Business Equity/Diverse Business Inclusion Committee Capital Projects Advisory Review Board

24 September 2021

Committee focus:

- Comprehensive review of RCW 39.10 with the lens of equity (include RCW 39.04 &39.80).
- Create consistency in statutory language.
- Evaluate and bring forth effective strategies and opportunities for firms to compete.

⊠ Olivia Yang	Washington State University	CPARB /Committee Member
⊠Santosh Kuruvilla	Exeltech	CPARB /Committee Member
⊠ Lisa Van der Lugt	OMWBE	CPARB /Committee Member
☐ Bill Frare	DES	CPARB /Committee Member
⊠ Irene Reyes	The Glove Lady	CPARB /Committee Member
⊠ Janice Zahn	Port of Seattle	CPARB /Committee Member
☐ Jackie Bayne	WSDOT OEO	Committee Member
☐ Cheryl Stewart	Inland Northwest AGC	Committee Member
☐ Chip Tull	Hoffman Construction	Committee Member
☑ Aleanna Kondelis	Akana	Committee Member
⊠ Brenda Nnambi	Sound Transit	Committee Member
	MBDA	Committee Member
□ Cathy Robinson	City of Lynnwood	Committee Member
	Mukilteo School District	Committee Member
☐ Keith Michel	Forma	Committee Member
	Song Consulting	Committee Member
	Absher Construction	Committee Member
☐ Bill Dobyns	Lydig	CPARB
⊠ Bobby Forch	Forch Consulting	CPARB
☐ Lily Keefe	USDOT - Northwest SBTRC	
☐ Sarah Erdman	OMWBE	
∀ Van Collins	ACEC Washington	
☐ Cathy Ridley	Exeltech	
⊠ Maja Huff	Washington State University	
☐ Jerry Vanderwood	AGC of Washington	
□ Timolin Abrom	OMWBE	
□ Charles Wilson	DES replacing Bill Frare	
☐ Melissa Van Gorkom	Senate Committee Services	
□ Cindy Magruder	University of Washington	
□ Carrie Whitton	Forma	

AGENDA

Item	Purpose	Start
Welcome and committee member introductions	Information	10:00 am
Review & approve agenda	Action	10:05 am
Review & approve 8/27/21 meeting minutes	Action	10:10 am
Invitation to the public to participate	-	10:15 am
Report from External Stakeholders Co-Chairs	Discussion	10:20 am
Report from Best Practices Co-Chairs	Discussion	10:45 am
Matrix	Action	11:00 am
Next Steps	Discussion	11:20 am
"Final word" (from committee members)	Discussion	11:40 am
Adjourn	Action	12:00 pm
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DIGITAL CONFERENCE ACCESS

The committee meeting will be conducted entirely by Zoom digital conferencing.

Online https://wsu.zoom.us/j/97615048848

Meeting ID: 976 1504 8848

Join by telephone

Dial: US: +1 253 215 8782 or +1 669 900 9128 or +1 646 558 8656

Meeting ID: 976 1504 8848

Olivia Yang - Washington State University

206 718 0787 olivia.yang@wsu.edu

Santosh Kuruvilla – Exeltech Consulting

206 713 1241 santosh@xltech.com

MINUTES

Item: Welcome and committee member introductions

- Call to Order
- Quorum confirmed
- Olivia, Santosh, Lisa, Irene, Janice, Aleanna, Brenda, Linda, Cathy, Shelly, Young, Stephanie, Charles (representing and replacing Bill).

Action by: BE/BDI Committee Status: Approved and complete

Item: Review & approve agenda

Agenda Approved.

Action by: BE/BDI Committee
Status: Approved and complete

Item: Review & approve 8/27/21 meeting minutes

Minutes approved as written

Action by: BE/DBI Committee

Status: Approved with updates and complete

Item: Public Comment

None.

Action by: N/A
Status: N/A

Item: Subcommittee Report – Best Practices

- Presented 8/23/21 Updated DBI Matrix.
 - Continues to be filled in with more discussion and clarity. A few responses to external stakeholders captured in the matrix.
 - o Going to be reformatted to be clearer, and include tabs for responses to outreach.
 - o Call to committee to provide feedback.
 - o Next Steps: Another layer of engagement and socialization of the matrix.
- Presented Engagement Approach dated 8/23/2021
 - Have more intimate conversation around barriers, document collection, etc. Use Survey Monkey or draft plan; open to comments and feedback.
 - o If committee members see a name that is missing share that as well.

- Discussed collecting the information in a new tab in the DB Matrix. To include who talked, what was gathered or shared. Record preferred by survey or email.
- Looking to survey owners, primes, other organizations not covered by the Stakeholders Subcommittees efforts.
- Suggestion: Obtain list of Owners who have submitted applications to CPARB for 39.10 from Talia.

Action by: Aleanna to obtain Owners list from Talia, Committee members to provide feedback and recommendations of firms.

Status: Active

Item: Subcommittee Report - Stakeholders

- Seeking a gov agency to help seek out the info from the businesses.
- Concerns:
 - MBEs don't want to be identified for fear of retaliation.
 - Have to take time away from business.
 - Tend to ignore and resist surveys.
 - Has to be handled in a fair and anonymous manner capture comments, but not names.
- Welcome input moving forward email Irene and Linda Womack.
- Fact finding system needs to be developed.
- Want to get a diverse listing, truncated to tiers based upon establishment of business. Get a systematic approach.
- Call for suggestions on how to carefully meet with the firms impacted.
- Examples of why the deep dive is important:
 - Bait and switch, payment and retaliation.
- OMWBE new system will support monitoring of payment to subcontractors.
- Constructive conversation around Prompt Pay complex issue, and an incredibly important issue, multiple perspectives discussed and debated. Highlights the importance of the conversation, input and debate beyond the disparity study results because each issue has many facets that need to be explored in order to determine best practices.

Action by: All committee members – recommendations for input and methodology ideas. Governmental Agencies – support or be spokes-agency for the survey. Maja and Olivia will follow up with Bobbie and Van on prompt pay to capture more of the conversation.

Status: Active

Item: Next Steps

- Revisited current Kanban dated 8/27/2021
- Keep CPARB in the loop.
- Between now and the June best practices report deadline 45 minutes at every CPARB meeting will be dedicated to BE/DBI committee reporting to get them ready for the end of the report.
- Really plan ahead for each of these presentations so that they are extremely impactful.
- Owners who have minority businesses on your projects please reach out to Irene and Linda with firms/people to contact.
- Be sure we are as inclusive as possible.
- Santosh will reach out to Bob Armstad to make sure that he can get into future meetings.
- Timolin did not have an authorized email and WSU will look into the issue.

Action by: WSU – Zoom meeting.

Status: Active

Item: Final Words

- OMWBE has a response to the certification problem statement and will return it to the committee
 chairs.
- Certified versus non-certified firms. Further discussion around outreach may be needed. OMWBE is
 reaching out to the 9K Webs small business registered firms to encourage certification. It was
 recommended that they also reach out to the City of Seattle, and Port of Seattle for their selfcertified lists. It was also recommended that the benefits of certification to be shared. For example
 to be able to tap into federal and local programs that MBDA can help with, firms need to be
 certified.
- OMWBE is building bigger outreach major effort on behalf of the OMWBE.

- We see what is occurring, but we need to look though the full issue is to understand the why.
- Santosh shared TED Talk
 https://www.ted.com/talks/derek sivers how to start a movement?utm campaign=tedspread&utm medium=referral&utm source=tedcomshare

Action by: N/A	
Status: Active	

Adjourn 11:40

Zoom Meeting Recorded and available in BE-DBI Teams.

Barrier	Barrier Description	: :	! !	Committee Recommedinations		[Disparity S	tudy/Study	
(x) = External Engagement Subcommittee Identification of barriers	RCW 39.10, 39.04	External Stakeholder Comments	Working Solutions/General Practices	(vetted barriers and solutions)	Lead	DES/OMWBE Local Govt (MRSC)	Sound Transi	Seattle	WSDOT City of Tacoma
Section 1: Planning ("start early") Dutreach (external and internal, engagement, stakeholders) (1)			Standardize outreach definitions			2019 2020	2020	2019	2017 2018
-Dutreach (external and internal, engagement, stakenolibers) (1)	diverse businesses, and subcontractors, don't know where to put	We have found out that a few small businesses are looking for one place where everyone can go.	Combine efforts between owners, professional organizations, diverse business community		trene/Linda	х х	×	х	х х
	their valuable time and effort.	***************************************	Good faith efforts separated from good business practices (see UW guidance to contractors) Resources to increase network						
Networking (network access, no "old boy network")(1)	Small, diverse businesses excluded from "inner circle" of	We agree and are still looking out how this can be resolved.	Resources to access network Similar # of representatives on boards and		Chip				
······································	construction network. Long-standing partner peers.		committees/decision making bodies (not one token diverse) 4. How to use professional organization and advocacy						
	Owner and prime contractor lack useable policies and intentional, actionable strategies for diverse business inclusion		Develop or highlight examples of SOPS						
	practices; observed few and far between, and inconsistent Owners often have conflicting procurement priorities that make it hard for target markets to prepare (11)		Central repository/links for existing						
Internal policies (SOPs, programming) (see also Inclusion Plans and Contract Language)		We highly recommend that the owner/agency should adopt and or develop accountability measurement plan.	Professional training/consultants OMWBE Public Works Action Committee draft policies		Aleanna/Brenda	х х	х	х	x x
			City of Seattle Sound Transit						
	Contract sizes and scopes, do not match the target diverse business market	We are not certain of any appropriate course of action on thisIt's the business that needs to come up with parameters not			Aleanna				
Contract Sizes and Scopes ("right-sizing", aka "unbundling")(4) (8)	Mega projects not broken down appropriately Work distribution confused with programming and funding Being on several rosters with dozens of other businesses	primes/owners - perhaps this can be a partnership/ teaming up or training item?	Develop advice to Primes on GC/CM packaging and low-bid tips and tricks			x		х	х х
	yield very little opportunity to compete for small-work; would be easier on the paperwork and monitoring if all owner use the		Develop non-legislative tips for using rosters more effectively		Olivia/Van				
Shared Rosters (consultant and small works)	same rostersby type Rosters are not limited to small, diverse businesses, so diverse firms are still "competing" against large primes	This is common practice. Almost all are using OMWBE - perhaps			MRSC	x			
	Statutes sill require all interested eligible firms to be on rosters, with very little room to limit firms on the roster or limit competition within a contracting program	get an update and identify more precise questions.	3. Discuss based on owner size						
	There is not enough notice of upcoming work so diverse		Look at legislative changes that may help further the efficiency of small works and A/E rosters.					ļ	
Forecasting (4)	businesses, and their partners have time to plan and team in a meaningful way	This can also be a part of the item for Networking, announcements and utilizing association platforms and OMWBE	 Support Owners in standardizing their capital plans and budgets 		Chip Tull				
	Inclusion goals are generic and not thoughtful to the project,	•	2. DES 3. City of Seattle				ļ	ļ	
Goal Setting	scope, size, and firm availability. The result is unrealistic inclusion processes.	Assign a manager for major pursuits from the owners side to make sure this happens, set accountability measurements. Set the goal as part of the RPF and assign more points to it, having the portion			Aleanna/Brenda	х	×	×	х х
See legal comments	counseled not to	as part of the KPF and assign more points to it, having the portion be 5-8% sends a weak message.	City of Seattle approach Sound Transit Approach						
	Many owner contracting and delivery teams are not trained and do not know how to administer diverse business inclusion policies		1. City of Seattle						
Owner develops compliance team	Many owners do not have contract compliance staff and therefore and efforts or contract requirements are not enforced, in some cases not reviewed at all.	The team that is held accountable, include with above comments and get goals that are attainable and measurable.	2. Sound Transit		Aleanna	ж			
			King County Port of Seattle						
	Need for support way before any solicitations hit the street		(all have compliance teams, gather position descriptions, governance structures, salaries, etc.) 1.1 Federal programs						
Pipeline and Business Development (13)	Labor Training	Include this on networking and outreach.	1.2 MBDA 1.3 UW Ascend		Bobby (?)				
	Availability (ready, willing, able) Capabilities Strategy		1.4 Prime programs						
Federal Programming	Strategy [just a consideration, not a barrier) Various owners with various legal interpretations of laws and		Maybe some tips on navigating federal inclusion programs State AG guidance collection? (DES, OMWBE)		Lily				
Legal interpretations/disproportionate legal representation	Various owners with various legal interpretations of laws and advise on what is allowable, etc.	Support Services Topic	Legal advice rendered regarding BDEI Various Owner legal interpretations		Aleanna		ļ		
Section 2: Engagement ("transparency") Technical Assistance (9)	Diverse and new businesses to the market lack the resources to understand and navigate the bureaucracy of public owner		1. Tabor 100						
	processes 2. Diverse and new businesses lack the support/overhead to hire staff to produce all the paperwork throughout contracts	There is a need for Pre-qualification for mbes. We strongly	2. MBDA						
	and projects. 3. Support understanding bid forms		3. PTAC		Shelly	х	x	х	х х
See also mentor-protégé	Support with weekly reporting and audit protocols		4. SME's 5. WSDOT 6. City of Seattle						
	It is hard to navigate all the contracting opportunities in the state, feels like every owner and prime uses a different medium, a		Statewide contracting program						
Access to contracting information (7)	different approach, different requirements, time frames, etc. Also, very few owners post past bids and contracts for review by	Make this part of the item for Networking.	Recommend advertisement locations		Shelly	х	×	×	
	those trying to compete.		WEBS Contract posting best practices						
Access to decision makers (4)	Firms that have never worked with owner teams or owner decision makers are not provided access and opportunities to	Coaching opportunity - training business owners on proper business etiquette or professionalism. "Demeanor/ Proper	Prior to approval capital portfolios are socialized and presented by decision makers to the community for		Aleanna/Brenda				
	establish a report with decision makers. Public procurement laws point to state certification for	Etiquette Training" is recommended.	feedback and meet n greets. Part of the budget process.						
	inclusion, yet because of I-200 there can be no material advantage to winning contracts. There are other professional organizations/owners that								
Certification (5)	offer certification or registration programs, but perceived as a conflict of interest with OMWBE which leads to multiple certifications and more work for diverse businesses with little	Coaching opportunity - training business owners on proper business etiquette or professionalism. "Demeanor/ Proper Etiquette Training" is recommended.	Highlight the various opportunities and values/opportunities created with each.		Aleanna	х			
	return Not all diverse firms are registered or certified, and it leads								
	to lack of awareness by primes and owners Not a barrier, a recommendation Sponsored programs where developing firms get to partner with				d				
Mentor-Protégé	more established firms or primes for specific jobs Sponsored programs where developing firms "shadow"	A lot of information to how this program is operating, we need to gather more information and expand.	WSDOT		WSDOT/Chip Tull	х	×		х х
	established firms on various phases of public works. Owner and Prime project delivery and contracting staff are not aware of SOPs and tools for inclusion, monitoring and	This is a Outreach item if we just want to share the	"Road Show", training of staff prior to delivery of the capital		<u> </u>				
Owner staff training	enforcement	information or this a training item for owners/agencies. Get instructors that know what they are doing	program, team development of inclusion strategies and goals by project.		Aleanna	х	х	х	х х
Vendor Rotation	On-call and roster pools are established but internal utilization policies do not lend themselves to equal/equitable utilization and		Tips and Tricks for training.	§	•	<u> </u>			
See also Rosters	rotation of firms on the rosters.	From Young: From a Prime's POV: "on call list" is established with vendors that is main focused around personal service and favors. It is my opinion that most business owners do not practice proper							
	rotation of firms on the rosters.	vendors that is main focused around personal service and favors. It is my opinion that most business owners do not practice proper business development. That is the reason they are not on the list. On the other hand: how are we going to encourage or mandate this to happen? I do not know of a net to catch this creature. We	Policy/SOP examples and suggestions		Olivia/Van	×			
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Туре	Location	Name	Lead	Contact	Target Deliverable (on top of general matrix review)	
Owner	West	City of Seattle	Aleanna	Miguel Beltran, Elise Young	Inclusion Plan, Contract Language	
Owner	All	DES	Aleanna	Charles Wilson, Erin Lopez	Inclusion Plan, Contract Language	*who are their contacts are in the other parts of the state
Owner	West	Sound Transit	Brenda	Brenda Nnambi	Inclusion Plan, Contract Language, Federal	*Lily???
Owner	West	Port of Seattle	Brenda	Mian Rice	Inclusion Plan, Contract Language, Federal	
Owner	All	WSDOT	Brenda	Jackie Bayne (Local Programs??)	Inclusion Plan, Contract Language, Federal	*perhaps we could get a contact list
SME	All	OMWBE	Brenda	Lisa van der Lugt	Policies and best practices	
SME	All	Bobby Forch	Brenda	Bobby Forch	Inclusion Plans, Contract Language, BP	
SME	All	GCCM BP	Aleanna	Nick Datz	Best Practices	
SME	All	MRSC	Aleanna	John	Barriers	
Owner	West	King County	Brenda	Sandy Hanks	Inclusion Plan, Contract Language	
Owner	West	UW	Aleanna	Cindy Magruder/Steve Tatge	Inclusion Plan, Contract Language	*contracts requirements group
Owner	West	City of Lynnwood	Aleanna	Cathy Robinson	Approach	*on the DBI Committee
SME	East	AGC	Aleanna	Cheryl Stewart	Approach	
SME	West	AGC	Brenda	Brenda, Linda - Diversity Committee	Outreach and networking	
Owner	East	WSU	Aleanna	Olivia Yang/ Maja Huff	Approach	
SME	All	NWMMSDC	Aleanna	Fernando Martinez	Best Practices	
SME	All	CDE	Brenda	Jacob Erbes (HP), Eleanor Oshitoye	Approach	*Construction and Design Entrepreneurs
Prime	All	Absher	Aleanna	Stephanie Caldwell	Approach	
Prime	All	Hoffman	Aleanna	Chip Tull	Approach	
Prime	All	Lydig	Aleanna	Bill Dobyns	Approach	
Prime	All	Granite	Aleanna	Andy Thompson	Approach	
SME	All	WSDOT	Brenda	John Ho, Kyle McKeon		*Resources for East and South concerns
SME	All	Consultant	Aleanna	Darling Nava	Approach	
Owner	South	City of Vancouver		Anna Vogel, Procurement Manager	Approach, Inclusion, Best Practices	
Owner	East	City of Spokane	Aleanna	Alex Gibilisco, Connie Wahl, Purchasing	Approach, Inclusion, Best Practices	
Owner	East	Spokane County	Aleanna	Victor Leamer, Sr. Buyer	Approach	
Prime	East	Burton Construction	Aleanna	Evan Benjamin, Jim Anderson (JOC)	Approach	
Prime	All	Kiewit	Brenda	Dennis Ahl		
Prime	All	Turner	Brenda	Janelle Boyd, Tamaka Thornton		
Prime	All	Skanska	Brenda	Jackie Guilfucci, DBE Compliance Officer		



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