

Transcript of the Testimony of

PUBLIC HEARING

August 29, 2012

Volume:

-
vs.

Joann M. Hansen, R.P.R.

Joann M. Hansen, R.P.R.

Hansen and Company

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<p style="text-align: right;">Page 1</p> <hr/> <p>PUBLIC HEARING OF: AUGUST 29, 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 29, 2012, at 5:50 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-collapse: collapse;"> <thead> <tr> <th style="width: 5%;"></th> <th style="width: 85%;"></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>PROCEEDINGS OF AUGUST 29, 2012:</td><td></td></tr> <tr><td>3</td><td>Mr. Ocie Brown</td><td style="text-align: right;">11</td></tr> <tr><td>4</td><td>Mr. Paul Shugart</td><td style="text-align: right;">17</td></tr> <tr><td>5</td><td>Mr. Paul McCowan</td><td style="text-align: right;">21</td></tr> <tr><td>6</td><td>Ms. Heather Noyes</td><td style="text-align: right;">27</td></tr> <tr><td>7</td><td>Mr. Ronald Roybal</td><td style="text-align: right;">29</td></tr> <tr><td>8</td><td>Mr. Kurt Hout</td><td style="text-align: right;">35</td></tr> <tr><td>9</td><td>Mr. Brandon Garcia</td><td style="text-align: right;">38</td></tr> <tr><td>10</td><td>Mr. Darrell Jackson</td><td style="text-align: right;">43</td></tr> <tr><td>11</td><td>Ms. Terri Witt</td><td style="text-align: right;">48</td></tr> <tr><td>12</td><td>Mr. Wes Garnett</td><td style="text-align: right;">53</td></tr> <tr><td>13</td><td>Ms. Crystal Hill</td><td style="text-align: right;">58</td></tr> <tr><td>14</td><td>Mr. Robert W. Jackson</td><td style="text-align: right;">65</td></tr> <tr><td>15</td><td>Mr. Freddie Hanns</td><td style="text-align: right;">70</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>			PAGE	1			2	PROCEEDINGS OF AUGUST 29, 2012:		3	Mr. Ocie Brown	11	4	Mr. Paul Shugart	17	5	Mr. Paul McCowan	21	6	Ms. Heather Noyes	27	7	Mr. Ronald Roybal	29	8	Mr. Kurt Hout	35	9	Mr. Brandon Garcia	38	10	Mr. Darrell Jackson	43	11	Ms. Terri Witt	48	12	Mr. Wes Garnett	53	13	Ms. Crystal Hill	58	14	Mr. Robert W. Jackson	65	15	Mr. Freddie Hanns	70	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 (WHEREUPON, the following proceedings began on the 2 29th day of August, 2012 at the approximate hour of 5:48 p.m.) 3 4 MS. MITCHELL: We're going to go ahead and get 5 started. Everyone take their seats. 6 7 MR. SMITH: Good evening. Thank you for coming and 8 taking time out to do the schedule to come in and talk with us 9 today. My name is Reggie Smith. I'm with MGT of America. And 10 we're the consultant firm that's been selected to do the 11 Disparity Study for the City and County of Denver. 12 We are conducting public hearings to get feedback from 13 business owners, both prime and subcontractors, on their 14 experiences in doing business with the City and County or trying 15 to do business, and that's the purpose for the forum this 16 evening. 17 But before we get started, we've got Mr. Chris 18 Martinez here from the Small Business Opportunity Office, out of 19 the Office of Economic Development. I'm going to ask him to say 20 a few things before we get started. 21 22 MR. MARTINEZ: Thank you, everyone. Thank you for 23 coming out this evening. As Reggie said, the study is coming 24 from the City itself, from the Division of Small Business 25 Opportunity, Office of Economic Development, is why we're doing that, so with your presence here tonight means a lot to us, and to me personally, that you're here, to find out what's going on</p>																																																																														

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1 and provide some testimony on it. I'm asking everyone to be
2 honest, to be frank, to be clear, what your comments are.
3 I am not staying, just so that you know. There are
4 folks sometimes that feel there's a City representative here,
5 there may be ramifications. We don't want you to feel that way
6 at all. I want you to know how important it is to me. That's
7 why I came here to be here for tonight's meeting. We want to
8 have successful disparity studies so we can determine what the
9 future is going to be with the City of Denver.
10 With that, I wanted to see if there's any questions
11 for me before I leave.
12 Sir?
13 UNIDENTIFIED MALE SPEAKER: What kind of arrangement
14 and interaction do you have with RTD, as far as all these
15 projects RTD has?
16 MR. MARTINEZ: With RTD, that's a loaded question now,
17 but I think I'll explain that to you in a minute.
18 My office, we're part of a UCC agreement partnership.
19 What that is, we share certifications.
20 But as far as contracting, procurements, we don't have
21 any interfacing with them, unless RTD is using City dollars on a
22 project. If they're using City dollars on a project, then they
23 must comply with our MWBE program, as well as possibly the
24 Federal DBE program. That would be our interfacing with them.
25 But I also should say I have a lot of familiarity with

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1 RTD. I served eight years on the RTD board in the early 2000s.
2 UNIDENTIFIED FEMALE SPEAKER: Are you involved in the
3 Union Station project?
4 MR. MARTINEZ: Are we involved in the Union Station
5 project? As a City we don't have dollars in the Union Station
6 project. We are not directly involved. But there are some other
7 projects going on around it that we are potentially involved in.
8 UNIDENTIFIED FEMALE SPEAKER: Okay.
9 MR. MARTINEZ: Others?
10 If there are specific questions or things tonight that
11 you have come up with later and you want a reply, these folks,
12 Reggie and his team, will take that comment and give that to me,
13 if you ask them to, and we will respond to your questions as
14 well, if you want us to. Before you make your comments, if you
15 want some information, please let us know and we'll get back to
16 you.
17 With that, again, thank you again for coming out this
18 evening. We really do appreciate it for the time you spend here
19 this evening.
20 MS. MITCHELL: Thank you, Mr. Martinez.
21 MR. SMITH: Also with me, I have Ms. Vernetta
22 Mitchell. She is the team leader for the anecdotal portion of
23 the company.
24 I also have a local subcontractor working with us, ITP
25 Construction and Walter Jones and Charles in the back, taking

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1 care of the coordination of the facilities and getting in contact
2 with people for attending public hearings, as well as the other
3 anecdotal activities.
4 Briefly, MGT of America is a national management
5 research and consulting firm. It's been around since 1974. We
6 have done disparity studies in over 140 different jurisdictions
7 throughout the country. We -- we've got regional offices in
8 Sacramento, California; Olympia, Washington; Austin, Texas and
9 our corporate headquarters in Tallahassee, Florida.
10 We are trying to ensure that we do all the things that
11 are necessary to give you a good disparity study. And a
12 disparity study basically is we analyze the procurement practices
13 of the City and the County. So what we're doing is looking at
14 all the contracts that were awarded for the study period 2005
15 through 2010, so that's what we're looking at, every contract
16 that was awarded. We will be looking at who received the award
17 in different business categories, such as construction,
18 construction-related services, professional services, goods,
19 services, in general, services, and concessions out at the
20 airport ACDBEs.
21 We will look at all those contract awards and we'll
22 look at the ethnicities of what business owners received those
23 awards. We're looking at contracts awarded to African-Americans,
24 Hispanic Americans, Asian Americans, Native Americans,
25 non-minority women and majority firms. So we will look at all

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1 those by year and do our analysis to determine who received
2 awards.
3 And then we're going to look at availability, who is
4 out there, which businesses are out there that are ready, willing
5 and able to provide services to the City, and compare those to
6 what we call a disparity ratio. And the disparity ratio will
7 basically say who is being over utilized, under utilized or
8 substantially under utilized. We have a statistical formula for
9 that. If the disparity ratio is 80 or less, then that's what we
10 consider substantially under utilized. That's what we do. These
11 disparity studies are very involved, complex, and can last
12 anywhere from eight months to two years, depending on the
13 complexity.
14 We are well underway for this study, but continue to
15 gather the data that we need to do the study. We're making sure
16 that we've got all the data that's available to do our analysis.
17 And the data is very important because it forms the
18 foundation for the study. The -- I compare it to building a
19 house. You have to have a solid foundation in order to build a
20 house. If you don't have a good foundation, the house is not
21 going to be worth much.
22 The study is the same way. If we don't have a good
23 foundation, solid foundation, then our findings, our
24 recommendations and our conclusions will not be valid.
25 We are considered one of the leading firms in the

1 country for doing these studies and we want to continue to make
2 sure that the study we are doing for the City is accurate, valid,
3 reliable, and that's our goal.

4 Like I say, the disparity study is many, many steps.
5 We do a legal analysis, legal review. We do a policy and
6 procedures review. We do a quantitative analysis, which is the
7 collection of data, analyzing the data, compiling the data. And
8 then we do a quantitative analysis. That's where we look at the
9 anecdotal research portion. This is part of the anecdotal
10 research. The anecdotal research is talking to business owners
11 to get some idea of their experiences, what's happening in the
12 business community related to trying to do business or doing
13 business with the City.

14 We will do several things in the anecdotal portion.
15 We will do public hearings. We did one last night, and this one
16 tonight. We will be doing three focus groups over the next month
17 or so. We will be doing one-on-one interviews, personal
18 interviews. We'll do 50 of those. So you may get contacted to
19 do a one-on-one interview or to participate in a focus group. If
20 you are contacted, then we would appreciate and are asking that
21 you please cooperate and participate in those particular
22 activities.

23 We will also do a private sector analysis. We're
24 going to look at what's happening in the private sector,
25 commercially, with business related to primes and subs and in

1 name of your company, how long you've been in business, and you
2 have three -- three to no more than five minutes worth of
3 testimony.

4 We may ask you some questions just to make sure that
5 we understand what you're saying, and make sure that we
6 understand the full context of what you're trying to relay. This
7 is not an open forum to ask the speaker questions. We will be
8 the only ones that ask questions. At the end of the night, once
9 everyone has provided testimony and some people are still here
10 and you have questions, of course, you can ask us questions at
11 that point in time.

12 This hearing is open from 6:00 to 8:00 p.m. If you
13 provide your testimony and need to leave, please do so, that's
14 absolutely fine, if you don't want to stay during the whole
15 session. We will be here until 8:00 in case someone comes in
16 late, so that's that.

17 So before we get started, does anyone have any
18 questions about the process tonight? Okay.

19 So let's start with our first speaker, Mr. Ocie Brown.
20 Give us your name, name of your company, how long you've been in
21 business and spell your first and last name for us.

22 MR. BROWN: Okay. My name is Ocie Brown. It's
23 spelled O-c-i-e, Lamonth, L-a-m-o-n-t-h, Brown, B-r-o-w-n,
24 Junior, J-r. I have a company called Metropolitan Janitorial
25 Services. I've been in business for 42 years in three different

1 that arena, comparing to what's happening in the public sector.
2 We'll make some conclusions, findings, related to that as well.

3 So that's kind of in a nutshell, what the disparity
4 study is about, what we're doing, where we are in the study, the
5 anecdotal portion. From this portion, we will conclude our
6 analysis on the statistical side, we'll put the two together, and
7 then have your study within the next few months.

8 So that's where we are. Thank you again for coming.
9 What we want to do now is turn it over to Ms. Mitchell, who is
10 going to coordinate the activities this evening.

11 MS. MITCHELL: Again, thank you -- to echo Reggie's
12 comments, thank you very much for coming. You have to forgive
13 me, I'm a little under the weather, so I'm sorry, if I have to
14 like wipe my nose or something, while we're going, I'm very sorry
15 about that. I apologize in advance.

16 A couple things I want to do, housekeeping. Please
17 make sure you sign in. Please make sure you fill out one of
18 testimony forms, even if you do not want to provide testimony
19 tonight, and you want to be contacted or maybe you want to
20 provide some written testimony. I will be taking written
21 testimony until September 14th. My e-mail address is on the
22 agenda, so don't hesitate to send that to me, until September
23 14th, I'll take that.

24 During the testimony tonight, the process tonight, I
25 will call your name, have you come up and give us your name, your

1 states. Is there anything else?

2 MS. MITCHELL: That's it. Go ahead and start with
3 what you want to say. Thank you.

4 MR. BROWN: I have a huge amount of experience in what
5 I do. I do final cleaning and I also do street sweeping. I have
6 been having problems in Denver, more problems in Denver, than
7 I've ever had in Alabama and in Nashville, Tennessee. There's
8 more discrimination here amongst the construction industry than
9 anyplace else I've ever seen in my life. I do final cleaning,
10 like I did cleaning at the Pepsi Center, Service Center,
11 Convention Center expansion, a whole host of things, but nothing
12 in the private sector, not one thing. If it's something that's
13 in the government sector, they have to have us in order to fill
14 out their goals.

15 One of the places where I've had problems is at DIA.
16 I was working at DIA from 2006, until March 31st of 2008. And on
17 March 31st, 2008, with no complaints from anybody at DIA, I was
18 suddenly fired. They fired me and they kept all of my people
19 there that I hand trained. All of my people that I hand trained.
20 I didn't get my last paycheck there, or anything.

21 At the time, Tamela Lee was in charge of where Chris
22 Martinez is right now, and she said sent one of her people down
23 to investigate what was going on and what they did was they
24 slammed the door in his face and said don't come back.

25 They would have me out for a meeting, every meeting I

1 would go to, they smoked cigarettes, they would go, do you want
2 to come out, I don't smoke. So I would go out with them, they
3 smoke a cigarette, by the time I get to my office after our
4 meeting, I have a huge bunch of paperwork we never even
5 discussed. They built a book of lies on smoking cigarettes, I
6 could say.

7 That's number one.

8 Number two, is that the DIA project is a hundred
9 million dollar project, and I don't see why our City leaders
10 can't break that up. We've got qualified janitorial services
11 here that's got not as much experience as I do, but 25, 30 years,
12 and a hundred million dollar project, that don't make sense.

13 MS. MITCHELL: Is that a hundred million dollars for
14 the cleaning, the janitorial services?

15 MR. BROWN: Janitorial services only.

16 MS. MITCHELL: All right.

17 MR. BROWN: Okay. Let me see. My next place, I want
18 to go is to theaters and arenas. Okay. I've done cleaning at
19 theaters and arenas, which is Red Rocks, Denver Coliseum, and at
20 the time it was my biggest arena. So when I was cleaning there,
21 all of a sudden the prime contractor, he dropped the contract, so
22 that means our contract ended when his contract ended.

23 So I go back to bid on the contract three and a half
24 years later, and they tell me that I'm not qualified to bid on
25 the contract because I haven't had anything within the last three

1 years to equal what I was doing. With no complaints, we were
2 cleaning the Denver Coliseum with no complaints at all. So they
3 used that as a stumbling block. The last time they bid this
4 contract, now I got to have a hundred thousand dollars to bid on
5 the contract.

6 MS. MITCHELL: As a bid bond or payment bond or
7 what --

8 MR. BROWN: Bid and payment bond, but before we didn't
9 have to have that.

10 These are things they put up in front of us to keep us
11 from going back -- going back to DIA. You have to have 10
12 million dollars to bid on anything as far as going at DIA.

13 MS. MITCHELL: \$10 million in what?

14 MR. BROWN: \$10 million in bid bond.

15 MS. MITCHELL: Bid bond?

16 MR. BROWN: Uh-huh.

17 So we got theaters and arenas. Now let's go to
18 Stapleton. My street sweepers in January were vandalized in
19 Stapleton, all three of them. So therefore I didn't have
20 anything to work with. I couldn't get a loan, because the
21 recession, if that's what you want to call it, ran me out of
22 money, and I only had one project, which was Stapleton. So . . .

23 MR. JONES: How much is one of those street sweepers
24 new?

25 MR. BROWN: New cost, \$250,000 new. I had three of

1 them. All of mine were used, but they were like \$85,000 or more.
2 So for six months I didn't have any work. Janitorial has gone
3 from -- how do I say this? I'm from Alabama. My grandfather,
4 great grandfather and everybody else was in janitorial. Now
5 janitorial is not in where it was, where it used to be then.
6 Janitorial has gone to the larger white firms now, and they hire
7 us to be supervisors, the ones that have experience, so
8 janitorial is not there.

9 So I switched from janitorial to go into street
10 sweeping. So street sweeping, I'm the only black street sweeping
11 company in the state of Colorado. There's one other street
12 sweeper that's a minority, she's a white woman, and they use her
13 in the construction industry more than they use me. So if I
14 don't get the contract, she gets the contract.

15 And I think, I'm not blaming anybody, I don't know
16 what -- you know, put the blame as far as the sabotage goes, but
17 that really damaged my company tremendously.

18 Okay.

19 Now, is my three-minutes up?

20 MS. MITCHELL: You're very close.

21 MR. BROWN: Okay. Now, as far as goals, I've been
22 asked to participate on projects with large construction
23 companies that has goals 2 and 3 percent, which I will not deal
24 with. I think goals should be at least 30 percent on any given
25 project. 2 or 3 percent is just nothing.

1 MS. MITCHELL: Okay.

2 MR. BROWN: So I refuse to bid on any contract lower
3 than 20 percent. Okay. And in the private sector, just like I
4 is said, we don't get any calls to do any -- any kind of work.

5 Jim Devine, when Jim Devine was here, this is probably
6 off somewhere else, but Jim Devine with Denver Transit Partners,
7 and that's a part of RTD. And Jim Devine had promised a lot of
8 people a lot of different things, such as myself. And I know
9 this is off the subject, and it's not with the City, but this is
10 just to show that the discrimination part of this goes all the
11 way around. All the way around. He promised me machines, new
12 machines and everything else.

13 Then, after they got the contract, he quit, and then
14 somebody else took his place. The person that took his place,
15 I'm not going to call any names, but the person that took his
16 place was black, and I took him to lunch the second day he was
17 here, and he told me, these white folks don't want you all to
18 have anything.

19 And Denver Transit Partners haven't given us anything.
20 We go to bid on things, they wouldn't even accept my bid. They
21 said no, we don't want your bid. We're going to give it to the
22 other company. And it is -- this whole thing is a big joke. I
23 feel like we've been let down by our community leaders, I feel
24 like we've been let down by City Council, and more. This
25 is -- you see the way I'm dressed, and I apologize for coming

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1 here dressed like this, but I have to work day and night to keep
2 everything going.
3 MS. MITCHELL: Okay.
4 MR. BROWN: It shouldn't be like that.
5 MS. MITCHELL: Okay.
6 MR. BROWN: So, let me see if I have anything else.
7 Nope.
8 MS. MITCHELL: All right.
9 MR. BROWN: That's about it.
10 MS. MITCHELL: Thank you.
11 MR. JONES: Thank you.
12 MR. SMITH: Thank you.
13 MR. BROWN: Do you have any questions for me?
14 MS. MITCHELL: No, sir, we don't.
15 MR. BROWN: Thank you. You all have a good day.
16 MS. MITCHELL: Okay. Paul Shugart.
17 MR. SHUGART: Shugart.
18 MS. MITCHELL: Shugart, okay.
19 MR. SHUGART: Sorry, bad handwriting, my dad was a
20 pediatrician.
21 MS. MITCHELL: Okay. Tell us your name, spell your
22 first and last name, and name of your company and how long have
23 you been in business.
24 MR. SHUGART: My name is Paul Shugart, P-a-u-l,
25 S-h-u-g-a-r-t.

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1 MS. MITCHELL: Okay.
2 MR. SHUGART: Name of the company, HPC Solutions or
3 High Plains Computing. We are a DBE.
4 MS. MITCHELL: Okay.
5 MR. SHUGART: In the certification process.
6 MS. MITCHELL: Okay.
7 MR. SHUGART: The reason why I'm here to testify is to
8 talk about large contracts.
9 MS. MITCHELL: Okay.
10 MR. SHUGART: And the requirements then pushing back
11 to DBEs and the policing of that.
12 Number one, there's been a lot of large contracts that
13 have been going along, which could be filled by smaller contracts
14 and be able to be fulfilled in a much better fashion than going
15 out to bid for the larger pieces, which brings larger businesses,
16 out-of-state businesses, to this environment. So instead of
17 looking for small businesses that are local that can provide the
18 services, instead we're opening up to larger businesses,
19 multinationals, conglomerates, the whole nine yards, and then
20 putting these requirements, oh, we'll put this 2 percent or 5
21 percent or 20 percent, it doesn't really matter, all on the DBE.
22 The policing of that is also something that is very
23 suspect.
24 MS. MITCHELL: It happens, it doesn't happen,
25 sometimes it happens?

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1 MR. SHUGART: I've never seen anyone come up and say,
2 did you get a DBE, did you do this, and how did this invoice,
3 what did they perform? Never, ever.
4 MS. MITCHELL: Okay.
5 MR. SHUGART: We've been a DBE for four years now.
6 We've worked on the RTD projects providing information
7 technology. We also do placement services. So we haven't had
8 the opportunities.
9 There also are mandates to the larger contracts, which
10 are already out there, multistate contracts, WSCA and a couple
11 other ones. But the WSCA contract is one where we would be able
12 to provide not just the hardware, but the services that go along
13 with that hardware. And that point, at that point there, we
14 actually lost on the State level, with the Department of Motor
15 Vehicles, all the printer business, because it had to go through
16 WSCA, so I had to go to this, and we couldn't do anything on it.
17 We lost installation, we lost all the different stuff. I had
18 everything all lined up with the manufacturers.
19 So what happened is, instead of a local business
20 reaping any benefit, it went out to a business from back East,
21 all the money went back East, wasn't used here in Colorado. So
22 it really -- no one was benefiting from that contract. So those
23 are the pieces that I'm looking at as why do we keep on going
24 after these larger contracts. I understand cost consolidation.
25 I understand that you need to make sure that you get as much bang

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1 for your buck. But I believe that you'll find smaller businesses
2 will be able to do faster, better and a more efficient job than
3 some of the larger ones who then have to burden all of the
4 that -- all of the pieces underneath them.
5 MS. MITCHELL: Okay.
6 MR. SHUGART: So that is my testimony. Any other
7 questions?
8 MS. MITCHELL: Wonderful. I do have one question.
9 Can you clarify what is WSCA?
10 MR. SHUGART: Western -- it's the -- it's a Western
11 States -- I can't remember the actual terminology, it's a
12 multi -- multistate purchasing contract for the western states.
13 MS. MITCHELL: Okay.
14 MR. SHUGART: I know the State has mandated WSCA. I
15 know that Denver has followed suit that they would like to be
16 utilizing larger contracts, because it's just easier.
17 MS. MITCHELL: Okay.
18 MR. SHUGART: So . . .
19 MS. MITCHELL: All right. Western States contracts,
20 got it.
21 MR. SHUGART: Most of those multistate contracts go to
22 large businesses.
23 MS. MITCHELL: Okay.
24 MR. SHUGART: They say, oh, yeah, just get some small
25 business on it. Well, it's really hard to police them.

1 MS. MITCHELL: All right. Anything else?
2 MR. SHUGART: Anything else?
3 MS. MITCHELL: Thank you so much, Paul.
4 MR. SHUGART: Yes.
5 MS. MITCHELL: Okay. Paul McGowan, did I say that
6 right?
7 MR. McCOWAN: McCowan.
8 MS. MITCHELL: McCowan?
9 MR. McCOWAN: Yes.
10 MS. MITCHELL: Mr. McCowan, if you would give us your
11 first and last name, the name of your company and tell me your
12 primary line of business.
13 MR. McCOWAN: Concrete flatwork.
14 MS. MITCHELL: Okay.
15 MR. McCOWAN: Contractor.
16 MS. MITCHELL: Okay. Go ahead.
17 MR. McCOWAN: My name is Paul McCowan, M-c-C-o-w-a-n,
18 I am -- you want my address?
19 MS. MITCHELL: No.
20 MR. McCOWAN: Okay. I'm -- my business is The
21 Concrete Kid. I'm a concrete contractor.
22 MS. MITCHELL: Okay.
23 MR. McCOWAN: Primarily flatwork, driveways,
24 sidewalks, patio, and that kind of nature.
25 MS. MITCHELL: How long have you been in business?

1 MR. McCOWAN: 22 years. This is 22 years.
2 MS. MITCHELL: Okay.
3 MR. McCOWAN: Been in business.
4 MS. MITCHELL: All right. Go ahead with your
5 testimony, please.
6 MR. McCOWAN: My testimony is, mainly, mainly I've
7 been dealing with is RTD in the last four years. It started when
8 Jim Devine was here, as the man said. He came in and RTD was
9 coming up with the rail and got all the money for the light rail,
10 and so they wanted everybody to participate. So I went and met
11 with Jim Devine and he asked me to come out and do a bid, turn in
12 a bid for the concrete work, and I think my bid was about \$4
13 million or something like that. And so he told me that, you
14 know, what they was going to do was break it down into a \$300,000
15 increments, and then that way, I would be -- they would carry the
16 bond for that amount, and that way I wouldn't have to put up the
17 bond amount.
18 And so I met with him, he told me everything is cool,
19 and another three days later, I get a call from a gentleman and
20 say, hey, congratulations, I hear you're the first black
21 contractor to get an award, get a contract for the RTD project.
22 I said who told you that, he said Jim Devine. He said you were
23 going to be the first one. So then, you know, later on, after I
24 got the word, I called Jim, and then he stopped back and
25 backtracking, saying, well, I didn't guarantee -- wait a minute,

1 you -- you know, and so that's what we was told at that time,
2 that they was going to start breaking these projects down so that
3 we could, you know, the little guys could participate and stuff.
4 So then I just kept going to these meetings and been going to all
5 kind of meeting.
6 And then the last one, my concern is, the one that RTD
7 just gave award for the Tenth Street and Ames parking structure,
8 and on the -- on the 6th -- on the 7th of -- 7/16, I got a call
9 from John from Swingerton. I can't pronounce it, Swingerton.
10 MS. MITCHELL: Okay.
11 MR. McCOWAN: And the guy said that he was just
12 calling the top three that, you know, for the job, that got
13 picked, the last top three, you know, in the bid, and so I was
14 one of the top three, and just wanted to know what my bid was for
15 this and that, so I told him. And then he said -- when are you
16 going to give the award, that contract. Well, that would be
17 doing tomorrow.
18 So about 10 o'clock the next day I called him back,
19 oh, I was about to call you, but you didn't get the job, but keep
20 on, you know, I said, so who got the job? Well, somebody else
21 got it, so . . .
22 Then I called Les Townsend on the 18th and talked to
23 him about it, you know, because he's the one that is supposed to
24 be the liaison between us and the RTD and making sure that the
25 DBEs are getting the job, and so he called Mr. Martel with RTD

1 and told him my concern. So Mr. Martel called me and asked me my
2 opinion of what was going on, and I told him. So he advised me
3 to call and get a sit-down for a meeting with Swingerton, to see
4 why I didn't get the job.
5 So I went and talked to him and he told me that, well,
6 my bid was about 20 percent, 10 to 15 percent higher, and about
7 200 square foot different, you know, in the price of the guy that
8 got the job. And so I asked him, I said, so who got the job? It
9 was Mile High Excavation. I said why did you give it to Mile
10 High Excavation? Well, their number was lower.
11 Why would you have been talking about all this time
12 you're going to break it down so everybody gets an equal share,
13 piece of the action, here it is, you give Mile High Excavation
14 the excavation part, all the curb and gutter, all the sidewalk,
15 all the -- all this work, when you got all these other DBEs
16 trying to get some --
17 **Q. So they didn't unbundle?**
18 **A. They didn't unbundle.**
19 **Q. Okay.**
20 **A.** All three meetings we went to, that was the whole
21 thing, they kept telling everybody that, you don't have to bid on
22 the whole packet, we can break it down so everybody get a fair
23 shot. So then I call Martel back, he tells me part of the reason
24 why they saying that you didn't get it, because you didn't break
25 it down, your -- itemize your bid enough, and that you didn't bid

1 on the whole project like they did. I said, wait a minute, for
2 the last two meetings, they -- that's what they've been saying,
3 you don't have to bid on the whole thing.
4 And plus, the way I look at it, why should I bid on
5 all of it, when we have other contractors trying to get some
6 work, too. So let everybody else -- let other guys bid on it,
7 that way everybody gets a piece, then come to find out, Mile High
8 Excavation, they did the project on Wadsworth, they did all the
9 concrete and excavation on there, they got a good-old-buddy-buddy
10 relationship.
11 That's when I called Mark Udall's office. First of
12 all, I called Phil Washington. The head of -- I tried to get a
13 meeting with him. He wouldn't call me back. A week later I
14 called him back again, and he didn't call me back. And then on
15 the 8/6, I got a call from Mark Udall's office. They told me
16 that they -- they couldn't help me right now, but asked me to
17 call the mayor and express my opinion with the mayor to see what
18 he have to say, and then after I talked to the mayor, call them
19 back, and then they would see what they can do to help me out.
20 And then the same day, I got a call from Phil
21 Washington office from a lady named Carol, she wanted to hear my
22 opinion, you know, so I told her exactly what was going on and
23 everything, and so she said she would get with Phil and then she
24 would check into the situation and get back to me. Her concern
25 was that, well, if they were saying that if you break it down,

1 you didn't have to bid on the whole project and now they're
2 trying to use that as a skew, that's not right. But until this
3 day I haven't heard from her anymore, either.
4 So my concern is it's the good-old-buddy-buddy thing.
5 It's happening all the time. They let -- as long as, you know,
6 Swingerton gets somebody and saying they're a DBE and they meet
7 the goal, that's all they care about. And then they don't want
8 to break it down because it's too much problem for them to deal
9 with three or four different contractors, all they want is to
10 give it to one guy. And see, that's why, I think I told
11 Mr. Martel, and I told Phil Washington office, I'm ready to stand
12 on top of the rooftop, start complaining and start marching on
13 the street if I have to, because I'm tired of RTD turning their
14 blind eye and not doing what they should be doing and just
15 letting the big boys still do the same thing, and I'm through
16 with it. Okay.
17 Thank you.
18 MS. MITCHELL: All right. Mr. McCowan, do you mind if
19 I call -- you can sit down. Do you mind if I call you for some
20 clarification, because I didn't get some of those dates.
21 MR. McCOWAN: Yeah, I got it written down.
22 MS. MITCHELL: All right.
23 Okay. Wes, you confused me, it's not your turn yet.
24 Who is Wes? All right. It's not your turn yet, but I gotcha.
25 All right, Heather Noyes.

1 MS. NOYES: Noyes.
2 MS. MITCHELL: Okay. If you would give us your first
3 name and last name, the name of your company and how long you
4 have been in business and spell your first and last name for us,
5 Heather.
6 MS. NOYES: Heather, H-e-a-t-h-e-r, Noyes, N-o-y-e-s,
7 the name of my company is Parks & Gardens, doing business as
8 StudioCPG. We're landscape architects and planners.
9 MS. MITCHELL: Okay.
10 MS. NOYES: We are certified WBE, DBE, SPE.
11 MS. MITCHELL: Okay. And how long have you been in
12 business?
13 MS. NOYES: We just celebrated our eighth birthday.
14 MS. MITCHELL: Okay.
15 MS. NOYES: Just a few things that I want to say.
16 We -- we have seen some success with our certifications, and some
17 of it is monetary, much of it is a result of networking that has
18 come about because some of the larger engineering firms have
19 contacted us to do work and provide -- help them meet their
20 goals, and we provide services and then develop a relationship
21 and so we place a pretty high value on that. So that's a great
22 kind of secondary result of the certification process.
23 The certification process in the past, when we first
24 applied, was really difficult and time consuming and costly for
25 my firm at that point. We had six people, we're now up to -- I'm

1 sorry, four people when we first applied. Now we have six
2 people. I will say that the renewal process has gotten easier in
3 the last couple of years, and a little more timely, but certainly
4 based on what we had to provide and continue to provide, we don't
5 see the financial -- it's not an even -- I feel like we put out
6 way much more time and expense in getting certified than we see
7 in contracts.
8 MS. MITCHELL: Okay.
9 MS. NOYES: And it speaks to, I think some of the
10 comments that the gentleman cited previously, which is we see,
11 especially at DIA, especially with these light rail projects, a
12 lot of the work going out to the big, big firms. And I have
13 spent an inordinate amount of time attending open houses with the
14 firms and money in printing collateral, and in good faith, trying
15 to get my credentials in front of people.
16 While we're very happy that we had just celebrated our
17 eighth birthday, I am not as old, my firm is not as old, as some
18 of these people that have been around a long time and have
19 instant name recognition. And that's been a challenge for us.
20 And I think one of my greatest professional disappointments has
21 not been -- has not been able to contribute to the DIA project,
22 at all. And --
23 MS. MITCHELL: Which DIA project?
24 MS. NOYES: Anything.
25 MS. MITCHELL: Anything, okay.

1 MS. NOYES: Despite having, what I feel, was putting
2 forth an incredible effort in getting our name out and going to
3 meetings and being where we needed to be to meet the people to
4 make those kind of decisions.

5 Again, this could be more of a fact that of the
6 discipline of landscape architecture, they issued one RFP for
7 landscape architecture. If you look at the size of the airport
8 and the approach road and Pena Boulevard and everything else
9 that's going on out there, to have issued one RFP to a landscape
10 architect as a prime, I think is really short sighted and there
11 are a lot of WBE, MBE, SBE, DBE firms that I think could
12 contribute in a very positive way, and it would have amazing
13 repercussions economically throughout our state.

14 MS. MITCHELL: Okay.

15 MS. NOYES: So I think that's it.

16 MS. MITCHELL: Thank you, Heather.

17 MS. NOYES: Yes.

18 MS. MITCHELL: Okay. Whose is this? Anybody
19 recognize the dark pen handwriting?

20 MR. ROYBAL: What's the name?

21 MS. MITCHELL: Is that you?

22 MR. ROYBAL: What's the name?

23 MS. MITCHELL: I can't read it.

24 MR. ROYBAL: Does it say Ronald Roybal?

25 MR. SMITH: Ronald Roybal. Is that you?

1 MR. ROYBAL: It's me.

2 MR. JONES: I thought they would teach you guys how to
3 print in architect school?

4 MR. ROYBAL: If you are going to be in the
5 construction business, you need to know how an architect prints.

6 MS. MITCHELL: I have an construction background, not
7 an architectural background.

8 Give us your first and last name and name of the
9 company and how long you have been in business.

10 MR. ROYBAL: My name is Ronald Roybal, R-o-n-a-l-d,
11 Roybal is R-o-y-b-a-l, and my firm is the Roybal Corporation.
12 And we're an architectural planning firm, and we've been in
13 business for 31 years.

14 MS. MITCHELL: Okay. All right. Go ahead, give us
15 your testimony.

16 MR. ROYBAL: All right. I just wanted to say that my
17 brother and I are both partners in this firm, we're both
18 architects. And when we started our firm 31 years ago, we knew
19 going into this business, that it was going to be difficult to
20 break into the professional services arena, because there were no
21 role models, not very many architects that were of minority
22 background.

23 And so when we -- when we went about getting our
24 education, we knew we were going to have to go above and beyond
25 what we thought we would need to participate. And between the

1 two of us, we ended up accumulating five professional degrees. I
2 have two master's degree, one in architecture, one in city and
3 regional planning. My brother has his master's degree in
4 architecture, both of us from Cal Berkeley, and also
5 undergraduate work from the University of Colorado Boulder.

6 When we started our company in 1981 the mayor of
7 Denver was Mayor Bill McNichols, very conservative man. There
8 were very few -- there was no MBE, WBE program, at all. Very few
9 minorities participated in any work with the City and County of
10 Denver. And at that time a new mayor was elected, Federico Pena.
11 And during that time, many of us in the minority community, the
12 African-American community, the Hispanic community, worked
13 closely with the administration and we developed the first MWB
14 program in the City and County of Denver.

15 And that's where our company, you know, our firm,
16 before we ever started our firm, my brother and I worked in San
17 Francisco, on the San Francisco International Airport 38 years
18 ago, so when we came back to Denver, started our company, we had
19 a huge background in dealing with airport, international airport
20 work. So when we first started work under the Pena
21 administration, we started working with United Airlines and
22 Continental Airlines and some of the other small carriers and
23 worked on small projects as we went along.

24 As we got more and more proficient in what we did, we
25 took on larger and larger projects. And under the Pena

1 administration, we ended up as one of the first -- well, the
2 first minority-owned firm to ever tackle and be selected as a
3 prime architect on a major concourse project, Concourse B
4 widening. We were in a joint venture, \$50 million project. And
5 then later Concourse A expansion, a \$20 million project. We were
6 the prime architects on those projects.

7 So we got a lot of experience, then we kind of
8 leveraged that into the FAA, we did work with the Northwest
9 Mountain Region, worked all over the Northwest Mountain Region at
10 numerous airports around the country.

11 So we developed a huge background in aviation work
12 experience. Under the Webb administration, we continued work at
13 DIA under numerous projects. And what I'd like to say now is,
14 you know, oftentimes we develop relationship with different
15 organizations and people understand that minority and women-owned
16 businesses need to have a seat at the table, but I have to say,
17 of recent times, that seat has been pulled away.

18 And for example, under the South Terminal
19 Redevelopment Program, we're talking about a \$500 million
20 project, maybe plus, and you know, when the minority community
21 tried to look at opportunities, especially in the prime
22 architectural and general contracting side, we were told that our
23 program here in Denver was a subcontracting program.

24 And so a number of us joined an organization called
25 the Committee For Airport Fairness, and we met with the City

1 administration and we met with numbers of people within the
2 Administration to try to get an understanding that not all of us
3 are subcontractors. Some of us are prime contractors. Some of
4 us do construction work as prime contractors, general
5 contractors. Some of us are architects and planners and we do
6 work as architects and planners.
7 So at that point, we were able to convince the City to
8 put together a forum here in Denver, to encourage joint ventures.
9 That happened at the Red Lion Inn. It was an all-day event. The
10 City put out fliers to everybody, we all attended, and the
11 discussion was, the City is really serious about giving
12 opportunities under prime opportunities under that South Terminal
13 Redevelopment Program.
14 And in turn those minority firms that would get
15 selected and those joint ventures would have an opportunity to
16 select other subcontracting firms that were also women and
17 minority-owned businesses.
18 Well, that seemed like a good idea and the event took
19 place, and then when the contracting came about, what happened
20 was the City said, well, you know, we're really not going to give
21 any additional benefits to doing a joint venture. And many of
22 the firms that had put joint ventures together, both with general
23 contractors, with architects, rescinded those opportunities. And
24 out of the program our firm was the only firm to put together an
25 official joint venture to propose on it. We were not even short

1 listed on the project.
2 So the City went through that process of putting
3 together this charade of saying that minority businesses and
4 women-owned businesses would be able to participate as a prime,
5 when, in fact, none of that happened.
6 Recently -- I belong to the CEI, Construction
7 Empowerment Initiative, with the City and County of Denver, and
8 recently I saw the statistics on the firms that got selected
9 under the South Terminal Redevelopment Program, did a little
10 spreadsheet. And as it turned out under professional services,
11 my profession, architects and planners, 90 percent of the
12 projects that were awarded for architectural and planning work
13 went to women-owned businesses. 90 percent.
14 70 percent of the engineering opportunities in the
15 South Terminal Redevelopment Program went to women-owned
16 businesses. The minority community was totally ignored. And you
17 know, I -- I agree that women-owned businesses have valid points
18 in terms of their discrimination, and I -- I -- I'm pleased that
19 a lot of firms got work, but what I'm tired of, after 31 years,
20 is seeing the MWB program pitting Asians, against Hispanics,
21 against African-Americans, against women.
22 There's a lot of work out at this City and there's a
23 lot of work at the Airport, and that work could be easily
24 distributed amongst a lot of qualified firms, but it doesn't work
25 that way. Those of us that speak out, those of us that -- I

1 mean, I had a lot of -- I have to say, concern about being here
2 tonight, even making these statements, because I have spoken out
3 quite a bit in the past about some of these inequities, and as a
4 result we have been blacklisted from the Airport.
5 We are not doing any work on the South Terminal
6 Redevelopment Program after 31 years of international airport
7 experience, all over the country, having done prime contracts
8 with the City and County of Denver. That's a travesty.
9 I guess my parting words are, this City needs to take
10 a look at, you know, not just goals, but the equitable
11 distribution and equitable utilization of qualified firms, and
12 making sure that people who speak out don't get penalized through
13 that process.
14 Thank you.
15 MR. JONES: Thank you.
16 MR. SMITH: Thank you.
17 MS. MITCHELL: You all are making me write tonight.
18 Good thing there's a stenographer here.
19 Kurt Hout, did I say that correctly? I'm terrible
20 with names. I'm sorry.
21 MR. HOUT: I've also got a cold, so maybe you and I
22 were on the same plane sometime. I'm going to make this real
23 brief. My name is Kurt, K-u-r-t, Hout, H-o-u-t. I'm with the
24 International Association of Bridge, Structural. We're
25 ornamental and reinforcing iron workers. We've been around for

1 about 120 years, headquartered in Washington, D.C.
2 Excuse me, I'm really under the weather.
3 We have jurisdiction in 11 western states, the
4 opportunity to be in Phoenix, Boise and Salt Lake, Omaha, Houston
5 and Dallas, where we have offices and we have a number of working
6 signatory contractors. So I'm able to see a lot of different
7 programs. I'll say that this program is just far and away the
8 best program that we have seen in any state. They're
9 progressive. The goals that you have, the organization that we
10 see, is unparalleled, so we would like to applaud the City on
11 that aspect.
12 But, you know it's coming.
13 MS. MITCHELL: But.
14 MR. HOUT: With that, there's a lot of dollars at
15 stake here, the guys -- the City is letting a lot of contracts,
16 by being so big and everything, I think what's happening is a lot
17 of people are attracted to this, and what we're seeing is
18 contractors that, in our opinion, should not be granted minority
19 certification or getting any jobs, large, very large companies.
20 And it's taken -- it's defeats the purpose.
21 My goal here tonight was to go on record to say I
22 applaud the program. It's a great program. I would love to see
23 it expanded. I would love to see it expanded in the way of let's
24 put some more money and more resources into the recertification
25 process and make sure the due diligence is -- because the stakes

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1 are too high.
2 The stakes are way too high. The type of dollars that
3 we're talking about, just in our industry, are staggering. And
4 some of the things you've seen gone on, I would say border on
5 criminal. So, you know, I would just like to go on record to say
6 we would love to see the integrity of the program upheld by
7 putting more resources into the certification process, to make
8 sure that we do have a level playing field.
9 MR. JONES: Could I just clarify, you're -- you're
10 saying that you think some of the firms that are qualified and
11 certified as minority are too large to be in the minority
12 category?
13 MR. HOUT: No, not minority --
14 MR. JONES: Or disadvantaged?
15 MR. HOUT: Or disadvantaged in any way. There are
16 firms that -- one of the firms that we're talking about is tied
17 to the largest steel placing company in the country, and directly
18 tied. And, you know, they're out there getting contracts right
19 and left. So . . .
20 MR. SMITH: Is there some names you want to share with
21 us --
22 MR. HOUT: I would love to. I would love to set up
23 the meeting. I'm here all the time. I would love to come in and
24 talk with you all about that. I appreciate that opportunity.
25 MR. SMITH: All right.

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1 MS. MITCHELL: I got that down.
2 MR. HOUT: Thank you very much. I appreciate it.
3 MS. MITCHELL: Thank you.
4 Brandon Garcia. Hello.
5 MR. GARCIA: Hi. I'm Brandon Garcia, B-r-a-n-d-o-n,
6 G-a-r-c-i-a. I'm an owner/operator of Mile High Rod Busters,
7 concrete reinforcement company.
8 MS. MITCHELL: Okay.
9 MR. GARCIA: A lot of the same issues.
10 MS. MITCHELL: And how long have you been in business?
11 MR. GARCIA: I've been in business for four and a half
12 years.
13 MS. MITCHELL: Okay.
14 MR. GARCIA: I've been a DBE for about three and a
15 half years.
16 MS. MITCHELL: Okay.
17 MR. GARCIA: And I found that a lot of the projects
18 going out are going to some of these larger corporations, like
19 Kurt had said, Great Western Erectors, they have a subsidiary
20 company called Sandoval Steel. It's a -- the area manager for
21 Great Western's wife owns Sandoval Steel. So I think there's a
22 lot of -- I think they work hand-in-hand a little too much. They
23 can share numbers. They can do stuff like this. And I think a
24 lot of the contractors that we're used to working with, Great
25 Western, are just now giving the projects to Sandoval Steel. I

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1 don't think they're giving the rest of -- the rest of us a fair
2 shake and they're taking minority dollars, at the same time,
3 minority work.
4 There's another company, Rocky Mountain Reinforcement,
5 that's doing the same thing. They're owned by a group of
6 investors, and they put a Hispanic person at the head of the
7 company that knows nothing about rebar. Now, I've been in this
8 industry for 17 years. I've been around it my entire life. I'm
9 a third generation iron worker. I take a lot of pride in the
10 work I do. It's very difficult work. It's a very specialized
11 trade. And these people that come in and just have all the money
12 in the world, and throw a Hispanic person in front and say, this
13 is our guy, and they're reaping all the benefits that, you know,
14 people like me, that I've been a construction worker my whole
15 life.
16 And I took the risk of opening up a company, and now
17 I'm, you know -- you know, I face the risk of going out of
18 business because of these larger companies are taking all the
19 work. They've taken about 10 and a half million dollars worth of
20 work lately. They have the V.A. Hospital, they're doing work out
21 at DIA, they're doing, you know, multiple jobs, the Eagle P3
22 project, all these jobs, they're doing, you know, they're just
23 taking it right out from under us.
24 The V.A. Hospital, they're paying all their people
25 apprenticeship wages, instead of giving them journeyman wages and

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1 they don't even a full journeyman program or apprenticeship
2 program. They're just paying people the low wages. They've been
3 hit twice by ICE, and now we're paying -- it's a small industry
4 and people talk all the time, people say, you know, they're
5 paying them cash because their papers weren't good. You know,
6 they're able to cut these corners and do things like this, and
7 it's really making a small company like my company, a local
8 company, hard to do business here in Denver. A lot of our work
9 now, you know, we're trying to hit the outskirts, because we're
10 not getting a fair shake here.
11 So, I guess my complaint is, you know, the large --
12 the larger companies, Great Western has Sandoval Steel. Rocky
13 Mountain has a group of multimillionaires, shares the same office
14 as Legacy Capital Insurance Company. It's the exact same office
15 owned by Tom Ward and he, you know, he pulls all the triggers and
16 he has Jimmy Martinez as his front man.
17 So, these are things that -- you know, very near and
18 dear to my heart, that's taken, you know, not only food off my
19 table and my family's table, but everybody in here. Because if
20 they're not getting, you know, DBE participation through
21 reinforcement, they can be getting it with landscape, and they
22 can be getting it with concrete flatwork and other areas. So
23 they're not only taking food off my table, they're taking food
24 off everybody in here's table. So . . .
25 MR. JONES: Now, are you nonunion or are you union?

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1 MR. GARCIA: I'm a union contractor.
2 MR. JONES: Union contractor.
3 And you were saying, I thought that the Davis-Bacon
4 wage scale kind of mandated a certain proportion of journeyman
5 to --
6 MR. GARCIA: It does, it does. It states it right
7 there.
8 MR. JONES: Okay.
9 MR. GARCIA: But you know, paperwork is paperwork.
10 You can fill it out to make it say whatever you want. I would
11 like to see audits to where you look at cashed checks. I know of
12 other disadvantaged businesses that they can fill out their
13 paperwork perfect, all their people are getting paid cash under
14 the table. They're not paying their taxes, they're paying
15 illegal people, and it's -- it's really hard for everybody else
16 to compete with that, because when you're doing that, you're
17 cheating insurance, you're cheating the worker itself, oh, you
18 don't have good papers, if you don't like it, go somewhere else.
19 MR. JONES: One of those projects, the V.A Hospital,
20 is a Federal project?
21 MR. GARCIA: Exactly.
22 MR. JONES: And Eagle P3 and DIA are DOT funded?
23 MR. GARCIA: Right.
24 MR. JONES: Have you approached the Federal government
25 or Department of Transportation to say, hey, I think there's

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1 something wrong here, the Small Business Office or something.
2 MR. GARCIA: We've made -- we've made complaints.
3 MR. JONES: Okay.
4 MR. GARCIA: And I guess this is just another forum
5 that I'm taking.
6 MR. JONES: Yeah, that's fine. I just -- I'm not
7 pushing you, I just wanted to know if other agencies are being
8 vigilant in their monitoring of these companies coming into the
9 City.
10 MR. GARCIA: I think they're so overwhelmed they're
11 not able to take a look at everybody.
12 MR. JONES: Okay.
13 MR. GARCIA: Stephanie Johnson, Sandoval Steel, I
14 don't think she's ever touched a piece of rebar in her life.
15 Just because her husband works for a steel company, doesn't mean
16 she should own one. And as direct competitors, I don't see how
17 that's possible, anyways. I think there needs to be -- we need
18 to look into how the person has, you know, an expertise in
19 that -- in that area, that . . .
20 MR. JONES: Okay.
21 MR. GARCIA: I don't know, I think because there's so
22 many different companies applying for their DBE, SBE, WBE
23 programs, I think if they've got the paperwork filled outright,
24 okay, you're a DBE.
25 MS. MITCHELL: Without verification?

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1 MR. GARCIA: Without verification.
2 MS. MITCHELL: Okay.
3 MR. GARCIA: How much time in the field did she have.
4 How much time in the field did Jimmy Martinez have? Zero. He'll
5 admit it.
6 MR. JONES: Just a suggestion, within the
7 certification process, there's usually a criteria that says the
8 owner must own and control the business, and so I think some of
9 these issues you're talking about is control, if you have the
10 proper background to really run the business, or are you just
11 somebody that walked in from the street.
12 MS. GARCIA: Right.
13 MR. JONES: So you look at that certification?
14 MR. GARCIA: I'm just looking for a fair shake.
15 MS. MITCHELL: Your comments are taken very well. We
16 got it.
17 MR. GARCIA: But, I don't know, I just think if it was
18 looked into a little better, and have proof that they do know
19 what they're doing in that field.
20 MR. JONES: Okay.
21 MR. GARCIA: Not just they know somebody who knows
22 somebody.
23 Thank you very much.
24 MS. MITCHELL: Very good. Thank you.
25 Okay. Darrell Jackson.

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1 MR. JACKSON: Hi.
2 MS. MITCHELL: You know the routine now?
3 MR. JACKSON: I know the routine.
4 I'm Darrell Jackson, Pynergy Petroleum Company. I'm a
5 field jobber, lubricants. I'm an MBE, DBE. I guess my first
6 question is, is exclusion a form of discrimination?
7 MS. MITCHELL: Okay. Before you go there, spell your
8 first and last name for us.
9 MR. JACKSON: D-a-r-r-e-l-l, last name Jackson.
10 MS. MITCHELL: And how long have you been in business?
11 MR. JACKSON: 13 years, Pynergy, P-y-n-e-r-g-y,
12 Petroleum.
13 Is exclusion a form of discrimination? Do you have an
14 answer?
15 MS. MITCHELL: Oh, you're asking us, is exclusion?
16 MR. JACKSON: Yes.
17 MS. MITCHELL: And tell us why you think you've been
18 excluded?
19 MR. JACKSON: The overall process for bids my company,
20 folks likes us, from participating. My business being a field
21 jobber, bidding City contracts or large government contracts.
22 There's no way I can bid.
23 And it starts, you know, basically, not only from the
24 City's process, but the government's process, it's the whole
25 industry. For instance, you cannot get a contract with a

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1 refinery, a direct relationship, unless you have a hundred
2 million gallons. That's not a small business at all. So that's
3 the start of it.
4 From there it goes down to the City's process, as far
5 as letting out a bid for field or for lubricants from. There it
6 goes, well, you have to bid, and you have to be the low bidder.
7 How can you be a low bidder unless you have a direct relationship
8 with a refinery? It's impossible. You have to go out there to
9 another jobber out there that is bigger than you that is going to
10 markup their product. And by the time it gets to you and by the
11 time you go to bid, you're excluded.
12 I've heard other comments, and, you know, I was
13 certified by the City one time before, and got frustrated and
14 just dropped out, because there's no benefit. There was no
15 benefit for me to even belong in the program. Not only did they
16 want you to go through all the paperwork of being an MBE, being
17 certified, then you go out and bid, and there's no benefit for
18 it. They still want you to be low bidder. So why do I have to
19 go through the back door just to get turned down to bid anyway.
20 It makes no sense to me.
21 Got recertified again and decided to take another tact
22 with it, which is to team up with a larger supplier. This one
23 supplier that I teamed up with, you know, I was -- I thought was
24 going to be a very good relationship, but basically, they
25 were -- wanted me to sell product higher than -- higher than

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1 other people were buying it in the marketplace. So there was no
2 way for me to make money at it, there was no way for me to
3 survive like that. You know, you're always going to be excluded.
4 You're going to be turned down. You can't compete.
5 MS. MITCHELL: Why did they want you to sell it
6 higher?
7 MR. JACKSON: They were selling it to me higher than
8 others were buying it.
9 MS. MITCHELL: Okay.
10 MR. JACKSON: I had heard a couple comments about RTD
11 and their fast track program. They put out a fuel bid, which I
12 bid on it. I thought I was being very aggressive. They wanted
13 full service. Then all of a sudden they pulled it. And I said,
14 why did you pull it? Well, we decided to self supply. That was
15 pretty frustrating in its own right, that you put forth the time
16 and effort into putting together the bid only to say, well, you
17 know, we decide to take it off the table and self supply. That
18 option was always there for them anyway, why even bother putting
19 it out?
20 Going around trying to market my services around the
21 different airport businesses that supposedly have goals to do
22 business with MBEs has not been very successful either. They
23 already have the relationships established, and they're not
24 interested in doing anything different. And the way the program
25 works, they're not made to do anything different. Once they get

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1 the contract, once they're in, who cares if the goals are
2 fulfilled? Obviously they don't, because no one is enforcing it.
3 I guess that's -- that's pretty much it.
4 MS. MITCHELL: What work do you do in the private
5 sector?
6 MR. JACKSON: In the private sector?
7 MS. MITCHELL: Yes.
8 MR. JACKSON: I provide fuel and lubricants.
9 MS. MITCHELL: For what?
10 MR. JACKSON: To construction companies.
11 MS. MITCHELL: You're more successful in the private
12 sector?
13 MR. JACKSON: You know, you go out and hustle and you
14 try to get things done. I also have some other retail
15 opportunities where, you know, they don't know who I am.
16 MS. MITCHELL: Okay.
17 MR. JACKSON: So, you know, I'm kind of diversified
18 that way, but always looking to expand opportunities and grow.
19 MS. MITCHELL: Okay.
20 MR. JACKSON: Unfortunately, this whole City process
21 has not been one of them.
22 MS. MITCHELL: Okay.
23 MR. JACKSON: Thank you.
24 MS. MITCHELL: Thank you.
25 Terri Witt. And Terri --

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1 MS. WITT: Sorry.
2 MS. MITCHELL: I was going to say, if you would go
3 ahead and tell us your first and last name, spell your first and
4 last name, and the name of your company and how long you have
5 been in business.
6 MS. WITT: Terri Witt, T-e-r-r-i, W-i-t-t. I own and
7 operate Beacon Printing, commercial printing company, since 1995.
8 MS. MITCHELL: Okay.
9 MS. WITT: I'm not in construction. I offer these
10 people wholesale pricing, because I'm a wholesale printer.
11 MS. MITCHELL: Okay.
12 MS. WITT: I'm a manufacturer. I have equipment on
13 the floor in the City of Denver, which is getting outrageously
14 expensive, taxwise. Anyway, I don't have a dog in any fight
15 right now. I do not yet do any printing for any governmental
16 entities. I'm moving that direction, and I'm here to represent
17 the Native American community and in a different aspect.
18 Are you just looking for construction or are you just
19 in general interest?
20 MS. MITCHELL: No, anything that the City buys. They
21 do procure services for printing, they procure services for fuel,
22 they procure systems for electric lines.
23 MS. WITT: Your disparity is going back to, let's
24 take, for instance, going back 2010 to 2005, right?
25 MS. MITCHELL: Okay.

1 MS. WITT: Let's take the Democratic National
2 Convention, for example. There's three union printers in town.
3 We all know each other. That's all good and great. They were
4 promised, and they bid on jobs. They were promised to get a lot
5 of work and to be part of the entire program, the banners, the
6 fliers, all of that stuff.

7 So when they come to town, guess what happened. Half
8 of what they bid on was outsourced to China, printing, paper.
9 Paper. Comes back in, goes to a nonunion printer to be folded,
10 and it says, "Printed in China," on it. This is your Denver City
11 maps, for all your people that came to town in the City of
12 Denver. Did anybody look at your map? Probably still have it.
13 Take a look.

14 That type of buying cannot continue. Because we small
15 businesses have to continue to support and pay for RTD for the
16 rest of our lives. We -- our taxes go up to make the shortage of
17 this money leaving the state, leaving the country, DPS buys their
18 paint from Mexico. And I'm sure you go down and walk through
19 their facility make sure they're all certified, know what's in
20 their paint. You know it's green, and you know there's no lead
21 in it, because it's 30 cents cheaper. And I've got a paint
22 manufacturing friend here, woman-owned business, that is going
23 out of business, because City of Denver is buying from Mexico.

24 So as a printer, moving in to the government and
25 trying to help them to help us grow in the City, which I was born

1 and he's in the Highlands now. It's him and his family, he's
2 Indian. He's spent the last two years, paid an architect, worked
3 with the City and County of Denver to move his -- open a new
4 restaurant next to the Convention Center, had it all planned out,
5 they were working it out, they were starting to move forward in
6 February of next year.

7 They have a meeting with the City of Denver, they all
8 come up with a paper at the meeting that says, well, now we need
9 you to put \$300,000 in an escrow account in order to open up your
10 business in the City of Denver now. All right? It took him two
11 years to get funding just to buy the equipment to install in the
12 City of Denver to open his new business. He will create jobs.
13 He will offer a whole new venue of unique food. And now, he's
14 done.

15 He's looking to open a new business in New Mexico,
16 because it's business friendly, they don't require \$300,000 cash
17 to try and get a loan for it to pay back, a small business cannot
18 afford. Just cannot.

19 And that's just all I have to say in moving forward.
20 I'm a little scared, but, you know, that's just what I'm seeing,
21 what I'm hearing. And I hang out with these contractors. I've
22 been learning the system for over two and a half years as an e200
23 program. I don't know if you know the SBA, but it's to small
24 businesses that have opportunity.

25 And I just -- I'm here tonight -- I was here to

1 in, which I have a business in, that I can't vote in, because my
2 building is here, my equipment is here, but my house is south of
3 here. I have no say in the tax issues and the tax burdens.

4 So my equipment, you have the personal property tax,
5 I'm just going to go into this real quick, so you all know what's
6 going on, because you all aren't from here, are you?

7 MS. MITCHELL: No. He is.

8 MR. JONES: I am. I'm legit.

9 MS. WITT: I'm glad you're on this contract. Because
10 I see people from Idaho doing the City of Denver sewers out in
11 front of my street. I go talk to them, I see -- there's
12 contractors here that can do that work, that are laying off
13 employees. But when our taxes are that high with our equipment
14 and our payroll taxes, they're 30 percent less in Wyoming,
15 Oklahoma, Idaho, to do the same job that we bid on -- we can't
16 bid on it that low. We can't pay to do the work. We have to
17 make a little bit of money, 3 percent, God bless you, I don't
18 make that on my jobs. There's no way. I would go out of
19 business -- I just can't do it. We just try to go on volume.
20 And it sounds like these people are losing the volume, too.

21 One more thing, while I'm talking and I have the
22 floor.

23 MS. MITCHELL: Okay.

24 MR. SMITH: We're right here.

25 MS. WITT: I have a good friend that has a restaurant,

1 listen, I didn't know I got to speak, but thank you for allowing
2 me to speak about what's going on that I see first hand, from the
3 people I know.

4 MR. JONES: Just one point, are you saying that the
5 taxes in Denver are so high as compared to Wyoming --

6 MS. WITT: Wyoming has no personal property tax.
7 Wyoming has no income tax.

8 MR. JONES: So when you bid, just adding the Denver
9 tax to your bid makes you uncompetitive?

10 MS. WITT: Absolutely. Absolutely.

11 MS. MITCHELL: Because someone from Wyoming doesn't
12 pay that?

13 MS. WITT: It's 30 percent less on our break-even.

14 MR. JONES: Okay.

15 MS. WITT: And our taxes are going up. And it's -- I
16 can't be competitive with -- with anybody out of state anymore.
17 And honestly, I'm looking to move my equipment out of state. And
18 when I bought a new press in 2006, I debated, should I drop it
19 over the state line, can I afford this. I got the loan based on
20 the appreciation values because the personal property tax was my
21 issue of buying any equipment to this day. I knew my scale.

22 And the City of Denver has this enterprise zone. I
23 have yet to get paid for the taxes that I have paid on my state
24 taxes. They say, sorry, we make the rule, we're not going to
25 follow it, but you have to. Here nor there, that's -- you'll

1 learn how this works.
2 We're all broke down into jurisdictions for sales tax
3 and nothing is the same. Everybody is different with all their
4 taxes and use tax and RTD, everything. It's real difficult, but
5 we learn the system. That's not the problem.
6 My problem is in 2007, December, Governor Ritter made
7 a check mark and he put personal property tax values, including
8 your houses, you guys noticed your house tax is going up, because
9 it's the value tables stayed at 2007 value through 2012. So I
10 got no depreciation. My press is still brand-new on the City of
11 Denver for property tax, State of Colorado.
12 MS. MITCHELL: Okay. Thank you.
13 MS. MITCHELL: Wes Garnett?
14 MR. GARNETT: Garnett?
15 MS. MITCHELL: Garnett.
16 MR. GARNETT: You put my application in the back.
17 MS. MITCHELL: I put them in the order that I received
18 them, so that -- but see, you changed your mind. It would have
19 been up earlier if you had not changed your mind. Go ahead.
20 MR. GARNETT: I know it's my fault.
21 Again, Wes Garnett, W-e-s, G-a-r-n-e-t-t.
22 MS. MITCHELL: Okay.
23 MR. GARNETT: And my company is W. Garnet &
24 Associates. We're a human resource consulting firm.
25 MS. MITCHELL: Okay.

1 opportunities through the public sector around the certifications
2 that I have with no success at all. I've met with
3 representatives from RTD, I've met with people from the City and
4 County of Denver, I've met with folks from the airport, I met
5 with the Department of Transportation. I provided everything
6 they wanted me to provide, with the skill sets that we can offer.
7 And I guess my question is: What else should I be doing? Who
8 else should I be talking to if I want to do business in the
9 public sector?
10 MR. JONES: Can you identify some of the barriers you
11 think you've faced that have prevented you from getting business?
12 MR. GARNETT: Yes. What I think is, and I think it's
13 legitimate, when I went to the City, the City and County of
14 Denver, they have an internal HR department that's going to take
15 care of their employees. But the City and County of Denver, RTD,
16 they subcontract to businesses like me, and I can assure you that
17 there's a huge percentage of small businesses where if you start
18 evaluating their internal infrastructure, there is problems.
19 Somebody mentioned ICE. I've done 35 complimentary
20 audits since I've been here with small businesses to look at
21 their immigration documents, their ICE documents. 34 of them
22 were wrong. When I put a dollar figure to that, the -- if I were
23 an ICE representative, the cheapest audit would have been
24 \$54,000. The most expensive audit would have been over -- it
25 would have been six figures. They have no clue on what they need

1 MR. GARNETT: We are MBE, SBE, DBE and ACDBE
2 certified. We've been in business just over eight years.
3 MS. MITCHELL: Okay.
4 MR. GARNETT: I guess my concern, as well as a
5 complaint is, I relocated my business from Minnesota here over
6 five years ago.
7 MS. MITCHELL: Okay.
8 MR. GARNETT: To get the lay of the land, I attended
9 the Small Business Development Center, all of the -- or a lot of
10 the programs that help minority businesses. And the skill set we
11 offer companies, I was told, Wes, you need to be certified. You
12 have to be certified to do business with the City, with the
13 County, with the Federal government.
14 So I got an MBE certification, I got a DBE, SBE, ACDBE
15 certification. And I've been trying for four years to get work
16 through those entities with no success at all. And I guess the
17 one thing that's a concern to me, there was a convention with
18 COMTO, the Community -- Conference of Minority -- Conference of
19 Transportation Minority Officials, COMTO.
20 And I went to their three-day or four-day conference.
21 And there was a representative from the City of Denver talking
22 about contracts. And when the question came up about
23 professional services, they were -- we were flat-out told, we
24 don't do that very well. That's the area that I'm in.
25 For four years I've been trying to secure

1 to do.
2 And to complicate that process, that's the Federal
3 process, the I-9, that's a Federal. The State of Colorado has
4 its process called the Affirmation of Legal Work Status. Out of
5 the 35 audits that I've done, 34 people didn't even know what it
6 was about. They didn't even know the State of Colorado had a
7 form. Didn't know there was a form at all.
8 So there's a huge amount of -- I'm not going to say
9 miscommunication, there are small businesses that aren't
10 communicated to. What I wanted to do was to provide my services
11 to these big public organizations saying, hey, I can help. You
12 want to hire small businesses to do work for you, and in some
13 cases you're mandated through certain percentages. Let me come
14 in from a human resources side and help in that process, making
15 sure their I-9s are correct, making sure there are Affirmation
16 forms, make sure with Davis-Bacon wages, we're following that
17 process, make sure of employee classifications, all of the -- all
18 of the requirements that we have in the area of human resources,
19 let me help in that process. And up to this point there's
20 just -- there's been no takers.
21 MR. JONES: Are you also a staffing company? Do you
22 provide professionals for various jobs?
23 MR. GARNETT: We can do that, Walter, but that's not
24 our main interest.
25 Now, I do have clients in the private sector who have

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1 hired me to do that. We would rather do that once that employee
2 is on board, now let's do everything that's going
3 to -- everything the state and Federal government requires us to
4 do. That's -- that's where our skill sets are.
5 MS. MITCHELL: Okay. What would be one of your
6 recommendations?
7 MR. GARNETT: That's a good question. I -- at least I
8 think, that the public sector, they don't have a responsibility.
9 When they hire a Wes Garnett, or a company to come in to do work,
10 they don't have a requirement to make sure that my infrastructure
11 is where it's supposed to be.
12 MS. MITCHELL: Okay.
13 MR. GARNETT: They don't have -- I don't think they
14 have a responsibility. And since they don't have a
15 responsibility, they put that on us, on the small businesses.
16 And I know a lot of small businesses. Every one of
17 the 35 small businesses that I spoke to said, Wes, I know I need
18 you, but I can't afford you. The question is, you have to afford
19 me if you have employees. You have to be able to -- we have to
20 work out something to keep you -- keep you compliant, let alone
21 some of the best practices that needs to be done within an
22 organization. Let's make sure we're addressing the compliance
23 side of what we need to do as small businesses.
24 MS. MITCHELL: Okay.
25 MR. SMITH: You still didn't say what barriers you

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1 felt were preventing you from working.
2 MR. GARNETT: I think the barrier is as a public
3 entity you don't have the responsibility for the small businesses
4 that you hire. You don't have a responsibility to make sure
5 their infrastructure is where it's supposed to be. I think
6 because of that --
7 Now, every one of these public entities are taking
8 care of their own infrastructure. There's a human resource
9 department in RTD. There's a human resource department in the
10 City and County of Denver. The City and County of Denver takes
11 care of the airport. They're going to -- they're going to take
12 care of their infrastructure.
13 But I don't -- I haven't seen the concern to make sure
14 that the small businesses they bring on board, their
15 infrastructure from a human resources side, is addressed.
16 MR. SMITH: Okay. Thank you.
17 MR. GARNETT: Thank you.
18 MS. MITCHELL: All right. Crystal Hill.
19 Crystal, if you would give us your first and last
20 name, the name of your company, how long you have been in
21 business, and spell your first and last name.
22 MS. HILL: My name is Crystal Hill, C-r-y-s-t-a-l,
23 H-i-l-l. The name of my company is Lady Electric. I am not DBE,
24 SBE or I have no certifications, but they're all pending.
25 I kind of took notes on what it was I wanted to say.

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1 Some of these things may or may not have been addressed. I'm a
2 little bit late, so . . .
3 MS. MITCHELL: This is your testimony, not based on
4 what you think people want to hear. This is you. I'm only
5 interested in you right now.
6 MS. HILL: Well, someone saw that there was a need for
7 this program. There were these -- there were those that said
8 there's no need. Well, they say that there's favoritism
9 displayed toward the women and minority business for this program
10 existing.
11 I'm a product of the study. When they put the study
12 out in the early '90s, I was one of the ones -- the inner-city
13 people that came in and said, okay, maybe I'll try this. Here it
14 is, almost 20 years later, I'm still in training. I went through
15 my ranks. I did the apprenticeship. I did -- I got my
16 journeyman's, my master's, and in turn got my general contractors
17 license.
18 Well, because it's so rare to see an Afro-American
19 female electrician make it through the ranks, I wanted to prove
20 them wrong, saying that this disparity study, there was something
21 to it. They just kind of wanted to just put a program out there
22 for them, just to have something to do.
23 Well, hmmm, it backfired. Because for a decade I
24 tried aimlessly to go after the same contracts that everybody
25 else is doing, the smaller ones, we're not talking about the half

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1 million -- the million dollar ones, I'm talking about even
2 \$500,000 ones. I was not able to get them. This is 10 years,
3 plus.
4 And I went to a couple of the meetings lately, the
5 last six months. I kept hearing over and over, are you
6 certified? I would say, no. I wouldn't get a call back, a
7 response to e-mails, nothing. They ignored me. It's kind of
8 like I didn't exist. So I went to -- there was a barbecue that
9 AMI had.
10 MS. MITCHELL: Who is AMI?
11 MS. HILL: It's a mechanical company that's out here,
12 a larger one.
13 MS. MITCHELL: Okay.
14 MS. HILL: And when I went to it, I got a chance to
15 talk to some of the hierarchies that are inside the business. I
16 talked to Sturgeon. I talked to Kiewit. There was just a number
17 of big contractors that I spoke with. And there was one they
18 tried to pair me with, and that was LEI.
19 MS. MITCHELL: Okay.
20 MS. HILL: With Leneé Koch. I tried to work with her,
21 because they kept trying to pair me with her, and I never got
22 responses back. I e-mailed once a week. I called every, what,
23 twice a week, and this went on for almost three months, with no
24 response back.
25 It wasn't -- when I went to the office and I was like,

1 you know what, you told me that if I contacted you, you would
2 mentor me, because she's supposed to be in the electrical trade,
3 too. I never got a response, it was always an excuse as to why
4 she couldn't help me, why she didn't have time. I said, okay.
5 So when I went to the barbecue recently, the last two
6 weeks, at AMI, I approached her, I spoke to her, and then she
7 said, oh, call me, I said, for what? You didn't answer me the
8 first time. I said, I went almost six months trying to touch
9 bases with you, for you to stand on what you said and your word
10 meant nothing. And you want me to turn around and utilize you or
11 act the part that you're doing your part now in front of these
12 people. I said, you know what, my time is vital to me, too. You
13 call me when you have time.
14 I got tired. And this is not just her, I run into
15 this all the time. And by me being a rarity, like they say I am,
16 why is it I'm out of work? Why is it I'm not busy? Why is it
17 I'm not hand over fist getting faxes, e-mails about different
18 projects? Why is there no one out there to mentor the small
19 businesses in ways that they need to be mentored?
20 They need to shadow bigger companies that they have
21 involvements with. For me, an electrical contractor. For me to
22 go in and shadow one to see what their operations is, so that I'm
23 not missing anything, it will make me an asset to be able to
24 estimate apples to apples, as opposed to me sending a bid in and
25 I'm missing all these different things, and then they see me

1 and -- they're like succulents, they try to take all the life out
2 of you. They will use you just so you can fail. I don't need
3 that. I didn't get as far as I did only to be trampled on by
4 people. They don't want to use you anyway, they're being forced
5 to use you. Unless -- I can keep going. That right there pissed
6 me off, I'm sorry, you guys.
7 The program is necessary so the equality that this
8 nation was built on is to be monitored. This country was built
9 by the sweat and hands of the very hands that people are trying
10 to rob of an equal playing field. The same potential that this
11 country saw in us as slaves seemed to have become crowded when
12 they came from the land of the bondage, only to shift us to a
13 different type of bondage.
14 The reality is this program's success -- if this
15 program is to be successful, it will invoke change, progression
16 and growth. They try to see the illusion and make excuses as
17 to -- make excuses that will hinder the growth, progression, it
18 will stifle the potential. It creates barriers, it promotes
19 brokenness and division. I see the need and question why this
20 program only allots such a small percentage of participation to
21 the small businesses, to African-Americans, to minorities in
22 general, to women.
23 Why -- why raise the bar for those who are qualifying
24 without raising the expectations on those on the other side, the
25 larger companies.

1 Provide -- this is what I would like to see happen.
2 MS. MITCHELL: Okay.
3 MS. HILL: I would like to see classes that are
4 actually addressing the needs of a small business, promote
5 mentoring with a company of their trade. Most have the skills,
6 they just are confused on how to run the business, especially the
7 paperwork side. If you estimate apples to apples, I don't see
8 what the problem is and why there shouldn't be a better bidding
9 system out there for them.
10 And I'm not talking about the ones that they send it
11 to these programs and they're trying to sell you something, we
12 ain't out here to buy crap, we ain't got no money as it is, so I
13 don't understand why they -- we can't afford to do all this
14 leaving and -- there's a whole lot we can't afford to do that the
15 big companies can. We can't afford to keep buying prints and
16 keep getting turned down because we're out there spending our
17 money frugally. To me, I'm trying to be frugal with my money.
18 And a set of prints, just the electrical drawings, \$48, when you
19 times that times four and five bids that I'm trying to get out a
20 week and I ain't got no job. How does that help us?
21 There should be something out there so it makes it a
22 lot easier for us to do this stuff and it don't weigh on us so
23 hard. So that's what I have to say. I'm sorry.
24 MR. JONES: Would you sum up what you said by saying
25 that the goals alone are not sufficient to integrate you into the

1 mainstream of your industry, that putting goals on projects does
2 not result in your getting involved in any real work
3 opportunities.
4 MS. HILL: This is just my opinion.
5 MR. JONES: Yes.
6 MS. HILL: But I believe that even if they set the
7 goals up there, they find ways to not utilize us. First, there's
8 the bonding and the insurance. Well, we can umbrella that if
9 we're subs, but a lot of us don't know that. Then as far as like
10 taking care of the labor side, you can do a joint venture, or do
11 the one -- the joint check agreements with the different
12 suppliers, you can do it -- for labor cost with the bigger
13 companies, there's all kinds of things that we can do that they
14 don't disclose to us. But with the buddy system trying to get
15 Uncle Charlie in here, he tells him about it. They don't tell us
16 about it.
17 The only reason I know I had to stop working on my own
18 business and help another black male to try to get his, and do
19 you not know I got further with his business, I got him three
20 contracts. That means my numbers are good. My numbers are
21 solid. So why is it I can't get business for myself, utilizing
22 myself? There's a need. There's a need for the disparity --
23 there's a need for the program, but there's a lot of things that
24 need to change to make them so that they are held accountable
25 when they're trying to find loopholes not to use us.

1 Right now, for them to get a fine of \$3,000 or
2 however -- whatever the penalty is, is nothing. They didn't have
3 to use you, they paid not to have to use you, they didn't suffer
4 losing a job, they didn't suffer missing a payment on a bill.
5 But these small companies, that we're getting looked over, we
6 are.

7 A lot of -- a lot of people are losing their homes,
8 some of the families are being held hostage because the wife is
9 leaving or the husband is leaving, because you're trying to hold
10 on to something that you believed in. And when you believe in
11 yourself and nobody else does, where does that leave you? You
12 believe in yourself alone ain't enough. If these people don't
13 give you a shot and don't see the potential in you, then you just
14 pretty much are just out there. I'm tired of being just out
15 there.

16 MS. MITCHELL: Thank you.

17 Mr. Malone.

18 MR. MALONE: Good evening. Once again, my name is
19 Herman Malone, H-e-r-m-a-n, M-a-l-o-n-e. I own a company called
20 RMES Communications. I've been in business for 35 years. We're
21 a telecommunications services. I wanted to come back this
22 evening because I'm going to be brief, but I wanted to share an
23 experience our company had with the Justice Center, which is a
24 correctional institution in the City.

25 In our 35 years we have performed inmate services to a

1 number of correctional facilities in the City. And by that I
2 mean providing phone services to inmates, as you know that is
3 a -- it is a -- it's an opportunity that, you know, the inmates
4 does not have a lot of choices to apply for different services,
5 but there was a -- as I said, the Justice Center contract that
6 was being completed in our City.

7 Our firm had tracked this opportunity for two years,
8 recognizing that it would represent an opportunity, because
9 typically in these kinds of correction facilities, the -- the
10 firm who have held these contracts have a -- has a unique
11 opportunity to continue in those services. Incumbent always win
12 pretty much hundred percent of the time, so therefore it is
13 extremely difficult for anyone who is trying to break into this
14 lucrative and exclusive area, is extremely tough.

15 Now, as I mentioned, we had tracked this opportunity
16 for a couple of years -- and this was sent through the General
17 Services Administration, this contract by the way. And the
18 reason why it -- it calls out for attention because the General
19 Services simply does not have any goals. It was not part of the
20 current ordinance that's in existence today. And we desperately
21 need that ordinance to be -- to extend into General Services and
22 other areas, which allows for entry -- minority entry, into
23 nontraditional industries.

24 In any event, when the RFP came out, I immediately
25 received an RFP with the intentions of submitting the proposal.

1 There was a little -- a little -- contained in the RFP was
2 a -- there's a provision in there that said that you have to
3 have -- and perform these services continuously for a number of
4 years -- and so the criteria was set so high, there was
5 absolutely no way that my firm, or any other firm for that
6 matter, could qualify.

7 So the intent was to continue that contract with the
8 most established providers of those services. So I say that it
9 is extremely difficult, and I think that is so discriminatory in
10 so many ways that it does not allow -- this is a tremendous
11 barrier of entry for us, or anyone else, to break into those
12 areas.

13 So unless and until these things start to -- start to
14 have some mandatory goals, as I mentioned last night, to have
15 joint ventures and variety of -- of opportunity just to gain --
16 to -- to participate in those projects, we're going to have a
17 difficult and impossible time trying to get there.

18 Now, today, the contract is being rebid once again.
19 And by the way, they had no goals on it. And what they did is
20 bring in more established firms, national firms, so this City
21 contracted with the national firm and all -- all participants on
22 that contract, and these are providing inmate services to the
23 State.

24 Now, we know that in the correctional facilities, if
25 there's anything that we need -- there is a -- our share, I

1 guess, our -- our participation in these correctional facilities
2 are so high, if you're ever going to have a participation, it
3 should be one of those, I suppose.

4 And I guess it just gals me to know that that type of
5 procedure and policy was in place. And this is by design. It's
6 by design. That agencies know when they have an RFP, they can
7 direct that to the General Services Administration, knowing full
8 well that there are no goals to be established. So therefore,
9 the criteria, they have no -- they can do it in the round,
10 without getting any participation whatsoever. So I just wanted
11 to bring that to the committee's attention and hopefully can
12 address that as part of the public hearing.

13 MS. MITCHELL: One question, Mr. Malone. You said
14 that the Justice Center project is now out for rebid. Are the
15 same RFP requirements of having performed similar services for a
16 continuing number of years still in the RFP?

17 MR. MALONE: No, no, there isn't. There's still no
18 goals --

19 MS. MITCHELL: Okay.

20 MR. MALONE: -- that have been established on there.
21 But let me just tell you that the RFP and the -- is written in
22 such a manner that you have to have been in that line of work for
23 a number of years.

24 MS. MITCHELL: Okay.

25 MR. MALONE: Because, in order to prime the contract,

1 or even allow to come in as a subcategory, so there still is very
2 subtle type of barriers.

3 MS. MITCHELL: Barriers.

4 MR. MALONE: That disallows you an opportunity to
5 participate.

6 MS. MITCHELL: Okay.

7 MR. JONES: Just a point of information, do you have
8 any idea of what they charge these inmates to make these calls
9 outside the existing charges in the facility. Roughly, or a
10 historical figure.

11 MR. MALONE: Well, there's no restrictions on there in
12 terms of what they can charge. It's simply a supply and demand.
13 As you well know, there's -- if you are incarcerated, that you're
14 going to want to be in touch with your family and friends and et
15 cetera. So the tariff does not apply on the correctional
16 facilities. There's no -- there's no --

17 MR. JONES: Is it a dollar a call, \$2 a call.

18 MR. MALONE: As I said, it varies. You know, again,
19 because everyone has -- everyone has -- there's a lot of
20 stakeholders, if you will. Everybody kind of gets in on it, on
21 the inmates, fees.

22 MR. JONES: Okay.

23 MR. MALONE: But there's no restriction, as you will
24 see in the public arena, where they have tariff charges. If you
25 were to make a long distance telephone call outside of

1 contractors at the time. So things improved considerably after
2 the Klansman was voted out, but we still have a long ways to go
3 before things improve.

4 Blacks still had some problems in getting certified as
5 contractors. And things later improved, and it was because of
6 our efforts that this was made possible. It wasn't voluntarily.
7 And the kind of environment that existed, we had an all
8 African-American construction group at the time, which I was one
9 of the founders. And by the way, I've been punished since, and
10 still do, but I'm here.

11 And later, what we found that when African-Americans
12 would go and seek contracts, they would say, well, Hispanics have
13 been here, Hispanics ran into the same problems. So we decided
14 in later years, after losing an impossible situation, we formed a
15 construction group together, a national association of minority
16 contractors and we called it Minority Contractors Association of
17 Colorado.

18 At that time, while I was forming this relationship,
19 we filed a grievance with the Federal government regarding the
20 City practices. Those City agencies, in particular HUD,
21 Department of Transportation and others, and the Federal
22 government agreed with us that there was obvious discrimination,
23 Federal funds were to be stopped, City would not get any funds if
24 the practices continued.

25 And so what basically ended with the Federal

1 the -- that the correctional facility, there are some
2 restrictions, but in the correctional facilities, usually it's
3 just supply and demand.

4 MS. MITCHELL: Okay. Thank you.

5 MS. MITCHELL: And last but not least, Robert Jackson.
6 Good evening.

7 MR. JACKSON: Good evening.

8 MS. MITCHELL: If you would give us your first and
9 last name and the name of your company, how long you've been in
10 business, and spell your first and last name for us.

11 MR. JACKSON: I'm Robert W. Jackson, R-o-b-e-r-t, W,
12 initial, J-a-c-k-s-o-n.

13 I've been around for a long time, as you will hear.

14 My career started over 60 years ago in Denver. When I came to
15 Denver, the mayor of Denver was a Klansman, and we go downhill
16 from there.

17 Largely I was a university student and that was
18 decided that one of the things that even students could do is to
19 help clear the City. So I was part of that group. I can say
20 that we ousted the mayor of Stapleton, the former airport was
21 named after him, and it was rather miserable times at that time.
22 Not only being black was a problem for the City, but trying to
23 get employment with the City, no. You could count -- almost
24 count the number on both hands of so-called City employees which
25 were in menial tasks at the time. I'm not aware of any black

1 government and contractors and the City and County, was agreed
2 that they decided to start the affirmative action program, which
3 is a result of that, we have that.

4 However, there are ways in which the City decided to
5 even screw that up, by setting goals. And goals is a popular
6 thing, one of the better discrimination tools that you can
7 imagine, because goals are found to be not only ineffective, but
8 certainly hasn't worked on behalf of African-Americans being even
9 more discriminating. And it can be done legally now, because
10 they can say we can use, you don't have to worry about
11 eventually -- and by the way, I'm going to give you a copy of
12 what I have I have here.

13 MS. MITCHELL: Okay.

14 MR. JACKSON: I am saying a few things other than
15 that.

16 MS. MITCHELL: Okay.

17 MR. JACKSON: If I exceed my time, why, at least you
18 will have some of my thoughts.

19 MS. MITCHELL: Okay.

20 MR. JACKSON: And concerns.

21 MS. MITCHELL: Can you tell us why the goals are
22 ineffective?

23 MR. JACKSON: Beg your pardon?

24 MS. MITCHELL: Can you tell us why you think the goals
25 are ineffective?

1 MR. JACKSON: Well, they can discriminate by color.
2 They can discriminate by what other means? We have over 200
3 African-American contractors, and I'll guarantee you that we are
4 fortunate and we have, I'll say 15 that's involved in City work.
5 MS. MITCHELL: Okay.
6 MR. JACKSON: Denver was -- and one of the reasons was
7 Denver was the first to start charging for our certification. It
8 isn't -- it's all right for the City to charge for certification,
9 but if they're going to charge, it seems at least a lot of
10 members felt if you're going to charge me to be certified, then
11 you should guarantee that I at least have an opportunity to bid
12 on work. Not necessarily get work, but at least be able to bid
13 on work. That was not the case.
14 MS. MITCHELL: Okay.
15 MR. JACKSON: It has never been done in any municipal
16 city or county or state in the country for Denver.
17 MS. MITCHELL: If you can go ahead --
18 MR. JACKSON: The goals committee, I should pull back
19 by saying it was really set up to the industry to make
20 it -- well, let me say discrimination worsened. And during the
21 early days, the industry made it impossible to develop the
22 business relationship with large contractors, because there were
23 no encouragement for joint ventures, no prodigy. I can recall
24 during the same period when ARBIN had a mentor-prodigy and we
25 tried to get the City to adapt a similar program, which was never

1 done.
2 So there was no development by the goal, by setting
3 goals, to really develop companies, and material supplies, if you
4 heard, I'm sure, as I recall, last night, it was mentioned how we
5 have to pay more from for materials or supplies, and that's as a
6 matter of fact, it even extended to the bonding situation. How
7 can you pay the bond government 5 percent or more when the
8 majority firms are quarter, half, 1 percent is an -- that's a
9 large amount to many. So African-Americans around 5 and higher,
10 to say nothing about the material costs.
11 The DIA has an on-call contract that they have -- most
12 of those contracts are from 5 to \$15 million that eliminate our
13 members.
14 MR. JONES: Five to -- is that --
15 MR. JACKSON: Beg your pardon.
16 MR. JONES: You said DIA had on-call contracts?
17 MR. JACKSON: 5 to 15 million.
18 MR. JONES: Bonding requirements.
19 MS. MITCHELL: Bonding requirements.
20 MR. JACKSON: Yes.
21 MS. MITCHELL: Okay. If you would go ahead and get to
22 the closing of your comments.
23 MR. JACKSON: Beg your pardon?
24 MS. MITCHELL: If you would go ahead and get to the
25 closing of your comments. Any recommendations?

1 MR. SMITH: The 3 minutes is about up.
2 MR. JACKSON: I would recommend to the City how they
3 have -- I'm rather puzzled by the location of these hearings.
4 MS. MITCHELL: Okay.
5 MR. JACKSON: The location can be fairly described as
6 obscure and out of the way, to be kind. Out of the thousands of
7 City locations around this time, this has to be one of the most
8 obscure venues the City could have found for a minority event.
9 And I -- and I hope that we'll be invited to have other comments
10 because it's very difficult after you lived as long as I have and
11 seen as much as I have, to get it in, in a few minutes.
12 MS. MITCHELL: Okay, that's fair. Thank you,
13 Mr. Jackson.
14 8 o'clock. Anyone change their mind to comment?
15 We'll take one more.
16 MS. MITCHELL: Okay. Did you give us a form?
17 MR. HANNS: I gave you a form, yes. I didn't put as
18 far as speaking.
19 MS. MITCHELL: Okay. Tell us your name.
20 MR. HANNS: My name is Freddie Hanns, F-r-e-d-i-e,
21 H-a-n-n-s.
22 MS. MITCHELL: Okay.
23 MR. HANNS: My company is H & F Constructors. And one
24 of the things I just wanted to mention is that this disparity
25 study has been going on for a while, this is maybe the second,

1 third, fourth disparity study that's been performed, just wanted
2 to know what difference it's going to make with this, as far as
3 with the others that's been done, because it has affected me,
4 it's affected a lot of other contractors, and we all need work.
5 You have a lot of work going on around the City, but a
6 lot of people are not getting it. And they come, they speak at
7 these events, it affects them, as far as getting work with
8 other -- with the City, with RTD, CDOT, so if you say something,
9 you will be held accountable for it. So I wanted to know what
10 good would this do if people get up and say something, and then
11 the only thing that's going to happen is they're going to be
12 ostracized from doing work with any of the entities. That's the
13 only thing I wanted to say.
14 MS. MITCHELL: Okay. Thank you.
15 Okay. Well, that concludes our hearings tonight. We
16 thank you again for all of your honest, and I'm sure for some,
17 difficult comments, but they are greatly appreciated and we do
18 take your comments very seriously. And we'll take into
19 consideration what you have stated as we think about
20 recommendations for moving forward, any type of program, if the
21 data so chooses to reflect that. And I can't even think right
22 now.
23 But, so, you know, depending on what the data says,
24 your comments will be utilized to help us formulate whatever
25 recommendations based on what that is, so we thank you.

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1 And Reggie, anything you wanted to say?
2 MR. SMITH: I just want to say we appreciate you
3 coming out. We also want you to follow the results of the study.
4 Normally we will have to make presentation to the City Council on
5 the study, and findings of the study, and the recommendations
6 from the study, and it's up to you guys to make sure something
7 happenings with the recommendations.
8 Normally we do these studies, these recommendations
9 that we give to improve programs, to reflect findings that we
10 come up with. And if nothing -- no pressure is put on the City
11 Council to do anything, then the program can't improve without
12 the recommendations if they are not implemented. I'm not saying
13 that's going to be the case here in Denver, but as we do these
14 studies throughout the country, some studies are just put on the
15 shelf and nothing really benefits from the study because the
16 recommendations are not implemented.
17 So as we go through this process, and all this work to
18 give you findings on the utilization of MWBE firms and DBE firms
19 in the City, then that -- that you follow up, attend the meetings
20 that we will be giving related to the findings and then attending
21 City Council and making sure that the recommendations from the
22 City are implemented.
23 I encourage you to do that.
24 MR. JONES: I might add that SBI, a number of are a
25 member of that, that Chris Martinez heads up, they are like a

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1 liaison group between the Disparity Study going through the City,
2 so as this process goes forward, those of you with SBI may, you
3 know, get involved, and out of that will come some draft
4 legislation. I believe they're going to have an ordinance
5 committee. So you can see the changes and they get introduced to
6 the new ordinance, and that's a point, and then it goes in front
7 of the City Council and then you will have another opportunity.
8 MR. SMITH: So the Disparity Study has to be conducted
9 first, and I think the ordinance for the programs sunsets next
10 year. So they've got to have the ordinance written and voted on
11 and approved to continue the program, so this piece is very
12 important.
13 MR. GARNETT: Will we be contacted when you're going
14 to be presenting to City Council or whatever meetings we're able
15 to attend, we will be notified?
16 MR. SMITH: I can't say. I know that the Small
17 Business Opportunity Office will be posting information related
18 to the Study. I don't know whether you will be personally
19 notified or not, but you know, you would have to just follow it,
20 you know, just got to follow it.
21 MR. GARNETT: But again, two documents that I signed
22 when we met at the airport and today, we put our e-mail addresses
23 on there, you asked for e-mail addresses. So again, my thought
24 would be that somebody's going to contact with me that address I
25 gave you to let me know that --

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1 MR. SMITH: I'm not going to say we are going to
2 contact you individually, but this is a public -- this is public
3 information and information will be available. I don't know what
4 methods will be utilized to notify individuals about the upcoming
5 events.
6 MR. JONES: Let me say, you do provide some very
7 thoughtful comments, very important, you know, the Government
8 started using goals a long time ago and we just kind of stopped
9 there, and you have given us a lot of insight into how well
10 that's worked or how it's not worked. So hopefully, that's not
11 the only remedy. There's more changes and suggestions that you
12 have made, and hopefully as you follow this process you'll see
13 that some of your ideas get incorporated into the new program.
14 So stay vigilant. Don't go away.
15 MS. NOYES: What's your target date for delivering a
16 draft to the OED?
17 MR. SMITH: Within the next four or five months.
18 MS. NOYES: When you say the ordinance sunsets and
19 they need new language, is that 2013.
20 MR. SMITH: Uh-huh, 2013.
21 Any other questions or comments?
22 WHEREUPON, the within proceedings were adjourned at
23 the approximate hour of 8:03 p.m. on the 29th day of August,
24 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 certify
7 that the said proceedings were taken in machine shorthand by me
8 at the time and place aforesaid and was thereafter reduced to
9 typewritten form, consisting of 80 pages herein; that the
10 foregoing is a true transcript of the questions asked, testimony
11 given, and proceedings had. I further certify that I am not
12 employed by, related to, nor of counsel for any of the parties
13 herein, nor otherwise interested in the outcome of this
14 litigation.
15 IN WITNESS WHEREOF, I have affixed my signature and
16 seal this 11th day of September, 2012.
17 My commission expires February 11, 2014.
18
19 _____
20 Joann M. Hansen
21 Registered Professional Reporter
22
23
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