



Community Business Development Partners

MILWAUKEE COUNTY

MARINA DIMITRIJEVIC • Chairwoman, Milwaukee County Board of Supervisors
NELSON SOLER • Interim Director, Community Business Development Partners

INTER-OFFICE COMMUNICATION

DATE: January 7, 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: Nelson Soler, Interim Director, Community Business Development Partners

SUBJECT: **DBE WAIVER REPORT FOR NOVEMBER & DECEMBER 2012**

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 establishing 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) objectives directed at creating a level playing field on which certified firms could compete fairly for USDOT-assisted contracts. This legislation, 49 CFR Part 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 Board, to establish and maintain a program based upon the Federal DBE Program rules and standards for all of its contracts. This action of the County Board and County Executive established, and adopted, rules and regulations of USDOT Office of the Secretary, per the Federal Register (49 CFR Parts 23 and 26), over Milwaukee County's Federally, and County, funded projects.

Milwaukee County, as a Federal funding recipient, 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 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. These certifying partners share the responsibility of verifying and maintaining the status of the 883 currently certified firms throughout the State, while processing all new applications.

MILWAUKEE COUNTY - CITY CAMPUS • 2711 WEST WELLS STREET, 8TH FLOOR, ROOM 830 • MILWAUKEE, WI 53208
TELEPHONE (414) 278-5248 • FAX (414) 223-1958

DBE GOALS

The Milwaukee County Board of Supervisors has established the County's overall desired levels of DBE participation as follows:

Public Works, Construction & Design	25%
Time & Material Contracts	25%
Professional Service Contracts	17%
Procurement of Service Contracts	17%
Procurement of Goods & Commodities	10%

WAIVER REQUESTS

When CBDP receives a waiver request from a department/division, staff thoroughly reviews it and available supporting documentation before forwarding the request on to the Director for determination. The 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 Service and Capital Improvement/Maintenance contracts awarded during November and December. This report does not include contracts awarded by Procurement Division processes under Chapter 32, as CBDP is not authorized access to this information. 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, or lack thereof.

Total Contracted Dollars for Period	\$	9,125,960.74
Total Contracted Dollars w/ Waiver Approval	\$	175,451.41
Total Contracted Dollars w/o Waiver Approval	\$	15,985.00
Percentage of Contracts Waived for Period		2.10%

RECOMMENDATION

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

Approved by:



Nelson Soler
Interim Director

CC: Chris Abele, Milwaukee County Executive

Milwaukee County Community Business Development Partners Department (CBDP) DBE Waiver Report November & December 2012

DEPARTMENT	CONSULTANT/CONTRACTOR	SCOPE OF SERVICES	CONTRACT AMOUNT	APPROVAL REASON
		<u>CBDP Approved Waivers¹</u>		
State Court Services	Midwest Medical Records	On-site copying of court records	19,500.00	No DBE vendor bid on the contract
Human Resources	Mary J. Mounthin	Provide legal service for the Civil Service Commission	1,310.00	Under \$2,000.00
DAS - Risk Management	Arthur J. Gallagher Risk Management Svcs	Provide an audit for self insured workers compensation claims program	19,220.00	Per Chapter 56.30(a)
DOT - Airport Division	Institute for Human Factors	Conduct 4 session class on "Overcoming Your Fear of Flying"	1,000.00	Under \$2,000.00
Personnel Review Board	Gonzalez, Saggio & Harlan	Outside counsel for the PRB for September-December 2012	23,166.00	Per Chapter 56.30(a)
Medical Examiner	Jim Canuso, MD	Keynote - 24th Annual John R. Teggatz Forensic Science Seminar	577.20	Under \$2,000
Grounds - by DAS - FM	Clark Dietz	Illicit Connection Field Study	9,900.00	Annual Consultant Utilization²
GMAIA - by DAS - FM	Graef USA	Parking Structure Pre-Cast Investigation	4,800.00	Annual Consultant Utilization; Emergency investigation
Parks by DAS-FM	Harwood Engineering	MLK Community Center Roof Replacement - Skylight Replacement	2,700.00	Annual Consultant Utilization; Prior facility knowledge
Facilities - by DAS - FM	Jackson MacCudden	Light Court #3 Asbestos Inspection Services	4,510.00	Annual Consultant Utilization; Prior facility knowledge
Facilities - by DAS - FM	Sigma Group	Environmental Site Assessment 1400 N 113th St	2,294.14	Annual Consultant Utilization; Participation on subsequent phase
Parks - by DAS - FM	Jackson MacCudden	WIL-O-Way Grant RC Floor Abatement Testing	1,500.00	Annual Consultant Utilization
Facilities - by DAS - FM	Sigma Group	Renovation of War Memorial Windows	889.62	Annual Consultant Utilization
Grounds - by DAS - FM	Gregg Martin	Service Agreement - Telemetry & Instrumentation Service	1,270.00	No DBE firms within this work category
Grounds - by DAS - FM	Visu-Sewer	Clean & CCTV Sewer Lines	24,205.45	Only one DBE firm with capacity to perform project scope
Facilities - by DAS - FM	Jackson MacCudden	Safety Bldg Domestic Violence Unit Remodeling - Asbestos Consulting	2,100.00	Annual Consultant Utilization
NMP by GMAIA	Craig's Remodeling	Sound Mitigation Improvements at 3630 E Martin Ave	56,509.00	NMP Program guidelines
		<u>Contracts Issued Without CBDP Review³</u>		
Human Resources	M.R.A. The Management Association	Strategic HR Partner Meeting August 2012	1,500.00	No CBDP Review
DHHS - Housing	Benavides Enterprises	Provide one day training	1,595.00	No CBDP Review
DHHS	Human Services Leadership Institute	Provide one day training	1,125.00	No CBDP Review
MCTS by DOT	Foley & Lardner	MCTS Project Ride Consultant Services	11,765.00	No CBDP Review
		Total Contract \$ Amount for Month⁴	\$9,125,960.74	
		Total Approved Waiver \$ Amount	\$175,451.41	
		Total Unapproved Waiver \$ Amount	\$15,985.00	
		Percentage Waived	2.10%	
		¹ Waivers approved by CBDP, within guidelines of Code of General Ordinances		
		² Award of this project is to an Consultant operating under a blanket contract with the County to provide Architectural & Engineering Design Services outside of current staffing capacity		
		³ 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		
		⁴ Total does not include Procurement Division Figures		