

NAMC University kicks off with workshops on making money, safety and workers' comp



Members boost their project management skills. Photo courtesy of John Jackley, Advanced Technology Communications.

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Member Spotlight:
Griffin's Construction

NAMC-Oregon launched NAMC University in January with two technical trainings designed to help members develop the administrative and project management skills they need to succeed.

In partnership with the organization's partners and stakeholders, NAMC University offered its first training in bidding and estimating. The workshop offered ideas on how to select the right project for one's company and reduce uncertainty in bidding. It also provided tips on how to scale things more in one's favor when bidding jobs. The focus was to teach owners how to estimate labor, material and equipment cost, including new taxing structures and pricing strategies that reduce risk of loss. The training also showed how to focus time and attention on company overhead, so the owner knows the actual cost of doing business.

The safety and workers' comp workshop focused on losses caused by exposure to risk: Accidents to workers and the general public, loss of skills and experienced workers, property damage, time and production loss, financial loss on a contract, and loss of reputation on future business. The training also looked at potential hazards and who can be harmed, how to assess probability and consequences of risk, and then prioritize controls. In addition, the training covered how to reduce and set contingency plans to remove residual risk to its lowest possible levels.

NAMC-Oregon identified nine members to receive the customized training and intense engagement so they have the fundamental building blocks they need to set them up for long-term growth. Through the unique venture, NAMC-Oregon's partners and stakeholders have committed to support and train the members to prepare them to bid more successfully on upcoming construction projects. By participating in the trainings, the members will be better prepared to advance their interests and concerns as contractors.

"The estimating and bidding training was a good first investment and fundamental building block for a successful bidder on projects to be profitable," said Executive Director Nate McCoy. "The focus was really about new taxing structures and pricing strategies that reduce the risk of losses on a project. There was a lot of



NAMC-Oregon surveyed members and partners to identify topics offered through NAMC University. (Photos courtesy of John Jackley, Advanced Technology Communications.)

conversation and focused attention on company overhead and how you actualize your real cost from an accounting perspective in doing business on construction projects.

"From an equity lens perspective, we're trying to make sure the presentations don't go over people's heads with terminology, acronyms and things smaller businesses are not accustomed to hearing. We're sim-

plifying some of the programs so people can digest and retain the information that is being produced,” he added.

McCoy noted that workshop participants are given a binder that contains a printout of the presentation that they can review at their convenience, allowing them to learn the information more effectively.

NAMC-Oregon surveyed members and partners to identify the topics offered through NAMC University. In addition to bidding, estimating, safety and risk management, the topics include construction and project management; contract review; getting paid, liens and bonds; and construction contract laws and change orders.

The program’s performance was evaluated upfront through a contractor assessment to determine participants’ needs, and during a kickoff meeting to review the contractor assessment and ensure the contractors, trainers and partners agreed on the assessment and identify any additional contractor needs. Another evaluation will occur when the contractors complete the program to determine what new skills they have learned and how they will apply them to projects and their business’s long-term growth.



Participants receive binders with copies of the presentation so they can review material when needed. (Photos courtesy of John Jackley, Advanced Technology Communications.)

uation will occur when the contractors complete the program to determine what new skills they have learned and how they will apply them to projects and their business’s long-term growth.

NAMC University trainings are held in NAMC-Oregon’s incubator space at 2808 N.E. Martin Luther King Jr. Blvd., Ste M.



Bidding, estimating and safety were among workshop topics.



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MEMBER SPOTLIGHT: UNITED LINK CONSULTING



Claudia Cardenas

With the goal of empowering and educating minority contractors, Claudia Cardenas established United Link Consulting about six months ago.

“The Latino community and minority contractors need to know their options and understand the most-needed areas in their businesses,” she said, adding her company provides educational resources that include technical support.

“I provide a safe environment and somebody they trust to educate them about how to manage their business and be more efficient and collaborative,” Cardenas said. “They know how to do the job but not how to operate their business, and the most challenging area is how to charge for their work, estimating and reading plans.”

Cardenas has listened to the Latino and other minority communities for the past four years while working for the Hillsboro Chamber of Commerce and the Hispanic Metropolitan Chamber. She saw the need for a consultant who could help contractors in those communities find tools and networking connections.

Among the challenges Cardenas has faced in establishing her business is the male-dominated nature of the construction industry.

“We have a language barrier, so for me it’s hard to be in the construction side of the business because I’m a woman but at the same time I want them to understand that women in this industry don’t have to just do the physical work. It can be other areas and we can be united in growing their business,” she said.

Cardenas said she also has learned valuable lessons that she shares with her clients and other small business owners when the

opportunity arises. Among them, it’s important to educate themselves and look to more established organizations for advice.

“Mentoring is huge because we are very segregated and we need to unite in order for us to be able to move up,” she said.

Her membership in NAMC-Oregon has been essential to her own networking and mentorship, and Cardenas said she appreciates that the association’s values, vision and mission align with her own. She said she also is excited to have her own business helping others meet their goals.

“I like waking up every morning and changing people’s lives and helping them to understand that their business is more than just going to work. It’s about managing their business and striving to have a good, stable future for themselves and their families,” she said.



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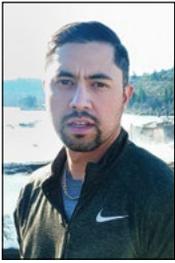
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MEMBER SPOTLIGHT: EVERGREEN DEVELOPERS LLC



Jeremy Tjaden

Jeremy Tjaden began his career nearly two decades ago as a laborer for a private earth moving and utility corporation based in Sandy. From there he worked his way into pipe laying and operating equipment.

“During this time, I took a season to operate snowcats at Mt. Hood Meadows and joined the United States Marine Corps Reserves as a heavy equipment operator,” he said, adding his last billet was the Platoon Sergeant of 42 Marine equipment operators, drivers and mechanics with an equipment fleet valued at more than \$12 million.

These experiences led Tjaden (pronounced jay-den) to work as a heavy equipment consultant for a Caterpillar equipment dealer, working with contractors to assist in heavy equipment production estimates, time utilization, training and fleet subsidizing.

“During almost a decade of equipment consulting, I found that seeking out and managing resources was exciting, fun and valued,” he said. “I started Evergreen Developers so I could leverage experience and knowledge to create opportunity for my family and others.”

Evergreen Developers LLC, established in 2017, performs site work on private and public jobs and specializes in earth moving, underground utilities, habitat restoration and storm water mitigation. Tjaden employs two people and partners with other small businesses to assist in manpower as his company scales its size.

“Some of the challenges we currently face revolve around scaling the business efficiently,” he noted. “This is a combination of mitigating risk with personnel, operating capital and investment.”

Tjaden said the most rewarding aspect of his work is finding opportunity and providing solutions. Among the lessons he has learned in being a business owner is that it’s vital to take a concept to mentors and discuss ideas and approaches.

“Networking with likeminded compa-



Evergreen performs site work and specializes in earth moving, underground utilities, habitat restoration and storm water mitigation. (Photo courtesy of Evergreen Developers.)

nies has enabled me to utilize their skills to promote growth in Evergreen as well as their own businesses while not increasing overhead for part-time employees,” he said.

Tjaden said his NAMC-Oregon membership has “promoted expansion in our network, built upon our education and created real opportunities with NAMC partners.”

Thanks to the Portland minority business community for 30 years of successful partnerships. We look forward to more opportunities in the future!

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MEMBER SPOTLIGHT: TROSS BUILD AND MAINTENANCE



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Cador spent more than two decades as a general contractor who built townhomes and rowhouses and saw firsthand how the association brings small business owners and leaders of larger, more established companies together.

“We’ve met so many potential clients and it’s been great to meet other companies that are trying to grow. Exchanging ideas has been very beneficial,” Cador said. “It’s a chance to not only help ourselves but to give back and help others.”

Tross Build and Maintenance, originally

One of Windol Cador’s first orders of business when he became vice president of business development for Tross Build and Maintenance was to encourage its owner, Jacob Johnson, to join

established as Multi Services Inc. in 1980 and rebranded in 2013, provides a range of services that includes cleaning, painting and drywall for homeowners associations and condominiums. It has a contract with Portland State University to maintain its HVAC systems. It provides pressure washing and other maintenance for the cities of Beaverton and Portland. Tross provides construction cleanup for Pence Construction on its projects. It also installs Christmas lights for the Pearl District.

Tross, which has a property management arm called Kin Living, employs 50 people and is looking to add more as it grows, Cador said.

“We enjoy doing a job well done and making sure our customers are happy. It’s also rewarding when a customer calls and shares their appreciation after the job is finished,” he said.

While it’s sometimes difficult to work with vendors whose attention to detail doesn’t



Tross installs holiday lighting in the Pearl District. (Photo courtesy of Tross Build & Maintenance.)

match Tross’s, that is balanced by the opportunity to partner with small businesses that want to grow.

“Our advice is to reach out to other companies that you want your company to be like. If you are a small janitorial company and you only have four employees and you want to grow, don’t be afraid to ask for help,” Cador said.

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MEMBER SPOTLIGHT: GRIFFIN'S CONSTRUCTION



Lester Griffin

Lester Griffin's company may be just a couple of years old, but he has gained a wealth of experience from his previous jobs and has wise words of advice for fellow small business owners.

Before starting Griffin's Construction in January 2018, he worked in construction cleanup, did small projects and was a laborer for a concrete company. He began working for the concrete company in 2005 and said he has always been interested in watching projects come together, whether it's something as basic as a sidewalk or a large building.

Griffin earned his general contractor's license and does primarily residential, interior remodeling projects with a focus on finished carpentry and tile. Licensed to practice in Oregon and Washington, he said he appreciates the diversity of the projects he does.

"I like being able to do something different every day and the new look of something. Everything is the same but it's not. You've got a house, but it's shaped differently," Griffin said. "I like to stay in my comfort zone and this takes me out of it a little bit. I'm always learning and I like to learn new things."

The most challenging aspect, he said, is the administrative part of running the business. His membership in NAMC-Oregon already has provided him with resources, a workshop and conversations with the workshop presenters about how to improve his operations.

This workshop was part of the U.S. Department of Transportation Bonding Education Program (BEP) sponsored by the Small Business Resource Center to help small businesses become bond ready. The BEP consists of classes designed to address what businesses need to do to become bond ready and a session with local surety bonding professionals to help assemble the materials necessary for a complete bond application.

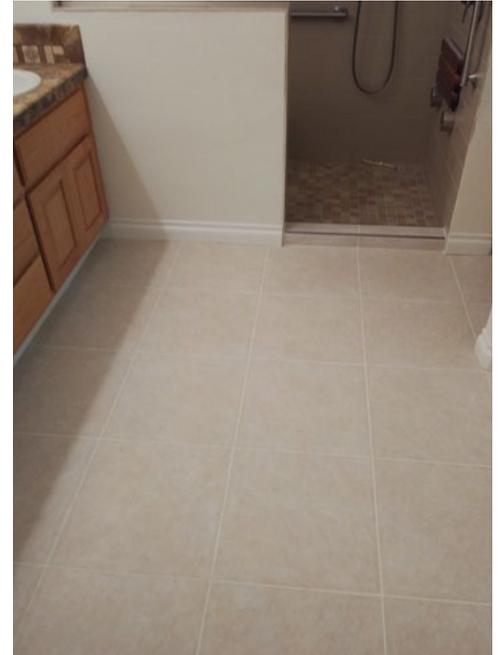
Topics included in the workshop were

business planning; bonding and insurance essentials; claims, dispute resolution and contract law for contractors; banking and contractors; bidding and estimating; getting paid, cash flow and financial statements; credit repair; and managing growth.

"Being at the workshop is one of the main things that made me understand I need to zero in on a specific craft. Even though I have a general contractor's license, if I come in as a sub on a larger project and I say, 'I do this one thing,' they will feel more comfortable about the quality of my work," Griffin said.

He recommended that other small business owners understand the administrative functions involved and invest in professionals who can manage those functions so the business owner can focus on their craft.

"Keep the right people around you and let them do their job so you can make it easier on yourself," he said.



The company focuses on finished carpentry and tile work. (Photo courtesy of Griffin's Construction.)



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Top 5 Pointers for Documenting Change Orders



James Walker



Ryan Hall

BY JAMES WALKER & RYAN C. HALL
MILLER NASH GRAHAM & DUNN LLP

Change orders are effective tools that provide flexibility to both the contractor and the owner and are generally unavoidable on a project, no matter how much time is spent designing, planning, and drafting. Nonetheless, despite their critical role, change orders typically do not garner the level of attention and detail that they should. Failure to obtain a properly executed change order may preclude a contractor from getting paid for the work it performed on a project. Furthermore, if litigation or arbitration later arises, disputed change orders can have drastic impacts on the resolution of claims, often to the benefit of the owner. The following pointers, if implemented, will assist any contractor's pursuit of appropriate compensation for work it performs in response to project changes.

1. Carefully evaluate each proposed change order to verify that all material terms are included.

Since a change order operates as a written modification to the construction contract, ensuring that each material term of the change is included in the order is vital. A change order should at least contain the names of the parties, the date of the order, a unique number identifying the change order, a reference to the project and/or contract, a detailed narrative description of the change in the scope of work, the amount by which the contract price is to be adjusted, and a description of the impact on the construction schedule.

The most frequently forgotten change order detail is the amount of time by which

the change order will adjust the construction schedule. Every change order should explicitly address whether the adjustments to a contractor's or subcontractor's scope of work will result in an increase, a decrease, or no change to the date of substantial completion. Documenting impacts to the critical path in response to every change reduces the likelihood of delay claims as the project approaches completion.

Alignment among the contract parties on schedule impacts can also provide additional clarity on the cost of certain changes. If, for example, a project owner's addition to the project scope results in an extension of the substantial completion date, then the contractor should incorporate the costs of that time extension into the change order (e.g., temporary utilities, trailers, insurance).

2. Submit a change order in accordance with the respective notice provisions of the contract.

Construction contracts typically address the procedural requirements for obtaining an executed change order. For example, the standard general terms and conditions between owners and general contractors produced by the American Institute of Architects requires contractor claims for additional compensation to be submitted at least 21 days before performing the work that is subject to the claim (see AIA Document A201-2017 Section 15.1.5).

In addition to timely submitting a change order request, a contractor should review the contract and verify that the request (a) is presented in the form required by the contract, if any; (b) contains each term that the contract requires to be included; (c) is being transmitted to the appropriate individual or entity; and (d) is being sent to that individual or entity through an approved method of communication. A contractor's failure to strictly adhere to the relevant contract provisions may be used by the owner as a defense against later claims for payment.

3. Confirm that the appropriate representative of the owner signs the change order.

Properly submitting a change order to the owner or its representative is just the first step in obtaining a duly executed change order. The contractor should also proactively

follow up with the owner or owner's representative at regularly scheduled intervals to make sure that the change order is signed and returned to the contractor. Often, the change order provisions within the construction contract will delineate who has the authority to execute a change order on behalf of the owner, so the contractor should confirm that the individual who signed the change order has the requisite authority to approve it.

Contractors will sometimes settle for an e-mail communication approving a change order. This is ill-advised. An e-mail confirmation will likely be insufficient if the express language of the contract requires a formal, executed change order, as is usually the case.

4. Reserve rights to recover anticipated subsequent costs.

Some contracts will attempt to prohibit contractors or subcontractors from claiming

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additional costs by including a representation that the signed change order is a final settlement of all changed work. Although this may be appropriate in some instances, contractors and subcontractors should be cautious and reserve the ability to recover additional costs when the work must proceed but the total cost impact is unknown. For example, the additional cost for an HVAC subcontractor to reroute ductwork may be known when a change order is executed. But the impacts on the electrician or plumber may not be known at the time. Adding language to the change order that reserves the contractor's rights to receive additional compensation for other impacted trades could be essential to the contractor recouping those costs.

5. If the change order is rejected, follow the appeal remedies within the contract.

If an owner or owner's representative rejects a proposed change order, the contractor should review any contractual provisions relating to claims or dispute procedures so that it can adequately appeal the rejection. Construction contracts usually establish a set time within which a contractor must initiate a claim, and the contractor's failure to ascertain and comply with these deadlines may cause the contractor's claim to be time-barred. The contractor should also double-check that it satisfies any other requirements for initiating a claim, including but not limited to any requirements dictating where the claim is to be sent, how the claim is to be sent, or what information is required to substantiate the claim.

Change orders are an inescapable aspect of construction projects. But a contractor can reduce the possibility of incurring unreimbursed costs by implementing these tips.

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Raimore wins Division Transit Project Contract

By JOSH KULLA

The Federal Transit Administration in January officially awarded TriMet \$87.4 million in funding for the Division Transit Project. The project is intended to create a new, high-capacity bus service between downtown Portland and Gresham. New, 60-foot-long articulated buses will serve the route, which TriMet hopes will reduce travel times up to 20 percent over current options.

The project budget is \$175 million - half will come from the federal government and the rest from local sources, including \$40.7 million from TriMet and \$17.7 million from the city of Portland.

The contract awarded to Raimore Construction, the project's general contractor, is the largest ever given in Oregon to a minority-owned firm or disadvantaged business enterprise.

Construction is scheduled to begin on

up to 42 new bus stations in four different configurations as well as 28 blocks of dedicated bus/business access lanes at key locations, including an 11-block stretch between Southeast 111th and 122nd avenues.

Traffic and pedestrian signals and lighting along the route will be upgraded with transit signal priority, and 4.5 miles of protected bicycle lanes will be constructed. Twenty new marked crosswalks with stop lights, median islands or flashing lights will be installed along with improvements to existing pedestrian crossing signals. Finally, around 81,000 square feet of new sidewalks - 59,000 square feet in Portland and 22,000 square feet in Gresham - will be built along the corridor.

The project also is anticipated to generate more than 1,400 jobs, including 650 construction jobs.

Josh Kulla covers construction and multimedia projects for the Daily Journal of Commerce. He can be reached at jkulla@djcoregon.com.



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VISION 2020

Goal 1 - Advocacy & Accountability

Objective 1: Set the Advocacy Agenda

- Prioritize legislative agenda (local, state, federal)
- Build lobbying capacity

Objective 2: Mobilize Community Support

- Convene a coalition of minority supporters
- Cultivate relationships with key decision makers

Objective 3: Issue Report Cards

- Produce and promote NAMC-OR Report Card on DBE incentive set aside programs
- Produce and promote NAMC-OR Report Card for project opportunities and outcomes

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Goal 2 - Build Member Capacity

Objective 1: Provide Technical Assistance and Support Services

- Provide full suite of contractor services (financial, marketing, technological, suppliers, etc.)

Objective 2: Contracting Opportunities

- Create ongoing project pipeline report
- Utilize partner organizations to conduct technical assistance trainings and workshops, aligned with MCIP

Objective 3: Member Visibility

- Member profiles on NAMC-OR website
- Highlight keystone projects that profile membership



Goal 3 - Grow and Sustain NAMC-OR

Objective 1: Grow Members & Partners

- Establish NAMC-OR Guiding Principles
- Increase NAMC-OR membership by 50% emphasizing existing trade gaps
- Increase NAMC-OR partnerships by 33%

Objective 2: Strengthen Leadership

- Convene and maintain NAMC-OR committees (legislative, finance, etc.)
- Build a strong, diverse Board to provide NAMC leadership

Objective 3: Diversify Revenue

- Annual NAMC-OR Fundraiser Luncheon
- Expand contracts and fee for service activity
- Annual Tradeshow with MCIP

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