



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: November 15, 2012

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 SEPTEMBER & OCTOBER 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.

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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 CDBP 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 September and October. This report does not include contracts awarded by Procurement Division processes under Chapter 32, as CDBP 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 Month	\$	20,776,310.58
Total Contracted Dollars w/ Waiver Approval	\$	191,990.67
Total Contracted Dollars w/o Waiver Approval	\$	66,371.00
Percentage of Contracts Waived for Month		1.24%

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 September & October 2012

DEPARTMENT	CONSULTANT/CONTRACTOR	SCOPE OF SERVICES	CONTRACT AMOUNT	APPROVAL REASON
<u>CBDP Approved Waivers</u> ¹				
DOT-Airports	Smith Amundsen, LLC	Special counsel for US District Court case, Horsley v. Milwaukee County	15,000.00	Specialized litigation
DAS-Fiscal Affairs	US Bank	US Bank admin fees for 2004A & 2010A&B Airport Revenue Bonds	2,250.00	Per Chapter 56.30(2)(a)
DOT-Highway by DAS-FM	Graef USA	Zoo IC Swan Blvd Utility Coordination & Design	6,900.00	Expertise and expediency
DOT-Airports by DAS-FM	Graef USA	GMIA - Storm Water Management Plan Design & Update	4,600.00	Expertise and expediency
DOT-Airports by DAS-FM	Ram Construction Services of MN	GMIA - 5th Floor Parking Structure Repairs	89,800.00	No DBEs w/ Manufacturer/Product Certification
DOT-Transit by DAS-FM	Kapur & Associates	MCTS - Fond Du Lac Garage Underground Storage Tank Closure Review	2,166.00	No opportunities based on contract scope and cost
District Attorney	Fredrik F. Broekhuizen, M.D.	Trial prep & court testimony as an expert witness State v. Evan Saunders	1,000.00	Under \$2,000.00
DHHS-Delinquency & Court Se	National Runaway Switchboard	National communication system for runaway & homeless youth	12,750.00	Specialty Service
Dept. of Human Resources	Prophit Marketing, Inc.	Customer service & interpersonal communication training & tool	12,000.00	Company invented the tool
Risk Management	Securance Consulting	Risk Assessment of HIPAA compliance	30,180.00	Specialty Service
Parks by DAS - FM	Leedy & Petzold	Root River Lighting System Replacement Design	14,349.57	Annual Consultant Selection Process
Zoo by DAS - FM	Grunau	Service Agreement for Penguin Chiller Service Work	995.10	Specialty Service
<u>Contracts Issued Without CBDP Review</u> ²				
DAS-Risk Management	Regnier Consulting Group, Inc.	Estimate unpaid workers compensation & medical malpractice exposure	24,700.00	No CBDP Review
DAS-Risk Management	Aegis Corporation	Federal Medicare compliance	22,975.00	No CBDP Review
Parks by DAS-FM	Jackson MacCudden	Asbestos Roof Inspection Services at Parks Maintenance Complex	1,606.00	No CBDP Review
Parks by DAS-FM	Gillen Foundation	Time and Material Agreement for Marina Repair	17,090.00	No CBDP Review
Total Contract \$ Amount for Month ³			\$20,776,310.58	
Total Approved Waiver \$ Amount			\$191,990.67	
Total Unapproved Waiver \$ Amount			\$66,371.00	
Percentage Waived			1.24%	

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 Total does not include Procurement Division Figures