Request for City Council Committee Action from the Minneapolis Department of Civil Rights

Date: January 22, 2014

To: Council Member Blong Yang, Chair – Public Safety, Civil Rights & Emergency Management Committee

Referral To: Council Member John Quincy, Chair – Ways and Means Committee

Subject: Vikings Stadium Monitoring Responsibilities Update and Memorandum of Agreement

Recommendations: Request that the City Council

(1) Approve the terms of a Memorandum of Agreement between the Minneapolis Civil Rights Department and the Minnesota Sports Facilities Authority.

(2) Authorize proper City officials to increase both the revenue estimate in fund/department 01600/3000300 (revenue code 345501) and the 2014 appropriation in fund/department 01600-3000300 by a total of $36,397.

Department Information

Prepared by: Velma J. Korbel, Director, Civil Rights
Approved by:
Presenter in Committee: Velma J. Korbel, Director, Minneapolis Department of Civil Rights

Financial Impact

- Total amount of $36,387 would increase the department's revenue estimate by in 2014.

Supporting Information

Since the summer of 2012, staff in the Minneapolis Department of Civil Rights has worked in collaboration with staff and loaned executives of the Minnesota Sports Facilities Authority (MSFA) to carry out the May 25, 2012 council direction to staff regarding compliance monitoring and oversight for the design and construction of the NFL stadium.

- May 25, 2012 - Council's direction to staff:
  - Inclusion of Minneapolis Civil Rights department as a contractor to the Stadium Authority, to be compensated as project cost, to enforce participation, contracting, employment and prevailing wage compliance;
  - Inclusion of goals for construction contracts to be awarded to women and minority owned businesses in a percentage based on the highest performing City of Minneapolis development

projects, and the other construction workforce will establish workforce utilization goals at least equal to current city goals;

- ❖ Inclusion of goals for workers from city zip codes that have high rates of poverty and unemployment;
- ❖ Inclusion of hiring goals to be applied to vendors and service providers during stadium facility operation for women and members of minority communities;
- ❖ Timeline and procedure for regular public reports, to be at least quarterly, by contract enforcement agency, developers, tenants, and contractors showing compliance with workforce goals;
- ❖ Inclusion of employment goals for total percentage of workers that live in the City of Minneapolis.

- August 21, 2012 – Minneapolis Department Civil Rights developed Women and Minority Business Enterprise (W/MBE) goal of 11% WBE and 8% MBE for the NFL stadium Architectural and Engineering Contract.

- October/November 2012 – MSFA contracted with the Metropolitan Council for a "loaned executive" to provide equity planning services.

- November 16, 2012 – MSFA approved Design Services Agreement inclusion plan. The stadium Design Services Agreement was awarded to HKS in November. Contract amount $34 Million.

- December 5, 2012 – Minneapolis Department of Civil Rights developed W/MBE goal of 11% WBE and 9% MBE for Construction Contract.

- February 8, 2013 – MSFA approved a Construction Services Equity Plan. The Equity Plan includes requirements prescribed the Stadium Legislation: Employment Assistance Firm, job fair, targeted business, workforce inclusion (32% minority, 6% female), and compliance monitoring/reporting. Additionally the Equity Plan includes a requirement for veterans' inclusion, affirmative action certificates, data collection, a Stadium Oversight Committee, and the creation of a Construction Manager Equity Review Panel.

- February, 2013 – MSFA selected Mortenson/Thor as the Construction Manager. Guaranteed Maximum Price negotiated in November 2013 of $763 Million.

- June 14, 2013 – MSFA hired Director of Equity.

- October 2013 – MSFA selected Summit Academy as Employment Assistance Firm.

- November 14, 2013 – Minneapolis Department of Civil Rights identified Minneapolis zip codes of high poverty and high unemployment to guide project participants in their targeted recruitment and hiring efforts to include workers from Minneapolis zip codes that have high rates of poverty and unemployment.

The MSFA, Minneapolis Department of Civil Rights and the Minnesota Department of Human Rights have been and are collaborating to ensure the Council's 5/25/12 direction and the provisions of the MSFA Equity Plan are carried out. To that end, these entities have generally agreed on the scope of their compliance monitoring responsibilities. In addition to overall responsibility for equity compliance on the project, the MSFA will be directly responsible for monitoring targeted business compliance. The Minnesota Department of Human Rights will review Affirmative Action Plans and issue certificates of affirmative action compliance, as well as monitor workforce and prevailing wage compliance. The City of Minneapolis will provide access to its LCPtracker compliance data base to MSFA and Minnesota Human Rights employees, as well as provide reasonable and appropriate training and technical assistance on LCPtracker to MSFA and Minnesota Human Rights staff. The Terms of a Memorandum of Agreement are as follows:

1. The MSFA shall pay the City for the use of the prevailing wage monitoring system (LCP Tracker or subsequent system), NOT TO EXCEED $36,397.00 over the course of the project. This agreement will commence upon execution by the parties and end July 31, 2016.

2. The City will provide usernames and passwords for up to two employees of MSFA and up to four employees Minnesota Human Rights for read, write and report generator capabilities for the project. These employees will be required to read and sign the City's Electronic Communications, Ethics in Government and Data Practices policies.