

MCIP looks forward to future growth, expanded services



MCIP holds classes and sessions on a variety of topics, including how to become ready for bonding and how to read plans for commercial and residential projects.

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Partner spotlight:
Energy Trust of Oregon

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Partner spotlight:
Pence Construction

The Metropolitan Contractors Improvement Program kicked off 2019 with plans for training sessions that drew standing-room-only participation, an infusion of funding and an eye toward more collaboration.

Fast forward to mid-year and those objectives have taken shape quite nicely. MCIP, a nonprofit that supports MBE/DBEs and helps to build their business capacity, in January co-sponsored a three-day workshop titled, "Bonding Education Program to Grow Your Business." It hosted the workshop in partnership with NAMC-Oregon, the Northwest Small Business Transportation Resource Center and the U.S. Commerce Department's Minority Business Development Center.

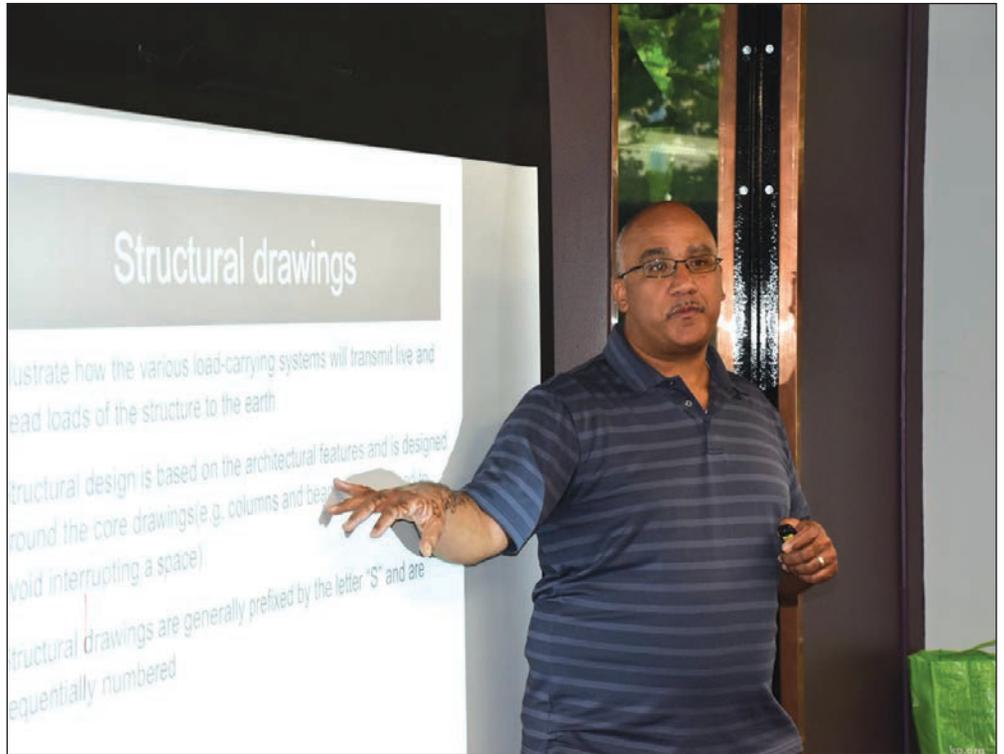
The Bonding Education Program includes classes that educate contractors on how to become ready for bonding and a session with surety bonding professionals to help gather the materials needed for a complete bond application. Alan Beane, owner and president of GeoGrade Constructors LLC, facilitated the workshop and presented on business planning, understanding overhead costs, bidding and estimating, project management and field operations fundamentals.

Other presenters included Don Shanklin and Shon DeVries, sales executives with Propel Insurance; Jeremy Vermilyea, construction law attorney with Vermilyea Law PC; Tarrah Adam, partner with Moxie Financial; and Daryl Knox, partner with Aldrich CPAs + Advisors.

In late May, MCIP hosted a packed house for a training session on plan reading for commercial and residential projects, also facilitated by Beane. "Plans are different for that as opposed to highway work or brick work," said John Jackley, CEO and owner of Advanced Technology Communications and a member of MCIP's Board of Directors.

MCIP also recently earned a position to provide training and mentoring for minority- and women-owned firms through the Certification Office for Business Inclusion & Diversity (COBID) program. Multnomah County encourages or mandates the use of COBID-certified firms for all county contracts or subcontracts.

Jackley said MCIP will continue to explore additional funding opportunities and hopes to hire a bilingual office assistant who can help increase the organization's outreach to Latino business owners. MCIP's office, currently open from 9 a.m. to 3 p.m. Tuesdays, Wednesdays and Thursdays, would be open five days a week with the support of an office assistant.



ABOVE: In May, Alan Beane, owner and president of GeoGrade Constructors LLC, led a training session on plan reading for commercial and residential projects.

BELOW: Attendees learn a variety of business strategies during MCIP sessions. MCIP recently earned a position to provide training and mentoring for minority- and women-owned firms through the COBID program.



In addition, the boards of MCIP and NAMC-Oregon met at the end of May and voted unanimously to start a merger process of the two organizations, with a timeline and details to be identified in the near future.

"The relationship between MCIP and NAMC-Oregon is stronger than ever and we're looking at how we can continue to work best together," Jackley said. "MCIP is back in a big way on all fronts, and we're looking forward to serving our MBE/DBE

community to make their companies grow and build more wealth and hire more people."

MCIP provides general services and workshops to approximately 40 businesses each year. It also provides more intensive one-on-one mentoring services. MCIP has helped public agencies and primes achieve their diversity goals and focus on MBE/DBE business, which have the greatest disparity in contracting.

Dealing with the ups & downs: The importance of price escalation clauses in construction contracts

BY VANESSA TRIPLETT



Vanessa Triplett

In this era of trade wars and tariffs, the likelihood that fluctuating building material costs will derail present and future construction projects is greater than ever. This is because over the past year the volatile world economy has made the price and availability of essential building materials such as steel, aluminum, lumber, asphalt, copper, and quartz increasingly uncertain. Without predictable access to standard construction materials, owners and contractors now face critical hurdles in building and completing construction projects on time and within budget.

In particular, the costs associated with changes in material pricing and accessibility are wreaking havoc on the construction industry by forcing owners to reduce project scopes, making them scramble to find increased funding, and even putting construction projects at risk of complete cancellation. Contractors are similarly at risk: the impact of price escalation puts contractors and suppliers on the hook for delays or increased costs caused by unexpected surges in material prices, particularly when they are asked to guarantee the prices submitted during the bidding process.

Fortunately, both contractors and owners can effectively mitigate their risk — and plan for the possibility of significant changes in material prices — by incorporating price-escalation clauses into their construction contracts.

The Contractor's Perspective

The contractor absorbs increased material prices under most construction contracts, unless a price-escalation clause has been negotiated. Anticipating material cost fluctuations is essential for preventing or limiting potential contractor disputes with owners. Contractors walk a precarious tight-rope of having to estimate material costs low enough to stay competitive but high enough to keep profit margins safe. If a contractor underestimates material costs, it risks losing money if the materials become more expensive and the contractor is forced to make up

the difference. Conversely, if the contractor overestimates material costs, the contractor risks losing the project to a lower-bidding competitor. Consequently, contracts without price-escalation provisions are particularly dangerous for contractors, especially given the likelihood that material prices will change between the time of bidding and actual construction — a time lapse that can span months and even years.

Because standard form contracts such as AIA do not typically contain model price-escalation language, contractors should consider negotiating price-escalation clauses into their contracts. These negotiations should include specific discussions about (1) which materials are subject to the price-escalation clause (e.g., steel, fuel, oil-based products); (2) what percentage in increased material cost will trigger the contractor's right to an adjustment in price; and (3) when the contractor will be entitled to an adjustment of contract time or schedule if materials become unexpectedly unavailable

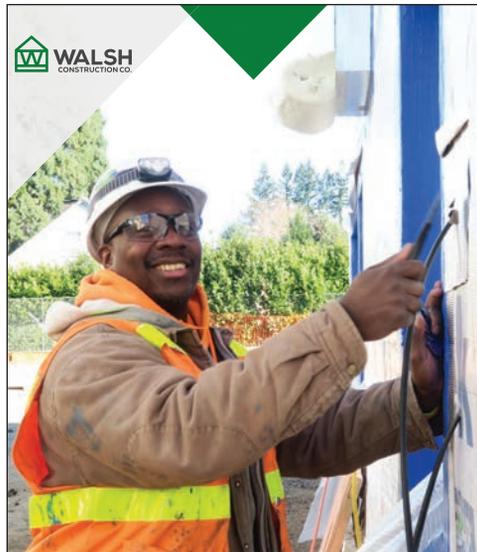
or shipping is delayed.

The Owner's Perspective

An owner's anticipation of material costs and allocation of risk in construction contracts are essential for three primary reasons: first, to ensure that the construction project stays within budget and funding limits; second, to prevent delays caused by contractors' or suppliers' inability to procure building materials — for example because of trade embargoes or tariffs; and third, to avoid having to make last-minute changes to the project design in order to replace unavailable or prohibitively expensive materials. As with contractors, owners will benefit from the inclusion of a price-escalation clause to clearly set parameters on their potential risks.

Specifically, owners can benefit from price escalation clauses by negotiating limits on which materials qualify under the

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PARTNER SPOTLIGHT: ENERGY TRUST OF OREGON

Energy Trust of Oregon joined NAMC-Oregon as a partner last March with a goal of working with more businesses owned by women and people of color and increasing awareness of the services and rebates it offers.

“We believe it’s our responsibility to design programs so that all customers can directly benefit from our services and incentives, including communities of color,” said Cameron Starr, senior customer service strategy manager. “NAMC-Oregon is a valuable partner in helping us connect with minority contractors. We also look forward to working with NAMC-Oregon to gain insight on how we can design our Trade Ally Network requirements to reduce barriers to participation for minority contractors.”

The Trade Ally Network includes independent contractors, builders, verifiers, architects, engineers and building designers. Trade allies serve all customer types, including single-family and multifamily residents, commercial and industrial businesses, public-sector organizations, factories and farms. Membership in the network is free.

Energy Trust provides customer referrals and training for businesses that join its Trade



Ally Network. It also provides technical assistance, promotional materials and publicity on its website, and funds to offset a portion of costs associated with marketing, training equipment purchases and other items.

NAMC-Oregon members benefit from the partnership by learning about Energy Trust’s Trade Ally Network, offerings and rebates. Trade allies can bring rebates and energy-efficiency benefits to their customers.

“We want to develop a better understanding of the needs of minority contractors and

ensure that all customers, including communities of color, can benefit from our services. Nate and Andre are very collaborative and wonderful to work with,” Starr said.

Energy Trust information, rebates and contractor connections help a range of customers use less energy, generate renewable power and protect the environment. Energy Trust is a nonprofit organization committed to delivering clean, affordable energy to 1.6 million customers of Portland General Electric, Pacific Power, NW Natural, Cascade Natural Gas and Avista.

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PARTNER SPOTLIGHT: PENCE CONSTRUCTION

Over the past 70 years, Pence Construction has built a reputation for establishing lasting relationships with project partners and clients that are grounded in trust, dedication and collaboration. By asking big questions and analyzing small details, the company has successfully engaged in teamwork to take visions and make them tangible.

Pence Construction was founded in 1949 in the Willamette Valley by Dale Pence. The company's leaders have continued his tradition of a dedication to strong partnerships, keeping commitments and reliability. Owners Paul Schulz and Dave Hays are steadfast in their promise to fulfill the company's obligations regardless of the circumstances. This core value is among the reasons Pence Construction has been among the Portland Business Journal's Top 100 Fastest-Growing Private Companies list for the past two years.

Another factor in the company's success is its determination to increase diversity and equity in commercial construction.



Mark Monaghan

“Our initiative is an effort to try to uncover what may be preventing them from coming to us for projects, whether it’s the size of the project or the scope is wrong or maybe they don’t know Pence very well. We want to help them get around whatever roadblock there is so they can become long-time partners with us.”

It has partnered with NAMC-Oregon to encourage more women and people of color to join the profession through subcontracting, and gain the skills and experience to fill management and executive positions, said Marc Monaghan, LEED AP, Pence Construction's director of business development.

Monaghan said members of Pence Construction will attend NAMC-Oregon meetings and present subcontracting opportunities as well as broaden outreach efforts

at other community events in order to generate more interest among DMWESB businesses.

“Our initiative is an effort to try to uncover what may be preventing them from coming to us for projects, whether it’s the size of the project or the scope is wrong or maybe they don’t know Pence very well,” he said. “We want to help them get around whatever roadblock there is so they can become long-time partners with us.”

MCIP offers services to small businesses, agencies, owners, and general contractors to help build contractor skills, relationships, and meet diversity goals.

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contract price-escalation provisions and narrowing those provisions' applicability to circumstances in which material price fluctuations are unanticipated. For example, if, at the time of contracting, there is a tariff on lumber, the owner can negotiate to exclude lumber from the types of materials eligible for the contract's price-escalation clause because the parties can foresee that timber may experience dramatic price changes. Additionally, owners should consider negotiating price caps on designated materials — in other words, establishing material cost ceilings, so that any amount beyond the ceiling becomes the contractor's burden. Setting cost limits in this way can provide owners with greater ability to keep control over expenditures and ensure that their projects stay within budget.

Closing Remarks

Changes in material prices can affect all phases of construction. Owners and contractors must be forward-thinking in their contract negotiations to address the realities of market fluctuations and to avoid dealing with building material cost hikes reactively. While financial and scheduling hurdles are inevitable in the construction business, the impact of material price escalation can be minimized if it is addressed and negotiated up front.

Vanessa Triplett is an attorney with Miller Nash Graham & Dunn. Her practice focuses on complex construction management and defect claims, commercial property disputes, and commercial construction contract drafting. Vanessa can be reached by phone at 503-205-2328 or by e-mail at vanessa.triplett@millernash.com.

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**MEMBER SPOTLIGHT:
MAINSTREAM LANDSCAPE LLC**

Young. Invigorating. Inspirational.

Those are a few of the adjectives Edward Simpson, owner of Mainstream Landscape LLC, hopes people think of when they see his company's work.

"Everybody on my team is inspired when we do it and we're always going to provide a quality product," he said. "I love seeing people, both my staff and our clients, at the end of the finished product. It's a little stressful during the project, but at the end everyone is really happy with the finished product."

Mainstream Landscape does both residential and commercial projects and its services range from weekly landscape maintenance to sprucing up outdoor living space with patios, walkways and retaining walls. It also helps clients with outdoor lighting, sprinkler systems and plant installation throughout the Portland metro area, including Sherwood, Tigard, Beaverton, King City, West Linn, Lake Oswego, Tualatin and Wilsonville.

Simpson employs between 16 and 20 people, depending on the project load. Peak season begins as the sun starts shining in the spring and scheduling is sometimes a challenge. Simpson noted that it's a good problem to have. A former hairdresser who owned a salon until the economic crises ended that dream, Simpson was still driven to own his own business and started Mainstream Landscape in 2012.

"I understand the idea of supply and demand and the idea that every product is just a product and it doesn't matter what you are selling," he said. "You just have to have value in yourself and stay true to your word. Trust your company, trust yourself and your guys, and do what you say you're going to do."

Among his client testimonials, Carmen Taylor praised Mainstream Landscape's work on her patio makeover. "They used local Oregon pavers, had an excellent bid and, wow, they knocked out a job in three days that would normally take a week and a half," she said. "Edward was easy to work with and the crew did an excellent job."

Heather Brinkman, also a client, said the company is a "very honest and hard-working, family-oriented business." In another testimonial, Terran Stuckey said, "The service is friendly and the results are always of the highest quality. This is the best company I have ever worked with."

Simpson said he is excited about his company's membership with NAMC-Oregon because it will give him an opportunity to network with and learn from other minority-owned companies.



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MEMBER SPOTLIGHT: AFTERMATH CONSTRUCTION

A brush with a life-and-death experience set the course for Devin Coleman's career in the trades. He was about 20 years old and working with Portland Youth Builders to earn money for college when he was electrocuted on a jobsite.

"It changed my life because I got not just zapped but electrocuted full on, and it made me want to go into safety and protecting people. It really made me have a heart for safety so I've been involved with that for the last 15 years," he said.

Now the owner and chief executive officer of Aftermath Construction, Coleman in 2017 established a construction cleanup business called Aftermath Post Cleaning. Coleman and his crew would clean up jobsites at the end of each day so construction workers would have an organized site to build on the next day. Aftermath does both commercial and residential projects, including cleaning up after commercial demolition projects and helping to tear down a house that dated back to the 1800s.

The business that began in Coleman's bedroom earned \$500,000 in its first year

"Definitely take a second and breathe, don't just jump in because if you go in fast you are going to overlook a lot of errors and omissions and you are going to end your company that way. Be friendly to your clients but don't let your clients be your friends."

Devin Coleman

and moved into an office in the World Trade Center. It wasn't long before Coleman and his four employees were asked to join projects as a general contracting company and charged with completing small portions of larger projects. Coleman said he often hires subcontractors to join his team and serves as project manager on his scopes of work.

He said the most enjoyable part of his job is "just meeting different people that you wouldn't meet if you were with a different company." Among the challenges are working for clients who are slow to pay and the discrimination African-American and other minority business owners often face. Coleman said he's optimistic organizations like NAMC-Oregon are shining a light on companies that are behind that discrimination.

"NAMC can help call out a lot of compa-

nies that aren't giving minority contractors a fair shake," he said. "People think this is 2019 and that attitude doesn't exist anymore and people think that it's hidden but it's not. Having NAMC as a partner is going to be really awesome because it will expose companies like that."

Coleman said his advice to other minority small business owners is to make sure valid contracts are established with every project and the relationships remain professional.

"Definitely take a second and breathe, don't just jump in because if you go in fast you are going to overlook a lot of errors and omissions and you are going to end your company that way," he said, adding contractual errors could lead to court proceedings. "Be friendly to your clients but don't let your clients be your friends."

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Architecture professionals discuss diversity in their field during a panel discussion at Portland State University in late May. (Alex Visser/DJC)

Panelists discuss diversity in architecture

BY ALEX VISSER

Rookie and veteran architects alike took to the stage late May in front of a packed auditorium in Portland State University’s Shattuck Hall to discuss personal challenges related to diversity in architecture, and how the next generation may change the industry landscape, which has traditionally been dominated by white men.

The six-person panel event, organized by students of the university’s School of Architecture, was the last of “Fridays@4” – a series of discussions between students and industry professionals.

Leading the veteran charge on Friday was Bill Hart, co-founder of Carleton Hart Architecture. As he explained, there have been challenges in architecture related to race and gender since he got his start, with clients through the years questioning his skill level and professional success. He stressed the benefits of a diverse team, which provides varied perspectives and strategies.

“Firms don’t recognize that everyone can contribute to putting the project together,” he said. “What we need is to give folks an opportunity to try.”

Nicolai Kruger, who owns an eponymous studio in Portland, has 15 years of experience

“Architecture is traditionally kind of an old boys’ club, and Portland is kind of an old boys’ town. I think we need to put the old boys’ club on notice.”

Nicolai Kruger

in architecture, most of it in Japan. She said the process of learning Japanese and teaching her colleagues English helped develop empathy for cultural differences, and led to a more cohesive environment.

Now an adjunct assistant professor at PSU, Kruger said she is encouraged by her students, the majority of whom are women. In a predominantly-male industry like architecture, new professionals should apply to more diverse firms to make a statement to the less-inclusive ones, she said.

“Architecture is traditionally kind of an old boys’ club, and Portland is kind of an old boys’ town,” Kruger said. “I think we need to put the old boys’ club on notice.”

Octavio Gutierrez, an associate at Mahlum Architects, said individuals with diverse backgrounds should advocate for the benefit their viewpoints bring, which many modern companies will value.

“Take your talent where the talent’s welcome,” he said.

Cosette Hardman, who earned a master’s degree from PSU last year, is currently nominated for a secretary position on the World Deaf Architecture Board of Directors. People with disabilities can be even further marginalized in the industry, she said, and accommodations for an employee’s needs can depend on a given company’s size and willingness.

“There’s always a lot of accessibility we need to have to get the job or even get the job interview,” Hardman said. “A significant obstacle will probably be the budget of the firms.”

Designer Kayla Anderson of Salazar Architect said she is fortunate to work at a firm that values communication and is willing to lis-

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Diversity Continued from page 9

ten to any issues an employee might experience because of gender or racial differences. That equality won't be attainable until everyone in the industry begins thinking like this, she added.

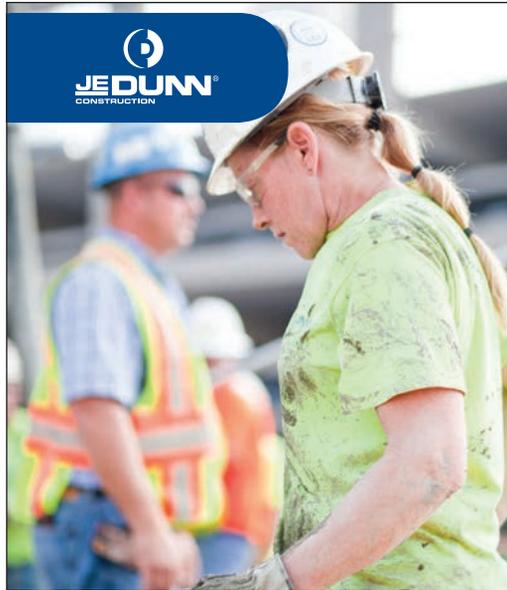
"Until we decide that these issues are important, we're never going to find a solution," Anderson said. "We need to start advocating for everyone's rights."

Another unique perspective came from Dena Davani, an intern at C2K Architecture, who grew up under a strict Iranian regime. Everyone wants change, and it could be achieved if citizens took action themselves, she said.

She said she believes the situation is the same in architecture. Regardless of one's diverse challenges, Davani said he or she has a responsibility on a personal level to enact change.

"Inclusivity does exist; that's why we're here," she said. "As an individual you have a lot of power to choose what you want to be involved in."

Alex Visser covers architecture and engineering for the Daily Journal of Commerce newspaper. He can be reached at avisser@djcoregon.com. This article originally appeared in the DJC.



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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

MISSION:

Advocate and support minority-owned businesses by optimizing participation and providing business development through education and training.

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

VISION FOR 2020:

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