

APPENDIX J - PORTLAND COMMUNITY COLLEGE CONTRACTING EQUITY PROGRAM SPECIFICATIONS

1. SUMMARY

- 1.1.** In furtherance of Portland Community College’s (PCC) commitment to social, racial and gender equity, the Contracting Equity Program (the “CEP”) identifies specific requirements that contractors with whom PCC does business and to whom the CEP applies (each a “Recipient”) must meet to comply with its contractual obligations. The goal of the CEP is to improve outcomes for local emerging small businesses (ESB) and support the growth of construction firms owned by people of color (MBE), women (WBE), service-disabled veterans (DV) and demographics that are considered ‘disadvantaged’ (DBE) by the State of Oregon or the State of Washington’s certifying bodies (MWESB/DV). The CEP applies when a PCC Construction Contract has hard construction costs greater than \$200,000.

- 1.2.** PCC recognizes two MWESB/DV certifications:
 - 1.2.1.** State of Oregon’s Certification Office for Business Inclusion and Diversity (“COBID”)
 - 1.2.2.** State of Washington’s Office of Minority and Women’s Business Enterprises (“OMWBE”)
 - 1.2.3.** “Certified Firms” refers to firms that are certified by COBID or OMWBE. Only these two certifications will count toward PCC’s MWESB/DV objectives.

2. PROGRAM APPLICABILITY

- 2.1.1.** These Specifications apply to the construction project described in the Contract (the “Project”), including construction-related professional services, such as design and engineering, associated with the Project.
- 2.1.2.** The Recipient must see to it that applicable requirements in these Specifications are passed through to its contractor and subcontractors, and ensure that all contractors / subcontractors comply with these Specifications and thereby enable Recipient to comply with the CEP.

3. PROGRAM GOALS

- 3.1.** The goal of the CEP is to ensure PCC projects provide meaningful professional, supplier, and construction contracting opportunities for Certified Firms. The CEP’s goals for the utilization of Certified Firms are as follows:
 - 3.1.1.** 20% of the Project’s total hard construction costs allocated to Certified Firms
 - 3.1.2.** 12% of Hard Construction Costs allocated to any combination of DBE and/or MBE firms (which counts towards the overall 20% goal)

- 3.2. PCC strongly encourages Recipients to promote and utilize Certified Firms for all divisions of work. Prime contractors who intend to self-perform more than 10% of the trade work to complete a project will be required to have the written authorization of PCC, who may approve a higher percentage based on the type, size, available subcontractors, and other relevant project criteria.

4. STANDARDS OF COMPLIANCE

- 4.1. Recipients shall document all good faith efforts taken to contract with Certified Firms. If a prime contractor/ subcontractor/ consultant thereof, has difficulty in achieving CEP goals, it is such Recipient's and prime contractor's /subcontractor/consultant's obligation to immediately notify PCC and seek support.
- 4.2. The following tasks are minimum reasonable and necessary steps to comply with CEP objectives:
 - 4.2.1. Recipients shall attend an initial kickoff meeting with PCC staff that includes the Equity Manager and Project Manager prior to the release of any solicitations/subcontracting opportunities.
 - 4.2.2. Recipient shall provide the following at the initial meeting:
 - 4.2.2.1. Project Description;
 - 4.2.2.2. Project Design/Construction Schedule;
 - 4.2.2.3. Professional Services Team List (A/E, Survey etc.);
 - 4.2.2.4. List of subcontracting opportunities;
- 4.3. The purposes of the initial meeting are:
 - 4.3.1. To answer questions the Recipient may have regarding compliance with CEP and PCC's contracting equity goals
 - 4.3.2. For the Recipient to present a Utilization Plan for how the contractor will meet PCC's contracting diversity objectives
 - 4.3.3. For the Recipient and PCC to agree that the approach presented will provide adequate opportunity for Certified Firms to achieve the objectives outlined in the CEP.
 - 4.3.4. For the PCC Compliance Team to explain Compliance Reporting Requirements through B2G software (see below re: reporting)
 - 4.3.5. To explain how the project's utilization is reported on PCC's website

- 4.4. If Hard Construction Costs are \$1,000,000 or more, the Recipient and its prime contractor shall attend an additional meeting with PCC's Compliance team and to review the scopes of work and determine a potential Outreach Plan at the earliest possible time, and no later than two (2) months before bidding on construction contracts and the Project begins.

5. OUTREACH METHODS

- 5.1. Additional Recipients, with and through their prime contractor, shall conduct outreach so that Certified Firms have at least fifteen (15) business days after the conclusion of such outreach to respond to any bidding deadlines and be considered for construction contracts on the Project. Any changes to this schedule must be approved by PCC.
- 5.2. Recipients, with and through their prime contractor, consultant are encouraged to engage in additional outreach methods to ensure maximum participation by Certified Firms, including but not limited to:
 - 5.2.1. Working with PCC Trade Partners (listed below) to develop an outreach plan
 - 5.2.2. Hold Outreach events at Trade Partner Organizations meetings or spaces.

6. REPORTING REQUIREMENTS

- 6.1. CEP applicable projects are subject to compliance reporting requirements. Recipients are required to provide all contract compliance-related data electronically through PCC's B2G now tracking tool by the 5th of each month. All parties identified are responsible for responding to any instructions or requests for information from PCC's Compliance Team. Recipients, with and through their prime contractor, consultant are responsible for ensuring all subcontractors/subconsultants have completed all requested items and that their contact information is accurate and up to date.
- 6.2. Information related to contractor/ consultant access of the system will be provided to a designated point of contact upon notification.
- 6.3. PCC's B2G tracking is web-based and can be accessed at the following internet address:
<https://pcc.diversitysoftware.com/>
- 6.4. Monthly Reporting Recipients, or any prime contractor thereof, shall submit records of subcontractor/ subconsultant payments via B2G by the 5th day of each month once work has commenced and shall ensure that subcontractors/subconsultants are confirming payments reported to them in the system. Subprime firms are also responsible for reporting participation of lower tier subs.

7. SUBCONTRACTOR CHANGES

- 7.1. If any subcontractor/subconsultant is added or replaced after the Utilization Plan is submitted, the Recipient, and any prime contractor/ consultant thereof, shall make good faith efforts to solicit bids from Certified Firms for the work to be performed.
- 7.2. All subcontractor/subconsultant changes/requests shall be made in the B2G software and will include supporting documentation of the foregoing prior to making any changes.
- 7.3. A Recipient, or any prime contractor/ consultant thereof, shall not add, delete, or replace any subcontractor without prior written consent from PCC.

8. GOOD FAITH DOCUMENTATION D/M/W/ESB/SDV BIDS RECEIVED LOG:

- 8.1. If B2G shows that the program goals have not been met, the Recipient shall provide upon request, additional documentation demonstrating adherence to the Utilization Plan and all outreach associated with adherence to the Utilization Plan.

9. REVIEW OF RECORDS

- 9.1. PCC shall be entitled to inspect and copy any books and records of any such Recipient related to its compliance or non-compliance with the Specifications within 7 days of the date a Recipient receives a request from PCC under this provision. In the event that a Recipient fails to provide its books and records for inspection and copying when requested under this provision, such failure shall constitute a material breach of the Specifications. This provision does not limit any other audit or inspection rights PCC may have under the Contract.

10. CONTACTS AND RESOURCES

Workforce and Contracting Equity Manager: Amy.JamesNeel@pcc.edu

Internal B2G Support: robert.maczko@pcc.edu

B2G software homepage PCC: <https://pcc.diversitysoftware.com/>

11. PARTNERING ORGANIZATIONS

COBID- Certification Office for Business Inclusion and Diversity

<https://oregon4biz.diversitysoftware.com/FrontEnd/SearchCertifiedDirectory.asp?XID=2315&TN=oregon4biz>

OWMBE- <https://omwbe.wa.gov/directory-certified-firms>

PBDG-Professional Business Development Group <http://pbdgweb.com/>

NAMC-National Association of Minority Contractors of Oregon <http://namc-oregon.org/>

Latino Built <https://latinobuilt.org>

OAME-Oregon Association of Minority Entrepreneurs <https://oame.org/>