

Tacoma Community Workforce Advisory Committee

Wednesday January 30, 2019, 9:30-noon

Tacoma Municipal Building North, Room #16, 733 Market Street, Tacoma WA 98421

Meeting 3

Agenda

1. **Welcome, Introductions** (5 min.) Co-Chair Tim Attebery
2. **Review and Approval of Agenda** (1 min.) Facilitator Karen Reed
3. **Panel Presentation & Discussion /Q&A: Seattle Experience
With Community Workforce Agreements/Project Labor Agreements** (1 hour)
Liz Alzeer, Director, City of Seattle Purchasing and Contracting Services;
Anna Pavlik, Labor Equity Program Manager, Purchasing and Contracting Services
4. **Standing items** (15 min.) Karen
 - a. Approval of Meeting Summaries from December 21 and January 9
 - b. Response to Committee Member Questions from Meetings 1 & 2
 - c. Tracking list: potential action items
 - d. Other additions to binders
 - e. Future meeting schedule
5. **Other Jurisdictions with CWAs: Information from Telephone Interviews**
San Francisco, Los Angeles, Santa Anna, Cleveland (20 min.) Martha Lantz, Patsy Best,
Clifford Armstrong
6. **Advisory Committee Member Presentations/Q&A:** (25 min.)
 - a. **Tacoma Housing Authority** (Michael Mirra)
(Note: Mark Martinez is unable to attend today; we will reschedule both his and Tim Attebery's presentations for Mtg. 4)
7. **Hand-outs & Homework: Challenge/Opportunity Examples and Outline of
CWA Issues & Options** (20 min.) Karen, Steve Victor
8. **Re-cap of Questions from Committee, Next Steps** (5 min.) Karen
9. **Next Meeting: Wednesday February 13, 9:30- noon. Same location. Proposed Agenda:**
Review and Discussion of Draft CWA for Tacoma and Committee homework responses
10. **Adjourn** Co-Chair Martinez



TACOMA COMMUNITY
WORKFORCE ADVISORY
COMMITTEE

*REMAINING
MEETINGS*

Dates

Time

Location

February 13, 2019
February 27, 2019
March 13, 2019

*All
9:30 am-Noon*

733 Market Street,
Room 16
Tacoma, WA 98402





Tacoma Community Workforce Advisory Committee

DRAFT Meeting Summary from December 21, 2018

Action items are underlined; follow up tasks are noted in ***bold font italicized text***.

MEETING ATTENDANCE					
Advisory Committee Members:					
Tim Attebery	√	Frank Lemos		Billie Otto	√
Yolanda Brooks	√	Mark Martinez	√	Loren Pease	
Martha Cerna		Michael Mirra	√	Lyle Quasim	√
James Faison		Marilynn Moch	√	Justin Satiacum	
Eric Frank		Korbett Moseley	√	Halene Sigmund	√
Nathaniel Lawver	√	Arti O'Brien	√	Michael Tucci	√
Darling Nava (Alt.)	√				
Staff and Others:					
Tadd Wille	√	Steve Victor	√	Reid Bennion	√
Jeff Jenkins	√	Martha Lantz	√	Nick Anderson	
Daniel Murillo	√	Clifford Armstrong	√	Karen Reed	√
Terry Ryan	√	Patsy Best		Samantha _____	√

Welcome; Introductions. Mayor Victoria Woodards welcomed the group and asked all to introduce themselves. Mayor Woodards spoke to the importance of the Advisory Committee’s mission to the City and outlined the City’s three goals in this effort: (1) benefits of city contracts should go to local residents who need them; (2) the City should support building and construction careers for its residents; and (3) City public works projects should promote the use of small business enterprise and women and minority owned businesses. She is looking for something that will work for Tacoma.

Working Group Organization. Karen Reed, facilitator for the Advisory Committee, reviewed the Mission Statement for the Advisory Committee and the six-meeting work plan that is proposed. Karen reviewed proposed ground rules with the group. Clifford Armstrong spoke to the definition of “*residents of economically distressed communities*,” a term that is foundational to the mission statement. Daniel Murillo spoke to the definition of “*Women and Minority Business Enterprises*” (WMBE), another key term. Questions posed by Advisory Committee members included:

- What is the definition of poverty level?
- Can you update the 2010 data on economically distressed communities with the American Community Survey data and note any trends by comparing the data.
- Also consider data from the American Community
- How will minority positions be addressed? A: This is covered in the charter we will discuss later today.

Staff will follow up on these data requests.

Overview of the Griffin and Strong Study; Introduction to Community Workforce Agreements and Priority Hire Ordinances, and State Initiative 200. Daniel Murillo, the City’s Community and Economic Development Division Manager, presented an overview of the WMBE hiring disparity study commissioned by Tacoma in 2017 and conducted by the firm of Griffin & Strong in 2018. Discussion items included:

- Has Griffin & Strong ever not found a disparity?
- Only agencies that are concerned that a disparity exists are likely to commission a disparity study.

Steve Victor, Deputy City Attorney, gave an overview of the scope of project labor agreements and community workforce agreements, and the limitations imposed by Initiative 200. Discussion points included:

- Signatures on I-1000 which would repeal I-200, are due to the state in early January.
- Please provide a summary of HB1328
- Seattle’s “point system” seems to work well.

Presentation and Q&A. Public works hiring in Tacoma: current situation. Martha Lantz, Deputy City Attorney, presented information on the public works process in Tacoma and the recent number and size of public works contracts in the City. She noted that Community Workforce Agreements would typically apply to City-only funded projects. Discussion points included:

- There are not very many large public works contracts let by the City.
- Is it clear that CWAs may run afoul of federal funding requirements? What might those conflicts be? **Staff will follow up.**
- Please look at Sections 7 and 8 of the National Labor Relations Act. AGC is looking at this and feels that community workforce agreements may conflict with federal law.

Clifford Armstrong, Contract and Program Auditor and Manager of the City’s LEAP program gave a presentation on the purpose and scope of the City’s Local Employment and Apprenticeship Program (LEAP) and the Small Business Enterprise (SBE) program. Discussion points included:

- Does one have to be a Tacoma resident to qualify under LEAP? A: No.
- Please look at the goals of the City’s visioning document, Tacoma 2024—there may be goals applicable to this effort. **Staff will follow up.**
- We should fix the loopholes in the SBE program.
- Can you provide data on Tacoma residents being hired pursuant to the LEAP program, versus non Tacoma residents?
- The difficulty with the SBE program targets are that they add cost and make it more difficult to win the bid; also it can be difficult to find SBEs.
- The SBEs are out there.
- Tacoma Housing Authority deployed a very successful local hire program in a recent large project—we should look at that. **Staff will follow up.**

Advisory Committee Roundtable. Each member of the Advisory Committee offered his or her thoughts about their takeaways from today’s presentations and their hopes for this process. Comments included:

- I want to focus on the goal of getting community members to work.
- Focus on breaking down barriers.
- Thank you; this is a great opportunity.
- I want to make sure as we develop goals/ policies that they are realistic and we consider how to be compliant in recognition of economic realities.
- Thanks for the patience on getting the group up to speed on remedial requirements, want to make sure we understand that construction is a risky business, and to keep that in mind.
- Need to balance philosophical and economic models.
- Thanks for this opportunity. The Tacoma Housing Authority has had good success in how they have approached these challenges and is happy to lend advice.
- I would like for everyone to come in open-minded.
- Avoid false comparisons and labels
- This is a great opportunity.
- Interested in changes which will result in a better community.
- Referring back to the summit that Mayor Strickland held and what came from it, that was positive and I am committed to this effort.
- Recruiting employees to the trades in Tacoma helps put people to work. City has hardworking but underemployed residents.
- The devil is in the details and I am concerned that the time will not be there to get into the details.
- There is lots of work to be done
- I am interested in how the City attorneys will work any community workforce agreement into the existing law, specifically NLRA Section 7, 8 and how this group's recommendations mesh with I-200.
- There is a potential work around on I-200. The City should change the city code to close the SBE loophole in order to require a goal. The City needs to do better outreach to DBE's and SBE's.
- The number one issue right now for folks in construction is finding qualified staffing. Increase apprentice programs to allow participation in construction projects close to where workers live.

Re-cap of Questions. Karen noted the list of questions that had been asked by Committee members that remain unanswered: staff will keep a list of these questions and respond as soon as they can.

Review of Draft Committee Charter. Karen began the discussion by asking for approval of the proposed ground rules. The ground rules were approved as proposed. Karen then reviewed the terms of the proposed Committee Charter; she will ask the Committee to approve this at the next meeting.

The website for the Panel will be posted next week; it will include the names of the committee members and their affiliations, our meeting schedule, and all agendas and materials circulated to the committee.

A "doodle poll" will be sent to identify the times for future meetings.

The meeting was adjourned at 2:15 p.m.



Tacoma Community Workforce Advisory Committee
DRAFT Meeting Summary For 1/9/19

MEETING ATTENDANCE					
Advisory Committee Members:					
Tim Attebery	√	Frank Lemos		Billie Otto	√
Yolanda Brooks	√	Mark Martinez	√	Loren Pease	
Martha Cerna		Michael Mirra	√	Lyle Quasim	
James Faison	√	Marilynn Moch	√	Justin Satiacum	√
Eric Frank	√	Korbett Moseley	√	Halene Sigmund	
Nathaniel Lawver	√	Arti O'Brien	√	Michael Tucci	√
Darling Nava (Alt.)					
Staff and Others:					
Tadd Wille	√	Steve Victor	√	Reid Bennion	√
Jeff Jenkins	√	Martha Lantz	√	Nick Anderson	√
Daniel Murillo	√	Clifford Armstrong	√	Karen Reed	√
Terry Ryan	√	Patsy Best	√	Samantha _____	

Introductions Co-Chair Tim Attebery convened the meeting at 9:33 AM. All attendees introduced themselves.

Review and Approval of Agenda. Karen Reed, committee facilitator, reviewed the mission statement for the group and the agenda for today. The meeting summary and running list of action items are not in the packet and will be brought forward at Meeting 3. Michael Mirra moved to approve agenda, seconded by Tim Attebery; the agenda was approved unanimously.

Standing Items. Karen spoke to staff responses to Committee Member questions raised at Meeting 1. Staff will print the Disparity Study pages that speak to underutilization and share them next time. Also, the Santa Anna CWA will be posted as another sample, in addition to the Seattle CWA. A link to the Committee website will be shared with all Committee members so that they can read the materials online.

Presentation/ Q&A: New Legal Challenge to Community Workforce Agreements based on National Labor Relations Act Steve Victor, deputy city attorney, explained the unfair labor complaint filed by AGC against the group of unions that have entered into a community workforce agreement with the State Dept. of Transportation. Discussion questions included:

- Is it the contractors filing on behalf of employees who may work on the project? – A: Steve cannot answer, he is not an attorney working on the case.

Presentation/ Q&A: Griffin and Strong Disparity Study Findings. Daniel Murillo introduced Dr. Vince Eagan and Sterling Johnson from Griffin & Strong joining the meeting by skype and phone respectively. Dr. Eagan noted that they will answer the questions provided by staff for this presentation.

Question 1: Who usually hires you (Griffin & Strong) to do disparity studies and why?

A: State and local governments, school boards etc. We are hired as a result of the Croson case which basically requires that if a government intends to use race and gender in public procurement then the government needs to identify a problem exists to warrant this, and that is what a disparity study is for. Cities concerned about the issue typically do a study to check out who is available in the market. Also, these studies provide benchmarks to see if there is progress over time.

Question 2: Do you also do Workforce studies? What's the difference between a disparity study and a workforce study?

A: A workforce study can be a number of things: (1) a study for governments; (2) a study for contractors—there are not many of these; (3) in City hiring – also not many of these.

Question 4: Your addendum on CWAs notes that at least anecdotally CWAs can be detrimental to enhancing employment of WMBEs. Why is that? Are the goals of enhancing workforce hiring from economically distressed communities, and enhancing hiring of WMBEs necessarily at odds? What types of actions could the City take to promote both goals?

A: CWAs can disadvantage smaller firms because they increase labor costs. Sound Transit was concerned about this and tried to address it, but small firms and WMBE firms are still complaining about the impact of the Sound Transit Project Labor Agreement.

Priority Hire Agreements are similar to the City's LEAP program. A lot of the time PLA's and CWAs do not apply to smaller contracts so they don't have as much of an effect.

Q: Does the Corson decision get overridden by more recent cases on higher educational preferences?

A: We don't know what those later cases mean for Croson. Data on students is really different from data on contractor availability.

Q: Why do CWA's normally not apply to small businesses?

A: They can apply. The LEAP program doesn't affect projects under a certain size. You could make it apply if you want to. Think of LEAP as a kind of a CWA. PLAs vary a lot in scope.

Question 3: The group has had an opportunity to review your recommendations. Please provide a quick verbal overview of them and identify:

- a. *Are some of them linked—they need to be deployed together for maximum impact?*
- b. *Are some of them higher priority than others?*

A: Making recommendations in this situation is more difficult because of state Initiative 200. However, in order of important, Dr. Egan noted the following recommendations:

- #4. Small Business Reserve Program. This can have a big impact.
- #6: Have a policy to investigate possible discrimination (pre-award investigations). There is an administrative burden to this, but it impacts contractor behavior.
- #8 Vendor Rotation
- #7 Economic Development Project requirements.

Sterling Johnson reviewed the other recommendations:

- #1 –allocating resources and staffing to oversee these programs and collect data, perform outreach is also important.
- #2 Forecast opportunities for future work with the city to WMBEs
- #5 Data infrastructure
- #9 Add subcontractor goals for race and gender employment.

Sterling also noted that things like low interest loans to help small business with contracting can be important.

Q: Are you saying that under Washington State Law, even with a study the City cannot favor a contractor based on race or gender?

A: Our view is that goals aren't about preference—they are about access. Yes, I-200 exists. You can't favor less qualified individuals. We believe the State Attorney General's interpretation of I-200 supports our recommendations. It takes careful drafting to maneuver with are and gender conscious goals. Our objective is getting more access to these folks. You can do "supportive" programs, but not necessarily mandates.

Q: So, *Croson* can't really help us define what we can do?

A: Not necessarily, it still applies. You need to show a compelling government interest and narrowly crafted remedies. That's what a disparity study does.

Clifford Armstrong noted that we can have race and gender conscious programs but the goals of those programs cannot be such that the qualification bar is lower for people based on race or gender.

Q: Is there any legal barriers to keeping us from helping firms/ groups meet those barriers/ qualifications we've set, bonding capacity, etc.?

A: Federal courts are split on whether you can do this. Specifically, it's not clear whether these support programs constitute a preference. For example, Atlanta has a requirement that on large projects, they must be joint ventured with firms whose ownership is of different demographics – it is a racial classification, but not a racial preference because it applies to everyone equally. Many large cities have building capacity programs that help with bonding capacity, technical assistance. Supportive services are generally considered rate neutral.

T

Q: Is there a difference between being qualified and being available?

A: *Croson* says being available is ready willing and able. That's what we use.

Q: On page 10 of the report it speaks to availability versus qualified. Does that mean *also qualified*?

A: Yes.

Question 3, parts c and d:

- c. *What metrics should the City track to see if these recommendations are having the desired effect?*

d. Are some likely to depress hiring of persons from disadvantaged communities?

A: Our study looked at businesses, not workforce. But our recommendations should not negatively impact the workforce policy goals identified and before this committee.

Q: I am concerned about free market interference. Bonding requirements are to preserve quality.

A: Unclear how much solutions would interfere with the market.

Q: Would Griffin and Strong would have recommended different solutions if I-200 did not exist?

A: Yes; we would have encouraged more explicit preferences for WMBEs in city programs, more business support programs. Elsewhere it is ok for government to be a change agency—this, for example, can translate to back office support to businesses to increase their bonding capacity.

Q: Seattle's experience has been an increase in WMBE participation/contract awards since their CWA. Would CWA align with policy goals like poverty reduction, increasing jobs, prepping workforce, educational gap reduction, other disparate policy goals?

A: Yes, if administered carefully. You need to tailor it to your situation and needs. You must consider the existing level of diversity.

Q: Does the disparity study aim to address the goals of ending poverty, training people, providing better quality jobs, preparing folks for the work force?

A: The disparity study is not necessarily aimed at those objectives.

Q: Is there a direct correlation?

A: Maybe.

Q: Is Griffin and Strong familiar with Initiative 1000?

A: No, but we are willing to look at it if you send it to us and analyze the impact.

Comment: There is a difference between the free market and use of taxpayer dollars. Taxpayer dollars should be spent to reinforce training of community members, other goals.

Advisory Group Roundtable.

- What is the basis of qualification? At what point does price come into the picture? Price determines if I get a job. I support the goals. But how can I get work? I have to assume risks for my subcontractors who can rarely meet the requirements. I rarely requires bonding for my subs because a lot of them cannot meet it. (M. Tucci)

- I'm still trying to digest what I've heard today. Mike Tucci can't hire me on these projects because I'm an open shop and POLA's require closed shop. PLAs, CWAs will exclude me. (H. Sigmund)
 - Query in response: Why not just have the non-union shop sign a one-off agreement?
- Seattle has a point system, I like it but I don't understand why the unions have not challenged it. **Staff will provide information on Seattle's point system.** (M. Moch)
- Many agencies are going to "best value" award processes which means point systems. I'm now a union shop and was previously non-union. I did one-time agreements. It was the same money. (J. Faison)
- City funded projects should help end poverty in this town. I don't care about the business side of it. I want a PLO to gain points from hiring locals. (K. Moseley)
- I am focused on the work around to I-200, which is I-1000. I talk to a lot of people around the state. Small business concerns with PLAs are the 3 person cap per job – that is a problem that should be addressed. But as a 30 year resident, I want to see jobs for locals. And I think we should include private projects in our hiring goals when the City is giving them benefits. (Y. Brooks)
- I am hearing an abundance of caution from attorneys here—that is interesting. WE have to find away around it at this table. (N. Lawyer)
- I disagree with the consultants. I think the biggest problem right now is lack of qualified workers. The workforce should reflect the community, and union jobs are better jobs. The unions are doing a majority of the training of apprentices. Statewide, unions have 12,000 apprentices in training, way more than Helen's firm. There is not enough skilled people. The disparity shows that the status quo is not acceptable. (M. Martinez)
- The tribe has 20000 workers and we try to connect them with Unions. How can we help our local area Natives looking for work? (J. Satiacum)
- I feel like we are being boxed in to having no meaningful recommendations. If the object is what it is, we should have 3-5 use cases that folks are speaking to and how they are impacted—we can't meet these objectives and why? What is it we are up against? (B. Otto)
- I didn't hear enough from the consultants about Croson and I-200. I don't understand the connection between qualifications and availability. The City will need to gauge their own legal risk. I think the consultant recommendations are tame. We can identify more robust solutions. (M. Mirra)
- I am new to the group and catching up. There is a lot of room for improvement. We need to get more to SBE hiring (E. Frank)

- I want to ensure there are no losers. And Arti and Eric would be losers under a PLA or CWA. (T. Attebery)

Karen asked Tim if he thinks we are having a “means” or “ends” conflict? Tim responded that we need to see things in writing before he can answer that . He is passionate about the goals, but see need exlusions for some folks; I do not want there to be losers, and with a PLA/CWA the SBE's that are open shop they would lose.

- I support the City in various ways, but have issues with the red tape. (A. O'Brien)
- A lot of people don't know what opportunities are out there. I believe in the union agreement but there are issues in there that hurt small business. TI can't find people in the Union halls and if I have to hire outside I have to pay more. (J. Faison)
- Things need to change. Unions focus on priority hire. I feel the apprenticeship program should be strengthened. In a way, that doesn't exclude the minority, small firms. I quit trying to engage in places where there was a PLA. We need exlusions. (M. Moch)
- I've been doing recruiting to get people into the trades. Community members want local people to get access to the training that will ultimately get them a livable wage. It's not just the unions. Again, I'm interested in the LEAP program and who is being helped by this and how it could be better. ON a CWA, we need roster that could meet the goals. (K. Moselely)

Clifford noted that ratepayers are contributing half the money to public works, it's not just tax payers.

Follow up questions from the round-table:

- Economically distressed zip codes what are they? A: They include areas outside the city limits where the City provides services or has infrastructure.
- A member of the audience in attendance,, Eric ALozie offered he is an SBE contractor, utilization of SBE's is low, and he thinks the City could do more to encourage the utilization of SBE's.
- Please provide information on the City's Section 3 program. What is it and could it be a tool to address these issues?
- Please provide a written summary I-200, Croson and I-1000.
- We should find out from, the minority community how they feel a PLA would work.
- Look at the Tacoma School District and what have they been able to do with their MWBE programs.

Approval of Committee Charter. Karen recapped the terms of the proposed committee charter. The Charter was unanimously approved.*

Next Meeting. Karen reviewed the proposed agenda items for the next meeting, including follow up items. There was discussion about times that will work for most people on calendaring future committee meetings. Korbett Mosely reiterated his interest in hearing about the Section 3 program.

Adjourn. The meeting was adjourned at 11:50 AM.



Tacoma Community Workforce Advisory Committee
Questions Tracker

#	Question/Data Request	Date Requested	Status
1	Poverty level definition	12/21/18	Addressed
2	Update distressed area data and identify any trends	12/21/18	Addressed
3	What would WMBE utilization rates need to be <i>not</i> have a disparity?	12/21/18	Addressed
4	HB1328 summary	12/21/18	Addressed
5	NLRA Sections 7 and 8 – conflict w/CWA?	12/21/18	Addressed
6	Can CWA’s actually conflict with federal law?	12/21/18	Addressed
7	City Vision/Goals that are relevant to this discussion	12/21/18	Addressed
8	Detail on who have been beneficiaries of the LEAP program—do they live in Tacoma?	12/21/18	Outstanding
9	Information summarizing Seattle’s point system- what is the goal? How does it work? (Patsy)	1/9/19	Outstanding
10	Information summarizing “best value” procurement method. (Patsy)	1/9/19	Outstanding
11	Provide sample situations that are causing concern on the part of contractors with the idea of CWA and see if we can find a work around (Clifford, Reid, Patsy)	1/9/19	Outstanding
12	Overview of the City’s “Section 3” plan. (Clifford)	1/9/19	Outstanding
13	Summary of I-200, I-1000 and the Croson case. (Steve)	1/9/19	Outstanding
14	Provide information on what strategies the Tacoma School District has used to increase their WMBE hiring. (Terry)	1/9/19	Outstanding





TO: Tacoma Community Workforce Advisory Committee
FROM: Tadd Wille, Assistant City Manager; City Manager's Office
SUBJECT: Staff Responses to January 9th TCWAC Meeting
DATE: January 30, 2019

The following memo provides staff follow up to Committee Members questions and comments from the December 21st and January 9th meeting of the Tacoma Community Workforce Advisory Committee (TCWAC).

Question Subject

Committee members asked for:

1. Information on the residency of Local Employment and Apprenticeship Training Program (LEAP) participants. (Meeting 1 request)
2. A summary of Seattle's point system used in some procurements.
3. A summary of "best value" procurement method used by Seattle
4. Sample challenges that are raised with respect to CWAs that the group could potentially focus discussion on.
5. An overview of the City's "Section 3" plan.
6. A summary of I-200, I-1000 and the Corson case.
7. Information on what strategies the Tacoma School District used to increase WMBE hiring.

Staff Responses

1. LEAP utilization by zip code from 1/1/2015-12/31/2017 is provided in Attachment 1.
2. Seattle MWBE inclusion plans require bidders on public works projects to submit an inclusion plan that identifies aspirational WMBE goals (6 points), business support strategies (4 points), and WMBE guarantees (6 points). Proposals that total less than 10 points are considered non-responsive. The full inclusion plan instructions are provided in Attachment 2.
3. "Best value" procurement is where the awarded contract is based on a combination of selection criteria, rather than just price. The desired outcome is a contractor who presents the best combination of qualifications, proposed methodology, and cost. A good example of best value procurement method is the Request for Proposal (RFP), most commonly used for procurement of consulting or professional services.

Public agencies have recently expressed interest, or in a few other states, begun using a best value procurement method for construction contracts. Other agencies have used best value procurement to address concerns about performance issues on low bid awarded contracts or change orders increasing the final contract value. Other than a couple exceptions, the State of Washington has not authorized the best value selection process for using a Request for Proposals for construction projects.

As an alternative to the traditional low bid contracting method for public works Chapter 39.10 RCW does authorize several alternative public works contracting processes, such as design-build (DB), general contractor/construction manager (GCCM) and job order contracting (JOC).

4. See agenda item #7.



5. Pending.
6. (this response prepared by Steve Victor) Washington State Initiative 200, approved in 1998, added a section to the Washington Law Against Discrimination (RCW 49.60). The initiative stated: “The state shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting.” RCW 49.60.400(1). At the time, State law did not clearly define "preferential treatment." Subsequently, the Washington Supreme Court has construed the statute to prohibit discrimination where race or gender is used by government to select a less qualified applicant over a more qualified applicant.” Parents Involved in Cmty. Schs. v. Seattle Sch. Dist. 1, 149 Wn.2d 660 (2003).

In public contracting, Initiative 200 is applicable only in projects where no federal funding is utilized. Where federal funding comes into a project, local jurisdictions must apply federal program requirements, which do involve some race and gender conscious standards. Where no federal funding is involved, Washington state law allows race-conscious goal setting and outreach programs, but even where a disparity study has established a race and/or gender based disparity in public contracting, it is not clear as a matter of law that a program which requires race or gender conscious outcomes would survive a challenge under I-200.

An initiative to repeal I-200 was filed this year. Initiative 1000 was filed July 31, 2018, for the November 5, 2018 ballot. It has until January 4, 2019 to gather 259,622 valid signatures. The explanatory statement is:

“This measure would allow the state to remedy documented or proven discrimination against, or underrepresentation of, certain disadvantaged groups. It would allow the state to implement affirmative action in public education, employment, and contracting if the action does not use quotas or preferential treatment. It would define affirmative action and preferential treatment. The measure would establish a Governor's commission on diversity, equity, and inclusion, and require the commission to draft implementing legislation and publish reports.”

If adopted, it is important to note that I-1000 gives authority only to the State to create a program or programs to remedy “proven” discrimination or underrepresentation. No direct authority would be given to local jurisdictions.

7. Tacoma School Community Inclusion Commitment includes the following goals:
 - a. 30% local (Pierce County) businesses
 - b. 10% minority-owned businesses
 - c. 6% woman-owned businesses
 - d. 5% small businesses

To help achieve these goals Tacoma Public Schools (TPS) use networking events for general contractors and subcontractors prior the RFP for every project with extensive outreach to WMBE’s. Additionally Tacoma Public School’s RFP evaluation awards 30 points of 200 total based on the bidders WMBE/hire local plan, which are mandatory. Established WMBE and local hire goals emphasize action are and are not aspirational.



In their 2017-2018 Annual Report TPS identify traditional Design-Bid-Build as a barrier to increasing inclusivity. To combat this barrier TPS has utilized alternative contract delivery methods such as General Contractor Contract Management (GCCM), Design Build, and using RFQ/RFP processes in construction contracting.

Attachment 1

LEAP Utilization by Zip Code 1/1/2015-12/31/2017

City	Zip Code	LEAP Hours	Percent
Tacoma	98408	13,317.87	13.73%
Shelton	98584	8,630.08	8.90%
Tacoma	98409	7,289.22	7.51%
Roy	98580	7,151.91	7.37%
Tacoma	98405	5,220.86	5.38%
Parkland	98444	5,115.00	5.27%
Tacoma	98404	4,349.25	4.48%
Chehalis	98532	4,276.00	4.41%
Tacoma	98406	3,861.25	3.98%
Eatonville	98328	2,880.00	2.97%
Tacoma	98445	2,629.25	2.71%
Tacoma	98407	2,593.50	2.67%
Toledo	98591	2,166.14	2.23%
Tacoma	98403	2,109.00	2.17%
Rochester	98579	2,089.00	2.15%
Puyallup	98375	1,997.00	2.06%
Elma	98541	1,855.50	1.91%
Spanaway	98387	1,674.16	1.73%
Tacoma	98418	1,577.98	1.63%
Puyallup	98373	1,472.50	1.52%
Centralia	98531	1,414.50	1.46%
#N/A	98654	1,351.50	1.39%
Puyallup	98372	1,011.00	1.04%
Wilkeson	98396	950.5	0.98%
Fife	98424	890	0.92%
Tacoma	98422	813.75	0.84%
Tacoma	98465	746.25	0.77%
Lakewood	98499	716	0.74%
#N/A	0	650.75	0.67%
Carlsborg	98324	621	0.64%
Bonney	98391	604.5	0.62%
Graham	98338	464	0.48%
Longbranch	98351	427	0.44%
#N/A	98487	398	0.41%
Buckley	98321	289	0.30%
Montesano	98563	225	0.23%
Napavine	98565	215.5	0.22%
Marysville	98271	206	0.21%
Gig Harbor	98329	199	0.21%
Morton	98356	179.5	0.19%
Tacoma	98446	176	0.18%
Orting	98360	172	0.18%
#N/A	98049	166.25	0.17%
Tenino	98589	164	0.17%
Puyallup	98374	158.75	0.16%
Allyn	98524	156.9	0.16%
Puyallup	98371	147.5	0.15%
Gig Harbor	98332	141.5	0.15%
Tacoma	98402	112.75	0.12%
Sumner	98390	106	0.11%
Bellingham	98226	96	0.10%
University			
Place	98467	93.5	0.10%
Dayton	99328	90	0.09%
Lakewood	98498	86.5	0.09%
Rainier	98576	81	0.08%
Lakebay	98349	67.5	0.07%
#N/A	9844465	56	0.06%
Carbonado	98323	48	0.05%
Port			
Orchard	98366	46.5	0.05%
#N/A	98455	42.5	0.04%
Tumwater	98512	39	0.04%
Gig Harbor	98335	34	0.04%
Tacoma	98466	25	0.03%
Tumwater	98501	24	0.02%
Seattle	98198	21	0.02%
Marysville	98270	20.5	0.02%
Milton	98354	12	0.01%
Lacy	98506	5	0.01%
		Total	
		Hours:	97,017.87

Attachment 2

City of Seattle: Public Works Women and Minority Business Inclusion Plan Instructions

Carefully review all instructions. All Bidders must complete this form. The City public works inclusion plan requires the Bidder identify the good faith efforts the Bidder will use to include woman-owned and minority-owned business (WMBE) firms on the City project. There are 3 options for evidencing good faith efforts. Each option is worth points which can vary depending on information supplied by the Bidder. There are a maximum of 16 points available. The Bidder must earn at least 10 points. Bidders that earn less than 10 points will be found non-responsive and the Bid will be rejected. This Inclusion Plan becomes a material part of the Bidder's contract if the project is awarded to Bidder.

WMBE firms are state certified or self-identified firms that are at least 51% WMBE owned (per SMC 20.42). A WMBE need not be self-identified within the City Online Directory at bid time, but in such case must self-identify and register by time of award. These resources may assist bidders:

City On-Line Directory: <http://web6.seattle.gov/fas/registration/>

OMWBE Directory: http://www.omwbe.wa.gov/certification/certification_directory.shtml).

1. INSTRUCTIONS

- a. All Bidders (including WMBE Primes) must complete and submit this form as part of the Bid for City design-bid-build public works project having an Engineer's Estimate of \$300,000 or greater, unless the City expressly instructs otherwise in the bid package.
- b. There are three commitments Bidders can use to establish an Inclusion Plan – Aspirational WMBE Goals, Business Support Strategies, and WMBE Guarantees:
 1. Aspirational WMBE Goals are goals Bidder believes can be achieved by good faith efforts. This option is worth a maximum of 6 points;
 2. Business Support Strategies are those the Bidder commits to employ for qualified firms. This option is worth a maximum of 4 points;
 3. WMBE Guarantees identify WMBE firms the Bidder guarantees to contract with for this project, with agreement reached about the work and pricing for the WMBE scope, including any terms and conditions important to the WMBE for their performance. This option is worth a maximum of 6 points.
- c. Work performed by a WMBE must be commercially useful and a distinct element of work that includes managing and supervising the work. The Contractor should evaluate the amount of work subcontracted, industry practices, and other relevant factors to determine whether the work is commercially useful.
- d. A Bidder scored less than 10 points will be deemed non-responsive. See Scoring section below.
- e. All dollars cited shall exclude sales tax (including references to the Total Bid Cost and estimates made by Prime when completing this form).

2. SCORING INSTRUCTIONS

- a. The average percentage of WMBE utilization on past City projects has been calculated by CPCS and is provided in the table below. This average is used to score the points that will be awarded for the aspirational goals and guarantees. These percentages are updated annually. Note that these averages include total WMBE utilization, not subcontracting alone, since aspirational goals may include prime self-performance.
- b. In addition to the Past Performance, scoring also recognizes an intent to exceed past performance by at least 2 percentage points above past performance.
- c. If the project is characterized by work of various types, CPCS may calculate a unique utilization rate for the project given the weight of each. CPCS determination is not subject to challenge.
- d. The project type and percentage of past WMBE utilization will be stated in the bids advertisement and documents.
- e. If past utilization for a project type was zero, an Aspirational Goal above two percent will receive 6 points. Bidder must still identify Business Support Strategies and Guarantees it is willing to employ and will be scored accordingly.

Attachment 2

- f. Points awarded for WMBE Guarantees will be calculated based upon total available work for subcontract given past performance. This section can be awarded as many as 6 points.
- g. A Bidder who has received a formal Deficiency Report issued by the City as a result of unfulfilled WMBE Inclusion Plan commitments on past projects will lose one point from the total score.
- h. When calculations are used to evaluate the points, the City will calculate points to the nearest tenth decimal place. The City will round up to the nearest tenth.

2018	Roadway	Facility	Parks*	Under ground	Boundary	Structural Paint	Structural	Natural Habitat	Roof	Trenchless / Sewer Lining
3 year average Past performance	20%	25%	25%	18%	1%	4%	9%	19%	27%	4%

Note: Boundary refers to projects performed in Pend Oreille County (Boundary). Parks utilization rate excludes the mandatory self-performed WMBE work for a prime.

3. ASPIRATIONAL WMBE GOAL INSTRUCTIONS

- a. Aspirational WMBE Goals represent a serious commitment to use good faith efforts to reach the stated goals.
- b. The City will rely upon the Total WMBE Goal to determine responsiveness. The City will correct the Total WMBE Goal if that provided by the Bidder does not match the MBE and WBE goals.
- c. Aspirational WMBE Goals are a percentage of the Base Bid and during the course of the project will apply to the total contract amount including all contract change orders (additives, alternates and deductives). Contractor may seek a goal adjustment if such changes may merit a greater or lesser goal; CPCS will consider such requests, approve if appropriate, and modify the Plan accordingly.
- d. A WMBE Bidder may include in their goals and guarantees that percentage of contract base bid for work which the WMBE intends to self-perform that is in excess of the mandatory 30% they are otherwise required to perform as required by the City Specifications Section 1-08.1(3).
- e. Bidder will receive between 0 and 6 points for its Aspirational WMBE Goals, with proportional points based on a straight line formula to Past Performance (plus 2%) identified for the project as advertised in the bid solicitation. Bidder receives 3 points if the Total Aspirational Goal is half of Past Performance + 2%. Six points are awarded if the Bidder meets or exceeds Past Performance by 2 or more percentage points. For example, a project with Past Performance of 14%, would receive 3 points if the Total Aspirational Goal was 8% or 6 points if the Total Aspirational Goal was 16%.

$$P_A = 6A / (P + 2),$$

Where P_A = Points awarded for Bidder's Aspiration Goal
 A = Bidder's Aspiration Goal (%)
 P = Applicable Past Performance Trend (%)

4. BUSINESS SUPPORT STRATEGIES INSTRUCTIONS

The Bidder may elect to provide the business support identified on Page 2 for qualified firms. The City will provide two points for each choice selected. There are two options, allowing a total of 4 points if both options are chosen:

1. Early Retainage Release. The prime and any sub-tier primes will release retainage held for the subcontractor, within thirty (30) days of acceptance of the work performed by the qualified subcontractor.
2. For mobilization, the Prime and any sub-tier primes will pay all qualified firms five days in advance of the on-site performance, except if a unique situation prohibits such as an emergency or event requiring an immediate mobilization response. In those events, the Prime (including any sub-tier primes) shall deliver the payment no later than 5 days after job mobilization begins.

5. WMBE GUARANTEE INSTRUCTIONS

- a. This guarantees the City and WMBE that they shall be used for at least the amount given, following the remaining rules below. A WMBE Guarantee expects the Bidder achieved agreement about scope, terms and cost of the work for the WMBE at bid time. The burden is upon the Bidder to resolve any differences, once the guarantee is given.

Attachment 2

- b. The Prime should clearly document in writing, agreements made with the WMBE firm upon which the guarantee was predicated, such as unit price or lump sum pricing as applicable, scope, terms or conditions, and subcontractor concurrence. This protects both parties when completing and executing the resultant subcontract before work begins.
- c. The City may contact the WMBE firm or Prime after Bid opening to verify the firm has agreement to perform work as described in the plan. Failure to have agreement may result in rejection of the Inclusion Plan, rendering the Bid non-responsive.
- d. A bidder will receive between 0 and 6 points for WMBE Guarantees, receiving a proportional number of points based on a straight line formula to Past Performance. A bidder will receive 3 points if the dollar-value of the Guarantees equals half of the Past Performance percentage. Six points are awarded if the Bidder commitments meet or exceed Past Performance.

$$P_G = 6 G / P$$

Where P_G = Points awarded for Bidder's Guaranteed Goal
 G = Bidder's Guaranteed WMBE Goal (%)
 P = Applicable Past Performance Trend (%)

- e. A WMBE bidder may only include self-performed work above 30%. This is based on the self-performance minimum required by the City Specifications Section 1-08.1(3).
- f. Substitution of a Guaranteed WMBE firm is prohibited absent a waiver granted by the CPCS as a result of:
 - 1. Bankruptcy of the WMBE firm;
 - 2. Failure of the WMBE firm to provide the required bond;
 - 3. The WMBE firm cannot perform the work because they are debarred, not properly licensed, does not meet the subcontractor approval criteria, or in some other way is ineligible to work;
 - 4. Failure of the Subcontractor to comply with a requirement of law applicable to subcontracting;
 - 5. Death or disability of the principal of the WMBE firm rendering it unable to perform the work;
 - 6. Dissolution of the WMBE firm;
 - 7. Failure of the WMBE firm to perform satisfactorily in previous projects not known to Bidder at the time of bid;
 - 8. Failure or refusal of the WMBE to perform work for reasons other than contract term or pricing disputes;
 - 9. A change in scope of the contract which removes the guaranteed work from the project.
 - 10. WMBE Subcontractor does not execute an offered contract that reflects the terms and pricing that was agreed upon as a condition of the Guarantee. The Prime must evidence that the WMBE Subcontractor failed to execute a contract offered by the Prime which reflected such agreements, after the Subcontractor was given adequate time to execute the offered subcontract.
 - 11. Change order that reduces the scope of work of a WMBE guarantee.

6. INCORPORATION OF PLAN INTO CONTRACT AND REPORTING REQUIREMENTS

- a. CPCS may discuss the Plan with the Apparent Successful Bidder before incorporating into the contract and may amend the Plan by mutual consent.
- b. CPCS reserves the right to require a completed Social Equity Plan as a condition for contract execution if no WMBE guarantees are provided in order to demonstrate results of good faith efforts.
- c. The Contractor must provide reports and documents as required by CPCS within 15 days.
- d. CPCS will evaluate Contractor's WMBE utilization throughout the project.
- e. Contractor may not substitute a WMBE firm identified in the guaranteed portion of the plan unless the substitution is approved by CPCS. Such a substitution will not be considered unless Contractor can demonstrate clear necessity for such substitution. A Contractor granted permission to substitute for a guaranteed WMBE firm shall use good faith efforts to recruit another WMBE firm to perform the Work.
- f. If CPCS determines the Contractor is not making good faith efforts, it may take action as described in the project specification such as withholding invoice payments and breach of contract.
- g. The City will evaluate the WMBE utilization at close-out and may assign a Deficiency rating for failure to demonstrate good faith efforts. Deficient ratings are used by the City to determine Bidder responsibility on future work and debarment. To avoid a deficiency rating, the Contractor must demonstrate:

Attachment 2

1. A good faith effort to achieve Aspirational goals. Attainment under 80% of the goal will likely be considered deficient;
2. Timely submittal of required and requested materials and reports to CPCS;
3. Having advance agreements with each WMBE Guarantee, such that the WMBE understands and agrees that the WMBE Guarantee represents mutual agreement at time of the bid submittal;
4. Using all "WMBE Guarantees" named in the Inclusion Plan, unless Prime received written authorization from CPCS for substitution;
5. WMBE relationships are harmonious, clearly communicated and free of undue dispute; and
6. WMBE work was commercially useful as defined above.

Tacoma Community Workforce Advisory Committee
Potential Action Items Identified in Committee Discussion

1. Modify City code to close the loophole in SBE goals (Brooks)
2. Find funding to help subsidize contractor costs in hiring apprentices (Tucci)
3. Assistance with bonding for small construction firms
4. See how the LEAP program is helping and make it better.
5. Expand community outreach and find more potential employees. Could also help match GCs with sub-contractors.
6. Coordinate with Puyallup Tribe on its related labor resources database.
7. Focus more on workers rather than contracting firms.



Tacoma Community Workforce Advisory Committee:

Questions for Seattle and Other Jurisdictions with CWAs

San Francisco, CA [Form completed by COT staff Martha Lantz]

1.	<p>When did you enter into the CWA, and who are the parties to it? No agreement yet entered into, legislation requiring it passed San Francisco Board of Supervisors 1/15/2019.</p> <p>Effective 30 days from enactment – enactment is when Mayor signs, or it is unsigned by Mayor after 10 days</p> <p>Legislation requires City Administrator to negotiate and sign agreement no later than September 1, 2019 (with one up to three month extension allowed to December 1, 2019)</p> <p>Agreement will expire 20 years from date of signatures by City and Union</p>				
2.	<p>What were the goals of your agency in entering into the CWA? Goals as stated in legislation include:</p> <ul style="list-style-type: none"> • increase and improve employment of persons living in San Francisco • provide SF residents with more opportunities to participate in workforce development and pre-apprenticeship programs • supply construction trades with new apprentices/entry into employment • provide economic opportunities to displaced residents who have “out migrated” from SF, particularly from historically African-American neighborhoods 				
3.	<p>Generally describe the scope of CWA? The legislation sets out the following requirements to be in the CWA</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr style="background-color: #e1eef6;"> <th style="width: 50%; padding: 5px;">Subject</th> <th style="width: 50%; padding: 5px;">Included? / Notes</th> </tr> </thead> <tbody> <tr> <td style="padding: 5px;">a. Project Size Threshold (Describe)</td> <td style="padding: 5px;"> <p>Covered projects – funded by general obligation bonds or revenue bond and \$5,000,000 = when the advertisement for bid is released within a year of City and Unions signing CWA \$3,000,000 for projects when advertisement for bid is released in the second year after City and Unions signing CWA \$1,000,000 thereafter</p> <p>Covered projects funded by other than general obligation or revenue bonds = City estimates cost of more than \$10,000,000</p> </td> </tr> </tbody> </table>	Subject	Included? / Notes	a. Project Size Threshold (Describe)	<p>Covered projects – funded by general obligation bonds or revenue bond and \$5,000,000 = when the advertisement for bid is released within a year of City and Unions signing CWA \$3,000,000 for projects when advertisement for bid is released in the second year after City and Unions signing CWA \$1,000,000 thereafter</p> <p>Covered projects funded by other than general obligation or revenue bonds = City estimates cost of more than \$10,000,000</p>
Subject	Included? / Notes				
a. Project Size Threshold (Describe)	<p>Covered projects – funded by general obligation bonds or revenue bond and \$5,000,000 = when the advertisement for bid is released within a year of City and Unions signing CWA \$3,000,000 for projects when advertisement for bid is released in the second year after City and Unions signing CWA \$1,000,000 thereafter</p> <p>Covered projects funded by other than general obligation or revenue bonds = City estimates cost of more than \$10,000,000</p>				

	Excludes any projects for airport, public utilities, transit agency, or when the application of CWA violates conditions of state, federal or other public funding source
b. No-strike /no-lockout clause	<p>YES</p> <p>Union members will continue to work on Covered Projects after expiration of Collective bargaining agreements</p>
c. Working conditions requirements	
d. Apprenticeship hiring requirements	<p>Hire apprentices in state approved joint program In accordance with the apprentice ratios contained in California state law</p> <p>Within three years of the execution of CWA Unions enter into agreements with CityBuild Academy (City workforce development program) to ensure path way for graduates for direct entry to Union apprentice programs</p>
e. Local hire requirements	<p>Bound by requirements of existing Local Hire and Local Business Enterprise programs (includes discounts, set asides, and certified LBE/MBE subcontracting participation requirements, information and training, and other assistance in order to reach set goals). Local means principal place of business is in SF, MBE means an LBE that is owned and controlled by women or minority persons</p> <p>CWA will not apply to LBEs until the LBE has received the value of contracts for work on Covered</p>

	Projects in amount exceeding \$5,000,000 cumulatively over the entire duration of CWA
f. Disadvantaged community resident hiring requirements	
g. WMBE hiring requirements	
h. Other	Will use the hiring halls of signatory unions for all labor, exception for 2 core employees per Covered project Unions will use Helmets to Hardhats

4. How would you describe your experiences under your CWA in terms of:
- a. Local resident employment impacts
 - b. WMBE contracting impact
 - c. Numbers of local apprenticeships
 - d. Public works project delivery impacts

Legislation requires City do annual reviews of CWA to see if it has promoted the efficient economical and timely completion of Covered projects and impact on LBEs and local work force

5. Who is getting the contracts and subcontracts? Are they closed-shop or open-shop contractors? Is this a different result from what you saw before your CWA?

6. Has there been any impact on overall project costs as a result of your CWA?

- a. If there have been cost increases, where did they occur —labor costs? Administration of projects? Other? –and who has typically borne these costs?

7. Please provide summary information on a few projects that were entered into under the terms of your CWA (See Attachment below)

8. How would you generally describe the perspective of the key stakeholders as to the CWA – specifically:

- a. Unions
- b. Open-shop contractors
- c. Closed shop contractors
- d. WMBEs
- e. Individual employees
- f. Other interested community stakeholders?

9. Are you tracking any metrics to evaluate the success of the CWA? If so, what are they?

10. What advice would you offer to Tacoma as it considers whether to enter into a CWA?

Sample Projects

Summary description of scope:
Location (urban area/suburban/rural?)
Size (\$\$):

Summary description of scope:
Location (urban area/suburban/rural?)
Size (\$\$):

Summary description of scope:
Location (urban area/suburban/rural?)
Size (\$\$):



Tacoma Community Workforce Advisory Committee:

Questions for Seattle and Other Jurisdictions with CWAs

1. When did you enter into the CWA, and who are the parties to it?

OhioMeansJobs|Cleveland-Cuyahoga County has been performing Workforce Develop Agreements with the Economic Develop departments of the City of Cleveland and Cuyahoga County since 2008.

2. What were the goals of your agency in entering into the CWA?

The goal of Cuyahoga County of Ohio and the City of Cleveland is to assist local businesses in successfully addressing their workforce needs. Companies that receive financial incentives through Cuyahoga County or City of Cleveland, agree to consider referrals from *OhioMeansJobs|Cleveland-Cuyahoga County* and hire qualified candidates for available positions during the term of the incentive.

3. Generally describe the scope of CWA?

Subject	Included? / Notes
a. Project Size Threshold (Describe)	It varies depending upon the contractual agreement between the employer and respective Economic Develop department.
b. No-strike /no-lockout clause	Not Applicable to workforce.
c. Working conditions requirements	It varies depending upon the contractual agreement between the employer and respective Economic Develop department.
d. Apprenticeship hiring requirements	It varies depending upon the contractual agreement between the employer and respective Economic Develop department.
e. Local hire requirements	It varies depending upon the contractual agreement between the employer and respective Economic Develop department.
f. Disadvantaged community resident hiring requirements	It varies depending upon the contractual agreement between the employer and respective Economic Develop department.
g. WMBE hiring requirements	It varies depending upon the contractual agreement between the employer and respective Economic Develop department.

h. Other	

4. How would you describe your experiences under your CWA in terms of:

- a. Local resident employment impacts
See WDA Annual reports attachments from Jan. 2015 thru Jun. 2018.
- b. WMBE contracting impact
Not Applicable to workforce.
- c. Numbers of local apprenticeships
Not Applicable to workforce.
- d. Public works project delivery impacts
Not Applicable to workforce.

5. Who is getting the contracts and subcontracts? Are they closed-shop or open-shop contractors? Is this a different result from what you saw before your CWA?

Not Applicable to workforce.

6. Has there been any impact on overall project costs as a result of your CWA?

Not Applicable to workforce.

- a. If there have been cost increases, where did they occur —labor costs? Administration of projects? Other? —and who has typically borne these costs?
Not Applicable to workforce.

7. Please provide summary information on a few projects that were entered into under the terms of your CWA (*See Attachment below*)

Not Applicable to workforce.

8. How would you generally describe the perspective of the key stakeholders as to the CWA – specifically:

None of the following is applicable to workforce.

- a. Unions
- b. Open-shop contractors
- c. Closed shop contractors
- d. WMBEs
- e. Individual employees
- f. Other interested community stakeholders?

<p>9. Are you tracking any metrics to evaluate the success of the CWA? If so, what are they?</p> <p>OMJCC tracks the following metrics:</p> <ul style="list-style-type: none"> • Number of executed Workforce Development Agreements (City, County and City/County combined) • Placements (City, County and City/County combined) • Minority Status (City, County and City/County combined) • Residence (City and County)
<p>10. What advice would you offer to Tacoma as it considers whether to enter into a CWA?</p> <p>In order to provide consistency in the program ensure your Workforce Develop contract is a standard and consistent template that cannot be changed by the entity entering into the agreement, no matter the financial incentive.</p>

Sample Projects

<p>Summary description of scope: Not Applicable to workforce.</p>
<p>Location (urban area/suburban/rural?)</p>
<p>Size (\$\$):</p>

<p>Summary description of scope: Not Applicable to workforce.</p>
<p>Location (urban area/suburban/rural?)</p>
<p>Size (\$\$):</p>

<p>Summary description of scope: Not Applicable to workforce.</p>
<p>Location (urban area/suburban/rural?)</p>
<p>Size (\$\$):</p>





**Tacoma
Housing
Authority**

**BAY TERRACE CONSTRUCTION PROJECT
THA/ABSHER CONSTRUCTION**

MWBE, HIRING AND APPRENTICESHIP GOALS AND FINAL RESULTS

August 2017

	GOAL	FINAL
Minority Owned Business (MBE)	10%	13%
Women Owned Business (WBE)	8%	12%
THA Client Owned Business (Section 3)	10%	14%
THA Client-Low Income Person Hires (Section 3 New Hires)	30%	29%
Apprenticeships	15%	13%



Tacoma Housing Authority

New Salishan Development

(Mostly in pictures)

May 1, 2013

Tacoma Housing Authority
902 South L Street
Tacoma, WA 98405
(253) 207-4421
www.tacomahousing.org

Salishan Redevelopment: Community Economic Goals

“Spend a Dollar Twice”

- Contracting with firms owned by persons of color and women (MWBE)
- Hiring low income persons
- Purchasing locally



Salishan Redevelopment: Community Economic Goals

MWBE Goals

14 % Minority Owned

8 % Women Owned

22% **Total**

MWBE Results

26 % Minority Owned

9 % Women Owned

35 % **Total**

Salishan Redevelopment: Community Economic Goals

Hiring Goal: 50% of new jobs to the following groups of persons:

- ❑ Salishan residents or residents displaced by the construction
- ❑ Residents of THA's Other Communities
- ❑ Other Low-Income Persons in Tacoma

Hiring Results: 90% of new jobs have gone to people in those groups.



Salishan Redevelopment: Community Economic Goals

Local Subcontracting Spending to Date:

- **37%** Tacoma
- **46%** Pierce County (including Tacoma)
- **99%** in Washington State

New Salishan: **Construction Management Success**

- THA has managed contracts for 7 parts of Salishan, including infrastructure for nearly 180 acres of ground.
- Each contract has come in:
 - on time or before time
 - on budget or below budget
 - or both.



Tacoma Community Workforce Advisory Committee

“Homework” Exercise to be completed after meeting 3, by close of business Thursday, Feb.7

Purpose: This is a short exercise designed to:

- Get your feedback on the sample Challenges & Opportunities presented at Meeting 3.
- To give each of you to offer your own thoughts on other challenges & opportunities that you see as core to our mission.

Use: All responses will be collated and shared, with attribution, at Meeting 4. We will have an opportunity to discuss the results, and ask questions.

Instructions: We will review the Challenges & Opportunities document at Meeting 3, and will send the Challenge & Opportunities document out by email as a word document to all of you after the meeting on Wednesday.

- Simply fill in any comments you have in the **green rows on each page**. You don't need to say a lot. If you don't have any comments that is also fine.
- If there is another issue you think is important to consider, you can take a few minutes to frame it out in the blank sample template at the back of the document.
- Send the completed templates to Karen at kreedconsult@comcast.net no later than close of business next Thursday, February 7.
- If you have questions, call or email Karen (her phone is 206.932.5063; email above).

Thank you!

Tacoma Community Workforce Advisory Committee

Challenges & Opportunities – and Potential Solutions

Sample # 1

This example addresses concerns/goals/experience of (check all that apply):

WMBE hiring

Union contractors

Hiring of residents of distressed areas

Non-union contractors

Unions

Employees

City of Tacoma

Issue:

SBE Code provides a 5% incentive for SBE utilization. This does not always cover the difference between the SBE bid to the Prime and low bidder to the City. A bidder is considered responsive as long as they submit an SBE utilization number, even if the number does not match the goal set by the SBE office.

Current Status in Tacoma:

Potential Solutions:

- Redefine a responsive bidder to include meeting the SBE utilization goal.
- Adjust the 5% incentive to be closer to the reality of SBE bids to prime contractors

TWCAC Member comments:

Tacoma Community Workforce Advisory Committee

Challenges & Opportunities – and Potential Solutions

Sample # 2

This example addresses concerns/goals/experience of (check all that apply):

WMBE hiring

Hiring of residents of distressed areas

Union contractors

Non-union contractors

Unions

Employees

City of Tacoma

Issue:

Insufficient quantity of incoming Apprentices to workforce.

Current Status in Tacoma:

LEAP Code as of July '18 includes Apprentice Utilization goal. TTEP trains ___ per year. LEAP currently requires 15% - 30% of labor hours be Local Employees / Apprentices.

Potential Solutions:

- Increase pre-apprenticeship training opportunities in City in partnership with local institutions
- Increase apprentice retention funding/support in City of Tacoma
- Solicit partners in the City/area to create new infrastructure towards increasing training/exposure opportunities in the trades.

- What is the role of the City here as opposed to and in conjunction with contractors, organized labor, open shop labor, and other institutions?

TWCAC Member comments:

Tacoma Community Workforce Advisory Committee

Challenges & Opportunities – and Potential Solutions

Sample # 3

This example addresses concerns/goals/experience of (check all that apply):

WMBE hiring

Union contractors

Hiring of residents of distressed areas

Non-union contractors

Unions

Employees

City of Tacoma

<p>Issue: Insufficient quantity of WMBE utilization on City projects (not including Federal/State funded projects)</p>
<p>Current Status in Tacoma: There are no hard WMBE goals on City projects. The SBE program looks at company size by way of contract amounts and owner net worth.</p>
<p>Potential Solutions:</p> <ul style="list-style-type: none">• Many solutions to this laid out in Disparity Study Recommendations
<p>TWCAC Member comments:</p>

Tacoma Community Workforce Advisory Committee

Challenges & Opportunities – and Potential Solutions

Sample # 4

This example addresses concerns/goals/experience of (check all that apply):

WMBE hiring

Union contractors

Hiring of residents of distressed areas

Non-union contractors

Unions

Employees

City of Tacoma

Issue:

“Key Worker” provision of typical CWA creates hardship to non-union contractors once past a certain size. WMBE contractors are overwhelmingly non-union in Western Washington.

Current Status in Tacoma:

This provision does not exist in current City contracting.

Potential Solutions:

- Identify need that this policy solution fills for Unions and find other way to fulfill that need.

TWCAC Member comments:

Challenges & Opportunities – and Potential Solutions

Sample # 5

This example addresses concerns/goals/experience of (check all that apply):

WMBE hiring

Union contractors

Hiring of residents of distressed areas

Non-union contractors

Unions

Employees

City of Tacoma

Issue:

Lack of Supportive Services for WMBE's

Current Status in Tacoma:

The SBE program does not currently provide supportive services, though it could do so by current code. This is mostly due to a lack of resources, both staff and financial.

Potential Solutions:

- Allocate more resources to supportive services
- Align program to meet specific needs with specific outcome expectations

TWCAC Member comments:

Challenges & Opportunities – and Potential Solutions

Sample # 6

This example addresses concerns/goals/experience of (check all that apply):

WMBE hiring

Union contractors

Hiring of residents of distressed areas

Non-union contractors

Unions

Employees

City of Tacoma

Issue:

The City does not currently utilize contractor evaluations to use previous performance to impact future bids as it regards SBE's.

Current Status in Tacoma:

There is currently no practiced administrative means to hold contractors accountable for any discrepancy between the utilization of an SBE marked at the time of the bid, and once the contract has been completed.

There is also no means to effectively hold SBE's accountable for their performance on the job of a City contract as a sub. Thusly, there is a double lack of accountability.

Potential Solutions:

- Create a formalized evaluation process that takes SBE utilization into account for primes
- Create a formalized evaluation process that takes allows primes to help evaluate the performance of SBE's in a way that the City can use

TWCAC Member comments:

Area for TWCAC Member comments, currently blank.

Tacoma Community Workforce Advisory Committee

Challenges & Opportunities – and Potential Solutions

Blank Sample

This example addresses concerns/goals/experience of (check all that apply):

WMBE hiring

Union contractors

Hiring of residents of distressed areas

Non-union contractors

Unions

Employees

City of Tacoma

Issue:
Current Status in Tacoma:
Potential Solutions:
TWCAC Member comments: