



Community Business Development Partners

MILWAUKEE COUNTY

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

INTER-OFFICE COMMUNICATION

DATE: November 3, 2015

TO: Supervisor Theodore Lipscomb Sr., Chair, Milwaukee County Board of Supervisors
Supervisor Steve Taylor, Chair, Economic and Community Development Committee
Supervisor Michael Mayo, Sr., Chair, Transportation, Public Works and Transit Committee

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

SUBJECT: DBE Wavier Report for September 2015

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.

DEFINITIONS AND SEPTEMBER 2015 Waiver and Exemption Explanations:

Waivers: A contract is granted a waiver for the following reasons:

1. A contract is awarded to a nonprofit organization, providing that the nonprofit organization is self-performing the scope of services. In circumstances where all or a portion of the work is performed by others, CBDP will seek to obtain DBE participation when practical.
2. The contract is awarded to another government agency. Agreements with government agencies will fall under the category of Exemption.
3. Contracts under \$10,000
4. When the scope of services cannot be divided in a way that is practical and does not compromise the integrity of the project. The contract might create a financial hardship for the DBE firm, or increases the liability of both the DBE firm and Prime firm.
5. The lack of DBE firms available to perform the scope of services.
6. A DBE firm might elect not to participate. Some of the reasons for the lack of interest would be financial or availability.



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Exemption: A contract is granted an exemption for the reasons:

1. *Contract* awarded to another governmental agency.
2. Transactions where Milwaukee County is receiving revenues related to leases, rental, donations, etc.
3. Nonprofit organizations that self-perform the work. Example, Community Advocates, universities, etc.
4. Contracts under \$10,000
5. Agreements where no money is exchanged. For example, an organization adopts a playground and use private funding to maintain the grounds.

September 2015 Waiver and Exemption explanations:

1. Contract between Milwaukee County Parks and GolfNOW, LLC, for \$103,500. Specialized software for managing golf courses.
2. Contract between Milwaukee County Parks and UW-Extension for support for the Nature in the Parks Program. \$265,000.
3. Contract between Emergency Management and Bay Communication for \$339,000. Specialized system associated with the County's 9 1 1 system.
4. Contract between Emergency Management and Honeywell International for \$190,000. Service agreement for County house building automation.

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 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

Total Contracted Dollars for Period	\$ 6,105,601
Total Contracted Dollars w/o DBE Participation	\$ 2,125,024
Percentage of Contracts w/o DBE Participation	34.80%
Total Contracted Dollars w/ Waiver Approval	\$1,156,278
Percentage of Contracts w/ Waiver Approval	18.94%
Total Contracted Dollars w/o Waiver Approval	\$ 99,950
Percentage of Contracts w/o Waiver Approval	1.64%



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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	\$ 6,105,601
Total Exempted Contract Dollars	\$868,796
Percentage of Exempted Contracts for Period	14.23%

Reporting for the period January 2015 through the end of September 2015:

Number of contract let: 328, 145 (44.2%) with participation and 183 (55.8%) without participation. The total contract values are \$54.1 million and \$70.3 million respectively, for a total contract value of approximately \$124.4 million. Of the \$54.1 million, approximately \$16.9 million was contracted with DBE firms, representing 13.6% of the year end contract value of \$124.4 million. The 13.6% is below the targeted average goal of 21 (the average of 17% and 25%) percent.

By applying the average 21% against the \$70.3 million that does not have participation, would result in additional \$14.8 million in DBE participation. Adding the \$14.8 million to the \$16.9 million that has participation will result in a total DBE participation of \$31.7 million, which brings the overall participation to approximately 25.5 percent, exceeding the 21 percent target.

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

Approved by:

Rick Norris
Rick Norris, PE
Director, CBDP

CC: Chris Abele, Milwaukee County Executive

Monthly Waiver Report for September 2015

Prepared by the Department of Community Business Development Partners

Director's Report

¹ These contracts are exempted from Disadvantaged Business Enterprise participation review within the guidelines of Code of General Ordinance Chapter 56.30(2)(a). Not included in the waiver calculations.

² Waivers approved by CDBP; within guidelines of Code of General Ordinances

³ Contracts issued by Departments in violation of the Code of General Ordinances; CDBP is made aware of these projects when Accounts Payable forwards new contract information.

⁴ Total does not include Procurement Division Figures

Total Contract \$ Amount for Period ⁴	\$ 6,105,601
Total Contract \$ Amount w/o DBE Participation for Period	\$ 2,125,024
Percentage w/o DBE Participation	34.80%
Total Approved Waiver \$ Amount ²	\$ 1,156,278
Percentage Waived ²	18.94%
Total Unapproved Waiver \$ Amount ³	\$ 99,950
Percentage w/o Waiver Approval ³	1.64%
Total Exempted \$ Amount	\$ 868,796
Percentage Exempted from Waiver Calculations	14.23%
Missed opportunity of:	\$ 1,282,176

REPORTING Ending PERIOD	September 2015
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DEPARTMENT	CONSULTANT/CONTRACTOR	SERVICES	COMMENTS	EXEMPTED	Waived	Unapproved Waivers
Comptroller	Administration fees for 2013B General Airport Revenue bonds	US Bank	Specialty Service	\$ 1,125.00		
Corporation Counsel	Opinion & analysis of pension liabilities	The Segal Company (Midwest)	Specialty Service	\$ -	\$ 25,000.00	
	Representation in matters relating to L Johnson matter in Federal Court	Whyte Hirschboeck Dudek SC	Specialty Service	\$ 40,000.00		
	Special counsel in mediation & interest arbitration in union matters fee increase	Buelow Vetter Buikema Olson & Vliet, LLC	Specialty Service	\$ 75,000.00		
	Representation in matters relating to prosecution of any claims in O'Donnell Park Parking Structure	Whyte Hirschboeck Dudek SC	Specialty Service	\$ 40,000.00		
Parks	Sowing, Empowering & Eliminating Deserts of Food Initiative - Fresh Mobile Market	Hunger Task Force	Interagency Cooperation	\$ 68,200.00		
	Software to manage golf course scheduling needs	GolfNOW, LLC	Sole Source	\$ -	\$ 103,500.00	
	Support for Nature in the Parks Program	UW-Extension	Interagency Cooperation	\$ -	\$ 265,000.00	
Clerk of Circuit Court	Family Drug Treatment Court Coordinator funding	Rebecca Foley	Specialty Service	\$ -	\$ 89,289.00	
DHHS	Wisconsin Home Energy Assistance Program Amendment #3 for crisis services & closure	SDC - CR	Interagency Cooperation	\$ 145,000.00		
House of Correction	Provide GED preparation & basic skills instruction to HOC inmates	Milwaukee Area Technical College	Interagency Cooperation	\$ 19,111.00		
BHD	Provide locum tenens healthcare providers, including sourcing, screening & presenting candidates	Jackson & Coker Locum Tenens, LLC	Without review by CDBP			\$99,950.00
Emergency Management	ImageTrend Elite EMS software upgrade for Mobile Integrated Health database	ImageTrend	Increase to existing agreement	\$ -	\$ 5,000.00	
	Replacement of the County's 9-1-1 System	Bay Communications, Inc	Sole Source	\$ -	\$ 339,019.15	
DAS - FM - A&E	GMIA - Taxi Cab Ground Transport Lot	Burns & McDonnell	Annual Consultant Utilization	\$ -	\$ 11,000.00	
	FMD Admin Procedure Development	Facility Futures, Inc.	Specialty Service	\$ -	\$ 91,000.00	
	Kern Park - New Restroom Facility & Attached Pavilion	Harwood Engineering Consultants	Annual Consultant Utilization	\$ -	\$ 10,000.00	
	Doctors Park - New Restroom Facility & Attached Pavilion	Harwood Engineering Consultants	Annual Consultant Utilization	\$ -	\$ 10,000.00	
	McGovern Park - New Restroom Facility & Detached Pavilion	Harwood Engineering Consultants	Annual Consultant Utilization	\$ -	\$ 10,000.00	
	Service Agreement for Courthouse building automation	Honeywell International, Inc	Sole Source	\$ -	\$ 190,000.00	
DHHS - Housing	Senior Center operations	Village of Bayside	Interagency Cooperation	\$ 3,059.00		
	2015 CDBG Sub-Recipient - peer support services	JFS Housing, Inc	Interagency Cooperation	\$ 18,129.00		
	2014 CDBG Sub-Recipient - senior dining ADA fire alarm	City of Franklin	Interagency Cooperation	\$ 45,538.00		
	2015 CDBG Sub-Recipient - Latino seniors outreach	United Community Center	Interagency Cooperation	\$ 13,170.00		
	2015 CDBG Sub-Recipient - support of seniors services	Cudahy/St. Francis Interfaith	Interagency Cooperation	\$ 2,694.00		
	2015 CDBG Sub-Recipient - famers' market project	City of South Milwaukee	Interagency Cooperation	\$ 26,705.00		
District Attorney's Office	Forensic Evaluation Services for Wiedenhoef - 980 Commitment	Anthony M. Jurek, Ph.D.	Specialty Service	\$ -	\$ 3,000.00	
	Evaluation in case 00CF004166 for release consideration	Behavioral Consultants, Inc	< \$2,000	\$ -	\$ 1,080.00	
CEX - Persons w/ Disabilities	Wil-O-Way center inclusive recreation for persons with disabilities - Amendment 1	Easter Seals Southeastern WI	Interagency Cooperation	\$ 339,937.00		
Child Support Enforcement	Pathways to Responsible Fatherhood grant extension	United Migrant Opportunity Service / UMOS	Interagency Cooperation	\$ 30,128.00		
ZOO	Hurricane Simulator agreement fee increase to pay invoices	080 Leasing, LLC	< \$2,000	\$ 1,000.00		
County Funded State Court Services	Funding support for Family Drug Treatment Court peer mentor	Meta House	Interagency Cooperation	\$ -	\$ 3,390.00	
Grand Total				\$ 868,796.00	\$ 1,156,278.15	\$99,950.00

DASHBOARD

