

Minutes

City of Tacoma Equity in Contracting Advisory Committee

Date: Wednesday, August 16, 2023

Time: 7:30am – 9:30am

Location: Tacoma Municipal Building, Room 243, 747 Market Street, Tacoma Washington 98402

Zoom Information:

Dial: 253-215-8782

Meeting Link: <https://zoom.us/j/93921755135?pwd=UHB1Ym00dGJWZmtLeUE3cHBNWDFKdz09>

Webinar ID: 939 2175 5135

Passcode: 959442

CALL TO ORDER

Kacee Woods, Equity in Contracting (EIC) & Workforce Programs Manager called the meeting to order at 7:43AM

STATEMENT OF PURPOSE

Kacee Woods stated the City of Tacoma's mission with the purpose of this meeting

LAND ACKNOWLEDGEMENT

Malika Godo stated the Land acknowledgement

ROLL CALL – EIC Advisory Committee

Present: Michael Jordan, Robert "Bobby" Humes, Trena Payton, Jaison "Jai" Briar

Absent: Timothy "Tim" Pinckney

Excused: Cassie Schmidt, Andre House

Consent Agenda – Chair

Approval of May 17, 2023 Meeting Minutes

- Motion to approve made by Bobby Humes, seconded by Michael Jordan
- No added comments or discussion
- Motion passes and minutes of the May 17, 2023 meeting are approved

Approval of August 16, 2023 Meeting Agenda

- Motion to approve the August 16, 2023 Meeting Agenda made by Michael Jordan, seconded by Trena Payton
- No added comments or discussion
- Motion passes and agenda for the August 16, 2023 meeting are approved

2023 Disparity Study Updates

We are finishing up contract negotiation for the consultant. The 2023 Disparity Study will look at city contracting data from 2017 to 2022 in the contract categories of Construction, Architecture and Engineering, and Goods & Services. The hope is that the consultant will be able to provide their recommendations within ten months of the study starting. We will continue to provide updates to the EIC Advisory Committee as the

work progresses and the contract is officially awarded. There will be a web page within the City of Tacoma's website specific to the disparity study for the community and the Advisory members to understand how they can be involved, as well as contact information for the EIC Advisory team as well as the consultant if you have any additional feedback for the disparity study, this page will have the necessary information.

Question: Will the disparity study look at the current climate and the legal environment that is pushing a lot of policies into chaos?

The Disparity Study will review both the EIC and LEAP Program.

At-A-Glance Program Performance Dashboard

EIC Program Staff showed a draft of the EIC Performance Dashboard.

Not currently included in this dashboard:

- Distribution of contracts by department, EIC Exceptions and waiver data

2023 Information (Data through August 8th, 2023) included in the dashboard:

- Total payment to OMWBE Certified firms by gender and ethnicity
- Total payment to OMWBE Certified firms by City
- Total payment to OMWBE Certified Firm by Business Name

Requests and questions from the EIC Advisory Members:

- Questions/Requests
 - o Are there Caucasian firms certified? How is that happening?
 - o What is the rationale behind not counting the firms that are not certified?
 - The EIC Program only counts firms that are certified with OMWBE. We're considering opening it to other certification types for Goods & Services and A&E Contracts, but we're working on getting the data from our purchasing team.
 - o Can this dashboard compare this to the overall contract spending for the City of Tacoma?
 - Seeing the full picture allows for a real conversation
- Requests
 - o Add that this data is only related to Public Work and Improvement Projects
 - o Compare data related to DES or WEBS
 - o Please show the total amount of spending for Goods & Services and A&E Contracts
 - Kacee stated she is working on this request and will disaggregate it once she receives the data.
 - o Can we see data for the non-binary firms as well?
 - o Can the data be broken down by City and then Gender and ethnicity for total payments, percentage of total spend and number of awards. Please add percentage of total spend for overall spend.
 - o Compare the Certified vs non-certified contract amounts
 - Break down into MBEs, WBEs and SBEs, as well as by race and gender
- Comments
 - o The problem with only counting OMWBE Certified firms is that the OMWBE process is a barrier
 - o The EIC Program should consider other certifications in addition to OMWBE
 - o There should be an extension of the program to the Goods (Supplies), Services and A&E Contracts

747 Market Street, Tacoma, WA 98402 Room 900

253-591-5075

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Overview of EIC Regulations + Advisory Member Feedback

Background of the program and review of updated items in the EIC Regulations

- **EIC Requirements Option 1:** EIC Staff applies three (3) separate requirements (MBE, WBE, SBE) in accordance with the EIC Requirement Setting Methodology.
- **EIC Requirements Option 2:** If after setting the EIC Requirements, reviewing the OMWBE directory and discussing with the Project Delivery Team, it is determined that fulfilling each requirement separately might present a challenge for contractors, EIC staff will apply an overall EIC Requirement. The overall EIC Requirement is the sum of the three (3) requirements initially established as a result of using the EIC Requirement Setting Methodology.

Questions:

- Where do we get our marketing research?
- Where do the engineers get their marketing? Are engineers opening their calendars to avail themselves to minority and women owned firms? (promoting their projects)
- Does the City of Tacoma have a project forecasting list?
 - o Yes, we're looking to add Contact name, scope of work, Trades associated with each project
- Can EIC Staff collaborate with OMWBE to see which firms are in the certification queue so they can be aware of upcoming projects?

Overview of EIC Regulations + Advisory Member Feedback (continued)

Waiving EIC Requirements for projects with a Value of \$100,000 or less

EIC Requirements will not be set on public works and improvement projects with an engineer's estimate value of \$100,000 or less

Self-performing certified bidders

Bidders who are themselves Certified Businesses can meet the EIC requirements by self-performance. When a Certified Business is the prime bidder, an adjustment may be made to the EIC Requirements. In such cases the self-performing Certified Business can be found to be a responsible bidder even if the bid did not satisfy all three stated EIC Requirements (SBE, MBE and WBE).

More stringent Substitution Request Process to hold primes accountable.

Change orders affecting certified subcontractors will come through the EIC Office for review.

Application of EIC Non-Compliance Remedies and thorough monitoring process

- o Publish notice of the contractor's noncompliance
- o Cancel, terminate, or suspend the contractor's contract, or portion thereof
- o Withhold funds due contractor until compliance is achieved; and/or
- o Disqualification of eligibility for future contract awards by the City (debarment) per Section 1.06.279 TMC

The EIC Committee Members can provide feedback by the end of the week or at a later time by reaching out to the EIC Office at EILOffice@cityoftacoma.org

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Committee Member Required Training

Please complete the required training

The checklist was updated and Kacee can send it via email.

<https://www.atg.wa.gov/open-government-training>

Future Meetings Topics

Chair/Vice Chair, Bylaws, Subcommittees

Annual Work Plan

Regular Meetings & Adjusting Meeting Times

EIC Program Outreach Plan

Tacoma Anchor Network Information

Business Financing

Additional topics to consider: Supreme court decision on affirmative action can potentially have a freezing effect on our programs. The Legal Department should be looking at potential exposure for the city and mitigation strategies instead of waiting. Hear from the Legal Team what they're doing to prepare.

Public Comment

No Public Comment

Items to Consider for Next Meeting

- Related to the EIC Advisory Recruitment we have interviews on August 29 at the EDC. Requesting an additional round of recruitment to increase the number of people on the advisory committee.
- Michael suggested to invite Dierdre Patterson, City of Tacoma Community & Economic Development Department, Small Business Financing Program Manager, to discuss the various programs the City of Tacoma has for financing – this will be considered for future meetings.

Adjournment at 9:09 AM

Minutes taken by City of Tacoma