



**MBE/WBE and Small Business Advisory Committee
Minutes**

**Regular Meeting
Tuesday March 1, 2011**

The MBE/WBE and Small Business Advisory Committee convened in a regular meeting on Tuesday, March 1, 2011 at 301 W. 2nd Street Room 1029 in Austin, Texas.

Chair Adrian Neely called the Board Meeting to order at 5:44 p.m.

Board Members in Attendance:

Adrian Neely, Ed Lowenberg, Barbra Boeta, Anne Harutunian, Deirdre Moss and Brian Walters

1. APPROVAL OF MINUTES

Minutes from the February 1, 2011 regular meeting were approved on 4-0-2 vote, on a motion by Ms. Boeta and seconded by Ms. Moss. Board members Mr. Lowenberg and Mr. Walters abstained from this item due to their absence from the February 1st meeting.

2. CITIZEN COMMUNICATION

There were no citizens signed up to speak.

Mr. Neely stated that the Formula One item would be taken out of order on the agenda and reviewed first

3. OLD BUSINESS

For discussion and possible action, per authority to make recommendations to City Council (2-1-163(B))

a. Update and discussion regarding procurement opportunities on the Formula One project from Formula One's MBE/WBE Coordinator Cloteal Davis-Haynes.

Mr. Neely, Ms. Harutunian and Mr. Lowenberg recused themselves from this item due to the possibility of a future contract on the Formula One project and the respective companies they work for in excess of \$5000 for professional fees. They sat in the audience while the discussion took place.

Ms. Haynes and David Yage, Pre Construction Manager for Austin Commercial provided a handout for the committee and gave a status report on the upcoming design and construction opportunities, contract awards to date and MBE/WBE percent participation on the project.

The committee requested the following from staff;

- Would like to see dollar amounts vs. percentages as reflected on the presentation.
- What types of efforts have been conducted to attract potential vendors to the upcoming construction opportunities?
- How much time is given to contractors to submit bids?
- SMBR staff look at what would the participation goals be on a project this large and compare to how the Formula One team is doing.
- Formula One staff utilize their upcoming opportunities to have another large outreach event for the community.

- SMBR staff look at the HUB certified firms for potential certification with the City of Austin and also ask how they heard of this project to identify a potential marketing avenue for the department.
- Requested that Ms. Haynes and Mr. Yage come back for an update at the May meeting.

Ms. Haynes stated that due to proprietary agreements that have been signed with their partners and also competition issues some information could not be shared, however they would work on providing as much information as possible.

Mr. Yage said there has been much communication with the firms that have reached out to them and he replies with the most current information available; because this project evolves weekly he encourages all contractors to stay in touch with the project team via email. Notices were sent to certified firms, identified by SMBR, for the scope of work requested and also plans and specs are available at a variety of locations in the city. They are currently working on standardizing when and where pre bid meetings are held and days bid packages are released.

Carol Hadnot, Austin Area Black Contractors Association (ABCA), said there is no transparency on this project; we should be able to find out how much money is being awarded and to whom.

b. Discussion and possible action on the City's Third Party Resolution.

The committee asked legal staff to review the purpose of the Third Party Resolution and to explain the definitions of some of the language contained in the resolution.

Sabine Romero, legal department, and Veronica Briseño Lara, Director SMBR, reviewed and discussed the Third Party Resolution with the committee.

The committee stated their desire to strengthen the language in the resolution, and on the recommendation from legal staff requested to schedule an executive session meeting to discuss further. Mr. Neely asked the committee members to bring suggestions to the next meeting.

The committee had the following recommendations to the resolution thus far;

- More transparency on these projects; awards, compliance, etc.
- The City's M/WBE ordinance applied to more than the City's portion of the agreement.
- Any concessions like tax abatements, land, shared infrastructure or infrastructure improvements, etc., given to firms should not be awarded if the firm does not comply with the M/WBE ordinance.

Ms. Hadnot, ABCA, said there should be a job creation component and penalties or sanctions added to the suggestions.

The committee agreed and added her recommendations to the list above.

Ms. Harutunian requested that legal staff look at the suggestions discussed so far and provide feedback to the committee.

Ms. Hadnot, ABCA, requested that the community have an opportunity to provide input prior to the executive session.

Mr. Neely requested SMBR solicit the community for their suggestions.

c. Update from the Weatherization Committee regarding the Austin Energy Weatherization project.

Mr. Walters and Ms. Hadnot provided an update to the committee on the meeting held February 15, 2011.

Mr. Neely requested Austin Energy staff come to the next advisory committee meeting and provide an update regarding the status of the recommendations made to the program and how they would implement them and also discuss any additional funds received for the program. He also requested that Austin Energy's response to the recommendations made by the Weatherization Committee and the community be sent to the both committee's prior to their next meeting.

Mr. Neely also asked SMBR to confirm if Austin Energy will have a new contract for the additional funds sought or if they will add them to the current contract.

Mr. Neely also requested that the members of the Weatherization Committee attend the next MBE/WBE Council Subcommittee meeting to provide and update.

d. Discussion and possible action regarding the template for standard City board by-laws, per authority to adopt by-laws.

Mr. Neely informed the committee that the Audit and Finance Committee did address their concerns regarding the new bylaws however his council member assured him that they would work with the committee to support them as needed.

On a motion by Ms. Boeta and seconded by Ms. Harutunian, the committee unanimously voted to adopt the bylaws.

4. STAFF REPORTS

a. Staff Update on City of Austin Super Prompt Pay (SPP) available projects.

Ms. Lara updated the committee on the three projects identified for SPP;

- Austin Energy Systems Control Center
- African American Cultural and Heritage Facility
- Holly Decommissioning project

The committee requested that SMBR review solicitation documents to see if Prompt Pay and Expedited Pay are also included, confirm that SPP or Prompt Pay is discussed at post award meetings and to also re-inform the community and the general contractors that SPP is available and report back to the committee at the next meeting.

b. Monthly report from Small & Minority Business Resources (SMBR) on request for changes and Council Awards.

Ms. Lara presented the committee with an update on the reports.

5. AGENDA ITEMS

- Discussion regarding Annual Review & Work Plan Special Called meeting
- Update from the Weatherization Committee; invite Austin Energy.
- Public comment and recommendations to the City's Third Party Resolution
- Executive Session to discuss Third Party Resolution

8. ADJOURNMENT

The meeting was adjourned at 8:06 p.m. on a motion by Ms. Boeta, seconded by Ms. Moss.