SOLID WASTE AUTHORITY
OF
PALM BEACH COUNTY

SMALL/LOCAL/MINORITY/WOMEN BUSINESS ENTERPRISE
STAKEHOLDER GROUP MEETING

DATE TAKEN: APRIL 19, 2018
TIME: 9:00 A.M. - 1:05 P.M.
PLACE: ADMINISTRATION BUILDING AUDITORIUM
7501 NORTH JOG ROAD
WEST PALM BEACH, FL 33412

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

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MS. ROBBS: Good morning. We are ready to get started. And now we have a quorum. We have a few people that are out in the lobby but we have a quorum now and we can get started.

Good morning. My name is Colleen Robbs and I will call the meeting to order. The time is 9:07 and this is the meeting of the Small/Local/Minority/Women Business Enterprise Stakeholder Group, Thursday, April 19, 2018.

As your name is called, please answer present and indicate if you are interested in serving as chair or vice chair of the stakeholder group. Kumar Allady.

MR. ALLADY: Present, and I'm not interested.

MS. ROBBS: And if you can turn on your mics so that we can hear you clearly, by pressing the center.

MR. ALLADY: Present and not interested.

Maria Antuna. Carol Bowen.

MS. BOWEN: Present.

MS. ROBBS: Michelle Depotter.

MS. DEPOTTER: Present.

MS. ROBBS: Lia Gaines.

MS. GAINES: Present.

MS. ROBBS: Brian Johnson, he called and is stuck in traffic. So when he comes, I will call his
name as a part of the record. Bruce Lewis.

MR. LEWIS: Present.

MS. ROBBS: Marie Sanches.

MS. SANCHES: Present.

MS. ROBBS: Selena Smith.

MS. SMITH: Present, and I would be interested in vice chair.


MS. WHITE: Present, not interested in either.

MS. ROBBS: Okay. The agenda as published has been provided to you. If there is no objection, the agenda is adopted. As a matter of order, the transcription of April 11 will be provided to you prior to the next meeting. We will send it electronic, as well as we will post it on the SWA website.

The next order of business is to introduce our public officials and executive staff. For the public official, please stand and be recognized. We have this morning Vice Mayor Commissioner Mack Bernard, District 7. Thank you.

I haven't missed anyone else who may be in attendance as a public official. Okay. We will move forward. Executive staff includes executive director Mark Hammond. Managing director Dan Pellowitz. Chief
operating officer Mark Eyeington. Chief financial officer, Paul Dumars. Chief engineer, Ramana Kari. And our general counsel, Howard Falcon.

To my left in the audience we have our SWA directors and designees. The role of SWA staff is to provide input to the stakeholder group discussion related to their respective departments.

We would also want to encourage the public to provide comment during the deliberations. The chair will recognize the public. At that time, please come to the podium, give your name, company, or organization prior to speaking. Thank you.

I will offer that since we have one person that is interested so far in vice chair, if the, if there's no objection, we can delay the election to after Mr. Franklin Lee's presentation, the first presentation before the break. I know that there has been other discussions by members who are interested. And since we only have one person, if there is no objection, we will move the election to either before the break or after the break, however you would like. My suggestion is after the break.

Okay. All right. So at this time, the chair recognizes Franklin Lee with Tydings and Rosenberg to pick up on his presentation from April
MR. LEE: Good morning, welcome back. Thank you for coming back. We've got a lot more work to do. In an effort to try to streamline this process, what I would like to do this morning, a little differently from the first session that we had, is I'd like to get all the way through my description of the policy options. And I'll only take questions of clarification, if it's something that any of the stakeholders don't understand, we can ask a question to get more clarity about how the policy option or the remedy, particular remedy might operate.

And then we'll go back to what we're starting with this morning, which is R/N-12, which will be Direct Periodic Reporting of the EBO Office to the Executive Director and Board. And we will substantively, we will entertain substantive discussions of each of the policy options, the merits, and perhaps changes you might want to make to them at that point. But I first would like to get through the rest of the power point presentation that I have for you. To also lay out what the, in addition to all of the administrative reforms and industry specific remedies that we are proposing for consideration, it also spells out the next steps for this process in
this policy deliberation phase going up to the board for their final determination.

Okay. R/N-12 is Direct Periodic Reporting of the Equal Business Opportunity Office to the Executive Director and Board. As I mentioned to you in the first session, as part of this process, we're developing a formal office, called the Equal Business Opportunity Office, that has primary oversight for any race and gender neutral or race and gender conscious remedies, implementation of those. And also they would have oversight over the local preferences that already exist in the purchasing manual for SWA.

This particular administrative reform basically just calls for some direct reporting lines between the EBO office, that coordinator, and the board. As it's currently structured or proposed in the revised purchasing manual. The EBO office, on a day-to-day basis, would be reporting through the director of finance, which is currently Mr. Dumars. I'm sorry, chief financial officer, rather, CFO for the office, I mean, for finance.

That would be, administratively, the coordinator would be reporting to the CFO. But there would be some, built into the policy itself, there would be some direct reporting requirements from the
EBO office to the Board. It could be on a six-month basis or an annual basis, based on what we propose. Any questions about that particular, what that means in terms of how it would operate?

Okay. Let's move on to R/N --

MS. WHITE: I just need to understand. In terms of what you're asking us to do today, are you asking us if we object not to tell you we object now?

MR. LEE: That's correct. We're going to have a substantive discussion later.

MS. WHITE: Okay.

MR. LEE: Any proposed changes or anything of that nature will come later. I just want you to understand what's being proposed right now. If something is not clear, just interrupt for that purpose alone at this point.

MS. WHITE: Okay.

MR. LEE: Okay. R/N-13, this is the EBO Office Representation on Evaluation Panels as it's being proposed. For every contract where price is not the sole determination of contract award, in other words, a best-value contract or a contract where there are other factors that have to be evaluated in making an award of a contract, we're proposing that there be a representative of the EBO office on each one of
those evaluation panels. And this is designed to make
sure that scoring is reflective of the merits of each
proposer, regardless of their size, or just to make
sure that there is not any unnecessarily restrictive
contract specifications. And to make sure that the
evaluation process is fair, whether a firm is large or
small or minority or nonminority firm. Nonminority in
ownership. Are there any questions regarding what
this proposed remedy entails?

Okay. Let's move on. Now we're coming to
the race-conscious remedies that are administrative
reforms. These are nonindustry specific proposed
reforms in the way SWA conducts business. They're
considered race-and-gender conscious because there is
some use of race or gender classification in these
proposed remedies.

The first is R/C-1, it's entitled Penalties
and Sanctions for Noncompliance With S/M/WBE
Requirements. All of the small business, minority,
women-owned business requirements that would be
imposed on contracts as material terms under this
policy or under the proposed program would be, in
fact, it would be material deliverables under the
contract, and as such, there would be certain
penalties or sanctions for noncompliance with them.
It includes contractual provisions authorizing the EBO office to investigate allegations of noncompliance within M/WBE participation. The sanctions for violation of the program would include withholding of payments, termination of suspension of contracts, contract breach, damages equal to the dollar value of the shortage under S/M/WBE participation commitments, rejection of bids as a firm being a non-responsible bidder, and in the worst case scenario, debarment.

It may also establish an S/M/WBE hotline to the EBO office for reporting of alleged fraud and noncompliance; however, there's also going to be provisions for sanctions to discourage frivolous claims of fraud and noncompliance being filed by competitors.

This policy option is intended to make the program more effective. What has been in the past has been pretty much voluntary. This would mean that the program, when it says something, it means something. And there would be a due process built in to the assignment of any such penalties and sanctions so that firms could appeal and have an opportunity for, basically, due process before any such sanctions are imposed. But the EBO office would be the first, in the first instance, would be the office that's hearing
those or identifying those particular problems in
terms of compliance and noncompliance and recommending
actions, appropriate actions or sanctions or penalties
based on that noncompliance. I'm sure there will be a
lot more discussion about that in the future. But is
there basic understanding right now as to what this
policy option, R/C-1 is designed to address?

MS. BOWEN: Could I ask a clarifying question?
I understand that, I think, the premise of the
question: Who all in the process does this apply to?
In other words, does this apply to all aspects, so
from the time a bid opens to staff and people who bid
and people that are awarded, or is it just, can you
look to the, or can you further explain the specifics
of the appropriate, I guess, recipient of this policy?

MR. LEE: Yes, actually, I guess there's
actually two different kinds of penalties and
sanctions. One has to deal with contracts that are
awarded. And other types of noncompliance may have to
do with fraud at certification, for example, something
of that nature.

So that would be precontract award. It has
nothing to do with the contract awards. Anything
that's in the policy where there's a requirement or
responsibility on the part of perspective bidders or
awardees of contracts where they're violating the policy and requirements of the policy, potentially, this particular policy option could be applied.

MS. BOWEN: Thank you.

MR. LEE: All right. Any other points of clarification?

MS. ROBBS: I just want to mention, prior to speaking, if you can announce your name so the public will know who you are, thank you, and for the record.

MR. LEE: Here is the second one. R/C-2 is Penalties and Sanctions for Fraud. And that would apply, primarily, to instances of certification as well as S/M/WBE compliance. For example, if firms submit fraudulent tax returns or other documentation showing ownership or control of the company in order to achieve a certification, or if they intentionally report that they're using an SBE or M/WBE certified firm that they know isn't a certified firm in order to comply with the contract requirements, then R/C-2 would be applied to that.

And, again, R/C-2 lays out a variety of different types of remedies, penalties, sanctions that can be applied in the event that a bidder or perspective bidder violated the policy. Any questions about, or for clarification regarding that one?
MS. BOWEN: Carol Bowen, Associated Builders and Contractors. I'm going to ask again, because I think you answered it, but I just want to make sure. So does R/C-1 or R/C-2 two contemplate -- I understand the approach and I thank you for your previous explanation. Do either anticipate the situation where perhaps an M/WBE firm represents themselves as having certain qualifications or skill level and then ultimately it does not.

MR. LEE: Yes, to answer that question, yes, any firm, whether a minority or nonminority, large, small, what have you, that violates the policy in terms of fraud or in terms of noncompliance with the requirements of the contract and the policy, could be subject to penalties or sanctions under either R/C-1 or R/C-2 type remedies. Yes, Ms. White.

MS. WHITE: Tina White. I don't believe that was the totality of her question. She said if they also did not have the skill set that they proposed to have. The skill set, that should not be a part of this. That's, that would come under that prime asking to be relieved of that subcontractor, because they do not or they are lacking the skill set that they need for the job. But this, that's the skill set. And skill set is not fraud.
MR. LEE: Okay. I don't want to get bogged down in discussion on the substance just yet. We can certainly discuss that as we go through each of these later. But just so everyone is clear on what we're talking about, fraud could be on the part of a minority or nonminority firm. If you say you have a license in something that you don't have a license in, or you create a fraudulent or you submit a fraudulent license or documentation or something of that nature, that raises the specter that there needs to be an investigation as to whether the policy has been violated and whether penalties and sanctions are appropriate.

So, I just wanted to make that clear. Any other questions or clarification regarding this? What this proposed policy or sanctions would do? All right.

All right. R/C-3, this is a provision that would provide for the EBO office or require the EBO office to issue prior approval of Small, Minority and Women Business Enterprises Subcontractor Substitutions. So we're building it into the process that if there's a need to substitute one subcontractor for another, there's a process where you go and get prior approval from the EBO office providing
justification for that substitution. And there has to be a determination, written, or prior approval by that office before that substitution is allowed.

Are there any questions as to what this R/C-3 administrative reform would do?

MR. LEWIS: Bruce Lewis. Does this take into consideration time-sensitive situations?

MR. LEE: Yes, we will get more into the substance when we discuss this. But the way it's currently being proposed or drafted in the purchasing manual, there are exceptions when there is an issue of public safety involved and something has to be done immediately. Trash isn't getting picked up, for example, and/or it's a health hazard. And the prime has to step in and take care of it. Those types of circumstances would be covered in that policy for exceptions for that type of thing. But there still would need to be a process to get it approved as soon as practical before a substitution is undertaken or before a prime is allowed to self perform scopes of work that have previously been agreed to to be performed by a subcontractor. Any other questions of clarification?

MS. ROBBS: I'll just comment that Nifretta Thomas, our stakeholder member, has joined our
MR. LEE: Okay. Let's move onto R/C-4, which is the SWA Staff Training. We're actually going to make it part of the policy that SWA staff, not just the EBO office, but all staff would have to have some training in the operation of the new Small, Minority Women Business Program and procedures and responsibilities. Those things, in order to have an effective program, it's important that all parties understand exactly what is expected. That goes for contractors, subcontractors, vendors, suppliers and all staff people at SWA that have anything to do with the procurement or contracting process. I think that would be fairly noncontroversial. But are there any questions regarding clarification on this particular item?

Okay. Let's move onto R/C -- I'm sorry. We're coming to the construction industry, industry-specific remedies now. Starting out with the construction industry. We'll first look to race-and-gender-neutral remedies that are being proposed for consideration.
And the first of those would be R/N-14. This calls for Bond Waivers and Assistance Programs. What we're proposing at this point is a variety of
different types of bonding assistance, best practice, that we've seen around the country. And we're proposing that a work group be formed by the SWA for purposes of looking at some of those best models. And within a fairly short period of time, maybe six months, coming back and proposing adoption of one or more of those various types of bonding systems programs.

Some of them involve bond waivers for small contracts. Other types of assistance programs provide technical assistance to contractors to help them become better prepared to qualify for bonds and sureties. There is bond guarantee programs. There is also something called an OCIP, or Owner-Controlled Insurance Programs, that have been applied to bonding in certain circumstances, where the government entity itself takes on responsibility for negotiating a group bond for all of its projects, and where selected contractors or vendors can then reimburse the government entity for the portion of the premium that's paid through that negotiated project bond.

So there's a whole range of different things to be looked at. This is just, this particular policy option is simply calling for establishment of a work group of stakeholders in the surety industry,
construction industry to evaluate some different approaches that may be helpful and feasible for SWA. Are there any questions of clarification regarding this proposed policy option?

Okay. Let's move on to R/N-15. This race-neutral remedy calls for Direct Contracting, a Direct Contracting Program for Small Contracts. By direct contracting we're looking to extend the program SWA has for direct purchases and smaller construction contracts to include informal contracts that are less than or equal to fifty thousand dollars, thereby enhancing opportunities for small, minority, women-owned firms to bid and work as prime contractors.

This policy option is intended to help level the playing field for M/WBE bidders that tend to be small and unable to get volume discounts on supplies that larger contractors may be able to get. This approach enhances opportunities for small non-incumbent firms to develop a successful track record with SWA.

Are there any questions of clarification regarding this particular policy option?

MR. ALLADY: Kumar Allady. I have a question: Is there any consideration in terms of percentage of
the work program? Right now you have a limit of fifty thousand per project. But if you're looking at the overall endeavor program, an annual basis or something like that?

MR. LEE: That's something that, certainly, we can discuss as we go through the substantive comments on each of these policy options. But currently it's proposed for the smaller contracts of fifty thousand and below. I guess, primarily, because they are informal, more informal contracts where the Authority has more discretion in how those contracts are structured and how they get awarded.

MR. ALLADY: Thank you.

MR. LEE: R/N-16, the next policy option is the Small Business Enterprise Prime Contract Program. As it's currently proposed, the small business enterprise program for small prime contracts would apply to contracts of $175,000 or less with size standard categories based upon the industry for small business firms.

What's currently proposed, and is the subject for further discussion, is that the size standard for small business would be equal to 25 percent of the Small Business Administration small business size standard for construction, or roughly
six million dollars in gross annual revenues, or 
one-half of the M/WBE size standard for construction. 

    It would provide evaluation preference of up 
to fifteen percent for Small Business Enterprise 
primes bidding on alternative delivery method 
construction contracts. And it would permit waiver of 
 bonding requirements for prime contracts below two 
hundred thousand dollars, per state law. 

    Another possible option under this policy 
option is to reserve a subset of small prime contracts 
valued at or below fifty thousand dollars for 
competition solely among small business enterprises. 

    So there's a variety of different things 
being proposed as elements for this small business 
enterprise prime contract program to promote greater 
prime contract participation by smaller firms. Any 
questions of clarification?

    MS. GAINES: Clarification. Lia Gaines. Not 
clear on the parenthetical here that says one-half of 
M/WBE size standard. 

    MR. LEE: One possibility is that you could 
have one size standard for M/WBEs that's somewhat 
larger than SBEs. The yard stick against which we 
evaluate the size standard, typically, for most of 
these small business programs is tied to the federal
small business administration size standard, which
sets industry size standards based on, usually, the
average of the last three years of gross revenues for
a firm or the number of employees, depending upon the
industry. But for construction, it's annual gross
revenues.

I think the largest, I think that the
general construction size standard under SBA is up to
thirty-six million. So if you took, actually if you
took 25 percent of that, that would be closer to nine
million dollars for a size standard for being small.
If you did fifty percent, then it would be eighteen
million. But you could either have, you could decide
to either have the same size standard for M/WBEs as
other small business entire enterprises, or you could
have the M/WBE size standard be somewhat larger than
the others, given that the, if you believe that the
factual predicate justifies stronger remedy for M/WBE
firms than it does for SBEs, based on evidence in the
study or elsewhere in the factual predicate.

MS. GAINES: Thank you.

MR. LEE: Any other questions? Mr. Allady.

MR. ALLADY: Yes, I have a clarification. Was
there any study done to set the 25 percent of the
federal standards, that's number one. And second
thing is: The federal standards are different for
different NAICS codes, so how can you apply one
standard across? Was there any study done?

MR. LEE: Yes. The question is well taken.
The federal size standards can vary very much based on
different four-digit or five-digit NAICS codes within
a broader industry category. But what we've found is
that for smaller local governmental entities, like the
Authority, that becomes extremely cumbersome, having
many, many, different size standards for small
businesses.

So, we tried to keep it simple and come up
with a size standard, the idea is to come up with a
size standard that captures the needs of the local
marketplace. If your firms tend to be much smaller
than firms that would be considered small under the
federal size standard, then you come up with a
percentage that fairly captures the majority of your
small businesses in your local market place that are
actively competing for contracts. At least that's the
general idea.

To my knowledge, at least, there hasn't been
any comprehensive study that has been performed to
tell you what those numbers are. So, to some extent,
we are shooting in the dark. But what we're also
proposing in one of our other policy options is to put in place a Centralized Bidder Registration System that would allow us to begin collecting data on the firms that are regularly competing for contracts with the Authority. And perhaps a survey could be done at some point to try to more closely measure what that size standard should be or which size standard would make sense, given the demographics of the local marketplace. Yes, Ms. Bowen.

MS. BOWEN: Carol Bowen. Thank you. As we go through the recommendations and the percentage and the contract size, if I've missed it, please let me know. It's possible I did. Do we see a breakdown of how frequently contracts from the SWA, in other words, how many contracts are under fifty thousand, and how many contracts are, say, a hundred and seventy-five or less? Do we have any understanding of numbers of contracts that may meet these?

MR. LEE: I believe the disparity study does have some tables in it that reflect the total dollar volume in each of those brackets. And there was something called a quartile analysis that was done in the disparity study, which would reflect, it measured contracts based on twenty-five percent of the dollars being either under certain dollar threshold or not.
And so, I believe that kind of information is available to take a look at. And at some point, I believe there's some chart that reflects how many contracts were awarded in each of those categories. And I seem to recall -- well, let me not speak on that because I have to go back and look at it. But I think it had something to do with like six hundred thousand was one threshold, and a hundred and seventy-five thousand was another.

Okay. Any other questions of clarification?

Yes, Ms. White.

MS. WHITE: In this model, does staff have discretion as if the prime is an SBE versus an M/WBE in terms of who gets the award?

MR. LEE: I'm not sure I follow that question.

MS. WHITE: Well, the way you're proposing, to my understanding, is that you're looking at SBE, which is race and gender neutral. Then you also talk about M/WBE, which is not. So if you have two primes who are competitive in price, one is an SBE and one is an M/WBE, who makes the call on who gets the award, or is there going to be -- because most of the construction contracts are not RFPs, most of them are hard bids. So it's out, there's no discretion from the selection committee or staff if it's a hard bid.
MR. LEE: It depends, the answer to your question is it depends on which element of this small business prime contract is applied. For example, if you were to reserve a subset of small prime contracts below fifty thousand dollars for competition solely among SBEs, then only SBEs could compete for those smaller contracts. There wouldn't be an MBE versus SBE situation.

But also keep in mind, depending upon how you define a Minority Women Business Enterprise, in terms of the size standard, all M/WBEs may be qualified as SBEs, or at least a good proportion of them would be qualified also as SBEs. So you wouldn't run into that kind of a dilemma.

MS. WHITE: I'll reserve my disagreement at this point, because it's contrary to what your study findings were, what you're saying, in my opinion.

MR. LEE: Okay. Well, we can discuss the merits of that a little later. But the way it's proposed, the Small Business Enterprises Prime Contract Program is a policy option that's meant to promote small business enterprises, period, regardless of their race and gender. It's a race-and-gender-neutral remedy.

Let me get all the way through the list and
then we can see what other remedies are there that may aid or may be race-and-gender conscious. But right now we're going through race-and-gender-neutral construction industry proposed remedies.

Okay. So that's R/N-16. The next one is R/N-17. Which is a Small Business Enterprise Subcontracting Program. This is pretty straightforward. Where there could be a mandatory subcontracting program with SBE subcontract goals of twenty percent unless a waiver of reduction is granted by the EBO office.

The current goal under the SWA's program is for fifteen percent subcontract participation. So we're proposing to increase it up to twenty percent with waiver provisions, in the event that in certain contracts there's not sufficient availability of small businesses to meet that twenty percent goal.

MS. WHITE: And this would be on the total award, not the formula that was used for the garbage?

MR. LEE: Right, the idea is the default goal for SBE contracting would be twenty percent on the gross value of the contract, the total value of the contract.

Now, it may turn out that in certain instances there's not enough SBE availability to reach
that goal, so you can seek a reduction or a waiver in those instances, based on what the availability would allow, in terms of participation by small businesses. But that is what the proposal is. Any other questions regarding clarification of the SBE subcontracting program?

Okay. The next policy option is R/N-18, which is the SBE Mentor-Protege Type Program. And there's a variety of different approaches to this. But basically, you're using this policy option to team up more established and successful construction firms as mentors with less established small businesses to provide management, guidance and training. Under this policy option, we may also provide additional incentives to potential mentors by reserving some contracts for pre-approved mentor-protege teams. And we've given some examples of those types of programs at the City of Columbia, South Carolina, Port of Portland, merging small business programs.

We're also suggesting that we consider other incentives, such as accelerated payment, access to working capital funds for those SBEs participating in that program. And purchasing of supplies directly by SWA on behalf of the mentor-protege team. Those are things that could be considered to be worthy of
further discussion by the stakeholder group in terms of what you want to see in a small business mentor-protege program.

Yes, Ms. Gaines.

MS. GAINES: This would be a prescribed mentor-protege program established by Solid Waste, similar say to SBA mentor-protege, that would be, it's not going to be loosely defined, or will it be programmatic?

MR. LEE: Yes, what we are proposing is a programmatic mentor-protege program. It would actually be written into the policy itself as to how it would operate. My preference is to give more details as opposed to less in developing these various policy options. But, basically, there's a variety of different models out there. And we need to explore which of those models makes sense for this marketplace. Any other questions of clarification?

Okay. Let's move on to the race-conscious remedies under the construction industry. These are considered to be race-and.gender-conscious remedies because they include some classification on the base of race or gender. And they are outlined as ostensibly being legally defensible based on evidence gathered thus far in the factual predicate.
The first race-conscious remedy is R/C-5, which is called an Annual Aspirational Goals. It's important to understand the distinction between an annual aspirational goal and a contract-specific goal.

The annual aspirational goal is basically a number that is established on an annual basis under the auspices of the EBO program that reflects M/WBE participation in SWA construction contracts given the measure of relative availability of minority women owned firms in the construction industry. It's only an annual aspiration goal. It is not to be applied on specific contracts, but it is intended to be a flexible benchmark that is helpful or useful in managing this Small/Minority Women Business program in finding the appropriate mix of race-and-gender neutral and race-and-gender conscious policies and remedies to be applied.

The annual goal is also used to provide an up-to-date measure of availability to the overall industry categories and can be useful in outreach purposes. For example, if the, the best data that we have to date gets augmented over the course of a year. Say we have a bidder registration system put in place where we can more accurately see those firms that can provide some types of services along the spectrum of
construction contracts. We can adjust the annual goal based, in part, upon that data. And we can also find out where there's deficiencies. Where do we need more outreach? Where do we need to recruit more firms in the construction industry? What particular trades is there very low availability in?

And so by having that annual aspirational goal, it's intended that we can more closely monitor where the deficiencies are, where you would expect to see more availability than what we have. And what do we need to do to grow capacity? Whether through mentor-protege programs or other tools that we have at our disposal through the policy. Where do we need to have more focus?

We can also look to see at the end of the year how far away we are from meeting that aspirational goal. We can look at the actual dollars that are actually paid minority women-owned business, and based upon that performance of the program, we can decide whether we need to be more aggressive, or whether we can be less aggressive in terms of the mix of race-and-gender neutral versus race-and-gender-conscious remedies as we go forward.

The whole intent of having this framework of an annual aspirational goal is to have a program that is
basically being driven by data. It's being driven by facts in terms of what the realities are on the ground, what the availability of ready, willing and able minority women business firms is. And also looking at how effective the small business or race neutral remedies are being. And addressing whatever disparities are being identified in the utilization of those ready, willing and able minority women-owned firms.

Are there any questions regarding how the annual aspirational goals would operate? Yes, Ms. Bowen.

MS. BOWEN: Carol Bowen. Thank you. Does this item contemplate the state's service disabled veteran-owned business designation, where the statute has that as a designation that can be used towards meeting small business goals? I don't see it reflected here, and I'm wondering if that's incorporated into the definition, and whether or not veteran-owned businesses will be able to go through meeting small business goals.

MR. LEE: Yes, Ms. Bowen, I don't think you were here at the last session. But we addressed that issue. Veteran-owned businesses, other types of preferences or programs that are out there for service
disabled firms or disabled firms is not a part of this particular effort. This whole effort is designed to address the remedial needs for firms that have experienced discrimination in the marketplace based on the MTA disparity study and other evidence that has been provided to SWA regarding race and gender discrimination.

That's not to say other forms of preferences are not valid and worthy of consideration. Indeed SWA already has a local preference that has been on the books. We're not proposing to disturb that. But there's an awful lot that has to be taken into consideration when you're dealing with race-and-gender preferences. It doesn't have to be taken into consideration with the other types of preferences that you mentioned. If you have any kind of preference, race-and-gender neutral, that type of policy option does not have to satisfy strict scrutiny. You don't have to go through such an elaborate process in evaluating the efficacy and the need for that kind of a remedy.

So, again, we are just focused here on the small business program as a race-and-gender-neutral remedy for discrimination adversely affecting minority women-owned business. That's the scope of our mission
at this point.

MS. BOWEN: One follow-up question. And I appreciate your response. I know that we have discussed this in other areas throughout the state. I know that veteran status is race-and-gender neutral, whether they're a veteran or not. So that's part of the reason for my question.

The other reason is I do know that this designation exists by the state and was something put in place contemplated because veteran-owned businesses can also be small businesses. And so I was just wondering if there's any effort through this process to make sure that people that have that designation are also included in firms that can help reach these goals. And I think what you're telling me is it's not. But I wanted to give you the opportunity, because I'm not certain.

MR. LEE: Well, I mean, to the extent that a veteran-owned business qualifies as either a small business enterprise or minority women business enterprise, then, yes, they would be able to participate in whatever program we develop.

MS. BOWEN: Thank you.

MS. ROBBS: I would like the record to reflect that Brian Johnson has joined the meeting.
MS. GAINES: Point of clarification.

MR. LEE: Yes, Ms. Gaines.

MS. GAINES: Point of clarification on how the tool would be utilized. Would there be like periodic updates and reviews of the goals? I mean, how will...

MR. LEE: The intent is that the annual aspirational goal would be developed on an annual basis. We're starting with data that we have in the current MTA disparity study. But it is our hope that that data can be enhanced over time through the use of the automated Centralized Bidder Registration System. And that we will be able to use that annual goal as a benchmark each year to evaluate the effectiveness of the program and what adjustments might need to be made to it in terms of the mix and the strength of the remedies that are being applied.

MS. GAINES: I'm still not understanding. So at what point in time will we make that determination of whether or not it needs adjustment?

MR. LEE: I would recommend at the end of the fiscal year.

MS. GAINES: At the end of the year?

MR. LEE: Yes. The way these programs generally operate, they generally have like a five-year shelf life in that they're reevaluated every
five years. You do another disparity study every four years or so to see whether there's an ongoing need for the race-and-gender-conscious remedies that you have. But before we get to that five-year point, we think it's useful and helpful to see where we are in terms of the mix of remedies that are using race and gender neutral, race and gender conscious. Which tools are working, which tools aren't working, which tools need to be enhanced in some way, in terms of their application.

So on an annual basis is a good idea to reflect and see how effective the program is being in eliminating the disparity. How effective it's being in overcoming identified barriers to business formation growth and participation and Authority contracts. Yes, Mr. Johnson.

MR. JOHNSON: First of all I apologize, I left my house two hours and fifteen minutes ago. It's been a long drive. But are we recommending a goal setting committee as a part of this process?

MR. LEE: For this Authority, no. We're actually recommending that the EBO Equal Business Opportunity Office actually be setting the goals. And the reason for that is, unlike Broward County Public Schools, for example, we determined that there is not,
this is a much smaller entity in terms of staffing. And it would be more problematic to actually form goal-setting committees for each to address each contract.

So what we're proposing with the Authority is that the EBO office come up with the proposed tools to be applied to each contract. And then, ultimately, there is an internal process by which those recommendations can be reviewed and addressed.

MR. JOHNSON: So as a lesson learned, if it will be the EBO as opposed to a goal-setting doing the per-contract goal setting, can the annual aspirational goals policy be written with sensitivity to the possibility that on a per-contract basis, we may be setting goals based upon whatever formula. But at the end of all the contract, of the contract goal setting and maybe achieving it, your total may be off from what your aggregate annual goal may be. So I'm not exactly sure: How do you align the per-contract goal setting with the overall aspirational goals to ensure that the per-contract goal setting promotes the achievement of the annual aspirational goals?

MR. LEE: Yes, I don't want to get too much in the weeds at this stage. Before you arrived, we indicated we're just going through getting through the
full list of all of the APIs at this point, and then
we will have substantive discussion on each one later.
But your understanding should be that the annual
aspirational goal is not a goal that's required to be
applied on a contract-specific basis. There's a
separate analysis that goes into how you set the
contract-specific subcontracting goal.

In terms of SBE subcontracting goals, since
you weren't here a little earlier, the default goal
for small business subcontracting goal is twenty
percent. There is a waiver process that's put in
place in the event that that goal cannot be attained
or needs to be reduced. But in terms of M/WBE
contract-specific goals, we're looking to have a
different analysis done by the EBO office in
determining what's a reasonable goal there based on
past experience and based on the best available data
on what current availability is to perform the
specific scope of services for the specific contract.

Okay. Any further questions of
clarification?

All right. The next race-conscious remedy
for construction, proposed remedy for construction is
R/C-6, which is the M/WBE Subcontracting Goals. These
are the goals that would be applied to specific
construction contracts and would require prime bidders to exercise good faith efforts to meet an M/WBE subcontract participation goal. The broader M/WBE goal would include African-Americans, Asian-Americans, Hispanic-Americans, Native Americans. And the subcontracting goal should also contain waiver provisions for those instances where sufficient, ready, willing and able minority women-owned subcontractors are not available.

Contract specific subcontracting goals should be weighted to the availability of M/WBE firms in the required sub-specialties for any given contract. That provision should apply to both M/WBE prime bidders and non-M/WBE bidders. Perhaps allowing for self-performance by M/WBE primes in certain circumstances. Project-specific goals should vary by project and be based upon realistic measurement of the available M/WBE firms for the particular project. Documented excessive prices or poor performance by M/WBE subcontractors should be recognized as a basis for exclusion from bid. And also the EBO office should undertake analysis to set subcontracting goals on a project-specific basis taking those factors into consideration.

So, for these goals, there's no default
number that's set up. Each one of these goals has to be set on a contract-specific basis. And over the course of the year, we will look at where we end up in terms of SBE subcontracting goals and M/WBE subcontracting goals, find out how close we're able to get to the annual aspirational goal in terms of subcontract participation, and then make adjustments accordingly for the following year.

So one other thing I'll point out to you at this point, before I get to it in this matrix: We're also proposing, under this policy, to have something called a Small Business Advisory Committee, which would be made up of stakeholders much like yourselves, that will be available to also take a look at those annual reports about how well the program is doing and not doing, and to make recommendations both to SWA staff and the executive director, the EBO office, and also to the Board, as to what adjustments might need to be made midstream in terms of how the program is operating. Yes, Ms. White.

MS. WHITE: Tina white. If the EBO office under this policy seems to have autonomy, that's already problematic under the proposed that it report to finance at the end, which then reports to purchasing. But under this policy they have total
autonomy. How does a subcontractor object to a goal if it only, they only know about what the goal is going to be applied once it's released on to, publicly released to solicitation? How far out in forecasting will there be a notice as to what contract is coming out and what goal is going to be applied to it?

MR. LEE: What you're asking kind of falls into the category of substantive discussion about the merits of a particular policy option as its proposed. But I'll just say this, that there's a balance that has to be struck between how efficient the purchasing process is, how efficient we are in getting contracts out on the street and getting them awarded versus giving knowledge to everyone. Because you can't just give knowledge to a few. Knowledge would have to be given to everyone at the same time as to what the goal is. So just keep that in mind when we get to that discussion.

Any other question regarding clarification of this particular policy option, R/C-6? Yes, Ms. Depotter.

MS. DEPOTTER. Thank you. Michelle Depotter, AGC. I see the word qualified not in here. And that was one of the most crippling flaws, that the attorney that we retained, Mr. Sullivan, pointed out when he
analyzed the MTA study. The Authority Disparity Study defined availability as the number of businesses in the jurisdiction's market area that are willing and able to provide goods or services. And it seems that this is an absolute intentional mischaracterization of what the United States Supreme Court mandated in the City of Richmond versus Croson.

So qualifications are particularly important to public contracting. And that seems to be missing, not only throughout the study, but here as well. So how would that be addressed?

MR. LEE: I would characterize what you just stated as a substantive discussion matter on this particular policy option. I will say that the disparity study defined availability on the basis of ability. And in our view, and the view of many others, I might also add, ability goes to qualifications. So qualifications would, I mean, they're pretty much synonymous, at least the way I view that word.

MS. DEPOTTER: Thank you for entertaining my comment. We would respectfully disagree in how that would be the appropriate way to address it.

MR. LEE: Okay. Any other questions or clarification on R/C-6?
Okay. Moving forward to R/C-7. This is a policy option titled M/WBE Segmented Subcontracting Goals. This policy option was designed to address a situation where not all segments of the minority business community have the same experience in terms of the severity of their disparity, the severity of the effects of discrimination. Some of the disparity is not statistically significant. Other disparities are statistically significant.

And so this policy option, R/C-7, is designed to address situations where certain segments maybe significantly underutilized more so than others. And even after you've used race-and-gender-neutral remedies and some race-and-gender-conscious remedies, they are still being significantly underutilized, severely underutilized.

The segmented goal would basically operate where you have an overall M/WBE subcontracting goal. Say, for example, twenty percent subcontracting goal. And out of that twenty percent, perhaps five or six percent is required to go to African-American owned firms. That's called a segmented goal. You have an overall twenty percent goal out of which at least six percent have to go to African-American firms because they are still experiencing severe underutilization.
That is how this particular policy option is designed to operate. And it would be applied in situations where the remedy does not seem to be getting to all of the firms that need it, all the categories of firms that need the remedy. Again, the whole approach that we're trying to develop here is the right medicine at the right dose. So that's what this, R/C-7, is designed to do, to make sure the medicine is getting to where it's needed most.

Are there any questions regarding the operation of this particular policy option?

Okay. Let's move on to R/C-8, which is M/WBE Joint Venture Incentive. And under this policy option, for contracts that are greater than or equal to six hundred thousand dollars, we would establish joint venture policy similar to the city of Atlanta's which promoted establishment of joint ventures between diverse partners on projects. As relatively few construction projects may exceed six hundred thousand dollars, we could reserve some larger prime contracts valued at one million or greater for competition by joint ventures between non-M/WBE firms and M/WBE firms. We could also consider valuation preferences for joint ventures between two or more certified M/WBE firms. Consideration of this particular policy option
should be limited to occasions when the SWA has several M/WBE prime contractors of sufficient size and capacity to meaningfully joint venture on contracts of this magnitude. Alternatively, dollar threshold for contracts for application of this remedy may need to be adjusted.

We don't really know whether the one million dollar or six hundred thousand dollar threshold makes sense given the contract history in construction at SWA. So this is just saying we need to discuss that. Also consider providing incentives for larger M/WBEs to joint venture with smaller, local M/WBEs to build local capacity. For example, on best value construction contracts wherein the price is not the only factor, perhaps 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 these are a variety of different approaches with joint venture incentives that help boost both the level of participation of M/WBEs at the prime contract level, and also help them to grow their capacity so they can become viable competitors that are ready, willing and able and qualified to do larger prime construction contracts.
And there are a number of examples that I could give you from the City of Atlanta and other places that have successfully been able to use joint ventures in that manner. Are there any questions of clarification? Yes, Mr. Allady.

MR. ALLADY: With reference to R/N-16 and R/C-8, this kind of conflicts when you're restricting the standards to so low, at the same time we are expecting the joint ventures and all that. So my question of clarification is: In consideration of this policy, has there been any consideration taken in terms of conflicts between different R/Ns? Like R/N-16 and R/C-8 are kind of in conflict. Because in one way you're restricting size standards by 25 percent of the federal standards, but at the same time you're expecting a small venture, a little more bigger capacity and availability of the size of the firms to participate.

MR. LEE: Okay. If I understand your question correctly, you said: Is there a conflict between R/N-16 --

MR. ALLADY: Yes, and R/C-8.

MR. LEE: So that's the SBE Prime Contracting Program. Maybe I didn't spell this out well enough in the very beginning of our first session. The overall
frame work for this policy, as I envision it, is very
similar to a hybrid car. If I'm getting too much into
the weeds on the engineering of automobiles -- a
hybrid car is a car that uses both an electric engine
and a gasoline engine in order to get the car to move
in a fuel-efficient manner from point A to point B.
And there's a little computer on board that
automatically figures out: Which engine do we need to
use to get up the hill? Which engine do we need to
use when we're coasting or coming to a stop? It uses
less fuel. The race-conscious remedies that we have
in this program would be, basically, the gasoline
engine. That's the most aggressive form of remedy
that you have that can take you up a hill and get you
up to speed very quickly.

The race-neutral remedies are more like the
electric engine that doesn't use any fuel, but in
certain circumstances can help you to get from point A
to point B in a very fuel-efficient manner. So we
don't, in some circumstances you may need a little of
both. You may need a mixture of the race conscious
and race neutral remedies. But for the most part,
this policy is being designed in a manner that will
apply one, maybe two of all of these remedies at the
same time. But for the most part, it's one or the
other. We're either coasting downhill or we're pushing uphill, depending upon what the circumstances are.

So, hopefully, I haven't lost you in the elaborate discussion. But what I'm trying to convey to you is that these tools, we need to evaluate the circumstances in the specific contract and figure out which of all of these particular remedies makes the most sense to apply to that particular contract. And there will actually be criteria built into the policy itself that will tell us what factors we should be evaluating in making those determinations and what factors the EBO office should be looking at, and the Authority, in terms of the mix of those different types of tools or remedies.

MR. ALLADY: Thank you.

MR. LEE: Yes, Ms. White.

MS. WHITE: Does the Authority have any history that tells us how many solicitations are RFPs versus straight bids?

MR. LEE: I don't know the answer to that question off the top of my head. I know that there is a mix. I know that there are a fair number of contracts that are, in different industries, are best value contracts. And that way the low bid is not the
only factor that goes into the awarding of the contract. I have heard that, in construction at least, there's not as much design build work going on here as you see in other jurisdictions. Design build or construction management work, those delivery methods are not as prominent here, currently, as they are in other local government entities.

Those types of delivery methods for construction are RFP processes, and there's more of an opportunity for doing those types of incentives, evaluation preferences or joint venture incentives in those kinds of circumstances. There are some models of joint venture incentive programs, I should point out, where the City of Columbia, South Carolina, for example, had a billion dollar water sewer project going on for about ten years. They had a lot of pipe work they had to do. And they had no local pipe contractors. So they used a joint venture incentive as a means of developing local pipe contractor capacity. And they actually set aside those pipe contractors just for bids by those approved joint venture teams. So that's one model that's out there. It might be applied in certain circumstances where you've got low availability of local firms and there's a concerted interest on the part of the government to
try to correct that deficiency and have more
competition locally.

MS. WHITE: But, for clarification, can this
model work if it's not either a shelter bid or an RFP,
can this joint venture work?

MR. LEE: The joint venture incentive has been
used in Atlanta, for example. I know that the Georgia
dome was built with a joint venture between Herman
Russell and a non-minority firm.

MS. WHITE: What I'm saying, are you weighing
was it an RFP or was it a straight bid? That's what
I'm asking. Can this work if it's not an RFP or
shelter?

MR. LEE: Yes, if it's structured in a certain
way, the joint venture incentive can be used in a
low-bid construction contract situation. That's, in
essence, the way Atlanta had approached it. They
said: To be qualified to bid for certain contracts,
you had to be a diverse joint venture. Most of the
joint venture incentives that you see around the
country that are not like that, I think most of them
probably are best applied in circumstances where
you've got an RFP situation. But Atlanta was one
exception, I think.

MS. WHITE: That's why I'm asking. It's
important for the Authority to do its due diligence and let us know how many construction contracts are going out as RFPs or as straight bids. Because if they're going out as straight bids, then they have to figure out how to incorporate this policy, otherwise it's going to be meaningless.

MR. LEE: Okay. We can address the merits of that as we go through the substantive discussion on each of these. Any other questions of clarification on R/C-8?

R/C-9 is basically an M/WBE version of the SBE Mentor-Protege Program, only we are looking to target minority women-owned firms to find mentors for them in the construction industry. Same range of different types of models of mentor-protege programs. Only, I can tell you in the disparity study that was conducted in Orange County a number of years ago here in Florida, it was found they didn't have enough mentor firms to team up with all the M/WBEs that wanted to participate in that program.

So, if you have an SBE mentor-protege program, obviously, the pool of firms in the SBE category is going to be somewhat broader than the pool for M/WBEs. And so that's just something to keep in mind as to whether you have enough mentor firms that
are willing to be mentors in a mentor-protege program here that you can do it for all SBEs or whether you would have to limit it to M/WBE proteges for that program. Okay. Any questions of clarification on this? Mr. Johnson.

MR. JOHNSON: Real quickly, just in terms of what's written here. Under your pros, I do want to state for the record that while it's written that it's favored by the AGC, it's actually something that was favored also by the Minority Builders Coalition and my friend Carol Bowen, ABC, because it provides for participation of the larger nonminority firms in this program, to the extent that they are committing to helping to grow M/WBEs and partner up with them. So this is highly recommended by Minority Builders Coalition. Except that when we talk about the additional options, and you state in the last sentence that it's important to build capacity with an M/WBE community. We have to have sensitivity to the size of the work that the M/WBE part of the mentor protege will have in the project. So I don't know if now is the time or when we get to substantive discussion, but we may want to consider weighing the incentives based upon the size of the work that the minority has in the mentor-protege.
MR. LEE: Okay. Save that point. That's a good thing to raise during our substantive discussion. Any other questions of clarification for the M/WBE mentor-protege program?

Okay. Let's move on to R/C-10, which is M/WBE Evaluation Preference for Best Value RFPs. Again, to the extent that you have construction management contracts at SWA or other delivery methods where construction contracts are awarded on the basis of something other than low bid, where there's an RFP involved, the M/WBE evaluation preference for best value RFPs would apply, would be one of the tools that could be applied. And it would include language in the RFP to encourage M/WBE participation on the bidder's team as one element in the selection criteria.

Under the proposed option, we 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 to any firms or teams that are bidding on the construction management or prime construction design-build contracts. Currently, the EBO office maximizes evaluation preference points at ten percent of total available points. So we're proposing
increasing that from ten percent up to fifteen percent, basically.

The evaluation preference points are assigned to the team based upon the percentage dollar value of the contract that will be performed by team members that are M/WBE firms. Are there any questions of clarification regarding how R/C-10 would operate?

Okay. So that actually takes us through all of the proposed policy options for construction, race and gender neutral and race and gender conscious. Before I go through the remaining steps that we will follow in developing our program and then we go back to the substantive discussion on all of these policy options we have just outlined, we're going to use this time right now to take whatever public comment that we have thus far.

MS. ROBBS: Is there a member of the public that would like to comment? Please make your way to the podium quickly. Give us your name and company that you represent.

Ms. KANTE: Hi, my name is Raj Kante (phonetics), I'm president of Autology. The question I have -- my name is Raj Kante. I'm the president of Autology Services. My question I have, I have three questions really. The first one is: I didn't see
anything for professional services that you have here, only construction. I'm sure I haven't seen the other slides or presentations yet. But my question is: I have concerns in regards to SWA not really covering professional services.

Secondly, what I wanted to ask is the SBA goals under thirty-five million set aside by the, as per the fed set-aside. But the feds have economically disadvantaged and women-owned small business set-asides that you don't seem to have. So what I want to ask is: How exactly is a new minority women-owned firm going to compete with a firm that makes thirty-four million dollars or less? I would like to see some kind of a set-side for qualified small business owners, like myself, and whether or not we can chase primes. Because your options 7, 8, 9, 10, they're all giving options for us to be subcontractors or joint ventures, or mentor proteges. So how do I get past that and actually go for primes, go as a prime on smaller contracts that are not, you know, that I don't have to compete with somebody that makes thirty-four million dollars or less? That's a big firm. It's not a small firm. I know the feds have those designations, but I think on a county or like the Authority level, we should have it a lot
smaller, because thirty-five million is a big firm. That's all. Thank you.

MR. LEE: Just a couple of brief comments. We haven't gotten to the policy options for professional services yet. Those are coming. But the general question about: How does a small firm that's just starting out compete with a great big firm? That's part of what this policy deliberation phase is all about, trying to figure out where we need to start in setting a size standard. We haven't proposed using the SBA size standard directly. We've actually proposed taking a percentage of the Small Business Administration size standard, either fifty percent or twenty five percent of what that is to start out with. But I can tell you there's a number of proposed remedies that we have that are addressing barriers at the prime contract level for construction, professional services firms, and other types of firms to get some type of a point preference in the evaluation of proposals, but I'll just leave it at that for now.

MS. ROBBS: Are there any other members of the public that would like to come forward and make a comment at this time?

MS. DISBERRY: Hi Cheryl Disberry
(phonetics), Coral Steel Company. My main concern as a small business is you're proposing to have the M/WBE companies allowed to be a larger size than what is considered an SBE. And as an SBE, I'm already competing against other SBEs. And if you now have me competing against other companies, which are even larger, that takes away my whole ability to compete.

You know, you also have all of these, I'm sorry, you also have the, if a prime is the SBE, do they still need to get other SBEs? Do they still need to meet goals? Because, obviously, if they're an SBE, they've already met the hundred percentage usage for the contract. So do you need to have other SBEs, and how far down do you count SBEs? Because I'm a supplier, and a lot of times I may be with a contract, but my participation is not counted as part of the SBE percentage. So that is a couple of things, you know, I would like to have addressed.

MR. LEE: Thank you. Those are all legitimate issues that need to be considered as we go through this policy deliberation phase. You're trying to balance small business participation and minority women business participation, and in some instances it may make sense to make the size standards the same.

In other instances, there may be arguments to the
contrary, that M/WBEs are having a harder time in
getting access to certain types of contracts.

So it's a discussion worth having. And I
think we need to be responsive to the community,
ultimately, the small and minority business community,
in coming up with the right definition in terms of
size standards for small businesses and for minority
women-owned businesses.

MS. ROBBS: We will take another comment, if
there is, from the public. If not, would you like to
move forward, Franklin, or we can take a break. We
are due for a break at 11:00.

MR. LEE: What time is it?

MS. ROBBS: It is 10:35.

MR. LEE: Okay. Let me just go through the
remainder of this outline of the steps for how we get
through here to having a new program. And then we'll
take a break, I promise you, right after. This won't
take very long.

This stakeholder process is going to go on
through the end of this month, basically, as we have
it sketched out. In between now and the next
stakeholder meeting, there's going to be a Board
presentation and approval of what was phase one, which
is amendments to the SBE program as they currently
exist with the Authority. We were given direction to try to change the purchasing manual and its reflection of the small business program immediately before we got to address the more intricate and more detailed remedies with respect to minority women-owned businesses.

So there's a Board meeting, a governing Board meeting on April 23rd. The public is, obviously, invited to that. And that's where we will be presenting just the changes to the small business program that we've outlined short term in the purchasing manual procedures. Keep in mind that what we ultimately come up with here in terms of stakeholder perspective to the minority women business enterprise, may, to some extent, change some of the things we've come up with short term for the SBE program, as minority women business enterprise program elements will also incorporate small business programs, race and gender neutral remedies. But again, that's the April 23rd Board meeting.

And then we're going to be having ongoing feedback with SWA staff, with this business stakeholder work group, on the draft policy option matrix, which is also going to include beyond the administrative reforms, the construction industry
program elements, professional services. And then the third grouping was going to be commodities, other services and trade services for the Authority.

Based on the feedback from the stakeholder group, we are then going to revise this policy option matrix and make a presentation to the SWA governing Board of that revised version of this policy option matrix, parts one, two and three.

Then following that, we'll look to get Board approval of the draft revised EBO policy. We're going to develop a draft policy based on the policy option matrix. That's where we fill in the details with words. And develop a draft policy for everyone to review and comment upon based on those program elements that we've outlined in the revised matrix. So basically the policy option matrix is going to serve as, like, an outline for the drafting of the policy that we'll engage in.

That draft hybrid Equal Business Opportunity Program, which is going to include race-and-gender-neutral as well as race-and-gender-conscious elements and the purchasing manual procedures that go with it, that's going to be drafted. We'll get feedback from the staff, the disparity study -- not the disparity study, that
should be the business stakeholders work group and
other stakeholders on the draft EBO policy. So each
one of these steps is an opportunity for your very
valued input into what we end up with, ultimately, as
a new program.

The revision of the draft EBO policy will
then be presented to the SWA Board. And there is,
obviously, a public comment period there. And the
Board will then be asked to approve the revised policy
procedures following that public comment period.

So it's a process that provides ample
feedback and input both on the part of staff, on the
part of the business community, and the Board, and
hopefully we will arrive at a better day in terms of
SWA and its ability to incorporate all segments of the
business population fairly into its contract
opportunities.

In terms of the timeline, it's a very
aggressive timeline, but we're pushing full steam
ahead trying to get through it. We're looking, we've
got the draft policy option matrix that we're
currently reviewing and working on here with this work
group. It started April 11th. It's continuing today.
We will have another stakeholder group, I think it's
the 24th, the morning of the 24th, the day after the
Board meeting. And we're going to have public comment revision period in May on that revised policy option matrix that's going to be the product of all of your valued input here.

And we hope to have the draft policy done by June 7th of 2018. That's an important benchmark date. Because so much depends on the details in these policies and how they operate. And so you will have a first look at the draft on that June 7th or shortly thereafter.

And then, we hope to have the presentation of that draft policy to the Board, the public comment on June 15th, 2018. And then final approval by the Board by the end of June, June 30, 2018. So, between now and June 30th, we've got a lot of work to do. That's what it boils down to. And certainly, I'm available for questions at any point and juncture in this process.

So with that, I think we can take a break. And we've got a lot of work when we come back to go over the substance of what we just covered in this outline for the remainder of the race and gender neutral and race and gender conscious administrative reforms, and then all of the construction policy options that we've listed this morning.
MS. ROBBS: So we will recess until 10:55.

Thank you.

(Brief recess.)

MS. ROBBS: Okay. It's about eleven o'clock. The recess is over. The meeting will come to order.

I had mentioned earlier that we would hold the election after the break. So if there's no objection, we will start that process. There was one member, Selena Smith, who expressed her interest as serving as vice chair. If there's no objection, the way I would like to handle the election is you will vote by raising your hand. And the person with the most votes will be chair, and the second highest number of votes will be vice chair. That way we'll have, maybe we'll have less election process going through. So, if there's -- Mr. Johnson.

MR. JOHNSON: Point of order. Can I make an alternative suggestion? Could we, by nomination, nominate a candidate for each position separately, take a separate vote, that way, it will probably go real quick, because I'm not sure how many different candidates are for each position. But I think it will be less convoluted if we did them separately.


MS. DEPOTTER: Hi, Michelle Depotter, AGC. I
was going to suggest, since the Authority procured Frank Lee to facilitate the policy deliberation discussions which we're all participating in, and having participated previously at the School District where he lead a similar situation, I think he does an excellent job and seems to be providing that now. And I would offer Mr. Franklin Lee be the chair.

MR. LEE: I'll have to respectfully decline. I'm not a stakeholder. I'm just a facilitator.

MS. DEPOTTER: Okay. Just wanted to put that out there.

MR. LEE: What we're looking for is a chair or vice chair of the stakeholder group itself. And that person's responsibilities, actually, you can decide those amongst yourselves. But in the past when I've served in this capacity, the chair of the stakeholders and/or the vice chair, basically just helped to convene folks and to keep them focused during discussion, I guess, try to help keep them focused on the issues at hand. And to facilitate any, well, any, I guess they served in the capacity of helping to facilitate any conversations that can help reach resolution of any disputes or differences of opinion. We're looking for the chair to kind of help serve in that capacity, more so than me, as a facilitator,
leading the discussion. But thank you for your -- I
certainly appreciate that.

MS. ROBBS: Vote of confidence, right. Ms.
Bowen.

MS. BOWEN: Carol Bowen. I had a clarifying
question, but I think Mr. Lee may have answered it.
So the role of chair or vice chair hasn't specifically
been defined in the stakeholder group? Or, I guess my
point is: If we knew what the responsibilities were,
that may help loosen up people's willingness to serve.
But if it's to be later determined then...

MS. ROBBS: I'll just give an overview as we
did on April 11. The role of the chair will be just
to facilitate these meetings. I will be your staff
person to make sure that, as you came here this
morning, the meeting will be set. The agenda will be
prepared. Our office will distribute the information
to you and inform you of any changes in schedule. Of
course, the vice chair would serve in the absence of
the chair.

MS. BOWEN: Thank you.

MS. ROBBS: Okay. We will have Mr. Johnson
and then Ms. White.

MR. JOHNSON: Brian Johnson, Minority Business
Coalition. So just to be clear, the Authority decided
to have a publicly-involved process to develop remedies to passive and active discrimination. That process is a stakeholder work group made up of businesses, communities, and what have you who can contribute to the development of robust policies and procedures. As a matter of public confidence in the process, it's better that the stakeholder work group own the process, and that's why you want it lead by the stakeholder work group with the normal chair and vice chair who would do the normal duties in a chair and vice chair role. So I don't see this as any different, so that this work group can own the product of this work. So I think that's the reason why you should have a chair and vice chair.

MS. ROBBS: Ms. White and then Mr. Lewis.

MS. WHITE: I concur with Mr. Johnson. And I'm prepared to nominate Mr. Johnson for chair, and let's move this along.

MS. SMITH: I second.

MS. ROBBS: Okay. Let's not rush the process. I want to make sure that there's no other comment amongst the stakeholders here. Okay. Ms. Thomas.

MS. THOMAS: Yes, I wanted to ask: Did we have to pre let you know that you wanted to go up for any position, or do you do that at this point?
MS. ROBBS: Basically what happened at the beginning of the meeting, during the roll call, when I called the member's names of the stakeholder committee, I asked for each member to express whether they were interested in serving as chair or vice chair. And so, that was the first, you know, reaching out to find out if you're interested. And so now we're at the beginning of the election process and we're saying that in addition to Ms. Selena Smith, who expressed that she was interested in running as vice chair, I'm asking, are there any other members who are interested in serving as chair or vice chair. But one of the committee members had raised another option in which to handle the elections. I'll recognize Ms. Sanches, Ms. Depotter and then Mr. Lewis.

MS. SANCHES: Actually, we were supposed to vote on this the last time we met and we ran out of time. So this is probably like your third request.


MS. DEPOTTER: I guess my comment would be more clarification for Mr. Johnson. Are there any issues with -- you're an elected official in Broward County; is that correct?

MR. JOHNSON: I am.

MS. DEPOTTER: Are there any issues with
that --

MR. JOHNSON: Not at all.

MS. DEPOTTER: This is a Palm Beach County study -- with you being an elected official serving as chair or vice chair?

MR. JOHNSON: Not at all. This has nothing to do with that.

MS. ROBBS: Okay. If you have questions, I would like that you address them through the chair. And then that way we can make sure that if we need our general counsel to respond or one of the chiefs, or the facilitator, Mr. Franklin Lee, we get the right person to respond and it's on the record. But I appreciate your input and questions. Mr. Lewis.

MR. LEWIS: I believe at our last meeting Mr. Johnson volunteered to be the chair. We have a vice chair. I think this group is ready to move forward in verifying both in those positions. Respectfully, requesting that we move forward.

MS. ROBBS: Is that a motion?

MS. BOWEN: I'd second it, if it is.

MR. LEWIS: I'll make it a motion.

MS. ROBBS: It's been properly moved by Mr. Lewis and seconded by Ms. Bowen that Mr. Brian Johnson serve as the stakeholder, the S/M/WBE Stakeholder
Group chair. And Ms. Selena Smith serve as vice chair. Are you ready for the question? All in favor?

GROUP ANSWER: Ay.

MS. ROBBS: Opposed? Ays have it. The motion carries. And you have just elected Mr. Johnson as your chair and Ms. Smith as your vice chair. We appreciate your commitment. We're there for you. Now, we will move back to the policy option deliberation with Mr. Lee.

MR. LEE: Okay. What I'd like to do for the remainder of our time here today is to entertain the substantive discussion that we need to have on the race neutral remedies, R/N-12 and 13 for administrative reforms, and then all of the policy options that we've outlined this morning for construction, both race and gender neutral and race and gender conscious. And I left out the race conscious remedies for administrative reforms, I think it's R/C-1 through 4 for the administrative reforms.

And we don't have to have a whole lot of substantive discussion where there is no dispute. Hopefully, there will be a few of those that we will cover along the way. But I want to focus our attention and try to have a fair amount of discussion at least on those where we have some issue that may be
in contention or not entirely sure what direction we want to move on.

At this stage, we're just going to have a substantive discussion. There will be a later opportunity at the very end of this process when we will actually ask you-all to give a sense, either through, it's up to you as to how you want to communicate this, either through a vote or through other means as to which policy option you think is a high priority, a moderate priority or a low priority in terms of moving forward, or which of those you think need to be eliminated entirely.

So as we go through this process, just keep in mind, if there's nothing that you have to say that's new or different, the process will move along much more quickly if everybody doesn't feel the need to put two cents in, if those cents are not unique or different. And we also want to make sure that, first and foremost, we remain respectful of one another's opinions. Everybody has a right to have input in this process. And everybody 's input is valued equally. So please be respectful of one another's opinions, even when you differ strongly and passionately with some of your colleagues. And I think if we do those things, this process will be beneficial and we'll move
the ball forward significantly.

Okay. Let's go back to race-neutral remedy R/N-12. I made some notations of areas where I thought there might be some substantive discussion. But I'm going to go through these in numerical order. And if anybody has some substantive discussion on any one of these items, just raise your hand and we will pause and take that subject to discussion.

So, first one is R/N-12, Direct Periodic Reporting of the EBO Office to the Executive Director and Board. Substantive discussion, please raise your hand if you have something you want to say on this particular topic. Okay. We see Ms. White has raised her hand.

MS. WHITE: Tina White. I strongly object to this office reporting to the director of finance. I think this office should report directly to the executive director, whomever that is at that time. My reasons and rationals are these: The finance office, as well as purchasing, they're going to have some objections to bid discounts because it will cost, they will have some objections to the percentage and all those things. So I don't feel that the EBO office can be strong and direct in its recommendations if, in fact, their boss, who is counting the pennies and the
dollars is objecting to the inherent cost to administer the program.

I also have a strong issue with the word coordinator. It's a weak word. And, normally, when you're looking for someone to have strong accountability, I think it should be a disparity diversity director. I think there should be a staff associated with that director. It cannot just be a one-person staff. So the whole formulation of that, to me, cannot exist under this current format.

And I strongly make the recommendation that they report to the executive director. That the executive director should be, his performance should be tied to the performance of this office. And therefore it shouldn't be any middle people in between.

Often times this person has to be in somewhat of an adversarial role with purchasing and with finance, the CFO. And so if that's their boss, I don't see that being a way to protect, ultimately, the small businesses that have already not had access to procurement dollars here.

MR. LEE: Okay. Thank you. Are there any other comments, either with respect to what Ms. White has stated or anything else regarding this particular -- yes, Mr. Johnson.
MR. JOHNSON: Just as a point of clarification, if I'm reading this correctly, this is acknowledging that the current structure is that the EBO office reports to the director of finance. But the actual remedy suggests something different, that it goes directly to the executive director, which is what she's recommending. So aren't we already there in this recommendation?

MR. LEE: Yes, let me clarify something. Technically, there's no Equal Business Opportunity Office, although there's a person working in the role of coordinator for that office, if and when it comes into existence. So, I mean, Colleen Robbs is basically serving in that role in the interim until we have a formal program and a formal structure.

It's still open to debate as to how it's structured. Nothing has been presented to the Board at this point. There have been some internal discussions with staff. And now we're having discussions with you, the stakeholders, as to what you think makes sense in terms of the structure.

MR. PELLOWITZ: Excuse me, Mr. Lee, I just want to make a clarification. The EBO office currently reports to the chief financial officer not the finance director. I just want to make a
clarification, the chief financial officer.

MR. LEE: Yes, I screwed up the nomenclature on that, it's chief financial officer, CFO. But I can tell you that the, there was some, internally with staff there's been some debate as to where it would make sense to house this particular entity, the Equal Business Opportunity Office. In some jurisdictions, I mean, I've shared experience with other jurisdictions that have had different structures. There's some jurisdictions that have placed this type of an entity inside of the law department or city solicitors office in Baltimore, for example. Atlanta was the same way. The mayor's office of contract compliance in Atlanta reported to the city attorney.

There have been other jurisdictions that have put it in purchasing, which can obviously lead to some conflicts sometimes. And Ms. White's position is if you put it under the CFO, who is responsible for, you know, counting nickels and dimes, maybe that could create a conflict, as well.

I will point out, however, I have not proposed any policy options that would be bid preferences as such in that I think what had been proposed previously was like a five percent price preference in bids that MTA had put forward in their
study. And in my view, there was no any evidence whatsoever in the study that reflected on the cost differential or cost disadvantage that Minority and Women Owned Firms were confronted with. So I didn't think you could have a narrowly tailored remedy based on the factual predicates in the study itself. That's not to say there may not be additional evidence that some may be able to bring forward to justify that type of a remedy. But at this point, that's not one of the policy recommendations that's before you.

It's our hope that all of these policies, all of those policy options eventually lead to enhanced competition, where all segments of the business population are being utilized to the greatest extent that their willingness and ability and qualifications will allow, and that that enhanced competition basically leads to cost, eventually leads to cost savings for the SWA. And that it leads to a reduction in the economic burden on all of its clients or rate payers. So that the marketplace is then fully engaged and reaching an optimal level of participation for all concerned.

That being said, we are here to hear what you have to say as stakeholders in terms of what you think makes sense in terms of the structure of the EBO
office. The function and the title of the person
heading that office and the reporting mechanisms
internally with SWA staff, but also ability to report
to the Board, executive director in the Board. So any
further comments?

MR. JOHNSON: I'm not sure my question was
answered, I'm sorry, sir. I just want to make sure
that what I think we're recommending is what we're, in
fact, recommending. Because the short title of this
is Direct Periodic Reporting of EBO Office to
Executive Director. It sounds like that what's Ms.
White wants. And it sounds like that's what we're
recommending. So we're there, right?

MR. LEE: There's two different types of
reporting. So that's why I thought Ms. White's
comments were appropriate. The policy option does
talk about the head of the EBO office, whatever that
title is, being able to report directly to the Board
periodically as to the effectiveness and the progress
of the policy and program.

There's another issue to be addressed under
this policy option as to the structure of the EBO
office and, on a daily basis, who do they report to?
Does the org chart look like the EBO office reports
directly to the executive director, or as it's
currently structured, it reports through the CFO, and then through the CFO up to the executive director. Is that correct?

Okay. So those are two separate issues that you might want to address as stakeholders, the ability to report directly to the Board on the progress, maybe every six months or every year or every quarter, the ability of the head of the EBO office to report directly to the Board. And then the second issue is how, structurally, should the EBO be placed within the SWA Administration. I'm sorry, Ms. Bowen.

MS. BOWEN: Thank you, Mr. Lee. Carol Bowen, ABC. So in both roles, as we define them though, the EBO is not being called upon to dictate which goals apply to which project. They're there to report on how the various goals and policies are being met; is that correct? Because I think the question and the concern was: If we're asking the EBO, and let me know if I'm wrong, my understanding of the first question was: If you're asking the EBO to, on a contract by contract basis, dictate which of these policies apply, then it may be difficult for them to report to the CFO. But I don't think that's what you're asking the EBO to do. You're asking the EBO to report in those two different instances, not make policy regulations.
So in my opinion, I'm not sure it matters who they report to. Because they're reporting on how the policy is being achieved versus what the policy is, if that makes sense.

MR. LEE: Yes, I understand your question. There is an administrative role that the EBO office will have in terms of the application of these various remedies to specific contracts. As we're currently proposing it, the EBO office is the one that would determine whether, for example, a subcontracting goal, an SBE subcontracting goal or an M/WBE subcontracting goal is going to be applied to a specific bid solicitation, and if so, what the size of that goal will be.

And we will put some guidelines into the policy as to what factors should be considered by the EBO office in making those kind of determinations. The reporting requirements that the EBO office would have to the Board would be in the, pretty much along the lines of either a semiannual, quarterly or annual report that the EBO office presents to the Board as to what results has the program obtained thus far in terms of SBE participation by business industry segment, prime contract, subcontract. What are we seeing in terms of bidding activity? What are we
seeing in terms of growth and capacity, the availability of M/WBEs or small businesses for different types of contract, those types of things.

We will also spell out in the policy itself a number of those elements that we would expect to be included in those kinds of reports to the Board. For example, typically, we would include a provision that says: How many waivers were granted to goals over the course of the year? What's the dollar value of those? Were those waivers documented, the just cause of those waivers documented in accordance with the policy? Those are the kind of things that we would look to specify in the reporting mechanisms that go with this policy. But it's important for the Board to be able to see, I believe, which of these tools, which of these policy options are working, how well they're working. Do they need to be adjusted on an annual basis? Does the mix of race-and-gender-neutral versus race-and-gender-conscious remedies need to be adjusted in one way or the other, given how well we've been able to move forward in achieving our annual aspirational goals? That's the kind of data that we're hoping will come out of those reports that will enable the Board to give more informed direction to staff as to what it wants to see happen with the
program each year.

MS. BOWEN: Follow up question, then. I appreciate that explanation, thank you. And I think today we're doing a lot of fact finding, which is important. If we're still finalizing the role of the EBO to some extent, then my request would be that we continue to look at this issue then. Because if we haven't yet defined what we expect of them and that's not written, then I think it's probably unfair of that position to say who they're going to report to. Their role may expand. A title change may be warranted. They may be able to report straight to the head. I think these are really important questions that are being brought up by this group. So maybe we need to table any final determinations until we've decided their official role so that we're giving them the appropriate position they might require. Thank you.

MR. LEE: Any other comments?

MR. JOHNSON: Yes, so I think -- but are we not generally accepting that, throughout the Authority, there will be at least one person assigned to be the internal champion of this program, to be the one who is making sure we're inspecting what we're expecting, whether or not the policies themselves are being adequately and compliantly applied and the
intended results are being achieved, that we could point to and say: This is the quarterback of this particular program, and that the success or failure of this program has a lot to do with that person's day-to-day activities? If we're accepting that as the role, then it's clear to me that we don't want anybody filtering that. That we want that person reporting directly to the executive director, if that's what we're saying. And I think that's what we're saying, I just want to make sure that that's what we're clear about.

MR. LEE: Okay. I will say this: As currently envisioned, at least by me, the head of that office, the EBO office, would be the primary champion for the program. But I would also expect to include responsibilities for other staff people within the organization. I don't want this to be the program of the EBO office. It's a program of the SWA, of the entire Authority. So we need the whole Authority, basically, pulling in the same direction, pulling that boat in the same direction with their oars, to make the program effective and to make it meaningful and to enhance competition in the marketplace from all the different segments of the business population.

So with that being said, I hope that informs
your judgment as to, you know, how you may want to
structure this. I think Ms. Bowen's comment is also
well taken, that maybe this isn't the appropriate
juncture at which to make a decision on this. Maybe
you want to spell out the scope of responsibilities of
that office, of the EBO office before you determine
what the title is and the reporting structure. Or
maybe you want to go ahead and try to get a sense of
the group now as to where you-all stand on this issue.
It's up to you. Mr. Lewis.

MR. LEWIS: All things considered, I think
what we want to do here today is define something
that's most efficient and effective. And so from that
standpoint, I'd really like to hear from staff as to
their rational, so that we have a little bit more
information and insight before we can make any
decisions. I'd love to hear from staff.

MS. WHITE: Agreed.

MR. LEE: Okay.

MR. DUMARS: The EBO office is brand new to
the Authority. They need guidance. They need
administrative help. Primarily, that was my role.
I'm part of the executive staff. So you don't have a
lower level that she's reporting to. My objective
would be to enhance and enable her to do her job, I
take the responsibility of her doing her job. And that's primarily it. She's the expert. So the filtering, I don't really agree that we would, you know, because we count pennies, would hold back. That decision would be among the EBO office, the executive director and everyone else. So I think there has been a misrepresentation of her reporting directly to the CFO with fear that the CFO would block things that she is responsible for. That's not the structure. She needs that person to report to in the organization because she's new and she will need assistance. And the intent is to hire additional staff once the M/WBE program has been approved. So, you know, I think that maybe there was some mistake in seeing her reporting to someone. It is at the executive level.

MR. LEWIS: That helps. Thank you.

MR. LEE: Yes, Ms. White.

MS. WHITE: I think this is the foundation for the house. And so it's a little troubling that this has not been more vetted and thought out before bringing it to us. I would like to see an actual, I would like to see in writing how this office would actually operate. I understand the CFO's position; however, in terms of accountability, it has to be that
there is one person from the Board's standpoint, the public's standpoint that ultimately the program is going to succeed or fail under. And that person, in my opinion, can only be the executive director. It can't be his executive staff. It has to be the executive director in which his performance annually reviewed is tied into the successor of that office. Whomever is in that office, however many people exist.

For me, I still would not like to see anyone in between the director of that office -- because I think it should be a director's position -- and the executive director. But I think that, I know you don't have an office, we understand that part. But, this is, to me, the foundation for everything going forward. And this cannot be backed into. It's got to be very thought out in advance. And I would like to see something in writing as to how that office would operate, because if there's no -- I can't buy into how that office is going to operate or the policies that I would be accepting could possibly be nothing but policies on paper.

To give you, even to be even more exact, the Authority currently has an SBE bi-annual report. That report goes on the consent agenda. So, yeah, you gave a report to the Board, but it went on a consent
agenda. It's not discussed in the public meeting unless someone from the public, as I have, has requested a governing Board member to pull it from the consent agenda. So all of those things, to me, are really critical.

I have a history that have, you know, been here part of these meetings, that some of my colleagues may not have in terms of the practices that have gotten us to the place that says significantly African-American people have not had access to procurement here. So I would really like to see this flushed out in writing so that we can actually make some informed decisions and not leave it to chance.

MR. LEE: I wholeheartedly understand where you're coming from with that. The process that we're trying to follow here is to develop the broad outlines of the program. And through this stakeholder process, I'm getting an indication of issues that are important to you as stakeholders, to make sure that they're addressed in the draft policy. Again, the policy option matrix that we're dealing with today and in the next few meetings is going to be, basically, serving as a detailed outline for the policy that I draft. Now, based on what you just said, it may be helpful if I can share with all of you stakeholders some sample
policies from other jurisdictions in terms of the organizational structure of the office, how it fits in and reports and that sort of thing. Just to give you an idea of what the possibilities may be. And then, ultimately, you may want to come back as a group and try to reach some consensus as to what that structure should reflect here going forward. I can do that if you think that would be helpful to the group as stakeholders in this process.

MS. WHITE: It would for me.

MR. LEE: Any other comment on that? Yes, Ms. Gaines.

MS. GAINES: I'd just like to advise the stakeholders group that I think it's common knowledge that the more independence this position and this office has the more effective the office will be. There are going to be some compliance and monitoring both of internal administrative functions as well as external contractual functions, as well. And so, with that being the case, I think that the best-in-class samples that you would give work best the higher up and the more independence this office has.

Now, there are always the exceptions, because there are often times people who are champions at lower levels in different organizational
structures. But I don't think we can leave it to that. I think we need to leave it to an infrastructure that is going to promise the most progress in moving forward with fidelity to this program that we can.

MR. LEE: Ms. Smith, before I call upon you, it just occurred to me that I need to make one other point perfectly clear for all concerned. At some level, it doesn't matter what the reporting structure is, if there is not the political will at the Board level and the executive director level, I don't care who you have the EBO office reporting to, it's not going to be an effective program. We need an entire organization to buy into whatever policy we come up with here if it's going to mean anything. I've seen situations that look great on paper, straight reporting and all of that and everything else.

But keep in mind, whatever policy we come up with this year is going to last for years beyond this. It may be amended from time to time, but we don't know what personnel we're going to be dealing with, you know, in five years. We can try to make decisions based on what we see here today. But also try to keep your eyes on the horizon as you're developing policy, to realize there may be times when either staff is
either more gung-ho about this kind of policy effort
or less gung-ho about it. It does change over time.
I've seen that happen in a number of jurisdictions.
So the best you can do as stakeholders, the best that
you can do in terms of developing policies, is to
think of the long term. What's going to make the most
sense in terms of you, as stakeholders, being able to
have input in the future as you need to weigh in on
changing things.

MS. SMITH: So as a suggestion then, maybe, if
we can agree on "this is the procedure that this
particular person would be reported to", and then
maybe a subcommittee made up of the stakeholders go
into the detail of that particular role and reporting
and go from there. So at least we can agree on, right
now, this is who this figure head would be. And then
maybe we then convene and come back or table this and
come back and say: "This is how we would like it laid
out", and discuss it another time.

MS. WHITE: Can't agree to that right now. I
would ask that -- I'm making a motion that Mr. Lee
provide us with models from other governmental
agencies that are effective, that I concur with Ms.
Gaines, that have a strong independence to them. I
don't concur with Mr. Lee on the fact that, yes, it's
important for the elected officials to buy into the policy, but we can un-elect elected officials. We can't fire staff. We can't fire the executive director. We can't fire the people in the office. But we can put pressure on the Board if those persons are not performing. And the only way we can know that they're performing is how this model is set up and how they are evaluated on their annual performances to the success of this program.

And so, policy makers are going to come and go. Some staff is going to come and go. But in terms of the accountability of staff being the champions, no matter what their role is, it's going to be tied to their performances. And we can hold the Board accountable for their staff not performing. And if we don't have any other way to show them our disapproval than un-electing them, then that's what we would have to do. But, for me, I can't agree on this right now at all. And I think that I've got to see some models and be real clear about what is the expectation. Because otherwise, if we don't get this part of it right from the very beginning, everything else is just lip service. And I've seen lip service here. They do it well.

MR. LEE: Okay. Is there a consensus that I
will provide additional models for your consideration as stakeholders in terms of the internal structure and also reporting to the Board? Yes, Ms. Sanches.

MS. SANCHES: Can you, you mentioned this before, but can you also provide a job description? Because I think that's important. You kind of, like, alluded to it earlier. And Mr. Dumas, you had mentioned "she". Who is the "she" that you are referring to?

MR. DUMARS: Excuse me?

MS. ROBBS: Me.

MS. SANCHES: Okay. So, I guess, just for clarity for me, what exactly, where are you guys right now in terms of, is she, Ms. Colleen, where else are you going with this in terms of, how do you see this whole office being ran?

MR. DUMARS: From an operational standpoint?

MS. SANCHES: Yes.

MR. DUMARS: From an operational standpoint, in signing off on her issues and items, I'm the person -- she's new here. And I'm really there to help facilitate her efforts to make this program successful. Ms. Brady is the purchasing director.

That report that you talk about, she's responsible for that report. But she reports to me. And so it's more
of administrative signing off and providing direction and support, approving budgets and so forth.

And the idea that, you know, I would be a block to that, no, my goal and objective would be to make sure that this program is successful. And so that's why the structure has been created coming into the agency. She needed guidance. She needed someone to report to. And it was thought that the CFO would be the best position for that, since it's a kin to purchasing. And purchasing and finance and two or three other departments report to me. So, that's what I was talking about.

MR. LEE: And to also answer your other question, Ms. Sanches, I've worked with a couple of different local governments that have asked me to help with the implementation phase of their programs after we've developed the policy. So, fortunately, I've actually collected job descriptions for offices of various sizes, different stages. I've worked with Miami Dade Public Schools, for example. When they started out, they had one person, and then they gradually increased their staffing. I think they've got six or seven.

MS. ROBBS: Twelve.

MR. LEE: Twelve? Oh, wow. In other -- and
I've job descriptions and even budgets at different stages of development of these programs. You're starting with basically just having a small business program of one person who has essentially been given the responsibility, historically, for operating that. And I've made it clear from jump street you're going to have to put some additional resources into this kind of a program if you really care to make a difference. So I will be happy to share whatever relevant information of that nature I have with you.

MS. SANCHES: I have one more question. You're all staff. Are you-all willing to, after we've spoken, change your position to having this person, whether it's Ms. Colleen or whoever else, not report to the chief financial officer, if we strongly believe that there's a conflict of interest, which there would be, and even unintentionally, it's just the reality. And as Ms. Gaines mentioned, there's really not a lot of independence when your job is tied to the person that you report to, who just happens to also be part of the same, you know, environment. It might have a different idea, like counting pennies. I mean, purchasing and financing they're very, like to hold on to their money. So if it comes to pass that you might not be able to hold on to as much money, how flexible
will you be in that? I mean that is a question to be considered.

MR. PELLOWITZ. Can I address that real quickly?

MR. LEE: Sure.

MR. PELLOWITZ: I think it's important to note, just so you understand, the structure of the Authority first, 'cause a lot of you are new here. So I'm going to start at the top and I'm going to work down. Currently, the executive director is a contract employee who works for the Board. The executive director is the only person who works for the Board. Everyone else in the Authority works for the executive director. At that level, the executive director is responsible for everything that goes on in the Authority and reports directly to the Board by contract.

It's also important to note that everybody has to report to somebody for the purpose of their evaluations and evaluating the performance and providing them with input. Currently, right now, we have the office reporting to Mr. Dumars, who is the chief financial officer. He is responsible for finance, for purchasing, for customer service and for IT. I think I've named everything.
It's also important to know that the finance department probably spends less money than any other department in the organization. Most of the money is spent by, you know, the engineering department through construction and design, in operations. So the real, I think it's, I don't think it's necessarily true the premise that as the, he's the chief financial officer and he's going to be the one worried about pinching the pennies. That's not necessarily the way it works. It doesn't work that way here.

And I think I look forward to Franklin providing some structures, because I think it's important that they be right size, because the Authority is small relative to a county or a large city, like Atlanta. So I mean, I would appreciate it if we could get that information together and get it to you and then have a more substantive discussion later. And I would also like to provide you with a copy of, not only the job description, but the Authority's organizational chart and some other things, so you understand.

Right now Mr. Dumars reports to me. And I'm the one who made the decision that this office report to Paul. I'm open to other suggestions if people have them. The one thing I was clear on is that the office
should not be part of purchasing. So this office needs to be separate and distinct from purchasing, because procurement guidelines are fairly strict. And separating this person from the purchasing function is important, because in this role she can do things that purchasing can't do. And so that, I mean, purchasing has a requirement to make sure everybody gets notified at the same time on a bid, that everyone receives the same information. They really can't provide personal assistance to any particular bidder or potential bidder over another. So that's the reason why it was put there.

But to answer your question, we're willing to look at what the stakeholder group has to say and we will evaluate at the time and we may change our position.

MS. SANCHES: I have another question. So how committed are you to making sure that this works?

MR. PELLOWITZ: I'm a hundred percent committed to it. Absolutely, one hundred percent. If I wasn't, I wouldn't be here. So, my goal here is to come up with a program that nearly everybody can accept, than everyone is committed to. Our directors and folks are in the audience. We talked about a training programmer earlier, this is part of that
training program. They're involved here today, not only to assist you, but also to understand what the program is ultimately going to look like. And they're going to be required to buy into it and function with it. And they're all committed to that. So I'm a hundred percent committed to it. And I can guarantee so is Paul, and so is Colleen, and so is Sondra. And so is everyone else in this organization.

MS. SANCHES: Thank you.

MR. HAMMOND: Can I just add one thing before we get going. We're having a little feedback problem here through our audio system. It appears somebody's cell phone may be on. If I could just ask that, you know, you put them in silent mode or airplane mode or turn them off. Thanks.

MS. WHITE: Tina White. Dan, based on, currently the person reports to Paul. Once they're starting to assess percentages, who overrides that person?

MR. PELLOWITZ: It's important -- that's a good question. As Franklin said, we're going to be presenting some modifications to our administrative procedures to the Board on Monday at the Board meeting. There are, if you read that, there are, in any case where there is a disagreement between the EBO
office and another department or purchasing or
anywhere else, that is elevated to the executive
director to convene a meeting and to make the final
decision as to what that's going to be. So,
ultimately, there is a dotted line, a dotted line
responsibility, if you will, to the executive
director. But organizationally, right now, we believe
it's best that this position report to the chief
financial officer. If we get into this, and that
doesn't seem to be working, then that can always be
changed. But I guarantee you that the executive
director is the one who has the ultimate financial
responsibility and ultimate responsibility for the
success of this program.

MS. WHITE: That even strengthens my position
on why that person should be reporting directly to
you. Because you have to have first-hand knowledge on
a day-to-day basis on how this program works and
whether it's working properly. It cannot be someone
in between you and that office that's telling you
their interpretation of how the program is working and
the success of that program.

If you're going to be, basically, a figure
head, then this cannot work, in my opinion, not based
on the disparity study that documents the past
practices. You were part of the past practices. So I understand you're saying you're one hundred percent committed. It appears that you are objecting to that person reporting to you. But, in my opinion, you have to be held accountable. And the only way you can be held accountable to the success of the program is that you understand on a day-to-day basis how that program is working, operating and there is nobody in between you and that person.

I'm not, Mr. Dumars, it has nothing do with who is the CFO. I just has to do with the direct lines. Because what I've heard here often is "my staff", "my staff", meaning, "I didn't have", "I didn't directly know this", "my staff". So, in this, in order for this to be successful, in order for the Board to also have accountability back to the public, it has got to be the executive director in which this falls on one hundred percent 24/7. That's my position.

MR. HAMMOND: If I might. I clearly, you know, sitting here, get everybody's information and input. I understand, and I think at this point it might be good to be able to table this. I think Franklin Lee has, Mr. Lee has come up with a good suggestion here. He's going to try to put together
some more information for the committee. He will get it to staff. We will be able to evaluate it, take a look at how we might be able to structure this office within our current structure and then come back to you. But, you know, I don't think we're going to resolve it today. But I do believe that this is something we can work on and bring back to you in the future, if you don't mind.

MR. LEE: Okay. Do we have a more or less consensus on that, that I will get you some additional information? I also have information on job descriptions and even some budgets for different programs around the country. And staff can take a look at those, as well, and see what makes sense, given the resources and structure that the Authority has.

Okay. All right. Let's move on. R/N-13 was the policy option for EBO Office Representation on Evaluation Panels, just having a staff person with that perspective for Small, Minority Women Business participation, try to keep everybody else honest in their scoring on evaluation panels. Were there any substantive debates or comment on this one at this point? Yes, Ms. White.

MS. WHITE: Tina White, one of my concerns
with evaluation panels is the competency of the persons on the panel. And I'd like to figure out, you know, understand how you make the selection for the persons that participate on the panel and what their knowledge is as it relates to that particular procurement?

MR. PELLOWITZ: I'm going to start, and maybe I'll ask Sondra to come up and finish. The way we handle selection and evaluation committees now is we, sometimes it's three and sometimes it's five members. The originating department, which is the department that is requesting the solicitation and has the knowledge, direct knowledge associated with the products and services that they're procuring, typically has one or may have two, if it's a five-person committee, on the committee. We also require that a finance person be on every committee. And then an additional person who has expertise in the area. We're a relatively small organization. Our administrative staff is probably less than a hundred.

So, typically, the same in an engineering-type situation, a construction project, it typically wouldn't be on engineering, it would be CCNA. Engineering would have one or two people on the committee, and then finance would have a person. We
might bring in someone from environmental, or someone, our director of landfill ops, who is an engineer. And bring them in either that. So they all have high-level knowledge of what's being purchased. And they all have slightly different perspectives on, you know, so that you don't have like, we don't allow the originating department to control the committee, because then they're in a position to potentially pick whoever they want or out vote everybody else. So we do have balance in those committees.

And what we're asking to do here or suggesting here is that the EBO officer or their designee also have a voting member on that committee. So we're expanding the committee beyond what we currently do now to include the EBO office, as well.

MS. WHITE: How experience -- what is staff told in terms of how they determine the score they're going to give for experience?

MR. PELLOWITZ: Those instructions are generally included -- Sondra, please come up. She was getting out of her chair, so I'm going to let answer.

MS. WORTHY: Sondra Worthy, Director of Purchasing Services. What we do is establish weighted criteria. And based on the complexity and technical issues as it relates to the service that we're
procuring, we establish weighted criteria. In most instances experience is more heavily rated, qualifications of the firm and the individuals are also heavily rated. Under an RFP under CCNA there is no cost consideration, because that's a negotiated item. In addition to that, we've got the criteria for local participation and/or SBE participation.

To also expand a little bit on what Dan said in regards to the make-up of the selection committee, we also extend an invitation to a member of the citizens advisory committee to participate. And as said, it's always going to be an odd number, three, five or seven. And we also provide an opportunity for an outside person from another organization or corporation, company, to participate, based on their level of expertise.

MR. DUMARS: Also, generally, we will not have a supervisor and subordinate on the committee.

MS. WORTHY: Right. We will never have a supervisor/subordinate. And in the case where we may have two individuals from one department within the same department, it's rare, but in that event, the executive director has to approve the assignment of the second individual.

MS. WHITE: Mr. Lee, would you share with them
the example you gave about the long-term company that they kept giving the award to, because experience is one of the main barriers discussed in the disparity study. And there has got to be a rethinking of how that is weighted, and the thought process behind the scoring on experience in order for minority firms to gain business here at the Authority.

MR. LEE: Yes, Ms. White is referring to an example that I gave to the Board in my first presentation about one of the unthinking barriers that really tends to keep small and minority businesses, hold them back in terms of participation. There was a disparity study that I was involved with with the water sewer district just outside the District of Columbia. And like most jurisdictions, they had an RFP process for engineering firms that they selected. And the data showed they were always selecting the same three or four engineering firms for all their design work, for their water and sewer projects. And we wondered: Well, why is it that there's not more minority businesses bidding or being selected?

And they had an experience requirement that made up, roughly, forty percent of their points for the evaluation process. We found that there was a very successful minority engineering firm from Atlanta
that had been doing work with the Army Corps of Engineers, worked in DC and surrounding areas, multiple million dollar projects, very large projects. But when we looked at the scoring sheets for the evaluation panels, they were always being marked way down in terms of experience. This firm was what's called an 8A company. It had been certified by the Small Business Administration as an 8A company. It had been around for thirty years and done some great work on fairly large projects.

So we did, we decided to do case studies into how this scoring came about. And went in and interviewed the people on the evaluation panel for those engineering firms. And they said, "Well, what we did was we looked at the firms that we typically used and they had a lot of experience with us. They got all forty points out of the experience criteria. And this firm had been around for a hundred years. The minority firm had only been around for thirty years, so we gave them one-third of the experience points." They didn't get anywhere close to forty points. So they were being, basically, kicked out on that basis alone.

So then we asked the members on the evaluation panel, "Well, how many hundred-year-old
guys are going to be working on this project?" And then the light bulb went off and then they realized, "Oh, I guess that doesn't make a lot of sense to have that kind of disparity in the scoring of these firms based on experience".

The truth was both of the firms were equally qualified. They'd done similar types of projects, similar size and had the capability and qualifications to perform well. They both had adequate or more than adequate experience and capability for performing the project. And that changed the way that the panel members were thinking about the way that they score.

But if you didn't have somebody from a small business office or equal business opportunity office in the room to question them about why they had those kind of disparities in their numbers, they might not even think about that and consider whether they scored the proposals or the teams fairly. And so, that's what our thinking was behind this particular proposed remedy. That if we just had somebody with that sensitivity participating in those panels, maybe we will get better, fairer result in terms of the actual scoring.

Yes, Mr. Lewis.

MR. LEWIS: To that point, I think that's what
we're talking about here, which is adding that person to the evaluation panel that does not currently exist. I happen to know Ms. Robbs very well. She's very well qualified. She may or may not be that person. She's very competent. And I think this particular stakeholder committee just needs to go with this one, because it doesn't exist at the present time. So it's going to only enhance the integrity of the evaluation criteria and the process, because it doesn't exist at the current time. And I think that's what the whole point of this one is. Let's move on.

MS. BOWEN: I agree.

MS. ROBBS: Mr. Allady, you had a comment.

MR. ALLADY: That was my comment, basically.

MR. LEE: All right. Well, moving right along. Now we come to administrative reforms and race conscious remedies. R/C-1, Penalties and Sanctions for Noncompliance with S/M/WBE Requirements. There's two of these, R/C-2 deals with issues of fraud. But, basically, this policy option is addressing the need to put teeth into the program, that if there's noncompliance with requirements, either in the bid solicitation and/or the contract itself, that there's sanctions to be imposed for that noncompliance. Are there any substantive comments on this particular
policy option? Yes, Mr. Lewis.

MR. LEWIS: Just for clarity purposes and probably for reiteration, you will be putting this policy together with all those parameters, let's say. So if that is the case, I'd like to move this forward and wait till we see that in writing to have further discussion, unless there's other stakeholder members who have some other things that they want to add to that. But I think the bottom line is, accountability, and to penalize or not penalize someone for fraudulent acts or violations of policy.

MR. LEE: Yes, Ms. White, you had a comment?

MS. WHITE: The only thing I would like to say is that in this particular policy I'm very interested in seeing the fine print. And especially when it comes to who determines a claim was not a real claim, what that process looks like. It can't be just one person having the autonomy to make that decision. So I'm really interested in the fine print.

MR. LEE: Yes, I can assure you that the draft policy will have due process provisions put into it so that there is, at least, a right of appeal. There's investigation. There's a right of appeal. But the EBO office will have the initial responsibility for investigating and determining whether there appears to
be noncompliance and recommending a sanction or penalty based on that noncompliance. And then there's a due process that goes up, ultimately to the executive director, and in some instances, to the Board, depending upon what that sanction is. So that will be built into it.

I can tell you, there's a full range of different types of penalties and sanctions based upon the severity of the noncompliance. Fraud is frowned upon very deeply in these policies. And we have a place for those folks in jail. There is other sanctions that would deal with financial sanctions or penalties. In some instances, liquidated damages when processes were followed for getting waivers and, in fact, contractors just don't bother complying with their contractual commitments in terms of small or minority women business participation. So it will have some teeth in it, and you will get to see that after we get past this policy option phase and I give you the draft policy in May. Yes.

MS. GAINES: I just want to also make sure that under the contract breach damages, it says here, for example, equal to dollar value of shortage under the participation commitment. That is, it doesn't give them an incentive to breach that is so small that...
they would prefer to not comply with the policy and pay the damage. It's got to be, the damages have got to be sufficient enough to discourage the breach, I guess I would say.

MR. LEE: Yes, I guess if there's a real small goal, yeah, maybe they'll think, "Well, what the heck, I'll just self-perform this little two percent myself and not bother complying with it." The problem is there are other sanctions, that if there's repeated violations of that nature, they can get debarred from doing business with the government for up to three years. And that's generally the kind of hammer folks don't want to face. So they don't want to be repetitive violators like that. If you keep running the stop sign, eventually the cop is going to pull you over and you're going to get a ticket. And then, eventually, they take your license away and your registration. They impound your car. So that's the progression we're looking for in terms of the sanctions that would be put into this kind of a policy. Any other comments at this point?

MS. DEPOTTER: I'd like to make a comment.

MR. LEE: Yes.

MS. DEPOTTER: I feel like this is a great time for me to make the comment. I missed the first
meeting. So as we move into the race conscious components and discussions, which under Croson would be extreme remedies or gas powered vehicles as opposed to, referencing your analogies. The AGC very much supports the hybrid model.

And I would just like to put out here to my colleagues in a good faith effort and in being objective, most of you know that The AGC retained a lawyer and expert in Croson, in addition to Mr. Lee's opinion. And Mr. La Noue was contracted for by the County, which we had nothing to do with. That study in the analysis conveys that "In order for race conscious recommendations to be constitutional the standards of Croson must be met."

And we continue to believe that the study is too flawed to meet Croson. I understand the position of the Board and why we are here today involved in these deliberations. But the one thing that was consistent with your comment and with Mr. La Noue's and Mr. Sullivan's was a reference to the Herschell Gill case versus The Metropolitan Dade County case. And I'd just like to restate that: It says: The Court ruled that officials who implement unconstitutional race-conscious procurement policies can be held personally liable".
I have brought each of you copies should you wish to take it and review it. But moving forward, if there's any votes on extreme remedies, we will desist from those type of votes. Thank you.

MR. LEE: Well, I wish you would keep an open mind and hear everything that we have to say before you take a position you're not going to approve certain race-conscious remedies. You just stated something contradictory, which is that you would like to see a hybrid model, which includes some race-conscious.

MS. DEPOTTER: I'm sorry, maybe I misunderstood your hybrid model. The AGC is supportive of race-and-gender-neutral programs.

MR. LEE: But never in favor of any type of race-and-gender-conscious programs, that's your position?

MS. DEPOTTER: Not at this point.

MR. JOHNSON: Point of order.

MR. LEE: All right. Yes, let's get back to the issue at hand. I understand, you're basically telling us now that any R/C proposed remedy is going to be opposed by The AGC regardless of the merits?

MS. DEPOTTER: Yes, I am.

MR. LEE: Mr. Johnson first and then Ms.
MR. JOHNSON: Yes, just wondering if that would suggest that it would be appropriate for AGC to withdraw themselves from this process, because this is a race-and-gender-conscious process that includes race-conscious --

MR. LEE: Well, I don't think -- they are a stakeholder. They are a part of the business community here. They have a right to have their opinion and voice their opinion, and they've just voiced it.

MR. JOHNSON: Okay.

MS. DEPOTTER: That's why I voiced it, because you allow that. And I appreciate that.

MR. LEE: I mean, the position that they're taking based on the Hershell Gill Case, that's all been shared extensively with the Board. And they told us to go forward with this policy deliberation phase, understanding that it would include consideration of race-and-gender-conscious remedies. As long as you're aware of that.

MS. DEPOTTER: I'm aware of that.

MR. LEE: Okay. All right. Ms. White.

MS. WHITE: Tina White. AGC keeps bringing up Sullivan and Lenew's report. I would like to know if
staff have asked those gentlemen to come before the public and the Board to defend their reports, instead of having someone talk about the report in abstract. I would love for them to come forth and, you know, put on the record their positions, why they state their positions, instead of AGC using them as if they are these God-like figures that no one can ask any questions of or challenge what they've said. And not only challenge, they're not even willing to come in and defend what they've said. So, I find it, you know, kind of interesting that they don't even want to defend their own policy.

MS. DEPOTTER: Excuse me, I put that on the record and made Mr. Sullivan available. Mr. Sullivan will be meeting individually with the governing Board as well as the Board of County Commissioners.

MS. WHITE: Why won't they come in the public like everyone else?

MS. ROBBS: Excuse me, excuse me, point of order. So what I expect from our stakeholder committee is that questions are directed through the chair, not to you individually, so that we can respect each other's opinion. And then, at that time, as I said earlier, we can determine who needs to respond to it. All of your input is valuable. But we must
respect each other in how we provide that input. So don't shy away from it. It's just that the protocol is that you direct it through the chair and allow the chair to recognize the individuals to speak, if you could wait on that. And so, our chair is Brian Johnson. And what we are having during the presentation is that Mr. Lee recognized the members of the stakeholder committee, and then you are to speak. One thing, so that we will have it on the record, if you can announce your name, and that will give you time to sort of to take everything in.

MR. LEE: Mr. Chair.

MR. JOHNSON: Point of order. Have we transferred the facilitation of this meeting yet? I thought we were doing that at the end.

MR. LEE: No, I'm still trying to facilitate discussion here. My understanding is Ms. Depotter has expressed her opinion as to what the agency's opinion is going to be with respect to any race-conscious remedy that's proposed. And Ms. White has stated her opinion regarding the basis for AGC's position.

My question to you as stakeholders is: Do you have any other substantive comment regarding this particular R/C-1, Penalties and Sanctions for Noncompliance With S/M/WBE Requirements? Yes, Ms.
Bowen.

MS. BOWEN: Carol Bowen, ABC. And Mr. Lee will be familiar with this request because I've made it in other instances. I always like to ask that as we're contemplating sanctions and penalties in that phase, that it, that there be anticipated a root for a general contractor to give feedback if he has a nonperforming -- and there might be in one of the other instances that more appropriately speaks to it. But in other words, the goal of this process is to make sure that we're increasing access to folks that may not have otherwise had it for a variety of reasons.

There are bad actor complaints on all levels and all regions and all jurisdictions. And if someone gets on a job who maybe is not qualified, cannot meet the requirements, just wants to be there to be there, I would want that GC to be able to report back to you: "This particular firm maybe utilizing an opportunity that somebody else would benefit from."

So if we're talking about sanctions and penalties and all that, it should be open to everybody in the reporting process, because you don't want, to your earlier point, any one company on any level that can always get work, always get work, if they're providing
a hurdle to another company that maybe has better qualifications to get in as it relates to Small, Women Minority Business.

MR. LEE: Absolutely, and comment well taken, Ms. Bowen. The next policy option item, R/C-2, actually addresses fraud. And that can certainly take place on the part of S/M/WBE firms as well as non-M/WBE firms. And the whole idea is that we want a program that is providing real opportunities to real firms that are actually performing the work. And if they're not performing, then substitutions need to be provided for. And good faith efforts should be taken to find bona fide qualified firms to fill those roles if the firms that are initially selected are not. And those kind of provisions will definitely be put into the policy, I can assure you. Yes, Ms. Gaines.

MS. GAINES: Point of clarification: How will those administrative hearings and processes and appeals take place? What office? What staff?

MR. LEE: That will be spelled out in some detail in the policy. What's anticipated is that: Investigation by the EBO office, recommendation for sanctions by the EBO office. Actually, before you even get to the sanctions stage, this is another point I should highlight, we previously covered a
race-neutral remedy, I think, for establishment of an ombudsman office for EBO. And that office is supposed to serve the role of trying to prevent people from getting to the point where there's noncompliance. Bring the parties together, see if they can work out any differences in terms of the performance of the work, so that ultimately there is compliance with the commitments that were made in that no sanctions would ever need to be imposed.

But if there is noncompliance, the EBO office undertakes an investigation. It makes a recommendation for imposition of sanctions. It may be reviewed by legal counsel and also purchasing. And then, ultimately, that recommendation either gets imposed at that point or it gets appealed up to the executive director. And then from the executive director, if the executive director imposes that sanction, then it can go to the Board for final determination. That's where the ultimate accountability is, with the Board, in these things.

But it is our intention that you make the rules very clear of what's expected of everyone. And if they flout the rules and don't follow the rules, then they get subjected to sanctions of increasing severity the more they disregard that compliance
MR. PELLOWITZ: I'd like to just add one thing. As I told you, there's a Board meeting on Monday. And we are moving forward with administrative policy changes. And there are similar provisions for the SBE program that is before the Board on Monday. So if anyone wants to take a look at that and the language that has been drafted for that, the agenda is online. And you can read online on the purchasing policy manual changes that address that. And it's, essentially, as Franklin has presented it.

MR. LEE: Yeah, that is a good model for what is to come in this ultimate EBO policy. The procedures manual, we definitely added some of these sanctions and penalties into the small business program as is currently stated in the procedures manual.

MS. WHITE: So this body is not going to have any weigh-in on the SBE's policies before you -- because you're presenting them to the Board next week?

MR. LEE: No, well, let me put it this way: We've accelerated the SBE, some of the reforms of the SBE program, but you get a second bite at that apple through this stakeholder process. In other words, whatever we put, whatever the Board approves,
hopefully on the 23rd of this month, you get a chance to weigh in and change it when we come up with the overall EBO policy. We were given direction to strengthen the SBE program short term between now and June. And then by June we hope to finalize this comprehensive hybrid policy that includes race-and-gender-neutral and race-and-gender-conscious remedies. And so, in that reiteration, you would have the ability to further modify this component.

MS. WHITE: Does the Board know that? Does the Board understand that?

MR. LEE: Yes, they should. That's what we told them. Okay.

Can I move on to R/C-2? This is Penalties and Sanctions for Fraud with the understanding that one of the issues that has to be addressed, given the size of the Authority staff of basically a hundred staff persons, there is a reluctance for them to internalize the certification process, which takes a whole lot of resources. So part of what we're going to be dealing with later on, is how to handle certification requirements for a program of this nature. It's critical that you make sure the firms that are participating and benefiting, either as small businesses or minority women-owned businesses, are
genuinely owned and controlled by minority women-owned firms or that they're genuinely small businesses that are independent of larger businesses.

So, the penalties and sanctions that relate to fraud go towards fraud in the certification process, whatever that may be. And also fraud in compliance. That includes such things as false reporting, where a prime is reporting that they're using an SBE sub or minority women-owned sub and, in fact, they're not. Or they're indicating that they made payments to these firms, when they haven't. Or that they're actually performing the work when, in fact, they're not being given the opportunity to perform that work.

So this is a similar type of a provision that will allow for escalating forms of sanctions to be imposed as firms are repeatedly flouting their responsibilities and their commitments under the program.

R/C-2 would also apply to small minority women-owned firms that have committed fraud and claimed that they're certified, are claiming that they're licensed in a certain area when they're not. So this is to ensure that we have integrity in this program, that it is doing what it is supposed to do
and it's not just some kind of a sham operation. Are there any comments on this R/C-2? Mr. Johnson.

MR. JOHNSON: I just wanted to recommend that we explicitly state that it also includes the certified firms who front. So those who adequately meet the eligible criteria for certification and they got that certification honestly, but they willfully participate in efforts to circumvent the intent of the policy.

MR. LEE: Absolutely, for those here who are not aware of what the term fronting means, sometimes you have firms that have legitimate certifications for doing a certain type of work, and they just sell their name, basically, to a prime contractor to say that they're working as a subcontractor when, in fact, they're not. And they'll get paid a little small fee by that prime, but there's no commercially useful function that's actually being performed by that subcontractor. That's fraud.

Under the policy that we will be proposing to you, there is very detailed language as to what a commercially useful function is. It's not basically fronting and using your name when, in fact, you're not doing, you're not actually performing the work with your own forces that the contract says you are.
That's the kind of smoke and mirrors stuff that has given many of these programs a bad name. And we won't tolerate it here or anywhere else. Yes, Mr. Allady.

MR. ALLADY: Kumar Allady. I have a suggestion in terms of the certification applications. Why re-invent the wheel? Why can't, like, Palm Beach County already has a certification process. It also helps a small business, as will the staff, if there's a certificate already available from the county or the water management district, that application can be piggy-backed and issued a certificate right here. So therefore it saves time for the small businesses as well as the staff too.

MR. LEE: That's a good point that you raise. And it bears close consideration by the stakeholder group. It's not entirely decided as yet as to what model we will need to follow in terms of certification. There was some interest expressed by the Board that we try to do what we can to harmonize the certification processes and requirements from the county with the Authority. And the Authority had some reluctance, a great deal of reluctance, actually, in taking on all of that burden itself.

There are a number of models that we are actively considering, and that we will probably need
to share with you-all to get your input on. For example, in Texas they have something called a Regional Certification Council that's a nonprofit organization that serves multiple local government entities in terms of the certification needs. And each government entity then pays a fee, a flat fee for processing of their certification applications.

There's other jurisdictions that have relied upon NMSDC, which is the National Minority Supply Development Council, to use their local purchasing, minority purchasing councils as a vehicle for firms getting their certification applications processed to make sure they're eligible and meet the standards of a particular program.

And then there's reciprocity, which is what you're referring to. If there is a local government entity that you have confidence in, in terms of their integrity in processing certification applications, doing on-site visits, making sure that the firm is real and that its qualifications are real, then that process, you can have reciprocity where SWA would look to see what local entities meet its standards in terms of certification, and automatically accept the certifications of firms that have gotten certified through that other entity. So reciprocity is a third
avenue. But that's something that there's much more, I think, discussion among you-all as to what you think makes sense. I think Ms. White had her hand up, and then Mr. Lewis.

MS. WHITE: Because of the recommendation of the executive director, the Board adopted the disparity study, or when they decided to do the disparity study, they fought to not include any county but Palm Beach County. So, for me, what's become very important in the certification process is: How do you define Palm Beach County? In my opinion, it's defined by your registration with the Florida corporation, because it states your principal office.

However, when you start talking about other agencies, South Florida Water Management, they're not looking to see if your principal office is based on what the Florida corporations say if you have a business tax receipt that shows you have any office in Palm Beach County.

So to me, that's got to be very, very, clearly defined by the Board as to what is considered to be a Palm Beach County principal office, not someone that has -- 'cause everyone is required, no matter what county your principal office is, everyone is required to have a business tax receipt.
In the last garbage bid, Waste Pro was disqualified because their SBE's principal office was Broward County when the bid said that you had to be Palm Beach County. They had a Palm Beach County business tax receipt, but that was not their principal office. And the Board felt very strongly, even though Waste Pro had the lowest rates, they still disqualified them because they did not meet the SBE requirement.

MR. LEE: That's a key point that needs to be defined within the policy. How do you define significant business presence. Is it just through a tax receipt, a business license, a percentage? Some other jurisdictions have looked at the percentage of employees on the payroll that are domiciled in a particular jurisdiction. Others have looked at, tried to look at sales, what percentage of the firm's over-all sales are based in that particular jurisdiction. So those are all relevant factors that you can consider in defining what a Palm Beach County business ought to be that's eligible to participate either in the small business program or the minority women business program. Yes, Mr. Lewis.

MR. LEWIS: I think that we should keep in mind and consider, first of all, the needs and not
going to weigh some barriers for the process of being certified as a small minority business owner. I know that there's obstacles there. I know that we have to keep the integrity of the process in place. I would hope that our certification, whatever we came up with, would be free. And also, to any extent possible, reciprocity to the benefit of the applicants, because at the end of the day what we really, really want to do is we want to populate that centralized registration data base and blow up and populate that thing over time.

The more that you have population in that centralized data base, the better statistical analysis you're going to be able to derive, the easier it's going to be or the more obvious it's going to be to adjust the annual goals, etcetera, etcetera. That's my only consideration that I'd like to see.

MR. LEE: That's a good point. I'll also add to that, it's my understanding that Palm Beach County has historically charged fees to firms that have been applying for certification. I'll just let you know that my own personal view on that is that's kind of ludicrous. Doesn't make any sense. You certainly would never ask someone who is applying for unemployment benefits to pay for their unemployment
application. This is a remedial program. We are trying to establish a program to address identified discrimination in the market place and barriers that have cost minority women-owned firms to be less competitive. And the last thing you need to do is make them pay to determine whether or not they are eligible to get a remedy for discrimination that the government has been a passive participant in. To me, from a logical standpoint, that makes no sense.

MR. PELLOWITZ: If I could, I'd like to just add something. Just to give you a historical perspective. The Authority, historically, in its SBE program, has accepted any government certification regardless of what government that is. Moving forward, that's a little problematic, because we have to ensure that the eligibility standards are going to be consistent with any entity whose certification we would take. As stated, the Authority is relatively small. We prefer not to have to do our own certification, so we get what you're saying. And it is our, it would be our preference that whatever program the county adopts would be the one that the Authority would primarily accept. And that any other programs that are deemed to be equivalent, we would consider reciprocity for. So I think that from our
perspective, I think that's where we're coming from.

MR. LEE: Yes, I think Ms. Smith was next and then, I'm sorry, Ms. White.

MS. WHITE: The county program is going to come much later than Solid Waste. So you have the garbage contract coming up. So you need to tell us really now whose certification you're going to be accepting for that particular procurement, all the ones that are going to come before the Solid Waste Authority. I would not like to see South Florida Water Management certification accepted at all, because they don't have, they're not looking for any of the things that are going to be necessary to make sure that the person has a Palm Beach County principal office in Palm Beach County. I've talked to them in detail about that.

Right now, the only one that can do the MBE certification is the school district and the state for upcoming procurement for Solid Waste. Palm Beach County cannot do it. The fee is ridiculous. I've had that discussion with Tonia Davis Johnson. She justifies the fee. I've argued with her, but to no avail. So hopefully when we get on the county side, we can have that discussion.

But, the other things that I think have been
lacking here at Solid Waste, and understanding the certification process, is that there are certain permits that you require, and some of those permits require you to have, before you could get your Palm Beach County business tax receipt, you have to have those permits, especially as it relates to garbage collection.

What the Solid Waste has also been missing is what the certification certificate actually says you're certified to do. That has not been matching on the SBE side with the actual reporting from the prime as to the service that person is providing. And their business tax receipt category also does not match in terms of the service that they're being reported as providing. So there is three areas that have to also come into that process.

But for an example, for garbage collection, you have to have, before you can get your business tax receipt you must have your permit from Solid Waste Authority first. And so, there are people collecting, under that, being reported collecting now garbage or yard waste, but they've never received the permit from the Solid Waste. And when you match their business tax receipt, their business tax receipt is also not in the right category for the services that are being
reported to Solid Waste under the SBE program.

MR. LEE: So it sounds like a chicken and egg problem. Getting the permit versus being able to --

MS. WHITE: But that's a prerequisite --

MR. LEE: And the tax receipt and all these things being required. Do you have any insight as to how to fix this problem, or is there, number one, is there a certification entity that you think would make sense for the Authority to piggy back on?

MS. WHITE: I personally think the Authority has to do its own certification or use a third party that is just certifying under their disciplines.

MR. LEE: Or perhaps a third party that's able to serve more than just the Authority's needs, but other government entities too?

MS. WHITE: Yeah, but how do you put all that together?

MR. LEE: It would take a while. That's true. And what do you think, how do you deal with the permitting/business license issue?

MS. WHITE: Well, it's not a hard process for me, if you understand what is the requirement if you want to do business under certain categories at Solid Waste Authority. If you want to collect yard waste, you have to know that you're required to have a permit
from Solid Waste since 2014, since October 2014 the policy went into place. And when you go to the Palm Beach County Tax Collector's Office for your business tax receipt, if you tell them that's the category, they will refer you back to the Authority to get that permit. I have the permit.

So, it's not as if -- if you're being honest with the tax office, they'll be honest with you and send you back out here, and will not issue you that business tax receipt until you have that permit from here.

MR. LEE: Okay. Maybe that's a part of the outreach that needs to take place as part of this program.

MR. PELLOWITZ: And one other thing I'd like to just leave you with in terms of this is: You know, this is the time to be thinking about the certification process and what is required. What constitutes being Palm Beach County. Is the business tax receipt really the best mechanism for determining whether someone is Palm Beach County, or is it not? Maybe your recommendation would be we need to move away from the business tax receipt and look at something else. I wouldn't be constrained by the way things are. This is one of the areas where we've
heard consistently from a lot of folks that when we asked them why they aren't certified, and we're pretty sure they'd be eligible to be, they say they just don't want to go through the process.

So anyone who is familiar with the process who has any input as to what could make it better, we would be more than happy to hear from you or we would like to hear from you. Ultimately, who does the certification, we're going to have to find that out. But certainly, this is the group that can help to bring forth change in that area, if it's going to make it easier.

MR. LEE: Any other comments? This is a good conversation. Mr. Johnson.

MR. JOHNSON: Yes. Point of order, kind of just to keep the pace, it's 12:45, we have thirteen more of these that we want to discuss in detail. So I just wonder if we warrant maybe perhaps a change in approach. So maybe sort of poll the stakeholders to see if there's any others left that we have any specific questions with, and perhaps take those individually as opposed to just going one by one.

MR. LEE: Yes, that's why you're a far better chairman than I.

MR. JOHNSON: Just so we can see what's left
in terms of who noted what questions they have.

MR. LEE: Yes, and actually, I was going to make that comment at the end today. That for the next session, what I would ask you to do is to read in advance all the professional services and anything that we don't get to cover today. All the construction that we don't get to today, and all the professional services policy options in advance, and make your notations as to what point you want to raise.

Because what I'm going to do at the outset, I'm going to quickly go through a description of everything. And then I'm going to ask for substantive comment. And I'm going to ask you to identify those options in numerical order that you think we need to have some substantive discussion on. But for today, we have, I think two more race-conscious administrative reforms policy options to discuss.

Will there be any comment today on either R/C-3 or R/C-4? R/C-3 is the EBO Office Prior Approval of Subcontractor Substitution.

MS. WHITE: I definitely can --

MR. LEE: Just yes or no. Are we going to have any discussion?

MS. WHITE: Yes.
MR. LEE: I just want to find out where we have discussion. We have some discussion on three. And number four is Staff Training. Are we going to need to talk about staff training?

MS. WHITE: No.

MR. LEE: No? Okay. So we'll talk about R/C-3. And then in the construction realm we've got, beginning with R/N, race neutral 14. Any discussion about that, that's Bond Waivers Assistance Programs? Okay. No discussion on that.

MR. LEWIS: Yes, yes, one question of clarity.

MR. LEE: Yes, this is to, basically, assign a work group to get together and try to come up with a recommendation to the Authority as to a binding assistance program to adopt.

MR. LEWIS: Would that consider the existing bond-waiver program that the county has in place?

MR. LEE: So the bond waiver and assistance program can cover pretty much anything that you think is relevant. That's up to you-all. If there is something that I haven't outlined here that you think needs to be included, bring it up. This is the point in time in which to do that.

So then the next one was Direct Contracting Program for Small Contracts. I think we did have some
indication earlier we need to have substantive
discussion on that one. Small Business Enterprise,
Prime Contract Program, we'll have substantive
discussion on that.

What about the SBE Subcontracting Program?

Does there need to be some substantive debate on that
one? That's basically where you can set a
subcontracting goal of twenty percent with waivers
below or reductions below that, if warranted. But
basically the default is a twenty percent SBE
subcontract goal would be applied when this policy
option is implemented. Yes, Ms. Bowen.

MS. BOWEN: Carol Bowen, ABC. Just for all of
them, when final recommendations are made, do we
provide the overriding definition of what good faith
means? Are we providing that so that folks -- because
governments handle good faith differently.

MR. LEE: Yes. I can tell you that my
definition of good faith efforts is probably MTA's,
Mason Tillman's recommendation. Which is to make it
as objective as possible, there will be points
assigned for specific types of good faith efforts.
And each one of those things would be pass/fail.
Either you provide the documentation or you don't. So
you get the points or you don't. And there's a
passing score of eighty out of a hundred, typically.

As long as you get eighty points then your good faith effort is good. And it should be measured the same, consistently, with each and every person. So at least that's the goal.

MS. BOWEN: So I have a follow-up request, if that's allowed. As we move forward towards our final product, so its long term, if that's the standard we'll be using that, in any of our documentation to the Board that we include it. In other words, for the purposes of our recommendations good faith will mean this. That way there's a frame of reference for anybody who is looking at it and we're not shuffling back and forth.

MR. LEE: Yes, in fact, at the outset I kind of spelled out some generic types of policy options that might apply to different industry groups. And the idea is they would be consistent and then could be defined in kind of a consistent manner from industry to industry segments. So that should help to streamline the discussion as we move forward.

But my experience has been, once we get through construction, the other categories become a lot easier because everybody understands the terminology and what's going to be applied, how the
policy option is going to be applied. But the subcontracting goal program is somewhat different in that you have this uniform twenty percent goal. But it can be reduced as needed, based on availability of small businesses for a particular contract.

MR. JOHNSON: Are we going to come back to this and discuss, or should I just ask the question now?

MR. LEE: Right now I'm just trying to get through this, so that we can identify -- whatever we don't get through today, we will go straight to these other items that we haven't had substantive discussion on at our next session.

MS. WHITE: I definitely want to speak on the good faith.

MR. LEE: Okay. So we'll talk about good faith on SBE subcontracting. And SBE Mentor Protege Program? Do we have any substantive discussion on that?

MS. WHITE: You're going to give us examples of what's happening in other cities and how that can work effectively?

MR. LEE: Yes. So, I'll highlight some of those examples that are summarized in the chart there. Columbia, South Carolina. And I think there is a
couple of others I could allude to.

MS. WHITE: And you said that you had not made any discount recommendation, so how does this work? How do you incentivize a large construction company?

MR. LEE: There are different incentive models. Sometimes, like in Columbia, South Carolina, they actually set aside a group of contracts just for mentor-protege teams to be eligible to bid on. And you had to go through, actually, some type of mini certification process where there's a written agreement between a mentor and a protege as to the responsibilities of each. And what the protege decided, wanted to get out of the relationship. And then also what the, how the contract would be used to further the objectives of the mentor-protege relationship.

And there was some monitoring on the back end. Some reporting on the back end as to whether the protege got out of it what they were looking to get out of it. It also provided flexibility in terms of, if a protege feels that the mentor is just not helping them, they always have the ability to terminate the agreement and to team up with another mentor. So there's an incentive for the mentors, their getting enhanced access to contracts through the
mentor-protege relationship, that they wouldn't have otherwise. At least in that instance.

Other incentives from mentor-protege programs, I mean, the feds have had some where they actually provided some financial reimbursement to the mentor firms. That's probably not a viable option here.

There are other incentives, particularly in best-value contracts, where a firm may get, a mentor may get additional points in being evaluated, if they are an active participant in a mentor-protege program.

Those are a couple, you know, different models you have to kind of incentivize those relationships. But all of them, I think, require a certain amount of monitoring to make sure that the relationship you see on paper is real, and that there's a real benefit the protege is getting out of that mentoring relationship.

Does that more or less answer your question?

MS. WHITE: Just more further discussion for me.

MR. LEE: Okay. In the race conscious, we talked about Annual Aspirational Goals. Is there comment on, will there be substantive comment on that?

Is that yes?
R/C-6, M/WBE Subcontracting Goals. This is pretty much a standard element of most of these programs around the country, if you have them. Will we have substantive comments for discussion on that policy option?

MS. WHITE: Yes.

MR. LEE: R/C-7, M/WBE Segmented Subcontracting Goals. Where you've got one segment of the WBE population that's significantly more underutilized than others. We have a subset goal of the broader M/WBE goal. Will there be any substantive discussion on that? Okay.

R/C-8, M/WBE Joint Venture Incentive. I think there was an indication for discussion on that; is that correct? Okay.

R/C-9, M/WBE Mentor-Protege Program. Similar to the SBE Mentor-Protege, but it's just the M/WBE version of that.

MS. WHITE: Whatever we net out in the SBE, then we will just carry it over to this one.

MR. LEE: Okay. So I'll put a half a check mark for coming back to that one.

And the last one is R/C-10. Which is an M/WBE Evaluation Preference for Best Value Contracts where a low bid is not the sole determinant of a
construction contract award. The evaluation preference is you give extra points based on M/WBE participation on that team or at the subcontract level. Will there be any additional substantive comment on that one? No? Okay. All right. That brings us up close to the end here. I'm going to turn it over to Ms. Robbs here in terms of announcements.

MS. ROBBS: We want to provide the public an opportunity to make comments on the discussions that you heard by the stakeholder group and Mr. Lee. So if there are any members of the public that would like to make a comment, please make your way to the podium.

MR. LEE: While this lady is coming up, my apologies for those in the professional services group that did not hear us really speak much substantively to the policy options that have been circulated on that. As you can tell, this is a work in progress and we're trying to balance speed and covering everything on the agenda with the need to have very deliberative significant substantive discussions. But thank you-all for coming out and we certainly welcome your input. And, again, our apologies for the length of time that this is taking, but I think it's time well spent. Yes, go ahead. Please state your name.
MS. DISBERRY: Hi Cheryl Disberry, Coral Steel Company. One thing that I really wanted to address that I did hear Ms. White bring up was: Whose certification are you going to use? And I do want to let you know, I do not like Palm Beach County's certification. We have run into a problem where they have certified companies who do not perform their own work, and yet they allow them to count their work as being part of the SBE participation, even though they don't even perform it.

We also ran into another problem where yes, they are not, one company that we competed against, they are totally in Broward County. All of their heavy equipment is in Broward County. They have a huge lot in Broward County. They have all their offices, all their employees. Except, they have one small little office on Belvedere Road with one person sitting in it, and they are considered a Palm Beach County small business.

So I just want to let you know that's my feeling about if we're going to look at the Palm Beach County Small Business Certification, those are two things that they do allow to happen.

MR. LEE: Thank you. That's very valuable input. Do we have another public comment?
MS. SMITH:  Good morning Mr. Chair and members of the Board. My name is Ellen Smith, from Waste Management. And we too would like to see the fine print. And I'm here to say that we reserve the right to comment -- I know we're on a tight time frame -- until we do see that fine print.

I also want to remind folks that the hauling contract is not necessarily covered specifically in the disparity study. And we've heard that come up a lot today. So just to keep that in mind. And also to remind everybody that in our hauling contracts, most of our haulers have about a 70 percent of the employees at all levels that are minorities. So perhaps that's why disparity was not particularly found. Thank you for your time.

MR. LEE:  Okay. Are there any other public comments?

MS. ROBBS:  Okay. The next order of business is the future meeting schedule. So on your agenda you'll see that our next meeting is April 24. It will be here in the auditorium starting at 9:00 A.M. The next meeting after that is April 30th, at 5:00 P.M. And we've confirmed that meeting will be at the Embassy Suites, 1601 Belvedere Road, West Palm Beach, 33406. And then we would like your consideration to
be thinking, by the next meeting, it looks pretty good
that we're going to need a meeting in May, maybe. So
if you could come back, you know, we need to have a
discussion on a Saturday meeting in May. So, if you
can have thoughts on that by the next meeting. Ms.
Bowen.

MS. BOWEN: Just one clarifying question. And
I was not at the first meeting. Is there a reason
that it's a Saturday meeting?

MS. ROBBS: We would like to ensure that the
public has every opportunity to attend and participate
in these discussions. So we've had, most of our
meetings are scheduled for the morning. We have one
evening meeting. So we really want to, you know,
extend an opportunity and have a meeting on the
weekend so that the public can participate.

Is there any other comments or -- if none, I
do want to announce and invite you to attend the SWA
Vendor Opportunity PowerNet. The date is April 24
starting at 4:00 p.m. This opportunity will be for
businesses to network with themselves as well as meet
key staff here at SWA. Our procurement staff, our
directors and chiefs will be in attendance so that
you, and they will make a presentation of a forecast
of upcoming opportunities as well as the existing
contracts that we have in place.

We've invited the existing hauling companies that are under contract with us, who will more than likely bid on the new contracts, to participate in this event by holding one-on-one meetings with businesses and talking to you about the areas that they're anticipating subcontracting. So we do not want the public to miss out on this opportunity.

We want you to share this information with your members in your respective cities, counties, organizations, chambers, so that we can get a really good turnout, and so that the public will know that we are open for business and we want to have a successful supplier diversity program. And it requires input from all areas of the industry market. So with that, I do have fliers outside. We encourage you to register through Eventbrite, which we have on our website.

We also have documents from the meetings posted on our website, our public affairs director is Willy Polk. Please stand, Willy. And he is the person that is helping us get the word out and posting the information on the website. So, if you're in need of any information, please check our website first. And then if you need any other assistance, please
contact me. Mr. Lewis.

MR. LEWIS: So let me just understand, Monday is a Board meeting, the 23rd, correct?

MS. ROBBS: Yes.

MR. LEWIS: The morning of the 24th, we have our stakeholders meeting. There's a little meet and greet that afternoon. Would it be permissible that we just stay here overnight?

MR. LEE: Bring your sleeping back.

MS. ROBBS: We could put our nose to the grind and really just keep it moving and, you know, all I need is about an hour set-up time before the meeting. Ms. White.

MS. WHITE: You said that at this meet-and-greet you were, your staff is going to give us a presentation. But you only said that the haulers were invited. You're not inviting other contractors?

MS. ROBBS: No, we're inviting the entire business community. But we know that we have this big four-hundred-million-dollar project coming up, and we want to make sure that those companies are here to talk about potential subcontracting opportunities.

The second piece of it is that the directors and chiefs of the different departments will be here to talk about a forecast of upcoming opportunities
across SWA. So it's not just a hauling outreach event, it is to ensure that you are aware, first, who does what, and who is responsible for what. And then the time type of opportunities that are available. So please get the word out.

MR. JOHNSON: Just one last statement as we go. So there's about four to five days between now and the next meeting. And I just want to see if my colleagues would be interested in learning from the Broward experience where we spent six months, thirty-four hours meeting, that we may not have to do that again if we can identify and commit to a process.

And I'm hoping, so I'm hoping that as we move forward, we could stick to the idea that we allow Mr. Lee to go through all of the options and we withhold comments until after he is done with that. And then we identify which of the ones we may have comments for, so that way we're only discussing those.

I'm putting that out there now for the colleagues to consider, because I'm telling you-all, it took a long time this way in Broward County.

MS. ROBBS: Okay. If there's no further business, meeting adjourned. Oh, I'm sorry, Ms. Gaines.

MS. GAINES: Any opportunity for the
forecasting segment of that meeting to be broadcast?

MS. ROBBS: It's done. It's already in the plans. We're trying to do, we're trying to do everything to make sure that you have different methods of learning about SWA and opportunities. Thank you so much.
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 26th day of April, 2018.

Raquel Robinson