



CITY OF ALBANY

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Minority and Women Business Enterprise (MWBE) Program

COMPLIANCE REPORT

REPORTING PERIOD: 2019

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Introduction

This is the annual report to the Albany Common Council on the activities of the City of Albany Minority and Women's Business Enterprise Program, covering the period of the 2019 calendar year.

This MWBE report is now an annual report, per Ordinance 1.11.19 which was passed on January 24, 2019. Prior to this ordinance, the MWBE report was submitted semi-annually. This is the second report submitted on the annual schedule.

The Compliance Coordinator is responsible for implementing the MWBE Program and Minority and Women Labor Utilization Plan Ordinance. [Adopted 6-18-1984; amended in its entirety 4-1-2002 by Ord. No. 13-22-02]. The intent of the Ordinance is to provide minorities and women the maximum opportunity to participate in City of Albany construction projects.

The goals for participation on these projects are:

- a minimum of 17.8% of the total work hours on construction projects should be performed by minorities and women. The 17.8% figure is specified within the ordinance.
- a minimum of 7.5% of the total dollar value of all construction projects should be awarded to City of Albany Certified Minority- or Women-owned Business Enterprises. The 7.5% figure is not determined by ordinance. Rather, it is current City of Albany policy.

The MWBE Program and Minority- and Women-Owned Labor Utilization Plan Ordinance establishes that the Office is also responsible for implementing the City's MWBE Certification Program. The Ordinance specifies the following administrative duties:

- Identify minority- and women-owned businesses capable of engaging successfully in a competitive bid process for the procurement of construction and construction-related projects;
- Maintain a central directory of minority and women-owned firms;
- Discontinue and disqualify contractors and subcontractors when violations of policy and performance agreements occur.

Compliance Summary: January - December 2019

Contracts Completed in 2019

| Project Name: | Contractor: | Total Project Payments | | | Total Project Labor Hours | | | Department | Notes |
|--|---------------------------------|------------------------|-----------------------|---------------|---------------------------|-----------------|---------------|-----------------|---|
| | | Total | MWBE | %MWBE | M/W | Total | M/W% | | |
| #8920: Madison Ave. Streets #2 | Callanan | \$3,040,632.51 | \$837,853.82 | 27.56% | 3296.00 | 15504.00 | 21.26% | DGS-Engineering | DOT goal: 10% |
| #8930: Alcove Gate Rehab Construction | Alpine Construction | \$688,223.40 | \$54,514.00 | 7.92% | 480.5 | 2300 | 20.89% | Water Board | |
| #8931: Alcove Reservoir Gate Rehab-Electric | Stilsing Electric | \$100,150.00 | \$100,150.00 | 100.00% | 61.00 | 198.00 | 30.81% | Water Board | |
| #8932: Henry Johnson Bridge Repairs | D.A. Collins | \$1,325,124.25 | \$182,271.07 | 13.76% | 1637.50 | 6594.50 | 24.83% | DGS-Engineering | DOT goal: 9% |
| #8954: Brevator Fire Station - GC | Ganem Contracting | \$588,564.17 | \$45,056.62 | 7.66% | 554.00 | 3457.00 | 16.03% | DGS-Engineering | |
| #8957: Brevator Fire Station - Electric | Kasselman Electric | \$43,159.91 | \$4,094.46 | 9.49% | 14.00 | 272.50 | 5.14% | DGS-Engineering | City granted partial waiver: labor |
| #8976: Capital Hills Cart Path | New Castle Paving | \$80,152.83 | \$5,400.00 | 6.74% | 31.50 | 131.00 | 24.05% | DGS-Engineering | |
| #9012: Arbor Hill Softball Field | HMA Contracting | \$68,778.00 | \$5,225.00 | 7.60% | 110.50 | 456.25 | 24.22% | DGS-Engineering | |
| #9019: Street Resurfacing and Sidewalk Reconstruct | New Castle Paving | \$2,892,772.98 | \$265,991.21 | 9.20% | 1823.50 | 8392.25 | 21.73% | DGS-Engineering | |
| #9020: Roof Restoration Engine 9 | Titan Roofing | \$545,665.48 | \$82,916.57 | 15.20% | 234.50 | 2214.00 | 10.59% | DGS-Engineering | |
| #9021: Street Resurfacing and Sidewalk Reconstruct | Peter Luizzi & Bros Contracting | \$2,115,564.66 | \$642,747.48 | 30.38% | 2060.75 | 8702.50 | 23.68% | DGS-Engineering | |
| #9022: Cured-in-Place Pipe Liner | Kenyon Pipeline Inspection | \$487,867.24 | \$149,738.30 | 30.69% | 159.50 | 1553.75 | 10.27% | Water Board | |
| #9039: Tremont St. Cured-in-Place Pipe Liner | Kenyon Pipeline Inspection | \$175,004.76 | \$78,724.64 | 44.98% | 30.50 | 320.25 | 9.52% | Water Board | |
| ACDA: 159 Rosemont St. | Sherwin PM | \$28,700.00 | \$3,000.00 | 10.45% | 43 | 128 | 33.59% | ACDA | |
| ACDA: 109 Kenosha St. | All Mighty GC | \$18,227.00 | \$1,460.00 | 8.01% | 24 | 96 | 25.00% | ACDA | |
| ACDA: 3 Moore St. | Z. Ipek | \$12,300.00 | \$1,500.00 | 12.20% | 60.00 | 120.00 | 50.00% | ACDA | |
| ACDA: 14 Leonard Pl. | All Mighty GC | \$47,700.00 | \$3,816.00 | 8.00% | 80 | 320 | 25.00% | ACDA | |
| ACDA:67 First St. | Montesano GC | \$21,900.00 | \$1,752.00 | 8.00% | 64 | 144 | 44.44% | ACDA | |
| ACDA: 227 Second Ave. | Montesano GC | \$23,904.00 | \$1,913.00 | 8.00% | 40 | 184 | 21.74% | ACDA | |
| ACDA: 136 Southern Blvd. | Gairy Foster | \$9,200.00 | \$9,200.00 | 100.00% | 60 | 60 | 100.00% | ACDA | |
| ACDA: 24 Raymo St. | Maya's Home Improvement | \$17,600.00 | \$17,600.00 | 100.00% | 580 | 580 | 100.00% | ACDA | |
| ACDA: 176 Sycamore St. | Montesano GC | \$8,955.00 | \$717.00 | 8.01% | 24 | 40 | 60.00% | ACDA | |
| ACDA: 55 Glenwood St. | Montesano GC | \$8,000.00 | \$640.00 | 8.00% | 45 | 130 | 34.62% | ACDA | |
| ACDA: 174 Mt. Hope Dr. | Montesano GC | \$12,990.00 | \$1,040.00 | 8.01% | 48 | 130 | 36.92% | ACDA | |
| ACDA: 150 Dove St. | Montesano GC | \$8,851.00 | \$710.00 | 8.02% | 26 | 76 | 34.21% | ACDA | |
| ACDA: 100 Phillips St. | Taub Heating & Plumbing | \$42,425.00 | \$3,181.88 | 7.50% | 299 | 439 | 68.11% | ACDA | |
| ACDA: 166 Dove St. | Gairy Foster | \$17,250.00 | \$1,300.00 | 7.54% | 55 | 300 | 18.33% | ACDA | |
| ACDA: 790 Livingston Ave. | Montesano GC | \$10,630.00 | \$851.00 | 8.01% | 28 | 88 | 31.82% | ACDA | |
| ACDA: 80 Grand St. | Gairy Foster | \$15,500.00 | \$15,500.00 | 100.00% | 77 | 77 | 100.00% | ACDA | |
| ACDA: 428 Delaware Ave. | Montesano GC | \$17,545.00 | \$1,404.00 | 8.00% | 80 | 140 | 57.14% | ACDA | |
| ACDA: 21 Moore St. | Maya's Home Improvement | \$17,830.00 | \$4,000.00 | 22.43% | 550 | 560 | 98.21% | ACDA | |
| ACDA: 333 Myrtle Ave. | Maya's Home Improvement | \$13,900.00 | \$3,000.00 | 21.58% | 438.00 | 438.00 | 100.00% | ACDA | |
| ACDA: 21 Regent St. | Montesano GC | \$31,315.00 | \$2,506.00 | 8.00% | 48.00 | 168.00 | 28.57% | ACDA | |
| ACDA: 702 Park Ave. | Wolf Creek Construction | \$18,490.00 | \$1,500.00 | 8.11% | 40.00 | 98.00 | 40.82% | ACDA | |
| ACDA: 44 Joelson Ct. | Montesano GC | \$18,080.00 | \$1,447.00 | 8.00% | 16.00 | 72.00 | 22.22% | ACDA | |
| ACDA: 162 Clinton Ave. | Taub Heating & Plumbing | \$45,000.00 | \$3,375.00 | 7.50% | 275.00 | 515.00 | 53.40% | ACDA | |
| ACDA: 166 Dove St. | Taub Heating & Plumbing | \$26,090.00 | \$3,276.00 | 12.56% | 340.00 | 460.00 | 73.91% | ACDA | |
| ACDA: 58 Dana Ave. | Taub Heating & Plumbing | \$21,575.00 | \$3,750.00 | 17.38% | 384.00 | 544.00 | 70.59% | ACDA | |
| ACDA: 158 Dove St. (HVAC) | Taub Heating & Plumbing | \$9,800.00 | \$735.00 | 7.50% | 30.00 | 50.00 | 60.00% | ACDA | |
| ACDA: 158 Dove St. (Plumbing) | Taub Heating & Plumbing | \$21,900.00 | \$1,642.50 | 7.50% | 180.00 | 260.00 | 69.23% | ACDA | |
| Elberon Flood Mitigation | CHA Consulting | \$593,500.00 | \$89,936.20 | 15.15% | 995.50 | 3390.00 | 29.37% | Water Board | EFC goal: 23%; EFC granted partial waiver: subs |
| Completed Projects Final Totals | | \$13,290,817.19 | \$2,635,435.75 | 19.83% | 15423.25 | 59703.00 | 25.83% | | |

Contracts in-progress but not completed in 2019

| Project Name: | Contractor: | 2019 Payments | | | 2019 Labor Hours | | | Department | Notes |
|---|---------------------------|------------------------|-----------------------|---------------|------------------|-----------------|---------------|-----------------|---|
| | | Total | MWBE | %MWBE | M/W | Total | M/W% | | |
| #8938: Floatables: 9834 | Wm. J. Keller & Sons | \$3,265,196.39 | \$472,087.59 | 14.46% | 1132.50 | 11089.00 | 10.21% | Water Board | EFC goal: 23% |
| #8963: Feura Bush Renovations - GC | U.W. Marx Construction | \$1,118,297.05 | \$242,320.05 | 21.67% | 387.00 | 5748.50 | 6.73% | Water Board | EFC goal: 26% |
| #8964: Feura Bush Renovations - Electrical | Brunswick Electric | \$261,828.10 | \$27,752.39 | 10.60% | 26.00 | 1852.00 | 1.40% | Water Board | EFC goal: 26% |
| #8965: Feura Bush Renovations - HVAC | Collett Mechanical, Inc. | \$595,267.85 | \$184,609.20 | 31.01% | 140.00 | 1880.00 | 7.45% | Water Board | EFC goal: 26% |
| #8966: Feura Bush Renovations - Plumbing | FPI Mechanical | \$183,631.19 | \$24,607.51 | 13.40% | 16.00 | 1307.00 | 1.22% | Water Board | EFC goal: 26%; City granted partial waiver: labor |
| #8969: Beaver Creek CSO Abatement Phase 6 | M. Sullivan Construction | \$467,720.00 | \$55,519.48 | 11.87% | 111.00 | 1051.00 | 10.56% | Water Board | |
| #8973: Pedestrian Bridge Obelisk Replacement | Keller & Sons | \$621,063.50 | \$37,031.36 | 5.96% | 963.50 | 2980.00 | 32.33% | DGS-Engineering | |
| #8978: Tivoli Park Stream Daylighting | Keller & Sons | \$2,791,566.95 | \$113,680.61 | 4.07% | 1069.00 | 9580.50 | 11.16% | Water Board | EFC goal: 20% |
| #8980: Harriman Water Pressure - GC | Carver Construction | \$3,623,885.42 | \$407,964.25 | 11.26% | 124.00 | 4662.00 | 2.66% | Water Board | EFC goal: 26%; EFC granted partial waiver: subs |
| #8981: Harriman Water Pressure - Electric | Stilsing Electric | \$48,545.00 | \$48,545.00 | 100.00% | 30.00 | 191.00 | 15.71% | Water Board | EFC goal: 26% |
| #8982: Feura Bush Wastewater Lagoon | James H. Maloy | \$598,849.61 | \$106,388.34 | 17.77% | 252.50 | 2805.75 | 9.00% | Water Board | EFC goal: 26%; EFC granted partial waiver: subs |
| #8983: Harriman Sewer - GC | Wm. J. Keller | \$5,372,974.88 | \$303,664.92 | 5.65% | 925.50 | 13910.00 | 6.65% | Water Board | EFC goal: 23%; EFC granted partial waiver: subs |
| #8985: Harriman Sewer - Electric | Stilsing Electric | \$340,252.00 | \$340,252.00 | 100.00% | 66.50 | 2302.00 | 2.89% | Water Board | EFC goal: 23%; City granted partial waiver: labor |
| #8989: Pavement Preservation, New Scotland Ave. : | New Castle Paving | \$1,707,814.58 | \$176,589.84 | 10.34% | 1767.50 | 6944.50 | 25.45% | DGS-Engineering | DOT DBE goal: 5%; EEO goal 6.9%W, 3.2%M |
| #8991: Shaker Park Water Main Replacement | New Castle Paving | \$326,828.03 | \$24,295.27 | 7.43% | 344.50 | 1553.75 | 22.17% | Water Board | |
| #8993: Normanskill Farm Drainage and Access Impr | Wm. J. Keller | \$448,036.21 | \$39,765.51 | 8.88% | 228.00 | 2351.00 | 9.70% | Water Board | |
| #9015: New Scotland Avenue Streetscape | DeSignore Blacktop Paving | \$869,232.00 | \$80,300.50 | 9.24% | 473.25 | 2117.75 | 22.35% | DGS-Engineering | |
| #9017: Restoration and Improvements to Various C | Mid-State Industries | \$75,430.00 | \$6,040.45 | 8.01% | 59.00 | 439.00 | 13.44% | DGS-Engineering | |
| #9018: Roof Restoration and Improvements to Vari | Mid-State Industries | \$176,700.00 | \$18,455.47 | 10.44% | 75.50 | 832.50 | 9.07% | DGS-Engineering | |
| #9032: Ramsey Place Green Infrastructure | New Castle Paving | \$2,227,167.56 | \$54,090.65 | 2.43% | 852.25 | 6417.00 | 13.28% | Water Board | |
| Floatables Control Facilities | CHA Consulting | \$1,173,971.35 | \$564,830.74 | 48.11% | 39.00 | 584.50 | 6.67% | Water Board | EFC funded goal: 23% |
| Upper Washington Sewer | CHA Consulting | \$820,587.07 | \$143,685.24 | 17.51% | 293.00 | 1122.00 | 26.11% | Water Board | EFC funded goal: 23% |
| Upper Washington Pump Station | O'Brien & Gere | \$226,776.10 | \$20,760.00 | 9.15% | 25.00 | 492.50 | 5.08% | Water Board | EFC funded goal: 26% |
| Tivoli Park Stream Daylighting | CHA Consulting | \$387,751.86 | \$68,930.83 | 17.78% | 443.25 | 971.80 | 45.61% | Water Board | EFC funded goal: 20% |
| Floatables | Schnabel Lachel | \$67,898.57 | \$6,171.76 | 9.09% | 198.50 | 519.20 | 38.23% | Water Board | EFC funded goal: 23% |
| Mereline Ave Sewer Separation | Barton & Loguidice | \$101,915.84 | \$34,410.00 | 33.76% | 10.25 | 311.25 | 3.29% | Water Board | EFC funded goal: 23% |
| In-progress projects 2019 totals | | \$27,899,187.11 | \$3,602,748.96 | 12.91% | 10052.50 | 84015.50 | 11.97% | | |

Recent Contracts / Limited Documentation

| Project Name: | Contractor: | Payments to Date | | | Labor Hours Worked to Date | | | Department | Notes |
|--------------------------------------|--------------------------|------------------|-------------|--------|----------------------------|--------|-------|-------------|---|
| | | Total | MWBE | %MWBE | M/W | Total | M/W% | | |
| #9010: Mereline Ave Sewer Separation | New Castle Paving | \$489,326.00 | \$38,077.99 | 7.78% | 0.00 | 979.50 | 0.00% | Water Board | EFC goal: 23%; EFC granted partial waiver: subs |
| #8984: Harriman Sewer - HVAC | Collett Mechanical, Inc. | \$120,946.40 | \$33,399.60 | 27.62% | 0.00 | 16.50 | 0.00% | Water Board | EFC goal: 23% |
| Feura Bush Improvements | O'Brien & Gere | \$421,168.65 | \$70,137.45 | 16.65% | 0.00 | 249.25 | 0.00% | Water Board | EFC funded goal: 20% |

Compliance Summary: January 1 through December 31, 2019

The Compliance Coordinator monitors several categories of contracts, with different compliance requirements determined by the source of funding:

City of Albany-funded contracts

The City requires a goal of 7.5% of the total value of an applicable contract to be paid to City-certified MWBE contractors and/or subcontractors, and a goal of 17.8% of total hours worked on the contract be performed by minority or women labor. These requirements apply to construction contracts only, not services, consulting, or emergency contracts. MWBEs are chosen from the City-certified list which is maintained and published by the Compliance Coordinator.

Environmental Facilities Corporation, New York State-funded contracts

The Environmental Facilities Corporation (EFC) is a public benefit corporation which provides low-cost financing and technical assistance to municipalities for water quality infrastructure projects. EFC utilization goals range from 20% to 32% of the contract cost depending on the type of funding. The City of Albany Compliance Coordinator is the designated MBO, acting as the liaison between EFC and contractors on all City of Albany projects, as well all Albany Pool CSO LTCP Communities projects. Pool Communities projects take place throughout the participating communities: Cohoes, Green Island, Rensselaer, Troy, and Watervliet. Duties of the MBO include: conveying all communications between the EFC and contractors, reviewing contractors' MWBE plans and required documents and submitting them to EFC, assisting contractors with waiver requests and compiling required documentation for waiver applications, recording and distributing EFC plan approvals, requesting from contractors and submitting to EFC all quarterly MWBE and Labor reports, and archiving all documentation. MWBE subcontractors on EFC-funded projects are chosen from the ESD (Empire State Development) certified list.

Department of Environmental Conservation-funded contracts

The DEC provides funding on construction contracts valued at \$100,000 or more and service and commodity contracts valued at \$25,000 or more. DEC MWBE and EEO goals may vary according to the project. However, they are generally 30% MWBE subcontractor participation, and 10% each women and minority workforce participation. The City of Albany Compliance Coordinator aids contractors with filling out and sending in plan forms, and reviews and archives the required quarterly reports to DEC. MWBE subcontractors on DEC-funded projects are chosen from the ESD certified list.

Department of Transportation Federally-funded contracts

The DOT provides funding on streets contracts, and requires DBE (Disadvantaged Business Enterprise) participation. DOT utilization goals vary depending on the contract and may range from less than 5% up to 30%. The DOT monitors all compliance. Contractors must submit reporting directly to DOT via an online portal. DBE subcontractors are drawn from the DOT certified list, which is based on the ESD statewide list.

Albany Community Development Agency (ACDA) contracts

The ACDA manages residential housing rehab contracts which are federally-funded or assisted through HUD. The City of Albany compliance requirements are applied to these contracts and the ACDA draws from the City certified MWBE list for contractors. The City of Albany Compliance Coordinator approves participation plans and monitors compliance on these contracts.

Commentary

Notes on the Compliance Summary Spreadsheet

The data provided is broken up into two sections: Contracts Completed in 2019, and Contracts in-progress but not yet completed in 2019.

Contracts Completed in 2019 - The data in this section shows the final compliance numbers, covering the entire life of each finished project. Some projects span multiple years by the time they are completed. 41 Contracts were completed in 2019. Overall compliance on the completed projects is very good.

MWBE Participation

- A total of \$2,635,435.75 was paid to MWBEs, representing an overall percentage of 19.83% of total contract value. This is well-over the City goal of 7.5%.
- Only one contract did not meet the MWBE goal:
 - New Castle Paving on the Capital Hills Cart Path project: 6.74%,
 - The aim of the MWBE program is to eliminate shortfalls like this one. However, the 7.5% figure is termed a “goal,” and the total here does not fall significantly short of the goal.

M/W Labor Rate

- A total of 15,423.25 labor hours were worked by women and minorities, representing an overall percentage of 25.83% of total hours worked. Again, this figure is well-over the City goal of 17.8%.
- Five contracts did not meet the M/W Labor goal:
 - Ganem Contracting on the Brevator Fire Station project: 16.03%
 - Titan Roofing on the Engine 9 project: 10.59%
 - Kenyon Pipeline Inspection on the Cured-In-Place Pipe Liner project: 10.27%
 - Kenyon Pipeline Inspection on the Tremont St project: 9.52%
 - Kasselman Electric on the Brevator Fire Station project: 5.14%. Please note: Kasselman applied for and was granted a partial waiver on the labor requirement for this contract.

The City of Albany’s M/W labor requirement is higher than most other agencies’ requirements. In light of this, it is perhaps to be expected that some contracts may fall short of the goal. In the event that any of the above contractors: Ganem, Titan, Kenyon, or Kasselman are awarded future City contracts, their inadequate performance of the labor requirement on the above contracts will be reviewed with them at that time, and the importance of reaching the labor goal will be emphasized.

Contracts in-progress but not completed in 2019 – The data in this section reflects 2019 numbers only, and therefore provides a snapshot of these contracts, but not a complete picture of compliance levels. Final totals for the majority of these projects will be available for the next annual report. 26 projects were underway, but not yet completed at the close of 2019.

- A total of \$3,602,748.96 was paid to MWBEs, representing an overall percentage of 12.91% of total paid to prime contractors thus far. This is well-over the City goal of 7.5%.
- A total of 10,052.50 labor hours were worked by women and minorities, representing an overall percentage of 11.97% of total hours worked. This figure falls below the City goal. However, this apparent shortage is likely to be eliminated by the close of these projects, as can be seen in the Completed Projects data. This is because compliance with the labor goal requires data to be submitted not only by the Prime Contractor on a given project, but by all of the subcontractors as well. The timeframe needed to collect and log data from multiple contractors is often somewhat extended.

There are only three contracts in the Limited Documentation list at the bottom of the spreadsheet.

This reflects an improvement in timely reporting by contractors in 2019. Contractors are increasingly aware of their reporting responsibilities from the outset of work on a project.

Important note about data presentation - Please note that the prior (2018) annual report showed only reporting for that calendar year, and did not contain data showing final totals on finished projects. Because the final project totals are a key metric when evaluating the overall performance of the MWBE program, the format here in the 2019 report is a better way of presenting the data, and will be used by this Compliance Coordinator in all future annual reports.

Additional Considerations Regarding the Compliance Data

- One reason why the MWBE Utilization total is considerably higher than the City of Albany 7.5% goal is that contracts funded by other agencies almost always require a much higher participation rate than the City does.
- ACDA jobs continue to show the best compliance overall. These jobs are mostly rehab of smaller properties, and there are many local MWBEs that can take on jobs of that size. These MWBEs tend to employ M/W labor at higher levels. ACDA projects are where we are most likely to see as much as 100% M/W labor. Many of the jobs show far greater than the required 7.5%/17.8% compliance. Because ACDA projects are short-term projects, where data is reported only once at the close of the project, these projects are listed only in the Completed Projects section of the spreadsheet, bringing up the overall numbers in that section.
- EFC-funded contracts tend to be for work on larger, long-term projects (often spanning multiple years.) EFC is diligent about requiring contractors to meet the planned MWBE subcontractor utilization, or requiring extensive documentation to obtain a waiver. Contractors always meet EFC's stringent requirements, or get a waiver which is not granted lightly.
- Prime Contractors who are themselves Certified MWBEs/DBEs can be considered as fulfilling the goal and are not required to subcontract with other MWBEs, although some do.

Compliance Process

The Compliance Coordinator is involved with projects from the pre-bid stage to the end:

- Discussing MWBE requirements with the department which manages the project;
- Attending pre-bid conferences to present contract MWBE requirements and answer questions from potential contractors;
- Attending Contract & Supply meetings where bid advertisements, bid openings, and contract awards and changes are announced.
- Reviewing the bids, approving or rejecting MWBE and Labor plans submitted with the bids;
- Communicating with bidders whose MWBE or Labor Utilization plans are inadequate, advising them of the goals and options, and not approving the contract until the plans are acceptable;
- Monitoring the progress of compliance as the payment vouchers are submitted, maintaining logs detailing the reporting collected, and informing contractors they must improve when deficiencies are found;
- Participating in regular meetings with City departments and project funders (EFC) to review and track compliance issues regarding ongoing projects.
- Conducting a waiver process when special aspects of a project make it necessary;
- Recommending against re-hiring a delinquent contractor.

Other MWBE Program Functions

The Compliance Coordinator administers the list of City of Albany-certified MWBEs. This includes managing certifications, denials, and recertifications, updating the MWBE directory and publishing the revised directory each month, as well as engaging in community outreach.

2019 New Certifications

- Faith Creative Names – MBE
- Lindon Group Inc. – WBE
- Kingsbury Sweeping Co. - WBE
- Douglas Janitorial Services – MBE
- Super Rooter –WBE
- Savignano Construction – WBE
- ABR Wholesalers, Inc. – WBE
- Montesano General Contracting – WBE
- Country Tile – MBE
- Albany Driving Lessons - MBE

Certifications

In 2019, there were ten new MWBEs certified, and one recertification. No MWBEs were dropped from the list this year. The total number of certified MWBEs at the close of 2019 is 90.

Denials: In 2019 one applicant was denied certification due to inadequate documentation. Denied businesses have 30 days to appeal the decision; however this applicant chose not to submit an appeal.

The City of Albany Certified MWBE Directory: The Compliance Coordinator maintains the City’s directory of Certified MWBEs, which is helpfully organized by service-type. The directory is updated monthly and is available to the public via the City website. Please visit the site at: www.albanyny.gov/MWBE to view what the public sees with regard to information about the program, forms, and to search the Certified MWBE Directory.

Outreach

The success of the MWBE program relies on the continued growth and expansion of our list of certified businesses.

Events and Meetings: In order to inform the public about the program, and ensure that minority and women business owners have access to information about the benefits of becoming certified and the process for applying, the Compliance Coordinator participates in meetings and community events throughout the year, sometimes presenting and/or tabling. These events also provide an opportunity to network with other MWBE officers and community stakeholders and share ideas and information about issues concerning MWBE programs.

The Compliance Coordinator also holds frequent one-on-one meetings with potential applicants or existing MWBE owners to discuss the program and provide advice and encouragement about the application processes for City certification as well as other types of certifications.

Communications: The Compliance Coordinator sends a bi-weekly email newsletter to City Certified MWBEs and other stakeholders with information on upcoming bids, RFPs, work opportunities, small business assistance, links to webinars, apprenticeships, community and networking events, etc.

Advisory Council: An initial meeting with interested representatives from the City’s MWBE list was held to explore the idea of having quarterly meetings of an MWBE advisory council to discuss and advise the office on how to best utilize program resources. This initial meeting produced some important food for thought; we will continue to pursue this project as we move forward in 2020.

Events attended in 2019

- 1/9 Mission Accomplished Information Session, Albany Center for Economic Success
- 2/11 Upstate NY Black Chamber of Commerce meeting
- 3/1 Labor Breakfast
- 4/4 MLK Job Fair, Empire State Plaza Convention Center
- 4/17 Workforce and MWBE Contractor Information Seminar
- 4/30 City Hall on the Road
- 5/3 Labor Breakfast
- 7/25 Construction Career Fair, Abrookin Center
- 9/10 City Hall on the Road
- 11/7 Mission Accomplished event, Youth FX Studios

Changes and Recommendations

Role of the Compliance Coordinator

The MWBE Coordinator position was changed to Compliance Coordinator as of January 28, 2019. The expanded role of the Compliance Coordinator incorporates tracking and reporting on additional areas of compliance beyond the MWBE program. New areas of responsibility for this position include other types of contract monitoring, such as enforcing the City's Living Wage and Apprenticeship requirements. Additionally, the Compliance Coordinator has assisted throughout 2019 with ensuring the City's compliance with State-mandated employee training requirements and other workplace requirements.

Parking Authority Projects

Beginning in 2020, the Compliance Coordinator will be advising and assisting the Parking Authority with monitoring MWBE Compliance on their construction projects. Reporting data for Parking Authority projects will be included in the next annual report.

Subcontractor level on City-funded projects

The requirement for 7.5% MWBE participation on City-funded projects is lower than what is required by most other funding sources. Based on the available documentation, the City has not updated this requirement for many years, going back at least as far as the April-October 2011 period. As the 7.5% figure is not determined by ordinance, but rather is established City policy, I would like to respectfully suggest that the policy be reviewed and perhaps revised. Looking at the 2019 data for City-funded projects only, and including both completed contracts and in-progress contracts, the average percentage of MWBE participation achieved is 10.16%. Please note that in making this calculation, all contracts held by MWBEs (and therefore showing a 100% participation rate) have been removed. The 10.16% average shows that when the goal is 7.5% and there is no requirement to exceed it, the goal is nevertheless being exceeded in most cases. This indicates that the goal is too low, and could be raised without causing much disruption.

Conclusions

- Only ten new certifications in a year indicates that outreach is an area in need of improvement in 2020. More opportunities to connect with potential MWBEs should be sought. Additionally, this year the office will follow a procedure of making follow-up contact with MWBE owners who express interest in certification but fail to follow through by submitting their completed application.
- Minority and Women labor hours reporting on current in-progress contracts should be followed closely in the coming months to make sure they are on a path to meet the 17.8% goal by the time work is completed.

- Overall, the MWBE program functions well and continues to thrive even with the changes that have been made to the role and responsibilities of the Compliance Coordinator.
 - Information and reporting forms for contractors are made clear and accessible.
 - Reports and required documentation are being submitted correctly to funding agencies.
 - Contract and Compliance information is being compiled and tracked in a comprehensive, organized way.
 - Communications with MWBEs, contractors, agencies, and departments are good.
 - The MWBE directory is always kept current and up-to-date.
 - The data shows that a large majority of contractors are meeting or exceeding the MWBE requirements.

I look forward to continuing my efforts to grow and improve this important program which has tremendous value to our community.

Respectfully submitted,

Aindrea Richard

Compliance Coordinator