#### City of Austin Site of Austin



Disparity Study & MBE/WBE Program Overview

Construction Advisory Committee November 10, 2020

EDWARD CAMPOS, INTERIM DIRECTOR

## Objectives

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PROVIDE A GENERAL OVERVIEW OF A DISPARITY STUDY

HIGHLIGHT THE SMBR PROGRAM PROVIDE DETAILS REGARDING MBE/WBE REQUIREMENTS IN CONTRACTING

### What is a Disparity Study?

Examines the procurement history of a government agency during a specific time frame to determine if there is statistical and or anecdotal information to suggest that the agency's past or current practices in the solicitation and award of contracts have been exclusionary, disparate or discriminatory in nature in the awarding of contracts to minority-owned, women-owned, and disadvantaged business enterprises (MWDBEs).

### Why is a disparity study necessary?



Legally required to continue the City's MBE/WBE Program.



Assists with making recommended improvements to the MBE/WBE Program.



Provides a legal defense regarding the City's established MBE/WBE Goals.

# What are the legal requirements of a disparity study?



Collect and analyze data such as availability and utilization for both minority and nonminority firms as well as subs and primes.



Analyze multiple years of data. Courts recommend at least 3 to 5 years.



Analysis should be relative to specific industries: construction, professional services, commodities, etc.



Broad analysis for availability, capacity and willingness of firms to participate on contracts.



Disparity analysis should be inclusive of surrounding markets



Balanced analysis of past and present industry and contract discrimination



Collect and analyze anecdotal evidence

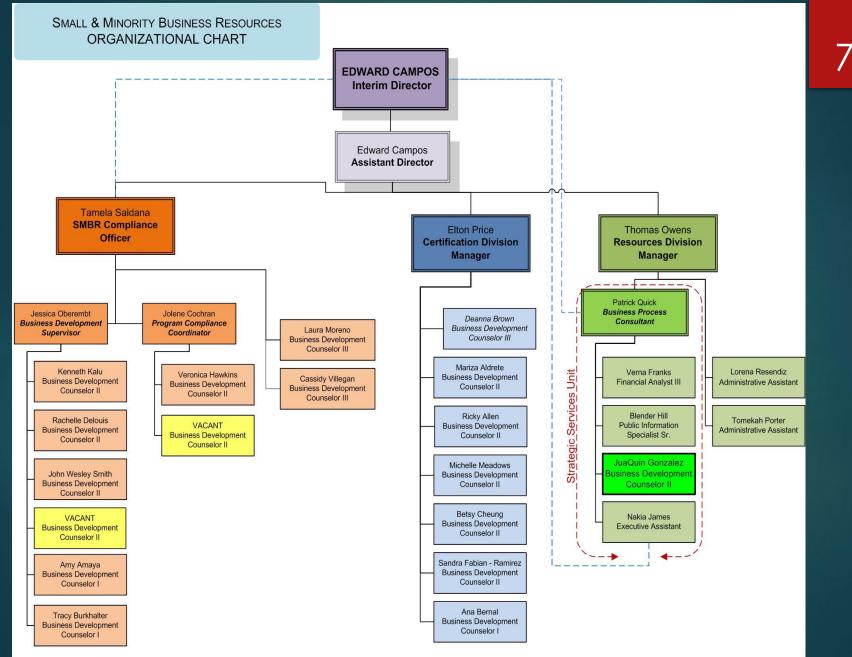
### Disparity Study Contact Information

#### Study information

- <u>http://austin.disparity-study.com</u>
- <u>austin-study@mwbelaw.com</u>
- 855-692-3529 (855-MWBELAW)

#### City of Austin Study Manager:

 Tamela Saldana, <u>DisparityStudy@austintexas.gov</u>



#### November 3, 2020

### Certified Firms by Type (not number of firms)

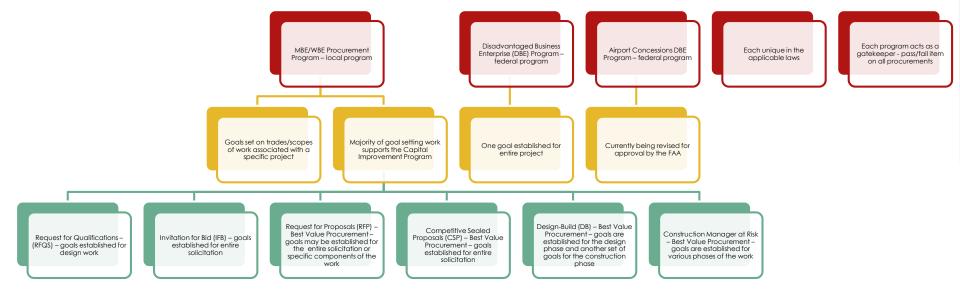
Cert Type	CY 2019	CY 2020
MBE	696	730
WBE	612	635
DBE/ACDBE	515	514
ACDBE Only	78	88
SBE	n/a	152
TOTAL	1823	2119

MBE Certifications by ethnicity	<u>CY 2019</u>	<u>CY 2020</u>
Asian	119	123
African-American	195	215
Hispanic	*359	371
Native American	23	21
Total	696	730
WBE Certifications by ethnicity		
Asian	38	45
African-American	84	89
Hispanic	127	133
Native American	5	4
Caucasian	357	364
Total	612	635
DBE/ACDBE Certifications		
Asian	52	54
African-American	110	114
Hispanic	180	180
Native American	9	9
Non Minority Female	164	157
Total	515	514

## Certified Firms by Ethnicity

### SMBR Programs





### COA Goal Setting Methodology

All COA's procurements over the City Manager's Authority are reviewed for goals except for:

Procurements exempted from SMBR Program (M/WBE Rules Section 1.2)



## Setting Goals

#### Contract Specific Goal Setting

- Solicitation document provides project overview
- Trade Summary Sheet identifies scopes of work
- Percentages reflect the anticipated amount of materials/supplies and services

<ul> <li>My eCAPRIS</li> </ul>	Projects Subproj	ects FDUs Solicitations Co	ontracts Task Orders	Bonds Requisition	ons Reports	Logout
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	equestor: Vonstein, Al	lson				
SMBR Contact	stimate: \$1,064,913					
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Templates	Search Inpu	at Codes Copy				
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Category	Code	Description	of Decks, Etc., Prestr	Base Alt	-	
Category Goods	Code 21016	Description Concrete Beams, Channels, Roo	of Decks, Etc., Prestr	Base Alt	1.420	
Category Goods Goods Goods	Code 21016 65834	Description Concrete Beams, Channels, Roo Pipe, Concrete	of Decka, Etc., Prestr	Base All	1,420	8
Category Goods Goods Goods Goods Goods	Code 21016 65834 7503542	Description Concrete Beams, Channels, Roo Pipe, Concrete Rip Rap, Concrete	of Decks, Etc., Prestr		1.420 1.810 20.750	8
Category dendar Goods Coods Coods Coods Coods Coods Coods Coods Coods	Code 21016 65834 7503542 75070	Description Concrete Beams, Channels, Roo Pipe, Concrete Rip Rap, Concrete Ready-Mix Concrete	of Decks, Etc., Prestr		1,420 1,610 20,750 0,520	
Category Goods Goods Goods Goods Goods Goods Goods Construction	Code 21016 65834 7503542 75070 90976	Description Concrete Beams, Channels, Roo Pipe, Concrete Rip Rap, Concrete Ready-Mix Concrete Site Work			1.420 1.810 20.750 0.520 2.440	8
Category Goods Goods Coods Coods Coods Coods Coods Coods Coods Coods Coods Coods Coods Coods	Code 21016 65834 7503542 75070 90976 mail 91059	Description           Concrete Beams, Channels, Roo         Pipe, Concrete           Rip Rap, Concrete         Ready-Jik Concrete           Ste Work         Pest Control (Incl Termite Insp. B)	irds, Rodent)		1.420 1.610 20.750 0.520 2.440 0.010	8
Category dendar dend	Code 21016 65834 7503542 75070 90978 90978 91059 9122345	Description Concrete Beams, Channels, Roo Pipe, Concrete Rip Rap, Concrete Ready-Mix Concrete Ste Work Pest Control (Incl Termite Insp. B Headwalts, Concrete, This Work	irds, Rodent)		1.420 1.810 20.750 0.2440 0.010 0.960	
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Category Goods Goods Goods Goods Construction Non-Professio Construction Construction Construction	Code 21016 65834 7503542 75070 90976 91059 9122345 91244 91268	Description           Concrete Beams, Channels, Roo         Pipe, Concrete           Rip Rap, Concrete         Ready-Mix Concrete           Site Work         Pest Control (Incl Termite Insp. B)           Headwala, Concrete, This Work         Excavation Services           Management, Construction         Management, Construction	inds, Rodent) Shall Consist Of Fu		1.420           1.810           20.750           0.520           2.440           0.010           0.900           18.850           13.029	
Category Geods Goods Goods Construction Construction Construction Construction	Code 21016 65534 7503542 75070 90976 91059 9122345 91244 91268 9135039	Description           Concrete Beams, Channels, Roc         Pipe, Concrete           Rip Rap, Concrete         Ready-Mix Concrete           Site Work         Pest Control (Incl Termite Insp. B)           Headwalls, Concrete, This Work         Excavation Services           Management, Construction         Embaniments, Construction Of.	inds, Rodent) Shall Consist Of Fu		1.420           1.810           20.750           0.520           2.440           0.010           0.850           18.850           13.020           1.270	
Category Category Code Code Code Code Code Code Code Construction Construction Construction Construction Construction Construction	Code 21016 65634 7503542 75070 90976 912345 9122345 9122345 9122345 9122345 9122345 9122345 9125039 9135039 9157297	Description           Concrete Beams, Channels, Roo         Pipe, Concrete           Rip Rap, Concrete         Ready-Mix Concrete           Site Work         Pest Control (Incl Termite Insp. B)           Headwals, Concrete, This Work         Excavation Services           Management, Construction         Embahametis, Construction Of.           Photography, Construction         Protography, Construction	inds, Rodent) Shall Consist Of Fu		1.420           1.810           20.750           0.520           2.440           0.610           0.980           18.800           13.020           1.270	
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Category Category Goods Goods Goods Construction Construction Construction Construction Construction Construction Non-Professio Non-Professio Non-Professio Non-Professio Non-Professio Non-Professio Non-Professio Non-Professio Non-Professio	Code 21016 65534 7503542 75070 90976 9122345 91244 91268 9135039 9157297 918 96877 918 96877 9681 96817 90815	Description           Concrete Beams, Channels, Roc           Pipe, Concrete           Rip Rap, Concrete           Ready-Mix Concrete           Site Work           Pest Control (Incl Termite Insp. B)           Headwalts, Concrete, This Work           Excavation Services           Management, Construction           Embankments, Construction           Dest Control Watering           Survey (Not Aerial Or Research Erosion Control Services           Fence Instalation And Repair	irds, Rodent) Shall Consist Of Fu This Work Shall Cons		%           1.420           1.810           20.750           0.529           2.440           0.910           0.860           13.020           1.270           0.010           0.010           13.020           1.270           0.010           0.010           0.010           0.010           0.010           0.020           31.710	
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## Trade Summary

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### Goal Calculation Formula

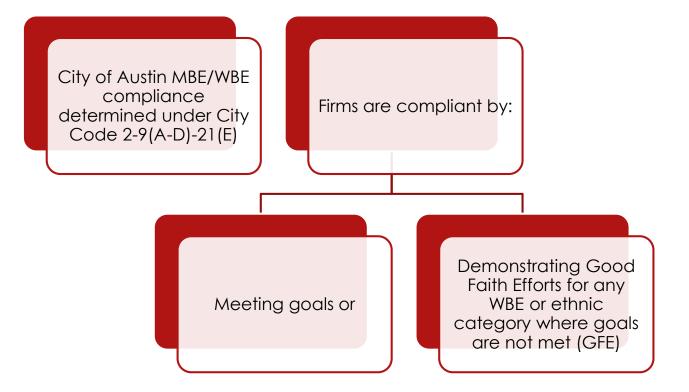
No. of Certified Vendors (Per Ethnicity) X % of Scope

Total Vendors

mela Saldana	ect Reporting and Information System												_						
	My eCAPRIS Projects Subpro	jects FDUs	Solicita	ations	Cont	racts	Task	Orde	rs Bo	nds	Requi	sition	s Repo	orts	Logout				
arches	Calculated Project S	pecific G	oals																
oject Ibproject									_										
FDU Solicitation Contract	Solicitation Number Solicitatio	n Name				Solic	itation T	уре											
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sk Order quisition	Solicitation Requestor: Vonstein, Allson Estimated Cost: \$1.864.913																		
ndor	Solicitation Phase: Phase 1	,																	
sts	Goals Approved: No																		
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icitation Calendar icitation Request		65834	1.810	1	0.04	3	0.13	0	0.00	1	0.04	5	0.21	3	0.13	35	43	7	0.2
er Resources	RIP RAP, CONCRETE	7503542	20.750	0	0.00	1	0.58	0	0.00	0	0.00	1	0.58	0	0.00	34	36	4	2.3
de Summaries	Ready-Mix Concrete	75070	0.520	1	0.01	0	0.00	0	0.00	0	0.00	1	0.01	0	0.00	34	36	3	0.0
ange Appearance		90976	2.440	11	0.12	5	0.05	2	0.02	0	0.00	18	0.20	3	0.03	199	223	21	0.23
hange Password	Pest Control (Incl Termite Insp, birds, rodent)	91059	0.010	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	1	0.00	53	54	1	0.00
	HEADWALLS, CONCRETE, THIS WORK SHALL CONSIST	9122345	0.980	7	0.05	2	0.01	0	0.00	1	0.01	10	0.07	3	0.02	131	146	17	0.11
	OF FU Excavation Services	91244	18.850	15	0.85	6	0.34	0	0.00	1	0.06	22	1.25	4	0.23	305	333	27	1.53
	MANAGEMENT.	91268	13.020	15		16	0.50	4	0.13	•	0.06	37	1.17	8	0.25	360	413	47	1.4
		01200	10.020	4	0.47	1	0.01	•	0.13	2	0.00	5	0.06	0	0.25	93	99	7	0.09
	CONSTRUCTION EMBANKMENTS,	9135039	1 270				0.01	×			0.00	11	0.00	3	0.00	106	120	16	0.0
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	CONSTRUCTION EMBANKMENTS, CONSTRUCTION OF, THIS WORK SHALL CONS PHOTOGRAPHY, CONSTRUCTION Dust Control Watering SURVEY (NOT AERIAL OR RESEARCH Erosion Control Services	9157297 96836 96877 98814	0.010 0.010 0.020 31.710	4	0.00 0.00 1.62	0 0 2	0.00	0 1 0	0.00	0 1 0	0.00	6	0.00	9 4	0.00	108 87	126 98	19 11	0.0
	CONSTRUCTION EMBANKMENTS, CONSTRUCTION OF. THIS WORK SHALL CONS PHOTOGRAPHY, CONSTRUCTION Dust Control Watering SURVEY (NOT AERIAL OR RESEARCH Erosion Control Services Fence Installation and Repair	9157297 96836 96877 98814 98815	0.010 0.010 0.020 31.710 0.750	4 0 4 5 4	0.00 0.00 1.62 0.03	0 0 2 1	0.00 0.00 0.65 0.01	0 1 0 0	0.00 0.00 0.00 0.00	0 1 0 0	0.00 0.00 0.00	6 7 5	0.00 2.27 0.04	9 4 3	0.00 1.29 0.02	108 87 95	126 98 104	19 11 6	0.0
	CONSTRUCTION EMBANKMENTS, CONSTRUCTION OF, THIS WORK SHALL CONS PHOTOGRAPHY, CONSTRUCTION Dust Control Watering SURVEY (NOT AERIAL OR RESEARCH Erosion Control Services Fence Installation and Repair Hydromulching Services	9157297 96836 96877 98814	0.010 0.010 0.020 31.710	4 0 4 5	0.00 0.00 1.62	0 0 2	0.00	0 1 0	0.00	0 1 0 0	0.00	6	0.00	9 4	0.00	108 87	126 98	19 11	0.0 3.5 0.0
	CONSTRUCTION EMBANKMENTS, CONSTRUCTION OF. THIS WORK SHALL CONS PHOTOGRAPHY, CONSTRUCTION Dust Control Watering SURVEY (NOT AERIAL OR RESEARCH Erosion Control Services Fence Installation and Repair	9157297 96836 96877 98814 98815	0.010 0.010 0.020 31.710 0.750	4 0 4 5 4	0.00 0.00 1.62 0.03	0 0 2 1	0.00 0.00 0.65 0.01	0 1 0 0	0.00 0.00 0.00 0.00	0 1 0 0	0.00 0.00 0.00	6 7 5	0.00 2.27 0.04	9 4 3	0.00 1.29 0.02	108 87 95	126 98 104	19 11 6	

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### Compliance Determination 15



## **Counting Participation**

Prime certified firms may count their own participation

Firm must be certified by the City of Austin

Firms are certified for commodity codes on Compliance Plan

Every level of subcontractor participation may be counted toward the goals

Dually certified firms are counted as either MBE or WBE but not both

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### Post Award Contract Monitoring

Monitor contracts to assure MBE/WBE Program Compliance to include:

- Monitor contracts to assure compliance plan goals are being met and MBE/WBE subcontractors/suppliers are being utilized
- Reviews RFC changes to assure compliance and opportunities to MBE/WBEs on any new scopes of work where there is availability.
- Reviews and process Subcontract SUBK Expenditure Reports
- Reviews and process Contract Closeouts assuring MBE/WBE participation and payment
- ► Assist with MBE/WBE- Prime subcontract issues



## **Questions?**