



**CITY OF ALBANY**

KATHY M. SHEEHAN  
MAYOR

RACHEL MCENENY  
COMMISSIONER OF ADMINISTRATIVE SERVICES

# **Minority and Women Business Enterprise (MWBE) Program**

## **COMPLIANCE REPORT**

**REPORTING PERIOD: 2021**

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City of Albany Office of Equal Employment Opportunity  
24 Eagle Street, Room 306, Albany, New York 12207  
(518) 407-0255 • [mwbe@albanyny.gov](mailto:mwbe@albanyny.gov)

## 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 2021 calendar year.

The Senior 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.

As of January 1, 2021, at the recommendation of this office, a policy change was put into effect which increased the MWBE Subcontractor Goal from 7.5% to 15%. And, at the same time, a corresponding amendment to Ordinance 24.101.20 took effect, increasing the Minority and Women Labor Utilization Goal from 17.8% to 25%. Prior to this change the goals had been 7.5% and 17.8% for many years, since at least 2011.

This report covers the year 2021, the first year with the increased MWBE and M/W Labor goals in place. All new projects which went out to bid on January 1 2021 or later, had the new goals specified within the bid specs. Projects which had gone out to bid prior to the January 1 effective date, were governed by the prior goals. Because of the long timeframe inherent in many MWBE-applicable projects, a large portion (a little under half) of the contracts summarized in this report still reflect the prior goals. The attached compliance summary spreadsheet shows the contracts and their data separated into new goals vs. prior goals, for clearer analysis.

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 2021

### Contracts Completed in 2021 - Prior Participation Goals

green indicates that goal has been met or exceeded

		Total Project Payments			Total Project Labor Hours				
		goal 7.5%			goal 17.8%				
Contract No. and Project Name:	Contractor:	Total	MWBE	%MWBE	M/W	Total	M/W%	Department	Notes
9032 - Ramsey Place Green Infrastructure	New Castle Paving	\$2,490,210.80	\$185,062.19	7.43%	5079.50	25361.50	20.03%	Water	Section 01 funded by the DOH
8984 - Upper Washington Sewer - HVAC	Collett Mechanical	\$337,656.00	\$77,698.85	23.01%	46.00	226.50	20.31%	Water	EFC goal 23%
8980 - Upper Washington Water Pressure-GC	Carver Construction	\$5,070,152.09	\$485,670.82	9.58%	334.50	7749.75	4.32%	Water	EFC goal 26% - partial waiver granted; City granted
9096 - 2020 Installation of Cured-in-Place Pipe Liner	Kenyon Pipeline Inspection	\$584,116.75	\$59,739.70	10.23%	61.00	872.75	6.99%	Water	City granted partial waiver re Labor goal
8982 - Feura Bush Wastewater Lagoon	James H. Maloy	\$946,630.86	\$133,786.30	14.13%	469.00	4513.50	10.39%	Water	EFC goal 26% - partial waiver granted
9128 - APD Facility Fencing at 170 Henry Johnson Blvd	Spitale Construction Resourc	\$89,998.00	\$12,296.75	13.66%	128.25	235.25	54.52%	APD/Traffic Engineering	
9107 - Improvements to Mechanical Systems to Various	BPI Mechanical Service	\$305,225.00	\$40,033.05	13.12%	120.50	893.00	13.49%	DGS-Engineering	City granted partial waiver re Labor goal
9010 - Mereline Ave Sewer Separation and Stormwater I	New Castle Paving	\$1,054,647.95	\$72,435.35	6.87%	818.00	5455.30	14.99%	Water	EFC goal 23% - partial waiver granted
9111 - Woodlawn Park Stormwater Harvesting Sitework	James H. Maloy	\$266,000.00	\$39,854.56	14.98%	81.5	586.5	13.90%	Water	EFC goal 23% - partial waiver granted
9112 - Woodlawn Ave Reconstruction	New Castle Paving	\$344,102.65	\$13,299.58	3.87%	300.5	1194.5	25.16%	DGS-Engineering	City granted partial waiver re mwbe goal
9114 - Manning Blvd Pedestrian Bridge Bearing Replacer	Piasecki Steel Construction C	\$145,000.00	\$10,386.56	7.16%	209.75	361.00	58.10%	DGS-Engineering	
8965 - Feura Bush Filtration Plant Improvements - HVAC	Collett Mechanical	\$1,378,212.07	\$256,810.15	18.63%	436.00	4379.50	9.96%	Water	EFC goal 26% - partial waiver granted
8981 - Upper Washington Water Pressure - Electric	Stilsing Electric	\$169,398.00	\$169,398.00	100.00%	50.00	513.00	9.75%	Water	EFC goal 26%
9049 - 2019 Roadway Striping	Straight Line Industries	\$145,800.60	\$0.00	0.00%	153.50	805.00	19.07%	APD/Traffic Engineer	City granted waiver re mwbe goal
9099 - 2020 Water & Sewer Improvements	Wm. J. Keller & Sons	\$1,469,971.49	\$207,839.31	14.14%	1079.00	11547.00	9.34%	Water	
ACDA: 132 Mt. Hope Drive	Montesano GC	\$5,460.00	\$5,460.00	100.00%	32	82	39.02%	ACDA	
ACDA: 15 Myrtle Ave (HVAC)	Taub Heating & Plumbing	\$28,425.00	\$2,131.88	7.50%	185	530	34.91%	ACDA	
ACDA: 15 Myrtle Ave (Plumbing)	Taub Heating & Plumbing	\$21,575.00	\$1,618.13	7.50%	175	255	68.63%	ACDA	
ACDA:110 Lark St	BKJ Construction	\$50,000.00	\$50,000.00	100.00%	560	560.00	100.00%	ACDA	
<b>Totals</b>		<b>\$14,902,582.26</b>	<b>\$1,823,521.18</b>	<b>12.24%</b>	<b>10319.00</b>	<b>66121.05</b>	<b>15.61%</b>		

## Contracts Completed in 2021 - New Participation Goals

		Total Project Payments			Total Project Labor Hours				
		goal 15%			goal 25%				
Contract No. and Project Name:	Contractor:	Total	MWBE	%MWBE	M/W	Total	M/W%	Department	Notes
9154-01 - 35 Erie Blvd Asbestos Abatement	MI's Contracting Services	\$145,870.00	\$28,060.91	19.24%	103.00	777.00	13.26%	Water	City granted partial waiver re Labor goal
9151 - South End Fire Station Grease Trap Installation	Gallo Construction	\$99,954.00	\$585.31	0.59%	84.50	342.00	24.71%	DGS-Engineering	City granted partial waiver re mwbe goal
9152 - 2021 Streets and Sidewalks - contract 2	New Castle Paving	\$3,072,402.45	\$417,853.17	13.60%	1693.50	8939.25	18.94%	DGS-Engineering	Section 3 applies
9142 - AFD Maintenance Facility Oil Water Separator	DelSignore Black Top Paving	\$187,779.71	\$43,876.65	23.37%	158.75	549.75	28.88%	DGS-Engineering	
9165 - Hudson Avenue Street Vault Repairs	Gallo Construction	\$102,659.94	\$13,146.38	12.81%	97.00	406.43	23.87%	DGS-Engineering	City granted partial waiver re mwbe goal
ACDA: 516 Livingston Ave	BKJ Construction	\$14,900.00	\$14,900.00	100.00%	340.00	340.00	100.00%	ACDA	
ACDA: 387 Mountain St	Maya's Home Improvement	\$14,730.00	\$14,730.00	100.00%	170.00	170.00	100.00%	ACDA	
ACDA: 67 N.Manning Blvd	BKJ Construction	\$14,500.00	\$14,500.00	100.00%	345.00	345.00	100.00%	ACDA	
ACDA: 621 Third St	BKJ Construction	\$29,500.00	\$29,500.00	100.00%	563.00	563.00	100.00%	ACDA	
ACDA: 23 Sloan St	Maya's Home Improvement	\$20,700.00	\$20,700.00	100.00%	570.00	570.00	100.00%	ACDA	
ACDA: 864 Park Ave	BKJ Construction	\$7,500.00	\$7,500.00	100.00%	113.00	113.00	100.00%	ACDA	
ACDA: 497 Delaware Ave	I AM Construction	\$8,600.00	\$8,600.00	100.00%	130.00	130.00	100.00%	ACDA	
ACDA: 27 Twiller St	I AM Construction	\$12,885.00	\$12,885.00	100.00%	245.00	245.00	100.00%	ACDA	
ACDA: 306 First St	Montesano GC	\$12,987.00	\$12,987.00	100.00%	40.00	132.00	30.30%	ACDA	
ACDA: 19 Delaware Terrace	Maya's Home Improvement	\$9,000.00	\$9,000.00	100.00%	280.00	280.00	100.00%	ACDA	
ACDA: 536 Hudson Ave	BKJ Construction	\$31,000.00	\$31,000.00	100.00%	445.00	445.00	100.00%	ACDA	
ACDA: 35 Turner Pl	I AM Construction	\$27,500.00	\$27,500.00	100.00%	256.00	365.00	70.14%	ACDA	
ACDA: 178 Mt. Hope Dr	Montesano GC	\$12,857.00	\$12,857.00	100.00%	58.00	144.00	40.28%	ACDA	
ACDA: 3 Lawn Ave	BKJ Construction	\$22,500.00	\$22,500.00	100.00%	490.00	490.00	100.00%	ACDA	
ACDA: 25 Orchard Ave	Mariann Schumann	\$24,000.00	\$3,600.00	15.00%	660.00	660.00	100.00%	ACDA	
ACDA: 4 Van Orden Ave	Maya's Home Improvement	\$8,890.00	\$8,890.00	100.00%	200.00	300.00	66.67%	ACDA	
ACDA: 68 Judson St	BKJ Construction	\$29,500.00	\$29,500.00	100.00%	410.00	410.00	100.00%	ACDA	
ACDA: 23 First Ave	BKJ Construction	\$38,500.00	\$38,500.00	100.00%	880.00	880.00	100.00%	ACDA	
ACDA: 8 Odell St	BKJ Construction	\$17,500.00	\$17,500.00	100.00%	550.00	550.00	100.00%	ACDA	
ACDA: 326 Leedale St	I AM Construction	\$14,300.00	\$14,300.00	100.00%	145.00	208.00	69.71%	ACDA	
ACDA: 19 Cleveland St	Maya's Home Improvement	\$5,700.00	\$5,700.00	100.00%	220.00	220.00	100.00%	ACDA	
ACDA: 9 Dana Ave	Taub Heating & Plumbing	\$39,300.00	\$5,895.00	15.00%	395.00	575.00	68.70%	ACDA	
ACDA: 5 N. Manning Blvd	All Mighty General Contracti	\$17,900.00	\$17,900.00	100.00%	60.00	240.00	25.00%	ACDA	
ACDA: 39 Lawn Ave	I AM Construction	\$13,500.00	\$13,500.00	100.00%	253.00	253.00	100.00%	ACDA	
ACDA: 39 Raymo St	Montesano GC	\$8,830.00	\$8,830.00	100.00%	48.00	122.00	39.34%	ACDA	
ACDA: 206 Morton Ave	Montesano GC	\$16,325.00	\$16,325.00	100.00%	40.00	184.00	21.74%	ACDA	
<b>Totals</b>		<b>\$4,082,070.10</b>	<b>\$923,121.42</b>	<b>22.61%</b>	<b>10042.75</b>	<b>19948.43</b>	<b>50.34%</b>		

## Contracts in-progress but not completed in 2021 - Prior Participation Goals

		Payments to Date			Labor Hours to Date				
		goal 7.5%			goal 17.8%				
Contract No. and Project Name:	Contractor:	Total	MWBE	%MWBE	M/W	Total	M/W%	Department	Notes
9131 - Beaver Creek Phase II - Electrical	Spring Electric	\$16,583.20	\$16,583.20	100.00%	3.50	9.00	38.89%	Water	EFC goal 24% - partial waiver granted
9122 - Beaver Creek Phase I	James H. Maloy Inc.	\$377,329.34	\$66,500.00	17.62%	477.00	1950.50	24.46%	Water	EFC goal 24%
9140 - Beaver Creek Phases III & V	Wm. J. Keller & Sons	\$11,250,579.80	\$867,777.56	7.71%	5358.30	32189.00	16.65%	Water	EFC goal 23% - partial waiver granted
9095-1B - Feura Bush Sedimentation Building Renovation	Spring Electric	\$147,031.50	\$147,031.50	100.00%	28.00	739.00	3.79%	Water	EFC goal 26% - partial waiver granted
9094-1A - Feura Bush Sedimentation Building Renovation	VMJR Companies	\$5,237,884.24	\$1,335,850.91	25.50%	3458.30	18066.00	19.14%	Water	EFC goal 26%
9051 - 2019 Traffic Signal Improvements	Stilsing Electric	\$1,034,320.20	\$1,034,320.20	100.00%	1383.50	3065.00	45.14%	APD/Traffic Engineering	
9117 - Spring Street Reconstruction	Peter Luizzi & Bros Contracting	\$546,462.87	\$2,590.00	0.47%	89.00	1891.00	4.71%	DGS-Engineering/Water	
9044 - Local Pedestrian Safety Action Plan	Stilsing Electric	\$204,002.69	\$204,002.69	100.00%	140.00	481.50	29.08%	APD/Traffic Engineering	
9160 - Beaver Creek Phase IV	Rifenburg Contracting	\$6,283,847.83	\$129,367.64	2.06%	2223.50	10621.00	20.93%	Water	EFC goal 24% - partial waiver granted
9104 - 2020 Restoration & Improvements to Various City	Mid-State Industries	\$392,420.18	\$0.00	0.00%	231.00	497.00	46.48%	DGS-Engineering/Water	
<b>totals</b>		<b>\$25,490,461.85</b>	<b>\$3,804,023.70</b>	<b>14.92%</b>	<b>13392.10</b>	<b>69509.00</b>	<b>19.27%</b>		

## Contracts in-progress but not completed in 2021 - New Participation Goals

		Payments to Date			Labor Hours to Date				
		goal 15%			goal 25%				
Contract No. and Project Name:	Contractor:	Total	MWBE	%MWBE	M/W	Total	M/W%	Department	Notes
9138 - 2021 Streets & Sidewalks - contract 1	Peter Luizzi & Bros Contracting	\$2,839,328.65	\$107,519.84	3.79%	759.50	6569.75	11.56%	DGS - Engineering	
9139 - Lincoln Square Basketball Courts	Peter Luizzi & Bros Contracting	\$562,875.00	\$98,372.92	17.48%	223.00	1502.00	14.85%	DGS - Engineering	
9149 - 1B Feura Bush Filtration Plant Electrical Upgrade	Spring Electric	\$276,478.03	\$276,478.03	100.00%	34.00	764.50	4.45%	Water	EFC goal 26%
9148 - 1B Alcove Reservoir Sodium Permanganate System	Spring Electric	\$39,045.00	\$39,045.00	100.00%	9.00	86.00	10.47%	Water	EFC goal 26%
9147 - 1A Alcove Reservoir Sodium Permanganate System	AMZ Construction Services	\$132,172.89	\$132,172.89	100.00%	435.00	1090.00	39.91%	Water	EFC goal 26%
9150 - 1A Feura Bush Filtration Plant Electrical Upgrade	VMJR Companies	\$101,650.24	\$3,059.00	3.01%	37.00	443.50	8.34%	Water	EFC goal 26%
9159 - 2021 Installation of Cured-In-Place Pipe Liner	Kenyon Pipeline Inspection	\$535,071.65	\$149,396.26	27.92%	230.50	1567.75	14.70%	Water	City granted partial waiver re Labor goal
9161 - 2021 Water & Sewer Improvements	New Castle Paving	\$1,418,585.91	\$56,058.26	3.95%	587.50	4157.50	14.13%	Water	
9153 - Washington Park Trunk Sewer Rehabilitation	National Water Main Cleaning	\$560,167.50	\$152,161.28	27.16%	2301.75	3420.00	67.30%	Water	
9169 - 35 Erie Blvd. Site Improvements & Alterations	Wm. J. Keller & Sons	\$1,014,522.92	\$16,897.50	1.67%	99.50	2010.50	4.95%	Water	City granted partial waiver re mwbe goal
9156 - 2021 Mechanical Improvements to Various City	James D. Warren and Son Inc	\$141,440.17	\$51,223.45	36.22%	44.00	650.00	6.77%	DGS - Engineering	
9162 - 2021 Renovation & Improvements to Various City	Mid-State Industries	\$263,679.63	\$0.00	0.00%	0.00	470.00	0.00%	DGS - Engineering	
<b>totals</b>		<b>\$7,885,017.59</b>	<b>\$1,082,384.43</b>	<b>13.73%</b>	<b>4760.75</b>	<b>22731.50</b>	<b>20.94%</b>		

## Recent Contracts / Limited Documentation

		Payments to Date			Labor Hours to Date				
Contract No. and Project Name:	Contractor:	Total	MWBE	%MWBE	M/W	Total	M/W%	Department	Notes
9130 - Beaver Creek Phase II	Jett Industries	\$784,370.03	\$21,922.00	2.79%	0.00	21.00	0.00%	Water	EFC goal 24% - partial waiver granted
9141 - Beaver Creek Phase V - Electric	Kasselman Electric	\$0.00	\$0.00	n/a	0.00	0.00	n/a	Water	EFC goal 24% - prime is an MWBE
9145 - Beaver Creek Phase V - Plumbing	DiGesare Mechanical, Inc.	\$30,998.50	\$0.00	0.00%	0.00	0.00	n/a	Water	EFC goal 24% - waiver granted
9146 - Beaver Creek Phase V - HVAC	DiGesare Mechanical, Inc.	\$102,695.00	\$0.00	0.00%	0.00	0.00	n/a	Water	EFC goal 24% - partial waiver granted

## **Compliance Summary: January 1 through December 31, 2021**

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

### **City of Albany-funded contracts**

The City's MWBE goal directs that 15% of the total value of an applicable contract should be paid to City-certified MWBE contractors and/or subcontractors, and a goal of 25% of total hours worked on the contract should be performed by minority or women labor. These requirements apply to construction contracts only, not services, commodities, consulting, or emergency contracts. MWBEs are chosen from the City-certified list which is maintained and published by the Senior Compliance Coordinator. New York State certified MWBEs are also acceptable to meet the City established goal.

### **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 Senior Compliance Coordinator is the designated MBO, acting as the liaison between EFC and contractors on Albany Water Board projects. Duties of the MBO include: conveying all communications between 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 Senior Compliance Coordinator offers assistance to contractors in completing and submitting 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 Senior Compliance Coordinator approves participation plans and monitors compliance on these contracts.

## Commentary

### Notes on the Compliance Summary Spreadsheet

A total of 76 contracts were monitored for MWBE and M/W Labor participation in 2021. The total value of these contracts is \$85,949,079.52.

The contract data is organized in this way: a list of the contracts *completed in 2021*, with these contracts divided into two groups: contracts with the prior participation goals vs. contracts with the new participation goals; and a second list, of the contracts *in-progress in 2021*, with this group also divided up into prior goals vs. new goals.

**Contracts Completed in 2021** - 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. 50 contracts were completed in 2021. This number is significantly up from the previous year, when work was in many cases delayed due to the pandemic. (Only 36 contracts were completed in the prior year, 2020.) Of the 50 completed projects, 30 were ACDA building rehabilitations.

**Of the 50 projects completed in 2021, 42 met or exceeded their MWBE Subcontractor goal, and 37 met or exceeded their Minority & Women Labor goal.**

### MWBE Subcontractor Participation

A total of \$2,746,642.60 was paid to MWBEs on contracts completed in 2021.

**Prior MWBE Subcontractor Goal** - Contracts which had the prior participation goal of 7.5% show an overall MWBE participation rate of 12.24%.

Five contracts did not meet their 7.5% MWBE goal. Of these:

- One was issued a partial waiver by the State agency, EFC. The City defers to the decisions of these agencies where they are the funding source.

New Castle Paving	Contract #9010	Mereline Ave Sewer Separation & Stormwater Management	MWBE 6.87%
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- Two came close to the goal

New Castle Paving	Contract #9032	Ramsey Place Green Infrastructure	MWBE 7.43%
Piasecki Steel	Contract #9114	Manning Blvd Pedestrian Bridge Bearing Replacement	MWBE 7.16%

The aim of the MWBE program is to eliminate shortfalls like these. However, the 7.5% figure is termed a “goal,” and the total in these cases does not fall significantly short of the goal.

- The remaining two are cases where the City MWBE goal did apply but was not met:

New Castle Paving	Contract #9112	Woodlawn Ave Reconstruction	MWBE 3.87%
Straightline Industries	Contract #9049	2019 Roadway Striping	MWBE 0%

In both of these cases, contractors applied to the City for a waiver regarding the subcontractor goal, and were granted waivers based on unforeseen circumstances (Woodlawn Ave) and extremely limited project scope (Roadway Striping.) Please note that in both cases, the Minority & Women Labor goal was met (and surpassed) on these projects.

**New MWBE Subcontractor Goal** – Contracts which had the new participation goal of 15% show an overall MWBE participation rate of 22.61%

Three contracts did not meet their 15% MWBE goal. Of these:

- One came close to the goal

New Castle Paving	Contract #9152	2021 Streets and Sidewalks – Contract 2	MWBE 13.6%
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- The remaining two, are cases where waivers were issued:

Gallo Construction	Contract #9151	South End Fire Station Grease Trap Installation	MWBE .59%
Gallo Construction	Contract #9165	Hudson Avenue Street Vault Repairs	MWBE 12.81%

In both of these cases, the contractor applied to the City for a waiver regarding the subcontractor goal, and were granted waivers based on specialty equipment (South End Fire Station) and unforeseen circumstances (Hudson Ave.)

### M/W Labor Hours

A total of 20,361.75 labor hours were worked by women and minorities on contracts completed in 2021.

**Prior Minority & Women Labor Goal** - Contracts which had the prior labor goal of 17.8% show an overall M/W Labor rate of 15.61%. This shortfall is most likely due, at least in part, to the residual effects of the Covid-19 pandemic. Many of the work hours performed on projects in this category occurred during 2020, at a time when contractors were reporting that they were having difficulty maintaining staff levels. Additionally, ACDA contracts make up a much smaller percentage of the projects in this category, as much of this work was postponed during the pandemic. ACDA contracts are where we typically see the best compliance. ACDA projects are mostly rehab of smaller properties, and there are many local MWBEs that can take on jobs of this 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, and the volume of ACDA contracts normally brings up the overall compliance rate.

**New Minority & Women Labor Goal** – Contracts which had the new labor goal of 25% show an overall M/W Labor rate of 50.34%, however this high percentage is clearly due to the large number of ACDA projects in this category. If the ACDA projects are removed for clarity, the remaining projects (a list of five) have an overall M/W Labor rate of 19.40%. Although this is below the 25% goal, it is higher than the prior goal. It appears that the increased goal has moved the needle in a positive direction, even if we are not meeting the increased goal quite yet.



**Contracts in-progress but not completed in 2021** – The data in this section reflects work hours and payments to MWBEs only through the year 2021, 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 (including contracts with limited documentation,) but not yet completed at the close of 2021. This number is up from 18 in-progress projects reported in 2020.

#### **MWBE Subcontractor Participation**

A total of \$4,886,408.13 was paid to MWBEs on contracts in-progress in 2021.

**Prior MWBE Subcontractor Goal** - Contracts which have the prior participation goal of 7.5% show an overall MWBE participation rate of 14.92%.

**New MWBE Subcontractor Goal** – Contracts which have the new participation goal of 15% show an overall MWBE participation rate of 13.73%. This small shortfall is likely due to the fact that contracts in this category are not as far along in their timeline as projects which have the prior goal (and therefore went out to bid prior to January 1, 2021.) Work performed by MWBE subcontractors, and as a result the payments for this work, often occur later in the course of a project - sometimes at the very end. All prime contractors have submitted approved MWBE Utilization Plans which should be met, barring unforeseen circumstances. This shortfall is expected to be eliminated by the time of completion on these projects.

#### **M/W Labor Hours**

A total of 18,152.85 labor hours were worked by women and minorities on contracts in-progress in 2021.

**Prior Minority & Women Labor Goal** – Ongoing contracts with the prior labor goal of 17.8% show an overall M/W Labor rate of 19.27%; with the majority exceeding the goal at this point in their progress.

**New Minority & Women Labor Goal** – Ongoing contracts with the new labor goal of 25% show an overall M/W Labor rate of 20.94% at this point in their progress. So, again, although the new goal is not met, the fact that the percentage is higher here than that of the prior-goal contracts suggests that the new goal is helping to move the needle. Although 20.94% is historically a good rate, and a step in the right direction, our hope is that by the time of completion of these contracts, the labor rate will reach the new goal. This office continually monitors and notifies contractors as to where they stand in relation to the Labor goal, to encourage course correction where possible.

**There are only four contracts in the Limited Documentation list at the bottom of the spreadsheet.** Contractors are increasingly aware of their reporting responsibilities from the outset of work on a project. Data collection is more thorough and organized than it has been historically.

## Most-Awarded Contractors

The table below shows a breakdown of the contractors who hold the most contracts in the 2021 analysis. For the purposes of this table, the small ACDA contractors have been removed from consideration; we are looking only at larger-scale public works projects. Below are the contractors who were awarded (having submitted the lowest bid) 3 or more of the contracts included in the 2021 analysis.

Contractor	Number of contracts	Overall MWBE participation	Overall Minority/Women Labor Participation
New Castle Paving	5	8.89%	18.80%
Spring Electric	4	100%	4.66%
Wm. J. Keller	3	7.95%	14.29%
Luizzi Bros.	3	5.28%	10.76%
James H. Maloy	3	15.10%	14.57%
Stilsing Electric	3	100%	38.76%

Because new and ongoing projects, with new or prior goals, are all lumped together in this table, the utility of the data is somewhat limited, and does not represent final numbers for any of the contractors. However, it does offer a snapshot comparison of some of the City's most frequent bidders, and their current MWBE compliance rates in relation to one another. Please note that Spring Electric is a City of Albany MWBE, and Stilsing Electric holds both City of Albany and NYS MWBE certifications.

## Additional Considerations Regarding the Compliance Data

- EFC-funding or financing is involved in many Water Board projects, and these tend to be larger, long-term projects (often spanning multiple years.) Because the MWBE goals on EFC projects are generally fairly high, varying from 23% to 26% in the 2021 analysis, contractors very frequently apply to EFC for waivers, which are not granted lightly. The EFC waiver process is stringent, and requires extensive documentation. Due to changes in NYS MWBE goals, we will see a 30% goal on many upcoming projects with EFC funding/financing.
- 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 Senior 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 outside agencies (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 Senior 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 regularly, as well as engaging in community outreach.

The current list of City Certified MWBEs has 102 total firms, and is comprised of 52% Women-owned businesses, 34% Black-owned businesses, 9% Hispanic-owned businesses, and 5% Asian-owned businesses.

### Certifications

In 2021, there were seven new MWBEs certified, and two recertifications. No MWBEs were dropped from the list this year.

### Denials

Businesses which are denied City of Albany Certification have 30 days to appeal the decision. There were no denials of certification in the year 2021.

### The City of Albany Certified MWBE Directory

The Senior Compliance Coordinator maintains the City's directory of Certified MWBEs, which is organized by service-type. The directory is updated on a regular basis and is available to the public via the City website.

Please visit the site at: <https://www.albanyny.gov/332/Minority-Women-Owned-Business-Enterprise> to view what the public sees with regard to information about the program, forms, and to search the Certified MWBE Directory.

#### 2021 New Certifications

- AMZ Construction Services – WBE
- Duane Builders - WBE
- Lockdown Patrol Inc. – MBE
- Machnick Builders – WBE
- Pacelli & Associates – WBE
- Simco Supply – M/WBE
- SperryCo – WBE

## **Additional Notes**

### **Role of the Senior Compliance Coordinator**

The Senior Compliance Coordinator position includes tracking and reporting on additional areas of compliance beyond the MWBE program. Other areas of responsibility for this position include other types of contract monitoring, such as enforcing the City's Living Wage and Apprenticeship requirements, and ensuring compliance with Section 3 requirements on federally funded contracts. Additionally, the Senior Compliance Coordinator assists with ensuring the City's compliance with State-mandated employee training requirements and other workplace requirements.

### **Parking Authority Projects**

This office is in contact with the Albany Parking Authority and plans to monitor and report on Parking Authority projects for MWBE Compliance. The Parking Authority had only one project which went out to bid in 2021. The bid received was determined to be over-budget and was therefore rejected in 2021. This project was once again advertised in 2022, and will likely be awarded. The 2022 MWBE Program report should contain data regarding this project.

### **New City of Albany MWBE and Labor goals**

In the 2019 Annual Report, the recommendation was made to increase the MWBE goal, because the data showed that with the 7.5% goal in place, contractors were easily exceeding that modest percentage on a routine basis, without any mandate to do so, which indicated that the goal was too low, and could be raised without causing disruption. In 2020, this suggestion was heard, and the MWBE goal was raised to 15%, effective January 1, 2021.

In conjunction with the increase to the MWBE goal, the Common Council passed an increase to the M/W Labor goal, raising it from 17.8% to 25%. While the reporting historically has not shown contractors easily surpassing the previous goal, as was the case for MWBE, minority and women labor participation is a priority for this office and an area where it is right to aim high.

Reaction to the new City of Albany MWBE and Labor goals from both MWBEs and non-MWBE contractors has been positive. Non-MWBE prime contractors have shown a willingness and, in most cases, an ability to adjust to the increased need for MWBE and M/W Labor participation.

## Conclusion

The current Senior Compliance Coordinator has been managing the MWBE program now for over three years. The program benefits from having consistent stewardship. The MWBE program is largely successful in meeting its goals, but it is also successful in another sense: there is tremendous accountability in this program. Data collection is thorough and organized and improving all the time. This body of data allows for clear analysis; and the longer the current procedures are followed, the more complete that body of information will be. We are able to see clearly where our challenges lie. We can better plan improvements which will enable us to expand the reach of the program in a way that will be attainable and effective. It's tremendously valuable from a policy-making point-of-view to be able to refer to the actual performance of the program, to review the issues at a granular level, and to track the program's progress through time.

I look forward to continuing my efforts to grow and improve this important program.

Respectfully submitted,

Aindrea Richard

Senior Compliance Coordinator