This cause came to be heard at the time and place aforesaid, when and where the following proceedings were reported by:

RAQUEL ROBINSON, REGISTERED PROFESSIONAL REPORTER
FLORIDA PROFESSIONAL REPORTER
ROBINSON REPORTING, INC.
PO BOX 19248
WEST PALM BEACH, FL 33416
MR. JOHNSON: Good morning, everyone. Thank you all for being here again on this great Tuesday morning. We will call our April 24th meeting of the Solid Waste Authority Stakeholder Work Group to order. I believe, before we do roll call, I do want to make note of the fact that one of our work group members, Tina White, has resigned. So that leaves us now with ten members of the work group, where we still need six for a quorum, and today we do have a quorum. I just want to make that note, so that as roll call is made, we'll know that we're closer, we're more than a quorum. All right. Roll call.

MS. ROBBS: Kumar Allady.
MR. ALLADY: Present.

MS. ROBBS: Maria Antuna. Carol Bowen. She is stuck in traffic. She did notify me, so she's on her way. Michelle Depotter.

MS. DEPOTTER: Present.

MS. ROBBS: Lia Gaines.
MS. GAINES: Present.

MS. ROBBS: Brian Johnson.
MR. JOHNSON: Present.

MS. ROBBS: Bruce Lewis.
MR. LEWIS: Present.

MS. ROBBS: Marie Sanches.
MS. SANCHES: Present.

MS. ROBBS: Selena Smith.

MS. SMITH: Present.

MS. ROBBS: Nifretta Thomas.

MS. THOMAS: Present.

MR. JOHNSON: Thank you all so much. I do see that the next item is to adopt the agenda as written. I just want to state real quickly, the way in which we're going to try to get today to move smoothly, we will start off with a continuation of the last meeting's discussion, where we are just going to highlight or discuss those items that we identified as desiring some detail discussion on, from the last meeting, for construction. Hopefully, we can finish construction early this morning and move on to the next group of items.

But other than that, I'm suggesting for the work group's consideration that the way in which we go through it from, like, this point on is that we allow Mr. Lee to just cover all of the items, then we have public comment, and then we have work group comments.

That way, and again, work group comments, as he goes through the items, at least, identify which ones you need to have or you desire to have detail conversation on, and we will only discuss those items.
Okay? Is there a consensus? Any suggestion of change to that process?

MR. LEWIS: Move the agenda.

MR. JOHNSON: Okay. It's properly moved. Is there a second?

MS. DEPOTTER: Second.

MR. JOHNSON: Properly moved and seconded. We adopt the agenda as written. All those in favor?

GROUP ANSWER: Ay.

MR. JOHNSON: Anybody opposed? All right.

Also, on the minutes, you were e-mailed the minutes. And for the public's consumption, the minutes are online, for your review, of the last meeting. Shall I entertain a motion to approve the minutes? Is there a motion?

MS. GAINES: So moved.

MR. JOHNSON: So moved by Ms. Gaines. Is there a second?

MR. ALLADY: Second.

MR. JOHNSON: All right. Seconded by Mr. Allady. All those in favor?

GROUP ANSWER: Ay.

MR. JOHNSON: Anybody opposed? All right, Ms. Robbs.

MS. ROBBS: At this time, through the Chair,
we will recognize any public officials, commissioners.

I don't see any present, so we'll move to introducing
our executive staff: Mark Hammond, Executive
Director. Dan Pellowitz, Managing Director. Mark
Eyeington, Chief Operating Officer. Paul Dumars,
Chief Financial Officer. Ramana Kari, Chief Engineer.
Howard Falcon, SWA General Counsel.

Also in the audience to my left we have SWA
directors and designees that are available if you have
questions, if the public has questions. Also, the
role of the SWA staff is to provide input in the
stakeholder discussions related to their respective
departments.

All guests are required to sign in. If you
have not signed in, please do so. Public comments are
welcome during deliberation. The Chair will recognize
the public. At that time, please make your way to the
podium to give your name and company or organization
before speaking. Thank you.

MR. JOHNSON: So now Mr. Lee will begin with a
continuation of the last discussion only on the items
that we identified for discussion, before going into
the option matrix for professional services. Mr.
Lee...

MR. LEE: Good morning, everyone. Welcome
once again. Thank you for, again, taking the time out of your busy schedules to participate in this important process.

What we're going to proceed with, with your permission, is a substantive discussion on several of the proposed construction policy options or affirmative procurement initiatives that appear in table 2-B. Starting off with, we'll start off with construction industry specific program R/C-5, which is Annual Aspirational Goals. We will also talk and speak to R/C-6, which is M/WBE Subcontracting Goals. We will then have substantive discussions on R/C-8, which is M/WBE Joint Venture Incentive. And I think we covered mentor-protege programs. So that should, that's all that we've indicated for additional construction items that we'll take time to do substantive discussion on at this point.

And I'll check again at the end to see if there's anything else that any of the stakeholders want to address. But that's what we've planned on, based on our discussions at the last meeting.

So let's turn to R/C-5, which is Annual Aspirational Goals. Again, the annual aspirational goal is intended to be a reflection of the overall participation for minority women-owned businesses that
ought to be achieved at the prime contract/subcontract levels over the course of an entire year. And it's intended to serve only as a benchmark. It's not to be applied on specific contracts. But it's an industry-specific goal. It will be set at the prime contract level and the subcontract level based on relative availability of minority women-owned firms in the construction industry, starting out, based upon findings in the disparity study. Over time, we will refine those measurements using the Centralized Bidder Registration System that the Authority is in the process of moving forward on.

This benchmark goal is intended to also serve as a way for measuring the effectiveness of the program over the course of the year. And to inform judgments about how, whether we need to become more aggressive or less aggressive or stay the course in terms of the mix of race-and-gender-conscious and race-and-gender-neutral remedies and the kinds of procurement initiatives that we're applying to specific contracts.

It is also intended to assist, to some extent, in providing an up-to-date measure of availability by overall industry -- in this case, the construction industry -- that can be useful for
outreach purposes. So, with that, I'll open up the
floor for discussion from stakeholder members. Are
there any that have any additional comments or want to
raise any questions or concerns regarding this
affirmative procurement initiative, Annual
Aspirational Goals?

MR. JOHNSON: Mr. Lewis.

MR. LEWIS: Just curious and wanted to
understand how we would establish that very first
benchmark of value percentage as a starting point.

MR. LEE: Yes, what's proposed is that the
base goal will start at 27 percent MBE and 13 percent
WBE for construction prime contract dollars. And 24
percent MBE, and 12 percent WBE participation for
subcontract dollars, with some adjustment as
warranted, you know, based upon the CBR registration
over time. But starting out, those numbers came from
pages 8-3 and 8-4 in the MTA disparity study.

MR. JOHNSON: Ms. Sanches.

MS. SANCHES: Would this be, or could this be
reviewed on a quarterly basis? Because if we wait
till the end of the year, you know, we can't make any
adjustments if we're not meeting those numbers. So
would you be reviewing it quarterly?

MR. LEE: The reason it's done on an annual
basis is because from year to year things can vary in terms of what kind of contracts are let out.

Generally, budgets are done on an annual basis. Projects may be scheduled out over the course of a year. If you just look at in on a quarterly -- if you adjust the annual goal on a quarterly basis, so you have a quarterly goal, it makes it very, very, difficult to see, to even look at the different types of construction contracts.

MS. SANCHES: That's not what I meant. Yes, you've stated that there will be an annual goal. So we won't know if we're missing the mark until the very end of the year.

MR. LEE: No, no. There are actually other features that we will be building into the policy for constant monitoring, actually. One of the reasons why we recommended the Centralized Bidder Registration System is because on any given day you can take a look and see where you stand in terms of dollars that are being awarded and spent at the prime contract level and the subcontract level. That system is designed to track all of those things on a daily basis, actually. And so it makes it a lot simpler for the equal business opportunity office to do reports on a monthly basis, a quarterly basis, semiannual and annual.
MS. SANCHES: Okay. Thanks for the clarification.

MR. JOHNSON: Let me say one other thing. So Mr. Lee, in regards to what Ms. Sanches has asked, and I'll come back to Mr. Allady. The advisory board will meet on a monthly basis, right? There's an advisory board set up for this particular process that will continue the community input year round after the stakeholder group, right?

MR. LEE: Yes, there's a proposal for a small business advisory committee. And I don't recall whether we specified how frequently it has to meet, but that's something that's certainly up for discussion.

MR. JOHNSON: But to Ms. Sanches' point, could we include in their process a review of the progress made towards the aspirational goals? So technically, they would review it every time they meet, if it's monthly, bimonthly. Every time they meet, just like in Broward, where we have the oversight committee receiving a report on our status of minority progress, this advisory counsel could receive a report from staff on how we're doing whenever they meet. So if they see a need to adjust, they can make those adjustments in their meeting.
MR. LEE: Yes, the SBAC, or the Small Business Advisory Committee or council, as the Chair has identified, has the responsibility of actually constantly reviewing the effectiveness and the progress of the program and making recommendations to staff as to what things they think might be done differently. So that's an ongoing process. And that small business advisory committee is going to be made up of stakeholders, like yourselves, that will meet on a regular basis.

MR. JOHNSON: Mr. Allady.

MR. ALLADY: Yes, if I read in that particular column, it talks about evaluate the effectiveness of the SBE and M/WBE programs. But the goal setting is only for MBE and WBE. So that SBE should be struck off that, or -- my question is, that SBE should not be over there, or is there a separate goal for SBE, under C-5? If you go to page 33.

MR. LEE: Yeah, okay. Well, keep in mind what we are proposing is a hybrid program that includes both small business and minority women business program elements. Part of what we can do through the Centralized Bidder Registration System is not only measure the availability of minority women-owned firms, but also small business enterprises, as well.
If you would like, we could even set an annual aspirational goal for small businesses, although, there is not the same legal requirement for narrowly tailoring the application of remedies for small business program elements, because they're race and gender neutral.

The annual aspirational goal was set up as a benchmark to make sure that we have some justification for how we're applying the race conscious remedies more so than the race neutral ones. But, again, the small business advisory committee will also have the responsibility for looking at the effectiveness of those SBE program elements, and recommending improvements as necessary.

So I think, to answer your question, I would leave it in here, because it is a hybrid program. We are looking at the effectiveness of all elements in the program. The small business program elements, as well as the minority business program elements.

MR. JOHNSON: Two questions. One, just as a clarification. And I think we started off by alluding to it. Do we want to add an SBE goal? Because we have a clearly defined MBE goal and a clearly defined WBE goal. So just so that we have a benchmark for measuring SBE success, should we set a goal for that?
MR. LEE: Let me just point out, we don't have, through the disparity study at least, we don't have clear availability measures for small businesses, because that was not their task in undertaking the study. But yesterday the board approved some amendments that we proposed to the current small business program to increase their small business default goal from fifteen percent up to twenty percent. So I would imagine we would start at twenty percent until we got the bidder registration system up and running and could get a better feel and measure for availability of small businesses by each industry.

MR. JOHNSON: Well, then, let me ask the Chair to entertain a motion that we add an SBE goal at twenty percent rate.

MR. LEWIS: So moved.

MR. JOHNSON: Okay. Anybody second?

MR. ALLADY: Second.

MR. JOHNSON: Okay. All those in favor?

GROUP ANSWER: Ay.

MR. JOHNSON: Anybody opposed? Point of order, we want to acknowledge that stakeholder work group member, Carol Bowen has arrived. Any other comments on this? Ms. Depotter.

MS. DEPOTTER: I just wanted to confirm
whether or not you will be tailoring the SBE advisory board to Palm Beach County's advisory board and how that operates perhaps. Would you be modelling it after that?

MR. LEE: Possibly, it's intended to be, basically, a mix of business owners and trade association representatives.

MS. DEPOTTER: It meets monthly and perhaps can make recommendations to the SWA Board through the staff, although it may not perhaps be binding, the recommendations could be made directly to the SWA Board. Would that be correct?

MR. LEE: Yes, there would be a role for the SBAC committee to report also to the Board. We've told the Board we want to have the EBO office also report to the Board, but in addition, the SBAC committee would also, as independent, you know, stakeholders, report their recommendations for changes to the policy at the Board level, as well.

MR. JOHNSON: One last statement I want to make before we move on. So I have a note here, so that when we write the policy and procedure, we can imply that these are floors, which means that the minimum would be 27, 20, and 13, so that we don't give the false impression that they are the maximum. Can
we make sure the policy says at least 27 percent, so that if there's an opportunity to go higher than that, we can go higher than that?

MR. LEE: Well, the definition is spelled out in the policy that this is just an aspirational goal. It can be exceeded and it may be exceeded, or not, on any individual contract. And if you go above the annual aspirational goal, that may inform judgment about how aggressive you need to be with the mix of remedies. But there is certainly no prohibition against -- in fact, I don't even know how you can possibly hit the goal exactly without using unlawful rigid numerical quotas. And we certainly wouldn't be proposing that. So the definition of, we'll make clear that the annual aspirational goal is neither a floor nor a ceiling. It's just a benchmark for where we think we are currently in terms of availability. And it's a rough estimate of what we might expect to see in terms of participation of small, minority women-owned businesses over the course of a year.

MR. JOHNSON: Okay. Any others? Mr. Lee.

MR. LEE: All right. Are we ready do move on?

R/C-6, M/WBE Subcontracting Goals. This is the affirmative initiative that requires prime bidders to exercise good faith efforts to meet an M/WBE
subcontract participation goal. And this would be applied to firms owned by African-Americans, Asian-Americans, Hispanic-Americans, Native-Americans. And the subcontracting goals should also contain waiver provisions for those instances where sufficient, ready, willing, and able Minority Women Business subcontractors are not available.

That was a recommendation that came out of the disparity study page 12-8. We would also indicate that contract-specific subcontracting goals should be weighted to the availability of M/WBE firms and require subspecialties.

So you would look at the overall contract, take a look at what trades are being used in that particular contract and look at the relative availability of M/WBEs in each trade, and then weigh those dollars accordingly. Look at the availability of those M/WBE bidders for those specific trades. And the project-specific goals would vary project by project based upon a realistic measurement of the available M/WBE firms for that particular project. Documented excessive prices or poor performance by M/WBE subcontractors would also be recognized as a basis for exclusion from the bid. And the Equal Business Opportunity office would undertake analysis
to set up subcontracting goals on a project-by-project basis.

The justification for this was a number of different findings in the study that are cited under the relevant findings column. There was very little M/WBE utilization also in private-sector construction contracts, even after controlling for capacity and other race-neutral variables.

And there was also a threshold analysis that was done in the disparity study, whereby MTA looked at contracts under certain dollar threshold like a hundred and seventy-five thousand or six hundred thousand dollars. And looked to see if there was disparity even in those smaller contracts.

So that would tend to explain away capacity as a possible explanation, or lack of capacity as a possible explanation for the identified disparities.

Are there any comments on this specific affirmative procurement initiative? Ms. Bowen.

MS. BOWEN: Good morning, everybody. And I apologize for my delay, like Mr. Johnson last week, he hit that accident and was stuck 'cause of it. So thank you for having me again. Question about R/C-6 or maybe an option moving forward, I know our overall goal and effort is to identify opportunities to
introduce more companies into SWA construction projects and certainly at the county level, as well. And I know we do the disparity study, roughly, every five years. My thought is that we also should include an end look or end period, a look back before the next study to identify how many companies come in through these good faith efforts to ensure that we're not just creating opportunity for one or two companies. If the end goal is to expose it to the masses, let's make sure the masses are having an opportunity and not just creating an opportunity where the same one or two are getting all the contracts.

MR. LEE: Yes, a couple of other features that we would have in this policy that would address exactly your concern, are the Equal Business Opportunity office has to do reports to the Board and try to identify modifications or changes to the mix. We're also spelling out, in some detail, what elements need to be included in those reports. What kind of questions we want to try to address as we get better data and we can look at, longitudinally, what happens to firms that come into the program today. What's their growth rate, as opposed to firms that have been there for a longer period of time.

We may ask questions or try to answer
questions about each tool that we're using: How effective is it? Are we expanding the list of potential bidders? Are we getting more bidders in the process? Those are things that we should be seeing if the program is working properly. We also have, again, the SBAC committee, the Small Business Advisory Committee, that can serve a similar function. And stakeholders will certainly have that avenue for making suggestions for changing a program as well. And looking at issues that you've raised, as to whether all the contracts are just going to a couple of firms. What can we do to spread the work around more, that sort of thing.

MR. JOHNSON: And I want to add to the point that Ms. Bowen made, so that as we move forward in the way in which we implement these policies, that calls for the expansion of the definition of outreach. Where it's not just a matter of having workshops and learning what it is that we want to do, but it's also engagement, and how many new people can we bring to the table. And how can we increase the inventory of capable and ready firms who want to do business with the Authority. So I think that's best where -- the point that Ms. Bowen brings in, that we're not just catering to the current or whatever the inventory is,
but that somehow we're measuring the movement of that inventory, hopefully increasing significantly with these efforts. Any other on this? I do have one more comment, but I'll go last.

So I did want to take the moment on this, because there was a comment made when we addressed this one before about the possibility that this focus on M/WBE subcontractors may allow for what one person termed as nonqualified or under-qualified subcontractors coming into the pool. And I just want to make sure I'm clear for the record, there's nothing about this policy option, Mr. Lee, if you can confirm or deny for me, that changes the typical practice of the primes pre-qualifying their subs, right? We're not saying don't do that. So they'll still be able to do that during this process.

MR. LEE: That is true. It's every prime's right and perhaps their responsibility to do their own due diligence with the subcontractors that they select. There's nothing in the policy that requires anyone to use a subcontractor that's not licensed or not qualified for the work. In fact, there's provisions that will be built into the policy that it's noncompliance with the policy if a prime lists a sub to do work that they're clearly not qualified to
do, they don't have the credentials to do the work.

So you can't say you're going to subcontract to an MBE plumber, if there's no plumbing work on a project, for example.

MR. JOHNSON: Right. And you can't give a plumber general contracting work.

MR. LEE: Correct.

MR. JOHNSON: I just want to make sure of that, for the record, because there should be no presumption that we're inviting a bunch of nonqualified subs to this process. That there will still be the typical industry practice of pre-qualifying subs amongst the primes. That's it for me. Any others? Yes, Ms. Bowen.

MS. BOWEN: In the additional options column where we talk about documenting excessive prices or poor performance, that was a concern I had raised last week at our meeting. That, how again, on the back end, how are we ensuring that folks coming in through this EBO opportunity aren't abusing the opportunity. So I want to see that not just as an option, but something that we put through as a requirement. So thank you for that.

MR. LEE: All right. Any further discussion on M/WBE subcontracting goals? Okay. Let's move on.
MR. JOHNSON: I'm sorry, Ms. Gaines.

MS. GAINES: Are you seeking a motion to approve this one?

MR. JOHNSON: No, we're not, we're just going through the substantive discussion and we will come back and recommend later. Thank you.

MS. GAINES: Okay.

MR. LEE: We already had discussion on the variation of that, Segmented Subcontracting Goals. So now we're moving on to construction R/C-8 on page 38, which is M/WBE Joint Venture Incentive.

What's proposed here and subject to discussion is that for contracts that are greater than or equal to six hundred thousand dollars, we establish a joint venture policy, similar to the City of Atlanta's, which promotes establishment of joint ventures between diverse partners on projects.

And as relatively few construction projects may exceed six hundred thousand dollars, we could reserve some larger prime contracts valued at a million dollars or greater for competition by joint ventures between non-M/WBE and M/WBE firms.

Another variation on this option could be to consider evaluation preferences for joint ventures between two or more certified M/WBE firms as a way to try to boost
capacity of M/WBE primes. That would only make sense in the event that you had a contract that was a best-value contract and not lowest-responsible bidder contract. By that I mean, factors other than price could properly be considered in the awarding of the contracts.

We would also, alternatively, look at the dollar threshold for contracts where application of this remedy may need to be adjusted. Our understanding is that usually most construction contracts that the Authority issues are on the smaller side. It's only when they have a major project, like building a new renewable energy plant or something like that, where you're getting into a whole lot of capital, a whole lot of construction activity.

So that's something that we need to have some discussion on and probably need to get more input from staff on that, as well. But on best value construction prime contracts where the price is not the only factor, we could provide a sliding scale of evaluation preference points based upon the percentage of ownership in the joint venture that the M/WBE joint-venture partner has in the project. So is there any discussion regarding this specific procurement initiative?
MR. JOHNSON: Seeing none, I just want to state for the record that, and you will hear me do this as much as I can, that the whole point of this endeavor is not to create a zero sum game or pigeon loses and winners, where one group wins and another group loses. And this is one of those areas where a larger nonminority non-woman firm can participate in this process by joint venturing with an M/WBE.

So I just want to put that for the record, that there are several options available for the larger firms to participate and benefit. And this is especially one of them. Any others? Okay.

MR. LEE: Before we move on, I did want to share one comment that I heard regarding the joint venture incentive in another jurisdiction. Actually, I think it was Miami-Dade. They made some remark that nobody ever took advantage of the joint venture incentive because, as a practical matter, the joint venture could not be pre-qualified under their rules as a construction firm because it hadn't done any work. So, I don't know if those same rules apply to the Authority here, but that may be something we may need to look into.

MR. JOHNSON: So are we suggesting that we review the qualification process for WBEs.
MR. LEE: Yes, we probably need to do some research to see if the Authority is in some way restrained by those same requirements. I don't know if Ms. Depotter may know what the pre-qualification requirements are for primes for the Authority versus the School Board, I don't know if they're different or not. Please make a note --

MS. DEPOTTER: I'm afraid I would have to go back and check that.

MR. JOHNSON: Okay. So we will make a note to go back and check that to make sure it's not an impediment. Thank you.

MR. LEE: All right. We've addressed the mentor-protege program.

MR. JOHNSON: I do have a comment.

MR. LEE: Okay.

MR. JOHNSON: So that for the mentor-protege program, I do want to make a point that the incentives within the mentor-protege program should be sensitive to the size of the work that the M/WBE has in the mentor-protege, so that we don't give substantial incentives in some sort of a competitive advantage to a mentor-protege where the M/WBE has sort of minor participation on a project. That as we provide incentives, that those incentives and the amount of
incentives be sensitive to the amount of work the minority firm is going to have on the project. Does that make sense? Okay.

MR. LEE: And the last one, we did have an indication someone wanted to speak on this. But it's R/C-10, M/WBE Evaluation Preference for Best Value RFPs. Currently, the Authority is not doing a whole lot of design build or construction management type contracts, but in those instances where you have an RFP method of delivery for the contract, those best value contracts, the RFP process, under the RFP process, we would be looking to something other than just the lowest responsible bidder. We would include language in the RFP to encourage M/WBE participation on bidder's teams as one element in the selection criteria.

What's proposed is that that option would assign evaluation point preferences up to fifteen percent of the total available evaluation points on a sliding scale, based upon the level of M/WBE participation at that prime contract level, to any firms bidding on construction management or prime construction design build projects. Currently, the Equal Business Opportunity office will maximize evaluation preference points at ten percent in general
of the total available points. So we're recommending expanding that from ten percent up to fifteen percent. And evaluation preference points would be assigned to the team based upon a percentage of the dollar value of the contract that would be performed by team members that are M/WBE firms. Is there any substantive discussion from stakeholders on that?

MR. JOHNSON: Ms. Bowen.

MS. BOWEN: Thank you, for this and the last couple items where we talk about options and goals and opportunities, since these are aspirational, the only thing I would caution or maybe ask for an example is how the language of the goals are written. Because we've seen instances where goals are written as a mandate. So you have to be very careful in how it's worded, it's an opportunity, it's a goal it's an area to increase by making points, but just to, I guess, a cautionary note in how the language is written so that it doesn't appear as if it's a mandate, because then it eliminates all of this.

MR. LEE: Yes, that gets into the bid specifications and bid solicitations and how you define the particular affirmative procurement initiative that's applied to the contract or to the bid. And the evaluation preference, the language will
be spelled out pretty clearly that it's an incentive, that there's no requirement that you have to have a certain level of M/WBE participation. But if you achieve a certain level of team participation, you can get up to fifteen out of a hundred points. If you reach that level of, defined level of participation for M/WBEs on that team. So that's how we perceive it would operate. And it would be spelled out clearly.

In addition, part of implementation phase of whatever policy we develop here is to do outreach and to do education of the community as to what each of these tools means and how they operate. So that you have to kind of roll these programs out and make sure everybody understands what the rules are and how things operate. That will also be done, obviously, at pre-bid conferences, as well.

MR. JOHNSON: So that will be the end of the construction policy option matrix. I feel like we need a Gatorade bag for that. Because that's a major accomplishment, two and half meetings on just construction.

Again, just to repeat the rules of procedure for today, we will go right into, now, professional services for those members of the public who are here.
For those options, we are asking you, as a matter of procedure, to allow Mr. Lee to go through each of the options. By comparison, construction had twenty-eight. We have only ten here in professional services. After he's done. That will allow the public to come up and provide whatever comments they have on those last few construction and professional.

And then we, as a work group, deliberate, so that we'll have the advantage of considering the public comments in our deliberations. Any recommended change to that process? Again, Mr. Lee goes through the options, we have public comments, and then we deliberate. All right. Mr. Lee.

MR. LEE: All right. We're now turning to table 3/A, which is Race-and-Gender-Neutral Professional Services Industry Policy Options for SWA's Equal Business Opportunity program. I think there's five race-and-gender-neutral options we have here, and also five race-and-gender-conscious ones. So I'm just going to go through these, and if you have a question regarding clarification on something, I will pause after each one and ask if there's any questions, only as to clarification, to understand what's being proposed. We will have the substantive discussion after we go through the entire
list of all ten of these policy options.

The professional services, the first one is R/N-19, Race Neutral-19, which is SBE Vendor Rotation. There's two options as to how this could be done. Option one is the selective use of a vendor rotation, a pre-qualified panel of SBE professional services firms for smaller Authority contracts that are valued at less than fifty thousand dollars.

That would be, if it's below fifty thousand dollars, those would be contracts that don't have to be put out to formal bid to everyone. There's an assignment of work task that's rotated among a pre-qualified panel of small business enterprise professional services firms.

So, for example, let's say you had an audit function and you wanted to have particular issues reviewed on an ad hoc basis by auditors, you could pre-qualify a panel of small business enterprises that were CPAs or auditing firms. And those assignment work tasks would generally be fifty thousand dollars or less in value. The assignment of the work task would be rotated among that pre-qualified panel. And, periodically, the SBE vendor rotation list would be re-ordered from least dollars received, based on their rotation, to the most dollars received, based upon the
cumulative dollars and work task each firm had received in the past year. That's one way you can keep spreading the work around and building your base of firms that the Authority can draw upon in the future for larger items.

The justification for this came from the disparity study, pages 8–27 and 12–3 and 12–4, also pages 9–6, 9–7 and 9–11. And the PUMS Regression Analysis that reflected significant disparities adversely affecting business ownership rates, firm earnings, and loan access for M/WBE professional services firms.

But there was significant underutilization, with the exception of Native-American firms, in professional services. So that would be option one that we propose under professional services, SBE Vendor Rotation. Are there any questions for clarification on that?

MR. JOHNSON: We're going to hold off.

MR. LEE: Hold off? Okay. Option two: To ensure that there's price competition for those professional services contracts valued at fifty thousand dollars or less, where a price may be a factor in selection, price quotations that are taken from the firms must be solicited from the next three
pre-qualified SBE vendors in rotation.

So what that means is, in those instances where the Authority is required to get three quotes, we could reserve those three quotes to come from the SBE pre-qualified panel of firms. So the list would rotate three at a time, and whichever one came up with the lowest price, that's the one that would win the work. So those are two options that we have available under this SBE vendor rotation.

The next one, R/N-20 is Evaluation Preferences for New SBE Prime Bidders. This is a slight twist on the evaluation preferences that we've discussed before under construction. Some of the findings were that, from the study, were that the same firms in certain areas were being used over and over and over again. And that there may have been some bias on the part, built-in bias through the process to keep selecting the same firms, because the more work they got, the higher they would score in terms of experience requirements and being evaluated for those services.

So this is a tool that could be used to make sure we get some fresh blood into the system, some fresh talent into the system, by giving extra points in the evaluation process to firms that have never
done work with the Authority before.

The evaluation point preference would permit that we could award up to fifteen percent of available evaluation points to SBE firms bidding as first time professional services prime consultants, once the SBE professional service firm is awarded a contract on that basis, they would no longer be eligible for such evaluation preferences in the future.

So that's one version of the evaluation preference for professional services. The next API is professional services R/N-21 on page 6 of table 3. And this is SBE Reserve for Contracts Up to Five Thousand Dollars, and Require SBE Quotations or Formal Solicitations Up to Fifty Thousand Dollars.

Under this policy element, we would reserve some smaller professional services contracts, that are valued at less than five thousand, for competition among SBE professional services firms. That's the easiest point of entry for firms that haven't done work with the Authority before.

And so there's a lot of discretion that the Authority has for contracts of that size, less than five thousand dollars. And we're saying that "Let's just make sure we give as much work to small businesses as we can through those contracts."
For larger and formal professional services contracts valued at up to fifty thousand dollars, we would require quotations from at least two or perhaps three of the professional services firms. You could either decide to get the three quotations all from small businesses, or two out of the three, and make sure you have competition, perhaps, with some firms that are a little more well established. Pretty much the same factual justification from this study also applies to this policy element.

And moving on to R/N-22, Professional Services. This is an SBE Evaluation Preference for Prime Bidders. The previous evaluation preference was for new SBE firms. This one is unlimited in that fashion, but it will provide for evaluation point preferences and award up to fifteen percent of the total available evaluation points to any SBE firms bidding as professional services prime consultants on contracts that are valued at less than five hundred thousand dollars.

One variation on this theme or one alternative would be to restrict this API to professional services small business prime consultant bidders that have not previously won a professional services prime contract with the SWA. That's similar
to what we proposed a little earlier in R/N-20.

Then a second alternative might be to have a sliding scale for award of up to fifteen SBE evaluation preference points awarded based upon the relative dollar value, from ten percent up to a hundred percent of the bidder's team total SBE participation. So what we're saying there is: You evaluate each team that bids, professional services firm that bids or submits a proposal, and rank them in terms of their level of SBE participation. And the one that has the highest level or gets up to a hundred percent SBE participation, for example, then they would be entitled to all fifteen of those points. If you only had ten percent SBE participation, then maybe you would only get one of those fifteen points, something along those lines. But it would be a gradient on which those evaluation preference points would be awarded.

That brings us to the next professional services affirmative procurement initiative, R/N-23, which is SBE Subcontracting Goals for Professional Services. This is very similar to the other subcontracting goal tools that we talked about for construction, race and gender neutral, race and gender conscious. This is an SBE subcontracting goal. The
only difference is, based upon at least the Board's
approval yesterday, and it's subject to modification
in the new policy that we're developing, but what the
Board has agreed to yesterday is that we would
increase the current fifteen percent small business
goal up to twenty percent small business goal, with an
opportunity for good faith waivers or reductions on
that goal, based upon documentation of inadequate
availability of small business enterprise
subcontractors.

That twenty percent will be the default
subcontracting goal for all small business goals.
That's different from the M/WBE subcontracting goals,
which have to be weighted and set on a contract
specific basis. It may vary. Some may be higher and
some may be lower than your annual aspirational goal.
But with the subcontracting goals, to make the program
more easy to administer, and because there's no legal
requirement that the goals have to be as narrowly
tailored, because they're race and gender neutral,
we're starting out with a twenty percent goal and
working our way down from there if its warranted,
based upon lack of availability.

As with all of these subcontracting goals,
whether they're race and gender conscious or race and
gender neutral, you need to understand they're not considered to be a ceiling on participation. It just means that the primes have to reach that minimum in order to be considered a qualified bidder. But if there is more availability and more participation, that's all to the good. And there is no barrier or no prohibition against exceeding these subcontracting goals.

As we discussed also, with the other subcontracting goals, the document excessive prices or poor performance by an SBE subcontractor would also be recognized as a basis for disqualification from bidding. And the EBO office should undertake analysis to set subcontracting goals and granting waivers under this provision when that happens.

Alternatively, one variation that we might consider is to limit the availability of the policy option to larger professional services contracts that are greater than a hundred and seventy-five thousand dollars in value. The rational for that might be, there may not be any commercially useful function subcontract in smaller professional services firms, particularly where there's just one task being performed and it's not easily subdivided between multiple firms. So that's something to take into
consideration, whether there's a need to have some
kind of a dollar threshold above which these
subcontracting goals would be applied. Or we could
just, the alternative is just say, "Well, we're going
to apply these goals to every contract. And if
there's nothing to subcontract, then we would expect
the primes to seek a waiver on that basis.

Okay. That takes us through all of the
race-neutral policy options for professional services.
Now I'm going to turn to table 3-B, which is
Race-and-Gender Conscious Professional Services
Industry Policy Options for SWA's Equal Business
Opportunity Program. This is on page ten of that
chart.

The first race-conscious policy option is
professional services, R/C-11. This is an Annual
Aspirational M/WBE Goal, but for professional
services. Same rational and same kind of a scenario
as we discussed with the construction industry.

We would establish the annual aspirational
goal for M/WBE participation and professional services
contracts starting, again, with the data that we have
in the disparity study, and then modifying that as we
collect better data over time through the Centralized
Bidder Registration System. So we would start out,
based on the study data, at twenty-seven percent MBE and nineteen percent WBE annual aspirational goals for professional services prime contract dollars, and twenty-six percent MBE and nineteen percent WBE annual aspirational goals for subcontract dollars over the course of a year. With some adjustment on an annual basis as necessary as warranted based on the centralized bidder registration data.

Again, it's just a flexible benchmark that we use to evaluate the effectiveness of the program over the course of a year and to make adjustments to following years in terms of the mix form and aggressiveness of the remedies that are being applied to those contracts.

The next policy option would be professional services R/C-12. Page 12. M/WBE Evaluation Preferences for Professional Services. Once again, a similar tool that we've discussed previously. As MTA recommended, professional services contracts that are best value contracts where selection is through an RFP process instead of lowest responsible bidder, the invitation to bid, it would include language in the RFP to encourage M/WBE participation on a bidder's team as one element in the selection criteria. That option assigned evaluation point preferences of
awarding up to fifteen percent of the total available evaluation points on a sliding scale basis, based upon the level of M/WBE participation to any firms that are bidding.

Currently, the SWA maximizes evaluation preference points at ten percent. Under this proposed policy option, you would increase that up to fifteen percent for M/WBE firms. Evaluation preference points would be assigned to the team based upon the percentage dollar value of the contract, that's the total contract value that would be performed by team members that are M/WBE firms.

There is significant evidence in the disparity study to justify this kind of a remedy. As we discussed before under utilization data, with the exception of Native-American firms and professional services, prime contracts and subcontracts of various sizes, the threshold analysis that was done shows the capacity really isn't an explanation for the disparities that were identified.

In the regression analysis that reflects in the private sector and overall marketplace, you've got significant disparities adversely affecting business ownership rates, firm earnings and loan access for M/WBE professional services firms.
Then that brings us up to professional services R/C-13, which is an M/WBE Subcontracting Goal for Professional Services. Again, as these subcontracting goals operate, we would require prime bidders to exercise good faith efforts to meet an M/WBE subcontract participation goal, in this case, professional service firms owned by African-Americans and women. The subcontracting goals would also contain waiver provisions for those instances where sufficient ready, willing and able M/WBE subcontractors are not available.

I also believe that there should be an opportunity for good faith waivers or reductions in subcontracting goals that are based upon documentation of inadequate M/WBE availability. Contract specific subcontracting goals, again, should be weighted to the availability of M/WBE firms in those required specialties for the professional services that are being purchased.

That provision should be limited in this application to M/WBE prime bidders which are significantly underutilized by M/WBE prime firms themselves. They should be permitted to self perform such subcontracting goals based on disparity study evidence that shows disparity at the prime contract
level for M/WBE professional services firms. And the MTA study concluded there was significant disparity in M/WBE prime contract participation and SWA professional services contracts. You can find that evidence summarized at page 12-4 of that study. And there was also significant disparity in subcontract utilization of M/WBE professional services contracts for African-American women-owned subcontractors. And that evidence is summarized at page 12-6.

There was also evidence of good-old-boy networks providing a built-in advantage for incumbent firms in SWA contracts. And you can see some of the anecdotal evidence that was sited there. I'll also point out, on this M/WBE subcontracting goal for professional services, it too would include the provisions regarding removal of M/WBE firms that have been documented to have poor performance or excessive prices for disqualification from bids. And it would also permit to have waivers of this particular tool or waivers of the subcontracting goal when there's nothing to subcontract. There's no commercially useful function to subcontract.

The definition of commercially useful function is very important to all of this policy. And
it will be spelled out in great detail in the policy itself. But, basically, what it means is you don't want firms to subcontract things that normally wouldn't be subcontracted in the real world outside the application of any program. We've seen instances where people, in order to try to meet a goal, they will start trying to get credit for toilet paper that they bought, you know, copy paper from a minority vendor or something, when they're engaged in a construction project. And there's no scope in the construction project for toilet paper or office supplies. So that's what we mean by commercially useful function. You set the parameters of what can be subcontracted from the prime contract's scope, from the specifications in the scope. And look at those things that are typically subcontracted in the industry. So you have to look at the industry norms to try to determine what a commercially useful function is.

Okay. Let's move on to the next one, R/C-14, M/WBE Vendor Rotation. This is similar to the SBE vendor rotation options that we discussed earlier. Only it would apply to minority women business enterprise vendors. We use the vendor rotation, again, you get a pre-qualified panel of M/WBE
professional services firms for those small Authority contracts that are valued at less than fifty thousand dollars. There's an assignment of work task that's rotated among the pre-qualified panel of M/WBE professional services firms. And, periodically, that rotation of firms gets readjusted, reordered from least cumulative dollars received to most cumulative dollars received by each firm, based upon the work tasks that have been assigned within the past year. That's a good way of trying to spread the work out as much as possible among those pre-qualified firms.

Then the second option for that vendor rotation would be, in instances where you must get at least three quotes for informal contracts, that you get at least two or maybe three of those quotes from M/WBE firms, and you rotate that list by groups of three for those M/WBE firms being solicited under that rotation. And whichever firm, of course, would submit the lowest quote, would be the one that ultimately would win.

I'd just point out that under the Competitive Consultant Negotiations Act in Florida, certain type of professional services, there's prohibition against selecting firms on the basis of price. They're supposed to be selected on the basis
of qualifications, and then you negotiate the price with them. But for other professional services, we could certainly follow this approach.

That brings us to the next affirmative procurement initiative. And I think it's the last one. Wow, we're moving right along. Professional Services R/C-15, which is, Required M/WBE Quotations for Informal Solicitations Up to Fifty Thousand Dollars. Under this policy option for larger, informal professional services contracts valued at up to fifty thousand dollars, we would require quotations from at least two or three MBE professional services firms.

Again, the study reflected significant underutilization of M/WBE firms, with the exception of Native Americans, in professional services prime contracts of various sizes. They did the threshold analysis, again, and found that even in the smaller contracts, you were seeing significant disparities. The PUMS regression analysis, again, reflected significant disparities adversely affecting business ownership rates, firm earnings and loan access for M/WBE professional services firms.

The idea is that the automated Centralized Bidder Registration System, combined with the
pre-qualification process, will enable rotation of M/WBE firms to get a fair chance to improve capabilities on smaller projects and overcome bias against unknown firms. It would also facilitate building a track record at SWA to overcome experience barriers that typically you find in RFP, in the RFP selection process.

So that pretty much covers all of the professional services tools that we have on the table here to discuss in some detail. And I'll turn it over to the Chair to see what he wants to do at this point.

MR. JOHNSON: So as mentioned earlier, work group members, please make sure you've jotted down the items you want to go back to and have substantial conversations or discussions. We will now call for members of the public to provide any public comments.

If, for the work group members, you would like to have Mr. Lee re-read an item since we went right through them, and perhaps you may not have heard something clearly, you can ask for that clarification in your comments. But we will ask first, are there any members of the public who want to come provide any comment on the final few construction and professional services? Please remember to state your name and the firm that you're representing. Thank you.
MR. SCHAFFER: Bob Schaffer, Ranger Construction. There were, during the construction portion there were comments about benchmark goals. And I'm talking about the annual aspirational goals and the subcontracting goals. The benchmark goal is tied to the central bidder registration. And we discussed, I think, in the first meeting, that there was no vetting of that registration. The central bidder registration does not equate to a willingness to participate. And my concern is there was a comment that the prime should still do their pre-qualification. Pre-qualification includes the ability to do the work, willingness to sign a subcontract, or ability to sign a subcontract, getting insurance, bonding, whatever, bonding may or may not be required, but whatever those items are for prime contractor pre-qualification.

If the benchmarking calculation is based purely on the central bidder registration and primes are able to pre-qualify, there's a contradiction in those two numbers and I wanted somebody to speak to that.

MR. LEE: Well, I can tell you that each contract is different. The annual aspirational goal applies to the industry as a whole. On any individual
contract, you may have different requirements and
maybe different trades involved. Like you said, there
may be bonding required in some cases and not in
others. So it's impossible to set an annual goal
based upon individual contract requirements, that's
just impossible.

MR. SCHAFFER: You're not understanding my
question. So let me restate my question. The central
bidder registration is the pool of all contractors
that register to participate. And the benchmark goal
is set on the number of central bidder registrations.
Correct?

MR. LEE: Eventually, yes.

MR. SCHAFFER: Yes, okay. But that central
bidder registration does not take into account who is
able to pre-qualify. Is that correct?

MR. LEE: Again, that's a contract-specific
analysis.

MR. SCHAFFER: Correct. But your benchmark
goal is not contract specific.

MR. LEE: All you're expressing when you
register into the Centralized Bidder Registration
System is you're providing information to allow people
to determine what the firm is qualified to do and what
you're interested in doing. It does show that you're
interested in doing business with the government, otherwise you wouldn't take time registering. The assumption is that you're going to have firms tell you what kind of goods and services they supply. They create a profile of themselves. If they want to include, you know, their license numbers, there will be a place for them to do that. If they want to include whether they're bonded or not, they can do that. Each prime will, then, have to determine whether or not that firm is in the pool that they want to solicit to try to meet that goal. But, the goal, again, is not a rigid numerical quota. And there are provisions built into the policy for waivers in the event that in a specific contract, there's just not sufficient availability to meet the goal.

MR. SCHAFFER: And can that goal also be, again, based on the central bidder registration, but is there any consideration for, within that central bidder registration, who is actively participating and not just registered? By actively participating, I mean sending out quotes, participating in bids. Is that being considered in the benchmark goal?

MR. LEE: How would you go about determining that? How would you go about determining that?

MR. SCHAFFER: Well, if prime contractors have
to turn in who is in the current SBE program, if the
prime contractors are having to turn in who is used
for their SBE subcontracting goal, then I would think
that information is readily available of who is
turning in bids and who is not, who is actively
participating.

MR. LEE: Well, that's who is getting
selected, that's not who is capable and qualified and
ready, willing and able to participate.

MR. SCHAFFER: No, good faith efforts include
all quotes that we receive.

MS. BOWEN: If I understand, you're asking
that they also track who participates in bidding
opportunities, who sends responses, whether or not
it's just one firm responding or if it's multiple?

MR. SCHAFFER: Or if the benchmark goal is not
just tied to who is registered, but who is actively
participating, willing to participate in the program.

MR. LEE: Well, Let me point this out. And I
may not have gone into this level of detail about what
we hope the bidder registration system's functionality
will enable you to do. But in the best case scenario,
it will create a transparent world where all primes
can find all subs and all subs can find all primes.
And if a sub wants to express an interest to bid with
a prime, they will be able to do so through the system. And the Authority will be able to see that communication. Similarly, in terms of good faith efforts, ultimately what we would like to see happen is the prime be able to post their solicitation of subs on the website. And the website can generate e-mail alerts to all the firms that are registered that fit the profile for that particular trade or whatever. And then you can do your vetting, you know, based on responses. I don't know why that wouldn't be considered good faith efforts.

MR. SCHAFFER: That's what the primes do now. I just want to make sure that I'm clear that the benchmark goal is not tied to the participation of those folks in the central bidder registration. It is purely the number --

MR. LEE: Are you telling me bidders are sending out e-mail alerts to everybody -- nobody is registered with the Authority yet.

MR. SCHAFFER: I'm talking about the current SBE program. That's what primes do now. That's good faith efforts.

MR. LEE: So do you send out e-mail alerts to all the subcontractors?

MR. SCHAFFER: Absolutely.
MR. LEE: Okay. And how do you know what
those subcontractors are doing? Can you tell from --
what is it? A directory that's used of SBE firms?

MR. SCHAFFER: It's the Palm Beach County SBE
program.

MR. LEE: So you're saying that's not a good
basis for identifying who is out there?

MR. SCHAFFER: No, no, no, again, that wasn't
my original question. My original question is: The
benchmark goal should be tied to those that are
registered in the central bidder registration, but are
actively participating. If you're setting a goal
purely on the number of people that are in the
registration, that goal is not accurate.

MR. LEE: One other -- well, if they don't
respond, then you can get a waiver. If you find that
ninety percent of the people that are certified don't
ever respond, then you can get a waiver. Unless
they're responding to other primes. But let me just
say this: One of the problems that we have had
historically with static directories of certified
firms is that the minute they're printed or posted,
they're out of date. Firms are constantly coming and
going in and out of business. The advantage of having
a registration system is that you can require every
firm -- to remain in that system, they're going to have to re-register or at least go online and check a box to say "nothing has changed on my profile previously". Otherwise, they will come off automatically off of the bidder registration system. So at least it's more timely and more adequately reflects those firms who say they are ready, willing and able to participate.

I'm not sure I understand what your concern is. You seem to think there's a whole bunch of firms that are just going to waste their time going to register and the other half have no intent of bidding on anything.

MR. SCHAFFER: I see that now as a prime contractor. I do see that now.

MR. LEE: Why do you think they're doing that?

MR. SCHAFFER: That's a good question. That would be something I would hope you can answer.

MR. LEE: I've never heard of that.

MR. SCHAFFER: We see it every day.

MR. JOHNSON: Let me state this, Ms. Gaines. First of all, clarification. If the perception is that the universe from which a prime can select a capable and qualified sub is exclusively tied to the number of subs registered at any given time, I think
that perception is flawed, because you can add more capable and qualified firms to that CBR at any given time, including some, as a prime, that you're used to doing business with who may not have registered, you can encourage them to register and then you can get credit for working with them.

The second point is that the annual aspirational goal is an aspirational goal. So we set this as an aspiration, and then we all do our due diligence on how to meet it. So that if we don't have enough capable and ready firms registered, then we go out and find more. If you don't have one that you see there, then you do your due diligence to make sure your team has one. And you go out and find more. So this is not an exercise that eliminates any of us from having to do the work to achieve that goal. Ms. Gaines.

MS. GAINES: Yes, Chair, and going forward, the good faith efforts of other contractors will dispute or discount someone saying that there is no available SBE, as well. So, you know, I appreciate the question. But I know that we're going to get bogged down. We can take his individual perspective on his company. But I don't think we need to get into the weeds as to why that's happening with his company,
and we just need to move forward.

MR. SCHAFFER: Okay. But last comment, you said the aspirational goal is a goal that was set. But that wasn't the comment that was made initially. It was that the benchmark goal was tied to the central bidder registration. And that's my concern. Is that that goal is not just some goal that's set. It's set to the number of folks that are registered whether or not they're participating in the bidding process, that's my concern.

MR. JOHNSON: And I would also add that, in its best functionality, the CBR serves as a basis by which firms who have bid and not won can we debriefed. So we talked about debriefing earlier with construction. So that if a firm has been bidding and not winning, then that firm has a right to go back and be debriefed. That firm's activate participation in that bidding will show up in the CBR. You can also reflect, ask staff for assistance in identifying some additional primes to be considered that will be qualified. Because they would know who also has been bidding with other teams. So there are other ways in which we can do our due diligence to find capable and ready subs.

MR. SCHAFFER: That's all public information.
That's known by the contractor.

MR. JOHNSON: Okay. Were there any other public comments? Any other public comments, please come forward. And then we will go right into the stakeholder work group and do deliberations on professional services options.

MS. SPOONER: Good morning, Miles Spooner from SCS Engineers. SCS Engineers, we're very honored to have several contracts with the Authority, including a land-fill engineering contract. Our existing contracts have existing SBE goals. And we're working towards those, and fully intend to meet those objectives. In addition, I certainly understand the importance of everything that we're discussing today. However, there are, I do have concerns over some of the impacts of the proposed changes. Basically, you know, adding elements in our increasing goals can certainly create some interesting challenges. Some of the services that are included in what we provide to the Authority might be a little easier to accommodate, such as surveying perhaps, through technical firms and others. But others are certainly much more difficult. We offer some specialty engineering services that are not easy or likely even possible to meet some of these to find
firms that are meeting the local M/WBE classifications, specifically, licensed qualified solid waste engineers. So meeting these goals could be quite difficult.

The quality of the engineering services that we provide to the county is of paramount concern. We are dealing with public health and safety environmental risks, and certainly ensuring that the work is done by qualified firms and individuals is of critical importance.

Therefore, you know, certainly it's understood that concerns with additional restrictions certainly can impact the quality of service to the Authority. I understand that there are waivers, certainly want to hear more about that. I'm curious and hope that it's adequate to address a situation such as this. And also concerned about or interested to hear about how these changes go into effect for existing contracts. Thank you.

MR. JOHNSON: Thank you, sir. Let me go back. Mr. Schaffer, thank you for your comment. And thank you, Mr. Miles for your comment. All right. Any other public comments?

All right. Work group, if you can go back to the beginning of table 3A, starting with the
race-neutral professional services options. Any of those identified that you would like to have more substantive discussion on? Anyone identify any of those?

MS. BOWEN: Clarification, you just want us to do like we did last time, and give you the numbers?

MR. JOHNSON: Yes, we will identify which ones you have and then we will come back and address each one. Thank you for the clarification. Ms. Sanches.

MS. SANCHES: Mr. Chairman, I believe it's break time, as per our agenda.

MR. JOHNSON: Two minutes. So maybe if we real quickly identify them, then after the break we will get right to them.

MR. ALLADY: I would like to have R/N-19 and R/C-15.

MR. JOHNSON: Okay. Any others?

MS. BOWEN: R/N-20.

MS. GAINES: R/C-14.

MR. JOHNSON: Okay. Any others? Going once.


MR. JOHNSON: Okay. We can go through all of them.

MS. BOWEN: Not necessarily opposed, just asking questions.
MR. JOHNSON: Okay.

MS. GAINES: Did someone mention R/N-19?

MR. JOHNSON: Yes, it's there. By my count I have R/C-13, R/C-12, R/C-14, R/N-19, R/C-15 and R/N-20. Did we omit any for substantial discussion after the break? All right. Hearing none? We will take a break now for fifteen minutes and we will be back at 10:45. Thank you.

(Brief recess.)

MR. JOHNSON: So we're ready to call our meeting back to order for our final hour and a half. And we'll resume with Mr. Lee addressing the items that were pulled for substantive deliberation by the work group, starting with R/N-19.

MR. LEE: All right. Welcome back. Once again, R/N-19 for professional services is the SBE Vendor Rotation. We're discussing two different options for that. The first is selective use of vendor rotation from a pre-qualified panel of SBE professional services firms for small Authority contracts valued at fifty thousand dollars or less. And the assignments of work tasks on that SBE vendor rotation, it would rotate among that panel of firms. Periodically, the order of the firms in that rotation would get readjusted or reordered, so that the firms
having received the least amount, in terms of dollar value and work, are put at the top of the list. And those having received the most, are put at the bottom of the list.

Option two is situations where you've got informal contracts where you've got to get at least three quotes. This policy option number two, under the SBE vendor rotation, would allow the Authority to require that those three firms from which a price quote is received are rotated in multiples of three each time there's another contract or task order to be awarded. So, do we have any substantive discussion from stakeholders on this policy option?

MR. JOHNSON: Mr. Allady.

MR. ALLADY: Yeah, my specific question ties both to R/N-19 and R/C-15, which is primarily with respect to CCNA. I think, recognizing that this is for professional services, but the general comment is, I think, all of these things are a lot of tools in the tool box, but I think it will be additional burden on the staff in terms of planning. And I would like to hear from the staff in terms of how these tools will be used more, primarily with respect to mentor-protege or joint ventures in terms of planning wise and how the projects are allocated in terms of, just
wondering, because it's a lot of burden, it's a lot of
tools, but it's going to be a burden on the staff, I
feel, in terms of planning efforts, utilizing these
tools to meet the CCNA.

MR. PELLOWITZ: Ramana, can you address the
engineering issues?

MR. KARI: Thank you, I'm not clear on what
effectively you were asking. Is it like, you know, I
mean, during the implementation phase, looking at
tracking mechanisms, or what exactly are you concerned
about? We're going to expand this program through the
EBO office on how this program is going to work. And
I just want some clarification before I respond.

MR. ALLADY: I'm trying to say it's additional
burden on the staff with respect to a lot of these
tools on the tool box. So what kind of planning and
what kind of tools will the staff require to implement
this? Because you have joint ventures,
mentor-protege, with respect to the hands tied to the
staff, CCNA. So what would the staff require for
implementation of this? Like one of the public
comments, as mentioned, there are really specific
engineering services which are required. So I see
that it would be a burden on the staff in terms of
planning and requirements, so...
MR. KARI: Depends on the details. I mean, right, R/N-19 looks at fifty thousand dollars and less. Right, so, you know, we are planning to have, one of the remedies is on a rotation basis, select three firms and then see, you know, who gets it. Obviously, there's a minimum threshold. CCNA requires all the firms to be pre-qualified. And that's the threshold they have to meet. And then, like I mentioned, pricing is, you know, we don't compete on price on CCNA, but you know, we can always have a pool of consultants, pre-qualified, and select them.

MR. PELLOWITZ: Let me add, as well, I think, that's a good distinction to make. On the smaller ones, it would be our intent, you know, based on stakeholder input, to establish, to do an RFQ, for example, in the various engineering disciplines, and to establish a rotation of firms within each discipline that we could go to on those smaller, less than fifty thousand dollar projects.

I think what you are going toward more is team participation when you're doing larger projects. We do that now with the SBE program we have. I think the challenge has been to ensure that the firms, the prime engineering firms are using the team members as they indicated they would in their proposals. That's
one of the challenges. So I think from the staff perspective, just keeping up with -- and that would be engineering's responsibility -- keeping up with reviewing the utilization of those partners of those firms that are on the team to ensure that the prime is, indeed, making use of those M/WBE and SBE subs. So I think that's the challenge. But, otherwise, I don't see too much of a staff burden with this. I think it's more of a compliance issue than anything else. I think the rotation is fairly easy to administer. That shouldn't really be too much of an issue for us. It's just the initial burden of putting the RFQ out and getting all of those reviewed and then getting them properly pre-qualified and into the list.

MR. LEE: I will also add that part of the function of the Centralized Bidder Registration System will be to track the utilization dollar for each firm. So on a fiscal year basis, you would be able to reorder that list of pre-qualified engineering firms, for example. Based on who received the most amount of money, they would go towards the bottom of the list for the next year. And whoever received the least amount of money would be at the top of the list for the next year and ranked according to utilization dollars.
MR. JOHNSON: Can I also add to that, just as an overarching theme, right, so, one of the reasons we celebrate the Authority for having the disparity study and having this particular process is that they are making a firm commitment to doing the same thing they've always been doing, which is procurement of public goods and services, but in a different way, i.e., in a way that does not, intentionally or unintentionally lead to passive or active discrimination. And one of the ways in which we're asking to do that is by adopting some of these national-based practices, which is going to add some additional effort by staff, which that's one of the reasons they're here, right, so they can guide us to what is doable and what is not. But in other cases it's going to provide some built-in efficiencies that's going to allow them to do their job quicker and more accurately. So that will always be a balancing act as we go along.

Again, as Mr. Pellowitz said, in many of these cases, they're able to do these things without additional burden. But certainly when we get to the ranking and we talk about which one is our highest, which one is our second, which ones is our third, the only reason we do that is because we want to give
consideration to the fact that if staff, for whatever
legitimate reason feels like certain things may take a
little bit longer to do, we are identifying for them
in advance what we think are the most important things
that we want to get to now. So this process has that
consideration built in. Thank you, sir. Ms. Bowen.

MS. BOWEN: Thank you. So for the qualms on
this one, the main qualm is that it could increase
cost overall. And I think that bears on some of the
recommendations throughout here. Are we contemplating
building in a periodic analysis that the Board would
receive or the Board would give on where and how costs
may increase just as we go through this process?
Because I would hate to see us wait for the annual or
five-year and then look back and see what it did or
didn't do and the cost to public works.

MR. LEE: That's something that I think would
be very interesting to see. And we could probably
fold that element in the reporting requirements for
the EBO office to kind of track, to the extent that
you can. Sometimes you can't tell what cost you would
have gotten if you had done things differently. But
to try to see, if over time, it appears that costs are
coming down. If things are working properly and we're
actually expanding the supplier base, the supplier
chain that the Authority relies upon, you should have more competition. You should get better quality. You should get better prices. And we've seen that and it's been documented in some of these M/WBE programs along those lines.

It's possible to measure the average price of a bid for a certain type of contract over time. So from year to year, you may want to keep track of that. And I think that could well be one of the elements we build into the reporting requirements, to try to look at data for similar types of contracts from year to year and see what the cost is, once we've had this program up and running for a while.

MR. JOHNSON: Mr. Lee, may I add to that, though, that similarly to the, I guess, some people might criticize the whole disparity study process. Right? We're spending money on a process, on a study. We're spending money, more money on certain staff, increasing staff. And we're spending money and resources to implement a program. So that cost itself should not be looked at in isolation, it should be looked at in a cost-benefit perspective. Because the flip side of that is that we're spending that money to receive a certain benefit where we should also look to count that as well. So I would say, yes, we count
costs. We're not just looking at them in isolation, but there are also some tangible benefits related to them that we factor in.

MR. LEE: Yes, in fact, cost benefit analysis will be built into the reporting requirements, as well. The best practice for these studies is you look at how many jobs are being created as a result of the program, what are the tax revenues that result from that. Those are factors you take into account, as well. You also want to look at evaluating, you actually monitor bidding activity too, over time, and see if you're getting more bidders on contracts we used to get.

I remember Mr. Pellowitz had commented at one of the Board meetings, I think it was late November early December last year, that certain contracts, you know, they're not getting nearly as many bids as they thought they should be getting. And there was a question as to why that was. I can tell you from experience with clients that I've had in other jurisdictions that if there is a perception out here in the marketplace that the same firms are just automatically going to win, eventually people stop bidding. And I guarantee you, when that happens, the cost of goods and services goes up for the government.
I had a client that was trying to break into the light bulb industry, just selling light bulbs to the City of Baltimore. The same firm had held the contract for the last twenty years. There was specifications in the contract that required you to be an authorized dealer of a manufacturer in order to sell light bulbs or even bid the contract. And my client had to get that waived in order to be able to bid. And then he had to go all the way to New York to find an authorized dealer that would share their price book with them so they could bid it. They came back and bid the contract, and they under bid the incumbent firm by twenty percent on the light bulbs.

That's what happens when you restrict competition, or you don't do all that you can to enhance competition by making the marketplace as open and vibrant as possible. So you definitely need to take a look at the full range of costs and benefits for these programs and these various policy options and see what, so that everybody knows what the value is. And I think the more buy-in you get, the more successful the program will be for all concerned.

MR. JOHNSON: Yes, Ms. Bowen.

MS. BOWEN: Thank you. And I think that was my point, whenever you're going to institute any form
of policy change, you can't be picking and choosing which data we then choose to analyze later on. So I don't disagree that cost only. I don't think anyone in this is, are we saying that's a factor. But at the end of the day, it's a piece of data that, as a public entity, you know, being considerate of taxpayer dollars, we need to look at. And if this works and opens competition, fantastic, the price will reflect it. If it doesn't and cost goes up, we need to consider that moving forward. At the end of the day it simply may not be reflective of the current market. And so moving forward, my only request is we consider all data as we look back and analyze it and see where this does and doesn't work. Thank you.

MR. JOHNSON: Let me also ask, before we move on to R/N-19, which will be similar to R/C-14, which is the exact same process but different groups, there are two options presented. An option number one and an option number two. Is there any preference amongst the work group of which option we would prefer? They seem to be exactly the same options for different groups. Have we had any consideration as to which of those options we may choose over the other? Ms. Gaines.

MR. GAINES: Mr. Chair, before we get to that,
I guess I have a question that I need some help with understanding how it's going to work. I know we spoke previously about, we need to take into account the industry norms. And so when we set these values at fifty thousand, for example, for the M/WBE, I'm just thinking about the financial services sector. How does this work with that? When you're talking about financial advisors, brokers, insurance, valuators, investment bankers, how are we going to be integrating an MBE? An MBE rotational policy has been used at the county in the past in those types of areas, so I was wondering, would we be looking at something like that here?

MR. LEE: Can you share more with me about that? 'Cause I'm not aware of how that's working at the county.

MS. GAINES: Yes, issuing bonds, financial advisory services that the Authority may procure. And in the issuance of going out to the market, for example, there are opportunities for investment bankers to bring in co-managers, co-seniors and, I guess you would consider them subconsultants. So we would not be looking at price in selection of those types of professionals, but that's been a sector that has historically excluded minorities and women.
business enterprises.

MR. LEE: And there may be other tools other than rotation. The reason these particular dollar thresholds were selected was because of state law primarily and/or the Authority's threshold for informal bids. Most jurisdictions, they will have some dollar threshold above which you will have to put out a formal bid solicitation and allow anybody in the public to come bid. These particular policy options were designed for the more informal contracts where the Authority has more discretion in awarding the contract awards without open competition. The idea is you're trying to build new capacity in the marketplace. And you're going to your small business community for that purpose, or enhancing opportunities for your small business community for that purpose.

In terms of financial service remedies, what I've seen done in other jurisdictions is evaluation preferences. They will give more points to minority-owned financial services firms or management firms, investment management firms. I've seen that with pension and fund managers, as well.

The State of Maryland had looked at trying to develop a rubik by which we could select financial institutions for state services, by that depository
service, by linking their performance with minority business lending, for example, access to capital. One of the ways we were trying to enhance access to capital is to rate the banks on their performance in terms of that part of commercial lending. And they would get extra points if they did well in that arena, trying to incentivize the market to be more open and supportive of small and minority businesses. Those are a few ideas that come to mind. But anything else that you might suggest we certainly --

MS. GAINES: I think we need to look at segmenting out maybe a policy for just that specialization of professional services, because it's always overlooked. And that's where the big bucks are. And so I'd like for us to try to capture that as well as looking -- my next question would be on the M/WBE size standards, that would apply or would not apply in those categories? I guess that's my question. Because it's such a specialty niche that size standards are not applicable.

MR. LEE: It's interesting, your Chair and I were just having a conversation over the break about the complexities of trying to come up with a size-standard approach that works for every industry segment. And we may have a hodgepodge of different
size standards, because the industry is so different and every local market place is different, as well.

MS. GAINES: And maybe even not have a size standard in that particular category.

MR. LEE: Yes. One of the things we propose as administrative reform, we put that into the purchasing manual already, the Board has approved to create some work groups to focus on those specific arenas. Access to capital and bonding are two of the areas where we want to see what's feasible here at the Authority to try to make a difference. Again, in my home state of Maryland, we had a commission that the government appointed to look at link deposits, various variations of link deposit policy programs around the country, where the government would tie its deposits, CDs for tax revenues or whatever, to financial institutions, on the condition that they would make loans available under certain conditions for small and minority businesses.

Charlotte, North Carolina, created a pool of ten million dollars for revolving working capital fund for its small and minority contractors, so that they would have mobilization money, basically, when they would start the contracts. And those financial institutions would get CRA credit or other benefits...
from participating in that pool.

But, yeah, that is an area that is, one of the last frontiers, I guess, in terms of these programs. And so I would love to see the Authority be able to take some kind of steps in that direction. Would you have any ideas, other than establishing a work group, to focus on that? Or if you did form a work group, what specific types of issues you would like for that work group to look into and investigate?

MS. GAINES: There are other issues in terms of barriers. Sometimes they are just artificial qualifications for someone to enter a new market and go into a new state, for example. This is a big, they're pretty similar to the other barriers, but, yes, I think a work group would be helpful if we could take a look at and research what's being done other places and make some recommendations to bring them back here.

MR. LEE: Yes, we may end up deciding to do a separate work group, or we may do it through the small business advisory committee. Basically, a subcommittee of the small business advisory committee to work on that. Give them a six-month charge to go out and find best practices, research best practices around the country, and then report back with a
recommendation that can then go up through staff and then to the Board. That's who we perceive --

MS. GAINES: And on the link deposit and access to capital issues, that's definitely another category that another work group can be looking at.

MR. LEE: Very good suggestion.

MR. JOHNSON: So, to Mr. Lee's point, our discussion regarding the complexities of a size standard is that since there are so many different types of industries included under the professional services, it gets very, very complicated when you're trying to do a one-size-fits-all kind of approach.

For example, there are two different schools of thought, at least the most predominant two different schools of thought, either you count number of employees or you do solid gross revenues. And when you're doing gross revenues, typically there's a tendency to take some proportion of the SBA standard, and typically it's 25 percent of the SBA standard. So if the SBA says, for example, for financial services small business is considered 38.5 million dollars a year for average gross revenue over three years. And then that's like 9.625 percent of 25 percent, and we may say "Okay, that's good." Engineering services is 15 million, 25 percent of that is 3.75. We may say
that's good. But architects is 7.5 million. 25 percent of that is like two. And we may say that's not good. So it requires us to be really, really sensitive to how we apply these standards to the various industries. And then, to his point, it's going to require extra work to make sure we don't inadvertently restrict the capacity of certain members of those groups.

MR. LEE: Yes, the great challenge with small business programs is right sizing what is small by industry segment. And there's usually not a whole lot of data out there, but there's a general sense through meetings like this and as we talk to competitors out here: Who are they competing with? How big are they? How many employees do they typically have? Who is getting most of the work? How big are they? What are their gross revenues? How many gross revenues per employee would you expect in a particular industry segment? It varies widely depending upon what kind of business you're in. But the general idea is you want to try to set your threshold for size so that the small businesses, how you define small, is going to include most of your minority women-owned business with a few exceptions. But it's not going to be so high that the firms that are already getting most of
the work are also benefitting from that small business designation. And it's a fine line to, you know, to draw those limits. So we're going to have to spend a bit of time, I think, delving into that and coming up with an approach.

It may be we have to do a combination. Part of the size standard for small could be based on SBA size standard. In others, we may have to come up with our own unique size standard that nobody else has but is right for this community, given the profile of the size of the firms that you have here.

MR. JOHNSON: Yes, sir.

MR. ALLADY: What I would like to add as a point is some of these problems have been already kind of addressed. Like if you take the Federal ATA Program, there's a sunset limit for eight years. And in additional size standards, what is the intent? Are we preventing the same firms getting the work over and over again, or are we trying to create an environment of competition within the small businesses. So that's the intent that we have to recognize. So along with the size standards, that's probably one of the things that we maybe can look at in terms of this certification period.

MR. LEE: Yes, we would refer to that as
graduation in the program. And that is typically an element in these programs as well, for best practices. Actually and SBE and an M/WBE provision.

We came up with an interesting approach in Broward County Public Schools where we allowed some flexibility in the graduation period for M/WBEs. The history has shown, there was a US Senate committee report on the 8A program, before it was reformed, this was many years ago, I think back in the '80s. The 8A program, for those who don't know, is a program where federal agencies can actually, it used to be sole source and purchase contracts directly from 8A firms, negotiate contracts directly with 8A firms that were certified as being economically and socially disadvantaged.

And that program had a finite period in which you could be in the program, like seven years. And after that you had to graduate out. There was a problem with certain firms, having been politically well connected, just cleaning up, making ten, twenty thirty, a hundred million dollars out of the program. And a lot of other 8A firms were in the program for seven years and never got a cent from a federal agency. So that's when size standards began to be introduced, and graduation provisions based on size,
where they had to wean themselves off of the 8A program and compete for a certain amount of their dollars under the 8A program once they reached a certain size in terms of revenue.

So there are competing interests. On the one hand you want your program to help firms to go from being tiny and small to being competitively viable where they don't need to participate in the program anymore. And you don't want a firm just being a hog sitting in the program forever getting fat and happy while everybody else is starving.

So you have to kind of balance those interests. And what we came up with in Broward County Public Schools was -- oh, I lost my train of thought. The US Senate did a study of 8A firms and found that when they graduated from the program, within five years, they couldn't find like 80 percent of them. Like they just fell off the cliff and disappeared. And they didn't want that to happen. The idea was to get them to the point where they could be competitively viable and then they wouldn't need the program anymore.

And in Broward County what we came up with was a basic, a claw back provision where the M/WBE could graduate, and if within a two-year period their
revenues dropped a certain amount of level, they could reapply to get back into the program.

Again, these are supposed to be remedial programs to address the effects of marketplace discrimination. And sometimes, if you wean people off of the medicine too soon, they could become quite ill and even die. And that's not what we're trying to achieve here. By the same token, we have to make sure that the same firms just don't sit and get all the work forever and ever, that there is constantly new blood coming into the program, and we're helping small firms grow and become viable.

On the SBE side in Broward County Public Schools, I think we came up with a threshold to allow the firm to get certified at one dollar threshold, and then when they grew to a certain level beyond that, they would graduate out. And that's the same thing we want to do with the M/WBE portion of the program in terms of certification. The certification threshold may be lower than the graduation threshold. But the idea is: Where is that competitively viable point? At what point is a firm too big to really need the remedial assistance at that point?

MR. JOHNSON: I have a question. Any other comments before I state mine?
So regarding vendor rotation, again, just trying to consider the pros and cons of the two options presented, let me first ask the Authority: What frequency of contracts, just generally, are we looking at at fifty thousand or less, are we talking about a whole lot? And remember we're talking about legal, accounting, consulting.

MR. PELLOWITZ: I'd have to look it up to give you a real good answer. But, just in general, most of our, the significant majority of our spending in professional services is CCNA. CCNA, you have a lot of smaller projects, smaller scopes. But when we do a big one, it's big. A land fill construction design, designing for a land fill construction job could be in the millions. But, you know, also within, you know, there are smaller scopes that we do for general, mostly we do a lot of underground utility-type work. Not a lot of vertical construction, unless we build a waste energy plant. We can come back to you with some data on the fifty thousand and under. I think there is some information in the disparity study on that in terms of the number of contracts and the dollar values. I'll put that in a list to bring back to you.

MR. JOHNSON: If you can also include what percentage of those are multi-year contracts. Because
one of the concerns I would have with vendor rotation is if it's not my turn yet, and my turn requires me to wait until the person before me has a three or five year contract before my time comes, then I may be less enthusiastic about the prospect of receiving a contract in this process. So I would want us to, at least, consider the pros and cons of vendor rotation over using multi-year contracts in these professional services. Any other comments?

MR. LEWIS: Along with that request, I think we anticipate some other professional service opportunities in the way of IT software anticipated for the central registration data base formation. And so maybe we could add what anticipated contractual arrangements we can see in the foreseeable future with regards to the result of formulating this particular program, as well.


MS. GAINES: I guess I would like to see some evaluation and review of multi-year contracts versus annual contracts to see really if they're necessary or not. And if they're not, then just stop that practice of multi-year contracts for some areas of professional services. There may be some areas where you may need some continuity from year to year for two or three
years, but I think we need to, at least, encourage
that kind of recommendation overall. Similar to what
we're doing in terms of looking at debundling of
contracts.

MR. JOHNSON: Ms. Bowen.

MS. BOWEN: Thank you. If what Mr. Pellowitz
said is that the majority of the professional
contracts require CCNA, to your question about whether
we have a preference, we may need to keep both options
open, because CCNA won't allow for the second option,
which is my preference, which is allow three to
compete and see who is best. So it may be that we
just have to accept that where CCNA is in place,
vendor rotation is required. And where it's not, then
we could allow for the competitive. But keep both
options there, because I don't think we can't.

MR. JOHNSON: And someone correct me if I'm
wrong, because that's one of my considerations too.
But I think there's a provision in CCNA where if the
construction value is three hundred thousand or less,
you can do option number two in design. It's based
upon the construction value. So you can actually
provide best value options like an option number two
under CCNA if the value of construction doesn't exceed
a certain threshold, and I believe that threshold is
three hundred thousand.

MS. BOWEN: I'm happy to double check, but if we're discussing professional services, then I'm not sure. I mean, we're talking about accounting and a variety of other firms, and engineering, and so I don't know.

MR. JOHNSON: I was thinking more design.

MS. BOWEN: So maybe we need to confirm that for the next one.


MR. LEE: Okay. R/N-20, Professional Services Evaluation Preferences for New SBE Prime Bidders. This is the fifteen percent points, points being, fifteen percent of evaluation points being available for SBE prime bidders provided they are new, that means they have not received a contract from the Authority before. The rationale is that a number of firms, during the disparity study, had complained that they couldn't break in. That it seemed the same firms were getting selected over and over again. And there may be a natural bias for folks to select the firms that they've been happy with for many years and have done good work for them, and not consider or even rank other firms fairly, based on their qualifications and
work they've performed elsewhere.

   So this would give, again, an evaluation preference of up to fifteen points out of a hundred to SBE firms that are new to the Authority, that have not received work previously. Once they receive work, they would no longer be eligible for those kinds of points. Do we have any discussion on this policy option?

   MS. SMITH: It's not so much a question, but more of the fact that we talked about the mentoring program with it. Is this the opportunity, then when they would have that so that they can move out into that and become more established?

   MR. LEE: That's one way to look at it. There are other types of valuation preferences. I think it's R/N-22, is it, that aren't based on being a nonincumbent firm, but just the status of whether you're an SBE or in the race-conscious realm, an M/WBE firm, based on the level of participation that you have. But the key is, I think, is to try to get an avenue, an opportunity for firms to get a track record, develop a track record that's hopefully positive with SWA and then we're expanding the pool of talent upon which the Authority can select firms.

   That would be, I guess, the goal. These two
things can exist simultaneously so that the Authority, it's not an either/or thing. Either the Authority is favoring SBE firms and ranking them, that haven't done work with the Authority before, and/or they are also enhancing opportunities for small businesses and M/WBEs that have done work, but those categories are being significantly underutilized.

One of the criteria that we use in any race-and-gender-conscious element that's applied in this program, such as the number of criteria that have to be looked at to see whether it's appropriate to consider the application of that race-conscious remedy. And one of those things is whether there is significant disparity in the utilization of M/WBE firms. You can also do the same thing with SBEs. If it's an area where you're getting plenty of SBE participation, absent the evaluation preference, then maybe you don't need to apply it in that instance.

MR. JOHNSON: Mr. Allady.

MR. ALLADY: Yes, what I would like to suggest is if the intent is to break the barrier of entry then this should have some kind of time limit. Because then, so that the, already the RFQs already are retaining some sort of qualification basis. So a small business who has been in existence for the past
couple of years, they are already invested and it's unfair to them. So if the intent is to break the barrier of entry, you may want to limit to saying that for one year or X number of contracts, so they can get those particular entry points, so that they can prove themselves. So that would be my suggestion in terms of that. So is the intent to create qualification or to break the barrier of entry?

MR. LEE: Well, it's actually both. As it's proposed, once a firm benefits from this evaluation preference, because it hasn't had contracts with the Authority before, it wouldn't be eligible for those points again in the future.

MR. ALLADY: When you're saying new SBE prime bidders, is it for one contract?

MR. LEE: Yeah, assuming they win. Now, if they're not successful, they are still eligible until such time as they become successful in winning a contract.

MR. ALLADY: So my suggestion would be to clarify a little more. When we say new prime, is it for one contract, or two contracts, or for one year, whatever, so there's a lot of clarity for the staff?

MR. LEE: Well, let's have some discussion on that. What do you think makes sense? Is a single
contract enough to make a difference, or would you want them to be able to benefit for two or three contracts before they're not eligible for it again?

MR. ALLADY: I would leave it to the staff. Because at the end of the day, they have to deliver the quality. And it could be one mentor-protege program, one kind of this. And that's where I think it's --

MR. PELLOWITZ: I just would add from the standpoint of staff. You know, just providing the benefit for one contract kind of makes it difficult, would make it more difficult for us to achieve the SBE participation goal, if we lose the ability to provide those points on a more consistent basis. It would depend on the size of the pool and how many SBEs are available. But, you know, I wouldn't want to do anything that overly restricts the ability of a small firm to compete on Authority contracts. So I think there's probably a balance there somewhere. I would think one is probably too few.

MR. JOHNSON: Ms. Bowen, and then I'll go.

MS. BOWEN: Thank you. And I would say that probably if you look at the additional options or justifications, they're in conflict with some stories we've heard. We're hearing that these firms are
saying that they can't break in. In order to break in, they need evidence of a success rate with the SWA. But under options we're talking about if they secured one contract, then they're not eligible for the fifteen percent bump. It doesn't mean they're not in the project. So I would argue that there's some conflict there. We're trying to give people access to SWA to build experience so that they can graduate and contract, and giving them a one-shot opportunity to be on that contract where there's a fifteen percent bump.

MR. LEE: There is another way of looking at it, though. Let's say you had twenty-five, just as a hypothetical, twenty-five points available for SBEs. The SBE that's never gotten any work before has access to all twenty-five of those points. The other SBEs have access to fifteen of those points. So it's giving, that's basically giving out a larger dose of medicine to the least, I'm sorry, to the most underutilized SBEs. But it's still giving a dose of medicine to those SBEs that are having difficulty, they're underutilized, they are getting used a little bit, but not very much.

MR. JOHNSON: So I was going to actually say that, because one of the things that we learned in Broward is that we intended to try to spread the work
and make sure that we're very aggressive in getting new firms in. And to Ms. Bowen's point, you want to also establish a track record with them. And if you make the threshold too high for them to get repeat work, then you sort of defeat the purpose at the end. So you do give proportions of the points available to the incumbent, while the new firms get the most amount of those. That's the first one.

But then the second, I would ask: Wouldn't the size of the contract they got matter? So let's say, for example, they just happen to win a fifty-thousand dollar contract, but then they are now not able to get significant points on now this one-million dollar contract, would that be fair too? It looks like we also need to be sensitive to the size of the contract.

MR. LEE: Well, that's worthy of some discussion. I think the rationale is, once they get some work and can demonstrate they can perform on this little fifty-thousand-dollar job, that removes some of the doubt and some of the risk aversion that actually occurs with government entities sometimes in trying to select small businesses, when they know if they use this bigger firm that's worked for them for twenty years nobody is going to complain. Even if they screw
up a job, nobody is going to say there was a bad
decision, because they've done some much good work
over the last twenty years.

So just getting in the door, just getting a threshold where you can demonstrate, "Yeah I can
handle some work. I'm deserving of a bigger and better chance next time." You're still going to need some evaluation preference points, perhaps, to overcome the natural tendency to hire the bigger firms first. But, again, it's a balancing act. You're trying to get new firms into the pipeline that haven't been there at all. And once they get there, you want to support them enough that they, at least, have a competitive shot at winning additional contracts in the future.

MR. JOHNSON: So I will make the point that the same considerations for the next item on the list which is R/C-12, which is the exact same option of evaluation preferences for M/WBEs -- except for that one says new. Let me see if this one is not new. Was R/C-12 intended to be new or no? Page 12.

MR. LEE: No, I think R/C-12 was just a straight M/WBE evaluation preference.

MR. JOHNSON: So is there a similar sensitivity to ensuring that new M/WBEs could also
have access, the same way we're intentionally creating opportunities for new SBEs?

MR. LEE: I think the way it would work, M/WBEs are, the size standard is going to be that they're automatically going to qualify as small businesses, for the most part. It's something we could certainly contemplate, whether we also need a separate category for first-time M/WBE firms trying to get a track record that might not be able to get it through the SBE preference, the SBE first-time preference. But yeah, if the size standards are different, then there probably would be a need, I would imagine, to have that kind of additional option for evaluation preference for new M/WBEs.

MR. JOHNSON: Okay. That was my feedback on R/C-12. Was there anyone else who had anything else?

MS. GAINES: Yes, my head is spinning a little bit right now but, are there other preferences for SBE, Attorney Lee?

MR. JOHNSON: In the professional services?

MS. GAINES: Yes, that would work similar to this? Would this be in addition to any other preferences that SBE would get the first time?

MR. LEE: Well, there are two types of evaluation preferences for SBEs in professional
services. One is the new SBE that hasn't ever worked with the Authority before, and the other one is for all SBEs, whether they worked with the Authority or not. It's evaluation preference points in both instances, but the firm that has never had work gets more points than the one that has gotten work previously with the Authority.

MS. GAINES: Thank you. So this would be a bonus in addition to those points?

MR. LEE: Yes.

MS. GAINES: Okay. Then, yes, I would recommend that we also do the same thing for the M/WBE first time bidders, as well.

MR. JOHNSON: Okay. All right. Staff.

MR. KARI: I had the same question as Ms. Gaines. I was going to ask for clarification if these first time points are in addition to the SBE points, which you answered.

MR. JOHNSON: Just a point of clarification, though, the other SBE points that I'm seeing under professional services are R/N-22, and that's the evaluation preference for prime bidders. Is that the same as when you say, Mr. Lee, for all bidders? So that if we have two of them -- because, remember there are only five race neutral, which would be the SBE
program. And two are preferences, one is for new and
the other looks like it's for prime. Is that
consistent with the answer? So if I'm not new and I'm
not a prime, do I get an evaluation preference?

MR. LEE: If you're an SBE, you get an
evaluation preference under R/N-22, even if you're not
new.

MR. JOHNSON: Okay. So the word prime doesn't
limit the pool?

MR. LEE: No, no, well, in the sense that you
have to be a bidder. I mean, you have to submit a
proposal for professional services.

MR. JOHNSON: Right, because subs are not
submitting proposals.

MR. LEE: Right.

MR. JOHNSON: Okay. Got it, make sense. Yes.

MR. ALLADY: Again, we're talking about
R/N-20. So when you're talking about new SBE bidders,
the intent is to break the barrier of entry. So how
can the policy be easy to implement? What I'm
thinking is give the new SBE X number of contracts
one, two, three, whatever number of contracts, so that
they can pick and choose whatever it is, so they get
that additional fifteen points for barrier point of
entry or time limit. But putting a time limit becomes
difficult for implementation of the policy. How do you do that? But it's easier by giving a new SBE X number of contracts. So, therefore, it's easy to implement the policy and for the staff too. That's what I want to say.

MR. JOHNSON: So that we will make sure we document that as a matter for further investigation, because again, in addition to time, I think the size of the contract may also be a fair consideration.

MR. ALLADY: That probably you can leave it to the SBE, whether they want to pick and choose. If they have X number of contracts, they can pick and choose which ones they want to go after.

MR. JOHNSON: But then there's a flip side of that. Right? So that if then we're allowing the vendor to select which one of a group that they get, if we're in a vendor rotation, then you don't have the opportunity for anybody behind them to get a higher value contract. So we have to figure out a way to balance these out. Any other comments on R/C-12?

Now we will move on to R/C-13, Mr. Lee.

MR. LEE: Okay. R/C-13, page 14 of the chart professional services. R/C-13 is M/WBE Subcontracting Goals for Professional Services. It's pretty straightforward. Subcontracting goals would be set
for M/WBE participation for firms owned by
African-Americans and women. Subcontracting goals
would also contain waiver provisions for instances
where sufficient, ready, willing and able M/WBE
subcontractors are not available.

Good faith waivers or reductions in the
subcontracting goals would be based upon a
documentation of inadequate availability and contract
specific. Some contracting goals should be weighted
based upon the particular commercially useful
functions that are available to be subcontracted or
subspecialties, as it were. Is there any substantive
discussion on this particular API?

MR. JOHNSON: Ms. Bowen.

MS. BOWEN: Yes, just a simple one. And I
raised it at the last meeting, I think, in another
sense. Will we look at these recommendations and when
we move forward in presenting to the Board in any
sense -- we have a lot of variety of terms. And I
would want to see official definitions applied to them
so that we're all speaking the language. So good
faith, we should have a definition section of how we
are collectively looking at it. Same with the
good-old-boy network. I've heard it applied to the
industry and I've heard it applied to government that
overly restricts construction. So if we're using it in any derogatory sense, I want to make sure that we're all being, I mean, I don't know, I probably have a different definition of that than other folks. And so if we're going to throw terms around like that, let's define it.

MR. JOHNSON: Any others? I have a couple. So one of the, this is certainly where, why many people miss the presence of Ms. White, but she certainly vamped on the table a few meetings back about how we're going to define good faith effort. And we need to make sure that we are explicitly looking to prevent, discouraging, what I would call participation parody, that is, those folks who grab the qualifications of a sub, give the perception that we're going to use them, submit them as a part of the team, and then five, six months later, they never have received a call and they're forty percent done with the project.

So we want to make sure that we are, in our definition of good faith effort, that we are looking to document authentic efforts to identify qualified subs, and include them on the project. Another problem that happens, and I think it came up in the anecdotal evidence, is you have these outreach
sessions right, these pre-bid conferences, meet the prime. And not all, but it happens in this industry, some primes say "Hey, I had sixty people come out. Only fifteen submitted pre-qualification. I couldn't find any one of them I liked." But when you look at the pre-qualification process, going back to what I said earlier, there are ways in which there can be some subjective selection. So that they'll pass the good faith effort bar, by saying, "I had this workshop and look, I had them pre-qualify, but I never chose them, so I should get credit for good faith effort". If that selection was subjective, and it also reeked of active or passive discrimination, do we still consider that good faith?

MR. LEE: That's a very good question. I would say the policy can go as far as certainly as defining specific steps and documentation that has to be presented to demonstrate good faith efforts. And it can also place requirements on those outreach efforts.

For example, one game that I've seen played a lot is the prime will wait till 48 hours before the bids are due and then call somebody and say "I need a quote from you", like they're really going to get a quote. Subs are not stupid, they know when they're
being played. And they won't bother dealing with
primes like that. They won't submit bids to primes
that are not genuine in trying to get their
participation.

There's language that we can certainly put
in the policy to address false reporting of SBE or
M/WBE participation. And there should be sanctions
imposed. In fact, we've built some of those into the
purchasing manual already for the SBE program. That
is the bane, I mean, that's devastating to the
integrity of any of these programs if you allow that
kind of fraud to take place. So false reporting is
fraud. We will define it as such in the policy.

Failing to make a good faith effort, we try to
make that as objective as possible in terms of
specific definitions of what steps have to be taken.
How much advance notice has to be given when you're
soliciting a sub in order for it to be considered a
really good faith effort in getting bids? As I
mentioned earlier today, to the extent we can require
prime contractors, or rather offer prime contractors
the opportunity to use the infrastructure of the
Authority to facilitate outreach to the entire
universe of SBE subs for the types of goods and
services that are being purchased or sought by the
primes, that can certainly become an element of good faith efforts, as well.

MR. PELLOWITZ: If I can add just one more thing, one other thing we've spoken about, we may have brought it up here, is, one of the initiatives we're talking about is requiring that the primes provide executed contracts with the subs prior to the point where the Authority would execute a contract with the prime, just to ensure that they've, it's more than a good-faith effort, that they've actually negotiated a contract and they have executed it, so that we don't end up signing a contract with a prime, and then they turn around later and say "Well, we couldn't come to terms with the sub." So that's, just throwing that out there for additional conversation.

MR. LEE: Yes, I'll point out that's really the reason why Ms. White, apparently, resigned from the stakeholder group. Because of a situation that she has stated has occurred here where she'd been complaining for a couple of years that she was falsely reported as being a subcontractor on a contract, and not being used, no indication she was used. She never offered a subcontract. And as a result, there has been noncompliance with the policy. And there has been no sanctions imposed to date, I believe that's
correct. So this is something that needs to be addressed sooner than later.

There's one thing, you mentioned the additional requirement that we're putting into the purchasing manual that before there's a notice to proceed with any contract and there's subcontracting goals that are being met, that you have executed subcontract agreements provided.

Sometimes primes play games with the subcontracts too. If they offer a subcontract that's got unreasonable terms in it, like, "We can terminate you at will" not for just cause, you would be a fool, if you subcontract, if you sign it. So they can't just say "Well, nobody will sign a subcontract, so therefore, I need a waiver of the goal." You have to put provisions in the policy to prevent those kind of games from being played, as well.

MR. JOHNSON: Mr. Lewis.

MR. LEWIS: Along those same lines, I think it's more important or equally as important, there are certain ways that you can find evidence of good faith even prior to having a signed contract, executed contract, before you get your notice to proceed. I like the idea of subcontractors who are solicited who do not get the bid, that some kind of validation of
the reasons why they weren't awarded that bid or why
that, your bid was not accepted by a perspective prime
contract. I think, some kind of writing that
validates, first of all, there was some dialogue,
there was negotiations, but some form that validates
or confirms the breakdown of such a solicitation or
bid being awarded to a particular subcontractor well
before a contract. So the two of those combined kind
of helps us to understand the dialogue on both sides
of the prime contractor and the subcontractor.

MR. LEE: Let me just, that's an excellent
point. The policy that I drafted for the city of San
Antonio contains provisions that, in terms of good
faith efforts, require that any negotiation has to be
documented. They've developed a form that the subs
have to fill out. If you're seeking a good faith
effort waiver and you're a prime and you say, "Well, I
contacted these subs and they say they're not
available", then you get something in writing from
those subs saying, "Yeah, I'm not available".
And at that juncture, if it turns out that there's
been fraud committed, that they said they contacted a
firm and, in fact, they didn't, or they offered them
something and told them "This is your price you have
to meet", which is a ridiculous price, it's below
cost, if you were to accept it, that becomes known and
you don't give points for good faith effort when that
kind of stuff takes place.

MR. JOHNSON: Ms. Bowen and then Ms. Sanches.

MS. BOWEN: Can I request then, because I know
part of this is requesting, maybe, examples or things
we can look at. We're talking in some instances maybe
in general conversation about what good faith may be,
but then we're also coming at this from the
presumption that we have a history of folks that are
bad actors. When we go to implement policy changes,
the way to avoid or easily identify those who are bad
actors is to just have a uniform and consistent
process. In other words, good faith, whatever we
determine it to be, should be good faith for
everything. It can't be a flat fee, it can't be a
half contract, it can't be a percentage, it can't be,
it can't be. Which means that our requirements need
to be general and, you know, as least confusing as
possible and transparent. And it can be very simple
as forms required, posting on websites, whatever it
may be.

And then, if they've done it, they've done
it. Because then we enter into a subjective analysis
of who is better at good faith than others. And
that's when, as a group, we start to lose our minds. If there are requirements, make them uniform and consistent. Either people are meeting them or they aren't. We will start to be able to weed out bad actors. And then it should not be a competition of who is even better at good faith. Good faith is good faith because it's a contract. We need to make it clear, concise and uniform. Otherwise, we are setting ourselves up for a lot of finger pointing and confusion amongst firms that do get awards versus those that don't, and then this thing unravels.

MR. JOHNSON: Thank you. Ms. Sanches.

MS. SANCHES: Actually, I was thinking about the same thing. And also that we talked about outreach in terms of the sub, you know, making sure that they're aware of what's going on and everything else. I think it's also important that -- while we're sitting here pointing fingers and saying they did this and they did that, whoever those people are probably need to be in the room at some point and have that kind of outreach to say "Hey, this is what we're going to be doing now. And these are the things that I'm looking for." Because, honestly, at the end of the day, who is probably the most guilty would probably say "I never do that". Because they never heard you
say, that "this is what is not acceptable". So I think we should probably be doing outreach from both sides at this point and not just one side.

MR. JOHNSON: So going back to the question that Mr. Lewis asked or a point that he made: What options would we have, Mr. Lee, to create an additional feedback loop so that if the subs are saying they're bidding and they're never getting chosen -- we know that we have a debriefing here for those who are trying to bid as primes. But I don't think we've contemplated debriefing for subs. And then, who does that burden fall on? Does that fall on the Authority or on the prime? Or, alternatively, is there another way to get the subs to identify their opinion or perceived issues between now and the next disparity study where they're given as anecdotal evidence.

MR. LEE: There's a few different approaches that you can take on that. And I think San Antonio might be using all of them. But you start off with having forms in place where you're getting feedback from the subs immediately. Ultimately, you will have a bidder registration system set up. Where, with the bid solicitations that are put out there, primes can also post their solicitations for subcontractors. And
subcontractors can post their interest in doing business with primes. So that gives you a universe of firms that you can audit, maybe periodic audits to keep everybody honest. Either call up those subs or approach them in some way and say, "Did you, in fact, waive participation in this contract? Were you contacted, and did you decide not to do this? Why did you decide not to participate in this contract? So if you did an audit, of, you know, ten percent of all the food faith efforts documentation, that's one way of doing it. You certainly have -- you close the loop by getting feedback through forms on the subcontractors that have waived a participation in a contract. Same thing applies for substitutions, as well.

But I wholeheartedly agree that you need to have an objective standard for good faith efforts, and I believe in objectivity. Either you produce this particular documentation, you spell out specifically what it is. And if you submit that documentation, and you get those points and there's a passing score for good faith efforts, if it adds up to eighty or seventy-five, whatever the passing score is, then you treat everybody the same in terms of whether that satisfies good faith efforts.
I don't like the subjectivity where you just kind of stick your finger in the air and figure which way the wind is blowing. "Well, that's kind of good faith, I think they're trying their best". No, you can't have that kind of subjectivity in something like this. People need to know clearly what the rules are, what's required. And either they comply with those requirements or they don't. If they don't comply with them, then they're non-responsive bidders, it's as simple as that.

MR. JOHNSON: Ms. Smith.

MS. SMITH: And just for a point of clarification then, is that, you're saying, first of all, with the organization, if somebody does submit a proposal and they're not accepted, that there should be somebody on the committee that they can then follow up with afterwards and say, "Could you please take the time so I know better for next time."

But the point of clarification that I wanted was: Are you saying, then, that if a sub does not get the contract from the primary, it is up to the committee to then go to the primary and say: "Why did you not select this sub?" Because now you're becoming the big brother, the oversight committee for that. And that could be something that could be addressed
when you then go to award a contract in the future.

"Wait a minute, there are subs that are having
complaints against you" at that point. So that's what
I wanted clarification on.

MR. LEE: Okay. If I understand your comment
correctly, there are certain good faith efforts
requirements that, for example, if a sub expressed
interest in quoting or bidding to a prime, that
there's good faith negotiations, good faith contact on
the part of the prime with the sub. You can spell out
in the policy what that looks like. You may even
produce a form that the prime and the sub sign off on,
or at least have the prime list all of those subs that
they've contacted, give you the, you know, you'll have
the contact information and you can follow up with
them just to confirm that they were, in fact,
contacted, or that that contact took place.

If a subcontractor starts the process but
doesn't finish it, for whatever reason, they were
solicited in a timely fashion by the prime, there was
some initial contact, but they never followed through
in submitting a quote or a bid, the prime can simply,
you know, probably state that on their form as to why
they need a waiver. If they can't find another sub to
meet that requirement, they are asked for a waiver.
And before that waiver is granted, the EBO office would be expected to contact that sub and confirm that they didn't submit a bid. "Where is the bid that you submitted, if you did?"

So that's probably the fairest way to approach that, I would think. And you want to try to do it before the contract gets awarded, because it's not fair to all the other bidders that did the right thing and executed good faith efforts, that were either able to achieve the goal or demonstrate fairly that they were not able to meet the goal and sought a waiver instead.

We've got to hold everybody to the same standard as to what's required. And once the contract, before the contract is awarded, every bidder that's considered is a responsive bidder, and part of being responsive means complying with all of the Equal Business Opportunity program requirements.

MR. JOHNSON: Mr. Lewis, before you come up, let me just follow that up, because it goes back to the question asked by Ms. Smith, in terms of feedback mechanism. For the prime, when they've submitted a proposal, they get evaluated by the committee. They're not selected. They have the option to come back and be debriefed, which includes comments by the
evaluation committee as to where they thought they were strong or weak. Subs don't have that opportunity, because they're bidding to the prime, after, many times, the selection has happened, and they're just trying to make sure they have their team in place. So the question, I think, we're asking is -- I just want to make this point, because it also goes back to what Ms. Bowen was saying.

It seems like, just as we've discussed so far, we're taking two things under consideration that we haven't said directly. A, that we're mostly concerned about good faith efforts when a waiver is being requested. Because it doesn't sound like we're concerned about good faith efforts if a prime has found sufficient amount of subs. Right? It's only when they're going to be asking for a waiver that we're concerned that: "Did you really exhaust all available options?" That's the first thing.

The second thing that we seem to be inferring is that within our definition of good faith effort, there's a question about whether or not the subs actually got fair consideration. So we want to make sure that as we move forward, if we're going to use fair consideration, and ask one of the subcontracts of the definition of good faith effort,
then those are the ways in which we want to try to figure out where fair is fair. And we may also want to consider under that same idea, Miami-Dade Public Schools had even explored the possibility of using a standardized sub pre-qualification form. So that if you are a prime working with the Authority -- I'm assuming we may want to consider the same thing -- we would encourage you as a prime to pre-qualify your subs, going back to what Mr. Schaffer said, in terms of how we're certain that we're pre-qualifying folks. That we may identify a certain standard that consistently applies to all primes in the way in which they select their subs. And we ask the primes to adopt that standardized pre-qualification form for their solicitation of subs on this particular project. There are pros and cons to that, but that's something that I want to put out there on the record.

MR. LEE: Yeah, and every prime may have their different selection criteria.

MR. JOHNSON: And that can be one of the problems.

MR. LEE: And the selection criteria may or may not be valid depending upon the contract that they're being awarded at any given time. So it's
very, very difficult, I think, to come up with a
one-size-fits-all approach to that. What I would say
is that part of what's integrated into this policy in
terms of administrative reforms is a commercial
non-discrimination policy which requires whatever
process they use, they have to use it the same way
with every firm, regardless of race or gender.
It would be unlawful for the Authority to engage with
any prime contractor that discriminates in their
solicitation, selection or treatment of their
subcontractors.

MR. JOHNSON: But I want to make sure that I
go back -- Ms. Smith and then Mr. Lewis. But there
are some pros and cons to incentivising the
qualification phase. The reason Miami-Dade Public
Schools considered it is we, Minority Builders, made
the case that we did our own little study. Right? So
we took the top six primes and we took a copy of their
prequalifications that they had on their website or
provided to a sub. And we laid them all out on the
table, and we identified what was common. Right? And
we found that about sixty percent of what was being
asked was about the same, prior work experience,
bonding capacity, what have you. But then there was
forty percent of highly subjective stuff that usually
catches the sub.

For example, one prime contractor requires that you provide your original Articles of Incorporation. Not the one that you can pull off the website. But you have to give your original one. So imagine if you've been in business for twenty-five years and yet your pre-qualification document requires you to attach your original Articles of Incorporation? So, I'm saying, when you look at those across the different primes, and you identify those trends, it suggests that we might benefit from removing that forty percent subjectivity, which could be used to disqualify firms.

MR. LEE: And those of you who are in the construction industry, I know that there are certain standard-type forms in certain industries, like architecture, for example, as to what should go in a contract, or maybe what should go in pre-qualification. Is there anything like that in construction in terms of what's considered appropriate in screening or reviewing potential subcontracts?

MR. JOHNSON: I'll tell you, and then Ms. Bowen and Ms. Depotter could chime in on this. But one of the feedbacks that we got in terms of a con in using the standardized pre-qualification is that some
of the primes have a master bond that has differential requirements of what they should accept from a sub.
So if you have a prime whose bonding company requires certain things and a prime whose bonding company doesn't, then how do you treat that differently?

MR. LEE: They don't have a choice.

MR. JOHNSON: Right. So that's one of the things that came up as a glitch. But it's something that we should consider. Let's go back to Ms. Smith and Mr. Lewis.

MS. SMITH: Thank you. Just real quickly along those same lines that you were talking about, I think my concern was that I didn't want the committee to be a mediator between a prime and their sub. And where it would be, it would kind of be like it was overlapping, where it's then the committee's job when you're going through the vetting for the prime, to do your due diligence to make sure that they're using the good faith rules and that they're abiding by those as opposed to not, to become a mediator between the middle of a contract.

MR. JOHNSON: Mr. Lewis.

MR. LEWIS: It's real obvious that the burden of proof of good faith is on the prime. Up until this point, we have not considered any mechanism of
feedback, form or otherwise, that would lend itself to
the subcontractor providing any feedback, good, bad or
indifferent about the good faith efforts of the prime
contractor.

All I'm saying is, my comment is that I
think when we write the definition of good faith, that
there should be some provision for the subcontractor
to validate his experience, good, bad or indifferent
with that prime contractor, irrespective of the nature
of whether they accepted the bid or more importantly
why that bid was not accepted.

Now, Mr. Johnson, Chairman Johnson, you
usually speak solely of the construction industry, but
it prevails across the Board with professional
services, as well. And so that experience is a shared
experience, although the burden of proof is on the
prime contractor, it does involve and it does require
communication with your subcontractor. So to leave
them out of it, I think, is a mistake. And we need to
incorporate it somehow.

MR. JOHNSON: Ms. Bowen.

MS. BOWEN: I think there were a couple
questions asked. So to your point, Mr. Johnson, yes,
at some point when companies, as primes, bid public
works and look for their subs, there are going to be a
lot of specifics that are the same, because it's public construction, and they have to meet a certain threshold, so then their team does. So they're easier to identify, that's great.

But then it's their insurance companies and their bonding companies. And you can't tell them who they must bond with or who they must hold insurance with. And, in some instances, those companies are going to dictate who they can contract with. That's the nature of the protection that they have to have for their companies. So there is always going to be some level of things you can't control, based on the coverage that they carry in order to maintain their bonding requirements.

I think that we're, I understand the concern on all levels, because I've shared it, of running into that instance where someone is performing badly or disingenuously or inappropriately. Then let's just have a uniform receptacle to be able to report. The prime should be able to report a bad acting sub, disingenuous or fraudulent. Subs should be able to report back on horrible experiences, tricky contract language, whatever it might be. But if we so specifically try to tailor everything we do to the bad actor on both sides, we're forgetting to identify that
you have your protections built in here. These are
your additional point opportunities. These are your
first time, they get fifteen percent if they have a
first-time contractor. All of these incentive points
you've built in here, that's how you're going to
incentivize people to not be bad actors. And, again,
the process is going to bring the bad actors to light,
because they're not going to do it. They're going to
continue to behave in a certain pattern.

At the end of the day, my very specific
concern is that we're forgetting that when all is said
and done, a contract is more that a paper and the
ability to produce a project under the timeline and
the guidelines we dictate, we cannot forget that there
are personalities.

And so at the end of the day, teams have to
work together. And everybody can be wonderful human
beings, but if a prime and a sub just end up hating
each other, at the end of a job they should never have
to work with each other again. Because it's
disruptive to the entire process.

And if we're so specific to how we regulate,
then pick a prime and sub and put them together,
because then you can assure that nobody is doing
anything wrong, but you may not get the product you
want.

So I just want to caution that you have protections built in. I understand bad actors. Ms. Depotter and I don't represent bad actors. But if we're so specific in tailoring policy only to counteract their efforts, then we're neglecting the good that's out there and we're neglecting the ability to be uniform and consistent and clear and concise. That's all.

MR. JOHNSON: Ms. Gaines.

MS. GAINES: Well, sometimes the bad actors don't see themselves as bad actors. But anyway, I'd like to just add that, in addition to the good faith efforts, I'd like to see what San Antonio, you mentioned, has in place regarding periodic audits of the good faith efforts. Because, as you mentioned, most of the time we're talking about waivers where there's an issue. But there are also some issues of substitution or, you know, other issues that could come up. I think we need to make sure we have something in place to monitor that from an independent or more objective third party. It's not going to be the committee, of course, but it will be some system that we'll set up, some vehicle that we can do those periodic audits.
MR. JOHNSON: Okay. Any other comments on R/C-13?

MR. LEE: I just wanted to point out there is a new provision we're adding to the purchasing manual for the establishment of an Equal Business Opportunity ombudsman position. It helps to mediate any disputes. Not arbitrate, but mediate, in other words, try to get primes and subs, if there are differences of opinions, as to what needs to happen, try the get them on the same page to get the job done. After that, they can decide they don't want to work together anymore. But the whole idea is to try to cut off problems before they become contractual problems that we have to impose sanctions on somebody. So if it's a performance issue, we try to nip those in the bud and get those identified before it reaches that stage.

MR. JOHNSON: R/C-14, which is pretty much the same as are R/N-19, where some of the same discussion elements took place. Are there any additional substantive discussions for R/C-14, M/WBE Vendor Rotation? Ms. Gaines.

MS. GAINES: Mr. Chair, just a reiteration of the initiative that I brought up earlier, I'd like to see a working group that looks at the financial services industries on that.
MR. JOHNSON: And then we will note, just for the record, that all the same considerations that were stated for R/N-19 will also be applied to R/C-14. Any others?

Okay. This is the last one, R/C-15. Professional Services, W/WBE Quotations. Well, it was pulled for discussion. Any additional comments or further clarification on R/C-15? Going once, going twice. Well, the good news is that if there are none, then we will end now the discussion of the policy option matrix for professional services.

Good people, we have two left. Those are the commodities and other industries and trade services. Not exactly sure how big those might be, but if we went from twenty-eight administrative and construction --

MR. LEE: I think we can wrap those up in one more session. It's not going to be larger than professional services.

MR. JOHNSON: So then we would be prepared at the next meeting, which is Monday evening, to also do our priority rankings of all of them, right?

MR. LEE: That's a possibility. If we get through everything -- what we're doing is we're lumping together commodities, other services, and
trades services, it's three groupings in the disparity study. Because the remedies are all pretty much the same. There's not a lot of subcontracting opportunities in those three areas. And we have areas where we need to try to develop new capacity. So there's a couple of innovative remedies like competitive business development, demonstration projects that we're going to fold into that.

But if we get through all of that Monday -- I think Monday is going to be an evening session, right?

MR. JOHNSON: Yes, it is.

MR. LEE: From five to eight. So, and happy hour at the Embassy Suites. As long as we don't get too tied up in happy hour, we should be able to get through everything in good order. And what we're going to do at the very end is go through the entire list of every single policy option, try to get a sense from the stakeholder group as to what you think is a high priority, what's a moderate priority and what's a low priority.

And any additional things that you might want to add? For example, one of the things that I made a note on here today is coming up with a work group on financial services to look at some specific
types of remedies there. So any additional things
that you want to add? We're also going to try to get
a sense -- because my next task after we finish the
stakeholder process, hopefully, on the 30th, is to
revise this policy option matrix based on all the
feedback, excellent feedback that we've gotten here,
try to tighten up some things. And then re-circulate
that to you-all. That's going to go to staff and then
we're going to take that to the Board and have them
see the benefit of your work. And at that Board
meeting, we'll ask, you can decide, also, whether you
want representatives from your group to speak on
behalf of everyone, or whether each of you -- you're
certainly welcome as individual citizens to go speak
to the Board in the public comment period. But we're
going to try to arrange to have a spokes person or two
from the stakeholder group to give your feedback on
what's been proposed here to the Board.

MR. JOHNSON: So a couple of things for
consideration. So if it is our intent, first, to
leave here early today, but then, secondly, to wrap up
on the 30th, then the question regarding do we need a
May meeting, I guess we will deliberate that more in a
few minutes after public comment. But it seems like
we do. If there's that step of revising the policy
option, that we would want to review before it goes to the Board. Right? Because, otherwise, after April 30th and we rank, we don't see it.

MR. LEE: Right, as a fail-safe mechanism, we should probably schedule, come up with a date for May just in case. Hopefully, we won't need it. I'd like to throw out there, May the 3rd in the evening from 5:00 to 8:00 P.M. That would be at Embassy Suites, as well, on Belvedere Road. I think it's 1601 Belvedere Road. But all of that will be confirmed to you in writing in terms of the location. Can we get a sense from the group as to availability for May the 3rd in the evening from five to eight?

MR. JOHNSON: So before we take that poll from the work group, we have to go back and finish up the agenda with public comments. Is there anyone from the public who has any additional input or any comments on what you heard so far today?

I definitely will ask the public to please help us out when we get into the commodities and other industries. My experience is, in doing this the last time with Broward Public Schools, that some of these industries don't have their type of expertise represented in these processes that often. So you don't end up having a whole lot of people who can
actively engage in this process, commodities and trades and what have you, but we need to have that input. So if you know anybody who is a commodities firm or trade firm, or who may fit any of those other categories, we need them here to make sure that those of who us who may not have that expertise could factor that information in, that input in to our deliberations.

I'll tell you one of the almost mistakes we made at Broward Public Schools is we got almost to the end before some of our commodities people showed up, and they had excellent input that allowed for us to add some additional policy options for commodities. But since not many of us on the work group at the time had a commodity background, we just thought that what was presented was sufficient. And it's not until the people who actually worked in those industries showed up, who were able to help us evaluate that, that we were able to improve on that. So if you-all know anyone who would have some expertise in these other industries, please make sure they're here on the 30th to provide us some additional input.

MS. GAINES: Is there an opportunity for us to maybe invite the National Association of Minority Suppliers to come in, if they would share, if they
would have some, you know, particular expertise or background --

MR. JOHNSON: So I would encourage, unless the group feels differently -- obviously, having them in the audience, hearing the presentation. Well, the public will go first, before us, then we'll ask them to come up again. But yeah, they can absolutely sit with the public and provide input. That's exactly what we want. But we just don't want to make the mistake of having the summary of our recommendation be limited to our expertise as a group. If there are some other experts out there, we want to have them included. Ms. Depotter.

MS. DEPOTTER: Thank you, Mr. Chair. I'm just wondering what the time line is in going to the Board? Will that be pushing it to June?

MR. JOHNSON: Can you repeat that time line, Mr. Lee? So that if we proceed with April 30th, being the ending of the review of the policy options and the ranking, we know that the next step would be you revising the options and even the policies with redline.

MR. LEE: Yes, the policy option matrix will be revised and presented to the Board in May, at a May meeting. I forget what the date of it is. I don't
know why May 8th is sticking in my mind.

MR. PELLOWITZ: It wouldn't be May 8th.

MR. LEE: That goes to them. And then we get feedback from them as to whether we're okay to proceed in drafting the detailed actual policy.

MR. JOHNSON: You have May 15th --

MR. LEE: Yes, May 15th.

MR. JOHNSON: -- on your Phase Two time line plans, SWA Board Workshop. Public Hearing on Policy Options is May 15.

MR. PELLOWITZ: I just want to point out that those meeting dates haven't been set. They're all subject to change based on Board availability. So it could be May. It could be June. It's going to be there somewhere.

MR. JOHNSON: Ms. Depotter, were you suggesting that we have some sort of a transition time between the Board and us reviewing again?

MS. DEPOTTER: Not necessarily, I was just trying to confirm the dates. I guess my other question would be: Before you go to the Board, will this stakeholder group see the format in which you're presenting to the Board as opposed to what occurred yesterday? Will we see it in that format?

MR. LEE: The Board will get the full policy
option matrix and a power point presentation that kind of summarizes it. They will get both.

MS. DEPOTTER: Thank you.

MR. JOHNSON: Right. But going back to her -- in addition, a part of her question is: That I will add: Do we get a chance, as a work group, to review that and provide input before that 15th, or would that be on the 5th? That is what the 5th meeting would be then, right?

MR. LEE: Well, yeah, if we finish up on the 30th, then, yeah, the revised one would be done by the 5th.

MR. JOHNSON: Okay. So on the 5th, we will review the product in its pure format that will go before the Board.

MS. GAINES: Mr. Chair, I recommend that any time going forward that we have an opportunity to review whatever is going to the Board, so at least we're in sync with what's happening on that timeline as well.

MR. JOHNSON: Not only that, but we're owning what goes forward. Right? Because the presumption is that what goes to the board came from us.

MR. GAINES: Yes.

MR. ALLADY: Are we talking the 5th or the
MR. JOHNSON: The 3rd. I'm sorry, good point.

So we said May 3rd from five to eight. And then the tentative schedule for the Board workshop, based upon Mr. Lee's presentation in the first meeting, is May 15th. But to Mr. Pellowitz's point, that hasn't been set in stone. But the point is, at least there's an attempt for us to review it before it gets to the Board. And that will happen on May 3rd.

MR. LEE: If we don't have a meeting May 3rd -- I'm not going to have a whole lot of time to work between May 1st and May 3rd.

MR. PELLOWITZ: I would suggest that we don't get too detailed on what date it's going to go to the Board. We have public advertising requirements. It's got to be at least two weeks. So it's going to be probably, if it isn't in May, we have a June Board meeting the second Wednesday in June. And that would be, that's definitely on the schedule and available. So, I would put that down as the date, and if necessary, after that, if we have to have another meeting with the Board, we can do that within a couple of weeks in June or in early July so it's not that tight.

MR. LEE: The only concern I have with that
revised timetable is the Board was kind of adamant that we wrap up the actual draft policy by the end of June. That's the deadline that we've been given, June 30th. So we have to, actually, present them with the policy option matrix. Get feedback from them. And then I have to actually draft the policy using the revised policy option matrix as a detailed outline of the policy.

MR. FALCON: Well, and just so no one is holding the 15th, the Board of County Commissioners meeting is on that day. So I can tell you right now it will not been on that day.

MS. DEPOTTER: Mr. Chair, I have another comment. I know Mr. Lee is going to be busy because, I think, next Tuesday he goes before the Board of County Commissioners, and that's going to gear up on the Palm Beach County side with the stakeholder meetings beginning to take place there. So, hopefully, there's consideration, obviously, of not having conflictive dates, because you can't be in two places at one time.

MR. LEE: Thank you.

MR. JOHNSON: I think there was a staff -- does staff have? No. Ms. Gaines.

MS. GAINES: I don't mean to belabor the
point, but I think we need to work as fast and aggressively as we can. And I know even though there may be a Board of County Commissioners meeting on the 15th, we have CLAPSA meetings, you know, right after the Board meeting. It will make it easier. Because people start leaving town for the summer, vacations. And I want to make sure we have a full Board. And I think to do that is to do it earlier, sooner, hopefully, in May, so that we have that, we have all of them, we have them captured. The issue is hot now. I don't want it to get cold. So, you know, I want us to move as quickly as possible. I hate to belabor that, but I'd like us to move as fast as we can.

MR. JOHNSON: Mr. Allady.

MR. ALLADY: I would like to confirm, we were proposing a Saturday meeting. So there's no more Saturday meeting, right?

MR. JOHNSON: Well, we haven't gotten there yet. So that when we talk about May, we've only gotten the suggestion of May 3rd. We could consider something else. We're almost there. Ms. Sanches, do you have anything?

MS. SANCHES: Actually, I do, I'm curious, Mr. Lee, you had to bring us back some information in regards to a job description, what the office would
look like, when will that happen at this point?

MR. LEE: Yes, I have to put a care package together for you. Lots of goodies, best hits from around the country. I think I can pull that together in time for our, before our next meeting on the 30th. Because I will be back in my office, I guess, Thursday and Friday. So one of those days I can get that together. And as soon as I get it to Colleen, she can get it out to you-all. I've got a couple of other things to add to it, suggestions that came out about work groups today. But I know you wanted to look at the sanction language and compliance language, certification, definitions for key terms that will be in the policies. And I think roles and responsibilities, also, was another area. I've got notes on all that, I just have to sit still long enough to pull everything together and put those attachments in an e-mail.

MR. JOHNSON: I will say this again, we're going into trying to decide where and when our May meeting is. But I definitely want to underscore Ms. Gaines' point, so that it's not only the race against the summer, but we want to also try to get these policies and this program effective soon enough so that all dollars that are being procured can be
effective by then. And so since we have contracts coming out, constantly and consistently, we want to make sure that we don't get a whole bunch of them solicited before this program gets into place. So there is a time limit. That's the issue here. Yes.

MS. SANCHES: I also have one other comment or question. So we spent a lot of time on construction. And then we did professional services and we're going to do commodities and trade. Is there a way to get data to see where is the money going, being spent or being procured from this particular agency, so that way when we're ranking, we understand what the real needs are and not just rank for ranking's sake. Because the question was: How many is under fifty, and you said you're going to give data on that. But we really need data on these different areas or, you know, construction: How much? That way we'll say, "You know what? You don't do a lot of construction, let's focus on what you actually do."

MR. LEE: The best source that we have readily available for that data is the disparity study, because it spells out the dollars that were spent in a four-year period by industry segment. What percentage went to MBEs, what percentage went to WBEs and non-minority firms.
MS. SANCHES: I know, but that's industry. But it could be that the Authority doesn't spend that. It should really be based -- we're talking about the Authority right now, and not just, you know, random.

MR. LEE: No, that's Authority dollars that I'm talking about.

MS. SANCHES: Okay. You're talking about --

MR. LEE: Yes.

MS. SANCHES: Okay. So that's there. So can you give us a synopsis of that, and that way when we rank, we can rank accordingly?

MR. PELLOWITZ: Let me just add, the study period was 2009 to 2013, so today is today. So I get your point and we'll try to put something together. I mean, I can tell you, anecdotally, off the top of my head where we spend our money. But I'll get with my folks and try to come up with some sort of a breakdown of the budget so you can see where we spend it.

MS. ROBBS: Through the Chair, I would like to direct the committee's attention to tab three. Which is a power point presentation that MTA provided which summarizes the findings and recommendations. So that would be a quick sort of study for you to look at the findings from the study, dollars spent.

MS. BOWEN: But I don't think that's the
Looking forward, how much is SWA going to spend on construction versus professional services?

Respectfully, it's great to look back. But if we're establishing policies looking forward, even if it's not set in stone, if we're working our hair out over, I don't know, a professional service, and you're not anticipating utilizing that segment of this for the next however many years, or to a much lesser extent, then all of our, you know, maybe we're frustrated on a point that may not be as pressing as some of the others as it relates to ranking. So I would ask for that request. For as much, understanding it's not set in stone, moving forward, what SWA contemplates your needs to be so that this means something.

MR. JOHNSON: Okay. Let me just offer this real quickly. So I want to make sure we're clear that the policy development process that we're going through, while sensitive to forward spending, starts with the presumption that any dollars spent should be fair. So whether they spend fifty million now or one dollar in the next three years, any dollar spent should be --

MS. BOWEN: I don't think any of us disagree. But the policy matrix is broken up that way. So I
think the question is more --

MR. JOHNSON: My point is that, I don't think we should -- we definitely should factor it in, but I don't think it allows for us to be any less enthusiastic, let's say, for example, if we have more professional services than construction. That while we want to make sure that the implementation timeline that comes to staff will say, "Yeah, we'll implement those professional services ones first". But I don't want to be less enthusiastic as to construction just because there may not be as much spending.

MS. BOWEN: I don't think that was the conversation. But I appreciate your point.

MR. JOHNSON: Thank you. Yes, ma'am, Ms. Depotter.

MS. DEPOTTER: I'd just like to point out that the study was done during a very unique time in construction. There were two very large projects that were a hundred million dollars worth, which represented, I want to say, ninety-four percent of construction. I don't think that's the climate we're in right now. Can the staff kind of estimate what the construction dollars spent, perhaps over the next five years, before another anticipated study might be done?

MR. PELLOWITZ: We have a five-year plan in
our budget. My estimation is it's probably in the neighborhood of eight to nine million dollars a year for anything that's construction related. That could be large trade services projects as well, in that neighborhood.

MS. DEPOTTER: Thank you. And whether this is relevant or not, during that time period that the study looked at the construction, it was award to KBR, which cannot be classified by gender or race, because they're a publicly traded company. I'd just like to put that out there.


MS. ROBBS: I just wanted to circle back to my point, referring you to the tab. The work that you are doing is starting with the findings and recommendations. So we are required to point you to that information. And so instead of saying "Go to our website and read the entire five-hundred page study", we were just simply pointing you to the power point, which was a brief presentation of those outcomes so you can do a quick study.

In addition, we know that there has been public comment regarding how we will, or how the goals will be based. And so this will give you that foundation of why the goals are based there. What
Mr. Lee has presented is in addition to those recommendations by MTA, the best practices to help us get to greater participation.

MR. JOHNSON: So, any other final comments?
Yes, sir.

MR. DUMARS: We've asked Mr. Lee to provide us with a group to look at financial services. And I ask the question now: Where will financial services fit into all that we're, we need to do? Maybe we can provide some help, the staff here. I've been involved in financial services as reading proposals and voting for companies. So we can provide some help there. But just where will that fit in all that we have to do?

MR. LEE: I think the recommendation was to form a work group, similar to the one that we proposed for bonding, but focused on the financial services industry, and what can be done to enhance minority women business participation in those fields.

MR. DUMARS: Understood.

MR. LEE: And access to capital kind of folds into that to some extent. I think there was a suggestion that we look at link deposit policies and other types of financial services, policies that could be adopted, perhaps outside of this program, to help
open up that industry or avenues for minority and women to get into that industry.

MS. GAINES: I was also speaking of, for example, asset-management-type services, managing pension funds. I'm not just looking at investment banking.

MR. DUMARS: I wasn't speaking just about investment banking. Staff, we've done a lot of research in the area of financial institutions who can assist small businesses bonding and so forth. And I actually presented that in one of the Board meetings. So we stand ready to assist with a group that's going to be formed to do that.

MR. LEE: Mr. Dumars, are you aware of any trade associations, either in the arena of bonding and surety issues or asset management, those types of financial services, pension fund management, that sort of thing?

MR. DUMARS: Yes, I'm aware of certain people who are into that.

MR. LEE: Because that would be probably a good resource to bring to that stakeholder group or to that work group.

MR. JOHNSON: Can I jump in real quick, just because we're losing folks now -- did you want to say
something else?

MS. DEPOTTER: Just quickly, I wanted to say that The AGC and certainly ABC, while our membership and voice is general contractors or contractors, we certainly have another level of membership, which includes bonding agents, financial managers, asset managers. I'm sure that we would, I don't want to speak for Ms. Bowen, but we would certainly recommend some of our members to be willing to serve on that work force and give some guidance and input.

MR. JOHNSON: Thank you. So we have three minutes to decide which meeting in May, because Colleen has to leave and we have to publicly notice it. So we have a suggestion of 5/3 but that's three days after we meet on Monday. So if we want to consider the following week the 7th, the 10th or even the 3rd. The point is that this will be the meeting, as we suggested earlier, that once we allow Mr. Lee some time to sort of include all of our feedback, we probably won't have time to review, as Ms. Sanches pointed out, some of the open items that we said we'd get information from staff on. We probably won't have time in those three days, if we meet on the 3rd, to review that in advance. So we may end up reviewing that at that meeting.
But the goal of that meeting would be to review whatever is going to go to the Board before it goes to the Board and allow for us to provide a final input. So right now we have the 3rd out there. Are there any other suggestions, or are we okay with the 3rd?

MS. SMITH: I have a conflict on the 3rd, in the evening.

MR. JOHNSON: Okay. So let me ask, would the 7th or 10th work better? Monday, or that following Thursday?

MS. BOWEN: I'm open on both.

MS. SANCHES: Unfortunately, I'm out of town from the 7th through the 18th of May.

MR. ALLADY: The 7th and 10th will work for me.

MS. DEPOTTER: Excuse me, is the 10th being considered as an evening date?

MR. JOHNSON: Good question. That will be the next question.

MS. DEPOTTER: I wouldn't be able to do that. I'm a facilitator for the Ace Mentor Program presentation that evening.

MR. JOHNSON: So it could be in the morning if it's on the 10th?
MS. DEPOTTER: It could be in the morning.

MS. ROBBS: Mr. Chair, I just want to remind the committee that we want to ensure the greatest participation by the public. And we haven't had our first evening meeting, and most of them have been in the morning. So I implore you that we are able to set any meetings moving forward for the evening, so let's look at some dates.

MR. JOHNSON: Can you-all do the 9th?

MS. DEPOTTER: Isn't the April 30th meeting an evening meeting?

MS. ROBBS: Yes, that's the only one we have so far.

MR. ALLADY: Probably the 7th or the 9th evening would work.

MR. JOHNSON: Anybody else?

MS. BOWEN: Just to move this along, we can have stand-ins if we individually can't make it, right?

MR. JOHNSON: Yes.

MS. BOWEN: So whatever the group decides.

MR. JOHNSON: All right. Right now 7th, 9th, 10th in the evening. We have two problems with the 10th in the evening. So we'll try to avoid that, unless, well Ms. Depotter and Ms. Sanches feel
confident sending stand-ins. We have at least one problem with Ms. Sanches on any time that week. Are there any other issues with any of those dates?

I'm going to just ask that we consider the 10th in the evening. Just being selfish, that's the cleanest day for me. Otherwise, I'll be rushing here from a meeting prior on the 9th.

MS. DEPOTTER: I might respectfully request that we consider another date. For the simple reason that I'm the facilitator and presenter for the Ace Mentor Program. There's ten prime contractors that are mentors for schools and high schools and their subs. And they're going to be there that night. And may want to come speak --

MR. JOHNSON: You're right. To be fair, so now we're looking at the 7th, 8th or 9th in the evening time. Are there any objections? So I would be partial to say, let's just go with the 8th in the evening time.

MS. GAINES: Are these dates okay with the Attorney Lee?

MR. LEE: That's what I'm looking at.

MR. JOHNSON: So right now the prevailing is May 8th in the evening time. May 8th in the evening time is the one that we're working with now. While
Mr. Lee checks his schedule, any other work group members have any issues with May 8th in the evening time? So we seem to be good with May 8th, Mr. Lee. The pressure is on you, sir.

MR. LEE: Well, I have a partners meeting that day. But they've seen enough of me. I can come back down.

MR. JOHNSON: So are we okay with May 8th in the evening time, five to eight?

MS. ROBBS: Five to eight, location to be confirmed.

MR. JOHNSON: So we're saying May 8th, five to eight, location to be determined. Any other items for the good of the order? Any other announcements? Reiterating that the next meeting is April 30th at the address on your agenda, Embassy Suites, 1601 Belvedere Road in West Palm Beach.

And the SWA does have a vendor opportunity project this afternoon from four o'clock to six o'clock in this room. Please hang around if you can, or send somebody to attend. All right. Any other? Is there a motion to adjourn?

MS. SMITH: I make a motion.

MS. SANCHES: I second it.

MR. JOHNSON: Thank you.
THE STATE OF FLORIDA )
COUNTY OF PALM BEACH )

I, Raquel Robinson, RPR, certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true and complete record of my stenographic notes.

Dated this 27th day of April, 2018.

Raquel Robinson, RPR