



**Construction Advisory Committee
MINUTES**

**REGULAR MEETING
Tuesday, March 20, 2012**

The Construction Advisory Committee convened in a regular meeting on Tuesday, March 20, 2012, City Hall, 301 W. 2nd Street, Boards and Commissions Room, Austin, Texas.

Chairwoman Timm called the Board Meeting to order at 10:00 a.m.

Board Members in Attendance:

Emily Timm – Chairwoman
Eddie Hurst – Vice Chairman
Robert Drake
Suzanne Litz
Calvin Williams

Staff in Attendance:

Robert Hinojosa, Acting Director - Public Works Department
Susan Garnett, Program Coordinator - Public Works Department
Jeannette Gilpin, Executive Assistant – Public Works Department
Rosie Truelove, Director - Contract Management Department
Rolando Fernandez, Assistant Director - Contract Management Department
Frank Mays, Division Manager – Contract Management Department
Barbara Kuhl, Division Manager - Contract Management Department
Edward Campos, Division Manager - Contract Management Department
Rick Wilson, Program Consultant – Contract Management Department
Felecia Shaw, Business Process Consultant – Contract Management Department

1. CITIZEN COMMUNICATION: GENERAL

None

2. APPROVAL OF MINUTES

Minutes from the meeting of 2/21/12 were approved by board member Litz's motion, member Drake's second on a 5-0 vote.

3. OLD BUSINESS

a. Howard Lazarus, Director of Public Works, was unable to attend this meeting due to a last minute scheduling

conflict. PWD will return in April to provide an update to the committee on the implementation of the OSHA 10/30 training for City construction sites.

- b. Frank Mays, Division Manager for the Contract Management Department (CMD), explained to the committee that CMD has concluded that there currently is not a need to add new staff for wage compliance, but staff will reevaluate at the end of the year. Eddie Hurst, Vice Chairman, disagreed with the conclusion and suggested that CMD add a bilingual, Full Time Employee to assist CMD with follow-up visits for prevailing wage, which he added was an important topic of concern to the committee.
- c. Mr. Mays presented the Quarterly Wage Compliance Report to the committee to which the committee requested that Mr. Mays add information regarding all follow-up site visits. Chairwoman Timm inquired about whether or not subcontractors are required by the City to attend preconstruction meetings. Mr. Mays answered that the City currently does not require this, but does highly recommend to the prime contractors that all subcontractors attend. The committee suggested that CMD integrate a form in their contracts that will require subcontractors to adhere to the same meeting requirements as the prime contractors do. Mr. Mays stressed that City contracts are held between the City and the prime contractor, therefore the City cannot require the subcontractors to uphold the same agreements. He added that he will need to further discuss this issue within his department, as well as with the Small Business Development Program. Ms. Timm requested that the committee hear back from those discussions in May.
- d. Rolando Fernandez, Assistant Director of CMD, presented the committee with a memo of their findings from discussions with the City's legal team regarding the assessment of an administrative fee for prevailing wage non-compliance, as well as penalty options for contractors with multiple VCAPs. Mr. Fernandez explained that the City's legal team considers the assessment of a penalty or fee for non-compliance of prevailing wage to be in conflict with State statute.

The committee expressed their frustration with the City for being unable to penalize contractors and subcontractors with repeat wage compliance violations and added that those repeat offenders often underbid other small businesses by paying lower wages.

4. FUTURE AGENDA ITEMS

- a. Mr. Hurst requested that staff provide the committee with job descriptions for City construction inspector positions.
- b. Ms. Timm requested that staff from the Economic Growth and Redevelopment Services Office present a copy of their incentive packages to the committee and address questions concerning the bottom 10% of the construction workforce.
- c. Mr. Hurst requested that Public Works include transfers between departments in the April budget briefing.

5. NEXT MEETING (April 17, 2012)

6. ADJOURN

Meeting was adjourned at 11:28 a.m. by Chairwoman Timm.