

Inclusive Procurement Working Group - Final Recommendations, Proposed Recommendations, Disparity Study Recommendations - DRA

Updated as of 9/26/2022

• Reciprocity of the City of Austin's MBE/WBE certification with the State of Texas HUB certification or other regional certifications									
Number	Category	IPWGW Final & Proposed Recommendation	Disparity Study Recommendation	Does recommendation require Ordinance modification(s)? If so, provide pertinent section of the ordinance.	Does recommendation require Rule modification(s)? If so, provide pertinent section of the rules.	Does recommendation require Administrative modification(s)?	Will it require Council action?	Is funding required to implement the recommendation? If so, provide approximate cost.	Staff Analysis / Response to Recommendation
1	Certification	Reciprocity should only occur if other entities match the City's MBE/WBE certification process and requirements.		No; § 2-9A-15 - PROGRAM ELIGIBILITY. (J)In lieu of conducting its own certifications, SMBR by rule may accept formal certifications of WBEs and MBEs by other entities as meeting the requirements of this chapter, provided that SMBR determines that the certification standards of such entities are comparable to those of the City. SMBR should strive to coordinate certification activities with other agencies to implement a universal certification process.	No; RULE 2.9 Certification by Other Governmental Agencies Evidence of an applicant's certification as a MBE, WBE or Disadvantaged Business Enterprise ("DBE"), pursuant to 49 C.F.R. Part 26 or 49 C.F.R. Part 23, by another governmental agency shall be a factor, but is not conclusive, in the determination of the applicant's eligibility for certification by the City as a MBE or WBE.	No	No	No	The proposed recommendation is the current practice for reciprocity. There are no other Texas Certification agencies that have a MBE/WBE Certification Program that requires a PNW (Economic Disadvantage) as a part of their certification standards. Texas Unified Certification Program (TUCP) member agencies are the only agencies that require PNW for the federal DBE/ACDBE firms seeking certification. As a member of the TUCP, SMBR recognizes all DBE/ACDBE certifications from other TUCP certifying partners.
2	Certification	If the City is going to have reciprocity, it should be with agencies that match City programs.		same as #1 above	same as #1 above	No	No	No	There are no other agencies that have a MBE/WBE Certification Program that require a PNW as a part of their certification standards. TUCP agencies are only agencies that require PNW for DBE firms. As a member of the TUCP, SMBR recognizes all DBE/ACDBE certifications from other TUCP certifying partners.
3	Certification	Create an atmosphere to get firms certified and stay certified. Firms lose hope and feel it's not worth their time. There is not a lot of time to properly give minority firms a heads-up on opportunities. For construction, the City/SMBR can do more because they know more in advance of details. <b>IPWGW VOTED TO REMOVE</b>	A. Develop an Annual Procurement Forecast; D. Develop Virtual Training Tools for City Staff and Vendors; C. Update Program Administration Policies and Procedures E. Increase Awareness of Existing City Programs and Resources; D. Implement a Comprehensive Supportive Services Program; F. Conduct Targeted Outreach	No	No	No	No	No	Currently, SMBR has strategies and processes in place by which the Certifications Division proactively engages with MBE and WBE firms to help them maintain their certification status and address any issues. The Resources Division sends a quarterly survey to the firms who have decertified, to gain a better understanding as to why their certification lapsed. In addition, as a part of the Minority Trade Association (MTA) services contracts, a provision in their contract states, on a quarterly basis, the MTA shall conduct follow up with firms whose MBE/WBE Certification has expired and encourage them to apply for recertification. MTAs shall refer the firms to SMBR's Certification Division for recertification assistance.
• Eligibility criteria for certification, including economic disadvantage criteria such as limit on personal wealth									
4	Certification	Remove Personal Net Worth (PNW) criteria; however, keep goals and base criteria on revenue. Use another structure or explore PNW limitations. <b>IPWGW VOTED TO REMOVE</b>		Yes. § 2-9A-4 - DEFINITIONS. (21)ECONOMIC DISADVANTAGE. With respect to an individual owner of a Business Enterprise or Firm, Economic Disadvantage means personal net worth equal to or less than \$1,300,000, which figure shall be (a) indexed annually, beginning January 1, 2009, for the South Region Consumer Price Index (CPI-U), published by the U.S. Department of Labor, Bureau of Labor Standards and (b) exclusive of the individual owner's equity in (i) a Business Enterprise or Firm seeking certification under this Program, and (ii) the personal residence of the individual owner of such Business Enterprise or Firm.	Yes. RULE 2.8 Determination of Economic Disadvantage Only a firm owned by a socially and economically disadvantaged person(s) may be certified as a MBE/WBE. Economic disadvantage shall be established by submitting a sworn Personal Net Worth Statement on a form provided by the City or submitting alternative sworn documentation as determined by the Director. 3.4.2 Economic Disadvantage: Economically disadvantaged individuals are socially disadvantaged individuals whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same or similar line of business who are not socially disadvantaged. Economic disadvantage is defined at City Code §§ 2-9A-4(22), 2-9B-4(22), 2-9C-4(22) and 2-9D-4(23). A) Except as set forth in subparagraph (8), the City will attribute to an individual claiming disadvantaged status any assets which that individual has transferred to an immediate family member, or to a trust, a beneficiary of which is an immediate family member, for less than fair market value, within two years prior to a firm's application for participation in the MBE/WBE Program, unless the individual claiming disadvantaged status can demonstrate that the transfer is to or on behalf of an immediate family member for that individual's education, medical expenses, or some other form of essential support. B) The City will not attribute to an individual claiming disadvantaged status any assets transferred by that individual to an immediate family member that are consistent with the customary recognition of special occasions, such as birthdays, graduations, anniversaries, and retirements.	Yes. The application process would be modified; therefore, requiring training for staff the new process.	Yes	No, however if modified, training would be required for staff.	The disparity study consultant is evaluating the current use of the Consumer Price Index South Region average as the most appropriate to use for PNW purposes. SMBR staff conducted research to determine if a CPI existed for the Austin market and did not locate one. Removing the PNW, could potentially increase the competition for small Minority/Women Owned businesses.
5	Certification	Keep PNW but modify/revise the structure. PNW might be low for Austin area. What is included or excluded should be reviewed.		Yes; same #3 above	Yes; same as #3 above	Yes, same as #3 above	Yes	Yes. A potential solution may be to purchase the online PNW Module for \$7,950.00 annually. This is a new streamlined PNW review module for use by counselors and ease in submitting documents for the vendor. If new modified PNW requirements are implemented, SMBR should purchase module.	Staff would work to identify further exclusions to the current list of assets to exclude in its calculation. The PNW statement is used to determine whether you meet the economic disadvantage criteria set forth by Austin City Code § 2-9A-4 (21). If there are any discrepancies or questions regarding a vendor's form, it may be returned to the vendor for correction and completion. An individual's personal net worth includes only his or her share of assets owned separately and/or jointly, and EXCLUDES THE FOLLOWING: • Individual's ownership interest in the applicant firm; • Individual's equity in his or her primary residence. • Tax and interest penalties that would accrue if retirement savings or investments (e.g., pension plans, Individual Retirement Accounts, 401(k) accounts, etc.) were distributed at the present time. THE PNW INCLUDES A REVIEW OF THE FOLLOWING ASSETS= * Include all foreign and domestic assets and liabilities. *All assets must be reported at their current fair market values *Cash on Hand or in Banks *Savings Accounts, * Automobiles *Other Personal Property, *Loans, Accounts and Notes Receivable, * Life Insurance-Cash Surrender Value Only, *IRA and Other Retirement Accounts, * Stocks and Bonds, * Other Business Assets, *Other Real Estate, LIABILITIES= * all accounts payable *Automobile installment accounts *Loans on life insurance *mortgages on real estate (other than primary residence), *Unpaid personal taxes/tax liens *Notes payable to banks and other installment accounts *any other liabilities SEE PAGE ONE AND TWO OF THE PNW FORM
6	Certification	The City should look into values, cost of living in Austin, etc. The PNW limit is too low. <b>IPWGW VOTED TO REMOVE</b>		Yes; same #3 above	Yes; same as #3 above	Yes	Yes	Yes. Currently, City staff from the Purchasing Department reviews the Consumer Price Index (CPI) for the Southwest Region, which determines the annual PNW limit for the City's Program. Certification staff would require training of any modified review processes and updating all forms, website, presentations, etc.	The disparity study consultant is reviewing the Index used to calculate PNW. In addition, staff has conducted research to determine if a CPI existed for the Austin market and none was located.
7	Certification	The City should review its use of the South Region Consumer Price Index (CPI) in establishing its Personal Net Worth to determine if this index accurately reflects the unique Austin economic marketplace. In addition, the City should review the calculation of assets used to determine the Personal Net Worth of an applicant.		Yes; same #3 above	Yes; same as #3 above	Yes	Yes	Yes. Currently, City staff from the Purchasing Department reviews the CPI index that determines the annual PNW limit for the City's Program.	The disparity study consultant is reviewing the calculation of the PNW and the Index used to determine if this is the appropriate index. In addition, staff has conducted research to determine if a CPI existed for the Austin market and none was located.
8	Certification	The PNW definition needs to evolve. <b>IPWGW VOTED TO REMOVE</b>		Yes; same #3 above	Yes; same as #3 above	Yes	Yes	Yes. SMBR staff would need to update all materials, such as forms, website, and presentations- referencing the definition of the PNW.	Upon Council approval of recommendation, staff will review and administer any changes required to update all modifications to the PNW.
9	Certification	The City should not get rid of PNW limitations.		No	No	No	No	No	Requiring a PNW Statement was a recommendation from Disparity Study Consultants in 2005. No action would be required to meet the status quo in regards to the application of a PNW.



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<b>• Whether existing certification types are sufficient to cover the need for gender- and race-conscious remedies to demonstrated local industry disparities;</b> <i>No changes. The current certification types, MBE/WBE/DBE are good, they are sufficient. - IPWG member.</i>									
<b>• What, if any, additional resources and services may be helpful for the City to offer to support MBE and WBE firms</b>									
10	Resources to MBE/WBEs	City needs to consider cohorts and training overall for certified firms.	D. Develop Virtual Training Tools for City Staff and Vendors; D. Implement a Comprehensive Supportive Services Program; E. Adopt a Mentor-Protégé Program	No	No	Yes	Yes, Council action will be required if we determine to contract with an outside contractor to provide these services.	Approximately \$80,000 annually for contracting with a contractor to administer one cohort (20 Businesses) /\$84,000 annually for two cohorts (40 businesses). In addition, there will need to be realignment of duties for SMBR staff to administer to the programming.	<p>The Small &amp; Minority Business Resources Office (SMBR) began contracting with Govology in 2021 to launch an online education portal for certified MBE/WBE vendors at no-cost. The Govology online portal supports businesses with resources and education by offering: a mix of live webinars, on-demand trainings, government market fundamental e-courses, podcasts and digital resources. Key topics featured on Govology include, accounting &amp; finance, marketing, proposal writing, and subcontracting. SMBR is finalizing it's final webinar for it's custom webpage and will begin promoting the tool in April 2022. Staff will also assess participation and survey users for its .</p> <p>SMBR will begin partnering with the Economic Development Department (EDD) to cross-promote and leverage EDD's existing small business programs. EDD currently contracts with a variety of nonprofit resource providers such as Economic Growth Business Incubator (EGBI), PeopleFund, BIGAustin, and Business &amp; Community Lenders of Texas (BCL), who offer coaching, technical assistance, financial capacity and business resource training. Additionally, Distance Learning Media will deliver high quality, low-cost business skills classes and workshops specifically designed for small businesses beginning in June. These 15 new classes will cover Organizational Development, Money Matters, Human Resources, and Marketing Strategy. SMBR will work closely with EDD to assess how many certified firms participate in their programs.</p> <p>Finally, SMBR is assessing potentially contracting with Interwise to implement StreetWise 'MBA'™ program, which is a 7-month turnkey program for one cohort annually (20 businesses). This cost will pay for licensing fee, materials, Interwise Connect, training, support, quality assurance, and external instructor fee.</p> <p>The program provide resources created by subject matter experts on topics such as, business, finance, banking, legal, accounting, and from other professional resources to assist minority small business owners in further developing and successfully growing their small businesses.</p>
11	Resources to MBE/WBEs	Equip and provide resources/tools for smaller businesses that will take them to the next level.							
12	Resources to MBE/WBEs	Assistance needs to be provided to MBE/WBEs in developing a creative loan funds contract. Begin utilizing existing CDFIs with a history of success, to work closely with local, minority owned, and small businesses. The City shouldn't have to contribute funding because CDFIs have the loan funds.							
13	Resources to MBE/WBEs	There needs to be continued technical assistance offered and looking to the non-profit lenders for help.							
14	Resources to MBE/WBEs	Offer hands-on assistance to help MBE/WBEs understand the bidding process. Provide a program to help them understand what they're getting into and then provide a mentor protégé program.	D. Develop Virtual Training Tools for City Staff and Vendors; D. Implement a Comprehensive Supportive Services Program; E. Adopt a Mentor-Protégé Program; E. Adopt a Mentor-Protégé Program	No	No	Yes	No	Regarding Mentor/Protégé Program recommendation: Yes, feasibility and cost of outside contractor to develop a mentor-protégé program. TBD- facility rental space and possibly promotional costs	SMBR will explore coordinating, promoting and hosting a series of "Live Mentoring Events" featuring industry experts for panel discussions, sharing successes and challenges, and will include a Q&A segment. Mentors may include experts in each of the key areas: construction services, professional services, non-professional services, and goods & commodities. In addition, SMBR would need to develop scope of work for a mentor-protége program.
15	Resources to MBE/WBEs	Provide a list of City spend by work code. This information would help SMBR recruit firms in those areas that don't have a lot of spending. This information would also help the chambers and SMBR identify areas of need and where spend is going; therefore, be more effective in targeting those areas.	A. Develop an Annual Procurement Forecast; F. Conduct Targeted Outreach; C. Update Program Administration Policies and Procedures	No	No	Yes	TBD, Council action may be required depending on potential funding and technical consultant services.	TBD	SMBR has reached out to CTM to assess if a feature/filter can be added to Austin Finance Online and/or eCAPRIS so that SMBR users may view spend by work code and/or scopes. FSD may also have this capability.
<b>• Whether payment policies are effective in ensuring that both prime and subcontractor MBE/WBE firms are paid quickly and in full</b>									
16	Payment Policies	Small businesses should get paid in 20 days (e.g., bi-weekly payroll). <b>IPWG VOTED TO REMOVE</b>		No	No	No	No	Potentially	The recommendation to reduce the payment turnaround from the 30 day State of Texas requirement down to 20 days would require faster review, approval, and processing both by departmental and FSD staff, which would require additional staffing resources in these departments. The City of Austin's accounts payable function is currently staffed based on the expectation of a 30 day payment turnaround. Reducing this turnaround time by a third would require additional resources. The number of additional resources required depends on the number of invoices that need to be processed within 20 days. Based on the presentation on invoice processing, it seemed that most were happy with the City's payment turnaround.
<b>• What methods could improve transparency in decision-making regarding MBE/WBE procurement policies in general and goals on individual projects</b> <b>• How communications and functions between SMBR and relevant contract management divisions within the Financial Services Office can be improved</b> <b>• Effective methods of outreach to improve participation among the MBE and WBE business communities, as well as to improve knowledge and information among the larger business community</b> <b>• Prioritization of local businesses</b>									
17	Communications & Transparency	The local ordinance should be stronger. There should be preference for local firms first, as opposed to larger national firms. <b>FURTHER REVIEW &amp; DISCUSSION BY IPWG</b>	F. Conduct Targeted Outreach	Yes	Yes	Yes	Yes	TBD	In compliance with Procurement Statutes, existing procurement methods provide consideration of local firms in the selection process. Staff will examine existing processes to see if they may be enhanced in compliance with procurement State statutes. SMBR will coordinate with FSD and Law regarding how local preference impacts the requirements of strict scrutiny and narrowly tailored.
18	Communications & Transparency	Work with the minority businesses that receive GFE emails to ensure these firms are compliant with the program. <b>IPWG VOTED TO REMOVE</b>	C. Update Program Administration Policies and Procedures. D. Develop Virtual Training Tools for City Staff and Vendors.	No	No	Yes, GFE Analysis is included in Compliance SOP; however, section 3, Chart E in the SOP should reference GFE Survey process as a required step in contacting subs where the specific goal(s) is not met to capture information on reasons a sub did not respond to a bid notice.	No	No	The MBE/WBE Procurement Program Ordinances (2-9A-D), Section 21 (D) (Pre-Award Compliance Procedures) indicates, MBEs and WBEs shall respond to relevant requests for quotations. SMBR can provide training and educational materials on the Good Faith Efforts (GFE) process and requirements for subs to respond to Prime Bid notices indicating intent to bid or no interest in bidding on the applicable project solicitation. In addition, SMBR is seeking a solution to get more GFE Survey responses from subs improving the information collected to make a more conclusive GFE Determination.
19	Communications & Transparency	The City needs to do a better job of communicating to folks. <b>IPWG VOTED TO REMOVE</b>	A. Develop an Annual Procurement Forecast; C. Increase Inter-departmental Communication; D. Develop Virtual Training Tools for City Staff and Vendors; E. Increase Awareness of Existing City Programs and Resources; F. Conduct Targeted Outreach	No	No	No	No	Yes, TBD - Research.Net (\$420 annually), Canva (\$119.99 annually), Constant Contact (\$840 annually)	In early 2022, SMBR hired a new Sr. Public Information Specialist, who is enhancing the department's social media presence (LinkedIn, Facebook, Twitter), and is utilizing public engagement platforms such as Research.Net, ConstantContact and Canva to further market and promote. In Q3 of FY22, SMBR is rolling out a newsletter, which will feature topics, such as FAQs, important news, upcoming projects, new & existing resources, events, spotlighted certified firm, and key City staff.
20	Communications & Transparency	When performing outreach, let firms know when it might not be a good fit (non-construction trades). <b>IPWG VOTED TO REMOVE</b>	A. Develop an Annual Procurement Forecast; E. Increase Awareness of Existing City Programs and Resources; F. Conduct Targeted Outreach	No	No	No	No	Yes	Outreach is currently a joint effort, primarily between SMBR, and the Financial Services Department. Depending on the type of outreach event, the current process focuses on either upcoming opportunities in the different procurement categories (construction, professional services, non-professional services, commodities) or are program or project focused (i.e. JOC Program, Corridor Program, Airport Expansion Development Program). The Sponsoring Departments and Financial Services would require involvement as the technical experts on the scope of work and nuances of the opportunities. In future outreach efforts focused on non-professional opportunities, Purchasing should be included to address potential offeror and subcontractor questions. SMBR could potentially also partner with industry organizations to increase participation of firms bidding and/or performing on City projects.
21	Communications & Transparency	Departments who launch RFQs should evaluate the experience of all firms for projects. There should be a debrief from these departments with the firms who lost. <b>IPWG VOTED TO REMOVE</b>	C. Increase Inter-departmental Communication	No	No	No	No	No	The request of quote (RFQ) selection process is an evaluation of the Prime based on the identified criteria of the solicitation. For professional services construction related RFQs, criterion item 3a - Team Structure is the evaluation of the Prime and its subconsultants organizational structure. The criterion takes into consideration project leadership, reporting responsibilities, how prime firm will interface with City's project manager, and how work within the team structure. Criterion item 3b) addresses Team Approach - how the team (Prime and sub) project approach and understanding of the solicitation scope. Additionally criterion item 7 - Team's Experience with Austin Issues includes experience with City permitting, ROW (Right-of-Way), Austin area construction practices, public awareness, and environmental issues. Primary evaluation is of the Prime, who will contract with the City and is expected to perform the plurality of the services (per RFQ Evaluation Criteria solicitation documents). The Financial Services Department already (FSD) has a debrief process included in the solicitation process, which occurs at the request of the non-selected Respondent and following contract execution. When conducting Request for Qualifications (RFQ), the City evaluates the qualification statements submitted by all respondents, including their experience. RQFs are used to determine the most qualified respondent or respondents. based on the experience and qualifications of the firm and their staff. Like all City solicitations, the RFQ includes an option for any respondent to request a debrief after the contract is awarded, to gain knowledge in order to assist them with future responses.
22	Communications & Transparency	The City's pre-proposal is good for veterans, but it needs to do a better job on networking for newer firms. <b>IPWG VOTED TO REMOVE</b>	D. Develop Virtual Training Tools for City Staff and Vendors; F. Conduct Targeted Outreach						FSD Procurement is continually looking for new opportunities for outreach and to gain interest from additional firms to participate in procurements. We recently added online training videos to Austin Finance Online to assist new companies in doing business with the City and plan to expand the content.



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23	Communications & Transparency	If the prime can communicate to bidders/subcontractors, they need to tell them why they are not getting selected. A simple paragraph stating that if the City selects your firm, your firm must inform subcontractors as to why they are not selected and provide the reasoning. <b>IPWG VOTED TO REMOVE</b>	E. Increase Awareness of Existing City Programs and Resources	No	No	No	No	No	The current compliance process requires Primes to follow-up with and negotiate in good faith with interested MBE/WBE firms. The reason a M/WBE sub is not selected is identified on the Compliance Plan and is considered a part of the Prime's GFE (i.e., price, experience, inability to bond, etc.). SMBR evaluates the justification and documentation provided with the Compliance Plan as well as feedback and documentation from the GFE survey from M/WBEs for a compliance determination.
24 & 26 Merged	Communications & Transparency	SMBR should feature successful MBE/WBE businesses at events and presentations so that they may share their achievements, experiences and knowledge.	E. Increase Awareness of Existing City Programs and Resources; F. Conduct Targeted Outreach	No	No	Yes	No	Yes. TBD - facility rental space and possibly promotional costs.	SMBR will explore coordinating, promoting and hosting a series of "Live Mentoring Events" featuring industry experts for panel discussions, sharing successes and challenges, and will include a Q&A segment. Mentors may include experts in each of the key areas: construction services, professional services, non-professional services, and goods & commodities. In addition, SMBR will highlight certified business' stories, testimonials as a part of the quarterly newsletter and first annual report.
	Communications & Transparency		F. Conduct Targeted Outreach	No	No	Yes	No	No	SMBR will invite firms to events to share their stories and will ensure there is a diverse representation.
25	Communications & Transparency	The City should have more mandatory pre-bids to assist MBE/WBE firms with networking.	C. Update Program Administration Policies and Procedures; D. Develop Virtual Training Tools for City Staff and Vendors; E. Increase Awareness of Existing City Programs and Resources; F. Conduct Targeted Outreach; D. Implement a Comprehensive Supportive Services Program; C. Update Program Administration Policies and Procedures	No	No	Yes, the Pre-Bid meeting process is led by the Financial Services Department (FSD) and Managing Departments, and the administrative processes may need to be revised to ensure networking component to the meeting.	No	No	SMBR will incorporate name badges, introductions, meet & greet segments into in-person and virtual meetings as appropriate. Pre-Bids/Pre-Response meetings are held for every construction and construction-related professional services solicitation. Project Managers (PM) make the determination when a pre-bid/pre-response will be mandatory and notify the Financial Services Department for solicitation issuance purposes. When a Pre-Bid/Pre-Response conference is mandatory, the meeting must provide more value to bidders than a standard non-mandatory Pre-Bid/Pre-Response. If the PM opts for a mandatory Pre-Bid/Pre-Response, the possibility exists that a potential bidder will be unable to attend or will be late to the meeting thereby reducing the number of bidders/respondents and reducing competition. Currently, each interested firm should send an authorized agent to a mandatory Pre-Bid/Pre-Response conference
Revised Rec (Note 25 was split into two separate recs)	Communications & Transparency	The City should do more to identify primes and sub-consultants at pre-bids and networking events.							
27	Communications & Transparency	Utilize social media for ways to connect primes and sub primes, such as highlighting a prime contractor, so that subs know who they could possibly work with.	A. Develop an Annual Procurement Forecast; E. Increase Awareness of Existing City Programs and Resources; F. Conduct Targeted Outreach	No	No	Yes	No	No	SMBR is enhancing the department's social media presence (Linkin, Facebook, Twitter), and is utilizing public engagement platforms such as Research.Net, ConstantContact and Canva to further market and promote. We will explore ways to utilize these resources to connect primes and subs.
28	Communications & Transparency	A prime should provide bid notifications 10 business days in advance from the due date to the prime	D. Develop Virtual Training Tools for City Staff and Vendors; C. Update Program Administration Policies and Procedures	Yes	Yes	Yes	Yes	No	While SMBR can see the potential benefit, this may impact the procurement schedules developed by FSD and impact project schedules. In addition, this will add to the administrative "burden" of prime contractors which may be seen as a further administrative hurdle to conduct business with the City of Austin.
29	Communications & Transparency	The following content, which perhaps may be worded more concisely, should be included in a prime's initial invitations to the subs, so they understand their options in the bidding process. § 2-9A-21(3)(a) A MBE/WBE that has submitted a response or Bid to a Prospective Offeror may contact SMBR to request a meeting with the Prospective Offeror to determine if their response (bid) will be used on the project. SMBR will schedule a meeting between the MBE/WBE and the Prospective Offeror to facilitate negotiation. If such a meeting does not occur and the MBE/WBE submitting the response (Bid) to the Prospective Offeror is not selected, the Prospective Offeror must explain the reason for not selecting the MBE/WBE and provide written documentation supporting the stated reason. As a reminder, Bid shopping is prohibited.	C. Update Program Administration Policies and Procedures; D. Develop Virtual Training Tools for City Staff and Vendors; E. Increase Awareness of Existing City Programs and Resources;	Yes	Yes	Yes	Yes	TBD – the inclusion may increase staff time on facilitation efforts.	This or similar language could potentially be added to our template document provided in our MBE/WBE Program packet included with our solicitation documents. Currently, SMBR's compliance process requires on the Compliance Plan (CP) that the Bidder/Proposer provides justification for failure to use a M/WBE sub when a non-minority sub is indicated on the CP. The current GFE analysis considers this information along with the utilization of other M/WBE firms on the CP as well as other Bidders/Proposers ability to meet the goal."
30	Communications & Transparency	It would be ideal to have one dashboard. Migrate the Certifications and Compliance System (CCS) and Austin Finance Online interfaces to have one portal for login. <b>IPWG VOTED TO WITHDRAW</b>	B. Centralize the Program's Data Collection and Reporting	No	No	Yes	TBD. Council action may be required depending on potential funding and technical consultant services.	TBD	SMBR has consulted with CTM and has confirmed that this would require collaboration and approval from the Financial Services Department. The existing applications were designed and built specifically to address contract monitoring needs.
• Goal Setting									
31	Additional Area(s) of Interest	Make sure SMBR is more proactive when there is a high-dollar project, and that goals are assigned to the project. Identify what systems or processes can be improved to mitigate future oversights. <b>FURTHER DISCUSSION &amp; REVIEW BY IPWG</b>	B. Use the Study to Set MBE and WBE Contract Goals	No	No	No	No	No	SMBR is being included on several initiatives for both CIP projects, to ensure that SMBR staff is being pulled into early discussions on procurement types and any additional outreach for major projects. We hope to use this process on future projects outside of the CIP to ensure that SMBR staff is informed of major procurements.
32	Additional Area(s) of Interest	Make sure that all City departments include goals of MBE/WBE for their projects. Identify what accountability measures can be implemented and individual performance plans modified to reflect commitment to MBE/WBE program. <b>IPWG VOTED TO WITHDRAW</b>	D. Develop Virtual Training Tools for City Staff and Vendors; A. Use the Study to Set the Overall, Annual Aspirational MBE and WBE Goals; B. Use the Study to Set MBE and WBE Contract Goals; C. Update Program Administration Policies and Procedures	No	No	No	No	No	SMBR is being included on several initiatives for both CIP projects, to ensure that SMBR staff is being pulled in to early discussions on procurement types and any additional outreach for major projects. We hope to use this process on future projects outside of the CIP to ensure that SMBR staff is informed of major procurements. The current solicitation development process requires that each solicitation during development be reviewed by SMBR to determine MBE/WBE availability based on scope of work. Documentation to support a no goals solicitation is provided by SMBR leadership. Although not cited as an individual measure in performance plans, the MBE/WBE ordinance is a requirement in the procurement procedures, therefore staff's performance plans include how they perform their responsibilities in alignment with procedures.
33	Additional Area(s) of Interest	Review MBE/WBE Procurement Program Rules, Section 7-Goals for MBE and WBE Participation, specifically 7.3, providing further clarification and details on what the certain circumstances are, and provide reasoning to why the provision outlined in 7.2 is not always implemented when there are more than three available MWBEs for a project.	D. Develop Virtual Training Tools for City Staff and Vendors; C. Update Program Administration Policies and Procedures	No	No	No	No	No	The MBE/WBE program must be narrowly tailored. Using the recommended approach could potentially place the program in jeopardy, as we would be placing goals on almost all projects in which the main scope has availability. Staff will consider the use of targeted outreach for no goals projects in which the main scope has availability of MBEs and WBEs.
34	Additional Area(s) of Interest	When looking at the criteria, whether setting goal and non-goals for non-construction services, we need to look at the acceptable practice to be more proactive in setting a goal. Being proactive sends a message to firms who want to do business with the City.	A. Use the Study to Set the Overall, Annual Aspirational MBE and WBE Goals; B. Use the Study to Set MBE and WBE Contract Goals; C. Update Program Administration Policies and Procedures	No	No	No	No	No	The MBE/WBE program must be narrowly tailored. Using the recommended approach could potentially place the program in jeopardy, as we would be placing goals on almost all projects in which the main scope has availability. Staff will consider the use of targeted outreach for no goals projects in which the main scope has availability of MBEs and WBEs.
35	Additional Area(s) of Interest	Ensure that there are checks and balances in place to ensure projects over \$50k are being submitted to Council with appropriate goals.	D. Develop Virtual Training Tools for City Staff and Vendors; A. Use the Study to Set the Overall, Annual Aspirational MBE and WBE Goals; B. Use the Study to Set MBE and WBE Contract Goals	No	Possible Rule Modification (TBD)	Yes	Possibly (TBD)	No	An administrative bulletin can be developed by SMBR in coordination with the Financial Services Department that would serve as a reminder and outline provisions and procedures for procurements \$50K and above and further enhancing outreach efforts to increase participation of M/WBEs on City procurements.
36	Additional Area(s) of Interest	Be more aggressive on the frontend by ensuring a thorough review by Purchasing and SMBR, prior to City Council consideration.	C. Update Program Administration Policies and Procedures; D. Develop Virtual Training Tools for City Staff and Vendors	No	No	No	No	No	Every contract that is over the City Manager's spending authority that is going before Council for their consideration is required to go through formal routing, review and approval process. SMBR is a part of this process and our staff reviews and approves these contracts PRIOR to Council consideration.
37	Additional Area(s) of Interest	On non-construction services projects over \$50k, with availability, set an overall MBE/WBE goal. The goal is to allow availability to be the driving factor versus number of scopes. Number of scopes is not always the best indicator for subcontracting opportunities. Size of project and prime's capacity are equally important factors.	D. Develop Virtual Training Tools for City Staff and Vendors; A. Use the Study to Set the Overall, Annual Aspirational MBE and WBE Goals; B. Use the Study to Set MBE and WBE Contract Goals	Yes	Yes	Yes	No	No	The MBE/WBE program must be narrowly tailored. Using the recommended approach could potentially place the program in jeopardy, as we would be placing goals on almost all projects in which the main scope has availability. Staff will consider the use of targeted outreach for no goals projects in which the main scope has available MBEs and WBEs.
• Whether the four sections of the MBE/WBE ordinance sufficiently reflect the procurement methods used by the City									
• Best practices used by other cities in Texas and other cities outside Texas with populations and business environments comparable to those of Austin, both with respect to ordinances and the structure and functioning of comparable inclusive procurement programs;									
These bullets will be addressed at a future IPWG meeting.									