



Metro

Metro Public Benefit Programs

Requirements for large construction projects

Agenda

- Overview
- Public Benefit Programs:
 - Clean Air Construction
 - Construction Career Pathways
 - Subcontractor Equity
 - Sustainable Buildings and Sites Policy

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Metro, along with other local governments, is striving to make sure that the money spent on local public improvements benefits local communities. Several of these efforts are part of the bidding process for large construction projects.

The purpose of this meeting is to share an overview of these programs, which you can see listed on the slide. We will start with the Clean Air Construction standard, then Construction Career Pathways, the Subcontractor Equity requirement, and we'll wrap up with the Sustainable Buildings and Sites Policy.



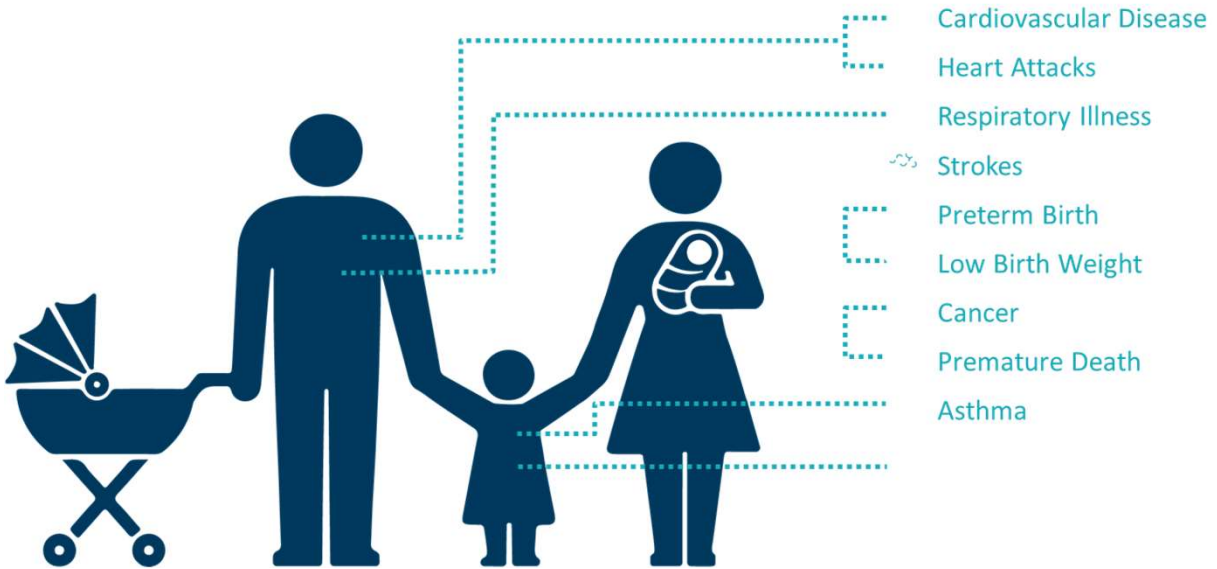
Metro



Taking local action for health and air quality

The Clean Air Construction Standard is a Public Benefit Program focused on reducing diesel pollution. This requirement applies to all Metro construction contracts over \$500k.

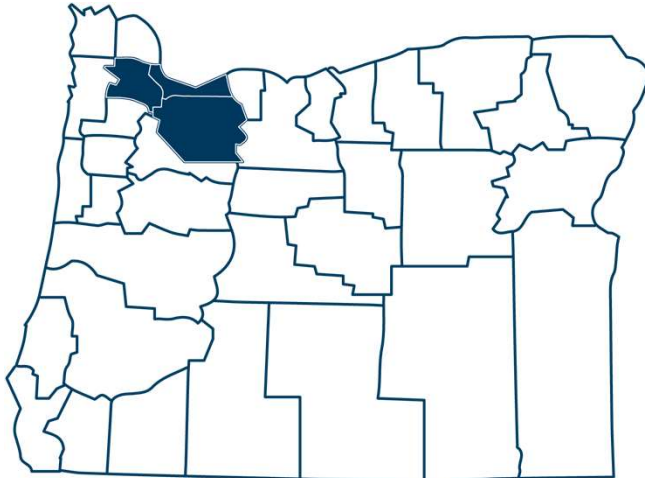
Effects of diesel pollution on the body



The reason that we have this requirement is that diesel pollution is deadly. It can increase the risk of cardiovascular disease, heart attacks and strokes, it can lead to low-weight and pre-term births, and it can cause cancer and premature death, among other health issues.

Diesel emissions in our region

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

And we have a big diesel problem in our region. Clackamas, Multnomah, and Washington counties rank in the top five percent of all counties nationwide for diesel pollution.

In some areas, like near freight corridors, rail yards and construction sites, diesel pollution levels are over 10 times higher than state health benchmarks.

Oregon DEQ estimates that over \$1.6 billion is spent every year on health-related costs due to exposure to diesel pollution.

And data indicates that people of color and people with low incomes are hit hardest by diesel pollution.

Since construction equipment is a major source of diesel pollution, Metro has added this requirement to our large construction contracts.



Collaborative



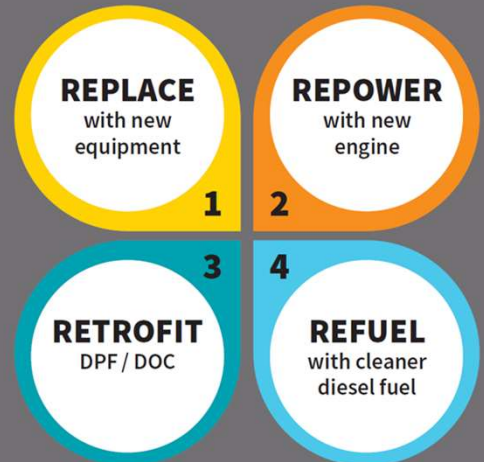
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We also want to make it as easy as possible for contractors to meet this requirement. To help with this, we worked with other agencies in the region to develop a common standard and registration system, which means that once a firm is set up to meet the standard for one agency, it automatically meets the standard for all other agencies in the program.

Requirements

1. Cleanest available engines
2. Idling reduction

Compliance Pathways



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To reduce diesel pollution, the program has two main requirements.

The first is for clean engines, which can be achieved with newer or repowered equipment that meets certain standards, by retrofitting equipment to reduce diesel emissions, or by using a cleaner fuel like renewable diesel or electricity

The second requirement is to reduce idling to no more than 5 minutes of inactivity at a time.

These requirements apply to non-road equipment over 25 HP, and on road dump trucks and concrete mixers.

| Phase-in Date | Nonroad >25 hp On-Road Dump Trucks & Concrete Mixers |
|----------------------|--|
| 2020 | Idle Reduction Requirements |
| 2022 | Tier 0 Engines Restricted |
| 2023 | Tier 1 Engines Restricted |
| 2024 | Tier 2&3 Engines Restricted* Pre-2007 Engines Restricted |
| 2025 | Tier 4 & 2007+ Engines only; Retrofit Options Restricted* |

Implementation timeline

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The standards for what counts as clean equipment are increasing over time. The program started in 2020 with just the idling reduction requirement.

Now in 2024, nonroad Tier 0-3 engines are not allowed unless they have been retrofit, and cement mixers and dump trucks older than 2007 are not allowed unless retrofit. These tiers refer to EPA engine tiers, and there are resources on the website for what falls into each tier. Final standards will be phased in in 2025.

The Yard

- Online registration database
- Allows tracking of CAC projects
 - Equipment
 - Register
 - Attest
 - Project
 - Attest



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The way we track equipment is through an online registration database called the Yard.

Prime contractors and known subcontractors are required to register in the Yard before the pre-construction meeting, and all equipment needs to be registered before it can be brought on site. Any firm is welcome to register in the Yard whether they have an active contract or not, which may prevent delays.

There are two key elements to the Yard – registering and attesting.

Once a contractor or subcontractor is assigned to a project, they need to register their equipment (non-road equipment, dump trucks, and concrete mixers) in the Yard. We recommend that firms register their entire fleet so that they are done and fully compliant, but at a minimum all equipment that will be used on the project needs to be registered, and then attested. Registering adds the information about the equipment, and attesting is your agreement to only bring it on site if it meets requirements.

Once known equipment is registered and attested, both the prime and subcontractors (if using covered equipment) need to attest to the project as a whole, separate from the equipment, to confirm understanding and compliance with the standard.

Information needed

- Vehicle/equipment ID
- Engine info:
 - Engine family name
 - Engine serial number
 - Horsepower
 - Model year
- Retrofit info
- For Tier 4/DPF: photo of engine family name label




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Required registration information includes:





- Vehicle/equipment ID: an internal company designed identifier unique to each equipment (e.g., Excavator #55, Bobcat Skid Steer)
- Engine information including engine family name, make, manufacturer, model year, engine horsepower
- Instructions for locating engine information is provided on the CAC Program website: www.portlandoregon.gov/cac
- For diesel engines: indicate whether any aftermarket emissions control devices have been installed, and type of control device (e.g., DOC, DPF, etc.)
- For Tier 4 or 2007 or newer engines or those with a DPF, include a photo of the engine family name label

Registration Number
 This number is unique to each vehicle / equipment.
 Numbers start at 10000 →
 Numbers 80000+ mean non-diesel or <25hp



Compliance Tag
 Registrations are good through the end of the calendar year noted in this section

Compliance Tag Options

| | | | |
|---|---|---|---|
|  |  |  |  |
| Good through 2023 | Good through 2024 | Fully CAC Compliant | Non-covered equipment |

All equipment/vehicles registered and attested will get a decal.

This image shows what the compliance decals look like and the different tag options

These decals are what we will be looking for if we audit a project for compliance, along with idling reduction signs. Onsite compliance audits will be conducted on projects without prior notice.

User support

- The Yard User Manual
- “How to” videos
- Request via email:
cleanairconstruction@portlandoregon.gov

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Support for getting firms and equipment registered in the Yard itself is available – there is a user manual, there are how to videos, and you can request support by sending an email to this address.

Free Resources

*for COBID-Certified
and Small Businesses*



To see if your business qualifies
and for more information, email
cleanairconstruction@portlandoregon.gov.

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Technical assistance
and resources

In addition to technical assistance, the program offers free services for COBID-certified and small firms, including:

- fleet assessments to determine the compliance status of equipment;
- Engine retrofit assessments, a \$300+ value; and
- Assistance with grant applications to fund engine retrofits, repower, or equipment replacement

Grants

Funds available for retrofit, repower or replacement

- Oregon DEQ Clean Diesel grants
- EPA DERA grants
- City of Portland Small Grant Program

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There are also grant programs available to help make equipment compliant with these requirements.

Oregon DEQ is providing approximately \$8M/year through 2025. Application rounds typically open in April and close in June or July.

The Environmental Protection Agency also provides funds for replacing or retrofitting diesel equipment and vehicles.

The Clean Air Construction Collaborative recently launched a small grant program.

This program offers up to \$50,000 per qualifying piece of equipment. A single firm may apply for assistance for up to five (5) individual pieces of equipment.



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www.portland.gov/cac



Construction Career Pathways Program Metro Public Benefit Programs Meeting

Allison Miller | Metro | Regional Workforce Equity Project Manager

This is an overview of the Construction Career Pathways Program and the Regional Workforce Equity Agreement.

What is Construction Career Pathways and the Regional Workforce Equity Agreement?

Construction Career Pathways is policy that 9 jurisdictions in our Region are utilizing to make sure that money from these large construction investments are benefitting people in the communities where those projects are being built. Public agencies came together and developed a strategy for how we could diversify and grow the local construction trades by setting goals on our projects to focus on providing employment opportunities to those who previously have not been included. That became the Construction Career Pathways program.

- The strategies within the Construction Career Pathways policy framework are:
 - Set workforce utilization goals
 - Thresholds for when the goals kick in
 - Track progress towards goals
 - Regional collaboration

Workforce Diversity Goals

20% of total work hours in each apprenticeable trade performed by **state-registered apprentices**.

10% of total work hours performed by **women and women-identified persons** – both journey and apprentice-level workers in each trade

23% total work hours performed by **persons of color** – both journey and apprentice level workers in each trade

1. A minimum of 20% of total work hours in each apprenticeable trade shall be performed by state-registered apprentices.
2. A minimum of 14% of total work hours shall be performed by women and women-identified persons – tracked separately for journey and apprentice-level workers in each trade.

Figure 1: Female Diversity "Ramp Up" Schedule

| Fiscal Year Effective | Participation Level for Project Work Hours |
|-----------------------|--|
| 2021/2022 | 7% |
| 2022/2023 | 8% |
| 2023/2024 | 9% |
| 2024/2025 | 10% |
| 2025/2026 | 12% |
| 2026/2027 | 14% |

3. A minimum of 25% total work hours shall be performed by persons of color – tracked separately for journey and apprentice level workers in each trade.

Figure 2: Persons of Color Diversity "Ramp Up" Schedule

| Fiscal Year Effective | Participation Level for Project Work Hours |
|-----------------------|--|
| 2021/2022 | 20% |
| 2022/2023 | 21% |
| 2023/2024 | 22% |
| 2024/2025 | 23% |
| 2025/2026 | 24% |
| 2026/2027 | 25% |

What are Metro's workforce diversity goals?

The goals are based on a percentage of the total work hours performed on the jobsite. For any contract exceeding \$200,000, the goals WILL apply. Metro's goals for 2024 are 20% for apprentices, 10% for women and 23% for persons of color. It's important to note that the women and people of color goals are subject to a seven-year ramp up schedule. Note that these goals will increase gradually over a 7-year ramp up period. The goals for your project will be decided by the year in which the contract was signed.

Construction Careers Thresholds

| TIERS | COST THRESHOLD | REQUIREMENTS |
|---|---|---|
| Tier 1 – not subject to workforce diversity goals | Contracts between \$50,000 and \$199,999 | Contractors will track workforce utilization using LCP Tracker. |
| Tier 2 – subject to workforce diversity goals | Contracts between \$200,000 - \$4,999,999 | Contractors will track workforce utilization using LCP Tracker. Contractors shall document good faith efforts to meet targeted workforce diversity goals. |
| Tier 3 – subject to workforce agreement | Contracts of \$5,000,000 or more | Contractors will track workforce utilization and are subject to all provision outlined in the Regional Workforce Equity Agreement. |

Construction Career Pathways Public Benefit Programs Meeting

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What are Metro’s thresholds? And what do they mean for you as a contractor?

Metro has set three (3) project cost thresholds, set on a “tiered” system to determine tracking requirements. The threshold tiers are based on typical project size and cost.

Tier 1

- Contracts over \$50,000 and under \$200,000
- Contractors will track workforce utilization using LCP Tracker
- What we are talking about here is simply submitting Certified Payrolls.

Tier 2

- Contracts at or over \$200,000 and under \$5,000,000
- Contractors will track workforce utilization using LCP Tracker
- Here we are talking about again submitting certified payrolls in LCP Tracker. Additionally, you will be asked to write what is called a Construction Career Pathways Plan – which outlines your plan for reaching the workforce diversity goals outlined in the previous slide.

Tier 3

- Contracts of \$5,000,000 or more
- Contractors will track workforce utilizing LCP Tracker and are subject to all provision outlined in the Regional Workforce Equity Agreement (RWEA). Which includes diversity metrics based on race and gender, and requires respectful workplace program training.
- RWEA Link: <https://www.oregonmetro.gov/sites/default/files/2022/06/02/Regional-Workforce-Equity-Agreement-20220317.pdf>

LCP Tracker



Construction Career Pathways Public Benefit Programs Meeting

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As a program requirement, you will need to log in to LCP Tracker and submit certified payrolls on a monthly basis.

The Metro project manager will check in the system to see if that has been done and review the workforce utilization data with you.

If you do not already have it, Metro will provide you with access to LCP Tracker and provide technical assistance to help you understand how the system works and the requirements for the project.

Construction Careers Pathway Plan Form

•Identify divisions of work in your bid and the BOLI certified training program associated with each one (use additional sheets as necessary). If there is no BOLI certified training program for a division of work indicate so.

| <u>Division of Work</u> | <u>Registered Apprenticeship Program</u> |
|-------------------------|--|
| | |
| | |
| | |

1. Are you a Training Agent? Yes No

If no, agree that you will become one for this contract below:

2. Indicate your Labor Hours Utilization Target, expressed as a percentage of total work hours, as set forth in the [Construction Career Pathways Plan Guidance](#) document. Please insert percentages based on the fiscal year of contract award.

- A minimum of **20% of total work hours** in each apprenticeable trade will be performed by **state-registered apprentices**.
- A minimum of **8% of total work hours** will be performed by **women and women-identified persons** – tracked separately for journey and apprentice-level workers in each trade.
- A minimum of **21% of total work hours** will be performed by **persons of color** – tracked separately for journey and apprentice level workers in each trade

3. Please attach the narrative for Contractor's proposed Construction Career Pathways Plan.

- a. Narrative of recruitment good faith efforts
- b. Narrative of retention good faith efforts
- c. Narrative of community engagement good faith efforts

As a part of your bid, contractors will also submit a construction career pathways plan using this template

Construction Career Pathways Plans: Promoting Workforce Diversity

A description of efforts proposed to be taken by the Contractor and covered subcontractors to enhance the diversity of the workforce on the entire project and what strategies will be used to maximize apprenticeship opportunities for workers identifying as women and/or persons of color on the jobsite.

Examples

Working aggressively with the Contractor's Joint Apprenticeship and Training Committee (JATC) to recruit minorities, women and disadvantaged individuals and documenting these efforts.

Requesting ideas from the JATC on how to increase employment of underutilized groups, and assist the JATC in conducting a recruitment workshop with potential minority, women and disadvantaged employees.

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

This plan will include:

Efforts proposed to be taken by the Contractor and covered subcontractors to enhance the diversity of the workforce on the entire project and what strategies will be used to maximize apprenticeship opportunities for workers identifying as women and/or people of color on the jobsite. An example of this is...

- Directly requesting apprentices identifying as women and people of color from union or open shop apprenticeship programs in order to satisfy the Utilization Targets.

Make sure your responses are specific.

- If participating in recruitment workshops, make sure to outline how many you plan to attend and what your role will be
- If participating in job fairs or events, list community and non-profit partners you have pre-existing relationship with, and how you would leverage those relationships
- Detail the number of events you commit to attending
- Provide examples of past events you've attended and/or successes you've had

Construction Career Pathways Plans: Workforce Retention Strategies

A description of workforce retention strategies proposed by the Contractor and covered subcontractors and how Contractor and covered subcontractors will invest in on-the-job training within the Contractor and covered subcontractor's organizations to help ensure training completion and success in the industry as a Registered Apprentice by workers who identify as women and/or persons of color.

Examples

Affirmatively promoting, fostering and maintaining a harassment-free work place.

Ensuring that employees are knowledgeable about company policies supporting and encouraging reporting of workplace harassment.

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

It will also include:

A description of workforce retention strategies proposed by the Contractor and covered subcontractors and how Contractor and covered subcontractors will invest in on-the-job training within the Contractors and covered subcontractors organizations to help ensure training completion and success in the industry as a Registered Apprentice by workers who identify as women and/or persons of color. Strategies may include things like...

- Mentoring or coaching, which I know many of you already do informally.

Again, be specific in your responses.

- Which respectful workplace training will you utilize? When will it take place?
- What are your respectful workplace policies?
- What has successful mentoring of diverse workers looked like in the past or what is your plan to achieve it now?

If you're not sure where to start looking for respectful workplace trainings, we would suggest looking at the 2021 Respectful Workplace Committee's Recommendations on Anti-Harassment & Culture Change Programming: <https://riseup4equity.org/wp-content/uploads/2021/03/Respectful-Workplace-Review-Committee-Recommendations-Report.pdf>

Construction Career Pathways Plans: Outreach & Supporting Apprentices

A description of strategies proposed to be used by Contractor and covered subcontractors to engage community and industry partners to enhance the participation of apprentice workers who identify as women and/or persons of color on the jobsite.

Example

Partnering with community-based organizations to put on recruitment outreach events focused on women and people of color.

And it will include:

A description of strategies proposed to be used by Contractor and covered subcontractors to engage community and industry partners to enhance participation of apprentice workers who identify as women and/or persons of color on the jobsite. An example of this is...

- Contractors and covered subcontractors will actively recruit apprentice applicants from “said” organizations and seek to enroll them into an apprenticeship program(s), when the apprenticeship program(s) is unable to supply an apprentice, if the apprentice program is accepting application or allows direct entry from said organization.
- This is where you want to utilize your connection with the registered training program(s) to explore the relationships with organizations they have where you could benefit
- Be specific:
 - Which organizations do you have existing partnerships with?
 - Which organizations will you create new partnerships with?
 - What has successful partnerships looked like in the past?



Allison Miller
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[Metro Public Benefit Programs](#)



Subcontractor Equity

Bidders for public improvement projects that are larger than \$100,000 must participate in Metro's Subcontractor Equity Program. Bidders must document a specific subcontractor equity effort to state-certified minority-owned, woman-owned, and service disabled veteran-owned and emerging small businesses (COBID-certified businesses). Certification of compliance with this effort is required within two hours of bid closing and the selected contractor must regularly report on their efforts.



Metro

Metro's Sustainable Buildings & Sites Policy

Design, construction, and maintenance of all facilities



We will wrap up with our newest program, the Sustainable Buildings and Sites Policy. This policy sets standards for the design, construction, and maintenance of Metro's buildings and parks.

The majority of requirements around this program are baked into the design and specifications of the project, but there are a few things we want to flag for potential contractors.

Policy requirements and certifications

New construction and major renovation

New buildings



Responding to climate change with holistic high performance.

Required Imperatives:

| | | |
|-----|----|------------------------------|
| C1 | 01 | Ecology of Place |
| C2 | 04 | Human Scaled Living |
| C3 | 05 | Responsible Water Use |
| C4 | 07 | Energy + Carbon Reduction |
| C5 | 09 | Healthy Interior Environment |
| C6 | 12 | Responsible Materials |
| C7 | 17 | Universal Access |
| C8 | 18 | Inclusion |
| C9 | 19 | Beauty + Biophilia |
| C10 | 20 | Education + Inspiration |



Carbon neutral with top tier efficiency.

- 100% building energy load offset with on- or off-site renewables
- For existing buildings, combustion allowed
- Embodied carbon reduction and offset

New parks

THE Sustainable
SITES
Initiative®



Additional requirements

Documentation
Materials specifications
Tree replacement
Community impacts

As part of this new policy, all of Metro's new built projects, including buildings, parks, zoo exhibits, and major renovations will be achieve a sustainability certification. For buildings, this will be Core and Zero Carbon certifications. For parks and other open spaces like zoo exhibits, it will be SITES.

- Most of the requirements for these projects will be included in the design and specification, but there will be additional documentation requirements that will fall under contractor responsibility, and less flexibility around substitutions.
- One specific area to look at is materials specifications. Under this policy, especially for those projects working towards certification, there are requirements to use and document low-carbon materials, regionally sourced materials, products with specific certifications or labels, and requirements for lighting, equipment and appliances.
- There are also requirements for tree replacement during construction and measures to reduce negative impacts on the community from construction activities.
- More detail on all of this is in the solicitation packet.

Equity in contracting and workforce diversity



Another area that the policy focuses on is equity in contracting and workforce diversity. You've already heard about the subcontractor equity requirement and Construction Career Pathways program, but you should look at the solicitation for additional requirements for using COBID businesses.

- If the project is working towards Core Certification, it will also have requirements for members of the principal team to have a Just label or conduct a Just self-assessment.
- The Just label provides transparency around social justice and equity practices for an organization.
- Metro will reimburse the cost of getting a Just label as part of the project contract for COBID firms.

Public Benefit Programs Requirement Timeline

| | Design | Bidding | Contracting | Pre-Construction | Construction |
|--|--------------------------------------|--|-------------------|---|--|
| Clean Air Construction | | Affirm compliance on Bidder's Checklist | | Register and Attest Equipment Attest Project | Use Compliant Equipment Reduce Idling Audit |
| Construction Career Pathways | | Submit CCP Plan | Finalize CCP Plan | Submit Payroll Report on Actions | Submit Payroll Report on Actions |
| Subcontractor Equity | | Submit documentation of subcontractor outreach | | Report on efforts | Report on efforts |
| Sustainable Buildings and Sites Policy | Incorporate requirements into design | Review requirements to ensure accurate bid | | | Document materials or activities related to certifications |

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So to tie all of these programs together, we developed this timeline graphic. During the design phase, the only Public Benefit Program that applies is the Sustainable Buildings and Sites Policy. During contractor bidding, each program has considerations. CAC has a compliance checklist, and we encourage firms to register equipment as early as possible to avoid delays. You will need to submit your CCP plan and subcontractor outreach documentation with bidding, and look carefully at SBSP requirements to make sure they are accounted for in your bid.

Learn More

- Sustainable Buildings and Sites Policy - <https://www.oregonmetro.gov/sustainable-buildings-and-sites-policy>
- Core – <https://living-future.org/core/>
- Zero Carbon - <https://living-future.org/zero-carbon/zero-carbon-certification/>
- Sustainable SITES - <https://sustainablesites.org/certification-guide>

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The Sustainable Buildings and Sites Policy is very project specific, so the requirements will look different for each project. This slide has links to the main certification programs, and Metro's website where you can find the policy itself.