

Minutes of November 20, 2024

Allegheny County MWDBE Committee

The meeting began with the approval of previous minutes and a discussion on the use of AI for meeting transcriptions, noting county server restrictions. Brian Oglesby Olgelsby discussed contract compliance best practices, emphasizing the importance of clear contractual language, specific goals, and workforce reporting. He suggested avoiding the term "bad actors" and recommended using liquidated damages for non-compliance. Concerns were raised about the impact of potential regulatory changes on minority and women-owned businesses. The team agreed to table further discussions on Allegheny County compliance recommendations until the next meeting. Issues with meeting calendar invitations were also addressed.

Transcript Click on Link for Full Transcript

<https://otter.ai/u/63YL1z-3c9JWV0afzvhJjhXESg?view=transcript>

Action Items

- [] Prepare a written summary of the recommended contract clauses discussed, including sample language.
- [] Reach out to legal department to have someone attend a future meeting to provide input on contract language and enforcement.
- [] Delete any outdated calendar invites for this meeting and ensure the correct link is being used.
- [] Add any agenda items for the next meeting on December 18th.

Outline

Approval of Previous Meeting Minutes

- Holly Douglas calls for a motion to approve the minutes of the previous meeting.
- Motion to approve the minutes is made by Brian Oglesby and seconded by Roxanne Roxanne Sewell.
- The motion carries, and the minutes are approved.

Discussion on AI Use in Meetings

- Lisa Edmonds mentions that the AI was removed from the meeting due to Cynthia's absence.
- Cynthia expresses confusion about the AI's role and mentions it was set up to record meetings.
- Brian Olgelsby Oglesby points out that AI applications are blocked by county servers, and Teams is the recommended tool for recording meetings.
- Holly Douglas advises that AI should not send minutes until the official transcription is available.

Review of Contract Compliance Best Practices

- Holly Douglas introduces the agenda item on Allegheny County compliance recommendations.
- Brian Ogelsby Olgelsby apologizes for missing the last meeting and discusses the fluctuating regulatory environment.
- Brian shares research from the American Association of Contract Compliance and best practices from various states.
- He advises against using the term "bad actors" and suggests alternatives like "watch list" or "observation list."

Clarification on Poor Performance and Non-Opportunity Deductions

- Holly Douglas seeks clarification on poor performance in engaging minorities.
- Brian explains that persistent poor performance should be documented with best faith efforts to engage diverse suppliers.
- He introduces the concept of non-opportunity deductions for situations where diverse suppliers are not available.
- Brian emphasizes the importance of clear contractual language and specific goals for diversity.

Workforce Reporting and Cultural Competency Training

- Brian discusses the importance of workforce reporting and demographic information for subcontractors.
- He suggests that subcontractors should report their workforce demographics to ensure compliance.
- Brian highlights the need for cultural competency training to prevent incidents on construction sites.
- He emphasizes the importance of accountability and auditing down to subcontractors and their subcontractors.

Recommended Contractual Clauses and Termination Clauses

- Brian outlines recommended clauses for contracts, including specific goals, workforce reporting, and cultural competency training.
- He suggests a clear termination clause for non-compliance with contractual requirements.
- Brian emphasizes the need for flexibility in termination clauses based on project constraints and timelines.
- He advises that termination should be the last resort and that sanctions should be clearly articulated.

Concerns About Federal Regulatory Changes

- Cameil Williams expresses concern about potential changes to existing contracts by the incoming administration.

- Brian acknowledges the possibility of changes but emphasizes the importance of clear contractual language.
- He reassures that retroactive changes are unlikely and that existing contracts should be honored.
- Brian highlights the positive economic impact of diverse and inclusive workforces.

Discussion on Liquidated Damages and Contractual Compliance

- Guermo Valazquez **Guillermo Velasquez** suggests using liquidated damages as a penalty for non-compliance with minority participation requirements.
- Brian agrees that liquidated damages can be an effective tool and are commonly used in the marketplace.
- **Speaker 5** summarizes the importance of hitting contractors in the pockets with penalties for non-compliance.
- Brian apologizes for having to leave early and promises to prepare a written format of the recommendations.

Challenges with Nonprofit Compliance

- Brian Olgelsby **Ogelsby** discusses the unique challenges of procurement in the human services space.
- **She** suggests starting with education and opportunity before moving to penalties.
- Brian acknowledges the need for a balance between education and enforcement.
- Lisa Edmonds shares past efforts with DHS and the challenges of enforcing minority participation with a large number of providers.

Next Steps and Meeting Logistics

- Holly Douglas suggests tabling the discussion on Allegheny County compliance recommendations until the next meeting.
- Lisa Edmonds recommends involving the legal department for questions about contractual enforcement.
- Guermo Valazquez **Guillermo Velasquez** raises concerns about the impact of federal regulatory changes on Latino businesses.
- Holly Douglas advises waiting for legislative changes before making decisions.

Meeting Adjournment and Calendar Issues

- Holly Douglas announces that she will not be present at the next meeting and that Cynthia will run it.
- Guermo Valazquez **Guillermo Velasquez** shares issues with calendar invitations and links, and Holly Douglas and Lisa Edmonds offer solutions.
- The meeting is adjourned after a motion and second by Camille **Cameil** and Holly, respectively.