Disparity Study
&
MBE/WBE Program Overview

Water & Wastewater Commission
August 2020

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Objectives

PROVIDE A GENERAL OVERVIEW OF THE DISPARITY STUDY

HIGHLIGHT THE SMBR PROGRAM

PROVIDE DETAILS REGARDING MBE/WBE REQUIREMENTS IN CONTRACTING

REVIEW AUSTIN WATER'S MBE/WBE PARTICIPATION AND CONTRACTING EFFORTS

What is a Disparity Study?

- Examines the procurement history of a government agency during a specific time frame to determine if there is statistical and or anecdotal information to suggest that the agency's past or current practices in the solicitation and award of contracts have been exclusionary, disparate or discriminatory in nature in the awarding of contracts to minority-owned, women-owned, and disadvantaged business enterprises (MWDBEs).

Why is a disparity study necessary?

- Legally required to continue the City's MBE/WBE Program.
- Assists with making recommended improvements to the MBE/WBE Program.
- Provides a legal defense regarding the City's established MBE/WBE Goals.

What are the legal requirements of a disparity study?

- Collect and analyze data such as availability and utilization for both minority and non-minority firms as well as subs and primes.
- Analyze multiple years of data. Courts recommend at least 3 to 5 years.
- Analysis should be relative to specific industries: construction, professional services, commodities, etc.
- Broad analysis for availability, capacity and willingness of firms to participate on contracts.
- Disparity analysis should be inclusive of surrounding markets
- Balanced analysis of past and present industry and contract discrimination
- Collect and analyze anecdotal evidence

Disparity Study Contact Information

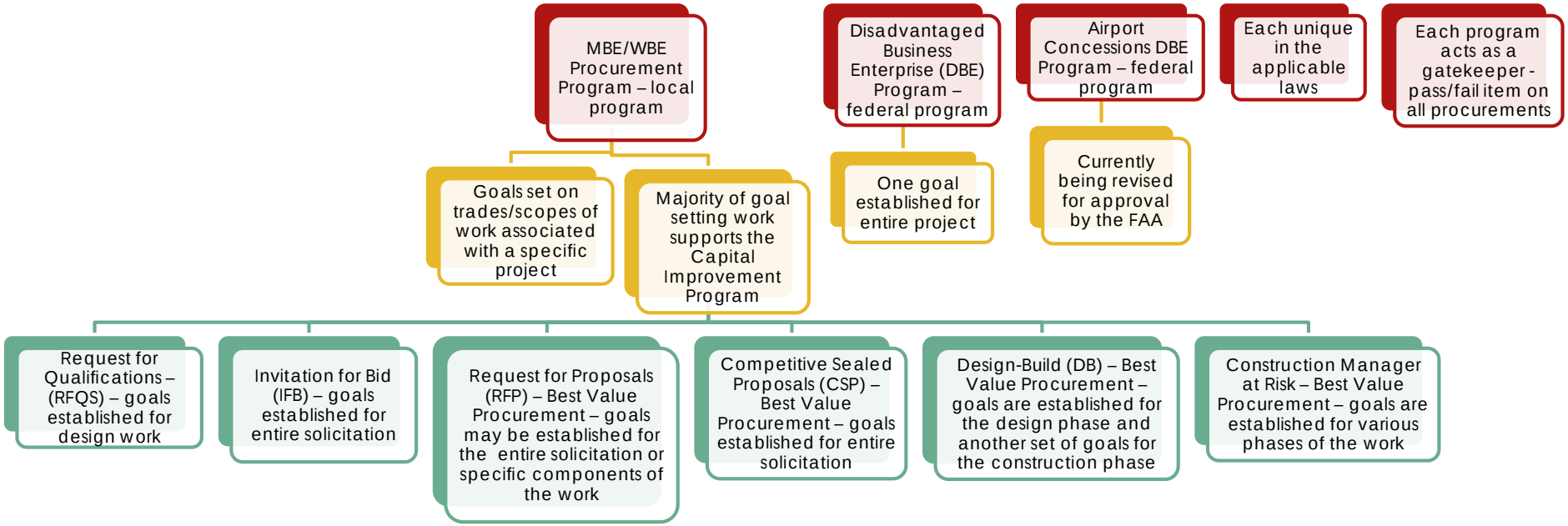
Study information

- http://austin.disparity-study.com
- austin-study@mwbelaw.com
- 855-692-3529 (855-MWBELAW)

City of Austin Study Manager:

- Tamela Saldana, DisparityStudy@austintexas.gov

SMBR Programs



COA Goal Setting Methodology

All COA's procurements over the City Manager's Authority are reviewed for goals except for:

Procurements exempted from SMBR Program (MBE/WBE Rules Section 1.2)

1. COA sale of personal and real property	2. Loan transactions where COA is a debtor	3. Lease and franchise agree-ments	4. Agreements to use COA real property	5. Gifts to COA for material, equipment, supplies or services	6. Interlocal or intergovernmental agree-ments between or among political subdivisions	7. Sole Source Purchases	8. Public Heath and Safety Emergency Purchases

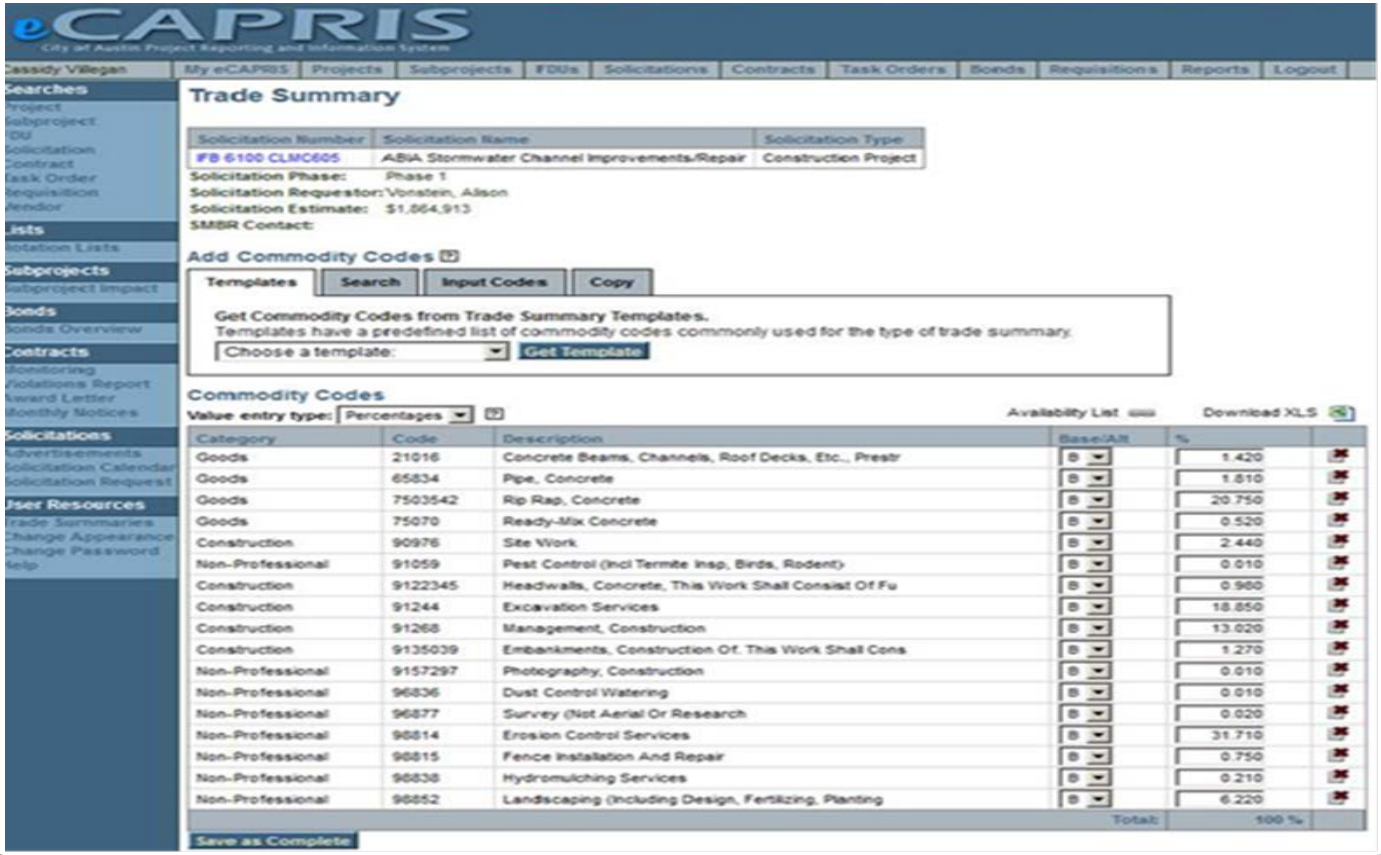
Setting Goals

- <u>Contract Specific Goal Setting</u>

- Solicitation document provides project overview

- Trade Summary Sheet identifies scopes of work

- Percentages reflect the anticipated amount of materials/supplies and services



Trade Summary

Goal Calculation Formula

No. of Certified Vendors (Per Ethnicity) X % of Scope

Total Vendors

eCAPRIS
Capital Project Reporting and Information System

Tamela Saldana | My eCAPRIS | Projects | Subprojects | FDUs | Solicitations | Contracts | Task Orders | Bonds | Requisitions | Reports | Logout

Searches
Project
Subproject
FDU
Solicitation
Contract
Task Order
Requisition
Vendor

Lists
Rotation Lists

Subprojects
Subproject Impact

Bonds
Bonds Overview

Contracts
Monitoring Violations Report

Solicitations
Advertisements
Solicitation Calendar
Solicitation Request

User Resources
Trade Summaries
Change Appearance
Change Password
Help

Calculated Project Specific Goals

Solicitation Number	Solicitation Name	Solicitation Type
IFB 6100 CLMC605	ABIA Stormwater Channel Improvements/Repair	Construction Project

Solicitation Requestor: Vonstein, Alison
Estimated Cost: $1,864,913
Solicitation Phase: Phase 1
Goals Approved: No
SMBR Contact:

Availability Lists

Snapshot No	Snapshot Date	Saved By	Reason	Trade Summary Version No	Trade Summary Version Date
There are no saved Availability Lists					

Goal Calculation for Availability 06/06/2016

			Hisp		Afr		Asi		Ntv		MBE		WBE		Non Cert	Total	DBE	
Comm Code Desc	Comm Code	TS %	#	WtAvg	#	WtAvg	#	WtAvg	#	WtAvg	#	WtAvg	#	WtAvg	#	#	#	WtAvg
Concrete Beams, Channels, Roof Decks, etc., Prestr	21016	1.420	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	2	0.09	28	30	6	0.28
Pipe, Concrete	65834	1.810	1	0.04	3	0.13	0	0.00	1	0.04	5	0.21	3	0.13	35	43	7	0.29
RIP RAP, CONCRETE	7503542	20.750	0	0.00	1	0.58	0	0.00	0	0.00	1	0.58	0	0.00	34	36	4	2.31
Ready-Mix Concrete	75070	0.520	1	0.01	0	0.00	0	0.00	0	0.00	1	0.01	0	0.00	34	36	3	0.04
Site Work	90976	2.440	11	0.12	5	0.05	2	0.02	0	0.00	18	0.20	3	0.03	199	223	21	0.23
Pest Control (incl Termite Insp, birds, rodent)	91059	0.010	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	1	0.00	53	54	1	0.00
HEADWALLS, CONCRETE, THIS WORK SHALL CONSIST OF FU	9122345	0.980	7	0.05	2	0.01	0	0.00	1	0.01	10	0.07	3	0.02	131	146	17	0.11
Excavation Services	91244	18.850	15	0.85	6	0.34	0	0.00	1	0.06	22	1.25	4	0.23	305	333	27	1.53
MANAGEMENT, CONSTRUCTION	91268	13.020	15	0.47	16	0.50	4	0.13	2	0.06	37	1.17	8	0.25	360	413	47	1.48
EMBANKMENTS, CONSTRUCTION OF. THIS WORK SHALL CONS	9135039	1.270	4	0.05	1	0.01	0	0.00	0	0.00	5	0.06	0	0.00	93	99	7	0.09
PHOTOGRAPHY, CONSTRUCTION	9157297	0.010	4	0.00	5	0.00	2	0.00	0	0.00	11	0.00	3	0.00	106	120	16	0.00
Dust Control Watering	96836	0.010	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	5	5	0	0.00
SURVEY (NOT AERIAL OR RESEARCH	96877	0.020	4	0.00	0	0.00	1	0.00	1	0.00	6	0.00	9	0.00	108	126	19	0.00
Erosion Control Services	98814	31.710	5	1.62	2	0.65	0	0.00	0	0.00	7	2.27	4	1.29	87	98	11	3.56
Fence Installation and Repair	98815	0.750	4	0.03	1	0.01	0	0.00	0	0.00	5	0.04	3	0.02	95	104	6	0.04
Hydromulching Services	98838	0.210	1	0.00	2	0.01	1	0.00	0	0.00	4	0.01	4	0.01	52	60	5	0.02
Landscaping (Including Design, Fertilizing, Planting	98852	6.220	9	0.19	4	0.08	2	0.04	0	0.00	15	0.31	8	0.16	279	302	22	0.45
	Total:	100 %	81	3.43	48	2.37	12	0.19	6	0.17	147	6.18	55	2.23	2004	2228	219	10.43

Recommend Calculated Goals | Go to Goals

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Compliance Determination

City of Austin MBE/WBE compliance determined under City Code 2-9(A-D)-21(E)

Firms are compliant by:

- Meeting goals or
- Demonstrating Good Faith Efforts for any WBE or ethnic category where goals are not met (GFE)

Counting Participation

- Prime certified firms may count their own participation
- Firm must be certified by the City of Austin
- Firms are certified for commodity codes on Compliance Plan
- Every level of subcontractor participation may be counted toward the goals
- Dually certified firms are counted as either MBE or WBE but not both

Post Award Contract Monitoring

Monitor contracts to assure MBE/WBE Program Compliance to include:

- **Monitor contracts to assure compliance plan goals are being met and MBE/WBE subcontractors/suppliers are being utilized**
- **Reviews RFC changes to assure compliance and opportunities to MBE/WBEs on any new scopes of work where there is availability.**
- **Reviews and process Subcontract SUBK Expenditure Reports**
- **Reviews and process Contract Closeouts assuring MBE/WBE participation and payment**
- **Assist with MBE/WBE- Prime subcontract issues**

Purchasing Office: MBE/WBE Reporting

Competitive awards with MBE/WBE availability is defined as:

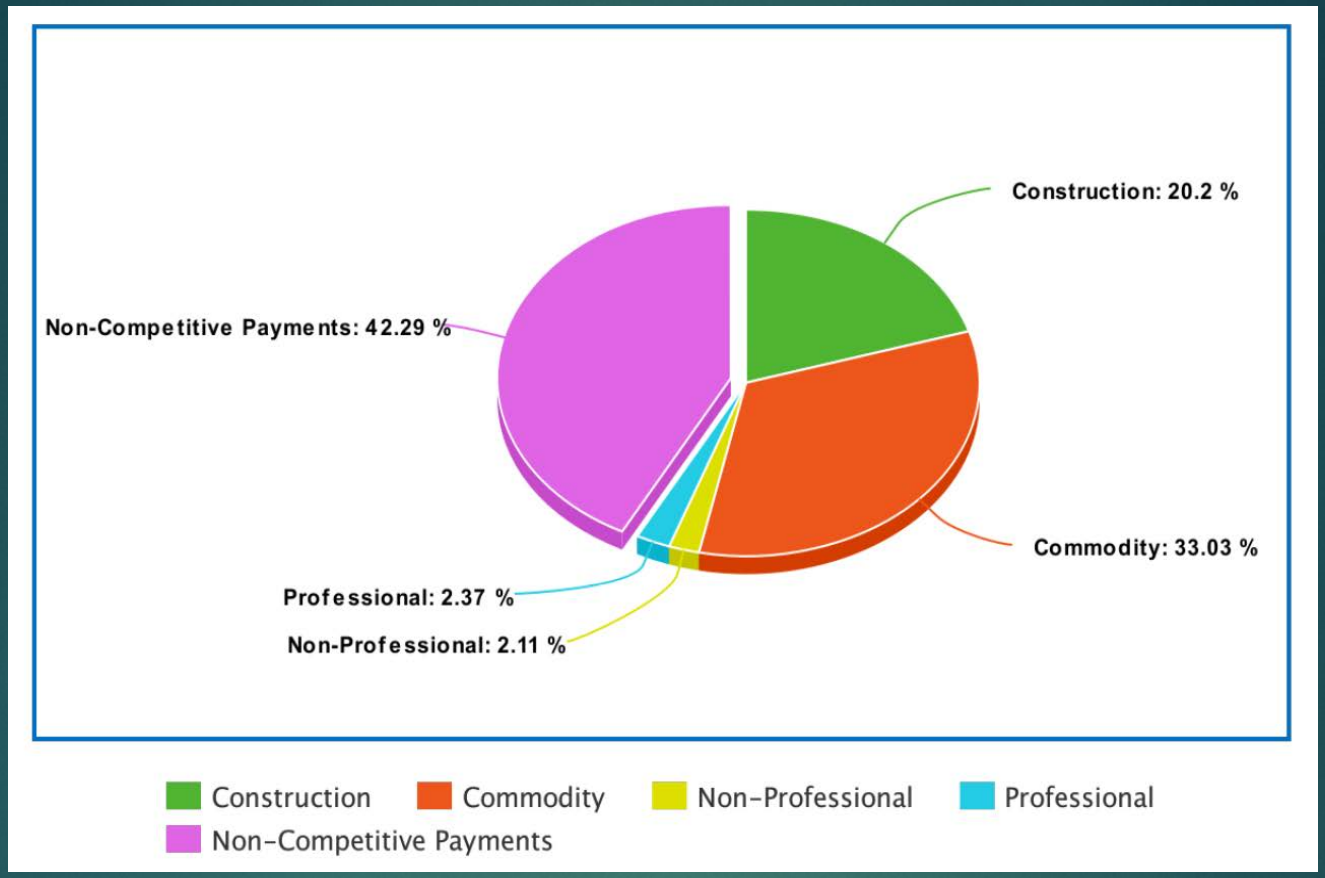
Competitive Award:

- Reporting reflects contracts awarded through a competitive process.
- Data is not reflective of contracts that are exempt from the SMBR Program.

MBE/WBE Availability:

- Reporting reflects contract awards in which there was at least three or more MBE/WBE's registered under the commodity code that corresponds with the scope of work.
- If contract is awarded to MBE/WBE when there is no availability in the commodity code, those numbers are still reflective in the reporting.

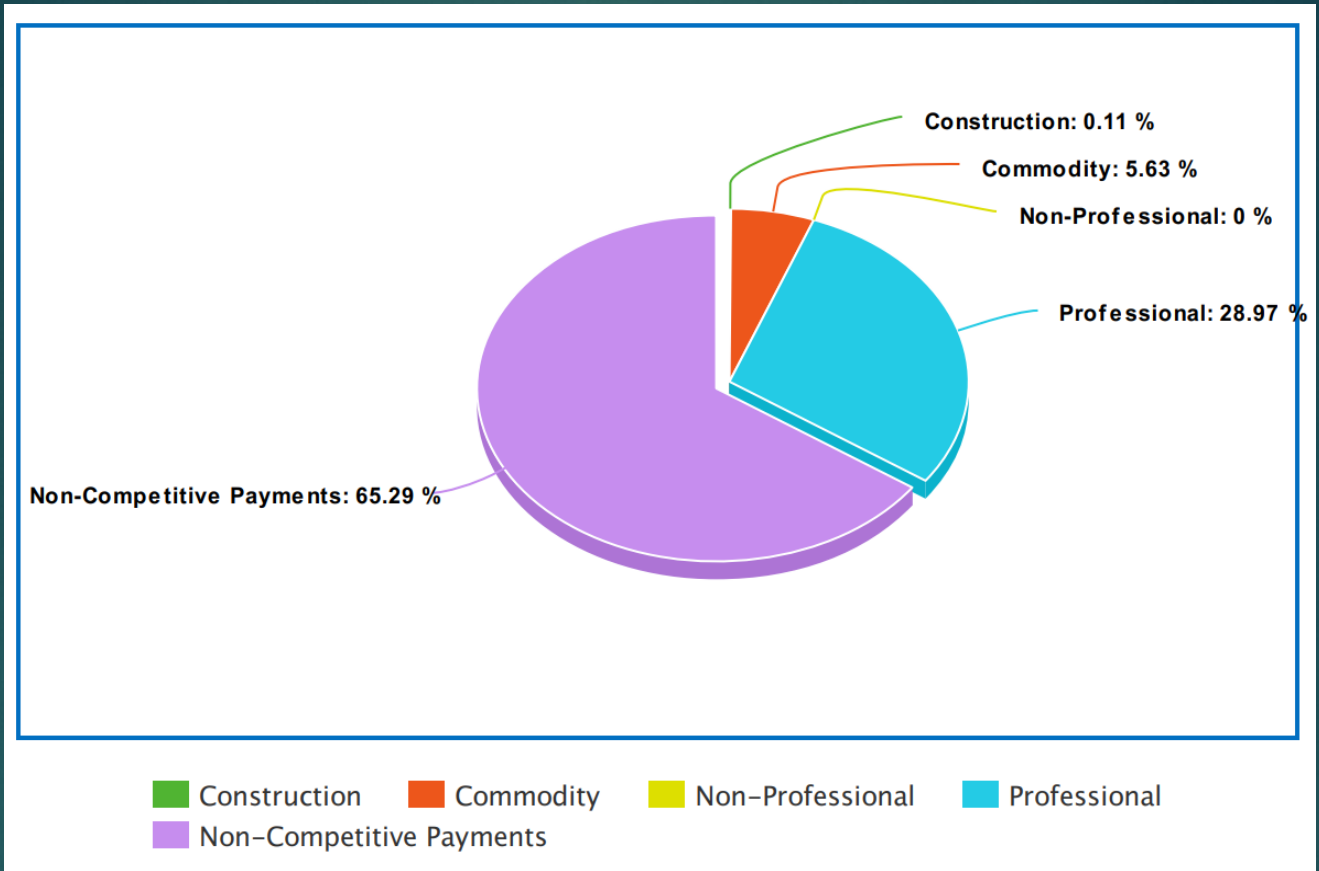
Austin Water FY19 MBE Payments



Category	Possible Competitive Payment	Actual Competitive Payment
Construction	$66,370,632	$13,404,736 (20.20%)
Commodity	$299,058	$98,794 (33.03%)
Non-Professional	$4,266,896	$89,975 (2.11%)
Professional	$1,059,169	$25,068 (2.37%)

*As of June 2020

Austin Water FY19 WBE Payments



Category	Possible Competitive Payment	Actual Competitive Payment
Construction	$9,071,325	$10,345 (0.11%)
Commodity	$119,216	$6,712 (5.63%)
Non-Professional	$2,850,128	$0 (0%)
Professional	$1,037,621	$300,582 (28.97%)

*As of June 2020

Similar Department Comparison:

Analysis of Total Payments for FY19

	WBE				MBE			
Departments	Total Competitive Payments with Availability	Total Competitive WBE Payments	Total Competitive WBE Sub Payments	% of WBE to Total	Total Competitive Payments with Availability	Total Competitive MBE Payments	Total Competitive MBE Sub Payments	% of MBE to Total
Austin Water	$13,078,290	$305,875	$11,764	2.43%	$71,995,755	$11,022,423	$2,596,150	18.92%
Austin Energy	$51,679,217	$310,620	$65,823	0.73%	$104,798,552	$835,842	$2,418,575	3.11%
Austin Resource Recovery	$1,302,148	$138,943	$0	10.67%	$2,435,837	$129,921	$0	5.33%
Fleet Services	$273,277	$675	$0	0.25%	$3,310,677	$412,698	$0	12.47%
Aviation	$3,080,468	$693,876	$0	22.53%	$4,441,836	$266,147	$111,761	8.51%

Purchasing Office Vendor Outreach

- Annual Small Business Contracting Forum
- 500+ small businesses attend
- Austin Water & SMBR attends and participates annually
- 70 new vendors registered at the event

Austin Water Purchasing Services Vendor Outreach

- Extensive Market Research to ensure that viable vendors are reached even if they are not registered as a City of Austin vendor.
- Attend Pre-Solicitation Meetings to answer questions and entice vendor participation.
- Collaboration between Austin Water, Purchasing Office, and SMBR to carve out specific scopes for MBE/WBE participation.
- Partnering with SMBR to review future projects and initiatives.

Questions?