

Inclusive Procurement and Contracting Board Meeting Minutes

Date: April 2nd, 2024 | Time: 5:30 pm | Location: Microsoft Teams (Virtual) & TRC
1165 Franklin Street, Suite 100, South Bend, IN 46601

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

❖ **Call to Order-** The IPC Board is now called to order on March 5th, 2024, @ 5:35 p.m.

- BOARD MEMBERS PRESENT: Keana Baylis, Jeff Rea, Rachel Tomas-Morgan Murray Miller, Wilbur Boggs, Cynthia Simmons-Taylor, Kimberly Hurt
- BOARD MEMBERS PRESENT VIRTUALLY:
 - DIVERSITY & INCLUSION: Darius Lipsey, Bianca Jones
 - PURCHASING: Mickey Lovey
 - LEGAL: Jenna Throw
- COMMITTEE MEMBERS ABSENT: Breanna Allen, Caleb Bauer, Michael Morris, Kara Boyles

❖ **Approval of Minutes:** March 5th, 2024.
All approved

Notes:

I. DPW Report:

Lipsey – Reviewed items on March DPW report, 5 quotes were awarded 1 was awarded to MBE. Quotes does not have goals but wanted to note that an MBE won a quote.

4 bids awarded 2 projects had goals. Projects that did not have goals were itemized material bids.

A decent number of projects closed out, 3 of which had goals. Projects that did not have goals were either a quote or not reasonable to sub-divide.

The award for the 2020 traffic signal detection improvements, the project was awarded to a MBE and had WBE goals. The portion of the contract with WBE goals was eliminated with a change of utilization.

2023 Contractor paving round one, neither goal was met. MBE 4.22% and WBE 6.05% they only got 3.94% for MBE and 4.98% for WBE. There was a conflict with the collective bargaining agreement which resulted in a change of utilization. Murray may be able to speak to it.

Miller – He stated it is the Teamsters agreement and he can kind of speak to it.

Rea – Questioned if the city has their own workforces that is with the union.

Miller – He stated the city paving does not have goals when they pave. He believes their (Milestone)own workforce would have to go to work first but does not have the bargaining agreement present he cannot confirm that.

Rea – Question if the program is in danger of consistently being ruled out because companies have to honor their bargaining obligations.

Miller – Stated he will read through their agreement and come back with some information.

Simmons-Taylor – Stated we may need to have this looked at by legal.

Rea – Stated we need to be careful because the premise of complaints about the ordinance is companies stating, “I have my own people”.

Miller – Stated that it kind of sounds like we are pitting the collective bargaining agreement against the ordinance and that can be a court issue is it goes down that road. Part of the issue is we need to find something other than trucking to utilize. That seems to be the issue.

Lipsey – Main St improvement project was short on the MBE because no availability of the MBE trucking company that was under contract for multiple projects.

Simmons-Taylor – Stated that on another project the WBE percentage was cut because of a conflict with the collective bargaining agreement. We really need to look at that so that this is not repeated.

Miller – Asked about 2 projects being rejected in February and March because the goals not being there.

Lipsey – Stated he does not remember the exact reasons, but he will get back to them.

Simmons-Taylor – Stated that she believes Miller is right that of those projects had to be rebid because the projects did not have goals.

Miller – Gave an example of the demolition on Sample st being rejected because it did not meet MBE goals.

Lipsey – Responded that he believed it was rejected for multiple reasons, but he is not privy to the conversation of rejections.

Simmons-Taylor – Stated they rejections do come before her. If companies meet the goal outside of our marketplace and there is clearly capacity in our marketplace they are rejected.

Miller – inquired when the bids are rejected because it doesn't goal, the board is supposed to be notified by letter.

Throw – Stated that historically it has been presented to the board through these reports. The program plan references a letter to the board, but the information has been communicated through the reports.

Conversation regarding the awarded amounts vs paid amounts.

Simmons-Taylor - Stated we should revise the report to show awarded for 2024, paid for 2024, and awarded amount for 2023.

Lipsey - Stated some challenges we experience are increasing capacity, working through establishing programs for assistance with bonding and insurance, and developing ways to incentivize companies already working with the city to obtain certification.

Simmons-Taylor – Stated We have reached out to Minority and women owned companies who could very well be primes and bid on contracts with the city, and we have gone as far as to alert them that these bids are coming up, showing them where to find them and it's disheartening to see that they do not bid.

Baylis – Asked if ODI followed up to ask them why they don't bid and get that feedback.

Simmons-Taylor – Agreed that follow up is responsible.

Rea – Stated primes go through the same frustrations trying to find subs and we have a sympathetic ear and mindful of that.

Lipsey - Stated that he attends most of the pre-bid meetings and gives his contact information to primes to help support them when searching for M/WBEs

Simmons-Taylor - There are more certified businesses the city is working with than ever before. We have been looking to be focused on expending then energy with businesses that will do business with the city and using our partners to direct others where to go.

Miller – Requested the list of companies Darius uses to send to primes when they are looking for M/WBEs.

Lipsey – Stated that he uses the system to pull businesses as needed because the list is so vast.

II. Procurement:

Lovey – Adjusted the labeling of businesses. MOB and WOB (Minority Owned and Woman Owned Business) was used for non-certified companies who have identified themselves as being minority owned businesses as this had been a pain point in previous meetings. He reserved WBE and MBE solely for the purpose of certified business enterprises.

Baylis – Questions that those that we use, and we see they are not certified do we ask them to become certified or stop using them? Do we find someone who is in the same category that is certified and use them instead.

Simmons-Taylor – Responded that we have and will continue to reach out to them and ask them to become certified, because they are low hanging fruit.

Lipsey – Asks is it the desire of the board that the city work exclusively with certified businesses?

Baylis – Responds that it's our preference to work with certified because its part of our goal.

Boggs – Stated that our board is for MWBE certified businesses. It is the goal to increase the MWBE participation within the scope of work.

Lipsey – Stated that the ordinance says and MBE and WBE is defined as 51% minority owned (MBE) and 51% woman owned (WBE) and does not specify certification.

There was discourse regarding the lack of clarification of certification requirement in the ordinance. It was noted that the program plan did encompass certification as a requirement to meet the goals. The goals are met with certified businesses. We may need to cultivate these businesses to increase the number of certified businesses.

Simmons-Taylor – Clarifies our goal is to increase our certified spend. The city will continue to do business with non-certified businesses, but we will continue to encourage certification and help them get certification. We can make the effort with other departments to see who they are spending with and if the companies are not certified we can offer a certified option.

Lipsey – Begins to explain and show the board a new reporting style. This report was not a complete report, it was a skeleton of what is possible to encompass the data the board wanted to see. This report was shown to gather the board's feedback.

Lovey – Explained that some numbers are excluded such as payroll, insurances, postage ect.

Miller – Questioned some of the excluded services that were counted in the mockup report in the overall spend. The excluded services are engineering, architectural and legal. He requested that this be a separate category if it is included.

Tomas -Morgan - Stated that she did like the report structure. The charts were helpful include charts for each data page.

Baylis – Stated she likes that we are adjusting based on what they are asking for. The board can't really help with changing the numbers, but how can we help.

Simmons-Taylor – Response was if you run across any businesses that are not certified please send them our way. That can help our goals.

Rea – Questions the numbers and percentages regarding not corresponding with the totals. He also stated that we need to focus on our local marketplace.

Jones – Responds with the numbers not corresponding because this report was shown for the purpose of getting the board's opinion on the formatting.

Simmons-Taylor - Stated that she was going to the building department to see who's pulling reports. We are looking for them on social media and turning over stones.

Rea – Stated we need to not only prepare these companies to do business with the city but with the entire community.

Miller – Stated Traffic Control Specialists are not a WBE.

Simmons-Taylor - We will remove that.

III. Office of Diversity and Inclusion:

Jones – Reviewed the MWBE Certification workshop. We engage 8 out of the 55 we businesses we currently do business with. We had 33 participants / 4 submitted and we had several who set up one on one time to finish the process. She explained the 6 steps used for the 4 week process, challenges and successes. The goal is to flesh out the program and put it out for a RFP or RFQ

Boggs – Stated this is a big step forward for what we had as board.

Throw – How often do you expect to have these cohorts.

Jones – Bi-Monthly with the second cohort will start in May. She informed the group about the upcoming outreach with the Thought Leadership Conference.

The discussion continued to the Youth Build grant. There were concerns of recreating the wheel as the program is targeted toward youth and trades. While some of the board members programs worked heavily with youth in school and skilled trades, it was noted the that the Youth Build is not focused on students in school, it is for youth 16-25 who have dropped out or been incarcerated.

IV. Old Business

- Meeting Changed to 3RD Tuesday of every month.

V. New Business

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VI. Announcements

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VII. Floor Open to the Public

Board was no longer in quorum -

Kay Farlow attended and gave an executive summary for the Small Business Suite. She provided the last 3 ½ - 4 years of her involvement in the program. How many businesses were served and how many coaching hours were given.

Rea - Stated that he became frustrated with how much information the board did not have and the information in prior years and is really enlightening to see all the partners.

Boggs - State he felt the same as Jeff.

Throw - The board cannot receive new information without a quorum.

VIII. Adjournment- Vote

Notes & Action Items