

Barrier (setting priorities) (non-legislative preference)  <b>(x) = External Engagement Subcommittee Identification of barriers</b>	Barrier Description RCW 39.10, 39.04	External Stakeholder Comments	Working Solutions/General Practices	Committee Recommendations (vetted barriers and solutions)	Lead	Disparity Study/Study					
						DES/OMWBE 2019	Local Govt (MRSC) 2020	Sound Transit 2020	Port of Seattle 2019	WSDOT 2017	City of Tacoma 2018
<b>Section 1: Planning ("start early")</b>											
Outreach (external and internal, engagement, stakeholders) <b>(1)</b>	Too many and inconsistent definitions and options for outreach, diverse businesses, and subcontractors, don't know where to put their valuable time and effort.	We have found out that a few small businesses are looking for one place where everyone can go.	<ol style="list-style-type: none"> <li>Standardize outreach definitions</li> <li>Combine efforts between owners, professional organizations, diverse business community</li> <li>Good faith efforts separated from good business practices (see UW guidance to contractors)</li> </ol>		Irene/Linda	X	X	X	X	X	X
Networking (network access, no "old boy network") <b>(1)</b>	Small, diverse businesses excluded from "inner circle" of construction network. Long-standing partner peers.	We agree and are still looking out how this can be resolved.	<ol style="list-style-type: none"> <li>Resources to increase network</li> <li>Resources to access network</li> <li>Similar # of representatives on boards and committees/decision making bodies (not one token diverse)</li> <li>How to use professional organization and advocacy groups</li> </ol>		Chip						
Internal policies (SOPs, programming) (see also Inclusion Plans and Contract Language)	<ul style="list-style-type: none"> <li>Owner and prime contractor lack useable policies and intentional, actionable strategies for diverse business inclusion practices; observed few and far between, and inconsistent</li> <li>Owners often have conflicting procurement priorities that make it hard for target markets to prepare <b>(11)</b></li> </ul>	We highly recommend that the owner/agency should adopt and or develop accountability measurement plan.	<ol style="list-style-type: none"> <li>Develop or highlight examples of SOPs</li> <li>Central repository/links for existing</li> <li>Professional training/consultants</li> <li>OMWBE Public Works Action Committee draft policies</li> <li>City of Seattle</li> <li>Sound Transit</li> <li>Port of Seattle</li> </ol>		Aleanna/Brenda	X	X	X	X	X	X
Contract Sizes and Scopes ("right-sizing", aka "unbundling") <b>(4) (8)</b>	<ul style="list-style-type: none"> <li>Contract sizes and scopes, do not match the target diverse business market</li> <li>Mega projects not broken down appropriately</li> <li>Work distribution confused with programming and funding</li> <li>Being on several rosters with dozens of other businesses yield very little opportunity to compete for small-work; would be easier on the paperwork and monitoring if all owner use the same rosters...by type</li> <li>Rosters are not limited to small, diverse businesses, so diverse firms are still "competing" against large primes</li> <li>Statutes still require all interested eligible firms to be on rosters, with very little room to limit firms on the roster or limit competition within a contracting program</li> </ul>	We are not certain of any appropriate course of action on this...it the business that needs to come up with parameters not primes/owners - perhaps this can be a partnership/ teaming up or training item?	<ul style="list-style-type: none"> <li>Develop advice on how to right-size contracts based on target audience and availability</li> <li>Develop advice to Primes on GC/CM packaging and low-bid tips and tricks</li> </ul>		Aleanna	X			X	X	X
Shared Rosters (consultant and small works)	<ul style="list-style-type: none"> <li>Contract sizes and scopes, do not match the target diverse business market</li> <li>Mega projects not broken down appropriately</li> <li>Work distribution confused with programming and funding</li> <li>Being on several rosters with dozens of other businesses yield very little opportunity to compete for small-work; would be easier on the paperwork and monitoring if all owner use the same rosters...by type</li> <li>Rosters are not limited to small, diverse businesses, so diverse firms are still "competing" against large primes</li> <li>Statutes still require all interested eligible firms to be on rosters, with very little room to limit firms on the roster or limit competition within a contracting program</li> </ul>	This is common practice. Almost all are using OMWBE - perhaps get an update and identify more precise questions.	<ol style="list-style-type: none"> <li>Develop non-legislative tips for using rosters more effectively</li> <li>Encourage the use of MRSC for small works</li> <li>Discuss based on owner size</li> <li>Look at legislative changes that may help further the efficiency of small works and A/E rosters.</li> </ol>		Olivia/Van  MRSC		X				
Forecasting <b>(4)</b>	There is not enough notice of upcoming work so diverse businesses, and their partners have time to plan and team in a meaningful way	This can also be a part of the item for Networking, announcements and utilizing association platforms and OMWBE website.	<ol style="list-style-type: none"> <li>Support Owners in standardizing their capital plans and budgets</li> <li>DES</li> <li>City of Seattle</li> </ol>		Chip Tull						
Goal Setting  <i>See legal comments</i>	Inclusion goals are generic and not thoughtful to the project, scope, size, and firm availability. The result is unrealistic inclusion processes. Many owner's and prime do not know how to set goals or are counseled not to	Assign a manager for major pursuits from the owners side to make sure this happens, set accountability measurements. Set the goal as part of the RPF and assign more points to it, having the portion be 5-8% sends a weak message.	<ol style="list-style-type: none"> <li>Federal goal setting policies</li> <li>City of Seattle approach</li> <li>Sound Transit Approach</li> </ol>		Aleanna/Brenda	X		X	X	X	X
Owner develops compliance team	<ul style="list-style-type: none"> <li>Many owner contracting and delivery teams are not trained and do not know how to administer diverse business inclusion policies</li> <li>Many owners do not have contract compliance staff and therefore and efforts or contract requirements are not enforced, in some cases not reviewed at all.</li> </ul>	The team that is held accountable, include with above comments and get goals that are attainable and measurable.	<ol style="list-style-type: none"> <li>City of Seattle</li> <li>Sound Transit</li> <li>King County</li> <li>Port of Seattle</li> </ol> (all have compliance teams, gather position descriptions, governance structures, salaries, etc.)		Aleanna	X					
Pipeline and Business Development <b>(13)</b>	Need for support way before any solicitations hit the street <ol style="list-style-type: none"> <li>Labor</li> <li>Training</li> <li>Availability (ready, willing, able)</li> <li>Capabilities</li> <li>Strategy</li> </ol>	Include this on networking and outreach.	<ol style="list-style-type: none"> <li>Federal programs</li> <li>MBDA</li> <li>UW Ascend</li> <li>Prime programs</li> </ol>		Bobby (?)						
Federal Programming	(just a consideration, not a barrier)	Lump with Roadshow - education/awareness	Maybe some tips on navigating federal inclusion programs		Lily						
Legal interpretations/disproportionate legal representation	Various owners with various legal interpretations of laws and advise on what is allowable, etc.	Support Services Topic	Legal advice rendered regarding BDEI Various Owner legal interpretations		Aleanna						
<b>Section 2: Engagement ("transparency")</b>											
Technical Assistance <b>(9)</b>  <i>See also mentor-protégé</i>	<ol style="list-style-type: none"> <li>Diverse and new businesses to the market lack the resources to understand and navigate the bureaucracy of public owner processes</li> <li>Diverse and new businesses lack the support/overhead to hire staff to produce all the paperwork throughout contracts and projects.</li> <li>Support understanding bid forms</li> <li>Support with weekly reporting and audit protocols</li> </ol>	There is a need for Pre-qualification for mbes. We strongly recommend Linda due to the DBE Support Services experience and feedback.	<ol style="list-style-type: none"> <li>Tabor 100</li> <li>MBDA</li> <li>PTAC</li> <li>SME's</li> <li>WSDOT</li> </ol>		Shelly	X		X	X	X	X



	Flow-down provision misunderstanding	to making standards.	1. City of Seattle 2. University of Washington 3. Port of Seattle																	
"Bid Shopping"/bait n switch (14)	During bid/solicitation phase firms are courted and asked to provide works and contributions; then upon Award of contract Prime seeks other firms, rebids, claims pricing problems, etc. Also, teaming agreements (we hired you to do...track it, perform.	Special Investigative Team to be Created with Attorney assistance, there is a compliance audit available and paid by owner. As activities like this happen - we must get to the bottom of it and start calling out individuals and not companies. Use a big hammer with this one. Again accountability measurements and consequences like penalties.	1. Teams agreements and inclusion plans required as part of the process 2. No changes unless approved by the owner 3. Any inclusion plan names are conditions of award 4. City of Seattle has a process 5. Federal Programs has a process		Olivia/Van															
Scoring and Debriefs (4)	Scoring not consistent with solicitations and appears the "favorite" was picked. Often debriefs are not helpful to non-successful firms on how to really improve.	RFP has to have more stringent requirements and language. Use words like requirement not goal. Give this department more points/value. More value must be assigned or the primes will not take it seriously.	Samples 1. City of Seattle 2. UW 3. Sound Transit 4. DES (?)		DES															
<b>Section 4: Monitoring, Reporting, Tracking</b>																				
Data Collection System (BDMS, B2G)	No one is collecting inclusion data consistently and accessible to the public		1. OMBWE/BDMS/One-Washington 2. PRC/CPARB summaries		Aleanna/Brenda	X	X	X	X	X	X									
Enforcement (even "private" terms) (5)	Many diverse firms are asked to "team" during solicitation to get diversity points, asked to be named on teaming agreements and inclusion plans and then once work is won are told by primes that the budget or project must go with another approach or firm, etc	Special Investigative Team to be Created with Attorney assistance, there is a compliance audit available and paid by owner. As activities like this happen - we must get to the bottom of it and start calling out individuals and not companies. Use a big hammer with this one. Again accountability measurements and consequences like penalties.	Substitution requirements extend to teaming agreements, and must use evidence-based to remove or substitute team members or risk termination 1. Federal 2. WSDOT 3. City of Seattle		Olivia/Van	X														
Contractor Performance/Evaluation Programs (5)	For Inclusion Plans to be material to award and contracting, there must be evaluation and enforcement programs with scoring and/or consequence to not making the grade (Bobby Forch: influencing the tipping point of culture)		1. Federal programs 2. City of Seattle 3. UW		Olivia/Van															
Reporting Type	The State might bget more data if there were sample reports and types of reporting protocols that Owners/Primes could follow	we are looking forward to this	Samples and examples		Keith/Carrie															
Business Growth Monitoring (9)	No metrics/reports are available for understanding if diverse business inclusion is working and diverse businesses are growing. <b>We need to know the "best practices" are working.</b>	What are we going to do with that information? Should we spend the money and time if we don't know how we are going to use the data? I see this item as a great marketing/promotional/road show support material.	(Testimonial – Adept Mechanical)		BDEI Committee														X	X
See also, inclusion and utilization monitoring																				
CPARB/PRC Application	Recommendation that owner's wanting to use alternative public works and/or be certified to use the tools should show internal controls and increasing evidence of diverse business inclusion in their capital portfolio.		Application language should be suggested, and PRC process revisited.		Aleanna, Janice Zahn/Bill Dobyns															
Data Collection Process	No internal controls or practices for collecting data		See other similar topics		Aleanna/Brenda	X	X	X	X	X	X									
<b>Section 5: Discrimination and Harassment</b>																				
Women-owned firm inequity (2)	Women/minority-owned firms are less likely to receive awards over their white and male counterparts.	What is the committee's end goal? Share the information or are looking to boost WBE's revenue? Desires should be part of the RFP - put it in writing.	1. Port of Seattle 2. Sound Transit 3. City of Seattle																	
Workplace Safety (antiharassment, violence) (3)	Employees of color and women often are victims of violence, harassment, hazing and other forms of inappropriate treatment	From Young: This is 100 % true: I had to appear in King County Court as a Walsh Area Manager to protect African direct labor force from assaults in Seattle. Long story short and 15K later - a resident near the project was put under a special forced separation order enforced by SPD.	1. Site safety protocols 2. See something say something		City of Seattle (?)															
Retaliation and Retribution (4)	When complaints are filed regarding bid processes, etc. businesses that complain are "black-balled" or ignored and labeled as a nuisance; left out of processes...or much worse	No experience, no comment	Federal processes, federal laws																	

Other resources:  
Good Faith Efforts v. General Business Practices UW Guide