

Transcript of the Testimony of

PUBLIC HEARING

August 28, 2012

Volume:

-
vs.

Joann M. Hansen, R.P.R.

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<p style="text-align: right;">Page 1</p> <hr/> <p>PUBLIC HEARING OF: AUGUST 28, 2012</p> <hr/> <p style="text-align: center;">CITY AND COUNTY OF DENVER DISPARITY STUDY</p> <p style="text-align: center;">PUBLIC HEARING</p> <hr/> <p>The following proceedings were taken at Denver Wastewater Management, 2000 West Third Avenue, Denver, Colorado 80223, on August 28, 2012, at 5:47 p.m., before Joann M. Hansen, Registered Professional Reporter and Notary Public within Colorado.</p>	<p style="text-align: right;">Page 3</p> <p style="text-align: center;">I N D E X</p> <table style="width: 100%; border: none;"> <thead> <tr> <th style="width: 10%;"></th> <th style="width: 80%;">PROCEEDINGS OF AUGUST 28, 2012:</th> <th style="width: 10%; text-align: right;">PAGE</th> </tr> </thead> <tbody> <tr><td>1</td><td></td><td></td></tr> <tr><td>2</td><td></td><td></td></tr> <tr><td>3</td><td>Mr. Steve Jackson</td><td style="text-align: right;">17</td></tr> <tr><td>4</td><td>Mr. Ron Montoya</td><td style="text-align: right;">27</td></tr> <tr><td>5</td><td>Ms. Lancia Smith</td><td style="text-align: right;">31</td></tr> <tr><td>6</td><td>Ms. Darcy Wilson</td><td style="text-align: right;">35</td></tr> <tr><td>7</td><td>Mr. Herman Malone</td><td style="text-align: right;">40</td></tr> <tr><td>8</td><td>Mr. Mike Porass</td><td style="text-align: right;">44</td></tr> <tr><td>9</td><td>Mr. Tim Jackson</td><td style="text-align: right;">52</td></tr> <tr><td>10</td><td>Mr. Rod Tafoya</td><td style="text-align: right;">59</td></tr> <tr><td>11</td><td>Mr. Timothy Jackson</td><td style="text-align: right;">63</td></tr> <tr><td>12</td><td></td><td></td></tr> <tr><td>13</td><td></td><td></td></tr> <tr><td>14</td><td></td><td></td></tr> <tr><td>15</td><td></td><td></td></tr> <tr><td>16</td><td></td><td></td></tr> <tr><td>17</td><td></td><td></td></tr> <tr><td>18</td><td></td><td></td></tr> <tr><td>19</td><td></td><td></td></tr> <tr><td>20</td><td></td><td></td></tr> <tr><td>21</td><td></td><td></td></tr> <tr><td>22</td><td></td><td></td></tr> <tr><td>23</td><td></td><td></td></tr> <tr><td>24</td><td></td><td></td></tr> <tr><td>25</td><td></td><td></td></tr> </tbody> </table>		PROCEEDINGS OF AUGUST 28, 2012:	PAGE	1			2			3	Mr. Steve Jackson	17	4	Mr. Ron Montoya	27	5	Ms. Lancia Smith	31	6	Ms. Darcy Wilson	35	7	Mr. Herman Malone	40	8	Mr. Mike Porass	44	9	Mr. Tim Jackson	52	10	Mr. Rod Tafoya	59	11	Mr. Timothy Jackson	63	12			13			14			15			16			17			18			19			20			21			22			23			24			25		
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<p style="text-align: right;">Page 2</p> <p style="text-align: center;">A P P E A R A N C E S</p> <p>1 WALTER JONES, Consultant 2 ITP Construction Services, Inc. 3 7939 E. Arapahoe Road 4 Suite 290 5 Greenwood Village, Colorado 80112 6 (303) 741-4900</p> <p>7 REGINALD A. SMITH, Partner 8 MGT of America, Inc. 9 2123 Centre Pointe Boulevard 10 Tallahassee, Florida 32308 11 (850) 386-3191 12 rsmith@mgtofamerica.com 13 VERNETTA MITCHELL, Senior Consultant 14 MGT of America, Inc. 15 Charlotte, North Carolina 16 vmitchel@mgtamer.com</p> <p>17 CHRIS MARTINEZ, Director of the Small Business 18 Opportunity 19 Denver Office of Economic Development 20 201 West Colfax Avenue 21 Department 208 22 Denver, Colorado 80202 23 (720) 913-1999 24 Chris.Martinez@denvergov.org 25</p>	<p style="text-align: right;">Page 4</p> <p style="text-align: center;">P R O C E E D I N G S</p> <p>1 MR. SMITH: I guess we're going to go ahead 2 and get started. We were trying to wait to make sure 3 that folks had a chance to navigate their way through 4 traffic to get here. 5 6 But we want to be respectful of your time, so 7 we will go ahead and get started, and those that come in 8 after this can kind of catch up. 9 10 Good evening. My name is Reggie Smith, I'm 11 with MGT of America, and we're conducting the Disparity 12 Study for the City and County of Denver. 13 14 And before we get started, I want to introduce 15 Chris Martinez, with the Small Business Opportunity 16 Office, with the Office of Economic Development, ask him 17 to give a few opening words, and then we will continue 18 after that. 19 20 Chris. 21 MR. MARTINEZ: Thanks, Reggie. 22 Good evening, everyone. 23 24 As Reggie said, I'm the Director of Small 25 Business Opportunity. We're the office that actually is helping underwrite this particular disparity study. Thank you all for coming out this evening. We are hopeful that there will be others who will join us. As you know, we have two days, tonight and tomorrow night,</p>																																																																														

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1 for soliciting information.
2 I'm going to be staying here for the first
3 part, but I am going to be leaving early both tonight
4 and tomorrow night. And part of that process is so that
5 you actually have -- be able to say what you want to
6 say, openly say what you want to say, and you folks be
7 part of the study and not be -- have any influence by a
8 City official or City person being in the room. There
9 are some folks that felt that if they said something not
10 that complimentary to the City, that it may impair them
11 from getting the City contract. We want to make sure we
12 don't have any view or position like that at all, in any
13 way, shape or form.
14 I do thank you for being here this evening.
15 These folks are really working diligently in helping us
16 get this disparity study out and that we get more
17 information of what happens with the information today.
18 Since I am here, are there any general
19 questions that I could answer at this point?
20 (No response from the audience.)
21 MR. MARTINEZ: If not, I'm going to turn it
22 over to you guys.
23 MR. SMITH: Thanks, Chris.
24 As Chris said, we are conducting the Disparity
25 Study for the City and County of Denver, that includes

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1 the airport, as well as the other departments of the
2 City and County. We've been working on the study for a
3 while now and we have -- a couple of weeks ago we
4 conducted a focus group with concessionaires. We also
5 have done some one-on-one interviews with
6 concessionaires to get an idea of business owners'
7 experience who then try to do business with the City and
8 County -- with the City and County of Denver and the
9 airport.
10 What we want to do here this evening is talk
11 about the -- your procurement efforts, your efforts to
12 try to get the contracts into -- or attempt to get the
13 contracts or your experience in getting contracts with
14 the City, and let us know what those experiences are.
15 In detail, we're a national management
16 research and consulting firm. We've been around since
17 1974, and we have done disparity studies in over 140
18 different jurisdictions throughout the country. We have
19 regional offices in Sacramento, California; Olympia,
20 Washington; Austin, Texas; and our headquarters in
21 Tallahassee, Florida. We have done a number of these
22 studies and we're considered one of the leading experts
23 in conducting these types of studies.
24 With me to help coordinate this public hearing
25 is Ms. Vernetta Mitchell. She will be coordinating the

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1 events related to the public testimony. And we also
2 have our subcontractors here, Walter Jones is helping us
3 out coordinating the public hearings, and also doing the
4 one-on-one interviews.
5 And as you know, a disparity study is nothing
6 but a study that looks at the practices, the procurement
7 practices, of an entity, whether it's a city, county,
8 state, school board, special district, DOT, Department
9 of Transportation, any of those, special districts or
10 entities, any time they want to look at their
11 procurement practice to see who is winning contracts and
12 who is not. These disparity studies do that.
13 Disparity studies basically are a very
14 comprehensive look at the procurement practices. And
15 when we conduct these studies there are 14, 16 different
16 task activities that we do. Some of the tasks run
17 concurrently, and some of them run consecutively, and
18 that really depends on how long these studies normally
19 take.
20 But when we do these studies we look at -- we
21 give a legal review, to make sure that there's a legal
22 foundation for our methodology, making sure that the
23 studies adhere to the legal guidelines and standards for
24 doing these studies. We do a policy and procedures
25 review. We do a quantitative analysis, as well as a

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1 qualitative analysis, to gather information and conduct
2 our research to make sure that we come up with the
3 correct findings, conclusions and recommendations.
4 We gather a lot of data. We look at everybody
5 that has received a contract with the City, within the
6 study period. Study period normally includes a four- or
7 five-year period. We're looking at the study period
8 between 2010 and 2006. So we will look at those years,
9 we look at five-year, who received contracts, and we'll
10 look at the different categories of African-Americans,
11 Native Americans, Asian Americans, Hispanic Americans,
12 minority women and majority -- look at all the
13 characteristics categories.
14 And then we will determine who received what
15 during those period of times in the business categories
16 of construction, construction-related services,
17 professional services. We'll look at goods and services
18 for concessions and we are going to look at some of the
19 services that are being provided by General Services.
20 So when we look at all those business
21 categories to see what, when, then we look at the
22 availability of firms, who is out there that is ready,
23 willing and able to do business with the City and
24 County. And then we'll compare who has received
25 contracts and who's available to receive contracts.

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1 Then we'll come up with what we call the disparity
2 index. A disparity index is just an accepted way of
3 determining whether or not there's substantial
4 utilization of particular firms in a particular
5 marketing area.
6 Once we do that, then we will -- then come up
7 with our findings, our accommodations, our conclusions
8 and our recommendations. And that process can take
9 anywhere from, you know, 12 months to 18 months,
10 sometimes takes a couple of years, just depending on how
11 involved the situation is related to the data collection
12 and analysis.
13 And we put special emphasis on data collection
14 and analysis. We need to make sure that we have all the
15 data that we can get our hands on, because the data is
16 the foundation for the study. If you don't have all of
17 the data, then you don't have a good foundation. It's
18 kind of like building a house. You have got to have a
19 strong foundation in order for that house to stand. In
20 order for the disparity study to stand, it has got to
21 have a strong foundation. That centers around the data.
22 That means we don't do anything until we get our hands
23 on all the data, make sure that we can analyze it, we've
24 got all the data that's needed in order to conduct the
25 study.

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1 So that's kind of a nutshell of what a
2 disparity study involves. I think that we are on our
3 way with this current study and I think that, you know,
4 once we get down the road a few more months related to
5 the analysis of the data that we've gathered, that we'll
6 be in a better position of talking about what we're
7 finding.
8 Right now we're gathering the statistical
9 portion of the study. We also do an anecdotal portion
10 of the study. The anecdotal portion is where we conduct
11 public hearings, focus groups, personal one-on-one
12 interviews with business owners, to get an idea of
13 business owners' experiences in trying to do business
14 with the City and County, or doing business with the
15 City and County. You're doing it or attempting to do
16 business. We want to hear about those experiences.
17 This public hearing tonight is one of those venues that
18 we use to collect that type of data.
19 That's what I call putting a face to the
20 numbers. You're going to get the numbers on the
21 statistical side and the quantitative side, but then the
22 anecdotal piece is what adds the face, puts a face to
23 the numbers. Then we will have a total collective
24 disparity study.
25 UNIDENTIFIED MALE SPEAKER: So are you halfway

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1 through, three-quarters of the way through the study at
2 this point?
3 MR. SMITH: I would say we are about halfway
4 through.
5 UNIDENTIFIED MALE SPEAKER: Then are we
6 looking at another year, six months to a year or
7 something.
8 MR. SMITH: Actually about six months after
9 that, at the most. I would say the first of the year.
10 UNIDENTIFIED FEMALE SPEAKER: And do you do
11 this every year? Is this study performed yearly?
12 MR. SMITH: It's up to the entity to determine
13 the frequency of studies. We find that entities that do
14 studies every three to five years, you know, that's kind
15 of the cycle to refresh the data. Because right now,
16 the data would be for 2010, so, you know, as far as the
17 numbers are concerned, you probably want to do it every
18 three to five years.
19 UNIDENTIFIED FEMALE SPEAKER: So when was the
20 last time you did it for Denver?
21 MR. SMITH: We didn't do it for Denver.
22 I think we've done several --
23 Chris, do you remember last time it was done?
24 MR. MARTINEZ: I think it was done in 2005.
25 MR. SMITH: 2005.

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1 MR. MARTINEZ: And the ordinance had been
2 placed in 2007.
3 MR. JONES: When you get through filling out
4 that little form, can you pass them to the side and I'll
5 come by and collect them, those of you that have them.
6 And if you need to write, there's some tables in the
7 back.
8 And, you know, can I say -- one of the things,
9 you see that some of the topics you have here, I think
10 that you should be able to express your -- any patterns
11 you've detected in the industry, or what you feel is --
12 if any, inhibiting your ability to get City contracts
13 and grow your business. So don't be reluctant to share
14 your overall experience specifically.
15 MR. SMITH: Okay. I'll turn it over to
16 Ms. Vernetta Mitchell. She'll go through some of the
17 mechanics of what we're going to cover, how we're going
18 to do the business for this next hour and a half.
19 MS. MITCHELL: Thank you.
20 And good evening, welcome again, for attending
21 the public hearing, the first of two for the City and
22 County of Denver. And just a reminder, we're here to
23 discuss your experiences doing business or attempting to
24 do business with the City and County of Denver, or any
25 comments you may have about the program.

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1 We will also, during the discussion today, ask
2 you for suggestions for improvement, suggestions for
3 expansion, those types of things. We take your input
4 very seriously as we're thinking about trying to craft
5 whatever a new procurement policy or new procurement
6 program may look like. So I think give that some
7 thought as well.
8 Do need everyone to fill out this form, even
9 if you do not want to provide testimony today and you
10 want to be contacted later, make sure that your name and
11 your e-mail and your phone number is legible so that I
12 can call you back, so I can read your handwriting,
13 because I can read your handwriting. I've had that a
14 lot and someone calls me and says, you never called me
15 back, I say, I can't read your phone number, so do that.
16 And also, if you do not want to speak, because
17 speaking in public is like the number one fear in the
18 world for a lot of people, if you do not want to speak
19 today, but you do want to provide some written
20 testimony, I will be accepting that testimony until
21 September 14th, and my e-mail address and the due date
22 is one the bottom of your agenda, so take that with you,
23 if you want to provide me some additional information as
24 well. So this is not the only forum that you have the
25 opportunity to provide your feedback.

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1 As Reggie mentioned, let me expand a little
2 bit more on the anecdotal before we get started. The
3 public hearing is open to the public. You can come and
4 speak to the issues or concerns or even if things are
5 working fantastic and you are getting great
6 opportunities with the City and have worked with the
7 City, we want to hear that as well. We always like to
8 hear good things as well.
9 But there are other anecdotal activities.
10 There is going to be a focus group and personal
11 interviews. Business owners that have attempted to do
12 business or have done business with the City in the past
13 are added to a list and then they're randomly selected
14 for one of those activities.
15 A third activity that we have is a survey,
16 which is a web-based survey. You'll get a link and you
17 will be asked, that's also a random selection as well.
18 You may end up getting another opportunity to provide
19 your input outside of this public hearing, through that
20 random selection process. So we greatly appreciate if
21 you would take an opportunity to complete those and
22 participate in those e-mails if you have any questions.
23 If you think of something, again, my e-mail
24 information is here. Give me a call and we can set up
25 some time to talk about what's on your mind.

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1 Yes, sir.
2 UNIDENTIFIED MALE SPEAKER: Excuse me,
3 clarification, you keep referring to the City, are you
4 wanting testimony only on City projects, because in your
5 paperwork it says "public projects," so because DBE is a
6 certified program with CDOT, as well as the City and
7 County of Denver, and they interchange, are we not
8 talking about an overall DBE certification that would
9 include the State as well as the City?
10 MS. MITCHELL: No, we're only talking about
11 City and County of Denver and its projects and
12 contracts, yes.
13 UNIDENTIFIED MALE SPEAKER: That's it.
14 MR. SMITH: And the concessions piece that we
15 were talking about --
16 MS. MITCHELL: Well, that's not concessions.
17 He's talking about CDOT.
18 UNIDENTIFIED MALE SPEAKER: DBE is -- we're
19 not a concession company. We're DBE certified as a
20 supplier of cable and electrical supplies and equipment.
21 MS. MITCHELL: We're here to talk about the
22 City and County of Denver and all of its agencies that
23 fall under the City and County of Denver.
24 MR. JONES: One thing or tip, you might want
25 to just make a little note to yourself before you get up

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1 about the point you want to make, so when you get to the
2 podium, you have got -- covered the points you want to
3 make.
4 MS. MITCHELL: Thank you, Walter.
5 Here's the process tonight, your forum, those
6 of you that have indicated you want to provide public
7 comment, I'll call you up. Again, the information we're
8 looking for is your experience in doing business with
9 the City. If you are a subcontractor primarily, then
10 your experience doing business with the prime
11 contractors who are contracted with the City or prime
12 consultants who are contracted with the City is just as
13 important as well. So give your testimony there.
14 Let us know if you've had any unfair treatment
15 by any of the primes or City or County staff and tell us
16 what your opinions are, what your views are, what your
17 experiences have been, okay?
18 We have three minutes on the testimony forum,
19 however, we do not have a packed house, so I may let you
20 go a little bit over three minutes, but like Walter
21 indicated, try to gather what specifically you want us
22 to know and want us to investigate before you come up
23 and then we can go from there, okay? All right.
24 And one last thing, if you wouldn't mind
25 either putting your cell phones on vibrate or turning

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1 them off. And of course, if you need to take a call,
2 please step out the room to do so.
3 Carol Hall, you're running out the door.
4 MS. HALL: Yeah, I don't want to stand at the
5 podium.
6 MS. MITCHELL: All right.
7 Steve Jackson.
8 Are you coming all the way from the back of
9 the room?
10 MR. JACKSON: Yes.
11 MS. MITCHELL: Okay. Mr. Jackson, if you
12 would tell us your name, make sure you spell it for the
13 stenographer, and the name of your company and how long
14 you've been in business.
15 MR. JACKSON: My name is Steve Jackson,
16 S-t-e-v-e, J-a-c-k-s-o-n. The name of my company is
17 Power Pump. I run a company. We've been around for
18 almost 15 years.
19 MS. MITCHELL: Okay.
20 MR. JACKSON: Primarily in the communications
21 and the construction industry.
22 MS. MITCHELL: Okay.
23 MR. JACKSON: We have been fortunate enough
24 over those years to do business with the City, directly
25 as well as indirectly as a subcontractor.

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1 MS. MITCHELL: Okay.
2 MR. JACKSON: We've been fortunate to work on
3 some fairly good size and some prominent projects for
4 the City. There has been some success there.
5 MS. MITCHELL: Okay.
6 MR. JACKSON: But there has been -- there's
7 also quite a few barriers to overcome to do that. I
8 think we're one of the most fortunate companies around,
9 because mainly I've got such a great partner, who is not
10 here right now.
11 We've been fortunate to break down a lot of
12 the barriers that exist with the City, and particularly
13 exist with minority firms trying to do business with the
14 City.
15 There's several aspects of it, and Walter
16 makes a good point, which is if I really went back and
17 tried to lay down the entire gamut of issues, the three
18 minutes wouldn't work.
19 MS. MITCHELL: Okay.
20 MR. JACKSON: So I was trying to really direct
21 some things towards hopefully some things that are more
22 prominent, and hopefully I can be concise with it.
23 MS. MITCHELL: Okay.
24 MR. JACKSON: One of the issues with going
25 direct with the City in terms of being a direct prime

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1 contractor is a lot of the rules around the procurement
2 process. The procurement process in itself has -- has
3 several legacy issues that intentionally and
4 unintentionally maybe discriminates against small new
5 businesses, minority businesses.
6 And for example, when you look at a
7 procurement, you'll see there's multiple requirements of
8 being in business for umpti-ump years. You'll see
9 requirements for having performed an X amount of
10 business at a certain amount of -- at a certain dollar
11 amount. You'll see requirements that says you have to
12 have four or five, seven, eight similar projects of this
13 nature in order to -- in order to participate in this.
14 Those types of barriers are obviously
15 significant because if you're coming into the
16 marketplace, you don't have that kind of experience. So
17 to come off the gate and get a procurement with the City
18 is quite difficult, because obviously you don't have
19 that experience.
20 You can subsequently go get that experience
21 with other opportunities and other hopefully private
22 ventures, but the problem with that is, in the private
23 sector you don't have requirements for minority firms.
24 What typically happens is you have to either totally
25 give something away and underbid it in order to get the

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1 job, or you can't get the job because a lot of the
2 public sector and larger companies don't necessarily
3 want to do business with minority companies and don't
4 have a history with them, so you don't have that
5 history.
6 More importantly, you don't have that
7 relationship, because a lot of the discrimination comes
8 from not necessarily someone saying, I want to
9 discriminate against someone, but it comes from the fact
10 of a legacy through relationships. If I happen to work
11 for a company that I then went off and started to do my
12 own thing, I have relationships with that existing
13 company. And traditionally those relationships, for
14 whatever reason, typically don't happen with the
15 minorities, or they hurt them, because you don't have
16 that relationship.
17 So, as a result, it's very difficult for us to
18 call the prime contractor and say, hey, I just started
19 my business, can you give me a break, can you give me a
20 start with some type of business? Traditionally, that's
21 more difficult for us.
22 So traditionally, where we do get our
23 opportunities, is going through the City and County type
24 of procurements in which minority participation is
25 required. When you see those types of participation or

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1 when you see those types of goals, what you -- what you
2 make -- what may happen is you might get an opportunity
3 from a larger contractor to be the subcontractor.
4 That's what happened in our case, and as a
5 result, we were successful to win some contracts with
6 the City from the subcontracting and the second-tier
7 perspective.
8 So --
9 (Discussion off the record.)
10 MS. MITCHELL: I could hear him fine, sorry.
11 MR. JACKSON: So one of the things that the
12 City has done to help us, one of the things as a result
13 of this, is that when the City does contracts and they
14 do goals in these contracts for minority participation,
15 that is typically the biggest way and the most
16 successful way a minority firm will be able to break
17 into this contracting bubble.
18 And again, fortunately enough, there have been
19 some procurements in which the goals have been set high
20 enough that new companies and companies like ourself
21 have been able to take advantage of it, and have been
22 able to win the business and do it with the City.
23 So we do -- we do recognize the fact that
24 goals do work at some level; however, goals are tricky
25 as well, because if you don't set them right, one of two

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1 things happen, which is if it's a too small of a goal,
2 then they will get their minority requirement met, and
3 once they meet that requirement, they will no longer
4 pursue other minority contracts or minority contractors,
5 because they have met their goal.
6 MS. MITCHELL: Met their goal.
7 MR. JACKSON: So if the goal is set relatively
8 low, it actually stiffens the contractors, I don't know,
9 motivation to go forward and to continue to pursue
10 minority businesses. So that's one of the bigger
11 downfalls with the goals.
12 Also, the other part with the goals is that
13 traditionally they get it done with one or two
14 contractors that they've done it with before. So an
15 opportunity for a firm to enter into a new opportunity
16 or to get started in the area is very difficult, because
17 they will traditionally get that goal met with other
18 firms that they've done before.
19 So in those two aspects, the goals really
20 don't help those companies. So part of the suggestions
21 is not only looking at a goal, but also to look at
22 encouraging participation as a whole.
23 MS. MITCHELL: Okay.
24 MR. JACKSON: And not just say, well, our goal
25 is this, but to say our goal is to get as much

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1 participation as possible on a procurement, and to
2 reward that procurement, not to simply say the goal is
3 to get to 10 percent and once you've gotten to the
4 10 percent, you're fine, go do whatever you want to go
5 do. That is -- that is significant and it's a huge
6 barrier and it's something that we fight all the time.
7 The other issue, I think, is the -- once
8 you've set the goal, that you're carefully setting the
9 goal and making sure that it fits for the marketplace in
10 the industry that you have, to not to set goals blindly.
11 We were involved in a procurement out at DIA in which I
12 think if Jeff is here, which they set some very
13 aggressive goals. And as a result of setting those
14 aggressive goals, several minority firms got a chance to
15 participate that would have never gotten to participate.
16 But it was only because of their foresight to say that
17 an aggressive goal could be set in this particular area.
18 If you don't set those aggressive goals in that area,
19 then you will never get this kind of extraordinary
20 input.
21 MR. JONES: What was the goal that you said
22 was an aggressive goal? Do you happen to know?
23 MR. JACKSON: I think on that one it was 35,
24 40 percent.
25 MR. JACKSON: 30? 30 percent.

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1 In that particular case, the entire industry
2 kind of took a step back and they really pushed back on
3 the goal, but due to the leadership of that particular
4 group, the community responded, and they met the goal.
5 MS. MITCHELL: Okay.
6 MR. JACKSON: So I think it's a question of
7 challenging -- challenging the industry. And if you
8 challenge the industry, then they will respond.
9 Go ahead.
10 MS. MITCHELL: You made a comment earlier
11 about the private sector a little bit. How much work do
12 you do in the private sector? Do you do more work in
13 the private sector than you do in the public sector?
14 MR. JACKSON: Actually we do more work --
15 we've done more work in the past in the private sector.
16 MS. MITCHELL: Okay.
17 Is that because of the ease of doing more work
18 in the private sector or relationships?
19 MR. JACKSON: Relationships.
20 MS. MITCHELL: Okay.
21 MR. JACKSON: Again, we're fairly unique in
22 that we have certain skill sets that we were able to do
23 that, but for the most part that is very difficult.
24 That is extremely difficult. And you have to be
25 extremely competitive. And you've got to be competitive

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1 coming out of the box. That's an extremely difficult
2 route to go, but it can be done.
3 The final comment I want to make is just to
4 that same point, which is evaluating these companies not
5 only what they do with the City, but what they do in the
6 private sector.
7 I don't know how many times I've come up to a
8 procurement, and when we see a City procurement, some of
9 my competitors say, we're not going to bid that because
10 it has minority requirements. And traditionally we have
11 a problem winning those jobs because they have minority
12 requirements. That's good from the standpoint that
13 means we get a chance, but it's really bad from the
14 standpoint of what do you do on normal procurements. It
15 begs the question.
16 And the question simply answered, if it's not
17 a City job, if it's not that, then we don't worry about
18 you. You're not an issue. It is only when it becomes a
19 City job that all of a sudden they feel like they have
20 to compete with minority firms, and that's because the
21 majority firms only get held to -- their feet held to
22 the fire when it's a question of dealing with the City
23 contract. If it's not a part of your normal business
24 process, then you have to go out of your way to do a
25 procurement with the City, then again, it's -- it has

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1 bad side effects, which is in your normal business, you
2 don't do that. So therefore, that 10 percent, that
3 9 percent of the rest of the business, we don't have
4 access to.
5 And then the larger firm has a tendency to
6 say, well, we gave you a chance on the City job, so
7 we're not going to consider you over here on this normal
8 part of the business, because we've already had to do
9 that already for you for this.
10 So, again, I apologize, I will write this
11 down, because like I say, that's just the beginning of
12 it.
13 MS. MITCHELL: Okay.
14 MR. JACKSON: But there are obviously several
15 significant issues.
16 MS. MITCHELL: Okay.
17 MR. JACKSON: We are overcoming them, but at a
18 slow rate.
19 MS. MITCHELL: Thank you.
20 This is not an open comment period for the
21 audience to ask the speaker questions. I'm sorry. You
22 can talk to him off the record.
23 Ron Montoya. And if you would spell your
24 first and last name for us and tell us the name of your
25 company and how long you have been in the business.

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1 MR. MONTOYA: Spell my?
2 MS. MITCHELL: First and last name.
3 MR. MONTOYA: Ron Montoya, R-o-n,
4 M-o-n-t-o-y-a. My company is Innov8 Solutions,
5 I-n-n-o-v, the Number 8, Solutions, S-o-l-u-t-i-o-n-s.
6 MS. MITCHELL: All right.
7 MR. MONTOYA: I have been in business over
8 40 years in the City and County of Denver.
9 MS. MITCHELL: Okay.
10 MR. MONTOYA: I've had a lot of good luck.
11 I've had a lot of bad luck. You know, I've had some
12 good opportunities. And Steve and I have had some
13 opportunities together. We did a large project
14 together, which I think was a great way to do business,
15 when we teamed up and did a project where we added
16 capability to each other. And that's one good thing
17 that's come out of the programs as such. And that was a
18 City job. So, yes, we have had some successes.
19 But I'm very, very concerned about the program
20 in that it seems like that the City has decided that
21 it's too much trouble for the City to do the procurement
22 process.
23 I am a supplier of electrical equipment
24 supplies and cable. And unfortunately the City says,
25 well, it's easier to let the contractors buy everything.

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1 Although the City, I'm sure, recognizes that the prime
2 contractor, the subcontractor and the supplier are going
3 to mark it up. So there's multiple markups in that
4 material. So every time you do a project, the price
5 goes up because you have so many levels of markup,
6 number one.
7 And I think that when you ask the City if they
8 can pull materials off of a project, they say no, it's
9 too much trouble, we're just going to let the
10 contractors do it. I think that what happens there is
11 then the contractors decide they're going to do it and
12 pass it on to the subcontractors. The subcontractors
13 sometime pass it down. And they're all looking for you
14 to cut your prices, cut your margins, so they can be
15 competitive and pretty soon you just don't have a chance
16 to make any money at the projects at all.
17 Secondly, there are some contractors, both
18 prime and subs, who approach you on, will you kind of
19 take a 1 percent to pass this through? And our response
20 has always been, we are a supplier, we have warehouses,
21 we have equipment, we have personnel, we have expertise,
22 we have software systems, and we know how to operate a
23 business, and we do value-added services for our
24 customers.
25 We also have been approached to do management

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1 fees, will we accept management fees for them? No, we
2 won't. We want to do work and we want to give people
3 employment. We don't want to take some kind of a
4 management fee to handle this business. So I think
5 that's an issue, and more and more contractors are
6 looking for an easy way out on this minority contracting
7 requirements.
8 As I say, I've been in business for a long,
9 long time, and I want to ensure that we, as the small
10 and minority business community, get the opportunity to
11 compete fairly, because many of these projects we're
12 just not getting a chance to bid them that way. As I
13 said, there's so many levels that either the primes or
14 the subs try to force you into taking a small, small
15 markup in order to get the business.
16 And, you know, unfortunately, that's -- it is
17 still multi-level pricing, as far as I'm concerned, to
18 the ultimate customer, which is normally the City. And
19 I'm talking about not only the City and County of
20 Denver, but some of the entities out there. The
21 agencies, the airports, many of those places, I think
22 are losing money because of the increased cost for all
23 the levels of participation. If the City would buy some
24 of those products directly, I think it would save the
25 City money and I think they would get a lot more impact

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1 and provide a lot more opportunity to companies, small
2 minority businesses, to hire people, to keep people
3 employed, to add new employees, that type of thing.
4 For the most part, 90 percent of my business
5 is done commercially. Very little of my business is
6 done in the government sector, just because it's so
7 difficult to compete in that area. So I do say that,
8 you know, yes, we've had some success, but in the kind
9 of business that I do, I think I'd more like to compete
10 in the commercial area, because it's just too difficult
11 in the public sector.
12 Thank you.
13 MS. MITCHELL: All right. Thank you.
14 MR. MONTOYA: I will provide -- I have a whole
15 litany of issues that I would like to talk about that we
16 don't have time here. Out of respect for everybody else
17 that wants to speak, I will send a written response to
18 those questions.
19 MS. MITCHELL: All right.
20 MR. MONTOYA: Thank you.
21 MS. MITCHELL: Thank you very much.
22 Okay. Forgive me if I say this wrong, Ocie
23 Brown. Did I say that correctly?
24 MR. BROWN: Yes, you did.
25 MS. MITCHELL: I did? Okay.

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1 MR. BROWN: But I would prefer to save my
2 comments for tomorrow, if that's okay.
3 MS. MITCHELL: Okay. Sure.
4 Lancia Smith.
5 MS. SMITH: Hi.
6 MS. MITCHELL: Hi. If you would spell your
7 first and last name.
8 MS. SMITH: Sure.
9 MS. MITCHELL: Tell us the name of your
10 company and how long you have been in business.
11 MS. SMITH: Sure. I'm Lancia Smith. It's
12 L-a-n-c-i-a, Smith, S-m-i-t-h. And I'm the owner of
13 Smith and Varnell Engineering. We've been in business
14 for 12 years.
15 I am certified SBE, WBE and an ESB, but not a
16 DBE. I think both as Ron and Steve has said, I will
17 also turn in a written statement, because I think I can
18 probably make more salient comments that way --
19 MS. MITCHELL: Okay.
20 MS. SMITH: -- with specifics, but overall I
21 would like to commend the City for their approach to
22 this, and also specifically in terms of the goals
23 themselves. Because having a 25 percent or 30 percent
24 goal has dramatically affected whether or not any of us
25 are hired to do some projects versus the CDOT projects

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1 where the goals are 10 percent, 11, 12, smaller numbers.
2 And it's very clear that there is so much
3 pressure on the prime sides to get it filled, but they
4 don't really have time, for one thing, I don't think to
5 give a lot of thought to the impact of their hiring
6 choices, other than the things they have to get
7 accomplished on their end.
8 So my issues probably lie with the fact, one,
9 the difficulty, for one thing, of getting DBE status,
10 because even though I'm the majority owner of the
11 company and I run the company, I still don't get DBE
12 status, because I have white males employed in the
13 company. And I was told when I interviewed for DBE,
14 that I would never get DBE status because I have people
15 on staff who have more certification, qualifications
16 than I do. So it doesn't matter whether I'm the
17 majority of the owner, whether I work 14 hours a day to
18 run it.
19 I look forward to the efforts that I see CDOT
20 making to bring some parity between the ESB and the DBE
21 goals, but I look forward, you know, to doing work with
22 the City, you know, and approaching that issue about
23 getting status as a DBE with the City and County of
24 Denver.
25 So my hope would be that at some point that

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1 there would be fewer distinctions of those
2 certifications, so that it was based on perhaps
3 something that's more equitable across the field, not so
4 much based on -- perhaps not based on race or even
5 gender, but maybe on the size of business, something
6 where there was a general blanket of equality, because
7 I'm honestly very interested in parity.
8 I have qualified staff that I'm keenly
9 interested in keeping them employed. That's my primary
10 purpose for being in business. It certainly isn't to
11 get rich. I care about making sure that we have
12 qualified people who are making an honest living and
13 doing a good service in the process. So I really
14 appreciate the fact that you're doing the disparity
15 study at all, and I look forward to seeing how it turns
16 out.
17 MS. MITCHELL: I have a quick question for
18 you.
19 MS. SMITH: Sure.
20 MS. MITCHELL: With CDOT, do you do work as an
21 ESB?
22 MS. SMITH: Yes.
23 MS. MITCHELL: You do.
24 MS. SMITH: And not easily.
25 MS. MITCHELL: Okay.

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1 MS. SMITH: I will every two to three weeks
2 get an e-mail from somebody that we have submitted with,
3 who would say, literally they write back and say, love
4 to do business with you and hire you, except that you're
5 an ESB and we have to hire a DBE, even though you are
6 more qualified and your prices are more competitive.
7 And I have heard that from a number of
8 different people, both racial issues related to that, as
9 well as gender issues. I certainly feel that just in
10 terms of being a woman in a very aggressive industry,
11 because I'm in environmental and engineering both, and
12 we do lots of work with construction by necessity, so --
13 and we still find that doing work in the private sector
14 is more feasible because there are fewer hoops to jump
15 through bureaucratically, and yet we very much
16 appreciate the work that we get through all the
17 municipal and state venues that we do. We do a lot of
18 federal work. We're always grateful for that.
19 MS. MITCHELL: Have you done any prime work?
20 MS. SMITH: Yes.
21 MS. MITCHELL: For the City?
22 MS. SMITH: A little bit, yes.
23 MS. MITCHELL: Okay.
24 MS. SMITH: Not big, but enough to feel proud
25 of.

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1 MS. MITCHELL: All right.
2 MS. SMITH: Thank you.
3 MS. MITCHELL: Thank you.
4 Darcy Wilson.
5 Good evening. How are you?
6 MS. WILSON: Fine, thank you.
7 MS. MITCHELL: If you would spell your first
8 and last name, tell us the name of your company and how
9 long you have been in business.
10 MS. WILSON: Darcy, D-a-r-c-y, Wilson,
11 W-i-l-s-o-n, Darcy Wilson.
12 The name of my company is Stanmar, Inc. I'm
13 an WBE/DBE firm, and I have been in business since 1986.
14 MS. MITCHELL: Okay. Go ahead, Ms. Wilson.
15 MS. WILSON: There are several issues that I
16 wanted to discuss, but I think I'll just kind of focus
17 on a few and then submit it in writing to you later.
18 A lot of the minority firms out here are being
19 very reactionary because there's no real firm foundation
20 as far as policy and procedures in DBE programs. And it
21 is my belief that large cities and primes hire people
22 that spend all their time thinking about how they can
23 get around these programs, but that's just me.
24 I have worked on projects, like Ron Montoya,
25 we're a supplier of different types of products, but we

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1 found that the attitude that many of the prime
2 contractors had is to give you a job. Their attitude
3 is, we're not going to do anything to increase you to
4 hire any people on, we're going to pay you a small
5 margin, a small fee, to keep one person on staff, maybe
6 two, and no one else, so you're not allowed to grow your
7 company.
8 I've had one prime contractor tell me
9 literally that he helped buy one of the small minority
10 firm's equipment, but he didn't -- he neglected to say
11 that he tore up the equipment using it on the job, so
12 all he did was replace what the man already had.
13 The discrimination that I have felt on this
14 out here was on a project out at Stapleton, which is a
15 quasi-government agency, the -- the head of that agency
16 out there literally said that he was going to do
17 whatever it was that he wanted to do. That he was going
18 to do the construction policies and buy it any way that
19 he wanted to do it, because by the time the minorities
20 initiated the legal action and went through the court
21 system, the project will have already been built. This
22 is the mind-set. I'm going to do whatever it is I want
23 to do because we don't have the wherewithal to go after
24 these projects.
25 For the DIA project, I was working towards

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1 doing a wind engineering studies out at DIA, and that
2 project happened to be a letter of intent, construction
3 management, they had goals on it for 15 percent,
4 required of LOI, and they even raised the goals on that
5 particular project to 35 percent.
6 So once the project rolled out, because I
7 started watching this project, I contacted the program
8 manager and the program manager said that -- well, I
9 contacted the program manager to get a list of all the
10 people that are going to be performing on it, so that I
11 can become a part of their team. Four days before the
12 project proposals were due, I finally get a response
13 from them. I have been watching this project since it
14 was on the Fly Denver website. I have been watching
15 this all along. And I have been on it.
16 So I submitted a proposal anyway, because I
17 have professionals on staff that were able and capable
18 and had done this wind engineering data process and the
19 whole nine yards for many years, so I submitted a
20 proposal anyway to the firms.
21 They came in with no minority participation
22 and then I started screaming because of how the process
23 went to where I was neglected, I was not provided the
24 opportunity as fairly as all of the other people
25 submitting proposals, I never got any information, so I

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1 started complaining about it.
2 Well, they pulled that particular portion, and
3 this is where I say that they spend all their days
4 thinking of how they can do this. They pull that
5 particular task or project and rolled it up under
6 another contract where they issued a change order to
7 some task-oriented-type project, instead of the
8 construction-professional-services-type contract. So
9 now they don't have LOIs that they have to issue, they
10 have letters of -- they have the contract compliance.
11 Well, the architect already had their team in
12 place. So now they don't have to do anything, and
13 nobody has to do anything, because they conveniently put
14 a multimillion change order on a professional services
15 contract. So that was another form of the moving target
16 of solid ground that minorities don't have to
17 participate on their projects.
18 There is -- we continue to have these
19 disparity studies. Every five years we've got a new
20 disparity study. And we all know that there is racism
21 in the industry. So -- but the law says that we have to
22 track it. There has been discrimination -- some of us
23 have been in business for 30, 40, 50 years -- where is
24 Bob -- or more.
25 And then there's the generational

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1 discrimination. I come from a generational company that
2 has suffered discrimination for two to three
3 generations. So I feel the repercussions of things that
4 were done in this construction community to my
5 grandfather. I feel it today. I still experience the
6 same thing.
7 Somehow or another, there has to be some
8 remedies done. Once we have, instead of going back five
9 years, go back to the beginning of when all of this
10 stuff started. We can't just keep going back four or
11 five years, because we don't end up doing anything. We
12 don't correct or make any remedies for all of the stuff
13 that has taken place.
14 Let's see what else do I have down here. I
15 don't know whether you guys are taking any
16 recommendations --
17 MS. MITCHELL: Yes, we are.
18 MS. WILSON: One of my recommendations are
19 back in 2000, the City and County of Denver had what was
20 called a community task force because we were
21 experiencing so much police brutality. I believe the
22 same type of brutality exists in the construction
23 industry today against minorities. It might not be
24 physical where you can see a cut on somebody's face, but
25 we are unable to produce. We are unable to grow. We

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1 are unable to develop. You may have a select one or two
2 that is everybody's favorite that they keep going back
3 to, but we are unable to continue to develop the way we
4 ought to.
5 So I believe that the community needs to put
6 together a community task force that investigates the
7 discrimination that has taken place or the problems and
8 the difficulties that we as minorities are experiencing
9 and -- now, this is the good part, financial damages
10 need to be paid to that firm, because Monday I was
11 watching the community TV and City Council had this task
12 force for police brutality and they were hearing a case
13 where one of the persons who had been damaged was asking
14 for \$42,000 in damages, and they were voting on whether
15 they were going to award that to him. I think that same
16 things needs to apply today. I think we need to start
17 making people feel it in their pockets when they do
18 these things to us.
19 MS. MITCHELL: Thank you.
20 Herman Malone. Hello, Mr. Malone. Spell your
21 first and last name, tell us the name of your company
22 and how long you have been in business.
23 MR. MALONE: I'm Herman Malone, H-e-r-m-a-n,
24 Malone, M-a-l-o-n-e. The company name is RMES
25 Communications. I've been in business for 1976. I'm

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1 one of those firms Darcy referred to.
2 My testimony this evening is to simply state
3 that the current state of African-American businesses'
4 participation in Denver is abysmal. Our businesses have
5 been virtually shut out of the contracting in virtually
6 every category.
7 While our community represents 10 to
8 12 percent of the population, African-American contract
9 participation is a dismal one-third of 1 percent.
10 That's 0.3 percent of the contracting waters,
11 African-Americans in this year, 2012.
12 As a firm of 35 years, I would like to share a
13 personal experience RMES Communication is a
14 telecommunications firm, and it has provided a variety
15 of services in the telecom and electrical industry for a
16 number of years.
17 Our firm was an original member of the
18 telecommunications contract that was when the airport
19 was built. And we were part of the Qwest team, and we
20 performed on that contract for a number of years,
21 successfully, actually receiving awards for its
22 accomplish. Our firm hired and trained technicians to
23 perform those services.
24 And while there was a good number of years,
25 there was a change in the management at Qwest

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1 Communications. Now, this manager, whose name was Steve
2 Keller, I don't mind telling you his name, because it's
3 been documented and submitted to the Airport. He didn't
4 care very much for blacks and he didn't make any -- he
5 didn't make any bones about it. In fact, he had made
6 some derogatory statements about that, as well as his
7 managers, on a number of occasions, in front of our
8 employees.
9 So when that contract came up to be rebid
10 every five years, our firm was not even extended an
11 opportunity to submit a proposal. And while we
12 protested vigorously, they presented some bogus claims
13 that we didn't qualify to perform those services, which
14 I was -- which was an outright lie.
15 Not only were we well qualified, but as I
16 mentioned earlier, we had trained most of the
17 technicians working on the project at DIA.
18 Now, Qwest proceeded to hire another
19 contractor to perform those same services, and they even
20 conspired with those, that contractor, to hire away our
21 technicians. Now, today, those same technicians are
22 working at DIA that I hired and trained, and performing
23 at the highest levels. So Qwest was able to get rid of
24 an African-American firm and retain its employees by
25 claiming they were not qualified.

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1 See, goals have not been effective in
2 eliminating discrimination, especially for
3 African-Americans at DIA and the City of Denver.
4 I think one of the things we have to do is
5 develop partnerships and joint ventures and
6 relationships to -- to somehow get rid of this and get
7 behind it, so I think that we have to address that issue
8 head-on.
9 Now, there is another, and I know I'm trying
10 to adhere the time limitations here, but I mean -- we
11 can go on and on about other different -- the fact is
12 that other experiences that we have had, the Justice
13 Center, for instance. Now, I understand we can also
14 submit in writing some testimony, I can do that in the
15 interest of time. But certainly I want to bring that to
16 your attention tonight.
17 MS. MITCHELL: All right.
18 MR. SMITH: Thank you.
19 MS. MITCHELL: Thank you, Mr. Malone.
20 Mike, help me out here, Porras?
21 MR. PORRAS: Porras.
22 MS. MITCHELL: Porras.
23 MR. PORRAS: P-o-r-r-a-s.
24 MS. MITCHELL: Thank you.
25 MR. PORRAS: Sure.

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1 MS. MITCHELL: Spell your first name, your
2 last name, the name of your company and how long you've
3 been in business.
4 MR. PORRAS: I'm Mike M. Porass, Junior,
5 professional engineer. We operate and own Porass
6 Engineers & Company.
7 MS. MITCHELL: Spell your name for us.
8 MR. PORRAS: P-o-r-r-a-s.
9 MS. MITCHELL: Okay. Thank you.
10 MR. PORRAS: We provide civil and structural
11 engineering service for public works, mining and oil and
12 gas industry, commercial projects and small developers.
13 We're not too picky. And we've been in business here in
14 Denver since 1998. We've been in business 17 years,
15 started in Elko, Nevada, home of the Pony Express Trail.
16 I went to work in Elko, Nevada, started my
17 firm because I got tired of getting laid off by the
18 Anglo firms after they used a little bit of work. Used
19 my little bit of savings to start a one-man engineering
20 shop. It seemed like I got more work and got paid more
21 regularly by the City fathers and the local cities in
22 Elko and the surrounding area there in northeast Nevada
23 than I have had here in the metro area, where I have
24 been a citizen since 1974.
25 And I just want to make a few observations and

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1 let you folks know we see that the various agencies and
2 large firms are putting against us to keep us down and
3 out of the greenbacks. I don't like it. I do good
4 work. I'm registered in the three states. I've got the
5 insurance. I've got the training from the school Metro
6 State from '74 to '79. I got trained by the local
7 engineering firms and at CDOT. I know all the folks,
8 they know me, but they don't provide us any work. I
9 just see that there's limited opportunities for the
10 minority engineering firm, both at DIA, RTD, City of
11 Denver and CDOT, for the smaller one- to five-man
12 businesses. That's not right.

13 It seems like all these agencies hire these
14 larger firms, who are supposed to recruit the smaller
15 firms, but they don't. They just keep their staff
16 supplied, second observation.

17 The third is, it seems like the brown, the
18 black, the yellow, the red man firms are being lightly
19 utilized, if we are at all. They're substituting, and
20 it's "they," are these larger firms from out of town
21 that the City of Denver keeps hiring, like the Spanish
22 architect firm from Spain that developed DIA. When we
23 have Fentress Bradburn down here on Broadway that's done
24 airports all over the world. When we're in the middle
25 of a depression, the committee of choice selects the

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1 firm out of the world -- across the world, I should say.
2 And then the guy fakes an illness and takes
3 \$13 million, leaves us in disarray there at DIA of not
4 knowing who is in charge, what it do, and everybody
5 pointing fingers at who is to blame. That's not right
6 for a major engineering job at the -- like the south
7 criminal facility.

8 They are supposed to hire the smaller firms,
9 but they don't. What they're doing, it seems like
10 they're hiring more and more Anglo women firms to keep
11 it white and getting under the rules to keep the DBE
12 regulations and the SBE and NBE satisfied or pacified.
13 Us men need to have work, too. I'm sorry. I'm tired of
14 the disproportionate attitude that is prevailing. I
15 like women. I ain't got no problem with that, but we
16 need work, too. Shoot. I got kids, you know.

17 Fourth observation, it seems like the City
18 departments, and I've got examples here, at least my
19 experience, once you get a chance because there was this
20 period when I came back in to Denver from starting my
21 business in Elko, Nevada, in '94, I moved back here
22 in '97, because we couldn't maintain that rural
23 lifestyle too long.

24 It seems that the City fathers and the
25 selection committees were more geared toward utilizing

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1 these programs the right way than after -- than after
2 2002. The new crews came in, these yuppie types and
3 these youngsters coming in with no concept of equality,
4 and start changing rules and taking these attitudes that
5 we're seeing now from about 2003, to now, 10 years I've
6 seen it. I haven't gotten any work from the City of
7 Denver since 2005, because I complained about a job.
8 And I'll get to that in a minute.

9 So, what I'm alluding to on that is that the
10 City department at that time, I had this project, I was
11 awarded the civil and structural engineering for it.
12 Getting ready to start on the job and then we get
13 notice, hey, we're taking the civil work from you and
14 we're giving it to some white firm up in North Fort
15 Collins, out of the blue. Took away half of my work.
16 That ain't right, not if you already told me I had the
17 job. Don't tell me I got the job. That's not right.
18 Lying to us, misleading us, misconception of the loss.

19 Another observation, it seemed that the
20 engineering teams for some of these City projects, DIA
21 projects, are already preselected before it even comes
22 to the streets and advertised. They seem to be using
23 the same firms in every one. I can name the same firms,
24 because I have been watching it since 2003, for 10 years
25 on my own, in my little office here on Sheridan and

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1 Jewell, waiting for some work.
2 And I've applied. I've been a DBE, SBE, NBE
3 and all that, as really the main guy, since I got back
4 into Denver in '98. And we've just been ignored, and I
5 don't like it. I haven't done anything wrong. I've got
6 the training. I've got this insurance. I've got the
7 experience. I've got the knowledge. Why can't we
8 participate? It ain't right. Something needs to
9 change.

10 I knows these disparity studies -- having a
11 disparity study ought to tell you that there's something
12 wrong, so I'm voting that there is. I'm concurring.

13 And then as a recommendation, it seems like no
14 penalties are being applied or even considered to being
15 assessed to the perpetrators of these bad acts. I mean,
16 these large Anglo engineering firms, the out-of-town
17 firms and the selection committee with the City of
18 Denver, they're not following the rules and they're not
19 hiring us, when they're supposed to be using us to
20 supplement the work and give us a small portion so we
21 can be involved, but instead they tend to supplement
22 their staff and keep them on board.

23 So back to the assessment of penalty.
24 Something needs to be done to get to the people who are
25 doing that, because they're not following the rules.

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1 We're supposed to follow the rules and have all these
2 qualifications and all these insurances and such because
3 we're supposed to be hard working and want to do it. We
4 are. But the other people that are given this -- who
5 are selecting, aren't following the rules, as I observed
6 for 10 years.
7 Now, back to my example, or two. I had one
8 job when I first got into Denver was selected to work up
9 at DIA, the child care facility, working under the arm
10 of SA Miro. I was the civil engineer of record. We did
11 all the work, with Milliken Associates as the architects
12 involved. The job never got built because the City ran
13 out of money, I guess, in 2002. I don't know. The job
14 got shelved.
15 I got all the work done, and they failed to
16 pay me for the change orders, because in the design
17 phase, or the design stages of the project, you've got
18 these three phases, the SD, the DD and the CD. SD is
19 schematic design; DD is design development and CD is
20 construction documents. And this job, the kind of input
21 and critique and changes to the design that you're
22 supposed to get in SD stage, so you have a budget left
23 and the ability to change your drawings because you
24 haven't got so far, didn't come out to the CD stage, and
25 we're out of budget, so I requested change orders and I

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1 got ignored for two years by those folks and the folks
2 at DIA and the folks at City and County of Denver
3 because I complained to everybody that I could find.
4 And to add more to that point, once the job
5 was closed down, they're supposed to pay us the
6 retainage of 10 percent that they keep out of our
7 invoices. I had about 13,000 in retainage. I never got
8 paid it from SA Miro. They kept it. That ain't right.
9 They should be put in jail, all of them, even Mr. Miro,
10 for allowing his project managers to act like that.
11 So you all folks got to do something. You got
12 these scoundrels like that keeping us out of the picture
13 because they want to keep the greenbacks to themselves.
14 That's not right as well.
15 Another example, went to work, this is my last
16 job with the City of Denver, hopefully not the last, but
17 the last of late, in 2003, we were retained by the City
18 of Denver to work on the Park Field Fire Station up
19 there in the Stapleton area. We were going to do the
20 civil and structural engineering.
21 Like I said a moment ago, they axed my civil
22 scope and give it to some firm out of the City in Fort
23 Collins. That really upset me. To boot, they were
24 white. I didn't like it. Maybe they were women-owned,
25 and that's why they got it. I don't know. But it

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1 didn't seem right if they already told me.
2 Then, we get going on the job, they accepted
3 to do the structural engineering, and when we're working
4 along with the various SD and DD phases, we're supposed
5 to be getting fed information on how this structure is
6 supposed to look and certain geometry elements of the
7 shape of the structure so we have the alignment and
8 location of support members laid out by the architects.
9 They would never give me such information, so
10 I couldn't do my job. I started complaining, hey, I
11 need this information. And it was a woman-owned firm,
12 from California, nonetheless, instead of even one here
13 in Denver to do that Park Field Fire Station, as well.
14 Now they're no longer in business. The architect of
15 record that I worked under that would not give me the
16 information I needed, she is now working with SA Miro.
17 I guess they got the same attitude and that's why they
18 hired her.
19 So then I complained about that not getting
20 information, and then getting over 90 days to get paid.
21 Like they don't believe in prompt payment. I can't
22 survive after 30 real well, so I'm complaining hard. So
23 I get axed off the job because I'm complaining about
24 getting paid and asking for information so I can do my
25 job.

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1 By some -- one of these yuppie types that I
2 mentioned a while ago, that was hired on in the City. I
3 came across him three years at another company, he's not
4 even with the City anymore, but he had the audacity just
5 to get rid of the brown civil engineer, with no
6 questions asked of why I wasn't doing what I was
7 supposed to, just listening to the woman architect as
8 God. That's not right. There should be some equality
9 on decisions of that nature. And each party should be
10 able to express why they're acting their way and not
11 just get shafted. That's why I complained, too, and my
12 two examples.
13 And that's all I got to say for now. If you
14 want more, we can talk again.
15 MS. MITCHELL: Thank you.
16 MR. JONES: Thank you very much.
17 MS. MITCHELL: Terri Jackson. Hello. How are
18 you?
19 MS. JACKSON: Good. How are you?
20 MS. MITCHELL: You know the drill.
21 MS. JACKSON: I do. I'm Terri Jackson,
22 T-e-r-r-i, J-a-c-k-s-o-n. MBE, been in business for 15
23 years.
24 Want to first -- actually as a business owner,
25 I'm actually a co-chair for the black construction

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1 group, and one of the things that we've been noticing as
2 the black construction group is we've been taking a look
3 at what is the status of our businesses in our
4 community. And I think somebody gave the number before,
5 and it was -- we just took a look at City of Denver,
6 2012, year-to-date spending, and of a hundred -- over a
7 hundred million dollars, I think we had less than
8 \$500,000 spent with African-American firms. That is
9 consistent across not only the City and County of
10 Denver, but when we take a look at some of the RTD and
11 DPS, the state of our firms, the black firms is just --
12 it's -- we're calling us an endangered species.
13 I think a lot of people have talked about
14 what's kind of -- what's behind that. And I think, I've
15 got a couple of different examples that are -- so, first
16 I just want to say that just the whole state of our
17 businesses should be -- you should take a look at that.
18 There is no -- when you take across -- this is not to
19 take anything away from any of the other groups, because
20 I believe that we are all discriminated against, but
21 when you take a look at our participation as a group of
22 business owners, we're just woefully -- again, we're
23 just not there. And our percentage is so low that it's
24 at a point where it's very, very critical.
25 So not only is there discrimination against

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1 what I would call the discriminated, the groups of folks
2 that are included as MWBEs, but even within that, there
3 are serious issues within that and particularly with
4 black firms.
5 I want to give you a couple of examples of why
6 I think, or, you know, what's the basis behind that.
7 Why is there only less than one half of 1 percent
8 participation? And the things that come to me, or that
9 come to mind for me, are things that you never actually
10 end up seeing, so you just think that we're not bidding
11 or we're not out there trying to get this work, and
12 that's not the case at all.
13 I think somebody here was talking about Qwest.
14 For 15 years, we're in the same business, we have tried
15 to get out at the airport, Qwest had the contract,
16 CenturyLink had the contract. That same person, that
17 Mr. Malone was speaking of, Steve Keller, we bid
18 multiple times to them. It got to the point where we
19 were bidding below cost, of what we knew that was below
20 cost, but we were always told that we were too high. We
21 knew -- if we would have bid a dollar, it would have
22 been too high.
23 But nobody would ever get to see that, all you
24 know is just that -- because that part of the process is
25 closed off, so they have their bids, you don't know

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1 whether or not you were really high, whether you were --
2 you just don't get the bid and you never get any
3 feedback as to why not. And I can promise you, again,
4 you could put together a bid for a dollar and it would
5 still be too high.
6 The other thing, and this is not to just pick
7 on CenturyLink, because I think there's egregious
8 contractors out there everywhere, another example is an
9 RFP goes out for CenturyLink, and we ask to be on their
10 team, we asked several times, we have been contacting
11 them. They just absolutely positively just said no, we
12 are not going to consider you whatsoever, and there was
13 no basis behind that decision, other than they just
14 consciously decided that, and in my mind, that they did
15 not want to work with a black firm. That was my own
16 opinion, but I had no other background or anything else
17 to say to that, because we were qualified, we had
18 already done business, there was no reason for them not
19 to at least consider us.
20 A couple of other examples, I think one of the
21 big -- we're a subcontractor, so, again, you don't get
22 the opportunity to -- it's not visible out there, and I
23 think there's been some other subcontractors out there,
24 that it's not visible what you're doing and what your
25 bid is, because all you get to do is see through the

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1 City as what your -- who is on your team, and you don't
2 get any information about why there's nobody else
3 participating.
4 Some of the things that we have seen is we've
5 gone into a couple of union contractors and they've just
6 flat-out said you're a union company and we're not going
7 to do business with you because you're not a union
8 company. Well, you have goals, too, and we don't care.
9 We're not going to give you the opportunity because
10 you're a union contractor, you're not a union
11 contractor. I think that's a very big issue for
12 subcontractors that are open shop and you have -- you're
13 dealing with union companies.
14 They also tell you that they can meet the goal
15 without you. So I don't even really have to entertain
16 you whatsoever, because I've got this business, I'm
17 going to meet my goal. I don't need you. And I will
18 get my goal met the way that I want to get my goal met
19 and it doesn't -- I don't have to offer you an
20 opportunity whatsoever.
21 And at that particular point there is nothing
22 that we can do. All we can do is go to the next door
23 and try to beat on the next door. Meanwhile, the City
24 dollars, government dollars, we're being excluded from
25 the process because there is no opportunity. And again,

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1 that will never show up anywhere, because you'll never
2 see that. You'll never know that that's how they turned
3 the door on us.
4 I think the person who mentioned this
5 community task force or some policing mechanism because
6 this discrimination is very, very real and we are harmed
7 as a community when we are not participating in the City
8 process. And I just think that that harm is very real.
9 When we don't get jobs and when we're not working, we're
10 not able to hire, we're not able to, you know --
11 somebody talked about firms coming from out of town or
12 wherever, we're local businesses, we hire people from
13 our communities. And when our communities are not
14 working, the whole City suffers. So, you know, there
15 are damages that are being applied to us when we're --
16 when we don't have the ability to sustain our companies.
17 The last thing, or just another thing that
18 comes to mind, too, is we're dealing with suppliers and
19 we're just not able to get our pricing down. We
20 actually -- we went to some of our manufacturers and we
21 were literally told, you cannot -- we will not add you
22 as one of our manufacturers. Why is that? Well, you
23 actually had the best presentation proposal that we have
24 seen in 10 years, literally they've said this in a
25 meeting, this is the best proposal we've seen, but we're

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1 not accepting any more proposals from contractors,
2 because it wouldn't be fair to our existing contractors.
3 Do you have one minority contractor on your list? No,
4 we do not. But it is not fair for us to add you as
5 another contractor that's able to sell our product.
6 This is very common in our industry. You can't -- they
7 will not allow you access to it.
8 Or when you're actually going for it, you end
9 up paying more. You'll end up going to the suppliers
10 because you don't have the pricing. I'm not going to
11 get the pricing that Olympic Electric or a big
12 electrical company is going to get, but then you're
13 going to call me and tell me that I'm uncompetitive
14 because my pricing that I got from the manufacturer was
15 three times as high as what they gave the other guy.
16 How am I supposed to compete? How am I supposed to get
17 that pricing down?
18 I think Mr. Montoya mentioned some of the
19 things where, take out the supply or put us on an even
20 playing field, so that you take out the supplier giving
21 us bad pricing so that we can be competitive. I think
22 that's some of the things to do.
23 I hope that you look through this study and
24 when you're doing this and that you really do take a
25 look. Again, there's some inner ethnic -- what is the

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1 inner ethnic parity, I think that's an issue that should
2 be addressed.
3 The other thing I want to say is the other
4 statistic that we looked at was the SBE versus the MWBE
5 program, and I know that this is -- but when you add the
6 SBE program, the ability of the Caucasian females and
7 Caucasian males, they picked up 98 percent of the work
8 on just one particular job that we were looking at,
9 where it was an SBE program. And that basically
10 eliminated all of the DBEs. There was less than
11 2 percent. I think 1 percent went to black and
12 1 percent went to Hispanic. But the 98 percent of
13 the -- the rest of the goal was met through white female
14 and white male. So that's very concerning as well, when
15 you start to think about just how those dollars are
16 being allocated across.
17 So, those are my comments.
18 MS. MITCHELL: Okay. Thank you.
19 And last, but not -- we have one more. Rod
20 Tafoya.
21 MR. TAFOYA: Hi. How are you?
22 MS. MITCHELL: Good.
23 MR. TAFOYA: My name is Rod Tafoya, Rod, last
24 name Tafoya, T-a-f-o-y-a. My company name is Mission
25 Yogurt, Incorporated. We've been in business since

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1 1988.
2 MS. MITCHELL: Okay.
3 MR. TAFOYA: And my comments are: I think the
4 way that this program was set up was to eliminate
5 barriers, and I can say right now that the barriers are
6 higher than they have ever been at DIA. That's what my
7 experience has been.
8 From our experience, we have to have an
9 attorney on staff, we have to have consultants at our
10 disposal, which really eats into our financial health.
11 If anybody else is able to compete at this level, it's
12 really a very, very strong firm, that is able to do
13 that. Right now, today, if somebody would be going into
14 that business, they couldn't compete at the level we are
15 in. We have a lobbyist permanently on staff, and that,
16 in turn, affects our bottom line, which really then
17 eliminates our access to capital and expansion.
18 So then, how are we supposed to gain a certain
19 level of experience, as well as economic stature in the
20 marketplace, to be able to compete at as strong a level
21 and eventually graduate from the program. They have
22 found a way to manipulate RFPs by providing summaries to
23 selection committees before. We raised this issue just
24 recently, and they said they changed that now.
25 If they have been doing this for years and

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1 years and years, can you tell me have all of their
2 summaries been accurate and what they've been reporting
3 been accurate? So what about the selections that have
4 been made in the past? Then they pass these summaries
5 on to a selection committee that, of course, is stacked
6 in their favor from all their friends, and of course, by
7 a number of people that have no experience in the
8 industry.
9 And a number of RFPs zero goals have been
10 assigned to the -- to the projects and the RFPs. We
11 asked on many occasions how come there were zero goals
12 associated with these projects and are told because they
13 didn't have to have any.
14 Now, in the spirit of things, if you are
15 trying to achieve goals and build capacity, why are
16 there still zero goals?
17 We as a company have never been asked to
18 participate with a prime contractor. I wonder why that
19 is. We're a certified ACDBE firm, able to compete in
20 the marketplace as well as other cities.
21 Today the real numbers for ACDBE participation
22 are unknown or inaccurate. We've asked on many
23 occasions for those numbers and we still don't have
24 them. We have asked on other occasions how somebody has
25 been certified and if they graduated or not, and we

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1 still don't have the numbers.
2 Today we are the only food concessionaire at
3 DIA with seven-year contracts, whereas all the other
4 contracts are 10 years. Now, why is that?
5 Recently, the Administration made a decision
6 to change retail contracts from five to seven years, so
7 now we're being required, as a retail contractor at DIA,
8 which really is affecting our financial strength of our
9 company and damaging our ability to compete in the
10 marketplace. So we don't have the additional three
11 years to fall back on in a market and gain the financial
12 stability that's needed to compete.
13 So here we are asking for the right to
14 participate at a 35 percent or whatever level, when it
15 should be really the other way around. The big
16 companies should be asking for 35 percent, while we're
17 using whatever we have in our resources and our
18 percentage and we're planting that back into the
19 community.
20 Thank you.
21 MS. MITCHELL: Fantastic. Thank you.
22 Okay. Now, last but not least, Mr. Timothy
23 Jackson.
24 Do we have everyone's form? We had some late
25 people come in.

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1 Okay. Mr. Jackson.
2 MR. JACKSON: Good evening.
3 MS. MITCHELL: Good evening. How are you?
4 MR. JACKSON: Just fine. How are you?
5 MS. MITCHELL: I'm doing okay.
6 MR. JACKSON: Good.
7 MS. MITCHELL: Spell your first and last name,
8 tell us the name of your company and how long you have
9 been in business, Mr. Jackson.
10 MR. JACKSON: Sure. My name is Timothy
11 Jackson, T-i-m-o-t-h-y, J-a-c-k-s-o-n. The name of my
12 company is Jackson Enterprises, Jackson Construction.
13 I've been in business since 1995, second generation.
14 And I'm going to -- my goal here is to keep it
15 short and sweet.
16 MS. MITCHELL: Okay.
17 MR. JACKSON: So I'm going to give you bullets
18 of my experience on one particular job and then overall
19 experience from other past projects.
20 MS. MITCHELL: Okay.
21 MR. JACKSON: The last job that we did in
22 Denver, or out at DIA, was back in 2010. Basically it
23 was a labor contract. We provided about a half dozen
24 workers and basically they had to go out and we were --
25 it was a concrete job. They did well. They did their

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1 work. They were complemented on what they were doing.
2 The prime asked for basically -- it was four
3 men, two women. When I went out to meet with the
4 project manager, everything was okay, but when I get
5 back to the office, then I get e-mails about, well, this
6 was wrong and that was wrong, and so I would have to
7 answer back, well, you didn't mention this in our
8 meeting.
9 So there was -- and then my female workers
10 stated how the site superintendent actually said he got
11 tired of dealing with women. He got tired of -- they
12 were just a pain in the neck. And this was not
13 expressed to me.
14 And then we were told that we -- that our
15 workers needed special respiratory equipment. We had
16 to -- they had to go through testing, they had to --
17 training, all this type of thing. It was very
18 expensive. We didn't get called back for six months,
19 and so a lot of our workers had to go on. So in the
20 meantime, I found out that they had hired local
21 person -- people, to take our work.
22 And so when the project was done and I --
23 well, it was curtailed because the prime's work was
24 below standards, so they had them leave the project,
25 basically.

1 But our percentage was around 10 percent. But
2 with everything said and done since they didn't have our
3 workers out there, we got 5 percent of the remaining
4 amount that they were to be paid. They have not
5 received their final pay out yet.

6 And part of the problem, too, was there was no
7 follow-through. There was no monitoring. There was no
8 investigation of that situation.

9 Real quick, some of our other experiences, we
10 were a general contractor, did a project, and we were
11 under a prime, a large prime contractor, and it was real
12 nasty. We -- they sat on a retainage for three years.

13 Another situation, we did -- we had a site
14 furnishing project. It was assumed we got it because we
15 were a minority firm. We were the lowest bidder. We
16 went out and we did our job. And at one period of time
17 the prime accused us of not following specifications.
18 Well, the problem is, is that I used to teach
19 blueprinting. I'm a retired Naval officer, warrant
20 officer and I was a shipboard engineering officer, and
21 my project manager at the time had his -- a lot of his
22 education in structural engineering, so he knew how --
23 about specifications and all this type of thing.

24 So even though the project manager could not
25 spar with me, we never got any more work. But then we

1 So the bottom line -- and then we had some
2 other situations like with construction management,
3 where we have had receivables for over 120 days. I had
4 one situation where the prime consultant was talking to
5 my worker, and telling them what we were receiving, and
6 I terminated one.

7 And then another situation, I brought in
8 another person to replace the first one, they were not
9 satisfied with her, I got a call, we want her off the
10 site. And we had to hustle and get another person. And
11 so we -- we -- we went through that situation with the
12 project management experience.

13 So some of my -- my suggestions would be
14 better monitoring. There's been a lack of
15 investigation. A lot of times you don't have to just
16 find out what he said/she said, investigate. It's easy
17 enough to do, you look at the certified payrolls, you
18 look at the amount of hours, and that gives you a lot of
19 answers.

20 And then the other big issue is even though
21 we're minority firms, we may be telling the truth. How
22 about that? So one of the situations like -- and I
23 mentioned out at DIA, the contract is still open. This
24 is over two years ago. Well, did you cash your last
25 check? I said, no. And I knew this was going to come

1 found out later on, he wrote a letter to the architect
2 who claimed we didn't do our job right and he defended
3 our work. I never did get the copy. I found out
4 happenstance that he defended our work. We never found
5 out. We never got back out to the job site.

6 So we had a painting contract, and we were --
7 we were -- it was a curb and gutter work. It was a
8 little bits and pieces and stuff like that. All our
9 work passed. One of the things I found out, the prime
10 contractor, the requirement was that the aggregate
11 should be such that we only have to do a little bit of
12 smooth out and then we lay our forms, pour our concrete,
13 and I found out later that that did not occur. Not only
14 that, I had a lot of men standing around waiting for his
15 project manager to give us location. I left the
16 contract. I called the prime and I said, I can't afford
17 this. We were blamed.

18 Another job we did, it was a painting job,
19 because what we do, we provide management and then we
20 self-performed services and painting and concrete. And
21 one of the subcontractors did not clean up their work
22 well. We were blamed for their mess. And so it was a
23 situation where it was a sand blast, they didn't clean
24 it up well, so when you go in and spray, all that
25 residual went all over the wall. We were blamed.

1 up, I did not cash the last check, I did not sign the
2 final . . .

3 So the part of the problem is in -- especially
4 in the African-American community, we understand that
5 the government is not the evil one, and we understand
6 that even though the wealthy -- I'm getting a little
7 political here, they use the government. Right now
8 there's a private firm who does certified payroll for
9 the City and County of Denver. There's a private firm
10 that does my electronics funds transfer for my taxes for
11 the federal government. So the big -- a lot of these
12 large white firms are totally in bed with the
13 government. So if they can go out and propagandize and
14 say, hey, you guys don't want to deal with them, they
15 keep it to themselves.

16 Aside from that, that's what is going on with
17 a lot of government entities, and many times with the
18 City and County of Denver. And unfortunately, in my
19 three years having to wait for my retainage, I took it
20 to the Council person and I was told, you got your
21 money. Well, I can't afford to -- not many people can
22 afford to wait three years on money and you don't even
23 get any kind of interest on it. So . . .

24 Thank you. And I'll provide some more written
25 information.

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1 MS. MITCHELL: Thank you. Thank you very
2 much.
3 Okay. That's our last speaker that has signed
4 up to speak. Anyone who gave me a form who changed
5 their mind?
6 You were first.
7 I will say, let us say this really quickly,
8 because, you know, once -- we have to be here until
9 8 o'clock, whether or not you want to stay and see if
10 anyone else speaks is up to you, otherwise you can
11 leave. But in closing what we'll say is, one, that we
12 appreciate everyone for coming out. And what will
13 happen with the testimony, you know, we talked about all
14 these different steps that have to be done and the data
15 analyzed, et cetera, the anecdotal component is what
16 we're doing now, and we'll continue to do over the next
17 couple months.
18 When the Disparity Study is done, we will
19 begin to feed to the City our findings. In most cases,
20 when it's still in a preliminary status, the City does
21 not release that information, because we have to make
22 sure we have the right categories and et cetera. But
23 when the final report comes out, and we heard some very
24 interesting testimony, which actually kind of surprised
25 me for Denver, but, it -- you know, I'm not too old to

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1 be surprised.
2 When the study comes out, we highly encourage
3 you to read the results of the study and to hold Council
4 members and City staff members accountable for the
5 findings and recommendations that we will provide to the
6 City based on the data and based on your comments. And
7 so look for that. Hopefully they will advertise when --
8 usually we come in and do a public presentation for
9 the -- with the final results, so look for that -- that
10 meeting. We don't know when that will be yet, but we'll
11 hope it will be in the a least the next six months.
12 Yeah, the next six months, we should be done and have
13 that meeting and do that.
14 Again, if you have any additional comments
15 that you would like to make or if you did not make any
16 today and you want to provide some comments, please feel
17 free to e-mail me and let me know -- hold on one second.
18 Feel free to e-mail me and let me know what your
19 comments are or give me a call.
20 As a reminder, you may, in addition to this
21 meeting tonight, you may also be asked to participate in
22 either a survey or focus group or one on one, and I hope
23 you take the opportunity to participate in that, because
24 it's very important we get your feedback for that.
25 So you can leave, if you would like, or you

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1 can stay and we can open this up for some questions.
2 MR. JONES: I just want to say, those of you
3 who haven't testified, go home and think about it, make
4 some notes and come back tomorrow. It's the same open
5 forum. Highlight the issues that you see and if you've
6 got any ideas or recommendations, you can provide those
7 to us.
8 So you have tomorrow or you can do the written
9 testimony, but please do not pass up this opportunity to
10 share your views and observations with us, it's very,
11 very important.
12 MR. SMITH: Just to reiterate, if you're
13 contacted for focus group person or survey, please
14 complete and participate. We encourage your fellow
15 business owners to participate as well. Okay.
16 MR. JONES: Is the meeting same time tomorrow?
17 MS. MITCHELL: Yes, it is, same location, same
18 time, 6:00 to 8:00.
19 MR. SMITH: No other questions? Thank you for
20 coming.
21 (Discussion off the record.)
22 WHEREUPON, the above proceedings were
23 concluded at the approximate hour of 7:44 p.m. on the
24 28th day of August, 2012.
25 * * * * *

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1 REPORTER'S CERTIFICATE
2 STATE OF COLORADO)
3) ss.
4 CITY AND COUNTY OF DENVER)
5 I, JOANN M. HANSEN, Registered Professional
6 Reporter and Notary Public, State of Colorado, do hereby
7 certify that the said proceedings were taken in machine
8 shorthand by me at the time and place aforesaid and was
9 thereafter reduced to typewritten form, consisting of
10 80 pages herein; that the foregoing is a true transcript
11 of the questions asked, testimony given, and proceedings
12 had. I further certify that I am not employed by,
13 related to, nor of counsel for any of the parties
14 herein, nor otherwise interested in the outcome of this
15 litigation.
16 IN WITNESS WHEREOF, I have affixed my signature
17 and seal this 11th day of September, 2012.
18 My commission expires February 11, 2014.
19
20 _____
21 Joann M. Hansen
22 Registered Professional Reporter
23
24
25

A	<p>ability 12:12 49:23 57:16 59:6 62:9</p> <p>able 5:5 8:23 12:10 21:16,21,22 24:22 37:17 42:23 52:10 57:10,10,19 58:5 60:11,12,20 61:19</p> <p>absolutely 55:11</p> <p>abysmal 41:4</p> <p>accept 29:1</p> <p>accepted 9:2 51:2</p> <p>accepting 13:20 58:1</p> <p>access 26:4 58:7 60:17</p> <p>accommodations 9:7</p> <p>accomplish 41:22</p> <p>accomplished 32:7</p> <p>accountable 70:4</p> <p>accurate 61:2,3</p> <p>accused 65:17</p> <p>ACDBE 61:19,21</p> <p>achieve 61:15</p> <p>act 50:10</p> <p>acting 52:10</p> <p>action 36:20</p> <p>activities 7:16 14:9 14:14</p> <p>activity 14:15</p> <p>acts 48:15</p> <p>add 30:3 50:4 57:21 58:4 59:5</p> <p>added 14:13 27:15</p> <p>addition 70:20</p> <p>additional 13:23 62:10 70:14</p> <p>address 13:21 43:7</p> <p>addressed 59:2</p> <p>adds 10:22</p> <p>adhere 7:23 43:10</p> <p>Administration 62:5</p> <p>advantage 21:21</p> <p>advertise 70:7</p> <p>advertised 47:22</p> <p>affixed 72:16</p> <p>afford 66:16 68:21 68:22</p> <p>aforsaid 72:8</p> <p>African-American 41:3,8 42:24 53:8 68:4</p> <p>African-America... 8:10 41:11 43:3</p> <p>agencies 15:22 29:21 45:1,13</p> <p>agency 36:15,15</p> <p>agenda 13:22</p> <p>aggregate 66:10</p> <p>aggressive 23:13,14 23:17,18,22 34:10</p> <p>ago 6:3 50:21 52:2 67:24</p> <p>ahead 4:2,7 24:9 35:14</p> <p>ain't 46:15 47:16 48:8 50:8</p> <p>airport 6:1,9 41:18 42:3 54:15</p> <p>airports 29:21 45:24</p> <p>alignment 51:7</p> <p>allocated 59:16</p> <p>allow 58:7</p> <p>allowed 36:6</p> <p>allowing 50:10</p> <p>alluding 47:9</p> <p>America 2:6,9 4:10</p> <p>Americans 8:11,11 8:11</p> <p>amount 19:9,10,11 65:4 67:18</p> <p>analysis 7:25 8:1 9:12,14 10:5</p> <p>analyze 9:23</p> <p>analyzed 69:15</p>	<p>anecdotal 10:9,10 10:22 14:2,9 69:15</p> <p>Anglo 44:18 46:10 48:16</p> <p>answer 5:19 64:7</p> <p>answered 25:16</p> <p>answers 67:19</p> <p>anybody 60:11</p> <p>anymore 52:4</p> <p>anyway 37:16,20</p> <p>apologize 26:10</p> <p>applied 48:2,14 57:15</p> <p>apply 40:16</p> <p>appreciate 14:20 33:14 34:16 69:12</p> <p>approach 28:18 31:21</p> <p>approached 28:25</p> <p>approaching 32:22</p> <p>approximate 71:23</p> <p>Arapahoe 2:3</p> <p>architect 38:11 45:22 51:14 52:7 66:1</p> <p>architects 49:11 51:8</p> <p>area 9:5 22:16 23:17,18 30:7,10 44:22,23 50:19</p> <p>arm 49:9</p> <p>Asian 8:11</p> <p>Aside 68:16</p> <p>asked 14:17 52:6 55:10 61:11,17,22 61:24 64:2 70:21 72:11</p> <p>asking 40:13 51:24 62:13,16</p> <p>aspects 18:15 22:19</p> <p>assessed 48:15</p> <p>assessment 48:23</p> <p>assigned 61:10</p>	<p>associated 61:12</p> <p>Associates 49:11</p> <p>assumed 65:14</p> <p>attempt 6:12</p> <p>attempted 14:11</p> <p>attempting 10:15 12:23</p> <p>attending 12:20</p> <p>attention 43:16</p> <p>attitude 36:1,2 46:14 51:17</p> <p>attitudes 47:4</p> <p>attorney 60:9</p> <p>audacity 52:4</p> <p>audience 5:20 26:21</p> <p>August 1:2,8 3:2 71:24</p> <p>Austin 6:20</p> <p>availability 8:22</p> <p>available 8:25</p> <p>Avenue 1:7 2:13</p> <p>award 40:15</p> <p>awarded 47:11</p> <p>awards 41:21</p> <p>axed 50:21 51:23</p>	<p>basically 7:13 59:9 63:22,24 64:2,25</p> <p>basis 54:6 55:13</p> <p>beat 56:23</p> <p>bed 68:12</p> <p>beginning 26:11 39:9</p> <p>begs 25:15</p> <p>belief 35:21</p> <p>believe 39:21 40:5 51:21 53:20</p> <p>best 57:23,25</p> <p>better 10:6 67:14</p> <p>bid 25:9 29:12 54:17,21 55:2,4 55:25</p> <p>bidder 65:15</p> <p>bidding 54:10,19</p> <p>bids 54:25</p> <p>big 34:24 55:21 56:11 58:11 62:15 67:20 68:11</p> <p>bigger 22:10</p> <p>biggest 21:15</p> <p>bit 14:2 16:20 24:11 34:22 44:18 44:19 66:11</p> <p>bits 66:8</p> <p>black 45:18 52:25 53:2,11 54:4 55:15 59:11</p> <p>blacks 42:4</p> <p>blame 46:5</p> <p>blamed 66:17,22 66:25</p> <p>blanket 33:6</p> <p>blast 66:23</p> <p>blindly 23:10</p> <p>blue 47:15</p> <p>blueprinting 65:19</p> <p>board 7:8 48:22</p> <p>Bob 38:24</p> <p>bogus 42:12</p> <p>bones 42:5</p>
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