

AMENDMENT NO. \_\_\_\_  
TO  
ORDINANCE NO. BL2024-258

Madam President –

I hereby move to amend Ordinance No. BL2024-258 as follows:

1. Revise the Master Development Agreement attached as Exhibit B to the Ordinance by adding a new Section 5.17 thereto as follows:

“Section 5.17 Complete Streets. In order to meet the collective goals of Mayor O’Connell’s Executive Order 45 on Complete Streets, Nashville Department of Transportation’s Vision Zero Action Plan, the imagine EastBank vision document, and the supporting document East Bank Guidance for Complete Streets, Owner and Developer have agreed that all public mobility infrastructure within the IDA Land comply with these standards to the extent feasible. The Parties acknowledge that the remaining East Bank public areas are subject to the same guiding documents referenced above, serving as the mobility plan for the redevelopment of the entirety of the East Bank.”

2. Revise Schedule 5.1.1.1 of the Master Development Agreement attached as Exhibit B to the Ordinance by adding the following row to the chart included therein:

Minimum 2/3 Bedroom Units in Income Restricted Residential Buildings	Not less than 15% of the total Units in each Income Restricted Residential Building
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3. Relabeling Schedule 5.13.3 as Schedule 5.13.2 and deleting the provisions of current Schedule 5.13.3 and replacing them with the provisions set forth in Schedule 5.13.2 hereto.

SPONSORED BY:

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Sean Parker  
Member of Council

## Schedule 5.13.2

### **General SMWBE Goals**

- The Fallon Company – together with our partners and co-developers Pillars Development and Holladay Ventures – are committed to a robust diversity and inclusion program that sets a new market standard.
- We will look to maximize the participation of small business enterprises and minority and woman owned business enterprises (SMWBEs) and will encourage our consultants to do the same. We will explore numerous solutions to meet or exceed diversity and inclusion goals in the design, development, construction, and operation phases of the project.
- We pride ourselves on being a leader to advance DE&I in the real estate industry. This commitment extends from hiring diverse project teams, to workforce development initiatives, to our equity partnerships. As a key pillar to our philosophy, we make a concerted effort to provide meaningful investment opportunities dedicated to minority-owned firms, having done so successfully on multiple recent projects.
- Our DE&I strategy includes attacking the inequities at their root, investing in young people while also involving already-established minority and women-owned firms in our projects to provide immediate impact.

### **Design Consultant SMWBE Target:**

- 25% of design consultants.

### **Construction SMWBE Target:**

- 30% of construction contracts.
- General Contractor to additionally implement the following five-phase process:
  - Community Outreach: Develop relationships with primes, first-tier, and second-tier contactors and suppliers to position SMWBE firms to win work.
  - Preconstruction Phase: Identify strategic bid packages to attract SMWBE firms and provides physical and digital plans for convenience. Inform non-SMWBE firms that a portion of their selection will depend on their utilization of SMWBE firms in their subcontracting plans.
  - Procurement Phase: Contact SMWBE vendors to participate in preliminary bid meetings to address concerns, ensuring SMWBE firms are prequalified to work on the project.
  - Operations Support and Tracking: Maintain continuous communication with SMWBE firms to identify those who require additional support and assistance which maximizes SMWBDE growth and profitability. Report SMWBE awards and contractual commitments on a monthly basis to ensure successful achievement in meeting the project goals.
  - Post-Project Evaluation: Conduct an in-depth, post-project review with SMWBE firms to solicit feedback from team members, set foundation for continued partnerships, and ensure continued improvement of the processes.

### **Development Partner SMWBE Target:**

- Provide meaningful investment and equity opportunities dedicated to SMWBE firms, including Pillars Development (MBE) and Holladay Ventures (SBE).

## **Workforce Development Project:**

Fallon shall participate with training, apprenticeship, and placement programs. In an effort to create job opportunities for local Davidson County residents, Fallon shall leverage partnerships with local educational institutions and training providers, and community and state agencies to grow a job-ready workforce. Awarded trade partners will be aware of and expected to participate in workforce development (WFD) programs.

Fallon shall require its construction manager(s) to implement this WFD program:

## **Workforce Development Program (WFD):**

- WFD Goals:
  - Create individual economic independence by providing skills-based training leading to a career in construction.
  - Support the construction of East Bank by helping trade partners get connected to talent and retain and grow their workforce.
  - Increase awareness of high wage career opportunities in the commercial construction industry.
  - WFD Pillars
    - K-12 Career Exploration
    - Partnership with PENCIL & If I Had a Hammer
    - Summer Teacher Externships
    - Career Training & Job Placement
    - Pre-Apprenticeship Training
    - ~~NCCER Core Certification~~ State and/or Federally Registered Apprenticeship / Job Training Program
      - Safety
      - Employability Skills
      - Communication Skills
      - ~~Introduction to Power Tools~~
      - ~~Introduction to Hands Tools~~
      - ~~Introduction to Material Handling~~
      - ~~Construction Drawings~~
      - ~~Introduction to Construction Math~~
      - CPR training and medical attention classes
      - OSHA 10 Certification
      - Participant paid weekly for training time. Funded through WIOA Funds for individuals that fall within a certain socioeconomic category; individuals that do not will be covered by project cost at \$18/hr.
    - TN Department of Labor Adult Education Program
      - Support learners with construction math and literacy
      - Translation assistance
      - Job shadow experience
      - Guaranteed job interview with trade partner(s) upon successful completion
    - Wrap around support provided by American Job Center & Community Partners
      - Job Placement assistance
      - Turner and Polk School of Construction Management (if Turner Construction or Polk & Associates is the General Contractor)

- The objective of this program will be to increase visibility, improve economic viability, and expand opportunities for SMWBEs. Participants enrolled in the program will gain insight and access to meaningful tools to prepare their business for sustainable growth and develop new strategic professional relationships. We will structure the program to help build the capacity of SMWBE firms on the East Bank Redevelopment.
- The free eight-week program will be taught by Turner and Polk's local experts and uniquely devoted to a separate topic. Subjects covered during the program will include:
  - Safety
  - Accounting, insurance, and bonding
  - Project delivery systems and contract risk management
  - Bidding, estimating, and procurement
  - Scheduling and field operations
  - Marketing and business development

In addition, Fallon also will encourage reintegration of the vulnerable population. Fallon intends to work with groups like the Urban League of Middle Tennessee to provide expungement clinics for Davidson County residents. Fallon intends to work on building new relationships with other impactful groups in Nashville which could include the following:

- Project Return
- 4:13 Strong
- Men of Valor
- Urban League of Middle Tennessee

To broaden the subcontractor pool and participation to include those that have historically been excluded or sidelined by assuring potential bidders of a level playing field, Fallon shall have its construction bid packages request information on any applicable health care coverage and associated cost.

### **Wage Theft:**

Fallon is proud to say wage theft is something that has never happened on a Fallon job site. Fallon's construction manager's contracts shall hold the subcontractors to FLSA and Wage & Hour requirements. Violations to FLSA are punishable through fines and in extreme cases, could result in criminal prosecution. In addition, Fallon's construction manager shall also hold subcontractors to monthly certification that they have wage theft prevention procedures in place and certify that through all levels of their subcontracts.

Trade time records will be entered by front-line supervisors who have first-hand knowledge and supervision over hours worked.

Fallon shall require all subcontractors to uphold state and federal laws regarding paying any wages, and submit proper documentation on the monthly project pay application. Fallon shall require their construction manager(s), If there are violations of these laws, to require in their indemnification section of their contract with each subcontractor to withhold payment and/or issue joint checks directly to suppliers, vendors, and sub-subcontractors. Fallon shall require its construction manager(s) to require every subcontractor employee to attend an in-person site specific orientation on their first day on the project site. They will be issued a project specific sticker with a QR code that includes the employee's name,

subcontractor employer, and date starting on project. This allows accurate records of each person working on the project to be kept.

In addition, Fallon shall implement a new policy requiring all subcontractors at each pay requisition (monthly) to certify that they verify to have paid all of their employees on a fair and equitable basis.

**Other Agreements:**

- Fallon agrees to make a good faith commitment to paying all construction employees an hourly wage equal to or better than the established living wage for Nashville as updated each year. Workers will be appropriately classified as employees or independent contractors in accordance with all applicable laws, and not misclassified to undermine paying an hourly wage equal to or higher than the living wage in Nashville as updated each year. See <https://www.nashvillelivingwage.com/> for wage information.
- All objectives and standards will apply to contractors, subcontractors, and sub-developers.
- Fallon shall require its construction manager(s) to use best efforts to track and report subcontractors' SMWBE business certification on a disaggregated basis, by category. Fallon shall collaborate with Metro's BAO to jointly set project specific goals for both small business and minority-owned business participation within the overall SMWBE project goal.
- Fallon shall report the latest data on a quarterly basis. Fallon shall ensure the construction manager provides data on each category of business. SMWBE participation efforts will be monitored, tracked, and reported throughout performance of contracts to identify and assess commitments and actual participation utilization progress for subcontractors and the overall goals.
- Fallon shall collect and share information on vendors who are new to Metro projects participate in each project, so that Metro will have access to this information for analytical purposes.
- Fallon agrees to ensure the construction manager(s) timely share all reporting data relevant to this commitments on a public facing dashboard that can be housed on the project website.