



Community Business Development Partners
MILWAUKEE COUNTY

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

INTER-OFFICE COMMUNICATION

DATE: November 11, 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 SEPTEMBER & OCTOBER OF 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 certification status of 348 of the 825 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 September and October 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.

| | |
|---|-------------------------|
| Total Contracted Dollars for Period | \$ 59,292,968.74 |
| Total Contracted Dollars w/o DBE Participation | \$ 13,344,278.24 |
| Percentage of Contracts w/o DBE Participation | 22.5% |
| Total Contracted Dollars w/ Waiver Approval | \$ 13,081,195.42 |
| Percentage of Contracts w/ Waiver Approval | 22.1% |
| Total Contracted Dollars w/o Waiver Approval | \$ 102,000.60 |
| Percentage of Contracts w/o Waiver Approval | 0.2% |

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).

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|--|-------------------------|
| Total Contracted Dollars for Period | \$ 59,292,968.74 |
| Total Exempted Contract Dollars | \$ 161,082.22 |
| Percentage of Exempted Contracts for Period | 0.3% |

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 September & October 2013

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

Approved Waivers ¹

| | | | | |
|---------------------------|-----------------------------------|---|---------------|---------------------------------|
| Human Resources | Ceridian Corporation | To provide automated benefit and payroll services for Milwaukee County Employees | 12,709,444.18 | HR & Payroll system maintenance |
| UW - Extension | University of Wisconsin Extension | Extension for provision of cooperative extension programs in Milwaukee County | 157,614.00 | Specialized Service |
| Child Support Enforcement | Center for Veterans Issues | Assist non-custodial parent to obtain employment | 100,000.00 | Specialized Service |
| Risk Management | Regnier Consulting Group | 2012 unpaid liability analysis and 2014 cross charges | 37,050.00 | Specialized Service |
| Facilities Management | W.F. Baird & Associates, Ltd. | Bender park access jetty | 15,000.00 | Specialized Service |
| Family Care | Blumenfeld & Associates, LLC | Specialized training | 14,000.00 | Specialized Training |
| GMIA | Wolf Management Consultants, LL | Denison Organizational Culture Survey (DOCS) | 11,500.00 | Specialized Service |
| Aging | Sojourner Family Peace Center | To host a two-day conference/training on domestic violence for adults 60 and older | 10,000.00 | Specialized Service |
| GMIA | James G. Otto | Architectural Services | 9,675.00 | Annual Consultant Utilization |
| Milwaukee County Zoo | Edwards Wildman Palmer, LLP | Specialized legal services | 5,000.00 | Specialized Service |
| Fleet Maintenance | Jackson MacCudden | Fleet Maintenance 109th and Lapham - Asbestos Inspection | 3,191.00 | Annual Consultant Utilization |
| MCTS by DAS-FM | The Sigma Group | Replace HVAC System at KK Transit Operation Bldg - Asbestos Inspection | 2,893.49 | Annual Consultant Utilization |
| District Attorney | Behavioral Consultants | Dr. Deborah Collins of Behavioral Consultants, a forensic psychologist-John Spooner | 2,600.00 | Specialized Service |
| MCTS by DAS-FM | The Sigma Group | MCTS KK Building HVAC replacement Asbestos consultant | 1,727.75 | Annual Consultant Utilization |
| GMIA | Institute for Human Factors | To conduct a class on "Overcoming Your Fear of Flying" | 1,500.00 | Under \$2,000.00 |

Contracts Issued Without Review ²

| | | | | |
|----------|--------------------------------|--|------------|--------------------|
| DHHS-BHD | Gonzalez, Saggio & Hartan, LLP | To amend PRB outside council for BHD related matters | 102,000.60 | Contract amendment |
|----------|--------------------------------|--|------------|--------------------|

Exempted Contracts ³

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|--------------|------------------------------------|---|-----------|--------------------------|
| MCSC | Whitcomb, Michael A.I., Law Office | Legal matters Sheriff David A. Clarke, Jr. v. Milwaukee County | 49,999.99 | Per Chapter 56.30(10)(a) |
| Comptroller | Fitch Ratings | Professional services associated with the 2013 CP bonds and the 2013B POB's | 47,000.00 | Per Chapter 56.30(2)(a) |
| Comptroller | Chapman & Cutler | Professional services related to issuance of 2013B Taxable General Obligation Pension Promissory Note Bonds | 40,399.23 | Per Chapter 56.30(2)(a) |
| County Board | Center for International Health | Sister Cities Program Development | 15,000.00 | Per Chapter 56.30(2)(a) |
| Comptroller | U.S Bank | US Bank administration fees for the airport revenue bonds 2003A, 2005A, 2006AB, 2008AB & 2009A | 5,558.00 | Per Chapter 56.30(2)(a) |
| Comptroller | U.S Bank | Administration fees for the 2013A and 2013B airport revenue bonds | 2,125.00 | Per Chapter 56.30(2)(a) |
| Comptroller | U.S Bank | US Bank administration fees for the 2010A and 2010B airport revenue bonds | 1,000.00 | Per Chapter 56.30(2)(a) |

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|---|---------------|
| Total Contract \$ Amount for Period * | 59,292,968.74 |
| Total Contract \$ Amount w/o DBE Participation for Period | 13,344,278.24 |
| Percentage w/o DBE Participation | 22.5% |
| Total Approved Waiver \$ Amount | 13,081,195.42 |
| Percentage Waived | 22.1% |
| Total Unapproved Waiver \$ Amount | 102,000.60 |
| Percentage w/o Waiver Approval | 0.2% |
| Total Exempted \$ Amount | 161,082.22 |
| Percentage Exempted | 0.3% |

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, or 56.30(10)a enabling Corporation Counsel to enter into a professional services contract in which the interests of Milwaukee County require timely action and flexibility.

⁴ Total does not include Procurement Division Figures