

Southwest LRT DBE and Workforce Advisory Committee
Thursday, August 15, 2019
2:00 – 4:00 p.m.
Southwest LRT Project Office
Park Place West, Suite 500
6465 Wayzata Boulevard, St. Louis Park, MN 55426

Attendees: See attachment

1. Call to Order

- a. The August 15th DBE Workforce and Advisory meeting was called to order at (2 pm) by Co-Chairs Salima Khakoo, Minnesota Department of Human Rights (MDHR), and Cyrenthia Jordan, Director of OEO, who filled in for Tracey Jackson. Introductions were made by all present Committee and audience members. Jordan explained that the DBE meeting will follow the agenda.

2. Approval of July 18, 2019 Meeting Minutes

- a. Jordan asked the Committee to review the minutes from the July 2019 DBE Workforce Advisory Committee. There was a motion to approve the meeting minutes at 2:14 pm. The minutes were approved at 2:15 pm.

3. Public Comments

- a. Jordan explained how the public is able to make comments at the meeting. She explained that those who have signed the speakers list will be given two minutes to speak. No public comments were made.

4. Action Items (Slides 3-9)

- a. Khakoo shared the action items for the meeting which included, an update on the LCP tracker, and the workforce data by zip code. Khakoo introduced Robin Caufman, Director of TSD Administration for the SWLRT, to share an update on the action items. Khakoo added that it would be helpful to see the workforce participation from a map perspective. Caufman added that she has been working closely with Khakoo to analyze workforce data. Caufman shared that they were able to generate the reports that Khakoo and the committee were looking for. Caufman then presented slides 3-9 of the presentation. Caufman shared that the Lunda/C.S. McCrossan Joint Venture, (LMJV), now has 98% of the zip codes for their workforce. This is an increase from the 80% of zip codes the LMJV previously had. Caufman shared a statewide map that displayed the workforce by zip code. Every green dot on the map represents a zip code that has at least one worker. She then showed a map of the metro area that represented the workforce by zip code. Two additional maps were shown that represented the total hours worked by zip code statewide, and the total hours worked by zip code in the metro area. Caufman proposed developing and sharing maps and reports on a quarterly basis. One attendee expressed that a month to month basis would be more useful. It was asked how much time it takes to analyze this data and create the maps. Caufman replied that it is

dependent on which map is being requested. She explained that when GIS pulls the report, GIS begins with data requested. She shared every month would be the same amount of work, so there might not be much change in data. Elaine Valadez, MDHR, reiterated Cauffman's point that there is not much workforce change month to month and that quarterly reports may be the best option. Valadez suggested starting with a quarterly basis until work starts to ramp up in the summer. Cauffman then asked for feedback on the design of the report and map. A committee member asked if it was possible to see the dollar amounts in zip code. Dale Even, LMJV, and Barry Davies, Minneapolis Building and Construction Trades Council, emphasized that the work is paid by the hour and the trades earned very similar salaries, so the dollar amount would not differ too much. There was then some discussion whether the dollar amount would be beneficial data in the report. Even reiterated that the dollar amount would go hand in hand with the hours. A committee member suggested that a different symbol and color should be used so the map is clearer and more defined. The committee agreed that the green dots were difficult to see on the map. Jordan reintroduced the idea of quarterly reports until the summer work begins and posed the question about which map the committee preferred. Robin said that both maps show valuable information, and that both would be useful. Robin reminded the committee that there will be a one-month delay to gather the information and consolidate a report. There was a discussion about when "summer" work would begin. Davies asked who this information would be useful too. Mel Reeves, Hire MN, responded by saying that each DBE committee member has a different focus. Reeves emphasized that their job is to monitor what is going on and how that impacts their community. He also brought up that it is meaningful from a public relations standpoint, because this data shows progress. Sam O'Connell added that people think these projects only benefit the metro area. This data shows that these projects can have a greater reach than just the metro area.

5. SWLRT Project Update (Slides 10-15)

- a. Jordan moved on to the next agenda item. She introduced Sam O'Connell, Public Affairs, to present the project update. O'Connell shared that the construction sites are very active. She then walked through activities going on in the corridor from west to east. She emphasized that the hotline number has not had a lot of activity. She attributed this to sharing information with the public before activities occurred. O'Connell opened the floor for questions. No questions were asked, and Jordan transitioned to the next agenda item.

6. DBE Achievement Reporting (Slides 16-19)

- a. Jeffery Weinhagen, Office of Equal Opportunity, presented the DBE report in lieu of Jon Tao's absence. Weinhagen first walked through the DBE achievement data in regard to professional services. He shared the total DBE contract dollars for professional services to date is just over 170 million, which is 18.96%. This number exceeds the goal at 18.38%. Weinhagen then walked through the DBE Achievement data for the Construction activities. There is a 9.2% paid to date of the \$835,957,780 of the LMJV Civil contract.

Even shared that this data might not be accurate because he said more money has been paid now. Even added that this makes LMJV look bad because they have paid more money than what this report shows. Weinhagen said that he will have Jon reach out to Cody and get that report updated. Weinhagen shared the project totals, he stated that the project is on track to meet their DBE goals. Weinhagen asked for questions, and none were asked.

7. LMJV DBE Activities (Slides 20-22)

- a. Dale Even presented the LMJV DBE updates. He began with presenting the Post-DBE additions. He shared that the flagging services are being removed from the LMJV contract. Brian Runzel, Director of Construction, explained the need for flagging services in regard to working near active freight rail. Runzel explained that it makes sense for the railroads to do the flagging themselves because they run the railroad operations. This was done as a safety effort. Kent Robbins, Public Attendee, asked how DBE additions can happen after the bid. Even responded to the question and explained how change orders can occur, but the process depends specifics of the change order. Even shared that they had added about \$130,000 in scope to the HHA Contract. Jordan added that throughout the course of the project that they want to give opportunities to DBEs when possible. Even agreed with Jordan, he added that they gave up some aspects of their contract to subcontractors to meet DBE goals. Even asked for questions, none were asked. Jordan transitioned to the next part of the presentation.

8. Workforce Participation Reporting (Slides 23-25)

- a. Elaine Valadez from the MN Department of Human Rights shared Workforce Participation Data from June 2019. She shared the workforce hours data for women and people of color. Even asked if the participation was trending upwards. Elaine responded yes. It was asked if this data represented work finished in June. Elaine confirmed that yes, this data represents work completed in June. Valadez waited for additional questions; none were asked.

9. LMJV Workforce Activities (Slides 26-27)

- a. Mary Elena Lopez-Urbina, LMJV EEO Officer, gave an update on LMJV workforce activities. Lopez-Urbina shared that four more Work Plans were submitted to MDHR since the last DBE meeting. They are currently working with 4 other companies to finalize their Work Plan and have those sent over. She said that LMJV will be sending over sub-contractors who have not responded to LMJV letters to MDHR. Valadez clarified that if it is a small contract that a simple letter of the activity will suffice. Weinhagen asked if any of the non-responsive sub-contractors were DBEs. Lopez-Urbina replied that some of the nonresponsive subcontractors are DBEs. Weinhagen suggested that LMJV work with Jon Tao to get the DBEs to be more responsive. It was said that only 1 out of 30 DBEs had submitted their workplan. The committee discussed more collaborative ways to get the DBEs and other sub-contractors to be more responsive. It was added that small businesses may have a harder time with paperwork. Jordan asked what LMJV has done in

regard to outreach to DBEs. Lopez-Urbina replied that a lot of the outreach is done through email and phone calls, but there is still a lack of response.

10. Retainage (Slides 28-31)

- a. Brian Runzel, Director of Construction, presented on retainage. Runzel first defined and explained what retainage is in regard to the SWLRT project. Retainage is a portion of the agreed upon contract price withheld until the work is substantially complete to assure that contractor or subcontractor will satisfy its obligations and complete the construction project. Retainage is defined as 5% each progress payment, until release or reduction is authorized. He shared language from the contract that shows the added language about prompt payment to subcontractors. Runzel explained the process to release retainage. This included the subcontractor's awareness of the language in 0700 Article 14.13, working with LMJV to make a contract case for release of retainage, and LMJV working with the Council to ensure both parties agree to release retainage. Runzel emphasized that this is improvement made from Central Corridor.

11. Change Order Process (Slides 32- 36)

- a. Runzel then shared information about change orders. He shared a basic definition of a change order. He then shared a brief overview of the two types of change orders. There are change order between the Council and the LMJV. These could occur because of unseen field conditions, change in design, etc. The second type of general change orders is between LMJV and their subs. Brian shared a graphic that visually explains an overview of the Met Council Change Order Process. Valadez asked if they were aware that SPO should be sending any change orders to the MDHR. Runzel said he would like to develop a standard process with MDHR for sharing information about change orders. Kent Robbins, public attendee, asked how long this process takes. Runzel said its dependent on the situation. Even added information about LMJVs change order process. Even emphasized that change orders between the Subs and the JV happen often.

12. Adjourn (Slide 37)

- a. This concluded the agenda for the meeting. Khakoo went over the upcoming events for DBE which included, the next DBE meeting on September 19th, where photos will be taken on the SWLRT bus. Jordan went over some of the agenda items from last month's minutes and asked the committee which upcoming topics will be beneficial for the next month's agenda. Khakoo adjourned the meeting at 3:15pm.