



**CITY OF ALBANY**

KATHY M. SHEEHAN  
MAYOR

RACHEL MCENENY  
COMMISSIONER OF ADMINISTRATIVE SERVICES

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

## **COMPLIANCE REPORT**

**REPORTING PERIOD: 2022**

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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 2022 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.

The projects monitored over the course of 2022 are not uniform in terms of the participation goal percentages that are indicated within their contracts.

- Prior to January 1, 2021, the program goals had been the same for many years, since at least 2011: 7.5% MWBE Subcontractor Participation and 17.8% Minority and Women Labor Utilization. Projects which went out to bid prior to 1/1/21 carry these goals. Because of the long timeframe inherent in many MWBE-applicable projects, 14 of the contracts summarized in this report still reflect these goals.
- As of January 1, 2021, at the recommendation of this office, a policy change was put into effect which increased the MWBE Subcontractor Participation Goal 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 to 25%. Projects which went out to bid between 1/1/21 – 4/30/22 carry these goals.
- An additional amendment increasing the Minority and Women Labor Utilization Goal to 30% was subsequently passed and took effect May 1, 2022. Projects which went out to bid 5/1/22 and beyond carry a 15% MWBE Subcontractor Participation Goal and a 30% Minority and Women Labor Utilization Goal.

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 MWBE contractors and subcontractors when violations of policy and performance agreements occur.

## Compliance Summary: January - December 2022

Green indicates that goal has been met or exceeded.

### Contracts Completed in 2022

Total Project Payments						Total Project Labor Hours				
Contract No. and Project Name:	Contractor:	Total	MWBE	%MWBE	MWBE goal	M/W	Total	M/W%	Labor goal	Department Notes
9104 - 2020 Restoration & Improvements to Various City-Owned Mid-State Industries		\$418,367.54	\$112,594.00	26.91%	7.50%	231.00	497.00	46.48%	17.80%	DGS-Engineering
9117 - Spring Street Reconstruction	Peter Luizzi & Bros Contracti	\$546,462.87	\$2,590.00	0.47%	7.50%	89.00	1891.00	4.71%	17.80%	DGS-Engineering/Water
9122-Beaver Creek Phase I-Third Avenue Improvements	James H. Maloy Inc.	\$401,858.78	\$128,558.75	31.99%	7.50%	477.00	1950.50	24.46%	17.80%	Water EFC goal 24%
9160 - Beaver Creek Phase IV	Rifenburg Contracting	\$7,468,229.45	\$264,271.80	3.54%	7.50%	2280.00	11110.00	20.52%	17.80%	Water EFC goal 24% - partial waiver granted
9095-1B Feura Bush Sedimentation Building Renovations-Electrical	Spring Electric	\$157,770.00	\$157,770.00	100.00%	7.50%	33.00	747.00	4.42%	17.80%	Water EFC goal 26% EFC partial waiver mwbe. City partial
9094-1A-Feura Bush Sedimentation Building Renovations	VMJR Companies	\$5,388,375.95	\$1,470,933.91	27.30%	7.50%	3458.30	18066.00	19.14%	17.80%	Water EFC goal 26%
<b>totals 7.5% MWBE goal</b>		<b>\$14,381,064.59</b>	<b>\$2,136,718.46</b>	<b>14.86%</b>		<b>6568.30</b>	<b>34261.50</b>	<b>19.17%</b>		
9229 - APD Facility Fencing	Spitale Construction Resourc	\$29,900.00	\$0.00	0.00%	15.00%	110.50	110.50	100.00%	25.00%	APD City granted waiver re mwbe goal
9174 - Proactive Demolition Services	WPNT Construction	\$97,420.00	\$97,420.00	100.00%	15.00%	250.00	360.00	69.44%	25.00%	Buildings & Regulatory Compliance
9187-Ridgefield Park Tennis Locker Room	Bunkoff General Contractors	\$294,896.00	\$76,748.39	26.03%	15.00%	109.00	1471.00	7.41%	25.00%	DGS-Engineering City granted partial waiver re labor
9186-Washington Park Restroom Restoration	Bunkoff General Contractors	\$318,190.90	\$92,874.60	29.19%	15.00%	16.00	1883.50	0.85%	25.00%	DGS-Engineering City granted partial waiver re labor
9230 - Livingston Avenue Common Alley Retaining Wall	Callanan Industries	\$173,000.00	\$17,810.00	10.29%	15.00%	113.50	415.50	27.32%	25.00%	DGS - Engineering City granted partial waiver re mwbe goal
9156 - 2021 Mechanical Improvements to Various City Owned	James D. Warren and Son Inc	\$405,465.00	\$206,594.00	50.95%	15.00%	44.00	1097.00	4.01%	25.00%	DGS - Engineering City granted partial waiver re Labor goal
9222 - Speed Hump Pilot Project	New Castle Paving	\$450,262.90	\$41,735.58	9.27%	15.00%	234.50	470.50	49.84%	25.00%	DGS - Engineering City granted partial waiver re mwbe goal
9217 - Upper Madison Avenue Sidewalk Improvements	Peter Luizzi & Bros Contracti	\$328,500.00	\$9,747.75	2.97%	15.00%	219.50	759.00	28.92%	25.00%	DGS-Engineering City granted partial waiver re mwbe goal
9138-2021 Contract 1 Street Resurfacing & Sidewalk Reconstruction	Peter Luizzi & Bros Contracti	\$3,236,107.63	\$201,997.12	6.24%	15.00%	1326.00	11228.00	11.81%	25.00%	DGS-Engineering City granted partial waiver mwbe & labor
9139-Lincoln Square Basketball Courts	Peter Luizzi & Bros Contracti	\$801,000.00	\$106,427.92	13.29%	15.00%	307.50	2430.00	12.65%	25.00%	DGS-Engineering City granted partial waiver mwbe & labor
9159 - 2021 Installation of Cured-In-Place Pipe Liner	Kenyon Pipeline Inspection	\$616,308.36	\$149,396.26	24.24%	15.00%	250.00	1712.25	14.60%	25.00%	Water City granted partial waiver re Labor goal
9153 - Washington Park Trunk Sewer Rehabilitation	National Water Main Cleanin	\$592,300.00	\$152,161.28	25.69%	15.00%	2301.75	3420.00	67.30%	25.00%	Water
9161 - 2021 Water & Sewer Improvements	New Castle Paving	\$1,669,567.13	\$85,231.49	5.11%	15.00%	849.25	4419.25	19.22%	25.00%	Water City granted partial waiver mwbe & labor
9220 - Upper Service Tank Rehabilitation	Underwater Solutions, Inc	\$340,975.00	\$600.00	0.18%	15.00%	481.50	481.50	100.00%	25.00%	Water City granted partial waiver re mwbe goal
9169 - 35 Erie Blvd. Site Improvements & Alterations	Wm. J. Keller & Sons	\$1,383,861.35	\$105,887.50	7.65%	15.00%	267.50	2235.50	11.97%	25.00%	Water City granted partial waiver re mwbe & labor
<b>totals 15% MWBE goal</b>		<b>\$10,737,754.27</b>	<b>\$1,344,631.89</b>	<b>12.52%</b>		<b>6880.50</b>	<b>32493.50</b>	<b>21.18%</b>		
<b>2022 ACDA Projects</b>										
ACDA - 209 Second Ave.	BKJ Construction	\$16,500.00	\$16,500.00	100.00%	15.00%	310.00	310.00	100.00%	25.00%	ACDA
ACDA - 26 Seminole Ave.	BKJ Construction	\$12,500.00	\$12,500.00	100.00%	15.00%	335.00	335.00	100.00%	25.00%	ACDA
ACDA - 28 O'Connell St.-contract 1	BKJ Construction	\$7,500.00	\$7,500.00	100.00%	15.00%	195.00	195.00	100.00%	25.00%	ACDA
ACDA - 25 First Ave.-contract 1	BKJ Construction	\$9,500.00	\$9,500.00	100.00%	15.00%	145.00	145.00	100.00%	25.00%	ACDA
ACDA - 28 O'Connell St.-contract 2	BKJ Construction	\$33,800.00	\$33,800.00	100.00%	15.00%	573.00	573.00	100.00%	25.00%	ACDA
ACDA - 77 Lowell St.	BKJ Construction	\$14,800.00	\$14,800.00	100.00%	15.00%	145.00	145.00	100.00%	25.00%	ACDA
ACDA - 17 Summit Ave.	BKJ Construction	\$25,800.00	\$25,800.00	100.00%	15.00%	393.00	393.00	100.00%	25.00%	ACDA
ACDA - 167 Second St.	BKJ Construction	\$17,000.00	\$17,000.00	100.00%	15.00%	237.00	237.00	100.00%	25.00%	ACDA
ACDA - 102 Second Ave.	BKJ Construction	\$21,800.00	\$21,800.00	100.00%	15.00%	271.00	271.00	100.00%	25.00%	ACDA
ACDA - 34 First Ave.	BKJ Construction	\$26,500.00	\$26,500.00	100.00%	15.00%	338.00	338.00	100.00%	25.00%	ACDA
ACDA - 419 Livingston Ave.	BKJ Construction	\$29,000.00	\$29,000.00	100.00%	15.00%	527.50	527.50	100.00%	25.00%	ACDA
ACDA - 19 Arthur Dr.	BKJ Construction	\$16,300.00	\$16,300.00	100.00%	15.00%	203.00	203.00	100.00%	25.00%	ACDA
ACDA - 3 First Ave.	BKJ Construction	\$31,900.00	\$31,900.00	100.00%	15.00%	484.00	484.00	100.00%	25.00%	ACDA
ACDA - 350 Mountain St.	BKJ Construction	\$14,900.00	\$14,900.00	100.00%	15.00%	271.00	271.00	100.00%	25.00%	ACDA
ACDA - 265 Mt. Hope Dr.	Coverall Contracting	\$21,093.75	\$0.00	0.00%	15.00%	82.00	122.00	67.21%	25.00%	ACDA City granted waiver re mwbe
ACDA - 417 Manning Blvd. (Elec)	Houghtaling Electrical	\$9,280.25	\$0.00	0.00%	15.00%	40.00	80.00	50.00%	25.00%	ACDA
ACDA - 506 Clinton Ave.	Houghtaling Electrical	\$17,772.24	\$0.00	0.00%	15.00%	32.00	76.00	42.11%	25.00%	ACDA
ACDA - 7 Stanwix St.	I AM Construction	\$9,500.00	\$9,500.00	100.00%	15.00%	160.00	300.00	53.33%	25.00%	ACDA
ACDA - 12 O'Connell St.	I AM Construction	\$5,625.00	\$5,625.00	100.00%	15.00%	177.00	283.00	62.54%	25.00%	ACDA
ACDA - 97 Henry Johnson Blvd.	I AM Construction	\$18,950.00	\$18,950.00	100.00%	15.00%	100.00	265.00	37.74%	25.00%	ACDA
ACDA - 21 First Ave.	I AM Construction	\$15,900.00	\$15,900.00	100.00%	15.00%	120.00	360.00	33.33%	25.00%	ACDA
ACDA - 73 Pinehurst Ave.	I AM Construction	\$11,800.00	\$11,800.00	100.00%	15.00%	150.00	220.00	68.18%	25.00%	ACDA
ACDA - 25 First Ave.	I AM Construction	\$19,900.00	\$19,900.00	100.00%	15.00%	181.00	306.00	59.15%	25.00%	ACDA

<b>2022 ACDA Projects cont'd.</b>									
ACDA - 300 Second St.	I AM Construction	\$15,950.00	\$15,950.00	100.00%	15.00%	138.00	338.00	40.83%	25.00% ACDA
ACDA - 10 Lawn Ave.	Maya's Home Improvement	\$6,450.00	\$6,450.00	100.00%	15.00%	266.00	266.00	100.00%	25.00% ACDA
ACDA - 90 Hollywood Ave.	Maya's Home Improvement	\$10,600.00	\$10,600.00	100.00%	15.00%	340.00	340.00	100.00%	25.00% ACDA
ACDA - 97 Henry Johnson Blvd.	Montesano GC	\$9,260.00	\$9,260.00	100.00%	15.00%	40.00	94.00	42.55%	25.00% ACDA
ACDA - 17 Bonheim St.	Montesano GC	\$23,466.00	\$23,466.00	100.00%	15.00%	55.00	152.00	36.18%	25.00% ACDA
ACDA - 27 Raymo St.	Montesano GC	\$10,125.00	\$10,125.00	100.00%	15.00%	23.00	69.00	33.33%	25.00% ACDA
ACDA - 75 Second Ave.	Montesano GC	\$9,725.00	\$9,725.00	100.00%	15.00%	32.00	85.00	37.65%	25.00% ACDA
ACDA - 11 Bertha St.	Phillips Perfections	\$24,577.00	\$24,577.00	100.00%	15.00%	180.00	180.00	100.00%	25.00% ACDA
ACDA - 263 Elm St.	Phillips Perfections	\$19,350.00	\$19,350.00	100.00%	15.00%	240.00	240.00	100.00%	25.00% ACDA
ACDA - 54 Lexington Ave.	Shades Contracting	\$22,600.00	\$22,600.00	100.00%	15.00%	180.00	180.00	100.00%	25.00% ACDA
ACDA - 71 First St.	Taub Heating & Plumbing	\$26,200.00	\$3,930.00	15.00%	15.00%	116.00	212.00	54.72%	25.00% ACDA
ACDA - 5 Lawn Ave.	Wells Construction	\$24,100.00	\$3,800.00	15.77%	15.00%	220.00	470.00	46.81%	25.00% ACDA
ACDA - 1 S. Marshall St.	Wells Construction	\$6,350.00	\$0.00	0.00%	15.00%	32.00	112.00	28.57%	25.00% ACDA
ACDA - 8 McDonald Rd.	Wells Construction	\$8,855.00	\$2,400.00	27.10%	15.00%	80.00	320.00	25.00%	25.00% ACDA
ACDA - 17 Stephen St.	Wells Construction	\$14,800.00	\$2,450.00	16.55%	15.00%	106.00	169.00	62.72%	25.00% ACDA
ACDA - 246 Orange St.	Wells Construction	\$28,300.00	\$4,215.52	14.90%	15.00%	187.00	519.00	36.03%	25.00% ACDA
ACDA - 266 Partridge St.	Wells Construction	\$9,750.00	\$1,474.00	15.12%	15.00%	126.00	318.00	39.62%	25.00% ACDA
ACDA - 28 First Ave.	Wells Construction	\$33,900.00	\$5,511.00	16.26%	15.00%	165.00	614.00	26.87%	25.00% ACDA
ACDA - 640 Clinton Ave.	WPNT Construction	\$27,491.00	\$27,491.00	100.00%	15.00%	300.00	380.00	78.95%	25.00% ACDA
ACDA - 175 S.Swan St.	BKJ Construction	\$29,650.00	\$29,650.00	100.00%	15.00%	385.00	385.00	100.00%	30.00% ACDA
ACDA - 266 Partridge St.	BKJ Construction	\$18,750.00	\$18,750.00	100.00%	15.00%	277.00	277.00	100.00%	30.00% ACDA
ACDA - 1088 Broadway	BKJ Construction	\$34,400.00	\$34,400.00	100.00%	15.00%	724.00	724.00	100.00%	30.00% ACDA
ACDA - 33 McArdle Ave.	BKJ Construction	\$34,000.00	\$34,000.00	100.00%	15.00%	443.00	443.00	100.00%	30.00% ACDA
ACDA - 88 Lark St.	BKJ Construction	\$25,040.00	\$25,040.00	100.00%	15.00%	533.00	533.00	100.00%	30.00% ACDA
ACDA - 92 Clinton Ave.	BKJ Construction	\$29,900.00	\$29,900.00	100.00%	15.00%	196.00	513.00	38.21%	30.00% ACDA
ACDA - 86 Walter St.	Deschamps Brothers	\$9,900.00	\$2,053.00	20.74%	15.00%	44.00	79.00	55.70%	30.00% ACDA
ACDA - 640 Clinton Ave.	I AM Construction	\$31,740.00	\$31,740.00	100.00%	15.00%	130.00	300.00	43.33%	30.00% ACDA
ACDA - 48 Marshall St.	Mariann Schumann	\$10,500.00	\$10,500.00	100.00%	15.00%	38.00	64.00	59.38%	30.00% ACDA
ACDA - 506 Clinton Ave.	Mariann Schumann	\$10,200.00	\$10,200.00	100.00%	15.00%	100.00	140.00	71.43%	30.00% ACDA
ACDA - 263 Elm St.	Mariann Schumann	\$12,495.00	\$12,495.00	100.00%	15.00%	130.00	190.00	68.42%	30.00% ACDA
ACDA - 22 Mohawk St.	Maya's Home Improvement	\$5,900.00	\$5,900.00	100.00%	15.00%	100.00	100.00	100.00%	30.00% ACDA
ACDA - 191 Mount Hope Dr.	Montesano GC	\$16,100.00	\$16,100.00	100.00%	15.00%	42.00	117.00	35.90%	30.00% ACDA
ACDA - 295 First St.	Phillips Perfections	\$22,355.00	\$22,355.00	100.00%	15.00%	190.00	190.00	100.00%	30.00% ACDA
ACDA - 191 Mount Hope Dr.	Phillips Perfections	\$7,400.00	\$7,400.00	100.00%	15.00%	160.00	168.00	95.24%	30.00% ACDA
ACDA - 304 Mountain St.	Phillips Perfections	\$10,415.00	\$10,415.00	100.00%	15.00%	88.00	88.00	100.00%	30.00% ACDA
ACDA - 505 First St.	Shades Contracting	\$34,490.00	\$34,490.00	100.00%	15.00%	216.00	216.00	100.00%	30.00% ACDA
ACDA - 110 Lark St.	Shades Contracting	\$23,737.00	\$23,737.00	100.00%	15.00%	43.00	43.00	100.00%	30.00% ACDA
ACDA - 417 Manning Blvd.	Taub Heating & Plumbing	\$20,800.00	\$3,120.00	15.00%	15.00%	108.00	198.00	54.55%	30.00% ACDA
ACDA - 506 Clinton Ave.	Taub Heating & Plumbing	\$13,600.00	\$2,040.00	15.00%	15.00%	60.00	100.00	60.00%	30.00% ACDA
ACDA - 28 McArdle Ave	Wells Construction	\$33,700.00	\$5,060.00	15.01%	15.00%	163.00	530.00	30.75%	30.00% ACDA
ACDA - 44 Marwill St.	Wells Construction	\$13,999.00	\$2,101.00	15.01%	15.00%	49.00	132.00	37.12%	30.00% ACDA
ACDA - 12 Frost Pl.	Wells Construction	\$19,500.00	\$3,080.00	15.79%	15.00%	106.00	308.00	34.42%	30.00% ACDA
ACDA - 63 Benson St.	Wells Construction	\$5,300.00	\$907.50	17.12%	15.00%	25.00	55.00	45.45%	30.00% ACDA
ACDA - 707B Delaware Ave.	Wells Construction	\$8,900.00	\$1,529.00	17.18%	15.00%	39.00	122.00	31.97%	30.00% ACDA
ACDA - 386 Mountain St.	Wells Construction	\$17,950.00	\$4,818.00	26.84%	15.00%	64.00	176.00	36.36%	30.00% ACDA
ACDA - 136 Fourth Ave	Wells Construction	\$13,500.00	\$2,062.50	15.28%	15.00%	52.00	130.00	40.00%	30.00% ACDA
ACDA - 12C Wilkins Ave.	Wells Construction	\$28,425.00	\$4,378.00	15.40%	15.00%	122.00	296.00	41.22%	30.00% ACDA
<b>totals ACDA contracts</b>		<b>\$1,282,116.24</b>	<b>\$951,070.52</b>	<b>74.18%</b>		<b>12922.50</b>	<b>18114.50</b>	<b>71.34%</b>	

## Contracts in-progress but not completed in 2022

Contract No. and Project Name:	Contractor:	Payments to Date				Labor Hours to Date				Department	Notes
		Total	MWBE	%MWBE	MWBE goal	M/W	Total	M/W%	Labor goal		
9051 - 2019 Traffic Signal Improvements	Stilsing Electric	\$1,179,668.01	\$1,179,668.01	100.00%	7.50%	1488.50	3819.50	38.97%	17.80%	APD/Traffic Engineering	
9044 - Local Pedestrian Safety Action Plan	Stilsing Electric	\$204,002.69	\$204,002.69	100.00%	7.50%	140.00	481.50	29.08%	17.80%	APD/Traffic Engineering	
9131 - Beaver Creek Phase II - Electrical	Spring Electric	\$127,708.50	\$127,708.50	100.00%	7.50%	87.00	881.00	9.88%	17.80%	Water	EFC goal 24% - partial waiver granted
9140 - Beaver Creek Phases III & V	Wm. J. Keller & Sons	\$23,864,095.98	\$2,005,585.53	8.40%	7.50%	10883.00	78345.75	13.89%	17.80%	Water	EFC goal 23% - partial waiver granted
9130 - Beaver Creek Phase II	Jett Industries	\$1,934,117.14	\$53,138.08	2.75%	7.50%	193.00	2805.25	6.88%	17.80%	Water	EFC goal 24% - partial waiver granted
9141 - Beaver Creek Phase V - Electric	Kasselman Electric	\$300,395.18	\$300,395.18	100.00%	7.50%	0.00	762.00	0.00%	17.80%	Water	EFC goal 24%
<b>totals 7.5% MWBE goal</b>		<b>\$27,609,987.50</b>	<b>\$3,870,497.99</b>	<b>14.02%</b>		<b>12791.50</b>	<b>87095.00</b>	<b>14.69%</b>			

9214 - Albany Pedestrian Safety Action Plan	Stilsing Electric	\$300,992.28	\$300,992.28	100.00%	15.00%	1247.50	2886.00	43.23%	25.00%	APD/Traffic Engineering	
9177 - HVAC Improvements 200 Henry Johnson Blvd	Eckert Mechanical	\$722,076.00	\$243,898.20	33.78%	15.00%	491.00	1939.25	25.32%	25.00%	DGS - Engineering	
9162 - 2021 Renovation & Improvements to Various City Own	Mid-State Industries	\$510,896.65	\$1,274.40	0.25%	15.00%	157.00	1075.00	14.60%	25.00%	DGS - Engineering	
9213 - 2022 Contract 1 Street Resurfacing & Sidewalk Reconstructi	New Castle Paving	\$3,177,662.60	\$87,785.68	2.76%	15.00%	3629.00	13171.00	27.55%	25.00%	DGS - Engineering	
9231 - 2022 Contract 2 Street Resurfacing & Sidewalk Reconstructi	New Castle Paving	\$3,300,306.16	\$32,917.25	1.00%	15.00%	2403.25	6206.25	38.72%	25.00%	DGS - Engineering	
9239 - New Scotland Avenue and State Street Paving	Peter Luizzi & Bros Contracti	\$204,911.05	\$4,655.00	2.27%	15.00%	53.50	328.50	16.29%	25.00%	DGS - Engineering	
9147 - 1A Alcove Reservoir Sodium Permanganate System	AMZ Construction Services	\$442,702.14	\$442,702.14	100.00%	15.00%	621.00	1741.50	35.66%	25.00%	Water	EFC goal 26% - partial waiver granted
9227 - Alcove Facilities Upgrades & Site Improvements	AMZ Construction Services	\$710,714.00	\$710,714.00	100.00%	15.00%	811.50	2775.50	29.24%	25.00%	Water	
9226 - 2022 Cured-In-Place Pipe Lining	Green Mountain Pipeline Ser	\$410,652.70	\$0.00	0.00%	15.00%	90.00	1692.25	5.32%	25.00%	Water	
9212 - 35 Erie Blvd Buildings 1,2 & 3	Murnane Building Contracto	\$1,324,294.00	\$330,223.26	24.94%	15.00%	1111.50	7439.50	14.94%	25.00%	Water	
9211 - 35 Erie Blvd Buildings 1,2 & 3 - Electrical	O'Connell Electric	\$122,417.00	\$13,478.00	11.01%	15.00%	256.00	860.00	29.77%	25.00%	Water	
9206 - 2022 Lead Service Replacement	Peter Luizzi & Bros Contracti	\$1,571,451.46	\$17,409.71	1.11%	15.00%	853.50	6865.25	12.43%	25.00%	Water	City granted partial waiver re mwbe & labor
9221 - 35 Erie Blvd Buildings 1,2 & 3 - Plumbing	RMB Heating and Cooling	\$27,934.73	\$27,934.73	100.00%	15.00%	14.00	29.00	48.28%	25.00%	Water	
9210 - 35 Erie Blvd Buildings 1,2 & 3 - HVAC	RMB Heating and Cooling	\$69,845.90	\$69,845.90	100.00%	15.00%	14.00	102.00	13.73%	25.00%	Water	
9149 - 1B Feura Bush Filtration Plant Electrical Upgrade	Spring Electric	\$436,790.53	\$436,790.53	100.00%	15.00%	63.50	1271.00	5.00%	25.00%	Water	EFC goal 26% - partial waiver granted
9148 - 1B Alcove Reservoir Sodium Permanganate System	Spring Electric	\$116,589.70	\$116,589.70	100.00%	15.00%	43.50	295.50	14.72%	25.00%	Water	EFC goal 26% - partial waiver granted
9150 - 1A Feura Bush Filtration Plant Electrical Upgrade	VMJR Companies	\$160,726.70	\$6,820.00	4.24%	15.00%	43.25	880.00	4.91%	25.00%	Water	EFC goal 26% - partial waiver granted
9228 - 2022 AWB Water & Sewer Improvements	Wm. J. Keller & Sons	\$2,517,015.02	\$114,690.64	4.56%	15.00%	824.50	11792.50	6.99%	25.00%	Water	City granted partial waiver re mwbe goal
9219 - Marlborough and Northern Blvd. Pump Station Improve	Wm. J. Keller & Sons	\$290,207.29	\$2,350.00	0.81%	15.00%	112.00	942.00	11.89%	25.00%	Water	
<b>totals 15% MWBE goal</b>		<b>\$16,418,185.91</b>	<b>\$2,961,071.42</b>	<b>18.04%</b>		<b>12839.50</b>	<b>62292.00</b>	<b>20.61%</b>			

## Recent Contracts / Limited Documentation

Contract No. and Project Name:	Contractor:	Payments to Date				Labor Hours to Date				Department	Notes
		Total	MWBE	%MWBE	MWBE goal	M/W	Total	M/W%	Labor goal		
9145 - Beaver Creek Phase V - Plumbing	DiGesare Mechanical, Inc.	\$53,964.75	\$0.00	0.00%	7.50%	0.00	0.00	n/a	17.80%	Water	EFC goal 24% - waiver granted
9146 - Beaver Creek Phase V - HVAC	DiGesare Mechanical, Inc.	\$628,914.25	\$0.00	0.00%	7.50%	0.00	0.00	n/a	17.80%	Water	EFC goal 24% - partial waiver granted

## Commentary

### Notes on the Compliance Summary Spreadsheet

In 2022, 118 contracts were monitored for MWBE compliance. The total value of these contracts is \$90,563,239.53. 118 contracts represents a 55% increase in the number of contracts monitored over the previous year. The main reason for the overall increase in contracts is the large number of ACDA funded projects in 2022. ACDA experienced an increase in 2022 due to a backlog of projects which had been put on hold during the pandemic.

The contract data is organized in this way:

- A list of the contracts *completed in 2022*, organized by MWBE Subcontractor goal, with the ACDA projects listed separately from the rest of the completed contracts.
- A list of the contracts *in-progress in 2022* but not yet completed. These have also been organized by MWBE Subcontractor goal.

The spreadsheet includes columns which specify which MWBE Subcontractor goal and which M/W Labor goal is applicable to each contract. The color green on the spreadsheet indicates that a contract has met or exceeded its MWBE Subcontractor or M/W Labor goal.

**Contracts Completed in 2022** - 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. 91 contracts were completed in 2022, with 70 of those being ACDA projects. Of the 91 projects completed in 2022, 75 met or exceeded their MWBE Subcontractor goal, and 81 met or exceeded their Minority & Women Labor goal.

### MWBE Subcontractor Participation

A total of \$4,432,420.87 was paid to MWBEs on contracts completed in 2022.

**Prior MWBE Subcontractor Goal** - Contracts which had the prior participation goal of 7.5% show an overall MWBE participation rate of 14.86%. Two contracts did not meet their 7.5% MWBE goal.

- One is a contract which had been issued a partial waiver by the State agency, EFC. The City defers to the decisions of outside agencies where they are the funding source. The Minority & Women Labor goal was met (and surpassed) on this project.

Rifenburg Contracting	Contract #9160	Beaver Creek Clean River – Phase IV	MWBE 3.54%
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- The other one is a case where the City MWBE goal did apply but was not met:

Peter Luizzi & Bros Contracting	Contract #9117	Spring Street Reconstruction	MWBE 0.47%
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**New MWBE Subcontractor Goal** – Contracts which had the new participation goal of 15% show an overall MWBE participation rate of 12.52%. Out of the 15 contracts in this category, nine did not meet their 15% MWBE goal. Of these:

- One came close to the goal

Peter Luizzi & Bros Contracting	Contract #9139	Lincoln Square Basketball Courts	MWBE 13.29%
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- Two are cases where full waivers were granted due to the extremely limited scope of the work being performed, resulting in virtually no opportunity for subcontracting. It should be noted that both of these contracts employed 100% Minority and Women labor.

Spitale Construction	Contract #9229	APD Facility Fencing	MWBE 0%
Underwater Solutions	Contract #9220	Upper Service Tank Rehabilitation	MWBE .18%

- The remaining six were granted partial waivers for the reasons cited below. Projects listed below from high to low MWBE participation.

Callanan Industries	Contract #9230	Livingston Ave Common Alley Retaining Wall	MWBE 10.29%	Made good faith effort. Hired all responsive MWBEs.
New Castle Paving	Contract #9222	Speed Hump Pilot Project	MWBE 9.27%	Limited scope of project. No qualified epoxy MWBEs.
Wm. J. Keller & Sons	Contract #9169	35 Erie Blvd. Site Improvements & Alterations	MWBE 7.65%	Apprenticeship requirement threshold limited options for subs
Peter Luizzi & Bros Contracting	Contract #9138	2021 Contract 1 Street Resurfacing & Sidewalks	MWBE 6.24%	Reduced electrical and plumbing scopes. MWBE sub debarred
New Castle Paving	Contract #9161	2021 Water & Sewer Improvements	MWBE 5.11%	Lead service replacement scope reduced. Unforeseen conditions and changes to project.
Peter Luizzi & Bros Contracting	Contract #9217	Upper Madison Ave Sidewalk Improvements	MWBE 2.97%	Limited scope. Available MWBEs are being utilized on Luizzi's other City contracts.

It should be noted that three of these contracts did surpass their 25% M/W Labor goal: Livingston Ave Common Alley Retaining Wall, Speed Hump Pilot Project, Upper Madison Ave Sidewalk Improvements.

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

A total of 26,371.30 labor hours were worked by women and minorities on contracts completed in 2022.

**Prior Minority & Women Labor Goal** - Contracts which had the prior labor goal of 17.8% show an overall M/W Labor rate of 19.17%.

**Revised Minority & Women Labor Goal** – Contracts which had the labor goal of 25% show an overall M/W Labor rate of 21.18%. 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. The only contracts in 2022 with the 30% labor goal (the second revision) are ACDA contracts. Next year's report will show more contracts with a 30% goal.

**Contracts in-progress but not completed in 2022** – The data in this section reflects work hours and payments to MWBEs only through the year 2022, and therefore provides a snapshot of these contracts, but not a complete picture of compliance levels. Final totals for many of these projects will be available for the next annual report. 27 projects were underway (including contracts with limited documentation,) but not yet completed at the close of 2022. This number is very close to the number of in-progress projects reported in 2021, which was 26.

#### **MWBE Subcontractor Participation**

A total of \$6,831,569.41 was paid to MWBEs on contracts in-progress in 2022.

**Prior MWBE Subcontractor Goal** - Contracts which have the prior participation goal of 7.5% show an overall MWBE participation rate of 14.02%.

**New MWBE Subcontractor Goal** – Contracts which have the new participation goal of 15% show an overall MWBE participation rate of 18.04%.

At this time, about half of the contracts-in-progress are meeting their mwbe goal. A significant number of these are cases where the prime contractor is, themselves, an MWBE. This is good to see, as it indicates that we have a growing number of local MWBEs that are in a position to win significant municipal contracts in a competitive bidding process.

With regard to the remaining half of the contracts where the goal is not currently being met: it is sometimes the case that work performed by MWBE subcontractors, and as a result the payments for this work, will occur later in the course of a project - sometimes at the very end. All prime contractors have submitted approved MWBE Utilization Plans which they are expected to fulfill, barring unforeseen circumstances.

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

A total of 25,631.00 labor hours were worked by women and minorities on contracts in-progress in 2022.

**Prior Minority & Women Labor Goal** – Ongoing contracts with the prior labor goal of 17.8% show an overall M/W Labor rate of 14.69%.

**New Minority & Women Labor Goal** – Ongoing contracts with the new labor goal of 25% show an overall M/W Labor rate of 20.61% 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.

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 two contracts in the Limited Documentation list at the bottom of the spreadsheet.**

These contracts are both portions (Plumbing and HVAC) of the Beaver Creek Clean River project which



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 had been historically. Because of this, there are not many instances of limited documentation.

## Most-Awarded Contractors

Contractor	Number of contracts	Overall MWBE participation	Overall Minority/Women Labor Participation
Luizzi Bros.	6	5.13%	12.12%
Spring Electric	4	100%	7.11%
Wm. J. Keller	4	7.94%	12.95%
New Castle	4	2.88%	29.32%
Stilsing	3	100%	40.02%

## Contractors Poll

In an effort to understand the issues at play when it comes to lower participation rates, particularly on high-value contracts, I polled several of our most frequent non-MWBE bidders on large contracts, including Luizzi Bros and Wm. J. Keller.

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When asked: **What are the biggest barriers to full compliance with the MWBE goal**, the contractors' responses cited the following issues, from their point of view:

- Not enough available MWBE contractors in a given field.  
Large infrastructure projects frequently have an element to the work that is highly specialized and is on a larger scale. This can sometimes significantly reduce the number of possible subcontractors. MWBEs qualified for the level of complexity or the scale of the work required on municipal infrastructure projects are in very high-demand due to MWBE requirements at every governmental level.  
The issue of supply and demand for qualified MWBEs gets at the basic aims of the MWBE Program. The pressure of MWBE goals on municipal contracts is a force which is helping MWBEs to prosper and grow. With the benefit of increased access to municipal work, established MWBEs become larger firms capable of specialized work, and smaller MWBEs see the opportunity that is available and seek certification.
- Paving and Sidewalk projects involve a large quantity of high-value materials (asphalt, concrete, granite) which make up a large portion of the contract value. The prime contractors who bid on these contracts are large firms that have the capability to perform the core work at a much higher capacity – often double the production – of a smaller company. The remaining portions of the contract which are subcontracted out without sacrificing the efficient completion of the project, for example attendant electrical or plumbing work, epoxy markings, landscaping, etc. may not add up to the goal percentage.
- The City's low Apprenticeship Requirement threshold has the effect of disqualifying some potential MWBE subcontracts.
- Timeline challenges: MWBEs may provide a quote at the time of the bid and intend to perform the work, but many months can often elapse before the project is underway. At that point, the MWBE may be busy on another job, understandably. MWBEs are often smaller firms with a small number of crews who cannot easily accommodate a long and unpredictable timeline.
- Smaller MWBEs sometimes cannot handle the whole of the subcontract offered and will provide a partial quote. However it is not logistically feasible to hire for partial work and to combine more than one subcontractor on the same portion of the job.

Contractors were asked **why MWBE participation is often better on smaller or mid-size projects than it is on larger projects where there should be more opportunity and more resources available to achieve compliance**. Contractors responded:

- On smaller projects it is often possible to meet the MWBE goal with one or two subcontractors. On a larger contract, a prime contractor is piecing together a high value of MWBE participation

with many MWBE subcontractors across multiple work areas and it can be challenging to pull the project together in a manner and timeline that meets the expectations of the municipality.

- The bidding process on larger municipal contracts is highly competitive and a bid which fully accommodates the MWBE goals in good faith is often not the lowest bid.

Contractors were asked: **What would help your firm to reach the MWBE goal more consistently?**

- Many suggested that goals could be tailored more specifically to the work being done. The Compliance Office could review bid specs before they go out to bid to determine what MWBEs might be applicable to the type of work, and set the MWBE goal accordingly.

This suggestion is unworkable in that having a variable goal percentage would run counter to the aims of the program and would only create an impression of better compliance rather than actually improving participation.

- Projects could be put out to bid with alternates for MWBE participation. This would mean that each bidder would provide separate quotes for different specified percentages of MWBE participation. This way the engineers, the MWBE Coordinator, and other stakeholders who assess the bids would be able to weigh the choices with more information.

- Many contractors would like to see revisions to the NYS MWBE Database and its interface. The NYS Database is outside of the purview of the City of Albany MWBE Program. However, the Senior Compliance Coordinator offers and provides assistance to contractors in pulling and documenting searches of the database whenever needed.

When asked for **thoughts on the Minority and Women Labor Goal:**

All contractors polled stated that, because they hire union workers, they are reliant on the unions to increase recruitment and training of minority and women workers. Other comments:

- Many contractors report that they are experiencing residual staffing shortages related to the pandemic.
- The Labor goal is in some ways easier to work with than the MWBE Subcontractor goal because it is a less complex issue and one a contractor can exert more direct control over.

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## Additional Considerations Regarding the Compliance Data

- Throughout 2022 contractors have reported residual effects of the Covid-19 Pandemic: cost inflation, materials shortages, staffing shortages which have had an effect on every aspect of the construction industry. The effects of these problems and challenges can be seen in some of our

instances of lower MWBE participation in 2022. The hope is that these issues will recede and resolve themselves with the passage of time.

- 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 30%, contractors more often than not apply to EFC for waivers, which are not granted lightly. The EFC waiver process is stringent, and requires extensive documentation.
- 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.

### **2022 New Certifications**

- Best Value Wood Floors – MBE
- Marianne Schumann Painting – WBE
- Goodbee Controls & Electrical Contracting – MBE

## 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 108 total firms, and is comprised of 52% Women-owned businesses, 33% Black-owned businesses, 9% Hispanic-owned businesses, and 6% Asian-owned businesses.

### Certifications

In 2022, there were three new MWBEs certified. One MWBE was dropped from the list this year, due to having been debarred by the NYSDOL Bureau of Public Works.

### Denials

Businesses which are denied City of Albany Certification have 30 days to appeal the decision. There was one denial of certification in the year 2022.

### 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.

## 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 monitoring and enforcing the City's Living Wage and Apprenticeship requirements, and ensuring compliance with Section 3 requirements on federally funded contracts. Other responsibilities of the Senior Compliance Coordinator in 2022 include:

- Working with the Innovation and Human Resources Offices to administer and track State and City mandated employee annual trainings in the areas of Workplace Violence Prevention, Sexual Harassment Prevention, and Diversity and Inclusion.
- Participating in the partnership with the Capital District Transportation Committee as well as other City Departments in moving forward the City's ADA Transition Plan.
- Participating in the Office of Audit and Control's ongoing Equity Audit: answering questions and providing information on the MWBE Program and collecting and providing a large volume of historical data.

## Moving Forward

- In 2023 the Senior Compliance Coordinator will be implementing a new compliance form for larger contracts, following a model used by some State agencies. The Subcontractors' Letter of Intent Form is designed to provide the City with signed confirmation from both the Prime Contractor and the MWBE Subcontractor, attesting to the type and value of the work that will be performed by the MWBE on the City contract. This will provide added security and stability for MWBEs by helping to reduce the instances where MWBEs that are part of the prime contractor's plan at the time of the bid are subsequently dropped from the project prior to completion.
- In 2023 the Senior Compliance Coordinator will be working on a Policies and Procedures Manual for this office. In recent years, many improved procedures have been developed for the administration of the MWBE Program, as well as the other areas of compliance enforcement that fall under the purview of this office. It is important to have all policies and procedures laid out so that they can be referenced. Additionally, having a Policies and Procedures Manual will help to ensure that the administration of the Program is continually carried out in the same thorough manner.

## Conclusion

With a total of \$11,263,990.00 paid to Minority and Women Owned Businesses on monitored contracts in 2022, and over 52,000 work hours performed by Minority and Women labor, the MWBE program is playing an important role in fostering the success of women and minorities in our community. Our MWBE Program has a very high level of accountability. Data collection is thorough and organized, providing a body of data which allows for clear analysis. This office is constantly evolving to improve internal procedures, which in turn improve compliance among our contractors.

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

Respectfully submitted,

Aindrea Richard

Senior Compliance Coordinator