The Policy Deliberation Phase: Prescribing Effective Remedies for Identified Barriers to M/WBE Participation

Presenter: Franklin M. Lee, Esq.
Partner, Tydings & Rosenberg LLP

Business Stakeholder Work Group
Solid Waste Authority of Palm Beach County
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Finding the Right Prescription: The SWA Doctor’s Bag for Economic Inclusion...
Generic Examples of APIs:

- Annual Aspirational Goals
- Prime Contract / Direct Contracting Program
- Evaluation Preferences
- Joint Venture Incentives
- Mandatory Subcontracting Goals
- M/WBE Segmented Subcontracting Goals
- Mentor-Protégé Program
- Competitive Business Development Demonstration Projects
- Bid Preferences
Treatment Options for Economic Disparity...

**Administrative Reforms (All Industries)**

**Race-Neutral Remedies**

- **R/N-1:** Centralized Bidder Registration, Data Extraction / Management Enhancements
- **R/N-2:** Administrative Strategies / De-bundling
- **R/N-3:** Subcontract Remedies (Mobilization and Working Capital Payments)
- **R/N-4:** Contract Monitoring & Reporting (Multi-year Contracts and Change Orders)
- **R/N-5:** Website Enhancement Strategies
- **R/N-6:** Uniform Lead Times for Bid Submittals
Treatment Options for Economic Disparity...

**Administrative Reforms (All Industries)**

**Race-Neutral Remedies (con’t)**

- **R/N-7**: Debriefings for Unsuccessful Bidders
- **R/N-8**: Establish Position for EBO Ombudsman (Mediation of Disputes)
- **R/N-9**: Expedited Payment Program
- **R/N-10**: Disputed Invoice Five Day Notice Requirement
- **R/N-11**: Commercial Non-discrimination Policy
Treatment Options for Economic Disparity...

Administrative Reforms (All Industries)

Race-Neutral Remedies (con’t)

- R/N-12: Direct Periodic Reporting of EBO Office to Executive Director & Board
- R/N-13: EBO Office Representation on Evaluation Panels
Treatment Options for Economic Disparity...

Administrative Reforms (All Industries)

Race-Conscious Remedies

- R/C-1: Penalties and Sanctions for Non-Compliance with S/M/WBE Requirements
- R/C-2: Penalties and Sanctions for Fraud (Certification and S/M/WBE Compliance)
- R/C-3: EBO Office Prior Approval of S/M/WBE Subcontractor Substitutions
- R/C-4: SWA Staff Training (S/M/WBE Program Procedures and Responsibilities)
Treatment Options for Economic Disparity...

**Construction Industry**

**Race-Neutral Remedies**

- **R/N-14:** Bond Waivers and Assistance Programs (Work Group)
- **R/N-15:** Direct Contracting Program for Small Contracts
- **R/N-16:** Small Business Enterprise Prime Contract Program
- **R/N-17:** SBE Subcontracting Program
- **R/N-18:** SBE Mentoring-Protégé Program
Treatment Options for Economic Disparity...

Construction Industry

Race-Conscious Remedies

- R/C-5: Annual Aspirational S/M/WBE Goals
- R/C-6: M/WBE Subcontracting Goals
- R/C-7: M/WBE Segmented Subcontracting Goals
- R/C-8: M/WBE Joint Venture Incentive
- R/C-9: M/WBE Mentor-Protégé Program
- R/C-10: M/WBE Evaluation Preference for “Best Value” RFPs
Treatment Options for Economic Disparity...  

**Professional Services**

Race-Neutral Remedies

- R/N-19: SBE Vendor Rotation (Options 1 and 2)
- R/N-20: Evaluation Preferences for New SBE Prime Bidders
- R/N-21: SBE Reserve for Contracts Up to $5,000 and Required Quotations or Informal Solicitations Up to $50,000
- R/N-22: SBE Evaluation Preference for Prime Bidders
- R/N-23: SBE Subcontracting Goals for Professional Services
Treatment Options for Economic Disparity...

Professional Services

Race-Conscious Remedies

- R/C-11: Annual Aspirational S/M/WBE Goals
- R/C-12: M/WBE Evaluation Preferences for Professional Services
- R/C-13: M/WBE Subcontracting Goals for Professional Services
- R/C-14: M/WBE Vendor Rotation
- R/C-15: Required M/WBE Quotations for Informal Solicitations Up to $50,000
Treatment Options for Economic Disparity...

**Commodities, Other Services & Trade Services**

**Race-Neutral Remedies**

- R/N-24: SBE Vendor Rotation
- R/N-25: SBE Reserve for Contracts Up to $50,000
- R/N-26: Direct Contracting for Other Services & Trade Services
- R/N-27: SBE Evaluation Preference
- R/N-28: SBE Joint Venture Incentives for Other Services / Trade Services
- R/N-29: SBE Subcontracting Goals for Other Services / Trade Services Contracts Greater Than $5 Million
Treatment Options for Economic Disparity...

Commodities, Other Services & Trade Services

Race-Conscious Remedies

- R/C-16: Annual Aspirational S/M/WBE Goals
- R/C-17: M/WBE Vendor Rotation
- R/C-18: Voluntary M/WBE Distributorship Development Program
- R/C-19: Mandatory M/WBE Distributorship Development Program
- R/C-20: M/WBE Evaluation Preferences
- R/C-21: Competitive Business Development Demonstration Project
Treatment Options for Economic Disparity...

Commodities, Other Services & Trade Services

Race-Conscious Remedies

- R/C-22: M/WBE Joint Venture Incentives
- R/C-23: M/WBE Subcontracting Goals for Other Services / Trade Services Contracts Greater Than $5 Million
REMAINING STEPS FOR A NEW PROGRAM

- Feedback from SWA Staff, Disparity Study Work Group, and other Stakeholders on Draft EBO Policy
- Revision of Draft EBO Program for Presentation to SWA Board
REMAINING STEPS FOR A NEW PROGRAM

Timeline for Completion:

- Draft EBO Program / Procedures based upon elements of revised Policy Option Matrix (May 31, 2018)
- Dissemination of Draft EBO Program / Procedures to Business Stakeholder Group, SWA staff, Board, and Public (May 31, 2018)
REMAINING STEPS FOR A NEW PROGRAM

Timeline for Completion:

• Presentation of draft EBO Program and revised Policy Option Matrix to SWA Board with public comment (June 13, 2018)

• Final approval by SWA Board of revised final EBO Policy / Procedures following public comment period. (June 26, 2018)
QUESTIONS???

Contact:
Franklin M. Lee, Esquire
Partner
Tydings & Rosenberg LLP
One East Pratt Street, Suite 900
Baltimore, MD 21202
(410) 752-9734
E-mail: flee@tydingslaw.com