

U.S. HISPANIC CONTRACTORS ASSOCIATION

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U.S. HISPANIC CONTRACTORS
ASSOCIATION

November 27, 2018

Mayor Steve Adler and Austin City Council Members
City of Austin
301 W. 2nd Street
Austin, Texas 78701

Re: Item #33

Authorize negotiation and execution of a multi-term contract with Colette Holt & Associates, to conduct an availability and disparity study of minority owned and women owned business enterprises and disadvantaged business enterprises, for up to two years in an amount not to exceed \$1,000,000.

Dear Mayor and Austin City Council Members:

The U.S. Hispanic Contractors Association de Austin (USHCA) is writing to share and express our concerns regarding the lack of a transparent and inclusive process and the proposed action Item #33 requesting the authorization and execution of a multi-term contract with Collette Holt & Associates to conduct an availability and disparity study of minority owned and women owned business enterprises in an amount not to exceed \$1,000,000.

While we absolutely support an ongoing MBE/WBE Ordinance and Program, the local, small, MBE/WBE community and stakeholders have not been involved in a transparent and inclusive process to develop the proposed scope of work, tasks, and deliverables which includes qualitative, quantitative and anecdotal data requests, in this proposed \$1 million disparity study contract scheduled for your November 29, 2018 Council meeting.

Sadly, since January of 2017, the Austin City Council appointed MBE/WBE Small Business Enterprise Procurement Program Advisory Committee which is supposed to represent the local, small, MBE/WBE stakeholder community has only met six times in the last twenty-three months. In fact, there were no full meetings in 2018 with the exception of a 30-minute quorum in March 2018 (*see Attachment A for the 2017-2018 meeting schedule of the MBE/WBE Small Business Enterprise Procurement Program Advisory Committee*).

Within the last twenty-four months, the City of Austin has failed to formerly adopt the last Disparity Study report due to ongoing disputes with the last consultant regarding data points, work methodologies, and recommended MBE/WBE goals (which costs the City \$1 million in 2013). In addition, the City has made administrative changes to the MBE/WBE Ordinance and Program without City Council action and/or approval creating a pilot program that now places portions of the Good Faith Efforts notification process on the City's SMBR Department. This administrative rule change in our ongoing opinion, completely violates the spirit and intent of the original MBE/WBE Ordinance and Program which requires firms who aspire to seek contracting and procurement opportunities with the City of Austin to either meet the aspiration goals and/or independently demonstrate and meet Good Faith Efforts. And finally, it is also our understanding that City staff will be bringing forward additional MBE/WBE Ordinance and Program changes for your consideration at the December 13th, 2018 regarding MBE/WBE certification requirements.

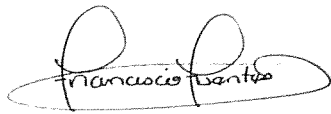
None of these issues were formally presented to the Council appointed MBE/WBE Small Business Enterprise Procurement Program Advisory Committee for review, consideration, discussion and/or approval. In addition, since the Austin City Council no longer has an Economic Development Council Committee, nor the MBE/WBE Council Subcommittee these concerns for the most part have also been by-passed by the Council. Only most recently has there been MBE/WBE discussions at the Council's Audit and Finance Committee.

With regards to Item#33 requesting approval of a multi-term contract with Colette Holt & Associates for an amount not to exceed \$1 million on your agenda this week, we believe additional backup materials should be made available to the public including a list of the firms that submitted proposals to facilitate the Disparity Study, a copy of the evaluation matrix used to determine staff's recommendation, a response from staff regarding why no MBE/WBE goals and/or subcontracting opportunities were identified for a study intended to address the ongoing passive participation and discriminatory practices of the City in contracting and procurement opportunities for local, small, MBEs and WBEs.

We respectfully request that the Council take immediate action to address our ongoing concerns and at minimum, that responses from the City Manager be provided to the Council prior to a vote on Item#33 this week.

Should you require any additional information and/or clarification regarding our concerns, please contact us directly. Thank you for your consideration.

Sincerely,



Frank Fuentes, Chairman
USHCA
U.S. Hispanic Contractors Association



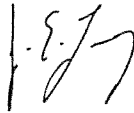
Martha Limon, Chair
USHCA de Austin



Luis Jauregui, Board Member
USHCA de Austin



Sal Chavarria
Board Member USHCA



Jesus Eduardo Lowenberg
Board Member USHCA



Rudy Muniz
Board Member USHCA



Jesse Candelas
Board Member

Attachments

Attachment A - 2017-2018 meeting schedule of the MBE/WBE Small Business Enterprise Procurement Program Advisory Committee

2018 Meetings: MBEWBE/Small Business Enterprise Procurement Program Advisory Committee

November 13, 2018 (Cancelled)

Special Called Meeting of the MBEWBE/Small Business Enterprise Procurement Program Advisory Committee



Cancellation Notice (933KB)



Agenda (92KB)

October 2, 2018 (Cancelled)

Regular Meeting of the MBEWBE/Small Business Enterprise Procurement Program Advisory Committee



Cancellation Notice (652KB)



Agenda (96KB)

September 5, 2018 (Cancelled)

Regular Meeting of the MBEWBE/Small Business Enterprise Procurement Program Advisory Committee



Cancellation Notice (185KB)

August 7, 2018 (Cancelled)

Regular Meeting of the MBEWBE/Small Business Enterprise Procurement Program Advisory Committee - *Technicenter, Hook and Ladder Room, 4201 Ed Bluestein Blvd, Austin, TX*



Cancellation Notice (716KB)

June 5, 2018 (Cancelled)

Regular Meeting of the MBEWBE/Small Business Enterprise Procurement Program Advisory Committee - *City Hall, Council Chambers, 301 W. 2nd Street, Austin Texas*



Cancellation Notice (541KB)



Agenda (99KB)

May 1, 2018 (Cancelled)

Regular Meeting of the MBEWBE/Small Business Enterprise Procurement Program Advisory Committee - *City Hall, Council Chambers, 301 W. 2nd Street, Austin Texas*



Cancellation Notice (541KB)



Agenda (98KB)

April 3, 2018 (Cancelled)

Regular Meeting of the MBEWBE/Small Business Enterprise Procurement Program Advisory Committee - *City Hall, Council Chambers, 301 W. 2nd Street, Austin Texas*

 Cancellation Notice (541KB)

 Agenda (98KB)


March 6, 2018

Regular Meeting of the MBEWBE/Small Business Enterprise Procurement Program Advisory Committee - *City Hall, Council Chambers, 301 W. 2nd Street, Austin Texas*

 Agenda (99KB)

February 6, 2018 (Cancelled)

Regular Meeting of the MBEWBE/Small Business Enterprise Procurement Program Advisory Committee - *City Hall, Council Chambers, 301 W. 2nd Street, Austin Texas*

 Cancellation Notice (25KB)

January 2, 2018 (Cancelled)


Regular Meeting of the MBEWBE/Small Business Enterprise Procurement Program Advisory Committee


 Cancellation Notice (25KB)

2017 Meetings: MBEWBE/Small Business Enterprise Procurement Program Advisory Committee

December 5, 2017 (Cancelled)

Regular Meeting of the MBEWBE/Small Business Enterprise Procurement Program Advisory Committee

 Cancellation Notice (25KB)

 Agenda (98KB)


November 7, 2017

Regular Meeting of the MBEWBE/Small Business Enterprise Procurement Program Advisory Committee

 Agenda (102KB)

October 3, 2017

Regular Meeting of the MBEWBE/Small Business Enterprise Procurement Program Advisory Committee - *City Hall, City Council Chambers, 301 W. 2ND Street, Austin Texas*

 Agenda (98KB)


August 1, 2017

Regular Meeting of the MBEWBE/Small Business Enterprise Procurement Program Advisory Committee

 Agenda (103KB)


June 6, 2017


Regular Meeting of the MBEWBE/Small Business Enterprise Procurement Program Advisory Committee

 Agenda (365KB)

May 2, 2017 (Cancelled)

Regular Meeting of the MBEWBE/Small Business Enterprise Procurement Program Advisory Committee

 Cancellation Notice - MBEWBE Advisory Committee CANCELLED (93KB)

 Agenda - MBEWBE Advisory Committee Agenda (93KB)


April 4, 2017


Regular Meeting of the MBEWBE/Small Business Enterprise Procurement Program Advisory Committee

 Agenda (211KB)

March 7, 2017 (Cancelled)

Regular Meeting of the MBEWBE/Small Business Enterprise Procurement Program Advisory Committee


 Cancellation Notice (7KB)


 Agenda (97KB)


February 7, 2017

Regular Meeting of the MBEWBE/Small Business Enterprise Procurement Program Advisory Committee

 Agenda (26KB)

 Backup - 3d.1 January 2017 Council Awards Report (119KB)

 Backup - 3d.2 January Third Party Report (112KB)

 Backup - 3d.3 January RFC Report (156KB)