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4 **A RESOLUTION**

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6 Requesting the Department of Administrative Services provide a report on contract  
7 performance monitoring policies including Disadvantaged Business Enterprise (DBE)  
8 and Targeted Business Enterprise (TBE) pledged goals and reporting  
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11 WHEREAS, Milwaukee County departments enter into numerous professional  
12 service agreements each year with vendors to provide services on behalf of Milwaukee  
13 County taxpayers; and  
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15 WHEREAS, based on past audits performed by the Audit Services Division of  
16 the Office of the Comptroller, outside vendor contract performance is often poorly  
17 monitored and, in a few high-profile cases, has led to significant legal problems for the  
18 County; and  
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20 WHEREAS, in 1980 the United States Department of Transportation, under the  
21 authority of Title VI of the Civil Rights Act of 1964, created the Disadvantaged Business  
22 Enterprise (DBE) Program to counter and rectify contemporary and past discriminatory  
23 ills toward women and persons of color; and  
24

25 WHEREAS, DBE program regulation is established in 49 CFR Part 23 and 49  
26 CFR Part 26 for recipients of federal DOT funds and airport concessionaires,  
27 respectively, to fulfill the objectives of:  
28

- 29
- Removing discrimination from the allocation of public contracts
  - Allowing emerging DBE companies to gain a foothold in the economy, grow, and eventually compete with firms outside of the DBE program
- 30  
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34 ; and  
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36 WHEREAS, Milwaukee County maintains a Diversity Management and  
37 Compliance System (B2GNow) managed by the Community Business Development  
38 Partners which oversees the County's DBEs and Targeted Business Enterprises  
39 (TBEs); and  
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41 WHEREAS, on May 30, 2017, policymakers requested the Director of  
42 Community Business Development Partners provide written bi-monthly reports to the  
43 Committees on Transportation, Public Works, and Transit and Economic and  
44 Community Development on DBE participation and DBE participation waivers (File No.  
45 17-403); and

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47 WHEREAS, at its meeting on September 10, 2018, the Committee on Economic  
48 and Community Development reviewed File No. 18-674, in which the Director of  
49 Community Business Development Partners reported the Milwaukee County Transit  
50 System (MCTS) contract with a Milwaukee marketing firm was at-risk of not meeting its  
51 pledged DBE goals; and

52  
53 WHEREAS, specifically, the marketing firm is two and a half years into a three-  
54 year contract and has only subcontracted 1.7% of its contract to the DBE firms in its  
55 agreement while the pledged goal is 20%; and

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57 WHEREAS, the Committees on Economic and Community Development and  
58 Transportation, Public Works, and Transit receive regular bi-monthly and annual reports  
59 on DBE/TBE participation and submissions to the Federal Transit Administration, but  
60 does not receive reconciliations on how well contractors perform in fulfillment of their  
61 DBE/TBE goal pledges; and

62  
63 WHEREAS, Milwaukee County has observed and been frustrated for years by  
64 prime contractors who have not made good faith efforts to fulfill their contractual  
65 DBE/TBE obligations with the Milwaukee County and DBE/TBE businesses who were  
66 led to believe they would be included; now, therefore,

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68 BE IT RESOLVED, Milwaukee County requests the Director of Community  
69 Business Development Partners:

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- 71 • Continue monitoring the MCTS contract with the local marketing firm and provide  
72 monthly updates to the Committee on Economic and Community Development  
73 (“Committee”) on the firm’s DBE pledge
  - 74
  - 75 • Meet with several other DBE/TBE subcontractors who have not been receiving  
76 the level of work promised by prime contractors in their bids, to solicit feedback  
77 and generate ideas for improving Milwaukee County’s DBE/TBE program
  - 78
  - 79 • Study and present a written report to the Committee outlining recommendations  
80 on how Milwaukee County might improve its DBE/TBE goal monitoring,  
81 reporting, and options to best structure penalties for prime contractor

82 underperformance as an incentive to meet their DBE/TBE bid and contract  
83 obligations

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85 ; and

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87 BE IT FURTHER RESOLVED, Milwaukee County requests the Director of  
88 Administrative Services and the Director of Community Business Development Partners  
89 study and provide a written report to the Committee providing options to enhance and  
90 expand TBE/DBE contract opportunities and utilization; and

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92 BE IT FURTHER RESOLVED, Milwaukee County requests the Director of  
93 Administrative Services study and provide a written report to the Committee on how  
94 departments monitor overall contract performance and ensures that Milwaukee County  
95 taxpayers are receiving the services they are paying for and expect as part of signed  
96 agreements.