

MWDBE Committee Meeting

Date: October 16, 2024

Location: Virtual Meeting via Microsoft Teams

Time: 1:00 PM – 2:30 PM

Attendance:

- Barata Bey
- Melanie Marie Boyer
- Blayre I. Britton (excused)
- Brian Burley
- Cameil D. Williams
- Lisa Edmonds
- Kevin B. Halaja
- Michael Halpern
- Holly Douglas
- Kanak Iyer
- Kevin Jenkins
- Jason Molinero
- Jaron Paul
- Roxanne Sewell
- Victoria Snyder
- Damian K. Wiles
- James Stillwagon (attended)

Absent (Excused):

- Alberto Benzaquen
- Loren Ganoe

Absent

Tim Stevens, Guillermo Velasquez, Brian Oglesby, Cynthia Oliver

Meeting Notes:

I. Approval of Previous Meeting Minutes

- **Discussion:** Holly Douglas presented the minutes for August 21 and September 18, 2024.
 - Correction made to note that **James Stillwagon** attended the previous meeting.
 - The minutes for August were approved with the correction, and the September minutes were approved as presented.
 - **Motion made by:** Cameil D. Williams

- **Seconded by:** Barata Bey
- **Result:** All in favor, majority approval.

II. Approval of Bylaws

- **Discussion:** Holly Douglas shared updates to the bylaws, with changes highlighted in blue. The key change discussed was to hold meetings monthly with some flexibility, which had been previously agreed upon.
 - **Motion made by:** Melanie Marie Boyer
 - **Seconded by:** Kevin Halaja
 - **Result:** Unanimous approval.

III. MWDBE Compliance Monitoring Process

- **Presenter:** Lisa Edmonds
 - **Overview:** Lisa provided an in-depth look at the MWDBE compliance monitoring process, including a demonstration of the **Bonfire** system, which is used for contract documentation and monitoring compliance across Allegheny County contracts.
 - **Key Points Discussed:**
 - The DEI (Diversity, Equity, and Inclusion) guidelines are presented at pre-construction and pre-bid meetings to ensure clarity on equity and inclusion requirements.
 - Lisa highlighted the importance of ensuring MWDBE participation in all eligible contracts.
 - **Brian Burley** raised the issue of non-compliance in the **Allegheny County Airport Authority** contract, emphasizing that there were no MWDBE requirements listed for the recent environmental contract. Lisa noted that her department only oversees contracts that are submitted to them, which does not always include contracts from separate authorities like the Airport Authority.

IV. Discussion on the "Bad Actors" List

- **Discussion Led by:** Brian Burley
 - The idea of creating a list of "bad actors" — contractors who repeatedly fail to meet MWDBE commitments — was discussed.
 - **Concerns Raised:**
 - **Melanie Marie Boyer** emphasized potential legal risks, such as defamation of character if companies are labeled as "bad actors" without clear justification.
 - **Victoria Snyder** provided an example of supply chain disruptions that could cause a contractor to miss diversity goals unintentionally, cautioning that such scenarios need to be handled with nuance.
 - **Lisa Edmonds** mentioned that contractors are required to communicate with the DEI department if they foresee difficulties meeting their MWDBE goals. If companies fail to report issues in real-time, they could face repercussions.

V. Contract Compliance and Sanctions

- **Discussion:**

- **Michael Halpern** and **Lisa Edmonds** discussed the **B2G Now system**, which tracks contractor compliance with MWDBE requirements. Contractors are required to report monthly on MWDBE spending, and subcontractors can either agree or dispute reported payments.
- The committee debated whether current contracts include enough specific language around sanctions for non-compliance.
 - **Kevin Halaja** stressed that the DEI department is available as a resource for contractors experiencing challenges in fulfilling their MWDBE commitments.
 - **Cameil D. Williams** pointed out that although tools and policies are in place, the missing piece is clear enforcement of sanctions when contractors fail to meet their diversity goals.
- **Next Steps:**
 - The committee agreed that language about penalties for non-compliance should be included upfront in contracts.
 - **Action:** Lisa Edmonds to compile recommendations on sanctions and share them with Michael Halpern, who will discuss the proposed changes with county executives to determine whether they can be implemented without requiring formal recommendations from the committee.

VI. Bid Response Time and Participation

- **Discussion:** The committee also discussed the need to extend bid response times to give MWDBE firms more opportunity to participate.
 - **Michael Halpern** noted that for smaller contracts, the current bidding process often doesn't provide enough time for MWDBEs to submit proposals, especially when multiple disciplines (e.g., electrical, plumbing) are involved in a single bid.
 - The committee agreed that extending response times and providing more education for small businesses on the bidding process would improve participation rates.

VII. Wrap-Up and Action Items

- **Key Action Items:**
 1. **Lisa Edmonds:** Will review and compile information on sanctions for non-compliance, to be added to contracts.
 2. **Michael Halpern:** Will work with the DEI department to update contract language with clearer penalties for non-compliance.
 3. **Committee Members:** Will review best practices from other counties regarding MWDBE compliance and suggest further improvements at the next meeting.
- The next meeting will include a continued discussion on "best practices" led by **Brian Oglesby** and a review of proposed contract language changes.

Meeting Adjourned 2:16 pm

- Motion to Adjourn
 - **Motion made by:** Victoria Snyder
 - **Seconded by:** Melanie Marie Boyer

Result: All in favor, majority approval.