



## Workforce Training and Hiring Program Specifications

The Prosper Portland Board of Commissioners adopted the *Construction Business and Workforce Equity Policy* (“**CBWE Policy**”) on April 14, 2021, through Resolution No. 7411 it was Revised June 18, 2024, through Resolution 7538. The **CBWE** Policy establishes the Workforce Training and Hiring Program (**WTHP**).

These Specifications identify specific guidelines that contractors, developers, borrowers, purchasers, or other parties with whom Prosper Portland does business and to whom the **WTHP** applies (each a “**Recipient**”) must meet to comply with its contractual obligations.

By attaching these Specifications and the **CBWE Policy** to the contract, agreement, or instrument to which they are an exhibit to (the “**Contract**”), the requirements of these Specifications are incorporated into the Contract.

### GENERAL PROGRAM REQUIREMENTS

- Ensure that a minimum requirement of twenty percent (20%) of labor hours performed by the prime contractor/subcontractor, in each apprenticeable trade with 300 hours of labor or more, are worked by State Registered apprentices; unless a WTHP Alternative Path has been approved by Prosper Portland, in accordance with section 3.3 of the CBWE Policy.
- Prime Contractors/subcontractors to whom the WTHP applies will be registered training agents, in the applicable trades, of State of Oregon Bureau of Labor and Industries (“BOLI”) approved apprenticeship training programs before commencing work; unless a WTHP Alternative Path has been approved by Prosper Portland, in accordance with section 3.3 of the **CBWE** Policy.
- Work to achieve the following goals: (i) thirty percent (30%) of hours worked by minorities; and fifteen percent (15%) of hours worked by women.
- Encourage the employment of veterans and people with disabilities.
- Seek to employ a workforce that reflects the diversity of the City of Portland, including recruiting a diverse workforce through unions, community-based organizations, apprenticeship programs, and other union-affiliated and non-union-affiliated community resources.
- Report labor hours

## 1. STANDARDS OF COMPLIANCE

### Initial Meeting

Recipient shall attend an initial kickoff meeting with Prosper Portland's Compliance Coordinator at the earliest possible opportunity.

Recipients shall bring the following to the initial meeting:

- Project description.
- Proposed project schedule; and,
- Scopes of work, if any, to be subcontracted on the project.

Purpose of initial meeting:

- Answer questions Recipient may have regarding the WTHP;
- Identify any barriers to compliance and provide assistance, if possible;
- Present the ongoing compliance reporting requirements in the City of Portland's LCP Tracker Reporting System; and
- Explain the ramifications of noncompliance with this guidance, including but not necessarily limited to liquidated damages, withholding of progress payments (if applicable), and debarment.

#### a. Subcontractor Workforce Plan

Any Recipient required to register as a training agent pursuant to Section 4(a), below, shall submit **Exhibit 1, "Workforce Plan,"** prior to beginning work on the Project or within five (5) calendar days after the execution of an applicable subcontract, whichever occurs first. Work by any Recipient shall not begin prior to submission of such documentation. Failure to timely and properly enroll as a training agent prior to beginning work may subject a Recipient to liquidated damages.

## 2. APPRENTICESHIP REQUIREMENTS

### a. Training Agent

Any Recipient (or their prime contractor and any subcontractor at any tier) that directly employs workers and has a subcontract of \$100,000 or more on a WTHP Project must be registered as a training agent with an Oregon Bureau of Labor and Industries (**BOLI**) approved training program. Registration as a training agent in a specific trade is not required if there are no training programs in that trade.

Any Recipient (or any prime contractor or subcontractor, as applicable) must submit proof to the Compliance Officer that they are registered Training Agents with BOLI prior to beginning any work on the Project. Failure to register as a training agent prior to beginning work may subject a Recipient to liquidated damages.

- Only training programs approved by and registered with BOLI may be used to fulfill training requirements under WTHP.
- Training is intended to be primarily on-the-job training in apprenticeable crafts, and does not include classifications such as flag person, timekeeper, office engineer, estimator, bookkeeper, clerk/typist, fire fighter, or secretary. Hours performed in crafts which are
- not apprenticeable occupations are exempt from training agent requirements.

**b. Use of Apprentices**

Any Recipient shall:

- i. Ensure that a minimum of twenty percent (20%) of labor hours in each apprenticeable trade performed on a Project are worked by state registered apprentices before commencing work and throughout the duration of such Project. Recipients shall fulfill the twenty percent (20%) apprenticeship hours requirement without exceeding the apprentice ratios approved by the applicable apprenticeship program;
- ii. Pay all apprentices the wages required by any applicable collective bargaining contract or pursuant to state or federal law and regulations;
- iii. Not use workers previously employed at journey-level or those who have successfully completed a training course leading to journey-level status to satisfy the requirements of these provisions;
- iv. Notify the Compliance Officer when an apprentice is hired for this Project;
- v. Count apprentice hours as follows:
  - (1) Compile hours worked on the Project by apprentices enrolled in state-approved apprenticeship programs. If a Recipient is unable to fulfill its twenty percent (20%) requirement, then the Recipient may also use the methods below:
    - (a) Compile hours worked on the project by apprentices who are required to be away from the job site for related training during the Project, but only if the apprentice is rehired by the same employer after completion of training; and
    - (b) Compile hours worked on the project by graduates of state-registered apprenticeship programs, provided that such hours are worked within the 12-month period following the apprentice's completion date.

**c. Use Apprenticeship Programs for Referrals**

Recipients must follow each of these steps in seeking apprentice referrals:

- i. Contact the appropriate apprenticeship program or dispatch center to request apprentices who are enrolled in the apprenticeship program;
- ii. Request female or minority apprentices from union or open shop apprenticeship programs if such an action will help remedy historical underutilization in the Recipient's (or its contractor's or subcontractors') workforce;
- iii. Keep a written record of any request for apprentices, including name of the contact person at apprenticeship program, phone, fax, e-mail, date, time, job location, start date, etc.; and
- iv. Make reasonable best efforts to recruit apprentice applicants from community organizations/recruitment resources, and seek to enroll them into an apprenticeship program, if the apprenticeship program is unable to supply an apprentice and if the program is open for applications or allows direct entry from community resources.

**NOTE: Recipients may contact the Compliance Officer for assistance regarding the apprentice referral process.**

### 3. **WTHP ALTERNATIVE PATH REQUIREMENTS.**

Contracts or subcontracts, associated with either a Prosper Portland-Sponsored project or sale of real property by Prosper Portland to a private party, with the following criteria are eligible to meet this policy through the WTHG Alternative Path.

- A Subcontract (trade) work valued between 100k-200k and 300-500 hours
- Project was bid out prior to seeking funding from Prosper Portland, subject to approval by Prosper Portland
- Contractors with limited level of experience on publicly funded projects, as determined by Prosper Portland

Prosper may require one or more of the following requirements based on subcontractor's prior experience and performance on publicly funded projects. To determine alternative requirements to be included in the Subcontractor Workforce Plan, CBWE staff will meet with the contractor and review the Workforce Training and Hiring Plan/Utilization Plan, and based on those discussions, will require one or more of the following requirements based on each subcontractor's prior experience and performance. The requirements will be considered in sequence based.

- Attend a training about becoming a registered training agent and other WTHP requirements such as:
  1. Subcontractor training on BOLI Registration & apprenticeship program compliance
  2. Subcontractor training on WTHP reporting and construction administration
  3. Subcontractor training on navigating the distinct requirements between individual trades
  4. Subcontractor training on how to get the most value and service from JATCs
  5. Training that empowers contractors with data and skills to successfully engage with industry partners
  6. Sponsor diversity in on-site leadership i.e. Foreman, Superintendents, Supervisors
- Become a registered training agent
- Provide pre-apprenticeship training opportunity (jobsite visits and orientation at a pre-apprenticeship level)
  - i. Non-apprentice work opportunity
- Provide training as a registered training agent
  - i. Report training hours used on the project

In addition, contractors or subcontractors could be required to perform one or more of these additional activities:

- Provide funding (% of contract value) and either volunteer time or in-kind contribution to a training/outreach organization.
- Sponsor diversity in on-site leadership i.e. Foreman, Superintendents, Supervisors

Prosper in its sole discretion may determine that an alternative path is not applicable/appropriate/or necessary and require that the subcontractor performs to the General Program Requirements identified in section 3.2 of the policy.

**5. WORKFORCE DIVERSITY GOAL**

Recipient shall make all active, good faith efforts consistent with applicable law to achieve workforce hiring goals of thirty percent (30%) minority and fifteen percent (15%) women workers, including apprenticeship and journey level hours, where applicable. See Exhibit 1 for a description of good faith recruitment efforts.

When hiring, requesting, recruiting, or replacing workers for a WTHP Project, any Recipient's active and good faith efforts to employ a diverse workforce shall include, without limitation:

- requesting minority and female applicants;
- making requests to unions, community-based organizations, apprenticeship programs, and other community resources, both union-affiliated and non-union-affiliated; and,
- making requests to community resources who assist contractors with recruitment and referral of workers.

Additional documentation will be requested by the Compliance Officer from any Recipient not meeting workforce diversity goals if it appears, in the sole discretion of Prosper Portland, that the Recipient has not made reasonable and necessary efforts to acquire an equitably diverse workforce. The Recipient shall provide any such requested documentation to the Compliance Officer within 7 calendar days.

Direct hiring of employees (such as "walk-ons") without providing notification of job opportunity may not constitute a reasonable effort.

**6. PROJECT REPORTING**

Any Recipient (and its contractors or subcontractors at any tier) that directly employs workers and has a subcontract of \$100,000 or more on the Project shall provide monthly employment reporting online via the City of Portland's LCP Tracker reporting system by the fifth day of each month.

The Compliance Officer and Compliance Coordinator will review the monthly reporting and share the status of the project to the Prosper Portland project team. The monthly reporting data from the Project will also be posted on Prosper Portland's website. Failure to submit timely monthly reporting could adversely affect the Project's ability to meet the program requirements and thus lead to Liquidated Damages as referenced in Section 7 below, or other consequences if applicable in the Contract. At the completion of the Project the Compliance Officer and Compliance Coordinator will provide a project closeout report documenting the overall compliance of the project.

The Compliance Officer's failure to object to the timeliness or completeness of documentation submitted by any Recipient shall not relieve them of the requirements of this section.

A copy of certified payroll reports may be requested by the Compliance Officer to verify information in any workforce compliance report provided by a Recipient. Such payroll reports shall be provided within seven days of the date when a Recipient receives the request for the payroll reports.

**7. CONSEQUENCES OF NON-COMPLIANCE WITH WTHP**

Prosper Portland's commitment to construction workforce equity is reflected, in part, by the cost

of administering and promoting the WTHP and of Prosper Portland's initiatives to advance equity in the context of the construction industry. Failure of any Recipient to meet WTHP requirements deprives Prosper Portland of the benefits of these costs and efforts and impairs Prosper Portland's attempts to promote workforce diversity and to provide equitable opportunities to the public. A Recipient's failure to meet the requirements of these Specifications, including but not limited to the timely submission of required documentation, constitutes a material breach of these Specifications and thus the Contract.

In the event of a material breach of these Specifications by any Recipient or an entity for whom a Recipient is responsible (e.g., a contractor or subcontractor performing work on the Project), in the sole discretion of Prosper Portland, Prosper Portland may take any or all the following actions (without limiting any other rights or remedies Prosper Portland may have under the Contract):

**a. Withholding Progress Payments**

If the Contract provides for progress payments, Prosper Portland may withhold all or part of any payments until the breach is remedied to Prosper Portland's reasonable satisfaction. If payments are so withheld, the Recipient shall in no event be entitled to interest on said payments, if reinstituted, unless otherwise required by applicable law.

**b. Liquidated Damages for Noncompliance with the Apprenticeship Requirements**

It would be difficult, if not impossible, to assess actual damages or costs incurred by Prosper Portland for a Recipient's failure to comply with the Specifications. Therefore, if the Recipient fails to comply with the apprenticeship requirements of this program, the Recipient agrees to pay the sum of \$250 per day for each day of missed apprenticeship hours. These damages are independent of any liquidated damages that may be assessed due to any delay in the project caused by a Recipient's failure to comply with the Specifications or that may otherwise be available to Prosper Portland under any other agreement with the Recipient. For other violations of these Specifications not relating to missed apprenticeship hours, Prosper Portland reserves the right to assess an amount of liquidated damages of up to \$150,000 based upon the seriousness of the violation, as determined by Prosper Portland.

**c. Notification of Possible Debarment**

Recipients acknowledge that failure to comply with the Specifications may lead to the Recipient's disqualification from bidding on and receiving other Prosper Portland contracts for a minimum of two years and a maximum of three years based on the violation.

**d. Other Remedies**

The remedies that are noted above do not limit any other remedies available to Prosper Portland under the Contract, at law, or in equity in the event that the Recipient fails to meet the requirements of the Specifications.

**8. REVIEW OF RECORDS**

Prosper Portland 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 when a Recipient receives a request 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 and permit the imposition of any of the remedies set forth above. This provision does not limit any other audit or inspection rights Prosper Portland may have under the Contract.

9. **CONTACTS**

- a. For any notices or questions regarding apprenticeships, please contact:

**Bureau of Labor & Industries**  
Apprenticeship & Training Division  
800 N.E. Oregon St. # 32  
Portland, OR 97232 (971) 673-0760

- b. For any notices or questions regarding Prosper Portland WTHP requirements, please contact either:

**Ay Saechao**  
**Compliance Officer**  
City of Portland/Outside Services, Purchasing  
1120 S.W. Fifth Ave., Room 1000  
Portland, OR 97204  
(503) 865-6323 [Ay.Saechao@portlandoregon.gov](mailto:Ay.Saechao@portlandoregon.gov)

**Wendy Wilcox**  
**Compliance Coordinator**  
Prosper Portland  
220 NW 2nd Ave. Suite 200  
Portland, OR 97209-3859  
(503) 823-3236 [wilcoxw@prosperportland.us](mailto:wilcoxw@prosperportland.us)

**EXHIBIT 1****Workforce Plan**

This form must be completed by any Recipient. Please state how you plan to perform the work on this project, indicating the number of journey workers and apprentices by trade. This workforce plan must demonstrate how your company will fulfill all Workforce Training & Hiring Program (WTHP) requirements, including utilization of apprentices. Refer to Exhibit 5 for apprenticeship ratio data. Complete all columns, with project-specific information.

Bid# \_\_\_\_\_ Contract Amount \$ \_\_\_\_\_ Project Name: \_\_\_\_\_

Company Name \_\_\_\_\_ Federal ID #: \_\_\_\_\_

Prime Contractor: \_\_\_\_\_ Subcontractor \_\_\_\_\_

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

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

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

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

Person in your company who does hiring: \_\_\_\_\_

Company: \_\_\_\_\_ CCB# \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail address for submitting Monthly Employment Reports via e-mail: \_\_\_\_\_

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

With which JATCs are you registered to train apprentices? \_\_\_\_\_

Apprentice committee or union contact person who dispatches apprentices to your company:

Name: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Prepared by: \_\_\_\_\_ Date: \_\_\_\_\_

(Print and sign)

Prime Contractor must complete and submit to as designated to Compliance Agency:

Workforce Training & Hiring Program | 220 NW 2nd Ave, STE 200, Portland, OR 97209 | Phone (503) 823-3200 or FAX (503) 823-5539 \_\_\_\_\_