

# Inclusive Procurement and Contracting Board Meeting Minutes

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Date: June 18<sup>th</sup>, 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 May 21<sup>st</sup>, 2024, @ 5:30 p.m.**
  - **BOARD MEMBERS PRESENT:** Keana Baylis, Rachel Tomas-Morgan, Wilbur Boggs, Cynthia Simmons-Taylor, Breanna Allen
  - **BOARD MEMBERS PRESENT VIRTUALLY:**  
Murray Miller
    - **DIVERSITY & INCLUSION:** Darius Lipsey, Bianca Jones
    - **PURCHASING:**
    - **LEGAL:** Michael Schmidt
  - **COMMITTEE MEMBERS ABSENT:** Caleb Bauer, Michael Morris, Kara Boyles, Kimberly Hurt, Jeff Rea
- ❖ **Approval of Minutes:**  
April 2<sup>nd</sup>, 2024 - (This was not in the recording) will need to be confirmed.

## Notes:

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

Simmons-Taylor – Discusses outreach and opportunities to engage more MWBEs and directs board to look at the purchasing report. She stated the certified spend is less than the non-certified spend. They are working to engage those businesses and push them to become certified.

Baylis- Requests that Simmons-Taylor advances on to number 8 on the agenda.

Simmons-Taylor – Stated that we have a potential fraud case. It appears a prime potentially provided false or misleading information to the City in its efforts to win a bid for a public works project. They listed a sub that was in Evansville to achieve the M goal. The subs claim they were never contacted by the prime and had not provided a quote to serve as a subcontractor. The subcontractor went on to say, for the amount that was awarded they would never have sent someone from Evansville because of the distance in relation to the amount awarded.

She continued with the Program Plan Paragraph A Section B3 subsection G states that if there is suspicion of non-compliance from a prime contractor the Program Administrator will notify the IPC Board. We have attempted to notify the prime contractor of the suspicion and invited them to attend the IPC board meeting to speak about this matter. We will come up with a full investigation and the next meeting (June) come up with a finding.

Schmidt- Added the requirement was that we notify the board of the potential situation that first meeting after we find out. May is the first meeting that occurred since learning of this potential situation. We anticipate the supplier/vendor who was cited will give us a better understanding of what did or did not happen. We hope to bring forth an affidavit to the board so they can weigh in. We need to find some basis but this is not a law. The Program Administrator will make a recommendation based upon the evidence that she presents to you. I could ban the contractor from doing business with the city for a period or it could just be a reprimand. I could look like a lot of different things.

Baylis – Thanked them for bringing this matter to the board’s attention and they will wait to here of the findings in June.

Simmons-Taylor- Followed up with letting the board know that we found out because the prime was calling wanting their last payment and it is our protocol to contact the subs to make sure they have been paid and that led to us learning of the discrepancy.

Baylis – Moves to the board summer schedule.

Jones – Based on the poll we had 4 for no meeting in July and August, 1 for hold summer meeting in July, 1 for hold summer meeting in August, and 4 for hold summer meetings all summer.

Baylis- With the information provided stated to continue with holding meetings in the summer with the caveat that if members are unable to be present to notify the board of their absence as soon as possible so we will know if we have a quorum.

Jones – Requested board members respond if they will be in attendance once they receive the meeting notice and she will take count of the responses to ensure the board has a quorum.

Baylis – Asks the board members to please be courteous and let us know if they are not going to be in attendance.

Simmons-Taylor- Stated that we are going into the budget season, and she wants some members of the board to be involved in review of the budget.

Baylis- Stated that she could have Bianca send out some dates and a notice and let members choose.

Thomas-Morgan – Asked if we would be naming the parties next meeting.

Schmidt – Stated we have a duty to notify the parties and we also invited them to today's meeting but received a service return.

Simmons-Taylor- We kept them anonymous because we wanted to do the investigation first.

Allen – How much was the project award? Have we done business with this vendor before?

Simmons-Taylor- Yes, we have done business with them before, and the project was the Ward Bakery...

Schmidt and Lipsey believed the amount were around 150,000

Baylis – Asked will we go back and look at other projects completed by them to see if this has happened with this vendor before?

Lipsey- This was their first project as a prime contractor, the other projects there on as a subcontractor. He then confirmed their portion of the project was 121,000.

Baylis – Clarifies that is it being asked of the board to chime in and decide if we should never do business with them again or what.

Simmons-Taylor – Responds stating that she would like the board's recommendation and she will give them her recommendation and if they are found non-compliant there maybe a period where we do not do business with them.

Baylis agrees with Simmons-Taylor

Thomas-Morgan – Stated that she is a little uncomfortable with having the conversation about potential repercussions because this is still under investigation, and it seems like the conversation is premeditated.

Baylis – Adds that “if” was used because we do not know, and she hopes they are not found guilty.

Allen – Asked if there is a process on mitigating this in the future to ensure honesty and integrity.

Simmon-Taylor- Stated that she does not think I would be burdensome to contact subs to ensure they are engaged.

Lipsey- Stated he is verifying with subs when projects are awarded. He is also following up and getting more information on who the primes are contracting. He also noted that this project happened before he came to his position and has not happened since.

Allen – Added that to his point there can be a change in leadership so is this process written down or is this something we add to the program plan?

Thomas-Morgan – Answered that part of the reason for having the program plan is for staff to make changes as they see something new. We can continue to develop.

Simmons-Taylor- We have been in consultation with Michael and have identified some things in the Program Plan that we want to tighten up. We will provide a list to the board of those items we think can be interpreted in multiple ways and try to make them clearer and concise. We are also looking at adding NAICS codes. We currently have 27 that is in our program plan and Darius is finding that there are some codes we can use based on availability that is not currently available in the program plan. We would like to come with a comprehensive list of items to change and we can review them together.

Thomas-Morgan- Stated that she thinks that is a healthier way to move forward and understand that the work is continuous.

Miller- The information in the investigation, can we get that the Friday before and not the day of.

Simmons-Taylor- Stated as soon as we know something we can get that in touch with the president to let her know.

Schmidt- We will look at the open-door law and how we can disseminate that information.

Miller- How do we make a decision on something we get a few hours before the meeting.

Schmidt- You don't have to make a decision on that day. You can take that information back, you can call another meeting, you can make a decision to make an announcement at the next meeting. It doesn't have to be simultaneously with receiving that information.

Miller reiterated the question and Schmidt offered the same rebuttal

**II. Procurement:** Report was given not discussed

**III. Public Works:** Report was given not discussed

**IV. Old Business**

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**V. New Business**

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**VI. Announcements**

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**VII. Floor Open to the Public -**

Alejandro Saucedo - CEO and owner of Indiana's Elite Cleaning and city vendor. MBE certified business - he stated he was attending to be more in the know and looking for opportunities.

Baylis- Are looking for ways we can work with you or were you looking for information?

Saucedo- Just information, he continues to say that he is very interesting in supplier diversity and the gap in our community. We have a long way to go and he wanted to be present.

Baylis- We appreciate that and as a board we heard you, she asked if Cynthia and her team can share information.

Simmons-Taylor and Saucedo stated they know each other in various ways and very familiar with his business. ODI consultant Ronalda Minnis assisted Saucedo in certification and connected him to other businesses and opportunities and has since been able to take on larger projects.

Cynthia invited David Finley from Innovation and Technology to speak on the Annual Report-

**VIII. Adjournment-**

Baylis motion to adjourn the meeting

## Notes & Action Items