

SWLRT DBE and Workforce Advisory Committee Meeting

Minneapolis Urban League

2100 Plymouth Ave N, Minneapolis, MN 55411

May 16, 2019

2:00 pm – 4:00 pm

WELCOME

Chair's Notes

Metropolitan Council Chair Nora Slawik provided opening remarks regarding the Metropolitan Council's roles and commitments in the region. Southwest Light Rail Transit (SWLRT) is the state's largest infrastructure project to date. Chair Slawik and Met Council leaders are also tracking the end of the legislative session. The DBE Committee is an opportunity for the Council to address concerns raised by community stakeholders. She mentioned their great partnership with Hennepin County, Eden Prairie, Minnetonka, Hopkins, St. Louis Park, and Minneapolis. Chair Slawik also mentioned the work done by people in the room, including new Met Councilmember Abdirahman Muse, employers, contractors, and unions. She highlighted the importance of linking jobs to the Southwest Project.

Commissioner's Notes

Rebecca Lucero, Commissioner of the Minnesota Department of Human Rights (MDHR), provided comments about reframing the work that is done at the agency and how it will tie into projects like SWLRT. She talked about the need for people to lead lives full of dignity and free from discrimination. The Office of Equity and Inclusion for MN Businesses within MDHR is doing great work and is eager to share these stories and opportunities.

Commissioner Lucero highlighted the state's goal for projects to meet and exceed the workforce goals of 32% for people of color (POC) and 20% for women in workforce hiring. Minnesota has some of the worst racial disparities across the board in the country. However, businesses are putting in the work to solve this issue. Currently, 40% of students identify as students of color. We need to do things differently for them. We need to partner together to solve this. The Commissioner ended her remarks by saying that we can create progress with SWLRT or we can create problems.

Introductions

Introductions were made by all attending members of the committee.

Tracey Jackson (Met Council) and **Salima Khakoo (MDHR)** introduced themselves as Co-chairs. For the full list, reference the committee list document.

Jackson proposed that the committee members review the Committee Charter to adopt for the next meeting in July.

Khakoo announced the general meeting schedule will be the third Thursday of each month from 2:00 pm – 4:00 pm.

The general governance of the meeting is less formal; Robert's Rules of Order will not be used, as this should be a flexible space for decision-making.

Gilbert Odonkor asked if comments and feedback regarding the charter can be emailed.

- **Jackson** responded that comments can be sent to her before the next meeting in July at tracey.jackson@metc.state.mn.us

Green Line Review

Jackson presented on the Green Line (Central Corridor) Project (slides 6-12 in the meeting PowerPoint document).

Southwest LRT Project Overview

Sam O'Connell presented an overview of the Southwest LRT Project (slides 13-30).

O'Connell highlighted that this project is an extension of the current green line. Boarding at Eden Prairie provides a one-seat ride to St. Paul. This project is very different from the CCLRT – Green Line. SWLRT is specifically called out as an equity-centered project for the Council. O'Connell talked about how we can grow our talent collectively in partnership. A couple years before the opening of the line, Metro Transit conducted an assessment of the existing transit services intersecting with the alignment. Bassett Creek Valley Station is an example of Metro Transit having seat at the table and being a part of the solution.

O'Connell presented the project schedule. The Record of Decision is significant in that it allowed the project to begin the purchase of right of way. The LRT design was modified to better accommodate residents with disabilities.

Question/comment from an unidentified audience member: Workforce participation is important, but the inequitable procurement process is critical to address. Think of procurement and workforce participation on the same level.

DBE Overview

Jon Tao presented an overview of the DBE Program (slides 32-37).

Time was spent addressing the question of "What happens when the contractor falls short of the DBE goal?" Tao responded that unexpected things happen, i.e. change orders. It is important to monitor and document the contractor's good faith efforts. We want to create win-win situation.

Christine Bronson asked if DBE goals were met on the CCLRT.

- **Jackson** responded that the goal of 15% was exceeded. There is an executive summary of the work done regarding DBE/workforce that contains this issue from CCLRT that can be sent out to committee members.

Tao explained that on SWLRT, DBE achievement is currently low due to a lack of construction activity. He presented a chart (slide 36) with SWLRT data that he said will be updated and shared with the committee at each meeting.

Emma Corrie commented that the format for sharing DBE achievement is helpful. It is useful to have snapshot. She asked, "Do you expect to keep the chart updated?"

- **Tao** responded to expect this format to be the one that is shown each month, updated with current numbers but lagging due to pay cycles.
- **Keith Baker** commented he is interested to see items of work and availability, i.e. more detail. More detail provides better context for conversation.

Barry Davies asked if the federal matching grant money for SWLRT is still not guaranteed.

- **O'Connell** responded that Met Council still needs to formally apply for federal money. When we received the Letter of No Prejudice (LONP) (which allowed construction contract to be awarded), no project had received an LONP and subsequently not received funding.

Baker asked if Lunda/McCrossan Joint-Venture (SWLRT Civil Contractor) met the goal within the contract bid.

- **Tao** responded that LMJV met the goal of 16%, and now the hard work comes in monitoring how they fulfill that commitment.
- **Baker** added that in his experience from the Blue Line LRT (Hiawatha), the latter stages of the project included a mad dash to achieve the goal. He is interested to see how that unfolds to potentially avoid the mad dash later.

Barb Lau commented that the report detail for CCLRT was clear. You could compare scope and reality and ask questions. It is important to retain some of those features to make the data usable.

[Workforce Overview](#)

Elaine Valadez presented an overview on the Workforce Program.

Set the goals for construction projects in different districts in MN, for 100k and over.

- More information regarding rules that govern this work can be found by contacting Valadez.

Goals from slide 42 are designed to reduce unemployment and address demographic changes throughout state to encourage equal opportunity.

Valadez restated Hennepin's goals for workforce representation are 32% for people of color and 20% for women. She explained that LMJV submitted a pre-construction subpacket (with subs) and information on how they plan to achieve their goals. MDHR asked them to submit this so they are prepared to deal with challenges before they come up. Monthly project monitoring is taking place. They may go to electronic monitoring system, but it is not in place yet. LMJV's totals hours will be listed on Monthly Utilization Reports, which are Good Faith Efforts (GFE). On-site reviews will be conducted throughout the project to make sure that the contractor is making GFE. The intention is to provide in table and numerical data formats so that the Committee can compare. There will be a report to share for both LMJV and its subcontractors.

John O'Phelan: Did you ask for a workforce goal number in bid or just a narrative about how they plan to achieve the goal? Carpenters for example: we know you cannot hit 20% [women] goals in some of these trades.

- **Valadez** responded that there is a detailed report on how the state's goals were derived. She will provide a link to the Committee to view that report.

Valadez explained that the former MDHR commissioner assembled a committee to advise the department on changes. It's important to know they are aspirational, but they should not be seen as unrealistic. One reason we have a requirement to submit the subpacket is so the contractor can make the best effort to meet goals and plan ahead.

Baker: It is important to articulate goals as "aspirational". Contractors were well below, but it still helped raise the bar.

- There was an initial outcry from stakeholders that they cannot be achieved, but contractors have shown they can step up (e.g. US Bank Stadium).

Odonkor: Did you say there might be electronic monitoring?

- **Valadez** responded that she cannot provide more info on that yet, maybe by next meeting.

It is not enough to just to secure a job, but to build skills and grow. It is important to have conversations about this.

[Lunda/CS McCrossan Joint Venture: DBE & Workforce Presentation](#)

Justin Yenter from LMJV presented the LMJV DBE Plan. The contractor is working to address DBE performance issues through different strategies. The change order work goal is to achieve the same 16% goal. LMJV will work to ensure prompt payment – no later than 10 days after LMJV receives payment. LMJV will also work to offer assistance for companies (slide 47)

Dale Even: There's a need to update once payments are processed.

- 45 day minimum from invoicing process begins to payment.
- **Jackson** clarified that we will dive more into this process.

On Green Line Construction, there was a net 30-day turnaround. There were challenges on the Green line when workers were not paid without notice. It is important to discuss systems for notification of payments on contractors and subs.

Jackson noted that the DBE kick-off occurred, and that Tao from Met Council is the lead for this process.

- Higher priority to elevate at future meeting.

Lau added it is important to also note the review process went from 90-120 days on Green Line.

Strategies for working to achieve goals include working with DBEs to avoid disputes and negotiating in good faith.

- 50-plus DBEs at time of bid, added more since.
- Procured contracts are currently 12-16%

Yolanda McIntosh Presented an Overview on Workforce.

- Biggest concern is 20% women goal.
- It's possible, we just have to make sure the work is available for them.

Feedback received from advocates:

- CBO utilization to support participation.
- Annual meetings.
- Monitoring workforce plans very closely from subs.
- Opportunity to work with them on weak areas of plans before they are officially submitted.
- Want to give them an edge and help them submit a complete plan.

Reality is that subs do not have diverse labor pools to select from.

- It is still expected for them to make GFE and implement strategies.
- Document outreach efforts and outcomes.
- Have local EEO officer Mary Elena Lopez-Urbina.

We will work with unions first. If unions cannot provide the workforce, we ask for documentation, and then engage CBOs. We have already started outreach over last few weeks to CBOs. It has been busy since beginning of 2019 to engage workforce entities and events.

- Example: just hosted DEED class at 35-W.

Baker: Do you have a sense of types of trades that can have a diverse workforce, or ones where limitations exist?

- **McIntosh** – Operators, off the top of head, are an area where there can be significant participation of diverse groups.

Odonkor: We know areas of high unemployment and low incomes.

- We do this through CBOs.
- Example: DEED Cement Masons Training – not necessary to hire them as cement masons.
 - o We can hire them for other professions because they still have had pre-apprentice training.

O'Phelan noted that those present for this Committee know the importance of reaching out to the community.

- What's important is that there is a pool that we are trying to build in certain trades.
- The reality is that it takes a while, but it's useful to get a baseline number to start and work from.
- We're not at 20% with any single trade.

Valadez commented that the 20% goal is not to make goal in every trade. As trades come together, the goal is overall for the project. The point is to get participation from all the trades to get to 20%.

Jackson added a reminder that we have Systems and RSF contacts coming online as well.

Civil Construction: Opportunities and Challenges

Khakoo presented the next activity, which was to think through how the Committee will function.

Corrie kicked things off and challenged the group to think creatively. The group should think about how our workforce training partners can work along with our unions. Let's not think about what's out there right now, let's think about what we can CREATE.

- Unions, funders, training partners come together to train women.

Sean Skibbie: It is important to know the gatekeepers: unions and contractors. Strategies and observations about how to work toward our goals are:

- Choosing urban areas that are accessible to communities of color.
- State goals attempt to push this idea forward and realities of 21st century workforce.
- **Valadez:** Challenge for entire state.

Davies noted that training halls are expensive to run. Satellite trainings are hard.

Corrie noted that when you start collaborating, it opens doors.

Odonkor: This meeting is held in N MPLS. We heard that Summit is getting out of construction training.

- **Anne-Marie Kuiper** clarified that Summit is not withdrawing but expanding to other areas. If there is a training program geared specifically to the needs of a project, we need a deliberate effort to recruit from communities of color.

It was noted that cross sector relationships allow us to remove barriers.

Kuiper commented that as a part of drawing and recruiting, it is important to recruit beyond the life of SWLRT. It is important to think about how long an individual is on a project. What is the duration, and let's think beyond that to what's next for them? Apprenticeships and OJT are critical in this conversation and work.

McIntosh: Let's look beyond just bringing people in but look to retention. Don't reinvent the wheel of what mechanisms exist for recruitment. Also, we want to expand past just a discussion of African American focus.

O'Phelan noted that in terms of training, there are 23 centers that are Joint Apprenticeship centers, 22 in the metro region. There are 18-22 nonprofits plus Community Colleges equaling over 50 centers for training in the Twin Cities region. More information can be provided in a provide future meeting.

Baker commented that when a small business grows, they hire more people. How do we ensure there is an expansion of growth opportunities for businesses?

- We know the average age of surveyors is 58; we know there will be turnover.
- We missed the opportunity to create and frame the approach to a pathway for that work.

If there had been a focus on the SB part of surveying, we could have taken advantage of that.

Mel Reeves – CBO can follow up with those who are lost. Problems can be solved if you follow up, after a month or so. It is important to document what we do very well, some of which was done on CCLRT.

Valadez added that one reason we do on-sites is to meet and get to know workers. In cases where bullying or harassment is documented, we will assist in retraining and take that back to Prime.

Baker commented that prompt payment is important, but the process of approving work is also very important. It can be very hurtful. Real-time talent: a company that can drill down into hiring projections.

Moving Forward Together: Defining Success

Jackson asked: What does success look like for this committee?

Lau: We do not have DBEs go under due to payment. Catch the mishaps so they don't hurt too much.

Corrie: exceed the goals of 32, 20 and 16.

Future Topics for Discussion

Jackson solicited the Committee for future topics:

Corrie: Workforce needs over the length of project. Looking at extent of what trades are needed.

Lau: What solutions from Great Minds were applied?

Sam Ndely: Addressing procurement disparities.

Baker: Looking at innovation as a driver, availability of working capital. Lots of small pots of money but looking at collaborative ways to address this issue.

Corrie: Information on various trades for this project. Can this project fuel interest in POC and women? Is there way to mobilize education in the community?

Odonkor re: Exceeding workforce goals. Thinking about different career paths coming out of this project.

Adjourn

After brief closing remarks, the meeting was adjourned until July 18, 2019 at 2:00 PM.