



**CITY OF ALBANY**

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

## **COMPLIANCE REPORT**

**REPORTING PERIOD: 2020**

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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 2020 calendar year.

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.

During the year 2020, the Compliance Coordinator worked with members of the Common Council and the office of Corporation Counsel to increase the City goals for minority and women participation. The MWBE Subcontractor Participation goal is not determined within the governing ordinance, rather it is determined by City of Albany policy. In 2020, a policy change was announced which increased the MWBE Subcontractor Goal from 7.5% to 15%. And, a corresponding amendment to Ordinance 24.101.20 was passed, amending paragraph I of section 48-17 of Article II of chapter 48 of the City Code to increase the Minority and Women Labor Utilization Goal from 17.8% to 25%. These changes took effect on January 1, 2021.

This report covers the year 2020, and therefore the prior goals still apply to the contracts within this reporting. The goals for participation which were in effect during the year 2020:

- a minimum of 17.8% of the total work hours on construction projects should be performed by minorities and women.
- 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 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 2020

### Contracts Completed in 2020

| Project Name:                                      | Contractor:                     | Total Project Payments |                       |               | Total Project Labor Hours |                  |               | Department      | Notes   |
|--|---------------------------------|------------------------|-----------------------|---------------|---------------------------|------------------|---------------|-----------------|---|
|  |                                 | Total                  | MWBE                  | %MWBE         | M/W                       | Total            | M/W%          |                 |   |
| #8938: Floatables                                  | Wm. J. Keller & Sons            | \$7,942,793.42         | \$1,565,925.50        | 19.72%        | 2943.50                   | 27250.00         | 10.80%        | Water Board     | EFC goal: 23%; DEC goal 20%; both EFC and Dec granted partial waivers         |
| #8963: Feura Bush Renovations - GC                 | U.W. Marx Construction          | \$1,956,685.64         | \$401,152.59          | 20.50%        | 699.50                    | 8369.75          | 8.36%         | Water Board     | EFC goal: 26%   |
| #8964: Feura Bush Renovations - Electrical         | Brunswick Electric              | \$406,404.91           | \$74,822.10           | 18.41%        | 44.50                     | 3345.50          | 1.33%         | Water Board     | EFC goal: 26%   |
| #8966: Feura Bush Renovations - Plumbing           | FPI Mechanical                  | \$214,301.24           | \$35,597.80           | 16.61%        | 27.00                     | 1830.00          | 1.48%         | Water Board     | EFC goal: 26%; EFC granted partial waiver; City granted partial waiver: labor |
| #8969: Beaver Creek CSO Abatement Phase 6          | M. Sullivan Construction        | \$1,063,387.05         | \$106,710.35          | 10.03%        | 266.00                    | 2172.00          | 12.25%        | Water Board     |   |
| #8973: Pedestrian Bridge Obelisk Replacement       | Wm. J. Keller & Sons            | \$1,208,280.22         | \$101,106.99          | 8.37%         | 2145.00                   | 6589.00          | 32.55%        | DGS-Engineering |   |
| #8978: Tivoli Park Stream Daylighting              | Wm. J. Keller & Sons            | \$3,160,677.07         | \$161,055.33          | 5.10%         | 1141.00                   | 10665.00         | 10.70%        | Water Board     | EFC goal: 20%; DEC goal 30%; both EFC and DEC granted partial waivers         |
| #8983: Harriman Sewer - GC                         | Wm. J. Keller & Sons            | \$6,411,044.00         | \$420,927.51          | 6.57%         | 1118.00                   | 14930.50         | 7.49%         | Water Board     | EFC goal: 23%; EFC granted partial waiver; City granted partial waiver: labor |
| #8984: Harriman Sewer - HVAC                       | Collett Mechanical, Inc.        | \$337,656.00           | \$124,849.01          | 36.98%        | 46.00                     | 226.50           | 20.31%        | Water Board     | EFC goal: 23%   |
| #8985: Harriman Sewer - Electric                   | Stilsing Electric               | \$617,065.00           | \$617,065.00          | 100.00%       | 78.50                     | 3225.00          | 2.43%         | Water Board     | EFC goal: 23%; City granted partial waiver: labor                             |
| #8991: Shaker Park Water Main Replacement          | New Castle Paving               | \$374,748.45           | \$19,607.85           | 5.23%         | 190.00                    | 912.25           | 20.83%        | Water Board     | City granted partial waiver: subs   |
| #8993: Normanskill Farm Drainage and Access Impr   | Wm. J. Keller                   | \$450,614.89           | \$39,765.51           | 8.82%         | 228.00                    | 2351.00          | 9.70%         | Water Board     |   |
| #9015: New Scotland Avenue Streetscape             | DeSignore Blacktop Paving       | \$891,520.00           | \$80,300.50           | 9.01%         | 473.25                    | 2117.75          | 22.35%        | DGS-Engineering |   |
| #9017: 2019 Restoration and Improvements to Varic  | Mid-State Industries            | \$132,000.00           | \$6,040.45            | 4.58%         | 59.00                     | 439.00           | 13.44%        | DGS-Engineering |   |
| #9018: Roof Restoration and Improvements to Varic  | Mid-State Industries            | \$196,337.16           | \$18,455.47           | 9.40%         | 80.50                     | 837.50           | 9.61%         | DGS-Engineering | City granted partial waiver: labor  |
| #9081: 2020 I-90 Sewer Rehabilitation              | Green Mountain Pipeline         | \$408,648.75           | \$0.00                | 0.00%         | 90.00                     | 1147.00          | 7.85%         | Water Board     | EFC goal: 23%; EFC granted full waiver  |
| #9102: 2020 Street Milling                         | Evolution Construction Services | \$79,005.51            | \$2,850.00            | 3.61%         | 56.00                     | 341.50           | 16.40%        | DGS             | City granted partial waiver: subs   |
| #9103: 2020 Chimney Manhole Rehabilitation         | Arold Construction              | \$209,225.54           | \$209,225.54          | 100.00%       | 239.00                    | 1101.50          | 21.70%        | Water Board     |   |
| #9109: 2020 Streets Resurfacing and Sidewalk Reco  | Peter Luizzi & Bros Contracting | \$2,763,023.45         | \$300,361.95          | 10.87%        | 831.25                    | 8439.50          | 9.85%         | DGS-Engineering |   |
| #9082: Street Resurfacing & Sidewalk Reconstructio | New Castle Paving               | \$3,388,226.38         | \$252,893.36          | 7.46%         | 2177.50                   | 10610.00         | 20.52%        | DGS-Engineering |   |
| Mereline Ave Sewer Separation                      | Barton & Loguidice              | \$118,257.97           | \$34,410.00           | 29.10%        | 242.75                    | 962.75           | 25.21%        | Water Board     | EFC funded goal: 23%  |
| Floatables Control Facilities                      | CHA Consulting                  | \$1,274,286.69         | \$655,364.24          | 51.43%        | 1558.00                   | 10074.75         | 15.46%        | Water Board     | EFC funded goal: 23%  |
| Upper Washington Sewer                             | CHA Consulting                  | \$900,564.59           | \$198,180.02          | 22.01%        | 1290.00                   | 4755.25          | 27.13%        | Water Board     | EFC funded goal: 23%  |
| Upper Washington Pump Station                      | O'Brien & Gere                  | \$370,701.00           | \$90,680.00           | 24.46%        | 362.00                    | 3358.00          | 10.78%        | Water Board     | EFC funded goal: 26%  |
| Tivoli Park Stream Daylighting                     | CHA Consulting                  | \$394,870.00           | \$78,464.91           | 19.87%        | 1050.25                   | 2883.25          | 36.43%        | Water Board     | EFC funded goal: 20%  |
| Floatables   | Schnabel Lachel                 | \$67,898.57            | \$6,171.76            | 9.09%         | 279.35                    | 416.75           | 67.03%        | Water Board     | EFC funded goal: 23%  |
| ACDA: 451 Elk St.                                  | Wolf Creek Construction         | \$18,710.00            | \$5,400.00            | 28.86%        | 58                        | 58               | 100.00%       | ACDA            |   |
| ACDA: 624 Clinton Ave.                             | Montesano GC                    | \$34,500.00            | \$34,500.00           | 100.00%       | 80                        | 292              | 27.40%        | ACDA            |   |
| ACDA: 8 Roosevelt St.                              | Maya's Home Improvement         | \$15,775.00            | \$15,775.00           | 100.00%       | 200.00                    | 200.00           | 100.00%       | ACDA            |   |
| ACDA: 593 Second St.                               | Baker Contracting               | \$16,525.00            | \$2,545.02            | 15.40%        | 129                       | 320              | 40.31%        | ACDA            |   |
| ACDA:102 Mt. Hope Drive                            | Maya's Home Improvement         | \$50,900.00            | \$50,900.00           | 100.00%       | 500                       | 680              | 73.53%        | ACDA            |   |
| ACDA:286 McCarty Ave                               | Montesano GC                    | \$12,695.00            | \$12,695.00           | 100.00%       | 26                        | 90               | 28.89%        | ACDA            |   |
| ACDA: 23 Summit Ave                                | Montesano GC                    | \$14,316.00            | \$14,316.00           | 100.00%       | 24                        | 84.00            | 28.57%        | ACDA            |   |
| ACDA: 56 Dana Ave                                  | Taub Heating & Plumbing         | \$21,575.00            | \$3,750.01            | 17.38%        | 338.00                    | 498.00           | 67.87%        | ACDA            |   |
| ACDA: 23 O'Connell St.                             | Montesano GC                    | \$94,135.00            | \$94,135.00           | 100.00%       | 480.00                    | 976.00           | 49.18%        | ACDA            |   |
| ACDA: 82 Walther St.                               | Montesano GC                    | \$7,441.00             | \$7,441.00            | 100.00%       | 28.00                     | 66.00            | 42.42%        | ACDA            |   |
| <b>Completed Projects Final Totals</b>             |                                 | <b>\$35,624,795.50</b> | <b>\$5,843,440.77</b> | <b>16.40%</b> | <b>19578.85</b>           | <b>132615.00</b> | <b>14.76%</b> |                 |   |

## Contracts in-progress but not completed in 2020

| Project Name:  | Contractor:              | Payments to Date       |                       |               | Labor Hours to Date |                 |               | Department          | Notes  |
|--|--------------------------|------------------------|-----------------------|---------------|---------------------|-----------------|---------------|---------------------|--|
|  |                          | Total                  | MWBE                  | %MWBE         | M/W                 | Total           | M/W%          |                     |  |
| #8965: Feura Bush Renovations - HVAC   | Collett Mechanical, Inc. | \$1,309,301.46         | \$256,810.15          | 19.61%        | 436.00              | 4379.50         | 9.96%         | Water Board         | EFC goal: 26%; EFC granted partial waiver                                      |
| #8980: Harriman Water Pressure - GC  | Carver Construction      | \$4,927,618.54         | \$409,184.25          | 8.30%         | 334.50              | 7749.75         | 4.32%         | Water Board         | EFC goal: 26%; EFC granted partial waiver; City granted partial waiver: labor. |
| #8981: Harriman Water Pressure - Electric  | Stilsing Electric        | \$122,265.00           | \$122,265.00          | 100.00%       | 50.00               | 513.00          | 9.75%         | Water Board         | EFC goal: 26%  |
| #8982: Feura Bush Wastewater Lagoon  | James H. Maloy           | \$940,630.86           | \$133,786.30          | 14.22%        | 469.00              | 4507.00         | 10.41%        | Water Board         | EFC goal: 26%; EFC granted partial waiver                                      |
| #8989: Pavement Preservation, New Scotland Ave. & New Castle Paving              | New Castle Paving        | \$1,939,978.04         | \$176,589.84          | 9.10%         | 1767.50             | 6944.50         | 25.45%        | DGS-Engineering     | DOT DBE goal: 5%; EEO goal 6.9%W, 3.2%M  |
| #9010: Mereline Ave Sewer Separation   | New Castle Paving        | \$1,001,915.55         | \$72,435.35           | 7.23%         | 818.00              | 5455.30         | 14.99%        | Water Board         | EFC goal: 23%; EFC granted partial waiver                                      |
| #9032: Ramsey Place Green Infrastructure   | New Castle Paving        | \$2,282,877.84         | \$185,062.19          | 8.11%         | 904.00              | 6781.00         | 13.33%        | Water Board         |  |
| #9044: Local Pedestrian Action Plan  | Stilsing Electric        | \$175,179.02           | \$175,179.02          | 100.00%       | 119.50              | 386.50          | 30.92%        | Traffic Engineering |  |
| #9051: 2019 Traffic Signal Improvements  | Stilsing Electric        | \$455,864.82           | \$455,864.82          | 100.00%       | 1263.00             | 2246.00         | 56.23%        | Traffic Engineering |  |
| #9094: Feura Bush Sedimentation Building Renovati VMJR Companies                 |                          | \$2,199,689.00         | \$716,257.17          | 32.56%        | 2736.00             | 7404.50         | 36.95%        | Water Board         | EFC goal 26%   |
| #9096: 2020 Installation of Cured-in-Place Pipe Linei Kenyon Pipeline Inspection |                          | \$584,116.75           | \$59,739.70           | 10.23%        | 61.00               | 872.75          | 6.99%         | Water Board         | City granted partial waiver: labor   |
| #9099: 2020 Water & Sewer Improvements   | Wm. J. Keller & Sons     | \$989,822.10           | \$207,839.31          | 21.00%        | 1079.00             | 11547.00        | 9.34%         | Water Board         |  |
| #9107: Improvements to Mechanical Systems to Var BPI Mechanical Service, Inc.    |                          | \$205,675.00           | \$16,330.65           | 7.94%         | 146.50              | 835.50          | 17.53%        | DGS-Engineering     |  |
| #9111: Woodlawn Park Stormwater Harvesting Site                                  | James H. Maloy           | \$252,700.00           | \$10,940.56           | 4.33%         | 49.00               | 542.50          | 9.03%         | Water Board         | EFC goal: 23%; EFC granted partial waiver                                      |
| #9112: Woodlawn Ave Reconstruction Project                                       | New Castle Paving        | \$344,102.65           | \$13,299.58           | 3.87%         | 300.50              | 1194.50         | 25.16%        | DGS-Engineering     | City granted partial waiver: subs  |
| <b>In-progress projects 2020 totals</b>  |                          | <b>\$17,731,736.63</b> | <b>\$3,011,583.89</b> | <b>16.98%</b> | <b>10533.50</b>     | <b>61359.30</b> | <b>17.17%</b> |                     |  |

## Recent Contracts / Limited Documentation

| Project Name:  | Contractor:                     | Payments to Date |        |       | Labor Hours to Date |        |       | Department      | Notes                                     |
|--|---------------------------------|------------------|--------|-------|---------------------|--------|-------|-----------------|---|
|  |                                 | Total            | MWBE   | %MWBE | M/W                 | Total  | M/W%  |                 |   |
| #9095: Feura Bush Sedimentation Building Renovati Spring Electric      |                                 | \$44,631.29      | \$0.00 | 0.00% | 2.00                | 72.00  | 2.78% | Water Board     | EFC goal: 26%; EFC granted partial waiver |
| #9104: 2020 Restoration & Improvement Projects fc Mid-State Industries |                                 | \$98,397.20      | \$0.00 | 0.00% | 0.00                | 107.00 | 0.00% | DGS-Engineering |   |
| #9117: Spring Street Reconstruction                                    | Peter Luizzi & Bros Contracting | \$275,702.15     | \$0.00 | 0     | 0.00                | 814.00 | 0     | DGS-Engineering |   |

## **Compliance Summary: January 1 through December 31, 2020**

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 2020, and Contracts in-progress but not yet completed in 2020.

**Contracts Completed in 2020** - 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. 36 contracts were completed in 2020. This number is down from 41 completed projects in 2019. Of the 36 completed projects, 10 were ACDA building rehabilitations. In 2019 ACDA had 27 completed projects. This decrease in ACDA projects is a result of the Covid-19 Pandemic.

#### MWBE Participation

- A total of \$5,843,440.77 was paid to MWBEs, representing an overall percentage of 16.40% of total contract value. This is well-over the 2020 City goal of 7.5%.
- Seven contracts did not meet the MWBE goal. Of these:
  - Three were issued full or partial waivers by the State agencies, EFC and DEC. The City defers to the decisions of these agencies where they are the funding source.
    - Wm. J. Keller & Sons contract #8978 Tivoli Park Stream Daylighting
    - Wm. J. Keller & Sons contract #8983 Harriman Sewer
    - Green Mountain Pipeline contract #9081 2020 I-90 Sewer Rehabilitation
  - One came very close to the goal at 7.46%. 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.
  - The remaining three, where the City MWBE goal did apply but was not met are:
    - New Castle Paving contract #8991 Shaker Park Water Main Replacement
    - Evolution Construction Services contract #9102 2020 Street Milling
    - Mid-State Industries #9017 2019 Restoration and Improvements to Various City-Owned Buildings

The inadequacy of MWBE utilization on the above contracts has been reviewed with these contractors, and the importance of reaching the goal on subsequent contracts has been emphasized.

#### M/W Labor Rate

A total of 19,578.85 labor hours were worked by women and minorities, representing an overall percentage of 14.76% of total hours worked. This figure falls under the City goal of 17.8%. In 2020, Sixteen contracts did not meet the M/W Labor goal. This shortfall is attributable to two main factors:

- Due to the limitations imposed by the Covid-19 pandemic, ACDA projects make up a much smaller percentage of the total completed projects this year. ACDA contracts are where we typically see the best compliance. These 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. Many of the jobs show far greater than the required 7.5%/17.8% compliance; and the volume of ACDA contracts normally brings up the overall compliance rate. In 2020, this effect was reduced.
- Reporting has improved dramatically, exposing the shortcomings of the City's contractors in this area. The current Compliance Coordinator has created an improved tracking system, and requires complete reporting from contractors. This is an area of the MWBE Program which needed improvement in previous years.

**Contracts in-progress but not completed in 2020** – The data in this section reflects work hours and payments to MWBEs only through the year 2020, 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. 18 projects were underway (including contracts with limited documentation,) but not yet completed at the close of 2020. This number is down from 29 in-progress projects reported in 2019.

- A total of \$3,011,583.89 was paid to MWBEs, representing an overall percentage of 16.98% of total paid to prime contractors thus far. This is well-over the City goal of 7.5%.
- A total of 10,533.5 labor hours were worked by women and minorities, representing an overall percentage of 17.17% of total hours worked. This figure falls below the City goal. However, this shortage may be eliminated by the time of completion on these projects.

**There are only three 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 in previous years.

### **Additional Considerations Regarding the Compliance Data**

- The main reason why the MWBE Utilization total is considerably higher than the City of Albany goal is that contracts funded by other agencies almost always require a much higher participation rate than the City's 2020 goal of 7.5%. This is a consistent trend, and is the reason why an MWBE goal increase was suggested in the 2019 Annual Report.
- 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.

The current list of City Certified MWBEs is comprised of 52% Women-owned businesses, 35% Black-owned businesses, 9% Hispanic-owned businesses, and 4% Asian-owned businesses.

### 2020 New Certifications

- Arold Construction Co. Inc. – WBE
- BKJ Construction - MBE
- Francisco Equipment – WBE
- Quality and Assurance Technology–MBE
- R.H. Fire, LLC – MBE
- Three D Rigging & Construction – WBE
- Winston Renovations Inc. – M/WBE

## Certifications

In 2020, there were seven 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 2020 is 98.

## 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 2020.



### **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: <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.

### **Outreach**

The success of the MWBE program relies on the continued growth and expansion of our list of certified businesses. Under normal circumstances, outreach events provide opportunities throughout the year for the Compliance Coordinator to inform the public about the program, attract potential applicants to the program, and network with other MWBE officers and community

stakeholders. However, due to the Covid-19 Pandemic, outreach events were generally canceled.

The Compliance Coordinator continued to hold one-on-one meetings with potential applicants to provide information about the application processes for City certification as well as other types of certifications. In 2020, it was necessary to conduct almost all of these meeting via phone, or zoom.

In light of the difficulties faced by business owners during the pandemic, the Compliance Coordinator attended web seminars offered by the Empire State Development Corp. and was available to City MWBEs looking for assistance in navigating the aid programs that have been established.

#### **Events attended in 2020**

**1/8** MWBE Information Session, Community Loan Fund

**1/31** MWBE Application Help Session, Mission Accomplished, Bull Moose Club

**2/15** NYS Association of Black, Puerto Rican, Hispanic & Asian Legislators, Annual Conference

#### **Empire State Development Web-Seminars**

**4/6** Did You Know? NYS Covid-19 Resources and More

**4/7** Small Business Resources from the Small Business Administration

**6/24** Capital District Strategic Partners – New York Forward Loan Fund Webinar

## **Additional Notes**

### **Process Reorganization**

The necessity brought on by the Covid-19 Pandemic to work remotely catalyzed a much-needed advancement of administrative procedures regarding the MWBE Program. The Program had been organized and maintained through a system that involved mainly physical files, with most reporting being submitted on paper, and physical payment applications from contractors passing through the Compliance office for review and approval. In 2020 all contract files, as well as all tracking and approval procedures, were converted entirely to a digital process. This represents a big improvement to the efficiency and comprehensiveness of the Program, and has already led to more effective monitoring.

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

The 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 Compliance Coordinator assists with ensuring the City's compliance with State-mandated employee training requirements and other workplace requirements.

And, due to the special circumstances of 2020, this year the Compliance Coordinator also assisted with the procurement of PPE, and completed the NYS Mandated Covid-19 Contact Tracer Training.

### **Parking Authority Projects**

At the end of 2019 the Compliance Coordinator had begun working with the Albany Parking Authority to create a process for monitoring MWBE Compliance on their construction projects. Normally, reporting data regarding Parking Authority projects should be included in this annual report. However, due to the Covid-19 pandemic, the Parking Authority was forced to postpone all construction projects during the year 2020. The annual report for 2021 will include data from the Parking Authority.

### **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 an area where it is right to aim high. 25% is an ambitious goal, and there will likely be an

adjustment period during which contractors will need to make changes in order to accommodate the new parameters. In the event that a contractor is unable to meet the M/W Labor goal, this office has in place a waiver application process. Limited partial waivers may be granted where warranted. Full waivers will not be granted.

## Conclusions

2020 was a challenging year for us all, and the effects can be seen in the MWBE Program.

- Only seven new certifications were added, despite the fact that an increase in certifications had been a stated goal for 2020. In 2021 an increase in this area is expected.
- 2020 saw a decrease in the number of projects completed and begun. 2021 should see the City back on track with regard to the volume of construction projects.
- A bright side to the difficulties faced in 2020 was the complete overhaul and computerization of the MWBE Program, a change which had been overdue and represents a big step forward in the level of organization of the program, and therefore its effectiveness.
- The accomplishment of the increase to program goals is a material benefit to our community and speaks to the core purpose of the program.

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

Respectfully submitted,

Aindrea Richard

Compliance Coordinator