SOLID WASTE AUTHORITY
OF
PALM BEACH COUNTY

- - -

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

DATE TAKEN: APRIL 30, 2018
TIME: 5:00 P.M. - 7:52 P.M.
PLACE: EMBASSY SUITES WEST PALM BEACH
1601 BELVEDERE ROAD
WEST PALM BEACH, FL 33406

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

RAQUEL ROBINSON, REGISTERED PROFESSIONAL REPORTER
FLORIDA PROFESSIONAL REPORTER
ROBINSON REPORTING, INC.
PO BOX 19248
WEST PALM BEACH, FL 33416
MR. JOHNSON: Good evening, everyone. Let me just state it is 5:05 and we recognize that the meeting is now five minutes late and we don't want to punish the punctual. But there's at least one more member we need to have before we have a quorum. So we'll just wait five more minutes, if they don't walk in, we'll start anyway, just in honor of your time. We will take five more minutes.

(Brief recess.)

MR. JOHNSON: Good evening, everyone. Thank you for taking time out of your busy schedules to participate in, I think, meeting number four of probably five of the Solid Waste Authority Stakeholder Work Group. This group is narrowly focused on identifying ways in which the Authority can establish a race and gender conscious program with a race and gender neutral component to it to ensure that the issues of active or passive discrimination found in the disparity study can be, once and for all, removed.

We have gone through administrative construction and professional services. Today we will review commodities and other services as well as trade services. So, hopefully, we have members of the audience who have expertise in those areas that can provide valuable input for our consideration. So we
will officially call the meeting to order at 5:10 p.m.

Roll call, please. I forgot to mention, Brian

Johnson, Chair.

MS. ROBBS: Kumar Allady. He's out of town.

Maria Antuna. Carol Bowen. Michelle Depotter.

MS. DEPOTTER: Present.

MS. ROBBS: Lia Gaines.

MS. GAINES: Present.

MS. ROBBS: Brian Johnson.

MR. JOHNSON: Here.

MS. ROBBS: Bruce Lewis. Marie Sanches.

MS. SANCHES: Present.

MS. ROBBS: Selena Smith.

MS. SMITH: Present.

MS. ROBBS: Nifretta Thomas.

MS. THOMAS: Present.

MR. JOHNSON: So let the record reflect we do have a quorum. So that we can go right into the adoption of the agenda. Does the Chair entertain a motion?

MS. GAINES: So moved.

MS. DEPOTTER: Second.

MR. JOHNSON: Okay. Moved by group member Gaines and seconded by group member Depotter. All those in favor?
MR. JOHNSON: Anybody opposed? All right, same thing for the minutes. You have received the minutes through e-mail and they are posted on the website. Care to entertain a motion?

MS. DEPOTTER. Chair Johnson, I request some minor amendments to the minutes to reflect the accurate AGC testimony as it was recorded. And that's on page 108 line number 23. I stated that: The Court ruled that officials who implement unconstitutional race-conscious -- line 24 -- procurement policies. And then on page 110, it should be AGC instead of agency.

MR. JOHNSON: So we're correcting language on line 23 of page 108 to read implement?

MS. DEPOTTER: Yes, that's correct.

MR. JOHNSON: And line 24 of 108 to read procurement?

MS. DEPOTTER: I've written it down, if that's easier.

MR. JOHNSON: Okay. And then the third one, just state it for the record. What was the third correction?

MS. DEPOTTER: The third one was page 110 and it was line 4. And the prior sentence was: Would
suggest that it would be appropriate for the "agency" to withdraw themselves. The word is AGC.

MR. JOHNSON: Got it. Thank you, ma'am.

MS. DEPOTTER: Thank you.

MR. JOHNSON: So we've heard the corrections.

The chair will entertain a motion to approve the minutes with said corrections.

MS. SMITH: So moved.

MR. JOHNSON: So moved. Is there a second?

MS. SANCHES: Second.

MR. JOHNSON: Thank you. Moved by group member Smith and seconded by group member Sanches.

All those in favor?

GROUP ANSWER: Ay.

MR. JOHNSON: Anybody opposed? Thank you.

All right. Now, we will follow the same process today. First of all, Ms. Robbs, do you want to do the introductions?


Executive Staff: We have Dan Pellowitz, Managing Director; Mark Eyeington, Chief Operating Officer; Paul Dumars, Chief Financial Officer; Ramana Kari, Chief Engineer. And we also have our SWA general counsel, Howard Falcon.
MR. JOHNSON: Okay. All right. So for the benefit of those members of the public who may be your first time, the way we're going to do this is Franklin Lee, our national consultant, will go through the policy options for the three industries that we identified earlier. Again, commodities, other services and trade services. After he's concluded introduction of each of the options, we will then call for public comment. And for those of you who have any question for clarity or any input, we will ask that you step up to the mic, state your name and firm so that we may consider your input. Then after the public has spoken, then the work group will then deliberate on our recommendations. Okay? All right. Mr. Lee...

MR. LEE: Good evening and welcome. We're going to go over part three, which is the final of three parts in this policy option matrix that we developed. And this draft was prepared by myself in review of the Mason Tillman disparity study findings and recommendations. And it includes a combination of race and gender neutral and race and gender conscious policy options, fourteen in all.

So the policy option matrix is designed to try to assist the Authority in coming up with a menu
of legally defensible options that should be somewhat effective in helping to ameliorate or remove impediments and barriers to small minority and women business enterprise participation in Authority contracts.

We've grouped the final three industry segments, commodities and goods, other services and trade services into one category for purposes of discussions, because they're pretty much the same in terms of the types of remedies that might make sense in those three industry categories. There's not a whole lot of subcontracting opportunities.

So you'll notice, as we go through this process, the couple of policy options that we have outlined for subcontracting purposes are really designed to try to enhance capacity for purposes of firms being able to bid as prime contractors, eventually, or prime vendors.

A couple of generic types of examples of APIs or what we refer to as affirmative procurement initiatives, these are the tools, the types of remedies or medicine, as it were, that we are suggesting for consideration, are annual aspirational goals, prime contract direct contracting program, where the Authority purchases certain types of
services and/or goods directly, rather than through a large prime contract. Evaluation preferences that are for best value type contracts, that is contracts where a low bid is not the only consideration in the awarding of the contracts, but other factors are under consideration. Joint venture incentives, where there is, there are incentives to promote diverse joint ventures to come together to bid on projects. Mandatory subcontracting goals where there's a numerical percentage of the overall value of the contract that bidders are required to seek to try to achieve with some rate of provisions. MWB segmented subcontracting goals is a subset of the mandatory subcontracting goal. It's designed to make sure that a meaningful portion of the remedy gets to those segments of the M/WBE community that are most significantly underutilized.

Mentor-protege programs, there's a variety of different models for that under consideration, that are designed to assist less-experienced firms in gaining information and knowledge on how to be more competitive and to also assist them in seeking to bid as prime consultants or prime contractors at some point.

Competitive business development
demonstration projects. Particularly in contract areas where there's very low availability. Consider low levels of concentration, high market concentration of much larger firms bidding on certain types of contracts. The competitive business development demonstration projects are designed to try to enlist more established firms in teaching younger, less experienced firms that are seeking to diversify into that market segment, how to bid, how to manage all the ins and outs of what it takes to perform contracts in that industry segment.

And then bid preferences, which we have not recommended in this instance because of the factual predicates, scarcity of evidence regarding cross differentials for M/WBEs versus other firms. But a bid preference would be an instance where certain firms are allowed to meet the price of a low bidder and to win a contract in the event that they're within five percent or maybe ten percent of the low bid price.

We've gone through a number of these already as the Chair has pointed out. I'm just going to scroll through these pretty quickly. We've talked about administrative reforms, both race and gender neutral remedies that would apply to all industries,
such as the Centralized Bidder Registration System, data extraction, management enhancements. R/N-2, Administrative Strategies, de-bundling of large contracts into smaller contracts.

Subcontract remedies such as mobilization fees being passed down to subcontractors and having working capital payments provided for. Contract monitoring and reporting of contracts for multi-year contracts and change orders. Website enhancement strategies.

Uniform lead times for bid submittals, where uniformly now the Authority will be providing thirty-day windows from the time solicitations are issued to the time bids are due.

Debriefing for unsuccessful bidders.

Establish position for a person referred to as the Equal Business Opportunity ombudsman to assist with mediation of disputes. An expedited payment program.

Disputed invoice, five-day notice requirement. If an invoice is not properly submitted or is missing certain things, the Authority has a five-day window in which to provide notice of the deficiency of that invoice.

Commercial nondiscrimination policy, that has been integrated into the purchasing manual for the Authority. Direct periodic reporting of the EBO
office to the executive board, director and board.

EBO office representation on evaluation panels.

And then a number of race and gender conscious remedies under administrative reforms which would include penalties and sanctions for noncompliance with small minority women business requirements. Penalties and sanctions for fraud, whether or not you have certain certification for small minority women business compliance.

Equal business opportunity office prior approval of any S/M/WBE subcontractor substitutions.

SWA staff training, which would include program procedures and responsibilities.

And then in the construction industry, we went through a number of remedies, race and gender neutral. Bond waivers and assistance programs. Direct contracting programs for small contracts. Small business enterprise prime contract program. SBE subcontracting program. SBE mentor-protege program.

And on the race-conscious side, a number of policy elements, including annual aspirational goals which serve as a benchmark with which to evaluate the successfulness of the program to adjust specific individual remedies on an ongoing basis.

The M/WBE subcontracting goals, M/WBE
segmented subcontracting goals, again, is a subset of the larger subcontracting goals to ensure that the most significantly underutilized segments of that population receive a measure of remedy. The M/WBE joint venture incentive. The M/WBE mentor protege program again. And the evaluation preferences for best value RFPs.

Then we got to the professional services industry segment. And we reviewed a number of race-neutral remedies there again. SBE vendor rotation, it's got two options to it that we discussed. Evaluation preferences for new SBE prime bidders, that is evaluation points and best value contracts that would only be awarded to those small businesses that have not previously been awarded a contract by the Authority.

SBE reserve for contracts up to five thousand dollars and required of at least two or three bidders who were small businesses for those informal solicitations up to fifty thousand dollars. An SBE evaluation preference for prime bidders. Again, that's involving best value contracts where a low bid is not the sole determining factor of a contract award. SBE subcontracting goals for professional services.
And then on the race and gender conscious side, again, annual aspirational goals to serve as a benchmark for the effectiveness of the program to make adjustments going forward. An M/WBE evaluation preference for professional services. M/WBE subcontracting goals for professional services. An M/WBE vendor rotation provision. And required M/WBE quotations for informal solicitations up to fifty thousand dollars.

So that brings us today to our third and final segment of this policy option matrix, which is combining commodities, other services and trade services. Those of you who are not familiar with how we characterize these various APIs or Affirmative Procurement Initiatives in our policy option matrix, the first column refers to industry-specific policy option name. We assign a name to the affirmative procurement initiative, such as SBE vendor rotation, and a number. And our shorthand for these, for the sequential numbers of these is R/N refers to race and gender neutral remedies. R/C refers to race and gender conscious remedies. And they're numbered sequentially, one through whatever number of remedies there are in that category.

So the first one that we're going to discuss
this evening is going to be SBE vendor rotation. The SBE vendor rotation for commodities and other services and trade services would operate in a similar fashion to the other industries in that you have a pre-qualified panel of SBE small business firms for a particular type of service or commodity. And those contracts would be awarded for those valued at less than fifty thousand dollars. You would have an assignment of work task for services that would be rotated among the pre-qualified panel of SBE firms.

Alternatively, under this policy option, purchase orders for certain commodities could be issued to small business firms on the vendor rotation. And periodically, the SBE vendor rotation, that list would be re-ordered from the least dollars received to the most dollars received based upon the cumulative dollars in work tasks that have been assigned to each firm within the past year. And that way, it is intended that the work would be spread pretty fairly amongst all the pre-qualified SBE vendors in that rotation.

The next policy option that we will discuss will be R/N-25, which is named SBE Reserve for Contracts Up to Fifty Thousand Dollars. This is, essentially, a set-aside wherein for those
contracts that are valued at fifty thousand dollars or
less, only SBE firms would be eligible to bid on those
contracts. These are informal contracts, and if
they're less than five thousand for competition among
SBE vendors only. For larger informal commodities,
other services, and trade services contracts valued at
up to fifty thousand, we would require quotations from
at least two or three SBE firms to ensure that there's
competition for those smaller contracts.

The next API is R/N-26 and it's titled
Direct Contracting for Other Services and Trade
Services. Under this API, the Authority would be
using direct contract awards with SBEs for certain
kinds of nonprofessional services that are typically
subcontracted items in very large bundled contracts.
For example, we would break out things like trucking
or landscaping or janitorial services or site
clean-up.

MTA made this recommendation in the study at
page 12-25. This policy option would facilitate prime
contract participation by qualified S/M/WBE firms and
tends to accelerate firm growth and competitive
viability.

There was significant underutilization of
African-American, Hispanic and M/WBE firms for
commodities and other services prime contracts. The study page is sited in the fourth column of the policy option matrix. There was also significant underutilization of African-American and women-owned firms in trade services crime contracts.

And as those disparities persisted across a range of large and small contract dollar thresholds, the lack of M/WBE capacity is not considered a likely explanation for those disparities.

There was also something called Public Use Microdata Sample or PUMS regression analysis that reflected significant disparity adversely affecting firm earnings and loan access for M/WBE commodities, other services and trade services firms. Again, there's citations to the specific pages in the study where those findings can be reviewed.

The next policy option is R/N-27. This is referred to as the SBE evaluation preference. This is an API that would apply only to contracts that are best value contracts. Meaning that there are factors other than low bid that are taken into consideration in awarding of those contracts.

The evaluation preferences that we're proposing would award up to fifteen percent of the total available valuation points, so if you had a
hundred evaluation points, and an evaluation panel is scoring proposals, up to fifteen of those could be used for SBE participation. We're proposing that this is for contracts valued at less than five hundred thousand dollars.

One alternative for consideration would be to restrict this API to other services and trade services SBE bidders that have not previously won any other services or trade services prime contract with the SWA. There was some evidence presented in the study and also in testimony before the board that there was a real preference, or there wasn't a whole lot of competition for certain contracts or it seemed as if the Authority was hiring the same couple of firms over and over and over again. It was very difficult for new entrants to break into the market.

So this particular API is designed to try to enhance the opportunities for those nonincumbent firms that have never been able to get work at the Authority so that they can build a successful track record or have an opportunity to build a successful track record with the Authority.

The second alternative under this API is to have a sliding scale for award of up to fifteen SBE Evaluation Preference Points awarded based upon the
relative dollar value from ten percent up to a hundred percent of the total SBE participation on the bidder's team. So in this instance, we're saying that if you have a diverse team where the lead bidder has brought along other firms as part of its proposal, you can look at the total SBE participation on that team and determine how many of those points, what percentage of those fifteen evaluation preference points would be eligible to that firm.

The next API is R/N-28. Which is named SBE Joint Venture Incentive for Other Services and Trade Services. Under this API for joint ventures between larger established firms and local SBE firms on contracts that are greater than five million dollars, which would be much larger contracts, you could establish joint venture incentives, such as additional option years to contracts, waivers of certain SWA fees and/or access to mobilization funds.

Also up for consideration are evaluation preferences for joint ventures between two or more certified SBE firms or joint venture teams that include a minimum percentage of SBE participation, for example, twenty percent.

Such incentive should be used by SWA when it has the priority for promoting growth and the
availability of new, small minority women business capacity in a given industry segment.

One of the things that we observed in the disparity study was that there was wide variances relative to the availability of small and minority firms in certain discreet industries within these industry categories, which tends to indicate that there's some, there may be some additional barriers that need to be overcome in terms of business formation.

On average, for example, the availability for these three industries range between eighteen and nineteen percent for minority women business enterprises. In certain subindustry categories it was as low as one or two percent. So this is one policy option that's designed to try to boost and to grow capacity and to stimulate business formation in those areas where there's little competition or little availability of small, minority women owned businesses.

The next policy option is R/N-29 which is SBE Subcontracting Goal for Other Services and Trade Services and Contracts that are Greater Than Five Million Dollars. Although this is a subcontracting goal API, it's really designed to try to help SBE subs
become more competitive so that they can ultimately
bid as primes. So for these larger other services and
trade services contracts that are valued greater than
five million, you'd have an adequate number of
commercially useful functions available for
subcontracting. You would apply a mandatory
subcontracting goal for the participation of SBE
subcontractors that is equal to twenty percent of the
total value of the contract. This is up from fifteen
percent under the previous small business program
policy that the Authority has. So we're increasing it
from fifteen to twenty percent.

We would permit waivers or reductions of the
standard twenty percent subcontracting goal in those
instances where there's a lack of availability of
qualified SBEs to perform subcontracted services as
demonstrated by adequate good faith efforts
documentation.

I will point out, when we use the term
commercially useful functions available for
subcontracting, we're talking about looking at the
industry norms, what types of things on very large
contracts would typically be sub'd out or shared by
more than one firm, obviously. And in those
instances, that's what we would try to set the goals
on, in terms of twenty percent participation. With, again, the opportunity for waivers if it's not feasible, given the relative availability of qualified small businesses.

The next API, we now move to the race and gender conscious remedies. Under this segment R/C-16 is the Annual Aspirational M/WBE goals. What we're proposing is to establish an annual aspirational goal for M/WBE participation in SWA commodities, other services and trade service contracts with the base goal starting at seventeen percent MBE and eighteen percent WBE for commodities and other services contract dollars. And sixteen percent MBE and twenty percent WBE for trade services contract dollars, with some adjustments on an annual basis as warranted based upon the Centralized Bidder Registration System that we've proposed as an administrative reform. Refer to study pages 8-9 and 8-10, 8-12 to 8-13. Those goals that we set as aspirational annual goals are not to be necessarily applied to individual contracts. But they rather serve as a guide post to evaluate the effectiveness of the SBE and M/WBE affirmative procurement initiatives on an overall annual basis so as to identify and direct adjustments if necessary to the mix and aggressiveness of applied policy options.
in the future.

The next API is R/C-17, which is M/WBE Vendor Rotation, it's similar to the SBE vendor rotation. Under option one you would selectively use a vendor rotation of pre-qualified panel of M/WBE commodities, other services and trade services firms for smaller Authority contracts valued at less than fifty thousand dollars. The assignment of work tasks would then be rotated among the pre-qualified panel of M/WBE other services and trade services firms.

Alternatively, you could issue purchase orders for certain commodities valued at five thousand dollars or less that can be issued to M/WBE firms on this vendor rotation basis. Periodically, there would be an adjustment on that M/WBE vendor rotation list. It would be reordered from the least dollars received, firms with the least dollars received to firms who had the most dollars received based upon the cumulative dollar award that they've received in the previous year.

Option two under the M/WBE vendor rotation would be to ensure that, in order to ensure that there's price competition, for those commodities, other services and trade services contracts that are valued at fifty thousand dollars or less where price
may be a factor in selection, those price quotations must be solicited from the next three pre-qualified M/WBE vendors in the rotation. That's assuring that everyone gets a bite at the apple, eventually, and that you're spreading the work around in a fair and equitable basis. Again, for pre-qualified firms providing those commodities or services.

The next policy option is R/C-18. This is the Voluntary M/WBE Distributorship Development Program. This is a somewhat novel, innovative approach to trying to deal with the age old barrier of not having enough availability of minority women owned firms in the commodities field. And one of the biggest barriers that have been identified there is relationships between manufacturers and authorized dealers and distributorships.

R/C-18 is intended to address this problem of low availability of M/WBE authorized distributorships by providing incentives to manufacturers of those commodities to voluntarily establish authorized dealership or distributorships with at least one new M/WBE supplier on a non-discriminatory basis.

By that we mean the terms of the distributorship agreements or dealership agreements
would be the same as those of other distributors or other dealers in terms of territory allocation, product line, marketing support and any volume discounts that might be provided to distributors. Incentives that would be provided to the manufacturers may include accelerated payment and extended option years on supply contracts where they have been found to follow through in their commitment to develop minority distributors or dealers in this manner.

The next affirmative procurement initiative is a variation on this theme, but it's, R/C-19 is a Mandatory M/WBE Distributorship Development Program. This API is designed to be applied in instances where a manufacturer has been determined to have violated the commercial nondiscrimination policy in the Authority's purchasing manual through passive exclusion where they've denied minority firms the ability to participate as distributors or dealers on a non-discriminatory basis.

And under this API, the Authority would require those manufacturers that have violated commercial nondiscrimination policies by excluding or discriminating against M/WBE suppliers, that in order to become suppliers for the Authority they would have to participate in this distributorship development
program. And that will become a condition for being eligible to sell commodities to the Solid Waste Authority.

The genesis for this comes out of language in the Supreme Court decision on Croson, that says that local governments are not powerless to act to ensure that the tax dollars collected from all the citizens do not serve to finance the evil of private prejudice. So this is a way to make sure that manufacturers that are not treating minority suppliers in a fair fashion in terms of their ability to obtain dealerships or distributorships are precluded from doing business with the Authority unless they remedy that problem.

The next policy option is R/C-20, which is M/WBE Evaluation Preferences. Probably mostly in the services categories, other services and trade services where low price may not be the sole factor in awarding of contracts, you may apply an evaluation point preference, we are proposing an award up to fifty percent of the total available evaluation points, to any M/WBE firms bidding as other services and trade services prime vendors on such best value contracts that are valued at less than five hundred thousand dollars.
One alternative for consideration would be to restrict this particular API to those other services and trade services SBE or M/WBE prime bidders that have not previously won any other services or trade services prime contract with the SWA. So this is very similar to the race-neutral version of evaluation preferences, SBE evaluation preferences and that can be found in R/N-20.

The second alternative under this policy option would be to have a sliding scale for award of up to fifteen M/WBE evaluation preference points for teams based upon the relative dollar value of M/WBE participation in bidder's team. So they would have the subcontract participation, plus the prime contract participation, rank the bidders according to which one as has the most, which one has the least, and give them a sliding scale awarding of those fifteen points from ten percent of those fifteen points up to a hundred percent, based on where they are in that ranking.

The next policy option is R/C-21, this is another innovative proposed affirmative procurement initiative. It has its genesis in an old historical program, actually, that came about in 1918 with the Washington Suburban Sanitary Commission. The
Washington Suburban Sanitary Commission at its inception had a problem of very few if no private pipe contractors that were capable of laying duct pipe to replace all the wooden boxes that reigned the district of Columbia for water and sewer purposes. So they wanted to develop that capacity. And what they did was they had a demonstration project, called a Day Labor Program, where they invited local area contractors to come get their work forces trained in how to use new equipment to dig trenches and to lay heavy sections of duct pipe. At the end of the project, the Commission actually donated that construction equipment to those participating contractors. And many of them became dominant pipeline contractors in the market for the next fifty, sixty years.

The problem was there was no minority contractors at that point in time in history in 1918. But under this provision, R/C-21, the Competitive Business Development Demonstration Project would provide an avenue for the Authority to do something similar in some of its major contracts. With the approval of the Executive Director, the Director of Purchasing and the Equal Business Opportunity Office Coordinator, on large multiyear contracts that are
valued in excess of ten million dollars, the Authority may set aside a portion of one of its service areas as a competitive business development demonstration project. That demonstration project would be established within an industry segment, for example, waste hauling and disposal, that routinely has a scarcity of locally-trained bidders to provide meaningful or sufficient competition for such SWA contracts.

The purpose of that API would include placement of a contract into that demonstration project to encourage development of new capacity within an industry to competitively bid on the future supply of specialized goods or services to the Authority. The contracts that are reserved for that CBD demonstration project shall be subject to a request for proposal process whereby the selected firm will be required to be a joint venture between an established firm or experts in that relevant industry and an M/WBE firm.

The M/WBE joint venture partner will be responsible for recruiting organizing and managing the participation of other small, minority women owned firms that enroll in the CBD demonstration project. The scope of work for the selected joint venture shall
include teaching a hands-on curriculum for small minority women owned firms that have expressed an interest in diversifying into the relevant industry segment, in addition to performing the customary functions of the contract. The curriculum shall include both administrative skills, such as cost estimating, bidding, staffing, licensing and permitting requirements, fee collection and reimbursement requirements, equipment sourcing and operation, project management. And technical skills such as hands-on demonstration of how to perform necessary tasks in the field required to qualify for future SWA contracts and to successfully compete in the industry.

Selection criteria for the award of the competitive business development demonstration project would include but not be limited to an assessment of each bidder's current capabilities and performance qualifications for the demonstration project, the strength of the joint venture team's track record in achieving economic inclusion policy objectives, and demonstrated commitment and ability to recruit, manage and successfully diversify qualified local Small Minority Women Business Enterprise firms into performing tasks within the relevant industry segment,
once given technical assistance, training and an opportunity to develop a performance track record.

And the next API is R/C-22, which is M/WBE Joint Venture Incentives. For joint ventures between larger established firms and local M/WBE firms on contracts greater than five million dollars, to establish joint venture incentives such as additional option years for awarded contracts, waivers of certain SWA fees, and/or access to mobilization funds. Also consider evaluation preferences for joint ventures between two or more certified M/WBE and SBE firms or joint venture teams that include a minimum percentage of M/WBE participation, for example, twenty percent, to make them eligible for such incentives.

Such incentives should be used by SWA when it has a priority for promoting new S/M/WBE capacity and growth in a given industry segment. So the incentives are kind of similar under these last two APIs, R/C-21 and R/C-22. One is focusing on joint venture participation and the other is more elaborate of actually creating a field laboratory, as it were, to serve as a training ground for future firms in that industry or that industry segment.

And the next, and I think it's the final API that we will discuss this evening, R/C-23, which is
the M/WBE Subcontracting Goals for Other Services, trade services contracts that are greater than five million dollars.

For larger other services and trade services contracts that are valued at greater than five million where there's an adequate number of commercially useful functions available for subcontracting, we would apply a mandatory subcontracting goal for participation of M/WBE subcontractors that is based upon the relative availability of qualified M/WBE subcontractors for the commercially useful functions that are available for subcontracting.

We would permit waivers or reductions of the established subcontracting goal in those instances where there's a lack of availability of qualified M/WBEs to perform subcontracted services as demonstrated by adequate good faith efforts documentation submitted by the prime or documentation submitted by an originating department at the Authority that reflects insufficient availability of commercially useful functions for subcontracting purposes. Subcontracting goals shall routinely also be applied contract extensions and change orders whenever that's feasible.

And so that takes us all the way through our
outline list under part three for the policy option matrix. And we're going to try to get through all of these in terms of substantive discussion. But before we do, I'm going to turn it back over to the Chair who will, I think, solicit public comments and questions.

MR. JOHNSON: So, first of all, thank you Mr. Lee. For this part of the meeting we want the public to please step up to the microphone. If you have any questions regarding anything you've heard so far, please feel free to offer to ask those questions, or if you have any input, please feel free to provide that input.

I would want to, just as a matter of housekeeping, acknowledge that at about six thirty we know group member Smith has to leave, so we're going to lose quorum. So we'll try to pay attention to anything that we need to vote on before she leaves and Bruce Lewis comes in at about seven. So we'll try to keep track of that to make sure we're managing the group number and the group discussion so if there's anything that requires a vote, we sort of prioritize that.

But the break isn't until 6:30. I did get a note that the Authority has decided to feed us for being here, so there will be dinner available. It
won't be ready till 6:30.

So does any member of the public have anything they want to ask for clarification on before we deliberate as a work group? We would love to hear your ideas. Anyone? Seeing none. Any member of the work group? Let's do what we did last time. Identify the items you want to have substantive discussion for. That way when we go into that part of the discussion, we will only focus on those items.

So I will go ahead and take the items now. You can just acknowledge and then give me the numbers that you want to call out. Anyone?

MS. GAINES: I'll start with R/N-29.

MR. JOHNSON: Okay. Anyone else? While she's looking, I guess I can go ahead and start mine. I don't see anyone else, I would like to pull R/N-24 with R/C-17, since they're similar. R/N-26, R/N-27 with R/C-20, since they're similar. And I would like to discuss R/C-18 and R/C-19 in tandem. So, so far that gives us six.

MS. GAINES: Did you call R/C-23?

MR. JOHNSON: No, ma'am.

MS. GAINES: That's the comparable one to the one that I called.

MR. JOHNSON: So R/N-29 and R/C-23 can go
together?

MS. GAINES: Yes.

MR. JOHNSON: Ms. Depotter?

MS. DEPOTTER: No.

MR. JOHNSON: Ms. Sanches?

MS. SANCHES: No.

MR. JOHNSON: Ms. Smith?

MS. SMITH: No.

MR. JOHNSON: Ms. Thomas?

MS. THOMAS: No.

MR. JOHNSON: All right. I guess for me, and this is one of the open items from the last discussion on professional services in terms of which of the options for the vendor rotation we prefer. I am partial to option number two. I'm sorry, let me get my story together. I am partial to option number one. That's the one with the library of firms, right, Mr. Lee? And then we just take the one at the top and rotate the projects down through them. One is a library and two is we're accepting bids from the three next qualified firms.

MR. LEE. Right. Basically, there's some contracts where you'll have to get multiple quotes. And there are others where you may be able to just simply assign a task to a single firm. And sometimes
it's based on the dollar threshold that's involved or
the type of contract it is. But when you have to get
at least three quotes or you're required to get three
quotes, option two allows you to rotate the vendor
list by groups of three to make sure you're getting,
you're changing the firms that you're soliciting
quotes from. And with the Centralized Bidder
Registration System, that becomes feasible. Where
your buyers would automatically be pulling up the next
three firms in that rotation when they are seeking
quotes.

Alternatively, under the option one for the
vendor rotation, whether it's a race and gender
conscious or race and gender neutral vendor rotation,
you would have a pre-qualified panel of firms, but
you're awarding task orders or purchase orders
directly to the next firm in that rotation, whatever
firm is at the top of the list for that rotation.

MR. JOHNSON: So just for user scenario,
hypothetically, if there are ten firms who would be
pre-qualified for participation, if not designation,
on the vendor rotation, if there are ten firms in
option one, we will assign the contracts fifty
thousand or less to each firm by some rank and order
of qualification, and we keep going down and everybody
gets their chance to get a fifty-thousand-dollar-or-less contract.

MR. LEE: Yes, every firm in the rotation should be minimally qualified to provide work of that quantity and quality. If there's a fifty-thousand-dollar cap on it, then every firm that is pre-qualified should be capable of performing fifty thousand dollar contracts.

MR. JOHNSON: Right. So we just assign those projects under that threshold to that library according to whatever rank in order, so when the next firm gets it, then they come out. Then the next firm gets it and they come out. Right? So, eventually, everybody gets a shot.

MR. LEE: Right, and periodically you reorder that list based on the dollar volume that they've actually received. Because there's no way you can predict when a fifty-thousand-dollar contract versus a five-thousand-dollar contract may come out.

MR. JOHNSON: Right. So just to pose that for option number two, where if the Authority will be selecting three firms to receive a quote for and there's ten of us. So let's assume they choose firms one, two and three, ask for a quote, firm one wins, two and three are out. The next time, what happens?
Do they go back to two and three and then go to four?
Like how do you make sure that you're getting quotes that gives everybody, not only a chance to quote, but also a chance to win? So if they've given a quote and they lose, when do they have a chance to give another quote and potentially win?

Well, the way it would work as proposed, and we can certainly discuss whether you want to change it. The rotation changes by groups of three. So those two losing bidders from that first quotation are out until they come back up again in the rotation. The winning firm is out as well. So you get, if you had firms one through ten, the first quotation, one through three would be out, one of those three firms would have won the contract. The next bid that comes up, firms four through six, yes, four through six would be allowed a quote. And the winning firm there would come out as well as the other two firms. And then the next quotation firms, seven through nine. And then it will be ten, one and two after that.

MR. JOHNSON: So, again, I'm partial to option number one, because here's a problem I see with option number two. So let's just say one two and three gave a quote from the first group and one wins, one is out, all right? Under the presumption that they've already
won, we're going to give somebody else a chance.

Let's just assume, hypothetically, that the size of that job was ten thousand dollars. So when the next group comes and quotes it's fifty. But one never gets a chance to come back, at least not for, or not at all, right, to get more work than the ten thousand they won?

MR. LEE: All they get is an opportunity to get work. If they are consistently high, they're never going to get any work.

MR. JOHNSON: No, this is the one that's winning, but they're winning the smaller contracts.

MR. LEE: Yeah, but we would reorder that list periodically, perhaps you want to do it on an annual basis or a six-month basis based on dollar value won. So whoever won the most would be at the bottom of the list when you start the rotation over again.

MR. JOHNSON: Yeah, I think I like option one better where you have a library of firms, a library of firms according to how they are selected through the process, and you just assign work orders in that order. And then everybody gets theirs when their turn comes.

MR. LEE: Yes, that will work in some circumstances. But keep in mind, sometimes under the
regulations or the purchasing guidelines you have to get three competitive quotes to make an award.

Contracts of certain size usually, about five thousand dollars. But if they're less than five thousand, then you can just direct the contract to the next firm in the list.

MR. JOHNSON: Okay. So how would you get three bids in option number one all together? How would you get three prices? So if you have a rotation and number one says you have a library where purchase orders are assigned to the next firm, how do you get two other firms to bid knowing they may not win?

MR. LEE: There may be some instances where you have something like a job order contract where firms have already bid and they've been pre-qualified and selected, and you have discretion as to assignment of task orders as opposed to awarding a new contract. There's a technical difference between the two things.

If it is just a technical, if it's a task order, just a task order that's being assigned and you can do it directly, you don't have to get any more quotations because the firms have already gone through some form of competition to get on that vendor rotation, then that's when you would apply that version of the API. If, however, you have to have
competition each and every time you're awarding a small contract of about fifty thousand dollars, then you would have to use the three quotation option, which is option two.

MR. JOHNSON: Okay. Any other questions on R/N-24 with R/C-17? One is race neutral and the other is race conscious.

MS. GAINES: Mr. Chair.

MR. JOHNSON: Ms. Gaines.

MS. GAINES: Attorney Lee, I remember reading something in an appendix of variation tools that was compiled by, I think it was Greensboro. And there was something referred to as a bidder box, are you familiar with that?

MR. LEE: A bidder box?

MS. GAINES: A bidder box, where it's almost like a lottery, but those firms that are selected are taken out of the lottery and then there's another, like, lottery in terms of how they select the bidders or how they select the firms. And it was referred to as a bidder box.

MR. LEE: That's interesting, I did some work for Greensboro and I don't remember anything like that.

MS. GAINES: Well, it was in an appendix of
various vendor nominations, it might not have been something in Greensboro, it might be somewhere else.

MR. LEE: I've heard something like that with respect to subcontractor bids. It's called a bid depository. Does that sound familiar?

MS. GAINES: I don't know.

MR. LEE: Historically, there have been complaints from a number of subcontractors across the country that they were being bid shopped by primes. And one approach that was taken by some jurisdictions to deal with that issue was they allowed the subs, at the same time they submitted a quote to a prime, they could submit the same quote in the bid depository box to make sure that there wasn't any bid shopping. And that was designed to keep everybody honest that they wouldn't try to take, once a prime was awarded or apparent low bidder, sometimes they would beat up the subs and try to make them come down in price in order to get the work.

And so, that was a way that they designed to try to make sure that that didn't happen. Because other subs could then say, well, you know, this prime is, this sub must have bid a higher price initially, but they were allowed to bring their price down after the contract award.
MS. GAINES: No, that's interesting, but that's different. This was, I thought, was a way that they were using to rotate like a vendor rotation.

MR. LEE: Why would they call it a bid box?

MS. GAINES: I don't know why that's in my head. But it seemed as though it was almost like, because you mentioned these companies were all pre-qualified and then they would do a rotation based on like a lottery. So maybe it was under maybe something similar to a job order contracting scenario or something, possibly. I don't know.

MR. JOHNSON: So, I guess, unless there are other preferences here, because one of the points that we did make as a catch-up item from last meeting is we were going to try to provide some direction as to which one of these options we preferred. So we have this one that's a library, and I keep using that word because I can't come up with another term, but similar to a job contractor where you rotate work from a list of pre-qualified vendors.

But then you have option number two, as I've heard, where you're taking three quotes from small groups of vendors and you're rotating them in groups in terms of when they can bid. And making sure, eventually, that everybody bids and wins at least one
contract.

Just for basis of comparison, so far, you-all received this in the e-mail and it is sitting outside. The Authority is reporting there is about sixty contracts just to give you some idea of the inventory that we're talking about going through a library. I didn't get a chance to count how many unique firms that are named here, but at the very least we could count, so far for this year 2018, sixty contracts that are between a thousand and fifty thousand dollars. So, ideally, these would be the type of contracts that we would circulate through the vendor rotation. And so you could see how, without the vendor rotation, how some of those contracts have fallen. You will see some names more than once, maybe three times, some only once. So you get an idea of how with that program, the projects have sort of fallen. And, hopefully, at some point this could inform us as to which one we thought would be the better one. But, again, I'm partial to option one but I'm absolutely open. And maybe we'll have a vote on that before Ms. Smith leaves.

MR. LEE: Let me just suggest, there's a third option, which is to keep both. Keep flexibility with the Equal Business Opportunity office. Because
there's some circumstances where every firm on that
pre-qualified vendor's rotation list may actually have
a contract, they just don't have any quantity that's
attached to it. And so you're just assigning orders.
For example, office supplies, maybe you have ten
office supply firms that are all qualified and capable
and have contracts open, but in the past, maybe all
the office supplies got ordered through one or two
firms. And this way you would be forced to spread
those orders out among all ten firms. But in other
instances where they don't have contracts, they have
to come up with the lowest bid, but in limited
competition, it's not open competition. They have to
just compete against two other small firms or two
other minority women-owned firms. And by doing so
you're enhancing the opportunity that they'll win, but
you're not guaranteeing anyone that they'll win a
particular contract. They're going to have to be
competitive.

MR. JOHNSON: So let me just do this, just so
we can put that particular thing to bed. Is there any
unreadiness in taking a vote now on option one versus
option two versus option three? Seems like option
three being keeping both available makes the most
sense to provide the Authority staff with as many
tools as possible. But I think I'm ready to call for
a vote, so at least we can resolve that part of the
open items. Any unreadiness? So all those in favor
of keeping option -- let's start from the back --
three, as the preferred vendor rotation methodology,
option three is keeping option one and two available.
So we have, Gaines Sanches, Smith, Thomas, so that's
the majority. Option one, you'd have --

MS. GAINES: Do you need a motion, Mr. Chair
for that?

MR. JOHNSON: I'm sorry?

MS. GAINES: Do you need a motion for that, or
are you just doing a consent first?

MR. JOHNSON: Yes, I'm just doing a consent;
yes, ma'am.

MS. GAINES: Okay.

MR. JOHNSON: Ms. Depotter, did you have a
preference?

MS. DEPOTTER: I don't at this time. So I did
want to refrain from voting. Thank you.

MR. JOHNSON: Okay. So by consent, so I
guess, if we can just do it by motion again. I'll
entertain a motion for option three.

MS. GAINES: So moved.

MS. SANCHES: Second.
MR. JOHNSON: So it's been moved and seconded.

All those in favor?

GROUP ANSWER: Ay.

MR. JOHNSON: Anybody opposed? Okay. Let the record reflect that Ms. Depoter refrained.

All right. Next on my list is R/N-26. I pulled that one too. I just want to make the point that in the direct contracting or other services or trade services tool, and Mr. Lee did list some examples of where we would unbundle very large contracts so that certain trades and scopes can direct contract, i.e., trucking, landscaping, janitorial services and site clean up, in previous discussions when we went through this with Broward schools, there was a question as to whether or not there are certain scopes that are critical that were germane in the critical path that will compromise the project control if the general contractor is not involved in that particular scope.

So I'm not exactly sure if that's applicable here where you may have a scope where if the general contractor does not have that under their Authority, then that's being directly contracted with the Authority, then would you be putting the general contractor in the project in any disadvantageous
position if that particular trade is on the critical path, and how are we going to control for that?

    MR. LEE: Well, my initial reaction to your comment is that's a valid consideration as to whether to apply this particular API in a given contract. And it's a question of how well the services that are being pulled out for direct contracting, how well you can do that without interfering with the critical path of the rest of the project.

    For example, obviously, if it's cleaning up the site, that's at the end of the project, that's not going to cause any problems with the rest of the project going forward. Landscaping may be similar. Those things that happen towards the end of a project would tend to be less problematic in terms of the critical path and the performance of the project. But we're thinking in terms of construction here --

    MR. JOHNSON: Trucking.

    MR. LEE: But in terms of trucking and hauling, there's an area where if you've got multiple trucks out there collecting waste, for example, and they all have their own separate routes, the failure of one truck to perform in a timely fashion shouldn't affect the others, I would think. So you have to look at each contract, try to figure out what happens if we
don't perform in a timely fashion when we pull this particular scope of work out and have direct contracting with it, how does it affect anything else under the prime contract.

MR. JOHNSON: And just to be clear, we are advocating, strongly advocating for the Authority to utilize this as many places as they can. But I certainly want to bring some sensitivity to that particular issue, that it may create a hardship for the contract and the project manager if we're not paying attention to that.

Anybody else have anything else on that particular one? Okay. Next one, R/N-27 with R/C-20. I pulled that one too. This is another one where we were provided with two alternatives, and this is the one where I was preferential to alternative number two. And that was the one that provides a sliding scale for the award of up to fifteen evaluation preference points. And this one I prefer because the awarding of those points will be based upon the amount in an R/N-27 case, the amount of the SBE participation. So that if you stratify it by prime, subconsultants and then subcontractors, in a fifteen point distribution, just as an example, the first five go to the prime, the second four go to the
subconsultant and the last six go, based upon your percentage of SBE participation as a subcontractor. And then you go six points for twenty-five or more, five points for twenty or more, four points for fifteen or more. So that typically works better and maximizes participation at all levels for the prime subconsultant and trade level. So I would recommend that particular option, that we have a sliding scale for how the fifteen points are awarded. Anybody else? And that would be for both the race and gender neutral one, SBE, and for the race and gender conscious one in R/C-20. Any other feedback? Okay.

All right. Now, Ms. Gaines, R/N-29.

MS. GAINES: Okay. Yes, I guess, my question here refers to the twenty percent SBE goal. When you look at the hauling contracts, we're talking about twenty percent, but as they currently stand, as you know, there is an exemption for, it is not based on the total value of the contract, as you're stating here. So you're recommending for all categories, including hauling, which is the core service of the Solid Waste Authority, that that twenty percent be based on the total contract?

MR. LEE: That is correct. And that's the way it's routinely done across the board for all
industries in the nation, really. Every contract, it's assumed that every single contract that's awarded there's going to be a certain portion of it that the prime has to keep. They're going to have to have some overhead, some expenses that they're going to have, it's built into the contract. It's not going to contribute to their profit for the bottom line. So we came up with this twenty percent because it's reasonable given what's been achieved in other places across the country with other jurisdictions that are on the par with SWA in terms of size.

We've looked at water sewer districts, we've looked at a variety of airport authorities and quasi governmental entities around the country that have been able to achieve twenty percent fairly easily. That being said, we're also building into this API waiver provision, understanding that there are occasions when there is just not adequate availability of either SBE or M/WBE to perform certain services that would be subcontracted.

So with that in place, we're pretty comfortable that twenty percent is reasonable. We didn't want to continue doing fifteen percent, because we've done fifteen percent for a number of years and we have significant disparity that's resulted in
minority women business participation, even with the fifteen percent SBE goals.

Again, the goal is set upon, is based upon relative availability of firms out there that can perform subcontracting that serves a commercially useful function. And it's based upon the total dollar value of the contract. So if 20 percent of the total value of the contract is going to subs, keep in mind part of that 20 percent is also not going to be retained by the sub, they too have overhead and expenses that they're going to have to pay.

So, the fairest thing to do is apply the same yardstick to their participation as you apply to the prime's participation. And if after you take into account all of the overhead, all of the fees, all the expenses that the prime has to pay, there's just not even twenty percent of what's left that could be sub'd out without the prime not even wanting to be able to bid because there's not enough profit in what's left for them to retain, then you wouldn't apply a subcontract goal, period, to that particular kind of contract.

And there are some contracts like that. There are certain contracts where it just doesn't make sense to have a subcontracting goal because there's
nothing to subcontract. That was the case in the Croson, J.A. Croson case, where the contract involved installing toilets in a prison. There happened to be no minority suppliers of toilets and it just didn't make sense to be subbing out thirty percent of the work in that situation. It was just one type of commodity that had to be installed. And there was no commercial use of subcontracting opportunity there.

MS. GAINES: Thank you. Mr. Chair, same question would be for R/C-23, so it would be the same clarification on that. Thank you.

MR. LEE: Okay.

MR. JOHNSON: Thank you. I do want to go back, because we're going to lose group member Smith in about three minutes. What I should have done on R/N-27 and R/C-20, it's the same thing. There's two options. I've stated my reasons for preferring option number two, providing for the sliding scale for how fifteen points were given.

The other is to restrict the preferences only to those who are new and haven't won before. So, unless I'm misstating those, I think we should probably take a motion and formalize our preference of that particular option, alternative number two over alternative number one, when we're talking about SBE
Evaluation Preferences for R/N-27, as well as the M/WBE Evaluation Preferences for Prime Bidders in R/C-20. Does the Chair entertain a motion to go with option two or option one?

MS. GAINES: Motion to go with option two, as you mentioned.

MR. JOHNSON: Is there a second?

MS. THOMAS: Second.

MR. JOHNSON: All those in favor?

GROUP ANSWER: Ay.

MR. JOHNSON: Anybody opposed? Recognizing that Ms. Depotter did abstain.

So the last thing is, Ms. Smith, thank you. I know you have to leave.

So R/C-18 and R/C-19. That I pulled because I want to ask a question of clarification. Obviously, I'm a big fan. If I'm a small business commodity provider in this community, I would want this mandatory distributorship program. If I'm a minority distributor in this community, I would definitely want those as well. But I would like some clarification on when does it become voluntary and when does it become mandatory? I'll give you this example, let's just say, for example, the Authority purchases X number of dollars in HVAC equipment every year. And the
Authority has, traditionally, purchased a particular skew from a particular manufacturer, and that manufacturer only has one or two distributors in this area. None of them are small. None of them minority. So in that particular case, you would be looking to either incentivize them to include a minority so that they can have a minority distributor, or are we asking the Authority to consider advancing or including expanding, I'm sorry, the skews of like products so that you can have products that an existing distributor might be able to offer in this particular market.

But we know that there are some manufacturers, like most of them, that are very, very strict as to who they chose for their local distributors and only give the local market to those distributors. So how do you reconcile a scenario where the Authority is purchasing a commodity on a certain level on an annual basis, where it's known that they don't have a minority and they're just not interested in adding a new one? Do you allow their bid next time to go voluntary, or do you make it mandatory?

MR. LEE: The general default is for a voluntary distributorship program. It gives
incentives for manufacturers to intentionally go about establishing relationships with minority suppliers as distributors or dealers. However, there may be instances, there's a number of jurisdictions increasingly around the country that have commercial nondiscrimination policies and procedures for investigating complaints where minority suppliers have said "I've attempted to become a dealer and distributor with this company, and they have flat out refused to tell me what I have to do to become one, or what the standards or guidelines are", or there's a clear pattern of exclusion of those suppliers, even though they've been quite capable and competent of selling similar like quality commodities elsewhere.

And so if there's either a determination, an administrative determination that a manufacturer has violated the policy or a supplier files a complaint against the firm through the administrative process, the due process, to determine that that manufacturer has violated the commercial nondiscrimination policy because A, they didn't solicit distributorships or award distributorships from minority firms the same way they did with others, they would treat them similarly, then in that case the sanction that might be imposed is that they can't do business with the
Authority if they violated that policy, unless they agree to participate in this M/WBE distributorship development program.

MR. JOHNSON: And the last question before we take a break, so as we've learned in our last dance like this in Broward, one threat to the utilization of these is the tendency of entities to piggy back. And so, I guess, there are certain agreements, and there are certain tendencies to just go ahead and buy based upon some state large contract, and those are not available solicitations of procurement to the local market. Is there any way that this policy can be used to strongly encourage local solicitation and perhaps even discourage piggy backing as much as possible?

MR. LEE: Well, that suggestion may be something that the stakeholders may decide they want to add as an additional API, that before the Authority agrees to make purchases off of some, piggy back on another entity's contract, they make sure that that contract, that the competition for that contract was conducted in an inclusive fashion so that small, minority women owned firms had every opportunity to participate in them.

MR. JOHNSON: Yeah, but if there's a piggy
back, let's say with a major hardware firm that a
small, local tool shop just can't compete with, would
that be a fair competition?

MR. LEE: And that's something to be
considered. We've seen examples around the country
where some entities, some government entities would
rely heavily on those large state or statewide
contracts. And there's very, very, little minority or
small business participation in them as a result. And
that was a way to circumvent, actually, the small and
minority business programs that they had. They would
actually circumvent.

If you do that too many times, obviously,
it's going to affect the effectiveness of your program
in terms of overcoming the disparity. So you have a
couple of checks and balances against that sort of
thing. We've also built into this particular program,
through the amendments to the purchasing manual of the
Authority, that bid specifications are going to be
reviewed by, every bid specification is going to be
reviewed by the Equal Business Opportunity Office
before it goes out. So if there is a recommendation
to go to some kind of large state contract, for
example, bite off of that, the EBO office is there to
kind of put that in check and make sure you consider
alternatives to doing that, that would be more inclusive, if that's the situation.

MR. JOHNSON: Thank you, sir. Any other comments?

MS. GAINES: Just a point of clarification, on the mandatory distributorship development program, you mentioned that if there's a violation of the commercial nondiscrimination policy -- because most of these are national manufacturers and national suppliers, how do you determine a violation of that policy? Does the complaint have to be made specifically here, or must the finding of discrimination be here, or is it in the national marketplace?

MR. LEE: Well, there's a provision in the commercial nondiscrimination policy that we've inserted in the purchasing manual that the bidders have an obligation to disclose any such findings that they have had against the company, wherever they are. So that there is then the ability that you have at least to do some due diligence to find out whether they've changed their way or whether they've put any remedy in place. And if they haven't, then you could invoke this mandatory version of this API for their participation.
MS. GAINES: Okay. Excellent. And on the voluntary component, are you going to be recommending some more affirmative steps that Solid Waste Authority would take to ensure that this program is available and that they're seeking manufacturers to comply with -- I mean, is there going to be any affirmative programatic component besides just saying we have a voluntary -- because I don't see the voluntary program being effective. I can see the mandatory one having more of an effect than the voluntary one at this point in time.

MR. LEE: Yes, this is a fairly new tool among these programs. The City of San Antonio had attempted to apply it to a contract involving defibrillators. They were purchasing millions of dollars worth of defibrillators for their public safety emergency, schools all sorts of things. And there was a minority supplier that they had that sold the defibrillator. There was a dealer of those. But this particular manufacturer that they specified for this contract, they didn't have a relationship with that manufacturer. And the manufacturer insisted that they wouldn't sub it out. They wouldn't share it with any distributor.

The problem was that the, I think it was the
Police Department, Fire Department, insisted on only this one name brand, although there were six or seven other defibrillator manufacturers out there that handled similar functions. And because that one manufacturer wasn't willing to play ball in terms of the distributorship development program, they weren't able to get any movement on it.

So the answer in that situation was if they had had open competition and they had like quality language built into their specifications, where defibrillators that just perform certain functions were all eligible to bid, I think there would have been enough competition where one or two or three of those manufacturers probably would have taken advantage of those incentives. But, again, this has only happened within the last couple of years that they've actually tried applying that.

MS. GAINES: So those affirmative steps, you would be saying, this is what you would have to do to come into the program?

MR. LEE: Yes, you educate the manufacturer long before the bid comes out. "Listen, we're thinking of applying this particular remedy or API to this contract." And you can kind of do a survey to see whether any of them would be interested in
participating in it. And you can identify all the
minority suppliers to say they're out there looking
for opportunities to become authorized distributors
and dealers.

And if you get, you know, one or two firms
saying "Yes, this does look like something we would be
willing to do", then you can go ahead, you will
probably go ahead and apply it in that instance. I
think as it becomes more well known, one of the great
advantages, I think, that this kind of incentive,
where you're adding additional option years, is it
doesn't cost the government any more money. In fact,
they don't have to do as much work in bidding a
project and printing a contract over and over again if
it's a supply contract. The contract becomes a little
bit longer and you've got compliance built into it,
because if they don't comply, they don't follow
through in really being non-discriminatory in the way
that they award those distributorships, they don't get
the extra option years. So they're losing money by
not complying. But you're making the marketplace
more, you're creating competition for efforts to be
inclusive in the realm of commodities. And I think
that's a good thing.

MR. JOHNSON: Thank you. So this seems like a
really good place to pause for a break. It looks like we will be probably finishing a little bit early. I would ask that we go ahead and take a break. Take the time to give us something to eat. Come back at 7:15, that way we will finish deliberations starting with catching up from the items identified previously. So let's get back to resume at 7:15 P.M. Thank you.

(Brief recess.)

MR. JOHNSON: All right. So we will reconvene as we a wait for Ms. Depotter to rejoin us and staff to rejoin us. I do want to go back to R/C-16. I just want to make sure that we're clear on the record that in our aspirational goals for Small, Minority Women Business projects for primes and subs that we're intending for those goals to apply to the total value of the contract, not partial value of the contract. So, is there any confusion that that's exactly what we're intending, that these goals will apply to one hundred percent of the contract? Because I do understand that in some cases that has not been the case. But in this particular case, we're looking for those goals on an annual program basis and on a by-project basis, to look at the total amount of contract. Yes, ma'am.

MS. GAINES: Mr. Chair, I know we're lacking a
quorum right now. So I would recommend that when we
reconvene at our next meeting that we not only make
sure we make a formal motion on that item but that on
all the items that were not pulled, that we actually
make a formal motion that we support those
recommendations, as well.

MR. JOHNSON: Okay. Any other unreadiness or
comments? All right. So we were done with the policy
option matrix. We now will call for the public
comments. Any last public comments? Any new
thoughts? Any members of the public? We really
appreciate you being here as part of this nocturnal
democracy this evening. Any other members of the
public have any comments? Okay. Ms. Tina white.

MS. WHITE: Good afternoon, good evening, Tina
White. I agree with what Ms. Gaines said that it's
very important that there is a motion and that it is
passed or not passed, but a motion is made that one
hundred percent of the total award is applied for the
SBE as well with the M/WBE program. Subcontractors,
everyone has a say in operating cost as primes. And
in the garbage bid that we are currently in now, we
were fooled because we thought it was fifteen percent,
and in actuality it's only nine percent of the award
because it was only a five to sixty percent of the
total award. And that should not happen again.

The other thing that's very important to me is that there is, in the policies, that it's very clearly written how subcontractors protest as well as file complaints in terms of commercial discrimination.

I have filed a complaint for commercial discrimination. The Solid Waste Authority has never responded to it. I have written letters since 2013 saying that contractors Southern Waste Systems and Waste Management have won forty-five million dollar contracts using me as one of their pre-qualifying SBEs, but my company and James Junior Enterprises, was never utilized. The Authority has never responded.

The policies within the franchise agreement give them enforcement. They have failed to do any of the enforcement. And so, it's very important that subcontractors have a clear written path as to how these policies will be addressed in a timely manner. Because to not respond from 2013 to 2018 truly is not a timely manner. And so I hope that when Mr. Franklin is drafting the policies, that time lines are spelled out so that the subcontractor knows what the policy is and how it must followed.

If you have a policy, and staff and your
governing board does not enforce the policy, you just have something written on paper. And thus far, that is what has happened at Solid Waste Authority with my contract as a sub pre-qualifying as well as for Mr. James Junior Enterprises.

Solid waste has been putting out the garbage contract since 1993, twenty-five years. And this award was the first time any blacks were ever included, and still we received none of the subcontracting we were supposed to receive. We just want to work. We want to grow our companies for capacity. We want to employ people in our community, Riviera Beach, where I live. We're not interested in getting the companies disbarred. We just simply want to work and grow our businesses.

And I'm hoping that Mr. Pellowitz, under his new leadership as the executive director, will respond to my complaint of commercial discrimination. Thank you.

MR. JOHNSON: Thank you, Ms. White. Okay. So I did have some observations on that particular issue. I will save them to the end. Any other public comment? Any other public comment?

All right. So now we're back to the Stakeholder group discussion. We did have some items
that were provided to us as additional materials. And Mr. Lee, do you want to sort of summarize what we should be learning from the additional materials and how they relate to the previous conversations?

MR. LEE: Yes, I've sent to the stakeholders a couple of, what I refer to as lovingly, care packages. They have a number of examples of best practices from around the country. The first care package I sent out was primarily a copy of the City of San Antonio's SBEDA ordinance. That's an acronym for Small Business Economic Development Advocacy ordinance.

It too is a hybrid policy that includes a number of race and gender neutral remedies and race and gender conscious remedies. I've highlighted in the document that I distributed key definitions contained in that ordinance. Key sanctions and compliance provisions, roles and responsibilities of all of the players, including the vendors and contractors and subcontractors, and staff persons that have some role in implementation of that policy. The definition and composition of the small business advisory committee. We'll be proposing a similar function here at the Authority. And you can see the language, the level of detail that will be included in the final policy that we develop here, based upon that
model.

I've also included a number of other program models that are hybrid models that include race and gender neutral, race and gender conscious program elements, The Washington Sanitary Commission among them. They have something called a Small Local Business Enterprise Program in addition to the M/WBE program.

And I've also submitted and distributed a number of program reports, annual reports from these various programs, State of Maryland, City of San Antonio, Washington Sanitary Commission, for example, that tell you a lot more than just the dollars that have been utilized by various segments of the business population, but they also analyze things such as number of first-time bidders, success stories, firms that have been able to grow successfully to be competitively viable in those programs, economic input. We talked about cost benefit analysis being done in some of these programs. So there are some examples of the jobs that have been created and sustained through the mainstream participation of those small, minority women-owned businesses, tax revenues that have been generated and so forth.

I received a total of just about ten or
eleven different requests from stakeholders about various forms of information. I've got a few more that I have to distribute to you. And I didn't want to choke you with giving you too much, bearing you with too much information all at once, 'cause it was a lot. There's some financing programs, bonding programs, OCIP, which is Owner Controlled Insurance Program models, that I'm also sharing with you.

And I think one other area that we talked about getting some feedback on had to do with the competitive business demonstration program. I think that's also highlighted in the City of San Antonio's ordinance, as well as the distributorship development program is also in that ordinance.

In Southern Florida, we also have some programs that may be worth looking at from Miami-Dade County Public Schools to Broward County Public Schools. And some of those annual reports may also be instructive as to what works and what doesn't work as well, where there has been problems.

So if you have any further thirst or hunger for knowledge, just let me know. I have a very extensive library. And I always feel great when people bother to ask to read it. So I have been saving all this stuff for some reason, so hopefully,
you will take advantage of this opportunity. I've
got, you know, lots more to share that I've collected
over the last thirty years. I'm happy to do so.

MR. JOHNSON: As you-all recall, as work group
members, there were several policy options that enured
discussions that sort of reflected our desire to
ensure that those particular ones had enough teeth,
that they were likely to yield the desire of
participation. Some we wanted to avoid what could be
a convolution of the intent of the policy option.
Some that we thought should be clear enough to provide
staff with a clear path of how they apply to sort of
reduce their ability. And then there are some that
were kind of complicated in terms of things like size
standards for professional services, that we wanted
more examples of what was happening out there in the
market, recognizing that there are some complex
considerations regarding those.

So I would encourage you-all to take a look
at the information that Mr. Lee just identified,
because there are a couple of ways in which, if we
have any new ideas, we have two more chances left to
interject those. Because it is our intent to have
this process closed and have the policies in this
program adopted by the Authority as a soon as
possible. So we do have a May 8th meeting. We will be ranking and providing any additional input. After that, Mr. Lee will provide a draft of the new program and policies before it goes to the Authority board as we agreed. And that will be one of our last times to sort of interject anything of substance we think before it goes to deliberations. So I just want to, you know, prep us in advance. Just go ahead and identify anything you think should be prioritized in language or approach in the way in which Mr. Lee writes the policy here. Because, again, we want to make sure that they are both effective and strong enough to have teeth, for both staff and for the market. Okay.

Now, Mr. Lee wanted to solicit -- first of all, let me do some housekeeping, I do want to recognize a good leader in this community on this particular issue of minority participation, our vice mayor of the great District 7, Mack Bernard has joined us. Mr. Bernard, vice mayor Bernard, thank you so much for your presence and participation.

So before we close out, Mr. Lee did want to offer the opportunity, if there are any APIs that were not included, Colleen will provide a table, a summary table of all of the APIs that we've discussed.
Because I want to make sure that before Mr. Lee starts his actual writing, that if there's anything that we're obviously missing, that we want to bring to his attention, please let's do so at this time while we have a few more minutes.

Now, that's going to require some young eyes. But there you see the progress that we have made. And we've reviewed every last one of those affirmative procurement initiatives. And so before we finalize or memorialize them into written policy recommendations, we want to take the opportunity to identify any that are obviously missing.

The one that I would like to explore, so under race and gender conscious construction industry, there is an M/WBE Segmented, there is an M/WBE Subcontractor Segmentation Strategy. And that is number R/C-7. Under construction, R/C-7, M/WBE Segmented Subcontracting Goals. And as you-all may recall, in this particular industry, construction, with subcontracting exclusively, we recognized in this particular API, R/C-7, we recognized in this particular API that not all minorities were harmed the same. There were, amongst the minority groups, there were some who were harmed a little more than others and so we can set goals to remedy those groups, or
sort of customize our amendment to those groups.

I am asking if we can consider segmenting goals in the other industries. And I know there may be some consideration for doing it for primes. But is there a way that we can carry the approach to making sure that if it's, for example, black contractors, who have been the most underutilized, that it's not just in construction subcontracting that we address that, that we can also address it in professional services and also address it in commodities and also address it in trade services, and we may even address it in primes, so that we make sure that we have an ample amount of the most underutilized groups in each of those industries?

MR. LEE: I would say the factual predicate shows, for the most part, that some segments were more significantly underutilized than others, that's true. So you probably can fashion a segment of subcontracting goal, wherever you have a subcontracting goal, either SBE or M/WBE, you can probably use a segmented M/WBE subcontracting goal underneath that.

MR. JOHNSON: And that can be all industries, right? Because the other concern is that if we're only segmenting for construction subcontracting and
Mr. Pellowitz has said a few meetings back that the majority of the spending won't necessarily be in construction. So we want to make sure that we have that particular approach available where the money is being spent.

MR. LEE: Right. The only problem is you also have to keep in mind, for commodities, other services and trade services, those areas generally don't have a lot of subcontracting activity. So we've limited the subcontracting goals or proposed subcontracting goals for this last segment to very large contracts of five million dollars or more.

MR. JOHNSON: So, again, my question is: Could we consider applying a segmentation strategy to the other industries, maybe without the subcontracting. So, for example, I know on the disparity study with the county, there were some industries where black women firms were shut out all together. And the question becomes, are we able to segment out that particular group in those places where they were shut out that are not just limited to subcontracts in construction? Can we include also segmented goals in professional services? Can we target the inclusion of the most underutilized groups differentially based upon their underutilization in
commodities?

MR. LEE: Not so much in commodities, because there's not a whole lot of subcontracting opportunity there. What I'm suggesting is --

MR. JOHNSON: Then primes, then if it's not subcontracting, whatever business we're doing can be segmented.

MR. LEE: I don't understand how that works as a prime contractor.

MR. JOHNSON: If you are having, let's say, for example, in our annual aspirational M/WBE goals for commodities other services and trade services, right --

MR. LEE: That's annual aspirational goals. It doesn't have any impact on individual contracts.

MR. JOHNSON: But within those annual goals for commodities, other services and trade services, are we prohibited from at least conceiving of a level of participation that's tailored towards the groups that will be most underutilized? So let's say for example we have an annual goal of --

MR. LEE: You have an annual aspiration goal at the prime level and an annual aspirational goal at the sub level.

MR. JOHNSON: Okay. And if you have an annual
goal, can we say that within that twenty-five percent --

MR. LEE: My question is: What's the point?

MR. JOHNSON: Well, because what typically happens in this process is, let's be real, you have policies and procedures that seek M/WBE, minority women business enterprise, and usually if it's not the white women who benefits more, you have, at least in Broward or Miami-Dade, the Hispanics that benefit more. And you normally never get adequate participation for black contractors or black businesses.

MR. LEE: But the annual aspirational goal doesn't help you get there. It's the segmented goals that help you get there. That's at the subcontract level. It's not at the aspirational level.

MR. JOHNSON: So how can we apply segmentation to areas outside of construction? Because right now we only have segmentation on the construction.

MR. LEE: Segmentation only makes sense in the context of a subcontracting goal.

MR. JOHNSON: So let's say professional services.

MR. LEE: If you have a professional service where its commercially useful function can be
subcontracted, you could have a segmented subcontracting goal to make sure that those most significantly underutilized segments of the M/WBE population get utilized first. In other words, let’s say your availability for M/WBEs in that professional service category was fifteen percent, and you had one or two ethnic groups that were statistically very significantly underutilized, you could have a segmented goal that their availability out of that fifteen percent would have to be met. So maybe, if it's combined five percent availability, you have a segmented goal of five percent for maybe African-American and Asian, if that's the case, out of that, fifteen percent would go to African-Americans and Asians.

MR. JOHNSON: So then, could we, and I know we don't have a quorum to vote on it, but at least consider it, since we have in R/C-11 through R/C-15 on the professional services, could with we add an R/C-16 that would be M/WBE Segmented Contracting Goals. Because there's currently no API for segmenting for anything outside of construction.

MR. LEE: Here's the problem with doing that right now. Under the disparity study, we have no analysis of subcontracting for those industry segments
outside of professional services and construction. So if you apply it to the other groups, we can't tell which groups were significantly underutilized at the subcontract level because Mason Tillman declined or for whatever reason didn't undertake an analysis of that due to the low availability of subcontracting opportunities.

MR. JOHNSON: Okay. And I was just thinking that if we had, for example, R/C-13 under the professional services, M/WBE Subcontracting Goals for Professional Services, could we not do what we did under M/WBE subcontracting goals under construction by having a parallel API for M/WBE segmented subcontracting. So it seems like everywhere we have a subcontracting goal, we should give our subs the option of segmenting it.

MR. LEE: The rationale is a little different. Because we had strong evidence of significant underutilization at the prime contract level for other services, trade services and commodities, in those few instances where there were subcontracting opportunities, we're using those as a means of remedying the discrimination at the prime contract level.

That's somewhat different than what you have
in the other two industry categories of construction and professional services. Because there, you've got in-depth analysis, not just at the prime contract level, of disparities, but also at the subcontract level. And you can see that even when subcontracting goals are used under the SBE program, there's certain ethnic groups that have very strong statistically significant underutilization for subcontracting. You don't have that same evidence in those other three industries of the services commodities and trade services.

MR. JOHNSON: So if professional services does fit, can we considered adding an API for segmented contracting goals in professional services?

MR. LEE: In professional services, yes.

MR. JOHNSON: Okay. So we'll come back when we have a quorum, but that will probably be --

MS. SMITH: We have a quorum.

MR. JOHNSON: Oh, so let the record reflect that member Bruce Lewis has arrived. So we're looking at adding a race conscious remedy under professional services, which will now make it R/C-16, M/WBE Segmented Subcontracting Goals.

MR. LEE: I would just suggest you call it 16A so that each one of these numbers is unique. We
already have R/C-16 somewhere.

MR. JOHNSON: No, you have an R/C-15 is the last one I have.

MR. LEE: Check again.

MR. JOHNSON: Oh, I see what you're saying. There's R/C-16 in commodities, right. So we probably have to call it 13A. So R/C-13 is subcontracting goals, so 13A. Thank you, Mr. Pellowitz.

So the discussion is to potentially add an additional race conscious remedy which will be numbered R/C-13A entitled M/WBE Segmented Subcontracting Goals. The chair will entertain a motion.

MS. GAINES: So moved.

MR. JOHNSON: Is there a second?

MR. LEWIS: Second.

MR. JOHNSON: Seconded by Mr. Lewis. Now, any other discussion?

MS. DEPOTTER: Let the record reflect that AGC dissents from the vote.

MR. JOHNSON: Thank you. Any other comments or questions? All those in favor?

GROUP ANSWER: Ay.

MR. JOHNSON: Anybody opposed. And the record will reflect that Ms. Depotter abstained.
MS. GAINES: No, she objects.

MS. DEPOTTER: I've dissented from the AGC voting, period.

MR. JOHNSON: All right. So then that motion will carry to add R/C-13A under professional services, M/WBE Segmented Subcontracting goals. Any other APIs that we think we need to add that are missing from what we've discussed so far?

All right. Hearing none, a couple of housekeeping items before we shut down, Ms. Depotter, one thing I did not do, when you offered the modifications to the minutes, we were actually approving two different meeting minutes. So if you don't mind specifying which of the meetings.

MS. DEPOTTER: I had modifications to both meetings and I gave them to the court reporter.

MR. JOHNSON: Okay. So the record will reflect that you submitted the modifications relevant to each meeting.

MS. DEPOTTER: Yes. Did you get the one for the 24th, where the figure was seven hundred million instead of one hundred million?

MR. JOHNSON: Okay. I just wanted to make sure that we covered that.

MS. DEPOTTER: Thank you.
MR. JOHNSON: Now we're looking at our future meeting schedule. We agreed at the last meeting to hold a meeting on May 8th at 5:00 P.M., in this very same location. There we expect to, as you see, to rank these APIs, the assumption being that they are all important to include, but we want to sort of communicate to staff that if there had to be some decisions based upon timing or resources as to which order in which to implement, we will provide some of that direction as a stakeholder group based upon our ranking. So again, we're not taking any out. We're going to keep them all in. But we will just rank which ones we think, in case that has to be an issue, should be implemented first. And then --

MS. ROBBS: Mr. Chair, would you please explain to the members of the Stakeholder group the process, so that they have their thoughts wound up when we come on May 8th?

MR. JOHNSON: Okay. So the way it's going to work is we will have an announcement of each number, so on this case R/N-1, Centralized Bidder Registration System. We're going to then ask for: "All of those who consider that a high priority, raise your hand". And we will take a tally, and staff will put the votes in. "Anybody consider it a moderate priority?", 
meaning it's not the highest, and it is still
important, but it's moderate. And then we will do the
same thing for low priority. And then there's a box
at the end to identify those that are unanimous. And
that's important because it does provide staff some
communication of the will of this particular group
that if all of us agree upon it, that's probably
something you may want to find a way to implement
right away.

MS. ROBBS: Mr. Chair, we also want to stress
that you would only vote one time. One time if you
feel it's high priority.

MR. JOHNSON: That's correct. So the total
votes will reflect the total number of people here.
And, of course it works better, in fact, it only works
if we have a quorum. Okay. Anything else for
housekeeping? Anything for the good of the order as
we're wrapping up?

MS. ROBBS: Mr. Chair, I would like to thank
the executive staff, our executive director, managing
director and chief along with the staff, most of them
are still here, that helped us to put on a successful
vendor opportunity power-net where we had nearly
ninety businesses in attendance. I think we're going
to post a picture so you can see who was there. It
was great networking. A lot of procurement contracting opportunities that were mentioned. We also talked about the existing contracts that are there. And our goal is to inform the public, each and every time, that we have an opportunity. And we really appreciate your engagement through this process. So I just want to thank staff, our bosses, you know, the public, for really coming out and engaging with SWA. Thank you.

MS. DEPOTTER: Through the Chair, Ms. Robbs, is there a sign-in sheet available for that, that we can request a copy of?

MS. ROBBS: Through the Chair, yes. It should be, we will have it posted if it's not already.

MS. DEPOTTER: Okay. I'll check it. Thank you.

MR. JOHNSON: Ms. Gaines.

MS. GAINES: Yes, before we close, I'd just like to follow up on a question that came from one member of the audience, Ms. Tina White, regarding she has filed a complaint under the commercial nondiscrimination policy, and what is the status in terms of how that's moving forward? I understand that is a policy that has currently been adopted at the last Solid Waste Authority meeting. So how will it
proceed going from here?

MR. JOHNSON: So before staff answers, let me go ahead and do my little speech, right, because I wanted to sort of reiterate the value of us all being here, those of you as stakeholder work group members, members of this community who have a thousand places to be. And we're now at hour fourteen that we've spent here together doing this. And so we know that all of our time is valuable. So each of you-all who've done this and have been at every meeting, thank you so much.

For the members of the public who have come here to learn about what we've deliberated and how this new program may benefit you -- and we've tried to benefit everybody in this program. That's why we have it race gender conscious and race gender neutral -- we thank you for coming. And those of you who have been at the meetings, we really appreciate your curiosity. And for those who provided input, we thank you for your ideas. And we want to make sure we thoroughly consider those.

But I want to remind us all, though, that we're here under the pretense that the Authority is serious about fixing passive and active discrimination. I don't think it requires us to
debate it much longer because we've spent a lot of money on the disparity study that makes it pretty clear with how it was and how it looked. But then again, we recognize that none of this really is going to impact the outcome unless, in terms of increasing availability and opportunities for minority and women-owned firms, unless and until the new policies and the new program are accompanied by new attitudes, new values and new behaviors by staff.

And so the staff, and Mr. Pellowitz and I did have a pow wow a few meetings back. And Mr. Pellowitz made it very clear that this is serious to him. I just want to make sure, though, that for all of the issues that may come up now and in the future, we have to communicate to the public that this is not just an elaborate exercise of vote trafficking. That this is something that we're really serious about accomplishing. And so that we don't go through spending all this money on a disparity study, and all this time coming up with a program, and spending all these many months, and asking to procure, and find ourselves five years later in a situation where the operation was a success, but the patient still died. And the goal here is to save the patient.

We want to increase the capacity and the
growth potential of our local minority women owned
firms. Any other outcome is not acceptable for the
amount of time and money that we put into this thing.
So I just wanted to state that on the record, using my
executive privilege as a chair, that this is a big
waste if we're not serious about changing our behavior
and attitude amongst staff. Mr. Lewis...

MR. LEWIS: I'd like to apologize first,
again, for being a little late. I had a double booked
meeting with the black chamber. But I wanted to
express my appreciation of staff and for Mr. Lee for
providing -- first of all, Mr. Lee, for navigating us
through this process in a very nice way. I think it's
allowed us to have a voice.

Number two, the staff support that we have
gotten and the support of the documentation and
information, giving us the tools to be very educated
about the decisions that we're going to make in the
future was very timely. So I wanted to appreciate
both Mr. Lee and SWA staff for their efforts, as well.

MR. JOHNSON: Okay. Any other last-minute
comments for the good of the order? May 8th, 5:00
o'clock in this building. We will see you-all then.
Meeting stands adjourned. Thank you.
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 7th day of May, 2018.

Raquel Robinson, RPR