



Metro

Los Angeles County  
Metropolitan Transportation  
Authority  
One Gateway Plaza  
3rd Floor Board Room  
Los Angeles, CA

## Board Report

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### CONSTRUCTION COMMITTEE EXECUTIVE MANAGEMENT COMMITTEE SEPTEMBER 21, 2017

**SUBJECT: PROJECT LABOR AGREEMENT/CONSTRUCTION CAREERS POLICY (PLA/CCP)  
REPORT (DATA THROUGH JUNE 2017), AND 12-MONTH PILOT LOCAL HIRE INITIATIVE  
ACTION: RECEIVE AND FILE**

#### **RECOMMENDATION**

RECEIVE AND FILE status update on the Project Labor Agreement and Construction Careers Policy programs through the quarter ending June 2017.

#### **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, the prime contractors provide Metro with worker utilization data by ethnicity and gender.

The attached report provides the current status of construction projects subject to the PLA/CCP through June 2017.

#### **DISCUSSION**

As of June 2017, there are seven active construction contracts and thirteen completed construction contracts with the PLA/CCP program requirements. The following is updated information regarding the active and completed construction contracts including the female utilization participation, the Pilot Local Hire Initiative and Metro's outreach efforts.

#### **Active Contracts:**

As of the report period, the contractors for all seven active construction projects are exceeding the

40% Targeted Worker goal; four 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	59.40%	21.97%	12.59%	3.25%	37.00%
Regional Connector Transit Corridor	Regional Connector Constructors, JV	58.20%	17.56%	7.72%	2.72%	56.77%
Westside Subway Extension Project, Section 1 – D/B	Skanska-Traylor-Shea, JV	66.58%	16.93%	7.23%	4.50%	61.75%
Metro Blue Line Pedestrian and Swing Gates	Icon-West	60.49%	24.44%	12.22%	0.28%	100.00%
Division 16 Southwestern Yard	Hensel Phelps/Herzog, JV	52.42%	21.21%	11.73%	7.25%	79.70%
MRL Pershing Square Canopy Addition and Escalator Replacements	Clark Construction, LLC	50.31%	35.74%	14.19%	1.22%	85.39%
Patsaouras Plaza Busway Station	OHL-USA, Inc.	53.64%	2.69%	3.15%	3.50%	0.00%

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

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The Crenshaw/LAX Transit Corridor project Contractor has completed 78.28% of the estimated construction work hours for this project. The Contractor is currently exceeding the Targeted Worker goal at 59.40%, Apprentice Worker Goal at 21.97%, 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 3.25%. 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 25.30% of the estimated construction work hours for this project. The Contractor is currently exceeding the Targeted Worker goal at 58.20% and the minority participation percentage goals; however, the Contractor is not meeting the 20% Apprentice Worker goal at 17.56%, the 10% Disadvantaged Worker goal at 7.72% or the 6.90% Female Participation goal at 2.72%. 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 18.37% of the estimated construction work hours for this project. The Contractor is currently exceeding the Targeted Worker goal at 66.58% and the minority participation percentage goals; however, the Contractor is not meeting the 20% Apprentice Worker goal at 16.93%, the 10% Disadvantaged Worker goal at 7.23% or the 6.90% Female Participation goal at 4.50%. 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 93.02% of the estimated construction work hours on this project. The Contractor is currently exceeding the Targeted Worker goal at 60.49%, Apprentice Worker goal at 24.44%, Disadvantaged Worker goal at 12.22% and the minority participation percentage goals; however, not meeting the 6.90% Female

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Participation goal at 0.28%. 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 20.38% of the estimated construction work hours on this project. The Contractor is currently exceeding the Local Targeted Worker goal at 52.42%, Apprentice Worker goal at 21.21%, Disadvantaged Worker goal at 11.73%, Female Participation goal at 7.25% and the minority participation percentage goals. 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. This contract falls under the United States Department of Transportation's (U.S. DOT) Local Hire Pilot Program.

MRL Pershing Square Canopy Addition and Escalator Replacement  
Prime: Clark Construction, LLP

The MRL Pershing Square Canopy Addition and Escalator Replacement project Contractor has completed 95.34% of the estimated construction work hours on this project. The Contractor is currently exceeding the Targeted Worker goal at 50.31%, Apprentice Worker goal at 35.74%, Disadvantaged Worker goal at 14.19% and the minority participation percentage goals; however, the Contractor is not meeting the 6.90% Female Participation goal at 1.22%. 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.

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

The Patsaouras Plaza Busway Station project Contractor has completed 20.33% of the estimated construction work hours on this project. The Contractor is currently exceeding the Targeted Worker goal at 53.64% and the minority participation percentage goals; however, the Contractor is not meeting the 20% Apprentice Worker goal at 2.69%, the 10% Disadvantaged Worker goal at 3.15% or the 6.90% Female Participation goal at 3.50%. 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.

**Completed Contracts:**

Completed Projects:	Prime Contractor:	Targeted Worker Goal (40%)	Apprentice Worker Goal (20%)	Disadvantaged Worker Goal (10%)	Female Utilization Goal (6.90%)	*Percentage of Disadvantaged Workers that are in the Criminal Justice System Category
Crenshaw Advanced Utility Relocation Project	Metro Builders	61.41%	13.84%	21.08%	0.52%	2.90%
Westside Subway Extension Advanced Utility Relocation	Metro Builders	67.47%	11.12%	11.08%	7.48%	0.00%
Westside Subway Exploratory Shaft	Innovative Construction Solutions	50.88%	75.05%	11.23%	0.42%	96.23%
Regional Connector Transit Corridor Adv. Utility Relocation	Pulice Construction	51.61%	21.37%	22.83%	2.57%	28.39%
CNG Emergency Generator Division 7 & 8	Taft Electric	46.42%	25.51%	39.08%	4.68%	39.48%
Division 13 CNG Fueling Facility, Design/Build/Operate	Clean Energy	67.54%	20.17%	60.72%	1.69%	49.48%
Metro Blue Line Stations Refurbishments	S.J. Amoroso	56.01%	26.10%	13.62%	0.48%	28.03%
Westside Extension Project Advanced Utility Relocation (Fairfax Station)	WA Rasic	63.27%	20.61%	19.90%	2.78%	9.24%
Metro Rail Security Kiosks	Icon-West	45.90%	27.06%	20.17%	0.00%	100.00%
Westside Extension Project Advanced Utility Relocation (La Cienega Station)	Bubalo Construction	65.15%	21.76%	20.96%	0.57%	28.10%
MRL/MOL North Hollywood Station West Entrance	Skanska, USA	57.79%	24.28%	15.78%	7.44%	84.26%
Patsaouras Plaza POV Relocation, Pavers and Storm Drain Repair	AP Construction	76.46%	21.26%	42.56%	3.91%	6.48%
Universal City Pedestrian Bridge	Griffith Company	38.33%	27.49%	12.55%	1.57%	48.51%

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

### Crenshaw Advanced Utility Relocation Project Prime: Metro Builders

The Crenshaw Advanced Utility Relocation project is 100% complete as of September 2014. Final reporting shows the Targeted Worker attainment at 61.41%, Disadvantaged Worker attainment at

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21.08% and the minority participation percentage goals were attained; however, the Contractor did not meet the 20% Apprentice Worker goal at 13.84% and the 6.90% Female Participation goal at 0.52%. The attainment for the 20% Apprentice worker goal is based on total apprenticeable hours. Metro staff met with the Contractor in January 2015 and executed liquidated damages for not meeting the apprentice goal for this project. The Contractor complied with Metro's liquidated damages and this issue is closed.

Westside Subway Extension Advanced Utility Relocation  
Prime: Metro Builders

The Westside Subway Extension Advanced Utility Relocation project is 100% complete as of October 2014. Final reporting shows the Targeted Worker attainment at 67.47%, Disadvantaged Worker attainment at 11.08%, Female Participation attainment at 7.48% and the minority participation percentage goals were attained; however, the Contractor did not meet the 20% Apprentice Worker goal at 11.12%. The attainment for the 20% Apprentice worker goal is based on total apprenticeable hours. Metro staff met with the Contractor in January 2015 and executed liquidated damages for not meeting the apprentice goal for this project. The Contractor complied with Metro's liquidated damages and this issue is closed.

Westside Subway Exploratory Shaft  
Prime: Innovative Construction Solutions (ICS)

The Westside Subway Extension Exploratory Shaft project is 100% complete as of October 2014. Final reporting shows the Targeted Worker attainment at 50.88%, Apprentice Worker attainment at 75.05%, Disadvantaged Worker attainment at 11.23% and the minority participation percentage goals were attained; however, the Contractor did not meet the 6.90% Female Participation goal at 0.42%. The attainment for the 20% Apprentice worker goal is based on total apprenticeable hours. No labor grievances occurred on this project.

Regional Connector Transit Corridor Advanced Utilities Relocation  
Prime: Pulice Construction

The Regional Connector Transit Corridor Advanced Utilities Relocation project was terminated for convenience in April 2015 and is now closed. Final reporting shows the Targeted Worker attainment at 51.61%, Apprentice Worker attainment at 21.37%, Disadvantaged Worker attainment at 22.83% and the minority participation percentage goals were attained; however, the Contractor did not meet the 6.90% Female Participation goal at 2.57%.

CNG Emergency Generator Division 7 and 8  
Prime: Taft Electric

The CNG Emergency Generator Division 7 and 8 project is 100% complete as of May 2015. Final reporting shows the Targeted Worker attainment at 46.42%, Apprentice Worker attainment at 25.51%, Disadvantaged Worker attainment at 39.08% and the minority percentage goals were attained; however, the Contractor did not meet the 6.90% Female Participation goal at 4.68%. The attainment for the 20% Apprentice worker goal is based on total apprenticeable hours. No labor

grievances occurred on this project.

Division 13 CNG Fueling Facility, Design/Build/Operate  
Prime: Clean Energy

The Division 13 CNG Fueling Facility, Design/Build/Operate project Contractor is 100% complete as of June 2015. Final reporting shows the Targeted Worker attainment at 67.54%, Apprentice Worker attainment at 20.17%, Disadvantaged Worker attainment at 60.72% and the minority percentage goals were attained; however, the Contractor did not meet the 6.90% Female Participation goal at 1.69%. The attainment for the 20% Apprentice worker goal is based on total apprenticeable hours. No labor grievances occurred on this project.

Metro Blue Line Station Refurbishments  
Prime: S.J. Amoroso

The Metro Blue Line Station Refurbishments project Contractor is 100% complete as of August 2015. Final reporting shows the Targeted Worker attainment at 56.01%, Apprentice Worker attainment at 26.10%, Disadvantaged Worker attainment at 13.62% and the minority percentage goals were attained; however, the Contractor did not meet the 6.90% Female Participation goal at 0.48%. The attainment for the 20% Apprentice Worker goal is based on total apprenticeable hours.

Westside Subway Extension Advanced Utility Relocation (Fairfax Station)  
Prime: W.A. Rasic

The Westside Subway Extension Advanced Utility Relocation - Fairfax Station project is 100% complete as of December 2015. Final reporting shows the Targeted Worker attainment at 63.27%, Apprentice Worker attainment at 20.61%, Disadvantaged Worker attainment at 19.90% and the minority percentage goals were attained; however, the Contractor did not meet the 6.90% Female Participation goal at 2.78%. The attainment for the 20% Apprentice Worker goal is based on total apprenticeable hours.

Metro Rail Security Kiosks  
Prime: Icon-West

The Metro Rail Security Kiosks project is 100% complete as of March 2016. Final reporting shows the Targeted Worker attainment at 45.90%, Apprentice Worker attainment at 27.06%, Disadvantaged Worker attainment at 20.17% and the minority percentage goals were attained; however, the Contractor did not meet the 6.90% Female Participation goal at 0.00%. The attainment for the 20% Apprentice Worker goal is based on total apprenticeable hours. No labor grievances occurred on this project.

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Westside Extension Project Advanced Utility Relocation (La Cienega)  
Prime: Bubalo Construction

The Westside Extension Project Advanced Utility Relocation project is 100% completed as of October 2016. Final reporting shows the Targeted Worker attainment at 65.15%, Apprentice Worker attainment at 21.76%, Disadvantaged Worker attainment at 20.96% and the minority percentage goals were attained; however, the Contractor did not meet the 6.90% Female Participation goal at 0.57%. The attainment for the 20% Apprentice Worker goal is based on total apprenticeable hours. No labor grievances occurred on this project.

Metro Red Line/Metro Orange Line (MRL/MOL) North Hollywood Station West Entrance  
Prime: Skanska

The Metro Red Line/Metro Orange Line (MRL/MOL) North Hollywood Station West Entrance project is 100% completed as of November 2016. Final reporting shows the Targeted Worker attainment at 57.79%, Apprentice Worker attainment at 24.28%, Disadvantaged Worker attainment at 15.78%, Female Participation goal at 7.44% and the minority percentage goals were attained. The attainment for the 20% Apprentice Worker goal is based on total apprenticeable hours.

Patsaouras Plaza POV Relocation, Pavers and Storm Drain Repairs  
Prime: AP Construction

The Patsaouras Plaza Privately-Owned-Vehicle Relocation, Pavers and Storm Drain Repairs project is 100% completed as of April 2017. Final reporting shows the Targeted Worker attainment at 76.46%, Apprentice Worker attainment at 21.26%, Disadvantaged Worker attainment at 42.56% and the minority percentage goals were attained; however, the Contractor did not meet the 6.90% Female Participation goal at 3.91%. The attainment for the 20% Apprentice Worker goal is based on total apprenticeable hours. No labor grievances occurred on this project.

Universal City Pedestrian Bridge  
Prime: Griffith Company

The Universal City Pedestrian Bridge project is 100% completed as of June 2017. Final reporting shows the Apprentice Worker attainment at 27.49%, Disadvantaged Worker goal at 12.55% and the minority participation percentage goals were attained; however, the Contractor did not meet the 40% Targeted Worker goal at 38.33% and the 6.90% Female Participation goal at 1.57%. The attainment for the 20% Apprentice Worker goal is based on total apprenticeable hours. Staff executed liquidated damages for not meeting the Targeted Worker goal for this project. The assessed liquidated damages were utilized during negotiations to offset the contractor's claimed additional costs and this issue is closed.



**FEMALE UTILIZATION UPDATE:**

Provided in the following table is the female utilization participation report on Metro's PLA/CCP projects. As requested by the Board in July 2015, 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 April 2017	No. of Female Workers May 2017	No. of Female Workers June 2017
Crenshaw/LAX Transit Corridor	Walsh/Shea Corridor Constructors	103	109	112
Regional Connector Transit Corridor	Regional Connector Constructors, JV	26	26	29
Westside Subway Extension Project, Section 1	Skanska-Traylor-Shea, JV	32	34	39
Metro Blue Line Pedestrian and Swing Gates	Icon-West	2	2	2
Division 16 – Southwestern Yard	Hensel Phelps/Herzog, JV	7	10	12
Metro Red Line Pershing Square Canopy Addition & Escalator Replacement	Clark Construction	4	4	4
Patsaouras Plaza Busway Station	OHL, USA, Inc.	1	1	1

In an effort to increase female participation within Metro's PLA/CCP projects which has averaged 3.34% for all active PLA/CCP projects, staff has coordinated or is currently coordinating the following efforts:

- The Metro "Women Build METRO LA" Committee will conduct the next symposium on the Transportation Industry in the Long Beach area in the early Fall 2017. It focuses on the many opportunities for women in the transportation industry with special focus on the construction trades.

- The Committee is working with our partner Women in Non-Traditional Employment Roles (WINTER) to enroll women in their Boot Camp program due to the over 90% placement rate for WINTER graduates.
- DEOD has established a Women Build METRO LA webpage for women interested in construction careers at Metro.net/wbmla.
- DEOD's Outreach staff will continue to monitor and support the graduates of the initial boot camp which Metro co-hosted in collaboration with LA Trade Technical College.

Staff will continually report on the WBMLA activities and outreach efforts.

### **PILOT LOCAL HIRE INITIATIVE**

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. Metro is waiting for final guidance from USDOT.

Staff will report any additional impacts to future construction projects as results of the recent plan to withdraw Local Hire reforms.

While Metro has been implementing a local hire program on certain state and locally funded contracts since 2012, there are two awarded construction projects subject to the US DOT Pilot Local Hire Initiative as of this quarterly reporting period. The awarded construction projects are:

- C0991 Division 16 - Southwestern Yard (contract amount of \$172M)
- C1120 Westside Purple Line Extension Project - Section 2 (contract amount of \$1.3B)

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

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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.

Staff will continue to report on the "Pilot Local Hire Initiative" on a quarterly basis as part of the Project Labor Agreement/Construction Careers Program quarterly updates.

## **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 participated and/or coordinated the following outreach efforts during this reporting period:

- Continuous collaboration with Five Keys Charter to promote Metro's PLA/CCP workforce initiatives within Los Angeles County Jail system.
- Participated in the Veteran Summer Slam Employment Fair event hosted by LA Trade Technical College in partnership with Metro on June 16, 2017.
- Presented Metro's PLA/CCP workforce initiatives at the National Hispanic Construction Association conference on July 13, 2017.
- Participated in the Jobs Create Peace Job Fair event on August 17, 2017.

- Participated as an Advisory Council member to Flintridge Center, a non-profit organization helping individuals start a career in the construction industry.

Staff routinely participates in recurring meetings with outreach teams, contractors, elected staffer and/or community representative.

## **NEXT STEPS**

DEOD staff will continue to monitor contractor's hiring efforts, enforce compliance as necessary and seek new initiatives and outreach efforts to promote awareness, engagement and participation in construction career opportunities.

## **ATTACHMENTS**

A. PLA/CCP Report; data through June 2017

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