



Board Report

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CONSTRUCTION COMMITTEE NOVEMBER 16, 2017

SUBJECT: PROJECT LABOR AGREEMENT/CONSTRUCTION CAREERS POLICY (PLA/CCP)

ACTION: RECEIVE AND FILE

RECOMMENDATION

RECEIVE AND FILE the:

- A. Status update on the Project Labor Agreement and Construction Careers Policy programs through the quarter ending September 2017; and
- B. Female Utilization Action Plan.

ISSUE

In January 2012, the Board approved the Project Labor Agreement (PLA) with the Los Angeles/Orange Counties Building and Construction Trades Council and the Construction Careers Policy (CCP), with a subsequent renewal in January 2017. One benefit of the PLA is to encourage construction employment and training opportunities in economically disadvantaged areas throughout the United States. Another benefit of the PLA is that work stoppages are prohibited.

Consistent with the Board approved PLA and CCP (PLA/CCP), prime contractors are required to provide Metro with monthly reports detailing progress towards meeting the targeted worker hiring goals. Additionally, consistent with Metro's Labor Compliance policy and federal Executive Order 11246 (EO 11246), the prime contractors provide Metro with worker utilization data by ethnicity and gender.

In accordance to EO 11246, Metro's program-wide goal for female utilization on construction contracts is 6.9%. As of the reporting period, Metro's overall female utilization attainment is 3.35%. During Metro's Construction Committee held September 21, 2017, the Board of Directors instructed staff to investigate strategies to increase female participation on construction contracts, benchmark agency programs and practices and identify strategies to promote greater compliance and enforcement of EO 11246 with specific focus on female utilization.

The attached report provides a status update of the construction projects subject to the PLA/CCP through September 2017, including the results of the assessment performed by Metro staff regarding

other agencies' workforce programs to address female utilization and strategies for implementation.

DISCUSSION

This report will provide a status update on the construction contracts covered by the PLA/CCP; an overview of the female utilization assessment including recommendations and strategies for implementation; including an update on the recent policy changes to the Pilot Local Hire Initiative; and an update on outreach activities in support of targeted hiring initiatives.

A. PLA/CCP Status Update

As of September 2017, there are seven active construction contracts and fourteen completed construction contracts with the PLA/CCP program requirements. The following is updated information regarding the active construction contracts including the female utilization participation. The information on the completed construction contracts is provided as Attachment A PLA/CCP Completed Projects.

Active Contracts:

As of the report period, six of the seven active construction projects have contractors that are exceeding the 40% Targeted Worker goal; three of the seven contractors are exceeding both the 20% Apprentice Worker goal and the 10% Disadvantaged Worker goal. The following table represents the active construction projects.

Project Name:	Prime Contractor:	Targeted Worker Goal (40%)	Apprentice Worker Goal (20%)	Disadvantaged Worker Goal (10%)	Female Utilization Goal (6.90%)	Percentage of Disadvantaged Worker Participation that are in the Criminal Justice System Category *
Crenshaw/LAX Transit Corridor	Walsh/Shea Corridor Constructors	59.45%	22.42%	12.39%	3.28%	37.14%
Regional Connector Transit Corridor	Regional Connector Constructors, JV	58.19%	16.72%	7.10%	2.61%	57.63%
Westside Subway Extension Project, Section 1 – D/B	Skanska-Traylor-Shea, JV	66.18%	16.88%	6.40%	4.37%	60.80%
Metro Blue Line Pedestrian and Swing Gates	Icon-West	61.39%	23.78%	12.59%	0.24%	100.00%
Division 16 Southwestern Yard	Hensel Phelps/Herzog, JV	50.62%	22.06%	9.35%	6.29%	59.12%
Patsaouras Plaza Busway Station	OHL-USA, Inc.	58.21%	2.50%	3.91%	2.47%	54.27%
Bob Hope Airport/Hollywood Way Station	C.A. Rasmussen, Inc.	35.62%	16.85%	12.49%	0.00%	87.73%

Please refer to the attached PLA/CCP Data Report for additional information on each project.

*Part of Metro’s PLA/CCP workforce requirement is the utilization of disadvantaged workers on projects. One of the nine criteria for a Disadvantaged Worker is having a criminal record or other involvement with the criminal justice system. The data shown in the table above (last column) is the percentage of Disadvantaged Workers (based on

hours worked) that have criminal records or involvement with the criminal justice system that have

worked or are still working on Metro's PLA/CCP projects.

Crenshaw/LAX Transit Corridor

Prime: Walsh/Shea Corridor Constructors

The Crenshaw/LAX Transit Corridor project Contractor has completed 88.47% of the estimated construction work hours for this project. The Contractor is currently exceeding the Targeted Worker goal at 59.45%, Apprentice Worker Goal at 22.42%, Disadvantaged Worker goal at 12.39% and the minority participation percentage goals; however, the Contractor is not meeting the 6.90% Female Participation goal at 3.28%. The attainment for the 20% Apprentice Worker goal is based on total apprenticeable hours.

The Contractor has met the PLA/CCP workforce provisions for this reporting cycle.

Regional Connector Transit Corridor

Prime: Regional Connector Constructors, Joint Venture

The Regional Connector Transit Corridor project Contractor has completed 29.68% of the estimated construction work hours for this project. The Contractor is currently exceeding the Targeted Worker goal at 58.19% and the minority participation percentage goals; however, the Contractor is not meeting the 20% Apprentice Worker goal at 16.72%, the 10% Disadvantaged Worker goal at 7.10% or the 6.90% Female Participation goal at 2.61%. The attainment for the 20% Apprentice Worker goal is based on total apprenticeable hours.

The Contractor is currently in the process of updating its Employment Hiring Plan (EHP) to address compliance with the PLA/CCP workforce goals. Staff will continue to monitor the Contractor's EHP and work closely with the Contractor towards meeting all worker goals for this project.

Westside Subway Extension Project, Section 1 Design-Build

Prime: Skanska-Traylor-Shea, a Joint Venture (STS)

The Westside Subway Extension Project, Section 1 project Contractor has completed 23.28% of the estimated construction work hours for this project. The Contractor is currently exceeding the Targeted Worker goal at 66.18% and the minority participation percentage goals; however, the Contractor is not meeting the 20% Apprentice Worker goal at 16.88%, the 10% Disadvantaged Worker goal at 6.40% or the 6.90% Female Participation goal at 4.37%. The attainment for the 20% Apprentice Worker is based on total apprenticeable hours.

The Contractor has submitted an EHP which outlines compliance with meeting the PLA/CCP workforce goals Mid-2018. Staff will continue to monitor the Contractor's EHP and work closely with the Contractor towards meeting all worker goals for this project.

Metro Blue Line Pedestrian and Swing Gates

Prime: Icon-West

The Metro Blue Line Pedestrian and Swing Gates project Contractor has completed 87.79% of the estimated construction work hours on this project. The Contractor is currently exceeding the Targeted

Worker goal at 61.39%, Apprentice Worker goal at 23.78%, Disadvantaged Worker goal at 12.59% and the minority participation percentage goals; however, the Contractor is not meeting the 6.90% Female Participation goal at 0.24%. The attainment for the 20% Apprentice Worker is based on total apprenticeable hours.

The Contractor has met the PLA/CCP workforce provisions for this reporting cycle.

Division 16 - Southwestern Yard
Prime: Hensel Phelps/Herzog, J.V.

The Division 16 Southwestern Yard project Contractor has completed 36.64% of the estimated construction work hours on this project. The Contractor is currently exceeding the Local Targeted Worker goal at 50.62%, Apprentice Worker goal at 22.06%, and the minority participation percentage goals; however, the Contractor is not meeting the 10% Disadvantaged Worker goal at 9.35% and the 6.9% Female Participation goal at 6.29%. The attainment for the 20% Apprentice Worker is based on total apprenticeable hours.

The Contractor indicated that several disadvantaged workers were hired on the project which will increase the Disadvantaged Worker attainment above the 10% requirement by next reporting cycle. Staff will work closely with the Contractor towards meeting all worker goals for this project. This contract falls under the United States Department of Transportation's (U.S. DOT) Local Hire Pilot Program.

Patsaouras Plaza Busway Station
Prime: OHL-USA, Inc.

The Patsaouras Plaza Busway Station project Contractor has completed 32.60% of the estimated construction work hours on this project. The Contractor is currently exceeding the Targeted Worker goal at 58.21% and the minority participation percentage goals; however, the Contractor is not meeting the 20% Apprentice Worker goal at 2.50%, the 10% Disadvantaged Worker goal at 3.91% or the 6.90% Female Participation goal at 2.47%. The attainment for the 20% Apprentice Worker is based on total apprenticeable hours.

The Contractor has submitted an EHP which outlines compliance with meeting the PLA/CCP workforce goals in November 2017. Staff will continue to monitor the Contractor's EHP and work closely with the Contractor towards meeting all worker goals for this project.

Bob Hope Airport/Hollywood Way Station
Prime: C.A. Rasmussen, Inc.

The Bob Hope Airport/Hollywood Way Station project Contractor has completed 27.75% of the estimated construction work hours on this project. The Contractor is currently exceeding the 10% Disadvantaged Worker goal at 12.49% and the minority participation percentage goals; however, the Contractor is not meeting the 40% Targeted Worker goal at 35.62%, the 20% Apprentice Worker goal at 16.85% or the 6.9% Female Participation goal at 0.00%. The attainment for the 20% Apprentice

Worker is based on total apprenticeable hours.

The Contractor has submitted an EHP which outlines compliance with meeting the PLA/CCP workforce goals in January 2018. Staff will continue to monitor the Contractor’s EHP and work closely with the Contractor towards meeting all worker goals for this project.

B. Female Utilization Update

Provided in the following table is the female utilization participation report on Metro’s PLA/CCP projects. The table reports the number of cumulative female workers on active PLA/CCP projects within the last three months of FY17.

Project Name:	Prime Contractor:	No. of Female Workers July 2017	No. of Female Workers August 2017	No. of Female Workers September 2017
Crenshaw/LAX Transit Corridor	Walsh/Shea Corridor Constructors	116	116	117
Regional Connector Transit Corridor	Regional Connector Constructors, JV	30	31	36
Westside Subway Extension Project, Section 1	Skanska-Traylor-Shea, JV	40	41	44
Metro Blue Line Pedestrian and Swing Gates	Icon-West	2	2	2
Division 16 – Southwestern Yard	Hensel Phelps/Herzog, JV	16	16	18
Patsaouras Plaza Busway Station	OHL, USA, Inc.	1	1	1
Bob Hope Airport/Hollywood Way Station	C.A. Rasmussen, Inc.	0	0	0

Recognizing that Metro’s program-wide female utilization is 3.35%; per the request of Metro’s Board, staff within Diversity and Economic Opportunity conducted a cursory assessment of other agency’s workforce and hiring programs with special focus on female utilization.

Staff identified the following agencies to include in the assessment: City and County of San Francisco, City of Milwaukee, City of Boston, City of Oakland, City of Cleveland, Los Angeles Unified School District (LAUSD), Los Angeles Community College District (LACCD), County of Los Angeles

Department of Public Works; and the following public transportation agencies: Seattle Sound Transit, Bay Area Rapid Transit (BART); including Los Angeles World Airports (LAWA). Staff will continue to conduct research of additional agencies' programs and will expand upon the assessment as data is obtained. A summary of the assessment is provided as Attachment C Female Workforce Benchmark Report.

Staff identified three agencies that track and report female participation goals and attainment. The three agencies that provided female participation information were Seattle Sound Transit, City of Boston and BART. Seattle Sound Transit has a 12% Female participation goal and is currently achieving 8.8% attainment. The City of Boston has a 12% female participation goal and attained 6% as of 2016, while BART has a 6.9% female participation goal and is currently achieving 3.09% attainment.

The agencies identified the following challenges to increasing female participation on construction projects:

- The inability to place pre-apprentice graduates into union recognized apprenticeship training programs. Female apprentice candidates should be enrolled in pre-apprenticeship training programs recognized by the building trades.
- Pre-apprenticeship programs need to ensure female candidates are properly prepared and ready for work. Candidates requiring supportive services such as family care, transportation or other services may experience greater challenges upon dispatched to work-sites.
- Construction employers committing to hire graduates from apprenticeship training programs.

The agencies also provided the following best practices to increase female participation:

- Allocate additional resources such as funding to conduct targeted recruitment efforts, provide support for training programs, and provide support to candidates. For example, Seattle Sound Transit received a Ladders of Opportunity grant that was used to fund these efforts.
- Agencies should take a regional approach to partnering with pre-apprenticeship programs to recruit apprentices versus attempting to create independent programs.
- Agencies should ensure that candidates referred to pre-apprenticeship training programs are referred to programs that are recognized by the union apprenticeship organizations.
- Partner with organizations that provide supportive services such as child care, family care and transportation services to support candidates through the apprenticeship process.
- Engage with contractors and encourage hiring of female apprentices on projects.

It should be noted that Metro staff has already implemented several of the best practices on previous

or current PLA/CCP projects. Efforts that staff has taken includes the following:

- Staff has worked with the Building Trades to determine the criteria a pre-apprenticeship training program must have to be recognized by the unions. Only programs that have the MC3 curriculum will be recognized by the unions,
- Partnerships have been established with organizations such as Women in Non-Traditional Employment Roles (WINTER),
- Job Coordinators working on Metro projects have been instructed to refer candidates to MC3 approved training facilities; and
- Staff conducts meetings with prime contractors to discuss efforts to increase female participation on projects.

In addition to the industry assessment, DEOD management staff convened with County Counsel and Metro Board staff from Board Member Hahn and Kuehl's office to discuss incentivizing contractors to increase female participation on both state and federally funded contracts in a manner that is consistent with EO11246 and Prop 209. Prior to implementing any such incentives, Counsel recommends that Metro conduct a workforce utilization study to determine the availability and utilization of women in Metro projects. Metro's strategies should continue to focus on continued monitoring and reporting of contractor's performance in achieving the utilization goals, ongoing outreach to the contracting community and trades in support of inclusionary hiring practices and additional strategic efforts identified by Metro staff in support of increasing program-wide female utilization.

Additionally, DEOD staff and members of Metro's senior leadership attended the Women Build Nations Conference, "An Institute for Practitioners and Employers," in Chicago, Illinois on October 13, 2017, to ascertain best practices on building women's equity in the construction trades. Staff heard the issues voiced by female construction workers that need to be addressed in the effort to remove barriers for female worker's participating in the construction industry. A few of the take-aways from the industry forum included the following:

- Special attention must be paid to issues that affect women in the Building Trades. This includes, but is not limited to, child care, harassment and transportation.
- Female workers stated that sexual harassment is the reason that most abandon a career in construction.
- Public meetings must be held with contractors, building trades and community groups to discuss the recruitment and retention of female workers. This has fostered increased female participation on construction projects.
- Contractors that achieve and exceed female participation goals should be recognized publicly as an employer of choice.

Female Utilization Action Plan

In consideration of the information gathered through the assessment including the review of EO 11246; Metro staff will focus on the following activities in support of developing a focused response and strategies to address female utilization:

- As per the recommendation of Counsel, retain the professional services of a consultant to conduct a formal workplace utilization study to identify the workforce demographics of women in the construction trades throughout the Los Angeles County region. The study will serve to identify the complement of women in the trades. The study will serve as a disparity study and the results will be used to develop strategies in partnership with trade organizations, contracting community, regional community based and educational partners.
- Continue to identify community based, supportive services providers and educational providers through Workforce Initiative Now-Los Angeles (WIN-LA) that will support female WIN-LA participants that are engaged in the construction career pathway.
- Assess alternatives to train contractors and key personnel on issues that directly impact women in the construction trades. This includes contractors and job coordinators developing relationships with partners that provide supportive services to workers such as child care and transportation.
- Publicly recognize contractors that meet or exceed the EO 11246 female goal of 6.9%. Contractors exceeding the goal may be recognized by the Metro's Board at meetings and highlighted on Metro's PLA/CCP webpage and quarterly reports. Positive acknowledgement has proven to incentivize contractors to increase their efforts in exceeding female goals.
- Continue to advance efforts focused on female outreach, inclusion and advancement through Metro's Women & Girls Governing Council (WGCC). The WGCC which launched in October 2017 will serve as an additional pathway for the creation of opportunities, strategies and solutions focused on increasing female participation on Metro construction projects.
- Continue to partner with the organizations serving as the PLA/CCP job coordinators, the trades and others to ensure pre-apprenticeship programs that candidates are being referred to are recognized by the trade union apprenticeship organizations.
- Conduct a PLA/CCP Summit with a focus on increasing female participation on construction projects in summer of 2018. The summit will feature a panel of women in the construction industry to discuss increasing female apprentices, challenges faced by female workers, and best practices in increasing the retention of female workers.
- Institute internal processes to support ongoing reinforcement and monitoring of contractor's performance in achieving EO11246 goals. Establish a process to meet with contractors prior to 50% of contract completion to review utilization performance and discuss strategies for improvements.
- Research the feasibility of subsidizing a night program in partnership with Women in Non-Traditional Employment Roles (WINTER). This will allow women who work during the day and are under-employed, or have other responsibilities, to participate in WINTER's program to pursue construction career opportunities.
- Formalize the internal process to issue notices of low female participation to contractors that are not meeting the 6.9% goal.
- Develop a focused program to increase outreach activities and incorporate best practices of

other agencies into Metro's Women Build LA initiative.

C. Pilot Local Hire Update

In March 2015, the U.S. DOT announced an initiative to permit, on an experimental basis, Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) recipients and sub-recipients the ability to utilize previously disallowed local/geographic-based labor hiring preferences and economic-based labor hiring preferences on Construction and Rolling Stock projects. This initiative was carried out as a pilot program for a period of one year, which was extended through March 6, 2017, under the FHWA and FTA's existing Authorities. On January 18, 2017, the Federal Register published a notice from U.S. Transportation Secretary, Anthony Foxx, announcing that the Local Hire Pilot Program will be extended for five years through March 6, 2022.

On August 18, 2017 the USDOT issued a report on significant rulemaking that cited that the Pilot Local Hire reforms were slated for withdrawal and on August 25, 2017 the current Administration withdrew the Notice of Proposed Rule Change.

On October 6, 2017, the Federal Register published a notice from the USDOT announcing the withdrawal of the Pilot Local Hire program.

Metro has three construction projects awarded subject to the USDOT Pilot Local Hire Initiative which include:

- C0991 Division 16 - Southwestern Yard (contract amount of \$172M)
- C1120 Westside Purple Line Extension Project - Section 2 (contract amount of \$1.3B)
- C1153 Purple Line Extension Section 3 - Advanced Utility Relocations (contract amount of \$11M).

Furthermore, Metro originally received DOT and FTA approval on September 30, 2015, to use Metro's Local Employment Program (LEP) on four Rolling Stock procurements; Metro's New Heavy Rail Car, a new 40-foot CNG Bus Buy and two Rail Car Overhaul solicitations. Subsequently, on January 12, 2017, Metro received supplemental authority from FTA to apply the LEP on its Bus RFP for 60-foot CNG buses, 40-foot and 60-foot Zero Emission vehicles.

The FTA's approval contains specific conditions that limit the Local Employment Program to a voluntary program. This means that the program cannot be used to determine responsiveness to the solicitation or as a basis for award. Nonetheless, the Local Employment Program will provide Proposers with an opportunity to receive up to 5% additional preferential scoring points if new jobs are committed as part of their proposal.

The FTA's approval also modified the definition of how Metro may define its geographical preference for new jobs and facility improvements for the New Heavy Rail Car and New Bus RFPs. For those two procurements, the definition of local employment will include anywhere in the State of California. For the two rail vehicle overhaul projects, the FTA will allow Metro to limit the geographical preference for new job creation to Los Angeles County.

Proposers that volunteer to participate in Metro's Local Employment Program and who commit to new local job creation must also commit to hiring a minimum of 10% of their new work force as Disadvantaged Workers. The targeted hiring requirements are a condition for receiving preferential scoring points but are not a condition of award.

The Board has now approved three (3) Rail Car projects that contain the new LEP including the A650 Red Line and P2000 Light Rail Vehicle Overhaul contracts, the New Heavy Rail Car contract; and four (4) new Bus contracts: the 40-foot and 60-foot Zero Emission Buses, and the 40-foot and 60-foot CNG Buses. Combined, these seven (7) projects will create new jobs in Los Angeles County totaling over \$65.3 million in wages and benefits over the next seven years. This local jobs program will create an estimated 217 new jobs for the base and option contract periods for these seven projects.

D. OUTREACH

In efforts to attain the highest percentages of Targeted, Apprentice and Disadvantaged Workers on PLA/CCP projects, DEOD staff continuously seeks opportunities to keep the community informed and engaged of construction career opportunities available through the PLA/CCP. Staff consistently collaborates with community based organizations and other partners including the contractors on outreach events, initiatives and activities.

DEOD staff actively participates on the planning committee for Community Action Partners (CAP) and 5 Keys Charter School which are organizations that work with individuals that are re-entering society from the Los Angeles County criminal justice system. Additionally, staff serves as an advisory council member to the Flintridge Center which assists individuals seeking a second chance to start a career in the construction industry. Staff continues to work in collaboration with Women in Non-Traditional Employment Roles (WINTER) to enroll women in the organization's Boot Camp program.

DEOD staff recently participated in and/or hosted the following outreach events:

- Women Build Nations Conference, "Institute for Practitioners and Employers," hosted in Chicago, Illinois, on October 13, 2017
- Construction careers information session in collaboration with Peace over Violence, an advocacy group in South Central Los Angeles on October 11, 2017
- Women in Non-Traditional Employment Roles (WINTER) Anniversary Celebration, September 21, 2017
- Assembly Member Christina Garcia Career and Trade Fair, Pico Rivera, September 23, 2017
- Held female participation meetings with the prime contractor for the Blue Line Pedestrian Swing Gates project on September 20, 2017
- Jobs Create Peace Job Fair event on August 17, 2017.

Staff will be participating in the upcoming outreach events:

- The Metro "Women Build METRO LA" Committee will conduct the next symposium on the Transportation Industry on November 3, 2017 at Long Beach Community College (4th District). It focuses on the many opportunities for women in the transportation industry with special

focus on the construction trades.

NEXT STEPS

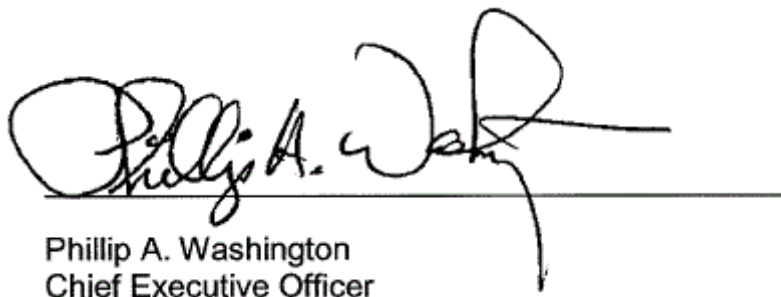
DEOD staff will continue to monitor contractor's hiring efforts and initiate the newly proposed and recurring activities as outlined. Staff will continue to identify initiatives and outreach efforts to promote awareness, engagement and participation in construction career opportunities.

ATTACHMENTS

Attachment A - PLA/CCP Completed Projects
Attachment B - PLA/CCP Report Data
Attachment C - Female Workforce Benchmark Report

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