

CITIZENS' EQUAL OPPORTUNITY COMMISSION

MINUTES

MEETING DATE: Wednesday, September 3, 2008
TIME: 6:00 P.M.
PLACE: City Administration Building
202 C Street, 12th Floor Committee Room
San Diego, CA 92101

ATTENDANCE: Commissioners:
Bradford Barnum, Debbie Day, Dr. Shirley Weber,
Daniel Salas, Rebecca Llewellyn, Eileen Chaske.

Outside Agencies:

MAYOR'S STAFF: Sanna Singer-City Attorney, Hildred Pepper-Director of
P & C, Debra Fischle-Faulk EOC Director, Beryl
Rayford-Program Manager EOC, Terrell Breaux- P&C,
Ramone Lewis-EOC, Laura Davis-EOC.

Item 1. CALL TO ORDER:

The meeting was called to order at 6:23 p.m. by Chairman Dan
Salas

Item 2. APPROVAL OF August 6, 2008 MINUTES:

MOTION: To approve the August 6, 2008 Minutes

Made by: Dan Salas
Second by: Eileen Chaske

VOTE: PASSED- (Yea-6; Nay-0)

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Item 3. PUBLIC COMMENT:

Monica Montgomery:

Expressed her disappointment over the reported 22% unidentified category of contractors in the Equal Opportunity Contracting report. Ms. Montgomery also stated she felt the prequalification program should be addressed by the City in regard to the requirements placed on contractors to bid on contracts valued at \$250,000 or more. She stated it is difficult for contractors to obtain bonding in order to get prequalified. Ms. Montgomery inquired into the City's policy to assist in the bonding of small businesses during pre-qualification. Ms. Montgomery also suggested the City look at companies that are prequalified to determine their availability to bid.

Roz Winstead:

Stated her disappointment over the prior Equal Opportunity Contracting report failing to identify the ethnicity of contractors given contracts in the category of "Not identified." Ms. Winstead expressed her concerns over the City's Bidder Registration Program, the data collection methods, status of certification contractors, CIMS inadequacies and report flaws. Ms. Winstead further requested the CEOC more closely examine data and renew its commitment to transparency.

Beryl Rayford Explained:

That the City's prequalification process is not under the direction of Equal Opportunity Contracting.

Hildred Pepper:

Clarified the prequalification process stating that Engineering & Capital Project Department is responsible for the process. Mr. Pepper stated he will bring an Engineering & Capital Project employee to the next meeting to describe the prequalification process on contracts valued over \$250,000.

Monica Montgomery Requested:

The City consider making the prequalification process easier for the average contractor.

Commissioner Weber Asked:

What outcome can be expected with the questionable data presented at a prior CEOC meeting?

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Beryl Rayford Mentioned:

Issues presented by Donna Frye

1. Reporting Format of "Other or Not Certified".
2. Source of data presented from contract files and Contract Information Management System.

Debra Fischle-Faulk:

Clarified the City's latest measures being taken to verify the accuracy of submitted reports on the certification statistics of contractors. She stated that Purchasing & Contracting and Engineering and Capitol Projects Departments are regularly inputting data at this time. She will use all available resources to verify certification of prime- and sub-contractors.

Roz Winstead referenced:

And read into the record Report No. 07156, dated October 5, 2007. Ms. Winstead stated she felt the prior system did not address or require inclusion of information currently missing by the implementation of the current Bidder-Vendor Registration Program. She recommends purchasing a workable software system.

Commissioner Llewellyn stated:

The CEOC, contractors and small businesses would benefit by knowing what money goes into contracts.

Debra Fischle-Faulk mentioned:

That the funding source of contracts is currently included in the report.

Hildred Pepper mentioned:

He will be having conversations with Engineering and Capital Projects to find out why the current Prequalification Program is housed with them and report his findings to CEOC.

Chairman Salas requested:

Inclusion in next month's agenda a report on the process of contract prequalification.

Debra Fischle-Faulk agreed:

To provide information on the contract prequalification process at the next CEOC meeting.

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Item 4. ACTION ITEMS:
Discussion re DBE definitions

Commissioners conducted a discussion on the Disadvantaged Business Enterprise (DBE) definition and what it means to be a DBE. Commissioners decided to continue this discussion to a later meeting when Commissioner Young is present because the DBE discussion was a part of the ongoing discussion regarding including a "disabled" category on the Bidder-Vendor Registration Form and in statistical reporting.

Item 5. STAFF REPORT:

Hildred Pepper:

Reported on the ethnicity of who is bidding on city projects.

Commissioner Barnum requested:

That discussions be conducted on why African American contractors are not bidding on city construction projects stating maybe the City can explore conducting an availability study.

Commissioner Weber requested:

Information on what will be done about data received stating shortcomings in contracting and how CEOC can effectively address expressed concerns and initiate forward movement.

Debra Fischle-Faulk commented:

That SCOP will go before City Council on September 22, 2008 with no decision on the Bonus Point schedule at that time. Ms. Fischle-Faulk stated the recommendation will be to adopt SCOP program as revised by Franklin Lee, Esq., with an attached Executive Summary Report. She mentioned that capacity building is an issue the CEOC may want to begin addressing.

Commissioner Day requested:

A planning session dedicated to brainstorming ideas on capacity, suggesting the CEOC use, as it did in the past, the services of Maggie Taylor. She encourages the City to designate resources to the discovery of where minority contractors are and potentially interview stakeholders on reasons why they are not bidding on City construction contracts.

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Commissioner Barnum mentioned:

He has made outreach efforts to the Black Contractor's Association with requests for a list of BCA members and has not received a response.

Commissioner Day stated:

She has made the same request of the Black Contractor's Association with no response from them as well.

Beryl Rayford agreed:

That once she receives a list of trades by Debbie Day, she will be happy to provide CEOC with qualified/certified contractors available to bid work on city projects. There was a brief discussion on the recently held Stakeholders Outreach Meeting with mention of the meeting outcome.

Chairman Salas requested:

Electronic copies of the final report on SCOP to be considered by Council at the September 22, 2008 meeting, along with the Executive Summary, be sent to the CEOC prior to September 22, 2008 Council Meeting.

Item 6. CITY ATTORNEY REPORT

NO ACTION

Item 7. CHAIR'S REPORT:

NO ACTION

However; a discussion was held regarding whether to hold a planning session during the following week and the Commissioners agreed to not meet.

Item 8. ADJOURNMENT

Adjournment by: Commissioner Salas at 7:55 pm.

Motion: Made by: Eileen Chaske
Second by: Debbie Day