



Land Use, Transportation & Infrastructure Committee Summary Minutes

Tuesday, February 8, 2011 10:30 AM City & County Building, Room 391

Members Present: Hancock, Madison, Montero, Robb, Sandoval

Members Absent: Johnson

Other Council Nevitt

Present:

Committee Staff: Gretchen Williams

Bill Request

BR11-0078 Approves implementation of the Public Works annual infrastructure maintenance program, a total of \$32,850,000 approved in the 2011 budget, and waives the requirement that any contracts above \$500,000 to implement the program be individually approved by Council in order to expedite projects, following all standard contract advertising and competitive awards to the lowest responsive bidder and reporting to Council on all contracts.

*George Delaney and Barb Puls, Public Works; Shaun Sullivan,
Assistant City Attorney*

This item was held until the Committee's Feb. 15 meeting due to requests for more information on the City's Minority, Woman, Small, and Disadvantaged Business Enterprise Program goal setting and on the use of on-call contracts.

Mr. Delaney said about two years ago, a group was formed including representatives from the Mayor's Office, City Council, City Attorney, Auditor and several agencies to explore ways the City could improve the City's contracting process. Council was represented by Councilwoman Robb, Councilman Brown and Lauri Dannemiller.

This proposal is to bundle the Public Works annual maintenance programs into one bill for Council approval at the start of the year. This approximately \$32 million annual program (curb, gutter and crossspan repair; street maintenance; etc.) is approved in the budget each year. If Council adopted an ordinance early in the year approving the entire program and waiving the \$500,000 threshold for Council approval of individual contracts for program implementation, the work could begin 4 to 6 weeks earlier in the year.

In response to questions from Committee members, the following points were made:

- Public Works will provide monthly reports to Council on new contracts.
- Waiver of the \$500,000 threshold for Council approval of contracts only applies to contracts for implementation of the annual maintenance program.
- All contracts are still subject to the MWBE goals.
- MWBE goals are set very early in the process, based on the type of work to and the number of certified firms in that category.
- Curb and gutter contracts are specifically reserved for Small Business Enterprise contractors.
- Goals are generally around 20% for construction and 15% for consulting.
- Entire program would involve about 20 contracts averaging \$1.5 million.
- Public Works has been preparing the bids for some of the contracts, and the MWBE goals for those were set several weeks ago.
- The main point of the proposal is to get the work out on the street earlier in the construction season.
- The program and budget is already approved by Council in the annual budget.
- This could be a pilot for one year.

Councilwoman Montero said the MWBE community is very concerned about "bundling" of contracts and how the goals are set. The goals seem very low. She said she was uncomfortable moving this bill forward until she had more information on how the goals are set and what this bundling of contracts would actually mean.

Councilman Hancock said his concern is that Council is the last check point to ensure that the City has complied with the law regarding the goals and compliance. Mr. Delaney responded that all contracting procedures, rules, and goals remain the same. Each contract will be publicly advertised, the bid review process will remain the same and the same standards apply. The only difference is that Council would not approve each individual contract.

Councilwoman Robb said we are balancing two important goals and values: ensuring minority contracting and getting work on the street more quickly. She is willing to try this process for a year.

Councilwoman Robb said she had concerns about on-call contracts, and Councilwoman Montero had expressed concern about the MWBE goal setting for those as well. She hopes we can have information on that at the next meeting.

Councilman Hancock offered his Business, Workforce & Sustainability Committee for a full discussion of the MBE/WBE program and processes.

Councilman Nevitt said he liked the efficiency of the proposed program, but he would defer to Councilwoman Montero's concerns.

A motion offered by Councilmember Montero, duly seconded by Councilmember Sandoval, to HOLD the bill for one week carried by the following vote:

AYES: Nevitt, Madison, Montero, Sandoval(4)

NAYS: Madison, Robb(2)
ABSENT: Johnson(1)
ABSTAIN: (None)