# **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
Shelly Henderson     ■ Shelly Hender	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	
	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	
	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

#### **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
  <a href="https://www.ted.com/talks/derek sivers">https://www.ted.com/talks/derek sivers how to start a movement?utm campaign=tedspread&utm medium=referral&utm source=tedcomshare</a>

Action by: N/A Status: Active

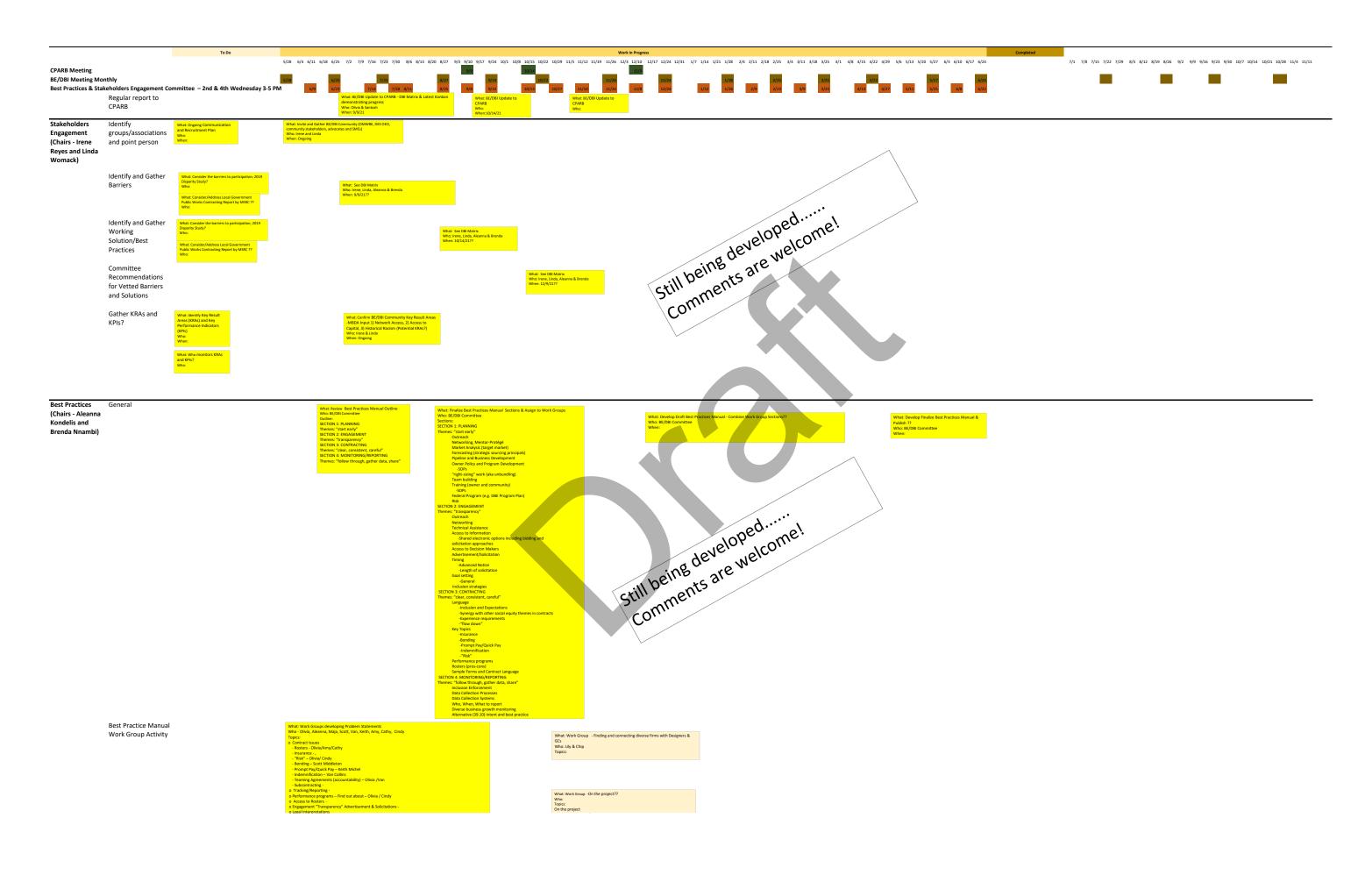
Adjourn 11:40

Zoom Meeting Recorded and available in BE-DBI Teams.



	Sarrier  Families extension in the tension to appropriate the same section of the same	Barrier Description			Committee Recommediations				Disparity S	tudy/Study		
	(x) = External Engagement Subcommittee Identification of barriers				(verseu barners and solutions)	Lead		(MRSC)				Tacoma
Total Property of the proper		Too many and inconsistent definitions and options for outreach,		Standardize outreach definitions								
		diverse businesses, and subcontractors, don't know where to put their valuable time and effort.	one place where everyone can go.	organizations, diverse business community  3. Good faith efforts separated from good business		irene/Linda	х	×	х	х	*	×
Marchen   Marc				Resources to increase network     Resources to access network     Similar # of representatives on boards and								
	networking (network access, no "old boy network")(1)	construction network. Long-standing partner peers.	We agree and are still looking out how this can be resolved.	committees/decision making bodies (not one token diverse)  4. How to use professional organization and advocacy		Chip						
		intentional, actionable strategies for diverse business inclusion										
The content will be the	onternal policies (SQPs, programming). (see also inclusion Blass and Contract I	Owners often have conflicting procurement priorities that	We highly recommend that the owner/agency should adopt and	Professional training/consultants		Alexans /Brown	v	,	v	Ų		v
Marche   M	, אחרומיה קיינה ייני, אי טען אייירוזיינופן ( נאפני פוט וודעינואנות Plant and Lontract Language)		or develop accountability measurement plan.	OMWBE Public Works Action Committee draft policies     City of Seattle		Areannia/Brenda	×	A	*	×		*
Marchester   Mar		Contract sizes and scopes, do not match the target disease.		6. Sound Transit								
Section   Sect	Contract Sizes and Scopes ("right-sizing", aka "unbundling")(4) (8)	business market  Mega projects not broken down appropriately	the business that needs to come up with parameters not primes/owners - perhaps this can be a partnership/ teaming up or	target audience and availability - Develop advice to Primes on GC/CM packaging and low-bid		Aleanna	х			х	×	x
Section   Part		yield very little opportunity to compete for small-work; would	uaning Rem?	Develop non-legislative tips for using rosters more		Olivia/Van						
	Shared Rosters (consultant and small works)	same rostersby type Rosters are not limited to small, diverse businesses, so	This is common practice. Almost all are using OMWBE - perhaps					¥				
	The state of the s	<ul> <li>Statutes sill require all interested eligible firms to be on rosters, with very little room to limit firms on the roster or limit</li> </ul>	get an update and identify more precise questions.	3. Discuss based on owner size				•				
Sample of the companies		There is not enough notice of upcoming work so diverse		efficiency of small works and A/E rosters.		Ī						
Marche   M	Forecasting (4)	businesses, and their partners have time to plan and team in a	This can also be a part of the item for Networking, announcements and utilizing association platforms and OMWBE website.	DES		Chip Tull						
Marche   M	Goal Setting	scope, size, and firm availability. The result is unrealistic inclusion	Assign a manager for major pursuits from the owners side to make	3. City of Seattle		1						
Companies   Property	See lead comments	Many owner's and prime do not know how to set goals or are counseled not to	as part of the RPF and assign more points to it, having the portion be 5-8% sends a weak message.	,		Aleanna/Brenda	х		х	х	×	х
The state of the	See legal comments	Many owner contracting and delivery teams are not trained and										
	Owner develops compliance team	therefore and efforts or contract requirements are not enforced,		2. Sound Transit		Aleanna	x					
Marchanes   Marc			and 1903 Graber.	Port of Seattle     (all have compliance teams, gather position descriptions,								
Section   Sect		1. Labor		governance structures, salaries, etc.)  1.1 Federal programs		Bobby (?)						
Marche   M	Pipeline and Business Development (13)	Training     Availability (ready, willing, able)	Include this on networking and outreach.	1.3 UW Ascend								
Marche   Marche   Marche   March   M	Sederal Programming	5. Strategy				üly						
Company	Legal interpretations/disproportionate legal representation	Various owners with various legal interpretations of laws and advise on what is allowable, etc.		Legal advice rendered regarding BDEI		Aleanna			İ			
Company		Diverse and new businesses to the market lack the resources to understand and navigate the bureaucracy of public owner										
Company   Comp		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 recommend Linda due to the DRE Support for the strongly	2. MBDA		Chaff	v		Ų	Ţ		Ų
Company		3. Support understanding bid forms	and feedback.	4. SME's		shirty	×		*	*		*
Cale	See also mentor-protégé	It is hard to navigate all the contracting opportunities in the state.		6. City of Seattle								
Calculation	Access to contracting information (7)	feels like every owner and prime uses a different medium, a different approach, different requirements, time frames, etc.					x		×	x		
Company   Comp		those trying to compete.	•	3. WEBS		Shelly						
Table   Tabl	Access to decision makers (4)	decision makers are not provided access and opportunities to	business etiquette or professionalism. "Demeanor/ Proper	Prior to approval capital portfolios are socialized and presented by decision makers to the community for		Aleanna/Brenda						
Part		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.								
	Certification (5)	advantage to winning contracts.  There are other professional organizations/owners that	Coaching opportunity - training business owners on proper business etimustre or professionalism. "Pro		1. 1	Alance	v					
Marie   Mari		certifications and more work for diverse businesses with little return	Etiquette Training <sup>®</sup> is recommended.			retanna	*					
Marche   M		to lack of awareness by primes and owners  Not a barrier, a recommendation										
Marche   M	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		×	×
Marche   M		established firms on various phases of public works.  Owner and Prime project delivery and contracting staff are not	Inis is a Outreach item if we just want to share the	"Road Show", training of staff prior to delivery of the capital								
Part		enforcement	information or this a training item for owners/agencies.	goals by project.		Aleanna	х		х	х	×	×
		On and and an		Tips and Tricks for training.		<u></u>	ļ			ļ	<u> </u>	
Part	Vendor Rotation	policies do not lend themselves to equal/equitable utilization and	From Young: From a Prime's POV: "on call list" is established with	Tips and Tricks for training.								
Marche		policies do not lend themselves to equal/equitable utilization and	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 proport business development. That is the reason they are not on the list. On the other hand; how are we going to encourage or mandate	Policy/SOP examples and suggestions		Olivia/Van	×					
Part	Vendor Rotation	policies do not lend themselves to equal/equitable utilization and	From Young-From a Prime's POV. "On call list" is established with marker that Is main Focused a troud personal service and forces. It is not prime that most basines or more of one practice and forces. It is not prime that most basines or more of one practice or business development. That is the reason they are not on the plant. On the other hand how are we going to encourage or middate this to happen? I do not know of a net to catch this creature. We excommend that we strike this term we can't do anything about	Policy/SOP examples and suggestions		Olivia/Van	×					
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Control State   Control Stat	Vendor Rotation See also Rotates  Section 3 Contract Requirements  Proving (9)  Section 3 Contract Requirements  (10)  Section 6 Requirements  (10)  Section 6 Requirements  (10)  Section 6 Requirements  (10)  Section 7 Proving (10)  Section 7 Proving (10)  Section 8 Requirements  (10)  Section 8 Requirement	colorises do not kind themselves to equal (equitable utilization and protation of firms on the rooters.  Short solicitations times  Confusing processes  Not enough information for new firms to understand this process or how for the regionsee  Processor how for processes  Not considered in protting bids and opportunities  Not considered in protting bids and opportunities  Not considered in protting bids and opportunities  Where firms not able to bord pre-giopet giges, sales and relocal requirements may be in cellification there is minace by delivery (March 1997).  Films asked to indemnify denginand owner beighed valuitable indemnify and opportunities of the control of the c	From Young: From a Prime's POI; "On call list" is established with whom Young: From a Prime's POI; "On call list" is established with whom the list is many opinion that most business owners on only participate to the list. The stable of the prime's point of the	Palcy/IOP exageties and suggestions  I samples and examples of advertisement and substitution decorrects.  I samples and examples of advertisement and substitution by centrust type and see.  Town half set because companies.  Seminary of the set of the set of the set of the seminary of the set of the seminary of		EstityCarris  Glisis/Van  Glisis/Van  Glisis/Van  Glisis/Van  Alazanna  Glisis/Van  Alazanna  Glisis/Van  Glisis/Van  Alazanna  Glisis/Van  Glisis/Van  Glisis/Van  Alazanna  Glisis/Van  Glisis/Van  Alazanna  Glisis/Van   x x x	x	x	x x x	x		
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Type	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	<b>Burton Construction</b>	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	The state of the s	



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