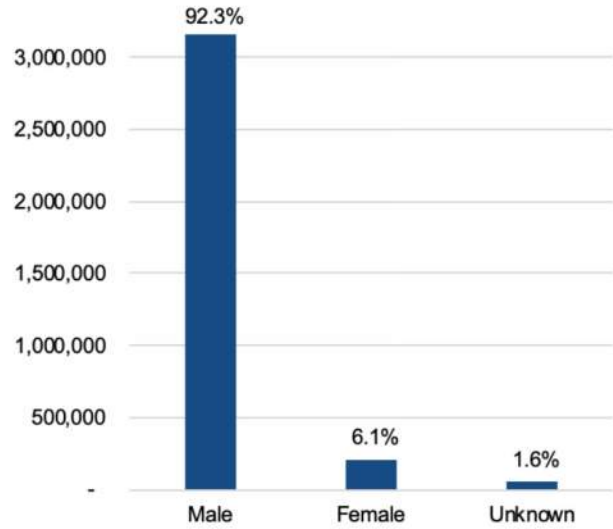
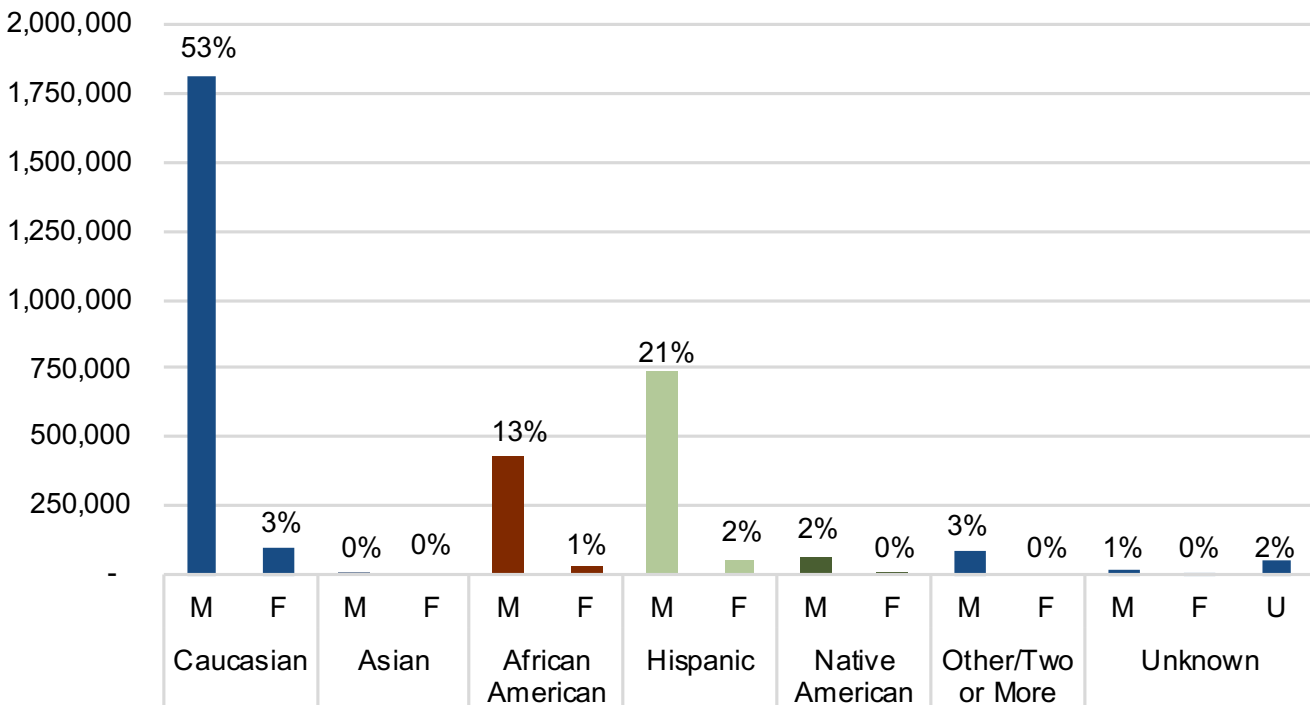
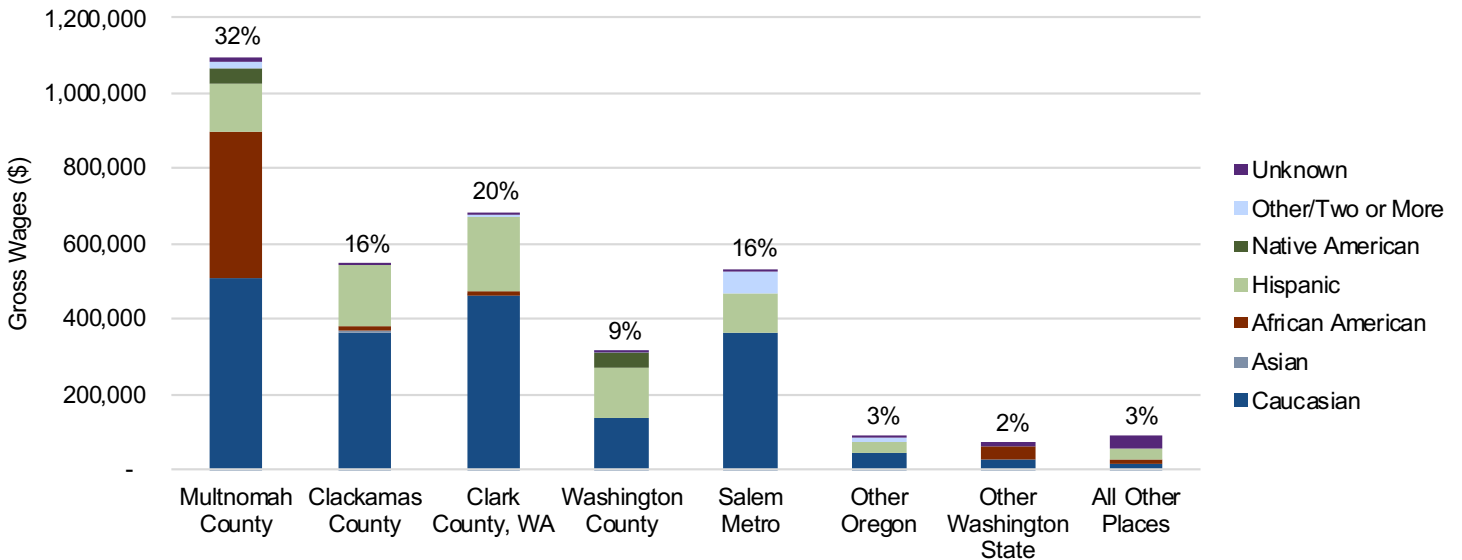


Figure 13
Total Workforce Earnings (\$) by Race and Gender



Evaluation of the distribution of gross wages by region of worker residence revealed that 93 percent of all dollars were earned by workers from the Portland Metro Area (Multnomah, Clackamas, Clark, and Washington Counties) and the Salem Metro Area and that 41 percent of all dollars paid to workers from the Portland Metro Area were earned by People of Color. (Figure 14)

Figure 14
Gross Wages by Race and Region of Residence



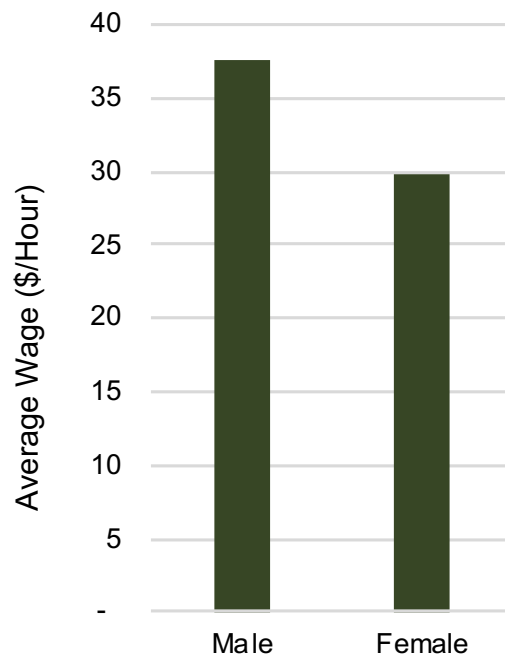
Average Wages

For this analysis, average wages are calculated in aggregate, by dividing the gross wages earned by all workers in a given category by the number of hours recorded worked by those workers on submitted payroll forms. This includes both overtime and regular hours, and so is only reflective of the overall return (in dollars) that an average hour of work produced.

This data reflects both Trade Union scale wages and those of Subcontractors based on independent employer to employee relationships. This serves as a baseline to advance earning potential with transparency from hiring and employment practices in relation to factors of race, gender in the Pacific Northwest region.

By this metric, women earned an average of \$30/hour and men earned an average of \$38/hour on the OCCRP. This difference is statistically significant ($p < .001$). (Figure 15)

Figure 15
Average Wage by Gender



Overall, the highest average hourly rate (\$41/hour) was earned by workers for whom no race was indicated, followed by workers with “Other” or “Two or More” indicated for race (\$39/hour), White workers (\$38/hour) and African American workers (\$37/hour). Native American (\$34/hour), Asian (\$34/hour), and Hispanic (\$35/hour) workers earned the lowest average hourly rates. Statistical analysis reveals the significant difference between the average wage for White workers and the other groups is the difference between White and Hispanic wages. ($p < .01$) (Figure 16)

Figure 16
Average Wage by Race

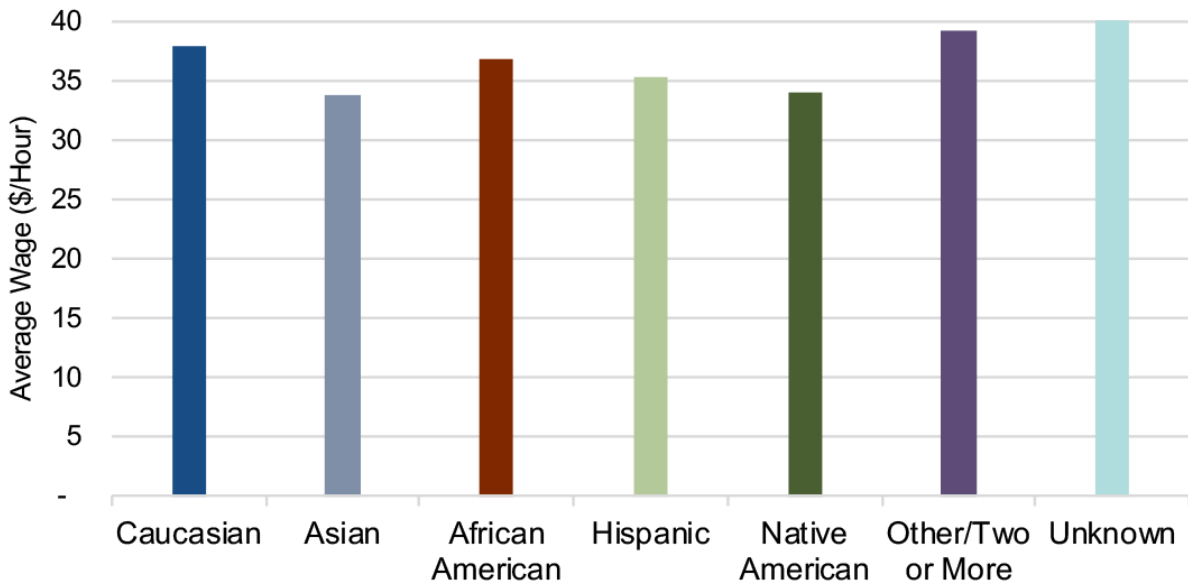
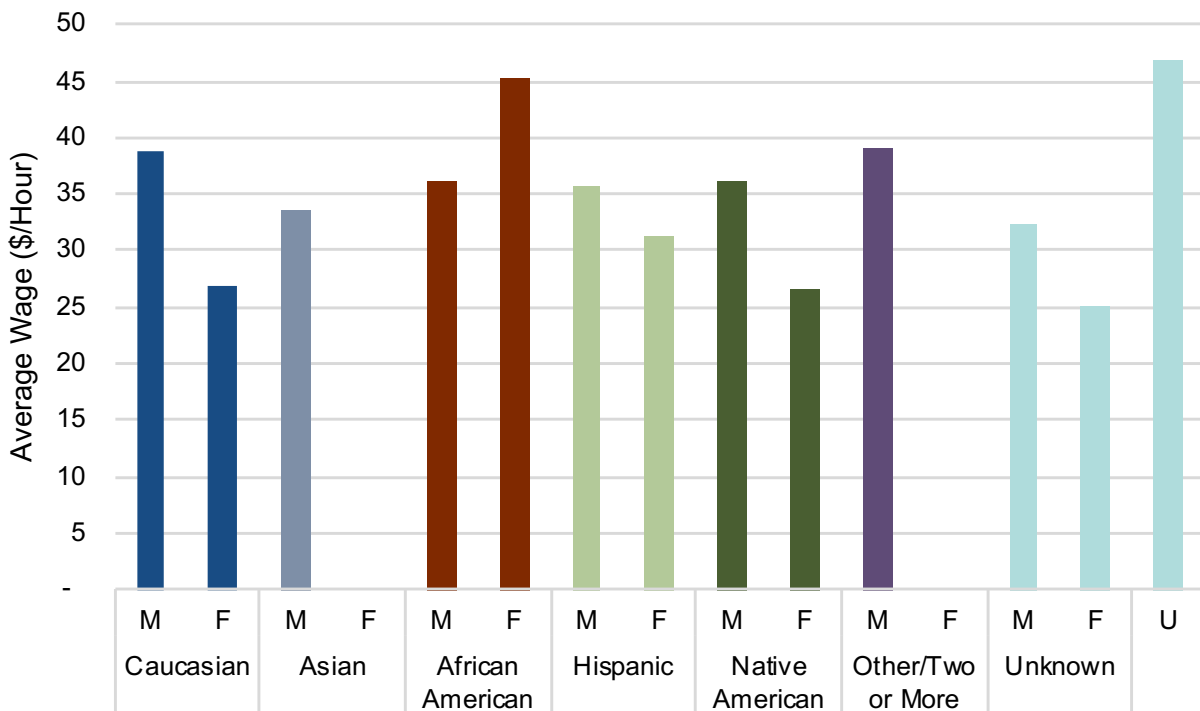


Figure 17
Average Wage by Race and Gender



Within each race category, women consistently earned less per hour, on average, than men (\$12 less for White workers, \$5 less for Hispanic workers, \$9 less for Native American workers, and \$7 less for workers for which no race was indicated), with the exception of African American women, who earned an average \$9 more per hour than African American men. Interestingly, workers for whom no gender was indicated earned the highest hourly rate on average, at \$47/hour, while women for whom no race was indicated earned the lowest, at \$25/hour. (Figure 17)

The average hourly wage difference between genders for each race group was statistically significant for White, African American, Hispanic, and Native American workers ($p < .001$ for each). (Figure 18)

While male and female Apprentices earned the same average wage (\$28/hour), Apprentices for whom no gender was indicated earned slightly more (\$31/hour). There are no statistically significant differences between gender categories for Apprentices.

For Journey-level workers, men earned an average of \$41/hour, \$6 more per hour (on average) than Journey-level women. This difference between male and female wages is statistically significant ($p < .01$)

For the OCCRP, African American workers earned the lowest average wage among Apprentices (\$26/hour) and the highest rate among Journey-level workers (\$47/hour). Differences between wages for each racial group were significantly different when considered by job level grouping (Apprentice $p > .01$, Journey $p > .001$). The only statistically significant difference between the average wage for White workers and the other groups is the difference of Journey wages between White and African American workers and that found between White and Hispanic workers. ($p < .01$) (Figure 19)

Figure 18

Average Wage by Job Level and Gender

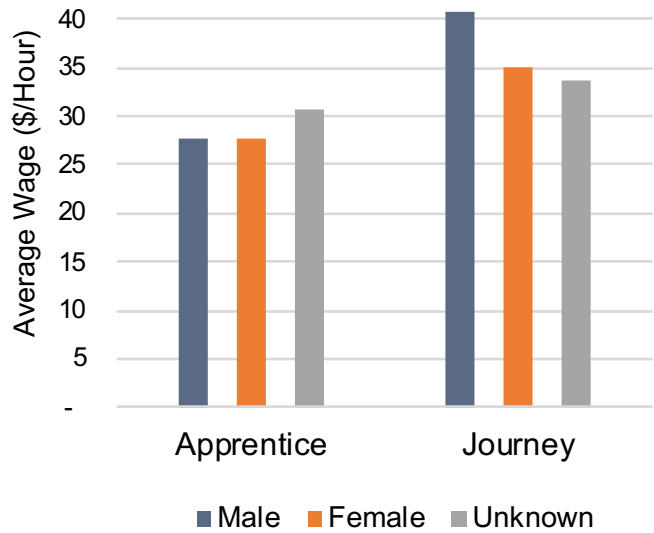
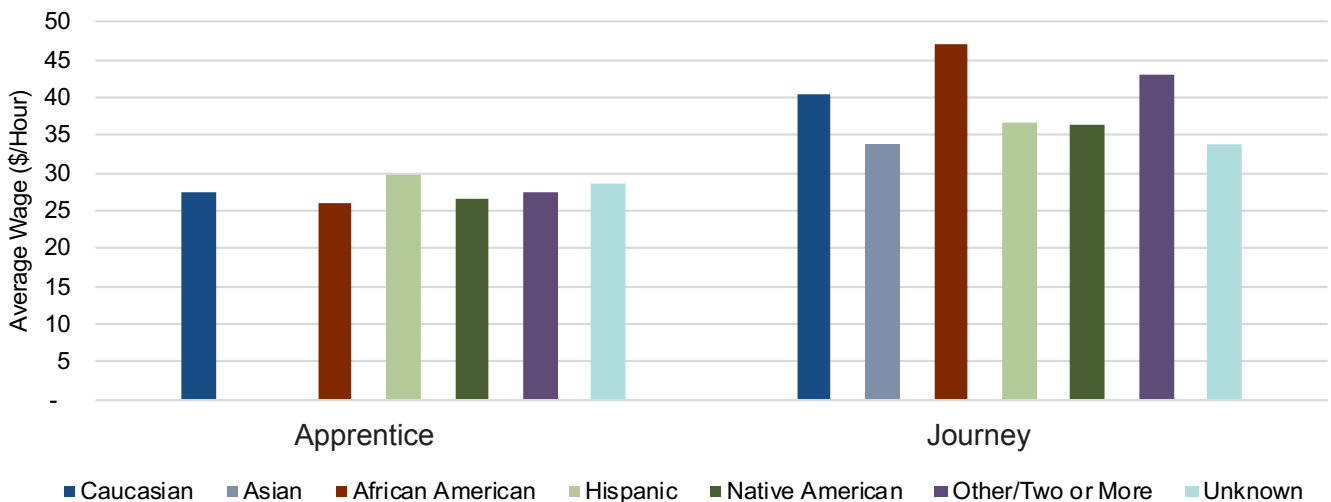


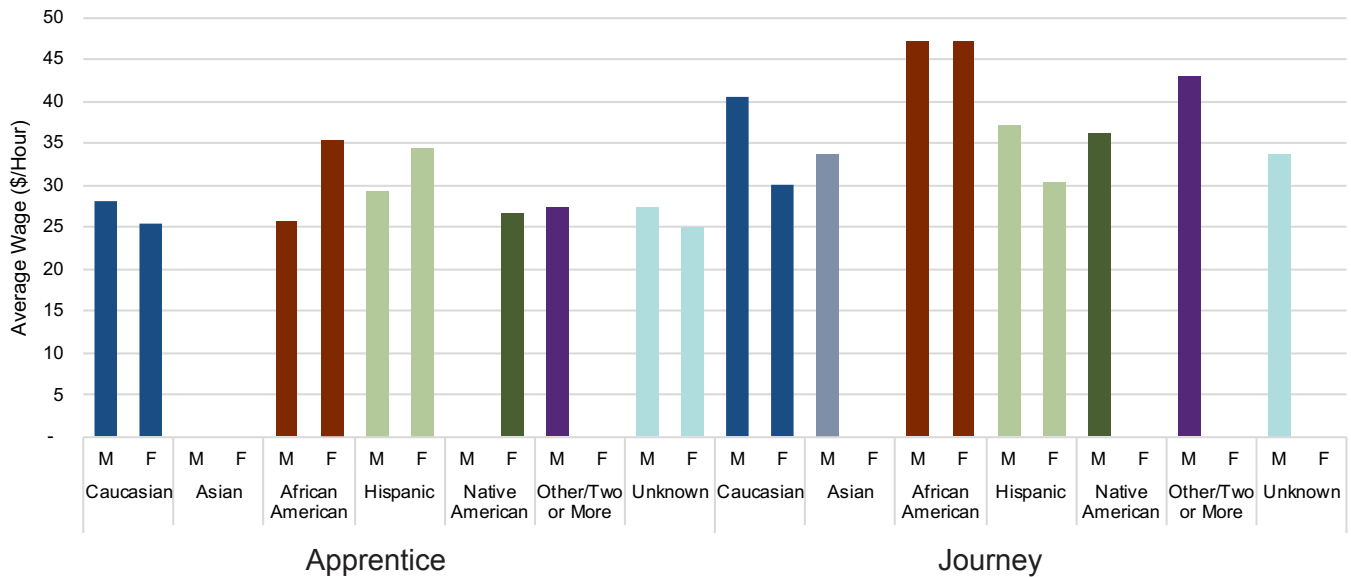
Figure 19

Average Wage by Job Level and Race



Interestingly, while many racial groups showed disparities between genders for workers in the same job level category (e.g. White male Journey workers earned an average \$11 more per hour than White female Journey workers), this was not seen for African American Journey workers, where both men and women earned an average \$47/hour. (Figure 20)

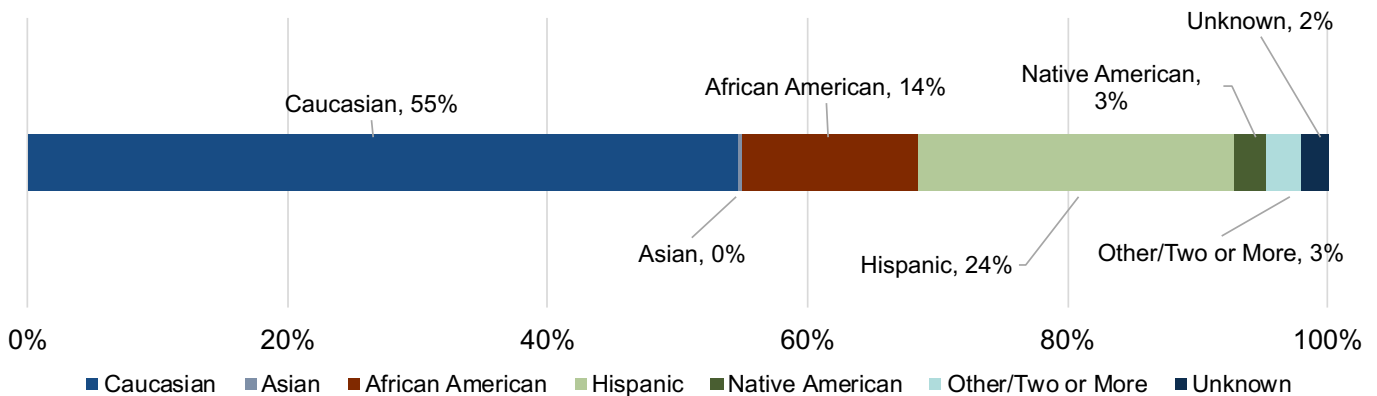
Figure 20
Average Wage by Race, Gender, and Job Level



Workforce Hours

Of all hours worked on the OCCRP, 55 percent of those hours were worked by White workers. Hispanic workers had the next largest portion of hours worked, at 24 percent of all hours. African American workers worked 14 percent, Native American workers worked three percent, and Asian American workers worked less than 0.5 percent of all hours. (Figure 21) Overall, women worked seven percent of all hours on the OCCRP.

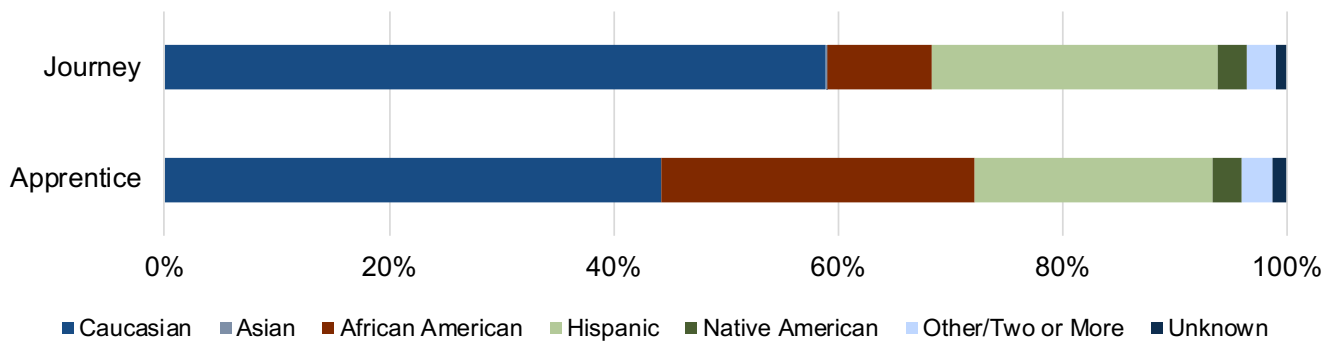
Figure 21
Average Wage by Race



Workforce Hours by Job Level

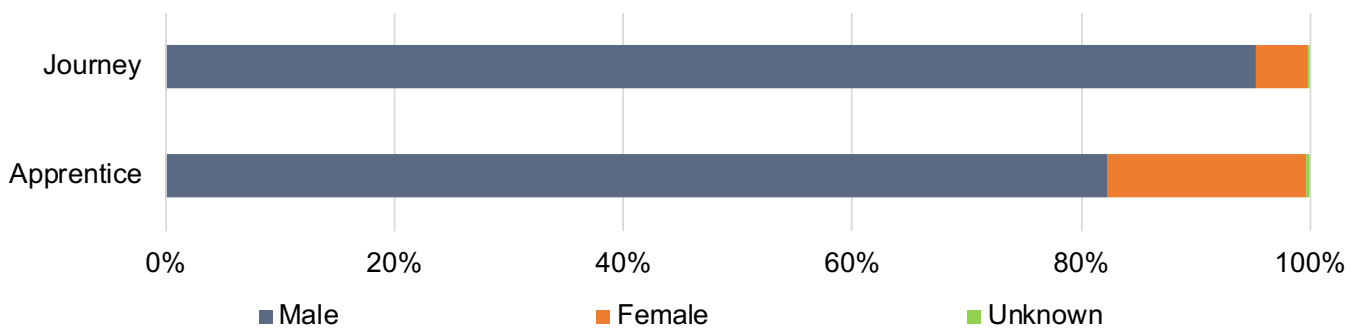
Racial minorities worked 55 percent of all Apprentice-level hours and 40 percent of all Journey-level hours on the OCCRP. There were no Asian Apprentice level workers, and very few at the Journey level, where Asian workers earned less than 0.5 percent of all dollars. African American workers worked 28 percent of all hours worked at the Apprentice-level and nine percent of all Journey-level hours. Twenty-one percent of all hours at the Apprentice-level and 26 percent of all Journey-level hours were worked by Hispanic workers, while Native American, Multiracial, and workers who identified as Other had three percent of all hours in each category. The hours worked by workers for whom race was not entered accounted for one percent of hours in each job level category. (Figure 22)

Figure 22
Hours Worked by Job Level and Race



Women accounted for 17 percent of all Apprentice-level hours and five percent of all Journey-level hours. (Figure 23)

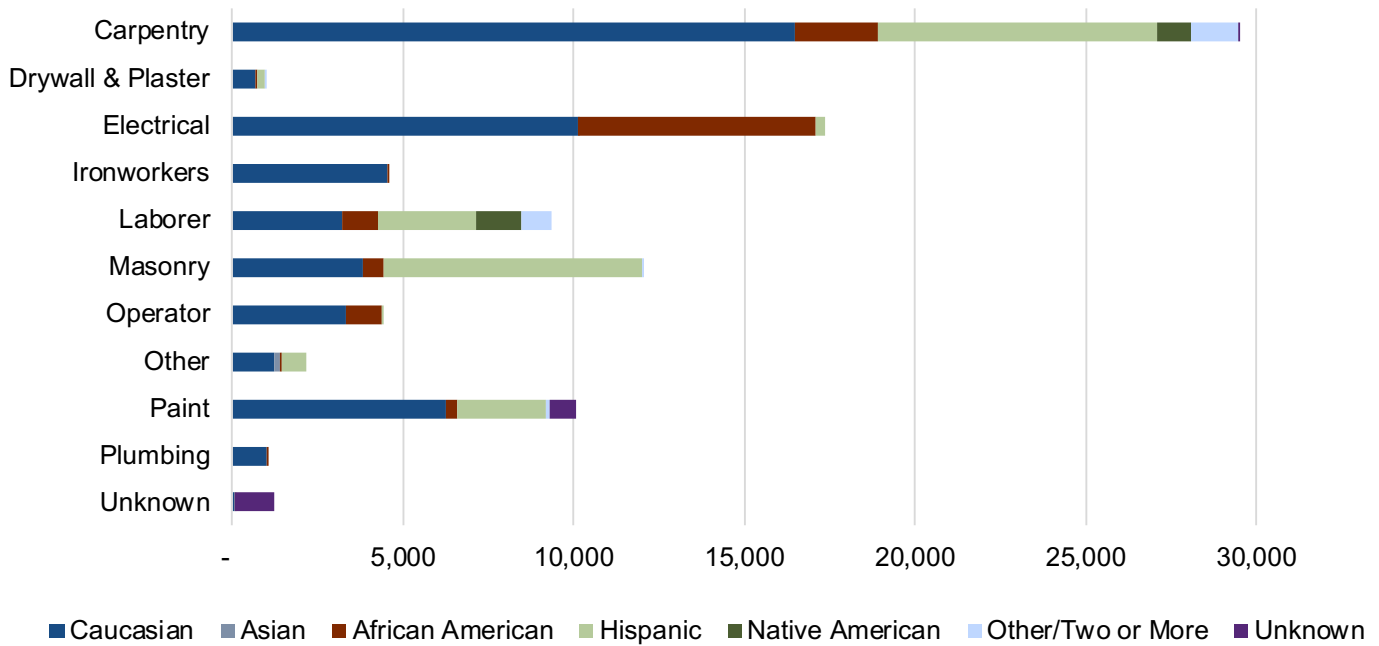
Figure 23
Hours Worked by Job Level and Gender



Workforce Hours by Craft

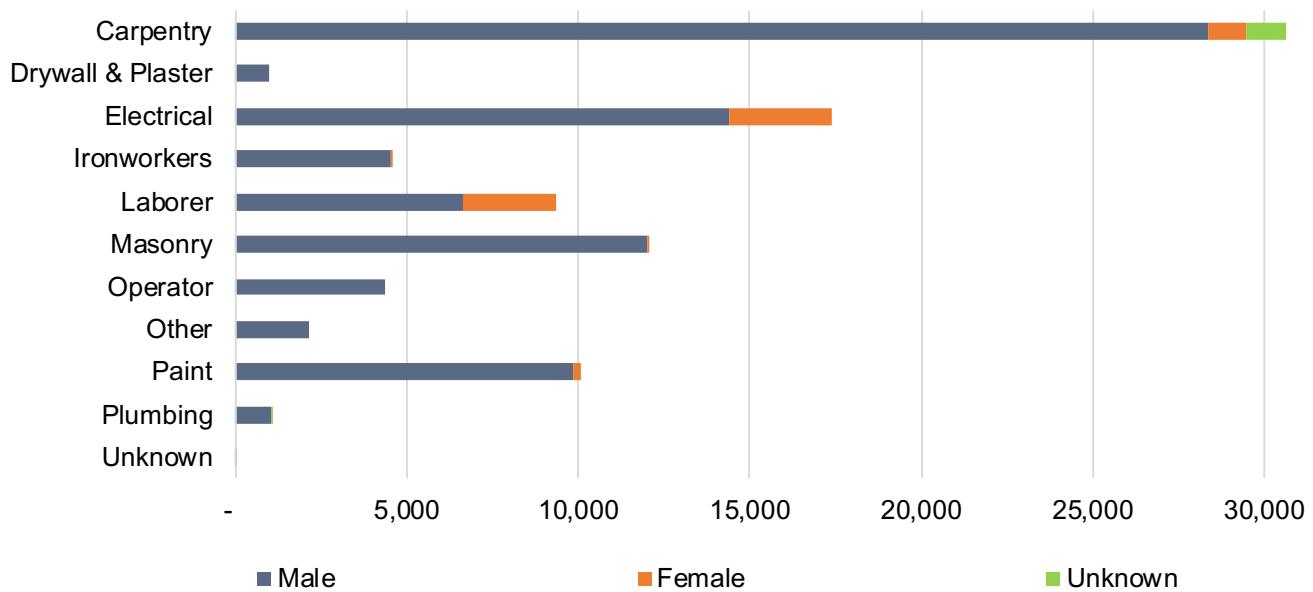
The payroll forms utilized in this analysis requested that employers indicate the job craft or trade for the work performed. These craft and trade options were grouped into several categories, based on the kinds of work performed on the OCCRP and the relative numbers of hours. Similar to the results found for job level, the distribution of worker hours by race and gender also varies by job craft. While some crafts have demonstrated greater diversity in worker hour distribution (e.g. Laborers), others are decidedly less diverse (e.g. Ironworkers). (Figure 24)

Figure 24
Hours Worked by Craft and Race



The highest proportion of hours worked by female workers was found in the Laborer category, at 29 percent of all hours, followed by 17 percent of all Electrical hours. While some craft categories had small portions of hours worked by women (Carpentry: four percent, Painting: two percent), the remainder had less than 0.5 percent or none at all. (Figure 25)

Figure 25
Hours Worked by Craft and Gender



CONCLUSION

The Oregon Convention Center for many, represents the exploitation, displacement, and exclusion of Black Portlanders, a history that has long-lasting implications for the greater Portland area. To build the Oregon Convention Center, Black Portlanders were impeded from creating wealth, restricted to live in blighted neighborhoods until they were claimed for another purpose, and forced out of homes and businesses with great potential for adding value resulting in gains reserved for non-Black community members.

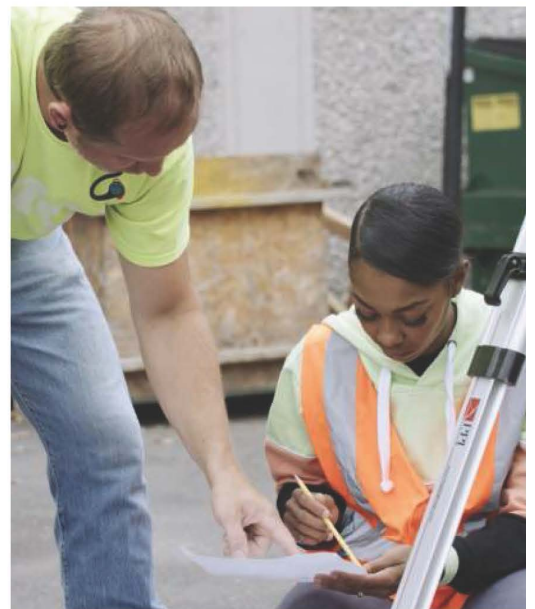
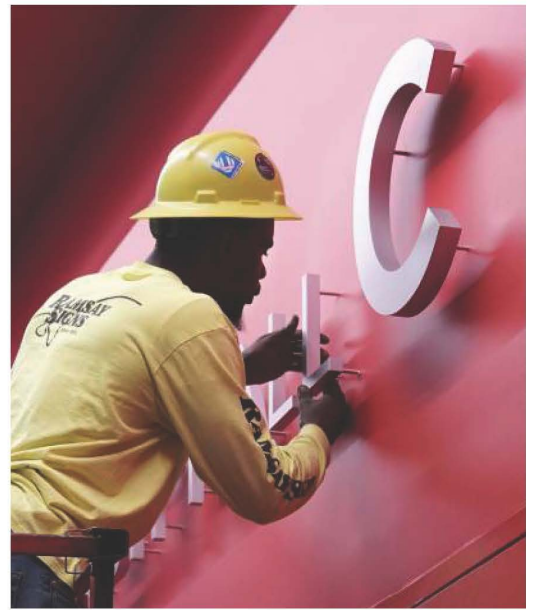
Recognizing this history, Metro sought to approach the Oregon Convention Center Renovation Project differently. They implemented a partnership with community organizations that have expertise in supporting People of Color and identified the best practices for project procurement to create direct benefits for historically marginalized communities.

Equitable and inclusive urban development is a commitment to providing policies and processes where community members most impacted by development decisions have equal access to the benefits of land-use development. In the construction sector, this is achieved by increasing the participation of Minority-owned firms for construction projects. To succeed we must be intentional in our workforce development and procurement practices. With the OCCRP, Metro modeled this intentionality by following evidence-based practices for equitable procurement. Namely, they looked at the history of the area to be developed through the lens of those impacted by land-use changes, utilized an equity lens to examine existing policies and processes, relied on community partnerships to assist with recruitment and retention of Minority Contractors.

Metro in partnership with culturally specific industry partners co-created and implemented evidence-based strategies for equitable and inclusive contract procurement. This report is intended to give both Developers and General Contractors, strategies they can use on future projects to further support the growing movement to diversify the construction sector.

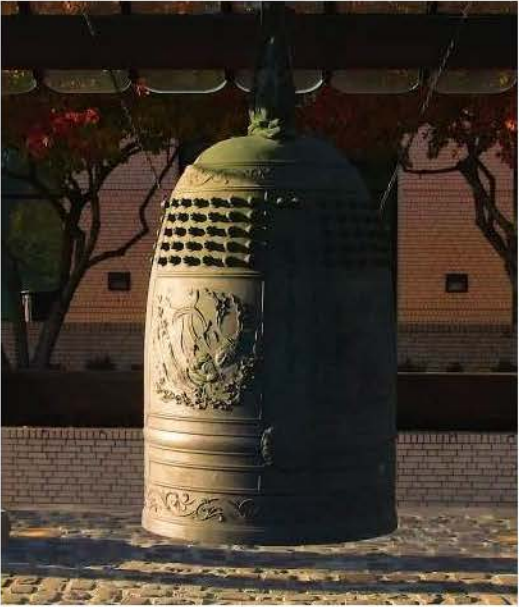
The OCCRP marked the largest public improvement contract awarded to a certified Minority-owned (MBE) firm as the Prime Contractor in Oregon history at the time. Colas Construction, the largest Black-owned firm in Portland, served as the Construction Manager and General Contractor (CM/GC), with Raimore Construction, also an MBE certified firm, to perform civil work.

With the Oregon Convention Center Renovation Project, Metro added a new chapter to this center for culture and commerce by demonstrating that acting on goals set out in their Diversity Action Plan and Strategic Plan to advance racial equity, diversity, and inclusion, resulted in an award-winning renovation that was on time, on budget, and contributed directly to the economic, structural, and cultural vibrancy for the City of Portland. The OCCRP demonstrated that target goals for contracts awarded to Minority-owned firms are not just met but exceeded with commitment and engagement.









APPENDIX

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Abbreviations

| | |
|-------|--|
| OCCRP | Oregon Convention Center Renovation Project |
| OCC | Oregon Convention Center |
| COBID | Certification Office for Business of Inclusion and Diversity |
| MBE | Minority Business Enterprise |
| WBE | Women Business Enterprise |
| MWBE | Minority and Woman Business Enterprise |
| RFP | Request for Proposals |
| MER | Monthly Employment Report |
| RFI | Request for Information |
| ITB | Invitations to Bid |
| EDI | Equity, Diversity, and Inclusion |
| BOLI | Bureau of Labor and Industry |

Notes on Data Analysis Methods

Original data was provided to Performance Analytics, LLC by Alex Colas of Colas Construction in November 2019.

Contract values and Subcontractor names were provided by Colas Construction.

Workforce hour and wage data was collected directly from payroll forms submitted to the Prime Contractor. In total, 3,052 individual payroll entries were present in the payroll forms analyzed, with a total of 92,545 worker hours. Twenty of those payroll forms either indicated zero-hours or were missing an entry for the number of hours (the missing values were interpreted as zero-hours for this analysis). 103 or three percent of payroll entries did not indicate a race, 68 or two percent did not indicate gender, and 76 did not indicate a zip code of residence for the employee. For job level, 98 percent of all payroll entries indicated a job level of either apprentice or journey. The remaining two percent of payroll sheets submitted either did not have a job level recorded, indicated an undefined value (e.g. "H"), or a legitimate value that was too rarely used to be a separate category (e.g. "F", which was indicated on 5 of 3,052 payroll entries).

A note about the variables: the data presented here is collected from forms and other materials with binary variables for gender (male, female), and five non-overlapping values for the race variable (White/Caucasian, Asian American, African American, Hispanic, Native American), along with "unknown" or missing data in some fields, these. Based on the method of Oregon's Certification Office for Business Inclusion and Diversity (COBID) where *Hispanic* is represented as a racial category, we have reproduced those labels here. We recognize that gender, race, ethnicity, and other identity-related categories are deeply personal and are not fully represented by this short list of categories. We wish to state clearly that we have no intention to exclude, minimize, or misrepresent the identities of any individual who identifies with terms that are different than these.

Workforce Gender

The values were M for male and F for female and did not include a non-binary option. All other values, including blanks, were re-coded as "unknown."

Workforce Race

The allowed values (and provided definitions) were:

- AA: African American: having origins in any of the black racial groups of Africa
- A: Asian: having origins in any of the original people of the Far East, Southeast Asia, the Indian subcontinent
- C: Caucasian/White: having origins in any of the white racial groups of Europe or Northern and Western Asia.
- H: Hispanic: having Mexican, Puerto Rican, Cuban, Central or South American or other Spanish or Portuguese culture or origins
- NA: Native American: American Indian or Alaskan Native, having origins in any of the original people of North America.
- PI: Native Hawaiian or Other Pacific Islander: having origins in any of the original people of Hawaii, Guam, Samoa, or other Pacific Islands.
- O: Other/ Two or More Races

A large number of entries had values of “W” and “B”. These were re-coded as Caucasian and African American, respectively. Due to low occurrence rates, the category (PI) was recoded as “Other/Two or More Races” to protect confidentiality. All other values, including blanks, were re-coded as “unknown.”

Workforce Job Levels

The values for job levels present in payroll form data included J, A, H, F, and blank.

J is understood to represent Journey, and A is Apprentice. H was not a defined category and so these entries were recoded to “unknown.”

Although some payroll entries were recorded as “F” for Foreman, these were only recorded in two job categories (Electrical and Unknown), and in two gender categories (male and unknown). These payroll entries accounted for only 0.2 percent of all hours worked and dollars earned. This suggests that Foreman hours are not being collected inconsistently and are not reliable or meaningful in this data set.

Workforce Job Categories

Job categories were defined as:

| Trade | Trade Name | Trade Recode |
|---------|-----------------------------------|-------------------|
| I002 | CARPENTERS | Carpentry |
| 1004 | CONCRETE & TERRAZZO FINISHERS | Other |
| I022 | TRUCK DRIVERS | Other |
| I006 | DRYWALL INSTALLERS | Drywall & Plaster |
| I013 | PLASTERERS | Drywall & Plaster |
| I007 | ELECTRICIANS | Electrical |
| I008 | GLAZIERS, GLASSWORKERS | Other |
| I009 | INSULATION WORKERS | Other |
| 1017 | STRUCTURAL METAL WORKERS | Ironworkers |
| 1010 | LABORERS | Laborer |
| I001 | BRICK MASONS, STONE MASONS | Masonry |
| 1016 | SHEET METAL WORKERS | Masonry |
| I011 | OPERATING ENGINEERS | Operator |
| I003 | CARPET INSTALLERS | Other |
| I005 | OTHER CONSTRUCTION TRADES NEC | Other |
| 2010 | ? | Unknown |
| I012 | PAINTERS, TAPERS | Paint |
| 1014 | PLUMBERS, PIPEFITTERS | Plumbing |
| 1015 | ROOFERS | Other |
| I018 | SUPERVISORS, CONSTRUCTION | Other |
| I019 | SUPERVISORS, MAT'L MOVEMENT & OPS | Other |
| I020 | SUPERVISORS, MECHS & REPAIRERS | Other |
| I021 | TILE SETTERS | Other |
| I023 | WELDERS, CUTTERS | Welding |
| [blank] | UNKNOWN | Unknown |

Contractor COBID Certification Status, Race, and Gender

Contractor COBID Certification Status, Race, and Gender were determined by publicly available COBID directory information on November 14, 2019.

Contract Values

The total contract dollars paid as of November 13, 2019, were used as the Contract Value amount.

Statistical Analyses

In comparisons between two categories of interval data and continuous data, independent t-tests were used.

In comparisons between more than two categories of interval data and continuous data, ANOVA tests were used.

Within ANOVAs, within group comparisons were performed using Turkey's tests.

OREGN

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Agenda Item No. 4.1

Consideration of the Council Meeting minutes for July 23, 2020

Consent Agenda

Metro Council Meeting
Thursday, July 30, 2020

Metro

*600 NE Grand Ave.
Portland, OR 97232-2736
oregonmetro.gov*



Metro

Minutes

Thursday, July 23, 2020

2:00 PM

This meeting was held virtually.

Council meeting

1. Call to Order and Roll Call

Present: 6 - Council President Lynn Peterson, Councilor Shirley Craddick, Councilor Craig Dirksen, Councilor Bob Stacey, Councilor Christine Lewis, and Councilor Juan Carlos Gonzalez

Excused: 1 - Councilor Sam Chase

2. Public Communication

There was no public communication.

3. Presentations

3.1 MERC/Travel Portland State of Affairs Update

Attachments: [Staff Report](#)

Deputy President Gonzalez welcomed MERC Commission Chair Karis Stoudamire-Phillips, Commissioners Ray Leary & Deidra Krys-Rusoff, and Travel Portland CEO Jeff Miller to give an update on the MERC and Travel Portland State of Affairs.

3.2 Update on the Greenhouse Gas Emissions Reduction by Switching to Renewable Diesel for Solid Waste Transport

Attachments: [Staff Report](#)

Deputy President Gonzalez then introduced Roy Brower, Jenna Garmon, and Dana Visse to give an update on the Greenhouse Gas emissions Reduction by switching to Renewable Diesel.

4. Consent Agenda

A motion was made by Councilor Stacey, seconded by Councilor Lewis, to approve the Consent Agenda. The motion passed by the following vote:

Aye: 6 - Council President Peterson, Councilor Craddick, Councilor Dirksen, Councilor Stacey, Councilor Lewis, and Councilor Gonzalez

Excused: 1 - Councilor Chase

4.1 Considerations of the Council Meeting Minutes for July 16, 2020

Attachments: [Council Meeting Minutes for July 16, 2020](#)

5. Resolutions

- 5.1 Resolution No. 20-5110, For the Purpose of Adopting the 2021-2024 Metropolitan Transportation Improvement Program (MTIP) for the Portland Metropolitan Area

Attachments: [Resolution No. 20-5110](#)
[Exhibit A to Resolution No. 20-5110](#)
[Exhibit B to Resolution No. 20-5110](#)
[Exhibit C to Resolution No. 20-5110](#)
[Staff Report](#)

Deputy President Gonzalez called up Margi BBradway and Grace Cho to give the staff presentation for this resolution.

Councilor Discussion

Councilor Stacey let the Council know that he would not be voting in favor of this resolution because it included Rose Quarter projects. Staff then discussed that the Rose Quarter projects were actually not included in the final MTIP legislation. Councilor Stacey was satisfied, and decided to vote for the resolution.

A motion was made by Councilor Craddick, seconded by Councilor Dirksen, that this item be approved. The motion passed by the following vote:

Aye: 6 - Council President Peterson, Councilor Craddick, Councilor Dirksen, Councilor Stacey, Councilor Lewis, and Councilor Gonzalez

Excused: 1 - Councilor Chase

- 5.1.1 Public Hearing on Resolution No. 20-5110

There was no public testimony.

- 5.2 Resolution No. 20-5119, For the Purpose of the Metro Council, Acting as the Metro Contract Review Board, Approving Two One-Year Extensions of Contract #929780 to Operate Metro Central

Transfer Station Due to the Covid-19 Pandemic

Attachments: [Resolution No. 20-5119](#)
[Staff Report](#)

Deputy President Gonzalez introduced Tom Chaimov to give the staff presentation on this resolution.

Council Discussion

There was none.

A motion was made by Councilor Stacey, seconded by Councilor Craddick, that this item be approved. The motion passed by the following vote:

Aye: 6 - Council President Peterson, Councilor Craddick, Councilor Dirksen, Councilor Stacey, Councilor Lewis, and Councilor Gonzalez

Excused: 1 - Councilor Chase

6. Ordinances (First Reading)

6.1 **Ordinance No. 20-1447**, For the Purpose of Amending Metro Code Chapter 7.04 to Allow Construction Excise Tax Funds to Support Economic Development and Community Stabilization Through the 2040 Planning and Development Grant Program

Attachments: [Ordinance No. 20-1447](#)
[Exhibit A to Ordinance No. 20-1447](#)
[Staff Report](#)

Deputy President Gonzalez read the title of the ordinance and let Council know that the staff report, public hearing, and 2nd read of the ordinance would take place on July 30th.

7. Chief Operating Officer Communication

Metro COO Marissa Madrigal gave an update on the state of work at Metro.

8. Councilor Communication

There was none.

9. Adjourn

Agenda Item No. 4.2

Resolution No. 20-5112, For the Purpose of Adding or Amending Existing Projects to the 2018-21 Metropolitan Transportation Improvement Program Which Involves Changes to Seven Projects Impacting Clackamas County and ODOT (JN20-13-JUN)

Consent Agenda

Metro Council Meeting
Thursday, July 30, 2020

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADDING OR AMENDING) RESOLUTION NO. 20-5112
EXISTING PROJECTS TO THE 2018-21)
METROPOLITAN TRANSPORTATION) Introduced by: Chief Operating Officer
IMPROVEMENT PROGRAM WHICH INVOLVES) Marissa Madrigal in concurrence with
CHANGES TO FIVE PROJECTS IMPACTING) Council President Lynn Peterson
CLACKAMAS COUNTY AND ODOT (JN20-13-JUN))
)

WHEREAS, the Metropolitan Transportation Improvement Program (MTIP) prioritizes projects from the Regional Transportation Plan (RTP) to receive transportation related funding; and

WHEREAS, the Joint Policy Advisory Committee on Transportation (JPACT) and the Metro Council approved the 2018-21 MTIP via Resolution 17-4817 on July 27, 2017; and

WHEREAS, JPACT and the Metro Council must approve any subsequent amendments to add new projects or substantially modify existing projects in the MTIP; and

WHEREAS, the U.S. Department of Transportation (USDOT) has issued clarified MTIP amendment submission rules and definitions for MTIP formal amendments and administrative modifications that both ODOT and all Oregon MPOs must adhere to which includes that all new projects added to the MTIP must complete the formal amendment process; and

WHEREAS, MTIP amendments now must also include assessments for required performance measure compliance, expanded RTP consistency, and strive to meet annual Metro and statewide obligation targets resulting in additional MTIP amendment processing practices and procedures; and

WHEREAS, complexities involving Clackamas County's re-certification along with obstacles raised by the Covid-19 situation have delayed the County's ability to be ready for a construction phase obligation before the end of FY 2020 and are now requesting the construction phase to be slipped into FY 2021 for a mid-year construction phase obligation; and

WHEREAS, ODOT reached a settlement agreement with the Association of Centers for Independent Living in March of 2017 that changed practices related to compliance with the Americans with Disabilities Act and established the ADA Program to meet the requirements of the settlement agreement; and

WHEREAS, the impacts from the lawsuit and settlement affects curb and ramp design and construction costs to meet the ADA specifications not only for ODOT, but cities in the Metro MPO area; and

WHEREAS, the Oregon Department of Transportation (ODOT) is adjusting their ADA curb and ramp implementation strategy and focus resulting a new project being added to the MTIP to initiate their second year ADA curb and ramp funding and scoping effort for the for identified ramps in the Portland Metro area & Hood River areas; and

WHEREAS, ODOT's review of their two US26 pavement rehabilitation projects indicated both could be combined into a single construction phase for economies of delivery scale and the ability to obligate the construction phase for both before the end of FY 2020; and

WHEREAS, ODOT's review of their Portland Metropolitan Bridge Screening and Rail Retrofit project grouping bucket which will update the rails or edges of bridges and screening, preventing items and vehicles from falling off the bridges on multiple bridges in the Portland Metro Region have determined additional Preliminary Engineering phase funding is required along with a Utility Relocation phase, and is adjusting the project to cover the added costs by removing three existing bridge locations from the total scope of work which will be delivered separately; and

WHEREAS, the a review of the proposed project changes has been completed against the current approved Regional Transportation Plan (RTP) to ensure the projects remain consistent with the goals and strategies identified in the RTP with the results confirming that no RTP inconsistencies exist as a result of the project changes from the June 2020 MTIP Formal Amendment; and

WHEREAS, the RTP consistency check areas included financial/fiscal constraint verification, eligibility and proper use of committed funds, an assessment of possible air quality impacts, a deviation assessment from approved regional RTP goals and strategies, a validation that the required changes have little or no impact upon regionally significant projects, and a reconfirmation that the MTIP's financial constraint finding is maintained a result of the June 2020 Formal Amendment; and

WHEREAS, Metro's Transportation Policy and Alternatives Committee (TPAC) received their notification plus amendment summary overview, and recommended approval to Metro's Joint Policy Advisory Committee on Transportation (JPACT) on June 5, 2020; and

WHEREAS, JPACT received their notification and approved Resolution 20-5112 consisting of the June 2020 Formal MTIP Amendment bundle on July 16, 2020 and provided their approval recommendation to Metro Council; now therefore

BE IT RESOLVED that the Metro Council hereby adopts the recommendation of JPACT on July 30, 2020 to formally amend the 2018-21 MTIP to include the required changes, advancements, or additions to the five identified projects as part of Resolution 20-5112.

ADOPTED by the Metro Council this 30th day of July 2020.

Juan Carlos Gonzalez, Deputy Council President

Approved as to Form:

Carrie MacLaren, Metro Attorney

**2018-2021 Metropolitan Transportation Improvement Program
Exhibit A to Resolution 20-5112**



| <p align="center">Proposed June 2020 Formal Amendment Bundle Amendment Type: Formal/Full Amendment #: JN20-13-JUN Total Number of Projects: 5</p> | | | | | |
|--|-----------|------------------|---|--|---|
| ODOT Key # | MTIP ID # | Lead Agency | Project Name | Project Description | Description of Changes |
| Project #1 Key 18801 | 7078 | Clackamas County | Clackamas County Regional Freight ITS Project | Improves the reliability of the regional freight system by reducing freight vehicle delay in known congested areas through a variety of ITS system enhancements. | CANCEL PHASE: The amendment transfers \$103k from the Construction phase to PE to address a PE phase funding shortfall. The scheduled construction phase obligation in FY 2020 is delayed until well into FY 2021. As a result it is being canceled in the 2018021 MTIP and will be added to the 2021-24 MTIP through a formal amendment. |
| Project #2 Key 22245 New Project | TBD | ODOT | Portland Metro Area & Hood River Curb Ramp Scoping | Scoping level estimates of all ADA curb ramps to determine concept fixes and issues to help guide selection and design for future projects. | ADD NEW PROJECT The formal amendment adds the new project development ADA curb ramp scoping project to the 2018 MTIP. It is being added now to enable the federal funds to be obligated before the end of FY 2020. |
| Project #3 Key 20300 | 70941 | ODOT | US26: OR217 - Cornell Rd | Repave mainline of roadway to improve pavement condition and extend service life. | COMBINED PROJECT: The formal amendment de-programs and transfers the ROW and construction phase funding to Key 20299, US26: Sylvan - OR217. Both projects are paving projects and both will now be combined together and obligate their construction funding before the end of FY 2020. |

| | | | | | |
|-------------------------------------|--------------|-------------|--|---|---|
| <p>Project #4 Key 20299</p> | <p>70940</p> | <p>ODOT</p> | <p>US26: SYLVAN— OR217 US26: Cornell Rd - Sylvan</p> | <p>On US26 near Beaverton from Sylvan (e/o US26/OR8/SW Canyon Rd IC) west to OR217, rehab/repave mainline of roadway to improve pavement condition and extend service life. (HB2017 awarded project, \$624,212 original award) Repave roadway and ramps to improve pavement condition, extend service life and maintain safety standards. Apply high friction surface pavement treatment (HFST) on OR217 at US26 westbound ramp curved section to help drivers maintain control of vehicles in wet conditions. Bridge maintenance on the structure over OR217 to prevent deterioration (Combined with Key 20300)</p> | <p>COMBINED PROJECT The formal amendment combines the ROW and construction phase funding from Key 20300. Keys 20299 and 20300 are now combined into Key 20300. The primary scope remains a rehab/repaving project on US 26 with adjusted limits.</p> |
| <p>Project #5 Key 19918</p> | <p>79867</p> | <p>ODOT</p> | <p>Region 1: Bridge- Screening and Rail Retrofit Portland Metropolitan Bridge Screening and Rail Retrofit</p> | <p>Bridge rail retrofit bridge #08996, 09007, 13523, 09569 and 09623. Protective screening on bridge #05054, 06767A, 08194, 08996, 09007, 13523, 09569, 09623, 13492, 02163A, 09000, 13514L and 09722 Update the rails or edges of bridges and screening, which will prevent items and vehicles from falling off the bridges on multiple bridges in the Portland Metro Region</p> | <p>SCOPE CHANGE The amendment updates the PE and construction phase costs, plus adds a Utility Relocation phase. Three previous identified bridges that were part of the approved scope of work have been removed from the updated scope of work. A minor cost increase of 8% results from the changes.</p> |
| <p>Project #6 Key 21219</p> | <p>71043</p> | <p>ODOT</p> | <p>I-5 Over NE Hassalo- St and NE Holiday St (BR#08583)</p> | <p>On I-5 over NE Hassalo St and SE Holladay St (BR#08583), replace the current structural overlay (HB2017- Awarded Project, \$5,000,000 Original Award)</p> | <p>COMBINE PHASE: The formal amendment transfers the PE phase funding over to that Rose Quarter Improvement project in Key 19701. Eventually the entire project (Key 21219) will be combined into Key 19701 when the construction phase is added to the I-5 Rose Quarter Improvement Project. Key 21219 is reduced by \$1 million dollars which equals a 20% cost change to the project.</p> |

| | | | | | |
|----------------------------|-------|------|--------------------------------------|---|---|
| Project #7 Key 19701 | 70784 | ODOT | I-5 Rose Quarter Improvement Project | <p>On I-5 between I-84 and I-405, Planning, project development, and right of way efforts of the Broadway Weidler facility plan and the N/NE Quadrant, which identified transportation investments that would result in improved safety and operations as well as supporting economic growth. Proposed multi-modal improvements include: ramp to ramp (auxiliary) lanes, highway shoulders, highway covers, new overcrossing, I-5 southbound ramp relocation, new bike and pedestrian crossing, and improved bike and pedestrian facilities</p> | <p>COMBINED PROJECT The formal amendment combines into the PE phase the \$1 million transferred from Key 21219. The \$1 million is added to the PE phase. The PE phase increases to \$72,391,997. Conversion fund type codes are added to the pea phase to replace some of the Advance Construction placeholder funding. Remaining funds from Key 21219 will be added to the construction phase when the full construction phase is programmed during FY 2021.</p> |
|----------------------------|-------|------|--------------------------------------|---|---|

Note: Keys 21219 and 19701 are being removed from the June 2020 Formal Amendment Bundle under Resolution 20-5112. Both projects will return to complete their programming updates at a later date. As a result, Resolution 20-5112 will consist of five projects.



Metro
2018-21 Metropolitan Transportation Improvement Program (MTIP)
PROJECT AMENDMENT DETAIL WORKSHEET

Formal Amendment
CANCEL PHASE
8th Amendment to Project

| | | | | | |
|---|---|---------------------|----------|--|-----------------------------|
| Lead Agency: Clackamas County | | Project Type: | TSMO/ITS | | ODOT Key: 18001 |
| Project Name: Clackamas County Regional Freight ITS Project | 1 | ODOT Type | OP-ITS | | MTIP ID: 70478 |
| | | Performance Meas: | Yes | | Status: 4 |
| Project Status: 4 = (PS&E) Planning Specifications, & Estimates (final design 30%, 60%,90% design activities initiated). | | Capacity Enhancing: | No | | Comp Date: 3/31/2022 |
| | | Conformity Exempt: | Yes | | RTP ID: 10020 |
| Short Description: Improves the reliability of the regional freight system by reducing freight vehicle delay in known congested areas through a variety of ITS system enhancements. | | On State Hwy Sys: | Various | | RFFA ID: 50182 |
| | | Mile Post Begin: | N/A | | RFFA Cycle: 2012-15 |
| | | Mile Post End: | N/A | | UPWP: No |
| | | Length: | N/A | | UPWP Cycle: N/A |
| | | 1st Year Program'd: | 2014 | | Past Amend: 7 |
| | | Years Active: | 7 | | OTC Approval: No |
| | | STIP Amend #: | TBD | | MTIP Amnd #: JN20-13-JUN |
| Detailed Description: The Clackamas County Regional Freight ITS project will improve freight mobility in congested subareas of the Clackamas Industrial Area with improved signal equipment, signal timing and minor roadway improvements. It includes the creation of a Freight ITS Plan in Phase 1 and the prioritized implementation of that plan in Phase 2. The Freight ITS plan will include technical analysis of existing and future conditions related to traffic safety and operations and a stakeholder review process. The second phase of the project, a list of Freight ITS improvements would be prioritized and constructed as funding allows. Potential treatments include signal priority for freight trucks, freight traveler information, signal re-timing and enhanced communication between signals, and railroad-highway safety treatments. | | | | | |
| STIP Description: Improves the reliability of the regional freight system by reducing freight delays in known congested areas through a variety of ITC system enhancements. | | | | | |

| PROJECT FUNDING DETAILS | | | | | | | | |
|----------------------------------|------------------|-----------------|----------|-------------------------|--------------|-------------------------------|-------------------------|-------------------------|
| Fund Type | Fund Code | Year | Planning | Preliminary Engineering | Right of Way | Other (Concept of Operations) | Construction | Total |
| Federal Funds | | | | | | | | |
| STP-U | Z230 | 2014 | | | | \$ 238,838 | | \$ - |
| STP-U | Z230 | 2018 | | \$ 318,577 | | | | |
| STP-U | Z230 | 2018 | | \$ 411,654 | | | | \$ 411,654 |
| STP-U | Z230 | 2020 | | | | | \$ 1,517,585 | |
| | | | | | | | | \$ - |
| | | | | | | | | \$ - |
| | | | | | | | Federal Totals: | \$ 411,654 |
| Federal Fund Obligations: | | | | | | | | Federal Aid ID |
| EA Number: | | | | | | | | |
| Initial Obligation Date: | | | | | | | | |
| State Funds | | | | | | | | |
| | | | | | | | | \$ - |
| | | | | | | | | \$ - |
| | | | | | | | State Total: | \$ - |
| State Fund Obligations: | | | | | | | | |
| EA Number: | | | | | | | | |
| Initial Obligation Date: | | | | | | | | |
| Local Funds | | | | | | | | |
| Local | Match | 2015 | | | | \$ 27,336 | | \$ 27,336 |
| Local | Match | 2018 | | \$ 36,463 | | | | |
| Local | Match | 2018 | | \$ 47,116 | | | | \$ 47,116 |
| Local | Match | 2018 | | | | | \$ 173,694 | |
| | | | | | | | | \$ - |
| | | | | | | | Local Total | \$ - |
| Phase Totals Before Amend: | | | \$ - | \$ 355,040 | \$ - | \$ 266,174 | \$ 1,691,279 | \$ 2,312,493 |
| Phase Totals After Amend: | | | \$ - | \$ 458,770 | \$ - | \$ 266,174 | \$ - | \$ 724,944 |
| Year Of Expenditure (YOE): | | | | | | | \$ | 724,944 |

Notes and Summary of Changes:

Red font = prior amended funding or project details. Blue font = amended changes to funding or project details. Black font indicates no change has occurred.

Amendment Summary:

The formal amendment shifts \$103,730 total of construction phase funding to PE to address a PE phase funding shortfall. The remaining construction phase funding is then canceled. Complications with re-certification and with COVID-19 have delayed the project and the scheduled summer construction phase obligation until fall/winter of FY 2021. As a result the construction phase is being canceled from the 2018-21 MTIP. Because the construction phase was scheduled to obligate its remaining unobligated funding before the end of FY 2020, the project was not identified to be carried-over into the 2021-24 MTIP and STIP. The project and construction phase will be added to the 2021-24 MTIP through the formal transition amendment to occur in Fall for early FY 2021 approval. Any delay in obligating the construction phase during early 2021 should be minimal.

> Will Performance Measurements Apply: Yes

RTP References:

> RTP ID: 11104 - Regional TSMO Program Investments for 2018-2027

> RTP Description: Implement and maintain Transportations System Management and Operations (TSMO) investments used by multiple agencies (e.g., Central Signal System, traffic signal priority, data communications and archiving) and coordinate response to crashes. The regional program also includes strategy planning (e.g., periodic TSMO Strategy updates), coordination of activities for TransPort subcommittee to TPAC, updates to the blueprints for agency software and hardware systems (ITS Architecture), improving traveler information with live-streaming data for connected vehicle and mobile information systems (TripCheck Traveler Information Portal Enhancement), and improving “big data” processing (PSU PORTAL) to support analyzing performance measures.

> Exemption Status: Project is an exempt, non-capacity type project per 40 CFR 93.126, Table 2 - Safety : Projects that correct, improve, or eliminate a hazardous location or feature.

> UPWP amendment: Not applicable & not required

Fund Codes:

> STP-U = Federal Surface Transportation Program urban area funds allocated to Metro and then awarded to qualifying projects through the Regional Flexible Funds Allocation process.

> Local = General local funds provided by the lead agency as part of the required match.



Metro
2018-21 Metropolitan Transportation Improvement Program (MTIP)
PROJECT AMENDMENT DETAIL WORKSHEET

Formal Amendment
ADD NEW PROJECT
Initial Project Programming

| | | | | |
|--|---|---------------------|--------------------------|------------------------------|
| Lead Agency: ODOT | | Project Type: | Proj Dev | ODOT Key: 22245 |
| Project Name | 2 | ODOT Type | Proj Dev | MTIP ID: TBD |
| Portland Metro Area & Hood River Curb Ramp | | Performance Meas: | No | Status: 1 |
| Scoping | | Capacity Enhancing: | No | Comp Date: 12/31/2021 |
| Project Status: 1 = Pre-first phase obligation activities (IGA development, project scoping, scoping refinement, etc. | | Conformity Exempt: | Yes | RTP ID: 12095 |
| Short Description: Scoping level estimates of all ADA curb ramps to determine concept fixes and issues to help guide selection and design for future projects. | | On State Hwy Sys: | Various | RFFA ID: N/A |
| | | Mile Post Begin: | N/A | RFFA Cycle: N/A |
| | | Mile Post End: | N/A | UPWP: No |
| | | Length: | N/A | UPWP Cycle: N/A |
| | | 1st Year Program'd: | 2020 | Past Amend: 0 |
| | | Years Active: | 1 | OTC Approval: Yes |
| STIP Amend #: TBD 18-21-3860 | | | MTIP Amnd #: JN20-13-JUN | |
| Detailed Description: As part of the ADA settlement agreement, Key 22245 will hire a consultant to examine ramps in Region 1 not already under improvement contract, determine concept fixes and issues., plus associated costs. The results of this work will guide the selection and design of future curb ramp projects. Key 22245 is a region wide project development scoping effort which will set future curb ramp projects up for success ensuring an on-time and on-budget delivery. | | | | |
| STIP Description: Scoping level estimates of all ADA curb ramps to determine concept fixes and issues to help guide selection and design for future projects. | | | | |

| PROJECT FUNDING DETAILS | | | | | | | | |
|----------------------------------|-------------|-------------|--------------|-------------------------|--------------|----------------------------|----------------------------|----------------|
| Fund Type | Fund Code | Year | Planning | Preliminary Engineering | Right of Way | Other (Utility Relocation) | Construction | Total |
| Federal Funds | | | | | | | | |
| ADVCON | ACPO | 2020 | \$ 1,794,600 | | | | | \$ 1,794,600 |
| | | | | | | | | \$ - |
| | | | | | | | | \$ - |
| | | | | | | | Federal Totals: | \$ 1,794,600 |
| Federal Fund Obligations: | | | | | | | | Federal Aid ID |
| EA Number: | | | | | | | | |
| Initial Obligation Date: | | | | | | | | |
| State Funds | | | | | | | | |
| State | S010 | 2020 | \$ 205,400 | | | | | \$ 205,400 |
| | | | | | | | | \$ - |
| | | | | | | | State Total: | \$ - |
| State Fund Obligations: | | | | | | | | |
| EA Number: | | | | | | | | |
| Initial Obligation Date: | | | | | | | | |
| Local Funds | | | | | | | | |
| | | | | | | | | \$ - |
| | | | | | | | | \$ - |
| | | | | | | | Local Total | \$ - |
| Phase Totals Before Amend: | | | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| Phase Totals After Amend: | | | \$ 2,000,000 | \$ - | \$ - | \$ - | \$ - | \$ 2,000,000 |
| | | | | | | | Year Of Expenditure (YOE): | \$ 2,000,000 |

Notes and Summary of Changes:

Red font = prior amended funding or project details. Blue font = amended changes to funding or project details. Black font indicates no change has occurred.

Amendment Summary:

The formal amendment adds the new project development ADA curb ramp scoping project to the 2018 MTIP. It is being added now to enable the federal funds to be obligated before the end of FY 2020.

> Will Performance Measurements Apply: No

RTP References:

> RTP ID: 12095 - Safety & Operations Projects

> RTP Description: Projects to improve safety or operational efficiencies such as pedestrian crossings of arterial roads, railroad crossing repairs, slide and rock fall protections, illumination, signals and signal operations systems, that do not add motor vehicle capacity.

> Exemption Status: Project is an exempt, non-capacity type project per 40 CFR 93.126, Table 2 - Other: Planning & Technical Studies.

> UPWP amendment: Not applicable & not required. Reason: The project employs project development activities and is not a planning study. Inclusion in the UPWP is not required.

Fund Codes:

> ADVCON = Federal fund placeholder ODOT which enables ODOT to commit state funds to cover project costs until the final federal fund type code is determined. A conversion to the final federal fund type code will occur later (e.g. ADVCON to NHPP)

> State = General state funds provided by the lead agency as part of the required match to the federal fund type code.

Other

> On NHS: N/A

> Metro Model: No

> Model category and type: N/A

> TCM project: No

> Located on the CMP: No



Metro
2018-21 Metropolitan Transportation Improvement Program (MTIP)
PROJECT AMENDMENT DETAIL WORKSHEET

**Formal Amendment
COMBINED PROJECT
5th Amendment to Project**

| | | | | | |
|---|-------|---------------------|--------------------------|------------------------------|-------|
| Lead Agency: ODOT | | Project Type: | O&M | ODOT Key: 20300 | |
| Project Name: US26: OR217 - Cornell Rd | 3 | ODOT Type | Preserve | MTIP ID: 70941 | |
| | | Performance Meas: | Yes | Status: 4 | |
| Project Status: 4 = (PS&E) Planning Specifications, & Estimates (final design 30%, 60%,90% design activities initiated). | | Capacity Enhancing: | No | Comp Date: 12/31/2021 | |
| | | Conformity Exempt: | Yes | RTP ID: | 12094 |
| Short Description: Repave mainline of roadway to improve pavement condition and extend service life. | US26 | On State Hwy Sys: | US26 | RFFA ID: | N/A |
| | 66.35 | Mile Post Begin: | 0.10 | RFFA Cycle: | N/A |
| | 69.19 | Mile Post End: | 0.39 | UPWP: | No |
| | 2.84 | Length: | 0.29 | UPWP Cycle: | N/A |
| | | 1st Year Program'd: | 2019 | Past Amend: | 4 |
| | | Years Active: | 2 | OTC Approval: | Yes |
| STIP Amend #: 18-21-3886 | | | MTIP Amnd #: JN20-13-JUN | | |
| Detailed Description: Repave mainline of roadway to improve pavement condition and extend service life. Apply high friction surface pavement treatment (HFST) on OR217 at US26 westbound ramp curved section to help drivers maintain control of vehicles in wet conditions. Bridge maintenance on the structure over OR217 to prevent deterioration. | | | | | |
| STIP Description: Repave roadway and ramps to improve pavement condition, extend service life and maintain safety standards. Apply high friction surface pavement treatment (HFST) on OR217 at US26 westbound ramp curved section to help drivers maintain control of vehicles in wet conditions. Bridge maintenance on the structure over OR217 to prevent deterioration. | | | | | |
| Last Amendment of Modification: March 2020 - MR20-09-MAR, Resolution 20-5082: ADD FUNDING The formal amendment advances \$111,839 from future draft 2021-24 STIP for current PE phase needs. Description details are added for clarification. Construction phase is planned for FY 2021 and is programmed in the new draft 2021-24 STIP | | | | | |

| PROJECT FUNDING DETAILS | | | | | | | | |
|----------------------------------|-----------------|-----------------|----------|-------------------------|-----------------------|----------------------------|-------------------------|--------------------------|
| Fund Type | Fund Code | Year | Planning | Preliminary Engineering | Right of Way | Other (Utility Relocation) | Construction | Total |
| Federal Funds | | | | | | | | |
| NHPP | Z001 | 2019 | | \$ 897,300 | | | | \$ - |
| ADVCON | ACPO | 2019 | | \$ 897,300 | | | | \$ 897,300 |
| HSIP | ZS30 | 2019 | | \$ 103,138 | | | | \$ - |
| NHPP | Z001 | 2020 | | | \$ 179,460 | | | \$ - |
| HSIP | ZS30 | 2020 | | | \$ 10,362 | | | \$ - |
| NHPP | Z001 | 2021 | | | | | \$ 7,930,940 | \$ - |
| HSIP | ZS30 | 2021 | | | | | \$ 396,825 | \$ - |
| | | | | | | | Federal Totals: | \$ 897,300 |
| Federal Fund Obligations: | | | | | | | | Federal Aid ID |
| EA Number: | | | | | | | | |
| Initial Obligation Date: | | | | | | | | |
| State Funds | | | | | | | | |
| State | Match | 2019 | - | \$ 102,700 | | | | \$ - |
| State | Match | 2019 | | \$ 102,700 | | | | \$ 102,700 |
| State | Match | 2020 | | \$ 8,701 | | | | \$ - |
| State | Match | 2020 | | | \$ 20,540 | | | \$ - |
| State | Match | 2020 | | | \$ 874 | | | \$ - |
| State | Match | 2021 | | | | | \$ 907,732 | \$ - |
| State | Match | 2021 | | | | | \$ 33,478 | \$ - |
| | | | | | | | State Total: | \$ - |
| State Fund Obligations: | | | | | | | | |
| EA Number: | | | | | | | | |
| Initial Obligation Date: | | | | | | | | |
| Local Funds | | | | | | | | |
| | | | | | | | | \$ - |
| | | | | | | | | \$ - |
| | | | | | | | Local Total | \$ - |
| Phase Totals Before Amend: | | | \$ - | \$ 1,111,839 | \$ 211,236 | \$ - | \$ 9,268,975 | \$ 10,592,050 |
| Phase Totals After Amend: | | | \$ - | \$ 1,000,000 | \$ - | \$ - | \$ - | \$ 1,000,000 |
| Year Of Expenditure (YOE): | | | | | | | | \$ 1,000,000 |

Notes and Summary of Changes:

Red font = prior amended funding or project details. Blue font = amended changes to funding or project details. Black font indicates no change has occurred.

Amendment Summary:

The formal amendment updates the PE phase to reflect Advance Construction as the obligated fund type. The ROW and construction phase funding is deprogrammed and combined into Key 20299, US26: Sylvan - OR217. Both projects are paving projects and both will now be combined together and obligate their construction funding before the end of FY 2020. As a result of the transfer to Key 20299, Key 20300 ends up with only the PE phase programmed with the total programmed amount decreasing to \$1,000,000. Key 20299 is also part of the June 2020 Formal Amendment Bundle.

> Will Performance Measurements Apply: Yes

RTP References:

> RTP ID: 12094 - Highway Pavement Maintenance

> RTP Description: Pavement rehabilitation/repair projects includes overlays, slurry seals, full pavement replacement, and other minor roadway improvements (curb and gutters, adding/widening shoulders) that do not add motor vehicle capacity.

> Exemption Status: Project is an exempt, non-capacity type project per 40 CFR 93.126, Table 2 - Safety : Projects that correct, improve, or eliminate a hazardous location or feature.

> UPWP amendment: Not applicable & not required

Fund Codes:

> NHPP = Federal National Highway Performance Program funds appropriated to ODOT.

> HSIP = Federal Highway System Improvement Program funds appropriated to ODOT for system safety improvements.

> ADVCON = Federal fund type code placeholder for ODOT to use in place of a specific federal code. ODOT then provides the project costs until the federal conversion fund type code is identified and replaces the ADVCON fund type code.

> State = General state funds provided by the lead agency as part of the required match against the federal funds.

Other

> On NHS: Yes, US26 is identified as an "Other NHS Route" on the NHS system

> Metro Model: Yes, US 26 is identified in the Metro Motor Vehicle modeling network

> Model category and type: Throughway

> TCM project: No

> Located on the CMP: Yes. US26 up through Hillsborough is identified as part of the Metro CMP



Metro
2018-21 Metropolitan Transportation Improvement Program (MTIP)
PROJECT AMENDMENT DETAIL WORKSHEET

**Formal Amendment
COMBINED PROJECT
3rd Amendment to Project**

| | | | | |
|--|--------------------------|---------------------|----------|------------------------------|
| Lead Agency: ODOT | | Project Type: | O&M | ODOT Key: 20299 |
| Project Name: US26: SYLVAN—OR217 US26: Cornell Rd - Sylvan | 4 | ODOT Type | Preserve | MTIP ID: 70940 |
| | | Performance Meas: | Yes | Status: 4 |
| Project Status: 4 = (PS&E) Planning Specifications, & Estimates (final design 30%, 60%,90% design activities initiated). | US26 | Capacity Enhancing: | No | Comp Date: 12/31/2021 |
| | | Conformity Exempt: | Yes | RTP ID: 12094 |
| Short Description: On US26 near Beaverton from Sylvan (e/o US26/OR8/SW Canyon Rd IC) west to OR217, rehab/repave mainline of roadway to improve pavement condition and extend service life. (HB2017 awarded project, \$624,212 original award) Repave roadway and ramps to improve pavement condition, extend service life and maintain safety standards. Apply high friction surface pavement treatment (HFST) on OR217 at US26 westbound ramp curved section to help drivers maintain control of vehicles in wet conditions. Bridge maintenance on the structure over OR217 to prevent deterioration (Combined with Key 20300) | 0.10 | On State Hwy Sys: | US26 | RFFA ID: N/A |
| | 0.39 | Mile Post Begin: | 67.44 | RFFA Cycle: N/A |
| | 0.29 | Mile Post End: | 71.33 | UPWP: No |
| | 65.84 | Length: | 3.89 | UPWP Cycle: N/A |
| | 66.16 | 1st Year Program'd: | 2018 | Past Amend: 2 |
| | 0.32 | Years Active: | 3 | OTC Approval: No |
| | STIP Amend #: 18-21-3886 | | | MTIP Amnd #: JN20-13-jun |
| Detailed Description: (Combined with Key 20300) On US26 near Beaverton from Sylvan (e/o US26/OR8/SW Canyon Rd IC) west to OR217, rehab/repave mainline of roadway to improve pavement condition and extend service life. (HB2017 awarded project, \$624,212 original award) Repave roadway and ramps to improve pavement condition, Apply high friction surface pavement treatment (HFST) on OR217 at US26 westbound ramp, plus bridge maintenance on the structure over OR217 to prevent deterioration (HB2017 awarded project \$624,212 original award) | | | | |
| STIP Description: Repave mainline of roadway to improve pavement condition and extend service life. Repave roadway and ramps to improve pavement condition, extend service life and maintain safety standards. Apply high friction surface pavement treatment (HFST) on OR217 at US26 westbound ramp curved section to help drivers maintain control of vehicles in wet conditions. Bridge maintenance on the structure over OR217 to prevent deterioration. | | | | |

Last Amendment of Modification: AB19-18-JUL2 - July 2019 - STIP Re-Balancing Amendment - Cost Increase: Increase ADVCON in construction phase from \$252,078 to \$858,856 plus match. Cons increases to \$3,968,595. TPC increases to \$4,462,450. Cons cost increase due to asphalt cost increases not originally factored into project along with inflation. No slips.

| PROJECT FUNDING DETAILS | | | | | | | | |
|----------------------------------|------------------|-----------------------|----------|-------------------------|--------------|----------------------------|-------------------------|----------------------|
| Fund Type | Fund Code | Year | Planning | Preliminary Engineering | Right of Way | Other (Utility Relocation) | Construction | Total |
| Federal Funds | | | | | | | | |
| NHPP | ME01 | 2018 | | \$ 135,108 | | | | \$ 135,108 |
| ADVCON | ACPO | 2018 | | \$ 308,028 | | | | \$ - |
| ADVCON | ACPO | 2018 | | \$ 411,166 | | | | \$ 411,166 |
| NHPP | Z001 | 2020 | | | | | \$ 2,702,165 | \$ 2,702,165 |
| ADVCON | ACPO | 2020 | | | | | \$ 858,856 | \$ - |
| ADVCON | ACPO | 2020 | | | | | \$ 9,376,443 | \$ 9,376,443 |
| | | | | | | | Federal Totals: | \$ 12,624,882 |
| Federal Fund Obligations: | | | | | | | | Federal Aid ID |
| EA Number: | | | | | | | | |
| Initial Obligation Date: | | | | | | | | |
| State Funds | | | | | | | | |
| State | Match | 2018 | | \$ 15,464 | | | | \$ 15,464 |
| State | Match | 2018 | | \$ 35,255 | | | | \$ - |
| State | Match | 2018 | | \$ 43,956 | | | | \$ 43,956 |
| State | Match | 2020 | | | | | \$ 309,275 | \$ 309,275 |
| State | Match | 2020 | | | | | \$ 98,300 | \$ - |
| State | Match | 2020 | | | | | \$ 1,060,923 | \$ 1,060,923 |
| | | | | | | | State Total: | \$ - |
| State Fund Obligations: | | | | | | | | |
| EA Number: | | | | | | | | |
| Initial Obligation Date: | | | | | | | | |
| Local Funds | | | | | | | | |
| | | | | | | | | \$ - |
| | | | | | | | | \$ - |
| | | | | | | | | \$ - |
| | | | | | | | Local Total | \$ - |
| Phase Totals Before Amend: | \$ - | \$ 493,855 | \$ - | \$ - | \$ - | \$ 3,968,596 | \$ 4,462,451 | |
| Phase Totals After Amend: | \$ - | \$ 605,694 | \$ - | \$ - | \$ - | \$ 13,448,806 | \$ 14,054,500 | |
| Year Of Expenditure (YOE): | | | | | | | \$ | 14,054,500 |

Notes and Summary of Changes:

Red font = prior amended funding or project details. Blue font = amended changes to funding or project details. Black font indicates no change has occurred.

Amendment Summary:

The formal amendment combines the ROW and construction phase funding from Key 20300. Keys 20299 and 20300 are now combined into Key 20300. The primary scope remains a rehab/repaving project on US 26 with adjusted limits. The formal amendment is required as a result of the adjusted limits. The formal amendment is occurring now to enable the construction phase to obligate before the end of FY 2020 (September 2020).

> Will Performance Measurements Apply: Yes

RTP References:

> RTP ID: 12094 - Highway Pavement Maintenance

> RTP Description: Pavement rehabilitation/repair projects includes overlays, slurry seals, full pavement replacement, and other minor roadway improvements (curb and gutters, adding/widening shoulders) that do not add motor vehicle capacity.

> Exemption Status: Project is an exempt, non-capacity type project per 40 CFR 93.126, Table 2 - Safety : Projects that correct, improve, or eliminate a hazardous location or feature.

> UPWP amendment: Not applicable & not required

Fund Codes:

> NHPP = Federal National Highway Performance Program funds appropriated to ODOT.

> ADVCON = Federal fund type code placeholder for ODOT to use in place of a specific federal code. ODOT then provides the project costs until the federal conversion fund type code is identified and replaces the ADVCON fund type code.

> State = General state funds provided by the lead agency as part of the required match against the federal funds.

Other

> On NHS: Yes

> Metro Model: Yes

> Model category and type: Pedestrian - Pedestrian Parkway

> TCM project: No



Metro
2018-21 Metropolitan Transportation Improvement Program (MTIP)
PROJECT AMENDMENT DETAIL WORKSHEET

Formal Amendment
SCOPE CHANGE
4th Amendment to Project

| | | | |
|---|---|---------------------------|------------------------|
| Lead Agency: ODOT | | Project Type: Bridge | ODOT Key: 19918 |
| Project Name: Region 1- Bridge Screening and Rail Retrofit Portland Metropolitan Bridge Screening and Rail Retrofit | 5 | ODOT Type: Bridge | MTIP ID: 70867 |
| | | Performance Meas: Yes | Status: 4 |
| | | Capacity Enhancing: No | Comp Date: |
| | | Conformity Exempt: Yes | RTP ID: 12092 |
| | | On State Hwy Sys: Various | RFFA ID: N/A |
| | | Mile Post Begin: Multiple | RFFA Cycle: N/A |
| | | Mile Post End: Multiple | UPWP: No |
| | | Length: Multiple | UPWP Cycle: N/A |
| | | 1st Year Program'd: 2017 | Past Amend: 0 |
| | | Years Active: 4 | OTC Approval: No |
| STIP Amend #: 18-21-3889 | | MTIP Amnd #: JN20-13-JUN | |
| Detailed Description: Bridge rail retrofit bridge #08996, 09007, 13523, 09569 and 09623. Protective screening on bridge #05054, 06767A, 08194, 08996, 09007, 13523, 09569, 09623, 13492, 02163A, 09000, 13514L and 09722- Update the rails or edges of bridges and screening impacting bridge locations at N Alberta St (#09007), SE Washington St (#13523), NE 102nd Ave (#02163A), N Ainsworth St (#09000), Railroad Service Rd (#13514L), NW Helvetia Rd Connection (#09722), at OR212 - MP 8.43 to MP 8.51 (#13492), at OR217 - MP 7.19 to MP 7.25 (09569), at OR224 (#09623), at OR43 - MP 0.03 to 0.12 (#08194), at US26 - MP 0.42 to 1.12 (#05054), at US30BY - MP 5.31 to 5.35 (#08996) | | | |
| STIP Description: Update the rails or edges of bridges and screening, which will prevent items and vehicles from falling off the bridges. | | | |

Last Amendment of Modification: Administrative Modification - July 2019 - STIP Re-Balancing Amendment - Cost Increase: Increase Construction phase ADVCON from \$3,904,865 to \$5,320,139 and match. Cons increases from \$4,351,794 to \$5,929,052. TPC increases to \$6,420,060. No phase slip. Reason - Cost estimate did not include traffic control for construction.

| PROJECT FUNDING DETAILS | | | | | | | | |
|----------------------------------|-----------------|-----------------|----------|-------------------------|--------------|----------------------------|----------------------------|-------------------------|
| Fund Type | Fund Code | Year | Planning | Preliminary Engineering | Right of Way | Other (Utility Relocation) | Construction | Total |
| Federal Funds | | | | | | | | |
| NHPP | Z001 | 2017 | | \$ 291,622 | | | | \$ - |
| NHPP | Z001 | 2017 | | \$ 575,223 | | | | \$ 575,223 |
| TFIA (100%) | | 2017 | | \$ 166,008 | | | | \$ - |
| ADVCON | ACPO | 2020 | | | | | \$ 5,320,139 | \$ - |
| ADVCON | ACPO | 2020 | | | | | \$ 5,067,053 | \$ 5,067,053 |
| | | | | | | | | \$ - |
| | | | | | | | | \$ - |
| | | | | | | | Federal Totals: | \$ 5,642,276 |
| Federal Fund Obligations: | | | | | | | | Federal Aid ID |
| EA Number: | | | | | | | | |
| Initial Obligation Date: | | | | | | | | |
| State Funds | | | | | | | | |
| State | Match | 2017 | - | \$ 33,377 | | | | \$ - |
| State | Match | 2017 | | \$ 65,837 | | | | \$ 65,837 |
| State | Match | 2020 | | | | | \$ 608,914 | \$ - |
| State | Match | 2020 | | | | | \$ 579,947 | \$ 579,947 |
| State | S010 | 2020 | | | | | \$ 132,000 | \$ 132,000 |
| | | | | | | | State Total: | \$ 777,784 |
| State Fund Obligations: | | | | | | | | |
| EA Number: | | | | | | | | |
| Initial Obligation Date: | | | | | | | | |
| Local Funds | | | | | | | | |
| Other | OTH0 | 2020 | | | \$ 467,000 | | | \$ 467,000 |
| Other | OTH0 | 2020 | | | | \$ 48,000 | | \$ 48,000 |
| | | | | | | | | \$ - |
| | | | | | | | Local Total | \$ 515,000 |
| Phase Totals Before Amend: | | | \$ - | \$ 491,007 | \$ - | \$ - | \$ 5,929,053 | \$ 6,420,060 |
| Phase Totals After Amend: | | | \$ - | \$ 641,060 | \$ - | \$ 467,000 | \$ 5,827,000 | \$ 6,935,060 |
| | | | | | | | Year Of Expenditure (YOE): | \$ 6,935,060 |

Notes and Summary of Changes:

Red font = prior amended funding or project details. Blue font = amended changes to funding or project details. Black font indicates no change has occurred.

Amendment Summary:

The formal amendment updates the PE and construction phase costs, and adds an Other (Utility Relocation) phase to the project. The costs are updated due to the decision change the number of bridges part of the scope of work. Three bridges have been removed from the approved scope of work. They include: (1) Bridge ID #06767A is removed from the project scope. Work on this bridge was to include screening over OR99E, but the work has been pulled due to legislative requirements. (2) Bridge ID #16134 (Allen Blvd/OR217 structure) is removed from the project scope, and will be delivered under OR217: OR10 - OR99W (K18841) instead. K18841 has already been amended to reflect this (SP20-01-SEP, Resolution 19-5018). (3) Bridge ID #16143 (Denny Rd/OR217 structure) is removed from the project scope, and will be delivered under OR217: OR10 - OR99W (K18841) instead. K18841 has already been amended to reflect this (SP20-01-SEP, Resolution 19-5018). The scope adjustments result in a cost change to the project in the amount of \$515,00- which equals an 8% cost increase to the project.

> Will Performance Measurements Apply: Yes

RTP References:

> RTP ID: 12092 - Bridge Rehabilitation & Repair

> RTP Description: Projects to repair or rehabilitate bridges, such as painting, joint repair, bridge deck repair, seismic retrofit, etcetera, that do not add motor vehicle capacity.

> Exemption Status: Project is an exempt, non-capacity type project per 40 CFR 93.126, Table 2 - Safety - Widening narrow pavements or reconstructing bridges (no additional travel lanes).

> UPWP amendment: Not applicable & not required

Fund Codes:

> NHPP = Federal National Highway Performance Program funds appropriated to ODOT.

> ADVCON = Federal fund type code placeholder for ODOT to use in place of a specific federal code. ODOT then provides the project costs until the federal conversion fund type code is identified and replaces the ADVCON fund type code.

> State = General state funds provided by the lead agency as part of the required match against the federal funds.

> Other = General local funds provided by the lead agency above the required match amount to support phase costs above the federal and match amount programmed.

Other

> On NHS: Yes

> Metro Model: Yes

> Model category and type: Pedestrian - Pedestrian Parkway

> TCM project: No

> Located on the CMP: Yes

Memo

Date: July 16, 2020
To: Metro Council and Interested Parties
From: Ken Lobeck, Funding Programs Lead, 503-797-1785
Subject: June 2020 MTIP Formal Amendment & Resolution 20-5112 Approval Request
Resolution 20-5112 Corrected Formal Amendment Bundle

July 14, 2020 Supplemental Update to JPACT - CORRECTED

Subsequent to the June 5, 2020 TPAC meeting, two projects included in the draft bundle for Resolution 20-5112 are being removed. They will return to complete their programming updates at a later time. The two projects being removed are the following:

- Project #6:
 - o Key 21219 - I-5 Over NE Hassalo St and NE Holiday St (BR#08583)
 - o Lead Agency: ODOT
 - o Amendment Action: \$1 million of PE funds were being transferred to Key 19701
- Project #7:
 - o Key 19701 - I-5 Rose Quarter Improvement Project
 - o Lead Agency: ODOT
 - o Amendment Action: \$1 million PE funding from Key 21219 would be added to the PE phase of Key 19701

As a result of the removal of Keys 21219 and 19701, the June Formal Amendment Bundle under Resolution 20-5112 is reduced from seven to five projects. The staff report has been updated to reflect the revised amendment bundle.

FORMAL AMENDMENT STAFF REPORT PURPOSE STATEMENT

FOR THE PURPOSE OF ADDING OR AMENDING EXISTING PROJECTS TO THE 2018-21 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM WHICH INVOLVES CHANGES TO FIVE PROJECTS IMPACTING CLACKAMAS COUNTY AND ODOT (JN20-13-JUN)

BACKGROUND

What This Is:

The June 2020 Formal Metropolitan Transportation Improvement Program (MTIP) Formal/Full Amendment which is contained in Resolution 20-5112 and being processed under MTIP Amendment JN20-13-JUN.

What is the requested action?

JPACT approved Resolution 20-5112 consisting of five projects in the June 2020 Formal Amendment Bundle and recommends Metro Council provide their approval enabling the projects to be amended correctly into the 2018 MTIP with final approval to occur from USDOT.


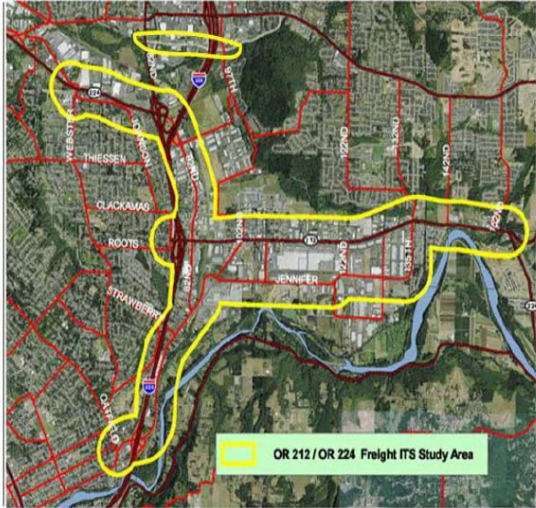

| <p align="center">Proposed June 2020 Formal Amendment Bundle Amendment Type: Formal/Full Amendment #: JN20-13-JUN Total Number of Projects: 5</p> | | | | | |
|--|-----------|------------------|--|--|--|
| ODOT Key # | MTIP ID # | Lead Agency | Project Name | Project Description | Description of Changes |
| Project #1 Key 18001 | 70478 | Clackamas County | Clackamas County Regional Freight ITS Project | Improves the reliability of the regional freight system by reducing freight vehicle delay in known congested areas through a variety of ITS system enhancements. | CANCEL PHASE: The formal amendment shifts \$103,730 total of construction phase funding to PE to address a PE phase funding shortfall. The scheduled summer construction phase has been delayed. The remaining construction phase funding is canceled in the 2018 MTIP and will be added to the 2021 MTIP. |
| Project #2 Key 22245 New Project | TBD | ODOT | Portland Metro Area & Hood River Curb Ramp Scoping | Scoping level estimates of all ADA curb ramps to determine concept fixes and issues to help guide selection and design for future projects. | ADD NEW PROJECT The formal amendment adds the new project development ADA curb ramp scoping project to the 2018 MTIP. It is being added now to enable the federal funds to be obligated before the end of FY 2020. |
| Project #3 Key 20300 | 70941 | ODOT | US26: OR217 - Cornell Rd | Repave mainline of roadway to improve pavement condition and extend service life | COMBINED PROJECT The ROW and construction phase funding is deprogrammed and combined into Key 20299, US26: Sylvan - OR217. Both projects are paving projects and both will now be combined together and obligate their construction funding before the end of FY 2020 |

| ODOT Key # | MTIP ID # | Lead Agency | Project Name | Project Description | Description of Changes |
|-------------------------|-----------|-------------|--|---|--|
| Project #4 Key 20299 | 70940 | ODOT | US26- SYLVAN- OR217 US26: Cornell Rd - Sylvan | On US26 near Beaverton from Sylvan (e/o US26/OR8/SW Canyon Rd IC) west to OR217, rehab/repave mainline of roadway to improve pavement condition and extend service life. (HB2017 awarded project, \$624,212 original award) Repave roadway and ramps to improve pavement condition, extend service life and maintain safety standards. Apply high friction surface pavement treatment (HFST) on OR217 at US26 westbound ramp curved section to help drivers maintain control of vehicles in wet conditions. Bridge maintenance on the structure over OR217 to prevent deterioration (Combined with Key 20300) | COMBINED PROJECT The ROW and construction phase funding from Key 20300 is combined into Key 20299. Both projects are combined together. Limits are adjusted as a result, but the scope remains a rehab/repaving project. The Construction phase obligation is now scheduled to occur before the end of FY 2020. |
| Project #5 Key 19918 | 70867 | ODOT | Region 1- Bridge Screening and Rail Retrofit Portland Metropolitan Bridge Screening and Rail Retrofit | Bridge rail retrofit bridge #08996, 09007, 13523, 09569 and 09623. Protective screening on bridge #05054, 06767A, 08194, 08996, 09007, 13523, 09569, 09623, 13492, 02163A, 09000, 13514L and 09722 Update the rails or edges of bridges and screening, which will prevent items and vehicles from falling off the bridges on multiple bridges in the Portland Metro Region | SCOPE CHANGE The amendment updates the PE and construction phase costs, plus adds a Utility Relocation phase. Three previous identified bridges that were part of the approved scope of work have been removed from the updated scope of work. A minor cost increase of 8% results from the changes. |
| Project #6 Key 21219 | 71043 | ODOT | I-5 Over NE Hassalo St and NE Holiday St (BR#08583) | On I-5 over NE Hassalo St and SE Holladay St (BR#08583), replace the current structural overlay (HB2017 Awarded Project, \$6,000,000 Original Award) | COMBINE PHASE: The formal amendment transfers the PE phase funding over to that Rose Quarter Improvement project in Key 19701. Eventually the entire project (Key 21219) will be combined into Key 19701 when the construction phase is added to the I-5 Rose Quarter Improvement Project. Key 21219 is reduced by \$1 million dollars which equals a 20% cost change to the project. |
| Project #7 Key 19701 | 70784 | ODOT | I-5 Rose Quarter Improvement Project | On I-5 between I-84 and I-405, Planning, project development, and right of way efforts of the Broadway-Weidler facility plan and the N/NE Quadrant which identified transportation investments that would result in improved safety and operations as well as supporting economic growth. Proposed multi-modal improvements include: ramp to ramp (auxiliary) lanes, highway shoulders, highway covers, new overcrossing, I-5 southbound ramp relocation, new bike and pedestrian crossing, and improved bike and pedestrian facilities | COMBINED PROJECT The formal amendment combines into the PE phase the \$1 million transferred from Key 21219. The \$1 million is added to the PE phase. The PE phase increases to \$72,391,997. Conversion fund type codes are added to the PE phase to replace some of the Advance Construction placeholder funding. Remaining funds from Key 21219 will be added to the construction phase when the full construction phase is programmed during FY 2021. |

Note: Projects 6 and 7 in Keys 21219 and 19701 are removed from the June 2020 Formal Amendment Bundle under Resolution 20-5112

A detailed summary of the new proposed amended project is provided below.

| Project 1: Clackamas County Regional Freight ITS Project | |
|---|--|
| Lead Agency: | ODOT |
| ODOT Key Number: | 18001 MTIP ID Number: 70478 |
| Projects Description: | <p>Project Snapshot:</p> <ul style="list-style-type: none"> • Proposed improvements: The project will improve the reliability of the regional freight system by reducing freight vehicle delay in known congested areas through a variety of ITS system enhancements. • Source: Existing project. • Funding: The project’s federal funding originates from the Metro 2012-15 Regional Flexible Funds Allocation(RFFA) program • Project Type: Transportation Systems Management and Operations/Intelligent Transportation System (TSMO/ITS) • Location: Multiple locations in Clackamas County • Cross Street Limits: N/A • Overall Mile Post Limits: N/A • Current Status Code: 4 = (PS&E) Planning Specifications, & Estimates (final design 30%, 60%, 90% design activities initiated). • STIP Amendment Number: TBD • MTIP Amendment Number: JN20-13-JUN |
| What is changing? | <p>AMENDMENT ACTION: CANCEL PHASE/PROGRAMMING DECREASE</p> <p>The formal amendment shifts \$103k, from the construction phase to address a funding shortfall in the PE phase. The planned summer obligation for the construction phase is now delayed until FY 2021. Because, the MTIP and STIP are in the middle of an update, this project can’t be slipped into FY 2021.</p> <p>The construction phase is required to be canceled from the 2018 MTIP. It will be re-added to the 2021-204 MTIP as part of the formal Transition Amendment this fall.</p> |
| Additional Details: | Project Location Area shown on next page |

| | |
|--|---|
| | <div style="text-align: center;">  <h2 style="margin: 0;">Clackamas County</h2> <h3 style="margin: 0;">Regional Freight ITS Project</h3> </div> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;">  <p>OR 212/224 Study Area - Potential Deployment Area</p> </div> <div style="text-align: center;">  <p>Wilsonville Study Area - Potential Deployment Area</p> </div> </div> <p style="text-align: center; margin-top: 10px;">Vicinity Map</p> |
| <p>Why a Formal amendment is required?</p> | <p>Per the FHWA/FTA/ODOT/MPO approved Amendment Matrix, canceling the construction phase resulting in a cost decrease greater than 20% requires a formal amendment to the MTIP</p> |
| <p>Total Programmed Amount:</p> | <p>The programming change as a result of canceling the construction phase decreases from \$2,312,493 to \$724,944 which equals a 68.6% programming change to the project in the 2018 MTIP</p> |
| <p>Added Notes:</p> | <p>Projects changes as part of an approved Project Change Request (PCR) – May 2020</p> |


| | | |
|------------------------------|--|----------------------------|
| <p>Project 2:</p> | <p>Portland Metro Area & Hood River Curb Ramp Scoping New Project</p> | |
| <p>Lead Agency:</p> | <p>ODOT</p> | |
| <p>ODOT Key Number:</p> | <p>22245</p> | <p>MTIP ID Number: TBD</p> |
| <p>Projects Description:</p> | <p>Project Snapshot:</p> <ul style="list-style-type: none"> Proposed improvements: The project will complete required Scoping level estimates of all ADA curb ramps to determine concept fixes and issues to help guide selection and design for future projects. Source: New project. Funding: The awarded source of funding for the project is from ODOT and part of the ADA settlement Project Type: Pre-NEPA/Project Development | |

| | |
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| | <ul style="list-style-type: none"> • Location: Region 1 • Cross Street Limits: N/A • Overall Mile Post Limits: N/A • Current Status Code: 1 = Pre-first phase obligation activities (IGA development, project scoping, scoping refinement, etc. • STIP Amendment Number: 18-21-3860 • MTIP Amendment Number: JN20-13-JUN |
| <p>What is changing?</p> | <p>AMENDMENT ACTION: ADD NEW PROJECT</p> <p>The formal amendment adds the project development/scoping effort to hire a consultant to look at every single ramp in Region 1 (outside of ramps currently under contract) and determine concept fixes and issues. The results of this work will guide the selection and design of future curb ramp projects. Investing in a region-wide scoping effort now will set future curb ramp projects up for success, ensuring an on-time and on-budget delivery.</p> <p>This project is part of the settlement agreement ODOT reached with the Association of Centers for Independent Living in March of 2017. In the agreement, ODOT agreed to change practices related to compliance with the Americans with Disabilities Act. ODOT established the ADA Program to meet the requirements of the settlement agreement, allocating \$37M in 2018-2021 STIP funding, advancing \$43M from the 2021-2024 STIP, and allocating \$2M in 2019 federal redistribution funding as initial funding for the program.</p> <p>The funding allocated to date has covered the assessment and inventory of all curb ramps on the state highway system; outreach and training to consultants, contractors, local partners, and ODOT staff; creation and maintenance of a program to respond to ADA related complaints; retaining a national ADA expert to serve as ODOT’s Accessibility Consultant in partnership with the plaintiffs; updating design and construction standards, and annual reporting to the plaintiffs. The remaining funds allocated to the program have been focused on projects to design and construct curb ramps. With all of the current ADA Program funds allocated, additional funding is required through 2023 to continue curb ramp construction projects, scope pedestrian activated signals, and support various program-related activities to meet the settlement agreement. Beginning in 2024, the program should be on-cycle with the STIP and funding needs will be identified as part of the regular STIP funding allocation process.</p> |
| <p>Additional Details:</p> | <p>The project will cover the entire Region 1 area.</p> |
| <p>Why a Formal amendment is required?</p> | <p>Per the FHWA/FTA/ODOT/MPO approved Amendment Matrix, adding a new project to the MTIP requires a formal amendment.</p> |
| <p>Total Programmed Amount:</p> | <p>The programming for the scoping effort totals \$2,000,000.</p> |


Project Location Map includes the Region 1 area and is shown on the next page

Added Notes:

| | |
|--|---|
| Project 3: US26: OR217 - Cornell Rd | |
| Lead Agency: | ODOT |
| ODOT Key Number: | 20300 MTIP ID Number: 70941 |
| Projects Description: | <p>Project Snapshot:</p> <ul style="list-style-type: none"> Proposed improvements: Repave roadway and ramps to improve pavement condition, extend service life and maintain safety standards. Apply high friction surface pavement treatment (HFST) on OR217 at US26 westbound ramp curved section to help drivers maintain control of vehicles in wet conditions. Bridge maintenance on the structure over OR217 to prevent deterioration. Source: Existing project. Funding: The project's PE obligated using the Advance Construction fund type code. ROW and construction phase funding is not applicable as it is being combined into Key 20299. Project Type: Pavement preservation/rehabilitation and repaving. Location: On US26 Cross Street Limits: N/A Overall Mile Post Limits: Multiple Current Status Code: 4 = (PS&E) Planning Specifications, & Estimates (final design 30%, 60%, 90% design activities initiated). STIP Amendment Number: 18-21-3700 MTIP Amendment Number: MA20-12-MAY <p>AMENDMENT ACTION: COMBINED PROJECT</p> |

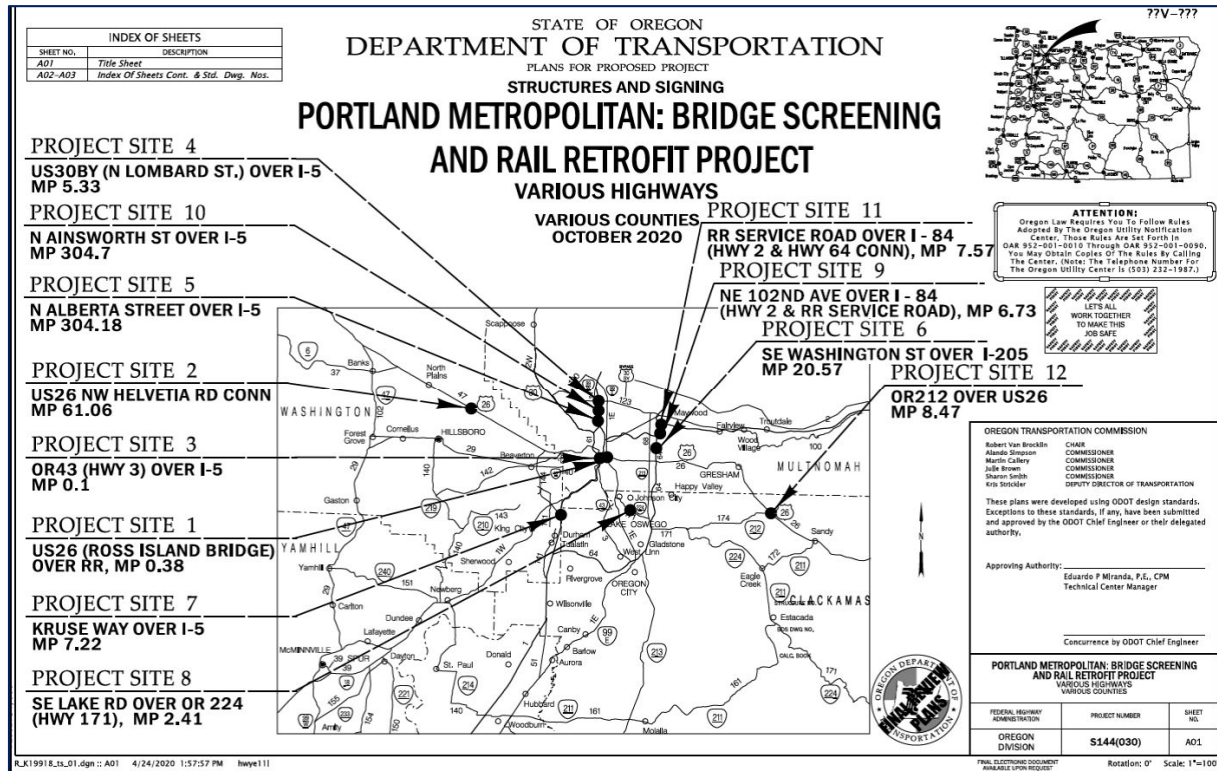
| | |
|--|--|
| <p>What is changing?</p> | <p>The formal amendment updates the PE phase to reflect Advance Construction being used to obligate the phase. The ROW and construction phases are deprogrammed with their funding combined into Key 20299, US26: Sylvan - OR217. Both projects are paving projects and both will now be combined together and obligate their construction funding before the end of FY 2020.</p> |
| <p>Additional Details:</p> | <p>K20299 and K20300 are adjacent paving projects on US26, both currently in design. K20299 is scheduled to PS&E (obligate Construction) in August 2020 (FFY20), whereas K20300 was initially planned for a FFY21 Construction obligation.</p> <p>In reviewing the scope and schedules of these two projects, ODOT has identified an opportunity to limit impacts to the traveling public and save on costs by combining them for delivery. K20300 is far enough along in design to align with K20299's schedule, meaning K20300's construction funding (currently programmed in FFY21 in the Draft 21-24 STIP) can be advanced and combined into K20299. Advancing the construction phase of K20300 will also ensure any conflicts between K20300 and ODOT's OR217: OR10 - OR99W project (K18841), planned for construction in FFY21, are avoided, providing the least disruptive experience possible for the traveling public.</p> |
| <p>Why a Formal amendment is required?</p> | <p>The cost change to Key 20300 with only PE phase requires a formal amendment. Adding to this is the fact that Key 20299 is advancing the construction phase for both into FY 2020. Together, the changes were deemed complex enough to warrant a formal amendment</p> |
| <p>Total Programmed Amount:</p> | <p>The total de-programming to Key 20300 through the combing action into Key 20299 results in only the PE funded at \$1,000,000.</p> |
| <p>Added Notes:</p> | <p style="text-align: center;">Project Map</p>  <p>The map shows a road project area with several key markers: <ul style="list-style-type: none"> BEGIN PROJECT: Located at the top left, with markers for 'MP 65.68 WB' and 'MP 66.34 EB'. K20300: A horizontal double-headed arrow indicating the extent of this project segment. K20299: A horizontal double-headed arrow indicating the extent of this project segment, overlapping with K20300. END PROJECT: Located at the bottom right, with a marker for 'MP 71.53'. </p> |

| | | | |
|-----------------------|--|----------------------------------|-----|
| Project 4: | | US26: SYLVAN - OR217 | |
| | | US26: Cornell Rd - Sylvan | |
| Lead Agency: | ODOT | | |
| ODOT Key Number: | 20299 | MTIP ID Number: | TBD |
| Projects Description: | <p>Project Snapshot:</p> <ul style="list-style-type: none"> Proposed improvements: On US26 near Beaverton from Sylvan (e/o US26/OR8/SW Canyon Rd IC) west to OR217, rehab/repave mainline of roadway to improve pavement condition and extend service life. (HB2017 awarded project, \$624,212 original award) Repave roadway and ramps to improve pavement condition, extend service life and maintain safety standards. Apply high friction surface pavement treatment (HFST) on OR217 at US26 westbound ramp curved section to help drivers maintain control of vehicles in wet conditions. Bridge maintenance on the structure over OR217 to prevent deterioration (Combined with Key 20300) Source: Existing project. Combing Key 20300 into Key 20299. Funding: The combined project is funded with federal National Highway Performance Program (NHPP) funds, state funds as match, a federal Advance Construction funding as a placeholder for future federal funds that will be committed to the project. Project Type: Operations and Maintenance/Preservation Location: On US26 Cross Street Limits: Multiple Overall 4 Mile Post Limits: Basically from 0.10 to 0.39 and 65.84 to 71.33 Current Status Code: 4 = (PS&E) Planning Specifications, & Estimates (final design 30%, 60%, 90% design activities initiated). STIP Amendment Number: 18-21-3886 MTIP Amendment Number: JN20-13-JUN | | |
| What is changing? | <p>AMENDMENT ACTION: COMBINED PROJECT</p> <p>The formal amendment combines the ROW and construction phase funding from Key 20300. Keys 20299 and 20300 are now combined into Key 20300. The primary scope remains a rehab/repaving project on US 26 with adjusted limits. The formal amendment is required as a result of the adjusted limits. The formal amendment is occurring now to enable the construction phase to obligate before the end of FY 2020 (September 2020).</p> <p>K20299 and K20300 are adjacent paving projects on US26, both currently in design. K20299 is scheduled to PS&E (obligate Construction) in August 2020 (FFY20), whereas K20300 was initially planned for a FFY21 Construction obligation.</p> <p>In reviewing the scope and schedules of these two projects, ODOT has identified an opportunity to limit impacts to the traveling public and save on costs by combining them for delivery. K20300 is far enough along in</p> | | |

| | |
|--|---|
| | <p>design to align with K20299's schedule, meaning K20300's construction funding (currently programmed in FFY21 in the Draft 21-24 STIP) can be advanced and combined into K20299. Advancing the CON phase of K20300 will also ensure any conflicts between K20300 and ODOT's OR217: OR10 - OR99W project (K18841), planned for CON in FFY21, are avoided, providing the least disruptive experience possible for the traveling public.</p> |
| <p>Additional Details:</p> |  |
| <p>Why a Formal amendment is required?</p> | <p>The limits adjustments through the combining action requires a formal amendment to complete</p> |
| <p>Total Programmed Amount:</p> | <p>The total programmed amount with Key 20300 and 20299 now combined increase to \$14,054,500</p> |
| <p>Added Notes:</p> | |

| | | | |
|------------------------------|---|------------------------|--------------|
| <p>Project 5:</p> | <p>Region 1: Bridge Screening and Rail Retrofit Portland Metropolitan Bridge Screening and Rail Retrofit</p> | | |
| <p>Lead Agency:</p> | <p>ODOT</p> | | |
| <p>ODOT Key Number:</p> | <p>19918</p> | <p>MTIP ID Number:</p> | <p>70867</p> |
| <p>Projects Description:</p> | <p>Project Snapshot:</p> <ul style="list-style-type: none"> Proposed improvements: Bridge rail retrofit bridge #08996, 09007, 13523, 09569 and 09623. Protective screening on bridge #05054, 06767A, 08194, 08996, 09007, 13523, 09569, 09623, 13492, 02163A, 09000, 13514L and 09722 Update the rails or edges of bridges and screening, which will prevent items and vehicles from falling off the bridges on multiple bridges in the Portland Metro Region Source: Existing project. Funding: The project includes federal National Highway Performance Program (NHPP) , State, and local other funds committed to complete the project Project Type: Bridge rehab/safety Location: Multiple locations planned | | |

| | |
|--|--|
| | <ul style="list-style-type: none"> • Cross Street Various • Overall Mile Post Limits: Multiple • Current Status Code: 4 = (PS&E) Planning Specifications, & Estimates (final design 30%, 60%,90% design activities initiated) • STIP Amendment Number: 18-21-3785 • MTIP Amendment Number: MA20-12-MAY |
| <p>What is changing?</p> | <p>AMENDMENT ACTION: SCOPE CHANGE</p> <p>The formal amendment updates the PE and construction phase costs. A Utility Relocation phase is added into the MTIP's "Other" phase. Project costs have increase resulting in three included bridges to be cut from the approved scope of work. Otherwise, the scope improvements remain unchanged.</p> <p>Bridge removals include the following:</p> <ul style="list-style-type: none"> • Bridge ID #06767A is removed from the project scope. Work on this bridge was to include screening over OR99E, but the work has been pulled due to legislative requirements. • Bridge ID #16134 (Allen Blvd/OR217 structure) is removed from the project scope, will be delivered under OR217: OR10 - OR99W (K18841) instead. K18841 has already been amended to reflect this (SP20-01-SEP, Resolution 19-5018) • Bridge ID #16143 (Denny Rd/OR217 structure) is removed from the project scope, will be delivered under OR217: OR10 - OR99W (K18841) instead. K18841 has already been amended to reflect this (SP20-01-SEP, Resolution 19-5018) <p>Funding updates: - Coordination with external stakeholders (8 local jurisdictions) at 12 distinct locations, as well as ODOT design coordination, have led to increased costs in the Preliminary Engineering phase. Funding needs to be shifted from Construction to address the overrun.</p> <p>Added note: The City of Hillsboro has requested the installation of artistic screening at bridge #09722 (NW Helvetia-NW Brookwood over US26) to meet City aesthetic and community goals. The City will fund the majority of the procurement and installation of this artistic screening (\$515K), with ODOT to fund a smaller portion (\$132K).</p> |
| <p>Additional Details:</p> | <p>See project map locations after this project table</p> |
| <p>Why a Formal amendment is required?</p> | <p>The scope change requires a formal amendment</p> |
| <p>Total Programmed Amount:</p> | <p>The funding and scope adjustments increase the total project cost from \$6,420,060 to \$6,935,060 which equals an 8% cost change to the project.</p> |
| <p>Added Notes:</p> | |



Note: The Amendment Matrix located on the next page is included as a reference for the rules and justifications governing Formal Amendments and Administrative Modifications to the MTIP that the MPOs and ODOT must follow.

METRO REQUIRED PROJECT AMENDMENT REVIEWS

In accordance with 23 CFR 450.316-328, Metro is responsible for reviewing and ensuring MTIP amendments comply with all federal programming requirements. Each project and their requested changes are evaluated against multiple MTIP programming review factors that originate from 23 CFR 450.316-328. The programming factors include:

- Verification as required to programmed in the MTIP:
 - Awarded federal funds and is considered a transportation project
 - Identified as a regionally significant project.
 - Identified on and impacts Metro transportation modeling networks.
 - Requires any sort of federal approvals which the MTIP is involved.

| ODOT-FTA-FHWA Amendment Matrix | |
|---|---|
| Type of Change | |
| FULL AMENDMENTS | |
| 1. | Adding or cancelling a federally funded, and regionally significant project to the STIP and state funded projects which will potentially be federalized |
| 2. | Major change in project scope. Major scope change includes: <ul style="list-style-type: none"> • Change in project termini - greater than .25 mile in any direction • Changes to the approved environmental footprint • Impacts to AQ conformity • Adding capacity per FHWA Standards • Adding or deleting worktype |
| 3. | Changes in Fiscal Constraint by the following criteria. <ul style="list-style-type: none"> • FHWA project cost increase/decrease: <ul style="list-style-type: none"> • Projects under \$500K – increase/decrease over 50% • Projects \$500K to \$1M – increase/decrease over 30% • Projects \$1M and over – increase/decrease over 20% • All FTA project changes – increase/decrease over 30% |
| 4. | Adding an emergency relief permanent repair project that involves substantial change in function and location. |
| ADMINISTRATIVE/TECHNICAL ADJUSTMENTS | |
| 1. | Advancing or Slipping an approved project/phase within the current STIP (If slipping outside current STIP, see Full Amendments #2) |
| 2. | Adding or deleting any phase (except CN) of an approved project below Full Amendment #3 |
| 3. | Combining two or more approved projects into one or splitting an approved project into two or more, or splitting part of an approved project to a new one. |
| 4. | Splitting a new project out of an approved program-specific pool of funds (but not reserves for future projects) or adding funds to an existing project from a bucket or reserve if the project was selected through a specific process (i.e. ARTS, Local Bridge...) |
| 5. | Minor technical corrections to make the printed STIP consistent with prior approvals, such as typos or missing data. |
| 6. | Changing name of project due to change in scope, combining or splitting of projects, or to better conform to naming convention. (For major change in scope, see Full Amendments #2) |
| 7. | Adding a temporary emergency repair and relief project that does not involve substantial change in function and location. |

- Passes fiscal constraint verification:
 - Project eligibility for the use of the funds
 - Proof and verification of funding commitment
 - Requires the MPO to establish a documented process proving MTIP programming does not exceed the allocated funding for each year of the four year MTIP and for all funds identified in the MTIP.
- Passes the RTP consistency review:
 - Identified in the current approved constrained RTP either as a stand- alone project or in an approved project grouping bucket
 - RTP project cost consistent with requested programming amount in the MTIP
 - If a capacity enhancing project – is identified in the approved Metro modeling network
- Satisfies RTP goals and strategies consistency: Meets one or more goals or strategies identified in the current RTP.
- If not directly identified in the RTP’s constrained project list, the project is verified to be part of the MPO’s annual Unified Planning Work Program (UPWP) if federally funded and a regionally significant planning study that addresses RTP goals and strategies and/or will contribute or impact RTP performance measure targets.
- Determined the project is eligible to be added to the MTIP, or can be legally amended as required without violating provisions of 23 CFR450.300-338 either as a formal Amendment or administrative modification:
 - Does not violate supplemental directive guidance from FHWA/FTA’s approved Amendment Matrix.
 - Adheres to conditions and limitation for completing technical corrections, administrative modifications, or formal amendments in the MTIP.
 - Is eligible for special programming exceptions periodically negotiated with USDOT as well.

- Programming determined to be reasonable of phase obligation timing and is consistent with project delivery schedule timing.
- Reviewed and initially assessed for Performance Measurement impacts to include:
 - Safety
 - Asset Management - Pavement
 - Asset Management – Bridge
 - National Highway System Performance Targets
 - Freight Movement: On Interstate System
 - Congestion Mitigation Air Quality (CMAQ) impacts
 - Transit Asset Management impacts
 - RTP Priority Investment Areas support
 - Climate Change/Greenhouse Gas reduction impacts
 - Congestion Mitigation Reduction impacts
- MPO responsibilities completion:
 - Completion of the required 30 day Public Notification period:
 - Project monitoring, fund obligations, and expenditure of allocated funds in a timely fashion.
 - Acting on behalf of USDOT to provide the required forum and complete necessary discussions of proposed transportation improvements/strategies throughout the MPO.

APPROVAL STEPS AND TIMING

Metro’s approval process for formal amendment includes multiple steps. The required approvals for the June 2020 Formal MTIP amendment (JN20-13-JUN) will include the following:

| <u>Action</u> | <u>Target Date</u> |
|---|----------------------|
| ● Initiate the required 30-day public notification process..... | June 3, 2020 |
| ● TPAC notification and approval recommendation..... | June 5, 2020 |
| ● Completion of Public Notification Process..... | July 3, 2020 |
| ● JPACT approval and recommendation to Council..... | July 16, 2020 |
| (Note: The June 18, 2020 JPACT meeting was canceled) | |
| ● Metro Council approval..... | July 30, 2020 |

Notes:

* If any notable comments are received during the public comment period requiring follow-on discussions, they will be addressed by JPACT.

USDOT Approval Steps:

| <u>Action</u> | <u>Target Date</u> |
|--|--------------------|
| ● Amendment bundle submission to ODOT for review..... | August 4, 2020 |
| ● Submission of the final amendment package to USDOT..... | August 4, 2020 |
| ● ODOT clarification and approval..... | August 21, 2020 |
| ● USDOT clarification and final amendment approval..... | August 21, 2020 |
| Note: The above assumes a July 30, 2020 for Metro Council Approval | |

ANALYSIS/INFORMATION

1. **Known Opposition:** None known at this time.

2. **Legal Antecedents:** Amends the 2018-2021 Metropolitan Transportation Improvement Program adopted by Metro Council Resolution 17-4817 on July 27, 2017 (For The Purpose of Adopting the Metropolitan Transportation Improvement Program for the Portland Metropolitan Area).
3. **Anticipated Effects:** Enables the projects to obligate and expend awarded federal funds.
4. **Metro Budget Impacts:** None to Metro

RECOMMENDED ACTION:

JPACT approved Resolution 20-5112 consisting of five projects in the June 2020 Formal Amendment Bundle and recommends Metro Council provide their approval enabling the projects to be amended correctly into the 2018 MTIP with final approval to occur from USDOT.

- **JPACT approval: July 16, 2020**
- **TPAC approval recommendation: June 5, 2020**

Attachments: None

Agenda Item No. 4.3

Resolution No. 20-5116, For the Purpose of Adding a New Project to the 2018-21 Metropolitan Transportation Improvement Program Which Involves Changes to Gresham's Sandy Blvd. Reconstruction Project and Adding Metro's TSMO/ITS Portal Project (JL20-14-JUL)

Consent Agenda

Metro Council Meeting
Thursday, July 30, 2020

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADDING OR) RESOLUTION NO. 20-5116
AMENDING EXISTING PROJECTS TO THE)
2018-21 METROPOLITAN TRANSPORTATION) Introduced by: Chief Operating Officer
IMPROVEMENT PROGRAM WHICH INVOLVES) Marissa Madrigal in concurrence with
CHANGES TO GRESHAM'S SANDY BLVD) Council President Lynn Peterson
RECONSTRUCTION PROJECT AND ADDING)
METRO'S TSMO/ITS PORTAL PROJECT (JL20-)
14-JUL)

WHEREAS, the Metropolitan Transportation Improvement Program (MTIP) prioritizes projects from the Regional Transportation Plan (RTP) to receive transportation related funding; and

WHEREAS, the Joint Policy Advisory Committee on Transportation (JPACT) and the Metro Council approved the 2018-21 MTIP via Resolution 17-4817 on July 27, 2017; and

WHEREAS, JPACT and the Metro Council must approve any subsequent amendments to add new projects or substantially modify existing projects in the MTIP; and

WHEREAS, the U.S. Department of Transportation (USDOT) has issued clarified MTIP amendment submission rules and definitions for MTIP formal amendments and administrative modifications that both ODOT and all Oregon MPOs must adhere to which includes that all new projects added to the MTIP must complete the formal amendment process; and

WHEREAS, MTIP amendments now must also include assessments for required performance measure compliance, expanded RTP consistency, and strive to meet annual Metro and statewide obligation targets resulting in additional MTIP amendment processing practices and procedures; and

WHEREAS, the city of Gresham's Sandy Blvd reconstruction project has completed its Plans, Specifications, and Estimates (PS&E) package and now requires a commitment of additional local funds to fully fund the construction phase which is occurring through this amendment allowing the construction phase to be obligated before the end of federal fiscal year 2020; and

WHEREAS, Metro has awarded Portland State University \$600,000 of Regional Flexible Fund Allocation – Step 1 funds to continue data collection, integration, and management over a multi-year period of the Portland Oregon Regional Transportation Data Archive Listing (PORTAL) which is a critical data clearinghouse for the Metro Regional Transportation Systems Management and Operations (TSMO)/Intelligent Transportation System (ITS) program; and

WHEREAS, the a review of the proposed project changes has been completed against the current approved Regional Transportation Plan (RTP) to ensure the projects remain consistent with the goals and strategies identified in the RTP with the results confirming that no RTP inconsistencies exist as a result of the project changes from the July 2020 MTIP Formal Amendment; and

WHEREAS, the RTP consistency check areas included financial/fiscal constraint verification, eligibility and proper use of committed funds, an assessment of possible air quality impacts, a deviation assessment from approved regional RTP goals and strategies, a validation that the required changes have

little or no impact upon regionally significant projects, and a reconfirmation that the MTIP's financial constraint finding is maintained a result of the July 2020 Formal Amendment; and

WHEREAS, Metro's Transportation Policy and Alternatives Committee (TPAC) received their notification plus amendment summary overview, and recommended approval to Metro's Joint Policy Advisory Committee on Transportation (JPACT) on July 10, 2020; and

WHEREAS, JPACT received their notification and approved Resolution 20-5116 consisting of the July 2020 Formal MTIP Amendment bundle on July 16, 2020 and provided their approval recommendation to Metro Council; now therefore

BE IT RESOLVED that the Metro Council hereby adopts the recommendation of JPACT on July 30, 2020 to formally amend the 2018-21 MTIP to include the required changes, advancements, or additions to the two identified projects as part of Resolution 20-5116.

ADOPTED by the Metro Council this 30th day of July 2020.

Juan Carlos Gonzalez, Deputy Council President

Approved as to Form:

Carrie MacLaren, Metro Attorney

**2018-2021 Metropolitan Transportation Improvement Program
Exhibit A to Resolution 20-5116**



| Proposed July 2020 Formal Amendment Bundle Amendment Type: Formal/Full Amendment #: JL20-14-JUL Total Number of Projects: 2 | | | | | |
|---|-----------|-------------|--|---|--|
| ODOT Key # | MTIP ID # | Lead Agency | Project Name | Project Description | Description of Changes |
| Project #1 Key 19279 | 70684 | Gresham | Sandy Blvd: NE 181st Ave to E Gresham City Limit | The project will construct multimodal and freight access and mobility facilities along Sandy Boulevard between 181st Avenue and east Gresham city limits. | <p><u>COST INCREASE:</u></p> <p>The formal amendment increases the construction phase to address the 100% design final cost estimate for the project. The construction phase increases from \$2,662,821 to \$3,903,022. The total project cost is \$1,204,201 and equals a 29.8% increase to the project. The construction phase was programmed with a preliminary phase cost before final design and cost estimates were determined.</p> |
| Project #2 Key TBD New Project | TBD | Metro | Multimodal Transportation Data Archive (PORTAL) | 2019-21 Metro TSMO allocation to maintain data feeds and internal system patches, network upgrades, etc. Maintain backup and storage of data archive. Provide PORTAL training to users. | <p><u>ADD NEW PROJECT:</u></p> <p>The formal amendment adds the new 2019 TSMO awarded project to the 2018 MTIP allowing the STBG funds to be obligated before the end of the federal fiscal year (September 1, 2020)</p> |



Metro
2018-21 Metropolitan Transportation Improvement Program (MTIP)
PROJECT AMENDMENT DETAIL WORKSHEET

Formal Amendment
COST INCREASE
7th Amendment to Project

| | | | |
|--|--------------------------|--------------------------|------------------------------|
| Lead Agency: Gresham | | Project Type: Reconst | ODOT Key: 19279 |
| Project Name: Sandy Blvd: NE 181st Ave to E Gresham City Limit | 1 | ODOT Type: Operations | MTIP ID: 70684 |
| | | Performance Meas: Yes | Status: 4 |
| | | Capacity Enhancing: No | Comp Date: 12/31/2021 |
| | | Conformity Exempt: Yes | RTP ID: 10443 |
| | | On State Hwy Sys: No | RFFA ID: 50237 |
| | | Mile Post Begin: N/A | RFFA Cycle: 2016-18 |
| | | Mile Post End: N/A | UPWP: No |
| | | Length: N/A | UPWP Cycle: N/A |
| | | 1st Year Program'd: 2015 | Past Amend: 6 |
| | | Years Active: 6 | OTC Approval: Yes |
| STIP Amend #: TBD | MTIP Amnd #: JL20-14-JUL | | |
| Detailed Description: The project will construct multimodal and freight access and mobility facilities along Sandy Boulevard between 181st Avenue and east Gresham city limits. | | | |
| STIP Description: Construction of multimodal, freight access and mobility facilities | | | |

Last Amendment of Modification: July 2019, AB19-18-JUL2 - STIP Re-Balancing Amendment - Cons Slip to 2020: Increase PE phase adding local Other funds of \$36k increasing PE from \$664,605 to \$700,605. Slip UR phase to from 2019 to 2020. No change in phase cost. Slip Cons from 2019 to 2020. No change in phase cost. TPC increases to \$4,029,202. - KL

| PROJECT FUNDING DETAILS | | | | | | | | |
|----------------------------------|-----------------|-----------------|----------|-------------------------|--------------|----------------------------|----------------------------|---------------------|
| Fund Type | Fund Code | Year | Planning | Preliminary Engineering | Right of Way | Other (Utility Relocation) | Construction | Total |
| Federal Funds | | | | | | | | |
| STP-U | M23E | 2015 | | \$ 596,350 | | | | \$ 596,350 |
| STP-U | Z230 | 2018 | | | \$ 462,806 | | | \$ 462,806 |
| STP-U | Z230 | 2020 | | | | \$ 134,595 | | \$ 134,595 |
| STP-U | Z230 | 2020 | | | | | \$ 2,091,000 | \$ 2,091,000 |
| ADVCON | ACPO | 2020 | | | | | \$ 298,350 | |
| | | | | | | | Federal Totals: | \$ 3,284,751 |
| Federal Fund Obligations: | | | | \$ 596,350 | \$ 462,806 | | | Federal Aid ID |
| EA Number: | | | | PE002559 | R9384000 | | | 3125(056) |
| Initial Obligation Date: | | | | 9/17/2015 | 7/24/2018 | | | |
| State Funds | | | | | | | | |
| | | | | | | | | \$ - |
| | | | | | | | | \$ - |
| | | | | | | | State Total: | \$ - |
| State Fund Obligations: | | | | | | | | |
| EA Number: | | | | | | | | |
| Initial Obligation Date: | | | | | | | | |
| Local Funds | | | | | | | | |
| Local | Match | 2015 | | \$ 68,255 | | | | \$ 68,255 |
| Other | OTH0 | 2015 | | \$ 36,000 | | | | |
| Local | Match | 2018 | | | \$ 52,970 | | | \$ 52,970 |
| Local | Match | 2020 | | | | \$ 15,405 | | \$ 15,405 |
| Local | Match | 2020 | | | | | \$ 239,324 | \$ 239,324 |
| Local | Match | 2020 | | | | | \$ 34,147 | \$ 34,147 |
| Other | OVM | 2020 | | | | | \$ 1,240,201 | \$ 1,240,201 |
| | | | | | | | Local Total | \$ 1,240,201 |
| Phase Totals Before Amend: | | | \$ - | \$ 700,605 | \$ 515,776 | \$ 150,000 | \$ 2,662,821 | \$ 4,029,202 |
| Phase Totals After Amend: | | | \$ - | \$ 664,605 | \$ 515,776 | \$ 150,000 | \$ 3,903,022 | \$ 5,233,403 |
| | | | | | | | Year Of Expenditure (YOE): | \$ 5,233,403 |

Notes and Summary of Changes:

Red font = prior amended funding or project details. Blue font = amended changes to funding or project details. Black font indicates no change has occurred.

Amendment Summary:

The formal amendment increases the construction phase to address the 100% design final cost estimate for the project. The construction phase increases from \$2,662,821 to \$3,903,022. The total project cost increases from \$4,029,202 to \$5,233,403 which equals a \$1,204,201 increase to the project or 29.8% increase to the project. The construction phase was programmed with a preliminary phase cost before final design and cost estimates were determined. Contributing to the construction phase cost increase includes the required culvert replacement, traffic signal modifications, aggregate base work, earthwork, and stormwater planters which were not part of the initial scoping effort.

> Will Performance Measurements Apply: Yes

RTP References:

> RTP ID: 10443 - Sandy - 181st to 202nd - Multimodal Improvements

> RTP Description: Widens Sandy Blvd. to 5 lanes and adds new sidewalk, multi-use path, bike lanes from 181st to 202nd Ave.

> Exemption Status: Project is an exempt, non-capacity type project per 40 CFR 93.126, Table 2 - Safety - Projects that correct, improve, or eliminate a hazardous location or feature.

> UPWP amendment: Not applicable & not required

> RTP Goals: Goal 10 - Fiscal Stewardship

> Goal Objective 10.1 Infrastructure Condition

> Goal Description: Plan, build and maintain regional transportation assets to maximize their useful life, minimize project construction and maintenance costs and eliminate maintenance backlogs.

Fund Codes:

> STP-U = Federal Surface Transportation Program funds appropriated to the states with a portion allocated directly to the MPOs.

> ADVCON = Federal Advance Construction p=funds which are used as a placeholder and covered by ODOT until the final federal fund code is determined.

> Local = General local funds provided by the lead agency as part of the required match.

> Other = General local funds provided by the lead agency above the required match amount to support phase costs above the federal and match amount programmed.

Other

> On NHS: Yes - Sand/US30 is identified as a MAP-21 NHS Principal Arterial

> Metro Model: Yes - Sandy Blvd is identified as a Major Arterial in the Metro Motor Vehicle modeling network

> Model category and type: Pedestrian - Pedestrian Parkway

> TCM project: No

> Located on the CMP: Yes



Metro
2018-21 Metropolitan Transportation Improvement Program (MTIP)
PROJECT AMENDMENT DETAIL WORKSHEET

Formal Amendment
NEW PROJECT
Initial MTIP Programming

| | | | |
|--|---|--------------------------|------------------------------|
| Lead Agency: Portland State University | | Project Type: TSMO | ODOT Key: NEW |
| Project Name: Multimodal Transportation Data Archive (PORTAL) | 2 | ODOT Type: Ops/ITS | MTIP ID: NEW |
| | | Performance Meas: Yes | Status: 1 |
| | | Capacity Enhancing: No | Comp Date: 12/31/2022 |
| | | Conformity Exempt: Yes | RTP ID: 11104 |
| | | On State Hwy Sys: N/A | RFFA ID: N/A |
| | | Mile Post Begin: N/A | RFFA Cycle: 2019-21 |
| | | Mile Post End: N/A | UPWP: No |
| | | Length: N/A | UPWP Cycle: N/A |
| | | 1st Year Program'd: 2020 | Past Amend: 0 |
| | | Years Active: 0 | OTC Approval: Yes |
| STIP Amend #: TBD | | MTIP Amnd #: JL20-14-JUL | |
| Detailed Description: Maintain data feeds, handle any changes to data feeds, outages. Internal system patches, network upgrades, etc. Maintain backup and storage of data archive. Code maintenance and upgrades as necessary. Provide training or workshop opportunities open to PORTAL users, planners, researchers, and students; provide regular updates on PORTAL to TransPort and via the documentation website. Includes the Portal User Group which meets monthly. Disseminate results of this project through conference presentations, papers, and digital communications. (2019 Metro TSMO-RFFA Funding Award) | | | |
| STIP Description: TBD | | | |

Last Amendment of Modification: None. New project being added to the MTIP

| PROJECT FUNDING DETAILS | | | | | | | | |
|--|-----------|------|----------|-------------------------|--------------|--------------|----------------------------|-------------------|
| Fund Type | Fund Code | Year | Planning | Preliminary Engineering | Right of Way | Construction | Other (TMO/ITS) | Total |
| Federal Funds | | | | | | | | |
| STBG-U | 2230 | 2020 | | | | | \$ 600,000 | \$ 600,000 |
| | | | | | | | | \$ - |
| | | | | | | | | \$ - |
| | | | | | | | Federal Totals: | \$ 600,000 |
| Federal Fund Obligations: | | | | | | | | Federal Aid ID |
| EA Number: | | | | | | | | |
| Initial Obligation Date: | | | | | | | | |
| <hr/> | | | | | | | | |
| State Funds | | | | | | | | |
| State | S010 | 2020 | | | | | \$ 11,145 | \$ 11,145 |
| | | | | | | | | \$ - |
| ODOT State funds are committed as part of the required match | | | | | | | State Total: | \$ - |
| State Fund Obligations: | | | | | | | | |
| EA Number: | | | | | | | | |
| Initial Obligation Date: | | | | | | | | |
| <hr/> | | | | | | | | |
| Local Funds | | | | | | | | |
| Local | Match | 2020 | | | | | \$ 57,527 | \$ 57,527 |
| | | | | | | | | \$ - |
| | | | | | | | Local Total | \$ - |
| Phase Totals Before Amend: | | | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| Phase Totals After Amend: | | | \$ - | \$ - | \$ - | \$ - | \$ 668,672 | \$ 668,672 |
| | | | | | | | Year Of Expenditure (YOE): | \$ 668,672 |

Notes and Summary of Changes:

Red font = prior amended funding or project details. Blue font = amended changes to funding or project details. Black font indicates no change has occurred.

Amendment Summary:

The formal amendment adds the new 2019 TSMO awarded project to the 2018 MTIP allowing the STBG funds to be obligated before the end of the federal fiscal year (September 1, 2020). The PORTAL project is a technical data maintenance, upgrade and storage project in support of the regional Intelligent Transportation System/Transportation Systems Management and Operations program. Portland State University is the lead agency that will complete the required project tasks.

> Will Performance Measurements Apply: Yes

RTP References:

> RTP ID: 11104 - Regional TSMO Program Investments for 2018-2027

> RTP Description: Implement and maintain Transportations System Management and Operations (TSMO) investments used by multiple agencies (e.g., Central Signal System, traffic signal priority, data communications and archiving) and coordinate response to crashes. The regional program also includes strategy planning (e.g., periodic TSMO Strategy updates), coordination of activities for TransPort subcommittee to TPAC, updates to the blueprints for agency software and hardware systems (ITS Architecture), improving traveler information with live-streaming data for connected vehicle and mobile information systems (TripCheck Traveler Information Portal Enhancement), and improving "big data" processing (PSU PORTAL) to support analyzing performance measures.

> Exemption Status: Project is an exempt, non-capacity type project per 40 CFR 93.126, Table 2 -Safety - Traffic control devices and operating assistance other than signalization projects

> UPWP amendment: Not applicable & not required

> RTP Goals: Goal 4 - Reliability and Efficiency

> Goal 4.2 - Travel Management

> Goal Description: Increase the use of real-time data and decision-making systems to actively manage transit, freight, arterial and throughway corridors.

Fund Codes:

> STBG-U = Federal Surface Transportation Block Grant funds appropriated to the states with a portion allocated to the MPOs for various transportation system improvements

> State = General state funds provided in support of the required match or overmatch.

> Local = General local funds provided by the lead agency as part of the required match.

Other

> On NHS: N/A

> Metro Model:N/A

> Model category and type: N/A

> TCM project: No

> Located on the CMP: N/A

Memo



Date: July 16, 2020
 To: Metro Council and Interested Parties
 From: Ken Lobeck, Funding Programs Lead, 503-797-1785
 Subject: July 2020 MTIP Formal Amendment & Resolution 20-5116 Approval Request

FORMAL AMENDMENT STAFF REPORT

FOR THE PURPOSE OF ADDING OR AMENDING EXISTING PROJECTS TO THE 2018-21 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM WHICH INVOLVES CHANGES TO GRESHAM'S SANDY BLVD RECONSTRUCTION PROJECT AND ADDING METRO'S TSMO/ITS PORTAL PROJECT (JL20-14-JUL)

BACKGROUND

What This Is:

The July 2020 Formal Metropolitan Transportation Improvement Program (MTIP) Formal/Full Amendment which is contained in Resolution 20-5116 and being processed under MTIP Amendment JL20-14-JUL.

What is the requested action?

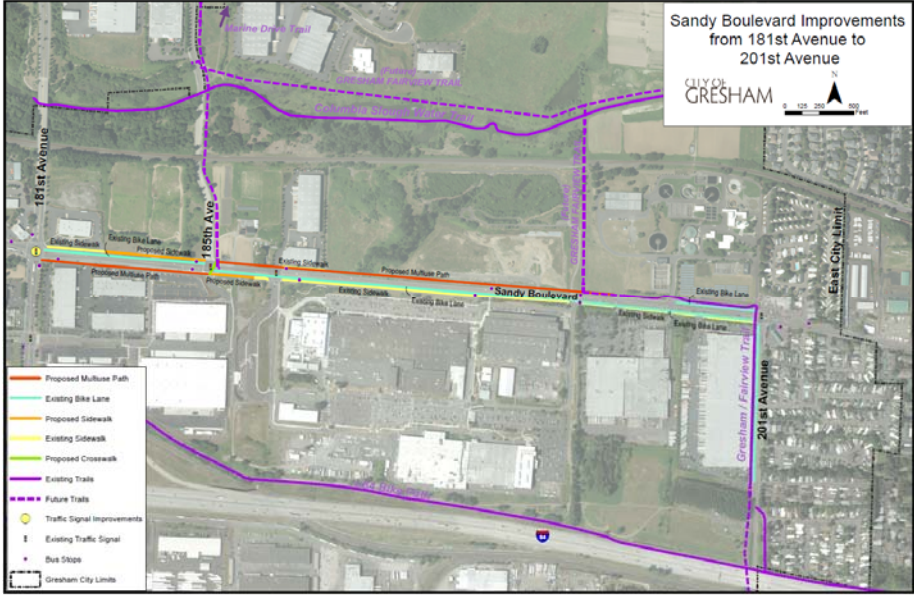
JPACT approved Resolution 20-5116 consisting of two projects in the July 2020 Formal Amendment Bundle recommends Metro Council approve Resolution 20-5116 enabling the projects to be amended correctly into the 2018 MTIP with final approval to occur from USDOT.

| Proposed July 2020 Formal Amendment Bundle Amendment Type: Formal/Full Amendment #: JL20-14-JUL Total Number of Projects: 2 | | | | | |
|--|-----------|-------------|--|---|---|
| ODOT Key # | MTIP ID # | Lead Agency | Project Name | Project Description | Description of Changes |
| Project #1 Key 19279 | 70684 | Gresham | Sandy Blvd: NE 181st Ave to E Gresham City Limit | The project will construct multimodal and freight access and mobility facilities along Sandy Boulevard between 181st Avenue and east Gresham city limits. | <u>COST INCREASE:</u> The formal amendment increases the construction phase to address the 100% design final cost estimate for the project. The construction phase increases from \$2,662,821 to \$3,903,022. The total project cost is \$1,204,201 and equals a 29.8% increase to the project. The construction phase was programmed with a preliminary phase cost before final design and cost estimates were determined. |

| | | | | | |
|--------------------------------|-----|-------|--|---|--|
| Project #2 Key TBD New Project | TBD | Metro | Multimodal Transportation Data Archive (PORTAL) | 2019-21 Metro TSMO allocation to maintain data feeds and internal system patches, network upgrades, etc. Maintain backup and storage of data archive. Provide PORTAL training to users. | <u>ADD NEW PROJECT:</u> The formal amendment adds the new 2019 TSMO awarded project to the 2018 MTIP allowing the STBG funds to be obligated before the end of the federal fiscal year (September 1, 2020) |
|--------------------------------|-----|-------|--|---|--|


A detailed summary of the two projects is provided below:

| | |
|--|---|
| Project 1: Sandy Blvd: NE 181st Ave to E Gresham City Limit | |
| Lead Agency: | Gresham |
| ODOT Key Number: | 19279 MTIP ID Number: 70684 |
| Projects Description: | <p>Project Snapshot:</p> <ul style="list-style-type: none"> Proposed improvements: The project will construct multimodal and freight access and mobility facilities along Sandy Boulevard between 181st Avenue and east Gresham city limits. Source: Existing project. Funding: The project’s federal funding originates from the Metro 2016-18 Regional Flexible Funds Allocation(RFFA) program Project Type: Highway reconstruction Location: On Sandy Blvd Cross Street Limits: 181st Ave to East Gresham city Limits (201st Ave) Overall Mile Post Limits: N/A Current Status Code: 4 = (PS&E) Planning Specifications, & Estimates (final design 30%, 60%, 90% design activities initiated). STIP Amendment Number: TBD MTIP Amendment Number: JL20-14-JUL |
| What is changing? | <p>AMENDMENT ACTION: COST INCREASE</p> <p>The formal amendment provides the required cost increase to the Construction phase based on the project now at 100% design. As the project progressed through the Plans, Specifications, and Estimates (PS&E) portion of Preliminary Engineering, detailed costs were applied to the associated scope deliverables.</p> <p>As projects progress through (PS&E), additional scope elements and/or updated element costs are refined. The final design package increases the construction phase cost from \$2,662,821 to \$3,903,022.</p> <p>A preliminary cost increase to the project was identified last year, but the actual programming correction was held-off until confidence in the</p> |

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| | <p>Construction phase cost estimate accuracy was ready. Now that PS&E is wrapping up and the project moving towards the construction phase, the MTIP is being updated with the revised construction costs. This will enable the construction phase to obligate its federal funds before the ned of FY 2020.</p> |
| <p>Additional Details:</p> | <p style="text-align: center;">Project Location</p>  |
| <p>Why a Formal amendment is required?</p> | <p>Per the FHWA/FTA/ODOT/MPO approved Amendment Matrix, the cost increase represents a 29.8% change to the project which is greater than the 20% threshold for cost increases resulting in the need for a formal amendment.</p> |
| <p>Total Programmed Amount:</p> | <p>The programming increases the total project cost from \$4,029,202 to \$5,233,403</p> |
| <p>Added Notes:</p> | <p>The formal amendment needs to occur now as a condition to obligate the construction phase before the end of FY 2020.</p> |

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| <p>Project 2:</p> | <p>Multimodal Transportation Data Archive (PORTAL) (New Project)</p> | | |
| <p>Lead Agency:</p> | <p>Metro</p> | | |
| <p>ODOT Key Number:</p> | <p>TBD</p> | <p>MTIP ID Number:</p> | <p>TBD</p> |
| <p>Projects Description:</p> | <p>Project Snapshot:</p> <ul style="list-style-type: none"> • PORTAL = Portland Oregon Regional Transportation Data Archive Listing • Description: PORTAL is a component of Metro’s Transportation System Management and Operations (TSMO)/Intelligent Transportation System (ITS) Program. The Metro TSMO/ITS program provides centralized real-time and forecast traveler information is one | | |

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| | <p>of the main goals of this TSMO plan. Accurate and comprehensive real-time traveler information allows system users to make informed decisions about their route, mode of transportation and time of day they travel. Ideally this will lead to optimal roadway usage, less unnecessary traveler delay more walking, biking, transit and carpool trips, reduction in vehicle miles traveled and an improved traveler experience, which benefits all modes of travel.</p> <p>In other words, through the use of various high technology components, improvements in the management and use of the regional transportation system can occur to help motorists, commuters, and pedestrian/bicyclists.</p> <ul style="list-style-type: none"> • Proposed improvements: PORTAL provides the collection, analysis, management, and interpretation of the ITS data. The program is an on-going annual effort to help us better manage the regional transportation system. PORTAL is managed by Portland State University. The project Source: New project. • Funding: The awarded source of funding for the project is from Metro’s 2019-2021 Regional Flexible Fund Allocation (RFFA) - Step 1 funding bucket. • Project Type: Planning • Location: Region 1 • Cross Street Limits: N/A • Overall Mile Post Limits: N/A • Current Status Code: 1 = Pre-first phase obligation activities (IGA development, project scoping, scoping refinement, etc. • STIP Amendment Number: TBD • MTIP Amendment Number: JL20-14-JUL |
| <p>What is changing?</p> | <p>AMENDMENT ACTION: ADD NEW PROJECT</p> <p>The formal amendment add this multi-year funding for the PORTAL requirements supporting the Metro Regional TSMO/ITS program needs. A description of the scope activities includes the following:</p> <ul style="list-style-type: none"> • Maintain data feeds, handle any changes to data feeds, outages. Internal system patches, network upgrades, etc. Maintain backup and storage of data archive. Code maintenance and upgrades as necessary. • Provide training or workshop opportunities open to PORTAL users, planners, researchers, and students; provide regular updates on PORTAL to TransPort and via the documentation website. Includes the Portal User Group which meets monthly. • Propose and develop enhancements which are determined on an annual basis by the PORTAL TAC and TransPort. Examples include providing standardized data sets, updating the travel time page to connect freeways and arterials, adding an API and expanding coverage of data collection to additional roadways in the region as new detection is put in place. |

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| | <ul style="list-style-type: none"> Disseminate results of this project through conference presentations, papers, and digital communication, including conferences such as the Transportation Research Board, the North American Traffic Monitoring Exposition and Conference (NATMEC), ITS America, Regional ITE and IMSA Conferences, the Northwest Transportation Conference. Provide Quarterly progress reports and a final report at the project’s conclusion; quarterly progress briefings to TAC; monthly updates to TransPort. |
| <p>Additional Details:</p> | <p>The PORTAL project will cover the entire Region 1 area.</p> <div style="display: flex; justify-content: space-between; align-items: center;">  <div style="text-align: right; font-size: small;"> <p>600 NE Grand Ave. Portland, OR 97232-2736 oregonmetro.gov</p> </div> </div> <p style="text-align: center; margin-top: 20px;">June 9, 2020</p> <p style="margin-left: 40px;">Caleb Winter Metro 600 NE Grand Ave. Portland, OR 97232</p> <p style="margin-left: 40px;">Dear Kristin,</p> <p style="margin-left: 40px;">Congratulations, your agency’s proposal to the 2019 Transportation System Management and Operations Solicitation was awarded funds. The proposed project, Multimodal Transportation Data Archive, was awarded funds by a recommendation at TransPort December 11, 2019 and TPAC was informed of that recommendation January 2, 2020.</p> <p style="margin-left: 40px;">The award is a suballocation from the Metro’s Regional Flexible Funds for the TSMO Program for years 2019-2021:</p> <div style="margin-left: 80px;"> <p>\$600,000 Federal (FAST Act STBG) \$68,672 local funding is required to match, proposed to be broken down between ODOT and PSU: <i>\$11,145 ODOT</i> <i>\$57,527 PSU TREC</i> \$668,672 is the total project amount</p> </div> <p style="margin-left: 40px;">The project manager and lead agency for this project is Kristin Tuft, Portland State University (PSU). Please let us know immediately if you have any updates on project manager or lead agency.</p> <p style="margin-left: 40px;">Completed steps:</p> <ul style="list-style-type: none"> ✓ Scheduling a project kick-off meeting in spring 2020; communicate your team’s availability within two weeks to Caleb Winter, caleb.winter@oregonmetro.gov ✓ Confirming ODOT administrative liaison will be Chi Mai, supported by Kerrie Franey. ✓ Reviewing scope, schedule and budget from the application and incorporating subsequent adjustments. |
| <p>Why a Formal amendment is required?</p> | <p>Per the FHWA/FTA/ODOT/MPO approved Amendment Matrix, adding a new project to the MTIP requires a formal amendment.</p> |
| <p>Total Programmed Amount:</p> | <p>The programming for the scoping effort totals \$668,672.</p> |
| <p>Added Notes:</p> | |

Note: The Amendment Matrix located below is included as a reference for the rules and justifications governing Formal Amendments and Administrative Modifications to the MTIP that the MPOs and ODOT must follow.

METRO REQUIRED PROJECT AMENDMENT REVIEWS

In accordance with 23 CFR 450.316-328, Metro is responsible for reviewing and ensuring MTIP amendments comply with all federal programming requirements. Each project and their requested changes are evaluated against multiple MTIP programming review factors that originate from 23 CFR 450.316-328. The programming factors include:

- Verification as required to programmed in the MTIP:
 - Awarded federal funds and is considered a transportation project
 - Identified as a regionally significant project.
 - Identified on and impacts Metro transportation modeling networks.
 - Requires any sort of federal approvals which the MTIP is involved.
- Passes fiscal constraint verification:
 - Project eligibility for the use of the funds
 - Proof and verification of funding commitment
 - Requires the MPO to establish a documented process proving MTIP programming does not exceed the allocated funding for each year of the four year MTIP and for all funds identified in the MTIP.
- Passes the RTP consistency review:
 - Identified in the current approved constrained RTP either as a stand- alone project or in an approved project grouping bucket
 - RTP project cost consistent with requested programming amount in the MTIP
 - If a capacity enhancing project – is identified in the approved Metro modeling network
- Satisfies RTP goals and strategies consistency: Meets one or more goals or strategies identified in the current RTP.
- If not directly identified in the RTP’s constrained project list, the project is verified to be part of the MPO’s annual Unified Planning Work Program (UPWP) if federally funded and a

| ODOT-FTA-FHWA Amendment Matrix |
|--|
| Type of Change |
| FULL AMENDMENTS |
| 1. Adding or cancelling a federally funded, and regionally significant project to the STIP and state funded projects which will potentially be federalized |
| 2. Major change in project scope. Major scope change includes: <ul style="list-style-type: none"> • Change in project termini - greater than .25 mile in any direction • Changes to the approved environmental footprint • Impacts to AQ conformity • Adding capacity per FHWA Standards • Adding or deleting worktype |
| 3. Changes in Fiscal Constraint by the following criteria: <ul style="list-style-type: none"> • FHWA project cost increase/decrease: <ul style="list-style-type: none"> • Projects under \$500K – increase/decrease over 50% • Projects \$500K to \$1M – increase/decrease over 30% • Projects \$1M and over – increase/decrease over 20% • All FTA project changes – increase/decrease over 30% |
| 4. Adding an emergency relief permanent repair project that involves substantial change in function and location. |
| ADMINISTRATIVE/TECHNICAL ADJUSTMENTS |
| 1. Advancing or Slipping an approved project/phase within the current STIP (If slipping outside current STIP, see Full Amendments #2) |
| 2. Adding or deleting any phase (except CN) of an approved project below Full Amendment #3 |
| 3. Combining two or more approved projects into one or splitting an approved project into two or more, or splitting part of an approved project to a new one. |
| 4. Splitting a new project out of an approved program-specific pool of funds (but not reserves for future projects) or adding funds to an existing project from a bucket or reserve if the project was selected through a specific process (i.e. ARTS, Local Bridge...) |
| 5. Minor technical corrections to make the printed STIP consistent with prior approvals, such as typos or missing data. |
| 6. Changing name of project due to change in scope, combining or splitting of projects, or to better conform to naming convention. (For major change in scope, see Full Amendments #2) |
| 7. Adding a temporary emergency repair and relief project that does not involve substantial change in function and location. |

regionally significant planning study that addresses RTP goals and strategies and/or will contribute or impact RTP performance measure targets.

- Determined the project is eligible to be added to the MTIP, or can be legally amended as required without violating provisions of 23 CFR450.300-338 either as a formal Amendment or administrative modification:
 - Does not violate supplemental directive guidance from FHWA/FTA’s approved Amendment Matrix.
 - Adheres to conditions and limitation for completing technical corrections, administrative modifications, or formal amendments in the MTIP.
 - Is eligible for special programming exceptions periodically negotiated with USDOT as well.
 - Programming determined to be reasonable of phase obligation timing and is consistent with project delivery schedule timing.
- Reviewed and initially assessed for Performance Measurement impacts to include:
 - Safety
 - Asset Management - Pavement
 - Asset Management – Bridge
 - National Highway System Performance Targets
 - Freight Movement: On Interstate System
 - Congestion Mitigation Air Quality (CMAQ) impacts
 - Transit Asset Management impacts
 - RTP Priority Investment Areas support
 - Climate Change/Greenhouse Gas reduction impacts
 - Congestion Mitigation Reduction impacts
- MPO responsibilities completion:
 - Completion of the required 30 day Public Notification period:
 - Project monitoring, fund obligations, and expenditure of allocated funds in a timely fashion.
 - Acting on behalf of USDOT to provide the required forum and complete necessary discussions of proposed transportation improvements/strategies throughout the MPO.

APPROVAL STEPS AND TIMING

Metro’s approval process for formal amendment includes multiple steps. The required approvals for the July 2020 Formal MTIP amendment (JL20-14-JUL) will include the following:

| <u>Action</u> | <u>Target Date</u> |
|---|----------------------|
| • Initiate the required 30-day public notification process..... | June 30, 2020 |
| • TPAC notification and approval recommendation..... | July 10, 2020 |
| • JPACT approval and recommendation to Council..... | July 16, 2020 |
| • Completion of Public Notification Process..... | July 29, 2020 |
| • Metro Council approval..... | July 30, 2020 |

Notes:

* If any notable comments are received during the public comment period requiring follow-on discussions, they will be addressed by JPACT.

USDOT Approval Steps:

| <u>Action</u> | <u>Target Date</u> |
|---|--------------------|
| • Amendment bundle submission to ODOT for review..... | August 4, 2020 |
| • Submission of the final amendment package to USDOT..... | August 4, 2020 |
| • ODOT clarification and approval..... | August 21, 2020 |
| • USDOT clarification and final amendment approval..... | August 21, 2020 |

Note: The above assumes a July 30, 2020 for Metro Council Approval

ANALYSIS/INFORMATION

1. **Known Opposition:** None known at this time.
2. **Legal Antecedents:** Amends the 2018-2021 Metropolitan Transportation Improvement Program adopted by Metro Council Resolution 17-4817 on July 27, 2017 (For The Purpose of Adopting the Metropolitan Transportation Improvement Program for the Portland Metropolitan Area).
3. **Anticipated Effects:** Enables the projects to obligate and expend awarded federal funds.
4. **Metro Budget Impacts:** None to Metro

RECOMMENDED ACTION:

JPACT approved Resolution 20-5116 consisting of two projects in the July 2020 Formal Amendment Bundle recommends Metro Council approve Resolution 20-5116 enabling the projects to be amended correctly into the 2018 MTIP with final approval to occur from USDOT

- TPAC approval recommendation: July 10, 2020
- JPACT approval: July 16, 2020

Attachments: None

Agenda Item No. 5.1

Ordinance No. 20-1447, For the Purpose of Amending Metro Code Chapter 7.04 to Allow Construction Excise Tax Funds to Support Economic Development and Community Stabilization Through the 2040 Planning and Development Grant Program

Ordinances (Second Reading)

Metro Council Meeting
Thursday, July 30, 2020

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO) ORDINANCE NO. 20-1447
CODE CHAPTER 7.04 TO ENABLE METRO)
CONSTRUCTION EXCISE TAX FUNDS TO) Introduced by Chief Operating Officer
SUPPORT ECONOMIC DEVELOPMENT AND) Marissa Madrigal in concurrence with
COMMUNITY STABILIZATION THROUGH) Council President Lynn Peterson
THE 2040 PLANNING AND DEVELOPMENT)
GRANT PROGRAM

WHEREAS, in 2006, Metro adopted Ordinance No. 06-1115, establishing a construction excise tax (CET) to generate revenue for providing grants to local governments for regional and local planning; and

WHEREAS, following two extensions of the CET in 2009 and 2014, and recognizing the ongoing need for funding regional and local planning, in November 2018 the Metro Council adopted Ordinance No. 18-1425, making the CET a permanent source of revenue; and

WHEREAS, since the inception of the Construction Excise Tax in 2006, Metro has awarded over \$26 million in grants to cities, counties and other government entities in the region to fund critical planning and development activities that support implementation of the region’s long range plan for growth; and

WHEREAS, in order to comply with land use policies of the State of Oregon and Metro, local jurisdictions are required to perform concept planning of lands designated as urban reserves prior to petitioning Metro to include these lands within the urban growth boundary; and

WHEREAS, in order to comply with land use policies of the State of Oregon and Metro, local jurisdictions are required to complete comprehensive plans for new urban areas to enable these areas to develop as complete communities appropriately served with essential infrastructure; and

WHEREAS, planning and development work by local jurisdictions is critical to facilitate development projects that advance equitable outcomes and provide access to opportunity for all residents of the region as the region grows and accommodates more people; and

WHEREAS, meaningful engagement of historically marginalized communities, and particularly communities of color, in local planning and development decisions by local governments is an essential element of building the thriving and equitable communities envisioned in the Region’s 2040 Growth concept; and

WHEREAS, the economic health of the region is inextricably linked to the ability of the region to grow, develop, invest in critical community infrastructure and shape the region’s built and natural environment; and

WHEREAS, the COVID-19 pandemic has had severe economic impacts across the region, and has particularly impacted communities of color; and

WHEREAS, on April 23, 2020, the Metro Council adopted Resolution No. 20-5096, declaring a state of emergency in the Metro Region as a result of the COVID-19 pandemic, and delegating authority to Metro’s Chief Operating Officer; and

WHEREAS, public investments in neighborhoods and equitable access to economic opportunities have a direct relationship to the stability of communities, and public investments can sometimes result in displacement of lower-income residents and communities of color;

WHEREAS, economic development and community stabilization are essential to building complete, equitable communities and supporting regional goals and policies set forth in the 2040 Growth Concept, the Urban Growth Management Functional Plan, and the six desired outcomes outlined in the Regional Framework Plan; now therefore

THE METRO COUNCIL HEREBY ORDAINS AS FOLLOWS:

1. The Metro Code is amended as shown on Exhibit A to expand the purpose of the CET such that Metro may provide funding to facilitate economic development and community stabilization as well as continuing to provide funding for planning and development activities;
2. This Ordinance being necessary to immediately respond to the economic impacts of the COVID-19 pandemic, and in order to expedite the Metro Council's ability to provide funding to facilitate economic development and community stabilization, an emergency is declared to exist and this Ordinance shall take effect immediately, pursuant to Metro Charter Section 39(1).

ADOPTED by the Metro Council this 30th day of July, 2020.

Juan Carlos Gonzalez, Deputy Council President

Attest:

Approved by:

Jaye Cromwell

Carrie MacLaren, Metro Attorney

CHAPTER 7.04 CONSTRUCTION EXCISE TAX

| | |
|----------|--|
| 7.04.010 | Short Title |
| 7.04.020 | Policy and Purpose |
| 7.04.030 | Definitions |
| 7.04.040 | Exemptions |
| 7.04.045 | Ceiling |
| 7.04.050 | Rules and Regulations Promulgation |
| 7.04.060 | Administration and Enforcement Authority |
| 7.04.070 | Imposition of Tax |
| 7.04.080 | Rate of Tax |
| 7.04.090 | Failure to Pay |
| 7.04.100 | Statement of Entire Value of New Construction Required |
| 7.04.110 | Intergovernmental Agreements |
| 7.04.120 | Rebates |
| 7.04.130 | Hearings Officer |
| 7.04.140 | Appeals |
| 7.04.150 | Refunds |
| 7.04.160 | Enforcement by Civil Action |
| 7.04.170 | Review |
| 7.04.180 | Failure to Pay - Penalty |
| 7.04.190 | Violation - Penalty |
| 7.04.200 | Rate Stabilization |
| 7.04.210 | Dedication of Revenue |
| 7.04.220 | Procedures for Distribution |

Repealed

| | |
|----------|------------------------------------|
| 7.04.230 | Sunset Provision [Ord. 18-1425] |
|----------|------------------------------------|

7.04.010 Short Title

This chapter shall be known as the "Construction Excise Tax." [Ord. No. 06-1115, Sec. 1.]

7.04.020 Policy and Purpose

This chapter establishes a Construction Excise Tax to provide funding for regional and local planning that is required to make land ready for development or redevelopment, and to provide funding for plans and projects that will facilitate economic development and community stabilization in the Metro region. [Ord. No. 06-1115, Sec. 1, Ord. No. 18-1425.]

7.04.030 Definitions

As used in this chapter:

Building Official means any person charged by a municipality with responsibility for the administration and enforcement of a building code.

Chief Operating Officer means the person holding the position of Metro Chief Operating Officer established by Section 2.20.010 of the Metro Code.

Construction means erecting, constructing, enlarging, altering, repairing, moving, improving, removing, converting, or demolishing any building or structure for which the issuance of a building permit is required pursuant to the provisions of Oregon law, whether residential or non-residential. Construction also includes the installation of a manufactured dwelling.

Contractor means any person who performs Construction for compensation.

Improvement means any newly constructed structure or a modification of any existing structure.

Major Renovation means any renovation, alteration or remodeling of an existing building or structure, or portion thereof, residential or non-residential, that requires or receives a building permit.

Manufactured Dwelling means any building or structure designed to be used as a residence that is subject to regulation pursuant to ORS 446, as further defined in ORS 446.003(26).

Person means and includes individuals, domestic and foreign corporations, public bodies, societies, joint ventures, associations, firms, partnerships, joint stock companies, clubs or any legal entity whatsoever.

Value of New Construction means the total value of the Construction as determined by the construction permit or building permit for the Improvement and/or Major Renovation. [Ord. No. 06-1115, Sec. 1.]

7.04.040 Exemptions

- (a) No obligation to pay the tax imposed by Section 7.04.070 shall be imposed upon any Person who establishes that one or more of the following are met:
 - (1) The Value of New Construction is less than or equal to \$100,000; or
 - (2) The Person who would be liable for the tax is a corporation exempt from federal income taxation pursuant to 42 U.S.C. 501(c)(3), or a limited partnership the sole general partner of which is a corporation exempt from federal income taxation pursuant to 42 U.S.C. 501(c)(3), the Construction is used for residential purposes and the property is restricted to being occupied by people with incomes less than 60 percent (60%) of the median income for a period of 30 years or longer; or
 - (3) The Person who would be liable for the tax is exempt from federal income taxation pursuant to 42 U.S.C. 501(c)(3) and the Construction is dedicated for use for the purpose of providing charitable services to disadvantaged people.
- (b) The Building Official or Chief Operating Officer may require any Person seeking an exemption to demonstrate that the Person is eligible for an exemption and that all necessary facts to support the exemption are established. [Ord. 06-1115, Sec. 1, Ord. No. 18-1425.]

7.04.045 Ceiling

Notwithstanding the provisions set forth in Sections 7.04.070 and 7.04.080, if the Construction Excise tax imposed by this Chapter would be greater than \$12,000 (Twelve Thousand Dollars) as measured by the Value of New Construction that would generate that amount of tax, then the Construction Excise Tax imposed for that Construction is capped at a ceiling of \$12,000 (Twelve Thousand Dollars). [Ord. 06-1115, Sec. 1.]

7.04.050 Rules and Regulations Promulgation

The Chief Operating Officer shall promulgate rules and regulations necessary for the administration and enforcement of this chapter. [Ord. 06-1115, Sec. 1.]

7.04.060 Administration and Enforcement Authority

- (a) The Chief Operating Officer shall be responsible for the administration and enforcement of this chapter. In exercising the responsibilities of this section, the Chief Operating Officer may act through a designated representative.
- (b) In order to carry out the duties imposed by this chapter, the Chief Operating Officer shall have the authority to do the following acts, which enumeration shall not be deemed to be exhaustive, namely: administer oaths, certify to all official acts; to subpoena and require attendance of witnesses at hearings to determine compliance with this chapter, rules and regulations; to require production of relevant

documents at public hearings; to swear witnesses; and to take testimony of any Person by deposition. [Ord. 06-1115, Sec. 1.]

7.04.070 Imposition of Tax

A Construction Excise tax is imposed on every Person who engages in Construction within the Metro Area. The tax shall be measured by the total Value of New Construction at the rate set forth in Section 7.04.080. If no additional value is created or added by the Construction and if the Construction does not constitute a Major Renovation, then there shall be no tax due. The tax shall be due and payable at the time of the issuance of any building permit, or installation permit in the case of a manufactured dwelling, by any building authority. [Ord. 06-1115, Sec. 1.]

7.04.080 Rate of Tax

The rate of tax to be paid for Construction and/or Major Renovation shall be 0.12% of the Value of New Construction. [Ord. 06-1115, Sec. 1.]

7.04.090 Failure to Pay

It shall be unlawful for any Person to fail to pay all or any portion of the tax imposed by this chapter. [Ord. 06-1115, Sec. 1.]

7.04.100 Statement of Entire Value of New Construction Required

It shall be unlawful for any Person to fail to state or to misstate the full Value of New Construction of any Improvement, Major Renovation, or Manufactured Dwelling. When any Person pays the tax, within the time provided for payment of the tax, there shall be a conclusive presumption, for purposes of computation of the tax, that the Value of New Construction of the Improvement, Major Renovation, or Manufactured Dwelling is the Value of New Construction as determined by the Building Official at the time of issuance of the building permit or installation permit. When any Person fails to pay the tax within the time provided for payment of the tax, the Value of New Construction constructed shall be established by the Chief Operating Officer who may consider the Value of New Construction established by the Building Official but may consider other evidence of actual value as well. [Ord. 06-1115, Sec. 1.]

7.04.110 Intergovernmental Agreements

The Chief Operating Officer may enter into intergovernmental agreements with other local governments and jurisdictions to provide for the enforcement of this chapter and the collection and remittance of the Construction Excise Tax. The agreements may provide for the governments to retain no more than 5 percent (5%) of the taxes actually collected as reimbursement of administrative expenses, and also for the reimbursement of the government's reasonable, one time, start-up costs as set forth in the agreements. [Ord. 06-1115, Sec. 1.]

7.04.120 Rebates

- (a) The Chief Operating Officer shall rebate to any Person who has paid a tax the amount of tax actually paid, upon the Person establishing that the tax was paid for Construction that is eligible for an exemption under Section 7.04.040.
- (b) The Chief Operating Officer shall either rebate all amounts due under this section within 30 days of receipt of a complete application for the rebate or give written notice of the reasons why the application has been denied. Any denial of any application may be appealed as provided for in Section 7.04.140. [Ord. 06-1115, Sec.1.]

7.04.130 Hearings Officer

The Chief Operating Officer shall appoint a hearings officer to conduct hearings related to enforcement or appeals of this chapter. All hearings shall be conducted in accordance with rules and regulations adopted by the Chief Operating Officer. [Ord. 06-1115, Sec. 1.]

7.04.140 Appeals

Any Person who is aggrieved by any determination of the Chief Operating Officer regarding liability for payment of the tax, the amount of tax owed, or the amount of tax that is subject to refund or rebate may appeal the determination in accordance with Section 7.04.130. All appeals must be in writing and must be filed within 10 days of the determination by the Chief Operating Officer. No appeal may be made unless the Person has first paid the tax due as determined by the Chief Operating Officer. [Ord. 06-1115, Sec. 1.]

7.04.150 Refunds

- (a) Upon written request, the Chief Operating Officer shall refund any tax paid to the Person who paid the tax after that Person has established that Construction was not commenced and that any Building Permit issued has been cancelled as provided by law.
- (b) The Chief Operating Officer shall either refund all amounts due under this section within 30 days of a complete application for the refund or give written notice of the reasons why the application has been denied. Any denial of any application may be appealed as provided for in Section 7.04.140. [Ord. 06-1115, Sec. 1.]

7.04.160 Enforcement by Civil Action

The tax and any penalty imposed by this chapter constitutes a debt of the Person liable for the tax as set forth in Section 7.04.070 of this chapter and may be collected by the Chief Operating Officer in an action at law. If litigation is necessary to collect the tax and any penalty, the prevailing party shall be entitled to reasonable attorney fees at trial or on appeal. The Office of Metro Attorney is authorized to prosecute any action needed to enforce this chapter as requested by the Chief Operating Officer. [Ord. 06-1115, Sec. 1.]

7.04.170 Review

Review of any action of the Chief Operating Officer taken pursuant to this chapter, or the rules and regulations adopted pursuant thereto, shall be taken solely and exclusively by writ of review in the manner set forth in ORS 34.010 through 34.100, provided, however, that any aggrieved Person may demand such relief by writ of review. [Ord. 06-1115, Sec.]

7.04.180 Failure to Pay – Penalty

In addition to any other fine or penalty provided by this chapter, failure to pay the tax within 15 days of the date of issuance of any Building Permit for any Improvement, Major Renovation, or installation permit for any Manufactured Dwelling shall result in a penalty equal to the amount of tax owed or fifty dollars (\$50.00), whichever is greater. [Ord. 06-1115, Sec. 1.]

7.04.190 Violation – Penalty

- (a) In addition to any other civil enforcement provided herein, violation of this chapter shall be a misdemeanor and shall be punishable, upon conviction, by a fine of not more than five hundred dollars (\$500.00).
- (b) Violation of this chapter by any officer, director, partner or other Person having direction or control over any Person violating this chapter shall subject each such Person to such fine. [Ord. 06-1115, Sec. 1.]

7.04.200 Rate Stabilization

In order to protect against the cyclical nature of the construction industry and development patterns, the Council shall annually as part of the budget process create reserves from the revenues generated or expected to be generated by the Construction Excise Tax, which reserves are designed to protect against future fluctuations so as to promote stability in the funds needed to support required programs. [Ord. 06-1115, Sec. 1.]

7.04.210 Dedication of Revenue

Revenue derived from the imposition of this tax after deduction of necessary costs of collection shall be dedicated to fund regional and local planning that is required to make land ready for development or redevelopment, and to provide funding for plans and projects that will facilitate economic development and community stabilization in the Metro region. [Ord. 06-1115, Sec. 1, Ord. No. 18-1425.]

7.04.220 Procedures for Distribution

The Chief Operating Officer shall distribute the revenues from the Construction Excise Tax as through grants to local governments, or private entities partnering with local governments, for projects that help implement the region's long range plan consistent with Section 7.04.210. ~~based on an analysis of grant requests for planning or predevelopment work that will implement the region's long range plan. Grants may also be distributed to private entities for projects that are endorsed by a local government and in the public interest.~~ [Ord. 06-1115, Sec. 1; Ord. 09-1220, Sec. 2, Ord. No. 18-1425.]

7.04.225 Metro Administrative Fee

Metro shall retain five percent (5%) of the taxes remitted to Metro for payment towards Metro's administrative expenses. [Ord. 09-1220, Sec. 2; Ord. 14-1328, Sec. 2.]

STAFF REPORT

CONSIDERATION OF ORDINANCE 20-1447, FOR THE PURPOSE OF AUTHORIZING ECONOMIC DEVELOPMENT AND COMMUNITY STABILIZATION GRANTS THROUGH THE 2040 PLANNING AND DEVELOPMENT GRANT PROGRAM

| | | | |
|---------------|--------------------------|---------------|----------------|
| Date: | July 15, 2020 | Presenter(s): | Elissa Gertler |
| Department: | Planning and Development | | Lisa Miles |
| Meeting Date: | July 23, 2020 | | |
| Prepared by: | Lisa Miles | Length: | 30 minutes |

ACTIONS REQUESTED

Consideration of Ordinance 20-1447, For the Purpose of Authorizing Economic Development and Community Stabilization Grants through the 2040 Planning and Development Grant Program.

IDENTIFIED POLICY OUTCOMES

Expand purpose of the Construction Excise Tax to include grants for economic development and community stabilization in addition to the program's current purpose, which is to provide funding for regional and local planning that is required to make land ready for development or redevelopment.

Community stabilization refers to plans, activities and programs which allow long term residents and businesses of color in an area to remain in place and thrive, even as major public and private investments in those areas bring changes to the economic and built environment that would otherwise harm those long term residents. Examples of harm may include direct taking of property for public projects, changes to real estate values and rents in the area that make the location unaffordable or displacement of a business' core customer base. Activities to reduce this potential for harm may include affordable housing development, small business assistance programs, development of community serving facilities, culturally-specific placemaking, and property redevelopment that facilitates wealth creation for those threatened with harm or who have been harmed by previous public investments in that area.

POLICY QUESTION(S)

Does the Council wish to expand the purpose of CET funds to include grants for economic development and community stabilization?

POLICY OPTIONS FOR COUNCIL TO CONSIDER

If the Metro Council approves Ordinance 20-1447, Cycle 9 grants, as well as future cycles of grant awards, could fund plans and projects that will advance economic development and community stabilization in addition to the previously established purpose of funding regional and local planning that is required to make land ready for development or redevelopment. If Council does not approve the ordinance, future grant cycles will continue to focus funding on planning that is required to make land ready for development or redevelopment.

STAFF RECOMMENDATIONS

Staff recommend that the Council approve ordinance 20-1447 to enable CET funds to support grants for economic development and community stabilization. CET funding and the 2040 Planning and Development Grant program is a key resource to support local communities. A healthy economy is essential to bring regional plans and community investments to fruition and economic stability for communities of color is a critical component of the resilient and equitable communities that are envisioned in the region's 2040 Growth Concept.

STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION

Approval of the proposed Ordinance and a subsequent Resolution awarding grants for economic development and community stabilization will advance Metro's progress towards meeting its racial equity goals. It will enable Metro to provide needed resources to support Black people, Indigenous people, and communities of color, as numerous advocates have requested, to begin to address longstanding economic disparities, at a time when the COVID-19 pandemic has disproportionately affected communities of color.

Legal Antecedents

- Metro Ordinance 06-1115 ("2006 CET Ordinance) established the construction excisetax
- Metro Ordinance 09-1220 extended the CET for an additional five year period (through September 2014).
- Metro Ordinance 14-1328 extended the CET for an additional five year period (through December 2020) and directed the Metro COO to propose amendments to the existing administrative rules.
- Metro Ordinance 18-1425 amended chapter 7.04 of the Metro Code to remove the sunset provision of the CET

ATTACHMENTS

Ordinance 20-1447 and Exhibit A to the Ordinance

Agenda Item No. 5.1

**Resolution No. 20-5113, For the Purpose of Approving Fiscal Year 2020-21 Funding for Grants
Funded with the Construction Excise Tax**

Resolutions

Metro Council Meeting
Thursday, July 30, 2020

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING) RESOLUTION NO. 20-5113
FISCAL YEAR 2020-21 FUNDING FOR)
GRANTS FUNDED WITH THE) Introduced by Chief Operating Marissa
CONSTRUCTION EXCISE TAX) Madrigal in concurrence with Council President
) Lynn Peterson
)

WHEREAS, in 2006, Metro adopted Ordinance No. 06-1115, establishing a construction excise tax (CET) to generate revenue for providing grants to local governments for regional and local planning; and

WHEREAS, the CET has raised more than \$26 million in revenue that has been distributed by Metro to local governments through the Community Planning and Development Grant (“CPDG”) program, the Equitable Housing Planning and Development Grants program, and the 2040 Planning and Development Grants program for planning work across the region that otherwise could not have been funded; and

WHEREAS, in 2016 the Metro Council adopted the Strategic Plan to Advance Racial Equity, Diversity and Inclusion, which defines and guides Metro’s strategy for removing barriers for people of color in order to ensure that everyone, including historically marginalized populations, can have the opportunity to enjoy a thriving region with quality jobs, stable and affordable housing, safe and reliable transportation, and a healthy environment; and

WHEREAS, the economic health of the region is inextricably linked to the ability of the region to grow, develop, invest in critical community infrastructure and shape the region’s built and natural environment; and

WHEREAS, in order to effectively remove barriers to development, implement the 2040 Growth Concept, and help address the equitable housing crisis in our region, the Metro Council has established a policy emphasis in previous grant cycles to enable the grant program to respond to current trends and issues affecting development in our region; and

WHEREAS, public investments in neighborhoods and equitable access to economic opportunities have a direct relationship to the stability of communities, and public investments have resulted in displacement of lower-income residents and communities of color; and

WHEREAS, economic development and community stabilization are essential to building complete, equitable communities and supporting regional goals and policies set forth in the 2040 Growth Concept, the Urban Growth Management Functional Plan, and the six desired outcomes outlined in the Regional Framework Plan; and

WHEREAS, on April 23, 2020, the Metro Council adopted Resolution No. 20-5096, declaring a state of emergency in the Metro Region as a result of the COVID-19 pandemic, and delegating authority to Metro’s Chief Operating Officer; and

WHEREAS, on July 30, 2020, the Metro Council adopted Ordinance No. 20-1447, which amends the Metro Code to authorize the use of CET revenue to provide funding to facilitate economic development and community stabilization, as well as continuing to provide funding for planning and development activities; and

WHEREAS, Metro has partnered with the Greater Portland Economic Development District to develop an economic recovery strategy in response to the COVID-19 pandemic that includes procuring new resources to support an equitable economic recovery and formalizing this work into the five-year Comprehensive Economic Development Strategy; and

WHEREAS, equity, equitable development and equitable housing are currently issues of considerable local and regional concern given the ongoing potential for displacement of long-term residents, businesses and communities of color due to escalating real estate costs as well as the recent severe economic impacts of the COVID-19 pandemic, which have disproportionately affected communities of color; and

WHEREAS, the Albina Neighborhood of North/Northeast Portland was once a thriving and diverse neighborhood, but was systematically destroyed over the years through a series of public investments in “urban renewal,” transportation infrastructure, and large public venues; and

WHEREAS, the Black, Indigenous and immigrant community members whose land, homes, and livelihoods were razed in the Albina neighborhood to make way for new public investments have largely been displaced to other neighborhoods in the region with less access to opportunity, and lost not only their homes and businesses but also opportunities to build generational wealth; and

WHEREAS, in order to provide needed economic recovery support to communities of color, and to support access to wealth creation opportunities for Black community members in the region, who have long endured harmful economic consequences due to structural racism as well as direct impacts of involuntary displacement due to past urban renewal projects and neighborhood gentrification; and

WHEREAS, Metro currently operates a major venue in the Albina Neighborhood, and is coordinating with partners on multiple regional transportation projects in the area, and the public interest will be best served by a robust and coherent community investment strategy and strong public-private partnerships; now therefore

BE IT RESOLVED that:

1. The Metro Council hereby authorizes and directs the Metro COO and staff to work with local Community Development Financial Institutions Craft3 and Micro Enterprise Services of Oregon to provide business relief to underserved and under-resourced businesses, with a focus on ensuring access to resources for businesses owned by Black people, Indigenous people, people of color, women and veterans throughout the region. The Metro Council further authorizes and directs the Metro COO and staff to award a total of \$1 million in grant funding to one or both partners to provide the relief, and to work with the partners to seek to leverage additional matching funds from government, philanthropic and/or private sources.
2. The Metro Council hereby authorizes and directs the Metro COO and staff to work with public and private partners to plan and implement an equitable and coordinated investment strategy in Portland’s Albina Neighborhood. The Metro Council further directs the Metro COO and staff to award \$250,000 of Cycle 9 grant funds to Albina Vision Trust, and to work with the Albina Vision Trust to seek to leverage additional matching funds through a grant from the Economic Development Administration or other sources in order to create a site-specific redevelopment strategy to begin implementing the Albina Vision in the near term.

3. The Metro Council hereby authorizes and directs the Metro COO and staff to designate \$250,000 of Cycle 9 grant funds as an opportunity fund to support wealth creation for Black people, Indigenous people, and other communities of color as well as other underserved and under-resourced communities throughout the region. The Metro Council further authorizes and directs the Metro COO and staff to seek to leverage additional matching funds from other sources, identify organizational partners to implement an initial round of projects, and award grant funds for such projects.
4. The Metro Council hereby authorizes and directs the Metro COO and staff to set aside an allocation of \$500,000 of Cycle 9 CET funds to ensure that funding is available for future new urban area grant investments, including concept planning grants and comprehensive planning grants.

ADOPTED by the Metro Council this 30th day of July 2020.

Juan Carlos Gonzalez, Deputy Council President

Approved as to Form:

Carrie MacLaren, Metro Attorney

STAFF REPORT

CONSIDERATION OF RESOLUTION 20-5113, FOR THE PURPOSE OF APPROVING FISCAL YEAR 2020-21 FUNDING FOR GRANTS FUNDED WITH CONSTRUCTION EXCISE TAX

| | | | |
|---------------|--------------------------|---------------|----------------|
| Date: | July 27, 2020 | Presenter(s): | Elissa Gertler |
| Department: | Planning and Development | | Lisa Miles |
| Meeting Date: | July 30, 2020 | | Jeffrey Raker |
| Prepared by: | Lisa Miles | Length: | 30 minutes |

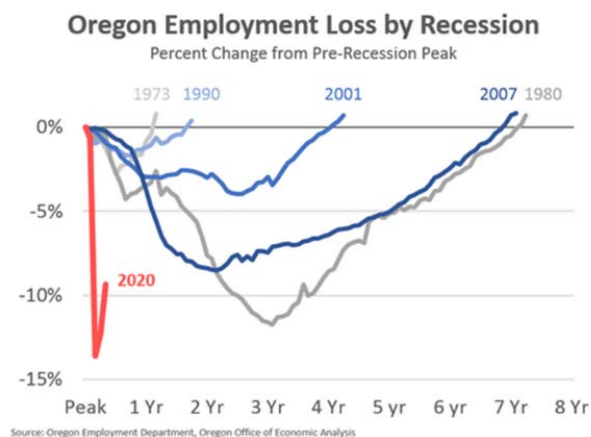
ACTIONS REQUESTED

Staff request the Metro Council's consideration and approval of Resolution No. 20-5113, For the Purpose of Approving Fiscal year 2020-21 Funding for Grants Funded with Construction Excise Tax. The proposed grants are the ninth cycle of grants to be awarded through the 2040 Planning and Development Grant program.

IDENTIFIED POLICY OUTCOMES

Approval of Resolution 20-5113 would award Cycle 9 funds for 2040 Planning and Development Grants for the specified economic development and community stabilization purposes. Economic development and community stabilization are essential to building complete, equitable communities and supporting regional goals and policies set forth in the 2040 Growth Concept, the Urban Growth Management Functional Plan, and the six desired outcomes outlined in the Regional Framework Plan. The economic health of the region is inextricably linked to the ability of the region to grow, develop, invest in critical community infrastructure and shape the region's built and natural environment.

The outbreak of the COVID-19 pandemic has gravely impacted the economic health of the region, and has disproportionately impacted people of color: across Oregon, 68.5% of black households and 53.2% of Latinx households have experienced a loss of income since March 13, 2020 as compared to 50% of white households.



The proposed award of \$1 million in grant funds to two leading Community Development Financial Institutions in the region—Craft3 and Micro Enterprise Services of Oregon (MESO)—will help provide much needed relief to entrepreneurs and businesses and begin to address regional wealth disparities. The program will have a specific focus on providing access to resources for Black people, Indigenous people, and other people of color, as well as women, veterans and other under-served and under-resourced communities. Craft3 and MESO have initiated conversations with other institutions that may provide matching funds for the proposed Regional Business Relief.

The Albina Neighborhood of North/Northeast Portland was once a thriving and diverse neighborhood, but was systematically destroyed over the years through a series of public investments in “urban renewal,” transportation infrastructure, and large public venues. The Black, Indigenous and immigrant community members whose land, homes, and livelihoods were razed in the Albina neighborhood to make way for new public investments have largely been displaced to other neighborhoods in the region with less access to opportunity, and lost not only their homes and businesses but also opportunities to build generational wealth. The Albina Vision Trust seeks to re-envision and rebuild the Albina neighborhood in an intentionally remarkable way to create a vibrantly diverse, and socially and economically inclusive community. Metro awarded a grant of \$375,000 to the Albina Vision Trust in 2019 to develop a Community Investment Plan. The additional grant funding of \$250,000 proposed in Resolution No. 20-5113 will enable the Albina Vision Trust to build on the work underway and to study site-specific redevelopment opportunities to advance implementation of the Albina Vision in the near term. To expand the impact of this additional grant, Metro staff and partners will seek to obtain matching funds from government and/or philanthropic sources.

Both immediate relief and long term efforts are needed across the region in order to support economic recovery and to create equitable access to wealth creation opportunities. People of color have long endured harmful economic consequences due to structural racism as well as direct impacts of involuntary displacement due to past urban renewal projects and neighborhood gentrification. Resolution No. 20-5113 will direct \$250,000 to create an opportunity fund to support wealth creation for Black people, Indigenous people, and other communities of color, as well as other underserved and under-resourced communities throughout the region. The Metro COO and staff will seek to leverage Metro’s initial \$250,000 investment to obtain additional funding for wealth creation projects. The Metro COO and staff will work together with the 2040 Planning and Development Grants Screening Committee to identify organizational partners to implement an initial round of projects and to award grant funds for such projects.

POLICY QUESTION(S)

Does the Council support the award of \$1.5 million in grant funds for the purposes outlined, and allocate \$500,000 of Cycle 9 grant funds for future grants for new urban area planning?

POLICY OPTIONS FOR COUNCIL TO CONSIDER

If the Metro Council approves Resolution 20-5113, CET grant funds for Cycle 9 will be allocated for the purposes specified in the Resolution, and the COO and staff will follow up with partners to work to leverage additional grant funds and to implement projects as described. An invitation to submit Cycle 10 grant applications would be issued in September 2021, unless the Council determines that a different timeline for a new round of grants is warranted.

If the Metro Council does not approve Resolution 20-5113, then a new round of grant applications for Cycle 9 Concept Planning Grants, Equitable Development Grants, and Community Engagement Grants will be solicited in September 2020, with Cycle 9 grant awards likely made in early 2021. An invitation to submit Cycle 10 grant applications would be issued in September 2021, unless the Council determines that a different timeline for a new round of grants is warranted.

STAFF RECOMMENDATIONS

Staff recommend that the Council support the resolution and approve the proposed grant awards.

STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION

Approval of the proposed Resolution will advance Metro's progress towards meeting its racial equity goals. The proposed grants will provide needed resources to support Black people, Indigenous people, and communities of color, as numerous advocates have requested, to address longstanding racial inequality in income a time when the COVID-19 pandemic has disproportionately affected communities of color across the region.

Legal Antecedents

- Metro Ordinance 06-1115 ("2006 CET Ordinance) established the construction excise tax
- Metro Ordinance 09-1220 extended the CET for an additional five year period (through September 2014).
- Metro Ordinance 14-1328 extended the CET for an additional five year period (through December 2020) and directed the Metro COO to propose amendments to the existing administrative rules.

- Metro Ordinance 18-1425 amended chapter 7.04 of the Metro Code to remove the sunset provision of the CET
- Metro resolution 19-5053 authorized refinements to the 2040 Planning and Development Program, establishing grant categories and annual fund allocations for New Urban Planning Grants and for Planning and Development Grants within the Urban Growth Boundary

Financial Implications

The current economic uncertainty makes it difficult to estimate the likely CET revenues for FY20-21 and beyond. Currently there is a balance of approximately \$6 million of CET revenues that have not yet been committed. This figure includes CET revenues collected by local jurisdictions as of the third quarter of FY19-20, and takes into account the recent Cycle 8 grant awards made in May. If the Metro Council approves Resolution 20-5113, \$2 million of funding currently in hand would be obligated.

ATTACHMENTS

Resolution 20-5113

Resolution No. 20-5120, For the Purpose of Approving an Intergovernmental Agreement for the Development and Administration of the Regional Clean Air Construction Program and Acknowledging the Application of the Clean Air Construction Standard to Metro Projects by Amendment of Metro's Sustainable Procurement Administrative Procedures

Resolutions

Metro Council Meeting
Thursday, July 30, 2020

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING AN)
INTERGOVERNMENTAL AGREEMENT FOR THE)
DEVELOPMENT AND ADMINISTRATION OF THE)
REGIONAL CLEAN AIR CONSTRUCTION PROGRAM)
AND ACKNOWLEDGING THE APPLICATION OF THE)
CLEAN AIR CONSTRUCTION STANDARD TO METRO)
PROJECTS BY AMENDMENT OF METRO'S)
SUSTAINABLE PROCUREMENT ADMINISTRATIVE)
PROCEDURES)

RESOLUTION NO. 20-5120

Introduced by Chief Operating Officer
Marissa Madrigal in concurrence with
Council President Lynn Peterson

WHEREAS, in the Metro Region, the air is unhealthy to breathe because of the presence of ultra-fine particulate matter (“PM”) emissions from older, dirty diesel engines; and

WHEREAS, environmental justice communities, including communities of color and low-income populations, experience a disproportionate burden of exposure to diesel pollution because they often live and work in areas with higher pollution levels; and

WHEREAS, one of the key opportunities to reduce diesel PM in the Metro Region’s airshed is to support the transition to construction-related equipment and vehicles that emit less diesel PM, hereafter referred to as Clean Air Construction (“CAC”); and

WHEREAS, in 2017, Metro, the City of Portland, Multnomah County, Port of Portland, Washington County and Clackamas County (the “Founding CAC Collaborative Group”) began collaborating to create a regional Clean Air Construction Standard (the “CAC Standard”) (final attached in Exhibit A) to require that nonroad construction equipment and on-road construction vehicles used for public agency construction projects reduce their emissions of PM dramatically; and

WHEREAS, to create certainty and consistency for contractors subject to the requirements, the Founding CAC Collaborative Group proposed that each agency would adopt the same CAC requirements and compliance timeline and that a single Regional Clean Air Construction Program (“Regional CAC Program”) supporting all participating agencies in administering compliance with the CAC Standard would be established by an Intergovernmental Agreement; and

WHEREAS, because the City of Portland consistently conducts the greatest average volume and variety of construction projects among the regional public agency partners, the Founding CAC Collaborative Group proposed that the City of Portland serve as lead agency for the Regional CAC Program; and

WHEREAS, the implementation of the proposed Regional CAC Program is to be governed by an Intergovernmental Agreement between Metro, the City of Portland, Multnomah County, Washington County and the Port of Portland, and any future adopting

members, including a coordinated regional approach with a City of Portland employee as program administrator, working on behalf of all participating public agencies; and

WHEREAS, Metro's fiscal year 2020-21 contribution to the proposed Regional CAC Program has been approved via the Metro Council budget process; and

WHEREAS, Metro has determined that applying the CAC Standard to COBID-certified construction firms would pose additional administrative and financial barriers which would impact their ability to participate on Metro construction project such that a temporary exemption is warranted; and

WHEREAS, Metro staff have negotiated the terms and conditions under which Metro and the regional partners propose to participate, make decisions, and share costs related to developing and administering the Regional CAC Program on behalf of all the parties, which terms are set forth in the Intergovernmental Agreement for the Development and Administration of the Regional Clean Air Construction Program (the "IGA") attached as Exhibit B; and

WHEREAS, concurrently with execution of the IGA, Metro's Sustainable Procurement Administrative Procedures will be updated by the Director of Finance and Regulatory Services in accordance with Metro Code Section 2.04.160 and Section 1.4 of said Procedures, to adopt the CAC Standard, attached as Exhibit A and apply it to Metro construction contracts of five hundred thousand dollars and No/100 (\$500,000.00) or more, but exempt COBID-certified firms until grant funding is available, now therefore

BE IT RESOLVED that the Metro Council:

Acknowledges and approves an update to Metro's Sustainable Procurement Administrative Procedures to adopt the CAC Standard attached as Exhibit A, apply it to Metro construction contracts of five hundred thousand dollars and No/100 (\$500,000.00) or more and exempt COBID-certified firms until grant funding is available; and

Authorizes the Metro Chief Operating Officer to execute the IGA attached as Exhibit B.

ADOPTED by the Metro Council this 30th day of July, 2020.

Juan Carlos Gonzalez, Deputy Council President

Approved as to Form:

Carrie MacLaren, Metro Attorney

Exhibits:

Exhibit A: Metro's Sustainable Procurement Administrative Procedures

Exhibit B: Intergovernmental Agreement for the Development and Administration of the Regional Clean Air Construction Program



SUSTAINABLE PROCUREMENT ADMINISTRATIVE PROCEDURE

**Published:
November 28, 2012
Amended:
July 30, 2020**

Administration of Metro Code Chapter 2.04.500-540 Metro’s Sustainable Procurement Program

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1. Policy and Legal Authority

- 1.1. Metro's contracting authority is established under Metro Charter, the Constitution of the State of Oregon and Oregon Revised Statute 279A.
- 1.2. All procurement procedures shall be subject to authority of all other applicable laws, regulations or requirements in addition to those contained in these administrative procedures and reporting requirements.
- 1.3. These administrative procedures are issued by the Chief Operating Officer pursuant to Metro Code 2.04.520 Metro's Sustainable Procurement Administrative Rules.
- 1.4. The Chief Operating Officer delegates to the Director of Finance and Regulatory Services the authority to update these rules as circumstances dictate.

2. Purpose

- 2.1. The purpose of these administrative procedures is to ensure that Metro's procurement activities support Metro's Sustainability goals, Metro's Sustainability Plan, and to be consistent with Metro's definition of Sustainability -- using, developing and protecting resources in a manner that enables people to meet current needs and provides that future generations can also meet future needs, from the joint perspective of environmental, economic and community objectives.. They are also intended to support a sustainable environment, economy and community.
- 2.2. These rules will act as a guide so that Metro employees and contractors may follow Metro Code; they will serve as a guide for purchasing decision making. Metro employees and contractors who represent Metro are to comply with these rules.
- 2.3. Nothing in these procedures, however, shall be construed as requiring a purchaser or contractor to procure products that do not perform adequately for their intended use, exclude adequate competition, or are not available at a reasonable price or in a reasonable period of time.

3. Materials Sourcing

3.1. Used or Surplus Goods

- 3.1.1. Try to find the product used before purchasing a new product; check to see if such product is available internally
- 3.1.2. Post a request on the internal bulletin board to see if the product is available as surplus from another Metro facility or department.
- 3.1.3. Email Maintenance Requests at the Metro Regional Center (MRC) to find out whether there are surplus items that meet the procurement needs.

3.2. New products

- 3.2.1. If a product or service is not available from one of these used or surplus sources, procure it from a supplier.
- 3.2.2. To minimize possible packaging and shipping, determine if other Metro departments have the same needs in the same time frame. Coordinate joint procurement. (Contracts List and Procurement Contacts)
- 3.2.3. To the highest extent possible use Best Value when determining your solicitation method. Best Value means that low price is not the only factor in determining what to buy. If practical and feasible use a Request for Proposal rather than low-bid method of solicitation so that factors other than price may be included in the purchasing decision. Factors that may be considered include, but are not limited to: sustainability (both environmental and social) and life cycle cost assessment.

4. Solicitation for Goods and Services

4.1. Sustainability shall be considered in every purchase made by Metro.

4.2. **Required Qualifications** for all purchases:

The following required qualifications shall be incorporated in all Metro solicitations for procurement of goods and services to the highest extent practicable:

- 4.2.1. Purchasers will incorporate these minimum sustainability requirements into all solicitations, where appropriate and practicable. Any exception to this requirement shall be approved in writing by the procurement manager or his or her designee.
- 4.2.2. Copy Paper: All copy paper purchased for office copiers shall be recycled from 100% post consumer material and processed chlorine-free (PCF). High speed copiers shall use minimum 30% post consumer material paper.
- 4.2.3. Electronic Equipment: All electronic equipment purchased shall be Energy Star certified, where certified products are available.
- 4.2.4. Green House Gas Reduction: Green House Gas reduction preferences and/or criteria will be incorporated into specifications and scopes of work.
- 4.2.5. Least Toxic: Request “least toxic” options in specifications and scopes of work.
- 4.2.6. Water Efficiency: All water fixture and equipment purchases will be water efficient (refer to new construction and renovation standards).
- 4.2.7. Vehicles: All vehicles purchased will have a smaller environmental footprint than the vehicle replaced or, if new, will be a Green Vehicle if at all possible.
- 4.2.8. Cleaning Chemicals: All cleaning chemicals will be Green Seal certified to the GS-37 standard, or will be comparably certified.
- 4.2.9. Computers: All computers and monitors will be EPEAT Gold or Silver certified.

- 4.2.10. Fluorescent Lighting: All fluorescent lighting will meet the LEED credit for Reduced Mercury in Lamps. The maximum target for the overall average of mercury content in lamps will be 90 picograms per lumen-hour or less.
- 4.2.11. All construction or renovation projects at Metro facilities shall follow the Metro Green Building Policy, adopted by Metro Council resolution no. 11-4294A.¹
- 4.2.12. Construction demolition or deconstruction services shall, at a minimum, comply with City of Portland rules regarding construction debris recycling.² Deconstruction services are preferred.
- 4.2.13. Minority, Woman and Emerging Small Business (MWESB): All non-construction contracts between \$5,000 and \$50,000 shall be solicited to at least one MBE, one ESB and one WBE, per Metro's MWESB program.³ Use sustainable procurement as an opportunity for MWESB vendors rather than a barrier to business with Metro.
- 4.2.14. Sheltered Market Program: All construction contracts between \$5,000 and \$50,000 shall be solicited from MWESB vendors only per Metro's Sheltered Market Program.⁴
- 4.2.15. Metro construction or renovation projects that cost \$500,000 or more shall comply with the Clean Air Construction Standard included as Appendix B of these administrative procedures.

4.3. Preferred Qualifications for all purchases:

In addition to the required qualifications above, purchasers will incorporate the following preferred qualifications when procuring goods and services to the highest extent practicable:

- 4.3.1. Certified organic products
- 4.3.2. Repurposed furniture
- 4.3.3. Fair trade certified products
- 4.3.4. Locally available products and services
- 4.3.5. Durable, repairable and refillable products
- 4.3.6. Products and services certified by a third-party ecolabel
- 4.3.7. Products made of recycled and recovered content
- 4.3.8. Green vehicles that are fuel efficient or use alternative fuels

¹ Metro Green Building Policy Administrative Procedure, 2011.

http://library.oregonmetro.gov/files/metro_green_building_policy_resolution_11-2011.pdf

² City of Portland Construction and Demolition Debris recycling requirements, www.portlandoregon.gov/bps/41683.

³ Metro Minority, women and emerging small business program, www.oregonmetro.gov/index.cfm/go/by.web/id=24904.

⁴ Metro Sheltered Market program, <http://imet.metro-region.org/index.cfm/go/by.web/id=20041>.

- 4.3.9. Require vendors to follow sustainable business operations which may include but not limited to use of sustainable and non-toxic cleaning products and use of alternative fuel vehicles for delivery or other services.
- 4.3.10. Request reduced packaging through such methods as vendor take-back of packaging, packaging reuse, and recyclable packaging.
- 4.3.11. Request sustainable delivery and shipping options, such as use of renewable fuels for transportation or bicycle delivery service.
- 4.3.12. Life Cycle Cost Assessment: considering Life Cycle Cost Assessment when evaluating a product's price using a Product Stewardship model for goods or all phases of the product or service (leased carpet tiles, for example).
- 4.3.13. Request reports from selected vendors on compliance with Metro's Sustainable Procurement Administrative Procedure whenever possible.
- 4.3.14. Utilization of the following price preferences allowable by State of Oregon when purchasing agricultural products or recycled content products:
 - 10 percent price preference for agricultural products grown and transported entirely within the State of Oregon (ORS 279A.128)
 - 10 percent price preference for goods that are fabricated or processed, or services that are performed, entirely within the State of Oregon (ORS 279A.128)
 - 5 percent price preference for recycled goods as defined and explained in the EPA's Comprehensive Procurement Guidelines (ORS 279A.125)

5. Roles and Responsibilities

5.1. Department Supervisors and Managers

- 5.1.1. Include Sustainable Purchasing as an area for employee development, where practicable, to identify possible areas of improvement
- 5.1.2. Ensure that employees complete available pertinent training opportunities and ensure that such training is tracked, managed and reported as required
- 5.1.3. Designate department Sustainable Procurement Representative

5.2. Department Sustainable Procurement Representatives

- 5.2.1. Participate in training on sustainable procurement and be the resource for department staff
- 5.2.2. Serve as the point person for department evaluation of the practicability of using particular recovered or sustainable products and services
- 5.2.3. Represent the department on any agency-wide Sustainable Procurement efforts

5.2.4. Revise department procedures as necessary to facilitate procurement of sustainable products and services and for ease of data collection

5.3. Any Metro employee buying goods or services

5.3.1. Take into consideration sustainability when planning any purchase

5.3.2. Include the above sustainability factors in their purchases, whenever practicable

5.3.3. Measure and track all sustainable purchases made using Peoplesoft codes provided for tracking sustainable purchases

5.3.4. Participate in Metro's online sustainable procurement training

5.3.5. Consult early in the procurement process with appropriate parties (e.g., environmental specialists, contract specialists/contracting officers) to facilitate procurement planning and to prepare sustainable scopes of work or specifications

5.3.6. Monitor contract performance to ensure compliance with sustainable procurement requirements in accordance with the terms of the contract

5.3.7. Submit the Material Safety Data Sheet (MSDS) to Metro's chemical inventory whenever the product purchased has an MSDS.⁵

5.4. Procurement Services

5.4.1. Include formal and informal Sustainable Procurement Training in the Procurement Training Curriculum at least twice a year

5.4.2. Provide assistance to Metro buyers in writing and evaluating sustainability in solicitations and purchases

5.4.3. Seek opportunities for cooperative purchases, both within Metro and with other public agencies

5.4.4. Monitor agency compliance with these rules

5.4.5. Revise Procurement Procedures periodically to reflect these rules

5.4.6. Provide a Sustainable Procurement Toolbox and keep it maintained and updated. This toolbox will include:

5.4.6.1. Solicitation and Contract templates that include appropriate sustainability language

5.4.6.2. Solicitation and Contract examples that include appropriate sustainability language

5.4.6.3. Lists of suitable, preferred sustainable goods and services and links to such lists

⁵ Metro Material Safety Data Sheet (MSDS) database, <http://imet.metro-region.org/index.cfm/go/by.web/id=18764>.

- 5.4.6.4. Required and allowable third party certifications and advice on how to use such certifications
- 5.4.6.5. Links to MWESB databases and resources
- 5.4.6.6. Guidance on purchasing less-toxic or non-toxic products and link to the Metro chemical inventory
- 5.4.6.7. Training documents and links to external training opportunities
- 5.4.6.8. Sustainable Procurement Checklist

5.5. Metro Sustainability Program

- 5.5.1. Consult with Procurement Services and Departments about how to integrate sustainability criteria into procurements and contracts consistent with the Metro Sustainability Plan⁶ for internal operations
- 5.5.2. Provide input to Procurement Services about best practices in sustainable procurement
- 5.5.3. Coordinate with Procurement Services to incorporate sustainable procurement progress into regular sustainability reports to Metro Council

6. Reporting Requirements

- 6.1. Procurement Services will report fiscal results to the Metro Council and to the Metropolitan Exposition and Recreation Commission (MERC) annually. These reports shall include, at a minimum:
 - 6.1.1. Percentage of sustainable procurements by dollar amount as compared with total overall spending and compared to a fiscal year 2012 – 2013 baseline year;
 - 6.1.2. Extent to which purchases made during the reporting year support Metro’s Sustainability Plan goals;
 - 6.1.3. List of instances in which these sustainability rules were waived during the reporting year; and
 - 6.1.4. Barriers to the procurement of sustainable products that meet Metro’s and MERC’s needs and suggestions for overcoming these barriers.

7. Sustainable Procurement Program Goals

- 7.1. An increase of 5 percent per year on the dollar amount of sustainable products purchased from the prior year. The baseline will be FY 12-13. Metro’s five year goal is to achieve a 25 percent increase from baseline year spending levels by FY 17-18;

⁶ Metro Sustainability Plan for Internal and Business Operations, 2010.
http://library.oregonmetro.gov/files/metro_sustainability_plan_final_2010.pdf
 Sustainable Procurement Administrative Procedure
 Implementing Metro Code Chapter 2.04.500-540
 Published: November 28, 2012, Amended July 30, 2020

7.2. An increase in the utilization of MWESB certified firms in Metro contracting, expressed as percent of total spend, consistent with Metro's MWESB program goals; and

7.3. An increase in the utilization of local businesses within 400 miles of Metro.

8. Update of Administrative Procedures

8.1. These procedures may be updated periodically by an action of Metro's Chief Operating Officer.

9. Glossary of terms

For the purposes of this policy, the following terms and definitions apply:

Best Value Contracting: A type of contracting that allows purchasers to consider factors other than price, such as: experience, sustainability, personnel, diversity, financial capabilities.

Certified organic: An item that has been grown according to strict uniform standards that are verified by independent state or private organizations.

Contractor: Any person, group of persons, consultant, designing architect, association, partnership, corporation, or other business entity that has a contract with Metro (including suppliers) or serves in a subcontracting capacity with an entity having a contract with Metro for the provision of goods or services.

Ecolabel: A label that identifies overall environmental preference of a product or service within a specific product/service category based on Life Cycle Cost Assessment considerations and that is awarded Third Party Certification.

Environmental footprint: the area of productive land and water ecosystems required to produce the resources that one consumes and assimilate the wastes that the he/she produces.

EPEAT: Electronic Product Environmental Assessment Tool. An environmental certification for electronic equipment, commonly computers, developed by the Environmental Protection Agency and maintained by the Green Electronics Council.

Fair trade: A trading partnership, based on dialogue, transparency and respect, which seeks greater equity and contributes to sustainable development by offering better trading conditions to, and securing the rights of, marginalized producers and workers.

Green building practices: A whole-systems approach to the design, construction, and operation of buildings and structures that helps mitigate the environmental, economic, and social impacts of construction, demolition, and renovation, and includes Third Party Certification.

Green vehicle: A vehicle that emits low or zero emissions; typically by fuels other than gasoline or diesel.

Habitat friendly: Development practices that reduce the impact of development on natural resources, look beyond the building envelope and focus on land development and site design

that mimic nature's processes, and conserve the natural systems and hydrologic functions of a site.

LEED: Leadership in Energy & Environmental Design. A commonly used building certification system developed and maintained by the US Green Building Council.

Least toxic: No additives that are chemicals of high concern to human or environmental health may constitute part of the product except at levels consistent with background levels in the environment.

Life cycle cost assessment: The comprehensive accounting of the total cost of ownership, including the initial costs, energy and operational costs, longevity and efficacy of service, and disposal costs.

Locally available: Grown, manufactured, or assembled within 400 miles of the Metro Region or sold from a vendor located within 400 miles of the Metro Region.

MWESB: Minority-Owned Enterprise, Woman-Owned Enterprise and Emerging Small Business. A business certification developed and maintained by the State of Oregon.

Post-consumer material: A material or finished product that has served its intended use and has been discarded for disposal or recovery, having completed its life as a consumer item. Post-Consumer Material is a part of the broader category of Recovered Material.

Practicable: Satisfactory in performance and available at a fair and reasonable price.

Pre-consumer material: Material or waste remaining after manufacture of a product.

Product stewardship: Whoever designs, produces, sells, or uses a product takes responsibility for minimizing the product's environmental impact throughout all stages of the product's life cycle.

Qualification: A condition or standard that must be met or complied with.

Recovered material: Waste material and by-products which have been recovered or diverted from solid waste and includes both Post-Consumer Material and manufacturing or Pre-Consumer Material. Also known as recycled material or recycled content.

Recovered product: A product manufactured using Recovered Material and meeting the Minimum Recovered Content Standards established by Metro's Sustainable Procurement Administrative Rules.

Recycled paper: Paper meeting the Minimum Recovered Content Standards established by Metro's Sustainable Procurement Administrative Rules.

Repurpose: To give a new purpose or use to.

Solicitation: A request for a priced offer to sell goods or services.

Source, sourcing: To specify the source of

Supplier diversity: A Sustainable Business Practice that encourages the use of previously underutilized vendors as suppliers.

Sustainability: Using, developing and protecting resources in a manner that enables people to meet current needs and provides that future generations can also meet future needs, from the joint perspective of environmental, economic and community objectives.

Sustainable procurement: Purchasing materials, products, and services in a manner that integrates fiscal responsibility, social equity, and community and environmental stewardship.

Sustainable products: Products that have a lesser or reduced effect on human health and the environment when compared with competing products that serve the same purpose. This comparison may consider Life Cycle Cost Assessment.

Third party certification: An independent, objective assessment of a service or product completed by someone other than the service provider or product manufacturer.

Total cost of ownership: A financial estimate whose purpose is to help consumers determine direct and indirect costs of a product or system.

Molly Chidsey, Julie Hoffman

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APPENDIX B: CLEAN AIR CONSTRUCTION STANDARD

Idle Reduction Requirements

Beginning January 1, 2020 contractors working on Metro construction projects shall take the following steps to reduce unnecessary diesel equipment idling:

- All nonroad diesel equipment must shut down after five (5) minutes of inactivity, and
- All nonroad diesel equipment shall have decals/prompts visible to the operator to remind them to shut down the equipment after five (5) minutes of inactivity, and
- Contractors will ensure all diesel equipment operators are aware of the policy, and
- Contractors will post “Five Minute Limit” signs in high foot traffic areas of the job site, visible to workers.

Exemptions to the above idle reduction requirements are allowed in circumstances where:

- the safety of contractors and their employees may be compromised if diesel equipment is turned off; for example, where employees are working in a trench; or
- the equipment meets the most stringent EPA emissions standards or has been retrofit with a DPF; or
- frequent shutdowns may be detrimental to the exhaust control system, reducing the effectiveness of that system by lowering the exhaust temperature; or
- equipment requires testing, servicing, inspection, or repairs.

Diesel Engine Requirements and Phase-In Schedule

Effective January 1, 2022 and in accordance with the phase-in schedule outlined below all diesel-powered nonroad construction equipment greater than 25 horsepower and all on-road diesel dump trucks and concrete mixers used on Metro construction projects must meet the following requirements. When pursuing diesel emission control device retrofits, equipment and vehicle owners shall install the emission control device that maximizes diesel particulate matter reductions for that specific piece of equipment or vehicle in accordance with the Compliance Options Protocols.

| Effective Date of Diesel Engine Requirement | Nonroad Diesel (over 25hp) | | | | On-Road Diesel (concrete mixers and dump trucks) | | | |
|---|---|------------------|---|----------------------------------|--|------------------|---|----------------------------------|
| | Engine Requirements | Retrofit Options | | | Engine Requirements | Retrofit Options | | |
| | | DPF | DOC (only if DPF or equivalent can't be installed) | | | DPF | DOC (only if DPF or equivalent can't be installed) | |
| | | All Firms | Non-DMWES B/SDVB Firms | DMWES B/SDVB Firms | | All Firms | Non-DMWES B/SDVB Firms | DMWESB /SDVB Firms |
| January 1, 2020 | No Idling | | | | | | | |
| January 1, 2021 | | | | | | | | |
| January 1, 2022 | No Tier 0 engines allowed unless retrofit | Y | Y | Y | | | | |
| January 1, 2023 | No Tier 0 or 1 engines allowed unless retrofit | Y | Y | Y | | | | |
| January 1, 2024 | No Tier 0, 1, 2, or 3 engines allowed unless retrofit | Y | N (pre-2024 installs allowed) | N (pre-2024 installs allowed) | No pre-2007 engines allowed unless retrofit | Y | N | N (pre-2024 installs allowed) |
| January 1, 2025 | | | N | | | | | |

COBID-certified firms are exempt from the diesel engine requirements in the Clean Air Construction Standard set forth in this Appendix B until grant funding to assist with equipment upgrades becomes available, or until January 1, 2024, whichever is earlier. When additional grant funding becomes available to assist with equipment upgrades, the Clean Air Construction Standard will be updated to remove the exemption for COBID-certified firms.

Contractors may apply for exemptions to the above diesel engine requirements on a per project basis in circumstances where:

- The equipment/vehicle is required for an emergency (including for underground equipment operators).
- After following the Compliance Options Protocol, the required emission control device would obscure operator lines of sight or otherwise impact worker safety or the equipment is not able to be retrofit with an emission control device; and no

compliant rental equipment is available within 100 miles of the job site.

- After following the Compliance Options Protocol, the contractor can demonstrate that due to the uniqueness of the equipment/vehicle or similar special circumstances, it is not reasonable to comply with the diesel engine requirement for a specific piece of equipment/vehicle.

Compliance and Verification

Contractors (prime and sub-contractors, and applicable suppliers) will demonstrate compliance with the Clean Air Construction Standard on an annual basis by providing to the Metro, or approved program operator, all requested diesel equipment/vehicle information needed to verify compliance, including confirmation that retrofit devices are maintained on the equipment in proper operating condition. Upon determining compliance with the requirements, the Metro, or approved program operator, will issue an equipment/vehicle decal for each compliant piece of equipment/vehicle. This decal must be displayed on the compliant equipment/vehicle at all times in a location readily visible to Metro staff. In addition, random on-site inspections by Metro staff (or approved program operator) will be conducted on a project by project basis.

Compliance Options Protocols

Compliance with the Diesel Engine Requirements contained herein will be determined according to the following protocols:

NONROAD Compliance Options Protocol

| Protocol Step | Question(s) | Answer | Action |
|---------------|--|--------|--|
| 1 | Is the nonroad equipment over 25hp? | YES | Go to Step 2 |
| | | NO | Register equipment and obtain compliance verification. No further action required other than anti-idling compliance on job-site. |
| 2 | Is the equipment required for an emergency? (including for underground equipment operators) | YES | Request Exemption |
| | | NO | Go to Step 3 |
| 3 | Is the equipment powered by electricity or alternative (non-diesel) fuel? | YES | Register equipment and obtain compliance verification. No further action required other than anti-idling compliance on job-site. |
| | Does the diesel equipment utilize only a Tier 4 engine(s)? | NO | Go to Step 4 |
| 4 | Can the equipment be repowered or retrofit with a CARB or EPA verified DPF or equivalent? ¹ | YES | Repower or retrofit equipment and obtain compliance verification. |
| | | NO | If it is currently 2023 or earlier, go to Step 5 |

| | | | |
|---|--|-----|---|
| | | | If it is currently 2024 or later, go to Step 6. |
| 5 (pre-2024) | Can the equipment be retrofit with an emissions control device other than DPF? | YES | Retrofit equipment with an emission control device that maximizes diesel particulate matter emission reduction. Obtain compliance verification. |
| | | NO | Go to Step 6 |
| 6 | Is compliant rental equipment available within 100 miles of the job site? | YES | Rent equipment and obtain compliance verification. |
| | | NO | Request Exemption. |
| ¹ Equivalent is defined as achieving the same level (within 10%) of diesel particulate matter (PM) emissions reduction as a DPF. | | | |

ON-ROAD Compliance Options Protocol

| Protocol Step | Question(s) | Answer | Action |
|---|--|--------|---|
| 1 | Is the on-road vehicle a concrete mixer or dump truck? | YES | Go to Step 2 |
| | | NO | Register equipment and obtain compliance verification. No further action required other than anti-idling compliance on job-site. |
| 2 | Is the vehicle required for an emergency? (including for underground equipment operators) | YES | Request Exemption |
| | | NO | Go to Step 3 |
| 3 | Is the vehicle powered by electricity or alternative (non-diesel) fuel? | YES | Register equipment and obtain compliance verification. No further action required other than anti-idling compliance on job-site. |
| | Is the diesel concrete mixer or dump truck 2007 or newer? | NO | Go to Step 4 |
| 4 | Can the vehicle be repowered or retrofit with a CARB or EPA verified DPF or equivalent? ¹ | YES | Repower or retrofit equipment and obtain compliance verification. |
| | | NO | If it is currently 2023 or earlier <u>and</u> the vehicle owner is a DMWESB/SDVB firm, go to Step 5. If it is currently 2024 or later, go to Step 6. |
| 5 (pre-2024) | Can the equipment/vehicle be retrofit with a CARB or EPA verified emissions control device other than DPF? | YES | Retrofit equipment with a CARB or EPA verified emission control device that maximizes diesel particulate matter emission reduction. Obtain compliance verification. |
| | | NO | Go to Step 6 |
| 6 | Is compliant rental equipment available within 100 miles of the job site? | YES | Rent equipment and obtain compliance verification. |
| | | NO | Request Exemption. |
| ¹ Equivalent is defined as achieving the same level (within 10%) of diesel particulate matter (PM) emissions reduction as a DPF. | | | |

Terms/Definitions

CARB: California Air Resources Board, a state regulatory agency charged with regulating the air quality in California.

Diesel Particulate Matter – the solid or liquid particles found in the air released through the exhaust from diesel vehicles/equipment. Exposure to diesel particulate matter increases the risk of heart attack, stroke, cardiovascular disease, exacerbates asthma, and can lead to

| | | | | | | | | |
|------|-----|-----|-----|-----|-----|-----|-----|-----|
| 2018 | T4b | T4b | T4b | T4b | T4b | T4b | T4b | T4b |
| 2019 | T4b | T4b | T4b | T4b | T4b | T4b | T4b | T4b |
| 2020 | T4b | T4b | T4b | T4b | T4b | T4b | T4b | T4b |

Nonroad: Construction equipment and vehicles that fall under the EPA non-road engine equipment category, which includes all diesel equipment not intended for highway use. For the purpose of this policy, these vehicles/equipment include only diesel construction vehicles/equipment with engines larger than 25 horsepower, which includes tractors, excavators, dozers, scrapers and other construction vehicles/equipment.

SDVB: Service Disabled Veteran Business as certified by the State of Oregon Certification Office for Business Inclusion and Diversity.

EXHIBIT B: INTERGOVERNMENTAL AGREEMENT

INTERGOVERNMENTAL AGREEMENT
Between
Multnomah County, Washington County, Metro, and Port of Portland
And
City of Portland Bureau of Revenue and Financial Services – Procurement Services
For
Development and Administration of the Regional Clean Air Construction Program

This Intergovernmental Agreement (“Agreement”), dated this 27th day of January 2020, is made and entered into by and between the City of Portland (the “City”), through City of Portland Bureau of Revenue and Financial Services – Procurement Services (“Procurement Services”) and Multnomah County, Washington County, Metro, and Port of Portland, collectively referred to as “the Parties.”

RECITALS

1. In the Portland Metro area, the air is unhealthy to breathe because of the presence of ultra-fine particulate matter (PM) from older, dirty diesel engines. One of the key opportunities to reduce diesel PM in the Portland Metro airshed is to support the transition to construction-related equipment and vehicles that emit less diesel PM, hereafter referred to as Clean Air Construction (CAC). In 2017 a group of staff representatives from the City of Portland, Multnomah County, Metro, Port of Portland, Washington County and Clackamas County (“Founding CAC Collaborative Group”) began collaborating on a regional Clean Air Construction Standard (“CAC Standard”) that requires the use of cleaner (as in reduced diesel PM emissions) nonroad equipment and on-road construction vehicles for public agency construction projects. To create certainty and consistency for contractors subject to the requirements, the Founding CAC Collaborative Group agreed that each agency would adopt the same CAC requirements and compliance timeline.
2. In addition, the Founding CAC Collaborative Group agreed a single regional Clean Air Construction Program (“CAC Regional Program”) that supports all participating agencies in administering compliance with the CAC Standard is the best implementation approach for the regional CAC Standard. Since the City has the largest volume and variety of construction projects on an annual basis within the Founding CAC Collaborative Group, the City is serving as the lead agency for the CAC Regional Program.
3. The Parties desire to enter into an agreement that will establish the terms and conditions by which the Parties will engage and reimburse the City for staff and services related to developing and administering a CAC Regional Program on behalf of all the Parties.

AGREEMENT

1. ROLES AND RESPONSIBILITIES

The City and the Parties agree to be responsive and perform the following roles and responsibilities in a timely manner. This Agreement does not preclude either the City or the Parties from contributing additional support for Clean Air Construction programming through in-kind or other financial contributions, whether specific to their own agency or for the CAC Regional Program.

a. City of Portland

The City will:

- i. Recruit, hire, and maintain a full-time City employee who will be dedicated to serving as the CAC Regional Program Coordinator for the duration of this Agreement, at a minimum.
- ii. Serve as the CAC Regional Program administrator and fulfill related administrative responsibilities such as, but not limited to:
 - a. Primary point-of-contact for CAC Regional Program inquiries
 - b. Administer shared technology platforms specific to the CAC Regional Program
 - c. Solicit and manage third-party consulting (or other) services related to supporting the CAC Regional Program
 - d. Develop and distribute CAC Regional Program communications
 - e. Organize and facilitate CAC Regional Program meetings
 - f. Develop program budget in coordination with the Clean Air Construction Intergovernmental Oversight Committee (“CAC Committee”)
 - g. Develop and track CAC Regional Program performance metrics
 - h. Develop and distribute CAC Regional Program financial and performance reports
- iii. Develop, host, and maintain a CAC Regional Program website.
- iv. Coordinate CAC Regional Program compliance activities among the Parties in a manner that minimizes duplicative compliance tasks among contractors subject to the CAC Standard.
- v. Integrate the CAC Standard into City solicitation and contract documents as applicable.
- vi. Provide training to internal agency staff such that applicable staff are aware of the CAC Standard and can effectively facilitate agency implementation of the CAC requirements. Applicable staff may include procurement staff and construction project managers.
- vii. Include CAC references in applicable contractor communications and outreach events to help build awareness among the contractor community.
- viii. Commit agency funds in its applicable fiscal year budget to fulfill its cost share of the CAC Regional Program per this Agreement (see Section 3).
- ix. Conduct on-site compliance checks each fiscal year. On-site compliance checks may be conducted by a third-party consultant or agency staff so long as the compliance check requirements are in line with what is agreed upon by the CAC Committee.
- x. Carry out liquidated damages or other consequences or remedy requirements for violations of the CAC requirements per the City’s applicable rules.

b. The Parties

Each agency will:

- i. Adopt the CAC Standard requirements as agreed upon by the Founding CAC Collaborative Group such that they become enforceable contract requirements, as applicable, for that agency. In order to reduce confusion among the contractor

community, each agency shall adhere to the original Diesel Engine Requirements Phase-In Schedule no matter when their agency adopts the Clean Air Construction Standard.

- ii. Integrate the CAC Standard into their solicitation and contract documents as applicable.
- iii. Provide training to internal agency staff such that applicable staff are aware of the CAC Standard and can effectively facilitate agency implementation of the CAC requirements. Applicable staff may include procurement staff and construction project managers.
- iv. Commit one staff person to serve on the CAC Committee (see Section 2) and provide that staff person the necessary resources to fulfill their role and responsibilities as part of the CAC Committee.
- v. In general, coordinate with the CAC Regional Program Coordinator on CAC-related communications and outreach to the contractor community and the public.
- vi. Include CAC references in applicable contractor communications and outreach events to help build awareness among the contractor community.
- vii. Provide the CAC Regional Program Coordinator with necessary construction project and related information as needed to populate the regional CAC online registration and compliance system.
- viii. Provide the CAC Regional Program Coordinator with applicable compliance information, such as, but not limited to, list of prioritized projects/contractors for compliance checks.
- ix. Commit agency funds in their applicable fiscal year budgets to fulfill their cost share of the CAC Regional Program per this Agreement (see Section 3).
- x. Conduct on-site compliance checks each fiscal year. On-site compliance checks may be conducted by a third-party consultant or agency staff so long as the compliance check requirements are in line with what is agreed upon by the CAC Committee and that compliance check results are shared with the CAC Regional Program Coordinator.
- xi. Carry out liquidated damages or other consequences or remedy requirements for violations of the CAC requirements per the agency's applicable rules.

c. Decision Making and Oversight

In its role as the CAC Regional Program administrator, the City may make routine, day-to-day program decisions. Any decisions that affect core elements of the CAC Standard, the CAC Regional Program budget, or alter CAC Regional Program elements previously-agreed upon by the Parties through the Founding CAC Collaborative Group or CAC Committee shall first be authorized by the CAC Committee (see Section 2).

2. CLEAN AIR CONSTRUCTION INTERGOVERNMENTAL OVERSIGHT COMMITTEE

Upon the effective date of this Agreement, a Clean Air Construction Intergovernmental Oversight Committee ("CAC Committee") will be formed by the Parties. The CAC Committee will be comprised of one representative from each participating agency ("CAC Committee Agency Representative"). Additional agency staff may participate as needed to fulfill needed subject matter expertise, but only one designated agency representative may vote on any required collective committee decisions. The CAC Committee will meet no less than bi-monthly (or as otherwise determined by the CAC Committee) to keep up to date on program activities and provide guidance to the CAC Regional Program Coordinator.

a. CAC Committee Responsibilities

The CAC Committee will be responsible for the following:

- i. Provide collective guidance to the CAC Regional Program Coordinator regarding program activities.
- ii. Decide on any key program elements (new or updating existing) that affect the program at a regional level (e.g. not just one agency), such as, but not limited to: CAC requirements, compliance expectations, registration fees, overarching program communications, and compliance system design and protocols.
- iii. On an annual basis, approve a CAC Regional Program budget.
- iv. Recommend and approve allocation of any CAC Regional Program one-time surplus or Rainy Day Program Funds (see Section 3).
- v. Verify/Approve non-budgeted expenses that are subject to the 5% Contingency Set-Aside (see Section 3).
- vi. Propose amendments, as needed, to this Agreement.

b. Public Meeting and Public Records Requirements

Based on the CAC Committee responsibilities identified in Section 2.a, the CAC Committee is considered a governing body and thus subject to public meetings and public records requirements.

c. Committee Member Good Standing

To be in good standing and to maintain CAC Committee voting eligibility, each agency representative to the CAC Committee is responsible for:

- i. Attending at least 80% of CAC Committee meetings on an annual basis, unless otherwise excused in advance at the discretion of the CAC Regional Program Coordinator.
- ii. Serving as a liaison between the CAC Regional Program Coordinator and the agency. This includes providing necessary agency-specific information, such as upcoming construction projects that need to be entered into the CAC online registration system, facilitating the agency's funding contribution per this Agreement, and other agency-specific program related logistics.
- iii. Serving as the agency's primary point of contact for internal agency CAC inquiries and external agency-specific CAC inquiries.

d. Committee Decision Making

Only designated CAC Committee Agency Representatives in good standing may vote on any CAC Committee collective decision items. If a CAC Committee Agency Representative is unable to attend a specific vote, they may assign an alternate from their agency to attend and vote on their behalf so long as the CAC Committee Agency Representative notifies the CAC Regional Program Coordinator in advance of the applicable meeting. Quorum shall consist of at least 70% of CAC Committee Agency Representatives in good standing. Once quorum is achieved, decisions by the CAC Committee shall be considered passed if there are no "nay" votes. Members may abstain from a vote and the item may pass so long as other non-abstaining representatives cast a "yea" vote. Per Section 2.b, all CAC Committee meetings and decision making shall follow public meeting requirements.

3. CAC REGIONAL PROGRAM COST SHARE MODEL

The Parties agree to pay the City funds for administrating the CAC Regional Program. Each agency's share of the program costs (Annual Cost Share) , including the City's share, will be calculated according to the following.

a. Definitions

- Agency Annual Budget – total adopted budget of an agency’s most recent fiscal year
- Agency Scale Percentage – Agency Annual Budget divided by sum of all the Parties’ Agency Annual Budgets.
- Base Fee - 25% of projected Program Budget rounded to nearest thousand divided by number of participating agencies
[0.25 * Program Budget Total (*rounded to nearest thousand*)] / [# of participating agencies]
- Fiscal Year – July 1 through June 30.
- Program Budget – Annual Clean Air Construction Regional Program budget
- Registration Revenue – revenue from equipment registration fees collected by the CAC Regional Program
- Sliding-Scale Fee - projected Program Budget minus sum of all the Parties’ Base Fees, multiplied by Agency Scale Percentage
[Program Budget – Σ Base Fees] * [Agency Scale Percentage]

b. Cost Share Calculation

Agency’s Annual Cost Share = [Base Fee] + [Sliding Scale Fee]

c. Annual Program Surplus

If the CAC Regional Program’s annual costs plus revenues results in surplus funds at the end of the fiscal year, that surplus will be managed according to the following:

- i. Up to \$30,000.00 will be carried over to the subsequent fiscal year for the purposes of a “CAC Rainy Day Program Fund” to cover unanticipated program expenses. At the end of the duration of this Agreement, any remaining amount in the CAC Rainy Day Program Fund will be distributed to agencies participating in the CAC Regional Program at the time the Program ends, proportional to their fiscal contributions paid into the Program over the duration of the Program.
- ii. Any remaining amount in excess of \$30,000.00 (“Program Surplus”) will be carried over to the subsequent fiscal year and allocated through the budget process for one-time activities during that fiscal year that support the CAC Regional Program, such as, but not limited to, technical assistance, training, education, etc.

The CAC Committee will be responsible for recommending and approving Program Surplus or Rainy Day Program Fund expenditures (see Section 2).

d. 5% Contingency Set-Aside for Unexpected Expenses

The City and the Parties shall budget 5% of their Agency’s Annual Cost Share for the purposes of a Contingency Set-Aside. This Contingency Set-Aside will be held by each agency and reserved for use in the event the CAC Regional Program experiences a justified cost in excess of the forecasted budget and any accumulated Rainy Day Program Funds. Justified costs may include, but are not limited to, emergency or otherwise unforeseen CAC Regional Program costs. The CAC Committee shall verify/approve that the costs are justified before the City can request reimbursement from the Parties from their Contingency Set-Asides. The additional, non-budgeted cost will be divided by the participating agencies using their current Agency Scale Percentage.

e. Program Budget Development and Cost Share Declaration

- i. By November 30 the CAC Committee shall have a final draft of the proposed CAC Program budget for the upcoming fiscal year. This final draft shall be used to vet any

significant changes to the proposed CAC Program budget among each agency's applicable budget and management staff.

- ii. By February 1 the CAC Committee will agree to an adopted CAC Program budget for the upcoming fiscal year. The adopted CAC Program budget will then be used to calculate the City and the Parties' CAC Regional Program cost share per this section and used to populate Attachment A: CAC Regional Program Annual Cost Share Declaration. Each year, this Agreement will be amended with an updated Attachment A reflecting any changes in the CAC Regional Program annual cost share amounts due to budget changes or participant changes.

f. Changes in the Number of CAC Regional Program Agency Participants

Should an agency want to be added to or removed from the CAC Regional Program, this Agreement shall be amended at the same time as preparing the amendment for the upcoming fiscal year's CAC Regional Program Cost Share Declaration to add/remove that agency. The foundation of the cost share model shall not change, but only be adjusted to reflect the addition/removal of the applicable agency. An agency may unilaterally decide to terminate its participation in the CAC Regional Program, but shall do so within the following parameters:

- i. The applicable CAC Committee Agency Representative shall notify the CAC Regional Program Coordinator in writing of its decision to terminate its participation;
- ii. The notice to terminate shall be provided no later than December 31 for agency termination applicable to the following fiscal year. This timeframe is the only opportunity to opt out. Failure to provide timely written notice will result in the opting out agency to pay the agency's annual CAC Regional Program cost share payment for the following fiscal year.
- iii. The applicable agency shall maintain its CAC Regional Program commitments in accordance with this Agreement through the remainder of the fiscal year during which the notice is provided.
- iv. By July 31 of the fiscal year following the opting out agency's notice, the City will pay the opting out agency that agency's share of any CAC Rainy Day Program Fund balance, as defined in Section 3.c. The agency's share of the CAC Rainy Day Program Fund will be determined in accordance to their fiscal contributions paid into the Program over the duration of that agency's participation in the Program.

4. PAYMENT / PAYMENT PROCEDURE

- a. For the CAC Regional Program annual budget: During July of the applicable fiscal year, the City will issue invoices to each of the Parties for their share of the CAC Regional Program costs according to Attachment A. Each of the Parties shall pay the City within 30 days of receiving the invoice.
- b. For unexpected expenses subject to the 5% Contingency Set-Aside: the City will issue invoices as soon as possible after the cost is incurred and subsequently verified/approved by the CAC Committee. Each of the Parties shall pay the City within 30 days of receiving the invoice.
- c. In the event that any of the Parties fail to pay the City within 60 days of receiving the invoice, the CAC Regional Program Coordinator shall notify the CAC Committee and hold a meeting to discuss an appropriate Program response. In the event that the CAC Committee cannot agree on a feasible Program response, the City may make a unilateral decision to reduce Program activities or other related expenses in order to operate the Program within available funds.

5. EFFECTIVE DATE AND DURATION

This Agreement shall become effective on the date upon which all Parties have signed the Agreement and shall expire on June 30, 2027. This Agreement may be extended upon mutual written agreement.

6. COMPLIANCE WITH LAWS

In connection with its activities under this Agreement, the Parties shall comply with all applicable federal, state and local laws and regulations.

7. INDEMNIFICATION

- a. Subject to the conditions and limitations of the Oregon Constitution and the Oregon Tort Claims Act (ORS 30.260 through 30.300), each Party shall indemnify the other, within the limits of and subject to the restrictions in the Tort Claims Act, against any liability arising from its respective acts or omissions under this Agreement (including the acts and omissions of its respective officers, employees and agents acting within the scope of their employment). Notwithstanding the previous sentence, neither Party shall be required to indemnify the other for any liability arising out of the acts or omissions of the other party (including the acts or omissions of the other Party's officers, employees or agents acting within the scope of their employment).

8. PROGRAM RECORDS, AND RECORDS REQUESTS

- a. The City shall be the custodian of all CAC Regional Program records and documents after the Effective Date of this Agreement.
- b. Any public records request or media request pertaining to the CAC Regional Program after the Effective Date of this Agreement shall be handled by the City. All Parties shall cooperate with and jointly assist the City in responding to public or media queries related to the CAC Regional Program.
- c. The City shall maintain all fiscal records relating to this Agreement in accordance with generally accepted accounting principles. In addition, The City shall maintain any other records pertinent to this Agreement in such a manner as to clearly document the City's performance. The City acknowledges and agrees that the Parties shall have access to such fiscal records and other books, electronic records, documents, papers, and writings that are pertinent to this Agreement to perform examinations and audits. The City also acknowledges and agrees that the City shall retain such documents for a period of three years after termination or expiration of this Agreement, or such longer period as may be required by applicable law. In the event of any audit, controversy or litigation arising out of or related to this Agreement, the City shall retain such documents until the conclusion thereof. Copies of applicable records shall be made available to Parties upon written request.

9. CONFLICT RESOLUTION

If a conflict arises regarding any conditions of this Agreement, the Parties agree to exercise good faith in expeditiously resolving said conflict. If the conflict cannot be resolved, the Parties agree that

the matter will be submitted to mediation. The mediator shall be chosen by consensus of the Parties and mediator fees shall be split equally amongst the Parties to the mediation.

10. AMENDMENTS

This Agreement may only be amended by a written agreement signed by all Parties. Amendments shall occur no more than once per year and timing shall align with the development of the required annual update to Attachment A.

11. MERGER, NON-WAIVER

This Agreement and attached exhibits constitute the entire agreement between the parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind any party unless in writing and signed by all parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of any party to enforce any provision of this Agreement shall not constitute a waiver by that party of that or any other provision.

12. COUNTERPARTS

This Agreement and any subsequent amendments may be executed in several counterparts, all of which when taken together shall constitute one agreement binding on all parties, notwithstanding that all parties are not signatories to the same counterpart. Each copy of this Agreement and any amendments so executed shall constitute an original.

IN WITNESS WHEREOF, the City (through the Bureau of Revenue and Financial Services – Procurement Services), Multnomah County, Washington County, Metro, and Port of Portland have executed this Agreement as of the Effective Date.

CITY OF PORTLAND BUREAU OF REVENUE AND FINANCIAL SERVICES – PROCUREMENT SERVICES

Lester Spitler, Chief Procurement Officer

Date

MULTNOMAH COUNTY

Deborah Kafoury, County Chair

Date

PORT OF PORTLAND

Curtis Robinhold, Executive Director

Date

WASHINGTON COUNTY

Erin Calvert, Deputy County Administrator

Date

METRO

Heidi Rahn, Director, Capital Asset Management

Date

INTERGOVERNMENTAL AGREEMENT
Between
Multnomah County, Washington County, Metro, and Port of Portland
And
City of Portland Bureau of Revenue and Financial Services – Procurement Services
For
Development and Administration of the Regional Clean Air Construction Program

ATTACHMENT A: CAC Regional Program Annual Cost Share Declaration

For Fiscal Year 2020-2021 the Parties agree to pay the City according to the following for their share in funding the CAC Regional Program. The following does not include the required 5% Contingency Set-Aside for Unexpected Expenses, nor agency funds for conducting the required on-site compliance checks. The Parties shall include in their CAC budget allocation the following CAC Regional Program cost share, the 5% Contingency Set-Aside for Unexpected Expenses, and funds for conducting the required on-site compliance checks.

| Agency Name | CAC Regional Program Cost Share to be Paid to City |
|--------------------|---|
| Multnomah County | \$53,000.00 |
| Port of Portland | \$49,000.00 |
| Washington County | \$42,000.00 |
| Metro | \$40,000.00 |

For Fiscal Year 2020-2021, the City's share in funding the CAC Regional Program is: \$120,000.00.

IN CONSIDERATION OF RESOLUTION NO. 20-5120, FOR THE PURPOSE OF APPROVING AN INTERGOVERNMENTAL AGREEMENT FOR THE DEVELOPMENT AND ADMINISTRATION OF THE REGIONAL CLEAN AIR CONSTRUCTION PROGRAM AND ACKNOWLEDGING THE APPLICATION OF THE CLEAN AIR CONSTRUCTION STANDARD TO METRO PROJECTS BY AMENDMENT OF METRO'S SUSTAINABLE PROCUREMENT ADMINISTRATIVE PROCEDURES

Date: July 16, 2020

Department: Finance and Regulatory
Services and Capital Asset Management

Meeting Date: July 30, 2020

Prepared by: Tracy Fisher, x7596,
tracy.fisher@oregonmetro.gov;

Jenna Garmon, x1649,
jenna.garmon@oregonmetro.gov

Presenter(s) Tracy Fisher, Jenna Garmon
Length: 10 min.

ISSUE STATEMENT

Pollution from diesel exhaust poses a threat to the health of people living and working in the greater Portland area, with a disproportionate impact on people of color. Recent studies also indicate that people of color experience worse effects from COVID-19 infection, and that diesel pollution exacerbates the health impacts of COVID-19. Diesel exhaust is also a significant source of black carbon, a potent global warming pollutant. A significant portion of diesel pollution in the Portland region comes from construction equipment.

To address this issue, Metro has been participating in a regional Clean Air Construction Collaborative with Multnomah County, Washington County, Clackamas County, City of Portland, Port of Portland and TriMet. The Collaborative has developed a common Clean Air Construction Standard (Standard) that would require cleaner equipment and vehicles to be used on public construction projects.

ACTION REQUESTED

- Adopt a resolution in support of amending the Sustainable Procurement Administrative Rules to add the Clean Air Construction Standard
- Approve the Intergovernmental Agreement for regional administration of the Standard

IDENTIFIED POLICY OUTCOMES

Improve regional air quality by reducing diesel pollution from equipment used on Metro's construction projects.

Metro Sustainability Plan

Metro's adopted Sustainability Plan for internal operations (2010) identifies the following actions related to diesel emissions in support of the climate and toxics reductions goals:

Climate Action 2.2 Reduce emissions from the consumption of carbon-intensive fuel related to business operations by adopting sustainable fuel use standards.

Standards should include:

- *Provisions for back-up generators, heavy equipment, offroad vehicles and other equipment;*
- ***Idle reduction policy for fleet and contractors;***
- ***Diesel emission standards for off-road equipment based on EPA's Tier system, and retrofit or replace equipment to meet those standards; and***
- *Fuel efficiency standards for fleet vehicles and increased use of alternative fuels where available.*

*Toxics Action 2.3 Adopt diesel particulate matter (PM) reduction strategies for internal operations and on Metro property. **Include idle reduction policy and require use of diesel PM control technology for all diesel-burning equipment.***

POLICY QUESTION

Does Metro Council support adoption of the Clean Air Construction Standard for Metro's construction projects?

STAFF RECOMMENDATIONS

1. Adopt a resolution in support of amending the Sustainable Procurement Administrative Procedures to add the Clean Air Construction Standard:
 - Adopt a \$500,000 threshold for Metro construction projects subject to the Standard; and
 - Include a compliance exemption for COBID-certified firms until additional grant funding is available or 2024, whichever is earlier.
2. Approve the Intergovernmental Agreement for regional administration of the Standard:
 - Support staff in working with agency partners to promote wider adoption of the Standard; and
 - Prioritize the identification of grant funding for COBID-certified firms to retrofit equipment.

STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION

Adoption of the Clean Air Construction Standard would align with Metro's regional outcomes related to climate change, clean air and equity. Additional strategic context is provided below.

Climate: The Metro Council has identified climate change mitigation as one of its top priorities. Diesel exhaust is the largest source of black carbon in the nation. Black carbon is a type of particulate matter that is a potent but short-lived climate change contributor. Reducing black carbon emissions has an immediate, positive impact on global warming.

Air quality: Clackamas, Multnomah, and Washington counties rank in the top 5 percent of all counties nationwide for ambient diesel particulate concentrations. In some areas, diesel pollution levels are over 10 times higher than state health benchmarks. Using EPA health effects methodology, the Oregon DEQ estimates that over \$1.6 billion is spent every year on avoidable health related costs such as illness, hospitalization, lost work days, and even premature death due to diesel emissions exposure.

Communities of color and low-income populations experience a disproportionate burden of exposure to diesel pollution. The Harvard School of Public Health released a study that links higher exposure to particulate matter to a higher risk of death from COVID-19 infection. Data also indicates that communities of color are highly vulnerable to the coronavirus pandemic, with disproportionate numbers of infections and deaths among [African Americans](#) and [Latinos](#). Reducing diesel emissions on Metro projects will help improve health outcomes for these impacted communities.

Racial equity: Goal E of Metro’s *Strategic Plan to Advance Racial Equity Diversity and Inclusion* directs Metro to “create and implement policies and procedures to ensure that its resources and investments advance racial equity”. In recognition that COBID-certified firms already face barriers to participation in public contracts, staff recommend a short-term exemption for COBID-certified firms until additional grant funding to support compliance with the Standard is available.

Stakeholder engagement and feedback

The Collaborative has engaged with key stakeholder groups including construction firms, construction project managers, equipment operators, industry associations, environmental organizations, and community groups. The Standard balances the health and environmental concerns raised by stakeholders by lowering the equipment horsepower threshold to 25hp to include more equipment, while phasing in the standards over four years to allow the contracting community to plan ahead for investments and spread out costs. In addition, the standard includes extended compliance timelines and flexibility for COBID certified firms.

In development of the proposed approach for Metro adoption of the Standard, staff has conducted additional outreach to COBID firms to better understand the barriers that the Standard might pose, and strategies to support COBID firms with compliance. The regional program administration will focus support activities on COBID firms, and state and federal grants administered by DEQ will be available starting in 2021 to help offset the costs of equipment upgrades.

Changes to the Standard requirements and implementation timeline

Primarily due to the financial and health impacts of COVID-19, the regional collaborative has updated the Standard to:

- Delay the initial engine requirements timeline for a full year, to begin in January 2022;

- Shorten the overall engine requirements timeline by a year to accelerate much-needed air quality benefits; and
- Expand the allowed use of emission retrofit devices to reduce compliance costs and provide more flexibility to contractors

The anticipated net impact of these changes will be an easier compliance path for contractors, especially COBID-certified firms, while achieving equivalent, or better results in reducing harmful diesel particulate matter. These changes give contractors an additional year to plan for these requirements, and allow contractors to access related grant programs during 2021, such as the State’s VW Settlement grant funds, prior to the first engine requirement going into effect. The impact on emissions reductions from delaying the start of the program will be moderated by a shortened overall timeline and economy-driven project deferrals. Many projects will now be starting during more advanced phases of the Standard when engine requirements are stricter.

Legal antecedents:

The Oregon legislature passed HB 2007 in the 2019 session, which contains the following provisions:

- Phases out old diesel on-road engines in Multnomah, Clackamas and Washington Counties;
- Requires clean diesel equipment for state-funded construction projects (\$20M or more);
- Directs use of remaining Volkswagen settlement funds (\$53 million) to clean up diesel engines, with preference for COBID firms; and
- Creates a task force to consider additional funding strategies

Anticipated effects:

It is anticipated that implementation of this Standard would accelerate the timeline for upgrading diesel equipment and vehicles in the region to cleaner versions, resulting in improvements to air quality and health outcomes in the region.

Financial implications:

Adoption of the Standard would have financial implications for Metro through Metro’s contribution to the regional administration of the Standard. For FY21, Metro’s cost share would be \$46,000.

BACKGROUND

Many jurisdictions across the country have procurement standards that require cleaner construction equipment on their publicly funded projects. In 2016, the Clean Air Construction Collaborative hired a consultant to evaluate 14 of these programs to better understand clean diesel construction procurement standards and determine best practices.

In 2018, the City of Portland and Multnomah County co-funded an air quality feasibility study to perform an in-depth assessment of various strategies actionable by local government to address the region’s air quality issues. A top recommended action in the

study was to implement diesel engine specifications for public construction projects. This research informed development of a Clean Air Construction Standard to reduce the air quality, health and climate impacts that result from public construction projects.

The Collaborative is also developing a [Clean Air Construction \(CAC\) Regional Program](#) to support participating agencies in administering the Standard, with the City of Portland serving as the lead agency. To date, the City of Portland, Multnomah County, Washington County and Port of Portland have adopted the Standard.

There have been two Council work sessions to date on the Clean Air Construction Standard. Council has expressed strong support for adopting the Standard, with the key decision points centered on the appropriate dollar threshold for projects subject to the Standard, and how to mitigate potential negative impacts on COBID-certified firms while still achieving the desired air quality outcomes.

- Is legislation required for Council action? **Yes**
- If yes, is draft legislation attached? **Yes**
- What other materials are you presenting today? **PowerPoint presentation**

Agenda Item No. 6.3

Resolution No. 20-5121, For the Purpose of Establishing the Supportive Housing Services Fund and For Amending the FY2020-21 Budget and Appropriations Schedule by Supplemental Budget

Resolutions

Metro Council Meeting
Thursday, July 30, 2020

BEFORE THE METRO COUNCIL

| | | |
|--|---|--|
| FOR THE PURPOSE OF ESTABLISHING THE |) | RESOLUTION NO 20-5121 |
| SUPPORTIVE HOUSING SERVICES FUND AND |) | Introduced by Marissa Madrigal, Chief |
| FOR AMENDING THE FY 2020-21 BUDGET AND |) | Operating Officer, with the concurrence of |
| APPROPRIATIONS SCHEDULE BY |) | Council President Lynn Peterson |
| SUPPLEMENTAL BUDGET |) | |

WHEREAS, voters in the Metro region approved a measure in May 2020 (the “Supportive Housing Services Measure”) to fund programs designed for supportive housing services for people experiencing homelessness or at risk of experiencing, as described in the ballot title for the Supportive Housing Services Measure; and,

WHEREAS, the Metro Council has reviewed and considered the need to establish a Housing Services Fund to appropriate loan proceeds and income tax proceeds; and

WHEREAS, ORS 294.463(1) provides for transfers of appropriations within a fund, including transfers from contingency that do not exceed 15 percent of a fund’s appropriations, if such transfers are authorized by official resolution or ordinance of the governing body; and

WHEREAS, ORS 294.463(2) provides for transfers of general operating contingency appropriations that in aggregate during a fiscal year exceed 15 percent of the total appropriations of the fund contained in the original budget adopted by the governing body of the municipal corporation for the fiscal year may be made only after adoption of a supplemental budget prepared for the purpose; and

WHEREAS, ORS 294.463(3) provides for transfers of appropriations or of appropriations and a like amount of budget resources between funds of the municipal corporation when authorized by an official resolution or ordinance of the governing body stating the need for the transfer; and

WHEREAS, the need for the increase of appropriations has been justified; and

WHEREAS, Metro Code chapter 2.02.040 requires Metro Council approval to add any new position to the budget; and therefore

BE IT RESOLVED,

1. That the Supportive Housing Services Fund is hereby established as of FY 2020-21.
2. That the FY 2020-21 Budget and Schedule of Appropriations are hereby amended as shown in the column entitled “Revision” of Exhibits A and B to this Resolution for the purpose of recognizing new revenues, approving new FTE, transferring funds from contingency and providing for increased appropriations.

ADOPTED by the Metro Council this 30th day of July, 2020.

Juan Carlos Gonzalez, Deputy Council President

APPROVED AS TO FORM:

Carrie MacLaren, Metro Attorney

Exhibit A
Resolution 20-5121
Schedule of Appropriations

| | <u>Current</u> <u>Appropriation</u> | <u>Revision</u> | <u>Revised</u> <u>Appropriation</u> |
|--|--|---------------------|--|
| GENERAL FUND | | | |
| Council | 7,072,869 | 68,365 | 7,141,234 |
| Office of the Auditor | 825,955 | - | 825,955 |
| Office of Metro Attorney | 3,042,820 | - | 3,042,820 |
| Information Services | 6,816,493 | - | 6,816,493 |
| Communications | 2,216,773 | - | 2,216,773 |
| Finance and Regulatory Services | 5,708,286 | - | 5,708,286 |
| Human Resources | 3,906,027 | - | 3,906,027 |
| Capital Asset Management | 3,649,197 | - | 3,649,197 |
| Research Center | 30,395,381 | - | 30,395,381 |
| Parks and Nature | 4,556,760 | - | 4,556,760 |
| Planning and Development Department | 3,146,500 | - | 3,146,500 |
| Special Appropriations | 3,583,567 | 50,000 | 3,633,567 |
| Non-Departmental | | - | |
| Debt Service | 2,263,627 | 6,000,000 | 8,263,627 |
| Interfund Transfers | 23,895,093 | 200,000 | 24,095,093 |
| Contingency | 11,830,346 | (118,365) | 11,711,981 |
| <i>Total Appropriations</i> | 112,909,694 | 6,200,000 | 119,109,694 |
| Unappropriated Balance | 23,664,678 | - | 23,664,678 |
| Total Fund Requirements | \$136,574,372 | \$6,200,000 | \$142,774,372 |
| SUPPORTIVE HOUSING SERVICES FUND | | | |
| Supportive Housing Services | - | 35,402,517 | 35,402,517 |
| Non-Departmental | | | |
| Interfund Transfers | - | 6,200,000 | 6,200,000 |
| Contingency | - | 9,852,483 | 9,852,483 |
| <i>Total Appropriations</i> | - | 51,455,000 | 51,455,000 |
| Total Fund Requirements | \$0 | \$51,455,000 | \$51,455,000 |
| Total Appropriations | 764,649,556 | 57,655,000 | 822,304,556 |
| Total Unappropriated Balance | 670,047,318 | - | 670,047,318 |
| | 1,434,696,874 | 57,655,000 | 1,492,351,874 |
| All Other Appropriations Remain as Previously Adopted | | | |

Exhibit B
Resolution 20-5121
Schedule of FTE

| | Current FTE | Revision | Revised FTE |
|---|------------------------|-----------------|------------------------|
| GENERAL FUND | | | |
| TOTAL FUND FTE | 264.10 | 1.00 | 265.10 |
| SUPPORTIVE HOUSING SERVICES FUND | | | |
| TOTAL FUND FTE | 0.00 | 4.00 | 4.00 |
| TOTAL FTE | 979.66 | 5.00 | 984.66 |

All Other FTE Remain as Previously Adopted

IN CONSIDERATION OF RESOLUTION 20-5121, FOR THE PURPOSE OF ESTABLISHING THE SUPPORTIVE HOUSING SERVICES FUND AND FOR AMENDING THE FY 2020-21 BUDGET AND APPROPRIATIONS SCHEDULE BY SUPPLEMENTAL BUDGET

Date: July 15, 2020

Prepared by:
Annie Wilson, Financial Planning Analyst

Department: Finance and Regulatory Services

Presenters:
Cinnamon Williams, Financial Planning Director
Ben Ruef, Planning & Development Finance Manager
Elissa Gertler, Planning & Development Director

Meeting date: July 30, 2020

ISSUE STATEMENT

This resolution for a supplemental budget will authorize the creation of the Supportive Housing Services Fund, allows for the recognition of up to \$27,500,000 in loan proceeds, recognition of \$14,080,000 in personal income tax, recognition of \$9,875,000 in business income tax, \$51,455,000 in additional appropriations, transfer of appropriations within a fund from contingency, and 5.00 additional FTE in the FY 2020-21 Budget.

ACTION REQUESTED

Council adoption of Resolution 20-5121

IDENTIFIED POLICY OUTCOMES

Council adoption will authorize the additional appropriations and FTE requested by departments for FY 2020-21.

POLICY QUESTION

Council should consider whether the increases of appropriations and FTE have been justified and that adequate funds exist for other identified needs.

POLICY OPTIONS FOR COUNCIL TO CONSIDER

Adoption of the resolution will provide sufficient appropriations and FTE to accommodate the changes in current year operations as outlined in the background section below. Lack of Council adoption will delay planned programs and projects until FY 2021-22.

STAFF RECOMMENDATIONS

The Chief Operating Officer recommends adoption of Resolution 20-5121.

STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION

Known Opposition/Support/Community Feedback: None known

Legal Antecedents: ORS 294.463(1) provides for transfers of appropriations within a fund, including transfers from contingency that do not exceed 15 percent of a fund's appropriation, if such transfers are authorized by official resolution or ordinance of the governing body. ORS 294.463(2) provides for transfers of general operating contingency appropriations that in

aggregate during a fiscal year exceed 15 percent of the total appropriations of the fund contained in the original budget adopted by the governing body of the municipal corporation for the fiscal year may be made only after adoption of a supplemental budget prepared for the purpose. ORS 294.463(3) provides for transfers of appropriations or of appropriations and a like amount of budget resources between funds of the municipal corporation when authorized by an official resolution or ordinance of the governing body stating the need for the transfer. Metro code chapter 2.02.040 requires the Metro Council to approve the addition of any position to the budget.

Anticipated Effects: This action provides for the changes in operations as described above, recognizes new revenues, provides additional appropriations authority, and adds 5.0 FTE.

Financial Implications (current year and ongoing):

- This resolution establishes the Supportive Housing Services Fund, allows for the recognition of up to \$27,500,000 in loan proceeds, recognition of \$14,080,000 in personal income tax and \$9,875,000 in business income tax, authorizes \$51,455,000 of appropriations, and adds 4.00 FTE in the Supportive Housing Services Fund. Future budgets will include debt service payments on the loan and program- and project-related appropriations and FTE.
- This resolution adds 1.0 limited duration FTE within DEI for the Capacity Building Grants Program and \$50,000 to support the Reimagine Safety workgroup. It requires \$118,365 to be transferred from the General Fund fund's contingency.

BACKGROUND

Supportive Housing Services Fund

As of the May 2020 election, Metro has been given a new programmatic responsibility by voters: to collect and oversee regional resources intended to invest in increasing the supportive housing services provided by Multnomah, Washington, and Clackamas counties, and to develop a regional system for providing and evaluating these services across jurisdictional boundaries. This requires Metro to undertake new work, design new programs, and put new systems in place in order to manage these resources and accomplish the intended outcomes.

To create these new programs and systems, Metro needs to add capacity in key areas. With the experience of the Affordable Housing Bond, we have gained experience in rapid deployment of resources and development of new programs in close coordination with key partners. Key principles that we have applied in the Housing Bond will be applied to the Supportive Housing Services work as well. Those principles include tight management of administrative costs to ensure maximum public benefit and taking a phased approach to implementation, investing in early opportunities that are ready to go, while taking time to build out work that requires more groundwork and conversation with partners. Additionally, we will be able to leverage the staff capacity that we have established with the Affordable Housing Bond program, and build an integrated programmatic approach between the two efforts.

This budget request outlines the staffing and services needed to begin implementation of the Supportive Housing Services program in FY 20-21. Any future needs will be included as part of Metro's regular annual budget process.

To begin the work essential to program implementation, this amendment requests the following:

- Establishment of the Supportive Housing Services fund*
 There is not an existing fund to account for the program's transactions. Establishing a new Supportive Housing Services Fund is necessary to provide appropriate oversight and accounting for the program's transactions.
- 4.00 FTE; total Personnel Services appropriations of approximately \$503,000*
(Annualized costs for the 4.00 FTE are estimated at \$603,020).
 Positions requested include:

 - 1.00 FTE Supportive Housing Manager I, who will build and manage a program and team focused on regional affordable housing and supportive housing services, implementing the measures passed by voters in 2018 and 2020. This work includes managing agreements and relationships with local implementation partners, service providers and other key community partners, integrate program with Housing Bond as appropriate, overseeing the Equitable Housing Initiative, coordinating with the internal Metro teams, including the Community Engagement Team, the Land Use and Urban Development Team, and the Investment Areas Team.
 - 1.00 FTE Supportive Housing Senior Management Analyst who will ensure transparency, accountability, and good stewardship of public funds in program investment activities. The employee in this position will help to develop and manage new systems for reporting, monitoring and evaluation to ensure compliance and to track progress toward unit production targets and other desired outcomes, perform program administration, policy and procedure formulation, manage the day-to-day program responsibilities, committee administration and records management for assigned area, and support a range of policy research and technical assistance activities, including identifying opportunities to advance racial equity throughout all aspects of the program.
 - 1.00 FTE Supportive Housing Program Assistant III who will provide technical and administrative support.
 - 1.00 FTE Program Analyst who will be a core member of the Planning & Development Budget & Finance team and who will play an essential role in ensuring transparency, accountability, and good stewardship of public funds in program investment activities.
- Materials and Services Appropriations of approximately \$34,900,000*
 In addition to the \$493,000 personnel service costs associated with the requested 4.00 FTE, other program costs will occur as implementation moves forward. Anticipated costs include contracted professional services, contributions to other governments, legal fees, and other materials and services costs of approximately \$34,900,000.
- Transfers of \$6,200,000*
 Metro is expected to finance this program with an upfront loan that will be repaid by taxes collected in FY2020-21 and beyond. Metro is forecasting \$6,000,000 of the debt service will be paid in the current fiscal year. This amount will be transferred to the General Fund for the debt service payment. \$200,000 will be transferred to the General Fund to reimburse for contingency seed money.

Diversity, Equity, and Inclusion

The DEI office within the Council Department is requesting to expand its programs and workgroups in order to provide strategic project management support to Council and the COO on special projects related to community response, civic engagement, and reimagining the structures and systems that are needed to ensure the safety of all Oregonians, especially the most vulnerable communities. This expansion will be funded through General Fund contingency transfer and current Council/DEI department budget.

In order to ensure this essential work is performed, this amendment requests the following:

- 1.00 FTE; total Personnel Services appropriations of approximately \$113,365 (Annualized costs for the 1.00 FTE are estimated at \$140,000).
 - 1.00 limited duration FTE Program Analyst who will manage the newly-created Capacity Building Grants Program for Civic Engagement and provide strategic project management support to Council and the COO. The limited duration will end December 30, 2023. DEI will be contributing \$45,000 of their current budget to offset the cost of adding this FTE. This action requests the \$68,365 remainder to be transferred from the General Fund contingency.

- Materials and Services Appropriations of \$50,000

Metro is requesting \$50,000 to be added to the Special Appropriations budget to support the Reimagine Safety workgroup. This community-led, Black-centered workgroup will engage in specific activities to educate, examine, develop and advance policies and practices on reimagining the structures and systems that are needed to truly keep Oregonians safe, especially the most vulnerable communities. This requires a \$50,000 transfer from the General Fund contingency.

ATTACHMENTS:

- Resolution 20-5121
- Exhibit A – Schedule of Appropriations
- Exhibit B – Schedule of FTE

Materials following this page were distributed at the meeting.

OREGON CONVENTION CENTER
2019 RENOVATION PROJECT
EQUITY REPORT



COLAS CONSTRUCTION SET AMBITIOUS GOALS:

30% of subcontract dollars awarded to businesses registered with Oregon's Certification Office for Business Inclusion and Diversity

OUTCOMES:

61% of subcontract dollars awarded to businesses registered with Oregon's Certification Office for Business Inclusion and Diversity

51% of total contract dollars were awarded to businesses registered with Oregon's Certification Office for Business Inclusion and Diversity

Equity in Construction



FOCUS

Equity in the construction sector will be built on objective examinations of past and present with a focus on the perspectives of the most vulnerable.



ESTABLISH

By documenting the EDI process, we establish a new baseline, a blueprint for equitable procurement and evaluation practices sector wide.



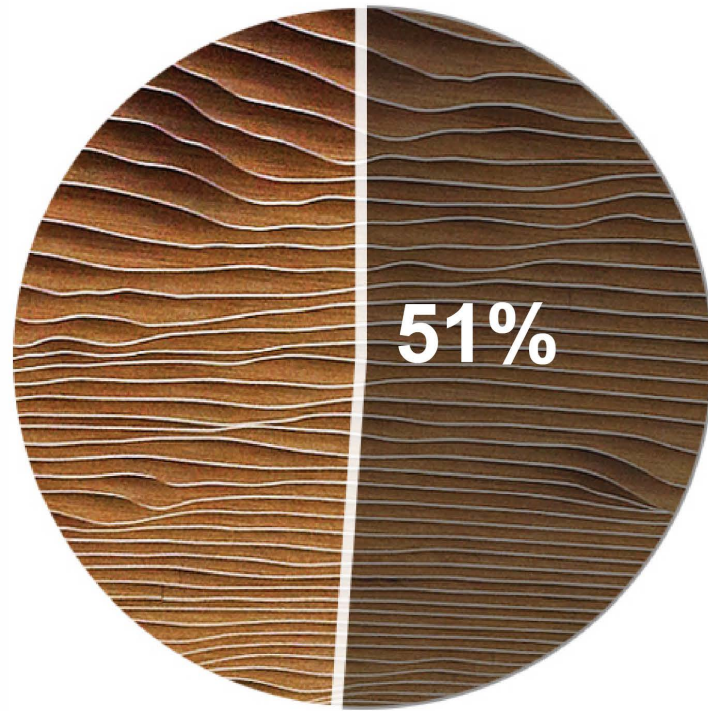
REALIZE

Urban planning and development in Portland are intricately connected to the history of marginalization and the current socioeconomic struggles of Black Portlanders.

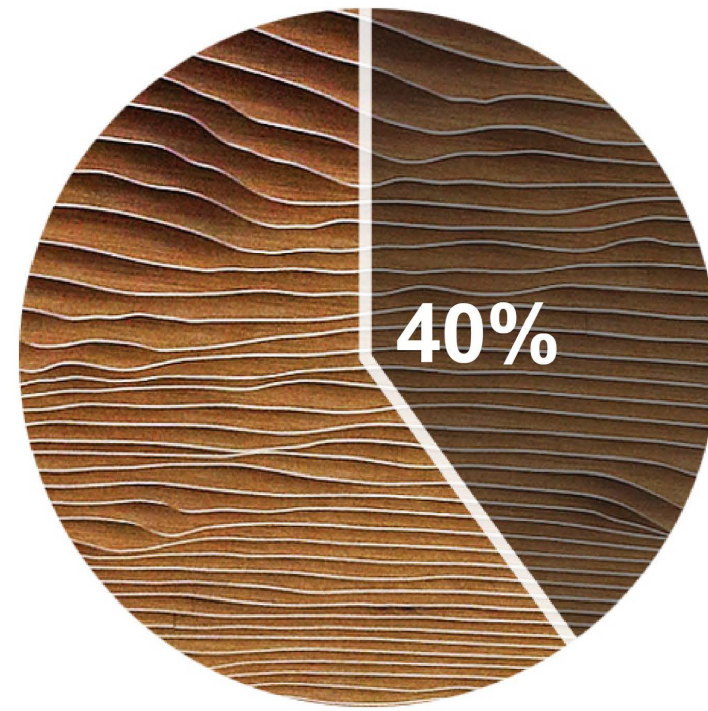


APPROACH

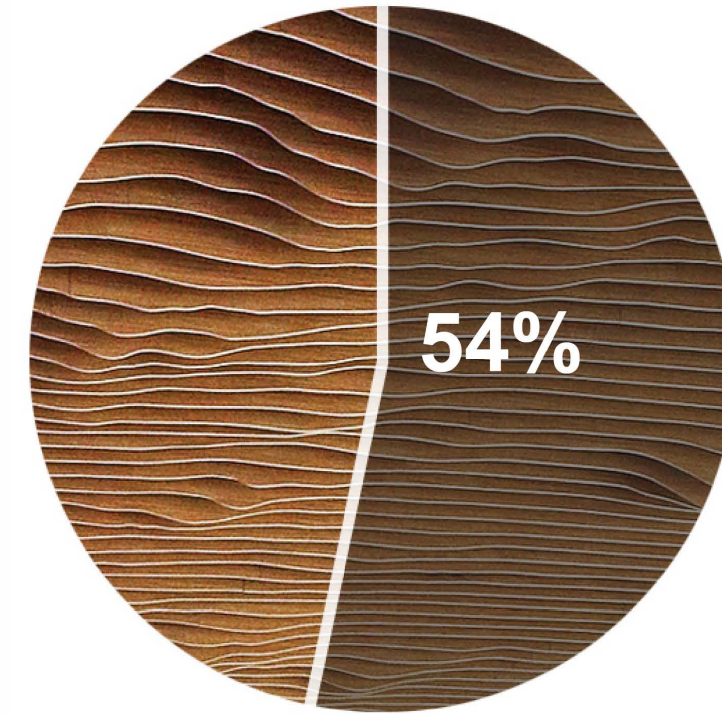
This OCCRP report provides one example of a best practices case study by highlighting Metro's intentional shift toward equitable and inclusive policies and practices.



Of total contract dollars,
51% were awarded to Minority
or Women Owned Businesses



Of total hours worked,
40% were completed
by People of Color



Of total dollars paid to
Subcontractors, 54%
were awarded to majority
Black Owned Businesses

The following represents hours worked with respect to gender, specific to
Apprentice-level and Journey-level hours completed on the OCCRP

HOURS WORKED BY WOMEN APPRENTICES



HOURS WORKED BY WOMEN JOURNEYPEOPLE



NON-WOMEN APPRENTICES AND JOURNEYPEOPLE



The following represents total subcontract dollars paid in respect to certified firms
(this value does NOT include Colas Construction, although they are an MBE GC firm, they are not
typically counted for MBE utilization on public projects)

MINORITY OR WOMEN-OWNED BUSINESSES



UNCERTIFIED BUSINESSES



**Figures 1, 3, and 5 reflect businesses registered with
Oregon's Certification Office for Business Inclusion and Diversity*

Figure 9
 Percentage of Total Contract Dollars Paid
 by Ownership Certification

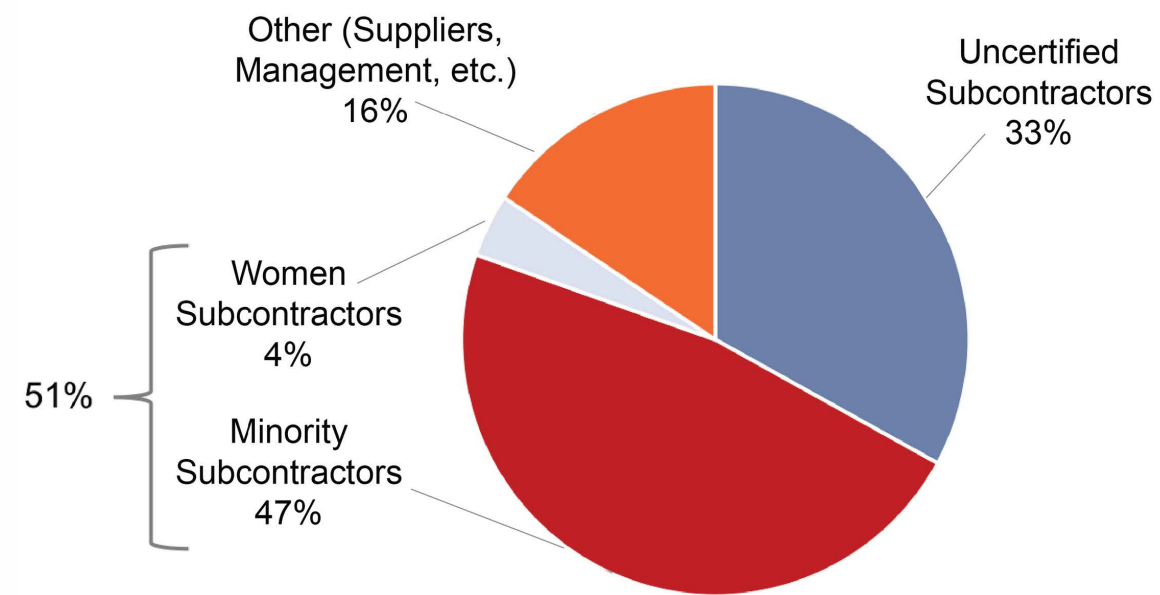
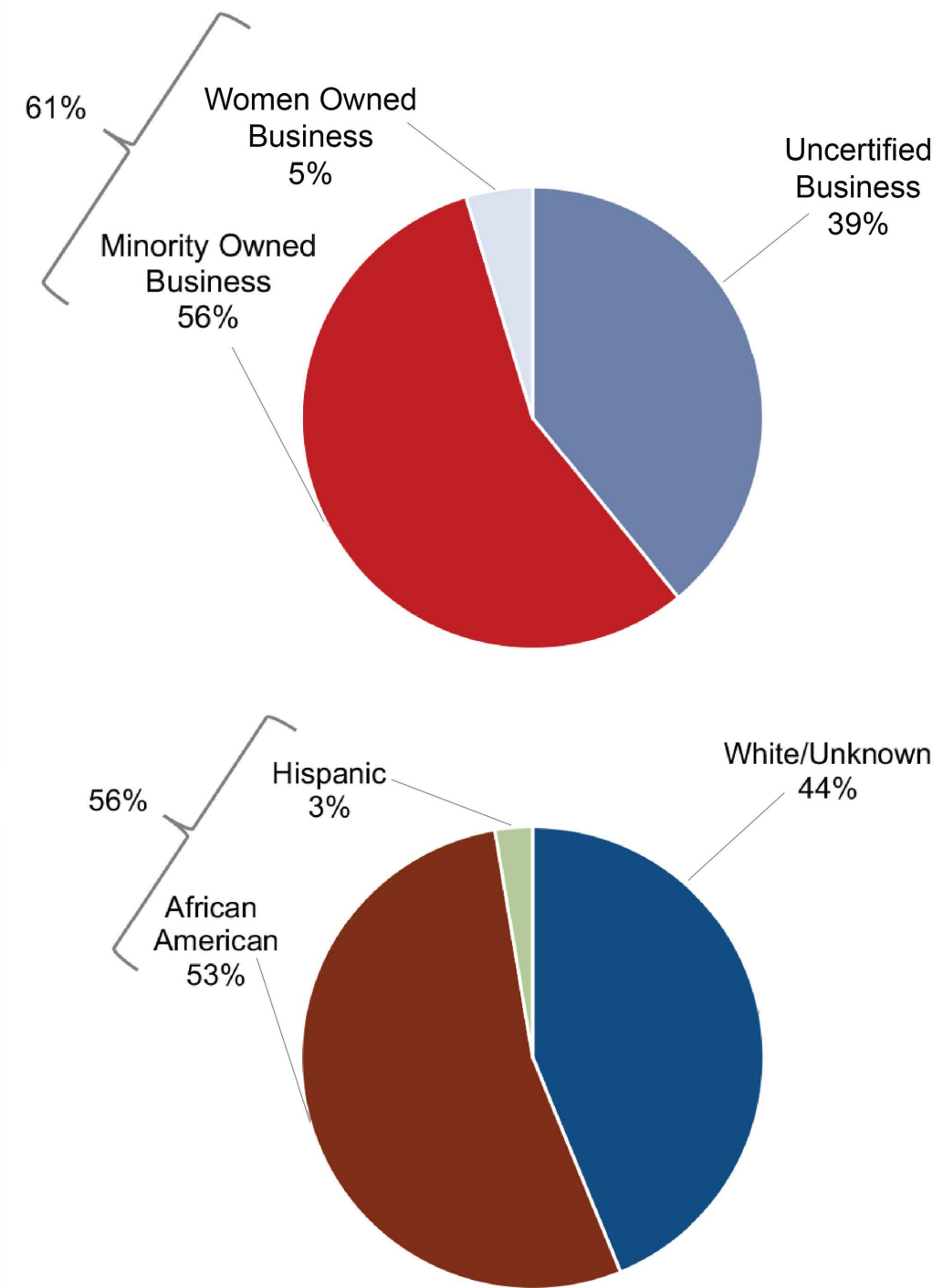


Figure 10
 Percentage of Subcontract Contract Dollars
 Paid to Subcontractors by
 Certification and Primary Owner Race



EQUITABLE PROCUREMENT STRATEGIES

Support increased access to opportunities

TRANSPARENT MONITORING & EVALUATION

Gather and disseminate data for DMWBE growth and industry change

EMPLOYER PARTNERSHIPS

Potential employers are essential partners to inclusive programs

INCLUSIVE WORKFORCE DEVELOPMENT

Actively support young adults for careers in construction and the trades

SUPPORT MINORITY-OWNED FIRMS

Hire and retain MBE firms- essential to workforce diversification

A diverse workforce is not only possible, but will exceed all expectations when leadership is serious about utilizing and valuing Equity, Diversity, and Inclusion.

OREGN

Oregon
Convention
Center



COLAS
CONSTRUCTION, INC.

**2040
Planning and
Development
Grants:
Investing in the
Region's
Economic
Recovery**

July 30, 2020



Metro



2040 Planning and Development Grants Items for Council Consideration today

Ordinance 20-1447 Amends Metro Code Chapter 7.04

- allows CET funds to support economic development and community stabilization

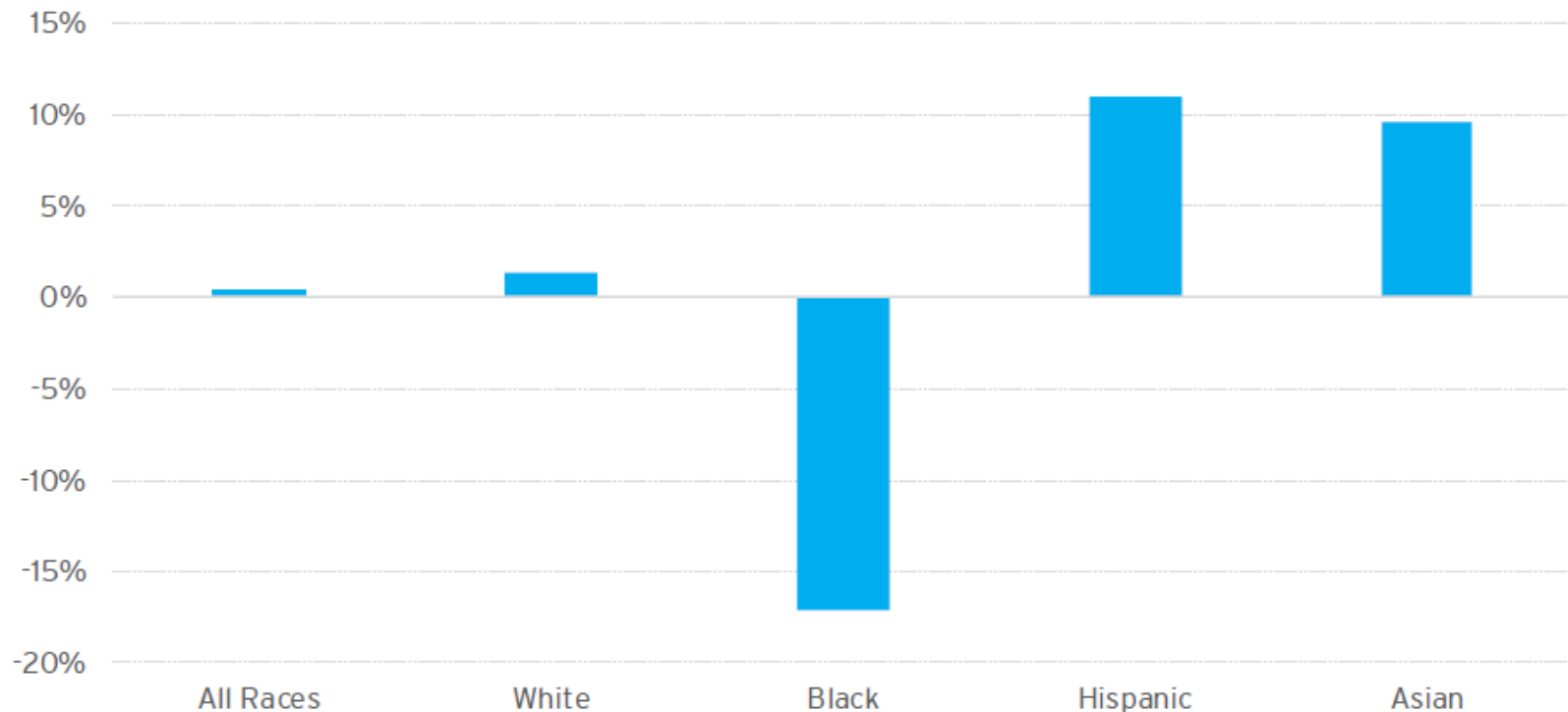
Resolution 20-5113 Establishes Polices for FY2021 Grants

- Awards Cycle 9 Grant funds for 3 defined purposes to support economic recovery and invest in wealth creation for communities of color
- Directs COO and staff to pursue partnerships and attempt to leverage additional funding

Economic Context

Racial Wealth Disparities

Inflation-Adjusted median wage growth by race in the Portland metropolitan area, 2000-2015



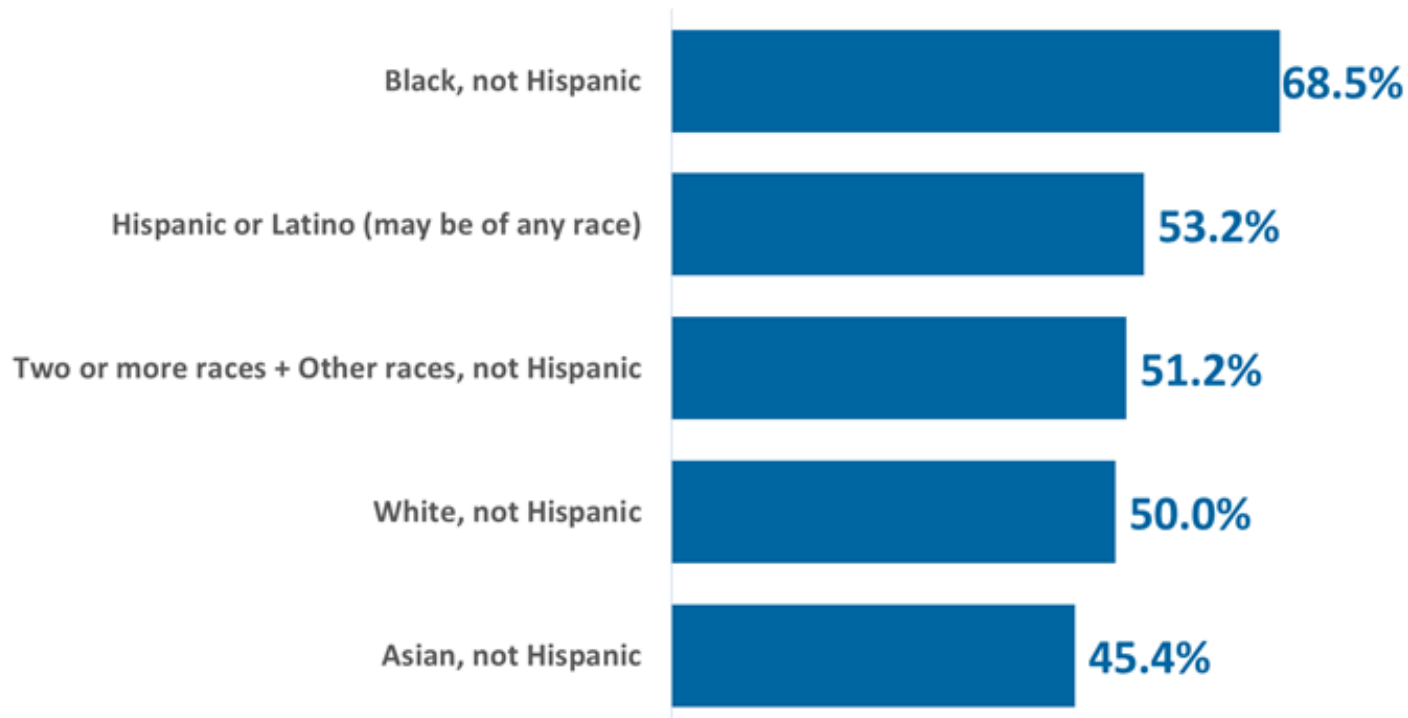
Source: Brookings analysis of American Community Survey (ACS) data

Economic Context

Racial Wealth Disparities

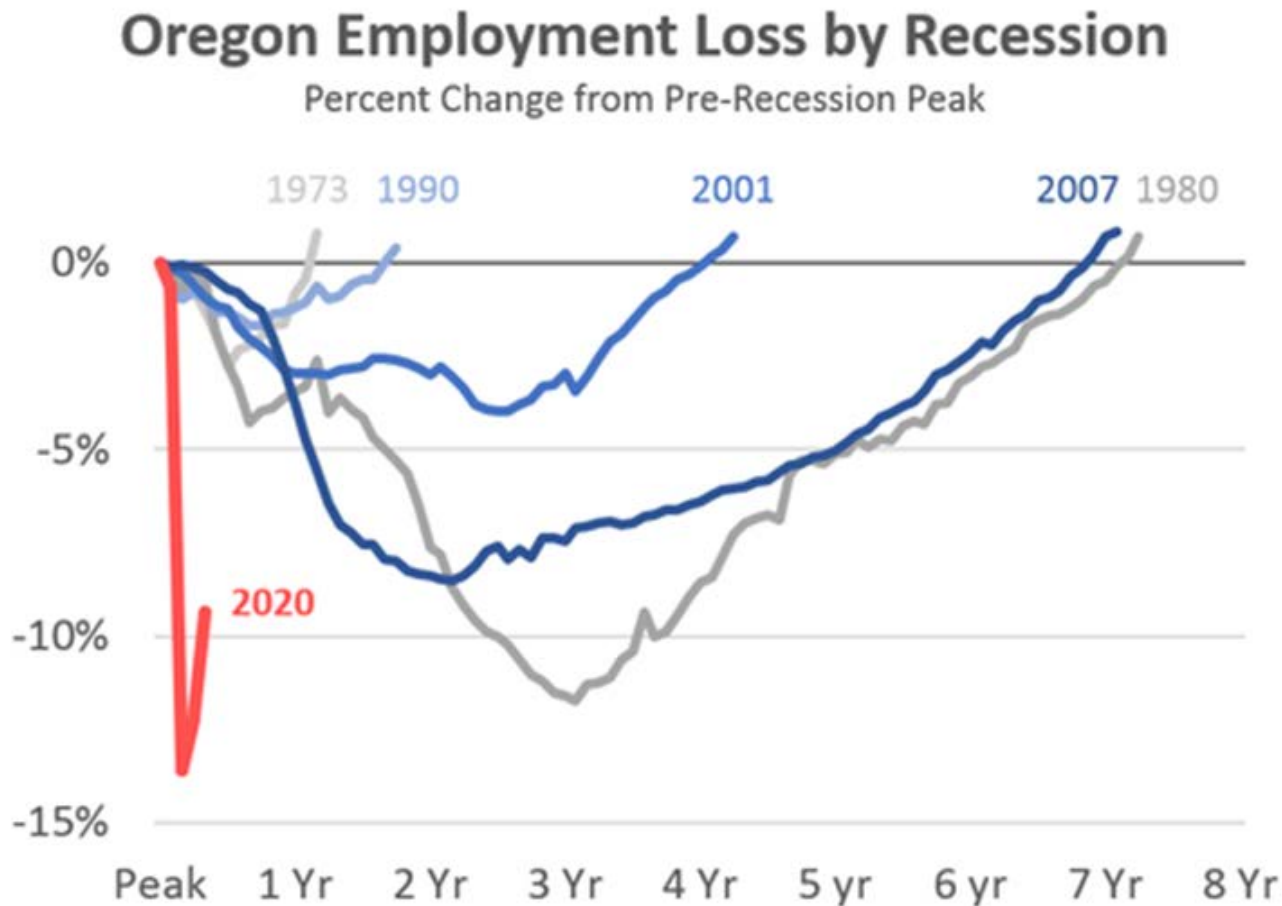
OREGON HOUSEHOLDS EXPERIENCING A LOSS OF INCOME SINCE MARCH 13 BY RACE/ETHNICITY, AS OF JUNE 2, 2020

Black households have experienced significantly higher losses of household income during the pandemic than other race or ethnic groups in Oregon.



Economic Context

Acute Economic Impacts of COVID



Source: Oregon Employment Department, Oregon Office of Economic Analysis

COVID-19 Pandemic

Actions to address economic recovery

- Emergency Declaration in April
- Regional Economic Recovery Strategy
- Greater Portland Inc. 5 Year Economic Strategy
- FTA Grant to support SW Corridor Equity Coalition and advance business and workforce stabilization
- Community partners urge Metro action and funding to advance racial justice and address wealth gaps

Responding to the moment

Aligning Regional Resources with Our Values

- CET funding/2040 Grant program is a key resource to support local communities at this time of crisis
- Healthy economy is essential to bring regional plans and community investments to fruition
- Economic stability for communities of color is a critical component of resilient and equitable communities

2040 Planning and Development Grants

Purpose of Construction Excise Tax

Present purpose of Construction Excise Tax is to fund:

- regional and local planning that is required to make land ready for development or redevelopment

Staff proposal is to expand CET purpose to also include:

- plans and projects that will advance economic development and community stabilization in the Metro region

Building Economic Resilience Community Stabilization Approach

- Help long term residents and businesses of color thrive in place
- Direct assistance to underserved and under-resourced community
- Seek to reduce harm caused by:
 - Past impacts of misguided urban renewal policies
 - Unintended consequences of public investments
 - Rising rents and real estate values and rents
 - Displacement of a business' core customer base



Building Economic Resilience Community Stabilization Approach

Strategies to reduce harm:

- increase development of affordable housing
- small business assistance programs and financing
- development of community serving facilities
- culturally-specific placemaking
- redevelopment that facilitates community wealth creation



Cycle 9 2040 Grants

Acting to meet urgent needs in communities

- Unprecedented situation requires nimble response
- Opportunity to leverage additional funds from federal, private and philanthropic sources
- New Albina Investment Area
- Forge new relationships and plant seeds for future equitable development projects

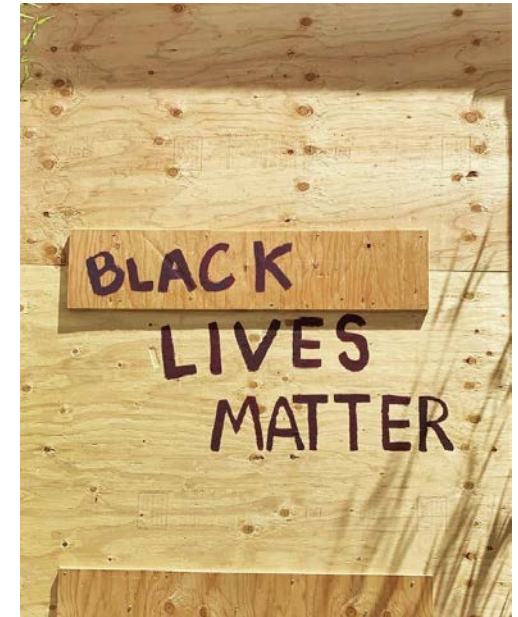
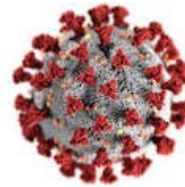


Photo by Kayla Brock

Cycle 9 2040 Grants

Resolution No 20-5113: Proposed Investments

| Proposed Purpose | Funds |
|--------------------------------------|---------------------|
| Regional Business Relief | \$ 1 million |
| Albina Vision Site Development Study | \$ 250,000 |
| BIPOC Wealth Creation Partnerships | \$ 250,000 |
| Future New Urban Area Planning | \$ 500,000 |
| Total | \$ 2 Million |

Cycle 9 2040 Grants

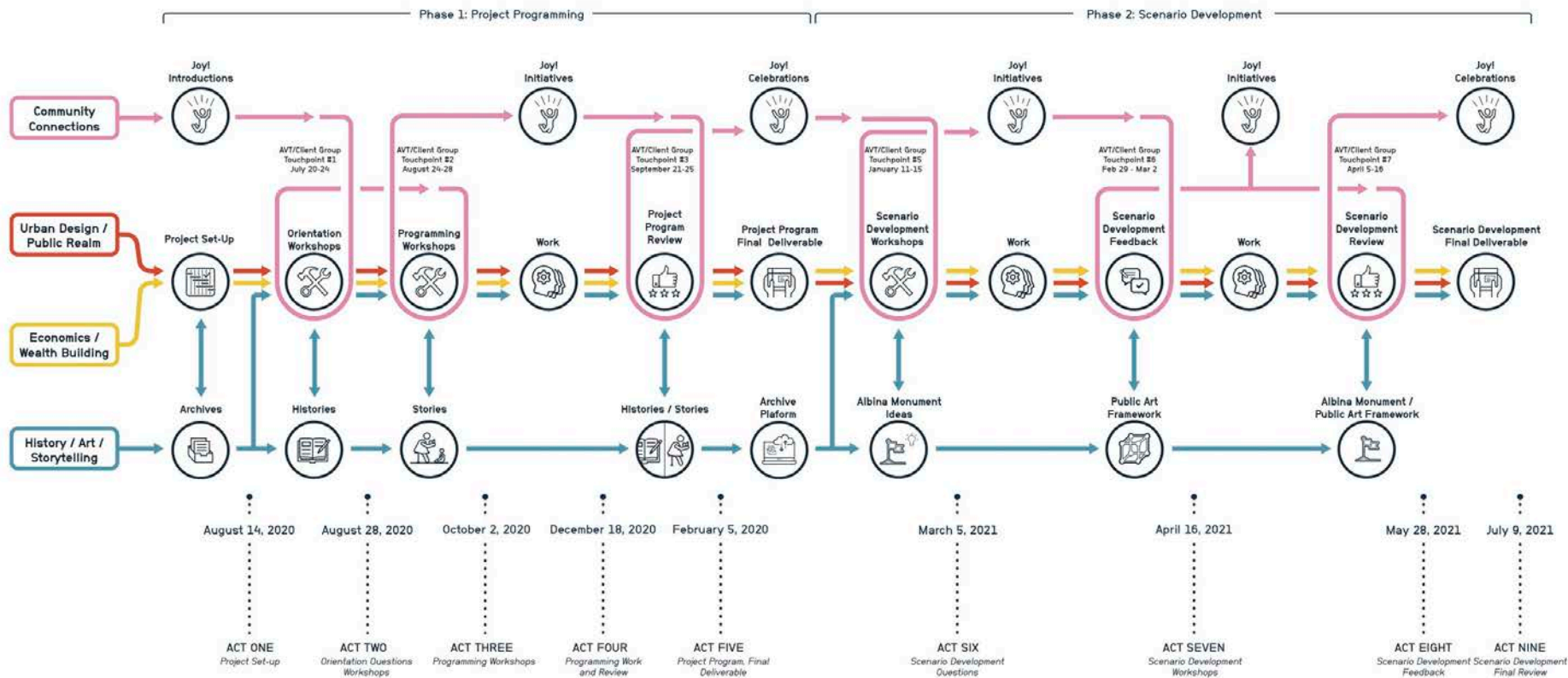
Regional Business Relief: \$1 Million

- Collaboration with Greater Portland Inc., Craft3, MESO, Columbia River Economic Development Council
- Financial resources for underserved and under-resourced businesses and entrepreneurs



Cycle 7 2040 Grant

Albina Vision Community Investment Plan



Cycle 9 2040 Grants

Albina Vision Flagship Site Development: \$250,000

- Remove obstacles and position AVT to demonstrate vision and program at a site-specific scale
- Explore redevelopment options for PPS Blanchard property and/or adjacent sites
- Seek additional matching funds from Economic Development Administration and/or others



Cycle 9 2040 Grants

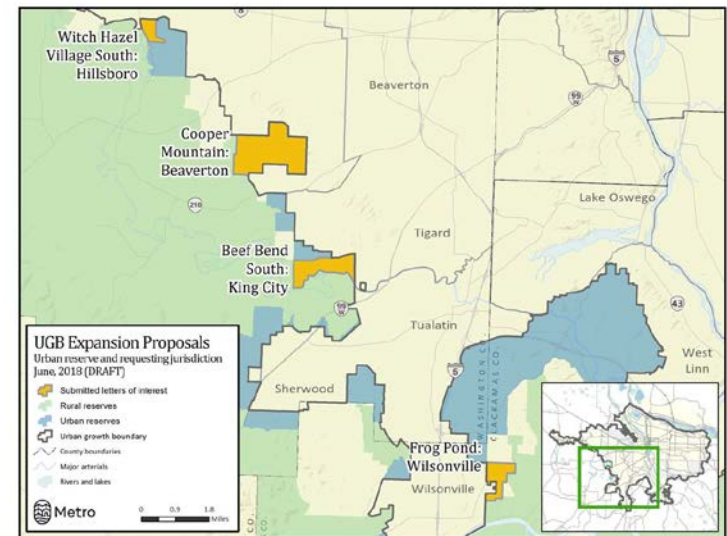
Equitable Wealth Creation Initiatives: \$250,000

- Prioritize and grow new partnerships with communities of color across the region
- Co-create project scopes to support organizations focused on immediate community needs
- Identify 3-5 initiatives for Cycle 9 seed funding; potential to develop full Equitable Development project proposal for subsequent grant cycle
- 2040 Grant Screening Committee will help to select community partnerships from across the region

Cycle 9 2040 Grants

New Urban Area Planning Allocation: \$500,000

- Reserve \$500,000 of Cycle 9 funding for future New Urban Area grants
- Ensure that funds will be available in subsequent grant cycles regardless of near term revenues



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Metro

Clean Air Construction Standard for Metro projects

Taking local action for cleaner air

Metro Council

July 30, 2020

Overview of presentation

- Issue statement
- Background
- Staff recommendations
- Action requested

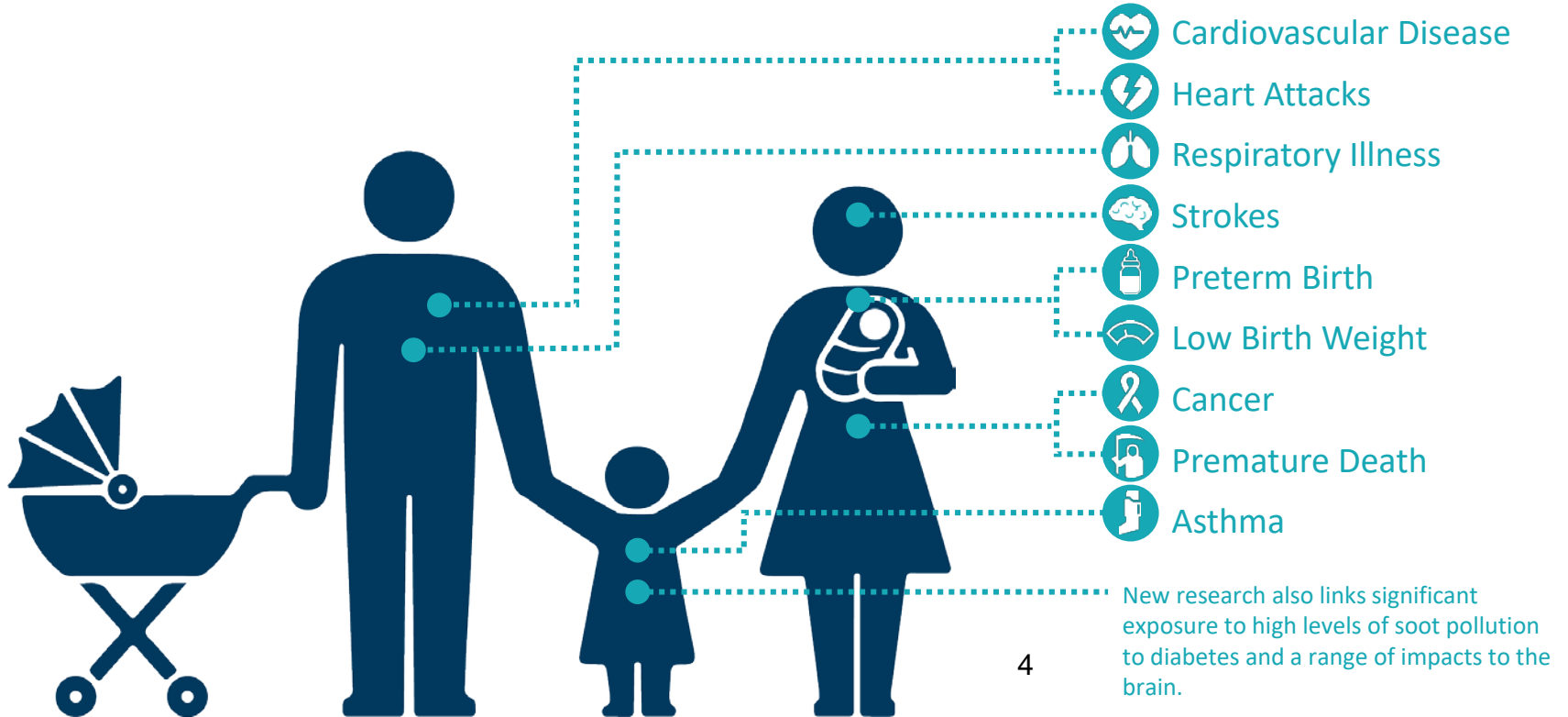


Issue statement

- Diesel pollution threatens the health of people in the Metro region,
- With a disproportionate impact on people of color,
- Particulate matter exposure increases risk of death of COVID-19, and
- Much of this pollution comes from construction equipment

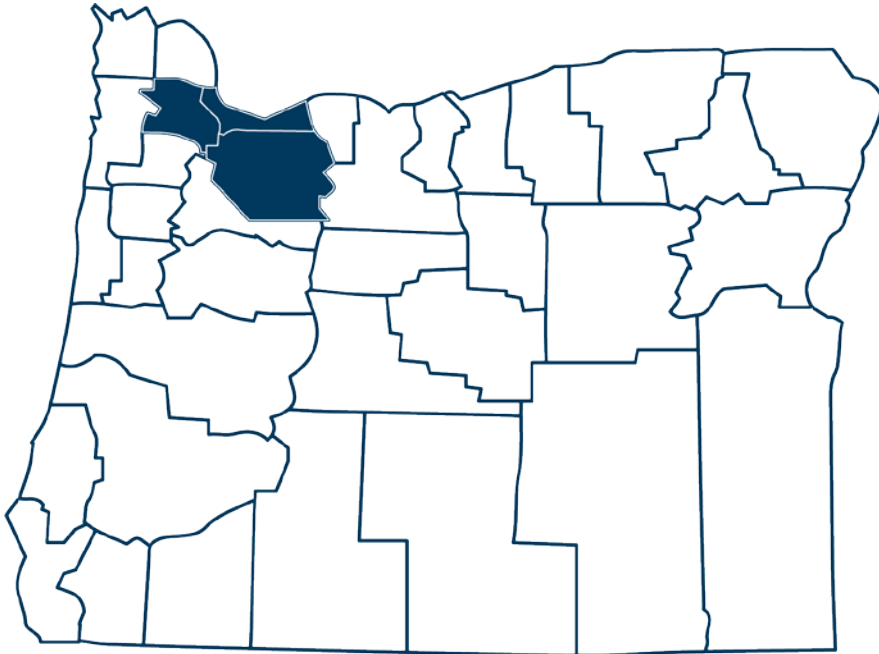


Effects of diesel exhaust on the body



Emissions Impact on Public Health

Clackamas, Multnomah, and Washington counties ...



Ambient diesel particulate concentrations for the nation



In some places diesel pollution 10 times higher than Oregon health benchmarks



\$1.6B spent on avoidable health costs from diesel emissions every year in OR

Particulates and COVID-19



Communities of color in the Portland Metro area are disproportionately exposed to air pollution

People who contract COVID-19 are more likely to suffer severely, including increased risk of death, in areas with high levels of particulate matter

One microgram increase in concentration of fine particulate matter is associated with an 8% increase in risk of death

Desired policy outcome

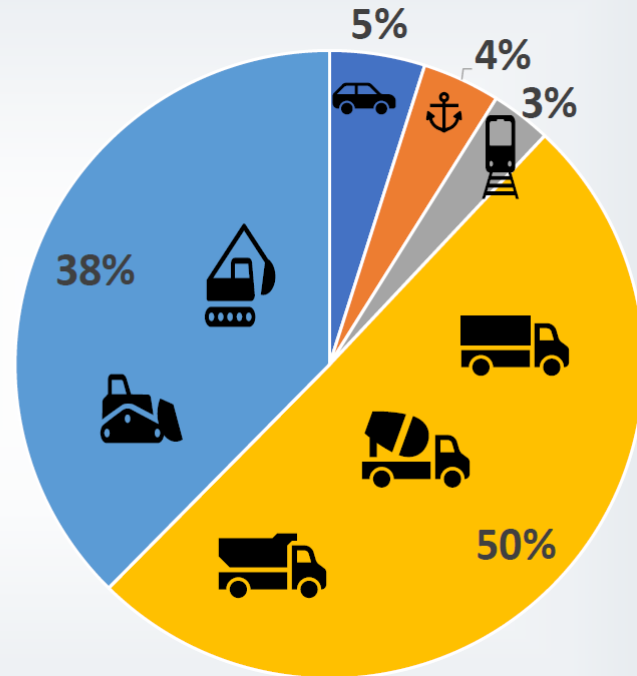
Improve regional air quality by reducing diesel pollution from equipment used on Metro's construction projects.



Why construction equipment?

Diesel Particulate Matter (2.5) Sources in Multnomah, Clackamas, and Washington Counties

Source: EPA 2017 National Emissions Inventory Data



Regional collaborative



State of Oregon
Department of
Environmental
Quality

Regional framework

Lead agency model

- City of Portland as lead agency of regional collaborative

Core elements of the regional framework

- Administration
- Communications
- Registration and compliance
- COBID certified firms – specific support

Clean Air Construction Standard

Engine requirements applicability:

- Non-road diesel equipment >25 horsepower
- On-road diesel cement mixers and dump trucks

Requirements phased in:

- Idle reduction begins immediately
- Engine requirements phased in

Includes COBID exemptions and extended timeline

Stakeholder engagement

- Ongoing since 2010 (regionally)
- August 22, 2018 workshop
- Public comment period in November 2018
- January 2020 minority contractor associations
- Public comment period on COVID-19 adjustments in July 2020
- Targeted engagement with neighborhood associations, environmental organizations, construction firms, COBID-certified firms, equipment operators, industry associations

Staff recommendations

- Adopt a resolution in support of amending the Sustainable Procurement Administrative Procedures to add the Clean Air Construction Standard:
 - Adopt a \$500,000 threshold for Metro construction projects subject to the Standard; and
 - Include a compliance exemption for COBID-certified firms until additional grant funding is available or 2024, whichever is earlier.

Staff recommendations

- Approve the Intergovernmental Agreement for regional administration of the Standard:
 - Support staff in working with agency partners to promote wider adoption of the Standard; and
 - Prioritize the identification of grant funding for COBID-certified firms to retrofit equipment.

Next steps

- Add requirements to solicitation and contract documents
- Engage with contractors and COBID firms
- Develop implementation plan and train internal stakeholders
- Continue to work with the Collaborative to implement the program with a focus on supporting certified firms

Council action requested

- Adopt a resolution in support of amending the Sustainable Procurement Administrative Rules to add the Clean Air Construction Standard
- Approve the Intergovernmental Agreement for regional administration of the Standard

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House Bill 2007

- **Directs remaining Volkswagen settlement funds to clean up diesel engines, with preference for COBID firms**
- Phases out old diesel on-road engines in Multnomah, Clackamas and Washington Counties
- Requires clean equipment for state-funded construction projects (\$20M or more)
- Creates task force to consider additional funding strategies

Goal

1. Cleanest available equipment

- Non-road - EPA Tier 4 standards (including Tier 4i)
- On-road - 2007 model or newer dump trucks and cement mixers

OR

2. EPA or CARB certified Best Available Control Technology (BACT) if available:

- Diesel Particulate Filter (DPF), or
- Diesel Oxidation Catalyst (DOC) when adequately demonstrated a DPF is not suitable.

OR

3. Alternative fuel vehicles or equipment

At full implementation

- Idling reduction
- Cleanest available (new) diesel non-road equipment and cement mixers/dump trucks
- Older diesel equipment/vehicles retrofitted with diesel particulate filter (DPF)*
- Alternative fuel vehicles or equipment

*certified COBID firms may have equipment with grandfathered diesel oxidation catalyst (DOC) retrofit technology