

# Inclusive Procurement and Contracting Board Meeting Minutes

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Date: October 15, 2024 | Time: 5:30 pm | Location: Microsoft Teams (Virtual) & TRC  
1165 Franklin Street, Suite 100, South Bend, IN 46601

Link: <https://tinyurl.com/ipcboardmeeting>

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❖ **Call to Order-** The IPC Board is now called to order on October 15<sup>th</sup>, 2024 at 5:30 p.m.

- BOARD MEMBERS PRESENT: Jeff Rea, Rachel Tomas-Morgan, Murray Miller, Kimberly Hurt, Wilbur Boggs, Cynthia Simmons-Taylor, Keana Baylis, Breana Allen, Rosa Tomas
- BOARD MEMBERS PRESENT VIRTUALLY: Kara Boyles,
- DIVERSITY & INCLUSION: Bianca Jones, Michael Szymanski
- PURCHASING: Mickey Lovy
- LEGAL: Michael Schmidt
- BOARD MEMBERS ABSENT: Michael Morris,

❖ **Approval of Minutes:**

September 2024 meeting minute - Boggs motions for approval - Miller seconded.

All Ayes no Nays

Notes:

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**I. New Business:** Responsible Bidders Ordinance (RBO)

Tomas-Morgan – Stated there were changes to the RBO back in September of 2023 that she and others filed an amendment to the existing ordinance that was passed in April of 2018. The amendment that was proposed would reflect current circumstances but continue to ensure the highest quality of standards be utilized which was originally

articulated in the bill. She continued to say it was a year in the making with several partners working collaboratively. There was an update to the apprenticeship requirements. The apprenticeship must be registered with an US Department of Labor recognized program and must graduate at least 5 apprentices in each of the past 5 years. The second update to the RBO is changing the minimum threshold requirement from \$150,000.00 to \$250,000.00 which considers inflation and what other communities around us with similar RBOs are doing. She further stated that this threshold change would not negatively impact our minority and women owned businesses. She asked Kara to share if there are any impacts that she has seen with the revised RBO on the Public Works side.

Simmons-Taylor asks if there are individuals in the pipeline to make sure they are in compliance or are there certain contracts that were eligible for this that we may need to update and make sure people are in compliance. She was unsure if ODI was supposed to be tracking this.

Miller responded that this really doesn't affect them. It's part of the requirement on the front-end documents. Essentially, they would supply their DOL Certificates and paperwork showing each trade and how many apprentices graduated in that 5-year period. This information is part of the check list prior to bidding.

Schmidt stated the bread-and-butter primes submit this information yearly.

Boyles stated that the city has been implementing this ordinance since its origination. In general, most of the contractors do submit their RBO documentation outside of the bid package. We don't really see an impact on M/WBEs with the changes. Boyles followed up and stated that any contractor bidding anything greater than \$250,000 must be prequalified to be awarded.

Simmons-Taylor asked if it's fair to say there's nobody in the pipeline right now.

Boyles asked for clarification on what pipeline she is referring to.

Simmons-Taylor referenced the apprentices in the programs.

Tomas-Morgan stated they have to be part of a program that graduates apprentices. She continued that we really wanted to ensure that we are building out a workforce.

Schmidt followed and stated that the revision to the RBO language has provided flexibility to supplement things and be a little more contractor friendly whether you're big or small.

Rea added that moving the threshold allows those younger newer contractors to engage and build the pipeline. As our folks get more sophisticated, have more capability and more equipment to do more jobs we can then really start to take effect. Right now, we are a year in and we are trying to not make it complicated.

Tomas-Morgan asked has there been any situation that we had to refer people to apprenticeship programs. Boyles responded and stated there hasn't been any referrals that she can recall. She stated that they have done it in the past but there wasn't one that stands out.

Schmidt added there may have been one but because the work was specialized enough to meet the program needs so no program was needed.

Board Members Secretary Breana Allen and Rosa Tomas entered the meeting

## **II. Procurement:**

Board member Kara Boyles has left the meeting –

Lovy explained that we are presenting the old format of the procurement report because there was a glitch in the most recent reporting style.

Rea asked if the map on the back of the report shows minority owned and women owned businesses, and does it show certified and non-certified.

Lovy confirmed that is correct and further explained that the numbers are specifically for those counties.

Rae added to his question on how at a high level it appears as though of 4 million only 20% is happening inside the region and the other 129 million are neither woman or minority owned. He said that is hard to see progress if all the work put in to build a program for engaging our local businesses is being used by businesses outside the region. Those businesses do not employ people here, pay taxes here... don't benefit the little league team here etc....

Simmons-Taylor stated that some of the issues are our capacity in the area. She went on to say in 2022 our local certifications were a total of 54, in 2023 that went up to 88. We are engaging with more local businesses that are certified and making progress.

Rea stated that our goal isn't to certify, our goal is to have more businesses do business with the city. So, I think it's wonderful, but I really care about the city spend in this region where it can benefit the folks here.

Boggs added that while he understands Rea's point, we can't build it here if we don't get businesses certified. Rea stated maybe he misspoke but at the end of the day when the program started it was because no minority contractors got any work here and at the end of day that's how we are going to be judged. If tomorrow's headline says we're doing this program but 80% of the money is heading outside of this 10-county region, it may be time to reevaluate and do something different.

Simmons-Taylor stated that she thinks part of the solution is increasing the number of NAICs codes. We only have 27 and that has not changed since 2021. She believes that MWBEs are missing opportunities because we cannot add goals to scopes of work outside of 27 NAICs codes.

Rea asked what are examples of the categories that the city is buying in. He added that initially this was an exhaustive process of identifying what the city was spending on.

Simmons-Taylor stated that she believes we have more people in our capacity now. The data in the disparity study was from 2016/2019 and right now we are locked into those 27. Tomas-Morgan asked if she was compiling a list of what those other codes are. Simmons-Taylor Responded yes. Tomas-Morgan said we are due for a new disparity study but the list at the time it was comprehensive.

Baylis asked after review of the procurement report what was Macedonia Missionary Baptist Church used for that totaled \$23,000.00. Schmidt stated it was the SB Alive grant. Baylis asked for a list of services businesses provided who identified as MWBE from August to date.

Tomas-Morgan asked could we give a ballpark range on the dollar amount that adding the additional NAICs codes could produce. Simmons-Taylor said she will get her that number.

Allen stated that she liked how the report highlighted businesses whose certifications are about to expire. She questioned how do we handle a business expiring. Jones stated that we call the businesses to see if they need assistance with recertification or if they are no longer eligible for certification.

Lovy asked how would the board like to see the percentages reflected in the report. Rea stated that he would like to see a percentage of how much is being spent in the region vs outside of the region. That way if we go from 75% of the spend being outside of the region to 71%, we can tell a story about that.

Discussion continued on the regional map and how that data is reported.

Lovy clarified that if a business becomes certified, DFO will read every transaction the business had prior to certification as certified spend. Boggs made a clarifying statement that if a business becomes certified in October 2019 that it will show as being certified for 2015. Then further stated that a business should not count as being certified for that period.

Simmons-Taylor in effort to show growth in stated that in 2022 PW spend was .63% in 2023 PW spend was 1.7% and to date in 2024 we are already at 1.58%. She stated that she will share this information with the board at the next meeting.

The conversation that followed was reiteration of spending primarily outside of our regional area as well as the importance of labeling between certified and non-certified.

Lovy stated he will work with the analytics team to ensure the reporting reflects the board's request.

Simmons-Taylor spoke on ODI efforts to engage with youth who may potentially be interested in skilled trades by hosting a youth in trades event as part of the efforts to fill in

the gap. She continued that we are working to merge the DFO and B2Gnow reports to get a better picture. Rea stated that he is optimistic, but it seems like we can't get out of this circle. He said that the department asked 3 years ago what the board would like to see and were still at that same stage and he understood that the current team was not present.

Board members – Secretary Breana Allen and Kimberly Hurt left.

### **III. Office of Diversity and Inclusion:**

Announcement of our new Contract Compliance Administrator, Michael Szymanski

Simmons-Taylor informed the board that Jones spoke at the Library How Small Businesses Get Big Contracts event. Simmons-Taylor spoke at the Reparatory Justice Commission meeting

ODI will be hosting the first Small Business Development Partnership Luncheon on November 6<sup>th</sup> at the TRC.

### **IV. DPW Report**

Jones presented the information on the report.

2 Quotes and 1 Bid opened in September –

2 Projects closed out – Miller stated that Wayfinding Signage was tabled

Total Paid - \$33,161,254

Total Paid to Subs - \$2,418,651

MBE/WBE Utilization – 7.29% which is down from the previous months 7.89%

Boggs inquired if this tells us how much we spend in our region. Jones responded by explaining that B2Gnow only reflects spend on projects with goals, but it tells us where we are spending. Boggs added that to Jeff's point this report shows where money is being spent outside of our region. Rea added that while it does show that, it's not the entire city spend. Schmidt followed that stating this report shows who has been awarded projects and gives you an idea of who is bidding on these projects. It Gives Cynthia's team the opportunity to work with those contractors.

Simmons-Taylor said she received 2 calls from primes asking for a list of businesses Rea asked where do primes go to find that list, Simmons-Taylor responded that ODI provides that. Rea then stated that's where the problem lies because man cannot rely on city work alone. So, if we wanted minority contractors to actually make progress in the community, they've got to be able to work in places besides the city, but if no one else can find the list then no one else can hire them. Tomas-Morgan asked if there is any reason why we cannot publish that list. Schmidt stated that it's sensitive and we thoughtful of representing that the city does not vouch for these businesses.

Jones explained the process ODI takes to curate a list of regional business.

V. Old Business

- Werntz Update – Schmidt sent another letter to reiterate the message. Werntz had not made the payment he offered to pay.
- 100 Black Men Gala confirmation of attendees.

VI. **Announcements**

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VII. Floor Open to the Public -

VIII. Adjournment-

Rea – Motion to adjourn /Miller – Second

**Notes & Action Items**