



Community Business Development Partners  
**MILWAUKEE COUNTY**

RUBEN L ANTHONY, Jr, PhD • Interim Director, DBE Liaison Officer, ACDBE Liaison Officer

## **INTER-OFFICE COMMUNICATION**

DATE: October 2, 2013

TO: Supervisor Marina Dimitrijevic, Chair, County Board of Supervisors  
Supervisor Patricia Jursik, Chair, Economic & Community Development Committee  
Supervisor Michael Mayo, Sr., Chair, Transportation, Public Works & Transit Committee

FROM: Ruben L. Anthony Jr. Ph.D., Interim Director, Community Business Development Partners

SUBJECT: **DBE WAIVER REPORT FOR AUGUST 2013**

### DIRECTIVE

At the request of the Committee on Economic and Community Development, the Community Business Development Partners Department (CBDP) provides a monthly update on the Disadvantaged Business Enterprise (DBE) utilization waivers requested by, and granted to, Milwaukee County departments/divisions.

### BACKGROUND

CBDP is responsible for designing, implementing, monitoring and enforcing Milwaukee County's DBE Program in order to maintain compliance with Federal Regulations and Milwaukee County Ordinances. Implementation of the Program includes assignment of participation goals on, both, Federal and County funded contracts, as well as monitoring and enforcing compliance of these contracts. Participation goals may only be established on contracts where opportunities exist for ready, willing and able certified firms to perform commercially useful functions related to the satisfaction of those contracts.

In 1999, the United States Department of Transportation (USDOT) implemented DBE Program rules with seven (7) key objectives directed at creating a level playing field on which certified firms could compete fairly for USDOT-assisted contracts. This legislation, 49 CFR Parts 23 and 26, requires all recipients of USDOT funds to establish and maintain a DBE program that, not only, complies with the intent and language of the legislation, but that has also been reviewed and approved by USDOT. As a result of public and private stakeholder input, Milwaukee County determined and approved, by action of the County Executive and the full County Board, to establish and maintain a program based upon the Federal DBE Program rules and standards for all of its contracts. This action designed to ensure the same level of commitment and consistency in approach to the facilitation of small business involvement when and where appropriate has been enacted in Chapter 42 of the Milwaukee County Code of General Ordinances.

Milwaukee County is required to provide and establish contract opportunities for certified firms on its projects based upon the number of ready, willing and able firms certified to perform within the scope(s) of each of these projects. Only firms certified through Wisconsin's Unified Certification Program (UCP), a consortium of over 24 municipalities and agencies throughout the State, count as ready, willing and able firms for this purpose. Four of the UCP members serve as certifying partners for the consortium, Milwaukee County, WisDOT, Dane County, and the City of Madison. Milwaukee County has the responsibility of verifying and maintaining the status of 348 of the 831 currently certified firms throughout the State, while processing all new applications.

WAIVER REQUESTS

When CBDP receives a waiver request from a department/division, staff thoroughly reviews it and available supporting documentation before rendering a determination. The Interim Director may require staff to gather more comprehensive information or to provide more detailed clarification regarding any identified issues prior to issuing a determination.

WAIVER REPORT SUMMARY

The figures below include Professional & Management Service and Capital Improvement/Maintenance contracts awarded during August of 2013. This report does not include contracts awarded by the Procurement Division of the Department of Administrative Services processes under Chapter 32. Please see the attachment for waivers requested as broken out by owner department, contractor/consultant awarded, scope of services rendered, total contract amounts, and reason for approval.

<b>Total Contracted Dollars for Period</b>	<b>\$ 1,178,397.83</b>
<b>Percentage of Contracts w/o DBE Participation</b>	<b>19.7%</b>
<b>Total Contracted Dollars w/ Waiver Approval</b>	<b>\$ 43,661.78</b>
<b>Total Contracted Dollars w/o Waiver Approval</b>	<b>\$ 0.00</b>
<b>Percentage of Contracts Waived for Period</b>	<b>3.7%</b>

It is also important to note that the Milwaukee County Code of General Ordinances exempts various contracts from DBE participation consideration review. This exemption appears as Chapter 56.30(2)(a).

<b>Total Contracted Dollars for Period</b>	<b>\$ 1,178,397.83</b>
<b>Total Exempted Contract Dollars</b>	<b>\$ 188,400.00</b>
<b>Percentage of Exempted Contracts for Period</b>	<b>16.0%</b>

RECOMMENDATION

CBDP prepared this informational report, and recommends that it be received and filed, as such.

Approved by:

Ruben L. Anthony Jr., Ph.D.  
Interim Director, CBDP

CC: Chris Abele, Milwaukee County Executive

# Milwaukee County Community Business Development Partners Department (CBDP) DBE Waiver Report August 2013

DEPARTMENT	CONSULTANT/CONTRACTOR	SCOPE OF SERVICES	CONTRACT AMOUNT	APPROVAL REASON
<u>Approved Waivers <sup>1</sup></u>				
District Attorney	Behavioral Consultants	Dr. Deborah Collins of Behavioral Consultants, a forensic psychologist-Olajuawon Bell	1,912.00	Approved Waiver under \$2,000.00
District Attorney	Medical College of Wisconsin	Dr. Alice Swenson of Medical College of WI as an expert witness in a child homicide prosecution	1,600.00	Approved Waiver under \$2,000.00
Medical Examiner	Donald O. Simley II, DDS	Forensic dental examination of submitted postmortem x-rays & records	150.00	Approved Waiver under \$2,000.00
GMIA	BridgeNet International	GMIA - Departure Turn Analysis	19,999.92	FAA Part 150 Noise Study Recommendation
GMIA	Waste Cap Resource Solutions	GMIA - Baggage Claim Building Remodel - Waste/Recycling Program	19,999.86	Non-Profit working w/DNR on Recycling Plan
<u>Contracts Issued Without Review <sup>2</sup></u>				
NONE			0.00	
<u>Exempted Contracts <sup>3</sup></u>				
Comptroller	Moodys Investors Service	Professional services rendered in connection with the 2013B pension refunding bonds & 2013A CP bonds	51,200.00	Exempted Contract per Chapter 56.30(2)(a)
Comptroller	Standard and Poor's	Analytical services on taxable general obligation refunding bonds & the 2013A Corp Purpose Bonds	40,000.00	Exempted Contract per Chapter 56.30(2)(a)
County Board	Hawk Quindel, S.C., LLC	Legal services	50,000.00	Exempted Contract per Chapter 56.30(2)(a)
GMIA	Moodys Investors Service	Professional services rendered in connection with the 2013A&B GMIA revenue bonds	39,200.00	Exempted Contract per Chapter 56.30(2)(a)
Treasurer	Public Funds Consulting, LLC	Legal Services	8,000.00	Exempted Contract per Chapter 56.30(2)(a)
<b>Total Contract \$ Amount for Period <sup>4</sup></b>			<b>\$1,178,397.83</b>	
<b>Total Contract \$ Amount w/o DBE Participation for Period</b>			<b>\$232,061.78</b>	
<b>Percentage w/o DBE Participation</b>			<b>19.7%</b>	
<b>Total Approved Waiver \$ Amount</b>			<b>\$43,661.78</b>	
<b>Total Unapproved Waiver \$ Amount</b>			<b>\$0.00</b>	
<b>Percentage Waived</b>			<b>3.7%</b>	
<b>Total Exempted \$ Amount</b>			<b>\$188,400.00</b>	
<b>Percentage Exempted</b>			<b>16.0%</b>	

<sup>1</sup> Waivers approved by CBDP; within guidelines of Code of General Ordinances

<sup>2</sup> Contracts issued by Departments in violation of the Code of General Ordinances;  
CBDP is made aware of these projects when Accounts Payable forwards new contract information

<sup>3</sup> These contracts are exempted from Disadvantaged Business Enterprise participation review within the guidelines of Code of General Ordinance Chapter 56.30(2)(a)

<sup>4</sup> Total does not include Procurement Division Figures