



Community Business Development Partners
MILWAUKEE COUNTY

RICK NORRIS, PE • Director, DBE Liaison Officer, ACDBE Liaison Officer

INTER-OFFICE COMMUNICATION

DATE: March 17, 2014

TO: Supervisor Patricia Jursik, Chair, Economic & Community Development Committee
Supervisor Michael Mayo, Sr., Chair, Transportation, Public Works & Transit Committee

FROM: Rick Norris, PE, Director, Community Business Development Partners

SUBJECT: **DBE WAIVER REPORT FOR FEBRUARY OF 2014**

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 certification status of 355 of the 845 currently certified firms throughout the State, while processing all new applications for DBE certification.

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 February of 2014. 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.

| | |
|---|-------------------------|
| Total Contracted Dollars for Period | \$ 11,160,536.00 |
| Total Contracted Dollars w/o DBE Participation | \$ 4,729,214.80 |
| Percentage of Contracts w/o DBE Participation | 42.4% |
| Total Contracted Dollars w/ Waiver Approval | \$ 4,724,214.80 |
| Percentage of Contracts w/ Waiver Approval | 42.3% |
| Total Contracted Dollars w/o Waiver Approval | \$ 0.00 |
| Percentage of Contracts w/o Waiver Approval | 0.0% |

It is also important to note that the Milwaukee County Code of General Ordinances exempts various contracts from DBE participation consideration review for services such as those used for the purpose of securing credit rating services related to debt issuance and administration. These exemptions appear as Chapter 56.30(2)(a), and 56.30(10)(a).

| | |
|--|-------------------------|
| Total Contracted Dollars for Period | \$ 11,160,536.00 |
| Total Exempted Contract Dollars | \$ 5,000.00 |
| Percentage of Exempted Contracts for Period | 0.0% |

RECOMMENDATION

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

Approved by:



Rick Norris, PE
Director, CBDP

CC: Chris Abele, Milwaukee County Executive

Milwaukee County Community Business Development Partners Department (CBDP) DBE Waiver Report February 2014

| DEPARTMENT | CONSULTANT/CONTRACTOR | SCOPE OF SERVICES | CONTRACT AMOUNT | APPROVAL REASON |
|------------|-----------------------|-------------------|-----------------|-----------------|
|------------|-----------------------|-------------------|-----------------|-----------------|

Approved Waivers ¹

| | | | | |
|--|---------------------------------------|---|--------------|-------------------------------|
| Milwaukee County Zoo | Zoological Gardens | Parking plus memberships | 2,162,426.70 | |
| County Funded State Court Service | Legal Aid Society | To provide legal representation for guardian ad litem | 1,844,000.00 | Legal Services |
| Milwaukee County Zoo | Oceans of Fun, Inc. | Sea Lion show | 160,000.00 | Specialized Service |
| County Funded State Court Service | State of Wisconsin | To continue the operation of the Legal Resource Center | 139,829.00 | Specialized Service |
| MCSO | ACL Services, Inc. | Pre and post employment alcohol and drug testing | 83,159.10 | Specialized Service |
| Dept. on Aging | Project Focal Point, Inc. | Programs in Minority Senior Centers | 60,000.00 | Specialized Service |
| DOT-GMIA | Anderson & Kreiger, LLP | Professional service for work relating to fuel consortium matters | 50,000.00 | Specialized Service |
| DOT-GMIA | Jones Lang LaSalle | Real estate advisory service to MC for a market study on GMIA | 45,000.00 | Specialized Service |
| DAS Office For Persons With Disabilities | Various Interpreters | Sign language interpreter services | 38,000.00 | Specialized Services |
| Dept. on Aging | Asian American Community Center, Inc. | Services to Asian American Elderly | 37,500.00 | Specialized Service |
| County Funded State Court Service | IMPACT Planning Council | Substance abuse treatment program for women | 35,690.00 | Specialized Service |
| County Funded State Court Service | State of WI State Law Library | To order, receive, catalog and set up each judge and central resources library | 35,000.00 | Specialized Service |
| County Funded State Court Service | DNA Diagnostics Center, Inc. | Provide lab services to Children's Court Center | 15,000.00 | Specialized Service |
| DOT - Airports | James G Otto Architect | GMIA - South Maintenance Office Remodel | 8,500.00 | Annual Consultant Utilization |
| District Attorney | Anthony M. Jurek, Ph.D | Conduct a forensic evaluation | 4,000.00 | Specialized Service |
| DOT-GMIA | Smith Amundsen, LLC | To assist with the analysis of specialized risk management and insurance issues | 3,000.00 | Specialized Service |
| County Funded State Court Service | META House | To facilitate a voluntary process group for the participants of the Family Drug Treatment Court | 2,810.00 | Specialized Service |
| Parks | CTM Group, Inc. | Penny Press Vending Machine | 500.00 | Under \$2,000.00 |

Contracts Issued Without Review ²

None

Exempted Contracts ³

| | | | | |
|--|-----------|--|------------------------|--|
| Comptroller | U.S. Bank | US Bank administration fees for the 2003A, 2007A, 2009A, 2006A&B, 2005A&B, airport bonds | 5,000.00 | |
| Total Contract \$ Amount for Period ⁴ | | | \$11,160,536.00 | |
| Total Contract \$ Amount w/o DBE Participation for Period | | | 4,729,214.80 | |
| Percentage w/o DBE Participation | | | 42.4% | |
| Total Approved Waiver \$ Amount | | | \$4,724,214.80 | |
| Percentage Waived | | | 42.3% | |
| Total Unapproved Waiver \$ Amount | | | 0.00 | |
| Percentage w/o Waiver Approval | | | 0.0% | |
| Total Exempted \$ Amount | | | 5,000.00 | |
| Percentage Exempted | | | 0.0% | |

¹ Waivers approved by CBDP; within guidelines of Code of General Ordinances

² 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

³ These contracts are exempted from Disadvantaged Business Enterprise participation review within the guidelines of Code of General Ordinance Chapter 56.30(2)(a) such as those used for the purpose of securing credit rating services related to debt issuance and administration

⁴ Total does not include Procurement Division Figures