



**MBE/WBE and Small Business Council Committee  
Minutes**

**Regular Meeting  
Tuesday, December 12, 2011**

**The MBE/WBE and Small Business Council Committee convened in a regular meeting on Tuesday, December 12, 2011 at 301 W. 2<sup>nd</sup> Street Room 1101 in Austin, Texas.**

Committee Members in Attendance:  
Council Member Martinez, Council Member Tovo

**1. CALL TO ORDER**

Council Member Martinez called the meeting to order at 3:08 p.m

**2. APPROVAL OF MINUTES**

Minutes from the November 8, 2011 regular meeting were approved on 2-0 vote from a motion by Council Member Tovo, seconded by Council Member Martinez.

**3. CITIZEN COMMUNICATION**

Paul Saldaña, US Hispanic Contractor's Association, discussed items on the December 15, 2011 City Council agenda related to including the updated Third Party Agreement adopted in October.

Felix Batchassi, IT Solutions On Demand, followed up regarding his presentation from last month regarding a contract he was working on as a subcontractor. He once again asked the Council for help regarding the issue of only 1 violation being issued instead of 3.

**4. MBE/WBE ADVISORY COMMITTEE REPORT**

**Monthly report from the Minority-Owned and Women-Owned Business Enterprise (MBE/WBE) and Small Business Advisory Committee regarding its activities and minority-owned and women-owned business enterprise issues**

Ed Lowenberg, MBE/WBE Advisory Committee Chair, presented the report from the last regular meeting of the MBE/WBE and Small Business Advisory Committee.

**5. OLD BUSINESS**

**Update on Formula One Contract with Haynes, Eaglin, Waters (HEW)**

Lino Mendiola, Andrews and Kurth, LLC - Outside Counsel for the City, said that because HEW as outreach coordinator on this project, does not have a hand in preparing or evaluating bid documents, and preparing specifications for the bids, there is no conflict of interest. He said that after discussion with Austin Commercial, HEW, and SMBR it is clear that the firm does not have access to bid documents or any of the other bids that are submitted.

Council Member Martinez requested follow up regarding what the City policy is when the outreach/compliance component is outsourced on a project. He wants to know if the City prohibits the firm from bidding on the project.

#### **CITIZEN COMMUNICATION**

Paul Saldaña, US Hispanic Contractor's Association, said that when his company served as the MBE/WBE outreach coordinator on the Domain project, reviewing bids was part of the job because the outreach coordinator is responsible for monitoring compliance and in order to do so, the bids must be reviewed with. He also said that on the Water Treatment Plant 4 project, HEW was prohibited from working on the project because they served as the outreach coordinator.

Felix Batchassi, IT Solutions on Demand, said that as a suggestion, once the goals are set, the contractor should be required to go out and sub out at least the same amount of work as the goal and also pay the same percentage of the money.

#### **6. STAFF REPORT**

##### **Monthly and requested reports from the Small & Minority Business Resources (SMBR) department regarding request for changes**

Veronica Briseño Lara, Director- SMBR, presented the request for change report and the participation report on the African American Cultural Heritage Facility.

Council Member Martinez asked for information on why Benitez Construction is no longer certified.

#### **CITIZEN COMMUNICATION**

Carol Hadnot, Austin Area Black Contractors Association, asked why Benitez Construction is no longer counted if they were certified at the time of bid because when she calls SMBR, staff always says that as long as they are certified at time of bid, they can be counted.

Mr. Mendiola explained that under the ordinance, any firm that ceases to be certified can no longer be counted after they lose their certification.

#### **7. AGENDA ITEMS**

Update from Haynes, Eaglin, Waters (HEW) regarding participation on the Formula 1 project.

#### **8. ADJOURNMENT**

Council Member Martinez adjourned the meeting at 3:41 p.m.